



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

**January 25, 2021 – 7:00 pm**

**Council Chamber, Burlington Municipal Building**

**CITY MEMBERS:**

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

**EXTRATERRITORIAL MEMBERS:**

Earl Jagers  
Bill Abplanalp

**STAFF PRESENT:**

Mike Nunn, Planning Director  
Joey Lea, Zoning Administrator  
Conrad Olmedo, Planning Operations 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 December 21, 2020.

1<sup>st</sup> James Kirkpatrick  
2<sup>nd</sup> Bill Abplanalp

Approved Unanimously

**ITEM NO. 3:**

Mr. Lawson Brown to present a request to rezone from MDR Medium Density Residential District to CI Conditional Industrial District for the use of a Cemetery. The property is located on the north side of Hanford Road and north of Old Coach Road and being a portion of Alamance County tax identification number 131303.

Mr. Lawson Brown stated, we are representing the Makkah Majid cemetery. Makkah Majid's primary worship facility where it does its public service projects is located at 1908 S. Mebane St. in Burlington. The subject property is 15.5 acres long and is located at Hanford Rd. across the street from Blessed Sacrament Church. It is a single parcel that is assigned two separate parcel numbers because a portion is

outside the city limits. The property was purchased in March of 2020 for the purpose of constructing a cemetery for the Makkah community in Alamance county. The members of the Islamic faith, their religion dictates that they be buried in a Muslim cemetery and there is not currently a Muslim cemetery in Alamance county. The Masjid has had to bury their deceased in Guilford, Durham and Wake counties and have been unable to bury them in the community that they call home. As for the rezoning request, we are only asking to rezone a 1.3 acre portion of the 15.54 acre property. It is currently MDR medium density residential, and we are asking for conditional industrial after meeting with staff. On the conditional zoning, it has technical approval from the technical review committee but more on that later. The plans specifications are 1.3 acres, reduced from the original request of 4.4 acres. It is a small percentage of what was requested. Before there was an 11,000 sq ft. area proposed and this was reduced from 16,000 sq. ft. The Masjid is asking for 200 burial sites reduced from the original request of 320 and the burial area will be enclosed by a 4-foot aluminum fence. The impervious surface that is proposed is .23 of an acre. The dimensional setbacks will be in accordance with the heavy industrial district with a 15ft side setback and 30-foot rear setback. Buffering is a type D under the UDO with buffing on the sides and rear. The street buffer is in accordance with the ordinance. The parking lot is in accordance with the UDO. In reference to the buffering, they will not be cutting down existing trees in the area but instead leave them for natural buffering. There will be only one driveway access to Hanford road and that is for the entire 15.54 acres that was a staff request. The applicant certifies that the proposed cemetery is not subject to the Chapter 65 which is the statue dealing with private cemeteries but as an additional voluntary measure. There will be no spill over traffic allowed on Hanford road. The proposed zoning is only 1.3 aces and the applicant has agreed to annex the balance of the parcel. The applicant has adopted policies for the procedures and use of the proposed cemetery, the operating facility will be creating a maintence trust fund. The masjid is under no legal obligation to do that. Muslim burial plots are not for sale, they are available free of charge for anyone of the Islamic faith, The burial process is about 30 minutes and any arrangements will be made by the masjid. Grave markers are not allowed and no flowers are allowed. Staff gave approval for the technical review plan but is withholding recommendation for the land use for the reason that in the long range plan the area is designated to be industrial. After several drafts and discussion, the applicant agreed to the terms set by staff. It is a low impact use, a small area with a simple straight forward plan. The cemetery would be at the very edge of the area that would be industrial and surrounded by medium density residential. The long range plan is a guide and not gospel. The property as is, is not compatible with industrial use even when combined with adjoining properties. The topography is challenging and the configuration of the dimensions of the property is a great encumbrance of sewer and water lines running through the property. Additionally, there is a stream that bisects the property north to south with a 100-foot buffer, 50ft on either side. Mr. Brown read the letter from the Pastor of the Blessed Sacrament Church expressing approval for the cemetery. Mr. Brown read a letter from Dr. Bashra Baati expressing the difficulties of not having an appropriate burial ground in a county that is your home.

Chairman Mr. Richard parker asked, did you have a public meeting?

Mr. Lawson Brown stated, no we did not.

Chairman Mr. Richard Parker asked, has the property been posted?

Zoning Administrator Mr. Joey Lea stated, we mailed out letters to adjoining property owners, the posting has not gone up yet.

Chairman Mr. Richard Parker asked, is it not our job to hear from the public about a posting that there is a hearing tonight?

Zoning Administrator Mr. Joey Lea stated, the main notification would have been the letters. Mr. Brown, I believe mailed letters out as well.

Mr. Lawson Brown stated, yes, we mailed letters to all the adjoining property owners and heard no comments from any of them, other than the catholic church.

Commission Member Mr. John Black asked, how many letters did you send out?

Mr. Lawson Brown stated, we sent 8 letters out.

Commission Member Mr., John Black stated, it looks like more than 8 properties around this area. I agree with Mr. Parker and I am wondering if we should wait until the land is posted and people are aware of what is going on because I don't think is representative of the number of houses I see around the cemetery.

Chairman Mr. Richard Parker asked, are you talking about the large subdivision, I believe that is more than 300ft.

Commission Member Mr. John Black stated, I'm saying that in my opinion sending letters to 300 ft and looking at the number of houses, I don't think a lot of people know about this.

Chairman Mr. Richard Parker stated, okay, that is my concern about the sign posting, we haven't seen the sign and some of members even drove out there today, there is no sign on the property.

Zoning Administrator Mr. Joey Lea stated, the regulations have changed and there before there was no time frame to post the property but there was a time frame to mail the letter notifications and that is no more than 25 days prior to the public hearing and no less than 10 days prior the public hearing and now the posting of the signs is under that same time frame and so the sign will be posted for the public hearing. We are sending out letters to property owners within 300 feet of the property that is being rezoned.

Chairman Mr. Richard Parker stated, it has been the tradition in Burlington that the sign be posted, so when people drive by, they are able to comment on the rezoning.

Commission Member Mr. James Kirkpatrick stated, I think the letters mailed were sufficient.

Chairman Mr. Richard Parker asked, how many letters the city sent.

Zoning Administrator Mr. Joey Lea stated, 13 letters were mailed out.

Commission Member Mr. John Black stated, the letters aren't equal to a sign being up. We are trying to do what is right. Is this going to be a traditional burial? Have they discussed any casket or vault or will it be a traditional Muslim sight?

Mr. Lawson Brown stated, there will be no casket or vault.

Commission Member Mr. John Black stated, notification is important. The commission should be a buffer before council. Putting a sign up with out enough time is not sufficient.

Chairman Mr. Richard Parker stated, custom should be the rule, our custom has been that we have posted the property well before the planning and zoning commission.

Planning Director Mr. Mike Nunn stated, just want to confirm for us and as well the client that we did what was necessary, that we follow the same protocol for the last few years. I know that the statutes have changed but to let Mr. Brown know we did what was required.

Zoning Administrator Mr. Joey Lea stated, yes this is what we have been doing and of course the statute change has been recent and so this is the first that the change has affected a rezoning.

Chairman Mr. Richard Parker stated, when you say this is what we have been doing have we not been posting the property before the P&Z.

Zoning Administrator Mr. Joey Lea stated, that posting is for the public hearing, now you cannot do it more than 25 days out. We were doing it probably 2 weeks before the P&Z meeting and now with the 25 days it comes up to 1 or 2 days at best before P&Z. Now that you put that out their staff may need to get some legal advice but the posting is for the public hearing, so can there be a posting for the Planning and Zoning board?

Mr. Lawson Brown stated, the issue is with a shorter notification period in Chapter 160D.

Chairman Mr. Richard Parker opened the meeting for public comment.

Mr. Ron Shive stated, I do want to thank our leaders who adopt the new land use plan, I assume this plan is to assure the city of Burlington can attract large industry and to promote appropriate residential growth. Denying this request is going to do exactly the opposite of what our land use plan had intended to do and that is to attract new industrial investment in the city of Burlington. I would never suggest that any of us are prejudice against the Alamance Muslim community, however, if we vote no on this request very few people in the public are going to read the details of your arguments, they are simply going to read the head lines the city of Burlington denies Muslim cemetery and the results are that people outside of the city will conclude that the city of Burlington is not open or willing to be diverse and there for it is not a good place to make an investment. Perception is reality. This property was sold to the masjid by Joe Wheeler, and I so wish that my good friend Joe Wheeler were here tonight, because if he was I'm confident that his wise legal advise and also his advise as a community leader would be to lean on the side of graciousness and indeed to look out for the good of our Muslim brothers and sisters but also to look out for the growth and development of Burlington. I believe Joe indeed would be supporting this zoning change. Thank you, Mr. Shive.

Rev. George Salides stated, it is in my policy to not repeat things that have already been said better than I could by my elders Paul Lininger and Pastor Ron Shive, all of us know the gentleness, kindness and generosity of Muslim community in the city of Burlington and how much difference they have made in the community to life in Burlington and it has just made it a better place to live, to have them among us and to be brothers and sisters with them as members of the same community. As a church that has a rare privilege of its own cemetery, the extraordinary difference it makes to membership of Holy Comforter of Episcopal at 320 E. Davis St in Burlington, membership that knows where they will be laid to rest and they will be laid to rest according to their traditions and their faith. More so to those that are looking toward that are those that will be left behind as they are laying their loved ones to rest. They will be doing it in their church home, according to their church traditions, according to ways that give them solace and gives them comfort. I don't see why we would not imagine the same comfort to our Muslim community.

Chairman Mr. Richard Parker stated, I would like to remind everyone that we already have a cemetery in a residential neighborhood on Davis St., its old but its nestled in a residential neighborhood and no one seems to mind that. I will go to Joey now and ask for his recommendation of staff.

Zoning Administrator Mr. Joey Lea stated, due to the land use plan staff recommends against the rezoning proposal.

Commission Member Mr. John Black stated, the cemetery on Davis St. was there first and the neighborhood was built around it and the other will be bringing a cemetery in a residential neighborhood.

My concern is of the people that live around the area, I would like to hear from them. I think a cemetery for the Muslims is a good idea, but would you want it in your backyard?

Zoning Administrator Mr. Joey Lea stated, Mr. Black I did receive two phone calls one was Ms. Nancy Spears, she owns the property to the east and her only concern was that the city would bring her into the city corporate limits and she did receive the letters. We discussed the plan and she didn't have an issue. We also received a call from Jason Whit.

Commission Member Mr. Bill Abplanalp stated, I had difficulty finding the location and had to pull out the detailed map in order to find what parcel was going to be rezoned, with out the map I would have not known where the cemetery will be and we will have the same discussion at the next meeting.

Commission Member Mr. James Kirkpatrick stated, when I look at rezoning, I ask myself two questions, is it good for the city of Burlington and number two does it fit. I think a Muslim cemetery is good for the city of Burlington but it doesn't fit, and I would have the same opinion of whether it were a Baptist cemetery or any other.

Commission Member Mr. John Black stated, Mr. Brown wanted to have a rebuttal.

Mr. Lawson Brown stated, there are number of reasons that it is compatible, it has got to have a fence around it, the signage will be consistent with the UDO. The grave sites won't have markers and there are no flowers allowed. It is the least intrusive of any cemetery. There is a cemetery by Hanford Hills, the Holt family cemetery, it has a chain link fence and its more visible than this one will be and that coupled with the low traffic associated with a Muslim burial makes it very unobtrusive.

Chairman Mr. Richard Parker asked, do I hear a motion?

Commission Member Mr. James Kirkpatrick 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, with the stated conditions, to rezone from Medium Density Residential District to CI Conditional Industrial District. The property is located on the north side of Hanford Road and north of Old Coach Road, referenced as Alamance County tax identification number 131303.

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 General Industrial uses.
- The requested zoning is not needed at 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

Mr. John Black seconded the motion.

Ayes – Mr. Black, Mr. Kirkpatrick, Abplanalp  
Noes- Mr. Parker, Mr. Jagers, Rosborough

With the motion not carried the split vote goes to City Council for approval without a recommendation from the Commissions..

#### **ITEM NO. 4:**

Mr. Lawson Brown to present a request to amend a Conditional Rezoning that was approved by the Burlington City Council on September 18, 2018. The request is to increase the number of single family lots from 219 to 241. The property is located at 1722 Shamrock Drive (formally Shamrock Golf Course), referenced as Alamance County tax identification number 130754.

Chairman Mr. Richard Parker asked, with the issue of lack of posting for the rezoning the vote will be swayed as well, so how should we proceed with this issue?

Zoning Administrator Mr. Joey Lea stated, we sent out 90 letters for this item.

Commission Member Mr. James Kirkpatrick stated, no offense to you or Mr. Black and I agree with you, but staff is following state guidelines and if they came here to be heard they should be heard.

Mr. Lawson Brown asked, if there were any comments received.

Zoning Administrator Mr. Joey Lea stated, there have not been any calls that I am aware of on this rezoning request.

Mr. Lawson Brown stated, thank you again, it is my pleasure to be representing Hinton LLC, Lee Bryant has been our engineer, and this has been a 4-year endeavor. The applicant purchased the property in June of 2019 and the property was zoned R-15 under the city's previous development ordinance. The neighbors got an attorney to express their interest in the issue for revision of the rezoning. The neighbors later hired a lawyer from Raleigh and began a case with Alamance Supreme Court because of an easement that is part of Shamrock golf course and litigation is still in process. The new UDO offers more progressive and forward-thinking approaches to density development with smaller lots, larger open spaces and common areas for recreational use underlying the updated development ordinance. The request before you tonight for your recommendation, that the property is zoned conditional residential per the ordinance number 18-21 that was adopted September 2018. We are asking not for a rezoning but an amendment to the original plan to accomplish the following: 1. Increase the number of lots from 219 to 241; substitute the opaque fence requirement in the development condition requirement 10 with a buffer consisting of a 4ft berm with opaque ever green landscape; and remove the 11<sup>th</sup> requirement to give developers flexibility in the kiosk of the final land use approval. The amended conditional use plan was submitted at the city original approval and was amended during the neighbor negotiations. We maintain the lot count and lot sizes but maintain all other negotiations in the conditions except the ones previously noted. The rezoning received pre-zoning TRC approval. Project acres is 101.5 acres and 241 lots, the minimum lot size will be 7000 sq. ft. and those minimum lot widths will be 60 feet. Setbacks will be 25 foot front; 10 foot side; 25 foot rear. The five (5) existing Developer-owned lots on the west side of Shamrock Drive will maintain their historical dimensions. Homes constructed on perimeter lots facing Shamrock Drive will have a minimum of 1,900 heated square feet. The developer shall construct a berm and landscape buffer along the rear of lots backing up to Shamrock Drive, around the northeast corner of Shamrock Drive, and along the southernmost property line of the development and property abutting the existing lots that face Monroe Holt Road. The berm shall be four feet in height and shall include buffering consisting of opaque evergreen landscaping. Developer's HOA shall be responsible for maintenance of the berm and landscaping thereon. Built-upon areas will conform to density calculations set forth on the plan and National Pollutant Discharge Elimination System Phase II storm water standards in order to maintain the development's designation as a "Low Density Development" as defined thereby. Developer will not construct barricades or bollards at either end of the private road over the dam and across the lake on the northern end of the Property. Where the road will not be utilized by the City for emergency purposes or other official purposes, the City will not require that the private road be improved to NCDOT minimum standards or bonded for

future maintenance. Developer will repair lettering, paint, and masonry in disrepair on the existing “Shamrock” entrance signage at the intersection of Maple Avenue and Parkway Drive subject to the sign remaining in place as part of NCDOT-required right-of-way improvements on Maple Avenue. Developer will not use the word “Shamrock” in the name of the proposed development.

Chairman Mr. Richard Parker stated, we will now have discussion with the board.

Commission Member Ms. Nancy Rosborough stated, when we designate something for a specific use for density, do we consider resources, water, traffic and any electric lines and gas lines. Can we consider those factors?

Chairman Mr. Richard Parker stated, I am sure the engineer has thought of that.

Mr. Lee Bryant with Evans Engineering stated, I am Lee Bryant and to answer your question, the Transportation Analysis Report accounted for the 241 lots, there has been no increase since the study has been done. The water system has been reviewed with the same unit count. The whole plan was vetted with the 241 units, there has been no increase in density since the original plan went through.

Chairman Mr. Richard Parker asked for any other questions from the commission.

Commission Member Mr. Earl Jagers stated, I recall when the change was made and previously mentioned that you would return and I don’t think much of it.

Mr. Lawson Brown stated, I understand the concern, but what has transpired since the process in 2017 we negotiated with the neighbors in good faith and then on the basis of that we offered all the conditions, including the reduced lot sizes and then immediately on the day of city council, the neighbors filed suite and basically they had the first strike saying they will not stand by those regulations. Our developer has stand down on the request of any hoping that the litigation has been resolved. It has been excruciating from a financial standpoint.

Chairman Mr. Richard Parker asked, have you had a neighborhood meeting?

Mr. Lawson Brown stated, no we have not had a neighborhood meeting. We have not done that.

Chairman Mr. Richard Parker stated, will you have one before the city council meeting?

Mr. Lawson Brown stated, if that is the wishes of this commission or it is the wishes of the council.

Commission Member Mr. John Black asked, is it my understanding that this is still in litigation between the neighbors and the developer?

Mr. Lawson Brown stated, that is correct we have been in this litigation and the local judges recused themselves and with the Covid shut down we have had a heck of time trying to get things scheduled. We had a mediation with the plaintiffs in the case there are only two plaintiffs in the case a married couple and a single female. Those are the only ones named in the lawsuit.

Mr. John Black stated, since this is in litigation to what purpose does our vote matter. You ask us to vote on something that is still in the courts.

Mr. Lawson Brown stated, it is a complicated legal situation the plaintiffs have a separate lawsuit against the city saying the city should not have changed the zoning in the 18-21. They had a year when they took a voluntary dismissal and that year has come and gone. They don’t have any claims against the city for

zoning it. The city knew about the lawsuit because it was discussed at the hearing. Municipal zoning is different than land use rights, but we feel confident that city council will approve this as we came back to them.

Attorney Mr. Bryan Brice stated, the litigation Mr. Brown spoke of, I believe was commenced after the city council meeting not before the vote, I don't think it makes a difference in regard to when it was filed. This was in regards to easement rights that the property owners assert they feel they have as it pertains to the golf course, the roads, the lake, and other parts of the property that is on their deed and that is still in litigation, we are supposed to have a hearing on one motion Thursday morning. Covid has brought that to a halt and prior to that the local judges recused themselves. We were planning to hear a substantial motion literally the weekend after the Covid restrictions started. I believe that there needs to be a notice and a meeting of the neighbors it was my understanding that having attended the city council meeting, this is the seconded bite of the apple. The city council approved these things as far as what they are going to allow for the development now it sounds like they are coming back and asking for things that they have agreed with the city council were going to be changed, and because a lot of those folks are elderly I'm not sure if they have had enough time to fully understand or be able to meet with anybody. I hope the planning board give these folks a chance to have notice and talk about it and hopefully give their input. That is what I would allow at this stage.

Ms. Dana Stewart at 1444 Monroe Holt Road asked, I was just curious to what has changed. I realize that there will be three houses in my back yard with the original plan so that is my only concern. Of course, I would prefer for it not to happen.

Mr. Lawson Brown stated, the city has created the UDO to allow up to 300 townhouses on this property and with the lawsuit that ensued after the agreement was made with the neighbors.

Ms. Dana Stewart asked, there are only 3 people in the lawsuit and there are how many neighbors?

Chairman Mr. Richard Parker stated, there are 90 property owners.

Ms. Dana stated, I just don't understand why it is being changed.

Chairman Mr. Richard Parker stated, the UDO has changed to allow more homes in the neighborhood.

Commission Member Mr. John Black stated, it brings up an unusual situation, grandfathering in reverse. An agreement was made on a set of rules that are now changed. So, all the arguments don't fit now. Should it not go through due process again with the new set of rules in mind.

Planning Director Mr. Mike Nunn stated, this is not under the UDO, what Mr. Brown was speaking on is what could be done under the UDO, the request is for an amendment on an existing conditional zoning. This change is not because of the UDO.

Commission Member Mr. John Black stated, the original plan was hammered down and then agreed to but now they are going back to the old plan.

Mr. Lawson Brown stated, it's the change in circumstances and it's the public policy and from the city council to see the area developed.

Planning Director Mr. Mike Nunn stated, the agreement is still in placed for public. Traffic and utilities and all that.

Commission Member Ms. Nancy Rosborough stated, the problem isn't development, its density. No one is saying it can't be developed.



Zoning Administrator Mr. Joey Lea stated, Mr. Brown is saying this is a lower density than what the current UDO would allow. It went from R-15 residential which meant there had to be 15000 square lots and now under MDR its 9000 square feet per lot. So, the density went from 290 possible units to over 480 units that could be allowed as a matter right.

Mr. Lawson Brown stated, that is correct. Another thing is the cost of development has gone up 40% and the development calls for the extension of water and sewer some of those home around the perimeter do not have that.

Commission Member Mr. James Kirkpatrick stated, the density that is being asked for is based on the old rules it is not based upon the new UDO.

Zoning Administrator Mr. Joey Lea stated, it's based on the original conditions for the rezoning so we are amending the original conditions and as Mike stated the conditions remained the same all they are doing is asking to go back to the original 241 lots. So even the original zoning ordinance did not comply with this process. in the original proposal the land use plan calls for rural residential agricultural that usually requires larger lots so staff understands that this request is not consistent with the land use plan, however it is consistent with the development that is around it, it's good for the area and staff recommends approval.

Commission Member Ms. Nancy Rosborough asked, if we don't grant option one or option two what are the options for the developer, can they still build?

Zoning Administrator Mr. Joey Lea stated, well your recommendation will be forwarded to the city council which means it will be recommending against it. Someone mentioned planning and zoning commission recommended against the original proposal that went to council, council did approve the request. Even if they deny the rezoning everything stays as is.

Chairman Mr. Richard Parker asked, Do I hear a motion?

Mr. Earl Jagers 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, with the stated conditions, to amend a Conditional Rezoning that was approved by the Burlington City Council on September 18, 2018. The request is to increase the number of single family lots from 219 to 241. The property is located at 1722 Shamrock Drive (formally Shamrock Golf Course), referenced as Alamance County tax identification number 130754.

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 Rural Residential/Agriculture.
- The requested zoning is not needed at 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.

Commission Member Ms. Nancy Rosborough seconded the motion.

Ayes: 4

Noes: 2

Motion to recommend denial passes.

Commission Member Mr. Earl Jagers left the meeting.

**ITEM NO. 5:**

Staff to present new text to the Unified Development Ordinance pertaining to backyard chickens.

Planning Manager Mr. Conrad Olmedo stated, Staff has been working since the summer of 2020 to do research and create an ordinance to go forward to the public hearing and get the commission comments in on the draft. The definitions of chicken, chicken coop, chicken enclosure, and termination and processing, was added to the UDO. Backyard chickens were added to the accessory use section of the UDO and permitted by right in low medium and high density residential and in the PD & PDD districts. 4 chickens per lot allowed, rosters are prohibited, eggs chicks, adult chickens, and manure can not be sold, on- site termination or processing should be humane and out of view and chickens are not allowed to run freely. Chickens must be in a coop and an enclosure, 3 sq.f.t per chicken and that they are covered. Coops must be 5 feet from side and rear property lines and cannot be closer than 50 ft to a neighbor.

Commission Member Ms. Nancy Rosborough asked, have we thought about animal control being called?

Mr. Conrad Olmedo stated, code enforcement and animal control have discussed there availability and resources.

Mr. James Kirkpatrick asked, can this be completed with current staff?

Planning Manager Mr. Conrad Olmedo stated, that it has been discussed and code enforcement will be able to help address additional demand.

Commission Member Ms. Nancy Rosborough asked, are we expecting a lot of chicken farmers?

Planning Manager Mr. Conrad Olmedo stated, we are expecting about 100 citizens, so if we have 100 applications after the approval, we will be using our online portal and we will be treating these as accessory structures.

Chairman Mr. Richard Parker asked, is this only for single family homes or can people in apartments and condos have chickens?

Planning Manager Mr. Conrad Olmedo stated, it is only for single family homes.

Commission Member Mr. John Black asked, is there no review for the coop before it is put into operation is there? Do we have something to inspect prior to it being used?

Planning Manager Mr. Conrad Olmedo stated, we will be reviewing site plans and requirements and then an officer goes and reviews it in person.

Commission Member Mr. John Black stated, that a chicken could fly into someone's house and so it needs to be inspected before it is put into operations.

Planning Manager Mr. Conrad Olmedo stated, it will be inspected before hand and language to stay that will be added.

Chairman Mr. Richard Parker stated, I agree with Mr. Black about the inspection of the coop.

Zoning Administrator Mr. Joey Lea stated, staff is recommending the text change.

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

Suggested Motion:

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. Nancy Rosborough seconded the motion.

Approved unanimously.

Commission Member Mr. John Black asked, how far are the letter sent out?

Zoning Administrator Mr. Joey Lea stated, it is 300 ft from the property lines out.

Commission Member Mr. John Black stated, when were they mailed out.

Mr. Joey Lea stated, they were mailed out about a week before.

Planning Manager Mr. Conrad Olmedo stated, they were mailed out on the 15<sup>th</sup>.

**ITEM NO. 6:**

Mr. Chad Meadows to present amendments to the Unified Development Ordinance adopted November 1, 2019 and last amended October 20, 2020.

Mr. Chad Meadows stated, this is UDO TA-01-21 and there are 5 basic concepts. We are seeking to make redevelopment easier for developers in the central downtown district, as part of those applications there are further adjustments that could be made. Change to density, open space was reduced and setbacks were changed. Live work dwelling was updated to allow bottom story residential. Renovation of structure is allowed in the CBD. Mixed Use easier to develop. Calculation for density numbers will be rounded up to the next whole unit. Family definition has been updated. Sentence changed in nonconforming lot width paragraph.

Chairman Mr. Richard Parker asked, if an owner has a 4-bedroom house and he wants to rent it to 4 unrelated students would that be allowed?

Mr. Chad Meadows stated, that would be against the family definition.

Chairman Mr. Richard Parker stated, how will they be policed?

Mr. Chad Meadows stated, it is complaint driven.

Chairman Mr. Richard Parker asked, would landowners have to turn down conforming families?

Mr. Chad Meadows stated, the owner would have to apply for a boarding house. If not and they are caught they will be nonconforming. The facts of the case will determine if the city wants to take a stand.

Chairman Richard Parker asked, do I hear a motion?

Commission Member Ms. Nancy Rosborough 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 Mr. James Kirkpatrick seconded the motion.

Approved Unanimously

Meeting Adjourned at 9:50 pm

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**Richard Parker, Chairman**

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**John Black, Vice Chairman**