

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

**August 22, 2011**

**Council Chamber, Burlington Municipal Building**

**CITY MEMBERS:**

George Byrd, Chairman, Present  
John Black, Secretary, Present  
Lynn Cowan, Present  
Early Kenan, Jr., Present  
Ryan Kirk, Present  
Richard Parker, Present

**EXTRATERRITORIAL MEMBERS:**

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

**STAFF PRESENT:**

David Beal, Assistant Director of Planning Services  
Joey Lea, Zoning Administrator  
Dianne Fogleman, Office Assistant

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

**ITEM NO. 2:** Mr. Byrd introduced new City Commission member, Ryan Kirk.

**ITEM NO. 3:** Mr. Byrd called for the nomination and election of 2011-2012 Commission Chairman and Secretary. This was a City and extraterritorial item.

Commission Member Jagers made a motion to re-elect Mr. Byrd as Chairman. Jim Johnson seconded the motion. The Commission voted unanimously to re-elect George Byrd as Commission Chairman. Commission Member Cowan made a motion to elect John Black as Secretary. Jim Johnson seconded the motion. The Commission voted unanimously to elect John Black as Secretary.

**ITEM NO. 4:** Minutes of the meeting held June 27, 2011, were unanimously approved. This was a City and extraterritorial item.

**ITEM NO. 5:** Mr. Michael Leigh, representing Abacus Management Group, presented an application to rezone from MF-A, Multifamily District, to CR, Conditional Residential District, for the use of Windsor Apartments, construction of Phase II and subdivision of the property which is located on the east side of Rural Retreat Road north of Interstate 85/40 approximately 1,500 feet south of Williams Mill Road and being as shown on Alamance County Tax Map 3-26-8C.

This was a City item.

Mr. Leigh stated that Phase II would consist of five buildings that would be the same character as the existing eight buildings in Phase I. The side setback for one of the proposed buildings would be less than required thus prompting the rezoning request. He stated private driveways would connect both parcels and would remain open for access to each parcel, and the open space requirement would be shared between both parcels. In addition, there would be an agreement whereas both parcels would have full access to fire hydrants as well as existing and proposed stormwater and detention ponds. A separate fire alarm system with dedicated panel would serve Phase II.

Chairman Byrd asked Zoning Administrator Lea if he had received any telephone calls inquiring about the rezoning. Mr. Lea stated that he received a few calls, but no one voiced any concerns.

Commission Member Jagers stated that it was his understanding that the original plans included sidewalks to University Commons.

Mr. Leigh stated that he was not familiar with the walkway, and after staff consulted with each other, Assistant Director of Planning Services Beal stated that sidewalks were not part of the original approval for development as it was rezoned to straight MF-A and did not have additional conditions attached.

Commission Member Parker asked which building would have less side setback, and Mr. Leigh answered Building 12.

Commission Member Kirk asked if the submitted plans for Phase II were the same as those originally submitted, and Mr. Leigh answered that they are. He added that the only change would be the development of a detention pond rather than a sedimentation pond.

Commission Member Johnson asked if developers had considered natural wetlands, and Mr. Leigh stated that he could look into that.

Commission Member Abplanalp asked if the subdivision of the two parcels was for financial purposes and was told that it was.

Commission Member Johnson asked if long-range plans include a re-combination of the parcels, and Mr. Leigh answered that it was unknown.

Staff recommended approval of the request for rezoning and subdivision with the Use and Development Conditions submitted by the petitioner. Assistant Director of Planning Services Beal stated that the Conditional rezoning would primarily go by MF-A requirements and address the setback conditions.

Commission Member Parker made a motion to recommend approval of the request for rezoning and subdivision with the Use and Development Conditions submitted by the petitioner. Early Kenan seconded the motion. The Commission voted

unanimously to recommend approval of the request for rezoning and subdivision 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**

1. All uses allowed within MF-A Multifamily Districts shall be permitted on the two parcels.
2. The 23.63-acre tract shall be subdivided. Phase One shall consist of 15.98 acres, and Phase Two (unbuilt), 7.65 acres.
3. Both phases shall remain zoned for multifamily use.
4. Open space shall meet the 10% requirement with 17% in Phase One and 14% in Phase Two.
5. Use conditions as submitted on the application shall meet all requirements of Sections 32.4, 32.7A, 32.11 and 32.11A of the City of Burlington Zoning Ordinance.

**Development Conditions**

1. Private driveways shall connect both parcels and shall remain open for full access to each parcel.
2. Use agreement shall guarantee access to fire hydrants on each parcel.
3. A separate fire alarm system with dedicated panel shall serve Phase Two that shall consist of up to five buildings.
4. There shall be an open space shared agreement between Parcels One and Two.
5. An agreement shall allow shared access to existing and proposed stormwater and detention ponds.
6. For Building Six, the side setback between Phase One and Phase Two shall be 20 feet.
7. The parking count shall be shared between the two parcels: 391 spaces, Phase One; 152 spaces, Phase Two; total spaces, 543.
8. Setback for Building 12 shall be 25 feet from the property line.

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. 6:** Mr. Dan Danieleley, representing the Burlington-Alamance Airport Authority, presented an application to rezone from I-1, Planned Industrial District, and I-1A, Planned Industrial-Residential District, to CI, Conditional Industrial District, for the use of the existing airport with future development and a 103-foot navigational aid tower. The property is located at 3441 North Aviation Drive as shown on Alamance County Tax Map 12-2B-1.

This was a City and extraterritorial item.

Mr. Danieleley introduced Mr. Dan Smith with ITT Corporation Information Systems, the company that would be installing the navigational aid tower.

Mr. Danieleley stated that the rezoning would allow future growth of the airport and would permit the construction of the tower.

Commission Chairman Byrd asked what was the length of the longest runway, and Mr. Danieleley answered 5,000 feet, but the extension to 6,400 feet would be completed in early summer of next year. Mr. Byrd asked what was the largest size airplane the facility could accommodate and was told a 737. Mr. Danieleley added that the Airport Authority does not want to become commercial and basically serves corporate jets. He stated that until the recent decline in the economy, the airport was handling approximately 35,000 flights a year.

Commission Member Johnson inquired about the purpose of the tower. Mr. Danieleley stated that the tower would aid pilots in arrivals and departures especially during inclement weather. Mr. Johnson asked where was the funding coming from and was told the Federal Aviation Administration would be installing the tower.

Staff recommended approval of the request for rezoning with the Use and Development Conditions submitted by the petitioner. Assistant Director of Planning Services Beal stated that the rezoning would cover the existing airport and its future uses related to airport expansion as well as the construction of the tower. He told the Commission that the City's Technical Review Committee had assessed the rezoning and plans for the tower.

Commission Member Lashley made a motion to recommend approval of the request for rezoning with the Use and Development Conditions submitted by the petitioner. John Black 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**

1. The existing airport and structures with continuing airport development shall remain as a public use on the property.
2. Additions shall include a 103-foot navigational aid tower.

**Development Conditions**

1. Future structures shall include hangars and associated buildings.
2. Development shall include landscaping improvements.

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.

There being no further business to discuss, the meeting was adjourned at 7:22 p.m.

---

**George A. Byrd, Jr., Chairman**

---

**John Black, Secretary**