

TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on **Monday, April 20, 2015** at 7:00pm in City Hall Courtroom with Mayor John Grimes presiding. Mayor Grimes gave the invocation with the recitation of the Pledge of Allegiance following.

ELECTED TOWN OFFICIALS PRESENT: Cindy Bray, Larry Cheek, Mike Constantino, Lewis Fadely, John Grimes, Bill Haiges, and Thomas "Chip" Price and Tony Siler.

TOWN STAFF PRESENT: Town Manager Bryan Thompson, Town Attorney William Morgan, Planning Director Jack Meadows, Finance Director Tammy Speicher, Police Chief Gary Tyson, Parks and Recreation Director Jessica Puckett, and Town Clerk Jenifer Everage.

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

Thompson requested the following be added to the agenda: item c) Run for the Wall Presentation under 6) Presentations, and Closed session 143-318.11 (a) It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required: 5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

A motion to approve the agenda with the addition was made by Mayor Pro Tem Cheek, seconded by Commissioner Constantino and unanimously approved.

CONSENT

A motion to approve the consent agenda which includes the UDO Committee Resolutions (Incorporation by reference as if fully set forth herein Schedule A) was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.

PUBLIC COMMENT

(Incorporation by reference as if fully set forth herein Schedule E)

Rodger Person, 405 West Elk Street, Siler City, NC 27344

On April 7, the Greensboro City Council unanimously passed a resolution declaring April 2015 "We love the Arts Month" when all Greensboro residents can celebrate, participate in and donate to their local arts community. The City Council in Greensboro recognizes the critical role the arts play in their community, conducting their annual Arts Fund campaign to support the arts organization, teachers, artists and projects that make their community stronger, more vibrant and more connected. I hope that all of you recognize what you have with our unique art community and give it all the support that you can.

Commissioner Fadely requested he be recused from the rezoning request public hearing.

A motion to recuse Commissioner Fadely from the Rezoning Request Public Hearing was made by Commissioner Price, seconded by Mayor Pro Tem Cheek and unanimously approved.

PUBLIC HEARINGS

Rezoning Request

Mayor Grimes opened the public hearing for Bryce Terrell Horton requests to rezone ~6.16 acres from Agricultural-Residential (A-R) to Highway-Commercial (H-C) at 7:07 pm. The subject property is addressed as 13158 US 64 W. The property is identified as a portion of tax parcel # 14875. (Incorporation by reference as if fully set forth herein Schedule C) Meadows stated the subject property is:

1. owned by Gertrude Horton (c/o James Manley);
2. located outside the Town's Corporate Limits;
3. located within the Siler City fire district;
4. located within the Duke Energy Progress electric service districts;
5. located along US 64:
 - a. 16,000 average daily trips (2013)
 - b. speed limit of 55 mph
 - c. four lane highway with divided median; and
6. not located within a special flood hazard area.

Meadows shared the following concerning the Size of Tract:

1. Subject Tract:
 - a. 6.16 acres
 - b. 1 property owner
 - c. 1 tax parcel
2. Size of surrounding tracts = Average of 23 acres

Meadows shared the following concerning the Compatibility with Existing Comprehensive Plan:

Meadows stated the Land Development Plan recommends:

1. Rural residential development for the subject property.
2. Industrial development ~520 southwest of the subject property.
3. Mixed use development ~1,300 feet west of the subject property.
4. Residential goals, objectives, strategies:
 - a. Areas are either environmentally sensitive requiring low density development, or are located physically beyond utility service areas projected over the time line of the plan.
 - b. Maintain the integrity of existing neighborhoods.
 - c. Preserve the existing density and scale of development in established residential neighborhoods by excluding the introduction of intensive, non-residential land uses into such neighborhoods and by avoiding the rezoning of established residential areas to a higher density.
 - d. Prevent the conversion of residences to other land uses unless such conversion will assist in stabilizing the larger residential neighborhood or unless such conversion will preserve the unique quality or architectural significance of residences.
5. Industrial goals, objectives, strategies
 - a. This area is suitable for a variety of light manufacturing and warehouse/distribution uses.
 - b. This category may also include office development in a planned "business park" type of setting.
 - c. Uses in this category do not place a heavy burden on public utilities or the environment, and have relatively few off-site impacts.

- d. Attract diverse industrial development that will stimulate the economy.
 - e. Support existing industry.
6. Mixed use development goals, objectives, and strategies
- a. Guide new growth to designated future mixed-use development areas by making public utility extensions into those areas a top priority.
 - b. This designation has been applied to areas potentially suitable for a variety of office, retail, high density residential or light industrial land uses, where no dominant land use type has emerged.
 - c. Public utilities may not be currently available, but extensions are technically feasible over the time horizon of the plan.
 - d. Appropriate for large lot office complexes, corporate parks, light manufacturing and research uses.
 - e. Stream buffers and onsite storm water control are critical to minimize environmental impacts.
 - f. Encourage planned, mixed-use development instead of incremental, small lot development.
7. Commercial goals, objectives, and strategies
- a. Areas located along major thoroughfares may contain a variety of commercial uses including heavier uses such as automobile dealerships, repair shops, min-warehouses, and contractor's yards with appropriate landscaping and buffer requirements.
 - b. Improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas and by controlling signs.

Meadows stated the property is served by county water and private sewer (septic systems). Property has approximately 375 feet of road frontage.

Meadows shared the following concerning the Impact on Landowners, Immediate Neighbors, and Surrounding Community:

The following scenarios have been shared with staff and during the planning board meeting:

1. A trucking business was in existence prior to the ETJ expansion of 2002. When the subject property was placed within the Siler City ETJ, the existing trucking business became a nonconforming use within the A-R zoning district; or
2. A trucking business started after the ETJ expansion of 2002. When the trucking business started it done so in violation of the Town's Table of Uses because a trucking business is not permitted within the A-R zoning district.

Meadows stated today, the existing trucking business (employees ~12) is proposing to grow/expand by:

1. covering more land (new gravel vehicle accommodation area) than was occupied by the use prior to 2013; and
2. adding a new 40'x60' maintenance shop to repair the truck and trailer fleet for the business.

Meadows stated that irrespective of the above scenarios, the property must be rezoned to a zoning district (ex. H-C) that allows a trucking business, if the property owner plans to expand the business by covering more land and adding a new building.

Meadows shared the following concerning the Relationship of Uses:

1. Current use of subject property is single family residential dwelling and an existing nonconforming trucking business.
2. Surrounding land uses include; agriculture, forestry, cemetery, and single family residential.
3. Surrounded by A-R zoning. Three parcels at the corner of Silk Hope Road are zoned H-C (located ~960' from subject property).

Meadows stated that the Board of Commissioners may consider the entire range of permitted, special, and conditional uses for the proposed zoning district as listed in the Table of Uses. Attached is a copy of the uses that are allowed within the proposed zoning district.

Meadows shared the Planning Board Recommendations from April 13, 2015:

1. The amendment is consistent with the adopted LDP and any other officially adopted plan because the LDP recommends:
 - a. support existing industry; and
 - b. areas located along major thoroughfares may contain a variety of commercial uses including heavier uses such as automobile dealerships, repair shops, min-warehouses, and contractor's yards with appropriate landscaping and buffer requirements.
2. Approve the amendment: (c) to promote and forward the purposes of the adopted Siler City Land Development Plan; and (d) to promote the general health, safety and welfare of the citizens of Siler City.

The Board of Commissioners discussed the rezoning requested and asked questions of Planning Director Meadows.

Kim Horton, Siler City, NC 27344

I am the mother of the applicate and I support this rezoning. The property is owned by my father in law. Has 12 trucks and 12 employees and wants to grow his business.

Hope Welch, 1102 Hwy 65 West, Siler City, NC 27344

I would like to retire soon and I'm worried about noise. I'm not totally against the rezoning and I'm not for it.

James Edward Horton, 1969 E Third Street, Siler City, NC 27344

I grew up on the property and ever since I can remember there have been trucks at the property. We need business in Siler City and I recommend approving the rezoning.

Bryce Horton, 12920 Hwy 64, Siler City, NC

I've been in business 4 years. My grandmother owns the property.

Mayor Grimes closed the public hearing at 7:46 pm. The Board of Commissioners discussed the possible rezoning.

A motion to approve that the Bryce Terrell Horton requests to rezone ~6.16 acres from Agricultural-Residential (A-R) to Highway-Commercial (H-C). The subject property is addressed as 13158 US 64 W. The property is identified as a portion of tax parcel # 14875 map amendment is consistent with the adopted Land Development Plan and any other officially adopted plans because it meets the requirements of the UDO and is business friendly was made by Mayor Pro Tem Cheek, seconded by Commissioner Siler and unanimously approved, and Commissioner Fadely was recused.

A motion to approve the Bryce Terrell Horton requests to rezone ~6.16 acres from Agricultural-Residential (A-R) to Highway-Commercial (H-C). The subject property is addressed as 13158 US 64 W. The property is identified as a portion of tax parcel # 14875 map amendment is reasonable and in the public interest because it supports existing industry and is supported under the Land Development Plan was made by Commissioner Haiges, seconded by Commissioner Price and unanimously approved and Commissioner Fadely was recused.

A motion to approve the Bryce Terrell Horton requests to rezone ~6.16 acres from Agricultural-Residential (A-R) to Highway-Commercial (H-C). The subject property is addressed as 13158 US 64 W. The property is identified as a portion of tax parcel # 14875 map amendment because of changed or changing conditions in a particular neighborhood or community as a whole, to promoted and forward the purposes of the adopted Siler City Land Development Plan, and to promote the general health, safety and welfare of the citizens of Siler City was made by Mayor Pro Tem Cheek, seconded by Commissioner Constantino and unanimously approved and Commissioner Fadely was recused.

Proposed UDO Text Amendments

Mayor Grimes opened the public hearing for the Proposed Unified Development Ordinance (UDO) Text Amendment (Incorporation by reference as if fully set forth herein Schedule D) §147 Table of Permissible Uses (manufacturing & cottage industry within H-C, golf driving range & similar uses within O-I) §255 Sign Definitions (banner, building frontage, feather banner, flag, mural, on premise sign, wall sign, etc.), §256 Signs Excluded From Regulation, §259 Signs Which Do Not Require a Permit (political signs, real estate signs, window signs, etc.), §274 Special Provisions for Certain Signs (auction event signs, murals, restaurant menu reader boards, etc.) at 7:50 PM.

Meadows stated that the proposed amendments developed by the UDO Review Committee (from October 2013 to February 2014) were recommended by the Planning Board on March 10, 2014. The Town Board has discussed the proposed amendments during workshop meetings since May of 2014. The Town Board has approved amendments since June of 2014. Attached documents:

1. Draft ordinance amending Article 10 and 17
2. Final draft amending Article 10 and 17

Meadows stated that the Land Development Plan (LDP) recommends:

1. Modifying the development ordinances to be more user friendly where possible.
2. Improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas and by controlling signs.
3. Develop flexible zoning standards which accommodate the wide variety of land uses in the CBD which will assist in the adaptive reuse of buildings as well as insure quality development through landscaping, lighting, parking, and signage standards.
4. Develop specific zoning standards for those properties abutting major highway corridors which would place more stringent controls on building setback and height, vehicular access, sign size and location, and buffering of parking and service areas.
5. Visually define the downtown area through unified signage and landmarks.
6. Attract diverse industrial development that will stimulate the economy.
7. Encourage industrial development that is environmentally friendly.
8. Support existing industry.
9. Encourage warehousing and assembly uses.

Meadows shared the Planning Board Recommendations from April 13, 2015:

3. The amendment is consistent with the adopted LDP and any other officially adopted plan because the LDP recommends:
 - a. Primarily - Modifying the development ordinances to be more user friendly where possible.
 - b. Secondarily
 - i. Improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas and by controlling signs.
 - ii. Develop flexible zoning standards which accommodate the wide variety of land uses in the CBD which will assist in the adaptive reuse of buildings as well as insure quality development through landscaping, lighting, parking, and signage standards.
 - iii. Develop specific zoning standards for those properties abutting major highway corridors which would place more stringent controls on building setback and height, vehicular access, sign size and location, and buffering of parking and service areas.
 - iv. Visually define the downtown area through unified signage and landmarks.
 - v. Attract diverse industrial development that will stimulate the economy.
 - vi. Encourage industrial development that is environmentally friendly.
 - vii. Support existing industry.
4. Approve the amendment: (c) to promote and forward the purposes of the adopted Siler City Land Development Plan; and (d) to promote the general health, safety and welfare of the citizens of Siler City.

Rodger Person, 405 West Elk Street, Siler City, NC 27344

I am a current member of the Mural Society and I agree with the request for the permit.

Mayor Grimes closed the public hearing at 8:17 PM.

A motion that the Unified Development Ordinance (UDO) Text Amendment for §147 Table of Permissible Uses (manufacturing & cottage industry within H-C, golf driving range & similar uses within O-I) §255 Sign Definitions (banner, building frontage, feather banner, flag, mural, on premise sign, wall sign, etc.), §256 Signs Excluded From Regulation, §259 Signs Which Do Not Require a Permit (political signs, real estate signs, window signs, etc.), §274 Special Provisions for Certain Signs (auction event signs, murals, restaurant menu reader boards, etc.) removing (g) Murals on page 41 of the board packet is consistent with the adopted Land Development Plan and any other officially adopted plan because it is more user friendly for business and supports existing business and approves the appearance of the town was made by Commissioner Fadely, seconded by Commissioner Price and unanimously approved.

A motion that the Unified Development Ordinance (UDO) Text Amendment for §147 Table of Permissible Uses (manufacturing & cottage industry within H-C, golf driving range & similar uses within O-I) §255 Sign Definitions (banner, building frontage, feather banner, flag, mural, on premise sign, wall sign, etc.), §256 Signs Excluded From Regulation, §259 Signs Which Do Not Require a Permit (political signs, real estate signs, window signs, etc.), §274 Special Provisions for Certain Signs (auction event signs, murals, restaurant menu reader boards, etc.) removing (g) Murals on page 41 of the board packet is reasonable and in the public interest because it is more understandable for the public

use was made by Mayor Pro Tem Cheek, seconded by Commissioner Haiges and unanimously approved.

A motion to approve the Unified Development Ordinance (UDO) Text Amendment for §147 Table of Permissible Uses (manufacturing & cottage industry within H-C, golf driving range & similar uses within O-I) §255 Sign Definitions (banner, building frontage, feather banner, flag, mural, on premise sign, wall sign, etc.), §256 Signs Excluded From Regulation, §259 Signs Which Do Not Require a Permit (political signs, real estate signs, window signs, etc.), §274 Special Provisions for Certain Signs (auction event signs, murals, restaurant menu reader boards, etc.) removing (g) Murals on page 41 of the board packet to promote and forward the purposes of the adopted Siler City Land Development Plan and to promote the general health, safety and welfare of the citizens of Siler City was made by Commissioner Fadely, seconded by Commissioner Price and unanimously approved.

PRESENTATIONS

UDO Committee Members

Mayor Grimes presented resolutions to the UDO Review Committee member Jimmie Pugh. (Incorporation by reference as if fully set forth herein Schedule A)

5K For Family Peace

Capitan Joshua Shannon with the National Guard shared information with the Board of Commissioners concerning the upcoming 5K for Family Peace on Saturday, May 2, 2015. (Incorporation by reference as if fully set forth herein Schedule E)

A motion to approve the temporary road closure for the 5K for Family Peace was made by Commissioner Constantino, seconded by Commissioner Fadely and unanimously approved.

Run for the Wall

Mark Richardson with Siler City Pentecostal Church shared information with the Board of Commissioners concerning the upcoming Run for the Wall on Wednesday, May 20, 2015.

A motion to approve the temporary road closure for the Run for the Wall on Wednesday, May 20, 2015 was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.

OLD BUSINESS

none

NEW BUSINESS

none

DEPARTMENT REPORTS

The following Department Reports were presented to the Board of Commissioners: Building Inspection (Incorporated by reference as if fully set forth herein Schedule F), Finance (Incorporated by reference as if fully set forth herein Schedule G), Fire (Incorporated by reference as if fully set forth herein Schedule H), Parks and Recreation (Incorporated by reference as if fully set forth herein Schedule I), Planning and Community Development (Incorporated by reference as if fully set forth herein Schedule J), Police (Incorporated by reference as if fully set forth herein Schedule K), Public Works (Incorporated by reference as if fully set forth herein Schedule L).

GOVERNING BODY COMMENTS

Commissioner Constantino ask if a sign can be put by the road concerning the temporary closure of the License Plate Agency, so people wouldn't have to park and come to the door to see the closure. Speicher stated she would work on a sign.

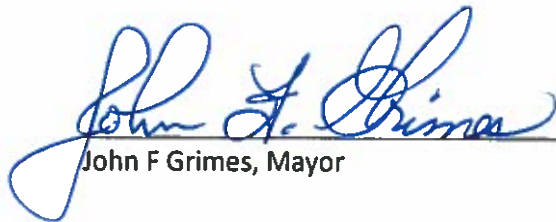
CLOSED SESSION

A motion to go into Closed Session 143-318.11 (a) 5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract was made by Mayor Pro Tem Cheek seconded by Commissioner Price and unanimously approved.

A motion to come out of Closed Session was made by Commissioner Fadely, seconded by Commissioner Siler and unanimously approved.

ADJOURNMENT

With no further business the Board of Commissioners adjourned.



John F Grimes, Mayor

ATTEST:



Jennifer J Everage, Town Clerk

