



The Salisbury Planning Board held its regular meeting on Tuesday, July 26, 2022, at 4:00 p.m. with the following being present:

GUESTS: Scott Munday, Cindy Reid

PRESENT: Bill Burgin, Yvonne Dixon, Tim Norris, P.J. Ricks, Dennis Rogers, Esther Smith, John Struzick

STAFF: Victoria Bailiff, Senior Planner; Teresa Barringer, Zoning Administrator; Graham Corriher, City Attorney; Jenni Pfaff, Planning Board Secretary

WELCOME GUESTS AND VISITORS

Tim Norris, Vice-Chair, called the Planning Board meeting to order at 4:00 p.m.

APPROVAL OF MINUTES

Planning Board Minutes of July 12, 2022 were approved as written by Members present.

NEW BUSINESS

CD-01-2022 Sheetz; Southgate, 2010 Old Concord Road; PID: 064 003; Current Zoning: Rural Residential (RR); Proposed Zoning: General Residential (GR-6)/Conditional District Overlay (CD)

Presenter: Victoria Bailiff

Request

Petitioner, Scott Munday of NVR, Inc., is requesting to rezone (1) parcel from (RR) to (GR-6/CD) for the development of a 108 unit townhome subdivision.

Staff Presentation

Victoria Bailiff made a staff presentation. Staff recommends approval based on compliance with the Vision 2020 Comprehensive Plan. The property is inside Salisbury's ETJ, and will need to be annexed to receive Salisbury utilities. Ms. Bailiff clarified the plan's consistency with regard to the Vision 2020 plan, and reminded Members that this plan must be referenced regardless of consistency with the new Forward 2040 plan. Vision 2020 is the only one that has been approved

By City Council. During Applicant Testimony, Ms. Bailiff reminded Members that the applicant has held to the submitted plan, and that they must base their decision on the submission, not implications or intentions mentioned during testimony.

Public Comment

The Applicant requested to testify after Public Comment, in order to answer concerns brought at that time.

Michael Engle – Mr. Engle has lived across the street from the proposed project area for 25 years. He spoke in opposition of the project due to the addition of heavier traffic, as well as the potential for lower property values. He told the Board he has already lost four mailboxes, and has a 12-inch tree and shrubbery destroyed due to heavy traffic. He believes the development on Heilig Road has caused traffic to increase, and this project will make it worse.

Kathy Faucett – Ms. Faucett recounted an issue with a previous developer that promised high end homes, only to sell to another who put in lower end townhomes. Her opposition to this project stems from traffic issues; she listed the fairgrounds and new entrance to RCCC as common problems. She asked is a traffic study was done, and if turn lanes had been considered for the entrance to the development.

Josh Canup – Mr. Canup is a neighbor to the proposed development; as a former member of Planning Board, he understands their position. He read his statement:

“The general idea of how a community is shaped is through the concept of density. Central cities have the greatest amount of density, and as it works its way out, the density lessens and the individual units become more dispersed. This is the obvious model for development, but it’s not always the best choice for the developer. Developers prefer the cheapest land per residential unit they can squeeze in. This allows for maximum profit on their behalf. If the developer is a cornerstone of the community, they are more likely to be sensitive to the neighborhood, knowing they have a name to uphold. This is not the case for those coming from outside of Salisbury. They do not care about the sustainability of their name, just profits, not the development of the community, just the profits, not how the community grows into the community around it, just the profits. THIS, this is the example of this.

They want to change RR (rural residential) to GR-6. They originally approached the city for GR-8 zoning, but was told this would never happen, so they settled on GR-6, gambling that this would be the best bang for their buck. This is no fault of the city, they are doing their civil duty to balance their duties as an aid to developers and an advocate of the communities. This is, of course, a difficult balance. This department would not be doing their job if they ran off every developer that attempted a zoning change to accommodate their profitability.

But here, the requested change is drastic. They are asking a community that is built up of 1 acre to 40 acre lot sites, to place up to 12 units per acre. Right beside a horse pasture and 1+acre lots, they are proposing 12 units per acre. Yes, they are proposing GR-6 but can build 12 units per acre because much of the unusable land is used as a ratio. See, these 6 units per acre is

an average based on all the property in the tract as a whole. This means the development doesn't have to match the neighboring community in any way. It doesn't have to reflect the community, or mirror the community, or have a plan to grow in to the community. Again, this is the main concept for PLANNING. We are PLANNING how the future fabric meshes. We are PLANNING interconnectivity...not just by road stubs or block configurations, but by building sizes, ratios, proportions, and densities. Again, going straight from horse pasture to GR-6, or more accurately, 12 units per built upon acre, is not planning...it's profits.

Ryan Homes will point to The Gables as precedent, but they are a community with highly restrictive covenants, essentially, a retirement community. Though that would be fitting for this area, during the community meeting with us, they repeatedly said they would not exercise the option of a HOPA community (55+ years) and associated covenants into their project, meaning they have no intention of being anything like The Gables. Also, during the meeting, as our community attempted to have some common ground with the developers, we asked if they would consider only home owner occupied. They said they would not consider this, and instead offer long term leases of 6 months. I lived in several areas of Charlotte several years ago and the shortest lease you could find was 1 year. It is laughable that 6 month leases is considered long-term. Again, think of who you are asking to build here. They can't even get this type of covenant in Charlotte.

Ryan Homes will also tell you that areas such as Old Salisbury (which is much closer to Salisbury) is also GR-6, however, they do not even conform to this. The zoning is upsized for convenience sake. And again, Old Salisbury is near the corner of Jake Alexander. Not a rural residential area.

In closing, the main and primary concern is that the density they are requesting is too high. They are requesting 40% reduction in townhome widths so they can squeeze in more units. If they kept the 40 foot townhome width requirement, that would greatly reduce the density. If they would attempt to blend into the community to some degree, it would be acknowledged by us. We are not against the development, just ill-planning."

Donna Drye – Ms. Drye and her husband owned the property for 24 years. She testified that they purchased it as an investment; it was never a horse farm. Her husband passed away, and she is please she had the opportunity to sell. Ms. Drye spoke fondly of her experience working with Southgate and is in support of the project.

Paul Mitchell – Mr. Mitchell was the president of the Stone Ridge HOA. He could not attend the hearing in person, so Mr. Munday provided his email for the Board to review:

"As I said to you earlier this year, I feel that you have been upfront with us from the beginning and very open in sharing details of the development. Plans indicate it will be a very nice upscale townhouse community. I feel it will be a good addition to the area and should be welcome in our neighborhood."

Applicant Testimony

Cindy Reid, attorney representing Southgate provided a presentation which reiterated Staff's report, showing the site plan, and design for left and right turn lanes. In reply to public commenters, Ms. Reid said that no traffic study was required. NCDOT was aware of requirements for the area, and the company complied with their rules and criteria.

Ms. Reid displayed architectural features and plan for landscaping, which included larger vegetative buffers than needed, as well as trees and open space.

Scott Munday responded to questions from the Board, Mr. Munday recounted the community meeting held in December via Zoom. Invitations were sent to all residents within 250 feet of the development. He admitted the meeting was not convenient for everyone, and said he had visited the neighborhood often, and made himself available for discussion. The meeting was scheduled to accommodate the January 1 TRC deadline.

Mr. Munday addressed concerns regarding property values, and explained the process of setting up a HOA, as well as covenants restricting owners' ability to rent. He explained that the company would like to continue to build in Salisbury, so wants to establish the trust of the neighboring community.

Deliberation

Members received clarification of the project's consistency with the comprehensive plan. Teresa Barringer testified that potential buyers will be held to the covenants.

They were informed by Staff that the earliest the case would go to City Council would be the last meeting in August, but more likely in September.

Motion

Bill Burgin made a motion to approve the request. It was seconded by John Struzick, and passed by unanimous vote of members present.

Before adjourning the meeting, Tim Norris asked the applicants to stay behind and answer questions for the residents who attended.

ADJOURN 5:05 p.m.



John Schaffer, Chair

Jennifer Pfaff, Secretary