

February 21, 2006

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

Mr. Jay Yates - *	
Mr. Len Tozer - *	Mr. Bob Ramey - *
Mr. Dave Gordon - *	Mr. Jim Moye - *
Mr. Tim Randall - *	Mr. Don Baker - X
Mr. James Wilson - *	Mr. Bill Lehman - *
Mr. Porter Stokes - *	Mr. Godfrey Bell, Sr. - *

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

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

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

OTHERS PRESENT: Ray Craft, Council Member; Dave Holec, City Attorney; Robert Cheshire, Senior Engineer and Steve Yetman, Traffic Engineer.

Chairman Yates recognized Councilmember Ray Craft.

MINUTES: Motion was made by Mr. Gordon, seconded by Mr. Ramey, to accept the January 17, 2006 minutes as presented. Motion carried unanimously.

REQUEST BY WILLIAM H. CLARK - CONTINUED TO MARCH

Chairman Yates stated that the Commission has received a request from the applicant to continue the request to the regular scheduled March meeting.

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

REQUEST BY BILL CLARK HOMES OF GREENVILLE, LLC – APPROVED

Chairman Yates stated that the first item of business is a request by Bill Clark Homes of Greenville, LLC. Ordinance, requested by Bill Clark Homes of Greenville, LLC, to rezone 52.8541 acres located south of the right-of-way of Charles Boulevard (NC Highway 43), and 2,160± feet west of the intersection of Charles Boulevard and Herman Garris Road from RA20 (Residential-Agricultural) to R6 (Residential [High Density Multi-family]) and R6A (Residential [Medium Density Multi-family]).

Ms. Chantae Gooby stated this is a request to rezone approximately 53 acres from RA20 to R6, High Density Multi-family and R6A, Medium Density Multi-family. The property is located to the south of NC Highway 43. Tract One is approximately 29 acres and Tract Two is approximately 23 acres. The requested zoning on Tract One is R6, and Tract Two is R6A. Ms. Gooby indicated the proposed public streets on the map. The property is currently used for agriculture and a large portion of the property is wooded. The property is not impacted by the floodplain. Charles Boulevard is considered a gateway corridor and there is a regional focus area to the west at Fire Tower Road and a small neighborhood focus area. Charles Boulevard is considered a major thoroughfare. The proposed rezoning could generate an increase of 1,500 trips with 1,100 trips to the west and 400 trips to the east of the subject site. Ms. Gooby presented the Multi-family and Duplex layer map indicating the location of multi-family and duplexes in the area. The Land Use Plan recommends Office/Institutional/Multi-family to the south of Charles Boulevard that transitions into medium density residential. To the east and west of the subject property is OR and R6 and R6A zoning. These properties were zoned, in a similar fashion to this request, in 2000 and 2002. Staff would anticipate that the rezoning on Tract One could generate 370 (2 and 3 bedroom) multi-family units and Tract Two could generate 168 (2 and 3 bedroom) units. At the current zoning, staff would anticipate approximately 209 single family units on the entire tract. In staff's opinion the request is in compliance with the Horizons Plan and the Land Use Plan.

Mr. Ramey inquired as to if the property is within the city or its ETJ.

Ms. Gooby advised that it is located within the city's ETJ.
No one spoke in favor.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Tozer, 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 A. SCOTT BUCK (STATE OF NORTH CAROLINA) APPROVED

Chairman Yates stated that the next request is by A. Scott Buck (State of North Carolina). Ordinance, requested by A. Scott Buck (State of North Carolina), to rezone 128.4± acres along the southern right-of-way of Whichard Road, north of US Highway 264 East, and 1,400± feet east of Greenville Boulevard (US Highway 264 By-pass) from GC (General Commercial – County’s Jurisdiction) to OR (Office-Residential [High Density Multi-family]).

Ms. Gooby stated this request involves 128 acres. The property is currently within the County’s jurisdiction and is zoned General Commercial. The applicant has applied for voluntary annexation which necessitates that the property be rezoned. The property is located just to the north of US Highway 264 East. The property is currently vacant. To the west of the subject site, there is approved site plan for the North Campus Crossing development for 600 units. To the north, which is located within the County’s jurisdiction, there are approximately 10 single family homes. To the east is vacant and used as agricultural and to the south is commercial zoning and mobile home dealerships. The property is currently impacted by the 100 year floodplain and some 500 year floodplain. There is floodway on this property and no development can place within it. US Highway 264 East is considered a gateway corridor. Greenville Boulevard is considered a connector corridor and Whichard Road is a residential corridor. There is a regional focus area located to the south. Both Greenville Boulevard and US Highway 264 East are considered major thoroughfares. The proposed rezoning could result in a decrease of 1,000 trips per day with those broken out with 200 trips to the west and 100 trips to the east along Whichard Road and 400 trips to the west and 300 trips to the east along US Highway 264. Ms. Gooby presented the multi-family/duplex layer indicating the location of North Campus Crossing with an approved site plan for 600 units. The Land Use Plan Map recommends Office/Institutional/Multi-family and that transitions into low density residential. The property is currently within the County’s jurisdiction and zoned General Commercial. The proposed zoning is OR, Office-Residential. Ms. Gooby stated that since the property is owned by the State of North Carolina the property could be used for the expansion of the ECU campus.

If the property was developed under the OR standards it could result in approximately 1,500 multi-family units. In staff's opinion this request is in compliance with the Horizons Plan and Land Use Plan.

Mr. Jim Walker, Rivers and Associates, representing the applicant, stated this would be part of the intramural fields that is proposed by ECU. Mr. Walker stated that phase one is out for approval and should be receiving contracts. Mr. Walker explained that the intramural fields and parking lots and other areas will be transferred to this site. Mr. Walker stated that there is no intention to have facility buildings at this site other than ones associated with the sports.

Mr. Tom Vann, adjacent property owner, stated that he questions the reduction of 1,000 trips. Mr. Vann asked how this was figured in reducing the number of trips when it will be an intramural field. Mr. Vann asked how this is compatibility with future and adjacent area uses.

Ms. Gooby explained that the property is currently zoned General Commercial in the County's jurisdiction. Ms. Gooby explained that the 1,000 trips per day decrease is a comparison of the property's current zoning and proposed zoning at full development.

Mr. Lehman asked if staff is comparing the different zoning classifications rather than from the present vacant land to what it will be.

Ms. Gooby stated that was correct. Essentially you would be comparing the most intensive use at General Commercial zoning versus the most intensive use at Office-Residential zoning.

Ms. Gooby stated that in response to Mr. Vann's second question just to the west is OR zoning which is the North Campus Crossing which has an approved site plan for 600 multi-family units. Ms. Gooby stated that the Land Use Plan recommends some office/institutional/multi-family in the same tract.

Mr. Vann stated that soccer fields do not equate multi-family dwellings.

Mr. Hamilton stated that in order for the university to use the property it has to be zoned to a zone that will allow an university activities including intramural fields or other activities and facilities of the university. The OR zoning is the zone for university use.

No one spoke 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 HARRELL PASCASIO AND WIND AND SEA, LLC –
APPROVED

Chairman Yates stated that the next item of business by Harrell Pascasio and Wind and Sea, LLC. Ordinance, requested by Harrell Pascasio and Wind and Sea, LLC, to rezone 1.49 acres located along the southern right-of-way of Dickinson Avenue and the western right-of-way of West Eighth Street, 135± feet north of Ficklen Street, and 225± feet west of South Washington Street from CDF (Downtown Commercial Fringe) to CD (Downtown Commercial).

Ms. Gooby stated this rezoning request involves three lots which total 1.5 acres. The property is currently located to the southeast of the downtown core area. There are two buildings that are currently located on one of the lots. There is the former Sycamore Hill Baptist Church and a building located behind it. There are also two vacant lots as part of the request. There is commercial property to the north. To the south is the UNX Chemical Company and to the east is Pirates Landing Apartments. The property is not impacted by the floodplain. Dickinson Avenue, Tenth Street, Reade Circle and Evans Street are considered connector corridor and major thoroughfares. The downtown core area is considered a regional focus area. Due the small size of the tracts, no traffic report was generated. The Land Use Plan Map recommends commercial for the area bounded by Reade Circle, Dickinson Avenue, Evans Street and Tenth Street. The property is currently zoned CDF. Ms. Gooby stated that over the past years there have been similar rezoning request for downtown commercial in this area. Both districts do permit commercial and multi-family within them, however, within the CD district there are zero lot lines and relaxed parking requirements. In staff's opinion this request is in compliance with the Horizons Plan and Land Use Plan.

No one spoke in favor.

No one spoke in opposition.

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 carried unanimously

REQUEST BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT – APPROVED AS AMENDED

Request by the Planning and Community Development Department to amend the Zoning Regulations to include a new definition entitled “portable temporary storage unit”, and to include standards for such use including allowable dimension, use, duration, frequency, and location of such temporary storage units on both non-residential and residential property.

Mr. Harry Hamilton stated this is a request for an amendment to the zoning ordinance which concerns portable temporary storage units. Currently all storage units within the city that are used on residential or commercial property are regulated either as a vehicle or as a permanent accessory structure. Mr. Hamilton explained that there are no current rules that apply to the location of these temporary units that you see across the city in the neighborhoods or on commercial property. The continued use of shipping containers as a temporary or permanent accessory structure for non-residential uses is permitted under the current and proposed ordinance, provided compliance with all zoning standards, ie. setback, parking and bufferyard standards. Shipping containers that meet these rules are not regulated under this ordinance. Mr. Hamilton explained that there are two ordinances that the Commission has before them, the original staff proposal which was submitted in December and Option 2. Option 2 represents the recommendations of Bill Burnette, local PODS franchise owner and Tommy Savage, S & S Trailer and Container Rental, Inc. Mr. Hamilton presented pictures of PODS in residential and PODS and shipping containers in commercial areas. Mr. Hamilton stated that commercial units located in the setback would be subject to the ordinance. Where you have shipping containers located on a lot that meets the accessory structure standards they could substituted for a permanently constructed accessory building. Mr. Hamilton explained that one of the differences between the original draft and Option 2 ordinance is the definition of an exemption period. In the original draft there is a three day exemption period. In Option 2 there is 14 day exemption period. Mr. Hamilton explained that if a unit is on a site for 3 or less days under the original draft the rules would not apply. Under Option 2 it is

extended to 14 days. Mr. Hamilton stated he had talked with the City 's horticulture expert who confirmed that you can locate a unit on the ground for up to 14 days before the grass is damaged permanently. Maximum size of units under the original draft is 210 square feet, under Option 2, 320 square feet. The maximum number on a residential lot would be 1 under the original draft and up to 2 units under Option 2. Mr. Hamilton pointed out this restriction does not apply to any unit in conjunction with an active construction permit, natural disaster damage repair permit or other building permit. The maximum number of units on a non-residential lot is 3 under both options. The parking surface and percent of lot coverage, how much of the area of the front yard of a single family or duplex home can be covered by all the parking surfaces including unit storage would be 30 and 40 percent. Option 2 would have the same percentage allowance however the location of the unit in conjunction with an active construction permit, etc. shall be exempt from that limitation. Under the original draft the maximum duration, time limit on the use of the unit, would be 45 continuous days or 60 total days in any 12 month period. Option 2 is the same. The maximum frequency, two times in any 12 month period for residential lots and 3 times in any 12 month period for non-residential lots. Option 2 would be 3 times in any 12 month period for all lots. Minimum street and side/rear yard setback. The original draft is 10 foot setback for residential lots. For non-residential lots they would have to meet the bufferyard setbacks ranging from 4 to 10 feet. Option 2 is zero right of way setback for residential lots and maintain the bufferyard setbacks for non-residential lots. The original draft stated that these units are prohibited within the street right-of-way. Under Option 2, the unit may be located within the right-of-way upon the issuance of an encroachment permit from City Council. Mr. Hamilton stated that a storage unit may be utilized as a residential accessory structure under the current code and be permanently located on site. Under Option 2, permanent on-site location would be prohibited for residential lots. Building permit related exemption, under the original draft you can exceed the maximum duration and frequency with a construction or building permit. Under Option 2, you can exceed the maximum number, duration, frequency, improved parking surface material and maximum coverage when in conjunction with a building permit. Both the original and Option 2 contain a statement about nuisance, public health or safety hazard which states that no unit shall be located and/or used in any manner that creates nuisance, public health or safety hazard. Mr. Hamilton stated the other general criteria common to both the original and Option 2 drafts. Mr. Hamilton stated that a survey was conducted of eight cities. No cities have regulations of this type, however all said they hoped to use our adopted ordinance as a guide.

Mr. Moye stated that the original draft that is staff's original recommendation and asked if Option 2 is with staff's input and with Mr. Burnette and Mr. Savage.

Mr. Hamilton stated that both ordinances deal with the size, frequency, duration, etc. The original staff draft was an attempt to have some regulations that would apply to all those aspects. People in the industry believe that these amendments or substitution standards are necessary in order for them to conduct their business. Mr. Hamilton stated that whatever rule the Commission adopts are of a temporary nature, they affect a temporary use. No one will be vested for any period other than the duration of the 45 days or 60 days where the rules cannot be changed and subsequently applied.

There was discussion as to how this originated.

Mr. Hamilton explained that staff has received inquiries as to whether or not these units can be located on residential lots and for what duration. Staff estimated that they had received several dozen complaints since last October.

Mr. Savage stated that people need these units in order to house their furniture and belongings if there happened to be a disaster of some sort. Mr. Savage stated his units are used for commercial businesses and very few are used in residential areas. Mr. Savage stated that he has concern with having to submit a site plan prior to delivery of the unit. Mr. Savage stated the businesses need his units as quickly as possible and having to get approval from the City of a site plan may delay delivery of that unit.

Mr. Hamilton explained that site plan approval is not required but a sketch plan approval is required. This can be accomplished over the internet, with staff e-mailing an aerial photo or site diagram and the unit owner then to them, or faxing the sketch plan showing where the unit will be placed on a site to ensure that it will not cause a public health and safety hazard. Mr. Hamilton stated that if a unit is delivered after hours or on a week-end it would be the responsibility of the owner/operator of the business or the owner/operator of the site to comply with the zoning and other regulations.

No one spoke in opposition.

Mr. Ramey stated that he has concerns about adopting this ordinance because he doesn't feel it will be enforced on a continuing basis.

There was discussion in regards to a sketch plan being provided and approved prior to delivery of the unit.

Mr. Tozer stated he has a concern with the verbiage on the sketch plan. Mr. Tozer suggested that wordage be deleted so local and commercial businesses in a crisis would have an opportunity to place facilities on their sites.

Chairman Yates agreed and stated that if Greenville is going to take the lead, the decision making should be liberal on this issue. Chairman Yates stated if the Commission is considering on voting on one of the proposals they should consider Option 2 and item 14 should be amended to delete the requirement for a sketch plan.

Mr. Hamilton pointed out that if someone locates a unit on site and it is at variance with one of the rules, it will be subject to enforcement including citation. Mr. Hamilton explained that people are not being exempted from complying with the law.

Motion was made by Mr. Tozer, seconded by Mr. Moye, to recommend approval of the proposed amendment, Option 2, 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 and Item 14 in Option 2 to delete the second sentence. Those voting in favor: Tozer, Moye, Gordon, Randall, Wilson, Lehman and Stokes. Those voting in opposition: Ramey. Motion carried.

There being no further business motion was made by Mr. Tozer, seconded by Mr. Gordon, to adjourn at 7:30 PM.

Respectfully submitted,

Merrill Flood
Secretary