



BURLINGTON PLANNING AND ZONING COMMISSION

May 23, 2016 - 7:00 p.m.

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

Richard Parker, Chairman
John Black, Vice-Chairman
Early Kenan, Jr.
Ryan Kirk
James Kirkpatrick
Nicole Enoch (Alternate)
Margaret Stephens (Alternate)

EXTRATERRITORIAL MEMBERS:

Earl Jagers
Rebecca Lashley
Bill Abplanalp (Alternate)

A G E N D A

ITEM NO. 1: Call meeting to order.

ITEM NO. 2: Approval of the minutes of the meeting held March 28, 2016.

ITEM NO. 3: Mr. Harold Owen to present proposed amendments to the City of Burlington Zoning Ordinance Section 32.10.Y as it pertains to agricultural sales within residential districts.

ITEM NO. 4: Staff to discuss the Code Assessment for the UDO.



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

March 28, 2016

Council Chamber, Burlington Municipal Building

CITY MEMBERS:

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

EXTRATERRITORIAL MEMBERS:

Earl Jagers, Present
Rebecca Lashley, Present
Bill Abplanalp (Alternate), Present

STAFF PRESENT:

Amy Nelson, Director of Planning and Zoning
Joey Lea, Zoning Administrator
Kelly Peele, Commission Secretary

ITEM NO. 1: Chairman Mr. Richard Parker called the meeting to order at 7:00 p.m.

ITEM NO. 2: Minutes of the meeting held February 22, 2016, were unanimously approved.

ITEM NO. 3: Kimley-Horn & Associates, Representing New Market Burlington, LLC to present an application to amend a previously approved Special Use Permit approved by the Burlington City Council on January 28, 1985 by rezoning from B-2 General Business District to CB-Conditional Business District to allow for the continued use of a Unified Business Development with the addition of outdoor gas pumps and a 2,355 square feet addition to the rear of the building. The property is located at the northwest intersection of South Church Street and Shadowbrook Drive, referenced as Alamance County tax identification number 113829.

Mr. Steve Blakley stated, I am with Kimley-Horn and Associates in Charlotte. Our request is to rezone from B-2 to CB. The use conditions will be for a Unified Business Development per 32.10.QQ with existing conditions as well as the proposed fuel center that would have a 240 sq. ft. kiosk. There were 4 conditions that would be a part of this rezoning. One, is the parking ratio is to be reduced from 5 per 1,000 sq. ft. of building area to 4 per 1,000 sq. ft. of building area and not subject to any other or more stringent parking calculations based on use. Also, the property owner is reserving 15 ft. along Shadowbrook on the approach to the US 70 intersection for future widening if needed. The proposed signage will adhere to B-2 General Business standards. The existing landscaping that is the buffer around the site we have proposed to keep that as it is. This proposal will not change those trees on the buffer areas against the roads. The reduction of parking from 5.0 to 4.0 is also consistent with other developments that have been proposed and approved in the past. A couple of those were noted in the staff report as BJ's, K-mart, and Wal-Mart. We had a neighborhood meeting last week and two people from the neighborhood showed up. Dawn Huddle who is a resident on the corner of Church and Hickory and Brian Martindale who abuts the property just on the northwestern end of the site. We showed them the presentation

that we are showing you tonight and they were very much in favor of the proposed changes. What I am now going to do is basically go through a description of the site plan and focus a little more on fuel in the beginning then we will cover the proposed modifications to the grocery store afterwards. What we have on screen here is an area photo of the existing center showing Shadowbrook and Church Street, the parking lot and the existing three driveways. The proposed site plan has the old Anna's square footage in a dash pattern just to the left of the Harris Teeter Center that would be converted as part of the grocery and then added on to the rear. That's really the expansion of grocery. If you look out in front and adjacent to the roadways, in that area away from the store is where fuel is proposed. Harris Teeter has added fuel at four locations that have been constructed and opened at this point. We have three or four more that are under construction that will be opening soon and many more that are in the works. Harris Teeter's vision is they want to provide the same customer service in fuel as they do to the grocery shopper. There are customer loyalty rewards and incentives for grocery if you shop there, and there are credits at the pumps that you get on price per gallon. In terms of the scale and the service level, they want the architecture and the service components of fuel to be the same as they are in the store. The façade is a raised standing seam Hartford green canopy. It has brick columns, stainless steel multipurpose dispensers for the gasoline, stainless steel curbing, and stainless steel bollards; not painted. The tops of the island where the gas dispensers are located has tile on it, very high-end. It will have a bathroom, the bathroom will have tile in it which is consistent with the tile and architecture that is in the store.

Chairman Mr. Richard Parker asked, is that all in the kiosk?

Mr. Steve Blakley stated, yes sir. The kiosk is 240 sq. ft. It is for the attendant only with the exception of the bathroom. No customers will enter the kiosk. It services through the window only if needed. A lot of the sales will occur at the pump for the gasoline product using credit cards. So going from a rendering to an actual photo, this is a photo of one that we just opened in Pinehurst, NC. As you can see it is very consistent with our design here at New Market with the exception of this particular setup was a front and back scenario with the pumps in the front as well as in the back. This one is actually 5 pumps but they are staggered front and back. You can see the brick columns; the brick matches the brick on the grocery store for consistency. They are pivoted on a 45 degree to give it a little more character. The fuel then is placed out on the corner, and one thing I want to note out of this is especially related to the parking. In addition to knowing that there has been some prior petitions approved for the lower ratio, we wanted to document for Harris Teeter purposes as well as yours what that count actually came out to be. We studied weekday as well as Saturday times and that occupancy rate was about 3.2 per 1,000 so we are only requesting a reduction down to 4.0 so that build still has some buffer in there above and beyond what we are actually observing on site. In addition to that a couple other things we are doing in the parking lot, is creating an island and a true circular isle in the middle of the parking lot. If you are familiar with it out there today there are two of those aisles over on the eastern side near where the fuel is going to be. The parking is actually striped and comes all the way through that aisle so if you are coming off of Church Street and hang a right as you come down that aisle you hit a barrier so to speak and then you can only go left or right. What we have observed is very little compliance unless there are cars parked there blocking it, so that creates some inefficiency and in some instances possible safety concerns with that as well as a lot of circulation that forces folks coming off of Shadowbrook to circulate and come around back in front of the store again. With cleaning that up and really formalizing that middle spine it helps that flow. Moving to grocery, the additional square footage is a little over 2,000 sq. ft., Anna's Linen's was about 10,500 sq. ft., so totaling about in the 13,000 sq. ft. range in addition to the existing store. There will be a new entry for customers to and from the grocery store. As it expands to the left and takes over the old Anna's area we will put in another entrance feature. Inside, the checkout stations are going to spread as well and sort of balance the service to customers from left to right a little better,

which also provides a benefit to the parking area because if you notice from that original and you go out there and see it most people are sort of anchored to the end where the door is. If we have 2 entrances and 2 exists then it helps spread them out in the parking lot field left to right and you get a lot better population in that area.

Chairman Mr. Richard Parker asked, you believe this new entrance will shift parking over?

Mr. Steve Blakley stated, yes, right now everyone has to enter in the main entrance. The inside will be overhauled and redone. The floors will be completely overhauled; there will be a special events bar, wine and beer bar, Asian bar, the hot bar with pizza that can be bought by the slice or the whole pie, cheese bar, and a fresh fruit bar.

Commission Member Mr. Early Kenan, Jr. asked, what will you do about curbside shopping?

Mr. Steve Blakley stated, it will still have curbside shopping. I think it will generally be where the new entrance will be. So it will move over to the left some.

Commission Member Mr. Earl Jaggars asked, the lighting on the kiosk outside is that going to be pretty bold lighting? Is this going to be a 24 hour gas station?

Mr. Steve Blakley stated, yes there will be lighting. We use LED lights for both the canopy as well as the down-lighting. It will be down-lighting with cutoff fixtures. Yes, we intend on it being 24 hour but for the most part the 24 hour is the pay at the pump with credit card. There will be an attendant at the kiosk from 6am to 10pm.

Chairman Mr. Richard Parker stated, I have several questions about this reduction in parking that concerns me. In staff's recommendation they say that your request is consistent with the other shopping centers like Wal-Mart and K-Mart but in reality when you go out there to Wal-Mart, their gas station is a separate entity off to itself and looks like a separate entity from Wal-Mart. Its 550 ft. from a gas pump to the front door at Wal-Mart; same thing at K-Mart. K-Mart is approximately 450 ft. from a gas pump to the front door and what you are proposing is about 100 ft. from a gas pump to the front door. You've got 10 spaces at 10 ft. apart plus maybe 20 ft. of roadway so maybe about 125 ft. from a gas pump to the front door. Which is not to me like BJ's or K-Mart or Wal-Mart because all of those gas stations are separate entities, separated with service roads in between them to separate the stores from the gas stations, it's nothing like what you are proposing. To say it's consistent I disagree because you are putting this gas station very close to the front door. When you look at your configuration of parking in this parking lot back over to the west there is a parking lot back there that is figured in all these calculations. There are 44 spaces back there in that parking lot and there is never more than 5 cars back there and most of them are employees and that's where they go to smoke. There are not any customers back there because to get back there you have to go down a service ally with 10 dumpsters and 3 grease pits so it's really not conducive for customer parking. Then on the northeast side of this where you've got employee parking, that is a maze of traffic through there with transfer trucks, beer trucks, pick-up trucks, and all other kinds of deliveries going in and out of that store and so it's not designed to be customer parking. There are no shopping cart buggies over there for customer parking so it's really not customer parking at all. With those two parking lots with 55 spaces to the right and 44 to the left after you have about a 100 spaces that are really useless for customers and so that's about 18% to 20% of your parking spaces that are not even used by customers. I will agree that there are a few spaces up near the door where some customers park if they are lucky enough to find a space. This grocery store is the main grocery store for Elon students; they come over there in droves. I'm sorry that Mary Ann is not here with her space count because she didn't do it on senior citizen day and she didn't do it on double coupon day either. So to expand this

store 13,000 more sq. ft. with all of these options and they are beautiful and I hope it happens but to reduce the parking to 4 per 1,000 to me I can't approve that. I just can't go for that reduction in parking, when this parking lot to me has 100 spaces that are not being used. Down near the front if you can expand the picture, coming down the east side there is 15-16 spaces there and across the south side there is another 15-16 spaces there. There are 30 spaces, who is going to park there?

Mr. Steve Blakley stated, there is employee parking to the side as you can see in this photo as well. If you look at that front parking field, even from the main spine that aisle that runs through the middle of the parking lot from here to Church Street is nearly empty. The section of parking against Anna's in the middle but against the store on the northern side of that middle spine is vacant at this time. As we put this other door entrance into Harris Teeter it will provide functionality to start utilizing this section of parking.

Chairman Mr. Richard Parker asked, would you consider moving over to the Church Street entrance?

Mr. Steve Blakley stated, I think we had looked at that.

Ms. Maggie Jones stated, I'm Maggie Jones with Kimley-Horn also. We discussed moving the gas station closer to the Church Street entrance at the very beginning with Joey and a lot of the other staff but our main reason for keeping it over there is it is another aspect of Harris Teeter and if we are going to impact someone's parking field it was going to be Harris Teeter and not the rest of the tenants so that's why we kept it closer and consistent with Harris Teeter on that side.

Chairman Mr. Richard Parker stated, if it were over there it could almost be separated like all the rest of these gas stations and be 400 ft. from the front door and a separate entity like at Wal-Mart and K-Mart. If it was over there then it could have its own service road with curb and gutter to make it look like a gas station on Church Street instead of an appendage of 100 ft. from the front door of the grocery store.

Mr. Randy Green stated, Hi I'm one of the owners of the shopping center. As Maggie mentioned there was a lot of thought going into where this was going to go. We did look at that corner as well. She pointed out that to keep us closer to the business of serving Harris Teeter was a main thought. The other main thought was we have these other businesses in the shopping center will have to approve this change. If we put this in front of their store then it will be a more difficult process to approve. We felt like this is Harris Teeter's portion of their business and we felt it was more appropriate to have it closer to their business to balance the shops.

Chairman Mr. Richard Parker asked, can you move it in front of Anna's and put it in the center? I'm seriously worried that those 30 some spaces along that eastern and southern portion with who is going to park there?

Mr. Randy Green stated, that area is parked in. Employee's park there and that takes into account that employees need a place to park as well.

Ms. Maggie Jones stated, we are asking for 4 per 1,000 but we're not actually reducing it to 4 per 1,000. I think it will still be 4.6 or a 4.7 per 1,000.

Chairman Mr. Richard Parker asked, what if you moved the gas station over and down so that those spaces are rearranged to the other side of the gas station so people can use them.

Ms. Maggie Jones stated, I did a lot of different layouts with this all over the parking lot and the farther that you go to the left the more parking you are going to lose. I understand your concerns about who will park in those spots along the side. Getting rid of that one large island gave us a lot of room without losing a lot of parking space.

Mr. Randy Green stated, I understand what you are saying when you talk about the shopping center being busy on those certain days but I've been on the property quite a bit and I've never really seen a lot of people using that far reach of the parking lot. When we were talking about locating this thing we were thinking that area doesn't get really used that much to begin with and its closer to Harris Teeter and that seemed like the place to put it.

Chairman Mr. Richard Parker asked, can you refigure it so that instead of it being long ways on Shadowbrook it was long ways on Church Street, to keep it farther away from the front door?

Ms. Maggie Jones stated, I think the reason it works so well like this is because you have the aisles so the circulation can happen around it and its safe for cars to enter and exit the pumps without entering oncoming traffic. If you turn it you will actually create another drive aisle in that parking field, which again just eliminates a lot more parking spaces. This way it is helps us to conveniently kind of insert it by removing the least amount of parking and keeping traffic safely circulating around it.

Chairman Mr. Richard Parker asked, so no compromise on your part?

Mr. Randy Green stated, I would have to sit down and discuss this with Harris Teeter and see if there is some way to address your concerns.

Vice-Chairman Mr. John Black asked, why gas? I mean it's not like there's not pumps less than a mile from there.

Mr. Garrett Marvetz stated, I'm with real estate for Harris Teeter. We look at gas as another amenity that we can give to our customers. We can provide both of those with the same service and quality that they expect to get when they get their groceries.

Vice-Chairman Mr. John Black stated, I live a block and a half behind Harris Teeter, you only have two exits here; you have the one on Church Street and the one over here on Shadowbrook. This place is messed up and on any Friday afternoon when you are trying to enter and exit out of this entrance on the Shadowbrook side it is horrendous. If you are planning on increasing business here there is no way you can address this without putting in a stoplight. I've seen too many people with Walgreens across the street feeding into Shadowbrook at the same part sitting there for long periods of time trying to get out of the shopping center. I like what you are going to do with going into Anna's and expanding this by making it more shopper friendly and I think that is a wonderful idea but I'm also in agreement with Mr. Parker here that this picture here yeah it looks good now so let's take this picture a year and a half from now once Anna's entrance is there then look at the cars parked there. I can guarantee that you didn't take this picture on a Saturday morning or a Saturday afternoon because you couldn't get a parking place. I'm sitting here liking everything you've said except for the gas. I just don't see the need for it and the only complaint I hear is the in and out of this shopping center and basically you have only three entrances and two exits. That's my issue with this right now and I don't feel comfortable with this because of traffic.

Mr. Steve Blakley stated, yes there will be some new traffic and we did a memo and some studies with that and were in touch with Jason Geary and NCDOT.

Chairman Mr. Richard Parker stated, there is one chart in here on page 4, it's called Trip Generation. This says gas service station with convenience mart. I don't consider Harris Teeter a convenience mart.

Mr. Steve Blakley stated, the Institute of Transportation Engineers is the organization that collects and creates the statistic models for the Trip Generation prediction and maintains those models in a couple different categories. One with and one without convenience sales so we actually have a kiosk with this fuel center proposed as a 240 sq. ft. kiosk noncustomer entry and that definition fits a little better with the ITE Trip Generation.

Chairman Mr. Richard Parker asked, what is in a convenient mart?

Mr. Steve Blakley stated, cigarettes, tobacco, cell phone chargers, gum, lottery tickets and other miscellaneous. It's either with or without a convenient sales center and in this particular case there are some other retail components that go along with it. If you look at the Trip Generation it is really based off of the number of pumps. What we found when we did some studies was in particular to the Kroger Centers they have the combo and then the incentive package already up and running between grocery and fuel. The expectation there was the cross corner customer that comes to grocery and also buys fuel while in that parking lot or vice versa. That is one trip created instead of two or actually two trips instead of four. You are there and you are contained in this commercial property that you can walk in and get your groceries and come back out and then stop at the fuel center so you haven't entered onto the main street yet so that's a set of trips that's taken off the public road way system. If it's not there then you get your groceries and leave and get back in the traffic on the public road to drive down to the next convenience store and go in that property and come back out so you have loaded that a couple different times instead of taking care of it in an internal capture scenario. That amount of internal capture is higher and the counts that we have done are like 15%-20% but could be a little over 20% in the ones we have counted. The net new trips that get added to the system are very low associated with the fuel. What they are capturing is the traffic that is passing by on the road which is consistent with most other stores that sell gas whether it's a convenience store or not a convenience store. A lot has passed by meaning you are on the way home and you swing in get gas and come back out to continue on the same route you were on before. We used the same capture on that in that scenario as used in the models. It's just that we are able to achieve a much better internal capture by the customers that's already in the parking lot. In essence it is really providing some relief to the road system by comparison to a standalone center.

Chairman Mr. Richard Parker asked, can you explain to us on page two existing traffic volumes? Down at the bottom it talks about south bound and north bound and mornings and afternoons, what is that all about?

Mr. Steve Blakley stated, the North Carolina DOT recorded traffic volumes on each of the legs around this intersection.

Chairman Mr. Richard Parker asked, when did they do that?

Mr. Steve Blakley stated, this particular count was done in 2013 and what that is showing is to the east on US 70 is 25,000 vehicles per day, to the west is 19,000 vehicles per day, to the north on Shadowbrook is 12,000 vehicles per day, and to the south on Huffman Mill is 20,000 vehicles per day.

Chairman Mr. Richard Parker asked, does this indicate the people coming off the interstate then coming up to the traffic light turning right, is that what most people were doing there?

Mr. Steve Blakley stated, that is an ADT volume. So it's the amount of a two-way traffic that's on that roadway; so north bound and south bound. For an example the 20,000 vehicles per day on Huffman Mill is split over the course of the day but over that 24 hour period 20,000 cars total between north bound and south bound flows.

Chairman Mr. Richard Parker asked, and then down here at the bottom it says Shadowbrook Drive and Huffman Mill a.m. 60% south bound and 40% north bound and p.m. it says 40% southbound and 60% southbound; is everyone going south?

Mr. Steve Blakley stated, no there is a split so if you look at the way we did US 70 there is a pretty heavy flow on US 70 both ways as well as land use. Land use goes into that consideration, where people may be traveling and so on and so forth and it's how they get split. What we really need to do is take these daily volumes and get them to a peak hour that's really where the most intense loading of an intersection or transportation system is in the peak hour not on a daily event. We took these ADT's and broke them down on a 50/50 split with a 60/40 going to the north there is a lot more neighborhood to the north so we would expect a little more flow coming out of the neighborhood heading to Church Street or heading down Huffman Mill to get to the interstate.

Chairman Mr. Richard Parker asked, so this 12,000 in volume on Shadowbrook is what Mr. Black is fighting trying to get in and out of that shopping center?

Mr. Steve Blakley stated, yes sir over a 24 hour period. We used those percentages to calculate the next page which is a peak hour flow as well as to break that down into the total entering volumes. Meaning how much traffic actually comes into the Church Street and Shadowbrook and Huffman Mill intersection in the peak hour. That's where we get these numbers. It's in the order of 3,700 to 3,800 cars per hour that's coming into that intersection today.

Chairman Mr. Richard Parker stated, no that's 2013; that is before the mall was redone. I bet it's a lot different today.

Mr. Steve Blakley stated, the trip generation is the predicted model volumes that we just spoke about. For fuel taking into account for a pass by and that gave us the net new Trips that would be added to the road system and how many new trips associated with fuel would be added into these current traffic volumes that are there today.

Chairman Mr. Richard Parker asked, so your conclusion or at least Brady's conclusion is that there will be minimal impact to the intersection of highway 70?

Mr. Steve Blakley stated, yes. It's less than 1% increase it's actually like a half or .6% increase to the volume that's entering that intersection today.

Chairman Mr. Richard Parker asked, that's based on statistics?

Mr. Steve Blakley stated, that's right. The counts are based on measured data that was out there in 2013, the Trip Generation is a predicted calculation based on statistical models and which is created by counts. ITE Institute of Transportation Engineers collected data, created the mathematical statistical models that lead to this predicted capability.

Chairman Mr. Richard Parker asked, is all this just based on gas or is this based on your expanding grocery store because you are adding 13,000 sq. ft.? You are putting in a wine bar, an

Asian bar, a fruit bar and all these bars, redo the floors, move the pharmacy, do all this stuff and you are going to get 1% more traffic in there?

Mr. Steve Blakley stated, yes it's based on the fuel.

Vice-Chairman Mr. John Black asked, you are talking about the additional customers because of the gas, Mr. Parker is asking what kind of percentage are you expecting new customers because of this new increased shopping experience? We've got to assume that it is going to be more customers too. We would be foolish to think that people are going to hear about all these new things and say, no I don't want to go there. I think that it is going to draw them there like crazy. So when you are talking about these numbers is that part of the number or are you strictly on gas?

Mr. Steve Blakley stated, this is strictly gas.

Vice-Chairman Mr. John Black asked, ok so we really don't have any kind of idea about what kind of generated numbers are going to increase due to this new found opening there?

Commission Member Mrs. Rebecca Lashley stated, on page 3 there is a breakdown of the times and the hours of people coming in and out of the parking lot. It gives a percentage and that was just done in 2015.

Vice-Chairman Mr. John Black asked, now how does that answer my question about the volume and parking lot with the new Anna's location?

Mr. Steve Blakley stated, the parking study you are referencing is a part of the counts that we had done for the parking calculations. The retail component that Anna's had was a separate business. So it's generating traffic when it was operating or when it was something else maybe prior to that was generating an element of traffic as a separate business. Folks come there and leave associated with that particular business. Folks are also coming to shop at Harris Teeter and leave as a separate kind of trip. The internal capture component was a lot less than that entire square footage with the exception of 2,000 sq. ft. plus we are adding to the back would be for the same user. We are not generating for a separate business, the 2,300 sq. ft. is for the same business. Yes there could be additional customers and I think Harris Teeter would like that and that's why the investment, it's a successful store. From a traffic modeling perspective we don't have that level of detail to say we're taking 10,000 from one business and replacing it with 10,000 of the same. We do lose that credit in the internal capture that would otherwise be there.

Chairman Mr. Richard Parker asked, how far away is the store in Pinehurst is from the gas station?

Ms. Maggie Jones stated, it's very similar to this one with it being at the front of the parking field. There is a little more curbing separating on the side but it is still flush with those in the parking field. It's about 20 spaces from the store to the pumps.

Chairman Mr. Richard Parker stated, that's 200 ft. and this gas station is going to be 100 ft. from the front door. In a parking lot that is already as jammed up as it can be. It's a 5:1 ratio and now you want to put a gas station 120 ft. from the front door.

Commission Member Mrs. Nicole Enoch asked, is the expansion and the gas station a package deal?

Ms. Maggie Jones stated, it is.

Commission Member Mrs. Nicole Enoch stated, I think anything new is going to attract more traffic and I think that people will be attracted to where they want to go as far as traffic is concerned. I understand concerns for traffic but people go to Wal-Mart when it's jammed packed and they will park way in the back and walk to the store if they have to. I'm one of those loyalty people that would love to get my groceries and my gas at the same place.

Ms. Maggie Jones stated, that's what the neighbors had to say at the neighborhood meeting. They all felt confident that they would like to use both.

Commission Member Mrs. Nicole Enoch stated, I just think that the biggest concern for me would be the traffic but I go early in the morning or late at night to avoid the traffic but everybody can't do that.

Zoning Administrator Mr. Joey Lea stated, this plan was reviewed by our Technical Review Committee as you know DOT and our own traffic engineers took a look at this and they also take a look at internal circulation. We also looked at the possibility of moving the pumps to where you said, it was determined that it would have caused a worse internal circulation than where it is now. They stated that the way it is set up now creates a better internal circulation. As far as traffic is concerned, everybody knows the traffic is not good but what the owner has been willing to do is to reserve 15 ft. of their property along Shadowbrook so at the point and time where the traffic gets bad enough they will have that reservation to expand Shadowbrook to maybe put in another right turn lane, which will help with the traffic count there. All of that has been taken in to consideration from a technical aspect from our own traffic engineers and DOT. This use is consistent with other uses that have been proposed. As you have talked about the reduction of the parking is well within the realm of what is proposed to be done. As far as parking I will throw in a personal note, the parking where you said no one will park is where I always park. My wife and I always park there because we like to walk and gas pumps being there will not stop us from parking there. With that said this has been scrutinized very well and we think this plan works very well being consistent with the comprehensive plan. The reason for rezoning this from a Special Use Permit is because any outdoor activities within a Unified Business Development has to be approved by City Council, otherwise it could have more or less been a use as a of matter of right. With the traffic impact analysis that was submitted, our engineers and DOT saw very minimal impact but they did understand that in the future there will have to be some changes at that intersection so they have reserved property for that. With that and everything that we have been through Staff does recommend approval of this project.

Chairman Mr. Richard Parker asked, in regards to the 15 ft. right-of-way will that cut down the trees through there?

Zoning Administrator Mr. Joey Lea stated, it probably would. Most of those trees are in the right-of-way now so they belong to the City. So the City will be responsible for replacing them.

Chairman Mr. Richard Parker stated, when this plan was approved in 1984 I was in this room for that meeting too and those trees were a part of the agreement or compromise to leave the trees in order to get this thing rezoned to begin with.

Zoning Administrator Mr. Joey Lea stated, I understand that but you have to also understand that if there's going to be any improvements made out there they are going to have to take some of those trees down. And because it is conditional rezoning they can be made to put them back. I don't think the trees are an issue. If they are City trees the City will replace them, if the trees are on their property then they will be required to replace them. But in all likelihood some of them

are going to have to be removed in order to widen Shadowbrook but the trees can come back that's not a problem.

Chairman Mr. Richard Parker stated, I just want to make that part of the record that those trees were part of a compromise back in 1984/85 when all this happened.

Zoning Administrator Mr. Joey Lea stated, I haven't researched the minutes from the rezoning but it was rezoned B-2 general business. There is no compromising and there are no conditions that you can attach to a general rezoning. I'm not sure what happened with the Special Use Permit, I don't know if it was part of the Special Use Permit but I haven't been able to research the minutes to that extent yet. I do know that those trees were an issue but once again they can be easily replaced. There is not going to be anyway to avoid them coming down if and when they do in fact, and they will at some point in time widen Shadowbrook. That's 15 ft. of their property that they are giving up to help alleviate the traffic problems in the future.

Mr. Steve Blakley stated, we clearly want this to be a quality improvement to the City and to this commercial center. We definitely hear some reservations. We surely don't want to delay but we do want your vote; we want a favorable vote from you. If there are things that we could do that we think that would have an outcome that might help address your concerns then we would be willing to consider that as long as it's something that is willing to produce an outcome worthy of creating a delay in the schedule, I mean it would be a burden to delay but if it's helping you to get more comfortable then I think we would be willing to do that.

Vice-Chairman Mr. John Black asked, in working with Sheetz and the things that we have done there and there's talk about the 15 ft. right-of-way expanding why isn't there a drawing of that? Why wasn't that brought into play from the get go? I mean surely somebody had to have thought that this was going to be a problem and said hey why don't we go ahead, who would pay for that?

Zoning Administrator Mr. Joey Lea stated, first of all no one perceived this to be a problem. What is perceived is that sometime in the future the traffic count is probably going to be higher that may not have anything to do with Harris Teeter, it could have a lot to do with what's around it like the mall and the other areas that could help increase traffic in the area. This was not perceived to cause a problem but they know that in the future the traffic count could go up and that's what that area is reserved for if and when there is a traffic problem. Their analyses and data do not show that there is a traffic issue. You know personally and like most other places at peak hour's traffic can be an issue but technically it's not an issue. What that means is that the streets are accommodating the current flow of traffic. People are able to get in and people are able to get out through the traffic lights system and through the two entrances. I personally have never had a problem, there is a problem across the street trying to get out of Walgreens and that is a site distance thing but I've never had a problem getting in or out of Harris Teeter. I've been there at their worst times. My wife drags me over there every Saturday for the Saturday Special. From a technical standpoint this plan functions, it works, it has a very minimal impact on the existing traffic but not enough to warrant any changes and that's why you don't see anything. But at some point in time everyone including DOT and our traffic engineers all understand that there is going to be something out there and it could be this development but more likely it's going to be something around them that is going to increase the traffic. It will have a major impact on the intersection and now they've got an area to be able to expand and to take care of future traffic.

Chairman Mr. Richard Parker stated, my biggest rub is the 120 ft. from the front door. I wish this could be reconfigured on this land somehow so that it was more of a separate entity like we have in other parking lots around town and not going so close that you have 10 spaces, the drawing

shows 10 spaces from the front entrance to the beginning of the gas island. On not even peak hours just regular hours at the store that will cause a lot of flow of traffic maybe the second entrance would help. Maybe more people will park more in front of Anna's to get in that way for grocery. To me this island is so long and intrudes all the way so close to the front door. I would either like to see it reconfigured or shortened by 1 pump station. When you look at it on the map you have something that takes up so many spaces where so many park including the employees. Half the employees I believe park in this back parking lot that Joey was talking about but what I have observed from just sitting out there and watching is that a lot of employees park out along the front out here and walk back to the store. I guess they told the employees not to park out in the front so they park in the back. So there will be a lot of pedestrian traffic where all these cars are going around for the gas pumps. You go to Sheetz and all their parking is up front not behind the gas pumps, they don't want pedestrians walking around all these gas pumps with people zooming in and out. I would like to see a different configuration.

Mr. Steve Blakley stated, if we turned it 90 degrees and with the 10 spaces at 10 ft. each so that being 100 ft. plus a 24 ft. isle on each side so we are really looking at 150 ft. We have this aisle here that would be a 24 ft. plus then we have this new one that is coming through here that will also be another 24 ft. aisle with an endcap aisle on each side so we're probably at about 175 ft. from the door. If we turned it and run it this way we still would want to keep perimeter parking because that is the most efficient parking especially with a higher parking ratio we want to be able to provide that even if it does provide staff and employee parking. They park there and go in to run their shifts so it's not like its customer traffic with a 20 minute turnover type of pedestrian traffic if employees and staff did park out here. If you would follow the mouse on the screen this is the new canopy situation and it is creating more parking that's perpendicular to the style of parking now which is not the retail standard. You run your retail parking like it is today so it then creates this sort of a buffer zone so you are really driving through more parking to get into the fuel itself. In this zone we have buffered this off in the underground storage tanks and an island so there is no cross traffic coming between these two here. That is a circulation aisle so it separates it from this part of the parking field. There is some trade off and we could pull it further away but then you are going through even more parking as we are trying to improve the flow and functionality of this parking lot by creating this formalized spine. Secondly what we also have to work into is that cars want to come there to get fuel but we have to have fuel delivered there before the cars can get it so we have to get the big tractor trailers in, circulated around and back out. We need a lot of room for that and it's the biggest truck that's allowed on the road. It takes a lot of room for that truck to get in and circulate around efficiently and maintain the best path without interfering with more customers, that's why we pulled it in, provided that zone there in the corner where we would expect a lot of people to be unless staffers that turn over at the beginning and the end of a shift. That's just some ideas and thoughts on what we have to balance when we are designing the sites functionality and the trade-offs that come with one orientation or another.

Zoning Administrator Mr. Joey Lea stated, I would like to say that the phone calls I received were just a few, one lived in the back and one wanted his property rezoned too. The rest of them were favorable to the request and I don't know if there was anyone here from the public but you might want to ask.

Chairman Mr. Richard Parker asked, is there anyone here that would like to speak to this matter?

Mrs. Linda Abplanalp stated, I really applaud Harris Teeter for expanding their store, I think it will be a good addition to Burlington. I probably wouldn't use the pumps because right now I don't use Harris Teeter and the reason I don't use them is I don't like the in and out from the parking lot. It's difficult if not impossible to go north on Shadowbrook making a left hand turn

out of Harris Teeter there are three lanes there one traveling south, one traveling north and a turning lane. The turning lane services a left hand turn into Harris Teeter from Shadowbrook, it services a left hand turn out of Walgreens going south on Shadowbrook and it turns into a turning lane at the corner of Church Street and Shadowbrook. It's almost impossible to take a left hand turn out of Harris Teeter parking lot as it is now or a left hand turn out of Walgreens onto Shadowbrook. Now that takes care of Shadowbrook for me and now that leaves South Church Street. Almost impossible to make a left hand turn out of the parking lot onto South Church Street. We have actually seen people drive straight across that exit from the parking lot and go into the entrance to the parking lot at Sears across the street. It's hazardous at best, if you don't have your wits about you during rush hours and during peak seasons you will get into trouble. I'm a little old lady but I consider myself a defensive driver, I don't want to go there. I hope there is a big increase in customers for Harris Teeter and I don't mind the gas station but I can't see going in or out with much more traffic then what there is now with the parking lot. Thank You.

Commission Member Mr. Early Kenan, Jr. made a motion to approve the rezoning. Commission Member Mrs. Rebecca Lashley seconded the motion. The Commission voted 4 to 2 to recommend approval of the rezoning. Voting for the motion were: Enoch, Lashley, Kenan and Jagers. Voting against the motion were: Parker and Black.

ITEM NO. 4: Mr. Joe Chambers to present an application to rezone from R-15 Residential District to CR Conditional Residential District for the use of a 72 unit apartment complex. The properties are located at the northwest corner of Saint Marks Church Road and Garden Road, referenced as Alamance County tax identification numbers 107000, 107001 and 107002.

Mr. Joe Chambers stated, I represent the future owner of the property and would like to apologize for my local partner she had to take her daughter on her high school senior trip and she is in Costa Rica right now, she has been working directly with Joey and a few others.

Chairman Mr. Richard Parker asked, you are representing whom?

Mr. Joe Chambers stated, the future owner of this property.

Chairman Mr. Richard Parker asked, so someone has already bought it with this plan in mind?

Mr. Joe Chambers stated, we have it under contract right now. Just to give it a little background, Garden Capital is a two and a half generation apartment development company and we work within 13 different states. We are a long term owners and developers of multi-family housing and a little bit of single-family. We are looking to rezone this up to 72 units that we think will compliment well with the neighborhood shopping. We actually think this will help with traffic situation with the biggest concessions being that of the future expansion of St. Marks Church Road. We have set aside about 40 ft. with the presumption that there will be an expansion and when it will happen whether it will be two years or four years and if we put a building there then it would mean moving the building later. We will have 1, 2 and 3 bedroom units, 3-story somewhat typical garden style apartment's brick mixed with hardy plank exterior siding so durable materials.

Chairman Mr. Richard Parker asked, will there be elevators?

Mr. Joe Chambers stated, no sir just walk up apartments. From our marketing analyses we think our target audience will be elderly and when I say elderly we're thinking age 55 and up.

Chairman Mr. Richard Parker asked, how many parking spaces are here?

Mr. Joe Chambers stated, I believe we've got 108 plus the handicap spaces which is 1.5 per unit.

Vice-Chairman Mr. John Black asked, just trying to figure out the buffering between with a 15 ft. landscape buffering because you will back into Savannah West up here and I know there is the Piedmont Ale House and places like that. I'm just trying to make sure that it is going to be buffered from there.

Commission Member Mr. Earl Jagers asked, is a crosswalk going to be available there to go across to the State Employees Credit Union or anything there for the church?

Zoning Administrator Mr. Joey Lea stated, at this point we are not sure and as he mentioned they are reserving 40 ft. of their property along St. Marks Church because in the next 2 to 3 years this will be widened. As far as the configuration we do not know what that is at this time.

Commission Member Mr. Earl Jagers asked, you want buffers between the Ale House and I want the senior citizens to get to the Ale House so is there any ideas about sidewalks?

Mr. Joe Chambers stated, we did have a community meeting and that did not come up as far as access to the north. I think any access that we had there would be up against the buildings along St. Marks and we have no objections for providing that if that is what makes sense for the community.

Commission Member Mr. Earl Jagers asked, Joey I know we don't have a curb right now but what about a sidewalk?

Zoning Administrator Mr. Joey Lea stated, we did not discuss it if I remember. It wasn't really conducive because of the traffic that you have there. I guess some of these people would walk to Savanna West and I'm sure they can get there without having to walk across or walk parallel to St. Mark's.

Chairman Mr. Richard Parker asked, is there anyone here that would like to speak to this matter?

Ms. Kristi Wilson stated, my mother Kathy Wilson owns property on 3768 C Garden Road. We are down here on the map and this is our private road. This is our property and this is Joe Davison Park. Our property does border the nature trails and generally speaking most of the residents that live behind down the dead end of Garden road don't want this to happen. As long as we are going to be living there and we were all going to sell our property to developers of course we would encourage this but we are very concerned about the influx of the number of people that would be affecting our daily lives. We would be using the same access road, Garden Road to enter and exit our property so we will be passing the new development and I understand the entrance and the exit will be on Garden Road and right now that part of Garden Road dead ends so there is very low volume of traffic. For one I'm concerned with that low volume of traffic down the dead end and people coming out to exit the apartments if they are turning left which they will be and they won't be concerned with looking right and yielding to the local traffic coming from that end. Also, the stoplight at Garden and St. Mark's right now with that low volume there aren't that many people coming from Alamance Crossing and turning left down Garden Road. The surveying of that was horrible; if you turn left you cannot see the oncoming traffic. You are across from another turning lane and people are on the other side turning towards Walmart, if I'm sitting there waiting to turn left onto Garden I can't see around that curve, I have to hold my breathe. It's not an issue now because not that many are using that turn lane but when you add 100 people you will see accidents unless the road is somehow

resurveyed or changed. I urge you to wait until the road work is done not only for that reason but also to put a sidewalk from garden road to Joe Davis Park to detour foot traffic from coming down our property to access the park.

Chairman Mr. Richard Parker asked, are you saying people go down Garden Road and use your property to get to the park?

Ms. Kristi Wilson stated, all of our neighbors use our private road which we allow since we are neighbors so it would be a natural way to the park for the people coming from the apartments to use. I don't want that. I guarantee they will use that if there is no sidewalk on St. Mark's Church Road. Ultimately we don't want this to happen but if it's going to we really think they should wait until the road work is done and there is sidewalk and there is some serious look at that left turn onto Garden Road. I urge you all to go test it out during a busy time. Another concern is the apartment complex on the other side of Joe Davison Park and with this apartment complex we have a nature trail behind us so we have safety concerns. The nature trails seem like a good place to hide for people to do things they aren't supposed to do. I say this because a couple weeks ago I walked down the nature trail and I noticed graffiti on some of the trees and rocks and you can look through the trees and see our house. That is disturbing to me and with that new apartment complex on the other side where they can walk to the park now we will have another one on this side and you can't control who lives there and what they do but I can guess where they go if they are wanting to do something illegal or suspicious and that's all next to our property.

Chairman Mr. Richard Parker asked, Joey what is the anticipated road work time for this?

Zoning Administrator Mr. Joey Lea stated, right now it's 2 or 3 years. They are supposed to be acquiring the property within the next year. DOT is going to acquire the right-of-way.

Director of Planning and Zoning Mrs. Amy Nelson stated, the study hasn't started yet.

Zoning Administrator Mr. Joey Lea stated, I've been told that the construction will be started in the next 2 to 3 years; it's on the high priority list.

Mr. Joe Chambers stated, just from a timing perspective to go through permitting design and just financing we are looking at about an 18 month period, 12 months at best before we can really even start construction. We think that once DOT comes in and widens the road, I can't speak too much for it but I do believe a sidewalk is included with the 4 lane plan. One of the things that we would discuss internally but we would be happy to provide some sort of fencing with no trespassing signs so that there is no issue with regards to residents using the private drive or some type of speed bumps or signage. We would be happy to work with the neighbors on this.

Commission Member Mrs. Rebecca Lashley asked, why would fencing be inconvenient for the neighbors?

Ms. Kristi Wilson stated, if he is referring to a gate which is what came up at the community meeting, I don't want to have to operate gates to get to and from my home.

Commission Member Mrs. Rebecca Lashley asked, but in order to walk both sides and to make the best decision for the property considering nothing has been done and it's all in limbo right now until that road is complete.

Ms. Kristi Wilson stated, nothing will satisfy us besides a sidewalk in my opinion. A sidewalk has to be on St. Marks Church Road from Garden Road to the bike trail across from Peeler

Street. That is the only thing that will safely get residents to the park and to deter them from our property. Yes, we still may get some but a couple is better than 100 people walking down our road.

Commission Member Mrs. Rebecca Lashley asked, you aren't worried about a bunch of kids that would use it as a cut way anyway and not use the sidewalk? If you are worried about the graffiti and the space then I would think a fence would be better.

Ms. Kristi Wilson stated, I mean they may but I'm worried about the volume of people walking our property especially when my mother is older and will be spending a lot of time by herself.

Commission Member Mr. Earl Jaggars asked, what is the response from St. Marks Church about this? Across the street from where you are going is their ball field and parking, are they concerned with any of this?

Mr. Joe Chambers stated, we haven't heard from them. They didn't come out to the community meeting and the signs are posted.

Chairman Mr. Richard Parker asked, Joey, you said that DOT was widening the road to 4 lanes all the way down to Boone Station?

Zoning Administrator Mr. Joey Lea stated, correct.

Vice-Chairman Mr. John Black asked, do you know if sidewalks will be a part of that plan?

Director of Planning and Zoning Mrs. Amy Nelson stated, that is something we believe will be included, it's something that we have talked about and I have asked for.

Commission Member Mrs. Rebecca Lashley asked, we can add the sidewalk as part of the conditioning can't we?

Zoning Administrator Mr. Joey Lea stated, we can't tie it to the widening. We are pro sidewalk as well but we are going to get what we can get from DOT with the design of the road.

Director of Planning and Zoning Mrs. Amy Nelson stated, there are constraints for sidewalks about where we can and cannot place them, there are priority areas. I don't think this will qualify for the expense of putting in a sidewalk and then having it torn out in just a couple years when the DOT comes through widening the road. That wouldn't be a good use of the public's money.

Chairman Mr. Richard Parker asked, what did the City recommend?

Zoning Administrator Mr. Joey Lea stated, this request is consistent with our Land Use Plan and the Land Use Plan calls for this area to be a mixture of commercial and residential so this does fit within our Land Use Plan. Our Comprehensive Plan also states that we are trying to do more affordable housing on this side of town; actually it's for the entire area of Burlington. It's also consistent with the Comprehensive Plan. The Technical Review Committee has reviewed this and I just want to clarify one thing and that is St. Marks is a right in only with no exit so the main entrance is on Garden. Again with them giving up 40 ft. of the property it does meet our requirements as far as location of building, setbacks, and parking. With Technical Review support staff recommends approval of the project.

Commission Member Mrs. Nicole Enoch made a motion to approve the rezoning. Commission Member Mr. Early Kenan, Jr. seconded the motion. The Commission voted unanimously to recommend approval of the rezoning.

ITEM NO. 5: Staff to discuss the Code Assessment for the UDO.

Director of Planning and Zoning Mrs. Amy Nelson stated, everyone received an email from Kelly with a link to the Code Assessment for the UDO. Does anyone have any questions?

Vice-Chairman Mr. John Black asked, if we are going to discuss this maybe we should wait and do it at the next meeting now that we have this in hand to look over.

Director of Planning and Zoning Mrs. Amy Nelson stated, I was hoping to get your input to pass along to City Council.

Chairman Mr. Richard Parker asked, what do you want us to pass on to the City Council?

Director of Planning and Zoning Mrs. Amy Nelson stated, I want you to take a look at it and see if you have any questions. That is the main thing, I can try and answer your questions if you want to call me or email me.

Commission Member Mrs. Nicole Enoch asked, why don't you give us an over view of this and what the ultimate goal is?

Director of Planning and Zoning Mrs. Amy Nelson stated, this document is the follow up to our Comprehensive Plan. The Comprehensive Plan sets forth the vision and goals that citizens have for our city for the next 20 years; how they want to see the city look. There is an idea that they have and this document when it is finished, is the preliminary steps for our Unified Development Ordinance we have been working on and that will create that vision that the citizens see. It's the nuts and bolts of how we get there. In this document you can see it lays things out for you. You have the table of contents so you can look through at your leisure you can take a look at the different sections. The most important thing here is what they call the "Key Themes for Improvement". It lays out goals from the Destination Burlington plan and we are approaching halfway through the process in theory. We have the initiation of the projects and the ideas for them and in the Code Assessment project now and when complete will begin to draft the actual Code itself; the language and actual rules of what we will and will not be able to do in the city to achieve that vision; then it goes for adoption. Now the Key Themes that are in this document they are the ones we have gone over before and we went through with the ideas forum and you were all invited to attend that and quite a few of you did. To increase the user friendliness of the document it will be more heavily illustrated, it will be easier to understand so that most anyone can pick it up and read it and know what they are talking about without having to call Joey every 5 minutes, so it will free up a little bit of his time. We are going to enhance procedures efficiency. We've already enhanced some of the efficiency through the Council with the plats so that has been taken care of. Revitalize downtown, modernize the district and uses, raise the bar for development quality and incorporate incentives and flexibility. The hope is that it will make developing easier in Burlington as well as a better quality of development; preservation of historic areas and structures and perhaps trees as well. We're calling for more sidewalks; more parks and things of that nature to make it a better place to live, better quality of life. Again you can go through the document and you can see the ideas that they have for changes.

Chairman Mr. Richard Parker asked, this is all from RATIO?

Director of Planning and Zoning Mrs. Amy Nelson stated, RATIO and Code Write. They have put a lot of work into it and what they have done is compare what we have to national and state wide best practices and looked at current ideas in planning that have turned out so far to be really good ideas and try to incorporate those into our future Unified Development Ordinance. That is what this document is all about. Council will be going through this on April 4th and try and determine how they want to proceed from there. What they like, what they don't like and then from this document we're going to start writing the actual code. We're going to have to give that to you every time we get it so that you can read through it and let us know if you like it or if you don't like it or if you have any ideas to make it a little better then you will have to give it back to us so that we can take them to the consultants. I want you to participate and have a part in this.

Commission Member Mr. Earl Jagers asked, did we get a good buy in from the parks department?

Director of Planning and Zoning Mrs. Amy Nelson stated, they were consulted in the beginning which was over a year ago with the ideas forum and what I have heard from them was positive.

Commission Member Mr. Earl Jagers asked, that's the City now with the Alamance County which is part of the Burlington growth area and I didn't know if you had touched base with Ryan Baker or anyone?

Director of Planning and Zoning Mrs. Amy Nelson stated, no because this is dealing with more development rather than parks and recreation itself.

Chairman Mr. Richard Parker asked, so you want us to comment between now and April the 4th?

Director of Planning and Zoning Mrs. Amy Nelson stated, if you can yes. Mostly I would like for you to read it and be familiar with it. You don't have to give me any comments, you can just read through it and get yourself familiar with it and that will help you when it comes to the code drafting part which is where I really would like to have your input.

Commission Member Mrs. Nicole Enoch stated, I noticed here the post zoning district on this form that makes something really significant for this particular commission.

Chairman Mr. Richard Parker asked, is it fair to say they are deleting the mobile home category for Burlington?

Zoning Administrator Mr. Joey Lea stated, not fair to say because like we've said these are just suggestions.

Director of Planning and Zoning Mrs. Amy Nelson stated, it is all up in the air, Council will decide.

Chairman Mr. Richard Parker asked, Council ultimately decides what these categories are going to be?

Director of Planning and Zoning Mrs. Amy Nelson stated, I don't know how much detail they will get into but they will decide if they like that or not and maybe send it back for some tweaking.

Chairman Mr. Richard Parker asked, is this going to change everything we know about zoning?

Zoning Administrator Mr. Joey Lea stated, it all depends on what happens when we get into the code write. These are just suggestions

Director of Planning and Zoning Mrs. Amy Nelson stated, I will be reminding you as the drafting part starts to get us this and to get us that and we need it by this time and I will need you to try and keep on top of that.

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

Richard Parker, Chairman

John Black, Vice Chairman

Kelly Peele, Secretary



City of Burlington Zoning Staff Report Item #3

Mr. Harold Owen presented a proposed text change to the City Council at their May 2nd work session. The proposal is to allow the sales of fruits and vegetables within residential districts. The City council agreed that this text change should go forward because it is in keeping with the adopted Land Use Plan.

Staff recommends approval.

ITEM #3

PROPOSED AMENDMENT TO SECTION 32.10.Y OF THE CITY OF BURLINGTON ZONING ORDINANCE PERTAINING TO AGRICULTURAL SALES IN RESIDENTIAL DISTRICTS.

Amend Section 32.10.Y as follows:

FROM:

- Y. In Residential Districts, only bona fide forestry and farming operations are intended to be permitted. It is not intended to permit establishment of commercial nurseries and greenhouses and retail sales as principal or auxiliary or accessory uses in Residential Districts.

An exception to the above shall be plants, fruits, and vegetables grown by individual property owners and provided for sale by the property owners on their premises. It is intended that such sales shall be informal in nature and compatible with residential living standards within neighborhoods. In no event shall the organized sale of plants, fruits, and vegetables exceed 60 days within a six-month period.

TO:

- Y. In Residential Districts, only bona fide forestry and farming operations are intended to be permitted. It is not intended to permit establishment of commercial nurseries and greenhouses and retail sales as principal or auxiliary or accessory uses in Residential Districts.

An exception to the above shall be plants, fruits, and vegetables grown **in North Carolina and provided for sale by the property owners and/or lease holders.** It is intended that such sales shall be compatible with residential living standards within neighborhoods. In no event shall the organized sale of plants, fruits, and vegetables exceed **one hundred twenty (120) days within a calendar year. For the purpose of this exception, in its determination of compatibility with neighborhood standards, the City shall evaluate the following criteria: hours of operation; traffic flow in the vicinity and, overall safety to neighboring property owners, residents and pedestrians. Signs for residential sales of plants, fruits and vegetables shall comply with section 32.12 of this ordinance.**

MEMORANDUM

TO: Hardin Watkins, City Manager

FROM: Harold Owen

DATE: April 26, 2016

SUBJECT: City Council Work Session Agenda – May 2, 2016
Proposed text change pertaining to Agricultural Sales in Residential Districts.

I would like to be placed on the May 2nd City Council Work Session to present a proposal to amend the City of Burlington Zoning Ordinance Section 32.10.Y as it pertains to agricultural sales within residential districts.

In an effort to expand on the recently adopted Comprehensive Land Use Plan by raising the bar on livability standards, the attached ordinance change is to encourage healthy local food source options by allowing small produce stands within residential neighborhoods. The local stores have all but disappeared. This is an effort to bring back that local feel where one could pick up farm fresh produce on the way home or walk down the street to purchase vegetables for the evening meal.

The proposed ordinance change is as follows:

FROM:

- Y. In Residential Districts, only bona fide forestry and farming operations are intended to be permitted. It is not intended to permit establishment of commercial nurseries and greenhouses and retail sales as principal or auxiliary or accessory uses in Residential Districts.

An exception to the above shall be plants, fruits, and vegetables grown by individual property owners and provided for sale by the property owners on their premises. It is intended that such sales shall be informal in nature and compatible with residential living standards within neighborhoods. In no event shall the organized sale of plants, fruits, and vegetables exceed 60 days within a six-month period.

TO:

- Y. In Residential Districts, only bona fide forestry and farming operations are intended to be permitted. It is not intended to permit establishment of commercial nurseries

and greenhouses and retail sales as principal or auxiliary or accessory uses in Residential Districts.

An exception to the above shall be plants, fruits, and vegetables grown **in North Carolina and provided for sale by the property owners and/or lease holders**. It is intended that such sales shall be compatible with residential living standards within neighborhoods. In no event shall the organized sale of plants, fruits, and vegetables exceed **one hundred twenty (120) days within a calendar year**. **For the purpose of this exception, in its determination of compatibility with neighborhood standards, the City shall evaluate the following criteria: hours of operation; traffic flow in the vicinity and, overall safety to neighboring property owners, residents and pedestrians. Signs for residential sales of plants, fruits and vegetables shall comply with section 32.12 of this ordinance.**