



The Salisbury Planning Board held its regular meeting Tuesday, December 28, 2010, in the City Council Chamber at Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Karen Alexander, Robert Cockerl, Herman Felton, Jr., Will Hasselmann, Richard Huffman, Benjamin Lynch, Carl Repsher, and Patricia Ricks.

ABSENT: Tommy Hairston, Albert Stout, Bill Wagoner, and Eldridge Williams.

STAFF: Dan Mikkelson, Preston Mitchell, Diana Moghrabi, and David Phillips

This meeting was digitally recorded for **ACCESS16 Television** by Jason Parks.

Robert Cockerl called the meeting to order and offered an invocation. The Planning Board adopted the agenda as submitted (revised). The minutes of the December 14, 2010 meeting were approved as submitted.

NEW BUSINESS

A. SPECIAL USE PERMIT

SUP-07-2010 Nashville Nights/Karen Littleton for the allowance of a night club to be located at 125 East Innes Street:

- a) Swear in those persons testifying at public hearing
- b) Ex Parte Disclosure
- c) Evidentiary hearing
 1. Receive testimony from staff
 2. Receive testimonies from proponents and opponents
- d) Findings of Fact
- e) Recommendation to City Council

Those bringing evidence were sworn in. There were no ex parte disclosures.

David Phillips made the staff presentation for the Special Use Permit.

Karen Littleton submitted the request for a Special Use Permit to allow for the establishment of a nightclub to be located at 125 East Innes Street in accordance with the Land Development Ordinance (LDO) Chapters 2.7.C and Additional Standards Section 3.3.D.

A bar, tavern, or nightclub use is permitted in the DMX district with the approval of a Special Use Permit. This use also has an additional requirement that no such facility shall

be located within five hundred feet of any lot containing a school. Staff has determined that there are no schools within five hundred feet of the proposed establishment.

A special use permit was issued by City Council for 127 East Innes Street. The same applicant met with the building inspector and the fire department and it was determined that they would have to provide a sprinkler system and two additional exits upstairs; therefore, they would like to abandon using the upstairs of 127 East Innes and push through the wall to expand into the adjacent space of 125 East Innes.

The applicant requests that the guidelines and requirements for membership that have been adopted by City Council for SUP-05-2010 also be adopted for SUP-07-2010.

Applicant

Karen Littleton, (**Dick Palmore** joined her at the table) was allowed to distribute a draft drawing of the interior of the building and an updated copy of the rules and regulations for membership, along with a security agreement approved by City Council. There was a change on the agreement previously submitted to Planning Board regarding designated drivers. The allowance of wand searches was also added as a security precaution.

The proposed changes will not alter the exterior of the building. At one time 125, 127 and 129 East Innes Street were home to Western Auto and the buildings were connected by a pass-through that is now closed. The passage between 125 and 127 East Innes Street is proposed to be reopened and a fire door between the two will be installed. There should not be any additional noise generated by the changes.

The second floor of 127 East Innes Street will be closed.

Those Speaking In Favor

None

Those Speaking In Opposition

None

Board Discussion

Dick Huffman made a MOTION stating that the use for SUP-07-2010 at 125 East Innes Street meets all required principles and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit in that the property meets all appropriate zoning ordinances and will comply with all ABC and ALE requirements. Herman Felton, Jr. seconded the motion with all members voting AYE. (8-0)

Carl Repsher stated that the appearance of 125 East Innes Street will be unchanged and made a MOTION that the proposed use, as submitted and approved, will be visually and functionally compatible to the surrounding area. Patricia Ricks seconded the motion with all members voting AYE. (8-0)

Dick Huffman made a MOTION that the public health, safety, and welfare will be assured and the proposed development of SUP-07-2010 will not substantially injure the value of adjoining property and associated uses if located where proposed. They have adopted security guidelines, safety guidelines, membership requirements that have been approved by the City Council. Herman Felton, Jr. seconded the motion with all members voting AYE. (8-0)

No such facility shall be located within five hundred (500) feet of any lot containing a school. Based on the findings from staff, there are no schools within 500 feet of the proposed location. (Primary and secondary schools—does not address daycares)

Dick Huffman made the final MOTION to recommend approval; that **SUP-07-2010** meets all standards and guidelines and should be issued a special use permit for the property at 125 East Innes Street. Herman Felton, Jr. seconded the motion with all members voting AYE. (8-0)

The final decision will come from City Council.

B. LDOTA-11-2010 Pole Display Signs (Pole Banners)

Preston Mitchell made a staff presentation. Preston provided a strikethrough and underlined version of the code (page 12-21 of the Land Development Ordinance) representing proposed changes.

The City has received a petition to amend the Land Development Ordinance to permit pole display signs (pole banners) within the Hospital Services (HS) zoning district. The LDO currently allows pole displays within the Institutional Campus (IC) district, Downtown Mixed-Use (DMX) district, and within any shopping center regardless of zoning district. Although the aforementioned permits pole displays, there are specific regulations that apply to the erection of pole displays within those districts or centers.

Rowan Regional Medical Center (RRMC) approached the City several weeks ago to say that they will be celebrating their 75th Anniversary next year (2011) and would like the opportunity to erect pole displays on their decorative light poles that surround the RRMC campus (Images and the signage plan were included in the Planning Board agenda packets.).

Staff took this request to the December 16, 2010, Technical Review Committee (TRC) meeting for their review and recommendation. The TRC discussed this item in detail and determined that the hospital (RRMC) owns and maintains the decorative light poles that would hold the pole displays.

If approved, pole displays (banners) could continue to be erected in the downtown (DMX), on the college campuses (IC), in shopping centers around town (e.g. Ketner

Center), and now at the hospitals (HS). TRC ultimately recommended approval (unanimously) of the text changes as presented in Chapter 12 - Signs.

With signage you can regulate time, manner and place; we want to get away from managing content. Pole displays are meant to be temporary and not permanent. After about 180 days they begin to look shoddy. If a banner becomes deteriorated, the administrator can have them remove it.

Preston stated that this request is not inconsistent with the comprehensive plan and recommends approval.

No one spoke in favor or opposition

Board Discussion

Dan Mikkelson gave some history and background. David Phillips explained the process from the perspective of Development Services and there was a discussion on derogatory content.

Carl Repsher made a MOTION to approve with some changes. He requested that qualifying words (like woven natural fibers) be eliminated and simply state fabric. Page 12-21.F.1 should read "That the pole displays be vertical pole banners made of fabric and that they be securely fastened by brackets and arms at both top and bottom." This is not inconsistent with the comprehensive plan. Dick Huffman seconded the motion with all members voting AYE. (8-0)

OTHER BOARD BUSINESS

The Salisbury Planning Board adopted the 2011 regular meeting schedule for the 2nd and 4th Tuesdays of the month at 4 p.m. in the Council Chamber located at 217 South Main Street, Salisbury, NC.

Committee 2 is going to continue working on the Bicycle Plan. Continuing on the goals for 2010/2011, Committee 1 (Karen Alexander, Robert Cockerl, Will Hasselmann and Eldridge Williams) will work on an open space study that will coordinate with the Tree Board's tree preservation study. The meeting will take place January 11, 2011, at 3 p.m. in the second floor conference room at 217 South Main Street, Salisbury, NC.

There being no further business to come before the Planning Board the meeting was adjourned at 5:02 p.m.

Robert Cockerl, Chair

Diana Moghrabi, Secretary