

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION

July 16, 2019

The Greenville Planning and Zoning Commission met on the above date at 6:00 pm in Council Chambers of City Hall.

Mr. Michael Overton – Chair- X
Mr. Alan Brock – * Ms. Chris Darden – *
Mr. Les Robinson – * Mr. John Collins - X
Mr. Kevin Faison - * Mr. Hap Maxwell - *
Mr. Max Ray Joyner III - * Mr. Chris West - *
Mr. Billy Parker - *

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

PLANNING STAFF: Chantae Gooby, Chief Planner; Camillia Smith, Secretary

OTHERS PRESENT: Emanuel McGirt, City Attorney; Tom Barnett, Community Development Director; Rick DiCesare, City Engineer; Scott Godefroy, City Engineer; Kelvin Thomas, Communication Technician.

MINUTES: Motion made by Mr. West, seconded by Ms. Darden, to accept the May 21, 2019 minutes. Motion passed unanimously.

OLD BUSINESS

Ms. Gooby also informed the commission that staff will do one presentation for agenda items 2, 3 and 5 due to the properties being adjacent.

Rezoning

ORDINANCE REQUESTED BY ANN C. DAVIS AND JAMES K. COX TO REZONE 40.0635 ACRES LOCATED NEAR THE INTERSECTION OF MILLS ROAD AND HUDSON'S CROSSROAD ROAD FROM RA (RURAL AGRICULTURAL – PITT COUNTY'S JURISDICTION) TO R9S (RESIDENTIAL-SINGLE-FAMILY)

Ms. Gooby explained that staff was providing one presentation for all three requests: Ann C. Davis and James K Cox, Carl W. Blackwood and BMS Builders LLC since the rezoning requests were located in close proximity to each other. However, there will be three separate public hearings. This request is in conjunction with an annexation request. Since rezonings have to be considered by the Planning and Zoning Commission prior to City Council and annexations are only considered by City Council, these rezoning requests will be forwarded to City Council on August 8th. Council will take action on the annexation request first. If the annexation petition is approved, then Council will take action on the rezoning request. If the annexation petition is denied, there will be no action taken on the rezoning requests. All three request could generate a net increase of 2,095 trips per day. These properties were not included in the City's Watershed Master Plan. These properties could drain to the Clayroot or Cow Swamp. Stormwater regulations would require 10-year detention with nitrogen and phosphorous reduction. Existing flood studies end to the east of these properties, therefore, prior to submission of development plans a flood study will be required along with wetland delineation. The flood study will be submitted to North Carolina Emergency Management for approval. Sagewood Subdivision, which is located to the west on Ivy Road, was developed in similar fashion. All of the properties are currently zoned RA under Pitt County's Jurisdiction. Under the current zoning, all three properties could accommodate 375 single-family lots. The City's Future Land

Use and Character Map recommends traditional neighborhood, low-medium density (TNLM) in this area. The map covers this area since the map projects future growth outside of the city's current jurisdiction. The requested R9S is in the traditional neighborhood, low-medium density (TNLM) character. In staff's opinion, the request is in compliance with the Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Vice Chair Robinson opened the public hearing.

Mr. Ken Malpass, spoke in favor of the applicant. This is not a 5- year job but rather a 10 year job. The developer and GUC will share the fees and use bond money toward the cost. This project is similar to Sagewood Subdivision, which was annexed into the city in 2001. It was 2-3 years before you saw anything on the properties. This project could be developed in the county with the same stormwater requirements, the state and city both would have to abide by state regulations.

Mr. Ephraim Smith, former chairman of the Southeast Drainage Corporation, spoke in opposition. He stated that the three parcels total 245 acres and if every hour that you have 10 inches of rain there could be 6.5 million gallons of rain. In 10 hours there could be 70 million gallons of water that would have to be disposed of either in the Chicod Watershed or the Swift Creek Watershed. The water move faster which messes up the ditches and shrubbery and cuts into the banks. The vegetation above it falls into the stream. This is very disruptive to a watershed. Greenville is a growing town. Once a watershed is destroyed, it is very expensive and hard to get it back in place. Swift Creek is the largest watershed and Chicod is where the head waters meet and where tributaries shed out. This amount of water can destroy the travel ways and drainage of the city.

Mr. Douget Mills, spoke in opposition, stated that he lived close to the subject property for over 70 years, if. I was raised on a farm where Hope Middle School is located. There has been no research done on the drainage. House on top of houses and people on top of people. This will cause great drainage problems.

Mr. Parker asked if a study had been done.

Ms. Gooby replied that once the property is annexed and rezoned a more in-depth study will be required before it can be developed

Mr. Simonetti, spoke in opposition, shared with the commission an OPIS printout and pictures of flooded farms in Black Jack. Most of the farms have rural agricultural drain systems, natural ponds and manmade dug irrigation ponds that are linked together from farm to farm. The pond that you have a picture of is on my property and it is fed by a 750 feet ditch, which separates my property from the RDP Management Consultants rezoning property. The 3 farms in question shed water toward Cow Creek which is at the back of the RDP Management Consultants rezoning property. With these rezonings there will be 3 times the amount of homes built than under the county. Also, 3 times the amount of impervious surface such as, concrete driveways and the footprint of the houses, which will prevent the water from running into the ditch. Then the water will run into my pond.

Ms. Janet Bass, spoke in opposition, stated that they just want more houses for money. They say 5-10 years but who's to say. The schools are over capacity: Hope, Chicod and D H Conley. The condition of Mills Road is terrible. Why do you think they put in the traffic circle? EMS is another issue it could more than 10 to 15 minutes if anything happens between 4:30 and 5:00 pm., someone could die.

Ms. Wendy Stallings, spoke in opposition, commented that she has better property than the people that spoke before but still experiences flooding and a has lost 3 mailboxes in 4 years due to people running off the shoulder or misjudging the curb. Farm equipment backs up traffic often and the commute home from the hospital area is 45-50 minutes in the morning and afternoon. If you do county zoning it will slow the process and allow time for the infrastructure to catch up.

Mr. Bill Stacks, spoke in opposition, he moved for the country setting but now is concerned about the traffic increase with that many people coming. There could also be stray cat issues and not enough city workers and police officers. There is a cost that will be associated with paying them, their benefits and retirement

Mr. C. D. Lambert, spoke in opposition, stated that he and his wife built their house in 1975 and the ditch that Mr. Smith spoke about is the property line that runs along the length of the farm. All the land behind us is rural woods and we can't sell it because is flood plain. It stays under water. I have asked the state to clean the ditch in front of my house and they told me that they didn't have enough money. The water would have to stay over the highway in order for them to come and clean ditches out. You want to build 400 homes in that area and the water doesn't drain now. You can drive up Hudson's Crossroads for about a mile and the ditches stay wet all the time. The water that they are talking about is very real. At the intersection of the Hudson's Crossroads and Mills Road, they came in and cleared those lots and brought in ton and tons of sand and dirt. The man that lives in the trailer there now is always flooded. I just don't believe that the city is going to do this to the little man without a voice. We hope that if the Planning and Zoning says no then the City Council will have the guts to say no.

Mr. Aaron Erickson, Pitt County Schools (PCS), spoke in opposition. He sent a letter to the planning departments in Pitt County today detailing the long-term project plan for growth of the school system. The growth planning is based on how parcels are currently zoned, so when you increase the density of the development like you are doing tonight you are changing those numbers. D H Conley is at 111% capacity and the ten-year projection is 139 % if the density stay as it is now. So another 30 classrooms would be needed to accommodate the influx. Hope Middle School is at 106% capacity and the ten-year projection is 128%. Chicod School is at 95% capacity and the ten-year projection is 97%. These number are to the 2028-2029 school year if the density on the parcels don't change. There is a ten-year plan that goes in front of the commissioners every year and we ask for funding, this year we didn't get the funding so the Conley plan goes back a year.

Mr. Faison asked in your professional opinion do you think another high school is needed out there?

Mr. Erickson replied that new classrooms at D H Conley would be needed, however Conley will be at its land capacity. At today's construction cost that would be about \$56 million just for the building. Hopefully development would increase and that would increase the tax base. I want to make it clear I am not against the development at its current zoning because we would have to react to that, I am saying don't make it worse by increasing the density of this development.

Mr. Maxwell interjected that you already have a problem then and we run the risk of compounding.

Mr. Brock asked does the school base it's planning on zoning and not population?

Mr. Erickson replied the PCS partners with the Operations Research and Educational Laboratory at NC State. The lab does the projections for most of the school systems in the state. Every 5 years the information is updated. It is based on projected growth, current student population, and long-term economic impacts that may come to the area

Mr. Faison asked if Horizons 2026 plan is used in the projections because in that plan it includes the possibility for this type of growth.

Mr. Erickson replied it does include the possibility but it favors development closer to the existing city limits

Mr. Joyner stated that the developer sees this as a 10, 15 or maybe 20-year project. Your numbers are based on current zoning. What if it takes 20 years?

Mr. Erickson replied it is difficult to predict 20 years out. The study doesn't go beyond 10 years and that is why you would want to keep the current density as is.

Mr. Jared Randel, spoke in opposition, stated one thing that hasn't been considered is that there will be a huge amount of interest for these homes being in the Chicod school district. Then there will be a rush to market and which will result in a redistricting. This will lead to the area being less desirable because it will not be in the Chicod school district. This will leave a huge amount of empty and unbuilt houses. The precedent has already been set with the previous denial of the adjacent properties. There's nothing different about these three tracts.

Mr. Keith Cox, spoke in opposition stated that he was born and raised on Mills Road and is all about seeing the growth of the city but this is a case of bringing the city to the country. There is a lot of things we do out there that you all haven't considered. There is hunting in this area. I live on a 3rd generation farm and I have always hunted. A cherry picking trend is going to start, a farm here, a farm there. I'm not going to stop doing what I do because the farm next to me is in the City of Greenville.

Mr. Malpass, spoke in favor in rebuttal, he wants to point out the issue with the storm water and curb and gutter drainage. You build detention ponds to the size of the density of what you are building. The more houses, roof tops and driveways the bigger your ponds are going to be. That is regardless if it is in the county or the city. It is the same basic regulations. This area goes to Chicod even though it's on the same road as Hope Middle School but it is based on the population. Both schools are very good and I don't think if the line gets shifted and those kids start going to Hope you will have empty roof tops. Most of the rescue service are volunteers. When you get an emergency call, the county and the city mutually respond like they do in Black Jack. They both may respond. Just like on Firetower Road you get the growth then the fire station, police personnel and future schools. Twenty five percent of property taxes go to paying for the schools and the supporting infrastructure.

Mr. Parker asked how far out does your pro forma go to 5-10, 10-15 or 20 years?

Mr. Malpass replied that's the thing we really don't do. In Pitt County, there are 500 homes built each year. So if you have 700 houses built in this entire project like Sagewood that was done 10 years ago and took 2 years to get all the permits, it will be the same with this. You will not have that much population go into one area not as big as Pitt County is. This is a 10-20 year project.

Mr. Joyner asked Mr. Malpass to address traffic.

Mr. Malpass replied that the roads are maintained by the DOT and they do traffic counts.

Mr. Jared Randel, spoke in opposition in rebuttal, On the 5 tracts of land, you ball parking about 600 new houses. That is 10 trips per house, per day I believe that is the standard for assigning the road capacity. That would put Mills Road at capacity. That is not accounting for the school traffic between the hours of 3-4:30, which already jams the roads. Personally, I don't know if we can act on Mr. Malpass's opinion as he has invested interest.

Vice chairman Mr. Robinson closed the public hearing.

Motion made by Mr. Joyner, seconded by Mr. West to recommend approval of the proposed amendment, to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Voting in favor: Joyner, West, Darden and Brock. Voting in opposition: Faison, Parker, and Maxwell. Motion passed 4:3.

NEW BUSINESS

Rezoning

ORDINANCE REQUESTED BY CARL W. BLACKWOOD TO REZONE 198.8 ACRES LOCATED NEAR THE INTERSECTION OF MILLS ROAD AND HUDSON'S CROSSROADS ROAD FROM RA (RURAL AGRICULTURAL- PITT COUNTY'S JURISDICTION) TO R9S (RESIDENTIAL-SINGLE FAMILY).

Please see the Ann C. Davis and James K. Cox rezoning for staff presentation language.

Vice Chair Robinson opened the public hearing.

Ken Malpass, spoke in favor, and stated that he wanted to give general information that when sewer is available it is best to take advantage so you don't end up with a bunch of little pods, it helps with connectivity and continuity for services to get your tax revenue and be connected. The sewer is out there because of Chicod School, the pump station was added after because it was too far away. Sagewood was the first part of it and you don't want to lose this because it would delay getting things like fire station and other services.

Ms. Stacy Greenway, spoke in opposition, stated that we expect the city and county officials to represent the community and what we want and we see in the vote that just took place is you representing organizations and people who are going to make money off of people that live here and I think that is wrong. I don't think we put people in office to represent organizations and people who make money off of the rest of us. As a health care provider we have a plan before we do anything without a plan and we expect all of you to do the same thing. You say that you recognize that is problems but are going to just hope that they go away by the time everything is in place. I think it is disrespectful for are elected official to treat our money like that.

Vice Chair Robinson closed the public hearing.

Motion made by Mr. Maxwell, seconded by Mr. Faison to recommend denial of the proposed amendment, to advise that, although it is consistent with the Comprehensive Plan, there is a more appropriate zoning classification, and to adopt the staff report which addresses plan consistency and other matters. Voting in favor: Maxwell, Darden, Faison and Parker. Voting in opposition: Joyner, Brock, and West. Motion passed 4:3.

ORDINANCE REQUESTED BY BMS BUILDERS, LLC TO REZONE 7.42 ACRES LOCATED ACRES LOCATED NEAR THE INTERSECTION OF MILLS ROAD AND HUDSON'S CROSSROADS ROAD FROM RA (RURAL AGRICULTURAL- PITT COUNTY'S JURISDICTION) TO R9S (RESIDENTIAL-SINGLE FAMILY).

Please see the Ann C. Davis and James K. Cox rezoning for staff presentation language.

Vice Chair Robinson opened the public hearing.

Mr. Ken Malpass, spoke in favor, representing the applicant.

Mr. Colin Wiggins, spoke in opposition, stated this is a great place to live and this government was founded to be for and by the people, most people tonight have been in opposition of this rezoning.

Vice Chair Robinson closed the public hearing.

Motion made by Mr. Maxwell, seconded by Mr. Faison to recommend denial of the proposed amendment, to advise that although it is consistent with the Comprehensive Plan, there is a more appropriate zoning classification, and to adopt the staff report which addresses plan consistency and other matters. Voting in favor: Maxwell, Faison and Parker. Voting in opposition: West, Joyner, Darden and Brock. Motion failed 3:4.

Motion made by Mr. Joyner, seconded by Mr. Brock to recommend approval of the proposed amendment, to advise that it is consistent with the Comprehensive Plan, and to adopt the staff report which addresses

plan consistency and other matters. Voting in favor: Joyner, Darden, West and Brock. Voting in opposition: Maxwell, Faison, and Parker. Motion passed 4:3.

ORDINANCE REQUESTED BY COLLICE AND ANN MOORE, LLC TO REZONE 1.4268 ACRES LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF STANTONSBURG ROAD AND MOYE BOULEVARD FROM MS(MEDICAL SUPPORT) TO MCG (MEDICAL- GENERAL COMMERCIAL)

Ms. Gooby delineated the property. It is located across the street from Vidant Medical Center. Right now there is former Rite Aid Pharmacy. The hospital area is considered a regional activity center and which means there is a high concentration of jobs and activities. Under the requested zoning, there are a few additional uses such as, retail, dry cleaners, laundry mats. Our ordinance considers retail and pharmacies as separate uses. Staff does not anticipate an increase in traffic. This property is not impacted by the flood plain and no storm water would be needed, if there is not an increase in impervious surface. The property is zoned Medical-Support. The Future Land Use and Character Map recommends Medical-Transition between Arlington Boulevard and Moye Boulevard which is described as a mix of medical and institution use with some locally serving commercial for the residents and the medical area staff. The Horizons Plan seeks to maintain the Medical District for the primary purpose of medical uses with limited commercial. Specifically, the Medical Transition character is for uses that complement the medical area. The Future Land Use plan recommends Medical-Transition. In staff's opinion, the current zoning of Medical-Support satisfies the intent of Horizons 2026: Greenville's Community Plan and the Future Land Use Character Map. Staff recommends denial.

Mr. Parker if it was worse to have a vacant building or going against the City's plan.

Ms. Gooby that's a valid concern, however, as staff we are here to tell you what the plan says and insure that we aren't creating spot zoning. We just want to insure that when it comes to zoning we aren't making ad hoc decisions.

Mr. Robinson opened the public hearing.

Mr. Ken Malpass, representative of the applicant, spoke in favor. The plan is to make the building into 4-5 units, change the façade to complete glass, and no changes to parking lot. It been a pharmacy since 1995 when it was an Eckerd Pharmacy. I think this a good use of taking a building and converting it.

Mr. Parker asked about the two vacant lots to the west and south of the property.

Mr. Malpass replied that if they need additional parking then they will use the lot to the south. The lot to the west is owned by another individual.

No one spoke in opposition.

Mr. Robinson closed the public hearing.

Motion made by Mr. Parker, seconded by Ms. Darden to recommend approval of the proposed amendment, to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

ORDINANCE REQUESTED BY GREGORY BUCK WELCH LEGACY, LLC TO REZONE A TOTAL OF 65.9676 ACRES LOCATED NEAR THE INTERSECTION OF NC HIGHWAY 33 WEST AND ROOSEVELT SPAIN ROAD FROM RR (RURAL RESIDENTIAL – PITT COUNTY'S JURISDICTION) TO R6MH (RESIDENTIAL-MOBILE HOME)

Ms. Gooby explained that this request is in conjunction with an annexation request. Since rezonings have to be considered by the Planning and Zoning Commission prior to City Council and annexations are only considered by City Council, these rezoning requests will be forwarded to City Council on August 8th. Council will take action on the annexation request first. If the annexation petition is approved, then Council will take action on the rezoning request. If the annexation petition is denied, there will be no action taken on the rezoning requests. The properties are currently in Pitt County's Jurisdiction. Gregory Meadows Mobile Home Parks 1, 2 and 3 were developed in the 1970's with septic tanks. The owner would like to get city sewer services. Highway 33 gives access to Tract 1 and Tracts 2 and 3 have access via Roosevelt Spain Road. There is a total of 3 tracts with 173 lots. This request will not generate any additional traffic. The property is not impacted by the flood plain, however if it comes into the city limits it would need to be developed to city standards which includes stormwater. The current zoning is Rural Residential and the requested zoning of R6MH will allow for the mobile home parks. The FLUC recommends for high intensity residential in the area. The area is close to the high density character, it is starting to move out to a low density residential. In staff's opinion the request is in compliance with the Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Mr. Parker asked if under the proposed zoning the owner would be able to change the density or divide the properties.

Ms. Gooby replied that it is a possibility.

Mr. Robinson opened the public hearing

Mr. Linwood Stroud, spoke in favor, representing the applicant, stated that the mobile home parks were created under the county zoning in the 1970's to mid-80's. Through the years the septic tanks have failed and are now currently failing. The Welch family bought the property about 3 years ago and immediately began to make improvements to improve the quality of life of the residents. The problem is that the septic tanks keep getting in the way. Greenville Utilities has agreed to provide the area with water but in order to serve the area with sewer it needs to be annex into the city. The sewage currently comes to the surface and we need to correct that. This improvement will not cost the city anything. The agreement is between GUC and the owners. Currently, GUC has a pump station at Belvoir Elementary that is capable of supporting the development.

Ms. Virginia Welch, applicant, is one of the managing partners of Welch Legacy, LLC and when they bought the property they had grand plans but ran into the septic problems. They wanted to make it more family friendly and put amenities in for the families. We have 65 acres so there is plenty of room. The septic tanks now have taken over. We wanted a playground in all the parks, repave the streets, put in landscaping and a picnic pavilion. We can't do any of this until we get the sewer.

Mr. Aaron Erickson, spoke on behalf of Pitt County Schools system, supports the request.

No one spoke in opposition.

Vice chair Mr. Robinson closed the public hearing

Motion made by Mr. West, seconded by Ms. Darden to recommend approval of the proposed amendment, to advise that it is consistent with the Comprehensive Plan, and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously

REQUEST RECEIVED FOR PRELIMINARY SUBDIVISION PLAT FROM BUDDY LYONS, LEO TERRA DEVELOPMENT, INCORPORATED. THE SUBJECT PROPERTY IS WITHIN CLOSE PROXIMITY TO

YOUR PROPERTY. THE PROPOSED PRELIMINARY SUBDIVISION PLAT ENTITLED, "CARTER RIDGE" IS LOCATED ALONG THE WESTERN RIGHT-OF-WAY OF B'S BARBEQUE ROAD AND BETWEEN WEST 5TH STREET AND MACGREGOR DOWNS ROAD AND IS FURTHER IDENTIFIED AS BEING TAX PARCEL NUMBER 10084. THE PROPOSED PLAT CONSIST OF 324 LOTS TOTALING 127.58 +/- ACRES.

Ms. Gooby delineated the proposed subdivision consisting of 324 lots. Two (2) of the lots are slated to be developed as multifamily. These lots are located at the entrance of the subdivision on B's BBQ Road. The Subdivision Review Board has reviewed and approved the subdivision.

Scott Anderson, spoke in favor of the request, representing the applicant. He stated his firm has worked closely with city staff and NCDOT during the design review process to make sure this project meets all the city requirements. This project does have a single point of access off of B's BBQ Road. Our traffic consultant has work with NCDOT to do traffic assessment and identify any roadway improvements that would need to be incorporated into the development. At a minimum, we think we will have right and left turning lanes off of B's BBQ Road. We do anticipate interconnectivity between the neighborhoods that we will have additional access to B's BBQ and until then there will be temporary access to B's BBQ Road under the fire easement for emergency access. We are using a Cluster development to minimize the impact on the environment and the adjacent properties by maintaining the wooden buffers along Harris Mill Run. The plan provides twice the amount of acreage of open and that doesn't not include the area zone R15S, our open space plus the R15S area is about 54 acres which is about 42% of the property. GUC has adequate capacity to serve this project and I will be happy to answer any questions.

Ms. Joan Miller, spoke in opposition, stating that traffic on B's BBQ is just impossible. You all have seen it. The schools in the area are overcrowded. The buffer to Harris Mill Run isn't large enough. We would like to see more of a buffer.

Mr. Jim Carter, spoke in opposition, stating that his property backs up to Harris Mill Run. We developed an area of 5 acres because that was what was required at the time. We would like to have not such dense housing. Between 11 am to 1pm, the road is impassable. People are parked in the road. We realize there is no legal justification to deny it but there are concerns for the quality of life of those in the area. We expect development but less dense and less of a carbon foot print.

Motion made by Mr. Parker, seconded by Mr. West to recommend approval of the proposed preliminary plat. Motion passed unanimously

Motion made by Ms. Darden, seconded by Mr. West, to adjourn. Motion passed unanimously

Meeting adjourned at 8:36

Respectfully submitted,

Chantae Gooby

Chief Planner