

March 15, 2005

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. Jay Yates - \*  
Mr. Len Tozer - \*                      Mr. Bob Ramey - \*  
Mr. Dave Gordon - \*                Mr. Jim Moye - \*  
Mr. Tim Randall – X                Mr. Don Baker – \*  
Mr. James Wilson – \*               Mr. Bill Lehman - \*  
Mr. Porter Stokes - \*

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

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

PLANNING STAFF: Merrill Flood, Director of Planning and Community Development; Harry V. Hamilton, Jr., Chief Planner; Wayne Harrison, Planner and Kathy Stanley, Secretary.

OTHERS PRESENT: Ray Craft, Council member; Dave Holec, City Attorney; Ron Svejkovsky, Transportation Planner; David Brown, City Engineer; and Robert Cheshire, Senior Engineer.

Chairman Yates recognized Mr. Porter Stokes the Commission newly appointed member.

Chairman Yates recognized Council member Ray Craft.

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Tozer to accept the January 18, 2005 minutes as presented. Motion carried unanimously.

REQUEST BY PHILIPPI CHURCH OF CHRIST – APPROVED

Chairman Yates stated that the first item of business is a request by Philippi Church of Christ to rezone 4.254 acres from Tract 1 (3.786 acres) R6S (Residential-Single Family [Medium Density]) and Tract 2 (0.468 acres) - R6 (Residential [High Density Multi-family]) to CN (Neighborhood Commercial) located along the northern right-of-way of Pactolus Highway (NC Highway 33), 2,250± feet east of Academy Drive, and 2,200± feet west of Azalea Street.

Mr. Harry Hamilton stated this is a request to rezone two tracts zoned Residential-Single Family and Residential to Neighborhood Commercial. The property is located off the northern right-of-way of Pactolus Highway. The majority of the property in the area is currently vacant with some scattered development along Pactolus Highway with a neighborhood near the intersection of Greenville Boulevard and Pactolus Highway. Mr. Hamilton stated that the entire area is located within the floodplain of the Tar River. Mr. Hamilton stated that a substantial portion of the property is currently zoned Neighborhood Commercial and the Comprehensive Plan recommends a neighborhood commercial area at the

intersection. The Land Use Plan Map recommends low density development to the north. Mr. Hamilton presented the approved preliminary plat indicating a road into the property off Pactolus Highway with a cul-de-sac on the interior of the property. The area proposed for rezoning is located between the proposed church building and the road, which would facilitate the expansion of the church and the parking lot.

No one spoke in favor of the request.

No one spoke in opposition of the request.

Motion was made by Mr. Moye, seconded by Mr. Tozer, to approve the request. Motion carried unanimously.

#### REQUEST BY POHL PARTNERSHIP - APPROVED

Chairman Yates stated that the next item is a request by POHL Partnership to rezone 14.3878 acres from RA20 (Residential-Agricultural) to CH (Heavy Commercial) for the property located along the southern right-of-way of Old Creek Road, 250± east of Greenville Boulevard (US 264 By-pass) and 360± west of Northwoods Subdivision.

Mr. Hamilton stated this is a request to rezone property from Residential-Agricultural to Heavy Commercial. The property is located along the southern right-of-way of Old Creek Road, east of Greenville Boulevard and west of Northwoods Subdivision. Mr. Hamilton stated that a substantial amount of the property is located within the 500 year floodplain. Mr. Hamilton explained that this property is on the fringe of the city's planning and zoning jurisdiction and areas immediately to the east are currently within the county's jurisdiction and zoned Rural Residential. The area along Greenville Boulevard are currently zoned heavy commercial. The areas located to the south is zoned commercial and industrial. The Land Use Plan Map recommends this area serve as a commercial focus area. Mr. Hamilton stated that recently a preliminary plat was approved for the site with a terminal street off Old Creek Road with a cul-de-sac ending behind Agri-Supply. The request as submitted is in compliance with the Land Use Plan.

No one spoke in favor of the request.

No one spoke in opposition of the request.

Motion was by Mr. Ramey, seconded by Mr. Lehman to approve the request. Motion carried unanimously.

#### REQUEST BY NORTH CAMPUS CROSSING, LLC – APPROVED WITH CONDITIONS

Chairman Yates stated that the last item is a request by North Campus Crossing, LLC. to construct 60 one (1) bedroom units, 180 two (2) bedroom units, 228 three (3) bedroom units and 156 four (4) bedroom units (624 total units) on property totaling 40.38 acres using the Land Use Intensity Standards. The property is zoned OR (Office-residential) and is located generally west of Greenville Boulevard (US Highway 264 By-Pass), north of US Highway 264/Washington Highway and south

of Whichard Road, on the southern right-of-way of Whichard Road, approximately 300 feet east of the intersection of Greenville Boulevard (US Highway 264 Bypass) and Whichard Road, and immediately west of the proposed East Carolina University recreational facility, being identified as Tax Parcel Number 64354. Mr. Dave Holec stated that this request is for a Land Use Intensity Special Use Permit. Mr. Holec explained with other request the Commission acts as an advisory capacity and make recommendations based upon evidence and opinions given by persons for and in opposition of a request. Mr. Holec stated that the Commission serves as a quasi-judicial manner and the decision should be based upon the evidence presented during the hearing. A Land Use Intensity Special Use Permit is not allowed by right but under ordinance provisions, which authorize the Commission to issue the permit when it makes specific findings. Mr. Holec summarized the procedures for granting a Land Use Intensity Special Use Permit.

Mr. Wayne Harrison stated that the applicant North Campus Crossing, LLC has requested a Special use permit for a Land Use Intensity 67 residential development consisting of 60 one (1) bedroom units, 180 two (2) bedroom units, 228 three (3) bedroom units and 156 four (4) bedroom units (624 total units with 1728 beds). The property is located east of Greenville Boulevard, north of US Highway 264/Washington Highway and south of Whichard Road approximately 300 feet east of the intersection of Greenville Boulevard and Whichard Road, and immediately west of the proposed East Carolina University recreational facility. The property is further identified as being Tax Parcel Number 64354. The property is zoned OR which is (office-residential). North of the property is scattered single-family dwellings fronting Whichard Road and a commercial business the property is zoned RA20 and IU. South of the property is a commercial business, several manufactured homes sales and some vacant commercial lots, the property is zoned CH and IU. The property east of the proposed development is vacant and is in the Counties jurisdiction and is where East Carolina has proposed a recreational facility. West of the property is zoned CH and is vacant. The property which is proposed for development is currently vacant and contains 40.38 acres. The southern  $\frac{3}{4}$  portion of the property is in the 100 year floodplain. The property will be served by driveways located on Whichard Road, Bostic Drive and US Highway 264/Washington Highway. The proposed construction includes thirty five (35) apartment buildings, a club house, gymnasium, swimming pool and parking area. There are 1629 parking spaces proposed (1296 spaces required). The Land Use Plan Map recommends this property to be Office-Institutional/Multi-family and Commercial. High density residential development is appropriate provided the dwelling units located within the 100 year floodplain are elevated to 2 feet above the base floodplain elevation or to the 500 year floodplain elevation whichever is greater. The proposed density of 15.5 units per net acre falls within high density development guidelines. Standard multi-family development, which does not require a special use permit will allow 607 three bedroom units which is a total of 1821 bedrooms. Per the Land Use Intensity 67 Standards the developer has proposed to construct 60 one bedroom units, 180 two bedroom units, 228 three bedroom units and 156 four bedroom units which is a total of 1728 bedrooms. This is 93 less bedrooms that could be developed with the standard by-right multi-family development. A site plan was approved December 2, 2004 for standard by-right multi-family development on this parcel of land consisting of 180 two bedroom units and 420 three bedroom units which is a total of 600 units with 1620 bedrooms. This site plan could be amended by right and go up to 1821 bedrooms which would be 201 more bedrooms than the approved site plan. The approved site

plan by right is 108 less bedrooms than the proposed Land Use Intensity that is before you tonight. Notice was mailed to the adjoining property owners via certified mail on March 1, 2005. Notice of the public hearing was published in the Daily Reflector on February 28 and March 7, 2005. Included in your package is a certificate of mailed notice. If approved, the project must undergo an additional administrative site plan process for approval of engineering, utility and other specific requirements. Administrative site plan approval shall be subject to special use permit approval and any conditions thereof. The Planning and Zoning Commission may in its discretion attach conditions to the plan that exceed the minimum standards when it is found that such conditions are necessary to insure that the proposed development will be compatible with adjacent areas. Such conditions may include, but not be limited to setbacks, parking, screening, landscaping, bufferyards, density or other requirements. The plan has been reviewed by the City's Technical Review Committee and Staff is of the opinion the plan can meet all applicable requirements and conditions. If the Commission finds the petition satisfies all required criteria, staff recommends the following conditions be included in the motion to approve:

1. Occupancy limited to one (1) bed and one (1) person per bedroom.
2. Outside recreation equipment shall be restricted to the designated recreation area.
3. There shall be twenty-four (24) hour on-site professional management "on-call" at a phone number available to any interested party. Phone calls to such number shall be answered by a human being at all hours.
4. The owner/management shall request East Carolina University student transit service and shall cooperate fully with the University in the provision of such service.
5. The internal street pattern shall be designed to accommodate buses used in public transportation.

A four-fifths (8 of 9) majority vote in favor of the request is required on each required Finding to approve this request. The required findings are:

1. Ownership. That the applicant for a special use permit to develop the Land Use Intensity Development, is the legal owner of the subject property as evidenced by Deed Book 1839, Page 33 of the Pitt County Registry.
2. Notice. That those persons owning property within one hundred (100) feet of the proposed development, as listed on the current county tax records, were served notice of the public hearing by certified mail in accordance with applicable requirements; and that notice of a public hearing to consider the special use permit was published on February 28, 2005 and March 7, 2005 in the Daily Reflector, a newspaper having general circulation in the area, as required by law.
3. Conditions and Specifications. That the use does meet all required conditions and specifications of the Zoning Ordinance for submission of a Land Use Intensity Development special use permit.
4. Utility Service. That the use does have existing or proposed utility services which are adequate for the population densities as proposed.

5. Traffic. That the use is properly located in relation to arterial and collector streets and is designed so as to provide direct access without creating traffic which exceeds acceptable capacity as determined by the City Engineer on streets in adjacent areas outside the Land Use Intensity Development.
6. Comprehensive Plan. That the use is in general conformity with the Comprehensive Land Use Plan of the City and its extraterritorial jurisdiction.
7. Health and Safety. That the use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use and will not be detrimental to the public welfare if located and developed according to the plan as submitted and approved.
8. Injury to Property or Improvements. That the use will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood or in the alternative, that the use is a public necessity.
9. Location and Character. That the location and character of the use, if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located.

At this time I would like to asked that the findings of fact be entered into the record. Staff will be glad to answer any questions that the commission may have. Thank you.

There was discussion in regards to the previously approved site plan and the present site plan. Mr. Harrison explained that the petitioner could amend the previous plan and construction 201 additional bedrooms. Mr. Harrison stated that if this request is granted there would be a total of 93 less bedrooms.

Mr. Ken Malpass, Malpass & Associates, representing North Campus Crossing, LLC spoke in favor of the request.

Mr. Holec explained the voting procedures for approving the findings of fact and granting the special use permit.

Motion was made by Mr. Ramey, seconded by Mr. Gordon to approve the findings of fact. Motion carried unanimously.

Motion was made by Mr. Moye, seconded by Mr. Lehman, to approve the request with the recommended conditions. Motion carried unanimously.

There being no further business the meeting adjourned at 7:30 PM.

Respectfully submitted,

Merrill Flood  
Secretary

APPROVED

Jay Yates, Chair