

TOWN OF SILER CITY  
BOARD OF COMMISSIONERS  
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**TOWN OF SILER CITY**

The Siler City Board of Commissioners met in Regular Session on **Monday, May 15, 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, Bill Haiges, and Thomas “Chip” Price, and James Underwood

**ELECTED TOWN OFFICIALS ABSENT:** Cindy Bray and Lewis Fadely

**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, Community Development Director, Jack Meadows, Finance Analyst, Evan Crissman, 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 May 1, 2023 Minutes (Incorporation by reference as if fully set forth herein Schedule A), NCDOT Prioritization 7.1 Resolution, (Incorporation by reference as if fully set forth herein Schedule B. Central Pines Regional Council Charter Amendment Resolution, (Incorporation by reference as if fully set forth herein Schedule C ) Eric Matthews Retirement Resolution (Incorporation by reference as if fully set forth herein Schedule I) CAM Site Water Tank Project- Administration of Project (Incorporation as if fully set forth herein Schedule J) CAM Site Water Tank project- Design & Engineering (Incorporation as if fully set forth herein Schedule K) was made by Mayor Pro Tem Haiges, seconded by Commissioner Brown, and unanimously approved.***

**PRESENTATIONS**

Town Manager, Hank Raper presented the FY2023/2024 Budget Message.  
Mayor Price acknowledged Eric Matthews on his retirement and read the retirement resolution.  
Town Manager, Hank Raper introduced the new Finance Analyst Evan Crissman.

**PUBLIC HEARING**

**R23-0402- Conditional Rezoning- Everest Park Everest Park, LLC represented by Bob Kopetsky of Summit Design and Engineering, Inc is requesting a conditional rezoning of two tracts from Agricultural-Residential (A-R) to Planned Unit Development (B-1, R-6, R-10) Properties are located to the south and east of Glosson Road, West of Belle Lane and Old US 421 South.**

Mayor Price opened the public hearing for Everest Park, LLC represented by Bob Kopetsky of Summit Design request to rezone two tracts from Agricultural Residential (A-R) conditional rezoning of two

Prepared by Kimberly D Pickard, Town Clerk

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tracts from Agricultural-Residential (A-R) to Planned Unit Development (B-1, R-6, R-10) Properties are located to the south and east of Glosson Road, West of Belle Lane and Old US 421 South at 6:58pm.

Planning Director Jennifer Baptiste shared the following property information:

Everest Park, LLC, represented by Bob Kopetsky of Summit Design and Engineering, Inc. is requesting a conditional rezoning of two tracts from Agricultural-Residential (A-R) to Planned Unit Development (B-1, R-6, R-10).

On April 10, 2023, the Planning Board voted 6 – 2 to recommend to Town Council to Deny the proposed request. The Board cited the development as inconsistent with the overall area.

**Background:**

These properties are located to the south and east of Glosson Road, west of Belle Lane and Old US 421 South. The subject properties combined total approximately 293.22 acres. The parcels are currently undeveloped.

Applicant: Bob Kopetsky of Summit Design and Engineering, Inc.

Owner: Everest Park, LLC.

Requested Action: Rezoning of two properties zoned as A-R to PUD (B-1, R-6, R-10) Property Address: unaddressed properties Old US 421 South

Status of Properties: Undeveloped

Size: 293.22 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 – Manufactured Home Community, Single-Family Residential, and Vacant
- Traffic Count: Approximately 1,500 on the beginning portion of Old US 421 South per day (2018).

**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
Glosson Rd	113.8	2	N/A	35	600 (2015)
Bella Lane	2317	2	Private	35	N/A
Old Us 421 S	470	2	N/A	35	1500 (2018)

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

Zoning District	A-R	B-1	R-6	R-10
minimum lot size (Square Feet)	40,000	5,000	6,000	10,000

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Recommended Minimum Lot width	100'	50'	60'	80'
Street right-of-way building set back	40'	20'	25'	30'
Lot boundary building set-back	20'	5'	9'	10'
Height Limitation	40'	45'	45'	40'

**Conditional Rezoning Request:**

The request is for a conditional zoning from A-R to PUD (B-1, R-6, and R-10). The project is 292.22 acres ±. The property is proposed to have approximately 17.97 acres dedicated to the B-1 zoning district. The applicant is proposing a mixed-use commercial/retail development with upper floors possibly dedicated to apartments. The applicant is also proposing a service station/convenience store in the zoned area. Approximately 76.88 acres are being requested for the R-6 zoning district. The applicant is proposing four hundred and twenty-nine (429) single-family home lots. The R-6 zoned area would also have a fifty-foot (50') perimeter buffer, several areas designated as parks, and stormwater control measure (SCM) ponds.

Lastly, 194.47 acres ± are proposed to be developed as R-6 zoning district that will consist of a 295 townhome community and a senior living center. The area will also have two single story community centers, a fifty-foot (50') perimeter buffer, open space, and stormwater control (SCM) ponds.

In total, the site will be developed as a gated community. A site plan has been provided as part of the conditional submittal detailing the location of the different zoning areas, use locations, and other amenities for the site. 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-6 and R-10 zoning district. 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 Planned Unit Development (PUD – B-1, R-6, and R-10).

**Planned Unit Development Districts Established**

1. There are hereby established twenty-four (24) different planned unit development (PUD) districts as described in this section. Each PUD district is designed to combine the characteristics of at least three and possibly four zoning districts.
  - a) One element of each PUD district shall be the medium-density residential element. Here there are two (2) possibilities, each one corresponding either to the R-20 or R-10 residential districts described in §125(c). Within that portion of the PUD zone that is developed for medium density residential purposes, all development must be in accordance with the regulations applicable to the medium density residential district to which the PUD zoning district corresponds, (except that planned residential developments shall not be permissible.)
  - b) A second element of each PUD district shall be the higher density residential element. Here there are two (2) possibilities, each one corresponding either to the R-6 or R-3 zoning districts described in accordance with the regulations applicable to the higher density residential district to which §125(d) and the PUD district corresponds. §125(e), respectively. Within that portion of

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the PUD zone that is developed for higher density residential purposes, all development must be in

Bob Kopestsky of Summit Design & Engineering, Rad Pandit, owner of the property, Angela Pandit, daughter of owner of the property, along with employees of Summitt Design and Engineering.

1. John Nash: 1809 Great Oaks Drive, Raleigh, NC 27608- Timber Broker and Rad Pandit is a client of the firm he works for. Spoke of Mr. Pandit being a man with a vision.
2. Dwight Hussey: 3111 Lennie H. Lane Robbins, NC 27325: Leases land that Mr. Pandit owns, believes Mr. Pandit is looking after his community.
3. Johnny Hilliard: 2040 Ike Brooks Rd. Siler City NC 27344- Rad Pandit and his proposed development are a good asset to Siler City.
4. Scott Harris: 5461 Carbonton Rd. Sanford, NC 27330- is a real estate agent and believes Mr. Pandit does what he says he is going to do and that Mr. Pandit believes in investing .
5. Rosa Purcell: 3208 Owls Roost Rd, Greensboro, NC 27410 stated Mr. Pandits project is exactly what Siler City NC needs, this project will allow the town to progress, and is enhancing to the town.
6. Burnance Hancock, Jr. 264 Glosson Rd Siler City, NC 27344: Supports the development of Mr. Pandits property, and thinks it is moving Siler City forward.

***A motion to close the public hearing at 8:09pm was made by Mayor Pro Tem Haiges and seconded by Commissioner Boone , and unanimously approved.***

***A motion to approve the ordinance amending the official zoning map by the applicant Everest Park, LLC represented by Bob Kopestsky of Summit Design request to rezone two tracts from Agricultural Residential (A-R) conditional rezoning of two tracts from Agricultural-Residential (A-R) to Planned Unit Development (B-1, R-6, R-10) Properties which are located to the south and east of Glosson Road, West of Belle Lane and Old US 421 South having parcel numbers 79448 and 14529 proposed use is mixed use Commercial, senior living, apartments, single family, town house, and community amenities and including the following conditions and that the action is inconsistent with the Town of Siler City's 2017 Land Development plan and the adopted futures 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 business and employment growth in an environmentally and socially sustainable manner that attracts and retains residents was made by Mayor Pro Tem Haiges and seconded by Commissioner Brown and unanimously approved.***

R23-0501-Rezoning-JR US 64, JR US 64, LLC, represented by Jack Somers, is requesting a parcel from Agricultural Residential (A-R) to Highway Commercial (H-C). The property is located to the north of US Highway 64, south of Hamp Stone Road, and west of Perry Ave. The subject property is 2.56 acres.

Mayor Price opened the public hearing 8:18pm for JR US 64, LLC represented by Jack Somers requesting to re-zone parcel # 13104 containing approximately 2.56 acres from Agricultural Residential (A-R) to Highway Commercial (H-C). The Property is located to the North of US Highway 64, south of Hamp Stone Road and west of Perry Ave at 8

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Planning Director, Jennifer Baptiste shared the following information:

R US 64, LLC, represented by Jack Somers, is requesting to rezone a parcel from Agricultural Residential (A-R) to Highway Commercial (H-C).

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

**Background:**

The property is located to the north of US Highway 64, south of Hamp Stone Road, and west of Perry Avenue. The subject property is approximately 2.560 acres. According to the Chatham County Property Record Card, the parcel currently has an unused 1985 manufactured home on the property. The parcel is also overgrown with weeds and brush.

Applicant: Jack Somers

Owner: JR US 64, LLC.

Requested Action: Rezoning of a property zoned as A-R to H-C

Property Address: 17320 US 64 W, Siler City, NC

Status of Properties: Developed

Size: 2.560 acres ±

**Adjoining Zoning & Land Use:**

- North: A-R – Vacant
- South: A-R and R-10 – Church and Single-Family Residential Homes
- West: A-R – Vacant
- East: H-C and R-6 – Vacant and Single – Family Residential Subdivision
- Traffic Count: Approximately 11,500 on this portion of US Highway 64 W per day (2021).

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 Mixed Use.

**Issues/Analysis:**

**History:**

This property is located approximately three miles to the east of the Chatham-Siler City Advanced Manufacturing (CAM) site.

**Surrounding Area:**

To the north of the property is a vacant Agricultural-Residential (A-R) zoned property and a portion of Harmony Hills Subdivision. A portion of Harmony Hills Subdivision and a vacant Highway Commercially zoned property lies to the east of the subject property. Vacant lots are to the north of the property with a church and single-family residential home located to the south across US 64.

**Infrastructure**

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

1. Public water and sewer lines are located along both sides of US 64.
2. Area streets:

Street/Road	Road Frontage (feet)	Travel Lanes	Maintenance	Speed Limit (mph)	Average Daily Trips
US Highway 64 W	303.1	4	NCDOT	55	11,500 (2021)

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

<b>Zoning District</b>	<b>A-R</b>	<b>H-C</b>
<b>Minimum Lot Size</b>	40,000	0
<b>Recommended minimum lot width</b>	100'	100'
<b>Street Right of Way building set back</b>	40'	10'
<b>Lot boundary building setback</b>	20'	0'
<b>Height Limitation</b>	40'	60'

**Straight Zoning:**

The request is for a straight zoning from Agricultural Residential (A-R) to Highway Commercial (H-C). 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 and any development is subject to the development standards identified in the UDO.

The Planning Board 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.

According to the Unified Development Ordinance (UDO), the purpose of the H-C zoning district is to "accommodate the widest range of commercial activities including businesses that primarily draw from and provide services to major thoroughfares."

**Rezoning Request:**

The request is for a straight zoning from Agricultural Residential (A-R) to Highway Commercial (H-C). Any development on this property will be subject to the various development standards in the UDO based on the zoning district assigned such as signage (Article XVII) and buffering (Article XIX).

The property will be required to install a Type B buffer to the north and west. To the east, a Type B buffer will be required in the area where the parcel borders the residentially zoned parcels. A Type B buffer is defined as "a screen that is composed of intermittent visual obstructions from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion. The semi-opaque screen is intended to partially block visual contact between uses and to create a moderate impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation, compliance of planted vegetative screen or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The zone of intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in Appendix E-7."

Once a use is identified, other development standards will be determined based on the particular use such as erosion control measures (Article XVI) and parking and loading and unloading requirements (Article XVIII).

**Compatibility with Existing Land Development Plan:**

The adopted Land Development Plan (LDP) recommends these parcels develop as Mixed Use. Mixed Use is defined as "areas often near major streets and highways, or in the central business district, and contain a variety of commercial, public, and residential land use. Commercial uses could include retail shops and shopping centers, convenience stores, restaurants, offices, medical services, and

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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 objectives identified in the Land Development Plan for the Mixed-Use land classification are:

1. Limit impacts of development on the environment and promote sustainability.
2. Encourage development to occur in areas with existing or planned infrastructure such as water, sewer, roads, and sidewalks.
3. Encourage attractive commercial development in appropriate locations suitable for commercial purposes.
4. Encourage the continued commercial, retail, service, and office development of the central business district, as well as encouraging compatible residential uses.
5. Improve the appearance of properties.
6. Limit the proliferation of single-purpose highway-oriented commercial areas and encourage mixed-use development.
7. Allow redevelopment of single-purpose commercial sites into mixed-use sites over time.
8. Promote downtown Siler City as an active, attractive community that accommodates multiple uses such as the arts, small businesses, and residential.
9. Encourage the development of affordable housing.
10. Encourage close proximity of higher-density residential uses to mixed-use areas and compatible industrial areas.
11. Encourage efficient use of transportation networks.

Based on the definition of the Mixed-Use classification and the identified objective, this rezoning would be consistent with the 2017 Land Development Plan. (Please see information on Consistency Statement attached.)

Options:

1. Recommend approval of the map amendment/rezoning to H-C consistent with the Siler City Land Development Plan;
2. Recommend approval of the map amendment/rezoning to a more restrictive zoning district consistent with the Siler City Land Development Plan; or
3. Recommend denial of the rezoning request as not consistent with the surrounding area and the Siler City Land Development Plan.

***A motion to close the public hearing at 8:26pm in the court room was made by Commissioner Brown and seconded by Mayor Pro Tem Haiges and unanimously approved.***

***A motion to approve the ordinance amending the official zoning map by the applicant JR US 64, LLC, represented by Jack Somers requesting the rezoning of approximately 2.56 acres having parcel number one tracts of approximately 4.031 acres from Light Industrial (L-I) to General Commercial (G-C)), 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***

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***as water, sewer, roads and sidewalks and improves the appearance of properties was made by Mayor Pro Tem Haiges and Seconded by Commissioner Brown and unanimously approved.***

Mayors Term Expansion

***Mayor Price open the Public Hearing for the Mayor's Term Expansion at 8:28pm***

Ron Dameron: Mayor's Term Expansion should be four years just like every other town in NC. He also stated that the Board of Commissioners should be able to vote for the expansion and that it should not be on a ballot.

***Motion to close the Public Hearing for the Mayor's Term Expansion was made 8:32pm was made by Mayor Pro Tem Haiges and seconded by Commissioner Boone and unanimously approved.***

#### OLD BUSINESS

Parks & Recreation Mater Plan Approach. David Rauh Representative from Withers Ravenel gave updates regarding the development of the Town's Parks and Recreation Comprehensive Plan. Surveys will be made available on the Town's website pages and through social media channels.

#### NEW BUSINESS

NONE

#### MANAGER'S REPORT

- Town Manager, Hank Raper gave the following updates:
- 5<sup>th</sup> Annual Chicken Festival was a success, and Mayor Price, and Norma Boone, as well as Hank Raper participated in the Chick'n Pickn sponsored by Mountaire Farms
- Bray Park Pool opening is moving along nicely, with several part-time employees hired

#### TOWN ATTORNEY INFORMATION

NONE

#### GOVERNING BODY COMMENTS

NONE

#### CLOSED SESSION

***A motion to go into Closed Session §143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract at 8:58pm was made by Commissioner Boone, seconded by Mayor Pro Tem Haiges and unanimously approved***




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*A motion to come out of closed session was made by Mayor Pro Tem Haiges, at 9:08pm seconded by Commissioner Boone, and unanimously approved.*

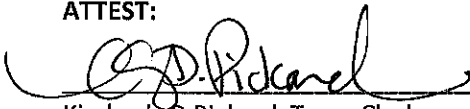
**ADJOURNMENT**

With no further business the Board of Commissioners adjourned at 9:09pm.



Thomas K. Price, III, Mayor

ATTEST:



Kimberly D Pickard, Town Clerk

