



Minutes of the Burlington City Council Meeting Virtual Meeting 9:15am – Tuesday, March 18, 2021

The City Council of the City of Burlington continued the March 16, 2021, remote meeting to March 18, 2021, beginning at 9:15 a.m. on March 18, 2021, for the sole purpose of allowing additional written comments to be submitted for a 24-hour period beyond the close of that meeting, pursuant to N.C.G.S. §166A-19.24(e).

Due to the Coronavirus Pandemic, this meeting was convened remotely via Zoom Webinar platform.

Mayor Ian Baltutis presided.

Council Members Present:

Mayor Ian Baltutis
Mayor Pro Tem Kathy Hykes
Council Member Robert Ward
Council Member James Butler
Council Member Harold Owen

Staff Present:

City Manager Hardin Watkins
City Attorney David Huffman
Interim City Clerk Beverly Smith

Council Members Absent: None

CALL TO ORDER Mayor Ian Baltutis

The meeting was called to order at 9:00am.

CODE OF ETHICS DISCLOSING CONFLICTS OF INTEREST Interim City Clerk, Beverly Smith
There were no conflicts reported.

UNFINISHED BUSINESS – PUBLIC HEARINGS

Mayor Baltutis announced the following public hearings had been continued from the March 16, 2021, City Council Meeting for the sole purpose of allowing additional written comments to be submitted for a 24-hour period beyond the close of that meeting, pursuant to N.C.G.S. §166A-19.24(e).

Item 1 – Rezoning Amendment -Shamrock Drive

Mayor Baltutis announced a public hearing had been continued to consider an application to amend a Conditional Rezoning that was approved by the Burlington City Council on September 18, 2018. The request is to increase the number of single family lots from 219 to 241. The property is located at 1722 Shamrock Drive, (formally Shamrock Golf Course), referenced as Alamance County tax identification number 130754. (*ON APPEAL*)

Mayor Baltutis called for written public comments.

Interim City Clerk Beverly Smith stated one written comment was received from the following person via email:

Dana Stewart
1443 Monroe Holt Road, Burlington

Submitted via email 3/16/21 at 9:49pm
Objection to increase in houses and removal of fence

*First, I would like to apologize for chatting in Meeting on Tuesday night, I did not realize that would disrupt meeting. FYI -as someone asked the question during the meeting--The Planning and Zoning vote was denied 7-1. in first request. I may not understand density and all of this, but I do understand when the counsel put off decision to pass the rezone so that Mr Milan could meet with homeowners to come to agreement. That agreement included less houses, a fence for Monroe Holt to have some privacy and numerous other things. What this looks like to me is Mr Milan is going back on his word and if you allow this , so are you. Most of the neighbors are not in the law suite, Maybe we should be if things like this are going to be allowed. Kathy Hykes -in meeting asked if neighbors would be allowed to green space, the answer is no there is no access form Monroe Holt Rd, unless you drive, so- I was sold a home many years ago with green space able to walk myself and my dogs on grass and paths , and now will have no access. Busy road in front with no side walk. Mr. Moffit also spoke re HOA and legal. So in other words we will not be allowed, In the agreement all neighbors were allowed to green space and cart paths. I will also have approximately three houses in my back yard instead of two due to increase, was told by Mr. Milan would have fence for a small amount of privacy and he is now wanting to remove this. Please pay attention to where he is putting the added houses, he cannot build on much of property due to rock, which he makes sound like it is a nice green space- when in reality if he could build without any green space he would. **Integrity** is a very good quality, and we see Mr. Milan's -if he will not keep his word to us, he will do the same to the city and the people who buy the homes he is building. This is about one thing "money" for him, not to help Burlington, he is not even from Burlington.*

Upon a motion by Mayor Pro Tem Hykes, seconded by Council Member Owen, it was resolved unanimously to close the public hearing.

Council Member Ward motioned to approve the request and stated City Council believes this request is consistent with the Destination Burlington Comprehensive Plan and moved to approve this request, with the stated conditions, to amend a Conditional Rezoning that was approved by the Burlington City Council on September 18, 2018. He stated the request is to increase the number of single family lots from 219 to 241 and the property is located at 1722 Shamrock Drive (formally Shamrock Golf Course), referenced as Alamance County tax identification number 130754. He stated this motion is based upon the consistency of the proposed rezoning with the Comprehensive Plan, in that:

- The Future Land Use Map in Section 4 “Land Use” of the Comprehensive Plan calls for this area to have Rural Residential/Agriculture uses.
- The property is contiguous with residential zoning and the proposed use was rezoned from R-15 Residential District to CR Conditional Residential District approved by the Burlington City Council on September 18, 2018.

Council Member Ward stated this action is reasonable and in the public interest in that:

- The Comprehensive Plan calls for Rural Residential/Agriculture uses, and the proposed user is compatible with the uses in the area.

Council Member Ward stated the request is compatible with the existing zoning in the area.

Council Member Butler seconded the motion, and it was resolved unanimously to adopt the following Ordinance.

Ordinance#21-03

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone property located at 1722 Shamrock Drive (formally Shamrock Golf Course), referenced as Alamance County tax identification number 130754)

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That the official zoning map, an element of the Burlington Zoning Ordinance, and the Comprehensive Land Use Plan are hereby amended by amending a Conditional Rezoning that was approved by the Burlington City Council on September 18, 2018. The request is to increase the number of single family lots from 219 to 241., subject to the conditional uses with limitations as set forth in Sections 2, 3 and 4, of this ordinance. The area is described as follows:

The property is located 1722 Shamrock Drive (formally Shamrock Golf Course), referenced as Alamance County tax identification number 130754.

Section 2. That the rezoning that was approved by the Burlington City Council on September 18, 2018, be amended by increasing the number of single family lots from 219 to 241, is hereby authorized subject to the following Use and Development Conditions:

Use Conditions

1. Single-family residential use containing a maximum of 241 lots on 101.45 acres.

Development Conditions

1. Minimum lot size will be 7,000 square feet.
2. Minimum lot width will be 60 feet.
3. Setbacks will be: 25-foot front; 10-foot side; 25-foot rear.
4. The five (5) existing Developer-owned lots on the west side of Shamrock Drive will maintain their historical dimensions.
5. Homes constructed on perimeter lots facing Shamrock Drive will have a minimum of 1,900 heated square feet.
6. Developer shall construct a berm and landscape buffer along the rear of lots backing up to Shamrock Drive, around the northeast corner of Shamrock Drive, and along (inside) the southernmost property line of the development Property abutting the existing lots that face Monroe Holt Road. The berm

shall be four feet in height and shall include buffering consisting of opaque evergreen landscaping. Developer's HOA shall be responsible for maintenance of the berm and landscaping thereon.

7. Built-upon areas (impervious surfaces) will conform to density calculations set forth on the plan and National Pollutant Discharge Elimination System Phase II storm water standards in order to maintain the development's designation as a "Low Density Development" as defined thereby.

8. Developer will not construct barricades or bollards at either end of the private road over the dam and across the lake on the northern end of the Property. Where the road will not be utilized by the City for emergency purposes or other official purposes, the City will not require that the private road be improved to NCDOT minimum standards or bonded for future maintenance.

9. Developer will repair lettering, paint and masonry in disrepair on the existing "Shamrock" entrance signage at the intersection of Maple Avenue and Parkway Drive subject to the sign remaining in place as part of NCDOT-required right-of-way improvements on Maple Avenue.

10. Developer will not use the word "Shamrock" in the name of the proposed development.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed including site plans and other submissions, unless subsequently changed or amended as provided for in the City of Burlington Zoning Ordinance.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in the City of Burlington Code of Ordinances and Zoning Ordinance.

Section 5. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall take effect upon passage.

Adopted this 18th day of March 2021.

Item 2 – Rezoning Hatchery Road

Mayor Baltutis announced a public hearing had been continued to consider an application to rezone from MI Medium Industrial District to LDR Low Density Residential District. The properties are located on the south side of Hatchery Road approximately 2,200 feet east of Alamance Road, referenced as Alamance County tax identification numbers 121184 and being a portion of 121183.

Mayor Baltutis called for written comments.

Interim City Clerk Beverly Smith stated there were no written comments received.

Upon a motion by Council Member Butler, seconded by Council Member Owen, it was resolved unanimously to close the public hearing.

Council Member Ward moved to deny this request to rezone from MI Medium Industrial District to LDR Low Density Residential District. The properties are located on the south side of Hatchery Road approximately 2,200 feet east of Alamance Road, referenced as Alamance County tax identification numbers 121184 and being a portion of 121183. He stated this motion is based upon the inconsistency of the proposed rezoning with the Comprehensive Plan in that:

- The Future Land Use Map in Section 4 “Land Use” of the Comprehensive Plan calls for this area to have industrial uses and is located adjacent to industrial zoning.
- The requested zoning is not necessary for this location.

Council Member Ward stated this action is reasonable and in the public interest in that:

- The requested rezoning is incompatible with existing land uses in the area
- The current zoning is preferable for the area.

Council Member Butler seconded the motion, it was resolved unanimously to deny the rezoning request.

Item 3 – Rezoning Huffman Mill Road

Mayor Baltutis announced a public hearing has been continued to consider an application to rezone from MDR Medium Density Residential to OI Office Institutional District. The property is located at the southeast corner of Grand Oaks Blvd. and Huffman Mill Road, referenced as Alamance County tax identification number 112469.

Mayor Baltutis called for written comments.

Interim City Clerk Beverly Smith stated there were no written comments received.

Upon a motion by Council Member Ward, seconded by Council Member Owen, it was resolved unanimously to close the public hearing.

Council Member Butler moved to approve this request to rezone from MDR Medium Density Residential to OI Office Institutional. He stated the property is located at the southeast corner of Huffman Mill Road and Grand Oaks Boulevard, referenced as Alamance County tax identification numbers 112469.

Council Member Butler stated the motion is based upon the inconsistency of the proposed rezoning with the Comprehensive Plan, in that:

- The Future Land Use Map in Section 4 “Land Use” of the Comprehensive Plan calls for this area to have Rural Residential / Agriculture uses.
- The request is compatible with the proximity of OI Office Institutional and COI Conditional Office Institutional Districts.

Council Member Butler stated this action is reasonable and in the public interest in that:

- The Comprehensive Plan calls for Rural Residential / Agriculture uses in the area.
- The request is compatible with the existing zoning and land uses in the area.

Council Member Owen seconded the motion, it was resolved unanimously to adopt the following Ordinance.

Ordinance #21-04

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone property located at 0 Grand Oaks Blvd., referenced as Alamance County tax identification numbers 112469.)

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That the official zoning map, an element of the Burlington Zoning Ordinance, and the Comprehensive Land Use Plan are hereby amended by rezoning from MDR Medium Density Residential to OI Office Institutional. The properties are located at 0 Grand Oaks Blvd., referenced as Alamance County tax identification numbers 112469.

Section 2. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 3. That this ordinance shall take effect upon passage.

Adopted this 18th day of March 2021.

Item 4 – Rezoning St. Marks Church Road

Mayor Baltutis announced a public hearing has been continued to consider an application to rezone from MDR Medium Density Residential to PD Planned Development. The property is located on the east side of St. Marks Church Road, just south of the terminus of Rural Retreat Road and approximately 500 feet north of Boone Station Drive, addressed at 1408 St. Marks Church Road and referenced as Alamance County tax identification number 106976.

Mayor Baltutis called for written comments.

Interim City Clerk Beverly Smith stated there were three written comments received by the following:

*Donna R. Campbell
1344 Berkshire Road, Burlington, NC
Via Email 3/17/21 at 1:31pm*

Dear City Council Members of the city of Burlington, NC:

My name is Donna Campbell and my family and I have been residents of 1344 Berkshire Road for 41 years as have most of my neighbors. I am writing to express concerns for our neighborhood if the proposed apartment complex by Riddle Capital Advisors at 1408 St Marks Church Road becomes our reality. On February 9, 2021, we were invited to a neighborhood meeting (via Zoom due to Covid restrictions) conducted by Mr. Trey Riddle of RCA. From the beginning, Mr. Riddle stated that he wanted to be a “good neighbor” throughout this process. We listened as he described a well-planned apartment community with amenities available to nearby residences bordering the project. Riddle described architecturally pleasing residences (no higher than three stories) with landscaped buffers between project and property lines as well as a greenway walkway from Alamance Crossing to Joe Davidson Park open to

the public. Intended as an amenity for neighborhood residents, access gates at the end of Berkshire and Willow Oak were also described. This greenway runs right beside my property line. Imagine my safety concerns as I envision the foot traffic from the apartment residents plus the public with this possible open access. Hearing security concerns from residents of both streets, Mr. Riddle thoughtfully offered to build a solid 6 foot security fence with no access gates. We already have access to the greenway and the park in the neighborhood. As a long time resident at the end of the dead end street, my family has enjoyed the privacy and safety of this no traffic area. We want Berkshire as well as Willow Oak (parallel to us) to remain dead end streets. The security fence between the greenway and our properties will provide peace of mind as a potentially high volume of foot traffic occurs. After discussions with Mr. Riddle I trust that he indeed wants to be a good neighbor as he addressed our fears and concerns and respectfully offered appropriate solutions. I ask that the Council also consider our requests. I believe the Riddle Capital project for St Marks Church Road can be an amenable transition between our neighborhood residences and the commercial Alamance Crossing property and an asset for the City of Burlington if our concerns are appropriately addressed by all. Thank you for your thoughtful consideration.

*David and Lisa Bowes
1318 Berkshire Road
Burlington, NC*

To: The Members of City Council / Written Public Comment
Ref.: PD for use of a 205-multi-family unit to be developed
@ 1408 ST. MARK'S Church Pk. Tax ID# 106976

This is a request following Council Mtg. on 3/16/21. This request has already been discussed with Planning & Zoning Commission & the developer, Mr. Riddle @ a mtg. on 2/22/21. The majority of residents on Berkshire & Willow Oak are in agreement with the requests.

We requested that the developer would construct a solid fence, six feet in height beside the proposed development along the property lines of Berkshire and continue past the last property on Willow Oak, with no access to proposed greenway, within the new development. In addition to this request, we asked that there be no access from Berkshire & Willowbrook and that each street remain dead-end with signs stating no access!

This is a minimal request from homeowners to "insure" safety and privacy in an established neighborhood, where individuals take pride in their homes & properties.

We hope that together the Council & Planning & Zoning Commission can be in agreement to fulfill these requests as stated.

If these requests pertained to your property, we are quite sure that you would have the same concerns!

Your attention to these requests will be "greatly" appreciated!

Kyle
1345
Road
Burlington, NC

King
Berkshire

This is in response to the proposed development at 1408 St. Marks Church Rd. My family moved to 1345 Berkshire Rd in the spring of 1987, I was just a few months shy of turning 5. My parents wanted me in a better school system than what Guilford County had to offer and Elon Elementary fit that bill handily. My grandmother had officially retired from teaching at Broadview Middle, my grandfather finished out his second term as Mayor of Burlington and they were looking to relocate back to Wisconsin, it wasn't an easy decision, but years of public service had taken a toll. A change of scenery was needed and new adventures wanted. I remember before they left my grandfather pushing me on my new swingset in our new backyard, underneath the shade of an large oak tree, and saying to my Mom "I feel good leaving her here, in this place. It's a good place to grow up." And it was. I had neighbors close to my age for the first time ever (you'll have also received an email from their mother, my neighbor, Donna Campbell of 1344 Berkshire Rd) and we spent bucolic summer nights catching lightning bugs, visiting turtles at the Shoffner's Pond, watched hot air balloons land and launch next door in Shoffner's Field (if you haven't been 8 years old and watched the Mr.Peanut balloon land just a football field away from your house you

haven't LIVED) and played hide & seek in Mr. Shoffner's barns. Sometimes there would be gentle admonishment from Mr. Shoffner if caught, with a reminder there were farm tools scattered about and to please leave the black snakes alone if we see any, they're handy to have around a farm. There was plenty of bike riding, a safe place to do with minimal supervision thanks to the benefit of living on a dead-end street. The year of the first Mighty Ducks movie there was even an improvised version of street hockey that didn't end when a winner was declared but rather when someone inevitably got whacked with a ball or stick and cried. Then there was the Shoffner's themselves, owners of 1408 St. Marks Church Rd. Both retired by the time I moved to the neighborhood but farming continued to be Mr. Shoffner's hobby, everyone benefitted. I learned the fine art of the ding-dong ditch from Mr. Shoffner, who every summer would ring the doorbell on the side porch then scuttle off, leaving behind a bag of squash, tomatoes and cucumbers. As he got older, sometimes you had to give him a little bit of a head start before answering the door to make sure he had enough time to successfully round the corner and disappear out of sight. It wasn't that he didn't want to talk, he did, but he also just delighted in servitude without a fuss. The summer of 1996 when my Mom was suddenly faced with being a single parent and the stigma of divorce, the doorbell rang. It was Mrs. Shoffner, for a change. She spent over an hour at the kitchen table talking with Mom about grown up matters (Mr. Shoffner had been her second marriage) and I was shooed away to help Mr. Shoffner plant seedlings in his shed. It was a much needed cathartic experience for us both in a turbulent time. As children do, I grew up moved away for college. I returned home when my mother became ensconced in chronic health ailments that would, years later, become terminal. In 2014 upon her death Our House became My House and I've been here since, once again nestled amongst the neighbors who have (mostly) known me since I was five. Shoffner's Field held a special place in my heart this summer as I was able to utilize it as a kind of dog park, a place to walk my geriatric Labrador in the shade and safe from hot pavement and a place for my disabled Boxer to scurry around and smell the bunnies, possums and other wildlife when going for longer walks became beyond his abilities. Anyone with two brain cells to rub together could see the West Burlington sprawl happening and know it was only a matter of time before the siren song of selling to the highest bidder would be too much for the Shoffner descendants and the property would be sold. It's been its own kind of hell living in a development limbo for years, wondering what would be eventually moving in next door. Let me be crystal, no one in this neighborhood *wants* this development. If you've heard otherwise, someone is blowing smoke up your posteriors. What we *do* admit is this apartment complex is the lesser of the evils and are resigned to its existence. If it's not this development, then the city will put in one of only three things it

knows to build: Gas station, chain restaurant, unoccupied strip mall. If I have to look at three story apartments looming over me instead of trees, I can at least take satisfaction in knowing there's some knob paying \$1200+/month to live in a 3rd story walk-up overlooking the back of Boot Barn and know I have the better view, for cheaper. With a yard. In exchange for sacrificing our privacy, our solitude, and our property values in exchange for increased light pollution, noise pollution and congestion in the area all we, the inhabitants of Berkshire Rd and Willow Oak Dr, ask the City of Burlington for are the terms agreed upon by Trey Riddle, the developer in our previous meeting.

The terms are as follows:

1. Berkshire Rd and Willow Oak Dr are to remain dead-end roads with no through traffic or public access to The New Apartments.
2. A privacy fence to run the length of the development starting at Willow Oak Drive and continuing the length of the "greenway" to keep the general public from straying onto our properties. There are to be no gates or access points built into this fence, it was mutually agreed upon during the neighborhood meeting with Mr. Riddle no one here desires access to this "greenway" as we all have easier and quicker access to Joe Davidson Park via Peeler St.

*I realize this novella is a bit outside of the norm for what the City Council usually receives in matters such as this, and I am *painfully* aware the City is going to do what it wants regardless of what its people want, but the purpose of this email is to humanize the people this development will impact on a daily basis with its existence. All we want is to maintain a semblance of the privacy and solitude that we've been granted for decades.*

Upon a motion by Mayor Pro Tem Hykes, seconded by Council Member Butler, it was resolved unanimously to close the public hearing.

Council Member Owen moved to approve the request to rezone from MDR Medium Density Residential to PD Planned Development District for the use of a 205-unit multifamily development for property located at 1408 St. Marks Church Road referenced as Alamance County tax identification numbers 106976. He stated this motion is based upon the consistency of the proposed rezoning with the Comprehensive Plan, in that:

- The Future Land Use Map in Section 4 “Land Use” of the Comprehensive Plan calls for this area to have commercial uses.
- The request is compatible with the adjacent residential uses.
- The proposed plan complies with the adopted City of Burlington Greenway Plan and Bikeway Plan.

Council Member Owen stated this action is reasonable and in the public interest in that:

- The Comprehensive Plan calls for commercial uses in the area.
- The request is compatible with the existing zoning and land uses in the area.

Mayor Pro Tem Hykes seconded the motion, it was resolved unanimously to adopt the following Ordinance.

Ordinance#21-05

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone property located at 1408 St. Marks Church Road referenced as Alamance County tax identification numbers 106976.)

BE IT ORDAINED by the City Council of the City of Burlington, North Carolina:

Section 1. That the official zoning map, an element of the Burlington Zoning Ordinance, and the Comprehensive Land Use Plan are hereby amended by rezoning from MDR Medium Density Residential to PD planned Development District for the use of a 205 unit multifamily development, subject to the conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance. The area is described as follows:

The property is located at 1408 St. Marks Church Road referenced as Alamance County tax identification numbers 106976.

Section 2. That the rezoning from MDR Medium Density Residential to PD planned Development District for the use of a 205-unit multifamily development is hereby authorized subject to the following Use and Development Conditions:

Use Conditions

2. 205-unit Multifamily Apartments.

Development Conditions

1. Conditions to follow the approved conceptual site plan with submitted documents.
2. Installation of a greenway along the north and east property lines.
3. Sidewalk construction along St. Marks Church Road, a crosswalk with pedestrian signal crossing at Rural Retreat Road and St. Marks Church Road, and continuing along Rural Retreat Road to the crosswalk into the Joe C. Davidson Park.
4. An urban open space set-aside at the uppermost northwesterly corner.
5. An architecturally enhanced building facade facing St. Marks Church Road and the interior of the development.
6. Clustering of buildings on the site to increase and accommodate pedestrian circulation and connectivity within the site and off the site (access to St. Marks Church Road, Joe C. Davidson Park, and Alamance Crossing).
7. Developer to provide an easement of 15’x15’ for a future bus shelter along St. Marks Church Road.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed including site plans and other submissions, unless subsequently changed or amended as provided for in the City of Burlington Zoning Ordinance.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in the City of Burlington Code of Ordinances and Zoning Ordinance.

Section 5. That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall take effect upon passage.

Adopted this 18th day of March 2021.

CITY COUNCIL COMMENTS

Council Member Ward inquired on Election’s discussion and asked to postpone until the City learns more about what is decided by the General Assembly.

Council Member Butler concurred.

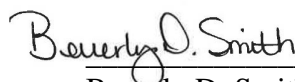
Mayor Pro Tem Hykes concurred and stated she would like to hear from the School of Government on the topic for more insight possibly during a retreat.

Mayor Baltutis inquired on holding a City Council retreat.

Following discussion, City Council consensus was to receive feedback from City staff at the April 5, 2021, City Council Meeting and decide on a date, time and location for an in-person City Council special meeting retreat.

ADJOURN

Upon a motion by Council Member Ward, the meeting was unanimously resolved to adjourn at 9:41am.



Beverly D. Smith, NCCMC
Interim City Clerk

March 18, 2021
City Council Meeting