The Salisbury Planning Board held its regular meeting Tuesday, February 9, 2010, in the City Council Chamber at Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Karen Alexander, Mark Beymer, Robert Cockerl, Richard Huffman, Valarie Stewart, Albert Stout, Bill Wagoner and Diane Young

ABSENT: Tommy Hairston

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

This meeting was digitally recorded for *Access 16* 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 January 26, 2010 meeting were approved as submitted.

NEW BUSINESS

A. Special Exception
SE-01-10: Frontage Width Special Exception request for 127 Mitchell Avenue

Preston Mitchell explained the procedure. The chair swore in persons who wished to speak. An error in the public notifications was discovered. The Truemper household was omitted. Notifications will be mailed again.

Patrick Ritchie, Subdivision Administrator for the City of Salisbury, made a staff presentation.

Owner:	JKL Ltd.
Tax Map: 014	Parcel: 287
Existing frontage width:	100′ (99.99′ surveyed)
Requested number of lots:	Two requested frontage widths: 50.59′ and 49.40′

Frontage width required by LDO Infill Standards: 73′ (Average of comparison lot widths)

Responses to standards for frontage width special exception review:

i. Requested frontage width is not less than the minimum frontage width required by the LDO: *49.40′>30′ (HR zoning with house type building) This standard is met.*
ii. Requested frontage width is not less than 90% of the narrowest frontage width of the comparison lots: *49.4′> 45′ (90% of 50′) This standard is met.*
iii. Requested frontage width/subdivision will not create or increase any known non-conformities: *It will not.*

iv. Requested frontage width is uniform from the front to the rear of the property: *It is.*

The proposed subdivision meets the provisions of Land Development Ordinance Section 6.3.E.3 as stated above and may be considered by the Planning Board as a Special Exception. The Special Exception may be approved by the Board if it is deemed appropriate after conducting the required evidentiary hearing.

Those speaking in opposition:
Teresa Pitner of 320 Mitchell Avenue had questions for the property owner who is James Lafevers. Ms. Pitner objected to the sale of the property for profit by someone who did not live in the neighborhood.

Mr. Lafevers does not live in the house or the neighborhood. He acquired the property through a transaction involving a home he had for sale in Country Club Hills. The Mitchell Avenue property has been for sale since September. It has a tax value of $189,000, but he is not able to sell it for that amount. Mr. Lafevers did receive a conditional (contingent) offer to purchase the house. By separating the land adjacent to the property, he can lower the price of the house and build a similar house on the vacant lot.

Those speaking in favor:
Mr. Lafevers stated that he has interest and connections to this community. He saw a business opportunity and he took it. There are three or four houses for sale on the same block. The house is currently vacant.

Board discussion
The side setback requirement for a lot that is less than 50 feet is 20 percent of the lot width which can be either all on one side or split between the two sides.

Dr. Beymer said this is the type of situation that he has been concerned about and why he has resisted this sort of exception consideration where we are moving toward the least common denominator on width. "I know these are difficult times; housing is moving very slowly. But, we cannot jeopardize our neighborhoods by providing this type of exception. I will be voting 'no'."

Diane Young said she would be voting against it, too. "There is a huge difference between 73 feet and 49 feet." There are 50-foot lots in Fulton Heights, but typically there is a transition between some larger homes and scaling down to smaller homes and scaling back up. "I hate to think what could ultimately be built on that lot, and I think it would be out of place."

The 1930's Sanborn Map shows the lots on that side of Mitchell Avenue in the 100 block exactly as they were when the lots were originally sold in the 20s/early 30s by the developers of Fulton Heights. This is the character of this block.

Karen Alexander was interested in the history of the lot, too. The scale of the homes in this block is much larger than that being proposed. She agreed with Diane and stated that she will be voting against this exception, too.

Consideration factors for frontage width special exception review. In applying the standards, the Planning Board shall consider each of the following factors:

i. The minimum frontage width, as requested, or some modification thereof and subsequent subdivision do not negatively impact the provision of city services or utilities.

ii. The applicable comparison lots adequately represent the larger surrounding area.

iii. Natural or man-made features of the land help or hinder the minimum frontage width as required and requested.

Diane Young made a MOTION to table Special Exception SE-01-10: Frontage Width Special Exception request for 127 Mitchell Avenue to allow proper notification to take place. Albert Stout seconded the motion. The motion was approved (8-0) This will come to Planning Board again February 23, 2010.

B. Text Amendments
City Code TA-01-2010: Planning Board Membership

Staff brought this to the Planning Board for discussion. This was discussed at a committee level back in 2007—the size of the Planning Board and the basic need to create an odd-numbered board. Though Planning Board rarely has 100 percent attendance at Planning Board meetings, the number of members must be based on an assumption of complete attendance. The Planning Board chair is a regular voting member; therefore, staff would like Planning Board membership to fall back to at least 11 rather than 12 members.

The Planning Board is down to nine members at the moment. The annual March appointment by City Council is coming up.

Albert Stout remembered Centralina Council of Governments making this recommendation. A committee decided in 2007 not to reduce the size of the Salisbury Planning Board; it is up to City Council to make such determinations. "Why try to fix something that is not broken."

Dr. Beymer believes a larger representation of the community on the Planning Board is desirable. "More voices are better for these important decisions."

Diane Young acknowledged that, in a community like Salisbury, many Board members are involved in business transactions that require them to recues themselves. She would not object to going to 11 members as opposed to 12 members. She would have a problem going to a board smaller than 11 members. She respects the professional opinion of City staff.

Valerie Stuart objected because this was staff initiated and not City Council or Planning Board initiated.

Dick Huffman made a MOTION for the Planning Board go on record as recommending to City Council that Section 19-28.a of the City Ordinance be modified so the Planning Board membership is changed from 12 to 11 members. **Diane Young** seconded the motion. Bill Wagoner, Diane Young and Dick Huffman voted in favor of the motion. Albert Stout, Valerie Stewart, Mark Beymer, Robert Cockerl, and Karen Alexander voted against the motion. The motion was denied 3-5. This will not proceed to City Council.

OTHER BOARD BUSINESS

Diane Young has been an opponent to the Infill Special Exception. "We have opened an avenue for people to ask for an exception to our ordinance. It gives them a lot of leniency. Since this is primarily in established neighborhoods, the least we can do is to establish a system of sign notification on the lot." It would help to let others in the neighborhood voice their opinion.

Bill Wagoner made several inquiries regarding Infill Special Exceptions. The notifications for Special Exceptions go only to the comparison lots within 300 feet of the front property line (not the rear). Perhaps there needs to be more sensitivity to the surrounding community. **Dr. Beymer** agreed with Mr. Wagoner.

Bill Wagoner asked to have a committee look at this process and see if they can improve on it. He and **Karen Alexander** stated that they are proponents of Special Exceptions.

Committee 3 will continue a study of Infill Special Exceptions. Diane Young and Karen Alexander may join that committee for this study. They will meet Wednesday, February 17 at 4 p.m. in the first floor conference room.

<u>An Ordinance Amending Section 8.5-1, 13-1, 13-161, and 13-277 of the City Code of the City of Salisbury, NC. (Parking in the Front Yard)</u>

Chris Branham, Code Services Manager, explained that this portion of the Ordinance has been difficult to enforce. The changes were reviewed. This will go to City Council February, 16, 2010. This will allow code enforcement officers to issue on-site civil citations.

They will be inserting parts of the Land Development Ordinance into the City Code. The definition of oversized vehicles was amended. Planning Board offered a suggestion: to consider

that "dualies" have six tires and classified as a pickup truck. The appeal process will be through the Zoning Board of Adjustment.

Planning Board Nominations for Chair and Vice Chair
Salisbury Planning Board Committee 1 (Diane Young, Karen Alexander, and Robert Cockerl) set a committee meeting for Wednesday, February 17, 2010, at 3 p.m. in the first floor conference room at City Hall.

The purpose of this meeting is to discuss Planning Board nominations for chair and vice chair for 2010/2011.

The next Planning Board meeting will be February 23, 2010.

There being no further business to come before the Planning Board the meeting was adjourned at 5:25 p.m.

Robert Cockerl

Robert Cockerl, Chair

Diana Moghrabi

Diana Moghrabi, Secretary