



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

May 21, 2018

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

Richard Parker, Present
John Black, Present
Early Kenan, Jr., Absent
Ryan Kirk, Absent
James Kirkpatrick, Present
Nicole Enoch (Alternate), Absent
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 April 23, 2018 were unanimously approved.

ITEM NO. 3: Mr. Mike Griggs to present an application to rezone from R-6 Residential District to I-2 Light Industrial District. The property is located east of and contiguous to 315 Macarthur Lane, referenced as Alamance County tax identification number 118043.

Mr. Mike Griggs stated, our business is located at 315 Macarthur Lane and the 11 acres that falls behind it is where we would like to expand to at some point. We would like the option to do that in the future.

Chairman Mr. Richard Parker asked, this property backs up to Wilson property?

Mr. Mike Griggs stated, yes.

Chairman Mr. Richard Parker asked, is there any discussion for this topic?

Chairman Mr. Richard Parker asked, Joey did you have any phone calls about this property?

Zoning Administrator Mr. Joey Leah stated, yes, I had three phone calls and there were no issues.

Chairman Mr. Richard Parker asked, does the staff have a recommendation?

Zoning Administrator Mr. Joey Lea stated, this is an opportunity for expansion for industrial use. We believe it is a good use of property.

Planning Director Mrs. Amy Nelson stated, the Comprehensive Plan is in agreement with this. This area overlaps as rural residential/agricultural, business park/industrial.

Mr. James Kirkpatrick stated, I would recommend approval of this plan based on its consistency with the comprehensive plan. It is reasonable in that the amendment is compatible with the existing land use.

Chairman Mr. Richard Parker stated, do I hear a second?

Vice Chairman John Black seconded

Motion passes unanimously

ITEM NO. 4:

Mr. Mark Reich to present an application to amend a conditional rezoning for Springwood at the Park that was approved on September 16, 2014. The request is to change the use of the property from a 144 unit apartment complex to 68 townhome units and 48 apartments. The properties are located at the intersection of Springwood Church Road, Springwood Village Drive and Whitsett Park Road, referenced as Guilford County tax parcels 229333, 103312 and 103313.

Mr. Mark Reich stated, the original townhome project consisted of 145 townhomes in phase one and two. In the lower portion of the map you can see a transmission line going through tracts 2 and 3. Prior to 2004 we installed water and sewer lines along Springwood Church Rd. and as part of this development, we provided the sidewalks. In the Park Place section, is the original building plan for the original construction, all of that was done initially in 2004. We did have to move it from Springwood Church Road and tie it back into Haw River Park drive so that we could provide sewer services to the residential subdivision. Part of this sewer is public and other parts will be private. All of the water will be public. It was originally apartments, we changed it to townhomes, and now we want to go back. We are basically going back to the original plan. These units will have garages. The roads will be privately maintained. City staff has required us to put in a 10ft wide side path to be placed along Springwood Church Road. We will also put in the side path from Springwood Village Road back up to the transmission line.

Mr. David Michaels stated, I work as the Land Development and Property Acquisition manager with Windsor Investments. I have gathered information in regards to the history of this site. We still have a few townhomes that will not have garages, just to match up with the existing blueprint. This site was totally graded sometime in the past and there were soil issues there, so we are trying to stay right on the building pads that were constructed previously. That is just an example so you can see just exactly what it is that we are doing. I want to explain this briefly, we did send a letter out to the city's distribution list as well as the people in park place townhome development, everybody did have a copy of our proposal of what is going on. We sent out 67 letters, it was a little bit of a short notice, but we did send them out as quickly as we could after we got the city's notice. So far we have not received any negative feedback about our proposal. Again this is a reduction in the total number of units than what is currently proposed. I spoke with the property manager who oversees this association as well as the park village association. They had a board meeting not too long ago and they were very much in favor of what it is we were proposing to do to reduce the number of units here. We have tried to reach out to the community and we have been through a few TRCs with this. We did have a couple questions. I would like to go through a couple comments there, I do not know what latitude this board has in terms of TRC comments, but one of our main discussion points was this side path requirement that was asked for that goes along Springwood Village drive, we would like to see if this could be reconsidered for a couple of reasons. Originally, Springwood Village drive was built to an oversized width. It could actually accommodate up to three travel lanes and so you have room where you could accommodate a bike path along that street. Your adopted greenway and bikeway plan actually shows a

separated bike path along Springwood village drive, so having another side path along Springwood Village drive, which is also a part of the adopted plan, seems a little redundant to us. Springwood Village drive already has sidewalks constructed on both sides of the road to accommodate the pedestrian traffic and it will certainly have lower traffic volumes than Springwood Church Road would have, which would be safer for pedestrians and bike traffic.

Chairman Richard Parker asked, did you explain what a side path is? And is it on the drawings here at all?

Mr. David Michaels stated, it was a comment that Mr. Reich alluded to about constructing a 10ft side path parallel to Springwood Church road. It would be a 10ft paved path that would be designed to accommodate pedestrian and bike traffic simultaneously.

Chairman Richard Parker asked, so it is off of the roadway and it is 10ft wide?

Mr. David Michaels stated, it would be constructed as a 10ft wide paved path that would run parallel to Springwood Church Road. We understand that that is part of the consultant's recommendation whether it ultimately makes sense or not is the question that I am raising tonight. Since you have already got a road that would accommodate that on Springwood Village Drive. Why would you need two? Springwood Village Drive would direct people to the entrance of Springwood Park, which is where I would think you would want most people to go rather than the back side. The other consideration was that if you were going to try and encourage people to go over highway 85, that bridge is not designed to accommodate a bike path. You have two 11ft. travel lanes and just a 3ft. shoulder.

Chairman Richard Parker stated, our function here is to advise. To get any relief off of this you are going to have to take your plea to city council. We are not authorized to remove that TRC requirement.

Mr. David Michaels stated, very good. We also had some questions about some fees. Which eventually we will sort that out I guess. We do feel like this is a good, reasonable request. It takes us back to the original character of the Park Place development and we feel good about that product moving forward. It does offer enhanced stormwater management from the original plan, reduction in number of units and it makes good use of existing infrastructure. Staff and TRC are in support and we hope that you all support our request as well.

Chairman Richard Parker asked, you are the developer for the existing?

Mr. David Michaels stated, Windsor is the developer for the townhouse component of this. We are also in partnership with Mr. Sasser on the remaining tracts to the south of the power line which will be 48 apartments.

Commission Member Mr. Bill Abplanalp asked, I have a couple of questions. First is the future apartment buildings, I am assuming that you are going to start with the townhouses.

Mr. David Michaels stated, that is correct. Once we get this approved and the engineering drawings revised and completed, we will move right ahead with that development.

Commission Member Mr. Bill Abplanalp asked, this question may be directed to Mr. Lea, but what do they mean by a private sewer line?

Mr. Mark Reich stated, whenever we go to permit water and sewer lines throughout the state, there are standards for water and for sewer and they are either public or private. Back in 2004, whenever this development occurred, the city's policy at that time was to limit their water and sewer infrastructure that they had to maintain. They were receptive to allowing individual meters for each of the residential units, so in

order to comply with public water supply standards, for the water mains the city maintains up to the water meter and then the homeowner takes over from the water meter to the unit. Everything from the water meter to the main has to be public and that has to be built in accordance to the city's requirements. Likewise for sewer, you also have some minimum design guidelines that we use. Along this private road there is public sewer to provide the Springwood Village complex with public sewer. On a residential street all sewer is public. Some lines that are considered private is where the city did not want to maintain them. Which maintenance is basically what it came down to. The city does require for all of their sanitary sewer to be clay pipe, state allows you use to PVC pipe, and the private lines we have seen do use PVC pipe.

Commission Member Mr. Bill Abplanalp asked, so are there two bills to the homeowner then? One for water and one for sewer?

Mr. Mark Reich stated, no sir. The water bill includes the sewer charge. So the homeowner pays for both the water and the sewer.

Chairman Richard Parker asked, so what you are saying is that is there is a breakdown in the sewer line then the home owner association is going to have to dig it up and fix it?

Mr. Mark Reich stated, that is correct.

Chairman Richard Parker stated, that is quite a burden on the home owners association.

Mr. Mark Reich stated, that is the reason why I think that in recent years the city has rethought that process a little more and now they allow, again as the option of the developer, if they want to take on that burden they can, but there are some developments that now have public roads, public water, and public sewer for townhomes as well.

Chairman Richard Parker asked, would it behoove you to ask the city to do that again? To give you a public system that they would maintain? Or are you telling me that the city does not want to maintain it? Or do you just want to save money on the material?

Mr. Mark Reich stated, we went back to the original plan because the roads are private. We have not had a conversation with the city as to whether they would want to accept those lines or not. My guess is not, because the roads are still private. And the roads would have to be wider to meet a city street standard.

Chairman Richard Parker asked, will the homeowners be notified or have this significant factor in their declarations?

Mr. David Michaels stated, yes. Since they already do have private lines that they are maintaining, I do not think that this is out of the norm. Certainly if there was a way to make it all public we would be in favor of that. But I do not think the road, as currently proposed, meets the standards. If an easement could be provided we would be more than happy to offer that easement. But again, trying to stay within the confines of the original plan and the building pads that were set up, the roads are where they are for that reason. If there was a way to do it we would love to have that happen.

Chairman Richard Parker stated, I have managed home owners associations and this would be quite a surprise if there was a breakage and they would have to cough up an assessment to fix something like this. I just wanted to make sure that the home owners are aware that they are responsible for the sewer line.

Mr. David Michaels stated, it all has to be permitted privately and then conveyed over to the association ultimately for that long term maintenance. It will be disclosed. I have not read those documents intimately.

Ms. Brandalyn White stated, I am a resident of Park Place. I did receive the letter, which I have here. It states that the 48 apartments will only be constructed as market conditions warrant. If it turns out that the market conditions do not warrant for these apartments, are the plans to leave the land as is or are there other plans to do something else with it?

Mr. David Michaels stated, any change would have to come back to this board for further review. The plan is proposed and if it were to be something different it would have to come back for further review and you would receive a notice of that proposal.

Ms. Brandalyn White stated, I wanted to verify the location of the apartments in regards to the powerline. Given that, is it possible to put in a landscape buffer? I remember that in 2014, the previous plan in which the apartments proposed, there was going to be a landscape buffer between the townhomes and apartments.

Mr. David Michaels stated, we are backing up so close to the sewer line that there would be room to put one on either side of the line where the townhomes would be.

Chairman Richard Parker asked Joey Lea, did you have any phone calls about this one?

Zoning Administrator Joey Lea stated, I have had some phone calls come in and no one has had any problem with it.

Planning Director Amy Nelson stated, the comprehensive plan calls for the area to be suburban residential and neighborhood business, both of which support multifamily as a use. The use of this property for townhomes is consistent.

Mr. Earl stated, I wanted to comment on the side path. That is a quality of life issue and I encourage it.

Zoning Administrator Joey Lea stated, staff recommendation is to approve as submitted.

There being no further business to discuss, the meeting was adjourned at 9:00 p.m.

Richard Parker, Chairman

John Black, Vice Chairman

Kelly Peele, Secretary