



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

January 27, 2014

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

Richard Parker, Present
John Black, Present
Early Kenan, Jr., Present
Ryan Kirk, Present
James Kirkpatrick, Present
*Nicole Enoch (Alternate), Present
*Margaret Stephens (Alternate), Present

*Not voting

STAFF PRESENT:

Amy Nelson, Director of Planning and Zoning
Joey Lea, Zoning/Subdivision Administrator
Kelly Peele, Office Assistant

EXTRATERRITORIAL MEMBERS

Earl Jagers, Present
Rebecca Lashley, Present
*Bill Abplananp (Alternate), Present
*Wendi Cash (Alternate), Present

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

ITEM NO. 2: Minutes of the meeting held December 30, 2013, were unanimously approved.

ITEM NO. 3: Consent Agenda

Final plat approval of Woods at Grove Park Townhomes, Phase Twelve. The property is located north of South Mebane Street and south of Trail Six as shown on plans by Simmons Engineering, Inc., dated December 16, 2013, and containing five lots.

Commission Member Mr. Earl Jagers made a motion to recommend approval of the plat. Commission Member Mr. Ryan Kirk seconded the motion. The Commission voted unanimously to recommend approval of the plat.

This was a City item.

ITEM NO. 4: Mr. Henry Carpenter to present an application to rezone from I-1A, Planned Industrial-Residential District, to CI, Conditional Industrial District, for the use of indoor

automobile sales. The property is located at 2008 Anthony Road, as shown on Alamance County Tax Map 12-5A-68.

Mr. Hank Carpenter stated, my name is Hank Carpenter and my address is 903 Haddington Court, Whitsett, NC. I will be selling used automobiles from an indoor location. I have been in the car business for a little over 10 years. I'm going to do a lot of high line vehicles. For example Ferrari, Aston martins, and Lamborghinis. It's a great location for me. It's all indoors and that's what I'm looking for.

Chairman Mr. Richard Parker asked, is the building already there?

Mr. Hank Carpenter stated, yes sir.

Commission Member Ryan Kirk asked, plans for repair work or anything?

Mr. Hank Carpenter stated, no sir just sales.

Secretary Mr. John Black asked, any tires or storage outside?

Mr. Hank Carpenter stated, no storage outside. Everything will be indoors.

Zoning/Subdivision Administrator Joey Lea stated, this is strictly auto sales. There will be no repair work done.

Secretary Mr. John Black asked, nothing like a first time oil change with purchasing a car?

Zoning/Subdivision Administrator Joey Lea stated, if that happens then he will be in violation of the rezoning.

Secretary Mr. John Black stated, I just wanted to make sure there was no storage of tires or anything.

Zoning/Subdivision Administrator Joey Lea stated, No storage at all. Just wanted to let you know that on the application the petitioner wanted to add under use conditions that all uses in I-1A will be allowed. This is to protect the property owner. This rezoning is for this particular use. If the petitioner leaves the property the owner can still use the property under I-1A

Secretary Mr. John Black asked, is it staff's recommendation to approve?

Zoning/Subdivision Administrator Joey Lea stated, yes.

Commission Member James Kirkpatrick made a motion to recommend approval of the rezoning. Commission Member Mr. Earl Jagers seconded the motion. The Commission voted unanimously to recommend approval of the rezoning.

This was a City item.

ITEM NO. 5: Mr. Steve Morrison to present an application to rezone from R-9, Residential District, to MF-A, Multifamily District. The property is located on the north side of Avon Avenue, as shown on Alamance County Tax Map 39-150-313.

Mr. Steve Morrison stated, I live at 1504 Brandonshire Court, Greensboro, NC. I'm petitioning to rezone this lot from R-9 to MF-A.

Chairman Richard Parker asked, do you own the property next door?

Mr. Steve Morrison stated, no sir, we just own this one property.

Commission Member Mr. Ryan Kirk asked staff, just to make clear what is the difference between R-9 and MF-A?

Zoning/Subdivision Administrator Joey Lea stated, R-9 is traditionally a single family zoning district. It does allow multi-family uses however the density in the R-9 requires 9,000 sq. ft. of land per unit. MF-A can also be single family use or multifamily use. Its density varies but basically 3,000 sq. ft. of land per unit is required. The zonings are similar. The area has substantial MF-A properties along with R-6 and R-9. Staff believes that this request is reasonable and it is compatible with its surroundings. Staff recommends approval.

Commission Member Mr. Ryan Kirk asked, are there plans for a duplex?

Zoning/Subdivision Administrator Joey Lea stated, this is a traditional rezoning. We are not at liberty to discuss specific development but we do have to consider all the uses with in the MF-A district. Again we have taken a look at it and the compatibility. As you can see it is continues to the existing MF-A.

Chairman Richard Parker asked, did staff get any calls about this rezoning?

Zoning/Subdivision Administrator Joey Lea stated, no, we did not.

Commission Member Rebecca Lashley made a motion to recommend approval of the rezoning. Commission Member Early Kenan, Jr. seconded the motion. The Commission voted unanimously to recommend approval of the rezoning.

This was a City item.

ITEM NO. 5: Mr. Edward Byrd to present an application to rezone from I-1 Planned Industrial District, to I-1A, Planned Industrial-Residential District. The property is located at 3344 Alamance Road, as shown on Alamance County Tax Map 12-2-1.

Mr. Edward Byrd stated, I live at 3344 Alamance Road, Burlington, NC. It was originally Residential and then was rezoned to I-1 Planned Industrial. The house I live in is confirming to those conditions. We petition to change it to I1-A, Planned Industrial-Residential district which will allow me to bring it up to conformity.

Zoning/Subdivision Administrator Joey Lea stated, this property is somewhat unique. Three fourths of this property is in the flood zone. Even where the house sits is in the

flood zone. Mr. Byrd is in a situation to where he can't do anything where he is. He can't even add on to his house. And he only has a sliver of property that he could actually do something with if he wished to. The I-1A does allow single family residential as where the I-1 does not. Once again this property is unique because of the fact three fourths is covered by the flood zone.

Commission Member Ms. Rebecca Lashley asked, what would be the benefit of rezoning the property then?

Zoning/Subdivision Administrator Joey Lea stated, so the property owner will be able to do something to his house. I-1 doesn't allow him to do anything and being in a flood plan doesn't allow him to do anything but there is a portion of the property to where he could do something with. The difference between I-1 and I-1A is that I-1A allows single family developments. As far as Industrial use; that's no problem, so that if he ever wanted to sell his property to someone that wanted to use it for Industrial then that's fine. I can't tell you why that area was zoned the way it was zoned but it is contiguous to the airport. We think it is compatible and staff recommends approval. I have received no phone calls about this rezoning.

Commission Member James Kirkpatrick made a motion to recommend approval of the rezoning. Commission Member Rebecca Lashley seconded the motion. The Commission voted unanimously to recommend approval of the rezoning.

This was a City item.

Zoning/Subdivision Administrator Joey Lea stated, a few housekeeping items. First of all I don't know if you noticed or not but we did not call anyone. Normally we call each person. You will get the email with the link. The only time you may get a phone is if we have a feeling we may not have a quorum. The way we are set up, it shouldn't happen. But if we think we are only going to have four members then we will probably call those four members to make sure they will be here. You will get the email with the link and you will get a reminder email on the day of the meeting. We have a total of eleven members certainly we can get enough here for a meeting. That four can be comprised of anyone. We do not have to have an ETJ member or we do not have to a City member on this board now to make decisions. They can be all City or all ETJ, it doesn't matter. Before it was really problematic to make sure we had a quorum.

Zoning/Subdivision Administrator Joey Lea stated, I would like to ask the Commission to consider approval of a couple of procedural items. We talked about this in the past but now the way we are made up these situations will accrue. When a regular member is late and the meeting has started promptly at 7:00 p.m. the alternate will remain on all items. As a matter of procedure the Commission will need to vote on that to make it a matter of procedure.

Commission Member Rebecca Lashley made a motion to approve alternate stays sitting on dais if member is late. Commission Member Earl Jagers seconded the motion. The Commission voted unanimously to approve alternate stays sitting on dais if member is late.

Zoning/Subdivision Administrator Joey Lea stated, if we only have a quorum of four members you can do one of two things, continue like you have done in the past or ask

the petitioner if they want to post pone their meeting until we have a full Commission. If there is only four members and one votes against it then they will not get what they asked for. Not that they would get it to begin with but the point is it just makes it more difficult. Now if the petitioner agrees to move forward then we move forward. I think it is in the best interest of the petitioner because they're not always going to be sure whether or not we will have a full board. I am hopeful that this situation does not occur but I also know that it can.

Chairman Richard Parker asked, what would happen if we have four members and it's a packed house?

Zoning/Subdivision Administrator Joey Lea stated, that is a decision you will have to make. The petitioner is spending their money and they are expecting something for that money. I understand that we have people that show up and want their say but the petitioner needs to have the upper hand.

Commission Member Ms. Rebecca Lashley asked, if we continue the meeting does it cost additional funds to have the meeting reheard? Does it cost the city more funds?

Zoning/Subdivision Administrator Joey Lea stated, no, we don't advertise these meetings except for the sign that goes up. That's not really advertising. Also, it does not cost the petitioner anymore fees. I think it's better for the petitioner to have the opportunity of a full board versus a four member board.

Commission Member Mr. James Kirkpatrick asked, the petitioner will have the option?

Zoning/Subdivision Administrator Joey Lea stated, yes, you will ask the petitioner to proceed or continue until we have a full board.

Commission Member Rebecca Lashley made a motion to approve to give the petitioner a full board if there are only four members. Commission Member Earl Jagers seconded the motion. The Commission voted unanimously to approve to give the petitioner a full board if there are only four members.

Commission Member Rebecca Lashley stated, we have to be held accountable just as well. Like you said with the eleven of us here there has got to be someone here. I would think needs to be weighted more on the Commission who sits on the board to make sure they are here as far as a commitment more so then the petitioner.

Zoning/Subdivision Administrator Joey Lea stated, well you are right but realistically like I said hopefully it won't happen but I know that it will at some point in time.

Zoning/Subdivision Administrator Joey Lea stated, the way the Commission was set up before with the ETJ members sitting in the back could not vote on the City items but would sometimes participate in the discussion. Now, it is not in the best interest of the alternates to participate in the items except when that alternate is sitting as a member. We want our alternates to be here and there will be plenty of times for them to sit as a member and participate.

Commission Member Mr. Bill Abplanalp asked, an alternate can't ask questions if they aren't sitting as a member?

Zoning/Subdivision Administrator Joey Lea stated, that is correct.

Commission Member Mr. James Kirkpatrick asked, does that mean as a citizen of Burlington and a resident of Alamance County they can't come to the podium and participate?

Zoning/Subdivision Administrator Joey Lea stated, that means no participation period unless they are sitting on the dais.

Commission Member Mr. Bill Abplanalp asked, is it acceptable to have a member ask question for the alternates?

Zoning/Subdivision Administrator Joey Lea stated, no. No participation at all.

Commission Member Ms. Rebecca Lashley asked, my concern then is how do we learn if we can't ask questions?

Zoning/Subdivision Administrator Joey Lea stated, it's not a matter of learning. There are new folks and they will be here long enough to understand what to do. It's a matter of perception, yes they are members but they are not sitting members and it could look like they are trying to influence your decisions with their questions. They are not a part of the voting body.

Commission Member Mr. Earl Jagers asked, let's say I came in late and an alternate took my sit on the board, if I sat out there in the audience I wouldn't be able to participate?

Zoning/Subdivision Administrator Joey Lea stated, correct. It applies to every member sitting out in the audience.

Chairman Richard Parker asked, if we have to recuse ourselves from an item and an alternate member switches with us after that item is complete do we switch back or does the alternate stay?

Zoning/Subdivision Administrator Joey Lea stated, In that particular case you will switch back once the item is completed.

Chairman Richard Parker asked, when that clock hits 7:00 p.m. and there is a vacant seat up here is when we will add an alternate?

Zoning/Subdivision Administrator Joey Lea stated, correct. If the member comes in later they are to sit in the audience and not participate. We will rotate the alternates so one person won't always be used while another never has a chance to sit on the board.

Commission Member Mr. Earl Jagers asked, if we are down to four members and someone has a conflict of interest?

Zoning/Subdivision Administrator Joey Lea stated, then we have no meeting.

Zoning/Subdivision Administrator Joey Lea stated, I would like to introduce our two new members. Ms. Wendi Cash who is our ETJ alternate member and Ms. Margaret Stephens is a City alternate member.

There being no further business to discuss, the meeting was adjourned at 7:32 p.m.

Richard Parker, Chairman

John Black, Secretary