



MINUTES OF THE BURLINGTON PLANNING AND ZONING COMMISSION MEETING

June 27, 2022 – 7:00 pm

Meeting Held Remotely via the Zoom Virtual Meeting Platform:

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 May 23, 2022.

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

ITEM NO. 3:

Mr. Parker, Chair, announced the following application for REZONING-22-0007: Mr. Thomas Perdue, applicant, to present a request to rezone property zoned General Business (GB) to be rezoned to High Density Residential – Limited Use (HDR-LU). The property is located on the southwest corner of Cleveland Ave. and Whitsett St., addressed as 310 Cleveland and consisting of Alamance County Tax Identification Number 133839.

Mr. Thomas Perdue was in attendance to state that he wanted to have the property rezoned so that they may build townhomes that will be affordable for the area. Mr. Perdue stated that they will meet all the requirements that the City has in place and anything that is asked of them to have this property rezoned.

Mr. Kirkpatrick inquired to the numbers of units that they would be wanting to build on the property,

and do they have an artist's rendition of what the property will look like once completed.

Mr. Perdue stated that they will be building no more than five units and they have a concept rendition that was given to Conrad Olmedo.

Mr. Olmedo stated that since this is a limited use rezoning so there is not a plan associated with the request.

Mr. Kirk inquired that there is another house on the property and would that lot be divided into multiple parcels for the townhomes.

Mr. Perdue responded that there will be one parcel that will have five units on it.

Mr. Kirk inquired if Mr. Perdue had engaged any of the surrounding properties regarding the rezoning.

Mr. Perdue responded that he has not yet reached out to any of the neighbors.

Ms. Zac Nelson inquired if the single-family home that is on the property will remain a single-family home and if it is occupied.

Mr. Perdue responded that there are no plans to change the single-family home and that to leave it as it is, and he is unaware of the home is currently occupied.

Mr. Parker inquired if there would be enough land for the maintain the single-family home on the lot.

Mr. Olmedo stated that the requested use will put it in a high-density residential zoning designation and that district has a minimum lot size for a single family detach as 6000 square feet.

Mr. Kirk inquired if the lot that is listed as general business to the south of the lot was a non-conforming use if there is a residential house on the property.

Mr. Olmedo stated that it is a non-conforming property to the south of the lot.

Mr. Black stated that the lots to the west of the property are also high-density residential.

Public Comments:

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

Mr. Olmedo responded that they 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 High Density Residential – Limited Use (HDR-LU) zoning district is consistent with the Land Use Plan, which calls for this area to be Traditional Residential. 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. Kirkpatrick made a motion to recommend approval of the request to rezone property zoned General Business (GB) to be rezoned to High Density Residential – Limited Use (HDR-LU). The property is located on the southwest corner of Cleveland Ave. and Whitsett St., addressed as 310 Cleveland and consisting of Alamance County Tax Identification Number 133839.

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 Traditional Residential uses.
- The request is compatible with the adjacent residential uses.

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

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

Mr. Ryan Kirk 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-22-0004: Mr. Matt Wall, applicant, to present an application to rezone property zoned Medium Density Residential (MDR) to be Light Industrial – Limited Use (LI-LU). The property is located at the south side of the intersection of Danbrook Rd. and Bonnar Bridge Pkwy., addressed as 0 Danbrook Rd., and consists of Alamance County Tax Identification Number 106952.

Chair Parker called for any conflicts of interest with this item with the board members.

Mr. Roane disclosed that he does live in proximity but not within the notification area of the rezoning application and he does not have any direct, substantial, or readily identifiable financial impact on this item therefore he is comfortable with hearing this application.

Mr. Parker inquired to the Commission if everyone agreed with Mr. Raynor’s explanation to which the Commission agreed.

Mr. Kirk stated that there were questions being asked in the zoom chat if all of the email and communication has been handed to the Commission.

Mr. Olmedo stated that all communication that has been given to staff has been passed to the Commission.

Mr. Wall was in attendance for the applicant to present the plan to rezone the property from Medium Density Residential to Light Industrial- Limited Use. Mr. Wall stated the applicant had been before the Board for this property for a conventional use and not a limited use rezoning. Mr. Wall stated that

when he came before the Commission before the Board passed the application 5-0. Mr. Wall went on to say that with the conventional use rezoning there were up to 100 possible uses for the property and with the limited use they have narrowed it down to 28. Mr. Wall stated that they did rework the application to limit the uses per City Council recommendations. Mr. Wall stated that they did have a neighborhood meeting which was attended by around 15 people. Mr. Wall further stated that they did send letters out to residents in the surrounding area. Mr. Wall informed the Commission that most of the letter that have been sent into staff have had concerns regarding traffic, signage, noise and safety. Mr. Wall encouraged the Board to weigh the comments of citizens that would like to speak to the proximity of where they live in relation to the project. Mr. Wall stated that any project now or in the future would require TRC and further staff review at the appropriate stage of the project.

Mr. Kirpatrick inquired if Mr. Wall has come out and stated what the property owners would like to put on the property, and also has there been a traffic impact analysis done yet.

Mr. Wall stated that they have not yet done a traffic impact study.

Mr. Kirpatrick inquired to Mr. Wall what percentage of the people that have come to speak at the meeting would say that traffic was a major concern for the project.

Mr. Wall stated that he has not read all of the comments from the letter that have been sent in but he would assume that traffic is a major concern.

Mr. Kirpatrick inquired if Mr. Wall would be doing a traffic impact study.

Mr. Wall stated that he would be doing a traffic impact study if the application was approved.

Mr. Roane inquired that in one of the letters written by a citizen that there are approximately two thousand homes on the lake and inquired if that was accurate.

Mr. Olmedo responded that there are approximately at least 2700 units in total which would include homes and townhomes that are scheduled to be built.

Mr. Roane stated that when coming into Macintosh there are two entrances to Macintosh.

Mr. Olmedo stated there has been some discussions regarding transportation which would include additional entrances or exits.

Mr. Kirk inquired that in the meeting that it is being questioned if the application in question would in fact be a gas station and if so, would there be diesel present.

Mr. Wall stated that he is unaware of the types of fuel that would be sold but in his estimation that there would be diesel included in the sales.

Mr. Kirk inquired if there is discussion within the city if transportation has been discussed and he understands that it is not one parcels responsibility.

Mr. Olmedo responded that staff is aware that transportation improvements have been made and that staff is working to resolve with developers to handle these concerns. Mr. Olmedo also informed the Commission that this is a limited use application, and that staff would discuss with the Transportation department at the pre application conference whether a traffic impact analysis study is needed.

Mr. Black stated that the traffic and noise are not as much as an issue as the gas station or car wash being so close to the biggest water source for the city. Mr. Black stated that the quality of water issue would be his biggest issue if something would happen, and that water quality could be impacted. Mr. Black stated that he would not vote for anything that would harm the primary watershed.

Mr. Kirkpatrick stated that his biggest issue would be the traffic in the area, and he feels that the traffic analysis should be done before the application goes through.

Mr. Black stated that the Planning and Zoning meeting was not a public hearing but a public meeting.

Ms. Lawson stated that it is correct that in that the Planning and Zoning Commission is a public meeting but that it has been practiced in the past to hear public comments.

Mr. Black stated that the Commission can answer public comments but that the Commission should not glean all their information from the public.

Mr. Parker stated that his concerns are that traffic caused by the service station being right in a residential subdivision are too great.

Mr. Kirk as well as Ms. Zac Nelson stated that they would like to hear public comments on this matter.

Mr. Roane stated that in a 24 hour period a gas station would have a lot of cars in and out of the subdivision. Mr. Roane stated as well that his concerns are with the watershed from a gas station damaging that city's water supply.

Mr. Raynor stated that he is interested to see what the traffic study would show.

Public Comment:

Amanda Palmer, 365 Sapphire Road spoke to the Commission about her concerns with a gas station being built in the area. Ms. Palmer's main concern is with traffic in the entrance to the neighborhood. Ms. Palmer stated that the traffic in the morning is already so backed up that it is difficult to get out in the neighborhood.

Ryan Spadaccini, 336 Lochmaddy Drive spoke regarding his concerns regarding the gas station being in the neighborhood. Mr. Spadaccini stated that he is the HOA president of Macintosh on the Lake. Mr. Spadaccini stated that there was not a letter sent to the board regarding the public meeting that was held at the clubhouse and due to that most of the board was unable to attend. Mr. Spadaccini stated that the apartments that have gone in recently have caused more traffic concerns and that this gas station will add to those concerns.

Thomas Ozbolt, 1960 West Buckhill Road, spoke regarding the gas station being placed so close to the school and private residences. Mr. Buckhill is concerned that serving the citizens of Burlington is what is most important, and this gas station does not serve the citizens of Burlington, it will only service motorists passing through. Mr. Ozbolt stated that the Commission should vote against the gas station being in the area.

Charles Beasley, 1134 Cardross Street, spoke against the gas station being put in the entrance to the area. Mr. Beasley stated that he would be fine with development in the area as long as the city has a plan for an additional entrance or exit to Macintosh. Mr. Beasley stated that having a gas station right

next to an elementary school could bring up concerns with child trafficking.

Hillary Ward, 192 Nevus Way, spoke regarding her concerns with building a gas station in the area. Ms. Ward stated that her concerns would be emissions of having a standing gas station right next to a school could bring about health concerns with the younger population. Ms. Ward stated that Wake County chose not to move forward with a gas station proposal next to a school for these very reasons. Ms. Ward has the concerns regarding traffic as well. Ms. Ward stated that it will take time to for a third entrance to be built.

Brandy Whitaker, 324 A Castlerock Drive, spoke regarding her concerns with building a gas station in the area. Ms. Whitaker stated that the apartment complex right across from the proposed gas station has pedestrians that are not using the crosswalk and having a gas station will only add safety concerns to the area. Ms. Whitaker stated that the single entrance and exit will also cause issues with traffic in the area.

Staff Recommendation:

The proposed Light Industrial – Limited Use (LI-LU) zoning district is consistent with the Land Use Plan, which calls for this area to be Business Park/Light Industrial. 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. Kirkpatrick made a motion to recommend denial of the request to rezone property zoned Medium Density Residential (MDR) to be Light Industrial – Limited Use (LI-LU). The property is located at the south side of the intersection of Danbrook Rd. and Bonnar Bridge Pkwy., addressed as 0 Danbrook Rd., and consists of Alamance County Tax Identification Number 106952.

While the request is consistent with the Future Land Use Map, Section 4 “Land Use” of the Comprehensive Plan, in that it calls for this area to have Business Park/Light Industrial uses:

- The requested zoning is not necessary for 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.
- The current zoning is preferable for the area

Mr. Black seconded the motion.

Vote (7-0)

Motion to deny application by (Kirkpatrick, Zac Nelson, Kirk, Parker, Roane, Raynor, Black).

None opposed, motion passes.

ITEM NO. 5:

LOCAL HISTORIC OVERLAY (LHO) DISTRICT DESIGN STANDARDS: On behalf of the City of

Burlington, Mr. Phillip Walker and Mr. Keith Covington, to present the Local Historic Overlay (LHO) District Design Standards and Ms. Lawson, Planning Director to present the Process Assessment recommendations.

Mr. Parker called for any conflicts of interest from the members, and none were brought forward.

Ms. Lawson stated that at the June 8th Historic Preservation Commission meeting the draft was presented and there was a recommendation to approve the current design standards document as well as the process assessment that was included to the Planning and Zoning Commission. Ms. Lawson stated that this is a Legislative matter because it does involve an overlay to the zoning districts and the Planning and Zoning Commission would be making a recommendation with the standards would then go to City Council for their review and approval. Ms. Lawson stated that staff is recommending approval.

Mr. Walker went through the presentation and stated that for each of the building types that are described there is a local example listed.

Mr. Walker went through each section to give the Commission a rundown of the document and what to expect with the new changes.

Mr. Parker stated that the new standards will be very helpful for the Historic Preservation Commission.

Mr. Black inquired to Mr. Kirk who served on the committee if Mr. Kirk felt like this document would reach out to the concerns that had come before the Planning and Zoning Commission in the past.

Mr. Kirk stated that he was very impressed with the process and there were a lot of people that had a lot of input and feedback was well received.

Mr. Kirk stated that he was recommending to staff to that the first time the document is looked at more quickly than waiting a year to reassess.

Ms. Zac Nelson questioned if the Design Review Committee was optional, or is would that just be for major repairs.

Mr. Walker stated that would be an optional process and it would not be mandatory.

Public Comment:

Tom and Lynn Cowan, 2451 Glencoe Street, spoke regarding his concerns with the document. Mr. Cowan stated that he wanted to make sure that just because you cannot see the doors and windows from the street the neighbors that are in the back can see these items.

Mr. Allen Gant, 1022 W. Davis Street, stated that he wanted to thank Jaime and Conrad for their work on the document. Mr. Gant stated that a building that has been condemned in the Historic Commission could become a hazard in the process of going through. Mr. Gant stated that although he is very happy with what has been done with the document thus far he was in favor of not approving the document as it is written.

Ian Baltitus, 702 W. Davis Street, stated that he is happy with the document as it stands. Mr. Baltitus stated that he agrees with a 3- or 6-months review process of the document would be beneficial.

Mr. Parker inquired to the Commission if they feel like they have had enough time to process that document.

Mr. Kirk stated that he does feel that the Historic Preservation Commission has thoroughly gone through the document, and he feels confident that it should pass.

Mr. Kirkpatrick stated that he feels he needs more time to digest the information in the document.

Mr. Roane stated that with the caveat that it needs to be reviewed again within a year but he also feels like he needs more time.

Staff Recommendation:

Staff recommends approval of the Local Historic Overlay (LHO) District Design Standards.

Motion:

Mr. Black made a motion to recommend approval of the Local Historic Overlay (LHO) District Design Standards.

The motion is based upon the consistency with the Comprehensive Plan, in that:

- The Land Use Plan calls for the celebration, encouragement, support, and rehabilitation of historic buildings.
- Section 2, Character & Identity, Goal 01, calls to “Celebrate Burlington’s unique history and local character.”
- Section 2, Character & Identity, Goal 01, Recommendation 1, calls to “Encourage the preservation and continued use of historic buildings, districts, landmarks, and landscapes.”
- Section 2, Character & Identity, Goal 01, Recommendation 2, calls to “Support the historic rehabilitation efforts of private property owners.”

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

- The Comprehensive Plan calls for the historic preservation of the City’s historic resources.
- The Local Historic Overlay (LHO) District Design Standards complement the historic preservation of the City’s historic resources.

Ms. Lawson stated that staff is looking for a recommendation to move the standards forward to council with or without the changes that staff has included on page B8-B11. The second item that staff is looking for approval of the items in the process assessment document.

Mr. Black inquired if those items were included in the proposal.

Ms. Lawson stated that in the proposal that in the matrix that staff has recommended one direction and the Historic Preservation Commission has recommended a different direction.

Mr. Black stated that he would like to remove his motion.

Mr. Roane moved to table the motion until the city has reviewed the language and made appropriate changes. Mr. Kirkpatrick seconded the motion.

Vote (5-2)

Moved to table until the July 25th meeting by (Kirkpatrick, Black, Parker, Roane, Raynor)
Kirk, Zac Nelson opposed, motion passes

ITEM NO. 6:

New Business

1. Mr. Parker stated that the discussion of the Commission packets can be tabled until the next meeting.
2. Mr. Black inquired if city staff has mentioned to City Council that they would want to look into the regulations surrounding airbnbs. Mr. Olmedo stated that staff has been looking into language about airbnbs in the UDO text amendments and staff has also been looking into tiny homes as well.
3. Mr. Black also made any inquiry as staff rewriting the letters that go out to citizens that would represent that the planning and Zoning Commission is a public meeting versus a public hearing. Mr. Olmedo stated that there may be more people present in the meeting due to the fact that staff has been posting signs at the properties as well as expanding their mailing radius. Mr. Parker also indicated that looking at surrounding cities to see what their process is regarding allowing public comment.

ITEM NO. 6: ADJOURNMENT

Mr. Kirkpatrick made a motion, seconded by Mr. Black, to adjourn the meeting at 9:22 PM. All were in favor.

Submitted by:

Chair, Richard Parker

Vice-Chair, John Black