

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

**June 28, 2010**

**Council Chamber, Burlington Municipal Building**

**CITY MEMBERS:**

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

**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:** Chairman Byrd called the meeting to order at 7:00 p.m.

**ITEM NO. 2:** Minutes of the meetings held April 26, 2010, and May 24, 2010, were unanimously approved. This was a City and extraterritorial item.

**ITEM NO. 3:** Consent agenda: (City)

(A) Mr. Heath Williams, representing K. Todd Isenhour, LLC, presented an application for final plat approval of Phase 1, Section 11, 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 June 7, 2010, and containing three lots.

Staff recommended approval of the final plat.

Commission Secretary Cobb made a motion to recommend approval of the final plat. Gordon Millspaugh 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. 4:** Mr. Lawson Brown, representing Holly Hill Mall, LLC, presented an application to amend a Conditional Business rezoning for Holly Hill Mall approved by City Council June 15, 2010. The request is to allow one parking space for every 250 square feet of

building space and to allow for the creation of outparcels. The property is located on the southwest corner of South Church Street and Huffman Mill Road as shown on Alamance County Tax Map 3-18-20.

This was a City item.

Mr. Brown explained that a number of engineering details pertaining to the outparcels had not been finalized prior to the Planning and Zoning Commission considering the original rezoning at its May meeting and subsequently being approved by City Council June 15. He reminded Commission members that none of the outparcels would require curb cuts as access to the outparcels would be internally within the 40-acre site.

Mr. Brown stated that one of the two additional outparcels would be located at the corner of Huffman Mill Road and Anne Elizabeth Drive and the other near the corner of South Church Street and International Drive.

Commission Member Johnson asked if the two additional outparcels had been identified and was told that they had not. Mr. Johnson commented that dimensions of the two outparcels located near the former Belk's appear to minimize an adequate passageway. Mr. Brown stated that a conceptual drawing was submitted and the applicants would come back later with a specific plan.

Planning Director Harkrader explained that the outparcels were laid out when the mall was first designed which was before the property was inside the City limits and now the current mall owners must submit plans in order to provide utilities to the outparcels. As for the request to allow one parking space for every 250 square feet of building space, Mr. Harkrader stated that the ratio would apply to the entire development. He also added that the ratio was adequate and that staff recommended approval of the parking ratio as well as the creation of outparcels.

Commission Member Black made a motion to recommend approval of amending the Conditional Business rezoning. Paul Cobb seconded the motion. The Commission voted unanimously to recommend approval of amending the Conditional Business rezoning to allow one parking space for every 250 square feet of building space and to allow for the creation of outparcels.

All previously approved Use and Development Conditions shall remain in effect. The Commission found that the request was consistent with the Comprehensive Land Use Plan for Burlington and its environs.

The following Use and Development Conditions have been submitted as follows:

**Use Condition**

The Use Condition shall remain as submitted and approved by City Council June 15, 2010.

**Development Conditions**

I. Parking:

Currently, there exists 497,339 square feet of retail and restaurant space on the property, consisting of the mall itself, Sears Auto Center, Starbucks, Longhorn, Prego's and Wachovia. Currently, there are 2,240 parking spaces on the property of which 52 are

designated handicapped which makes the existing parking ratio one parking space per 220 square feet of building space.

The proposed amendment to the Conditional Business rezoning will allow for one parking space per 250 square feet of building space, which is the same Conditional Business zoning standard previously approved for other Conditional Business development.

II. Subdivision:

Currently, the property is divided into three parcels: the mall (8854670951); the lot on which Starbucks is located (8854575041); and the lot on which Wachovia is located (8854588468). There are currently six buildings on the property, including the mall.

It is proposed that the Conditional Business rezoning be amended to allow for the subdivision and creation of a total of ten outparcels. Specifically, it is proposed that five outparcels be created where no structures now exist, and Sears Auto Center, Longhorn, Prego's, Wachovia and Starbucks be allowed to exist on their own outparcels making a total of ten outparcels on the approximately 41-acre property. The above proposal is graphically illustrated on a submitted site plan prepared by the L.E.A.D.S. Group, P.A. (Project Number 1-10-1005).

The proposed subdivision is more particularly described as follows:

1. Outparcel "A":

- a. Location: Near the southeastern corner of the property; to the right of Starbucks (as it appears on the submitted preliminary plan); and near the intersection of Anne Elizabeth Drive and Huffman Mill Road.
- b. Lot Size: 0.75 acres/32,800 square feet
- c. Public Water Access: Water shall be accessed from the adjacent Huffman Mill Road with simple extensions.
- d. Sewer Access: Public sewer lines shall be accessed from the adjacent Anne Elizabeth Drive.
- e. Road Frontage: Huffman Mill Road

2. Outparcel "B":

- a. Location: Near the southeastern corner of the property; to the right of Outparcel "A"; and near the intersection of Anne Elizabeth Drive and Huffman Mill Road.
- b. Lot Size: 0.75 acres/32,800 square feet
- c. Public Water Access: Water shall be accessed from the adjacent Huffman Mill Road with simple extensions.
- d. Sewer Access: Public sewer lines shall be accessed from the adjacent Anne Elizabeth Drive.

- e. Road Frontage: Huffman Mill Road
3. Outparcel "C":
- a. Location: Near the southwestern corner of the property at the intersection of Anne Elizabeth Drive and International Drive.
  - b. Lot Size: 0.62 acres/26,700 square feet.
  - c. Public Water Access: Water shall be accessed from the adjacent International Drive with simple extensions.
  - d. Sewer Access: Public sewer lines shall be accessed from the adjacent International Drive with simple extensions.
  - e. Road Frontage: Anne Elizabeth Drive and International Drive
4. Outparcel "D":
- a. Location: Near the northwestern corner of the property; to the right of Wachovia (as it appears on the submitted preliminary plan); and near the intersection of International Drive and South Church Street.
  - b. Lot Size: 0.80 acres/35,000 square feet
  - c. Public Water Access: Water shall be accessed from the adjacent South Church Street with simple extensions.
  - d. Sewer Access: Public sewer lines shall be accessed from the adjacent International Drive.
  - e. Road Frontage: South Church Street
5. Outparcel "E":
- a. Location: Near the northwestern corner of the property; to the left of Wachovia (as it appears on the submitted preliminary plan); and near the intersection of International Drive and South Church Street.
  - b. Lot Size: 0.67 acres/29,240 square feet
  - c. Public Water Access: Water shall be accessed from the adjacent International Drive with simple extensions.
  - d. Sewer Access: Public sewer lines shall be accessed from the adjacent International Drive with simple extensions.
  - e. Road Frontage: International Drive
6. Wachovia Outparcel (existing tax parcel):
- a. Location: Near the northwestern corner of the property at the intersection of International Drive and South Church Street.

- b. Lot Size: 1.37 acres/59,677 square feet
  - c. Public Water Access: Water is already provided from the adjacent Huffman Mill Road.
  - d. Sewer Access: Public sewer from adjacent International Drive is already servicing this parcel.
  - e. Road Frontage: South Church Street and International Drive.
7. Sears Auto Center Outparcel:
- a. Location: Near the northeastern corner of the property at the intersection of South Church Street and Huffman Mill Road.
  - b. Lot Size: 1.75 acres/76,230 square feet
  - c. Public Water Access: Water is already provided from the adjacent South Church Street with simple extensions.
  - d. Sewer Access: Public sewer from adjacent South Church Street is already servicing this parcel.
  - e. Road Frontage: South Church Street and Anne Elizabeth Drive
8. Prego's Outparcel:
- a. Location: Near the northeastern corner of the property and the intersection of South Church Street and Huffman Mill Road.
  - b. Lot Size: 0.65 acres/28,314 square feet
  - c. Public Water Access: Water is already provided from the adjacent South Church Street.
  - d. Sewer Access: Public sewer from adjacent South Church Street is already servicing this parcel.
  - e. Road Frontage: South Church Street
9. Longhorn Outparcel:
- a. Location: Near the northeastern corner of the property and the intersection of South Church Street and Huffman Mill Road.
  - b. Lot Size: 1.50 acres/65,340 square feet
  - c. Public Water Access: Water is already provided from the adjacent Huffman Mill Road.
  - d. Sewer Access: Public sewer lines shall be accessed from the adjacent Huffman Mill Road by means of a sewer pump.

- e. Road Frontage: Huffman Mill Road
10. Starbucks Outparcel (existing tax parcel):
- a. Location: Near the southeastern corner of the property at the intersection of Huffman Mill Road and Anne Elizabeth Drive.
  - b. Lot Size: 0.80 acres/34,848 square feet
  - c. Public Water Access: Water is already provided from the adjacent Huffman Mill Road.
  - d. Sewer Access: Public sewer lines shall be accessed from the adjacent Anne Elizabeth Drive.
  - e. Road Frontage: Huffman Mill Road and Anne Elizabeth Drive

With the exception of nominal boundary adjustments that do not change the general location of the proposed outparcels, it is stipulated that no further subdivisions shall be proposed for the property and no further outparcels shall be created without an amendment to the Conditional Business rezoning. It is further stipulated that all proposed outparcels shall have internal access only.

III. Landscaping:

Landscaping shall be as is currently developed.

IV. Storm Drainage:

All new subdivided outparcels shall have drainage systems installed in accordance with the then existing requirements and regulations of the City of Burlington. The property owner(s) shall furnish the City of Burlington, without cost, a duly signed good and sufficient easement conveying to the City permission to enter and cross the property as necessary for the purpose of performing any and all types of work related to the maintenance of existing storm drainage systems.

V. Other Development Conditions:

All other Development Conditions shall be in accordance with the general B-2 zoning district standards.

**ITEM NO. 5:** Mr. Lawson Brown, representing CBL & Associates Properties, Inc., presented an application to amend a Conditional Business rezoning for Alamance Crossing approved by City Council April 20, 2004. The request is to allow for the development of Alamance Crossing West and for the creation of outparcels. The property is located on the northeast corner of St. Mark's Church Road and Boone Station Drive as shown on Alamance County Tax Map 3-24, Lots 18, 19, 22 and 24.

This was a City item.

Mr. Brown stated that the request was to allow the development of outparcels and that there would be no changes in the lot dimensions.

Planning Director Harkrader explained that the City would use the submitted site plan as a basis for evaluating utility permits.

Commission Member Jagers asked if sidewalks were planned along St. Mark's Church Road. Mr. Brown stated that they were not but there would be sidewalks from the movie theater to the new development.

Commission Member Franks asked if there would be signals at the St. Mark's intersection. Mr. Brown answered that DOT had not required one to be installed. He noted that he thought it would be a right in/right out only and would basically be used for truck deliveries. Mr. Franks stated that when a truck comes from Alamance Crossing, it has to sit a long time before it can get onto St. Mark's. Mr. Franks stated that he thought traffic had doubled since a traffic study was made in 2004 when the shopping center was being developed. At that time the traffic study indicated that most traffic would be using University Drive, and that hasn't been the case - St. Mark's is not only being used for Davidson Park and shopping center traffic but also as a cut-through from South Church Street to University Drive.

Planning Director Harkrader stated that there was no doubt that traffic would continue to increase in the area. He also stated that he believed the access point at St. Mark's would be more of a full access, not a right in/right out.

Mr. Brown stated that there would be no problem adding a caveat to the development conditions stipulating that the traffic plan would be subject to approval by City staff.

Mr. Franks stated that he had no problem with any of the proposed development of Alamance Crossing West other than the traffic on St. Mark's Road and added that closer attention needs to be paid to the increase in traffic -- particularly on St. Mark's Road.

Staff recommended approval of amending the Conditional Business rezoning to allow for the development of Alamance Crossing West and for the creation of outparcels.

Commission Secretary Cobb made a motion to recommend approval of amending the Conditional Business rezoning. Early Kenan seconded the motion. The Commission voted unanimously to recommend approval of amending the Conditional Business rezoning to allow for the development of Alamance Crossing West and for the creation of outparcels. All previously approved Use and Development Conditions shall 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 7:23 p.m.

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**Chairman**

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**Secretary**