



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

**February 24, 2019 – 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 (absent)  
Bill Abplanalp

**STAFF PRESENT:**

Mike Nunn, Interim Planning Director  
Joey Lea, Zoning Administrator

**ITEM NO. 1:**

Commission Chairman Mr. Richard Parker called the meeting to order at 7:00 p.m.

**ITEM NO. 2:**

Approval of the minutes of the meeting held November 25, 2019.

1<sup>st</sup> motion James Kirk Patrick

2<sup>nd</sup> motion Bill Abplanalp

Approved Unanimously

**ITEM NO. 3:**

Chairman Mr. Richard Parker stated staff to present amendments to the unified development ordinance in chapter 2 and chapters 4 through 8 proceed.

Commission Member Mr. James Kirkpatrick stated, do we have to go through this first before we decide on item number four, can we do item number four first. Is there a reason for it being in that order?

Zoning Administrator Mr. Joey Lea stated, no there is no reason for the order.

Commission Member Mr. James Kirkpatrick stated, I assume the people that are here are here to hear item number four.

Chairman Mr. Richard Parker stated, they are not, I just asked them.

Commission Member Mr. James Kirkpatrick stated, they are just not speaking but I'm

sure, they want to hear on it. I'm sure that's why they are here. This is why I was going to go with item number 4 first so we can give them a chance to leave so they don't have to set through chapters 2 and 4 through 8.

Chairman Mr. Richard Parker stated, we will change the order then based on Mr. Kirkpatrick's suggestion and we will start with item number 4. Staff to present initial zoning to a property recently annexed in to the city property is located at 1714 and 1746 Carolina Mill Road and 1717 Carolina Road, referenced as Alamance Count tax identification numbers 141250, 141252, 141253, 141254, 141255, 149770, 149771, 149772, 149774, 149775, 149776, 149863 and a portion of 141146. The proposed zoning for the property is LI Light Industrial District. Mr. Lea could you tell us about this zoning request?

Zoning Administrator Mr. Joey Lea stated, this area was annexed into the city in May of 2017, so we are at this point doing initial zoning for the property. This was an industrial use, so we believe the LI Light Industrial District is best suitable for this area and gives it the most flexibility in terms of uses and staff recommends approval.

Chairman Mr. Richard Parker asked, so the uses permitted by right are here in our book and the uses that are permitted by conditional zoning are in the book, any comments from this commission about this initial zoning.

Commission Member Mr. John Black stated this is pursuant to the proposed amusement area they are planning to build.

Commission Member Mr. James Kirkpatrick stated, I have a little knowledge about this.

Commission Member Mr. John Black stated, then I will yield to you.

Commission Member Mr. James Kirkpatrick stated, from what I understand, I met that gentlemen over the weekend just by chance and what they are going to do with the mill is do a possible entertainment venue. There are some very exciting things planned for this property and I am just a little bit over the moon about what the protentional could be, basically it's like what was done down in Swepsonville and put it at Copland fabric factory but at a much larger scale. It's exciting it's a chance to rehab a mill property into something that could become very recreational and very functional and very inclusive for the folks in Burlington.

Commission Member Ms. Nancy Rosborough asked, I have one question, why is it being zoned LI, is it based on the potential use?

Zoning Administrator Mr. Joey Lea stated, LI gives it the most flexibility as far as terms of uses as you head into MI or HI the types of uses start to reduce. There is LI light industrial zoning right across from it.

Commission Member Mr. John Black asked, Mr. Lea do you know if further down the road that bridge will be widened or changed?

Zoning Administrator Mr. Joey Lea stated, I have no knowledge of that.

Chairman Mr. Richard Parker asked, has there been a neighborhood meeting or any kind of notice to neighbors besides the letters?

Zoning Administrator Mr. Joey Lea stated, we had a meeting with the new owners, it is not under the ownership of the Copland's anymore but I did meet with the current owners to discuss the rezoning and they discussed their plans, although I would like to remind you, nothing has been submitted to us.

Commission Member Mr. James Kirkpatrick stated, right now it is nothing more than intent.

Zoning Administrator Mr. Joey Lea stated, that's right. We did receive one phone call it was just a matter of interest and there was no issue.

Chairmen Mr. Richard Parker stated, do we have any comments from our visitors this evening.

Mr. Dean Jones stated, my address is 590 Parkview Dr. I lived in Los Angeles for about 30 years, I grew up as a native here in Alamance County. Thank you all for considering everything and considering our plans long range as we have spoken about an entertaining venue, combined with a motion picture studio. I am in the film business and in the theater business to some degree and hope is to turn this into an exciting entertainment venue in the city with some housing and restaurants and a movie theater, a performing arts center and an event center. Along with six or seven sound stages.

Commission Member Mr. James Kirkpatrick stated, see he does it a lot better than I can.

Mr. Dean Jones stated, we currently have a film in production we are starting now, and we are making an offer to Nicholas Cage so we hope he will accept the offer to do our picture. So within about a month we should be shooting here in town and the movie is based here on a local by the name of Danny Jefferson who grew up in Alamance county he is a funeral director and he now lives in Kernersville but there is a book written about his life so we have taken that book and turned it into a script which is basically a fate based movie so are intent is to have that movie shot and revenue from that will come back to the studio.

Chairman Mr. Richard Parker stated, that sounds very exciting.

Mr. Dean Jones stated, also one of the extraordinary uses is starting a film and tv program which is something my brother and family have always dreamed about, coming back home and making movies from our hometown. There really is no sense of community in LA, whereas here I feel a huge sense of community, I was a boy scout here and a troop leader and now I'm part of Alamance county rescue squad. I have the need to give back to community and create job opportunities.

Commission Member Ms. Nancy Rosebraugh asked, so your second movie will be about your life story.

Mr. Dean Jones stated, that's down the road.

Zoning Administrator Mr. Joey Lea stated, staff recommends approval of the zoning request.

Chairman Mr. Richard Parker stated, any other questions from the commission? So, to approve the matter we must suggest a motion, so do I hear a motion?

Commission Member Mr. James Kirkpatrick stated, I move we recommend approval of this request for initial zoning of property recently annexed into the city. The property is located at 1714 and 1746 Carolina Mill Road and 1717 Carolina Road, referenced as Alamance Count tax identification numbers 141250, 141252, 141253, 141254, 141255, 149770, 149771, 149772, 149774, 149775, 149776, 149863 and a portion of 141146. The proposed zoning for the property is LI Light Industrial District.

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 the area to the south to have Rural Residential / Agricultural uses.
- The property is adjacent to industrial and commercial zoning and the proposed zoning allows for compatible land uses that are in the area.

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

- The Comprehensive Plan calls for Rural Residential / Agricultural uses and the proposed zoning is compatible with the land uses in the area.

Vice Chairman Mr. John Black stated, Mr. Chairman I seconded.

Approved Unanimously

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

Zoning Administrator Mr. Joey Lea stated, this is the second round of the amendments and changes. As I go through them, If you have any questions just let me know. In talking with Chad in the procedures section of the ordinance at the end of each last procedure is a notification that is required if an application is approved and we realized that there was nothing in there to explain how that process works or how the application had to be approved and when. This section basically lays out what the procedure will be when an application is approved. On the Permitted Use Table we discussed the automotive wrecker service, the language associated with that and the information didn't go along with an “automotive wrecker service”, what we have is automotive towing and storage and that's what the requirements were for. We clarified this by making this say automotive towing and storage lot. Then again there is going to be some number changes and page changes to go along with that.

Chairman Mr. Richard Parker asked, what happened to the electronic gaming operation and event venues is that old amendments?

Zoning Administrator Mr. Joey Lea stated, the change in that is that the links changed, I think in that last change some of the links got mixed up and the link wasn't taking you to the proper location.

Commission member Mr. Bill Abplanalp asked, has that been published, the first set of amendments?

Zoning administrator Mr. Joey lea stated, it is on the website we are going to get you some updated books.

Zoning administrator Mr. Joey lea stated, We talked about pharmacies and we didn't really know why we need a special use permit in business and industrial, it should be a permitted use there is nothing about it that would require a special use permit. In the neighborhood business it is something that you would want to allow.

The mobile home section was not clear about what it applied to, these applied to mobile homes that are on an individual lot and requires them to be on a foundation.

Chairman Mr. Richard Parker stated, do we allow mobile homes in the city on an individual lot?

Zoning Administrator Mr. Joey lea stated, we do on properties that are zoned for it.

Commission Member Mr. John Black stated, Mr. Chairman, on mobile homes, it says it will be installed on a permanent masonry foundation etc., they are not required to be strapped down?

Zoning Administrator Mr. Joey Lea stated, they are.

Commission Member Mr. John Black stated, is that on here?

Commission Member Mr. James Kirkpatrick stated, that is part of the building code isn't it?

Zoning Administrator Mr. Joey Lea stated, that is part of the building code yes.

Commission Member Mr. John Black stated, so that doesn't need to be put here, okay thank you.

Zoning Administrator Mr. Joey Lea stated, we had wireless telecommunications listed and again these sections are the requirements for these uses on the table of permitted uses small wireless telecommunications was not in the table of permitted uses so we just struck that out and all these requirements are for telecommunication towers; major, minor and concealed. The terminology there was just not used anywhere else. It doesn't change the requirements for the cell tower at all.

For Storage Lots we had a question about whether the lot could be paved or not, in some conversations that we had but we made it clear that the lot itself had to be paved, it has to be either asphalt or concrete.

We have a language change, we no longer have front and side yards, we have setbacks, so we just changed that term from yard to setback.

Something happened in the first version with this table that is being referenced as table 'o', that was cleaned up and that was in several sections of the ordinance.

This is just some language we just cleared up using the zoning and development standards and taking out some of this that was not relative.

We are also adding in design guidelines for accessory structures. The commercial design standards applied to principle uses but not accessory uses

In the common accessory table, we added detached garage. That was not clarified the code, I think it was tool shed and something else. We wanted to make sure that if somebody wanted a detach garage not a tool shed that was to clear that up, that's what that is for.

Chairman Mr. Richard Parker stated, so can you but tools in your garage?

Zoning Administrator Mr. Joey Lea stated, sure.

Chairman Mr. Richard Parker stated, but you can't have a toolshed?

Zoning Administrator Mr. Joey Lea stated, yes you can have a tool shed.

Zoning Administrator Mr. Joey Lea stated, we have ice house as a use and we are really not sure how it got in there, when I grew up we did have an ice house, we really don't have those any more, the one that I know of is nothing more than a vending machine on North Church Street at Cum Park Plaza so that term we just don't use so we took it out.

Outdoor dining seating we needed some clarification on that, there was an ordinance for outdoor dining that allowed it downtown that would have places to have seating outside, so we clarified that language. It used to only be allowed at the downtown area but now it is allowed at all these other districts that may have that same situation, it's not necessarily an outdoor seating area its more so having it in the right of way. The outdoor dining and seating refers you to the Code of Ordinances. The requirements for that is not in the UDO.

We took out recreational vehicle. This will just say parking and personal recreation vehicles we just took out the language for the different types.

Commission Member Mr. John Black stated, about trucks and trailers in reading this and maybe we have already discussed it, can you park downtown I'm just thinking of a dump truck for example.

Zoning Administrator Mr. Joey Lea stated, only for emergency service temporarily if it is more than 10 thousand pounds.

Commission Member Mr. John Black asked, Is the anywhere else other than this spot here?

Zoning Administrator Mr. Joey Lea stated, it is in the Code of Ordinances too, and this language is also the language used in the code of ordinances.

Zoning Administrator Mr. Joey Lea stated, again this is off street parking and we just changed the wrecker service to automotive storage lot.

Chairman Mr. Richard Parker stated, this still doesn't include anything about handicapped, does it?

Zoning Administrator Mr. Joey Lea stated, as far as the number of spaces, the number of handicapped spaces comes out of the American disabilities Act that is also in the building code, it is based of the total number of parking spaces you have and there is a ratio of required handicapped spaces.

Chairman Mr. Richard Parker stated, I wish you could clarify that in here some where to talk about handicapped spaces because if I'm a developer and I want to build a funeral home and I have one space per every 200 hundred used by the public and 1 for every 4 seats in the chapel I still have to have the handicapped spaces on top of that won't I?

Commission Member Mr. James Kirkpatrick stated, that's why it is in the building code,

Chairman Mr. Richard Parker stated, okay but I just think a simple reference in there somewhere or a little note at the bottom saying the handicap parking is covered in or subject to the building code. I must have more than just 2 spaces or something, I just think it would help clarify it a little bit.

Zoning Administrator Mr. Joey Lea stated, yes, somewhere in here we could just reference the North Carolina building code.

Zoning Administrator Mr. Joey Lea stated, for stacking spaces this was not numbered correctly because what it first read was even for a restaurant their stacking space was to be 50 feet long and that is too long for a restaurant so that now pertains to heavy equipment sales and rental or repair where you may have longer vehicles so that was changed up to clarify. The way it first read was for a restaurant and that wasn't correct.

In landscaping we took out the term native grasses because they don't really do what we want them to do especially in parking areas and some of them quite frankly don't really look that good but they do

have the opportunity to suggest other plant type material but the ordinance calls for evergreens so it will have to be an evergreen species. The diagram that indicates 3 canopy trees did not match the actual language just prior to it where it tells you what the configuration is, they were not the same so we changed these so they would match up.

With screening we want to make sure that these types of uses are properly screened so we changed this language to help clarify that as well. The landscaping section stated that it applied to single family subdivisions but it didn't tell you how it applied to single family subdivisions so we clarified that by saying that the subdivision would have to comply to perimeter buffers and the street landscaping yards if you do a single family subdivision.

Chairman Mr. Richard Parker stated, how wide is that buffer around the property?

Zoning Administrator Mr. Joey Lea stated, it depends on what its up against because now the buffer is based on the zoning classifications.

Chairman Mr. Richard Parker stated, so if it is residential to residential?

Zoning Administrator Mr. Joey Lea stated, it will be around 10 feet.

There are two sections in the subdivision regulations that refer to connecting to the city water supply system. One is water and one is sewer, and the two are worded differently, one said more than 2 acres and containing three or fewer lots, we took this out because the other one said subdivisions of three or fewer lots and they should have read the same.

This language came about from a change in the statutes that was changed around July of last year that has to do with performance bonds when you are doing a subdivision, so this was changed to be in line with new changes.

In the soil erosion and sedimentation section in chapter 7 there are a couple of things being removed. These are being removed because the state no longer requires it, the state has to approve any changes, and this was sent to the state and then once they take it out they will have to look at it again but all that comes from the state level that's why that is being removed. Somethings with soil and erosion must go through city council and some can go through the Board of Adjustments if it is appealed.

Again, some wording changes here to make the sentence read correctly and then again another just to clarify. There is supposed to be a link, so that link has been fixed or will be fixed in this round of amendments.

Under the allowable encroachments, for garage we added detached, a detached garage can encroach 5 feet from the property line.

In the definitions we changed wrecker service to towing and storage.

The detached carport or garage we did not have a definition for so this will clarify that, that goes back to the encroachment thing for the carport or detached garage and the requirements for that.

In the flood hazard overlay district, there are requirements when you are in that overlay for manufactured homes. This just defines what a manufactured home is relative to the overlay district that's all that is.

Chairman Mr. Richard Parker stated, wait a manufactured home is different than a mobile home?

Zoning Administrator Mr. Joey Lea stated, that is correct.

Chairman Mr. Richard Parker stated, can I add one you missed, I think?

Zoning Administrator Mr. Joey Lea stated, okay

Chairman Mr. Richard Parker stated, on 8-53 icehouses is still in the definitions. Which I don't think you marked out?

Zoning Administrator Mr. Joey Lea stated, thank you, we will remove that.

Vice Chairman Mr. John Black stated, Joey back to your detached garage is it necessary to define a detached garage? Can it still be attached by way of a breeze way, fence or powerlines. Do you need to define detached, so people understand what it means to be detached? For example, if there is a breeze way going between a house and a detached garage is that a detached garage?

Zoning Administrator Mr. Joey Lea stated, if it is attached by roofline it is attached.

Vice Chairman Mr. John Black stated, what if it is by a fence, what about a walkway, what about a powerline?

Zoning Administrator Mr. Joey Lea stated, well that would be more of an easement.

Vice Chairman Mr. John Black stated, well that is what I am saying so you need to put that in there or not? If you don't think so, then its fine.

Zoning Administrator Mr. Joey Lea stated, it is a difference between whether its physically attached or not physically attached.

Vice Chairman Mr. John Black stated, I know what you are saying I'm just saying from an insurance point whether it is attached by a fence a walkway or a powerline, insurance even a breeze way maybe considered. So, I mean it's just if you don't feel like you need to define it any further that's fine, I'm just asking.

Zoning Administrator Mr. Joey Lea stated, I don't think we need it.

Vice Chairman Mr. John Black stated, good enough for me.

Zoning Administrator Mr. Joey Lea stated, in this definition we just made this clear what the outdoor dining and seating is for, and it mentions the public right of way and that is basically what that is for.

Clarification here under recreational vehicle changed and the other one of course they must be fully licensed and ready for highway use.

For the flood hazard overlay this is a State requirement, and this is language is straight from the State. Then more overlay language and that is about it for this round.

Chairman Mr. Richard Parker stated, what is this handout.

Zoning Administrator Mr. Joey Lea stated, we are looking at language that is in the code of ordinances we are working hard and making some changes for our code enforcement to help with property values



and beautification of the city. One of the things we are doing is doing away with or not allowing junk motor vehicles and vehicles without tags and that is what we are planning to do. That change is going to be in the code of ordinances.

Chairman Mr. Richard Parker stated, yea.

Zoning Administrator Mr. Joey Lea stated that change is going to be in the code of ordinances. Now we have two sections, we have the code of ordinances which references junk vehicles and the zoning ordinance that allows in Residential and OI for up to 2 inoperable vehicles which means it runs but it does not have tags which puts them out of operation. So, with our new changes in the code of ordinances we are going to eliminate that, so this language needs to come out of the UDO.

Chairman Mr. Richard Parker stated, So you can't eve store one inside garage?

Zoning Administrator Mr. Joey Lea stated, you can have one if it is enclosed inside the garage.

Chairman Mr. Richard Parker stated, but you struck that out.

Zoning Administrator Mr. Joey Lea stated that language will be in the code of ordinances.

Chairman Mr. Richard Parker stated, so we won't have anything in this document.

Mr. Thomas Murkowski (Alamance news) stated, so the ordinance isn't changing they are just moving?

Chairman Mr. Richard Parker stated, they are changing.

Zoning Administrator Mr. Joey Lea stated, they are changing, as in you will no longer be able to have an inoperable vehicle.

Chairman Mr. Richard Parker stated, that's a big change, unless its inside of a garage but not in the backyard with a tarp over it? But what about a business?

Vice Chairman Mr. John Black stated, is that what we are saying I just want to verify that, so even if its operable and tagged you can put it behind your house with a tarp on it.

Zoning Administrator Mr. Joey Lea stated, so if it runs and it has a tag and it has a current license plate you can park it any where you want to that's fine.

Vice Chairman Mr. John Black stated, that's what I want to make sure, because what I was kind of hearing is like we are limited to how many cars we can have. So, if it is operable, and it has a tag then you can park it there but if its inoperable or doesn't have a current tag it will not be allowed.

Zoning Administrator Mr. Joey Lea stated, correct and that goes for trailers as well if it doesn't have a current tag.

Chairman Mr. Richard Parker stated, are there any other questions from this commission to Joey? This goes to city council in March.

Zoning Administrator Mr. Joey Lea stated, it will go March 17. We won't have enough time to advertise to get to the first meeting.

Zoning Administrator Mr. Joey Lea stated, we will be presenting to the work session on March the 2<sup>nd</sup>.

Commission Member Ms. Nancy Rosborough stated, I move we recommend approval of this request to amend Chapter 2 and Chapters 4 through 8 of the Unified Development Ordinance.

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.

Chairman Mr. Richard Parker stated, do I have a second?

Commission Member Mr. James Kirkpatrick seconded the motion.

Approved unanimously.

There being no further business to discuss, the meeting was adjourned at 8:09 p.m.

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**Richard Parker, Chairman**

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**John Black, Vice Chairman**