



Rowan County Department of Planning & Development

402 North Main Street – Suite 204 – Salisbury, NC 28144

Phone: (704) 216-8588

[www.rowancountync.gov/planning](http://www.rowancountync.gov/planning)

**MEMORANDUM**

TO: Rowan County Board of Commissioners  
FROM: Shane Stewart, Assistant Planning Director  
DATE: March 7, 2023  
RE: **PE 01-23; Rod Weaver and Misty Thomas**

**REQUEST**

Rod Weaver and Misty Thomas are requesting a permit to exceed the amplified noise ordinance standards for an event on Saturday, May 6<sup>th</sup> between 1:00 PM and 9:00 PM on their property at 4860 Patterson Road China Grove (Parcel ID 223-003). According to information provided by the property owners, the event, referenced as “One Love Music Festival”, will feature a day of “music, food, and fellowship” including miscellaneous vendors, information regarding the American Cancer Society and other assistance organizations, and activities for children. The owners indicated a portion of the proceeds will fund their non-profit organization, Wisdom Way Inc.’s mission – Hands of Hope.

According to Section 14-10 of the Noise Ordinance, *“It shall be unlawful for any person, group, event or business to play, use or otherwise operate any sound amplification equipment (to include radio, tape player, stereos, etc.) emitting sound that is unreasonable, frequent and continued with such volume at any time on any given day of the week, in a manner which may annoy or disturb the quiet, comfort or repose of the general public. This provision is applicable when the source of the noise is plainly audible to the responding law enforcement officer at a distance of one hundred (100) feet.”*

However, Section 14-12 provides an opportunity to exceed the amplified sound standards in the form of a “permit to exceed” when the event is open to the public.

**APPLICATION  
REVIEW**

As provided in Section 14-12 (c) of the Rowan County Noise Ordinance, the following criteria shall be considered in issuing or denying an application for a permit to exceed:

1. The timeliness of the application.

*Finding:* Planning Staff received the application on February 8<sup>th</sup>, additional information throughout February, and early March.

2. The nature of the requested activity.

*Finding:* According to Mr. Weaver and the event coordinator Mike Gaston, the event is open to the public and will feature food, vendors, and live entertainment. The property contains gravel driveway connections at both Brown and Patterson Roads to the relatively flat 17 acre grassed field. Access points will be stationed with event personnel to process tickets and deliver logistic information. Parking areas are denoted on the site plan for the anticipated 400 – 500 guests.

Site plan detail also include proposed stage and speaker arrangement in the northwest corner of the property, two (2) sets of portable toilets with washing stations, and food / beverage areas. Mr. Gaston has been in contact with the Environmental Health Office regarding permitting and will ensure individual food vendors of the requirements.

3. Previous experience with the applicant.

*Finding:* None. Property owners purchased this 17 acre parcel on March 9, 2017, which is currently listed in the present use value program as tax deferred due to agricultural use. Two (2) “zoning permits” have been issued related to the farm use – a 480 sf office and a 2,880 sf horse barn. From speaking with the owners, they shared their passion for neglected horses, serving veterans, and mission efforts.

4. The time of the event.

*Finding:* According to the application, the event will take place on May 6<sup>th</sup> between 1:00 PM and 9:00 PM.

5. Other activities in the vicinity of the proposed event.

*Finding:* None to knowledge.

6. Frequency of the event.

*Finding:* The owners expressed interest in hosting this event annually.

7. Cultural or social benefits of the proposed event.

*Finding:* See #2.

8. The effect of the activity on any adjacent residential area.

*Finding:* The site has sufficient area to accommodate the anticipated number of guests. The applicant has been in contact with Sheriff's Office staff regarding the event and requirements of their office. As of the date of this memo, these details are not complete.

9. Previous violations, if any, by the applicant.

*Finding:* This is the owner's first permit to exceed request.

10. Adjoining property owners surrounding the location are notified by the Planning Department or applicant at least seventy-two (72) hours prior to consideration by the Board of Commissioners.

*Finding:* Staff mailed notice to nineteen (19) property owners, which are generally within 500 feet of the subject site, on March 7<sup>th</sup> and posted a sign on the property on March 7<sup>th</sup>.

<b>STAFF COMMENTS</b>
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In accordance with section 14-12(e) of the Noise Ordinance, conditions or requirements necessary to minimize adverse effects upon the community or surrounding neighborhood may be placed on the application.