

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

October 23, 2006

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

George Byrd, Chairman, Present
Paul Cobb, Secretary, Present
John Black, Present
Lynn Cowan, Absent
Elder Greg Hargrave, Present
Gordon Millspaugh, Present

EXTRATERRITORIAL MEMBERS:

Bud Apple, Present
Richard Franks, Present
Earl Jagers, Present
Jim Johnson, Present
Ellis Piper, Present
Bob Ware, Present

STAFF PRESENT:

David Beal, Assistant Director of Planning Services
Haywood Cloud, Zoning/Subdivision 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 September 25, 2006, were unanimously approved. This was a City and extraterritorial item.

ITEM NO. 3: Consent agenda: (City)

Elder Hargrave requested that he be allowed to abstain from voting on Item (A). Commission Member Cobb made a motion to allow Elder Hargrave to abstain from voting on (A). Gordon Millspaugh seconded the motion. The Commission voted unanimously to allow Elder Hargrave to abstain from voting on Item (A).

(A) Elder Greg Hargrave presented an application for final plat approval of the Gospel Tabernacle United Holiness Church Subdivision. The property is located on Fulton Street approximately 550 feet south of Apple Street as shown on plans by Boswell Surveyors, Inc., dated September 7, 2006, and containing two lots.

Staff recommended approval of (A).

Commission Member Millspaugh made a motion to recommend approval of (A). Paul Cobb seconded the motion. The Commission voted unanimously to recommend approval of (A).

- (B) Mr. Brent Cockrum, representing Concept Builders, Inc., presented an application for final plat approval of Phase 7, Lots 1 through 8 and Lots 35 through 37, of Abbington Place Townhome Development. The property is located at the intersection of University Drive and Abbington Way as shown on plans by Fleming Engineering, Inc., dated September 27, 2006.
- (C) Mr. Heath Williams, representing Cambridge Isenhour Homes, Inc., presented an application for final plat approval of Phase 1, Section 3, of Glenmoor Townhomes, Mackintosh on the Lake Development (Section J2). The property is located on Gilchrist Drive south of Interstate 85/40 as shown on plans by Alley, Williams, Carmen and King, Inc., dated October 5, 2006, and containing three lots.
- (D) Mr. Todd Lambert with Simmons Engineering and Surveying, Inc., representing D. H. Sutphin Builders, presented an application for preliminary plan approval of the Ashton Park Townhouse Development. The property is located west of Plantation Drive approximately 445 feet south of Moran Street as shown on plans by Simmons Engineering and Surveying, Inc., dated July 20, 2004, and containing 45 lots.

Staff recommended approval of (B) and (D) and recommended approval of (C) contingent upon completion of street construction or the applicant posting proper surety with the City Engineering Department prior to recording the plat. Commission Member Millspaugh made a motion to recommend approval of (B) and to recommend approval of (C) with the contingency outlined by staff. In addition Mr. Millspaugh made a motion to approve (D). Paul Cobb seconded the motion. The Commission voted unanimously to recommend approval of (B) and to recommend approval of (C) contingent upon completion of street construction or the applicant posting proper surety with the City Engineering Department prior to recording the plat. The Commission voted unanimously to approve (D).

Consent agenda: (Extraterritorial)

- (E) Mr. Brent Cockrum, representing Waterfalls, LLC, presented an application for final plat approval of Phase 1, Waterfalls Subdivision. The property is located on Longpine Road approximately 715 feet northwest of Evergreen Lane as shown on plans by Fleming Engineering, Inc., dated September 27, 2006, and containing 46 lots.

Staff recommended approval of (E).

Commission Member Franks made a motion to recommend approval of (E). Bud Apple seconded the motion. The Commission voted unanimously to recommend approval of (E).

ITEM NO. 4: Mr. Lawson Brown, representing CBL and Associates, was scheduled to present an application to rezone from R-15, Residential District, to CB, Conditional Business District, to allow for uses consistent with those in the Alamance Crossing Conditional rezoning approved by City Council April 20, 2004. The property is located on the south side of Garden Road approximately 560 feet northwest of Boone Station Drive and being as shown on Alamance County Tax Map 3-24-2B. This item was continued at the August 28, 2006, and September 25, 2006, Commission meetings.

This was an extraterritorial item.

Mr. Brown requested that this item be continued until the November meeting. Commission Member Franks made a motion to continue the item until the next meeting. Bud Apple seconded the motion. The Commission voted unanimously to continue the item until the November meeting.

ITEM NO. 5: Mr. Charles Bateman, representing Mr. Joseph Rickman, was scheduled to present an application to rezone from I-1, Planned Industrial District, to CI, Conditional Industrial District, to allow for the placement of two monopole outdoor advertising structures. The property is located on the west side of the southernmost end of Trail Two north of Interstate 85/40 as shown on Alamance County Tax Map 12-5-4. This item was withdrawn prior to the September Commission meeting at the request of the petitioner.

This was a City item.

Commission Chairman Byrd read a letter from Mr. Bateman requesting that this item be continued until the November meeting. Commission Member Cobb made a motion to continue the item until the next meeting. Greg Hargrave seconded the motion. The Commission voted unanimously to continue the item until the November meeting.

ITEM NO. 6: Mr. Larry McCauley presented an application to rezone from R-15, Residential District, to R-9, Residential District, the property located on the west side of Alamance Road (NC Highway 62 South) approximately 330 feet southwest of Hoskins Road as shown on Alamance County Tax Map 12-3, Lots 17 and 20.

This was a City item.

Mr. McCauley pointed out that surrounding properties are zoned R-9 and stated that he thought these two properties were rezoned from R-15 to R-9 when the others were rezoned.

Commission Chairman Byrd asked if staff had received any calls regarding the rezoning and was told that staff had received a couple of calls inquiring about the rezoning signs.

Commission Member Millspaugh asked if there would be access to these properties, and Mr. McCauley stated that there would not be access.

Commission Member Cobb asked Mr. McCauley to point out the properties that he owns in the area, and Mr. McCauley indicated an L-shaped lot that belongs to him and stated that he did not know the owners' names of some of the other lots. Mr. Cobb stated that he thought that if Mr. McCauley owned other properties in the vicinity that the Commission could recommend that they be rezoned also.

Zoning/Subdivision Administrator Cloud stated that the area had quite a history in that over the past few years much of the area has been rezoned from R-15 to R-9.

Staff recommended approval of the request for rezoning on the basis that R-9 would be consistent with surrounding residential zoning densities.

Commission Member Black made a motion to recommend approval of the request for rezoning. Paul Cobb seconded the motion. The Commission voted unanimously to recommend approval of the request for rezoning.

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 recommended that the official zoning map and the Comprehensive Land Use Plan be amended to reflect the change.

ITEM NO. 7: Mr. Ron Jones with Hugh Creed Associates, representing Ashley Furniture Company, presented an application to amend a Conditional Business rezoning approved for Wakefield Associates on June 3, 2004. The parcel, as shown on Alamance County Tax Map 3-26, Lot 94, was formerly part of the Wakefield Associates development and is located on University Drive in the University Commons Shopping Center. The request is to allow construction of a 30,000-square-foot building. If this application is approved, the shopping center will exceed the 375,000-square-foot limit approved by City Council by approximately 11,700 square feet.

This was a City item.

Assistant Director David Beal distributed revised site plans showing the layout for the proposed 30,000-square-foot building rather than the site plan depicting 35,000 square feet as presented to Commission members in their agenda packets.

Mr. Beal explained to Commission members that if the amended square footage exceeds 10 percent, the site plan must then be presented for re-approval, according to the City's Zoning Ordinance. Though this amendment was less than 10 percent of the total development, staff still suggested that it be submitted for approval. He pointed that setbacks or parking would not be affected by the enlargement of the building and that staff recommended approval of amending the Development Conditions to allow Ashley Furniture Company to construct a 30,000-square-foot building in the University Commons Shopping.

Commission Member Cobb made a motion to recommend approval of amending the Development Conditions. Gordon Millsbaugh seconded the motion. The Commission voted unanimously to recommend approval of amending the Development Conditions to allow construction of a 30,000-square-foot building by Ashley Furniture Company. All previously approved Use and Development Conditions approved for the University Commons Shopping Center shall remain in effect.

ITEM NO. 8: Commission members were requested to re-schedule its December meeting since it would fall on the 25th.

This was a City and extraterritorial item.

Mr. Beal suggested that the December meeting be moved up one week to December 18th. Deadline for submitting items for the agenda would be December 1st.

Commission members discussed canceling the December meeting and asked if no items had been submitted by the deadline on December 1st could the December meeting then be canceled.

Mr. Beal stated that it could be canceled if no items had been submitted.

Commission Member Millsbaugh made to motion to change the December meeting date to the 18th. Richard Franks seconded the motion. The Commission voted unanimously to change the December 25th meeting to December 18th at 7:00 p.m.

Commission Chairman Byrd asked about the status of amending the Western Loop Future Land Use Map.

Mr. Beal stated that a public hearing is scheduled for November 7, 2006, at 7:30 p.m. in the Council Chamber and urged Commission members to attend.

Mr. Byrd stated that Council had mentioned in the past that Land Use Maps serve as a guide in making rezoning decisions and they are not set in stone.

Commission Member Johnson asked how would amendments to the Future Land Use Map be presented to City Council, and Mr. Beal explained that recommendations made by the Commission have been incorporated into the amended Land Use Maps that will be presented to Council.

Commission members requested that maps showing the proposed changes to the Western Loop Planning Area be mailed to them before the public hearing.

There being no further business to discuss, the meeting was adjourned at 7:25 p.m.

George A. Byrd, Jr., Chairman

Paul E. Cobb, Jr., Secretary