



BURLINGTON PLANNING AND ZONING COMMISSION

September 24, 2018 - 7:00 p.m.

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

Richard Parker, Chairman
John Black, Vice-Chairman
Ryan Kirk
James Kirkpatrick
Nicole Enoch
Nancy Rosborough (Alternate)
Matthew Dobson (Alternate)

EXTRATERRITORIAL MEMBERS:

Earl Jagers
Bill Abplanalp

A G E N D A

ITEM NO. 1:

Call meeting to order.

ITEM NO. 2:

Approval of the minutes of the meeting held August 27, 2018.

ITEM NO. 3:

Mr. Frank Longest to present an application to rezone from R-15 Residential District to CR-Conditional Residential District to allow for the construction of a new Health Care Facility for Twin Lakes Continuing Care Retirement Community. The properties are located on the north side of South Church Street approximately 1000 feet from University Drive, referenced as Alamance County tax identification number 106888 and 106943.

ITEM NO. 4:

Staff to present a proposed amendment to the City of Burlington Zoning Ordinance sections 32.9 Table of Permitted Uses, section 32.11 Off Street Parking and Loading and adding section 32.10.VV for Electronic Gaming Operations.



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

August 27, 2018 – 7:00 pm

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

Richard Parker, Chairman
John Black, Vice-Chairman
Ryan Kirk
James Kirkpatrick
Nicole Enoch
Nancy Rosborough (Alternate)
Matthew Dobson (Alternate)

EXTRATERRITORIAL MEMBERS:

Earl Jagers
Bill Abplanalp

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: Nomination and election of 2018-2019 Commission Chair and Co-Chair.

Commission Member Mr. Bill Abplanalp nominated Richard Parker as Chair.

Chairman Mr. Ryan Kirk second.

The nomination passed unanimously.

Commission Member Mr. Earl Jagers nominated John Black as Co-Chair.

Commission Member Mr. James Kirkpatrick second.

The nomination passed unanimously.

ITEM NO. 3: Approval of the minutes of the meeting held July 23, 2018.

Commission Member Mr. James Kirkpatrick made a motion to approve the minutes.

Commission Member Mr. Earl Jagers second.

The motion passed unanimously.

ITEM NO. 4: Staff to present a proposed amendment to the City of Burlington Code of Ordinances Chapter 33, Subdivision Regulations, as it pertains to Fee-in-lieu for Sidewalks, Greenways and Bikeways.

Director of Transportation Mr. Mike Nunn stated, the Fee-in-lieu concept is a way to fund things in order to get things built in a way that helps prevent wasting funds. This idea developed from a developer's request. Some developers have asked for a way to pay a fee for construction of improvements. Based on that, transportation, engineering, planning, legal, and finance staff members have gotten together and discussed this. We looked into other places such as Greensboro, Concord, Mebane, Graham, Highpoint etc. that have this type of Fee-in-lieu. These areas are using this for more than just sidewalks and greenways, they are using this for almost all infrastructure. So that is where a lot of this information comes from. These are for required improvements, these are not just for where staff can decide "I think we need a sidewalk here". These improvements are all based off of adopted plans. We adopted a Pedestrian Plan back in 2012 and in 2017 we approved a greenways and bikeways plan which calls out for where these bikeways and greenways are supposed to go. Fee-in-lieu is an option. This is not going to be applied to every development. I would like to mention that these things are already required. If a developer were to come in, they would be required to do these improvements. These are all things that are required and based off a plan. For example, the NCDOT is funding a project, we base these projects on a 5 year period. We will actually have a funded project through this Fee-in-Lieu that sets a plan for what is to be built and we will be able to say that "we will have this sidewalk, this greenway, this bike path in this area within the next 5 years". So if these changes were made, we would allow the developer to submit a fee for the total amount of design, planning, construction etc. and that would be through the City's engineering department. The Fee-in-lieu would be paid for because there is something coming behind it. If the City were to already know of a planned, city funded project coming in behind this development that would in turn remove the infrastructure that was built by the developer as improvement construction, the developer would pay a fee instead of installing an infrastructure that would just, in turn, be removed in the near future.

Chairman Mr. Richard Parker asked, so you say you have your TIP, you know what projects are funded, do you have drawings to know where the land is going to be?

Director of Transportation Mr. Mike Nunn stated, not yet. That is what I am saying. You have a fee and a cost of improvement. It will be put in place once it is designed. The project will be designed, like a sidewalk cross section, it will be designed to go on that property. Then during the DOT process and the planning process, then they would place that project in that line.

Chairman Mr. Richard Parker asked, so you are saying that you want money first to hold until the design comes out so that you know where to place this sidewalk? If the developer did it when they were doing their project, then you might have to tear it up and reposition or widen it once the design was finalized.

Director of Transportation Mr. Mike Nunn stated, yes sir. That is a perfect explanation. That is the concept. We allow them to do it because it is required. I would like to be clear about the fact that these improvements are required and comes from an adopted plan. Part of what this Fee-in-Lieu is saying, for example say another project is planned to come in the next five years; we allow that to be done, we allow the design to be done, and create the estimated costs. The money is placed in a restricted fund, with a restricted fund the money will gain interest, so there will be some improvement on that fund for when it does come time to use it. That is the tool we have, we do not have a way to combat inflation. The restricted fund can only be used for those purposes. Another question was how we located the vicinity for the location of the project. We added an additional phrase to this to, hopefully, further clarify, "it is a continuous extension for augmentation of the infrastructure network represented by the site requirement for which the fee is collected". It is a little wordy but we are hoping to imply that it is there, it is on that site, it is an extension of what is going on in that area and part of a network.

Chairman Mr. Richard Parker stated, one of our concerns was that you could collect the money on this parcel and if the money wasn't used there they could take it and use it somewhere else.

Director of Transportation Mr. Mike Nunn stated, that is not our intention, the money from these projects will be represented at these sites and in those networks. That is our intention with that. It is intended to continue the network that is already there. That is our intent and we hope to have written this in a way that reflects that.

Commission Member Mr. James Kirkpatrick asked, who is in control of that fund?

Director of Transportation Mr. Mike Nunn stated, the Finance Department of the City of Burlington.

Commission Member Mr. Bill Abplanalp asked, when will this fee be collected?

Director of Transportation Mr. Mike Nunn stated, at the time of the development when it is approved and goes through the TRC process. It will be before the project would be sealed or approved.

Commission Member Mr. Bill Abplanalp stated, okay good because my experience with developers is that you do not wait until the project is complete to collect.

Director of Transportation Mr. Mike Nunn stated, that is correct. Just to wrap up here, when there is an existing connection that is what we are going to do. The Fee-in-lieu is just going to enhance and expand what is in place and this is all based on what is required. Do be aware that all locations have existing infrastructure in place, there may be a sidewalk segment out there. Also, anything like a city greenway and bikeway is going to take some time. The Fee-in-lieu is not going to solve that problem and give us a continuous sidewalk and a continuous greenway; it is just giving us a tool to start building that plan. The last thing I would like to mention is that we would really like to avoid wasting project funds on infrastructure that we know is going to be removed or changed within that five year period.

Commission Member Mr. Earl Jagers asked, I had some questions about the last couple of bullet points and when you stated wasting funds. Whose funds would be wasted? How would they be wasted? Just because they would have to be torn out within the next five years?

Director of Transportation Mr. Mike Nunn stated, the developer would already be required to build these improvements based off of our plans. We would also acknowledge that there would be another project built within five years.

Commission Member Earl Jagers stated, we are not guaranteed that something is going to be built in five years. You also said "not on every development" who is going to require or request this?

Director of Transportation Mr. Mike Nunn stated, not every development is located on a street or a location that is part of our Sidewalk Plan or adopted Bikeway and Greenway Plan.

Commission Member Mr. Earl Jagers stated, they laugh at me because I want sidewalk and greenways, I am just concerned about having a restricted fund and I do not trust it.

Chairman Mr. Richard Parker asked, will the restricted fund show up in the City's budget?

Director of Transportation Mr. Mike Nunn stated, it will be a revenue account that will be set aside, so the finance report will show it but it will be its own individual thing.

Chairman Mr. Richard Parker stated, what I think Mr. Jagers is thinking is that the city will combine and mix all of these funds into one pot and at the end of the year and when you go to look at the improvement TIP plan and a project may not happen for another five years. So this pot of money is just going to keep accumulating money every year.

Director of Transportation Mr. Mike Nunn stated, I understand what you're saying. This is only going to be an option when warranted and when there is a project in that location. We do not have, although we would love to have, lots of DOT projects across the city. We have a small handful of projects coming and this is not going to be an everyday development situation of fee-in-lieu. This is just going to be a tool. For example, NC 62 is going to be widened, and that could be a situation where fee-in-lieu would be helpful. It is possible you could have several projects in a pot but our DOT projects are basically limited. They are not funded at a huge rate that would cause that confusion.

Chairman Mr. Richard Parker asked, so if a developer comes in and wants to put a Golden Coral on an established street and there is no improvement plan but he is required to put in a sidewalk, he would not be offered this Fee-in-lieu, he would have to build the sidewalk?

Director of Transportation Mr. Mike Nunn stated, that is correct.

Commission Member James Kirkpatrick asked, how many projects have there been in, let's say, the last five or ten years? What percentage would have been affected by this if it were to come before the Planning and Zoning?

Zoning Administrator Mr. Joey Lea stated, it would have been less than 10%.

Commission Member James Kirkpatrick asked, we are not trying to create this massive cash cow. Is the intent of this to put ease upon the developer in a certain sense?

Zoning Administrator Mr. Joey Lea stated, the actual intent is to make sure that these improvements are placed and situated, where you have the case of a DOT project, that it is placed where DOT has planned to put it.

Commission Member Mr. James Kirkpatrick stated, this is based upon an engineer's estimate. So this is essentially an attraction to a developer who may be looking at the City of Burlington.

Zoning Administrator Mr. Joey Lea stated, what this does for a developer is it keeps them from spending money upfront and then having to tear it out and put it back in. It is not real advantageous to developers unless, as Mike has said, that there is a DOT project that has been funded. Being funded is the important factor because then the developer knows that if it has been funded then it is coming.

Director of Transportation Mr. Mike Nunn stated, the individual prices will not be mixed. So if it is a Mebane Street project that goes into the fund as that.

Chairman Mr. Richard Parker asked, so it has to be a funded project on the TIP before you all can even offer this?

Director of Transportation Mr. Mike Nunn stated, or the city. Any funded project that we know is coming.

Commission Member Mr. Bill Abplanalp asked, if this is so rare why can't we cover it with a conditional rezoning?

Zoning Administrator Mr. Joey Lea stated, we cannot cover the cost of something in a conditional rezoning. I think what you are saying is to make it a condition where they could pay for the sidewalk at some other time. You could do that but this makes it easier in that we know the money is going to be there to get it done, and this is something that is common in other municipalities. I think it is better served this way.

City Engineer Mr. Todd Lambert stated, I would like to point out a couple of things. First, when you all had asked about how the projects were funded. If they were offered a fee-in-lieu, the fee would go into the balance as an individual journal entry. With each developer that paid this we would be able to track their individual amounts. There would be no combined pot. For example on Church Street, where there are some DOT projects, if a developer came in today in an area where we know DOT will be widening a corridor. There would be no reason for the developer to build a sidewalk. Building that sidewalk is a requirement now that we can't get away from legally regardless of the fact. The premise behind this proposal is, why make them build something when we don't know exactly where DOT's final line will be, but we do know that they will be widening the road. For example we could say, "We will be widening the road 20 feet, build your sidewalk". But we do not know where these DOT lines will be. What we have now is we require the developer to build that sidewalk; two years down the road DOT takes out that sidewalk and then the city has to pay to rebuild that sidewalk because of the DOT plan. So this gives both the city and developer the option to plan accordingly and save money. We will take these funds, set them aside attached to a name, and when the DOT is ready we can use that fund balance and give it to the DOT for the sidewalk. No one loses money, no one spends money on something twice, and no one is tearing up the developer's sidewalk that they paid for. This is for a project that we know is going to happen, it could be a city project, and that would allow staff to plan accordingly.

Chairman Mr. Richard Parker asked, is there any way you could take out the words "in the vicinity of the site"?

City Engineer Mr. Todd Lambert stated, well I will give a little bit of history as to why it is worded that way. If you think about Huffman Mill Road, you think about bits and pieces of sidewalk, if I have a developer come in and DOT also has a project, for example. DOT says, "We know we are going to be impacting Huffman Mill Road but we don't know exactly where yet but it is coming. We are in the process of design and we have the funding. We take fee-in-lieu so that the developer does not waste his money." Then let's say the developer gives us \$10,000 to build the sidewalk. When it comes time to build the sidewalk it only costs \$9,000. But if you look down Huffman Mill Road now, you have gaps of sidewalks. So essentially his \$10,000 dollars would pay for right in front of his development and then it might pay to get him connected to the next bit of sidewalk as well. It says vicinity because it is somewhat of an unknown of what that vicinity is, but it has to be continuous and it has to be linear because that was the intent. What we are looking at is if the developer built it today it would cost him \$10,000, we would not be asking for more money than would be necessary to build that sidewalk now. If construction prices come down, or whatever the case may be, and there would be funding left over, then it would fill those gaps right adjacent to the property.

Commission Member Mr. John Black asked, the term "continuous linear connection" then it is adjacent but has a fulfilled purpose?

City Engineer Mr. Todd Lambert stated, and that is why we put that in there. We looked at words that we thought would kind of meet our long term "what ifs".

Chairman Mr. Richard Parker stated, so the money is tied into that parcel.

City Engineer Mr. Todd Lambert stated, yes. It is hard to see until you really look at these conditions. This gives us the flexibility to have some common sense about development and applicability of this type of decision. It is never meant to be something that burdens city staff with extra construction projects.

Chairman Mr. Richard Parker asked, I would like to ask Joey, when we have a project come before us that this would be used will we know that when you present?

Zoning Administrator Mr. Joey Lea stated, through the development process and through the review process would be when Mr. Nunn would take a look and see if there was a funded project that would require the fee-in-lieu.

Chairman Mr. Richard Parker asked, and that would be relayed to us?

Zoning Administrator Mr. Joey Lea stated, I do not think it would be presented in these meetings but we would figure out a way to get it to you.

Chairman Mr. Richard Parker asked, just so that we and city council would know that there will be a special fund for this.

Zoning Administrator Mr. Joey Lea stated, I think one of the things we can do is to make sure that you are aware of it is that we could put it in the staff report.

Chairman Mr. Richard Parker stated, what sometimes happens is that we approve projects, council approves projects, and then they never get built and a month later there is a big "for sale" sign because they got the zoning they wanted so that they could sell it at a better price. But they come in here and show us their plans with all of the sidewalks and then it never gets built.

City Engineer Mr. Todd Lambert stated, the sidewalk would be part of conditional rezoning. This only covers whether they build it or whether they pay the city to build it. The sidewalk itself will always be a part of that conditional zoning.

Commission Member Mr. Bill Abplanalp stated, let me ask one quick question, this is only subdivision?

Zoning Administrator Mr. Joey Lea stated, no it is any development. It is in the subdivision regulations. Within your subdivision regulations you have requirements for streets, infrastructure, improvements etc. and that is where this lies. This has to do with road improvements and improvements to the development that is required by the ordinance. It could be a part of subdivision if it applied to particular area, but this lies within the subdivision regulations.

City Engineer Mr. Todd Lambert stated, so this could apply to a commercial development. If you have a large commercial development that was wishing to build and they may not need a conditional rezoning but they are still required to build sidewalks. So this could still be applicable because they are required in the subdivision section to do certain improvements.

Commission Member Mr. Earl Jagers asked, Joey, that restaurant that is being built on Church Street just past University, could they come back and say that they would like to have that retro because they are going to widen that road down through here. Could they come in and build that sidewalk now?

Zoning Administrator Mr. Joey Lea stated, if we know that there is going to be a project there and the development gets approved, then I am assuming they could probably take advantage of it. With that development in particular, there were some issues about putting sidewalk there anyways but I believe we did not require it.

Chairman Mr. Richard Parker stated, I think we did require it.

Zoning Administrator Mr. Joey Lea, well I think there were some issues with the topography. But whatever got approved, if there was a situation where there was something approved that we knew was going to be taken out they could probably take advantage of this in that context.

Commission Member Mr. Bill Abplanalp stated, the DOT plans are out for the widening of 70 and that includes the portion where that restaurant is being built.

Zoning Administrator Mr. Joey Lea stated, we will use that as an example, I am assuming that at this particular point that they could probably take advantage of the Fee-in-lieu especially if we know that the DOT project is going to wipe out their sidewalk if it was approved. It is not really retroactive; it is just applicable to their situation.

City Engineer Mr. Todd Lambert stated, I would concur that if this was approved that may be an option for that parcel. Now we would still want to look at it and see where that sidewalk was planned, and what are DOT's impacts? If we know, as staff, that your required sidewalk is not being impacted by DOT then we are not going to select this as an option for the developer. It is staff driven, not developer driven. He certainly could ask "does this apply to me?" but we are not looking to get into the business of taking money and building individual sidewalk projects. From the staff aspect, it is more convenient for the developer to build these improvements. It is not every project that you get to hand over money, it is only if the Fee-in-lieu is applicable to you as a developer. It will be on a case by case basis.

Commission Member Mr. Earl Jagers asked, in the past five years, how much has cement gone down?

Commission Member Mr. James Kirkpatrick stated, it hasn't.

Commission Member Mr. Earl Jagers stated, see that's what I am saying. This is not going to keep up with inflation. People build and cement doesn't get cheaper.

City Engineer Mr. Todd Lambert stated, generally speaking with finance, what little interest we would gather from the money over that short period of time allows for a low risk for when the escalating costs go up. That is another reason why we chose five years. Once we can identify funded projects, five years is a better time frame to estimate how much money we will need to take out for project compared to something like twenty years. Five years is a small risk and we found it to be more manageable.

Chairman Mr. Richard Parker asked, just one more question, if you knew the project was funded in the TIP for 2020, which would be two years out. Can you add inflation for two years? Because that's when the concrete is going to be poured.

City Engineer Mr. Todd Lambert stated, I would say from my staff standpoint since I will be the one coming up with the estimates, I would prefer not to. Because at the same time I would be asking the developer to pay more and the developer would then ask, "Well what kind of interest rate are you getting because we should be the same", so at cost, we are taking that inflation risk, but we are also going two years' worth of interest. So it should be fairly close.

Commission Member Mr. Ryan Kirk asked, I looked into several of these from around the state and one common phraseology that we do not have in here is a "refund mechanism". Some of these mechanisms say that if the money is not spent in ten years then it goes back to the developer. If there are cancellations or significant alterations to plans the developer gets a refund. Have you all talked about a refund? So that we don't just have money sitting there.

City Engineer Mr. Todd Lambert stated, no, because most of the ones I have dealt with that have had those refund policies also are not limiting it to a five year plan. So they might take money and say "The DOT

might put this bypass in the next thirty years, go ahead and give us money. We want to be much more defined in that we know the exact the timeframe in which it is going to get built and either it is our funded project or it is a DOT funded project so we know it is going to happen. And we are not looking at those “If it is not built in ten years” because if it is not built in ten years then we failed on our model to begin with upfront.

Commission Member Mr. Ryan Kirk asked, you do not foresee any awkward scenarios of having money in this fund that is not spent and you don’t know what to do with it?

City Engineer Mr. Todd Lambert stated, no. We have been through legal and finance and they felt the best option was through the restricted fund mechanism where they can have journal entries that are project specific.

Commission Member Mr. John Black asked, Mr. Chairman, let me see if I can wrap my head around one point. You have a builder that does the fee-in-lieu , you’ve tied that into five years because the DOT is going to come and widen the road. Let’s say the DOT, for some reason, did not widen the road. Somehow it fell off of the back burner, or the funding was messed up, then after that five year, do they build that sidewalk with that funding? And if they do, if the DOT comes in a year later and says “oops, we have the funding” then they would rip that sidewalk up right? What is the purpose of the sidewalk to begin with? Why are we asking for a sidewalk?

Chairman Mr. Richard Parker stated, transportation and safety.

Commission Member Mr. John Black stated, would every one agree to that? Public transportation and/or safety. If that is the case, if we go ahead and build the sidewalk, and it takes five years, for five years are we not providing public transportation and safety? We would not have been providing these things for five years and would have been holding the money. So are we saying that this money is more important than providing public safety and transportation for those five years? And it could go much further than five years.

Director of Transportation Mr. Mike Nunn stated, the DOT process has changed completely and when they commit to five years, it can fall off, but as Todd says, we would go ahead and build that improvement. These are cases that we are sure of and know that are coming. It seems wasteful and counterproductive to build, remove, and rebuild infrastructure.

Commission Member Mr. John Black stated, well for the person walking down the sidewalk for five years whether it is a waste or not.

Director of Transportation Mr. Mike Nunn stated, exactly. Just depends on what your viewpoint is but I agree 100%. I think it is a good point. Again, I do not know how many of these we will have and I do not think we will have many. Right now this is just a tool in the event that we have a case like this. We do have cases now where developers are required to build an improvement and it is going to be ripped out. I do have a second item to cover.

Chairman Mr. Richard Parker asked, are we going to vote on two items at the same time?

Director of Transportation Mr. Mike Nunn stated, however you would like to do that.

Chairman Mr. Richard Parker stated, go ahead and present your last item.

Director of Transportation Mr. Mike Nunn stated, at the bottom of your page we overlooked a point and possibly did not emphasize it enough. Currently, only the pedestrian plan for Burlington allows us to require sidewalks. We just adopted a greenway and bikeway Plan which is nowhere reflected in any of our

ordinances. The only way we are getting bike paths and multiuse greenways into developments now is through conditional rezoning or developer agreement. Those are the only tools that we have, as staff, to use. Sidewalks we can pull the plan out and it is required. What is being asked to also amend is to adopt the greenway and bikeway plan just as we have adopted the sidewalk plan so that it allows us to require these improvements through the development process just as we do sidewalks. Otherwise, the only other way we are able to do this now is through a conditional use because we have no other tool. So we have a plan and we have no mechanism to use. So I wanted to bring that up as well, that is a second request.

Chairman Mr. Richard Parker stated, we will vote on these items separately. Let's go ahead and vote on the first item, but first let's hear the staff recommendation.

Zoning Administrator Mr. Joey Lea stated, as Mike had previously stated, this is a tool that we currently do not have. There have been other avenues in which we have been able to implement this. This obviously supports our local infrastructure and I would equate this to any other subdivision requirements. Within your subdivision regulations you have requirements for streets as to how wide they are supposed to be, the size of a cul-de-sac, design etc. This is the same thing, it just applies to other infrastructure. It is just another tool for the sidewalks, bikeways, and greenways. Staff recommends it as written.

Commission Member Mr. James Kirkpatrick stated, I move we recommend approval for this request based upon consistency with the Comprehensive Plan. The action is reasonable and in the public interest in that the amendment is compatible with the existing land uses in the area.

Commission Member Ms. Nicole Enoch second.

The motion passed 4-3.

Commission Members Mr. Bill Abplanalp, Mr. Early Jagers and Mr. John Black were in opposition.

Chairman Mr. Richard Parker stated, I would like to see if there was any discussion for the item about greenways and bikeways.

Commission Member Mr. Ryan Kirk stated, we have a plan that needs some teeth.

Chairman Mr. Richard Parker stated, what is the staff recommendation on the second amendment?

Zoning Administrator Mr. Joey Lea stated, once again the staff recommends it as written.

Commission Member Mr. James Kirkpatrick stated, I move we recommend approval for this request based upon consistency with the Comprehensive Plan. The action is reasonable and in the public interest in that the amendment is compatible with the existing land uses in the area.

Commission Member Ryan Kirk second.

The motion passed unanimously.

ITEM NO. 5: Staff to present a proposed amendment to the City of Burlington Zoning Ordinance section 32.10.UU, Outdoor Storage, Display or Sales of New or Used Tires.

Zoning Administrator Mr. Joey Lea stated, as you know, we recently adopted an ordinance for outdoor storage and tires and implementation of that is going very well. During this process we have discovered that

the fencing requirements could have another element because vegetation could create an opaque type barrier. This is another avenue that gives a little more flexibility when it comes to fencing in their tires so we decided to add in vegetation. In our ordinance it has to be planted at a minimum of six feet tall, they have to be non-deciduous such as an evergreen or green giant. Again, this is another option to a property owner in order for screening.

Chairman Mr. Richard Parker asked, did this come up with a land owner who was using this kind of barrier to hide his tires?

Zoning Administrator Mr. Joey Lea stated, there were a couple of locations that were using vegetation that could actually be using it as opposed to putting up a fence.

Chairman Mr. Richard Parker asked, so were they opposed to putting in fences and asked if this could go in?

Zoning Administrator Mr. Joey Lea stated, not necessarily. If you already have a vegetated, opaque buffer then it doesn't make a whole lot of sense to put a fence in. That is why we decided to consider this.

Chairman Mr. Richard Parker asked, so there was no land owner or property owner that brought that up?

Zoning Administrator Mr. Joey Lea stated, no.

Chairman Mr. Richard Parker asked, this is just a language addition to include opaque trees.

Commission Member Mr. James Kirkpatrick stated, I move we recommend approval for this request based upon consistency with the Comprehensive Plan. The action is reasonable and in the public interest in that the amendment is compatible with the existing land uses in the area.

Chairman Mr. Richard Parker second.

The motion passed unanimously.

Richard Parker, Chairman

John Black, Vice Chairman

Kelly Peele, Secretary

TRC Case #: 18-022

PROJECT NAME: Twin Lakes Healthcare Facility

DATE APPROVED: TRC Approved 9/11/2018

TRC APPROVAL CERTIFICATE

Technical Review Committee Endorsement:

Approved by the Technical Review Committee, subject to the approval of any required street and utility plans and profiles and approval of a separate land- disturbing permit and/or erosion control plan.

<u>Joey Lea</u>	9/11/2018 11:20 AM EDT
<u>[Signature]</u>	9/17/2018 9:04 AM EDT
Director of Planning and Community Development/ Zoning / Designee	Date

<u>W. Todd Lambert</u>	9/18/2018 10:00 AM EDT
Director of Building Inspections/ Designee	Date

<u>Jason Geary</u>	9/12/2018 11:08 AM EDT
Director of Transportation/ Designee	Date

<u>W. Todd Lambert</u>	9/11/2018 10:46 AM EDT
Director of Engineering/ Designee	Date

<u>Nolan Kistman</u>	9/11/2018 11:03 AM EDT
Director of Development & Technical Services/ Public Works/ Designee	Date

<u>C. N. Edwards Jr., PE</u>	9/18/2018 9:48 AM EDT
NCDOT District Engineer/ Designee	Date

Jay Mebane 9/11/2018 | 10:53 AM EDT
Fire Marshal/ Designee Date

Bob Patterson 9/11/2018 | 10:32 AM EDT
Stormwater Engineer/ Designee Date

Chris Gaddis 9/11/2018 | 7:56 PM EDT
Police Department/ Designee Date

Andrew Shore 9/11/2018 | 10:30 AM EDT
GIS Administrator Date

TRC Case #: 18-022

PROJECT NAME: Twin Lakes Healthcare Facility

DATE APPROVED: TRC Approved 9/11/2018

TRC APPROVAL CERTIFICATE

Technical Review Committee Endorsement:

Approved by the Technical Review Committee, subject to the approval of any required street and utility plans and profiles and approval of a separate land- disturbing permit and/or erosion control plan.

<u>Joey Lea</u>	9/11/2018 11:20 AM EDT
<u>[Signature]</u>	9/17/2018 9:04 AM EDT
Director of Planning and Community Development/ Zoning / Designee	Date

<u>W. Todd Lambert</u>	9/18/2018 10:00 AM EDT
Director of Building Inspections/ Designee	Date

<u>Jason Geary</u>	9/12/2018 11:08 AM EDT
Director of Transportation/ Designee	Date

<u>W. Todd Lambert</u>	9/11/2018 10:46 AM EDT
Director of Engineering/ Designee	Date

<u>Nolan Kistman</u>	9/11/2018 11:03 AM EDT
Director of Development & Technical Services/ Public Works/ Designee	Date

<u>C. N. Edwards Jr., PE</u>	9/18/2018 9:48 AM EDT
NCDOT District Engineer/ Designee	Date

Jay Mebane 9/11/2018 | 10:53 AM EDT
Fire Marshal/ Designee Date

Bob Patterson 9/11/2018 | 10:32 AM EDT
Stormwater Engineer/ Designee Date

Chris Gaddis 9/11/2018 | 7:56 PM EDT
Police Department/ Designee Date

Andrew Shore 9/11/2018 | 10:30 AM EDT
GIS Administrator Date



City of Burlington Zoning Staff Report Item #3

Applicant: Frank Longest representing Twin Lakes Retirement Community

Location: Currently addressed as 3783 and 3685 South Church Street

PIN: 106888 and 106943

Area: Approximately 7.5 acres

Current Zoning: R-15 Residential District

Proposed Zoning: CR Conditional Residential

Current Land Use: Vacant single family homes

Adjacent Property Conditions:

Location	Zoning	Land Use	Land Use Plan
North	Public Institutional - Elon	Twin Lakes Care Facility	Elon's Jurisdiction
South	Commercial & Residential	Commercial & Residential	Residential
East	Residential & O&I	Residential	Residential
West	Conditional Residential	Twin Lakes Care Facility	Residential / Neigh. Bus.

Comprehensive Plan Consistency:

The Comprehensive Plan calls for the area to be Suburban Residential. The growth pattern in this area already compliments that designation.

Staff Recommendation

The original rezoning for Twin Lakes included the use of the health care facility. These two properties will now be a part of the Twin Lakes Community and will allow for the construction of a new facility.

Staff recommends approval of the rezoning request.

CITY OF BURLINGTON PLANNING DEPARTMENT



Date Submitted _____ Fee/Receipt No. _____ / _____

Provide the required information as indicated below. Pursuant to the City of Burlington Zoning Ordinance, this application will not be processed until application fees are paid, the form below is completed and signed and all required maps and plans and documents have been submitted to the satisfaction of the Planning Department. An additional sheet for tax references and signatures is attached.

Pursuant to Section 32.19 of the City of Burlington Zoning Ordinance, the undersigned hereby requests the City of Burlington to amend a Conditional rezoning previously approved by the Burlington City Council on March 19, 2013. The request is as follows: Rezone from R-15^{30%} and incorporate Alamance County Parcel No. 106888 consisting of 4 acres, more or less, fronting on S. Church St. by amendment into and be a part of existing Conditional Rezoning for use of a Continuing Care Retirement Community ("CCRC")
Said property is currently zoned R-15^{40%} and is located S. Church Street, Burlington, NC, adjoining "CCRC" zoned property of Twin Lakes Community to the west and north
And further referenced on Alamance County as follows: **(Additional tax map space on Page 5)**

Alamance County Tax Map Parcel No. 106888 (Ruby Williams Heirs Property)
Alamance County Tax Map _____
Alamance County Tax Map _____

(Additional signature space on Page 5)

Lutheran Retirement Ministries of Alamance County, NC

By: [Signature]
Property Owner's Signature

Pamela S. Fox, President/CEO, Lutheran Retirement Ministries of Alamance County, NC
Property Owner's Name Printed

[Signature]
Representative's Signature (if applicable)

Frank A. Longest, Jr.
Representative's Name Printed

Name of Firm (if applicable)

3701 Wade Coble Drive
Mailing Address

Burlington, NC 27215
City, State and Zip Code

(336) 538-1512
Area Code and Daytime Telephone Number

City of Burlington

Holt Longest Wall Blaetz & Moseley, PLLC
Name of Firm (if applicable)

3453 Forestdale Drive
Mailing Address

Burlington, NC 27215
City, State and Zip Code

(336) 227-7461
Area Code and Daytime Telephone Number

List any changes in Use or Development Conditions:

USE CONDITIONS:

1) Existing abandoned dwelling and current accessory buildings will be removed and subject parcel incorporated into expanded CCRC area of the Twin Lakes Community; see attached additional conditions.

2) _____

3) _____

4) _____

5) _____

6) _____

DEVELOPMENT CONDITIONS:

1) Subject parcel[↗] will be incorporated into the CCRC area and a portion of subject parcel will be a part of the footprint for a future new care facility which will have access thereto within the existing internal traffic roadways.

3) _____

4) _____

5) _____

6) _____

(over)

LAW OFFICES
HOLT, LONGEST, WALL, BLAETZ & MOSELEY, P.L.L.C.

3453 Forestdale Drive
Burlington, North Carolina 27215

W. CLARY HOLT (1913-2003)
FRANK A. LONGEST, JR.
N. MADISON WALL, II
PETER T. BLAETZ*
W. PHILLIP MOSELEY†

* Board Certified Specialist in Estate Planning and Probate Law

† Certified Mediator

SHERRI L. HAMLETT (Of Counsel)

Mailing Address
Post Office Drawer 59
Burlington, N.C. 27216

Telephone (336) 227-7461
Facsimile (336) 227-9716

September 7, 2018

VIA EMAIL and HAND DELIVERY

Mr. Joey Lea, Rezoning/Subdivision Administrator
Zoning Department
City of Burlington
425 S. Lexington Avenue
Burlington, NC 27215
jlea@burlingtonnc.gov

RE: Amendment to the prior Conditional Zoning Application for Use of a Continuing Care Retirement Community ("CCRC") on behalf of Lutheran Retirement Ministries of Alamance County, North Carolina, to include the former Nora Youngblood Massey property owned by her Irrevocable Trust known as 3685 South Church Street, Burlington, NC Alamance County Parcel No. 106943

Dear Mr. Lea:

As you are aware, our firm represents Lutheran Retirement Ministries of Alamance County, North Carolina, and as authorized by Pam Fox, CEO of Twin Lakes, we hereby make Amendment Application to the prior submitted Rezoning Application of April 5, 2018, from R-15 to CCRC zoning for the Williams Property (Alamance County Parcel No. 106888) and are now by this Amendment requesting that the Massey Property (Alamance County Parcel No. 106943) ("Subject Two Parcels") be combined as a Conditional Rezoning Application for both properties to be rezoned by the Burlington City Council to CCRC.

Please incorporate this letter as an amendment to the prior submitted Rezoning Application for the Ruby Williams Property to include and incorporate the Massey Property that was subsequently acquired by Twin Lakes after the initial Williams Rezoning Application was submitted.

In other words, we request that the Williams Property and the Massey Property both be rezoned to "CCRC" and be combined with the existing CCRC adjoining properties of Twin Lakes for the purposes of construction of a new healthcare facility on the property of Twin Lakes including the Williams and Massey parcels.

We are informed that the engineering firm for Twin Lakes, Stimmel in Winston-Salem, North Carolina, and the architectural firm headed by Walter Teague have previously made preliminary presentations to the TRC relating to the subject matter shown as Site Plan for the

September 7, 2018

Page 2

new healthcare facility based upon the combination of the Subject Two Parcels with the existing Twin Lakes adjoining properties. A copy of the Site Plan is included herewith.

On behalf of Twin Lakes, we request that the initial Application filed with the City for rezoning of the Williams Property from R-16 to CCRC conditional zoning be amended to include the Massey Parcel for its rezoning from R-16 to conditional use as CCRC zoning. Such rezoning and the submittal of the Site Plan under today's date are for the skilled healthcare facility project consisting of approximately 104 beds to be located on the expanded and combined Twin Lakes parcel (including the Williams and Massey properties) fronting South Church Street.

As part of the amended submittal, we attach hereto as part of the Application the "Use Conditions and the Development Conditions" to be a part of the combined Amended Application for both the Williams and Massey properties and for the healthcare facility project pursuant to the CCRC conditional zoning once approved.

Further, we request that the "Zoning Site Plan of Twin Lakes" dated September 7, 2018 (the "Site Plan") as prepared by Stimmel be made a part and included in this Amendment Application to supplement the condition zoning submittal.

We have been informed that there is no additional filing fee required to amend the original zoning request applicable to the Williams Property to now include the Massey Property as part of the combined and amended CCRC Rezoning Use Application regarding the new Twin Lakes healthcare facility and rezoning of the Subject Two Parcels.

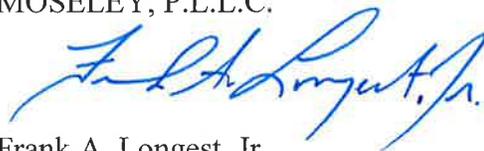
If you have any questions, please feel free to call upon me.

On behalf of Twin Lakes, we thank you for your assistance in permitting this letter to serve as amendment to the existing Application presently pending and by this letter incorporating the Massey Property as part of the rezoning request and expansion Site Plan for the healthcare project approval.

We are,

Very truly yours,

HOLT, LONGEST, WALL, BLAETZ &
MOSELEY, P.L.L.C.



Frank A. Longest, Jr.

FALjr/ntc

Enclosures

cc: Pamela S. Fox, President/CEO

Andrew Shore, TRC Coordinator

**Lutheran Retirement Ministries of Alamance County, NC (aka “Twin Lakes”)
City of Burlington – Conditional Rezoning Application (from R-16)
and Amendment to Existing CCRC to Incorporate and Combine Additional Two Parcels**

Twin Lakes

Use Conditions

1. New Continuing Care Retirement Community Health Care Facility per submitted plan under date of September 7, 2018.

Development Conditions

1. Subject parcels (Williams Parcel No. 106888 and Massey Parcel No. 106943 – the “Subject Parcels”) will be incorporated into the CCRC zoning and health care facility project site plan which will have access thereto within the existing internal drive roadways as shown on Site Plan dated September 7, 2018.
2. Encroachment agreement with NCDOT for any utility work on Highway 70 (South Church Street).
3. Renewal or securing NCDOT permit for existing driveway entrance on Highway 70 (South Church Street) as an option for use by emergency, utility and construction vehicles for such limited access to new care facility on an irregular basis (not mandatory requirement for emergency and utility service use); no new public access to CCRC area by means of these Subject Parcels from South Church Street.
4. Permit for any new extension of water/sewer lines to care facility (other than current internal main water/sewer lines).
5. Erosion and sediment control permits.
6. Storm water control permits.
7. Subject Parcels will be recombined into the larger adjoining tract, parcel number 106948, currently conditionally zoned CCRC.
8. Landscaping requirements along Church Street frontage to be located within buffer area to match the quantity and intent as shown on submitted Zoning Site Plan of Twin Lakes dated September 7, 2018 (the “Site Plan”). Landscape buffer along eastern boundary to utilize existing vegetation plus supplemental plantings on eastern boundary and on remainder of Site Plan as street yard area which may be mitigated by applicant making additional plantings dispersed throughout the site to meet City requirements due to adverse location of retaining wall and/or drainage device arising from final right of way area designed and approved by NCDOT on South Church Street project that substantially varies from submitted Twin Lakes Site Plan dated September 7, 2018.
9. Will coordinate with NCDOT on road widening project. It is intended that applicant

and City (by means of TRC) will cooperate to address any unanticipated NCDOT project improvement requirements to South Church Street based on final NCDOT Engineering Plans that cause variances to the Site Plan dated September 7, 2018.

10. The Site Plan dated September 7, 2018, associated with this conditional zoning request is incorporated and made a part hereof by reference and is intended for illustrative purposes to assist City Council in considering the concept and scope of proposed development conditions. The applicant will provide a fully detailed site plan to the Technical Review Committee for approval before a building permit will be issued. Except as stated herein and shown on the above Site Plan, the development will meet all local, state and federal development standards and requirements. Any significant deviations from the Site Plan dated September 7, 2018, or any additional conditions that may be necessary, based on final NCDOT Engineering Plans for the South Church Street project as determined by the Technical Review Committee shall require a recommendation from the Planning and Zoning Commission and approval from the City Council. This development condition will be noted on submitted plans.

Original Conditions

ORDINANCE TO AMEND OFFICIAL ZONING MAP (Rezone Property at the northwest and northeast intersection of South Church Street and University Drive for the use of a Continuing Care Retirement Community.)

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 R-15 Residential District, to CR, Conditional Residential District for the use of a Continuing Care Retirement Community (CCRC), subject to the conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance the area described as follows:

Property located at the northwest and northeast intersection of South Church Street and University Drive, as shown on Alamance County Tax Map 3-28 lots 4, 5A, 6O, 8, 11, 107 and a portion of lots 3 and 5.

Section 2. That the rezoning from R-15 Residential District, to CR, Conditional Residential District for the use of a Continuing Care Retirement Community (CCRC) is hereby authorized subject to the following Use and Development Conditions:

Use Conditions

1. Existing structures may be used for all uses permitted in CCRC zoning. Any unforeseen variation of Section 32-10-SS shall be approved by the City of Burlington TRC.
2. Future construction for all uses by right, including apartments, healthcare facilities, cottages, townhomes, maintenance facilities, administrative offices and support structures for operation of Twin Lake Facilities.
3. Arboretum and related facilities may be constructed and used on the property.
4. Amphitheater and related facilities may be constructed and used on the property.

Development Conditions

1. Dedication of additional right-of-way along Highway 70.
2. Encroachment agreement with NCDOT for any utility work on University Drive or Highway 70.
3. NCDOT permits for entrance on Christmas Lane.
4. State permits for any extension of water/sewer lines.
5. Erosion and sediment control permits.

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.

If you have any questions concerning this item, please advise.

ALN/kp

C: Charles Bateman, City Attorney

STATEMENT OF CONSISTENCY

The City Council finds that the above amendment is consistent with the City of Burlington Comprehensive Land Use Plan and that this action is reasonable and in the public interest in that the amendment is compatible with existing land uses and will provide for the adaptive reuse of the property being rezoned.

**City of Burlington
Zoning & Parcel
Information System**



City of Burlington
GIS Division

Last Update:
June 02, 2009

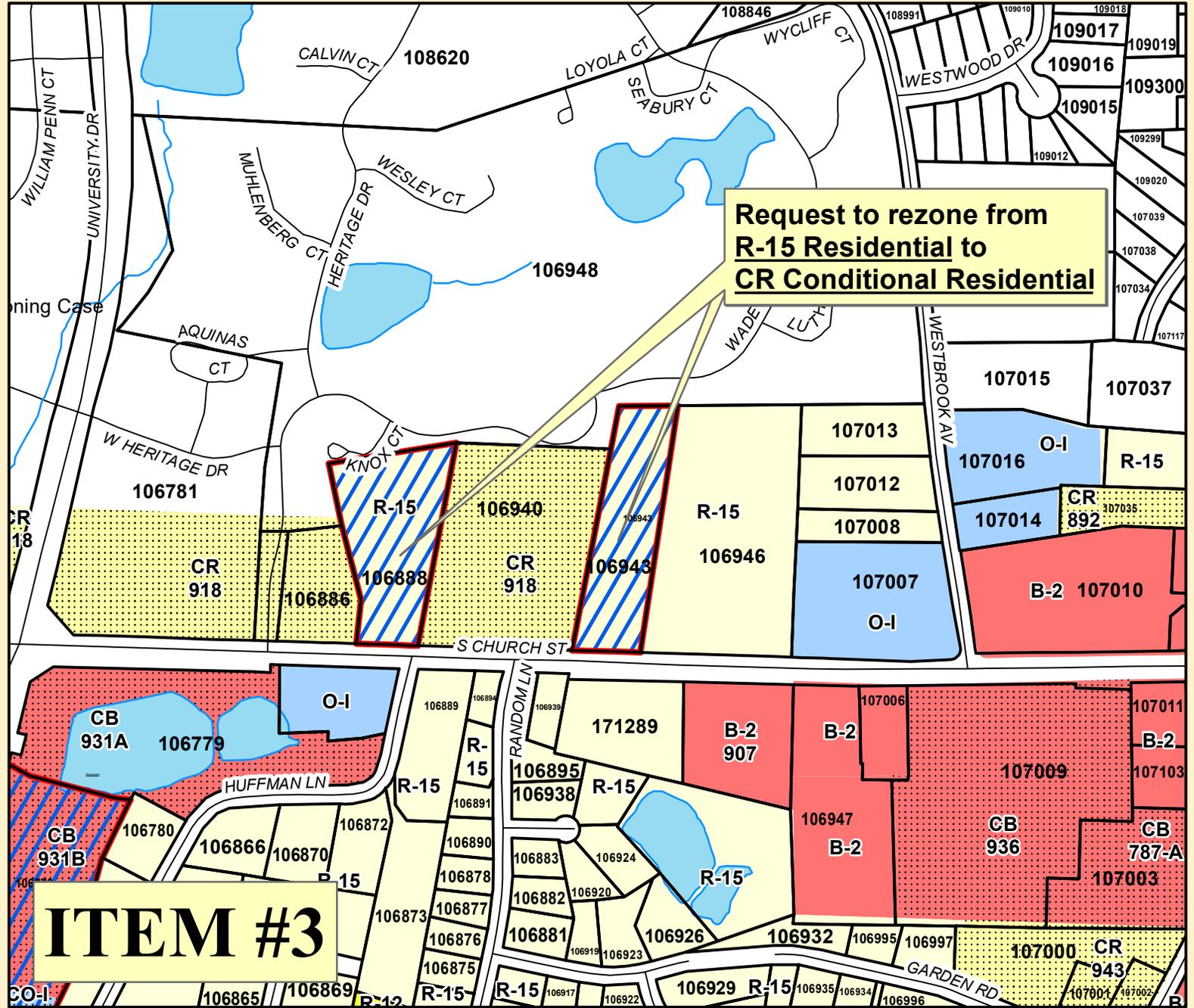
Legend

Zoning

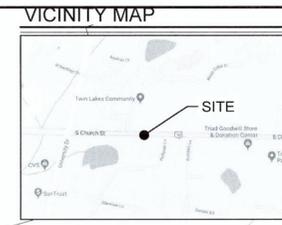
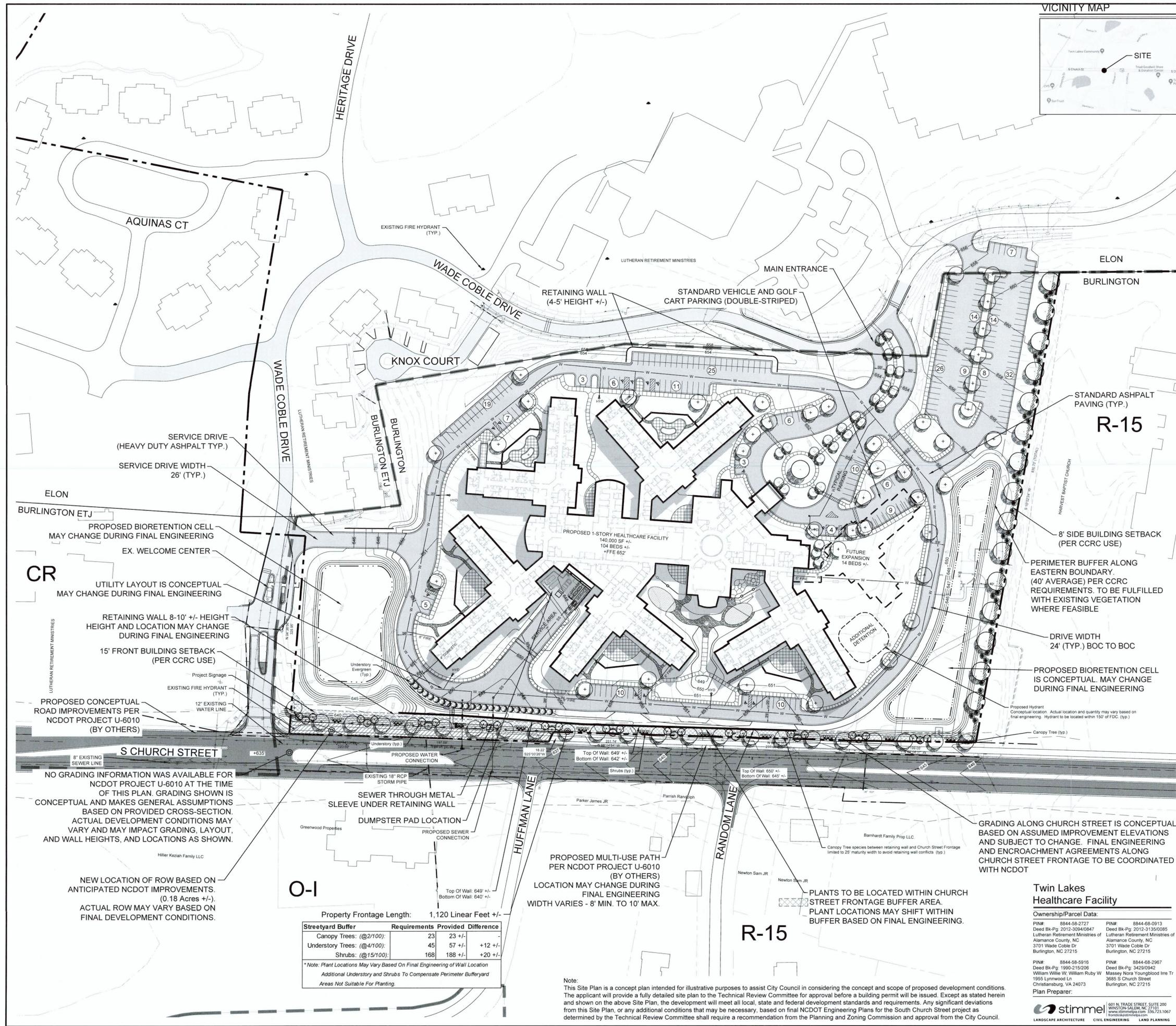
- | | | | |
|--|-------|--|------|
| | B-1 | | I-3 |
| | B-2 | | MF-A |
| | B-3 | | MF-B |
| | CB | | O-I |
| | CI | | RO-I |
| | CMX-C | | CPEC |
| | CMX-R | | R-6 |
| | CO-I | | R-9 |
| | CR | | R-12 |
| | I-1 | | R-15 |
| | I-1A | | R-30 |
| | I-2 | | R-M |



1 inch = 461 feet



Disclaimer:
This map was compiled from the GIS resources of the Burlington Regional GIS Partnership for public planning and agency support purposes. These resources include public information sources of different scale, time, origin, definition and accuracy, which aspects produce inconsistencies among features represented together on this map. Neither the City of Burlington nor the Partnership shall be held liable for any errors in this map or supporting data. Primary public information sources from which this map was compiled, in conjunction with field surveys where required, must be consulted for the verification of the information contained within this map.



SITE DATA

Jurisdiction: Burlington & Elon, NC
Zoning: CR, R-15 (Burlington)
Existing Zoning: CR (Burlington)
Proposed Uses: Continuing Care Retirement Community
Site Acreage: 16.06 Acres +/-
Watershed Data: Site is Located Within The Jordan Lake Phase II Water Supply Watershed District.
Building Data:
 1 Story Building
 Ph. 1 Facility Area: 140,000 SF +/-
 Ph. 1 Facility Units: 104 Beds +/-
 Future Area: 14,200 SF +/-
 Future Units: 14 Beds +/-
 Total Area: 154,200 SF +/-
 Total Units: 118 Beds +/-
Site Coverage:
 Max Impervious Area Permitted: 70%
 Building to Land: 3.15 AC +/- 19.61 % +/-
 Pavement to Land: 4.92 AC +/- 30.64 % +/-
 Open Space: 7.99 AC +/- 49.75 % +/-
 Total Site Area: 16.06 AC +/- 100.00 % +/-
 Impervious Total: 8.07 AC +/- 50.25 % +/-
Open Spaces Calculations:
 Common Open Space Required (20%): 3.21 Acres +/-
 Common Open Space Provided: 3.21 Acres +/-
Parking Calculations:
 Ph. 1 Parking Requirements (Per Code):
 1 Space/4 Beds: 26 Spaces +/-
 1 Space/300 sf (Admin): 41 Spaces +/-
 Total Ph. 1 Parking Required: 67 Spaces +/-
 Future Parking Required: 4 Spaces +/-
 Total W/ Future Parking: 71 Spaces +/-
 Total Parking Provided: 244 Spaces +/-

- NOTES**
- Boundary & Topographic information from ...**
 a combination of Sacks Surveying and Mapping, P.C. Survey dated 05/17/2016, and Alamance County GIS Data
- General Notes**
- Architectural footprints may change per final architectural design.
 - Landscaping within buffers, streetyards, and parking lots are conceptual. Final landscape plans shall be required to meet ordinance requirements and any additional conditions as part of the zoning approval.
 - Proposed stormwater management devices, storm drainage, and utility layouts are schematic. Final layout may change per final engineered documents.
 - Bearings and distances based on digital WSFC GIS tax parcel data.
 - All buffer/yard plantings to be existing trees or supplemented with new plantings.
- Proposed Site Feature Specifications**
- Paving and curb and gutters to meet NCDOT standards.
 - Curb and gutter to be standard 24" width.
 - Light Duty Paving:
 - Light duty paving to be provided at parking stalls and non-service drive aisles
 - 2" S9.5A, 6" ABC stone bedding
 - Heavy Duty Paving:
 - Heavy duty paving to be provided at service drive aisles
 - 1.5" S9.5A, 2.5" I19.0B, 8" ABC stone bedding
 - Sidewalks: 5' wide, 4-inch thick, 3,000 psi concrete with Fibermesh 300 (1.5 lbs/cy), on compacted subgrade.
 - Transformer concrete pads per Duke Energy specifications.
 - Service Area Concrete Paving: 6" concrete with 6" ABC stone bedding, 4,500 psi concrete with Fibermesh 300 (1.5 lbs/cy). Screen walls and/or gates to be indicated on architectural drawings.
 - Dumpster Area Concrete Pad: 8" concrete with 6" ABC stone bedding, 4,500 psi concrete with Fibermesh 300 (1.5 lbs/cy). Screen walls and/or gates to be indicated on architectural drawings.
 - Bollards to be 6" SC40 steel filled with concrete and painted.
 - Way finding signage (design by others)
 - Site lighting (design by others)
- Proposed Utility Specifications**
- Water and sewer construction shall meet City of Burlington and NCEC standards.
 - An existing 12-inch water main is located at S. Church St. according to City of Burlington record drawings. Taps for domestic and fire water services are planned to connect to this existing water main south of the site. Sizes for taps have not been determined at this time and are dependent upon demands and plumbing design.
 - A 6" fire line is anticipated to loop the site to feed fire hydrants and fire service to the building. Size of service to be verified by plumbing engineer and sprinkler designer.
 - Reduce Pressure and backflow preventer for fire line with detector in a below ground vault with a bottom drain to the site storm drainage system to be provided for fire service line. If plumbing engineer or sprinkler designer determines a booster pump is required for fire suppression system, then an Reduced Pressure Zone backflow prevention system (with detector and heat traces) in above ground enclosures will be required. A post indicator valve will be located just upstream of the double check if required by City of Burlington F.D.
 - Domestic Reduced Pressure Backflow Preventer in an above ground vault. Electrical service will be needed for both above ground vault for heaters.
 - Miscellaneous water gate valves and bends.
 - Sanitary sewer service will connect to existing 8" sewer main on south side of S. Church St. It is anticipated that this will require a bore below S. Church St. Service line size is anticipated to be 6-inch Sch. 40 PVC with cleanouts spaced at 90-foot intervals.
 - Natural Gas: Existing Natural Gas lines are located within Wade Coble Drive and S. Church St. for potential use. Size and pressure of existing lines is unknown.
 - Chilled Water, Electrical duct bank, steam, and communication lines are by others.
 - As Bulbs of the structural stormwater control measure shall be provided to the City of Burlington prior to the City releasing surety.
 - Runoff from all impervious areas shall pass through a structural stormwater control measure prior to leaving the site.



Twin Lakes Healthcare Facility
 Burlington, NC

PLANS FOR:

TRC SUBMITTAL

SUBMITTAL

REVISED SUBMITTAL

CLIENT:
 TFF Architects
 300 N. Greene St., Suite 285
 Greensboro, NC 27401

MARK	DATE	DESCRIPTION
PD	09/07/2018	TRC Committee Revised Submittal (2nd Edition)
PD	09/07/2018	TRC Committee Revised Submittal
PD	08/29/2018	TRC Committee Revised Submittal
PD	07/04/2018	TRC Committee Submittal
PD	06/06/2018	TRC Committee Submittal

Project # 17-121

TRC Conceptual Site Plan Review

G-801

Property Frontage Length: 1,120 Linear Feet +/-

Streetyard Buffer	Requirements	Provided	Difference
Canopy Trees: (@2/100)	23	23 +/-	
Understory Trees: (@4/100)	45	57 +/-	+12 +/-
Shrubs: (@15/100)	168	188 +/-	+20 +/-

*Note: Plant Locations May Vary Based On Final Engineering of Wall Location
 Additional Understory and Shrubs To Compensate Perimeter Buffer/yard Areas Not Suitable For Planting

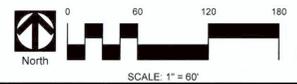
Note:
 This Site Plan is a concept plan intended for illustrative purposes to assist City Council in considering the concept and scope of proposed development conditions. The applicant will provide a fully detailed site plan to the Technical Review Committee for approval before a building permit will be issued. Except as stated herein and shown on the above Site Plan, the development will meet all local, state and federal development standards and requirements. Any significant deviations from this Site Plan, or any additional conditions that may be necessary, based on final NCDOT Engineering Plans for the South Church Street project as determined by the Technical Review Committee shall require a recommendation from the Planning and Zoning Commission and approval from the City Council.

Twin Lakes Healthcare Facility

Ownership/Parcel Data:

PIN# 8844-58-2727 Deed Bk-Pg: 2012-3094/0847 Lutheran Retirement Ministries of Alamance County, NC 3701 Wade Coble Dr Burlington, NC 27215	PIN# 8844-68-0913 Deed Bk-Pg: 2012-3135/0085 Lutheran Retirement Ministries of Alamance County, NC 3701 Wade Coble Dr Burlington, NC 27215
PIN# 8844-58-5916 Deed Bk-Pg: 1990-215/206 William Willie W. William Ruby W. 1955 Lynwood Ln Christiansburg, VA 24073	PIN# 8844-68-2967 Deed Bk-Pg: 3429/0942 Massey Nora Youngblood Inc Tr 3685 S Church Street Burlington, NC 27215

Plan Preparer:
 stimmel LANDSCAPE ARCHITECTURE CIVIL ENGINEERING LAND PLANNING

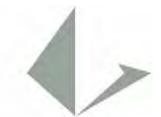


FIN: 12/12/2018 09:11:18 AM TRC Submittal 09/11/18 8:58 AM



Church Street
(with NCDOT U-6010 Improvements)

Site plan, building finishes, and landscaping are conceptual in nature intended for illustrative purposes. Interior / Foundation plantings not shown. Final conditions may vary based on final engineering, municipal approval, and product availability.

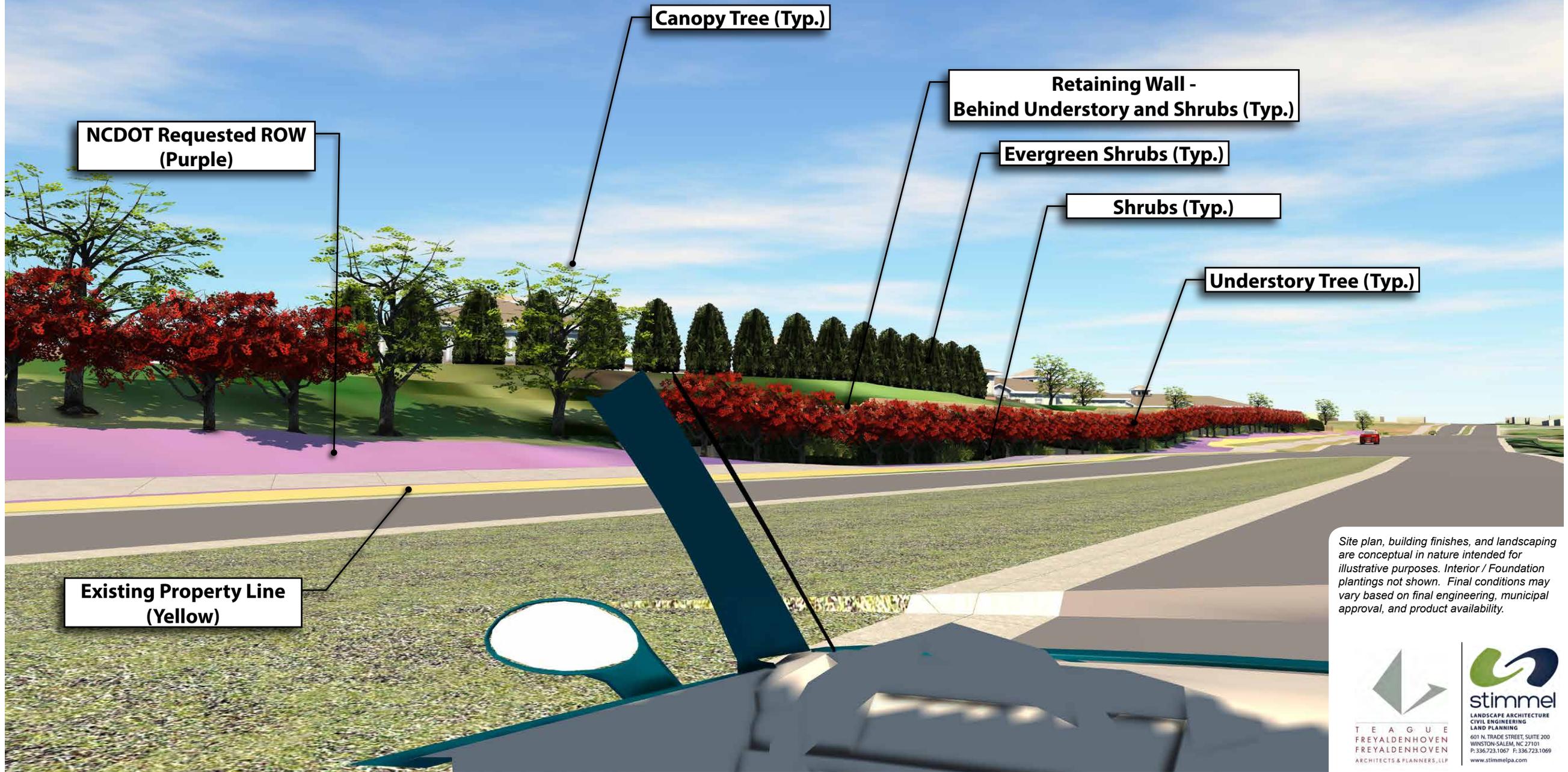


TEAGUE
FREYALDENHOVEN
FREYALDENHOVEN
ARCHITECTS & PLANNERS, LLP



stimmel
LANDSCAPE ARCHITECTURE
CIVIL ENGINEERING
LAND PLANNING
601 N. TRADE STREET, SUITE 200
WINSTON-SALEM, NC 27101
P: 336.723.1057 F: 336.723.1069
www.stimmelpa.com

Blue Car



**NCDOT Requested ROW
(Purple)**

Canopy Tree (Typ.)

**Retaining Wall -
Behind Understory and Shrubs (Typ.)**

Evergreen Shrubs (Typ.)

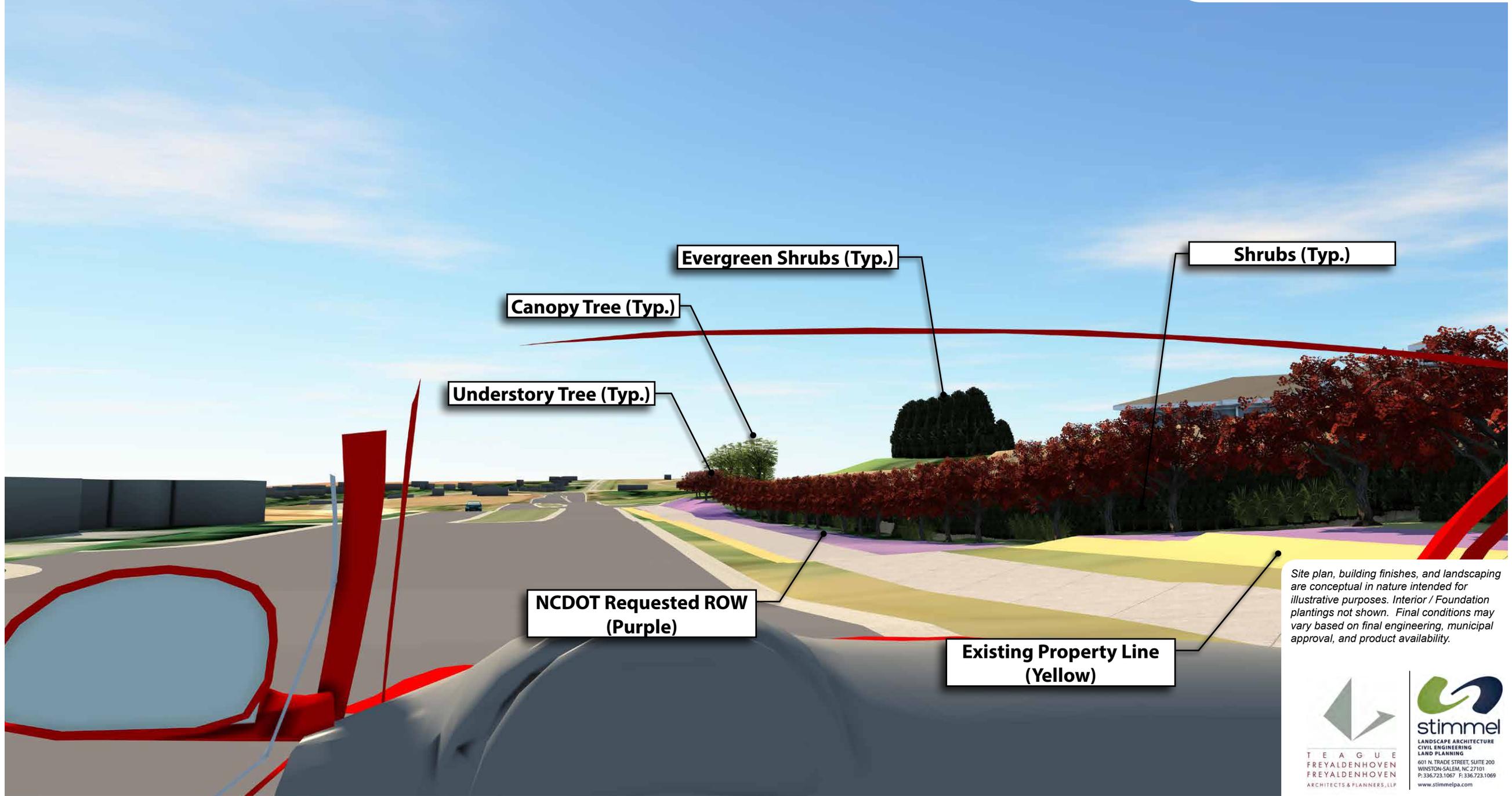
Shrubs (Typ.)

Understory Tree (Typ.)

**Existing Property Line
(Yellow)**

Site plan, building finishes, and landscaping are conceptual in nature intended for illustrative purposes. Interior / Foundation plantings not shown. Final conditions may vary based on final engineering, municipal approval, and product availability.

Red Car



Canopy Tree (Typ.)

Evergreen Shrubs (Typ.)

Shrubs (Typ.)

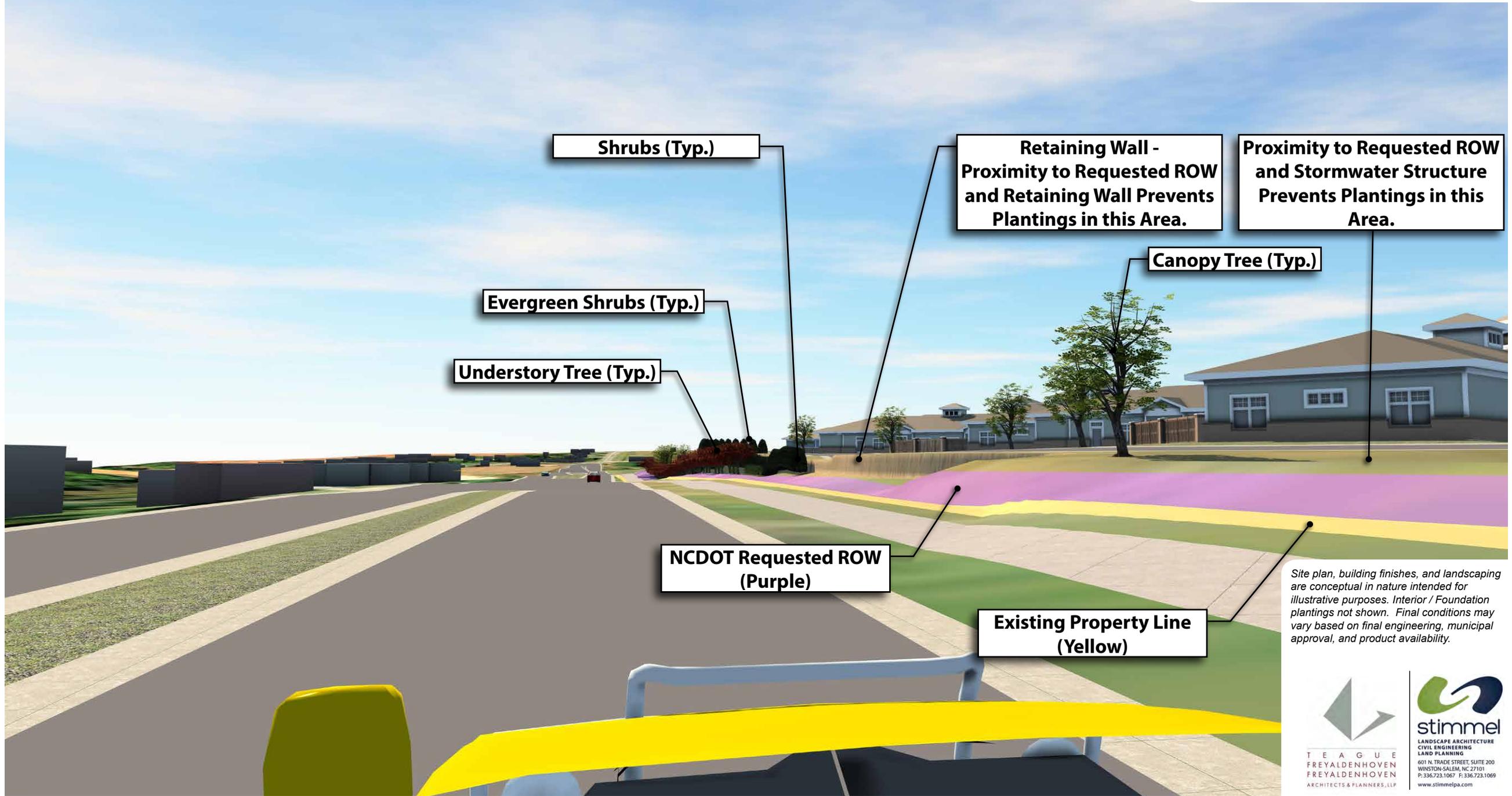
Understory Tree (Typ.)

NCDOT Requested ROW
(Purple)

Existing Property Line
(Yellow)

Site plan, building finishes, and landscaping are conceptual in nature intended for illustrative purposes. Interior / Foundation plantings not shown. Final conditions may vary based on final engineering, municipal approval, and product availability.

Yellow Car



Shrubs (Typ.)

Evergreen Shrubs (Typ.)

Understory Tree (Typ.)

Retaining Wall - Proximity to Requested ROW and Retaining Wall Prevents Plantings in this Area.

Proximity to Requested ROW and Stormwater Structure Prevents Plantings in this Area.

Canopy Tree (Typ.)

NCDOT Requested ROW (Purple)

Existing Property Line (Yellow)

Site plan, building finishes, and landscaping are conceptual in nature intended for illustrative purposes. Interior / Foundation plantings not shown. Final conditions may vary based on final engineering, municipal approval, and product availability.





EXTERIOR PERSPECTIVES





EXTERIOR PERSPECTIVES



ITEM #4

PROPOSED AMENDMENTS TO SECTION 32.9 TABLE OF PERMITTED USES, SECTION 32.10 SUPPLEMENTARY USE REGULATIONS, AND SECTION 32.11 OFF-STREET PARKING AND LOADING OF THE CITY OF BURLINGTON ZONING ORDINANCE.

Amend Section 32.9 as follows:

Add:

In the Table of Permitted Uses, add the category of “Electronic Gaming Operation” and place an “X” in the Conditional Business District column.

Amend Section 32.10 as follows:

Add:

VV. Electronic Gaming Operation: Any business enterprise where persons utilize electronic machines, including but not limited to computers, gaming terminals, and electronic tables, to conduct games of chance, skill, or dexterity, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, adult gaming facilities, electronic gaming machines or operations, fish games, pot o’ gold, or cybercafes. This does not include any lottery approved by the State of North Carolina or any nonprofit operation that is otherwise lawful under State law (for example, church or civic organization fundraisers).

1. Dimensional Property Separation: No electronic gaming operation, as defined by this ordinance, shall be located within 1,500 feet of an adult establishment, bar, cocktail lounge, private club, nightclub, dance hall, pool hall, school, childcare facility, place of worship, residentially zoned property, park, or another electronic gaming operation. Measurements of separation shall be made as a straight line measurement from the nearest point of the electronic gaming operation property line to the nearest point of the property line of the uses listed in this section.
2. Special Requirements:
 - a. Electronic gaming operations are prohibited from being an accessory use to any principal use.
 - b. The hours of operation for electronic gaming operations shall be limited from 8:00 a.m. to 12:00 midnight, Sunday through Thursday and 8:00 a.m. to 2:00 a.m. Friday through Saturday

- c. Windows shall not be tinted, nor shall there be any interior obstructions, such as curtains, screens, blinds, partitions, or signs, placed to prevent a clear and unobstructed view of the interior from the street.
 - d. Selling and/or consuming alcoholic beverages is prohibited within the premises.
 - e. Persons under the age of eighteen (18) are prohibited within the premises.
3. Lighting: No interior or exterior lighting shall be used to frame windows, doors, or along the building itself, whether in part or in whole.
4. Amortization: All legally operating electronic gaming operations in existence at the adoption of this ordinance must come into full compliance within six (6) months of the date of adoption.

Amend Section 32.11.C as follows:

Add:

Electronic Gaming Operation, one space for each 200 square feet of gross floor area.