

**TOWN OF SILER CITY**

The Siler City Board of Commissioners met in Regular Session on **Monday, September 21, 2015** at 7:00pm in City Hall Courtroom with Mayor John Grimes presiding. Commissioner Siler 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 Director Jack Meadows, Police Chief Gary Tyson, Parks and Recreation Director Jessica Puckett, and Town Clerk Jenifer Everage.

**AGENDA ADJUSTMENTS/APPROVAL OF AGENDA**

*A motion to approve the agenda as presented was made by Commissioner Constantino, seconded by Commissioner Siler and unanimously approved.*

**CONSENT**

*A motion to approve the consent agenda which includes September 1, 2015 Special Meeting Minutes (Incorporation by reference as if fully set forth herein Schedule A), September 1, 2015 Closed Session Minutes (Incorporation by reference as if fully set forth herein Schedule B), September 8, 2015 Minutes (Incorporation by reference as if fully set forth herein Schedule C), September 8, 2015 Closed Session Minutes (Incorporation by reference as if fully set forth herein Schedule D) was made by Mayor Pro Tem Cheek, seconded by Commissioner Price and unanimously approved.*

**PRESENTATIONS****Relay for Life 2016**

Andrea Smith and Jeanetta Shamburger with West Chatham Relay for Life gave an overview of the Paint the Town Pink Festival on Saturday, October 24, 2015 from 10am to 3pm on North Chatham Avenue from East Third to East Sixth. They shared pink ribbons with the Board of Commissioners. The Festival will be selling anything pink to raise money for Relay for Life.

**PUBLIC COMMENT**

No one signed up to speak.

**PUBLIC HEARINGS****Martin N. Mason Requests a Conditional Use Rezoning**

Mayor Grimes opened the public hearing Martin N. Mason requests a conditional use rezoning to rezone ~2 acres from Light-Industrial (L-I) to R-10. The proposed conditional use is a nursery school; day care center (child care). The subject property is located at 422 N. Dogwood Ave. and is identified as tax parcel # 14046. (Incorporation by reference as if fully set forth herein Schedule G) at 7:08PM.

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 907 Woodland Drive Siler City, NC 27344

Martin Mason 41 Ed Clapp Road Siler City, NC 27344

Meadows shared the following concerning the subject property:

1. owned by Jimmy Louis Price;
2. located inside the Town's Corporate Limits;
3. located within the Siler City fire districts;
4. located within the Duke Energy Progress electric service district; and
5. located within a special flood hazard area.

Meadows shared the size of tract:

2 acres

1 property owner

1 tax parcels

Average size of surrounding tracts = 0.59 acres

Meadows shared compatibility with existing Comprehensive Land Development Plan recommends:

1. Mixed use development for the subject property.
2. General residential development for the property located on the north side of 5<sup>th</sup> St and west side of Dogwood Ave.
3. Mixed use goals, objectives, and strategies:
  - a. Provide adequate public facilities and services for designated growth areas
  - b. Designate areas of the Town's planning jurisdiction as growth areas and give priority to utility extensions in those areas.
  - c. Guide new growth to designated future mixed-use development into those areas a top priority. The following uses are encouraged in the redevelopment area adjacent to the west side of the central business district.
    - i. This area is the site of former manufacturing and heavy industrial uses.
    - ii. It is appropriate for office and retail uses compatible with the downtown district.
    - iii. Reuse of architecturally significant, vacant industrial buildings is encouraged.
  - d. 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.
  - e. Encourage planned, mixed-use development instead of incremental, small lot development.
  - f. Increase pedestrian safety in the downtown area through improvement of sidewalks and handicapped accessibility.
4. Residential goals, objectives, and 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.

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- 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.

Meadows stated a day care center is allowed within the R-10 zoning district with special use permit approval. The property is served by Town water and sewer. The nearest fire hydrant is located at southeast intersection of W. 5th St. and Dogwood Ave.

Meadows stated property has approximately 316 feet of road frontage along W. 5<sup>th</sup> St. (50' right-of-way) and 270 feet of frontage along Dogwood Ave. (50' right-of-way). Dogwood Ave. and W. 5<sup>th</sup> St are two lane streets maintained by the Town with a speed limit of 35 mph. Average daily trips are not available for Dogwood Ave. or W. 5<sup>th</sup> St. A four-way stop is located at the intersection of W. 5<sup>th</sup> St. and Dogwood Ave. The Town's adopted Pedestrian Master Plan recommends a five (5) feet wide sidewalk along the north side of W. 5<sup>th</sup> Street (the 5<sup>th</sup> St sidewalk project was the 7<sup>th</sup> highest ranking priority in the plan).

Meadows shared the impact on landowners, immediate neighbors, and surrounding community: Child care centers are monitored by the NC Department of Human Services and Chatham County Environment Health Department. An existing commercial masonry building containing 24,000 square feet (82'x165' and divided into a first and second floor) is located on the property. Hours of operation are Monday through Friday from 6am to 6pm. The total cost of construction is estimated at \$30,000. The proposed child care center is proposed to be developed in 2 phases.

Phase 1:

1. 65 kids, 8 employees, and no facility vehicles (vans, buses, etc.) parked on site
2. 10 parking spaces required (10 or less parking spaces maybe surfaced with gravel)
3. 1 parking space will be handicap van assessable
4. The driveway aprons onto Dogwood Ave and 5<sup>th</sup> St will be paved 15 feet back from the edge of the paved street. Radius for driveway shall be a minimum of 20'.
5. Driveway and drive isle shall be a minimum of 24' in width
6. Drive will be for one way traffic by entering off of 5<sup>th</sup> St. and exiting onto Dogwood Ave.
7. Disturb less than one acre
8. Fenced in play area: 1) 20'x25' area; and 2) 40'x200' area
9. Type C Screen (small trees planted 30' on center) required along Dogwood Ave. and 5<sup>th</sup> St.
10. Garbage carts will be requested to collect garbage and are not proposed to be screened.
11. Short segment of sidewalk is proposed from building door to parking lot.
12. Install security cameras to help with past vandalism (broken windows, etc.)

Phase 2:

1. Increase up to 150 kids, 15 employees, and 2-3 facility vehicles (vans, buses, etc.) parked on site

2. 25 parking spaces required (more than 10 parking spaces requires the parking lot to be surfaced with asphalt or concrete)
3. Install shade trees per the formula provided in Appendix E
4. Disturb more than one (1) acre in the development of "Future" area to provide additional parking and fenced in play area.
5. Fill dirt is proposed if needed in the "Future" area. No retaining walls are proposed.

Meadows shared the relationship of uses:

1. Current use of subject property is vacant (previously a church).
2. Surrounding land uses include; single family residential, multifamily residential, and vacant.
3. Surrounded by R-6, R-10, and L-I zoning.

Meadows shared the staff recommendations on Conditional Use Permit includes:

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 any work applicant must obtain construction site plan and zoning permit approval; and
2. Pave parking lot when day care exceeds 65 kids, 8 employees, or parks any facility vehicle on site; and
3. All onsite pedestrian pathways shall be marked and delineated with signage where practicable.

Meadows shared the Planning Board Recommendations (September 14, 2015):

1. The amendment is consistent with the adopted LDP and any other officially adopted plan because the Land Development Plan recommends mixed use development for the subject property. Mixed use goals, objectives, and strategies include:
  - a. Provide adequate public facilities and services for designated growth areas
  - b. Designate areas of the Town's planning jurisdiction as growth areas and give priority to utility extensions in those areas.
  - c. Guide new growth to designated future mixed-use development into those areas a top priority. The following uses are encouraged in the redevelopment area adjacent to the west side of the central business district.
    - i. This area is the site of former manufacturing and heavy industrial uses.
    - ii. It is appropriate for office and retail uses compatible with the downtown district.
    - iii. Reuse of architecturally significant, vacant industrial buildings is encouraged.
2. Approve the amendment: (b) because of changed or changing conditions in a particular neighborhood or community as a whole; (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.
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 any work applicant must obtain construction site plan and zoning permit approval; and

- d. Construct 5' sidewalk along 5<sup>th</sup> St. from Dogwood Ave. to the northeast corner (including ADA ramps on both sides of Dogwood Ave.) when the day care exceeds 65 kids, 8 employees, or parks any facility vehicle on site; and
- e. Pave parking lot when day care exceeds 65 kids, 8 employees, or parks any facility vehicle on site.

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 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 following individual shared information with the Board of Commissioner:  
Martin Mason, 41 Ed Clapp Road, Siler City, NC 27344

Mayor Grimes closed the public hearing at 7:29 PM.

***A motion that the map amendment for Martin N. Mason to rezone ~2 acres from Light-Industrial (L-I) to R-10 for the propose use is a nursery school; day care center (child care) located at 422 N. Dogwood Ave. and is identified as tax parcel # 14046 is consistent with the adopted plan because it meets all the requirements of the UDO was made by Mayor Pro Tem Cheek, seconded by Commissioner Siler and unanimously approved.***

***A motion that the map amendment for Martin N. Mason to rezone ~2 acres from Light-Industrial (L-I) to R-10 for the propose use is a nursery school; day care center (child care) located at 422 N. Dogwood Ave. and is identified as tax parcel # 14046 is reasonable and in the public interest because it promotes and forwards the purpose of the adopted Siler City Land Development Plan and it promotes the general health, safety, and welfare of the citizens of Siler City was made by Commissioner Fadely, seconded by Commissioner Price and unanimously approved.***

***A motion to approve the map amendment for Martin N. Mason to rezone ~2 acres from Light-Industrial (L-I) to R-10 for the propose use is a nursery school; day care center (child care) located at 422 N. Dogwood Ave. and is identified as tax parcel # 14046 because it promotes and forwards the purpose of the adopted Siler City Land Development Plan and it promotes the general health, safety,***

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*and welfare of the citizens of Siler City was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.*

*A motion that the application for Martin N. Mason request for a conditional use permit for a nursery school; day care center (child care) located at 422 N. Dogwood Ave. and identified as tax parcel # 14046 is complete was made by Commissioner Fadely, seconded by Commissioner Haiges and unanimously approved.*

*A motion that the application for Martin N. Mason request for a conditional use permit for a nursery school; day care center (child care) located at 422 N. Dogwood Ave. and identified as tax parcel # 14046 complies with all applicable requirements of the Unified Development Ordinance was made by Commissioner Price, seconded by Commissioner Siler and unanimously approved.*

*A motion that the application for Martin N. Mason request for a conditional use permit for a nursery school; day care center (child care) located at 422 N. Dogwood Ave. and identified as tax parcel # 14046 is granted, subject to the following conditions: the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners, a copy of which is filed in City Hall; and 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 the conditions recommended by the Planning Board and Staff was made by Commissioner Fadely, seconded by Commissioner Siler and unanimously approved.*

Michael D. Crosby Requests a Conditional Use Permit

Mayor Grimes opened the public hearing for Michael D. Crosby request for a conditional use permit to develop an elementary & secondary school (Christian school) located at 701 N. 2<sup>nd</sup> Ave. and is identified as tax parcel # 68630. (Incorporation by reference as if fully set forth herein Schedule H) at 7:33PM.

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	907 Woodland Drive	Siler City, NC 27344
Michael Crosby	370 Fellowship Church Road	Siler City, NC 27344

Meadows shared the following about the subject property:

1. owned by Jimmy Louis Price;
2. located inside the Town's Corporate Limits;
3. located within the Siler City fire districts;
4. located within the Duke Energy Progress electric service district; and
5. located within a special flood hazard area.

Meadows shared the size of the subject tract:

1. 2 acres
2. 1 property owner
3. 1 tax parcels
4. Average size of surrounding tracts = 0.59 acres

Meadows shared the compatibility with existing Comprehensive Plan:

The Land Development Plan recommends:

1. Mixed use development for the subject property.
2. General residential development for the property located on the north side of 5<sup>th</sup> St and west side of Dogwood Ave.
3. Mixed use goals, objectives, and strategies:
  - a. Provide adequate public facilities and services for designated growth areas
  - b. Designate areas of the Town's planning jurisdiction as growth areas and give priority to utility extensions in those areas.
  - c. Guide new growth to designated future mixed-use development into those areas a top priority. The following uses are encouraged in the redevelopment area adjacent to the west side of the central business district.
    - i. This area is the site of former manufacturing and heavy industrial uses.
    - ii. It is appropriate for office and retail uses compatible with the downtown district.
    - iii. Reuse of architecturally significant, vacant industrial buildings is encouraged.
  - d. 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.
  - e. Encourage planned, mixed-use development instead of incremental, small lot development.
  - f. Increase pedestrian safety in the downtown area through improvement of sidewalks and handicapped accessibility.
4. Residential goals, objectives, and 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.

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Meadows stated day care center is allowed within the R-10 zoning district with special use permit approval. The property is served by Town water and sewer. The nearest fire hydrant is located at southeast intersection of W. 5th St. and Dogwood Ave.

Meadows stated the property has approximately 316 feet of road frontage along W. 5<sup>th</sup> St. (50' right-of-way) and 270 feet of frontage along Dogwood Ave. (50' right-of-way). Dogwood Ave. and W. 5<sup>th</sup> St are two lane streets maintained by the Town with a speed limit of 35 mph. Average daily trips are not available for Dogwood Ave. or W. 5<sup>th</sup> St. A four-way stop is located at the intersection of W. 5<sup>th</sup> St. and Dogwood Ave. The Town's adopted Pedestrian Master Plan recommends a five (5) feet wide sidewalk along the north side of W. 5<sup>th</sup> Street (the 5<sup>th</sup> St sidewalk project was the 7<sup>th</sup> highest ranking priority in the plan).

Meadows shared the impact on landowners, immediate neighbors, and surrounding community: Child care centers are monitored by the NC Department of Human Services and Chatham County Environment Health Department. An existing commercial masonry building containing 24,000 square feet (82'x165' and divided into a first and second floor) is located on the property. Hours of operation are Monday through Friday from 6am to 6pm. The total cost of construction is estimated at \$30,000. The proposed child care center is proposed to be developed in 2 phases.

Phase 1:

1. 65 kids, 8 employees, and no facility vehicles (vans, buses, etc.) parked on site
2. 10 parking spaces required (10 or less parking spaces maybe surfaced with gravel)
3. 1 parking space will be handicap van assessable
4. The driveway aprons onto Dogwood Ave and 5<sup>th</sup> St will be paved 15 feet back from the edge of the paved street. Radius for driveway shall be a minimum of 20'.
5. Driveway and drive isle shall be a minimum of 24' in width
6. Drive will be for one way traffic by entering off of 5<sup>th</sup> St. and exiting onto Dogwood Ave.
7. Disturb less than one acre
8. Fenced in play area: 1) 20'x25' area; and 2) 40'x200' area
9. Type C Screen (small trees planted 30' on center) required along Dogwood Ave. and 5<sup>th</sup> St.
10. Garbage carts will be requested to collect garbage and are not proposed to be screened.
11. Short segment of sidewalk is proposed from building door to parking lot.
12. Install security cameras to help with past vandalism (broken windows, etc.)

Phase 2:

1. Increase up to 150 kids, 15 employees, and 2-3 facility vehicles (vans, buses, etc.) parked on site
2. 25 parking spaces required (more than 10 parking spaces requires the parking lot to be surfaced with asphalt or concrete)
3. Install shade trees per the formula provided in Appendix E
4. Disturb more than one (1) acre in the development of "Future" area to provide additional parking and fenced in play area.
5. Fill dirt is proposed if needed in the "Future" area. No retaining walls are proposed.

Meadows shared the relationship of uses:

1. Current use of subject property is vacant (previously a church).
2. Surrounding land uses include; single family residential, multifamily residential, and vacant.
3. Surrounded by R-6, R-10, and L-I zoning.



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Meadows shared the following staff recommendations 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 any work applicant must obtain construction site plan and zoning permit approval; and
2. Pave parking lot when day care exceeds 65 kids, 8 employees, or parks any facility vehicle on site; and
3. All onsite pedestrian pathways shall be marked and delineated with signage where practicable.

Meadows shared the Planning Board recommendations (September 14, 2015):

1. The amendment is consistent with the adopted LDP and any other officially adopted plan because the Land Development Plan recommends mixed use development for the subject property. Mixed use goals, objectives, and strategies include:
  - a. Provide adequate public facilities and services for designated growth areas
  - b. Designate areas of the Town's planning jurisdiction as growth areas and give priority to utility extensions in those areas.
  - c. Guide new growth to designated future mixed-use development into those areas a top priority. The following uses are encouraged in the redevelopment area adjacent to the west side of the central business district.
    - i. This area is the site of former manufacturing and heavy industrial uses.
    - ii. It is appropriate for office and retail uses compatible with the downtown district.
    - iii. Reuse of architecturally significant, vacant industrial buildings is encouraged.
2. Approve the amendment: (b) because of changed or changing conditions in a particular neighborhood or community as a whole; (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.
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 any work applicant must obtain construction site plan and zoning permit approval; and
  - d. Construct 5' sidewalk along 5<sup>th</sup> St. from Dogwood Ave. to the northeast corner (including ADA ramps on both sides of Dogwood Ave.) when the day care exceeds 65 kids, 8 employees, or parks any facility vehicle on site; and
  - e. Pave parking lot when day care exceeds 65 kids, 8 employees, or parks any facility vehicle on site.

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 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 following individual shared information with the Board of Commissioner:  
Michael Crosby, 370 Fellowship Church Road, Siler City, NC 27344

Mayor Grimes closed the public hearing at 7:43pm.

The Board of Commissioners discussed the sidewalk requirement with Meadows. Meadows stated that staff has reviewed the sidewalk requirement section of the UDO and plans to proposed a UDO text amendment at a future meeting.

***A motion that the Michael D. Crosby request for a conditional use permit to develop an elementary & secondary school (Christian school) located at 701 N. 2<sup>nd</sup> Ave. and is identified as tax parcel # 68630 is complete was made by Mayor Pro Tem Cheek, seconded by Commissioner Fadely and unanimously approved.***

***A motion that the for Michael D. Crosby request for a conditional use permit to develop an elementary & secondary school (Christian school) located at 701 N. 2<sup>nd</sup> Ave. and is identified as tax parcel # 68630 complies with all applicable requirements of the Unified Development Ordinance was made by Commissioner Haiges, seconded by Mayor Pro Tem Cheek and unanimously approved.***

***A motion that the Michael D. Crosby request for a conditional use permit to develop an elementary & secondary school (Christian school) located at 701 N. 2<sup>nd</sup> Ave. and is identified as tax parcel # 68630 is granted, subject to the following conditions: the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners, a copy of which is filed in t City Hall; and 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 the following conditions recommended by the Planning Board and Staff: Prior to any work applicant must obtain construction site plan and zoning permit approval; and construct 5' sidewalk along 2<sup>nd</sup> Ave from 7<sup>th</sup> Ave to the end of the building (including ADA ramps at 7<sup>th</sup> St.) within 180 days of school opening; and construct 5' sidewalk along 2<sup>nd</sup> Ave from end of building to the northeast corner prior to any one of the following: 25<sup>th</sup> student being enrolled, 4<sup>th</sup> K-8 classroom established, 2<sup>nd</sup> high school classroom established, or September 21, 2018; and pave parking lot when school establishes a 4th K-8 classroom or 2nd high school classroom, however, any change that takes effect at a future meeting of the Board of Commissioners concerning the removal of the sidewalk requirement shall apply to this project was made by Commissioner Fadely, seconded by Commissioner Constantino and unanimously approved.***

Town of Siler City Requests a Conditional Use Permit

Mayor Grimes opened the public hearing for Town of Siler City request a conditional use permit for major subdivision approval for the creation of a new public street off of Progress Blvd located at 370 Waste Treatment Plant Rd. and is identified as tax parcel # 80788. (Incorporation by reference as if fully set forth herein Schedule I) at 7:47pm.

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	907 Woodland Drive	Siler City, NC 27344
Bryan Thompson	911 Woodland Drive	Siler City, NC 27344

Meadows shared the subject property is:

1. owned by Town of Siler City;
2. located inside the Town's Corporate Limits;
3. located within the Siler City fire districts;
4. located within the Duke Energy Progress electric service district; and
5. located within a special flood hazard area.

Meadow stated the subject tract is 81.84 acres, 1 property owner, 1 tax parcel, and average size of surrounding tracts = 29.78 acres.

Meadows shared the compatibility with existing Comprehensive Land Development Plan recommends:

1. Industrial development for the subject property.
2. General commercial and public institutional development for the property located north of the subject property.
3. Industrial goals, objectives, and strategies:
  - a. Attract diverse industrial development that will stimulate the economy.
  - b. Encourage industrial development that is environmentally friendly.
  - c. Encourage industrial land uses that require appropriate amounts of public water for their manufacturing processing.
  - d. Identify adequate land for future industrial development
  - e. Support existing industry
  - f. Preserve the sites best suited for office and industrial development by (i) identifying such areas; (ii) placing the areas within an industrial zoning classification; and (iii) excluding all other uses (except for desired uses from the area.
  - g. Make the extensions of water and sewer service to identified industrial areas a top priority.
  - h. Continue to review industrial zoning use limitations based upon a Standard Industrial Code classification system in order to eliminate incompatible industries.
  - i. Develop zoning standards that address screening and buffering between industrial and adjacent dissimilar land uses.
  - j. Require that, as a condition of receiving public water and/or sewer service, all new industrial developments be incorporated into the Town limits.
  - k. Encourage warehousing and assembly uses.
  - l. Encourage water reuse and industrial recycling for new and existing industry.
  - m. Develop an industrial incentive policy and program.

4. Public and institutional goals, objectives, and strategies:
  - a. These areas include governmental facilities, schools and other institutional uses. They are also suitable for small office development.
5. Commercial goals, objectives, and strategies:
  - a. 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.
  - b. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
  - c. Encourage the continued commercial, retail, services, and office development of the central business district.
  - d. Improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas and by controlling signs.
  - e. Encourage the continued development of major shopping centers along major thoroughfares.
  - f. Improve vehicular access to commercial areas through the development of driveway standards.
  - g. Preserve the general character and intensity of the central business district by excluding land uses which require large amounts of outdoor use areas, allowing residential and mixed-use developments, and permitting common and shared off-street parking. 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.
  - h. Encourage through zoning requirements, planned general commercial development rather than small, individual lot development.
  - i. Develop driveway regulations to require access from service drives, prevent multiple driveways on a single lot, and control the spacing of driveways.
  - j. Improve the aesthetics of general commercial areas by adopting zoning regulations governing landscaping and buffering in parking and service areas. 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.
  - k. Require that as a condition of receiving Town water and / or sewer service, all new commercial developments be incorporated into the Town limits.
  - l. Increase pedestrian safety in the downtown area through improvement of sidewalks and handicapped accessibility.
  - m. Modify the development ordinances to be more user friendly where possible.
  - n. Look at planting plan for street trees along public rights-of-way.

Meadows stated that the property is served by Town water and sewer. The nearest fire hydrant is located 80' south of the proposed intersection with Progress Blvd.

Property has approximately 1,870 feet of road frontage along Progress Blvd. (60' right-of-way). Progress Blvd is 2-lane road maintained by Chatham County with a speed limit of 35 mph. The proposed street will be 2 lanes, maintained by the Town, and with a speed limit of 35 mph. Average daily trip for Progress Blvd are not available. The Town's adopted Pedestrian Master Plan recommends a multi-use side path along Progress Blvd.

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Meadows shared the impact on landowners, immediate neighbors, and surrounding community: The total area of disturbance is 0.93 acre. The driveway onto Progress Blvd. is designed in accordance with the specifications and requirements set forth in NCDOT's Policy on Street and Driveway Access. The street has been designed in accordance with the NCDOT Subdivision Roads Minimum Construction Standards Manual. The proposed street:

1. 60' right-of-way
2. Paved with asphalt
3. 18' in width
4. Average road grade is 5% with 70' of road designed at 7% (to minimize site impact)
5. 1' wide gravel shoulder and 3' wide grass shoulder on both sides
6. 2 drainage pipes
7. 35 feet radius cul-de-sac
8. Retain or plant street trees 30' on center
9. Street lighting provided by utility owner
10. 10' wide unobstructed easement along the western boundary of Progress Blvd
11. Proposed average daily trips are not expected to exceed 30
12. Total cost of construction is estimated at \$126,500.

Meadows shared the relationship of uses:

1. Current use of subject property is waste water treatment facility.
2. Surrounding land uses include; community college, transfer station, agriculture, and vacant.
3. Surrounded by A-R, O-I-C, H-I-C, and H-C zoning.

Meadows shared staff recommendations 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 any work applicant must obtain construction site plan and zoning permit approval; and
2. Prior to street opening applicant must obtain final plat approval.

Meadows shared the Planning Board recommendations (September 14, 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 any work applicant must obtain construction site plan and zoning permit approval; and
  - d. Prior to street opening applicant must obtain final plat 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;

Prepared by: Jenifer J Everage, Town Clerk

- 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.

Mayor Grimes closed the public hearing at 7:52pm.

***A motion that Town of Siler City requested a conditional use permit for major subdivision approval for the creation of a new public street off of Progress Blvd located at 370 Waste Treatment Plant Rd. and is identified as tax parcel # 80788 is complete was made by Commissioner Price, seconded by Commissioner Siler and unanimously approved.***

***A motion that the for Town of Siler City request a conditional use permit for major subdivision approval for the creation of a new public street off of Progress Blvd located at 370 Waste Treatment Plant Rd. and is identified as tax parcel # 80788 complies with all applicable requirements of the Unified Development Ordinance was made by Commissioner Haiges, seconded by Commissioner Fadely and unanimously approved.***

***A motion that the Town of Siler City request a conditional use permit for major subdivision approval for the creation of a new public street off of Progress Blvd located at 370 Waste Treatment Plant Rd. and is identified as tax parcel # 80788 is granted, subject to the following conditions: the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners, a copy of which is filed in t City Hall; and 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 the following conditions recommended by the Planning Board and Staff was made by Commissioner Fadely, seconded by Mayor Pro Tem Cheek and unanimously approved.***

#### UDO Text Amendments

Mayor Grimes opened the public hearing for Town of Siler City proposes text amendments to §154 Temporary Vehicle Storage, Accessory Use (supplementary use regulations) and §279 Parking Requirement (restaurants, bars, nightclubs) (Incorporation by reference as if fully set forth herein Schedule J) at 7:53pm.

Meadows shared the Land Development Plan recommendations:

1. Modifying the development ordinances to be more user friendly where possible.
2. Look at planting plan for street trees along public rights-of-way.
3. Improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas.
4. 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 and parking standards.
5. Improve the aesthetics of general commercial areas by adopting zoning regulations governing landscaping and buffering in parking and service areas.

6. Develop specific zoning standards for those properties abutting major highway corridors which would place more stringent controls on buffering of parking and service areas.
7. Heavier uses may include automobile dealerships and repair shops, min-warehouses and contractor's yards with appropriate landscaping and buffer requirements.
8. Develop zoning standards that address screening and buffering between industrial and adjacent dissimilar land uses.
9. Preserve the general character and intensity of the central business district by excluding land uses which require large amounts of outdoor use areas, allowing residential and mixed-use developments, and permitting common and shared off-street parking.

Meadows shared the Planning Board Recommendations (September 14, 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. Look at planting plan for street trees along public rights-of-way.
  - c. Improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas.
  - d. 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 and parking standards.
  - e. Improve the aesthetics of general commercial areas by adopting zoning regulations governing landscaping and buffering in parking and service areas.
  - f. Develop specific zoning standards for those properties abutting major highway corridors which would place more stringent controls on buffering of parking and service areas.
  - g. Heavier uses may include automobile dealerships and repair shops, min-warehouses and contractor's yards with appropriate landscaping and buffer requirements.
  - h. Develop zoning standards that address screening and buffering between industrial and adjacent dissimilar land uses.
  - i. Preserve the general character and intensity of the central business district by excluding land uses which require large amounts of outdoor use areas, allowing residential and mixed-use developments, and permitting common and shared off-street parking.
2. Approve the amendment (b) because of changed or changing conditions in a particular neighborhood or community as a whole.

Meadows stated that 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 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

Mayor Grimes closed the public hearing at 8:01pm.

***A motion that the Unified Development Ordinance (UDO) Text Amendment for §154 Temporary Vehicle Storage, Accessory Use (supplementary use regulations) and §279 Parking Requirement***

Prepared by: Jenifer J Everage, Town Clerk

*(restaurants, bars, nightclubs) is consistent with the adopted Land Development Plan and any other officially adopted plan because a. Modifying the development ordinances to be more user friendly where possible; b. Look at planting plan for street trees along public rights-of-way; c. Improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas; d. 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 and parking standards; e. Improve the aesthetics of general commercial areas by adopting zoning regulations governing landscaping and buffering in parking and service areas; f. Develop specific zoning standards for those properties abutting major highway corridors which would place more stringent controls on buffering of parking and service areas; g. Heavier uses may include automobile dealerships and repair shops, min-warehouses and contractor's yards with appropriate landscaping and buffer requirements; h. Develop zoning standards that address screening and buffering between industrial and adjacent dissimilar land uses; and i. Preserve the general character and intensity of the central business district by excluding land uses which require large amounts of outdoor use areas, allowing residential and mixed-use developments, and permitting common and shared off-street parking was made by Commissioner Fadely, seconded by Commissioner Siler and unanimously approved.*

*A motion that the Unified Development Ordinance (UDO) Text Amendment §154 Temporary Vehicle Storage, Accessory Use (supplementary use regulations) and §279 Parking Requirement (restaurants, bars, nightclubs) is reasonable and in the public interest because it promotes and forwards the purposes of the adopted Siler City Land Development Plan was made by Commissioner Haiges, seconded by Mayor Pro Tem Cheek and unanimously approved.*

*A motion to approve the Unified Development Ordinance (UDO) Text Amendment for §154 Temporary Vehicle Storage, Accessory Use (supplementary use regulations) and §279 Parking Requirement (restaurants, bars, nightclubs) to correct manifest error with the ordinance; because of changed or changing conditions in a particular neighborhood or community as a whole; 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 Constantino, seconded by Commissioner Haiges and unanimously approved.*

#### OLD BUSINESS

##### WWTP Road

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

Thompson stated following the initial review and approval from the Board at an earlier meeting, Staff reviewed the plans to the subject improvement and found the need to make several modifications to the proposed road construction project located off of Progress Boulevard leading to the Siler City Wastewater Treatment Plant. The primary modification to this project is to install a cul-de-sac to be located just before the entrance of the Plant. The current plans for the project meets all local development codes and has been vetted through and approved on the Staff level.

Thompson stated in addition to its construction, the subject road requires naming. Staff recommends the following name options for Board consideration or the Board may choose to go with a different name: Environmental Drive, Facility Drive, or Utility Drive.



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Thompson stated that staff request the Board to approve the proposed budget amendment to the Powell Bill Fund that will appropriate funding for this project. The total project cost is approximately \$167,505. Staff is recommending an increase of \$117,505 to the Fund's revenue and expense budgets to facilitate the remainder of the construction cost to the project. As addressed in earlier discussions, the funding for this project was allocated in the prior Fiscal Year; however, the Fiscal Year elapsed prior to the completion of the planning phase of this project. The balance allocated for this project was not forwarded to the current Fiscal Year, as Staff and the Board agreed to suspend such action until construction bids were in hand. This would allow the Town to allocate a more accurate amount to fund the project.

- Amended construction cost for the awarded contractor, Sandhills Contractors, Inc., to build the subject road improvement.
- Choose a road name for the subject facility.
- Approve Budget Ordinance Amendment 2016.6, to appropriate funds within the Powell Bill Fund to construct the subject project.

***A motion to amended the construction cost to \$167,000, and award the contract to Sandhills Contractors, Inc. for the road improvement and approve the Budget Ordinance Amendment 2016.6 to appropriate funds within the Powell Bill Fund was made by Commissioner Price, seconded by Commissioner Siler and unanimously approved.***

***A motion to name the new road Utility Drive was made by Commissioner Price, seconded by Commissioner Constantino and unanimously approved.***

**2015/2016 Fee Schedule Amendment for False Fire Alarms**

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

Thompson shared the following information from Fire Chief Murphy regarding an increase in the number of false fire alarm calls and the request to amend the current-year fee schedule to include a fine for excessive calls for service resulting from false alarms. The Fire Department has issued fines in the past; however, in review of the current fee schedule, the fee does not appear to have been set. Staff is requesting the Board take action to set the noted fee at \$350 in accordance with Section 10-1 of the Town Code.

Thompson stated over the last few weeks the Fire Department has responded to several fire alarms in the City that have been caused by malfunctioning systems. False alarms are prohibited in the Siler City Town Ordinances, Article 1 Section 10-1. The Fire Chief has sent several letters to the affected businesses in June. As two of these businesses have reached their maximum number allowed for fire alarms, the Fire Chief has begun to prepare the violation letters and fines. In the past it was \$250.00 fine per violation. There is no fee set in our Fee Schedule for services. As the Fire Department continues to run more of this type of call for service the costs also rises. When the fee was set several years ago fuel was significantly lower. Staff is recommending the update our costs to cover these false alarms and add it to the fee schedule. The average cost to respond to these calls for service from \$250.00 to \$300.00 per call. This will vary on time of day and personnel availability. Staff would recommend the fee be increased to \$350.00 per violation.

The Board of Commissioners discussed the fee.

Prepared by: Jenifer J Everage, Town Clerk

***A motion to table the false fire alarm fee until a "False Fire Alarm" is defined for the Board of Commissioners was made by Commissioner Haiges, seconded by Commissioner Price and unanimously approved.***

#### NEW BUSINESS

**Clean Water Act 205(j) Water Quality Management Planning Grant**  
(Incorporation by reference as if fully set forth herein Schedule M)

Sarah Bruce, Senior Planner with Triangle J Council of Governments stated that an explicit goal of the Siler City Board of Commissioners has been to develop and promote an overall environment that advances the ability for the existing business community to thrive and expand and enhance the community's ability to attract new commercial and industrial investments. In part, this goal has been met with a number of initiatives spurred-on by the Board of Commissioners and Town Staff including, but not limited to: UDO review and revisions; Appearance Committee recommendations; consistent support to Chatham EDC; active grant advocacy for new and expanding local businesses; façade grants; expedited planning and zoning-related processes; multilevel partnership for CAM Site project; commitment to airport improvements; commissioning critical studies such as Downtown Master Plan and Pedestrian Master Plan; expressed interest with brownfield studies/evaluations; Loves Creek Watershed projects; and investments in "quality of life" improvements such as the Loves Creek Greenway and Safe Routes to School projects.

The Town recently joined Triangle J Council of Governments (TJCOG), which has access to a grant funding source that supports water quality planning efforts, the NC 205(j) grant from DENR. Catherine Deininger of Biocenosis approached TJCOG about partnering on a project to support water quality planning in Siler City. The following group met to determine the best project to complement the existing work in the town and to determine the project: Karen Hall of NC State University (319 grant project manager for the Love's Creek/Boling Park restoration project), Brooke Massa of the NC Wildlife Resources Commission, Catherine Deininger of Biocenosis, Sarah Bruce of TJCOG, Jessica Puckett, Town Parks & Recreation Director, and Jack Meadows, Town Planning Director.

Bruce stated that this group agreed that TJCOG will request concurrence from the Town Board to submit a proposal for a project to provide tools and policy components to integrate environmental protection, particularly water quality protection, with other goals held by the Town of Siler City, such as economic development, parks & greenways, and connectivity. This project would complement the existing 319-funded effort by taking a long-term view of preventing future degradation of water quality due to land use changes, habitat fragmentation, increased impervious surface, etc.

Bruce stated that they anticipate that the amount to be requested of NC DENR would be approximately \$18,000 to: 1) map resources critical to water quality within the ETJ and 2) develop draft language for the Town to consider incorporating into future outreach materials and policy discussions, such as updates to the Town's Land Development Plan. The project does not require a cash match. The group listed above in the bulleted list would constitute the project Steering Committee. The project would require approximately an average of 4 hours per month of Mr. Meadows' and Ms. Puckett's time to guide and advise TJCOG and Biocenosis staff. We expect the project to be complete by summer 2017.

*A motion to apply for the Clean Water Act 205(j) Water Quality Management Planning Grant, send a letter of support, and approve Staff Time for the project was made by Commissioner Haiges, seconded by Commissioner Price and unanimously approved.*

*A motion to excuse Commissioner Bray for the remainder of the meeting at 8:35pm was made by Commissioner Fadely, seconded by Commissioner Price and unanimously approved.*

North Chatham Avenue Transportation Improvements Resolution  
(Incorporation by reference as if fully set forth herein Schedule N)

Meadows stated that recently, the Board approved a list of pedestrian project priorities that were located along Raleigh St., 3<sup>rd</sup> St., 2<sup>nd</sup> Ave., and Chatham Ave. Those projects were submitted to TARPO for further consideration. In August, the Town received preliminary scoring for the projects in the TARPO Bike & Pedestrian Planning Framework. The scoring of the projects seemed reasonable except for the score of the project on North Chatham Avenue. During our last TARPO meeting, Commissioner Cheek inquired why the project received such a low score. Following Commissioner Cheek's question, NCDOT Board Member Pat Molamphy suggested we request that NCDOT initiate a bike/pedestrian safety study for the subject project.

*A motion to approve the North Chatham Avenue Transportation Improvement Resolution requesting NCDOT to initiate a bike/pedestrian safety study along North Chatham Avenue from Craven Street to the northern corporation limit boundary was made by Commissioner Fadely, seconded by Commissioner Price and unanimously approved.*

**MANAGER'S REPORT**

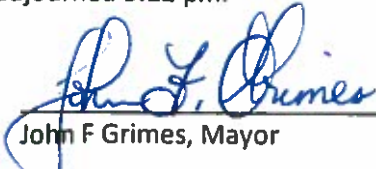
Thompson updated the Board of Commissioners on the following projects: Verizon Wireless Service outage, Employment Security Commission moving to Pittsboro, and Duke Energy Street Light change to LED.

**BOARD COMMENTS**

None

**ADJOURNMENT**

With no further business the Board of Commissioners adjourned 9:12 pm.

  
\_\_\_\_\_  
John F Grimes, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Jenifer J Everage, Town Clerk

