



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

**March 27, 2017**

**Council Chamber, Burlington Municipal Building**

**CITY MEMBERS:**

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

**EXTRATERRITORIAL MEMBERS:**

Earl Jagers, Present  
Bill Abplanalp, Present

**STAFF PRESENT:**

Joey Lea, Zoning Administrator  
Amy Nelson, Planning Director

**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 February 27, 2017, were unanimously approved.

**ITEM NO. 3:** Mr. Dennis Tharrington to present an application to rezone from R-9 Residential District to CR-Conditional Residential District for the use of a 72 unit Multifamily Apartment Complex for the elderly. The properties are located on the south side of Chapel Hill Road and the west side of Haynes Avenue referenced as Alamance County tax identification numbers 131928, 131929, 131930, 131933 and 131935.

Mr. Dennis Tharrington stated, I've been a developer for a while. I have chosen to primarily focus on developing elderly communities. I have done this several times even in my hometown of Henderson, I've done one in Oxford and I'm working on one now in Gastonia and would like to do one in Burlington. We would like to develop a 72 unit facility on this site. 42 of the units will one bedroom units, and 30 units will be two bedroom units. All of the properties that I have done are all full and they all have waiting list. In fact, there was an article that was in the newspaper that may have been about this meeting and I started getting calls from people that want to move in. I think this is the first time I've had people contact me before I even have the building done. The average tenant in the facility that we would build is a 73 year old widow that doesn't want to take care of a house or do yardwork and such. The tenants form a type of community living in the building. What we designed hopefully will meet the needs of the people that live there. We have a common area room where they might have birthday parties or play bridge or whatever activities they chose to do. Also there will be a small library, a media room, exercise area, and other amenities they would enjoy. We usually have an area residents can go outside and have a couple gardening plots. Each unit will have their own patio/balcony. The building will have 2 elevators.

Chairman Mr. Richard Parker asked, Mr. Lea this would be a great opportunity to realign Haynes Ave to Collins Drive, is that in the future plans?

Zoning Administrator Mr. Joey Lea stated, our transportation division looked at that but they said it wasn't feasible the way it is lined up. That was one of the first things they looked at. Normally you want the intersections to line up.

Chairman Mr. Richard Parker stated, that is a difficult intersection to go straight or turn left on.

Mr. Jeff McCluskey stated, I'm Jeff McCluskey with Mc2 Engineering, Inc. We did work with the City staff as far as the Transportation Department. The modification we were actually doing was through the way it is currently at an angle and part of what we are trying to do with our plan is to actually put in an S-curve to make it more of a 90 degree angle. I think that gets back to the issue of the ability to try to realign the two. Once the road is widened out Collins Road will angle to be further away to the west because of the way it comes in.

Chairman Mr. Richard Parker asked, will you address the parking issues please.

Mr. Dennis Tharrington stated, as I've previously stated I have built several of these and with the 72 units I doubt seriously there will be more than about 55 cars that will be parked on this property. I've had some towns that have forced me to put 2 spaces per units in and they have regretted it. Once the units get filled up they ride by and see all this asphalt and that creates runoff problems on the ground. Even cities like Raleigh recently have amended their ordinance to allow for 1 space per living unit in the elderly complexes because they have come to realize the same thing. I think we have 74 spaces planned here and there will probably be no more than 55 cars in it.

Vice-Chairman Mr. John Black stated, let's say Christmas comes around and they want to see mom, dad, grandpa, grandma or whoever and a couple cars come in, do you take that into consideration because in this situation if there is an overflow I don't know where they would park?

Mr. Dennis Tharrington stated, I can only say that it has never been a problem and if it does become one we will have to do something about it but I've never known it to be a problem. If anything when Christmas rolls around the kids are going to come and take their parents to their house.

Vice-Chairman Mr. John Black asked, how big are the apartments?

Mr. Dennis Tharrington stated, 1 bedroom heated is going to be 797 sq. ft. and the 2 bedroom heated is going to be 1,038 sq. ft. There will be no 3 bedroom units. We have built similar buildings before and they seem to be adequate. Each unit will have walk-in closets and storage space.

Commission Member Mr. Ryan Kirk asked, what is our standard for parking?

Zoning Administrator Mr. Joey Lea stated, our standard for multi-family is 1 ½ spaces per unit but there is a provision for elderly at 1 space per unit but it has to be sponsored by a nonprofit. I'm not sure what the connection is there but there is an allowance for the elderly at 1 space per unit.

Chairman Mr. Richard Parker stated, as I said in the beginning this is a public meeting and if anyone from the public would like to speak for or against this issue please come up and sign in.

Mr. Calvin Coble stated, I'm Calvin Coble and our office building is right next to this on the western side. It's hard to comment when we haven't had any access to any information or plans other than what was in the newspaper. Just sitting here tonight and listening I have made some notes. I don't know if you looked at the plans for widening Chapel Hill Road, turning either left or right is difficult. Also the plans that are down at the Department Of Transportation would take away the front of this property; in fact as it is now our office would be gone.

Chairman Mr. Richard Parker asked, are they going to take that much right-of-way?

Mr. Calvin Coble stated, yes. It shows the right-of-way taking about half our building. I wonder how much it will be taking off this property. I would assume that the developer looked at the plans and saw where they are planning on straightening that curve that is in front of our office. What is the setback for the road that you are planning on now? I don't have any objects to this place. From what was in the paper it appeared that it would be a decent looking place. We have always maintained our property and tried to make it nice. The other thing that was mentioned earlier was something about the runoff. The runoff is going to run right into the back our office, I don't know what you are going to do to control that.

Chairman Mr Richard Parker stated, they do show a storm water pond on that corner before it gets to your office.

Mr. Calvin Coble stated, I didn't see that. Is there going to be anything up to that stream there? Also, you may or may not be aware there are springs back there on that property. Down in the low part is springs and it stays wet most of the time. I also have questions about what the exterior is going to be?

Mr. Dennis Tharrington stated, it would be brick and vinyl siding. I have a representation here of what it will look like. I can show you the ones I have built in 2001 and if you pulled up to it today it would look like it was brand new. They are very well maintained, we have a management company that will manage the building for us. They manage a number of these across the state. This property will never be run down. As far as the question about the road my engineer designed this to allow for the expansion of Chapel Hill Road. All of that has been taken into account in our design. We have to have an erosion control plan and it has been approved by various groups.

Mr. Calvin Coble asked, the runoff control area is that going to be fenced in? Open? Whats the risk on something like that?

Mr. Jeff McCluskey stated, from the road widening standpoint we did speak with Transportation about that in planning. It's an existing 60 ft. right-of-way out there and we were told it would be an 80 ft. right-of-way so we are showing we could give up the right-of-way for that. We have taken into account if DOT realizes they need 100 ft. Right-of-way we still have more than enough excess property to give to still be compliant with the zoning requirements. From a storm water standpoint, what we would do is basically put in the stormwater management that is required of the city's water quality control. Also from a stormwater peak control requirement to basically limit the amount of runoff that is leaving our site back to a pre-developed area. What is leaving our site now is being grassed but when we are done we will actually have a pond there that more or less would limit our runoff. As for security and adding a fence or not and there isn't a requirement to have a fence there but that is something we could do.

Mr. Calvin Coble stated, you always see where kids are getting hurt on job sites. In Raleigh some kids wandered off and fell into one of the ponds and died. There is a risk and it doesn't make any sense to me why you as a board would not recommend that. You have an open body of water, and kids around so its possible.

Commission Member Mr. Ryan Kirk asked, will this be a dry pond or wet pond?

Mr. Jeff McCluskey stated, most likely it will not be a wet pond. The reason is, in order to do a wet pond you have to have a certain range area to keep the pond wet. Otherwise the pond will go dry and all your aquatic plants around the pond will die. We would do a combination of wire tension which would be a planted area or a sand filler which is a small part of it. It would only be wet from the rain only two days at most.

Mr. Calvin Coble stated, the other thing is I don't like plastic houses and that's all they are. They should at least require hardy plank. I would love to have a set of plans and know a little bit more about it and could comment on it. You said you would have to give up 20 ft., they want all of it on one side and that's our side of the road. If you look at the plans down at DOT you would see what is happening. Other than that I can't comment on it.

Chairman Mr. Richard Parker stated, thank you Mr. Coble. Mr. Tharrington have you considered hardy plank?

Mr. Dennis Tharrington stated, as I've said the buildings I have done we use good quality materials and it is vinyl siding. Sometimes we put vinyl shapes on the gable ends and things to sort of dress it up. It's a low maintenance way to do it and we've never had that problem. I've never been required to do that in Raleigh or Cary.

Mr. Joey Cooke stated, my name is Joey Cooke. My question is about Hanes Ave. Cars don't want to go down to the church they want to cut through the dirt road. I own the land right beside of it. Who owns Hanes Drive? The City? The State?

Zoning Administrator Mr. Joey Lea stated, it is a city street.

Mr. Joey Cook asked, can we close that off? Why is it open?

Chairman Mr. Richard Parker stated, it is for police, fire and public vehicles.

Mr. Joey Cooke stated, I've been here 10 years and why can't we closed that off. Tires and trash are along the sides of the road from where junk that is thrown out all the time. Chapel Hill Road is probably the nastiest road in Alamance County. I pick up trash all the time on that road. There is not a week that goes by that there isn't a wreck right by my house. You can't see due to the blind spots.

Chairman Mr. Richard Parker asked, what does this have to do with the rezoning?

Mr. Joey Cooke stated, looking at more traffic added due to this. Is there going to be a turn lane and if so who is responsible for it?

Chairman Mr. Richard Parker stated, these are DOT questions and Burlington Transportation questions. Mr. Lea what is the recommendation from staff.

Zoning Administrator Mr. Joey Lea stated, the proposed use is in keeping with our land use plan which does recommend multi-family development. This plan has been approved through TRC and staff recommends approval.

Commission Member Mr. Bill Abplanalp asked, have you had any calls?

Zoning Administrator Mr. Joey Lea stated, 2 calls. One from Mr. Cooke and the other was from Hospice. I sent the plan to the director of Hospice, he just wanted to look at the plan and didn't make a comment one way or another and I never heard back from him.

Commission Member Mr. Ryan Kirk made a motion to approve the rezoning. Commission Member Mr. Bill Abplanalp seconded the motion. The Commission unanimously voted to approve the proposed amendment.

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

---

**Richard Parker, Chairman**

---

**John Black, Vice Chairman**

---

**Kelly Peele, Secretary**