



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

February 27, 2017

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
Matthew Dobson (Alternate), Absent

EXTRATERRITORIAL MEMBERS:

Earl Jagers, Absent
Bill Abplanalp, Present

STAFF PRESENT:

Joey Lea, Zoning 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 November 28, 2016, were unanimously approved.

ITEM NO. 3: Mr. Lawson Brown to present an application to rezone from R-15 Residential District and I-1A Planned Industrial Residential District to CR-Conditional Residential District for the use of a 120 unit Multifamily Apartment Complex. The property is located on the north side of Bonnar Bridge approximately 415 feet from Danbrook Road referenced as Alamance County tax identification number 106951.

Mr. Lawson Brown stated, thank you Mr. Parker and members of the Commission. I have with me tonight my partner Mr. Brian Moffitt who is going to give the particulars of this development. Also, wanted to introduce Dennis Eules, who is the general contractor that Buck Hill Village has chosen; also, Aden Stoltzfus who is the engineer that has appeared before you before. Mr. Eules and Mr. Stoltzfu can answer questions that Mr. Moffat and I may not be able to answer for this particular request.

Mr. Brian Moffat stated, Good evening Mr. Chairman and the Board. As Mr. Brown stated Buck Hill Village, LLC is the applicant entity who is applying jointly with the current property owner at Real Property Holdings, Alamance, NC, LLC to rezone parcel number 106951 from R-15 and I-1A to Conditional Residential in order to develop a 120 unit multifamily apartment community. I'm going to go over some of the particulars and after that I would be happy to answer any questions you may have and to address any thoughts the public may have to share about this proposal. The goal of this developer is to provide a true upscale product aimed at younger professionals that are an up and mobile demographic who might have the means to be a home owner but prefers the convenience of apartment living that offers a welcoming atmosphere and a more town like community feel. The 120 units are made up of 36 – 1 bedroom units, 72 – 2

bedroom units, and 12 – 3 bedroom units. The community will feature a lot of great amenities including a clubhouse, leasing office, community space, pool, multiple outdoor grilling areas, pool house and fitness center, recreation area and a fenced in area for a dog park, carwash bay, covered parking, and the works. Interior and exterior of the development will be constructed with all primal building products with masonry, hardie plank, and cedar shaved siding on the exteriors and granite counter tops, wood like vinyl flooring and stainless steel appliances on the interior. To this end Buck Hill Village will be on par with the Mackintosh on the Lake Community and its various neighborhoods in terms of appearances and community amenities only in multifamily form. With that the developer seeks to create an impression befitting of the Mackintosh Community along the Bonner Bridge Parkway transition from the Western Loop to that residential area in the Mackintosh neighborhood. From a technical perspective the development as you see on the site plan is made up of 5 – 3 floor residential units separated according to code. There will be 230 parking spaces with some covered. Grading and erosion control methods will confirm to code and all impervious surface runoff will be managed through the proposed stormwater pond reflected on the site plan. Also, upon recommendation and approval by the City Council we will seek to have the property be annexed into the City limits when it is appropriate. To specifically address the City, the property is 9.6 acres which makes up about 420,000 sq. ft. of space and under the codes density requirements for this particular unit mix only 348,000 sq. ft. are required. That excess space will allow for the developer to provide an additional 50 residential units if the layout of the buildings were to be changed however the people of Buck Hill Village have prioritized the neighborhood feel that they are seeking to promote. By offering lower density and not cramming as many units in there they can seek this end. Management wise Buck Hill Village will be managed locally by hands on and visible industry professionals with extensive experience in multifamily management and development. In addition to the day to day affairs, management will be responsible for carrying out the developer's objective by selecting residents in a quality of quantity manor. While the developer hopes to maintain a healthy occupancy rate; he will not sacrifice applications standards in order to do so. Each applicant will be screened by way of full criminal background check, credit check, leasing history, and will be required to provide references which will be followed up on by management prior to any lease agreements being entered into. Land use wise it's our position this property couldn't be developed any more efficiently than what is being proposed here. In terms of the ways this segment of Western Loop has developed in the last 10 years and in light of the way other portions of the Western Loop are continuing to develop it just makes the most sense to allow for multifamily residential development on this property. In the last 10 years the commercial prospect for this parcel has sharply declined. Real estate professionals that have represented clients of listed properties in the area will tell you the commercial interest has fallen off of that south side of the interstate. It's mostly commercial activity as you know has become more concentrated there to the immediate north side of 40/85 and then on the south end of 40/85 on Huffman Mill. Travelers in traffic seeking commercial needs in that area aren't exiting south and if they are they are going to Huffman Mill there on the south side or north to Alamance Crossing area. The fear is if this lot is preserved for commercial development it could fall subject to another strip center that proposes the threat of becoming obsolete or just harboring tenants that don't really have much to offer the immediate or the intermediate surrounding areas. From a safety standpoint, as far as the Mackintosh neighborhood is concern with Buck Hill Village you got a vetted and screened set of neighbors. With single family you can have anyone move in, you could have anybody move out and there is really no control over it. With commercial you have a significant kick in traffic, you have the general public coming in and it just opens up to threats that I know the neighbors are not welcoming to nor would anyone be. This been through the TRC process and the traffic engineers have evaluated it and have determined that any traffic impact of this development is miniscule in comparison to the alternative commercial as I noted and then what's planned to come in the Mackintosh area the traffic impact for this development is rather light. There have been open lines of communication from day one of this project

between folks like Mr. Randle in Roanoke with Buck Hill Village, Mr. Coble, Mr. Eules, Lawson, myself, Mrs. Nelson, Mr. Lea, the rest of City staff. We reached out to Alamance Burlington School System with Highland Elementary being across the street; discussed with Dr. Todd Thorpe, Assistant Superintendent of Facilities on any impact that our facility may have on Highland Elementary or the surrounding districts. We've engaged the Mackintosh Community, they welcomed Mr. Brown and I out to their clubhouse where we introduced the project to them and we had a nice discussion about some of their thoughts and concerns with the proposal. It's important to Burlington to offer these types of multifamily housing community options as they are becoming more of the norm. Like I've stated time and time again the developer seeks to offer desirable product to a productive segment of our community and to bring value and a welcoming presence to the Mackintosh Community.

Chairman Mr. Richard Parker stated, Mr. Moffat you haven't addressed the variation concerning the sign.

Mr. Brian Moffat stated, the developer is requesting 1 double sided monument sign be placed outside the clubhouse leasing office area. Code does require the sign to be restricted to 40 sq. ft., we are requesting that size be increased to 60 sq. ft. and that is because given the development has over 1200 ft. of road frontage along Bonnar Bridge we feel it would be appropriate to have an increased sign a little bit bigger than the standard 40 sq. ft. Ideally we would like to have a sign at each entrance but in an effort to compromise in that regard we've requested an increase from 40 sq. ft. to 60 sq. ft. which we think is appropriate with the amount of road frontage and given that there are two entry ways. It will be tastefully designed and otherwise will confirm to the code requirements.

Chairman Mr. Richard Parker stated, my concern is we approve one 60 sq. ft. sign here the next guy is going to want one and then the next guy will want one and so on.

Mr. Brian Moffat stated, I understand that concern; the unique situation we are in here is just an expansion piece of property with quite a bit of road frontage and it really needs every inch that it can get as identifying itself. That is the only signage that this development is going to have, with 5 residential buildings, 3 floors apiece; it's not a small undertaking. That's why we think with the sign is appropriate.

Vice-Chairman Mr. John Black asked, is it your contention that upper level mobile people have trouble reading; that they need a 60 sq. ft. sign to find something rather than a 40 sq. ft. sign? I don't see the need to increase that sign otherwise I like the concept. I just don't see any need to increase the sign, if that's a deal breaker so be it.

Mr. Brian Moffat stated, certainly it wasn't the suggestion of anyone's ability to read it's just rooted in the expansion, the size of the property, site development, and to have significant identification.

Commission Member Mr. James Kirkpatrick asked, it's just for esthetics is what you are saying?

Mr. Brian Moffat stated, esthetics but also you have a lot of space if you have somebody drive by they can see what is there.

Chairman Mr. Richard Parker stated, I think people will be able to tell its apartments when they drive by.

Mr. Brian Moffat stated, yes we hope nice apartments but yes I'm sure passerby's will know its apartments. That's where the 60 sq. ft. sign is really needed.

Chairman Mr. Richard Parker asked, what does Mr. Brown have to say?

Mr. Brian Moffat stated, we can forgo the 60 sq. ft. sign if it's a deal breaker. Just wanted to explain where it was coming from.

Commission Member Mr. James Kirkpatrick asked, you had meetings with folks at Mackintosh?

Mr. Brian Moffat stated, we have sat down with their Resident Action Committee.

Commission Member Mr. James Kirkpatrick asked, what was the reaction from the residents from you prospective?

Mr. Brian Moffat stated, I'll speak for Mr. Brown and myself and we felt encouraged by their reaction to it and we understand that is a very carefully planned neighborhood. We wanted their honest reactions and if what we got was their honest reaction then we feel like this is certainly something that will be workable for both sides.

Commission Member Mr. James Kirkpatrick asked, specifically what were the residents comments?

Mr. Brian Moffat stated, traffic first and foremost. Additional traffic, we took those thoughts back and met with Mr. Stoltzfus. He took it and spoke with traffic engineers he works with and the capacity there is more than sufficient to handle what this development would be projected to bring on in addition to what is coming in Mackintosh or as an alternative what could be there commercially.

Commission Member Mr. James Kirkpatrick asked, what are the residents going to tell us as far as their concerns?

Mr. Brian Moffat stated, I expect traffic to be an issue and school traffic in the mornings. Those were two primarily things we took away from the meeting with them. When it comes to the peak hours of our proposed development and the school traffic in the mornings our peak hours are out going and the school traffic is in coming. Our Buck Hill residents are going to be challenged with their left turn down on Bonnar Bridge. Will school traffic be heavy, yes, is that when folks we expect to be leaving Buck Hill in the mornings, yes but again Bonnar Bridge being 2 lanes with a middle left turn lane there, there is plenty of capacity to handle this development. I think what this development brings to the area given the capacity of Bonnar Bridge to handle the traffic there shouldn't be any major setbacks.

Mr. Lawson Brown stated, one thing that we heard that absolutely amazed me is that the City of Burlington and the Burlington Alamance Schools did not make this campus walkable. Mackintosh is the largest single residential neighborhood that has been approved since I've been here in 42 years and there's not walk ability. One of the mothers stated the school in fact does not let the students walk to school. Everybody else in the world other than the Burlington School System would have to build a sidewalk when building the school, I don't understand it but that's the situation that Buck Hill finds itself in. We are putting sidewalks and we're doing what the code requires, but that was one thing I came away with that didn't make any sense.

Commission Member Mr. James Kirkpatrick stated, I understand.

Chairman Mr. Richard Parker stated, this is a public meeting and we understand there are probably several people from Mackintosh that would like to speak, what we normally like to happen is for the group to have a spokesman if that is possible to present the case but if not this is a public meeting and everyone is welcome speak but for the purpose of the meeting we don't want everybody to say the same thing over and over.

Mr. Ricky Bell stated, I live at 4470 Bonnie Loch Drive in the Lake Mackintosh all the way in the back on the other side of the clubhouse. He made our point for us as far as the traffic goes. Bonnar Bridge is a single lane road into Mackintosh and single lane out and you have the turning lane in the middle for people to turn to go into the school. He didn't even mention the fire department with their new station right there that's going to be a problem. You've got a kindergarten that is maybe 500 ft. down the road or so that generates traffic. How he can determine the amount of traffic that is going to be leaving Buck Hill unless everyone is working a 9-5 job I have no idea. When they come up they will have to turn left with traffic going into Mackintosh. They will have to watch that then they will have to turn into the traffic coming out of Mackintosh so that's 2 lanes of traffic that they will have to watch. Depending on how far into Mackintosh they put their entrances there is a school zone right there. They will be turning into a school zone which is 25 mph during certain times of the day so that's going to be a problem. As he said our kids are not allowed to walk to school so if anyone moves into Buck Hill that has a child that goes to school they will need a school bus to come across the street to pick the kids up. Even if you had a school guard there they could walk across the street but they can't walk into the parking lot because there are no sidewalks around to the school; that's one problem there. My second concern is University Drive into Bonnar Bridge, you have a single lane road to the right side to turn into Bonnar Bridge and what you have there is a right turn that takes you into Dan Brook. What happens is everyone is meeting the right turn and turning into the left lane which is illegal. You make a right turn you have to stay in the right lane cause the traffic coming north on University can make a left hand turn while you are making a right hand turn so consequently you could have 2 cars coming together right there. We are getting ready to add about 600 more single family homes in the Lake Mackintosh combined with what we already have and its going to be a tremendous amount of traffic coming in and out of those 2 areas. What I am proposing is we widen that entrance off of University making a straight forward 2 lane road to come around into Bonnar because right now it's only a single lane road. If you stay in that right lane you've go to Dan Brook and pass Cox Toyota. You have to move over to go into Bonnar Bridge. We need that to be a 2 lane road all the way into Bonnar Bridge to accommodate the amount of traffic that will generally be there. That area is a very popular area May 1st – May 12th is Tent City, remember Tent City last year? When the church came out there and brought thousands of people coming in and out, that's about to happen again in May. Almost 90% of those people visiting last year had to park at the school and they were bussed over there. I don't know how we are going to deal with all this traffic, it was almost impossible to get out of my neighborhood to go anywhere. I almost had to go out the backway and go out Springwood Park to get on the highway and come all the way around to go somewhere and it was the same way coming back. Single lane road is just not going to make it, we need that intersection widen. We are not against the complex, however, this past Thursday was our first meeting we had and as long as they have been dealing with it they didn't contact us.

Chairman Mr. Richard Parker stated, thank you Mr. Bell, are there any questions from the Commission; thank You Mr. Bell. Joey, improving that intersection is DOT, correct?

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

Chairman Mr. Richard Parker asked, this road presents a problem in the future DOT may consider doing a project like this.

Zoning Administrator Mr. Joey Lea stated, I don't know the original design but the maximum amounts of homes in the Mackintosh neighborhood is 2,077, that is the most they can have. Currently we have 1,277 approved lots not all of them are built upon so there is probably another 1,000 homes that will be built out there.

Chairman Mr. Richard Parker asked, so the traffic is going to increase?

Zoning Administrator Mr. Joey Lea stated, I'm going to have to assume that the improvements made along University at that intersection was done with Mackintosh in mind. I'm assuming that amount of traffic was taken into consideration in the design of that intersection but if not and it became bad DOT would probably look at it and make some changes.

Mr. Allen Blinn stated, my name is Allen Blinn and I live at 4027 Comrie Lane in Mackintosh on the Lake. I just wanted to bring up the point that the firehouse opened up on Bonnar Bridge 6 months or so ago and was there any consideration to put any traffic controls in front of that firehouse? Meaning a yellow flashing light that could be tripped when the fire trucks have to exit the facility because one of the two entrances coming into the Buck Hill facility and will be directly across if I'm not mistaken from the driveways going to the firehouse. There's two driveways that come out and one is wide enough for the trucks for the 3 bay station and one drive is there so you can come in and park. With this amount of anticipated increase in traffic I think it would be advisable to look at putting up some sort of traffic controlled light. In other states they would have in front of the firehouse a flashing yellow light when the trucks leave they can hit a button and it turns the light red and it stops traffic on both directions so that the trucks can get out and on to the emergency and also when they come back to the firehouse so they can get back in the station in a timely fashion.

Commission Member Mr. James Kirkpatrick asked, Mr. Lea, is that something DOT does or is that Councils decision?

Zoning Administrator Mr. Joey Lea stated, when the fire station was developed I don't know if that was looked at and it maybe customary in some other places but the sirens and the lights are going to be on before they even hit the road.

Chairman Mr. Richard Parker stated, yes there are some towns where they are very prevalent and then some where it's not. We don't have any blinking lights at any fire station in Burlington.

Vice-Chairman Mr. John Black asked, Mr. Brown was there a traffic study done for this project?

Mr. Lawson Brown stated, there was not a traffic study done with this. We have discussed this and have been working with the staff a long time and went to pre-TRC with the DOT participating and the City's transportation experts participating on this. They have not requested one based on the information that Aden has supplied us, based on our reading. The incremental increase was minimal. I will say while I'm up here that the design of this project is being built by Mr. Eules and is the same as Alexander Point that Mr. Eules completed in Mebane. Those units just sold for the most of any apartments that have sold. This is about a 16 million dollar investment. There will be utility fees going to the City of Burlington but we have really worked hard with the Staff to make sure that we are bringing something of quality before you. I think this is a very quality development. I'm sympathetic through the Tent Revival because that really did generate a ton of traffic out there and it is a short reprieve from Dan Brook to University but

again that was the design for Mackintosh. In talking with the rep for the bank that owns the property that we are dealing with he is active on the site and I asked him about those 600 houses and he thinks the build out rate is going to be about 5 years minimal. Maybe longer than that. While there will be a build out at some point it's going to take it awhile to get there.

Commission Member Mr. James Kirkpatrick asked, is there a similar apartment complex in the community or surrounding area that I could use for a reference?

Mr. Lawson Brown stated, Alexander Point right beside the new post office in Mebane is exactly the same plan that Mr. Eules is using.

Commission Member Mr. James Kirkpatrick asked, that the same owners have? Is this the first apartment of this ownership?

Mr. Lawson Brown stated, no and no. Mr. Crandle who is the principal is a lawyer in Roanoke, VA. He has been very interested in the long term investment of the interstate corridor I40/I85. He looked at this property several years ago and look at some other properties then he came back to this property.

Commission Member Mr. James Kirkpatrick asked, does he currently have one somewhere?

Mr. Lawson Brown stated, in Roanoke he does.

Commission Member Mr. James Kirkpatrick asked, so he is an apartment developer in Roanoke?

Mr. Lawson Brown stated, he is a lawyer who invests in real-estate. He does have other units.

Mr. Ricky Bell stated, as you heard him say they did not do a traffic study. I'm curious the gentleman said they will build 2,000 houses in Lake Mackintosh but they only put a single lane road there, how did they think those people were going to get in and out of there?

Chairman Mr. Richard Parker stated, Mr. Lea what is staff's recommendation?

Zoning Administrator Mr. Joey Lea stated, this property being between University Dr. and Mackintosh and is just barely inside the Western Loop Overlay. That's 1,000 feet from the center of University Dr. which barely just touches this property. What that means unfortunately is that they are supposed to meet the overlay requirements. In regards to the signage, the Western Loop Overlay requirements are not conducive to commercial or multifamily development; it wasn't meant for that. Every commercial development out there has B-2 signs not overlay signs. It's not unusual with this being residential you can have a sign up to 64 sq. ft. in a residential subdivision that's for the subdivision, so that's not uncommon. I'm not trying to persuade you just trying to give you a different perspective. As far as the use is concerned you have multifamily to the north, multifamily apartments to the east and of course the multifamily development that is within Mackintosh. It is consistent with the uses in the surrounding area with the conditions that have been stipulated by the applicant staff recommends approval.

Chairman Mr. Richard Parker asked, are we going to put the condition in about the 40 sq. ft. sign?

Vice-Chairman Mr. John Black stated, if I make a motion I will. Joey, did you receive any other calls other than those comments represented tonight?

Zoning Administrator Mr. Joey Lea stated, I only received 4 calls just inquires. No one had anything to say one way or the other.

Vice-Chairman Mr. John Black made a motion to approve this rezoning without the sign meeting the 60 sq. ft. but instead meeting the 40 sq. ft. requirements. Commission Member Mr. Bill Abplanalp seconded the motion. The Commission voted unanimously to approve the rezoning request.

ITEM NO. 4: Mr. Scott Wallace to present an application to rezone from R-9 Residential District to CR-Conditional Residential District for the use of a 172 lot residential subdivision. The properties are located east of Brassfield Drive and Fernway Drive and south of West Old Glencoe Road, referenced as Alamance County Tax identification number 170825 and being a portion of lot 140023.

Mr. Scott Wallace stated, I am president of Keystone Homes, Keystone Group Inc. We have been developing and building homes at the Brassfield Meadows Community for several years. This is the next phase of that subdivision and we are close to being out of lots in the phases we have now. The density of what we are proposing here is 2.4 homes per acre; we plan on continuing the same style homes that are in the area. The market has rekindled some and this is a great neighborhood for entry level or first time homeowners. The homes are affordable in the area. We mailed out 134 letters to all the neighbors and we heard from 5 of them. There wasn't really any concerns just wanting to know what we were doing and we explained that we were doing the next phases of the Brassfield Meadows Community. The only request we had was they didn't want apartments out there. We gave them the reassurance that we were not putting apartments out there. We have been working with TRC for some time now and I understand that we are still working on 2 issues. First one is with the cluster box mailbox location. The US Post Office does not allow us to do individual mailboxes for new communities so they want us to cluster them. We have been working with Lenny Rhew and TRC to get a good design for that. Secondly our consultants are still working with DOT about any improvements that will be required on Lakeside Ave. and I think they are still working on the timing of that. NCDOT has pretty strict guidelines on where a turn lane can be and if it is needed. I would say this is a good example of affordable conservative design.

Zoning Administrator Mr. Joey Lea stated, Mr. Chairman I have something for the Commission. This came in this afternoon through email. I believe Mr. Wallace has had correspondence with this person. If you would read that, he wanted his concerns expressed if he couldn't be here tonight.

Chairman Mr. Richard Parker stated, Jeff Post called to communicate his questions/concerns with the Planning Board regarding the Keystone request. He resides at 1950 HWY 62N which is on the border of the city and the county. His property is the first property over the city limits on the county side which abuts a creek. He has resided there for over 10 years and has seen flooding in the creek increase with the surrounding development. He would like to know for sure from Keystone that expanding will not impact his property. He has communicated with Keystone and they were responsive, he wants the Board to know that even minimal stormwater increase will affect his home, he is happy to see the expansion however. What kind of stormwater control will you be imploring on this project?

Mr. Scott Wallace stated, I have been in contact with Mr. Post. We've been emailing back and forth. We gave him any assurances that the additional post development stormwater verses per development stormwater will be very diminishing. It would be in a manner that would not significantly impact any flooding and it might not even impact it at all. I'm not an engineer so I

cannot speak on that. What we are doing is a low density development in the fact that it is in the 2 units per acre range and there is 70 some acres there. And I think the area we are developing on is only 17 acres. We always want to make sure we are responsive to our neighbors and we are always going to make sure we provide adequate stormwater controls. We are unable as anybody is unable to guarantee what would be and how it will affect in inches of initial flood.

Chairman Mr. Richard Parker asked, there are no stormwater devices on this property is that what you are saying?

Mr. Scott Wallace stated, the stormwater devices are all in the flood plain area towards the south of us. I'm not an expert at this and I think the best way to explain this is that our consultant will work completely with the City of Burlington and fully meet any and all the stormwater guidelines.

Chairman Mr. Richard Parker asked, Joey what are the stormwater rules, weren't we going to put stormwater devices in the new neighborhoods?

Zoning Administrator Mr. Joey Lea stated, all of that has been looked at thru TRC and the stormwater is being address through the subdivision. You don't have to put stormwater devices on every property; it's based on the design.

Commission Member Mr. James Kirkpatrick stated, that's an impervious soil issue that doesn't concern land use at all.

Zoning Administrator Mr. Joey Lea stated, right. He meets those previsions; it has been addressed in TRC.

Chairman Mr. Richard Parker asked, so is Mr. Post's question been answered?

Zoning Administrator Mr. Joey Lea stated, I believe so.

Chairman Mr. Richard Parker stated, Mr. Wallace I will butt heads with you again. This is an R-9 neighborhood that you are butting up to and I take issue with these 7,000 sq. ft. lots and the 5 ft. side setbacks. Now I know they have been approved this in other areas but if you go into those areas where these 5 ft. sidelines are approved and actually look at the sidelines, people have put air conditioning units, they put little fences up, and they put planters and so forth in their sidelines to where you can't even drive a bicycle between these houses. I think 10 ft. is the rule that we have gone with in Burlington for many years, I know we have made exceptions but I'm putting my foot down on this tonight. I'm not going to vote for this because of your lot sizes and your sidelines, I would request that you go back to the drawing board and make this an R-9 neighborhood like the one that is next door in Brassfield. This is a continuation of Brassfield and they are all R-9 neighbors over there and I'm saying this neighborhood needs to be an R-9 neighborhood. Is there any accommodation that you could make?

Mr. Scott Wallace stated, I respect your opinion and I don't want to buttheads and all though it says 7,000 sq. ft. I think the smallest lots are in the 8,000 sq. ft. range and they go all the way up into the teens of the size of the lots. What we are trying to do is balance building a community that will be affordable that we could develop the community, build the homes, sell the homes for an affordable rate. When you start building more roads that's not necessary especially this day and time because of the raw material prices are a lot higher.

Chairman Mr. Richard Parker stated, I'm not asking you to build more roads I'm asking you to increase the lot size to 9,000 sq. ft. and above and to do away with this 5 ft. sideline requirement.

Mr. Scott Wallace stated, the lot size and the setback will indirectly affect the lot width, they make them larger. But that makes it much more expensive to develop. What we are asking for is what we are doing in the City now like the community Lake Mackintosh creating this large successful community in Burlington. There are lots in there that are 40 ft. wide or 50 ft. wide. I respectfully ask for your support on this.

Vice-Chairman Mr. John Black stated, the Brassfield section over there is R-9 as of right now and they were sold as R-9? The anticipation was any development added on later on would be R-9?

Mr. Scott Wallace stated, no sir. We didn't make any representation to anyone on what the future phases would be.

Commission Member Mr. James Kirkpatrick asked, Joey, the staff approves this zoning request on what grounds?

Zoning Administrator Mr. Joey Lea stated, this is a prime example of what is being proposed in the UDO which is a variation of lot sizes. It's taking our traditional R-6, R-9 and they are grouping them together. Where if you have an R-9 property you can do R-6, R-9 and this is an example of that. I said proposed because this hasn't been approved yet. They are larger and wider than some in Mackintosh and the 5 ft. setbacks have been utilized with minimal issues. Some had to figure out they had to put their HAVC units in the back of their homes instead of the side of the house. That was a learning curve for us as well. It has worked and that is why we don't have a problem with that. With the size and overall density here if this were R-15 property it would allow 2.9 units per-acre, they only have 2.4 units per-acre. If it was that allows 7.6 units pre-acre. So the density is within our requirements. That's the reason staff has recommended approval.

Chairman Mr. Richard Parker stated, I mentioned this in one other hearing we had concerning this; my true concern is handy men and tree men 20 years down the road. They will build the homes, people will move in and they will plant trees in their backyards and then in 15 years from now we will have an ice storm that will crush all the trees and the tree men have to get back there and remove the trees and grind the stumps and they have 5 ft. to get a truck back or to get a grinder or some kind of machinery or the roofing crew to change the shingles. They are going to have enough room for the truck pass through. I just think 5 ft. in a residential subdivision is too close to the property line and doesn't give any consideration to workers in the future. I built a house on a very small lot but I had to have 10 ft. on each sideline to meet the requirements to build my house. I don't think that is too much to ask, I know it cuts down on the number of lots they may be able to improve.

Vice-Chairman Mr. John Black asked, were there any phone calls on this?

Zoning Administrator Mr. Joey Lea stated, I got 11 calls on this and all of them from folks inside Brassfield, none of them had an issue with it.

Commission Member Mr. James Kirkpatrick made a motion to approve the rezoning. Commission Member Mr. Early Kenan, Jr. seconded the motion. The Commission voted 2-3 and the rezoning request was denied. Voting to approve the rezoning request were Commission

Members Kirkpatrick and Early. Voting against the motion were Commission Members Abplanalp, Parker and Black.

ITEM NO. 5:

Mr. Herb Coleman to present an application to rezone from I-3 Heavy Industrial District to CB-Conditional Business District for the use of a 70 Unit Apartment Complex. The property is located at 612 South Main Street referenced as Alamance County Tax identification number 135508.

Mr. Herb Coleman stated, I am with Clachan Properties, LLC. We have done a number of projects in North Carolina now this will be our 5th project in NC. I've probably done 15 or 20 of these textile mills adaptable reusability so we know the complications you will run into. My architect unfortunately couldn't make it tonight and so I'm here. What we have is this old hosiery building that is zoned industrial and under the current zoning what we intend to do with the building does not comply. We are proposing 49 one bedroom apartments with an average of 632 sq. ft. apiece, and 21 two bedroom apartments that average 927 sq. ft. We have done this a lot and so we know in urban settings the units are slightly smaller than they are in the suburbs. We are the folks that did Winston Factory Lofts in Winston-Salem and it has been a tremendous success that changed the feel of living downtown. Of those planned I think 20 are loft units so you have nice high ceilings and you have these saw tooth configurations so we are going to put lofts in the saw tooth. The actual landmass is 70,000 sq. ft. and you need 105,000 sq. ft. to comply with zoning. So it was recommended to do a conditional rezoning which will relax the square footage in the area of the land and also we need on street parking. I think your parking requirement here is 1.5 per unit; we don't have 1.5 per unit today. We probably have 60 onsite parking spaces with 70 units. Practically speaking from a lender perspective in market ability we probably need about 90 so we will need your help at some point to get additional parking either around the building or an adjacent lot but tonight we are committing 60 spaces so we don't comply with current zoning. We are asking for relief on the onsite parking and we will hopefully be able to deal with that at a later date to get us up to the 90 or 100 spaces that we practically need. Just a little bit about the development itself we are heavy in amenities, we are market rate developers so these units will be granite counter tops, stainless appliances, exposed duct work and brick, very New York lofty feel. Stained concrete floors and there will be fire pits, outdoor pet park, no swimming pool cause the site is not large enough for one. There will be a nice clubhouse area, onsite fitness center, there will be no commercial at this time but that could change in the future. We feel like you have enough commercial down the street. You have enough opportunity with some vacant store front for the commercial you need so let's get the peoples bodies down here and that will put 100 people on the streets and that will help with downtown. That is what happened with Winston-Salem, we put 350 bodies on a street and it revitalized downtown. I guess what I am asking tonight is to support the conditional rezoning to give us the relief on the area and also the parking so we can move forward with the project. We are still in the study period of the project so this is a make or break thing tonight.

Commission Member Mr. Bill Abplanalp asked, the parking concerns me, do you have any plans to lease a parking lot for offsite?

Mr. Herb Coleman stated, we are talking to Joey tomorrow morning. We know from experience you've got to provide at least 1.5 spaces per unit so I want to talk with Joey about the perimeter around the building. We think you can get 30 approximately parallel parking on the street around the building and there is a city owned lot across the street.

Chairman Mr. Richard Parker asked, could you not use the grassy area to build one of those retainer walls?

Mr. Herb Coleman stated, that's big money, retaining walls are very expensive.

Chairman Mr. Richard Parker asked, can you bring parking off the street on the street level?

Mr. Herb Coleman stated, we are hoping to put the dog park or outdoor area right there. Due to the economics of it we're trying to use the existing parking lot that we have and trying not to disturb the land as much as possible. If we can work out a proposal with the City to get another 30 spaces or so I think that would satisfy what we need. We are the guys that did the Forsyth County Courthouse right in the heart of Winston at Fourth and Main. There is no City requirement for parking in downtown Winston but we knew that would be a big issue for our tenants so we basically went out and leased parking from an adjacent lot and passed it to the tenants. If you can't get bank financing, the bankers won't believe this project will be viable with no parking in 20 years after being built up. They won't go forward with the project if we can't nail those extra 30 spaces down, it's that important.

Chairman Mr. Richard Parker asked, how many stories will this be? Will it be a 1st floor/ 2nd floor?

Mr. Herb Coleman stated, it is a 2 story building and on the main floor, there's really a basement and a main floor. In the basement only half of the basement covers the entire side of the building.

Chairman Mr. Richard Parker asked so there won't be any apartments on the west-side underground?

Mr. Herb Coleman stated, there will be because they have lite wells. There were light wells that were built into that basement along half of it. The light wells sit up about 6 ft. in the air and they are pretty substantial.

Chairman Mr. Richard Parker asked, can you get out in case of a fire out of a light well?

Mr. Herb Coleman stated, we will have to talk with Joey about that. We've got them in Winston-Salem and we meet the fire egress. They are not accessible light wells, they will be very similar. They should be fine because they will be code compliant. The building will be sprinklered and that's another code requirement.

Vice-Chairman Mr. John Black asked, if parking is a make or break here then why are you coming to us before you have that acquired?

Mr. Herb Coleman stated, if you will support that it will give us our legal requirement and then I can break off and get the practical requirements that we will need from the marketing perceptive and from the banking perceptive with the other 30 spaces. We are asking for relief on the legal side of things and we are working on the practical side of things. There is plenty of parking along the street but I don't like that idea, I would like to have a lease in place so our tenants have a designated place to park.

Chairman Mr. Richard Parker asked, what are you going to do with the chimney?

Mr. Herb Coleman stated, keep it, got to keep it. We're using historic tax credits and so the parks service will basically oversee what we do to the building and they are very focused on windows and things like chimneys, that's their hot button. All the bricked up windows will be replaced with insulated glass. I would encourage you to go to Winston-Salem at night now and drive

down Main Street, past Winston Factory Lofts and it is spectacular, it lights up the whole area of town and it has really changed the feel of that city.

Commission Member Mr. James Kirkpatrick stated, sir I have seen your work and it is impressive.

Mr. Herb Coleman stated, we are excited. We have the horse power to do this. We have done \$150 million dollars' worth of these mills. We've been doing it 10 to 15 years and we have the horse power so I wouldn't worry about that it's just all the pieces have to fall into place like the parking, the zoning, the landmark, tax credit, etc. It's a process that will take about a year to 18 months before we can start construction and it will take about 12 months to construct.

Chairman Mr. Richard Parker asked, do you think you will have a market by then?

Mr. Herb Coleman stated, we've done a market study. We are concerned about the number of units in the Alamance Burlington area both that exist and on the drawing board and over supply. These buildings are so unique they are one of a kind and they are in a class by themselves. Also the location is downtown next to Lab Corps and its only 70 units. We are thinking the rent on the 1 bedroom units will be about \$875-\$925 and the 2 bedroom will be about \$1150-\$1250 range. You tend to get a little bit more for rent in the urban areas.

Chairman Mr. Richard Parker stated, over \$1.00 sq. ft. that is pretty steep.

Mr. Herb Coleman stated, yeah and you've got to have that. The cost of building these mills are so expensive. You've got to have high rent, landmark is critical, and then you've got to have your historic tax credit program for the mill credit.

Commission Member Mr. Bill Abplanalp asked, could you possibly have the parking issue resolved before you go to City Council?

Mr. Herb Coleman stated, we could sure try. I would love to have it resolved.

Mrs. Jessica Pasion stated, I'm the new Executive Director for Burlington Downtown Corporation and as a resident of Mebane I am so excited to say I'm really excited about this project. I'm ready to sell my house and move to downtown so that I can walk to work every day. I recently read a study and I wanted to bring this to your attention that 40% in areas like downtown Burlington are ready for renters. I gave a guest lecture at Elon University last week and surveyed 20 people and said if there were really cool loft apartments in downtown Burlington how many of you stay there rather than travel up north and every person said they would stay. Your question of will there be a market I think there is already a market. I am respectfully asking you all to recommend this proposal.

Ms. Jane Davis stated, I am Jane Davis and I'm the Board President for Burlington Downtown Corporation. We are working really hard to revitalize downtown and we are excited to have this type of a project right adjacent on the outskirts of our MSD district. A lot of the businesses downtown stand to benefit from this greatly from having more people living downtown. With more people living downtown businesses tend to thrive as well as it brings more opportunity to have more businesses that want to be a part of our downtown and fill up some of the empty buildings we have at this time. We are excited that someone wants to come in and utilize this old building and respect the architectural style that we have in that old mill and not tear it down and revitalize it to make it into a space that people would want to come and live. I think it is a great opportunity for Burlington, I know the studies show that people from the age 24-35 they want to

rent and not buy. They want to walk to a grocery store; they want to hang out at night with a social life by their home where they can walk.

Zoning Administrator Mr. Joey Lea stated, this proposal is consistent with the area land use plan, we are excited about it and think and it is an excellent opportunity for the property and the building.

Chairman Mr. Richard Parker asked, do you think you will be able to work with the developer on the parking?

Zoning Administrator Mr. Joey Lea stated, even if they don't lease that is something we will have to talk with other folks about because of possibility of leasing spaces but there is ample parking there in the parking lot and we're looking at adding more spaces along the street. They are only 45 spaces short on the property and they can well make that up and then some with what's around it. Yes, I believe that it can be worked out but I'm not sure it can be worked out before Council but I do think it can be worked out.

Commission Member Mr. James Kirkpatrick made a motion to approve the rezoning. Commission Member Mr. Early, Jr. seconded the motion. The Commission unanimously voted to approve the proposed amendment.

There being no further business to discuss, the meeting was adjourned at 8:36 p.m.

Richard Parker, Chairman

John Black, Vice Chairman

Kelly Peele, Secretary