

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION

December 17, 2019

The Greenville Planning and Zoning Commission met on the above date at 6:00 pm in Council Chambers of City Hall.

Mr. Les Robinson - Chair *
Mr. Kevin Faison - X Ms. Chris Darden - X
Mr. Michael Overton - * Mr. John Collins - *
Mr. Alan Brock - * Mr. Hap Maxwell - *
Mr. Billy Parker - * Mr. Brad Guth - *
Mr. Max Ray Joyner III - * Mr. Chris West - *

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

VOTING MEMBERS: Robinson, Overton, Joyner, Maxwell, Joyner, Collins, West, Parker, Guth and Brock

PLANNING STAFF: Chantae Gooby, Chief Planner; Thomas Barnett; Director of Planning and Development Services; Les Everett, Assistant Director of Planning and Development Services; Bradleigh Sceviour, Planner II and Camillia Smith, Secretary

OTHERS PRESENT: Emanuel McGirt, City Attorney and Kelvin Thomas, Communication Technician.

MINUTES: Motion made by Mr. Joyner, seconded by Mr. West, to accept the November 19, 2019 minutes. Motion passed unanimously.

NEW BUSINESS

Rezoning

2. Ordinance requested by Happy Trail Farms, LLC to rezone 17.193 acres located near the northeastern corner of the intersection of East 10th Street and Port Terminal Road from R6A-RU (Residential [Medium Density])- Restricted Residential Overlay District to R6A-RU[Medium-Density]).

Ms. Gooby delineated the property. The property is currently vacant. It's located in the Hardee Creek Watershed and there is a small area in the 100-year flood plain. Under its current zoning, the property can accommodate 80-90 duplex units or five units per acre. Under the requested zoning, it can accommodate 100-120 multi-family units or seven units per acre. The Future Land Use and Character Map recommends traditional neighborhood, low-medium density, which is anticipated to have to have a density of roughly 6 units per acre. The potential density increase is more than what is recommended by the Future Land Use and Character Map.

In staff's opinion, the request is not in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Staff recommends denial

Mr. Robinson opened the public hearing.

Mr. Mike Baldwin, Baldwin Design Consultants, spoke in favor on behalf of the applicant. Because of the wetlands delineation, the rezoning is needed to make up for the loss of developable land.

No one spoke in opposition.

Mr. Robinson closed the public hearing.

Mr. Maxwell stated that he is concerned with the impact of the development on the wetlands.

Motion made by Mr. Maxwell, seconded by Mr. Guth to recommend denial for the proposed amendment to advise that it is inconsistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Voting in favor: Maxwell, Guth and Brock. Voting in opposition: West, Joyner, Parker, Overton and Collins. Motion failed 3:5

Motion made by Mr. West, seconded by Mr. Joyner to recommend approval for the proposed amendment, to advise, although the proposed amendment is inconsistent with the Comprehensive Plan in this instance it is an appropriate zoning classification and to adopt the staff report which addresses plan consistency and other matters, in favor. Voting in favor: West, Joyner, Parker, Overton and Collins. Voting in opposition: Maxwell, Guth and Brock. Motion passed 5:3.

3. Ordinance requested by East Carolina University to rezone 16.9+/- acres in an area beginning at the intersection of East 5th Street and Reade Street proceeding north along the same until reaching East 3rd Street and then proceeding one block west and north, bounded on the northern side by 1st Street and the western edge by Town Creek from OR (Office-Residential [High Density Multi-family]) to CD (Downtown Commercial).

Mr. Sceviour delineated the property. It is located in the Town Creek Watershed, which requires 25-year detention. The property is mostly institutional uses and surface parking lots. It is located within the Downtown regional activity, which is where commercial is anticipated and encouraged. This rezoning could generate a net increase of 924 trips per day. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. This request aligns with Goals 1.3 and 1.4 of Horizons 2026: Greenville's Community Plan. Staff recommends approval.

Goal 1.3 High Quality Infill and Redevelopment

Policy 1.3.1 Support Infill and Redevelopment

Promote development and redevelopment throughout the city with a concentration of these projects in the Uptown Core of the Future Land Use and Character map and the Primary Service Area of the Tiered Growth Map in order to balance the city's tax base, reduce service and maintenance expenditures, and make smart long term investments that use taxpayer dollars wisely. This is generally preferred over new peripheral development.

Goal 1.4 A Vibrant Uptown

Policy 1.4.2 Foster High Density Infill Development

Foster development of high density mixed use buildings in and around Uptown that create a more vibrant pedestrian environment and provide a mix of new housing and office spaces.

Mr. Robinson opened the public hearing.

Mr. Merrill Flood, East Carolina University, spoke in favor on behalf of the applicant. The purpose of the rezoning is to facility the development of the Innovation Campus also known as Millennial Campus.

No one spoke in opposition.

Mr. Robinson closed the public hearing.

Motion made by Mr. Overton, seconded by Mr. Parker to recommend approval for the proposed amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

4. Ordinance requested by 4JPll, LLC to rezone 31.038 acres located at the intersection of East 14th Street and Quail Ridge Road from RA20 (Residential-Agricultural) and R6 (Residential [Medium Density Multi-family]) to OR (Office-Residential [High Density Multi-family]).

Ms. Gooby delineated the 31-acre property and brought the board up to date with the submitted letters from the petitioner and other stakeholders. Ms. Gooby then shared the history of the property's Special Use Permit and its current zoning. Informing the board that if the rezoning is granted the Special Use Permit will be nullified. Ms. Gooby also gave the board the definition of "spot zoning" as it is has been a concern raised by the affected parties. Because of the noise and lighting use of the athletic complex, the surrounding neighborhoods have expressed dissatisfaction with the complex. Complaints have been voiced with the city, property owners and the benefactor; however, the rezoning request could open the door for the Special Use Permit conditions to be set aside. In staff's opinion, the request is not in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Staff recommends denial.

Mr. Parker asked if there were other avenues for the petitioner to take other than rezoning the entire property.

Ms. Gooby replied there were two different paths that both hold uncertain results. One path is to go back before the Board of Adjustment and re-open the Special Use Permit to change the conditions. Alternatively, the petitioner and staff possibly can work on a text amendment and that would be if appropriate terms could be met without compromising the city code. Both options have no certain outcome.

Mr. Robinson opened the public hearing.

Ms. Amanda Mann, attorney for the applicant, spoke in favor of the request. We would rather not go back before the Board of Adjustment and open up the Special Use Permit. I can assure you that there is no nefarious intent. While we have considered other routes and a text amendment is an option, JP II is ready now to resolve the matter. We are in compliance. There is room for mutual benefits, and I am sure there is a practical decision here if we would work through it.

Mr. Rich Balot, applicant for JP II, spoke in favor of the request. The concept here is to help local teams have a place to practice. This is not a revenue stream; we may charge a fee to compensate those that clean up after. We have been working with the HOAs to combat the lighting and sound concerns. Our concern is the risk associated with going back before a quasi-judicial board and losing the Special Use Permit. The school has 140 students so that is huge risk. There has been rapid growth since the complex was constructed.

Mr. Parker asked have you met with the HOAs.

Mr. Balot replied we've tried. There has been communication in various forms.

Mr. Parker asked is this just for practice or games?

Mr. Balot replied both.

Mr. Joyner asked if there is a limit on light and sound in the Special Use Permit.

Mr. Balot answered not associated with Special Use Permit but the city sound ordinance

Mr. Parker asked if the zoning is changed then is it possible for a four-story apartment complex to be built there.

Mr. Balot stated that he understands the concerns of the residents.

Mr. Dave Caldwell, Planters Walk resident, spoke in opposition. The importance of the Special Use Permit to the neighborhood, it is vital, and protects the residents. The petitioner has installed stadium lighting and I can't enjoy my pool because the lights blind me. I can deal with it one or

two days a week but if you take the restriction off, how many days will it be. Please consider that people live there.

Ms. Pat Anderson, President of the Board of Directors of Planters Walk, spoke against the request. We are very proud of our neighborhood and have over 100 homeowners that choose to live there. This rezoning would bring change to the neighborhood with sound, lighting and traffic increase. I want to make it clear that while there have been improvements, there are not sufficient for the neighborhood. We would like clear restriction on any expansion on the already appropriately zone property and would like to maintain the current zoning. The homeowners have signed petitions and written over 25 letters. We don't want to have to worry about a 7-11 coming behind our homes. Mr. Ballot assured me that wouldn't happen but what will happen when he is no longer there.

Mr. Overton asked what is the biggest concern future use or frequency of use.

Ms. Anderson replied the use is the concern. We understand the need for others in the city to be able to use it. We are concerned about large volume events like tournaments when we were just assured that football season would be seven to eight games. With this rezoning, how much will the use increase?

Mr. Parker asked if a solution could be met without the rezoning and limiting use of lighting and sound. Would the association be fine with that?

Ms. Anderson replied from my read of the group, yes that would be but I can't speak for 100 people. I can only speak to what I know.

Mr. Robinson asked if there had been real discussions between the two parties.

Ms. Anderson stated that she had spoken to Mr. Balot via phone but he didn't call until after I got the notice. The FAQ letter that he sent was informative and it quieted some concerns.

Mr. Robinson asked would you like the opportunity to be heard collectively.

Ms. Anderson said yes. I am sure the other homeowners would, however, we will need something more concrete than a nice man's word that this will never happen. We would need permanent restrictions to protect the neighborhood from any violations of any covenant.

Mr. Michael Da Silva, Planters Walk resident, spoke in opposition. We have been told that the facilities were only for JP II and St. Peters schools. We unable to enjoy our home because of the sound and lighting from the complex, as well as, new flooding issues. I can barely hear the television. If rezoned, what will prevent them from building a larger school building next to the complex?

Mr. Bret Keiper, Planters Trail resident, spoke in opposition. Most of our interaction has been with the school and the engineers. They have been responsive to our concerns about the lighting and the sound. Interaction with 4JP II, LLC and JP II School are entirely different. I understand his benevolence and a \$10 million dollar complex deserves to be used however, it was not our idea to

build there. The Special Use Permit came with conditions. We got assurance for JPII School, and we would like to hold to that. In my letter, I refer to this as a bait and switch because the school, complex and church were built under the Special Use Permit, now here is a rezoning request. To change that zoning, is in fact, a bait and switch.

Mr. Parker asked are you okay with other teams using the complex.

Mr. Keiper replied that we are not adverse to the use but rather the lights and sound.

Mr. Alan Howell, Quail Ridge Board of Owners, spoke in opposition. We have 255 units and we are experiencing the same light and sound issues like all the others. If this rezoning is granted, the Special Use Permit is nullified. We're the neighborhood that will be hit with an increase in traffic and water run off issues.

Mr. Alex Torres, Planters Walk resident, spoke in opposition. He asserted that if there was such a great need for sports complexes in the city that there should be a plan in place to build them. He stated that if a city wide sports complex was built under the pretext of some recreational fields for a small school then a bait and switch had been carried out. He talked about the size of the complex being disproportionate to the size of the school. This leads him to believe that outside income sources would be sought out to offset the cost of the project and maintenance. He also claimed that the main issue was a lack of communication between the applicants and the residents throughout the project.

Ms. Joanie Torres, Planters Walk resident, spoke in opposition. She stated that there were issues with light pollution and sound. She also stated that JPII were not good neighbors as they did not live within the community. She claimed that games and band practice created a negative quality of life for the residents.

Bill Jacobs, Planters Walk resident, spoke in opposition. My neighbors and I cannot enjoy our backyards because of the lighting. I cannot even have my screen door open because of the sound. Moreover, this has been only one football season. What about the baseball season and the other sports?

Carrie O'Peel, Planters Trail resident, spoke in opposition. All parties haven't been brought to the table in this process

Cindy Rumble, Planters Trail, spoke in opposition. Our residents feel very left out of the loop. The Special Use Permit was approved and it should remain the zoning it is currently.

Donna Jacobs, Planters Walk resident, spoke in opposition, I've lived here for 33 years. Mr. Balot stated in his letter that there is still an outdoor track and volleyball court to be constructed. There are no buffers or berm but there is a chain link fence.

Julie Young, Planters Trail resident, spoke in opposition, I live next to the football field and I know why they would not want to go before a quasi-judicial board again. They are in violation of their permit. Ms. Young played a sound clip of a noise form a JPII football game recorded from her

patio. Ms. Young pointed out that the speakers are not being used for announcements but rather just to blast music.

Kim Hinnant, Quail Ridge resident, spoke in opposition, it is only 0.10 of a mile from 14th Street to the complex. With the proposed increase in traffic, there will be a back up in traffic on Quail Ridge Road. That road isn't meant for a lot of traffic.

Catherine Verbanic, Quail Ridge resident, lived here for 25 years. I had to buy flood insurance for the first time. We have been flooded because of drainage. I object to the concept that they are trying to be a good neighbors. They have left the lights on the football field all night. I call them in the morning to tell them. Residents in Cherry Oaks can hear the noise from the football games as well. That's not how good neighbors treat each other.

On rebuttal, Ms. Mann, spoke in favor of the request, we are ready to work together with staff to do a text amendment or whatever other options may be available. We understand the concerns regarding the Special Use Permit. A developer from the private sector could come and do something else. We are proposing a longer duration of a guarantee to the neighborhoods of what would and wouldn't be there.

Mr. Parker asked under the existing Special Use Permit, would additional school buildings be allowed?

Ms. Gooby replied yes. However I think they would have to revisit the Special Use Permit because part of the approval process is to show what things you plan on doing there. Therefore, any change from the site plan that I showed early would have to go before the Board Of Adjustment.

Mr. Parker asked is there anything on the site plan that indicates for additional buildings

Ms. Gooby answered no there isn't any further expansion that she is aware of.

Mr. Overton stated this is a difficult situation. If this isn't spot zoning it is very close. Would a text amendment be a possibility? I do not want to just deny it without giving the parties a chance to resolve it. Maybe they can table it and continue talks.

Mr. Parker stated that it appears that more meetings need to occur between all the stakeholders. It appears that not all parties have been heard. In addition, because the intent is to bless other sports team then reopening communication is worth it. If I lived here I wouldn't want anything else bothering me. However, I think more time may be needed to achieve both goals. I do not think rezoning is the answer.

Mr. Robinson replied most of the speakers tonight stated that they haven't been fully heard or received insufficient notice of this request. I think more time is need to allow the parties to come together to express their concerns in an amicable and civil way. I hope that a resolution can be reached before we have to vote on it.

Mr. Maxwell stated this rezoning will take away the protection the Special Use Permit provides the neighborhood. This request is a concern and I don't think it is the best choice.

Mr. Collins stated the rezoning is not the best choice to remedy the matter. There are other options and wouldn't voting in favor of that tonight.

Mr. Joyner replied I am not sure if rezoning is the best option here. Of course there needs to be some give and take regarding the sound and lighting. More attention should have been paid to a better buffer between the neighborhood and the complex.

Mr. Robinson confirmed that the petitioner is requesting a continuance.

Motion made by Mr. Brock, seconded by Mr. Overton to continue the proposed amendment until the next meeting. Voting in favor: West, Joyner, Parker, Overton and Brock. Voting in opposition: Maxwell, Guth and Collins. Motion passed 5:3.

Preliminary Plats

5. Request by V-SLEW, LLC for a preliminary plat entitled "River Bend". The property is located north of NC Highway 33 E at its intersection with L.T. Hardee Road and west of Rolling Meadows Subdivision. The proposed plat consists of one hundred and forty four (144) lots totaling 30.376 acres.

Mr. Sceviour delineated the property. He stated that the project is just south of the Tar River and East 10th Street near the intersection of L.T. Hardee Road. This 144 lot subdivision totaling 30 acres which is not impacted by the flood plain. Zoned R6S, it has a single-family designation. The Future Land Use and Character Map shows it to be low to medium density development. This plat meets all the technical specifications however, not all of the street names have been approved for Emergency 911 addressing. We would like your approval now and will return once all the street names have been approved.

Mr. Robinson asked is that something we can do, approve and allow it to be changed later without our vote on it.

Mr. Sceviour replied that staff would approve it as a minor alteration and return to inform you that the names have been approved.

Mr. Baldwin, spoke in favor of the request, representing V-Slew LLC, this plat was approved in 2008 and had expired, however, additional property was acquired and they now have a builder for the lots. Street name creation is difficult but we submitted the last name today so hopefully E911 will approve it.

Mr. Overton asked does it have sewer accessibility

Mr. Baldwin replied yes, it's on the sewer that services the State Employees Credit Union, Verizon, Aldi and River Hills.

No one spoke in opposition.

Motion made by Mr. Overton, seconded by Mr. West to recommend approval of the proposed preliminary plat. Motion passed unanimously

Adjournment

With no further business, motion to adjourn made by Mr. Overton and seconded by Mr. West. Motion passed unanimously.

Meeting adjourned at 8:30

Respectfully submitted,
Chantae Gooby
Chief Planner