



City of Salisbury

North Carolina

COUNCIL MEETING AGENDA

May 21, 2024
6:00 p.m.

The meeting will be held in a hybrid format and will be streamed live at salisburync.gov/webcast and on the City's Facebook account.

Anyone who wishes to speak via Zoom during public comment must sign-up by 5:00 p.m. on May 21, 2024 by contacting Connie Snyder at csnyd@salisburync.gov. Citizens who wish to speak in person can sign up in Council Chambers.

1. Call to order.
2. Moment of Silence.
3. Pledge of Allegiance.
4. Adoption of Agenda.
5. Council to receive an introduction to the Police Department's Homeless Liaison Advocate Krystal Ortiz-Rodriguez and Downtown Liaison Teresa Dalsing. *(Presenter – Police Chief Patrick Smith)*
6. Council to recognize Councilmember David Post for receiving a 2024 Governor's Volunteer Service Award and the Governor's Medallion Award from the North Carolina Commission of Volunteerism and Community Service and Rowan County United Way. *(Presenter – United Way Executive Director Jenny Lee)*
7. Mayor to proclaim the following observances:

MEMORIAL DAY

May 27, 2024

8. Council to consider the CONSENT AGENDA:
 - (a) Approve the Minutes of the special meeting of May 7, 2024.
 - (b) Receive the Certificate of Sufficiency for the voluntary annexation of 23.78 acres located at 570 Earnhardt Road, Tax Map 065 Parcel 008, Tax Map 067 Parcel 189, and a portion of Tax Map 058 Parcel 88, and adopt a Resolution setting the date of the public hearing for June 18, 2024.
9. Council to receive public comment. ***Speakers who wish to speak via Zoom must sign-up before 5:00 p.m. by contacting Connie Snyder at csnyd@salisburync.gov.*** Citizens who wish to speak in person can sign-up in Council Chambers. Citizens who are unable to speak during the meeting may submit written comments to the email above and they will be shared with Council.

COUNCIL MEETING AGENDA – PAGE 2 – MAY 21, 2024

10. Council to consider adopting an Ordinance amending the Land Development District Map to rezone two parcels, approximately .87 acres, located at 410 West Jake Alexander Boulevard, from Residential Mixed-Use with a General Development Overlay to Corridor Mixed-Use with a Conditional District Overlay. (*Presenter – Senior Planner Victoria Bailiff*)
 - (a) Receive a presentation from staff
 - (b) Hold a public hearing
 - (c) Issue a Statement of Consistency and Statement of Reasonableness and consider adopting an Ordinance rezoning the property.

11. Council to consider adopting an Ordinance amending the Land Development District Map to rezone a portion of one parcel, approximately .719 acres, located at 160 Majolica Road, from General Residential to Neighborhood Mixed-Use. (*Presenter – Senior Planner Victoria Bailiff*)
 - (a) Receive a presentation from staff
 - (b) Hold a public hearing
 - (c) Issue a Statement of Consistency and Statement of Reasonableness and consider adopting an Ordinance rezoning the property
 - (d) Consider the redesignation of placetypes on the future land use map.

12. Council to consider endorsing a development plan for the redevelopment of the 13-acre former Kesler Mill site as the basis for marketing the site to the private sector for redevelopment. (*Presenter – Planning and Neighborhoods Director Hannah Jacobson*)

13. Council to receive an update on the Downtown Dumpster Pilot Project. (*Presenter – Public Works Assistant Director Michael Hanna*)

14. Council to consider appointments to various boards and commissions.

15. City Attorney's Report.

16. City Manager's Report.

17. Council's Comments.

18. Mayor Pro Tem's Comments.

19. Mayor's Announcements and Comments.

20. Adjourn.



Salisbury City Council Agenda Item Request Form

Agenda Item

Item Title: Introduction of New Employees of Salisbury Police Department

Requested Council Meeting Date: May 21, 2024

Name and Title of Presenter(s): Chief Patrick Smith

Main Point of Contact Email: psmit@salisburync.gov

Phone: 704-216-7581

Consent Agenda

(Item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda

(Item to be discussed for consideration by Council)

Item Category: Action Information Only Other

Select if one of these categories apply: Ordinance Resolution Contract

Strategic Plan

Focus Areas:

- Healthy, Safe & Engaged Neighborhoods
- Economic & Workforce Development
- Public Safety
- Organizational Excellence
- Sustainable Infrastructure
- Cultural Amenities

[Strategies:](#) *(Click to view specific Strategic Plan strategies)*

Introduction of:
Krystal Ortiz-Rodriguez- Homeless liaison advocate who will work with the homeless population within the city

Teresa Dalsing- Downtown liaison who will work closely with downtown stakeholders, enforce downtown parking violations and also enforce local park rules

Fiscal Note

Is this item included in the current Fiscal Year budget? Yes No No Budgetary Impact

If no, identify the funding source

Approved budgeted positions from 2023-2024 fiscal year

Finance Manager Signature

Budget Manager Signature:

(If this agenda item involves funding, including grants, donations, and budget ordinance amendments, it must have a fiscal note included above along with the signature(s) of approval from the Finance Manager and/or Budget Manager)



Salisbury City Council Agenda Item Request Form

Description of Requested Agenda Item: *(Please provide detailed information necessary for City Council to make an informed decision)*

To Introduce the City Council to Krystal Ortiz-Rodriguez and Teresa Dalsing as new Salisbury Police Department employees.

Krystal Ortiz-Rodriguez - role as Homeless liaison advocate will be working with the homeless population within the city.

Teresa Dalsing - role as Downtown liaison will be working to enforce parking rules within the downtown area as well as working with local stakeholders



Salisbury City Council Agenda Item Request Form

Specific Action Requested of Council: *(Recommended motion and Statement of Consistency if applicable)*

No Action

Department Head Signature (Required)

A handwritten signature in blue ink is centered within a rectangular box. The signature is cursive and appears to read "R. J. [unclear]".



Salisbury City Council Agenda Item Request Form

Agenda Item

Item Title: Council to recognize Councilmember David Post for receiving volunteer service awards.

Requested Council Meeting Date: May 21, 2024

Name and Title of Presenter(s): Jenny Lee, Executive Director Rowan County United Way

Main Point of Contact Email: kbake@salisburync.gov

Phone: 704-638-5233

Consent Agenda
(Item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda
(Item to be discussed for consideration by Council)

Item Category: Action Information Only Other **Attachment:** Yes No

Select if one of these categories apply: Ordinance Resolution Contract

Strategic Plan

Focus Areas:

- Healthy, Safe & Engaged Neighborhoods
- Economic & Workforce Development
- Public Safety
- Organizational Excellence
- Sustainable Infrastructure
- Cultural Amenities

[Strategies:](#) *(Click to view specific Strategic Plan strategies)*

Fiscal Note

Is this item included in the current Fiscal Year budget? Yes No No Budgetary Impact

If no, identify the funding source

Finance Manager Signature

Budget Manager Signature:

(If this agenda item involves funding, including grants, donations, and budget ordinance amendments, it must have a fiscal note included above along with the signature(s) of approval from the Finance Manager and/or Budget Manager)



Salisbury City Council Agenda Item Request Form

Description of Requested Agenda Item: *(Please provide detailed information necessary for City Council to make an informed decision)*

Councilmember David Post was recently awarded a 2024 Governor's Volunteer Service Award and was a recipient of the Governor's Medallion Award. This is a distinguished award given to the top 20-25 volunteers in the State. These awards recognize the many hours volunteered to the community through the Rotary Club, Meals on Wheels Rowan, Ruffy-Holmes Theater, Lee Street Theater, United Way and Lutheran Services of the Carolinas.



Salisbury City Council Agenda Item Request Form

Specific Action Requested of Council: *(Recommended motion and Statement of Consistency if applicable)*

No action requested. For information and recognition purposes.

Department Head Signature (Required)

Kelley Baker



City of Salisbury

North Carolina

PROCLAMATION

WHEREAS, the last Monday in May is declared Memorial Day, a patriotic holiday in the United States, and is a day to honor all Americans who gave their lives for this great country; and

WHEREAS, citizens of Rowan County and Salisbury, North Carolina, are observing and memorializing the contributions, sacrifices and lives of all veterans of all wars; and

WHEREAS, the City of Salisbury recognizes and values the gift of freedom afforded by the many veterans who have so nobly served the cause of our great nation; and

WHEREAS, the many examples of selfless devotion of our many veterans to the greater good of our community, state and nation have provided a shining beacon for future generations to follow as we strive to preserve the freedom of our great country.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina, DO HEREBY PROCLAIM, Monday, May 27, 2024 as

MEMORIAL DAY

in Salisbury, and encourage all residents to reflect upon the sacrifices made for freedom and demonstrate their thanks and gratitude for the many Veterans who have so valiantly given their all to defend our cherished freedoms.

This the 21th day of May 2024.



Karen K. Alexander, Mayor

Salisbury, North Carolina
May 7, 2024

SPECIAL MEETING

PRESENT: Mayor Karen Alexander and Council Members Harry McLaughlin, David Post and Anthony Smith, City Manager Jim Greene, Jr., City Attorney J. Graham Corriher and City Clerk Connie B. Snyder

ABSENT: Mayor Pro Tem Tamara Sheffield.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Alexander at 5:00 p.m.

ADOPTION OF THE AGENDA

Thereupon, Councilmember Smith made a **motion** to adopt the Agenda as presented. Mayor Alexander and Councilmembers McLaughlin and Smith voted AYE. (3-0)

CLOSED SESSION

Thereupon, Councilmember McLaughlin made a **motion** to go into Closed Session concerning an economic development matter as allowed by NCGS 143-318.11(a)(4). Mayor Alexander and Councilmembers McLaughlin and Smith voted AYE. (3-0)

Councilmember Post arrived at 5:10 p.m.

RETURN TO OPEN SESSION

Council returned to open session. Mayor Alexander noted no action was taken in closed session.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember McLaughlin. Mayor Alexander and Councilmembers McLaughlin, Post and Smith voted AYE. (4-0)

The meeting was adjourned at 6:09 p.m.

Karen K. Alexander, Mayor

Connie B. Snyder, City Clerk



Salisbury City Council Agenda Item Request Form

Agenda Item

Item Title: Certificate of Sufficiency and Resolution – Shay Crossing Phase Four

Requested Council Meeting Date: May 21, 2024

Name and Title of Presenter(s): Planning and Neighborhoods Department

Main Point of Contact Email: Hannah.Jacobson@salisburync.gov

Phone: 704-638-5230



Consent Agenda

(Item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)



Regular Agenda

(Item to be discussed for consideration by Council)

Item Category: Action Information Only Other

Select if one of these categories apply: Ordinance Resolution Contract

Strategic Plan

Focus Areas:

- Healthy, Safe & Engaged Neighborhoods
- Economic & Workforce Development
- Public Safety
- Organizational Excellence
- Sustainable Infrastructure
- Cultural Amenities

[Strategies:](#) *(Click to view specific Strategic Plan strategies)*

Undertake ventures for redevelopment to encourage economic growth.

Fiscal Note

Is this item included in the current Fiscal Year budget? Yes No No Budgetary Impact

If no, identify the funding source

Fiscal impact is unknown at this time. This will be investigated and included in future Council correspondence.

Finance Manager Signature

Budget Manager Signature:

(If this agenda item involves funding, including grants, donations, and budget ordinance amendments, it must have a fiscal note included above along with the signature(s) of approval from the Finance Manager and/or Budget Manager)



Salisbury City Council Agenda Item Request Form

Description of Requested Agenda Item: *(Please provide detailed information necessary for City Council to make an informed decision)*

The Planning and Neighborhoods Department, on behalf of the City Clerk, has investigated the sufficiency of the petition received for the voluntary annexation of Tax Map 065 Parcel 008, and Tax Map 067 Parcel 189, and a portion of Tax Map 058 Parcel 088, located at 570 Earnhardt Road, encompassing 23.78 acres. The petition contains a description of the proposed contiguous annexation area, as well as the signature of the sole property owner. It is, therefore, sufficient in accordance with NCGS 160A-31.



Salisbury City Council Agenda Item Request Form

Specific Action Requested of Council: *(Recommended motion and Statement of Consistency if applicable)*

City Council to receive the Certificate of Sufficiency and adopt a Resolution setting the date of the public hearing for June 18th, 2024 for the voluntary annexation of Shay Crossing Phase 4, Tax Map 065 Parcel 008, and Tax Map 067 Parcel 189, and a portion of Tax Map 058 Parcel 088.

Department Head Signature (Required)

Fernando Jackson



**CERTIFICATE OF SUFFICIENCY
FOR
SHAY CROSSING PHASE FOUR**

To the City Council of the City of Salisbury, North Carolina:

I, Connie B. Snyder, NCCP, City Clerk, do hereby certify that I have investigated the petition for Shay Crossing Phase Four, off of Earnhardt Road, Parcels 065 008, 067 189, and a portion of 058 088, attached hereto and have found as a fact that said petitions are signed by all owners of real property lying in the area described therein, in accordance with G. S. 160A-31.

In witness thereof, I have hereto set my hand and affixed the Seal of the City of Salisbury, this 10th day of May 2024.

(SEAL)



Connie B. Snyder, NCCP
City Clerk

“RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF THE ANNEXATION OF SHAY CROSSING PHASE FOUR, PARCELS 065 008, 067 189, AND A PORTION OF 058 088, PURSUANT TO G.S. 160A-31.

WHEREAS, petitions requesting the annexation of Parcels 065 008, 067 189, and a portion of 058 088 at 570 Earnhardt Road, as described herein have been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petitions has been made;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Salisbury, North Carolina:

Section 1. The regularly scheduled June 18th, 2024 City Council meeting will be held in a hybrid format. Anyone who wishes to speak virtually during the hearing regarding the request must sign-up by 5:00 p.m. on Tuesday, June 18th, 2024 by contacting Connie Snyder at csnyd@salisburync.gov or 704-638-5234. Information on accessing the meeting will be available on the City’s website at www.salisburync.gov. The meeting can also be viewed on the City’s livestream at www.salisburync.gov/webcast or the City’s Facebook account.

Section 2. The areas proposed for annexation are described as follows:

LYING AND BEING IN SALISBURY TOWNSHIP, ROWAN COUNTY, STATE OF NORTH CAROLINA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT NORTH CAROLINA GEODETIC SURVEY STATION “ANN” (STATE PLANE COORDINATES N(Y): 693377.47, E(X): 1567867.92, N.A.D. 83/2011); THENCE S 64° 49’ 12” E 5,667.62 FEET (5,666.85 FEET GRID DISTANCE, COMBINED GRID FACTOR 0.99986496) TO A MAG NAIL FOUND IN THE CENTERLINE OF EARNHARDT ROAD (STATE ROAD 2126) AND BEING THE POINT AND PLACE OF **BEGINNING** (STATE PLANE COORDINATES N(Y): 690966.43, E(X): 1572996.29, N.A.D. 83/2011);
THENCE WITHIN THE MARGIN OF EARNHARDT ROAD, WITH A NORTHEASTERLY LINE OF SHAY CROSSING HOME OWNER’S ASSOCIATION, INC. (DEED BOOK 1419, PAGE 498) AND A NORTHEASTERLY LINE OF DEPENDABLE DEVELOPMENT, INC. (DEED BOOK 1334, PAGE 697) N 37° 57’ 11” W 1,576.83 FEET TO A FOUND METAL DISC, BEING AN EASTERLY CORNER OF LOT 18 OF CRANE CREEK TERRANCE SUBDIVISION (PLAT BOOK 9995, PAGE 964) AND A SOUTHERLY CORNER OF B&C LAND FARMING, LLC (DEED BOOK 1263, PAGE 810, TRACT 1);
THENCE WITH A SOUTHEASTERLY LINE OF SAID B&C LAND FARMING, LLC N 22° 08’ 45” E 1,329.46 FEET TO A FOUND METAL DISC (SAID FOUND METAL DISC BEING LOCATED S 03° 11’ 48” W 286.05 FEET FROM AN AXLE FOUND), BEING A SOUTHWESTERLY CORNER OF GREGORY ALEXANDER AND DEBORAH ALEXANDER (DEED BOOK 1336, PAGE 854) AND A NORTHWESTERLY CORNER OF MARY LEA ARCEO (DEED BOOK 1273, PAGE 82);
THENCE WITH THE FOLLOWING TWO LINES (2) LINES OF SAID MARY LEA ARCEO:
1) S 04° 35’ 10” W 200.05 FEET TO A FOUND #5 REBAR,
2) S 75° 04’ 07” E 521.71 FEET TO A POINT IN THE CENTERLINE OF SAID EARNHARDT ROAD;

THENCE WITH THE CENTERLINE OF SAID EARNHARDT ROAD THE FOLLOWING SIXTEEN (16) LINES:

- 1) S 46° 00' 03" W 31.05 FEET TO A POINT,
- 2) S 37° 21' 19" W 102.90 FEET TO A POINT,
- 3) S 26° 26' 04" W 100.02 FEET TO A POINT,
- 4) S16° 37' 55" W 98.73 FEET TO A POINT,
- 5) S 09° 48' 35" W 43.76 FEET TO A POINT,
- 6) S 08° 38' 31" W 57.27 FEET TO A POINT,
- 7) S 06° 02' 50" W 101.40 FEET TO A POINT,
- 8) S 05° 03' 34" W 188.24 FEET TO A POINT,
- 9) S 04° 30' 57" W 397.80 FEET TO A POINT,
- 10) 04° 06' 55" W 105.16 FEET TO A POINT,
- 11) S 02° 22' 06" W 106.34 FEET TO A POINT,
- 12) S 02° 16' 45" E 106.96 FEET TO A POINT,
- 13) S 07° 52' 39" E 105.11 FEET TO A POINT,
- 14) S12° 58' 53" E 107.19 FEET TO A POINT,
- 15) S 17° 03' 21" E 105.59 FEET TO A POINT,
- 16) S 18° 53' 29" E 466.31 FEET TO THE POINT AND PLACE OF **BEGINNING**, CONTAINING 1,035,995 SQUARE FEET OR 23.78 ACRES MORE OR LESS, AS SHOWN ON "CONTIGUOUS ANNEXATION PLAT, FOR THE CITY OF SALISBURG, CONCERNING THE PARCELS OF B&C LAND FARMING, LLC" (DEED BOOK 1263, PAGE 810, TRACT 2; DEED BOOK 1263, PAGE 810, TRACT 3, AND DEED BOOK 1263, PAGE 810, A PORTION OF TRACT 1) AS PREPARED BY MATTHEW J. STIKELEATHER, NORTH CAROLINA PROFESSIONAL LAND SURVEYOR L-4243 OF PROVIDENCE LAND GROUP (DATED APRIL 8, 2024; PROJECT NUMBER 24021).

Section 3. Notice of said public hearing shall be published in the SALISBURY POST at least (10) days prior to the date of said public hearing."

Karen K. Alexander
Mayor

ATTEST:

Connie B. Snyder, NCCP
City Clerk

Date: 3/18/2024



PETITION REQUESTING VOLUNTARY ANNEXATION
Shay Crossing Phase 4

We the undersigned owners of real property respectfully request that the area described on the attached documents be annexed into the City of Salisbury. By signing this petition, we understand that the following conditions are the responsibility of the petitioners. Failure to meet the conditions may delay or invalidate the request:

1. The petition must be signed by all owners of real property in the area described and shall contain the address of each property owner.
2. The petition must include a metes and bounds description of the area to be annexed and a preliminary annexation boundary survey prepared by a Registered Land Surveyor. Two original mylars of the final annexation boundary survey shall be completed after consultation with the City.
3. If the area is not contiguous to the primary City limits, the petition shall include documentation that:
 - a) The nearest point of the described area is not more than three miles from the primary City limits.
 - b) No point on the described boundary is closer to another municipality than to the City of Salisbury.
 - c) No subdivision, as defined in GS 160A-376, will be fragmented by the proposed annexation.
4. Upon the effective date of annexation and thereafter, the described citizens and property shall be subject to municipal taxes and to all debts, laws, ordinances and regulations in force in the City of Salisbury and shall be entitled to the same privileges and benefits as other citizens and property in the City of Salisbury.

Property Identification (tax number or street address)	Printed Name (and title if business entity)	Signature	Owner's Address
TM <u>058</u> PCL <u>088</u>	<u>B&C Land Farming LLC</u>		<u>2627 Brekonridge Centre Dr., Suite 103, Monroe, NC 28110</u>
TM <u>065</u> PCL <u>008</u>	<u>B&C Land Farming LLC</u>		<u>2627 Brekonridge Centre Dr., Suite 103, Monroe, NC 28110</u>
TM <u>067</u> PCL <u>189</u>	<u>B&C Land Farming LLC</u>		<u>2627 Brekonridge Centre Dr., Suite 103, Monroe, NC 28110</u>

(Attach additional petition forms if needed)

Form Revised 2-08

Contact Person Andrew McDonald (Dependable Development Inc) Telephone Number (704) 288-7256

For Office Use Only:

Total number of parcels 3 Number Signed 3 % Signed 100 Date Returned 4/15/24
Contiguous per GS 160A-31 or Non-contiguous "satellite" per GS 160A-58 _____ (check one)

CITY OF SALISBURY

P.O. BOX 479, SALISBURY, NORTH CAROLINA 28145-0479



Salisbury City Council Agenda Item Request Form

Agenda Item

Item Title: Rezoning of 410 W. Jake Alexander Blvd. from RMX/GDO to CMX/CDO

Requested Council Meeting Date: 5/21/24

Name and Title of Presenter(s): Victoria Bailiff, Senior Planner

Main Point of Contact Email: victoria.bailiff@salisburync.gov

Phone: 704-638-5212

Consent Agenda
(Item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda
(Item to be discussed for consideration by Council)

Item Category: Action Information Only Other

Select if one of these categories apply: Ordinance Resolution Contract

Strategic Plan

Focus Areas:

[Strategies:](#) *(Click to view specific Strategic Plan strategies)*

- Healthy, Safe & Engaged Neighborhoods
- Economic & Workforce Development
- Public Safety
- Organizational Excellence
- Sustainable Infrastructure
- Cultural Amenities

Fiscal Note

Is this item included in the current Fiscal Year budget? Yes No No Budgetary Impact

If no, identify the funding source

Finance Manager Signature

Budget Manager Signature:

(If this agenda item involves funding, including grants, donations, and budget ordinance amendments, it must have a fiscal note included above along with the signature(s) of approval from the Finance Manager and/or Budget Manager)



Salisbury City Council Agenda Item Request Form

Description of Requested Agenda Item: *(Please provide detailed information necessary for City Council to make an informed decision)*

In October of 2023 John Leatherman requested that the subject property be rezoned from Residential Mixed Use (RMX) with a General Development Overlay (GDO) to Corridor Mixed Use (CMX). Mr. Leatherman withdrew this request subsequent to public input and Planning Board consideration. Working with staff, Mr. Leatherman resubmitted his request, modifying it to include a Conditional District Overlay over the proposed NMX designation.

The new request, contained in case number RZCD02-2024-00003, is to amend the Land Development Ordinance district map by rezoning two (2) parcels, totaling approximately 0.87 acres, from Residential Mixed-Use (RMX) with a General Development Overlay to Corridor Mixed-Use (CMX) with a Conditional District Overlay. Subsequent to review and re-review by the Technical Review Commission (TRC); the request includes one alternative design request to permit a building with no primary public entrance, and two alternative methods of compliance. The two alternative methods propose that two of the required perimeter buffer trees be located beyond 20 feet from the property line due to an existing vehicular access and that the four required street yard trees be pushed further back into the property due to an existing utility easement.



Salisbury City Council Agenda Item Request Form

Specific Action Requested of Council: *(Recommended motion and Statement of Consistency if applicable)*

The City Council hereby finds and determines that adoption of an Ordinance to rezone the property described in Petition RZCD02-2024-00003, is consistent with the goals objectives and policies of the Forward 2040 Comprehensive Plan. The City Council finds that the map amendment is reasonable due to the limitations set forth in the petition and the compatibility of the proposed use and existing surrounding uses and hereby moves to approve the rezoning of parcels 061 221 and 061 222 from Residential Mixed-Use (RMX) with a General Development Overlay to Corridor Mixed-Use (CMX) with a Conditional District Overlay.

Department Head Signature (Required)



Planning & Zoning Analysis

CASE NO.	RZCD02-2024-00003
Petitioner(s)	John Leatherman
Owner(s)	John Leatherman
Representative(s)	John Leatherman
Address	410 W Jake Alexander Boulevard
Tax Map & Parcel(s)	061 221, 061 222
Size / Scope	Two parcels of approximately 0.87 acres in total
Location	Located along W Jake Alexander Boulevard at the intersection with Castlewood Drive.

PETITIONER REQUEST

Request:	Petition proposes to amend the Land Development Ordinance district map by rezoning two (2) parcels, totaling approximately 0.87 acres, from Residential Mixed-Use (RMX) with a General Development Overlay to Corridor Mixed-Use (CMX) with a Conditional District Overlay.
Staff Comments:	The properties are currently located within the city limits of Salisbury.
Is the use permitted in the base Zoning without the Conditional District Overlay?	Yes. Corridor Mixed Use permits Drive-Thru Retail/Restaurant by right.



Planning & Zoning Analysis

Base Zoning District Descriptions

Existing:

RMX: Residential Mixed-Use / General Development Overlay

Proposed:

CMX/CD: Corridor Mixed-Use/ Conditional District Overlay

Development Type:

Commercial (Drive Thru Restaurant)

CHARACTER OF AREA

Overview:

The parcels identified in this petition are currently undeveloped, with the exception of parcel 061 222, which is used for driveway access.

Existing uses in the vicinity include residential and commercial properties. This rezoning will likely have little effect on adjacent properties.

Surrounding Land Use(s) & Zoning:

<i>Location</i>	<i>Existing Land Uses</i>	<i>Existing Zoning</i>
North of area	Undeveloped	RMX
East of area	Residential	GR6
South of area	Commercial	RMX
West of area	Commercial, Residential	CMX, UR12



INFRASTRUCUTRE & CIVIC/COMMUNITY FACILITIES

Public Schools:

Elementary: Elizabeth Koontz Elementary
Middle: Knox Middle
High: Salisbury High

Fire District:

These parcels are currently within the Salisbury City Fire District service area.

Utilities

Water & Sewer:

Public water and sewer lines are located on the properties and within the Jake Alexander Boulevard right of way.

Transportation

Transit:

This site is currently served by Salisbury Public Transit. The nearest transit stop is in the 300 block of W Jake Alexander Boulevard, approximately 100 feet from the site.

Property Access(s):

These parcels have frontage on W Jake Alexander Boulevard, however, access to the right of way will be through parcel 061 222; this access point will not be affected by rezoning the site.

Public Improvements:

W Jake Alexander Boulevard is a state maintained road, no public improvements are proposed with this rezoning.

ENVIRONMENT

Topography / Hydrology:

The properties are relatively flat and have been cleared of most vegetation.

Flood Hazard / Streams / Wetlands:

This site is not affected by a USGS blue line stream, floodplain, or wetlands.



Planning & Zoning Analysis

COMPREHENSIVE & AREA PLANS

Applicable Plans:

Policy 6.6.1:

Policy 3.1.2

Forward 2040 Comprehensive Plan

Encourage development on infill, vacant, brownfield, and underdeveloped land and deter greenfield development and suburban sprawl.

Avoid, insofar as possible, patterns of leapfrog or scattered development, especially in Tier 3 of the Growth Strategies Map.

Future Land Use Map

The Future Land Use Map has this property designated as Activity Corridor. CMX is an associated Zoning District with the Activity Corridor Place Type.

*Staff recommends approval of **RZCD02-2024-00003**, determining the request is consistent with the goals, objectives, and policies of the Forward 2040 Comprehensive Plan.*



TRC & PLAN REVIEW

TRC Meeting:

The Conditional District petition and associated Master Plan were first reviewed by the City's Technical Review Commission (TRC) on February 15, 2024 with a request for CMX as the proposed base district. TRC recommended denial of the master plan due to the numerous comments. The master plan was revised and reviewed again by the TRC on March 21, 2024, where the TRC recommended approval of the plan subject to minor revisions. All comments were satisfied upon resubmittal.

Conditional District Alternative Design Request(s)

Alternative Design Requests:

5.6.A.2 & 5.13.A.1 : The ordinance requires a primary entrance along the street-facing façade. The applicant is requesting that no primary entrance be required.

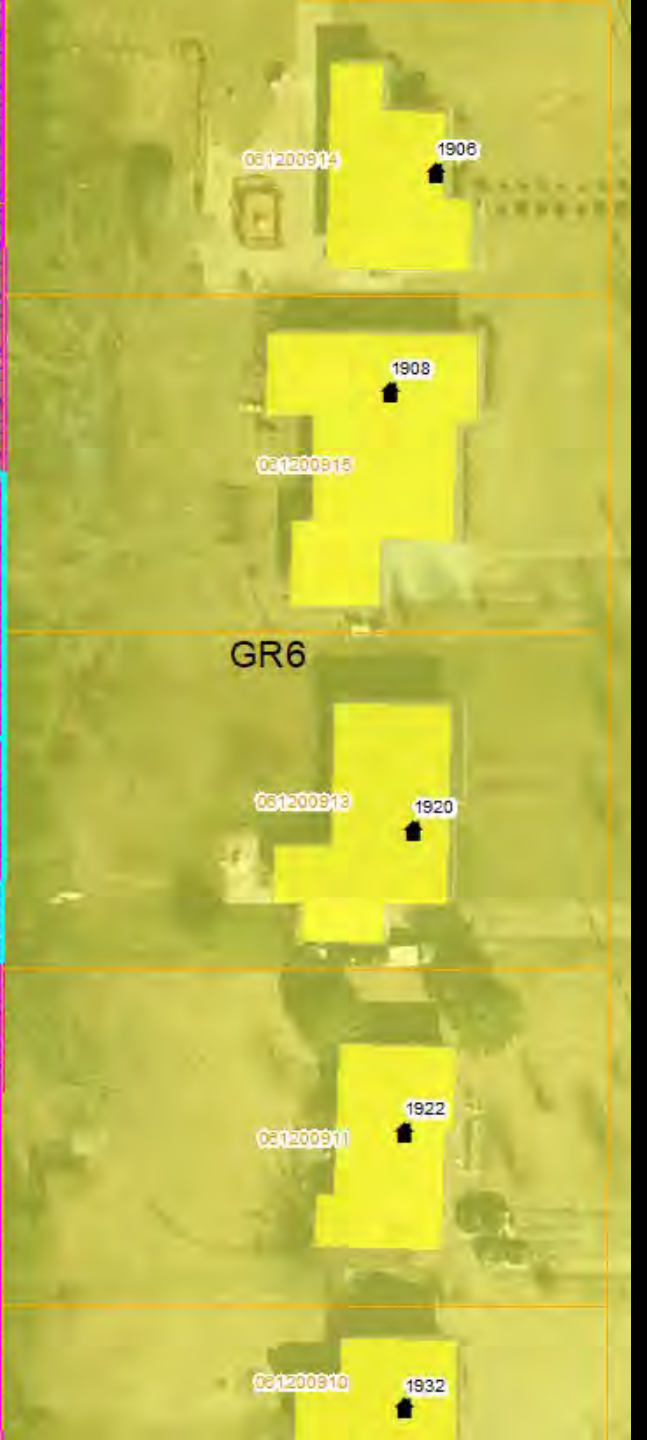
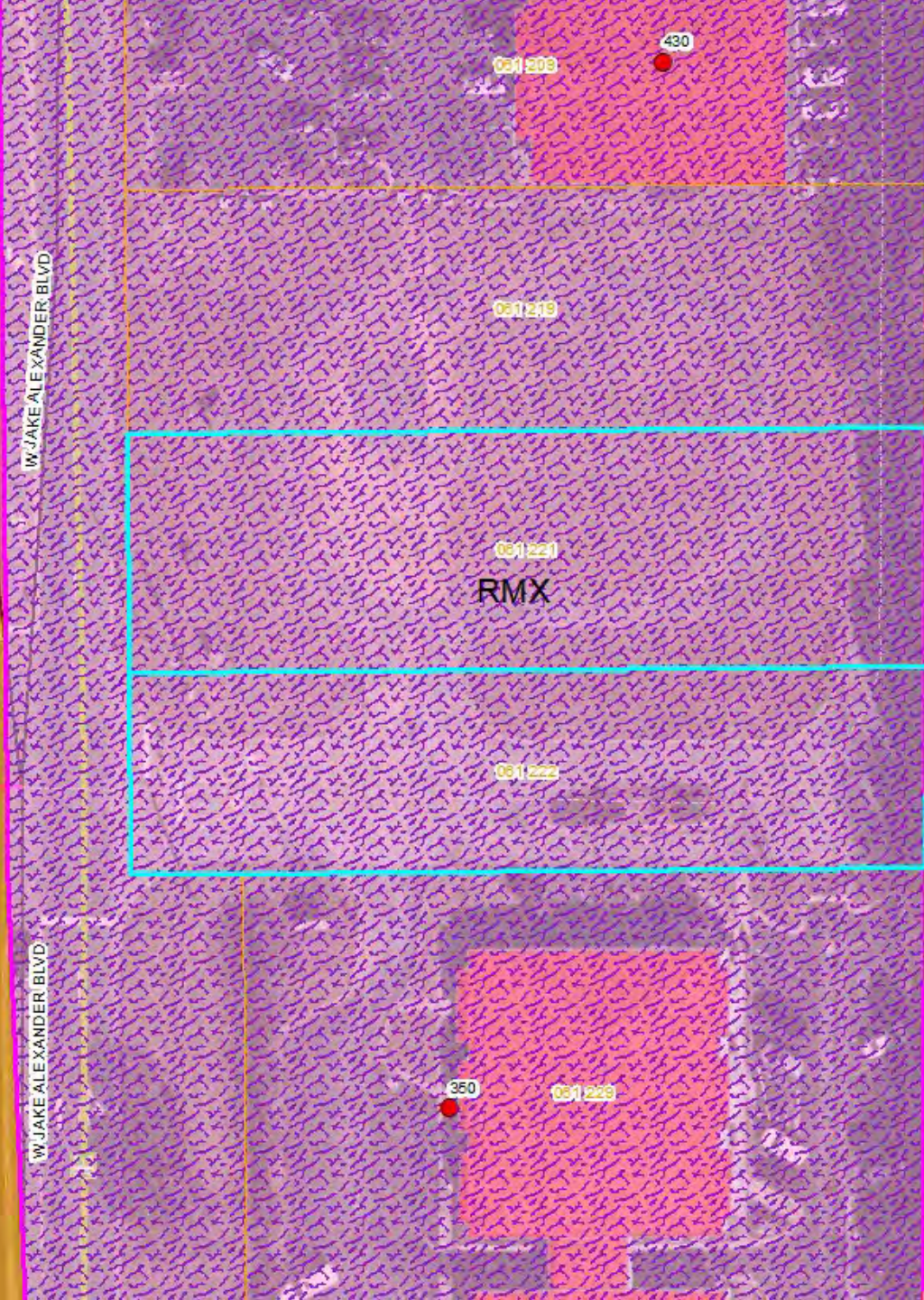
Alternative Methods of Compliance:

8.8: The ordinance requires 4 trees within 8ft of the right of way, the developer is proposing 4 trees pushed further back into the sight due to utility easements along the front of the property.

8.7.B: The ordinance requires a 20' buffer, the applicant is requesting that 2 of the required shade trees be permitted to be located further than 20' from the property line due to an existing rear access.

Planning Board Recommendation:

This proposal was presented to Planning Board at their courtesy hearing on April 23, 2024. After deliberation, the Planning Board recommended approval in a vote of 5-1, stating that the proposal is consistent with the Forward 2040 Comprehensive Plan as submitted.

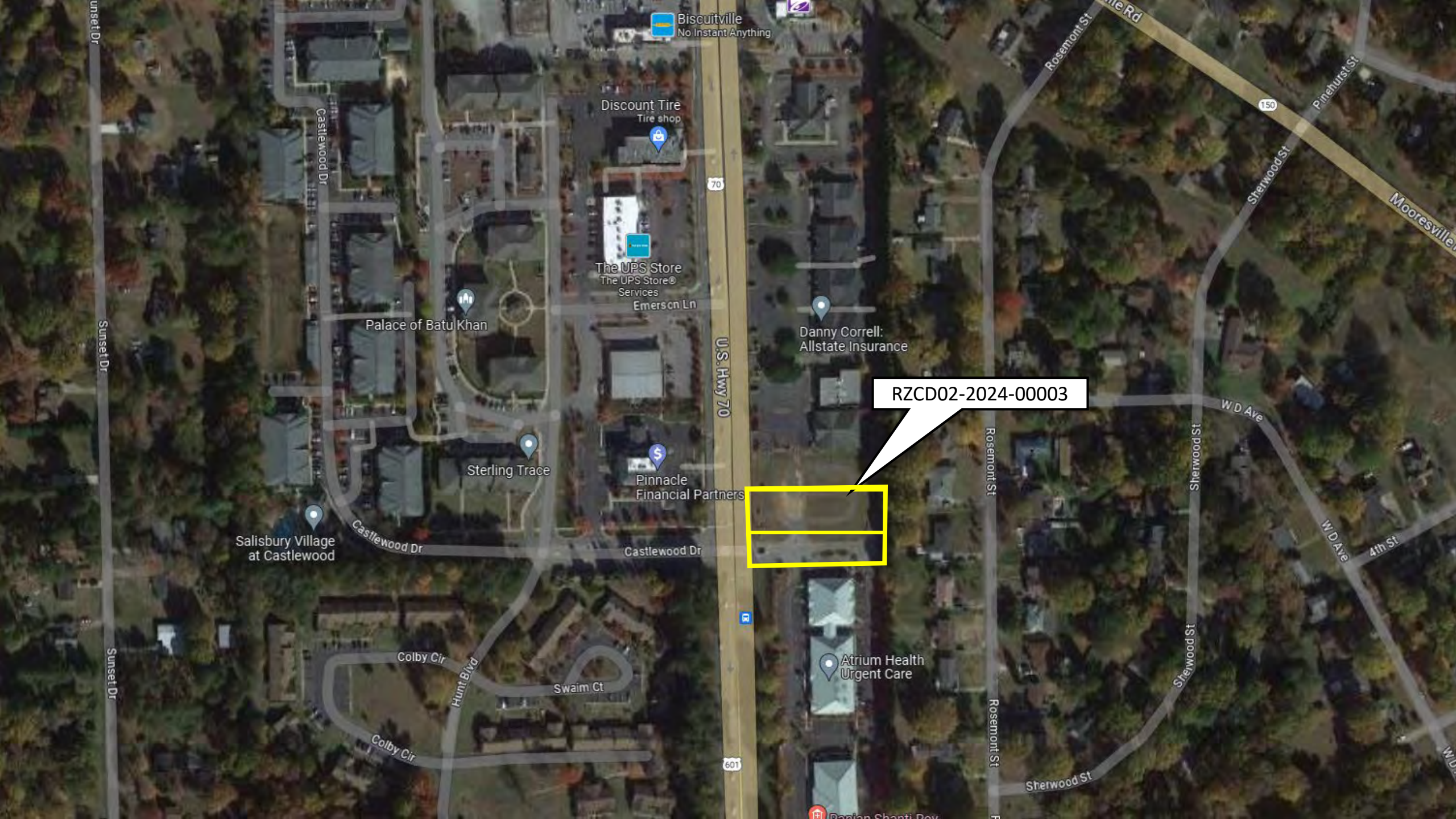


W JAKE ALEXANDER BLVD

W JAKE ALEXANDER BLVD

W JAKE ALEXANDER BLVD

CASTLEWOOD DR



Biscuitville
No Instant Anything

Discount Tire
Tire shop

The UPS Store
The UPS Store®
Services
Emerson Ln

Palace of Batu Khan

Danny Correll:
Allstate Insurance

RZCD02-2024-00003

Sterling Trace

Pinnacle
Financial Partners

Salisbury Village
at Castlewood

Atrium Health
Urgent Care

70

U.S. Hwy 70

601

150

Sunset Dr

Sunset Dr

Sunset Dr

Castlewood Dr

Castlewood Dr

Castlewood Dr

Colby Cir

Colby Cir

Hunt Blvd

Swaim Ct

Rosemont St

Rosemont St

Rosemont St

Sherwood St

Sherwood St

Sherwood St

Pinehurst St

W D Ave

4th St

Mooreville Rd

Sheet 3 of 3
PID: 061 219

Tract # 3
21065 sq ft
0.484 acres

PID: 061 219
EXISTING ZONING: RMX
OWNER: JOHN F. LEATHERMAN

PID: 061
EXISTING ZONING: RMX
OWNER: JOHN F. LEATHERMAN

PID: 061
EXISTING ZONING: RMX
OWNER: MARIS AL...

PID: 061200911

Alexander Blvd.
Variable R/W Width
Existing Public
Right-of-Way

Railway Sewer
Easement

PROPOSED MONUMENT SIGN

PROPOSED 5' WIDE
SIDEWALK AND RAMP

PROPOSED SANITARY
CONNECTION

FUTURE CROSS
ACCESS
CONNECTION

PROPOSED DRIVE-UP
WINDOW

PROPOSED COFFEE SHOP
+/- 860 SF

PROPOSED WALK UP
WINDOW

PROPOSED MENU
BOARD ON
CONCRETE ISLAND

PROPOSED
MENU BOARD

PROPOSED OUTDOOR
SEATING AREA

PROPOSED BIKE RACK

PROPOSED 6 FT HIGH TRASH ENCLOSURE.
MATERIALS TO MATCH BUILDING
MATERIALS. GATES TO BE SOLID MATERIAL

PROPOSED WATER
MAIN CONNECTION

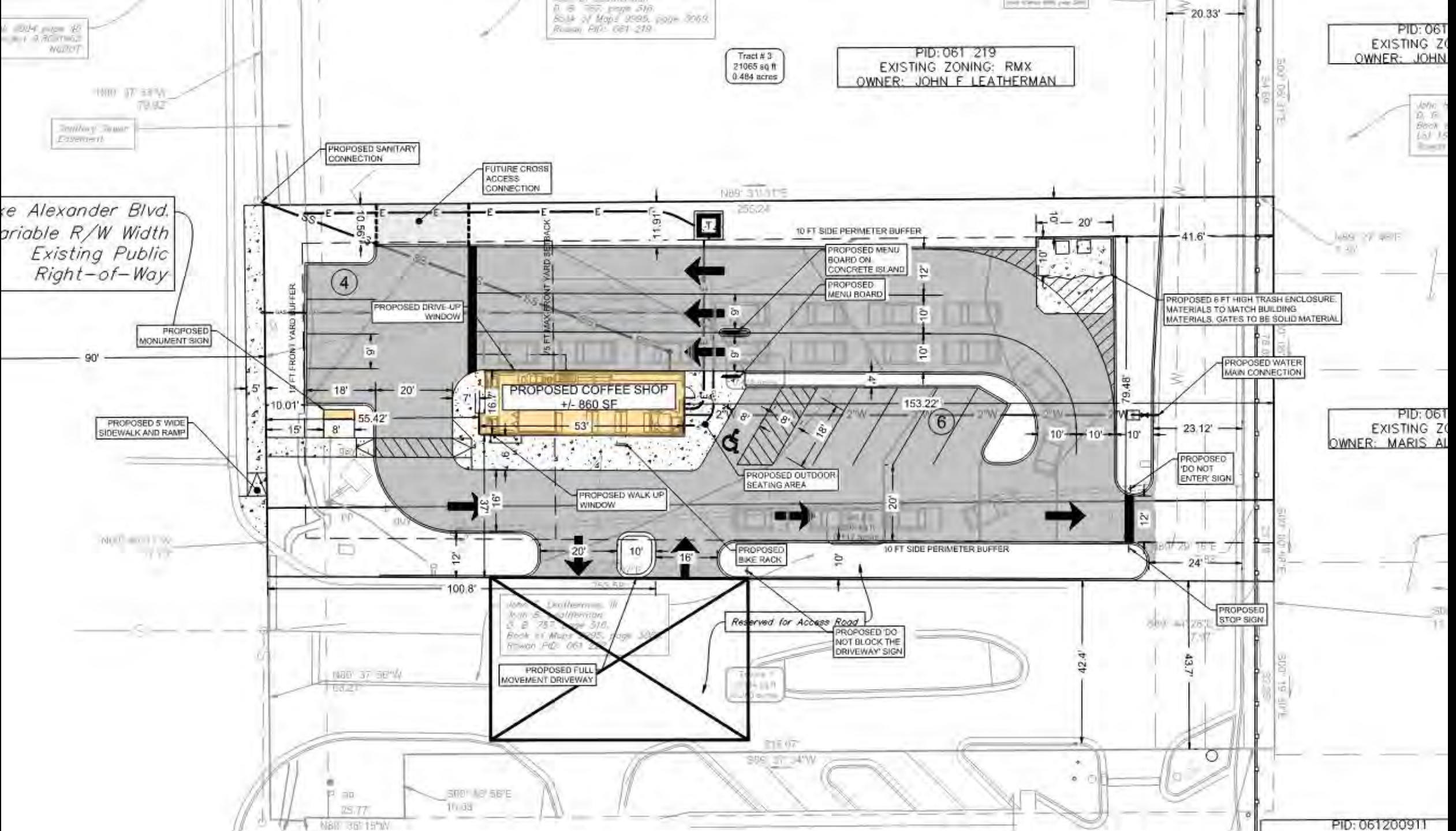
PROPOSED 'DO NOT
ENTER' SIGN

PROPOSED STOP SIGN

PROPOSED FULL
MOVEMENT DRIVEWAY

Reserved for Access Road

PROPOSED 'DO NOT BLOCK THE
DRIVEWAY' SIGN

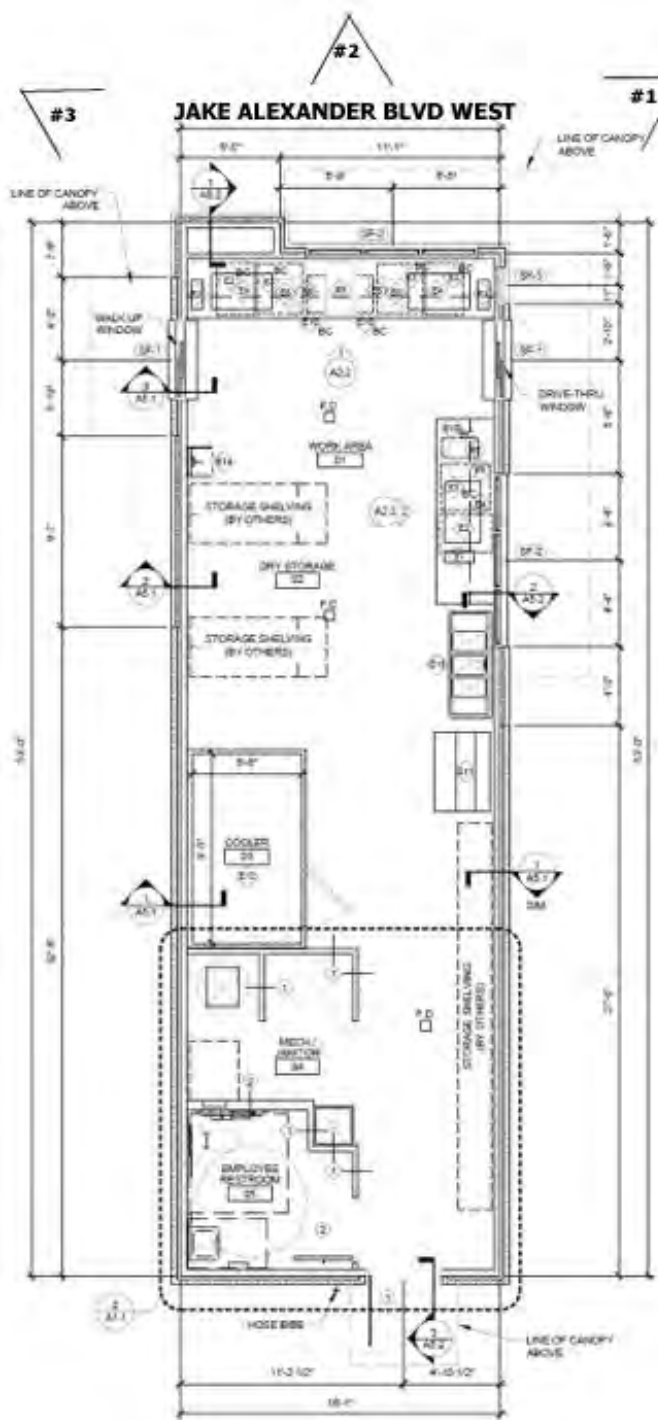


Alternative Methods of Compliance:

1. Alternative to 8.8: 4 trees be pushed back further than 8' from the right of way due to a utility easement
2. Alternative to 8.7.B: 2 of the required shade trees be located beyond the 20' from the rear due to the existing access.

Alternative Design Requests:

1. Alternative to 5.6.A.2 & 5.13.A.1: The applicant is requesting that no primary entrance be provided.



1. FRONT-LEFT SIDE PERSPECTIVE

***ALTERNATIVE DESIGN: BUILDING IS NOT OPEN TO THE PUBLIC, THEREFORE NO PRIMARY FRONT ENTRY IS PROVIDED. REAR DOOR IS FOR EMPLOYEES ONLY.**

***THERE ARE FOUR EXTERIOR WALL SIGNS: SEE IMAGES FOR LOCATIONS**



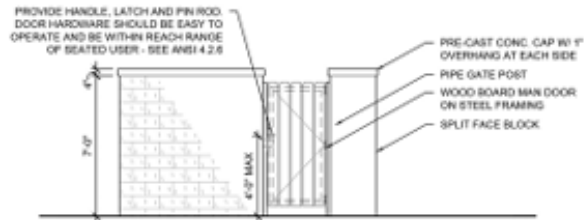
2. REAR-PERSPECTIVE



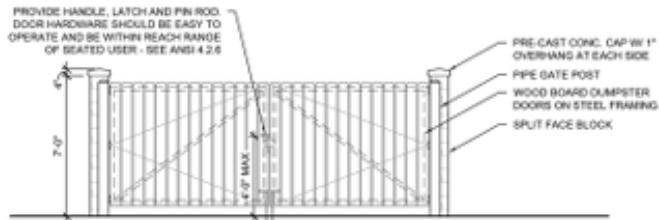
3. FRONT ELEVATION FACING JAKE ALEXANDER BLVD.



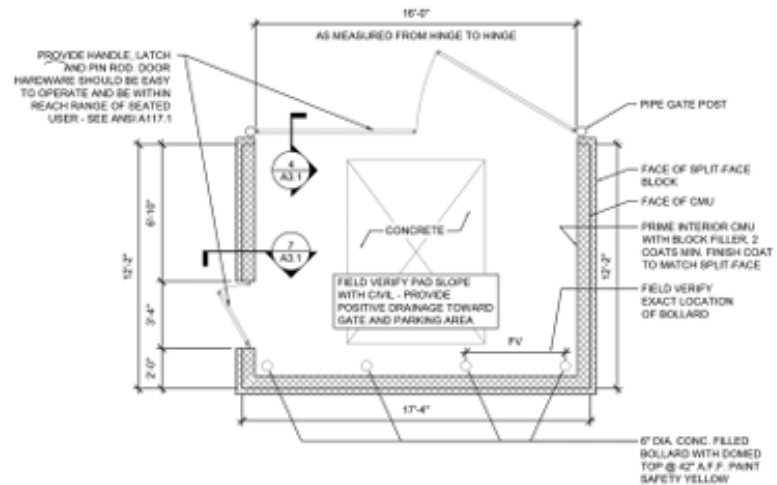
4. FRONT-RIGHT SIDE PERSPECTIVE



3 TRASH ENCLOSURE ELEVATION



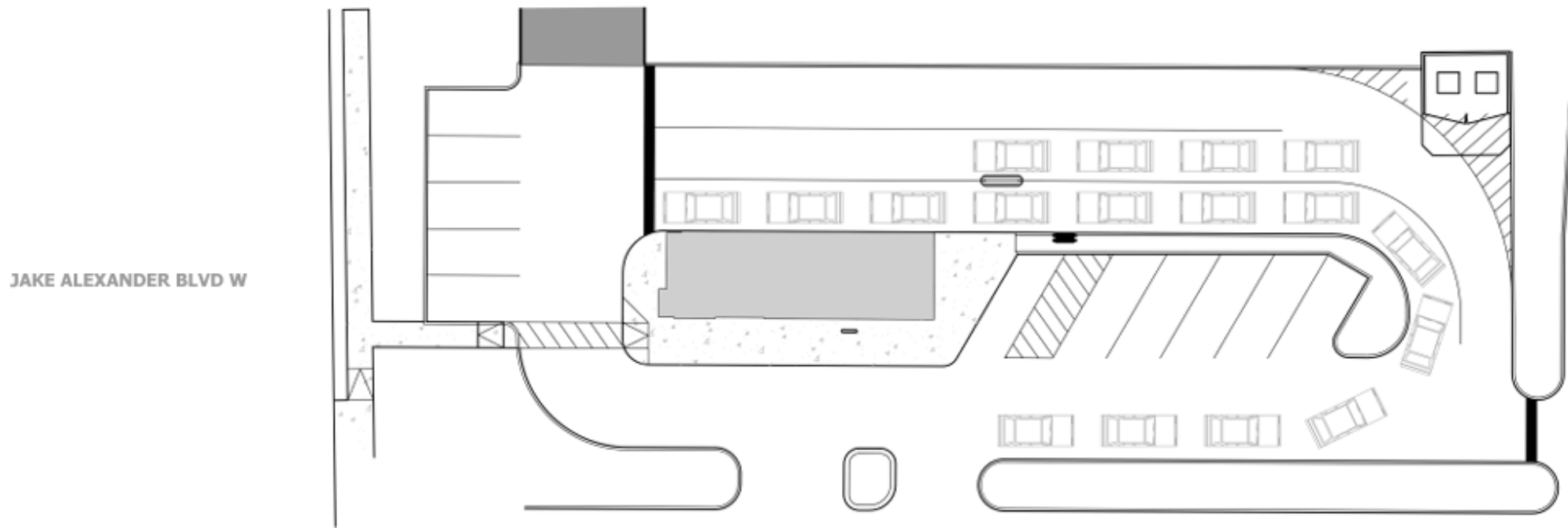
2 TRASH ENCLOSURE ELEVATION



1 TRASH ENCLOSURE PLAN



PARAPET WALL WILL PROVIDE SCREENING OF THE HVAC UNIT



	5	
BASE DISTRICT	RMX	CMX
Residential		
Dwelling-Single Family	P	P
Dwelling-Multifamily 4 units/bldg. or less	P	P
Dwelling-Multifamily more than 4 units/bldg.	P	P
Dwelling-Secondary	SUP/CD	P
Family Care Home (6 or less residents)	P	P
Home Occupation	PS	---
Housing Service for the Elderly	P	P
Live-Work Unit	PS	PS
Manufactured Housing	---	---
Lodging		
Bed and Breakfast	P	P
Hotel/Motel/Inn	---	P
Rooming or Boarding House	---	---
Office / Service		
Animal Services	---	P
Banks, Credit Unions, Financial Services	P	P
Business Support Services	P	P
Child Care Home	PS	PS
Child Care Center in Residence	PS	PS
Commercial Child Care Center	SUP/CD	PS
Community Service Organization	P	P
Drive Thru Service	PS	P
Equipment Rental	---	P
Funeral Home	---	P
Group Care Facility (More than 6 residents)	PS	PS
Government Services	SUP/CD	SUP/CD
Laundry Services	P	P
Medical Clinic	P	P

Permitted Uses

Residential, Lodging, Office/Service Categories

Limiting Permitted Uses to the following:

1. BANKS, CREDIT UNIONS, FINANCIAL SERVICES
2. BUSINESS SUPPORT SERVICES
3. COMMUNITY SERVICE ORGANIZATION
4. DRIVE-THRU SERVICE
5. RESTAURANTS
6. DRIVE-THRU RETAIL/RESTAURANT
7. STUDIO: ART, DANCE, MARTIAL ARTS, MUSIC
8. GENERAL RETAIL: < 3500 SF
9. MEDIA PRODUCTION

Permitted Uses

Office/Service, Retail, Entertainment Categories

BASE DISTRICT	15	
	RMX	CMX
Office / Service (cont.)		
Outdoor Kennels	—	P
Post Office	P	P
Professional Services	P	P
Residential Treatment Facility	SUP/CD	P
Studio: Art, dance, martial arts, music	P	P
Vehicle Services: Minor Maintenance/Repair	—	P
Vehicle Services: Major Repair/Body Work	—	SUP/CD
Retail / Restaurant		
Alcoholic Beverage Sales Store	—	P
Auto Parts Sales	—	P
Bar/Tavern/Night Club	—	SUP/CD
Drive-Thru Retail/Restaurant	—	P
Gas Station	—	PS
General Retail: 3,500 sf or less	SUP/CD	P
General Retail: 3,501 sf – 10,000 sf	SUP/CD	P
General Retail: 10,001 sf – 50,000 sf	—	P
General Retail: Greater than 50,000 sf	—	SUP/CD
Restaurant	SUP/CD	P
Vehicle or Heavy Equipment Sales	—	P
Entertainment / Recreation		
Adult Establishment	—	—
Amusements, Indoor	—	P
Amusements, Outdoor	—	P
Cultural or Community Facility	P	P
Internet/Electronic Gaming	—	—
Meeting Facility	P	P
Recreation Facilities, Indoor	P	P
Recreation Facilities, Outdoor	P	P
Theater, Movie	—	P
Theater, Live Performance	—	P

Permitted Uses

Manufacturing, Civic, Infrastructure Categories

Limiting Permitted Uses to the following:

1. BANKS, CREDIT UNIONS, FINANCIAL SERVICES
2. BUSINESS SUPPORT SERVICES
3. COMMUNITY SERVICE ORGANIZATION
4. DRIVE-THRU SERVICE
5. RESTAURANTS
6. DRIVE-THRU RETAIL/RESTAURANT
7. STUDIO: ART, DANCE, MARTIAL ARTS, MUSIC
8. GENERAL RETAIL: < 3500 SF
9. MEDIA PRODUCTION

BASE DISTRICT	'5	
	RMX	CMX
Manufacturing / Wholesale		
Agriculture	---	---
Laundry, dry cleaning plant	---	---
Manufacturing, Light	---	P
Manufacturing, Neighborhood	PS	P
Manufacturing, Heavy	---	---
Media production	---	P
Metal products fabrication, machine or welding shop	---	P
Mini-Warehouse	---	P
Research and development	---	SUP/CD
Storage: Outdoor Storage Yard as a primary use	---	---
Storage: Warehouse/Indoor Storage	---	PS
Wholesaling and distribution	---	---
Civic / Institutional		
Campground	---	---
Cemetery	PS	P
College/University	SUP/CD	SUP/CD
Hospital	SUP/CD	SUP/CD
Public Safety Station	PS	P
Religious Institution	P	P
School: Elem. & Secondary	P	P
School: Vocational/Technical	P	P
Transportation / Infrastructure		
Air Transportation	---	---
Parking Lot (primary use)	P	P
Parking Structure (primary use)	SUP/CD	SUP/CD
Road/Rail Transit - Passenger	P	P
Road/Rail Freight/Courier/Trucking	---	---
Utilities-Class 1	P	P
Utilities-Class 2	SUP/CD	P
Utilities-Class 3	---	SUP/CD
Wireless Telecomm Facility: Stealth	PS	PS
Wireless Telecomm Facility: Tower	---	SUP/CD

Future Land Use Map Category

- TN - Traditional Neighborhood
- SN - Suburban Neighborhood
- MFC - Multi-family Community
- EN - Emerging Neighborhood
- FN - Future Neighborhood
- RN - Rural Residential
- OSP - Open Space
- IC - Institutional Center
- EC - Employment Center
- DTC - Downtown Center
- AC - Activity Corridor
- HCC - Highway Commercial Corridor
- RCC - Regional Commercial Center
- CAC - Community Activity Center
- NAC - Neighborhood Activity Center
- POI - Public, Office, and Institutional
- PP - Production and Processing



Future Land Use Map

Place Type: **Activity Corridor**

Associated Zoning Districts:

- Commercial Mixed-Use (CMX)
- Neighborhood Mixed-Use (NMX)
- Residential Mixed-Use (RMX)

Consistent: Yes

Place Type	Associated Zoning Districts
Traditional Neighborhood	Historic Residential (HR), Urban Residential (UR)
Suburban Neighborhood	General Residential (GR), Urban Residential (UR)
Transit-Oriented Neighborhood	General Residential (GR), Urban Residential (UR), Manufactured Home Development (MHD)
Urban Neighborhood	General Residential (GR), Urban Residential (UR), Community & Institutional (CI), Residential Mixed-Use (RMX), Traditional Neighborhood Design (TND)
Multifamily Community	Urban Residential 12 (UR-12), Residential Mixed-Use (RMX), Neighborhood Mixed-Use (NMX), Corridor Mixed-Use (Corridor Mixed-Use)
Conservation Neighborhood	Open Space Preservation (OSP)
Rural Residential	Rural Residential (RR)
Natural Resources & Community Open Space	Open Space Preservation (OSP)
Institutional Center	Community & Institutional (CI), Hospital Services (HS)
Employment Center	Light Industrial (LI), Highway Business (HB)
Downtown Center	Downtown Mixed-Use (DMX)
Activity Corridor	Commercial Mixed-Use (CMX), Neighborhood Mixed-Use (NMX), Residential Mixed-Use (RMX)
Highway Commercial Corridor	Highway Business (HB), Commercial Mixed-Use (CMX)
Regional Commercial Center	Commercial Mixed-Use (CMX)
Community Activity Center	Commercial Mixed-Use (CMX), Neighborhood Mixed-Use (NMX), Residential Mixed-Use (RMX), Community & Institutional (CI)
Maintained Activity Center	Neighborhood Mixed-Use (NMX), Residential Mixed-Use (RMX), Community & Institutional (CI)
Public, Office, & Institutional	Community & Institutional (CI), Hospital Services (HS), Neighborhood Mixed-Use (NMX)
Production & Processing	Light Industrial (LI), Heavy Industrial (HI)

Forward 2040 Policies

- **Policy 6.6.1:** Encourage development on infill, vacant, brownfield, and underdeveloped land and deter greenfield development and suburban sprawl.
- **Policy 3.1.2:** Avoid, insofar as possible, patterns of leapfrog or scattered development, especially in Tier 3 of the Growth Strategies Map.



Planning Board Courtesy Hearing was held April 23, 2024.

Planning Board voted to recommend approval as submitted with a motion stating the map amendment is “consistent with the Forward 2040 Comprehensive Plan.”



Hold Public Hearing

regarding

RZCD02-2024-00003: 410 W Jake Alexander
Bld



**Salisbury City Council
Statement of Consistency & Zoning Recommendation**

DISTRICT MAP AMENDMENT: **RZCD02-2024-00003**
Project Title: 410 W Jake Alexander Blvd
Petitioner(s): John Leatherman
Owner(s): John Leatherman
Address: 410 W Jake Alexander Blvd
Tax Map - Parcel(s): Tax Map: 061 Parcel(s): 221, 222
Size / Scope: Approximately 0.87 acres
Location: Located along W Jake Alexander Boulevard at the intersection
with Castlewood Drive.

REQUEST:

**Request to amend the Land Development District Map
by rezoning two (2) parcels at 410 W Jake Alexander Boulevard (PID 061 222, 061 221) from Residential
Mixed-Use (RMX) with a General Development Overlay to Corridor Mixed-Use (CMX) with a
Conditional District Overlay. for the proposed drive-thru restaurant.**

STATEMENT OF CONSISTENCY & RECOMMENDATION:

The Salisbury City Council held a public hearing and reviewed the petition on May 21, 2024. The Council finds that the rezoning petition of the aforementioned parcels is CONSISTENT with the Salisbury Forward 2040 Comprehensive Plan, is reasonable, and in the public interest due to consistency with:

Policy 3.1.2: Avoid, insofar as possible, patterns of leapfrog or scattered development, especially in Tier 3 of the Growth Strategies Map.

Policy 6.6.1: Encourage development on infill, vacant, brownfield, and underdeveloped land and deter greenfield development and suburban sprawl.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING 410 W JAKE ALEXANDER BOULEVARD, APPROXIMATELY 0.87 ACRES, (TAX MAP 061 PARCELS 222, 221) FROM RESIDENTIAL MIXED-USE (RMX) WITH A GENERAL DEVELOPMENT OVERLAY TO CORRIDOR MIXED-USE (CMX) WITH A CONDITIONAL DISTRICT OVERLAY (CD). (PETITION NO. RZCD02-2024-00003)

WHEREAS, a petition to rezone the property described herein was properly filed by the City of Salisbury; and

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the rezoning petition on April 23, 2024, and in a vote of 5-1 the Board found the request to be consistent with the Forward 2040 Comprehensive Plan, and recommended approval of the request with the alternative design and alternative methods of compliance proposals; and

WHEREAS, the City Council held a properly-noticed public hearing at the regularly-scheduled City Council meeting of May 21, 2024; and

WHEREAS, the City Council hereby finds and determines that adoption of an Ordinance to rezone the properties described herein, is reasonable and is in the public interest. The proposal is fundamentally consistent with the goals, objectives, and policies of the Forward 2040 Comprehensive Plan due to the proposed limitations set forth in the petition, surrounding development pattern, and observations provided by city staff, identifying the policies that support the petition.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Salisbury, North Carolina:

SECTION 1. That properties identified in the City of Salisbury and Rowan County as Tax Map 061 Parcel 222 and 221, including those abutting rights-of-way and reaching to the respective centerlines, as designated on the official property identification maps of Rowan County, is hereby rezoned to the base zoning district of Corridor Mixed-Use (CMX) with a Conditional District ‘CD’ Overlay pursuant to the approved CD Master Plan.

SECTION 2. PERMITTED USES (PRIMARY): Only the following uses shall be permitted by right in this Conditional District (CD) Overlay.

- Banks, Credit Unions, Financial Services
- Business Support Services
- Community Service Organization
- Drive-Thru Service
- Restaurants
- Drive-thru Retail/Restaurant
- Studio: Art, Dance, Martial Arts, Music
- General Retail: <3500 SF
- Media Production

SECTION 3. DEVELOPMENT CONDITIONS: That the following conditions are applicable to the development proposal associated with this Ordinance (see above, Section 2, Development Documents) within the Conditional District (CD) Overlay:

- Alternative to 5.6.A.2 & 5.13.A.1: No primary public entrance required on street facing facade.

SECTION 4. DEVELOPMENT DOCUMENTS: That as permitted by the Land Development Ordinance, the development documents associated with this Conditional District (CD) Overlay may establish alternatives to specific provisions of the Land Development Ordinance; however, where alternatives are not provided, those and all other applicable Land Development Ordinance provisions remain applicable for any and all development within this Conditional District (CD) Overlay.

SECTION 5. ALTERNATIVE METHODS OF COMPLIANCE: That as permitted by the Land Development Ordinance, the applicable approval authority may establish alternatives to specific provisions of the Land Development Ordinance Landscaping requirements of Chapter 8. The following alternative methods of compliance are permitted under this Conditional District overlay:

- Alternative to 8.8: 4 street yard trees be pushed back further than 8' from the right of way due to a utility easement
- Alternative to 8.7.B: Two of the required perimeter buffer shade trees be located beyond the 20' from the rear due to the existing access.

SECTION 5. That improvements (public and/or private) for Stormwater drainage, streets, water and sewer shall be designed and installed in accordance with applicable City and Salisbury-Rowan Utilities standards and policies. Layouts shown on the approved, stamped, and signed Development Documents are considered schematic and may require administrative revision(s) upon review of engineering drawings or details (Construction Documents).

SECTION 6. That all Ordinances, or parts of Ordinances, in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. That this Ordinance shall be effective from and after its passage.



The Salisbury Planning Board held its regular meeting on Tuesday, April 23, 2024, at 4:00 p.m. with the following being present:

PRESENT: Larry Cartner, David Midgley, Steven Raffa, PJ Ricks, John Schaffer, Katherine Thornton

STAFF: Victoria Bailiff, Senior Planner; Graham Corriher, City Attorney; Phillip Lookadoo, Director of Land and Development Services; Jennifer Pfaff, Senior Administrative Specialist

Jennifer Pfaff administered the Oath of Office to new members, Katherine Thornton and Steven Raffa.

WELCOME GUESTS AND VISITORS

John Schaffer, Chair, called the Planning Board meeting to order at 4:02 p.m.

ELECTION OF OFFICERS

David Midgley made a motion to elect John Schaffer as Chair. Larry Cartner seconded the motion, and it was approved by all members present.

David Midgley made a motion to elect Larry Cartner as Vice-Chair. Katherine Thornton seconded the motion, and it was approved by all members present.

Larry Cartner will serve as liaison to the Technical Review Committee (TRC) in a non-voting capacity.

APPROVAL OF MINUTES

Planning Board Minutes of February 27, 2024 were approved by all members present.

NEW BUSINESS

RZ04-2024-00003, 2515 Statesville Boulevard, Parcel 330 216; Owner: Stephen Lee

Request

The applicant is requesting to rezone a portion of the property located along Majolica Road from GR3 (General Residential) to NMX (Neighborhood Mixed-Use).

Staff Presentation



Victoria Bailiff presented the request to the Board. The property is already located within Salisbury City Limits. Staff is recommending that a portion of the parcel be rezoned, as the owner wishes to combine this portion of 160 Majolica Road with the parcel to the north (2515 Statesville Boulevard), which is already zoned NMX. This would leave no remaining split zoned parcels once the exception plat has been recorded.

Ms. Bailiff responded to questions from the board:

- Regarding parking, the applicant can do whatever is allowed by the ordinance.
- She clarified the place type change, and explained the difference between place types (guidance for the future), as opposed to zoning districts (current guidance).
- Nobody from the public attended the community meeting scheduled by the applicant.

Applicant Comment

Neither the owner, nor a representative, was in attendance.

Public Comment

None.

Deliberation

Members agreed with the staff recommendation.

Consistency Statement

David Midgley made a motion: “The City of Salisbury Planning Board finds that the map amendment requested in petition RZ04-2024-00003 **is consistent** with the goals and policies of the adopted Forward 2040 Comprehensive Plan.”

Larry Cartner seconded the motion. All members present voted AYE.

Recommendation to City Council

Katherine Thornton made a motion: “Having reviewed the proposed amendment, the Comprehensive Plan, and considered information from City Staff, comments from the applicant and other persons, the City of Salisbury Planning Board finds that the map amendment requested in petition RZ04-2024-00003 **IS** reasonable, and in the public interest, due to the location of the site and compatibility with surrounding zoning, therefore, the Planning Board recommends **APPROVAL** of the request, and recommends the Future Land Use Map place type of parcel 330 026 be designated as Neighborhood Activity Center.”



Larry Cartner seconded the motion. All members present voted AYE.

**RZCD02-2024-00003, 410 West Jake Alexander Boulevard, Parcel(s) 061 221, 061 222;
Owner/Applicant: John Leatherman**

Request

The applicant is requesting to rezone two (2) properties located along W. Jake Alexander Blvd. from RMX (Residential Mixed-Use with a General Development Overlay) to CMX-CD (Corridor Mixed-Use with a Conditional District Overlay) to permit a drive-through restaurant.

Staff Presentation

Victoria Bailiff presented the request to the Board. This is the same request as brought previously to the board, however, with conditions. The conditional overlay would allow only 9 out of all CMX uses, and will be tied to site plans and building elevations (there will be no front door for public use).

Applicant Testimony

Mr. Leatherman explained that the conditional overlay request is in response to the concerns brought during the previous meeting. He distributed maps, and GIS information in order to answer the objections of surrounding businesses. He believes those businesses are well protected, and that a coffee shop of this type will not cause too much traffic.

Public Comment

Victor Wallace read a portion of a letter to Mr. Leatherman in support of the project.

Jerry Wood, president of the association representing the surrounding businesses, spoke in opposition of the request. Members feel the same as before; the coffee shop will cause congestion, overuse of the back property, and potential abuse of the zoning.

Paul Radzowicz lives behind the area, and opposes the project. He feels waiting customers will produce unhealthy emissions, and the existing trees do not protect them from current noise and odors.

Jill Radzowicz opposes the project due to the excess trash, and traffic that already exists. She also questioned the process of mailing notices to surrounding properties because some of her neighbors didn't receive one; she feels it should be a larger circumference of recipients.

Ms. Bailiff explained that a public hearing for Planning Board is not required because they are advisory; a hearing is only required for City Council. Salisbury offers a public hearing during



Planning Board meetings as an extra service. Staff will address the option of expanding the notices.

Jonathan Bauman is the developer for the project. He said that notifications were sent out for a community meeting, but nobody attended. They have not ignored community input.

Jake Modesto, engineer for the applicant, spoke to the traffic issue, and how they study traffic patterns and driver habits. He assisted the board with questions regarding how customers will navigate the coffee shop, and explained their queuing studies.

Janice Roy, a physician at Pinnacle, is concerned about traffic, and the possibility of it blocking patient access. She opposes the project.

Ms. Bailiff read an email in favor of the project.

Deliberation

The board discussed the concerns of the community, and the positives of the new conditions.

Consistency Statement

David Midgley made a motion: “The City of Salisbury Planning Board finds that the map amendment requested in petition RZCD02-2024-00003 **is consistent** with the goals and policies of the adopted Forward 2040 Comprehensive Plan.”

Steven Raffa seconded the motion. The motion was approved by a vote of 5-1.

Recommendation to City Council

PJ Ricks made a motion: “Having reviewed the proposed amendment, the Comprehensive plan, and considered information from City staff, comments from the applicant and other persons, the City of Salisbury Planning Board finds that the map amendment requested in petition RZCD02-2024-00003 is reasonable and in the public interest, therefore the Planning Board recommends **APPROVAL** of the request.

Katherine Thornton seconded the motion. The motion was approved by a vote of 5-1.

STAFF UPDATES

Ms. Bailiff welcomed the new members and let them know she was available for orientation. She also reminded the board of the online training session scheduled for May 16th.

ADJOURN 5:36 p.m.



John Schaffer, Chair

Jennifer Pfaff, Secretary

DRAFT



Salisbury City Council Agenda Item Request Form

Agenda Item

Item Title: Rezoning of a portion of 160 Majolica Rd from General Residential(GR3) to Neighborhood Mixed Use(NMX)

Requested Council Meeting Date: 5/21/24

Name and Title of Presenter(s): Victoria Bailiff, Senior Planner

Main Point of Contact Email: victoria.bailiff@salisburync.gov

Phone: 704-638-5212

Consent Agenda
(Item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda
(Item to be discussed for consideration by Council)

Item Category: Action Information Only Other

Select if one of these categories apply: Ordinance Resolution Contract

Strategic Plan

Focus Areas:

[Strategies:](#) *(Click to view specific Strategic Plan strategies)*

- Healthy, Safe & Engaged Neighborhoods
- Economic & Workforce Development
- Public Safety
- Organizational Excellence
- Sustainable Infrastructure
- Cultural Amenities

Fiscal Note

Is this item included in the current Fiscal Year budget? Yes No No Budgetary Impact

If no, identify the funding source

Finance Manager Signature

Budget Manager Signature:

(If this agenda item involves funding, including grants, donations, and budget ordinance amendments, it must have a fiscal note included above along with the signature(s) of approval from the Finance Manager and/or Budget Manager)



Salisbury City Council Agenda Item Request Form

Description of Requested Agenda Item: *(Please provide detailed information necessary for City Council to make an informed decision)*

Stephen Lee owns two adjacent properties; one, a residence, identified as 160 Majolica road and the second, a business, identified as 2515 Statesville Boulevard. The Majolica Road property is zoned General Residential (GR3) and the Statesville Boulevard property is zoned Neighborhood Mixed Use (NMX). Mr. Lee, to expand his business at the Statesville Boulevard property, will combine a northern portion of the Majolica Road property (shown on the attached plat) with the Statesville Boulevard property. This petition, as submitted by Mr. Lee and recommend for approval by staff, requests that the northern portion of 160 Majolica Road be rezoned from General Residential (GR3) to Neighborhood Mixed Use (NMX) thereby keeping the property from being split zoned and allowing Mr. Lee to expand his business.

Staff further recommends that the place type on the Future Land Use map, for the portion of this parcel and the parcel to the north be re-designated as Neighborhood Activity Center should the rezoning be approved.



Salisbury City Council Agenda Item Request Form

Specific Action Requested of Council: *(Recommended motion and Statement of Consistency if applicable)*

The City Council hereby finds and determines that adoption of an Ordinance to rezone the property described in Petition RZ04-2024-00003, is consistent with the goals objectives and policies of the Forward 2040 Comprehensive Plan. The City Council finds that the map amendment is reasonable and in the public interest due to the compatibility with surrounding zoning and land use; and hereby moves to approve the rezoning of the portion of parcel 330 026 described in Petition RZ04-2024-00003 from General Residential (GR3) to Neighborhood Mixed Use (NMX).

City Council hereby also moves to amend the City of Salisbury Future Land Use Map by designating parcel 330 025 and the portion of parcel 330 026 as described in Petition RZ04-2024-00003 as Neighborhood Activity Center Place type.

Department Head Signature (Required)



Planning & Zoning Analysis

CASE NO.	RZ04-2024-00003
Petitioner(s)	Stephen Lee
Owner(s)	Stephen Lee
Representative(s)	Stephen Lee
Address	160 Majolica Road
Tax Map & Parcel(s)	330 026
Size / Scope	An approximately 0.719 acre portion of a parcel
Location	Located in the 100 block of Majolica Road, just south of the intersection with Statesville Boulevard.

PETITIONER REQUEST

Request:	Petition proposes to amend the Land Development Ordinance district map by rezoning a portion of a parcel, being approximately 0.719 acres in total, from General Residential (GR3) to Neighborhood Mixed Use (NMX).
Staff Comments:	The property is already located within Salisbury City Limits. Staff is recommending that a portion of the parcel be rezoned, as the owner wishes to combine this portion of 160 Majolica Road with the parcel to the north (2515 Statesville Boulevard), which is already zoned NMX. This would leave no remaining split zoned parcels once the exception plat has been recorded.
Uses:	This proposal is for general zoning purposes only. This request is not a conditional district zoning request; therefore, all uses of the requested NMX zoning will be permitted per the existing Use Matrix.



Planning & Zoning Analysis

CHARACTER OF AREA

Overview:

The portion of the parcel identified in this petition is currently undeveloped.

Existing uses in the vicinity include residential, commercial, and undeveloped properties. This rezoning will have little effect on surrounding properties, as the GR3/NMX boundary will only be shifted further south by approximately 100 feet.

Surrounding Land Use(s) & Zoning:

<i>Location</i>	<i>Existing Land Uses</i>	<i>Existing Zoning</i>
North of area	Commercial	NMX
East of area	Residential	GR3
South of area	Residential	GR3
West of area	Undeveloped	RR, NMX



INFRASTRUCTURE & CIVIC/COMMUNITY FACILITIES

Public Schools:

Elementary: Isenburg Elementary
Middle: West Rowan Middle
High: West Rowan High

Fire District:

The parcel is currently within the Salisbury City Fire district.

Utilities

Water & Sewer:

Public water and sewer are currently available to the existing parcel along Majolica Road. Once the northern portion of this parcel (to be rezoned) is combined with the property at 2515 Statesville Blvd, the utility access will be through existing taps along Statesville Blvd.

Transportation

Transit:

This site is not currently served by Salisbury Public Transit. The nearest transit route is in the 2200 block of Statesville Blvd, at the Lash Drive intersection.

Property Access(s):

The current parcel has access to Majolica Road; once the portion to be rezoned is combined with the parcel to the north, 2515 Statesville Boulevard, it will then have access to both Statesville Boulevard and Majolica Road. Both Majolica Road and Statesville Boulevard are State maintained roads.



Planning & Zoning Analysis

ENVIRONMENT

Topography / Hydrology:

The parcel slopes down gradually towards the southwest corner of the property. The western side of the lot remains wooded.

Flood Hazard / Streams / Wetlands:

This site is not affected by a USGS blue line stream, floodplain or wetlands.

COMPREHENSIVE & AREA PLANS

Applicable Plans:

Policy 3.1.2:

Forward 2040 Comprehensive Plan

Avoid, insofar as possible, patterns of leapfrog or scattered development, especially in Tier 3 of the Growth Strategies Map.

*Staff recommends approval of **RZ04-2024-00003**, determining the request is consistent with the goals, objectives, and policies of the Forward 2040 Comprehensive Plan.*

Planning Board Recommendation:

This proposal was presented to Planning Board at their courtesy hearing on April 23, 2024. After deliberation, the Planning Board unanimously recommended approval, stating proposal is consistent with the Forward 2040 Comprehensive Plan as submitted.

N. C. GRID NORTH - NAD 83 (2001)
 (BOOK OF MAPS 9995 PAGE 7118)

GEORGE H. FINK ET AL
 D.B. 442 PG. 309
 PARCEL ID 330 024
 ZONED NMK

2" Iron Pipe
 Control Corner
 N. 712,852,1813"
 E. 1,544,648,3333"
 N.C. Grid - NAD 83 (2001)
 Ground Coordinates

DENNIS H. BEAVER
 D.B. 1391 PG. 961
 PARCEL ID 330 023
 ZONED RR & NMK

Nail @ base of
 Bent 1/2" Iron Pipe

Tract 1
 0.719 Ac.
 P/O Parcel ID 330 026

2" Iron Pipe
 Control Corner
 N. 712,779,5221"
 E. 1,544,621,4009"
 N.C. Grid - NAD 83 (2001)
 Ground Coordinates

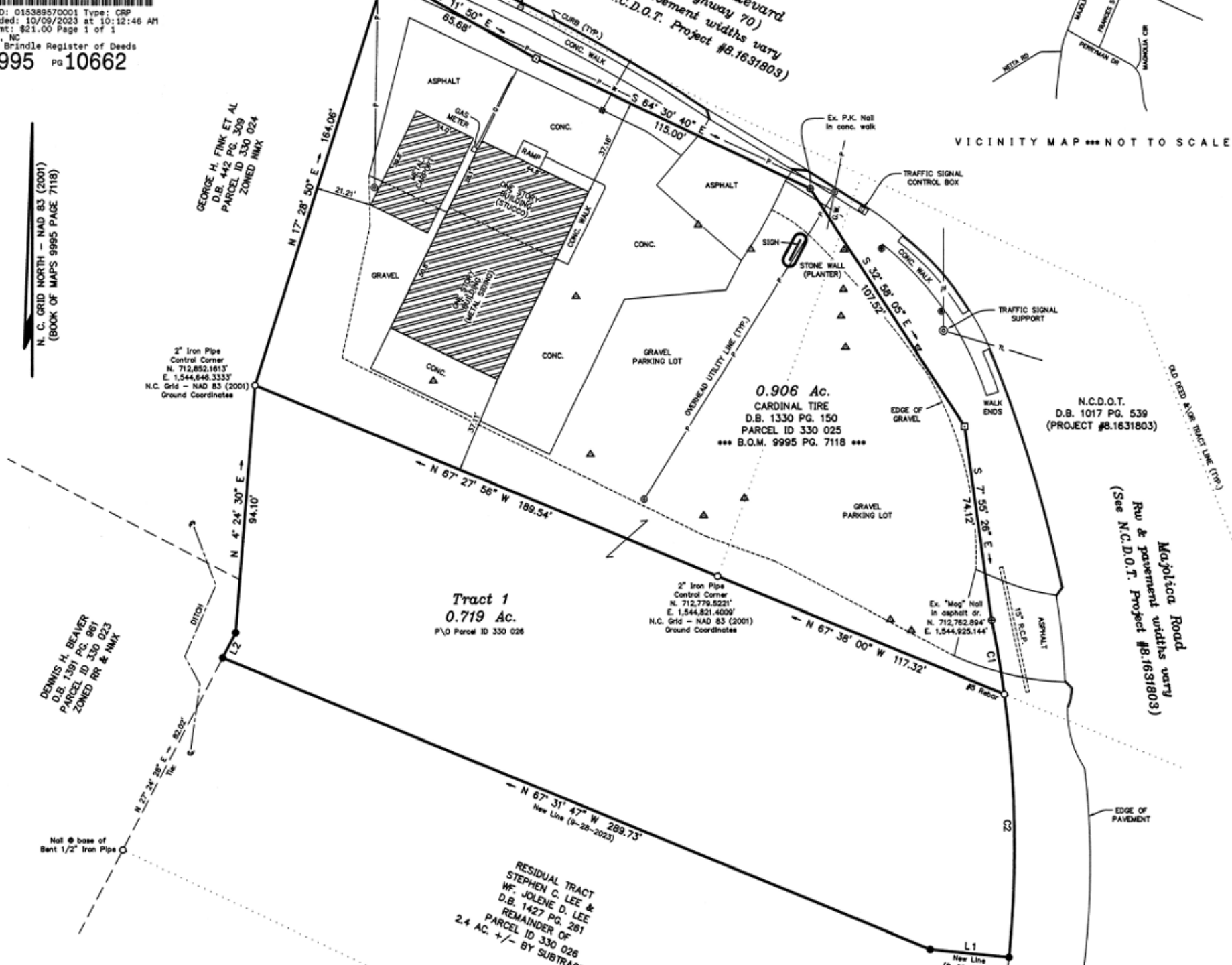
RESIDUAL TRACT
 STEPHEN C. LEE &
 WF. JOLENE D. LEE &
 D.B. 1427 PG. 281
 REMAINDER OF
 PARCEL ID 330 026
 2.4 AC. +/- BY SUBTRACTION

0.906 Ac.
 CARDINAL TIRE
 D.B. 1330 PG. 150
 PARCEL ID 330 025
 *** B.O.M. 9995 PG. 7118 ***

N.C.D.O.T.
 D.B. 1017 PG. 539
 (PROJECT #8.1631803)

MaJolica Road
 Rwy & pavement widths vary
 (See N.C.D.O.T. Project #8.1631803)

VICINITY MAP *** NOT TO SCALE





PARCEL IN QUESTION

BASE DISTRICT	T3	
	GR	NMX
Residential		
Dwelling-Single Family	P	P
Dwelling-Multifamily 4 units/bldg. or less	PND	P
Dwelling-Multifamily more than 4 units/bldg.	—	P
Dwelling-Secondary	SUP/CD	P
Family Care Home (6 or less residents)	P	P
Home Occupation	PS	—
Housing Service for the Elderly	PS	P
Live-Work Unit	—	PS
Manufactured Housing	—	—
Lodging		
Bed and Breakfast	P	P
Hotel/Motel/Inn	—	—
Rooming or Boarding House	—	—
Office / Service		
Animal Services	—	P
Banks, Credit Unions, Financial Services	—	P
Business Support Services	—	P
Child Care Home	PS	PS
Child Care Center in Residence	SUP/CD	PS
Commercial Child Care Center	—	PS
Community Service Organization	—	P
Drive Thru Service	—	PS
Equipment Rental	—	—
Funeral Home	—	P
Group Care Facility (More than 6 residents)	—	PS
Government Services	SUP/CD	SUP/CD
Laundry Services	—	P
Medical Clinic	—	P

Permitted Uses

Residential, Lodging, Office/Service Categories

Permitted Uses

Office/Service, Retail, Entertainment Categories

	T3	T1
BASE DISTRICT	GR	NMX
Office / Service (cont.)		
Outdoor Kennels	—	—
Post Office	—	P
Professional Services	—	P
Residential Treatment Facility	—	SUP/CD
Studio: Art, dance, martial arts, music	—	P
Vehicle Services: Minor Maintenance/Repair	—	P
Vehicle Services: Major Repair/Body Work	—	—
Retail / Restaurant		
Alcoholic Beverage Sales Store	—	SUP/CD
Auto Parts Sales	—	P
Bar/Tavern/Night Club	—	SUP/CD
Drive-Thru Retail/Restaurant	—	—
Gas Station	—	PS
General Retail: 3,500 sf or less	—	PS
General Retail: 3,501 sf – 10,000 sf	—	SUP/CD
General Retail: 10,001 sf – 50,000 sf	—	—
General Retail: Greater than 50,000 sf	—	—
Restaurant	—	P
Vehicle or Heavy Equipment Sales	—	—
Entertainment / Recreation		
Adult Establishment	—	—
Amusements, Indoor	—	—
Amusements, Outdoor	—	—
Cultural or Community Facility	—	P
Internet/Electronic Gaming	—	—
Meeting Facility	—	P
Recreation Facilities, Indoor	—	P
Recreation Facilities, Outdoor	P	P
Theater, Movie	—	—
Theater, Live Performance	—	P

Permitted Uses

Manufacturing, Civic, Infrastructure Categories

	T3	T
BASE DISTRICT	GR	NMX
Manufacturing / Wholesale		
Agriculture	---	---
Laundry, dry cleaning plant	---	---
Manufacturing, Light	---	---
Manufacturing, Neighborhood	---	P
Manufacturing, Heavy	---	---
Media production	---	---
Metal products fabrication, machine or welding shop	---	---
Mini-Warehouse	---	---
Research and development	---	---
Storage: Outdoor Storage Yard as a primary use	---	---
Storage: Warehouse/Indoor Storage	---	---
Wholesaling and distribution	---	---
Civic / Institutional		
Campground	---	---
Cemetery	---	PS
College/University	---	SUP/CD
Hospital	---	SUP/CD
Public Safety Station	SUP/CD	PS
Religious Institution	P	P
School: Elem. & Secondary	P	P
School: Vocational/Technical	---	P
Transportation / Infrastructure		
Air Transportation	---	---
Parking Lot (primary use)	---	P
Parking Structure (primary use)	---	SUP/CD
Road/Rail Transit - Passenger	---	P
Road/Rail Freight/Courier/Trucking	---	---
Utilities-Class 1	P	P
Utilities-Class 2	SUP/CD	P
Utilities-Class 3	---	---
Wireless Telecomm Facility: Stealth	PS	PS
Wireless Telecomm Facility: Tower	---	---

Forward 2040 Policies

- **Policy 3.1.2:** Avoid, insofar as possible, patterns of leapfrog or scattered development, especially in Tier 3 of the Growth Strategies Map.

Future Land Use Map Amendment

Place Types permitting NMX:

Multifamily Community

Activity Corridor

Community Activity Center

Neighborhood Activity Center

Public Office, & Institutional

Recommended Place Type:

Neighborhood Activity Center

Place Type	Associated Zoning Districts
Traditional Neighborhood	Historic Residential (HR), Urban Residential (UR)
Suburban Neighborhood	General Residential (GR), Urban Residential (UR)
Manufactured Home Development	General Residential (GR), Urban Residential (UR), Manufactured Home Development (MHD)
Neighborhood Activity Center	General Residential (GR), Urban Residential (UR), Community & Institutional (CI), Residential Mixed-Use (RMX), Traditional Neighborhood Design (TND)
Multifamily Community	Urban Residential 12 (UR-12), Residential Mixed-Use (RMX), Neighborhood Mixed Use (NMX), Corridor Mixed Use (Corridor Mixed Use)
Conservation Neighborhood	Open Space Preservation (OSP)
Rural Residential	Rural Residential (RR)
Natural Resources & Community Open Space	Open Space Preservation (OSP)
Institutional Center	Community & Institutional (CI), Hospital Services (HS)
Employment Center	Light Industrial (LI), Highway Business (HB)
Downtown Center	Downtown Mixed-Use (DMX)
Activity Corridor	Commercial Mixed-Use (CMX), Neighborhood Mixed-Use (NMX), Residential Mixed-Use (RMX)
Highway Commercial Corridor	Highway Business (HB), Commercial Mixed-Use (CMX)
Regional Commercial Center	Commercial Mixed-Use (CMX)
Community Activity Center	Commercial Mixed-Use (CMX), Neighborhood Mixed-Use (NMX), Residential Mixed-Use (RMX), Community & Institutional (CI)
Neighborhood Activity Center	Neighborhood Mixed-Use (NMX), Residential Mixed-Use (RMX), Community & Institutional (CI)
Public, Office, & Institutional	Community & Institutional (CI), Hospital Services (HS), Neighborhood Mixed-Use (NMX)
Production & Processing	Light Industrial (LI), Heavy Industrial (HI)

Place Types: Neighborhood Activity Center

Neighborhood Activity Centers generally provide daily needs proximate to neighborhoods. These centers consist primarily of service-oriented small and medium scale commercial developments. There is some opportunity for infill development, including multifamily. These centers are located on the corner of major thoroughfares. Developments should be designed to provide connections with neighborhoods and surrounding areas, and enhance pedestrian and bike access within the area.

FUNCTIONALITY AND USES

- Retail and commercial uses
- Personal services
- Office uses
- Multi-family residential

HOUSING AND USE

- Home occupation
- Single-family residential

CHARACTER

- Provide for daily needs of nearby neighborhoods
- Primarily service-oriented small to medium scale commercial developments



Commercial node at South Fulton Street and Ridge Avenue, originally constructed as a grocery store



Restaurant on West Chapel Hill Street in Durham, NC



Commercial node at Angier Avenue and Driver Street in Durham, NC

OPPORTUNITIES

- Placemaking and integration of neighborhood defining features
- Design buildings at a pedestrian scale
- Reinforce connections with surrounding neighborhoods
- Integrate different uses and housing types
- Improve sidewalks and bike lanes

CHARACTERISTICS AND FORM

	Urban	Suburban
Building Height	1 -2 Stories	1-3 Stories
Setbacks	0-50 feet	0-20 feet
Block Length	400-1,200 feet	400-600 feet
Street Character	Auto-dominated, gridded	Gridded activated by ground floor uses and streetscape amenities, pedestrian-friendly
Parking	In front of and behind buildings	On-street, behind buildings
Residential Density	None	6-20 units per acre



Planning Board Courtesy Hearing was held April 23, 2024.

Planning Board voted unanimously to recommend approval as submitted with a motion stating the map amendment is “consistent with the Forward 2040 Comprehensive Plan.”



Hold Public Hearing

regarding

RZ04-2024-00003: 2515 Statesville Blvd



**Salisbury City Council
Statement of Consistency & Zoning Recommendation**

DISTRICT MAP AMENDMENT: RZ04-2024-00003

Project Title: **RZ04-2024-00003 2515 Statesville Blvd**
Petitioner(s): Stephen Lee
Owner(s): Stephen Lee
Tax Map/Parcel(s): 330 026
Address: 160 Majolica Road
Size / Scope: Approximately 0.719 acres encompassing one (1) parcel.
Location: Located in the 100 block of Majolica Road, just south of the intersection with Statesville Boulevard.

REQUEST:

**Request to amend the Land Development District Map
by rezoning a portion of the parcel at 160 Majolica Road (PID 330 026) from General Residential (GR3)
to Neighborhood Mixed Use (NMX).**

STATEMENT OF CONSISTENCY & RECOMMENDATION:

The Salisbury City Council held a public hearing and reviewed the petition on May 21, 2024. The Council finds that the rezoning petition of the aforementioned parcel is CONSISTENT with the Salisbury Forward 2040 Comprehensive Plan, is reasonable, and in the public interest due to consistency with:

Policy 3.1.2: Avoid, insofar as possible, patterns of leapfrog or scattered development, especially in Tier 3 of the Growth Strategies Map.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP AND THE FUTURE LAND USE MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING A PORTION OF TAX MAP 330 PARCEL 026 FROM GENERAL RESIDENTIAL (GR3) TO NEIGHBORHOOD MIXED USE (NMX) APPROXIMATELY 0.719 ACRES AND DESIGNATING THAT PORTION OF TAX MAP 330 PARCEL 026 AND FULL TAX MAP 330 PARCEL 025 AS NEIGHBORHOOD ACTIVITY CENTER IN THE FUTURE LAND USE MAP. (PETITION NO. RZ04-2024-00003)

WHEREAS, a petition to rezone the property described herein was properly filed by the City of Salisbury; and

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the rezoning petition on April 23, 2024, unanimously voted to recommend approval as submitted, and stated that the request is consistent with the Forward 2040 Comprehensive Plan; and

WHEREAS, the City Council held a properly-noticed public hearing at the regularly-scheduled City Council meeting on May 21, 2024; and

WHEREAS, the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described in Exhibit A, as requested, is consistent with the goals, objectives, and policies of the Forward 2040 Comprehensive Plan; and hereby finds the map amendment to be reasonable and in the public interest due to the proposed petition, site characteristics, compatible zoning, and observations provided by city planning staff, identifying the policies that support the petition.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Salisbury, North Carolina:

SECTION 1. That the property identified in Exhibit A as a portion of Tax Map: 330 Parcel(s): 026 including those abutting rights-of-way and reaching to the respective centerlines, as designated on the official property identification maps of Rowan County, is hereby rezoned to 'NMX' district.

SECTION 2. That the property identified as Tax Map: 330 Parcel(s) 025 as well as a portion of Tax Map: 330 Parcel(s): 026 described in Exhibit A, including those abutting rights-of-way and reaching to the respective centerlines, as designated on the official property identification maps of Rowan County, is hereby designated as Neighborhood Activity Center in the Future Land Use Map of the Forward 2040 Comprehensive Plan.

SECTION 3. That all Ordinances, or parts of Ordinances, in conflict with this Ordinance are hereby repealed to the extent of such conflict;

SECTION 4. That this Ordinance shall be effective from and after its passage.

EXHIBIT A

Cardinal Tire Rezone Description

BEGINNING at an existing #5 rebar in the line of Cardinal Tire, Deed Book 1330, Page 150 and in the western edge of the right of way of Majolica Road; thence with the western edge of the right of way of Majolica Road curving to the right having radius 429.25 feet, arc length 99.97 feet, chord S 1°07'36" E, 99.75 feet to an existing #5 rebar in the line of Stephen C. Lee and Jolene D. Lee, Deed Book 1427, Page 261; thence with the line of Lee the following two (2) courses and distances 1) N 84°34'41" W, 29.98 feet to an existing #5 rebar; 2) N 67°30'33" W, 289.93 feet to an existing #5 rebar in the line of Dennis H. Beaver, Deed Book 1391, Page 961; thence with the line of Beaver N 26°58'56" E, 10.76 feet to an existing #5 rebar; thence with the line of Beaver extended N 4°29'35" E, 93.92 feet to an existing 2" pipe in the line of Cardinal Tire, Deed Book 1330, Page 150; thence with the line of Cardinal Tire, the following two (2) courses and distances; 1) S 67°26'25" E, 189.39 feet to an existing 2" pipe; 2) S 67°41'26" E, 117.32 feet to an existing #5 rebar in the western edge of the right of way of Majolica Road and being the point of **BEGINNING**. Having an area of 0.719 acres more or less.



The Salisbury Planning Board held its regular meeting on Tuesday, April 23, 2024, at 4:00 p.m. with the following being present:

PRESENT: Larry Cartner, David Midgley, Steven Raffa, PJ Ricks, John Schaffer, Katherine Thornton

STAFF: Victoria Bailiff, Senior Planner; Graham Corriher, City Attorney; Phillip Lookadoo, Director of Land and Development Services; Jennifer Pfaff, Senior Administrative Specialist

Jennifer Pfaff administered the Oath of Office to new members, Katherine Thornton and Steven Raffa.

WELCOME GUESTS AND VISITORS

John Schaffer, Chair, called the Planning Board meeting to order at 4:02 p.m.

ELECTION OF OFFICERS

David Midgley made a motion to elect John Schaffer as Chair. Larry Cartner seconded the motion, and it was approved by all members present.

David Midgley made a motion to elect Larry Cartner as Vice-Chair. Katherine Thornton seconded the motion, and it was approved by all members present.

Larry Cartner will serve as liaison to the Technical Review Committee (TRC) in a non-voting capacity.

APPROVAL OF MINUTES

Planning Board Minutes of February 27, 2024 were approved by all members present.

NEW BUSINESS

RZ04-2024-00003, 2515 Statesville Boulevard, Parcel 330 216; Owner: Stephen Lee

Request

The applicant is requesting to rezone a portion of the property located along Majolica Road from GR3 (General Residential) to NMX (Neighborhood Mixed-Use).

Staff Presentation



Victoria Bailiff presented the request to the Board. The property is already located within Salisbury City Limits. Staff is recommending that a portion of the parcel be rezoned, as the owner wishes to combine this portion of 160 Majolica Road with the parcel to the north (2515 Statesville Boulevard), which is already zoned NMX. This would leave no remaining split zoned parcels once the exception plat has been recorded.

Ms. Bailiff responded to questions from the board:

- Regarding parking, the applicant can do whatever is allowed by the ordinance.
- She clarified the place type change, and explained the difference between place types (guidance for the future), as opposed to zoning districts (current guidance).
- Nobody from the public attended the community meeting scheduled by the applicant.

Applicant Comment

Neither the owner, nor a representative, was in attendance.

Public Comment

None.

Deliberation

Members agreed with the staff recommendation.

Consistency Statement

David Midgley made a motion: “The City of Salisbury Planning Board finds that the map amendment requested in petition RZ04-2024-00003 **is consistent** with the goals and policies of the adopted Forward 2040 Comprehensive Plan.”

Larry Cartner seconded the motion. All members present voted AYE.

Recommendation to City Council

Katherine Thornton made a motion: “Having reviewed the proposed amendment, the Comprehensive Plan, and considered information from City Staff, comments from the applicant and other persons, the City of Salisbury Planning Board finds that the map amendment requested in petition RZ04-2024-00003 **IS** reasonable, and in the public interest, due to the location of the site and compatibility with surrounding zoning, therefore, the Planning Board recommends **APPROVAL** of the request, and recommends the Future Land Use Map place type of parcel 330 026 be designated as Neighborhood Activity Center.”



Larry Cartner seconded the motion. All members present voted AYE.

**RZCD02-2024-00003, 410 West Jake Alexander Boulevard, Parcel(s) 061 221, 061 222;
Owner/Applicant: John Leatherman**

Request

The applicant is requesting to rezone two (2) properties located along W. Jake Alexander Blvd. from RMX (Residential Mixed-Use with a General Development Overlay) to CMX-CD (Corridor Mixed-Use with a Conditional District Overlay) to permit a drive-through restaurant.

Staff Presentation

Victoria Bailiff presented the request to the Board. This is the same request as brought previously to the board, however, with conditions. The conditional overlay would allow only 9 out of all CMX uses, and will be tied to site plans and building elevations (there will be no front door for public use).

Applicant Testimony

Mr. Leatherman explained that the conditional overlay request is in response to the concerns brought during the previous meeting. He distributed maps, and GIS information in order to answer the objections of surrounding businesses. He believes those businesses are well protected, and that a coffee shop of this type will not cause too much traffic.

Public Comment

Victor Wallace read a portion of a letter to Mr. Leatherman in support of the project.

Jerry Wood, president of the association representing the surrounding businesses, spoke in opposition of the request. Members feel the same as before; the coffee shop will cause congestion, overuse of the back property, and potential abuse of the zoning.

Paul Radzowicz lives behind the area, and opposes the project. He feels waiting customers will produce unhealthy emissions, and the existing trees do not protect them from current noise and odors.

Jill Radzowicz opposes the project due to the excess trash, and traffic that already exists. She also questioned the process of mailing notices to surrounding properties because some of her neighbors didn't receive one; she feels it should be a larger circumference of recipients.

Ms. Bailiff explained that a public hearing for Planning Board is not required because they are advisory; a hearing is only required for City Council. Salisbury offers a public hearing during



Planning Board meetings as an extra service. Staff will address the option of expanding the notices.

Jonathan Bauman is the developer for the project. He said that notifications were sent out for a community meeting, but nobody attended. They have not ignored community input.

Jake Modesto, engineer for the applicant, spoke to the traffic issue, and how they study traffic patterns and driver habits. He assisted the board with questions regarding how customers will navigate the coffee shop, and explained their queuing studies.

Janice Roy, a physician at Pinnacle, is concerned about traffic, and the possibility of it blocking patient access. She opposes the project.

Ms. Bailiff read an email in favor of the project.

Deliberation

The board discussed the concerns of the community, and the positives of the new conditions.

Consistency Statement

David Midgley made a motion: “The City of Salisbury Planning Board finds that the map amendment requested in petition RZCD02-2024-00003 **is consistent** with the goals and policies of the adopted Forward 2040 Comprehensive Plan.”

Steven Raffa seconded the motion. The motion was approved by a vote of 5-1.

Recommendation to City Council

PJ Ricks made a motion: “Having reviewed the proposed amendment, the Comprehensive plan, and considered information from City staff, comments from the applicant and other persons, the City of Salisbury Planning Board finds that the map amendment requested in petition RZCD02-2024-00003 is reasonable and in the public interest, therefore the Planning Board recommends **APPROVAL** of the request.

Katherine Thornton seconded the motion. The motion was approved by a vote of 5-1.

STAFF UPDATES

Ms. Bailiff welcomed the new members and let them know she was available for orientation. She also reminded the board of the online training session scheduled for May 16th.

ADJOURN 5:36 p.m.



John Schaffer, Chair

Jennifer Pfaff, Secretary

DRAFT



Salisbury City Council Agenda Item Request Form

Agenda Item

Item Title: Kesler Mill Redevelopment - Program Recommendation

Requested Council Meeting Date: May 21, 2024

Name and Title of Presenter(s): Hannah Jacobson, Planning and Neighborhoods Director
Sonyia Turner, Project Manager, Development Finance Initiative

Main Point of Contact Email: hannah.jacobson@salisburync.gov **Phone:** 704-638-5230

Consent Agenda
(Item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda
(Item to be discussed for consideration by Council)

Item Category: Action Information Only Other

Select if one of these categories apply: Ordinance Resolution Contract

Strategic Plan

Focus Areas:

- Healthy, Safe & Engaged Neighborhoods
- Economic & Workforce Development
- Public Safety
- Organizational Excellence
- Sustainable Infrastructure
- Cultural Amenities

[Strategies:](#) *(Click to view specific Strategic Plan strategies)*

Seek developer partnership and funding/incentives for mixed-income and senior housing neighborhoods.

Fiscal Note

Is this item included in the current Fiscal Year budget? Yes No No Budgetary Impact

If no, identify the funding source

Finance Manager Signature

Budget Manager Signature:

(If this agenda item involves funding, including grants, donations, and budget ordinance amendments, it must have a fiscal note included above along with the signature(s) of approval from the Finance Manager and/or Budget Manager)



Salisbury City Council Agenda Item Request Form

Description of Requested Agenda Item: *(Please provide detailed information necessary for City Council to make an informed decision)*

Council will hear a presentation from the Development Finance Initiative and will be asked to endorse a Development Plan for the redevelopment of the 13-acre city-owned site on N. Martin Luther King Jr. Avenue in the Park Avenue Neighborhood. For the last year, the City has worked in partnership with the Development Finance Initiative to perform site and market analysis, engage the public in discussion over the "guiding public interests" for site's redevelopment, work with an architecture team to test-fit a variety of development scenarios, and to perform financial feasibility analysis.

A final program recommendation will be presented, which includes a mix of housing types (duplexes, townhomes, senior housing apartments, and single family housings), rental and homeownership opportunities, connectivity to surrounding neighborhoods, and a privately owned community amenity. The development scenarios that have been developed are conceptual in nature. If endorsed by City Council, they will form the basis for a solicitation to the private sector through a Request for Proposals to redevelop the site. The site's redevelopment will likely be phased over the next 5-10 years, and will require public participation to fill anticipated gaps in funding. The anticipated public participation has been factored into the City's Capital Improvement Plan. Development Finance Initiative will continue to assist the City by drafting the RFP, recruiting respondents, evaluating proposals, and negotiating a development agreement.



Salisbury City Council Agenda Item Request Form

Specific Action Requested of Council: *(Recommended motion and Statement of Consistency if applicable)*

Council to consider selecting Option 1 as the preferred Development Plan for the Kesler Mill site, as well as the projected public participation, as the basis for marketing the site to the private sector for redevelopment.

Department Head Signature (Required)

Fernando Jackson

Kesler Mill Redevelopment

Final Program Recommendation



Meeting Objective

Share public engagement feedback for the Kesler Mill development options and provide a final program recommendation.

Agenda

- Project overview
- Public engagement feedback
- Final program recommendation
- Next Steps



Source: Salisburync.gov



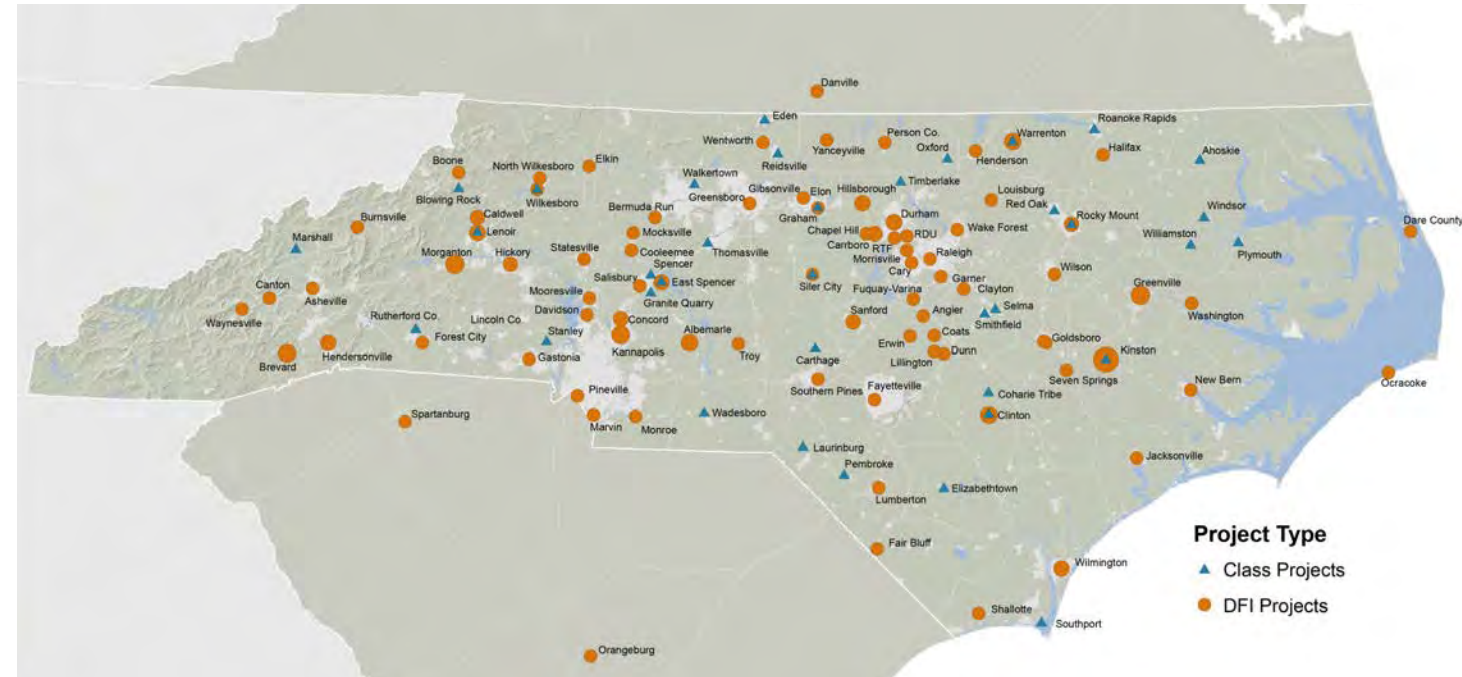
SCHOOL OF GOVERNMENT

Development Finance Initiative

DFI, a program of UNC Chapel Hill's School of Government (SOG), partners with local governments to attract private investment for transformative projects by providing specialized finance and development expertise.

SOG is the largest university-based local government training, advisory, and research organization in the United States, and serves more than 12,000 public officials each year.

Values: Nonpartisan, policy-neutral, responsive

Project Team

Project Manager: Sonyia Turner

Analyst: Ethan Sleeman

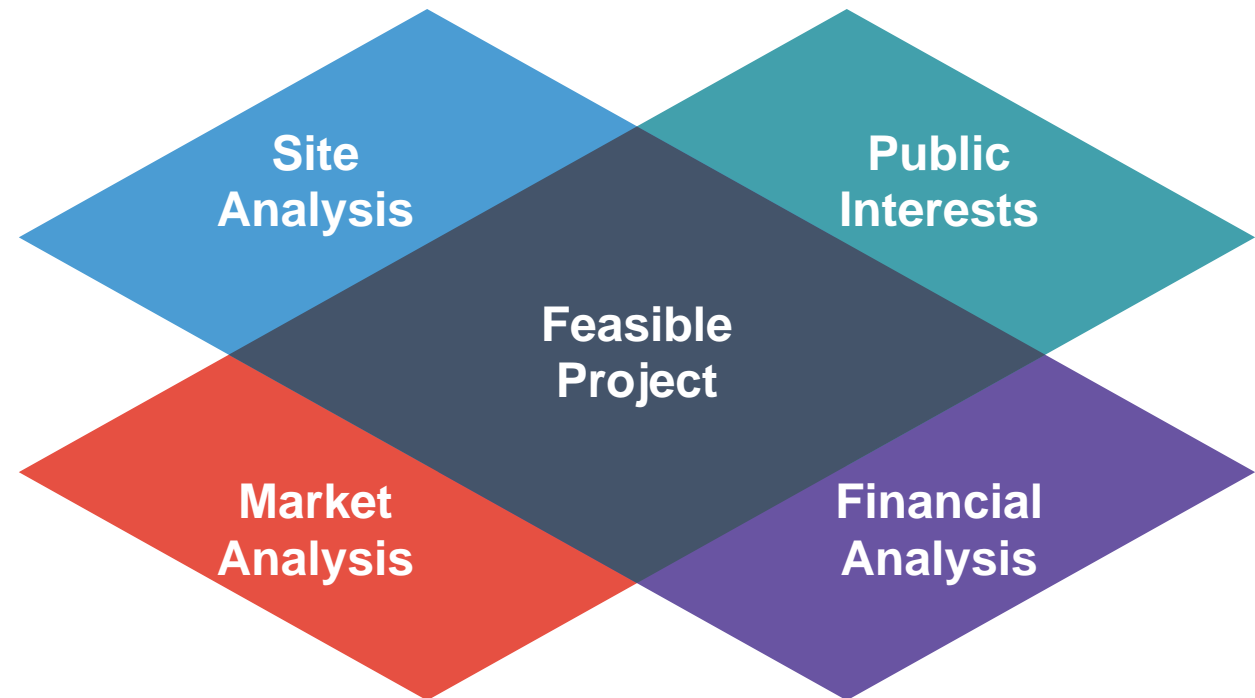
Asst. Director for Housing: Sarah Odio

Development Advisor: Rory Dowling

DFI Scope of Services

The City of Salisbury engaged the Development Finance Initiative (DFI) to support the city in attracting private investment for the Kesler Mill site. The scope of work includes:

1. Pre-development feasibility analysis for residential uses including, multifamily affordable housing, market-rate residential, and homeownership
2. Solicitation of private development partner(s)
3. Support City in negotiating development agreement with selected partner(s)



Guiding Public Interests

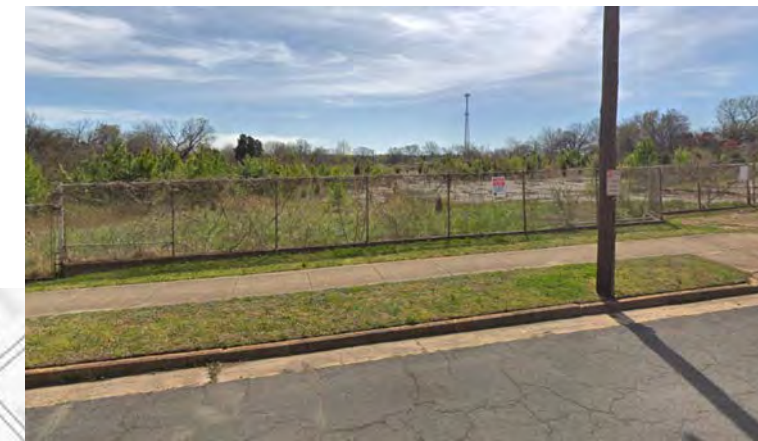
Endorsed by Salisbury city council on September 5, 2023

Development on the Kesler Mill site should...

- Provide a catalytic development that incorporates housing options for low-to-moderate income households for a mixed-income community.
- Respect the character and history of the Park Avenue neighborhood.
- Incorporate multimodal connections to the existing streets and sidewalks in the surrounding neighborhood and downtown Salisbury.
- Incorporate a greenway or trail through the site that promotes safety and is accessible to the surrounding community.
- Minimize public investment; maximize private investment.

Kesler Mill Site Opportunity

- Site is challenging for commercial; ideal for residential development.
- Site presents a strong opportunity for affordable rental housing.
 - The site is competitive for Low Income Housing Tax Credits (LIHTC).
- There may be an opportunity to explore affordable homeownership options.
 - Brownfields program prohibits single family detached homes.
 - Parcels adjacent to E. Franklin St. and Park Ave. not included in Brownfields.



LIHTC provides equity and a framework for monitoring private development



Low-Income Housing Tax Credit (LIHTC) provides tax credits for acquisition, rehab, or new construction of affordable rental units.



Awarded to private developers or non-profits, not local governments.



Contributes equity to a project dependent on suitability of site for development:

- 9% (high subsidy, highly competitive)
- 4% (less subsidy, less competitive)



Project remains affordable for 30 years (privately owned and managed) and monitored by NC Housing Finance Agency.



Income requirements: 20-80% AMI.



Kesler Mill Development Plan Features

- **Mix of housing types**
 - duplexes, townhouses, apartments, single family.
- **Rental and homeownership opportunities**
- **Mix of households served**
 - seniors and families.
- **Connectivity to surrounding neighborhood**
 - continuation of Cemetery Street to N. Arlington St.
 - the opportunity to connect N. Arlington St. to Franklin St.
 - sidewalks and a potential trail/greenway.
- **Community amenity** (*privately-owned*)

Note: The following plans are conceptual



Kesler Mill Development Plans

Option 1
148 units

Option 2
158 units



Community Engagement Overview

The City and DFI promoted the engagement opportunities via the Kesler Mill webpage, direct mailings to neighborhood residents and business owners, door-to-door canvassing, social media, and stakeholder networks.

Date	Format	Participants*
March – April 2023	One-on-one stakeholder calls	11
June 15 – July 14, 2023	In-Person, Virtual, online feedback form	40
March 7 – April 12, 2024	In-Person, Virtual, online feedback form	29
Total Participants		80

*Excludes city staff and DFI team



Participants were asked a) How well the plans meet the public interests and b) Which does it best?

Guiding Public Interests



Guiding Public Interests	Option 1	Option 2
Provide a catalytic development that incorporates housing options for low-to-moderate income households for a mixed-income community.		
Respect the character and history of the Park Avenue neighborhood.		
Incorporate multimodal connections to the existing streets and sidewalks in the surrounding neighborhood and downtown Salisbury.		
Incorporate a greenway or trail through the site that promotes safety and is accessible to the surrounding community.		
Minimize public investment; maximize private investment.		

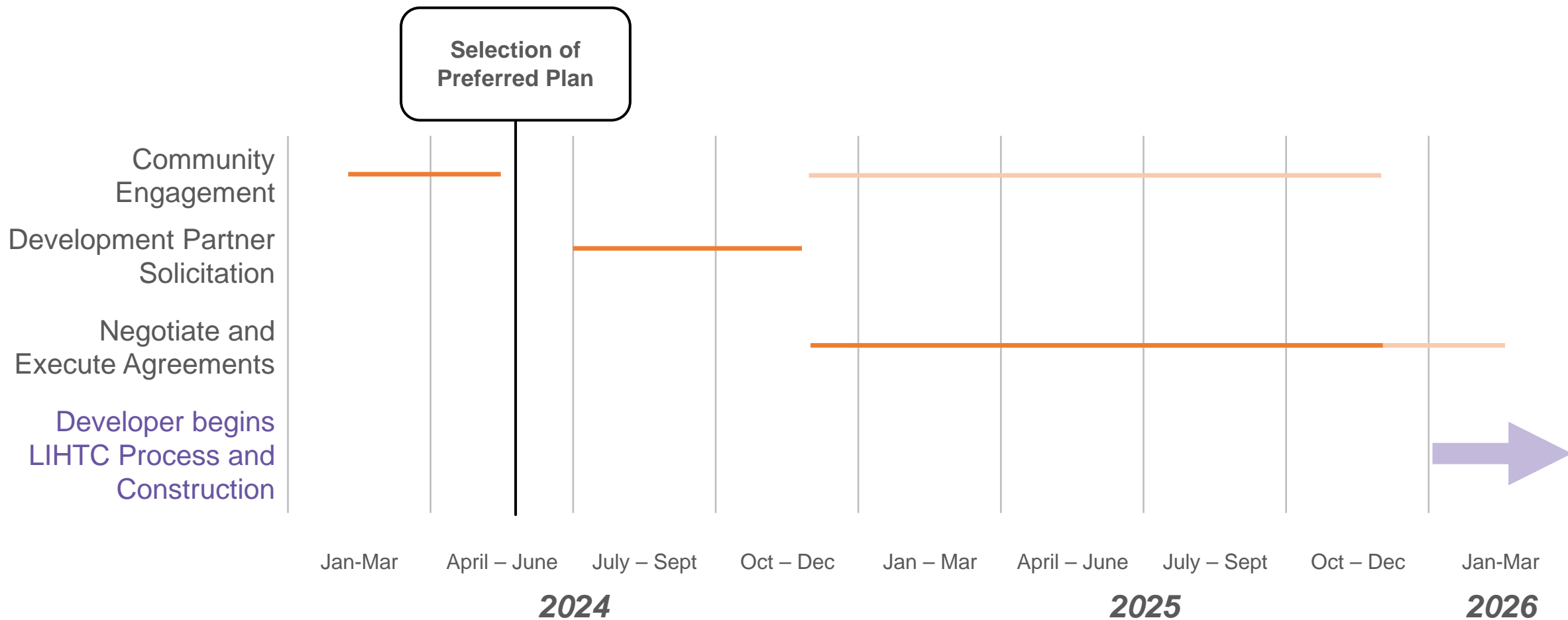


Strong Preference for Option 1

- Support for Option 1 was greatest for the goal of respecting the character of the neighborhood.
 - Most participants preferred townhouses over apartment buildings.
- Most of the conversations and responses centered on the details of the final development:
 - Desire for more moderate-income units (80% AMI).
 - Ensuring the safety of the greenway/trail through the site.



Project Next Steps



*Timeline is an estimate and subject to change to allow for thoughtful decision-making, LIHTC application process, and potential market shifts.



SCHOOL OF GOVERNMENT

Development Finance Initiative

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL



Salisbury City Council Agenda Item Request Form

Agenda Item

Item Title: Downtown Dumpster Project Update

Requested Council Meeting Date: 05/21/2024

Name and Title of Presenter(s): Michael Hanna, Public Works Assistant Director

Main Point of Contact Email: mhann@salisburync.gov

Phone: 7042168028

Consent Agenda

(Item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda

(Item to be discussed for consideration by Council)

Item Category: Action Information Only Other

Select if one of these categories apply: Ordinance Resolution Contract

Strategic Plan

Focus Areas:

- Healthy, Safe & Engaged Neighborhoods
- Economic & Workforce Development
- Public Safety
- Organizational Excellence
- Sustainable Infrastructure
- Cultural Amenities

[Strategies:](#) *(Click to view specific Strategic Plan strategies)*

-Engage with our community to promote and foster thriving neighborhoods where people feel safe.

-Continue to invest in our infrastructure to plan for economical and sustainable growth and to properly maintain City assets.

Fiscal Note

Is this item included in the current Fiscal Year budget? Yes No No Budgetary Impact

If no, identify the funding source

Current solid waste collection fee

Finance Manager Signature

Budget Manager Signature:

(If this agenda item involves funding, including grants, donations, and budget ordinance amendments, it must have a fiscal note included above along with the signature(s) of approval from the Finance Manager and/or Budget Manager)



Salisbury City Council Agenda Item Request Form

Description of Requested Agenda Item: *(Please provide detailed information necessary for City Council to make an informed decision)*

Staff to provide update on the downtown dumpster pilot project. This update will include past project summary, next steps, and anticipated timelines.



Salisbury City Council Agenda Item Request Form

Specific Action Requested of Council: *(Recommended motion and Statement of Consistency if applicable)*

No action needed.

Department Head Signature (Required)

Boards and Commissions Worksheet – 2024

Community Appearance Commission – Tamara Sheffield, Council Liaison

<u>Current Members</u>	<u>Term Expires</u>	<u>Eligible for Reappointment</u>	<u>Need 2 Members</u>
Hugo Correa	3/31/24	No	Jennifer Baldi
Michael Mills	3/31/24	No	Krystal Biskner
James Carli	3/21/24	No	Linda Moser
Kelly Vanager	3/31/24	Yes	Kelly Miller
Jeffrey Martinez	3/31/24	No	Beth Rutledge
Vacant	3/31/26	n/a	Rebecca Wells
Vacant	3/31/25		
Vacant	3/31/26		

Applicants:

Karen Lilly-Bowyer
Carlton Jackson, Jr.

Notes: Efforts are made to maintain a majority of members who have had special training or experience in a design field, such as architecture, landscape design, horticulture, city planning or a closely related field. **Need two members. No recommendations at this time.**

Greenway, Bicycle and Pedestrian Committee - Harry McLaughlin, Council Liaison

<u>Current Members</u>	<u>Term Expires</u>	<u>Eligible for Reappointment</u>	<u>Need 1 Member</u>
Edward Hirst	3/31/24	No	Lisa Bowman
Sara Clymer*	3/31/24	Yes	Sara Clymer
Amy Smith*	3/31/24	Yes	Amy Smith
Vacant	3/31/25		

Applicants:

Karen South Jones

Notes:

Planning Board/Board of Adjustment

<u>Current Members</u>	<u>Term Expires</u>	<u>Eligible for Reappointment</u>	<u>Need 2 Members</u>
Jayne Land	3/31/24	No	Famous Lusti
Timothy Norris (ETJ)	3/31/24	No	
Dennis Rogers	3/31/24	No	Katherine Thornton
John Struzick	3/31/24	No	Steven Raffa
Mr. Jon Post	3/31/24	No	Ben Tobey
Mr. John Struzick	3/31/24	No	

Applicants:

Robert Schmidt
Karen Lilly-Bowyer
Becky Candelora

Notes: **Need 1 regular members and 1 ETJ member.**

Tree Board – Harry McLaughlin, Council Liaison

<u>Current Members</u>	<u>Term Expires</u>	<u>Eligible for Reappointment</u>	<u>Need 1 Member</u>
Jonathan Barbee *	3/31/24	Yes	Jonathan Barbee
Melissa Eller *	3/31/24	Yes	Melissa Eller
Melissa Shaver	3/31/24	No	Melissa Shaver
Vacant	3/31/25		Dr. Louis Kandl
Vacant	3/31/25		

Applicants:

Notes: Need 1 member