

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

April 23, 2007

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

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

EXTRATERRITORIAL MEMBERS:

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

STAFF PRESENT:

Robert R. Harkrader, Planning Director
David Beal, Assistant Director of Planning Services
Haywood Cloud, Zoning/Subdivision Administrator
Dianne Fogleman, Office Assistant

ITEM NO. 1: Due to the late arrival of Chairman Byrd, Commission Secretary Cobb called the meeting to order at 7:09 p.m.

ITEM NO. 2: Minutes of the meeting held March 26, 2007, were unanimously approved. This was a City and extraterritorial item.

ITEM NO. 3: Consent agenda: (City)

- (A) Mr. Mark Reich, representing Wakefield Development Company, presented an application for final plat approval of Phases 2 and 3, Glenmoor, Mackintosh on the Lake, Section J-1. The property is located on Bonnar Bridge Parkway west of St. Mark's Church Road and southwest of Danbrook Road as shown on plans by Alley, Williams, Carmen and King, Inc., dated March 30, 2007, and containing 57 lots.
- (B) Mr. Mark Reich, representing Mr. Wade Williamson, presented an application for preliminary plan approval of Waterford West. The property is located south of South Church Street, west of Dunleigh Drive, east of Springwood Church Road and north of Cappelquin Way as shown on plans by Alley, Williams, Carmen and King, Inc., dated May 24, 2006, and containing 91 lots.
- (C) Mr. Larry McCauley, representing WMW Development, presented an application for final plat approval of Waterford Subdivision, Phase 3. The property is located west of University Drive and south of South Church Street as shown on plans by Coulter Jewell Thames dated April 5, 2007, and containing 26 lots.

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

Commission Member Millsbaugh made a motion to recommend approval of (A) and (C) with the contingencies outlined by staff and recommended approval of (B). Elder Hargrave seconded the motion. The Commission voted unanimously to recommend approval of (A) and (C) contingent upon completion of street construction or the applicant posting proper surety with the City Engineering Department prior to recording the plat and approved (B).

ITEM NO. 4: Mr. Charles Bateman, representing SDL Properties, LLC, presented an application to rezone from I-1, Planned Industrial District, to CI, Conditional Industrial District, to allow for the construction of a digital outdoor advertising structure. The property is located on Lawndale Drive south of Interstate 85/40 and west of Cedarcrest Drive as shown on Alamance County Tax Map 6-5, a portion of Lot 16.

This was a City item.

Mr. Bateman told Commission Members that the proposed sign would be a good use of the property and for the community. He explained that the two-sided sign would be similar to a large television screen and the messages could be changed periodically thus making advertising more affordable. The sign would be placed on less than half an acre at the northeast corner of the five and a half acre lot, and only the portion of the lot where the advertising sign is placed and access would be rezoned. The balance of the property would be donated and deeded to the Pentecostal Church located on adjoining property. Zoning on that portion would remain I-1 for the time being. Mr. Bateman pointed out that a ravine runs through the property, and the only access to the lot was through a residential neighborhood.

Mr. Bateman stated that even though the church opened several years ago it was growing and that it could use additional space. He stated that the church Board of Trustees recommended approval of the proposed use. Mr. Bateman maintained that the advertising sign would be less intrusive than uses allowed in the current I-1 zoning.

Planning Director Harkrader told Commission members that it was not good public policy to use conditional zoning for the sole purpose of placing an outdoor advertising sign and that staff recommended denial of the rezoning request.

Commission Member Franks asked what would the zoning have to be in order to allow advertising signs.

Mr. Harkrader answered I-2 or B-2.

Mr. Franks asked if the rezoning request was changed to I-2 or B-2 would the church be eligible to apply for a Special Use Permit to use the remainder of the property, and Mr. Harkrader answered that it would.

Commission Secretary Cobb asked Mr. Bateman if the same person owned all of the property and was told that it was owned by one individual.

Commission Member Cowan asked if the billboard would be allowed in B-2 zoning and was told that it would be allowed as a matter of right.

Commission Member Jagers asked if a rezoning sign was posted on the property, and if so, had staff received any telephone calls about the rezoning.

Zoning/Subdivision Administrator Cloud stated that he had received a couple of inquiries about the sign but neither caller voiced an opinion concerning the request.

Ms. Cowan asked Mr. Bateman was there any reason the applicant was not asking for B-2 zoning.

Mr. Bateman stated that the applicant thought Conditional rezoning would be less intrusive, and that the church would probably use the remainder of the property for parking.

Commission Member Millspaugh made a motion to recommend approval of the request for rezoning with the Use and Development Conditions submitted by the petitioner. The motion died for the lack of a second.

Commission Member Hargrave asked if anyone from the church was present and was told there was not.

Commission Member Apple asked for assurance that the church was in favor of the rezoning, and Mr. Bateman assured him that members were.

Commission Member Millspaugh pointed out that the property is land-locked and could not be used for anything else. He re-introduced the motion to recommend approval so that the Commission would take action one way or another.

Commission Member Black stated that he seconded Mr. Millspaugh's motion to recommend approval of the rezoning request with the Use and Development Conditions submitted by the applicant. Voting to recommend approval were Millspaugh, Black and Cobb. Voting against the motion were Hargrave and Cowan.

By a vote of three to two, the Commission voted to recommend approval of the rezoning request and recommended that the official zoning map and the Comprehensive Land Use Plan be amended to reflect the change. The following Use and Development Conditions have been submitted by the petitioner:

Use Conditions

Area to be rezoned to Conditional Industrial District to be used only for installation and operation of one LED outdoor advertising structure. The remainder of Lot 16, excluding sign location and easements for access to the sign structure, shall be conveyed to the adjacent church, Pentecostal Church of Burlington, Inc.

Development Conditions

All setback and size limitations established for outdoor advertising structures within I-2, Light Industrial, zones shall apply.

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.

ITEM NO. 5: Mr. Lyle Estill with Piedmont Biofuels, representing T.S. Designs, presented an application to rezone from I-1A, Planned Industrial-Residential District, to CI, Conditional Industrial District, to allow for the storage and dispensing of biodiesel fuel. The property is located at 2053 Willow Springs Lane at the northwest corner of Troxler Road as shown on Alamance County Tax Map 3-22E-50.

This was an extraterritorial item.

Planning Director Harkrader explained that the use could possibly be considered as being permitted by right in Industrial zoning; however, due to the nature of the application, it was the opinion of staff that the Commission should review the request make a recommendation to City Council.

Commission Secretary Cobb asked Mr. Estill to explain biodiesel fuel.

Mr. Estill stated that biodiesel is liquid fuel made up of a blend of 99.9 percent waste vegetable oil and regular diesel and this would be the eighth such location in the area. Since there had been a drop in the use of vegetable oil, chicken fat was being used more and more. The fuel is non-toxic and produces less carbon dioxide emissions than petroleum-based fuel.

Commission Member Apple asked where would this fuel be stored and was told in a 500-gallon tank inside a shed, the design of which had already been submitted to the City Inspections Department and was set to be constructed pending the outcome of the rezoning request.

Commission Member Franks asked where was the waste oil obtained.

Mr. Estill stated that cafeterias and fast-food restaurants take bids from companies wanting to secure waste oils, which are being rendered mainly from chicken by-products.

Commission Secretary Cobb asked if the fuel presented any dangers.

Mr. Estill stated that the fuel is non-toxic.

Planning Director Harkrader stated that Staff recommended approval of the rezoning with the Use and Development Conditions submitted by the petitioner.

Commission Member Franks made a motion to recommend approval of the request for rezoning with the Use and Development Conditions submitted by the petitioner. Bud Apple 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 and Development Conditions have been submitted by the petitioner:

Use Conditions

Storage and dispensing of biodiesel fuel.

Development Conditions

As per submitted site plan.

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.

ITEM NO. 6: Mr. Roger Alderman, representing Splawn Associates, presented an application to rezone from I-1A, Planned Industrial-Residential District, to CI, Conditional Industrial District, to allow for the following uses: warehouse, workspace, light manufacturing and all uses permitted in I-2, Light Industrial, zoning. The property is located at 1758 Anthony Road approximately 470 feet west of Old Trail Road as shown on Alamance County Tax Map 12-5C-18.

This was an extraterritorial item.

Mr. Alderman told Commission members that Alderman Properties had purchased the property from Splawn Associates.

He explained that the warehouse/workspace areas would contain approximately 3,200 square feet each and the tenants would be professionals that wanted a place to park their trucks and store their tools and equipment. He told Commission members that the rezoning was being requested because of setback requirements.

Staff recommended approval of the request for rezoning with the Use and Development Conditions submitted by the petitioner.

Commission Member Apple made a motion to recommend approval of the request for rezoning with the Use and Development Conditions submitted by the petitioner. Paul Cobb 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 and Development Conditions have been submitted by the petitioner:

Use Conditions

Uses allowed: warehouse, workspace, light manufacturing and all uses permitted in I-2, Light Industrial, zoning.

Development Conditions

Per submitted site plan.

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.

There being no further business to discuss, the meeting was adjourned at 7:40 p.m.

George A. Byrd, Jr., Chairman

Paul E. Cobb, Jr., Secretary