

**Planning Board Meeting Minutes
February 10, 2003**

The Siler City Planning Board met on Monday, February 10, 2003, at 7:00 p.m. Jimmie Pugh called the meeting to order and Don Tarkenton gave the invocation. Minutes of December 9, 2002, meeting were unanimously approved by a motion from Don Tarkenton and seconded by Leota Thompson.

Members Present

Jimmie Pugh, Chairman
Don L. Tarkenton, Vice Chairman
Leota Thompson
Jeff Brewer
Larry Mendenhall
Larry Cheek
Richard Caviness, Alternate
Harold Hart, Alternate

Members Absent

Cindy Bray

Staff Present

Jack Meadows, Planning Director
Joel J. Brower, Town Manager
William C. Morgan, Town Attorney (by phone)

BUSINESS SESSION

Agenda Item IV

Rezoning Request

A. REZ-001-03 – Commercial Holding, LLC

Mr. Meadows reported that Commercial Holdings, LLC request a rezoning for approximately 2.2 acres from L-I to C-C. The subject property is located at 301 North Chatham Avenue and is further identified as Tax Parcel Number 15345.

A public hearing was conducted on February 3, 2003. The following comments were recorded:

- What uses are planned for the building and parking lot? (Town Board)
- The building is to be used for offices and retail and nothing at this time is planned for the parking lot. (Ken Davidson)

He further explained that the subject property has road frontage along North Chatham Avenue and West Third Street. Third Street and Chatham Avenue are both designated as thoroughfares and are capable of accommodating the traffic if the zoning is changed to C-C.

He also informed the members that the adjacent properties surrounding the development area follows: to the north includes single-family dwellings and a vacant manufacturing building zoned L-I, south is a vacant lot and furniture sales zoned L-I, east is Town Hall, Fire Department, and new Police Department and an auto garage zoned C-C and L-I respectively, and west is a vacant manufacturing building zoned L-I

He stated that rezoning the property to C-C would be appropriate since the subject property is located in close proximity to the downtown, and it will create an opportunity for an existing vacant building to become occupied. The C-C zoning district is designed to accommodate a wide variety of commercial activities oriented towards pedestrians and which will result in the most intensive and attractive use of the town's central business district.

He also asked the Planning Board to consider the entire range of permitted, special, and conditional uses for the proposed zoning district as listed in Article X – Table of Permissible Uses.

Staff recommends approval of the rezoning.

Discussion

With no further discussion, Mr. Pugh directed the board to their worksheet to go through each finding.

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- I. In order to maintain sound, stable and desirable development within the planning jurisdiction of the Town of Siler City, it is intended that the ordinance or zoning map not be amended except:

(1) To promote and forward the purposes of the adopted Siler City Land Use Plan.
Motion made by Don Tarkenton, Larry Mendenhall seconded, and majority approved

It is the further intent of this ordinance that if amended it will promote the general health, safety and welfare of the citizens of Siler City.

Motion made by Don Tarkenton, Larry Mendenhall seconded, and majority approved

- II. The Planning Board recommends approval.

Motion made by Larry Mendenhall, Harold Hart seconded, and majority approved.

Agenda Item V

Conditional Use Rezoning Request

A. CUR-001-03 – Chatham Habitat Humanity

Mr. Meadows reported that Chatham County Habitat for Humanity is requesting a conditional use rezoning for approximately 11.7 acres from A-R and R-10 to R-10-C for a forty lot single family cluster subdivision. The subject property is located off of Westmont Drive and is further identified as Tax Parcel Numbers 14207 and 15546.

A public hearing was conducted on February 3, 2003. The following comments were recorded:

- *Chatham Habitat for Humanity* - Total project time is 8 years. Roads will be paved. A minipark and open space will be provided. Minipark is located where the least amount of traffic is. We want to work with the neighbors. The project offers affordable housing. Habitat is a worthy agency and good things have come from their projects
- *Adjoining Property Owners* - It is not safe for children to play in the yard. The hill is dangerous. The traffic is unsafe. Accidents are nearly unavoidable. Motorists are traveling too fast. I support Habitat but why 40 houses? That is too many, why not 12?
- *Town Board* - A new traffic study must be taken to determine current trip counts for North Chatham Avenue/ Hampstone Road. The Police Department should monitor the traffic on North Chatham Avenue. There are two important matters at hand, the creation of affordable housing and the existing unsafe traffic conditions along North Chatham Avenue

Mr. Meadows stated the subject property is partially located outside of the Town's Corporate Limits and has no road frontage, but it has access off of North Chatham Avenue, is currently vacant, and has access to Town water and sewer. The surrounding development to the north includes a single-family dwelling and a manufactured home zoned A-R and a vacant industrial lot zoned L-I, south and east are vacant lots and single family dwellings zoned R-10 and to the west is the railroad and Country Living Estates which is zoned A-R. The proposed development will include paved roads, R-10 cluster lots and a 100 foot buffer from the center of the railroad tracks

He explained that Chatham Avenue is designated as a thoroughfare and is capable of accommodating the traffic for the subject property if the zoning is changed to R-10-C. The proposed development will generate approximately 383 trips on a weekday according to "Trip Generation 6th Edition". The latest traffic count for Hampstone Road/ North Chatham Avenue by NCDOT was 1,500 in 1999. A typical NCDOT annual increase of 5% would have the count at 1,823 for 2003. Hyatt Park and Country Living Estates both created after 1999 at full capacity could generate approximately 890 trips on a weekday. The current capacity is less than 500 trips per weekday.

Mr. Meadows explained that the Land Use Plan Map recommends general residential development for the subject property. The Land Use Plan recommends allowing a variety of residential building types and to restrict these types of developments to areas in which sufficient public water and sewer are available. The R-10 zoning district is designed to accommodate single-family detached residential uses at medium densities served by Town water and sewer.

Staff recommends approval of the Conditional Use Rezoning with the following conditions:

- Prior to notice to proceed on site work
 - Submit a grading plan that includes proposed contour lines (slope of proposed roads in 100 feet increments)
 - Erosion Control Plan must be approved by NCDENR
 - Storm water drainage plan and calculations
 - Tree survey identifying trees greater than or equal to 18" in diameter
 - NCDOT Driveway Permit
 - Submit detailed water and sewer plans
 - Submit hydraulic analysis (including calculations) of available gallon per minute fire flows and residual pressure
 - Record Conditional Use Rezoning Order with the Chatham County Register of Deeds
 - Written addendum to phasing plan, detailing all work necessary to complete each phase (time schedule, water and sewer, roads, minipark, etc.)

- Prior to final plat approval
 - Install a six (6) foot tall chain-link fence along the western property line that borders the railroad tracks (approximately 514.1 feet of fence)
 - Submit voluntary annexation petition
 - Install a 12 foot graveled emergency access easement

For your convenience a CUR worksheet is attached.

Discussion

Board members Jimmie Pugh and Larry Cheek voiced their concerns with the number of homes and the traffic conditions.

Mr. Meadows reported that himself, Town Manager Joe Brower, and the Police Department had been monitoring the traffic on North Chatham Avenue and reported their findings. Don Tarkenton reported that he had also been monitoring the traffic. He observed the traffic on different days and during high travel times, and he feels that the problem is more of an enforcement issue with the speed. Mr. Tarkenton also had concerns with the emergency access road.

Mr. Meadows explained that one of the conditions is before they can get final plat approval they have to install a 12 foot graveled emergency access easement.

Joe Faulkner with the CE Group Inc., submitted to the board members a letter from Damon C. Webb, P.L.S. with NCDOT stating that his office will not be requiring a traffic impact analysis for this site because, even with the existing traffic count, the added traffic due to the number of lots created by this new subdivision will not reach close to a critical number. He also passed out a revised drawing of the subdivision showing that they had decreased the number of lots from 40 to 36 to provide more open space to adjoining neighbors. He explained this proposed subdivision would be done in phases with only 5 or 6 homes a year for the next 8 years.

Don Tarkenton requested the following condition to be added to the CUR:

- Before phase two and later phases are approved, a NCDOT approved trip count is to be submitted. If the trip count exceeds 4,000 trips per day, Town Staff will submit the trip count to NCDOT. A recommendation from NCDOT will be requested by Town Staff.

With no further discussion, Mr. Pugh directed the board to their worksheet to go through each finding.

Rezoning

- II. In order to maintain sound, stable and desirable development within the planning jurisdiction of the Town of Siler City, it is intended that the ordinance or zoning map not be amended except:

(1) To promote and forward the purposes of the adopted Siler City Land Use Plan.
Motion made by Don Tarkenton, Larry Mendenhall seconded, with 5 voting in favor, with two opposed.

II. The Planning Board recommends approval.

Motion made by Don Tarkenton, Larry Mendenhall seconded, and majority approved.

Conditional Use

- I. The application was complete.
Motion made by Don Tarkenton, Larry Mendenhall seconded, and majority approved.
- II. The application complies with all applicable requirement of Unified Development Ordinance.
Motion made by Don Tarkenton, Larry Mendenhall seconded, and majority approved.
- III. If the permit is granted, it will be subject to the following conditions:
1. Prior to notice to proceed on site work submit a grading plan that includes proposed contour lines (slope of proposed roads in 100 feet increments)
 2. Prior to notice to proceed on site work erosion Control Plan must be approved by NCDENR
 3. Prior to notice to proceed storm water drainage plan and calculations
 4. Prior to notice to proceed tree survey identifying trees greater than or equal to 18" in diameter
 5. Prior to notice to proceed NCDOT Driveway Permit
 6. Prior to notice to proceed submit detailed water and sewer plans
 7. Prior to notice to proceed submit hydraulic analysis (including calculations) of available gallon per minute fire flows and residual pressure
 8. Prior to notice to proceed record Conditional Use Rezoning Order with the Chatham County Register of Deeds
 9. Prior to notice to proceed written addendum to phasing plan, detailing all work necessary to complete each phase (time schedule, water and sewer, roads, minipark, etc.)
 10. Prior to final plat approval install a six foot tall chain-link fence along the western property line that borders the railroad tracks (approximately 514.1 feet of fence)
 11. Prior to final plat approval submit a voluntary annexation petition
 12. Prior to final plat approval install a twelve foot graveled emergency access easement
 13. Before phase two and later phases are approved, a NCDOT approved trip count (at the intersection of North Chatham Avenue and Westmont Drive) is to be submitted. If the trip count exceeds 4,000 trips per day, Town Staff will submit the trip count to NCDOT. A recommendation from NCDOT will be requested by Town Staff.
- Motion made by Don Tarkenton, Larry Cheek seconded, and majority approved.*
- V. The permit is recommended for approval with the above conditions.
Motion made by Don Tarkenton, Larry Mendenhall seconded, and majority approved.

Agenda Item VI

Unified Development Ordinance – Text Amendments

Mr. Meadows reported that the North Carolina Wildlife Resources Commission reviewed the Environmental Assessment for the Rocky River Lower Reservoir Expansion and has required the Town of Siler City to amend its UDO. A public hearing was conducted on February 3, 2003.

Mr. Meadows also reported that he has reviewed with Angie Mettlen and William Morgan the requirements submitted by the WRC and has made the necessary additions, deletions, and changes to the UDO. He then reviewed with the Board Members the various proposed text amendments.

- Section 199 Street Width, Sidewalk, and Drainage Requirements in Subdivisions
 - Changes to this section include;
 1. Encouraging grass swales to be used in the place of curb and gutter except in areas where the slope is greater than or equal to six (6) percent
- Section 229 Utilities to be consistent with Internal and External Development
 - The following are all additions except for an alteration of the title:
 1. The title will be just Utilities.

2. All water lines and underground utilities should follow roads.
 3. Stream crossings should be the minimal number necessary to deliver water, electricity, telecommunications, etc. to the service area.
 4. All water and utility crossings should be perpendicular to stream flow.
 5. No new sewer lines or structures should be installed or constructed in the 100-year floodplain nor within 50 feet of wetlands associated with the 100-year floodplain.
 6. Sewer lines should be located outside of the protected buffer areas.
 7. Sewer lines closest to streams or crossings should be constructed of ductile iron.
 8. Sewer lines should parallel streams and be at a maximum distance from streams and tributaries
 9. Sewer line crossings should be kept to a minimum and are limited to crossing major stream or creek confluences.
 10. Only aerial or directional boring is allowed when new sewer lines are crossing streams.
 11. Manholes or similar access structures should not be allowed within buffer area.
- Section 235 Definitions (Article XVI Floodways, Floodplains, Drainage and Erosion)
 - The following definition will be added;
 1. Vegetative Buffer. An area measured from the water's edge (on each side) at full pond (lake) or normal levels (rivers and streams) that is not to be developed and left in its natural state, except as may be specifically authorized by the UDO and/or the permitting authority.
 - Section 238 Construction within Floodways and Floodplain Restricted
 - (a) No building, zoning, special-use, or conditional-use permit may be issued for any development within a floodway or the 100 year floodplain. Notwithstanding the foregoing, development may be authorized within the floodplain where either: (1) a valid permit was issued prior to the effective date of this section or (2) an existing lot of record is rendered undevelopable due to the prohibition on new development within the floodplain. In situations where development is allowed, the property shall be developed in a way that at has the least impact as possible on the floodplain, e.g., a house shall encroach into the floodplain only to the extent that it must in order to meet setbacks, etc. In addition, no permits shall be issued for any development within a floodplain until the permit-issuing authority has reviewed the plans for any such development to assure that:
 - 1) The proposed development is consistent with the need to minimize flood damage, and
 - 2) All public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - 3) Adequate drainage is provided to minimize or reduce exposure to flood hazard, and
 - 4) All necessary permits have been received from those agencies from which approval is required by federal or state law.
 - 5) With respect to mobile home or mobile home parks that are non-conforming because they are located within a floodplain, mobile home may be relocated in such parks only if they comply with the provisions of Subsection (f).
 - 6) One residential accessory structure per residential structure shall be allowed within the floodplain provided they are firmly anchored to prevent flotation.
 - 7) Anchoring of any accessory buildings may be done by bolting the building to a concrete slab or if over-the-top ties are used, a minimum of two ties with a force adequate to secure the building is required.
 - 8) The proposed structures are designed (or modified) and adequately anchored to prevent flotation collapse, or lateral movement of the structures.
 - 9) The structures are constructed with materials and utility equipment resistant to flood damage.

- 10) The structures are constructed by methods and practices that minimize flood damage.
 - (b) No building may be constructed and no substantial improvement of an existing building may take place within any floodway.
 - (c) No new residential building may be constructed and no substantial improvement of a residential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated to or above the base flood level.
 - (d) No new nonresidential building may be constructed and no substantial improvement of a nonresidential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated or floodproofed to or above the base flood level. Where floodproofing is used in lieu of elevation, a registered professional engineer or architect shall certify that any new construction or substantial improvement has been designed to withstand the flood depths, pressure, velocities, impact, and uplift forces associated with the base flood at the location of the building and that the walls below the base flood level are substantially impermeable to the passage of water.
 - (e) For purposes of this section, "substantial improvement" means for a building constructed prior to the effective date of this ordinance, any repair, reconstruction, or improvement of a building the cost of which equals or exceeds 50 percent of the market value of the structure either (i) before the improvement or repair is started or (ii) if the structure has been damaged and is being restored, before the damage occurred. "Substantial improvement" occurs when the first alteration on any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration effects the external dimensions of the building. The term does not, however, include either (i) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to insure safe living conditions, or (ii) any alteration of a building listed on the National Register of Historic Places or a State Inventory of Historic Places.
 - (f) Notwithstanding any other provision of this ordinance, no mobile home may be located or relocated with that portion of the floodplain outside of the floodway, unless the following criteria are met:
 - 1) Ground anchors for tie downs are provided.
 - 2) The following tie-down requirements are met:
 - (i) Over-the-top ties are required at each of the four corners of the mobile home, with one additional tie per side at an intermediate location, for mobile homes less than 50 feet long. Two additional ties per side are required for mobile home more than 50 feet long
 - (ii) Frame ties are required in conjunction with each over-the-top tie.
 - (iii) All components of the anchoring must be capable of carrying a force of 4, 800 pounds.
 - 3) Lots or pads are elevated on compacted fill or by any other method approved by the administrator so that the lowest habitable floor of the mobile home is at or above the base flood level. However, no new fill may be added to comply with this section.
 - 4) Load-bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings no more than 10 feet apart, and if the support height is greater than 72 inches, the support must contain steel reinforcement.
 - (g) No fill dirt may be added within any floodway or floodplain.

- Section 243 Setbacks from Streams outside Designated Floodplains
 - The following additions and one deletion are required;
 1. The sentence deleted is a less restrictive buffer than the proposed additions and is no longer needed.
 2. The following vegetative buffers are an area measured from the water's edge (on each side) at full pond (lake) or normal levels (rivers and streams) that is not to be developed and left in its natural state, except as may be specifically authorized by the UDO and/or the permitting authority.
 - A two hundred (200) foot vegetative buffer is required along the entire reach of the Rocky River. (200 feet on both sides of the Rocky River.)
 - A two hundred (200) foot vegetative buffer is required along all perennial and intermittent streams that are located within twenty five hundred 2,500 feet of the Rocky River.
 - A one hundred (100) foot vegetative buffer is required along all perennial streams located twenty-five hundred (2,500) feet or more away from the Rocky River.
 - A fifty (50) foot vegetative buffer is required along all intermittent streams located twenty-five hundred (2,500) feet or more away from the Rocky River.
 - In the event that a buffer is disputed, buffers will be field-verified in accordance with the accepted methodology of "ground truthing" (USACOA and NCDENR-DWQ).
 3. Herbicides, insecticides, and pesticides should not be used for utility right-of-way maintenance within 200 feet of streams, floodplains, and wetlands associated with streams.
 4. Native forested plant communities should be maintained within 200 feet of streams or floodplains and wetlands associated with streams.
 5. A closed canopy should be maintained over streams.
 6. Trees should be trimmed rather than moved that are located within 200 feet of streams, floodplains, or wetlands associated with streams.
 7. Notwithstanding the above, the permitting issuing authority may allow areas within required buffers to be counted toward usable open-space requirements and may allow such area to be used for passive recreational uses such as walking; however, any recreational activity that causes or significantly contributes to erosion shall not be allowed.
- Section 247 Storm Water Management
 - The following additions are required;
 1. New developments exceeding 7% imperviousness shall install stormwater controls designed to maintain predevelopment hydrographic conditions, including flow volumes. Stormwater control facilities shall be maintained by the developer or homeowners association.
 2. New developments should use the Low Impact Development manual (EPA Document # 841-B-00-002 and 841-b-00-003).
 3. New developments should use infiltration practices (e.g., reduced road widths, rain gardens, parking lot bioretention areas, increased sheet flow instead of ditching, and disconnect impervious areas) instead of detention ponds to maintain predevelopment hydrographic conditions, including base flow during low flow conditions.
 4. New developments should use the Conservation Reserve Program for lands and restoration of prior converted wetlands.
 5. Direct discharge of stormwater into streams shall not be allowed.
 6. Ditching or piping of stormwater should not be allowed within or through the buffers.
- Section 307 Retention and Protection of Large Trees
 - The following addition is required;

1. Large trees located along the edge of construction corridors should be retained wherever possible. Disturbed areas should be re-seeded with mixtures beneficial to wildlife, i.e. native annual grains appropriate for the season.

Staff recommends approval of the text amendments.

Discussion

Discussion was conducted concerning the improvements that can be done up to 50% of the market value on a non-residential building, without having to elevate or flood proofing the building.

With no further discussion, Mr. Pugh directed the board to their worksheet to go through each finding.

- III. In order to maintain sound, stable and desirable development within the planning jurisdiction of the Town of Siler City, it is intended that the ordinance or zoning map not be amended except:

It is the further intent of this ordinance that if amended it will promote the general health, safety and welfare of the citizens of Siler City.

Motion made by Larry Cheek, Larry Mendenhall seconded, and majority approved

- II. The Planning Board recommends approval.

Motion made by Larry Mendenhall, Larry Cheek seconded, and majority approved.

Agenda Item VII

Junk Update

Mr. Meadows reported that the Board has had several discussions on junk being located on private property. He has contacted property and business owners in hopes of obtaining input concerning this problem. Included with your agenda are comments that he received from respective property and business owners. Also included are a copy of the two letters he sent to the business and property owners. He explained that he also contacted other planners working in North Carolina, inquiring as to how they deal with outdoor storage of junk, and you also have their comments.

Discussion

Board Members discussed the improvements that have been made. Don Tarkenton thanked the Chatham News for the picture and article that they did in their newspaper. He suggested that Mr. Meadows, Mr. Brower and Mr. Morgan work on amending the ordinance, and the Planning Board would review the amendments.

Agenda Item VIII

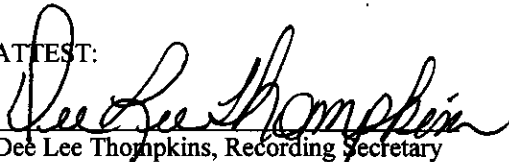
New Business

With no further business, Harold Hart made a motion for adjournment at 8:20 p.m., with a second from Leota Thompson and followed by unanimous consent.



Jimmie Pugh, Chairman

ATTEST:



Dee Lee Thompkins, Recording Secretary

**Planning Board Meeting Minutes
March 10, 2003**

The Siler City Planning Board met on Monday, March 10, 2003, at 7:00 p.m. Jimmie Pugh called the meeting to order and Leota Thompson gave the invocation. Minutes of February 10, 2003, meeting were unanimously approved by a motion from Jeff Brewer and seconded by Larry Mendenhall.

Members Present

Jimmie Pugh, Chairman
Don L. Tarkenton, Vice Chairman
Leota Thompson
Jeff Brewer
Cindy Bray
Larry Mendenhall
Larry Cheek
Richard Caviness, Alternate
Harold Hart, Alternate

Members Absent

Staff Present

Jack Meadows, Planning Director
Joel J. Brower, Town Manager
William C. Morgan, Town Attorney

BUSINESS SESSION

Agenda Item IV

**Conditional Use Rezoning Request
A. CUR-002-03 – Richard Fox**

Mr. Meadows reported that Richard Fox requests a conditional use rezoning for approximately 28.21 acres from L-I and H-C to O-I-C for a nine lot subdivision including a residential care institution (60 bed assisted living facility). A public hearing was conducted on March 3, 2003.

He explained the subject property is located outside of the Town's Corporate Limits and has road frontage along Old U.S. Highway 421 North and is further identified as being a portion of Tax Parcel Number 16070 and all of Tax Parcel Number 76957. There is an existing access lot owned by the Town of Siler City and is currently vacant with a USGS Intermittent Stream that crosses through which will require approval by USACOE and NCDWQ prior to any land disturbing activity. The surrounding development to the north includes single-family residential subdivision zoned R-10 and vacant lots zoned L-I and A-R, south is vacant lots zoned A-R and office and commercial development zoned H-C and L-I, east is vacant lots zoned H-C and west is vacant lots zoned L-I and A-R and single family dwelling zoned A-R. The proposed development will extend the Town water and sewer and will have require a NCDOT approved driveway including possible traffic pattern alterations along Old U.S. 421 North and Greensboro Avenue. There will be paved roads with 30 foot width on the main road and 24 foot width on secondary streets with grassed drainage swales. The lot sizes will be between 1.36 and 6.12 acres and three 12,000 square foot office buildings on Lot 9 and one 16,600 square foot assisted living facility on Lot 5.

Mr. Meadows further stated that Old U.S. Highway 421 North is designated as a thoroughfare and is capable of accommodating the traffic for the proposed development. The proposed office buildings will generate approximately 400 - 1300 trips on a given weekday and the assisted living facility will generate approximately 160 trips. The other seven lots could generate approximately 800 - 2600 trips on a given weekday. The remainder of the development is zoned L-I and could generate approximately 3,000 trips per day.

Mr. Meadows also added that the Land Use Plan Map recommends industrial development for the subject property. The O-I zoning district generally constitutes a transition or buffer zone between commercial areas and residential districts. The O-I zoning district is designed to accommodate a mixture of uses including multifamily, institutional, recreational, and offices.

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He stated staff recommends approval of the Conditional Use Rezoning with the following conditions:

- Prior to any site work (grading, removing trees, etc.) the developer must receive a Notice to Proceed from the Planning Director

- Prior to final plat approval
 - Submit voluntary annexation petition for the subject property
 - Install a 12 foot graveled emergency access easement
 - Install temporary cul-de-sacs
 - Install drainage swales
 - Install water and sewer lines
 - Pave streets
 - Install NCDOT required traffic pattern alterations along Old U.S. Highway 421 North and Greensboro Avenue
 - Install street signs

Discussion

Mr. Fox addressed the board by stating he was very excited about this project and that this is a huge project in which he is investing a lot of money. He went on to state that we all are friends, neighbors and customers of his, and he would like for it to continue, but he has a problem with the board approving this project within the UDO requirements. The UDO requires that he has to have final plat approval before he can sell a lot and he needs to sell a lot now. He has a client that is interested in constructing a 16,600 square foot assisted living facility on Lot 5. The client would like to go ahead and purchase the lot and start construction on the facility now, but he cannot sell them the lot without final plat approval, and he cannot get final plat approval until he has installed his water and sewer lines, drainage swales, emergency access easement, street signs, and pavement on the streets. He is asking to be exempt from the UDO, and he feels that the UDO should not apply to his development. He thinks the UDO needs revising and it pertains more to residential development than commercial or business growth. Mr. Fox stated that his project is the first of this kind in Siler City and the town should make it easier, not more difficult. He put his sign for the park up last summer and he is disappointed that no one from the town came to him and made any suggestions or offer any help on how to get this project started knowing it was a business and industrial park. He is not asking for any incentives, he is just asking for some ways to make this project happen. He knows there are rules and he is not asking the board to bend them, but he would like them to sort of get out of his way. Staff has told him that if the town varies from the UDO then it sets a precedent, and the requirements must be the same for all developers. He does not agree with this because he is a local businessman that has re-invested all of his profits back into the community, plans to continue to do so, and seldom do outsiders re-invest. He is asking that the boards and the staff work with him to get his business park completed at the fastest pace possible. He explained that most decisions made by staff are judgmental, and with our difficult economic times we must be as lenient as possible. He also stated that the boards have a tendency to approve projects that are subsidized. What he is asking for is the town to work with him to get this done in the most cost effectively way possible. He needs to go ahead and sell a lot and start construction on one of his building once his water and sewer, and streets plans are approved from the state. He is proposing to give the Town of Siler City a letter of credit for \$300,000.00 to ensure that all of the requirements will be fulfilled. He stated the board did not need to put conditions on him to get this done because we all know him and know that he will complete this project and it will be something that he and the town will be proud of.

Larry Mendenhall asked Mr. Fox if any of these issues where discussed at the public hearing.

Mr. Morgan commented that all of this should have been discussed last Monday night. That is the time when the developer should presented all of his information that should spur the right questions. The applicant also has a duty to come in with all of his evidence so the board can make all of their findings like we will be discussing tonight.

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Mr. Fox stated he was very disappointed that there was not any questions asked last Monday night and the only time there is any discussion at the public hearings is when there is opposition to a project. He went on to say that he is disappointed that none of the town board members are present tonight. He commented that this planning board is a good planning board and is the backbone of the town, but it is time to take a stand and the town board of commissioners is going to do pretty much what the planning board recommends, especially on this project.

Don Tarkenton stated that this board does not have the power or authority to exclude him from the UDO. He read the following from the UDO to Mr. Fox: *no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his or her control except in accordance with all of the applicable provisions of this ordinance.* He went on to state that we are bounded by the UDO and it seemed that a reasonable compromise was developed when Mr. Fox meet with the town manager, planning director, and town attorney that gave him other options which included either a financial commitment, letter of credit or a surety bond. Mr. Tarkenton stated that this is a reasonable approach for Mr. Fox to achieve most, if not all of his objections he have try to achieve. He also stated that he has found the town board to be reasonable where the law allowed them to be and it seems to him that the staff and developer can work together. He told Mr. Fox that the discussion we are hearing tonight may or may not be well perceived by the town board. He further stated that he did not think there is any chance in the world that the town board would relieve him of his requirement of his emergency access.

Mr. Meadows, Planning Director read §49 Authorizing Use or Occupancy Before Completion of Development from the UDO: *In cases when, because of weather conditions, or other factors beyond control of the zoning-permit recipient exclusive of financial hardship, it would be unreasonable to require the zoning-permit recipient to comply with all the requirements of this ordinance.*

Don Tarkenton recommended that one of Mr. Fox conditions should be that the town board should consider allowing Mr. Fox to submit a bond in lieu of installing infrastructure prior to final plat approval.

Mr. Fox commented that what he was asking for is a way for him to go ahead and get started without the bond. He would like for the town, planning board, and staff to provide him with a way for him to do this project. He also wanted to know how is he to know what the procedure is and what to ask for.

Mr. Brower responded that after Mr. Fox's meeting with staff and town attorney he thought Mr. Fox should obtain his CUR. When he has approval from the state agencies he would apply for a bond. Then the town board would know what level and amount of bonding Mr. Fox would need. When all the approvals are obtained by Mr. Fox the bond request would be placed on the town board agenda.

Mr. Morgan, Town Attorney, explained that approving a bond is a separate issue from approving a CUR. Bond approval is based on factors beyond the control of the developer such as weather *completing the infrastructure* and it will be up to the town board to approve a bond. He also stated there is no way legally to exempt anyone from the UDO no matter how great the project is or how honorable the developer is. We have to remain consistent in treating everyone alike.

Jeff Brewer asked what will Mr. Fox have to have do to receive a notice to proceed from Mr. Meadows?

Mr. Meadows explained Mr. Fox must have Erosion Control approval by NCDENR, storm water drainage plan and calculations approval, submit a tree survey, NCDOT Driveway Permit, approval from U.S. Army Corps of Engineers and NC Divisions of Water Quality of any stream crossing, approved water and sewer plans, provide hydraulic analysis of available gallon per minute fire flows and residual pressure, submit a grading plan and Record the Order for the CUR.

Joel Brower, Town Manager voiced concerns over the town's easement on this property. After discussion among Mr. Brower, Mr. Morgan and Mr. Fox an agreement was made that one of the conditions need to be if the easement is to be relocated that the town have sufficient access to the water tanks.

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March 10, 2003
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With no further discussion, Mr. Pugh directed the board to their worksheet to go through each finding.

Rezoning

- I. In order to maintain sound, stable and desirable development within the planning jurisdiction of the Town of Siler City, it is intended that the ordinance or zoning map not be amended except:

To promote and forward the purposes of the adopted Siler City Land Use Plan.
Motion made by Don Tarkenton, Larry Cheek seconded, and majority approved.

- II. The Planning Board recommends approval.

Motion made by Don Tarkenton, Jeff Brewer seconded, and majority approved.

Conditional Use

- I. The application was complete.

Motion made by Jeff Brewer, Larry Mendenhall seconded, and majority approved.

- II. The application complies with all applicable requirement of Unified Development Ordinance.

Motion made by Larry Cheek, Jeff Brewer seconded, and majority approved.

- III. If the permit is granted, it will be subject to the following conditions:

1. Prior to any site work (grading, removing trees, etc.) the developer must receive a Notice to Proceed from the Planning Director.
2. Prior to final plat approval submit voluntary annexation petition for the subject property
3. Prior to final plat approval install a 12 foot graveled emergency access easement
4. Prior to final plat approval install temporary cul-de-sacs
5. Prior to final plat approval install drainage swales
6. Prior to final plat approval water and sewer lines
7. Prior to final plat approval pave streets
8. Prior to final plat approval install NCDOT required traffic pattern alterations along Old U.S. Highway 421 North and Greensboro Avenue
9. Prior to final plat approval install street signs
10. Prior to final plat approval a sufficient access easement must be provided to the water tanks on Clapp Hill

Motion made by Don Tarkenton, Cindy Bray seconded, and majority approved.

- V. The permit is recommended for approval with the above conditions.

Motion made by Don Tarkenton, Larry Cheek seconded, and majority approved.

Agenda Item V

New Business

With no further business, Larry Cheek made a motion for adjournment at 8:57 p.m., with a second from Larry Mendenhall and followed by unanimous consent.



Jimmie Pugh, Chairman

ATTEST:


Dee Lee Thompkins, Recording Secretary

Planning Board Meeting Minutes
April 14, 2003

The Siler City Planning Board met on Monday, April 14, 2003, at 7:00 p.m. Jimmie Pugh called the meeting to order and Jeff Brewer gave the invocation. Minutes of March 10, 2003, meeting were unanimously approved by a motion from Jeff Brewer and seconded by Don Tarkenton.

Members Present

Jimmie Pugh, Chairman
Don L. Tarkenton, Vice Chairman
Leota Thompson
Jeff Brewer
Larry Mendenhall
Larry Cheek
Richard Caviness, Alternate
Harold Hart, Alternate

Members Absent

Cindy Bray

Staff Present

Jack Meadows, Planning Director
Joel J. Brower, Town Manager
William C. Morgan, Town Attorney

Town Board Present

Charles Turner, Mayor
Guy Smith, Town Commissioner

BUSINESS SESSION

Agenda Item IV

Land Use Plan

Mr. Meadows reported the Land Use Plan Update process is down to its final stages. He has received a positive recommendation from the Land Use Plan Task Force to submit the proposed changes of the Town's Land Use Plan to the members of our Town's boards. Tonight discussion will include the proposed changes to the land use plan document and map. Included with your agenda is the proposed goals, objectives, and strategies for the land use categories, proposed descriptions for the land use categories and strengths, issues, and opportunities of the Town's Downtown and Recreation activities. He further explained the reason for this meeting is to gain feedback from Board members prior to the joint public hearing that will probably be scheduled for May 5, 2003.

Mr. Meadows introduced John Morck from the N.C. Division of Community Assistance. Mr. Morck will provide additional information and assistance. He stated Mr. Morck has been influential in the update process by attending Land Use Plan Task Force meetings, providing maps, and developing the text for the Land Use Plan document.

Discussion

Mr. Morck reviewed and discussed with the members the draft copy of the goals, strategies, and objectives for the residential, commercial, industrial, mixed use development, recreation, downtown and airport land uses.

Agenda Item V

New Business

Mr. Meadows explained that Charles Eliason, Chatham County Planning Board Member will be attending our planning board meeting and reporting back to the county on our meeting. He also asked if anyone from this planning board would like to attend the county planning board meeting.

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Mr. Meadows introduced Melissa Ledgerwood, Reporter from the Chatham News. She also will be attending our meetings.

With no further business, Jeff Brewer made a motion for adjournment at 7:55 p.m., with a second from Larry Mendenhall and followed by unanimous consent.



Jimmie Pugh, Chairman

ATTEST:


Dee Lee Thompkins, Recording Secretary

**Planning Board Meeting Minutes
May 12, 2003**

The Siler City Planning Board met on Monday, May 12, 2003, at 7:00 p.m. Jimmie Pugh called the meeting to order and Richard Caviness gave the invocation. Minutes of April 14, 2003, meeting were unanimously approved by a motion from Larry Cheek and seconded by Don Tarkenton

Members Present

Jimmie Pugh, Chairman
Don L. Tarkenton, Vice Chairman
Leota Thompson
Cindy Bray
Larry Cheek
Richard Caviness, Alternate
Harold Hart, Alternate

Members Absent

Jeff Brewer
Larry Mendenhall

Staff Present

Jack Meadows, Planning Director
Joel J. Brower, Town Manager
William C. Morgan, Town Attorney

BUSINESS SESSION

Agenda Item IV

Conditional Use Permit

A. CUP-001-03 – Chatham County Parks Foundation

Mr. Meadows reported the Chatham County Parks Foundation requests a conditional use permit for a special event - fundraising carnival. The event will be held June 11th – 15th in the Siler Crossing Shopping Center behind McDonald's. No prior accidents have been reported during the operation of their activity. The application was reviewed and deemed complete by staff. The applicant's response to the required findings and a sketch are attached.

A public hearing was conducted on May 5, 2003 to hear public comments.

The surrounding development to the:

- North - Shopping Center
- South - McDonalds
- East - Shopping Center
- West - Welford Harris Ford

The activity includes:

- 3 portable toilets, 15 rides, and 15 booths that cover an acre of the parking lot
- 40 - 45 employees
- Off duty officers for security
- Certification from the NC Department of Labor and Chatham County Department of Health
- Hours of operation from 5 p.m. – 11 p.m. on weekdays and 1 p.m. – 11 p.m. on the weekend.
- Setting up an account with the Town for water and will make arrangements with the Town to dispose of wastewater.
- Liability insurance policy

The carnival will generate approximately 200 - 600 trips per day. The Land Use Plan Map recommends commercial development for the subject property.

Staff recommends approval of the Conditional Use Permit. For your convenience a CUP worksheet is attached.

A recommendation to the Town Board is requested.

Discussion

Don Tarkenton suggested that staff be able to approve a conditional use permit for special events.

Planning Board Minutes

May 12, 2003

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Mr. Morgan responded with we would have to do an amendment change for staff to be able to sign off on conditional use permit for special events.

Don Tarkenton made a motioned to recommend approval to the Town Board for CUP-001-03. Harold Hart seconded with majority approved.

Agenda Item V

Land Use Plan Update

Mr. Meadows reported the Town of Siler City is in the process of updating the Town's Land Use Plan that was adopted in 1989. The purpose of the public hearing is to gain input on the proposed revisions. The Land Use Plan is a long-range plan designed to help guide the Town with future development. The Land Use Plan includes two essential parts: the document (describes the goals and objectives of various land use categories) and the map (delineates where the Town desires those land use categories to be located).

The Land Use Plan update represents the Town's desires for future growth and development over a 10 to 15 year period. It is a tool for decision making by town boards and planning staff. As a guide, the plan is not a current zoning map and no property will be rezoned as a result of adopting the Land Use Plan update.

John Morck from the N.C. Division of Community Assistance will be in attendance to provide information and assistance. Mr. Morck has been influential in the update process by attending Land Use Plan Task Force meetings, providing maps, and developing the text for the Land Use Plan document.

Attached to this memo is a copy of the:

- proposed goals, objectives, and strategies for the land use categories,
- proposed descriptions for the land use categories,
- strengths, issues, and opportunities of the Town's Downtown and Recreation activities, and
- a draft land use plan map.

Staff and the Land Use Plan Task Force recommend approval of the Land Use Plan Document and Map.

A recommendation to the Town Board is requested.

Discussion

Don Tarkenton recommend that the Planning Director send a thank you letter to the members that serve on the Land Development Task Force.

Don Tarkenton made a motioned to recommend approval to the Town Board. Harold Hart seconded with majority approved.

Agenda Item VI

Presentation by Harvey Harman

Mr. Meadows explained Mr. Harman wanted to address the board about his new residential development adjacent to Bray Park for feed back before he comes to the board for approval.

Mr. Harman passed out maps, goals for the project and articles from the Chatham News on housing prices. He stated that all of this is preliminary. He has 51 acres that is zoned R-10 and he is very interested in modestly priced housing for this development. All the homes will be either stick built or off frame modular. He would like for all the homes to be energy and water conservation and he is planning to put in walking and biking trails and to have healthy and enjoyable living spaces.

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Don Tarkenton asked Mr. Harmon if he was familiar with Harmony Hills. He stated that the developer had done that subdivision right.

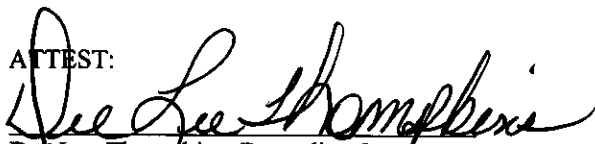
Agenda Item VII

New Business

With no further business, Don Tarkenton made a motion for adjournment at 7:35 p.m., with a second from Leota Thompson and followed by unanimous consent.



Jimmie Pugh, Chairman

ATTEST:

Dee Lee Thompkins, Recording Secretary

**Planning Board Meeting Minutes
July 14, 2003**

The Siler City Planning Board met on Monday, July 14, 2003, at 7:00 p.m. Jimmie Pugh called the meeting to order and Don Tarkenton gave the invocation. Minutes of May 12, 2003, meeting were unanimously approved by a motion from Larry Cheek and seconded by Leota Thompson.

Members Present

Jimmie Pugh, Chairman
Don L. Tarkenton, Vice Chairman
Leota Thompson
Larry Cheek
Richard Caviness, Alternate
Harold Hart, Alternate

Members Absent

Cindy Bray
Larry Mendenhall
Jeff Brewer

Staff Present

Jack Meadows, Planning Director

BUSINESS SESSION

Agenda Item IV

Appointment of Planning Board/Board of Adjustment Chairman and Vice Chairman

Jimmie Pugh asked for a nomination for Chairman. Don Tarkenton nominated Jimmie Pugh, Larry Cheek seconded and was unanimously approved by board members.

Mr. Pugh asked for nomination for Vice-Chairman. Larry Cheek nominated Don Tarkenton, Leota Thompson seconded and was unanimously approved by board members.

Agenda Item V

Downtown Apartments

Mr. Meadows informed the board that he would like to discuss the possibility of downtown apartments as permitted residential dwellings within the second and upper floors in the downtown area.

He explained the downtown residential overlay is established to provide residential opportunities for business owners, employees, and others who seek to live within the Downtown area. Developments in this district shall provide amenities and walkways to increase pedestrian activity, decrease reliance on individual vehicles, foster transit usage, enhance the attractiveness of Town of Siler City, improve the overall quality of life, and provide for the welfare of the citizens. A Development Plan and a Phasing Plan are required as part of the application, however, limited flexibility is allowed in order to accommodate changes in market conditions over the period of development of the project. Standards for development and a thorough review process are established as a part of this district to assure conformance to this district's purpose.

Conditional use permit approval

Restrictions

- Minimum number of square foot per unit
 - One bedroom – 600
 - Two bedroom – 900
 - Three bedroom – 1,200
- Each dwelling unit shall be self sufficient (kitchen, bath, living, bed, laundry)
- Laundry shall not be visible from adjoining property or right-of-way
- No community laundry facilities are permitted
- Shall screen any mechanical equipment, such as heat pumps, heating units, central air conditioning and the like from public view by means of fencing, berms, false facades or dense landscaping.
- Window unit air conditions shall not be permitted

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- Must meet open space and minipark requirements if development is greater than 24 dwelling units
- Maintenance responsibilities – property maintenance code, minimum housing code
- Signage
- ADA equipped with ADA-compliant curb ramps.
- Detailed floor plan of each level of a structure to be utilized must be submitted
- Illustrate the physical design features or themes used to unify the development and to provide compatibility to neighboring developments. Possible features used to unify the design include but are not limited to: building style, building materials, signage, or streetscape design.
- Buildings shall not be oriented so that the rear of the structure is oriented toward any street except as follows. In the case of double frontage lots the rear of the building shall receive the same architectural treatment as the front or shall be treated as a parking area and screened as provided above.
- At least one building entrance of any multiple family building shall face the street from which the building is addressed and shall include windows, a covered porch or stoop and other architectural features consistent with the other sides of the building. No stairways to upper story residential units shall be visible from an adjacent street right of way.
- The specific identification of any other activities undertaken with the intention of reducing the pedestrian space/open space requirement (indoor gyms, etc.).
- The on-site pedestrian circulation system must be lighted to a level where residents can safely use the system at night. Such lighting shall be subject to the lighting standards.
- Waste Management
- Junk, trash, debris not visible from street or adjoining property
- At least 20 percent of outside façade facing public streets must be windows or doors fenestration
- Issues - Design (General), Arrangement and Siting, Building Height, Colors, Facades, Windows, Blank Walls and Design, Entrances, Outdoor Storage, Loading, Service, and Mechanical areas, Security, Gates, Cameras, Exterior Lighting Visual Impacts, Views, Parking, Landscaping
- “Would suggest that we limit occupants in the apartments to those who own businesses in the old downtown area and to current incubator tenants. This would mean that each of the apartments would be attached a office/retail space, and if the retail space where sold, the space would move with it as well. I’m have no idea what is legal, but I understand that other cities have inacted similar covenants. This would control who is in the apartments to those who have a direct vested interest in the downtown area. I think that it is also important to allow some very small efficiency apartments. Large enough for one (or a very cozy two) people who don’t have or want a lot of things in their place, just want a place to sleep and eat.” Leon B. Tongrét, MBA, Director, Small Business Center

Subdivision approval (Condos only?), Site plan approval, Building plan approval

Discussion

Leon B. Tongrét, President of the Arts Incubator Project, Mr. Meadows and the board discussed some of the following concerns:

- Fire safety
- Roofs as garden or recreation areas
- Historic District
- Parking
- Trash

Mr. Meadows explained that he has talked to other towns to see what their processes requirements, and restrictions are for downtown apartments. He will be working on bringing this back to the board at our next meeting for discussion on a recommendation to the Town Board for a public hearing

Agenda Item VI

Greenway

Mr. Meadows stated that the Land Use Task Force Recreation Focus Group recommended to develop a greenway system. He went on to explain why to develop a greenway system and how to develop it.

- a. Protect the natural environment, wildlife, and water resources
 - b. Contributes to property values which increases property tax revenues
 - c. Reduce health problems (obesity, heart disease, strokes)
 - d. Instead of driving to your destination, utilize a trail and make the trip more productive
 - e. Local residents will need equipment and accessories that can be purchased at local stores
 - f. Location for Relay for Life or similar events
 - g. Enhance quality of life and preserve open space
 - h. Soften the urban atmosphere and beautify the Town
 - i. Protect water quality
 - j. Connects people and places in the community
 - k. Manage floodplains, stormwater, and erosion
 - l. Reduce air pollution and absorb noise
 - m. Act as a buffer between development and environmentally sensitive areas
 - n. New opportunities for active and passive recreation
 - o. Accessways that link recreation areas, institutions, downtown, historic areas, and residential neighborhoods
 - p. Is a linear park and brings the benefits of a public park to the greatest number of citizens
 - q. Contributes the maximum visual amenity to the urban community
 - r. An amenity that attracts businesses and residents
 - s. Reduce automobile traffic

 - t. The level of the system could generate tourism one day (camping sites, lengthy trails with challenges, etc.)
 - u. Majority of Americans would like a safe walking path
 - v. Make good use of the required stream buffers and utility easements
 - w. National Flood Insurance Program awards premium rate credits and reduces flood insurance costs
 - x. Tax benefits for adjacent property owners
 - y. Teach ecology, offer exercise trails, mitigate flood waters, supply space for gardens, give a respite from commotion
 - z. Compatible with goals of the arts incubator (walkable community)
 - aa. National Parks and Recreation Association sets standard of five miles of trail per 10,000 inhabitants. The Town of Siler City currently needs a total of 4 miles of trail.
 - i. The Town has approximately 1200 feet (Bolling Lane) and 900 feet (Washington Ave.) of designated public trail.
2. Submit idea to Town Board and get their approval to start on the project

 3. Create Citizen Greenway Committee
 - a. Contacts
 - i. Active Chatham
 - ii. Rails for Trails
 - iii. Active Living by Design
 - iv. Other municipalities (Durham, Cary, Greenville, etc.)
 - v. Hispanic Liaison Office
 - vi. Health Department
 - vii. Hospital
 - viii. Schools
 - ix. Parks and Recreation
 - x. Rotary and other Civic Organizations

4. Develop Greenway Master Plan and Feasibility Study
 - a. Concepts and Design
 - b. Corridor locations
 - c. Property Owner Information along corridors
 - d. Current and projected demographic and economic information
 - e. Public input
 - f. ADA, Cape Fear River Basin, Clean Water Act, Sections 401 and 404, FEMA, USACOE, NC Million Acre Initiative, American Tobacco Trail
 - g. Phasing
 - h. Goals
 - i. Questionnaire or Survey
 - j. Identify recreation sites and natural areas (parks, schools, etc.)
 - k. Adopt-a-Greenway
 - l. Hours of operation
 - m. NCDOT requirements if trail is located within DOT right-of-way
 - n. 10 foot recommended minimum width for trail, 8 foot if necessary to protect natural resources or development (American Association of State Highway and Transportation Officials)
 - o. Bridges located not more than 30" from ground are not required to have rails
 - p. Financing
 - i. Government Assistance for developing plan and funding
 1. Army Corps of Engineers "Landscape Architectural Concept for a Linear Park and Trail System"
 2. Colleges
 3. NC Board of Transportation funding allocation as a TIP project
 4. NC Division of State Parks Adopt-a-Park and Adopt-a-Trail Programs
 5. Federal Land and Water Conservation Fund
 6. U.S. Department of Housing and Urban Development
 7. Environmental Protection Agency
 8. National Oceanic and Atmospheric Administration
 9. U.S. Department of Transportation
 10. Chatham County Health Department
 - ii. Other Funding
 1. Donations and gifts
 2. Non-profits (Rotary, Council on Aging CCCC at Pittsboro)
 3. Wills, estates or trusts for use in developing a greenway system
 4. Donations of labor, materials, and supplies
 5. Privately completed greenway trails donated to the Town
 6. Require new developments install Town approved greenways along streams, sewer easements, etc.
 7. Require new developments not located along a proposed greenway trail submit payment in lieu of installing greenways
 8. General Fund
 9. General Obligation Bond
 - q. State and federal permit requirements
 - r. Cost of surveying, construction, etc.
 - s. Land Acquisition
 - t. Town Departments Operating Roles
 - i. Planning and Community Development
 - ii. Parks and Recreation
 - iii. Public Works
 - iv. Police
 - v. Fire
 - vi. Manager
 - vii. Town Attorney
5. Town Board adopt Greenway plan, map, and UDO text amendments

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6. Public notice requesting Request for Proposals for design, cost, and development of the greenway (environmental conditions, inventory of plant and animal species, habitat analyses)
 - a. Project design proposals
 - b. Statements of interest and qualifications from landscape architects and engineering firms for the planning and design
 - c. Interviews

Discussion

Discussion was conducted on the advantages of developing a greenway system. Don Tarkenton suggested that if the town did develop a system then the town might be eligible to apply for the All-American Town award.

Mr. Meadows stated if the Town Board approves to develop a greenway system we would need to create a citizens' greenway committee and plan. He suggested visiting other municipalities that have a greenway. He also stated he hoped we could develop our own plan instead of relying strictly on what other towns have done.

Agenda Item VII

New Business

With no further business, Harold Hart made a motion for adjournment at 8:05 p.m., with a second from Don Tarkenton and followed by unanimous consent.


Ammie Pugh, Chairman

ATTEST:

Dee Lee Thompkins, Recording Secretary

**Planning Board Meeting Minutes
August 11, 2003**

The Siler City Planning Board met on Monday, August 11, 2003, at 7:00 p.m. Jimmie Pugh called the meeting to order and Larry Mendenhall gave the invocation. Minutes of July 14, 2003, meeting were unanimously approved by a motion from Jeff Brewer and seconded by Richard Caviness.

Members Present

Jimmie Pugh, Chairman
Don L. Tarkenton, Vice Chairman
Leota Thompson
Jeff Brewer
Larry Mendenhall
Larry Cheek
Richard Caviness, Alternate

Members Absent

Cindy Bray
Harold Hart

Staff Present

Jack Meadows, Planning Director
Joel J. Brower, Town Manager
William C. Morgan, Town Attorney

BUSINESS SESSION

Agenda Item IV

Downtown Apartments

Mr. Meadows stated included that a copy of the proposed boundaries for the downtown residential overlay district was included in the agenda. The board and Mr. Meadows reviewed the parcels that should be excluded or included. He explained the main reasons for designating a downtown residential overlay district is to define the area where second and upper floor residential units are permitted.

Mr. Meadows stated that the feeling from the last meeting was that all residential opportunities should be allowed and they include:

- Apartments for rent
- Individual ownership
- Residential Caretaker

He went on to state there is also a desire to limit occupants to those who own businesses and to the employees of those businesses.

Mr. Meadows explained that a conditional use permit approval would be required for all residential developments within the downtown residential overlay district. The following items must be submitted with the conditional use permit application:

- A site plan (produced by a registered land surveyor or NC certified engineer) including phasing, parking, building height, landscaping
- Detailed floor plan (produced by a NC certified engineer) of each level of a structure to be utilized including entrances and exits
- Illustration of the physical design features or themes used to unify the development and to provide compatibility to neighboring developments. Possible features used to unify the design include but are not limited to: building style, building materials, colors, windows, facades, signage, and streetscape design.

Restrictions

- Minimum number of square foot per unit
 - One bedroom – 600
 - Two bedroom – 900
 - Three bedroom – 1,200

- Each dwelling unit shall be self-sufficient and shall include the following rooms (kitchen, bath, living, bed, and laundry). Community laundry facilities shall not be permitted. Laundry shall not be visible from adjoining property or right-of-way.
- Each dwelling shall have central heating and air conditioning (window unit air conditions shall not be permitted). Mechanical equipment such as heat pumps, heating units, central air conditioning and the like must be screened from public view by means of fencing, berms, false facades, or dense landscaping.
- Two exits will be required for each uni
- Must meet ADA requirements including ADA-compliant curb ramps.
- The on-site pedestrian circulation system must be lighted to a level where residents can safely use the system at night. Such lighting shall be subject to the lighting standards.
- Sufficient garbage disposal facilities are required and shall be properly screened. Junk, trash, or debris shall not be visible from adjoining property or right-of-way.
- Outdoor storage shall not be permitted.
- A property maintenance code must be submitted that details responsibility and restrictive covenants.

Discussion

Charlie McLaurin, Building Codes Administrator for the Town of Siler City reviewed with the members what would be the requirements for downtown apartments in the primary fire district. He also gave the members a copy of the international building code for fire districts. He told the board that the primary fire district encompasses the area from Beaver Street to Second Avenue. Discussion was conducted on fire retardant wood construction, fire escapes, and sprinkle systems.

Mr. Morgan also related that we could not restrict ownership to the apartments. He stated he would contact the Town of Carrboro because they have the same Ordinance that we have and discuss with them what their process requirements and restrictions are for downtown apartments.

Agenda Item V

Greenway

Mr. Meadows stated that at the last Town Board meeting it was decided that each commissioner would appoint someone to serve on the Greenway Committee along with himself, Mr. Brower (Town Manager), and Donald Dones (Recreation Director). The Town Board would like one member from the Planning Board to serve on this committee also.


Agenda Item VII

New Business

With no further business, Larry Cheek made a motion for adjournment at 8:00 p.m., with a second from Leota Thompson and followed by unanimous consent.



Jimmie Pugh, Chairman

ATTEST:

Dee Lee Thompkins, Recording Secretary

**Planning Board Meeting Minutes
October 13, 2003**

The Siler City Planning Board met on Monday, October 13, 2003, at 7:00 p.m. Jimmie Pugh called the meeting to order and gave the invocation. Minutes of August 11, 2003, meeting were unanimously approved by a motion from Larry Cheek and seconded by Jeff Brewer.

Members Present

Jimmie Pugh, Chairman
Don L. Tarkenton, Vice Chairman
Leota Thompson
Jeff Brewer
Cindy Bray
Larry Mendenhall
Larry Cheek
Richard Caviness, Alternate
Harold Hart, Alternate

Members Absent

Staff Present

Jack Meadows, Planning Director
William C. Morgan, Town Attorney

BUSINESS SESSION

Agenda Item IV

**Conditional Use Permit
A. CUP-002-03 – Lodestar Development**

Mr. Meadows reported that Lodestar Development request a conditional use permit for preliminary plat approval to subdivide a 2.09 acre parcel into two lots. The subject property is located at the Wal-Mart Shopping Center between Shiny's Car Bath and Smithfield's Chicken N' BBQ. A public hearing was conducted on October 6, 2003 to hear public comments. Jennifer Zahren, representative of Lodestar, made a few comments at the public hearing.

Mr. Meadows explained under normal circumstances a two lot subdivision would not require a conditional use permit. However, the existing 2.09 acre parcel was the product of an earlier minor subdivision recorded on October 2, 2002. Section 66(e) of the UDO states, "Not more than three lots may be created out of one tract using the minor subdivision plat process within a three year period." Therefore, the current request is subject to major subdivision approval, which requires a conditional use permit.

Mr. Meadows informed the members that the subject property is located outside the Town's Corporate Limits. It has road frontage along U.S. 64 and is currently vacant. The property will gain access via the two existing entrances along U.S. 64 (Waste Treatment Plant Road and the access east of Wendy's) and has an existing sanitary sewer easement located near the southern property line

Mr. Meadows stated the application is complete and a preliminary plat is attached and it meets all minimum zoning requirements. The Land Use Plan Map recommends commercial development for the subject property.

Staff recommends approval of the Conditional Use Permit with the following conditions:

- Prior to any site work the developer must receive a Notice to Proceed from the Planning Director

A recommendation to the Town Board is requested.

Discussion

With no further discussion, Mr. Pugh directed the board to their worksheet to go through each finding.

- I. The application was complete.
Motion made by Jeff Brewer, Larry Mendenhall seconded, and majority approved.
- II. The application complies with all applicable requirements of the Unified Development Ordinance.
Motion made by Larry Cheek, Jeff Brewer seconded, and majority approved.
- III. If the permit is recommended for approval, it will be subject to the following conditions:
 - 1) Prior to any site work the developer must receive a Notice to Proceed from the Planning Director
Motion made by Jeff Brewer, Larry Mendenhall seconded, and majority approved.
- IV. The permit is recommended for approval, approval with conditions
Motion made by Larry Mendenhall, Jeff Brewer seconded, and majority approved.
- V. The applicant shall complete the development strictly in accordance with the plans submitted to approved by the Town Board. Any significant deviations from the permit issued will require the submittal of a new application.

Agenda Item V

New Business

Mr. Meadows informed the members that the Planning Department had received a site plan for Blockbuster. They will be constructing a 8,000 square foot building and will have two smaller tenants. Discussion was conducted on the annexation of the property.

With no further business, Don Tarkenton made a motion for adjournment at 7:20 p.m., with a second from Larry Cheek and followed by unanimous consent.



Jimmie Pugh, Chairman

ATTEST:

Dee Lee Thompkins, Recording Secretary