

August 15, 2006

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

Mr. Len Tozer - *	
Mr. Bob Ramey - *	Mr. Dave Gordon - X
Mr. Jim Moye - *	Mr. Tim Randall - *
Mr. Don Baker - X	Mr. James Wilson - *
Mr. Bill Lehman - *	Mr. Porter Stokes - *
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, Randall, Wilson, Lehman, Stokes, Basnight and Bell.

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

OTHERS PRESENT: Thom Moton, Assistant City Manager; Dave Holec, City Attorney; and Kyle Garner, Transportation Planner.

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Bell, to accept the July 18, 2006 minutes as presented. Motion carried unanimously.

REQUEST BY WILLIAM H. CLARK (REVISED) WITHDRAWN

Chairman Tozer stated that this request has been withdrawn.

REQUEST BY THE COMMUNITY DEVELOPMENT DEPARTMENT – APPROVED

Chairman Tozer stated that the first item of business is a request by the Community Development Department. An ordinance, requested by the Community Development Department, as recommended by the Task Force on Preservation of Neighborhoods and Housing, to rezone 228± acres (excluding street rights-of-ways) located south of the Norfolk Southern Railroad, along the western right-of-way of

the Seaboard Coastline Railroad, north of Greenville Boulevard, and east of Allen Road and south of Greenville Boulevard, west of Fourteenth Street Extension, north of Fire Tower Road, and east of Charles Boulevard from RA20 (Residential-Agricultural) and R6 (Residential [High Density Multi-Family]) to R6S (Residential-Single-Family [Medium Density]) and from RA20 (Residential-Agricultural) and R9 (Residential [Medium Density]) to R9S (Residential-Single-Family [Medium Density]).

Ms. Chantae Gooby stated that this request represents the sixth rezoning request by the Community Development Department as recommended by the Task Force on Preservation of Neighborhoods and Housing. This request represents 483 lots on 228 acres. To date, over 2,400 lots have been rezoned on 843 acres to single family districts. Ms. Gooby stated that the request is for Lake Ellsworth, located along Dickinson Avenue, Singletree and Cambridge Subdivisions located along Hooker Road and Dellwood, Baytree and Tuckahoe Subdivisions located along 14th Street between Greenville Boulevard and Fire Tower Road. Ms. Gooby presented a map of Lake Ellsworth, Singletree and Cambridge Subdivisions indicating the existing zoning pattern. Ms. Gooby stated that the proposed zoning is R6S. There are 60 lots in Lake Ellsworth Subdivision, 151 single family lots and 9 vacant lots. There are 156 lots in Singletree and Cambridge Subdivision, 147 single family lots with some institutional lots. The southern portion of Lake Ellsworth is impacted by the floodway and floodplain of Green Mill Run. Singletree and Cambridge are not impacted. The Land Use Plan recommends medium density residential and the proposed zoning is R6S, which is a single family residential district. Ms. Gooby stated that Dellwood and Tuckahoe subdivisions both have R9 zoning which allows single family and duplexes. Baytree is zoned R9 with one lot zoned RA-20. These zoning districts all allow a variety of residential uses, single family, duplexes and mobile homes. The Land Use Plan recommends medium density residential and the proposed zoning is R9S, which is a single family residential district. There are 43 single family lots in Dellwood along with a school and church; Baytree subdivision has 71 single family lots and Tuckahoe consists of 51 single family lots with one vacant lot. Ms. Gooby stated that the purpose of these rezonings is to provide an added measure of stability, and to demonstrate the city's commitment to single family neighborhood preservation, as part of a comprehensive housing revitalization strategy. Ms. Gooby stated that there would not be any non-conforming uses created by rezoning these neighborhoods to single family.

No on spoke opposition.

Motion was made by Mr. Bell, 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 CHESS-GAINES GROUP

Chairman Tozer advised that this request will not be heard tonight.

Motion was made by Mr. Ramey, seconded by Mr. Moye, to continue the request. Motion carried unanimously.

REQUEST BY EDMONSON CONSTRUCTION COMPANY AND ROCKY RUSSELL BUILDERS, INC. – APPROVED

Chairman Tozer stated that the next item is a request by Edmonson Construction Company and Rocky Russell Builders, Inc. for a preliminary plat entitled “Medford Pointe (revised)”. The property is located east of Allen Road, north of Dickinson Avenue and west of Lake Ellsworth. The proposed development consists of 187 lots on 128.087 acres.

Mr. Andy Thomas stated this is a preliminary plat for Medford Pointe (revised) and the developers are Edmonson Construction Company and Rocky Russell Builders. The property is located east of Allen Road, north of Dickinson Avenue and west of Lake Ellsworth. The property is currently zoned MO, Medical Office, OR, Office-Residential, R6, Residential and R6S, Single Family Residential. The anticipated use is 181 single family residential lots. Lots 1 and 2 and 3 through 5 are anticipated for office uses and Lots 6 through 8 multi-family development. There are 187 lots. This is a revision of a preliminary plat that was approved by the Planning and Zoning Commission on July 20, 2004. Since that time subsequent owners have had portions of the property rezoned. Along Allen Road property was rezoned from R-6, Residential and RA-20, Residential-Agricultural to MO, Medical Office and OR, Office-Residential (approximately 15 acres). The portion of the property adjacent to Lake Ellsworth (approximately 21 acres) was rezoned from R-9, Residential to R-6S, Single Family Residential. This eliminated the proposed duplexes that were being considering and established this area as single-family residential only. This action was recommended for approval by the Planning and Zoning Commission on March 21, 2006 and was approved the Greenville City Council on April 13, 2006. The same design concept was carried through in that this development will provide street access from Lake Ellsworth to Allen Road. This will be a collector road. The housing will back up to it and be bermed from it.

Two street stubs are being provided to the vacant property to the South that is zoned for multi-family. A street stub is being provided to the north. Sidewalks are provided. A Tar-Pamlico Riparian Buffer is provided along regulated watercourses. There is also a greenway easement provided along Green Mill Run. There are wetlands present and indicated wherein development is prohibited. Several of the farm ditches will be filled. Stormwater detention is being provided for the single-family area between lots 33 and 34 on the eastern side of the property near Lake Ellsworth. The remaining large tracts to the west and south of the single-family area will have their stormwater needs evaluated on a lot-by-lot basis at the time of further subdivision or site development.

Mr. Todd Savitt, resident of Lake Ellsworth, asked for clarification that there would be a road connection to Lake Ellsworth.

Mr. Thomas stated there would be a connection.

No one spoke in opposition.

Motion was made by Mr. Randall, seconded by Mr. Lehman, 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 US CELLULAR CORPORATION – APPROVED

Chairman Tozer stated that the next item is a request by US Cellular Corporation to amend the OR district table of uses to include a new use entitled, “television and/or radio broadcast facilities including receiving and transmission equipment and towers not exceeding 120 feet in height or cellular telephone and wireless communication towers not exceeding 120 feet in height”, as a permitted use.

Mr. Hamilton presented a map indicating zones where unlimited height transmission towers are allowed. Those zones are the downtown commercial, heavy commercial, and industrial districts. The general commercial districts allows transmission towers but are restricted to 200 feet or less in height. The available Office-Residential lots that meet the conditions included in the ordinance are limited. These are parcels that are two acres in area and do not contain a residential use. Mr. Hamilton advised that the Airport Overlay Zone is standard that applies as well. Mr. Hamilton stated that there are three types of cell towers, guide-wire construction, lattice type, and monopole. The proposed ordinance contains

conditions relating to towers in the Office-Residential (OR) district. Maximum height would be 120 feet in above grade towers; would have to be the monopole type construction; minimum lot size would be two acres; minimum separation between towers in the OR district would be 500 feet; and a minimum setback for towers would be equal to the tower height from perimeter property lines or twice the tower height if abutting residential property or not less than 200 foot.

Mr. Ramey asked if the radius couldn't be increased to 1,000 feet.

Mr. Hamilton stated that 500 foot would prohibit the co-location of towers on the same parcel.

Mr. Bell asked if the proposed ordinance to limit one tower not to be within 500 feet would that discourage competition from having enough towers.

Mr. Hamilton stated that currently there are no spacing requirements between towers in any of the other districts. One of things to consider is OR districts are typically located in proximity to residential areas. In staff's opinion there should be some limit on the number of towers in proximity to residential areas.

Mr. Ramey asked if the Commission could insert 1,000 feet instead of the 500 feet.

Mr. Hamilton stated the Commission can make that recommendation. Mr. Hamilton stated that this request is being submitted by US Cellular and the Commission would need to approve or deny this particular request. Mr. Hamilton stated that the Commission could make an additional recommendation to City Council.

Mr. Moye asked if staff is comfortable with the 500 foot radius.

Mr. Hamilton stated that staff would not recommend anything less. Mr. Hamilton explained that in staff's opinion to allow this in this district will have a minimal impact on the total number of towers. In staff's opinion the setbacks and other restrictions will minimize any impact on adjacent residential areas.

Mr. Tom Johnson, representing US Cellular, spoke on behalf of the request. Mr. Johnson stated that they concur with staff's conditions and restrictions.

No one spoke in opposition.

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

DISCUSSION

Mr. Ramey stated that there is no ordinance to address commercial buildings that are deteriorated and in need of repair. Mr. Ramey made reference to the warehouse on Dickinson Avenue across from Chuck Autry's business. Mr. Ramey explained that the City Inspector can inspect the building and condemn it if it is falling into the street and a hazard to the public.

Mr. David Holec addressed Mr. Ramey's concern by stating that the city has the authority by State Statute to address minimum housing code violations for residential structures but do not have the authority to address commercial structures with a commercial maintenance code. Mr. Holec stated that it is one of City Council's legislative initiatives to seek this authority. Mr. Holec stated that a bill will be presented to the legislature for consideration.

There being no further business, motion was made by Mr. Ramey, seconded by Mr. Bell to adjourn the meeting at 7 PM.

Respectfully submitted,

Merrill Flood
Secretary