

## Town of Siler City Planning Board

The Siler City Planning Board met on Monday, March 14, 2016 in the courtroom at City Hall.

**MEMBERS PRESENT:** Albert Alston, Curtis Brown, Steve Crofts, Mary Harris, Dacia Hayes, Butch Hudson (Chair), Linda Kolpack-Martindale and Ann C Radcliffe

**MEMBERS ABSENT:** Darrell Andrews

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

**MEETING CALLED TO ORDER:** Hudson called the meeting to order at 6:30 pm. Harris gave the invocation and Hudson led the Pledge of Allegiance. Meadows read the Town of Siler City Mission Statement and the Vision Statement.

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

**CONSENT AGENDA:** *Crofts made a motion to approve the consent agenda including the minutes of February 8, 2016, Hayes seconded, and unanimously approved.*

### **NEW BUSINESS:**

**A. Conditional Use Rezoning – Center Drive – Multifamily Residential Apartments:** Meadows reported Southern Properties & Development, LLC requests a conditional use district rezoning to rezone 13.486 acres from H-C & A-R to R-6-C.

The proposed conditional use is a 72 unit multifamily residential apartment development. The subject property has frontage on the eastern boundary of Center Dr. (~670' south of the intersection with Raleigh St.) and is identified as tax parcel # 15194 & 83869. The subject property is; 1) owned by Southern Properties & Development, LLC; 2) located inside the Town's Corporate Limits (except for 0.59 acres); 3) located within the Siler City Fire District; 4) contains Town sanitary sewer and water easements; 5) located within the Duke Energy Progress electric service district; and 6) located within a floodway and special flood hazard area. The size of subject tract: a) 13.486 acres; 1 property owners; c) 2 tax parcels. The size of surrounding tracts = Average of 4.2 acres.

Meadows referred to the memo that is included in board packet concerning the compatibility with existing Comprehensive and Land Development Plans

The property is served by town water (8") and sewer (8"). The nearest fire hydrant is located behind Chatham Square Shopping Center. Street/road frontage:

Street/Road	Road Frontage (feet)	Travel Lanes	Maintenance	Speed Limit (mph)	Average Daily Trips
Center Drive	30 & 15	2	Town	35	NA

The Town's adopted Pedestrian Master Plan recommends a 10 feet wide greenway trail along the eastern and northern boundaries of the subject property.

The residential buildings are 2 floors with a maximum height to the ridge of 30'-2". There is a total of 4 residential buildings totaling 74,027 heated square feet. All units are restricted to persons of low income. Residential unit mix:

Unit Type	Size (square feet)	Total number
One bedroom	700	8
Two bedroom	940	44
Three bedroom	1,151	20

Site amenities include: 1) 36,000 square feet of usable open space (21,061 required); 2) 38,000 square feet minipark area (18,730 required); a) playground with seating; b) tot lot with imaginative play apparatus and seating for parents; c) gazebo; d) multi-purpose room; and e) 3 outdoor seating areas with benches; 3) 1,300 heated square feet community building; a) covered patio and seating b) community space for residents; c) postal boxes; d) computer center; e) laundry room; f) onsite management office; and g) maintenance storage; and 4) dedicate 30' easement to Town for future 10 feet paved multi-use/greenway path along the eastern property boundary

Meadows reported that 144 parking spaces are proposed (72 are required). 10 handicap spaces are proposed (5 are required). Minimum parking space size is 9'x19' and minimum drive isle width is 24'. The proposed driveway off of Center Dr. and all vehicle accommodation areas will be paved. All buildings, facilities, parking area, street, etc. are connected by a minimum 5' sidewalk. Average weekday driveway volume for the proposed development is between 479 and 569 vehicles.

The preliminary disturbed area is 9.67 acres. Erosion control and stormwater approval will be obtained from NCDEQ. A 100' foot vegetative buffer is shown along Loves Creek and will be left undisturbed. Type B semi-opaque screen within a 10 feet wide bufferyard is required along the western, southern, and eastern boundary of the property. A 4' high opaque wood fence will run the length of the driveway (on both sides) from Center Drive. Install shade trees that adjoin the vehicle accommodation area to meet the requirement.

The developer will install Town preference on master vs. individual water meters. The water line will be looped and connect to several new fire hydrants. A Knox box and gate will be installed for shopping center access for the fire department and other emergency vehicles. The turning radius within the parking area will accommodate Town fire trucks. The building roofs are all accessible from the parking lots by the Town's ladder truck. Fire sprinkler back flow (RPZ) devices will be located in hot boxes @ locations designated by the Town. The attics are not sprinkled.

The project will employ one full time site manager and a part time maintenance caretaker. The estimated number of construction jobs for this project is 250. The total cost of the project is estimated at \$8,900,000.

Meadows reported the current use of subject property is vacant. Surrounding land uses include; single family residential, manufactured home park, church, agriculture, retail sales, restaurant, office, and vacant. The property is zoned: H-C & A-R and surrounded by A-R, R-6 & H-C zoning.

Meadows stated that 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) 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; 2) 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 3) prior to site work obtain: NCDEQ, Town site plan, and Town zoning permit approval.

Meadows referred the board to the board action in their agenda to approve, deny or table request.

**Discussion:** Kolpack-Martindale asked the developer what is their start and finish date. He answered that it would be spring 2018 before they would be finished, that it would be September 2016 before they get the financing worked out. She then asked about how much would be the rent. The developer said he thought a one bedroom would be around \$595, two bedroom \$695 and three bedroom \$795. Hayes asked if they were going to be low income apartments. The developer stated that these would not be housing authority but the tenants would have to have a job and the rent is on a point system.

#### **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 the land development plan recommends: 1) General residential and general commercial for the subject property. 2) General residential goals, objectives, and strategies: a) promote the development of high quality housing in varying types and costs to meet the demands of all income levels and age groups; b) maintain the integrity of existing*

neighborhoods; c) promote walkable interconnected neighborhoods; d) permit multi-family residential development at a moderate density with good access to larger thoroughfares; e) encourage the continual development of affordable housing on individual lots; f) 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; g) it is recommended that higher residential densities be restricted to areas in which sufficient public water and sewer service is available; h) continue to promote a variety of housing types to meet the demand of citizens from various economic levels; i) single-family residential density is recommended to be at a density of between 2 and 4 units per acre in the general residential category; j) multi-family residential density is recommended to be no more than 6 units per acre; k) 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; l) encourage in-fill development in established residential areas. New development should meet yard and dimensional standards of the existing zone as closely as possible; m) preserve the existing housing stock by vigorously enforcing the minimum housing code and providing financial assistance to rehabilitate and stabilize deteriorating housing. 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; n) require that as a condition of receiving public water and/or sewer service, all new residential developments be incorporated into the Town limits; o) develop a manufactured housing zoning district for manufactured housing parks with appropriate design standards; p) develop a local street plan to ensure adequate street planning and internal circulation in all developing residential areas; q) revise zoning and subdivision ordinance standards to promote interconnectivity of neighborhoods and use of sidewalks; r) promote cluster development with usable open space and amenities; and s) these areas are suitable for general residential development at densities supported by public utilities, seconded by Kolpack-Martindale, and unanimously approved.

2. Hayes 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 Brown, and unanimously approved.

#### **Conditional Use Permit Worksheet**

1. Kolpack-Martindale made a motion that the application is complete, seconded by Crofts, and unanimously approved.
2. Brown made a motion that the application complies with all applicable requirements of the Unified Development Ordinance, seconded by Kolpack-Martindale, and unanimously approved.
3. Kolpack-Martindale made a motion that the application is granted, subject to the following conditions: a) the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board, a copy of which is filed in the City Hall; and b) if any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect; and c) prior to site work obtain: NCDEQ, Town site plan and Town zoning permit approval; d) Install left turn land from Raleigh St onto Center Dr. per NCDOT approval; and e) Center Dr. shall be improved in accordance with the provisions of Article XIV; and f) If the requirement for minimum right-of-way width and minimum street pavement width is revised for Center Dr. per a future UDO amendment, then the subject project may meet the revised minimum right-of-way width and minimum street pavement width for Center Dr., seconded by Harris, and unanimously approved.

**B. Rezoning – W 3<sup>rd</sup> St. – 13.298 acres – H-C-C to R-6:** Meadows reported Town of Siler City requests to rezone 13.298 acres from H-C-C to R-6. The subject property has frontage on the northern boundary of W. 3<sup>rd</sup> St. (~100' west of the intersection with Tripp Cottages Dr.) and is further identified as tax parcel # 82612. The subject property is: 1) owned by Donald R. Simpson; 2) located outside the

Town's Corporate Limits; 3) located within the Duke Energy Progress electric service districts; and 4) not located within a special flood hazard area. The size of subject tract is 13.298 acres, 1 property owner and 1 tax parcel. The size of surrounding tracts = Average of 12.6 acres.

Meadows referred to the memo that is included in board packet concerning the compatibility with existing Comprehensive and Land Development Plans.

The property is served by town water (6") and sewer (8"). The nearest fire hydrant is located at Tripp Cottages. Street/road frontage:

Street/Road	Road Frontage (feet)	Travel Lanes	Maintenance	Speed Limit (mph)	Average Daily Trips
West Third Street	1,120	2	State	55	1,400 (2014)

Meadows explained that the H-C-C zoning has expired. The proposed use was a 31,220 square feet multi-unit commercial building for sales, restaurant, and office uses. The proposed R-6 zoning allows a list of uses that range from residential to church (see attached list)

The current use of subject property is vacant. Surrounding land uses include; single family residential, multifamily residential, golf driving range, soccer fields, agriculture, and vacant. The property is surrounded by A-R and R-6-C zoning.

Meadows asked the Board to consider the entire range of permitted, special, and conditional uses for the existing and proposed zoning district as listed in the Table of Uses.

Meadows directed the board to their worksheet for decision on recommendation to Town Board or table request: 1) Adopt Plan Consistency Statement; and 2) Approve or deny request.

**Discussion:** Hayes asked if there are any plans in the near future. Meadows stated that there were not.

**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 the land development plan recommends: 1) General residential and general commercial for the subject property. 2) General residential goals, objectives, and strategies: a) promote the development of high quality housing in varying types and costs to meet the demands of all income levels and age groups; b) maintain the integrity of existing neighborhoods; c) promote walkable interconnected neighborhoods; d) permit multi-family residential development at a moderate density with good access to larger thoroughfares; e) encourage the continual development of affordable housing on individual lots; f) 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; g) it is recommended that higher residential densities be restricted to areas in which sufficient public water and sewer service is available; h) continue to promote a variety of housing types to meet the demand of citizens from various economic levels; i) single-family residential density is recommended to be at a density of between 2 and 4 units per acre in the general residential category; j) multi-family residential density is recommended to be no more than 6 units per acre; k) 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; l) encourage in-fill development in established residential areas. New development should meet yard and dimensional standards of the existing zone as closely as possible; m) preserve the existing housing stock by vigorously enforcing the minimum housing code and providing financial assistance to rehabilitate and stabilize deteriorating housing. 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; n) require that as a condition of receiving public water and/or sewer service, all new residential developments be incorporated into the Town limits; o) develop a manufactured housing zoning*

*district for manufactured housing parks with appropriate design standards; p) develop a local street plan to ensure adequate street planning and internal circulation in all developing residential areas; q) revise zoning and subdivision ordinance standards to promote interconnectivity of neighborhoods and use of sidewalks; r) promote cluster development with usable open space and amenities; and s) these areas are suitable for general residential development at densities supported by public utilities, seconded by Kolpack-Martindale, and unanimously approved.*

2. *Kolpack-Martindale made a motion to approve the map amendment: b) because of changed or changing conditions in a particular neighborhood or community as a whole; and c) to promote and forward the purposes of the adopted Siler City Land Development Plan, seconded by Brown, and unanimously approved.*

**C. Rezoning – W 3<sup>rd</sup> St. – 8.33 acres – R-6-C to R-6:** Meadows reported Town of Siler City requests to rezone 8.33 acres from R-6-C to R-6. The subject property has frontage on the northern boundary of W. 3<sup>rd</sup> St. (~400' east of the intersection with Tripp Cottages Dr.) and is further identified as tax parcel # 83929. The subject property is: 1) owned by Timmer 1717, LLC; 2) located outside the Town's Corporate Limits; 3) located within the Duke Energy Progress electric service districts; and 4) located within a special flood hazard area. The size of the subject Tract is 8.33 acres, 1 property owner and 1 tax parcel. The average size of surrounding tracts = Average of 12.6 acres.

Meadows referred to the memo that is included in board packet concerning the compatibility with existing Comprehensive and Land Development Plans.

The property is served by town water (6") and sewer (12"). The nearest fire hydrant is located at Tripp Cottages. Street/road frontage:

Street/Road	Road Frontage (feet)	Travel Lanes	Maintenance	Speed Limit (mph)	Average Daily Trips
West Third Street	470	2	State	55	1,400 (2014)

Meadows explained that the R-6-C zoning has expired. The proposed use was an 18 unit multifamily townhome development. The proposed R-6 zoning allows a list of uses that range from residential to church (see attached list). Meadows added that the current use of subject property is vacant. The surrounding land uses include; single family residential, multifamily residential, soccer fields, agriculture, and vacant. The property is surrounded by A-R and R-6-C zoning.

Meadows asked the Board to consider the entire range of permitted, special, and conditional uses for the existing and proposed zoning district as listed in the Table of Uses.

Meadows directed the board to their worksheet for decision on recommendation to Town Board or table request: 1) Adopt Plan Consistency Statement; and 2) Approve or deny request.

**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 the land development plan recommends: 1) General residential and general commercial for the subject property. 2) General residential goals, objectives, and strategies: a) promote the development of high quality housing in varying types and costs to meet the demands of all income levels and age groups; b) maintain the integrity of existing neighborhoods; c) promote walkable interconnected neighborhoods; d) permit multi-family residential development at a moderate density with good access to larger thoroughfares; e) encourage the continual development of affordable housing on individual lots; f) 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; g) it is recommended that higher residential densities be restricted to areas in which sufficient public water and sewer service is available; h) continue to promote a variety of housing types to meet the demand of citizens from various economic levels; i) single-family residential density is recommended to be at a density of between 2 and 4 units per acre*

*in the general residential category; j) multi-family residential density is recommended to be no more than 6 units per acre; k) 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; l) encourage in-fill development in established residential areas. New development should meet yard and dimensional standards of the existing zone as closely as possible; m) preserve the existing housing stock by vigorously enforcing the minimum housing code and providing financial assistance to rehabilitate and stabilize deteriorating housing. 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; n) require that as a condition of receiving public water and/or sewer service, all new residential developments be incorporated into the Town limits; o) develop a manufactured housing zoning district for manufactured housing parks with appropriate design standards; p) develop a local street plan to ensure adequate street planning and internal circulation in all developing residential areas; q) revise zoning and subdivision ordinance standards to promote interconnectivity of neighborhoods and use of sidewalks; r) promote cluster development with usable open space and amenities; and s) these areas are suitable for general residential development at densities supported by public utilities, seconded by Kolpack-Martindale, and unanimously approved.*

2. *Kolpack-Martindale made a motion to approve the map amendment: b) because of changed or changing conditions in a particular neighborhood or community as a whole; and c) to promote and forward the purposes of the adopted Siler City Land Development Plan, seconded by Hayes, and unanimously approved.*

**D. Unified Development Ordinance Text Amendment- application deadline, home occupation, rendering plant, solar farm downtown apartments horseback riding stables, motor vehicle repair and body work, building setbacks, and signs:** Meadows reported Town of Siler City proposes text amendments Town of Siler City proposes text amendments to §18 Definitions (building, built upon area, structure), §41 Definitions (subdivisions), §140 Accessory Uses (temporary health care structures), §170 Building Setback Requirements (street setback reduction), §318 Town Board Action (zoning amendments), §320 Protest (citizen comments), §321 Protest Petition Form, Requirements, Time for Filing (reserved).

The proposed amendments come from staff, planning board, and North Carolina General Statutes. Attached documents: Draft ordinance amending Article 2, 4, 10, 12, and 20. Meadows reviewed the amendments with the board.

Meadows directed the board to their worksheet for decision on recommendation to Town Board or table request: 1) Adopt Plan Consistency Statement; and 2) Approve or deny request.

**Text Amendment Worksheet:**

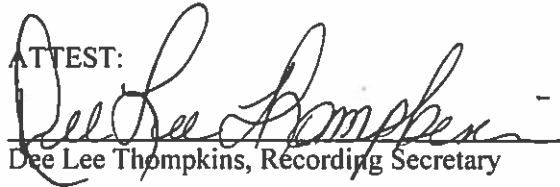
1. *Brown made a motion that the text amendment is consistent with the adopted Land Development Plan and any other officially adopted plan because the land development plan recommends: 1) modifying the development ordinances to be more user friendly where possible; 2) maintain the integrity of existing neighborhoods; 3) encourage in-fill development in established residential areas. New development should meet yard and dimensional standards of the existing zone as closely as possible; 4) 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; 5) 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 6) stream buffers and onsite storm water control are critical to minimize environmental impacts; 7) revise zoning and subdivision ordinance standards to promote interconnectivity of neighborhoods and use of sidewalks; 8) new development should meet yard and dimensional standards of the existing zone as closely as possible; seconded by Kolpack-Martindale, and unanimously approved.*

2. *Kolpack-Martindale made a motion to approve the text amendment: a) to correct manifest error with the zoning ordinance; c) to promote and forward the purposes of the adopted Siler City Land Development Plan; seconded by Hayes, and unanimously approved.*

**DISCUSSION:** Meadows shared with the board that the Town's current sign ordinance contains several elements that are inconsistent with the U.S. Supreme Court's decision in the *Reed vs. Town of Gilbert* case. The Supreme Court found that sign ordinances cannot apply differing standards based on the content of noncommercial signs. For example, a community cannot create special allowances for political or religious signs without also allowing these same privileges to other types of noncommercial speech.

Meadows and Morgan discussed this further with the board and it was decided that staff would bring some more information next month to the board.

**ADJOURNMENT:** *Crotts made a motion to adjourn at 7:43 pm, seconded by Hayes, and unanimously approved.*

ATTEST:  
  
Dee Lee Thompkins, Recording Secretary

  
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Butch Hudson, Chair