

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

December 19, 2011

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

George Byrd, Chairman, Present
John Black, Secretary, Present
Lynn Cowan, Present
Early Kenan, Jr., Present
Ryan Kirk, Present
Richard Parker, Absent

EXTRATERRITORIAL MEMBERS:

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

STAFF PRESENT:

Bob Harkrader, Director of Planning and Economic Development
David Beal, Assistant Director of Planning Services
Joey Lea, Zoning 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 meeting held November 28, 2011, were unanimously approved. This was a City and extraterritorial item.

ITEM NO. 3: Mr. Vincent Townsend, representing Woodland Heights Burlington, LLC, presented an application to rezone from MF-A, Multifamily District, to CR, Conditional Residential District, for the use of Woodland Heights Apartments, construction of Phase II, and subdivision of the property. The property is located at the southwest intersection of Springwood Church Road and Springwood Village Drive north of Interstate 85/40 and being shown as Guilford County tax parcel numbers 020200800004800082 and 020200800004800078.

This was a City item.

Mr. Townsend stated that this was a previously approved apartment development; however, a different bank was handling Phase II.

Commission Chairman Byrd asked how many units would be in the development, and Mr. Townsend answered 264 units. Mr. Byrd asked if staff had received any calls inquiring about the rezoning request and was told that no calls had been received.

Commission Member Cowan asked if conditional rezoning was the only option for the subdivision. Planning Director Harkrader stated that the sole reason for the rezoning request

was to subdivide the property for financing Phase II by a different bank than financed Phase I. He explained that the subdivision could have been accomplished by other means, but staff came to the conclusion that conditional rezoning was the best solution to make sure all development conditions would be on the record. He stated that staff recommended approval of the request for rezoning with the Use and Development Conditions submitted by the petitioner and also recommended approval of subdividing the property.

Commission Member Kenan made a motion to recommend approval of the request for rezoning with the Use and Development Conditions submitted by the petitioner and recommended approval of subdividing the property. Lynn Cowan seconded the motion. The Commission voted unanimously to recommend approval of the request for rezoning with the Use and Development Conditions submitted by the petitioner and recommended that the official zoning map and the Comprehensive Land Use Plan be amended to reflect the change. In addition, the Commission voted unanimously to recommend approval of subdividing the property. The Commission found that the plat as presented met all requirements of the Subdivision Regulations.

The following Use and Development Conditions have been submitted by the petitioner:

Use Conditions

Use shall be limited to multifamily development consisting of two parcels in compliance with MF-A zoning district standards.

Development Conditions

1. Requirements for setbacks, signage, landscaping, parking and site development in general shall be as previously approved for a multifamily development within the MF-A zoning district.
2. Full cross access for vehicular and emergency traffic shall be allowed across both lots.
3. Fire hydrants on either parcel shall be accessible to both lots at all times.
4. No gates or other barriers shall be installed to block vehicular traffic from accessing either lot.
5. The landscaping shown on the originally approved Technical Review Committee (TRC) site plan is adequate following subdivision of the lots as proposed on the site plan.
6. All residents of both parcels shall have equal use and access to the clubhouse and pool facilities.
7. All stormwater originating on both parcels shall flow through the single stormwater pond (BMP) located on the southern lot.
8. Prior to a subdivision of the subject property, the owner shall separate the water and sewer systems into two individual systems for use by each lot or provide a surety to the City to complete this separation. A surety in the amount of 125% of an engineer's estimate to complete this work and a written mutual agreement between the City and owner must be provided to the City prior to any final subdivision approved by the City.

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 further found that the request was consistent with the Comprehensive Land Use Plan for Burlington and its environs.

Planning Director Harkrader announced that this would be the last meeting for Commission Member Franks. He stated that at the end of December, Mr. Franks' property would be annexed into the City limits. Alamance County Commissioners will appoint a replacement the first of the year. Mr. Harkrader thanked Mr. Franks for his service to the City.

Commission Member Byrd also expressed his gratitude to Mr. Franks for his service to the Commission.

Commission Member Johnson stated that it had been a great learning experience to serve with Mr. Franks.

Mr. Harkrader stated that he and staff wished Commission members a very Merry Christmas.

There being no further business to discuss, the meeting was adjourned at 7:09 p.m.

George Byrd, Chairman

John Black, Secretary