

**Planning Board Meeting Minutes
February 12, 2001**

The Siler City Planning Board met on Monday, February 12, 2001. Joel Hunnicutt called the meeting to order at 7:00 p.m. and gave the invocation. Minutes of December 11, 2000 meeting were unanimously approved by a motion from Jimmie Pugh and seconded by Don Tarkenton.

Members Present

Joel Hunnicutt, Chairman
Jimmie Pugh, Vice Chairman
Leota Thompson
John Brown
Donald L. Tarkenton
Jeff C. Brewer

Members Absent

Arnold Headen
Cindy Bray, Alternate

Staff Present

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

BUSINESS SESSION

Agenda Item IV

2001 Scattered Sites Housing Rehab

Mr. Bernard Rogers, Planning Director reported that he, the Town Manager, and County Planner met on January 22, 2001 with the administrator of the Community Development Black Grant program concerning the 2001 Scatter Site Housing Program. During the meeting, it was decided that the County would be administering the grant because of the need to reach people in the county that may also need assistance. The public hearing tonight is for us to hear from citizens who are interested in participating in the program under the county administration. With your agenda you will find a list of persons that have contacted the Town for assistance. This list and those that request assistance during the hearing tonight will be forwarded to the County Planning Department. The County will be setting up a committee to review and select the individuals who qualify for this grant. The grant is \$400,000.00 and in 1995 the Town was awarded a grant for \$440,000.00 that rehabbed sixteen homes. Ten percent of the funds will be used for administration. The purpose for this grant is to improve housing conditions for persons with low income. The grant funds are for owner occupied homes and the rehabilitation cost of the home to bring them up to state rehab standards. The funds can also be used for relocating one who rents a dilapidated house.

Planning Chairman Joel Hunnicutt declared the public hearing open.

Mary Newby of 1409 Spring Avenue explained her name had been on the list for about three years and would like her home to be considered for improvements. She stated she had done some work but had run out of money before she could complete all of the repairs.

There were no further comments, and the hearing was declared closed.

Discussion

Jimmie Pugh asked if anyone would go and check out the conditions of these homes?

Mr. Rogers explained whomever the County selects to administer this grant will go out and assess the situation. He also explained, to apply for this grant the applicant will have to submit an application. The County will do an overall study of the County housing conditions and set forth the plans on how they intend to allocate these funds. All the work for these homes will be put up for bid, and the building inspector and the administrator's inspector will inspect the work.

Agenda Item V

Land Development Plan Task Force Recommendations

Mr. Rogers stated that we all are aware of the Town updating their land development plan. This is a process we need to go through so we can get a better idea on how the town's citizens and boards would like the town to grow in the next ten to twenty years. This will be a guidepost we can use for setting policies for the town. He informed you at our last meeting that a task force would be needed to take on the responsibility of plan preparation. This task force will consist of nine to twelve members with diverse interests. All names will be forwarded to the Town Board for consideration.

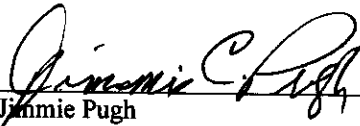
Discussion

After some discussion and suggestions, Joel Hunnicutt asked that everyone to forward any names or organizations to Mr. Rogers for him to forward to the Town Board for consideration.

Agenda Item IV

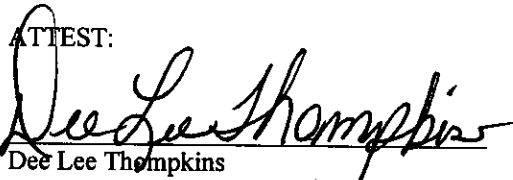
New Business

With no further business, Jeff Brewer made a motion for adjournment at 7:45 p.m., a second from Don Tarkenton and followed by unanimous consent.



Jimmie Pugh
Vice Chairman

ATTEST:



Dee Lee Thompkins
Recording Secretary

**Planning Board Meeting Minutes
April 9, 2001**

The Siler City Planning Board met on Monday, April 9, 2001, at 7:00 p.m. Jimmie Pugh called the meeting to order and gave the invocation. Minutes of February 12, 2001, meeting were unanimously approved by a motion from Don Tarkenton and seconded by John Brown.

Members Present

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

Members Absent

Joel Hunnicutt, Chairman
Leota Thompson
Cindy Bray, Alternate

Staff Present

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

BUSINESS SESSION

Agenda Item IV

Conditional Use Permit Request/Preliminary Plat Review

A. CUP-001-01 – Robert Glenn Hinshaw and Jerry L. Harris

Bernard Rogers reported that a public hearing was held Monday April 2, 2001 and you have before you the unofficial minutes from that meeting. Mr. Rogers reviewed with the Board the Siler City Unified Development Ordinance on major and minor subdivision regulations. Under normal circumstances a two lot subdivision would not require a conditional use permit. However, the 6.9 acre parcel was the product of a three lot minor subdivision, approved May 15, 2000. Creating an additional lot, by splitting the 6.9 acre lot, means four lots will come from the parent tract in less than one year. The above constitutes a major subdivision, according to §66(e) of the Ordinance. Also shown on the plat is a 30' right of way for access to the 4.150 acre lot. The right of way splits the 1.921 acre parcel, leaving two smaller parcels of .189 acres and .658 acres. These two smaller parcels will be exempt from the CUP process, due to their recombination to an existing lot, per section 41 of the UDO.

The applicants' preliminary subdivision plat has been reviewed. The proposed lots meet all UDO minimum requirements for A-R lots. Both lots will have a well and septic tank. The 1.921 acre parcel has a previously developed and cleared home site that will be used to locate a manufactured home. No trees will be impacted on this lot. The developer will provide a tree survey of all 18" and larger trees on the 4.150 acre lot. The survey will be provided for staff review prior to final plat approval. As stated previously, one additional driveway will be added to Wade Paschal Road. Adjacent driveways are 30' feet south and over 100' feet north of the proposed driveway. Overall, staff feels the proposed subdivision will have minimal impact on the surrounding area.

The staff recommends approval of the conditional use permit request with the following condition:

- The recombination of smaller lots (.189 ac and .658 ac) to Lot 1 must be complete prior to final plat approval.

Please review the applicants' site plan. You may agree with staff's recommendation or propose your own recommendation and conditions. For your convenience a CUP worksheet is attached. The worksheet will help you determine whether to deny or approve the proposed development.

A recommendation to the Town Board is requested.

Discussion

Jimmie Pugh, Vice Chairman stated the public hearing was April 2, 2001, but swore in Barden Moody, Max Smith, Jr., Jerry Harris, and Glenn Hinshaw and explained that their comments would be limited.

Jerry Harris explained they are going to develop the five lots with doublewide mobile homes with permanent foundation, modular, or site built single-family homes. They have increase size of lot #1 from 1.058 acre to 1.9050 acre and removed the existing home. Mr. Harris explained they have no intention of ever subdividing the lots again and will put on the recorded deed that the lots could never be subdivided.

Don Tarkenton voiced concerns about the road to lot #2 and lot #3 and paving of the road.

Mr. Rogers explained there is an existing road and our ordinance in the A-R zoning district does require the road to be paved with a three lot maximum.

Barden Moody stated that his concerns were property value and future subdividing of the lots.

Max Smith, Jr. explained his concern is value of his property and the consistency with the rest of the community.

Mr. Harris assured everyone this was going to be a nice development. They had already done improvements by removing the old mobile home that was there and cleaning up around it. Lot #2 has been sold and a 2800 square foot modular home has been ordered and they would put a condition on the deeds that the property can never be subdivided.

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, Jeff Brewer seconded, and majority approved.
- Compliance with the ordinance requirements - application complies with all applicable requirements of Unified Development Ordinance.
Motion made by Don Tarkenton, Arnold Headen seconded, and majority approved.
- Consideration of proposed conditions –
 - The recombination of smaller lots (.189 ac and .658 ac) to lot 1 must be complete prior to final plat approval.
 - Restrictive Covenants shall be provided that limit the use of property to doublewides with permanent foundations, modular or site built single-family residential dwellings. Town Attorney shall review Restrictive Covenants prior to final plat approval.
 - Restrictive Covenants shall require shared maintenance of the gravel drive along the northern property boundary, by those properties using it for access to Wade Paschal Road.
Motion made by John Brown, Larry Mendenhall seconded, and majority approved.
- Recommendation for Approval – The Planning Board recommends approval, **subject to the conditions agreed upon.**
Motion made by Don Tarkenton, Arnold Headen seconded, and majority approved.

Recommendation for approval to the Town Board.

Agenda Item V

New Business

Mr. Rogers stressed to the Board the importance of attending the Joint Public Hearings.

With no further business, Don Tarkenton made a motion for adjournment at 7:58 p.m., a second from Arnold Headen and followed by unanimous consent.


Joel Hunnicutt, Chairman

ATTEST:


Dee-Lee Thompkins, Recording Secretary

**Planning Board Meeting Minutes
May 14, 2001**

The Siler City Planning Board met on Monday, May 14, 2001. Joel Hunnicutt called the meeting to order at 7:00 p.m. and Arnold Headen gave the invocation. Minutes of April 9, 2001 meeting were unanimously approved by a motion from John Brown and seconded by Jimmie Pugh.

Members Present

Joel Hunnicutt, Chairman
Jimmie Pugh, Vice Chairman
Arnold Headen
Leota Thompson
John Brown
Donald L. Tarkenton
Jeff C. Brewer
Larry Mendenhall, Alternate

Members Absent

Cindy Bray, Alternate

Staff Present

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

BUSINESS SESSION

Agenda Item IV

ETJ Expansion

Bernard Rogers, Planning Director explained that the ETJ is not part of our corporate limits but an area outside of our corporate limits that we have planning and zoning jurisdiction. If at sometime the Town expands its corporate limits this area will meet our long-range plan expectations. Upon request by the Town Board, staff is initiating an expansion of the Town's extraterritorial jurisdiction (ETJ). The Town Board has expressed interest in having the ETJ extend three miles from the corporate limits. Two major reasons for this ETJ expansion are:

1. to extend Town control of the US Hwy 64 (East) corridor where the corporate limits is moving closer to the existing ETJ and,
2. to provide a Town controlled buffer for future development.

The importance of a three-mile buffer was expressed during the Town's review of the Chatham County Land Development Plan. The County plan encourages a five-acre lot minimum around our existing ETJ, which could potentially stifle higher density development beyond that point. The fear is that these large lots will have private utilities and will make it cost prohibitive to run public utilities past them to serve future developable land.

Map A shows a three-mile ring around the corporate limits and Map B is a proposed option. Option B deviates from the three-mile ring in an attempt to follow easily discernible features, such as roads and property lines. Option B attempts to stay as close to three miles as conveniently possible. There are limitless options and this is your opportunity to have some input before we make our recommendation to the Town Board.

Discussion

Joel Hunnicutt asked about the process.

Mr. Rogers stated that he had discussed this with the Town Attorney and at some point we will have to get an agreement from the County to expand the ETJ and all the property will have to be zoned. Most of the property will be zoned Agricultural-Residential.

Mr. Morgan explained that we do not have to go back to the legislature because of a local bill the General Assembly passed in the late 1980's. We must first adopt a resolution and get the County's approval on an established ETJ. A study will need to be done on each area and see how it is growing to determine the zoning. Then it will be handle like a rezoning procedure with the public hearing and the Planning Board and Town Board's review.

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Don Tarkenton suggested sending a letter to the County Manager, Planning Director, and Planning Board explaining to them what we would like to achieve.

General discussion was conducted regarding the eastern boundary.

Joel Brower, Town Manager suggested extending the eastern side to the Mt. Vernon Hickory Mountain Road. He also stated it was going to be a major undertaking to notify all the property owners, and he wonders how it will be perceived. He added that we would need to explain to the property owners how the ETJ expansion would affect them.

Don Tarkenton stated that what the Town would be proposing would be less restrictive than the County.

Joel Hunnicutt explained that zoning is a scary thing for someone who has never been zoned, however zoning can be a friend to a lot of property owners by protecting their property value. If the public will see and understand what zoning means they will welcome it.

Jimmie Pugh stated the Town would need to let the people know we are not trying to control their property.

Mr. Hunnicutt added what Mr. Rogers wants from the Board is input on the boundaries he has put together.

Mr. Rogers explained that some places are outside of the three-mile ring and some are inside in an attempt to follow roads and property lines.

Jimmie Pugh made a motion to go with Mr. Rogers's suggestion. Don Tarkenton seconded with majority approval.

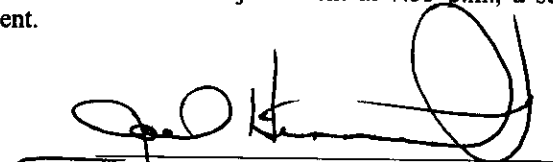
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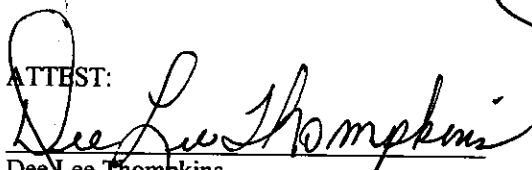
New Business

Mr. Rogers passed out a list of the Task Force Members. He explained the Task Force would be working with the North Carolina Department of Commerce Division of Community Assistance on updating the Siler City Land Development Plan. They will be doing a number of studies and then making their recommendation to the Planning Board.

Mr. Rogers informed the Board that Joel Hunnicutt had turned in his resignation effective June 30, 2001. Mr. Rogers thanked Mr. Hunnicutt for serving on the Board and stated staff and Board would miss him.

With no further business, Don Tarkenton made a motion for adjournment at 7:55 p.m., a second from Arnold Headen followed by unanimous consent.


Joel Hunnicutt
Chairman

ATTEST:

Dee Lee Thompkins
Recording Secretary

**Planning Board Meeting Minutes
June 11, 2001**

The Siler City Planning Board met on Monday, June 11, 2001, at 7:00 p.m. Joel Hunnicutt called the meeting to order and Leota Thompson gave the invocation. Minutes of May 14, 2001, meeting were unanimously approved by a motion from Don Tarkenton and seconded by Jimmie Pugh.

Members Present

Joel Hunnicutt, Chairman
Jimmie Pugh, Vice Chairman
Arnold Headen
Leota Thompson
John Brown
Don L. Tarkenton
Larry Mendenhall, Alternate

Members Absent

Jeff C. Brewer
Cindy Bray, Alternate

Staff Present

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

BUSINESS SESSION

Agenda Item IV

**Conditional Use Permit Request/Preliminary Plat Review
A. CUP-002-01 – Chatham County Parks Foundation**

Bernard Rogers report Chatham County Parks Foundation requests a conditional use permit for a carnival. The proposed carnival will be held July 11th – 15th in the Siler Crossing Shopping Center. The applicant's application dated April 27, 2001 was reviewed and deemed complete by staff.

The proposed carnival location is along the Town's busiest commercial corridor. Therefore, noise and traffic should not be of concern. Carnival officials have assured staff that all music would be kept at a respectable level. Otherwise, noise complaints can be handled by the Siler City Police Department. The carnival is expected to attract 200 vehicles per day. This number is much lower than the traffic generated by the now vacant Food Lion and Roses stores. The impact of the carnival traffic should be minimal. Ride safety will be certified by a state inspector from the Department of Labor. There will also be one on-site security officer during the week and two on the weekends. Overall references gave good feedback regarding the carnival's reputation for cleanliness and safe operation.

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

A recommendation to the Town Board is requested.

Discussion

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

- Completeness of application - application was complete.
Motion made by Don Tarkenton, John Brown seconded, and majority approved.
- Compliance with the ordinance requirements - application complies with all applicable requirements of Unified Development Ordinance.
Motion made by Don Tarkenton, Jimmie Pugh seconded, and majority approved.
- Recommendation for Approval – The Planning Board recommends approval.
Motion made by Jimmie Pugh, Leota Thompson seconded, and majority approved.

Recommendation for approval to the Town Board.

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Agenda Item V

Conditional Use Rezoning Permit Request

A. CUR-001-01 – Avery Bordeaux

Mr. Rogers reported Avery Bordeaux requests a conditional use rezoning permit to rezone a 28 acre parcel from Agricultural-Residential (A-R), Residential-10 (R-10), Residential-6 (R-6) to Residential-6-C (R-6-C). Mr. Bordeaux wishes to subdivide the above property into 110 single family home sites for site-built structures. The property is located along US Highway 64 just west of Cateland Place Apartments.

This request will make the property conform to one zoning district (R-6) as opposed to three. The proposed rezoning also conforms to the long range plan for the area as detailed in the Land Development Plan. The proposed subdivision is conventional in that it meets the minimum lot size requirements for an R-6 development. However, uses will be restricted to site-built homes. The development will be served by public water and sewer and all roads will be dedicated to the Town. The developer will be adding sidewalks, curb and gutter, which is not required by our ordinance. Highest traffic generation period for the development is estimated at 103 trips, during peak hour on Saturdays. This translates into 56 cars exiting and 47 cars entering the property. Perry Avenue, from the point of development impact to US 64, will be upgraded to accommodate this traffic.

The planning staff recommends approval of the conditional use rezoning permit with the following conditions:

- Provide an assessment of the development's effect on ecologically fragile & historically significant areas and its impact on traffic safety and congestion.
- An Erosion Control Plan must be approved by NCDENR prior to site work.
- Mini park equipment must be commercial grade.
- Perry Avenue (Stone Street) must be upgraded to collector status from point of subdivision impact to US 64.
- Detailed storm water drainage plan and calculations must be provided prior to any site work.
- Must request voluntary annexation of lots outside corporate limits.
- 18" and greater diameter trees must be identified and preserved prior to any site work.
- A hydraulic analysis of the water system is required prior to any site work and must be approved by Public Works Director.

A recommendation to the Town Board is requested.

Discussion

Mr. Bordeaux addressed the Board by explaining he could get the same number of lots with the R-10 zoning but they want to clean up the property to one zoning district. Their lots will exceed the R-6 requirements by being 7,500 square feet. This will be a four year project and Mr. Bordeaux is looking at purchasing the adjoining Lennox property.

Larry Mendenhall raised concerns about down zoning R-10.

Mr. Rogers responded that he was not aware of any policy with the UDO that we could not down zone.

Don Tarkenton brought the Board attention to the concern the Town Board had at the public hearing on another access road. After discussion with the Board Members, Planning Director, Town Attorney and Mr. Bordeaux the Board decided to add the following conditions to the CUR:

- Graveled emergency access to US Highway 64 must be provided prior to Phase I final plat approval.
- Lot #54 must be preserved for future right-of-way connection to adjacent Lennox property.

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

- Completeness of application - application was complete.
Motion made by Don Tarkenton, John Brown 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 Don Tarkenton, Jimmie Pugh seconded and majority approved.

- Consideration of proposed conditions –
 - Provide an assessment of the development's effect on ecologically fragile & historically significant areas and its impact on traffic safety and congestion.
 - An Erosion Control Plan must be approved by NCDENR prior to site work.
 - Mini park equipment must be commercial grade and park completed prior to Phase I final plat approval.
 - Perry Avenue (Stone Street) must be upgraded to collector status from point of subdivision impact to US 64.
 - Detailed storm water drainage plan and calculations must be provided prior to any site work.
 - Must request voluntary annexation of lots outside corporate limits.
 - 18" and greater diameter trees must be identified and preserved prior to any site work.
 - A hydraulic analysis of the water system is required prior to any site work and must be approved by Public Works Director.
 - Graveled emergency access to US Highway 64 must be provided prior to Phase I final plat approval.
 - Lot #54 must be preserved for future right-of-way connection to adjacent Lennox preoperty.

Motion made by Jimmie Pugh, Leota Thompson seconded, and majority approved.

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

Motion made by Don Tarkenton, Jimmie Pugh seconded, and majority approved.

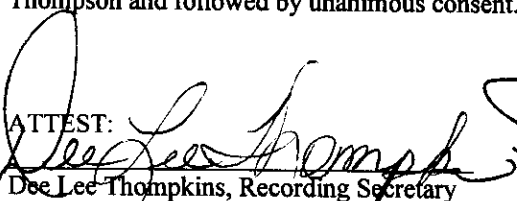
Recommendation for approval to the Town Board.

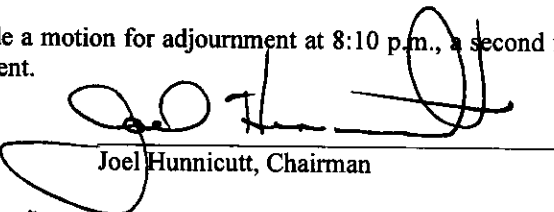
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New Business

With no further business, Jimmie Pugh made a motion for adjournment at 8:10 p.m., a second from Leota Thompson and followed by unanimous consent.

ATTEST:


Dee Lee Thompkins, Recording Secretary


Joel Hunnicutt, Chairman

**Planning Board Meeting Minutes
October 8, 2001**

The Siler City Planning Board met on Monday, October 8, 2001. Joel Hunnicutt called the meeting to order at 7:00 p.m. and John Brown gave the invocation. Minutes of June 11, 2001 meeting were unanimously approved by a motion from Don Tarkenton and seconded by Jeff Brewer.

Members Present

Donald L. Tarkenton, Vice Chairman
Leota Thompson
John Brown
Jeff C. Brewer
Cindy Bray
Larry Mendenhall, Alternate
Larry Cheek, Alternate

Members Absent

Jimmy Pugh, Chairman
Arnold Headen

Staff Present

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

BUSINESS SESSION

Agenda Item IV

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

Joel Hunnicutt asked for a nomination for Chairman. Don Tarkenton nominated Jimmie Pugh, Cindy Bray seconded and was unanimously approved by board members.

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

Mr. Rogers thanked Mr. Hunnicutt for his years of service on the Planning Board.

Agenda Item V

Junk Vehicles in Commercial Districts

Mr. Rogers, Planning Director has received numerous complaints, regarding junk vehicles in commercial areas. Junk vehicles can be towed from property in commercial districts under the Town Code. Some business must have junk vehicles as part of their daily operation, however, the code does not take this into consideration. Without promoting any new salvage yards, we must find a way to ameliorate the impact of cars at the above locations. Thus, parameters must be set to limit the amount, duration and location junk vehicle storage. Mr. Rogers asked the board to review the following questions, stating they must be answered for him to begin developing an ordinance amendment:

- What type of business should be allowed to store junk vehicles?
- How should the storage area be screened from public view and access? NCDMV requires a lockable chain-link fence.
- How long can vehicles, abandoned by the owner, be stored, NCDMV processing requires up to 120 days under normal conditions?
- Should junk other than cars be allowed in these storage lots?
- How long will existing businesses have before they must comply with the proposed regulations?

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Discussion

Following review and discussion the board suggested the following:

- Towing and auto body business should be able to store junk vehicles.
- Opaque chain link fence with slats will be required for screening.
- A vehicle can be stored up to 120 days.
- Storage area will be 100'X100' or less.
- Existing businesses will have six (6) months to comply with the proposed regulations.

The Board suggested Mr. Rogers and Mr. Morgan work on an ordinance amendment and present it back to them for their recommendation.

Agenda Item VI

ETJ Expansion Update

Mr. Rogers reported that he attended the Chatham County Planning Board October 2, 2001 meeting. They reviewed the potential ETJ expansion map and expressed apprehension about making recommendations to the County Commissioners regarding our proposal. The County Planning Board would like for the Town to conduct a public hearing on the expansion to hear public comments before they make any kind of a recommendation. They felt like the County residents would not welcome the City control over the planning and zoning. Some of the issues we discussed were preservation of existing farms, and implementing uniform cell tower and watershed regulations across City and County boundaries. Before setting any public hearings on the expansion County staff was asked to provide an unofficial list of concerns and suggestions regarding the City's proposal.

Discussion

Don Tarkenton and Jeff Brewer both stated that the Town would need to do a good job of educating the public on the regulations of planning and zoning.

Agenda Item VII

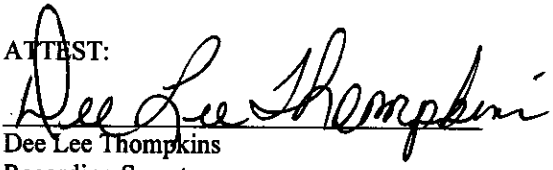
New Business

At 7:35 p.m. Don Tarkenton asked if there were any new business, with no further business Mr. Tarkenton stated without an objection we stand adjourn.



Jimmie Pugh
Chairman

ATTEST:



Dee Lee Thompkins
Recording Secretary

**Planning Board Meeting Minutes
November 12, 2001**

The Siler City Planning Board met on Monday, November 12, 2001 at 7:00 p.m. Jimmie Pugh called the meeting to order and Jeff Brewer gave the invocation. Minutes of October 8, 2001 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
Arnold Headen
Jeff C. Brewer
Cindy B. Bray
Larry Mendenhall, Alternate
Larry Cheek, Alternate

Members Absent

Leota Thompson
John Brown

Staff Present

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

BUSINESS SESSION

Agenda Item IV

**A. Rezoning Request/Zoning Map Amendments
REZ-001-01- Eugene Ferguson**

Bernard Rogers, Planning Director reported Eugene Ferguson requests to rezone an 8.790 acre parcel of land from Agriculture-Residential to Highway-Commercial. The site is located at the corner of Old US Hwy 421 North and Piney Grove Church Road. Mr. Ferguson's application dated September 27, 2001 was reviewed and deemed complete by staff.

A public hearing was conducted on November 5, 2001 to hear public comments. There were no public comments recorded.

If you will refer to the map with your agenda it shows the zoning and existing use of surrounding property. The Towns current Land Development Plan supports the proposed rezoning which designates the property as highway-oriented business. Currently there are five commercially zoned and developed properties, along Piney Grove Church Road which is just north of the subject parcel. The property is at the intersection of two NCDOT major thoroughfares. Piney Grove Church Road will be extended southward and connected to Airport Road. Construction of the new extension will not be until 2008 and this will provide direct access to the Municipal Airport from U.S. 421 and will increase the traffic along Piney Grove Church Road. The site is better suited for commercial rather than residential development per the above conditions.

Staff recommends approval of the rezoning due to its conformity with the existing character of the area and the Siler City Land Development Plan.

A recommendation to the Town Board is requested.

Discussion

Jimmie Pugh explained Cindy Bray would be excused from the rezoning discussion and vote because Mr. Ferguson is her uncle.

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

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- Compliance with ordinance intent – The application is in compliance with the intent of the Unified Development Ordinance.
Motion made Don Tarkenton, Larry Mendenhall seconded and majority approved.
- Recommendation for Approval – The Planning Board recommends approval.
Motion made by Don Tarkenton, Larry Mendenhall seconded and majority approved.

Recommendation for approval to the Town Board.

**B. Rezoning Request/Zoning Map Amendments
REZ-001-01 – William T. Patterson**

Mr. Rogers reported William T. Patterson requests to rezone a .24 acre parcel of land from Highway-Commercial to Residential-6. The site is located on the corner of Martin Luther King, Jr. Blvd, and East Ninth Street. Mr. Patterson's application dated September 28, 2001 was reviewed and deemed complete by staff.

A public hearing was conducted on November 5, 2001 to hear public comments. You have before you the unapproved recorded comments.

Please refer to the map with your agenda, it shows the zoning and existing use of surrounding property. The subject property would be well suited for commercial or residential use due to the location and local mix of uses. Residential use of this lot is supported by the Siler City Land Development Uses permitted in R-6 zoning have less impact than those permitted in H-C with the exception of apartments. The subject lot could only support a two-unit apartment

Staff recommends approval of the rezoning due to its conformity with the existing character of the area and the Siler City Land Development Plan.

A recommendation to the Town Board is requested.

Discussion

Don Tarkenton had a print out from the Chatham County Tax Office showing all four lots were of equal size. Mr. Tarkenton had concerns about the sewer line that runs across the property. Mr. Patterson stated he would work with Mrs. Moffitt on relocating the sewer line.

Larry Cheek stated he had spoke to the adjacent back property owners and they have no problem with the rezoning.

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

Recommendation for approval to the Town Board.

**C. Rezoning Request/Zoning Map Amendments
REZ-003-01 - Staff**

Staff requests to rezone multiple parcels totaling 6.54 acre from Light-Industrial to Highway-Commercial. The site is located on the west side of South Chatham Avenue between College Street and Patterson Street.

A public hearing was conducted on November 5, 2001 to hear public comments. There were no public comments recorded.

With your agenda is a map that shows the zoning and existing use of surrounding property. There is one parcel that is currently being use for residential but the rest of the proposed property is being used for commercial or office purposes. The Siler City Land Development Plan supports the rezoning of the property. The property to the east is zoned H-C and is occupied by businesses or homes. A commercial neighbor would better served and protected the neighboring homes than an industrial one.

Staff recommends approval of the rezoning due to its conformity with the existing character of the area and the Siler City Land Development Plan.

A recommendation to the Town Board is requested.

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 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 Larry Mendenhall, Cindy Bray seconded and majority approved.

Recommendation for approval to the Town Board.

Agenda Item V

New Business

Planning Director Mr. Rogers welcomed Larry Cheek, Alternate to the board.

Agenda Item VI

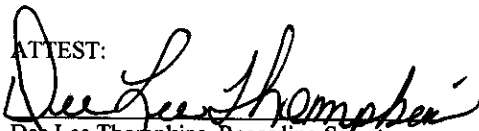
New Business

With no new business, Larry Cheek made a motion for adjournment at 7:35 p.m., a second from Arnold Headen and followed by unanimous consent.



Jimmie Pugh, Chairman

ATTEST:


Dee Lee Thompkins, Recording Secretary

**Planning Board Meeting Minutes
December 10, 2001**

The Siler City Planning Board met on Monday, December 10, 2001 at 7:00 p.m. Jimmie Pugh called the meeting to order and gave the invocation. Minutes of November 12, 2001 meeting were unanimously approved by a motion from Jeff Brewer and seconded by John Brown.

Members Present

Jimmie Pugh, Chairman
Don L. Tarkenton, Vice Chairman
John Brown
Jeff C. Brewer
Cindy B. Bray
Larry Mendenhall, Alternate
Larry Cheek, Alternate

Members Absent

Leota Thompson
Arnold Headen

Staff Present

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

BUSINESS SESSION

Agenda Item IV

**A. Rezoning Request/Zoning Map Amendments
REZ-004-01- Board of Missions**

Bernard Rogers, Planning Director reported Board of Missions, Inc. would like to construct a daycare on the vacant lot beside the Iglesia Metodista Hispana Church. The property is located on the corner of South Chatham and Chestnut Street. They request to rezone the 3.3 acre parcel of land from Central-Commercial to Office-Institutional in order to permit the construction of the daycare. The property on all sides is zoned C-C. Staff reviewed the applicant's application dated October 30, 2001 and deemed complete. A public hearing was conducted on December 3, 2001 to hear public comments. You have before you the unapproved recorded comments.

The proposed rezoning is neither supported by the Siler City Land Development Plan or by adjacency to existing O-I property. However, O-I zoning would not have a negative impact on surrounding C-C properties. And there are O-I areas one block south and east of the subject property. The above information shows that there can be support for and against the rezoning. Also, rezoning is a legislative decision by the Town Board and if the Board can find a public interest, rather than an individual interest, served by the rezoning then it can support the rezoning.

A recommendation to the Town Board is requested.

Discussion

Mr. Morgan added that in general with the public interest you have to look at the other uses that are permissible in the O-I zoning district.

John Brown abstained from the discussion and vote.

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 Don Tarkenton, Larry Cheek seconded and majority approved.
- Recommendation for Approval – The Planning Board recommends approval.
Motion made by Don Tarkenton, Larry Mendenhall seconded and majority approved.

Recommendation for approval to the Town Board.

B. Rezoning Request/Zoning Map Amendments
REZ-005-01 – Ruth Smith

Mr. Rogers reported Ruth Smith requests to rezone a 1.180 acre parcel of land from Agriculture-Residential to Highway-Commercial. The property is located along Old US Hwy 421 North just between Piney Grove Church Road and Pine View Road. Ms. Smith's application dated November 2, 2001 was reviewed and deemed complete by staff. You have before you the unapproved recorded comments from the public hearing on December 3, 2001.

If you will refer to the map with your agenda it shows the zoning and existing use of surrounding property. The Town's current Land Development Plan supports the proposed rezoning which designates the property as highway-oriented business. Currently there are five commercially zoned and developed properties, along Piney Grove Church Road which is just north of the subject parcel. The property is at the intersection of two NCDOT major thoroughfares. Piney Grove Church Road will be extended southward and connected to Airport Road. Construction of the new extension will not be until 2008 and this will provide direct access to the Municipal Airport from U.S. 421 and will increase the traffic along Piney Grove Church Road. The site is better suited for commercial rather than residential development per the above conditions.

Staff recommends approval of the rezoning due to its conformity with the existing character of the area and the Siler City Land Development Plan

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:

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

Recommendation for approval to the Town Board.

Agenda Item V

A. Conditional Use Rezoning Permit Request
CUR-002-01 – E. F. Evans Construction Co.

Mr. Rogers reported E. F. Evans Construction Co. requests a conditional use rezoning permit to rezone a 34 acre parcel of land from Residential-20, Residential-10 and Residential-6 to Residential-6-C and Office-Institutional for multi-family, single-family and office uses. The parcel is located along West Third Street between Sunset Drive and South Garden Avenue. The applicant's application dated July 30, 2001 was reviewed and deemed complete by staff. You have before the unapproved recorded comments from the December 3, 2001 public hearing.

Staff recommends approval of the zoning changes to O-I and R-6-C. Various zoning district consists of the existing area and does not follow any logical placement. The Hospital and numerous medical facilities occupied the area along West Third Street which the proposed O-I would fit the character of the neighborhood. The O-I property is an effective buffer between proposed residential uses and West Third Street.

The Siler City Land Development Plan supports the proposed R-6-C area in that it promotes the continued residential use of the land. Additionally, to the east is an existing R-6 neighborhood. Thus, the proposed R-6-C zoning conforms to existing zoning.

Staff recommends approval of the conditional use permit for a 180 unit multi-family development on 14.25 acres, a 97 unit multi-family elderly development on 8.14 acres thirteen R-6-C lots and 4 lots for office use.

Planning Board Minutes
December 10, 2001
Page three

Both multi-family developments are voluntarily limited to the use shown on the submitted site plan. The thirteen residential lots shall be limited to single family site-built and modular homes. All areas zoned O-I are for general O-I use. The above uses are permitted in R-6-C zoning, all lots exceed the minimum lot size requirements and the proposed facilities comply completely with the requirements for the permits. All public space including parking, open space and recreation areas exceed UDO requirements.

The developments' impact on surrounding property should be minor, due to the lack of incompatible uses in the area. Along the eastern boundary, where existing uses are mostly single-family homes, the applicant proposes residential lots as a buffer between the existing homes and multi-family uses. A traffic impact study has also been provided. The study concluded that the project, once completed, would not have a significant impact. In fact the level of service (delay time) at nearby intersections will be the same with or without the proposed development.

Public utilities and streets will serve the total project. Estimated water usage for the entire project at build-out is 35,720 gallons per day.

The planning staff recommends approval of the conditional use rezoning permit with the following conditions:

- An Erosion Control Permit must be approved by NCDENR prior to any site work.
- Proposed office lots shall not have direct access to West Third Street.
- Detailed stormwater management plan must be submitted and approved by town staff prior to authorization of any site work.
- Provide a hydraulic analysis (including calculations) of available gallon per minute fire flows and residual pressure prior to authorization of each projects site work.
- Provide recorded easements for any Town maintained utilities on private property prior to final approval of any phase.
- NCDOT Driveway Permit is required prior to authorization of any site work.
- U.S. Army Corps of Engineers must approve any creek crossing (including Sherwood Street) and utilities prior to authorization of site work.
- All proposed street must have a minimum width of 20 feet.
- Obtain approval of NC Division of Water Quality.
- Thorne Ridge Subdivision (13 lots) shall be limited to site built and modular.

You may agree with staff's recommendation or purpose your own recommendation and conditions

A recommendation to the Town Board is requested.

Discussion

Mr. Rogers stated we would be doing a general rezoning request on the O-I property instead of the conditional use rezoning.

Jeff Brewer abstained from the discussion and vote on the O-I rezoning.

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

- 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 Larry Cheek, Larry Mendenhall seconded and majority approved.

Recommendation for approval to the Town Board.

Don Tarkenton raised concerns about not having more than one access to Greystone Apartments for emergency purposes. Following discussion by the members and Mr. Evans they decided to required that before final approval there be a gravel emergency access for Greystone Apartments provided.

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

- Completeness of application - application was complete.
Motion made by Jeff Brewer, 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 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, Jeff Brewer seconded and majority approved.
- Consideration of proposed conditions –
 - An Erosion Control Permit must be approved by NCDENR prior to any site work.
 - Proposed office lots shall not have direct access to West Third Street.
 - Detailed stormwater management plan must be submitted and approved by town staff prior to authorization of any site work.
 - Provide a hydraulic analysis (including calculations) of available gallon per minute fire flows and residual pressure prior to authorization of each projects site work.
 - Provide recorded easements for any Town maintained utilities on private property prior to final approval of any phase.
 - NCDOT Driveway Permit is required prior to authorization of any site work.
 - U.S. Army Corps of Engineers must approve any creek crossing (including Sherwood Street) and utilities prior to authorization of site work.
 - All proposed street must have a minimum width of 20 feet.
 - Obtain approval of NC Division of Water Quality.
 - Thome Ridge Subdivision (13 lots) shall be limited to site built and modular.
 - Gravel emergency access for Greystone Apartments must be provided before final approval.
Motion made by Don Tarkenton, Jeff Brewer seconded, and majority approved.

Recommendation for Approval – The Planning Board recommends approval, **subject to the conditions agreed upon.**
Motion made by Jeff Brewer, Larry Cheek seconded, and majority approved.

Recommendation for approval to the Town Board.

B. Conditional Use Rezoning Permit Request
CUR-003-01 – Agemark, LLC

Mr. Rogers reported Agemark, LLC requests a conditional use rezoning permit to rezone a 4 acre parcel of land from Residential-10 and Agriculture-Residential to Agriculture-Residential-C for an assisted living facility for the elderly. The site is located on the south side of the terminal end of Harris Street. The application dated November 1, 2001 was reviewed and deemed complete by staff. A public hearing was conducted on December 3, 2001 and before you are the unapproved public comments.

Agemark's proposed rezoning will have a minor impact on adjacent property due to the fact that only one adjacent tract is occupied. The occupied tract and a portion of the Agemark property is currently zoned A-R. Thus, A-R zoning is not out of character in the area. Property on all other sides is zoned R-10 and is owned by Baylaurel, the current owner of the Agemark site. Additionally, the subject property will be limited to use as an elderly care facility, which will not be a high traffic or noise generator.

Agemark will extend public water and sewer. Also, they propose to widen the existing road right-of-way to 60' and increase the width to 24. This should more than adequate for the expected traffic.

The planning staff recommends approval of the conditional use rezoning permit with the following conditions:

- Provide a hydraulic analysis (including calculations) to project available fire flows in gallons per minute and residual pressure prior to authorization of site work.
- An Erosion Control Plan must be approved by NCDENR prior to authorization of site work.
- Stormwater management plan (including calculations) must be submitted and approved by Town staff prior to authorization of site work.
- Detailed water and sewer plans must be submitted to the Public Work Directors, Terry Green, for approval prior to authorization of site work.
- Final plat must be consistent with the plan approved by the Town Board.

You may agree with staff's recommendation or purpose your own recommendation and conditions.

A recommendation to the Town Board is requested.

Discussion

Jeff Brewer abstained from the discussion and vote.

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

- Completeness of application - application was complete.
Motion made by Larry Cheek, Larry Mendenhall 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 Larry Mendenhall, Don Tarkenton seconded and majority approved.

- Consideration of proposed conditions –
 - Provide a hydraulic analysis (including calculations) to project available fire flows in gallons per minute and residual pressure prior to authorization of site work.
 - An Erosion Control Plan must be approved by NCDENR prior to authorization of site work.
 - Stormwater management plan (including calculations) must be submitted and approved by Town staff prior to authorization of site work.
 - Detailed water and sewer plans must be submitted to the Public Work Directors, Terry Green, for approval prior to authorization of site work.
 - Final plat must be consistent with the plan approved by the Town Board.

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

Recommendation for Approval – The Planning Board recommends approval, subject to the conditions agreed upon.
Motion made by Don Tarkenton, Larry Mendenhall seconded, and majority approved.

Recommendation for approval to the Town Board.

Agenda Item VI

New Business

With no new business, John Brown made a motion for adjournment at 8:20 p.m., a second from Larry Cheek and followed by unanimous consent.


Jimmie Pugh, Chairman

ATTEST:


Dee Lee Thompkins, Recording Secretary