

ADOPTED MINUTES FOR THE GREENVILLE PLANNING AND ZONING COMMISSION

April 21, 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 began the meeting by reading aloud the procedures for the virtual meeting of the April 21, 2020 Planning and Zoning Commission. He mentioned that his reading of the procedures is item number two on the agenda.

Mr. Les Robinson - Chair *
Mr. Kevin Faison - * 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 – *

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

VOTING MEMBERS: Robinson, Overton, Joyner, Maxwell, Joyner, Collins, Darden, Parker, Faison

PLANNING STAFF: Chantae Gooby, Chief Planner; Bradleigh Sceviour, Planner II; and Tony Parker, Planner I

OTHERS PRESENT: Camillia Smith, City Clerk’s Office; Emanuel McGirt, City Attorney; Kelvin Thomas, Communication Technician; and Rob Hudson, IT Manager

MINUTES: Motion made by Mr. West, seconded by Mr. Parker, to accept the February 17, 2020 minutes. Motion passed unanimously.

Changes to the Agenda: Chair Robinson stated there were requests for items 3 and 5 have to be continued to the May 19, 2020 P&Z meeting.

He asked for a motion to approve or deny the requests.

Motion made by Mr. Collins, seconded by Mr. Brock seconded the motion to approve the request. Motion passed unanimously.

Motion made by Mr. West, seconded by Mr. Parker seconded the motion to approve the request. Motion passed unanimously.

Rezoning

4. ORDINANCE REQUESTED BY JOHN F. MOYE, SR. HEIRS TO REZONE 15.0936 ACRES LOCATED SOUTH OF GREENVILLE BOULEVARD BETWEEN ALLENDALE DRIVE AND DICKINSON AVENUE EXTENSION FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO R6A-RU (RESIDENTIAL [MEDIUM DENSITY] RESTRICTED RESIDENTIAL OVERLAY - APPROVED

Chair Robinson requested the clerk poll the members to ask if they had received copies of the emails and the petition in opposition prior to today's meeting.

Mr. Sceviour delineated the property. Under the current zoning, the 15.0936-acre property can accommodate 30 single-family residences and under the requested zoning, it could accommodate 65 duplex buildings (130 units). The property is located within the Greens Mill Run Watershed. If stormwater rules apply, it would require 25-year detention and nitrogen and phosphorus reduction. This request could generate an increase 578 trips per day. The property is located near a designated community activity center in the Horizons Plan. The Future Land Use and Character Map recommends commercial (C) at the southwestern corner of the intersection of Dickinson Avenue and Greenville Boulevard transitioning to office/institutional (OI) to the east and traditional neighborhood medium-high density (TNMH) to the south. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Mr. Robinson opened the public hearing.

Mr. Ken Malpass, Malpass & Associates, spoke in favor on behalf of the applicant and the property owner. He noted the rezoning calls for medium density single-family housing and not for the original commercial designation on the Future Land Use map. People's Baptist Church, who is in opposition, is located next to the same land use zoning as at least 50% of the churches in Greenville.

Mr. Rocky Russell spoke in favor of the rezoning. He spoke of his previous experience building duplex communities and said he believes this high quality project will increase the tax value of the property and area.

Mr. Parker asked Mr. Russell if he has any intention on purchasing the remaining 50 acres of the parcel.

Mr. Russell stated he is under contract to buy the 15 acres.

Mr. John Moye, applicant, spoke in favor of the rezoning. The rezoning would not allow for high density housing and that a duplex community would work well on the property.

Mr. Mike Lopez, People's Baptist Church, spoke in opposition. His concern is for the safety of the children at the church, school, increased crime, and trespassing.

Mr. Paul Aynes, People's Baptist Church, spoke in opposition. His concerns are property values, traffic increase, and safety.

Pastor Tim Butler, People's Baptist Church, spoke in opposition. His concerns are property values and the occupancy of duplexes. The duplex community currently close to the People's Baptist Church has brought an increase in crime to the area.

Bishop Rosie S. O'Neal, Koinonia Christian Church, spoke in opposition. She is concerned about the infrastructure being overwhelmed by the needs created by duplex development.

Mr. Doug Weber, People's Baptist Church, spoke in opposition. He is concerned that the occupants of a duplex community are transient and not long-term residents which will drive down property values and increase crime in the vicinity.

Mr. Freddie Outterbridge, Red Oak Subdivision, spoke in opposition of the rezoning. He is concerned about the increased traffic on Greenville Boulevard.

Mrs. Lillian Outterbridge, Red Oak Subdivision, spoke in opposition. She is concerned about safety and the increase in traffic.

Mrs. Betsy Gray, People's Baptist Church, spoke in opposition. She is concerned that there will be a detrimental effect to the church property by the rezoning. She gave a chronology of negotiations between the church and Mr. Moye for the purchase of the property.

Mr. Faison asked Mrs. Gray if the church had asked if there was a comfortable buffer they would agree to.

Pastor Butler responded that a mile away from the church would be more appropriate.

Chair Robinson asked the clerk to read the email that contained a paragraph that was sent to the commission members and the name of those that sent the paragraph. He also noted that a petition had been submitted with over 200 signatures. See attachments.

Mr. Robinson closed the public hearing.

Motion made by Mr. Collins, seconded by Mr. Faison to recommend approval of the proposed amendment. Voting in favor: Darden, Faison, Joyner, Overton, West, Collins, Parker. Voting in opposition: Maxwell. Motion passed 7:1.

The following was read into the record

1. The following email was received:

“Greenville Christian Academy and People’s Baptist Church have been positively impacting generations of Greenville residents for over 50 years. I am in opposition to the rezoning by John F. Moye, Sr. Heirs for the following reasons: 1) This would create an increased traffic load on Greenville Blvd. 2) This would cause interruption to the campus with outside after-school care programs such as athletic competitions and playground time. 3) Crime could potentially rise as there are more people in a condensed area with multi-family dwelling units. 4) Any surrounding property to a duplex will experience a devaluation of their property. Thank you for your willingness to consider our opposition as it could impact all families here at Greenville Christian Academy and People’s Baptist Church.”

Senders of this same email:

George and Lois Heyboer
Leslie Van Der Have
Dr. David L. Batie and Mrs. Janice B. Batie
Andy Blease
Amy Hagenbush
Pamela Settle
Gray Harrison
Jill Brown
Rhonda Oakes
Chris Haddock
William Sanford
tdawson@suddenlink.net
Keith Jones
Crystal Blease
Melissa M. Greene
Kelly Setzer
Ray Morris
TAJ Nesmith
James and Sherri Woods
Heather Miller
Jennifer Suggs
James K. Cratty
Sherry Price
Merrill Bright
Keaton Browder
Elyssa Sanford
Gabi Ponthier
Fred and Angie Wade
Jessica Setzer
Daniel Wetherington
Susan M. Tugwell
Wendy Swanner
Janni Woods
Renee and Artur Caputo

Preliminary Plats

6. REQUEST BY ROCKY RUSSELL DEVELOPMENT, LLC. THE PROPOSED PRELIMINARY SUBDIVISION 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 CONTAINS 40 LOTS TOTALING 19.1252 ACRES. – DENIED

Mr. Sceviour presented for the city. He explained that the property is in the southwest quadrant of the city, is abutting a subdivision, and is not in wetlands. Because there is no stub out to the west the plat does not meet technical requirements, therefore staff recommends denial.

Mr. Overton asked Mr. Sceviour why the developer did not include a stub out. Mr. Sceviour said the original plat did have a stub out, however the property developer and land owner approached a city engineer and the then director of planning and development, and asked if they could rescind the stub out requirement. He stated staff decided there was a wetlands issue, and to waive the requirement. Mr. Sceviour advised that staff does not have the authority to decide about the requirement, Planning and Zoning has the final decision.

Richie Brown, representative for the applicant, spoke in favor. Since the original development, stormwater rules have changed which now requires the development to have a storm water detention pond, thereby forcing the developer to relinquish three lots. He asked the commission to waive the required stub out and approve the preliminary plat.

Rocky Russell, developer and applicant for the property, spoke in favor. He feels they still have a need to eliminate the stub out because of the wetlands.

Mr. Robinson asked for the letter from Mike Baldwin be read into the record.

Ms. Chantae Gooby read the letter, see attachment.

Mr. Robinson closed the public hearing and asked for commission discussion.

Mr. Faison emphasized the commission should apply interconnectivity requirement consistently.

Motion made by Mr. Maxwell, seconded by Mr. Faison, moved to recommend denial of the proposed amendment. Motion passed unanimously.

7. REQUEST BY YBYA, LLC. THE PROPOSED PRELIMINARY SUBDIVISION PLAT ENTITLED , "RIDGEWOOD FARMS (CLUSTER SUBDIVISION)", IS LOCATED ON THE

NORTH SIDE OF THOMAS LANGSTON ROAD DIRECTLY ADJACENT TO LANGSTON TOWNHOMES SUBDIVISION AND IS FURTHER IDENTIFIED AS BEING TAX PARCELS NUMBER 05383, 13364, AND 13877. THE PROPOSED PLAT CONSISTS OF 122 LOTS AND TOTALS 28.99 ACRES. APPROVED

Mr. Sceviour presented and delineated the property for the city. He stated that the Subdivision Review Committee examined the plat, and that the plat meets all technical requirements. Therefore, it is in staff's opinion the plat should be approved as presented.

Mr. Robinson opened up the public hearing.

Bryan Fagundus, representative for the applicant, spoke in favor. The developer met with appropriate staff and met all of the requirements for the property.

Mr. Aaron Lucier spoke in opposition. He listed the concerns the neighborhood has, including storm water runoff, accurate traffic measurements, and street lighting.

Mr. Robinson asked that three emails to the commissioners received be read into the record. They were from Greg and Ruth Pace, William C. Duffy, Jr., and Natalia Sira and Diane Pace. See attachments.

Mr. Robinson closed the public meeting and asked for commission comments or discussion. Mr. Joyner and Mr. Maxwell both commented on the need to postpone any traffic studies in the area until after the Shelter in Place order due to COVID 19 is lifted.

Motion made by Mr. Joyner, seconded by Mr. Collins, to recommend approval of the proposed amendment. Motion passed unanimously.

8. ORDINANCE AMENDING THE FLOOD DAMAGE PREVENTION ORDINANCE TEXT TO ADOPT UPDATED FLOOD INSURANCE RATE MAPS AND TO ALIGN WITH THE MODEL ORDINANCE. - APPROVED

Daryl Norris presented on behalf of the city. He stated there is a need to change the flood damage prevention ordinance initiated by FEMA insurance map updates. On January 2, 2004, and July 7, 2014, flood insurance studies (FIS) and flood insurance rate maps (FIRM) for Pitt County, which includes all the communities within the county, was published by FEMA and adopted by Council. On June 19, 2020, FEMA will publish an updated FIS for certain areas within the City's jurisdiction. The City is required to adopt the revised FIS and its accompanying FIRM to remain a member in good standing in the National Flood Insurance Program (NFIP).

City staff, along with staff of the NC Department of Public Safety (NCDPS), reviewed the City's Flood Damage Prevention Ordinance for compliance with the state model ordinance. It was determined the present ordinance requires some changes for clarification and to ensure

consistency with the state model ordinance and to maximize credits in the Community Rating System (CRS). The City is currently rated in the CRS program as a Classification 7 which provides for a 15% reduction in insurance premiums annually for all flood insurance policies. There are 10 classes and ten is the best. Each class represents 500 points from various activities in the program. The City is working to improve its class.

Required amendments:

- Adoption of the revised FIS and the accompanying FIRM;
- Various changes to update and align with the state model ordinance such as: updating definitions and local floodplain administrator's duties and responsibilities, detailing floodplain development plan requirements, adding survey datum references, etc.;

Suggested amendments:

- Change the substantial damage/improvements threshold from 50% to 49% of the market value of the structure before the damage/improvement to maximize credit (20 points) in the Community Rating System (CRS);
- Require Non-Conversion Agreements for enclosures below the Regulatory Flood Protection Elevation greater than four feet in height to maximize credit (60 points) in the Community Rating System (CRS).

Michael Overton asked if the City currently has non-conversion agreements.

Mr. Norris stated a non-conversion agreement is currently not in the ordinance. Non-conversion agreements are optional and not required by FEMA, but if they were required the City would get more points to help raise the City's classification for lower flood insurance premiums. While the City does not allow enclosure of this space for habitable use there is no requirement for a written agreement. The agreement will put a notification on property so future buyers will know that there is a non-conversion. This also allows the city to inspect for compliance. This would only apply to new development. However, Greenville has very few areas that would actually need this requirement, but this is an easy way to increase our points. In closing, there is very little change. Part of this amendment is includes updates maps which are available for viewing on the state's website.

Chair Robinson opened up the public hearing.

No one spoke in favor.

No one spoke in opposition.

Chair Robinson closed the public hearing.

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

9. ORDINANCE REQUESTED BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO AMEND THE CITY CODE BY CREATING A NEW MIXED USE INSTITUTIONAL ZONING DISTRICT. APPROVED

Mr. Brad Sceviour presented the staff report. The purpose of the Mixed Use Institutional (MUI) district is to encourage an innovative mixture of uses on a site or campus that is under the control of a single entity that has a controlling governmental interest, or that is controlled by a hospital, college or university. While this district is intended to be predominantly developed as an innovation park containing office/institutional and research activities, it may also contain a balanced mixture of residential, commercial and light industrial uses. There will be special standards such as reduced setbacks and other requirements and a focus on research and office/institutional uses with limited commercial and residential opportunities. This new use also allows for limited manufacturing in a controlled environment. This text amendment is supported by Horizons 2026: Greenville's Community Plan, Horizons 2026: Greenville's Community Plan, Chapter 1, Great Places, Goal 1.4 A Vibrant Uptown. *Policy 1.4.9 Work with ECU on the development of the Millennial Campus in Uptown. There should be harmony between the needs of the university and the plans of the city. Campus buildings can contribute to quality design in uptown.* Staff recommends approval.

Mr. Faison asked if this text amendment was approved would ECU and other entities have to appear before P&Z to request a rezoning.

Mr. Sceviour stated that this text amendment would require the property to be rezoned and when the property is developed a plan has to be approved the Technical Review Committee.

Mr. Robinson opened the public hearing.

Mr. Merrill Flood, representative of ECU, spoke in favor of the amendment. Mr. Flood explained that the Horace Williams Act authorizes any campus within the UNC system to be developed as the Millennial Campus. The act allows the university to partner with private entities to create and develop the campus. Any revenues generated by the Millennial Campus are to remain with and be reinvested in the campus. This concept is not new, and is in practice both state- and nationwide. The current focus is on the properties along 10th Street. This amendment will help the university preserve the warehouse district buildings in this corridor thereby protecting the heritage of Greenville. It also allows flexibility to preserve the current built environment. He appreciated the work of staff and that the university would continue to work with staff on this project.

No one spoke in opposition.

Mr. Robinson closed the public hearing.

Motion made by Mr. Collins, seconded by Ms. Darden, to recommend approval for the proposed text amendment. Motion passed unanimously.

10. ORDINANCE REQUESTED BY THREE TWENTY ENTERPRISES, LLC TO AMEND THE FUTURE LAND USE AND CHARACTER MAP FOR 8.3 ACRES FROM COMMERCIAL ON THE TOWN OF SIMPSON'S FUTURE LAND USE MAP TO TRACT 1 - COMMERCIAL (3 ACRES) AND TRACT 2 - HIGH DENSITY RESIDENTIAL (5.3 ACRES) ON THE CITY

OF GREENVILLE'S FUTURE LAND USE AND CHARACTER MAP FOR THE PROPERTY LOCATED AT THE SOUTHEASTERN CORNER OF THE INTERSECTION OF EAST 10TH STREET (HIGHWAY 33 EAST) AND L. T. HARDEE ROAD – APPROVED

Ms. Chantae Gooby delineated the property. The property is currently in the Simpson's Extra-territorial Jurisdiction (ETJ) and zoned commercial. The property owners have requested this change in anticipation of annexing into the city's jurisdiction to tap onto to sanitary sewer. Currently, Simpson does not have sewer in the area, but GUC has sewer near Wal-Mart on 10th Street. The request for Tract 1(3 acres) is for commercial and Tract 2 (5.3 acres) is for high density residential. The property abuts Greenville's ETJ. Along with the annexation request, the owner will need to request city zoning. This request follows the characteristics and principles of the City's Future Land Use and Character Plan. Staff recommends approval.

Mr. Robinson opened the public hearing.

Mr. Jon Day, representing the property owner, spoke in favor. He has worked with the Village of Simpson since November 2019 on developing the property, but unfortunately without sewer the property cannot be developed as fully as with sewer. The property owners asked the Village of Simpson to relinquish the property form its jurisdiction as to allow the property to be annexed into Greenville.

Mr. George Tullos, representing MVAH Partners, spoke in favor. The company will be developing Tract 2.

No one spoke in opposition to the amendment.

Mr. Robinson closed the public hearing.

Motion by Mr. West, seconded by Mr. Overton, to approve the amendment. Motion passed unanimously.

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

Meeting adjourned at 9:00

Respectfully submitted,

Chantae Gooby

Chief Planner

