

Salisbury City Council

Agenda Item Request Form



Please Select Submission Category: ☐ Public ☐ Council ☐ Manager ☒ Staff

Requested Council Meeting Date: September 20, 2022

Name of Group(s) or Individual(s) Making Request: Community Planning Services

Name of Presenter(s): Hannah Jacobson, Planning Director

Requested Agenda Item: Council to hold a public hearing and consider adopting an ordinance releasing the Mid Carolina Regional Airport Property from the City's Extraterritorial Jurisdiction (ETJ).

Description of Requested Agenda Item: On June 2, 2022 the City received a request from Rowan County to release the Mid Carolina Regional Airport property owned by Rowan County from the City's Extraterritorial Jurisdiction. At the August 2nd City Council meeting, a public hearing was set for September 20, 2022. Council will hear public comment and consider releasing the approximately 580 acres from the City's ETJ.

Background

In 2013, the North Carolina General Assembly passed a local bill (SB 269) de-annexing the Mid-Carolina Regional Airport ("the airport") from the City of Salisbury. While no longer within the city's corporate limits, the bill neglected to address the Extra Territorial Jurisdictional boundaries, meaning that Salisbury has retained the authority to exercise zoning and development regulations on the airport property.

On May 16, 2022 to Rowan County Board of Commissioners adopted a formal Resolution requesting that the City release the airport from the City's ETJ (Attachment A). The Resolution was followed by a letter dated June 2, 2022 and addressed to Mayor Alexander explaining the rationale for the request (Attachment B).

The request comes as the result of City and County staff working together. Recent issues related to the airport's expansion of its facilities have raised challenges applying the City's zoning and development standards and certain federal regulations that govern the development of the airport. City and County staff have met on several occasions to discuss possibilities, and are ultimately recommending the removal of the airport from the City's planning and zoning jurisdiction.

Rowan County Planning staff is working through a parallel process to amend their zoning code to include a new airport specific zoning designation. Salisbury Planning staff has had the opportunity to review the proposed text of the new Airport Industrial (AI) zoning district, and proposed map amendments, and do not have any objections. The airport's adopted Airport Layout Plan will be adopted as a conditional district overlay (Attachment C), and the remaining property will be zoned for general airport uses (Attachment D). Salisbury staff has reviewed the proposed district's provisions for height, setbacks, lighting, signage, and parking for compatibility with the surrounding area which is predominantly within the city limits. City staff found the proposed zoning changes would cause little impact to the surrounding areas, which are predominantly zoned for Heavy Industrial, or are separated by Grants Creek, a substantial natural buffer.

Salisbury City Council

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PARCEL ID	ACREAGE
460 063	1.89
460 165	0.72
460 184	1.38
461 077	223.90
461 185	24.74
461 187	19.03
462 012	18.50
469 020	3.88
469 024	82.77
469 039	11.04
469 049	1.98
469 055	6.37
469 063	2.81
469 064	24.61
470 001000001	150.94
470 037	0.46
470 042	1.91
471 043	3.19

580.14

Attachments: ☒ Yes ☐ No

Attachment A, Resolution Supporting City of Salisbury Release of Airport ETJ

Attachment B, Cover Letter Request for Release ETJ

Attachment C, Airport Layout Plan Update

Attachment D, Boundary Map of Proposed Airport Industrial District

Attachment E, Ordinance releasing the Mid-Carolina Regional Airport from the Salisbury Extraterritorial Jurisdiction

Fiscal Note: (If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)

Action Requested of Council for Agenda Item: Council to hold a public hearing and consider adopting an ordinance releasing the property owned by Rowan County and used for the Mid Carolina Regional Airport from the City's ETJ.

Contact Information for Group or Individual: Hannah Jacobson, hannah.jacobson@salisburync.gov, 704-638-5230

Salisbury City Council

Agenda Item Request Form



☒ **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 and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

******All agenda items must be submitted at least 7 days before the requested Council meeting date******

For Use in Clerk's Office Only

☐ **Approved**

☐ **Delayed**

☐ **Declined**

Reason:

Greg Edds, Chairman
Jim Greene, Vice-Chairman
Mike Caskey
Judy Klusman
Craig Pierce



Aaron Church, County Manager
Carolyn Barger, Clerk to the Board
John W. Dees, II, County Attorney

Rowan County Board of Commissioners

130 West Innes Street • Salisbury, NC 28144
Telephone 704-216-8180 • FAX 704-216-8195

A RESOLUTION BY THE COUNTY OF ROWAN REQUESTING THE CITY OF SALISBURY RELEASE A PORTION OF ITS EXTRA-TERRITORIAL JURISDICTION THAT ENCOMPASSES THE MID CAROLINA REGIONAL AIRPORT

WHEREAS, Rowan County (the "County") owns certain real property consisting of parcels that make up Mid Carolina Regional Airport (the "Airport") and shown more particularly on attached Exhibit A (the "Property"; and

WHEREAS, said Property was removed from the City of Salisbury (the City") corporate limits by the North Carolina General Assembly by Session Law 2013-60 dated June 4, 2013, attached as Exhibit B; and

WHEREAS, said Session Law did not remove the Property from the City's extra-territorial jurisdiction ("ETJ"), so the City has maintained control over all zoning and development standards for the Property since June 4, 2013; and

WHEREAS, certain conflicts between the City's Development Ordinance and the Federal Aviation Administration guidelines for general Airport development and runway protection zones that govern the County's development of the Airport, specifically as to building heights, landscaping and buffer requirements, setbacks from parcel lines, and building materials; and

WHEREAS, the County and City desire to reconcile these conflicts with the City releasing its ETJ for all parcels associated with the Airport as specifically shown in Exhibit A and listed in Exhibit B in order to promote the orderly development of the Airport; and

WHEREAS, the County has proposed replacement zoning and standards as attached in Exhibit C to replace the City's zoning and standards being released.

NOW, THEREFORE BE IT RESOLVED, the Rowan County Board of Commissioners hereby adopts this Resolution as a its respectful request for the City of Salisbury to release that portion of its ETJ encompassing the Mid Carolina Regional Airport as shown in Exhibits A and B attached.

Adopted this the 16th day of May, 2022.

Gregory C. Edds, Chair
Rowan County Board of Commissioners

ATTEST:

Carolyn Barger, MMC, NCMCC
Clerk to the Board



Equal Opportunity Employer



recycled paper

Greg Edds, Chairman
Jim Greene, Vice- Chairman
Mike Caskey
Judy Klusman
Craig Pierce



Aaron Church, County Manager
Carolyn Barger, Clerk to the Board
John W. Dees, II, County Attorney

Rowan County Board of Commissioners

130 West Innes Street • Salisbury, NC 28144
Telephone 704-216-8180 • Fax 704-216-8195

June 2, 2022

Honorable Mayor, Karen Alexander

City of Salisbury

217 South Main Street

Salisbury, NC 28144

RE: Request for Release of ETJ area for Mid Carolina Regional Airport Property

Honorable Mayor Alexander:

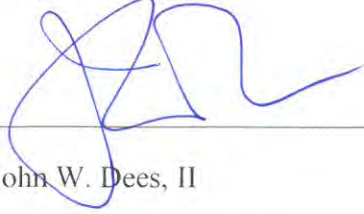
Please accept this letter and the attached Resolution of the Rowan County Board of Commissioners as the County's respectful request for the City of Salisbury to release that portion of its ETJ described therein that makes up the Mid Carolina Regional Airport.

Recent issues related to an airport operator's expansion of its facilities raised apparent conflicts between the City's zoning and development standards and certain federal regulations that govern development of an airport. For this particular airport operator, we have been unable to navigate these conflicts, and we anticipate future similar conflicts as the airport is more fully developed.

It is our general conclusion that the County can adopt the attached proposed zoning classification for airport development that will more closely align with federal and state guidelines that impact airport growth and development. And I will work with your staff on any procedural requirements needed to begin the process.

Please let me know whether and when the City might consider this request, and we will make sure County representatives are present to answer any questions.

Respectfully,

A handwritten signature in blue ink, appearing to read 'JD', is written over a horizontal line.

John W. Dees, II

Rowan County Attorney

CC: Greg Edds, Board Chair of Rowan County Commissioners

Aaron Church, Rowan County Manager

Jim Greene, Salisbury City Manager

Hannah Jacobson, Salisbury Planning Director

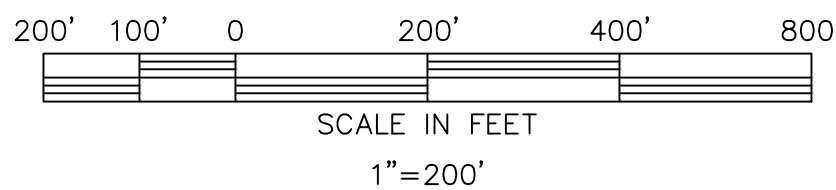
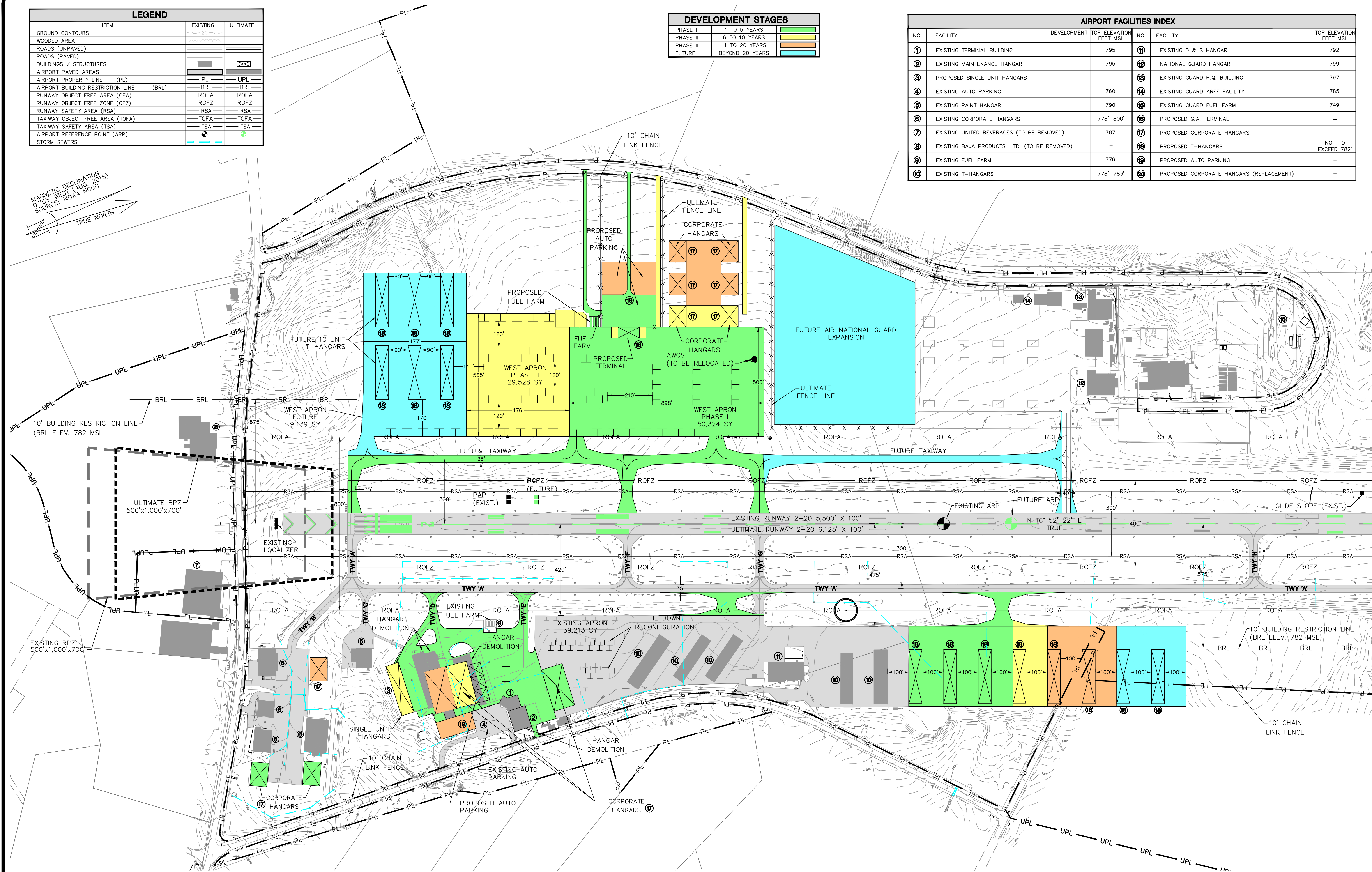
Ed Muire, Rowan County Planning Director

Graham Corriher, Salisbury City Attorney

LEGEND		
ITEM	EXISTING	ULTIMATE
GROUND CONTOURS	20'	
WOODED AREA		
ROADS (UNPAVED)		
ROADS (PAVED)		
BUILDINGS / STRUCTURES		
AIRPORT PAVED AREAS		
AIRPORT PROPERTY LINE (PL)	PL	UPL
AIRPORT BUILDING RESTRICTION LINE (BRL)	BRL	BRL
RUNWAY OBJECT FREE AREA (OFA)	ROFA	ROFA
RUNWAY OBJECT FREE ZONE (OFZ)	ROFZ	ROFZ
RUNWAY SAFETY AREA (RSA)	RSA	RSA
TAXIWAY OBJECT FREE AREA (TOFA)	TOFA	TOFA
TAXIWAY SAFETY AREA (TSA)	TSA	TSA
AIRPORT REFERENCE POINT (ARP)		
STORM SEWERS		

DEVELOPMENT STAGES		
PHASE I	1 TO 5 YEARS	
PHASE II	6 TO 10 YEARS	
PHASE III	11 TO 20 YEARS	
FUTURE	BEYOND 20 YEARS	

AIRPORT FACILITIES INDEX						
NO.	FACILITY	DEVELOPMENT	TOP ELEVATION FEET MSL	NO.	FACILITY	TOP ELEVATION FEET MSL
①	EXISTING TERMINAL BUILDING		795'	⑪	EXISTING D & S HANGAR	792'
②	EXISTING MAINTENANCE HANGAR		795'	⑫	NATIONAL GUARD HANGAR	799'
③	PROPOSED SINGLE UNIT HANGARS		—	⑬	EXISTING GUARD H.Q. BUILDING	797'
④	EXISTING AUTO PARKING		760'	⑭	EXISTING GUARD ARFF FACILITY	785'
⑤	EXISTING PAINT HANGAR		790'	⑮	EXISTING GUARD FUEL FARM	749'
⑥	EXISTING CORPORATE HANGARS		778'–800'	⑯	PROPOSED G.A. TERMINAL	—
⑦	EXISTING UNITED BEVERAGES (TO BE REMOVED)		787'	⑰	PROPOSED CORPORATE HANGARS	—
⑧	EXISTING BAJA PRODUCTS, LTD. (TO BE REMOVED)		—	⑱	PROPOSED T-HANGARS	NOT TO EXCEED 782'
⑨	EXISTING FUEL FARM		776'	⑲	PROPOSED AUTO PARKING	—
⑩	EXISTING T-HANGARS		778'–783'	⑳	PROPOSED CORPORATE HANGARS (REPLACEMENT)	—



EXISTING AND ULTIMATE APRON	
EXISTING APRON	39,213 SY
ULTIMATE APRON - PHASE I	50,324 SY
ULTIMATE APRON - PHASE II	29,528 SY
FUTURE APRON	40,010 SY

TERMINAL AREA PLAN
AIRPORT LAYOUT PLAN UPDATE
ROWAN COUNTY AIRPORT

PRELIMINARY
NOT RELEASED
FOR CONSTRUCTION

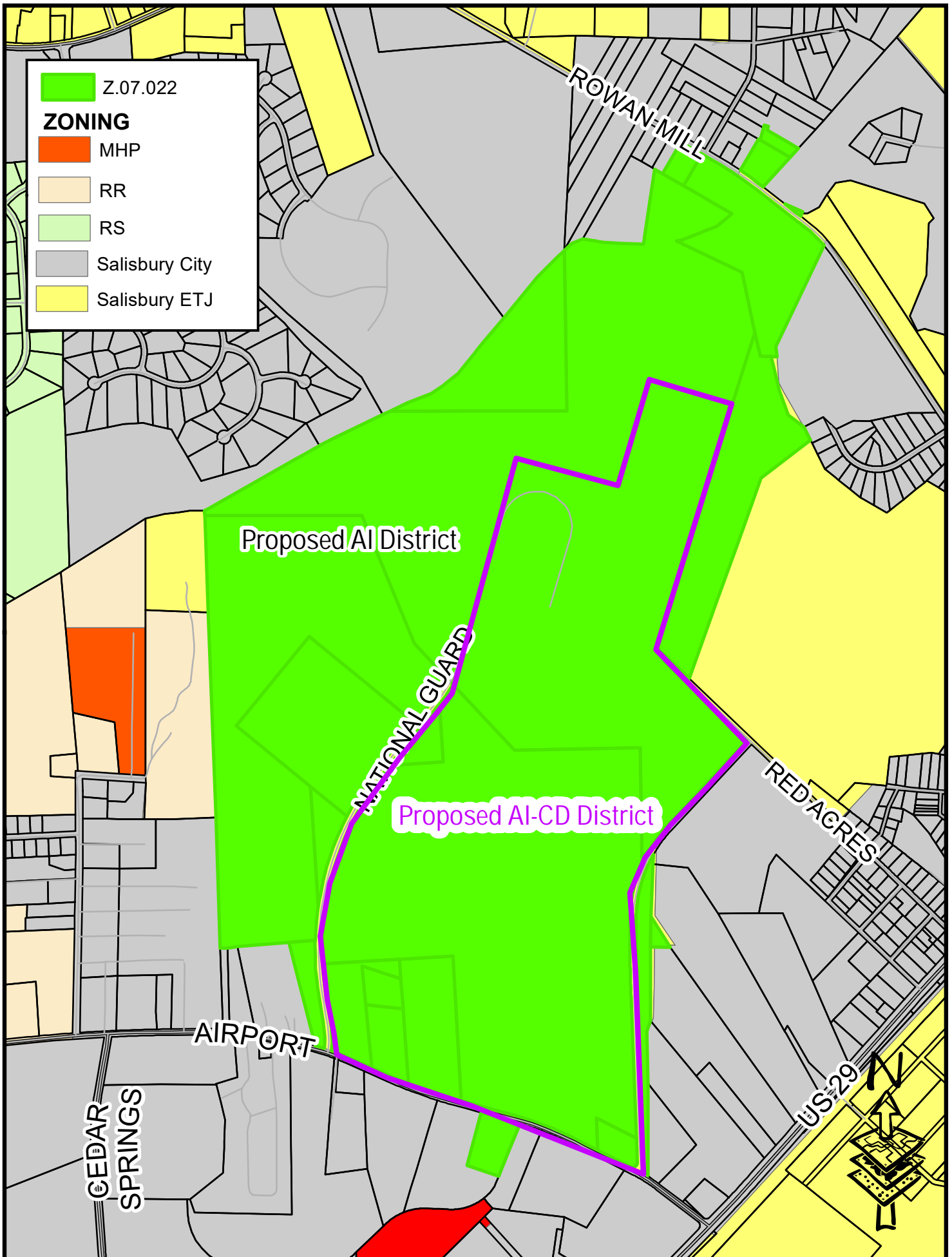
Designed	JEL
Date	NOV. 2015
Scale	1"=200'
Drawn	MWP
Checked	JAS
Project No.	3708-1401
Sheet No.	

4

OF 21

TALBERT, BRIGHT
& ELLINGTON
ENGINEERING & PLANNING CONSULTANTS
352 WHITEHALL PARK DRIVE, STE 210
CHARLOTTE, NORTH CAROLINA 28273
PHONE: 704-446-6070 FAX: 704-446-6080
NC LICENSE NO. C-1163

REV.	NO.	DESCRIPTION	DATE
3	1	NDCA COMMENTS ADDRESSED	09/15/16
2	2	FAA COMMENTS ADDRESSED	07/22/16
1	1	NDCA COMMENTS ADDRESSED	03/03/16



AN ORDINANCE RELEASING THE MID-CAROLINA REGIONAL AIRPORT FROM THE SALISBURY EXTRATERRITORIAL JURISDICTION, INCLUDING TAX MAP 460 PARCELS 063, 165, 184; and TAX MAP 461 PARCELS 077, 185, 187; and TAX MAP 462 PARCEL 012; and TAX MAP 469 PARCELS 020, 024, 039, 049, 055, 063, 064; and TAX MAP 470 PARCELS 0010000001, 037, 042; and TAX MAP 471 PARCEL 043.

WHEREAS, the Mid-Carolina Regional Airport properties are not within the City of Salisbury's corporate limits; and

WHEREAS, a Resolution supporting the release of the Mid-Carolina Regional Airport ("airport") was adopted by the Rowan County Commissioners on May 16, 2022; and

WHEREAS, Planning staff finds the release of the Mid-Carolina Regional Airport from the Salisbury Extraterritorial jurisdiction does not negatively impact surrounding properties, nor does it impede future growth; and

WHEREAS, the City Council held a properly-noticed public hearing at the regularly-scheduled City Council meeting on September 20, 2022; and

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

SECTION 1. That properties identified in Rowan County as tax map 460 parcels 063, 165, 184; and tax map 461 parcels 077, 185, 187; and tax map 462 parcel 012; and tax map 469 parcels 020, 024, 039, 049, 055, 063, 064; and tax map 470 parcels 0010000001, 037, 042; and tax map 471 parcel 043. 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 relinquished from the Salisbury Extraterritorial Jurisdiction.

SECTION 2. That all Ordinances, or parts of Ordinances, in conflict with this Ordinance are hereby repealed to the extent of such conflict;

SECTION 3. That this Ordinance shall be effective from and after its passage.