

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION
August 15, 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 – X
Mr. Les Robinson –* Mr. John Collins - *
Ms. Margaret Reid - * Mr. Anthony Herring – X
Ms. Betsy Leech –* Mr. Ken Wilson - *
Mr. Michael Overton - * Mr. William Bell - *
Mr. Hap Maxwell - *

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

VOTING MEMBERS: Schrade, Robinson, Collins, Reid, Overton, Leech, Maxwell, Wilson, Bell (on item # 4 only replacing Overton)

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; Rik DiCesare, Traffic Engineer; Cathy Meyer, Civil Engineer; Scott Godefroy, City Engineer & Kelvin Thomas, Communication Technician

MINUTES: Motion made by Mr. Wilson, seconded by Ms. Reid, to accept the June 20, 2017 and the July 18, 2017 minutes as presented. Motion passed unanimously.

NEW BUSINESS
REZONING

ORDINANCE REQUESTED BY BLACKWOOD, PARROTT & ROBERSON, LLC TO REZONE 1.9940 ACRES LOCATED EAST OF COREY ROAD AND ADJACENT TO BLACKWOOD RIDGE SUBDIVISION FROM RR (RURAL RESIDENTIAL – PITT COUNTY’S JURISDICTION) TO R9S (RESIDENTIAL-SINGLE-FAMILY [MEDIUM DENSITY]) – APPROVED

Ms. Gooby delineated the property. It is located east of Corey Road and adjacent to Blackwood Ridge Subdivision and north of Tulls Cove Subdivision. Currently, the property is located in Pitt County’s Jurisdiction and there is an annexation request in conjunction with this rezoning. The area is mainly single-family and agricultural uses. A small increase in traffic is anticipated. Under the current county zoning, the site could yield 2-3 single-family lots. Under the proposed zoning, the site could yield 5-6 single-family lots. The Future Land Use and Character Map recommends

traditional neighborhood, low-medium density. The requested zoning is part of that character. 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.

Chairman King opened the public hearing.

Mr. Ken Malpass, of Malpass and Associates, representative for the applicant, spoke in favor of the request.

No one spoke in opposition.

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

Motion made by Mr. Overton, seconded by Mr. Schrade, 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.

ORDINANCE REQUESTED BY EAST CAROLINA UNIVERSITY TO REZONE 3.5+/- ACRES LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF EAST 10TH STREET BETWEEN EVANS STREET AND COTANCHE STREET FROM CDF (DOWNTOWN COMMERCIAL FRINGE) TO OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) – APPROVED

Ms. Gooby delineated the property. It is located along East 10th Street between Evans and Cotanche Streets. Currently, the property is being used as surface parking and residential uses associated with the university. This rezoning could generate an increase of 840 trips – 420 on Evans Street and 420 on Cotanche Street. A traffic impact analysis has been submitted and the City and NCDOT are reviewing it. Under the proposed zoning, staff anticipates classroom space and a parking deck associated with the university. The Future Land Use and Character Map recommends university institutional (UI) along the frontage of East 10th Street between Evans and Cotanche Streets. This character is mainly comprised of the ECU main campus and the surrounding facilities. The requested zoning is considered part of the university institutional character. 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.

Chairman King opened the public hearing.

Ms. Michelle Clements, of The East Group, representative for the applicant, spoke in favor of the request. She stated that the property will be used for classroom space, a 500-space parking deck and space for future development. The deck should result in a net of gain 250 spaces where students are parking on city streets.

No one spoke in opposition.

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

Motion made by Mr. Robinson, seconded by Ms. Reid, 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.

ORDINANCE REQUESTED BY GLENN ARTHUR, LLC TO REZONE 4.054 TOTAL ACRES LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF EAST 14TH STREET BETWEEN CHARLES BOULEVARD AND COTANCHE STREET FROM CDF (DOWNTOWN COMMERCIAL FRINGE) AND CN (NEIGHBORHOOD COMMERCIAL) TO CDF-UC (DOWNTOWN COMMERCIAL FRINGE - URBAN CORE OVERLAY) – APPROVED

Ms. Gooby delineated the property. It is located at the corner of East 14th Street and Charles Boulevard. The rezoning area consists of two blocks except for one property. This area contains a variety of uses. This rezoning could generate an increase in traffic of 1,476 trips – 738 on East 14th Street and 738 on Charles Boulevard. This is the difference between the existing uses and the anticipated use under the proposed rezoning. This request is to have the site rezoned to CDF and apply an Urban Core Overlay. The overlay is for residential uses only and allows for a relaxation of standards for infill and redevelopment in the area between East 10th Street and East 14th Street between Green Mill Run and the CSX Railroad. The rezoning is in the area eligible to apply the Urban Core Overlay. Under the requested zoning, the site could accommodate a multi-family project of 550-600 beds and a commercial component. This is based on similar site comparison of the Proximity on 10th multi-family project. The Future Land Use and Character Map recommends mixed use at East 14th Street and Charles Boulevard transitioning to uptown edge along Charles Boulevard and the uptown neighborhood in the interior area. The intent of the mixed use character is to have intensive uses in small areas. Uptown edge is for the area next to Uptown and ECU and the intent is to have infill and redevelopment with a mix of uses including commercial and multi-family. The intent for uptown neighborhood is for residential uses near the uptown core and edge characters. In the comprehensive plan, there are goals and policies that apply to this rezoning. Goal 1.3. High Quality Infill and Redevelopment is for the City to pursue infill and redevelopment. Policy 1.3.1 Support Infill and Redevelopment is specifically for the Uptown area. Goal 1.4. A Vibrant Uptown speaks to diverse housing choices in the Uptown area. The requested zoning and overlay are part of these characters. 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 parking issues with past developments and the potential for closed streets.

Ms. Gooby explained that a public hearing is required for a street closing and are not approved by staff.

Chairman King opened the public hearing.

Mr. Bryan Fagundus, of ARK Consulting Group, representative for the applicant, spoke in favor of the request. The property owners have collectively owned these properties since 1982. With the developments in the Uptown area and with ECU, this request makes sense. This rezoning is in anticipation of future development. There are active rental units in the area.

Ms. Leech asked if there was any affordable housing planned for the displaced residents.

Mr. Fagundus stated that there are no immediate plans for development.

Ms. Melissa Tilley spoke in opposition. She is concerned about the potential parking overflow from future development that could be problematic for the rest of the area.

Mr. Mike Dail, Lead Planner, explained there are parking standards with any development. If the property was developed similar to other projects, a special use permit from the Board of Adjustment would be required. The required parking standard is 0.75 parking spaces per bed. However, the Board of Adjustment could require 1 parking space per bed or other conditions.

Mr. Fagundus, spoke in rebuttal, that the City has development standards in place to determine the number of required parking spaces when the property is developed.

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

Mr. Wilson asked if the overlay had parking requirements.

Ms. Gooby explained that the overlay addresses setbacks and building separation.

Ms. Leech expressed that students tend to have a lot of visitors that can exacerbate parking problems in residential area.

Motion made by Mr. Robinson, seconded by Mr. Schrade, 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. Voting in favor: Wilson, Reid, Robinson, Collins, Schrade and Overton. Voting in opposition: Leech and Maxwell. Motion carried.

PRELIMINARY PLATS

REQUEST BY POHL, LLC AND POBO, LLC FOR A PRELIMINARY PLAT ENTITLED, "FIRETOWER JUNCTION, LOTS 6 & 7", LOCATED SOUTH OF BAYSWATER ROAD AND EAST OF DUDLEY'S GRANT TOWNHOMES. THE SUBJECT PROPERTY IS FURTHER IDENTIFIED AS A PORTION OF TAX PARCELS 74327 AND 08092. THE PROPOSED PLAT CONSISTS OF 6 LOTS TOTALING 35.158 ACRES. - APPROVED

Mr. Overton asked to be recused from this item since he represents the applicant.

**Motion by Mr. Schrade, seconded by Ms. Leech, to recuse Mr. Overton from item # 4.
Motion passed unanimously.**

Mr. Bell will vote on this item.

Mr. Dail delineated the property. It is located in the southern section of the City's jurisdiction, south of East Fire Tower Road and along Bayswater Road. The proposed lot consists of 6 lots totaling 35.158 acres. The property is zoned CG (General Commercial) and OR (Office Residential). The purpose of this preliminary plat is to revise lots 5, 6 and 7 of Firetower Junction Subdivision and to add a short street extension, Legacy Court, off of Bayswater Road to serve one of the newly proposed lots. Smaller development lots (7D, 7E, 7F, and 7G) are being proposed along Bayswater Road with two larger development lots (6 and 7H) remaining with their lot boundaries being reconfigured. The subject property was originally preliminarily plated in 2008, with the latest revision to the plat in 2015. Surrounding development includes offices, vacant properties, Dudley's Grant Townhomes, a school and a church. The property is not substantially impacted by the flood plain. There are two direct access points at signalized intersections at Bayswater and Fire Tower roads. The public hearing for this preliminary plat request was advertised in The Daily Reflector on July 31, 2017 and August 7, 2017. Notification letters were mailed to adjoining property owners on August 4, 2017. The City's Subdivision Review Committee has reviewed the preliminary plat and has determined that it meets all technical requirements. Staff recommends approval of the request.

Chairman King opened the public hearing.

Mr. Mike Baldwin, representative of the applicants, spoke in favor of the request. He stated this large lot will have its own stormwater pond.

No one spoke in opposition.

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

**Mr. Collins made a motion, seconded by Mr. Robinson, to accept the plat as presented.
Motion passed unanimously.**

Mr. Overton rejoins the Board.

REQUEST BY JUDSON BLOUNT FOR A PRELIMINARY PLAT ENTITLED, "THE DRAKE", LOCATED WEST OF EVANS STREET AND SOUTH OF WILLOUGHBY PARK CONDOMINIUMS. THE SUBJECT PROPERTY IS FURTHER IDENTIFIED AS TAX PARCEL 01621. THE PROPOSED PLAT CONSISTS OF 3 LOTS TOTALING 12.22 ACRES.
– APPROVED

Mr. Dail delineated the property. The property is located in the southern section of the City's jurisdiction west of Evans Street. The proposed plat consists of 3 lots totaling 12.22 acres. The property is zoned CH (Heavy Commercial) and OR (Office Residential). There will be a street extension called Orlando's Way. Surrounding land uses include: Willoughby Park Condominiums to the north, Seaboard Coastline Railroad tracks and Westhaven Subdivision to the west, Bradbury Executive Park and vacant property to the east, and vacant property and Wellingham apartments to the south. The southern portion of the request is located in the 100 year flood plain of Fork Swamp Canal. The property will also be impacted by the Evans Street widening project. The public hearing for this preliminary plat request was advertised in The Daily Reflector on July 31, 2017 and August 7, 2017. Notification letters were mailed to adjoining property owners on August 4, 2017. The City's Subdivision Review Committee has reviewed the preliminary plat and has determined that it meets all technical requirements. Staff recommends approval of the request.

Chairman King opened the public hearing.

Mr. Ritchie Brown, of Stroud Engineering, representative of the applicant, spoke in favor of the request. He stated he was available to answer questions.

Ms. Leech stated she was concerned how would they manage and mitigate the increase of water in the floodplain due to increase of impervious surface.

Mr. Brown stated they would follow City standards and ordinances and have a stormwater pond on site.

Mr. Godefroy stated the applicant will not be required to attenuate for a 100 year storm. It is not in the code. This basin is in the 25 year storm area.

Mr. Robinson asked if storm water mitigation improvements are underway.

Mr. Godefroy stated yes. The Watershed Master Plan is underway to make improvements throughout the City and ETJ based on available funds.

Ms. Leech stated that further development on this basin will impact downstream and in other areas and will have an accumulative effect. Retention ponds do not mitigate the problem. Other strategies need to be used and money needs to be spent to fix this problem.

Mr. Godefroy stated that detention does not reduce the volume but effects the rate of flow of water downstream. Retention is retaining the water on-site with no release. Currently mitigation is done by detention basins to reduce the rate of flow of water downstream to predevelopment stages. They are continuously examining what improvements can be made and it shows to be very costly. The standards under the current ordinance is all they can require of developers.

Mr. Schrade stated that this particular request is not the brunt of the flooding problems. The developer is complying with the City standards. The issue needs to be addressed in another forum and not punish this applicant.

Mr. Chris Ulffers, resident at 3503 East Baywood Lane, spoke in opposition. He is concerned for his property as well as his neighbors. Hurricane Matthew caused flooding in his neighborhood which is upstream. By this request changing 12 acres of pervious surface to impervious will cause more problems to the west/upstream as well as downstream.

Mr. Godefroy stated that the culverts from the Baywood Subdivision to this request are under the railroad. The detention pond at this site would only impact downstream.

Mr. Ulffers stated that the location of the detention pond, the drainage ditches and the culverts are not big enough to handle water runoff.

Mr. Godefroy stated recommendations for upgrades in the City have been made. The Evans Street Widening project by NCDOT might help with some of these issues.

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

Mr. Maxwell stated a 25 year detention pond doesn't help when in the flood plain.

Mr. Schrade made a motion, seconded by Mr. Overton, to accept the plat as presented. Voting in favor: Schrade, Overton, Robinson. Voting in opposition: Wilson, Collins, Leech, Maxwell, and Reid. Motion denied.

Attorney Holec stated that for a vote in denial, a specific reason stating which ordinance is not being complied with needs to be indicated. The reason has to be based upon failure to comply with applicable ordinances including technical standards and design guidelines. Staff has indicated that it does comply with the guidelines.

Chairman King asked if the Commission had been supplied with the technical guidelines.

Attorney Holec stated that is what staff is here for.

Chairman King asked for clarification from staff.

Mr. Dail stated all preliminary plats are routed out to the technical review committee. This includes members from: Planning, Engineering, Fire, Recreation and Parks, Inspections, GUC, DOT and Pitt County Drainage. All members have approved the plat request stating that it meets all technical requirements.

Chairman King asked who approves the detention pond.

Mr. Dail stated the City Engineering Division.

Mr. Godefroy stated Ms. Meyer reviewed this particular plat. The construction plan and final site plan have not been submitted. The plat gives some information of the development but further

details are submitted later. The plat is a holistic review which they comment on. All specific design requirements are calculated later.

Mr. Overton asked if someone could develop the entire property without the P&Z approval if they did not want lot divisions.

Mr. Godefroy stated yes as long as it complied with the current zoning. No P&Z or City Council approval would be needed. They would only need site plan approval by City staff.

Ms. Meyer stated that the preliminary plat is the first level of development. It is a preliminary idea. Some of the technical requirements are to make sure storm water detention is included and that roads are wide enough. The exact calculations are done when the site plan is submitted and they make sure all criteria is met. Staff is only allowed to enforce City criteria/code/ordinance. They hold the developers to the City standard.

Ms. Leech asked if the code encourages effective mitigation strategies.

Mr. Godefroy stated that the City has minimum standards but staff does encourage over and above.

Mr. Robinson stated the Commission has no basis to deny a plat if all the members of the technical review board have determined that it meets all technical requirements and recommends approval.

Attorney Holec stated correct.

Ms. Leech asked what the purpose of hearing the request was if they can't protect the City.

Attorney Holec stated they are bound by the provisions of the ordinance. The Commission cannot create different standards. City Council is aware of this issue and are working on it.

Ms. Leech stated that this is an ongoing problem for many years and something needs to be done. The developers should take the issue into consideration to make it a win-win for all.

Ms. Meyer stated she agrees something needs to be done. It takes a lot of money. A working model to improve the problem is being sought out.

Mr. Schrade stated that it is easy to talk and vote on feelings but they must follow the guidelines and rules.

Mr. Wilson stated their obligation is to look at the City as a whole. The issues need to be raised so they can be fixed. New rules and standards need to be in place for storm water.

Mr. Overton stated that 20 years ago a developer could build without storm water. Now it is required. Balance is needed. Taking extreme measures against the developer will do more harm than good.

Attorney Holec stated the options are: 1- motion to deny the petition with the specific ordinance or technical standard or 2- motion to approve the petition with the expression of concern. Before that happens a motion to reconsider the original motion/vote is needed.

Motion made by Ms. Reid, seconded by Mr. Robinson, to reconsider the original motion/vote on this plat request. Motion passed unanimously.

Motion made by Mr. Wilson, seconded by Mr. Robinson, to recommend approval of the plat request despite significant concerns regarding the effectiveness of storm water standards. Motion passed unanimously.

With no further business, Mr. Robinson made a motion to adjourn, seconded by Ms. Reid. Motion passed unanimously. Meeting adjourned at 8:23 p.m.

Respectfully Submitted,

Thomas Weitnauer, Secretary to the Commission
Interim Director of Community Development Department