

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION  
June 16, 2015

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

Mr. Tony Parker – Acting Chair-\*

Mr. P.J. Connelly - *	Ms. Chris Darden – X
Mr. Terry King – *	Ms. Ann Bellis – X
Ms. Margaret Reid –*	Mr. Brian Smith - *
Mr. Doug Schrade - *	

The members present are denoted by an \* and the members absent are denoted by an X.

**VOTING MEMBERS:** Schrade, King, Connelly, Reid, Smith

**PLANNING STAFF:**Andy Thomas, Lead Planner; Merrill Flood, Director of Community Development and Amy Nunez, Staff Support Specialist II.

**OTHERS PRESENT:** Dave Holec, City Attorney and Jonathan Edwards, Communications Technician.

Chairman Parker welcomed new member P.J. Connelly to the Commission. He also welcomed future member Dustin Mills who was sitting in the audience.

Mr. Andy Thomas stated that P.J. Connelly attended orientation and he is eligible to vote tonight.

**MINUTES:**Motion was made by Mr. Smith, seconded by Mr. King to accept the May 19, 2015 minutes as presented. Motion carried unanimously.

**NEW BUSINESS**

**PRELIMINARY PLATS**

REQUEST BY ROBERT D. PARROTT AND CARL BLACKWOOD, ET AL FOR A PRELIMINARY PLAT ENTITLED “BLACKWOOD RIDGE”. THE SUBJECT PROPERTY IS LOCATED ON THE EAST SIDE OF COREY ROAD AT ITS INTERSECTION WITH VAN-GERT DRIVE. THE PROPERTY IS BOUND ON THE SOUTH BY ROSEWOOD AND TULL’S COVE, TO THE EAST BY COREY RIDGE AND FAITH ASSEMBLY CHURCH OF GOD, TO THE NORTH BY FARRINGTON AND LILA MOYE AND TO THE WEST BY JOHNNIE B. WORTHINGTON PROPERTY. THE PROPERTY IS FURTHER IDENTIFIED AS A PORTION OF TAX PARCEL # 37500. THE PRELIMINARY PLAT CONSISTS OF 64 LOTS ON 43.3084 ACRES. - APPROVED

Mr. Andy Thomas, Lead Planner, presented the preliminary plat. It is located in the southeastern portion of the City. It is not in the flood plain. Corey Road is a minor thoroughfare. This property was voluntarily annexed into the City of Greenville on June 11 2015. It zoned R9 (residential). This property is located in an area just outside the City's ETJ. The property owner was requesting annexation and zoning to receive utility services. This project interconnects with existing subdivisions and provides a street extension to the vacant land to the east. Sidewalks are provided. There is a common area across the rear of the properties that leads to the stormwater detention pond. A property owners' association will maintain this area. The documents establishing the Homeowner's Association will be reviewed by the City and recorded in the Pitt County Register of Deeds prior to recordation of the final plat. There is a significant amount of 404 wetlands on the northern boundary. Wetlands are a valuable natural resource that provide an ecological function. The Federal Government regulates the activities in wetlands. There will be an established 70 foot drainage easement and a 50 foot riparian buffer on the northern side.

The developer is proposing that the proposed lots be extended to the existing watercourse. The Planning Staff would suggest that as a condition of approval the Planning Board require that along the northern boundary that the property lines be stopped at the 70 foot drainage easement or the 50 foot riparian buffer whichever is greater and that strip of land be included within the common area. This would afford some preservation of the wetland area. If the property lines remain as shown, property owners are likely to mow these areas and put down fertilizer that would degrade the condition of the wetland. The Planning Board could consider this action in keeping with the following City Ordinances:

**SEC. 9-5-88 PRESERVATION OF SIGNIFICANT WATER AREAS; INTENT.**

It is the intent of these regulations both to safeguard existing and potential development in appropriate locations and to preserve and promote a desirable ecological balance. Therefore, insofar as it is reasonably practicable, subdivisions shall be located, designed and improved to preserve important natural water areas, related vegetation and wildlife habitats; to avoid creation of upstream impoundments or downstream runoff which would be harmful to such complexes or to existing or potential development in appropriate locations; and to maintain desirable groundwater levels. (Ord. No. 1941, § 1, passed 1-12-1989)

**SEC. 9-5-89 SAME; MAINTENANCE OF NATURAL WATERWAYS AND WATER AREAS; RELATIONSHIP TO GREENWAY PLAN.**

(A) Where a proposed subdivision is traversed by or includes in whole or in part a natural watercourse, marsh, pond or lake of substantial significance in the ecology of the general area, the water body shall, to the maximum extent reasonably feasible, be maintained in its natural state, together with bordering lands and other suitable protective strip or buffer as required by the Planning and Zoning Commission. The minimum width of any protective strip or other buffer required pursuant to this section shall not be less than 15 feet from the top of the bank as determined by the City Engineer.

(B) If any portion of the area proposed for subdivision lies within an area designated in the officially adopted Greenway Master Plan as a greenway corridor, the area so designated shall be dedicated and/or reserved to the public at the option of the city.

(C) The city and Greenville Utilities Commission shall have right of access onto all designated

and/or dedicated areas within all easements as required for the construction and/or maintenance of public facilities. (Ord. No. 1941, § 1, passed 1-12-1989; Ord. No. 2490, § 1, passed 7-9-1992)

There will be no costs to the City of Greenville associated with this subdivision other than routine costs to provide public services. The City's Subdivision Review Committee has reviewed the preliminary plat and has determined that it meets all technical requirements pending the Planning Board's decision about whether or not to incorporate the wetlands strip into the common area.

Mr. Schrade asked for an explanation of the 70-foot drainage easement or the 50-foot riparian buffer whichever is greater.

Mr. Thomas stated that at the back of the property there is 50-foot riparian buffer at the top of the embankment and the drainage easement is 70 feet from the center of the ditch.

Chairman Parker asked how the Commission should make their motion.

Attorney Holec stated that there are two alternatives. 1- Accept as submitted or 2-deny, state why it is not in compliance with the stated City ordinances and then approve it with the modifications of the area to be included in the common area.

Chairman Parker opened the public hearing.

Mr. Ken Malpass, representative of the applicant, spoke in favor of the request. He stated that it should be left as a riparian buffer because that is how it is typically done. He passed out a handout to the Commissioners. He stated that the handout provided an example of how extending the easement would change lot lines and there would be an area between the easement and the riparian buffer. He included an article (News & Observer June 12, 2015) that stated legislation is considering a bill that would eliminate the state ban on removing vegetation to allow development on land within 50 feet of streams and rivers on most private property in the Tar-Pamlico and lower Neuse river basins. The existing regulations already protect the wetlands. The easement line is to provide access to maintain something. He stated they do not want to force ownership and deed the easement to the association. It should remain with the owner.

Mr. King asked if this requirement had been asked of any other subdivisions.

Mr. Thomas stated he has been with the City since August of 1994 and since then has never received a request with this volume of wetlands. He stated down the road from this request is the Surrey Meadows subdivision. They put all the wetlands in the common area. He also stated that the initial request of the Engineering Department was to preserve the entire wetland area.

Mr. Malpass stated that the wetlands would be preserved. The regulations cannot be changed.

Mr. Schrade asked what the drawings in the handout represent.

Mr. Malpass stated it was to show moving the property line to the easement line versus just the riparian buffer. The lot line is not typically the easement line.

Mr. Schrade asked if Staff was concerned with regulated individual people versus one group.

Mr. Thomas stated the rear property line has wetlands. There should be no activity in the area so not to degrade the natural wetlands. It should be put in a common area. Staff does not suggest the information in the handout from Mr. Malpass.

No one spoke in opposition of the request.

Chairman Parker closed the public hearing and opened for board discussion.

Chairman Parker stated he worries about the wetlands and that people will mow or fertilize.

Mr. Smith stated it is easier to enforce or control a group versus individuals.

Attorney Holec stated that being a plat, the standard motion is not necessary. A motion to accept as submitted or deny, state why it is not in compliance with the stated City ordinances and then approve it with the modifications of the area to be included in the common area.

**Motion made by Ms. Reid, seconded by Mr. Schrade, to deny the request as is because it is not in compliance with City Ordinances SEC 9-5-88 and 9-5-89 but to approve the request with the modifications recommended by Staff. Favor: Ms. Reid and Mr. Schrade. Oppose: Mr. King, Mr. Connelly, and Mr. Smith. -Motion denied.**

**Motion made by Mr. Smith, seconded by Mr. King, to approve the plat as submitted. Favor: Mr. Smith, Mr. King, and Mr. Connelly. Oppose: Ms. Reid and Mr. Schrade. - Motion carried.**

REQUEST BY HARDEE 3 ENTERPRISES, INC. FOR A PRELIMINARY PLAT ENTITLED "HARDEE JUNCTION". THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF E. 10<sup>TH</sup> STREET (NC HWY 33) APPROXIMATELY 265 FEET WEST OF L.T. HARDEE ROAD, EAST OF THE WAL-MART SUPER CENTER COMPLEX (OSCAR ROAD), WEST OF HD HOLDINGS, LLC PROPERTY AND NORTH OF THE NORFOLK SOUTHERN RAILROAD TRACKS. THE PROPERTY IS FURTHER IDENTIFIED AS TAX PARCELS #58442, #09712 AND A PORTION OF #09712. THE PRELIMINARY PLAT CONSISTS OF 5 LOTS ON 9.695 ACRES. THE PROPERTY OWNERS ARE WILLIAM CLAUDE HARDEE, JAMES LEWIS HARDEE, JR. AND HARDEE FAMILY PROPERTIES LIMITED PARTNERSHIP. - APPROVED

Mr. Andy Thomas presented the preliminary plat. It is located in the western portion of the City. This property was the subject of a recent rezoning. On May 14, 2015, the property was rezoned

from RA-20 (Residential) to CG (General Commercial). This property interconnects with Oscar Road on the Wal-Mart property. Rear access is provided via a private driveway. There is a provision for the extension of a driveway to the property eastward once a development is determined. In accordance with the revised ordinance, a sidewalk is provided along E. 10<sup>th</sup> Street (NC HWY 33). There will be no costs to the City of Greenville associated with this subdivision other than routine costs to provide public services. The City's Subdivision Review Committee has reviewed the preliminary plat and has determined that it meets all technical requirements.

Chairman Parker opened the public hearing.

No one spoke in favor or in opposition of the request.

Chairman Parker closed the public hearing and opened for board discussion.

No board discussion was made.

**Motion made by Mr. Smith, seconded by Mr. King, to approve the plat. Motion passed unanimously.**

#### **OTHER**

ELECTION OF OFFICERS. - CONTINUED

**Motion made by Ms. Reid, seconded by Mr. Smith, to continue the election until next month when more members are present. Motion passed unanimously.**

Mr. Merrill Flood made an announcement that a replacement is needed from the Commission for the Comprehensive Plan Committee since Mr. Jerry Weitz has resigned.

**Motion made by Mr. Smith, seconded by Mr. Schrade, to continue the selection of a replacement to the Comprehensive Committee until next month. Motion passed unanimously.**

**With no further business, motion made by Mr. Smith seconded by Mr. King, to adjourn. Motion passed unanimously. Meeting adjourned at 7:01 p.m.**

Respectfully Submitted,

Merrill Flood, Secretary to the Commission  
Director of Community Development Department