

October 16, 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 - *
Mr. Jim Moye - * Mr. Tim Randall - *
Mr. Don Baker - * Mr. James Wilson - *
Mr. Bill Lehman - * 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, Gordon, Lehman, Baker, Wilson, Stokes, Randall and Ramey

PLANNING STAFF: Harry V. Hamilton, Jr., Chief Planner; Chantae Gooby, Planner; Andy Thomas, Planner; and Kathy Stanley, Secretary.

OTHERS PRESENT: Ray Craft, Council member; Thom Moton, Assistant City Manager; Dave Holec, City Attorney; David Brown, City Engineer; Wayne Nottingham, Engineer.

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Stokes, to accept the September 18, 2007 minutes as presented. Motion carried unanimously.

Mr. Ramey asked if notification wasn't received from Mr. Dixon to carry forward his request to the November meeting.

Mr. Holec advised that was correct.

REQUEST BY WARD HOLDINGS, LLC – APPROVED

Chairman Tozer stated that the first item of business is a request by Ward Holdings, LLC for a street name change for a portion of Tobacco Road from Greenville Boulevard southward to Frontgate Drive.

Mr. Andy Thomas delineated the site on the map. Mr. Thomas stated that the applicant has stated the reason for the change is to provide a street name consistent with commercial growth that is anticipated in the area. Mr. Thomas stated that the street will eventually extend to Thomas Langston Road. The applicant, Ward Holdings, LLC, has secured signatures of owners of 14 of the 15 adjacent properties, which constitutes 93.3 percent of the property owners supporting the request. The City of Greenville staff, Greenville Utilities, Pitt County and US Postal Service had been made of the request and no objections have been raised. Mr. Thomas stated that the Planning and Zoning

Commission will act as final authority on the street renaming request.

Mr. Jim Ward, applicant, stated he would answer any questions.

No one spoke in opposition.

Motion was made by Mr. Ramey, 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 carried unanimously.

LAND USE PLAN MAP AMENDMENT – APPROVED

Chairman Tozer stated that the next item of business is a future Land Use Plan Map amendment requested by Kevin Haltigan for 24± acres located along the eastern right-of-way of Allen Road, 450± feet south of Briarcliff Drive, 150± north of Green Mill Run and 550± deep from a “High Density Residential” category to an “Office/Institutional/Multi-family” category.

Ms. Chantae Gooby stated this is a Land Use Plan Map amendment for 24 acres. Ms. Gooby explained that this request is to amend the Land Use Plan Map. In the past the Commission would also hear a rezoning request in conjunction with the Land Use Plan Map amendment. Ms. Gooby stated that the city’s policy has changed and the amendment will come before the Commission for recommendation and then forwarded to City Council. Once City Council has taken action, rezoning request may be submitted. Ms. Gooby stated that the applicant’s request involves two categories. The applicant’s request is to change from High Density Residential to Office and Multi-family. The two categories contain the same multi-family component, however, the requested category contain an office component. The property is located east of Allen Road, west of Lake Ellsworth Subdivision and north of Cobblestone Townhomes. The southern portion is somewhat impacted by the floodplain/floodway associated with Green Mill Run. There are various multi-family developments in the area. Allen Road is considered a residential corridor from the railroad to its intersection with Greenville Boulevard. The property is currently zoned Residential-Agricultural and multi-family. Ms. Good stated that in staff’s opinion the request is in compliance.

Mr. Ken Malpass, Malpass & Associates, spoke on behalf of the applicant. Mr. Malpass stated that the amendment would make the site consistent with the area uses.

Mr. Kevin Haltigan, property owner, stated that he would answer any questions. Mr. Haltigan stated that the site is not suitable road frontage for residences and would be much better suited for offices.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Moye 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 MARJORIE R. HARRIS – APPROVED

Chairman Tozer stated that the next item of business is a request by Marjorie R. Harris for 2.0447 acres located along the southern right-of-way of East 10th Street (NC Highway 33), 220± feet west of Oxford Road, and 250± east of Old Courthouse Drive from RA20 (Residential-Agricultural) and R6A (Residential [Medium Density Multi-family]) to O (Office).

Ms. Gooby this request is to rezone property from Residential-Agricultural and Multi-family to Office. Ms. Gooby made reference to an e-mail from an adjoining property in support of the request. The property is located in the eastern section of the city along Tenth Street, north of Brook Valley Subdivision. Ms. Gooby made reference to the 100-year floodplain boundary contained within the property which abuts Bells Branch/Meeting House Branch. Ms. Gooby advised that the property extends down to the creek and the applicant has left out the floodway portion of the property out of the rezoning request. Currently, there is a single-family residence on the property which abuts single family residences in Brook Valley. There is currently a vacant single-family home on the west side of the property that is now owned by the City and it contains natural gas substation. There is a proposed greenway along Bells Branch/Meeting House Branch. The property is impacted by the floodway and the floodplain. There are various multi-family developments in the general area and Copper Beech student housing project is adjacent to this property. The request could generate a net increase of 40 trips with the majority of trips back toward town. East Tenth Street is considered a gateway corridor. Ms. Gooby stated that while the Land Use Plan recommends medium-density residential it is recognized that residential development will have diminished long-term livability at this location. The Land Use Plan also recommends a conservation open space along Bells Branch/Meeting House Branch. The proposed request for Office zoning is the most restrictive non-residential district. Ms. Gooby stated that when the adjacent Bill Clark property was rezoned it left approximately a 100-foot buffer at the narrowest width to the adjoining properties in Brook Valley. Ms. Gooby stated that the current request does not provide a similar boundary. Therefore, staff would recommend denial.

Mr. Moyer asked what type of buffer the request provided.

Ms. Gooby stated that the original Bill Clark rezoning area was reduced through a series of amendments and provided a residential buffer to the property owners in Brook Valley Subdivision. This property is now owned by the adjoining property owner, Greg Wright. The current rezoning does not provide a similar buffer.

There was discussion in regards to the type of buffer required and staff's recommendation of a 100-foot buffer.

Mr. Steve Spruill, Spruill & Associates, representing the applicant spoke on behalf of the request. Mr. Spruill stated that at the southern-most corner of the property requested for rezoning is 82

feet from the Wright property's rear lot line(original lot line). Mr. Spruill stated that there are several things that preclude development on the property which are a sewer easement, blue line stream status for Bells Branch/Meeting House Branch, floodway boundary and wetlands. Mr. Spruill explained that the difference is 18 feet which would be a developable area and a hardship if Ms. Harris couldn't develop this area. Mr. Spruill presented a map indicating the area (indicated in yellow) that would need to be included in order to fulfill the 100-foot buffer.

No one spoke in opposition.

Motion was made by Mr. Randall, 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. Those voting in favor: Randall, Baker, Stokes, Lehman and Gordon. Those voting in opposition: Wilson, Moye and Ramey. Motion carried.

REQUEST BY ALLEN THOMAS – APPROVED

Chairman Tozer stated that the next item is a request by Allen Thomas to rezone 23.388 acres located along the northern right-of-way of East 10th Street (NC Highway 33), 1,000± feet west of Rolling Meadows Subdivision and 1,800± feet east of Portertown Road from RA20 (Residential-Agricultural) and RR (Rural Residential – County's Jurisdiction) to OR (Office-Residential [High Density Multi-Family]) and R6A (Residential [Medium Density Multi-Family]).

Ms. Gooby stated this request is in conjunction with an annexation request. The property is currently in Pitt County's jurisdiction. The request is for High Density Multi-family and Medium Density Multi-family. The property is located in the eastern section of the city along East Tenth Street and contains the East Bend Mobile Home Park and Greenville Estates Mobile Home Park. The property is surrounded by vacant property and single-family residences. The property is not impacted by the floodplain or floodway. There are no multi-family developments within the general vicinity. The proposed request could generate a net increase of 755 trips with 90% of the trips being back toward town. There is an intermediate focus area near the subject area where higher intensive uses are encouraged. The Land Use Plan Map recommends Office-Multi-family along East Tenth Street and Medium Density Residential transitioning toward to the river. The requested R6 along Tenth Street is considered High Density and the R6A is considered Medium Density. The zoning will mirror the property to the west. Ms. Gooby stated that staff has no objection to the request and it is in compliance with the Comprehensive Plan and the Land Use Plan Map.

Mr. Mike Baldwin, Baldwin & Associates, representing the applicant stated that they have aligned the northern portion of the tract with the adjoining OR tract. They have extended the northern line of the R6A tract eastward. The request is in compliance with the Land Use Plan and the Comprehensive Plan. The request is compatible with surrounding zoning patterns and existing and future land uses of the area.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Stokes, 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 COLLICE MOORE, ET AL – APPROVED

Chairman Tozer stated that the next item is a request by Collice Moore et al to rezone 0.4622 acres located along the northern right-of-way of East 10th Street (NC Highway 33 East) and 230± feet southeast of Port Terminal Road from RA20 (Residential-Agricultural) to CG (General Commercial).

Ms. Gooby stated this request is to rezone approximately ½ acre to General Commercial. The property is located in the eastern section of the city at the intersection of East Tenth Street and Port Terminal Road. There is existing commercial development at the intersection. The property is not impacted by the floodplain. The proposed rezoning could generate a net increase of 180 trips. East Tenth Street is considered a gateway corridor. There is an intermediate focus area at this location. The Land Use Plan Map recommends commercial zoning. Ms. Gooby stated that in staff's opinion the request is in compliance with the Comprehensive Plan and the Land Use Plan Map.

Mr. Ken Malpass, representing the applicant, stated that this property will be added to the two parcels to the west.

No one spoke in opposition.

Motion was made by Mr. Ramey, 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 carried unanimously.

REQUEST BY DAVID HILL – APPROVED

Chairman Tozer stated that the next item of business is a request by David Hill to rezone 1.6177 acres located at the southeast corner of the intersection of Greenville Boulevard and Bevedere Drive from R9 (Residential [Medium Density]) and O (Office) to O (Office) and CG (General Commercial).

Ms. Gooby stated this request is to rezone 1.5 acres to Office and General Commercial. The property is located in the southern section of the city along Greenville Boulevard, west of Brown

& Wood Dealership. Ms. Gooby explained that Tract 1 is proposed for Office and the intervening tracts between there and the church are proposed for General Commercial. The property abuts Belvedere Subdivision. There is no multi-family in the general vicinity. The proposed rezoning could generate a net increase of 120 trips. There is an intermediate focus area north of the site and regional focus area to the west. The Land Use Plan Map recommends Office and Multi-family along Greenville Boulevard. The proposed Office could be used for parking for uses within the proposed commercial area. A primary concern is the entrance to Belvedere Subdivision and the interest of the adjoining property owners. Ms. Gooby stated that in staff's opinion the proposed Office is recommended because it is at the entrance to a neighborhood, however, with respect to the proposed commercial there are some concerns however the Commission was presented a letter from adjoining property owners in support of the request. Ms. Gooby explained that taking that into consideration if the Commission feels the commercial zoning is appropriate the request would be in compliance with the Plan in that the adjoining property owners do not object to the commercial that will back up to their property.

Mr. Ken Malpass, representing the applicant, spoke on behalf of the request. Mr. Malpass reiterated that Mr. David Hill has spoken with the adjoining property owners and obtained their signatures which the Commission has been presented. Mr. Malpass stated that Mr. Hill and Mr. Ward Parker of the church were in attendance if the Commission had questions.

No one spoke in opposition.

Motion was made by Mr. Gordon, seconded by Mr. Stokes, 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: Randall, Baker, Stokes, Lehman, Wilson, Ramey and Gordon. Those voting in opposition: Moye. Motion carried.

REQUEST BY CITY CENTER, LLC – APPROVED

REQUEST BY READE VENTURES, LLC – APPROVED

Chairman Tozer stated that the next item is a request by City Center, LLC to rezone for 0.3912 acres located at the southeast corner of the intersection of Dickinson Avenue and West 8th Street from CDF (Downtown Commercial Fringe) to CD (Downtown Commercial). A request by Reade Ventures, LLC to rezone 2.4839 acres located between Reade Circle and West 8th Street, along the southern right-of-way of Dickinson Avenue and 200± feet west of Evans Street from CDF (Downtown Commercial Fringe) to CD (Downtown Commercial).

Ms. Gooby stated that for this presentation she would be including the Reade Ventures, LLC request because the properties are contiguous however the Commission would vote on the two requests separately. Ms. Gooby stated that the both requests are proposed for Downtown Commercial. The properties are located in the uptown area south of Reade Circle and along Dickinson Avenue. The Reade Ventures request includes the Pirates Landing Apartments. The City Center request is a small area so no traffic report was generated. The Reade Ventures

request could generate a net increase of 400 trips. The downtown area is considered a regional focus area. The Comprehensive Plan, Land Use Plan Map and the Center Revitalization Plan recommend commercial. Ms. Gooby stated that in staff opinion the request is in compliance.

Mr. Ken Malpass, representing the applicants, stated the current buildings will be demolished and the area will be revitalized.

No one spoke in opposition.

In reference to City Center, LLC, motion was made by Mr. Randall, 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 unanimously.

In reference to Reade Ventures, LLC, 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 EAST CAROLINA CONSTRUCTION COMPANY – APPROVED

Chairman Tozer stated that the next item is a request by East Carolina Construction Company, to amend the single-family residential accessory building standards to allow an additional and separate electric service under specific conditions.

Mr. Harry Hamilton stated this proposed amendment is to the zoning regulations. The current standard states that no accessory building located on a lot containing a single-family residential use shall have a separate electric service. The purpose of the regulation is to discourage the illegal residential unit conversion of detached accessory structures. The rule does not apply to lots containing duplex or multi-family dwellings, in those cases accessory buildings are allowed to have separate electric service. Separate electric service extension to an accessory building through a single-family dwelling's electric panel is currently allowed. Separate electric service is not a primary factor in the qualification of a dwelling unit. A dwelling unit is defined as a single independent housekeeping unit with sanitation, living, dining, sleeping and permanently installed kitchen facilities for use by one family. Separate electric service is absent from the definition. The proposed request retains the current standard while providing an exception when certain electric service conditions are found to exist. The current rule prohibiting accessory building use as a dwelling is maintained, as well as all applicable setback and location restrictions. The proposed standard would permit a separate electric service in cases where (1) the single family dwelling has an existing and installed 400 amperage electric service, and (2) the existing 400 amperage service does not have available reserve capacity to adequately serve the accessory use. The accessory building shall not have separate sanitary sewer service, shall not contain an independent housekeeping facility or qualify as a dwelling unit and shall not be used as a dwelling. Typical single-family residential electric service ranges from 60 to 100 amperage

in older areas, and up to 400 amps in newer developments, with 200 amps being average service. Mr. Hamilton presented photographs of the various types of electric service. Meter base upgrade from 200 amps to 400 amps is considered reasonable and would afford adequate service for both the single-family dwelling and the accessory building in most cases. Upgrade of a 400 level service to the next higher service, 600 amps, would not be feasible and would require rework of the meter base and dwelling wiring to accomplish. In staff's opinion, the amendment will provide reasonable relief in the case of "maxed-out" residential electric service and will not increase the likelihood of illegal unit conversion to a greater degree than exists under the current requirement. The upgrade to commercial level electric service would be unreasonably expensive and impracticable and the amendment maintains the original intent of the current standard. The amendment will not increase or encourage illegal residential conversion of accessory structures and staff is of the opinion the request is in compliance with the Comprehensive Plan. Staff has no objection to the request.

No one spoke in opposition.

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 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 Lake Ellsworth, Clark's Lake and Tripp Subdivisions Neighborhood Report and Plan.

Ms. Gooby stated that this is a similar plan that was adopted for the Coghill and College Court Neighborhoods. Ms. Gooby stated that these plans came from two different bodies the Task Force on Preservation of Neighborhoods and Housing, and their strategy was to adopt these plans, and City Council's goal which was to emphasize the importance of neighborhood stabilization and revitalization. The development of these plans was a joint effort between the City and GUCO. The Planning Division mailed surveys to the homeowners and residents in the neighborhoods asking for input for any concerns, amenities or lack thereof. A meeting was held in August with the neighborhoods at St. Gabriel's Church. Ms. Gooby stated that if the Commission recommends approval the plan will be forwarded to City Council for final action. The neighborhood is located in the southwest quadrant of the city. Green Mill Run forms the boundary between Lake Ellsworth Subdivision and Clark's Lake Subdivision. Ms. Gooby made reference to example of the types of items assessed while working on the plans. Ms. Gooby presented a map indicating the different routes into the neighborhood for Fire/Rescue vehicles that are located in the area and the placements of fire hydrants. Ms. Gooby stated that a windshield survey was done to identify homes with properly displayed 911 addressing. Approximately 45% of the homes do not have the proper addressing on their homes. Ms. Gooby stated that the neighborhood is approximately 86% owner-occupied. Ms. Gooby reiterated that the goal is to create, maintain and enhance neighborhoods and

to do this by identifying weaknesses, strengths in the neighborhood and using citizens input to develop strategies. There are two kinds of strategies: policy and capital improvements. Ms. Gooby reviewed strategies within the plan that specifically related to the neighborhood. Ms. Gooby stated that if the City Council approves the plan it will be incorporated into the Comprehensive Plan and staff will monitor these plans for progress for the different strategies. Ms. Gooby elaborated on several issues that were discussed during the neighborhood meeting.

Ms. Eileen Denton, resident of Clark's Lake Subdivision, spoke in favor of the Plan. Ms. Denton thanked staff for the meeting with the neighborhood.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Moye 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

COMMENT

Council member Ray Craft expressed his appreciation to the Commission members for their service to the City of Greenville. Council member Craft stated that the City has a tremendous work force that work for the good of the city.

Mr. Ramey thanked Council member Craft for his constant attendance to the meetings and for his service to the City.

Chairman Tozer thanked Council member Craft for his service to the City.

There being no further business the meeting adjourned at 7:45 PM.

Respectfully submitted,

Merrill Flood
Secretary