

July 21, 2009

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

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

VOTING MEMBERS: Lehman, Ramey, Gordon, Randall, Tozer, Bell, Basnight, Rich

PLANNING STAFF: Andy Thomas, Planner; Michael Dail, Planner; Harry Hamilton, Chief Planner; and Sarah Radcliff, Secretary.

OTHERS PRESENT: Dave Holec, City Attorney, Daryl Vreeland, Transportation Planner

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Tozer, to accept the June 16, 2009 minutes as presented. Motion carried unanimously.

OLD BUSINESS

REZONINGS

REQUEST BY BROWN FAMILY INVESTMENTS, LLC

Ordinance requested by Brown Family Investments, LLC to rezone 1.59 acres located at the southeast corner of the intersection of Greenville Boulevard and Crestline Boulevard from R9S (Residential-Single-Family [Medium Density]) and O (Office) to CH (Heavy Commercial), R9S (Residential-Single-family [Medium Density]) and O (Office).

Chairman Lehman said they had received a letter from Mike Baldwin, Baldwin & Janowski, requesting to withdraw the rezoning request.

Motion was made by Mr. Bell, seconded by Mr. Thomas, to accept the request. Motion carried unanimously.

NEW BUSINESS

PRELIMINARY PLATS

Request by KMRJ Development, LLC for a preliminary plat entitled “Porter’s Pointe (Revised). The property is located north of Portertown Road at its intersection with Herman Garris Road. The proposed development consists of 94 lots on 33.848 acres.

Mr. Andy Thomas, Planner, stated this was a revision of a plat that was approved by the Planning and Zoning Commission on April 15, 2008. Mr. Thomas said the roads and the open space have changed but the number of lots remain the same. Since they are changing the road pattern and this is a cluster subdivision where the Planning and Zoning Commission has approval of the location, character and arrangement of open space, the preliminary plat is being brought back for approval. Mr. Thomas stated this project was initially denied by the Planning and Zoning Commission in September of 2007. The plat was originally submitted with septic tanks. The planning staff and GUC Water Resources Division recommended that the development be denied because the extension of sanitary sewer to this property was considered feasible. Mr. Thomas stated this project was a cluster subdivision and all the open space would be maintained by the Homeowner’s Association. All the open space will be dedicated in the initial final plat section. Mr. Thomas said cluster subdivisions

are an alternative development option that provides for a more efficient use of land while protecting environmentally sensitive areas. The location and arrangement of open space is subject to Planning and Zoning Commission approval. Open space #4 has a parking lot on it and that improvement is not being counted as required open space. The level spreader does not count towards the required open space. In open space # 3, only 25% of the property that is located in the floodway counts towards the required open space. The open space that is provided exceeds the 15% requirement. There is a significant amount of environmentally sensitive area that is being preserved (3.7 acres) even though all of this area does not count toward the required open space. The Army Corps of Engineers has approved the wetlands delineation boundary. There will be some road widening and a turn lane provided off Portertown Road. Porters Pointe Drive will be the main entrance into the proposed development. An interconnected street pattern with adjoining properties is not possible due to existing development and intervening environmentally sensitive areas. This project has a good internal circulation. Sidewalks are provided along Porters Pointe Drive and Hardee Bluff Drive. Porterview Drive and Baycrest Drive have a 40' right of way and 24' back to back curb. This is a standard that is in the Manual of Standards and Design that is maintained by the Engineering Department. This has been a street section that is seldom used because it can only be used in limited circumstances on low volume streets. There have been some recent changes to the North Carolina Fire Code which mandates that emergency vehicles must be provided a twenty foot travel way. If there is any on-street parking, the required travel way will not be provided. It was requested that the developer increase the street width to 28 feet. They maintain they want to use the twenty-four foot standard that is in the manual. The Planning Staff would recommend that as a condition of approval that an ordinance be adopted by City Council prior to recordation of the initial final plat, that Porterview Drive and Baycrest Drive be designated as no parking along those streets. Application for the no-parking zones shall be the responsibility of the owner/developer. The street will then be signed as such. The preliminary plat has been reviewed and approved by the City's Technical Review Committee. The preliminary plan meets all requirements and city standards with the exception of the above street width (fire access) standard. The fire protection issue can be accommodated by the no-parking option mentioned above.

Mr. Mike Baldwin spoke on behalf of the applicant. Mr. Baldwin stated Porterview Drive was a 28' back to back section with a 50' right-of-way and didn't understand why they were restricted to no parking on that street. He said it was the same as what's in the rest of the subdivision and they should be able to park on one side of that street. He stated he wanted some clarification from staff on that.

Mr. Thomas stated Baycrest Drive should be the only street with no parking.

Mr. Randall asked if the sewer was ready to tie into.

Mr. Baldwin said the sewer was at Arbor Hills and it was ready.

Mr. Doyle Maness spoke in opposition to the request. Mr. Maness stated he had lived at 2621 Portertown Road most of his life. He said he was opposed to the subdivision and opposed to any sewer easement coming across his property at any time. He said the developers have a right-of-way to the east side of his property that they are using as open space to connect to Herman Garris Road for the two other developments they have planned on Herman Garris Road and Highway 43. He said he had spoken with GUC and they informed him they planned on taking his property and condemning it and using it for the sewer. He said there was direct access from the same developers to the west side of his property instead of GUC taking his property for the profit of the developers. He said he had plans for his property for many years and was just waiting for the sewer to come into the area, hoping it would come along the street front. He said if they do approve the map, he wanted to go on record stating the 25' setback on the property was acceptable to him and Lot 1 that backed up to his lot at 40' was acceptable and he was also pleased with the use of the open space.

Mr. Bell said it sounded like he was pleased with a lot of things, just not the sewer.

Mr. Maness said he was pleased with the second drawing of the map but he is still not an advocate of GUC coming across his property for the profit of the developers, the same developers that have a project on Highway 43 and Herman Garris Road with only 3 or 4 houses that the sewer will help.

Mr. Baldwin spoke in favor in rebuttal. He stated the sewer was in the location that the GUC Master Plan recommends. He said he respected Mr. Maness's opinions and comments; however, GUC

would have to handle any issues regarding the sewer.

Mr. Gordon asked if there were plans to extend the sewer any further.

Mr. Baldwin said there were none at this time.

Mr. Thomas stated the sewer was shown in a floodway and you can't build in a floodway.

Mr. Maness spoke in opposition in rebuttal. He said part of the floodway they spoke of was on his property and some of their lots go into the floodway as well. He said he understood you could build in floodplains if you get above the benchmark and it would work with the sewer across the road. He said he saw an easement on the open space that they could run the sewer through.

Mr. Lehman closed the public hearing. Motion was made by Mr. Bell, seconded by Mr. Tozer, to approve the preliminary plat with the condition that an ordinance be adopted by City Council prior to recordation of the initial final plat that Baycrest Drive be designated as no parking along the street and no parking on one side of all 28' wide streets. Motion carried unanimously.

TEXT AMENDMENTS

Request by the City of Greenville Redevelopment Commission to amend the Downtown Commercial (CD) district residential parking requirements.

Mr. Michael Dail, Planner, stated this request was to amend the parking regulations for the multi-family development within the CD zoning district. The proposed amendment is intended to facilitate additional residential development in the urban core as recommended in the Center City Revitalization Plan and the Comprehensive Plan. Currently these types of development are hindered by the lack of developable space in the downtown area. If approved, the amendment would only affect multi-family development in the downtown commercial zoning district. Mr. Dail stated the current parking regulations state that parking must be either on site, or at a remote site within 800 feet along an improved pedestrian path, such as a sidewalk. If the proposed amendment is approved, it will allow residential developments in the CD district to utilize remote parking that is provided at any location within the CD district – the 800 foot (maximum) dwelling unit to remote parking lot separation standard will continue to apply to such residential developments for out-of-CD-district remote parking lots. For projects located in the CD district the minimum required parking for both dormitory type development and standard multi-family development is ½ parking space per bedroom. The minimum number of required parking spaces is unaffected by the proposed amendment. On-street (right-of-way) public parking, and public owned parking lots absent a long term lease, do not qualify for or satisfy the residential parking requirement.

Mr. Gordon asked if the reason for doing this was so there could be more multi-family development in the downtown area.

Mr. Dail stated the Center City Revitalization Plan and the Comprehensive Plan encourage additional multi-family development in the downtown area as well as pedestrian type access.

Mr. Gordon asked if there was land available to be used for parking.

Mr. Dail said there were vacant lots but someone could potentially buy property and remove the structures and possibly even build parking decks.

Mr. Bell asked what kind of parking the buildings currently being built on West Fifth Street had.

Mr. Dail said he wasn't sure. He said he didn't think they were in the CD zoning district.

Mr. Hamilton stated it had on-site parking.

Mr. Dail said this amendment only applied to properties in the CD zoning district. He said multi-family development in any other district had to have on-site parking.

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

Motion was made by Mr. Tozer, 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.

OTHER

ELECTION OF OFFICERS

Motion was made by Mr. Tozer, seconded by Mr. Bell, to have Mr. Lehman remain as Chairman. Motion carried unanimously.

Motion was made by Mr. Tozer, seconded by Ms. Basnight, to have Mr. Gordon remain as Vice Chair. Motion carried unanimously.

Both accepted their position of office.

There being no other business, the meeting adjourned at 7:05 p.m.

Respectfully submitted,

Merrill Flood
Secretary