



The Salisbury Planning Board held its regular meeting on Tuesday, March 14, 2023, at 4:00 p.m. with the following being present:

**PRESENT:** Esther Atkins Smith, Bill Burgin, PJ Ricks, Dennis Rogers, John Schaffer, John Struzick

**STAFF:** Victoria Bailiff, Senior Planner; Jenni Pfaff, Planning Board Secretary

## **WELCOME GUESTS AND VISITORS**

John Schaffer, Chair, called the Planning Board meeting to order at 4:00 p.m.

## **APPROVAL OF MINUTES**

Planning Board Minutes of February 28, 2023 were approved as written by Members present.

## **NEW BUSINESS**

**CD-03-2022: 2765 Statesville Boulevard, Wilde Community; PID: 330 021, 330 040; Current Zoning: CMX, RMX, OSP, and Rowan County zoning district CBI; Proposed Zoning: RMX-CD; Applicant: Fiorenza Properties**

**Presenter: Victoria Bailiff**

### **Request**

The applicant is requesting to rezone two parcels from CMX, RMX, OSP, and Rowan County zoning district CBI to RMX-CD for a major subdivision with 54 single family lots and 115 townhome lots.

### **Staff Presentation**

Victoria Bailiff gave a staff presentation outlining the change in requested zoning, and the area slated for annexation. The applicant has come before the board previously, but due to the newly approved Forward 2040 Comprehensive Plan, the proposed zoning request has been changed to align with the Future Land Use Map. The board is also asked to recommend a Placetype for the annexed property; the annexation petition has already been submitted.

The current Placetype is “Future Neighborhood,” which includes the RMX zoning classification. The change from CMX to RMX does not require any changes to the current plans, however, a CD is required since the applicant is requesting a design alternative for the clubhouse parking lot.

Ms. Bailiff presented the applicable Forward 2040 policies, 4.4.1, and 4.4.3.

### **Public Comment**

None.

### **Deliberation**

Ms. Bailiff introduced a new process to avoid confusion in making a motion based on the newly adopted Forward 2040 plan. She provided members a template to use when making a motion, which will be divided into two sections: 1) consistency to plan, and 2) recommendation to City Council.

### **Consistency Statement**

Bill Burgin made a MOTION; “The City of Salisbury Planning Board finds that the zoning map amendment requested in petition CD-03-2022 is **CONSISTENT** with the goals and policies of the adopted Forward 2040 Comprehensive Plan.” PJ Ricks seconded the MOTION, and all members present voted AYE.

### **Recommendation to City Council**

PJ Ricks made a MOTION; “Having reviewed the rezoning application, accompanying documents, and having considered information from City staff, comments from the applicant and other persons, the City of Salisbury Planning Board finds that the zoning map amendment requested in petition CD-03-2022 is reasonable and in the public interest, therefore, the Planning Board recommends **APPROVAL** of the request upon annexation.” Bill Burgin seconded the MOTION, and all members present voted AYE.

### **Placetype Recommendation**

PJ Ricks made a MOTION; “Having reviewed the site characteristics, location, surrounding uses, and placetype designations, the City of Salisbury Planning Board recommends that upon annexation, tax parcel 330 040 be designated as **Future Neighborhood** in the Future Land Use Map.” Yvonne Dixon seconded the MOTION, and all members present voted AYE.  
PJ made recommendation, Yvonne second, all AYE.

## **STAFF UPDATES**

In preparation for the upcoming Board of Adjustment meeting, Ms. Bailiff presented a short update on quasi-judicial procedure.

She stressed, as a request from Mr. Rogers, the seriousness of following procedure when considering evidence and making a decision. Their decision will be final; it is not a recommendation, as in Planning Board decisions. If the applicant decides to appeal, the case will

go to Superior Court. This dictates the need for the city to proceed properly, improper proceedings could affect the outcome in Superior Court.

Speakers will give testimony under oath, and should have standing, as well as present evidence based on facts, not hearsay. The best speaker should be a professional, or person with specific knowledge about the subject. The applicant should be aware of the standing requirement for public comment, and an attorney will be on hand to advise the board.

### **OTHER BUSINESS**

Election of chair and vice chair will take place at the next meeting.

**ADJOURN 4:29 p.m.**

  
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John Schaffer, Chair

  
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Jennifer Pfaff, Secretary