



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

October 23, 2017

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

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

EXTRATERRITORIAL MEMBERS:

Earl Jagers, Present
Bill Abplanalp, Present

STAFF PRESENT:

Amy Nelson, Planning Director
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: Amy Nelson, Planning Director, to discuss consistency statements with the Commission.

Planning Director Mrs. Amy Nelson stated, what you do on a normal basis for rezoning's is going to be slightly altered from this point forward due to a new tweaking of the general statues. What we're going to do is have you look at consistency statements that council makes, they will still make one but we will be giving them some guidance in what they can use for their language. It will go according to however you determine each case, recommending it to council, or recommending denial. You will be guided by the staff in the process until you got it down. We will try to give you some suggested wording, at least as far as the staff recommendations goes. You may tweak it however you like, or reject it and make your own entirely. I have a very brief explanation in your handouts, and you have three options to choose from. The first option goes for anything you would recommend to council. The second is for recommending rejection, and the third is to recommend approval and as you can see there is a list that you can add too, but basically it is an approval as well. I would recommend staying away from option 3 because it is so long and confusing, and unnecessary because anytime you make any recommendation on a rezoning, especially if its approval, you're making a change to the comprehensive plan and the third one says "you are making a change to the comprehensive plan".

Chairman Mr. Richard Parker stated, basically we have two options then.

Planning Director Amy Nelson stated, basically, we can do that. This took effect on anything that was submitted on October 1st, 2017 and after. So, the cases you are hearing tonight will be the first. I will guide you through, I have some recommended language for option 1 and if you choose to recommend rejection then we will figure it out together.

Commission Member James Kirkpatrick asked, so what this is saying if we approve something, then we have to tell you why we approve it?

Planning Director Amy Nelson stated, basically. However, just so you are aware and don't feel so pressured, you have to make a statement of some sort but it cannot be used against you in court. So it doesn't matter what you say, you just have to make some sort of statement, and then that goes to council and then they can use what you have written or reject it.

Commission Member James Kirkpatrick asked, when something comes before us and we go okay, we will approve this but we want a 10 foot fence instead of a 6 foot fence?

Planning Director Amy Nelson stated, that's not what this is.

Commission Member Earl Jagers asked, we are going to have the comprehensive plan here with us so that we can sight a section?

Planning Director Amy Nelson stated, no.

ITEM NO. 3: Minutes of the meeting held September 25, 2017, were unanimously approved.

ITEM NO. 4: Mr. Greg Garrett to present an application to rezone from R-15 & R-9 Residential District to CR Conditional Residential District for the use of a 42 Unit Townhome Development; the property is located at 2945 Alamance Road referenced as Alamance County tax identification number 114544.

Mr. Greg Garrett stated, I work for Shugart Homes and our office is located in Winston Salem, 221 Jones Town Road 27104. I am excited to tell you about our project, but tonight is a little premature. We just went through the past couple of months with the Technical Review Committee for Burlington and we finally have a set of plans that everyone has agreed to but there is a lot of details left that need to be worked out. As you can see there are a lot of neighbors here and there are probably a lot of questions and concerns that I can meet with the neighbors and workout so that we are not spending a lot of time here in the public hearing session and for those reasons we respectfully request a continuance on this case.

Mr. Garrett there are a lot of people that came out tonight for this and they made plans to come and changed their schedule. What does the Commission have to say about this?

Commission Member Mr. James Kirkpatrick stated, I think it is a great idea for them to have to sit down and have a conversation rather than have the conversation up here. That would give him great feedback on what he needs to do so maybe there is a third of as many people here or no one here. That would be the ultimate goal.

Mr. Greg Garrett stated, I have met with the neighbors that are immediate to the property but once you kind of get out of that first layer I have not had time to meet with those neighbors. We can run with it tonight but I think it is in everybody's favor to continue it.

Chairman Mr. Richard Parker stated, tell us about your project?

Mr. Greg Garrett stated, we have a proposal of 21 twin-home units for the property. These twin-home units are a product we have built throughout the Triad and it has been very successful. It is

a targeted for basically empty nesters and retirees so all of our marketing is geared towards those people that are ready to downsize and move out of their big homes and get into one level living and the HOA will provide all of the maintenance of the grounds. To be clear it is a for sale product. The units are going to sell starting at in the \$220,000's and the square footage of the units will range from 1,500 sq. ft. to 2,200 sq. ft. They will be all 3 bedroom, 2 bath, and 2 car garage units. Like I said we have built this type of product all over the Triad and we typically see 50% - 60% of our buys come to closing with cash. They don't get a mortgage because again they are downsizing so they just sold their big home that they raised their family in and so they have a lot of cash and they come and that is what they purchase the unit with. Many of the property owners are looking to kind of settle down and have more of a leisure pace of life and for that reason they have a pretty low impact on transportation. They don't go out during the work commute hours they wait until the roads are clear then they go and do their shopping. Many of them will go visit their kids who are in other places in the country and will be gone a couple weeks on end. It is really a good use for this property. As you can see we are less than a half mile from the interstate and there are several attached housing communities in the area. You are not talking about having a lot of kids in the neighborhood because again we are targeted towards the empty-nesters. In all of our history you will occasionally have a couple of buyers that might have a kid or two but it is very much geared towards empty-nesters. One of the statistics that our traffic engineer points out is that with this type of product the number of trips generated are less than if this was like a single family community. The plan you have in front of you tonight is in compliance with your land use plan. We're talking about a density that is less than four units an acre. The reason why we are doing the conditional use is because of the attached nature of the units and density. The density is in compliance with the land use ordinance and plan.

Chairman Mr. Richard Parker asked, what's the distance between unit 10 and unit 11?

Mr. Greg Garret stated, that is 15 feet of separation between the two buildings.

Board Member Mr. Bill Abplanalp asked, where would the air conditioning units be?

Mr. Greg Garret stated, we typically put the air conditioning units on the side.

Chairman Mr. Richard Parker asked, how do you get a truck through there?

Mr. Greg Garret stated, the truck typically goes to the back.

Chairman Mr. Richard Parker stated, I am talking about a fire truck. If the air conditioning is there you can get between them with a fire truck.

Mr. Greg Garret stated, usually the fire truck will service it from the front with their hoses.

Chairman Mr. Richard Parker stated, unless the fire is in the back.

Mr. Greg Garret stated, yeah but this is in compliance with your land use plan.

Chairman Mr. Richard Parker asked, where's your visitor parking?

Mr. Greg Garret stated, the visitor parking will be assisted by every unit having a two car garage and you have storage capacity in the driveways and the driveways are double width as well. Technically, you could get four cars parked per unit. However, like I said these buyers generally have two cars and that's it. They will get visitors, but the visitors will parking in their driveway.

Chairman Mr. Richard Parker asked, what if the city inspector comes out there and needs to check something on the grounds, where is he supposed to park?

Mr. Greg Garret stated, he can park in the road.

Chairman Mr. Richard Parker asked, then how's the fire truck going to get through?

Mr. Greg Garret stated, these kinds of questions have all been looked at with the ordinance by TRC.

Chairman Mr. Richard Parker stated, what we normally see up here is people come to us with plans and every inch of land is used up. Excess land is used for parking, and if you lived out there and you had three friends come over for a BBQ, where is the third friend going to park. There is no excess road for parking, and it seems to me that you're filling this land up with every single possibility for home and not thinking about the future or peoples real needs. For example, what if the association manager came out to make an inspection, there's no place for him to park.

Mr. Greg Garret stated, all I can tell you is that with our past experiences and we have been building and developing for fifty years, this is a product that we have come up with in the past twenty years and we have been building that long as well. We will survey our buyers and find out what they are looking for and having this overflow parking has not been an issue in all of the communities we have done up to this point. I do hear you and the road is a public street and you can park on the side of the street and the street will be built to Burlington's standards. I'm not asking for a variance to that. I have a pavement section that is 27 feet face to face.

Mr. Bradley Sulecki stated, I live at 2933 Alamance Road in Burlington. We are the older stone home that was built by Emily and John Black. I did prepare comments and I will try to get through these as quickly as possible. My wife Kim and I live there with our daughter Molly who is 8 years old. Our home was built in 1937. Part of this plan is to take out a couple stone columns. Although they don't belong to us, they are certainly important to us and a lot of folks in the community. When we look at this development we see an oddly laid out track to me community and feel that it is in conflict with the character of the most of the homes that surround it. We don't oppose development; we know development can be very good. We do oppose rezoning that is going to allow such a dense population. Right now the driveway or the road, we have three households. That includes us, the Powell's and the Hoffman's. Every morning just trying to get out taking our daughter to school includes terrible traffic on Alamance Road. It's compounded in the summer months with the produce stands across the street. You're competing in two directions, and Sundays now are getting busier because of the new Lamb's Chapel Ministry near the airport. We were surprised to find out that TRC did not require a traffic study given the potential impact here. There has been multiple accidents near the curb near our home that have included a number of fatalities and one of those has even happened in the past four or five years when we have lived there and there were many before that. In addition to the highway safety, we also have concerns about our personal safety. Our driveway will now be off of this new road that is cut through there. We struggle now with people turning around in our driveway and pulling behind our house and pulling in our front yard. So, when you're putting a driveway off this new main road, just imagine the people that are going to mistake our driveway for part of the development and get stuck and have to turn around again. Our eight year old daughter plays in the backyard and when people try to turn around at the back of our house it is a blind spot. Safety is a paramount concern to us and is our biggest concern. We value our privacy as I am sure that everyone does, as you can see in these plans we have units now that are 25 feet from our daughters playground, our backyard and pool. We will be looking into patio homes and I'm sure they will be looking back at us as well. There is a minimal landscape buffer, and we

understand that it could be beefed up, but we feel that the houses between the existing brick home in our backyard, the distance from one another is unfathomable that they even fit. They do on paper at least. For us there is no clear separation to better the integrity of the existing homes where the development weaves all through there without clear separation. We are sure this will have an impact on values, not sure what it would be but we certainly don't think it will be positive. The last thing that we were curious about is on the plans it states a temporary grading easement and site easement are to be obtained by the developer.

Mr. Tom Powell stated, I live at 3001 Alamance Road. I lived there for eleven years and knew Bruce and Mary Harris that owned the property. They are deceased. However, they were in their eighties and active as anyone I know. To make the statement to put old people in there that are not going to go anywhere I think is probably wrong. What I encourage anyone to do is to come to my house and stand at my front door and I will show you what you're going to be looking at. So, if you were to come my property, and I am landlocked, if you look at the diagram I am at the lower left. I am completely landlocked and I have a deeded right of way through the Harris property to Alamance Road. Right now I look into a field with deer and trees and it is beautiful. From what I understand from the plan there is going to be a severe amount of grading required to the property to put slab homes on and as a result of that it is going to lower the land and I'm not sure how far but maybe 3,6,8,9, feet to put a retaining wall in. So from my property I'm going to be looking out and then an 8 to 9 foot drop-off and I have six children and a grandson. I would like to understand the safety concerns around that. To me it looks like I am going to be on the hill and what looks like a target in front of me. I am going to be looking across at a commercial or residential roof and I think if you look at the character of our neighborhood today there is a lot of really nice, well kept, pristine homes and has a very country feel in the City of Burlington. I think that this will completely overturn that. If you do not understand the traffic concern, you can get in our car at 7:45 and try to come out on Alamance Road and a lot of people don't realize that is 45 mph coming from the interstate. There has been major fatalities at that curve and it is extremely dangerous. If you are talking about old people then that might put them in danger as well. I don't think any of those things are consistent with the neighborhood today. Everyone knows each other, we get along, there's no noise, it's just beautiful and I encourage you to come out and look at it to see that this would greatly disrupt that. We are in no way shape or form in favor and can see no good come out of it other than economic gain by someone else.

Chairman Mr. Richard Parker asked, and how do you get to Alamance Road now?

Mr. Tom Powell stated, that red line allows me to have a lifetime guaranteed right of way and I share that with the Harris Property. You have three homes coming onto the road today and I think it will be a lot of work to do this and it is a very wooded property and I can't imagine what the clear cutting will do, how many trees I will lose, and how it will change the whole overall look and most people don't know my house exists back there. Now I would be looking at 41 or 42 dwellings with I'm going to guess 80 cars.

Mr. Stephen Hoffman stated, my name is Stephen Hoffman and I am here with my wife Shannon. I live at 2955 Alamance Road. Our concern is kind of the same as the other neighbors and to talk about the density of houses in this current situation. I know in some of the literature they list that their recommendation is because of this being close to grey gables, which is listed on the map a little further down. The catch is with grey gables there is 15 lots, and of those only 9 are used. When you look at that, which is not a whole lot of density. We are looking at 41 units and that is a lot of cars and again is a very fast road. That is a scary situation and somebody will get hurt.

Mr. Richard Winningham stated, I live at 2913 Alamance Road. One of the things that I have a problem with is the water runoff. You have the trees and everything in the back and the ground of our condo back there stays wet. One of the really hard rains caused the water to be 4 foot above the bank on one side. So, if you add all this extra runoff with a pond that is supposed to be there for the runoff, I don't know how much of that will be stagnant water and that is the main point I had.

Ms. Mary Laverne Albright stated, I live at 2907 Alamance Road. I lived there ten years ago with my husband and he just about got killed making a left turn.. We sold our house to our son out in the country and he died of course. I have been back over there two years and there has been four wrecks and I am on the front right next to the house. There is traffic and I try to go to Church to the left and only one time I had to go to the right and go to the stoplight at Grand Oaks to turn around to go to Bible Baptist Church. I know I may not have many more years left but I don't want to get killed in front of my house. The traffic is awful, some days I count 20 plus cars and then they start coming from the other way as well. It's unreal, I am retired and but I am going to go out when workers go. You wouldn't believe it till you live there.

Mr. Jason DeBoer stated, I live at 2400 Eric Lane and this borders the bottom portion of my property. You see Marlow Drive there, there is a road that stops at the end of there, and looks like this new development is putting a road that will stop at the edge of my property. I want to know if there is a future desire for a road to go through my property and there is a lack of consistency of neighborhood and homes in that area and it feels and looks like it's too dense. Then on a set of plans that I saw there was a buffer of 5 feet where two trees per 100 feet and 10 shrubs per 100 feet. Basically a shrub every 10 feet that I think is part of the ordinance and I'm not in favor of that. I do like the privacy. I own 20 acres over there and it is possible I might want to put my kid's homes there or something with that property.

Chairman Richard Parker stated, but this development is not backing up to your house.

Mr. Jason DeBoer stated, not to my house, but to my property.

Chairman Mr. Richard Parker asked, so you built the new home off Eric Lane?

Mr. Jason Deboer stated, yes sir that is correct. I like the privacy and that's one of the reasons that we chose that area.

Chairman Mr. Richard Parker stated, but you do back up to sweet bay circle. Which is the same type of neighborhood that he has.

Mr. Jason DeBoer stated, however, there are 50 year old oak trees and a nice buffer that separates us from the development. I am a builder and developer so I understand what Greg is going through as well. The target area of people doesn't necessarily mean that target area of people will be ones buying the homes but at the end of the day whoever comes to buy the home is who buys the home. The point I am mainly making is that the density seems too tight for the area.

Ms. Gwen Bornelli stated, my name is Gwen Bornelli and I live at 3321 Waterford Place and just bought my home two months ago. Even though I am not directly connected too it, it will impact the neighborhood I chose to live in. We selected Burlington over a whole lot of other communities. My primary concern is the density level. I served on a Planning and Zoning Council in Missouri so I know enough to be dangerous. I am concerned about the density level and the folks that live on Alamance Road. To solve their problem I am afraid that the city at

some point may take some of the property and put Marlow Street through. Then we will have all those folks in that High Density area not only trying to get out of Alamance Rd. but also down Marlow, which is residential, larger scale homes, and that concerns me a great deal because we also like the privacy of the area. The impact to the major infrastructure and schools should be a major consideration, again like the gentleman before me spoke of, this is not a restricted community of over 50. That means that any one of any age can purchase the home which is also a concern of mine. Another thing I wanted to mention was that where the current homes are to going to go, there is also a single family residence there. What might happend to that area, are we going to build it up to offer multi-family homes in that area, which would make that density even higher. I think I hit the major points that I wanted to address as a new resident to Burlington and one that hopes to get involved in things in the community and it motivated me to speak tonight on behalf of my community.

Mr. Eric Moore stated, I live at 3329 Waterford Place. I care about the same concerns as my new neighbor does. I am really concerned about the subdivision eventually cutting through to Marlow Drive and the traffic that would come through. I am also concerned about the evaluation of our properties. I don't think a high density development going into our neighborhood would do anyone any good in the long term. That's all I have to say.

Mr. Adam Parker stated, I am representing my family that owns the property at 2945 Alamance Road. I understand all these concerns and I've talked to these people numerous times about what is going on. Shugart Homes was the only developer that we met with that approached us about this area and was willing to work the neighbors. They explained that they understand and want to make a buffer. Some of the concerns I hear and I don't know a lot about planning and zoning, but they are concerns that I would typically hear out in the country. These people talk about county living and how they want to be separated from everybody but why did you buy a quarter of a mile from the interstate. My wife's parents, bought that property back in the sixties and the other concern that everyone is talking about which is traffic. That sounds more like a DOT problem that they need to fix. My family lives in Grand Oaks and if they need to widen the road then they can widen the road. This development I think will not affect the homes that are already that close to the interstate. Lamb's Chapel Church, use to go there, and they have 2,000 to 4,000 people every Sunday and Wednesday going down there. It's kind of arbitrary about 41 townhomes when you got the airport and the city is also talking about continuing the circle, continuing Grand Oaks Boulevard. I understand some of their concerns but some of them seem like it's more of them frustrated with the road conditions versus this development going in. Also, some of the properties that surround, they're not talking about them being condominiums or apartments, these are high end townhomes. I don't know the details of what exactly the structure is going to be but we will still own the brick home there. It is not necessarily our ideal situation. It is a situation we were dealt and I think that anybody in our situation may understand that if they knew everything that went on with the current circumstances.

Chairman Mr. Richard Parker asked, so is this lot 42 where he lives?

Mr. Adam Parker stated, we still own that property with about an acre of land. Right now my elderly grandparents live there and we plan on keeping that as a family home. We understand the concern because we are a homeowner there also. I think the city can support this type of development and this is a quarter of a mile from the interstate on a major highway. Talking about safety, when you live on a major highway, it's hard to argue in my opinion for 80 extra cars if you want to say that when you literally have tens of thousands pass there all the time.

Chairman Mr. Richard Parker asked, so are you in favor of this project?

Mr. Adam Parker stated, I am in favor of it. From my family situation, it's good for the city, it would bring extra revenue for the city and there are plenty of people moving to this area from out of state up north and this is what they're looking for. Over there in Gibsonville, they're qua-plexes so they're a little more dense but they're qua-plexes. I think that progress is a good thing especially in a city that is growing. The road that is cutting through Marlow is the city's idea to my understanding. The developer I think is against that and wants it to be more secluded and surrounded by woods. They do not want the flow through.

Mr. Charles Carter stated, I live at 3322 Waterford Place. I have the same concerns. If you look at the plan, they will eventually have to have a road through Marlow. The traffic pattern we have now is horrendous. It is very easy to say what won't happen if I don't live there. I can own property there but not live there. There's a number of condo's or townhomes that you will see a number of four to five for sale signs every day. The turnover is great there. I believe this type of thing is not the thing that we need there in this type of community that we live in. I bought some land in the back to make sure I had enough space to keep them from coming into the back of us.

Chairman Mr. Richard Parker asked, Joey is there plans to cut Marlow Place through you think?

Zoning Administrator Mr. Joey Lea stated, no.

Mr. Jason Avertt stated, I live at 3323 Winston Drive. Which backs up to Winston and the head of Marlow. So in terms of no plans to cut through in the initial construction or the immediate plans. Could that change currently or in the future. I am not an expert in the world of easements and things. I am not interested in a two year project that would create new traffic patterns or construction vehicles using access or equipment. I have two young daughters and there is already enough traffic with the apartments and townhomes that are close to Eric Lane. Basically, I am just curious about the access from Marlow. Thank you.

Chairman Mr. Richard Parker asked, Joey can you address any of that?

Zoning Administrator Mr. Joey Lea stated, to say there are no plans for that to continue doesn't mean that it can't happen but it could happen in the future. It was setup so that if there was some type of development that sparked it that necessitated it, then it could go through. There is no plan in the immediate future for it to go through.

Commission Member Mr. Ryan Kirk asked, so all of the traffic studies for this as part of the technical review, all those factors did not factor a pencil cut through to Marlow?

Zoning Administrator Mr. Joey Lea stated, no. Alamance Road is a DOT street, they're thresholds for traffic analysis impacts are for 3000 trips a day. This development generated just under 300 if I remember the number correctly. They did do an internal study but their study showed that there was no need for any road improvement based on their requirements. And it is not uncommon for a subdivision to stub out for a possibility of having an extension of a the road.

Mr. Bradley Sulecki stated, I desire the impression that there was no traffic study done specifically as a part of this and I would still have the question regarding an easement that's on the drawing. Would that come from Kim and I or from the state right of way. I am talking about the temporary easement for grading and the permanent easement for line of sight that the developer has to secure.

Chairman Mr. Richard Parker stated, Joey can you answer that?

Zoning Administrator Mr. Joey Lea stated, the developer would have to answer that but to my knowledge the developer would have obtain those easements and not DOT. The developer will have to verify that. However you said something about a drop off lane. The difference between Grey Gables and this development is a private street and it's narrow. These are public streets and that is a little unusual for a townhome development. Normally they put in private streets because of the cost. However, this one will have public streets and I believed that played into the factor of how it connected to Alamance Road.

Stephen Hoffman stated. One thing I forgot earlier, on the drawings there is an inaccurate statement regarding our property. Taking our road and attaching this new road hasn't been discussed with the builder. If this is approved, I don't know if that is set in stone because that hasn't been agreed to by the property owners.

Commission Member Mr. Ryan Kirk asked, are you talking about the entrance road to the development?

Mr. Stephen Hoffman stated, there is actually a note that says they're talking about having our driveway rerouted to the main road. That is not agreed to by us.

Zoning Administrator Mr. Joey Lea stated, that note is also on the other parcel.

Chairman Mr. Richard Parker asked Mr. Garrett, one question that I have had that was brought up tonight is the stormwater and the storm water device. Where is that located?

Mr. Greg Garrett stated, they're several locations to control the stormwater to your ordinance. The biggest area is at the northeast corner of the property.

Chairman Mr. Richard Parker stated, on my plans it says common area.

Mr. Greg Garrett stated, that is the main stormwater detention area.

Chairman Mr. Richard Parker stated, that's not much of a common area.

Mr. Greg Garrett stated, it will still be a common area to the development but with the detention pond there. It will be common area owned by the homeowners association for maintenance.

Chairman Mr. Richard Parker asked, is that stormwater device approved by the stormwater division?

Zoning Administrator Joey Lea stated, it has been approved.

Chairman Mr. Richard Parker stated, well it sounds like the only problem with your subdivision I picked up on is the two issues. One issue being the density and it seems to be too many homes in one spot. The other issue of course is the traffic issues about getting in and out on Alamance Road. I agree with that because I have experienced that traffic myself going to the hospitals and the clinics back that way. Is there any comment from you about the density and traffic issues?

Mr. Greg Garrett stated, sure. The traffic is an issue that I have been aware of. I first learned about it back in July and I started meeting with Brad and Kimberly because that easement that needs to be acquired is a thing that we need to do. We have had discussions and there is some surveying information that needs to be done and also part of the reason for asking for a continuance is because we're still unsure about how much of their property would have to be

excavated. They have a hedge and shrubs on their property in the right of way and there is surveying information that needs to be done to get the exact site distance that NCDOT has requested. They have reviewed this plan and the overall counts they are fine with but they want to improve the site distance as do we. I have been meeting with them to try and work out something about acquiring the easement. That is top on my list to work out because we want it to be safe for the people already there and for our customers who will be coming in and buying.

Chairman Mr. Richard Parker stated, tells us about the density.

Mr. Greg Garrett stated, the density is less than 4 units per acre. I think we're like three and a half. I mean that is fairly consistent with the R-9 density, it's just we're doing the attached. It is my understanding that staff is in favor of this and that they have looked at all the technical merits and perhaps the staff could comment on that.

Commission Member Ryan Kirk asked, so the two development conditions. One is to lower the standard density and the second one is minimum setbacks from the street right of way 20 feet. It is noted on the site plan as 15 feet. Can you steps us through on what that request is for and the rational for it?

Mr. Greg Garrett stated, according to the engineer, typically with these conditional rezonings there is lots of variances from your standard ordinances that the city has. What he said is that we are pretty much adhering to all of the ordinances with this project with the exception of that front setback on one of the streets. I imagine that it had to do with the depth from the end of the road to the adjoining property line. A 15 foot setback is not ideal but we have done it in other projects and you know because we're doing public streets that is what really makes a big difference there. Someone made the statement that we are just there to build and get out of there. We do care about our residents and one of the things that we have seen from all of the years that we have done these communities and we use to do private streets is the HOA doesn't know how to maintain the roads and they start falling apart. Then, the city gets these phone calls and end up stepping into a big mess. So we want to eliminate that and go public streets from day one. When you do that you are losing land because you have to put in a 50 foot right of way versus a private street that is only 30. So there is 20 feet there and it does cost a lot more money to do public streets but again we found that it puts the residents in a much better situation. So, I imagine that has something to do with the tightness of that area where they have asked for a variance.

Commission Member Mr. Ryan Kirk asked, so Joey this is the area in that right corner up there?

Zoning Administrator Mr. Joey Lea stated, yes. Typically it is a 25 setback which is the setback for townhomes. However, if it is single family that setback on the side would be 12.5 Just to put that into perspective.

Commission Member Mr. Bill Abplanalp asked, behind 26 and 27, 24, and 25 there is a retaining wall, do you know how high that retaining wall is?

Mr. Greg Garrett stated, a lot of money has been spent on these plans. Technical review has looked it but what I can tell you is that we are working off of the aerial topography and so it is kind of plus or minus 2 feet or so, but right now that retaining wall is looking at being about 8 feet tall. So what is happening there so you can visualize it is that were coming in and cutting dirt away from that property line. The cutting starts 10 feet off the property line and so were excavating about 8 feet of ground and using that dirt in some of the lower areas. They won't be looking at the retaining wall. What they will be looking at is their yard will remain level at the

the first 10 feet of our property and will be matching their grade. Then it will drop. So they're more likely to see more of the roof.

Chairman Mr. Richard Parker asked, what about the driveway issue?

Mr. Greg Garrett stated, the driveway issue with Mr. Powell, would love to talk about more but as of right now we have not been able to find that deeded right of way. That is something that we need to dig down into.

Mr. Tom Powell stated, you see my driveway right now around Circle Drive, the retaining wall is right there.

Mr. Greg Garrett stated, you see how the retaining walls curves, which is so we can keep the grade the way it is at the top. Like I said, they're details that need to be worked through and this is one of them.

Planning Director Mrs. Amy Nelson stated, the request is consistent with the comprehensive plan because the comprehensive plans calls for residential. It doesn't speak to a specific situation like this, just says residential.

Commission Member Mr. James Kirkpatrick asked, it's R-15 right now, what is the density for R-15 because I do not know it off the top of my head?

Zoning Administrator Mr. Joey Lea stated, I want to clarify one thing. The developer said that it is close to R-9 zoning and I need to correct him. It is actually R-12 density that they're looking at. R-15, if it were developed single family homes, would allow 34 homes.

Commission Member Mr. James Kirkpatrick asked, the same tract of land where he is asking for 42 units?

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

Commission Member Mr. James Kirkpatrick asked, that's R-12 or R-15?

Zoning Administrator Mr. Joey Lea stated, the 34 is R-15 and R-12 would allow the 42 units. So it is equal to R-12 zoning which Grey Gables was actually rezoned from R-15 to R-12 to accommodate and that is a townhome development with a private street, so this request from a planning and zoning perspective is consistent with the uses within the area. There is also a multi-family condominium complex right here that is part of Grand Oaks. As Amy said, the comprehensive plan calls for residential uses so, the fact that is it consistent with the uses in the area, staff's recommendation is to approve the rezoning request.

Commission Member Mr. James Kirkpatrick asked, is this Shugart Homes?

Zoning Administrator Mr. Joey Lea stated, yes.

Commission Member Mr. James Kirkpatrick stated, I wanted to check R-15 because that makes a huge difference to me. If it were Shugart Homes going back in there with 34 homes then we wouldn't even have to have this conversation.

Zoning Administrator Mr. Joey Lea stated, it could possibly be developed as single family subdivision that would only require review from the Technical Review Committee with up to 34 homes.

Commission Member Mr. James Kirkpatrick stated, we would not be sitting here today if that were the case. If there were 33 homes back on this tract we would not be sitting here today with all of these issues. Those issues would still be there but without a voice.

Commission Member Mr. James Kirkpatrick stated, I move we recommend the approval of this item based on the consistency with the City of Burlington Comprehensive Plan. The request is consistent in that it calls for residential use going from an R-15 to an R-12 is consistent thus reasonable and in the public interest. Commission Member Mr. Earl Jagers seconded the motion. The Commission voted 4-3 recommending approval of the rezoning. Voting to approve the rezoning request were Commission Members Kirkpatrick, Enoch, Jagers, and Black. Voting against the motion was Commission Members Kirk, Abplanalp, and Parker.

ITEM NO. 5:

Mr. Brent Narkawizz to present an application to rezone from R-15 Residential District to CR Conditional Residential District for the use of a 138 unit Senior Apartment Complex; the properties are located on the north side of Old Saint Marks Church Road and the east side of University Drive referenced as Alamance County tax identification numbers 107161, 112471 & 112472.

Chairman Mr. Richard Parker stated, tell me your name.

Mr. Brent Narkawicz stated, I am with Calamar Enterprises and I have a couple of gentlemen with me this evening. I have a real estate consultant Bryan Long and my engineer David Braun from Vanhorn Hoover who is here as well. So if anyone has any particular questions that come up they can specialize in, I will have them answer them. As you stated, we're asking for a conditional rezoning application from R-15 to conditional residential. We have been to Technical Review Committee and have been looked upon in favor and staff can speak to that. We are going to be asking for a waiver as part of our application for 1.5 spaces to 1.25 spaces which is consistent with your regulations as a parking requirement for elderly housing when it is a public housing project. We have spent a lot of time working through with the technical review committee by talking to local utility agencies, speaking with DOT and taking all of that stuff into consideration so that we hopefully move forward with the final design of our property. I will tell you a little about Calamar and who we are. We are builders, developers, construction managers and financiers. We build a lot of things like hotels, commercial buildings, industrial buildings, but specifically what we build and are the owners and operators of is our senior housing product. It is age restricted, 55+. We build these as owners and operators. We don't build them and leave them. We build them and it is our people who will work there and our tenants are part of our community. We have 17 communities throughout the country right now. We have 6 or 7 in the Midwest, New York, Pennsylvania, 3 new facilities in New England, and it has been in the last year or so that we have decided to come down to the Carolina's. So, part of the reason that Calamar is here is because we build senior housing. We don't come into the community because we happen to find a piece of land that can fit our product. We have our own marketing people and we hire some national who try to find areas of the United States where our product is warranted. The reason we are here in Burlington is because we have studied the demographics of Burlington and the greater Burlington area. Once we find a center part of town, we tend to do a five to seven mile radius around the community and we try to figure out what the demographics are. We look for a certain amount of households that have at least one person who is 62 or greater within that household. If the demographics meet our numbers then we realize that there is

an opportunity for our type of housing product to be there. Very similar to the previous development, people are moving out of their 2, 3, 4 bedroom homes and looking to downsize and get into a community. Calamar started building these types of communities seventeen years ago. Calamar itself has been around for about 25 years. The people who come to live in our communities, it's a market rated property complex. Just like an apartment complex that you or I might go to rent, it is just age restricted. So the people moving into our facility know that they're not going to be living next door to a family of 3, 4, or 5 or frat guys. They're basically going to be living in a community that is based around people of their like age, presumably of their like mind, and living in that type of facility. So that is kind of who we are and what we do. Like I said, we are coming into North Carolina and would also like to be in South Carolina. We have a goal of trying to get at least 10 Calamar communities over the next five years somewhere here in the North Carolina's. Burlington was specifically picked because of identifying a need. I think that staff report consists of us being consistent with the Comp Plan for the rezoning. Again, when we look for these properties and look for a location, we look for a certain thing. We look to be close to commerce, and we like to be 2-3 miles away of major commerce so that our tenants can shop and get to that commerce. We like to be close to a major highway and ideally located near medical facilities that is even better for us. This particular site has it all for us. We are right off the highway and with Alamance Crossing right across the way that is all the commerce you could ask for and we have the Alamance hospital on the other side of the road as well. So it suits our needs very well. We feel that because we are here and providing this type of housing, people will have a desire to live in that type of community where they have access to the commerce, the highway, and should it be needed, the medical facilities. Our plan, as you see it up there, the building and parking is very typical of what we build. The center core is our common area where people will come into the building and our manager offices are there and some other offices. There will be some common sitting rooms and this is all on the first floor. On the back side of that entrance space, a large community room that could be 50 by 50 or 40 by 40 depending on how our architects come up with. So that community space is used by the tenants for all types of facilities. We hold events there if people want to have an anniversary, birthday, family get together. We provide an eat in kitchen and not a full commercial kitchen. If somebody wanted to hold an event and they had a caterer coming again, there would be space to prepare food. So that typical age pattern is done as well and that common space is in the middle because our tenants are 55 and over, but our average tenant is actually 73 in all of our 17 existing facilities. We try to decrease the amount of walking that they may need to do to get out or into the building and to the common spaces. So we would locate our common spaces in the middle of the spine there and we're a three story structure so we have an elevator where the leg meets the spine on the right and on the left. That just gives everybody the ability to get to entrances and exits without having to walk that long hallway. We also like to put our parking as much as we can around the building as well. They're a number of entrances to our building and rather than folks having to walk from let's say the leg on the right to the front entrance and walk around to their car, we instead have more entrances so that they can have easier access to their vehicles. You'll see on the both the left side and the right side they're two parking areas. On the outside of these parking areas they're some detached garage units so that we can provide our tenants with some single story detached garages so that our tenants can have a garage as well. Obviously we will be going through the process with detailed design plans or storm drainage, utilities that were a concern that we spotted in the comments from the Technical Review Committee and hopefully if we move forward we could come up with our actual design plans for approval..

Chairman Mr. Richard Parker asked, do you have any renderings of what this building might look like?

Mr. Brent Narkawicz stated, I don't have an elevation but if I could refer to the pamphlet. If you open up the first page and see where it says builder, developer, financier, the picture you see right

there is one of our communities. It is very typical with that covered entrance in that fashion and 3 story construction. We use architectural features and like to take our siding to be two tone siding because it gives the building a little more character. All our tenants would have their own private patio or on the second and third floor their own private deck.

Chairman Mr. Richard Parker asked, what kind of sign are you going to put out there?

Mr. Brent Narkawicz stated, we typical have a freestanding sign and our sign would certainly meet your regulations. Our typical sign is about 4.5 feet tall and about 4.5 feet wide. We usually like to incorporate stone into it and then the sign itself is a wood structure and has a boss labeling on it and what not. We also typically come up with a name for our communities but we have not as of yet here. We use to call our communities senior communities, but we are no longer senior communities. That was a direct demand of our tenants and because we are owner operators we know a lot about our tenants. We survey them on a quarterly basis and they give us a lot of information and it is in our best interest to take that into consideration. We took senior communities off of our sign and now refer to them as independently living communities and that is truly what it is. It's for people who are 55 and above and still living independently and you have your own kitchen and apartment and still have an active lifestyle. We have a program called SELF that stands for seniors empowered to live life to the fullest. As you can imagine, we are changing the name of it because it starts off with seniors. We have a self-coordinator and that is an employee of ours and we let the tenants drive the type of functions and things we hold. We also have people that once they move in and let's say the building is half occupied, we have people say they like to get together and play bridge, yoga, or golfing. We have a self-coordinator that will help run those types of events. We will use the apartment with local van ride opportunities so that if our people wanted to take extended trips we would offer that as well.

Chairman Mr. Richard Parker asked, is the age limit restricted to the people that live there or like what if grandpa lived there and moved in his son or wife? I mean does everybody have to be 55 to sleep there?

Mr. Brent Narkawicz stated, by law one person in the household would have to be 55 plus. They're many 55 male or female who may choose to marry a 54, 50 or maybe even a 30 year old. Again, because we are owner operators we have had situations where maybe somebody is 55 years old and married somebody really young. By law, we would not be able to ask that husband or wife to leave because they're meeting our deed restriction and the law. Typically what happens is they end up moving out and it usually is because somebody there that young has a different idea of independent lifestyle from the independent lifestyle that most of our tenants are.

Commission Member Ryan Kirk asked, can you describe the planting around the outside of the community?

Mr. Brent Narkawicz stated, for the requirements, they're certain planting buffers for your regulations. So typically what we will do is when we get into final design we have a civil engineer that we work with and then hire a landscape architect to put in buffering between us and adjacent uses. We also are proud of the landscaping that we provide to our tenants as well and again we have people that use a lot of outdoor spaces as a recreation. So, we usually have a large patio with benches, lights, and things of that nature.

Mr. Ryan Kirk asked, on the plat that we have the property, directly to the north, it shows some overlap of one of their buildings with your property. What's going on there?

Mr. Brent Narkawicz stated, we haven't completed the boundary survey yet so when we do we will find out. This property line was taken by the best available information the City of Burlington has right now. When we do our actual boundary survey we will have to locate that building and that boundary and if we need to talk to Mr. Knox the property owner, we will. We did want to contact our neighbors and sent out a letter to all of our immediate adjacent properties to explain a little bit about our project and asked them to be here as well. I told them to contact me with questions and both the neighbors Mr. Knox and Ms. Haisen contacted me and we had a pleasant conversation I certainly don't want to speak for them but they generally seemed to like what we were doing and Ms. Haisen had some questions about landscaping and lighting. We will have a photogrammetric plan that shows that we are confining our illumination to the sight.

Commission Member Mr. James Kirkpatrick asked, has anyone else called you besides those two?

Mr. Brent Narkawicz stated, those are only the two immediately to our north and those are the folks who are the only single family residences to our north. To our east is open land, to our west is the Alamance Reserve which is an existing multifamily complex and across the street is basically the right of way.

Commission Member Mr. James Kirkpatrick asked staff, like the same question before we are going from R-15 to a residential district?

Zoning Administrator Mr. Joey Lea stated, this is very different. With the MF-A density and the amount of units they have, it works a little differently. They have one bedroom and two bedroom makeup and that tells you how much land you have to have per unit. They only have to have 7.33 acres to accommodate the number of uses they have with MF-A density. They have 9.44 acres which means that they have more land the MF-A density would require.

Planning Director Mrs. Amy Nelson stated, the comprehensive plan calls for commercial uses and multifamily developments are allowed within those areas. It is consistent.

Zoning Administrator Mr. Joey Lea stated, from a zoning perspective this property is contiguous to existing MF-A, you have multifamily there next to it and we have approved some multifamily that is not far across the road and you have multifamily to the north. So it is consistent with the uses that are around it and based on the development plan and the conditions, we recommend approval.

Commission Member Mrs. Nicole Enoch stated, I move we recommend the approval of this item based upon the consistency with the City of Burlington Comprehensive Plan. The request is consistent with the land uses in the area making it consistent with the Comprehensive Plan. The use plan calls for commercial and multi-family developments are allowed thus reasonable and in the public interest. Commission Member Mr. James Kirkpatrick seconded the motion. The Commission unanimously voted to approve the rezoning.

There being no further business to discuss, the meeting was adjourned at 8:40 p.m.

Richard Parker, Chairman

John Black, Vice Chairman

Kelly Peele, Secretary