

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION

August 21, 2018

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

Mr. Michael Overton – Chair \*  
Mr. Doug Schrade – X      Ms. Chris Darden – \*  
Mr. Les Robinson – \*      Mr. John Collins - \*  
Mr. Kevin Faison - \*      Mr. Hap Maxwell - \*  
Mr. Ken Wilson - \*      Mr. Terry King - \*  
Mr. Max Ray Joyner III - \*      Mr. Chris West - \*

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

**VOTING MEMBERS:** Robinson, Darden, Collins, Maxwell, King, Joyner

**PLANNING STAFF:** Chantae Gooby, Planner II; Tom Weitnauer, Chief Planner; Thomas Barnett, Director of Community Development and Corinne Becker, Secretary

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

**MINUTES:**

Mr. Collins asked that his motion to deny the request for the Happy Trail Farms, LLC rezoning be corrected to reflect that the request was “in compliance” with the Comprehensive Plan.

**Motion made by Mr. Wilson, seconded by Mr. Robinson, to accept the July 17, 2018 minutes with the amendment. Motion passed unanimously.**

**NEW BUSINESS:**

**REZONINGS**

ORDINANCE REQUESTED BY MCKESSON PROPERTIES, LLC TO REZONE 9,670.5 SQUARE FEET LOCATED ALONG THE EASTERN RIGHT-OF-WAY OF MCKINLEY AVENUE AND 65+/- FEET SOUTH OF WEST 5TH STREET FROM R6 (RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) TO CDF (DOWNTOWN COMMERCIAL FRINGE).

Ms. Gooby delineated the property. There are two separate parcels in this request and both are vacant. The adjacent properties to the north are under common ownership of the applicant. The area is largely single-family and vacant, but there are duplexes, commercial and industrial uses.

An increase in traffic is not anticipated. The Future Land Use and Character Map recommends mixed use along both side of West 5<sup>th</sup> Street. Mixed use is described as places to live, work and shop that serves the local area. Uses include commercial, office and residential. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Mr. Maxwell asked why the CDF zoning is extending so far into this neighborhood.

Ms. Gooby stated that zoning dates back to 1969. The properties that are currently zoned CDF are only properties that have frontage along West 5<sup>th</sup> Street. These lots are small and adding addition CDF zoning can result in the lots being easier to develop. Single-family is still allowed in CDF zoning.

Mr. Wilson asked how the rezoning fits into the West Greenville Revitalization Plan and how it furthers the City's goal of revitalizing that community.

Ms. Gooby stated that the goals in this area are to redevelop vacant lots and encourage renovation of existing housing stock. Rezoning of the subject properties will allow for these properties to be combined with the adjacent CDF-zoned properties to allow for development.

Mr. Overton opened the public hearing.

Mr. Steve Spruill, Spruill & Associates, spoke in favor, representing the applicant. This rezoning would result in a more usable lot. It is very hard to put a building on the existing small lots and be able to accommodate parking at the same time. The two lots on the corner would still be subject to setback lines on both streets, which would further restrict what could be built there. This rezoning would allow for commercial development. The owner would like to build something that will be an asset to the neighborhood. He pointed out how this rezoning is similar to the rezoning that was requested by the City on Roosevelt Avenue.

Marvin McKesson, applicant, spoke in favor. This rezoning would be a positive thing for the community. It would improve West Greenville and add jobs.

No one spoke in opposition.

Mr. Overton closed the public hearing.

**Motion made by Mr. Robinson, seconded by Mr. King, 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 JACK SOMERS TO REZONE 1.66 ACRES LOCATED AT THE SOUTHEASTERN CORNER OF THE INTERSECTION OF SOUTH MEMORIAL

DRIVE AND WHITLEY DRIVE FROM CG (GENERAL COMMERCIAL) TO CH (HEAVY COMMERCIAL).

Ms. Gooby delineated the property. The property is already developed and is the current location of Shoppes on Memorial. The area along the eastern side of South Memorial Drive is mainly commercial uses, but the interior areas are mainly vacant. There is a community activity center at the northeastern corner of South Memorial Drive and West Fire Tower Road, which is intended to serve a 3-mile area. No increase in traffic is anticipated. The area is mainly CG zoning with CH zoning to the north. The CH zoning allow uses in excess of the current CG zoning. The Future Land Use and Character Map recommends high intensity mixed use which is described as a place to live, work and shop that serve the community and region. In staff's opinion, the request is in compliance with the Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Mr. Maxwell asked what additional types of uses would be allowed by this zoning.

Ms. Gooby stated that the additional uses would mainly be manufacturing.

Mr. Overton opened the public hearing.

Jack Somers, owner and applicant, spoke in favor of the request. He distributed list of uses that would be allowed under the CH zoning. His building is fully occupied but one tenant is asking to be released from its lease. This rezoning would allow greater flexibility when finding future tenants.

No one spoke in opposition.

Mr. Overton closed the public hearing.

**Motion made by Ms. Darden, seconded by Mr. Joyner, 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 SYNERGY PROPERTIES, LLC TO REZONE A TOTAL OF 2.032 ACRES (0.341 ACRES OF RIGHT-OF-WAY) LOCATED ALONG ELLSWORTH DRIVE AND 350+/- FEET NORTH OF BRIARCLIFF DRIVE FROM R6S (RESIDENTIAL-SINGLE-FAMILY [MEDIUM DENSITY] TO R6 (RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]).

Ms. Gooby delineated the property. It is located adjacent to Lake Ellsworth Subdivision and Lakeforest Elementary School. There are two separate parcels in this request and both are vacant. There are duplexes to the north and single-family to the south. A small increase in traffic is anticipated. The current zoning would allow six single-family lots and the requested zoning would allow six duplex buildings or 12 units. The Future Land Use and Character Map recommends high

density residential south of the railroad transitioning to low-medium residential to the south. The rezoning is located in a transition area related to residential density. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan the Future Land Use and Character Map. Staff recommends approval.

Mr. Collins asked if single-family homes or duplexes make any difference where drainage is concerned since the area is in the Greens Mill Run watershed.

Lisa Kirby, Engineer, stated that storm water requirements depend upon the amount of area that is being disturbed not the use.

Mr. Maxwell asked if this was a 25-year storm area and whether a retention pond would be required.

Ms. Kirby stated that they would have to attenuate stormwater.

Mr. Maxwell asked if there was a sewer line nearby that was at capacity and in danger of being compromised.

Ms. Kirby said she was unaware of such and could not speak to it.

Mr. Overton opened the public hearing.

Brian Fagundus, Ark Consulting, representing the applicant, spoke in favor of the request. The lots have been on the market for 10 years as single-family and have not sold. The duplex lots have sold very quickly. This is a market driving request.

Mr. Faison asked the occupancy rate on the existing duplexes.

Mr. Fagundus stated occupancy is 100%.

Ervin Mills, an adjoining property owner, spoke in opposition to the request. He stated that he had questions and concerns about stormwater, traffic and the existing tree buffer between single family homes and proposed duplexes. He wondered if the trees would remain or be added to.

Jennifer Mills, an adjoining property owner, spoke in opposition to the request. She stated that prior to the school and pond there were no issues with water when it rained, but now they get water in their yard when it rains. The city cleaned out the ditch and it helped, but she's concerned it will get worse with more disturbance. There are existing trees that she would like remain.

Mr. Fagundus stated that any construction would have to go through all city requirements. He could not speak to the ditch since he's not familiar with it. He can't comment on trees because he doesn't know whose property the trees on located on at this time. He will follow all ordinances and be a good neighbor.

Mr. Overton stated that they cannot require developer to provide a buffer, but suggested Mr. Mills and Mr. Fagundus work together.

Mr. Overton closed the public meeting.

**Motion made by Mr. Joyner, seconded by Mr. King, 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. Voting in favor: Wilson, Collins, Robinson, King, Darden and Joyner. Voting in opposition: Maxwell. Motion passed.**

#### TEXT AMENDMENT

#### ORDINANCE TO AMEND THE ZONING ORDINANCE BY AMENDING THE WATER SUPPLY WATERSHED OVERLAY DISTRICT STANDARDS - ZONING ORDINANCE TEXT AMENDMENT

Mr. Weitnauer introduced the text amendment. The City of Greenville received a text amendment application from Mr. Steve Janowski, P.E., of Rivers and Associates, Inc. that proposes amendments to the zoning ordinance's Water Supply Watershed (WS) Overlay District Standards is Sec. 9-4-197.

Engineers from the City's Public Works Department, Engineering Division met with the applicant, conferred with the State of North Carolina, and drafted revised regulations in response to Mr. Janowski's original application. Mr. Janowski accepted to substitute his original text amendments with the Engineering Division's recommended changes.

The proposed text amendments illustrates the proposed amendments City staff and the applicant are in agreement to put forward for the Planning and Zoning Commission's consideration. This application proposes revisions to make the City of Greenville ordinance current with State law while updating the regulations so that they are more enforceable for city staff.

Map 1, Watershed Protection Area, identifies the location of the existing Water Supply Watershed (WS) Overlay District subject to existing and proposed standards within the City of Greenville Extraterritorial Jurisdiction (ETJ). The map illustrates the critical areas and the protected areas referenced in Sec. 9-4-197(C).

In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the following adopted policies in Horizons 2026: Greenville's Community Plan.

Mr. Weitnauer stated in staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the following Policies from Horizons 2026: Greenville's Community Plan.

Chapter 5, Creating Complete Neighborhoods, Goal 5.4. Neighborhoods that Coexist with Nature

*Policy 5.4.2. Retain Existing Topography as Land is Developed Promote neighborhood designs that work with the existing topography. Discourage projects that rely heavily on making grade adjustments, including so-called cut-and-fill projects that level the heights of a site to fill the lowlands, creating a flat plain for construction. Preserving existing hydrology protects the watershed and reduces stormwater hazards.*

Chapter 6, Fostering a Resilient City, Goal 6.1. Environmental Conservation

*Policy 6.1.3. Preserve Natural Infrastructure Preserve valued open space in floodplains and other environmentally sensitive areas through regulations including overlay districts, incentives, conservation easements, and/or public acquisition. Conserve and grow contiguous forests.*

Mr. Weitnauer reported staff recommends approval and introduced the applicant, Steve Janowski.

Steve Janowski delineated the map showing the pertinent area and described the reasoning for the text amendment. This change would mimic the watershed requirements of Pitt County and the State of N.C. that require how storm water runoff is treated.

Mr. Overton clarified that this would only apply to the portion of the overlay that is within the green lines of the Extraterritorial Jurisdiction (ETJ) area within the city limits.

With no other speakers Mr. Overton closed the public meeting.

**Motion made by Ms. Darden, seconded by Mr. Robinson, to recommend approval of the proposed text 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.**

**Motion made by Ms. Darden, seconded by Mr. Robinson, to recommend approval of the proposed text 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.**

Mr. Weitnauer introduced the new director of Community Development, Tom Barnett. Mr. Barnett stated that he looked forward to working with and getting to know everyone.

Attorney McGirt stated that unlike other municipal votes, abstentions in a zoning case count as negative votes.

**With no further business, Mr. Maxwell made a motion to adjourn, seconded by Mr. Wilson. Motion passed unanimously Meeting adjourned at 7:05 P.M.**

Respectfully Submitted,

Thomas Barnett, Secretary to the Commission  
Director of the Community Development Department