

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

October 22, 2007

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

George Byrd, Chairman, Present
Paul Cobb, Secretary, Present
John Black, Present
Lynn Cowan, Present
Elder Greg Hargrave, Present
Gordon Millspaugh, Absent

EXTRATERRITORIAL MEMBERS:

Bud Apple, Present
Richard Franks, Present
Earl Jagers, Present
Jim Johnson, Absent
Ellis Piper, Present
Bob Ware, Present

STAFF PRESENT:

Robert R. Harkrader, Planning Director
David Beal, Assistant Director of Planning Services
Daniel Shoffner, Planner
Haywood Cloud, Zoning/Subdivision Administrator
Nolan Kirkman, Traffic Systems Manager
Dianne Fogleman, Office Assistant

ITEM NO. 1: Chairman Byrd called the meeting to order at 7:01 p.m.

ITEM NO. 2: Minutes of the meeting held September 24, 2007, were unanimously approved. This was a City and extraterritorial item.

ITEM NO. 3: Consent agenda: (City)

- (A) Withdrawn prior to meeting.
- (B) Mr. Mark Reich presented an application for final plat approval of Phase 1, Sterling Subdivision, Mackintosh on the Lake, Parcel G. The property is located on the south side of Bonnar Bridge Parkway and north side of Loch Ridge Parkway as shown on plans by Alley, Williams, Carmen and King, Inc., dated September 7, 2007, and containing 57 lots.

Staff recommended approval of the final plat contingent upon completion of street construction, installation of water lines, sanitary sewer lines, storm drainage and other engineering requirements or the applicant posting proper surety with the City Engineering Department prior to recording the plat.

Commission Secretary Cobb made a motion to recommend approval of the final plat with the contingency outlined by staff. Greg Hargrave seconded the motion. The Commission voted unanimously to recommend approval of the final plat contingent upon completion of street construction, installation of water lines, sanitary sewer lines, storm drainage and other engineering requirements or the applicant posting proper surety with the City Engineering Department prior to recording the plat.

The Commission found that the plat as presented met all requirements of the Subdivision Regulations.

ITEM NO. 4: Mr. Charles Bateman, representing ZP #166, LLC (Zimmer Development Company), presented applications to amend a Conditional rezoning approved for The Shoppes at Waterford on September 20, 2005. The requests were as follows:

- (A) to rezone 0.4 acres from O-I, Office-Institutional, to CB, Conditional Business, in order to move the zoning line to accommodate the commercial building;
- (B) to add two egress lanes on Dunleigh Drive in addition to lanes previously approved. The proposed egress lanes will be 82 feet west of the approved right-in-only lane and will be 31 feet in width.

The property is located on the southwest corner of US Highway 70 (South Church Street) and University Drive as shown on Alamance County Tax Map 3-27-7 and a portion of 3-27-79.

This was a City item.

(A) Mr. Bateman stated that the request to rezone 0.4 acres was being made to accommodate modifications in design of the proposed CVS Pharmacy building. He stated that engineers were present if Commission members had any questions.

Mr. Jim Balentine, who owns property at 1209 Dunleigh Drive, asked if a traffic count had been conducted and if the entrance on University Drive near the proposed CVS Pharmacy would be considered the major entrance.

Planning Director Harkrader stated that Zimmer Development Company submitted a traffic study when the shopping center was proposed and confirmed that the entrance near CVS was considered one of the main entrances to the shopping center. He stated that the change in design was minor and that staff recommended approval of amending the Conditional rezoning subject to the Use and Development Conditions previously approved and site plan submitted by the petitioner.

Commission Secretary Cobb made a motion to recommend approval of Item 3(A). Greg Hargrave seconded the motion. The Commission voted unanimously to recommend approval of 3(A).

(B) Mr. Bateman introduced Mr. Rod Young, Director of Development, and Mr. Adam Tucker, Development Manager, both with Zimmer Development Company, LLC, and Mr. Samuel McDonald, Project Manager with The John R. McAdams Company.

Mr. Young outlined the timeframe from when plans for the Shoppes at Waterford were first submitted to the City and approved by City Council on September 20, 2005. A grocery store was proposed as the anchor in the development with supporting drug and retail stores and offices. Mr. Young maintained that the complex was designed as an amenity to the entire community.

Along with approval of the Unified Business Development in 2005, two drives into the shopping center were approved on Dunleigh Drive: (1) a right-in-only lane close to the intersection of Dunleigh and University Drive; and (2) a full access drive located on Dunleigh near the proposed grocery store permitting right and left exits. Mr. Young explained that Lowe's requested the full drive as a convenience to its customers.

Then, in the design process, Mr. Young stated that Lowe's Food requested a modification in the already-approved access on Dunleigh closer to University Drive: add an exit with right and left turns. As a compromise now, Lowe's was willing to make the full access drive near the grocery store a right-in-only drive eliminating traffic from going onto Dunleigh and forcing delivery trucks to travel only through what is considered to be the main entrance off University Drive. This request was presented to the City and was approved by the City's Technical Review Committee in March 2006 at which time the John R. McAdams Company received a letter from the City outlining the TRC approval.

Mr. Young explained that the request to modify the two drives was placed on the Planning and Zoning Commission agenda for its meeting in May 2007 but was withdrawn after negative feedback from several Waterford residents. He stated that after the meeting, representatives from Zimmer Development were involved with neighborhood meetings in June and July 2007 at which time alternatives were discussed. During the interim, permitting was issued for the shopping center, and in April 2007 a building permit was issued for the first phase.

Mr. Young maintained that the proposed changes would be better for Waterford residents than the original layout approved in 2005 because it would essentially force traffic and delivery trucks to utilize the main entrance.

Mr. Young stated that Lowe's had specified these modifications as a condition for signing a lease. He claimed that if Zimmer couldn't make a change in these drives, Lowe's would pursue other options.

NCDOT had agreed to install a traffic light at the intersection of Dunleigh and University Drive, Mr. Young explained, but had declined a request for traffic lights at the entrances on South Church Street and the main entrance on University Drive.

Mr. Young stated that Zimmer Development Company understands the residents' concerns and had been doing everything possible to appease Lowe's, City staff, NCDOT and Waterford homeowners.

Mr. Thomas Roupas, an attorney who lives at 925 Tremore Club Drive, stated that the City needs to look out more for its citizens rather than a grocery store chain that may or may not deliver on its promises. He referred to Mr. Young's statement that Lowe's Food Store "could walk" if it did not get approval for additional egress lanes. He told Commission members to go ahead and let them "walk" and that the residents were not going anywhere.

Mr. Roupas stated that he and Mr. Larry Lee, 909 Dunleigh Drive, had met with Mr. Curtis Oldenkamp, president of Lowe's Foods, who told them that Dunleigh would be the main access point for the grocery store. Mr. Roupas questioned why couldn't the main access to the development be on University Drive or South Church Street rather than Dunleigh. He stated that Waterford residents did not create the current mess, Zimmer did, and Zimmer was not looking out for the neighborhood. He questioned why the City would even consider such a ridiculous plan and keep traffic out of the residential neighborhood and why does the City bow

down to the needs of a development company out of Wilmington and a grocery store chain from Winston-Salem rather than to the safety and needs of its own citizens. He stated that 100 percent of the Waterford residents were opposed to the request for two additional egress lanes for the following reasons:

- (1) It is projected that between 2,000 and 3,000 vehicles per day would be utilizing the Dunleigh Drive access points, and with this would be introduced more crime.
- (2) He maintained that this is a poorly thought-out plan that will allow traffic to be backed up at the main entrance from Dunleigh onto University Drive.
- (3) The additional egress lanes and more traffic will certainly decrease the value of homes and only benefit Lowe's.
- (4) And most importantly, 2,000 to 3,000 more vehicles will create a risk factor for the children of the residential area as well as to the recreational area located adjacent to the Dunleigh/University Drive intersection.

Mr. Roupas questioned if there was a tragedy in Waterford, would emergency vehicles be able to access the residential area and where would Mr. Young, Mr. Tucker, the president of Lowe's or someone from the City be. He maintained that Zimmer, Lowe's or the City messed up and that the plan being presented should never have been considered. He stated that he respectfully asked that the Planning and Zoning Commission members stop this from happening and do everything possible to stop City Council from approving the request.

Planning Director Harkrader stated that he sympathized with neighbors and explained that two access points – one right-in only and one full access – on Dunleigh as shown on a submitted site plan were approved in 2005. These were approved prior to homes being built and lots being conveyed in Waterford. He pointed out that the only thing Zimmer Development Company is requesting: (1) the full access drive closest to the grocery store be changed to an entrance only; and (2) an egress lane permitting left and right turns onto Dunleigh from the development be added at the previously approved right-in-only lane near University Drive. He stated that staff recommended approval of modifying the two drives on Dunleigh. Mr. Harkrader stated that one property owner, Mr. Wade Williamson, owns the three closest lots and that he was not opposed to the change.

Mr. Roupas stated that since Zimmer was requesting an amendment, he moved that the entire plan be changed whereas no drives into the development would be permitted on Dunleigh. He remarked that so be it; if Lowe's "walked" another grocery store chain would be willing to open a store.

Planning Director Harkrader reiterated that the City could not rescind approval of the site plan previously approved.

Ms. Chrysoula Vandoros, 1015 Dunleigh Drive, remarked that information to prospective homeowners in Waterford had been presented in a deceitful manner. She stated that they were told that the drive closest to the grocery store was going to be for golf carts for property owners only.

Commission Chairman Byrd asked who told her this. She answered the developer.

Ms. Vandoros stated that she was told that her 5- and 13-year-old children could walk safely to the pool, that residents would be protected from traffic and there would be no

entrances into the shopping center on Dunleigh Drive. She explained that she wanted her son to be able to ride his bike on the streets. Ms. Vandoros asserted that she wanted Lowe's to come, but if they wouldn't come unless there were more entrances on Dunleigh Drive, then maybe another grocery store would come. She concluded that just because Lowe's wants more entrances doesn't mean that they can have them – families and homes in Waterford should be protected.

Planning Director Harkrader reiterated that the site plan showing the two entrances on Dunleigh had already been approved and that obviously prospective homeowners were led to believe otherwise. He commented that the location of the pool and tennis courts was questionable – it could have been built within the development rather than at the intersection – but this was a decision made by the developers, not the City.

Commission Chairman Byrd remarked that there were obvious communication problems between realtors/developers and the property owners.

Mrs. Shelley Roupas, 925 Tremore Club Road, stated that she is now a stay-at-home mom with sons 4½ and 6 and that it was a pleasure to see her sons and friends playing on Tremore Club Road in the afternoon and early evening. She stated that she was appalled at the fact that 2,000 strangers could soon be able to come through their neighborhood, that their sons could not even get the mail from the mailbox, and they would not be able to walk to the nearby pool. Waterford would no longer offer a safe environment, she concluded.

Mr. Larry Lee, 909 Dunleigh Drive, informed the Commission that he had been a builder, realtor and a property developer in this area since 1974 and that he was concerned about the “dumping” of commercial traffic into the Waterford Subdivision. He maintained that the ingress lane already approved was bad enough but two egress lanes would make the problem even worse. He noted the concerns about the “stacking” of traffic at the Dunleigh/University Drive intersection.

Mr. Lee stated that he was not opposed to the shopping center; however, he and other residents did not want to live in it. He described the community center which features a clubhouse, swimming pool and tennis courts at the entrance to Waterford and stated that there is limited parking at the facility – approximately 21 spaces for 150-plus residents -- because most residents would be walking; however, if they did drive, it would add to the congestion envisioned at the intersection.

Mr. Lee reported that Waterford properties were purchased either through First South Reality or another source, and that on the recorded plat, Faithleg Drive is indicated as a 40-foot private right-of-way. He told Commission members that it was marketed to him by one of the developers as a “private entrance to the shopping center for residents only.” He commented that he envisioned taking a golf cart to the shopping center. He noted, however, that on the restrictive covenants recorded in June 2005, the property noting the “private entrance” – Lots 1 and 37 – was excluded.

Mr. Lee stated that sometime prior to September 2005, Zimmer Development Company began negotiations with Lowe's Foods, and included as a part of the negotiations was an ingress as well as an egress onto Dunleigh. Mr. Lee stated that during a meeting he had with Mr. Oldenkamp, president of Lowe's Foods, in Winston-Salem, Mr. Oldenkamp shared an artist's sketch showing the ingress and egress, and because of this, Lowe's had signed the lease. Mr. Lee questioned who gave Zimmer assurance that the approval of an ingress and egress would not be a problem in order for Lowe's to sign the lease. He stated that Mr. Oldenkamp was shocked to learn that these ingress/egress accesses had not been approved by the City and stated that Lowe's considered these to be their main entrances.

Mr. Lee recalled in August 2005 when Zimmer first applied to the Planning and Zoning Commission for rezoning for shopping center, included on the site plan were a right-in lane close to the intersection of University Drive and Dunleigh and a full access on Dunleigh near the proposed grocery store. He stated that Commission Member Franks asked what route trucks servicing the grocery store would take, and Mr. Young with Zimmer informed members that trucks would utilize the entrance/exit off Dunleigh near the rear of the grocery store. Mr. Lee proclaimed that this should have sent up a red flag. There was no mention of buffering between the shopping center and residential area, no concerns about traffic, water runoff, lighting, or ownership and maintenance of Lot 1 through which the Faithleg Drive easement crosses. He noted that the Homeowners Association is currently maintaining this area.

Mr. Lee stated that after the August 2005 Planning and Zoning Commission meeting, the request for the shopping center went on to the City Council at a public hearing. There were no questions asked by City Council about ingress/egress or buffering; however, Council did stipulate that a privacy fence be added to protect Mr. Paul Bundy's property on Church Street – no mention of protection to other residential properties. Mr. Lee remarked that this should have been another red flag. Once construction began on the shopping center, the entrance to Waterford, where a 20 to 25 foot mound of dirt had been landscaped and irrigated and offering a buffer between the residential area and commercial development was destroyed.

In summary, Mr. Lee told Commission members that since there were no homeowners in the Waterford Subdivision at the time, it was Commission members' responsibility to protect future homeowners and their sizeable investments from the commercial development. He maintained that Waterford homeowners pay taxes, bank, vote and educate their children here and that it was Commission members' responsibility to protect the homeowners from this kind of intrusion. In conclusion, he stated that these drives and traffic would drastically devalue their property.

Commission Member Franks asked that Mr. Lee explain why he and other property owners were blaming the Commission for problems when obviously it was deceptive selling practices by the subdivision developers.

Several property owners stated that the City allowed Zimmer to sacrifice the Dunleigh-side of the development to appease Lowe's.

Planning Director Harkrader told property owners that they should not blame Commission members or the City for many of the problems created by the residential subdivision developers.

Mr. Barney Lawrence, 828 Dunleigh Drive, disclosed that he and his wife were also told that the drive nearer to the grocery store was going to be designed as a golf cart path for residents going to the shopping center. He stated that he was concerned about 3,000 cars traversing their neighborhood and endangering children. He told Commission members that he and his wife have 10 grandchildren who visit often and enjoy playing outside. He also stated that visitors to their home must park on the street and he was concerned about that because of the anticipated additional traffic. Mr. Lawrence summarized that he was not blaming the Commission or City for what has been done, but now residents needed to move forward and all concerned must come up with a better plan than the one being presented.

Commission Secretary Cobb asked what did Mr. Lawrence propose.

Mr. Lawrence stated that the commercial traffic should not be dumped into the residential area, especially on Dunleigh because that would put the safety of the children in jeopardy.

Mr. Derek Brooks, who owns property on Tremore Club Drive, stated that Zimmer officials were kidding themselves in thinking that truck drivers would be taking the designated main entrance into the shopping center for deliveries when they could take a shorter, easier, less congested way in and out. He encouraged Commission members to recommend denial of this request and to change the two drives.

Mr. Lee Wilson, a local builder and developer, stated that he owns five lots in Waterford and his son has a million dollar home across from the subdivision entrance. He stated that he was not pleased that the entrance near University Drive could become an entrance/exit and questioned why this anticipated traffic couldn't be diverted to the main entrance on University Drive or on Highway 70 rather than Dunleigh. He claimed that it was not too late for the developers to fix this problem before construction gets further along.

Planning Director Harkrader stated that property owners were implying that the City was being complacent about the situation when it is not. He noted that there have been numerous meetings with developers, engineers, property owners and NCDOT regarding the traffic patterns around the shopping center. He introduced Mr. C. N. Edwards, District Engineer with NCDOT.

Mr. Edwards outlined NCDOT's involvement with the shopping center since its conception. He told Commission members that while the State does play a role in access points and signalization on University Drive and South Church Street, it has no say-so on Dunleigh Drive.

Mr. Edwards explained that NCDOT standards indicate the advisable distance between signalization at intersections in order to prevent backed-up traffic whenever possible. He stated that NCDOT had approved the installation of a new signalized full movement access at the University Drive/Dunleigh intersection in anticipation of servicing a large amount of traffic. In addition, he stated that the divided multi-lane roadway had been designed for that purpose also.

Mr. Edwards informed the Commission and residents that NCDOT had denied a request from the developers for additional signalization on University Drive at the access drive considered to be the main entrance into the shopping center due to the fact that the two signals would be too close together. In addition, NCDOT denied a proposed access revision to include the closure of a previously approved "left over" access on University Drive due to roadway geometry and insufficient sight distance for northbound left-turning vehicles at the University Drive/Dunleigh intersection. Mr. Edwards stated that he informed the developers that NCDOT would be open to alternative designs that would meet state standards.

Mr. Lawrence asked Mr. Edwards if NCDOT could offer at solution or suggestion for the situation.

Mr. Edwards explained that the state was willing to look at any alternatives that would address the needs of the residents as well as the developers.

Ms. Jacky Dowd, who owns property on Aglish Court, commented that there wasn't a traffic light everywhere she wanted to go, but she did manage to get where she needed to go. She questioned why Lowe's insisted on having everything that they wanted. Using the map on the overhead projector in the Council Chamber, Ms. Dowd indicated that shopping center traffic would be able to go north, south, east, and west without having to get on Dunleigh Drive. She commented that Zimmer Development Company was doing everything it could to help Lowe's Food at the expense of homeowners. Ms. Dowd also questioned the status of the 60-foot proposed private access easement on Dunleigh as shown on the map.

Planning Director Harkrader stated that this was a 40-foot full access drive, which was originally approved at the site.

Mrs. Wendy Fogleman, 4110 Aglish Court, stated that she had 10 children at her home for her child's birthday party during the weekend, and with the possibility of 2,000 to 3,000 cars going through their neighborhood, she was concerned about the future safety of all the children in the area. She recounted that when she and her husband were deliberating over whether to purchase a home in Waterford in 2005, First South Realty told them that townhouses were going to be built on the northern side of Dunleigh – not a shopping center. She borrowed from Mr. Lee the same marketing brochure presented to them when they were investigating Waterford. Mr. Lee commented that he was still in possession of the letter from WMW Development that was marketing the lots. Using the overhead projector, Mrs. Fogleman displayed the marketing brochure and pointed to the area where the townhouses were supposedly going to be built.

Commission Member Black asked Mr. Lee if he could read the letter from WMW Development. Mr. Black inquired if townhouses could still be built in that area, and was told that there was not enough land. Mr. Black asked who were the owners of WMW Development Company, and was told Tom Wilson, Larry McCauley and Wade Williamson.

Mrs. Fogleman stated that she did not blame the Planning and Zoning Commission for all their woes, just Wade Williamson, and he was afraid to show his face.

Mr. Jack Morton of Hallmark Homebuilders stated that his company owns five lots in Waterford and that if Lowe's Foods didn't get the additional accesses that they wanted, let them walk.

Planning Director Harkrader attempted to assure the property owners that the proposed changes in the two drives would be better for Waterford residents than the original ones presented by Zimmer. He maintained that the amended drives would have less impact on the neighborhood. Mr. Harkrader reiterated that he was empathic to the feelings of homeowners and reminded them that the previously approved two drives were approved prior to them purchasing their property. He stated that based on comments made by homeowners during the meeting, it appeared that many of them may have been misled; however, their anger was misplaced. He explained that this request to amend the two drives off Dunleigh Drive had been reviewed by the City's Technical Review Committee (TRC) which agreed the changes in the drives' design would have minimal affect on the subdivision.

Commission Secretary Cobb requested that the letter from the TRC to the John R. McAdams Company in March 2006 be shown on the overhead projector and read it to Commission members and property owners. It stated: *"This letter is to notify you that the City of Burlington Technical Review Committee has approved the plans you submitted for the Shoppes at Waterford located on University Drive.....This approval is for the technical review process only and is not associated with permit approval for other departments. Please consult NCDOT for further driveway permit requirements."*

Commission Secretary Cobb asked who comprised the TRC and was told representatives from Police, Fire, Public Works, Traffic, Inspections and Planning as well as from NCDOT.

Commission Member Hargrave commented that he and other Commission members were trying to digest information presented by Zimmer, property owners, and staff and asked why was the request being made.

Mr. Young stated that changing the drive closer to the grocery store to an entrance-only into the shopping center would prohibit a lot of traffic from going into the residential area thus minimizing impact while also benefiting the tenants.

Commission Member Franks noted again that the entrance was supposedly approved mainly for trucks in and out for grocery store deliveries.

Commission Member Hargrave stated that he realizes projects change, and his main concern now was safety. He commented that nothing can be done about what has already been approved and residents need to understand that and the only concern was what was being requested now.

Commission Member Ware asked if anyone remembered Maeview Acres. He explained that it once was a subdivision not far from Waterford. The land then became part of massive development – a park, one of the biggest shopping centers in the state, an apartment complex. He explained that there are about 60 homes in the area where he lives on Williams Mill Road and now he has to listen to garbage trucks at 5:30 or 6 in the morning in addition to everything else brought on by commercial development. He admitted that if he had checked out the City's Thoroughfare Plan and Land Use Plan, he would never have built his home at that location. He told Waterford residents that they should have been more aware of Zimmer's plans and what was planned for the area and not have taken the word of a developer selling them property. All one has to do is go down to City Hall and see what is planned for a particular area. Granted, he said, the City does not always base its decisions on its Future Land Use Plan. Mr. Ware stated that in the last seven or eight years that he has served on the Commission, approximately 180 acres of land have been rezoned for shopping making it obvious that someone in the City is interested in its tax base. In conclusion, Mr. Ware stated that he didn't think Commission members should have been so verbally attacked by Waterford residents on what members should or should not have done to protect them.

Commission Member Franks explained that he, too, was a Commission ETJ member and could not vote on the current application, but was able to vote when the original application was presented in 2005 because Waterford was not in the City limits. He requested to make a statement to Waterford residents: When residential property was being marketed to prospective homebuyers, the drive close to the grocery store was referred to as a future golf cart path for residents, but when the rezoning was first presented to the Commission, it was going to be an egress/ingress for trucks. So, everyone was told something different. Therefore, residents shouldn't be taking their wrath out on Commission members or the City. All that can be done during this meeting was consider the current request, vote and make a recommendation to City Council. He stated that the Commission, the City nor Mr. Harkrader made all of these promises to residents and they were not to blame. He explained that if Waterford residents thought they had problems, he shared that he lives off Garden Road, which was once a quiet, residential neighborhood; now, he is surrounded by a rest home, kidney center and the largest shopping center in the area. He offered his sympathy to the property owners for having been promised all the amenities that he had heard about during the evening.

Commission Member Hargrave questioned if the drives already approved would be sufficient for Lowe's.

Mr. Bateman stated that even if Lowe's doesn't locate at the shopping center, the facility will still be there as will the drives on Dunleigh.

Mr. Roupas asserted that whether Lowe's was walking or staying, Commission members could stop this horrible plan.

Commission Member Black stated that he did not accept Zimmer's proposal and that he made a motion to deny the current request to change the two drives and let them remain as previously approved Sept. 20, 2005. Paul Cobb seconded the motion. The Commission voted unanimously to recommend denial of the request to modify the two entrances on Dunleigh Drive.

ITEM NO. 5: Mr. Lawson Brown was scheduled to present an application to amend a Conditional Residential rezoning approved for Ethan Pointe, LLC, on July 8, 2005, and amended August 5, 2005. The request is to modify the size of the entry sign wall. The property is located on the east side of Kirkpatrick Road approximately 1,000 feet south of Grand Oaks Boulevard as shown on Alamance County Tax Map 3-22D-220.

This was an extraterritorial item.

Mr. Brown requested that this item be withdrawn.

Commission Secretary Cobb made a motion to allow the request to be withdrawn. Bud Apple seconded the motion. The Commission voted unanimously to allow the item to be withdrawn.

ITEM NO. 6: Mr. Dick Evans with Evans Engineering, representing D. R. Horton, Inc., presented an application to amend a Conditional Residential rezoning approved for Ingle Park Gardens, Phase 3, on June 15, 2004. The request is to change the 39 multifamily units originally approved to 16 single-family lots. The property is located on the east side of Springwood Church Road approximately 500 feet south of Tyndall Drive as shown on Guilford County Tax Map 020200800004900002.

This was a City item.

Staff recommended approval of the request for rezoning with the Use and Development Conditions submitted by the petitioner.

Commission Secretary Cobb made a motion to recommend approval of the request for rezoning with the Use and Development Conditions submitted by the petitioner. John Black seconded the motion. The Commission voted unanimously to recommend approval of the request for rezoning and recommended that the official zoning map and the Comprehensive Land Use Plan be amended to reflect the change. The petitioner has submitted the following Use and Development Conditions:

Use Conditions

Sixteen single-family lots to be sold to the public.

Development Conditions

- 1) Sixteen single-family lots shall be a minimum of 9,000 square feet each.
- 2) Sidewalks shall be constructed as submitted on a site plan.
- 3) Trail system shall be constructed as submitted on a site plan.

ITEM NO. 7: Commission members discussed its December meeting date, which would be Christmas Eve.

This was a City and extraterritorial item.

Commission Secretary Cobb made a motion to change the meeting date to December 17th. Richard Franks seconded the motion. The Commission voted unanimously to change the meeting to December 17, 2007, at 7:00 p.m. and to move up one week the Planning and Zoning Commission deadline for applications.

There being no further business to discuss, the meeting was adjourned at 9:28 p.m.

George A. Byrd, Jr., Chairman

Paul E. Cobb, Jr., Secretary