Rowan County Planning and Development Department

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MEMORANDUM

TO: Chairman Edds and Rowan County Board of Commissioners
FROM: Aaron Poplin, Planner
DATE: May 03, 2023
RE: **PE 02-23**

SUGGESTED BOARD OF COMMISSIONERS ACTION

❑   Receive staff report   ❑   Receive public comments

❑   Discuss request   ❑   Approve / Deny / Table **PE 02-23**

REQUEST

Francisco Castro is requesting a Permit to Exceed for an event on May 20th, 2023 at 760 Oak Mountain Rd in Salisbury. The applicant expects the to attract around 150 people. This event will feature live music and bull riding. Some food may be provided from food trucks.

The applicant hosted a similar event on the property back on May 8th 2021 receiving a permit to exceed (PE 02-21). Since PE 02-21 there have been other bull riding events that have taken place on the property without permits to exceed. At a recent event held on March 26th the event received noise complaints. The noise complaints prompted the owners to seek a permit to exceed for this event in an effort to get in compliance with county ordinances.

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 this application on March 30th well in advance for consideration on May 15th.

2. The nature of the requested activity
   Finding: This is an event that will feature bull riding and live music.

3. Previous experience with the applicant.
   Finding: Staff has worked with this applicant on one prior permit to exceed.

4. The time of the event.
   Finding: The event will begin on Saturday May 20th at 11:00am, and end at 11:00pm the same day.

5. Other activities in the vicinity of the proposed event.
   Finding: This is the same day as the Cheerwine festival. This event will take place approximately 10 miles from the Cheerwine festival in downtown Salisbury.

6. Frequency of the event.
   Finding: The applicant intends to host more events of a similar nature at this property. Any proposed future events will need separate consideration.

7. Cultural or social benefits of the proposed event.
   Finding: The applicant expects to attract an estimated 150 people.

8. The effect of the activity on any adjacent residential area.
   Finding: see attached map of area properties.

9. Previous violations, if any, by the applicant.
   Finding: There have been no zoning violations on this property, but there have been past noise complaints.

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: The Planning Department provided mailed notice to property

owners within 100 feet of the event and posted a sign on May 3rd regarding this application (12 days notice before the BOC meeting and over two weeks before the event).

| STAFF COMMENTS | The applicant's goal is to have more events at this location in the future. This request is only concerning the event proposed for May 20th. Future event(s) will need their own consideration and may need to be considered under a different process than the permit to exceed.