

April 15, 2008

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

Mr. Len Tozer - \*  
Mr. Bob Ramey - \*                      Mr. Dave Gordon - \*  
Mr. Jim Moye - \*                        Mr. Tim Randall - \*  
Mr. Don Baker - \*                       Mr. James Wilson - \*  
Mr. Bill Lehman - \*                     Mr. Godfrey Bell, Sr. - \*  
Ms. Shelley Basnight - \*

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

VOTING MEMBERS: Tozer, Ramey, Moye, Baker, Lehman, Gordon, Randall, Wilson, Bell

PLANNING STAFF: Harry V. Hamilton, Jr., Chief Planner; Seth Laughlin, Planner; Andy Thomas, Planner; and Sarah Radcliff, Secretary.

OTHERS PRESENT: Dave Holec, City Attorney; Merrill Flood, Director of Community Development; Wayne Nottingham, Engineer; Darryl Vreeland, Transportation Engineer.

MINUTES: Motion was made by Mr. Bell, seconded by Mr. Ramey, to accept the March 15, 2008 minutes as presented. Motion carried unanimously.

Chairman Tozer stated there was a request by Waterford Commons, LLC to continue. Motion was made by Mr. Ramey, seconded by Mr. Lehman to continue the request. Motion carried unanimously.

Chairman Tozer stated there was another request by Hookerton Square Apartments to withdraw. Motion was made by Mr. Gordon, seconded by Mr. Moye to remove the request. Motion carried unanimously.

REQUEST BY JEREMY SPENGE MAN (as amended by the applicant) – DENIED

Request by Jeremy Spengeman to amend the definition of “conventional restaurant”, for purposes of qualifying as a principal use restaurant under the zoning regulations, to reduce the minimum sales requirement of prepared and/or packaged foods, in a ready-to-consume state, during any month, from more than fifty (50) percent of total gross receipts in all cases to either (i) more than fifty (50) percent of total gross receipts or (ii) has monthly sales of prepared and/or packaged food in a ready to consume state in excess of thirty (30) percent of the total gross receipts for such establishment and such sales are not less than seventy-five thousand dollars (\$75,000.00) for such establishment for each quarter-year period of each year, and to include specific criteria for determining which sales can be attributed in the portion of sales of prepared and/or packaged food in a ready to consume state in the definitions for conventional restaurant and fast food restaurant.

Chairman Tozer stated that a public hearing was held in February for this request. Adjustments were

requested and made. Another public hearing was held in March with additional adjustments requested. Chairman Tozer stated he did not believe there was a need to hold another public hearing. He gave the commission members an opportunity to ask Harry Hamilton any questions. No questions were asked. Chairman Tozer opened the discussion to the board. Mr. Ramey stated he felt it would be wrong to change the criteria given that the city and the people in the community were against it.

Motion was made by Mr. Baker to approve the proposed amendment, to advise that it is consistent with the comprehensive plan or other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Motion was seconded by Mr. Randall. Bell, Baker, Lehman and Randall voted in favor of the request. Gordon, Moye, Wilson and Ramey voted in opposition to the request. Chairman Tozer cast the tiebreaker vote in opposition of the motion to approve the amendment. Motion to approve failed 5 to 4.

City Attorney Dave Holec asked for a reverse motion to deny the request.

Mr. Ramey made a motion to deny the proposed amendment, to advise that it is inconsistent with the comprehensive plan or other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Motion was seconded by Mr. Moye. Gordon, Moye, Wilson and Ramey voted in favor. Bell, Baker, Lehman and Randall voted in opposition. Chairman Tozer cast the tiebreaker vote in favor of the motion to deny the amendment. Motion to deny passed 5 to 4. The request is therefore recommended for denial.

#### **REQUEST BY MAXINE A. SPEIGHT - APPROVED**

Rezoning ordinance requested by Maxine A. Speight for 0.3445 acres located along the western right-of-way of S.E Greenville Boulevard and 360± feet south of Mosley Drive from R9S (Residential-Single-family [Medium Density]) to O (Office).

Mr. Laughlin delineated the area on the map. He stated the subject property was currently vacant. The survey shows the existing zoning of R9S, with R9S to the north and CG to the south and across the street. The existing land use map shows primarily single-family to the west and Commercial and multi-family to the east. This rezoning could generate a net increase of five trips. The intent of the land use plan for this rezoning is to afford a low-impact adaptive reuse for the residential homes along Greenville Boulevard. Mr. Laughlin stated staff was aware that long term livability of the lots will diminish over time with roadway impacts and proximity to commercial activities. Mr. Laughlin stated that in staff's opinion the request was in compliance with the land use plan.

Mr. Moye asked if a building was located on the property to the immediate west of the area.

Mr. Laughlin stated there was.

Mr. Ramey asked if there were some residents located in the area designated as commercial on the map.

Mr. Laughlin stated there were and that the land use plan called for office types of reuse for that strip.

No one spoke in favor or opposition to the request.

Mr. Gordon made a motion to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Motion was seconded by Mr. Bell. Motion carried unanimously.

**REQUEST BY ALBERT L. MORRIS, III, KENNETH N. MORRIS AND WILLIAM F. HARRINGTON, JR. – APPROVED**

Request by Albert L. Morris, III, Kenneth N. Morris and William F. Harrington, Jr. for a preliminary plat entitled “Gateway West”. The property is located south of US 264, west of Stantonsburg Road and east of the Park West subdivision. The subject property is further identified as Pitt County Tax Parcel No. 62730. The proposed development consists of 10 lots on 18.236 acres.

Mr. Thomas stated the property is located in the western part of the city. The zoning map shows the area zoned as CG, general commercial, and the anticipated use is general commercial. Mr. Thomas stated the property was not impacted by the floodplain. The property is located off of two major thoroughfares. Mr. Thomas stated the property was the subject of a fairly recent rezoning request that went before the Planning and Zoning Commission in August of 2002. The Planning and Zoning Commission recommended the rezoning for approval to the City Council and City Council approved the request in September of 2002. The plat will primarily be serviced by an internal loop road off of Stantonsburg Road. Mr. Thomas stated that DOT had stated a possibility for one more driveway off of lot 1; however the remaining properties would be serviced internally. A sidewalk is provided. One of the lots will serve as storm water management. Mr. Thomas stated the plat had been reviewed and approved and meets all the cities technical requirements.

Durk Tyson, Rivers and Associates, spoke in favor of the request on behalf of the owners.

No one spoke in opposition to the request.

Motion was made by Mr. Ramey, seconded by Mr. Lehman, to approve the plat. Motion passed unanimously.

**REQUEST BY GREENVILLE PROPERTIES OF NC, LLC – APPROVED**

Request by Greenville Properties of NC, LLC for a preliminary plat entitled “Westhaven South, Section 5 Cluster”. The property is located west of the Seaboard Coastline Railroad, west of Shamrock subdivision and south of Westhaven subdivision. The subject property is further identified as Pitt County Tax Parcel Nos. 74010, 74011, 74012 and 74329. The proposed development consists of 165 lots on 41.616 acres.

Mr. Thomas stated the property was located in the southern part of the city. The zoning map shows R6S, which is the intended use. Mr. Thomas stated the property was not impacted by the floodplain. When the property is constructed, Thomas Langston Road will be a minor thoroughfare. Mr. Thomas

stated the property had been through two rezoning requests. The first was approved in April of 2006 where it went from R9S to R6S. The second request was to change the remainder of the property from R9S to R6S as well. City Council approved the second rezoning in April of 2007. Mr. Thomas stated the project was a cluster subdivision. Mr. Thomas stated the open space shown on the map would be maintained by the Homeowners Association and all open space will be dedicated with the initial final plat. Cluster subdivisions are an alternative development option that provides for a more efficient use of land while protecting environmentally sensitive areas. The location and arrangement of open space is subject to Planning and Zoning Commission approval. Mr. Thomas stated the open space #4 on the plat had improvements on it and was not being counted toward the required open space, nor were the constructed wetlands to the west. Mr. Thomas stated that the open space provided exceeded the 15% requirement. There is a coordinated street pattern with two street extensions to the south. Sidewalks are provided. Mr. Thomas stated that if the progression of the development were to precede the construction of Thomas Langston Road, the developer would have to construct enough of the required infrastructure on that portion of Thomas Langston Road, so as not to interfere with the construction. Mr. Thomas stated the preliminary plat had been reviewed by the City's Technical Review Committee, and meets all requirements and city standards.

Mr. Mike Baldwin spoke in favor of the request on behalf of the applicants.

No one spoke in opposition to the request.

Mr. Ramey made a motion to approve the plat, seconded by Mr. Moye. Motion carried unanimously.

#### **REQUEST BY KMRJ DEVELOPMENT, LLC – APPROVED WITH CONDITIONS**

Request by KMRJ Development, LLC for a preliminary plat entitled "Porters Pointe". The property is located north of Portertown Road at its intersection with Herman Garris Road. The property is bound by Forest Glen to the east. The subject property is further identified as Pitt County Tax Parcel No. 11123. The proposed development consists of 94 lots on 33.849 acres.

Mr. Thomas stated the property was located in the southeastern quadrant of the city. The zoning map shows zoning as RA20, residential agricultural, with the anticipated use as single-family residential. Mr. Thomas stated the property is significantly impacted by the floodplain. The property is located on a minor thoroughfare. This is a resubmission of a project that was initially denied by the Planning and Zoning Commission. The Porter's Grove preliminary plat was submitted with septic tanks. The planning staff and Greenville Utilities Commission's Water Resources Department recommended the development be denied because the extension of sanitary sewer to the property was feasible. The Planning and Zoning Commission denied the request on September 18, 2007. Mr. Thomas stated the project was being resubmitted as a cluster subdivision. The open space would be maintained by the Homeowner's Association and all the open space would be dedicated in the initial plat. Cluster subdivisions are an alternative development option that provides for a more efficient use of land while protecting environmentally sensitive areas. The location and arrangement of open space is subject to Planning and Zoning Commission approval. Open space #4 which has improvements upon it is not being counted as required open space. The level spreader constructed in open space #3 is not being counted. In open space #3 only 25% of the property in the floodway counts toward the required open space. The open space provided exceeds the 15% requirement. Mr. Thomas stated there was a

significant amount of environmentally sensitive areas that were being preserved through this request, approximately 3.7 acres. Mr. Thomas stated there would be some road widening and a turn lane provided off of Portertown Road. Porter's Pointe drive would be the main entrance into the proposed development. Mr. Thomas stated that under the current RA20 zoning, the property could be developed with 10,000 square foot lots with a 15-foot rear-yard setback for the primary structure and a 5-foot setback for the accessory structure. Under the cluster subdivision regulations, a 25-foot peripheral boundary is required. Interconnecting street patterns with adjoining properties is not possible due to existing developments on both sides. Mr. Thomas stated the project had good internal circulation with sidewalks provided along Porter's Pointe Drive and Hardee Bluff Drive. Porterview Drive and Baycrest Drive were developed with a 40-foot right-of-way and 24-foot back-to-back curb. Mr. Thomas stated this was a street section that was seldom used, because it could only be used in very limited circumstances, mostly on low volume streets. Recent changes to the North Carolina fire code state that emergency vehicles must be provided a 20-foot travel way. Mr. Thomas stated that the required travel way would not be provided if there was any parking allowed along these two streets. The developer was requested to increase the street width to 28 feet, but the developer maintained that they wished to use the 24-foot standard in the manual. Mr. Thomas stated the planning staff recommended as a condition of approval that an ordinance be adopted by City Council prior to recordation of the initial final plat that Porterview Drive and Baycrest Drive would be designated as no parking along those streets and the streets would be signed as such. Mr. Thomas stated the preliminary plat had been reviewed by the City's Technical Review Committee and meets all requirements and city standards.

Mr. Gordon asked if 4 units per acre was the requirement for RA20.

Mr. Thomas stated it was.

Mr. Gordon asked if Mr. Thomas was satisfied with the no parking issue on the streets based on those recommendations.

Mr. Thomas stated as long as there was no parking allowed on those two streets he was satisfied. He stated they would be low volume traffic areas and if it weren't for the 20-foot travel way requirement, the city would not be asking for no parking.

Mr. Tozer stated that normally the Planning and Zoning Commission would have the final say on a preliminary plat, however with the proposed recommendation an ordinance would need to be adopted by City Council prior to approval.

Mr. Thomas stated the ordinance would be a condition of the Planning and Zoning Commission's approval.

Mr. Randall asked if the developers had designed the area in accordance with current rules and codes.

Mr. Thomas stated they had.

Mr. Tozer asked if the no parking issue was a problem with the developer.

Mr. Thomas stated it had been discussed with the developer and they did not have a problem with it.

Mr. Mike Baldwin spoke in favor of the request on behalf of KMRJ Development, LLC. Mr. Baldwin stated they did not want any parking along Porterview Drive and Baycrest Drive, as indicated on the plat. Mr. Baldwin stated no parking signs would be placed on both sides of Porterview Drive and Baycrest Drive and on one side of Hardee Bluff Drive and Porter's Pointe Drive. Mr. Baldwin stated they were required to do lane widening at Herman Garris Road and planned on doing some intensive landscaping and signage improvements. He stated there was also a secondary entrance/exit that has been approved by DOT in case of traffic problems at that intersection. Mr. Baldwin stated this project spurred on the Greenville Utilities approval for the funds for Hardee Creek Outfall sanitary sewer. Mr. Baldwin stated the developers got with them doing 50% participation, spurring on having enough money to provide Hardee Creek Outfall, that will extend the growth of Greenville in this corridor as well as providing sewer along the lowlands.

Mr. Gordon asked what size structure could be put on the lots.

Mr. Baldwin stated between 2000 to 3000 square feet.

Mr. Randall asked if they anticipated that Greenville Utilities would have the sewer lines in place when needed.

Mr. Baldwin stated that KMRJ had an agreement with GUC so they had to work together. He stated the sewer line extension would not be a GUC sewer line extension. It would be a KMRJ sewer line extension, with cost sharing on behalf of Greenville Utilities Commission.

No one spoke in opposition to the request.

Mr. Bell made a motion to approve the plat, with the recommendation of the planning staff that as a condition of approval, the ordinance be adopted by City Council prior to recordation of the initial final plat to be designated as no parking along Porterview Drive and Baycrest Drive. Motion was seconded by Mr. Ramey. Motion carried unanimously.

There being no other business motion made by and seconded by to adjourn the meeting at 7:05p.m.

Respectfully submitted,

Merrill Flood  
Secretary