

March 20, 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. Dave Gordon - X
Mr. Jim Moye - *	Mr. Tim Randall - *
Mr. Don Baker - X	Mr. James Wilson - *
Mr. Bill Lehman - X	Mr. Porter Stokes - *
Mr. Godfrey Bell, Sr. - *	Ms. Shelley Basnight - *

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

VOTING MEMBERS: Tozer, Moye, Ramey, Randall, Wilson, Stokes, Bell and Basnight.

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; Larry Spell, Council Member; Dave Holec, City Attorney; David Brown, City Engineer; Wayne Nottingham, Engineer and Kyle Garner, Transportation Planner.

MINUTES: Motion was made by Mr. Stokes seconded by Mr. Bell to accept the February 20, 2007 minutes as presented. Motion carried unanimously.

REQUEST BY WARD, LLC – CONTINUED

Chairman Tozer stated that the Commission has received a request to continue the two items requested by Ward, LLC.

Motion was made by Mr. Ramey, seconded by Mr. Moye, to continue these items to the April regular meeting.

REQUEST BY THE COMMUNITY DEVELOPMENT DEPARTMENT –

APPROVED

Chairman Tozer stated that the first item is a request by the Community Development Department, as recommended by the Task Force on Preservation of Neighborhoods and Housing to rezone 262.29± acres (excluding street rights-of-ways) located 890± feet south of Fire Tower Road, west of Dudley's Grant Townhomes, north of the Irish Creek Subdivision, and 1,500± feet east of Old Tar Road from R9 (Residential [Medium Density]) to R9S (Residential-Single-Family [Medium Density]) [Tract 1]; in the area located along the eastern right-of-way of SE Greenville Boulevard, west of the Brook Valley Subdivision, and along the northern right-of-way of the Norfolk Southern Railroad from RA20 (Residential-Agricultural), OR (Office-Residential [High Density Multi-Family]) and R9 (Residential [Medium Density]) to R9S (Residential-Single-Family [Medium Density]) [Tract 2]; in the area located south of Greenville Country Club, 355± feet west of Memorial Drive, 675± feet north of Greenville Boulevard, and 950± feet east of Tobacco Road from R6 (Residential [High Density Multi-Family]) to R6S (Residential-Single-Family [Medium Density]) [Tract 3]; in the area located south of Staton House Road, northwest of Belvoir Highway, and 2,280± feet east of Mt. Pleasant Church Road from RA20 (Residential-Agricultural) and R9 (Residential [Medium Density]) to R9S (Residential-Single-Family [Medium Density]) [Tract 4]; and in the area located along the southern right-of-way of East Tenth Street, 445± feet west of the intersection of East Tenth Street and Port Terminal Road, 2,195± feet north of the Norfolk Southern Railroad, and east of the Brook Valley Subdivision from RA20 (Residential-Agricultural) and R6 (Residential [High Density Multi-Family]) to R6S (Residential-Single-Family [Medium Density]) [Tract 5].

Ms. Chantae Gooby stated this rezoning request is the same type that the Commission has considered for the past two years. The neighborhoods for consideration are Treetops, Eastwood, Summerfield, Countryside Estates and Oakhurst Subdivisions. These neighborhoods have a variety of zonings and the proposed zoning is for single family only. These neighborhoods are within Voting Districts 1, 2, 4 and 5. Ms. Gooby described the first neighborhood, Treetops. The property is surrounded by various residential zoning districts. The property is zoned for single-family and/or duplex development. The Land Use Plan Map recommends medium density residential. The eastern portion of the property is impacted by the floodway and 100 year floodplain. The neighborhood is approximately 98 percent owner-occupied and two percent rental which is based on

a comparison of tax records. Ms. Gooby described the Eastwood and Oakhurst subdivisions. The neighborhoods are surrounded by a variety of different zoning districts. The neighborhoods themselves have a variety of zoning districts and the proposed zoning is for single family only. The Land Use Plan Map recommends medium density residential for most of the subject area, however, it does recommend office along Greenville Boulevard and along East Tenth Street. Ms. Gooby stated that while these areas are included in this rezoning this does not prevent any future rezonings in this area that are in accordance with the Land Use Plan. The neighborhoods are predominately single-family, along with a church, some recreational and vacant lots in Eastwood Subdivision. Oakhurst is a single family neighborhood with a couple of vacant lots. The western boundary of Oakhurst is impacted by Hardee Creek. Eastwood Subdivision is approximately 79 percent owner-occupied and 21 percent rental. Oakhurst Subdivision is approximately 88 percent owner-occupied and 12 percent rental. Ms. Gooby described the Summerfield Subdivision. Ms. Gooby stated that there is commercial zoning along Memorial Drive and Greenville Boulevard and the property is surrounded by various residential zoning. The neighborhood is currently zoned for single family and high density multi-family. The Land Use Plan Map recommends high density multi-family and medium density residential. The neighborhood is single family. The subdivision is not impacted by the floodplain. It is approximately 93 percent owner-occupied and 7 percent rental. Ms. Gooby described Countryside Estates, Oakgrove and Holly Pines Subdivisions. The property is surrounded by residential-agricultural property with unoffensive industry to the east. The Land Use Plan Map recommends medium density residential. These neighborhoods are predominately single family with a few vacant lots. There is an area in the Holly Pines Subdivision that is impacted by the 100 year floodplain. This area is 87 percent owner-occupied and 13 percent rental. Ms. Gooby stated that the goal of these rezonings is to provide neighborhood stability and demonstrate the city's commitment to single family neighborhoods.

Motion was made by Mr. Ramey, seconded by Mr. Randall, 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 THERALDINE H. FORBES – APPROVED

Chairman Tozer stated that the next request is by Theraldine H. Forbes, to rezone

21.24 acres located directly east of South Central High School, 1,055± feet south of Davenport Farm Road, 2,400± feet west of Reedy Branch Road, and along the northern right-of-way of Forlines Road from RA20 (Residential-Agricultural) to R6A (Residential [Medium Density Multi-Family]).

Ms. Gooby described the subject property. The subject property is located within Voting District 5. South Central High School is east of the subject property, a church is to the west and the remaining area is surrounded by single family. The property is currently vacant. The subject property is impacted by the 100 year floodplain to the north and east. Forlines Road is considered a residential corridor. The requested rezoning could generate an increase of 300 trips with the majority heading to the east. The Land Use Plan Map recommends medium density residential and the requested rezoning is considered medium density residential.

Mr. Mike Baldwin, Baldwin & Associates, spoke on behalf of the applicant. Mr. Baldwin stated that the request meets all the criteria for the requested rezoning. Mr. Baldwin stated that Forlines Road is at a 45 percent capacity with a design ADT of 12,000. Mr. Baldwin explained that during peak hours in the morning and afternoons there is congestion as is with other roads. Mr. Baldwin stated that left and right turn lanes will probably be required by the Department of Transportation. Mr. Baldwin stated that a wetlands specialist has been on site and there is approximately 5 to 8 acres that will be deemed wetlands and unusable.

Mr. Randall asked about the buffer requirements.

Mr. Baldwin stated that the bufferyard requirement would be a bufferyard "C" between multi-family and single family development.

Ms. Cathy Marsh, 544 Forlines Road, spoke in opposition. Ms. Marsh stated that the reason the request should be denied is that this section of Forlines Road is already overwhelmed. Ms. Marsh stated that she has contacted Dr. Reep of the school system and she is aware of the problem with traffic. Ms. Marsh cited South Central High School and Creekside Elementary School being in the area and the increase in traffic congestion as being a problem and safety issue for students, residents and general public. Ms. Marsh stated that there are plans to establish a third school in the area. Ms. Marsh explained that the quality of life for the residents has been interrupted and lowered by the two schools. Multi-family developments attract individuals that are not concerned about the quality of life as

homeowners. Ms. Marsh further stated that the request to rezone this property does not fit into the situation on Forlines Road. Ms. Marsh asked the Commission to deny the request.

Mr. Tozer explained that the Commission members are provided with a detailed traffic report on all rezoning issues from the Engineering Division. The traffic report in reference to this particular rezoning request states it is within the realm of the increase that the Engineering Division established.

Ms. Marsh asked how the Engineering Department established these counts. Ms. Marsh stated that there were counters on Forlines Road until it was destroyed. Ms. Marsh explained that she cannot understand how the report does not indicate that the traffic is extremely heavy on Forlines Road.

Mr. Kyle Garner, Transportation Planner, stated that a traffic counter was placed on Forlines Road for three days. An average of the count for those days was approximately 6,000. The average for the peak hours was approximately 600 vehicles. Mr. Garner stated that Forlines Road is a NCDOT highway and considered a major thoroughfare but there are no plans for improvements at this time. Mr. Garner stated that the counter was placed after Red Forbes Road near the subject property.

Ms. Marsh explained with the counter in that area the traffic from Creekside Elementary School could not have been included.

Mr. Barney Wilson, 549 Forlines Road, spoke in opposition. Mr. Wilson asked the Commission to consider the neighborhood when making the decision.

Ms. Kathryn Perkins, resident of Manchester Subdivision spoke in opposition. Ms. Perkins emphasized the increase in traffic with the two schools, the prospect of a third and other developments in the area. Ms. Perkins stated she has concerns with stormwater run off and the flooding of the road.

Mr. Dennis Marshall, resident of Manchester Subdivision spoke in opposition. Mr. Marshall reiterated the concerns of safety in regards to the increase of traffic due the schools. Mr. Marshall stated that the traffic will be worse if development is continuously allowed on Forlines Road.

Ms. Katherine Minnick, 526 Forlines Road, spoke in opposition. Ms. Minnick spoke of the drainage problem in the area and her concerns. Ms. Minnick stated that there were two ditches in the past but they have been covered so there is no drainage. Ms. Minnick asked the Commission not to recommend this rezoning.

Chairman Tozer explained the rules and regulations of stormwater drainage.

Mr. Tom Marsh, stated that there is a third school planned for this area and therefore the traffic will become worse than previously described.

Mr. Art Dellano, spoke in opposition. Mr. Dellano asked the Commission to consider the quality of life for the residents in the area. Mr. Dellano asked why everything had to be developed to the maximum. Mr. Dellano stated that another development in the area along with the schools will endanger the residents and others because of the increase of traffic.

Mr. James Cladius, resident of Manchester Subdivision, spoke in opposition. Mr. Cladius explained that the development of multi-family will decrease the property values of homes in the area and will raise crime.

Mr. Baldwin spoke in rebuttal by stating that the criteria for rezoning this property has been met. Mr. Baldwin stated that he is sensitive to the neighborhood's concerns but nothing said contradicts what he had stated as his role of petitioner. The traffic speaks for itself. Mr. Baldwin stated that the location of this property is located within the highest growth area of the city. Mr. Baldwin explained that the schools are a driving force for development in this area. Mr. Baldwin reiterated that the request is in compliance with the Comprehensive Plan.

Mr. Wilson stated that there some contradiction stated earlier that the request is a benefit to public health and he doesn't see the development as being a benefit to public health.

Mr. Baldwin replied by stating that it is a benefit because the development will provide a place for people to live.

Mr. Wilson stated that benefit of being injured, traffic accidents, etc. are not a

public health.

Mr. Baldwin stated that he is referring to the report that staff prepared.

Mr. Wilson stated that the traffic report that staff prepared states that traffic exceeds the estimated current zone.

Mr. Baldwin stated that will occur with any rezoning. Mr. Baldwin stated that the traffic will not exceed the design ADT, Forlines Road is at 45 percent capacity.

Mr. Wilson spoke in rebuttal by stating that there are rental units in the Vineyards.

Mr. Dellano spoke in rebuttal by stating the residents of Vineyards are paying \$750 a month in rent.

Ms. Marsh asked the Commission to remember that another school will be built in the immediate area.

Mr. Ramey stated he understands the traffic problem of the residents but the request meets all the criteria required to rezone the property.

Mr. Randall reiterated that the request meets the rezoning requirements. Mr. Randall stated that the Commission heard overwhelming opposition in respect to the quality of life of the neighborhood if the property is rezoned. However does the Commission vote to approve the request because it meets the requirements or does the Commission try to change the requirements for this one parcel.

Mr. Bell stated that he believes the quality of life for residents around change which is very important.

Mr. Moyer stated that the overriding theme of this particular request is the amount of growth in that part of the county. The Commission has heard about the schools which the Commission has no control as well as no control over the traffic. This particular request meets the Horizons Plan and the long term growth for Greenville. If the Commission were to deny the request then a moratorium would have to be placed on any development in that area until some of the issues are resolved. Mr. Moyer stated if some of the residents contacted persons within the City and modify or take some of these issues under advisement he would be in favor of that but he

has no reason to deny the request.

Mr. Wilson stated that he appreciates what the Commission members are saying but feels there should be some symbolic gesture that maybe there something wrong.

Mr. Wilson said that symbolically the request should be denied.

Motion was made by Mr. Ramey, seconded by Mr. Randall, 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. Those voting in favor: Stokes, Moye, Basnight, Randall and Ramey. Those voting in opposition: Bell and Wilson. Motion carried.

REQUEST BY DVML, LLC – APPROVED

Chairman Tozer stated that the next item is a request by DVML, LLC to rezone 13.922 acres located 1,845± feet south of Greenville Boulevard, 2,560± feet west of Memorial Drive, 205± feet north of Thomas Langston Road, and 180± feet east of the Providence Place Subdivision from R6A (Residential [Medium Density Multi-Family]) to R6 (Residential [High Density Multi-Family]).

Ms. Gooby described the proposed property location. Ms. Gooby stated this request is to rezone approximately 14 acres from medium density multi-family to high density multi-family. The property is located within Voting District 5. There are a variety of land uses around the subject property. There are several focus areas around the property and Thomas Langston Road is designated as a residential corridor. The request could generate a net increase of 315 trips with the majority heading toward the east. The Land Use Plan Map recommends medium density residential which will act as a buffer from the commercial to the east to the medium density residential to the west. Ms. Gooby stated this is a similar request that came before the Commission approximately two months ago and at that time the request was to rezone the entire tract of property from medium density to high density. This request was withdrawn before going to City Council. The present rezoning request is for approximately 60 percent of the property located on the east side. Staff would anticipate that the site could yield approximately 103 multi-family units at the current zoning and approximately 155 units under the proposed zoning. A primary concern is the Providence Place Subdivision to the east and it is staff's opinion that the intended buffer between the commercial and the residential has been satisfied.

Ms. Gooby stated that the request is in compliance with the Comprehensive Plan and the Land Use Plan Map.

Mr. Mike Baldwin, representing the applicant, stated that previously the applicant had asked that the whole tract be rezoned to R6 and staff and the Commission were not in favor of that request. Mr. Baldwin stated that staff and the developer of Providence Place support the present request. The request is in compliance with the Comprehensive Plan.

No one spoke in opposition.

Motion was made by Mr. Bell, 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 TOMMIE L. LITTLE – APPROVED

Chairman Tozer stated that the next item is a request by Tommie L. Little to rezone 14.306 acres located 580+ feet south of the Westhaven Subdivision, along the western right-of-way of the Seaboard Coastline Railroad, 3,600+ feet north of Fire Tower Road, and 3,445+ feet east of Memorial Drive from R9S (Residential-Single-Family [Medium Density]) to R6S (Residential-Single-Family [Medium Density]).

Ms. Gooby described the proposed property location. Ms. Gooby stated this is a request to rezone 14 acres. Both the current and proposed zoning is for single family only, but the proposed zoning allows for smaller lots. The property is located within Voting District 5. Property to the west and north is vacant however there is an approved preliminary plat for 75 single family lots to the north. There are some focus areas located around the subject property. Ms. Gooby stated that Thomas Langston Road will be extended to Evans Street and there would be a minor net increase of traffic. The Land Use Plan Map recommends medium density residential. At the current zoning the subject property could yield up to approximately 28 single family lots and the proposed zoning could yield up to 40 single family lots. Ms. Gooby stated that the request is in compliance with the Comprehensive Plan and Land Use Plan.

Mr. Mike Baldwin, representing the applicant, spoke on behalf of the request. Mr.

Baldwin stated this was the last of the Virginia Langston property. Mr. Baldwin stated with the extension of Thomas Langston Road this request would be a transition to higher density zoning. The site will not be developed until the extension of Thomas Langston Road is completed.

No one spoke on in opposition.

Motion was made by Mr. Randall, 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 THOMAS F. TAFT, SR. – APPROVED

Chairman Tozer stated that the next item is a request by Thomas F. Taft, Sr. for a preliminary plat entitled “Waterford Commons”. The property is located at the northeastern corner of Stantonsburg Road and B’s Barbecue Road. The proposed development consists of 6 lots on 9.5345 acres.

Mr. Andy Thomas described the location of the property. The property is located on the northeast corner of Stantonsburg Road and B’s Barbecue Road. The developer is Thomas F. Taft, Sr. The property is currently zoned Medical Office and the anticipated use is medical office uses on six lots. This property was the subject of a recent rezoning. The original rezoning request was from MR, Medical-Residential to MCH, Medical Heavy Commercial. The Planning and Zoning Commission recommended denial of the request on November 16, 2004. This request was continued from the December, 2004 and January, 2005 meeting. The request was amended to MO, Medical-Office on February 3, 2005. The City Council voted to approve the amended request on February 10, 2005. The only use that has been identified at this time is an extended stay hotel on Lot 1 with access on Waterford Commons Drive. A special use permit has been applied for and will go the Board of Adjustment on March 22, 2006. The engineer and developer have worked with the North Carolina Department of Transportation on driveway locations and required improvements. There will be no further driveways. B’s Barbecue Road will be widened in the future.

Mr. Jim Walker, Rivers & Associates, representing the applicant, spoke on behalf of the request. Mr. Walker explained that a road will be built through the property

with a right turn in and right out onto Stantonsburg Road and a full service road onto B's Barbecue Road. Mr. Walker stated that they will be required to put turn lanes on Stantonsburg and B's Barabecue Roads. The property is served by Greenville Utilities.

No one spoke in opposition.

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

REQUEST BY GARRIS EVANS LUMBER COMPANY – APPROVED

Chairman Tozer stated that the next item is a request by Garris Evans Lumber Company to close a portion of Watauga Avenue (50' R/W) starting at a point being about 109 feet south of the southern right of way of Broad Street and running southwardly about 188 feet to the right of way of Norfolk Southern Railroad.

Mr. David Brown, City Engineer, explained the process to close or abandon a street. Mr. Brown indicated that there were two petitions for closure of public rights-of-way to be considered by the Commission this evening and that the process that he would explained would be the same for both. The first request is by Garris Evans Lumber Company to close a segment of Watauga Avenue. Mr. Brown indicated the location of the street to be closed was presented on the map in their package. Mr. Brown explained that Garris Evans is the adjoining property owner and will not be adversely affected by the street closing. Mr. Brown stated that staff has reviewed the petition to close this portion of Watauga Avenue and based upon their review do not have any objection. Mr. Brown explained that following Planning and Zoning's recommendation the request will be forwarded to City Council for consideration of a Notice of Intent to close a public street in April and at the May City Council meeting final action will be taken.

Mr. Jim Walker, Rivers & Associates, spoke on behalf of Garris Evans Lumber Company. Mr. Walker stated that David Evans owns Garris Evans Lumber Company and has the Keel Warehouse Property under contract. The closing of that portion of Watauga Avenue will allow Garris Evans access from the lumber yard to this property. The fence will be extended to include this property.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Stokes, to recommend approval. Motion carried unanimously.

REQUEST BY COLLICE C. MOORE, ET AL – APPROVED

Chairman Tozer stated that the next item is a request by Collice C. Moore, et al. , to close a portion of Chippendale Road (60' R/W) starting at a the intersection with the northern right of way of West Quail Hollow Road and running northwardly about 262 feet to the northern terminus of Chippendale Road.

Mr. Brown stated that this street closing is a portion of Chippendale Road. The petition has been signed by all adjacent property owners. The request has been reviewed and there have been no objections to the closing. There is going to be the reservation of an egress and ingress easement to provide access to the adjacent properties as well as utilities.

No one spoke in favor or opposition.

Motion was made by Mr. Ramey, seconded by Mr. Stokes, to recommend approval. Motion carried unanimously.

REQUEST BY THE COMMUNITY DEVELOPMENT DEPARTMENT – APPROVED

Chairman Tozer stated that the next item is a request by the Community Development Department for consideration and approval of the College Court and Coghill Subdivisions Neighborhood Report and Plan.

Ms. Gooby explained that this is a neighborhood plan for the College Court and Coghill Subdivisions. This plan will serve as a template for other neighborhood plans that will be coming before the Commission. The goal of these plans is to create, maintain and enhance sustainable neighborhoods. Once the plans are adopted they will be added as an amendment to the Comprehensive Plan. Where the Comprehensive Plan addresses general and broad recommendations, these plans will give recommendations for specific areas. These plans were recommendations by the Task Force on Preservation of Neighborhoods and Housing and one of City Council's 2006-2007 Goals. Ms. Gooby explained that several City Departments and GUC were involved in plan development. Surveys were mailed to the residents

and owners in the neighborhoods to obtain their input on the quality of life issues and their perceptions of the neighborhood. The neighborhood is located in Voting Districts 3 and 4. Ms. Gooby spoke about the concerns that were received from owners and residents surveys. The two most notable quality of life issues in the surveys that received an unsatisfactory average rating were the number of rental properties and their condition. The majority of quality of life issues received an average rating of satisfied. Of all the survey responses, 44% viewed the neighborhood as stable, 37% viewed the neighborhood as declining, and the remaining responses had various different responses. Thirty eight percent of owners in the neighborhood returned their survey. Ms. Gooby stated that the neighborhood is 78 percent owner-occupied. Staff conducted a study of building permits that were issued for this neighborhood over a 30-month period (1/04 – 6/06) and there were approximately \$200,000 worth of reinvestment and/or improvements for the neighborhood. The total value of land and buildings in this neighborhood is \$28,246,616. Comparing the total land and building value to the total value of improvements, there was less than 1% reinvestment and/or improvements in this neighborhood over the specified 30-month period. Ms. Gooby stated that the improvement strategies in the Neighborhood Plan are grouped into two types: policy and capital improvement. One of the Capital Improvement Strategies is for City Council to investigate creating a matching fund grant that could be used for owner-occupied dwellings to assist with the cost of upgrading and/or improving properties or some type of tax based improvement. Ms. Gooby explained in detail both types of strategies.

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

There being no further business motion was made by Mr. Ramey, seconded by Mr. Bell to adjourn at 8:20 PM.

Respectfully submitted,

Merrill Flood
Secretary

Doc. # 683076