

TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on **Monday, June 1, 2015** at 7:00pm in the City Hall Courtroom with Mayor John Grimes presiding. Commissioner Fadely 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, Thomas "Chip" Price and Tony Siler.

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

AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

A motion to approve the agenda as presented was made by Mayor Pro Tem Cheek, seconded by Commissioner Price and unanimously approved.

CONSENT

A motion to approve the consent agenda which includes the April 9, 2015 Emergency Session (Incorporation by reference as if fully set forth herein Schedule A), April 9, 2015 Closed Session (Incorporation by reference as if fully set forth herein Schedule B), April 20, 2015 Regular Meeting (Incorporation by reference as if fully set forth herein Schedule C), April 20, 2015 Closed Session (Incorporation by reference as if fully set forth herein Schedule D), April 28, 2015 Budget Workshop (Incorporation by reference as if fully set forth herein Schedule E) was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.

PUBLIC COMMENT

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

I would like to speak to the Siler City Appearance Improvements. In the past six months since our discussion about the appearance of our community, I have witnessed a great number of positive changes from the very large to some small but all in a positive direction. I would like to thank the city and all of the people in our community who have devoted their time and energy to make this happen. Siler City is a wonderful place to live and be of part of. Thank you for giving me the opportunity to publicly recognize all of this positive and good work.

PUBLIC HEARINGS

Conditional Use Rezoning

Mayor Grimes opened the public hearing for Vineyard Ridge Holdings, LLC requests a conditional use rezoning to rezone ~32.692 acres from Heavy-Industrial-Conditional Use (H-I-C) and ~130.938 acres from Agricultural-Residential (A-R) to Agricultural-Residential-Conditional Use (A-R-C). The proposed conditional use is a mining or quarry operation including on-site sales of products. The subject property is located off of Old US 421 S., along a private drive known as Vineyard Ridge, and on the west side of the railroad. The property is identified as tax parcel # 14722, 81967, 75826, 79917, 14545, 76514, & 77614. (Incorporation by reference as if fully set forth herein Schedule G) at 7:05pm.

Mayor Grimes asked the Board of Commissioners to recuse him from the public hearing because of a possible conflict of interest and lack of impartiality.

A motion to recuse Mayor John Grimes from the public hearing because of a possible conflict of interest and lack of impartiality was made by Commissioner Fadely, seconded by Commissioner Price and unanimously approved.

Mayor Grimes left the courtroom and Mayor Pro Tem Cheek started presiding over the meeting and the public hearing.

Mayor Pro Tem Cheek administered the following oath: "Do you solemnly swear or affirm that the testimony and information you are about to give is true and accurate to the best of your knowledge?" to the following individuals:

Jack Meadows	Woodland Drive	Siler City, NC 27344
Ken Winter	705 Glosson Rd	Siler City, NC 27344
Russ Patterson	1901 Boone Trail Rd	Sanford, NC 27330
Michael Blakley	346 Woolard Rd	Sanford, NC 27330
Stan Malette	92 Vineyard Ridge	Siler City, NC 27344
Dee Robinson	741 Mt. Vernon Spring Rd	Siler City, NC 27344
Bill Crosby	180 Joe Robinson Rd	Siler City, NC 27344

Planning Director Jack Meadows stated the subject property is:

1. owned by Vineyard Ridge Holdings, LLC;
2. located outside the Town's Corporate Limits;
3. located within the Siler City and South Chatham fire districts;
4. located within the Duke Energy Progress electric service districts;
5. located across Evans Creek (perennial stream) and an intermittent stream; and
6. not located within a special flood hazard area.

Meadows shared the following information about the size of tract:

1. Subject Tract:
 - a. 163.63 acres
 - b. 1 property owner
 - c. 7 tax parcels
2. Size of surrounding tracts = Average of 19.29 acres

Meadows shared the following information about the compatibility with existing comprehensive plan:
The Land Development Plan recommends:

1. Rural residential development for the subject property.
2. General residential development for the property located on the east side of Old US 421
3. Residential goals, objectives, strategies:
 - a. Rural residential 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. General residential areas are suitable for general residential development at densities supported by public utilities
 - c. Promote the development of high quality housing in varying types and costs to meet the demands of all income levels and age groups.
 - d. Maintain the integrity of existing neighborhoods.
 - e. Promote walkable interconnected neighborhoods.
 - f. Permit multi-family residential development at a moderate density with good access to larger thoroughfares.
 - g. The major residential growth is expected in the southwestern and western portions of the planning region. These areas should be preserved for residential use and the extension of public water and sewer to these areas should be a top priority.
 - h. It is recommended that higher residential densities be restricted to areas in which sufficient public water and sewer service is available.

- i. 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.
- j. Encourage in-fill development in established residential areas. New development should meet yard and dimensional standards of the existing zone as closely as possible.
- k. Develop a local street plan to ensure adequate street planning and internal circulation in all developing residential areas.
- l. Revise zoning and subdivision ordinance standards to promote interconnectivity of neighborhoods and use of sidewalks.

The property is served by private water (well) and sewer (septic system). Property has approximately 70 feet of road frontage along Old US 421 and 2,720 feet of frontage along the railroad. Old US 421 is a two lane highway with a speed limit of 55 mph and 1,400 average daily trips (2012). The nearest fire hydrant is located at Gees Grove Road.

Meadows shared the impact on landowners, immediate neighbors, and surrounding community:

The proposed use is a mining or quarry operation including on site sale of products. An application has been submitted for a mining permit for a rock quarry to NCDENR. A letter has been sent to adjoining property owners making them aware of the comment period and upcoming NCDENR public hearing. The total number of employees proposed is 20 and the total cost of construction is estimated between \$10 million and \$35 million.

The type of rock is metabasalt (granite) and purpose/use of the rock is construction aggregates for use in roads, concrete, asphalt, and erosion control. The maximum depth of the quarry is 200'. Initially a portable crushing plant will be used but a permanent plant will be constructed later. The maximum height of the plant is 60 feet tall and overburden areas are 60 feet tall. The scale house will be 14'x70'. Five parking spaces including 1 handicap space is proposed at the scale house.

The private drive will be 30 feet wide and surfaced with gravel. The driveway entrance will be 30 feet wide with 30 feet turn radius approximately 90 feet from the edge of Old US 421. NCDOT expects some sort of roadway improvement at the access point onto Old US 421 to accommodate the larger trucks. NCDOT will also be looking to see if upgrades are needed on Old US 421. The existing bridge is to be removed and replaced with a box culvert. Crossing guards are proposed to be installed for the at grade rail crossing. Type A opaque screen is proposed along the entire perimeter of the property (except for the boundary along the railroad). The total area of disturbance is 87.4 acres.

Hours of operation for rock crushing, blasting, operating heavy quarry equipment and truck traffic is 5:00 am to 5:00 pm Monday through Friday. Crushing plant operating hours will be 7:00 am to 5:00pm. Trucks that will be moving material off site can range from ½ ton pickup to 25 ton tractor trailer. A maximum of 50 to 100 trucks per day (an average of 20 to 30 per day) are expected to enter/exit the site. A rail spur is proposed and rail shipments will include a maximum of one shipment per week of up to 100 cars. Blasting will occur once per week and no explosive materials will be stored on site. A water truck equipped with a water cannon will be utilized to suppress dust on haul roads and to spray product stockpiles to mitigate dust.

Meadows shared the following relationship of uses:

1. Current use of subject property is agriculture.
2. Surrounding land uses include; agriculture, railroad, trucking business, and single family residential. The property adjoining to the west received CUR approval on July 3, 2006 to rezone the property to H-I-C and allow a quarry operation and the manufacturing of roofing granules.
3. Surrounded by A-R and H-I-C zoning. A parcel 500 feet east of the tract is zoned H-C-C.

Meadows shared the following staff recommendation on conditional use permit:

The application is complete. The proposal meets the development criteria of the Unified Development Ordinance. If the Board grants the application, then Staff recommends the following conditions:

1. Prior to site work applicant must submit:
 - a. Construction site plan for review by Staff and Town engineer;
 - b. Recombination plat approval combining all lots/parcels into one lot/parcel;
 - c. NCDOT driveway permit approval;
 - d. NCDENR and US Corps of Engineer stream crossing/impact approval; and
 - e. NCDENR erosion control and stormwater approval.

Meadows shared the following Planning Board recommendations from the May 11, 2015 meeting:

1. The amendment is consistent with the adopted LDP and any other officially adopted plan because it forwards the Siler City Land Development Plan.
2. Approve the amendment (c) to promote and forward the purposes of the adopted Siler City Land Development Plan.
3. The application is complete.
4. The application complies with all applicable requirements of the Unified Development Ordinance.
5. The application is granted, subject to the following conditions:
 - a. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board, a copy of which is filed in the City Hall; and
 - b. 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; and
 - c. Prior to site work applicant must submit:
 - i. Construction site plan for review by Staff and Town engineer;
 - ii. Recombination plat approval combining all lots/parcels into one lot/parcel;
 - iii. NCDOT driveway permit approval;
 - iv. NCDENR and US Corps of Engineer stream crossing/impact approval; and
 - v. NCDENR erosion control and stormwater approval.

Meadows stated the Board of Commissioners may take the following action:

1. Hold public hearing in order to receive comments, testimony, exhibits, evidence, arguments, and ask questions of persons who testify.
2. See rezoning worksheet for decision or table request:
 - a. Adopt Plan Consistency Statement;
 - b. Adopt Reasonable and in the Public Interest Statement; and
 - c. Approve or deny request.
3. See conditional use permit worksheet for decision or table request:
 - a. Application is complete;
 - b. Application complies with all applicable requirements of the UDO; and
 - c. Application is granted with conditions or deny request (the Board may recommend denial of the permit if it concludes that the development more probably than not will:
 - i. Materially endanger the public health or safety;
 - ii. Substantially injure the value of adjoining or abutting property;
 - iii. Not be in harmony with the area in which it is located; or
 - iv. Not be in conformity with the land development plan, thoroughfare plan, or other plan officially adopted by the Town Board.

The Board of Commissioners asked the following questions of Meadows:

Commissioner Haiges: Looking at the request, the compatibility with the Land Development Plan, I don't see anything about mining? Meadows: I don't see anything about mining in the entire Land Development

Plan that is something that is omitted. Meadows asked Attorney Morgan if he had anything to add. Morgan asked is quarrying currently allowed in A/R with a special use permit. Meadows: That's correct, in the table of uses.

Commissioner Haiges: When I look at the Comprehensive Land Development Plan under Residential goals, objectives, strategies, everything under there is about residential. What's under here doesn't seem to cover this. Meadows: I agreed.

Commissioner Fadely: To follow up on Commissioner Haiges question. I am also confused, because the Planning Board stated that this is consistent with the Comprehensive Land Development Plan, but at the beginning of the presentation, it states the LDP recommends rural residential development and I agreed that a mine is not listed in a-l of the package, so how is this consistent with the LDP? Meadows: That is what was in the packet that was presented to the Planning Board. Morgan stated he was at the Planning Board meeting and he doesn't recall the Planning Board discussing the specifics of the consistency.

Commissioner Fadely: When was the LDP developed? Meadows: It was adopted in 2003.

Commissioner Fadely: I have some questions concerning the conditional use. There are five list conditions that are recommended. But I'm concerned about the aquifer in that area. My understanding is that all the wells in that area get their water from one aquifer. Is that correct? Meadows: I wouldn't have that information. The applicant may have that information.

Commissioner Fadely: I notice in the packet discussion of the economic impact which is 20 employees and 10 to 35 million in investment. Do you have any information on how this project could affect the mega site, either positive or negative? Meadows: I don't have any information. Commissioner Fadely: Can you give us your best guess? Meadows: The Manager and I have made some contact with the EDC and we talked about distance from the mega site, this distance is 4-5 miles and that is sufficient. Commissioner Fadely: How far away is this site to the mega site? Meadows: I am guessing 4-5 miles, but I will check and bring that back to the board. Commissioner Fadely: Are there any other quarries near the mega site that provides this type of material? Or how far away is the closest quarry to the mega site? Meadows: One on Glendon Road headed to Carthage, and one in Pittsboro. The applicant may can answer that questions better. Commissioner Fadely: Are there any on 421 in Guildford or Randolph County? Meadows: I'm not aware of any. Commissioner Fadely: The one's you just mentioned 3M and Glendon, do they provide the same thing? Mayor Pro Tem Cheek: What about the one in Staley? Meadows: Is that one active? Mayor Pro Tem Cheek: I don't know if it's active or not. Commissioners Fadely: Do they provide the same material? Meadows: I'm not familiar with the material. Commissioner Fadely: Could you find out the material. Meadows: Your Pittsboro site does provide similar material. Commissioner Fadely: How far away is the Pittsboro site? Meadows: 20 miles. Commissioner Fadely: So 30 minutes? Meadows: yes

Commissioner Price: I noticed in the packet that there's going to be a lot of activity starting at 5 o'clock in the morning, is that blasting, crushing, trucking, I assume that's going to be everything? That seems early to be blasting. Commissioner Siler: Is this blasting going to be one time a week or one time a day? Meadows: One time a week.

Commissioner Haiges: Jack, did I hear you say early that you would want to have a quarry 1-2 miles from the mega site? Meadows: That was the advice we got from Dianne Reid. Commissioner Haiges: Why is that? Thompson: Because of the sensitivity of manufacturing at that type of facility. It's a highly refined process. Commissioner Haiges: But in a residential area, that's ok?

Commissioner Fadely: I understand it's stated we don't want within 2 miles, but has anyone provided a recommended distance, would Dianne Reid have any information on that? Meadows: She may, but we have cleared this site from the distance. Commissioner Fadely: Do we have any information on what the optimal distance is? Meadows: No, sir.

Commissioner Price: While looking through the packet, I haven't been able to find anything about if sometime in the future the site has to close up, what procedures are in place to mitigate the site? Meadows: Information in the packet on page 11. The applicant has provided that information. I would refer those questions to the applicant.

Commissioner Fadely: Before my time on the board, this same issue came up and conditions that were recommended at that time. There were a lot more conditions than the 5 conditions that we have in the packet. Can you explained on why there are so many on that one and not on this one? Meadows: Staff doesn't get a chance to hear from the public when we put the memo together, so staff focuses on the UDO requirements and the standard requirements in the law. Staff provides the standard requirements. In the case of ISP, when they went to the Planning Board, the Planning Board added those additional items in addition to the standard items that staff had provided after hearing from the public.

Commissioner Price: How far is it from this site to the city limits? Meadows: I don't know that, but I will check on it and get back.

Representing the Applicant: Michael Blakley, 346 Woolard Road, Sanford, NC 27330 and Russ Patterson, 1901 Boone Trail Road, Sanford, NC 27330

Patterson: We are here to answer any questions, you may have. We don't blast at 5am, we just start loading trucks at 5am for just five days a week. We would blast once a week, which would happen between 11 and 1. The water truck would not be used if it is raining. To keep dust down, we do it as needed. Blakley: We will use water from the pit and recycle the water onsite. Commissioner Fadely: What is your average daily water use? Patterson: Anywhere from 10,000 to 100,000 gallons per day, totally recycled, generated onsite. The water in the beginning will come off run off. Commissioner Siler: How much noise will there be? Paterson: You can hear the rock crusher and the rock going across the screen, that can be heard at some distance but unless you are right up on it, it is not that noisy. In the plans we will build a berm around the operation with plantings to screen the operation. Commissioner Fadely: Has there been any studies done on the impact on the surrounding residents to obtain clean water? Has there been any study done? Patterson: No, that may be a requirement of the state. We have done that on several quarries. Commissioner Fadely: So, is the effect on the surrounding residents unknown at this time? Patterson: There would be no effect on the surrounding residents. Commissioner Fadely: How do you know that? Patterson: Because that is what I do for a living. That maybe a requirement that we do a study or get someone else to do a study. But I really don't understand your question. Is your question, if we did over here we're going to affect someone way over there. You have to be close enough to it to affect them. Commissioner Fadely: Let me explain it seen you don't understand, the wells in that area all tap, to my understanding, into a single aquifer. Patterson: No, that's not true. There are bedrock aquifers, they are not like down east where you have pancake geology. Right now I'm drilling a hole in Laurinburg for an oil and gas type study and we core all the way down looking at that, and we know exactly where Laurinburg's wells are located, as far as what layers they get the water out of, all that's ground water. But, that's pancake geology and even pancake geology is not quite the way you think it is. Up here you don't have that, you have meta volcanic rock that are fractured, you drill a well, you are pulling water from one of those cracks, but you may not get much water per minute. They

are not really connected, there are multiply aquifers in the bedrock. Commissioner Fadely: So there are several aquifers that are accessed in the bedrock as you go down. And your well may have a lot of water or a little water depending on what you get. Patterson: Yes, on how many water bearing fractures you hit. Commissioner Fadely: You made a statement earlier, as you dig the hole, the water that goes in the hole comes from the existing table. So I'm assuming as water flows from the water table into the hole that the water table decreases. Patterson: You will need to look at it as a large well that is 30 feet wide and 200 feet deep, and all those fractures that the water comes out of, you have intercepted a lot of them when you dig that big hole. The water right at the quarry, is called a cone of depression. If you let the water fill up the pit, we pump it out so we can work. Yes you are drawing it down right there, but that doesn't affect anything a feet hundred feet away from the hole. Commissioner Fadely: So there will not be an effect on residents on their water drops and goes into the hole? Patterson: No, because everyone's water or well is far outside the cone of depression. One thing you could do, is under the condition, you could add if we effect a well, then we will replace the well. Commissioner Fadely: Is there a way to get a study, where something is in writing, showing that it's not going to have an adverse effect on the water supply and or quality of water to the residents out there? Patterson: Yes, we did one of those for the garden springs quarry down in Goldston. Not a problem, it's just time and money.

Mayor Pro Tem Cheek: With the ISP, it was said that it's a different type now, it's more of a "thump" rather than the old timey blasting. Patterson: It's more controlled now than it used to be. There is certain criteria that you have to meet and the state regulates that within that mine permit. The state may have us do a blasting plan there. We have had several of those done. We usually get powder people that furnish the blasting to do those studies. This site is back off away from everything and there's not anyone that really close. There is so much regulation control, since 9-11, we don't see that being an issue.

Commissioner Fadely: Following up on the blasting. The application back in 2006, had 2 conditions on it. 1) Blasting shall meet the requirements by NCDENR and 2) Blasting noise shall meet the requirements by NCDENR. Would those types of conditions still be applicable? Patterson: Yes, that is the condition of the state mine permit. Blakely: Mines are heavily regulated, they do monthly inspections. Patterson: They are probably the most heavily regulated industry in the state. The ISP operations that was planned, was a different type of thing. They were going to have a plant out there and make roofing granulates.

Commissioner Fadely: I want to circle back around to a question Commissioner Price asked earlier. When the mining operation is done, what are your plans for how you will end the site? Patterson: In the mine permit, the NCDENR permit, we have to address the issue with 10 year erosion control with a reclamation plan at the end. The mine permit requires a bond. The amount of the bond is based on how much area you have disturbed. Each area has a different bond amount per acre. Typical bond is about \$190,000, to reclamation the site.

Commissioner Haiges: What percentage of mines do you work with, are close to residential areas? Patterson: All of them has someone living close by.

Commissioner Fadely: I would like to switch to the economics of the plan. Do you have any information either positive or negative on the impact on the mega site? Patterson: Positive, it's too far away to see it or feel it. The main advantage will be, it would be the closet aggregate source to the site.

Rodger Person, 404 Elk Street, Siler City, NC 27344

The questions I have, have been passed over. I live in a neighborhood closest to the proposed quarry. The questions that we have are air quality and dust. If this is going to be suppressed like the gentleman

talked about that should be adequate and if it isn't then we will bring that back to you. The other thing is noise, we are close to the logging operation and we can hear that, but it's not that annoying and none of us that I know of have lived near a mining operations, so we don't know if we will have a noise factor that we will have to deal with. How close is this going to be to any of our schools. We all know how curiosity children are and the safety of this should be looked at.

Ken Winter, 705 Glosson Road, Siler City, NC 27344

I am a retired doctor from Chatham Hospital. We have a farm in the ETJ, 4000 feet from the proposed quarry. I am speaking for my family and many others in our community who are afraid to come speak in front of you and because they are afraid they will lose their jobs if they do and that's very sad. Why did the late Don Tarkenton, the former vice chair of the Planning Board say this during the expansion of the ETJ in 2002 "The goal of the Planning Board is not to expand development in the ETJ, but it is to restrict development in that area?" Anyone that's lives in the ETJ will tell you that we make an effort to stop development in those areas. We try to protect those properties and we will do the same in the future. It's no power grab, it's to protect the assets we have now and not let them get abused in the future. Why was there no public comment allowed at the May Planning Board meeting. We had 4 people that wanted to speak. Where was our due process? 5 speakers were allowed at the March and April meetings, 3 of them attorneys. Why were no questions asked, not a single question, was asked by a Planning Board. I applaud you guys, you really asked great questions. They did not ask a single question on an 87 acre industrial quarry using 10,000 gallons of well water per day. Excuse me there was one question, Joyner asked Patterson when the quarry would open. That was the only question that was asked. Why have Patterson and Branch applied for and obtain mining permits for 5 quarries. They don't need a Siler City quarry. Your Land Development Plan states that Siler City should encourage development that is environmental friendly. We support the mega site or the solar farm which is proposed near our farm. I'm sure the solar farm won't like dust and shaking ground. They are less than 3000 feet from this quarry. Of the 100 counties, Chatham County has the 4th lowest unemployment rate of 4.4%. Do not sell out a whole community for a few low paying jobs. The mining permit, which I have right here, they state their going to take 10,000 gallons per day out of the well. My well will probably not be effected but there are a lot of wells near there that could be effected. Will you please explain to us how a quarry passes the 4 special use and conditional use requirements? Be honest and try to use the good old Christian rule, and not the fools golden rule, which is he who has the gold rules. That's what I'm seeing, I'm seeing Siler City so desperate for a few jobs, that you're willing to sell out our whole community. It comes down to Siler City vs. the ETJ. Our community didn't move next to a quarry, you are allowing it to move next to us. We have wells and you don't. We depend on our wells. Remember what Don Tarkenton said the goal of the Planning Board is to protect the assets in the ETJ and not let them get abused in the future. So far Siler City has approved a gun range, up north and a potential quarry now. I hope you can do better.

Stan Malette, 92 Vineyard Ridge, Siler City, NC 27344

I live on an adjacent property to the permit to be granted. In my canvass of the property owners on the section of Old 421 from Vineyard Ridge to mount Vernon Springs Road, I have found overwhelming opposition to the proposed quarry. Many of these citizens were unable to attend and feel that their voices would not influence a decision that may have already been made which doesn't consider their concerns. However, we agree that the proposed quarry would adversely affect the lives of all those living around it because of several issues. I would like to briefly share a few from my research.

In the ISP hearings of a few years ago, there were 2 sworn affidavits from people near the 3M plant in Pittsboro. Both lived within about a mile from the quarry, and both stated that their property value decreased and both had structural damage to their homes from the blasting. The blasts shook their homes and rattled dishes. After the quarry came they had to add filters to their wells and the noise from the

blasting and rock crushers was nearly unbearable. Blasting would also throw up flying rocks and dust which would worsen conditions for all our residents with moderate to severe respiratory issues. Silicosis, pulmonary fibrosis, and lung cancer are only few of many lung problems that can be caused by rock dust. Not only do rock particles of any composition tend to stay and accumulate in the lungs, but freshly cut rock is the worst, and extremely pernicious. Even on or a few incidents of significant inhalation of such dust can cause lung irritation and start the process of increasingly serious lung damage. The microscopic particles are like millions of razor-edged shards that damage lung tissue directly, as well as create conditions promoting the development of tuberculosis, microplasmas, fibrosis, and cancer.

When mining proceeds below the water table, the operator must then begin pumping the inflow of groundwater out of the quarry to continue. This pumping, or drawdown, can lower the groundwater levels in areas around the permit. The drawdown is greatest nearest the quarry, and it's "cone of depression" is affected by pumping, and the amount of precipitation to the aquifer. Our personal properties may be within the quarry's pumping zone of influence, and if the groundwater levels become low, a resident may notice that less water is available, and the supply may turn muddy or run out completely because there is no longer enough water recharging the well for regular usage.

Blasting would also be dangerous in terms of nearby utilities and pipelines, such as telephone and electrical equipment, and including the recent installation of natural gas lines on Old 421 and Gees Grove Road.

A quarry would also generate an incessant convoy of gravel trucks entering Old 421, which would significantly slow traffic toward Southbound Old 421, South Chatham Avenue Extension, Gees Grove Road, Mount Vernon Springs Road and Foust Road. This would also create hazardous conditions such as motorists needing to pass, as well as impeding the important responsibilities of school buses and emergency vehicles.

This says that "the major growth is expected in the southwestern and western portions of the planning region. These areas should be preserved for residential use." A quarry would discourage property purchases for residential use, as potential homestead buyers would not be interested in building that near to a quarry. The growth and expansion of Siler City would be better served by this land being used for residential expansion. Please discuss what rights, if any, we citizens have if our property is damaged or health impaired. Thank you.

Dee Robinson, 741 Mt. Vernon Spring Road, Siler City, NC 27344

My house is on Mt. Vernon Spring Road, but I have to different properties that back up to the proposed quarry. During the Planning Board meeting, we saw some conflicts because there were no questions asked by the Planning Board to the applicant. One of the things the applicant has to show before the board issues a zoning change and conditional use permit is the following, the 4 things people have been taking about. Will not endanger the public health or safety, will not injure the value of adjoining or abutting property, not be in harmony with the area in which it is located, and will be conforming with the land use plan. In part of the process, the applicant has to in writing address these 4 issues and I didn't feel very much assurance when I was reading their responses to those issue. For instant, will not endanger the public health and safety, the mining industry is closely monitored by the state to adhere to the 1972 mining act. Will not injure the value of adjoining or abutting property, and their answer was the quarry operation will be monitored, noise will be kept below 65 decimals 300 feet beyond the property boundary, blasting will be conducted no more than once a week and air blast and ground vibration shall meet conditions required by NCDEMLR and the operations will not be visible from adjoining properties due to buffers and screening berms. I'm not sure that addresses value of my property. If I wanted to sell some of my property, I think I would have a hard time if there was a 30 year quarry operation. One of the other ones is will be in harmony with the area in which it is located as it will start the rezoning of the existing HIC properties back to AR. I'm not even sure I know what that means. The last one will be in conformity

with the land use plan be keeping the parcels zoned AR. With the Planning Board, the applicant was to meet these requirements. That's true and now it goes to the Town Board, but as a process, it doesn't seem like they have done their due diligent in assuring home owners or surrounding property owners that they have been held to these conditions. In the application it asked why this is consistent with the adopted land use plan, which you have already stated is general rural development and housing. And the Planning Board's response to being consist with the land use plan was this project encourages industrial development that is environmentally friendly, this project is a mining operation that is not only needed but will emphasize being a good neighbor. The proposed site will provide dust control and by state law have to monitor noise and blasting levels. I don't think in any instance is mining environmentally friendly. I fell responsible, we have cattle on our farm, to land as a steward. Part of the property to the east, we have put under a conservation easement which still allows us to timber and farm, but takes away the developmental rights. Part of what the Land Conservancy agreed to take that property was because of it has Evans Creek which leads into Tick Creek, which is protected. Having a quarry next door does help with the conservation.

Bill Crosby, 180 Joe Robinson Road, Siler City, NC 27344

I didn't really come prepared to speak, but this gentleman answered most of the questions I had. Which was the blasting effects and the water. I have never lived around something like this. I just brought the property 3 years ago, I don't want the value to go down. I have a swimming pool, I don't want it to be full of dust. Y'all seem concerned about the welfare of the county. I know farming is safe and rising cows is safe, they don't create problems like a mine site does. I lived in West Virginia as a kid, and I know what mine sites are, there dirty, with trash everywhere, with slag ponds with flooding. This could have the potential to be dangers. Thank you.

Mayor Pro Tem Cheek asked if anyone had any more questions.

Commissioner Fadely: Can we recall people to ask them more questions? Morgan: Yes Commissioner Fadely: Can we call on people who are not signed up to speak? Morgan: Yes, if they request to be added and they are sworn in and If they are willing to. Commissioner Fadely: I would like to ask more questions of Blakely and Patterson.

Commissioner Fadely: Earlier you stated it would be possible to get some type of written expert report with regards to the effect on the water quality and quantity for residents. I'm assuming you heard the opposing parties concerning the adverse effects on property value, water, utilities, and health. Is it also possible to have those issues covered in an expert report? As in the decrease of property value, issue with wells. Can we expand that report? Patterson: Most of the other points are probably blasting related, we might can do something along those lines. We would get the blasting guys to do the report. The water report we can do in house. Commissioner Fadely: Can you get an outside party to look at the water too. Patterson: I really don't know how to make you understand that this won't affect the well. I'm a geologist, I'm a scientist, and I'm a Hydro Geologist. Commissioner Fadely: You have to break it down to layman's terms. That's why I'm wondering if there is a written expert report that can be compiled that would address these issues in layman's terms to better explain the issues. Patterson: Most all those issues have to be addressed in the mine permit application and have been addressed but we have given in the past, reports that speak to how it will effect wells.

Commissioner Price: I now you said earlier if there was an issue with a well, you would fix it. Is there any way to check the wells before, like what is the flow rate, what is the static pressure, and have a base line to go back and look at? Patterson: That would be a very handy thing to do, but our experience in the past was that people don't want you looking at their well. We would definitely do it.

Commissioner Fadely: Is the mining permit application in this packages? Patterson: We can get it to Meadows and any additional information that you would like to see. Commissioner Fadely: So, it is possible to get a written report to address some of the concerns that have been laid out? Patterson: Yes, I think a report, which would address most of those. Some items are addressed in the mine plan application, but they may not be addressed to the degree you want them to be addressed.

Commissioner Price: Where do you stand with NCDENR on the permit process? Patterson: The permit application and the application to the Planning Department were submitted at the same time. We have to notify adjoining property owners.

Commissioner Haiges: So, Dr. Winters mentioned additional mine permit applications. Is this the 5th one you have been working on in the local area? Was that a correct statement? Patterson: This is number 7. Our client will look at our work and decide if he would like to proceed with the mining application. The original work is not cheap, it's expensive. The mine permit is not cheap. Every one of the mine permits is \$5000 each. Four of the seven sites have been added to the conservation plan, to protect Tick Creek. Our client is an environmental steward.

Commissioner Haiges: Geology what makes this site different from the others? Patterson: This site has a very good rock type that's dense and heavy and would make excellent railroad metals.

Commissioner Bray: You were saying out of 7, 4 were donated, are you saying you could potential mine three sites? Patterson: The site in Goldston will be mined.

Commissioner Haiges: The type of product at the other locations will be railroad ballast as well? Patterson: Yes and highway aggregate.

Commissioner Fadely: You mentioned that if approved this site would probably be mined. Are there any other uses that may be done besides mining? Patterson: Not to our knowledge. The intent is to mine.

Commissioner Bray: How long does the mining permit last? Patterson: The NCDENR mining permit would be for ten years.

Mayor Pro Tem Cheek: I have a question for Meadows. At that 10 year mark, would they have to come back before the Board? Meadows: If no work is done, they would have to come back, because there is an expiration date in our UDO of 2 years, with an extension available at that point.

Mayor Pro Tem Cheek stated the Board of Commissioners seems to have several unanswered questions and he suggested the Board of Commissioners recess the Public Hearing until our next meeting on June 15, 2015 and go back to the Planning Board for additional information.

Commissioner Fadely stated I would like the record to show what Commissioner Haiges' original comment in regards to point number one on page 3. How is this consistent with the Land Development Plan? All the Planning Board gave us was, it forwards the LDP. We didn't get any reasons or rational. It just says it is constant with the Land Development Plan because it forwards the Land Development Plan. I would like to hear back from the Planning Board on exactly how it does that. Before we get to the conditional use we have to look at the rezoning, and we are not getting any reason how. Is it possible to get something from the Planning Board on how they came to that conclusion? Thompson: If the intent of the Board is to have this recessed and brought up at the next regular meeting, that's June 15. Is it possible to go back to the Planning Board before then? Meadows: Yes, they have a meeting on Monday night.

A motion to recess the Public Hearing for Vineyard Ridge Holdings, LLC requests a conditional use rezoning to rezone ~32.692 acres from Heavy-Industrial-Conditional Use (H-I-C) and ~130.938 acres from

Agricultural-Residential (A-R) to Agricultural-Residential-Conditional Use (A-R-C). The proposed conditional use is a mining or quarry operation including on-site sales of products. The subject property is located off of Old US 421 S., along a private drive known as Vineyard Ridge, and on the west side of the railroad. The property is identified as tax parcel # 14722, 81967, 75826, 79917, 14545, 76514, & 77614 to the June 15, 2015 Board of Commissioners regular meeting was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.

Mayor Pro Tem Cheek recessed the meeting for a short break at 8:54pm. Mayor Grimes returned to the meeting.

Conditional Use Permit

Mayor Grimes opened the public hearing for Wren Farrar and David H. Simpson Const. requests a conditional use permit to develop 2 multifamily downtown residential units. The subject property is located at 121 N. Chatham Ave. and is identified as tax parcel # 15284 and 15283. (Incorporation by reference as if fully set forth herein Schedule H) at 9:01pm.

Mayor Grimes administered the following oath: "Do you solemnly swear or affirm that the testimony and information you are about to give is true and accurate to the best of your knowledge?" to the following individuals:

Jack Meadows	Woodland Drive	Siler City, NC 27344
Roger Person	404 Elk Avenue	Siler City, NC 27344
Brooks Benton	513 Wicker Street	Sanford, NC 27330
Wren Farrar	PO Box 447	Siler City, NC 27344

Meadows stated the subject property is:

1. owned by Wren Family Estate, LLC;
2. located inside the Town's Corporate Limits;
3. located within the Siler City primary fire district;
4. located within the Duke Energy Progress electric service district; and
5. not located within a special flood hazard area.

Meadows shared the size of tract.

1. Subject Tract:
 - a. 0.12 acre
 - b. 1 property owner
 - c. 2 tax parcels
2. Size of surrounding tracts = Average of 0.21 acre

Meadows shared the compatibility with existing comprehensive plan

The Land Development Plan recommends:

1. Central Business District development for the subject property.
2. Central Business District goals, objectives, strategies:
 - a. Promote downtown Siler City as an active, attractive community that accommodates multiple uses such as the arts, small business and residential.
 - b. Explore the development of a downtown civic center that would strengthen downtown by providing a central location to house meetings and community entertainment events.
 - c. Explore the conversion of vacant industrial property into an active "arts market" to provide marketing space and take advantage of a growing arts community.

- d. Modify the zoning ordinance to allow for residential uses in the commercial area. Residential zoning should be owner occupied and support commercial retail and art studios.
- e. Complete the application process to become a North Carolina Main Street Community
- f. Explore allowing mixed uses in the downtown zoning district through the conditional use process.
- g. Produce a "Downtown Development Design manual" to help local business owners with suggested guidelines for development.
- h. Modify the development ordinances to be more user friendly where possible.
- i. Visually define the downtown area through unified signage and landmarks.
- j. Increase pedestrian safety in the downtown area through improvement of sidewalks and handicapped accessibility.
- k. Look at planting plan for street trees along public rights-of-way.
- l. Explore program of repaving sidewalks with new materials to improve visual design and increase aesthetics.
- m. Conduct downtown parking study and improve availability of downtown parking.
- n. Promote formation of downtown development association.

The property is served by town water and sewer. Property has approximately 60 feet of road frontage along Chatham Ave. and the rear alley. Chatham Ave. is a two lane road with a speed limit of 25 mph and 2,100 average daily trips (2012).

Meadows shared the following impact on landowners, immediate neighbors, and surrounding community:

The subject building contains a total of 5,251 square feet. The proposed development will be divided into four units: Mercantile A (1,080 square feet), Mercantile B (985 square feet), Apartment A (1,125 square feet), and Apartment B (2,061 square feet, 1st floor and basement). Approximately 2,065 square feet (50%) of the first floor space will be reserved for commercial or office use.

Exterior features (specifically masonry façades and storefront windows) currently on the building will not be altered. The exterior that will be altered is the uncovering of past windows and door openings at the rear of the structure. Windows will be replaced with double hung windows that would allow for ingress/egress from the structure. A new deck and ground floor entrance is proposed at the rear of the building. The interior will retain its original ceilings and four exterior walls with some repair necessary including new interior walls. Each dwelling unit includes a complete kitchen, full bath, living, and bed. Each space will have its own central air unit that is mounted on the roof and screened from public view. The A units will share a water meter and the B units will share a water meter.

Each apartment will be designated a parking space in the parking lot at the rear of the structure. The parking lot is to remain surfaced with gravel and will contain no more than 10 parking spaces. The driveway apron will be paved 15 feet back from the edge of Birch Ave. The parking lot will be lighted with the installation of wall packs on the back of the building. Garbage will be collected by 2 dumpsters located at the rear of the building and be enclosed with an opaque screen. The total cost of the project is estimated at \$418,000.

Meadows shared the following relationship of uses:

1. Current use of subject property is commercial/vacant.
2. Surrounding land uses include; retail, office, bank, recreation, art studio.
3. Surrounded by C-C zoning.

Meadows shared the following staff recommendation on conditional use permit:

The application is complete. The proposal meets the development criteria of the Unified Development Ordinance. If the Board grants the application, then Staff recommends the following conditions:

1. Prior to site work applicant must:
 - a. obtain site plan approval by Staff; and
2. obtain zoning permit approval.

Meadows shared the following Planning Board recommendations from the May 11, 2015 meeting:

1. The application is complete.
2. The application complies with all applicable requirements of the Unified Development Ordinance.
3. The application is granted, subject to the following conditions:
 - a. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board, a copy of which is filed in the City Hall; and
 - b. 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; and
 - c. Prior to site work applicant must:
 - i. obtain site plan approval by Staff; and
 - ii. obtain zoning permit approval.

Meadows stated the Board of Commissioners may take the following action:

1. Hold public hearing in order to receive comments, testimony, exhibits, evidence, arguments, and ask questions of persons who testify.
2. See conditional use permit worksheet for decision or table request:
 - a. Application is complete;
 - b. Application complies with all applicable requirements of the UDO; and
 - c. Application is granted with conditions or deny request (the Board may recommend denial of the permit if it concludes that the development more probably than not will:
 - i. Materially endanger the public health or safety;
 - ii. Substantially injure the value of adjoining or abutting property;
 - iii. Not be in harmony with the area in which it is located; or
 - iv. Not be in conformity with the land development plan, thoroughfare plan, or other plan officially adopted by the Town Board.

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

I am a property owner and business owner in the downtown area where Wren would like to build this project. This is a really needed project to help our downtown grow. I am really excited about project.

Wren Farrar, PO Box 447, Siler City, NC 27344

I don't have a presentation. I'm just here to answer any questions the Board may have.

Brooks Benton, 513 Wicker Street, Sanford, NC 27330

I'm the general contractor for the project and I'm here to answer any questions.

The Board of Commissioners discussed the benefits of the project.

Mayor Grimes closed the public hearing at 9:11pm.

A motion to approve the application for Wren Farrar and David H. Simpson Const. requests a conditional use permit to develop 2 multifamily downtown residential units. The subject property is located at 121

N. Chatham Ave. and is identified as tax parcel # 15284 and 15283 is complete was made by Mayor Pro Tem Cheek, seconded by Commissioner Fadely and unanimously approved.

A motion that the application for Wren Farrar and David H. Simpson Const. requests a conditional use permit to develop 2 multifamily downtown residential units. The subject property is located at 121 N. Chatham Ave. and is identified as tax parcel # 15284 and 15283 complies with all applicable requirements of the Unified Development Ordinance was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.

A motion to grant the application for Wren Farrar and David H. Simpson Const. requests a conditional use permit to develop 2 multifamily downtown residential units. The subject property is located at 121 N. Chatham Ave. and is identified as tax parcel # 15284 and 15283 subject to the following conditions: a. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board, a copy of which is filed in City Hall; and b) if any of the conditions affixed hereto or any part thereof shall be held invalid, then this permit shall be void and of no effect; and c) conditions recommended by staff; and conditions recommended by the Board was made by Mayor Pro Tem Cheek, seconded by Commissioner Siler and unanimously approved.

Conditional Use Permit

Mayor Grimes opened the public hearing for Wren Farrar and David H. Simpson Const. request a conditional use permit to develop 6 multifamily downtown residential units. The subject property is located at 229, 231, 233 N. Chatham Ave. and is identified as tax parcel # 61464 at 9:14pm. (Incorporation by reference as if fully set forth herein Schedule I)

Mayor Grimes administered the following oath: "Do you solemnly swear or affirm that the testimony and information you are about to give is true and accurate to the best of your knowledge?" to the following individuals:

Jack Meadows	Woodland Drive	Siler City, NC 27344
Sue Baker	605 N Fir	Siler City, NC 27344
Brooks Benton	513 Wicker Street	Sanford, NC 27330
Wren Farrar	PO Box 447	Siler City, NC 27344

Meadows stated that the subject property is:

7. owned by Wren Family Estate, LLC;
8. located inside the Town's Corporate Limits;
9. located within the Siler City primary fire district;
10. located within the Duke Energy Progress electric service district; and
11. not located within a special flood hazard area.

Meadows shared the following:

Subject Tract:

0.13 acre

1 property owner

1 tax parcel

Size of surrounding tracts = Average of 0.21 acre

Compatibility with Existing Comprehensive Plan

The Land Development Plan recommends:

1. Mixed use development for the subject property.

2. Central Business District development for the property on the east side of Chatham Ave.
3. Mixed use development goals, objectives, and strategies:
 - a. 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.
 - b. Redevelopment area adjacent to the west side of the central business district. This area is the site of former manufacturing and heavy industrial uses. It is appropriate for office and retail uses compatible with the downtown district. Reuse of architecturally significant, vacant industrial buildings is encouraged.
 - c. Guide new growth to designated future mixed-use development areas by making public utility extensions into those areas a top priority.
 - d. Encourage planned, mixed-use development instead of incremental, small lot development.
4. Central Business District goals, objectives, and strategies:
 - a. Promote downtown Siler City as an active, attractive community that accommodates multiple uses such as the arts, small business and residential.
 - b. Explore the development of a downtown civic center that would strengthen downtown by providing a central location to house meetings and community entertainment events.
 - c. Explore the conversion of vacant industrial property into an active "arts market" to provide marketing space and take advantage of a growing arts community.
 - d. Modify the zoning ordinance to allow for residential uses in the commercial area. Residential zoning should be owner occupied and support commercial retail and art studios.
 - e. Complete the application process to become a North Carolina Mainstreet Community
 - f. Explore allowing mixed uses in the downtown zoning district through the conditional use process.
 - g. Produce a "Downtown Development Design manual" to help local business owners with suggested guidelines for development.
 - h. Modify the development ordinances to be more user friendly where possible.
 - i. Visually define the downtown area through unified signage and landmarks.
 - j. Increase pedestrian safety in the downtown area through improvement of sidewalks and handicapped accessibility.
 - k. Look at planting plan for street trees along public rights-of-way.
 - l. Explore program of repaving sidewalks with new materials to improve visual design and increase aesthetics.
 - m. Conduct downtown parking study and improve availability of downtown parking.
 - n. Promote formation of downtown development association.

The property is served by town water and sewer. Property has approximately 65 feet of road frontage along Chatham Ave. Chatham Ave. is a two lane road with a speed limit of 25 mph and 2,100 average daily trips (2012).

Impact on Landowners, Immediate Neighbors, and Surrounding Community

The subject building contains a total of 11,008 square feet is divided into 3 separate units. The proposed development will be divided into 8 units: Retail 229 A (1,236 square feet), Retail 233 A (1,236 square feet), Apartment 229 A (1,261 square feet), Apartment 233 A (1,261 square feet), Apartment 231 A (1,171 square feet), Apartment 231 B (1,161 square feet), Apartment 231 C (1,080 square feet), and Apartment 231 D (1,194 square feet). Approximately 2,472 square feet (49%) of the first floor space will be reserved for commercial or office use.

Exterior features (specifically masonry façades and storefront windows) currently on the building will not be altered. The current awning style windows will be replaced with new double hung windows that would allow for ingress/egress from the structure. A handicap entrance is being provided by adding a door to the parking lot side of the building which will provide access to a common area hallway. The interior will retain its original ceilings and exterior walls with some repair necessary including new interior walls. Each dwelling unit includes a complete kitchen, full bath, living, and bed. Each space will have its own central air unit that is mounted on the roof and screened from public view. The 229 units will share a water meter, the 231 units will share a water meter, and the 233 units will share a water meter.

Each apartment will be designated a parking space in the parking lot beside of the structure. The parking lot is to be resurfaced with concrete and will contain 11 parking spaces. The driveways off of Chatham Ave will be removed and a driveway permit will be obtained for the driveway on Third St. The parking lot will be lighted with the installation of wall packs on the side of the building. A 5' wide sidewalk is to be installed along Third St. Garbage will be collected by 1 dumpster located beside of the building and be enclosed with an opaque screen. The total cost of the project is estimated at \$622,000.

Relationship of Uses

1. Current use of subject property is commercial/vacant.
2. Surrounding land uses include; manufacturing, parking, vacant, retail, office, art studio.
3. Surrounded by C-C and L-I zoning.

Staff Recommendation on Conditional Use Permit

The application is complete. The proposal meets the development criteria of the Unified Development Ordinance. If the Board grants the application, then Staff recommends the following conditions:

1. Prior to site work applicant must:
 - a. obtain site plan approval by Staff;
 - b. obtain zoning permit approval; and
 - c. NCDOT driveway permit and encroachment approval.

Planning Board Recommendation (May 11, 2015)

1. The application is complete.
2. The application complies with all applicable requirements of the Unified Development Ordinance.
3. The application is granted, subject to the following conditions:
 - a. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board, a copy of which is filed in the City Hall; and
 - b. 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; and
 - c. Prior to site work applicant must:
 - i. obtain site plan approval by Staff;
 - ii. obtain zoning permit approval; and
 - iii. NCDOT driveway permit and encroachment approval.

Meadows stated the Board may take the following action:

1. Hold public hearing in order to receive comments, testimony, exhibits, evidence, arguments, and ask questions of persons who testify.
2. See conditional use permit worksheet for decision or table request:
 - a. Application is complete;

- b. Application complies with all applicable requirements of the UDO; and
- c. Application is granted with conditions or deny request (the Board may recommend denial of the permit if it concludes that the development more probably than not will:
 - i. Materially endanger the public health or safety;
 - ii. Substantially injure the value of adjoining or abutting property;
 - iii. Not be in harmony with the area in which it is located; or
 - iv. Not be in conformity with the land development plan, thoroughfare plan, or other plan officially adopted by the Town Board.

Sue Baker, 605 N Fir Avenue, Siler City, NC 27344

I'm just here to speak in favor of this project. The apartments are gigantic and I really look forward to seeing the parking lot transform with additional landscaping.

Brooks Benton, 513 Wicker Street, Sanford, NC 27330

I am here to answer questions.

Wren Farrar, PO Box 447, Siler City, NC 27344

Just here to answer any questions.

The Board of Commissioners discussed the benefits of the project.

Mayor Grimes closed the public hearing at 9:19pm.

A motion to approve the application for Wren Farrar and David H. Simpson Const. requests a conditional use permit to develop 2 multifamily downtown residential units. The subject property is located at 229 and 231 N. Chatham Ave. and is identified as tax parcel # 61464 is complete was made by Commissioner Fadely, seconded by Mayor Pro Tem Cheek and unanimously approved.

A motion that the application for Wren Farrar and David H. Simpson Const. requests a conditional use permit to develop 2 multifamily downtown residential units. The subject property is located at 229 and 231 N. Chatham Ave. and is identified as tax parcel # 61464 complies with all applicable requirements of the Unified Development Ordinance was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.

A motion to grant the application for Wren Farrar and David H. Simpson Const. requests a conditional use permit to develop 2 multifamily downtown residential units. The subject property is located at 229 and 231 N. Chatham Ave. and is identified as tax parcel # 61464 subject to the following conditions: a. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board, a copy of which is filed in City Hall; and b) if any of the conditions affixed hereto or any part thereof shall be held invalid, then this permit shall be void and of no effect; and c) conditions recommended by staff; and conditions recommended by the Board was made by Commissioner Constantino, seconded by Commissioner Siler and unanimously approved.

Rezoning Request

Mayor Grimes opened the public hearing for Tommie Burke requests to rezone ~0.489 acre from Residential-10 (R-10) to Highway-Commercial (H-C). The subject property is located behind 501 E. 3rd St. off of N. 5th Ave. The property is identified as a portion of tax parcel # 70388 and all of lot 3 per plat 90-425 at 9:22pm. (Incorporation by reference as if fully set forth herein Schedule J)

Meadows shared the following information concerning the subject property:

1. owned by Tommie B. Burke;
2. located inside the Town's Corporate Limits;
3. located within the Duke Energy Progress electric service districts; and
4. not located within a special flood hazard area.

1. Subject Tract:
 - a. 0.489 acre
 - b. 1 property owner
 - c. 1 tax parcel
2. Size of surrounding tracts = Average of 0.459 acre

Compatibility with Existing Comprehensive Plan

The Land Development Plan recommends:

1. General residential development for the subject property
2. General commercial development along the southern boundary of the subject property
3. Residential goals, objectives, and strategies:
 - a. Promote the development of high quality housing in varying types and costs to meet the demands of all income levels and age groups.
 - b. Maintain the integrity of existing neighborhoods.
 - c. Promote walkable interconnected neighborhoods.
 - d. Encourage the continual development of affordable housing on individual lots.
 - e. 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.
 - f. Encourage in-fill development in established residential areas. New development should meet yard and dimensional standards of the existing zone as closely as possible.
4. Commercial goals, objectives, and strategies:
 - a. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
 - b. Improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas and by controlling signs.
 - c. Encourage through zoning requirements, planned general commercial development rather than small, individual lot development.
 - d. Develop driveway regulations to require access from service drives, prevent multiple driveways on a single lot, and control the spacing of driveways.
 - e. These areas are generally located along major thoroughfares that contain a variety of commercial uses. Retail uses include shopping centers, convenience stores, restaurants and services catering to the traveling public. Heavier uses may include automobile dealerships and repair shops, min-warehouses and contractor's yards with appropriate landscaping and buffer requirements.

The property is served by town water and sewer. Property has approximately 81 feet of road frontage. Third Street is a two lane road with a speed limit of 35 mph and 5,200 average daily trips (2012).

Impact on Landowners, Immediate Neighbors, and Surrounding Community

Prepared by: Jenifer J Everage, Town Clerk

Per the Chatham County property record card, the Western Auto building was constructed in 1973. The subject property has been used for miscellaneous storage. If the property owner plans to expand the business by adding a new building, then the property must be rezoned to a zoning district (ex. H-C) that allows retail sales and small engine repair.

Relationship of Uses

1. Current use of subject property is retail sales and small engine repair.
2. Surrounding land uses include; single family residential, retail sales, office, and auto part sales.
3. Surrounded by R-10 and H-C zoning.

Note: The Board shall consider the entire range of permitted, special, and conditional uses for the existing and proposed zoning district as listed in the Table of Uses. Attached is a copy of the uses that are allowed within the zoning districts.

Planning Board Recommendation (May 11, 2015)

1. The amendment is consistent with the adopted LDP and any other officially adopted plan because the LDP recommends:
 - a. General commercial development along the southern boundary of the subject property
 - b. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
 - c. Improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas and by controlling signs.
 - d. Encourage through zoning requirements, planned general commercial development rather than small, individual lot development.
 - e. Develop driveway regulations to require access from service drives, prevent multiple driveways on a single lot, and control the spacing of driveways.
 - f. These areas are generally located along major thoroughfares that contain a variety of commercial uses. Retail uses include shopping centers, convenience stores, restaurants and services catering to the traveling public. Heavier uses may include automobile dealerships and 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.

Meadows stated the Board may take the following action:

1. Hold public hearing in order to receive comments, testimony, and exhibits pertaining to the amendment.
2. See rezoning worksheet for decision or table request:
 - a. Adopt Plan Consistency Statement;
 - b. Adopt Reasonable and in the Public Interest Statement; and
 - a. Approve or deny request.

The consensus of the Board of Commissioners was that the property be cleaned up.

No one signed up to speak.

Mayor Grimes closed the public hearing at 9:30pm.

A motion to that the map amendment for Tommie Burke requests to rezone ~0.489 acre from Residential-10 (R-10) to Highway-Commercial (H-C). The subject property is located behind 501 E. 3rd St.

off of N. 5th Ave. The property is identified as a portion of tax parcel # 70388 and all of lot 3 per plat 90-425 is consistent with the adopted Land Development Plan and any other officially adopted plans because it will improve the appearance was made by Mayor Pro Tem Cheek, seconded by Commissioner Siler and unanimously approved.

A motion that the map amendment for Tommie Burke requests to rezone ~0.489 acre from Residential-10 (R-10) to Highway-Commercial (H-C). The subject property is located behind 501 E. 3rd St. off of N. 5th Ave. The property is identified as a portion of tax parcel # 70388 and all of lot 3 per plat 90-425 is reasonable and in the public interest because promote and forwards 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 Haiges, seconded by Mayor Pro Tem Cheek and unanimously approved.

A motion to approve the map amendment for Tommie Burke requests to rezone ~0.489 acre from Residential-10 (R-10) to Highway-Commercial (H-C). The subject property is located behind 501 E. 3rd St. off of N. 5th Ave. The property is identified as a portion of tax parcel # 70388 and all of lot 3 per plat 90-425 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 Haiges and unanimously approved.

Proposed UDO Text Amendments

Mayor Grimes opened the public hearing for the proposes text amendments to §257 Prohibited signs, §258 Permit procedure, §265 Sign regulations for commercial developments, §266 Temporary signs, §267 Permitted sign fixtures, §268 Exceptions and modifications, §269 Businesses setback from its major access road by 200 feet or more, §270 Signs permitted by special use permit, §274 Special provisions for certain signs (electronic changeable copy, mural), §279 Parking requirements (low volume traffic sales, churches, restaurant, funeral home, crematorium), and §289 Required parking for the disabled at 9:32pm. (Incorporation by reference as if fully set forth herein Schedule K)

Meadows shared the following information with the Board of Commissioners:

Analysis

Town of Siler City proposes text amendments to §257 Prohibited signs, §258 Permit procedure, §265 Sign regulations for commercial developments, §266 Temporary signs, §267 Permitted sign fixtures, §268 Exceptions and modifications, §269 Businesses setback from its major access road by 200 feet or more, §270 Signs permitted by special use permit, §274 Special provisions for certain signs (electronic changeable copy, mural), §279 Parking requirements (low volume traffic sales, churches, restaurant, funeral home, crematorium), and §289 Required parking for the disabled.

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. Attached documents:

1. Draft ordinance amending Article 17 and 18
2. Final ordinance amending Article 17 and 18.

The Land Development Plan 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. Increase pedestrian safety in the downtown area through improvement of sidewalks and handicapped accessibility.

Planning Board Recommendation (May 11, 2015)

1. The amendment is consistent with the adopted LDP and any other officially adopted plan because the LDP recommends:
 - a. Modifying the development ordinances to be more user friendly where possible.
 - b. 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.
 - c. Visually define the downtown area through unified signage and landmarks.
2. Approve the amendment: (b) because of changed or changing conditions in a particular neighborhood or community as a whole.

Board Action

1. Hold public hearing in order to receive comments, testimony, and exhibits pertaining to the amendment.
2. See worksheet for decision or table request:
 - a. Adopt Plan Consistency Statement
 - b. Adopt Reasonable and in the Public Interest Statement
 - c. Approve or deny request

No one signed up to speak.

Mayor Grimes closed the public hearing at 9:40pm.

A motion to that the text amendments to §257 Prohibited signs, §258 Permit procedure, §265 Sign regulations for commercial developments, §266 Temporary signs, §267 Permitted sign fixtures, §268 Exceptions and modifications, §269 Businesses setback from its major access road by 200 feet or more, §270 Signs permitted by special use permit, §274 Special provisions for certain signs (electronic changeable copy, mural), §279 Parking requirements (low volume traffic sales, churches, restaurant, funeral home, crematorium), and §289 Required parking for the disabled is consistent with the adopted Land Development Plan and any other officially adopted plans because it is more business friendly was made by Mayor Pro Tem Cheek, seconded by Commissioner Fadely and unanimously approved.

A motion that the text amendments to §257 Prohibited signs, §258 Permit procedure, §265 Sign regulations for commercial developments, §266 Temporary signs, §267 Permitted sign fixtures, §268 Exceptions and modifications, §269 Businesses setback from its major access road by 200 feet or more, §270 Signs permitted by special use permit, §274 Special provisions for certain signs (electronic changeable copy, mural), §279 Parking requirements (low volume traffic sales, churches, restaurant, funeral home, crematorium), and §289 Required parking for the disabled is reasonable and in the public interest because promote and forwards 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 Haiges, seconded by Commissioner Price and unanimously approved.

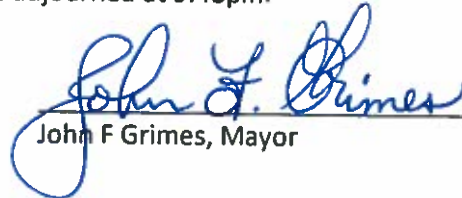
A motion to approve the text amendments to §257 Prohibited signs, §258 Permit procedure, §265 Sign regulations for commercial developments, §266 Temporary signs, §267 Permitted sign fixtures, §268 Exceptions and modifications, §269 Businesses setback from its major access road by 200 feet or more, §270 Signs permitted by special use permit, §274 Special provisions for certain signs (electronic changeable copy, mural), §279 Parking requirements (low volume traffic sales, churches, restaurant, funeral home, crematorium), and §289 Required parking for the disabled 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.

GOVERNING BODY COMMENTS

Commissioner Constantino stated he would like a soccer field discussion add to the next meeting. He felt like there were some issues there that the Board needed to discuss. The Board of Commissioners agreed to add the item to the next meeting.

ADJOURNMENT

With no further business the Board of Commissioners adjourned at 9:48pm.



John F Grimes, Mayor

ATTEST:



Jenifer J Everage, Town Clerk

