



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

May 22, 2017

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
Matthew Dobson (Alternate), Absent

EXTRATERRITORIAL MEMBERS:

Earl Jagers, Present
Bill Abplanalp, Present

STAFF PRESENT:

Amy Nelson, Planning Director
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 March 27, 2017, were unanimously approved.

ITEM NO. 3: Staff to present an application to rezone from R-O&I Restricted Office & Institutional District to O-I Office & Institutional District. The property is located at 1607 Edgewood Avenue referenced as Alamance County tax identification number 123965.

Zoning Administrator Mr. Joey Lea stated, this rezoning request is similar to if not equal to the issue we had on Rayon Street. The owners of this property came in and submitted an application to do an addition to the house. The property is zoned R-O&I and this district does not allow single family dwellings as a use. The house is nonconforming which means you cannot expand it or if it is ever destroyed the house couldn't be built back. I researched the property and found that it was rezoned from O&I to R-O&I in 1973. The majority of the area was rezoned from O&I to R-O&I in March of 1973 and this property was rezoned from O&I to R-O&I in April of 1973. What I couldn't figure out was why this property was done by itself. The Planning and Zoning minutes was the only thing that shed any light on this. If you remember, Memorial Hospital was located here and this area was slated for medical type office use. This is the only section of R-O&I we have in the city. As you can see by the land-use plan this whole section right now is slated for residential use. This property was originally zoned O&I so what we are proposing is to rezone it back to O&I. The Office & Institutional District allows single-family dwellings and they go by the nearest residential district and that would be the R-15. That would make it compatible with residential and it also makes it compatible with the R-O&I. The only thing I can assume is that at some point in time someone figured that this property would be added to some of the properties in the R-O&I and make for a larger development. The original property owners were the husband's grandmother so this has been family property since the 40's. We are

proposing to go back to the O&I because that makes it compatible all the way around and would allow them to expand and keep their home.

Chairman Mr. Richard Parker asked, I generally agree with everything you said and what I've read here but why wouldn't it make sense to go to R-15? When you look at the map R-15 is everywhere.

Zoning Administrator Mr. Joey Lea stated, It also makes it more suitable for the R-O&I that it is next to. It makes it compatible on both sides.

Chairman Mr. Richard Parker asked, but it doesn't have access to the O&I streets.

Zoning Administrator Mr. Joey Lea stated, not now. Let's say those first three lots on Memorial Dr. were combined with this lot. That would make a nice little office complex. O&I is what it was zoned originally. That's why we looked at that being more compatible with all surroundings other than just rezoning it to R-15.

Vice-Chairman Mr. John Black asked, I was listening to what you were saying and if it was R-15 that means that the likelihood is that it would stay residential. If we did O&I and opened up the ability to make those three lots or four lots a nice little center backing into an R-15 it just appears to me that the R-15 acts as a better buffer. The R-O&I right now this family is situated right there it doesn't look like they are going to turn it into anything other than a residents, so I'm with the chairman on thinking if you make it an R-15 then you eliminate the chance of putting those four lots together then having those people surround it going hey we don't want business on these two lots saying they don't want a business backed up to us.

Commission Member Mr. James Kirkpatrick asked, we are talking about one lot and everybody else already backs up to it anyway. I agree with the staff and that O&I is the most logical and most flexible.

Zoning Administrator Mr. Joey Lea stated, the homeowners did not ask for this. We looked at it comprehensively and because it was originally O&I we felt that was the best thing to put it back to. Rezoning to R-15 would have been more restrictive from what it was originally.

Commission Member Mr. Earl Jagers asked, this will take care of that problem?

Zoning Administrator Mr. Joey Lea stated, yes.

Commission Member Mr. James Kirkpatrick asked, has there been any complaints?

Zoning Administrator Mr. Joey Lea stated, I received 6 phone calls on this, they were all inquisitive and no one had any issues. Also, Morgan Lassiter that works for the City lives in the area, when the signs went up everybody called her. Once she explained this to everybody they seemed to understand and be fine with the rezoning.

Chairman Mr. Ricahrd Parker asked, one of the uses here permitted by right is boarding houses in an O&I; can that be stricken from this property as a use?

Zoning Administrator Mr. Joey Lea stated, no it goes with a straight O&I. Staff's recommendation is to approve the rezoning to O&I.

Commission Member Mr. James Kirkpatrick made a motion to approve the rezoning. Commission Member Mr. Ryan Kirk seconded the motion. The Commission unanimously voted to approve the rezoning.

ITEM NO. 4:

Mr. Charles Koch to present an application to rezone from MF-A Multifamily District to B-1 Neighborhood Business District. The property is located at the northwest corner of Courtland Terrace and North Church Street referenced as Alamance County tax identification number 138307.

Mr. Charles Koch stated, what we would like to do is rezone to neighborhood business. It fits well with the area and the future plan for development. Currently there are some residential houses near the property but honestly this is currently zoned for multi-family and it's just not conducive for a multi-family. Single-family given the layout doesn't work for this property either. There is also some existing piping that goes across this property so we believe we could put about a 2,000 sq. ft. office or retail space.

Chairman Mr. Richard Parker asked, who is the owner of this property?

Mr. Charles Koch stated, Pedro Carreno.

Chairman Mr. Richard Parker asked, what is your relationship to this?

Mr. Charles Koch stated, I'm the engineer.

Chairman Mr. Richard Parker asked, is this getting rezoned for resell or are you going to develop it.

Mr. Charles Kock stated, the intent is to develop. We did have a meeting with the neighbors. We didn't have any objections. Everyone that came really just came for informational purposes; in fact most were asking if we wanted to buy any additional properties.

Commission Member Mr. Ryan Kirk asked, what would the parking look like?

Mr. Charles Koch stated, the basic idea would be a small strip set of parking that would connect from Courtland Terrace and back out to the other side of Church Street. It would sit in front of the building and we would have the building facing the corner. Nothing is firm because we still need to get a full survey but there is an existing pipe that you can see that will create some problems with the parking. You can't put a building on the pipe but you can get the parking to go across the pipe. The nice thing is that would also allow us to put the drives a little bit further back from that intersection.

Commission Member Mr. Ryan Kirk asked, that will be the access from Courtland Terrace then?

Mr. Charles Koch stated, yes kind of from both sides.

Chairman Mr. Richard Parker asked, so you are going to have a drive entrance off Church Street?

Planning Director Mrs. Amy Nelson stated, that would have to go thru NCDOT for driveway permit; so that's not a given.

Mr. Charles Koch stated, one of the reasons that having an entrance off of both would be for dumpster access so it would make it more suitable for the truck to actually make the turns. It is fairly a small lot; it's ½ an acre.

Commission Member Mr. Ryan Kirk asked, how many parking spaces?

Mr. Charles Koch stated, 11 – 12 spaces which is why we were looking at something around 2,000 sq. ft. for the building. That is also conducive to a neighborhood business.

Planning Director Mrs. Amy Nelson stated, I'm going to talk with you about the neighborhood business. This aspect of this because it is called for in our new comprehensive plan and neighborhood businesses are good and they allow residents to walk to services rather than having to get in their cars and driving somewhere. This is something we are heading more towards not just Burlington but everywhere. Hopefully we will get a nice sidewalk network going on at some point but the thing is to encourage a small business going into a residential area so that folks have more conveniences located near them.

Chairman Mr. Richard Parker asked, I just want to make sure that if Council approves this rezoning that you will develop and not put a for sale sign in the yard?

Mr. Charles Koch stated, the intent again is to develop.

Commission Member Mr. James Kirkpatrick made a motion to approve the rezoning. Commission Member Mr. Earl Jaggers seconded the motion. The Commission unanimously voted to approve the rezoning.

Chairman Mr. Richard Parker asked, before our next meeting could we have an updated list of our terms and when we are up for renewal and such?

Zoning Administrator Mr. Joey Lea stated, you are all good but I do have an updated list that I will get to you all.

Commission Member Mr. Bill Abplanalp asked, what happened to item number 5 on the agenda?

Zoning Administrator Mr. Joey Lea stated, this is one of those we are working on up to the last minute and they were not able to supply information that was requested for this meeting. We do intend to have this item in front of you at next month's meeting.

Director of Planning Mrs. Amy Nelson stated, if I may, this has happened in the past especially since before I got here and Joey likes to put out signs in advance so that people have notices of what's going on and they can come to these meetings and talk to you all about their opinions and concerns. That case is what caused this to happen; Joey showed me some old minutes from before I got here and all it said was Item 5 was withdrawn from agenda. It didn't tell us anything, what was the point. So this will give you a little summary of what was supposed to be going on before you so you can have a heads up before next time.

Zoning Administrator Mr. Joey Lea stated, because of signs being up we receive phone calls and talk to people but they don't get the notice that it was withdrawn. That gives you the heads up and you can explain it to them if someone shows up for the meeting.

Commission Member Mr. Bill Abplanalp stated, I'm very much pro-signs.

Commission Member Mr. James Kirkpatrick asked, how is the UDO coming?

Director of Planning Mrs. Amy Nelson stated, it is coming along slowly. We've had quite a few revisions from the staff level on the first chunk of information. Once we get that back and make sure it's in the format that we want so it's the best for the City of Burlington then it can move forward to the Advisory Committee then eventually to all of you so you can see it too. We are working on it.

Vice-Chairman Mr. John Black asked, what is the purpose of having somebody drive over to my office and personally deliver this packet? In my opinion this is a waste of tax payer's money. I'm sure there has got to be a solid reason behind this.

Director of Planning Mrs. Amy Nelson stated, it was felt by management that it would be better for packets to be hand delivered.

Vice-Chairman Mr. John Black asked, at what cost is that?

Director of Planning Mrs. Amy Nelson stated, I can find out for you. I'm not sure it will be allowed but if you preferred to not receive your packets that way or if you would rather go back to the way we have been going the past few years, just let me know and I'll put your name on the list if we are allowed to do it.

Vice-Chairman Mr. John Black asked, who is management?

Director of Planning Mrs. Amy Nelson stated, the City Manager. He thought it would be more convenient.

Vice-Chairman Mr. John Black asked, what other Commissions/Boards are having their packets hand delivered?

Director of Planning Mrs. Amy Nelson stated, I believe Planning and Zoning Commission and City Council.

There being no further business to discuss, the meeting was adjourned at 7:22 p.m.

Richard Parker, Chairman

John Black, Vice Chairman

Kelly Peele, Secretary