

April 20, 2010

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

Mr. Bill Lehman - X

Mr. Bob Ramey - *	Mr. Dave Gordon - *
Mr. Tony Parker - *	Mr. Tim Randall - *
Mr. Len Tozer - X	Mr. Godfrey Bell, Sr. - X
Ms. Shelley Basnight - *	Mr. Hap Maxwell - *
Mr. Allen Thomas - *	Ms. Linda Rich - *

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

VOTING MEMBERS: Ramey, Gordon, Parker, Randall, Basnight, Maxwell, Thomas, Rich

PLANNING STAFF: Wayne Harrison, Planner; Tom Wisemiller, Planner; Harry Hamilton, Chief Planner; Merrill Flood, Director of Community Development; and Sarah Radcliff, Secretary

OTHERS PRESENT: Dave Holec, City Attorney; David Brown, Engineer; Calvin Mercer, City Council Representative

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Thomas, to accept the March 16, 2010 minutes as presented. Motion carried unanimously.

NEW BUSINESS

Rezoning

Ordinance requested by Brown Family Investments, LLC to rezone 0.997 acres located at the southeast corner of the intersection of Greenville Boulevard and Crestline Boulevard from O (office) to CH (Heavy Commercial).

Mr. Gordon stated the board had received a request for continuance from Mike Baldwin on behalf of the applicants until the May 18, 2010 meeting.

Motion was made by Mr. Randall, seconded by Mr. Ramey to accept the request for continuance. Motion carried unanimously.

Text Amendments

Request by the Redevelopment Commission to amend the sign regulations to allow wall projection signs within the CD (downtown commercial) district subject to ordinance requirements and standards.

Mr. Harry Hamilton said this was a request from the Redevelopment Commission of the City of Greenville. He said the Redevelopment Commission deals with the Center City area and the West Greenville Revitalization project. He said the Center City is very unique in that parking, building setbacks, and signage are all unique to that area. Within the past year, several businesses have expressed interest in projection signage. Mr. Hamilton said projection signs were very common in the past in urban areas. He said the City's sign regulations were adopted in 1986 and were mainly geared toward a suburban environment where projection signs weren't really needed. He said projection signs are historically seen in areas with very little setback from the street right-of-way. Mr. Hamilton said staff had surveyed several other cities around the state and in other states and found a number of them currently allow projection signs. He said this amendment would only apply to the CD (downtown commercial) district. He showed the board some examples of current signage from the downtown area illustrating how difficult it is to see the signs. He then showed examples of projection signs from other areas illustrating how appealing they can be. Mr. Hamilton said the projection signs shall not be attached to the outside edge of a canopy or extend beyond any outside edge of a canopy. They may project horizontally from the building wall not more than three feet, or two-thirds the distance from the building wall to the inside edge of the street curb line as located at the time of sign permit approval, whichever is less. The sign display area of a projection wall sign shall be oriented perpendicular to the building wall. Mr. Hamilton said there shall not be more than twelve inches between the sign display areas of a double sided sign. He said three-dimensional projection wall signs not composed of flat sign display surfaces shall not be permitted. Projection

wall signs shall be located on private property; provided however, a projection wall sign may encroach into the street right-of-way in accordance with an encroachment agreement approved by the City and/or State Department of Transportation. Buildings with two or more stories shall not have projecting signs located higher than the top wall plate of the second story or twenty-four feet, whichever is less. He said not more than one projection wall sign shall be allowed per each individual establishment. Projection wall signs for individual establishments located in a common building shall not be located closer than eight feet from any other projection wall sign. Projection wall signs shall be considered part of the total wall sign allowance; provided however, no projecting wall sign shall exceed ten total square feet in sign display surface area. A single side of a double face sign shall be utilized for the sign surface area calculation. Mr. Hamilton said the minimum height of a projection wall sign shall have an 8 ft. clearance, and when deemed necessary by engineering, a 10 ft. clearance. Mr. Hamilton said some of the potential benefits of projection signage are the economic benefits of increased visibility; it fosters a pedestrian friendly environment, is aesthetically pleasing and is in historical context with the downtown area. Mr. Hamilton showed the areas where the rules would apply and stated the area would be expanded in the future to Tenth Street and in the vicinity of the railroad tracks.

Ms. Basnight asked if the signs could be lighted.

Mr. Hamilton said lights were permitted; however, flashing lights were not allowed in the City.

Mr. Thomas asked if there were any potential impacts to the Fire Department or Utilities Department.

Mr. Hamilton said there were not. He said one of the conditions is that the signs could not project beyond the property line without an encroachment agreement.

No one spoke in opposition to the request.

Motion was made by Mr. Ramey, seconded 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. All members except Ms. Basnight voted in favor. Motion carries.

OTHER ITEMS OF BUSINESS

Request for a special use permit for a Land Use Intensity Dormitory 67, residential development consisting of 30 one (1) bedroom units, 30 two (2) bedroom units, 57 three (3) bedroom units, and 117 four (4) bedroom units (234 total units with 729 beds)

Mr. Dave Holec, City Attorney, reviewed the process for this request with the board. He said the authority to grant or deny the special use permit lies with the Planning and Zoning Commission and will not go before City Council. He read the Required Findings:

1. Ownership. That the applicant for a special use permit to develop the Land Use Intensity Development, filed as Request # 10-01, is the legal owner of the subject property as evidenced by Deed Book 2656, Page 113, Deed Book 596, Page 203, Deed Book 2182, Page 863, Deed Book 2592, Page 683, Deed Book 1650, Page 820, Deed Book 900, Page 809 and Deed Book 615, Page 254 of the Pitt County Registry.
2. Notice. That those persons owning property within one hundred (100) feet of the proposed development, as listed on the current county tax records, were served notice of the public hearing by first class mail in accordance with applicable requirements; and that notice of a public hearing to consider the special use permit was published on April 5, 2010 and April 12, 2010 in the Daily Reflector, a newspaper having general circulation in the area, as required by law.
3. Utility Service. The Planning and Zoning Commission must find that the use has existing or proposed utility services which are adequate for the population densities as proposed.
4. Traffic. The Planning and Zoning Commission must find that the use is properly located in relation to arterial and collector streets and is designed so as to provide direct access without creating traffic which exceeds acceptable capacity as determined by the city engineer on

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streets in adjacent areas outside the development.

5. Health and Safety, Public Welfare, Nuisance or Hazard. The Planning and Zoning Commission must find that the use (i) will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, (ii) will not be detrimental to the public welfare, and (iii) will not constitute a nuisance or hazard, if located and developed according to the plan as submitted and approved. Such health and safety, public welfare and nuisance or hazard considerations include but are not limited to the following:
 - (a) The number of persons who can reasonably be expected to live within or frequent the development at any one time.
 - (d) The intensity of the proposed development in relation to the intensity of adjoining and area uses.
 - (c) The visual impact of the proposed development as viewed from adjacent properties and public street rights-of way.
 - (d) The location and extent of exterior physical activities of the proposed use including common recreation areas and facilities, and common and/or private patios, porches, balconies and open spaces.
 - (e) The reasonably anticipated noise or other objectionable characteristics that will result from the proposed use, or as a result of any element of project design.
 - (f) The safe and convenient location of all on-site parking and drives.
 - (g) The existing vehicular traffic on area streets.
 - (h) The reasonably anticipated increase in vehicular traffic generated by the proposed development.
 - (i) The condition and capacity of area street(s) which will provide access to the proposed development.
 - (j) The visibility afforded to both pedestrians and operators of motor vehicles both on-site and off-site.
 - (k) The anticipated, existing and designed vehicular and pedestrian movements both on-site and off-site.
6. Conditions and Specifications. The Planning and Zoning Commission must find that the use meets all required conditions and specifications.
7. Injury to Property or Improvements. The Planning and Zoning Commission must find that the use will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood or in the alternative, that the use is a public necessity.
8. Location and Character. The Planning and Zoning Commission must find that the location and character of the use if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Land Use Plan of the City of Greenville and its extraterritorial jurisdiction.

Mr. Holec asked anyone wishing to speak either for or against the request to come forward and be sworn.

Mr. Wayne Harrison, planner, said this was a request by Edwards Communities Development Company, agent, for a special use permit for a Land Use Intensity Dormitory 67, residential development consisting of 30 one (1) bedroom units, 30 two (2) bedroom units, 57 three (3) bedroom units and 117 four (4) bedroom units (234 total units with 729 beds). He said the property is located between 10th Street and E. 14th Street, west of Green Mill Run and Rock Spring subdivision. The property is further identified as Tax Parcel Numbers 01428, 01661, 19412, 19730, 24471, 32776 and a portion of 29048. Mr. Harrison said the property is zoned OR-UC, office-residential with an urban core overlay. North of the property is zoned OR, office-residential, and OR-UC and contains three Greek housing facilities, three apartment complexes, and two single-family residences. South of the property is zoned OR, office-residential, and CN, neighborhood commercial, and contains a convenience store, a car wash, three ECU facilities and a parking lot. East of the property is zoned OR. This property is owned by the State of NC and is vacant (wooded). West of the property is zoned CDF, commercial downtown fringe, and contains a convenience store/bus station, two offices, two duplexes, three single-family residences, an ECU facility, Dominos Pizza and the Masonic Lodge. Mr. Harrison said the property contains 15.81 gross acres. The eastern portion of the property is in the 100 year floodplain and also contains some wetlands. He said the developer is working with the core of engineers at FEMA and DENER to determine the exact location of the

floodplain and the wetlands. The property currently contains Green Mill Run Apartments, King's Arms Apartments, three single-family residences and the Real Crisis Center. He said the property will be served by driveways located on Charles Boulevard and Eleventh Street. Mr. Harrison said the proposed construction includes nine apartment buildings, a clubhouse located within one of the apartment structures, a maintenance building, a swimming pool, volleyball court and associated parking areas. There are 624 parking spaces proposed, which is a change from the 631 spaces that were stated in the packet. Mr. Harrison said after staff review, seven parking spaces had to be removed. He said only 547 spaces are required. The Future Land Use Plan Map recommends commercial at the northeast corner of the intersection of Charles Boulevard and East 14th Street with office/institutional/multi-family (OIMF) in the interior areas. Further, the Future Land Use Plan Map recommends conservation/open space (COS) along Green Mill Run, which is the eastern boundary. The multi-family component of the office/institutional/multi-family category is considered high density residential. Mr. Harrison said the proposed density of 14.81 units per net acre is within the high density residential category which is a maximum of 17 units per net acre. Standard multi-family development, which does not require a special use permit, will allow 237 three bedroom units which is a total of 711 bedrooms. He said per the Land Use Intensity 67 standards, the developer has proposed to construct 30 one bedroom units, 30 two bedroom units, 57 three bedroom units and 117 four bedroom units, which is a total of 234 units with 729 bedrooms. This is 18 more bedrooms than the maximum allowed under standard by right high density multi-family development. If approved, the project must undergo an additional administrative site plan process for approval of engineering, utility and other specific requirements. Administrative site plan approval shall be subject to special use permit approval and any conditions thereof that the commission may add. Mr. Harrison said the Planning and Zoning Commission may, in its discretion, attach conditions to the plan that exceed the minimum standards when it is found that such conditions are necessary to insure that the proposed development will be compatible with adjacent areas. Such conditions may include, but are not limited to, setbacks, parking, screening, landscaping, bufferyards, density or other requirements. Mr. Harrison said if the Commission finds the petition satisfies all the required criteria, staff recommends the following conditions be included in the motion to approve:

1. Occupancy limited to one (1) bed and one (1) person per bedroom.
2. Outside recreation equipment shall be restricted to the designated recreation area.
3. There shall be twenty-four (24) hour on-site professional management "on-call" at a phone number available to any interested party. Phone calls to such number shall be answered by a live person at all hours.
4. The owner/management shall request East Carolina University student transit service and shall cooperate fully with the University in the provision of such service.
5. The project design shall accommodate buses used in public transportation.

Mr. Harrison said the Engineering Department also has listed some requirements:

1. The developer shall construct an exclusive right turn lane at its proposed main driveway on Charles Boulevard. As part of this improvement, the developer will also be required to re-install the sidewalk recently completed by the City along Charles Boulevard on the east side of the street.
2. The developer shall be required to construct sidewalks along one side of the road at the following locations: 11th Street between Lawrence Street and Anderson Street; Lawrence Street between 11th Street and 10th Street; and Anderson Street between 11th Street and 10th Street.
3. The developer shall install a pedestrian refuge island on East 10th Street if required by staff as part of the staff's review process and discussion with NCDOT.

Mr. Harrison said a simple majority vote of a quorum of those members present and eligible to vote in favor of the request is required on each of the following findings to approve this request:

1. Ownership- That the applicant for the special use permit is the legal owner of the subject property.
2. Notice- That the persons owning property within 100 feet of the proposed development were served notice of the public hearing and notice was published in the Daily Reflector
3. Utility Service- That the use does have existing or proposed utility services which are adequate.
4. Traffic- That the use is properly located and is designed so as to provide direct access without creating traffic which exceeds acceptable capacity.
5. Health and Safety public welfare, nuisance or hazard- That the use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use.
6. Conditions and specifications- That the use does meet all required conditions and

specifications.

7. Injury to Property or Improvements- That the use will not injure, by value or otherwise, adjoining or abutting property.
8. Location and Character- That the location and character of the use will be in harmony with the area in which it is to be located.

He asked that the findings of fact be entered into the record.

Mr. David Tyndall, Vice President of Edwards Communities, spoke in favor of the request. He said they did not have any problems with any of the conditions staff had requested.

No one spoke in opposition to the request.

Mr. Gordon read the Findings of Fact. Motion was made by Mr. Thomas, seconded by Mr. Ramey to approve the Findings of Fact. Motion carried unanimously.

Motion was made by Mr. Ramey, seconded by Ms. Rich, to approve the application with the conditions. Motion carried unanimously.

Based on the facts found by the Board and the evidence presented, the Board orders that this permit be granted and subject to full compliance with all of the specific requirements stated in the Zoning Ordinance of the City of Greenville for the proposed use.

Request to close portions of Twelfth Street, Lawrence Street, and a portion of the public right-of-way at the intersection of Anderson Street and Eleventh Street.

Mr. David Brown, City Engineer, said this item was associated with the item just approved for Edwards Communities Development Company to construct a new student living complex. The proposed site is located north of 14th Street, east of Charles Boulevard, south of Eleventh Street and west of Green Mill Run. Mr. Brown said the developer has identified that it will be necessary to acquire various properties, portions of properties and portions of street rights-of-way to facilitate the construction of the proposed development. He said staff had received a petition from the Board of the Greenville Masonic Temple, located at 1104 Charles Street, requesting to close a portion of Twelfth Street, Lawrence Street and a portion of the public right-of-way at the intersection of Anderson Street and Eleventh Street. The petition identifies the segments from Twelfth Street beginning at its intersection with Charles Street to its intersection with Lawrence Street and the portion of Lawrence Street, beginning at its intersection with Twelfth Street up to its intersection with Eleventh Street and a small portion of the right-of-way at the intersection of Eleventh and Anderson Streets. Mr. Brown said based upon the proposed site plan, staff has no objection to the request in regards to closing the public rights-of-way as associated with the segments of Twelfth Street and Lawrence Street. He said staff does not recommend the closing of the area identified as Tract 2, at the intersection of Anderson Street and Eleventh street, due to need to retain the public right-of-way for the existing utilizes' infrastructure. He said this matter had been discussed with the petitioner and the developer and they are in concurrence with it and would be removing it from the request. Mr. Brown said the order to close the public rights-of-way for the identified street segments of Twelfth Street and Lawrence Street would become effective upon recordation of a final plat and in accordance with subdivision regulations for Greenville, North Carolina which combines the lots as identified within Pitt County Register of Deeds office consisting of parcels 32776, 19412, 01661, 24471, 19730, 01428 and the eastern portion of parcel number 29048 that said lots are one lot of record. The final plat will also include the necessary dedicated utility easements for all utilities to remain as reflected.

Durk Tyson with Rivers and Associates spoke in favor of the request on behalf of the applicant. He confirmed that the applicant was not opposed to removing tract 2 from the request.

No one else spoke in favor or opposition to the request.

Motion was made by Mr. Randall, seconded by Mr. Thomas to approve the request excluding Tract 2. Motion carried unanimously.

Comprehensive Plan Review: Future Land Use Plan Map consideration of Area of Interest #5 (Old Pactolus Road), continued from the March 16, 2010 meeting

Mr. Wisemiller gave the background for the request. He said a public hearing was held at the March 16, 2010 meeting and the commission chose to continue the request to this month. The primary area is on the south side of Old Pactolus Road corridor (107+/- acres) and the additional area is the property located to the north and east of the primary area, on both sides of Old Pactolus Road (262+/- acres). He said the FLUPM recommends a large concentration of commercial in the area to support the Regional Focus Area. Commercial development in floodplain exposes personal property and public safety to lower risk than residential development. Mr. Wisemiller said due to the changed conditions in the local development pattern, which impacted the site in a manner and to a degree not previously anticipated, a change to the FLUPM might be warranted if other criteria are met.

Mr. Jim Hopf, attorney, spoke on behalf of the applicant. He handed out a booklet to the commission members supporting his case. He said he had also given a copy of the booklet to Mr. Holec and staff, as well as to Ms. Holland, who previously spoke in opposition to the request and owns the adjoining property. Mr. Hopf went over the steps the applicant had taken since the previous meeting. He said they had sent out 88 letters to impacted owners and residents and had received 13 responses. He said he had spoken with all of those individuals and discussed their concerns and had satisfied them. Mr. Hopf said there was one individual who still had questions and they had attempted to meet him at the property several times, but were unable to do so. He said Dr. Richard Spruill, hydrogeologist with Groundwater Management Associates, had made a site visit regarding wetland and environmental issues for the subject property. Mr. Hopf said he had discussed issues regarding Trespass Agreements for the property with Sheriff Mac Manning as well as the Greenville Police Department. He said they had met with 9 interested owners/residents to discuss issues they had. They also had discussions with residents of Santree Mobile Home Park regarding use issues. Mr. Hopf said they had spoken with the adjacent farm owners and extended an Offer of Compromise. They had also obtained "Calls for service" information from the Greenville Police Department for the last five years to investigate allegations and area complaints. There were no complaints related to the property being requested for consideration.

Ms. Sue Holland spoke in opposition to the request. She said her farm was located east of the primary area. She requested her farm be left in its current state and not changed to commercial. She said she was not pleased with the commercial land use that Mr. Hopf is proposing because she believes it would be detrimental to the wildlife in the area. She said she had met with Mr. Hopf and his son. She said Mr. Hopf has a lot of experience with land use change and felt challenging him would be an uphill battle. Ms. Holland said though she felt this proposal was not in her best interest, she felt the change would be approved and hoped that they would be able to work with the new tenants if the board decides to approve the request.

Mr. Jim Crozier spoke in opposition to the request on behalf of John Conley. He read a statement prepared by Dr. Conley, an Environmental Biologist with East Carolina University, regarding the NC Heritage Program.

Donna Hemby, property manager for Santree Mobile Home Park, spoke in opposition to the request. She said according to the applicant's webpage and Facebook page they have been operating as a business since September. She said there were references to them charging people to perform in events. She said they made reference to digging on the website on December 7th. Ms. Hemby said several of her tenants had complained of the noise and the trash.

Mr. Maxwell asked how much of an issue the noise was.

Ms. Hemby said it was more of a weekend issue.

Mr. Thomas asked if she had filed any complaints to the City or Sheriff's Department regarding noise issues.

Ms. Hemby said she had called and was told there was a noise ordinance, but as long as it was not over a certain meter, there wasn't a lot they could do.

Mr. Thomas asked if they came on site.

Ms. Hemby said she never saw them show up.

Mr. Richard Hill spoke in opposition to the request. Mr. Hill said he owned property across the street from the proposed development. He said he had heard they were considering using the property as a

motocross park during the off months when they couldn't wakeboard and was very opposed to that. He said they would be putting a building at the front of the property for the sale of wakeboards and related items. He said he felt there was a reason why this was the only wakeboard park in North Carolina.

No one else spoke in opposition.

Mr. Jim Hopf spoke in favor in rebuttal. He said the reason there were none of these currently in North Carolina is because this is a new sport that is huge in Europe. He said there was no building planned for the road front. He said he wasn't sure where the motocross idea was coming from, but the applicants were not interested in it and the owners wouldn't allow it. Mr. Hopf said there were no police reports to support the noise allegations. He said his son was in Raleigh when he formed Lakeside Sports, LLC and he gives lessons. He said the prices on the web site were for lessons. He said the park was presently a privately used training facility that they would like to open up to the public. Mr. Hopf said they felt this was an appropriate use for a floodplain area.

Mr. Thomas asked for clarification on the structure.

Mr. Hopf said the only structure he had heard anything about would be one the city required depending on the use, such as a bathhouse.

Mr. Maxwell asked if there was a P.A. system being used.

Mr. Hopf said they had held a couple of events where they used a P.A. system to announce who was riding.

Mr. Randall asked about the comment regarding digging that was mentioned.

Mr. Hopf said there had been no digging of the ponds. He said there was some digging in an upland area to make a starting point to go into the pond.

Ms. Basnight asked how many would be in the pond at one time.

Mr. Hopf said there would generally only be one Seadoo and one wake boarder in the pond at the time.

Mr. Parker asked how many people had participated or gone to see previous events.

Mr. Hopf said there were approximately 20 riders and 60 spectators in and out during various times of the event.

Mr. Maxwell asked how much noise was produced by the Seadoos.

Mr. Hopf said when they met with the nine owners they had no complaints with the Seadoos. He said he could not hear the Seadoo if he was on the opposite side of the pond.

Ms. Basnight asked why they needed to do this if they were already operating.

Mr. Hopf said they were not charging for the events or lessons at this time.

Ms. Basnight asked what the fees on the website were for.

Mr. Hopf said he suspected those were put up when the interest was started before he knew he had to go through this process.

No one spoke in opposition in rebuttal.

Mr. Gordon closed the public hearing and called for board discussion.

Motion was made by Mr. Ramey to delete the additional area from the request and approve the project.

Mr. Gordon said that it wasn't necessary to delete the dotted line area because staff was not recommending it and the applicant wasn't requesting it.

Motion was made by Mr. Ramey, seconded by Mr. Thomas, to approve the primary area. All but Mr. Parker, Mr. Maxwell and Ms. Basnight voted in favor. Motion carried.

Comprehensive Plan Review: Future Land Use Plan Map consideration of Area of Interest #6 – SW Greenville Boulevard

Mr. Wisemiller stated the primary area is on the south side of SW Greenville Boulevard and contains approximately 84.5+/- acres with the additional area including the Greenville Christian Academy and another adjacent area near the corner of SW Greenville Boulevard and Dickinson Ave Ext. (total 48.1+/- acres). He said in 1995 there was a request to rezone 32.6 acres of the primary area from RA20 to O&I, CS and R-6 that was denied. The property is located in Vision Area E of the Comprehensive Plan. SW Greenville Boulevard is a connector corridor and a major thoroughfare. On the south side of SW Greenville Boulevard the FLUPM recommends an OIMF transitional/buffer. Mr. Wisemiller said the primary area also includes MDR and C/OS. There are two regional focus areas. He said the purpose of the OIMF belt on the south side of SW Greenville Boulevard is for transition of uses, infrastructure management and to minimize "strip" commercial development. Mr. Wisemiller said staff has not identified changed conditions that have impacted the primary area in a manner or to a degree not previously anticipated at the time of adoption of the current FLUPM; therefore, no change appears to be warranted. He said proposed changes to the FLUPM should also meet other consideration criteria. If P&Z recommends that the FLUPM be amended to include commercial in the primary area, staff recommends that any such changes correspond to include a connection to the regional focus area at SW Greenville Boulevard and Dickinson Avenue Extension. The new configuration should include OIMF transitions, as necessary, long-term strategy for managing commercial development in a regional focus area, preservation of the remaining OIMF "belt" on SW Greenville Boulevard, moderately reduced in scope, and should limit "strip" commercial development.

Mr. Randall asked why the church wouldn't serve as the transition from commercial since it is zoned OIMF.

Mr. Wisemiller said it would but you would still want to have some buffer between the commercial on the corridor and the church property.

Mr. Hamilton said the applicant had presented that as a part of their request.

Mr. Jon Day spoke in favor of the request on behalf of the applicant. He said the concerns in the past over rezoning this property dealt with the multi-family component of the request. He said this request was to extend the existing commercial shown on the land use plan. He said they proposed to leave an OR buffer to buffer the commercial from the adjacent church and the medium density residential located to the south. Mr. Day said they had discussed the request with a number of property owners that were in support of the request. He said residents of the Red Oak subdivision were concerned with OR or multi-family zoning adjacent to the neighborhood.

Mr. John Moyer, Jr. spoke in favor of the request. He said he felt these changes would benefit the property as well as the area.

Ms. Rich asked what they planned to develop there.

Mr. Moyer said they didn't have a plan at this time, but they anticipated some type of shopping center.

Mr. Reggie Outerbridge, president of the Red Oak Subdivision, spoke in opposition to the request. He said they were concerned with what would be placed in the area because it could be many things if the property is rezoned to commercial. He said traffic was already an issue in the area and this could make it worse.

Mr. Ed Tilley, resident of the Red Oak Subdivision, spoke in opposition to the request. He said he was part of the opposition for the multi-family request several years ago. He was concerned with the connectivity of the streets into Red Oak Subdivision.

Mr. Jon Day spoke in favor in rebuttal. He said when they met with the residents of Red Oak they

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didn't know what would be proposed. He said he explained it would more than likely be a mixture of tenants that would meet their retail needs. He said there was an opportunity to have some interconnectivity around the church, alleviating some of the traffic problems.

Ms. Lillian Outerbridge of the Red Oak Subdivision spoke in opposition in rebuttal. She said she was happy to be able to communicate with Mr. Moye and Mr. Day; however she still has concerns because they haven't been told "what" or "how" any of this would be done.

Motion was made by Mr. Ramey, seconded by Mr. Randall to approve the area as recommended by staff. All but Mr. Parker and Mr. Maxwell voted in favor. Motion carried.

Comprehensive Plan Review: Future Land Use Plan Map consideration of Area of Interest #7 – Hwy 264/Martin Luther King, Jr. Hwy/Old Stantonsburg Road (Medical Foundation of ECU)

Mr. Wisemiller stated the primary area is located at the southwest corner of the intersection of Hwy. 264 and MLK Hwy., bordered by Old Stantonsburg Road to the south (97+/- acres, not including future right-of-way). The additional area consists of private land adjacent to primary area (84+/- acres). The property is located in Vision Area F of the Comprehensive Plan. Old Stantonsburg Road is a residential/connector corridor. He said the FLUPM recommends OIMF and C/OS for the subject property. The property has no frontage on Old Stantonsburg Rd with OIMF currently on both sides of Old Stantonsburg Rd. He said at the time of the 2004 plan the Army Corps of Engineers identified the area as potential wetlands but the property owner plans to address that is not the case. Mr. Wisemiller said there is a community focus area at the intersection of 264/Stantonsburg Road and B's Barbecue Road and a neighborhood focus area at the south side of Old Stantonsburg Rd. He said Old Stantonsburg Rd. is a major thoroughfare. The primary area is vacant and mostly wooded. He said the primary area has limited development potential due to lack of access. He said the land use and economic impacts would likely be similar, whether the corridor remained OIMF or were amended to Commercial. Mr. Wisemiller said staff has no objection to the FLUPM being amended to allow for commercial in the primary area, provided that any change meets FLUPM change consideration criteria. He said the community did not anticipate environmental conditions (or lack thereof) when the FLUPM was updated; therefore, a change might be warranted, provided other criteria are met. The change could be consistent with intent of *Horizons* in terms of development intensities, the primary area should be well buffered, and potential traffic and other impacts are not expected to be more intensive than what would be generated by potential OIMF uses.

Mr. Jon Day spoke in favor of the request on behalf of the applicant. He submitted a copy of a designation from the U.S. Army Corps of Engineers that designates the area being uplands, excluding a .014 acre portion that is wetlands. Mr. Day said this could potentially be a hotel/motel site with some multi-family.

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

Comprehensive Plan Review: Future Land Use Plan Map consideration of Area of Interest #8 – S. Memorial Drive

Mr. Wisemiller said the primary area is located at the NE corner of S. Memorial Drive and W. Arlington Boulevard, extending for approximately 290 feet (0.95+/- acres). The additional area is to the north and south of the primary area (2.4+/- acres). He said the Task Force rezoned lots in the primary and additional area from R6 to R6S to prohibit multi-family. In January 2008, planning staff evaluated 30 lots fronting the eastern right-of-way of the S. Memorial Drive corridor, including subject areas and determined that low intensity non-residential uses were recommended (OIMF); long-term livability of single-family dwellings fronting Memorial Drive was expected to diminish over time, rezoning to O (office-only) was recommended for both existing OR and R6S properties. The property is located in Vision Area G of the Comprehensive Plan. S. Memorial Drive is a connector corridor and a major thoroughfare. The FLUPM recommends OIMF in the primary and additional areas, with O (office-only) preferred due to the multi-family restriction. Intermediate and community focus areas are in the vicinity, both of which are on the west side of the S. Memorial Drive corridor, where the FLUPM recommends intensive commercial uses, especially at/near the intersection of S. Memorial Drive and Dickinson Avenue. He said the FLUPM configuration for S. Memorial Drive corridor, the general intent of *Horizons* plan for the area, and the Task Force recommendations, all point to the following key land use recommendation for the primary and additional areas:

- Facilitate conversion of single-family residences to office-only uses, while prohibiting conversions to multi-family dwellings
- No indication that commercial is a preferred use in these areas

Mr. Wisemiller said staff has not identified changed conditions that have impacted the primary area in a manner or to a degree not previously anticipated at the time of adoption of the current FLUPM and in the absence of any such new conditions, no change is warranted.

Mr. Sue Williams spoke in favor of the request. She said she was part owner of three of the subject lots. She felt Memorial Drive would continue to progress and felt this was a good time to change the Future Land Use Plan to reflect that.

Mr. Randall asked when the Comprehensive Plan would be reviewed again.

Mr. Wisemiller said it would be another five years.

Mr. Steve Evans spoke in favor of the request. He said he owned some of the property in the additional area. He felt this would be a great transition for the area and was in support of the change.

Mr. Samuel Cannon spoke in opposition to the request. He is a resident of the subdivision located behind the primary area. He felt this change would bring crime to the area and was opposed to the change.

Mr. Jerry Williams spoke in favor in rebuttal. He said he didn't feel crime was associated with a retail use. He said if that were the case, Lynndale would be in trouble because of Red Banks shopping center.

Mr. Cannon spoke in opposition in rebuttal. He said Red Banks was nothing like this area.

Mr. Randall asked Mr. Cannon if he felt crime had increased with some of the businesses that have been added along Memorial Drive.

Mr. Cannon said it had.

Ms. Basnight asked how deep the lots were in the primary area.

Mr. Wisemiller said they were approximately 150 feet deep.

Motion was made by Mr. Parker, seconded by Ms. Basnight to deny the request and leave the property as it is now. Motion carried unanimously.

Public and Commission Comment Period and Request for Changes and/or additions to the Horizons Plan text or the 2009-2010 Horizons Plan Review Report.

There was no public comment.

There being no other business the meeting adjourned at 9:20p.m.

Respectfully submitted,

Merrill Flood
Secretary

APPROVED



BILL LEHMAN, CHAIRMAN