



The Salisbury Planning Board held its regular meeting Tuesday, September 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., Tommy Hairston, Richard Huffman, Benjamin Lynch, Carl Repsher, Patricia Ricks, Albert Stout, Bill Wagoner, and Eldridge Williams

**ABSENT:** Will Hasselmann

**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. The minutes of the September 14, 2010 meeting were approved as submitted.

## **OLD BUSINESS**

Committee 3 Report–**LDOTA-09-2010** Wireless Telecommunication Facilities

Bill Wagoner, Ch.; Tommy Hairston, V. Ch.; Patricia Ricks and Herman Felton, Jr. met Tuesday, September 21, 2010, at 217 S. Main Street at 11 a.m. Minutes of that meeting were distributed to members of the Planning Board.

The committee discussed at length when the balloon test should be conducted. Bill Wagoner reported that the balloon test should be held prior to the first time it becomes a public issue, in a public forum, in which there can be a public hearing. It should be held prior to the Planning Board evidentiary hearing (not just prior to the City Council public hearing).

Bill Wagoner proposed that the public notifications should also include the balloon test information “to be conducted on a certain date, time and location.” He wants to see that the public receives ample opportunity to have the balloon test information.

Page 3-17 was opened for discussion. *The dates, times and location of this balloon test shall be advertised by the applicant not less than 10 days, no more than 25 days, in advance of the first test in a paper of general circulation....*

Preston Mitchell proposed...the *applicant* shall provide at the evidentiary hearing a photo simulation of the proposed tower and attest to the fact that the test was properly advertised. Preston added that, “Notification of the Special Use Permit has always been handled by staff and will continue to be handled by staff. The notification of the Special Use Permit would be by posting on City Hall doors, signs posted on the site, and first-class mail notification prior to the

Planning Board meeting. Both the balloon test and the notifications are happening prior to the Planning Board meeting.” He asked Bill Wagoner, “Do you want on the notifications—on the signs and on the letters—that the balloon test will be or was conducted on X date and time?”

The Planning Board received a MOTION from the committee to recommend approval of transferring certain sections of the Wireless Telecommunications Facility language from the existing City Code to the LDO without modifications. The committee also recommends approval of the edits of the Special Use Permit Standards for Towers heading on page 3-16 of the LDO. The Committee also recommends that the balloon test shall occur prior to the Planning Board evidentiary hearing. Public notification of the Special Use Permit should include US first-class mailings to property owners within 100 feet of the property, signs should be posted on the site, notices to be posted on the doors of City Hall, while public notification of the balloon test would include a newspaper ad handled by the applicant. Planning Board approved the recommendation to City Council.

Bill Wagoner added an agenda item to make a motion on the balloon test.

Dick Huffman made a MOTION that the text just approved on page 3-18 language about the *applicant shall, as part of the application process, provide photo simulations...* it should read, *“the applicant shall provide, prior to the evidentiary hearing, a photo simulation of the proposed tower...striking “as part of the application process.”*

Bill Wagoner made a MOTION that, “The date and time of the balloon test be added as a part of each of the four notification methods. (On the City’s notifications) The city will include in its notification methods the date and time of the balloon test.”

Preston added, “As part of the three notification processes for the city (notice on City Hall doors, signs posted, and first-class mail notification) the date and times of the balloon test would be included.” He clarified that the newspaper notification should be a newspaper advertisement (not in the classified section). The city clerk has always mandated how ads are to be done and has a standard with the Salisbury Post.

Dick Huffman said he did not want someone to “sneak one by.” Preston responded with the following language, *“The dates—including a second date in case of poor visibility on the initial date—times and location of the balloon test shall be advertised according to the Salisbury city clerk standards by the applicant, not less than 10 no more than 25 days in advance of the first test date in the newspaper with general circulation in the City. The applicant shall, prior to the evidentiary hearing provide a photo simulation of the proposed tower and attest to the fact that the test was properly advertised on a certain and the test was conducted on a certain date, time and location.”*

The motion now on the table is that the two changes would be made on page 3-17 and 3-18 as read into the record and that notification of the balloon test to be included in the three forms of notification for special use permits as handled by staff. Planning Board voted AYE. (11-0)

Ben Lynch asked if there was an application fee and suggested raising the application fee to cover newspaper ad cost. The application fee is \$5,000 and in another part of the City Code. Preston advised against changing the application fee amount.

## **NEW BUSINESS**

### **A. LDO Text Amendments**

- Staff Presentation
- Courtesy Hearing
- Board discussion
- Statement of Consistency
- Recommendation to City Council

### **LDOTA-10-2010 Major Auto Restoration in the DMX**

Preston Mitchell made a staff presentation.

The City has received a petition to amend the Land Development Ordinance to permit Major Auto Repair/Restoration and Bodywork in the DMX (Downtown Mixed-Use) zoning district.

The Planning Board received a letter which describes in detail the level of restoration and care that goes into each vehicle at Red's Place. Red Humphries (and his employee, Cassie Allen) is seeking to move here from the Charlotte area and would like to purchase 215 East Innes Street. He plans to completely restore and upfit the facility.

Mr. Mitchell adds, as part of the text amendment, "*Engine rebuilding should be included as part of major auto repair (and other mechanical overhaul).*" Currently, vehicle services major repair is not permitted in the DMX. Minor auto repair is currently permitted within the DMX.

This petition was reviewed by the TRC at the August 19 meeting. There was unanimous support for amending the LDO to allow for Red's relocation. Mr. Mitchell presented the proposed language from Chapter 3 (Additional Use Standards) and Chapter 18 (Definitions).

Preston recommended amending the Land Development Ordinance to permit Major Auto Repair/Restoration and Bodywork in the DMX (Downtown Mixed-Use) and HB zoning districts be allowed as a PS (permitted with standards). Page 3-10 *all work shall be conducted indoors within an enclosed building. When abutting a residential district, hours of operation shall not exceed 10 p.m.* Mr. Mitchell included in the definition—"Engine and other mechanical overhaul as part of vehicle services major repair." He did not want to get into the display of vehicles once they are finished.

Staff recommends approval and believes it is consistent with the Salisbury Vision 2020 Comprehensive Plan.

Outdoor storage is not a primary use. It is handled in Chapter 6 and should be screened. Display and sale of vehicles is a different use.

Preston Mitchell said, "If the Board is in support of this, then staff would ask that you would move this forward to City Council with a positive recommendation, if you feel so inclined. Also, if you would state that it would be consistent with the Comprehensive Plan."

Carl Repsher, "So moved."

Robert Cockerl, "We have a MOTION on the floor that the vehicle service major repair bodywork be added to the DMX."

The Board unanimously voted AYE. It will go to City Council with a positive recommendation from Planning Board.

*Public Comment*

No one spoke in favor or opposition other than the favorable letter from Cassie Allen.

- B. Presentation of the Eastern Gateway Area Plan** (Staff presentation by Preston Mitchell.) The plan advisory committee consisted of Mary Arey, Judy Dula, Guy Fisher, Eddie Hampton, Joe Mathis, David Mayberry, and Hassan Mohamed. Robert and Louise Lesley were interested citizens who do not live or operate a business within the study area.

A written draft proposal was submitted to the Planning Board and the advisory committee and temporarily available online.

<http://www.salisburync.gov/planningboard/materials/EasternGatewayAreaPlan/EasternGatewayPlan.pdf>

The study area is a little over 800 acres bound by I-85 to the west, bound by Stokes Ferry Road and part of East Innes Street on the north end, by Crane Creek on the east, and by the railroad tracks and Morlan Park Road on the south. It crosses over two planning districts (Planning Districts 4 and 5). This is the area decided on by the plan advisory committee back in the winter of 2008.

Postcards (4" x 6") were delivered (or delivery attempted) to everyone within the community by mail and hand delivery (on two occasions) inviting the public to visioning sessions.

This began as the Faith Road Area Plan and was going to be a corridor plan for Faith Road. There were development pressures coming down Faith Road from Avalon Drive. Congestion problems on Faith Road and a number of other issues were beginning to concern citizens who live in this area. The Faith Road corridor, however, affects a much larger area. During visioning sessions with the community, the name was changed from the Faith Road Area Plan to the Eastern Gateway Area Plan. Budgeting constraints were not a consideration for the visioning of the plan.

Commercial development should be relegated to the intersection of Jake Alexander Boulevard and Faith Road, or up further next to Avalon Drive. Any commercial along Faith Road would be adaptive reuse of those existing structures, as opposed to tearing them down.

The plan is a proposal for policy. It is a tool for protection of land uses and preferred development patterns. Staff recommends approval of the plan.

*Those speaking in opposition*

None

*Those speaking in favor*

**Mary Arey** operates a business at the corner of Faith Road and Woody Street along with her son. She said they were very pleased with the plan and in favor of it. The area is ready for further development; improvement has been in decline.

**Guy Fisher** addressed the property behind his house on Wedgewood Drive. This property, which runs along the creek, is owned by the Seventh Day Adventist Church. It is beautiful and would make a wonderful greenway. He recommends speaking to their board.

**Jeff Cline** owns property at 1910 East Innes Street. A group of property owners are interested in rezoning their property in the area from the Social Security office to five or six properties beyond. They have postponed their request for rezoning while waiting for the area plan completion. They are very much in favor of the plan.

*Board Discussion*

This plan should be updated about every five years. The Board thanked Preston Mitchell for doing a wonderful job on the area plan.

Dick Huffman made a MOTION to send the Eastern Gateway Area Plan to Committee 1 (Karen Alexander, Robert Cockerl, Eldridge Williams, and Will Hasselmann) for further review. The motion was seconded by Bill Wagoner with all members voting AYE.

**OTHER BOARD BUSINESS**

There being no further business to come before the Planning Board the meeting was adjourned at 5:47 p.m.

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Robert Cockerl, Chair

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Diana Moghrabi, Secretary