

BURNSVILLE PLANNING BOARD
Regular Meeting - Tuesday, January 11, 2022, 5pm
Burnsville Town Center

The Burnsville Planning Board met on January 11, 2022 for a regular meeting at the Burnsville Town Center. Members Jerri Storie, Paul Bradley, Robert Byrd, Jeanne Martin, Martin Stankus, and Teresa Brown were present. Also in attendance were Zoning Administrator Brian Buchanan, Town Clerk Chad Fox, and Town Center Manager Corbin Cooper. Paul Bradley called the meeting to order at 5:03pm.

Membership update - Kim Simpson's term ended and the vacancy was filled by alternate Jeanne Martin. Greg Yuziuk's term ended and he was reappointed as an alternate with his vacancy filled by Martin Stankus. Teresa Brown was also appointed as a new alternate.

Appoint Chair and Vice-Chair A motion was made by Jerri Storie to nominate Paul Bradley as the Chair. Jeanne Martin seconded the motion, all were in agreement.

Paul Bradley nominated Jerri Storie to be Vice-Chair. Jeanne Martin seconded the motion, all were in agreement.

Adoption of the Agenda Abe Byrd made a motion to adopt the agenda as presented. Jeanne Martin seconded, motion carried.

Approval of the Minutes - Minutes from a regular meeting held on October 12, 2021 were available for review. Jerri Storie moved to approve the minutes as written. Jeanne Martin seconded the motion, which carried. All were in agreement.

Amend regular schedule - Jeanne Martin made a motion to amend the regular meeting time to 5pm. Jerri Storie seconded the motion, which carried.

Delegating authority to sign special meeting notices - Paul Bradley said he was in favor of having the Town Clerk sign notices as long as he received some form of communication around the context of the meeting in advance. Jerri Storie made a motion to delegate the authority of signing special meeting notices to the Town Clerk. Jeanne Martin seconded the motion and all were in agreement.

Burnsville ABC Store text amendment request - The board was asked to review and make a recommendation to the Town Council on a text amendment application submitted by Brian Franklin of the Burnsville ABC Store requesting an amendment to off-street parking requirements.

Zoning Administrator Brian Buchanan explained the zoning ordinance's parking requirements for an ABC store versus other retail establishments. He said that ABC stores typically have less traffic, making the current requirements seem onerous. He recommended changing the required parking from one space for each 200 square feet of gross floor space to one space per 333 square feet. After a brief discussion, the board agreed that an ABC store should be treated like other retail spaces. Paul Bradley moved to recommend that the Burnsville Town Council approve the proposed text amendment to Section 1213 of the Burnsville Zoning Ordinance as requested by Brian Franklin and the Burnsville ABC Store. Abe Byrd seconded the motion, which carried. All were in agreement.

Anthony Ford zoning map amendment request - The board was asked to review and make a recommendation to the Town Council on an application from property owner Anthony Ford requesting a zoning map amendment to a property near Bowditch Street, PIN: 080143306700.

Brian Buchanan explained that the owner desired to change the designation from R-10 to C-2 to

make the property easier to sell and develop. He said that the Future Land Use map acknowledged this parcel as potential infill property.

Martin Stankus spoke about how broad the C2 designation is and how isolated the space is with some concern about possible impact to surrounding residential areas.

Abe Byrd made a motion to recommend the proposed map amendment to the Burnsville Town Council. Paul Bradley seconded the motion, which passed by a 4 to 1 vote. Martin Stankus voted to not recommend the map amendment.


Subdivision Ordinance Draft - The Planning Board had previously received a draft of the updated document for review. Brian Buchanan explained that the ordinance had not been updated since 1969. Martin Stankus noted that it may be necessary to discuss the relationship between street trees and utilities. Martin Stankus made a motion to recommend the overhaul of the Burnsville Subdivision Ordinance to the Burnsville Town Council. Jeanne Martin seconded the motion, which carried unanimously.

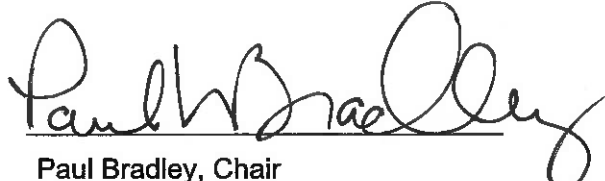
Set a date for Annual Planning Workshop March 22, 2022 at 5pm was set for a planning workshop.

Next Regular Planning Board meeting - April 12, 2022 at 5pm.

Adjourn - With no further business, Jerri Storie moved to adjourn the meeting at 5:55pm. Paul Bradley seconded, meeting adjourned.

Recorded by:


J. Chad Fox


Paul Bradley, Chair

PLANNING BOARD'S WRITTEN RECOMMENDATION OF THE BURNSVILLE TOWN COUNCIL OF THE COUNCIL TO APPROVE APPLICATION A00 1-22 REQUESTING A TEXT AMENDMENT TO SECTION 1213 "Off Street Parking" OF THE ZONING ORDINANCE OF THE TOWN OF BURNSVILLE, NORTH CAROLINA

WHEREAS, the Zoning Administrator has received an application from Brian Franklin, Manager for the Burnsville ABC store requesting a text amendment to the Burnsville Zoning Ordinance, Section 1213 regarding required parking spaces for an ABC store; and

WHEREAS, pursuant to NCGS 160D-604 the Planning Board shall review and make written comment to the Town Council on any amendment to any zoning regulation, including comment on whether the proposed amendment is consistent with any adopted comprehensive land use plans for the Town of Burnsville; and

WHEREAS, the Burnsville Planning Board held a regular business meeting on January 11, 2022 the same being duly noticed as required by North Carolina Statute; and

WHEREAS, the Burnsville ABC Board has acquired property located at 701 West Main Street and within planning jurisdiction of the Town of Burnsville. The Board has submitted plans to construct a new ABC Store on the property. The property is currently in the C-2 zoning district; and

WHEREAS, the applicant requests that section 1213 "Off Street Parking" of the Town of Burnsville's Zoning Ordinance be amended as follows:

The parking space requirements for Alcoholic Beverage Sales Store be amended to read "One (1) space for each 333 square feet of gross floor area".

WHEREAS, the Town's Zoning Administrator reported to the board that under the current language of the ordinance there is a discrepancy between amount of parking spaces required for commercial retail businesses in the C-2 zoning district and parking spaces required for an ABC Store in the same district. ABC Store customers typically would utilize parking spaces for shorter periods of time than normal commercial retail establishments; and

WHEREAS, the 2021 Burnsville Comprehensive Land Use Plan contains an in depth parking study and makes a recommendation (15) that off-street parking requirements be lowered for commercial businesses. Therefore, the text amendment request to make the parking requirements for ABC Stores conform to the same standards as other retail commercial business is consistent with the Town's Comprehensive Land Use Plan; and

WHEREAS, the Burnsville Planning Board recommends that the Burnsville Town Council approve the text amendment by a vote of 5 to 0.

NOW, THEREFORE, THE BURNSVILLE PLANNING BOARD HEREBY FINDS AND RECOMMENDS AS FOLLOWS:

1. That the proposed change to the text of the Burnsville Zoning Ordinance is consistent with the 2021 Burnsville Comprehensive Land Use Plan.
2. The Burnsville Planning Board recommends that the Burnsville Town Council approve the proposed text amendment to section 1213 of the Burnsville Zoning Ordinance as requested in the application before the Board by a vote of 5 to 0.

Read, approved and adopted this the 11th day of January, 2022.

BURNSVILLE PLANNING BOARD:

By: Paul W. Baele
Chair

ATTEST:

J. Cruz
CLERK

Approved as to form:

Walter Hoeg
Town Attorney

Town of Burnsville

Russell Fox, *Mayor*
Chad Fox, *Town Clerk*
Heather Hockaday
Town Manager



Councilors:
Judy Buchanan
Denise Collier
Bill Wheeler
Randy Ollis

Zoning Administrator Report

12/22/21

Re: Text Amendment Application

I have reviewed the enclosed application for a text amendment to the Zoning Ordinance Section 1213 concerning off street parking requirements for new projects within the Town.

The current ordinance requirement for Alcoholic Beverage Sales Store is 1 parking space for every 200 square foot of floor space. This requirement is significantly higher than the requirement within the same section for regular retail sales which is 1 parking space for every 333 square foot of floor space.

After conversations with other Town Staff and the Manager of the local ABC Store it would seem that the demand for parking at an ABC store would normally be less than that of a regular retail establishment due mainly to the smaller amount of time that customers typically spend within the business purchasing items. ABC store sales are typically more direct sales with the customer spending less time in the store deciding on their purchase than normal retail. This would lead to less demand for parking spaces rather than a greater need.

The current sketch plans I have reviewed for the proposed ABC store location would meet the requirement for regular retail parking but is having some difficulty meeting the greater requirements currently imposed by our ordinance on Alcoholic Beverage Sales Store.

It is for these reasons that I would recommend the Town to remove the requirements for parking from Alcoholic Beverage Sales Store from Section 1213 which would allow the ABC store to be regulated as regular retail with regards to the parking space requirement.

Brian Buchanan

Zoning Administrator



Town of Burnsville Application for Zoning Map or Text Amendment

OWNER/APPLICANT NAME: Brian Franklin / ABC Board APPLICATION DATE: 12-21-21
PHONE NUMBER: 828-682-4880 MAILING ADDRESS: RD. Box 1127

Application is made to the Town Council of Burnsville to amend:

- The Zoning Map
- The text of the Zoning Ordinance

APPLICATION TO AMEND ZONING MAP

PROPERTY ADDRESS:

PIN:

LOT AREA (acres):

CURRENT ZONING DISTRICT:

PROPOSED ZONING DISTRICT:

APPLICATION IS NOT COMPLETE WITHOUT A BOUNDARY SURVEY DEPICITING:

- Total acreage
- Current owner(s) and date of survey
- Property location relative to streets
- North arrow
- Existing easements, rights of way, or other restrictions on the property
- Areas located within the floodplain
- Natural terrain of 15% or greater grade
- Adjoining property owners, addresses, and Yancey County PINs

APPLICATION TO AMEND TEXT

SECTION(S) OF TOWN OF BURNSVILLE ZONING ORDINANCE TO AMEND: SECTION 1213

PROPOSED CHANGE TO TEXT (attach additional documentation if necessary):

REMOVE REQUIREMENT FOR PARKING FOR ALCOHOLIC BEVERAGE SALES
REVERT REQUIREMENT TO REGULAR RETAIL SALES

JUSTIFICATION OF PROPOSED AMENDMENT(S) (attach additional pages if necessary):

ADDITIONAL PARKING REQUIREMENT IS UNNECESSARILY PROHIBITIVE



Town of Burnsville Application for Zoning Map or Text Amendment

I certify that the above information is accurate and true and that I am the owner or a duly appointed agent of the owner.

SIGNATURE OF
APPLICANT

DATE: 12-21-21

It is the applicant's responsibility to obtain a copy of the Town of Burnsville Zoning Ordinance and to be fully aware of the regulations detailed therein.

OFFICE USE ONLY

OFFICE USE ONLY			
FEE: \$	DATE PAID:	CHECK	CASH

PLANNING BOARD'S WRITTEN RECOMMENDATION OF THE BURNSVILLE TOWN COUNCIL OF
THE COUNCIL TO APPROVE APPLICATION A002-22 REQUESTING AN
AMENDMENT OF THE OFFICIAL ZONING MAP FOR THE TOWN OF BURNSVILLE, NORTH
CAROLINA

WHEREAS, the Zoning Administrator has received an application (Ford Map Amendment) requesting an amendment to the Official Zoning Map for the Town of Burnsville on a parcel depicted in the map attached hereto as Exhibit A and identified as follows:

PIN: 080143306700
ADDRESS: Address not assigned
OWNER: FORD AND FORD RENTALS, LLC (ANTHONY FORD)

WHEREAS, the applicant is requesting that the zoning designation for the subject property be changed from R-10 residential district to C-2 commercial district; and

WHEREAS, pursuant to NCGS 160D-604 the Planning Board shall review and make written comment to the Town Council on any amendment to any zoning regulation, including comment on whether the proposed amendment is consistent with any adopted comprehensive land use plans for the Town of Burnsville; and

WHEREAS, the Burnsville Planning Board held a regular business meeting on January 11, 2022 the same being duly noticed as required by North Carolina Statute; and

WHEREAS, the 2021 Burnsville Comprehensive Land Use Plan studied the need for infill development within the Town. A map of parcels suitable for infill development was created and the applicants' property was included as a site suitable for infill development. The future zoning map in the Land Use Plan shows the applicant's property as remaining classified within the R-10 district; however, its location to adjacent commercial development would also suggest a zoning designation of C-2 commercial would not be detrimental to surrounding property owners; and

WHEREAS, the Burnsville Planning Board recommends that the Burnsville Town Council approve the proposed map amendment by a vote of 4 to 1.

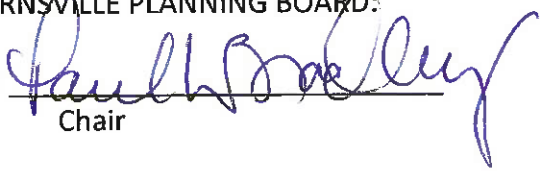
NOW, THEREFORE, THE BURNSVILLE PLANNING BOARD HEREBY FINDS AND RECOMMENDS AS FOLLOWS:

1. That the proposed amendment to the Official Zoning Map for the Town of Burnsville is consistent with the 2021 Burnsville Comprehensive Land Use Plan.
2. The Burnsville Planning Board recommends that the Burnsville Town Council approve the proposed map amendment before the Board by a vote of 4 to 1.

Read, approved and adopted this the 11 day of January, 2022.

BURNSVILLE PLANNING BOARD:

By: _____
Chair

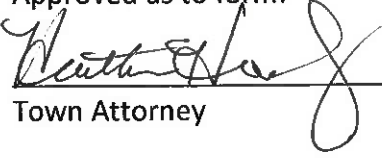


ATTEST:

CLERK

Approved as to form:

Town Attorney



Town of Burnsville

Russell Fox, *Mayor*
Chad Fox, *Town Clerk*
Heather Hockaday
Town Manager



Councilors:
Judy Buchanan
Denise Collier
Bill Wheeler
Randy Ollis

Zoning Administrator Report

Re: Zoning Map Amendment for Bowditch Street

An application for an amendment to the Town of Burnsville Zoning Map was submitted on 12/20/21 by Anthony Ford of Ford and Ford Rentals, LLC. This application requests that the parcel with PIN# 0801433067700 on Bowditch Street have its zoning designation changed from R10 to C-2.

The parcel itself is a triangular plot listed in size as .93 acres and is currently bordered on one side of the property by the C-2 Zoning district. The other two edges of the property are border the R-10 zoning district

The future land use map for the Town of Burnsville lists this parcel as residential in use. Mr. Ford has stated he would like to have the zoning designation changed for this property to increase the potential to sell the parcel to someone who might develop the property.

The property itself is vacant as has never had a structure on the property listed within the Yancey County GIS system.

Two larger parcels adjoining the property are owned by Ingles Markets for their Sav-Mor location and Yancey Housing Limited Partners which is Valley Place Apartments, a multifamily complex. Three other adjoining properties are First Citizens Bank, a residential property owned by Zheng Fa and Chen Qiao Zhen Ping, and an apartment complex owned by Hollace Larsen.

I have included the survey for the property provided by Mr. Ford along with the current zoning map with the property highlighted and the future land use map with the property highlighted.

The Planning Board will be asked to make a recommendation regarding this application at the January 11 meeting. If there is anything more I can provide or any questions I can answer please let me know.



Brian Buchanan

Zoning Administrator

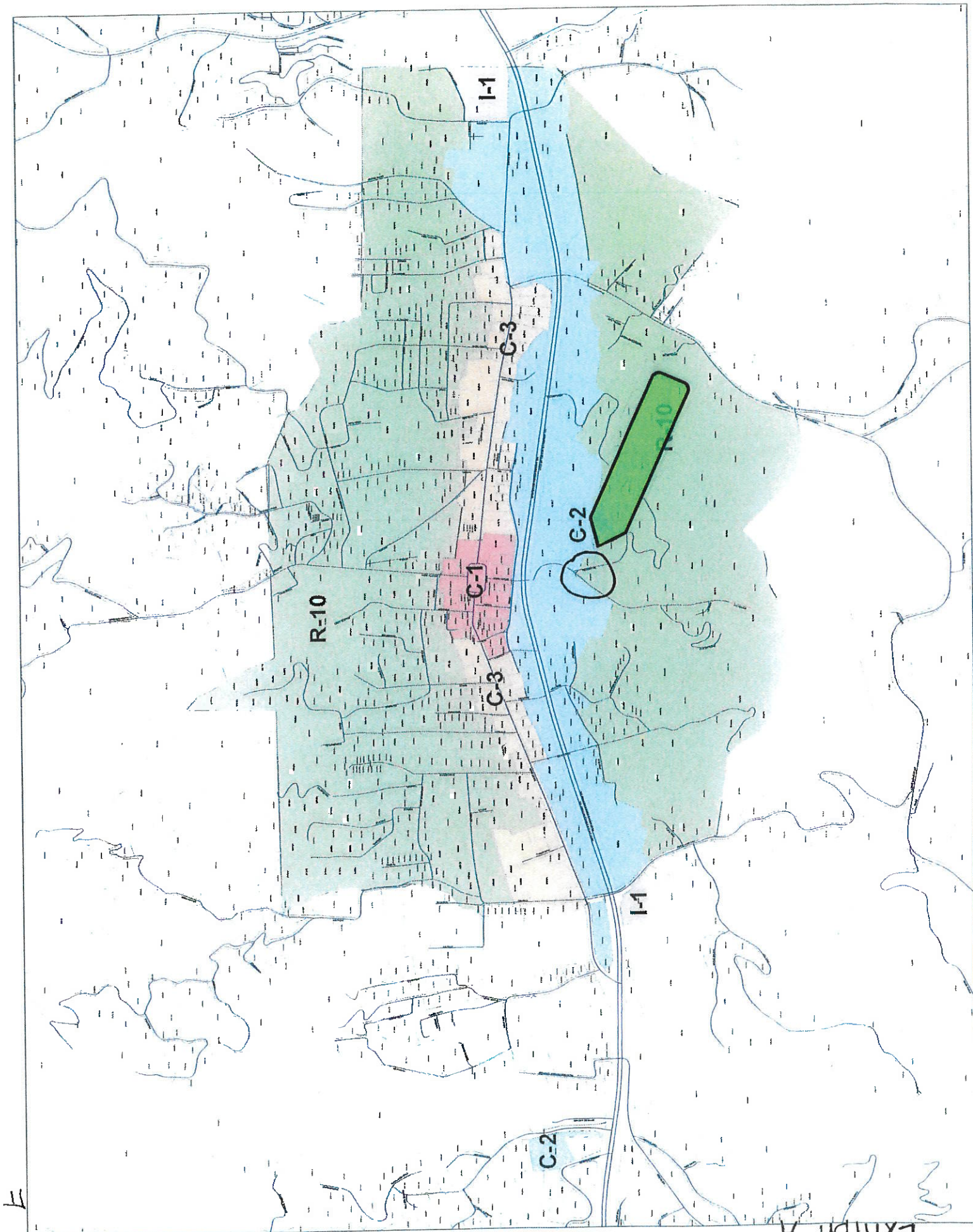


Exhibit A

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BURNSVILLE PLANNING BOARD RECOMMENDATION
SUBDIVISION ORDINANCE FOR THE TOWN OF BURNSVILLE

WHEREAS, on December 2, 2021 the Burnsville Town Council referred to the Burnsville Planning Board a proposed Subdivision Ordinance to replace the Town's current Subdivision Ordinance which was adopted in 1969; and

WHEREAS, the Zoning Administrator for the Town of Burnsville presented to the Planning Board the proposed Subdivision Ordinance for their review and comment; and

WHEREAS, upon review of the proposed Subdivision Ordinance and pursuant to NCGS 160D-604 the Burnsville Planning Board shall advise, comment and make written recommendation to the Town Council regarding the adoption of the proposed text amendments and whether the proposed amendments are consistent with any comprehensive land use plan that has been adopted by the Town Council; and

WHEREAS, the Burnsville Planning Board recommends that the Burnsville Town Council approve the Subdivision Ordinance by a vote of 5 to 0.

NOW, THEREFORE, THE BURNSVILLE PLANNING BOARD HEREBY RECOMMENDS AS FOLLOWS:

1. That the proposed Subdivision Ordinance is reasonable and in the public interest and is consistent with the goals and recommendations of the Burnsville Comprehensive Land Use Plan 2021 in that the Plan recommends an overhaul of the Burnsville Subdivision Ordinance.
2. That the Planning Board recommends that the Burnsville Town Council approve the proposed subdivision Ordinance as written (x) or with the following revisions:

(See additional pages attached)

This the 11th day of January, 2022.

ATTEST:

J. Cruz
Clerk

Burnsville Planning Board

Paul Bradley

Approved as to form:

Heather Hreef
Attorney

Consented to (yes/no):

Planning Board Members:

Jerrie Storie-	<u>Y</u>
Martin Stankus-	<u>Y</u>
Robert Byrd-	<u>Y</u>
Paul Bradley-	<u>Y</u>
Jeanne Martin-	<u>Y</u>