

## Town of Siler City Planning Board

The Siler City Planning Board met on Monday, September 14, 2015 in the courtroom at City Hall.

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

**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 7:00 pm. Hayes gave the invocation and Hudson led the Pledge of Allegiance.

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

**CONSENT AGENDA:** *Andrews made a motion to approve the consent agenda including the minutes of August 10, 2015, Brown seconded, and unanimously approved.*

### **NEW BUSINESS:**

**A. Conditional Use Rezoning – 422 North Dogwood Avenue – Day Care Center –** Meadows reported that 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.

The subject property is: 1) owned by Jimmy Louis Price; 2) located inside the Town's Corporate Limits; 3) located within the Siler City fire districts; 5) located within the Duke Energy Progress electric service district; and 6) located within a special flood hazard area. The size of subject tract is 2 acres and 1 property owner and 1 tax parcels. The average size of surrounding tracts is 0.59 acres

Meadows referred to the memo that is included in board packet concerning the compatibility with existing Comprehensive and Land Development Plan. 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. Property has approximately 316 feet of road frontage along W. 5th St. (50' right-of-way) and 270 feet of frontage along Dogwood Ave. (50' right-of-way). Dogwood Ave. and W. 5th 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. 5th St. A four-way stop is located at the intersection of W. 5th St. and Dogwood Ave. The Town's adopted Pedestrian Master Plan recommends a five (5) feet wide sidewalk along W. 5th Street (the 5th St sidewalk project was the 7th highest ranking priority in the plan).

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 5th 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 5th 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.

**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.

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; and 3) surrounded by R-6, R-10, and L-I zoning.

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; 2) construct 5' sidewalk along 5<sup>th</sup> St. from Dogwood Ave. to subject property driveway within 30 days of day care center opening (including ADA ramps on both sides of Dogwood Ave.); 3) construct 5' sidewalk along 5<sup>th</sup> St. from subject property driveway to the northeast corner when the day care exceeds 65 kids, 8 employees, or parks any facility vehicle on site; 4) pave parking lot when day care exceeds 65 kids, 8 employees, or parks any facility vehicle on site.

**Discussion:** Andrews asked if the applicant will have to come back before the board to do phase 2. Meadows answered that he tried to include everything so the applicant would not have to come back. Andrews want to know if the applicant would be in touch with the planning department when he gets ready to do phase 2. Meadows said yes they would be in touch.

Hayes asked the applicant what he was going to do about the glass doors not being vandalized. Mason replied that he was going to install security cameras and he hopes someone occupying the building will take care of problem.

Brown asked the applicant if he was okay with the conditions. Mason stated he was not aware of having do sidewalks since there not any sidewalks in that neighborhood and there is not a lot of room along the street. Meadows explained how this condition is required because of Pedestrian Master Plan recommends a five (5) feet wide sidewalk and it's the 7<sup>th</sup> highest ranking priority in the plan. After discussion with Town Attorney, Board Members, Meadows and the applicant, the board decided that the sidewalks would be a condition in phase 2.

With no further discussion, Hudson 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: 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; 2) 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; and i) revise zoning and subdivision ordinance standards to promote interconnectivity of neighborhoods and use of sidewalks. seconded by Crotts, and unanimously approved.*

- 2. Crotts made a motion to approve the map 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 seconded by Brown, and unanimously approved.*

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

- 1. Hayes made a motion that the application is complete, seconded by Harris, and unanimously approved.*
- 2. Brown made a motion that the application complies with all applicable requirements of the Unified Development Ordinance, seconded by Andrews, and unanimously approved.*
- 3. Brown 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) conditions recommended by Staff, 1. Prior to any site work applicant must obtain construction site plan and zoning permit approval; 2. phase 2 applicant must construct 5' sidewalk along 5<sup>th</sup> St. from Dogwood Ave to subject property driveway; 3. Phase 2 construct 5' sidewalk along 5<sup>th</sup> St from subject property driveway to the northeast corner; and 4. )Pave parking lot when day care exceeds 65 kids, 8 employees, or parks any facility vehicle on site, seconded by Hayes, and unanimously approved.*

**B. Conditional Use Permit – 701 North Second Avenue – Elementary & Secondary School –** Meadows reported that Michael D. Crosby requests a conditional use permit to develop an elementary & secondary school (Christian school). The subject property is located at 701 N. 2<sup>nd</sup> Ave. and is identified as tax parcel # 68630. The subject property is: 1) owned by Church of Jesus of Apostolic Faith, c/o Clarence Crosby; 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. The property is served by Town water and sewer. The nearest fire hydrant is located at southwest intersection of S. 2<sup>nd</sup> Ave. and E. 7<sup>th</sup> St.

Property has approximately 358 feet of road frontage along N. 2<sup>nd</sup> Ave. (80' right-of-way) and 170 feet of frontage along E. 7<sup>th</sup> St. (30' right-of-way). N. 2<sup>nd</sup> Ave. is a 4-lane road maintained by the State with a speed limit of 35 mph. E. 7<sup>th</sup> St. is a 2 lane street maintained by the Town. Average daily trip for N. 2<sup>nd</sup>

Ave. is 7,700 (2014). The Town's adopted Pedestrian Master Plan recommends a five (5) feet wide sidewalk along N. 2<sup>nd</sup> Ave.

Schools are approved and monitored by the NC Nonpublic School System and Chatham County Environment Health Department. An existing commercial building containing 2,560 square feet (32'x80') is located on the property. No kitchen is proposed. Hours of operation are:

1. Proposed School - Monday through Friday from 7:30am to 3:30pm.
2. Existing Church (seating capacity is 175, currently 100 seats)
  - a. Monday and Wednesday from 7pm to 8:30pm
  - b. Sunday from 10am to 8pm

The total cost of construction is estimated at \$30,000. The proposed school is proposed to be developed in 2 phases.

**Phase 1:**

1. 13 students, 1 K-8 classroom, and 1 high school classroom
2. 7 parking spaces required (10 or less parking spaces maybe surfaced with gravel)
3. 1 parking space will be handicap van assessable
4. The driveway apron onto 7<sup>th</sup> St. is paved 15 feet back from the edge of the paved street. Radius for driveway is 20'.
5. Driveway and drive isle shall be a minimum of 24' in width
6. Disturb less than one acre
7. Type C Screen (small trees planted 30' on center) required along 2<sup>nd</sup> Ave. and 7<sup>th</sup> St.
8. Type A Screen required along the western and northern property boundary
9. Garbage carts will be requested to collect garbage and are not proposed to be screened.
10. 5' sidewalk is proposed along 2<sup>nd</sup> Ave. from 7<sup>th</sup> St to the end of the building (~150'). ADA ramps and detectable domes will be installed at both sides of E. 7<sup>th</sup> St. Short segment of sidewalk is proposed from existing sidewalk to proposed sidewalk (near front door).

**Phase 2:**

1. Increase up to 100 students, 5 K-8 classrooms, and 3 high school classrooms
2. 30 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. 5' sidewalk is proposed along 2<sup>nd</sup> Ave. from the end of the building to the northeast corner (~220')

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.
2. Construct 5' sidewalk along 2<sup>nd</sup> Ave from 7<sup>th</sup> Ave to the end of the building within 30 days of school opening (including ADA ramps at 7<sup>th</sup> St.).
3. Construct 5' sidewalk along 2<sup>nd</sup> Ave from end of building to the northeast corner when 25<sup>th</sup> student is enrolled.
4. Pave parking lot when school establishes a 4th K-8 classroom or 2nd high school classroom

**Discussion:** Crosby asked if the board would consider moving the condition concerning the sidewalk to phase 2. The board decided they would require the condition about the sidewalks to phase 2.

With no further discussion, Hudson directed the board to their worksheet.

**Conditional Use Permit Worksheet**

1. *Brown made a motion that the application is complete, seconded by Harris, and unanimously approved.*

2. *Hayes made a motion that the application complies with all applicable requirements of the Unified Development Ordinance, seconded by Andrews, and unanimously approved.*
3. *Brown 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) conditions recommended by Staff, 1. prior to site work applicant must obtain construction site plan and zoning permit; 2) phase 2 construct 5' sidewalk along 2<sup>nd</sup> Ave from 7<sup>th</sup> Ave to the end of building (including ADA ramps at 7<sup>th</sup> St); 3) construct 5' sidewalk along 2<sup>nd</sup> Ave from end of building to the northeast corner; and 4) Pave parking lot when school establishes a 4<sup>th</sup> K-8 classroom or 2<sup>nd</sup> high school classroom, seconded by Harris, and unanimously approved.*

**C. Conditional Use Permit – 370 Waste Treatment Plant Road – New Public Street – Meadows** reported that 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. The subject property is located at 370 Waste Treatment Plant Rd. and is identified as tax parcel # 80788. 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. 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.

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) drainage pipes; 7) retain or plant street trees 30' on center; 8) street lighting provided by utility owner; 9) 10' wide unobstructed easement along the western boundary of Progress Blvd; 10) proposed average daily trips are not expected to exceed 30; 11) total cost of construction is estimated at \$126,500.

Staff 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) prior to any work applicant must obtain construction site plan and zoning permit approval; 2) prior to street opening applicant must obtain final plat approval.

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

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

1. *Brown made a motion that the application is complete, seconded by Harris, and unanimously approved.*
2. *Harris made a motion that the application complies with all applicable requirements of the Unified Development Ordinance, seconded by Hayes, and unanimously approved.*
3. *Crotts 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) conditions recommended by Staff, 1. prior to work applicant must obtain construction site plan and zoning permit; and 2) prior to street opening applicant must obtain final plat approval; seconded by Brown, and unanimously approved.*

**D. UDO Amendment – Temporary Vehicle Storage & Restaurant Parking:** Meadows reported that the Town of Siler City proposes text amendments to §154 Temporary Vehicle Storage, Accessory Use (supplementary use regulations) and §279 Parking Requirement (restaurants, bars, nightclubs). The proposed amendments were shared with staff by an existing business and proposed business. Meadows reviewed the attached draft ordinance amending Article 11 and 18.

**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) 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 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; and 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 missed-use developments, and permitting common and shared off-street parking, seconded by Crotts, and unanimously approved.*
2. *Andrews made a motion to approve the text amendment: b) because of changed or changing conditions in a particular neighborhood or community as a whole; seconded by Harris, and unanimously approved.*

**PLANNING DIRECTOR'S REPORT:** Meadows directed the Board to review the department report and code enforcement chart.

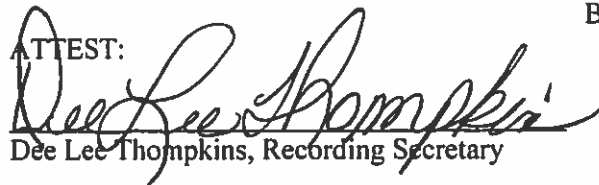
Town Manager Thompson shared with the board that the Board of Commissioners will hold a special meeting on Thursday, October 15<sup>th</sup> to discuss Code Enforcement.

**ADJOURNMENT:** *Brown made a motion to adjourn at 8:10 pm, seconded by Harris, and unanimously approved.*



\_\_\_\_\_  
Butch Hudson, Chair

ATTEST:



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Dee Lee Thompkins, Recording Secretary