



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

March 28, 2022 – 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
James Kirkpatrick
Lee Roane
Ryan Kirk

EXTRATERRITORIAL MEMBERS:

Joan Zec Nelson
Ethan Raynor (Alternate)

MEMBERS ABSENT:

Bill Abplanalp (Extraterritorial Member)
Amber Wright (Alternate)
Patricia Gamble (Alternate)

STAFF PRESENT:

Mike Nunn, Director of Planning and Transportation
Conrad Olmedo, Planning Manager
Michelle Grogan, 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 February 28, 2022.

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

Planning Manager Conrad Olmedo briefed the Commissioners on the background of the limited use rezoning districts. The limited use rezoning gives the applicant flexibility that would include no site plan since it is just site specific. Conrad wanted to remind that Commission that once the site gets developed the Technical Review Committee will make sure that the applicant is meeting all of the requirements of the city, that would include anything in the Unified Development Ordinance.

ITEM NO. 3:

Mr. Parker, Chair, announced the following application for REZONING-22-002: Ms. Amanda Hodierne, to present an application to rezone properties zoned Medium Density Residential (MDR), to be High Density Residential (HDR)- Limited Use (HDR-LU). The properties are located East from

the intersection of Lakeside Ave. and W. Old Glencoe Rd. on the south side of W. Old Glencoe Rd., addressed as 0 W. Old Glencoe Rd., also identified as Alamance County Tax Identification Numbers 140023, 140253, and 140030.

Ms. Amanda Hodierne, of the Keystone Group Inc., was in attendance representing the applicant. The property is 48.39 acres and would be used for She presented a brief overview of the application and shared some benefits of the proposed transition to the existing uses in the surrounding area. She noted any proposed development for this property would follow the City's Unified Development Ordinance, city and state standards, stormwater mitigation, and meeting all requirements with development in this area. The original Brassfield Meadows subdivision was initially started by another developer and was taken over by the Keystone Group to finish it out. When Keystone first developed the subdivision, it was utilized as a conditional rezoning which at the time was the appropriate tailored request. Ms. Hodierne noted that the ordinance has changed since the original subdivision was built and there are now more broad zoning districts. The request of high density residential, limited use would be the best way for her client to move forward with single family detached homes to be built in the development. Ms. Hodierne informed the commission that the rezoning would also allow the following uses:

1. Single-Family Detached
2. Community Garden
3. Park (public or private)
4. Small Wireless Facility
5. Bed and Breakfast
6. Utility, Minor

Mr. Roane inquired as to the price range of the homes that will be built.

Mr. Scott Wallace who is one of the primary founders of Keystone Group spoke to the Commission and informed them that the price range of the homes will be in the high 200's to low 300's but depending on how supplies increase the price of the homes may increase as well.

Ms. Zec Nelson inquired as to the price of the homes in neighboring communities.

Mr. Scott Wallace informed the commission that the homes that will be built will be higher than what is currently there.

Mr. Ryan Kirk inquired about the minimum lot width of 75 feet verses the 50 feet.

Mr. Wallace responded that the lot width is similar to what is in the Brassfield Meadows subdivision.

Mr. Kirk commented that his biggest concern was the lot size of the homes being built and what assurances would be in place that the homes being built would not be built on lot sizes of 6000 square feet which would be more in line with high density.

Ms. Hodierne responded that the lot sizes of the homes being built are roughly over 9000 square feet, but they did need the flexibility if this did happen on occasion.

Mr. Kirk inquired to staff if there was any of mechanisms of the approximate lot size of the MDR.

Mr. Olmedo responded that the minimum standard for the MDR is the 75 minimum lot width requirement and the HDR is a 50 ft lot width requirement. The applicants are making it clear what they want to build

on the site.

MS. Zec Nelson commented that some of the neighbors are concerned with their privacy and she inquired what would be done to buffer the current properties with the ones being built.

Ms. Hodierno responded that there would be a buffering requirement between the two developments since it is going from MDR to HDR and would be a type B buffer, or a 20 ft. landscaping buffer.

Mr. Parker inquired if there will stormwater devices on the property.

Ms. Hodierno stated that there would be stormwater requirements required.

Mr. Wallace followed up by stating that there would be water quality ponds that would treat for the water quality and volume and would be based on predevelopment and post development.

Mr. Parker inquired if there were ponds installed when the Brassfield Meadows east was developed.

Mr. Wallace responded that the ponds were not required at that time.

Mr. Parker inquired what the sideline setbacks are on the homes.

Ms. Hodierno responded that under the HDR requirements there would be a minimum side setback requirement of 10 feet which would be the same under the MDR. The minimum rear setback would be 25ft and that is also the same under the MDR requirements. The minimum front or street setback would be 25 under the HDR and it would be 30 feet under the MDR requirements.

Public Comments:

Mr. Parker asked staff if any public comments had been received.

Mr. Olmedo responded that there had been several calls that staff did field as well as written public comments from Leslie Snow, Mitchell Teague, Ivan Lopez and Chase Snow.

Mr. Parker, Chair, called for public comments, and the following persons spoke:

Ms. Jen Garrison, 570 W. Old Glencoe Road, Burlington, spoke on the proposed rezoning and voiced her concern about the effects that the development will have on her property. Her property is located on the west side of the proposed development and is currently surrounded by woods. She has concerns as to how closely the entrance to the subdivision will be to her property and that the added traffic will also be a safety concern.

Mr. Wallace informed Ms. Garrison that there will be no road frontage to the east of her property, also to the west of her property the property is too small to develop. He commented that there will be a buffer set up if there are homes built on the backside of her property.

Ms. Garrison inquired as to the buffer requirements and what that would entail.

Mr. Wallace responded that there is an ordinance requirement that a natural buffer is required to be planted that would cut down the visual site between the properties.

Mr. Daniel Huff, 570 W. Old Glencoe Road, Burlington, spoke about a map being drawn up and if there way any way that he could get a copy of the map.

Mr. Wallace responded that he would be happy to provide a copy of the map to anyone that would like to see the map.

Mr. Olmedo will email the map to Mr. Huff or any other resident that would like a copy of it at his earliest convenience.

Ms. Tasha Burnette, 410 W. Old Glencoe Road, Burlington, spoke about her concerns of the additional traffic on the road and how that may impact her property. An additional concern for Ms. Burnette that she voiced was that she received the letter about the 300-foot radius and wondered why she received that letter. Ms. Burnette also has concerns that the HOA will not properly take care of the properties that are built. Ms. Burnette inquired if there will be a rezoning and if her property will now be in the city limits, she currently pays double for her water bill and has to pay for trash service since her property is not located in the city limits.

Mr. Olmedo responded and informed Ms. Burnette that she received the letter was because her property is within 300 foot of the subject property.

Ms. Burnette inquired if there will be one entrance into the property and one exit out of the property on the sides of the church.

Ms. Leslie Snow, 567 W. Old Glencoe Road, Burlington, had a written comment regarding the concerns about the value of the homes. Ms. Snow also had concerns about the homes in the Brassfield Meadows subdivision that are not maintained properly or have their yards mowed regularly.

Mr. Wallace responded to Ms. Snow and made the comment that the original Brassfield Meadows subdivision has a separate HOA than the second one in which Keystone Group was not a part of. Mr. Wallace responded that the HOA that was formed when they built the second property of Brassfield Meadows is much more stringent than the original HOA. In addition to enforcement, the HOA is responsible for front lawn maintenance of the homes which is a large concern for homeowners. Mr. Wallace also responded that the home values will continue to go up with the building of the new home in the subdivision.

Mr. Wallace responded to the question of additional traffic on the road, and he sees that the flow of traffic on Old Glencoe Road can absorb the additional traffic with no issues. Mr. Wallace stated that his company will work with city staff as well as NCDOT to satisfy the stringent requirements to satisfy both departments.

Ms. Zec Nelson inquired if the property is currently in the city or the county.

Mr. Olmedo responded that the property is outside of the city's corporate limits, but the city will be processing an annexation agreement at a later date.

Ms. Zec Nelson inquired if the adjacent properties would also be annexed into the city and would then have city services.

Ms. Hodiernne responded that only the three parcels listed on the application would be included in the

annexation process and not the surrounding properties.

Jen Garrison inquired if the road would be widened on Old Glencoe to make way for a turning lane and if so, that would significantly impact the citizens along the road.

Mr. Wallace responded that Old Glencoe would not be widened, but the right of way would be utilized for a left turn or right turn to enter the property.

Staff Recommendation:

Mr. Olmedo reported staff recommends approval of the rezoning request based on the Land Use Plan, per Option 1, as provided in the Consistency Statements Sheet.

Motion:

Mr. James Kirkpatrick made a motion to recommend approval of the request rezone properties zoned Medium Density Residential (MDR), to be High Density Residential (HDR)- Limited Use (HDR-LU). The properties are located East from the intersection of Lakeside Ave. and W. Old Glencoe Rd. on the south side of W. Old Glencoe Rd., addressed as 0 W. Old Glencoe Rd., also identified as Alamance County Tax Identification Numbers 140023, 140253, and 140030.

He stated that 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 be Suburban Residential and Rural/Agriculture uses.
- The request is compatible with the adjacent residential uses.

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

- The Comprehensive Plan calls for Suburban Residential and Rural Residential/Agriculture uses in the area.
- The request is compatible with the existing zoning and land uses in the area.

Mr. Ethan Raynor seconded the motion.

Vote (5-2)

Approved by (Parker, Black, Roane, Kirkpatrick, and Raynor)
Zec Nelson and Kirk opposed.

ITEM NO. 4:

Mr. Parker, Chair, announced the following application for REZONING-22-001: Mr. Alan Brown, to present an application to rezone a property zoned Medium Density Residential (MDR) to General Business (GB)- Limited Use (GB-LU). The property is located at the terminus of Trail Two, south of the intersection of Lynnwood Dr. and Trail Two, addressed as 0 Moran St., and consists of Alamance County Tax Identification Number 174251.

Mr. Alan Brown, who resides at 115 Eastwood Lake Road, Chapel Hill Nc, applicant, presented on the application to rezone. There are 3.2 acres that he would propose to put 350-400 storage units on site.

Mr. Roane inquired if Mr. Brown would be extending Trail Two to provide access to the property.

Mr. Brown responded that he would be extending Trail Two for access to the property and has inquired with City staff as to what would be required.

Mr. Kirk inquired to staff what the property to the Northwest was zoned as.

Mr. Olmedo informed the commission that adjoining property is MDR non-conforming.

Mr. Kirk asked if Mr. Brown had plans to leave any of the existing trees that were located on the back side of the property.

Mr. Brown indicated that he would be leaving the trees on the back side of the property as a vegetation buffer to the housing development behind it and would plant any additional trees that are needed.

Mr. Brown inquired if there would be a buffer needed on the front side of the property.

Mr. Olmedo informed Mr. Brown that a 10-foot buffer would be needed from the freeway and that it would be resolved further once going through to the TRC review.

Mr. Parker inquired if a gate would be installed around the property.

Mr. Brown indicated that there would be a perimeter fence around the property as well as a gated locked property. The property will not be open on Sundays.

Ms. Zec Nelson inquired if the area is currently a wooded area.

Mr. Brown indicated that it is currently a wooded area.

Ms. Zec Nelson questioned whether cutting down the trees on the property would cause noise for the current neighborhood located on the backside of the property.

Mr. Brown indicated that the buffer on the backside of the property would be 25 feet and that would help with the noise even if the trees on the rest of the property are cut down.

Mr. Raynor inquired to Mr. Brown if the units being built will be single level units, or single-story units.

Mr. Brown indicated that the units being built will only be single story units.

Public Comment:

Mr. Parker asked if there had been any calls or comments from the public. Mr. Olmedo indicated that there had been one call from the American Legion, and he explained the request and what would be involved in the application process.

Mr. Parker, Chair, called for public comments, and the following persons spoke:

David Beckley, 2519 Catherine Drive, and Chuck Gantos, spoke representing the American Legion. Mr. Beckley is the commander of the American Legion and Mr. Gantos is the second in command. Mr. Gantos stated his concern for the additional traffic in the neighborhood if a business is allowed. Mr. Gantos inquired if the Commission had yet seen the plans for the storage units to be built.

Mr. Parker indicated that there had been no plans viewed by the Commission.

Mr. Olmedo stated that the plans were not submitted to the Commission because it was a limited use for zoning so there would be no plans required by the applicant to be submitted.

Mr. Nunn explained that the limited use is set up as a tool that allows the applicant to commit to one use and one use only for the property in question. If the application is approved city staff will go through each one of the items and approve those individually. Mr. Nunn further explained that the application in question is just for the approval of the rezoning of the land and what will be placed there. The City already has an adopted set of standards therefore anything that would be built on the property would have to follow those standards.

Staff Recommendation:

Mr. Olmedo reported that the proposed General Business – Limited Use (GB-LU) zoning district is inconsistent with the Land Use Plan, which calls for this area to be Suburban Residential, staff recommends approval of the rezoning request based on the Land Use Plan, per Option 2, as provided in the Consistency Statements Sheet.

Motion:

Mr. Roane made a motion to recommend approval of the request to rezone a property zoned Medium Density Residential (MDR) to General Business (GB)- Limited Use (GB-LU). The property is located at the terminus of Trail Two, south of the intersection of Lynnwood Dr. and Trail Two, addressed as 0 Moran St., and consists of Alamance County Tax Identification Number 174251.

He stated while the request is inconsistent with the Future Land Use Map in Section 4 “Land Use” of the Comprehensive Plan, in that it calls for this area to have Suburban Residential uses:

- The request is compatible with existing residential uses in the area.

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

- The Comprehensive Plan encourages a sustainable balance of land uses to encourage a diverse tax base.
- The request is compatible with the existing zoning and land uses in the area.

Mr. Kirkpatrick seconded the motion.

Vote (5-2)

Approved by (Black, Kirk, Kirkpatrick, Roane and Raynor)
Parker and Zec Nelson opposed.

ITEM NO. 5:
New Business

1. Mr. Parker, Chair, announced the selection of a Member and Alternate to represent the Planning and Zoning Commission on the Advisory Committee for the Local Historic Overlay (LHO) District Design Standards Update.

Motion:

Mr. Kirkpatrick made a motion to recommend Mr. Ryan Kirk as the member to represent the Planning and Zoning Commission on the Advisory Committee for the Local Historic Overlay District Design Standards Update. Mr. Roane seconded the motion. Approved Unanimously. Mr. James Kirkpatrick will be the alternate member to represent the Planning and Zoning Commission on the Advisory Committee for the Local Historic Overlay District Design Standards Update. Approved Unanimously.

2. Discussions of the Planning and Zoning Commission transition from Zoom meetings to in-person meetings were held. Resolution that the next meeting of the Planning and Zoning Commission would be in person with the option to join remotely via zoom and all members would meet in the City Municipal Building located at 425 S. Lexington Avenue.

ITEM NO. 6: ADJOURNMENT

Mr. Kirkpatrick made a motion, seconded by Mr. Roane, to adjourn the meeting at 9:01 PM. All were in favor.

Submitted by:

Chair, Richard Parker

Vice-Chair, John Black