



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

June 25, 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), Absent
Matthew Dobson (Alternate), Present

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.

Chairman Mr. Richard Parker confirmed that there were no conflicts of interest with the commission members and the agenda items.

ITEM NO. 2: Minutes of the meeting held May 21, 2018 were unanimously approved.

ITEM NO. 3: Mr. Thomas Johnson to present an application to rezone from R-15 Residential District to CR-Conditional Residential District for the use of a 288 unit Apartment Complex. The property is located on the north side of Bonnar Bridge Parkway approximately 1600 feet from Danbrook Road, referenced as Alamance County tax identification number 106902 and being a portion of 106900.

Mr. Thomas Johnson stated, I am an attorney with the law firm Williams Mullin at 301 Fayetteville Street Suite 1700 in Raleigh. I am here on behalf of Zimmer Development who is the developer for this project. It is called Alamance West Apartments located on Bonnar Bridge Road. The request is for a rezoning from R-15 Residential District to CR-Conditional Residential District for a 288 unit apartment complex. Zimmer Development is not new to the area; they developed the Shops at Waterford. We had a community meeting back in April to get with them on this development. On the site plan you can see that the development is across from the existing school and there will be landscaping along Bonnar Bridge Road to provide a buffer. The site plan also shows the elevations and what the apartments are going to look like. One of the primary concerns for this is usually traffic, so we work with the City to try and come up with solutions for traffic in the area. Part of it is that we are going to place left and right turn lanes. There is also concern for morning traffic coming onto University Drive from Bonnar Bridge, our solution for this is illustrated and we plan to create a triple left turn going on to University and where the furthest left turn will be dedicated to go onto I-40/85 onto the ramp; which will be marked clearly. What this does is allow traffic to clear within one light cycle. We have a traffic engineer here, Cliff Lawson, who can answer any questions specific to traffic. You

have the application before you with the conditions that we had added to the project. All of which are pretty much general conditions including this traffic condition as well as Annexation, which we will need to apply for as a part of the process which we are fully prepared to do.

Chairman Richard Parker asked, in the summary to your community meeting the applicant will add a berm based on your request, is that on your notes?

Mr. Thomas Johnson stated, no it is not specifically on the application but we did agree to that and we will do that.

Chairman Richard Parker asked, so that berm will be in place?

Mr. Thomas Johnson stated, exactly, we had agreed to that in the community meeting. We had not put that in the application, but we made that commitment in the meeting.

Chairman Richard Parker stated, it is not on the plan so we will ask that you add.

Mr. Thomas Johnson stated, absolutely and I am glad that you asked that question and clarified that.

Chairman Richard Parker asked, do you know how tall the berm will be?

Mr. Thomas Johnson stated, I cannot speak to that exactly. Barret Hagan could speak on that.

Mr. Barret Hagan stated, my office is in Greensboro, 3858 Battleground Avenue. We have a 40 foot setback to our nearest structure. So we would have 40ft right outside of the right of way to build a berm. If we went a 3 to 1 slope we could probably get it to be 3 to 6 feet tall.

Chairman Richard Parker asked, what will you plant on the ground?

Mr. Barret Hagan stated, that would be up to the landscape architect.

Mr. Thomas Johnson stated, what is projected is pretty close to what the landscape plan is in terms of showing the trees and shrubs. In doing the berm we will probably add more vegetation to make it look good.

Chairman Richard Parker asked, there was something drawn in on page two about trees and fence. Can you tell us about that?

Mr. Thomas Johnson stated, correct, and that is the landscape plan.

Chairman Richard Parker stated, it mentions tree protection.

Mr. Thomas Johnson stated, correct, that is what the fencing is for, to protect the trees during construction. It is not permanent. We have followed the regulation with the landscaping that needs to provide around the project. It roughly follows what this color rendering shows on the plan.

Chairman Richard Parker asked, the trees around Bonnar Bridge are not going to impede the sight distance around that curb are they?

Mr. Thomas Johnson stated, as Mr. Hagan explained, we have a 40ft setback there, so we have plenty of room to put those in there and not get in the way of any sight distance.

Commission Member James Kirkpatrick asked, you said you had a community meeting. What feedback did you get from those folks from that meeting. What were the push backs?

Mr. Thomas Johnson stated, one was the landscape buffer, which we agreed to do. The other was traffic and most concern was with school in the morning and afternoon. It is more of a concern in the morning because the traffic for the school coincides with the morning rush more so than in the afternoon because school lets out in mid-afternoon.

Commission Member James Kirkpatrick asked, did you have a decent turn out?

Mr. Thomas Johnson stated, we had about twenty people.

Commission Member Bill Abplanalp asked, you have agreed to 40ft setback on all sides, is that all sides from all buildings?

Mr. Thomas Johnson stated, that is all the sides from the property line.

Commission Member Bill Abplanalp asked, so between the buildings they'll be 20 feet?

Mr. Thomas Johnson stated, correct.

Commission Member Bill Abplanalp asked, will there be elevators?

Mr. Thomas Johnson stated, because these are three stories there will not be elevators.

Commission Member Mathew Dobson asked, what is happening with Buck Hill Rd.?

Mr. Thomas Johnson stated, we are going to redirect and change the intersection with Bonnar Bridge just a little bit and we are going to pave the closest portion of Bonnar Bridge up the entrance of the Apartment Complex. It will still be an unpaved road further down.

Commission Member Mathew Dobson asked, are the entrances and exits one way?

Mr. Thomas Johnson stated, they are both two way entrances.

Commission Member Mathew Dobson stated, I live in Macintosh and I am familiar with the traffic there so I just wanted to make sure the amount of traffic coming out of Macintosh has been taken into account. Also if Buck Hill road was not considered to be finished so that it could be taken up to Dan Brook instead. I wanted to make sure those calculations were considered with the 700 homes moving into that area.

Mr. Cliff Lawson stated, we did build-op scenarios, one that included a realistic build out for Macintosh for our build out year which is 2019 as well as a worst-case scenario build out for 2019. What intersections were you concerned with?

Commission Member Mathew Dobson stated, I was concerned whether or not the volume of vehicles from the complex when it is completed was taken into consideration.

Mr. Cliff Lawson stated, yes. The build out included the entire Macintosh development which included the addition of 1575 houses as well as a couple 100,000 square feet of office that was all included in our full build out scenario. We based our traffic on the existing traffic patterns in the area right now, which is based on the traffic counts that we conducted. We conducted this traffic count during the school year and during a

normal week day operation to NCDOT and Burlington standards. Based on that, we saw that at the driveway to Buck Hill we saw two vehicles heading out of the site on that Buck Hill connection. On the Bonnar Bridge connection we show 110 vehicles making the left out. That is just based on existing traffic patterns in the area. It is more convenient for drives to turn at Bonnar Bridge rather than go to Buck Hill.

Commission Member Mathew Dobson asked, would you assume that most vehicles will be going left there?

Mr. Cliff Lawson stated, at Bonnar Bridge, correct. And, again, that is based on existing traffic patterns.

Commission Member Mathew Dobson asked, and what was the reason for not considering Buck Hill to be paved and using that for traffic flow as well?

Mr. Thomas Johnson stated, I can answer that. My client does not own the property that goes all the way through there so we cannot do that connection.

Chairman Richard Parker asked, is it a private or a public road?

Zoning Administrator Joey Lea stated, it is a private road with a public right of way.

Mr. Thomas Johnson stated, yes, so that is why that is, but the traffic study as Cliff was explaining, we had an initial scope that the city gave us and did a traffic analysis based on that initial scope. Then the city came back and told us to run some different scenarios for Macintosh. One was more of a realistic look at Macintosh and its build out and the other was an unrealistic full build out. At the full build out the impact of the traffic in this area was very small and really would not require any additional improvements other than the lanes that we have proposed. Talking with the city and learning that there was currently an issue with traffic in the morning at University Dr., we worked with the city and agreed to add that additional left turn lane to help the morning peak.

Commission Member Mathew Dobson asked, so in these circumstances everyone will be taking a left out of there and that was taken into account?

Mr. Thomas Johnson stated, yes sir.

Chairman Richard Parker asked, where are the left turn lanes located?

Mr. Thomas Johnson stated, these are at University drive. That is where the traffic is coming out and that is where the backup is occurring.

Chairman Richard Parker asked, so there will be three lefts? And one of those lefts will lead to the interstate?

Mr. Thomas Johnson stated, correct. That is the intent. The far left lane will be designated to go to the highway and will be clearly marked. There will also be a traffic head there. There will be additional pavement and work at my client's expense in order to accommodate.

Commission Member Ryan Kirk asked, some of the residents will want to walk to the elementary school, did you talk about foot traffic?

Mr. Thomas Johnson stated, what we have done to accommodate foot traffic, and we are working with the city and the school, is provide a sidewalk into the school; which we need permission from the school to do.

Commission Member Ryan Kirk stated, there is already a sidewalk into the school.

Mr. Thomas Johnson stated, correct but we are trying to provide a crossing as well as additional sidewalk.

Chairman Richard Parker asked, did you all consider the proposed apartment complex that will be beside you in your traffic study?

Mr. Thomas Johnson stated, we did.

Chairman Richard Parker asked, how many units is that one Joey?

Zoning Administrator Joey Lea stated, 120 units.

Mr. Thomas Johnson stated, we took into account all of that.

Mr. Bob Raynor stated, I live at 11687 W. Buck Hill Rd., my property is directly across from what will be the apartments. I like the idea of the extra lane for exiting, but we are not adding a lane, we are reducing the number of incoming lanes from two to one in order to accommodate the third exiting lane. So I am not sure how that accommodates the traffic flow. Another thing that had occurred to me, the apartments being developed in Burlington are on the Northern side of 85/40, so this will be the first effort for an apartment to be South of 85/40. The area is clearly residential by nature or institutional, with nice schools, nice fire department, and the rest are residential people, not multifamily so I think this is kind of an odd choice. When I look at the other apartments coming in, Retreat at the Park is beautiful. There are not any non-residential anywhere near it and is completely surrounded by wrought iron fencing. Garden Crossing, also beautiful, with no residential development anywhere near it and also surrounded by wrought iron. Winsor is on a dead end street, no residential area. So what I see north of 85/40 is that complexes are nowhere near residential areas. South is the only place I am seeing that is being approved in a residential area.

Mr. Ricky Bell stated, I live at 4470 Bonnie Loch Dr. I had this face to face with you guys a year and a half ago when we did Buck Hill and we are still waiting to see the ramifications of Buck Hill on traffic and now we are going to put in 288 more apartments. Currently the kids are not allowed to walk to school. There is no way for them to get there. If you are going to let them walk to school on the north side of Bonnar Bridge you are going to need a traffic officer to stop traffic for these elementary kids to cross the street. These kids are only about 5-8 years old. The housing area that Bob had just spoke about in Macintosh, they are building more homes. They are currently building 300 homes including the 800 homes that have already been built. There are two other areas building brand new homes. We only have one way to get into Macintosh neighborhood.

Chairman Richard Parker asked, what about the Springwood exit.

Mr. Ricky Bell stated, I mean yes, that is an exit but no one has a reason to go that way. It does not go anywhere. They would have to exit that way, go all the way to Church Street and then come all the way back up University. People are not going to do that, they are only using Bonnar Bridge. I do not understand why we are trying to put all of this traffic in one area. It makes no sense to me or the residence. When you approved Buck Hill Village there should be a time limit on that, we should not give them 2-4 years to build. We also have the area across from Buck Hill where they are building a storage facility, which will add more traffic. There is just nowhere for these cars to go. I worked for the federal government for 35 years as an air traffic controller and you do not do this to airports. Building all of these apartments, we will give them another turn lane, alright, but like the gentleman said, we do not have another lane coming in. You only have one lane coming in and when all of these school buses and parents in cars are coming in at 2-3pm to pick up their kids, how are they going to get in there with only one lane coming in. And God forbid a fire truck has

to come in there. You all approved Buck Hill, if traffic is backed up. The fire department has had to put a big sign to say, do not block the fire entrance, but people block it anyway when they come to pick up their kids.

Allan Blin stated, I live at 4027 Comic Ln. in Macintosh. I spoke at the Buck Hill Village meeting as well. I was the one that brought up the traffic control by the fire house. I do not know whether you have researched that or taken it to DOT. The sidewalk does not continue all the way into the school and that is probably what the developer is in discussion with the school and the city. Now we have children crossing the street, which will have to have some kind traffic control, like a guard. My wife happens to be a substitute teacher and I have been up there when children are going into school and when they are being released. There is a left hand turning lane coming into Highland, and people are coming into a one lane road, and onto Bonnar Bridge, and then it is going to split out. If you go the right you will go by Cox Toyota and by the Macintosh entrance. If you go left then you go down Bonnar Bridge and it comes to the left hand turning lane into the school. I have seen that lane backed up all the way down to the University. In the afternoon starting at about 1:45pm people start pulling into Highland to pick up their kids. The people who come out of the school go down Bonnar Bridge to University. That left hand turn out of the school is going to be difficult. Past the school is also a daycare with plenty of traffic for dropping off and picking up. All of this traffic is going to start building up.

Mr. Patrick Mills stated, I live at 1981 Glenkirk Dr., first of all I want to thank you commission members for your work and I want to thank Amy and Joey for answering all of my questions. I wanted to ask what the traffic studies showed that current level of service is at Bonnar Bridge and University were. What I have researched is that the level of service ranges from A-F and what I have heard is that Bonnar Bridge and University are currently at D and that the new traffic lane will actually make the level of service a C. Another question I had was that it was under R-15 already, did the planners back in the day know that the intersection that they were proposing would only hold so much traffic and that it was not able to be improved to such a level where it could handle a multifamily unit? If it were zoned to handle more traffic would it not be zone R-9 or R-6?

Mr. Drew Steel stated, I live at 171 Glenfield Lane, my neighborhood is actually brand new and I have been here for four months. My concerns are actually for the other side of the development at the Springwood exit which will now be in use from the Macintosh community because they are not going to want to go through University. That entrance/exit goes right by our clubhouse, our pool, our playground and there are tons of kids out there. The traffic in this area will be increased. We would like to keep this area kid friendly. Also what is the apartment complex going to do to our property values? What are the demographics? What kind of renters are you going to be looking for here? What are the prices for these apartments? I have two young kids, and I do not want to see crime rates go up. How have you and developers thought about these considerations? On top of that maybe we could talk about bringing speed limits down in Macintosh. It is 35 mph now and people cruise through there at 50mph. Is that going to be taken into consideration?

Mr. Ethan Raynor stated, I live at 1721 West Buck Hill Rd., I am probably the only one in this room that has had experience taking a left out of Buck Hill onto Bonnar Bridge. The longest I have ever waited there was a minute and half to come out of Buck Hill. I do not think anything traffic wise has been taken into consideration. I also do worry about the population in the apartments, if it is going to be a less than desirable population across from the school.

Vice Chair John Black asked, I'm sorry, but what do you consider less than desirable?

Mr. Ethan Raynor stated, that meant that right now on Buck Hill we have teenagers drinking beers and doing other things that they probably should not be doing. I do not know where they came from, I just know that they are going to be coming into our area. When I came down Buck Hill the other day, there was a

woman urinating in the middle of the street. I want the kind of people who will be moving in to be taken into consideration.

Vice Chair John Black stated, well thank you for your comments.

Ms. Erin Moorehead stated, I live at 284 Granger Trail, I have lived there for about a year and a half. I have seen a lot in the past year and driving in my community for the past year has been very congested. I usually have to wait for buses, wait in long lines when trying to get into Highland. I have seen the long line trying to get into Highland which keeps people from seeing the signs that say do not block the fire department entrances. When I try to leave the traffic pattern is long and I have to wait through at least one light pattern. It sounds like Macintosh is only at half capacity rather than full. What is going to happen in the future when we are at full capacity? I would like to know what is going to happen at this intersection? I worry that there has been poor planning up to this point and I would like the planning from this point forward to consider these factors. I really do not understand how this turning lane is going to help with this issue. When you think about the addition of the turning lane, you will need more signage. How is that going to impact the beautification of that road? With the winding roads, how is it going to be clear what lane you need to be in? I do not see how people will be able to effectively drive in this area because of the complicated nature of this intersection. I think there needs to be a lot more thought through and reviewed before putting in another apartment complex. There needs to be better planning and better traffic flow. I am really concerned about this traffic flows. What are the other options that they have considered to help the flow of traffic? When I first moved to Macintosh one of the options they had in mind was to connect Loch Ridge to Huffman to create a third exit. Has that been thought through? Are there other entrances and exits that can be developed to direct the traffic away from a school and away from this prime intersection? Some things that I have heard tonight are about current traffic patterns, but what about 2019? There will also be children crossing this congested intersection from the complex to get to the school. I think that there needs to be a lot more thought before an approval can go through.

Ms. Laura Leach stated, I live at 4227 Aviemore Run and I live in Macintosh on the lake. I am a real estate agent and have been a real estate agent for the last 20 years. I believe you all do remember that Macintosh was meant to be upscale and in three years the developer filed for bankruptcy. Everything changed in there.. A lot of the people in Macintosh are already under the water and bringing in these apartment complexes will depreciate the values of these houses even more. I have agreed with everything that everyone has said in here but we have not touched this subject. We just changed from Western to Williams and it was a huge issue. All of these schools are already overcrowded. What do you guys plan to do for the school system? I would love to see a development like Raleigh, Chapel Hill. They have extra entrances and exits. We probably need to consider another route from exit 138 to 140. You mentioned something about Springwood, when you go out of the exit at springwood there is just one little street and we already know that that area has a high crime rate. In case of an emergency what are we going to do to get out of there? Before we have more development we need to make sure we have extra exits, then we can become Raleigh, Chapel Hill, and Durham.

Mr. Bob Raynor stated, I am not a traffic consultant and I am sure some of the numbers I do not understand. So I decided to go to West Buck Hill one morning at 7:30am. To count 100 cars it took me ten minutes to count 100 cars.

Commission Member James Kirkpatrick asked, Mr. Joey Lea, I have never asked you this before, but since traffic is the main concern here tonight. So they have their traffic guy who has done their traffic study. DOT also does traffic studies and this is ultimately a DOT approved type situation. And could you explain to me how his traffic study is approved by DOT and if in fact it is approved?

Zoning Administrator Joey Lea stated, what is happening here is their TIA, actually shows that there were no improvements necessary, but from Burlington DOT and NC DOT, there is a traffic issue that surrounds the school. The school was not there when Macintosh was developed. The intersection was designed for that subdivision. But since then the school and daycare have been built and other developments coming in. You could probably put three more developers out there and each one of their TIAs would say “no improvements”. These developers have stepped up to the plate to spend money to alleviate backup and help the flow of traffic even though the TIA says that there does not need to be improvements.

Commission Member James Kirkpatrick asked, the DOT’s TIA?

Zoning Administrator Joey Lea stated, DOT did not do a TIA. The TIA was done by the developer and reviewed by the Burlington DOT. Through what we already know is that the intersection did go down a level, but did not go all the way down. The improvements proposed will help current and future traffic.

Commission Member James Kirkpatrick asked, so what you are telling me is that his traffic analysis that the developer kindly did came before the Burlington DOT folks said that this improvement should work.

Zoning Administrator Joey Lea stated, no they agreed with the analysis and the analysis said there was no improvement necessary. However they agreed to meet and come up with improvements above and beyond what the TIA showed.

Commission Member James Kirkpatrick asked, and that is the standard operating procedure for most developments that have some sort of traffic impact? The city signs off on it as well, which has already been done?

Mr. Thomas Johnson stated, I would like to summarize this a little bit, and Mr. Lea has done a really good job at summarizing but I would like to add some things. Before the TIA is ever done, and the TIA is done at my client’s expense. We meet with DOT and City of Burlington traffic and they scope out what the TIA needs to cover. They tell you direction for what they want you to study. We did that initially and after we turned that information in to DOT and City of Burlington Traffic, they told us they wanted more information. The more information was information from Macintosh and to take that into account in addition. We did that in the two scenarios, one of the reasonable build out in 2019 and the other was a full build out 2019, worst case scenario, and even with the unlikely worst case scenario it shows that no traffic improvements would be necessary. The traffic that this apartment complex would generate is so small that those improvements were not necessary. The city started talking with us about that area and the city approached my client explaining that there is already a preexisting traffic issue in that area. The city asked my client if they would be willing to make these improvements at University Dr. and Bonnar Bridge Rd. My client said that considering the backups at this intersection that require more than one light cycle for the left turn lanes to clear, my client said they will do that because there are concerns from the city and the residents for this intersection. That was a design that the City of Burlington brought to us. By doing this it takes that intersection from a level of service D to a level of service C. You have congestion when you have a signal or a stop. At this intersection you have a split at Bonnar Bridge and Dan Brook. The split does not slow it down, so it free flows as a right hand turn so it does not backup. Where the traffic stops is when traffic is going into the school. We will have a lane that leads to the daycare to allow traffic out of the main flow. We will also have a right hand turn lane which will allow traffic to exit the main flow.

Chairman Richard Parker asked, will you be adding additional pavement?

Mr. Thomas Johnson stated, no there is already enough pavement, we will just be restriping it. So any traffic coming into the apartment coming from both directions will be able to leave the main flow and will not impede traffic flow. The left turn traffic at peak flow, Mr. Lawson mentioned it was 110 vehicles coming

out over an hour period of time. That is peak flow, so that number does decrease after the peak time. Good thing about the school in the afternoon is that it lets out earlier than people would be coming back to the apartment complex. In reality we are looking at the morning peak at University Dr. and Bonnar Bridge because that is where the backup is occurring. We do improve that intersection significantly from a D to C.

Commission Member James Kirkpatrick stated, our primary focus here is land use of course. Traffic does impact that land use and this is the biggest conversation we have ever had about it. I am glad that we have broken this subject up. I am glad to know that the City of Burlington has already looked at this and they are fine.

Mr. Thomas Johnson stated, and they have to approve our TIA.

Commission Member James Kirkpatrick stated, I just wanted to make sure someone was looking over your shoulder.

Mr. Thomas Johnson stated, we are all in agreement that the TIA is accurate.

Commission Member Matthew Dobson asked, the biggest issue is the traffic into the school in the morning, backing up across the firehouse. Was that taken into account? Or is the city thinking about that separately.

Mr. Thomas Johnson stated, the school was taken into account. The right hand turn lane for the apartment traffic will allow traffic out of the main flow. For the morning drop off, folks coming into the apartment complex is negligible because traffic will be leaving the complex. The inbound is for the school in the morning.

Commission Member Matthew Dobson asked, so the complex is leaving and then dropping their kids off at the school then they are impacting that ingress coming from the other direction. They will impact the traffic going into the school. Those cars will be turning in ahead of them.

Mr. Thomas Johnson stated, you do have two entrances of ingress and egress both of which are past the school entrance. So that is past where people are going in and coming out. I understand that these are elementary age kids and that they will need to be dropped off. I also understand that there may need to be a crosswalk and a cross guard. We want to put in a sidewalk and a crossing from the complex to the school to allow the kids to walk to school. Also the number of kids in the age range that will attend that school out of 288 apartments we would assume would be pretty small, so the impact of traffic from the complex to the school may not be that great. The demographics will tell you that. The number of children that are elementary school age will probably be pretty small. We are willing to address some of the other concerns that were raised on a land use perspective. This is not the only multifamily that has been approved in the area. There are townhomes in this area. It is not that we are sticking multifamily in where there is surrounding single family. This development makes sense for the nature of the surrounding area. You have commercial development around this area. That is what tends to happen when you have commercial development, you usually see multifamily development as a buffer between the single family and the commercial development, which is what we are doing here. The other thing is that you want that increased density in close proximity to the retail development. There was a concern about the allegation of increased crime in an apartment complex. An apartment complex is a community just like anywhere else and there is no evidence of anymore committing crime in an apartment complex than in any other community. People choose to rent, and the trends are that millennials tend to rent rather than to buy for various reasons. These are market rate apartments. This is a North Carolina, Family Company and they build quality developments and want to be good neighbors. In terms of decrease in property value, there is no evidence in decrease property values from an apartment complex. There are now developments that are a combination of multi and single family homes. This is a trend when you see families that try to move closer together. For example

older relatives may want to rent, and that often happens where they rent in a multifamily complex that is close to their kids and family.

Chairman Richard Parker stated, older people will have to live on the first floor.

Mr. Thomas Johnson stated, and we have plenty of first floor apartments. It is often that you will see, and we have had comments from the community meeting, you will see folks that were interested in the apartments and moving into the apartments that already live in that area. Just from a demographic perspective, that is just what happens. The developer is also stepping up to the plate to address traffic issues that really have nothing to do with the complex, but the developer is willing to spend money and address the issue. We asked if the city had any money to contribute to this and the city said “no”. So we stepped up to the plate. There was no TIA done when the school was built nor available to us for when the school was built, and I just wanted to make that known.

Chairman Richard Parker asked for the staff’s comments.

Planning Director Mrs. Amy Nelson stated, looking at it from the Comprehensive Plan point of view, where this property is located near University Dr. and Macintosh on the lake, the plan calls for this property to be neighborhood/commercial and suburban residential which would allow for multifamily use. There is multifamily development to the north and east, and the Macintosh subdivision to the west which is a mix of single and multifamily development. The proposed multifamily development is consistent with the surrounding uses.

Zoning Administrator Joey Lea stated, I received six phone calls and most of them were about traffic. This has been through our technical review committee and it has met all of our development standards. As you have heard tonight, the developer is stepping up to the plate to make road improvements that are technically not necessary. With those conditions, we recommend an approval.

Commission Member Matthew Dobson asked, as under an R-15 that would allow what normally?

Zoning Administrator Joey Lea stated, single family use, also multifamily use that would have to be townhomes or condominiums.

Commission Member Matthew Dobson asked, condominiums meaning?

Zoning Administrator Joey Lea stated, they are like apartments but you would own the structure.

Commission Member Matthew Dobson asked, so currently under R-15, they would have to be for sale and not for rent?

Zoning Administrator Joey Lea stated, R-15 does not allow apartments, but does allow multifamily use such as condos and townhomes.

Commission Member Matthew Dobson asked, if the traffic analysis does not prove real and we end up having a bunch of traffic out there, we can come to the city in the future to try and relieve those issues?

Commission Member James Kirkpatrick asked, what is the resident’s course of action?

Zoning Administrator Joey Lea stated, the only thing that could happen, as you heard Mr. Johnson say, that they asked the city if they could do it and they said they did not have the funding. The only options would be to get the improvements through development. The city would only make improvements if it were

warranted. There would have to be something to warrant improvements. If it got bad enough the city would have to do it. I understand what you are saying, but their TIA showed no improvements necessary. If another development were to come in their TIA would say the same thing because it is such a small percentage. But that percentage is going to add up. It will only happen if it is an absolute necessity for the city.

Planning Director Mrs. Amy Nelson stated, these folks are essentially solving the problem ahead of time.

Commission Member James Kirkpatrick stated, I move we recommend approval of this request based upon 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 Earl Jaggars seconded the motion. The Commission unanimously voted to approve the rezoning.

ITEM NO. 4:

Staff to present an application to rezone from I-3 Heavy Industrial District, to CI-Conditional Industrial District for additions to the Burlington Royals Baseball Stadium. The property is located at 1450 Graham Street referenced as Alamance County tax identification number and being a portion of 139644.

Zoning Administrator Mr. Joey Lea stated, this request is for two additions to be built at the Burlington Royals Baseball Stadium, a restaurant facility and an office. This has almost gone to the construction point, but what happened was that the location did not meet certain standards. That square on the map is zoned industrial because in 1986 someone realized they had an issue with off premise signage that was not allowed in a residential area. So they rezoned that area to I-3 to allow the off premise signage. The conditional is only for the I-3 portion to allow this development. This would make it an I-2 which will still allow the signage.

Mr. Bill Moser stated, Mr. Lea explained the history behind this pretty well. Since this is a request for conditional rezoning I thought I would show you the condition here. We are proposing to allow the construction of a new plaza. There would be a customer service entrance building and a restroom facility to the right. The capacity for this stadium is 3,500 and over the years additional bleaches had been added to the park. Working with the recreation department, inspections department, and Burlington Royals in order to meet the needs for the park we need to add these additional toilets. We would also add a retail area and an entrance area for the plaza. When the property was deeded to the city after WWII it was zoned R-9, and then in the 80s it was rezoned to I-3. The area for construction is $\frac{3}{4}$ of an acre. The entire park is about 42 acres. There is a sidewalk that leads to nowhere with a 5 foot vertical drop. We will have a ramped entrance there to better improve the arrival to the stadium. To be able to do that through the TRC process and looking at the zoning situation, in order to accommodate those buildings and the reason we are asking for conditional rezoning to conditional industrial is because of the setback requirement off of the side street abutting Graham Street. We would like to take that back to the original 15 feet R-9 setback. By setting that setback along Graham and Henderson Street, we would be able to accommodate the proposed construction and be able to place the two small buildings. The setback now for I-3 is a 40 foot setback. So we are trying to have it be R-9 so that the setback would be 15 feet and not 40 feet.

Chairman Richard Parker asked, so your main purpose here is just to take the setback down to 15 feet.

Mr. Moser stated, yes sir. In working with the planning department and considering all of the various options we found it best to leave it as industrial but have it be conditional industrial, which was not available in 1986 when they rezoned to I-3. When you look at the entire 42 acres of Fair Child Park, this is a side yard abutting a street.

Commission Member James Kirkpatrick asked, you need a rezoning so you can put up your building?

Mr. Moser stated, correct.

Chairman Richard Parker asked, the existing restrooms that are under the grand stands over the Robinson building, what are the plans for those?

Mr. Moser stated, those restrooms will remain. The existing toilets under the Grand Stands will be removed because they do not meet accessibility codes. That will be converted to a unisex, family toilet. There will be a first aid and security office there and some administrative space.

Planning Director Amy Nelson stated, for Comprehensive Plan consistency, the plan calls for this area to be park/open space. The area is currently used as park and recreation facility, making it consistent with the comprehensive plan.

Zoning Administrator Joey Lea stated, I had six phone calls and most of them wanted to get some information. This being a city facility, staff recommends approval of the property.

Vice Chair John Black stated, I move we recommend approval of this request based upon 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 James Kirkpatrick seconded the motion. The Commission unanimously voted to approve the rezoning.

ITEM NO. 5:

Staff to present a proposed amendment to the City of Burlington Zoning Ordinance text Section 32.9, Table of Permitted Uses, as it pertains to non-academic schools.

Zoning Administrator Joey Lea stated, the request before you is for a text amendment to allow the non-academic school classification in the I-1A planning industrial residential district. Staff does not see any reason why it would not be allowed in an industrial district. It is an indoor activity and it is not anything that would have any noise or negative impact on the surrounding industrial area. This will also be incorporated into the UDO. We could not come up with any reason why this would not be a good idea.

Chairman Richard Parker asked, what does a non-academic school mean?

Zoning Administrator Joey Lea stated, it would be like a karate school, art school, anything that is teaching but not credited.

Chairman Richard Parker asked, so you want to put an X in that column, I-1A?

Zoning Administrator Joey Lea stated, that is correct.

Commission Member James Kirk Patrick stated, I move we recommend approval of this request based upon 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. Vice-Chairman Mr. John Black seconded the motion. The Commission unanimously voted to approve the proposed amendments.

ITEM NO. 6:

Staff to present a proposed amendment to the City of Burlington Zoning Ordinance text Section 32.19, Changes and Amendments, as it pertains to protest petitions.

Zoning Administrator stated, what we had done, as you all know last year or year before last, the legislature changed the statute in regards to protest petitions where they are no longer required. You can still protest and get names together, the only thing is that the clerk is supposed to supply those names to the council. That

does not change their vote for the protest petition to from a majority to a super majority. All we have done is taken out everything that refers to the protest petitions. The second one mirrors the state statue, we are doing that now to avoid confusion since it is still in the ordinance. Staff recommends approval.

Commission Member James Kirkpatrick stated, I move we make a motion. I move we recommend approval of this request based upon 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. Matt Dobson seconded the motion. The Commission unanimously voted to approve the proposed amendments.

There being no further business to discuss, the meeting was adjourned at 8:43 p.m.

Richard Parker, Chairman

John Black, Vice Chairman

Kelly Peele, Secretary