

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION

February 20, 2018

The Greenville Planning and Zoning Commission met on the above date at 6:00 P.M. in Council Chambers of City Hall.

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

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

VOTING MEMBERS: Robinson, Maxwell, Reid, Wilson, and Leech

PLANNING STAFF: Thomas Weitnauer, Chief Planner; Joe K. Durham, Interim Director of Community Development; and Amy Nunez, Secretary

OTHERS PRESENT: Emanuel McGirt, City Attorney; Rik DiCesare, Traffic Engineer; Cathy Meyer, Civil Engineer; Scott Godefroy, City Engineer; and Kelvin Thomas, Communication Technician

MINUTES: Motion made by Mr. Wilson, seconded by Mr. Robinson, to accept the January 16, 2018 minutes as presented. Motion passed unanimously.

NEW BUSINESS

IN COMPLIANCE WITH THE TRIAL COURT’S CONSENT ORDER, THE P&Z ISSUE THE SPECIAL USE PERMIT REQUESTED BY LCD ACQUISITIONS, LLC, WITH THE CONDITIONS SET FORTH IN THE CONSENT ORDER.

LCD ACQUISITIONS, LLC (“LCD”) AND PATRICA S. BOWEN, ETAL REQUESTED A SPECIAL USE PERMIT TO CONSTRUCT 8 TWO BEDROOM UNITS, 40 THREE BEDROOM UNITS AND 130 FOUR BEDROOM UNITS, TOTALING 178 UNITS WITH 656 BEDROOMS ON 26.0 ACRES OF LAND PURSUANT TO THE LAND USE INTENSITY DORMITORY RATING 67 STANDARDS. – APPROVED

Attorney McGirt presented the information. He stated Landmark’s Senior Vice President, Mr. Mark Jensen, and Landmark’s attorney, Mr. Spence Johnson, were present. In compliance with the trial court’s consent order, he recommended the Commission adopt a motion issuing the special use permit requested by LCD Acquisitions with the condition set forth in the consent order. On February 9, 2018 the Pitt County Superior Court entered a consent order reversing the Planning and Zoning Commission decision and remanded the case back to the Commission ordering that

the special use permit be issued to LCD Acquisitions subject to the conditions. The Greenville City Council authorized a resolution of the case. The interested parties also named as respondents, Charles Pascarelli, Tara Condominium Homeowners Association, Inc. and PEP-ECU, LLC, also authorized the consent order. The consent order also resolves any pending litigation regarding claims against the City Of Greenville and City Officials including petitions of attorney fees. He stated he recommends the Commission adopt a motion approving the special use permit.

Motion made by Mr. Robinson, seconded by Ms. Leech, to comply with the trial court's consent order with the conditions set forth and approve the special use permit to LCD Acquisitions. Motion passed unanimously.

REZONINGS

ORDINANCE REQUESTED BY MICHAEL BRYAN ROBERSON TO REZONE 4.289 ACRES LOCATED BETWEEN NORTH MEMORIAL DRIVE AND BRILEY ROAD AND 100+/- FEET WEST OF BROOK HAVEN ACRES SUBDIVISION FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO IU (UNOFFENSIVE INDUSTRIAL) - CONTINUED

Mr. Weitnauer introduced Joe Durham, the Interim Director of Community Development.

Mr. Weitnauer delineated the property. It is located in the northern section of the City between N. Memorial Drive and Briley Road and north of Wellcome Middle School. The site is currently vacant and undeveloped. An increase in traffic is not anticipated. Under the current zoning the site could accommodate approximately 10 single family lots. Under the proposed zoning the site could accommodate a 7,500 square foot minor automotive repair shop. The current industrial zoning to the northwest of the subject property was approved in 1996 and 1997. The Future Land Use and Character Plan Map recommends commercial at the northwestern corner of the intersection Briley Road and N. Memorial Drive and transitions to office institutional further to the northwest that encompasses the subject property. In staff's opinion, the request is not in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map. The proposed request is located immediately adjacent and across the street from two single family neighborhoods. The existing zoning was approved in 1996 and was recommended for industrial. The Land Use Plan was updated and the second request was approved even though the Land Use Plan recommended office and multi-family at that time as the property was already being used as industrial.

Mr. Robinson asked staff to elaborate on and summarize for the audience the Horizons Plan.

Mr. Weitnauer stated it is the City's long range planning document. The newest version was adopted on September 8, 2016. It contains a color coded map that sets the vision for future development in Greenville from a land use and growth perspective. Staff uses it to determine their recommendations on rezoning applications.

Chairman King opened the public hearing.

Mr. Mike Baldwin, Baldwin Design Consultants, representative for the applicant, spoke in favor of the request. He provided a handout for Commissioners which contained pictures of the area around the request. The applicant has a business in Winterville and wants to put a second location on this site. He reviewed the pictures in the handout and stated the residential neighborhood was to the right of the request and a commercial building zoned unoffensive industry to the left. He stated there are also other commercial buildings and uses in the area including grain bins. He stated that office zoning would not be feasible with the surrounding commercial and unoffensive industry. There is not an office/institutional guideline to follow with the current plan. He has spoken with staff to update their zoning classifications to match the land use plan. He stated that after the meeting he would like to show the proposed use to the attending adjacent homeowners.

Mr. Robinson asked if the applicant would like to speak with the adjacent neighbors before the Commission makes a decision.

Mr. Baldwin stated he would and asked for a continuance.

Mr. Raymond Reddrick, of 1706 Brook Haven Drive, spoke in opposition of the request. He is appalled that the applicant did not reach out to his Brook Haven neighborhood nor another nearby neighborhood about this request. The requested zoning should not be allowed. There is no respect for the current neighborhoods.

Ms. Reid asked Mr. Reddrick if he had the opportunity to speak with the applicant would he change his mind.

Mr. Reddrick stated he did not know since the applicant never approached him.

Mr. Garrie Moore, of 1701 Brook Haven Drive and the president of the Brook Haven Association, spoke in opposition of the request. The neighborhoods are nicely kept and they encourage more residential in the area. He suggested the zoning not be changed.

Ms. Reid asked Mr. Moore if he had the opportunity to speak with the applicant would he change his mind.

Mr. Moore stated they are always willing to listen to be fair but it's a little late now. It would have been nice to be approached earlier to show fairness and respect to the residents.

Mr. Weitnauer stated the Commission cannot make a decision based on an exact development but must take into consideration all uses for the specific zoning.

Mr. Robinson asked staff if the request was continued would the public be able to speak at the next hearing.

Mr. Joe Durham suggested that the Commission could leave the public hearing open and continue the request until next month which would give the public an opportunity to speak.

Ms. Leech clarified that if the zoning was approved it would be available to all the uses under that zoning. Therefore if a subsequent owner purchased the property, it could be for another use within that zoning.

Mr. Darren White, son of Ms. White at 1712 Brook Haven Drive, spoke in opposition of the request. He stated he and his mother want the area to stay residential.

Ms. Leech asked if there are children in the neighborhood.

Mr. White stated it is mostly an older neighborhood.

Mr. Garland Morning, of 302 Briley Road, spoke in opposition of the request. He is concerned with the shared driveway used between his property and the requested rezoning. He has maintained it for many years.

Ms. Reid asked if the applicant has addressed the driveway issue.

Mr. Morning stated no.

Chairman King asked the applicant representative, Mike Baldwin, if he still wanted to continue the request until the next meeting.

Mr. Baldwin stated yes.

Motion made by Mr. Robinson, seconded by Ms. Reid, to continue the request and keep the public hearing open until the next meeting. Motion passed unanimously.

ORDINANCE REQUESTED BY KATE VINCENT KITTRELL TO REZONE 12.048 ACRES LOCATED ALONG THE EASTERN RIGHT-OF-WAY OF DICKINSON AVENUE AND ADJACENT TO CROSS CREEK APARTMENTS AND TOWNHOMES FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO OR (OFFICE-RESIDENTIAL) - APPROVED

Mr. Weitnauer delineated the property. It is centrally located in the city and is currently vacant. The parcel is located south of the intersection of Dickinson Avenue and West Arlington Boulevard adjacent to Cross Creek Apartments and Townhomes. A survey of the 12 acre parcel was shown. The property is in close proximity to an area Horizons 2026 has identified in the future for a Neighborhood Activity Center. This rezoning request could generate a net increase of 567 trips per day. Under the current zoning, the site could accommodate 40-45 single family lots. Under the requested zoning, the parcel could accommodate 150 multi-family units. If this rezoning is approved, it will have the same office-residential zoning as the properties that border it on three sides. The Future Land Use and Character Plan Map recommends high density residential at the southwestern corner of the intersection of Dickinson Avenue and West Arlington Boulevard. The map recommends commercial along S. Memorial Drive and at the intersection of Dickinson

Avenue and Spring Forest Road. 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. Maxwell asked about the small parcel that seems to be cut out of the request.

Mr. Weitnauer stated it is a single family residence on Dickinson Avenue that is not a part of the request.

Ms. Leech asked if another access cut would be made onto Dickinson Avenue and if there should be two for egress.

Mr. Rik DiCesare stated the traffic report indicated a worst case scenario where all traffic would go onto Dickinson Avenue. This section of Dickinson Avenue is currently at 50% capacity and can handle the additional traffic. When the site plan is submitted, Engineering and the Fire/Rescue Department will make sure of appropriate egress.

Mr. Wilson asked about interconnectivity to the stub out at the Cross Creek Apartments.

Mr. DiCesare stated that interconnectivity is desired but cannot say what will happen until a site plan is submitted.

Mr. Scott Anderson, of Ark Consulting, representative of the applicant, spoke in favor of the request. He stated this request was filling a gap since the surrounding properties already are zoned office residential. The intent is to have interconnectivity. There is a minimal 2% increase in traffic.

Ms. Marissa Allen, president of the Cross Creek Townhome Association, spoke in opposition of the request. She stated there is a lot of traffic in the morning and it is hard to get out of the development. Another development would create more traffic onto Dickinson Avenue and more traffic through her neighborhood if there was interconnectivity. There are two school bus stops at the current entrance.

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

Ms. Leech stated Cross Creek only has one form of egress. She asked if it was a requirement to have two forms of egress.

Mr. DiCesare stated it is all determined at site plan review and that staff will make sure that the request conforms to all access codes and development codes.

Motion made by Ms. Reid, seconded by Mr. Robinson, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and to

adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

ORDINANCE REQUESTED BY ARLINGTON CROSSING, LLC TO REZONE 5.498 ACRES LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF WEST ARLINGTON BOULEVARD AND ADJACENT TO THE NORFOLK SOUTHERN RAILROAD FROM MO (MEDICAL-OFFICE) TO MCG (MEDICAL-GENERAL COMMERCIAL) - DENIED

Mr. Weitnauer delineated the property. It is centrally located in the city and is an existing development known as Arlington Crossing. The parcel is located on West Arlington Boulevard adjacent to Physicians East in the Medical District. A survey of the 5.498 acre parcel was shown. The uses of the existing property are commercial. There are vacant parcels across Arlington Boulevard from the subject parcel. There is also vacant property on the north side of the Physicians East complex on W.H. Smith Boulevard. A map was shown where the Horizons 2026 plan identifies one Neighborhood Activity Center and two Community Activity Centers in relation to the subject site. An increase in traffic is not anticipated with this request because of the existing development and many of the tenant uses are the same allowed uses in the current medical office zoning and proposed medical general commercial zoning. The property was zoned Medical Office in 1993. At that time, the Zoning Ordinance's table of uses was amended to allow more retail and commercial uses. A significant change in the amendment added the allowance of fast food restaurants without drive-through windows in multiple unit buildings with at least 3 tenants. The amendment also added the allowance of limited retail such as florists and pharmacies. The requested zoning would allow fast food restaurants with drive-throughs, conventional restaurants and an expanded list of retail, by right, rather than with a special use permit. The Future Land Use and Character Plan Map recommends office/institutional for the area bounded by West Arlington Boulevard, W.H. Smith Boulevard, the railroad tracks and Dickinson Avenue while recommending low-medium density for the Westwood Subdivision. One reason for the office/institutional designation was to prevent the single family neighborhood from being surrounded on three sides with commercial uses. The existing Medical Office zoning is in compliance with the Future Land Use Map. Approval of this request could lead to rezoning requests of the remaining vacant properties in the area. In staff's opinion, the request is not in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map.

Chairman King opened the public hearing.

Mr. Mike Baldwin, Baldwin Design Consultants, representative for the applicant, spoke in favor of the request. He provided a handout for Commissioners. He listed the current business at this property and stated they are all commercial uses. When the Comprehensive Plan was updated in 2016 it should have changed this area to medical commercial but it didn't. The goal of this rezoning is to reduce the number of special use permits for uses not permitted by-right. He stated that if this is rezoned it would lead to similar rezonings. He submitted today a request to rezone the area across the street from this request to medical commercial and medical residential. The

Land Use Map has mixed use at West Arlington Boulevard and Stantonsburg Road and there should be mixed used here as well.

Ms. Reid asked Mr. Baldwin if he made a request to change the designation when the Comprehensive Plan was under review or attend any of the meetings.

Mr. Baldwin stated no.

Mr. Wilson asked why a special use permit would be needed.

Mr. Baldwin stated it is needed anytime a tenant changes.

Ms. Leech stated that if it was zoned commercial and all the units had fast food, the traffic would be very different than it is now. She stated that the request may not be in the best interest.

No one spoke in opposition.

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

Mr. Robinson made a motion to recommend approval of the proposed amendment to advise that, although the proposed amendment is not consistent with the Comprehensive Plan, in this instance it is an appropriate zoning classification, and to adopt the staff report which addresses plan consistency. No second was made. Motion denied.

Mr. Weitnauer stated that an approved special use permit follows the land or space. Therefore if a restaurant moves out and a new restaurant moves into the same space, another special use permit is not needed.

Mr. Maxwell made a motion, seconded by Ms. Leech, to recommend denial of the proposed amendment to advise that it is inconsistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. In favor: Maxwell, Leech, Reid, Wilson. Oppose: Robinson. Motion carried for denial.

OTHER ITEMS OF BUSINESS

TRAINING OPPORTUNITY FOR PLANNING AND ZONING COMMISSIONERS IN GREENVILLE ON TUESDAY, APRIL 3, 2018, 1:00-4:30 PM.

Mr. Weitnauer stated that information was received from the UNC School of Government announcing an upcoming class in Greenville. The City is encouraging P&Z Commissioners to attend and the City will pay the registration fee. The class is entitled Legislative Zoning Decisions Workshop and is intended for boards making or advising on decisions for land development. It will be located at the Pitt County Agricultural Center Auditorium on Tuesday April 3rd. Please contact Amy by February 28th to sign up.

Mr. Weitnauer stated that several Commissioners have mentioned having a retreat to discuss items. Staff is working on a date for this spring.

Ms. Leech stated she would like hear the final report of the housing study.

Mr. Weitnauer stated it is on the website and a summary could be reviewed at the retreat.

Mr. Robinson stated last year this Commission considered the LCD Acquisitions' request for a property for student rate housing. This Commission denied the request. He voted to decline the request and felt that the evidence that LCD presented by their paid experts was not credible. He felt that people locally that came forward and testified were credible. A current report does show we have too much student housing. This report would have been nice to have before the original LCD hearing. His concern is that the property becomes like North Campus Crossing. There are various student housing projects under construction. Student housing is overbuilt and there is a need for market rate housing. He stated he made the motion to adopt the consent order to allow the special use permit to LCD Acquisitions but still does not agree.

Ms. Leech stated the Horizons Plan listed this issue as a priority and those who worked on the plan a few years ago acknowledged that student housing was a big concern. She also felt that the local comments were more credible.

Mr. Maxwell stated there has been a lot of development in the past two years, a lot of current development and still future development. There already was too many beds and now more are coming.

Ms. Reid agreed with Mr. Robinson and Ms. Leech. The Commission was put in a catch-22 situation regarding the vote to adopt the consent order. She stated the proper information and studies need to be done so that the Commission can make the best decisions for the interest of the citizens of Greenville.

Mr. Wilson stated he also agrees with his fellow Commissioners and feels that the City did not stand up for the P&Z Commission.

With no further business, Mr. Robinson made a motion to adjourn, seconded by Ms. Reid. Motion passed unanimously. Meeting adjourned at 7:22 P.M.

Respectfully Submitted,

Joe K. Durham, Secretary to the Commission
Interim Director of the Community Development Department