

## Town of Siler City Planning Board

The Siler City Planning Board met on Monday, April 13, 2015 in the courtroom at City Hall.

**MEMBERS PRESENT:** Darrell Andrews, Curtis Brown, Steve Crofts, Mary Harris, Dacia Hayes (Vice Chair), Butch Hudson, JP Joyner (Chair) and Linda Kolpack-Martindale

**ELECTED OFFICIAL PRESENT:** Commissioner Larry Cheek

**STAFF PRESENT:** Jack Meadows (Planning Director), William C. Morgan (Attorney), and Dee Lee Thompkins (Administrative Support Specialist)

**MEETING CALLED TO ORDER:** Joyner called the meeting to order at 7:00 pm. Andrews gave the invocation and Joyner led the Pledge of Allegiance.

**AGENDA ADJUSTMENTS/APPROVAL OF AGENDA:** *Brown made a motion to approve the agenda, Andrews seconded, and unanimously approved.*

**CONSENT AGENDA:** *Crofts made a motion to approve the consent agenda including the minutes of March 9, 2015, Hudson seconded, and unanimously approved.*

### **NEW BUSINESS:**

**Rezoning – 13158 US 64 W:** Meadows reported that Bryce Terrell Horton requests to rezone ~6.16 acres from Agricultural-Residential (A-R) to Highway-Commercial (H-C). The subject property is addressed as 13158 US 64 W. The property is identified as a portion of tax parcel # 14875. Meadows stated that the subject property is: 1) owned by Gertrude Horton (c/o James Manley); 2) located outside the Town's Corporate Limits; 3) located within the Siler City fire district; 4) located within the Duke Energy Progress electric service districts; 5) located along US 64 with 16,000 average daily trips (2013); and 6) not located within a special flood hazard area. Meadows explained that the subject tract is: a) 6.16 acres; b) 1 property owner and c) 1 tax parcel. He added that the sizes of surrounding tracts are an average of 23 acres.

Meadows reported that the Land Development Plan recommends: 1) rural residential development for the subject property; 2) that 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; 3) maintain the integrity of existing neighborhoods; 4) 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; 5) prevent the conversion of residences to other land uses unless such conversion will assist in stabilizing the larger residential neighborhood or unless such conversion will preserve the unique quality or architectural significance of residences; 6) support existing industry; 7) areas located along major thoroughfares may contain a variety of commercial uses including heavier uses such as automobile dealerships, repair shops, min-warehouses, and contractor's yards with appropriate landscaping and buffer requirements; and 8) improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas and by controlling signs. Meadows added that the property is served by county water and private sewer (septic systems). Property has approximately 375 feet of road frontage.

Meadows reported that to the best of our knowledge a trucking business was in existence prior to the ETJ expansion of 2002. When the subject property was placed within the Siler City ETJ, the existing trucking business became a nonconforming use within the A-R zoning district. The trucking business is proposing to grow/expand by: 1) covering more land (new gravel vehicle accommodation area) than was occupied

by the use when it became nonconforming in 2002; and 2) adding a new 40'x60' maintenance shop to repair the truck and trailer fleet for the business.

Meadows explained that the property must be rezoned to a zoning district (ex. highway commercial) that allows a trucking business, if the property owner plans to expand the business by covering more land and adding a new building.

Meadows stated that the relationship of uses: 1) current use of subject property is single family residential dwelling and existing nonconforming trucking business; 2) surrounding land uses include; agriculture, forestry, cemetery, and single family residential; and 3) surrounded by A-R zoning.

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

Meadows referred the board to the worksheet for decision on recommendation to Town Board or table request: 1) adopt Plan Consistency Statement; and 2) approve or deny request.

**Discussion:** Ben Atwater stated he was here to speak on behalf of Hope Welch who is an adjoining property owner. He wants to speak to some of the things Meadows talked about that the law requires the board to look at concerning this application. Atwater explained this is spot zoning at its worst type of request. This is a 6.16 acre tract that is right in the middle of completely AR zoning, it is on Hwy 64 which is the busiest road in Siler City with a 55 speed limit. He added that this rezoning is not compatible with the existing Comprehensive Plan. Atwater then reviewed the Land Development Plan recommendations: 1) rural residential development for the subject property (Atwater commented that the rezoning is not rural residential development); 2) that 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; 3) maintain the integrity of existing neighborhoods (Atwater reminded the board that when you rezone this property to HC you are opening it up to all kinds of commercial uses that is allow in HC zoning); 4) 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 (Atwater stated that what the applicant is wanting to do has nothing to do with residential development); 5) prevent the conversion of residences to other land uses unless such conversion will assist in stabilizing the larger residential neighborhood or unless such conversion will preserve the unique quality or architectural significance of residences; 6) support existing industry (Atwater stated Ms. Welch said there use to be a truck on the property that was from a company her father drive for not a trucking business). He said that the law requires the board when making a decision to look at the compatibility of the use with the Land Development Plan when making a decision. Atwater added that this has had an impact on the landowners; it has ripped this family apart. He said Ms. Welch has an easement to use the same driveway but it has gotten so bad that she has had to put in a separate driveway for her property. Atwater said by allowing this rezoning it is going to allow a lot more noise and traffic and totally disrupt this residential neighborhood. He said this is spot zoning which is frowned on by our courts and is not good planning.

Jack Horton stated he owns parcel # 68513 which adjoins this property. He stated he has concerned about property values and safety. He said there had been accidents in the turnaround lane. If DOT would put a northeast bound lane for the trucks that would relieve some of the problems.

Kim Horton stated she was Bryce Horton's mother and she is speaking in favor of the rezoning. Bryce is asking for the rezoning because he does care about the safety of the community. He is giving back to the community and continuing on the legacy of the family. She said there have always been trucks on this property and they have been mostly for parking or storage. Horton told about a substandard building that was on the property were they would work on eighteen wheelers and it was not very safe. She said that Hope had the building torn down because how unsafe it was and some of the activity that was going on in the shop. Horton explained that Bryce request to continue on with trucking but to do it in the right manner with safety being the primary focus. He wants to build a shop on this property where he can do minor maintenance on his trucks. He has twelve employees that are from Siler City and he tries to support businesses here in Siler City. Horton is also adjoining property owner and supports the rezoning.

Horton shared a signed affidavit from Phyllis A. Horton, Gertrude Horton's daughter, stating that she is in favor of the rezoning for her nephew Bryce Horton.

Atwater asked if the rezoning did not pass, could the business continue like it has but just cannot expand. Meadows replied that is correct. Andrews stated there has been trucking on that property for as long as he could remember. He asked if there had been any accidents because of the trucks at the site. Bryce answered there had been one in four years. Hope Welch stated there had been two. James Edward Horton stated that he there has been trucks on that property all his life and he was 70 years old. He is here tonight to support the rezoning because we need some growth in Siler City.

Hayes asked Bryce Horton how old he was and if he was planning to stay in the trucking business for the long term. Horton said he was 25 and wanted to be in the business for the long term. Kolpack-Martindale asked if the H-C zoning is forever. Meadows explained that the property can be rezoned. Attorney Morgan reminded the board that their decision is a recommendation to the Town Board. With no further discussion, Joyner directed the board to their worksheet.

#### **Rezoning Worksheet:**

- 1. Brown made a motion that the map amendment is consistent with the adopted Land Development Plan and any other officially adopted plan because it is compatible with the existing comprehensive plan which recommends: 6) supporting existing industry; and 7) areas located along major thoroughfares may contain a variety of commercial uses including heavier uses such as automobile dealerships, repair shops, min-warehouses, and contractor's yards with appropriate landscaping and buffer requirements, seconded by Hayes, and unanimously approved.*
- 2. Brown made a motion to approve the map amendment: (c) to promote and forward the purposes of the adopted Siler City Land Development Plan; and (d) to promote the general health, safety and welfare of the citizens of Siler City, seconded by Andrews, and unanimously approved.*

**b. UDO Amendment – UDO Review Committee Recommendations:** Meadows reported that the Town of Siler City proposes text amendments to §147 Table of Permissible Uses (manufacturing & cottage industry within H-C, golf driving range & similar uses within O-I) §255 Sign Definitions (banner, building frontage, feather banner, flag, mural, on premise sign, wall sign, etc.), §256 Signs Excluded From Regulation, §259 Signs Which Do Not Require a Permit (political signs, real estate signs, window signs, etc.), §274 Special Provisions for Certain Signs (auction event signs, murals, restaurant menu reader boards, etc.). The proposed amendments developed by the UDO Review Committee (from October 2013 to February 2014) were recommended by the Planning Board on March 10, 2014. The Town Board has discussed the proposed amendments during workshop meetings since May of 2014. The attached documents: 1) draft ordinance amending Article 10 and 17. Meadows referred the board to a letter that was included with their agenda concerning a proposed business. Meadows reviewed with the board text that is to be added and that being deleted.

Meadows stated the LDP recommends 1) modifying the development ordinances to be more user friendly where possible; 2) improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas and by controlling signs; 3) develop flexible zoning standards which accommodate the wide variety of land uses in the CBD which will assist in the adaptive reuse of buildings as well as insure quality development through landscaping, lighting, parking, and signage standards; 4) develop specific zoning standards for those properties abutting major highway corridors which would place more stringent controls on building setback and height, vehicular access, sign size and location, and buffering of parking and service areas; 5) visually define the downtown area through unified signage and landmarks; 6) attract diverse industrial development that will stimulate the economy; 7) encourage industrial development that is environmentally friendly; 8) support existing industry; and 9) encourage warehousing and assembly uses. Meadows asked the board see worksheet for decision on recommendation to Town Board or table request; 1) adopt Plan Consistency Statement; 2) approve or deny request

**Discussion:** With no further discussion, Joyner directed the board to their worksheet.

**Worksheet:**

1. Hudson made a motion that the text amendment is consistent with the adopted Land Development Plan and any other officially adopted plan because the land development plan recommends: 1) modifying the development ordinances to be more user friendly where possible; 2) improve the appearance of commercial properties abutting major thoroughfares by providing landscaping to buffer parking lots and service areas and by controlling signs; 3) develop flexible zoning standards which accommodate the wide variety of land uses in the CBD which will assist in the adaptive reuse of buildings as well as insure quality development through landscaping, lighting, parking, and signage standards; 4) develop specific zoning standards for those properties abutting major highway corridors which would place more stringent controls on building setback and height, vehicular access, sign size and location, and buffering of parking and service areas; 5) visually define the downtown area through unified signage and landmarks; 6) attract diverse industrial development that will stimulate the economy; 7) encourage industrial development that is environmentally friendly; 8) support existing industry; and 9) encourage warehousing assembly uses; Hudson seconded by Andrews, and unanimously approved.
2. Hudson made a motion to approve the text amendment: (c) to promote and forward the purposes of the adopted Siler City Land Development Plan; and (d) to promote the general health, safety and welfare of the citizens of Siler City; and partially, seconded by Hayes, and unanimously approved.

**c. Façade/Streetscape Grant:** Meadows reported that the FY 2014/2015 Town budget includes an allocation of \$2,500 for Downtown Façade/ Street Improvement Program (10416-4000 Special Projects). At the August 18, 2014 Town Board meeting, the Board approved the following: 1) the FY 2014/2015 Façade/Streetscape Grant Program (attached); and 2) designated the Planning Board to serve as the Façade/Streetscape Grant Committee

Meadows explained that during the November 10, 2014 Planning Board meeting, the Planning Board awarded grants to the following projects: a) 143 North Chatham Avenue – Roger Person; and b) 207/209 South Second Avenue – Heidi Lineberry. Meadows stated that attached you will find copies of the contracts, cancelled checks, paid invoices, and pictures of the completed work for the two grant projects. Meadows asked that the board approve completed work per the approved contracts for the following grant projects: 1) 143 North Chatham Avenue - \$1,588.06; and b) 207/209 South Second Avenue - \$387.50

*Brown made the motion that the work is completed on 143 North Chatham Avenue- Roger Person, seconded by Harris, and unanimously approved.*

*Hudson made the motion that the work is completed on 207/209 South Second Avenue- Heidi Lineberry, seconded by Brown, and unanimously approved.*

**PLANNING DIRECTOR'S REPORT:** Meadows directed the Board to review the memo in their agenda packet.

**ADJOURNMENT:** Crotts made a motion to adjourn at 8:27 pm, seconded by Harris, and unanimously approved.

  
JP Joyner, Chair

ATTEST:

  
Dee Lee Thompkins, Recording Secretary