

### TOWN OF SILER CITY

The Siler City Board of Commissioners met in Regular Session on **Monday, April 17, 2023**, at 6:30pm in City Hall Courtroom with Mayor Price presiding. Mayor Price gave the invocation with the recitation of the Pledge of Allegiance following. Commissioner Brown recited the Town of Siler City Mission Statement and Commissioner Underwood recited the Town of Siler City Vision Statement.

**ELECTED TOWN OFFICIALS PRESENT:** Albert Alston, Norma Boone, Curtis Brown, Lewis Fadely, Bill Haiges, and Thomas "Chip" Price, and James Underwood

**ELECTED TOWN OFFICIALS ABSENT:** Cindy Bray

**TOWN STAFF PRESENT:** Town Manager Hank Raper, Finance Director Mandy Cartrette, Town Attorney William Morgan, Public Works Director Cal Pettiford, Public Utilities Director Chris McCorquodale, Planning Director, Jennifer Baptiste, Police Chief Mike Wagner, HR Director, Budget Manager Jenifer Johnson, and Town Clerk Kimberly Pickard.

### AGENDA ADJUSTMENTS/APPROVAL OF AGENDA

*A motion to approve the agenda was made by Mayor Pro Tem Haiges, seconded by Commissioner Brown, and unanimously approved.*

### CONSENT AGENDA

*A motion to approve the consent agenda which includes the April 3, 2023 Minutes (Incorporation by reference as if fully set forth herein Schedule A), Rural Transformation Grant Fund-Downtown Bank Building -101 E. Raleigh Street (Incorporation by reference as if fully set forth herein Schedule B. was made by Commissioner Brown, seconded by Commissioner Fadely, and unanimously approved.*

### PRESENTATIONS

NONE

### PUBLIC HEARING

Tim's Farm & Forestry II, LLC represented by Barbara Todd of American Engineering, Inc is requesting a conditional rezoning of two tracts from Agricultural-Residential (A-R) to Residential 3 / Conditionals (R-3-C). The Properties are located to the south of West Third Street, east and west of Lane Jordan Road, and north of West Green Hill Road. The subject properties combined are approximately 168.506 acres currently undeveloped.

Mayor Price opened the public hearing for Tim's Farm & Forestry II, LLC request to rezone 168.506 acres from Agricultural Residential (A-R) to Residential 3 /Conditional (R-3-C) at 6:33pm. (Incorporation by reference as if fully set forth herein Schedule C)

Planning Director Jennifer Baptiste shared the following property information:

The subject property is Tim's Farm & Forestry II, LLC, represented by Barbara Todd of American Engineering, Inc. is requesting a conditional rezoning of two tracts from Agricultural-Residential (A-R) to Residential 3/Conditional (R-3-C).

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**History**

This request is being submitted by the owners of the properties to conditionally rezone the properties to allow a mixed-use development. On April 10, 2023, the Planning Board conducted a Legislative Hearing regarding this request. The Board heard testimony from four speakers in favor, no speakers in opposition, and two speakers requesting additional information and asking questions. The Planning Board voted, 7-1, to recommend that Board of Commissioners Approve the request.

**Background**

These properties are located to the south of West Third Street, east and west of Lane Jordan Road, and north of West Green Hill Road. The subject properties combined are approximately 168.506 acres. The parcels are currently undeveloped.

Applicant: Barbara Todd of American Engineering, Inc.

Owner: Tim's Farm & Forestry, LLC.

Property Address: 285 and unaddressed property George Brooks Drive

Status of Properties: Undeveloped

Size: 168.506 acres ±

Adjoining Zoning & Land Use:

- North: A-R – Vacant and Single – Family Residential
- South: A-R – Vacant and Single – Family Residential
- West: A-R – Vacant and Single – Family Residential
- East: A-R – Vacant and Single – Family Residential
- Traffic Count: Approximately 1,300 on the beginning portion of West Third Street just south of US Highway 64 W per day (2018).

**Compatibility with Existing Comprehensive Plan**

With the adoption of the Siler City Land Development Plan in December 2017, all properties within the city limits as well as properties identified as being in the Extra-territorial Jurisdiction (ETJ) are subject to this plan.

According to the Plan, these parcels are recommended to be developed as Rural Residential.

Issues/Analysis:

**History:**

This request is being submitted by the owners to rezone parcels to a Residential 3/Conditional (R – 3 – C). The properties are currently undeveloped and are in its natural vegetative state with some clearing.

**Surrounding Area:**

To the north, south, east and west are vacant lots and single-family residential homes.

**Infrastructure****Impact on Landowners, Immediate Neighbors, and Surrounding Community**

1. Public water and sewer are not located in the area.
2. Area streets:

Street/Road	Road Frontage (feet)	Travel Lanes	Maintenance	Speed Limit (mph)	Average Daily Trips
West Third Street	455	2	Town	35	1,300 (2018)
Lane Jordan Road	2,630	2	Town	35	N/A

**Impact on Landowners, Immediate Neighbors, and Surrounding Community**

Zoning District	A-R	R-3
minimum lot size (Square Feet)	40,000	3,000
Recommended Minimum Lot width	100'	50'
Street right-of-way building set back	40'	20'
Lot boundary building set-back	20'	4'
Height Limitation	40'	60'

Although residents in the area will no longer have access on George Brooks Drive, the applicant has supplied deeds that illustrate other access points for residents to the west of the property.

**Conditional Rezoning Request:**

The request is for a conditional zoning from Agricultural-Residential (A-R) to Residential 3/Conditional (R-3-C). The owner is proposing to construct single-family residential homes, townhomes, apartments, and have one non-residential development.

The proposal is to develop a 766 mixed housing community. The proposal is to construct 296 single-family residential units, 192 townhomes, and 288 apartments. The site will consist of Best Management Practices (BMP) stormwater management, common areas, and perimeter buffers.

The owner is proposing to develop the community in approximately five (5) phases.

According to the Unified Development Ordinance (UDO), any multifamily apartment and multifamily town home development with over thirteen (13) units are required to have a conditional rezoning in the R-3. A Traffic Impact Analysis (TIA) has been submitted to the Town and is under review by the appropriate departments.

**Conditional Rezoning:**

The request is for a conditional zoning from Agricultural Residential (A-R) to Residential – 3/Conditional (R-3-C).

The owner has submitted a list of conditions associated with the development.

Tom McKay: 2000 Aerial Center Morrisville, NC 27560: stated that he is the representative from D.R. Horton Homes and will be building the homes on the potential sight and is very happy to be a part of such an important project.

Tim Booras: 7157 Bobby Jean Rd, Julian NC 27283 housing is very much in need for the people moving here for Wolfsped.

Billy Williams: 140 Hinshaw St, Siler City NC 27344 is the realtor from Harris Realty and homes are very much needed in the area and with the growth of Wolfsped.

***A motion to close the public hearing at 7:48pm in the court room was made by Mayor Price and seconded by Mayor Pro Tem Haiges, and unanimously approved.***

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*A motion to approve the ordinance amending the official zoning map by the applicant Tim's Farm & Forestry II, LLC two tracts combined of approximately 168.506 acres from Agricultural Residential (A-R) to Residential 3 /Conditional (R-3-C), the two tracts total approximately 168.506 acres and are addressed as 1114 and unaddressed Greensboro Ave , having parcel number 13136, the proposed use is mixed residential, single-family, townhomes and apartments,. and including the following conditions and that the action is inconsistent with the adopted future land use map because it identifies the land as Rural Residential and to approve the ordinance amending the adopted future land use map and the proposed amendment is reasonable because it encourages the development to occur in areas with existing or planned infrastructure such as water, sewer, roads and sidewalks and improves the appearance of properties was made by Commissioner Fadely and Seconded by Commissioner Brown and all were in favor.*

Mayor Price opened the public hearing for Wrenn Industries, Inc represented by Denis de St. Aubin, Jr., request to rezone two tracts from Light Industrial (L-I) to General Commercial (G-C). from at 6:59pm. (Incorporation by reference as if fully set forth herein Schedule D)

Planning Director Jennifer Baptiste shared the following property information:

The subject property is:

History

This request is being submitted by the owners of the properties to downzone the properties from a more intense zoning district to a less intense zoning district.

On April 10, 2023, the Planning Board conducted a Legislative Hearing regarding this request. The Board heard testimony from two speaker in favor and no speakers in opposition. The Board voted unanimously, 8-0, to recommend that Town Council Approve the request.

Background:

These properties are located to the south of West Third Street, north of West Second Street, and to the east of North Dogwood Avenue. The subject properties combined are approximately 4.031acres. The parcels are currently developed with a large manufacturing building spanning both properties.

Applicant: Denis de St. Aubin, Jr.

Owner: Wren Industries, Inc.

Requested Action: Rezoning of a property zoned as L-I to G-C

Property Address: 208 W. Second Street and unaddressed W. Third Street

Status of Properties: Developed

Size: 4.031 acres ±

Adjoining Zoning & Land Use:

- North: G-C and L-I – Vacant
- South: L-I – Storage Building
- West: C-C – Vacant and Single – Family Residential
- East: C-C – Vacant
- Traffic Count: Approximately 4,800 on this portion of West Third Street per day (2016).

**Land Use Plans:**

With the adoption of the Siler City Land Development Plan in December 2017, all properties within the city limits as well as properties identified as being in the Extra-territorial Jurisdiction (ETJ) are subject to this plan.

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According to the Plan, these parcels are recommended to be developed as Conservation and Recreation with small areas of Mixed Use.

Issues/Analysis:

History:

This request is being submitted by the owners to downzone the properties from a more intense use district, Light Industrial, to a less intense use district, General Commercial.

According to the Chatham County Historic Society, the buildings were constructed in the 1920s and were used as a planing mill.

Surrounding Area:

To the east of the subject properties is a set of railroad tracks and the Siler City Downtown District. Vacant lots and single-family residential homes are to the north of the properties across West Third Street. A storage center, single-family residential homes and other commercial uses are located to the south across West Second Street and to the west of the properties toward North Dogwood Avenue.

The downzoning to General Commercial would not be out of character with the surrounding area and allows for a gradual transition between the residential neighborhood and the Downtown Business District.

Infrastructure

Impact on Landowners, Immediate Neighbors, and Surrounding Community

1. Public water and sewer is located along both West Third and West Second Streets.
2. Area streets:

Street/Road	Road Frontage (feet)	Travel Lanes	Maintenance	Speed Limit (mph)	Average Daily Trips
West Third Street	Combine 577.8	2	NCDOT	35	4,800 (2016)
West Second Street	433.3	2	NCDOT	35	N/A

Impact on Landowners, Immediate Neighbors, and Surrounding Community

Zoning District	L-I	G-C
Minimum Lot Size	0	0
Recommended minimum lot width	100'	100'
Street Right of Way building set back	30'	15'
Lot boundary building setback	20'	0'
Height Limitation	90'	60'

Rezoning Request:

The request is for a straight zoning from Light Industrial (L-I) to General Commercial (G-C).

The applicant is requesting to go from an industrial zoning district to a less intense commercial zoning district.

The site is best known for being the location of the former Roland H. Thomas planing mill.

The subject properties are located within the Love's Creek Floodway and AE flood zone. Since the parcels are already developed and no new development is proposed at this time, the applicants are not subject to floodplain mitigation for the site.

Since the parcel is relatively exempt from the development requirements of the Town of Siler City's Floodplain Ordinance, going from a more intense use L-I zoning district to a less intense use G-C zoning

district helps mitigate some of the potentially harmful effects associated with the property being in the floodway.

**Straight Zoning:**

The request is for a straight zoning from Light Industrial (L-I) to General Commercial (G-C).

The purpose of the G-C zoning district is to “accommodate mixed uses (retail, restaurants, offices, and multi-family residential) outside of the town’s central business district.”

The reclassification of land to a straight zoning district allows all uses that are shown on the attached Table of Permissible Uses Table taken from the UDO. The Planning Commission and the Town Council may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations that are applicable without readvertisement of the rezoning to a conditional rezoning.

**Compatibility with Existing Land Development Plan:**

The adopted Land Development Plan (LDP) recommends these parcels develop as Conservation and Recreation with small areas of Mixed Use.

Conservation and Recreation is defined as “areas identified as a priority for conservation of critical environmental features, or as preserved open space and parkland.”

The goals and objectives of the Conservation and Recreation land classification are:

1. Limit impacts of development on the environment and promote sustainability.
2. Improve the appearance of properties.
3. Encourage provision of recreation and park land for Town residents.
4. Encourage preservation of sensitive environmental areas from development.
5. Encourage efficient use of transportation networks.

Mixed Use is defined as “areas near major streets and highways, or in the central business district, and contain a variety of commercial, public, and residential land uses. Commercial uses could include retail shops and shopping centers, convenience stores, restaurants, offices, medical services, and automobile dealerships, among others. Public facilities such as City Hall and the Police Department are also often in these areas. Residential uses in these areas are typically at a high density and may be standalone residential structures or in a shared structure with a commercial use.”

The goals and objectives of the Conservation and Recreation land classification are:

1. Project Buffers.
2. Greenways, Parks, and Sidewalks.
3. Housing Types and Conditions

The other items such as Streets and Right-of-Ways and Water and Sewer Allocation Conditions and Developer Commitment need to be cleared and approved by the Public Works and Public Utilities Departments.

**Compatibility with Existing Land Development Plan:**

The adopted Land Development Plan (LDP) recommends these parcels develop as Rural Residential. Rural Residential is defined as “areas of very low density development that are either environmentally-sensitive or are located beyond the anticipated utility service area of the Town. Minimum lot sizes in these areas are typically 1 acre or greater. Agriculture and forestry uses are common in these areas.

The goals and objectives of the Rural Residential land classification are:

1. Limit impacts of development on the environment and promote sustainability.

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- 2. Improve the appearance of properties.
- 3. Permit residential development at a density in keeping with the rural character of areas surrounding the Town.
- 4. Limit Town provision of public infrastructure such as water, sewer, and road improvements in areas designated as rural.
- 5. Encourage agricultural use of the land.
- 6. Encourage efficient use of transportation networks.

Ross Dunn: 108 Whispering Pines Rocky Mount, NC 27804: The contractor for the project and as of right now the only thing planned is a tap room.

***A motion to close the public hearing at 7:10pm in the court room was made by Commissioner Fadely and seconded by Commissioner Brown and unanimously approved.***

***A motion to approve the ordinance amending the official zoning map by the applicant Wrenn Industries, Inc, one tracts of approximately 4.031 acres from Light Industrial (L-I) to General Commercial (G-C)), the one tract total approximately 4.031 acres and are addressed as 208 W. Second Ave & unaddressed W. Third Street , having parcel numbers 161468 & 61469, the proposed use is to accommodate more mixed uses such as retail, restaurants, offices and multi-family residential including the following conditions and that the action is inconsistent with the adopted future land use map because it identifies the land as Rural Residential and to approve the ordinance amending the adopted future land use map and the proposed amendment is reasonable because it encourages the development to occur in areas with existing or planned infrastructure such as water, sewer, roads and sidewalks and improves the appearance of properties was made by Commissioner Fadely and Seconded by Commissioner Brown and all were in favor.***

Everest Park on April 10, 2023, The Planning Boards conducted a Legislative Hearing regarding this request. The Planning Board voted, 6-2 to recommend the Board of Commissioners Deny the request. The applicant and Town Staff request the Public Hearing to be opened on Monday, April 17, 2023 (as noticed), then recess the Public Hearing until Monday, May 15, 2023, at 6:30pm in the courtroom at City Hall.

Mayor Price opened the public hearing for Everest Park, at 7:12pm (Incorporation by reference as if fully set forth herein Schedule E)

Mayor Price recessed the public hearing at 7:12pm until May 15, 2023.

**OLD BUSINESS**

NONE

**NEW BUSINESS**

NONE

**MANAGER’S REPORT**

Town Manager Hank Raper shared the following with the Board of Commissioners:  
Reminded the Commissioners of the Budget Workshop Dates

Fire Department BBQ Dinner Plate sale April 19, 2023  
Special Order of Consent (SOC) was signed by NC Environmental Quality  
Positions have been advertised for Parks & Recreation to fill positions needed at the Bray Park  
Pool  
Community in Action Meeting in Commissioner Norma Boone's district at Corinth AME Zion  
Church.

**TOWN ATTORNEY INFORMATION**

NONE

**GOVERNING BODY COMMENTS**

NONE

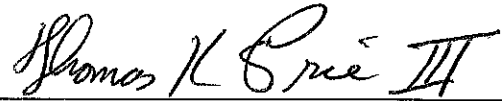
**CLOSED SESSION**

*A motion to go into Closed Session at 7:13 was made by Commissioner Fadely, seconded by Commissioner Brown and unanimously approved §143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.*

*A motion to come out of closed session at 7:16pm was made by Mayor Pro Tem Haiges, seconded by Commissioner Fadely, and unanimously approved.*

**ADJOURNMENT**

With no further business the Board of Commissioners adjourned at 7:17pm.



Thomas K. Price, III, Mayor

ATTEST:

  
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Kimberly D Pickard, Town Clerk