

UNAPPROVED MINUTES
PLANNING COMMISSION

November 16, 2016

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, at 7:00 p.m., on November 16, 2016, there being present the following members of said Commission, to wit: Vicki G. Daulton, Jimmy W. Robertson, Samuel R. Carter, and Denise P. King (Bruce N. Thomasson – absent); with Vicki G. Daulton, Chair, presiding; together with James E. Taliaferro, II, Assistant City Manager and Executive Secretary, ex officio member of said Commission; Charles E. Van Allman, Jr., Director of Community Development; Benjamin W. Tripp, City Planner; Mary Ellen Wines, Zoning Administrator; and William C. Maxwell, Assistant City Attorney; and the following business was transacted:

The October 12, 2016, work session and regular meeting minutes were approved as written.

In re: Hold public hearing to consider the request of Salem Historical Society, property owner, for rezoning the property located at 1936 West Main Street (Tax Map # 138-2-7) from RSF Residential Single Family District/HBD Highway Business District to HBD Highway Business District with conditions

The Executive Secretary reported that this date and time had been set to hold a public hearing to consider the request of Salem Historical Society, property owner, for rezoning the property located at 1936 West Main Street (Tax Map #138-2-7) from RSF Residential Single Family District/HBD Highway Business District to HBD Highway Business District with conditions; and

WHEREAS, the Executive Secretary further reported that notice of such hearing had been published in the November 3 and 10, 2016, issues of the Salem Times Register and adjoining property owners were notified by letter mailed November 7, 2016; and

WHEREAS, staff noted the following: the subject property consists of one parcel of about 9.331 located along the south side of West Main Street; the property is currently occupied by the historic Preston House, a single family residence, and associated outbuildings; the applicant is requesting a rezoning to HBD Highway Business District in order to allow a restaurant and other incidental uses within the existing Preston House in a historic setting; further, the applicant has voluntarily proffered that only the following uses be allowed on the property:

Civic Use Types

Administrative Services
Cultural Services

Office Use Types

General Offices

Commercial Use Types

Antique Shops
Assembly Hall
Homestay Inn
Micro-brewery (If allowed by the underlying zoning)
Restaurant
Retail Sales
Studio, Fine Arts

Miscellaneous Use Types

Mixed Use (if allowed by the underlying zoning)
Outdoor Gathering

ISSUES:

This property is located partially within various flood zones; in accordance with Section 106-400 of the Zoning Ordinance, a site plan will have to be prepared prior to any development on the site; the applicant has expressed interest in the property being added to the list of properties which will be rezoned to the new Community Business District, when and if that zone is added to the Zoning Ordinance;

The Preston House is a listed structure on the National Register of Historic Places and the Virginia Landmarks Register. As such, a historic easement exists on this property requiring consultation with the Department of Historic Resources for any changes to the structure and grounds; and

WHEREAS, Dave Robbins of 620 High Street, representing the Salem Historical Society, appeared before the Commission explaining the rezoning request; he noted that he is Treasurer of the organization and also a member of the Preston House Committee; he stated The Preston House, circa 1821, was originally owned by Dr. Esther Brown, who lived in the residence, was a

medical doctor who was quite well known in the community; Dr. Brown inherited the property from her Mother, who inherited it from her father, Charles Preston, who he believes was a deputy sheriff or maybe sheriff of Roanoke County; he noted that the house was built around 1820 and is on the U.S. National Register of Historic Places and the Virginia Landmarks Register and is regulated by a historic preservation easement held by the Virginia Department of Historic Resources; he further gave additional information on the history of the residence and property; they are basically trying to preserve the house and in doing so, they feel they need to change it from Residential Single Family to a use that is higher and more productive that will help them as a Society to preserve the house and also hopefully to make money for the Society while also opening it to the public; he stated they have added proffers with the request as they want to limit what the residence can be used for; in addition, they are also requesting that the property be considered for change if the Community Business District zoning is adopted; further, the reason they are requesting this is so that if the proposed restaurant ceased to exist, they would like it if someone had maybe an art gallery or an antique store, and they would want it so they could have the business downstairs and live upstairs; he believes that would be permitted in the Community Business District zoning; and

WHEREAS, Commissioner King asked Mr. Robbins if they were aware that the property is highly restricted because of the historical easement; so as part of this request would they get the necessary approvals from the Board of Historic resources to allow the changes because she believes there would need to be some restoration work done to the property; Mr. Robbins noted that they would and further, they will see members of the group out in the community raising funds very quickly; he noted that the easement does not restrict so much the uses as they actually had asked the same question previously; it does restrict what can be done to the property as a whole; Mrs. King noted that she believes there is a letter from the Department of Historic Resources somewhere that further explains the easement; Mr. Robbins noted that they actually have several letters; he quoted from one of the letters: "the easement contains no language restricting the uses that may be made of the house or the activities that may be conducted within the house thus the uses listed retail, antique store, bed & breakfast, funeral homes, travelers center operated by local government, Chamber of Commerce, attorneys' office, CPA office, etc. is possible;" so the uses are not really restricted, but they will have to submit a site plan; they could not really build anything else on the property, except that they could construct a replacement for the dilapidated garage that is better looking, etc.; he further discussed the residence and any proposed changes/repairs they would make to the property, etc.; he also read another letter from the Department of Historic Resources with regards to changes they could make to the historic property; Commissioner King noted that the Commission just wanted to make sure before a lot of money was spent on the proposed use of

the property that they had researched the restrictions on the historic easement; Mr. Robbins noted that whether they do anything or not, they will have to restore the front part of the residence; the main drawback might be the parking for the proposed business as the rest of the restoration really needs to be done to the house; and

WHEREAS, Commissioner Robertson said with regards to the parking, has there been any mention of limits on the amount of parking they could have; Mr. Robbins noted that they are not aware of any limit on the parking; he stated that the proposed restaurant will be a tearoom type of restaurant with occupancy of maybe 60 people maximum on a daily basis, and at the most they will probably need approximately 15 spaces; he feels that the material of driveway for parking may be the biggest hangup for the project; Mr. Robertson noted that if they have an outside gathering, then he would think the crowd could be a little larger; Mr. Robbins noted that this is correct, and they needed to, they could probably park vehicles across the street; they added the "outdoor gathering" use in the event the Historic Society decided they wanted to have a meeting outside with maybe 100 some people then they did want to run into any issues; the proposed tenant may consider doing weddings as part of the business, and in this particular case, he thinks that vehicles could be parked in the yard on a short-term basis; and

WHEREAS, Commissioner King asked if the Society owned any property that is outside of the historic easement, and Mr. Robbins noted that they did; he explained the area on the property that is not included in the easement and improvements that might be needed if they had to use this area for parking; and

WHEREAS, Chair Daulton asked how long the property has been on the Virginia Landmarks Registry; Mr. Robbins noted that he thought it was 2004; Mrs. Daulton noted that she thought the members of the Brown family were the ones to place the easement on the property, and Mr. Robbins noted that Dr. Brown was still living on the property at the time; he noted that Mike Pulice with the Department of Historic Resources is the one that actually wrote it up for Dr. Brown; it was clarified that the date of the historic easement was 2006; and

WHEREAS, Chair Daulton asked how long has it been since someone lived in the house, and Mr. Robbins noted maybe 2 to 2 ½ years; Mrs. Daulton noted so the family moved out after the Society purchased the property; Mr. Robbins noted that one of the sons may have lived there for a little while; and

WHEREAS, Commissioner Robertson asked if they planned to furnish the house along the way or just leave it as open rooms; Mr. Robbins noted that the proposed tenant will have

just tables, but they do not have all the details worked out as they were waiting on getting approvals from the City before they sign the lease; he further discussed details about furnishing of the house, items remaining in the home, etc.; and

WHEREAS, Commissioner King noted the request states that we are being asked to rezone only one tax map parcel, but in looking at the plat, there are multiple tax map numbers; she asked if all the parcels have been combined into one parcel, and Mr. Tripp noted that they have been combined; and

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY COMMISSIONER ROBERTSON, AND DULY CARRIED, the Planning Commission of the City of Salem doth recommend to the Council of the City of Salem that the request of Salem Historical Society, property owner, for rezoning the property located at 1936 West Main Street (Tax Map #138-2-7) from RSF Residential Single Family District/HBD Highway Business District to HBD Highway Business District be approved with the following proffered condition:

The use of the property will be limited to the following:

Civic Use Types

Administrative Services
Cultural Services

Office Use Types

General Offices

Commercial Use Types

Antique Shops
Assembly Hall
Homestay Inn
Micro-brewery (If allowed by the underlying zoning)
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Retail Sales
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-- the roll call vote: all aye.

There being no further business to come before the Commission, the same on motion adjourned at 7:23 p.m.

Chair

Executive Secretary