



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

PRESENT: Larry Cartner, David Midgley, Jon Post, Dennis Rogers, John Schaffer, John Struzick

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

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 August 8, 2023 were approved by Members present.

NEW BUSINESS

Z-02-2023, 410 West Jake Alexander Boulevard; Applicant: John Leatherman

Request

The applicant is requesting to rezone three properties along West Jake Alexander Blvd. from Residential Mixed-Use (RMX) with a General Development Overlay to Corridor Mixed-Use (CMX) with no overlay.

Staff Presentation

Victoria Bailiff presented the request to the Board and noted that the proposal is for general zoning purposes only. It is not a conditional district zoning request; therefore, all uses of the requested CMX zoning will be permitted. Staff recommends approval, as it is consistent with the goals, objectives, and policies of the Forward 2040 Comprehensive Plan.

In response to questions from the board, Ms. Bailiff clarified that most nearby tenants along Jake Alexander Blvd are non-residential, and that commercial uses in the RMX district are somewhat limited. The applicant is interested in building a drive through coffee shop in that location, and the overlay will not affect that use. Notices were sent to properties within 250 feet of the applicant's property, as required by the ordinance. This is above and beyond state requirements for notification.

Regarding the consequences of additional traffic on neighbors, Ms. Bailiff explained that since Jake Alexander Blvd. is not a city street, traffic signal timing is addressed by NC DOT.

Applicant Comment

Mr. Leatherman provided a history of development in that area, i.e., alignment of the light at the Castlewood neighborhood, to service new development. He emphasized the request's consistency with the Forward 2040 Comprehensive Plan, and named local businessmen who are supportive of the project. He will submit a site plan for staff review prior to construction. Mr. Leatherman invited neighbors to a meeting, but no one attended. He feels a drive through coffee shop would be a good addition to the area.

Public Comment

Mark Odin commented that he is against the project, unless traffic is addressed. He is the owner of Hearing Solutions of NC, a neighbor of the property. The private road/alley behind the businesses, which includes the applicant's property, already has traffic and garbage issues due to the Taco Bell, and Mr. Odin fears the problem will be exacerbated with the addition of another business.

Donald Osbourne commented that the company he works for, Alan Burke, CPA, also a neighbor, is against the project. Their building is next door to the property, and they successfully fought a previous plan to build a Zaxby's restaurant in this location, due to traffic flow. Mr. Osbourn also recounted the Covid testing site that was shut down by the city due to traffic issues. He feels the current zoning is correct and should not change.

Janice Roy, representing the Pinnacle medical offices, also commented against the project. They are concerned that excess traffic will have a negative impact on patient transport and ambulance access to their offices. She clarified the employee parking process and location for the board. Ms. Roy feels this is not an appropriate growth plan.

Paul Radziewicz commented against the project. He lives on the other side of the access road, and already experiences loud noise and garbage issues due to customers and delivery trucks that use the road.

Jerry Wood, the president of the property owner's association that includes the applicant, commented that he is concerned about property values due to continued development. He would not say whether he was in favor of the project or not, only that he is a friend and colleague of the applicant. Mr. Wood asked the board to consider the possibility of closing the road in question to through traffic. He feels that is a possibility, however, after extensive discussion, Mr. Leatherman clarified that the alley cannot be blocked.

Mr. Leatherman explained that trees have been planted by the association as a buffer to the residences on the other side of the alley.

Jill Radziewicz lives behind the property, and is against the project. She contends people are throwing trash from the alley over the fence into her yard, and fears more of that type of behavior.

Ms. Bailiff read email comments received prior to the meeting:

Mark Beymer, Past Chair, Salisbury Planning Board (2008-2009) – “I am writing to endorse the rezoning of Mr. John Leatherman’s property at 410 W. Jake Alexander Blvd., Salisbury, NC. Tax ID: 061-210, 221, 222

For some time I have believed that this section of development along Jake Alexander, including the property owned by Mr. John Leatherman should qualify for rezoning. The commercial nature of the property developed on the west (opposite) side of Jake Alexander Blvd. together with the existing traffic light at Castleberry Drive should allow for some commercial mixed use of the property (CMX) other than the existing zoning (RMX). I recommend that the zoning be changed to CMX. The change in zoning should not negatively impact the existing service businesses locate on the east side of Jake Alexander Blvd. nor the residential community behind these properties.”

Victor Wallace – “I am writing in support of the petitioner, John and Joan Leatherman, for this rezoning request. The request to rezone these parcels to CMX is in keeping with the realities on the ground. The petitioner’s properties are a stop lighted intersection fronted by a 6 lane, medianed highway that carries approximately 32,000 cars per day. Highways 601, 52, and 150 all converge in this area moving traffic in all directions. The area was originally zoned RDX (sic), with a development overlay to protect the adjacent housing community from the commercial growth that this traffic would inevitably generate. We are well past this time, as the housing community has thrived and is protected by the buffer of a fence and thick tree growth. The true zoning for this property is CMX, just like the parcels across the street and at the intersection of Jake Alexander and Hwy 150. The existing office development lives in harmony with the two nationally branded fast foods (Pizza Hut/Taco Bell), as well as, a bank (Truist) with 3 drive thrus and an ATM lane. The office development will also continue to thrive regardless of the additional uses available to the petitioner under CDX (sic) zoning. This whole area is actually living proof that all types of commercial and residential can exist in close proximity successfully....right out of the Forward 2040 Plan!”

James Stringfield, 1228 Maxwell Street, Salisbury – “I am writing in support of Mr. John Leatherman’s request to rezone three parcels from Residential Mixed-Use (RMX) with a General Development Overlay to Corridor Mixed -Use (CMX). This request is consistent with out city’s Forward 2040 Comprehensive Plan. Given that your staff has recommended approval of this request, I see no reason to deny it. Thank you for your consideration of my request.

Samantha Houston, 704A W Jake Alexander Boulevard – “I fully support this.”

Deliberation

Members discussed how the community has thrived under the current zoning district, and how that would change under the proposed one. They questioned the argument made by Mr. Wallace regarding the reasoning for the RMX zone, and how evidence points to the current district as the reason for the area's success. Mr. Post spoke to his concerns about ambulance access and other justifications for his personal opposition to the request.

Ms. Bailiff reviewed the permitted commercial uses for both zoning districts, as well as their consistency with the comprehensive plan.

Consistency Statement

Jon Post made a motion: "The City of Salisbury Planning Board finds that the map amendment requested in petition Z-02-2023 **is consistent** with the goals and policies of the adopted Forward 2040 Comprehensive Plan."

Dennis Rogers seconded the motion. All members present voted AYE.

Recommendation to City Council

Jon Post 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 Z-02-2023 is **NOT reasonable**, therefore, the Planning Board recommends **DENIAL** of the request,"

Larry Cartner seconded the motion. Members present approved the recommendation with a vote of 5-1.

CD-04-2023, RHM First Horizons; Owner, Shelter Ministries of Rowan County; Applicant, Elizabeth Trick, Bogle Firm Architecture

Request

The applicant is requesting to rezone one property from RMX and CMX with a conditional district overlay to RMX with a conditional district overlay to accommodate a 10-unit campus style development.

Staff Presentation

Ms. Bailiff informed the board that the master plan has been reviewed by TRC. The plan was recommended after minor revisions were satisfied by the applicant. She verified parking logistics, namely, the low number of spaces. Staff and TRC are satisfied with parking arrangements.

Applicant Comment

Elizabeth Trick, with Bogle Firm Architecture, explained that this will be transitional housing from the shelter to private. All units were designed to be ADA accessible, which required the

four ADA parking spaces. Four units are fully wheelchair accessible. The firm wanted to provide additional amenities in place of extra parking.

Chris Bradshaw, of Bogle Firm, also explained they had considered reducing the footprint to accommodate more parking, but the grant required specific square footage. The additional units improved their grant profile.

Public Comment

None.

Deliberation

Jon Post recused himself from this case, as his wife is a member of the Rowan Helping Ministries board.

The board had no concerns regarding the design alternatives requested.

Consistency Statement

David Midgley made a motion: “The City of Salisbury Planning Board finds that the map amendment requested in petition CD-04-2023 **is consistent** with the goals and policies of the adopted Forward 2040 Comprehensive Plan.”

Dennis Rogers seconded the motion. All members present voted AYE.

Recommendation to City Council

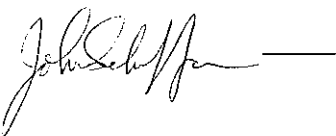
John Struzick made a motion: “Having reviewed the proposed amendment, the Comprehensive Plan, and considered information from City Staff, comments from the applicant and other persons, the City of Salisbury Planning Board finds that the map amendment requested in petition CD-04-2023 is reasonable and in the public interest, therefore, the Planning Board recommends **APPROVAL** of the request,”

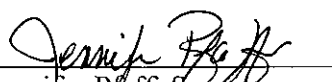
Larry Cartner seconded the motion. All members present voted AYE.

STAFF UPDATES

Ms. Bailiff announced that Jessica Harper, in Land and Development Services, was leaving the City on December 4 to work in the Planning Department for China Grove. She has previously served as Planning Board’s secretary.

ADJOURN 5:44 p.m.

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Jennifer Plaff, Secretary

