

June 17, 2008

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

Mr. Len Tozer - *
Mr. Bob Ramey - * Mr. Dave Gordon - *
Mr. Tony Parker - * Mr. Tim Randall - *
Mr. Don Baker - * Mr. James Wilson - *
Mr. Bill Lehman - * Mr. Billy Dunn - *
Mr. Godfrey Bell, Sr. - * Ms. Shelley Basnight - *

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

VOTING MEMBERS: Tozer, Ramey, Gordon, Randall, Baker, Wilson, Lehman, Bell and Basnight

PLANNING STAFF: Harry Hamilton, Chief Planner; Seth Laughlin, Planner; Chantae Gooby, Planner; Andy Thomas, Planner; Merrill Flood, Director of Community Development; and Sarah Radcliff, Secretary.

OTHERS PRESENT: Dave Holec, City Attorney; Tim Corley, Engineer; Daryl Vreeland, Transportation Engineer

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Lehman, to accept the May 20, 2008 minutes as presented. Motion carried unanimously.

Chairman Tozer welcomed Tony Parker, City Alternate, to the meeting. He also announced that Arthur Maxwell had been appointed by city council as a second alternate and he will begin serving on the board in July.

REQUEST BY GREENVILLE DEVELOPERS, LLC

Rezoning ordinance requested by Greenville Developers, LLC for 6.833 acres located along the southern right-of-way of Stantonsburg Road, north of the Pitt County Landfill and southwest of Westpointe Subdivision from MCG (Medical-General Commercial) to PUD (Planned Unit Development]). The subject property is further identified as a portion of Pitt County Tax Parcel No. 51947.

Chantae Gooby, Planner, delineated the area on the map. She stated that the property was located in the northwest quadrant of the city, adjacent to Pitt County Landfill and Westpointe Subdivision. Ms. Gooby stated that most of the land to the north of the property was vacant. There are detention ponds located on the property that are for the Westpointe Subdivision. The rezoning could generate a decrease of over 1,700 trips, with most of the decrease being to the north on Stantonsburg Road. Ms. Gooby showed the general path of the Southwest By-pass. She stated there was a large focus area at the intersection of B's BBQ Road and Stantonsburg Road, where higher intensive uses are expected.

Ms. Gooby stated the subject tract is located in a transition area between high density residential and industrial. She stated that Westpointe Subdivision and the subject property were rezoned to their current zoning in 1987. Ms. Gooby stated that under the current zoning the site could yield up to 56,000 square feet of retail space; however under the proposed zoning, staff would anticipate the site to yield between 12 and 15 single family lots. Since the property is less than 10 acres it would have to be incorporated into the existing Westpointe Subdivision, which is also zoned PUD. In staff's opinion, the request is in general compliance with the comprehensive plan and the land use plan map.

Mr. Randall asked about the proposed route of the Southwest By-pass. He stated it appeared to run straight into the property.

Ms. Gooby stated the map showed the general location of the by-pass and it would most likely be located to west of the property.

Mr. Mike Baldwin spoke in favor of the request on behalf of the applicants. Mr. Baldwin stated that about 40% of the property was taken up by detention ponds, giving them a buffer from the unoffensive industry, being the landfill.

No one spoke in opposition to the request.

Motion was made by Mr. Baker, seconded by Mr. Ramey, 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 carried unanimously.

REQUEST BY CAMPUS TOWERS

Rezoning ordinance requested by Campus Towers for 0.185 acres located along the eastern right-of-way of Forbes Street between 8th Street and 9th Street from OR (Office-Residential [High Density Multi-family]) to CD (Downtown Commercial). The subject property is further identified as Pitt County Tax Parcel Nos. 24841 and 24842.

Seth Laughlin, Planner, gave the presentation. Mr. Laughlin delineated the area on the map. He stated the property was located in the center of the city. Mr. Laughlin stated the existing zoning was OR. The existing land use map shows a variety of uses from institutional, parking, commercial and some single-family residential. Mr. Laughlin stated the thoroughfare plan shows Evans Street and Cotanche Street as connector corridors. He stated that the proposed rezoning had a minimal impact on traffic and did not warrant a traffic study from Public Works. He said that the land use plan calls for commercial uses for the subject site and surrounding blocks. Mr. Laughlin stated in staff's opinion the request was in compliance with the comprehensive plan.

Mr. Fred Mattox, attorney, spoke in favor of the request on behalf of the applicant.

Mr. Brad Williams, architect with Hite Associates, spoke in favor of the request on behalf of the applicant.

No one spoke in opposition to the request.

Motion was made by Mr. Ramey, seconded by Mr. Gordon, 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 passed unanimously.

REQUEST BY UNIVERSITY MEDICAL PARK NORTH, LLC

Rezoning ordinance requested by University Medical Park North, LLC for 5.83 acres located along the northern right-of-way of West 5th Street at its intersection with Moye Boulevard extension from MR (Medical-Residential [High Density Multi-family]) and MO (Medical-Office) to CG (General Commercial). The subject property is further identified as Pitt County Tax Parcel Nos. 76161 and 33077.

Seth Laughlin, Planner, gave the presentation. Mr. Laughlin delineated the area on the map. He stated the property was located in the central western quadrant of the city. Mr. Laughlin stated this rezoning involves lots 2, 11 and 12 of the University Medical Park North Commercial Subdivision. Mr. Laughlin stated that they received a Special Use Permit from the Board of Adjustment to construct a motel with a fast food restaurant in the parking lot of the same property. The survey shows lots 2, 11 and 12 have a current zoning of Medical Office and Medical Residential, with the requested zoning of General Commercial. There are multi-family developments to the east and west. The thoroughfare plan shows West 5th Street as a major thoroughfare with a net increase of 220 trips over the existing zoning. Mr. Laughlin stated the Corridor Focus Area Map shows the site as a neighborhood focus area that is anticipated to have approximately 40,000 square feet of commercial development at full build-out. The neighborhood focus area is a result of a recommendation from the medical district land use plan update. The land use plan recommends commercial for this site. Mr. Laughlin stated in staff's opinion, the rezoning is in compliance with the comprehensive plan.

Durk Tyson with Rivers and Associates spoke in favor of the request on behalf of the applicant. Mr. Tyson stated that West Fifth Street currently has about 15,000 trips a day and Moye Boulevard has about 8,300 trips a day, both with a capacity greater than 33,000.

No one spoke in opposition to the request.

Motion was made by Mr. Bell, seconded by Mr. Lehman, 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 passed unanimously.

REQUEST BY EDMONDSON CONSTRUCTION COMPANY, INC

Request by Edmondson Construction Company, Inc. for a preliminary plat entitled “Augusta Trails, Section 4, Phases 1 and 2”. The property is located north and west of Emerald Park Subdivision, south of Meadow Woods subdivision and east of August Trails, Section 3. The subject property is further identified as Pitt County Tax Parcel No. 61445. The proposed development consists of 33 lots on 10.623 acres.

Andy Thomas, Planner, gave the presentation. Mr. Thomas stated the property was located in the southwest quadrant of the city in the southwest sewer test area. The current zoning of the property is R6A, with the anticipated use of duplexes. The property is not impacted by the floodplain. Minor thoroughfares surrounding the property are Frog Level Road and Davenport Farm Road. Mr. Thomas stated the Augusta Trails preliminary plat was originally approved by the Planning and Zoning Commission on March 21, 2000 and that the first three phases of this development have been completed. When the Emerald Place subdivision was being designed, the owner thought it would be beneficial if the street stub from Augusta Trails stubbed southward rather than eastward as shown on the approved preliminary plat. The two property owners discussed this design change and the rearranged street pattern was agreed upon by the parties. When Emerald Place was submitted, Edmondson Construction Company, Inc. also signed the application. Edmondson Construction Company, Inc. agreed to the revised street layout and indicated that a revised Augusta Trails preliminary plat would be submitted in the future. Mr. Thomas stated this is the revised plat that matches the first phase of The Emerald Place subdivision. This revised plat is being resubmitted to the Planning and Zoning Commission so it can approve the new location of the street. Mr. Thomas stated the Planning and Zoning Commission has approval authority over street access, circulation and arrangement of new streets. He stated the preliminary plat has been reviewed and approved by the City’s Technical Review Committee. The preliminary plan meets all requirements and city standards.

No one spoke in favor or opposition to the request.

Motion was made by Mr. Ramey, seconded by Mr. Gordon, to approve the preliminary plat. Motion carried unanimously.

REQUEST BY GREENVILLE PROPERTIES OF NC, LLC

Request by Greenville Properties of NC, LLC for a preliminary plat entitled “Westhaven South, Section 5 Cluster”. The property is located west of the Seaboard Coastline Railroad, west of Shamrock subdivision and south of Westhaven subdivision. The subject property is further identified as Pitt County Tax Parcel Nos. 74010, 74011, 74012 and 74329. The proposed development consists of 165 lots on 41.616 acres.

Andy Thomas, Planner, gave the presentation. Mr. Thomas stated the property was located in the southern quadrant of the city. The property is currently zoned R6S, single-family residential with the anticipated use as single-family residential. The property is not impacted by the floodplain. Mr. Thomas stated the Thomas Langston Road Extension would be a minor thoroughfare. This

preliminary plat was originally approved by the Planning and Zoning Commission on April 15, 2008. This request is for the Planning and Zoning Commission to approve moving the recreation area improvements and re-arrangement of the associated open space. This project is a cluster subdivision. Open space will be maintained by the Homeowner's Association. All the open space will be dedicated in the initial final plat. 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. On the original approval, Open space #4, which has improvements upon it, is not being counted as required open space. The constructed wetlands also do not count towards the required open space. The open space that was provided exceeded the 15% minimum requirement. Originally, the recreation improvements were shown in Open space #3 but were moved by the applicant due to objections from the Planning Staff. The objections were based on several different factors. In the purpose and intent of the cluster subdivision section, it is stated that some of the goals are to preserve the natural character of the site, to preserve scenic views, to provide for desirable and usable open space, tree cover and the preservation of environmentally sensitive areas. The applicant is proposing to remove trees out of the open space area to provide non-required recreation facilities. This would seem to thwart the intent of this ordinance. The trees are being removed to accommodate a swimming pool and parking lot. Section 9-4-202 (d) 3 specifically lists the type of improvements that will be allowed in the open space. Swimming pools are not listed. When the ordinance was constructed, the City Council had the ability to include any type of improvements they deemed would meet the intent of this section. Section 9-4-202 (d) 4 states that the open area can not be used for any public street right-of way, private street easement, private driveway or parking lot. Section (d) 5 states that such areas will be left in their natural state if wooded at the time of development. It does exempt the clearing of walking or jogging trails. Section 9-4-202 (d) 8 requires that one-half of the required open space be contained in one continuous undivided part. Even if you discount the parking and swimming pool area from the open space, the arrangement of these features effectively cuts the area in two parts. There is a twenty-five (25) foot ribbon that could be considered to keep it together but it does effectively divide the area. Section 9-4-202 (d) 12 states that the location, character and arrangement of any open space is subject to Planning and Zoning Commission approval. The swimming pool and parking lot are not required improvements. Even if shown on the plat, the Planning Staff can not insure these features will be installed because they are not required improvements. The Planning Staff applauds the efforts of the developer to provide recreational opportunities for the future residents but would not recommend cutting trees to put in non-required improvements. Mr. Thomas stated that in when calculating the common area, the engineer has backed out the square footages of the parking lot and pool house but not the size of the swimming pool. A swimming pool is not listed as an allowable amenity in the open space. Basically the preliminary plat is like the one that was approved by the Planning and Zoning Commission on April 15, 2008 with the exception of the rearrangement of the open space and improvements. The Planning Staff stands by its interpretation of the ordinance. The Planning and Zoning Commission is requested to evaluate the submission in accordance with the requirements and render a decision as to if this submission is appropriate and accomplishes the intent and purpose of the cluster subdivision regulations.

Mr. Baker asked how the staff felt about the request.

Mr. Thomas stated staff did not feel they met the requirements.

Mr. Randall asked at what time the staff recommended the new location for the pool and parking lot.

Mr. Thomas stated the original plat was presented with the pool in Common Area 3, as shown now, and staff recommended they move the pool and parking lot to Common Area 4 in order to meet the criteria in the ordinance. They moved it to Common Area 4 and staff then completely discounted that area in the open space calculations. At that time the open space exceeded the amount required. Mr. Thomas stated that in the initial application, several residents from the Shamrock Subdivision came and expressed concern about the development and the location of features.

Mr. Tozer stated it appeared to make more sense to have the pool and parking lot in the new location with a definite tree boundary between the pool and the lots and places the other side away from potential development.

Mr. Thomas stated they were also moving trees adjacent to the Shamrock Subdivision.

Mr. Tozer stated that there still maintained the railroad buffer between the subdivisions.

Mr. Thomas stated there was a 25 foot peripheral boundary on the other side of the woods line.

Mr. Lehman asked why it was important not to split that piece of property.

Mr. Thomas stated the regulations say that the open space would be in one continuous open space.

Mr. Lehman asked if there was additional open space where they took the pool and parking lot out.

Mr. Thomas stated there was but half of it was required to be in one continuous undivided part.

Mr. Gordon asked if the total open space in 3 and 4 exceeded the required open space.

Mr. Thomas stated it did but was not sure by how much.

Mr. Randall stated it appeared to be about 1/3 of an acre.

Mr. Bell asked how many lots were on the original approval.

Mr. Thomas stated it was the same number of lots.

Mr. Tozer stated that Mr. Gordon's question established that they will have a greater area than required in the new plat.

Mr. Thomas stated that the overall space was more.

Mr. Randall asked if the request was for a ball field rather than a swimming pool and parking lot if

the staff would still object.

Mr. Thomas said it also stated that such area would remain in its natural or undisturbed state if wooded at the time of development; so if it were wooded, they would object.

Mr. Mike Baldwin spoke in favor of the request on behalf of the applicants. Mr. Baldwin passed out maps and photos to the commission members. Mr. Baldwin stated the developer's intention was for the pool house and parking lot to be in the proposed location. He said the area that staff recommended them moving it to backed up to someone's back yard and felt it would be safer and more beneficial to have the pool in the proposed location. He stated they would be losing 1 lot with the change estimated at \$35,000. Mr. Baldwin said the developer never intended for the pool to be moved and that they did not inform the developer of the change.

Mr. Tozer stated the tree line that runs by the pool and parking lot in the already approved plan would have to be removed if the pool stayed in that location.

Mr. Baldwin said there was a woods line along the ditch.

Mr. Chip Little of Greenville Properties of NC, LLC spoke in favor of the request. Mr. Little stated the changes were made to the plat without his approval and he never wanted the pool to be in the location that was approved. He said he had no intentions of putting the pool behind those lots and that there would be no pool if it could not be moved to the proposed location. Mr. Little stated they were trying to enhance their neighborhoods and make them more self-supportive with recreational activities so the city doesn't have to do that.

Mr. Baker asked if the basic problem with the approved plat was the twenty foot setback from the closest lot.

Mr. Little stated the pool and parking lot were almost in someone's back yard on the approved plat.

Mr. Baker stated that pools normally go in a back yard.

Mr. Little said if it was an individual's pool, he would agree, but not a community pool.

Mr. Baker asked the size of the pool.

Mr. Little stated it was 30x60. He said they were just trying to get the pool in a better location and maintain as many trees as possible.

Mr. Baker asked if they could get with the staff to ensure that a certain amount of trees would remain.

Mr. Little stated they would save as many trees as possible.

Motion was made by Mr. Ramey, seconded by Mr. Randall, to approve the preliminary plat. Motion

carried unanimously.

Mr. Tozer stated the next item on the agenda was election of the new officers.

Mr. Holec stated the officers to be elected were Chairman and Vice Chairman. He stated Mr. Tozer had served two terms and was not eligible for re-election.

Mr. Bell nominated Bill Lehman for Chairman. With no other nominees being heard, Mr. Ramey moved the nomination be closed. All voted in favor to elect Mr. Bill Lehman as chairman.

Ms. Basnight nominated Dave Gordon for Vice Chairman. With no other nominees being heard, Mr. Bell moved the nomination be closed. All voted in favor to elect Mr. Dave Gordon as Vice Chairman.

Mr. Ramey made a motion to be excused from the July and August meetings, seconded by Mr. Gordon. Motion carried unanimously.

There being no other business, the meeting adjourned at 7:25p.m.

Respectfully submitted,

Merrill Flood
Secretary