



## **BURLINGTON PLANNING AND ZONING COMMISSION**

**December 21, 2015 - 7:00 p.m.**

**Council Chamber, Burlington Municipal Building**

### **CITY MEMBERS:**

Richard Parker, Chairman  
John Black, Vice-Chairman  
Early Kenan, Jr.  
Ryan Kirk  
James Kirkpatrick  
Nicole Enoch (Alternate)  
Margaret Stephens (Alternate)

### **EXTRATERRITORIAL MEMBERS:**

Earl Jagers  
Rebecca Lashley  
Bill Abplanalp (Alternate)

## **A G E N D A**

**ITEM NO. 1:** Call meeting to order.

**ITEM NO. 2:** Approval of the minutes of the meeting held November 26, 2015

**ITEM NO. 3:** Consent Agenda:

Final plat approval for Lakebridge Development, Inc. The property is located on the west side of Cappelquin Way and south of South Church Street as shown on plans by Landmark Surveying, Inc. dated November 19, 2015 and containing 2 lots.

**ITEM NO. 4:** Staff to present an application to rezone from I-1 Planned Industrial District to R-9 Residential District. The properties are located at 1308, 1312, 1316, 1320, 1323, 1324, 1327, 1328, 1332, 1333, 1336, 1338 Rayon Street and 138 and 208 North Beaumont Ave. referenced as Alamance County tax identification numbers 139138, 139141, 139142, 139143, 139144, 139146, 139147, 139149, 139148, 139128, 139127, 139120, 139116.



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

**November 23, 2015**

**Council Chamber, Burlington Municipal Building**

**CITY MEMBERS:**

Chairman Mr. Richard Parker, Present  
John Black, Present  
Early Kenan, Jr., Absent  
Ryan Kirk, Present  
James Kirkpatrick, Present  
Nicole Enoch (Alternate), Present  
\*Margaret Stephens (Alternate), Present  
\*Not voting

**EXTRATERRITORIAL MEMBERS**

Earl Jagers, Absent  
Rebecca Lashley, Absent  
Bill Abplanalp (Alternate), Present

**STAFF PRESENT:**

Amy Nelson, Director of Planning and Zoning  
Joey Lea, Zoning/Subdivision Administrator  
Kelly Peele, Commission Secretary

**ITEM NO. 1:** Chairman Mr. Richard Parker called the meeting to order at 7:00 p.m.

**ITEM NO. 2:** Minutes of the meeting held October 26, 2015, were unanimously approved.

**ITEM NO. 3:** Mr. Alfonso Brooks, to present an application to rezone from R-9 Residential District to CI Conditional Industrial District for the use of an Event Center. The property is located at 624 West Interstate Service Road, referenced as Alamance County tax identification number 134344.

Mr. Alfonso Brooks stated, I'm one of the owners of the Palladium Event Center. We have been around since October 2010, basically our business consist of running events like ceremony's, receptions, high school proms, formals for various colleges and a ray of various events.

Chairman Mr. Richard Parker asked, where is your business located at now?

Mr. Alfonso Brooks stated, we are located at 1272 Plaza Drive. It's located in what used to be known as the BMOC now it's the BOV the Burlington Outlet Village. We are looking at expanding our business to a new location where we can actually do outdoor events because right now we are confined to just indoor activities. A lot of our clients are looking for outdoor ceremonies, receptions and such. We are trying to expand so we can bring in more business. As far as the new location is concerned we felt like this would be a good location because the previous owners, the Moose Lodge basically did everything that we do. With regards to events and outdoor events and activities; we plan to continue to do the ceremonies, receptions, non-profit, profit and basically any outdoor events.

Chairman Mr. Richard Parker stated, tell us about the future use of the bed and breakfast.

Mr. Alfonso Brooks stated, to be honest that is something that my wife wants to do. That would be years down the road. Most of those future expansions are five years away.

Commission Member Mr. Ryan Kirk asked, what about the glass tent?

Mr. Alfonso Brooks stated, that's pretty much like an outdoor tent that's made out of canvas but made out of glass. It's a temporary structure but it can be made permanent. We are looking at having it as a permanent structure.

Commission Member Mr. Bill Abplanalp asked, there is an existing building there?

Mr. Alfonso Brooks stated, yes sir. One that is 16,800 sq. ft. is the previous establishment. There is a pool but I think we are going to fill it in; that is a big cost to keep up.

Commission Member Mr. Ryan Kirk asked, is all vegetation left as is?

Mr. Alfonso Brooks stated, we have no plans to take down any trees. During weddings and such people like to have an area where they can take pictures.

Chairman Mr. Richard Parker asked, Mr. Lea how did the Moose Lodge build all this and have the zoning R-9?

Zoning/Subdivision Administrator Mr. Joey Lea stated, they are nonconforming; they were built and operated prior to our ordinance, sometime in the late 1960's early 1970's. This property is actually in our extraterritorial jurisdiction and I'm not exactly sure when it was brought in from the County.

Chairman Mr. Richard Parker asked, this rezoning here tonight will bring this up to proper classification?

Zoning/Subdivision Administrator Mr. Joey Lea stated, it will be a conforming use with the rezoning, that is correct.

Chairman Mr. Richard Parker asked, so we are just fixing the zoning to match what's there already?

Zoning/Subdivision Administrator Mr. Joey Lea stated, sort of. I have some flexibility when it comes to nonconforming uses. If a like use moves in, they could have moved in without any issues. They are extremely similar to the Moose Lodge but the big difference for me was that the Moose Lodge was a private club. This is a public entity that is open to the general public. Some of their activities maybe different than the Moose Lodge so I think it would be better to put this under conditional zoning so it is out there for everybody. I did receive two or three phone calls and they were all concerned about the Old Handford Brick property, thinking something was going on there. When I mentioned the Moose Lodge and the Event Center they didn't have any problems with it. As I stated this is similar to the existing use. It's a perfect place for an event center if there ever was one. It's also a perfect place for the future use of a bed and breakfast. It's a beautiful place if you have been out there. Staff's recommendation is to approve.

Commission Member Mr. James Kirkpatrick made a motion to approve the rezoning. Commission Member Mrs. Nicole Enoch seconded the motion. The Commission voted unanimously to recommend approval of the rezoning.

**ITEM NO. 4:** Commission to discuss December meeting date.

The December meeting has been moved to December 21, 2015.

There being no further business to discuss, the meeting was adjourned at 7:16 p.m.

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**Richard Parker, Chairman**

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**John Black, Vice Chairman**

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**Kelly Peele, Secretary**

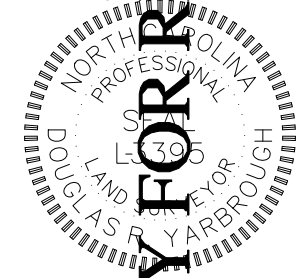
CERTIFICATE OF OWNERSHIP AND DEDICATION  
 I (We) certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book 2591, Page 26 and Book 3403 Page 499 and that I (we) acknowledge that this plan and allotment to be my (our) free act and deed and hereby establish the minimum building lines, and dedicate to public use as streets, alleys, crosswalks, easements, parks, and other spaces forever as shown or indicated. Further, I (we) certify that the property as shown hereon is within the subdivision-regulation jurisdiction of the City of Burlington.

Owner \_\_\_\_\_ Date \_\_\_\_\_  
 Owner \_\_\_\_\_ Date \_\_\_\_\_  
 North Carolina, Alamance County  
 I, \_\_\_\_\_ a Notary Public for said County and State, do hereby certify that \_\_\_\_\_

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.  
 Witness my hand and Official Seal this the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

CERTIFICATE OF ACCURACY  
 I, Douglas R. Yarbrough, certify that this plat was drawn under my direction from an actual survey made under my supervision (deed description recorded in Book 2591 Page 26 and Book 3403 Page 499); that the boundaries surveyed are clearly indicated as drawn from information in Book \_\_\_\_\_; that the ratio of precision calculated is 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this 19th day of November, 2015.

Douglas R. Yarbrough, Professional Land Surveyor PLS L-3395



I, DOUGLAS R. YARBROUGH, PROFESSIONAL LAND SURVEYOR NO. L-3395, CERTIFY TO THE FOLLOWING:  
 A. This survey is a subdivision of land within the area of county or municipality that has an ordinance that regulates parcels of land.  
 B. This survey is made in such a portion of a county or municipality that is regulated as to an ordinance that regulates parcels of land.  
 C. Any one of the following:  
 1. That the survey is of an existing parcel or parcels of land and not a new street or change an existing street;  
 2. That the survey is of an existing building or other structure, or natural feature such as a watercourse; or  
 3. That the survey is a control survey.  
 D. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision.  
 E. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of his or her professional ability as to provisions contained in 1 - 4 above.

Douglas R. Yarbrough, Professional Land Surveyor PLS L-3395

CITY OF BURLINGTON CERTIFICATION  
 Recommended by the Burlington Planning and Zoning Commission on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chairman of Planning and Zoning Commission \_\_\_\_\_  
 \_\_\_\_\_ Date \_\_\_\_\_

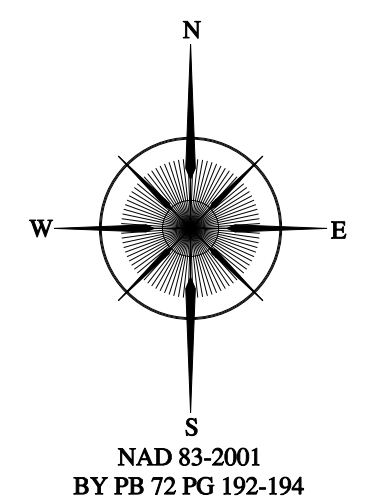
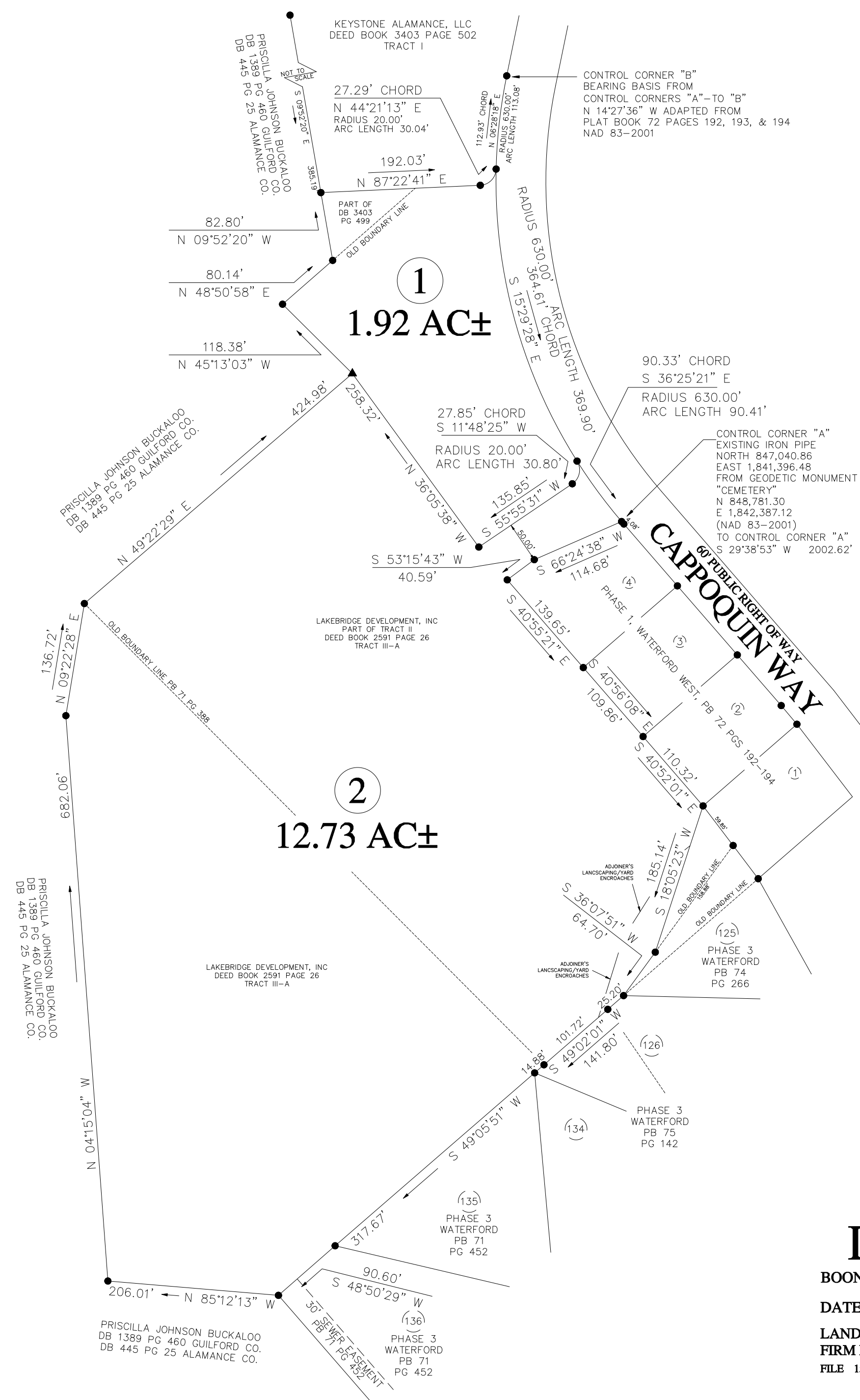
Approved by the Burlington City Council on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, provided that the plat be recorded within sixty (60) days of final approval.

City Clerk \_\_\_\_\_  
 \_\_\_\_\_ Date \_\_\_\_\_

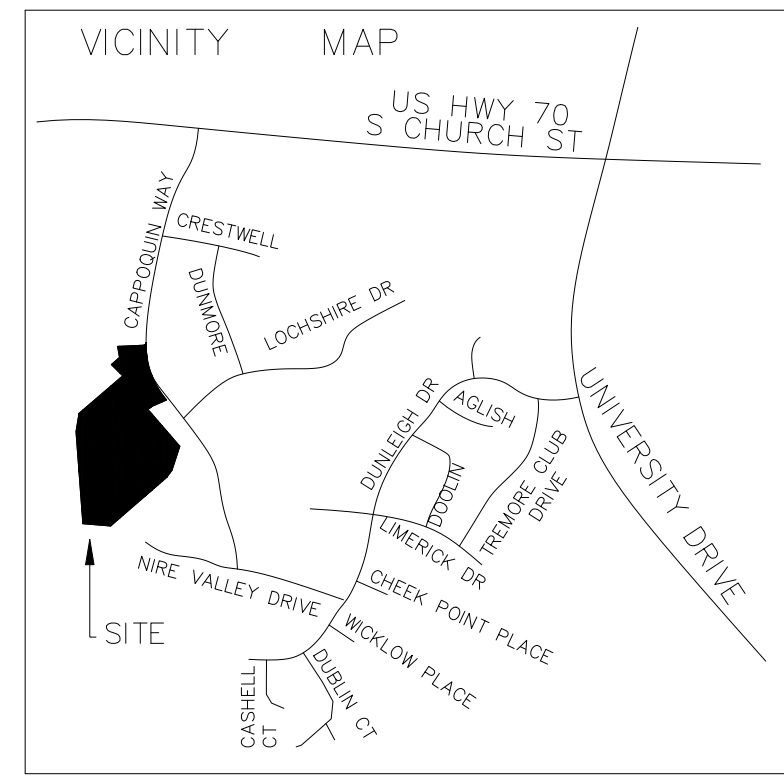
REVIEW OFFICE CERTIFICATION  
 State of North Carolina, County of Alamance

Alamance County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Office \_\_\_\_\_ Date \_\_\_\_\_



LEGEND  
 Monument ■  
 Rock ▲  
 Existing Iron Pipe ●  
 New Iron Pipe ○



# FINAL PLAT PROPERTY OF LAKEBRIDGE DEVELOPMENT, INC

BOONE STATION TOWNSHIP ALAMANCE COUNTY NORTH CAROLINA

DATE 11/19/15 SCALE 1" = 100'

LANDMARK SURVEYING, INC. 109 E. HARDEN STREET GRAHAM, N.C. 27253  
 FIRM LICENSE # C-0862 TELEPHONE: 336-229-6275 EMAIL: dylandmark@triad.rr.com

FILE 151108 DISC D151108 SURVEY BY GS DWG BY DMcP APPD BY DRY



# City of Burlington Zoning Staff Report Item #4

**Applicant:** City Staff

**Property Location:** 1308, 1312, 1316, 1320, 1323, 1324, 1327, 1328, 1332, 1333, 1136, 1338 Rayon Street and 138 and 208 North Beaumont Ave.

**PIN:** 139138, 139141, 139142, 139143, 139144, 139146, 139147, 139149, 139148, 139128, 139127, 139120, 139116.

**Area:** Approximately 4.25 acres

**Current Zoning:** I-1 Planned Industrial

**Proposed Zoning:** R-9 Residential

**Current Land Use:** Residential

**Proposed Land Use:** Residential

## Adjacent property Conditions:

Location	Zoning	Land Use	Land Use Plan
North	I-1	Industrial	Residential, Light Industrial
South	B-2	Commercial	Residential
East	I-2 & R-9	Commercial & Residential	Residential, Light Industrial
West	B-2 & MF-A	Commercial & Residential	Residential, Light Industrial

**Comprehensive Plan Consistency:** The Comprehensive Land Use Plan for this area calls for traditional residential use. The current use and request is consistent with the comprehensive plan and with the uses in the area.

**Staff Recommendation:** The homes along Rayon Street were built in the 1940's and 1950's. The oldest zoning map we have is from 1946. At that time Rayon Street and the area around it was zoned for light industrial use. The current zoning classification of the property is I-1 Planned Industrial District which does not allow single family residential as a use. These properties are classified as legal nonconformities and if destroyed the properties can only be developed to meet the standards of the I-1 Planned Industrial District. Rayon Street has been a single family subdivision for over 70 years. The Commission recommended the rezoning of 1319 Rayon Street along with all residential properties along Rayon Street at its October 26<sup>th</sup> meeting. The City Council approved the rezoning of 1319 Rayon Street. November 17, 2015. The house on that property was destroyed and could not be rebuilt without the rezoning. This rezoning will allow all of the homeowners along Rayon St. to maintain the value of their property and will allow additions and reconstruction if a dwelling is destroyed.

Staff recommends approval of the rezoning request.

# CITY OF BURLINGTON PLANNING DEPARTMENT

## REZONING APPLICATION

DATE SUBMITTED 12-4-15 FEE/RECEIPT NO. \_\_\_\_\_ / \_\_\_\_\_

This application will not be processed until application fees are paid, the form below is completed and signed and all required maps, plans and documents have been submitted to the satisfaction of the Planning Department. (Additional space for tax references and signatures on Page 4)

Pursuant to Section 32.19 of the City of Burlington Zoning Ordinance, the undersigned hereby requests to rezone the property listed below from:

I-1 Planned Industrial District To: R-9 Residential District

The property is located 1308, 1312, 1316, 1320, 1323, 1324, 1327, 1328, 1332, 1333, 1136, 1338 Rayon Street and 138 and 208 North Beaumont Ave.

being a total of 4.25 acres and further referenced on Alamance County or Guilford County Tax Map as follows:

Tax Map 139138, 139141, 139142, 139143, 139144, 139146, 139147, 139149, 139148, 139128, 139127, 139120, 139116.

**Check One:**

- The property requested for rezoning is an entire parcel or parcels as listed on the above tax map.
- The property requested for rezoning is a portion of a parcel or parcels as listed on the above tax map and a written legal description of the property and a map are attached.

**Check one:**

- Public services (i.e., water and sewer) are not requested or required.
- Public services (i.e., water and sewer) are requested or required.

**Check one:**

- The applicant is the property owner(s).
- The applicant is an agent representing the property owner(s).
- The applicant has an option to purchase or lease the property.
- The applicant has no connection to the property owner and is requesting a third-party rezoning.

*I hereby agree to conform to all applicable laws of the City of Burlington and State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives of the City of Burlington Planning Department may enter the subject property for the purpose of investigation and analysis of this request.*

*Respectfully submitted, (Additional space on Page 4)*

\_\_\_\_\_  
Property Owner's Signature

\_\_\_\_\_  
Property Owner's Name Printed

\_\_\_\_\_  
Name of Firm (if applicable)

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State and Zip Code

\_\_\_\_\_  
Area Code and Daytime Telephone Number

  
\_\_\_\_\_  
Representative's Signature (if applicable)

Joey Lea  
\_\_\_\_\_  
Representative's Name Printed

City of Burlington  
\_\_\_\_\_  
Name of Firm (if applicable)

425 South Lexington Ave.  
\_\_\_\_\_  
Mailing Address

Burlington, NC 27215  
\_\_\_\_\_  
City, State and Zip Code

336-222-5085  
\_\_\_\_\_  
Area Code and Daytime Telephone Number

City of Burlington  
Zoning & Parcel  
Information System



City of Burlington  
GIS Division

Last Update:  
June 02, 2009

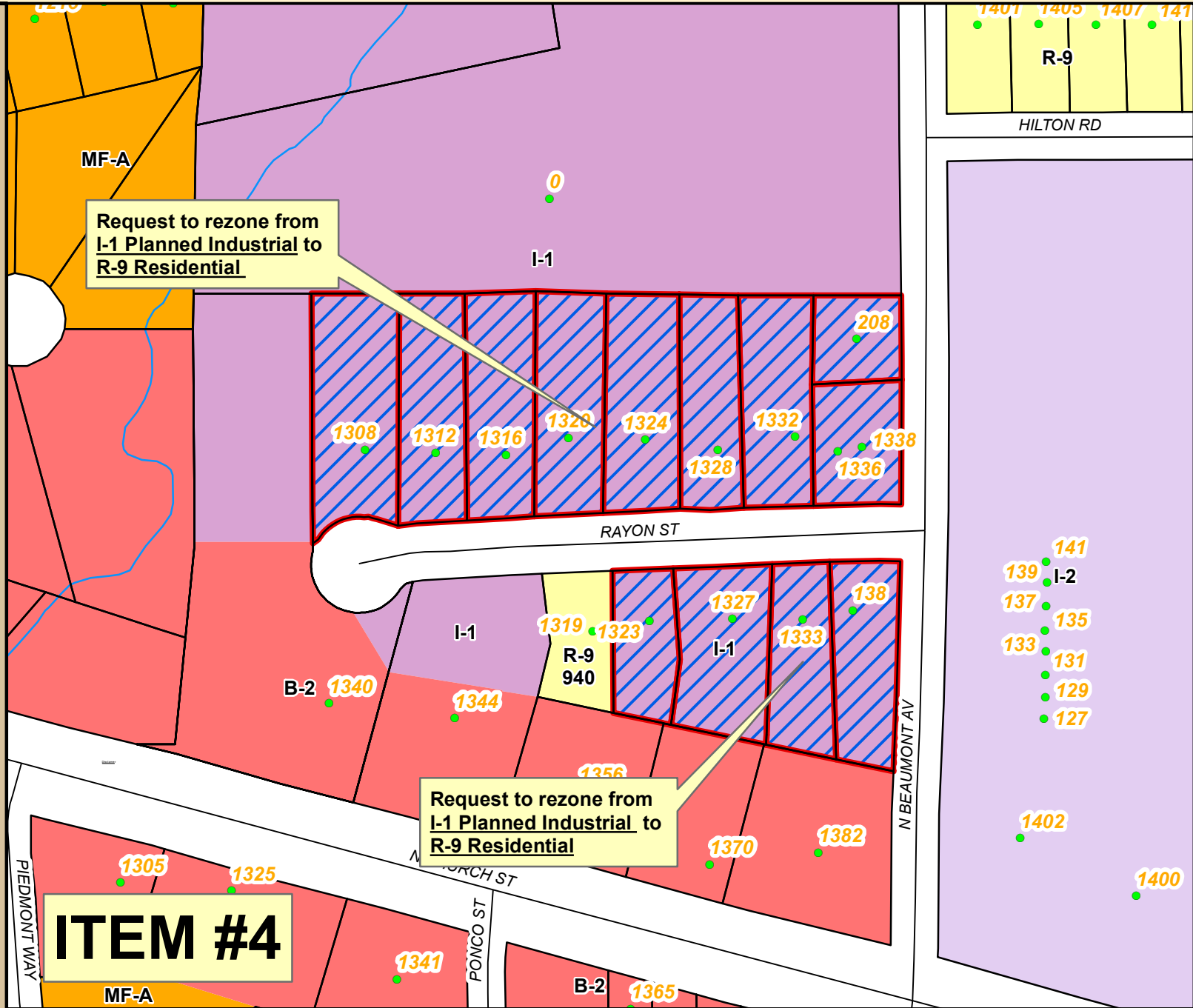
**Legend**

**Zoning**

	B-1		I-3
	B-2		MF-A
	B-3		MF-B
	CB		O-I
	CI		RO-I
	CMX-C		CPEC
	CMX-R		R-6
	CO-I		R-9
	CR		R-12
	I-1		R-15
	I-1A		R-30
	I-2		R-M



1 inch = 150 feet



Disclaimer:  
This map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support purposes. These resources include public information sources of different scale, time, origin, definition and accuracy, which aspects produce inconsistencies among features represented together on this map. Neither the City of Burlington nor the Partnership shall be held liable for any errors in this map or supporting data. Primary public information sources from which this map was compiled, in conjunction with field surveys where required, must be consulted for the verification of the information contained within this map.



## I-1 Planned Industrial

### Uses Permitted as a Matter of Right

- Accessory Buildings (32.10.M)
- Agencies, including but not limited to travel, brokers, insurance
- Agricultural uses (32.10.Y)
- Allied health, including but not limited to therapist, vocational rehabilitation, opticians, dental and medical health personnel, pastoral
- Apothecary shops
- Assembling of electrical appliances, instruments and devices and manufacturing of small parts only (32.10.M)
- Athletic fields, recreational buildings, no commercial gain, no automobile or motorcycle racing
- Automobile body and fender repairing when conducted within a completely enclosed Building (32.10.M)
- Automobile parking lots serving permitted uses in same district
- Automobile parking lots serving non-residential uses in another district (32.13.P)
- Automobile parking lots, commercial; may be for monetary gain
- Automobile repair shops, but not including body or fender repairing except when conducted within a completely enclosed building (32.10.C)
- Bakeries, bottling works
- Colleges and universities -- academic; incidental uses
- Community buildings -- not for commercial gain
- Dish antennae for reception of space satellite radio signals (32.10.CC)
- Dwellings for caretaker on premises where employed
- Electrical shops
- Exhibition buildings, galleries or show rooms; private
- Fences and walls (32.10.G)
- Flower, plant sales, not enclosed (32.10.M)
- Funeral homes
- Golf courses, except par-three or miniature courses (32.10.H)
- Golf courses, par-three or miniature golf (32.10.H)
- Golf driving ranges (32.10.H)
- Laboratories, experimental photo or motion picture, film or testing (32.10.M)
- Laboratories, medical, research
- Laundries, industrial
- Machine shops, excluding such presses over 20-ton rated capacity, drop hammers and automatic screw machines (32.10.M)
- Manufacturing:
  - Compounding, assembling or treatment of articles and merchandise (32.10.M)
  - Maintenance of advertising structures and light sheet metal products (32.10.M)
  - Musical instruments, toys, novelties and rubber and metal stamps (32.10.M)
  - Pottery and figurines -- only previously pulverized clay kilns fired only by

electricity or gas (32.10.M)  
Medical, dental, paramedical offices  
Offices, including but not limited to accountants, attorneys, architects, engineers  
Photographic developing, processing, finishing  
Physicians, surgeons, dentist's offices for treatment of human beings  
Plumbing shops  
Printing or binding shops  
Public parks, recreational facilities  
Public buildings and the like  
Public utility facilities (32.10.R)  
Restaurants including all eating places except drive-ins, night clubs, clubs, lodges  
Retail businesses (32.10.KK)  
Schools -- non-academic  
Service establishments, including but not limited to barber shops, small item repair, shops, rental shops, custom fabrication, tailor shops, beauty parlors  
Sheet metal, roofing shops  
Signs (32.12)  
Swimming pools, community, non-profit  
Swimming Pools, private (32.10.G.3)  
Telecommunication towers, concealed or camouflaged (32.10.HH and 32.10.RR)  
Telecommunications towers, roof-top towers and towers attached to structures (32.10.HH and 32.10.RR)  
Temporary buildings incidental to a construction project (must be removed when project is completed)  
Tobacco prizery  
Transportation terminals passenger  
Transportation terminals, freight  
Travel trailer parks (32.10.N)  
Veterinary establishments (32.10.O)  
Warehouses  
Warehouses, sales or services (32.10.P)  
Wholesale establishments (32.10.P)  
Woodworking shops

### Uses Permitted by Special Use Permit

Child care facilities (32.13.W)  
Churches, synagogues and the like  
Motor vehicles, towing and storage services (32.13.U)  
Philanthropic, eleemosynary institutions  
Storage, outdoor

## Uses Permitted by Conditional Zoning

Airports, aircraft landing strips

Cemeteries or mausoleums

Helistops, heliports

Recycling facilities

Schools -- academic

Telecommunications towers, free-standing structures (32.10.HH and 32.10.RR)

## R-9 - RESIDENTIAL DISTRICT

### Uses Permitted as a Matter of Right

Accessory buildings (32.10.A)  
Agricultural uses (32.10.Y)  
Athletic fields, recreational buildings, no commercial gain, no automobile or motorcycle racing (32.10.W)  
Automobile parking lots serving permitted uses in same districts  
Dish antennae for reception of space satellite radio signal (32.10.CC)  
Dwellings, detached, one family, one owner, one lot (32.10.T)  
Dwellings, detached, one-family condominiums/townhouses (32.10.Q, 32.10.TT and 32.13.M)  
Dwellings, duplex, two-family, one owner, one lot  
Dwellings, duplex, two-family; condominiums/townhouses (32.10.Q, 32.10.TT and 32.13.M)  
Dwellings, attached, multifamily; one owner, one lot (32.4)  
Dwellings, attached, multifamily; condominiums/townhouses (32.4, 32.10.Q, 32.10:TT and 32.13.M)  
Family care homes (32.10.AA)  
Fences and walls (32.10.G)  
Golf courses, except par-three or miniature courses (32.10.H)  
Guest houses (32.10.II)  
Home occupations (32.10.I)  
Home professional offices (32.10.J)  
Public parks, recreational facilities  
Public utility facilities (32.10.R)  
Signs (32.12)  
Swimming pools, private (32.10.G.3)  
Telecommunications towers, free-standing structures (32.10.HH and 32.10.RR)  
Temporary buildings incidental to a construction project (must be removed when project is completed)  
Yard sales (32.10.Z)

### Uses Permitted by Special Use Permit

Automobile parking lots (32.13.P)  
Child care facilities (32.13.W)  
Churches, synagogues and the like  
Clubs and lodges, private, no commercial gain (32.13.E)  
Community buildings, not for commercial gain  
Philanthropic, eleemosynary institutions  
Public buildings and the like  
Swimming pools, community, non-profit  
Tourist homes

### Uses Permitted by Conditional Zoning

Airports, aircraft landing strips  
Boarding and rooming houses (32.22)  
Broadcasting studios -- radio, television (32.13.8)  
Cemeteries and mausoleums  
Colleges and universities -- academic; incidental uses (20 acres)  
Continuing care retirement communities (32.10.SS)  
Helistops -- see Zoning Ordinance  
Hospitals, sanatoria and the like  
Schools -- academic