

**Planning Board Meeting Minutes  
March 11, 2002**

The Siler City Planning Board met on Monday, March 11, 2002 at 7:00 p.m. Jimmie Pugh called the meeting to order and Don Tarkenton gave the invocation. Minutes of December 10, 2001 meeting were unanimously approved by a motion from John Brown and seconded by Jeff Brewer.

**Members Present**

Jimmie Pugh, Chairman  
Don L. Tarkenton, Vice Chairman  
Arnold Headen  
John Brown  
Jeff C. Brewer  
Larry Mendenhall, Alternate  
Larry Cheek, Alternate

**Members Absent**

Cindy B. Bray  
Leota Thompson

**Staff Present**

H. Bernard Rogers, Planning Director  
William C. Morgan, Town Attorney (by phone)

**BUSINESS SESSION**

**Agenda Item IV**

**A. Conditional Use Rezoning Request/Zoning Map Amendments  
CUR-001-02- Keith Reives**

Bernard Rogers, Planning Director reported Keith Reives requests a conditional use rezoning permit to rezone a 3.741 acre parcel of land from Agriculture-Residential to Highway-Commercial-C in order to continue use of the property as a trucking company. For the last three years the applicant has run his trucking business on this property without the appropriate zoning. The violation was revealed when Mr. Reives apply for a building permit to construct a garage. All sides of the property is zoned A-R and single-family residences is used by most of the property. The property has access off Old US Hwy. 421 South and is directly behind 1250 Gees Grove Church Road. The application was reviewed and deemed complete by staff. A public hearing was conducted on March 4, 2002 to hear public comments. There were no public comments recorded.

The Siler City Land Development Plan neither supported the proposed conditional use rezoning or by adjacency to existing H-C property. The area is predominantly residential in nature. Mr. Reives has the owner support of 18 of the 20 lots that adjoin the proposed property. The property is located along Old US Hwy 421, a major NCDOT thoroughfare. There is a small office building and several parked trucks and trailers on the property now and the 3.741 acre track is surrounded by wooded area. The east side of the existing office must be screened. Private water and sewer will serve the property. Mr. Reives would like to construct a 60X60 garage on the site to repair his trucks when needed. The use proposed is the only possible use of the property when considering a conditional use rezoning. There is a single lot and owner that will be surrounded by dissimilar zoning because of the request. Rezoning property under the aforementioned circumstances can have the appearance of favoritism and sets a precedent. Thus, it's important that the public interest be served if the property is rezoned and there must be a reasonable basis for the decision.

**A recommendation to the Town Board is requested.**

**Discussion**

Mr. Morgan, Town Attorney stated the general law on rezoning in most towns, is that rezoning should take place only in the best interest of the public. Our UDO states that *In order to maintain sound, stable and desirable development within the planning jurisdiction of Siler City, it is intended that this ordinance not be amended except to correct manifest error in the ordinance or zoning map; or, because of changed or changing conditions in a particular neighborhood or community as a whole; or to promote and forward the purposes of the adopted Siler City Land Development Plan.* This rezoning does not fit into the categories we are use to looking at, but that does not mean it should not be rezoned. We are restricting him to the specified use because this is a conditional use rezoning.

Concerns were raised about the future expansion of Mr. Reives' business. Mr. Morgan suggested that the Board put a condition on his CUR stating the maximum allowable future growth. After Board Members discussed with Mr. Reives and Mr. Hancock (Mr. Reives' attorney), they decided to add a condition to limit the business to a 12 truck maximum.

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

**Planning Board Minutes**

**March 11, 2002**

**Page two**

- Completeness of application - application was complete.  
*Motion made by John Brown, Larry Cheek seconded, and majority approved.*

**COMPLIANCE WITH THE ORDINANCE INTENT**

In order to maintain sound, stable and desirable development within the planning jurisdiction of Siler City, it is intended that this ordinance not be ordinance not be amended except:

- To correct manifest error in the ordinance or zoning map; or,
- Because of changed or changing conditions in a particular neighborhood or community as a whole; or,
- To promote and forward the purposes of the adopted Siler City Land Development Plan
- Compliance with ordinance intent – The application is in compliance with the intent of the Unified Development Ordinance.  
*Motion made by Arnold Headen, Don Tarkenton seconded and majority approved.*

- Consideration of proposed conditions –
  - The applicant shall complete the development strictly in accordance with plans submitted to and approved by this board, a copy of which is filed in the Siler City Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in Section 60 of the Unified Development ordinance.
  - If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
  - The business shall be limited to a maximum of 12 trucks (not including trailers).

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

**Recommendation for Approval – The Planning Board recommends approval, subject to the conditions agreed upon.**

*Motion made by Arnold Headen, Larry Mendenhall seconded, and majority approved.*

**Recommendation for approval to the Town Board.**

**Agenda Item VI**

**New Business**

Mr. Rogers reported the Land Development Task Force has been meeting and has reviewed the 1989 Land Development Plan's goals, objectives and for industrial, commercial and future development. At their next meeting they will be reviewing the 1989 residential plan and making recommendations for goals and objectives for the new plan.

With no further business, Jeff Brewer made a motion for adjournment at 7:40 p.m., a second from Larry Cheek and followed by unanimous consent.

ATTEST:

  
Dee Dee Thompkins, Recording Secretary

  
Jimmie Pugh, Chairman

**Planning Board Meeting Minutes  
April 8, 2002**

The Siler City Planning Board met on Monday, April 8, 2002, at 7:00 p.m. Jimmie Pugh called the meeting to order and Larry Cheek gave the invocation. Minutes of March 11, 2002, meeting were unanimously approved by a motion from John Brown and seconded by Larry Cheek.

**Members Present**

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

**Members Absent**

Arnold Headen  
Cindy B. Bray

**Staff Present**

H. Bernard Rogers, Planning Director  
William C. Morgan, Town Attorney

**BUSINESS SESSION**

**Agenda Item IV**

**Conditional Use Permit Request/Preliminary Plat Review  
A. CUP-001-02 – Chatham County Parks Foundation**

Bernard Rogers reported Chatham County Parks Foundation requests a conditional use permit for a carnival that will be held June 18<sup>th</sup> – 22<sup>nd</sup> in the Siler Crossing Shopping Center. They had an identical request last year and there were no complaints received.

Mr. Rogers stated when concerning a CUP on a special event, our ordinance request we ensure that:

- *The hours of operation shall be compatible with the uses adjacent to the activity.*
- *The amount of noise generated shall not disrupt the activities of adjacent land uses.*
- *The applications shall guarantee that all litter generated by the special event be removed at no expense to the town.*

Noise and traffic should not be concern because of its location. Staff has been assured by carnival officials that all music will be kept at a respectable level. The hours of operation will be Tuesday thru Friday 5:00 pm to 11:00 p.m. and Saturday 1:00 p.m. to 11:00 p.m. A state inspector form the Department of Labor will certified ride safety and there will be on site security at all times.

The planning staff recommends approval of the applicant's request for a conditional use permit.

**A recommendation to the Town Board is requested.**

**Discussion**

Jimmie Pugh stated Chatham County Parks and Recreation had a profit of \$2,500.00 last year from the carnival. The profit will go towards helping with some of their projects.

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

- **Completeness of application - application was complete.**  
*Motion made by Don Tarkenton, Leota Thompson seconded, and majority approved.*

**Planning Board Minutes**

**April 8, 2002**

**Page two**

- Compliance with the ordinance requirements - application complies with all applicable requirements of Unified Development Ordinance.  
*Motion made by Don Tarkenton, Larry Mendenhall seconded, and majority approved.*
- Recommendation for Approval – The Planning Board recommends approval.  
*Motion made by Don Tarkenton, Leota Thompson seconded, and majority approved.*

**Recommendation for approval to the Town Board**

**Agenda Item V**

**Rezoning Request/Zoning Map Amendments**

**A. REZ-001-02 – Piedmont Health Services**

Mr. Rogers reported this is a request from Piedmont Health Services, Inc. to rezone a 30,000 sq. ft. parcel of land from Residential-10 to Office-Institutional for a community health center.

This request is a conventional rezoning, but we are to look at all possible uses if rezoned. The Town's Land Development Plan recommends institutional uses in this area. The existing character of the area is evident because the subject parcel is located adjacent to the Chatham County Health Department and the Chatham County Environmental Health office. If you refer to your map with your agenda you will see that the Chatham County property is zoned R-10, which staff will initiate a rezoning from R-10 to O-I in the near future. Cardinal Street is the current access to the parcel however, future development of adjacent apartments will make access to South Tenth Avenue possible.

Staff recommends approval of the rezoning due to its conformity to the Land Development Plan and the character of existing uses.

**A recommendation to the Town Board is requested.**

**Discussion**

Jimmie Pugh asked about the traffic. Mr. Rogers explained a traffic study was done when Ricky Spoon CUP was heard. He further stated that when the apartments are developed their access would be South Tenth Avenue, which connects to East Raleigh Street, which is a major thoroughfare.

Mr. Moses Carey, representative for Piedmont Health Services explained they are a non-profit corporation. Their mission is to provide affordable health care for people and their funding comes from the federal government, grants, medicare and private insurance. They charge on a sliding scale depending on ones family size and income. He stated the center operates just like a medical practice and they have facilities in Chapel Hill, Burlington, Carrboro, Prospect Hill and Moncure. Their plans are for this facility to have a pharmacy, four doctors and two dentists. All personnel are employees of Piedmont Health Services. They have been operating at 401-B North Ivey Avenue since January 4, 2002 but they need a larger facility. They have two part-time doctors on staff now and they have applied for prudential at Chatham Hospital.

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

**COMPLIANCE WITH THE ORDINANCE INTENT**

In order to maintain sound, stable and desirable development within the planning jurisdiction of Siler City, it is intended that this ordinance not be ordinance not be amended except:

- To correct manifest error in the ordinance or zoning map; or,

**Planning Board Minutes**  
**April 8, 2002**  
**Page three**


- Because of changed or changing conditions in a particular neighborhood or community as a whole; or,
- To promote and forward the purposed of the adopted Siler City Land Development Plan
- Compliance with ordinance intent – The application is in compliance with the intent of the Unified Development Ordinance.  
*Motion made by John Brown, Leota Thompson seconded and majority approved.*
- Recommendation for Approval – The Planning Board recommends approval.  
*Motion made by Larry Mendenhall, Larry Cheek seconded and majority approved.*

**Recommendation for approval to the Town Board.**

**Agenda Item VI**

**New Business**

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

ATTEST:  
  
Dee Lee Thompkins, Recording Secretary

  
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Jimmie Pugh, Chairman

**Planning Board Meeting Minutes  
May 13, 2002**

The Siler City Planning Board met on Monday, May 13, 2002, at 7:00 p.m. Jimmie Pugh called the meeting to order and Leota Thompson gave the invocation. Minutes of April 8, 2002, meeting were unanimously approved by a motion from Jeff Brewer and seconded by Leota Thompson.

**Members Present**

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

**Members Absent**

Arnold Headen  
John Brown  
Cindy B. Bray  
Larry Cheek

**Staff Present**

H. Bernard Rogers, Planning Director  
Joel J. Brower, Town Manager  
William C. Morgan, Town Attorney

**BUSINESS SESSION**

**Agenda Item IV**

**Rezoning Request/Zoning Map Amendments  
A. REZ-002-02 -- Staff**

Mr. Rogers reported staff requests to rezone a 2.130 acre parcel and 1.100 acre parcel of land from Residential-10 to Office-Institutional. The 2.130 parcel is located at 1000 South 10<sup>th</sup> Street and the 1.100 parcel is located at 1105 East Cardinal Street. Both parcels are owned by Chatham County.

The Chatham County Health Department and Environmental Health occupy the abovementioned parcels respectively. Thus, the existing office character of the area is evident and not incompatible with existing residential uses. Additionally, the Town's Land Development Plan recommends institutional uses in this area, which is further justification for the rezoning.

Staff recommends approval of the rezoning due to its conformity to the Land Development Plan and the character of existing uses.

**A recommendation to the Town Board is requested.**

**Discussion**

Mr. Pugh asked if there were any questions or discussion, if not, we need a motion for recommendation to the Town Board. Jeff Brewer made the motion, Larry Mendenhall seconded, with majority approved.

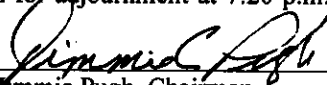
**Recommendation for approval to the Town Board.**

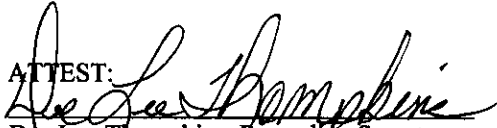
**Agenda Item VI**

**New Business**

Mr. Rogers stated this would be his last meeting and expressed to everyone how much he has enjoyed working with them. All the board members thanked Mr. Rogers for the excellent work he has done for the Town and wished him the best.

With no further business, Jeff Brewer made a motion for adjournment at 7:20 p.m., a second from Larry Mendenhall and followed by unanimous consent.

  
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Jimmie Pugh, Chairman

ATTEST:  
  
De Lee Thompkins, Recording Secretary

**Planning Board Meeting Minutes  
June 10, 2002**

The Siler City Planning Board met on Monday, June 10, 2002, at 7:00 p.m. Jimmie Pugh called the meeting to order and Leota Thompson gave the invocation. Minutes of May 13, 2002, 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, Alternate  
Larry Cheek, Alternate

**Members Absent**

Arnold Headen  
John Brown  
Cindy B. Bray

**Staff Present**

Joel J. Brower, Town Manager

**BUSINESS SESSION**

**Agenda Item IV**

**Rezoning Request/Zoning Map Amendments  
A. REZ-004-02 – Wrenn Brothers, Inc.**

Mr. Brower reported that we have an application for rezoning from Wrenn Brothers, Inc. to rezone a 10 acre parcel of land from Residential-20 to Light-Industrial. The property is located on the southwest side of the Norfolk Southern Railroad corridor and West Elk Street intersection. The site is bound on three sides with light industrial. A public hearing was conducted on June 3, 2002 to hear public comments. Neil Wrenn and Willis Wrenn both spoke at the public hearing. You have before you their comments. Mr. Wrenn indicated that the property requested for rezoning would coordinate with adjacent properties zoned Industrial along the railroad corridor. The proposed rezoning places industrial property along the railroad right of way. This area is better suited for industrial than single family residential use. The applicant owns the large vacant residential tract to the west thus impact is minimal. Additionally the natural flow of traffic should be toward old US Hwy. 421.

Staff recommends approval of the rezoning due to its conformity to the Land Development Plan and the character of existing uses.

**A recommendation to the Town Board is requested.**

**Discussion**

The board discussed with Mr. Wrenn the location of this property. Mr. Wrenn also informed the board that Mr. Milholen will be buying the property that is adjacent to his along Cedar Street.

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

**COMPLIANCE WITH THE ORDINANCE INTENT**

In order to maintain sound, stable and desirable development within the planning jurisdiction of Siler City, it is intended that this ordinance not be ordinance not be amended except:

- To correct manifest error in the ordinance or zoning map; or,
- Because of changed or changing conditions in a particular neighborhood or community as a whole; or,
- To promote and forward the purposed of the adopted Siler City Land Development Plan

- Compliance with ordinance intent – The application is in compliance with the intent of the Unified Development Ordinance.

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

- Recommendation for Approval – The Planning Board recommends approval.

*Motion made by Jeff Brewer, Leota Thompson seconded and majority approved.*

**Recommendation for approval to the Town Board.**

**Rezoning Request/Zoning Map Amendments**  
**B. REZ-005-02 – D. L. & Betty Bunce**

Mr. Brower reported that Mr. Bunce had called him today to let him know that he would not be able to attend the meeting tonight because of a conflict. At the public hearing on June 3, 2002 D. L. Bunce of Lexington indicated that he was the owner of a business, which produced storage buildings and garages for sale to the public. Mr. Bunce currently has an agreement with the property owner to purchase this parcel contingent upon the Town's approval of this rezoning request. Bunce Buildings is planning to locate a sales lot on the property. He is requesting to rezone a 6 acre parcel of land from Agriculture-Residential to Highway-Commercial. The property is located southwest of the US Hwy 64/Ellington Road intersection and has frontage on US Hwy 64. The applicant's application dated May 8, 2002 was reviewed and deemed complete by staff.

The subject parcel is a logical progression of the US 64/Ellington Road commercial area, described in the Land Development Plan. Development along US 64 should be acceptable, but not at the expense of free flowing traffic. Thus, the Land Development Plan recommends that individual lots use a shared service road to limit the number of driveways on US 64. Requiring the subject property owner to start a service road and allow adjacent parcels access in order to share his/her driveway will lower the future impact of rezoning on US 64. Implementing the above will have an impact similar to a planned commercial development. The Land Development Plan recognizes that the subject area is better suited for commercial development than residential.

Staff recommends approval of the rezoning due to its conformity to the Land Development Plan and the character of existing uses.

**A recommendation to the Town Board is requested.**

**Discussion**

The board had concerns about the buffering and the driveway to the property. Mr. Brower explained that the ordinance requires a buffer on all H-C property and NCDOT will be addressing the driveway when Mr. Bunce applies for his driveway permit.

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

**COMPLIANCE WITH THE ORDINANCE INTENT**

In order to maintain sound, stable and desirable development within the planning jurisdiction of Siler City, it is intended that this ordinance not be ordinance not be amended except:

- To correct manifest error in the ordinance or zoning map; or,
- Because of changed or changing conditions in a particular neighborhood or community as a whole; or,
- To promote and forward the purposed of the adopted Siler City Land Development Plan
- Compliance with ordinance intent – The application is in compliance with the intent of the Unified Development Ordinance.

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

- Recommendation for Approval – The Planning Board recommends approval.  
*Motion made by Larry Mendenhall, Jeff Brewer seconded and majority approved.*

**Recommendation for approval to the Town Board.**

**Agenda Item VI**

**New Business**


The board thanked Mr. Brower and Mr. Rogers for all the hard work they done on the ETJ expansion.



**Planning Board Minutes**  
**June 10, 2002**  
**Page three**

With no further business, Don Tarkenton made a motion for adjournment at 7:40 p.m., a second from Jeff Brewer and followed by unanimous consent.

  
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Jimmie Pugh, Chairman

ATTEST:  
  
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Dee Lee Thompkins, Recording Secretary

**Planning Board Meeting Minutes  
August 12, 2002**

The Siler City Planning Board met on Monday, August 12, 2002. Don Tarkenton called the meeting to order at 7:00 p.m. and Jeff Brewer gave the invocation. Minutes of June 10, 2002 meeting were unanimously approved by a motion from Jeff Brewer and seconded by Larry Mendenhall.

**Members Present**

Donald L. Tarkenton, Vice Chairman  
Jeff C. Brewer  
Cindy Bray  
Larry Mendenhall  
Larry Cheek

**Members Absent**

Jimmie Pugh, Chairman  
Leota Thompson

**Staff Present**

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

**BUSINESS SESSION**

**Agenda Item IV**

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

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

Mr. Tarkenton asked for nomination for Vice-Chairman. Larry Mendenhall nominated Don Tarkenton, Jeff Brewer seconded and was unanimously approved by board members.

Mr. Tarkenton welcomed our new Planning Board Director, Jack Meadows.

**Agenda Item V**

**Unified Development Ordinance Amendment**

Mr. Meadows reported that this request stems from Mr. Stuart Fields' desire to create a nursery school/day care center within his existing facility, which is currently, zoned Highway-Commercial. Included in your agenda is a letter from Mr. Fields who proposes an amendment to Article X – Table of Permissible Uses of the UDO. This amendment would allow nursery schools/child care centers as a permissible use in the Highway-Commercial zoning district. With your agenda is a copy of the amendment, as it would appear in the UDO.

Mr. Meadows stated the definition of nursery schools/ day care centers as provided by the UDO is: "*Day Care Center. Any child care arrangement that provides day care on a regular basis for more than four hours per day for more than five children of preschool age.*"

On July 23 – 25, 2002, staff conducted a survey by calling other municipalities and inquired whether their zoning ordinances allowed nursery schools/ day care centers as a permissible use within their respective highway-commercial zoning districts. The results of the survey are as follows; six municipalities (Carrboro, Cary, Chapel Hill, Durham, Greensboro, Sanford) allowed the use as a permissible use and four municipalities (Asheboro, Burlington, Greenville, Smithfield) required a special use permit to be granted by the Board of Adjustment.

The impact of nursery schools/ day care centers would be similar to the uses that are allowed within the Highway-Commercial zoning district, which allows automobile-oriented businesses. Attached is a copy of the uses that are allowed within the Highway-Commercial zoning district.

Staff does not object to this request.

**A recommendation to the Town Board is requested.**

**Planning Board Minutes**

**August 12, 2002**

**Page two**

**Discussion**


With no discussion Mr. Tarkenton asked for a motion. A motion was made for approval from Jeff Brewer and seconded by Larry Cheek and was unanimously approved by the board members.

**Agenda Item VI**

**New Business**

At 7:10 p.m. Don Tarkenton asked if there was any new business, with no further business Mr. Tarkenton stated without an objection we stand adjourn.

  
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Jimmie Pugh  
Chairman

ATTEST:  
  
\_\_\_\_\_  
Dee Lee Thompkins  
Recording Secretary

**Planning Board Meeting Minutes  
September 9, 2002**

The Siler City Planning Board met on Monday, September 9, 2002, at 7:00 p.m. Jimmie Pugh called the meeting to order and Larry Mendenhall gave the invocation. Minutes of August 12, 2002, meeting were unanimously approved by a motion from Don Tarkenton and seconded by Jeff Brewer.

**Members Present**

Jimmie Pugh, Chairman  
Don L. Tarkenton, Vice Chairman  
Leota Thompson  
Jeff Brewer  
Cindy B. Bray  
Larry Mendenhall  
Larry Cheek

**Members Absent**

**Staff Present**

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

**BUSINESS SESSION**

**Agenda Item IV**

**Rezoning Request/Zoning Map Amendments  
A. REZ-006-02 – Richard Fox**

Mr. Meadows reported Richard Fox requests to rezone approximately 44.084 acres of land from Agriculture-Residential to Light-Industrial. The property is located off the southern right-of-way of North Second Avenue and adjacent to the eastern right-of-way of Norfolk Southern Railroad.

A public hearing was conducted on September 3, 2002. The following comments were recorded:

- *Theresa Teague wanted to know where the road was going and what type of business would be located on the property.*
- *Richard Fox responded by saying the entrance would be near the sign that is located along North Second Avenue and he also stated that he has interest in the property.*

The subject property is vacant and does not have any road frontage. Access to the property will be provided off of North Second Avenue. North Second Avenue is a major thoroughfare as shown on the Siler City Thoroughfare Plan Map and is capable of accommodating the traffic for the subject property if the zoning is changed to L-I. Water and sewer are available to the subject property.

The surrounding development to the north includes vacant land, the water tanks on Clapp Hill, and a single-family dwelling that is zoned A-R. There is a single family dwelling, manufactured home, and a vacant lot located south of the subject property and is zoned A-R. The adjacent property to the east is vacant and is currently zoned L-I. Chatham Academy and Country Living Mobile Home Park is located to the west and is zoned A-R.

The request is consistent with the Land Use Plan Map, which recommends industrial development for the subject property. Rezoning the property to L-I would be a logical extension of the existing industrial area as described in the Land Use Plan. The proposed rezoning places industrial property along the railroad right-of-way, which is better suited for industrial uses rather than residential.

The L-I zoning district is established to primarily accommodate enterprises engaged in processing, repairing, renovation, painting, cleaning, and assembling. The minimum lot width for lots zoned L-I is 100 feet and building setbacks are 40 feet from the front or street and 20 feet from side and rear.

Mr. Meadows explained that the Planning Board shall consider the entire range of permitted, special, and conditional uses for the proposed zoning district as listed in Article X – Table of Permissible Uses. A copy of the uses that are allowed within the L-I zoning district was provided.

Staff recommended approval of the rezoning.

**Planning Board Minutes**

**September 9, 2002**

**Page two**

**Discussion**

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

**COMPLIANCE WITH THE ORDINANCE INTENT**

In order to maintain sound, stable and desirable development within the planning jurisdiction of Siler City, it is intended that this ordinance not be amended except:

- To correct manifest error in the ordinance or zoning map; or,
- Because of changed or changing conditions in a particular neighborhood or community as a whole; or,
- To promote and forward the purposed of the adopted Siler City Land Development Plan
  
- Compliance with ordinance intent – The application is in compliance with the intent of the Unified Development Ordinance.  
*Motion made by Don Tarkenton, Larry Cheek seconded and majority approved.*
  
- Recommendation for Approval – The Planning Board recommends approval.  
*Motion made by Jeff Brewer, Larry Mendenhall seconded and majority approved.*

**Recommendation for approval to the Town Board.**

**Rezoning Request/Zoning Map Amendments**

**B. REZ-007-02 – Harold Hart**

Jack Meadows reported Harold Hart requests to rezone approximately 2.707 acres of land from Agriculture-Residential to Highway-Commercial. The property is located off of the southern right-of-way of Highway 64 West. A public hearing was conducted on September 3, 2002 to hear public comments. There were no public comments recorded.

The subject property is vacant and does not have any road frontage. Access to the property will be provided off of East Eleventh Street. East Eleventh Street is a major thoroughfare as shown on the Siler City Thoroughfare Plan Map and is capable of accommodating the traffic for the subject property if the zoning is changed to H-C. Water and sewer are available to the subject property.

The surrounding development to the north includes Elder Printing, Southern Showcase Housing, and Etna Gas Station and is zoned H-C. There is vacant land located to the south and east of the subject property and is zoned A-R and H-C, respectively. A single-family dwelling and manufactured home is located to the west and is zoned A-R.

The request is consistent with the Land Use Plan Map, which recommends general commercial development for the subject property. Rezoning the property to H-C would be a logical extension of the existing commercial area as described in the Land Use Plan.

The H-C zoning district is established to primarily accommodate automobile oriented businesses. The minimum lot width for lots zoned H-C is 100 feet and building setbacks are 40 feet from the front or street and 0 feet from side and rear.

Mr. Meadows explained that the Planning Board shall 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 recommended approval of the rezoning.

**Discussion**

Larry Mendenhall asked if the property to be rezoned was inside city limits? Mr. Meadows answered that Mr. Hart has requested petition for annexation. Mr. Mendenhall then asked why the Town did not annex that whole area? Joel Brower, Town Manager stated that the surrounding property was annexed effective June 30, 2002.

## **Planning Board Minutes**

**September 9, 2002**

**Page three**

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

### **COMPLIANCE WITH THE ORDINANCE INTENT**

In order to maintain sound, stable and desirable development within the planning jurisdiction of Siler City, it is intended that this ordinance not be amended except:

- To correct manifest error in the ordinance or zoning map; or,
- Because of changed or changing conditions in a particular neighborhood or community as a whole; or,
- To promote and forward the purposed of the adopted Siler City Land Development Plan
- Compliance with ordinance intent – The application is in compliance with the intent of the Unified Development Ordinance.

*Motion made by Larry Mendenhall, Cindy Bray seconded and majority approved.*

- Recommendation for Approval – The Planning Board recommends approval.

*Motion made by Larry Cheek, Leota Thompson seconded and majority approved.*

### **Recommendation for approval to the Town Board.**

#### **Agenda Item V**

##### **ETJ Update**

Mr. Meadows reported in 2001, the Town Board expressed interest in extending the Town's extraterritorial jurisdiction three miles from the Town's corporate limits.

On March 27, 2002, notices were mailed to property owners explaining the Town of Siler City's intent to expand the ETJ and zone the property affected Agricultural-Residential. Approximately 800 letters were sent to property owners located within the proposed expanded ETJ. Attached is a copy of the property owner notice letters.

Two public informational sessions were conducted and staffed by Bernard Rogers and Joel Brower on April 11 and 18, 2002. Notice was published in the newspaper two consecutive weeks prior to the meetings on March 8, 2002 and April 4, 2002. Staff developed a FAQ sheet based on the information requested at the sessions. Attached is a copy of the list of FAQs.

On April 29, 2002, a joint public hearing was held with the Town Board and Planning Board both present. Notice was published in the newspaper two consecutive weeks prior to the meeting on April 18 and 25, 2002. Attached is a copy of the minutes from the joint public hearing.

On May 6, 2002, the Town Board adopted a resolution requesting approval from Chatham County Board of Commissioner's to expand the Town's ETJ. Attached is a copy of the resolution adopted by the Town Board. On June 3, 2002, the Chatham County Board of Commissioner's approved the resolution to allow the Town of Siler City to expand its ETJ.

Mr. Meadows indicated that to move this project forward a recommendation to the Town Board to expand the ETJ boundary and also amend the zoning map to designate the expanded area as Agricultural-Residential zoning was needed.

The A-R zoning is designed to accommodate agricultural uses with large tracts of uninhabited land near the fringe of urban areas and low-density single-family residential development in areas not served by water and sewer facilities. The minimum lot width for lots zoned A-R is 150 feet and building setbacks are 40 from the front or street and 25 from the side and rear.

Mr. Meadows instructed 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. A copy of the uses that are allowed within the A-R zoning district was provided.

**Planning Board Minutes**

**September 9, 2002**

**Page four**

Staff recommended that the ETJ boundary be extended and that the zoning within the newly acquired area be designated Agricultural-Residential. A copy of the map that delineates the extended ETJ boundary was provided.

**Discussion**

Recommendation to the Town Board made by Don Tarkenton that the ETJ boundary be extended and that zoning within the newly acquired area be designated Agriculture-Residential (A-R). Second by Jeff Brewer.

**Agenda Item VI**

**New Business**

Don Tarkenton stated that a thank-you was in order for the Siler City Planning Board, Town Board of Commissioners and the Town staff for working so diligently to get Chatham County Commissioners to unanimously approve this ETJ expansion

Jeff Brewer asked what the time frame was on the ETJ expansion. Town Manager Brower stated once the Town Board approved the recommendation it would become effective immediately.

Cindy Bray asked what could be done regarding areas of the Town that needed cleaning, (i.e. – overgrown lots, junk automobiles, trash in yard, etc.). Brower answered that the Town has a staff member who checks on complaints regularly and is making progress in this area. Complaints are addressed as they are received. Jimmie Pugh asked if house furnishings were allowed on front porches? Brower answered that it is okay under our ordinance as long as furniture is in seemingly good shape. Cindy Bray then asked if there was an ordinance addressing the screening of items in front of a business, such as tires? Brower stated that screening is different for businesses. He will check on this, as there may be a way to address this problem because of tires collecting water and being a breeding place for mosquitoes.

With no further business, Jeff Brewer made a motion for adjournment at 7:30 p.m., a second from Larry Mendenhall and followed by unanimous consent.

  
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Jimmie Pugh, Chairman

ATTEST:

  
\_\_\_\_\_  
Karen Alman, Recording Secretary

**Planning Board Meeting Minutes  
November 11, 2002**

The Siler City Planning Board met on Monday, November 11, 2002, at 7:00 p.m. Jimmie Pugh called the meeting to order and Larry Cheek gave the invocation. Minutes of September 9, 2002, meeting were unanimously approved by a motion from Larry Mendenhall 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

**BUSINESS SESSION**

**Agenda Item IV**

**Rezoning Request/Zoning Map Amendments  
A. REZ-008-02 – Reid Marley**

Mr. Meadows reported that Dalton Reid Marley has requested to rezone approximately .309 acres of land from Residential-10 to Neighborhood Business. The two tracts of land are located at the northwest corner of North Third Court and East Fourth Street.

A public hearing was conducted on November 4, 2002. The following comments were recorded: *The Town Board asked Mr. Marley what he planned to do with the land and he said parking.*

A portion of the subject property currently provides parking for Reid's Barber Shop/ Marley's Cleaners. The subject property has road frontage along North Third Court and East Fourth Street. The property currently has and will maintain access off of North Third Court. North Third Court is a town maintained street with 20' of pavement width and is capable of accommodating the traffic for the subject property if the zoning is changed to B-1. Water and sewer are available to the subject property.

The surrounding development to the north includes Reid's Barber Shop/ Marley's Cleaners which is zoned B-1. There is a single-family dwelling to the south and west of the subject property and is zoned R-10. A duplex is located to the west and is zoned R-10 as well.

The Land Use Plan Map recommends general residential development for the subject property. Rezoning the property to B-1 would be appropriate since the subject property is located in an area that is intermingled with residential, commercial, and institutional uses. The B-1 zoning district is established to provide convenient retail areas in close proximity to residential neighborhoods.

The minimum lot width for lots zoned B-1 is 100 feet and building setbacks are 40 feet from the front or street and 5 feet from side and rear.

Mr. Meadows explained that the Planning Board shall consider the entire range of permitted, special, and conditional uses for the proposed zoning district as listed in Article X – Table of Permissible Uses. A copy of the uses that are allowed within the B-1 zoning district was provided

Staff recommended approval of the rezoning.



**Planning Board Minutes**  
**November 11, 2002**  
**Page two**

**Discussion**

Don Tarkenton informed the members that this rezoning request has been brought about from the application for a special use permit for a day care on the corner of Martin Luther King, Jr. Blvd. and North Third Court. The property will be used for additional parking that the day care will required to provide.

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

**COMPLIANCE WITH THE ORDINANCE INTENT**

In order to maintain sound, stable and desirable development within the planning jurisdiction of Siler City, it is intended that this ordinance not be amended except:

- To correct manifest error in the ordinance or zoning map; or,
- Because of changed or changing conditions in a particular neighborhood or community as a whole; or,
- To promote and forward the purposed of the adopted Siler City Land Development Plan
- Compliance with ordinance intent – The application is in compliance with the intent of the Unified Development Ordinance.  
*Motion made by Jeff Brewer, Larry Mendenhall seconded and majority approved.*
- Recommendation for Approval – The Planning Board recommends approval.  
*Motion made by Don Tarkenton, Larry Cheek seconded and majority approved.*

**Recommendation for approval to the Town Board.**

**Agenda Item V**

**New Business**

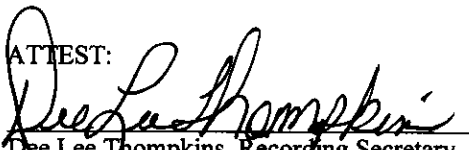
**Discussion**

Mr. Meadows reported that applicants located within the Town ETJ should contact the Planning Department prior to applying for well and septic applications from the Chatham County Environmental Health Department.

Mr. Meadows also stated that at the Planning Board's last meeting some discussion was made regarding junk autos, tires, machinery appliances, etc. Before you are copies of the town code that addresses junk and the collection of water. Mr. Meadows read the Town Ordinance's definition of junk and junkyards to the board. After discussion among staff and the members, the board decided that Mr. Meadows would make an inventory of all of the businesses and contact them to see what suggestions they might have concerning their compliance. This would give businesses an opportunity to provide input.

With no further business, Larry Cheek made a motion for adjournment at 7:40 p.m., a second from Leota Thompson and followed by unanimous consent.

  
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Jimmie Pugh, Chairman

ATTEST:  
  
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Dee Lee Thompkins, Recording Secretary

**Planning Board Meeting Minutes  
December 9, 2002**

The Siler City Planning Board met on Monday, December 9, 2002, at 7:42 p.m. Minutes of November 11, 2002, meeting were unanimously approved by a motion from Larry Mendenhall and seconded by Don Tarkenton.

**Members Present**

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

**Members Absent**

Jeff Brewer  
Larry Cheek

**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-002-02 – John Henry Tripp**

Mr. Meadows reported that John Henry Tripp has requested a conditional use rezoning for approximately 10 acres from Agricultural-Residential to Residential-6-C for a 45 unit multifamily development. The subject property is located along the northern right-of-way of West Third Street, approximately 1,500 feet west of the intersection of West Third Street and Ellington Road. The property can be further identified as being located across from the new soccer complex, which is located at the southwest corner of West Third Street and Coleridge Road.

Mr. Meadows stated a public hearing was conducted on December 2, 2002. The following comments were recorded:

- Helen Buckner: How many units?
- Jack Meadows: Forty-five.
- Helen Buckner: What is the square footage requirement?
- Jack Meadows: Six thousand square feet per lot.
- John Grimes: If there are 45 proposed units why are there only 20 buildings on the map?
- Charles Eliason: For conceptual purposes. The advantage of multifamily development is the open space requirements. Many trees will be planted. The development will meet all requirements of the UDO.
- Don Tarkenton: Who will provide water and sewer?
- Jack Meadows: Town of Siler City.
- John Grimes: Will the units be rental?
- Nakira Carter: Yes.

Mr. Tripp's property is currently vacant and has road frontage along West Third Street. Third Street is designated as a major thoroughfare on the Town of Siler City Thoroughfare Map and is capable of accommodating the traffic for the subject property if the zoning is changed to R-6. Water and sewer will be available to the subject property.

The surrounding development to the north, east, and west are all vacant and zoned A-R. A recreation project is being developed south of the subject property and is zoned A-R as well.

Mr. Meadows stated our 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 restricted to areas in which sufficient public water and sewer are available. The R-6 zoning district is designed to accommodate single-family, two-family, and multifamily dwelling units.

## Planning Board Minutes

December 9, 2002

Page two

The minimum lot width for lots zoned R-6 is 60 feet and building setbacks are 25 feet from the front or street, 9 feet from the side, and 20 feet from the rear. The maximum height allowed for buildings within the R-6 zoning district is 35 feet. An area for open space and a minipark will be provided in accordance with the UDO. The proposed development will meet all vegetation requirements of the UDO.

Staff recommends approval of the conditional use rezoning with the following conditions:

Prior to receiving Notice to Proceed on site work

- Erosion Control Plan must be approved by NCDENR
- Submit a grading plan that includes proposed contour lines
- Submit storm water drainage plan and calculations
- Submit tree survey identifying trees greater than or equal to 18' in diameter
- Submit NCDOT Driveway Permit
- Submit detailed water and sewer plans
- Must have adequate capacity to provide water, submit hydraulic analysis (including calculations) of available gallon per minute fire flows and residual pressure

Please review the applicant's preliminary site plan. You may agree with staff's recommendation or propose your own recommendation and conditions.

**A recommendation to the Town Board is requested.**

### Discussion

Larry Mendenhall asked if the proposed property was in the city limits and who would be providing water and sewer services.

Mr. Tripp stated that his house is exactly one mile from the city limit sign and this property is right next to his home.

Mr. Brower explained that there is already city sewer to the property and there is a county water line that extends from the city along Ellington Road. The Developer has agreed to purchase and extend the water line from the county. The Town will be the provider for water and sewer service. He also stated that the Town has adequate resources to handle the water for this development with the future expansion of the reservoir.

Don Tarkenton stated that one of the conditions needs to be two entrances to the development for emergency purposes. He reiterated that we need to be consistent with what we have required from other developers.

Charles Eliason with Absolute Surveying explained that he had incorporated with provisions for the second access road. Mr. Eliason reviewed with the Board the map of the development explaining the density and number of units. He explained that they are planning for 45 units, but Regency is doing a market study to see if there is a need in this area for that many units.

Tracy Dusenbery with Regency addressed the board explaining that they would be targeting moderate-income residents. There will be onsite management and the units will be two and three bedroom, and all will be handicap accessible. If their budget allows, they would like to add walking trails, shuffleboard and gazebos.

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

- Completeness of application - application was complete.

*Motion made by Larry Mendenhall, Cindy Bray seconded, and majority approved.*

#### COMPLIANCE WITH THE ORDINANCE INTENT

In order to maintain sound, stable and desirable development within the planning jurisdiction of Siler City, it is intended that this ordinance not be amended except:

- To correct manifest error in the ordinance or zoning map; or,
- Because of changed or changing conditions in a particular neighborhood or community as a whole; or,
- To promote and forward the purposes of the adopted Siler City Land Development Plan
- Compliance with ordinance intent – The application is in compliance with the intent of the Unified Development Ordinance.  
*Motion made by Don Tarkenton, Larry Mendenhall seconded and majority approved.*
- Consideration of proposed conditions –
  - Erosion Control Plan must be approved by NCDENR
  - Submit a grading plan that includes proposed contour lines
  - Submit storm water drainage plan and calculations
  - Submit tree survey identifying trees greater than or equal to 18' in diameter
  - Submit NCDOT Driveway Permit
  - Submit detailed water and sewer plans
  - Must have adequate capacity to provide water, submit hydraulic analysis (including calculations) of available gallon per minute fire flows and residual pressure
  - A gravel emergency access must be provided prior to final approval  
*Motion made by Don Tarkenton, Harold Hart seconded, and majority approved.*
- Recommendation for Approval – The Planning Board recommends approval, **subject to the conditions agreed upon.**  
*Motion made by Don Tarkenton, Cindy Bray seconded, and majority approved.*

#### Agenda Item V

##### Junk Update

Mr. Meadows passed out a copy of the letter that he sent to all of the businesses on November 27, 2002, regarding junk autos, tires, machinery appliances, etc. In the letter, he asked for any suggestions or other solutions to remedy the presence of junk within our Town. He had only one response. After discussion among staff and the members, the board decided Mr. Meadows would send a follow-up letter. This letter would inform the businesses that the Planning Board is considering amendments to the Town ordinances, some of the options being considered, and asked for their suggestions and input.

#### Agenda Item VI


##### New Business

Mr. Meadow informed the board there is a Land Development Task Force meeting schedule for January 27, 2003.

With no further business, Harold Hart made a motion for adjournment at 8:30 p.m., with a second from Cindy Bray and followed by unanimous consent.

  
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Jimmie Pugh, Chairman

ATTEST:

  
Dee Lee Thompkins, Recording Secretary