



The Salisbury Planning Board held its regular meeting Tuesday, March 9, 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:** Vacant seats

**STAFF:** Teresa Barringer, Graham Corriher, Hannah Jacobson, Emily Vanek, and Diana Cummings (recording secretary)

**GUESTS:** Stephen Brock, Matt Lowder, Traci Dusenbury, Matt Raab, Salow, Cassie Cunningham, State Alexander, Ginger Cartwright, James Cecil Simpson, Victor Wallace, John Leatherman, Steven Kellum, Natalie Anderson (*The Salisbury Post*), Margaret Lipe

### **CALL MEETING TO ORDER**

John Schaffer, Chair, called the meeting to order at 4:01 p.m.

### **APPROVAL OF MINUTES**

Minutes of February 23, 2021, were approved as submitted.

### **COURTESY HEARINGS**

#### **CD-01-2021 Salisbury Oaks Apartments**

Teresa Barringer, Zoning Administrator and staff liaison to the Planning Board, made a presentation. Planning Board will make a recommendation to City Council and City Council will make the final decision following a public hearing.

Halcon Development, LLC, owner/applicant; Traci Dusenbury, agent, John F. and Joan B. Leatherman, owners.

Petition proposes no change to underlying Residential Mixed-Use (RMX) base zoning, but removes the existing Group Development (GD-A) Overlay and establishes a new Conditional District (CD) Overlay to allow for an 84-unit campus style multi-family (apartment) development. RMX permits multi-family residential use "by right" with maximum dwelling units of 18 per acre—the proposal is for 9 dwelling units per acre. Per the Land Development Ordinance (LDO) Chapter 5, campus-style development requires Planning Board and City Council review. Any GD-A Overlay requires Planning Board and City Council review.

Subject parcel fronts upon W. Jake Alexander Blvd. with a 25-foot private drive to S. Main Street, and includes a terminus at Rosemont Street.

0 Jake Alexander Blvd W. / S. Main Street, PID: (061 171) Teresa explained that “Dodd Street” is actually a private drive into the parcel. Although the drive seems small, it does meet the minimum standard for the fire apparatus to get into the property; minimum width is 20 feet and this is 20.57 feet at the narrowest point.

The current cul-de-sac is on the property proposed for redevelopment. The site plan shows an improvement to the cul-de-sac to bring it to City standards and to dedicate a ROW around the bulb of the cul-de-sac. A gate is identified as prohibiting vehicular traffic except for emergency vehicles. It will be an emergency access only with a Knox Box. (Each Knox-Box can be opened by a master key controlled by the fire department and operates as a master key. This allows fire department access to gated communities and storage areas using the same master key.)

The petitioner is proposing to construct a new multi-family apartment complex with a total of 84 units. As proposed, there will be four (4) apartment buildings, and one (1) community clubhouse. Amenities include a playground, a covered picnic area, and a ‘tot lot’ playground for toddler-aged children.

The petitioner is actively working with the property owners of the parcels abutting the 25-foot private drive to acquire additional property and/or access easement for a 5-foot sidewalk for pedestrian access to South Main Street as required in Section 5.6.A.2 of the Land Development Ordinance. An alternate would be sidewalk to the bulb of the cul-de-sac.

The retention pond would be part of a construction review.

This developer is proposing a tax credit, income-restricted, rental apartment development that would be financed through the NC Housing Finance Agency (NCHFA):

The North Carolina Housing Finance Agency finances the statewide construction of affordable rental apartments using federal and state housing credits, low-interest loans, and tax-exempt bond allocations. We award funds annually through a competitive application process. Developers seeking an allocation of federal Low-Income Housing Tax Credits submit an application for each rental property to be considered during the single competitive annual cycle.

The proposed primary means of ingress & egress is via the 25-foot private drive off of S. Main Street with a second access off of Rosemont Street with a proposed gate and Knox Box for emergency vehicles only. One interconnectivity point (stub-out) to the adjacent multi-family property east of the subject parcel has been provided but will not be completed unless either of the adjacent properties redevelop in the future.

Staff recommends approving this rezoning and master plan petition. Although the site is adjacent to a lower-density single-family residential area, the site acts as a transitional area between the low-density residential and higher-intensity commercial uses along S. Main Street.

**Applicable Plans: Vision 2020 Comprehensive Plan**

**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 with playground, gazebo, and 'tot lot' playground.*

**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.

*The proposed location is adjacent to other residential multifamily complexes and in close proximity to Jake Alexander Blvd. and S. Main Street. The site has a public transit stop approximately 870 feet from the proposed entrance on S. Main Street. The access point from this development to the existing single family residential area on Rosemont Street will be for emergency vehicles only.*

**Technical Review Commission:** The Conditional District petition and associated Master Plan were first reviewed by the city's Technical Review Commission (TRC) on February 18, 2021. Staff, the Planning Board Liaison, Dennis Rogers, 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.

**Petitioner**

Traci Dusenbury, Halcon Development, had reached out to the community for one-on-one sessions. She has about 22 communities and over 1,000 units built. She has about 25 communities where she served as a developer consultant. She has a development in Salisbury (Villas at Hope Crest). "We won an award in 2018 from the State of NC for our outstanding achievement in affordable housing."

Most of the feedback she has received is from the residents who do not want the connection to Rosemont Street. It will be mutually beneficial to be able to use Dodd Street.

It is their intent to be long-term owners and good neighbors. The cost to build this development is approximately 13.7 million dollars.

Matt Lowder, Triangle Site Design, also spoke to neighbors and received the same feedback concerning Rosemont Street. “We certainly don’t want to impact the neighborhood any more than we have to. That is why we came up with the compromise of emergency vehicle access only.”

He said they will have a property manager on site as part of the development.

“I anticipate using a bioretention pond [to capture stormwater]. Bioretention soils must have sufficient infiltration rates to prevent ponding on the surface for over 48 hours. This prevents mosquitoes and other pests. We are in an airport overlay so there are limits on having open ponds that may attract water fowl. After the system is developed, the water runoff must be less than what it is now. We cannot change the water conditions in the neighborhood that is below us.”

“We plan to preserve the trees on this site, especially around the perimeter, to create a natural buffer.” The city requirements will supplement what is there.

“We anticipate all of the construction traffic to come through the S. Main Street entrance. There will be some impact to Rosemont as we transition the cul-de-sac. The goal is to minimize Rosemont Street and the neighborhood.”

Sewer access is available to the site from Rosemont Street and water is available from the adjacent property of Pinnacle Park.

Public Comment

**Cassie Cunningham**

2015 Rosemont Street

Five years ago the City Council promised the Rosemont neighborhood that a road from this property would never be permitted. The Planning Board was aware of this promise. Now the developer says that the entrance to Rosemont is an emergency only exit, but there are no legal agreements that bind all present/future owners of these apartments to limit use for emergency only.

“We are deeply concerned that this opening to Rosemont may no longer be limited. More than 100 cars from the apartments can race down Rosemont—it is a straight road to Highway 150 and it won’t be safe for residents. Please do not allow this emergency exit.”

The retention pond may create a drainage problem that does not exist today. The “forest” that may provide privacy has been clear-cut 3-4 years ago. There are only scrub trees left.

“The probability of disruption for Rosemont is high.”

**Franklin White**

1827 Rosemont Street

He has concerns about the access to Rosemont Street to and from the Salisbury Oaks Development. “I fear the security on that gate will disappear. This is unique to this development.” He requested a firm separation from the development.

**Laura Salow**

2023 Rosemont Street

She stated that she lives at the end of Rosemont Street. She has concerns that the retention pond will potentially flood her property during heavy rain and may attract mosquitoes.

Rosemont Street cannot handle additional traffic; the road is uneven and cracked and narrowed with cars parked on the street. The neighborhood has concerns about increased foot traffic and safety since Rosemont Street does not have sidewalks.

Ms. Salow objected to the entry to Rosemont Street from the complex. She requested that the retention pond be moved away from single-family homes.

**Margaret Lipe**

228 Sudley Cir

“I have worked with Halcon in the past—when they developed Villas at Hopecrest on Lincolnton Road. Those are high-quality, well-maintained and well-managed apartments. They also did a good job in Kannapolis.”

The city’s housing study has shown there is a shortage of affordable housing in Salisbury. A number of apartment complexes—like the Grand on Julian, Woodland Creek, and Gold Hill Drive—are full with a wait list. Salisbury has a big need for affordable housing.

**Victor Wallace** noted that CMX permits a number of uses; however, this seems to be one of the best uses with a barrier to the Rosemont community. CMX permits unlimited single-family dwellings on this site. The gate could allow emergency access to the end of Rosemont.

**John Leatherman** stated that this would be an asset to the community. The developer has done a good job.

The courtesy hearing was closed.

**Board Discussion**

Bill Burgin, “The emergency access can be helpful both ways. One wreck or one fire can block the whole of Rosemont and this would give them a way to go to work if that should happened. The Conditional District does guarantee that the gate will be there—as best as we can guarantee anything. I feel good that we can protect that condition.”

Mr. Burgin continued, “The stormwater has to leave the site after the development the same amount it leaves the site before. The bioretention is used in Salisbury because we are within the distance of an airport. It does work very well; only standing water for a day or two then it goes dry. The water is bled off the development at the same pace or less that it leaves now. There is no rush of water. It also has to leave the site in the same direction that it leaves now. State requirements have to be met.”

“Victor Wallace was right in his comment that this is a pretty good development given the options the zoning would allow. With the gate, it should not put any stress on Rosemont. The scary conditions have been addressed and I feel pretty good about it from the density standpoint and a use standpoint,” Mr. Burgin said.

Patricia Ricks believes the Rosemont neighbors have had their concerns addressed. Bill Wagoner explained how the Knox Box works. Traci Dusenbury added that other Knox Boxes that were required by local government—they don’t have keys to those.

Bill Wagoner asked what prevents people from driving around the gate. There will be a landscaped buffer and Matt added that bollards could be installed if it becomes an issue. (It would be a lease violation.)

## **MOTION**

Tim Norris made a MOTION to approve CD-01-2021, Salisbury Oaks Apartments’ request to rezone one parcel from Residential Mixed-Use (RMX) and HB, with an existing Group Development (GD-A) Overlay and establishes RMX zoning with a new Conditional District (CD) Overlay. It is consistent with the Vision 2020 Comprehensive Plan. Patricia Ricks seconded the motion with all members VOTING AYE. (9-0)

Staff will forward the Planning Board recommendation to approve to City Council. Bill Wagoner explained that the developer is hoping to get approval of their project so they can complete their application to the NC Housing Finance Agency (NCHFA). Projects are awarded once a year to address the housing needs around the state. All projects are not awarded. The developer may not be able to build the project even with city approval.

## **CD-02-2021 Tenby Crossing Apartments**

Petitioner is Kent Place Holdings, LLC; Stephen Brock, agent.  
0 Brenner Avenue, PID’s: (062 055, 065)

The two parcels are currently owned by CK Salisbury Retail LLC. (R. David Haggart), Stephen Brock, Kent Place Holdings; Matt Raab, Wynnfield Properties; Matt Williams, PE, Borum, Wade, & Assoc.

Teresa Barringer made a staff report.

Request to rezone two (2) parcels from Corridor Mixed Use (CMX) to Corridor Mixed Use (CMX) and creating a new Conditional District Overlay (CD). Petition proposes no change to underlying Corridor Mixed-Use (CMX) base zoning, but removes the existing and expired Conditional District Overlay of a previously approved CD-01-2012 and establishes a new Conditional District (CD) Overlay to allow for an 84-unit multi-family (apartment) development within four (4) multi-story buildings. The previous vesting of approval had already expired but not yet been removed. In addition, one (1) clubhouse/leasing office, parking areas, and Recreational Open Space areas are proposed.

This developer is proposing a tax credit, income-restricted, rental apartment development that would be financed through the NC Housing Finance Agency (NCHFA):

“The North Carolina Housing Finance Agency finances the statewide construction of affordable rental apartments using federal and state housing credits, low-interest loans, and tax-exempt bond allocations. We award funds annually through a competitive application process. Developers seeking an allocation of federal Low-Income Housing Tax Credits submit an application for each rental property to be considered during the single competitive annual cycle.”

The developer is also under contract to obtain ownership of the existing internal private drives, and two BMP ponds.

Vehicular access to the site will be limited to two (2) points of ingress/egress off of the private internal driveway behind the Aldi grocery store and the private drive between the Jimmy Cleans Carwash and the Premier Federal Credit Union. There will not be direct vehicular access to Milford Hills Road or Brenner Avenue; however, pedestrian access is proposed to Brenner Avenue.

### **Vision 2020 Comprehensive Plan Applicable Policies & Objectives**

Vision Statement ‘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.”

Policy 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.

Policy 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.

The project did not propose access through Milford Hills Road. The developer proposed landscape buffering between neighborhoods.

Bill Burgin asked, “At what point will somebody put a stop light at that intersection of Brenner Avenue and the main entrance for this development? It is almost impossible now to take a left out of this development. Is there a sidewalk leaving the site to get them to Harris Teeter?” There are services there, the YMCA, restaurants, etc.

Jayne Land added, “The driveway is too narrow—the curb shows wear from being run over. It is very difficult to get out of the driveway the way it is.” Jayne drove by and said there is no sidewalk on Milford

Hills Road abutting this development. “I propose taking out the driveway that is closest to Brenner Avenue. Leave the one near Zaxby’s and Aldi’s.”

Tim Norris said, “It is so congested it is almost impassable. If we have any say in the matter, certainly we need a traffic study. It is desperately needed or it will be.” Other members chimed in and agreed. Any addition in traffic is going to clog things up worse.

There was a broad discussion about sidewalks, Brenner Avenue, Milford Hills Road and ingress/egress concerns.

Teresa Barringer said she could discuss these concerns with engineering.

Stephen Brock, Kent Place Holdings, introduced himself. He stated that staff covered his talking points. This is proposed strictly for housing and no added retail. The parking is plentiful at 1.75 spaces per unit. “We can look at connecting to Milford Hills Road if so compelled by the City of Salisbury, NC. Our approach was to follow a pattern that was clearly established in a previous master plan development.”

Teresa Barringer said, “Although that is a significant ROW area, it is a narrow street of improvement.” She has heard from neighbors asking about buffers and restricting access to Milford Hills.

Matt Raab represents the general contractor Wynnfield Properties thanked everyone for their time. Matt Williams noted that the traffic numbers are under the count, so no traffic study has been done.

State Housing Authority has a parking space requirement of 1.75; the City’s requirement is a little greater than that and “we are meeting that.”

#### **BUILDING INFORMATION**

NUMBER OF RESIDENTIAL BUILDINGS:	3
3 - STORY (BLDG. #1, #2, & #3):	
UNIT BREAKDOWN:	
1 BEDROOM UNITS:	13
2 BEDROOMS UNITS:	35
3 BEDROOMS UNITS:	36
TOTAL:	84
BICYCLE PARKING REQUIRED (PER C.O.S.):	8 SPACES (5% OF REQ'D VEHICLE SPACES)
PARKING PROVIDED:	155 SPACES
PARKING REQUIRED (PER HOUSING CODE):	147 SPACES (1.75 SPACES PER UNIT)
PARKING REQUIRED (PER CITY CODE):	155 SPACES (1 SP. PER BEDROOM UP TO 2 PER UNIT)
H.C. PARKING REQUIRED:	11 SPACES (9 SP. TO BE VAN ACCESSIBLE)
H.C. PARKING PROVIDED:	15 SPACES (9 SP. TO BE VAN ACCESSIBLE)

#### **Public Comment**

**State Alexander** commented that he has concerns about the narrow street and landscape buffer, however, was satisfied by the presentation.

The chair closed public comment.

#### **Board Discussion**

Bill Burgin said he likes the development. It is close to food, bus routes—it is good planning for the city. “I am concerned about the traffic. We want to be sure not to open problems for everybody.”



Bill Wagoner pointed to some traffic ingress and egress issues and possible solutions. Milford Hills might be a location for a future traffic light. This led to a broad discussion about the flow of traffic in the area.

Members agreed that the apartments are going to be great, but that stretch of road is in need of improvement to move traffic through safely even now. The site could be developed “by right”. City Planning, Engineering and NCDOT need to find a solution to the traffic problem. Bill Wagoner said, “We know this problem has existed for years, but it has not been addressed.”

Patricia Ricks made a MOTION to go past 6 p.m. all members VOTED AYE to go to 6:30.

Bill Burgin agreed with Bill Wagoner. “It is rare for communities to have roads ready for additional capacity until it happens—cannot afford to until the demand is present. We have the opportunity to ask the developer if they would consider at least one connection to Milford Hills Road. That would help and is probably palatable.”

Matt Raab said he didn’t think they had any objections to try to see if they can help with traffic concerns. Matt Williams agreed with Matt Raab; one upper drive could technically be enough. Stephen agreed with both Matt and Matt that one entrance on Milford (closer to Brenner) makes sense. That may alleviate the pressure just enough while the city looks at other long-term solutions. He added that they could look at softening the curb that keeps getting run over.

Neighbors will receive notification in the mail and will have the opportunity to comment on recommended changes at the City Council hearing.

Bill Burgin made a MOTION that Planning Board approve CD-02-2021, Tenby Crossing Apartments, as presented subject to the developer considering at least one connection to Milford Hills Drive since the development as presented is consistent with our Vision 2020 Comprehensive Plan and would be a contributor to the quality of life in our city.

Patricia Ricks seconded the MOTION with all members VOTING AYE. (9-0)

## **OTHER BUSINESS**

Bill Wagoner reminded everyone that there are empty seats to fill on the Planning Board.

## **ADJOURN**

The Planning Board meeting was adjourned at 6:18 p.m.

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John Schaffer, Chair

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Diana Cummings, Secretary