

November 17, 2009

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

Mr. Bill Lehman - *	
Mr. Bob Ramey - *	Mr. Dave Gordon - X
Mr. Tony Parker - *	Mr. Tim Randall - *
Mr. Len Tozer - *	Mr. Godfrey Bell, Sr. - *
Ms. Shelley Basnight - *	Mr. Hap Maxwell - *
Mr. Allen Thomas - *	Ms. Linda Rich - X

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

VOTING MEMBERS: Lehman, Ramey, Parker, Randall, Tozer, Bell, Basnight and Thomas

PLANNING STAFF: Chantae Gooby, Planner; Andy Thomas, Planner; Harry Hamilton, Chief Planner; Merrill Flood, Director of Community Development; and Sarah Radcliff, Secretary.

OTHERS PRESENT: Dave Holec, City Attorney

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Tozer, to accept the October 20, 2009 minutes as presented. Motion carried unanimously.

NEW BUSINESS

2009-2010 Comprehensive Plan Review and Public Forum

Mr. Merrill Flood, Director of the Community Development Department, said the Comprehensive Plan was a tool used in many communities to guide policy decisions and land use decisions and help shape the future of communities. He said the plan usually has a ten to twenty year vision and is a representation of communities' vision of the future. Greenville's Horizons Plan was first adopted in 1991 and has been updated twice since then. The most recent update began in 2002 and was adopted in 2004. Mr. Flood stated we are currently in the review process with the next anticipated major update occurring sometime in 2014. He said the public is invited to offer comments tonight after staff's presentation. He asked that the public state their name for the record and keep their comments within a five minute period. He said the commission needs to consider amending their standard policy on public participation from an opposition or favor request to one in which they may provide input on this document.

Mr. Tozer wanted to clarify that this was a review of small portions of the plan of areas that had more activity or rezoning requests and not a complete overview.

Mr. Flood said that was correct. He said it was also a review of areas that staff has identified based on changes that have occurred since the five year update.

Mr. Tom Wisemiller said this was the initial discussion of the review. He said this was not an action item. He said it was a time to establish procedures & timelines, review the main sections of the report, gather additional facts and information, solicit public input, evaluate the five-year progress of the Comprehensive Plan (CP), explore need for changes to *Horizons* plan text and Future Land Use Plan Map (Areas of Interest Map). He said additional public forums will be scheduled as necessary. He said there really is not a deadline because this is an ongoing project. We are currently at the five year point and questions to ask are: How are we doing?; What's happened in the 5 years since the CP was updated?; How can the community respond to the next 5 years of challenges? He said this was an opportunity to recommit to long-range planning vision, make changes as necessary but too soon to undergo a full update. The project outline for 2009 is to complete preliminary draft report in October/November, present preliminary draft to P&Z (Public Hearing) in November, incorporate P&Z recommendations into draft from November to January 2010, hold 1-2 public meetings for additional input in December and January, present draft to P&Z for final review and action in February 2010, complete draft report by February/March 2010, present draft report to City Council in

March 2010, and complete the final report by March/April 2010. During the public forum the commission will receive comments regarding CP text and CP Review Report. He said questions/requests pertaining to rezoning, subdivision, changes to Future Land Use Plan Map should be addressed at future meetings. If there are geographical areas or text amendments that the commission would like to look at more closely they can vote on the items to be placed on the agenda during the next couple of months then advertise a public notice for each of those items. After the commission has approved the final report and any recommendations for amendment the City Council will hold a public hearing. Mr. Wisemiller said the report begins with an Introduction/How to Use Guide followed by Background on the Comprehensive Plan, Small Area and Specialized Plans, 4 Main review/analysis sections: Implementation Review, Planning for Growth & Development, Review of requests to change FLUPM and Review of rezoning activity. At the end of the report there are text amendment recommendations and new recommended planning initiatives. The report will be a full review and analysis and once completed will include an executive summary. Mr. Wisemiller said the implementation review will include an up-to-date status report on all Implementation Strategies, Management Actions, and Vision Area Policy from *Horizons* text (more than 300 items). Staff received feedback from more than 20 City departments, divisions, committees/commissions responsible for implementing the plan. He said a plan is only as good as the results that it achieves. The long-range vision requires effective, feasible implementation tools and strategies. He said there were a couple of recommended text amendments, both pertaining to Transportation 1E. The ordinance currently says “*Design the street network with multiple connections and relatively direct routes.*” Staff recommends removing relatively direct routes as this leads to “cut-through” traffic and is not recommended as part of proactive traffic calming measures and rewrite to read “relatively indirect routes.” Also from Transportation 1E (continued) “*Keep speeds on local streets down to 20 mph*”. Staff recommends adding “during the development process.” “*Eliminate right turns on red lights in high pedestrian areas.*” Staff recommends deletion as this decreases efficiency of a signalized intersection and staff has not identified any areas where conflicts have been common. The next section of the report refers to Growth and Development Trends. He said Greenville’s population continues to grow with a 15-16% increase in the last five years. There has been quite a bit of development activity during the period between 2004-2008. Annexation activity is also covered in this section. Mr. Wisemiller showed a map of potential areas for ETJ extensions based on high growth and urban fringe. He said the City of Greenville and the Town Of Winterville have had several agreements dealing with annexation and ETJ limits and have also agreed on a proposed urban growth boundary. The next section of the report covers the process for amending the FLUPM. The FLUPM is a valuable tool for protecting physical character and environment and promoting good urban form, while accommodating growth. He said the process begins with a public hearing process at Planning & Zoning Commission then City Council. Adopting or changing FLUPM does not directly alter zoning for any property. However, future changes to the zoning map are intended to be consistent with the uses shown on FLUPM. The FLUPM is an integrated guide for decision makers when reviewing development proposals. When consistent with comprehensive plan, land use decisions more likely to be equitable, efficient, predictable; less likely to be controversial or cause unexpected financial hardships. It is not a static blueprint. He said to deviate from the plan one’s argument should be as convincing as the one in the plan. It should be possible but not necessarily easy to change the plan. The FLUPM amendments should be consistent with *Horizons* plan vision and policy framework and take into consideration Focus Area and Transportation Corridors maps, transportation & other applicable plans. We should ask if the amendment is compatible or incompatible with the comprehensive plan intent and objectives taking into consideration uniformity, functionality, mobility/connectivity, efficiency and integration. Mr. Wisemiller said the city had initiated some FLUPM amendments in the Medical District. He said there have been seven private requests to amend the FLUPM since 2004, four of which were approved and 3 were denied. He said the requests were clustered toward the faster growing urban/suburban “fringe” areas along Allen Road, Thomas Langston Road, East Fire Tower Road, and East 10th Street. They were mostly located outside (or just inside of) Greenville Boulevard/264 “belt” with all sites located south of the Tar River. Mr. Wisemiller said the next section of the report deals with rezoning request. The process for these requests is also a public hearing at Planning and Zoning Commission and City Council. He said the amendments to the official zoning map are amendments to the City’s Zoning Ordinance. There were a number of city initiated rezonings in the West Greenville area. Only .72% of the city’s entire zoning jurisdiction is inconsistent with the FLUPM. Mr. Wisemiller said some of the suggested text amendments to the plan were criteria for reviewing rezoning requests, requests to amend the FLUPM, and the Planned Unit Development Ordinance. Some of the new planning initiatives include ETJ extension discussions with Pitt County, an annexation study policy, implementation of the US Mayors’ Climate Protection Agreement, and encouragement of development of land use

compatible alternative energy sources.

Mr. Ramey asked if the “no right turns on red light” was a state law.

Mr. Wisemiller said he would have to check on that. He said the request came from the Public Works department.

Mr. Ramey said the commission could make no changes contrary to state laws.

Mr. Randall said the recommendation was to delete that language.

Mr. Wisemiller said that was correct. He said if there were other layers of jurisdiction involved staff would look into it.

Mr. Wisemiller said there were some specific areas of interest. Those areas are high growth corridors and intersections. They are not parcel or individual site specific. The areas of interest map incorporates the FLUPM, the inquiries, the focus area map, the discrepancies, Thoroughfare Plan and other pertinent land use variables. He said it places potential areas of interest within larger-scale comprehensive planning context. Some of the areas include the SW 264 Bypass/Dickinson Avenue Extension area, the East 10th Street area, Greenville Boulevard at 14th Street, Memorial Drive and Evans Street.

Mr. Tozer asked if the landowners in the areas where changes are being proposed had been involved.

Mr. Wisemiller said they weren't proposing any changes at this time. He said these were just areas of interest where the board may want to look more closely.

Mr. Bell asked if the public comment period was advertised.

Mr. Wisemiller said it was advertised twice in the Daily Reflector and packages were sent out to people who had shown interest in the plan and the review process. He said the public comment period was open discussion on any portion of the current Horizons Plan or draft report, including the FLUPM and other maps. He said the Commission's adopted public comment policy does not apply and the Commission may establish a time limit for individual speakers.

Mr. Randall asked if the Commission members saw items they felt they needed to be addressed how they would handle that.

Mr. Wisemiller said they staff could accommodate them if they wanted to have a workshop or they could just email him at any time during the process.

Mr. Parker asked if any of their comment would be open to public review.

Mr. Wisemiller said it would.

Mr. Lehman opened the public hearing.

Mike Baldwin, Baldwin and Janowski, spoke on behalf of the owners of parcel numbers 10412, 30723 and 17290. He said several months ago they sent in a Land Use Plan Map Amendment to staff and a decision was made to wait on the matter in order to take care of all of it at one time. He said this was one of the areas of interest that staff had presented. The property is located across the road on Highway 33 from where the board approved the Price rezoning. He said the reason for the request to change the land use map from Multifamily/Office to Commercial is because Eastern Pines area has experienced the highest growth in the Greenville area, which dictates a need for commercial areas.

Mr. Parker asked when the last time the property was rezoned was.

Mr. Baldwin said it was rezoned two years ago from RA20 to OR.

Mr. Wisemiller said one of the possible areas for discussion for the commission is whether or not to

address this during the review process or as a Land Use Plan Map Amendment request.

Mr. Baldwin said staff recommended they do it this way, rather than as individual request.

Mr. Holec stated the board should listen to all the requests before voting.

Mr. Baldwin spoke again on behalf of the owners of parcel 13788, approximately 50 acres on the south side of US 13/264 Alternate. This request is to consider this area for a change on the Land Use Plan Map to commercial. He said the property ½ mile east, across the street and to the north is already zoned commercial. The property is immediately adjacent to the city's ETJ. He said when the southwest bypass is put in there will be a high demand for commercial property.

Mr. Rick Smiley, chair of the Neighborhood Advisory Board of the City of Greenville, said the land use plan reflects the interest of the city. He encouraged the board to avoid any consideration of any specific parcel change. He said the preservation of the land use plan as a usable tool would be better served if their review was focused on the broader picture, rather than individual requests. He asked if the neighborhood liaisons could be involved in the process and notified of any further public comments.

Mr. Don Williams of River Hills said he did not see a need to update the Land Use Plan. He said the property concerned is bordered by Port Terminal Road. He felt there was adequate commercially zoned property in the area at this time.

Mr. Steven Brody stated he owned a home in the area of interest on Evans Street. He requested that area be changed from Residential to Office and Multi-Use. He said being a single family household on a multi-lane road, he has not seen it be consistent with single-families moving in the area. He felt the highest and best use for that area would be Office and Multi-Use.

Mr. Bryan Glover of Overlook Drive stated none of the properties being discussed were accessible other than by private automobile. He asked that consideration be given to bicycle pedestrian and transit access. He also spoke in favor of the urban growth boundary. He said we should be concentrating all residential and commercial growth inside the dense center of the city.

With no other speakers, Mr. Lehman closed the public hearing.

Mr. Wisemiller gave a recap of the requests.

Mr. Thomas asked to be excused from voting on the first item presented by Mr. Baldwin due to a conflict of interest.

Motion was made by Mr. Bell, seconded by Mr. Ramey to excuse Mr. Thomas from voting on the first item due to a conflict of interest. Motion carried unanimously.

Mr. Holec said if they do not feel an item there should be considered for further study they should not vote to include that item in the further study.

Motion was made by Mr. Bell, seconded by Mr. Tozer to accept all items presented for further study.

Mr. Parker asked if they were voting on each item individually or on all items.

Mr. Lehman said the motion on the table was for all items.

Mr. Randall asked if Mr. Wisemiller could finish reading the list first.

Mr. Holec said they only had three areas where map amendments were suggested.

Mr. Wisemiller said there were three areas of consideration: 10th Street, Southwest Bypass and along Evans Street. He said there was a request to have the neighborhood advisory board liaison participate in the review process and a potential Horizons text amendment dealing with urban growth boundaries.

Mr. Ramey offered an amendment to the motion that they vote on the first item and table the other items.

Mr. Bell withdrew his motion.

Mr. Lehman asked for a vote on the first issue presented by Mr. Baldwin.

Motion was made by Mr. Ramey, seconded by Mr. Bell to have further study on the area of interest located on Highway 33. All but Mr. Parker voted in favor. Motion carried.

Mr. Lehman asked for a motion on the second issue presented by Mr. Baldwin concerning the area of interest located on Dickinson Avenue and the Southwest Bypass.

Motion was made by Mr. Ramey, seconded by Mr. Randall, to carry the item forward for further study. Motion carried unanimously.

Mr. Lehman asked for a motion to include the Neighborhood Advisory Board liaisons in the review process.

Motion was made by Mr. Ramey, seconded by Mr. Tozer, to include them in the study. Motion carried unanimously.

Mr. Lehman stated the next item was from Mr. Williams wishing to keep the FLUPM as is. Mr. Lehman asked for a motion to include his request in any discussions that involve this area.

Motion was made by Mr. Randall, seconded by Mr. Maxwell, to accept Mr. Williams' request.

Mr. Holec stated since Mr. Williams was opposing Mr. Baldwin's request and the board had already decided to go forward with that study, they wouldn't be able to consider Mr. Williams' request.

Mr. Randall withdrew his motion.

Mr. Lehman stated the next item was the area of interest on Evans Street presented by Mr. Brody.

Motion was made by Mr. Bell, seconded by Mr. Thomas to include the area for further study. Motion carried unanimously.

Mr. Lehman stated the next item was to consider the inclusion of bicycle access for all areas involved.

Motion was made by Mr. Parker, seconded by Mr. Randall to include this item for discussion at the workshop. Motion carried unanimously.

Mr. Wisemiller said there was also a suggestion for review of urban growth boundaries.

Motion was made by Mr. Maxwell, seconded by Mr. Parker to study ideas for preventing urban sprawl. Motion carried unanimously.

Text Amendments

Ordinance to amend the Planned Unit Development (PUD) regulations by deleting Article J in its entirety and substituting a new Article J entitled Master Planned Community (MPC) including associated standards and requirements.

Mr. Andy Thomas stated at their April 9, 2009 meeting, City Council instructed staff to initiate an amendment to the Planned Unit Development (PUD) regulations to facilitate affordable housing and streamline the PUD development process. Some of the items they considered were:

- to allow reduced size higher density developments in a wider variety of locations
- allow smaller lots & reduced front and side yard setbacks in single-family subdivisions
- allow age-based dwelling density exemption
- allow limited size senior housing units

- require residential units be constructed to “visit-ability” standards
- allow mixed uses in a wider variety of areas
- require a minimum percentage of multi-family units be suitable for households with children
- require linkage fees for commercial and office development to provide for minimum wage “work force” housing
- establish a new low density by-right multi-family zone with density bonus allowance for provision of affordable units as a percentage of total
- require mandatory percentage of affordable housing units in all residential subdivisions and developments, and/or allow payment of a fee in lieu of providing such units, and create or modify a conditional use housing option that includes density bonus options for provision of affordable housing.

Mr. Thomas said they decided on “Incentive zoning”. “Incentive zoning” is the awarding of bonus credits to a development in the form of allowing more intensive use of land if public benefits are voluntarily included in a project. Incentive zoning is the granting of additional development capacity in exchange for a public benefit or amenity such as an increase in required open space and provisions for affordable housing. Mr. Thomas said City Council is committed to affordable housing and has established and implemented the following housing strategies:

- a city-wide affordable housing production and lending program for 1st time low to moderate income home buyers (families with income below area median)
- revitalization area partnership programs for affordable rental housing production;
- home buyer assistance in the University Area
- federal and state grant programs that provide housing assistance for low income individuals and families.

Mr. Thomas said the comprehensive goals of an affordable housing program were to decrease dwelling unit overcrowding (1 person per room max), de-concentrate poverty, increase and maintain supply of work-force housing, increase housing location choices for low to moderate-income families and decrease in rental and home ownership cost burden. He said one of the objectives of City Council’s 2009 goal “Keep Planning Ahead of Anticipated Growth” was to “*Encourage use of the planned unit development zoning classification*”. They wanted to eliminate the additional zoning district designation requirement and to substitute a performance-based special use permit process in its place. Mr. Thomas said the name will no longer be called PUD, but will be known as the Master Plan Community. A MPC is a conditional use development under single ownership or unified control that is guided by a total design (master land use) plan, including a range of dwelling and non-residential use options, which allows flexibility and creativity in site design, lot layout and building configuration. Some common MPC characteristics are reduced lot area and building setback requirements, increased open space and recreation areas, mixed land use (limited project dependent office/commercial component), and site design guidelines. MPC is a viable option to accomplish desirable neighborhoods inclusive of a greater variety of housing types – an alternative to the traditional strict separation of use. Mr. Thomas said this would promote City Council’s goal of promoting diversity an all-inclusive community. The current PUD regulations were adopted in 1987 and have remained essentially unchanged. He said there have been three locations rezoned for PUD development. Two have been completed, Westpointe & Wesley Commons and one is undeveloped, which is Ironwood. Mr. Thomas said Ironwood went through the two step process. They initiated the first step and got the rezoning to PUD but have yet to file Land Use Plan amendment. The current process is to get the property rezoned to PUD, which requires consideration from P&Z and approval from City Council. After it is rezoned to PUD they apply for a Land Use Plan Amendment and hold a public hearing at the Planning and Zoning Commission and City Council where the Land Use Plan is adopted. Then the Preliminary & Final Plats and Site Plan are completed (in-house). The proposed process is the property will be rezoned only if necessary. They will then apply for a Special Use Permit consisting of a public hearing at City Council, and the Preliminary & Final Plats and Site Plan will still be completed in-house. Mr. Thomas said there are six objectives of the proposed amendment: to eliminate the PUD rezoning requirement to streamline the approval process and improve the development probability; to permit MPC as a special use in a variety of standard residential districts (e.g. R6, R6A, R9, R6S and RA20) *Note: PUD is currently only allowed in a PUD district – this will greatly increase the variety of locations available for MPC consideration while retaining final approval authority with City Council (previously a City Council rezoning decision); to establish a MPC base density (e.g. 4 units per gross acre) equal to the base density of the lowest density general purpose single-family zoning district (RA-20) – this will insure that the MPC residential density will not exceed Horizons Plan base density recommendations as previously established, except as may be achieved via the density bonus provisions specifically designed to

accomplish certain public purposes; to provide density bonus options to allow increased density up to a set maximum number of units per gross acre (e.g. 12 units) – this will allow an increase in density in exchange for a public benefit or amenity, such as increased common public open space and/or providing dwellings which meet housing diversity goals; to encourage a wider variety of dwelling types in future neighborhoods built under the proposed MPC ordinance – this will provide a method, with City Council approval, to include detached and attached dwellings in a planned neo-traditional neighborhood setting which can accommodate a greater variety of socio-economic populations; to provide an affordable housing density bonus option – this will provide a viable addition to, and/or alternative to, public construction and/or local public subsidy of affordable housing units for low- and moderate-income households while allowing the development of a greater number of dwellings above the base density (up to 3 additional units per acre) as incentive for the private development of affordable housing - this will provide an additional tool for accomplishing affordable housing goals. Some of the proposed density bonus areas include:

- Common open space (additional)
- Bike paths/greenway systems
- Solar access site design
- Large scale development – e.g. 100+ acres
- Community facilities (e.g. fire/police station sites)
- Public school sites
- Public transit facilities
- Affordable housing

Mr. Thomas stated each bonus qualified rental affordable housing dwelling shall be constructed under and utilize the State of NC Low Income Rental Tax. There will be a Credit Program administered by North Carolina Housing Finance Agency, or similar and equivalent program. Under Unit ownership housing, each bonus qualified unit ownership affordable housing dwelling shall be constructed under and utilize a Low Income Home Ownership Production Program administered by N. C. Housing Finance Agency, or similar and equivalent program. Mr. Thomas gave the density bonus specifics starting with a base density of 4 units/acre. He said increasing the common open space area by 20% or more may allow a bonus of 50% or 2 total units per gross acre. The provision of a constructed system of bike paths/pedestrian greenways may allow a bonus of 25% or 1 total unit per gross acre. If 60% of the dwelling units have proper solar access that maximize the solar energy systems for heating and cooling purposes may allow a density bonus of 50% or 2 total units per gross acre. Where a MPC land use plan consists of 100 gross acres or more a density bonus of 75% or 3 total units per gross acre may be allowed. Voluntary dedication or fee simple gift of public facility property (minimum of 1 acre per facility lot) for unrestricted use by the city for public service delivery, including fire and rescue and police stations and the like, may allow a density bonus of 25% or 1 total unit per gross acre for each separate one (1) acre facility lot desired by and accepted by the city. Voluntary dedication or fee simple gift of a public school property site (minimum of 20 acre per property site) for unrestricted use by the Pitt County School Board may allow a density bonus of 75% or 3 total units per gross acre for each separate 20 acre facility lot desired and accepted by the county. The provision of fully functional public transit stops, including base pads, seating, foul weather enclosure and roofs, and vehicle turnouts at convenient locations for pedestrian and vehicle access may qualify for a density bonus of 25% or 1 total unit per gross acre. The provision of affordable rental and/or unit ownership housing may qualify for a density bonus of 75% or 3 total units per gross acre for both rental/ownership affordable housing. Open Space Requirements is not less than 25% gross acreage, one-third of which will be required in one piece. Not more than 25% shall be in a floodway. Open space dedication is required with initial platting. A minimum of 25% of required open space is to be active recreation. Mr. Thomas said the property is to be perpetually maintained by the Property Owner's Association. There will be a 60-foot peripheral boundary setback. He said zero lot line development is allowed. Any private recreation area must be setback 100 feet from the peripheral boundary. He said it also has required accessory storage (attached or detached) for residential uses. Mr. Thomas gave the types of findings City Council would have to make when issuing this special use permit:

- Property zoned for Master Planned Community
- Applicant is legal owner
- Property owners within 100 feet notified
- Hearing was advertised
- Meets all ordinance requirements
- There are adequate utilities to serve the project
- Acceptable transportation system

- In conformity with Horizons Comprehensive Plan
- The project or subsections can exist as an independent unit creating an environment of desirability and stability
- Will not adversely affect safety and welfare
- Will not harm adjoining property or improvements
- Will be in harmony with the surrounding area

Mr. Thomas said the City Council can then approve the application as submitted, approve the application with reasonable conditions, table the application or deny the application. After City Council Approval a Preliminary Plat will be prepared based off the approved master plan and be submitted to P&Z for approval. A Site Plan must be submitted to staff for all non single-family or duplex development and a Final Plat would be submitted to staff for approval. Mr. Thomas said the purpose of this request is to change the name to Master Plan Community and to remove the requirement for rezoning. Mr. Thomas stated staff had shared the request with the Chamber of Commerce, the Neighborhood Advisory Board, builders, engineers and surveyors and have incorporated their feedback into the ordinance.

Mr. Lehman asked what the maximum number of units per acre would be if the developer exercised all of the options.

Mr. Thomas said the maximum that would be allowed is 12 units per acre. He said there were a variety of things a developer could choose from to get the elements that best suit their development.

Mr. Bell said this would be a positive change and would allow the builders more options to choose from. He asked Mr. Thomas if he knew of any negatives to the request.

Mr. Thomas said he saw it as a positive planning tool.

Mr. Parker said this was a positive step towards walkable sustainable communities.

No one spoke in favor or opposition to the request.

Motion was made by Mr. Bell, seconded by Mr. Tozer to approve the proposed text 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.

There being no other business, motion was made by Mr. Ramey, seconded by Mr. Thomas to adjourn at 8:40 p.m.

Respectfully submitted,

Merrill Flood
Secretary