

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION  
March 21, 2017

The Greenville Planning and Zoning Commission met on the above date at 6:30 p.m. in Council Chambers of City Hall.

Mr. Terry King –Chair \*  
Mr. Doug Schrade – \*                      Ms. Chris Darden – \*  
Mr. Les Robinson – X                      Ms. Ann Bellis – \*  
Ms. Margaret Reid - \*                      Mr. John Collins - \*  
Ms. Betsy Leech –\*                      Mr. Anthony Herring – \*  
Mr. Michael Overton - \*                      Mr. Ken Wilson - \*  
Mr. Hap Maxwell - \*

The members present are denoted by an \* and the members absent are denoted by an X.

**VOTING MEMBERS:** Schrade, Darden, Bellis, Collins, Leech, Overton, Maxwell, Herring, Reid

**PLANNING STAFF:** Chantae Gooby, Planner II; Mike Dail, Lead Planner; Thomas Weitnauer, Chief Planner & Amy Nunez, Staff Support Specialist II

**OTHERS PRESENT:** Dave Holec, City Attorney; Ben Griffith, Director of Community Development; Cathy Meyer, Civil Engineer & Kelvin Thomas, Communication Technician

Attorney Holec stated that item #4, special use permit by LCD Acquisition, LLC, was reliant upon an approved rezoning at City Council. On March 20, 2017, City Council continued the rezoning to the May 2017 meeting.

**Motion made by Mr. Overton, seconded by Ms. Leech, to continue item 4, special use permit by LCD Acquisitions, LLC. Motion passed unanimously.**

Attorney Holec stated the desire to add as the last item to the agenda, the returned item from City Council regarding an amendment to the Subdivision Ordinance for preliminary plats for the length of time for subdivision approval. City Council has a recommendation that the item be reviewed by P&Z.

**Motion made by Ms. Leech, seconded by Ms. Darden, to add item amendment to Subdivision Ordinance for preliminary plats returned by City Council. Motion passed unanimously.**

**MINUTES:** Motion made by Mr. Schrade, seconded by Mr. Collins, to accept the February 21, 2017 minutes as presented. Motion passed unanimously.

## **OLD BUSINESS**

### **LAND USE PLAN MAP AMENDMENT**

**ORDINANCE REQUESTED BY HAPPY TRAIL FARMS, LLC AND JACK JONES ALLEN TO AMEND THE FUTURE LAND USE AND CHARACTER MAP FOR 22.655 ACRES FROM THE RESIDENTIAL, LOW-MEDIUM DENSITY (LMDR) LAND USE CHARACTER TO THE OFFICE/INSTITUTIONAL (OI) LAND USE CHARACTER FOR PROPERTY LOCATED AT THE SOUTHWESTERN CORNER OF THE INTERSECTION OF REGENCY BOULEVARD AND THE CSX RAILROAD - APPROVED**

Ms. Gooby stated this is a request to amend the Future Land Use and Character Map which is part of Horizons 2026: Greenville's Community Plan, which was adopted September, 2016. This property is located in the southern section of the City along Regency Boulevard adjacent to the CSX Railroad and west of Shamrock Subdivision. The property is vacant. There is single-family to the north and office and single-family to the east. The property to the south is vacant. This request could generate a net increase of 893 trips per day. Currently, the property is zoned multi-family and single-family. This request is for office/institutional. The intent of this character is to serve as a transition between intense commercial and neighborhoods or as a buffer along major thoroughfares. This property is located along the south side of Regency Boulevard has the same character as the north side of Regency Blvd. This has the same land use character as the subject property. Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map were adopted in September, 2016. Starting in 2015, the Comprehensive Planning Committee held 9 meetings, 2 open houses and a two-day workshop. Two of the meetings and the workshop were specifically held to gather input from all interested parties on the Future Land Use and Character Plan Map. These meeting were advertised and open to the public. There are 8 principles that are used to guide future growth and development. The current character is for Residential, Low-Medium Density (LMDR). In staff's opinion, the current plan fulfills the principles that guided the Comprehensive Planning Committee. There have been no changes in the development pattern that warrant a land use map change. There were multiple opportunities for input from all interested parties. To my knowledge, there were no comments received for this area related to land use. Staff recommends denial.

Mr. Overton asked what zoning district would be allowed in the office/institutional character.

Ms. Gooby stated the office zoning district. It is a non-residential character.

Chairman King opened the public hearing.

Mr. Mike Baldwin, representative for the applicants, spoke in favor of the request. He stated that while the plan was just adopted this property has been under contract. The Wal-Mart has office zoning abutting it. Their intent is to connect to the office zoning with an intervening multi-family project. Office is more aesthetically pleasing and safer for the remaining residential. The President of the Shamrock Homeowners' Association submitted a letter in support of the request.

Ms. Reid asked if anyone attended any of the comprehensive plan update meetings.

Mr. Baldwin stated that because of the circumstances they were unable to comment on the situation at that time.

No one spoke in opposition.

Chairman King closed the public hearing and opened for board discussion.

Mr. Overton stated he was in support of the request because Office has the least impact of commercial uses and it is continuance along Regency Boulevard.

Mr. Schrade stated that although the Comprehensive Plan was recently adopted, he agrees with Mr. Overton.

Ms. Reid was concerned of setting a precedent of making changes to the map.

Mr. Maxwell stated there was a lot of time and effort put into the update.

**Motion made by Mr. Collins, seconded by Mr. Overton, to recommend approval of the proposed amendment. Voting in favor: Herring, Bellis, Collins, Schrade, Darden, Leech and Overton. Voting in opposition: Reid. Motion passed.**

## **NEW BUSINESS**

### **REZONING**

ORDINANCE REQUESTED BY THE WODA GROUP, INCORPORATED TO REZONE 5.50 ACRES LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF BELLS FORK ROAD AT ITS INTERSECTION WITH SOUTHRIDGE DRIVE FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO R6 (RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) – DENIED

Ms. Gooby delineated the property. It is located in the southeastern section of the city along Bells Fork Road. There is a mobile home located on the property and the rest is farmland. Most of the area is single-family and agricultural. There is commercial at the intersection of Charles Boulevard and Fire Tower Road. This rezoning could generate a net increase of 308 trips per day. Under the current zoning, the site could yield 15-20 single-family lots. Under the proposed zoning, staff would anticipate 70-75 multi-family units. The Future Land Use and Character Map recommends commercial at the intersection of Charles Boulevard and Fire Tower Road transitioning to office/institutional then traditional neighborhood medium-high density. The zoning districts associated with this character are R6, R6A and R6S. This map is not site specific or dimensionally specific. In staff's opinion, the request is in general compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map.

Chairman King opened the public hearing.

Mr. Nick Surak, Vice President of The Woda Group, Inc., spoke in favor of the request. The Woda Group does affordable housing and is based in Ohio. They have already completed two jobs in NC. They had a market study prepared that shows there is a need in the city.

Mr. Collins asked about traffic.

Mr. Surak stated that any development will generate traffic.

Mr. Herring asked would happens if they don't get the results according to their market study.

M. Surak stated that there is high demand for affordable high quality properties.

Attorney Holec reminded Commissioners to consider all uses in the district.

Mr. Jon Day, broker of the applicant, spoke in favor. This property is near the commercial at Charles Boulevard and Fire Tower Road. The site is within walking distance of the retail uses. The density will be about 14 units per acre. Two nearby property owners came to his office to see the plans. They are trying to reach out to the neighborhood. The request is in general compliance with the comprehensive plan.

Ms. Ida Lynn Stox, owner of property, spoke in favor. Her family has owned the property for 80 years. This development will provide tax base and the rental market is strong.

Ms. Melissa Norris, representing Tonya Grey, Ida Garner, Eleanor Jones, Willie Judge, Daniela Batchelor, and Laurie Crutchfield-residents from Southridge Drive, spoke in opposition. She stated that traffic has increased significantly. There are 38 businesses at Bells Fork area. This intersection is the highest-rated for accidents in Greenville. Since the business is out-of-state, there is a concern they would not be a good neighbor.

Ms. Reid asked Ms. Norris if she had met with the applicant.

Ms. Norris stated that Mrs. Stox came to her house to share the plans. We have not changed our opinion.

Mr. Terry Best, representing his mother, Ruth Best, spoke in opposition. His mother has owned her property for 50 years. This area has been agricultural. He is concerned about traffic.

Ms. Betty Andrews spoke in opposition. She is mainly concerned with traffic. There are certain times when traffic is terrible.

Ms. Leech stated that she was concerned that the traffic study only uses a 2% increase in growth when calculating traffic when there could a lot of development that may be more than 2%. She asked if the property owner would be required to do measures to mitigate traffic.

Ms. Gooby explained that the developers may be required to do some measures, such as a deceleration lane. There are improvements that are being planned for the Charles Boulevard and Fire Tower Road intersection that may alleviate some of the traffic in the future.

Ms. Mary Gladys Waters spoke in opposition. Traffic is the main concern. There are several apartment complexes on Hwy 43 and there have been a lot of car accidents there.

Ms. Reid asked Ms. Waters if she would work with the developers to ease her concerns.

Ms. Waters stated that she didn't think developers could alleviate her concerns over traffic.

Ms. Laura Crutchfield spoke in opposition. She stated the Bells Fork Road intersection is one of the most dangerous intersections in Pitt County. She sees red lights every day from accidents because of this intersection. This is an unsafe decision. There is no other access. This will set a precedent for future multi-family.

Ms. Reid stated that regarding setting a precedent, this request is in compliance.

Ms. Crystal Baity spoke in opposition. She stated her main concern is that high density multi-family isn't compatible with surrounding land uses. If they would consider a lower density, it could alleviate some concerns.

Mr. Al Waters spoke in opposition and stated this is low-income housing being put near his home. His home will suddenly lose its value. He has lived in his home for 31 years.

Ms. Marti Michaels, Cherry Oaks resident, spoke in opposition and stated people can't make a left out of Cherry Oaks on Fire Tower Road. This will add more traffic.

Mr. Hugh Stox, property owner, spoke in rebuttal in favor. He stated he bought a house at Signature Drive at the stop light so there could be another entrance from this property. Southridge Drive is a cul-de-sac so all the traffic has to use Bells Fork Road. There are alternate ways to get out of this development.

Ms. Norris, spoke in rebuttal in opposition, the stop light at Signature Drive won't alleviate any traffic at this intersection

Chairman King closed the public hearing and opened for board discussion.

Ms. Darden is concerned about traffic.

Mr. Overton asked about density.

Ms. Gooby stated that this zoning district would allow up to 17 units per acre. Staff anticipates 70-75 units which is about 14 units per acre. The next lower density zoning district is RA6, which allows 9 units per acre.

Ms. Darden asked to table the request because she is concerned about traffic.

Ms. Bellis stated that a traffic study could be a compromise.

Attorney Holec stated it is not mandated for the applicant to provide a traffic study. The Commission could request a continuance to see if the applicant provides additional information.

Ms. Gooby reminded the commission that Charles Boulevard is a NC-DOT maintained street and there are other improvements in the general area that are being planned.

Ms. Reid made a motion to approve the request but failed due to a lack of a second.

**Motion made by Mr. Collins, seconded by Mr. Herring, to recommend denial of the proposed amendment, to advise that, although it is consistent with the Comprehensive Plan and other applicable plans, there is a more appropriate zoning classification, and to adopt the staff report which addresses plan consistency and other matters. Voting in favor: Herring, Bellis, Collins, Schrade, Darden, Leech and Overton. Voting in opposition: Reid. Motion passed.**

ORDINANCE REQUESTED BY WARD HOLDINGS, LLC TO REZONE 0.49+/- ACRES LOCATED AT THE NORTHEASTERN CORNER OF THE INTERSECTION OF EAST 5TH STREET AND SOUTH HOLLY STREET FROM R6S (RESIDENTIAL-SINGLE-FAMILY [MEDIUM DENSITY]) TO OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) – APPROVED

Ms. Gooby delineated the property. It is located in the central section of the city at the corner of East 5<sup>th</sup> Street and Holly Street. This rezoning consists of two lots. The property is in the locally-designated College View Historic District. This area is mainly residential and institutional uses. The neighborhood was rezoned to single-family in 2005. The Future Land Use and Character Map recommends university-institutional along the frontage of East 5<sup>th</sup> Street. This character is mainly comprised of the ECU main campus and the surrounding facilities then transitions to university-neighborhood to the north. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map.

Ms. Leech asked about the uses of the single-family homes are in this area.

Ms. Gooby stated adjacent properties are multi-family and a fraternity.

Mr. Maxwell stated he is concerned about the amount of owner-occupied dwellings and that the neighborhood is about 90% rental.

Chairman King opened the public hearing.

Mr. Jim Ward, the applicant, spoke in favor of the request. He has a contract to purchase the property. The Wesley Foundation is relocating to Jarvis Memorial Church. He wishes to revitalize this area. This is a unique property that has been grandfathered as an institutional/ multi-family use. By this rezoning, the property will become a conforming use. There are multiple safeguards for historic properties to maintain the integrity of the buildings. He intends to give a facelift to the grounds and upgrade the aesthetics.

Mr. Maxwell asked Mr. Ward of his intentions.

Mr. Ward stated that this is not an assemblage project. The renters in the house want to stay in place through the 2017-18 school year. He plans to have a different campus ministry group in the building.

No one spoke in opposition.

Chairman King closed the public hearing and opened for board discussion.

Mr. Maxwell asked what the purview of the Historic Preservation Commission is.

Ms. Gooby explained that the Historic Preservation Commission has purview over the grounds and the exterior. Some minor changes may be approved by staff. The Commission can place a 365-day delay on demolition requests.

Ms. Leech stated that the character of the neighborhood has changed. It is ideal to have students in close proximity to ECU and understands the struggles of the homeowners.

**Motion made by Mr. Schrade, seconded by Mr. Herring, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.**

OTHER

AMENDMENT TO THE SUBDIVISION ORDINANCE FOR PRELIMINARY PLATS RETURNED FROM CITY COUNCIL FOR THE LENGTH OF TIME FOR SUBDIVISION APPROVAL. -APPROVED

Mr. Dail provided staff presentation. He reviewed the timeline.

January 17, 2017 P&Z recommended a Subdivision Ordinance Text Amendment to City Council to Extend the Plat Review Time by 20 days.

February 9, 2017 City Council approved a motion to continue this item and ordered a town hall meeting with the development community and return with responses.

March 6, 2017            The City held a town hall meeting. The development community responded that a 20 day extension would be cumbersome to development, but 10 days would be a fair compromise for a total review time of 30 days.

March 20, 2017            City Council approved a motion to return this item to the P&Z Commission with a recommendation to consider an extension for preliminary plat reviews of 10 days instead of 20 days.

This would be how the timeline for 30 days to review preliminary plats would look like:

- 30 working days – Receive submittal from applicant by 5:00 pm
- 29 working days – Route plats to reviewing departments
- 22 working days – Receive comments from review departments
- 21 working days – Comments returned to applicant
- 16 working days – Applicant returns with revised plat
- 15 working days – Route revised plats to reviewers who made revisions
- 14 working days – Deadline to submit City Page advertisement request
- 11 working days – First advertisement date
- 7 working days – Mail adjoining property owner notices
- 6 working days – Second advertisement date

Mr. Dail stated they reviewed other jurisdictions and found that 30 days is a typical review time.

Staff and City Council Recommendation:

City Council and Staff recommend the Planning and Zoning Commission reconsider the extension to add 10 days to the review process (for a total of 30 days) instead of the previously recommended extension of 20 days (for a total review time of 40 days).

Chairman King asked if 30 days total would be enough time versus the original recommendation of 40 days total.

Mr. Dail stated that it is important to have more time and that 30 days is better then what is currently.

Chairman King opened the public hearing.

No one spoke in favor or in opposition.

Chairman King closed the public hearing and opened for board discussion.

No comments made.

**Motion made by Mr. Overton to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Seconded by Ms. Darden and the motion passed unanimously.**

Chairman King stated Commissioners Overton and Bellis wanted to address the Commission.

Attorney Holec stated that it was up to the discretion of the Commission. The Commission agreed as a whole.

Mr. Overton asked the Commission for feedback on a suggestion of a new zoning classification. The medical general commercial district does not allow fuel stations as a use. He asked if that was something the Commission could consider. It would be an important use in the medical district.

Attorney Holec stated that the process would be to have this as a discussion item scheduled for the next meeting.

Ms. Leech asked if Staff could give an opinion on the Mr. Overton's request.

Mr. Weitnauer asked if this would be a land use designation change initiated by the Commission.

Mr. Overton stated it is for a specific use within a current zoning.

Ms. Gooby stated that it would be a table of use amendment request.

Mr. Weitnauer suggested following the process that Attorney Holec stated.

**Ms. Leech made a motion to have a discussion item about gasoline sales/convenience store use allowed in the medical general commercial zoning district added to next month's agenda, seconded by Mr. Schrade. Motion passed unanimously.**

Ms. Bellis wanted to follow up on the City Council meeting last night regarding the number of student apartments. She wants to receive information regarding vacancy rates. It was mentioned at the City Council meeting that there are 28,000 ECU students of which 4,000 are distance learners. She asked where do the other 24,000 reside and how many live in the big box student apartments. She wants information on how many bedroom-unit projects are currently under construction designed for student occupancy. A student project request was tabled last night at the City Council meeting. The student projects under construction downtown are causing more problems like lack of City employee parking. More apartments and less parking is killing the downtown. She requested a report to be brought back next month regarding occupancy rates of current apartments, the number of bedrooms of projects under construction and will there be enough students next year to fill all these apartments.

Mr. Overton stated he spoke with a Massachusetts developer who does student housing re-use projects. The developer told him he interviewed student housing complexes in Greenville, exception of North Campus Crossing, and was told they all have 95-100% occupancy. Not all of these are students and some hardly have any students. Mr. Overton stated the complexes are reporting the high occupancy rates so that they can re-sell the properties. He stated that Ms. Bellis would never receive correct information regarding her request.

Mr. Maxwell stated he spoke with a Dean at ECU regarding the anticipation of increase in enrollment next year and was told approximately 200 students.

Mr. Overton stated he heard 1,000 new students. He stated he also heard the total beds from new construction downtown and on 10<sup>th</sup> Street is 1,900 by Fall 2018.

Mr. Weitnauer stated Staff could provide the number of beds from projects under construction. He stated he was unsure about the accuracy of occupancy. He stated he could have the information in two months.

Mr. Overton asked if there is an opportunity to do a moratorium on student housing.

Attorney Holec stated a moratorium is not allowed for a residential development. He stated they could consider an amendment to the Code that is carefully considered.

Ms. Overton asked if the Code could be changed within a particular radius.

Attorney Holec stated an overlay can be considered but needs to be carefully laid out. The NC Statue does not allow moratoriums on residential developments. City Council has already started this same discussion. He suggested a better approach is to let City Council take the lead.

Mr. Weitnauer stated that any text amendment would go to P&Z before City Council.

Mr. Griffith stated Planning Staff was directed by City Council to come up with recommendations regarding student housing. If accepted this would come before the P&Z Commission as a text amendment.

Mr. Overton suggested they should send a message of support to City Council regarding this.

Ms. Darden agreed.

Ms. Leech stated she wants more information available so they can make better decisions. She wants to be able to look beyond the Comprehensive Plan to make better planning decisions.

Ms. Maxwell stated everything needs to be taken into consideration when making a decision.

Ms. Reid stated it took over a year to put the Comprehensive Plan together with several meetings for citizen input. Things needed to be looked at thoroughly before the Comprehensive Plan was adopted. They should not be making changes to it now just because. On tonight's agenda, the Commission recommended denial of a request that was in compliance with Comprehensive Plan yet recommended approval of another request that was not in compliance. She stated it is an oxymoron.

Ms. Leech stated the traffic is growing faster than anticipated and needs to be considered. In addition to the Comprehensive Plan, mitigating issues need to be considered to make good decisions. Even though the Comprehensive Plan allows something, doesn't mean other factors should not be considered.

Ms. Reid stated that Greenville is growing and traffic is bad due to construction and roads being built. The Comprehensive Plan was completed to help Greenville grow the right way.

Mr. Herring stated Greenville is growing fast. They need all the information they can get to make decisions.

Attorney Holec suggested a motion be made that Staff will provide the information regarding new construction and occupancy. Regarding any amendment change, to let City Council take the lead and Planning Staff will share the information.

**Ms. Bellis made a motion to have a study done regarding the occupancy rate of large apartment complexes, seconded by Mr. Herring. Motion passed unanimously.**

**With no further business, Mr. Overton made a motion to adjourn, seconded by Ms. Darden. Motion passed unanimously. Meeting adjourned at 8:48 p.m.**

Respectfully Submitted,

Ben Griffith, Secretary to the Commission  
Director of Community Development Department