



MINUTES OF THE BURLINGTON PLANNING AND ZONING COMMISSION MEETING

February 23, 2015

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

STAFF PRESENT:

Amy Nelson, Director of Planning and Zoning
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 January 26, 2015, were unanimously approved.

ITEM NO. 3: Preliminary plat approval of the Hawthorne Subdivision. The property is located on the north side of Timber Trail approximately 400 feet from its intersection with NC Highway 49 as shown on plans by Evans Engineering, Inc., dated January 22, 2015, and containing 105 lots.

Zoning/Subdivision Administrator Mr. Joey Lea stated, this preliminary plat was originally approved in 2004 and the first phase was approved in 2010. As you know preliminary plats are only good for one year and one year subsequent of the final plat if the subdivision is phased. They are requesting a new preliminary approval for this plat and they are also requesting an extension of up to four years after approval of each phase.

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

ITEM NO. 4: Final plat approval for Hawthorne Subdivision, Phase 1B. The property is located on the north side of Timber Trail approximately 400 feet from its intersection with NC Highway 49 as shown on plans by Evans Engineering, Inc., dated January 23, 2015, and containing 28 lots.

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

ITEM NO. 5: Mr. Bob Rose, Jr., to present an application to rezone from I-1, Planned Industrial District and B-2, General Business District, to CB, Conditional Business District to allow for a Unified Business Development with the use and development conditions as specified in the application. The property is located at 3550 South Church Street as shown on Alamance County tax map 3-26A lot 15.

Mr. Bob Rose, Jr. stated, the property is zoned B-2 and we have a manufacturing component that is leaving some of the buildings. The zoning has to be unified business to allow retail tenants to move into those buildings.

Chairman Mr. Richard Parker asked, what kind of tenants are you trying to in there, more business or more industrial?

Mr. Bob Rose, Jr. stated, either one. I would like to keep manufacturing because some of those buildings have manufacturing components in them. The one building does sit on the highway and we may try and get retail in there.

Commission Member Mr. James Kirkpatrick asked, it's the furniture store, Nature Emporium and then you are talking about the next building which is the Michael Mills place?

Mr. Bob Rose, Jr. stated, correct. Michael Mills should be moved out by the end of July into their new facility and I would really like to put the property in the zoning that it should be in to allow other uses of the building.

Commission Member Mr. James Kirkpatrick made a motion to approve 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. 6: Staff to present an application to rezone from O&I, Office and Institutional District to R-9, Residential District. The property is located at 2209 Lacy Street as shown on Alamance County tax map 12-15 and being a portion of lot 99.

Zoning/Subdivision Administrator Mr. Joey Lea stated, we rezoned the property on the corner back in September from R-9 Residential to O&I Office Institutional District. What we didn't know at the time was that the property next door at 2209 Lacy St. had been enlarged by a recombination plat that was done prior to the rezoning. We didn't have that information updated in our GIS system. So we inadvertently rezoned a portion of 2209 Lacy St. to O&I. The rezoning itself doesn't cause a problem because O&I allows residential use. However, one of the statements that I made was that staff would not support any additional O&I down Lacy Street. So because this property now has a portion of O&I, although the current property owners don't have any interest; somebody in the future may say, well I'm already partially O&I so I would like to be zoned O&I. Staff is requesting that this portion of this property now be rezoned back to R-9.

Commission Member Mr. James Kirkpatrick asked, you say that staff has no desire for any additional O&I down Lacy Street?

Zoning/Subdivision Administrator Mr. Joey Lea stated, correct.

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

ITEM NO. 7: Staff to present proposed amendments to the City of Burlington Zoning Ordinance Sections 32.9, 32.10 and 32.12 relating to Corporate, Company and Business Flags.

Zoning/Subdivision Administrator Mr. Joey Lea stated, in looking at our UDO as we are going through it comprehensively; we discovered that this was listed as a use and it should not have been. This is only allowed in the B-3 Downtown District and in the Western Loop Overlay District. Staff feels like this is something that should be approved and should be available across the board. Any business or company should be able to fly a flag. This is a company or business flag, it's just a logo or business name, it cannot advertise a product. We're removing it from section 32.9 Table of Permitted Uses as a use and putting it into the sign section. There are limitations in the ordinance, the maximum size is 5x8, and they can be roof mounted. Those requirements were actually there, we just shifted everything into the sign ordinance where it should be.

Chairman Mr. Richard Parker asked, could a church put one on top of their building?

Zoning/Subdivision Administrator Mr. Joey Lea stated, it depends on what district that it is in.

Chairman Mr. Richard Parker asked, a downtown church?

Zoning/Subdivision Administrator Mr. Joey Lea stated, yes.

Commission Member Mr. Ryan Kirk asked, so only roof mounted, you can't have the flag on a pole?

Zoning/Subdivision Administrator Mr. Joey Lea stated, no it says may be roof mounted. You can have a flag pole right on the ground or they can hang one off the wall so it doesn't have to be roof mounted.

Commission Member Mr. Ryan Kirk asked, what about the American flag or the state flag?

Zoning/Subdivision Administrator Mr. Joey Lea stated, they are exempt.

Commission Member Mr. James Kirkpatrick asked, what's the history behind this? Why hasn't it been like this? Was it an oversight?

Zoning/Subdivision Administrator Mr. Joey Lea stated, like I said before, technically it is a sign. Our ordinance originally would not allow roof mounted signs and we do not allow signs that move. Flags blow in the wind, so they move. A company was required to remove their flag years ago and then the ordinance was written to allow them in the downtown district. When we did the Western Loop Overlay we added that in as part of the requirements of the district but we realize now that this is something that shouldn't be restricted to just one or two districts. Any business or cooperation in this town should be able to fly a flag with their business name or logo on it.

Commission Member Mr. James Kirkpatrick asked, so if I put my company logo on a flag I can put it up and it's no problem but if I put my company flag with the logo on it that said "Tuesday 2 Shirts for \$5"?

Zoning/Subdivision Administrator Mr. Joey Lea stated, then you are illegal.

Commission Member Mr. James Kirkpatrick asked, then you're going to make them go take that down?

Zoning/Subdivision Administrator Mr. Joey Lea stated, there cannot be any advertising on it at all; just the name or logo.

Chairman Mr. Richard Parker asked, so it can't say for a church "Open Sunday"?

Zoning/Subdivision Administrator Mr. Joey Lea stated, no. It can say "Joe's Used Cars" but Joe's Used Cars is the name of the business. It's not saying Pontiac, Chevrolet or whatever. The intent is to let any business fly their logo or their business name on a flag.

Commission Member Mr. Bill Abplanalp made a motion to recommend approval of the amendment. Commission Member Mr. Early Kenan, Jr. seconded the motion. The Commission voted unanimously to recommend approval of the amendment.

New Business:

There being no further business to discuss, the meeting was adjourned at 7:16 p.m.

Richard Parker, Chairman

John Black, Vice Chairman

Kelly Peele, Secretary