

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING AND ZONING COMMISSION

December 14, 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. Allen Thomas - X
Mr. Dave Gordon - X Ms. Linda Rich - *
Mr. Tony Parker - * Mr. Tim Randall - *
Mr. Bill Lehman - * Mr. Godfrey Bell, Sr. - X
Ms. Shelley Basnight - * Mr. Hap Maxwell – *
Mr. Charles Garner - * Ms. Cathy Maahs – Fladung - X
Mr. Brian Smith - *

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

VOTING MEMBERS: Parker, Basnight, Garner, Smith, Rich, Randall, Bell, Maxwell

PLANNING STAFF: Merrill Flood, Community Development Director; Harry Hamilton, Chief Planner; Chantae Gooby, Planner; Valerie Paul, Secretary

OTHERS PRESENT: Marion Blackburn, Council Member; Dave Holec, City Attorney; Tim Corley, Engineer; Jonathan Edwards, Communications Technician

OTHER: Mr. Bill Lehman greeted the audience and announced that the Chair and Vice-Chair were not present so he called for a motion to moderate the meeting.

Mr. Tony Parker made the motion to accept Mr. Lehman as the meeting's moderator; Mr. Hap Maxwell seconded the motion and it passed unanimously.

Mr. Parker gave the invocation and recognized the recently deceased Beatrice Maye and the work that she did for the betterment of the community.

MINUTES: Motion was made by Mr. Parker, seconded by Mr. Randall, to accept the November 16, 2010 minutes as presented. Motion carried unanimously.

Mr. Lehman welcomed Mr. Brian Smith to the Planning & Zoning Commission.

OLD BUSINESS

Rezoning

Ordinance requested by W. H. Smith Real Estate, Inc. to rezone 1.8292 acres located at the northwest corner of the intersection of Dickinson Avenue and W. H. Smith Boulevard from O (Office) to MO (Medical-Office).

Ms. Chantae Gooby, Planner, presented the staff report to the Commission. She presented the survey and pictures of the property. There are already some offices and institutional uses that are filling in as well as some subdivisions right beside the rezoning. The rezoning could generate a net increase of 527 trips. The current zoning is Office and the request is for Medical Office. The

main difference is that the Medical Office use would allow additional retail uses. In staff's opinion this request is in compliance with Horizons, with the Land Use Plan Map and with the Medical District's Land Use Plan that was updated in 2007.

The Commission did not have any questions for Ms. Gooby.

Mr. Ken Malpass spoke on behalf of WH Smith. The main reason that the request was made was because they wanted to be able to sell hospital beds, so it will not be a retail use as much as it will be a service to the medical community.

Mr. Dave Holec, City Attorney, reminded the Commission that they are not to rely on any specific representation as to what the use may be or consider the entire range of permissible uses.

Mr. Lehman called for additional speakers for or against the request. Since there were none, he closed the Public Hearing and opened the case up for Board discussion.

Mr. Parker commented that it seemed like a natural fit.

Mr. Randall attempted to make a motion to approve, but he did not have the text jargon.

Mr. Holec came forward and provided the wording on what to say when making a motion.

Mr. Randall accepted what Mr. Holec said as his wording; Ms. Basnight seconded and the motion passed unanimously.

Rezoning

Ordinance requested by WLA Enterprises, Inc. to rezone 0.913 acres located along the northern right-of-way of East 10th Street, 325+ feet east of Bayt Shalom Synagogue and 525+ feet west of Greenville Mobile Estates Mobile Home Park from RA20 (Residential-Agricultural) to CG (General Commercial).

Ms. Gooby presented the staff report for the rezoning request for WLA Enterprises. She gave the Commission a survey & photo of the property. There is a focus area between 10th Street and the railroad tracks where commercial is anticipated and encouraged. This rezoning could generate an increase 330 trips with 70% going to the west and 30% going to the east. The property is currently zoned Residential Agricultural. Under the proposed zoning the site could yield about 8,000 square feet which could be retail or restaurant space. The Land Use Plan does recommend Commercial along the Northern right of way of 10th Street. In staff's opinion the request is in compliance with the Horizons Plan and the Land Use Plan Map.

Mr. Parker asked if she had any idea where NCDOT plans to put the new entrance to the new East Side Park. He asked if the proposed entrance would be to the left or right of the synagogue.

Mr. Tim Corley, Engineer with the City of Greenville, answered that he did not believe that the actual entrance had been officially planned. They are currently working on the Master Plan for the park, but he is not sure if the plans will be so detailed that they will determine where the entrances will be. A lot of the development on the south of 10th Street will dictate where those entrances will be.

Mr. Lehman opened the Public Hearing and he called for those in favor of the request to come forward to speak.

Mr. Jon Day spoke in support of the request on behalf of Jim Price, the broker in charge with WRS Realty. Mr. Price was summoned for jury duty in his state of South Carolina. He has been working closely with Mr. Price in the negotiations for the contract and on the development across the street. WLA Enterprises Inc., the developer that has the contract to buy the property across the street and develop the Wal-Mart property, is the entity that has submitted the request. This request has been made to further prepare the property for future commercial development. The developer does not have an intended use at this time, but he would propose to develop it for commercial uses or any of the uses that would be permitted in the CG zone. The most likely user would be a single use retail facility with 6,000 - 7,000 sq. ft. of retail area. The request conforms to the Future Land Use Plan and it is located across from what will be a 2.009 sq. ft. retail shopping center, which will be anchored by Wal-Mart. That will create a significant change in the area. The property is currently being utilized for single-family residential purposes, which may not be desirable to have situated across from a major retail development with the traffic and activity that would occur. It is located 1.25 miles east of the entrance to Brook Valley. Mr. Day offered to answer any questions that the Commission may have.

Mr. Randall asked if that one lot was the only property that Mr. Darryl Elks owns there.

Mr. Day answered that it was the only lot on that side of E. 10th Street that Mr. Elks owns.

Mr. Randall asked why the request did not encompass more of the land that is within the area designated as potential commercial.

Mr. Day answered that currently the only property that WLA has under contract is Mr. Elk's property, but they may have more interest in the future once the Wal-Mart development has been completed.

Mr. Darryl Elks spoke in favor of the request. He purchased the property in 1999 for his family residence when it was mostly farmland. He is the only single-family resident that is directly across from the proposed Wal-Mart. He does not look forward to living across from Wal-Mart and he feels that his property is more compatible to the businesses that are now around him than it is as a single-family residence.

Mr. Billy Battles, resident of Lake Glenwood Subdivision, spoke in opposition of the request. He said listed reasons that they oppose the request, which he noted are the same reasons that they opposed the change to the Land Use Plan. There will be an increase in traffic on Portertown Road, Eastern Pines Road, and the 10 St. Extension/Hwy. 33 East; it will also have a negative effect on their quality of life in that area. They believe that this request is the first of many to rezone Commercial. It will have a dangerous impact on wildlife and it will have a negative impact on the public park that will be adjoining those areas. There will be an increase in noise and light and it will have a negative effect on the aesthetics on that street which is a corridor into Greenville. They believe that this request will not stop until more properties in that area are rezoned commercial. In their opinion this is not smart growth.

Mr. Bill Whisner, a resident of Cherry Oaks Subdivision, spoke in opposition to the request. He

said that they are not in opposition to commercial development generally, but they are in opposition to the timing. The two-lane portion of Fire Tower Road is seen as a major infrastructure connection to this development. There is a lot of traffic in that area and the two lane part of the road is significantly burdened with vehicular traffic. They think that the approval of this rezoning would create a short term situation that won't work. There is an established project to widen that portion of Firetower Road to Hwy 33/10th St., but it's not funded. They asked that the Commission not approve any additional zoning there until there are plans to improve Firetower Road.

Ms. Rebecca Powers, representing the Oakhurst Subdivision, spoke against the request. They had a sent a letter and copies had been given to the Commission. She said that they have also been in contact with the neighborhood association in Brook Valley and they stand with the rest of the neighborhoods that oppose the request. She noted that General Commercial was a very wide range and she asked if there is any way that it could possibly be restricted as far as what hours businesses could operate.

Mr. Maxwell asked Ms. Gooby if she had the information on how much of the area west of Greenville was already zoned Commercial and not in use.

Ms. Gooby answered that looking at section 3 on the map, there are about 13 acres that have not been zoned commercial but could be under the Land Use Plan.

Mr. Maxwell asked about areas 1 & 2. He said that would be about 60 acres. He asked how much of that is being used at the present time.

Ms. Gooby answered that Greenville Blvd. is already built out. In section 2, there are about 12 acres that could be put there. In section 3, there are about 13 and that is with the caveat of what has now been changed in the Land Use Plan in the last few months.

Mr. Maxwell said that he was trying to see how much commercial we have that has not already been used. He is concerned about chasing sprawl rather than limiting it.

Mr. Randall asked if there are 25 acres that is potential commercial in the same area, using the same map, how much is residential.

Ms. Gooby delineated the map.

Mr. Randall said that there is about 25 acres for development, give or take.

Ms. Gooby confirmed that there are about 25 acres.

Mr. Parker commented that this seems to be a neighborhood issue and that the neighborhoods have spoken.

Mr. Garner asked if the RA20 designation area is where the parklands are planned.

Ms. Gooby pulled up the aerial map and confirmed that it is RA20.

Mr. Garner asked what the zoning would it be once it is a park.

Ms. Gooby answered that it can be a park under any zoning.

Mr. Randall said that this is a neighborhood issue, but this Board made a recommendation to the City Council to change the Land Use Plan in this area and City Council approved. He is in favor of the Plan and where it is headed on this.

Mr. Maxwell said he feels that we are creating a situation where we are going to sprawl. Traffic in that area is already horrible and if you bring thousands of additional trips then that will be compounding a problem that already exists in that area. He said that they should consider putting off the request until they have a better handle on the impact on those neighborhoods.

Mr. Lehman asked Mr. Maxwell how they would find that out.

Mr. Maxwell said that he wasn't sure, but he was worried about adding fuel to the fire.

Mr. Parker asked if the NCDOT has any plans to widen Portertown Road.

Mr. Corley answered that he believes that there are plans, but they have not been funded. He believes that the development that is going on in the area may speed up the process or raise the NCDOT's priority on that project.

Mr. Garner asked how this would impact the park area.

Mr. Randall said to keep in mind that this request is for a half acre that is not adjacent to the park.

Mr. Parker commented that this half acre is just the beginning.

Mr. Lehman said that during their deliberations for the Horizons Plan they had discussed this issue thoroughly. The emphasis of putting the commercial out in that area is needed and has been approved.

Mr. Garner asked if there were any plans to put any sidewalks out there.

Mr. Corley said that they are in discussions with the developers of that site. NCDOT and the City's views are to get traffic off of the road as soon as possible so the turn lanes will be installed. Traffic Impact Study has been completed and the City is working with the NCDOT and the developer to finalize the improvements that need to be made along Portertown Road, Firetower Road, and 10th Street.

Mr. Garner asked if this would improve conditions on Greenville Boulevard.

Mr. Corley answered that the study did not include Greenville Boulevard. The 300 trips that this small site would generate is relatively small in comparison to larger commercial areas that are anticipated or already existing.

Mr. Randall made a motion to approve the zoning request and to adopt staff reports, Ms. Basnight seconded the motion. Mr. Smith, Mr. Randall, Ms. Basnight, and Ms. Rich voted in favor of approving the motion; Mr. Garner, Mr. Maxwell, and Mr. Parker voted against the motion. The motion carried.

NEW BUSINESS

Other

Petition to close a portion of Pitt Street.

Mr. Corley gave the staff report to the Commission. The Pitt Street crossing of Norfolk-Southern (Carolina Coastal Railway) was removed during the construction of the new wye track. The portion of Pitt Street being requested to be closed is north of the railroad crossing to the right of way of Fourteenth Street only serves the properties of Norfolk Southern Railway Company. When this section of the street is closed the abandoned right of way would become property of Norfolk Southern Railway Company. The City would maintain a drainage and utility easement upon the abandonment of right of way. The City would have the expense of removing existing pavement and installing new curb and gutter along Fourteenth Street. Budgeted Funds for the maintenance of this street section will no longer be required upon adoption of a Resolution to close by City Council. The city will no longer receive Powell Bill funds for this section of Pitt Street. Staff's recommendation is to forward the request along to City Council recommending the closing of that portion of Pitt Street.

Mr. Randall asked why we would close the street and give away the land.

Mr. Corley said that this is typical in any right-of-way closure. Since Norfolk Southern owns both sides, then they receive it all. This closing was also part of the Thomas Langston Road Crossing, in order to obtain that crossing, the City had to close a certain number of existing crossings and this is one of those crossings.

Mr. Parker moved that the Commission forward this motion forward to City Council for their approval. Mr. Maxwell seconded the motion and it passed unanimously.

OTHER ITEMS OF BUSINESS

Mr. Merrill Flood, Community Development Director, asked the Commission to recognize Mr. Harry Hamilton, Chief Planner, on his retirement and his last evening attending a Planning Board meeting.

Mr. Parker said that it was an honor working with him.

Mr. Lehman thanked him for his service and wished him well.

ADJOURN

Ms. Rich made the motion to adjourn, Ms. Basnight seconded it, and it passed unanimously.

The meeting adjourned at 7:12 p.m.

Respectfully Submitted,

Merrill Flood
Secretary