

January 16, 2007

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. Jim Moye - \*

Mr. Don Baker - \*

Mr. Bill Lehman - \*

Mr. Godfrey Bell, Sr. - \*

Mr. Dave Gordon - \*

Mr. Tim Randall - \*

Mr. James Wilson - \*

Mr. Porter Stokes - \*

Ms. Shelley Basnight - \*

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

VOTING MEMBERS: Tozer, Moye, Ramey, Gordon, Randall, Baker, Wilson, Lehman and Stokes.

PLANNING STAFF: Merrill Flood, Director of Community Development; Harry V. Hamilton, Jr., Chief Planner; Chantae Gooby, Planner; Nikki Jones, Planner and Kathy Stanley, Secretary.

OTHERS PRESENT: Ray Craft, Council member; Thom Moton, Assistant City Manager; Dave Holec, City Attorney; Kyle Garner, Transportation Planner and Wayne Nottinghamman, Engineer.

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Lehman, to accept the December 19, 2006 minutes as amended. Motion carried unanimously.

Chairman Tozer explained that the Commission has a new approval list that includes approval contrary to the Comprehensive Plan.

REQUEST BY WARD, LLC – CONTINUED

Chairman Tozer stated that the Commission has received a letter asked that the Ward requests be continued.

Motion was made by Mr. Ramey, seconded by Mr. Lehman, to continue the requests. Motion carried unanimously.

## REQUEST BY BARTLETT ENGINEERING – APPROVED

Chairman Tozer stated that the first item of business is a request by Bartlett Engineering to rezone 33.6 acres located 700± feet south of Woodridge Commercial/Industrial Park, west of the Allen Ridge Subdivision, and north of the Teakwood Subdivision from OR (Office-Residential [High Density Multi-Family]) to R9S (Residential-Single-Family [Medium Density]).

Ms. Chantae Gooby introduced Mr. Wayne Nottingham, Engineer and Mr. Kyle Garner, Transportation Engineer of the Engineering Department. Ms. Gooby stated that Mr. Nottingham and Mr. Garner would be able to answer any transportation or engineering questions that the Commission may have.

Ms. Gooby stated that this request from Bartlett Engineering is to rezone approximately 33 acres from Office, High-Density Multi-family to Medium Density Single Family. The property is located in Voting District No. 1. To the north of the property is Woodbridge Industrial Park, to the east is Cobblestone Townhomes, to the south is Teakwood and Tiburon Subdivisions. The property is not impacted by the floodplain or greenway. There will be no negative impacts on transportation corridors. The rezoning could result in a decrease of 1,600 trips per day with the majority of the decrease to the south. Ms. Gooby stated that at the time of the ETJ extension, Woodbridge Industrial Park and Teakwood existing at that time. The remaining portion between Woodbridge and Teakwood was zoned Office, High Density Multi-family to act as a buffer. At that time, there was a strip of single family zoning to the north of Teakwood Drive that acted as a buffer between the neighborhood and the future duplex and multi-family. Ms. Gooby stated that the request is in compliance with the intent of the Comprehensive Plan and Land Use Plan Map.

Mr. Robert Bartlett, Bartlett Engineering and Surveying, stated they concur with staff's findings and would answer any questions.

Motion was made by Mr. Ramey, seconded by Mr. Baker, 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 carried unanimously.

## REQUEST BY V-SLEW, LLC – APPROVED

Chairman Tozer stated that the next item is a request by V-Slew, LLC to rezone 101.179 acres located along the northern right-of-way of NC Highway 33 East, 820± feet east of the intersection of NC Highway 33 East and Portertown Road, and 1,350± feet west of the intersection of NC Highway 33 East and L. T. Hardee Road from RA20 (Residential-Agricultural) and RR (Rural Residential–County’s Jurisdiction) to OR (Office-Residential [High Density Multi-Family]), R6A (Residential [Medium Density Multi-Family]), and RA20 (Residential-Agricultural).

Ms. Gooby stated that this rezoning request consists of over 100 acres and a portion of the property is located within the city’s jurisdiction and the remainder is within the County’s jurisdiction. This request is in conjunction with a voluntary annexation petition. The property within the County’s jurisdiction is zoned Rural Residential and the property within the city’s jurisdiction is zoned Residential-Agricultural. The proposed rezoning is for Residential-Agricultural, Medium Density Multi-family and Office, High Density Multi-family. The property within the city’s jurisdiction is located within Voting District No. 3. Ms. Gooby explained that the property is divided into three tracts. Tract One is located along East Tenth Street and requested for Office, High Density Multi-family. Tract Two is requested for Medium Density Multi-family and contains the dividing line between the County’s and City’s jurisdiction. Tract Three is requested for Residential-Agricultural. Ms. Gooby stated that the property is surrounded by a variety of different uses. There are various duplex and multi-family developments to the south and west of the subject property. The subject property is impacted by the floodway and no development can take place. The property is not impacted by the greenways. Tenth Street is considered a gateway corridor into the city and there are various commercial focus areas along Tenth Street. Ms. Gooby stated that this request could generate 2,500 trips per day with the majority going to the west. The Land Use Plan Map recommends office/institutional/multi-family along the northern right-of-way of East Tenth Street transitioning into medium density residential, low density residential and very low density residential as you progress toward the river. Office, High Density Multi-family zoning for Tract One allow up to 17 units per acre. The request for Medium Density on Tract 2 is up to 9 units per acre and the request for Tract 3, Residential-Agricultural is up to 4 units per acre. There is a band of Office, High Density Residential to the west of Tract One. Ms. Gooby explained that the primary concern is the Homestead Memorial Cemetery which is 500 feet west of the subject site. Tract One has a depth of 1,000 feet. Ms. Gooby stated that in staff’s opinion the recommended zoning pattern would be

more similar to the existing Office-High Density Multi-family which is approximately 400 feet deep. Staff would anticipate that Tract One could yield up to 200 multi-family units. The request for Tract Two, Medium Density Multi-family, while the Land Use Plan does recommend Medium Density Residential, this zoning district contains a multi-family option. In staff's opinion the request for Tracts One and Two are not in compliance with the Comprehensive Plan and the Land Use Plan Map due to the depth of the Office, High Density Multi-family of Tract One and the proximity of the Medium Density Multi-family, Tract Two, to the cemetery.

Mr. Moyer asked why it would be a problem to be in close proximity to the cemetery.

Ms. Gooby explained that the property is approximately 500 feet to the west and with multi-family there will be more people, more traffic and with it being so close to the cemetery a more rural setting would be appropriate to be near that type of use as opposed to a more intensive use such as multi-family. In the medium density residential category, there are single family districts options.

Chairman Tozer asked if Tract Three was in compliance.

Ms. Gooby stated that it is in compliance.

Chairman Tozer asked counsel if the Commission could consider the requests separately or as a whole.

Ms. Gooby added that the Tract Three is part of an annexation petition that would have to take effect for the remaining portion to be zoned.

Mr. Holec explained that the Commission would have to either approve or deny the request of the three parcels as a whole.

Mr. Mike Baldwin, Baldwin and Associates, spoke on behalf of the request. Mr. Baldwin stated that he feels the request is in compliance with the general intent of the Comprehensive Plan and the Land Use Plan Map. Mr. Baldwin explained that the proposed development will facilitate the installation of a pump station that will allow sanitary sewer to this area. Mr. Baldwin stated that the request is compatible with existing uses along NC Highway 33. Mr. Baldwin stated that existing churches

around town are surrounded by multi-family development. Mr. Baldwin made reference to the photographs that were distributed to the members. (See attached pictures).

Mr. Moyer asked when considering the zoning districts if reducing the depth of Tract One was considered.

Mr. Baldwin explained that they are faced with the eastern property owner, the trailer park. Mr. Baldwin explained that they have to protect themselves and the park.

Mr. Gordon asked Mr. Baldwin to explain the depth concept.

Mr. Baldwin explained that they are trying to keep the high density and medium density beyond that area, deeper into the property.

Ms. Samantha Pilot, President of Congregation Bayt Shalom Synagogue, spoke in opposition. Ms. Pilot stated that they are not opposed to development but do have some concerns. Ms. Pilot stated their concerns consist of stormwater, traffic and the buffer requirements between the Synagogue and the proposed development.

Chairman Tozer stated that the city will regulate the stormwater requirements and they will determine what size ponds and where they will be located. The City has regulations on buffer requirements that will be implemented.

Dr. George Klein, Past President, stated he has concern in regards to the increase of traffic. Dr. Klein stated he has a concern with the density of Tract One. Dr. Klein explained that the entire area is basically swamp land which doesn't drain well.

Mr. George Stanford, resident of River Hills Subdivision, spoke in opposition. Mr. Stanford stated that his property abuts the proposed development and has concerns about the high density multi-family. Mr. Stanford feels the multi-family development will have an impact on his property value.

Mr. Baldwin spoke in rebuttal by stating that they are 1,150 feet from River Hills Subdivision. Mr. Baldwin stated that he doesn't feel the church will be affected by any drainage issues due to the development of this property.

Dr. Klein spoke in rebuttal stating he doesn't feel that there is enough evidence to override what the city zone plan is to not go beyond a certain limit from the road for the office and higher residential.

Mr. Wilson asked if additional rezoning requests for this area was figured into calculating the traffic stats.

Mr. Kyle Garner explained that NC Highway 33 has a capacity of 33,500 trips per day. Mr. Garner explained how they calculate the traffic report for a rezoning request.

Mr. Dale Guckian, resident of Rivers Hills Subdivision, stated that he understands that a pumping station will be installed in his community. Mr. Guckian stated he would like to better understand what the impact will be in regards to the pumping station and its effect on the community. Mr. Guckian made reference to the map indicating that River Hills is located within the city's jurisdiction.

Mr. Wayne Nottingham, Engineer, explained the pumping station is a matter of Greenville Utilities, Water and Sewer Division. Mr. Nottingham explained the process in approving a pumping station.

Ms. Gooby explained that River Hills Subdivision is located within the city's ETJ.

Motion was made by Mr. Baker, seconded by Mr. Ramey, to recommend approval of the proposed amendment, to advise that, although the proposed amendment is not fully consistent with the comprehensive plan, in this instance it is an appropriate zoning classification, and to adopt the staff report which addresses plan consistency. Those voting for: Moye, Ramey, Randall, Baker, Lehman and Stokes. Those voting in opposition: Gordon and Wilson. Motion carried.

#### REQUEST BY THE COMMUNITY DEVELOPMENT DEPARTMENT – APPROVED

Chairman Tozer stated that the next item is a request by the Community Development Department to rezone 604.4± acres located 1,540± feet north East Tenth Street (NC Highway 33 East), along the southern right-of-way of Sunnyside Road, and east of the River Hills Subdivision from GI (General Industry-County's Jurisdiction) and RR (Rural Residential-County's Jurisdiction) to RA20 (Residential-Agricultural).

Ms. Gooby stated this is a request by the City to rezone approximately 604 acres in conjunction with a voluntary annexation petition. Ms. Gooby explained that the property is owned by the city. The property is currently zoned General Industrial and Rural Residential under the County's jurisdiction. The requested zoning is Residential-Agricultural. The property is surrounded by a variety of land uses. There are various multi-family and duplex developments to the west and south of this subject area. The property is significantly impacted by the floodway and no development can be in this area. There is some 100 and 500 year floodplain associated with the Tar River. There is a proposed greenway along the south side of the Tar River that is contained within the subject area. There are no negative impacts on transportation corridors. The Land Use Plan recommends conservation open space to the north and south of the Tar River and further recommends low and very low density south. In staff's opinion the request is in compliance with the Comprehensive Plan and Land Use Plan Map.

No one spoke in favor or in opposition.

Motion was made by Mr. Stokes, seconded by Mr. Gordon 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 carried unanimously.

REQUEST BY COLUMBIA RIM CORPORATION C/O JEFF HARRIS –  
APPROVED

Chairman Tozer stated that the next item is a request by Columbia RIM Corporation c/o Mr. Jeff Harris, to rezone 2.6888 acres located 960± feet east of the intersection of Frog Level Road and Davenport Farm Road, south of the Augusta Trails Subdivision, 1,915± feet west of Thomas Langston Road, and 195± feet north of Davenport Farm Road from R6A (Residential [Medium Density Multi-Family]) and R6S (Residential-Single-Family [Medium Density]) to R6A (Residential [Medium Density Multi-Family]), R6S (Residential-Single-Family [Medium Density]), and R9S (Residential-Single-Family [Medium Density]).

Ms. Gooby stated this request is to rezone approximately 2.5 acres from various

medium density districts to other various medium density districts. The property is located within Voting District No. 5. The rezoning consists of four tracts. These tracts are all part of the Emerald Park Cluster Subdivision which was approved in 2005. This plat includes 394 single family lots. There is a variety of uses surrounding the property that include duplexes, vacant and single family developments. The property is not impacted by the floodplain or the greenway. There are no negative impacts on transportation corridors. The Land Use Plan recommends medium density residential to the north of Davenport Farm Road. Staff is of the opinion that the request is in compliance with the Comprehensive Plan and the Land Use Plan Map. Ms. Gooby explained that the rezoning will amend the zoning lines to match the property lines that are on the approved Emerald Park Subdivision.

No one spoke in favor or in opposition.

Motion was made by Mr. Moye, seconded by Mr. Ramey 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 carried unanimously.

#### REQUEST BY GARRIS EVANS LUMBER COMPANY – APPROVED

Chairman Tozer stated that the next item is a request by Garris Evans Lumber Company to amend the CDF (commercial downtown fringe) district table of uses to include “Building supply; lumber and material sales, plumbing and/or electrical supply including outside storage” as a special use.

Mr. Harry Hamilton stated this is a request by Garris Evans to amend the CDF district to include building supply, lumber and material sales, plumbing and/or electrical supply including outside storage as a special use subject to Board of Adjustment approval. Currently the subject use excluding outside storage is a permitted use in the CDF, CG, CH commercial and all industrial districts. Building supply establishments that include outside storage are currently restricted to the industrial districts. The Board of Adjustment would consider each request on a site specific basis. Mr. Hamilton indicated on a map the area this amendment would affect. Mr. Hamilton made reference to the revised ordinance distributed to the members earlier and stated that it reflects the intent of the applicant. Mr. Hamilton stated that staff has no objection to the request.



Mr. Fred Mattox, Attorney, representing the applicant, spoke on behalf of the request. Mr. Mattox stated that the applicant is in agreement with Option #2 that includes additional screening and special use permit approval by the Board of Adjustment.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Baker to recommend approval of the proposed amendment No. 2 (revised ordinance), 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 further business motion was made by Mr. Moyer to adjourn at 7:40 PM.

Respectfully submitted,

Merrill Flood  
Secretary