



MINUTES OF THE BURLINGTON PLANNING AND ZONING COMMISSION MEETING

March 22, 2021 – 7:00 pm

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

CITY MEMBERS:

Richard Parker, Chairman
John Black, Vice-Chairman
James Kirkpatrick
Nicole Enoch
Ryan Kirk
Nancy Rosborough (Alternate)

EXTRATERRITORIAL MEMBERS:

Earl Jagers
Bill Abplanalp

STAFF PRESENT:

Mike Nunn, Director of Planning and Transportation
Joey Lea, Zoning Administrator
Conrad Olmedo, Planning Manager

ITEM NO. 1:

Commission Chairman Mr. Richard Parker called the meeting to order at 7:00 p.m. Due to the Coronavirus Pandemic, this meeting is being held via Zoom platform. Please note this meeting is being recorded. If anyone is having technical or connection difficulties, please contact Conrad Olmedo at 336-214-4515 for support. For tonight's Public Comments to address the Commission in this meeting, please indicate that you wish to do so by using the raise hand feature in Zoom or if by phone, Press *9 and our meeting host will notify me that you wish to speak. Anyone who speaks must give their name and address for the record.

ITEM NO. 2:

Approval of the minutes of the meeting held February 22, 2021.

To be approved at the following meeting.

ITEM NO. 3:

Chairman Mr. Richard Parker stated, Mr. Denis Euliss to present a request to rezone from OI Office Institutional District to HDR High Density Residential District. The property is located on the northeast intersection of Kirkpatrick Road and Grand Oaks Boulevard, referenced as Alamance County tax identification number 112942.

Mr. Dennis Euliss stated, the rezoning will allow the adjacent lot to remain Office institutional so that he will be able to build an office building in the future.

Chairman Mr. Richard Parker asked, this lot is already zoned O&I.

Mr. Aden Stoltzfus stated, originally the corner lot on Professional Park Drive and Kirkpatrick Rd was included in this overall development and this was prior to the zoning ordinance taken affect November

2019. So, we received that lot until we found out more information about the zoning ordinance and just to see if there was any chance to rezone that property to higher density residential, so this is the request that we are asking for tonight and it will match the zoning of the adjacent apartment complex.

Chairman Mr. Richard Parker stated, you are already building the apartments is that right?

Mr. Dennis Euliss stated, yes, we have already started, and all three buildings are built in and that means I will never be able to build anymore buildings the space is already complete, and the parking lot are met all the setbacks and all the buffer lines are correct. We will not be able to add anymore units it will remain the 108 units as planned, I will just get the one office lot back so I can build a doctor's office or a dentist office in the future. So, the corner lot will stay O&I.

Planning Manager Mr. Conrad Olmedo stated, for a state of reference the applicant is discussing the corner lot on Professional Park but that is not part of this request. The request is only the northeast corner of Kirkpatrick and Grand oaks Rd. in order to make it more consistent with the UDO.

Chairman Mr. Richard Parker stated, so this office business doesn't have anything to do with this rezoning request.

Zoning Administrator Mr. Joey Lea stated, this request is consistent with the land use plan based on the surroundings. Originally the density was based on the surrounding properties prior to the UDO because of that the corner lot on Professional Park was part of the property that gave them the density to build the number of units that they have so what they are asking for under the UDO will allow them to keep the density that they have on the lot by itself.

Commission Member Mr. James Kirkpatrick stated, they were allowed to start building while the lot was still O&I is that because of the adjacent property?

Zoning Administrator Mr. Joey Lea stated, this project was approved prior to the UDO becoming effective, in the old requirements in O&I office institutional multifamily development went by the density of the nearest residential district in this case it was the Multifamily MFA with the apartments behind it, but now those apartments are HDR under the new requirements. That density was actually higher than the MFA but now they are allowed to keep the lot on the corner of Professional Park as O&I.

Commission Member Mr. James Kirkpatrick stated, I move we recommend approval of this request to rezone from OI Office Institutional District to HDR High Density Residential District. The property is located on the northeast intersection of Kirkpatrick Road and Grand Oaks Boulevard, referenced as Alamance County tax identification number 112942.

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 commercial and residential uses.
- The request is compatible with the adjacent residential uses.

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

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

Commission Member Mr. Earl Jagers seconded the motion.

Approved Unanimously

ITEM NO. 4:

Chairman Mr. Richard Parker stated, Mr. Christopher Powell to present a request to rezone from MDR Medium Density Residential District to LI Light Industrial District. The properties are located at 2747, 2755 and 2803 Maple Ave, referenced as Alamance County tax identification numbers 130716, 130714 and 132181.

Mr. Christopher Powell stated, I'm Christopher Powell a project manager and trustee of Powell Industries, the properties 2747, 2755 and 2803 Maple Ave in combination we are looking at changing. Each one of these properties has one small residence and are all rental houses which eventually will go away. The request is to rezone each one of these from MDR to LI light industrial. These lots also back up to the Powell industries enterprises on Anthony and all three of those are listed LI. We sent out letters at the beginning of this process, all of which have been followed up on in a kind manner detailing the project plans and exploring traffic volume change, noise, and lighting. After discussing with homeowners, it has either been considered a nonissue or considered positive for each one of the neighboring properties we have not heard from everyone however responses have been favorable. We are wanting to change those properties and we believe it to be in line with Burlington Future plan.

Chairman Mr. Richard Parker stated, this is a straight rezoning we have no plan or conditions on this.

Zoning Administrator Mr. Joey Lea stated, this does meet the land use plan. The land use plan calls for that area to be Industrial it is contiguous with industrial zoning and staff is recommending approval of the request.

Commission Member Mr. Ryan Kirk Stated, the properties that concern me are the ones immediately to the north is almost seems as though they are getting boxed in on all sides by industrial and I am curious to see if you were able to talk to the owners.

Mr. Christopher Powell stated, yes sir, we have had a dozen conversations with folks that have called in, we sent the letters to there addresses however did not have a direct line of communication to talk to each one of them, but they have called and voiced a few concerns and talked through those with them. We heard some issues with traffic and lighting with noise but there were some concerns with property values as well. We have spoken with them and the ending feeling was positive.

Vice Chairman Mr. John Black stated, I know we received a memo late this afternoon, were there any comments or calls made to staff?

Zoning Administrator Mr. Joey Lea stated, we have received 10 phone calls a lot of those were from the condominiums across the street. All of the ones I have talked to did voice concerns about development there creating additional traffic, noise, and the impact it may have on their property values as Richard said this is a straight rezoning and we don't know what is going to be developed there. My understanding is that when and if it is developed traffic concerns will be taken into consideration at that time.

Vice Chairman Mr. John Black stated, this rezoning will split the residential section and will leave a residential section in between the industrial correct.

Zoning Administrator Mr. Joey Lea stated, that would be correct but is you look at the land use plan that entire area is slated for industrial.

Vice Chairman Mr. John Black stated, I understand but what we have right now is residential, I understand that we would like for it to be industrial but right now it is all residential and I am not sure that the land use plan supersedes current zoning.

Public comments from Ms. Glenda Boone at 2812 D Maple Ave, Lisa Miller at 2804 – c Maple Ave, Ms. Betsey Franco at 2804 – D Maple Ave, Mr. & Mrs. Bill Simmons at 2806 – A Maple Ave expressed concerns about lighting, traffic, property values and property taxes, they were informed that way would be contacted privately about the details of the possible development as there were no immediate plans for development.

Commission Member Mr. Ryan Kirk stated, I think there is need for more discussion, John and I have concerns about splitting an existing residential block. Is that correct John.

Commission Member Mr. John Black stated, that is correct, I like to look at it like would I like someone putting a business property between me and my neighbors and my answer would be no. of course this is a straight rezoning, but the public is correct, they don't know if it is going to affect their taxes or if it will affect their property values, we don't have information about lighting noise and of course that will come after. I just don't feel comfortable encroaching on property that is already residential even though the UDO says it should be industrial and maybe it will be 10 to 15 years down the line.

Commission Member Mr. Ryan Kirk stated, yes, my concerns are similar, some of those town homes are less than 10 years old, I don't think they would have predicted that they would industrial to the south and light industrial to the north.

Commission Member Mr. Bill Abplanalp stated, I have the same concerns.

Commission Member Mr. Ryan Kirk stated, The Planning & Zoning Commission believes this request is inconsistent with the Comprehensive Plan and moves to recommend denial.

I move we recommend denial of this request to rezone from MDR Medium Density Residential District to LI Light Industrial District. The properties are located at 2747, 2755 and 2803 Maple Ave, referenced as Alamance County tax identification numbers 130716, 130714 and 13218.

The motion is based upon the inconsistency 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 and is located adjacent to industrial zoning.
- The requested zoning is not necessary for this location.

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

- The requested rezoning is incompatible with existing land uses in the area.
- The current zoning is preferable for the area.

Vice Chairman Mr. John Black seconded the motion.

Ayes: Abplanalp, Jagers, Kirk, Black

Noes: Parker, Kirkpatrick, Enoch

ITEM NO. 5:

Chairman Mr. Richard Parker stated, Mr. Chad Meadows to present amendments to Chapter 5, section 5.6, Signage, of the Unified Development Ordinance.

Mr. Chad Meadows stated, we have something that pressing, staff wanted to deal with this matter as quickly as possible. There are two issues the first is adjusting signage to allow vehicles with signage to be parked on the same lot and site as the business and the second issue is involving wall sign provisions dealing primarily with large buildings.

The first adjustments are on section 5.6 D exclusions, if I have a motor vehicle with a sign on it advertising my business then it will be allowed to be parked on the site of my property. Current regulations do not allow for any signage on a stationary motor vehicle regardless of where it is located and that was causing problems for staff. We clarified that the vehicle is not allowed when it is not on the site of the business that it is advertising for.

Chairman Mr. Richard Parker stated, if you have fish market and you have a van that you deliver around town and the van has a wrapped with advertisements for the company and after work you take the van and drive it home and park it in your yard. That is your vehicle commuting to work as well as your delivery vehicle are you saying now, I cannot drive it home and park it in my driveway?

Mr. Chad Meadows stated, that under provisions it would not be allowed and if you have a home-based business that may be different.

Zoning Administrator Mr. Joey Lea stated, if you have a home occupation and have a truck that has the company information, provision 4 says that you cannot have the truck sitting for a certain period of time. So, I don't know that driving it back and forth to work would be an issue it never has been before.

Commission Mr. Earl Jagers stated, if have that same shrimp truck and I want to park it at the bank on my way home would that be an issue.

Mr. Chad Meadows stated, that would not be permitted. If the vehicle is parked where acts of service are performing, then it would be okay.

Commission Member Mr. John Black stated, would there be a situation where the sign on the vehicle would be against the sign law, would the sign allow for a larger sign than would be allowed on their building.

Mr. Chad Meadows stated, good question does the sign on the vehicle account for the total surface area of the signage allowed for the building, our regulations have parted from having a maximum signage, so the answer is no that is not incorporated in their sign permit. We wanted to allow vehicles to park on site and not allow vehicles to park off site.

Commission Member Mr. John Black stated, my concern is that someone could get a junk truck and put a huge sign on it and then have no need for wall sign and park it right on the curb.

Mr. Chad Meadows stated, we wanted to allow business owners who need a vehicle to operate their business are not penalized. Under the current rule you can have as many as you want for as long as you want, and it doesn't have to be on sight.

Zoning Administrator Mr. Joey Lea stated, we are trying to prevent what you are talking about John but also allow business owners to park their vehicles on the site of the business because currently they are not allowed. If they buy a vehicle that is a junk, then that would be another violation.

Planning Manager Mr. Conrad Olmedo stated, junk vehicles would not be allowed, they will have to be operable. The current standards are had to regulate.

Chairman Mr. Richard Parker suggested that staff update the commission about the issue after it has been affect.

Mr. Chad Meadows stated, in the CBD district there were not a lot of changes to the zoning and development, and to our surprise there is an incredible amount of growth in the Downtown proper. There are some issues in respect to signing. 5-106 we relocated the district provisions from their own row to the other commercial districts. Wall Signs has increased to match the other business, signage is currently insufficient for development. The other issue is taller than 4 stories and we want to encourage those large, tall buildings be developed and to build taller buildings by creating an incentive with large signs on buildings that are taller than 4 stories.

Zoning Administrator Mr. Joey Lea stated, staff recommends approval.

Commission Member Mr. James Kirkpatrick stated, the Planning & Zoning Commission believes this request is consistent with the Comprehensive Plan and moves to recommend approval.

I move we recommend approval of this request to amend the 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.

Commission Member Ms. Nichole Enoch seconded the motion.

Ayes: Parker, Black, Enoch, Jagers, Kirkpatrick, Kirk

No: Abplanalp

Adjourned 8:23pm

Richard Parker, Chairman

John Black, Vice Chairman