

December 20, 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 - X		Mr. Jim Moye - *
Mr. Tim Randall - *		Mr. Don Baker - *
Mr. James Wilson - *		Mr. Bill Lehman - X
Mr. Porter Stokes - *		Mr. Godfrey Bell, Sr. - *

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

VOTING MEMBERS:

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

OTHERS PRESENT: Council members Ray Craft, Pat Dunn and Larry Spell; Dave Holec, City Attorney; Ron Svejksky, Transportation Planner; David Brown, City Engineer.

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Tozer, to accept the November 15, 2005 and November 29, 2005 minutes as presented. Motion carried unanimously.

Chairman Yates recognized Council members Ray Craft, Pat and Larry Spell who were in attendance.

REQUEST BY WILLIAM H. CLARK – CONTINUED TO JANUARY

Chairman Yates stated that the Commission has received a request to have this case continued.

Motion was made by Mr. Ramey, seconded by Mr. Bell, to continue this request to January. Motion carried unanimously.

Mr. Tozer stated that in light of the amount of business on tonight's agenda and the Christmas holidays he would motion that Items 9 and 10 under Amendments be continued to the January meeting. Motion was seconded by Mr. Ramey. Motion carried unanimously.

REPORTS

Mr. Dave Holec, City Attorney, advised the Commission about provisions in legislation which will impact how the Commission will conduct business on motions for zoning matters. Mr. Holec stated that when acting on a proposed zoning map or text amendment, the Commission is to advise and comment on whether the proposed amendment is consistent with any adopted comprehensive

plan and any other adopted plan which is applicable. The Commission is to provide a written recommendation to City Council that addresses plan consistency and other matters deemed appropriate by the Commission. Mr. Holec explained that what the legislature is trying to do is reinforce the fact that zoning decisions are to be made in consideration of the approved Comprehensive Plan. Mr. Holec stated there are two motions contained in the memo included in the agenda material for the Commission to use depending upon whether approving the proposed amendment or denying the proposed amendment and this will comply with the legislative requirement. Mr. Holec stated if the Commission is to approve the zoning change, that the motion would be to recommend the zoning change and advise that it is inconsistent with the comprehensive and to adopt the Planning staff's report which addresses consistency with the Comprehensive Plan. If the Commission is to deny the zoning change, the motion would be that the Commission recommends denial and determined that it is inconsistent with the Comprehensive Plan and adopt the Planning staff's report which addresses consistency with the Comprehensive Plan. Mr. Holec made reference to the handout regarding how motions are recommended to be stated. Mr. Holec stated that another provision in the legislation deals with Conflict of Interest. A prohibition on members of appointed boards which provide advice to City Council on zoning map or text amendments is included in the law. Commission members shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. This will require an amendment to the Rules of Procedures for the Planning and Zoning Commission. The Rules allow an amendment to be voted upon at a meeting provided that the amendment has been presented in writing at the meeting preceding the meeting at which a vote is taken. Mr. Holec referred to the written amendment contained in the memo included in the agenda material and stated that it will be scheduled for a vote at the Commission's January meeting. Mr. Holec stated that the only impact for tonight's meeting is dealing with the motions which would apply to rezoning and amendment matters. This requirement as to motions would not apply to preliminary plat approvals.

REQUEST BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT – APPROVED

Chairman Yates stated that the next item is a request by the Planning and Community Development Department as recommended by the Task Force on Preservation of Neighborhoods and Housing, to rezone 249± acres (excluding street rights-of-ways) located north of the Norfolk Southern Railroad west of Greenville Boulevard, south of Tenth Street and east of Fornes Run from R9 (Residential [Medium Density]) to R9S (Residential-Single Family [Medium Density]) and from R6 (Residential [High Density Multi-family]) to R6S (Residential – Single Family [Medium Density]).

Ms. Chantae Gooby stated this is a rezoning request from the Task Force on Preservation of Neighborhoods and Housing. This is from their improvement strategy which is to identify neighborhoods that are predominately single family in character, but are zoned in a manner that would permit intrusion of duplexes or multi-family and rezone those neighborhood to prohibit further intrusion. Ms. Gooby presented maps indicating the multi-family zones, neighborhoods studied by the Task Force, project schedule and the rezoning area. Ms. Gooby stated that there are two zoning areas within this site, R9 and R6, which is a combined total of 249

acres. There is some office and commercial zoning along Tenth Street and Greenville Boulevard. There are approximately 237 acres of R9 zoning and 11 acres of R6 zoning in this site. The Land Use Plan recommends Medium Density Residential zoning for this area. Ms. Gooby stated that there will be some non-conforming uses in this area that will be created by rezoning this area to single family. There is a small area that is impacted by the floodway and floodplain off of Green Mill Run that bisects the rezoning area. Ms. Gooby presented a map showing the owner-occupied and rental properties. Owner-occupied dwelling make up approximately 72 percent and the rental property is approximately 28 percent. The goal of this rezoning is to provide an added measure of neighborhood stability and demonstrates the city's commitment to single family neighborhood preservation as part of a comprehensive housing revitalization strategy.

Mr. Randall asked if the school would be able to expand since it is located within the area being rezoned.

Ms. Gooby explained that any nonconforming use can be expanded in order to make reasonable use of the property as long as there is no increase in number of units.

Mr. Murray Merner, President of College Court/Coghill Neighborhood Association, expressed their appreciation to the city staff and Commission and Neighborhood Preservation Committee for making this recommendation. Mr. Merner stated that they feel there is a need to preserve the integrity of single-family dwellings in the city. Single-family dwellings are the root and the heart of a city. Mr. Merner stated that the preservation of their neighborhood is vital to all neighborhoods in the preservation effort. Mr. Merner encouraged the Commission to recommend approval of the request.

Mr. Bill Lee, Managing Member of Portside Development Company, stated he was in favor of the request with one exception. That exception being that Portside Development Company are developing a tract of land which was purchased from the City off Brownlea Drive and that tract has been included in this request. Mr. Lee explained that they are currently building duplexes on the tract. Their concern is that a small portion of Brownlea Drive will create a nonconforming use. Mr. Lee stated that they are requesting that this small portion of Brownlea Drive be excluded from the request so that a nonconforming issue is not created. The line will subdivide an existing lot, a portion will be R9 and a portion will be zoned R9S. Mr. Lee stated that the building of duplexes on Brownlea Drive has been approved by the city and a building permit was issued and is currently under construction.

Ms. Gooby indicated the location of the five lots being to the east of Brownlea Drive on the map.

Mr. Lee stated that north of the area which has eight lot is currently zoned R9 and would not be affected by the request. Mr. Lee stated that they would like for the subdivision to remain continuous in its zoning.

There was discussion in regards to whether the duplexes would be considered non-conforming and the fact that the duplexes would be considered nonconforming at the time of selling the units and may present a financial burden.

Mr. Holec advised the Commission that if they wished to approve Portside's request the motion would be to approve the rezoning with the exclusion of those lots. If the Commission does not want to grant the request, the Commission would simply approve the request.

Mr. Smith, resident of Coghill Subdivision, spoke in favor of the request.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Tozer to recommend approval of the proposed amendment and exclude the five lots as requested by Mr. Lee, 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.

REQUEST BY LANGSTON FARMS, LLC – APPROVED

Chairman Yates stated that the next item is a request by Langston Farms, LLC to rezone 69.760 acres located north of South Square Drive, west of the Seaboard Coastline Railroad, south of Westhaven Subdivision and east of Memorial Drive from RA20 (Residential-Agricultural) to O (Office), CG (General Commercial) and R9S (Residential – Single Family [Medium Density]).

Ms. Gooby stated this is a request to rezone approximately 70 acres from Residential-Agricultural, to Office, General Commercial and Residential–Single Family. Ms. Gooby presented a map indicating the approved proposed public streets. The property is currently vacant. There is a single family dwelling on the corner, commercial along Memorial Drive, single family to the north and vacant and multi-family property to the south. The property is not impacted by the floodway or floodplain. Memorial Drive is designed as a gateway corridor. Thomas Langston Road is designated as a residential corridor. Memorial Drive and Evans Street are designated as major thoroughfares and Thomas Langston Road as a minor thoroughfare. Ms. Gooby explained that the map shows the proposed extension of Thomas Langston Road over to Evans Street. The proposed rezoning would generate a net increase of 3,400 trips, with 2,200 trips to the north and 1,200 trips to the south. The Land Use Plan Map recommends some office zoning along Memorial Drive with some commercial. The office zoning east of the commercial zoning would serve as a buffer to the medium density residential area.

Mr. Ramey stated that the traffic will increase tremendously with this rezoning along with all the other building in the area and asked how will Thomas Langston Road can accommodate that increase.

Mr. David Brown, City Engineer, explained that with the extension of Thomas Langston Road it is anticipated that the traffic would be split. Thomas Langston Road extension project itself was anticipated to help alleviate and address some of the traffic concern seen on Greenville Boulevard and Fire Tower Road. The traffic presented tonight was based upon the anticipation that the split would occur on Memorial Drive depending on the use.

Mr. Baker asked the carrying capacity of Thomas Langston Road and if it includes all the subdivisions that are currently under construction.

Mr. Brown stated the anticipated average daily volume of Thomas Langston Road could handle 35,000 vehicles per day.

Mr. Ramey stated that would be if the road was 4-laned but with it being a 2-lane road it's probably approximately 12,500. Mr. Ramey asked when Thomas Langston Road would be extended.

Mr. Brown stated that project was approved in November, 2004 and identified as one of the bond projects. The City is in the process of obtaining a consultant to help with the design of the project.

Mr. Mike Baldwin, Baldwin & Associates, representing the applicant, spoke on behalf of the request. Mr. Baldwin stated that he has worked with the city on this project. Mr. Baldwin stated there was a neighborhood meeting with Westhaven and Club Pines subdivisions and their concerns have been addressed.

Mr. Bill Ervin, President of Olde Westhaven Neighborhood Association, spoke in support of the request. Mr. Ervin stated that the neighborhood in the past has been concerned with property to the south and have opposed high density zoning request. Mr. Ervin stated that the neighborhoods are pleased with the request and extend their appreciation and support this request.

No one spoke in opposition.

Motion was made by Mr. Tozer, seconded by Mr. Moyer, to approve 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 PHILLIP E. CARROLL AND CARROLL AND ASSOCIATES – APPROVED

Chairman Yates stated that the next item is a request by Phillip E. Carroll and Carroll & Associates for a preliminary plat entitled "Winslow East, Lots 17-21". The property is located north of US Highway 264 at its intersection with North Campus Drive. The preliminary plat consists of 5 lots on 11.9689 acres.

Mr. Andy Thomas stated this is a preliminary plat for Winslow East. The property is located east of US 264 By-pass, north of US 264 at its intersection with North Campus Drive. The property is currently zoned Heavy Commercial. The anticipated use is commercial on five lots. The property is located north of US Highway 264 at its intersection with North Campus Drive. The preliminary plat consists of 5 lots on 11.9689 acres. Mr. Thomas advised that East Carolina University has acquired the property to the north to build a recreational facility. The subject site is located on a major thoroughfare. The property is located within the 100 year floodplain. This is an extension of the North Campus Crossing project which is located to the west. A portion of this property was annexed in October, 2005 to bring into the city so it could be zoned and sewer could be extended. NCDOT approved the driveway locations prior to submission to the City of Greenville. The driveways are already built. This plan has adequate interconnectivity with the adjoining properties. This plat has been reviewed and approved by the City's Technical Review Committee and meets all requirements

and standards with the exclusion of the driveways.

Mr. Ken Malpass, Malpass and Associates, representing the applicant, stated this is the last part of the North Campus Extension and will be developed for commercial.

No one spoke in opposition.

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

REQUEST BY HART TRUST – APPROVED

Chairman Yates stated that the next item is a request by Hart Trust for a preliminary plat entitled “Taberna- Revised”. The property is located west corner of Frog Level Road at its intersection with Bermuda Drive (Meadow Woods). The preliminary plat consists of 108 lots on 36.7558 acres.

Mr. Thomas stated this is a request for a preliminary plat for Taberna-Revised. The property is located west of Frog Level Road at its intersection with Bermuda Drive. The property is currently zoned R9S. The anticipated use is single family residential on 108 lots. This plat is a revision of a previously approved preliminary plat. The preliminary plat for Taberna was approved by the Planning and Zoning Commission on June 19, 2001. The primary change with this submission is that Lots 150- 153 were previously shown as a 2.16-acre recreation area. This proposal involves the division of that area into 5 lots. This recreation area was not required but offered by the developer. Since this area was represented as recreation area, it is necessary to go through a public process to change its status. The property owners in the two sections that have been platted have been notified. The only other change is that phase lines are being shown. When phases are shown on a preliminary plat, the Greenville Utilities Commission will allow the developer to pay their acreage fees from the phase that is being developed at that time. Since the original approval NCDOT has eliminated a few corridors for the 264 by-pass but have not selected a final corridor location. The preliminary plat has been reviewed and approved by the City’s Technical Review Committee. The preliminary plan meets all requirements and city standards.

Mr. Ken Malpass, Malpass and Associates, spoke on behalf of the request. Mr. Malpass stated he would answer any questions.

No one spoke in opposition.

Motion was made by Mr. Randall, seconded by Mr. Stokes, to approve the request. Motion carried unanimously.

REQUEST BY CHARLESTON DEVELOPMENT COMPANY, INC. – APPROVED

Chairman Yates stated that the next item is a request by Charleston Development Company, Inc. for a preliminary plat entitled “Charleston Village, Sections 3,4,5 & 6”. The property is located on east of Thomas Langston Road adjacent to Charleston Village, Sections 1 and 2. The preliminary plat consists of 152 lots on 54.982 acres.

Mr. Thomas that the property is located west of Thomas Langston Road and north of Fox Chase Subdivision. The property is currently zoned R9S. The anticipated use is single family residential on 152 lots. This property was recommended for rezoning from RA-20, Residential-Agricultural to R-9S, Single Family Residential by the Planning and Zoning Commission on May 20, 2003. The Planning and Zoning Commission approved a preliminary plat and street system sketch plan on August 19, 2003. The Greenville Utilities Commission was in dispute with the Bell Arthur Water Corporation at the time of submission of the initial preliminary plat. Part of the property was presented as a street system sketch plan. Greenville Utilities has been determined to be the utility provider. The Planning Staff objected to the street pattern with the initial submission. The objections were based on the proliferation of cul-de-sacs and the burden on service providers along with a lack of circulation within the development. There were two streets, which exceeded the maximum length, which were in the portion of the plan that was presented as a sketch plan. The applicant agreed to redesign that section and has done so on this submission. The Planning Staff is concerned with Charterhouse Lane. This is a long terminal street with a severe bend that will hamper service delivery. It does not exceed the 1000-foot maximum but the length combined with the curve presents a difficulty. The Planning Staff would prefer to see Charter house Lane extended straight through to the Edmonson Construction, Inc. property and dispense with Bull Rush Court. This street is somewhat similar to some of the streets that were in the Emerald Place subdivision submission that was denied last month. At the time of the initial approval, a turn lane was required by the North Carolina Department of Transportation. The developer has included this lane in their construction plans and has posted a surety for this improvement. The Planning Staff would ask that if the Planning and Zoning Commission were inclined to approve this request that a condition be on the approval that the required turn lane on Thomas Langston Road be completed prior to platting any further sections. This proposal has been discussed with the designer and they agree to this condition and are already progressing on this improvement. A wet detention pond is also added to meet the current regulations. This plan has adequate interconnectivity with adjoining properties. The City's Technical Review Committee has reviewed the preliminary plat. The Planning Staff has concerns with this preliminary plat meeting all requirements and city standards specifically the cul-de-sac length and design noted above.

Mr. Moye stated that has he understands it the reasons staff has a problem with Charterhouse Lane because of its length and the curve but staff would accept it if it continued through and connected with the intersection where Edmondson Construction is location.

Mr. Thomas stated that was correct. Mr. Thomas stated that the curve would still exist but there would be forward movement.

Mr. Mike Baldwin, Baldwin and Associates, representing the applicant, handout minutes of the August 19, 2003. Mr. Baldwin stated that the preliminary plat and sketch plan for Charleston Village was approved August 19, 2003 by the Commission. There were some concerns in regards to the number of cul-de-sac. Mr. Baldwin made reference to sections of the August 19th minutes. Mr. Baldwin stated at the August 19th meeting there was never mentioned a problem with Charterhouse Lane. Mr. Baldwin asked the Commission to reaffirm their approval of the previous sketch plan. Mr. Baldwin stated that this plan meets all the

ordinances and plan criteria.

No one spoke in opposition.

Motion was made by Mr. Randall, seconded by Mr. Moye, to approve the request with the stipulation that the turn lane is developed in accordance with the City and DOT requirements. Motion carried unanimously.

REQUEST BY COLUMBIA RIM CORPORATION – APPROVED

Chairman Yates stated that the last item is a request by Columbia Rim Corporation for a preliminary plat entitled “Emerald Park Cluster Subdivision”. The property is located on the northwest corner of the intersection of Thomas Langston Road and Davenport Farm Road. The preliminary plat consists of 394 lots on 99.649 acres.

Mr. Thomas stated this is a request for Emerald Park Cluster Subdivision. The property is located on the northwest corner of the intersection of Thomas Langston Road and Davenport Farm Road. The property is currently zoned R9S, R6S and R6A. The anticipated use is single family residential and duplexes on 394 lots. This property was recommended for rezoning from RA-20, Residential-Agricultural to R-9S, Single Family Residential, R-6S, Single Family Residential and R-6A, Residential by the Planning and Zoning Commission over two different meetings (February 16, 1999 and March 16, 1999). It was rezoned by the City Council on April 8, 1999. Bobby Ray Mills who owns the property between the Brown Development Group and Augusta Trails filed a rezoning request from RA-20, Residential-Agricultural to R-6S, Single Family Residential and R-6A, Residential. This property was recommended for rezoning by the Planning and Zoning Commission on July 19, 2005. It was rezoned by the City Council on August 11, 2005. The developer has an option on the property and Mr. Mills has signed the application. There are some zoning lines, which do not follow property lines or streets. These zoning lines will have to be moved prior to final platting any of these lots. These are mostly minor adjustments but they need to be corrected. The bulk of the property is being developed as single family residential. The northwest corner adjacent to Augusta Trails is being developed as duplexes. This preliminary plat design will revise a portion of the Augusta Trails subdivision. The adjoining property owner is in agreement and will submit a revised preliminary plat to incorporate the proposed street layout. This development is being presented as a cluster subdivision. 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. This design is a resubmission of a preliminary plat that was denied by the Planning and Zoning Commission last month. The City Staff had concerns with the street layout, lengths and shapes. The Engineer has addressed these concerns in this revised submission. Rhinestone Drive connects into the street pattern and is no longer a terminal street with a severe curve. The duplex area adjacent to Augusta Trails has been redesigned eliminating the long cul-de-sacs that were on the previous submission. Overall this street pattern is a vast improvement. This will be easier to service. The interconnecting street pattern will serve to establish a sense of community, which will enhance the development. This plan is more closely in line with the goals of the Horizons Comprehensive Plan. The straight stretch that caused a concern last month has been redesigned. There is a curve that breaks up this stretch. This design will assist in traffic calming and will

lower speeds of vehicles in the neighborhood. The section near the intersection has been redesigned to reduce the number of cul-de-sacs from four to two. Overall, there were ten cul-de-sacs on the previous submission. This request has six cul-de-sacs, which is a vast improvement. This plan has adequate interconnectivity with adjoining properties. The City's Technical Review Committee has reviewed the preliminary plat. The preliminary plat meets all requirements and city standards.

Mr. Ramey asked if there was a way to increase the width of cul-de-sacs so that vehicles will not be prohibited in making turn moves.

Mr. Thomas stated that recently there was a Fire Code adopted that has caused some change in design on the bulbs of cul-de-sacs. The bulbs are larger.

Mr. Tom Johnson, Attorney, representing the applicant spoke on behalf of the request. Mr. Johnson stated the suggestions from the city and have made those changes in order to comply. Mr. Johnson stated that Mr. Ken Malpass could answer any technical questions the Commission may have.

Mr. Neal White, resident of Fox Chase, Lot 1, stated he's not opposed to the development. Mr. White explained that since they cleared the timber from the property it has caused a drainage problem causing his lot to flood. Mr. White stated that he has addressed Mr. Malpass with this problem. Mr. White asked that the request be continued until he, Mr. Malpass and Lisa Smith, City's Engineering Division, can address these problems. Mr. White advised the Commission that he had contacted the State and they advised him the problem was to be handled by the property owner.

Mr. Moye asked why this issue was not discussed at last month's meeting.

Mr. White stated he just received notification of the request for this month's meeting.

Mr. David Brown, City Engineer, stated this is the first time he has been made aware of the problem.

Mr. Johnson stated that they didn't clear the timber and asked Mr. Malpass to talk about the drainage.

Mr. Ken Malpass explained that about 80 or 90 percent of the property is going to drain to the two detention ponds. The street drains back to the west to the detention pond, which drains into the canal, which drains Augusta Trails. Augusta Trails does not back around to lot one it drains to the south and the main canal dividing the two detention ponds. There is 5 foot by 5 foot culvert under the road that's draining Augusta Trails as well as a good majority of this property.

Mr. Tozer asked Mr. Malpass if this design incorporates the new state laws as far as water retention but will not be functional until the pond itself is constructed.

Mr. Malpass stated that was correct. Mr. Malpass stated that the water is draining like it has always drained.

There was discussion in regards to the drainage and how to control the run off. Discussion continued on which way the drainage is going.

Mr. Malpass stated he would be willing to meet with Mr. White on site and see how the problem of flooding can be addressed.

Mr. Johnson stated once the plan is approved the sooner the drainage issues can be addressed.

Ms. Angela Moody White stated she's glad the property is being developed but since the property was cleared their lot has flooded ever time it rains.

Mr. Ramey stated that he doesn't have a problem with the plan but does have a problem with the water. Mr. Ramey asked if the developers could make some temporary arrangement to stop the water from draining into the adjacent property until the detention pond could be constructed. Mr. Ramey stated that he could not support this because the water issue is a health problem.

Mr. Holec reminded the Commission of the areas that are to be considered for a preliminary plat approval.

Mr. Randall stated that the sooner the developer gets started on the project the sooner the problem can be eliminated.

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

There being no further business the meeting adjourned at 8:30 PM.

Respectfully submitted,

Merrill Flood
Secretary

APPROVED

Jay Yates, Chair