

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

September 24, 2007

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

George Byrd, Chairman, Present
Paul Cobb, Secretary, Present
John Black, Present
Lynn Cowan, Absent
Elder Greg Hargrave, Present
Gordon Millsbaugh, Present

EXTRATERRITORIAL MEMBERS:

Bud Apple, Present
Richard Franks, Present
Earl Jagers, Present
Jim Johnson, Present
Ellis Piper, Present
Bob Ware, Absent

STAFF PRESENT:

Robert R. Harkrader, Planning Director
David Beal, Assistant Director of Planning Services
Dianne Fogleman, Office Assistant

ITEM NO. 1: Chairman Byrd called the meeting to order at 7:00 p.m.

ITEM NO. 2: Minutes of the meeting held August 27, 2007, were unanimously approved. This was a City and extraterritorial item.

ITEM NO. 3: Consent agenda: (City)

(A) Withdrawn.

(B) Mr. Jeff Allred, representing Concept Builders, Inc., presented an application for final plat approval of Phase 5 of the Arden Crossing Subdivision. The property is located off Arden Street at the northernmost end of Farningham Lane as shown on plans by Fleming Engineering, Inc., dated August 23, 2007, and containing nine lots.

Staff recommended approval of (B) contingent upon completion of street construction or the applicant posting proper surety with the City Engineering Department prior to recording the plat.

Commission Secretary Cobb made a motion to recommend approval of (B) with the contingency outlined by staff. Gordon Millsbaugh seconded the motion. The Commission voted unanimously to recommend approval of (B) contingent upon completion of street construction or the applicant posting proper surety with the City Engineering Department prior to recording the plat.

ITEM NO. 4: Mr. Bill Moser with Moser Mayer Phoenix Associates, PA, representing the First Presbyterian Church of Burlington, presented an application to rezone from R-9,

Residential District, R-15, Residential District, O-I, Office-Institutional District, and B-2, General Business District, to COI, Conditional Office-Institutional District, to accommodate church renovations. The property is located in the block surrounded by West Davis Street, West Fifth Street, Morehead Street and South Fisher Street as shown on Alamance County Tax Map 20-70, Lots 5, 8, 13 and 28, and Alamance County Tax Map 21-72, Lot 100A.

This was a City item.

Mr. Moser distributed site plans showing the proposed renovations being made possible through an ongoing church capital campaign. He pointed out that the renovations were contingent upon the procurement of the right-of-way of a portion of Morehead Street as well as the purchase of the City-owned island bounded by Morehead Street, Maple Avenue and South Fisher Street. Mr. Moser informed the Commission that the church had petitioned City Council to close the portion of Morehead Street and made a bid to purchase the right-of-way and island.

Mr. Moser explained that if and when the procurements were completed, the church would extend parking into that area and also relocate the playground to a safer locality. Besides expanding parking from 181 spaces to approximately 250 and relocating the playground, other renovations include the addition of a classroom, construction of a community outreach building, office for Meals on Wheels, an amphitheatre and expansion of the Scout hut and columbarium. Also, two additional chillers could be located inside the current closure. To facilitate the renovations, approximately 149 feet of culvert would be installed with fill dirt coming from the church construction site and soil brought from another location to the site.

Planning Director Harkrader stated that staff recommended approval of the request for rezoning with the Use Conditions and site plan submitted by the petitioner contingent upon the church's procurement of the City-owned property including that portion of Morehead Street to be closed. He stated that City Council held a public hearing on August 7, 2007, and adopted a resolution authorizing the sale of the property by sealed bids with an upset bid provision. Mr. Harkrader pointed out that several technical issues would have to be addressed as renovations progressed.

Commission Member Johnson asked Mr. Moser who reviewed the plans for culverting the stream. Mr. Moser stated that the plans were reviewed and approved by the City of Burlington Engineering Department as well as the Corp of Engineers which issued a Nationwide Permit 39 for encroachment or improvements of a free-flowing stream.

Commission Secretary Cobb asked from where does the stream flow, and Mr. Moser stated that he wasn't sure; however, there is a good flow now and it certainly wasn't from rain.

Commission Member Hargrave asked if all renovations were to be made at one time. Mr. Moser stated that parking would be reconfigured and additional spaces added and the playground would be relocated. Also, a classroom, a new community outreach building and an office for Meals on Wheels would be constructed as well as an addition to the Scout hut upon approval of the Conditional rezoning. A new amphitheatre and an addition to the columbarium are in the future plans.

Commission Secretary Cobb made a motion to recommend approval of the request for rezoning with the Use Conditions submitted by the petitioner. Elder Hargrave seconded the

motion. The Commission voted unanimously to recommend approval of the request for rezoning and recommended that the official zoning map and the Comprehensive Land Use Plan be amended to reflect the change. The following Use Conditions have been submitted by the petitioner:

Use Conditions

All uses associated with activities of the church and day care facility.

The Commission found that the zoning change as requested would not adversely affect the adjoining property and would be in keeping with land use planning in the area. The Commission further found that the request was consistent with the Comprehensive Land Use Plan for Burlington and its environs.

ITEM NO. 5: Mr. Charles Bateman, Attorney at Law, presented a request to amend Section 32.9, Table of Permitted Uses, and Section 32.13:T of the City of Burlington Zoning Ordinance text pertaining to recycling facilities.

This was a City and extraterritorial item.

Mr. Bateman stated that the request was being made as a follow-up when he represented the Hanford Road community during a public hearing for rezoning property for a recycling facility in that area.

He told Commission members that there are various types of recycling, some of which would have a more detrimental impact on a community. Considerations, also, would be the transporting and sorting of materials. He stated that it was his opinion that I-1, Planned Industrial, and I-1A, Planned Industrial-Residential, were inappropriate districts for recycling sites and should not be allowed even through the Special Use Permit process. He suggested that I-2, Light Industrial, and I-3, Heavy Industrial, would be more appropriate for the location of recycling facilities.

Planning Director Harkrader stated that Mr. Bateman had made some good points regarding recycling facilities. He stated that staff recommended approval of the amendments, but in addition recommended that recycling facilities be permitted by right in I-3, Heavy Industrial Districts.

Commission Member Millspaugh made a motion to recommend approval of the amendments presented by Mr. Bateman and staff. Paul Cobb seconded the motion. The Commission voted unanimously to recommend approval of amending Sections 32.9 and 32.13:T of the Zoning Ordinance text pertaining to recycling facilities as follows:

AMEND SECTION 32.9, TABLE OF PERMITTED USES

Under the use, RECYCLING FACILITIES, remove the designation and letter “S” (Special Use Permit) under I-1, Planned Industrial, and I-1A, Planned Industrial-Residential zoning classifications. Remove the “S” (Special Use Permit) under the I-3, Heavy Industrial zoning classification, and replace it with the letter “X” (use by right).

Change the language under “Special Requirements” for the use, RECYCLING FACILITIES, to the following:

In I-2 and I-3 Districts, see Section 32.13:T.

AMEND SECTION 32.13:T:

FROM:

T. Recycling Facilities: Recycling facilities for the collection, processing and distribution of recyclables may be permitted in I-1, Planned Industrial, I-1A, Planned Industrial-Residential, I-2, Light Industrial, and I-3, Heavy Industrial, upon the granting of a Special Use Permit subject to the following regulations.

TO:

T. Recycling Facilities: Recycling facilities for the collection, processing and distribution of recyclables **are permitted within the I-3, Heavy Industrial District, by right (as outlined in Section 32.9, Table of Permitted Uses). These facilities are permitted within the I-2, Light Industrial District**, upon the granting of a Special Use Permit subject to the following regulations:

1. Approved by: Board of Adjustment
2. Recycled batteries must be stored in non-porous containers. All loading and storage areas shall be diked to prevent runoff/spill contamination.
3. Recycled motor oil and grease shall be stored in above-ground tanks approved by the Chief Building Inspector and the Burlington Fire Chief. All loading and storage areas shall be diked to prevent runoff/spill contamination.
4. Fencing and an opaque screen may be required where the Board of Adjustment finds such fencing/screening is necessary to protect nearby or adjoining property.

Commission Chairman Byrd asked Elder Hargrave to introduce his guest. Commission Member Hargrave introduced his daughter, Ms. Chelsey Hargrave.

There being no further business to discuss, the meeting was adjourned at 7:23 p.m.

George A. Byrd, Jr., Chairman

Paul E. Cobb, Jr., Secretary