



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

**October 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

**EXTRATERRITORIAL MEMBERS**

Earl Jagers, Present  
Rebecca Lashley, Absent  
Bill Abplanalp (Alternate), Present  
Wendi Cash (Alternate), Absent

**STAFF PRESENT:**

David Beal, Assistant Director of Planning Services  
Joey Lea, Zoning/Subdivision Administrator  
Kelly Peele, Commission Secretary

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

**ITEM NO. 2:** Minutes of the meeting held September 22, 2014, were unanimously approved.

Commission Member Mr. Earl Jagers made a motion to recuse Commission Member Mr. Bill Abplanalp from voting on Item No. 4. Commission Member Mr. James Kirkpatrick seconded the motion. The Commission voted unanimously to recuse Commission Member Mr. Bill Abplanalp from voting on Item No. 4.

**ITEM NO. 3:** Consent Agenda:

- (A) Final plat approval for Tayside Townhomes, Mackintosh on the Lake, Phase One, Section Three. The property is located west of Bonnar Bridge Parkway as shown on plans by Alley, Williams, Carman & King, Inc., dated October 1, 2014, and containing eleven lots.
- (B) Final plat approval for Glenmoor Townhomes, MacKintosh on the Lake, Phase Two, Section One. The property is located north of Tweed Lane as shown on plans by Alley, Williams, Carman & King, Inc., dated October 3, 2014, and containing Ten lots.
- (C) Final plat approval for Carl S. Trollinger and wife Nadine L. Trollinger. The property is located East of Malone Road as shown on plans by Boswell Surveyors, Inc., dated September 26, 2014, and containing Two lots.
- (D) Final plat approval for Burlington Care Center. The property is located East of Burch Bridge Road as shown on plans by Glenn Brown Surveyors, Inc., dated October 6, 2014, and containing one lot.

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

**ITEM NO. 4:** Mr. Lawson Brown presented an application to rezone from R-15, Residential District, to CB, Conditional Business District for the use of a Unified Business Development with use and development conditions as specified in the application. The property is located at the southeast intersection of University Drive and South Church Street as shown on Alamance County tax map 3-27 lot 6.

Mr. Lawson Brown stated, since 2009 we have worked with the Glenwood Acres neighbors as you know from the last time that we were here. We have worked diligently to get the support of the neighborhood. I can report they are in favor of this particular request based on the extensive negotiations that we had. I met with Mr. Kalo their legal representative on Friday and he indicated that I could certainly indicate this to this Commission and to the Council as well. The particular request that we have here is on the Church Street side of the property. Basically it is anticipated that three lots will be developed. There will be cross easements with the property to the south, if this project is developed. We have had extensive conversations with the Department of Transportation and with transportation representative with the Planning Department, Nolan Kirkman and others. You can see from the conditions that we submitted on the traffic conditions. Basically those requirements are on the Church Street side of the intersection that is being created beside Burlington Pediatrics where it lines up directly with Wade Coble Drive. We had extensive meetings with Twin Lakes, Ms. Fox their Executive Director and Mr. Chandler. We are still talking with Twin Lakes about some issues but the traffic concerns we have addressed so that the intersection lines up. The major part of the traffic improvement there is going to be a traffic signalization under the North Carolina Transportation Warrants. Once the convenience store and gas station that we are asking for approval on the corner is opened, then that's when D.O.T. says we will definitely be able to meet all the warrants and that is when we anticipate the traffic signal will be operational. The other traffic items that are listed are all staff initiated and Mr. Tam and Belleau Wood are all agreeable to that. This is designed as a neighborhood Sheetz store as opposed to the interstate version. In 2009 Mr. Tam's company did a hydrology study that addressed the issues that are relating to the streams that are there. He also did the hydrology study to assure Twin Lakes that the water level will not raise in their stream beds to any negative degree. In addition to that we did a lighting study for the neighborhood store that was to their satisfaction at that time. We also did a noise study that was to their satisfaction at that time. Since we were here in 2009 the landowner of Belleau Wood and Keziah Hillier Family, LLC has applied for and received a tentative approval from the United States Department Corps of Engineers for the Blue Stream Restorations under a permitted process and that is in the processes where that area of about 130 feet from the far east to the far west will be developed in strict accordance with the Federal Corps of Engineers guidelines. In addition to that, those extensive requirements will comply with all of the mandated rules of the State and the City having to do with water discharge off the site when in fact the water is being discharged off the site. I've never worked on a project that has more engineering studies and more negotiations with neighbors than this particular one. I'm hoping with the staff recommendation which we understand is positive that you will make the same recommendation to the City Council for the passage of this conditional zoning. We have asked for as a condition to have no more than three lots. We've also asked that we not be allowed or no owner in the future be allowed the offensive uses such as the adult book stores, adult video store, cabarets, motels, boarding and rooming houses, churches, drive-in theaters, heliports, helistops, sheet-metal shops, travel trailer parks, car repair and carwashes. We've also put in the conditions a height restriction of 28 feet which is consistent with the adjoining property we brought before you a couple months ago that you recommended to the City Council and the City Council approved. The hours of operation for all the businesses with exception of the convenience store are limited to 6:00 am to 11:00 pm. Most of these conditions are in our agreement with the neighbors. We have signage that will comply with the City's Unified Business Development and we have listed a number of things that we are not going to do in terms of the animated sign. We will adhere to the

landscaping requirements of section 32.11.A of the City of Burlington Zoning Ordinance. Prior to any building permit for any of the buildings on this site the Planning Director and the Technical Review Committee must approve these in writing. As to the convenience store we have provided to the city elevations that show exactly what you see is what you get. The big concern on the lighting study that we have is we will not have the huge red canopy you see on some of the Sheetz stores that are basically the interstate variety. This property is on the corner of South Church Street and University Drive and a 2011 traffic study showed that 25,000 vehicles a day go by there. This property is 1.4 miles or 2.5 miles in that range from the interstate so it is not anticipated that this will be an interstate market store at all for Sheetz. An article from a national publication in August of this year revealed that 92% of the folks that come in there are coming in for food and some 80% are coming in for gasoline and are basically shift workers that are coming in and out of the store during late hours. 90% of all convenience stores today operate 24 hours a day. Sheetz is obviously a great corporate citizen in Burlington, they have conducted their own in-house studies of after-hours and late hours use and they have found that it does not in any fashion or form contribute to crime at all and they have conducted those studies at their stores in several locations and one of those stores being in North Carolina.

Chairman Mr. Richard Parker asked, the lot that is directly south of this Sheetz, is that going to be a vacant lot with the stream running through it?

Mr. Lawson Brown stated, yes sir it is approximately 135ft wide and it goes from University Drive easterly all the way over behind the physician office and all the way over to Huffman Lane.

Chairman Mr. Richard Parker asked, all of that will remain vacant and dedicated to the stream?

Mr. Lawson Brown stated, yes sir, along Huffman Lane with the agreement of the neighbors we agreed to do some additional planting of trees to protect the view of Huffman Lane.

Chairman Mr. Richard Parker asked, the first entrance there is right-in and right-out only?

Mr. Lawson Brown stated, that is correct. You will not be able to cross there.

Chairman Mr. Richard Parker asked, can you explain the canopy for Sheetz?

Mr. Jamie Gerhart stated, the elevation does show a red canopy and I think the word that describes it when Mr. Lawson was talking about the neighborhood model is that this canopy will not be back-lit. The store currently in the City of Burlington as well as the store in Mebane has what the industry refers to as a back-lit canopy; it means underneath you can see a cross section there where you would have lighting that would shine through a vinyl canopy and you would get the same look that you would see at the store by Home Depot, that is a back-lit canopy. This is a solid material facing so that metal will not be internally lit. This canopy also has a little trim detail to it at the very top. The vinyl when you look at a cross section of it kind of has a rounded look because it is a stretch material.

Chairman Mr. Richard Parker asked, will it be down lit from underneath?

Mr. Jamie Gerhart stated, The Western Corridor Overlay District requires everything to be flush mounted so you want see the bulbs. We don't do that anywhere. A lot of retailers and gasoline stations do not do that anymore. The LED lights will be flush mounted to the bottom where it is most efficient.

Commission Member Mr. Ryan Kick asked, can you give us a brief overview what the neighborhood model will be that is different from the lighting. Are there more aspects as to how different this is from your normal model?

Mr. Jamie Gerhart stated, we are showing six gas pumps verses the seven or eight. Six pumps allows for twelve fueling stations so as not cut in half but certainly reduced and it has a more compact gasoline presence. There is no drive-thru on this store which our newer stores have. There is indoor seating which is the restaurant part of the business. There is no carwash, which at one time we did talk about it but as the site evolved and for other reasons we decided no carwash. By nature of the Western Corridor Overlay District I believe they require 2 foot candles of light at their perimeter property lines. We can do that no problem. That is right out of the Overlay and that is a huge qualifier for a neighborhood type setting.

Commission Member Mr. James Kirkpatrick asked, what cities has this model been built in? I have stopped at a number of your stores.

Mr. Jamie Gerhart stated, it's not the store size, it's the absent of the drive-thru, the absent of the car wash, six pumps vs the eight like at other stores. The limited signage will be much shorter than what you see currently.

Commission Member Mr. James Kirkpatrick asked, where else is this style store located?

Mr. Jamie Gerhart stated, the store in Wake Forest has the same style canopy and there is a store in Garner that has very similar lighting on the canopy.

Commission Member Mr. Ryan Kick asked, can you give us an overview of how it went working with the neighbors?

Mr. Lawson Brown stated, the neighborhood has no HOA. They do have a maintenance agreement on Huffman Lane and I think there are either twelve or thirteen property owners. We dealt with two of the property owners that the neighbors elected and we negotiated directly with them and they moved by consensus so once we had our meeting and felt like we had an agreement then they went back to the neighbors and addressed that. One of the primary concerns that Mr. Black had was hydrology and the wells and the agreement that we negotiated with the neighbors were if this second phase of this project is approved then Mr. Tam's company will provide public water and sewer to the neighbors. The complicating factor there is the City of Burlington has a policy that if a property owner seeks water or sewer than they have to agree to be annexed if the City wants to annex them.

Commission Member Mr. James Kirkpatrick asked, you have a permit from the Corps of Engineers for a blue line stream restoration?

Mr. Lawson Brown stated, yes sir.

Commission Member Mr. Ryan Kirk asked, was there any additional looking into the ground water effects?

Mr. Lawson Brown stated, the ground water impact has been addressed and will be addressed.

Commission Member Mr. Earl Jagers asked, the walking path on University will be managed how?

Mr. Lawson Brown stated, the additional benefit we want to create is a pedestrian walk-way from Wade Coble Drive on the northern side so if someone wanted to walk over to the Shoppes at Waterford they could, so it should be an improvement.

Commission Member Mr. Earl Jagers stated, just want to ask if you could save as many trees over there you can?

Mr. Lawson Brown stated, we had intensive negotiations with the neighbors. We're going to build a wall along the western portion residentially zoned property and do the additional planning but we will lose a lot of trees I'm sure.

Ms. Pam Fox stated, I am the Chief Executor for the Twin Lakes Community. Mr. Brown told you about how hard they have worked on this development and they stand to make a lot of money from this development. I've also worked really hard on this development and I don't stand to make a nickel. I've counted the number of meetings and emails and they total over 100. Eight versions of an agreement we have tried to work on. Some of the things that we have worked on and agreed to are something's that were agreed to five years ago. Few in number are the things that we have not reached an agreement on and I think they are important and I want to bring them to your attention tonight. First thing is traffic. Two months ago I was given assurance from the developer that DOT has approved a traffic signal at the intersection of Wade Coble and South Church Street and in I learned that the application had just been filed that day and that we would hear in two weeks what their decision would be. I have not seen anything in writing but I have been told by the developer and his attorney that the DOT has made a conditional approval. Also a concern of mine is that a divider be in place to stop traffic from turning left in and out of the property. We heard there were 25,000 cars going by there. I haven't done a traffic study and I haven't seen the traffic study that has been done but I'm guessing the majority of those cars are people coming to and from work in the mornings and evenings. This is a busy intersection all the time. The average age of my residents at Twin Lakes is in their late 70's. Trying to turn left out of Twin Lakes is difficult already and if you add in the additional traffic and you don't have a traffic signal there then it's really going to be dangerous. We heard that this Sheetz is a neighborhood design but what I didn't hear is that there is a neighborhood Sheetz in any other neighborhood so I was interested in the questions you all had inquired about with Mr. Gerhart. The second concern we have is the agreement 5 years ago had limited lighting facing out on Church Street, I've asked for similar restrictions along University Drive. The plans for this area were very different 5 years ago versus the plans for today; I'm asking that we impose similar lighting along University Drive. The plan now calls for more commercial development than 5 years ago. By the time we complete the development of our property at Twin Lakes over half of our residents will live on the western side of University Drive and the light from this development is going to be in front of them unless we do something's to limit that.

Chairman Mr. Richard Parker asked, you want to limit lighting on University Drive?

Ms. Pam Fox stated, I want to impose the same limits on University Drive that they have agreed to subject themselves to facing along Church Street.

Commission Member James Kirkpatrick asked, you came before us before asking for that corner lot there on University Drive and Church Street and if I remember correctly wasn't that supposed to be some sort of nature park?

Ms. Pam Fox stated, correct, but we've got development beyond that and we also own the property running west of there. There is a stream going through that corner lot you are talking about but we didn't have the success in trying to do any kind of blue stream restoration on our property like the developer has for his property. We don't want to develop along the stream there.

Commission Member James Kirkpatrick asked, the arboretum is your frontage of the residential development?

Ms. Pam Fox stated, correct, but it is also the lowest part in that area. We've got residential that goes up on a slope so that looks out over that arboretum and that would be affected by the lighting along here. Our third concern and one of our most significant concerns we have is on the 24 hours of operations. Sheetz has been a wonderful addition to this community and we value that but our concern is not with Sheetz it's

with the 24 hour operation. The fast food places and the stores within a half-mile of this location are not on a 24 hour operation. We worry about the negative impact that a 24 hour operation would have here. I'm interested in the information that Mr. Brown presented on the lack of safety concerns with a Sheetz or any business operating 24 hours but I wonder if any of you want your mother going into a convenience store or living near one and being out in her yard after hours. This corner is surrounded by residential residents and it is a neighborhood. We have 700 residents all over the age of 65 living on our campus, you've got the neighborhood that is behind this property, and you've got Waterford and other neighborhoods that are in the vicinity. 24 hour operations belong on the interstate not in a neighborhood. This has been a real moving target. I reference the fact that my involvement with the developer has been for 2 years and the specifics of the development have been changing and I have received a different map than what you see here tonight. I have concerns since what we only know is that Sheetz is coming, we don't know what else is coming besides Sheetz. I'm asking you all to make any kind of approval that you give conditions on or maybe postponing it until we have more specifics about what is going to go in on this property. Now we've heard about the lighting and noise study's that have already been done but those were done with the 2009 development but this development is vastly different. I haven't seen any recent studies. If they have been done they haven't been shared with me. Same thing for the hydrology study; there were hydrology studies done a year and a half ago that met with our approval but again the development keeps changing. It feels like with this development that it is coming at us really quickly and with a lot of moving pieces and I'm just asking for us to slow down and make sure we understand all the moving pieces before we bless it. It's going to change the character surrounding the property and so it deserves a little more careful attention and time to make sure that everything has been attended to. This corner is one of the prettiest entry ways into the City and this development is about to make a difference in that and the lives of the people that live around it. We hope that you consider the safety and the wellbeing of all the neighbors.

Commission Member Mr. James Kirkpatrick asked, what is the current elevation of the property and what is the finished elevation?

Mr. Ken Binkley with Stimmel Engineering stated, keep in mind we usually do the finish grades with the final development. With the moving pieces here we don't know the exact finish but we have a finish floor in the gas station area of a 628. I've got a 626 and a 628 existing in that same parcel so it's going to be roughly the same elevation. There will be a lot of grading that will occur for the blue stream restoration.

Commission Member Mr. James Kirkpatrick asked, you're firm drew this correct? The island and the traffic signal that Ms. Fox talked about, are you familiar with that negotiation?

Mr. Ken Binkley stated, yes sir and Davenport Engineering is part of the transportation here. They are dealing more with NCDOT but there is an island that is going in with the development.

Chairman Mr. Richard Parker asked, will the street have to be widened to accommodate that?

Mr. Ken Binkley stated, yes a little bit. Looking at it on the map you notice the darker gray area that is not current asphalt that would be new asphalt. All the white area of the street would be what the existing road way is today.

Chairman Mr. Richard Parker asked, so you are adding a right-in turn lane and the concrete island divider?

Mr. Ken Binkley stated, yes sir. That is all in tune with Davenport studies and the projected development in the area. They have worked diligently with NCDOT to figure out the right way to lay all this out. We are also at the liberty of NCDOT for the traffic signal. NCDOT is not going to just let us put one in just

because we want it. But I have heard them say that a gas station use would probably require it to have one put up.

Chairman Mr. Richard Parker asked, so it is still a condition and you haven't gotten it approved yet?

Mr. Lawson Brown stated, the developer has agreed to pay for traffic signals and do all these other transportation improvements that are shown, we can't tell Ms. Fox or you that DOT is going to let us put a traffic light there until the traffic warrants it. But there is going to be a pot of money that Twin Lakes or the neighbors would have to spend that Mr. Tam and his company is spending when that traffic warrants it he will buy and put up the traffic light. He has dedicated the money in the budget. We've been dealing with this for 7 years so we have done about everything we can do. This package is less intense than the package we brought before you 5 years ago. I think all of Twin Lakes traffic concerns are addressed here and we have made copies of everything that we file here available to Twin Lakes as we file it. It is always a moving target with DOT and the variance agency's that we deal with.

Ms. Fox stated, we are not asking for no development until the traffic light is in we're just asking for no work on the property until a traffic light goes in.

Mr. Ed Tam stated, the median divider is a must before anything can be built. A traffic impact analysis was done based on the site plan we submitted based on types of uses because the gas station is what warrants the traffic light. DOT will not let you put in a traffic light until the gas station is built. Things change on the site plan depending on tenant's interest. I have to take into consideration the City, NCDOT, neighbors and the future tenants when developing the site plan. It will be between 1 to 2 years on Sheetz being built. I still have to do the blue stream restoration before Sheetz can be built. Because until I do that I don't have any land to develop. The stream is 10 ft. wide and 50 ft. on each side, so we have approximately a 140 ft. wide buffer.

Commission Member Mr. Ryan Kirk stated, I'm curious on the lighting concerns going on University Drive as opposed to Church Street.

Mr. Ed Tam stated, I will agree to the previous approval from a few months ago. I believe with 4 parcels along on University Drive, I can agree to those conditions that Ms. Fox has asked for. They are basically meeting the Western Loop Corridor requirements.

Vice-Chairman Mr. John Black stated, I keep wondering what we have done to change our minds. A gas station on this corner has been proposed several different times and each time it has been turned down and I'm just trying to understand in my mind what has changed that makes us want to warrant this gas station when in the past we haven't. Mr. Brown discussed that if the water became contaminated and the neighboring residents had wells and will lose their water. I understand that they are now going onto City water and that's one of the conditions that have been met. I have a question for staff. If you go somewhere like Hilton Head or places like this and you almost drive by McDonalds or Burger King or a Sheetz because they have bermed up and have low hanging signs and stuff like that, is that something we ever take into consideration on new development here in Burlington? It has to start somewhere and we can't go back and say well we haven't done that before but is there a point that we could look at new development and look at a design at an area like that where as you go by it it's so aesthetically pleasing that you don't really realize that you are involved in it until you are there.

Assistant Director of Planning Services Mr. David Beal stated, the development has been by our ordinance and our ordinance has been in place for a number of decades now what you are asking actually leads into a study that we are just beginning to do as staff and as a community and that is Unified Development Ordinances. That will look at our zoning ordinance, sign regulations, code enforcement, engineering, water and sewer, stormwater management and all types of issues ties into one. That's

something as we as a City have agreed to undertake. I believe that you will see some recommendations to what you are speaking of come out from these studies.

Vice-Chairman Mr. John Black stated, there has to come to a point where we as a commission need to make a stand. Will there be an indication on the highway that there is a Sheetz at this location? If this is indeed a community neighborhood Sheetz would it be necessary to identify it on the highway?

Mr. Jamie Gerhart stated, the interstate signs are per local districts. You can't apply for one until the store is open and then it is not a guarantee that you will get put on the sign. NCDOT comes and does an inspection. Every district is different on what they want for who gets on the sign. It could be by gas or it could be by food. NCDOT looks at whether they have a spot open and if there are other gas stations that are closer to the interstate. I can't tell you yes or no on the interstate sign because it is up to NCDOT.

Chairman Mr. Richard Parker asked, will you apply for an interstate sign through the NCDOT?

Mr. Jamie Gerhart stated, if you are saying that the scope of this site is neighborhood or not neighborhood based on whether a sign is out on the interstate I'm not sure that's the defining characteristic whether or not this makes a neighborhood model or not. We've chosen the neighborhood model with respect to gasoline canopy cause we understand that lightening is the most impactful lever to pull. The sign on the interstate I'm not sure whether that makes or breaks a site for a neighborhood model.

Vice-Chairman Mr. John Black stated, in your presentation you made a very strong point this was a community site and not an interstate site. So I'm thinking an interstate sign might support an interstate site and no sign would support a community site based on what you said.

Mr. Jamie Gerhart stated, I understand that.

Vice-Chairman Mr. John Black asked, so once again would you not apply for the sign if it was conditional to this?

Mr. Jamie Gerhart stated, I would have to ask the Sheetz guys. I don't see how a sign on the interstate trumps or qualify this as a community or neighborhood or interstate type of store.

Vice-Chairman Mr. John Black stated, I don't see it as trumping, I see it as working hand and hand.

Mr. Jamie Gerhart stated, if the Board decides to add a condition then I would say we would not apply for a sign off the interstate.

Chairman Mr. Richard Parker asked, do you have a sign on HWY87 pointing towards the South Main Street store?

Mr. Jamie Gerhart stated, I don't know; I will have to check.

Commission Member Mr. James Kirkpatrick asked, what was staff's recommendation on this?

Zoning/Subdivision Administrator Mr. Joey Lea stated, this development has been through a lengthy review. This is part of the property to the south that was just rezoned back in May. This is consistent with the area development with the Shoppes at Waterford across the street. The project has full Technical Review Committee approval. This did include the review of a traffic impact analysis and with that staff recommends approval.

Commission Member Mr. James Kirkpatrick made a motion to recommend approval of the rezoning. Commission Member Mr. Earl Jagers seconded the motion. The Commission voted 5 to 1 to recommend approval of the rezoning. Voting to approve the rezoning were Kirk, Kirkpatrick, Parker, Kenan and Jagers. Voting against the motion was Black.

This was a City item.

**ITEM NO. 5:** Mr. Frank Longest presented an application to rezone from O&I, Office and Institutional District, to CB, Conditional Business District for the use of two Monopole Billboards. The property is located south of Longpine Road as shown on Alamance County tax map 3-2D and being a portion of lots 2 and 8.

Mr. Frank Longest stated, there are 3 existing billboards on this site. Our proposal is to replace the 3 wooden billboards with 2 monopole billboards facing east and west on the interstate. One of the sites is located on approximately an 11 acre tract of land and the other one is located on approximately 4 acre tract of land. The existing billboard sites of the 3 wooden poles are on both tracts of land. The replacement billboards will have one on the larger tract and one on the smaller tract as shown. The size of the 2 billboards will be 672 sq. ft. and the height would not be higher than 40ft from the ground. The two sites that are being proposed here are located the required NCDOT distance and the City of Burlington Zoning Code distance of at least 500 ft. between billboard sites. The two areas that are proposed to be rezoned are 100 ft. x 50 ft. The remaining property would be traditional use as it normally would be. The precedent for this type of conditional rezoning has already been set in Burlington. The City Council has approved a number of these over the years. There was one that was done not too long ago at what used to be called The Hanford Brickyard site and there was another one done right there on HWY 49. The City Council has established this as a precedent so what we are asking for is to fall in line with those that have already been done.

Commission Member Mr. James Kirkpatrick asked, so you are proposing to cut down the number of billboards from 3 to 2 and with a nicer monopole billboard?

Mr. Frank Longest stated, yes. There are 3 there now that are wooden structures and we are replacing them with traditional monopole and these will have LED lightings.

Chairman Mr. Richard Parker asked, have there been any calls about this rezoning?

Zoning/Subdivision Administrator Mr. Joey Lea stated, I have received one phone call from a resident of Waterfalls and when I explained to her what the request was she didn't say either way but didn't seem to have any problems with it.

Chairman Mr. Richard Parker asked, what is the staff recommendation on this?

Zoning/Subdivision Administrator Mr. Joey Lea stated, as Mr. Longest stated, currently there are 3 billboards and 2 monopoles will replace them. This is consistent with what was approved in 2006, 2007, and 2013.

Chairman Mr. Richard Parker asked, you were opposed to them weren't you?

Zoning/Subdivision Administrator Mr. Joey Lea stated, we were opposed to the one in 2006, 2007 and the 2013. All three of those were approved. The Commission recommended approval and the City Council approved them.

Commission Member Mr. James Kirkpatrick asked, your recommendation is based on precedent and some sort of consistency and zoning, correct?

Zoning/Subdivision Administrator Mr. Joey Lea stated, things have changed since those 3 rezoning's have been approved. First of all, our recommendation is to approve the request. The reason is we have 3 billboards that are non-conforming and the property will be utilized for 2 conforming billboards. These billboards will have to comply with State regulations as well as our regulations. In 2013 there was a state statute that was approved that will allow the owner to tear down all 3 billboards and put up 3 monopoles because the statute does not allow the municipality to regulate the reconstruction of a billboard. That would include the reconstruction of a multi-pole billboard just like what we have here changing it to a monopole. The only catch to that is, it must be the same size so what Mr. Longest is proposing is to put 2 back and they will be the standard 14' X 48' billboard. That would be better than putting 3 billboards back up. This situation is a lot different and this new statute can come into play about anytime. These are the primary reasons why we are recommending approval.

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

**New Business:** Zoning/Subdivision Administrator Mr. Joey Lea stated, at our November P&Z we will discuss the week of Christmas for a December meeting. That date will be the 22<sup>nd</sup> which we normal do. Next month the November meeting will be on the 24<sup>th</sup> and that is the week of Thanksgiving, I just want to make sure no one has a conflict that particular week. We will discuss the December meeting next month.

There being no further business to discuss, the meeting was adjourned at 8:18 p.m.

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**Richard Parker, Chairman**

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**John Black, Vice Chairman**

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**Kelly Peele, Secretary**