

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION
September 15, 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 –Chair-X
Mr. Terry King - *(Acting Chair) Ms. Chris Darden – *
Mr. P.J. Connelly – * Ms. Margaret Reid - *
Ms. Ann Bellis - * Mr. Dustin Mills - *
Mr. Doug Schrade - X Mr. Mark Gillespie–*
Ms. Betsy Leech-* Mr. Anthony Herring -*
Mr. John Collins -*

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

VOTING MEMBERS: Darden, Connelly, Reid, Bellis, Mills, Leech, Collins, Gillespie

PLANNING STAFF: Thomas Weitnauer, Chief Planner; Chantae Gooby, Planner II, Andy Thomas, Lead Planner; and Elizabeth Blount, Planner I.

OTHERS PRESENT: Dave Holec, City Attorney; Merrill Flood, Assistant City Manager; Scott Godefroy, City Engineer and Steve Hawley, Public Information Officer.

Ms. Chantae Gooby stated that Mr. Mark Gillespie, Mr. Anthony Herring, and Mr. John Collins had completed orientation and are eligible to vote.

MINUTES: Motion was made by Ms. Bellis, seconded by Ms. Darden, to accept the August 18, 2015 minutes as presented. Motion carried unanimously.

NEW BUSINESS

REZONINGS

ORDINANCE REQUESTED BY BILL CLARK HOMES OF GREENVILLE, LLC TO REZONE 41.9410 ACRES LOCATED NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF NC HIGHWAY 43 S AND IVY ROAD FROM RA (RURAL RESIDENTIAL-AGRICULTURAL - PITT COUNTY'S JURISDICTION) TO R9S (RESIDENTIAL-SINGLEFAMILY [MEDIUM DENSITY]).- APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. It is located to the south of the city at the intersection of NC Highway 43 S and Ivy Road. The area mainly consists of single-family residences and farmland. Highway 43 S is a gateway corridor, which serve as primary entryways into the city. This rezoning could generate an increase of 670 additional trips with 80% of trips heading north on Highway 43. The property is slightly impacted by the 100 and 500-year

floodplains associated with Indian Wells Creek. The property is currently zoned RA under Pitt County's Jurisdiction, which allows residential and agricultural uses. Under the current zoning, the site could yield 70-75 single-family lots. Under the proposed zoning of R9S (single-family zoning), the site could yield 140-145 single-family lots. The City Council approved an amendment to the Future land Use Plan Map last month which recommends the property for medium density residential (MDR) and conservation/open space (COS). Conservation/open space is to show the potential for environmental constraints. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan the Future Land Use Plan Map.

Vice-Chairman King opened the public hearing.

Mr. Linwood Stroud of Stroud Engineering, representing the applicant, spoke in favor of the request. He stated that Mr. Clark has been working with NCDOT to provide a right-hand turn lane onto Highway 43 as traffic mitigation for the project. He has the agreement in writing. He anticipates on submitting a preliminary plat for 86 lots for the October Planning and Zoning Commission meeting.

Ms. Betsy Leech asked about potential drainage issues with the surrounding property.

Mr. Stroud stated that as part of the preliminary plat process drainage will be addressed at that time.

Mr. David Manning spoke in opposition of the request. He is concerned about the amount of separation between his property on Ivy Road and the project.

Ms. Gretchen Williams spoke in opposition of the request. She is concerned about traffic and drainage.

Mr. Bobby James spoke in opposition. He stated that he is concerned about drainage. In June of last year, his property was flooded because water overflowed Highway 43 on to his property.

Mr. Stroud, spoke in rebuttal in favor of the request. The drainage will be addressed during the preliminary plat process.

No one spoke in rebuttal in opposition of the request.

Vice-Chairman King closed the public hearing.

Mr. Connelly stated that the project could help with the drainage issues.

Mr. Gillespie spoke about impervious surface coverage increasing and causing drainage issues.

Ms. Leech spoke about using effective drainage design for drainage issues.

Motion made by Mr. Connelly, seconded by Mr. Mills, to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Those voting in favor: Collins, Leech, Gillespie, Bellis, Mills, Connelly and Darden. Those voting against: Reid. Motion passed.

ORDINANCE REQUESTED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO REZONE 19.66+/-ACRES LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH MEMORIAL DRIVE AND WEST BELVOIR ROAD FROM OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) TO CH (HEAVY COMMERCIAL). - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. It is located at the northwest corner of the intersection of North Memorial Drive and West Belvoir Road. The airport is to the south. Only a portion of the State's property is included in this rezoning. The remaining portion will act as a buffer to the neighborhood. The property is vacant and a neighborhood is to the west. North Memorial Drive is a gateway corridor, which serve as primary entryways into the city. There is a regional focus area in the vicinity, where commercial is anticipated and encouraged. The intersection of North Memorial Drive and West Belvoir Road is signalized. The property is impacted by the 500-year floodplain associated with Tar River. The property is currently zoned OR (office-multi-family) and could yield up to 200 multi-family units. Under the proposed zoning, the site could accommodate 40,000+ square feet of heavy equipment and storage. The City Council approved an amendment to the Future Land Use Plan Map in August that recommends the property for commercial with office/institutional/multi-family as a transition to the neighborhood to the west. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan the Future Land Use Plan Map.

Vice-Chairman King opened the public hearing.

Mr. Dan Withers with Rivers and Associates, representing the applicant, spoke in favor of the request. He stated that a sizeable piece of the state's property has been left to serve as a buffer between the project and the neighborhood.

No one spoke in opposition.

Vice-Chairman King closed the public hearing.

Motion made by Ms. Reid, seconded by Ms. Darden, 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 passed unanimously.

TEXT AMENDMENTS

ORDINANCE TO AMEND THE ZONING ORDINANCE BY CHANGING THE PUBLIC STREET SETBACK IN MULTIFAMILY FROM 25 FEET TO 15 FEET AND ADDING THAT SINGLE-FAMILY DETACHED HOMES AND DUPLEXES WILL BE BUILT ONLY ON PUBLIC STREETS.- APPROVED

Mr. Andy Thomas, Lead Planner, presented the text amendment. City Council asked the Public Works Department to prepare a report on private streets. City Council then instructed the Planning Staff to prepare an ordinance that would eliminate private streets as a development option. This ordinance was adopted August 14, 2014.

A portion of that ordinance established "named accesses". A "named access" is for commercial or multi-family developments when there are not enough existing street addresses off the adjoining public street. The City Engineer is responsible for determining when a "named access" is necessary.

Single-Family and Duplex development is allowed under the multi-family standards. The Staff feels that with the deletion of private streets as a development option, it is intended for Single-Family and Duplex development to be constructed on public streets. This amendment would clarify that position and remove the "named access" option for Single-Family and Duplex development.

The Staff is also proposing a reduction in the public street setback from 25 feet to 15 feet. This would act as an incentive for developers to use public streets. A 15 foot public street setback is already allowed in Cluster development. The 15 foot setback is already allowed off private street. Mr. Thomas displayed pictures of 15 foot setback residential developments.

Ms. Bellis asked if all development would occur on public streets.

Mr. Thomas stated that named accesses will be available for commercial and multi-family. Single family and duplexes are allowed in the multifamily standards but those developments would be on private streets. Townhomes, condominiums, and apartments can be on named accesses.

Ms. Bellis asked if the text would eliminate private streets.

Mr. Thomas stated the City eliminated private streets but we still have named accesses streets. Single family and duplexes have to be built on public streets.

Ms. Darden asked if the text is only changing for single family and duplexes.

Mr. Thomas stated correct.

Ms. Bellis asked where the utilities were located in the example pictures of the 15 foot residential developments.

Mr. Thomas stated the utilities were in the right-of-way.

Ms. Bellis asked would there be problems with underground utilities with trees and a front yard.

Mr. Thomas stated that the 15 foot setback will be adequate for trees.

Mr. Connelly asked how low the utilities were.

Mr. Thomas stated that water is four feet and sewer depends on the depth already in the area.

Ms. Leech commented that her concern was heavy equipment used for repairs being able to operate with a 15 foot setback.

Ms. Darden asked if the 15 foot setback just applied to the front.

Mr. Thomas stated correct.

Ms. Darden asked if Willow Run has had any problems with the 15 foot setback.

Mr. Thomas stated no and the City allows a 15 foot setback off private easements so the lots are not losing anything.

Mr. Gillespie asked where the 15 foot setback began.

Mr. Thomas stated from the face of the house to the right-of-way which is located just behind the sidewalk.

Ms. Bellis asked if the distance from the front of the house to the street was greater than 15 feet.

Mr. Thomas stated yes because of the right-of-way. The setback is 15 feet from the right-of-way.

Ms. Darden asked if the sidewalk belonged to the city.

Mr. Thomas stated yes because the sidewalk is in the right-of-way.

Mr. Gillespie asked if single family homes and duplexes were required to have sidewalks.

Mr. Thomas stated yes.

Vice-Chairman King opened the public hearing.

No one spoke in favor or opposition of the request.

Vice-Chairman King closed the public hearing and opened for board discussion.

Motion made by Ms. Darden, seconded by Mr. Connelly, to recommend approval of the proposed text 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. In favor: Connelly, Reid, Darden, Leech, Mills, Collins, and Gillespie. Oppose: Bellis. Motion carried.

ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADDING TEMPORARY SAND MINING AS AN ALLOWED LAND USE WITHIN THE RA-20 (RESIDENTIAL/AGRICULTURAL) ZONING DISTRICT, SUBJECT TO AN APPROVED SPECIAL USE PERMIT, AND ESTABLISHING SPECIFIC CRITERIA. - APPROVED

Mr. Thomas Weitnauer, Chief Planner, presented the text amendment. Mr. Weitnauer stated the City of Greenville received this application for a text amendment from Jeremy Whitehurst of Barnhill Contracting Company, that proposes the addition of a definition and regulations to allow temporary sand mining in the Residential/Agricultural (RA-20) zoning district through special use permits, proposed review criteria and operational requirements. Jim Hopf prepared the proposed language of the text amendment.

Mr. Weitnauer stated sand mining is currently allowed in the I (Industrial) zoning district as a permitted use and is allowed in the IU (Unoffensive Industry) zoning district with approval of a special use permit. This text amendment proposes a new land use for temporary sand mines. Mr. Weitnauer read the proposed definition of temporary sand mining as follows. Temporary Sand Mining. The extraction by excavation of naturally occurring materials, such as sands and dirt ("borrow materials"), from a specifically designated and limited geographical area (which shall be identified by one or more specifically delineated property parcels ("borrow site"), to be used in conjunction with a specifically designated government highway construction project, and which shall be before a specifically designated and limited duration in time that coincides with the completion of the government project. (see also section 9-4-86(SS)). Mr. Weitnauer also presented an excerpt of the table of uses and explained how the proposed text amendment would add a new land use to the table. Mr. Weitnauer said the fourteen standards proposed in the application are available in the slides and stated he understood from an earlier conversation that Mr. Hopf will read through the slides when he takes the podium.

In addition to the applicant's proposed language for the text amendment, Mr. Weitnauer stated the applicant provided documents to show how standards for sand mining borrow pits used for NCDOT projects must comply with stringent DOT standards.

The application also included a map of the area that Barnhill Contracting Company is considering for a temporary sand mine and a conceptual layout of a reclamation plan Mr. Whitehurst is likely to present to the Commission.

Mr. Weitnauer stated the application also includes photographs showing examples of reclaimed sand mining borrow pits created by Barnhill Contracting Company in case Mr. Whitehurst wants to present the photographs. In addition, Mr. Weitnauer stated Mr. Whitehurst has conducted

significant community outreach informing surrounding property owners of Barnhill's interest in establishing a temporary sand mine in proximity to their property.

Mr. Weitnauer presented a map that illustrates locations of property zoned RA-20 throughout the City where temporary sand mines could be allowed under the proposed text amendment, pending special use permit review and compliance with proposed criteria in the text amendment.

In order to amend the Zoning Code to allow temporary sand mines to operate in the RA-20 zoning district, text amendments must be adopted.

Mr. Weitnauer stated he reviewed the Horizons: Greenville's Community Plan, 2004 and said, in staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan, Section 2, FUTURE LAND USE, Vision Areas, Northwest, Management Actions, Objective A19. *Obtain open space and conservation areas in support of the water supply watershed overlay zone goals and objectives.*

Ms. Leech asked would the text amendment include mining, quarrying and temporary sand mining.

Mr. Weitnauer stated that it would only apply to temporary sand mining.

Mr. Gillespie asked staff to describe the special use permit process.

Mr. Weitnauer stated that if the amendment was adopted, then the company would apply for a special use that would appear before the Board of Adjustment (BOA). The approval of the permit would be based on the BOA criteria in Article E of the City Ordinance. Certain special use permits are revocable if not complying with criteria.

Ms. Bellis asked if the special use permit would apply to a specific time frame.

Mr. Weitnauer stated yes.

Attorney Dave Holec stated that the specific time frame is within the definition and that the mining is for a short specified time frame and for a specified use.

Mr. Herring asked what would happen if the company began excavating and unbeknownst to them hit a burial ground.

Attorney Dave Holec stated there are specific state statutes that the company would have to follow if they impact any family burial areas.

Vice-Chairman King opened the public hearing.

Mr. Jim Hopf, Esquire, spoke on behalf of the application and read the following proposed text amendments that set forth requirements for temporary sand mining.

Number (1) No excavation shall occur closer than 100 feet to an adjacent residential dwelling. Number (2) A 50 foot buffer (minimum) shall be maintained between the mining activity and adjacent property lines. Number (3) The borrow site shall be directly related to a designated and approved NC Department of Transportation (NCDOT) highway construction project. Number (4) The duration of the borrow material excavation and use of the borrow site for excavation shall be limited to the completion of the NCDOT highway construction project. Number (5) Upon completion of the NCDOT highway construction project, the borrow site shall be reclaimed in accordance with NCDOT requirements, and shall result in the creation of a recreational water body (lake or pond). Number (6) The borrow site shall have direct access to a primary highway and that highway shall be utilized for the transport of borrow materials from the excavation area in order to minimize the use of secondary roads or residential streets for this purpose. Number (7) No blasting shall be permitted in conjunction with the borrow material excavation or borrow site. Number (8) Any dust or other airborne emissions shall be minimized from the borrow material excavation and excavation area, whether at the borrow site or during transport of borrow materials over the haul route from the site in accordance with NCDOT regulations. Number (9) All loads of borrow material shall be covered when leaving the borrow site for transport over roadways. Number (10) All trucks used for transport of borrow material from the excavation site shall be registered, licensed and meet emissions standards for the State of North Carolina. Number (11) A gravel construction entrance shall be installed and maintained at the borrow site to prevent the tracking of borrow materials onto the roadways from the site, in accordance with NCDOT regulations. Number (12) Hours of operation at the borrow site shall be limited to 6:30 a.m. to 7:30 p.m. Monday through Saturday. Number (13) In order to protect the integrity and safety of roadways, trucks leaving the borrow site shall comply with all weight and load requirements for North Carolina roadways. Number (14) A six (6) foot earthen berm shall be installed and maintained in the excavation buffer area where no naturally wooded or vegetative screening exists between the borrow site and adjacent residential uses. This berm may be removed at the conclusion of the borrow site activity.

Ms. Leech asked for a visual of the distance from the mining to the residents. She stated that the distance was close.

Mr. Hopf stated that the distance was accordance to existing City standards

Ms. Leech asked if there would be any explosive use.

Mr. Hopf stated there will be no blasting, just digging with limited hours of operation.

Mr. Gillespie commented that he felt bad for the houses that are only 100 feet away from the site.

Mr. Hopf stated that it should not be an issue due to the actual location of the homes to the excavation site. The company wanted to strike a balance with the operating hours being extended so they could get done with the project quicker.

Ms. Bellis commented the term borrowed material should be used rather than the word "dirt".

Mr. Hopf agreed.

Mr. Gillespie asked what would be the process if the company ran into inappropriate material.

Mr. Hof stated that the company cored the material before the project.

Mr. Jeremy Whitehurst, representative of Barnhill Contracting Company, spoke in favor of the request. He stated that Barnhill Contracting won the bid for the Greenville Southwest Bypass. The property is approximately 100 acres and will have a minimum of 100 foot buffer around it. The areas that are non-wooded will have a six foot high berm. The property will be solely dedicated to the Bypass project and are required by Department of Transportation to adhere to strict guidelines during and after the use of the property. The company is required to submit plan procedures to the division engineer. They will install erosion control measures to ensure no sediment leaves the property. Once the project is complete, the slopes will be graded and a minimum of 4 feet of water will remain in the pond. Once the company is finished reclaiming the property, they will have one year maintenance period to make any necessary repairs. Upon completion, the property will be turned back over to the property owners. The company has notified the community of the company's intentions.

Ms. Leech asked if the green on the map was a retention pond.

Mr. Whitehurst stated that it was a current borrow pit outside of the City's ETJ.

Ms. Leech asked if it was another type of sand pit.

Mr. Whitehurst stated yes and that it is a prolonged commercial pit.

Ms. Bellis asked if Mr. Whitehurst could continue explaining the rest of his presentation.

Mr. Whitehurst stated that the company spoke with 43 property owners or tenants about the company's intentions. No one had any objections. They also talked to 13 adjacent property owners that signed a statement of notification and had not objection with the intentions of the property.

Mr. Herring asked if the excavation would create a lake or a pond.

Mr. Whitehurst stated it would be a lake.

Mr. David Mayo, property owner, spoke in favor of the request. He owned ½ a mile of adjacent property. He stated that Barnhill has been impressive about notifying the property owners. The property owners in the area are familiar with sand mining. The project will increase the property value because of the lake. He stated that he and several other property owners that were present were in favor of the project and the text amendment.

No one spoke in opposition of the request.

Vice-Chairman King closed the public hearing and opened for board discussion.

Motion made by Ms. Darden, seconded by Ms. Reid, to recommend approval of the proposed text 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 passed unanimously.

OTHER

PETITION TO CLOSE A PORTION OF CHARLES STREET

Mr. Scott Godefroy, City Engineer, presented the petition. The City received a petition from East Carolina University requesting the closure of a portion of Charles Street lying and being north of Tenth Street and at the current terminus of Charles Street. The State of North Carolina owns all the property adjoining the street section requested to be closed. The petition was reviewed by City staff and the Greenville Utilities Commission. Greenville Utilities has requested the placement of an easement over and upon the utilities that will remain in the closed street right-of-way. Budgeted funds for the maintenance of the street section will no longer be required upon adoption of a Resolution to Close by City Council. The City will no longer receive Powell Bill funds for the closed street section.

Vice-Chairman King opened the public hearing.

No one spoke in favor or opposition of the request.

Vice-Chairman King closed the public hearing and opened for board discussion.

No board discussion.

Ms. Darden made a motion, seconded by Mr. Connelly, to approve the petition. Motion passed unanimously.

With no further business, a motion was made by Ms. Darden, seconded by Ms Bellis, to adjourn. Motion passed unanimously. Meeting adjourned at 8:05 p.m.

Respectfully Submitted,

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