



Rowan County Department of Planning & Development

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www.rowancountync.gov/planning

MEMORANDUM

TO: Rowan County Board of Commissioners
FROM: Shane Stewart, Assistant Planning Director
DATE: July 7, 2022
RE: **PE 02-22; Richard Jackson**

REQUEST

Richard Jackson is requesting a permit to exceed the noise ordinance standards for “A public event for everyone to come and enjoy the entertainment, music, and food are free, [sic] for the public of surrounding area” at 3811 Old Mocksville Road Salisbury (Parcel ID 308-198) on Saturday, September 3, 2022 from 5:00 PM to 10:00 PM. Based on the site plan, a stage would be placed just north of a new home under construction with speakers directed south towards the two (2) tents (see site plan). Three (3) portable toilets and sink wash stations are proposed to serve the anticipated 150 to 200 guests. According to information shared by Mr. Jackson, father of property owner Darrius Massey, this will be the 3rd annual Labor Day event, which will feature two (2) musical artists from the region.

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 May 17th and additional information later in June.

2. The nature of the requested activity.

Finding: According to Mr. Jackson, the event is open to the public and will feature free food / drink along with live entertainment.

3. Previous experience with the applicant.

Finding: Mr. Jackson and Mr. Massey submitted a rezoning petition in the spring of 2021 to construct an event center on the subject property. During the April 26, 2021 Planning Board courtesy hearing, citizens expressed concerns regarding vehicles inhibiting traffic along Old Mocksville Road, overflow parking at nearby Ellis Park, and noise / late hours with a Labor Day party that took place on the property in 2020. The applicants withdrew the application due to the concerns and Planning Board recommended denial of the application. Refer to enclosed summary from applicant regarding background. See item #9 for additional detail.

4. The time of the event.

Finding: According to the application, the event will take place on September 3rd between 5:00 PM and 10:00 PM.

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

Finding: None to knowledge. Ellis Park is open until 9PM but does not have any planned events at this time and, according to park staff, will not be used to accommodate guest parking for this event.

6. Frequency of the event.

Finding: This would be the 3rd annual Labor Day event.

7. Cultural or social benefits of the proposed event.

Finding: See #2.

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

Finding: As with the first two events, traffic / parking seems to be the primary issue. In response to the concerns of Planning Staff, the Sheriff's

Office, and adjacent residents, Mr. Jackson indicated his team has made modifications to correct the parking / traffic problem and will have four (4) attendants directing cars to three (3) parking areas on-site. Staff asked Mr. Jackson to develop a response plan should available on-site parking area become full. Also, the access labeled “exit / entrance” is currently too steep for vehicles other than trucks / SUVs but, according to Mr. Jackson, will soon be improved.

While difficult to fully project parking yield from the depicted site plan limits, staff assumed a generous number of approximately 64 vehicles that could be accommodated on the 1.85 acre parcel.

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

Finding: In addition to the noted traffic / parking concerns in 2020, Mr. Jackson was given a citation for violating the noise ordinance in 2021. The applicant’s attached background information also referenced a few vehicles parked along the Old Mocksville Road shoulder over the white line but were “...taken care of immediately.” As noted in #8, Mr. Jackson has a plan to ensure to address these issues.

Due to previous concerns from neighbors, staff requested 911 call data that appear to be attributed to past Labor Day events at the subject property. The below table include calls on 9/5/20 (Saturday), 9/7/20 (Monday), and 9/4/21 (Saturday).

CALL TIME	NATURE
9/5/2020 7:10:00 PM	113C1 DISTURBANCE-LOUD PARTY
9/5/2020 7:10:30 PM	113C1 DISTURBANCE-LOUD PARTY
9/5/2020 7:17:12 PM	113C1 DISTURBANCE-LOUD PARTY
9/5/2020 7:56:35 PM	113C1 DISTURBANCE-LOUD PARTY
9/5/2020 8:12:43 PM	113C1 DISTURBANCE-LOUD PARTY
9/5/2020 10:13:17 PM	
9/5/2020 10:29:14 PM	DELIVER MESSAGE
9/5/2020 11:01:38 PM	113C1 DISTURBANCE-LOUD PARTY
9/7/2020 7:25:17 PM	113C1 DISTURBANCE-LOUD PARTY
9/7/2020 7:31:00 PM	113C1 DISTURBANCE-LOUD PARTY
9/7/2020 8:53:24 PM	113C1 DISTURBANCE-LOUD PARTY
9/7/2020 8:54:10 PM	113C1 DISTURBANCE-LOUD PARTY
9/7/2020 8:58:45 PM	113C1 DISTURBANCE-LOUD PARTY
9/4/2021 5:05:02 PM	113B2 OTHER NOISE COMPLAINT
9/4/2021 8:35:11 PM	113B2 OTHER NOISE COMPLAINT
9/4/2021 8:59:38 PM	113C1 DISTURBANCE-LOUD PARTY
9/4/2021 8:58:08 PM	113B3 NUISANCE COMPLAINT
9/4/2021 9:13:33 PM	113C1 DISTURBANCE-LOUD PARTY
9/4/2021 9:39:26 PM	113C1 DISTURBANCE-LOUD PARTY
9/4/2021 10:04:54 PM	57B2 EXPLOSION
9/4/2021 10:06:29 PM	57B2 EXPLOSION
9/4/2021 10:07:22 PM	LAW CALL

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 eleven (11) property owners, which are within 300 feet of the subject site, on July 1 and posted a sign on the property on June 30.

STAFF COMMENTS

In conversations with Mr. Jackson, Planning Staff reiterated the need to ensure all guests are accommodated on site, have a plan to address potential capacity issues, and ensure adherence to the requested 10:00 PM amplified sound cutoff. Since yearly Labor Day event requests are anticipated, criteria #9 becomes an essential part of this and future evaluations.

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.