



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

September 26, 2016

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

Richard Parker, Absent
John Black, Present
Early Kenan, Jr., Present
Ryan Kirk, Present
James Kirkpatrick, Present
Nicole Enoch (Alternate), Absent
Matthew Dobson (Alternate), Present

EXTRATERRITORIAL MEMBERS:

Earl Jagers, Present
Bill Abplanalp, Present

STAFF PRESENT:

Amy Nelson, Director of Planning and Zoning
Joey Lea, Zoning Administrator
Kelly Peele, Commission Secretary

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

ITEM NO. 2: Minutes of the meeting held August 22, 2016, were unanimously approved.

ITEM NO. 3: Mr. Henry Isaacson, representing Lidl US, LLC, to present an application to rezone from R-15 Residential District to CB Conditional Business District for the use of a Unified Business Development. The property is located at the southeast corner of Rural Retreat Road and University Drive, referenced as Alamance County tax identification number 106858.

Mr. Henry Isaacson stated, I represent Lidl US, LLC, and they own and operate a number of modern grocery stores. I would like to take a moment and introduce the members of the team who are with me this evening. Representing Lidl is Ashely Peace, she is the Director of Real Estate for Lidl; her office is in Raleigh. Ms. Lindsay Lock is Development Manager for Lidl; her office is in Raleigh. Representing Timmons Engineering out of the firm that has done the engineering work and the traffic study for this matter is Mr. Rick Baker and Mr. Adam Carrol. Representing the owner of the property at this time is Mr. Philp Wilson and Mr. Alston Wilson. If you would, please turn to the first tab of the handout I have given you. Tab one is the zoning map that you may already have seen. The subject property is outlined in red and this map enables you to see the large amount of commercial zoning across University Drive with all of the pink being commercial property you can see in this drawing how close the subject property is to the interchange of I-85 and I-40. The second page of tab one is an area photograph and again the subject property is outlined in red. That is the same area that is shown on the zoning map. Turning to tab 2, this is the site plan that was prepared by Timmons Engineering and has been approved by the City's Technical Review Committee. This illustrates the location of the grocery store on the subject property as well as one other building which would be for a retail user. The next sheet of tab 2 is a colorized site plan which allows you to see the same property without all the inner details of the previous drawing on that site plan. I ask you to note the right-in and right-

out access on University Drive and the full-movement access on Rural Retreat Road. Tab 3 is an extract from the traffic impact analysis that was also prepared by Timmons for Lidl on this case. I have extracted the conclusions and recommendations and if you are at that point and turn over to the second page that is the page after the cover sheet and look at the first bullet point which reads the addition of site generated traffic from the proposed development within the area has minimal impacts with respect to overall traffic operations. All signalized intersections and un-signalized intersections movements currently operate at acceptable levels of service and are projected to continue to operate at acceptable levels of service in the future without or with the construction of the proposed development. I do have a copy of the entire traffic study and a lot of it is facts and figures if you would like to look at it. There are some recommendations for turn bays on Rural Retreat Road and on University Drive which of course will be made should this property be rezoned as requested. Tab 4 is a series of photographs that I took myself of the site and the surrounding properties. Tab 5 is a letter from Scott Smith, he is the grandson of Cleo Smith and she lives behind the subject property. We knew going into this zoning matter and before we actually filed for rezoning we needed to talk with the Smith family about the rezoning not only to gain their approval and support for the rezoning but also that we would need an easement for utilities in order to make our project work. If you read Mr. Scott Smith's letter you will understand we have been successful in that endeavor and I think the family is solidly behind this project. The second letter is a letter which I wrote to another one of the neighbors a Mr. Michael Taylor whose property is right across Rural Retreat Road at the corner of University Drive; I wanted him to know about the rezoning if he hadn't gotten a formal notice from the City.

Ms. Ashley Peace stated, I am the director of Real Estate for Lidl US. As a former Planning Commissioner I want to thank you all for your service and thank you all for hearing our case this evening. Lidl US is the expansion of Lidl. We are headquartered in Germany and we are building grocery stores in the United States for the first time. We are in 27 countries and operate over 10,000 grocery stores across Europe, I actually got to visit a number of grocery stores in Ireland on a trip this past May and we are really looking forward to coming to the City of Burlington and looking forward to getting to know you all and being a good neighbor and being a part of the community. We would really appreciate your support and our team is here to answer any of your technical questions you may have about our site plan or about our proposal for the grocery store.

Mr. Henry Isaacson stated, to summarize, we believe this proposal is a good fit and will become an asset to the neighborhood as well as the overall community. Quoting the staff report, "this area of University Dr. has transitioned into a commercial corridor. The Conditional Business zoning designation is consistent with the Comprehensive Land Use Plan and is consistent with the land uses in the area." For those reasons and the reasons that we have spoken about this evening I would respectfully ask that you would recommend approval of this case to the City Council.

Commission Member Mr. Ryan Kirk asked, looks like an extensive plan for a tree line or vegetation planted along the Smith property. Is this your initiative or something the Smiths have negotiated?

Mr. Henry Isaacson stated, that is a buffer and in the conditions are noted that the required understory trees and shrubs in the buffer yard along the eastern property line shared with Cleo Smith, now or formerly, shall be increased above the required amount by 30%. That is a binding condition that goes along with the rezoning.

Commission Member Mr. Ryan Kirk asked, my concerns are the foot traffic with people walking along the road from the apartment buildings. You did nice by putting a sidewalk on your

property boundary but I can see more foot traffic along that narrow road, I don't know if this is something in our long term planning but could we put more towards sidewalks and connectivity in this area as we put more residential and commercial together?

Zoning Administer Mr. Joey Lea stated, depending on what happens next door there will be a need and sidewalks will more than likely be required as part of the development of the property next door.

Commission Member Mr. Earl Jagers asked, Joey, have you heard from Michael Taylor?

Zoning Administer Mr. Joey Lea stated, no.

Commission Member Mr. Earl Jagers asked, what about the noise from the dumpsters?

Zoning Administer Mr. Joey Lea stated, there is a noise ordinance for that and it is complaint driven.

Commission Member Mr. Earl Jagers asked, is there a need for a retention pond?

Adam Carroll, engineer with Timmons Group stated, we are actually proposing to do underground retention in the parking lot.

Commission Member Mr. James Kirkpatrick stated, I just want to say thank you for investing in our community.

Commission Member Mr. Bill Abplanalp asked, how many stores do you have in the United States?

Ms. Ashley Peace stated, we are German so we don't like to tell our competitors our secrets but I can tell you we do have a lot of grocery stores coming to the east coast, we are really excited about that. It is public knowledge that our regional distribution center in Graham is fully under construction. We will be bringing a lot of investment to the community and that distribution center will be servicing stores up and down the east coast.

Acting Chairman Mr. John Black asked, Mr. Lea did we receive any phone calls or comments from the public?

Zoning Administrator Mr. Joey Lea stated, I only had one phone call and it was just an inquiry with no comment.

Acting Chairman Mr. John Black asked, Mr. Lea, what is the staff's position.

Zoning Administrator Mr. Joey Lea stated, as Mr. Isaacson stated this plan has been vetted and approve through our Technical Review Committee for all technical aspects. Our recently adopted comprehensive land use plan calls for this area now to be commercial use and as this area of the corridor has transitioned to commercial use. Staff is recommending the rezoning.

Commission Member Mr. Earl Jagers made a motion to approve the rezoning. Commission Member Mr. James Kirkpatrick seconded the motion. The Commission voted unanimously to approve the rezoning request.

ITEM NO. 4: Mr. Jerry Parker to present an application to rezone from I-1 Planned Industrial District to CR Conditional Residential District to allow construction of a three-story, 32 unit apartment complex with a six bay garage and exercise room. The property is located at 1041 Cedar Crest Drive, referenced as Alamance County Tax identification number 133126.

Mr. Jerry Parker stated, I'm here to request a conditional rezoning for what is now a trailer park on Cedar Crest Drive. It is about a 2.5 acre lot and has the capacity for 15 trailers. Right now there are only 4 trailers on the property. One trailer is occupied and one more may be livable but is in bad shape and the 2 other trailers on the lot are not livable. What I am proposing to do is build a 3 story building with 32 units of luxury apartments. I feel like this will be a considerable upgrade of the property as it presently stands and is an ideal place for apartments. The lot is next to the highway patrol station and is visible from both sides of the interstate on the east bound side of I40/85. I've had my plans submitted to the Technical Review Committee and they have approved them. I did a market analysis before doing these apartments and I found that all the apartments we had checked in the nearby area had 95% occupancy or better which is a pretty good sign. A lot of those apartments were 10 buildings or more and 200 plus units on up to over 300 units. I'm only proposing 1 building with 32 units. I don't feel like that will alter the rental market here in Burlington. I think it will be a good fit and a good upgrade of the property.

Commission Member Mr. Ryan Kirk stated, we have seen some apartment proposals that are very dense with the number of units and few parking spaces. You seem to have a very nice balance of a lot of parking spaces. I want to confirm if this is below the density that could be built on this property.

Zoning Administrator Mr. Joey Lea stated, Mr. Parker is requesting is 15.9 units per acre. If it were MF-A that comes out to 14.5 units per acre if you average it on all 2 bedroom units. Multi-family density is based on whether you have 1, 2 or 3 bedroom units. If they were all 1 bedroom units his actual number would be 35 units. If you go up to MF-B it goes up to 26 units per acre averaged on two bedroom units so he is in the ballpark of the MF-A based on his density request. He is asking for 3 more units than MF-A would allow if they were all 2 bedroom units. However, that would fluctuate if he had some 1 bedroom units. His request is not anything extravagant.

Commission Member Mr. James Kirkpatrick asked, what is across the street?

Zoning Administrator Mr. Joey Lea stated, Alamance Foods is getting ready to build a huge facility there on the corner and Kayser-Roth is on the other side of that which again is another plus because you have 2 major employers right there. That would be an added benefit to walk down the street to go to work.

Mr. Jerry Parker stated, I already own several apartments in the area and this isn't something I'm jumping into for the first time.

Acting Chairman Mr. John Black asked, Mr. Lea have you received any phone calls or comments about this rezoning?

Zoning Administrator Mr. Joey Lea stated, no sir.

Acting Chairman Mr. John Black asked Mr. Lea, what is staff's position.

Zoning Administrator Mr. Joey Lea stated, the comprehensive land use plan calls for a mixture of industrial and residential uses in the area. This particular property, as Mr. Parker stated has

been in use as a multi-family type use as a mobile home park since 1960. It is and has been nonconforming since this area was brought in under our zoning. Staff believes that the utilization of this property into a multi-family apartment complex is in keeping with what's already there. There is residential down the street so it fits within the area and staff is recommending the rezoning.

Commission Member Mr. James Kirkpatrick made a motion to approve the rezoning. Commission Member Mr. Earl Jagers seconded the motion. The Commission unanimously voted to approve the rezoning.

There being no further business to discuss, the meeting was adjourned at 7:36 p.m.

Richard Parker, Chairman

John Black, Vice Chairman

Kelly Peele, Secretary