



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

April 23, 2018

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: Minutes of the meeting held March 26, 2018 were unanimously approved.

ITEM NO. 3 Mr. Lawson Brown to present an application to rezone from R-12 Residential District and O&I Office and Institutional District to CR-Conditional Residential District for the use of a 149 lot Single Family Subdivision. The property is located on the south side of Burlington Road (Highway 70) approximately 690 feet from Springwood Church Road, referenced as and being a portion of Guilford County parcel number 103339.

Mr. Lawson Brown stated, Ryan Moffett of my office Vernon Law Firm and I have been representing Eastwood and the Ingles on this particular request for the good part of this year. Eastwood Homes is the applicant on behalf of Randy and Sheryl Ingle whose property is 46.5 acres as shown in your packet. This was the Ingle family farm for a number of years and generations. This is 46.5 acres of the remaining farm. When the City of Burlington purchased the park, they purchased it from the Ingle family. The Ingles at that time retained ownership of this 46.5 acres and also a portion approximately 15 to 20 acres that fronts on HWY 70 that has a historic home there and again that has been used as a farm. The City of Burlington desired to purchase all the Ingle property at that time but the Ingles declined that offer so the property that we are looking at tonight is zoned R-12 and a small portion of it fronting on HWY 70 is Office and Institutional. The request before you tonight is Conditional Residential for a maximum 149 lot subdivision. All the final engineering designs have not been drawn but at present we are asking for a maximum of 149 lots anticipating there will be a loss of some lots on the 3.4 acres now that is shown as common area. On the plan that you have it shows as a common area and that's the water detention devices required by the City, State and Federal authorities relative to water runoff. The size of these lots which will be 9,000 sq. ft. is consistent with the Lindley Park Neighborhood to the east of Gibsonville, to the west is Carson Farms and those lots are a little bit

larger at 12,000 sq. ft. but the use that you see here is consistent with that. The width of these lots will be 65 ft. and the setbacks will be 7.5 ft. on each side which will give you 15 ft. between the dwellings and as I understand it is the compromise amount that you, the City staff and City Council have worked with over the last few years. The lots will have a 20 ft. front setback and a 20 ft. rear setback. The homes will be 2,100 sq. ft. in size up to 3,500 sq. ft. The homes that are going to be built are consistent with the Lindley Park Subdivision. The price range of the homes will be \$270,000 to \$350,000. The impervious service limitations imposed by the Jordan Lake Rules that are followed by the City of Burlington are being adhered to on this particular property. In terms of the access, the primary access will be off of HWY 70 and relative to HWY 70 the North Carolina Department of Transportation, has an anticipated widening of that road which is not funded at this time but Mr. Muston's design on this property for the subdivision accommodated that anticipated expansion or widening of HWY 70 so that none of the lots shown on your plat that is being presented will be affected by the widening. In addition to access from HWY 70 there will be two other access points to this and that would be Brycewood Drive and Farmview Drive that is shown on the plat. Both of those roads are actually in the City of Gibsonville. My understanding of that property is that the Town of Gibsonville controls that property. We have talked and met with the Town Planner and the Town Manager and have provided them with this plan. The Town is in total agreement with this and there is no objection to that. There will be some traffic improvements that the NCDOT wants to see on 70. This plan accommodates that turn lane into that property. The utilities in terms of water and sewer will be from the City of Burlington and the TRC committee has reviewed this. As to the history of this request, Eastwood began on this project in late 2017. In early 2018 we have had multiple TRC meetings and other engineering and design meetings with the city staff who are to be commended for their attention to these requests. We also reached out to the neighbors and have had a couple calls from the Carson Farms neighborhood who have expressed some concern that they enjoyed looking at the cows on the Ingle farm property. In terms of meeting with the neighbors to the east, there was some concern expressed by the most immediate neighbor that owns about 16 acres where 4 of those acres is a pond. They expressed concern about water runoff and we have been assured by Mr. Muston and by Eastwood homes that all of the water from the impervious surface on our site will in fact empty northeast of the pond that you see on the property. This request is compatible with the land use plan for the city of Burlington. There are eight reasons that we have for why you should vote to recommend this to the city council. It is a logical extension to the existing zoning in the area due to the land use of single family is similar to the contiguous property. Secondly, the residential use of this property, at this density, is consistent with the city's long range plan. Thirdly, this plan has gone through a laborious process with the TRC as all requests due. It has been recommended positively by the TRC; which you know, is comprised of the very best departments, from the fire department, police department, planning department, traffic, engineering, stormwater etc. Fourthly, it has a positive recommendation of the planning staff. Fifthly, it is the highest and best use of the property by the Ingles and by Eastwood. One of the things that arose during the discussions is the sixth point. Eastwood will accommodate the trail system that the city of Burlington has insisted on. Not only has Eastwood agreed to accommodate the trail system design of the park, Eastwood has agreed to spend up to \$27,000 to give to the city to arrange a buffer for the city park. Point being that they will accommodate the trail system and the buffering as requested by the city staff. It accomplishes connectivity to other properties on the east and the west. And certainly it is the right to the Ingles to develop their property in a manner and fashion in which they would like to.

Commission Member Mr. Ryan Kirk asked, first off, the traffic improvements on 70, could you please provide more detail about what is going to be added there.

Mr. Lawson Brown stated, I will let Mr. Muston address that

Commission Member Mr. Ryan Kirk stated, it is a fast, narrow road through there so I am just curious.

Mr. Gene Muston stated, I am an engineer with Borum Wade and Associates. We are the civil engineers on the project. We have met with NCDOT and in order to accommodate the final driveway permit it will probably require a left hand turn lane and a right hand turn lane into the main drive. Those finalizations do not come until you turn in your final plan to NCDOT, but indications from the division office is that is what they will require of us and we are ready to accommodate that.

Commission Member Mr. Ryan Kirk asked, there is the one access on 70 and there is the two access points to the east, and there are also two road spurs, one which stops at the lower southwest corner and a similar one on the bottom side. Are there plans for road continuation or why are those road spurs there?

Mr. Gene Muston stated, in conjunction with the TRC we offered some initial plans with some different stub streets for future connectivity and in fact the initial stubs that we offered were requested by TRC that we provide these in these locations. The one to the east, we did a couple gyrations with that for the TRC in order to get it to accommodate a property line that they would like to see for future connectivity. The one to the west, there is a little bit of discussion there as to what direction they need for the connectivity. Ultimately, we were wondering whether or not to go to the park, but that was said to probably not be a good idea. So TRC requested we move in direction to larger tracts of land. So the final stub is what TRC had recommended. In fact, to the park, there will be connectivity for pedestrians only, which would be a better situation for traffic control. When the park gets loaded up you don't want park traffic coming thru the neighborhood where there may be children. That was negotiated with the staff of TRC.

Commission Member Mr. Ryan Kirk asked, last question to clarify. The vegetation buffer on the south side, facing the park, this will all be done on the park property? Not on the development property?

Mr. Gene Muston stated, so I think the way that this is going to finally end up is that the trees that will be planted will for the most part, will be on the park property. We have worked with staff where maybe it should be on both sides. But it ended up that the \$27,500 being given to the city is so that the city can plant what they would like to plant for a buffer on the park property.

Commission Member Mr. Ryan Kirk asked, so the Burlington parks and rec map was included? Because I know there are the disk golfers along that line.

Zoning Administrator Mr. Joey Lea stated, we met on site with the Lisa Wolf and took a look to see what they would need. The reason we decided to do it this way was because originally there was to be a 20 ft. buffer along the backside of the properties in the subdivision. The discussions with the park decided that actually it would be better if we did the landscaping on city park property. The reason for that is if we do it on the subdivision properties, 10 years from now when this is all forgotten, trees die, nobody maintains them and people start cutting them down. We felt it would be better for the buffer to be put on city property so they would maintain the landscaping and ensure that it is taken care of in the future. This plan shows that the park is subdivided by trees. We did come to an agreement on cost and species and it is going to work out really well.

Commission Member Mr. Ryan Kirk asked, one more question. Seems like the big change here are the setback requirements. Mr. Brown, you had mentioned that you are requesting to going down to 7.5 ft. on the sides?

Mr. Lawson Brown stated, that is correct. We discussed that extensively with staff and it is our understanding that 5ft is not amenable to this group or the council. Ten feet is preferred but 7.5 ft. is something that you all have passed before and the council has embraced before. So we felt 7.5ft would be consistent with what you all have done and also with what Eastwood has done.

Commission Member Mr. Ryan Kirk asked, so there is precedence on this?

Mr. Lawson Brown stated, yes

Zoning Administrator Mr. Joey Lea stated, we do have two or three subdivisions that have 5ft setbacks. Just so you'll know, the building code allows for houses to be as close as 6 ft. and they can actually have zero property lines. But when you get to closer than three feet on either side, you have to start fire rating the walls. So without a fire rating, by building code, they could be 6ft apart. And there are some jurisdictions that actually do that. For these you will have 15 ft. between houses with the 7.5ft setbacks.

Planning Director Mrs. Amy Nelson stated, there is also the fire code that is involved in this and I got this directly from Jay Mebane of the Burlington fire department. He said that in a residential setting we do not drive firetrucks between homes for fires or other emergencies. They carry an ample amount of firehose for this emergency and they utilize 150 ft. of hose on commercial structures, which does not apply here, but the residential structures are covered with their hose length and their equipment and there is never a need for them to drive in between homes.

Commission Member Mr. Ryan Kirk stated, thank you all for your clear and comprehensive statements.

Commission Member Mr. James Kirkpatrick asked, other than the pond, any other phone call about opposition to your knowledge? And have you all had any meetings or anything like that?

Mr. Lawson Brown stated, we had a meeting with the neighbors to the west, Mr. and Mrs. Flora. Mrs. Chance Kaziah was the one who expressed concern about this property being within 50ft of her home. We will have a setback for that. She also expressed concern about the pond, which we addressed.

Commission Member Mr. James Kirkpatrick asked, those are the only problems you have come across?

Mr. Lawson Brown stated, yes. Mrs. Allen who owns about 6 to 8 acres to the north have horses there and had some concerns about the development. They are surrounded by other property off of Cape Fear Dr. The property above the Allen property, we represent that property owner and we have applied for 82 town houses in Gibsonville and have talked to the representatives from Eastwood and they are copasetic with that request and the townhouse folks are copasetic with Eastwood's request.

Commission Member Mr. Bill Abplanalp asked, who provides the fire service?

Mr. Lawson Brown stated, the fire service will be provided by the City of Burlington

Zoning Administrator Mr. Joey Lea stated, this is in the city limits

Mr. Lawson Brown stated, in order to get the water and sewer, we have to go into the city limits. It is also contiguous to the Springwood Park, which is owned by the City of Burlington. All of the property to the south of that red line is owned by the City of Burlington.

Commission Member Mr. Bill Abplanalp asked, what about the schools. Are they all Guilford County?

Mr. Lawson Brown stated, yes sir. The schools will be Guilford County public schools.

Commission Member Mr. Bill Abplanalp asked, so the elementary students will go to Sedalia?

Mr. Lawson Brown stated, I am not sure. Either Elon or Sedalia or Gibsonville.

Mrs. Lee stated, Gibsonville.

Ms. Cynthia Riley stated, I reside at 1323 and also own 1325 Springwood Church Rd. My location is east of Springwood Church Rd. on the map here, right up next to Carson Farms east. We have 6.5 acres and 2 of those acres are flood zone already. We actually have a testing site with the City of Burlington that is right off of Springwood about 50 to 60 ft. off the road. The technicians from Burlington come in and test this storm water every so often. I had no knowledge of this subdivision until I saw the special zoning consideration signs along the street. My concern here tonight is about storm water and water that is going into the creek. During torrential rains, the water comes from across the property from us and had flooded out a driveway that is near us on highway 70. So my main concern is where the water from these developments will be going and is the water going to empty into that creek? And what would that look like for us? Several people that I have talked to, have said that they already have a problem with garbage washing down into the creek, which ends up in Lake Macintosh. Concerns for this are coming from a homeowner and ecological standpoint. I am asking for an extensive look at for this plan from the stand point of water runoff. Out here we are in three jurisdictions. There is Guilford County Sheriff's department, the fire department is Whitsitt, and we also have a grandson attending Gibsonville Elementary. Which I would also like to know, and have a concern about, is what would happen with overflow and how many children we are talking about that will be an influx into Gibsonville.

Ms. Vera Griffeth stated, I reside at 203 Brycewood Dr. My home backs up to the cow pasture. I love the cows and understand that Randy Ingle has every right to sell his property. I also understand that it is going to be the same type of houses as the other ones around. Those are lovely houses. I live in Carson Farms West, there are 124 houses, one of which is not lived in. We have two entrances with 123 houses of people occupying. We can leave Brycewood Farm west to get to Springwood from Carson's Farm West Drive and also then from Carson Woods. The neighborhood across from us, Carson Farms East, which is about the same size, they also have two entrances from their development that get them to Springwood. My concern is that they are proposing 149 houses and you only have one main entrance that is going to highway 70 and the two other entrances are funneling traffic through my neighborhood. They will come and join where Brycewood just dead ends now, they will extend and put that road through their neighborhood. And also Farmview Drive ends in our neighborhood now and they are planning on extending it. So you are going to have 149 houses that are going to come through my neighborhood.

Ms. Lauren Allen stated, I am a property owner at 125 Frissell Drive. I have the horses. One of the requests that I ask of you is that in this conditional zoning, we include at least a 10ft high physical berm. They had mentioned the \$27,000 to be donated for the physical barrier from the Burlington Springwood property that is 1,100 linear feet. However between the Frissell Drive property owners, we have 1,900 linear feet of property and zero dollars allocated for a physical barrier between those properties. Additionally our land encompasses, if you look at the contiguous properties, only 25% of those contiguous properties are currently zoned R-9. The properties on Frissell Drive side are greater than 3 acres and are also in active agriculture. We do support the active trail system and connectivity to the Burlington Springwood Park. However without the use of a physical berm, we will see people walking from one area to another. We have seen this evidenced in the Lindley Park Estates property as people without that berm walk across our property and cut through mine and others' property to access the Burlington Springwood Park and I see no reason that that is going to stop without a physical berm barrier. Additionally, with the Lindley Park Estates, the landscape bond was release before that berm was maintained and it was also unclear who was managing that berm. So that area has been left and has created sink holes along Frissell Drive and water quality issues with standing water. That berm is also not maintained and you will find a lot of invasive species that are not aesthetically pleasing. It is not maintained, it is not a part of the HOA, and it is left without anyone taking care of it. It is our request that you require that berm to be a part of the final plat. Mr. Brown was not privy to the meetings with the Frissell property owners and Eastwood homes; however his colleague, Mr. Murphy was, as well as three representatives from Eastwood. They were very gracious in that meeting and very cooperative. However it is not contiguous with Lindley Park and they have 10ft setbacks, 30ft setbacks from the front. It is not R-9 it is R-15. We ask that you continue that R-15 or R-12 and keep the current zoning so that it is more contiguous and more reflective of the adjacent properties. R-9 is not reflective.

Mr. Lawson Brown stated, there is already a landscape buffer there and Eastwood will make every effort to maintain what is already there and we will do plantings in other areas where it is not protected. I don't think a berm is something we can commit to tonight.

Chance Keziah stated, I live at 109 Frissell Drive. I'm a planner by trade, that is what I went to college for and what my education and career is in. To say this development is consistent that is kind of a stretch, consistent would be 1 unit per acre. 75% of all the rest of it is 3 acres or more with a single-family house on it. It is already zoned R-12, the Land Use when I talked with Daniel the actual land use was R-15 which is backwards, it should be R-15 zoning and land use R-12 because that's your future and you want it to get a little bit smaller. It's a hard stretch to say that 25% of a tiny little bit should dictate everything else around it. I don't think that the minority should run the majority. That being said, this will be developed and we know this we are just asking for it to be somewhat continuous with what is surrounding it. We ask for 10 ft. wide buffers fully planted along the properties on Frissell Drive. If the lots abutting Frissell Drive could at least be 12,000 sq. ft. then graduate down to the 9,000 sq. ft. lots as it comes down as it comes into Bryce then that would be more consistent with what is there in the active land use that is taken place. If you are going to scream what belongs there and this fits in the landscaping let's just be realistic 75% is more than 25% so then 75% shouldn't be dictated by R-9. I would like to know when Mr. Brown met with Gibsonville and talked with them about using the services because we have gone to Gibsonville before to talk about the townhomes and we were told they had said they would utilize the services for first responders like Fire and EMS would come as a group effort between Gibsonville and Whitsett and both of them indicated that they by no means had any financial means to help to take care of this. At that time we were told through Mr. Moffett that then maybe it would be a joint effort between the municipalities but coming from a Planners aspect those kind of things need to be ironed out before you get there. There's

probably some type of agreement where you have a tax base that is going to Burlington but yet they are using resources for a tax base that they don't even support; same with the schools.

Mr. Ryan Beshears stated, I live at 125 Frissell Drive. We do not oppose this development directly but we do have some concerns that we would like addressed. The vegetated buffer at least at 10 ft. we would really like to see that. As the properties along Frissell Drive are currently all zoned agricultural and at least 75% of them are being used that way actively. We do not feel that the subdivision is a direct match to that. I would like to express concerns for coverage for emergencies services as this seems to be a good ways from Burlington itself. There is no access from Burlington with the only entrance is on HWY 70 for emergency services and we wonder if response time would be slow. There is an increase in crime in the Lindley Park Estates just up the street in Gibsonville and we would not like to see that continue into a new development. Thank you.

Ms. Jackie King stated, I live at 801 Farmview Drive and thank you for letting us speak tonight on this development. I have had a pasture for a neighbor for the past 13 years. We would like to know a little more on the easement between the homes. Our neighborhood was not built with houses that you can reach out and touch them. We did not buy our house thinking we would be that close to the neighbors.

Mr. Al Baxter stated, I live at 101 West View. We have concerns with the school district. For one we don't know who we are voting for or what county/city we belong to. We are sitting in the middle of a problem. They said we would have Burlington Fire but when I went and talked with Burlington Fire they told me they didn't go down HWY 70 that far and we would need to speak with Gibsonville. The area we live in has a problem and it has not been solved yet. We need to have this settled before a new development comes in. The buffer would be a wonderful thing because we don't have anyone behind us. We do have people using our yards to cut through to other areas. We need something to prevent this from happening.

Mr. Gary Nardo stated, I live at 201 Club Square. I would like to talk about the historical significance about this property. On the property at 7282 Burlington Road, George Washington was at that location and stayed at that location. General Nathaniel Greene often camped in this area, one of his main camping areas. This property holds a significance in US History. The Southern Continental Army for the first time in history outnumbered the British right on this property. I've been in contact with Jennifer Albrush at the North Carolina Preservation Historic Office and she informed me that she wants to look at the plans for the development and what plans they have in place for the historical significance on this property. I live in Lindley Park Estates and we have a petition wanting the property to remain the same at R-15. Thank you for your time.

Mr. Hilary King stated, I live at 801 Farmview Drive. The small setback between the houses in this proposed development. This will abut up to the side of our property and wonder if there is any way that our setback could be included in this development because this will abut up to our property. We've never envisioned it being that close to another house when we moved in. Is there a way to include our setback in with this new development?

Chairman Mr. Richard Parker stated, we will let Mr. Brown address this when he comes back up in a few minutes. He would have to make it a condition of the zoning. Thank you for bringing that up, Mr. King.

Commission Member Mr. James Kirkpatrick asked, Joey Lea, Brycewood Drive is zoned what?

Zoning Administrator Mr. Joey Lea stated, I'm not sure because that is in Gibsonville. It is not in our jurisdiction. They are comparable in lot size to The Carson Farms area here on the map. The smallest lot that I could see through GIS was 9,110 sq. ft. They go from 9,000 sq. ft. to 20,000 sq. ft.

Mr. Lawson Brown stated, only one of the five house plans that the Eastwood would be building will be the 7.5 ft. setback the remainder of those lots will be 10 ft. or more from what I'm told. It only effects 20% of the lots and until final design we will not know exactly what that will be. As to the connectivity to Farmview and Brycewood that is a planning tool that the City of Burlington uses, the Town of Gibsonville uses, it's a good planning practices. Obviously Farmview was stubbed out for an extension; obviously Brycewood was stubbed out for an extension that is why they dead end. That is the same sort of stub out that is being required of Eastwood and its development and to the property that is not developed that surrounds it. On the zoning map the large lot to the west that fronts on Frissell Drive, again we have applied to Gibsonville to build townhomes. Diamondback will improve Frissell Drive to the Town of Gibsonville standards which meet the State's standards so that will address some of the issues that the folks on Frissell Drive have. There's nothing that this Board or City Council can do about Frissell Drive because it is in Gibsonville's jurisdiction. Diamondback has applied for annexation of that parcel and Frissell Drive because they are the owners of that property. That would address some of the concerns that relate to Frissell Drive. I think some of Mr. Kirkpatrick's questions were pointed and timely about the similar neighborhood that Brycewood Dr. and Farmview Dr. are experiencing. The historical portion of it, from our understanding, the acreage that the Ingles had carved out, is to preserve the historic house in some manner or fashion. What is before you tonight is whether or not this is a good land use decision for this 46.5 acre property. As to the storm water, for Mrs. Riley, I would refer to Mr. Muston as to how the storm water controls are. It would be beneficial for the public as well as interesting for Mr. Muston to explain the stormwater controls to inform that the water velocity and volume will in fact be the same.

Mr. Gene Muston stated, Stormwater runoff will be controlled by the laws of state of North Carolina and the City of Burlington. These municipalities around our region are required to submit an ordinance that is approved by the state of North Carolina for controlling runoff. This is to control velocities, control volumes, control treatment in accordance to the state and laws and requirements, we will be held to those standards. City of Burlington will review these plans to make sure that we are in compliance with this detailed system and process that you have to go through with design, it has to be built to the specks, certified at the end of the process and other requirements that the City of Burlington places on them so that control structure can be maintained for years to come and not left in disrepair. The developer or any developer would be under these requirements for the City of Burlington and the State of North Carolina.

Mr. Lawson Brown stated, as to the school's issue, this is the same sort of story you have heard before from other developments. Unfortunately, the City of Burlington, not having its own school system, is stuck with the county funding for Guilford and Alamance. There is procedure in place for the planning staff to communicate with the school systems in both counties for the anticipated needs of the children. There is not an adequate funding agreement between the municipalities and Alamance and Guilford County as there is in Orange County. But in representing other municipalities we hear the same thing. Unfortunately, what you have before you is a land use decision. The school issue falls exclusively in the jurisdiction of the county commissioner. Now should school boards have taxing authority? We could talk about that, whether they should or should not. They don't. It is exclusively the counties and it should not create a problem because of the communication with Guilford County and also there obligation to make sure that schools are adequately funded. I hope that I have addressed most of, if not all,

of the questions that have risen. And again the eight reasons I articulated earlier that this would be an appropriate request to send positively to the city council.

Commission Member Mr. Ryan Kirk asked, two of the speakers asked about a vegetative buffer on the West side, could you address that particular point?

Mr. Lawson Brown stated, the major portion of the vegetation on that wooded tract, Diamondback, that I represent, is not requesting that at all. The Floors, the southernmost property is not requesting that. Existing vegetation will be left there if it is on the property, but in terms of a buffer, we are not prepared to offer that at this time. And you would be buffering residents of the Allen's, you would be buffering the Diamondback townhouse project, and you would be buffering Mrs. Keziah's parent's house.

Chairman Mr. Richard Parker stated, Mr. Lea or Mrs. Nelson would you give us a staff recommendation.

Planning Director Mrs. Amy Nelson stated, from our Comprehensive Plan, it calls for the area to be suburban-residential. It is a single-family subdivision. The area is rapidly growing, more so than when the comprehensive plan was being written and it is sought by staff that this is a good use of that land.

Zoning Administrator Mr. Joey Lea stated, obviously this has been through our Technical Review Committee. I want to make use everyone knows that this is actually a conceptual plan. It is not a fully vetted subdivision, if you will. This will have to come back to get preliminary plat approval. There are going to be improvements out on 70 that have not been codified as of yet. So this is strictly land use and the number of lots could possibly be reduced because of whatever has to happen out on 70. But if approved, it will come back to TRC to get the final preliminary plat approval so they can start construction. So from a technical aspect, the subdivision works. It is, I will not use the word consistent, but it is compatible with the Carson Farms in lot size, being 9,000 and up. And in reference to the 7.5 ft. setbacks, not all lots will have that setback; just some of them, that is the minimum, some of them will be wider. With that in account, staff recommends approval of the project.

Planning Director Mrs. Amy Nelson stated, I would also like to say that the reductions that they have asked for, they also accommodate staff requests for additional buffering and connection to the park. So we feel that it is a better product than what otherwise would have resulted.

Commission Member Mr. James Kirkpatrick asked, this is an R-12? And when did the property come into our jurisdiction.

Zoning Administrator Mr. Joey Lea stated, May 31st, 2000. It was originally zoned R-15. Then on May 20th, 2003, it was zoned to R-12 and there was a 400 ft. swath along 70 that was zoned O&I Office Institution. The rezoning request to the north is O&I Office Institution and the balance of it is R-12.

Commission Member Mr. James Kirkpatrick asked, then they are taking this from an R-12 to a R-9?

Zoning Administrator Mr. Joey Lea stated, R-9 is the minimum. It is 9 and up. Some of the lots are over 12,000sqft.

Commission Member Mr. James Kirkpatrick asked, this is conceptual? And depending on how things shake out with buffers and what not, minimum is 9,000 and it could be higher?

Zoning Administrator Mr. Joy Lea stated, correct. No lots will be less than 9,000 sq. ft. as is a condition of the ordinance.

Commission Member Mr. James Kirkpatrick asked, Brycewood Dr. is Gibsonville?

Zoning Administrator Joey Lea stated, correct.

Commission Member Mr. James Kirkpatrick asked, Frissel Dr. is Burlington?

Zoning Administrator Joey Lea stated, no. That is in Guilford County. And then this property is in the city limits of Burlington.

Vice Chairman John Black asked, Mr. Brown, on the map of the rows or the homes. 21 down to 42 that butt up against the city park, how close is that to the park. Like the backyard etc. from these houses.

Mr. Lawson Brown stated, it would depend. The lots to the north of that line will be a minimum of 20 ft. from the footprint of the house and the house itself will be built and that will be 20 ft. minimum to the road is proposed that runs parallel to the park's property line.

Vice Chairman John Black asked, where we are looking now at the soccer field that is a little bit shorter, correct, than the gap from the parking lot.

Mr. Lawson Brown stated, if you are saying that the distance from the playing field and the property is a little bit tighter then yes that is correct.

Vice Chairman John Black asked, the roads, are these maintained? Are these going to be city roads?

Zoning Administrator Joey Lea stated, yes built to City standards.

Vice Chairman John Black asked, another thing you pointed out that you think it is better is they put the buffer on city property, rather than their property. I do not agree with that. Why should the city have this expense? I feel it should be on their property. I do not think anybody is going to forget.

Zoning Administrator Joey Lea stated, that was actually recommended by Parks and Recreation Department.

Vice Chairman John Black stated, I appreciate that and will take that into consideration, but I still do not agree. I think it should be on their property and let them take care of it. To me, when looking to the land on the left and the right, it seems that R-12 is the compromise. I think that an R-12 is a good compromise between the two different areas. I do not see where the R-9 fits in and I think that the reduction and the setbacks being incidental. This is just my opinion, I would like to see this as an R-12 and stay as an R-12. I do not know anything about the historical significance, this is the first I have heard about it. I understand that George Washington slept a lot of places and there is no telling that this might be a place that he stopped. My heart goes out to the people who buy property and then say that they had no idea anything would be built

behind them and that they bought their property so beside them just so somebody can't build there. I am just going to be upfront, my vote if you go R-12, you put the trees and stuff on your property, I am going to look at it. But if you insist on the R-9, I am going to vote against it.

Mr. Lawson Brown stated, I appreciate that. We are asking for the conditional residential, not the R-9 zoning, so some of those lots will be larger than the R-9. As for the setback conditions, people are buying smaller lots, less up keep, and buying larger homes. Eastwood has established themselves as the best regional builders. If you all look at Macintosh on the lake, that you all have approved, you have 50 ft. lots as opposed to the sizes that we are offering here. We think it is consistent with the market and the land use practices for reasons that I have stated earlier. I appreciate your position.

Chairman Richard Parker asked, do I have a motion to approve this request?

Commission member Mr. James Kirkpatrick asked, I have a question about the motion because now we have to read the motions. If I make a motion that has 'hook' to it. My request for a condition is more negotiation on the vegetated buffers; I will make a motion with that condition.

Chairman Richard Parker stated, they have to agree on a condition. Let's let them discuss this behind a clipboard and then we will hear what they have to say. Mr. Brown?

Mr. Lawson Brown stated, Chairman Parker, my client would agree that they would consider supplementing the existing tree line there, but in terms of making a definitive commitment, like what was negotiated with the city and the \$27,500, we are just not in a position to do that tonight, but we will certainly work with the neighbors and try to reach a compromise for the buffer.

Commission Member Mr. James Kirkpatrick stated, we will make that a condition that you will negotiate.

Commission Member Mr. James Kirkpatrick stated, I move we recommend approval of this request based upon the consistency with the Comprehensive Plan. This action is reasonable and in the public interest in that the amendment is compatible with existing land uses in the area. Commission Member Mr. Earl Jagers seconded this motion.

The Commission voted 5 to 2 to approve the rezoning. Voting in favor of the motion were Commission Members Kirk, Kirkpatrick, Parker, Enoch, and Jagers. Voting against the motion were Commission Members Abplanalp and Black.

ITEM NO. 4:

Mr. Lawson Brown to present an application to rezone from R-15 Residential District to CR-Conditional Residential District for the use of a 241 lot Single Family Subdivision. The property is located at 1722 Shamrock Drive (currently Shamrock Golf Course), referenced as Alamance County tax identification number 130754.

Mr. Lawson Brown stated, thank you Mr. Parker and members of the Commission. It is our pleasure tonight to be representing Henson Reality who is represented by Paul Milam from Greensboro on behalf of the Ole Walker Trust, Will Walker Trustee. In addition to Mr. Milam I also have with me on the team from Evans Engineering Bob Distingner and Lee Bryant who will address some of the features of their design. I have worked recently with them for the City of Mebane where they represented a developer for 731 homes and 238 lots and it was an excellent plan. I believe you will find this to be an excellent plan as well. Andrew Hayes and Alisha Delith are here from Davenport Engineering and they are a traffic engineering firm. Andrew Hayes will

address some of the transportation issues and how they are being addressed. For those of you who are not familiar with the history of this property Shamrock Golf Course has been a mainstay in this community for decades. The Walker Family, Will Walker is a third generation owner. Will and his family now live in Texas and as he has stated to me this bankrupt his grandparents and certainly did worse things to his father who had certain financial difficulties, Steve Walker died 28 years ago or so. The golf course since Senior Walker's death 20 years ago has been closed on some occasions and it has been reopened. Sometime ago in recent history a group of the neighbors formed a Neighborhood Association and they leased the property from the Walker Family. In addition to that they subleased the property to another group The Shamrock Golf Alliance. Mr. Moffat has handed up the termination of the lease agreement which included an option or right of first refusal to purchase the property. That is signed by John Harris on behalf of both of those entities, also signed by Will Walker on behalf of the trust of this property. With that being said Mr. Milam's group is the second group that I have worked with and the third group that has taken a look at this property for development. I worked essentially with another group two years ago and the design was nowhere near what you see before you today. Again I would like to say that Mr. Walker and his family have a right to develop their property in accordance with a solid plan which I think you will find it to be. This request is for conditional zoning, it's approximately 100 acres. The minimum size of the lots will be 7,000 sq. ft.; there are 18 lots that will exceed 15,000 sq. ft. in size. The minimum width will be 60 ft. The front setback will be 20 ft. and the sides will be 10 ft. and the rear yard will be 25 ft. This plan provides for impervious surface streets, driveways and buildings that totally impervious surface is less than 24% than the total mass. I think the engineers should be applauded for that particular feature. The existing ponds and lakes will be maintained in the manner and fashion which they are. Shamrock Drive is a state road and will continue to be a state road however, the developer will cul-de-sac Shamrock Drive on both ends so that it will not go across the dam. A study has been done on the dam and appears satisfactory. With these natural features being retained the large lake, small lake and the pond in addition this plan provides for the number one amenity that has been sought after by new purchasers of homes and that amenity is walkability. This will have sidewalks on every street; lots will be internally accessed as you can see on the plan. There will be negative easements so none of the driveways will go out onto Shamrock Drive. All the traffic will be internal except to the extent where they need to get into the property. In addition to sidewalks throughout the existing cart path that are on the golf course they will be retained for the walkability feature in addition and those are shown on the plan. As required by the United States Postal Service there will be mail kiosk at two different locations. The City of Burlington Planning Staff has come up with some directive on that where the US Postal Service didn't; the plan will accommodate the City of Burlington requirements.

Mr. Lee Bryant stated, I'm with Evans Engineering at 4609 Dundas Drive, Greensboro. I would like to go over the project and talk about some of the unique things that we have planned for this development. Paul brought the project to us and informed us that previous engineers have looked at this and they had the project much more dense layout. They had close to 270 lots that outfitted the property. They looked at it and measured some stuff but it didn't work out. Paul brought to us and asked us to take a look at the property. We have looked and it is currently zoned R-15 and he said could you do different lot layouts and let us know what we could have so by doing this conditional zoning is what you have done is not focused on the lot size, a lot size doesn't dictate the best land use for a property. This is a good example of that; what this allows is a conditional zoning that allows for much smaller lots and in that allows you to make it into something unique. Paul asked us to keep this site unique and wants to open space so we can offer something different than what is already out there on the market. We have kept all the natural features that we could. We've incorporated and have gone through lots of variations. During the neighborhood meeting we had a lot of people talk about the lot size and the number of lots; the neighborhood didn't see all the different renditions of this and how it has changed to what we

have here tonight. As Lawson has brought to everyone attention through here this has all the features through here when he was talking about the built upon area. The built upon area is the roads, the streets, the roof tops, the stuff off of Shamrock Drive internal streets all that is built upon area. What Lawson didn't point out is the open space. This property with 100 acres has essentially 40 acres of open space and that is unheard of in today's market. The goal is to keep all the existing vegetation along Shamrock Drive that we can. We realize during construction some of the trees maybe destroyed or damaged so Paul has offer to build a 3 ft. landscape berm with evergreen landscaping on top of it to help buffer the view for everyone. In developing the property it will have public water and sewer, you don't have to worry about any of the adjacent properties wells running dry. The sewer is all fed down to the north side of the property where the City has an outfall through there. The stormwater that was mentioned you don't see any water quality ponds this is proposed to be below the 24% which is the standard. Anything above 24% we would be required to have water quality ponds. It is important to note that none of the water that will drain will drain off on any of the adjacent properties around Shamrock Drive. All the water comes on to this project; everything drains internally. The waterlines going down Shamrock Drive at the developer's expense will bring it from HWY 49 where it currently ends to the property and bring it all the way down the frontage of Shamrock Drive and also down the other part of Shamrock Drive from the street stub all the way down. What that allows for is any of the adjacent property owners in the future to be able to request annexation so they could tie onto the water and sewer. We had a neighborhood meeting and I answered a lot of questions.

Mr. Paul Milan stated, with this particular piece of property if you looked at the previous design I recognized it was 20 lbs. in a 10 lb. sack and quite frankly when I took this to Bob and Lee they had some great ideas and I think that it is reflective in the new plans you see before you tonight. We hope the plan tonight will be a standard for future plans that offer homes between \$190,000 and \$250,000. Hopefully this will require our competitions to have to meet this. Thank You.

Mr. Lawson Brown stated, I would like Mr. Hayes to come up and talk about the traffic improvements for this site both internally and externally. The flashing light at the DOT expense because of the need is putting full signalization at the HWY 49, Kennel Road and Monroe Holt Road.

Mr. Andrew Hayes stated, I'm with Davenport and we consult with DOT and the City for traffic impact analysis for the site. We identified that a signal was warranted at NC HWY 49 and Monroe Holt Road even before the site comes in this is an existing issue. They are going to put in a 100 ft. left turn bay and a 100 ft. right turn lane at Parkway Dr. at NC 49 for the main access. This should not have major impacts on the area.

Chairman Mr. Richard Parker asked, there will be a 100 ft. left loading zone on NC 49 coming down south?

Mr. Andrew Hayes stated, yes, and a right turn as well.

Chairman Mr. Richard Parker asked, how many cars can you fit in a 100 ft. loading zone?

Mr. Andrew Hayes stated, five. It is a pretty good size for a turning lane because intersections cycle about every 2 to 3 minutes.

Mr. Lawson Brown stated, as I said early, the water will be City of Burlington water. The staff advocated for the neighboring homes, about 20, to have access to the City of Burlington water. The sewer will also be City of Burlington. There are two stub outs on either side of the subdivision that comes out to Shamrock drive. So if there were to be any issues with septic tanks,

these homes would have access to the sewer services. We opened this file in May, 2017. Burlington reviewed our transportation analysis which we submitted to the DOT as a part of the TRC process. In addition we had a neighborhood meeting for over three hours with about 60 people attending. From this meeting we found a couple of concerns. One was how this development, which ranges from \$190,000 and \$240,000, would affect the adjoining property. We appraised with Tom Taylor and on April 20th, 2018 he indicated that he reviewed the plans for this subdivision of Shamrock Village that will be comprised of a maximum of 241 single family detached homes. The neighborhood will be South of downtown Burlington on the former Shamrock golf course property. It will be accessed from HWY 49 at Monroe Holt road, which will be the location of a new traffic signal to be installed by the NC DOT. The density will be less than 2.5 units per acre. There is less than 24% built upon area. The subdivision will have a pond and walking trails throughout. Home sites will be a minimum of 7,000 sq. ft. Considering the type of housing already located in this neighborhood, and the high quality of the proposed subdivision, it is my opinion that the subdivision will be consistent with nearby development and will not have any adverse effect on the value of the surrounding properties. This subdivision will enhance the neighborhood with its aesthetics. In addition to addressing that neighborhood concern, we also addressed the buffering issue. If the buffering is effective, it does not really matter what size that lot is. We also think that there is adequate buffering for that. It was asked that we increase the size of certain lots in that area; the developer is not in a position to do that. Economically it would not work with the streets, water, sewer, and sidewalks. The TRC was a very lengthy process and the city advocated very strongly and hard for the benefit of the neighbors and their expense. I would like to state reasons why this development should be granted. Which is that it is consistent with the surrounding zoning. It is a logical extension of single family residential zoning. The land use recommendation has been recommended by city departments and the NC transportation department. The plan has been vetted for a year and approved by the TRC. It has a positive recommendation from your planning department. It certainly is the highest and best use of this property. The plan itself preserves the aesthetic environments in the topography; 40% open space, the lakes, and the walkability of the neighborhood. The plan we submit you all is a good plan.

Commission Member Mr. Earl Jagers asked, in your opening remark you reference the dam. We have had some residents express concern about the dam and we wanted to know if you were comfortable with it and if it is strength worthy.

Mr. Lawson Brown stated, I would refer to Lee on that question.

Mr. Lee Bryant stated, the dam in question is a low hazard dam. It is on the NC registry and it actually falls exempt from a lot of DENR's, NC Department of Environmental Quality, responsibilities. Ten years ago DENR rewrote their mandate for what they could bring into pond networks. This lake is considered a low hazard dam in regards to loss of life if there was ever a breach in this dam. There is no adjacent property that lives downstream of this dam. The 100 year flood is just to the north of the dam. If the dam were to breach it would drain into Big Alamance Creek. Traffic will also no longer travel across the dam.

Commission Member Mr. Ryan Kirk asked, what are the specifics in regards to the buffers on the outer edge?

Mr. Lee Bryant stated, once we get passed this TRC process, construction plans need to be approved by the City of Burlington. What you see here is the preliminary plan which shows the geometry, location etc. Once we move into the construction phase then we will do the grading and erosion plan. In our grading plan, our goal is to keep off of existing vegetation. In areas

where there is not vegetation, it is proposed to have a 3 ft. tall landscape berm with evergreen on top of it.

Commission Member Mr. Ryan Kirk asked, so all coverage, 100%, except for around road access?

Mr. Lee Bryant stated, correct, around the Shamrock Dr.

Mr. Lawson Brown stated, Will Walker requested that we read his letter into the record.

Mr. Ryan Moffat stated, this letter was drafted by Will Walker. We received this letter on April 5th. "I am writing to express my support in this development. My father was very involved in the community, worked hard, and brought a sense of pride to the Shamrock name. No one else alive would have a closer connection with this property than I do. Shamrock's success was due to my father and grandfather and I am saddened to say that Shamrock, at least as we knew it, is gone and will never return. I fundamentally believe that Shamrock, which was an unlikely success from its creation, died with them. Trying to run this golf course and have tenants here has not been successful for my family especially after my father's death. I have tried to find buyers whom would use this property as a golf course, but that was also unsuccessful. The property then overgrew and became a resting spot for people and their shenanigans. To be clear, my family has not earned a penny from Shamrock in at least 8 years and has become more of an expense to my family. I approve of this development and trust the developers; I would want nothing but the best for the current Shamrock residents and hope you all will understand these circumstances. I believe that the rezoning will have a mutually beneficial outcome for the property, the neighborhood, and the city."

Mr. Frank Longest stated, the matter we have tonight is what we think is an unusual situation. Most developers bring you a conditional residential plan that is incorporated in just one perimeter that they have bought. What is unique here is that we have a perimeter development that was designed by Calvin Walker. In 1954 they bought this land, developed a golf course and sold lots around it for houses and hopefully you make money on the lots. If you look at the perimeter you will notice the lots. The area is all R-15. About 40 dwellings have been developed in that area. We want to address the issue of what we believe is intensive density. We are talking about 241 lots. We have over 100 acres on this golf course where there will be 40% of open space that will not be built on. What the developer did not tell you is that he cannot build on that area because of rock or in a floodplain. He is trying to take the warts and make them beautiful. He has gotten the highest density possible all facing interior wise to the detriment to the already standing homes. We are not fighting to keep the golf course or prevent Will Walker from selling his property; what we think is wrong is the high density of 7,000 sq. ft. lots, which is less than R-9; and in a normal Burlington procedure, traditionally, to have conditional residential R-9 was always the base. So here we are asking somebody to bend the rules by placing 241 homes in a high density area that adversely effects the enjoyment of the current tenants. The master use plan, which is probably dated, states that this land was residential, pictorial agricultural. No that is going to change over time. The question is, does this proposed development of 241 concentrated dwellings, all in a cluster, meet the criteria for the city of Burlington as to proper land use and does it respect the use and the protection of the adjoining home owners deserve? Also, the original development of the Shamrock loop will also be altered because the developer does not want liability of that dam although this loop is good for internal and external traffic flow. We are going to request that you use that existing road way and improve it. No one wants the liability of this road way, but the people use this road and it is their right to keep this road. It is good planning to keep this roadway and not create these cul-de-sacs. We would like you all to consider changing the lot sizes that face Shamrock Dr. Change the width from 60 ft. to 100 ft.

The problem with this plan is that it causing the current R-15 residents to look into the backdoor of the houses across the street in this new development. We suggest changing the 3 ft. berm to a 4 ft. berm and putting trees on top of it. The problem still is the high concentration of houses in one area. We just want to have the benefit of a nice transitional area from the existing houses and this development. This current plan gives them no benefit of the transition. They have two mail kiosk areas. One of them is for 168 units. Which mean 168 units will all go to the one spot every day to get their mail. Why not have four kiosks? The current residents are going to have to go through a name change and a new street number, which is not a very polite thing to do. Another issue is having this high, intensive density with only 10 ft. from each lot line, and having a dwelling that more than likely has a driveway to the street, you have a lot of impervious surfaces in that area. Where is all of that rain water going to go? They are saying that the water runoff will go into the 40% area that is cleared. In my opinion I think this would cause damage to the people downstream, which have not been questioned. You are presenting a bunch of homes in less than 60 acres, concentrated. No one is answering these questions, they are ignoring the questions. But we have nice open spaces and nice looking trails. The truth is we can't use them anyways. The last thing I would like to point out is we didn't get this information until the homeowners meeting. We looked and suggested what we thought was reasonable. What we think is reasonable is to have those lots that face or adjoin Shamrock Drive to increase the lot size to 100 ft. and not 60 ft. We ask that the berm be increased to 4 ft. with hollies on top of that as a buffer. The lot size is due with transition from the R-15 to this new development. If we really wanted to have our way then to hope that Shamrock Drive will continue as a full loop and not have to worry about renaming part of it and getting new street numbers. I will ask you in final closing, what is the capability of this particular project with existing R-15 there that is compatible with the original plan and design? You have a perimeter and now we have a large donut hole and the question is what goes in that donut hole and we are saying it needs to be approved upon. We would like for you to suggest to the developer that y'all would be willing to table this at this time so some of these matters will get addressed and to see if the plan could be improved and actually consider the neighbors input. Are we worried about economics? Sure we are. We want the developer to make money but let's let them make money by taking away dense concentration of clustered homes and make better use of the whole property to improve the property and the surrounding properties. Thank you Mr. Chairman.

Commission Member Mr. James Kirkpatrick asked, who are you representing?

Mr. Frank Longest stated, I'm representing the Shamrock Homeowner Association.

Vice-Chairman Mr. John Black asked, when you were making your presentation and you were talking about the R-15, you pointed to the top of the map, were you indicating all the houses around or just the few in the area?

Mr. Frank Longest stated, I'm talking about all the perimeter lots.

Vice-Chairman Mr. John Black asked, in your opinion if the R-15 followed the red houses alone would that be significant for the homeowners?

Mr. Frank Longest stated, the whole area is R-15; he has the right to give you the plan that he says works best. If he stayed R-15 he would probably have more lots and we wouldn't be here tonight. What our complaints are is the high intensities of the dwellings in an area and having such a small lot size that is substantially less than even R-9 which is supposedly a base minimum for residential conditional zoning in Burlington traditionally.

Mr. Scott Robertson stated, I live at 1419 Shamrock Drive. I wanted to address the water runoff from this. I've been in my home for 18 years. I live at the very end where the cul-de-sac is and I've spent many of night after thunderstorms at the spillway cleaning it out. It has almost breeched many times. Water does run fast through there. They said they would maintain the dam and the surrounding area which includes the 3 spill ways; I would like to know who they will have on staff and on call to keep those cleaned out. We clean them out every other day and it's due to beavers. If that dam gets blocked up and we have a bad storm that pond will overflow. The sewer line runs right behind it. What's going to happen if that dam overflows or if it starts to go underneath the spillways and knocks the dam out, knocks the sewer out? That is a major problem where raw sewage flooding down Alamance Creek. Just want to know what their plan is for that and who they will have on staff daily to be doing that; or is this something the City will take care of.

Mr. Adam Miller stated, 1737 Shamrock Drive. We are generally concerned with what the school situation would be with the neighborhood. What school district this would be and the traffic with school buses coming into the neighborhood. There is a school bus stop at the flashing caution light at Monroe Holt, White's Kennel and HWY 49 as of right now. Also, we don't believe the traffic is something that was covered in enough detail. I wait longer than 2 minutes now just trying to make the turn to take my child to school. Add in more traffic that wait time will be longer. The water runoff that Scott was talking about is something to look into. The water will flow from us to the new development. The water runs from the end of the road flows down the ditches to my house. There is a drain that is cut out in my yard that is either 2 or 3 pipes that cuts across underneath Shamrock Drive and unloads on what is now a creek type area at the number 1 tee box. When we get any rain of any magnitude it is a flood, the whole area is covered. Those new houses in the new development will be slab houses and they will have water running in their doors if this isn't fixed. The lot sizes are too small, my house is 64 ft. wide and these lots are 60 ft. wide. Please take all of this into account when making the decision on this item. Thank you.

Mr. Marvin Beeker stated, 1849 Shamrock Drive. I have been a property owner at Shamrock for 60 years. I will assume a \$200,000 depreciation of my property with this new development. I never dreamed that would happen. I am exactly 172 ft. from the intersection to my driveway. With stacking of automobiles and the way of increase traffic on this road, I will be blocked in my driveway. What would happen if there was an emergency situation and emergency vehicles need to get to my house? You can only put 7.8 cars until I'm experiencing a blockage in front of my driveway. I talked with DOT and they told me they did not do an internal study of Shamrock.

Mrs. Ruth Isley stated, 1237 Shamrock Drive. My husband and I have lived there for 47 years. I'm an environmentalist, I love the quiet neighborhoods. I feel like with this density that has been proposed is going to create a lot of noise. I know that noise is difficult for people to process because it creates mental problems. I'm also concerned about the nature of the soil, it's very hard clay. Please make it an R-15. Thank you for your time.

Ms. Amanda Miller stated, 1737 Shamrock Drive. I have 2 children and I have some concerns about the density of the development. I'm concerned about the additional traffic this new neighborhood will bring. My children have grown up looking at greenspace. While there will be greenspace in the new development my children won't be able to see it because they will be looking at 30 ft. houses in front of our house.

Mr. Herb Carmen, stated, we have good neighbors. I want to know when they will put that stoplight up. My wife and I have lived in our house since 1962 and have raised our children there. Shamrock is a good golf course, it is making a little bit of money at this time. Shamrock

provides a haven for many wild-lives. I feel like I will lose money on my house with this new development.

Mr. Charlie Brooks stated, 1831 Shamrock Drive. Since I was a kid I've always dreamed I would like at Shamrock and now I live there and play golf with my kids. Shamrock has been there for years and is a landmark of sorts just like Zach's and the Depot. I just hate to see someone that has no ties to this area come and turn this place on its head. I'm concerned about the traffic. Please take this into consideration before making your decision.

Mrs. Mary Haynes stated, 1411 Monroe Holt Road. The berm on our side is that going to be taken care of? It is a concern for us.

Mr. Michael Kelly stated, 2270 Race Track Road. We are right across the street from the golf-course. We came to this area for a reason. We've taken care of our land and built our home there. We did all of this for a reason. We wanted the greenspace. If we wanted to live in a high density area we would have moved somewhere like that. We have invested a lot of money and a lot of sweat equity into our home and property. We all understand that change happens and will happen but what we do not want the density that this development calls for. I know you have a petition of all the people that don't want this development and it is a couple pages long, where is the petition from the neighbors saying they do want this development? The seller and the buyer are the only ones making money out of this. They are not going to live there; they will take the money and run.

Mr. Daryl McLaughlin Jr. stated, 1607 Shamrock Drive. I'm from Graham and I'm the youngest homeowner in Shamrock. I have found the perfect place to start my life. I don't play golf but I do love the outdoors and the greenspaces. I've enjoyed watching my little girl ride around the area but now that is gone with this new development. There will be too many cars on the road for me to allow her to play like that anymore. When buying a house you don't jump on the first available one, you take your time and look at what you really want and need. I'm losing everything I busted my tail for to get for someone to just fill their pockets. If this development goes through and they have an HOA enforced we are the ones on the outside and will be in trouble for touching that property. We will be trespassing just to look at the greenspace. We are not considered part of them.

Mr. Doug Duggins stated, 1643 Shamrock Drive. My wife and I own the home that Calvin Walker built and lived in. In the past year of owning our home we have learned a lot of the history about the golf course and about our home. We bought our home because of the location and the quiet neighborhood. Our main concern is that all of that is going to completely change and devastate what we thought was going to be our forever home and location. We were planning on living and dying in that house. The developer has not given you any concept or idea about what these homes will look like. Will there be any consistency with our homes that are already there? The problem with the turn lane and traffic is that there will be cars coming from the other road and lane. It will be a problem in all directions. There will never be 2 minutes of time to turn left with all the traffic coming up and down HWY 49. They said it is 24% of the land that is being developed for homes and there are 241 homes, that feels like 10 houses an acre to me; this is very dense.

Ms. Lesley Gonzalez stated, 1213 Shamrock Drive. We have lived at this address for a year and 4 months. The whole time it has been wonderful. I can understand the time and skill that the developers have put into this idea of a development but the problem is not their plan it is their location. It is not compatible with our R-15 homes. We will lose the value of our homes. The

school and traffic situation is something that I'm worried about. The view of the greenspace is a reason we bought our home.

Mrs. Dana Duggins stated, 1643 Shamrock Drive. Behind our home we have an ongoing issue with the utility folks trying to access the power poles. There is a right-a-way there that I assume is owned by someone. We have lived here for 5 months and have had multiple people ask for access to those lines; we've had surveyors, cable, and power on many occasions. Our concern is what the plan is and will that affect our personal property. Heavy trucks are wanting to drive over our septic tank and such, that is not ideal and if we are not home they will try and do it without our permission.

Mr. Marshall Evans stated, 3410 Maple Ave. I am part owner of a crab service company. Our commercial business is located right at the intersection of Monroe Holt and where the red, flashing light is. On any given day between the hours of 7:00am-8:30am and 4:00pm-5:30pm, we cannot access our own parking lot and it is an issue for our customers as well. We do think that the traffic light will help with this, but we do think that this traffic light will take some of our property away. I do not see how this will help since our entrance way would be so close to the light, unless there are some provisions made for that. Also at the intersection of Park Drive, which is the original entrance into Shamrock, you all are putting a turning lane in there as well and we were not aware of that and I am sure it will impact and take away some of our property. I knew Steve Walker personally and he was the most generous person in this community and Shamrock was profitable during his time. I understand that things had changed after his death and folks have alluded to that the golf course has not been making money and that is not true and everyone in this room knows that.

Ms. Sammantha Teer stated, 1355 Shamrock Drive. If all of this was R-15, none of us would have a problem with it, but it is not. Everyone is talking about high and low density and I have a question for you all. In the legend they use NCAA code and the code that is used is actually 1B even though they quote 1C on the paperwork. I would like to know if anyone had looked at 1D, which says when calculating project density, "on a case by case basis as determined by the division of application review projects may be considered to have both high and low density areas based on one or more of the following criteria: natural drainage area boundaries, variations in land use throughout the project, and construction phasing." I think at the most, we should look at one, which is natural drainage boundaries. As Mr. Longest said, "on this area here it cannot be built upon, this is Jordan Lake rules. We've got this pond here. As is, 40% of this is open space." So you are building 241 homes on 60 acres and that is over 30% density, not 20%. Thank you.

Ms. Dana Stewart stated, Monroe Holt Rd. I would love to keep the golf course, but we are all aware that that is not going to happen. What I would like is larger lots with nicer homes. I would also like to be aware of what kinds of homes are going here. I have not seen what it is going to look like. All I see here is track homes and behind my bathroom and bedroom window is a house. We are used to these green lots and not tract homes. I am also concerned about my safety with my bathroom and bedroom here. So this is something I want you all to consider.

Mr. John Harris stated, I really do not think we should cap people off. Everyone has a right to their three minutes of fame. Herb living here 60 years and that is about 3.21 seconds per year that he has lived here. I mean the TRC has reviewed this thing and there are still bullet holes all through this thing and still being passed off with the notion of "well we will take care of this later". I do have some papers I would like to give to you. There are some things that have been discussed and may be repeated. We talked about when the Shamrock golf course shut down and we discussed options and what they could do to try and make it viable again. There is also

undisturbed vegetation here now and it looks pretty good. The other thing is where someone is trying to sell their house. Twenty five people looked at this house and now they finally have a deposit on it and they walked away because of this development. Make it R-15; make it something we can live with. You should have been at the neighborhood meeting, it was disrespectful. Do the math, 241 homes times \$250k. I failed math, but that is about \$60 million. He's not going to earn the whole \$60 million, but that is a fair bit of change. If it is not about the money, then let us all get together and be a part of the TRC board. Some things on the TRC board need to change. It is just not right for a lot of this stuff just to pass. I think we all ought to change it and make it right. I know all of you guys on the board and I love you guys, what you all do is a lot of work and it is not easy, but it is not easy on us either. Again, I do have some information and some packets and I will hand it up, but I will say that the purpose of the zoning ordinance, passed June 16th 1971 under article 14 Ch. 160 of general statutes in NC, for the purpose of promoting the health, safety, morals and general welfare of the community. Lessening congestion in the streets, look at "Sham-opoly". Secure safety from fire, panic, and other dangers. Herb Carmen, the architect, is one of the best in the South East and I would put their firm up against anyone. They are capable of magnificent things and will continue to do great things. These guys made deals on this development in the back yards of great, great grandmothers' houses. The Holt family were developers too and this was not in their plan. All we are asking for is let's make it R-15. We just had a property whose value reduced \$35,000 which is on the south east corner. I would like to present you all with some letters from a non-owner and who is just living at Shamrock.

Mr. Lawson Brown stated, going back to what Mr. Longest stated earlier this plan was put out in 1954, I don't think that this City and this commission want to be held down by a 64 year old plan when making important land planning decisions. He also referred to R-9 being the base, as you all know the planning staff and their consultants are consolidating the R-6, R-9 and the R-12 into one category, R-9 is no longer the base. The Cities master plan is outdated so what we brought to you is a very good plan. Mr. Longest indicated there were problems with perk test out there for the sewage; my client is solving that problem. He indicated there were problems with the wells; my client is solving that problem. Another gentleman referred to the problem with dam and the beavers, etc. the dam area is going to be maintained by the HOA that will be an expense that will be off his back and the neighbors around there. The real question is whether this cluster residential development in 2018 under the cluster development concept at only 2.5 units per acre density is a good land use decision. We have submitted all the reasons we have articulated that it is. Thank you.

Mr. Lee Bryant stated, the density and the BUA, Built Upon Area, keeps being thrown about here just so I can explain this in a little more detail, the low density in the BUA that is driven by the built upon area through there that is not the number of homes through there. BUA and density don't correlate through that. Density for a project through there is based on the acreage through here. Take the number of lots and divide that by your acreage that gets you your density. At the same token, it is was an R-15, you could do the math for a 15,000 sq. ft. lot is when you do that, it is well above the 241 through there. The watershed and drainage issues through here, NCDENR and the Army Corps of Engineers have looked at the features through here, walked the streams, and looked at the pond, which has been taken into account. The buffers drawn here are state mandated. Also the City of Burlington is a designated watershed that has the authority to do their own stuff. I do not see the staff here that reviews the watershed for Burlington, but Burlington does have their own watershed review for this. Another comment and question was about the drive and the dam across there. We will examine this when it comes to how much runoff and rain will affect this area with the development in place. The crossing we have here for connectivity, there is currently a culvert that is under one of the drives, once we get into the actual construction we will evaluate that to see if it is appropriate for the capacity of water

coming through there. For concentrated flow, this is a part of the Jordan Lake rules, when you release water from the storm pipes you have to use diffuse flow. The question about the pipes and if they are sized adequately enough to handle spill, that will also be analyzed during the construction process. The CBU things, the City of Burlington has standards for that which we have met. Also the post office signs off on locations. The traffic engineer can speak to a lot of questions retaining to that. Also for the 7,000 sq. ft. that we are asking for, what I did was all the area in gold is actually about 60% of the property and when I take that area in gold and divide it by 241 that actually gives you about a little less than a 9,0000 sq. ft. average property. When you say, 7,000 sq. ft. minimum that is the minimum out here. The drive at the parkway, there is a very strange traffic pattern through here, as a part of this plan we are going to improve the traffic pattern here, which also gives property to the property owners to the south.

Mr. Lawson Brown stated, the developer has nothing to do with the renaming of Shamrock Dr. that is the jurisdiction of the city, the fire department and emergency medical. The kiosk area, in Wilmington there are 2,000 home sites with only two mail kiosks, I'm familiar with this and I have never experienced difficulty getting mail or going around the kiosk. I thank you for your time.

Chairman Mr. Richard Parker asked, Mr. Longest request to widen the lots that abut Shamrock Drive, is there any way that can be accommodated?

Mr. Lawson Brown stated, if we hadn't have worked on this for over twelve months and gotten to this design, if it was a year ago we could have possibly considered that, but with the added buffering expense that was added by our meeting with the neighbors, the added utility expense for the connectivity of water and sewer that was mandated for the benefit of the neighbors, the developers are certainly not in a position to do that. And we hope that the buffering will cover that.

Chairman Mr. Richard Parker asked, do you know what the average widths of the lots that abut up to Shamrock Dr. are?

Mr. Lee Bryant stated, 60 ft. wide.

Chairman Mr. Richard Parker asked, so the answer is no?

Mr. Lawson Brown stated, correct.

Commission Member Mr. Ryan Kirk stated, there was another request for the berm to go from 3 to 4 feet.

Mr. Lawson Brown stated, we are comfortable with raising it to four feet and covering it with Holly vegetation.

Chairman Mr. Richard Parker asked, so you state that that is a condition you will meet?

Mr. Lawson Brown stated, yes sir; evergreens as opposed to Hollies.

Commission member Mr. James Kirkpatrick asked, so other than that, this is your final offer?

Mr. Lawson Brown stated, yes that would be our final offer.

Chairman Mr. Richard Parker stated, Mr. Longest you have ten minutes now.

Mr. Frank Longest stated, I would like to point out two things. According to the calculations that we have there are 128 units in this conditional plan that are less or right on the 7,000 sq. ft. There are approximately 48 within the range of almost 8,000 sq. ft. this shows the high density and not be fooled by the whole 100 acres. That's 2.1 houses an acre. The realty of the plan is high density concentration.

Chairman Mr. Richard Parker stated, thank you Mr. Longest. Joey, have you had any calls on this.

Zoning Administrator Mr. Joey Lea stated, we had 18 calls on this and they were all against this rezoning.

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

Planning Director Mrs. Amy Nelson stated, the comprehensive plan calls for the area to be residential- agricultural. This proposed subdivision is higher density than called for in that area however again with the pervious development recent residential growth and development in Burlington and Alamance County was not occurring when the comprehensive plan was written. This will provide housing opportunities in the southeast part of the city, while inconsistent with the comprehensive plan it is a good use of the property.

Zoning Administrator Mr. Joey Lea stated, you have heard a lot of technical data, this was vetted through our Technical Review Committee and we look at that from a technical aspect. With the TIA it was mentioned how it didn't address the internal circulation, what it did address was the access points to make sure that the internal traffic is satisfied by getting out. You can't really do an internal but they did address the access points so from a technical aspect this development functions. It is denser than R-15 in the area of which they are building but from a land use perspective we believe it is a good use. Staff recommends approval of the request.

Commission Member Mr. Ryan Kirk stated, I move we recommend denial of this request based upon inconsistency with the Comprehensive Plan. This action is reasonable and in the public interest in that the amendment is incompatible with existing land uses in the area. Vice-Chairman Mr. John Black seconded the motion.

The Commission voted 6 to 1 in favor of denial of the request. Voting to deny the request were Commission Members Kirk, Kirkpatrick, Abplanalp, Parker, Enoch, and Black. Voting against the motion was Commission Member Jagers.

There being no further business to discuss, the meeting was adjourned at 11:00 p.m.

Richard Parker, Chairman

John Black, Vice Chairman

Kelly Peele, Secretary