



CITY OF BURLINGTON PLANNING AND ZONING COMMISSION

September 25, 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:

Richard Parker
Charles Beasley
Lee Roane
Patricia Gamble (Alternate)

EXTRATERRITORIAL MEMBERS (ETJ):

Ethan Raynor

MEMBERS ABSENT:

John Black, Chairman
James Kirkpatrick, Vice Chairman
Amber Wright (Alternate)
Hillary Hill (Alternate)
Joan Zec Nelson (ETJ)

CITY STAFF:

Jamie Lawson, Planning Director
Brianna Smith, Planning Office Manager
Conrad Olmedo, Planning Manager

AGENDA

ITEM NO. 1:

Ms. Jamie Lawson, Planning Director, called the meeting to order at 7:00pm and conducted a roll call to determine quorum.

Ms. Lawson requested the commission to nominate an Interim Chair for the meeting.

Mr. Lee Roane was elected as Interim Chair for the meeting.

ITEM NO. 2:

Approval of the minutes of the Planning & Zoning Commission meeting held on August 28, 2023.

Mr. Ethan Raynor, ETJ Member, made a motion to approve the August 28, 2023 Meeting Minutes.

Mr. Richard Parker, Member, seconded the motion.

All were in favor.

ITEM NO. 3:

REZONING-23-013: Ms. Amanda Hodierne, to present a request to rezone properties from Office Institutional (OI) and General Business (GB) to General Business – Limited Use (GB-LU). The properties are located west from the intersection of Collinwood Dr. and S. Church St. on the south side of S. Church St. addressed as 3216 and 3234 S. Church Ave. and consisting of Alamance County Tax Identification Numbers 112708 and 112582.

Ms. Lawson inquired if there were any conflicts of interest. There were none.

Ms. Amanda Hodierne, 804 Green Valley Rd, Greensboro, gave a brief presentation of the proposed properties. The full presentation can be found in the packet materials. Ms. Hodierne stated that she had received general inquiry calls and emails about the property.

Mr. Parker inquired if a Microbrewery was essentially a Bar. Ms. Hodierne stated it was not and gave definitions between a Microbrewery and a Bar. Ms. Hodierne inquired about the definitions per the Unified Development Ordinance (UDO). Ms. Lawson stated that you could have an accessory use to the Microbrewery where you could have a taproom/seating and consumption of alcohol and that there is an overlap between Microbreweries and Bars. Mr. Olmedo stated that at Microbreweries you can sit and have a drink, but the alcohol is produced onsite.

Mr. Parker inquired if it was the intention of the application to build a Microbrewery. Mr. Hodierne stated it was not. Mr. Parker stated if it was not the intention to build a Microbrewery then it should be removed from the list. Mr. Parker stated that there could be a pushback from the City Council due to the closeness of alcohol being sold near residence.

Ms. Hodierne stated that along that corridor, the driveway cuts are predetermined and that there is a shared driveway with Sherwin Williams and that there will be one additional driveway created. Ms. Hodierne noted that this property would not be connected to a neighborhood.

Mr. Parker inquired if the parcels were going to be combined once the rezoning went through. Ms. Hodierne affirmed that the parcels would be combined into one parcel.

Mr. Parker inquired if the parcels were going to share a driveway/entrance with Sherwin Williams. Ms. Hodierne confirmed the driveway would be shared.

Mr. Raynor inquired about where the second entrance would be located. Ms. Hodierne indicated towards Collinwood Dr. on the presentation map. The full presentation can be found in the packet materials.

PUBLIC COMMENTS:

There were members of the public present but no public comments.

STAFF RECCOMENDATION:

Ms. Lawson stated that while 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 and Traditional Residential, staff recommends approval of the rezoning request based on the Land Use Plan, per Option 2, as provided in the Consistency Statements Sheet. Ms. Lawson stated that there was extensive discussion about the uses available for the property.

Ms. Lawson stated that they received general inquiry calls about the property but no official comments.

MOTION:

Mr. Raynor made a motion to recommend approval of the request to rezone properties from Office Institutional (OI) and General Business (GB) to General Business – Limited Use (GB-LU). The properties are located west from the intersection of Collinwood Dr. and S. Church St. on the south side of S. Church St. addressed as 3216 and 3234 S. Church Ave. and consisting of Alamance County Tax Identification Numbers 112708 and 112582.

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 and Traditional Residential uses:

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

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

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

Mr. Beasley seconded the motion.

VOTE (5-0):

Approved by (Roane, Beasley, Parker, Gamble, and Raynor)

All were in favor.

ITEM NO. 4:

UDOTA 3-23: Mr. Chad Meadows, on behalf of the City of Burlington, to present Unified Development Ordinance Text Amendments.

Ms. Lawson gave a brief presentation on the UDOTA 3-23 Text Amendment updates. *The full presentation can be found in the packet materials.*

Mr. Beasley inquired about the exclusion of Duplexes from needing a site plan. Ms. Lawson stated duplexes are classified as single-family detached dwellings and single-family detached dwellings were exempt from needing site plans they would still have to go through a Building Permit Process and Staff Review but they are technically different from a commercial project or a sub division project, which require a sit plan and preliminary plat.

Mr. Parker inquired if they would still have to meet setbacks. Ms. Lawson confirmed that they would.

Mr. Parker inquired about minimum lot area, specifically the additional 1,600 feet allowed. Ms. Lawson clarified that it was in relation to the minimum lot size. Ms. Lawson stated that it was consistent HDR and other zoning districts that allow for single-family detached dwellings.

Mr. Parker inquired about the addition of tobacco, CBD, and vapor shop use and inquired about when in NC it was allowed to sell cannabis/marijuana. Mr. Olmedo stated it was to include products related to CBD and cannabis so that there isn't a loophole with the sale of it.

Mr. Parked inquired what CBD's definition was. Mr. Olmedo stated that he was unsure of the direct definition but that it had a low level of THC. Mr. Olmedo stated this is a recommendation to add a definition so that no one is selling an illegal substance.

Mr. Parker stated adding this use made it seem like they were able sell cannabis/marijuana and questioned if adding this use was necessary. Mr. Olmedo stated that staff did not want to convey that it is allowable, only to classify it. Ms. Lawson stated they are not encouraging the sale of something that is illegal. Ms. Lawson stated the use standards that a business would have to follow and stated that they could add additional language to clarify and not encourage the sale of illegal substances.

Mr. Roane stated that the definition of CBD is Cannabidiol. Mr. Raynor stated that it was not the drug marijuana but a derivative.

Mr. Parker inquired if there were locations in Burlington that sold CBD. Ms. Lawson stated yes and gave examples of businesses currently selling CBD related products. Mr. Parker inquired if it was legal. Ms. Lawson confirmed that CBD was legal in NC. Mr. Parker stated that he felt it was unusual to add this use into the UDO.

Mr. Raynor stated that he works with young people who use CBD related products and stated that it was not like a marijuana drug but different.

Mr. Beasley inquired if the designation would cover smaller establishments like gas stations. Ms. Lawson affirmed that locations under a certain size could have CBD sales as an accessory to the main use.

Mr. Beasley inquired who was installing a 4-wheel drive course in Burlington. Ms. Lawson stated that there had been Pre-Application Conferences about 4-wheel drive courses/off roading clubs and they wanted to be able to capture the use.

Ms. Lawson stated that concerns about cannabis/marijuana would be relayed to Chad Meadows and to City Council. Mr. Parker stated that City Council may not care about the Cannabis/CBD wording. Mr. Parker stated that he found it difficult to put it in the UDO as a use when it isn't legal. Ms. Lawson stated that the City Attorney as well as the Police Chief were brought in for this particular use and no issues came up. Mr. Raynor stated that adding this use restricts businesses from opening near schools. Ms. Lawson affirmed and stated that businesses would have to 1,000 feet away.

STAFF RECCOMENDATION:

Ms. Lawson stated that the proposed text amendment is necessary at this time and staff recommends approval of the Unified Development Ordinance Text Amendments (UDOTA 3-23) based on the Land Use Plan, per Option 1, as provided in the Consistency Statements Sheet.

PUBLIC COMMENTS:

There were no public comments.

MOTION:

Mr. Beasley 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 made the motion with Mr. Roane reading it out loud into the record.

Mr. Raynor seconded the motion.

VOTE (5-0):

Approved by (Roane, Beasley, Parker, Gamble, and Raynor)

All were in favor.

NEW BUSINESS

- Ms. Lawson introduced the new Planning Intern, Mr. Nathan Smiley. Ms. Lawson gave a brief overview of the internship.

ADJOURNMENT

Mr. Beasley made a motion to adjourn. Ms. Gamble seconded the motion.

All were in favor.

The meeting adjourned at 7:54 p.m.