

October 17, 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.

	M. Len Tozer - *	
M. Bob Raney - *		M. Dave Gordon - *
M. Jim Mye - *		M. Tim Randall - *
M. Don Baker - *		M. James Wilson - X
M. Bill Lehman - *		M. Porter Stokes - *
M. Godfrey Bell, Sr. - *		M. Shelley Basnight - X

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

VOIING MEMBERS: Tozer, Mye, Gordon, Raney, Randall, Baker, Lehman, Stokes and Bell.

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

OTHERS PRESENT: Council member Ray Craft; Dave Hblec, City Attorney and Kyle Garner, Transportation Planner.

Chairman Tozer recognized Council member Ray Craft.

MINUTES: Motion was made by M. Raney, seconded by M. Bell, to accept the September 19, 2006 minutes as presented. Motion carried unanimously.

REQUEST BY WILLIAMH CLARK – CONTINUED TO NOVEMBER

Chairman Tozer stated that he understands that there is request for continuance.

M. Phil Dixon, Attorney at Law representing the applicant, stated that the applicant withdrew the request several months ago and therefore this is a new

request. M. Dixon stated that the request has been reduced. M. Dixon stated that he was unaware that Linwood Stroud had submitted the request. M. Dixon stated that he had assured the residents of Brook Valley that discussions would continue to resolve their concerns. M. Dixon asked that the request be continued until the November meeting.

Motion was made by M. Raney, seconded by M. Gordon, to approve the continuance. Motion carried unanimously.

REQUEST BY THE COMMUNITY DEVELOPMENT DEPARTMENT – APPROVED

Ordinance, requested by the Community Development Department, as recommended by the Task Force on Preservation of Neighborhoods and Housing and the Redevelopment Commission, to rezone 276.16± acres (excluding street rights-of-ways) located in the area south of Martin Luther King Jr. Drive, west of Abernethy Avenue, north of Farnville Boulevard, and 780± feet east of Memorial Drive, in the area east of Evans Street, south of Greenville Boulevard, west of Arlington Boulevard, and north of Fire Tower Road, and in the area east of the Seaboard Coastline Railroad, south of Arlington Boulevard, and north of Greenville Boulevard from R6 (Residential [High Density Multi-Family]), CH (Heavy Commercial), IU (Unoffensive Industry), RA20 (Residential-Agricultural), and R9 (Residential [Medium Density]) to R6S (Residential-Single-Family [Medium Density]), R9S (Residential-Single-Family [Medium Density]), and R15S (Residential-Single-Family [Low Density]).

M. Chantae Goby stated this request is to rezone property as a recommendation by the Task Force on Preservation of Neighborhoods and Housing and the Redevelopment Commission. This request involves 962 lots on 276 acres. The request is to rezone property to a single family classification. M. Goby stated that presently the city has rezoned approximately 3,000 lots on over 1,000 acres to single family. The proposed rezoning involves property within Voting District 1, 4 and 5. M. Goby stated that the first request is for the West Greenville area. M. Goby stated that the shaded green area on the map indicates the redevelopment area and the shaded area within the rezoning areas recommended for single family by the Task Force and the Redevelopment Commission. The Land Use Plan Map recommends medium density residential. West Greenville is predominately single family with some duplex and multi-family developments. There are 69 vacant lots and 4 institutional lots. The property is not impacted by the floodplain. Currently the property

is 46 percent owner-occupied and 54 percent rental. M. Gooby indicated the Pinewood Forest and Bedford areas on the map. M. Gooby stated that the Pinewood Forest is currently zoned RA20, and Bedford is zoned R6 and R9. M. Gooby stated that those zoning districts allow duplexes, multi-family and mobile homes. The Land Use Plan recommends medium density residential. Pinewood Forest is 82 percent owner occupied and 18 percent rental. The Bedford area is predominately single family with vacant and recreational lots. There is a small area in the southern portion of the Bedford Subdivision that is impacted by the floodplain. Bedford Subdivision is 94 percent owner occupied and 6 percent rental. M. Gooby stated that part of the Lakewood Pines area will be zoned R15S and R6S due to lot size. The Brentwood Subdivision is currently zoned R9. The Land Use Plan recommends medium density residential. Lakewood Pines is exclusively single family and Brentwood is predominately single family with some vacant lots and institutional uses. Lakewood Pines is 74 percent owner occupied and 26 percent rental. Brentwood is 84 percent owner occupied and 16 percent rental. M. Gooby stated that the outcome of these rezonings is to provide neighborhood stability and demonstrates the city's commitment to single family neighborhood preservation. M. Gooby stated that M. Carl Rees of the Urban Development Division will be speaking about the Redevelopment Plan in the West Greenville Area.

M. Carl Rees, Planner, Urban Development Division, stated that he is responsible for the Center City-West Greenville Revitalization Plan. M. Rees stated that one of the components of the Revitalization Plan was rezoning for areas affected by the Center City-West Greenville Revitalization. In examining the process the Redevelopment Commission noticed that it would be premature to do redevelopment of areas until projects were known or acquisition of properties occurred prior to rezoning. M. Rees explained that this area is the core of the West Greenville neighborhood and single family in nature. M. Rees stated that this seemed to be the time to rezone this area in order to protect and ensure that the area will remain single family and meet some of the other goals of the Revitalization Plan which are to increase home ownership in the area. M. Rees made reference to the Redevelopment Commission Work Plan for the fiscal year that was handed out. M. Rees stated that one the goals for the Redevelopment Commission was to rezone the West Greenville Neighborhood.

No one spoke in favor.

No one spoke in opposition.

Motion was made by M. Bell, seconded by M. Raney, 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 JACK DAIL FARMS, LLC – APPROVED

Chairman Tozer stated that the next item is a request by Jack Dail Farms, LLC to rezone 62.470 acres located along the northern and southern rights-of-way of Dickinson Avenue, 715+ feet west of the intersection of Allen Road and Dickinson Avenue, south of the Teakwood Subdivision and north of West Star Industrial Park from RA20 (Residential-Agricultural) to CH (Heavy Commercial).

M. Goby stated that this request is to rezone property from RA20 to Heavy Commercial. The property consists of 62 acres. The property is located within Voting Districts 1 and 2. The property is located to the north and south of Dickinson Avenue. M. Goby stated that to the north of the property is Teakwood Subdivision and south is West Star Commercial Park. The property is not impacted by the floodplain. Allen Road and Greenville Boulevard are indicated on the Greeway Plan. This area is considered a regional focus area and Dickinson Avenue is considered a major thoroughfare. The proposed rezoning could generate 11,300 trips per day. The Land Use Plan recommends commercial on the northern and southern rights-of-way of Dickinson Avenue.

M. Mye stated that in the description it states that the future Land Use Plan Map recommends a conservation/open space area to the south of Tract 2. M. Mye asked how large of an area is recommended for open space and where will it be proposed.

M. Harry Hamilton explained that the area indicated green on the map is not dimensionally specific. At the time the Land Use Plan Map was established there were wetland areas within that immediate area and there are other environmental limitations that may apply or may not apply. M. Hamilton stated that at the time of development there are no environmental limitations then

the recommended development pattern would be in accordance with the adjacent recommendation.

M. Mike Baldwin, Baldwin and Associates, representing the applicant spoke on behalf of the request. M. Baldwin reiterated that the property is located on two major thoroughfares and complies with the Comprehensive Plan.

M. Nancy Beardsworth, adjacent property owner, stated there has always been a dispute about the "arm" connected to Allen Road. M. Beardsworth stated that she is not sure about the depth of that "arm" as indicated on the map. M. Beardsworth explained that she has checked with the Tax Office and Courthouse and found that Deep Branch, the dividing line, has been changed through the years which stops some of the depth. M. Beardsworth explained that the disputed has not been clarified. M. Beardsworth stated concern about the increase in traffic.

M. Robert Sutton, owner of adjacent property, explained that his concern is the buffer that will be required for heavy commercial adjacent to a residential area. M. Sutton stated that he and his mother would appreciate assurance of a physical barrier between their homes and a commercial area.

Chairman Tozer asked M. Hamilton to address the concern of a buffer between residential and commercial zones.

M. Hamilton explained that depending on the intensity of the land uses as proposed in the commercial area a screening and setback buffer will be required. A more intensive use might require a 30 foot open space separation and complete vegetative screen.

M. Sutton stated that as he understands it the vegetation would have to be given time to grow before it became a complete vegetative screen. M. Sutton asked if there would be a bufferyard fence or something similar.

M. Hamilton explained that with an intensive commercial use a Bufferyard E would be required which is a 30 foot open space area with small trees, large trees and shrubs every 100 linear foot. There is an option for a 6 foot fence with reduction in the physical separation to 15 feet.

M. Mike Baldwin stated that the type of buffer required the trees do grow fast.

M. Randall asked about the discrepancy as mentioned by Ms. Beardsworth.

M. Baldwin stated he has a copy of the deed and he will check with the attorney on this issue.

Motion was made by M. Raney, seconded by M. 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 GREENVILLE DEVELOPERS – APPROVED

Chairman Tozer stated that the next item is a request by Greenville Developers for a preliminary entitled “Willingham Section 2 (Revised)”. The property is located east of Evans Street and located on Bradbury Road and Dunhagan Road, adjacent to Parner Place, Bedford Place, and Bedford, Sections III and IV. The proposed development consists of 52 lots on 36.62 acres. The property is further identified as Pitt County Tax Parcel No. 51642.

M. Andy Thomas stated this request is for a preliminary plat for Willington, Section Two Revised. The developers are Greenville Developers. The property is located east of Evans Street and located on Bradbury Road and Dunhagan Road, adjacent to Bedford Place and Bedford, Sections III and IV. The property is currently zoned R6 and R9S. The anticipated use is single family dwellings adjacent to Bedford Place and Bedford, Sections III and IV and multi-family on the interior adjacent to Fork Swamp Canal. There will be 52 single family lots and 1 multi-family development tract. M. Thomas stated that Evans Street is a major thoroughfare. The property is slightly impacted by the floodplain. There is a major drainage canal along the southern boundary of the property. M. Thomas stated that there have been several plats on the Willingham Subdivision and the one constant is the connection of Dunhagan and Bradbury Roads. The street pattern has remained the same but on the interior property additional single family lots have been added which will reduce the area available for multi-family development. There will be a detention pond located on the southwest corner of the property. Interconnectivity is provided to Bedford, Section IV via the extension of Dunhagan Road. Sidewalks are

being provided. The preliminary plat has been reviewed by the City's Technical Review Committee and meets all technical requirements and city standards. Mr. Thomas made reference to a letter that was distributed to the Commission from some adjoining homeowners stating their concern in regards to fences along the rear property line which are off-set from the property line and would like for the vegetation to be maintained. Mr. Thomas stated that Mr. Baldwin has talked with the couple prior to the meeting in regards to their concerns.

There was a question in regards to one street having two different names.

Mr. Thomas explained that the two streets are already built and that Bradbury Road would continue up to the drainage ditch and then it would become Dunhagan Road. Mr. Thomas explained that the multi-family development is the remainder of the tract adjacent to the drainage canal.

Mr. Mike Baldwin, representing the applicant, spoke on behalf of the request. Mr. Baldwin stated that he will take the adjoining property owners concerns into consideration.

No one spoke in opposition.

Motion was made by Mr. Raney, seconded by Mr. Mye to approve the plat. Motion carried unanimously.

REQUEST BY TOMMIE LITTLE – APPROVED

Chairman Tozer stated that the next item is a request by Tommie Little for a preliminary entitled "Westhaven South, Section 4 and Revision of Sections 2 and 3". The property is located east of Memorial Drive, south of Westhaven, Sections 7 and 10 and west of Regency Office Park. The proposed development consists of 75 lots on 37.488 acres. The property is further identified as Pitt County Tax Parcel No. 45252 and 13363.

Mr. Thomas stated this is a preliminary plat for Westhaven South, Section 4 and Revision of Sections 2 and 3. The developer is Tommie Little. The property is located east of Memorial Drive, south of Westhaven, Sections 2, 7 and 10 and west of Regency Office Park. The property is currently zoned R9S and the anticipated use is residential single family on 75 lots. Mr. Thomas stated this is not the

preliminary plat that will dedicate the extension of Thomas Langston Road. Certainly these lots will establish the northern boundary of that thoroughfare but that will be another future submission. The lots identified as being owned by Tommie Little and the proposed Blazer Drive are also not included in this request. Those lots will be a future submission. The City of Greenville is working closely with the property owners and developers on the future Thomas Langston Road extension. What is being considered is the expansion of Westhaven subdivision toward the railroad track toward to the east. The streets will tie into existing streets as well as the proposed Thomas Langston Road. The street network is also extended to the adjoining vacant tract for future extension. This plat also revises Section 2 & 3 which was approved by the Planning and Zoning Commission on March 21, 2006. The major addition is the removal of the park area and a stormwater detention pond being added. The property to the east (the former Dunn property) has been included in this submission. Some street patterns have been changed to integrate with the additional property. While the street network provides adequate access, it does not create a situation of "cut-through" traffic. The applicant has used a combination of curvilinear streets and stop conditions to prevent negative impacts. There is a 10-foot non-access easement along the proposed Thomas Langston Road Extension. All lots will have internal access from internal streets of the subdivision. Sidewalks are provided. The preliminary plat has been reviewed and approved by the City's Technical Review Committee. The preliminary plat meets all technical requirements and city standards.

Mr. Randall asked who will design Thomas Langston Road extension and maintain the road.

Mr. Thomas stated that Mr. Baldwin will be the designer of the road and the city will be constructing the road. Mr. Thomas explained that the design of the road was done with consultation with the City of Greenville.

Mr. Raney asked where the Evans Street connector would be located.

Mr. Thomas explained that Thomas Langston Road will be extended across the railroad tract and tie into the existing Regency Boulevard.

Mr. Mike Baldwin, representing the applicant, spoke on behalf of the request. Mr. Baldwin explained the reasons for revising the plat was that Mr. Little acquired

the property held by Derek Dunn and from Blazer Drive the lots that were before platted at 80 feet wide to the Dunn property line the revision shows the lots at 105 feet wide.

No one spoke in opposition.

Motion was made by M. Gordon, seconded by M. Bell, to approve the plat. 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 to amend the zoning ordinance table of uses to include a new use entitled “wine shop” as a permitted use in the MC, MH, CD, CF, CG, CN and CH commercial districts subject to applicable state alcoholic beverage control law

M. Hamilton stated that this request is to amend the zoning regulations to allow a wine shop as a permitted use in the commercial districts. Currently per zoning, wine sold in a wine shop is limited to off-premises consumption. The state ABC Commission has changed the rules and now allows some limited on-premise consumption as well wine tasting. A wine shop under the city’s zoning ordinance is classified as a grocery; food or beverage establishment, off-premise consumption only. M. Hamilton stated that due to the fact that the state ABC law now allows on-premise consumption there is an inconsistency between the City Code and the state law. The current wine shop category is permitted within most of the commercial districts. M. Hamilton stated that the ABC law has been amended to allow accessory on-premise consumption of wine in addition to wine tasting, provided the sale of wine does not exceed 40 percent of the establishment’s total sales during any 30 day period. M. Hamilton explained that wine shops would be monitored by the State ABC Commission. The proposed ordinance would create a new category entitled wine shop and allow such use establishment as a permitted use within the zones that are currently allow a food or beverage store. The proposed ordinance will eliminate the current discrepancy between the local zoning rules and the ABC laws in respect to wine shops. The ordinance contains specific standards that prevent wine shops from operating as a wine bar or public/private club. M. Hamilton stated that the public/private clubs are subject to special use permit and are located outside the Downtown Sub-Districts Overlay.

No one spoke in favor or in opposition.

Motion was made by M. Stokes, seconded by M. Randall, to approve the amendment.
Motion carried unanimously.

There being no further business motion was made by M. Raney, seconded by M. Mye, to adjourn at 7:30 PM

Respectfully submitted,

Merrill Flood
Secretary