



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

August 22, 2016

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

Richard Parker, Present
John Black, Present
Early Kenan, Jr., Absent
Ryan Kirk, Present
James Kirkpatrick, Present
Nicole Enoch (Alternate), Present
*Matthew Dobson (Alternate), Present
*Not Voting

EXTRATERRITORIAL MEMBERS:

Earl Jagers, Present
Bill Abplanalp, Present

STAFF PRESENT:

Amy Nelson, Director of Planning and Zoning
Joey Lea, Zoning 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 June 27, 2016, were unanimously approved.

ITEM NO. 3: Introduction of new City Commission Member Matthew Dobson.

Zoning Administrator Mr. Joey Lea stated, this is Mr. Matthew Dobson he will be coming in as an alternate on the City side for this Commission.

Chairman Mr. Richard Parker welcomed Mr. Dobson to the Commission.

ITEM NO. 4: Nomination and election of 2016-2017 Commission Chair and Co-Chair.

Commission Member Mr. Bill Abplanalp made a motion to re-elect Commission Member Mr. Richard Parker for Chairman. Commission Member Mr. Ryan Kirk seconded the motion. The Commission unanimously voted for Commission Member Mr. Richard Parker for Chairman.

Commission Member Mr. James Kirkpatrick made a motion to re-elect Commission Member Mr. John Black for Vice Chairman. Commission Member Mr. Earl Jagers seconded the motion. The Commission unanimously voted for Commission Member Mr. John Black for Vice Chairman.

ITEM NO. 5: Robin Wintringham, representing Habitat for Humanity of Alamance County, to present an application to rezone from R-9 Residential District to MF-A Multifamily Residential District. The property is located at 1802 Malone Road, referenced as Alamance County tax identification number 122397.

Ms. Robin Wintringham stated, thank you for taking the opportunity to appear before you. Habitat for Humanity owns a lot at 1802 Malone Road; we acquired that late last year. It is presently zoned R-9 and it does have a stream across the front of the property. We would like to have the opportunity to rezone that from R-9 to MF-A. The property is a bit challenging because of the stream and the Jordan Lake rules come into play here. We would like to have the opportunity to zone it to MF-A.

Chairman Mr. Richard Parker asked, how many houses can you get on there?

Ms. Robin Wintringham stated, under present zoning 2, with MF-A 3.

Commission Member Mr. Ryan Kirk asked, are they being split up moving away from the road or is it going to be 3 skinny lots perpendicular to Malone Road?

Ms. Robin Wintringham stated, we haven't had an actual architect/engineer look at it so we don't have a plan yet. We are thinking it will be 3 rectangular lots similar to the lots that are next to us.

Commission Member Mr. Ryan Kirk asked, so there will be a single entrance?

Ms. Robin Wintringham stated, correct. There is already a driveway that goes through the buffer so we will continue to use it.

Commission Member Mr. Bill Abplanalp asked, what sizes would these houses be?

Chairman Mr. Richard Parker stated, I don't think we can ask that kind of question, I think this is just a straight rezoning so it wouldn't be a conditional use so we are just looking at the land use and not what's going to be on it.

Zoning Administrator Mr. Joey Lea stated, I know we haven't done a straight rezoning in a while but your decision should be based on all the uses that are allowed within that district.

Chairman Mr. Richard Parker asked, on the page after the map shows the uses permitted as a matter of right under R-9 and on the back of that is Multi-Family uses permitted as matter of right. But you state there will be 3 single family dwellings, is that correct?

Ms. Robin Wintringham stated, correct. Habitat does home ownership of single-family homes.

Commission Member Mr. James Kirkpatrick asked, so will this be something similar to what is there? How many homes do you build a year?

Ms. Robin Wintringham stated, 6 to 8 homes a year. We have 153 in the county and 2 presently under construction.

Commission Member Mr. James Kirkpatrick asked, is what you are planning on building similar to the style that you have now?

Ms. Robin Wintringham stated, not sure we are supposed to talk about this but we are hoping to try and talk with an architect and see what the options we have.

Chairman Mr. Richard Parker asked, anymore questions for Ms. Robin Wintringham at this time? Thank you.

Ms. Robin Wintringham stated, thank you for the chance to be here and thank you for your consideration.

Ms. Sharon Milan stated, I live at 1910 Malone Road so this is going to affect the street that I live on. I have concerns about the rezoning because of the way the lot is setup. She is correct, they cannot build near the front of the property so this means that if they go with what they are talking about 3 individual single-homes then they will be crammed into the back of the property. One single driveway going in and 3 houses crammed in the back. The other thing that concerns me when I talked with Mr. Lea and from what I just heard from Ms. Wintringham if it is zoned multi-family I'm hearing that they are talking about single-family homes at this time but it also opens it up to other uses. I do not have access to what you have as far as what those uses could be but I am concerned there could be other uses with multi-family. I know that they own the land at this point and I can't stop them from building Habitat Homes but I am not really crazy about having Habitat Homes in my neighborhood. I am concerned about property values but what I would like for the Commission to do is to preserve the R-9 so there would at least be 2 homes there and not crammed them in a third home. I have gone and looked and researched Habitat Homes and looked at the ones in our area. I must admit that some look better than others so I would certainly hope that the houses they do build will fit into the community and neighborhood. I know there are several different neighbors that couldn't be here tonight that are against this rezoning.

Mr. Robin Watson stated, I live at 1709 Fairview Street in Burlington. I have several points of interest. As a resident I'm concerned for several different things because I have been on other committees for example the New River Basin Committee and the Jordan River Basin and so forth. In R-9 our property values need to remain the same; in multi-family a lot of the times the property values go down. Secondly, the water shed that is to be built on the back of this property will have to have access to the stream. This will increase liability for the City, the waste water treatment plant. There will be more parking involved, not just the house. Everything goes towards the creek. I do live there and I would like for this to remain R-9 and at the most two houses instead of three on this property.

Ms. Pat Dunnagan stated, I live at 1710 Fairview Street. I would like to ask the Commission to keep this at an R-9 instead of the MF-A from a stand point of property values we feel like these homes will affect the property value in the negative way. We are trying to understand if there are two Habitat houses there can these folks sell these houses after they move in and are they obligated to stay there the whole 20 year lease that they make their payments on time. Our concern is if this is a possibility of who they will sell to and really increase the crime rate in our area. They are going to be 25 ft. from any property line so that is easy access if you have been to Malone or Fairview Road. It is a concern for us on our house values and in our neighborhood the least value home is \$100,000 and with these houses in there we can say it has an impact on our property values. If we have to have three houses in there then there should be some type of barrier between those homes and the existing property that it attaches to.

Ms. Maria Clapp stated, my name is Maria Clapp and I live at 1808 Malone Road which is right next door to the proposed property. I'm a fan of Habitat and I like them, my problem is that the GIS that you all are working from shows that my property size is wrong. They are showing my garage as my property not the actual lot. My lot size is 1990 sq. ft., .456 acres. They are just barely two times the size of my lot not three times the lot size; they are .89 acres and I'm .45 acres. Building 2 houses on this lot would be more esthetically appealing for the neighborhood than building 3 houses on this lot. Like I said I love Habitat and I'm interested in seeing the new architect for the homes because I do know what they traditionally look like.

Chairman Mr. Richard Parker asked Ms. Wintringham, have you had any neighborhood meetings or anything for this?

Ms. Robin Wintringham stated, I have not. Based upon the tax records I sent each homeowner that is abutting the property a letter. I got 2 of those letters back and I got a phone call from a homeowner.

Commission Member Mr. Ryan Kirk asked, what is the density with 3 houses verses 2 houses, and how did you come up with 3 homes instead of 2 for this lot?

Ms. Robin Wintringham stated, we considered doing just 2. The lot is .898 acres so evenly divided into 3 it's still over 12,000 sq. ft. per lot. Most of our houses are built on 6,000 sq. ft. per lot. Of course with the front we really can't do anything there because of the buffer but there is ample room left in the back.

Commission Member Mr. Ryan Kirk asked, the stream buffers, what distance are we talking about?

Ms. Robin Wintringham stated, it's 50 ft. from the top of each bank. That means where the stream is there is 50 ft. on each side that blockes a large portion of the front of the lot.

Commission Member Mr. Ryan Kirk asked, so the setback against the property's on Fairview Street, what is that distance?

Zoning Administrator Mr. Joey Lea stated, 25 ft.

Commission Member Mr. Ryan Kirk asked, so there's room, it just depends on where it all falls on there but we can't address that.

Ms. Maria Clapp stated, my thought on why they want to put 3 houses on that lot instead of 2 is because of the tax value. The tax value on that property is \$30,000; traditionally Habitat houses are built on lots that average at \$10,000. So in order to make it cost efficient and get the houses in for that amount of money so the people buying it can keep the money down so they need to get the land down to \$10,000. So if they can split that \$30,000 lot into 3 \$10,000 lots then you can get your money down to get the houses cheaper for the homeowner. This is a \$30,000 lot neighborhood it does not need to have \$10,000 lots added to it.

Chairman Mr. Richard Parker asked, Joey, did you get many calls on the sign for this?

Zoning Administrator Mr. Joey Lea stated, we had about 15 phone calls on this.

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

Zoning Administrator Mr. Joey Lea stated, the request for MF-A is consistent with our Comprehensive Land Use Plan which calls for single-family and multi-family uses. It is also consistent with the uses in the area. As you can see by the map there are 3 or 4 multi-family developments right there across from single-family property. There is also MF-A zoning to the north and to the south of this property so the MF-A is consistent with the uses in the area. Staff does recommend the rezoning. If you looked and compared the uses between MF-A and R-9 they are almost exactly are the same with 2 exceptions. The property can be developed for

Multifamily as it is currently zoned and can support 4 units under R-9 density, so technically what they intended to do is 1 unit less than what is allowed.

Vice-Chairman Mr. John Black asked, Mrs. Wintringham, would Habitat look at 2 units as apposed to 3 units at the R-9 zoning? Is that even a consideration or is this a must have 3 units? Has there been any discussion over 2 or 3, has that ever come up?

Ms. Robin Wintringham stated, we always try and do the best purpose for the land. We have discussed 2, 3, and 4. Based on lot size with setbacks and the neighborhood it just seemed like 3 was the best.

Vice-Chairman Mr. John Black asked, let's just say we are proposing 3 units in this area and you said that in the past perhaps you have been putting units on 600 instead of 1200, when you do that in an area is it always esthetically agreeable to a degree with the neighborhood? I guess what I'm trying to ask is as a neighborhood are you trying to fit in the neighborhood or just build houses?

Chairman Mr. Richard Parker stated, I don't know if that question is relevant to this rezoning. We are doing a straight rezoning, it's not conditional. It's about land use, is this good use for this land.

Vice-Chairman Mr. John Black stated, I understand that; it's who's opinion of good land use first and foremost are you looking at property values, to some people that might be a good land use. I understand what we are here for and that's all I'm trying to do. I'm all for Habitat for Humanity. I don't really care about anything other than the land use.

Commission Member Mr. Earl Jagers made a motion to approve the rezoning. Commission Member Mrs. Nicole Enoch seconded the motion. The Commission voted 5 in favor of the motion and 2 against the motion; the motion passed due to the majority vote. Voting in favor of the motion was Commission Members Kirkpatrick, Parker, Enoch, Jagers, and Black. Voting against the motion was Commission Members Kirk, and Abplanalp.

There being no further business to discuss, the meeting was adjourned at 7:39 p.m.

Richard Parker, Chairman

John Black, Vice Chairman

Kelly Peele, Secretary