



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

May 23, 2022 – 7:00 pm

City Municipal Conference Room

Recorded: <https://youtu.be/y4M8wAvfGCs>

CITY MEMBERS:

Richard Parker, Chair
John Black, Vice-Chair
James Kirkpatrick
Lee Roane
Ryan Kirk

EXTRATERRITORIAL MEMBERS:

Joan Zac Nelson
Ethan Raynor (Alternate)

MEMBERS ABSENT:

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

STAFF PRESENT:

Jaime Lawson, Director of Planning
Conrad Olmedo, Planning Manager
Michelle Grogan, Senior Administrative Assistant

AGENDA

ITEM NO. 1:

Mr. Parker, Chair, called the meeting to order at 7:03 p.m.

ITEM NO. 2:

Approval of the minutes of the meeting held on April 25, 2022.

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

ITEM NO. 3:

Mr. Parker, Chair, announced the following application for REZONING-22-0005: A request to rezone properties zoned General Business (GB) and Medium Density Residential (MDR) to be rezoned to General Business – Limited Use (GB-LU). The properties are located on the westerly side of Alamance Road north from the intersection of Alamance Road and Bonnie Lane and on the north side of Bonnie Lane, west from the intersection of Alamance Road and Bonnie Lane, addressed as 2771 and 2779 Alamance Rd and 2229 Bonnie Lane, and consisting of Alamance County Tax Identification Numbers 120489, 120486, and 171551.

Mr. Lawson Brown, 522 S. Lexington Avenue, was in attendance representing the applicant CCM Equipment LLC. Mr. Brown informed the commission that they would like to have the property rezoned so that they may build office space as well as storage of vehicles and equipment at this location.

Mr. Brown did indicate that there will be no exits on Bonnie Lane, all entries will be on Alamance Road.

Mr. Parker inquired that he would like clarity on the three principal uses of the property.

Mr. Brown indicated that there will be office space used as well as parking and storage of vehicles and storage of materials used in the course of business use.

Mr. Parker inquired if the storage will be covered or in the open.

Mr. Brown indicated that the storage will be in the open and not covered.

Mr. Black inquired as to how many vehicles will be on the property.

Mr. Brown stated that there will be around 25 vehicles, probably 12 at any given time.

Mr. Black inquired as to the hours of operation.

Mr. Brown stated that the hours of operation will be Monday through Friday 8:00 am- 5:00 pm.

Mr. Kirk inquired as to Mrs. Brooks who is the owner of the property and would this be a sale of the parcel in question.

Mr. Brown indicated that this would be a sale of the property.

Public Comments:

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

Mr. Olmedo responded that there had been one call that staff did field but did not receive any written public comments.

Mr. Parker called for public comments, and there were no comments were made.

Staff Recommendation:

Ms. Lawson recommends the proposed General Business – Limited Use (GB-LU) zoning district is consistent with the Land Use Plan, which calls for this area to be Regional Commercial. 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. Black made a motion to recommend approval of the request to rezone properties zoned General Business (GB) and Medium Density Residential (MDR) to be rezoned to General Business “Limited Use (GB-LU). The properties are located on the westerly side of Alamance Road north from the intersection of Alamance Road and Bonnie Lane and on the north side of Bonnie Lane, west from the intersection of Alamance Road and Bonnie Lane, addressed as 2771 and 2779 Alamance Rd and 2229

Bonnie Lane, and consisting of Alamance County Tax Identification Numbers 120489, 120486, and 171551.

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

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

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

Mr. James Kirkpatrick seconded the motion.

Vote (7-0)

Approved by (Parker, Black, Roane, Kirkpatrick, Kirk, Zac Nelson and Raynor)
None opposed, motion passes

ITEM NO. 4:

Mr. Parker, Chair, announced the following application for REZONING-22-0006: A request to rezone properties zoned Light Industrial (LI), General Business (GB), and High Density Residential (HDR) to be rezoned to Light Industrial-Limited Use (LI-LU). The properties are located on the northwest corner of the intersection of Williamson St. and E. Webb Ave., addressed as 1535 E. Webb Ave. and 0 Williamson St., and consisting of Alamance County Tax Identification Numbers 134158 and 133832.

Mr. Chad Huffine, 505 East Davis Street works with Bioclean and would like to expand the property.

Mr. Parker inquired as to the list of uses that is being requested and why there are so many uses requested.

Mr. Huffine stated that they took that the light industrial classification has more than double the uses as the limited uses category. The business on the property has a variety of uses on the property currently, office space as well as outdoor storage of vehicles. Mr. Huffine further explained that there is some open office space for lease on this property and each one of the uses fits in some way the property owners uses. Mr. Huffine stated that he has worked with staff to limit the uses and that they wanted to be specific and clear as the examples being used.

Mr. Parker inquired to staff as to leaving the property as light industrial and excluding the uses that are not needed.

Ms. Lawson stated that the list of items that they would like to have and that assumes that everything else that falls under the gamut of Limited Use is not allowed here so the list is much longer of what is being excluded verses what the applicant is proposing.

Ms. Lawson stated that some of the items might be an accessory to the use that is being proposed but the applicant wanted to be specific and transparent about what is going to be there.

Mr. Kirk inquired as to the current business that is on the corner of West Webb and what would be the planned use for the high density residential and how would they reduce the noise?

Mr. Huffine has sent to staff a concept of what would be done in preserving a 40-foot existing buffer.

Mr. Black inquired if the building that is on the property has electrical or plumbing fabrication going on there now.

Mr. Huffine stated that there is already electrical and plumbing fabrication going on there now. Mr. Huffine further stated that there will be metal fabricating that will be performed there.

Mr. Roane inquired what the office hours would be at the property.

Mr. Huffine responded that the hours of operation would be 7:00 am-5:00 pm Monday through Friday.

Mr. Roane inquired as to the makers space that is being suggested on the property could possibly be twenty-four hours a day.

Mr. Huffine responded that he would have to agree with this, and they would possibly be on the property at any point of day.

Mr. Huffine stated that they could look at limiting the hours versus limiting the use of the property.

Mr. Roane questioned the possibly limiting the hours of the makers space would be possible.

Ms. Lawson responded that there can be no limitations put on the hours of operations because it is tied to specific uses, the suggestion would be to remove that space or just keep it as is.

Mr. Huffine stated that he would expect that normal business hours would be in use.

Mr. Kirk inquired how dense of housing could be placed on this lot under the high-density use.

Ms. Lawson stated that under the high density residential there is a maximum density of up to thirty units per acre for multi family use. With respect to the setback there would be 30 feet from the rear yard setback area which is similar to what they are proposing.

Mr. Huffine stated that when they were canvassing the neighborhood that neighbors were glad that multifamily units were not being built.

Public Comment:

Mr. Parker asked if there had been any calls or comments from the public. Mr. Olmedo indicated that there had been several general calls from the public and they received one public comment from a citizen with noise concerns.

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

Blanca Hernandez, 1621 Erwin Avenue, had concerns regarding what would be happening in the area and why she would receive this letter.

Mr. Parker stated that there has to be notice sent out to the neighbors within a 30-foot radius to inform the

neighbors what is happening and that nothing would be happening with Mr. Hernandez's property.

Staff Recommendation:

Ms. Lawson recommends the proposed Light Industrial – Limited Use (LI-LU) zoning district is consistent with the Land Use Plan, which calls for this area to be Neighborhood Commercial. 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. Roane made a motion I make a motion to recommend approval of the request to rezone properties zoned Light Industrial (LI), General Business (GB), and High Density Residential (HDR) to be rezoned to Light Industrial - "Limited Use (LI-LU). The properties are located on the northwest corner of the intersection of Williamson St. and E. Webb Ave., addressed as 1535 E. Webb Ave. and 0 Williamson St., and consisting of Alamance County Tax Identification Numbers 134158 and 133832.

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

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

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

Mr. Kirkpatrick seconded the motion.

Vote (7-0)

Approved by (Kirkpatrick, Zac Nelson, Kirk, Parker, Roane, Raynor, Black).

None opposed, motion passes.

ITEM NO. 5:

UDOTA 3-22: On behalf of the City of Burlington, Mr. Chad Meadows, to present Unified Development Ordinance Text Amendments.

Mr. Chad Meadows gave the Commission an overview of the UDO revisions that have been suggested. Mr. Meadows stated that there are 54 areas of revision that will be organized in three blocks:

- Community prosperity which will include procedures, districts and uses
- Community Prosperity which will include standards
- Increasing Precision and clarity

UDOTA 3-22- Community Prosperity procedures, districts, uses

- Increasing administrative adjustment amounts by 10% (p. 2-17)
- Additional clarity on what ‘higher quality development’ means in a PD (p. 3-57)
- Bungalow Courts: added to MX district; max. lot coverage increased to 80%; district dimensional requirements reduced (must still meet Fire Code)
- Pocket Neighborhoods: added to MX district; max. lot area increased to 90%; front setback reduced to 3 feet; removed limit of 12 homes total; reduced central OSS requirement by 50% per unit; exempted from active recreation, tiny homes allowed
- Tiny homes added as a use in MDR, HDR, MX, & NB – if on chassis with wheels, treated as a recreational vehicle (p. 4-25)
- Contractor storage yards added as allowable in GB (p. 4-8)
- Research & development added as allowable use in MI (p. 4-9)
- Multi-family: recreation area setbacks (50’) from single family homes changed from district edge to SF structure (p. 4-20); required parking spaces reduced 1/1 bdr + 1.25/2+ bdr (p. 5- 46)
- Murals allowed to include a wall sign within the mural (p. 4-60)
- Fence/wall heights limited to 4 feet along front façade lines and within required street setbacks; increased to 8’ elsewhere (p. 4-64)
- Up to 4 portable storage containers allowed on non-residential/mixed use sites with temporary use permit (not allowed between building and street, may only be on site for 90 days per calendar year) (p. 4-74)

UDOTA 3-22- Community Prosperity Standards

- More flexibility in adding new parking spaces to existing development sites without retrofitting existing sites or accessways (p. 5-3)
- Reduced bicycle parking standards based on units or SF rather than vehicular spaces (p. 5-15)
- Removed perimeter landscaping buffer when abutting unbuildable land (p. 5-43)
- Increased credit for use of existing vegetation from 1.25 times caliper/DBH to 2 times caliper/DBH (p. 5-47)
- Reduction in commercial building design standards: entry features no longer need to be immediately adjacent to entrance doors (p. 5-57); projections/recess depth reduced from 10’ to 5’ (p. 5-59); outdoor seating reduced from 10 seats to 5 (p. 5-60)
- Commercial fenestration size requirements reduced by 10% for primary & secondary facades (p. 5-

63); new alternatives for glazing (p. 5-64)

- New more detailed guidance on building variation standards for multiple-building multi-family development (p. 5-79)
- Internally illuminated signs of 32 sf or less now allowed to face residential (p. 5-93)
- Owner allowed to determine if entire sign or just face area to be removed if sign becomes obsolete (p. 5-93); If sign face removed, new standards for obscuring the interior of the sign (p. 5-94)
- Banners now allowed for up to 30 days 1 time per calendar year (with temporary use permit) per lot or tenant
- Corner lots of 2+ acres can have 2 EMB signs, and a ground or wall sign may have more than one EMB component (p. 5-99)
- Supplemental signs for non-residential increased from 20 sf to 32 sf (but limited to 6 sf per tenant in multi-tenant; setbacks are 10 feet from edge of pavement (p. 5-111)
- Incidental signs increased from 20sf/site to 36 sf/site (p. 5-104) • Ground and wall signs may include since faces made from fabric if taught (p. 5-103, 114)
- Subdivision entry points standards reduced to 1 entry per 100 units or 1 per 10 acres (50% reduction) (p. 6-13)
- Sidewalk installation waived for changes of use and expansions of less than 50% of pre-construction value; fee in- lieu option added for some expansions (p. 6-16)
- Open space set-aside requirements reduced to 6 duplex, triplex, quadplex buildings (p. 7-3)
- Walking trails added as active recreation feature (p. 7-5)
- Allowance for primary building wall to be one with primary entrance instead of one facing street providing street address (p. 8-21)
- Nonconforming site features scale changed to exempt any addition/expansion of 50% or less of building value, and scaled requirements expanded to apply to additions/expansions exceeding 75% (p. 9-8)
- Clarification that existing sites may add new parking spaces without an addition or expansion, and need not address existing non-conforming parking space configuration (p. 9-10)

UDOTA 3-22- Increase Precision

- Revisions to quasi-judicial notice (p. 2-9)
- Clarify BOA notice of decision provided after final order signed (30 days) (p. 2-14)
- Final plat used for subdivisions of 3 or fewer lots with no infrastructure; Planning Director may

require preliminary plat if lots already subject to final plat after 11/1/19 (p. 2- 38)

- Preliminary plat can require parking agreement if site will lack space for required parking (p. 2-48)
- City Council may approve less intense rezoning without remand (p. 2-54)
- GB density raised to 24 to match lot size (p. 3-13)
- Changes to required parking on approved site plan is major modification requiring TRC review (p. 2-61)
- Site-specific vesting plan associated with rezoning does not run with land (subject to statutory vesting terms) (p. 2- 73)
- New uniformity on min. lot area for duplex, triplex, quadriplex, single-family attached + allowance for zero lot line setbacks along party walls (p. 3-20, 29, 36)
- Removal of internal street setbacks for single-family attached and multifamily development (p. 3-20, 29, 36)
- Increased use separations to 2,640 square feet for adult businesses (p. 4-38)
- Car washes not allowed in NB + must include a Type D buffer (not Type A) when abutting residential (p. 4-41)
- New image clarifying allowable fence placement within utility easements (one the easement edges, not in the middle) (P. 4-63)
- Rigid plastic, not sheet plastic allowed fencing; wire mesh allowed if 36" or less and outside setbacks; Planning Director may permit barbed wire for utility uses
- A semi-trailer may not be used as portable storage for a residential use (p. 4-73)
- Sight distance triangles measured from edge of pavement, not edge of ROW (p. 5-25)
- Clarification that development of one single-family residential dwelling on its own lot is exempted from landscaping (p. 5-29)
- New requirements for concealing building wall attachments/fixtures (downspouts, etc.) (p. 5-62)
- Density rounding upwards allowed for tenths, not hundredths (p. 8-13)
- 8 new/modified definitions; removal of 1 definition (other retail) (ch. 8)
- Non-conforming signage may be relocated only when move is triggered by ROW acquisition or road construction (p. 9-7)
- HPC Composition raised from 7 to 9 members (p. 10-9)

Staff Recommendation:

Ms. Lawson recommends the proposed text amendment is necessary at this time and staff recommends approval of the Unified Development Ordinance Text Amendments (UDOTA 3-22) based on the Land Use Plan, per Option 1, as provided in the Consistency Statements Sheet.

Motion:

Mr. Kirk made a motion to recommend approval of the request to amend the City of Burlington Unified Development Ordinance with the proposed text amendment.

The motion is based upon the consistency of the proposed text amendment 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. Kirkpatrick seconded the motion

Vote (6-1)

Approved by (Kirkpatrick, Zac Nelson, Kirk, Parker, Roane, Raynor)

Black opposed, motion passes

ITEM NO. 6:

New Business

1. Mr. Olmedo updated the Planning and Zoning Commission on the Advisory Committee’s progress on the Local Historic Overlay (LHO) District Design Standards Update. Mr. Kirk gave the Commission an update on the Advisory Committee and stated that the process has been successful so far.
2. Chairman Parker brought up a couple changes he would like the members to be thinking about for next month’s meeting:
 - a) Chairman Parker recommended that written comment be received by citizens by noon on the day of the Planning and Zoning meeting as to give Commissioners time to read through the public comments that are sent in.
 - b) Chairman Parker suggested that in the event of a zoom meeting that citizens must have the raise

- hand icon indicated before the Chairman asks the final question to be recognized by staff.
- c) Mr. Black suggested that the public address the chair members of the Planning and Zoning Commission and not the applicant.
 - d) Mr. Kirk suggested that when Chair Parker asks for additional questions from the Commission if he could also suggest for additional comments or questions to get more information from the Commission on why they are voting a certain way.

Mr. Black also suggested to Ms. Lawson to make a suggestion to City Council that the Planning and Zoning Commission has questions or concerns as to the regulations for the City of Burlington regarding Airbnb's.

1. June 27, 2022, meeting will be held remotely by Zoom due to construction occurring both in the Municipal Council Chambers and Conference Room.

ITEM NO. 6: ADJOURNMENT

Mr. Kirkpatrick made a motion, seconded by Mr. Roane, to adjourn the meeting at 9:07 PM. All were in favor.

Submitted by:

Chair, Richard Parker

Vice-Chair, John Black