

April 17, 2007

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. Jim Moye - *

Mr. Don Baker - *

Mr. Bill Lehman - *

Mr. Godfrey Bell, Sr. - *

Mr. Dave Gordon - *

Mr. Tim Randall - *

Mr. James Wilson - *

Mr. Porter Stokes - *

Ms. Shelley Basnight - X

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

VOTING MEMBERS: Tozer, Moye, Gordon, Ramey, Randall, Baker, Wilson, Lehman, Stokes and Bell.

PLANNING STAFF: Merrill Flood, Director of Community Development; Harry V. Hamilton, Jr., Chief Planner; Andy Thomas, Planner; Chantae Gooby, Planner; and Kathy Stanley, Secretary.

OTHERS PRESENT: Ray Craft, Council Member; Dave Holec, City Attorney; David Brown, City Engineer; Wayne Nottingham, Senior Engineer and Kyle Garner, Transportation Planner.

Chairman Tozer recognized Council member Ray Craft.

REQUEST BY WILLIAM E. DANSEY, JR. – CONTINUED TO MAY

Chairman Tozer stated that the Commission has received notification to continue the request by William E. Dansey, Jr.

Motion was made by Mr. Ramey, seconded by Mr. Moye, to continue the request. Motion carried unanimously.

MINUTES: Motion was made by Mr. Wilson, seconded by Mr. Ramey, to accept the March 20, 2007 minutes as presented. Motion carried unanimously.

REQUEST BY WARD, LLC – APPROVED

Chairman Tozer stated that the first item is a request by Ward, LLC to amend the Future Land Use Plan Map for the area described as located along the northern right-of-way of Thomas Langston Road, south of the current terminus of Tobacco Road, 2,120± west of Memorial Drive, and east of Providence Place Subdivision containing approximately twenty-six (26) acres from an “Office/Institutional/Multi-family” category to a “Commercial” category.

Ms. Chantae Gooby advised that this is a Land Use Plan amendment that is in conjunction with the Ward, LLC rezoning request. The property is located in Voting District #5. The property is located south of Greenville Boulevard, west of Memorial Drive and north of Thomas Langston Road. The property located to the west was recently rezoned to High Density Multi-family. The property is currently vacant and most of the surrounding property is vacant. Ms. Gooby presented a map indicating the multi-family and duplex development in the vicinity of the subject property. The property is west of the focus area adjacent to Memorial Drive where commercial development is encouraged. Thomas Langston Road is designated as a residential corridor. The Thoroughfare Plan shows the proposed Tobacco Road extension that would connect to Thomas Langston Road. The proposed Land Use Plan amendment could generate a net increase of 8,200 trips. These trips would be distributed on Thomas Langston Road and Tobacco Road. The majority of the trips would be toward the east. The property is currently zoned Office and High Density Multi-family. Currently, the Land Use Plan recommends Office/Institutional/Multi-family. Ms. Gooby stated that in 1990 the petitioner requested the property to the east be rezoned to commercial and the present OR property as well. At that time the Commission appointed a sub-committee that determined that the OR property should be developed as OR to prohibit any further linear expansion of commercial along Thomas Langston Road. Ms. Gooby stated this was done when there was very little development along Thomas Langston Road. Since that time this property has been hemmed in to development to the west and the south. The adjacent High Density Multi-family acts as the intended buffer between the commercial and residential area. Ms. Gooby stated that the amendment, as proposed, is not in compliance with past recommendations and zoning actions.

Mr. Jim Ward, owner of the property, apologized for the previous continuations. Mr. Ward explained that he was waiting for the property to the west to be zoned in such a way as to provide an acceptable transition zone should this request be approved by the Commission. Mr. Ward stated that in the last 17 years things have

changed since this area was farmland. Mr. Ward asked that the Commission take the present commercial area and extend it to the west to include this property. Mr. Ward elaborated on the reasons for extending the commercial area. Mr. Ward stated that the property is best served as a commercial development that provides proper road networks for ingress and egress and not a development that would lead to small strip centers, apartments and small office sites. Mr. Ward explained that the extension would allow him to do a planned development. Mr. Ward stated that the build out of this 55 acre commercial tract could potentially add \$50 to \$100 million dollars to Greenville's and Pitt County's tax base. Mr. Ward stated that more importantly the request would best serve the properties and the area. Mr. Ward asked the Commission to recommend approval of this request and the following request.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Randall to recommend approval of the proposed amendment. Motion carried unanimously.

REQUEST BY WARD, LLC – APPROVED

Chairman Tozer stated that the next item is a request by Ward, LLC to rezone 26.17 acres located along the northern right-of-way of Thomas Langston Road, south of Tobacco Road, 2,120± feet west of Memorial Drive, and east of the Providence Place Subdivision from RA20 (Residential-Agricultural) and OR (Office-Residential [High Density Multi-Family]) to CG (General Commercial).

Ms. Gooby stated that this is a rezoning request in conjunction with the Land Use Plan amendment. The subject property contains 26 acres and currently is zoned Office-High Density Multi-family and Residential-Agricultural. The proposed zoning is Commercial. The property is located within Voting District #5. Ms. Gooby stated that on the western edge of the property is an easement for ingress and egress to the property to the north. The property is located south of Greenville Boulevard, west of Memorial Drive and along Thomas Langston Road. The subject property is vacant and most of the surrounding property is vacant. The property is located adjacent to the focus area along Memorial Drive. Thomas Langston Road is designated as a residential corridor. The rezoning could generate a net increase of 9,650 trips with the majority of the trips to the east. Ms. Gooby stated that in light of the Land Use Plan amendment the request would be in compliance with the Land

Use Plan Map.

Mr. Jim Ward stated he would answer any questions.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Baker, 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 unanimous.

REQUEST BY PLACE PROPERTIES – APPROVED

Chairman Tozer stated that the next item is a request by Place Properties to rezone 1.94± acres located at the northwest corner of the intersection of North Pitt and West First Streets from OR (Office-Residential [High Density Multi-family]) to CD (Downtown Commercial).

Ms. Gooby stated this is a request to rezone approximately 2 acres from Office-High Density Multi-family to Commercial. The property is located within Voting District #1. The property current has an office building and parking lot. The subject property is located south of the Tar River and is within the Central Business District. There are a variety of land uses surrounding the property. The property is impacted by the floodway and 100 and 500 year floodplains associated with the Tar River. There will be a greenway corridor required on the property at the time of development. The property is recognized as part of the regional focus area in the downtown area. This rezoning could generate a net increase of 665 trips with the majority of trips to the south along Pitt Street. The subject property is considered part of the regional focus area and commercial development is encouraged. Ms. Gooby stated that the recommended conservation/open space is to serve as a buffer to the cemetery to the south and to the neighborhood to the west. Ms. Gooby stated that in staff's opinion the request is in compliance with the Comprehensive Plan and the Land Use Plan Map.

Mr. Jeff Githens, Place Properties, stated that the request is in conformance with the Comprehensive Plan. The property is adjacent to the area designated by the Central City and West Greenville Revitalization Plan and consistent with the city's desire to extend Downtown Commercial zoning to other areas of downtown. Mr. Githens

stated that the request is compatible with other surrounding zoning patterns. The property is bordered to the south by OR (Office-Residential), to the east by OR, to the east by I (Industrial) and to the west by the Tar River. Mr. Githens stated that by rezoning this property it would allow more uses and higher density on this parcel which in turn would lead to a higher tax base for this parcel. Mr. Githens stated that there would be little impact on traffic. Mr. Githens stated he would answer any questions.

No one spoke in opposition.

Motion was made by Mr. Baker, 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 carried unanimous.

REQUEST BY DEMETRIUS E. SMITH – APPROVED

Chairman Tozer stated that the next item is a request by Demetrius E. Smith for a preliminary plat entitled “Dorothy’s Cove”. The property is located at the southeastern corner of Fleming School Road and Staton House Road. The proposed development consists of 86 lots on 38.19 acres.

Mr. Andy Thomas stated this is a preliminary plat for Dorothy’s Cove. The developer is Demetrius E. Smith. The property is located on the southeast corner of Fleming School Road and Staton House Road. The property is currently zoned Residential-Agricultural. The anticipated use is 86 single family residential dwellings. The property is designed Medium Density Residential. The subject property is not impacted by the floodplain and not located on a thoroughfare. This property has a good street network and ties into the existing Oak Grove Estates. It has two entrances into the new development. There is an existing church to the south. This property has an interesting design around the stormwater detention pond. Sidewalks are provided. Sewer service is provided to the adjacent tracts. This property will be developed in three phases.

Mr. Bell asked if there would be a recreational area provided within the development.

Mr. Thomas stated that the plat was reviewed by the Recreation and Parks

Department and a recreational area was not required. Mr. Thomas stated that the pond would be a type of recreational feature. Mr. Thomas stated that he would ask that the developer's representative explain the recreational feature of the pond.

Mr. Ken Malpass, Malpass and Associates, representing the applicant stated that the pond would be a passive type to meet the stormwater requirements. Mr. Malpass stated that a shelf to put the vegetation for the wetland plants would be constructed approximately 10 to 15 feet and the pond itself would be 6 to 8 foot deep because the soil would be used for the development.

No one spoke in opposition.

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

REQUEST BY THE MILLER GROUP – APPROVED

Chairman Tozer stated that the next item is request by The Miller Group for a preliminary plat entitled "Village by the Pond". The property is located north of NC Highway 33 approximately 325 feet west of its intersection with Mumford Road. The proposed development consists of 137 lots on 59.44 acres.

Mr. Thomas stated this is a request for a preliminary plat entitled Village by the Pond. The developer is The Miller Group. The property is located north of Highway 33 approximately 325 feet west of its intersection with Mumford Road. The property is currently zoned Residential and Single Family Residential. The anticipated use is single family residential on 137 lots. The Land Use Plan Map recommends residential. The property is impacted by the floodplain. The subject property is located on a major thoroughfare. This property has a good street network. It provides stubs to the adjacent vacant property that is suitable for development to the east, west and north. Sidewalks are provided. The developer is proposing the expansion of an existing pond as a stormwater detention facility. This property will be developed in four phases. The drainage improvements and the expansion of the pond will be included in the first phase. This property is almost entirely located within the 100 year flood plain. This property did flood during Hurricane Floyd. The Planning and Zoning Commission is charged with the approval of street names. Some of the streets are being proposed as honorariums. The Planning Staff is concerned that some of the names may be similar or

duplicative of existing street names. We have contacted the Fire Department and Pitt County 911 for their input on the suggested street names. Mr. Thomas stated that the second page in the package has the list of requested street names. The third page indicates the street names that staff sees as duplications or conflicts. Mr. Thomas explained the duplications or conflicts with the proposed street names. Mr. Thomas explained that the church wishes to name the streets after founders or elders within the church. Mr. Thomas expressed the concerns of the Fire Department and Pitt County 911 in regards to duplicated street names and streets named for individuals. Mr. Thomas reiterated that staff has concerns with five of the proposed street names and it would be the decision of the Planning and Zoning Commission as to whether these names are appropriate. Mr. Thomas stated that staff feels most strongly about the J. F. McLaurin Court and Lester Blount Circle street names because they are more similar to existing street names.

Mr. Ramey asked what staff would suggest.

Mr. Thomas stated that staff would recommend that those two street names not be approved because there are conflicts or duplications with other street names. Mr. Thomas stated that some of the similar names listed are in the County's jurisdiction. The City of Greenville and Pitt County are working together to avoid duplication of street names.

There was discussion in regards to the applicant's proposed street names and their alternate street names and what position the Commission should take.

Mr. Thomas explained that there has been discussion with the representative and staff has expressed the concern about similar street names. The church has expressed their concern in honoring contributors by naming the streets after them. Mr. Thomas reiterated that staff had concerns with the original street names as well as the alternate street names.

Mr. Randall asked if staff was asking that the Commission not approve the plat due to the street names.

Mr. Thomas stated that the developer has submitted a good lay-out and design. Mr. Thomas stated that perhaps a reasonable accommodation would be for the Planning and Zoning Commission to delegate to staff authority to work out with the

developer street names that won't be conflicting or duplicate.

Mr. Moyer stated that he would have no problem approving the plan and having staff and the developer come to agreement on the street names.

Mr. Holec advised that the Commission would have to either vote to approve the plat as submitted or deny the preliminary plat and state the reason for denial. However, if during the presentation the applicant is willing to amend the request to say they are willing to change the names and work with staff to have names that are acceptable and go forward to have the subdivision plat approved subject to the changing of names. The Planning and Zoning Commission can specify which street names need to be changed. The request then would be amended by the petitioner and the Planning and Zoning Commission can approve that.

Mr. Durk Tyson, Rivers and Associates, representing the applicant. Mr. Tyson stated that Annette Williams, of Philippi Church and Dwight Miller, Miller Development. Mr. Tyson stated that they would be more than happy to work with city on the street names that are an issue. Mr. Tyson explained that the street name honorariums have been announced to the church congregation and was not able to address the concerns of the city before tonight's meeting. Mr. Tyson stated that they will go to the congregation and work out names that are mutually acceptable to the church and the city.

Mr. Baker asked if there are some names that the applicants and the city can't agree to change and the request is approved what happens.

Mr. Holec explained that if the request is approved and they agree upon the names the request would not come back to the Commission. If the Commission approves the request and there is a disagreement on the names from either side the request would come back to the Commission because it is not considered approved and the Commission would decide if there is still a conflict or deny the request.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Lehman, to approve the request with the street names being agreeable by both parties. Motion carried unanimously.

REQUEST BY EASTERN PINES DEVELOPMENT, LLC – APPROVED

Chairman Tozer stated that the next item is a request by Eastern Pines Development, LLC for a preliminary plat entitled "Arbor Hills South". The property is located west of Eastern Pines Road and south of Arbor Hills Subdivision. The proposed development consists of 141 lots on 48.704 acres.

Mr. Thomas stated this is a preliminary plat for Arbor Hill South and the developer is Eastern Pines Development, LLC. The property is located west of Eastern Pines Road and south of Arbor Hills Subdivision. Currently the property is zoned Residential-Agricultural. The proposal is for 141 single family residential dwellings. The property is located on a minor thoroughfare. This property has a good street network. It ties into the existing street stubs from Arbor Hills and provides stubs to the adjacent vacant property that is suitable for development. Sidewalks are provided. Sewer service is provided to the adjacent tracts. This development is being present as a cluster subdivision. Cluster subdivisions are an alternative development option that provides for a more efficient use of land while protecting the environmentally sensitive areas. The location and arrangement of open space is subject to Planning and Zoning Commission approval. The developer is including the floodway and 404 wetlands as part of the open space. This action will protect these areas from development such as storage buildings or having lawn care products sprayed on them and will allow the wetlands to serve as a natural filter to the stream. Only 25% of the area located in the floodway is counted toward the required open space. This development exceeds the minimum required open space. The remaining 75% of the floodway puts the project well in excess of the minimum required open space. This property will be developed in five phases. All the common area will be dedicated in the first phase. A reasonable means of access has been provided to these areas. There has been a call from Arbor Hills concerning drainage in the rear yards. This property is higher than Arbor Hills. The drainage should have been addressed when Arbor Hills was developed under Pitt County's jurisdiction. By the time this property was included in the City of Greenville's jurisdiction and the Engineering Department was called out, the homeowners had already put in fences where drainage should have been installed. The Engineering Department has reviewed this submission and has determined the installation of swales and drop inlets will reduce the run-off from this property and will improve the drainage concerns.

Mr. Mike Baldwin, Baldwin & Associates, representing the applicant, spoke on behalf of the request. Mr. Baldwin stated that the drainage issue to the adjoining

property will be corrected during construction of this development. Mr. Baldwin stated he would answer any questions.

Mr. Jimmy Smith, resident of Plateau Drive, stated that he supports the proposal. Mr. Smith presented a video of the drainage problem that was alluded to. Mr. Smith explained that the water coming to the front is too much for the drainage to handle during a thunderstorm or heavy rain as indicated on the video.

Mr. Joey Leneave, 210 Plateau Drive, Lot 41, stated he's not here to protest the development of the property behind his home but he would like the developer to be aware of the drainage problem that currently exist. Mr. Leneave explained that he has spoken with Mr. Thomas and Mr. Thomas has explained the proposed drainage accommodations to alleviate the problem. Mr. Leneave stated that he understands this is an issue that has been known about but never received any attention by the County, City or the developer, Bill Clark. Mr. Leneave explained that he does not think it fair to put the blame on the new developer for the existing problems. Mr. Leneave asked that the proposed developer examine the current situation of drainage and make the proper solutions in the development plans so as to not cause a larger problem for the current residents and the new homeowners. Mr. Leneave presented photos of his back yard showing water standing. Mr. Leneave stated that his fence helps slow the flow of water into his yard. The elevation of the property behind is residence is elevated higher therefore the water runs toward his home which causes flooding.

Mr. Wilson asked how the swale would help eliminate the problem.

Mr. David Brown, City Engineer, explained that it would not only be the installation of the swales. The developer would be required to install additional infrastructures, streets, drainage, pipes under the streets, catch basins. What the residents have now is sheets coming off the vacant property coming to that location. As development is done what will happen is new roadways, drainage, storm pipes underneath which will help catch a lot of the water that currently is not being caught. In addition to the infrastructures associated with the roads, the developer is proposing to put in a swale on the back property in addition to the catch basin to help catch that water and channel it to the infrastructure and carry it away from that area.

There was discussion in regards to what avenue the residents could take if what has

been explained does not correct the drainage problem or makes the drainage problem worse.

Mr. Brown explained the review process that the Engineering Division will be focusing on to help eliminate this situation.

Mr. Fred Huggins, resident of Arbor Hills, stated he was concerned with the possibility of increased traffic in the neighborhood. Mr. Huggins stated he doesn't understand why something isn't done first with the drainage problem before there is any more development.

Mr. Nick Brown, resident of Arbor Hills, explained that he is opposed to some parts of the subdivision and not the whole plat. Mr. Brown stated that he lives at the end of Arbor Hills which backs up to the 404 Wetlands. Mr. Brown stated he hasn't heard whether or not an impact study has been done on the wetlands. Mr. Brown presented photos of this property showing the sloop of the land. Mr. Brown stated that he is favor of improving the property in a sense because he will improve the drainage. Mr. Brown stated that he would suggest a revision that the back lots retain the trees or vegetation or a small pond to catch the run-off.

Mr. Baldwin stated in rebuttal that they will take care of the drainage issues. Mr. Baldwin stated that they will be cooperation with the residents who have fences to cut a 4 or 5 inch area in the bottom of the fence to allow water between the improvements and their property to flow so it won't get trapped. Mr. Baldwin stated he doesn't feel it should be the burden of his client to cut the fences but the burden should be the resident's.

Mr. Joey Leneave spoke in rebuttal by stating that as far as cutting the fence he doesn't understand the concept. Mr. Leneave stated that the water is coming from the property behind his home and feels that water needs to be diverted somewhere else and not into their yards.

Mr. Huggins stated that they did not have any problem with flooding until seven years ago when this area was developed.

Mr. Nick Brown spoke in rebuttal by stating he would suggest improving the plat by keeping the existing vegetation and work out an arrangement to incorporate the drainage into some other green space.

Chairman Tozer suggested that the residents work with the Engineering Department on the concerns with the water in conjunction with the request.

Motion was made by Mr. Ramey, seconded by Mr. Randal, to approve the plat. Those voting in favor: Moye, Lehman, Stokes, Gordon, Randall, Ramey, Wilson and Bell. Those voting in opposition: Baker. Motion carried.

There being no further business motion was made by Mr. Ramey, seconded by Mr. Randall , to adjourn the meeting at 8 PM.

Respectfully submitted,

Merrill Flood
Secretary