



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

November 22, 2021 – 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
Ryan Kirk
James Kirkpatrick
Lee Roane

EXTRATERRITORIAL MEMBERS:

Bill Abplanalp
Joan Zec Nelson

MEMBERS ABSENT:

Amber Wright (Alternate)
Patricia Gamble (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 7:00 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 August 23, 2021.

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

ITEM NO. 3:

Mr. Parker, Chair, announced the following application for REZONING-21-0013: Mr. Ernest Koury, to present an application to rezone a property zoned Conditional Industrial (CI 791) to Light Industrial (LI). The property in question is located at 1453 Industry Dr., easterly from the Tucker St. and Industry Dr. intersection, and consists of Alamance County Tax Identification Number 122437.

Mr. Ernest Koury was present to respond to questions and provide proposed project plans.

Planning Manager Conrad Olmedo briefed the Commissioners on the background of the conditional rezoning. He reported the Comprehensive Land Use Plan calls for the area to General Industrial.

The proposed rezoning is consistent with the Land Use Plan, it is compatible with existing industrial uses in the area.

Mr. Olmedo reported staff recommends approval with consistency statement sheet Option 1, shown in bold and red. He stated the request to rezone will allow the applicant the permitted use to move forward with proposed business plans.

Commissioners discussed the proposed project plans and requested clarification of the business plans and purpose of the rezoning.

Planning and Transportation Director Mike Nunn confirmed the applicants request for a Light Industrial rezoning allows them to do what they are requesting to do to resolve any issues for future tenants and the present applicant.

Public Comment:

Mr. Olmedo called for public comments, and none were given.

Motion:

Mr. Roane made a motion to recommend approval of the request to rezone a property zoned Conditional Industrial (CI 791) to Light Industrial (LI). The property in question is located at 1453 Industry Dr., easterly from the Tucker St. and Industry Dr. intersection, and consists of Alamance County Tax Identification Number 122437.

He stated the 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 industrial uses.
- The request is compatible with the adjacent industrial uses.

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

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

Mr. Black, Vice Chair, seconded the motion.

Approved Unanimously.

ITEM NO. 4:

Mr. Parker, Chair, announced the following application for REZONING-21-0015: Ms. Penny Fogleman, to present an application to rezone a property zoned Medium Density Residential (MDR) and General Business (GB) to be General Business (GB). The property in question is located at 1620 S. Church St., southeast from the intersection of S. O’Neal St. and S. Church St. and consists of Alamance County Tax Identification Number 121683.

Mr. Max Fogleman and Ms. Penny Fogleman were in attendance. Mr. Fogleman spoke on the application for consideration.

Mr. Olmedo reported City Staff recommends approval of the request for the property that is consistent with the Land Use Plan and is compatible with existing residential and commercial uses in the area.

Mr. Black, Vice Chair, inquired on any public comments received.

Public Comment:

Mr. Olmedo reported one written public comment was received inquiring on the request to rezone.

Motion:

Mr. Kirkpatrick made a motion to recommend approval of the request to rezone a property zoned Medium Density Residential (MDR) and General Business (GB) to be General Business (GB). The property in question is located at 1620 S. Church St., southeast from the intersection of S. O’Neal St. and S. Church Street and consists of Alamance County Tax Identification Number 121683.

He stated the 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 and commercial uses.

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

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

Mr. Roane seconded the motion.

Approved unanimously.

ITEM NO. 5:

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 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.

Ms. Beth Blackman, Timmons Group, spoke on behalf of Liz Ange and provided an overview of the proposed plans for the property and to respond to any questions.

Mr. Kirkpatrick inquired about the intent of the project.

Ms. Ange responded the end use is yet to be determined, however, the request would make those proposed ideas allowable.

Mr. Olmedo provided the current zoning of the property.

Developer, Mr. Mark Eisenbeiss, 1526 Greenwood Street, Raleigh, NC provided an overview of the proposed plans for the development of single-family units with proximity to the interstate and other area amenities.

Commission Members and the applicant discussed the proposed plans for a neighborhood meeting and development plans.

Director of Planning and Transportation Mike Nunn stated this request is a straight rezoning.

Mr. Black, Vice Chair, stated a preference of having the neighborhood meeting before consideration and requested tabling the item until that meeting has occurred.

Public Comment:

Ms. Korie Thornton and Mr. Nathan Thornton, 1934-A Tucker Street, Burlington, inquired about the plans for access to the property and privacy

Mr. Eisenbeiss and Ms. Blackmon responded and addressed the driveway access inquiry and buffering plans.

Mr. Black, Vice Chair, made a motion, seconded by Mr. Kirkpatrick to table the request until the applicant has conducted a neighborhood meeting to address any questions or concerns and for the Planning and Zoning Commission to consider at a future meeting once that meeting has been held.

The motion passed unanimously.

ITEM NO. 6:

Mr. Parker, Chair, announced the following application for CONDITIONAL REZONING-21-0002: Mr. Frank Longest, to present an application of an amendment to an existing Conditional Business (CB 836) zoned property to allow for medical, office, and pharmacy uses and to eliminate prior square footage limitations of said uses within the existing building. The property in question is located at 378 Harden St., easterly from the Harden St. and Maple Ave. intersection, and consists of Alamance County Tax Identification Number 133142.

Attorney, Mr. Longest, with Holt, Longest, Wall, Blaetz, & Moseley, PLLC, at 3453 Forestdale Drive, Burlington, summarized the purpose of the application and provided an overview of the request to amend the zoning map for property located at 378 Harden Street for an office to allow for medical use purposes.

Mr. Black, Vice Chair, inquired on the type of medical facility and hours of operation.

Mr. Longest responded he was not certain of the hours of operation at this time.

Public Comment:

Mr. Olmedo reported one comment was received from a neighbor east of the property inquiring about traffic impact and connected with Traffic Engineer, Mr. Brian Tennent to discuss the matter. There were no other comments received.

Commission Members and Mr. Longest discussed the hours of operation and concluded those hours are not certain at the time of this meeting.

Motion:

Mr. Kirkpatrick made a motion to recommend approval of an amendment to an existing Conditional Business (CB 836) zoned property to allow for medical, office, and pharmacy uses and to eliminate prior square footage limitations of said uses within the existing building. The property in question is located at

378 Harden St., easterly from the Harden St. and Maple Ave. intersection, and consists of Alamance County Tax Identification Number 133142.

He stated the 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 commercial uses in the area.
- The request is compatible with the existing zoning and land uses in the area.

Mr. Kirk seconded the motion.

Approved by (Parker, Kirkpatrick, Abplanalp, Roane, Kirk, Nelson)

Opposed by (Black)

Recommend Approval - Vote (6 to 1)

ITEM NO. 7:

Mr. Parker, Chair, announced revisions to the UDOTA 1-22: Mr. Chad Meadows, to present Unified Development Ordinance Text Amendments.

Mr. Chad Meadows provided an overview of proposed amendments to the UDOTA 1-22. He reported this is the 6th text amendment since the UDO adoption in 2019. He reported this revision includes 34 areas of revision. He briefed Commissioners on the following amendments:

UDOTA 1-22 Community Prosperity

- New limited use zoning districts
- Manufactured & mobile home park standards simplified and clarified
- Site plan exemptions broadened
- Reduced side setbacks for duplexes (25 to 10)
- Outdoor storage surfacing can be gravel
- Reductions in commercial requirements, fenestration, canopy limitations, parking (indoor seating conversion)
- Reductions in multi-family massing requirements
- More ground flexibility
- No OSS for development of 5 or few lots

UDOTA 1-22 – Increasing Precision

- Review authorities’ changes
- Attached residential subject to development standards
- Some signs may only be on lots with principal structures
- Dimensional standards for multi-family in NB
- Fencing requirements by district
- Accessory structures size smaller than principal structure
- Max # of axles/length for heavy trucks & trailers in residential
- Commercial roof form standard compliance examples

- Invasive plants and landscaping credit
- No permanent storage on vehicles
- Wall sign measurement
- Porch encroachments
- Greenway maintenance

Mr. Meadows shared next steps including City Council Work Session presentation on January 3, 2022, public hearing on January 18, 2022, and continue to track revisions for subsequent round of amendments UDOTA-02-22.

Public Comment:

There were no public comments received.

Motion:

Mr. Kirk made a motion to recommend approval of the request to amend the City of Burlington Unified Development Ordinance with the proposed changes.

The motion is based upon the consistency of the proposed amendments with the Comprehensive Plan, in that:

- Section 4, Land Use, Goal 1, Recommendation 5, of the Comprehensive Plan, calls for an update of the Unified Development Ordinance.
- Section 4, Land Use, Goal 1, Recommendation 5, of the Comprehensive Plan, calls for ensuring sound land planning decisions that are consistent with the vision of the Plan.

This action is reasonable and in the public interest in that:

- Section 4, Land Use, Goal 2, Recommendation 4, of the Comprehensive Plan, addresses confusion, conflicts, and obsolescence of the Zoning Code through a new Unified Development Ordinance.
- Section 4, Land Use, Goal 2, Recommendation 4, of the Comprehensive Plan, a new UDO will be modern, graphically intensive, and user-friendly from both a public/petitioner and administrative perspective.

Mr. Roane seconded the motion.

Approved by (Parker, Black, Kirk, Kirkpatrick, Roane, Abplanalp) Vote (6-1)

Abstained: Ms. Joan Zec Nelson requested to abstain from voting to allow more time to review.

ITEM NO. 8: *(Item Moved to the next Planning & Zoning Meeting)*

Mr. Parker, Chair, recommended moving Item 8 to the next Planning and Zoning Commission Meeting to allow City Staff to present findings from an inquiry posed to other North Carolinian jurisdictions regarding public notification mailing radius distances.

ITEM NO. 9: ADJOURNMENT

Mr. Kirkpatrick made a motion, seconded by Mr. Roane, to adjourn the meeting at 9:10pm. All were in favor.

Submitted by:

Chair, Richard Parker

Vice-Chair, John Black

Approved by the Planning & Zoning Commission on 1/24/22