



The Salisbury Planning Board held its regular meeting Tuesday, January 26, 2021, via Zoom, with the following being present and absent:

**PRESENT:** William (Bill) Burgin, Jayne Land, Tim Norris, Jon Post, Patricia Ricks, Dennis Rogers, John Schaffer, John Struzick, and Bill Wagoner

**ABSENT:** Three vacant seats

**STAFF:** Teresa Barringer, Graham Corriher, Catherine Garner, and Diana Cummings

**GUESTS:** Dan Brewer, Cynthia Ledford, Matt Mandle, Andrew McDonald, Michael Pryor, and Skylar White

### **CALL MEETING TO ORDER**

John Schaffer, Chair, called the meeting to order at 4:05 p.m.

### **APPROVAL OF MINUTES**

Minutes of January 12 and 21, 2021, were approved as submitted.

### **NEW BUSINESS**

#### **Courtesy Hearing**

#### **CD-08-2018 Shay Crossing Phase 4**

Petitioner: Andrew McDonald, True Homes

Owner: B&C Land Framing, LLC (Monroe, NC)

Representatives or Developers Andrew McDonald, True Homes; Matthew Mandle, ESP Associates

Address: 600 Block of Earnhardt Road; North of Stokes Ferry Road

PID(S): 058 088; 065 008; & 067 189

Size / Scope: Approximately 101.36 acres

#### **Petitioner Request**

Request to amend the Land Development District Map by rezoning approximately 101.36 Phases 1-3 of Shay Crossing, from Urban Residential (Ur-12) and Neighborhood Mixed Use (NMX) to General Residential (GR-6) and establishing a new Conditional District (CD) Overlay for a master plan proposal for Phase 4 for 246 mixed lot widths for single family home construction. Proposal includes five sub-phases for construction plan. This is a request to combine and develop three parcels from the current zoning of Urban Residential (UR12) and Neighborhood Mixed Use (NMX) to downzone to General Residential (Gr-6) with a Conditional District (CD) Overlay GR6-CD).

The proposed development shall be for a master plan of 246 mixed lots for the construction of single family homes. The proposal includes delineation for five sub-phases to overall Phase 4 plan. Full compliance of construction review will identify requirements of proposed phasing of infrastructure prior to acceptance. This rezoning will be a down-zoning as it reduces the maximum number of units available (density), but grants the developer more suburban design element over the more restrictive urban design elements, such as a less restrictive curb type and a lesser amount of recreational open space. In UR the minimum lot width is 30 feet and in the GR the minimum lot width is typically 55 feet. There will be mixed lot sizes with the smallest being 36 feet. The developer has provided a verbal interest in voluntary annexation of Parcels 065 008, 067 189, and a portion of 058 088 which will be processed by the City Engineer.

PHASING LOT BREAKDOWN	
PHASE 4-A: TOTAL LOTS:	+/- 55 LOTS
PHASE 4-B: TOTAL LOTS:	+/- 50 LOTS
PHASE 4-C: TOTAL LOTS:	+/- 33 LOTS
PHASE 4-D: TOTAL LOTS:	+/- 51 LOTS
PHASE 4-E: TOTAL LOTS:	+/- 57 LOTS

The Technical Review Committee made a recommendation to approve the plan as proposed.

The BMP has not come through for commercial review at this point.

#### Land Development Ordinance Provisions

##### **Ch. 2: Zoning Districts (Uses & density)**

GR-6 permits single-family homes up 606 total units based on 101.36 acres; proposed 246 units results in density less than .5 units per acre single-family is the only primary use allowed.

##### **Ch. 3: Additional Use Standards N/A**

**Ch. 4: Infrastructure (Utilities, Streets, Etc.)** Proposing 50-ft. rights-of-way with sidewalks on both sides, street lights, and public street trees. The proposal meets the Connectivity Index of 1.4 for GR.

**Ch. 5: Building**—Proposing a mix of 36, 50, and 60 ft.-wide by 100 ft.-deep lots; all homes to feature front-loading one or two-car garages. Conditional District (CD) alternatives apply to the lot widths being requested.

##### **Ch. 6: Accessory & Misc. N/A**

**Ch. 7: Recreational Open Space**—Gr-6 requires that 6 percent of the site be reserved and developed for recreational open space which results in a minimum of 6.08 acres. The proposal identifies 12.16 acres exceeding the minimum requirements. As part of the construction review, the recreation open space will be required to be “planned and improved, accessible and usable by persons living nearby” as required by Land Development Ordinance (LDO) 7.3.

**Ch. 8:** Landscaping–Conceptual shown upon approval of the Conditional District (CD), the construction drawings will detail street trees, perimeter landscaping, and 30 percent required tree canopy.

**Ch. 9:** Environmental Protection–Proposing (4) preliminary storm water Best Management Practices (BMP) devices. Storm water area may be used for sedimentation during construction and converted to permanent BMP’s at completion and as approved by construction plans and engineering review.

**Ch. 10:** Parking–Parking provisions met on each lot providing one space per bedroom up to two per unit.

**Ch. 11:** Private Lighting–Exempt

**CH. 12:** Signage–Not part of rezoning proposal. If approved, a subdivision entrance sign can be installed upon review and approval subject to LDO Chapter. 12.

A related traffic study of Earnhardt Road has been submitted to NCDOT who is now reviewing it; they will state the requirements. In the original Drummond Village proposal, there was a decelerating/turn lane at the intersection of Stokes Ferry and Earnhardt Road. This will be installed as part of the NCDOT permit.

Summary of Citizens Comments (Emails included in packet)

12/4/2020  
Susan Michelle Doyle  
2608 Crane Drive  
Salisbury, NC 28146

Ms. Doyle emailed concerns relative to home sizes, prices ranges, proximity to abutting lots off of Crane Drive, and potential impact to home values.

12/18/2020  
Cynthia Ledford  
655 Earnhardt Road  
Salisbury, NC 28146

Ms. Ledford initially contacted the staff on December 18 inquiring about the rezoning proposal. Several emails followed requesting additional relative to traffic study requirements, the Jake Alexander Blvd. reserved right-of-way, and how the rezoning will impact the adjoining properties.

01/13/2021  
Michael Pryor  
650 Earnhardt Road  
Salisbury, NC 28146

Mr. Pryor initially contacted our office by phone requesting additional information for the proposed rezoning. He noted concerns relative to the Jake Alexander Blvd. reserved right-of-way. Staff provided additional information via email and met with Mr. Pryor January 20 to review the submittal and provide additional information. Mr. Pryor also emailed January 21 to provide full comments regarding his concerns of the lot sizes and the impact of the ROW to his property.

01/19/2021

Jody Cape

Jody contacted One Stop by phone and requested a copy of the proposed site plan to identify what the proposed rezoning was for. Staff emailed the master plan. Additional citizen comments/correspondence provided by the Petitioner included in the packet.

### **Applicable Plans: Vision 2020 Comprehensive Plan**

Policy N-18: As new neighborhoods are developed, a mixture of housing types/sizes/prices shall be provided within the bounds of each neighborhood planning area.

Housing: We see a multitude of housing choices, ranging from single-family homes, to townhouses, to garage apartments, to apartments over downtown shops or the neighborhood corner store. We see neighborhoods with several different well-designed housing types for all incomes where the elderly, young families, singles and others share experiences and help one another

### **Applicant**

Andrew McDonald represented True Homes. He thanked Teresa and staff for their hard work and for making this process smooth. He introduced Matt Mandle of ESP Associates, Inc. who made an overview presentation of the project. Matt stated that they provide a scholarship to Wingate University to someone eligible in the county in which they are building.

True Homes is a potential developer for this community; that has not yet been determined.

The current plan has included soft-surface trails in the 150-foot Duke Energy utility easement and tree preservation areas are included. Jake Alexander Boulevard is shown as a placeholder for future extension of the road. There is perimeter open space to serve as a buffer in between adjoining roads and parcels. Street trees will be provided on both sides of the street to meet the ordinance requirements. The flow of water at Crane Drive would have to be engineered according to state and city standards.

### **Public Comment**

Each speaker received three minutes for comments.

**Michael Pryor / Mary Lea Arceo**  
**650 Earnhardt Road**  
**Salisbury NC 28146**  
**704-798-3291**

Mr. Pryor owns an adjacent property and stated that he has concerns about privacy. He requested the natural area remain and a border fence be erected at his property line; his neighbor would also like a 4-6-foot privacy fence. He spoke to staff about the lot sizes and flood plains. "I think these houses are too small and create privacy issues." He preferred 60-foot lots.

The applicant responded that there will be a beneficial hill between the rear of his property and the development. He also said he would be in favor of installing a 6-foot fence on that corner (approximately 200 feet for rear of Mr. Pryor's property and 150-feet for his neighbor's rear of property).

**Cynthia Ledford**  
**415 Newport Drive**  
**Salisbury, NC**  
**Recently purchased: 655 Earnhardt Road, Salisbury**

Three months ago she and her husband used their life savings to purchase this home. This was to be their retirement home. "This proposal is high density--there are 10 lots proposed across the street from what we thought was a rural setting." Not in favor of smaller lots. Future Jake Alexander Boulevard is at the end of her driveway on the curve. "I would drive 20 miles out of my way to avoid Jake Alexander Boulevard. A fender flew off into my hayfield already."

John Schaffer calculated that there is roughly 75 feet from centerline of Earnhardt Road to the rear of a housing structure. Part will be landscaped. Jake Alexander Boulevard placeholder is outside of the Planning Board purview and has been there since the 2006 plan.

**Tara Fulton** asked (via email) for her comments be read at the meeting. She is Thelma Bates's daughter and the address is 230 Rhema Lane. They moved here to get away from the city 30 years ago. They have enjoyed a peaceful living environment for this was the lifestyle she wanted. This proposal has brought stress to the residents in the area.

### **Board Discussion**

Jon Post noted that right now part is zoned UR 12 with minimum lot size of 30 feet x 100 feet. UR 12 requires a vertical curb. Staff added that in the NMX the "house building type" is not permitted. Row townhouses and apartments are permitted in the NMX--could be 12 units per acre by right with no maximum.

Bill Wagoner pointed to the fact that proposing 200 units is not placing a "worse" set of conditions on the property. The existing condition is that 912 units could be developed by right. John Schaffer added that, under the current zoning, there could be multifamily dwellings.

The downzoning reduces the amount of required open space—UR12 is 12 percent and GR6 is 6 percent. Staff said the landscape review has not happened at this stage of development. There are 26 acres of land in the flood plain. The proposal exceeds the open space requirement. Twenty to twenty-two houses back up to Earnhardt Road and face into the development. There will be a 25-foot landscape buffer in that perimeter.

The developer, Andrew, stated that his intent was to use the stripping from Phase One and Phase Three; the topsoil not being used could be directed to create a berm and landscaping along Earnhardt Road to shield the homes from noise and traffic. Teresa would like to discuss this with Engineering Department.

The NMX area that is split-zoned goes away. Jayne Land said, “Homeowners generally care for property and show more pride than renters.”

### **Motion**

Jon Post made a MOTION to approve CD-02-2018 as submitted. It is consistent with the Vision 2020 Comprehensive Plan Policy N18—*As new neighborhoods are developed, a mixture of housing types/sizes/prices shall be provided within the bounds of each neighborhood planning area.*

Bill Burgin amended the MOTION to include 350 linear feet of fencing. Bill Wagoner made an amendment to also include a berm where the lot backs up to the road. The 3-5' berm needs to extend from the southern boundary of the Jake Alexander Boulevard right-of-way (ROW) as it abuts Earnhardt ROW south down and through the opening to the street going into the development and continues south at least to the BMP (as far as feasible). Then leave it to construction drawings and staff to work out with the design of the BMP.

Patricia Ricks seconded the MOTION with all members VOTING AYE. 9-0 (Bill Burgin, Jayne Land, Tim Norris, Jon Post, Patricia Ricks, Dennis Rogers, John Schaffer, John Struzick and Bill Wagoner)

The City Council will receive Planning Board recommendation to approve CD-02-2018 at the February 16, 2021, council meeting.

### **2021-2022 GOALS**


The committee met January 21; minutes of this meeting were provided. Catherine Garner provided a PowerPoint presentation that tied goals and activity to the defined role of the Planning Board by NCGS 160D 301(b).

Bill Wagoner is serving on a month-to-month, however, he anticipates that other obligations will require he leave the planning board in March. Those serving their first term like Jayne Land or filling an unfulfilled term are eligible for a second term.

The goals presentation to City Council will include a complete list of Planning Board members and the expiration date of each term.

**Salisbury**

**Planning Board**

 **2021-22 GOAL SETTING**

A planning board may be assigned the following powers and duties:

**NCGS 160D-301(b)**

FY 2020	FY 2021
<ul style="list-style-type: none"> <li>Assisted with continued work on Forward 2040</li> <li>Several PB members also on Steering Committee</li> </ul>	<ul style="list-style-type: none"> <li>Continue work on Forward 2040</li> <li>Assist with presentation of plan for adoption by end of calendar year</li> </ul>

**(1) To prepare, review, maintain, monitor and periodically update and recommend to the Governing Board a Comprehensive Plan**

FY 2020	FY 2021
<ul style="list-style-type: none"> <li>Recommended approval of LDO changes to comply with NCGS 160D, other legislative changes</li> <li>Recommended changes to first class mail certification procedures for public hearings</li> <li>Worked on preparing text amendments in response to N-Focus review</li> </ul>	<ul style="list-style-type: none"> <li>Put forth the text amendments resulting from the N-Focus study for review and approval</li> </ul>

**(3) To develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.**

FY 2020	FY 2021
<ul style="list-style-type: none"> <li>Reviewed changes to ordinance relative to NCGS 160D, other staff proposed text amendments</li> <li>Rowan Woodland and Westbrook Trace Apartments – CD Rezoning</li> </ul>	<ul style="list-style-type: none"> <li>Put forth the text amendments resulting from the N-Focus Study</li> <li>Review and comment on all other applications in a timely manner for Council's consideration</li> </ul>

**(4) To advise the governing board concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160B-604.**

FY 2020	FY 2021
<ul style="list-style-type: none"> <li>N-Focus Study</li> <li>Assist with Forward 2040 as requested</li> </ul>	<ul style="list-style-type: none"> <li>N-Focus Study</li> <li>Small area plans – South Main Street</li> <li>Assist with Forward 2040 adoption as requested</li> <li>Receive additional training offered by UNC School of Government</li> </ul>

**(7) To perform any other related duties that the governing board may direct**

**FY 2021 REQUEST**

A local government may by ordinance provide for the appointment and compensation of a planning board or may designate one or more boards or commissions to perform the duties of a planning board. A planning board established pursuant to this section may include, but shall not be limited to, one or more of the following:

**NCGS 160D-301(a)**

<ul style="list-style-type: none"> <li>Jayne Land</li> <li>Jon Post</li> <li>Tim Norris (ETJ Representative)</li> <li>PJ Ricks</li> <li>John Schaffer, Board Chair</li> <li>Bill Wagoner</li> </ul>	<ul style="list-style-type: none"> <li>John Struzick, Board Vice-Chair</li> <li>Dennis Rogers</li> <li>Bill Burgin</li> <li>Vacant</li> <li>Vacant</li> <li>Vacant, ETJ Representative</li> </ul>
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**(1) A planning board of any size or composition deemed appropriate, organized in any manner deemed appropriate; provided, however, the board shall have at least three members.**

Bill Burgin made a Motion to approve the goals proposal as submitted. John Struzick seconded the motion with all members VOTING AYE. (9-0)

## OTHER BUSINESS

Teresa Barringer reviewed some of the training that is available for the Planning Board. She will send an email to get feedback from the group. The board will take one module at a time with the board all taking the same module.

## ADJOURN

The Planning Board meeting was adjourned at 6 p.m.

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John Schaffer, Chair

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Diana Cummings, Secretary