



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

November 24, 2014

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

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

EXTRATERRITORIAL MEMBERS

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

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 27, 2014, were unanimously approved.

ITEM NO. 3: Consent Agenda:

- (A) Final plat approval for Alamance County. The property is located at the southwest intersection of Stokes Street and Turrentine Street as shown on plans by Boswell Surveyors, Inc., dated October 2, 2014, and containing three lots.
- (B) Final plat approval for Clinton Wayne York, Jr. The property is located south of Longpine Road as shown on plans by Gary R. Parrish, P.L.S., dated October 14, 2014, and containing two lots.
- (C) Final plat approval for Cummings Place Townhomes. The property is located south of Edgewood Avenue and north of Colonial Drive, as shown on plans by Carolina Cornerstone Surveying, dated August 7, 2014, and containing ten lots.

Commission Member Mr. James Kirkpatrick made a motion to recommend approval of the plats. Commission Member Ms. Rebecca Lashley seconded the motion. The Commission voted unanimously to recommend approval of the plats.

ITEM NO. 4:

Mr. Scott Wallace presented an application to rezone from R-15, Residential District, to CR, Conditional Residential District for the use of 109 Townhomes and 56 Single Family lots. The properties are located on the east and west sides of Cappelquin Way and south of South Church Street as shown on Alamance County tax map 3-27 lot 196, a portion of lot 197 and Guilford County parcel identification number 8844088319.

Mr. Scott Wallace stated, I am the president of Keystone Homes with offices at 3708 Alliance Drive in Greensboro 27407. We pride ourselves in developing sustainable, attractive and enduring communities while constructing high quality homes using local tradesmen and suppliers. We are very proud of our Keystone Homes name and our communities. The request before you this evening is to rezone the subject property 40 plus acres from R-15, Residential District, to CR, Conditional Residential District. This zoning district will allow us to develop a first class premium active adult empty nester residential community. This community will be age targeted not age restricted. This better carefree lifestyle is what we are offering with the towns and villas at the Waterford community. It will be a low maintenance, near maintenance free with ranch, master down and two-level style homes that offer flexible and spacious living areas with luxury features throughout. Home owners will have exclusive access to the clubhouse; an expensive beautiful facility that is central located within the neighborhood. Over the last several months we have worked diligently with the Planning Staff along with the Burlington City Engineer, Burlington Public Works, City Traffic, Engineering, Burlington Water Resources departments along with the North Carolina Department of Transportation and many others in order to design and refine this premiere community. At the Waterford Clubhouse we've had two informational meetings with concerned neighbors. First on July 9th and the second on September 18th and we are having a third informational meeting on Sunday, December 7th at 3:00 p.m., at our existing West Ridge Forest Community in northwest Greensboro. You may ask why West Ridge Forest? Well we have mentioned numerous times that the Villa's at Waterford will be very similar in style and character to the West Ridge Forest Community. During our first meeting on July 9th we appreciated the level of interaction and conversations which resulted in a number of concerns and positive suggestions for us to take back to the drawing board. The major concerns seem to center around five key areas. First is traffic and the possibility of adding an entrance into the Town's area from Highway 70/Church Street. Second is traffic again and the impact from the Villa's traveling along Crestwell Drive. Third is the Towns specifically the location of the entrance of the Town's Community from Cappelquin Way. Fourth is the buffer area for the Town's that run along Cappelquin Way and fifth is the density and sales prices.

We went back to the drawing board and revised the design that addressed many of the discussed concerns. At our second meeting on September 18th we shared this revised development site plan and were pleased with the discussions and comments. Several of the revisions that we made after our first meeting was that We relocated the entrance into the Town's Community from Cappelquin Way closer to Highway 70/Church Street and further away from the other Waterford neighborhoods. This now aligns with the drive entrance into the Villa's. We added an additional entrance from Highway 70 into the Towns of which will require the construction of a left turn lane and other improvements along Highway 70. We removed a street connection from the Villas community that connected to Crestwell Drive. Now we have a T-turn around. We enhanced the buffer area along Cappelquin Way and the rural of the Towns by adding a raised barium of which will be heavily planted with trees, shrubs and other plantings and we reduced the total number of homes in both communities to slightly decrease the overall density.

For our Burlington site plan we redesigned for the overall density calculation per home is an excess of 10,750 sq. ft. of area nearly a quarter of an acre per home. We were then able to provide this redesigned development site plan to Kimley-Horn; a national transportation engineering firm. The traffic-impact analysis and a signal-warrant analysis as requested was to determine the potential traffic impacts due to the development of the Town's and the Villa's and to determine and improvements needed to mitigate

these impacts. We understand the anxiety regarding traffic that will arise as a result of this development and any development. Kimley-Horn studied this area extensively and prepared a traffic impact analysis and a signal warrant study. The signal warrant study was to determine if it warrants a traffic signal at US HWY 70/ Church Street and Cappelquin Way. The traffic generation potential of the development was determined using the traffic generation rates in the I.T. trip generation handbook. After this extensive study the T.I.A. recommendation was that a traffic signal was not recommended or warranted along the intersection of US Highway 70/Church Street. Along US Highway 70 in the new entrance into the Towns there at the Ashley Woods intersection it called for us to construct a turn lane along US Highway 70. Along the same intersection of US Highway and Ashley Woods Drive it suggested we construct an exclusive east bound right turn lane onto US Highway 70.

These are very costly projects. As we understand from Chuck Edwards with NCDOT and Nolan Kirkman of the Burlington Public Works and City Traffic Engineer who has thoroughly reviewed this TIA and agree with the findings and recommendations. As previously mentioned the Town's and Villa's will be constructed with high quality material and interior finishes of which would attract active adults and empty nesters. Generally empty nesters do not need the large homes any longer because many of their children have left the nest or for other reasons. However, empty nesters still demand very high quality homes with luxury finishes and other first class amenities. All Towns will be constructed of brick veneer on all four sides. The Villa's will also be constructed with all brick veneers on all four sides except in order for us to provide an attractive community appearance several of the Villa's, no more than ten may be constructed with hardy composite siding or stone veneer or other complimentary materials. However horizontal vinyl siding shall not be allowed within this community. Empty nesters will also be attracted to the community because the HOA will provide the lawn maintenance since they will have more time to enjoy the clubhouse, the pool and the outdoor green spaces. This will illustrate the high quality community we will develop here in Burlington. We're taking what we have learned and refined and enhanced in order to create an even better community here in Burlington. As you are aware the subject 40 plus acres are a much less desirable location than the other areas within Waterford as it is directly along the heavily traveled US Highway 70 across from a strip shopping center, adjacent to the Alamance Memorial Park Cemetery and lastly it is immediately adjacent to the Robins Mobile Home Park, a very unkempt, very un-attracted and very undesirable trailer park. Hence this Town's and Villa's community is the highest and best use for this immediate property.

Commission Member Mr. James Kirkpatrick asked, this property is currently zoned R-15?

Zoning/Subdivision Administrator Mr. Joey Lea stated, the 2 portions that are being purposed for a rezoning is currently zoned R-15.

Commission Member Mr. James Kirkpatrick asked, so both of these tracks that are on either side of Cappelquin Way is R-15?

Zoning/Subdivision Administrator Mr. Joey Lea stated, correct.

Commission Member Mr. James Kirkpatrick asked, so he is requesting that these two tracks be rezoned conditional to increase the density on the tracks of land?

Zoning/Subdivision Administrator Mr. Joey Lea stated, that is correct.

Commission Member Mr. James Kirkpatrick asked, I understand why you want to increase the density, my question to you is this; all of these people are sitting out here now, they purchased property in Waterford understanding that was R-15, I'm assuming that all of them knew that when they purchased, why can't you put in a development that matches that zoning requirement and not have all these people here?

Mr. Scott Wallace stated, I can't really speak on what was going on there or planned for there before but what we want as I was explaining is an active adult empty nester type community that is very desirable in this area and in order to do that we have to have enough to afford the clubhouse, the pool and the other amenities that we want to construct. It's been R-15 for a long while and there is quite a few lots left before this property and we do not build custom homes, we build active adult empty nesters homes. What has been advertised on that property ever since 2007 has been senior living and such. Two of those are showing intense uses, daycares and retail.

Commission Member Mr. James Kirkpatrick asked, you purchased these two tracks when?

Mr. Scott Wallace stated, we have not purchased this land. We have them under contract.

Chairman Mr. Richard Parker asked, what are the widths of the Villa's houses?

Mr. Scott Wallace stated, Generally speaking are 40 to 46 feet wide with a two car garage.

Chairman Mr. Richard Parker asked, part of your conditional request is moving the sidelines down to five foot?

Mr. Scott Wallace stated, 5 foot setbacks, yes sir. It will give a minimum of 10 ft. between structures which is well above what fire code and building code require.

Chairman Mr. Richard Parker stated, unless somebody builds a fence or something there. Can there be a fence between the houses?

Mr. Scott Wallace stated, yes there can be fences. That fence is subjected to being removed but yes fences can be built on the property.

Chairman Mr. Richard Parker asked, how would you get a pick-up truck in the back yard? If you had a fence there at 5ft sidelines think you could get through?

Mr. Scott Wallace stated, not if there was a fence there. We don't anticipate any pick-up trucks in the backyard but if they are that fence will have to be removed.

Chairman Mr. Richard Parker stated, tree services have to get back there occasionally when we have ice storms to take down trees and that sort of thing.

Commission Member Ms. Margaret Stephens asked, the houses are built on slabs?

Mr. Scott Wallace stated, brick foundation slabs &/or crawl spaces yes ma'am. We'll do a brick foundation wall and we'll pour a slab in that. It's not a monolithic slab where it's poured on top of the ground.

Commission Member Ms. Margaret Stephens asked, so no crawl spaces?

Mr. Scott Wallace stated, there are slabs and in general the active adult doesn't like steps, however, there are still some people who prefer a crawl space and we will do those from time to time. On the Villa's we will on the Town's generally we don't unless the land demands it.

Commission Member Mr. Earl Jagers asked, there's Twin Lakes, Abbyton Place and Abby Glens that feel the needs for empty nesters. Do you think that you are going for over kill here? Have you looked around the area?

Mr. Scott Wallace stated, we don't think it's an over kill. There are several options available. Don't know if you remember but we developed the Woods of Grove Park Community on South Mebane Street and we have had some good success there.

Chairman Mr. Richard Parker asked, you mentioned a specific price earlier, what is your price?

Mr. Scott Wallace stated, the prices that we anticipate in the Towns likely average in the mid \$200,000 range and we expect the Villa's to average in the mid \$300,000 range. We are very motivated to get to the high \$200,000 range and the high \$300,000 - \$400,000 range. I understand what I am saying right now is a concern.

Chairman Mr. Richard Parker asked, a question on the towns, where is your recreation area in this area?

Mr. Scott Wallace stated, the recreation area is shared by the Villa's and Towns.

Chairman Mr. Richard Parker asked, you don't have any space here for open recreation in the Town's?

Mr. Scott Wallace stated, we will have spaces between the Town's and Villa's.

Chairman Mr. Richard Parker asked, have you provided for any visitor parking here?

Mr. Scott Wallace stated, yes sir. As far as the parking within the Town section itself the required parking per the Burlington Ordinance is 164 spaces which is 109 units times 1.5 spaces per parking. We provided a minimum of 3 parking spaces for every Townhome and on the end townhomes we provided 4 spaces. So overall for this community we are providing 419 spaces versus the required 164 spaces for an excess of 255 spaces. We may or may not put additional parking in the community. We have found at Woods of Grove Park and other communities that sometimes those communities become the safe haven for cars that don't move anymore or other inactivity's that aren't conducive to the neighborhood.

Chairman Mr. Richard Parker asked, so if your property manager wanted to come out and inspect the property where would he park?

Mr. Scott Wallace stated, he could park at the clubhouse, one of the neighbor's property, he could park along the road if it's a short term nature.

Chairman Mr. Richard Parker asked, so no visitor parking areas out here?

Mr. Scott Wallace stated, if you are visiting someone in the townhome community it's ideal for you to park in front of their property so the visitor parking would be there. We thought about putting additional parking like a pull off but we run into enforcement problems at our other communities.

Commission Member Mr. Earl Jagers asked, I need a clarification, you said something about not having a traffic light need on highway 70?

Mr. Scott Wallace stated, that's correct.

Commission Member Mr. James Kirkpatrick asked, you said you had a meeting with all the folks sitting in this room and you came back and made some revisions in the development, was there a change in the density with the number of homes per acre in that revision?

Mr. Scott Wallace stated, there was a slight reduction. It was not as severe as the neighbors wanted?

Mr. Tom Terrell stated, I am from Smith Moore Leatherwood Attorneys at Law in Greensboro. I will only address four very short topics. The first is that map I passed around. You are going to hear from some of the citizens that they were promised something and this is something different. I placed that map in front of you because that's what the City was promised. When the original zoning was taking place that was the representation that was made to this Planning Board. So to that extent that is something of a bait & switch. I'm also going to talk about the Land Use Plan, traffic study and the promises that were made. With respect to the Land Use Plan I had understood from the staff report that the density was somewhat between 2 & 4 times the density allowed by the Land Use Plan. I received an email today saying that that Land Use Plan has been revised and that under that Land Use Plan the future Land Use Plan density could go up to 3.63 units per acre. But we're still at 4.28 units per acre, which is outside the Land Use Plan. You are in it or you are not. They are not so I wanted to point that out. Now if the Land Use Plan totally controlled it would make your job completely exempt. It is a check mark you have to go and consider but the fact is it is not within the plan. Second, the traffic study, I don't know how often you have opportunities to read traffic studies but on page 3 there is a diagram on what the level of service is going to be at the point that would serve this development. If you look at it, this is their engineer not somebody fighting them, this is their engineer. The traffic at Cappelquin Way and Church Street in 2014/8 is already going to be at level of service F. That is before you build this. Now what does level of service F mean? According to the Transportation Research Board of Highway Capacity Manual you designate intersections as operating at somewhere between A & F. If an intersection operates at level of service A you have less than a 10 second delay. If it operates at a level of service C it's between 15 & 25 second delay but when you get down to where your average delay is greater than 50 seconds you are operating at level of service F. That means there is a breakdown in the traffic flow. You do not ever want to be operating at level of service F, but if you go down one more box in this traffic study and you see what happens in 2018 when there is build out you go from 78 seconds to a 102 second delay which more than doubles the backup that you would have for a level of service F and that's at Cappelquin Way and Church Street. I've never seen a double F. The third thing is, I know that each of you received an invitation that looks something like this to come out and see what I don't dispute are pretty nice products. When Mr. Wallace was speaking I wrote these terms down "first class premiere active adult community", "low maintenance living with spacious living areas", "gourmet kitchens", "generous landscaping", "cathedral ceilings", "expensive beautiful clubhouse with pool", "fitness and exercise room", "2-car driveways" but the truth is they won't put it in writing. All they will say that is binding upon at this development is that the outside has to be somewhere between hardy plank and brick and it can't be vinyl; that's all. I could put up a small 1200 sq. ft. ranch house and meet those criteria's. They could buy this property on Monday and they could sell it on Tuesday and the next developer is only bound by that condition of it has to be brick or hardy plank and it can't be vinyl.

Mr. Rich Laingsburg stated, I live at 1340 Cappelquin Way. I would like to imagine that you are a professional, maybe a Doctor, a lawyer, maybe someone working in an industry, business owner or perhaps someone who has worked really hard all their lives to afford to live in a neighborhood that is actual is an actual gem. We chose this community over Chapel Hill or Greensboro because we work in Alamance County, we work in Burlington, we work in Elon or neighboring parts. We want our money to stay here in Alamance County and Burlington, pay taxes here. We imagined that this was a fine community; it was sold to us that way. It was sold to us as a community where we would live on roughly 4 tenths of an acre; our homes would be custom built or brick and a minimum of 3,000 sq. ft. We imagined this would be what happened in those other spaces that have yet to be sold. The ones that I believe were referred to as less desirable parts of Waterford, that would be by the way, the lot across the

street from where I live. The less desirable part is the part they want to put a bio-retention pond. It's one of six places they want to put a bio-retention pond two or three of which would be in backyards of some of my neighbors over here. I imagine a town that was not the density of the towns so many of us have lived in. We worked hard all our lives and for many of us this is the biggest investment we have. They have already said we don't build those high end custom homes, we understand that. Our homes are not built on slabs, his will be. We don't have a safe haven for cars that don't move anymore. We did have two informational meetings. I was out of town for the first one and I can't speak to that. I was in town for the second meeting that was called on 1 days' notice. I did go to that meeting with a couple of other people to only be told they have addressed our problems of density by limiting it from 170 to 165. That was their addressing of the density. They told us these houses could start at \$190,000 and would not necessarily be all brick. We are in homes where we imagined it to continue to be in the \$500,000 plus range, all brick, 3,000 sq. ft. minimum. We imagined this because this is what we were told when we moved in. There was no reason to imagine anything else and now we are seeing something completely different so I would ask you to not consider this and imagine the life we imagined which is one where professionals could live. We know how difficult it is for Elon to get people such as professors, administrators to live in this area. We know the difficulties for ARMC to do that and LabCorp. We understand that this is a gem. This is part of Better Burlington. This is part of Burlington's future if we do it right and keep it the way it is. It is one of the best recruiting tools we can have for our community.

Ms. Mary Margaret Harris stated, I live at 1058 Crestwell Drive. I teach business and accounting at Williams High School and I am also the director of the finance academy at Williams. I hold a North Carolina Real Estate Broker's License. I did my due diligence on the open space directly behind the house I ultimately purchased. My local realtor and I were comfortable with the constant message received from the developer, the selling agent and the neighborhoods website that the development would continue as presented. I teach my students about the inherent value of ethics and responsibility business practices in creating a thriving business climate. I believe that I along with each of the other homeowners in Waterford made my investment based on a set of promised developments plans, the exact ones which continue today to be seen on the welcome center sign and the Waterford website. Allowing this changing in zoning and the attempt at deception would convey that the Burlington City government exist only for its own benefit and disregards the reasonable protection of its voting citizens who fund their projects through their tax revenue. As Burlington and the Chamber of Commerce work towards bringing new business to the area there continues to be limited housing options for many of the executives and higher level of employees as Richard just mentioned. No matter how wonderfully presented the rezoning density and redevelopment mentioned here today, threaten the future of the most prestigious new home neighborhood in the county and that can still be seen as self-titled on our website the plan as originally promised will actually over time bring in greater tax revenue to the City then offered by what is the new bait & switch plan. When property valuation occurs in preparation for the 2017 update there will be further disintegration of the neighborhood and current tax revenue. I urge you to protect the future integrity and development of not just our neighborhood but also the City of Burlington by not rewarding unethical behavior and the intentional misleading's of your public.

Mr. Curtis Price stated, I live at 1048 Dunnmore Drive. My property is where the villas will be directly behind my lot. My wife and I purchased lot 33 in Waterford West in December 2012. During the process of that next year we sold our existing home and started constructing a custom built home in Waterford. That home was completed in April 2014 and we moved in on Good Friday. So Carol and I are the newest homeowners in Waterford West. We lived in our home less than 3 months when we first heard of Keystones proposal to totally change the character of the neighborhood. Needless to say we were somewhat surprised. I spent probably 1 ½ to 2 years looking at lots in west Burlington. I looked at several different developments, I looked at Mackintosh plan communities, and lots of different levels of homes weren't what I wanted. I talked to builders. I looked at Alamance County's GIS site. I looked at the Burlington zonings site, I looked at websites on Waterford at the lakes and talked to builders and found that everyone felt like with Waterford, if you built there you could hope that the value in your home

would be retained better than some other communities. As I did my due diligence I was pleased to see that not only was my lot R-15 but the lot behind me was part of Waterford and it was all zoned R-15, that played a major role in my decisions. Had I known that somebody with a conditional permit of R-9, actually there is a lot of it that is less than R-9, I would never have purchased that lot; no question. There was a purposed future development map on the Waterford at the Lakes website showing a subdivision on the property very similar to what that part of the development I am already in looks like. In fact that proposed development is still on the Waterford at the Lakes Website today. I'm well aware having worked in engineering for several years that purposed development layouts can change. Sometimes they change streets, sometimes they change lot lines but the hope is the zoning will not change and that it can be tweaked but not a total change in concept. Zoning in my mind is one of the few protections that a city offers its residents that the county does not. A lot of people build in the City because of those zoning protections that they have. You want that property to be protected from something going in that is not compatible next to you. The Town's and Villa's that Keystones are proposing are very dense construction while the number of units per acre may meet R-9 but I'm not specific on that. I can tell you based on Burlington's zoning requirements front setback is R-6 and the side and rear setbacks is even less than R-6. I have visited the Keystone office off West Ridge Road and the pictures they showed typically just show the front of the house. If you back up a few feet from that you see how close those houses are to each other and in my younger days I think I could have jumped from one roof to another. They are that close. It is really not the style of property development you typically see in Burlington. I believe that the high density development is out of character with our existing neighborhood and I think it would have an adverse effect on the resale value of my home. Waterford at the Lakes is the first development visitors see as they enter Alamance County on highway 70. Would you like for them to see roofs and a high density development or a continuation of the current development style at Waterford? R-15 zoning by law must be based on a comprehensive land use plan developed by the City. If that R-15 is not just a place holder it really means something and it was based on something. I would ask that you turn down this proposal and maintain this R-15 zoning.

Mr. Scotty Tanner stated, I live at 996 Tremore Club Drive. I am currently the president of the homeowners association representing the community of the East Side. The residents that have just spoken are from the West Side. I'm also part of the Burlington Housing Committee here in Burlington. This is one of my largest purchases and one of my biggest investments. Tonight I am speaking on behalf of a lot of the residents that I represent. There are a number of concerns. You will hear about density, traffic and quality. One of the concerns that you have not heard about tonight is the lake. Just to give a little information about the lake it is not a retention pond. It is a very large lake. Currently a Waterford Master Association has been set up that is paying for the maintenance and repair of the dam and the lake. The majority of those residents are the Waterford East. I think that how the by-laws are written now only two residents from the Waterford West pay into that fee. The obligation of the lake, the safety, the consideration, responsibility and liability fall on the East side residents. Mr. Wallace spoke a little about the amenities that the new community will have. He spoke about stepping out and reaching out to the pool and to the fitness areas. I would also say that the children and grandchildren will be stepping out to our lake and they will think that that is part of their amenities. There has been no consideration given to the lake. Currently you are looking at the person who controls the lake and trespassers. Currently we do have some signs that try to deter trespassers but come spring and fishing time it becomes hard to maintain that. The last point I will make is we also made an attempt to work with Mr. Wallace and the Keystone Development group. We established a Keystone Response Committee and I believe it was five members of the Keystone Response Committee that was set aside to work with Scott Wallace and the developers and we also had an attorney Matt Wall that we encouraged the group to work with. Instead of reaching out to those groups they sent out letters to the residents. They went behind the communication levels we setup. I would ask as the President of the East Side and the Waterford Association that you consider the lake. If it has not been discussed with the TRC and the Planning it's something that needs to be considered.

Ms. Mary Carter Speight stated, I live at 4414 Nire Valley Road in Burlington. My husband and I moved from northern Virginia about 3 ½ years ago. There were four requirements for our relocation upon retiring. One, we wanted to be near our family. I wanted to be near a university, hospital and near an airport. By us moving to Burlington I got all four. Looking at houses and subdivisions right off interstate 40, the traffic was not very heavy and the houses have space between them. They also are custom homes. We were given a map of the subdivision and plan for the future development. We are not against growth because we know it is the progression of any growing town to grow. We are against the density for homes desired to be built by keystone. The quality and how the traffic will affect the present traffic patterns. In Waterford we have about 12 new homes being built at this time, each one is different they add value to our community and it makes us one of the nicest communities in this county. This kind of growth will bring increase in property taxes for the country and city. More people will be helped by this. In my travels I have seen a lot of stables for boarding horses. When you go buy a stable and you look, they all sort of look alike. They have stalls with horses in them. We were not promised a row like the stalls you see in stables. We were promised something nice in a community called Waterford. We were not promised to have 180 townhomes and 56 single family homes in a space off of route 70 in the Waterford area. If I was a horse and I saw that many stalls and homes, I would run but if the horse runs he may get hit on route 70. So think of what you are doing when you add additional homes that number of homes with that number of people with that many cars that will come into our present subdivision. We are proud of Waterford and we want you to also be proud of us as well.

Mr. Ben Chasnis stated, I live at 1145 Lochshire Drive. It is off of Cappelquin Way on the west side of the neighborhood. I'm a physician, I grew up in Michigan and I actually moved down to Winston Salem to do a one year fellowship training. My plan was after that one year to return back to Michigan but I got down to North Carolina and loved it. I didn't want to move. The group I was doing the fellowship with had an opening afterwards and offered it to me. I joined on and was there about 5 years helping to teach other fellows. At the end of the fellowship year you are always looking for your next job so different fellows will go out and interview at different places. One of the fellows 2 years before I moved here, her name was Dr. Green and she interviewed with Kernodle Clinic. She raved about the opportunity and for her she kept saying it's an amazing opportunity but I feel like I need to live in Chapel Hill and I don't want that commute if I'm going to live in Chapel Hill and work in Burlington. She ultimately decided to take a position in a sub-burb of Nashville. She's happy there but that always stuck out to me as far as how impressed she was with the opportunity at Kernodle Clinic. So two years down the road my group was having some kind of internal issues and I had to make a decision either to become a partner or look for another position somewhere else. One of my good friends who is currently a partner there, encouraged me to look outside that group; it said a lot to me. Recalling what Dr. Green had said about the opportunity with Kernodle Clinic so I decided to look at that opportunity and interview. I was very impressed with the physicians, the care and the opportunity. I also recall her saying about living in Chapel Hill, so my wife and I looked at a number of neighborhoods and basically we really didn't see anything we liked until we went through Waterford. The home that we liked was in the process of being built at that time by Nick and Lee Wilson. We asked them about the fair amount of under developed lots on this west side. What's to prevent the developer from selling those lots at a cheaper price or devalue them or the current character of that area? They said one of the things you can be assured of is that the developer wants to keep that certain level of quality. He will not drop the price from where they are to make sure that the character of this neighborhood does not change. When we purchased our home we were told that current proposal was going to be a west side clubhouse and a west side pool there. That there was going to be tennis courts for the west side when a certain number of those lots are developed. That's the vision that we purchased. That's the vision that is making Waterford a growing community that it is. This is a thriving community. If I was looking at that community prior to moving here and I was considering whether or not I want to move to this area if that proposed density was in place I wouldn't have purchased in Waterford or moved to Burlington. So one of the other things that I am counting on now is I do conservative spine care and as many of you know or may not know, Burlington does not have a spine surgeon. So anyone that needs spine surgery in Burlington needs to go to Greensboro, Chapel Hill or Duke. They have to go out of town.

Kernodle Clinic is working with ARMC now Cone trying to get a surgeon in Burlington. It is a difficult task. The volume is here but we have had difficulty getting someone to live and be here. This past spring I interviewed a spine surgeon fellowship who has completed his surgery fellowship at Duke and he was looking at either Kernodle Clinic or going out west. One of the things he said was that there's no good communities to live in Burlington and I don't want to live in Chapel Hill so I won't have a 30 minute commute if I'm on call and I have to get in there. So I said, I invite you to my house, I think you will be impressed. I can guarantee that you will change your mind when you see the community that we live in. I feel as someone who is trying to recruit professionals to this area I can use Waterford as someplace that would appeal to them. I don't want to try and sell high density housing at Waterford that is not the same. I want you to consider that changing the zoning will affect the type of professionals that will want to move to Burlington. Burlington has a lot to offer people and I think that is an important part.

Commission Member Mr. James Kirkpatrick asked, do you know who currently owns that land that's in question tonight?

Mr. Ben Chasnis stated, Wade Williamson.

Ms. Meredith Miller stated, I live at 1208 Lochshire Drive in Waterford. I am the exceptional children director at Orange Charter School in Hillsborough, NC. I also work as an education consultant all through the triad. I'm here tonight to express my family's concerns with the proposed Keystone development in Waterford. We are strongly opposed to the development and ask that you seriously consider the negative impacts on the Burlington community. My husband and I have been residents of Burlington for over 15 years and bought our home in Waterford approximately 3 years ago. Up until about 3 years ago when we purchased our home in Waterford we really considered ourselves a transit family. We looked at other communities in the triad area that other folks talked about Greensboro, Chapel Hill, etc. However, when we found the Waterford neighborhood we became committed to living and growing in this community. We were confident it would be a nice and safe place to raise our two young daughters. There were many criteria that we considered, for our home is our single largest investment we have. My husband is originally from Huston Texas where there are no zoning laws so you can imagine we spent a significant amount of time doing our due diligence prior to considering where to buy a home. We reviewed multiple sources and researched the sub-division through the website. We reviewed the development plans at the sales office and asked questions of our builder about future intentions for this community. We were pleased to find out the land adjacent to our home was zoned R-15. As recently as nine months ago the current land owner of Waterford continued to talk the unique position Waterford holds within Burlington as well as the favorable economic condition for value of trying to sell us on purchasing larger lots on the western edge of the development over by where he is looking to establish estate lots. This land is now what is adjacent to Keystones high density proposal. We believed because of the zoning laws we would be protected. We fell in love with the fact that all the homes in the neighborhood were and would continue to be custom built homes with lower density. This information is what committed us to this neighborhood we would have never bought in Waterford if we thought that you would allow the zoning to be changed. The proposed development by Keystone attracts homebuilders that are different than what we were promised and what even now continues to be advertised by the developer. The Keystone high density track home builder will basically alter the characteristics of the neighborhood's related architectural ability as the size of the house being built and the lots will be greatly reduced in size. This will result in an increase in the number of residents to be built. This neighborhood does not have the infrastructure to endure such a high increase. Because Keystone is a high density track home builder the proposed development will reduce the value of our home investment. The devaluation of our homes is of great concern. As a family we have worked really hard to have the opportunity to live in a neighborhood that provides space for our children to play in the yard, walk thru the neighborhood and be safe. We were assured from more than one source that the integrity of the neighborhood would always remain the same. We never doubted that the acreage would be developed. We are only asking that it be developed as it is currently proposed. What you are charged with tonight is a spot zoning change in an already established

neighborhood. It's not the request to change the zoning to something nearby us or something adjacent to us but something in our neighborhood, something that is already being considered by this Planning board. We are asking the Burlington community to continue to develop the land in Waterford as it was designed. We respectfully ask that you deny the zoning change of the neighborhood.

Mr. Robert Norling stated, I live on 1004 Dunley Drive with my wife. Gene and I have lived all over the country from New England to the Midwest to California and briefly in Virginia. We moved here 2 ½ years ago and we like North Carolina. We really do. We decided to move to Waterford the subdivision in Burlington. We were attracted by the quality custom homes and the large lot sizes. We are empty nesters but we have family that come and visit and we sure like the kids in the neighborhood and we enjoy the families here. Empty nesters don't have to have small houses. Waterford East is almost fully built out. It's been very active even recently. The west is in process I think moving along by my view very well. We were shocked by the Keystone proposal to build track homes. We've lived many places and never have had a zoning problem before. The zoning cultures where we have lived in various states of places have been very stable. Although we did ask questions when we bought we were assured that the Waterford structure was going to stay. To put track homes and villas in, around and near custom built homes is a shock to us. This most certainly changes the Waterford subdivision, no question about that. It will reduce the property and home values both east and west but it will raise the value of these track homes that are in and around the custom homes. I believe the City of Burlington has an obligation to keep faith with homeowners. We looked at the plans 2 ½ years ago and it's very clear what the plans call for. We have made substantial investments in our homes. The approval of the Keystone plan will enrich a few at the expense of many homeowners. It will send a message to future potential buys that you cannot trust zoning in the City of Burlington. Thank you for your time.

Mr. Scott Wallace stated, I just know that Waterford is a beautiful community. In our minds what we are offering is very complimentary to Waterford. I understand and respect that we vary in our agreement of that. I feel very prideful of what we do. I think our track record shows it. I think just because we build a large number of houses doesn't mean we don't build good homes. I generally feel what we will be doing will complement the Waterford community as it will provide really nice transition of really nice high quality homes along a US highway of which is not as desirable as other areas. I have a lot of confidence in what we do.

Chairman Mr. Richard Parker asked, after all of this are you willing to make any consensus to this plan?

Mr. Scott Wallace stated, I would ask what consensus? There was a lot of information just shared; we cannot create Chapel Hill, Raleigh or Charlotte here. What we are trying to do here is to try and do something very nice in the City of Burlington. What we are proposing will not tax schools. We are proposing for active adults. We are not proposing homes in this community that will promote a lot of young families along highway 70, along beside the trailer park and along the cemetery. I feel the other large urban areas have very high density and various quality homes styles in nature that are adjacent to each other. I think the master plan communities today are designed to have complimentary surroundings.

Chairman Mr. Richard Parker stated, the master plans like Lake Mackintosh divide the community clearly and not butt them up to one another. That's what a master plan does. It has an entrance and the houses that are in this area are \$200,000 homes and across the street an entrance for \$400,000 homes and around the curve is \$1,000,000 homes. You are butting homes directly up to their homes with no separation except for some stormwater ponds.

Mr. Scott Wallace stated, we have no intentions of making Waterford Lake Mackintosh. There are large homes in Lake Macintosh that are for less fluent buyers with vinyl siding and box homes, there is nothing wrong with that. There is a different market type of buyers. Not everybody is lucky enough to be able to afford a \$300,000 or \$400,000 house. We have no intentions of creating Mackintosh at Waterford.

Commission Member Mr. Earl Jagers asked, in your area there on the western side of 70 close to the senior living that is proposed, isn't there a stream that comes through that area fairly close? I'm concerned about streams and groundwater.

Mr. Scott Wallace stated, there has been some environmental and some stream classification work done out there.

Commission Member Mr. Earl Jagers asked, before the first house was built in Waterford we used to walk to the lake. The stream that runs there and the water and sewer lines that run out that area will that be underneath the senior section there?

Mr. Scott Wallace stated, we don't think it does. There is a stream that is on our plan. We will do the correct thing when it comes to the stream.

Mr. Tom Terrell stated, these citizens are not against development at all and they would accept what is proposed originally. They are not against development.

Zoning/Subdivision Administrator Mr. Joey Lea stated, you heard there was a traffic impact analysis done. This analysis showed that there will be an increase in traffic. It did show the infrastructure is currently able to handle the increase in traffic. My understanding is this thing was done with a 4% build-out which is a larger increase than what is actually going to be built. The build-out in Waterford to the north across from 70 was all taken into account as to how it would affect the traffic. Again the TIA showed that the subdivision could handle the additional traffic. This has been through a pretty extensive review. It does have full Technical Review Committee approval based on technical functions. In your staff report I laid out the differences in the density. The Western Loop area land use plan calls for this to be medium to low density with R-12, R-15, R-30. This section of Waterford here that is currently R-12 was rezoned from R-15 to R-12 in 2003, which is in keeping with the land use plan. The numbers you are looking at in their proposal is if this were developed as R-12 which could be done by the land use plan. It's just a little over a half of a unit per acre increases in density. The increase in density to us was not significant enough for it to have an impact. If it was 2 or 3 more houses per unit per acre that would be significant. The original land use plan was adopted in 1991 which you know we are in the process of upgrading. The density for that area was 1 to 2 units per acre. There was a Southwestern Area Plan that was adopted 1995 that was more of a study in growth in the area. The Western Loop Plan was adopted in 2003 that changed the density from 1 to 2 units per acre that was originally under the land use plan to what could be 3.6 units per acre if it were approved or developed with R-12 which is the highest density that was recommended with the plan. The Western Loop Area Plan was amended in 2006 to reflect that changes that had been made that did not follow the original plan. To put that into perspective if it were developed as R-12, that would allow approximately 140 lots. This request is only 26 more units than what the R-12 would allow. So again the increase in density was not that significant. With that and with the technical review approval staff recommends approval.

Commission Member Mr. James Kirkpatrick asked, That is the R-15 that we are discussing with these two tracks and the difference between R-12 and what Keystone is proposing is an additional 26 units over 40 acres?

Zoning/Subdivision Administrator Mr. Joey Lea stated, correct.

Chairman Mr. Richard Parker stated, but this is an R-9 plan.

Zoning/Subdivision Administrator Mr. Joey Lea stated, it's between R-9 and R-12. If you look at the number of units as a whole, then divided by the acreage you come out to an average of over 10,000 sq. ft. per unit.

Chairman Mr. Richard Parker stated, some of these lots are 7,000 sq. ft.

Zoning/Subdivision Administrator Mr. Joey Lea stated, some of the lots are 17,000 sq. ft. Some are large and some are small. From our perspective the increase in density is not enough to recommend against the project. One part of this is a multifamily or cluster homes as they are often called. Keep in mind these are single-family dwellings, these are not apartments. These are townhomes that have individual properties. There will be a subdivision for each one of the lots. So they are all individual homes. Your increase in total numbers is not that significant between this and what R-12 would allow if it was rezoned R-12 which is in keeping with the land use plan.

Chairman Mr. Richard Parker stated, Mr. Wallace could you live with 26 less units?

Mr. Scott Wallace stated, we are all about working with the neighbors working together, that's what we do every day. We would continue to work with the neighbors but I would have to confer with my partner. I would ask if we were to reduce by 26 units would everyone be ok with that?

Mr. Tom Terrell stated, I think there is a misunderstanding. The difference between this site plan and the site plan you have in front of you is not 26 units. We're talking about the land use plan density. What's in Waterford west is closer to R-30 as a lot of those homes are as much as 30,000 sq.ft. lots. We are more than willing to sit down and talk with Mr. Wallace.

Vice-Chairman Mr. John Black stated, we are a volunteer group. We are appointed but the City Council and whatever we say or do will go to them. That being the case they look to us for our advice to help them out. This is a tough one and I have poured over this quite some time. I was even out there today driving around. I did that especially because I'm thinking 5:30 p.m. should be pretty busy. I saw one car the whole time I was there. What bothers me more than anything is I've heard "we were promised" over and over again. This is a zoning matter; we are not here to make somebody's promises right or wrong. We are entrusted by the City to try to come up with the best use of land. That is our purpose here. If you were promised the moon, I'm sorry there's nothing that we can do about that. That is a civil matter. It doesn't come up to us. What is the best use for that land when it comes to zoning? We've already heard from Mr. Lea that the zoning has changed in this community already. I understand working hard and not wanting someone to take it away. This is a difficult decision for us. I want you to understand that no matter what we do it isn't over. It goes to City Council. I don't understand why Mr. Wallace won't put in writing how these homes will be built. I agree in looking at the proposal that it's not written down. If I was to invest over there I would like a little more concrete evidence on that. Density being the question, zoning being the question and compromise being the question, I would like for everyone to work towards a common goal.

Commission Member Ms. Rebecca Lashley stated, when you sit down and look at it, Mr. Wallace said at the beginning that he didn't own the land that it is under contract so there is no obligation whether Keystone stays or another developer comes in. Whether they continue or not, this can be a long drawn out process and I encourage you to continue to fight and stand up against it but it may end today or you maybe back here in a year or another two years so sometimes it might be better to just take the lesser of the two evils.

Commission Member Mr. Earl Jagers stated, I like what John said, I really do. I don't know Joey could we table this to Decembers meeting and give them an opportunity without having to charge any more money?

Zoning/Subdivision Administrator Mr. Joey Lea stated, the Commission can do what it feels but I do believe the Commission should make a recommendation one way or another.

Chairman Mr. Richard Parker stated, I think so too.

Commission Member Ms. Margaret Stephens stated, as a real estate broker it's hard for me to go against restricted covenants. I have a hard time with that. That's what we sale, we sale restricted covenants. The thing that bothers me about the plan in place is that if there was a consistency in the lot sizes than I would feel a lot better about that but I see duplexes, I don't see single-family. Whenever we go out to represent properties we rely on restricted covenants and so that being said it's several places in here that refers to that. I believe that Mr. Williamson original intent was to have a high end community.

Commission Member Mr. Early Kenan, Jr stated, this for me is not a hard decision. For me I look at both sides. Mr. Wallace is in business to do business. I look at what the best interest is for this community in Burlington as a whole. He is in business to do business, we talked about compromise and the recurring theme was density, quality, traffic, devaluation of homes, breach of promise and I heard deterring future professionals from coming here. My decision will be based on the greater good and from what I see Mr. Wallace, you said it is under contract, what is easier to do? Maybe you could build elsewhere but my vote will be towards the residents. They are addressing their concerns and it's harder for them to meet in the middle. The decision is based on their homes and these traffic studies.

Commission Member Mr. James Kirkpatrick stated, Mr. Wallace you have been brow eat pretty good tonight. You are not the bad guy here. I've seen your developments and your developments are quality. I asked you a tough question out of the gate but you do good work. I think some more work needs to be done on this.

Chairman Mr. Richard Parker stated, I do not like the plan that has been proposed but I understand what Mr. Black said that there are other plans that can be proposed and can be presented and can be decided on. This plan to me is not good land use. I think it's too dense. So I'm going to recommend for a no vote on this project and I want you to go back to the drawing board and try and work something out differently with these residents.

Vice-Chairman Mr. John Black made a motion that the discussion will be tabled for 90 days.

Mr. Scott Wallace stated, we would prefer that the Commission makes a recommendation tonight.

Chairman Mr. Richard Parker stated, the motion dies for the lack of a second.

Commission Member Ms. Rebecca Lashley made a motion to approve the rezoning.

Chairman Mr. Richard Parker stated, the motion dies for the lack of a second.

Commission Member Mr. Early Kenan, Jr. made a motion to recommend denial of the rezoning. Commission Member Mr. Earl Jagers seconded the motion. The Commission voted 6 to 1 to recommend denial of the rezoning. Voting to deny the rezoning were Stephens, Kirkpatrick, Parker, Kenan, Jagers and Black. Voting against the motion was Lashley.

This was a City item.

New Business:

Zoning/Subdivision Administrator Mr. Joey Lea stated, the December meeting will be on December 15, 2014.

Director of Planning and Zoning Amy Nelson stated, I just wanted to remind you about the Council meeting that is coming up December 1, 2014. It is their work session. Planning and Zoning Commission members are invited and encouraged strongly to please attend this meeting. It's at 5:00pm, December 1. They will have a special meeting within that meeting. The UDO consultant will be there. They will introduce themselves to City Council and to you because it is very important you get to know them and then you. They will tell you about the process and they will go through a rough time line and give you information on things that have been found out since we started this process. Also, on Jan. 5, 2015 work session 5:00 that will be the meeting for the ideas for the UDO where they will put forth practices in planning across the county and get your feedback on ideas that are going on in the country. The Comprehensive Plan is nearing completion so we will have the initial public draft put forth on Dec. 4, 2014. Please take some time and look over and make sure it's on track before Council adopts it.

There being no further business to discuss, the meeting was adjourned at 9:05 p.m.

Richard Parker, Chairman

John Black, Vice Chairman

Kelly Peele, Secretary