

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION
March 19, 2013

The Greenville Planning and Zoning Commission met on the above date at 6:30 p.m. in the Council Chambers of City Hall.

Mr. Godfrey Bell –Chair-*
Mr. Tony Parker - * Ms. Shelly Basnight – X
Mr. Hap Maxwell – * Ms. Ann Bellis – *
Ms. Linda Rich - * Mr. Brian Smith -X
Mr. Doug Schrade – X Mr. Jerry Weitz – *
Ms. Wanda Harrington-* Mr. Torico Griffin -*
Dr. Kevin Burton- *

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

VOTING MEMBERS: Maxwell, Parker, Bellis, Rich, Weitz, Burton, Harrington, Griffin

PLANNING STAFF: Chantae Gooby, Planner II and Elizabeth Blount, Staff Support Specialist II.

OTHERS PRESENT: Dave Holec, City Attorney, Merrill Flood, Community Development Director, Tim Corley, Engineer and Jonathan Edwards, Communications Technician.

MINUTES: Motion was made by Ms Rich, seconded by Ms Bellis, to accept the February 19, 2013 minutes as presented. Motion carried unanimously.

NEW BUSINESS

REZONINGS

ORDINANCE REQUESTED BY BRADLEY HOUSING DEVELOPERS, LLC TO REZONE 9.0005 ACRES LOCATED 740+/- FEET NORTH OF THE INTERSECTION OF EAST 10TH STREET AND PORT TERMINAL ROAD AND 840+/- FEET WEST OF RIVER HILL SUBDIVISION FROM RESIDENTIAL-AGRICULTURAL (RA20) TO RESIDENTIAL [MEDIUM DENSITY MULTI-FAMILY] (R6A).- DENIED

Chairman Bell asked the board to excuse Wanda Harrington from voting on item #1

Attorney Holec provided background information concerning the excuse of Ms Harrington. She owes property that abuts the proposed property and state statutory provisions prohibits board members from making recommendations to City Council when the outcome of the vote will have a reasonable, substantial financial impact on the member. He recommended that the board make a motion to excuse her.

Mr. Parker made a motion to excuse Ms Harrington, seconded by Mr. Maxwell. Motion carried unanimously.

Ms Chantae Gooby, Planner II, delineated the property. The property is located in the eastern section of the city and specifically between Tenth Street and the river. The subject property is one parcel and will be subdivided out at the time of development. The property is currently vacant. The proposed rezoning can generate a net increase of 200 additional trips per day. The property north of the request was impacted by Hurricane Floyd. The subject property is boarded by the 100 and 500 year floodplain. The developer will determine whether the floodplain will affect the property. Under the current zoning (RA20) the property could yield 30-35 single family lots. Under the proposed zoning (R6A), the property could yield 72-81 multi-family units. The Future Land Use Plan Map recommends commercial at the intersection of 10th Street and Port Terminal Road transitioning to office/institutional/multi-family. Conservation/open spaces use is located at the top of the subject property along with medium density on the interior and more conservation/open space near the river. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan.

Mr. Weitz asked who is responsible for extending the sewer line to the property.

Ms Gooby stated she was not sure if it would be a cost share or responsibility of the developer.

Chairman Bell opened the public hearing.

Mr. Ken Malpass, representative for Bradley Housing Developers, spoke in favor of the request. He stated that the subject property is nine acres medium density residential. The sewer extension would be a cost share on a 50/50 basis. The adjacent property owners would be asked to share in the expense.

Mr. Weitz asked if the company conducted a market study on the number of rental units that were vacant in the area or in Greenville.

Mr. Malpass stated that the developer typically conducts those studies and that he was not aware of any typical numbers.

Ms Bellis asked who would be the occupants of the units.

Mr. Malpass deferred the question to the developer.

Ms Tracy Doosingberry, representative of Bradley Housing Development, spoke in favor of the request. The company is investing \$9.2 million into the project. They did have a market study done by a third party and the study indicated a demand for the proposed units.

Ms Bellis restated her question.

Ms Doosingberry stated that the units could be for individuals, families or senior citizens.

Ms Bellis asked if the units would be for students.

Ms Doosingberry stated no unless they are a married graduate student.

Mr. Parker asked if the units were considered affordable housing units.

Ms Doosingberry stated that 60% of the units will be affordable housing. Teachers, beginning police officers, bank tellers, parks and recreation employees and others with similar income range would qualify.

Mr. Parker asked was the applicant the project leader for Carolina Cove.

Ms Doosingberry stated yes but it is completely different than the proposed request.

Mr. Parker asked if the company has its own management group.

Ms Doosingberry stated it would be the same management group but a different site manager.

Mr. Parkers asked if the company will keep the management in place or build, sell and move onto the next project.

Ms Doosingberry stated that the company keeps management in place. The partners have been developing for 25 years. It is a small developing company based in the Carolinas and Virginia areas that stays involved in the community.

Mr. Bell asked if each person in the units would have to be recertified every year.

Ms Doosingberry stated yes.

Mr. Bell asked if they had to meet specific criteria.

Ms Doosingberry stated it is based on income and very strict criminal background checks. The occupant's income can increase while they are living in the area.

Mr. Parker asked if the area is a gated-control atmosphere with the background checks to have quality people occupying the area.

Ms Doosinberry stated yes and it is very important to the company to get the right people in at the beginning.

Mr. Griffin asked if the company was leaning more towards multi-family versus single family.

Ms Doosingberry stated yes.

Dr. Burton stated that the longevity of consistent management aspect will be critical.

Ms Doosingberry stated that one of the developing partners is a partner in the management company too so they will have strict controls. No students will be allowed to occupy the units.

Mr. Weitz asked if the market study included the vacancy rate of other complexes.

Ms Doosingberry stated it did but she did not have the numbers with her because she just received the full study. The preliminary study indicated there was a need for moderate income.

Mr. Michael Overton, real estate broker, spoke in favor of the request. He stated that the state is giving money to the developer and not the people living in the units. The state monitors the developer and the tenants every year. The units will be Class A apartment buildings with nice amenities. Mr. Overton also owns a property management company and stated the occupancy rate of apartments in the \$500-600 range is 100%. There is definitely a need for apartments in that price range.

No one spoke in opposition of the request.

Chairman Bell closed the public hearing and opened for board discussion.

Mr. Parker stated the project sounds on paper but the board must consider all the permitted uses.

Chairman Bell stated that the proposal is similar to Nathaniel Village who has very strict controls and still looks good.

Mr. Weitz stated that he looked at the vacancy rates and as of 2010, there were 4500 vacant housing units and over 3,000 were for rent. He stated that he was concerned if the city needed additional apartments while the city's home ownership occupancy rate is only 38%. He was also concerned about the road near the proposed location not being in good shape nor suited for high density development. He recommended R6S for single family dwellings for the medium density development in compliance with the Comprehensive Plan. He stated that the city does not need to make the error again of allowing large apartment complexes to be built in remote locations versus having them along major bus routes. He said it was leap frog development inconsistent with the Comprehensive Plan.

Chairman Bell disagreed about the location being remote and foresee development coming to the area within next two to five years.

Mr. Parker stated he believed the road can handle the traffic. He talked with the community and believes there is a need for good, decent, quiet multi-family units for families that are just starting out. The occupancy rate might seem low but the desirability of the families to move in the proposed project is not low. He thinks the proposed project is good for the community and the proposed location.

Motion made by Mr. Parker to recommend approval of 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 failed due to no second.

Motion made by Mr. Weitz, seconded by Ms Rich, to recommend denial of the proposed rezoning, to advise that although the proposed amendment is consistent with the comprehensive plan, there is a more appropriate zoning classification, and to adopt the staff report which addresses plan consistency. Those voting in favor: Weitz, Bellis, Rich, and Maxwell. Those voting in opposition:, Griffin and Parker. Motion passed.

ORDINANCE REQUESTED BY COLLICE C.MOORE TO REZONE 4.6466 ACRES
LOCATED AT THE TERMINUS OF NORTH CREEK DRIVE AND 350+/- FEET WEST OF
NORTHWOODS SUBDIVISION FROM RESIDENTIAL-AGRICULTURAL (RA20) TO
INDUSTRY (I). -APPROVED

Ms Chantae Gooby, Planner II, delineated the property. The property is located in the northeast section of the city specifically off North Creek Drive. The request could generate a net decrease of trips per day; therefore, a traffic volume report was not generated. Some flood maps were redrawn after Hurricane Floyd so the proposed property has a floodway that runs along its boundary. The floodway cannot be developed. Under the current zoning (RA20), the site yields no more than 20 single family lots. Under the proposed rezoning (I), the site could yield 44,000 square feet of warehouse/mini-storage/industrial. The size of the property is limited because of the floodway. The property will be subdivided out at the time of development. The Future Land Use Plan Map recommends commercial (C) at the intersection of Martin Luther King, Jr. Highway and Old Creek Road transitioning to industrial (I) to the northeast and to the south. A conservation/open space is recommended because of environmental constraints and a buffer needed between the residential and non-residential sides. Contextual considerations in accordance to the Comprehensive Plan state that industrial development should be located adjacent to or with direct access to a major thoroughfare and that industrial uses should have a buffer between residential properties. In staff's opinion, the request is in general compliance. The property is located in a transitioning area with several zoning classifications. There is heavy commercial and industrial in the area and an intervening track between the subject property and the Northwoods subdivision. There is direct access onto Martin Luther King Jr. Highway. North Creek Drive is a terminal street so it does not connect to anything else. The request preserves the desired urban form.

Ms Bellis asked if the developer was prohibited from paving because of the flood plain.

Ms Gooby stated yes.

Mr. Weitz asked if the entire property was in the floodplain.

Ms Gooby stated the current floodplain map showed the property came to a sudden stop. The original flood study had errors and the area had been restudied. The subject area was broadened. Floodway is present on the subject property and cannot be developed. The current drawings of the property are preliminary and will be used until a site plan is submitted.

Mr. Parker asked the definition of floodway versus floodplain.

Mr. Tim Corley, city engineer, stated that the floodway is the area that will be flooded first. The 100 year flood area is a chance that the area will get flooded in 100 years. It does not mean it will happen every 100 years but it is just an average. It is based on elevation and how the water flows in the area. The City does have a certified flood manager that reviews the City's site plans.

Ms Bellis asked if a buffer was mandatory between the industrial and residential sites.

Ms Gooby stated yes in accordance to zoning criteria but because the two sites do not actually touch the buffer does not have to be trees but it has to be some type of transition.

Ms Bellis asked will the buffer requirement put restrictions on the undevelopable area.

Ms Gooby stated it would not be any more restrictive.

Mr. Weitz asked would it be unacceptable if flooding occurred and how the staff's recommendation of general compliance matched the Horizons Plan.

Ms Gooby stated that development will be near the flood plain and the City has the Flood Damage Prevention Ordinance in place. However, eastern North Carolina has a lot of flooding.

Mr. Parker asked is it better to put non-residential than residential in the subject area.

Ms Gooby stated non-residential is preferred. The subject property is four acres and will be cut in half once the floodway and floodplain are taken out.

Chairman Bell asked if anything could be built fifty feet from the end of the floodplain.

Ms. Gooby stated nothing can be built within that fifty feet.

Mr. Weitz stated that he disagreed with putting industrial in a floodplain because industrial is higher value development, possible toxic chemical pollution in the water, and more pavement with industrial which increases the velocity of the flooding.

Mr. Corley stated that the property will still follow the storm water regulations and treatment for water quality. Regardless of what type of construction, the same elevation requirements will apply. A lot of the property north of the river will fall into the 500 year flood plain.

Ms Bellis asked if there were any restrictions on building in the 500 year flood plain.

Mr. Corley stated not in the 500 but in the 100 year flood plain. There are not true regulations on a 500 floodplain because the likelihood of that storm happening is slim.

Ms Bellis asked if the building restrictions in a floodplain based on a 10 year event.

Mr. Corley stated the 100 year storm would have certain height regulations on the buildings but he was not familiar with the specific requirements. The floodway cannot have any development.

Mr. Parker asked if the requirements were city or state requirements.

Mr. Corley stated they are federal management requirements.

Chairman Bell opened the public hearing.

Mr. Ken Malpass, representative of Collice Moore, spoke in favor of the request. He stated that a company located on ten street had to move because of the Tenth Street Connector Project and contracted with Collice Moore. Because of the nature of the business, the request was made to rezone the subject property.

No one spoke in opposition of the request.

Chairman Bell closed the public hearing and opened for board discussion.

Mr. Weitz stated that he was concerned with the amount of floodway and floodplain that was located on the property. He suggested that the board abide by the planning policy of not putting higher value development in a floodplain.

Mr. Parker stated that the request was a sensible balance and fit in the logistics of the property. The property was not big and a small business will occupy it and create balance.

Motion made by Mr. Parker, seconded by Mr. Griffin, to recommend approval of the proposed amendment, to advise that although the proposed amendment is not consistent with the comprehensive plan, in this instance it is an appropriate zoning classification, and to adopt the staff report which addresses plan consistency. Those voting in favor: Bellis, Rich, Griffin and Parker. Those voting in opposition: Weitz, Maxwell and Burton. Motion passed.

ORDINANCE AMENDING THE FLOOD DAMAGE PREVENTION ORDINANCE TEXT
DEFINING THE BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS
WITHIN THE CITY OF GREENVILLE JURISDICTION.

Mr. Tim Corley, City engineer, presented the Flood Damage Prevention Ordinance that identifies the special flood areas located throughout the city. Federal Emergency Management Agency

(FEMA) indicated the areas and provided maps of all the locations. The Ordinance removes a portion of the text with more simplified verbiage. FEMA currently has preliminary maps of Pitt County. Several creeks and tributaries in the county fall within the extrajurisdiction of the city. This affects three maps and will be changed effective April 16, 2013. Mr. Corley presented the current text in title 9, Chapter 6, Sec. 9-6-3 of the City Code with the proposed text created by city staff and Mr. Milton Carpenter of the NC Department of Public Safety, NC Floodplain Mapping Program. The revised study will be published by the end of 2013 and will require adoption by that date.

Mr. Weitz asked was the actual amendment text provided in the meeting package.

Mr. Corley stated that he did not prepare the memo in the package.

Attorney Holec stated that the actual proposed text was in the memo.

Chairman Bell asked if the board had any recourse.

Mr. Corley stated that if any development occurs in the designated areas the developer will have to abide by the new maps.

Chairman Bell asked if the text had to be adopted by April 16.

Mr. Corley stated correct and will proceed to City Council.

Chairman Bell opened the public hearing.

No one spoke in favor or against the request.

Chairman Bell closed the public hearing and opened for board discussion.

No board discussion.

Motion made by Mr. Weitz, seconded by Dr. Burton, to approve the 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.

ORDINANCE INITIATED BY FLEMING SOLAR CENTER, LLC TO AMEND THE ZONING ORDINANCE TO CREATE STANDARDS FOR SOLAR ENERGY FACILITIES AS A SPECIAL USE IN THE RA-20 (RESIDENTIAL-AGRICULTURAL).

Mr. Andy Thomas, lead planner, presented the ordinance to amend the City's Zoning Ordinance to create standards for Solar Energy Facilities. North Carolina has been identified at the 4th most

desirable location for Solar Energy Facilities. Both Pitt County and the City have been contacted by Solar Energy Firms. Pitt County's ordinance was submitted ahead of the City of Greenville's text amendment so they have collaborated in establishing the same standards. The standards include: (1) facilities will be set back a minimum of 50 feet from property lines and 100 feet from any residence; (2) inverters shall be a minimum of 150 feet from any residence and include a noise prevention clause; (3) panels will a maximum of 25 feet in height; (4) ten foot bufferyard with a minimum of 9 evergreen trees or shrubs per 100 linear feet; (5) a security fence of six feet in height will be installed; (6) security lighting will be directed onto the premises. The use will only be allowed in the RA20 (Residential Agricultural) district of 30 acres or more with a Special Use Permit.

Chairman Bell asked if the company made contact with any landowners.

Mr. Thomas stated he believed they had.

Ms Bellis asked if the facilities could be located in the floodplain.

Mr. Thomas stated he believed they could go in a floodplain.

Mr. Corley stated that the floodway would stay untouched but the panels could go in the 100 year floodplain.

Ms Bellis stated that most of the potential locations are located north of the river.

Mr. Corley stated that the same regulations that a building would have to abide would apply to the farms because it is based on structure and displacement of water. The standards may not be as strict since the structure is inhabitable.

Mr. Weitz asked if the ordinance was based on one type of large scale facility based on the applicant.

Mr. Thomas stated that staff was responding to the text amendment that the applicant submitted.

Mr. Weitz asked if homeowners could install solar panels on their property.

Mr. Thomas stated yes and it is included in the ordinance.

Mr. Weitz asked if the evergreens requirement would hinder sunlight.

Mr. Thomas stated the intent of the evergreen requirement was to have something six feet in height and below. The standard is not designed to create an opaque screen around the facility.

Mr. Weitz asked if the evergreen requirement and setback would affect the solar radiation coming into the site.

Mr. Thomas stated no.

Mr. Parker asked if the developer could pick what type of vegetation to plant.

Mr. Thomas stated yes and the requirement would be a tree that remains in the five/six foot range.

Dr. Burton asked if the text amendment would prevent a small business from converting to solar energy.

Mr. Thomas stated that small business owners could have solar devices also.

Chairman Bell stated that the ordinance will benefit the company leasing the land and the individuals receiving the solar energy.

Mr. Thomas explained that the solar panels have meters and the utility company has to pay for the energy they generate. North Carolina has a law that energy companies have to receive 20% of their energy from a renewable energy source. The solar farms will help the energy companies meet the threshold.

Chairman Bell opened the public hearing.

Mr. Kyle West, representative of Heliosage Energy, spoke in favor of the request. The company has fifteen farms. They currently have lease options with local landowners and the developer will choose the type of vegetation. The utility company will pay the solar farm the same price it would cost them to generate the energy. Mr. West provided a company overview and a definition of a solar farm. He displayed pictures of solar farms located in North Carolina, the height of the panels, the inverters and the mounting systems. The soil in North Carolina does not require concrete unless rocks are prevalent. One panel is 6.25" tall and 3.25" wide. The inverter converts the energy from DC to AC and is mounted on a concrete slab. Growth of solar energy is growing in NC due to the 35% state tax credit and 40% federal tax credit. Solar energy also provides environmental benefits.

Mr. Weitz asked if the state and federal tax credits went away, would the solar farms become unprofitable.

Mr. West stated yes because the state credit offsets the tax liability by 50% which is a significant part of the financing.

Ms Bellis asked if the units were flood proof.

Mr. West stated developers would not develop in the 500 year floodplain because of the investors. It was difficult to find a site not in the floodplain in Greenville but one was identified.

Mr. Parker asked about the noise level of the project.

Mr. West stated that the inverter will make a sound comparable to a refrigerator. It is only converting energy.

Dr. Burton asked what the smallest footprint of a farm was.

Mr. West stated that the company is trying to max out the 5 MW cap so it will be between 30-50 acres.

Chairman Bell asked if the panels would be in different sets on the property.

Mr. West stated that a developer would want a continuous project in order to cut cost. Different sets require separate Certificates of Public Convenience and Necessities from the Utilities Commission.

Mr. Parker asked if an industrial building with an array on top would be on the farm.

Mr. West stated that the process normally starts off on a commercial scale, then industrial and lastly a utility scale. The building would be on the farm but only if the farm is at least 1 MW. The roof would need to be 100,000 square feet.

No one spoke against the request.

Chairman Bell closed the public hearing and opened for board discussion.

No board discussion.

Motion made by Mr. Weitz, seconded by Ms Bellis, to approve 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.

Chairman Bell thanked the alternates for filling in for regular board members that were absent.

Mr. Weitz stated that he will be attending a planning conference next month and will not be at the April Planning and Zoning meeting.

With no further business, motion made by Mr. Parker, seconded by Ms Rich, to adjourn. Motion passed unanimously. Meeting adjourned at 7:51 p.m.

Respectfully Submitted,

Merrill Flood, Secretary to the Commission
Director of Community Development Department