

BURLINGTON PLANNING AND ZONING COMMISSION

September 28, 2009 - 7:00 p.m.

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

George Byrd, Chairman, Present
Paul Cobb, Secretary, Present
John Black, Present
Lynn Cowan, Present
Early Kenan, Jr., Absent
Gordon Millspaugh, Absent

EXTRATERRITORIAL MEMBERS:

Bud Apple, Present
Richard Franks, Present
Earl Jagers, Present
Jim Johnson, Present
Rebecca Lashley, Present

STAFF PRESENT:

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

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

ITEM NO. 2: Mr. Byrd called for the nomination of Commission Chairman and Secretary for 2009-2010. Commission Member Franks made a motion to re-elect George Byrd as Chairman and Paul Cobb as Secretary. Earl Jagers seconded the motion. The Commission voted unanimously to re-elect Mr. Byrd as Commission Chairman and Mr. Cobb as Secretary.

This was a City and extraterritorial item.

Commission Chairman Byrd asked for a moment of silence in memory of former Commission Member John Enoch who passed away during the summer.

ITEM NO. 3: Minutes of the meeting held April 27, 2009, were unanimously approved. This was a City and extraterritorial item.

ITEM NO. 4: Consent agenda: (City)

(A) Mr. Heath Williams, representing K. Todd Isenhour, LLC, presented an application for final plat approval of Phase 1, Section 10, Glenmoor Townhomes, Mackintosh on the Lake. The property is located on the south side of Tweed Lane southeast of

Bonnar Bridge Parkway as shown on plans by Alley, Williams, Carmen and King, Inc., dated September 8, 2009, and containing three lots.

Staff recommended approval of the final plat.

Commission Secretary Cobb made a motion to recommend approval of the final plat. John Black seconded the motion. The Commission voted unanimously to recommend approval of the final plat.

The Commission found that the plat as presented met all requirements of the Subdivision Regulations.

Consent agenda: (Extraterritorial)

- (B) Mr. Heath Williams, representing Five Star Investment Group, LLC, presented an application for final plat approval of Five Star Investment Group, LLC, Subdivision. The property is located on the southwest corner of Danbrook Road and Bonnar Bridge Parkway as shown on plans by Alley, Williams, Carmen and King, Inc., dated September 15, 2009, and containing two lots.

Ms. Carolyn Best, 2298 Glenkirk Drive, asked what was going to be placed on the lot.

Planning Director Harkrader answered that this request was to separate a vacant lot into two separate lots.

Mr. George Baer, 1818 Buxton Way, asked if this was not in preparation for a "Park and Ride."

Mr. Harkrader stated that this item was requesting approval of the subdivision of the lot only, and if it meets all subdivision regulations, state statutes require that the plat be approved. He explained that the rezoning request would be addressed in Item Number 6.

Commission Member Johnson stated that in his opinion the elimination of the office building for a parking lot would be more favorable for the residential area.

Mr. Baer asked how the property was zoned and was told Conditional for a hotel and office building. Planning Director Harkrader stated that the hotel would stay where it was originally approved.

Mr. Don Benson, 4101 Hansel Trace, questioned why the property was being subdivided.

Mr. Longest explained that the petitioner's purpose for subdividing the lot was to allow one lot to be utilized for the commuter bus lot and the other for the parking overflow for the hotel and convention center parking. Subdividing the lot would also allow the parcel to be sold. He stated that the zoning makes no difference in the subdivision of the property.

Commission Member Cowan stated that she thought the Commission should get back to the request for a subdivision.

Planning Director Harkrader stated that staff recommended approval of the final plat.

Commission Secretary Cobb made a motion to recommend approval of the final plat. Bud Apple seconded the motion. The Commission voted unanimously to recommend approval of the final plat.

The Commission found that the plat as presented met all requirements of the Subdivision Regulations.

ITEM NO. 5: Mr. Donald K. Blanchard, Jr., representing Dr. Javed Masoud, presented an application to rezone from R-6, Residential District, and R-9, Residential District, to O&I, Office-Institutional District, the property located on the north side of Flora Avenue as shown on Alamance County Tax Map 3-1-11 and Map 3-5, Lots 22, 22A and 23A.

This was an extraterritorial item.

Mr. Todd Coleman, 2542 MacLeod Street, asked what were Dr. Masoud's plans for the property. Mr. Blanchard stated that Dr. Masoud plans to construct a satellite medical office for the convenience of elderly patients. Mr. Coleman asked what type of medical office, and Mr. Blanchard stated that he specializes in cardiovascular diseases. Mr. Coleman asked if there would be an access on MacArthur Lane. Planning Director Harkrader stated that there could be an access on MacArthur; however, Dr. Masoud was not required to submit a site plan with the rezoning application. Mr. Coleman asked if there would be restrictions on building heights.

Zoning/Subdivision Administrator Lea stated that a building could be three stories with 50 to 60-foot front setbacks depending on specific regulations for O-I zoning listed in the Zoning Ordinance.

Mr. Grey Wheatley, 2549 MacLeod Street, asked what other uses would be allowed in O-I zoning other than medical offices. Planning Director Harkrader listed several uses, including banks, insurance offices and residences – but no retail or industrial uses.

Commission Member Cowan stated that she had concerns that this rezoning would dissect two residential areas.

Commission Chairman Byrd asked if staff had received many calls inquiring about the rezoning request. Mr. Lea stated that he had received a few calls asking for information, but none had voiced opposition.

Mr. Harkrader stated that the parcel is located between both residential and industrial property and that staff recommended approval of the request for rezoning.

Commission Member Franks made a motion to recommend approval of the request for rezoning. Earl Jagers seconded the motion. The Commission voted eight to one to recommend approval of the request for rezoning. Voting to recommend approval were Franks, Jagers, Byrd, Cobb, Black, Apple, Johnson and Lashley. Voting against the motion was Cowan.

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 recommended that the official zoning map and the Comprehensive Land Use Plan be amended to reflect the change.

ITEM NO. 6: Mr. Frank Longest, representing Five Star Investment Group, LLC, presented an application to amend a Conditional Planned Employment Center (CPEC) rezoning approved by City Council on April 17, 2007. The request is to delete the office complex portion of the approved plan and to replace it with the use of a park-and-ride commuter parking lot to be located on a subdivided portion of the property on 1.88 acres. The remaining portion of the property for the Holiday Inn site will remain unchanged. The property is located on the southwest corner of Danbrook Road and Bonnar Bridge Parkway as shown on Alamance County Tax Map 3-23-44.

This was an extraterritorial item.

Mr. Longest distributed a drawing showing fencing and signage for existing park-and-ride lots.

He explained that the petitioner was requesting to amend a previously approved Conditional rezoning by deleting a four-story office building and 104 parking spaces and replacing it with a commuter bus lot with 108 parking spaces. He predicted that the parking lot would not generate more traffic than the previously proposed office building and the majority of the traffic would be generated before and after school hours. He proclaimed the bus lot would be "green" because of the savings on gasoline by those utilizing the commuter buses and would be a good economic benefit to Alamance County. He stated that the site was chosen because of its close proximity to Interstate 85/40. He introduced Mr. Brent McKinney, director of the Piedmont Authority for Regional Transportation (PART).

Mr. McKinney stated that the North Carolina General Assembly authorized the formation of a Regional Transportation Authority in the Triad in 1997, and the Piedmont Authority for Regional Transportation (PART) was begun in 1998. He told Commission members that PART began reaching out to Alamance County in 2002 to provide transit services to commuters to save on the consumption of fuel and improve air quality by reducing the number of vehicles on the road. He stated that PART estimates its services had reduced 10 million miles of travel for commuters, a savings of \$5 million not spent on transportation and lengthened the life of automobiles.

Mr. McKinney stated that the proposed park-and-ride lot would be landscaped and well lighted and would not have a detrimental impact on the environment. He stated that the 2000 census showed that 35 percent Alamance County residents travel

elsewhere daily for employment and that this location was chosen because of its vicinity to hospitals and Elon University as well as other schools. He also noted a number of Elon University students commute to the law school in Greensboro and would benefit from the commuter bus, and not only do commuters work at hospitals in surrounding counties but they also visit or receive health care treatments.

Commission Chairman Byrd asked about the hours the buses would run. Mr. McKinney stated that service would begin around 6:30 to 7:00 a.m.; return mostly between 4:30 and 6:00 p.m.; and the last may arrive back at the lot around 7:00 p.m. Locations of other PART lots are in Pilot Mountain, Asheboro, Lexington, Greensboro, High Point, King, Hickory and Mount Airy. He announced that a bus route would also be available to Boone.

Commission Member Johnson asked about the proposed fence surrounding the parking lot. Mr. McKinney stated that there would be a white vinyl fence with brick columns – no chain link fence.

Commission Member Lashley asked about the cost of riding a bus. Mr. McKinney stated that the cost would be \$60.00 a month -- \$2.00 a day each way – and \$30.00 a month for anyone 60 years old or older. She asked if package rates could be purchased and was told they would be available except for the Boone route.

Commission Member Franks asked about security at the lot. Mr. McKinney stated that cameras would be installed and noted that the parking lot would be open, airy and visible and there would be no late-hour congregating.

Mr. Franks inquired about school bus traffic. Mr. McKinney stated that school buses usually run between 7:15 and 8:15 a.m. whereas the commuter lot traffic would begin around 6:30 a.m. He stated that he foresees no conflict with bus traffic or parents dropping off their children.

Commission Secretary Cobb asked who owns PART. Mr. McKinney stated that PART is not private but a government agency. It is made up of a 22-member board that includes Burlington Mayor Ronnie Wall, Alamance County Commissioner Bill Lashley and Gibsonville Mayor Leonard Williams.

Mr. Cobb asked where profits go. Mr. McKinney stated that profits stay in the system and that some of the City of Burlington's stimulus funds would be used for this commuter lot as well as two others proposed for the area – one in Graham near NC Highway 87 and one near Alamance Community College in Mebane.

Mr. Cobb asked if the request to amend the use for this property was approved but the parking lot was not approved, would the petitioner have to make another request to change the use back as offices and was told the petitioner would be required to do that.

Mr. Cobb asked if a commuter were dropped off at a location, how would he or she get to their final destination. Mr. McKinney stated that most drop-off points offer other means of transportation – such as to schools and hospitals.

Mr. Cobb asked how would the bus service be funded. Mr. McKinney stated that Guilford County is funding park-and-ride services in that area through a tax on rental cars and the Alamance County Commissioners would have to approve a tax to fund local services – either by an addition to vehicle registration in the county or by an addition to rental car fees. He stated that buses would be purchased with state and federal grant funds.

Mr. Cobb asked where would the buses be parked when not in use. Mr. McKinney stated that the buses are on the road during the day and those in the Guilford/Forsyth area were parked in Winston-Salem at night.

Commission Member Black asked about lighting for the proposed parking lot and questioned if it would be intrusive to the area. Mr. McKinney stated that lighting would be provided by cutaway or shoebox fixtures. Mr. Black asked if the lights would be on all night and was told that they would not.

Commission Chairman Byrd asked where riders would go during inclement weather. Mr. McKinney stated that riders would stay in their vehicles until they boarded the bus; however, PART is considering the installation of canopies and adding benches at the commuter lots.

Commission Member Lashley questioned if the use of the commuter lots would devastate Amtrak services. Mr. McKinney stated that there would be a different clientele utilizing the two services whereas Amtrak takes customers from one point to another but doesn't stop at businesses, schools or hospitals. PART buses, he pointed out, often meet trains at various points acting as a feeder system for the rail system.

Commission Member Apple asked if the commuter bus would be going to Boone only on the weekends, and Mr. McKinney stated that it would be going every day.

Commission Chairman Byrd asked if there were plans for the commuter service to go to Duke and the VA Hospital, and he answered yes. Mr. McKinney also noted that there was currently a vanpool program in place in Chapel Hill.

Commission Chairman Byrd asked for staff's recommendation. Planning Director Harkrader stated that the proposed commuter bus lot would offer a powerful economic development opportunity for the area and provide a valuable link to Greensboro and Winston-Salem. He noted that PART has had an excellent track record for choosing good sites and pointed out how well the parking lots are maintained. He stated that staff realizes traffic will increase tremendously as the area is developed but did not think the commuter parking lot would generate any more traffic than the previously approved four-story office building. He stated that staff recommended approval of amending the CPEC rezoning to delete the office complex portion of the previously approved plan and to replace it with a park-and-ride commuter parking lot.

Commission Secretary Cobb asked what locations the first buses would begin to serve. Mr. McKinney stated that one bus at a time will be utilized, and the first route would probably be to Citi Card on the Interstate and then into Greensboro. A

commuter would have to transfer to another bus in order to go to Winston-Salem. Commuters going east may have to transfer to another bus in Graham.

Another Mackintosh on the Lake resident questioned where the commuters would be coming from to get to the buses. He stated that probably none would be coming from the Lake Mackintosh area and asked why was the parking lot not being built nearer to the commuters? He added that it did not make sense to be providing a supposedly “green” service when a commuter would have to drive 20 miles to get on a bus.

Mr. McKinney stated that the park-and-ride lots were being constructed close to interstates and expressways so the buses could get off, pick up commuters and get back on.

Mr. Tony Lewis, 1081 Falkirk Drive, asked how many commuters use a bus. Mr. McKinney stated that approximately 40 Monday through Thursday and less on Friday. Mr. Lewis asked if the parking lot would be patrolled and was told that it would be patrolled during the day and at night and the security cameras would be used.

Mr. Shaun Cummings, Mackintosh on the Lake, questioned if it would not be more profitable to the City to have an office building providing a tax base and workers spending money in the area rather than having a parking lot. He asked if the agency had looked at other sites.

Mr. McKinney stated that the site was chosen because of its proximity to the hospital, Elon University and the Interstate.

Mr. Tony Caminiti, Sinclair Trace, asked if cameras would be monitoring the parking lot at all times and was told that they would be filming. He voiced his concerns about pedophiles taking advantage of the parking lot because of its close proximity to the elementary school.

Mr. Longest stated that it is hoped that the cameras would act as a deterrent for illegal activities.

Mr. Cummings inquired about signage and was told that the size and placement of signs would be determined by O-I zoning regulations.

Mr. Benson asked if there were any pictures available showing a park-and-ride lot, and a picture was provided. He questioned the location of the proposed lot and its proximity to the “back door of a splendid community” and the fact that the City would be losing tax dollars. He stated that he was under the impression that stimulus funds were supposed to be used to create new jobs.

Mr. Brad Whitten, 4051 Lauder Lane, stated that he had talked to Mr. Phil Conrad with Mobility Solutions and the City’s Transportation Planning Department. He stated that he had learned that the City of Burlington was not a member of PART and that funds for the commuter parking lot would have to be appropriated by the Alamance County Commissioners. He stated that Mr. McKinney had not been

forthright in his presentation because funds would not be available until the county gives it approval for the parking lot.

Mr. McKinney admitted to not being completely forthright. He explained that no city is actually a member of PART. He reiterated that Mayor Wall is a member of the 22-member PART board and Alamance County had been a member of PART since 2001. He stated that the Alamance County Commissioners had not asked for this service – a park-and-ride commuter parking lot.

Mr. Whitten stated that he was not opposed to the parking lot – only the location. He stated that a public transportation system would be beneficial to the community and attractive to companies coming to Alamance County. He maintained that the proposed site would be a deterrent to development in the area and should be built closer to where commuters reside.

Commission Member Franks questioned where would the money be coming from to construct the parking lot and supply the buses when the county had not yet approved it. He pointed out to residents in attendance that they were in for big changes in that entire area with the construction of Cox Toyota which will probably be one of several dealerships and with the extension of Grand Oaks Boulevard and the completion of an apartment complex east of the vicinity. Mr. Franks touched on the changes to Garden Road that he had experienced in the 35 years he lived there. He stated that the proposed commuter parking lot would be an asset to the environment by taking cars off the highway and that the site was the best location in Alamance County, but he was still concerned with the funding.

Chairman Byrd closed the public comment period.

Commission Secretary Cobb made a motion to recommend approval of amending the CPEC rezoning. Richard Franks seconded the motion. The Commission voted unanimously to recommend approval of amending the Conditional Planned Employment Center rezoning to delete the office complex portion of the approved plan and to replace it with a commuter parking lot to be located on a subdivided portion on 1.88 acres. All previously approved Use and Development Conditions will remain in effect. The Commission found that the request was consistent with the Comprehensive Land Use Plan for Burlington and its environs.

There being no further business to discuss, the meeting was adjourned at 8:35 p.m.

George A. Byrd, Jr., Chairman

Paul E. Cobb, Jr., Secretary