



The Salisbury Planning Board held its regular meeting Tuesday, January 14, 2020, in the Council Chamber at Salisbury City Hall, 217 S. Main Street, at 4:00 p.m. with the following being present and absent:

PRESENT: John Struzick, Jon Post, Bill Wagoner, Dennis Rogers, Bill Burgin, .John Schaffer, Dennis Lunsford, Tim Norris, and Jayne Land

STAFF: Teresa Barringer, Graham Corriher, Catherine Garner, and Jessica Harper

WELCOME GUESTS AND VISITORS

Bill Wagoner, Chair, called the Planning Board meeting to order

APPROVAL OF MINUTES

- Planning Board Minutes of December 10, 2019 approved as submitted.

NEW BUSINESS

Z-02-2019

CD-03-2019

STAFF PRESENTATION

CASE NO.

Z-02-2019

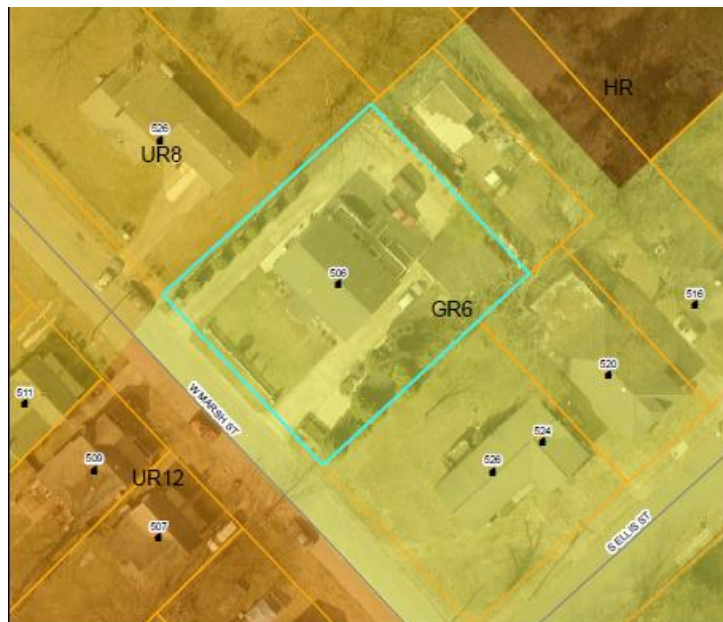
Petitioner(s):

Silverio A. Confesor

Owner(s):

Jorge Ortega & Yoko Senaga

Representative(s) or Developer(s): Silverio A. Confesor



PETITION:

Request to amend the Land Development District Map by: Rezoning (1) parcel from **General Residential (GR-6)** to **Urban Residential (UR-12)** district. This petition, submitted by Silverio Confesor, is a request to rezone 506 W. Marsh Street from General Residential (GR-6) to Urban Residential (UR-12). Mr. Confesor is currently under contract to purchase the subject property contingent upon approval of the rezoning.

STAFF COMMENTS:

The subject property was originally constructed in 1999 as a single family dwelling. In March 2017, Code Services made contact with the Mr. Jorge Ortega noting a complaint had been received that may identify potential non-compliant changes that were made to the property. Upon reviewing the records and discussing the property with the current property Mr. Ortega city staff determined the home had been converted to (3) units with the main living area on first floor with (2) apartment units on the second floor and the detached garage had been converted to a secondary-dwelling unit with no approvals. The multi-family use and the detached secondary dwelling had not been approved by the City and would not be eligible for consideration under the current zoning. Staff met with Mr. Ortega on several occasions advising him that the secondary dwelling was prohibited and would be required to be vacated from occupancy. There was also an approximate 7 ft. x 24 ft. addition to the detached garage that violated setback requirements that would need to be removed. It could be returned to the use of a detached garage or storage building. The structure was not eligible for a secondary dwelling request as the footprint of the structure appeared to exceed the maximum 750 sq. ft.

The petitioner is now requesting to rezone the property to be able to bring the (3) unit primary structure into compliance. Mr. Confesor is aware the non-compliant secondary dwelling located in the original detached garage will be required to be converted back to a garage or and accessory structure. Staff determined that although UR-12 is not contiguous to the subject parcel, it is directly across the street from several blocks of UR- 12 zoned parcels. She added that the parcel is contiguous to UR-8 zoning at the west boundary. However; the density of UR-8 would not allow the subject property to remain as (3) units. Staff noted that the proposal to retain the use of (3) units has minimal impact to the streetscape. Entries to the second story units are accessed from the rear of the primary residence.

POLICY:

Vision 2020 Comprehensive Plan

Any rezoning attempt must be held against the policies and objectives of the Vision 2020 Comprehensive Plan, as well as any other Council-adopted, applicable plans. Staff determined that the rezoning petition is consistent with **Policy N-9: Architecturally compatible accessory housing may be encouraged on developed lots within neighborhood areas, especially for elderly housing.** Staff notated that the entrance to the second floor apartments are accessible from rear of the primary structure with no visibility to the streetscape

APPLICANT PRESENTATION

The interested buyer, Mr. Confesor wants to rezone the property to be able to bring the (3) unit primary structure into compliance. Mr. Confesor is aware that the non-compliant secondary dwelling located in the original detached garage will be required to be converted back

to a garage or and accessory structure. He confirmed that he will be living in the downstairs unit. He did have an appraisal done Monday, January 6, 2020 and is still waiting for the report. Ms. Land asked the applicant if the contract paperwork specified multi-family or single family. He confirmed the contract stated two units which included the house and the garage. Mr. Wagoner asked the applicant if there was a real estate agent representing the seller. He also asked if the applicant was notified if the property was non-compliant with Rowan County and City of Salisbury laws. The applicant confirmed that he was not notified of any noncompliance. The applicant did bring and provide his buyer's agent along with him. He also confirmed with the board that his intention to buy the property is not contingent with Planning Board or City Council approvals.

COURTESY HEARING IN FAVOR

Robert Nunez (realtor) of 14435 Palmer Lane Mathews, N.C. spoke in favor of the rezoning. He identified that the seller's agent did advise him about the non-conforming home. Mr. Nunez stated that he did inform the potential buyer in these matters. He also stated that the potential buyer is interested in buying the property regardless of Planning Board and City Council's rezoning approval.

IN OPPOSITION

Jesse Ellison of 509 W. Marsh spoke against the proposed rezoning. She informed the board that the home was built as a single family home. She also stated that she reported the construction of multi-family to the city. She also reported the increase in traffic as well as the remodeling of the garage. She added that the neighborhood consists of single family homes and the elderly. She feels that the increased traffic will decrease property values in the neighborhood. She added that she has lived in the neighborhood since 1976 and it should remain a quiet single family neighborhood. .

COURTESY HEARING CLOSED

DISCUSSION

Mr. Post asked staff to confirm the availability of other multi-family homes in the area. Staff was able to locate other multi-family units within the two block radius. After confirming multiple zoning jurisdictions in the area staff confirmed some of the homes to be legal non-conforming. Board members also asked if the interior and exterior up fits were illegally done without Rowan County Permits and staff confirmed that they were. Staff stated that the residence could have up to six non-related people living in the residence. She continued saying that the apartments are not an issue until they are marketed as such. Mr. Wagoner confirmed the listing agent as Keller Williams and was initially advertised as multi-family, but later changed. Ms. Land asked about permits and inspections and if they should be required. Staff answered saying a zoning permits can be issued, but other permits will need to be followed up by Rowan County building code. The applicant confirmed with Mr. Post that the due diligence date ends at the end of January. Ms. Land added that the due diligence period is different from the contract agreement and it can be extended if everyone agrees. Staff noted to Ms. Land that the Rowan County tax card identifies this property to be single/multi family. Staff added that when a zoning permit is issued for this property it will identify that a certificate of occupancy be required.

Staff added that the code enforcement complaint dropped the ball years ago when the original complaint was received. The employee could not pursue the case once employment ended. Staff noted that the city cannot regulate the decks at the rear of the parcel. She also noted that building code is separate from zoning. She was unclear of how the home is divided on the inside. The applicant confirmed the staircase blockage can be removed and have not demolished the stairs. There was some back and forth among the board members regarding if building permits should be an issue for approval or if they should only concentrate on the rezoning part of the case. Mr. Burgin asked if Urban-Residential 12 would be appropriate for the parcel. Staff determined that in order to keep the 3-unit home it would need to be zoned UR-12.

Board members noticed that the remaining General Residential zoning in the area resembled an island and may need to be reviewed further. Mr. Wagoner recommended moving the remaining General Residential (GR) zoning from General Residential (GR) to Urban Residential (UR).

Mr. Wagoner assigned Committee #3 to investigate the entire block near 506 W. Marsh Street to determine if a rezoning cleanup would be ideal.

MOTION

Mr. Burgin moved to motion to table until January 28, 2020 Planning Board meeting. Committee #3 will report back with findings. Motion seconded by Mr. Rogers seconded the motion. All members voting AYE.

STAFF PRESENTATION

CASE NO.

CD-03-2019

Petitioner(s):

Preston Development Group

Owner(s):

Mary Bustin Granberry

Representative(s) or Developer(s): Steve Causey, Allied Design, Inc

PETITION:

Petition proposes request to amend the Land Development Ordinance & Land Development District Map by rezoning two parcels (combined 21.535 acres) from Corridor Mixed-Use (CMX), Residential Mixed-Use (RMX), and Open Space Primary (OSP) to Corridor Mixed Use with a Conditional District Overlay (RMX-CD) for a proposed campus-style residential development master plan. The residential use is for a 240-unit apartment complex fronting a central drive, common space, and community building.

STAFF COMMENTS:

The petitioner is proposing to construct a new multi-family apartment building located at 2715 Statesville Blvd and unnumbered Statesville Blvd. As proposed, there will be ten (10) apartment buildings, one (1) community clubhouse, and three (3) accessory structures with garages and maintenance facility storage. The buildings will all front onto a center drive aisle with 90 degree angled parking on both sides. At the center of the drive aisle is a landscaped community recreation area.

The current zoning is a mix of three different zoning classifications: RMX, CMX, and OSP. The current zoning scheme was adopted in 2009 through a legislative rezoning. The property owners were attempting to market the property for sale for mixed-use commercial redevelopment. The different zoning districts were intended to be for different uses with the OSP district serving as a buffer to adjacent residential uses.

The petitioner is requesting to rezone the property to CMX with a CD overlay permitting the campus-style development. The CD overlay will tie the proposed master plan to the property as the only option for development without returning through the CD process.

Reducing the zoning districts on the parcel from three (3) zoning districts to one (1) zoning district is more consistent with planning best practices, as split-zoned parcels are not advisable from a regulatory and development standpoint. The topography of the site will provide a natural buffer to adjacent single family residential at the southeast rear (Neita Drive). The site plan identifies an area of approximately ten (10) acres at the south end of Parcel ID 330 117 is to remain undisturbed, which will further ensure a buffer to the residential areas. The use is consistent with surrounding uses. This portion of Statesville Boulevard is primarily residential. There is an apartment complex directly abutting the property (Woodland Creek Apartments).

The Conditional District petition and associated Master Plan were first reviewed by the city's Technical Review Commission (TRC) on December 19, 2019. Staff and other reviewing agencies discussed the proposal with the petitioner. Comments were generated and delivered to the petitioner for their consideration. All TRC comments have been addressed at this time.

Conditional District

Alternative Design Request(s): The applicant is not requesting any alternative designs as part of this CD request. The impetus for the CD is compliance with LDO Section 5.6.A.1.

Staff recommends that the proposed rezoning from RMX, CMX, and OSP to CMX with a CD overlay is consistent with the adopted Vision 2020 Comprehensive Plan and the Land Development Ordinance and should be approved. Zoning without the Conditional District Overlay is permitted but not as proposed. Section 5.6.A.1 of the Land Development Ordinance (LDO) defines Campus-Style Development as no clear or definable principal building. This project is considered Campus-Style Development and shall follow the Conditional District development process.

The current state of the neighborhood located at 2715 Statesville Blvd (Parcel ID 330 121) currently has a vacant house and various accessory structures. Unnumbered Statesville Blvd (Parcel ID 330 117), which is adjacent to the south boundary, is undeveloped and almost entirely forested. The parcels abut other residential uses along Statesville Blvd. including another multifamily apartment complex and single family residential.

According to Mr. Rodney Harrison with Salisbury Transit Authority, the nearest bus stop is approximately 1.1 miles away at Lash Drive. Statesville Blvd does have sidewalks to facilitate pedestrian access to this bus stop if needed. However, with the increase in residents, the demand may justify a future route extension to serve the adjacent and proposed complexes, if approved. While apartments have often been used as a transition between commercial uses and lower density residential uses, it would not be inappropriate to allow multi-family residential in a residential area with direct access to a major thoroughfare.

The proposed location is not currently adjacent to places of work, shopping, and public transit, but it is adjacent to an existing multi-family use and will not utilize a lower-density housing area for access. The access will be directly from Statesville Blvd and no connections are proposed to the lower density housing adjacent to the site.

POLICY

Vision 2020 Comprehensive Plan

Applicable Policies & Objectives

N-16: *New neighborhoods should include one or more neighborhood centers or focal points in each neighborhood planning area.* The proposed development will include a community clubhouse, as well as a central greenspace common area and other recreation areas.

N-18: *As new neighborhoods are developed, a mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area.* The proposed development will feature a mix of one, two, and three-bedroom units, providing opportunities for households of different sizes to obtain housing.

N-19: *Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing.*

APPLICANT PRESENTATION

Steve Causey (applicant) from Allied Design of 4720 Kester Mill Rd Winston Salem NC 27103. Mr. Causey is the civil engineer on the project. He added that there are two potential storm water facilities on site. He proposed to work with staff to resolve the alternative design option to make the space more inviting and pedestrian friendly. This may require additional screening near the road and be useable for all tenants.

John Cranford (developer) from Preston Development of 1400 Battleground Avenue Greensboro NC spoke in favor of the project. He spoke about a possible added structure at the front of the property that will be utilized as a common area. This covered picnic/grilling area would be attached to the building. Mr. Cranford will consider offering fake windows with glazing to the east elevation to meet the transparency requirement which will resemble windows. He added that if windows were added to the building to meet the transparency threshold then it would resemble a hotel. Mr. Cranford also proposed some type of community art display to add to the building wall.

COURTESY HEARING IN FAVOR

Margret Blithe (Wallace Realty) of 301 N. Main Street spoke in favor of CD-03-2019. She stated that there was a strong need in Salisbury for nice and affordable housing. She added that another apartment complex would be good for the city. Ms. Blithe noted Statesville Blvd being a growth corridor with numerous amenities and industries. She contacted numerous apartment complexes in Salisbury and all confirmed having waiting lists for apartments.

NONE SPOKE IN OPPOSITION

COURTESY HEARING CLOSED

DISCUSSION

Staff confirmed to Mr. Wagoner that the building requesting the design alternative is approximately 80 ft. back from Statesville Blvd. She also confirmed the parcels are located in the ETJ and will voluntarily annex into the city limits. Staff identified other Conditional Districts (CD's) along Statesville Blvd. She also confirmed that the existing neighboring apartment complex would be identified as non-conforming.

Mr. Wagoner asked staff if the architectural detailing on the building counts as an alternate design and staff confirmed that it was. Staff intends to codify the attached porch area and buffering options that City Council can approve. Mr. Burgin added that an alternative to a boring elevation was to add art or some type of structure allowing for alternatives.

MOTION

Mr. Schaffer moved to approve CD-03-2019 and find that it is consistent with the goals, objectives, and policies of Vision 2020 Comprehensive Plan and will accommodate the Land Development Ordinance of section 5.10.B.1 by providing a design alternative to be reviewed and approved by planning staff. Seconded by Mr. Struzick. All voting AYE.

OLD BUSINESS

LDO REVIEW

Staff provided board members with an updated matrix and identified committee chairs to be Mr. Rogers for committee one, Mr. Burgin for committee two, and Ms. P.J. Ricks for committee three. Staff reviewed each committee topics of discussion.

She noted that committee two met and discussed possible shared parking, screening, additional standards, and a possible reduction in percent required for tree canopy points. Committee two was tasked with review of flexible practices by staff. She noted that committee two will discuss and review these issues further prior to the next Planning Board meeting.

Staff added that committee one reviewed dimension requirement issues. Committee two discussed side yard setbacks of 20%, possible revisions to section 5.16 format and wording to provide clear requirements. A possible relocation of this particular section was proposed. Committee two will meet prior to the next Planning board meeting to discuss and make recommendations

Committee three met to discuss weather or not mandatory pre-application conferences should be mandatory. Committee three identified the language and review procedures of Chapters 15 & 16 meets the intent of the pre-application meeting and recommend staff propose minor text amendments to identify pre-application meetings are mandatory for preliminary plats and major developments. This recommendation will be grouped with other text amendments and presented to City Council at a later time.

ADJOURN 6:00 p.m.

There being no further business to come before the Planning Board the meeting was adjourned.

Bill Wagoner, Chair

Jessica Harper, Secretary