

December 19, 2006

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. - X

Ms. Shelley Basnight - *

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

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

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

OTHERS PRESENT: Thom Moton, Assistant City Manger; Ray Craft, Council Member; Dave Holec, City Attorney; and Kyle Garner, Transportation Planner.

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Gordon, to accept the November 21, 2006 minutes as presented. Motion carried unanimously.

REQUESTS BY WARD, LLC AND BARTLETT ENGINEERING & SURVEYING– CONTINUED

Motion was made by Mr. Lehman, seconded by Mr. Moye, to continue the requests by Ward, LLC and Bartlett Engineering and Surveying. Motion carried unanimously.

Mr. Holec stated that Ms. Basnight would not be voting on the special use permit requests. Mr. Holec stated that the Board acts in an advisory capacity. The Board hears

input and then makes a recommendation to City Council and Council takes final action but in this case a Land Use Intensity is a special use permit and the authority to actually grant the permit resides with this Commission. The Commission makes the determination whether or not the applicant is able to proceed with development. When you're acting on special use permits the Commission is acting in a quasi-judicial manner. Decisions are to be based on the evidence which is presented during the hearing. A special use permit is a particular kind of land use which is allowed not as a matter of right, but only under ordinance provisions which authorities the Commission to issue the permit when it makes specific findings. Mr. Holec explained the three step process. Mr. Holec explained that if the evidence presented enables the Commission to make the required findings the Commission must grant the permit. If the evidence does not allow the Commission to make the required findings the Commission must deny the permit. Mr. Holec stated that the nine findings were included in the Commission's packets.

REQUEST FOR A SPECIAL USE PERMIT BY ROSEWOOD FARMS,LLC AND TROY KITTRELL - APPROVED

Chairman Tozer stated that the next item is a request by Rosewood Farms, LLC and Troy Kittrell for a special use permit to construct 88 two (2) bedroom units and 220 four (4) bedroom units (308 total units) on property totaling 22.74 acres using the Land Use Intensity Standards. The property is zoned R6 (residential) and OR (office-residential) and is located along the eastern right-of-way of Bells Chapel Road (NCSR 1898), along the western right-of-way of Signature Drive, and immediately northeast of the intersection of Bells Chapel Road (NCSR 1898) and County Home Road (NCSR 1725), being identified as Tax Parcel Number 70964 and a portion of Tax Parcel Number 13106.

Mr. Wayne Harrison stated that Rosewood Farms, LLC and Troy Kittrell have requested a special use permit for a Land Use Intensity 67 residential development consisting of 88 two (2) bedroom units and 220 four (4) bedroom units (308 total units with 1,056 beds). The property is located along the eastern right-of-way of Bells Chapel Road (NCSR 1898), along the western right-of-way of Signature Drive and immediately northeast of the intersection of Bells Chapel Road and County Home Road. The property is further identified as being Tax Parcel Number 70964 and a portion of Tax Parcel Number 13106. The property is zoned R6, residential and OR, office-residential. North of the property is zoned OR and is vacant. South of the property is zoned R6 and is also vacant. The property east of the proposed site is zoned R6 and has a multi-family development project currently

under construction and a portion is still vacant. West of the property is zoned R6 and has a multi-family development along with some single-family homes along Bells Chapel Road. The property which is proposed for development currently has three single-family dwelling and associated outbuildings located on it, these structures will be removed at the time of development. The site contains 22.74 acres and will be served by driveways located on Signature Drive and Bells Chapel Road. The proposed construction includes twenty-two (22) apartment buildings, an amenities building, swimming pool and associated parking areas. There are 1,011 parking spaces proposed and 792 spaces required. The future Land Use Plan Map designates this property as Office-Institutional/Multi-family and high density residential. The proposed density of 13.5 units per net acre falls within high density development guidelines. Standard multi-family development, which does not require a special use permit will allow 342 three bedroom units built which is a total of 1,026 bedrooms. Per the Land Use Intensity 67 Standards the developer has proposed to construct 88 two bedroom units and 220 four bedroom units which is a total of 1,056 bedrooms. This is 30 more bedrooms that could be developed with the standard by-right multi-family development. Notice was mailed to the adjoining property owners via certified mail on December 5, 2006. Notice of the public hearing was published in the Daily Reflector on December 4 and December 11, 2006. Included in your package is a certificate of mailed notice. If approved, the project must undergo an additional administrative site plan process for approval of engineering, utility and other specific requirements. Administrative site plan approval shall be subject to special use permit approval and any conditions thereof. The Planning and Zoning Commission may in its discretion attach conditions to the plan that exceed the minimum standards when it is found that such conditions are necessary to insure that the proposed development will be compatible with adjacent areas. Such conditions may include, but not be limited to setbacks, parking, screening, landscaping, bufferyards, density and other requirements. The plan has been reviewed by the City's Technical Review Committee and Staff is of the opinion the plan can meet all applicable requirements and conditions. If the Commission finds the petition satisfies all required criteria, staff recommends the following conditions be included in the motion to approve:

1. Occupancy limited to one (1) bed and one (1) person per bedroom.
2. Outside recreation equipment shall be restricted to the designated recreation area.
3. There shall be twenty-four (24) hour on-site professional management "on-call" at a phone number available to any interested party. Phone

- calls to such number shall be answered by a human being at all hours.
4. The owner/management shall request East Carolina University student transit service and shall cooperate fully with the University in the provision of such service.
 5. The internal street pattern shall be designed to accommodate buses used in public transportation.

Mr. Harrison stated that to the east is a 178 multi-family development, to the west is a 192 apartment complex and north is a 318 and another 52 unit multi-family developments. A four-fifths (8 of 9) majority vote in favor of the request is required on each required finding to approve this request. The required findings are:

1. Ownership. That the applicant for a special use permit to develop the Land Use Intensity Development, is the legal owner of the subject property as evidenced by Deed Book 380, Page 598 and Deed Book 1998, Page 193 of the Pitt County Registry.
2. Notice. That those persons owning property within one hundred (100) feet of the proposed development, as listed on the current county tax records, were served notice of the public hearing by certified mail in accordance with applicable requirements; and that notice of a public hearing to consider the special use permit was published on December 4, 2006 and December 11, 2006 in the Daily Reflector, a newspaper having general circulation in the area, as required by law.
3. Conditions and Specifications. That the use does meet all required conditions and specifications of the Zoning Ordinance for submission of a Land Use Intensity Development special use permit.
4. Utility Service. That the use does have existing or proposed utility services which are adequate for the population densities as proposed.
5. Traffic. That the use is properly located in relation to arterial and collector streets and is designed so as to provide direct access without creating traffic which exceeds acceptable capacity as determined by the City Engineer on streets in adjacent areas outside the Land Use Intensity Development. The City's Engineering Department has reviewed the site plan.

6. Comprehensive Plan. That the use is in general conformity with the Comprehensive Land Use Plan of the City and its extraterritorial jurisdiction.

The following required finding will be address by the applicant.

6. Health and Safety. That the use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use and will not be detrimental to the public welfare if located and developed according to the plan as submitted and approved.
7. Injury to Property or Improvements. That the use will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood or in the alternative, that the use is a public necessity.
9. Location and Character. That the location and character of the use, if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located.

Mr. Harrison asked that the findings of fact be entered into the record and he would be glad to answer any questions.

Land Use Intensity
Special Use Permit

Date: December 12, 2006

Applicant: Rosewood Farms, LLC and Troy Kittrell

Request: Special use permit for a Land Use Intensity Dormitory 67, residential development consisting of 88 – 2 bedroom units and 220 – 4 bedroom units (308 total units with 1,056 beds).

Location of Property: The property is located along the eastern right-of-way of Bells Chapel Road (NCSR 1898), along the western right-of-way of Signature Drive, and immediately northeast of the intersection of Bell

Chapel Road (NCSR 1898) and County Home Road (NCSR 1725). The property is further identified as being Tax Parcel Number 70964 and a portion of Tax Parcel Number 13106.

Zoning of Property: R6 (residential) and OR (office-residential)

Surrounding Development

Zoning

North: Vacant	OR (office-residential) CG (general commercial)
South: Vacant	R6 (residential)
East: Vacant, Multi-family	R6 (residential)
West: Multi-family, Single-Family	R6 (residential)

Description of Property:

The property contains 22.74 gross acres. There are three (3) single-family dwellings and associated outbuildings located on the property that will be removed/demolished at the time of development. The property will be served by driveways located on Signature Drive and Bells Chapel Road.

Proposed construction includes twenty-two (22) apartment buildings, an amenities building, swimming pool, and associated parking areas. There are 1,011 parking spaces proposed (792 spaces required).

Comprehensive Plan:

The Future Land Use Plan Map designates this property as Office-Institutional/Multi-family and High Density Residential.

The proposed density of 13.5 units per net acre is within high density development guidelines (max. 17 per acre).

Notice:

Notice was mailed to the adjoining property owners via certified mail on December 5, 2006. Notice of the public hearing was published in the Daily Reflector on December 4 and December 11, 2006. Certificate of mailed notice is attached.

Staff Comments:

The proposed development meets the specific development requirements for consideration by the Planning and Zoning Commission. If approved, the project must undergo an additional administrative site plan process for approval of engineering, utility and other specific requirements. Administrative site plan approval shall be subject to special use permit approval and any conditions thereof.

Density Comparison (OR Zoning and R6 Zoning)

1. Maximum Per Article I (By-right multi-family development)

No special use permit required.

342 – 3 bedroom units (1,026 bedrooms)

2. Per LUI 67 Standards (Proposed)

Special use permit required.

88 – 2 bedroom units and 220 – 4 bedroom units (1,056 bedrooms)

30 more bedrooms than the maximum allowed under standard by-right multi-family development.

A copy of the consolidated list of OR and R6 district permitted and special uses is attached for reference.

Both LUI dormitory development, and standard by-right multi-family development, is a classification 2 land use for purposes of bufferyard setback

and screening requirements.

Site, parking lot, and street frontage vegetation requirements are the same for LUI and standard by-right development.

Conditions. The Planning and Zoning Commission may in its discretion attach conditions to the plan that exceed the minimum standards when it is found that such conditions are necessary to insure that the proposed development will be compatible with adjacent areas. Such conditions may include, but not be limited to setbacks, parking, screening, landscaping, bufferyards, density or other requirements.

If the Commission finds the petition satisfies all required criteria, staff recommends the following conditions be included in the motion to approve:

2. Occupancy limited to one (1) bed and one (1) person per bedroom.
2. Outside recreation equipment shall be restricted to the designated recreation area.
3. There shall be twenty-four (24) hour on-site professional management “on-call” at a phone number available to any interested party. Phone calls to such number shall be answered by a human being at all hours.
4. The owner/management shall request East Carolina University student transit service and shall cooperate fully with the University in the provision of such service.
5. The internal street pattern shall be designed to accommodate buses used in public transportation.

Board Action:

A four-fifths (8 of 9) majority vote in favor of the request is required on each Finding to approve this request.

A copy of the required Findings and the Conduct of Hearing Process is attached.

Mr. Randall asked if the condition on occupancy limited to one (1) bed and one (1) person per bedroom would exclude married couples.

Mr. Harrison explained that the Commission could modify that condition to include couples sharing one bedroom.

Mr. Gordon asked about the traffic report.

Mr. Harrison stated that the Engineering Department and DOT have reviewed and approved the plan.

Mr. Mike Baldwin, Baldwin & Associates, representing Troy Kittrell and Rosewood Farms. Mr. Baldwin stated he would address the required findings. Mr. Baldwin stated that Troy Kittrell owns the property that encompasses this property and Rosewood Farms has title to the property. Mr. Baldwin explained that they have been through a LUI plan review process which is not a full site plan process but it does address setbacks, bufferyards, parking, etc. Utility and sewer services have been extended to this tract of land. County Home Road is major thoroughfare. Signature Place is a minor collector and this subject property location is approximately 800 feet from Charles Boulevard/NC Highway 43 which is a major thoroughfare. Mr. Baldwin stated that in regards to the Comprehensive Plan this development is in complete harmony with the Plan and the surrounding development is multi-family. Mr. Baldwin stated that the developers are bringing an upscale development to site. Mr. Baldwin stated that with the growth expectancy at ECU, student housing complexes are a need. Mr. Baldwin stated that the ECU transit buses will be utilized to transport students.

Mr. Phil Dixon, Attorney at Law, spoke on behalf of the property owners and developers. Mr. Dixon stated that the issue is whether or not the Commission will allow four-bedrooms at this project. This makes the project much more economically feasible of this type. Permitted as a matter of right it would be allowing 1,026 bedrooms and this project is for 1,056 bedrooms. Mr. Dixon stated that the complex would have a 25 percent increase in parking spaces. Mr. Dixon stated that the maximum density is 17 units per acre whereas this project is 13.5 units per acre. Mr. Dixon stated that he has same concerns with the one bedroom per person capacity and they do not object to one student per bedroom. Mr. Dixon stated that perhaps an exception could be made for a married couple sharing a bedroom and minor children sharing a bedroom.

No one spoke in opposition.

Mr. Baldwin explained that the developers have 100 percent approval from ECU transit to pick-up and drop-off students.

Mr. Holec stated that the Commission could modify the findings of fact to include that occupancy limited to one bed per bedroom and one person per bedroom for the four bedroom units and, for the other units, no more than one family, as defined by the Zoning Ordinance, shall occupy the units.

Mr. Holec explained the procedures for voting on a Land Use Intensity Special Use Permit.

Motion was made by Mr. Randall, seconded by Mr. Baker, to adopt the findings of fact as presented. Motion carried unanimously.

Motion was made by Mr. Lehman, seconded by Mr. Ramey, to approve the application with staff conditions and additional condition as stated “occupancy limited to one bed per bedroom and one person per bedroom for the four bedroom units and, for the other units, no more than one family, as defined by the Zoning Ordinance, shall occupy the units.” Motion carried unanimously.

REQUEST FOR A SPECIAL USE PERMIT BY COPPER BEECH TOWNHOME COMMUNITY, LLP - APPROVED

Chairman Tozer stated that the next item is for a special use permit by Copper Beech Townhome Community, LLP a Pennsylvania Limited Liability Partnership, agent, for owner, Birdneck Point, LLC and Hyman J. Brody to construct 80 one (1) bedroom units, 80 two (2) bedroom units, 126 three (3) bedroom units and 154 four (4) bedroom units (440 total units) on property totaling 53.66 acres using the Land Use Intensity Standards. The property is zoned R6A (residential) and R6A-CA (residential conservation district overlay) and is located along the southern right-of-way of NC Hwy 33 (E. 10th Street) approximately 1,800 feet east of Greenville Boulevard and 550 feet west of Oxford Drive, being identified as Tax Parcel Numbers 03449, 02466, 47381 and 47382.

Mr. Harrison stated this is a request for a Land Use Intensity The applicant Copper Beech Townhome Communities LLP, a Pennsylvania Limited Liability Partnership, agent for owner, Birdneck Point, LLC and Hyman J. Brody has requested a Special use permit for a Land Use Intensity 67 residential development consisting of 80 one (1) bedroom units, 80 two (2) bedroom units, 126 three (3) bedroom units and 154 four (4) bedroom units (440 total units with 1,234 beds). The property is located along the southern right-of-way of NC Hwy 33 (E. 10th Street) approximately 1,800 feet east of Greenville Boulevard and 550 feet west of Oxford Drive. The property is further identified as being Tax Parcel Numbers 03449, 02466, 47381 and 47382. The property is zoned R6A which is (residential) and R6A-CA (residential-conservation area overlay district). North of the property is zoned RA20, R6A and R6S. There is a church on this property, City of Greenville Fire Station, Multi-family and Single-family dwellings. South of the property is zoned RA20 and has a single-family development located on it. The property east of the proposed development has a section that is vacant and the rest is single-family. West of the property is zoned CH, OR and R9S, and located in this area are a combination of single-family, two family attached and various commercial and office uses. The property which is proposed for development is currently vacant and mostly wooded and contains 53.66 acres. A portion of the property is in the 100 year floodplain. None of the proposed structures will be located in the 100 year floodplain. The property will be served by two driveways located on NC Highway 33 (E. 10th Street). The proposed construction includes forty-six (46) apartment buildings, a club house, basketball court, sand area for volley ball, swimming pool and associated parking area. There are 1,298 parking spaces proposed (926 spaces are required). The future Land Use Plan Map designates this property as medium density residential and conservation open space. The proposed density of 8 units per net acre falls within medium high density development guidelines. Standard multi-family development, which does not require a special use permit will allow 425 three bedroom units which is a total of 1,275 bedrooms. Per the Land Use Intensity 67 Standards the developer has proposed to construct 80 one bedroom units, 80 two bedroom units, 126 three bedroom units and 154 four bedroom units which is a total of 1,234 bedrooms. This is 41 less bedrooms that could be developed with the standard by-right multi-family development. Notice was mailed to the adjoining property owners via certified mail on December 5, 2006. Notice of the public hearing was published in the Daily Reflector on December 4 and December 11, 2006. Included in your package is a certificate of mailed notice. If approved, the project must undergo an additional administrative site plan process for approval of engineering, utility and other specific requirements. Administrative

site plan approval shall be subject to special use permit approval and any conditions thereof. The Planning and Zoning Commission may in its discretion attach conditions to the plan that exceed the minimum standards when it is found that such conditions are necessary to insure that the proposed development will be compatible with adjacent areas. Such conditions may include, but not be limited to setbacks, parking, screening, landscaping, bufferyards, density or other requirements. The plan has been reviewed by the City's Technical Review Committee and Staff is of the opinion the plan can meet all applicable requirements and conditions. If the Commission finds the petition satisfies all required criteria, staff recommends the following conditions be included in the motion to approve:

1. Occupancy limited to one (1) bed and one (1) person per bedroom.
2. Outside recreation equipment shall be restricted to the designated recreation area.
3. There shall be twenty-four (24) hour on-site professional management "on-call" at a phone number available to any interested party. Phone calls to such number shall be answered by a human being at all hours.
4. The owner/management shall request East Carolina University student transit service and shall cooperate fully with the University in the provision of such service.
5. The internal street pattern shall be designed to accommodate buses used in public transportation.

A four-fifths (8 of 9) majority vote in favor of the request is required on each required Finding to approve this request.

The required findings are:

1. Ownership. That the applicant for a special use permit to develop the Land Use Intensity Development, is the legal owner of the subject property as evidenced by Deed Book G45, Page 533 and Deed Book 1062, page 218 of the Pitt County Registry.

2. Notice. That those persons owning property within one hundred (100) feet of the proposed development, as listed on the current county tax records, were served notice of the public hearing by certified mail in accordance with applicable requirements; and that notice of a public hearing to consider the special use permit was published on December 4, 2006 and December 11, 2006 in the Daily Reflector, a newspaper having general circulation in the area, as required by law.
3. Conditions and Specifications. That the use does meet all required conditions and specifications of the Zoning Ordinance for submission of a Land Use Intensity Development special use permit.
4. Utility Service. That the use does have existing or proposed utility services which are adequate for the population densities as proposed.
5. Traffic. That the use is properly located in relation to arterial and collector streets and is designed so as to provide direct access without creating traffic which exceeds acceptable capacity as determined by the City Engineer on streets in adjacent areas outside the Land Use Intensity Development.
6. Comprehensive Plan. That the use is in general conformity with the Comprehensive Land Use Plan of the City and its extraterritorial jurisdiction.

The following required finding will be addressed by the applicant.

7. Health and Safety. That the use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use and will not be detrimental to the public welfare if located and developed according to the plan as submitted and approved.
8. Injury to Property or Improvements. That the use will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood or in the alternative, that the use is a public necessity.
9. Location and Character. That the location and character of the use, if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located.

At this time I would like to asked that the findings of fact be entered into the record Staff will be glad to answer any questions that the commission may have

Land Use Intensity
Special Use Permit

Date: December 12, 2006

Applicant: Copper Beech Townhome Communities, LLP, a Pennsylvania Limited Liability Partnership, agent, for owner, Birdneck Point, LLC and Hyman J. Brody

Request: Special use permit for a Land Use Intensity Dormitory 67, residential development consisting of 80 – 1 bedroom units, 80 – 2 bedroom units, 126 – 3 bedroom units, and 154 – 4 bedroom units (440 total units with 1,234 beds).

Location of Property: The property is located along the southern right-of-way of NC Hwy 33 (E.10th Street) approximately 1,800 feet east of Greenville Boulevard and 550 feet west of Oxford Drive. The property is further identified as being Tax Parcel Numbers 03449, 02466, 47381 and 47382.

Zoning of Property: R6A (residential) and R6A-CA (residential-conservation area overlay district)

Surrounding Development

Zoning

North: Church, Multi-family,
City of Greenville Fire Station
Single-family

RA20 (residential-agricultural)
R6A (residential)
R6S (residential-single-family)

South: Single-family

RA20 (residential-agricultural)

East: Single-family, vacant

RA20 (residential-agricultural)

West: Single-family, Two-family attached,
Mini-storage Office

CH (heavy commercial)

OR (office-residential)

R9S (residential-single-family)

Description of Property:

The property is currently vacant and mostly wooded and contains 53.66 gross acres. A portion of the property is in the 100 year floodplain, (see attached flood hazard boundary map). The property will be served by two driveways located on NC Hwy 33 (E. 10th Street).

Proposed construction includes forty-six (46) apartment buildings, a clubhouse, basketball court, sand area for volley ball, swimming pool and associated parking areas. There are 1,298 parking spaces proposed (926 spaces required).

Comprehensive Plan:

The Future Land Use Plan Map designates this property as Medium Density Residential, and as Conservation/Open Space in the environmentally sensitive areas associated with Bells/Meeting House Branch.

The proposed development density of 8 dwelling units per net acre is within medium high density development guidelines (max. 9 units per acre).

Notice:

Notice was mailed to the adjoining property owners via certified mail on December 5, 2006. Notice of the public hearing was published in the Daily Reflector on December 4 and December 11, 2006. Certificate of mailed notice is attached.

Staff Comments:

The proposed development meets the specific development requirements for consideration by the Planning and Zoning Commission. If approved, the project must undergo an additional administrative site plan process for approval of engineering, utility and other specific requirements. Administrative site plan approval shall be subject to special use permit approval and any conditions thereof.

Density Comparison (R6A district)

1. Maximum Per Article I (By-right multi-family development)

No special use permit required.

425 – 3 bedroom units (1,275 bedrooms) @ 5,500 square feet of lot area per unit

2. Per LUI 67 Standards (Proposed dormitory development)

Special use permit required.

80 – 1 bedroom units, 80 – 2 bedroom units, 126 – 3 bedroom units, and 154 – 4 bedroom units (1,234 bedrooms)

41 less bedrooms than the maximum allowed under standard by-right multi-family development.

A copy of the consolidated list of R6A and R6A-CA district permitted and special uses is attached for reference.

Both LUI dormitory development, and standard by-right multi-family development, is a classification 2 land use for purposes of bufferyard setback and screening requirements.

Site, parking lot, and street frontage vegetation requirements are the same for LUI and standard by-right development.

The area of the tract zoned R6A-CA (conservation overlay) is subject to section 9-4-199, emphasis added (see below).

“Sec. 9-4-199. Conservation area (CA) overlay district standards.

(a) Purpose and intent; definition.

(1) The purposes of the conservation area (CA) overlay district and requirements set forth under this section are: (i) to provide for permanent open space and desirable buffers between proposed uses and incompatible adjacent land

uses, environmentally sensitive areas or hazardous areas in excess of minimum standards and (ii) to provide a method and means by which such open space and increased buffer areas may be utilized to fulfill zoning requirements applicable to individual lot development.

- (2) A conservation area (CA) overlay district is defined as an overlay zoning district adopted in conjunction with an underlying common general purpose district, as listed under Article D, Part 2, Sections 9-4-46 thru 9-4-73, wherein the zoning rights, standards, restrictions and requirements as set forth herein for the common general purpose district shall extend to the CA district zoned area of a lot of record while prohibiting the encroachment of buildings, structures, parking, drives and other impervious areas or other residential and/or nonresidential uses or activities including storage, stock-in-trade display and delivery of service, inconsistent with this section, within the CA district zoned portion of such lot.

(b) Standards.

- (1) Initiation of a petition for a conservation area (CA) overlay district zoning map amendment shall be restricted to the legal owner of record, both at the time of initial application and city council final action, or the authorized agent of the owner at such times. No CA overlay district shall be established or amended without first being submitted to the planning and zoning commission for review and recommendation in accordance with original submission requirements.
- (2) All conservation area (CA) overlay districts shall be delineated upon the official zoning map as both the underlying common general purpose district and CA overlay district. The general purpose district title shall be followed by “-CA” in all areas zoned conservation area (CA) overlay.
- (3) At the time of zoning consideration of any CA overlay district, the area within the proposed CA overlay district shall be undeveloped and vacant and shall not contain any principal and/or accessory buildings, structures or parking or be subject to any vested right to continue any activity or site development inconsistent with this section.
- (4) No CA overlay district zoned area of any lot, either at the time of initial zoning or as a result of future zoning action or subdivision, shall be less than one-hundred (100) feet at its narrowest dimension.
- (5) Except as otherwise provided, no portion of any CA overlay district shall be used as a building site. No buildings, structures, parking or other impervious

- areas shall be allowed to encroach into any CA overlay district, and no portion of any CA overlay district shall be used for any temporary and/or permanent residential or nonresidential purpose including storage and delivery of service
- (6) Public streets and sidewalks, public utility and other public infrastructure improvements and/or structures may be constructed within a CA overlay district.
 - (7) Stormwater detention ponds and drainage improvements may be constructed within a CA overlay district.
 - (8) Private streets and sidewalks, driveways and general (public/customer) pedestrian access walkways may encroach into any CA overlay district subject to compliance with all the following requirements:
 - (a) Shall be designed to provide direct access to and from adjacent public streets, designated common property, public access easements and lot lines.
 - (b) No temporary or permanent parking area or space(s) shall be allowed within any CA overlay district.
 - (9) Required bufferyard (peripheral and street yard) setbacks in accordance with Article G, street right-of-way (front yard) setbacks and minimum yard areas in accordance with Article F, may be located in any CA overlay district.
 - (10) Required or optional vegetation materials may be qualified and/or planted and berms, fences and other landscape features approved by the director of community development, or the director's authorized representative, may be allowed within any CA overlay district.
 - (11) All portions of a lot located within a CA overlay district shall be utilized to count toward total lot area, lot width and lot frontage for purposes of determining allowable density, minimum lot area, minimum open space, maximum lot coverage, minimum vegetation, minimum recreation area and other requirements or restrictions related to lot area or dimension as may apply in accordance with the underlying general purposes district or other applicable standards.
 - (12) Public greenway and public recreational improvements shall be allowed in any CA overlay district.
 - (13) Except as further provided, no property shall be subdivided or zoned CA overlay which would result in a lot that does not contain an adequate building site. No lot or parcel shall be located completely within a CA overlay district unless such lot or parcel is dedicated or deeded to the public or unless such lot or parcel is dedicated as common area open space as part

of a contiguous townhouse, condominium or other common property development as shown upon a final plat recorded pursuant to the subdivision regulations.

- (14) When property that contains any area zoned CA overlay district is proposed to be subdivided, the preliminary subdivision plat and final subdivision plat shall delineate the CA overlay district area as “conservation area” and shall note restrictions applicable to such area as provided herein. Areas that are indicated on a final plat as “conservation area” pursuant to this section shall not constitute a public dedication of lands except as specifically noted by description, and such areas may be reconfigured pursuant to zoning amendment of the CA overlay district boundary affecting such lot as may be approved by city council.
- (15) Prior to the issuance of a building permit for development on a lot that contains any area zoned CA overlay district, or prior to the issuance of any zoning compliance permits or approvals to conduct any use of property in cases where a building permit is not required, a final subdivision plat of such lot shall be recorded pursuant to the subdivision regulations. Such plat shall delineate the CA overlay district area as “conservation area” and shall note restrictions applicable to such area as provided herein. Areas that are indicated on a final plat as “conservation area” pursuant to this section shall not constitute a public dedication of lands except as specifically noted by description, and such areas may be reconfigured pursuant to zoning amendment of the CA overlay district boundary affecting such lot as may be approved by City Council.”

Conditions. The Planning and Zoning Commission may in its discretion attach conditions to the plan that exceed the minimum standards when it is found that such conditions are necessary to insure that the proposed development will be compatible with adjacent areas. Such conditions may include, but not be limited to setbacks, parking, screening, landscaping, bufferyards, density or other requirements.

If the Commission finds the petition satisfies all required criteria, staff recommends the following conditions be included in the motion to approve:

1. Occupancy limited to one (1) bed and one (1) person per bedroom.

2. Outside recreation equipment shall be restricted to the designated recreation area.
3. There shall be twenty-four (24) hour on-site professional management “on-call” at a phone number available to any interested party. Phone calls to such number shall be answered by a human being at all hours.
4. The owner/management shall request East Carolina University student transit service and shall cooperate fully with the University in the provision of such service.
5. The internal street pattern shall be designed to accommodate buses used in public transportation.

Board Action:

A four-fifths (8 of 9) majority vote in favor of the request is required on each Finding to approve this request.

Mr. Baker asked how the parking will be monitored to ensure that the number of vehicles is the number of tenants for this complex.

Mr. Harrison stated that the City has a Code Enforcement Officer and they do their best to monitor. The Officer takes pictures and contacts the owner of the dwelling.

Mr. Phil Dixon, representing the applicant, spoke on behalf of the request. Mr. Dixon made reference to the handout that was distributed. Mr. Dixon stated that everyone that was sworn in will speak on behalf of the request except for one person. Mr. Dixon stated that Scott Anderson, Rivers and Associates will address the issue of Ownership and Compliance with the Zoning Ordinance. Mr. Dixon made reference to Exhibits A and B. Mr. Bruce Sauter, Appraiser, will address the issue of there being no adverse affect on adjoining property values in the area and Mr. David LaVigne, State Appraiser, will speak on there being no adverse affect on property values and Mr. Paul Levine, Vice-President of Development and partner of Copper Beech is in attendance. Mr. Jon Day will speak on the issue of contacting adjacent property owners in regards to their concerns. Mr. Dixon explained that the rules and regulations are strict. Mr. Dixon stated there is a provision in the contract that states there is a limit of clearing that is established 30 feet east of Buildings 15

and 16 such that no vegetation will be disturbed beyond the 30 foot line east of the buildings. In addition, a row of evergreen trees, every five feet, will be planted on each side of Buildings 15 and 16 to provide additional screening. A penalty of \$100,000 will be imposed if clearing occurs by the buyer or hired contractors. Mr. Dixon reiterated that 21 acres will remain undisturbed on this site. Mr. Dixon made reference to the documents included in the handouts in regards to ECU transit buses and water and sewer services.

Mr. Scott Anderson, Rivers & Associates, spoke on behalf of the request. Mr. Anderson stated that a traffic analysis was conducted in October, 2006. The proposed development will have two driveway connections and will include right turn lanes to aid traffic. A full development the site will generate 2,600 trips per day excluding ECU bus ridership. Mr. Anderson stated that the existing signalizations are operating at normal levels. Mr. Anderson stated there will be minimal impact on the surrounding transportation network.

Mr. Bruce Sauter, Sauter & Associates, Appraiser, stated the he did a study of sales and resale of comparable properties similar to the surrounding properties of this site and concluded there will be no adverse affect on the adjoining neighborhoods.

Mr. David LaVigne, Appraiser, reiterated Mr. Sauter's conclusions. Mr. LaVigne stated that the City of Greenville has approved seven student housing complexes.

Mr. Dixon cited the rules for residing at the complex.

Mr. Jon Day, Commercial real estate broker, stated that he has worked very closely with the owner and developer of this property. Mr. Day stated that he has had dialogue with the adjoining neighbors to ensure their concerns were addressed.

Mr. William Scott stated that the buffer zone and conservation areas are ideal. However, the property was zoned low density and this proposed project is not low density but high density. Mr. Scott stated that in the study conducted on comparable housing, the houses in Brook Valley are valued more than the ones in the study and he doesn't feel that was a comparable study of the homes being impacted. Mr. Scott voiced concerns with the enforcement of more than one or two individuals living in an apartment.

Mr. Eric Brestel, resident of Brook Valley, stated he feels that Mr. Brody has very good intentions for this property. Mr. Brestel stated that the plan appears to be very reasonable. Mr. Brestel explained that he has concerns with the egress onto Tenth Street.

No one spoke in rebuttal either for or against the request.

There was discussion in regards to the current traffic situation on Tenth Street and the increase of potential traffic with this development.

Mr. Dixon explained that eventually the City and the Department of Transportation will realize that an additional traffic signal is required on Tenth Street but also the students will be utilizing the ECU transit system to attend classes which will eliminate the increase of student vehicles at peak times.

Motion was made by Mr. Randall, seconded by Mr. Stokes, to adopt the findings of fact as presented. Motion carried unanimously.

Motion was made by Mr. Ramey, seconded by Mr. Moyer, to approve the application with staff conditions and additional condition as stated “occupancy limited to one bed per bedroom and one person per bedroom for the four bedroom units and, for the other units, no more than one family, as defined by the Zoning Ordinance, shall occupy the units.” Motion carried unanimously.

REQUEST BY DVML, LLC – DENIED

Chairman Tozer stated that the next item is a request by DVML, LLC to rezone 23.588 acres located 1,845± feet south of Greenville Boulevard, 2,560± feet west of Memorial Drive, 205± feet north of Thomas Langston Road, and east of the Providence Place Subdivision from R6A (Residential [Medium Density Multi-Family]) to R6 (Residential [High Density Multi-Family]).

Ms. Gooby stated this is a request by DVML, LLC to rezone 20.5 acres from RA20 to R6 and both of these districts contain a multi-family option. However, the current zoning is for medium density and the requested zoning is for high density. The property is located within Voting District 5. Ms. Gooby indicated on the map an easement for ingress and egress to the property to Thomas Langston Road. The property is currently vacant. Ms. Gooby stated that the property is not impacted by

the floodplain or greenway system. The requested rezoning could increase the traffic by a net of 800 trips. The majority of the property would travel east out to Memorial Drive. Tobacco Road is to be extended to connect to Thomas Langston Road that would align with Sterling Point Drive. The Land Use Plan recommends medium density residential for this area and further recommends a buffer between the commercial to the east and the residential to the west. Ms. Gooby presented the Residential Chart that indicates the districts that are high density and districts that are medium density. Ms. Gooby stated that a preliminary plat for Providence Place shows a connection into the subject property. Ms. Gooby stated in that the subject property is zoned R6A it fulfills the medium density requirements and also is acting as a buffer to protect the existing R6A property as recommended by the Comprehensive Plan and Land Use Plan Map. Ms. Gooby stated that in staff's opinion the request is not in compliance with the Land Use Plan or Land Use Plan Map.

Mr. Mike Baldwin, Baldwin & Associates, spoke on behalf of the request. Mr. Baldwin explained that there is something unique about this property. Mr. Baldwin stated that the property is only one parcel west from being in compliance with the Comprehensive Land Use Plan. Mr. Baldwin stated that the property to the south is zoned OR. Mr. Baldwin explained that he and others are submitting the preliminary plat for Providence Place, Section 3 and they have met with the developers of this property and they have no concerns with their project. Mr. Baldwin stated that there are lane widening improvements along Thomas Langston Road to eliminate the left turn deadlocks.

Mr. Baker stated that he has concerns with the increase of development along Thomas Langston Road in regards to traffic.

There was discussion from Board members in regards to the parcel of property zoned OR at the corner of this property.

Mr. Baldwin stated that he doesn't feel the parcel is that far from being in compliance with the Land Use Plan Map.

Mr. Holec reminded the Board members that they must consider all possible developments for a parcel and its compliance with the City's regulations. Mr. Holec stated that the Land Use Plan Map is a guide for the Board. Mr. Holec stated that the Board could motion to recommend approval even though it is inconsistent with

the Land Use Plan Map if the Board thinks the amendment is appropriate.

No one spoke in opposition.

Motion was made by Mr. Baker, seconded by Mr. Wilson to recommend denial of the proposed amendment, to advise that it is not consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Those voting to deny: Ramey, Gordon, Moye, Baker, Wilson, Lehman, and Stokes. Those voting in opposition. Randall. Motion carried.

REQUEST BY COLLICE C. MOORE, ETAL – APPROVED

Chairman Tozer stated that the next item is a request by Collice C. Moore, ETAL to rezone 0.9756 acres located 1,225± feet south of the Northwoods Subdivision, 1,430± feet north of Whichard Road, and east of Greenville Boulevard (U.S. Highway 264 By-pass) from RR (Rural Residential-County's Jurisdiction) to IU (Unoffensive Industry).

Ms. Gooby stated this is a request to rezone less than an acre located in the County's jurisdiction to Unoffensive Industry. This request is in conjunction with an annexation request. The property is located within Voting District 1. Ms. Gooby explained that this parcel will become part of Lot 13 in Lakeview Industrial Park after recordation. The property is currently vacant and surrounded by a variety of different uses. The property is impacted by the 100 year floodplain but is not impacted by the Greenway system. Greenville Boulevard is considered a major thoroughfare. The Land Use Plan recommends commercial along Greenville Boulevard and transitions into industrial in the interior areas. The Land Use Plan also recommends conservation or open space which serves as a buffer between the industrial area and the low density residential. Ms. Gooby stated that there may be some conservation environmental constraints. Ms. Gooby stated that it is staff's opinion that the request is in general compliance with the Plan and the Land Use Plan Map in that it is not a deviation from the intent of the Plan and the Land Use Plan Map.

Mr. Ken Malpass, Malpass & Associates, representing the applicant stated he would answer any questions.

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 THM PROPERTIES, LLC – APPROVED

Chairman Tozer stated that the next item is a request by THM Properties, LLC for a preliminary plat entitled “Providence Place, Section 3”. The property is located north of Langston Townhomes, and east of Providence Place, Sections 1 and 2. The preliminary plat consists of 67 lots on 17.658 acres.

Mr. Andy Thomas stated this is a request by THM Properties, LLC for a preliminary plat entitled Providence Place, Section 3. The property is located north of Langston Townhomes and east of Providence Place, Sections 1 and 2. The property is zoned R6S, Residential single family. The anticipated use of the property is single family residential on 67 lots. The original preliminary plat for Providence Place was approved on November 20, 2001. A street is being extended through former lot 35 to expand Section 3. The remnant of lot 35 will be recombined with lot 36. There is a 50 foot Neuse River Riparian Buffer on the west side of the property. Interconnectivity has been provided to Langston Farms Subdivision via Stonebend Drive. This street is extended to the vacant property to the east. A street stub is also provided to the vacant property to the north. Stormwater detention and sidewalks are provided. The preliminary plat has been reviewed and approved by the City's Technical Review Committee.

Mr. Mike Baldwin, representing the applicant, stated this plat is the last phase of Providence Place. Mr. Baldwin stated that there is a provision in the restrictive covenants that allows a street connection through a lot.

No one spoke in opposition.

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

REQUEST BY MAXINE SPEIGHT – APPROVED

Chairman Tozer stated that the next item is a request by Maxine Speight for a

sketch plan entitled “Langston Farms, Phase 9”. The property is located approximately 600 foot west of Thomas Langston Road, north of Savannah Place, east of Forest Pines and West Star Industrial Park and west of Langston Farms and Langston West. The sketch plan consists of 305 lots on 164.536 acres.

Mr. Thomas stated this is a sketch plan for Langston Farms, Phase 9, submitted by Maxine Speight. The property is located approximately 600 foot west of Thomas Langston Road, north of Savannah Place, east of Forest Pines and West Star Industrial Park and west of Langston Farms and Langston West. The property is currently zoned RA20 and the anticipated use is single family residential and a school site on 305 acres. This is a sketch plan for the next phase of development at Langston Farms. It shows a school site for which a preliminary plat (06-31) will be presented later. This plan illustrates the future street pattern that could be developed. The proposed street pattern shows a good interconnecting street pattern. There are connections to existing approved preliminary plats as well as vacant property that is suitable for development. There is a thirty foot natural gas main that bisects the property. They have incorporated this easement into the lot layout. There is a stormwater management and park area proposed for this development. Future preliminary plats will be presented. Again this is a sketch plan. The primary concern of the developer was the establishment of the school site. The sketch plan was necessary to ensure that the school site will fit into the future development of the property. The sketch plan has been reviewed and approved by the City’s Technical Review Committee.

Mr. Mike Baldwin, representing the applicant, spoke on behalf of the request. Mr. Baldwin stated that the sketch is a tentative lay-out of the subdivision to show the street patterns.

No one spoke in opposition.

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

REQUEST BY PITT COUNTY BOARD OF EDUCATION – APPROVED

Chairman Tozer stated that the next item is a request by the Pitt County Board of Education for a preliminary plat entitled “Pitt County Board of Education-Southwest Elementary School site”. The property is located approximately 600 foot

west of Thomas Langston Road, north of Savannah Place, east of Forest Pines and West Star Industrial Park and west of Langston Farms and Langston West. The preliminary plat consists of 1 lot on 28.622 acres.

Mr. Thomas stated this is a preliminary plat for the school site referred to. This is the school site that was represented on the sketch plan for the next phase of development at Langston Farms. The sketch plan (06-30) represented how this property will fit into the overall development of this property. Sidewalks and utilities are being extended. A site plan will be presented based on the preliminary plat. Stormwater detention for this school will be retained on site. The sketch plan has been reviewed and approved by the City's Technical Review Committee.

Mr. Mike Baldwin, representing the applicant, spoke on behalf of the request. Mr. Baldwin stated he would answer any questions.

No one spoke in opposition.

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

REQUEST BY BROOK VALLEY COUNTRY CLUB – APPROVED

Chairman Tozer stated that the next item is a request by Brook Valley Country Club to amend the zoning ordinance to permit an accessory public restaurant as an ancillary use to a regulation golf course.

Mr. Harry Hamilton stated this is a request by Brook Valley County Club to amend the zoning regulations to permit a public restaurant as an accessory use to a regulation golf course. Currently, a regulation golf course is a special use in various residential zoning districts. There are four regulation golf courses within Greenville's jurisdiction – Ironwood, Brook Valley, Greenville Country Club and Bradford Creek. In addition to golf play, a regulation golf course may also include various accessory uses: clubhouse, pro-shop, snack bar, driving range, dining facility, social club, tennis courts and swimming facility. Under the current regulations the accessory uses are only available to member-guests and play patrons of the golf course. All those activities are not really open to the general public. The proposed regulations would allow for a 18 hole regulation length golf course to include an accessory public restaurant which would be open to members and guests and/or the general public. A golf course 9 hole regulation length would not be able

to contain an accessory use public restaurant. They could maintain a restaurant for members and guests and patrons but would not be open to the public. Accessory public restaurant facilities must be located within the principal use golf course structure and shall not be located in a separate and detached single use stand along structure. Accessory public restaurant hours shall be limited to the period 7 AM to 10 PM. No food or beverage may be sold to the general public prior to 7 AM or after 10 PM. No restaurant; outdoor activity area shall be located within 300 feet of any abutting residential lot. A public restaurant may provide food services for golf courses and/or golf club sponsored member-guest only events without limitations. Drive-thru and/or drive-in facilities and services shall be prohibited. Mr. Hamilton stated that there are some wall and free-standing signage changes which include wall signage shall not exceed 20 square feet. Freestanding signage shall be limited to one sign not to exceed 20 square feet or 5 feet in height. Freestanding and wall signage shall be illuminated by indirect lighting only.

Mr. Jim Joseph, Member of the Board of Directors at Greenville Country Club, spoke on behalf of the amendment.

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.

Motion was made by Mr. Ramey, to adjourn at 9:15 PM.

Respectfully submitted,

Merrill Flood
Secretary