



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

September 30, 2020 – 7:00 pm

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

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

EXTRATERRITORIAL MEMBERS:

Earl Jagers (absent)
Mr. Bill Abplanalp

STAFF PRESENT:

Mike Nunn, Interim Planning Director
Joey Lea, Zoning Administrator
Conrad Olmedo, Planning Operations Manager
Jamie Lawson, Planner – Short Range Planning

ITEM NO. 1:

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

ITEM NO. 2:

Planning operation Manager Mr. Conrad Olmedo introduced the new Principal Planner for Current Planning Ms. Jamie Lawson. Ms. Lawson thanked Mr. Olmedo for her introduction and expressed her excitement to be a part of the planning department and to work with the Planning and Zoning commission.

ITEM NO. 3:

Approval of the minutes of the meeting held August 24, 2020.

1st Bill Abplanalp
2nd John Black

Approved Unanimously

ITEM NO. 4:

Chairman Richard Parker opened the floor for Mr. Richard Lucchesi to present an application to rezone from Heavy Industrial District (HI) to General Business District (GB). The property is located at 903 South Graham Hopedale Road, referenced as Alamance County tax identification number 139637.

Mr. Lucchesi explained his interest in rezoning the property to allow for retail use as it was previously zoned for such use. Mr. Lucchesi explained that there were no public or neighbor meetings held.

There were no community members present to comment on the rezoning.

Zoning Administrator Mr. Joey Lea affirmed that city staff recommends approval of the rezoning and assured Mr. Kirk that the use is consistent with the area.

Commission Member Mr. Ryan Kirk 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 rezone from Heavy Industrial (HI) District to General Business (GB) District. The property is located at 903 S. Graham Hopedale Rd., referenced as Alamance County tax identification number 139637.

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 of the intersection of S. Graham Hopedale Rd. and Hanover Rd. as Neighborhood Commercial Center with neighborhood supportive commercial uses.
- The Gateways and Corridor Improvements Map in Section 2, “Character and Identity,” of the Comprehensive Plan illustrates the intersection of S. Graham Hopedale Rd. and Hanover Rd. as an Opportunity Gateway and Graham Hopedale Rd. as a High Priority Corridor for the City.

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

- The Comprehensive Plan calls for the intersection of S. Graham Hopedale Rd. and Hanover Rd. as Neighborhood Commercial Center, an Opportunity Gateway, and a High Priority Corridor for the City.
- The proposed General Business (GB) Zone District will facilitate the opportunity of commercial uses that are consistent with existing land uses at key intersections along the Graham Hopedale Rd. corridor.

Commission Member John Black Seconded the Motion.

Approved Unanimously

ITEM NO. 5:

Chairman Mr. Richard Parker opened the floor for Mr. Chad Meadows with Code Wright Planners to present proposed amendments to the Unified Development Ordinance (UDO). The proposed changes to the UDO are as follows:

- Staff Recommended changes.
- North Carolina General Statute 160D changes as required by state law.
- Storm water related changes; and
- Editorial changes such as grammar, punctuation, etc.

Mr. Meadows explained that the discussion would focus mainly on the substantive changes recorded by staff and the North Carolina General Statutes 160D which is required for the city. The changes include procedural standards, developmental standards, and overlay issues, in an effort to bring the standards closer to the previous provisions to avoid further state review.

Chairman Richard Parker asked about the significance of the colored text throughout the document.

Mr. Meadows explained red underlined text is new text, blue crossed out text is a deletion, and green is text that was moved from one location to another. The UDO text and map interpretation and determination will be issued by the Director of Planning Department not the Zoning Administrator. Staff will be limiting uses in All flood related requirements and clarified when the City would be taking responsibility for the maintenance of infrastructure. If there is no development on a lot for 3 years, the City can open an application to rezone under Conditional Zoning. Under Chapter 160 D all conditions of approval must be in writing and can take place during the meeting. The dimensions across many districts were altered to match building code. In reference to sight line of houses outliers may affect the average distance from the street but not substantially. Upper story residential is allowed in Neighborhood business district and that restaurants dine in and walkup be allowed in Light industrial. Using a recreational vehicle as a permanent residence is still not allowed but is renamed from travel trailer. Only instance where off premise signs are allowed is a shared ground sign on the site plan or masterplan. No coverings on sign cabinet after uses leave and old pole signs have to be taken down before new signs can be permitted. The first 36inches of a sign that is covered with evergreen shrubs is no longer being counted as sign face area. The foundation and bases of signs can stick out 6 inches from the sign for construction purposes, the depth of the signs must be 4 feet.

Planning Director Mike Nunn explained, that adjusting the signs surface area provisions from 100 sq. ft. to 150 sq. ft. with 95sq. ft. for embellishments was a good compromise in comparison to the current standard and the most undesirable sign size at 1050 sq. ft.

Mr. Meadows stated, wall signs maximum is 1 sq. ft. of surface for each linear foot in mixed and central business. Large retail can have up to 4 signs on the primary façade and 2 on the side and rear. Entry point provisions were edited to specify units not just lots and excluded industrial development. If water and sewer lines are on or adjust to the lot, you must connect. 160D changes include: site specific vesting plan now have time frames that need to be met; decision makers cannot make a decision if they have any relation to applicant whether familial, monetary or business; applicants can take complaints to the superior court without using BOA; and permits can no longer be revoked without a review process even if there was a mistake in issuing it.

Commission Member Mr. Ryan Kirk made a motion to approve. 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.

Mr. Bill Abplanalp seconded the motion.

Approved unanimously

Meeting Adjourned at 9:00pm

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Richard Parker, Chairman

John Black, Vice Chairman