



CITY OF BURLINGTON PLANNING AND ZONING COMMISSION

July 24, 2023 - 7:00 p.m.

*Meetings are held in person at the City Municipal Building in the
Municipal Conference Room (lower level) located at 425 S. Lexington Ave., Burlington, NC 27215*

Planning & Zoning Commission Meetings Video Playlist:

www.youtube.com/playlist?list=PLX2Do5DiQXjzICNpomFiwdSRDY7Dw8sRB

CITY MEMBERS:

John Black, Chairman
James Kirkpatrick, Vice-Chairman
Richard Parker
Charles Beasley
Hilary Hill (Alternate)

EXTRATERRITORIAL (ETJ) MEMBERS:

Ethan Raynor

MEMBERS ABSENT:

Lee Roane
Patricia Gamble (Alternate)
Amber Wright (Alternate)
Joan Zec Nelson (ETJ)

CITY STAFF:

Jamie Lawson, Planning Director
Brianna Smith, Planning Office Manager

AGENDA

ITEM NO. 1:

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

Mr. Parker inquired if there was a Quorum. Ms. Jamie Lawson, Planning Director, confirmed that there was a Quorum.

ITEM NO. 2:

Ms. Brianna Smith, Notary Public, administered Oaths of Office to Mr. James Kirkpatrick (Regular Member), Mr. Ethan Raynor (ETJ Member), Ms. Hilary Hill (Alternate Member).

ITEM NO. 3:

Ms. Lawson led the election of Chairman and Vice-Chairman of the Planning and Zoning Commission.

Mr. James Kirkpatrick was elected as Vice-Chairman and Mr. John Black was elected as Chairman.

There were no other nominations for either position. All votes were unanimous.

DISCUSSION:

Mr. Black, and others, thanked Mr. Parker for his time and dedication as Chairman. Mr. Black requested staff to look into term limitations for Chairman and Vice-Chairman. Mr. Black also gave ideas for the term limitations.

Mr. Black requested if staff could give a report to the commission on the results of the items that came before them once they went to City Council. Ms. Lawson stated that they would make that happen.

ITEM NO. 4:

Approval of the minutes of the Planning & Zoning Commission meeting held on May 22, 2023.

Mr. Ethan Raynor, Member, made a motion to approve the May 22, 2023 Meeting Minutes.

Mr. Charles Beasley, Member, seconded the motion.

All were in favor. Ms. Hill abstained.

ITEM NO. 5:

UDOTA 2-23: City Staff to present Unified Development Ordinance Text Amendments with three recommendations:

- Introduction of a Medium Manufacturing definition with parking requirements
- Amendments to the Medium Industrial zoning district dimensional standards
- Amendments to the Watershed Protection Overlay prohibited uses.

Ms. Lawson gave an overview of the changes that the City of Burlington Staff had worked on for the Unified Development Ordinance (UDO) update. **Full details of the UDO Text Amendment can be found in the Meeting Packet.**

Mr. Beasley inquired about how businesses that would fall into the proposed Medium Manufacturing use classification were categorized in the past. Ms. Lawson responded that the Planning Director would use their discretion to choose the zoning that best fit the use.

PUBLIC COMMENTS:

There were no public comments.

MOTION:

Mr. Kirkpatrick 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. Beasley seconded the motion.

VOTE (6-0):

Approved by (Black, Parker, Kirkpatrick, Beasley, Raynor, and Hill)

The motion to recommend was passed unanimously.

ITEM NO. 6:

CONDITIONAL REZONING-23-02: Mr. Dan Danieley, on behalf of the Burlington Alamance Regional Airport, to present a request to amend the Conditional Industrial (CI 909) zoning district of the existing airport to expand the district and include property on which a proposed hangar building will be constructed. The property to be added to the district is located south of the intersection of Alamance Rd. and Troxler Rd. on the east side of Alamance Rd. addressed as 3536 Alamance Rd. and consisting of Alamance County Tax Identification Number 112258. The Burlington Alamance Regional Airport property is addressed as 3441 N. Aviation Dr. and consists of Alamance County Tax Identification Number 120190.

Mr. Dan Danieley stated that the proposed project was to build a large Airplane Hanger and Office Complex. Mr. Danieley stated that they had purchased the property recently and that it had been zoned differently previously, which was the purpose of their request to have the property rezoned.

Mr. Beasley inquired about what aircraft model was going to be housed in the hangar. Mr. Danieley responded that multiple aircraft would use the hangar but the aircraft that prompted the build was a Gulf Stream G6.

PUBLIC COMMENTS:

There were no public comments.

MOTION:

Mr. Beasey made a motion to recommend approval to amend the Conditional Industrial (CI 909) zoning district of the existing airport to expand the district and include property on which a proposed hangar building will be constructed. The property to be added to the district is located south of the intersection of Alamance Rd. and Troxler Rd. on the east side of Alamance Rd. addressed as 3536 Alamance Rd. and consisting of Alamance County Tax Identification Number 112258. The Burlington Alamance Regional Airport property is addressed as 3441 N. Aviation Dr. and consists of Alamance County Tax Identification Number 120190.

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 Institutional/Civic uses.
- The request is compatible with the adjacent industrial uses.

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

- The Comprehensive Plan calls for a variety of uses including the existing airport and institutional uses in the area.
- The request is compatible with the existing zoning and land uses in the area.

Mr. Kirkpatrick seconded the motion.

VOTE (6-0):

Approved by (Black, Parker, Kirkpatrick, Beasley, Raynor, and Hill)

The motion to approve was passed unanimously.

DISCUSSION:

Mr. Parker stated that he had mentioned to staff that he felt the commission was getting too much technical data and that he felt it was unnecessary and suggested that staff should limit the amount of information sent to the commission. Mr. Kirkpatrick agreed that they were receiving a lot of unapplicable information. Mr. Parker stated that the information felt like something the Technical Review Committee (TRC) would receive. Ms. Lawson stated that she would take that recommendation back to staff and consider the information submitted. Ms. Lawson stated that due to the type of application being a Conditional Rezoning, the UDO requires that the TRC review and approve a site plan. Ms. Lawson stated that because of that, the application materials provided to the commission for this item was relevant.

Mr. Black stated that he would prefer to get more information than a gist of something to be able to make their recommendation.

Mr. Danieleley inquired when they could expect to see this item to go to the City Council. Ms. Lawson responded most likely September 5th, 2023.

ITEM NO. 7:

REZONING-23-009: Mr. Chad Huffine, to present a request to rezone property from Medium Residential Density (MDR) and High Density Residential (HDR) to High Density Residential (HDR). The property is located east from the intersection of Flora Ave. and Burch Bridge Rd. addressed as 2165 Burch Bridge Rd. and consisting of Alamance County Tax Identification Number 127501.

Mr. Chad Huffine stated that the property was currently split zoned into Medium Density and High Density Residential Zoning and that his company was contacted by the owner of the property to seek a rezoning to High Density Residential Rezoning in order to make the entire property consistent with one zoning designation.

Mr. Kirkpatrick inquired if the requested rezoning was for the property to be used for a similar use to that is already on the property. Mr. Huffine responded yes, and that the owner wants to build apartments. Mr. Huffine also stated that the High Density Residential Rezoning request would allow for one additional unit compared to what it is currently zoned.

PUBLIC COMMENTS:

There were no public comments.

MOTION:

Mr. Kirkpatrick made a motion to recommend approval to rezone property from Medium Residential Density (MDR) and High Density Residential (HDR) to High Density Residential (HDR). The property is located east from the intersection of Flora Ave. and Burch Bridge Rd. addressed as 2165 Burch Bridge Rd. and consisting of Alamance County Tax Identification Number 127501.

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 Suburban 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 a variety of uses including residential uses in the area.
- The request is compatible with the existing zoning and land uses in the area.

Mr. Raynor seconded the motion.

VOTE (6-0):

Approved by (Black, Parker, Kirkpatrick, Beasley, Raynor, and Hill)

The motion to approve was passed unanimously.

ITEM NO. 8:

REZONING-23-010: Mr. Carlo Pardo, to present a request to rezone properties from General Business (GB) and Neighborhood Business (NB) to General Business (GB). The properties are located east of Chapel Hill Rd., south of S. Church St., and north of Sykes St. addressed as 1715 Sykes St. and 1824 S. Church St. and consisting of Alamance County Tax Identification Numbers 121666 and 121456.

Mr. Matt Lowder, Bowman Consulting – Raleigh, was present to represent the applicant, Mr. Carlo Pardo who was also present. Mr. Lowder stated that the property was currently split zoned and that they were requesting GB zoning to make the zoning consistent throughout the property.

Mr. Lowder stated that the site was the home of the La Fiesta restaurant and the applicant planned to recombine the parcels into one parcel and redevelop the parcels to build another La Fiesta. Mr. Lowder stated that they planned to relocate the La Fiesta to the middle of the lot where it is currently split zoned.

Mr. Lowder stated that they wanted the rezoning to prevent future issues with the split zoning and design standards. Mr. Lowder stated that a lot of the property surrounding the site was also zoned as GB. Mr. Lowder stated that the buffers, setbacks, and other standards would be the same as the current building.

Mr. Kirkpatrick inquired if there would be a new building built. Mr. Lowder responded that the intent was to tear the building down and rebuild a bigger facility with a patio to better serve the community. Mr. Lowder stated that the intent was to also fix some of the entrance driveway issues and lower the number of entrances.

Mr. Parker inquires if there were any conflicts of interest for this item. There were none.

PUBLIC COMMENTS:

Ms. Kay Hunkins, 316 Trail One, stated that she lived not far from the property in question. Ms. Hunkins stated that her and her husband owned all the properties across from the property on Sykes St. that face La Fiesta and behind Biscuitville. Ms. Hunkins requested that the commission consider continuing the item to a later date due to her not receiving notice of the meeting with enough time to do her due diligence so that she could look over the project and do her due diligence. Ms. Hunkins stated that she did receive three letters for each of the properties she owned but not until the previous Thursday.

Mr. Parker inquired if the homes were directly across from business already. Ms. Hunkins affirmed that they were. Mr. Parker inquired what the concerns of her tenants were. Mr. Black clarified that Ms. Hunkins were referencing the letters sent by Planning Staff. Mr. Parker stated that he misunderstood.

Mr. Kirkpatrick stated that the Planning and Zoning Commission was an advisory board and that they make recommendations to the City Council who make the final decision.

Mr. Parker Inquired when the signs were posted on the property. Ms. Smith stated that they were posted on July 13, 2023.

Ms. Hilary Hill, member, inquired that if an item was continued if it would be re-noticed. Mr. Black confirmed that yes it would be re-noticed.

Mr. Black inquired when the letters were sent out and what the time frame to send them out was. Ms. Lawson stated that they were sent out at least 10 days prior to the meeting date.

Mr. Black inquired if Ms. Hunkins noticed the signs that were posted. Ms. Hunkins stated that she didn't go by the subject property often and did not see them. Mr. Black stated that the neighbors who lived across the property would have seen he signs and then contacted Ms. Hunkins if they had any concerns about it.

Mr. Beasley inquired if this item would go to the September City Council Meeting. Ms. Lawson confirmed.

Ms. Hunkins stated that she had come into the Planning office that day and thanked staff and the commission for explaining the process to her. Ms. Hunkins requested to have the item continued so she could do her due diligence. Ms. Hunkins stated that other businesses on the street looked beautiful and she had no issues due to the businesses closing earlier in the day.

Ms. Hunkins also stated that she had no issue with La Fiesta and that she and her husband lived up the street from it and would walk to the restaurant to eat often. Mr. Black stated that Ms. Hunkins had previously stated that she didn't live near the subject property, and inquired if she did live near the restaurant. Ms. Hunkins responded that she did live near it on Trail One. Mr. Black stated that he had thought she lived farther from it.

Mr. Kirkpatrick inquired about the entrances to La Fiesta and if there would be one on Sykes Street. Mr. Lowder responded that there would be two entrances one on Sykes St, and one on N Church St.

MOTION:

Mr. Parker made a motion to continue the item to the next Planning and Zoning Commission Meeting.

Ms. Hill seconded the motion.

VOTE (3-3):

Approved by (Parker, Beasley, Hill)

Disapproved by (Kirkpatrick, Raynor, Black)

The motion failed due to the split vote.

MOTION:

Mr. Kirkpatrick made a motion to recommend approval to rezone properties from General Business (GB) and Neighborhood Business (NB) to General Business (GB). The properties are located east of Chapel Hill Rd., south of S. Church St., and north of Sykes St. addressed as 1715 Sykes St. and 1824 S. Church St. and consisting of Alamance County Tax Identification Numbers 121666 and 121456.

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 Mixed Use uses.
- The request is compatible with the adjacent commercial uses.

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

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

Mr. Raynor seconded the motion.

VOTE (6-0):

Approved by (Black, Parker, Kirkpatrick, Beasley, Raynor, and Hill)

The motion to approve was passed unanimously.

DISCUSSION:

Mr. Black stated that this item would go forward to the City Council on September 5th, 2023.

Mr. Kirkpatrick recommended to the applicant to speak with audience member Ms. Kay Hunkins about their plans.

NEW BUSINESS:

Ms. Smith stated that before the commission was their contact roster and requested them to look over it and ensure their information was correct for packet delivery and meeting confirmations.

ADJOURNMENT:

Mr. Kirkpatrick made a motion to adjourn. Mr. Beasley seconded the motion.

All were in favor.

Meeting was adjourned at 7:52 p.m.