

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

September 26, 2011

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

George Byrd, Chairman, Present
John Black, Secretary, Absent
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:

Bob Harkrader, Director of Planning and Economic Development
David Beal, Assistant Director of Planning Services
Joey Lea, Zoning Administrator
Dianne Fogleman, Office Assistant

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

ITEM NO. 2: Minutes of the meeting held August 22, 2011, were unanimously approved. This was a City and extraterritorial item.

ITEM NO. 3: Consent agenda: (City and Extraterritorial)

(A) Mr. Sam Moore, Burlington realtor, presented an application for approval of the Goodwill Industries of Central North Carolina, Inc., final plat. The property is located south of South Church Street approximately 140 feet east of Random Lane as shown on plans by McAnally Land Surveying, P.C., dated May 23, 2011, and containing two lots.

Mr. Moore introduced Ms. Celeste MacMurdo, vice president of Retail Operations, Goodwill Industries of Central North Carolina, Inc.

Mr. Richard Barnhardt, representing the Barnhardt family that owns the two lots, questioned the 50-foot NCDOT right-of-way from the centerline of South Church Street. He stated that he had talked to his attorney, Mr. Tom Steele, that morning

and they thought it should be a 30-foot right-of-way. Mr. Barnhardt asserted that he does not think the family should give up the right to the additional 20 feet.

Planning Director Harkrader told the Commission that staff was under the impression that everything was in order on the plat instrument and that a licensed surveyor had prepared and placed his seal on the plat. He stated that staff was prepared to recommend approval of the plat as submitted. He explained that the state has a 50-foot right-of-way on US Highway 70 (South Church Street) to accommodate underground water and sewer lines as well as overhead power lines.

Commission Member Parker pointed out that a note on the plat indicated “New Line Establish 50’ from Centerline of Existing Pavement” and made a motion to table the item until the item was agreed upon and/or corrected. Commission Member Cowan seconded the motion. The Commission voted ten to one to table the item. Voting to table the item were Parker, Cowan, Byrd, Kenan, Kirk, Abplanalp, Apple, Franks, Jagers and Johnson. Voting against the motion was Lashley.

ITEM NO. 4: Mr. Robert Dyer presented an application to rezone the property located at 2301 Durham Street as shown on Alamance County Tax Map 12-30-9 from R-6, Residential District, to R-M, Residential-Mobile Home District.

This was an extraterritorial item.

Mr. Dyer stated that the lot is 130 feet wide and 300 feet deep and that the adjacent property is already zoned R-M. He told the Commission that he had the 75-year-old house demolished; however, the contractor had not yet removed the demolition and had pushed it to the rear on someone else’s property. He circulated the notice to the Commission from the contractor that he would remove the debris.

Commission Member Apple asked Mr. Dyer if he had any water problems on the lot, and Mr. Dyer stated that he had some problems at the rear but none in the middle or front part of the property. Commission Member Parker commented that the lot appears to be in a floodplain and was told that it was not. Mr. Parker asked if there was a sewer outfall there and was told that it was – at the rear.

Planning Director Harkrader reminded Commission members that this was an area where several years ago City Council had indicated that requests for Residential-Mobile Home rezoning would be considered on an individual basis. Mr. Harkrader stated that due to the current condition of this property, staff could not recommend approving it for a mobile home. He distributed to the Commission pictures taken at the site and commented that it looked more like a construction landfill. Mr. Harkrader questioned if the rezoning would add value to the neighborhood.

Commission Member Johnson stated he was not sure about the price difference between a mobile home and a stick-built home but he knew that the Alamance County Tax Department considers a mobile home to be personal property and not real property indicating to him that mobile homes are not made to last.

Mr. Harkrader told Commission members that manufactured homes were built to HUD standards, which were different from North Carolina residential building codes. He stated that this situation warranted looking at the value of the structure as it related to longevity and overall benefit to the neighborhood.

Commission Member Apple asked Mr. Dyer if this would be rental property.

Mr. Dyer answered that he was not sure and would consider letting his 24-year-old nephew who was having some problems live there. He assured the Commission that the property would be well maintained and that a brick foundation would be constructed for the mobile home and that all City standards for mobile homes would be met. Mr. Dyer pointed out other mobile homes in the area including a 38-space mobile home park nearby.

Commission Member Cowan asked the date the house was bulldozed, and Mr. Dyer answered about two weeks ago.

Commission Member Lashley commented on the numerous run-down homes and buildings in the area.

Commission Member Kirk stated that he had seen an aerial photo taken a year ago and it did not show the demolition debris that is present now. He stated that in his opinion this was a temporary situation.

Commission Member Parker stated that he was concerned about the rezoning because of the modest single-family homes that dominate Durham Street.

Commission Member Lashley stated that a lot of those homes in that area were Section 8 and were being subsidized by the US government.

Mr. Kirk told the Commission that he had visited the City's GIS Department and found that in Burlington's jurisdiction there are 108 parcels, or 17 percent, zoned R-M.

Commission Member Johnson suggested that at some point staff and the Commission look at certain areas and zoning for the future.

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

Commission Member Johnson asked if Mr. Dyer would consider purchasing a modular home to go on the property. Mr. Dyer stated that he already has a mobile home that he will place there. The unit was built around 2004 and that he had been renting it to someone for 4 or 5 years.

Commission Member Johnson commented that Mr. Dyer could not be faulted for wanting to place one mobile home on a lot that size.

Planning Director Harkrader reminded Commission members that once the property is rezoned to R-M, an older unit could be placed on the property.

Commission Member Franks stated that he had no problem with approving the rezoning except for the current condition of the lot.

Commission Member Parker made a motion to recommend denial of the request for rezoning. Bill Abplanalp seconded the motion. The Commission voted six to five to recommend denial of the rezoning request. Voting to recommend denial were Parker, Abplanalp, Byrd, Cowan, Franks and Johnson. Voting against the motion to recommend denial were Apple, Jaggars, Kenan, Kirk and Lashley.

There being no further business to discuss, the meeting was adjourned at 7:51 p.m.

George A. Byrd, Jr., Chairman

John Black, Secretary