

# ADOPTED MINUTES FOR THE GREENVILLE PLANNING AND ZONING COMMISSION

August 18, 2020

The Greenville Planning and Zoning Commission met via electronic media on the above date at 6:00 pm. Due to COVID-19 safety measures, commission members connected electronically to the meeting from their own locations.

Chairman Robinson said that recent actions by the North Carolina General Assembly has changed the way the commission will vote. Members will hear the item along with the public hearing, the public hearing will be closed, and the item will then be voted on to recess until a special meeting of the Planning and Zoning Commission on August 20, 2020 at 6PM. This will allow the public 24 hours after the hearing is closed to send in written comments via email which will then be presented to the commission. There will not be any public hearings or input during the August 20, 2020 meeting. The commission will discuss the item and then vote on the item in question.

Mr. Les Robinson - Chair *	
Mr. Kevin Faison - *	Mr. Allen Thomas - *
Mr. Michael Overton -*	Mr. John Collins - *
Mr. Alan Brock - *	Mr. Hap Maxwell - *
Mr. Billy Parker - *	Mr. Brad Guth - *
Mr. Max Ray Joyner III - *	Mr. Chris West – *

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

**VOTING MEMBERS:** Robinson, Overton, Parker, Joyner, Maxwell, Collins, Brock, Faison, West.

**PLANNING STAFF:** Chantae Gooby, Chief Planner; Bradleigh Sceviour, Planner II; Tony Parker, Planner I; Margo Castro, GIS Technician II

**OTHERS PRESENT:** Emanuel McGirt, City Attorney; Kelvin Thomas, Communication Technician; Thomas Barnett, Director of Planning and Development Services

**MINUTES:** Motion made by West, seconded by Mr. Joyner, to accept the minutes from the July 21, 2020 meeting. Motion passed unanimously.

## OLD BUSINESS

### **Rezoning:**

2. REQUEST BY AMY A. EDWARDS TO REZONE A TOTAL OF 14.221 ACRES LOCATED ALONG PORTERTOWN ROAD BETWEEN EASTERN PINES ROAD AND NORFOLK SOUTHERN RAILROAD FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO CG (GENERAL COMMERCIAL) – 5.038 ACRES AND R6 (RESIDENTIAL [HIGH DENSITY RESIDENTIAL]) – 9.183 ACRES.

Mr. Brad Sceviour delineated the property. The property is in the eastern portion of town and is at the corner of Eastern Pines Road and Portertown Road. The land is split into two tracts, both zoned RA20 (Residential-

Agricultural), and totaling 14.221 acres. Currently, the property is vacant. The property is not in the flood plain, however it is in Hardee Creek Watershed. If storm water rules apply, then 10-year detention as well as nitrogen and phosphorus reduction would be required. There is an anticipated increase of 4,688 vehicle trips per day. The current zoning allows 10 single-family lots on tract one and 18 single-family lots tract two. Under the new zoning, there could be 43,000 square feet of commercial space on tract one and 110 multifamily units on tract two. In staff's opinion the request in compliance with Horizons 2026 Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Mr. Robinson opened the public hearing.

Mike Baldwin spoke in favor of the rezoning.

Mr. Robinson asked the clerk to read into the record emails that was received via the public input email. See below.

Mr. Robinson closed the public hearing.

#### WRITTEN COMMENTS FORWARDED TO THE PLANNING AND ZONING COMMISSION

Ordinance requested by Amy A. Edwards to rezone a total of 14.221 acres located along Portertown Road between Eastern Pines Road and Norfolk Southern Railroad from RA20 (Residential-Agricultural) to (CG (General Commercial) – 5.038 acres and R6 (Residential [High Density Residential]) – 9.183 acres.

1. Bob Williams  
1330 Portertown Road

To Whom It May Concern:

I have watched Greenville experience incredible growth over the last 25 years. However, I am writing to express concerns about this proposal on Portertown Road without the wisdom and planning necessary to prevent negative consequences for the citizens of Greenville.

Since 1995, Food Lion, Lowes, Walmart and other shoppes have added jobs and revenue to the community. There are also lessons that can be learned from this expansion. The necessary roads and traffic patterns were not in place prior to these developments.

For example, a turning lane was squeezed in on Portertown Road without widening the road. Vehicles cross over the white lines every day; mailboxes are struck on a regular basis and people do not feel safe. Every day, pedestrians are more and more at risk of being struck by vehicles traveling too fast on Portertown Road that is not equipped to handle the volume. Portertown already has considerable delays in all directions due to the volume. The citizens living on Portertown Road and surrounding neighborhoods have suffered many unintended consequences from the ever increasing traffic on the road.

The planning and development of the property proposed for rezoning could make a positive contribution to our community. However, developing this property prior to addressing the considerable traffic issues that already exist here would leave the citizens nearby vulnerable to even more dangerous traffic concerns and further harm.

Additionally, the parcel in question was totally under water after hurricane Floyd. This will require the entire area to be elevated to accommodate residential and commercial buildings and increase the water run off to other properties in the area.

The state funds to support the roundabout/Portertown widening and other necessary enhancements to the traffic patterns have been pushed back several years due to the Coronavirus and other unanticipated expenses. Therefore, I am writing to vehemently oppose this proposal until the appropriate infrastructure is in place to prevent turning the area into a chaotic and unsafe place to live.

## 2. Joseph Davis

I'm writing in regard to the rezoning request for the property near the corner of Eastern Pines and Portertown Rd. Myself and my neighbors have many concerns about this area being further developed. At certain times of the day it is nearly impossible to make a left turn there, off of Easter Pines, which has gotten worse here in the last year with Bills hotdogs patrons pulling out onto Portertown blocking any view for someone going left off Eastern Pines. Something would have to be done BEFORE any rezoning request is considered.

Since this piece land is right next to mine I would like to share some history about it. When Greenville flooded during 1999 about 80% of that land was under water. All of that water ran into lake Glennwood which led Eastern Pine rd being washed out for months, flooding down stream of another subdivision, closure of the bridge on Portertown rd. That land soaked up a lot of that water, my concern is once someone puts a business there and paves that's just more water running into our lake.

Many animals live and use that area to move around this area. Hawks, owls, and even an eagle have nested and perched on the trees along that area. Deer also use it to cross both Eastern Pine and Portertown rd. You ask anyone who comes up Eastern Pines in the morning on a fall day and I'm sure they will say they have seen deer, foxes, and rabbits crossing into that field. We have to leave them some green spaces, I mean it's in our city name Greenville shouldn't we try and think green maybe?

## 3. REQUEST BY HAPPY TRAIL FARMS, LLC TO REZONE A TOTAL OF 33.849 ACRES LOCATED NORTH OF THE INTERSECTION OF HERMAN GARRIS ROAD AND PORTERTOWN ROAD FROM RA20 (RESIDENTIAL – AGRICULTURAL) TO R6S (RESIDENTIAL SINGLE FAMILY [MEDIUM DENSITY]).

Mr. Brad Sceviour delineated the property. The property is in the southeastern quadrant of town and is located along Portertown Road. Currently the property is vacant. A portion of the property is located in the floodplain. The land is in the Hardee Creek Watershed. If storm water rules apply, 10-year detention and nitrogen and phosphorus reduction would be required. The project has the potential to increase traffic on Portertown Road by 766 trips per day. Under the current zoning, the property could accommodate 67 single family lots. If the rezoning occurs, there could be as many as 147 single family lots. In staff's opinion, the request in compliance with Horizons 2026 Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Mr. Robinson opened the public hearing.

Mr. Mike Baldwin spoke in favor.

Mr. Robinson asked the clerk to read into the record emails opposing the rezoning. See below.

Mr. Collins asked Mr. Baldwin to address the tree and wetlands on the property.

Mr. Baldwin stated that the riparian buffers and the wetlands will be protected.

Mr. Robinson closed the public hearing.

## COMPILATION OF WRITTEN COMMENTS FORWARDED TO THE PLANNING AND ZONING COMMISSION

1. Rob Klinger  
Portertown Rd property owner

I feel that inclusion of sufficient nearby property owners is lacking as none of the property owners for the neighborhoods Oak Hill or Oak Hill East appear to be included in this rezoning notification. These neighborhoods are sufficient in size and typical of the area and very close proximity to the subject property; even closer than some of the included properties. Not directly including these property owners is a disservice to the community and surrounding area.

The requested zoning of R6S is not consistent with surrounding neighborhoods and should not be approved. Rezoning of this tract of land should be consistent with surrounding properties and neighborhoods. These county roads are not designed for additional medium density traffic in the area and would put additional strain on local resources. Additionally, it would further strain the school district which is already at capacity.

Medium density housing is generally considered lower income housing with property values reflecting as such. Introducing these lower property values into this area will affect adjacent property values negatively. Forest Glenn, Oak Hill, Oak Hill East, and many other neighborhoods in the area will be subject to lower property values and likely widespread discontent among those property owners, myself included. Lower property values creates lower property tax revenues.

As a licensed general contractor, real estate investor, and owner of an adjacent property, I understand the short and long term impacts of this drastic rezone request as it is not consistent with surrounding properties and not in the best interest of the community and other surrounding property owners.

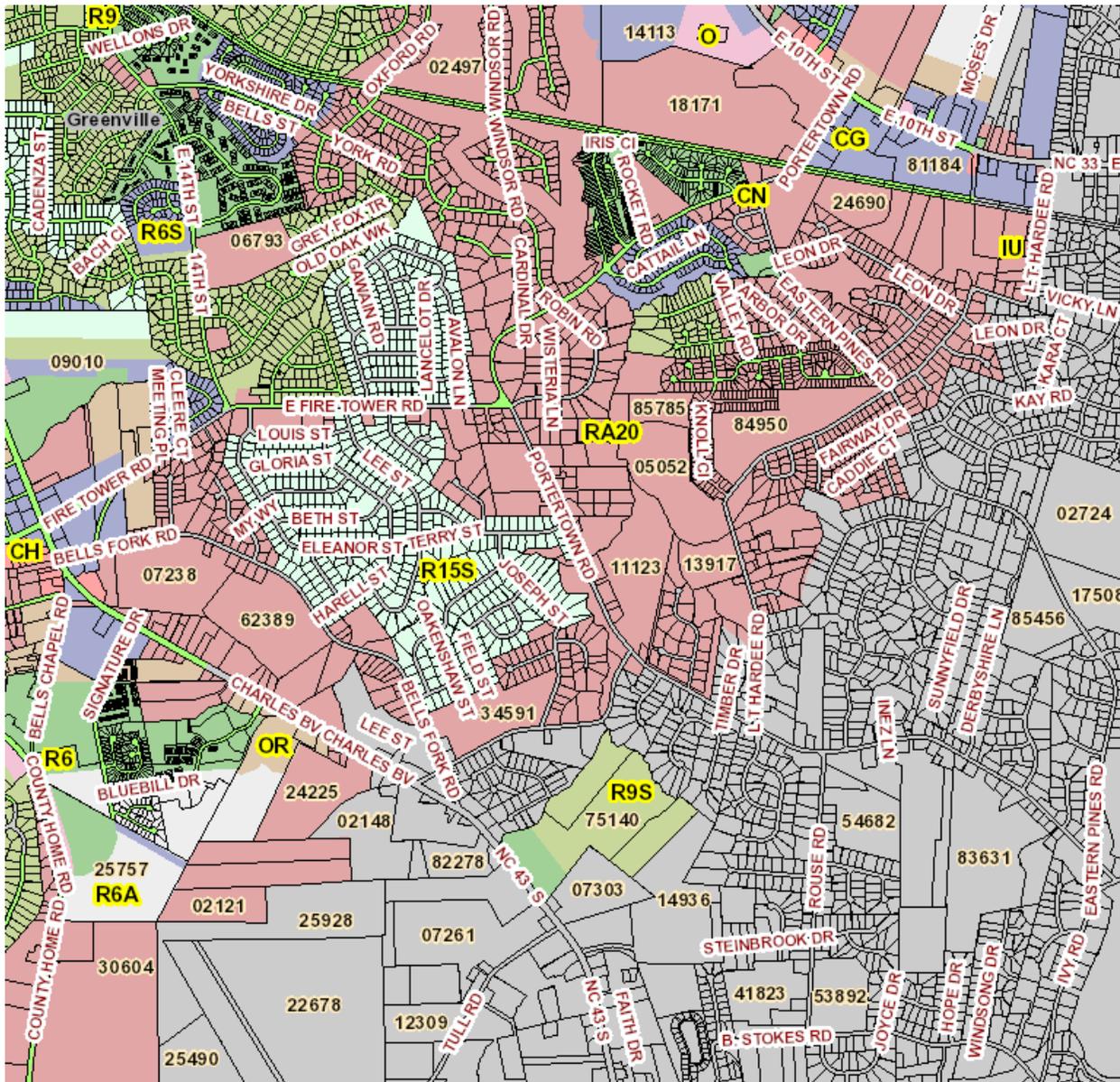
I strongly disagree with this rezone request and urge the Zoning Commission and the City Council to reject this request for the reasons provided above.

In lieu of a zoning designation of R6S, I would be supportive of a rezoning request similar to that of Forest Glenn and Oak Hill neighborhoods as this would be much more consistent with surrounding properties and lessen the strains on infrastructure and school districts all while maintaining property values.

I appreciate your time and consideration of my comments. Please feel free to call or email with any questions.

As the rezoning meeting for Happy Trail Farms has been moved to this evening's agenda, I would like to revisit my previously voiced concerns regarding this request.

In support of my concern regarding the requested zoning being inconsistent with surrounding properties, I would like to point out that this R6S (or anything comparable) zoning type is not located within "miles" of the proposed property. The one property (small neighborhood at Portertown and Catalina Ln, adjacent to Hardee Creek) which is closest is the only property, likely qualifying it an outlier. For reference, I have provided a map for a visual comparison of the vicinity. I'm sure you and the board are familiar with this zoning map. For ease of reference, the purple shaded neighborhoods are R6S.



- Many of them are focused around how the property is developed with regards to compliance to master watershed plans, flooding around Hardee Creek, water quality, erosion problems, etc.
- Residents, as described in the Horizon 2026 plan, like walkable neighborhoods with trails, and green spaces; but the Plan also describes preserving open space and natural beauty and critical environmental areas.
- Additionally, the Plan's first principle describes utilizing underutilized land within the city's existing footprint that is served by existing infrastructure for increased density use as a priority over undeveloped land on the outskirts of town; and, where new development is done, it is done to minimize demand on new infrastructure. Certainly zoning of R6S requires significant infrastructure (Sewer, water, power, and storm water).
- Principle seven discusses connected greenways. No plan has been provided to support any of these plans in conjunction with the requested zoning type. Regardless of zoning type, greenways and supporting infrastructure should be considered and part of the plan.
- Principle eight discusses future developments should take into consideration environmentally safe areas and sustainable practices. Hardee Creek area is an environmentally sensitive area as it has wetlands and floodplain to be considered during all phases of development and construction.
- The Horizon 2026 plan describes Greenville's Transportation mismatch and how future development should be focused to balance transportation between cars, walking, biking, and transit. Approving a development of R6S

goes against the future transportation mix by having a medium density neighborhood not within walking or biking distance to workplace or shopping centers; this forces transportation by car and is opposite of how the Plan wants to move.

•The Horizon 2026 plan admits past development patterns has grown in a way that provides less ability to navigate by foot, thus placing more demand on transit by car and increased stress on roadways, partly due to separated land uses. Zoning of R6S in the subject property would further continue this move in the wrong direction and inconsistent with the Plan.

As always, I appreciate everyone's time and consideration of my concerns voiced above and previously communicated. Again, I strongly recommend the Board deny zoning of R6S (or similar medium density classification) for the subject property.

2. Steven and Lena Previll  
Walden Drive

We are writing to share our concerns over the proposed rezoning of Happy Trail Farms LLC from RA20 (Residential-Agricultural) to R6S (Residential-Single-family [Medium Density]).

As residents of Walden Drive, we are concerned about the potential impact a large-scale residential subdivision (33.849 acres) will have on the Hardee Creek watershed. Developing this large tract of land into a subdivision will change the way this parcel of land handles large rainfall events during major storms.

Hardee Creek is prime to storm flooding. During Matthew, there was extensive damage to roads which crossed this watershed. Developing this land will rapidly increase the volume of water and speed with which it is added to the flow of Hardee Creek, thus increasing the severity and speed of flooding along this waterway. Potential impacts could include flooding of Portertown Road between the Firetower roundabout and 10th Street.

Additionally, property which my wife and I have witnessed flood in our neighborhood during large rainfall events would be impacted far more greatly with the increased runoff from a residential neighborhood. As it stands, we are already concerned about the 5 acre lot currently being developed behind our home and the impact it will have on disrupting the watershed. Rezoning Happy Trail Farms LLC will only further exacerbate the flooding issues already experienced.

We urge the Planning and Zoning Commission to deny the rezoning request.

3. April Blakelsee  
3308 Walden Drive

My name is Dr. April Blakeslee and I live at 3308 Walden Drive, Greenville, NC 27858 with my husband Michael Blakeslee and 2 kids, Ethan and Westley. I am a Faculty Member in the Biology Department at ECU.

From what we understand, much of the rezoned property is former farmland, but in between that former farmland and our property is a stand of trees that contains a wetland and Hardy Creek. We are very concerned that the stand of trees and the wetland should stay intact for multiple reasons:

(1) They help protect our properties from wind damage during major storms. If they are cut down or cut back, they will remove that key source of protection. Considering major storms are a much more frequent occurrence to NC and to this region in particular, having that protection remain intact is vitally important to all of our properties. In just the 5 years we have lived here, there have been 4 major hurricanes or tropical storms to impact our area. (Matthew, Florence, Michael, Dorian)

(2) They help protect and mitigate our properties from flood damage. We have seen Hardy Creek fill up during major rain events and flood into the wetland and then into our property. However, the waters recede fairly quickly following the storm, and the trees are the main contributor to the receding waters. If we lose the trees, we risk major flood damage to our properties. During Hurricane Matthew, according to the National Weather Service, eastern NC reported 12-18 inches of total rainfall, for a storm that lasted about a day here. During that storm, our garage ended up with a foot of water in it. Yet those waters receded fairly quickly and the damage to our property was minimal. Without those trees protecting our property, we are certain the damage would have been much more substantial.

(3) The trees help to prevent erosion from flooding and rain events. Erosion would be incredibly damaging to our property and all surrounding properties, and is also detrimental to wildlife.

(4) The trees surround a wetland, which is a critical habitat for protecting and maintaining biodiversity and also ecosystem services like detoxification and flood mitigation. We consistently see and hear a wide diversity of terrestrial and aquatic species, like owls, multiple species of songbirds, deer, foxes, and reptiles and amphibians. In particular, we see quite a few frogs. Frogs are often a sign of healthier habitats since they are sensitive to degraded landscapes. I fear we will lose those indicator species and the ecosystem health surrounding our property if the wetland is not protected.

(5) From a personal perspective, we bought the property because it is surrounded by so many trees. Aesthetically, it is a beautiful place to live in, and we enjoy hearing and seeing the biodiversity around us. We do not want to lose that.

**Text Amendment:**

**4. ORDINANCE REQUESTED BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO AMEND THE CITY CODE BY CREATING A USE CLASSIFICATION AND ASSOCIATED STANDARDS FOR SMALL PRIVATE SCHOOLS.**

Ms. Gooby began the presentation of staff by explaining what a text amendment is and outlined the history of the text amendment being considered. A text amendment is an amendment to the zoning code. Text amendments go before the Planning and Zoning Commission, who make a recommendation. Next the amendment goes to City Council for final approval or denial. Text amendments are advertised in the newspaper, but it is not required or typical for written notifications or sign postings to be made since text amendments are city-wide. With this amendment, staff mailed approximately 500 letters to residents in the neighborhoods on more than one occasion to notify the residents. The school is currently operating under a special use permit (SUP), which would essentially go away once the text amendment was in place. In this situation, Staff had to work with a facility that was already built while crafting an amendment that would be applicable city-wide. The amendment was written to regulate operations of the facility and to add layers of protections for residents.

Timeline

In 2015, John Paul II Catholic High School (JPII) was granted a Special Use Permit (SUP) by the Board of Adjustment (BOA). In 2018, it was amended to include the athletic fields. On September 25, 2019, the City hosted a meeting between JPII reps and the neighborhoods over concerns with the field lights and sound system.

At the January 1, 2020 Planning and Zoning Commission meeting there was an application to rezone the school's property to OR (Office-Residential [High density multi-family]), the property owner withdrew the application due to neighborhood concerns and Planning Staff's objections to the rezoning. The property owner said he would pursue a different option and would work with the neighborhood. The two options were 1) to ask the Board of Adjustment to modify the special use permit (SUP) for the school and athletic fields or 2) request a text

amendment. The property owner did not want to ask the Board of Adjustment to modify the special use permit because any of the conditions in the permit were subject to modification. The property owner submitted a generic text amendment and Planning Staff took the lead on the amendment and made adjustments to reflect the concerns of the neighborhoods and the City to the best extent possible.

On May 5, 2020, representatives of JP II hosted a Zoom meeting with the property owners to address issues related to the school as well as the proposed amendment. Planning Staff was invited to attend and gave a presentation on the proposed amendment.

On May 19, 2020, Planning and Zoning Commission held a public hearing. Neighborhood asked for more time to work with staff. P&Z adopted a motion to this effect. The item was continued to the June meeting.

On June 9, 2020, Staff met via Zoom with several homeowners to discuss the text amendment. The homeowners had established a small group within the neighborhoods (Planter's Walk, Planter's Trail and Quail Ridge) to work directly with Rich Balot. The group had already met with Rich Balot and had questions for staff.

On June 11, 2020, Staff met via Zoom with two homeowners to discuss the SUP.

On June 16, 2020, Staff asked the Planning and Zoning Commission to continue the item so that all parties could continue to work together. The item was continued to the July meeting.

On June 25, 2020, Staff and City Attorney McGirt had a phone conference with Tom Feller to discuss the SUP and text amendment.

On June 30, 2020, Planning Staff hosted an in-person public meeting to hear concerns and solicit comment from the community. Approximately 17 people attended the meeting. Those that attended asked Planning Staff to hold a Zoom meeting because many owners did not feel comfortable attending an in-person meeting due to COVID.

On July 16, 2020, Staff held a Zo21 to broaden participation. Approximately 30 people attended that meeting.

On July 21, 2020, Staff asked the Planning and Zoning Commission to continue the item so that all parties could continue to work together. The item was continued to the July meeting.

On July 20, 2020, Rich Balot and the neighborhoods met on-site to test sound and lights.

She then discussed how staff went through several of the questions from residents, answered them, and then posted them on the city website for any citizen to access.

Mr. Collins asked Ms. Gooby to clarify staff's position on the text amendment.

Ms. Gooby replied that first there was a Special Use Permit from the Board of Adjustment. Next there was a rezoning request that staff recommended denial, which led to the text amendment. The difficulty with the issue is the facility is already built. When Mr. Balot presented a text amendment, staff realized it was very generic and too vague. Started working on crafting the amendment to work citywide.

Mr. Sceviour outlined the text amendment for the commission. He defined what would be considered a small private school under the amendment and the zoning districts these schools would be allowed. He outlined changes staff has made to the amendment, and the differences between the Special Use Permit (SUP) and the text amendment. The text amendment defines limits for usage, and measurements for lights and sound, which does not exist in the SUP. He pointed out that the school currently could operate the facility around the clock. The text amendment curtails third party usage of the facility.

Mr. Parker asked if the limit is for one third party usage a week, or could different multiple third parties also use the facility.

Mr. Sceviour replied that there would be one event allowed per week with lights and sound.

Mr. Parker asked if the intent is to limit third party usage to usage of the lighting and sound, and if others could use the facility without the lighting and sound.

Mr. Sceviour said he was correct, the intent is to lessen the usage of the nuisance issues.

Mr. Faison asked for clarification, stating that the third party operators could use the facility more than once a week without light or sound.

Mr. Sceviour responded that was correct and there are hours of operation for lights and sound.

Mr. Maxwell asked if the school could have an event and the third party operator could have an event in the same week.

Mr. Sceviour replied that the school is not limited to the number of events, just the hours of operation.

Mr. Robinson opened the public hearing.

Mr. Rich Balot spoke in favor of the text amendment. He said that he has had several face to face meetings with several residents of the neighborhoods, and has conducted sound and light tests. He had a sound limiter installed that will prevent the sound level from exceeding the unit's setting. He felt that his interpretation of current city code was that sporting events were exempt from sound limits.

Mr. Faison asked if any of the sound tests used actual sounds from a mock baseball game or anything similar.

Rich Balot said that with the current pandemic it was impossible to conduct this type of test. He also said the complaints arise from amplified sound.

Joni Torres said that she and others do not object to the special use permit. Their objection to the text amendment is the ability for third parties to use the facility. In addition to the amplified noise, the neighborhoods will be impacted by fan and band noise. The text amendment is a solution in search of a problem, and that the problem is the facility was built first and the owner now wants to change the rules of usage.

Ann Hamze said that she was opposed to the text amendment.

Donna Jacobs spoke in opposition. She said the over 300 signatories on the petition signed voicing their opposition to the text amendment. The neighbors supported the school use of the facility during the school year, and not year round use by third party operators. Ms. Jacobs asked that if the text amendment is passed, then a cap on third party usage should be added. She believed the text amendment cap would be 82 hours per week by third party renters.

Gary Mayo spoke in opposition. He said he was concerned about the noise level and the amount of usage. He believed the facility would be used every Saturday, which would impact his family's quality of life. He proposed third party usage limited to one time per week, no more than two times per month. There had been discussion about limiting third party usage on Sundays. He said staff did not include limiting Sunday usage. He also stated that a cap of 75 decibels is insufficient, saying that OSHA requires hearing protection at 85 decibels.

David Wilson-Okamura spoke in opposition. He stated that decibel scales are logarithmic. An increase of 10 decibels is a 1000% increase in perceived loudness. He felt that the property owners of the neighborhoods needed

zoning protection. He asked why Mr. Balot was receiving special treatment others do not get. He asked that the text amendment be withdrawn and the owner of the facility and the neighborhoods continue to negotiate.

Dave Caldwell spoke in opposition. He stated that the neighborhood representatives asked Mr. Balot to bring the SUP back for modification over the text amendment, which Mr. Balot refused to do. He and his neighbors wrote the city manager and asked the amendment be withdrawn and the process be started once again without the input from planning staff. He said 33 homeowners signed this letter. He then requested that the text amendment be withdrawn. He also said the commission could vote the amendment down.

Mr. Faison asked if the letter was separate from the previous petition.

Mr. Caldwell replied in the affirmative. They did this because he felt the process was failing the neighborhoods.

Mr. Faison asked how many homes were in the adjacent neighborhoods.

Mr. Caldwell replied the homes were those that abut the facility.

Mr. Maxwell asked if the commission could receive a copy of the letter that was sent to the city manager.

Mr. Caldwell said that he would send a copy of the letter to the commission.

Amy Carr-Richardson spoke in opposition. She spoke of her concern with increased traffic on 14<sup>th</sup> Street due to usage of the facility. She relayed her worry about emergency vehicles having access to their neighborhood since there is only one entrance and exit.

John Reisch spoke in opposition. He stated the template is too vague for small schools. A small school located in an industrial area should be able to operate under different rules. Just because the school built the facility should not trump the rights of other property holders. The SUP limits third party usage and should remain in place.

Thomas Feller spoke in opposition. He said he would clarify what the commission was voting for, and would submit his detailed explanations for their considerations prior to the August 20, 2020 meeting. He asked that the text amendment be withdrawn.

Thomas Huener spoke in opposition. He said the speakers represent scores of people who were unable to be there. He agreed progress was made but did not meet the needs of what the residents feel are necessary. He asked that the text amendment be withdrawn or voted down.

Kathryn Verbanac spoke in opposition. She stated that all of the speakers represent the neighborhood and ask that the text amendment be either withdrawn or voted down. She stated that there is confusion as to the role of staff.

Brett Kieper spoke in opposition. He stated that he is concerned about the enforcement of the amendment with regards to the third party. The text amendment is a fix for the SUP. They were told that third party operators would not be able to use the sound and light. Now the text amendment allows such.

Mr. Robinson referred the Commission to comments that were received via the public input email. See below.

Mr. Robinson closed the public hearing.

Mr. Barnett addressed the commission. He said when dealing with issues such as this, there are really only three options. A zoning change, which was rejected by the commission and was not supported by staff. The SUP could be revisited, but the owner has chosen not to do this as is his right. The text amendment was the option left by staff to help negotiate the request and needs of the property owner and the residents. Staff worked to make the

amendment a broad city-wide tool. He said that staff would be open to any modification requests from the commission.

Mr. Faison asked if Mr. Barnett felt this amendment was the most harmonious compromise for all parties.

Mr. Barnett said yes, and the amendment was crafted for city-wide usage.

## IN OPPOSITION

### 1. Debbie and Bryan Rogers

My husband and I will be out of town next week with no Wi-Fi and thus unable to access and attend the Zoom meeting. We wanted you to know that as residents of Planter's Walk, we are very committed to the continuation of discussion with Rich Balot and the continued issues with the JP II athletic field and potential rezoning from SUP to text amendment. Please allow enough time to continue the process with discussions and negotiations to amicably resolve some of these concerns!

All 3 of the affected neighborhoods are trying in good faith to come to some agreement on the issues with the athletic field owner and would feel blindsided by our city if we are not afforded the chance to work these issues out by an early vote by P & Z to change to a text amendment. Thank you for listening and taking our concerns seriously.

### 2. Donna and Bill Jacobs 1805 Plantation Circle, Greenville

Dear Commissioners,

There are OVER 300 PETITIONERS opposed to the adoption of this Text Amendment. Let me repeat that statement... there are OVER 300 HOMEOWNERS/TAXPAYERS on record who are OPPOSED to the Text Amendment. And I am only 1 of these.

I personally attended the Planters Walk HOA meeting in the JP II cafeteria where Rich Balot and JP II presented their plans for the proposed athletic field. We believed their promise that the field would be ONLY used for their school activities that would include about 6-7 home football games. We trusted their integrity and have been deceived. Now Tom Barnett is throwing in our faces that we should have made public comments on the record during the Board of Adjustments' meeting about what we were promised at that cafeteria meeting. If you can't trust a church, then who can you trust?

The athletic field was never intended or ever approved for the non-stop 3<sup>rd</sup> party use (82.5 hours/week, 365 days a year!!) that would be allowed if this Text Amendment is approved. Any small college would be thrilled to have a similar complex on their campus but this size athletic complex in this location in the center of multiple high population neighborhoods on an already busy 14<sup>th</sup> Street is an absurd idea. Rich Balot and JP II knew what was already established before the athletic field was built. How is it even possible that this idea is even being seriously considered?

I could go on and on with objections to this proposed change but I will only say one thing brought up repeatedly is the notion that this Text Amendment will "increase access to a civic site". This sounds like it will be a type of community playground that everyone can access. On the contrary: All of our neighborhoods are fenced off by threatening "Private Property – Keep Off" signs and a very unattractive chain link fence. JP II alone would decide who gets to use the field, and it will not be the public's decision. It is not like the neighborhood kids can bike over to use the "civic site".

This should be a simple decision based on what is best for the community at large. The community has overwhelmingly expressed our opposition to this Text Amendment and voiced our desire to keep our neighborhoods' peace and quiet. Please listen to us.

This should not be a political decision. It should not be a "good old boy- I'll scratch your back and you scratch mine" decision. (I have heard disturbing comments that because Rich Balot's company is bringing jobs to the area that "he will get what he wants". I hope this is incorrect.)

Question: Should the rights of 1 entity outweigh the rights of over 300 homeowners and their families who have shown overwhelming opposition? We, the residents of Planters Walk, Planters Trail and Quail Ridge (and others), are asking you to put yourselves in our shoes and not destroy our neighborhoods.

In conclusion, we can talk until we are blue in the face about days of use by 3<sup>rd</sup> party rentals, hours of use, foot candles of light measurement, and sound decibel measurements, etc. but the bottom line is that **this Text Amendment should be voted down**. Expanded use of the complex is not appropriate for this specific location and the best interests of the neighborhoods surrounding it. Period.

3. Kimberley Hinnant  
2041 Quail Ridge Road Unit C

My Name is Kimberley Hinnant. I live at 2041 Quail Ridge Rd. Unit C which is very close to the JP2 football field (just three town homes down from the football field). On the night of July 20<sup>th</sup>, 2020. Rich Balot scheduled and conducted a light and sound test in order to fix the problems with the extremely bright lights (and glare) as well as the overwhelmingly loud sound of the amplified loudspeakers.

It is my understanding that Patricia Anderson a resident in Planters Walk wrote a glowing letter on behalf of Rich Balot stating that the light and sound test was a success and that everyone that participated in the test was happy with the results. However, this was NOT the case for me.

The problem I've been having is with the excessive sound from the amplified loudspeakers. Before the test as a compromise to Rich I told him, I did not mind hearing the speakers outside my home, but I absolutely did not want to hear the speakers inside my home. The sound test was supposed to start at 7:00 pm. I was told that once the test started someone would be coming to my home with a decibel meter and test the decibels inside my home while the test was being conducted. That never happened. The people conducting the test had my contact information and I never heard from anyone until 8:15 pm. All the while I was walking outside my home and then back inside my home to see if I could hear the speakers on the outside then on the inside of my home. For me the sound test was very confusing, frustrating, and unorganized. When I was finally contacted at 8:15 pm I was told the sound test did not start until 8:00 pm because there were problems with some of the speakers. I was also told that Patricia Anderson was supposed to text everyone that had signed up for the test to let them know the test had been delayed. I was never sent a text message.

After the call I received at 8:15 I again started walking outside then back inside my home to listen again to see if I could hear the speakers inside my home and I could hear them a little. I received a call again at approximately 8:45 pm asking me if I could hear the speakers in my home and my response was IF the last time they conducted the sound test was at 8:35 pm then I think I could barely here the sound inside my home, but I was still not sure because I did not know if they were testing the speakers at 8:35 pm. Like I said before, the test was very confusing, frustrating, and unorganized (running outside my home then back inside for almost 2 hours).

A couple weeks after the test we (the participants of the test) received an email stating that the sound test was going to be redone. Because of obvious reasons I was happy the test was going to be redone. However, my

optimism was short lived because I received a condescending email from Rich Balot stating there was nothing wrong with the original sound test and there would not be a second sound test.

Lastly, I was told by several people that took part in the light and sound test that Rich never tested the lights or speakers at the baseball field. In my email correspondence with Rich I asked him why he did not test the baseball field and he said he did test the baseball field. After my correspondence with Rich I contacted the same (very reliable) people that took part in the entire test for the entire night and they insisted Rich did not test the baseball field. To be fair I have to say I did not notice if the baseball field was tested or not, but I tend to believe the people that have always been honest with me over someone that has not.

#### 4. Charles and Betty Wall

As a Greenville citizen and homeowner in Planter's Walk with property adjacent to the complex, I am concerned that the original request limited to the high school may be adjusted to permit other uses.

Will the lights and noise be changed or modified in such a way that homeowners that did not experience problems at the recent test be affected the next adjustment? Will our properties be impacted by value or ability to sell? Will the peace and tranquility we have experienced over the past 30 years be a thing of the past in order to make other people happy for a few hours?

Our new neighbors are a religious institution and we expect the same respect that we get from residential neighbors.

#### 5. Donna and Bill Jacobs 1805 Plantation Circle in Planters Walk

Thank you for listening to me and my neighbors at tonight's mtg. I hope you heard from our comments that we are just like you in that we want to enjoy our quiet, peaceful neighborhoods that we have worked so hard for.

We were misled by Rich Balat from the beginning when he and JP II shared the plans they had for the property before it was built assuring us that it would be for school use only which would include 6-7 home football games. Now he wants to change the approved SUP to a Text Amendment to allow 3<sup>rd</sup> party rentals. This changes EVERYTHING since it opens the door to non-stop traffic, crowds of people coming and going, noise, cheers, and yelling – And I haven't even talked about the events with light and sound.

It is a beautiful complex but it should be used for how it was approved. Not come in after it is built and try to sacrifice our neighborhoods' peace and quiet. As I said tonight, it feels like "Bait and Switch" to us. Even Chantae Gooby repeated several times that they were having to do the best they could with the situation because the complex is ALREADY built.

As Mr. Max Joyner said at the May 22<sup>nd</sup> mtg, -" Planning and Zoning wants to do what's best for the community BUT also taking into account the neighborhoods that have been there for a long time." Over 300 homeowners from Planters Walk, Planters Trail, Quail Ridge and others have overwhelmingly signed petitions opposing this Text Amendment. That should mean something, Mr. Joyner.

My hope and prayer is you will vote against this Text Amendment. But if I am wrong, I do have a few follow up questions if you vote to approve the Text Amendment:

- 1- If JP II "sponsors" a charity event (like Walk for Life), and allows them to use the field with lights and sound, is this considered a school event or would it be considered a 3<sup>rd</sup> party event? I think it would be a school event and that is why I am concerned that there will be numerous similar events, not counting all the sports practices and other uses of the field. I am expecting many events like this

“sponsored” by JP II. Could the wording be changed to clarify that “sponsored” events are considered 3<sup>rd</sup> party events not school events?

- 2- After re-reading the newest draft of the Text Amendment I feel there needs to be clarity. Item 10 states hours of operation but does not state an appropriate beginning time. However, item #11 says “No Outdoor amplified sound equipment shall be operated prior to 9:30 am.” So are we left to assume: If a 3<sup>rd</sup> party is using the field WITHOUT lights and sound can they start prior to 9:30 am? That seems to be one interpretation.

I said tonight, I am basing my total hours of use by 3<sup>rd</sup> parties on the 9:30 am start time assumption. (This is NOT a 3<sup>rd</sup> party event with light and sound. It is ANY 3<sup>rd</sup> party use.)

Mon.- Thurs 9:30 am – 9:30 pm	12 hrs x4 days =	48 hrs
Fri – Sat 9:30 am – 11 pm	13.5 hrs x 2 days =	27 hrs
Sun. 9:30 am – 5 pm	7.5 hrs x 1 day =	7.5 hrs

**Total Hours = 82.5 Per WEEK!**

- 3- Tom Barnette said both sides will be unhappy with the Text Amendment. I see how the neighborhoods would be unhappy with our peace and quiet and our quality of life being disturbed on a regular basis, but I don’t see why Rich Balot would be unhappy. If you vote to approve, he is getting what he wants.

I hope you will give this Text Amendment serious thought. It makes a big difference in the lives of hundreds of families if it is approved and we have the most to lose. Please vote against the Text Amendment.

- 6. Patricia Dragon  
1709 Paramore Dr.

I am writing in response to the request for comments on the proposal to expand the use of the athletic fields at John Paul II High School. I would like to add my voice to those in urgent opposition to this proposal. My house is located across 14<sup>th</sup> Street from the school, and I have an objection to the levels of noise, traffic, and light the frequent use of these athletic fields will occasion. While these things would inconvenience me, they would seriously detract from the quality of life and home values of my neighbors in the Planter’s Walk and Quail Ridge subdivisions. I urge the Planning and Zoning Commission to reject the rezoning request and leave the original use permit in effect, allowing only JP II and St. Peters School to use the complex during limited hours.

- 7. Ann Hamze  
103 College Court Drive  
Greenville NC 27859  
252-758-4222

I stand with the neighborhood associations that are directly affected by the third party use of the John Paul II athletic field. From my understanding the neighborhoods agreed to the Special Use Permit (SUP) and they still want the SUP to be the binding agreement including the stipulation that athletic events be limited to those of JP II and St. Peters. Mr. Balot’s offer to adjust the lights and the sound levels are just good neighborly concessions and are to be expected and commended. If the City of Greenville needs new text amendments for lighting and sound near established neighborhoods, then a code or text amendment to that effect should be introduced citywide, not tailor made for small private schools.

I live near Jaycee Park and Eastern Elementary School. Those areas are generally available to the public and the scale of those venues and the accompanying light and sounds are modest. It is one of the reasons my family chose to live in College Court Coghill. The city's planning department cites Horizon plan 5.2.3 regarding "access to civic sites" as a reason to adopt the text amendment. I don't believe JPII's athletic fields are accessible to the nearby residents. The entire field is fenced in from the adjacent neighborhoods. I'd venture to say residents are more likely to drive to a city park before they would access JPII for any recreation.

I serve as the chair for the City of Greenville's Neighborhood Advisory Board. We have been unable to meet since February but several board members have kept up with the JPII issue. Noise and lighting issues have been a concern in several areas in the city and discussed in previous NAB meetings. The NAB encourages neighborhoods to form associations and to be proactive in creating liveable communities. Certainly we would support that neighborhoods/homeowner associations be given every consideration when they advocate for themselves.

In conclusion, I recommend that the Planning and Zoning Commission reject the proposed text amendment.

8. Jim and Sharron Huza

We are opposed to the amendment.

9. Julie Yount  
Planter's Trail property owner

PUBLIC INPUT Re: Response to discussion re: Text Amendment requested by JPII during 8-18-20 P&Z Zoom Meeting

To Whom it May Concern:

Given feeling simply exhausted by needs to continually voice concern and opposition re: the proposed Text Amendment via speaking at public hearings, speaking at and participating in Zoom meetings, participating in neighborhood meetings, sending in letters and emails of opposition, and signing petitions, I'd like to simply echo with full agreement the letters sent by Ms. Torres and Mr. McLawhorn as well as the comments by Dr. Keiper, Dr. Carr-Richardson, and every other neighbor who spoke in opposition to this text amendment during this last (and every other) P&Z meeting.

The City Staff seemed exhausted, too. However, the homeowners are exhausted by hearing things presented that are simply not true or are skewed versions of the situation. Ms. Gooby suggested that this situation is so difficult because we are dealing with an "already-built" athletic facility. No. This situation is difficult because the builder of an ill-placed athletic facility no longer wishes to abide by the SUP under which it was approved and under which neighbors believed the enjoyment of their homes and value of their properties would be protected.

Mr. Barnett suggested that there were only 3 choices in this situation: 1) the original zone change request that Mr. Balot withdrew after obvious valid opposition from the neighborhoods and the planning department 2) creation of a new SUP- not acceptable to Mr. Balot, so off the table. or, 3) the proposed text amendment

This is quite a contradictory assessment of the situation. Completely valid options include recognizing that number 2 above is actually a very reasonable option or 4) voting against this text amendment and continuing to abide by the existing SUP that affords JPII more than adequate use of the athletic facilities while understanding that this sits in the middle of residential neighborhoods where hundreds of Greenville citizens and voters live.

Vague threats as were made last night reminding neighbors that JPII “could” use the facilities as much as they wanted under the existing SUP are unprofessional and not realistic. The school’s primary function should be providing the students with an education; to suggest they have time to use athletic facilities 24/7 as a threat shows disrespect for both the school and the neighbors.

This is not the right facility or location for third-party use. This text amendment is not needed for the city and is not needed by any other small private school in Greenville; the text amendment crafted is clearly the shoving of a square peg solution into a round hole need. There are hundreds of homeowners in opposition to this text amendment, most of whom are more than willing to work with Mr. Balot on a new SUP. If opening up consideration of a new SUP is considered too risky by Mr. Balot, you should question why that may be the case. We are certainly questioning why this vote isn’t more clear cut to Board members when it involves one landowner and hundreds of homeowners in opposition to his proposal.

10. Amy Carr-Richardson

This is the same statement, in essence, that I shared with the Planning and Zoning Commission during their meeting last night.

I live in Planter’s Trail, and I hope that our neighborhoods and John Paul II High School can be good neighbors and friends to each other. However, I have a concern about safety that relates to the proposed increased use of the JPII sports complex. With the increase of traffic on 14<sup>th</sup> Street that would come with increased use of the sports complex, it seems as if there could be a risk of delay in emergency services, such as firetrucks and ambulances, reaching someone in need in Planter’s Walk, Planter’s Trail, or Scarborough neighborhoods, and also a risk of an ambulance being delayed in leaving these neighborhoods quickly while taking someone to the hospital. These three neighborhoods contain a total of almost 200 homes. Because there is only one entrance to our neighborhoods from 14<sup>th</sup> Street, and it is located close to a busy intersection with Firetower Road, as well as close to the entrance of the JPII sports complex, additional traffic related to large gatherings of any kind (whether sports events, or even indoor concerts or events in their gym), at the complex could contribute to this situation for people living in these three neighborhoods. People living directly on 14<sup>th</sup> Street, in Quail Ridge, Windy Ridge, Tuckahoe, and any seriously injured athlete, or any other person with emergency health needs attending an event at JPII, could also be negatively impacted by this situation, although there are two entrances from 14<sup>th</sup> Street into those other neighborhoods. Recent studies by the state’s DoT and public input to that process should be helpful in considering this situation.

Especially for those of us living in neighborhoods with only a single entrance on 14<sup>th</sup> Street, it is an important safety issue that could even make a difference in saving someone’s life, if there were a medical emergency, or in limiting damage to a home, if there were a fire. For the sake of everyone involved, including athletes and spectators at JPII, as well as residents of our neighborhoods, I appreciate attention to these safety concerns, by Greenville City Officials and the Planning and Zoning Commission.

11. Thomas J. Huener  
1800 Old Mill Court

As a long time resident of Planters Walk, I am grateful for your attention at last night’s meeting to our very serious concerns regarding the proposed Text Amendment to the JP II Special use Permit.

Many of have written and spoken expressing our strong opposition as neighbors to this amendment. I have already expressed my concerns publicly, but would, however, simply add the following:

- 1) The Text Amendment remains a document written by city staff for Mr. Balot's needs with insufficient regard for the needs of the surrounding neighborhoods.
- 2) While Mr. Balot has sought to minimize the body of opposition to this document, he misrepresents the truth. In response to his reference to last night "only seventeen individuals" speaking against the Amendment at a face to face meeting in May, I quote my last letter to you:

*We are in the middle of a Covid-19 pandemic, a circumstance which rendered the recent June 30 in-person meeting ridiculous in terms of being a real public forum. A small number of us, including several of us in high-risk categories, courageously attended and expressed our views, but who can blame the scores of individuals who felt it was both unwise and unsafe to come to City Hall in person? If the intent was to suppress public input, this was certainly the way to do it! The City must understand that concern and opposition are not limited to a small number of disgruntled neighbors, but **expressed by over three hundred signatories** on petitions from multiple neighborhoods!*

Granted, City Staff responded with a subsequent virtual meeting in acknowledgment of this, but I ask where are our fellow residents who favor this amendment? When Mr. Balot characterizes his actions as "philanthropic," I must observe that caring actions of generosity directed toward a small number of people at the expense of a great many other people is no philanthropy.

- 3) Many of us had expressed hope in dialogue between Mr. Balot and representatives of our neighborhoods earlier this summer. While I believe some progress was made, these discussions produced limited agreement and, as was related last night, positive results did not find their way into the Text Amendment as it now stands.
- 4) Finally, I would respectfully ask that you consider the content of our collective letter to Ann Wall, Greenville City Manager. In that document our attempts at positive action, serious questions, and frustration with the answers is clear.

## 12. John Reisch

I am writing in opposition of the Small Private School text amendment. I realize much time and energy has been spent by the City's planning staff; however, sometimes time and effort does not yield good results. Following through on a poor recommendation (i.e., the text amendment) simply because of the effort spent by the planning department would be imprudent.

It seems to me like the planning department is telling us what is in our best interest. **We are highly educated** (many of the speakers at the P&Z meeting last night have doctoral degrees and work at ECU) **and know what is in our best interest – keeping the SUP.** Yes, the SUP doesn't have certain restrictions, but my neighbors and I would rather lack those restrictions than have third parties use the facilities for potentially every day of the year. The restrictions on lights and amplified sound is one thing, but having screaming kids and worse, heated parents yelling, during the day (especially during the summer days and evenings when lights are not needed) is an issue overlooked by the text amendment. Additionally, **the terms used in the text amendment are sufficiently vague to enable abuse by JP2.** For example, an event (per Ms. Gooby) is not a single game. So while an event is a ball game, it really means as many games (individually or multiple games simultaneously) during a 24 hour period as JP2 wants. Why is this so hard to understand? The constant use by third parties is significantly different from the limited activities of a high school, as was agreed to when the SUP was created. Finally, as I mentioned last night during the P&Z meeting, just because JP2 built it doesn't mean the school has more rights than the hundreds of tax paying citizens in the neighborhoods that surround the school, and who were there first! JP2 built a fine facility, but just because it was built it doesn't mean JP2 needs to allow third party use. Mr. Ballot says it is not about raising funds, but about JP2 being a good "citizen." Being a good citizen does not mean imposing on others in violation of an agreement that was made when the SUP was approved

## Land Use Plan Amendment

5. REQUEST BY LANGSTON FARMS, LLC TO AMEND THE FUTURE LAND USE AND CHARACTER MAP FOR 1.881 ACRES FROM OFFICE/INSTITUTIONAL TO COMMERCIAL FOR THE PROPERTY LOCATED AT THE NORTHEASTERN CORNER OF THE INTERSECTION OF SOUTH MEMORIAL DRIVE AND REGENCY BOULEVARD.

Chantae Gooby delineated the property. Currently the property is zoned Office and could accommodate approximately 5,000 square feet of office space. The request is to change the future land use map to commercial in preparation for a rezoning request. If this were to be zoned commercial, staff would anticipate roughly 1,500 square feet, possibly a restaurant. Ms. Gooby stated the change is in keeping with other area land use patterns, therefore Staff recommends approval.

Mr. Robinson opened the public hearing.

Mr. Overton asked if there was any historical reason why this corner was not shown as commercial.

Ms. Gooby said she knows of no particular reason why it was shown as office.

Mr. Baldwin spoke in favor on behalf of the applicant. He stated that it made sense to continue the commercial zoning into this property.

Mr. Robinson closed the public hearing.

## **NEW BUSINESS**

### **Rezoning:**

6. REQUEST BY P.B. BUILDERS, LLC TO REZONE A TOTAL OF 9.873 ACRES IN THE COBBLESTONE SUBDIVISION AT THE TERMINUS OD QUAIL DRIVE FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO R6 (RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]).

Mr. Brad Sceviour delineated the property. This is a wooded area tucked in behind an existing subdivision. The existing land use is vacant. The property is not in the floodplain, however it is within the Greens Mill Run Watershed. If storm water rules apply, then 10-year detention and nitrogen and phosphorus reduction would be required. There is an anticipated increase of 994 vehicle trips per day. Under the proposed zoning, the site could accommodate 109-118 multi-family units (1, 2 and 3 bedrooms). In staff's opinion the request is in compliance with Horizons 2026 Community Plan and the Future Land Use Plan and Character Map. Staff recommends approval.

Mr. Robinson opened the public hearing.

Mike Baldwin spoke in favor of the amendment. He stated that they had a wetlands consultant go to the property to analyze any potential issues. The consultant did not see any, and Mr. Baldwin believes the rezoning request is in line with surrounding development.

Mr. Robinson closed the public hearing.

7. REQUEST BY STARK HOLDINGS, LLC AND TRADE HOLDING COMPANY, LLC TO REZONE A TOTAL OF 5.756 ACRES LOCATED BETWEEN WEST 10<sup>TH</sup> STREET AND WEST 8<sup>TH</sup> STREET AND

WEST OF SOUTH WASHINGTON STREET FROM CDF (DOWNTOWN COMMERCIAL FRINGE) AND IU (UNOFFENSIVE INDUSTRY) TO CD (DOWNTOWN COMMERCIAL).

Mr. Brad Sceviour delineated the property. This rezoning consists of several parcels with existing buildings on them. Currently there is about 150,000 square feet of warehouse space on the site. There is also about 10,000 square feet of commercial space, and about 5,000 square feet of office space. The property is not in the flood plain, however it is within the Town Creek Culvert. If storm water rules apply, then 10-year detention would be required. There is an anticipated increase of 4,247 vehicle trips per day, being spread across surrounding streets. Under the proposed zoning, the site could accommodate 20,000 sq. ft. of event/assembly space, one hotel consisting of 60-80 rooms and an associated 5,000 sq. ft. restaurant/bar, 20,000 sq. ft. of food court space, 19,000 sq. ft. of retail, 30,000 sq. ft. of office space and 40 units of multi-family housing (1, 2 and 3 bedroom units). Mr. Sceviour said this type of development will be beneficial for the area. In staff's opinion the request in compliance with Horizons 2026 Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Mr. Robinson opened the public hearing.

Mr. Bryan Fagundus spoke in favor of the application.

Mr. Robinson closed the public hearing.

**Motion made by Mr. Overton, seconded by Mr. Parker, to recess all items until the August 20, 2020 Planning and Zoning meeting. Motion passed unanimously.**