

**MINUTES OF THE BURLINGTON PLANNING
AND ZONING COMMISSION MEETING**

December 21, 2009

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

George Byrd, Chairman, Present
Paul Cobb, Secretary, Present
John Black, Present
Lynn Cowan, Absent
Early Kenan, Jr., Absent
Gordon Millsbaugh, Present

EXTRATERRITORIAL MEMBERS:

Bud Apple, Present
Richard Franks, Present
Earl Jagers, Present
Jim Johnson, Present
Rebecca Lashley, Absent

STAFF PRESENT:

Robert R. Harkrader, Planning Director
David Beal, Assistant Director of Planning Services
Dianne Fogleman, Office Assistant

ITEM NO. 1: Chairman Byrd called the meeting to order at 7:00 p.m.

ITEM NO. 2: Minutes of the meeting held November 23, 2009, were unanimously approved. This was a City and extraterritorial item.

ITEM NO. 3: Mr. Donald K. Blanchard, Jr., representing Dr. Javed Masoud, presented an application to rezone from R-6, Residential District, to COI, Conditional Office-Institutional District, for a physician's office. The property is located on the north side of Flora Avenue approximately 1,000 feet from West Webb Avenue as shown on Alamance County Tax Map 3-5, a portion of Lot 22 consisting of 2.654 acres.

This was an extraterritorial item.

Mr. Blanchard pointed out that a previous request for rezoning was for straight Office-Institutional on a larger tract which included this property, and the current request includes more details about future development plans for a portion of Lot 22.

Planning Director Harkrader stated that when a public hearing was held to consider the original rezoning request, several adjoining property owners were present and voiced their concerns over the broad uses that would be allowed in O&I zoning. A more detailed site plan has been presented with the current rezoning request, which

has been scaled down in size. He stated that staff recommends approval of the request for rezoning with the Use and Development Conditions submitted by the petitioner.

Commission Chairman Byrd asked if staff had received many calls about the current rezoning request and was told that it had not.

Commission Member Johnson asked that since several neighbors had attended the previous public hearing, had they been approached with the current rezoning request.

Mr. Blanchard stated that an attorney secured by the petitioner had contacted the neighbors, who had wanted more specific details about future development. The neighbors were also informed that an additional driveway would be added to access the planned development and not interfere with access to their houses.

Commission Member Franks made a motion to recommend approval of the request for rezoning with the Use and Development Conditions submitted by the petitioner. Earl Jagers seconded the motion. The Commission voted unanimously to recommend approval of the request for rezoning and recommended that the official zoning map and the Comprehensive Land Use Plan be amended to reflect the change. The following Use and Development Conditions have been submitted by the petitioner:

Use Conditions

The use shall be a physician's office.

Development Conditions

All development conditions shall meet requirements for an Office-Institutional District.

The Commission found that the zoning change as requested would not adversely affect the adjoining property and would be in keeping with land use planning in the area. The Commission further found that the request was consistent with the Comprehensive Land Use Plan for Burlington and its environs.

ITEM NO. 4 (A): Mr. Jay Lowe, representing Burlington Alamance County Development Corporation, presented an application for final plat approval of the Burlington Alamance County Development Corporation Subdivision located on the north side of North Church Street approximately 280 feet west of North Sellars Mill Road as shown on plans by Carolina Cornerstone Surveying dated October 26, 2009, and containing two lots.

This was a City item.

Commission Secretary Cobb asked what were the plans for the two lots.

Mr. Lowe stated that one lot would be three acres and the other .51 of an acre, and the current plans for the smaller lot was for a Hursey's Barbecue.

Staff recommended approval of the final plat.

Commission Member Millspaugh made a motion to recommend approval of the final plat. Paul Cobb seconded the motion. The Commission voted unanimously to recommend approval of the final plat.

The Commission found that the plat as presented met all requirements of the Subdivision Regulations.

There being no further business to discuss, the meeting was adjourned at 7:08 p.m.

George A. Byrd, Jr., Chairman

Paul E. Cobb, Jr., Secretary