

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING AND ZONING COMMISSION

May 17, 2011

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

Mr. Allen Thomas - \*  
Mr. Dave Gordon - \*                      Ms. Linda Rich - \*  
Mr. Tony Parker - \*                      Mr. Tim Randall - \*  
Mr. Bill Lehman - \*                      Mr. Godfrey Bell, Sr. - \*  
Ms. Shelley Basnight - \*                Mr. Hap Maxwell - \*  
Mr. Charles Garner - X                 Ms. Cathy Maahs - Fladung - \*  
Mr. Brian Smith - \*

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

**VOTING MEMBERS:** Gordon, Parker, Lehman, Basnight, Rich, Randall, Bell, Maxwell

**PLANNING STAFF:** Merrill Flood, Community Development Director; Chantae Gooby, Planner; Michael Dail, Planner; Valerie Paul, Secretary

**OTHERS PRESENT:** Marion Blackburn, City Council Representative; Dave Holec, City Attorney; Rik DiCesare, Engineer; Jonathan Edwards, Communications Technician

**MINUTES:** Motion was made by Mr. Lehman, seconded by Mr. Bell, to accept the April 16, 2011 minutes as presented. Motion carried unanimously.

**NEW BUSINESS**

**Rezoning**

Ordinance requested by Kyle and Amy Kay Moore to rezone 0.2785 acres located along the northern right-of-way of West 6th Street and 500+ feet west of South Memorial Drive from MS (Medical-Support) to MCH (Medical-Heavy Commercial).

Ms. Chantae Gooby, Planner, delineated the location of the property. The rezoning request is located near the intersection of W. Fifth Street and Memorial Drive; it is for 3/10ths of an acre. A photograph of the property was presented. Fifth Street is a Gateway Corridor and Memorial Drive is a Connecting Corridor; both are designed to contain higher intensive uses. This rezoning may net an increase of 97 trips. It is currently zoned Medical Support and the rezoning request is for Medical Heavy Commercial. Due to the size of the property, there will not be a significant impact either way and it is in a transitional area. In staff's opinion, this request is in compliance with the Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

Mr. Kyle Moore spoke in favor of the request. He owns the property on Fifth Street and he feels that with the size of the property there will not be any major impact.

Mr. Bell said that had knowledge of the area and he was in favor of the request.

**Motion was made by Mr. Gordon, seconded by Mr. Randall, to approve 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 carried unanimously.**

### **Rezoning**

Ordinance requested by Ward Holdings, LLC to rezone 0.47 acres located along the southern right-of-way of Green Springs Drive, adjacent to Village Green Apartments, and 150+ feet west of Monroe Street from OR (Office-Residential) to CG (General Commercial).

Ms. Chantae Gooby, Planner, delineated the location of the property. The rezoning request is located in the eastern section of the city, specifically between E. Tenth Street and Green Springs Drive. A photograph of the property was presented. This lot fronts on both Tenth Street and Green Springs Drive, but the rezoning request is only for the back portion. Currently the lot is split-zoned and if the rezoning request is approved, then it will all be one zoning. E. Tenth Street is a Connector Corridor and it is anticipated to contain a variety of higher intensive uses. The property is currently zoned OR (Office-Residential) and the request is for CG (General Commercial). This rezoning could generate an increase of 1,900 trips, which would be a worst case scenario for this piece of property; the traffic would be distributed onto Fifth Street and Tenth Street. In staff's opinion, this request is in compliance with the Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

Mr. Jim Ward, owner of the property, spoke on behalf of the application and offered to answer any questions that the Board may have.

**Mr. Parker said that it seemed like an excellent example of infill building and he made a motion to approve 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. Ms. Rich seconded and the motion carried unanimously.**

### **Rezoning**

Ordinance requested by V-SLEW, LLC to rezone 6.587 acres located along the northern right-of-way of East 10th Street, 250± feet east of Bayt Shalom Synagogue and 1,300± feet west of Rolling Meadow Subdivision from OR (Office-Residential) to CG (General Commercial).

Chairman Thomas asked to be recused from the V-SLEW, LLC and Century Financial Services Group, LLC/Reuben Turner rezoning requests.

Bill Little explained that Chairman Thomas requested to be recused due to a conflict of interest. A family member has a financial interest in one of the properties and the rezonings are adjacent to one another. A motion with a simple majority was required. Mr. Thomas has the option to remain seated or sit in the audience, but he would not be able to participate in the discussions or votes.

**Motion made by Mr. Lehman, seconded by Mr. Randall to recuse Mr. Thomas. Motion passed unanimously.**

Mr. Bell asked that Mr. Thomas sit in the audience and for Brian Smith, Alternate, to sit with the commission.

Ms. Chantae Gooby explained that since the rezonings were adjacent to one another there will be one presentation with 2 separate public hearings. She explained that the rezonings are zoned the same and are requesting the same zoning. In 2007, V-SLEW, LLC requested their property to be rezoned and annexed. The property was zoned to OR. Later in 2007, a rezoning request and an annexation request were made for the Century Financial Services Group, LLC and Reuben Turner properties. The requests were submitted by Allen Thomas. The properties were rezoned to OR. In December 2010, Horizons: Greenville's Community Plan and the Future Land Use Plan Map were updated. As part of the update, the Future Land Use Plan Map was amended from office/institutional/multi-family to commercial along the northern right-of-way of East 10<sup>th</sup> Street between the Bayt Shalom Synagogue and Eastbend Estates Mobile Home Park. The V-SLEW property is vacant and the Century Financial/Turner properties consist of Greenville Mobile Home Estates and Eastbend Estates Mobile Home Park. These rezoning are part of the Intermediate Focus Area located at East 10<sup>th</sup> Street and Portertown Road where commercial is anticipated and encouraged. The V-SLEW request will net an increase of a little over 4,000 trips per day and those trips will be divided 80% to the east and 20% to the west on 10<sup>th</sup> Street. The Century Financial/Turner request will net an increase of 3,500 trips per day and those trips will be divided 80% to the east and 20% to the west on 10<sup>th</sup> Street. There are potential wetlands located on both rezonings. The wetlands will be delineated at the time of development. Currently, the properties are zoned office-residential and are requesting general commercial. In staff's opinion, the requests are in compliance with the Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

Mr. Bell opened the public hearing for the V-SLEW, LLC rezoning.

Chairman Bell asked if both requests would be a total of roughly 8,000 additional trips.

Ms. Gooby answered that was correct.

Mr. Lehman asked what the zoning was prior to the OR zoning.

Ms. Gooby stated residential-agricultural for the V-SLEW, LLC property and rural residential (county zoning) for the Century Financial/Turner properties.

Mr. Parker asked if Portertown Road was included in the traffic study.

Ms. Gooby advised that Portertown Road had not been included.

Mr. Jim Hopf spoke on behalf of V-SLEW, LLC request. He explained the request complies with Horizons and the Future Land Use Plan Map. The request is consistent with the character

and uses of properties in that area. Staff's recommendations indicated that the request is desirable and in the public interest. The size of the area that was recommended for commercial on the Future Land Use Plan Map is considerably larger than the size of this request. The request is in compliance with Horizons and the Future Land Use Plan Map.

Mr. Jon Day spoke in favor of the request. As the community grows, there is a need for larger retail centers and smaller retail centers. He feels that this request would serve the community well.

Steven Hardy-Braz spoke in opposition of the request. He is an avid cyclist and he is concerned about an increase in car trips when there are no requirements for infrastructure for sidewalks and bike lanes. He asked the Commission to think about how the request will limit citizens' ability to walk and bike.

Mr. Hopf spoke in rebuttal. He said that the road can handle the development. He is not sure that V-SLEW can address concerns about bike paths because that is an issue for NCDOT and the City, but they would adhere to City rules.

Mr. Barney Kane spoke in opposition in rebuttal. He thinks that while the request is in compliance with the Horizons Plan, it is also consistent with sprawl. It serves those that are outside of the city, east of the boundary, because it will drive up their property value since they will be closer to shopping areas, but it does not serve the people inside the city.

Mr. Parker stated he was disconcerted that Portertown Road was left out of the traffic report and wished it had been included in the traffic report.

Mr. Maxwell stated that he rode out to Portertown Road in the middle of the day and found there was a lot of traffic on Portertown Road and East 10<sup>th</sup> Street. He felt that the residents on Portertown Road had voiced their concerns and that no one had addressed their concerns.

**Motion made by Mr. Maxwell, seconded by Mr. Parker to deny the proposed amendment that though the proposed amendment is in consistent with the Comprehensive Plan, there is a more appropriate classification for this area.**

Mr. Lehman called for further discussion. He asked staff if it were possible to create a natural type of transportation system for all of the neighborhoods in the area to access the businesses.

Ms. Maahs-Fladung offered comments about Logan, Utah. She explained that Logan was similar in size to Greenville and has natural areas, numerous bike paths and free transportation. One of the problems that she has is that she thinks that this will increase the emphasis on developing the areas outside of the city rather than the downtown area.

Mr. Flood explained that the City recently adopted a Pedestrian-Bicycle Master Plan. He explained that the recent policy of NCDOT was to look at ways to provide interconnectivity with a combination of sidewalks and bike lanes. He wasn't sure if there were plans for that particular corridor. That information can be gathered and provided to the Commission.

Mr. Lehman did not anticipate that the developer was responsible for developing that network. He felt that it's something that needs to be looked at by the City to enhance the business area and alleviate people's fears about what is going to happen in that area.

Mr. Flood said that sidewalks are required as part of the subdivision process and staff would be looking at that for this area.

Mr. Parker said that it depends on who owns the road. A lot of this talk about the infrastructure is years out and you have to ask for what you want; if you don't ask for it, it won't be built.

Mr. Bell asked why Portertown was not included.

Mr. DiCesare said that the consultant for Wal-Mart did a comprehensive study and it included a number of intersections including Portertown Road. The study showed a level of decrease at each intersection. The capacity will not be felt along the roadway, but at the intersections. The big question is where will all this traffic collect and access onto the roadway, but staff does not have sufficient information yet. Wal-Mart submitted a new site plan where the stoplight was moved 100 feet to the east. The proposed signal will be located 2,200 feet from Portertown Road, but the NCDOT has not made a decision. That is where you will feel the first demise in level of capacity, not necessarily the roadway.

Mr. Parker asked if NCDOT studied the road.

Mr. DiCesare said that there had not been one relative to the Wal-Mart development.

Mr. Parker asked if the City had done a study of Portertown Road and 10<sup>th</sup> Street.

Mr. DiCesare answered no.

Mr. Randall asked if NCDOT was staunch about requiring the traffic signal to be about half-a-mile from that intersection.

Mr. DiCesare said that their original request was to try and develop the corridor at 2,500 foot spacing because the next signal down would be 7,500 feet and that would provide even spacing. DOT was willing to accept 2,200 feet because that was the eastern limit of the Wal-Mart site.

Mr. Lehman asked if there was a common access point for Wal-Mart site and the other commercial property on the other side of the street.

Mr. DiCesare said that the common access is about 1,200 feet from Portertown Road.

Mr. Randall asked if there would be a stoplight.

Mr. DiCesare said that the state would not allow a signal at that point.

Mr. Maxwell said that Wal-Mart wanted a light there but the state said that was too close to Portertown.

Mr. DiCesare confirmed that he was correct. That request was for 1,200 feet rather than 2,200 feet like the state had requested. The plan that Wal-Mart came back with moved the light 100 ft. to the east rather than 700 ft.

Mr. Randall said that they spent months reviewing the Future Land Use Plan Map for their update. Not all of the changes were approved, but this one was. It was voted on just a few months ago and Mr. Parker had made the motion to approve it. He thought the request was in compliance with the adopted plan that they had just approved.

Mr. Smith said that it would be hard to find 6.5 acres of land downtown to develop on and once everything gets built then Portertown will be made into a four lane road.

Mr. Parker asked where it stops. He asked if the City would keep going out and annexing.

Mr. Gordon said that when he came here over 40 years ago there were only 20,000 people. If Greenville had stopped growing at that point then there wouldn't be a hospital, medical school and other places. Growth means that others are interested in this town. If you like the planners that build cities, like Columbia, Maryland, which has commercial areas that intermingle with residential areas you don't have to drive downtown. He said that the city that Ms. Maahs-Fladung mentioned did it the opposite way.

Ms. Maahs-Fladung said that Logan is a planned city, as well.

Mr. Gordon said that they planned to do it downtown and leave the outside areas.

Ms. Maahs-Fladung said that their focus was to maintain some of the small businesses that they had. They do have Wal-Mart and other large businesses, but they wanted to maintain the opportunities for the small businesses.

Mr. Gordon asked if the people in the outside of the central areas had any places to shop.

Ms. Maahs-Fladung answered that they did, but this is also a Wal-Mart.

Mr. Randall said that it could be an opportunity for a small business owner to utilize this property.

Mr. Smith stated that this could help the traffic on Greenville Boulevard.

Mr. Maxwell said that this is how Greenville Boulevard started years ago.

Mr. Bell said that there are small businesses that will be removed and it will be their choice to relocate, but this is all part of the growth pattern.

Mr. Little reminded the Commission that there was a motion on the floor.

Mr. Gordon asked for staff to clarify who would not be voting.

Mr. Little stated that the alternates, Mr. Smith and Ms. Maahs-Fladung, could not vote.

**Those voting in favor of the denial: Mr. Maxwell and Mr. Parker. Those voting in opposition: Mr. Lehman, Mr. Gordon, Mr. Randall, Mr. Basnight, and Ms. Rich. Motion failed.**

**Motion made by Mr. Randall, seconded by Mr. Gordon, to approve 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. Those voting in favor: Mr. Lehman, Mr. Gordon, Mr. Randall, Ms. Basnight, and Ms. Rich. Those in opposition: Mr. Maxwell and Mr. Parker. Motion carried.**

### **Rezoning**

Ordinance requested by Century Financial Services Group, LLC and Reuben Turner to rezone 4.753 acres located along the northern right-of-way of East 10th Street, 1,000± feet east of Bayt Shalom Synagogue and 1,100± feet west of Rolling Meadow Subdivision from OR (Office-Residential) to CG (General Commercial).

Chairman Bell opened the public hearing for the Century Financial/Reuben rezoning request.

Mr. Mike Baldwin spoke on behalf of the Century Financial/Turner request. He said that the City had gone through significant lengths to update Horizons and the Future Land Use Plan Map. This area was amended to recommend commercial. It was approved by the City Council and so the request is in compliance. This is one of the few areas where infrastructure beat the growth. V-SLEW, the City and GUC spent close to \$800,000 putting in a regional lift station to serve a service area of about 750 acres in this area. The residents of Eastern Pines are shopping in Washington and this commercial node will allow Eastern Pines residents to shop and keep their money in the city. Traffic along 10<sup>th</sup> Street is at about a 50% service level; the staff report shows the average daily trips are about 21,000 based on a 2007 count adjusted for a 2% annual growth rate. Mr. Baldwin didn't think that the area had seen a 2% annual growth rate. He had a NCDOT 2008 study done in front of Lowe's and west of the Simpson cutoff. He took the two studies and averaged them. He came up with 17,000 trips per day, which on a design of 33,000 trips per day, would put them at 50%. Mr. Baldwin reiterated the request was in compliance with Horizons and the Future Land Use Plan Map. Also, that there are enough rules to prevent 10<sup>th</sup> Street from being another Greenville Boulevard.

Mr. Lehman asked Mr. Baldwin to address the issue of access on the north of 10<sup>th</sup> Street.

Mr. Baldwin said that Wal-Mart would have to take the lead in that issue.

Mr. Randall asked if current city standards require commercial development areas like this to have sidewalks.

Mr. Parker said that a lot of people complained about the sidewalks on Fire Tower Road, but it was amazing to see how many people use them.

Ms. Janet Thomas spoke in favor of the request and offered to answer any questions.

Mr. Steven Hardy-Braz spoke in favor of the application. He is familiar with the Bike-Pedestrian plan because he was involved in the process. He said that he hoped the City will look to the future. He said bike lanes are for other cars to pass him quickly and safely. He is fine riding with traffic because he is traffic. Without bike lanes in the plan, 17,000 extra cars will slow down traffic and makes it safer. Greenville Boulevard is one of the safest roads in town to ride on because the cars cannot go very fast. Some towns are very progressive and develop complete street policies so that it is fair for all development. He is in favor of more congestion if you're not going to balance it out with more bike lanes and sidewalks because it will slow it down and make it safer for everybody.

Mr. Jon Day spoke in favor of the request. He thinks that there is an opportunity to serve the neighborhoods that are on the north side of 10<sup>th</sup> Street so that those residents can walk, ride a bike and have commercial services close to their home. All comments about bicycle paths and walkways can be worked into the plan.

Mr. Bob Shedler, a resident a Lake Glenwood, spoke in opposition of the request. He stated he was not against commercial or growth, but he feels that there should be a moratorium of at least 5-8 years for additional commercial properties in that area. L.T. Hardee Road and Portertown Road are not prepared to handle extra traffic. He will shop at the new Wal-Mart, but he'll have to get onto Portertown Road and that's already an issue as it is. He checked with the NCDOT and there will not be a light at L.T. Hardee Road and that is a big issue. In his opinion, it is inappropriate to add more commercial after Wal-Mart. Residents of the Lake Glenwood and the community area have been bulldozed and not heard. Some of his neighbors have come before the Commission and the City Council. He stated that they have needed a stoplight at Portertown Road and Eastern Pines Road for the past 5-8 years. NCDOT does not intend to put a light there. The increased traffic will be extensive, but the road is not prepared for it. He said that he heard that additional commercial was needed out there, but in his opinion, extra commercial was not needed. He came out of desperation and he offered to answer any questions that the Commission might have.

Mr. Kane spoke in opposition. He served on the Greenville Utilities Commission and as Chair for one year. GUC runs their lines where the developers want them to run; this promotes sprawl. You should not let Greenville Utilities, who has a bigger budget, tell you where to go. He was surprised that city staff did not know the impact on alternative transportation. In his opinion, if you approve this, you would be promoting the ghastly conditions that are on Greenville



Boulevard. This one area may not be, but it could prove to be a domino effect. Promoting sprawl and building highways to fix that problem is like trying to lose weight by loosening your belt line.

Mr. John Hylant, resident of the River Hills neighborhood, spoke in opposition. He read from a NCDOT traffic report about the section of 10<sup>th</sup> Street from Greenville Boulevard to Portertown Road. He stated 10<sup>th</sup> Street is considered a major thoroughfare corridor and currently carries 30,000 vehicles per day. Since 1998, traffic has increased from 19,000 vehicles. From February, 2006 – January, 2011, 45% of the crashes along this corridor involved cars turning onto or off of 10<sup>th</sup> Street. From 2006 – 2008, the average was 65 crashes per year. In 2009, there were 82 crashes reported. In 2010, there were 53 crashes reported. The statewide crash-rate for an NC route with two or more lanes and a center lane is 386.7; the crash-rate for this section of 10<sup>th</sup> Street is 483.65. He asked the Commission to table the request.

Mr. Baldwin spoke in rebuttal. He said that the Planning Board, Planning staff and City Council had spent extensive time amending Horizons and the Future Land Use Plan Map and this request was in compliance. He used data provided to him by Ron Beechum at the NCDOT. He used information taken at Lowe's and information taken west of the intersection to Simpson and he was not trying to mislead the Commission. He respects the comments given, but the request stands on its own merits.

Mr. Dave Barham, resident of Highland Mobile Home Park on Portertown Road, spoke in rebuttal. He stated the bike paths and sidewalks are nice and the traffic will increase, but he's always depended on free enterprise and he's always thought that it's a good thing and a way to make a living. If you don't want the traffic, cut the college, hospital and hotels in half. He'll work around the traffic; he's not worried about it because it's just another deal.

Mr. Parker said his biggest concern is infrastructure on Portertown Road and the access roads. He's not opposed to commercial, but believes in infill building before than sprawling out.

**Motion was made by Mr. Randall, seconded by Ms. Basnight, to approve 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. Those voting in favor: Mr. Lehman, Mr. Gordon, Mr. Randall, Mr. Basnight, and Ms. Rich. Those voting in opposition: Mr. Maxwell and Mr. Parker. Motion carried.**

Chairman Bell asked that Mr. Thomas switch with Mr. Smith and come back to the Board and he turned the Board back to Mr. Thomas.

Mr. Flood introduced the City's new Chief Planner, Chris Padgett, to the Board.

Mr. Padgett greeted the Board and told them that he looks forward to working with them.

Mr. Parker made a comment about the meeting and said that this was the beauty of America

where you can debate a topic, vote and majority wins. He expressed his appreciation in working with his fellow Board members.

Ms. Maahs-Fladung said that she agreed.

Chairman Thomas thanked them for their comments.

Mr. Randall asked staff who the Commission can go to and ask to look into bike plans and sidewalk plans.

Mr. Flood said staff has discussed the need to bring those plans forward. The Bike-Pedestrian Plan is rather new and they get a lot of the improvements put in during the Subdivision Process; they will bring that information back to the Commission.

Mr. Maxwell said that it's crazy that all the neighborhoods that are that close to the property will have to get into a car to get there.

Mr. Parker asked if Daryl Vreeland could bring the MPO out.

Mr. Flood said that they could schedule Mr. Vreeland to do a presentation to the Board.

Mr. Gordon asked if the Greenway comes out this way.

Mr. Flood said that there branch that comes out this way.

Mr. Randall said that the Bike Plan is like the Greenway Plan and it has already been done.

Mr. Flood said that staff could schedule presentations on both.

**With there being no further business, Mr. Lehman made a motion, Mr. Parker seconded and the motion passed unanimously to adjourn at 8:04 p.m.**

Respectfully Submitted,

Merrill Flood, Secretary