



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

January 24, 2022 – 7:00 pm

*Due to the COVID-19 pandemic this meeting was
held online via the Zoom virtual meeting platform and recorded.*

CITY MEMBERS:

Richard Parker, Chair
John Black, Vice-Chair
Patricia Gamble (Alternate)
James Kirkpatrick
Lee Roane

EXTRATERRITORIAL MEMBERS:

Joan Zec Nelson

MEMBERS ABSENT:

Ryan Kirk
Bill Abplanalp (Extraterritorial Member)
Amber Wright (Alternate)
Ethan Raynor (Alternate)

STAFF PRESENT:

Mike Nunn, Director of Planning and Transportation
Conrad Olmedo, Planning Manager
Beverly Smith, Senior Administrative Assistant

AGENDA

ITEM NO. 1:

Mr. Parker, Chair, called the meeting to order at 7:18 p.m. He stated due to the Coronavirus Pandemic, this meeting was held virtually via Zoom platform and recorded.

ITEM NO. 2:

Approval of the minutes of the meeting held on November 22, 2021.

Mr. Kirkpatrick made a motion, seconded by Mr. Roane to approve the foregoing minutes.
Approved Unanimously.

ITEM NO. 3:

Mr. Parker, Chair, announced the following application for REZONING-21-0017: Ms. Liz Ange, to present an application to rezone properties zoned Medium Density Residential (MDR), High Density Residential (HDR) and Light Industrial (LI) to be High Density Residential (HDR). The properties are located at 0 Plantation Drive, northwest of the intersection of Koury Dr. and Plantation Dr., and 1930 Tucker St., north from the intersection of Tucker St. and Koury Dr., and consists of Alamance County Tax Identification Numbers 122522 and 122447.

Ms. Beth Blackmon, of the Timmons Group, was in attendance representing the applicant, Ms. Liz Ange. She presented a brief overview of the application and shared some benefits of the proposed transition to the existing uses in the surrounding area. She noted any proposed development for this property would follow the City's Unified Development Ordinance, city and state standards, stormwater mitigation, and meeting all requirements with development in this area. She reported a neighborhood meeting was held with several attendees and minutes were provided in the agenda packet.

Mr. Kirkpatrick inquired if concerns from residents in previous meetings had been addressed.

Ms. Blackmon responded those that were in attendance in previous meetings addressed concerns about access to the property, traffic concerns, buffers to the property, and stormwater runoff.

Mr. Parker inquired if the proposed project options of this development would be duplexes or two-unit single family homes.

Ms. Blackmon responded there was discussion about the development options of a traditional conventional rezoning with limits but there isn't intent to develop garden style apartments.

Ms. Zec Nelson inquired if the intentions were binding or subject to change.

Ms. Blackmon responded that is correct.

Mr. Parker stated this is a straight rezoning with permissible uses outlined in the agenda packet.

Public Comments:

Mr. Parker, Chair, called for public comments, and the following persons spoke:

Mr. Tim Spears, 812 Plantation Drive, Burlington, spoke on the proposed rezoning and addressed concerns on the buffer to property where he operates a trailer dealership business. He noted he spoke with City staff and confirmed plans to include a 30ft buffer that will not interfere with his future development plans.

Mr. Nunn confirmed the action on this property at this time would not impact Mr. Spears business property and required buffers will be addressed at the site plan.

Ms. Tracey Michaels, 1934 Tucker Street, Burlington, spoke on the neighborhood meeting, the increase of population to this area, impacts on schools, and wildlife preservation.

Ms. Blackmon responded to the potential growth, requirements for schools, changes in landscape, and reiterated all development Ordinances would be complied with to make this development as appealing as possible. She reiterated various numbers and types of units have been part of discussions but at this time the planned development has not been presented.

Mr. Kirkpatrick asked if the proposed development could be confirmed as residential at this time.

Ms. Blackmon confirmed the zoning allows for institutional, but the intent is to develop residential.

Mr. Roane inquired about the flood plan area.

Ms. Blackmon responded approximately 10 acres of the 40 acres is in a flood plan.

Ms. Zec Nelson inquired about the targeted buyer and price points for the duplexes or townhomes.

Ms. Blackmon responded the area would be based on market rate at that time in the stage of development.

Mr. Olmedo reported City staff recommends approval as inconsistent with the Land Use Map and to amend.

Mr. Black commented on the trailer business operation owners plans that Mr. Spears commented on would be negatively impacted by this rezoning request.

Mr. Nunn confirmed City staff has been in communication with Mr. Spears and advised that as long as he does not plan to change the current use, this action would not impact his future plans.

Mr. Spears responded the development plans for the business would be for building improvements and do not include a change of use. He stated he was satisfied with the advice and answers he has received.

Mr. Eisenbeiss addressed Mr. Spears development plans and invited more discussions to help accommodate the plans involved for both parties.

Motion:

Mr. Kirkpatrick made a motion to recommend approval of the request to zoned Medium Density Residential (MDR), High Density Residential (HDR) and Light Industrial (LI) to be High Density Residential (HDR). The properties in question are located at 0 Plantation Drive, northwest of the intersection of Koury Dr. and Plantation Dr., and 1930 Tucker St., north from the intersection of Tucker St. and Koury Dr., and consists of Alamance County Tax Identification Numbers 122522 and 122447.

He stated while the request is inconsistent with the Future Land Use Map in Section 4 “Land Use” of the Comprehensive Plan, in that it calls for this area to have residential and industrial uses:

- The request is compatible with the existing residential, commercial, and industrial uses in the area.

He stated this action is reasonable and in the public interest, in that:

- The Comprehensive Plan encourages residential uses to supplement existing commercial and industrial uses in the area.
- The request is compatible with the existing zoning and land uses in the area.

Mr. Roane seconded the motion.

Vote (6-1)

Approved by (Parker, Black, Roane, Kirkpatrick, Gamble, and Raynor)
Zec Nelson opposed.

ITEM NO. 4:

Mr. Parker, Chair, announced the following application for REZONING-22-001: Ms. Maria Sibrian, to present an application to rezone a property zoned Medium Density Residential (MDR) to General

Business (GB). The property is located at the southwest corner of the intersection of Alamance Rd. and Bonnie Ln., at 2813 Alamance Rd., and consists of Alamance County Tax Identification Number 120479.

Ms. Maria Sibrian, applicant, presented on the application to rezone.

Mr. Parker inquired if a neighborhood meeting had been held.

Ms. Sibrian responded there hasn't been a neighborhood meeting and no comments have been brought to her attention at this time.

Mr. Olmedo and Mr. Nunn confirmed no comments have been received by City staff to date, public notices were sent to neighboring properties, and signage was posted on the property.

Public Comment:

Mr. Parker, Chair, called for public comments and none were received.

Motion:

Mr. Roane made a motion to recommend approval of the request to rezone a property zoned Medium Density Residential (MDR) to General Business (GB). The property is located at the southwest corner of the intersection of Alamance Rd. and Bonnie Ln., at 2813 Alamance Rd., and consists of Alamance County Tax Identification Number 120479.

He stated this motion is based upon the consistency of the proposed rezoning with the Comprehensive Plan, in that:

- The Future Land Use Map in Section 4 "Land Use" of the Comprehensive Plan calls for this area to have residential and commercial uses.
- The request is compatible with the adjacent residential, commercial, and industrial uses.

He stated this action is reasonable and in the public interest, in that:

- The Comprehensive Plan calls for residential, commercial, and industrial uses in the area.
- The request is compatible with the existing zoning and land uses in the area.

Mr. Kirkpatrick seconded the motion. Approved unanimously.

ITEM NO. 5:

Mr. Parker, Chair, announced the following application for CONDITIONAL REZONING-22-001: Mr. Todd Lambert, on behalf of the City of Burlington, to present an application to rezone a property zoned Medium Density Residential (MDR) to Conditional Residential (CR), in order to expand the existing Northlawn cemetery. The property is located southeast from the intersection of Ross St. and Lower Hopedale Dr. and consists of Alamance County Tax Identification Number 140664.

Mr. Todd Lambert, City Engineer, presented on behalf of the City for this request for property adjacent to the city owned Northlawn cemetery. He reported the property was purchased by the City in February 1996 for the purpose to accommodate the expanding of the cemetery. He reported the existing cemetery based on projections is proposed to be full within the next year or two.

Mr. Parker inquired about the number of plots proposed.

Mr. Lambert provided an overview of the existing cemetery property and proposed layout which doesn't include the number of plots at this time.

Ms. Zec Nelson inquired about a comment received on the buffers to the properties.

Mr. Lambert responded that request was addressed and provided an overview of the buffers required by the UDO. He reported the cemetery will conform to all dimensional requirements, development standards, and use-specific standards by the UDO.

Mr. Parker inquired if a neighborhood meeting had been held.

Mr. Lambert responded a neighborhood meeting was not held.

Public Comment:

Mr. Parker called for public comments and the following was received:

Ms. Yasin Gonzalez on behalf of her father Gabriel Gonzalez, 241 Christopher Drive, Burlington, NC, spoke on the property value of surrounding properties within the proposed rezoning.

Mr. Lambert addressed the concern and explained the city has not seen any negative impacts at any of the municipal owned cemeteries on surrounding properties, the US 70 Alamance Memorial Park cemetery hasn't had a negative impact on those properties and spoke on the city grounds crew and their dedication to the upkeep and aesthetics of all of the city owned cemeteries.

Ms. Theresa Alston, 237 Christopher Drive, Burlington, NC, spoke on the view of the property from her residence.

Mr. Lambert addressed the concern and explained the development plans do not include the property directly next to her property.

Mr. Black inquired about the density of the buffer to the neighboring properties.

Mr. Lambert responded development along the northern property line would be at the last phase of the development and the City would evaluate the condition of the trees at that phase of the development and replant landscaping under the UDO at that time. He confirmed notice was provided to properties in the area.

Ms. Zec Nelson inquired if the area near the proposed development was serviced by city water and sewer lines.

Mr. Lambert confirmed the area is serviced by the city and provided a graphic showing the water and sewer lines.

Motion:

Mr. Kirkpatrick made a motion to recommend the approval of the request to rezone a property zoned Medium Density Residential (MDR) to Conditional Residential (CR). The property is located southeast

from the intersection of Ross St. and Lower Hopedale Dr. and consists of Alamance County Tax Identification Number 140664.

He stated this motion is based upon the consistency of the proposed rezoning with the Comprehensive Plan, in that:

- The Future Land Use Map in Section 4 “Land Use” of the Comprehensive Plan calls for this area to have residential uses.
- The request is compatible with the adjacent residential uses.

He stated this action is reasonable and in the public interest, in that:

- The Comprehensive Plan calls for residential compatible uses in the area.
- The request is complementary with existing zoning and land uses in the area.

Mr. Raynor seconded the motion. The motion passed unanimously.

ITEM NO. 6:

Mr. Parker, Chair, announced City Staff to present findings from an inquiry posed to other North Carolinian jurisdictions regarding public notification mailing radius distances.

Mr. Nunn provided a brief overview and background of the purpose of the report. He noted the Planning and Zoning Commission is not required to post notice but does so following the same statutes for public hearings utilized by City Council that includes a 300-foot radius.

Mr. Olmedo presented on the findings of research conducted on mailed public noticing radius distances. He reported on August 23, 2021, Planning and Zoning Commission asked city staff to prepare a report concerning the mail radius distance used to notify property owners about upcoming public meetings for proposed development specifically about a 1,420-foot mailing radius and what area North Carolina Planning Departments are doing. He provided an overview of the requirements per NCGS 160D-602, current City procedures, findings of notification radius of area jurisdictions, and the following inquiry responses:

- Average radius for Planning & Zoning Commission is 400-foot radius
- Average radius for City Council is a 421-foot radius
- Radius distance is the same for both Planning & Zoning Commission and City Council
- If a radius distance is unspecified, then abutting properties are mailed a notice.

Motion:

Following a brief discussion, Mr. Black, made a motion, seconded by Mr. Kirkpatrick to recommend extending public notification radius for City of Burlington to 400 feet for both Planning and Zoning Commission Meetings and City Council Meetings.

ITEM NO. 7: ADJOURNMENT

Mr. Kirkpatrick made a motion, seconded by Mr. Black, to adjourn the meeting at 8:26 PM. All were in favor.

Submitted by:

Chair, Richard Parker

Vice-Chair, John Black

Approved by the Planning & Zoning Commission on 1/28/22