

ADOPTED MINUTES FOR THE GREENVILLE PLANNING AND ZONING COMMISSION

May 19, 2020

The Greenville Planning and Zoning Commission met via electronic media on the above date at 6:00 pm. Due to COVID 19 safety measures, commission members connected electronically to the meeting from their own locations.

Chair Robinson said that recent actions by the North Carolina General Assembly has changed the way the commission will vote. Members will hear the item along with the public hearing, the public hearing will be closed, and the item will then be voted on to recess until a special meeting of the Planning and Zoning Commission on May 21, 2020. This will allow the public 24 hours after the hearing is closed to send in written comments via email which will then be presented to the commission. There will not be any public hearings or input during the May 21st meeting the commission will discuss the item and then vote on the item in question.

Mr. Les Robinson - Chair *

Mr. Kevin Faison - X	Ms. Chris Darden - *
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 – X

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

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

PLANNING STAFF: Chantae Gooby, Chief Planner; Bradleigh Sceviour, Planner II; Tony Parker, Planner I; Margo Castro, GIS Technician II

OTHERS PRESENT: Emanuel McGirt, City Attorney; Kelvin Thomas, Communication Technician; and Rob Hudson, IT Manager

MINUTES: Motion made by Mr. Collins, seconded by Mr. Parker, to accept the April 21, 2020 minutes. Motion passed unanimously.

Changes to the Agenda: Chair Robinson stated there were requests for items 2, 3 and 10 to have those items continued to the June 16, 2020 P&Z meeting.

Mr. Robinson asked for a motion to approve or deny the request for item number 2.

Mr. Overton, seconded by Mr. Brock, moved to have item number 2 continued to the June 16 meeting. Motion passed unanimously.

Mr. Robinson asked for a motion to approve or deny the request for item number 3.

Mr. Brock, seconded by Mr. Overton, moved to have item number 3 continued to the June 16 meeting. Motion passed unanimously.

Mr. Robinson asked for a motion to approve or deny the request for item number 10.

Mr. Overton, seconded by Mr. Maxwell, moved to have item number 10 continued to the June 16 meeting. Motion passed unanimously.

Rezoning:

4. ORDINANCE REQUESTED BY EAST CAROLINA UNIVERSITY TO REZONE A TOTAL OF 19.0+/- ACRES IN THE AREA GENERALLY BOUNDED BY WEST 10TH STREET, SOUTH WASHINGTON STREET, WEST 12TH STREET, WEST 13TH STREET AND THE COASTAL SEABOARD RAILROAD FROM IU (UNOFFENSIVE INDUSTRY), R6 (RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) AND CDF (DOWNTOWN COMMERCIAL FRINGE) TO MUI (MIXED USE RESIDENTIAL) - APPROVED

Mr. Brad Sceviour delineated the property. These properties are owned by ECU and are part of the Millennial Campus. These properties are slated to be re-developed which is the reason the Mixed Use Institutional Zoning District was crafted. On May 18, 2020, City Council approved the text amendment creating the Mixed Use Institutional Zoning District. This rezoning is within keeping of the Future Land Use and Character Map and Horizons 2026: Greenville's Community Plan. This is a continuation of the Horizon 2026 goal to create a more vibrant Uptown area, and to involve the university with this process. Therefore, staff recommends approval.

Commissioner Max Ray Joyner, III was recused from this item.

Chairman Robinson opened the public hearing.

Interim Chancellor Ron Mitchelson, East Carolina University, spoke on behalf of the rezoning. He believes this project will be a solid investment in Greenville and Eastern North Carolina (ENC). This project will become a destination project and will encourage investors and young professionals to be in this area.

Michelle Clements, The East Group, spoke in favor. The three warehouses will be redeveloped first. This will be a pedestrian-friendly campus.

Merrill Flood, ECU, spoke in favor of the rezoning. The Millennial Campus is important for Greenville and will spur further investment.

Bill Bagnell, ECU, spoke in favor of the rezoning.

Tim Elliot, Elliot Sidewalk Communities, spoke in favor of the rezoning. His company has been working with Greenville representatives since 2014 and he is excited about what this redevelopment project will have to offer Greenville and ENC.

No one spoke in opposition.

Chairman Robinson closed the public hearing.

Motion made by Mr. Overton, seconded by Mr. Parker, to recess consideration of this item until May 21, 2020 at 6PM. Motion passed unanimously.

Excerpt from the draft Planning & Zoning Commission Minutes (05/21/2020)

Chairman Robinson reminded the Commission that Mr. Joyner was recused from voting.

Motion made by Mr. Overton, seconded by Mr. Collins to recommend approval of 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.

5. ORDINANCE REQUESTED BY THREE TWENTY ENTERPRISES, LLC TO REZONE A TOTAL 8.2917 ACRES FROM GENERAL BUSINESS (GB) – SIMPSON’S JURISDICTION TO GENERAL COMMERCIAL (CG) – GREENVILLE’S JURISDICTION FOR 3.2917 ACRES – TRACT 1 AND FROM GENERAL BUSINESS (GB) – SIMPSON’S JURISDICTION TO OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) – GREENVILLE’S JURISDICTION FOR 5.0 ACRES – TRACT 2 FOR THE PROPERTY LOCATED AT THE SOUTHEASTERN CORNER OF THE INTERSECTION OF NC HIGHWAY 33 EAST AND L. T. HARDEE ROAD - APPROVED

Ms. Chantae Gooby delineated the property. She explained that the property is associated with a Future Land Use and Character Map amendment that was just approved by Council. The Commission unanimously recommended approval of that request. This rezoning request will be considered with along with an annexation petition at the June 11 Council meeting. The property owner wishes to develop the property with sanitary sewer, which is available from Greenville Utilities Commission (GUC). Annexation into the City is required to tap onto sewer and this also requires city zoning. The Future Land Use and Character Map recommends commercial at the corner of NC Highway 33 East and L. T. Hardee Road transitioning to high density residential to the south. This request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Therefore, staff recommends approval

Chairman Robinson opened the public hearing.

George Tullos spoke in favor of the rezoning. His firm will be the developer of Tract 2.

Jon Day, spoke on behalf of the property owner, in favor of the request. This property is part of a commercial node.

No one spoke in opposition.

Chairman Robinson closed the public hearing.

Motion made by Mr. Collins, seconded by Mr. Joyner, to recess consideration of this item until May 21, 2020 at 6PM. Motion passed unanimously.

Excerpt from the draft Planning & Zoning Commission Minutes (05/21/2020)

Motion made by Mr. Overton, seconded by Ms. Darden, to recommend approval of 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.

6. REQUEST BY ROCKY RUSSELL DEVELOPMENT, LLC. THE PROPOSED PRELIMINARY PLAT ENTITLED, "BARRINGTON FIELDS, SECTIONS 2, 3, AND 4", IS LOCATED WEST OF FROG LEVEL ROAD AND ADJACENT TO TABERNA SUBDIVISION AND IS FURTHER IDENTIFIED AS BEING TAX PARCEL NUMBERS 22728, 32631, AND 68998. THE PROPOSED PLAT CONSISTS OF 40 LOTS TOTALING 19.1252 ACRES. - APPROVED

Mr. Brad Sceviour delineated the property. He explained that this property has come before the commission once before, on April 21, 2020, and was not approved because it did not meet technical specifications for subdivisions in Greenville. Since this time, the developer added a stub out to the plat to allow for inner connectivity. The plat fits within the future land use plans for this area. Mr. Sceviour said that now that the plat has a stub out for connectivity, it fulfills the requirements by the subdivision review committee, and staff recommends approval of this plat.

Mr. Robinson asked if there was any questions from the commission for staff. Hearing none he then opened the public hearing.

Mr. Rocky Russell spoke in favor of the plat and said he was there to answer any commission questions.

Mr. Richie Brown spoke in favor of the plat and said they did add the stub out for interconnectivity as required.

Chantae Gooby reminded the commission there was a memo pushed out to the commission on May 15th that had an email regarding the plat written by James Merkel.

Mr. Robinson asked if there were any more speakers for the plat being considered. He also asked Ms. Gooby if the email she referenced was for or against the plat. She said it was against.

Mr. Robinson asked if there were any speakers against the plat being considered. Seeing none he then asked Chantae Gooby to read for the record the email she had referenced.

Seeing no further speakers against the plat, he then closed the public hearing.

Motion made by Mr. Collins, seconded by Mr. Maxwell, to recess consideration of this item until May 21, 2020 at 6PM. Motion passed unanimously.

Excerpt from the draft Planning & Zoning Commission Minutes (05/21/2020)

Motion made by Mr. Brock, seconded by Mr. Collins, to recommend approval of 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.

7. ORDINANCE REQUESTED BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO AMMEND THE CITY CODE TO ADD A MULTI-FAMILY OPTION TO THE MCG (MEDICAL-GENERAL COMMERCIAL) AND MCH (MEDICAL-HEAVY COMMERCIAL) ZONING DISTRICTS - APPROVED

Ms. Chantae Gooby presented for staff. This is a request to add a multi-family component to the MCG and MCH zoning districts. Both of these zoning districts are only allowed in the Medical Area. The will allow of mixing of uses on one property but does not allow for the uses to be mixed vertically. Staff has been working on a mixed use ordinance for the entire city that will allow the mixing of residential and non-residential uses in the same building. Due to COVID, this process has been hampered as this was intended to be a collaborative effort between staff, citizens and development professionals. This ordinance will allow for “mixed use” only in the Medical Area but not exactly in the same fashion as described in Horizons. As social distancing requirements ease, staff will resume working on the mixed use text amendment that will encompass the City as a whole. This text amendment is supported by the Horizons 2026: Greenville’s Community Plan

Chapter 1, Great Places, Goal 1.1 Focused Approach to Growth and Reinvestment

Policy 1.1.2 Promote Transit Supportive Nodes

Promote the development of a network of compact nodes of walkable mixed use development that can support the transit

Action 1.1 Adopt Mixed Use Zoning Districts

The City should act quickly to adopt a minimum of two new mixed use zoning districts that are consistent with the descriptions, intent of the building blocks of the Mixed Use, High Intensity (MUHI) and Mixed Use (MU) character districts outlined in this chapter. Additionally, a strategy should be developed for implementing the Uptown Core (UC) and Uptown Edge (UE) districts that may be enacted through new zoning districts or overlay districts. The City may consider implementing a form based code in certain areas. To ensure the application of the zoning district, incentives could be provided for new developments within these areas.

Action Plan 1.1

Mixed use development is not a current part of Greenville's zoning and subdivision ordinances, but vertically mixed use buildings and mixed use developments are a part of the vision of the Future Land Use and Character Map of this plan. Having districts for Mixed Use High Intensity and Mixed Use defined within the ordinances will expedite the ability of City staff to deploy the plan in areas where that designation has been given on the map. Along with other regulations, incentives, and programs, mixed use districts can also help preserve and grow the vibrant uptown neighborhoods. This action adds to the City's tool kit for overall implementation. This action was a top ten priority at the public open house.

Appendix 10b Special Area Plan: Medical Area

Land Use and Design Direction: Overview

3. Encourage the development of mixed use activity centers at nodes dispersed throughout the area.

Integrated places. Create mixed use centers as indicated on the Future Land Use and Character Map each could contain places to live, work and shop integrated in a walkable pattern. These centers may include an integrated mix of building types and uses (residential, office, and retail etc.) and could include vertically mixed buildings that generally include commercial on the ground floor and office space or residential on upper floors.

4. Improve connectivity and safety for pedestrians, bicycles, and vehicular traffic.

Therefore, Staff recommends approval.

Mr. Robinson opened the public hearing.

No one spoke in favor.

No one spoke in opposition.

Mr. Robinson closed the public hearing.

Motion made by Mr. Collins, seconded by Mr. Brock, to recess consideration of this item until May 21, 2020 at 6PM. Motion passed unanimously.

Excerpt from the draft Planning & Zoning Commission Minutes (05/21/2020)

Motion made by Mr. Overton, seconded by Ms. Darden to recommend approval of the proposed text 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 passed unanimously.

8. ORDINANCE REQUESTED BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO AMEND THE CITY CODE BY CREATING A CLASSIFICATION AND ASSOCIATED STANDARDS FOR SMALL PRIVATE SCHOOLS. CONTINUED

Mr. Sceviour presented for staff. He stated the text amendment was requested by the developer, Mr. Rich Balot, for the John Paul II Catholic High School. The Board of Adjustments did issue a special use permit on February 2, 2017. There was a rezoning request heard by PZC January 21, 2020, the petitioners withdrew the request. A Text Amendment was drafted by the school, and edited by city staff. The goal was to create a regulatory framework for smaller private schools and to protect surrounding neighbors as well as accommodate community needs. The school is defined within the text amendment as small, private. It is a private educational institution providing full time instruction and includes accessory facilities traditionally associated with a program of study, which meets the requirements of the laws of the state, that has no more than 500 students.

Third party rentals will be allowed, and the operating hours of the facility will be limited. The outdoor recreational facility may not be operated independently of school. The parking requirements will follow the same standards as for other schools. All new driveways and new perimeter parking areas shall be placed as far from abutting 16 residential properties as is reasonably practical as determined by the Director of Engineering or their designee. Loading and unloading of students shall be off street.

Hours allowed for the athletic facility:

Field Hours

- Monday – Thursday 9:30pm
- Friday – Saturday 11:00pm
- Sunday 7:00pm

Outdoor Amplified Sound

- Monday – Friday 9:30am
- Saturday – Sunday 8:00am

There will be new regulations for ambient lighting levels (0.5 footcandles). Light measurements taken from property line. Third party validation of city measurements will be available at requestor's expense.

Mr. Joyner asked about the amplified sound and whether it would be required to stop at the end of the athletic event. Mr. Sceviour said yes.

Mr. Robinson opened up the public hearing.

Amanda Bambrick spoke in support of this text amendment. She spoke gave a timeline that lead to the request for a text amendment. Currently John Paul II is operating under a special use permit. Ms. Bambrick spoke about the difficulties of amending a special use permit. The developer partnered with city staff to craft a text amendment that would have more measurable standards, especially with regards to light and sound. She stated that this complex is a community asset that is a benefit for the city.

Rich Balot spoke in favor of the text amendment. He stated that as the developer this was a charity project and hoped the facility could be used by teams throughout the community. He stated that the property is no longer able to host HOA meetings, be used as a voting location for the county, or for other community needs.

Seeing no further speakers in support of the text amendment, Mr. Robinson closed the public hearing for those in support, and opened the public hearing for those speaking in opposition to the amendment.

Christopher Edwards spoke in opposition of the text amendment. Edwards represented the Planter's Walk Home Owners Association. He said the homeowners are concerned the amendment will impact their quality of life. Mr. Edwards said the city already has a definition for schools and asks why there is a need for a redefinition for small private schools. He mentioned that the issue is not the school itself, but the athletic complex built on the 23.5 acres near the neighborhoods. The issue he states is the complex is built in an area surrounded by housing on three sides, and more housing already established across Fourteenth Street. He concluded by stating the neighborhoods feel like the situation with lights and noise will go from bad to worse if the amendment is passed.

Commissioner Joyner asked Mr. Edwards if there has been a neighborhood meeting to gauge support of or non-support of the amendment. Edwards stated that he had not attended such a meeting, but that when he was retained as the homeowner's council he was told the opposition to the complex was nearly universal.

Joni Torres spoke against the amendment. She stated that the special use permit specifically forbade any third party usage of the complex. She said the developer agreed to this provision and said the homeowners honor ask that the developer honor the provision. Torres said the amendment would allow third party use, the times the facilities would be available for use, and the use would be available year round, not just during the school year. She said the citizens strongly request the provisions of the special use permit be honored by the city and the developer. She said the language of the special use permit clearly was crafted to protect the neighborhood. Ms. Torres stated the neighbors had no issue with the special use permit. She concluded by stating the amendment would negatively impact all of the surrounding neighborhoods.

Donna Jacobs spoke against the proposed amendment. She stated this was the third time in six months she has spoken to the commission about this complex and property. She stated the neighborhoods feel there is a bait and switch tactic happening. Ms. Jacobs said the neighborhood agreed to use by the school for their own events, but they did not agree to any third party rentals. She said the developer and city did not consider the surrounding neighborhoods when the amendment was crafted. She asked why the city is not developing practice fields for youth sports if there is already a big demand for them. She suggest the developer partner with the city and develop inexpensive practice fields on city owned property.

Julie Yount spoke against the proposed amendment. She spoke about the amount of hours the complex could be open under the proposed text amendment and conveyed that 87.5 hours per week is unacceptable. She delineated the hours the complex would be open and explained that the impact on the neighborhoods would be great, and she urged the commissioners to vote against the amendment.

Kathryn Verbanac spoke against the proposed amendment. She stated the greater community of Greenville is no longer traditional when it comes to sleep patterns, and the area surrounding the complex

is no different. Verbanac stated that the vast medical community works on modified non-traditional schedules and that the amendment would be a detriment to those who do work in such a manner. She next spoke about the sleep patterns of children and how the lights and noise will impact their sleep. She suggested the hours of operation allowed for the complex should be limited, not expanded.

Thomas Huener spoke in opposition to the text amendment. Huener showed the commission photographs of the lights and stressed that the lights negatively impact those who live in the areas near the JP II athletic complex. He also referred to the special use permit and his interpretation of the violation of the permit with regards to lighting. Mr. Huener asked the commission to vote no for the proposed text amendment.

John Reisch spoke in opposition of the text amendment. Reisch spoke about the issues of light and the interpretation of light measurement. He stated the special use permit the complex is currently operating under offers a far more balanced approach to light usage by the complex. He also stated that the proposed text amendment fails to protect surrounding neighborhoods.

Dave Caldwell spoke against the proposed amendment. Caldwell felt that the special use permit balanced the interests of JP II and the city. He said the proposed amendment is out of character and scalability for neighborhoods based on the Horizons 2026 plan. He asked that the commission read all of the comments submitted prior to this evening's meeting and to understand the amendment is not in keeping with neighborhood protection.

Thomas Feller spoke in opposition to the proposed amendment. Feller mentioned the neighborhoods surrounding JP II were already in existence prior to the athletic complex being built. He also stated property values of the home impacted by the light and noise have and or will go down due to the issues stated. Lastly, Mr. Feller said the neighbors were not involved in the development of the amendment and only heard of it through a virtual meeting with the developer.

Melissa Feller spoke in opposition to the proposed amendment. She spoke of the Horizons 2026 plan and how this document can be used as an argument to deny the proposed amendment.

Chairman Robinson closed the public hearing noting that the allotted 30 minutes had been used.

Commissioner Max Ray Joyner III asked Mr. Robinson if the commission would be discussing this issue at this meeting. Mr. Robinson said no, according to North Carolina law, specifically dealing with virtual meetings during this COVID crisis, once the public hearing is closed the public will have 24 hours to send additional comments in for review by the commissioners. On May 21st, the commission will meet again to discuss the recessed issues. There will be no public input or discussion by the public. Members of the commission will then discuss the issue and then vote.

City Attorney Emanuel McGirt agreed with Chairman Robinson and stated the commission should allow the full 24 hours to pass before any discussion occurs.

Mr. Robinson discussed the COVID issue and how it impacts meetings and their outcomes. He stated that the spirit of the legislature is to add 24 hours for additional comments, and that he wished to honor the spirit of the law.

Mr. Overton asked if there would be time for rebuttal.

Mr. Robinson said he believed that once the public hearing was closed, there would be no rebuttal, and asked City Attorney McGirt for verification.

Mr. McGirt said he believed this to be true, but asked Chantae Gooby for her input.

Ms. Gooby confirmed there would be no rebuttal period and that this is the same procedure City Council is using as well.

Mr. Robinson addressed the public and reminded them that if they wish, they have 24 hours to submit materials and comments to the commission.

Motion made by Mr. Collins, seconded by Ms. Darden, to recess consideration of this item until May 21, 2020 at 6PM. Motion passed unanimously.

Excerpt from the draft Planning & Zoning Commission Minutes (05/21/2020)

Chairman Robinson asked for discussion or a motion regarding item number 8. Ordinance requested by the Planning and Development Services Department to amend the City Code by creating a use classification and associated standards for small private schools.

Mr. Maxwell stated that when they met for the December Planning & Zoning meeting both sides agreed to continued conversations. He felt this has not happened and believes there needs to be further discussion between all of the concerned parties prior to a vote.

Mr. Joyner agreed with Maxwell, and stated that although progress is being made, the proposed hours of operation for the complex are unacceptable.

Mr. Collins is strongly opposed to the amendment. He feels at minimum there needs to be a limit on the number of events.

Mr. Brock felt there were too many hours proposed in the text amendment.

Mr. Joyner stated there should be some sort of percentage for public and private use of the facility. He also reiterated that the hours of proposed operation were unacceptable.

Mr. Guth asked if staff could speak about the difference between a rezoning request, special use permit, and a text amendment.

Ms. Gooby stated a special use permit is granted by the Board of Adjustments. When the Unity Baptist Church owned the property, they had to apply for a special use permit. When JP II became the owners and wanted to develop an athletic complex, they then had to amend the permit. The developer withdrew his rezoning request and now asks for a text amendment to allow third party rentals.

Mr. Guth asked if the applicant could go back and have the special use permit adjusted to allow third party rentals.

Ms. Gooby said yes, however this may not be in the best interest of the applicant. Any and all conditions on the original permit could be reconsidered.

Mr. Maxwell asked if all of the groups could get back together and come to terms with changes to the special use permit which would satisfy all parties.

Mr. McGirt stated the Board of Adjustments would have to hold another hearing to amend a special use permit, and this may not be in the best interest of both parties.

Mr. Maxwell asked what options the parties had to go back and discuss this in order to move forward.

Mr. McGirt said that if the amendment is passed, then by right the special use permit is overridden and the use as defined in the amendment is what the school will operate under.

Chairman Robinson asked if the commission could table the discussion and ask for a continuance.

Mr. McGirt stated the commission could continue the item, but reminded the commission that if they do act within a prescribed time, city council could then take action on the item in question.

Mr. Robinson agreed with Mr. Maxwell and said there needs to be more conversation between the two parties. He also referenced the lights, noise, and hours of operation and stated these items need to be negotiated in good faith and all parties come to a compromise.

Mr. Robinson then asked for a motion.

Mr. Maxwell, seconded by Mr. Joyner, made a motion to table this meeting until the next meeting of Planning and Zoning, June 16, 2020.

Mr. Brock asked if they tabled the item, would council move to act if the commission does not act within thirty days of originally receiving the item.

Mr. McGirt stated this could happen, but it is doubtful any action would happen. He then differed to Chantae Gooby.

Ms. Gooby said she believed there is a sixty day window for the commission to submit their report and that it is not unusual for the commission to table items for thirty days.

Mr. Sceviour said the ordinance does give the commission sixty-five days.

Mr. Robinson asked the commission to vote on the motion by Mr. Maxwell, and seconded by Mr. Joyner, to table this meeting until the next meeting of Planning and Zoning, June 16, 2020. The vote was unanimous.

Excerpt from the draft Planning & Zoning Commission Minutes (05/19/2020)

9. ORDINANCE REQUESTED BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO AMMEND THE CITY CODE BY CREATING A NEW RECREATIONAL/SPORT HUNTING OVERLAY. DENIED.

Mr. Brad Sceviour presented for staff. He stated that this type of an overlay is not unusual in Eastern North Carolina. This ordinance will enable recreational/sport hunting districts within the city limits. The first established specific district would be Sunnyside (named by the proximity to Sunnyside Road). Also, Mr. Sceviour stated that the ordinance seeks to ensure public safety through sensible regulation. These regulations will include but not limited to rifles only to be used from elevated platforms (8 ft. minimum). The property to be posted by state standards, and the property must be a designated area distant from residences and on land not suitable for development. During the writing of this ordinance, staff met with the Greenville Police Department along with officers from the North Carolina Wildlife Resources Commission.

Mr. Les Robinson stated that he had a question Mr. Sceviour about bow and crossbow hunting on this property.

Mr. Sceviour said that there were specific laws that the commission would not see due to their jurisdictional duties, but that other reviewers would have the opportunity to address the laws concerning the weapons hunters will use, as well as the age at which hunters will be allowed on this land to hunt.

Mr. Joyner asked if the owners could now hunt on the land, or would the ordinance enable them to do so.

Mr. Sceviour said hunting is currently not allowed on the property. Greenville Utilities currently owns the property and is willing to sell it. There is no cost effective way to develop this property.

Mr. Maxwell asked Sceviour about the use of high powered rifles so close to the river where people may be fishing or doing other things. He stated that high powered slugs will travel a long way, and asked if there was a concern.

Mr. Sceviour stated that this was the first question they pursued with the police department and game officials. He said they assured the staff that the eight foot requirement was more than adequate to keep people safe outside of the property.

Mr. Robinson asked if other counties and municipalities have the eight foot height rule. Mr. Sceviour said yes, in fact some counties now require the eight foot stand for any type of rifle hunting.

Mr. Joyner asked about the amount of acreage, and Mr. Sceviour said the parcel was about 150 acres. Mr. Joyner also asked why this ordinance is occurring now, and if an individual is seeking this designation. Mr. Sceviour said there was a citizen request, and since the property cannot be used for anything else, staff decided to pursue the ordinance.

Ms. Gooby also added that this allowed a framework for any request such as this for the future. Mr. Joyner also asked if any property owner would have to do the same if they wished to hunt on their land. Mr. Sceviour said yes.

Mr. Robinson opened the public hearing.

Mr. Robinson asked if there were any speaker supporting the ordinance. There were none.

Mr. Robinson asked if there were any speakers against the proposed amendment. There were none.

Mr. Robinson then closed the public hearing.

Motion made by John Collins, seconded by Max Ray Joyner, to recess consideration of this item until 6PM, May 21, 2020. Vote was unanimous.

Excerpt from the draft Planning & Zoning Commission Minutes (05/21/2020)

Mr. Robinson opened up the floor to discussion or a motion from the commission members.

Mr. Maxwell stated that there were no speakers in favor or against the proposed amendment, and said that staff had told them during presentation that they had conversations with the Greenville Police Department, as well as North Carolina Wildlife Enforcement Officers, as well as others. Mr. Maxwell said that he felt the Planning and Zoning commissioners should have the opportunity to speak with them as well. Maxwell went on to say the property is in the city limits, and this overlay does not make any sense to him.

Mr. Joyner said that he supported Mr. Maxwell. Joyner stated that he did not see a need for the Hunter Overlay District, and would like to hear from the officials Mr. Maxwell requested as well.

Ms. Gooby said that staff would do its best to try to get all of the individual officials to make the June meeting.

Mr. Robinson said he could help bring a NC Wildlife Officer to the meeting.

Mr. Sceviour stated that Greenville Police would have jurisdiction over the property, as well as the NC Wildlife Officers.

Mr. Maxwell said that there has been a considerable amount of work done to create a masterplan for the use of the Tar River. He stated that the proposed overlay could jeopardize the work that has been done to create the Tar River Legacy Plan.

Mr. Joyner asked Mr. Maxwell if he would support a denial motion and said he would support a denial.

Motion made by Hap Maxwell, seconded by Max Ray Joyner, to recommend denial of the proposed amendment and to advise that it is inconsistent with the comprehensive plan, to adopt the staff report which addresses plan consistency and other matters. The vote was unanimous.

5/19/2020: Mr. Overton, seconded by Ms. Darden, moved to recess the May 19 Planning and Zoning meeting until 6PM, May 21, 2020. The vote was unanimous.

5/19/2020: Meeting recessed at 8:00PM.

5/21/2020: Mr. Overton, seconded by Mr. Parker, moved to adjourn. The vote was unanimous.

5/21/2020: Meeting adjourned at 7:05PM.

Respectfully submitted,

Chantae Gooby

Chief Planner