

March 16, 2010

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

Mr. Bill Lehman - *	
Mr. Bob Ramey - *	Mr. Dave Gordon - *
Mr. Tony Parker - *	Mr. Tim Randall - X
Mr. Len Tozer - *	Mr. Godfrey Bell, Sr. - *
Ms. Shelley Basnight - *	Mr. Hap Maxwell - *
Mr. Allen Thomas - *	Ms. Linda Rich - X

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

VOTING MEMBERS: Lehman, Ramey, Gordon, Parker, Tozer, Bell, Basnight, Maxwell, Thomas

PLANNING STAFF: Chantae Gooby, Planner; Tom Wisemiller, Planner; Harry Hamilton, Chief Planner; Merrill Flood, Director of Community Development; and Sarah Radcliff, Secretary

OTHERS PRESENT: Dave Holec, City Attorney; Daryl Vreeland, Transportation Planner; Tim Corley, Engineer; Ken Jackson, Public Works Operations Manager; Delbert Bryant, Sanitation Superintendent; Calvin Mercer, City Council Representative; and Marion Blackburn, City Council Representative

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Tozer, to accept the February 3, 2010 minutes and the February 16, 2010 minutes as presented. Motion carried unanimously.

NEW BUSINESS

Rezoning

Ordinance requested by Adrian Wike to rezone 5.46 acres located at the northeast corner of the intersection of Belvoir Highway and Sunnybrook Road from RA20 (Residential-Agricultural) and CG (General Commercial) to CH (Heavy Commercial)

Ms. Chantae Gooby stated this rezoning is located in the northwest section of the city at the intersection of Belvoir Highway (Highway 33) and Sunnybrook Road. The property is currently zoned residential-agricultural with a small area of general commercial along Highway 33. The requested zoning is heavy commercial. Ms. Gooby said the property currently contains one outbuilding. The area contains mostly residential properties and a large portion being vacant. The property is located within the 500-year floodplain associated with the Tar River. There is a neighborhood focus area located at the intersection of Belvoir Highway and Sunnybrook Road where commercial is anticipated and encouraged. Ms. Gooby said this rezoning could generate a net increase of over 2,100 trips. The Future Land Use Plan Map recommends commercial. In staff's opinion, this request is in compliance with Horizon's: Greenville's Community Plan and the Future Land Use Plan Map.

Mr. Adrian Wike, applicant, spoke in favor of his request.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Gordon to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion carried unanimously.

Rezoning

Ordinance requested by Edwards Communities Development Co., LLC to rezone 0.25 acres located at the southeast corner of the intersection of Lawrence and 11th Streets OR (Office-Residential [High Density Multi-family]) to OR-UC (Office-Residential [High Density Multi-family]) with an urban core overlay

Ms. Chantae Gooby stated this rezoning is centrally located in the city. She said the areas surrounding this property were just rezoned to OR-UC by City Council recently. The property is currently zoned office and multi-family and the requested rezoning is to add an urban core overlay, which does not affect density. Ms. Gooby said the property currently contains the Real Crisis Center Intervention office. The area contains a variety of uses – mostly multi-family. The property is not impacted by the floodway or floodplain. There is an intermediate focus area located at the intersection of 14th Street and Charles Boulevard. Due to the size of the property, no traffic report was generated. There is similar zoning in this area. The Future Land Use Plan Map recommends office and multi-family in the area. In staff's opinion, this request is in compliance with Horizon's: Greenville's Community Plan and the Future Land Use Plan Map.

Mr. Ramey asked if this property was left out of the first rezoning.

Ms. Gooby said it was not part of the plan at that time of the first rezoning.

Mr. Tommy Stoughton spoke in favor of the request on behalf of the applicant. He said the applicant felt the need to have this extra property to allow more flexibility to meet the concerns of the Rock Springs residents.

No one spoke in opposition.

Motion was made by Mr. Bell, seconded by Mr. Parker 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. All but Ms. Basnight voted in favor. Motion passed.

Rezoning

Ordinance requested by the Redevelopment Commission of Greenville to rezone 0.59 acres located between Vance and Contentnea Streets and north of West 5th Street from CDF (Downtown Commercial Fringe) and R6 (Residential [High Density Multi-family]) to OR (Office-Residential [High Density Multi-family])

Ms. Chantae Gooby stated this rezoning is centrally located in the city along West 5th Street between Vance and Contentnea Streets. The property is currently zoned downtown commercial fringe and multi-family. The requested zoning is office and multi-family. The rezoning consists of four parcels, two of which are owned by the Redevelopment Commission (former Chaser's Club and a vacant lot) and the remaining two parcels (single-family and an office building) owned by a private individual. Both parties have signed the rezoning application. The area contains a variety of uses. The property is not impacted by the floodplain associated with the Tar River. There is a focus area located at the intersection of West 5th Street/Tyson Street/West 14th Avenue. Because there was no change in density, no traffic report was generated. Ms. Gooby said the Future Land Use Plan Map recommends mixed use along West 5th Street. In staff's opinion, this request is in compliance with Horizon's: Greenville's Community Plan, the Future Land Use Plan Map and the West Greenville Redevelopment Plan.

Mr. Bell asked if this would impact the duplexes behind the property.

Ms. Gooby said she did not know what was planned. She did not feel they would be impacted by any additional traffic.

Mr. Merrill Flood spoke on behalf of the Redevelopment Commission. He said they had considered this at their last meeting and recommended moving forward with the request. He told Mr. Bell while you have to consider all of the uses allowed in the proposed zoning, at this point in time, the requested action would not rezone the corner parcel where the duplexes are located.

No one spoke in opposition.

Motion was made by Mr. Thomas, seconded by Mr. Ramey to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion carried unanimously.

Text Amendments

Request by the Community Development Department to amend the zoning regulations to include additional Land Use Intensity (LUI) special use permit application submission standards, required findings, and Planning and Zoning Commission consideration criteria

Mr. Harry Hamilton said this amendment will provide some additional submission requirements and additional guidance for the Commission. He said the criterion included in this ordinance is the same criteria used by the Board of Adjustment. Mr. Hamilton said Land Use Intensity (LUI) development is a Multi-family option that is subject to P&Z Commission special use permit approval. A public hearing is required as well as first class mail notice and advertisement in the newspaper. The Commission may attach reasonable conditions to the plan to insure compatibility. LUI developments may include both LUI 50, traditional multi-family units (not more than 3 unrelated occupants per dwelling), and LUI 67, which allows dormitory units (no ordinance limit on number of unrelated occupants – suite style configuration with 4 private bed/bath rooms sharing a central living room and kitchen has been the typical arrangement). He said no one to date has proposed more than four bedrooms in a LUI development. The proposed ordinance does not affect the current LUI development standards or the table of uses. The purpose of the proposed ordinance is to provide additional application information and criteria to assist the Planning and Zoning Commission in the Commission's evaluation of the impact of future LUI developments. Mr. Hamilton read the proposed special use permit application requirements.

Mr. Hamilton stated the site geometry requirements include location of all proposed and existing buildings, structures, streets, drives, parking, screening, berms, landscaping, open spaces, active recreation areas and facilities, storm water structures facilities, regulated wetlands, flood hazard areas, environmental limitations, utilities and other improvements per the Land Development Manual, and the appearance related requirements include typical building and unit facade illustrations including balconies, porches, patios, decorative and/or functional walls and fences.

Mr. Hamilton said the ordinance also includes additional special use permit consideration criteria. The purpose is to assist the P&Z Commission in the evaluation of health and safety, public welfare and nuisance or hazard conditions effecting and/or resulting from a proposed LUI development. There are eleven

considerations that have been added to the ordinance text. Health and safety, nuisance and other considerations include:

- The number of persons who can reasonably be expected to live within or frequent the development at any one time
- The intensity of the proposed development in relation to the intensity of adjoining and area uses
- The visual impact of the proposed development as viewed from adjacent properties and public street rights-of way
- The location and extent of exterior physical activities of the proposed use including common recreation areas and facilities, and common and/or private patios, porches, balconies and open spaces
- The reasonably anticipated noise or other objectionable characteristics that will result from the proposed use, or as a result of any element of project design
- The safe and convenient location of all on-site parking and drives
- The existing vehicular traffic on area streets
- The reasonably anticipated increase in vehicular traffic generated by the proposed development
- The condition and capacity of area street(s) which will provide access to the proposed development
- The visibility afforded to both pedestrians and operators of motor vehicles both on-site and off-site
- The anticipated, existing and designed vehicular and pedestrian movements both on-site and off-site

Mr. Hamilton said the Planning and Zoning Commission may, in its discretion, attach reasonable conditions to the special use permit and plan that exceed the minimum standards when it is found that such conditions are necessary to insure that the proposed development will be compatible with adjacent areas. In staff's opinion the request is in compliance with Horizon's: Greenville's Community Plan.

Mr. Tozer asked if the commission would set the criteria for what the appearance would be.

Mr. Hamilton said that was one of the things the commission would take into consideration.

No one spoke in opposition to the request.

Motion was made by Mr. Ramey, seconded by Mr. Thomas to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion carried unanimously.

Text Amendments

Request by the Community Development Department to amend various zoning ordinance provisions to include screening, safety barrier, and dwelling unit separation standards for recycling centers and compactors for both multi-family residential and nonresidential development

Mr. Harry Hamilton said this Title 9 zoning ordinance amendment is associated with a proposed amendment to Title 6, Garbage and Refuse Collection and Disposal, proposed by the Recycling Committee. He said the Recycling Committee recommended ordinance (Title 6) is a separate issue, not requiring P&Z review or recommendation. The recycling ordinance is anticipated to be considered by the City Council in the near future. Mr. Hamilton said Delbert Bryant, Sanitation Superintendent from the Public Works Department, would give a brief explanation of the proposed recycling ordinance.

Mr. Delbert Bryant said he would be sharing information about the plan for recycling. He said part of the 2009 City Council Goals and Objectives was to involve all citizens in recycling. In May of 2009, staff presented options for increasing residential recycling to City Council. City Council then directed staff to develop an Education and Promotion Plan and to work with a committee of stakeholders to explore methods to increase multi-family recycling and develop a committee recommendation. Mr. Bryant said currently recycling is the option of each complex and is not required during construction. He said sixty-seven out of two hundred twenty-five multi-family complexes presently have recycling centers. Fifty of the sixty-seven complexes constructed their centers with grant funds they obtained from the city. The Recycling Committee is composed of eight members including two multi-family property owners, two from multi-family homeowner's associations, two multi-family property managers, one from the Environmental Advisory Commission, and one from Keep Greenville Beautiful, Inc. Mr. Bryant said the proposed ordinance states that all existing complexes must provide location(s) for the city to install Recycling Center(s). It states all new complexes must install Recycling Centers during construction. They must have a minimum of one 96 gallon city approved roll-out container per each 20 units for recycling. He said complexes with less than 20 units must have a minimum of one city approved roll-out cart for recycling. Mr. Bryant said the city would install Recycling Centers for existing multi-family complexes within two years and the city will maintain those centers. He said the developer or builder must install Recycling Centers during construction for any new multi-family complexes approved for construction after July 1, 2010. The city will maintain the centers after construction. Mr. Bryant

said the funding for construction at existing complexes is through a \$.42 per month per unit surcharge on multi-family refuse fee. The multi-family refuse fee surcharge is proposed to begin on July 1, 2010 and continue for four years. After four years the surcharge will be reduced to \$.09 per month per household to cover the maintenance of the centers. Mr. Bryant said installation will include site preparation, concrete pad, Recycling Center signage, fencing around the center (4' Wood Fencing), roll-out containers and site repair. Maintenance will include roll-out containers, signage and fencing. Maintenance does not include vegetation or turf around the recycling center, masonry or specialty fencing enclosures. He said the amendments required would be to Title 6 Chapter 3 of the City Solid Waste Code of Ordinances and to Title 9 Chapter 4 of the Zoning Regulations. Mr. Bryant said the presentation to the stakeholders took place between January and February of this year. A public meeting was held in the Public Works building in February and for the Multi-family Recycling Committee Meeting earlier this month. He said following tonight's presentation, he would present the proposal to City Council in April and have an Education and Awareness program throughout May and June. The proposed date of effectiveness is July 1, 2010.

Mr. Tozer said the multi-family projects in the city would fall under the federal handicap code and asked if the federal accessibility codes for handicapped people were taken into consideration when the access to and the size of the container for recycling was developed.

Mr. Bryant said there were handicapped access considerations.

Mr. Tozer said there were some specific details that require handicapped accessibility and wondered if they had been followed.

Mr. Bryant said handicapped accessibility could be incorporated into the design.

Mr. Bell asked if multi-family consisted of four or more units in a building.

Mr. Bryant said, with respect to the recycling ordinance ten units in a building would constitute multi-family use.

Mr. Bell asked if the cost of the containers would be on the owners or if the city would provide them.

Mr. Bryant said they would be provided through the \$0.42 surcharge.

Mr. Thomas asked about the grant funding that Mr. Bryant mentioned earlier that was provided by the city.

Mr. Bryant said that came through the state.

Ms. Basnight asked if the surcharge was for all units or just occupied units.

Mr. Bryant said it was for occupied units only.

Mr. Hamilton said garbage dumpsters are currently required, pursuant to Title 6, to service certain multi-family and non-residential uses. He wanted to clarify that multi-family under the garbage regulations is ten units, but under the zoning regulations it is three. Where dumpsters are required, visual screening, dwelling unit separation, and accessibility standards apply – per the zoning regulations (Title 9). He said the proposed zoning ordinance will not change the current dumpster requirements (either Title 6 or Title 9). Mr. Hamilton said garbage compactors are also often used by non-residential uses and compactors will be an option in the future for multi-family development. Recycling centers as described by the Public Works Department will also be utilized in the future. Mr. Hamilton said the proposed zoning amendment will insure that compactors and recycling centers are screened and/or separated from residential uses in the same or similar manner as required for dumpsters. The purposes of the zoning ordinance amendment is to provide screening requirements for future recycling centers, screening and safety barrier requirements for compactors, and dwelling unit separation between recycling centers or compactors and multi-family dwellings.

No one spoke in opposition to the request.

Motion was made by Mr. Ramey, seconded by Mr. Tozer to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion carried unanimously.

OTHER ITEMS OF BUSINESS

Comprehensive Plan Review: Future Land Use Plan Map Consideration for Area of Interest #4 (SE Greenville Boulevard & 14th Street)

Mr. Wisemiller gave some background on the Comprehensive Plan review process. He said the Commission had agreed to review Area of Interest #4 at their last meeting. He asked the Commission to come up with a deadline for receiving and reviewing new requests in order to wrap up the review process.

Mr. Lehman asked what staff's deadline was.

Mr. Wisemiller said staff didn't have a specific deadline set. He said in order to complete the review process in a timely manner, staff would recommend completion by early summer or late spring.

Mr. Bell said he felt one more month would be sufficient to receive new requests.

Mr. Wisemiller said staff would recommend tonight's public comment period be the last opportunity for new requests.

Mr. Holec said they would need to make a motion based on their decision; however, he suggested they wait until the public comment period to do so.

Mr. Wisemiller said Area of Interest #4 started at the intersection of SE Greenville Boulevard and E. 14th Street and continued to Adams Boulevard. He said the P&Z Commission and City Council denied requests to rezone 8 lots along Greenville Boulevard between 14th Street and Adams Boulevard from R9 to O. In 2004 the Future Land Use Plan Map of the Comprehensive Plan recommended OIMF for that corridor. In 2006 the Neighborhood Task Force rezoned the neighborhood to R9S. Mr. Wisemiller said in 2007 and 2008, City Council denied requests to amend the FLUPM from OIMF to C for three parcels at the corner of SE Greenville Boulevard and 14th Street, which are included in the primary area. He said the Commission would need to determine if none, all, or some of the primary and secondary areas should be changed from OIMF to C. The area is located in Vision Area C of the Comprehensive Plan. The FLUPM recommends OIMF for the primary & additional areas. He said there are neighborhood focus areas at the intersections of SE Greenville Boulevard & 14th Street and SE Greenville Boulevard & Eastbrook Drive. This intersection is a connector corridor. Mr. Wisemiller said OIMF on transportation thoroughfares provides transition between commercial nodes and preserves vehicular carrying capacity and acts as a buffer. He said location & size of commercial nodes are not static and the exact size of the buffer is not predetermined. He said the width should be determined when ultimate extent of commercial node is known. No traffic report was generated since the size of the area has not been determined. He said the property is not affected by the floodplain or floodway. Mr. Wisemiller said expansion of commercial adjacent to Eastwood Subdivision is not recommended given current policies & conditions. He said OIMF designation affords reuse of properties fronting SE Greenville Boulevard corridor while minimizing negative impacts on the interior neighborhood. Any change to the FLUPM in the subject area should be supported by the neighborhood. Mr. Wisemiller said the primary/additional area(s) has not experienced changed conditions that impacted the site in a manner or to a degree not previously anticipated; therefore, no change is warranted. He said changing the FLUPM from OIMF to C for the primary/additional area(s) would not satisfy the other evaluation criteria, either.

Mr. Ramey asked why the area went all the way to Adams Boulevard. He asked if it could be stopped at David Drive.

Mr. Wisemiller said the property owner had requested they look at the primary area, which included the first nine parcels. He said the property in the secondary area was likely to be affected by any change in the primary area.

Mr. Parker asked how many times this proposal had been denied by City Council.

Mr. Wisemiller said it had been denied twice; once in 2007 and once in 2008.

Mr. Tozer said it was approved by P&Z twice in a 6-2 vote.

Mr. Wisemiller said that was correct.

Mr. Jim Ward spoke on behalf of the request. He said his interest relates to the area at the intersection and asked the Commission to allow enough space for reasonable ingress and egress to the property. He said he was really asking for a neighborhood retail use for this area that would complement the neighborhood and give him some flexibility. He said the Commission should consider the change because the traffic at that intersection is synonymous with commercial development. He said there has also been a change in the nature of the neighborhood in that many of the properties were rentals and others were vacant or abandoned. He felt a new retail center would help to reestablish the neighborhood. He said he had spoken to many of the neighbors and many were in support of the change.

Mr. Bell asked Mr. Ward if he had been in contact with the Homeowner's Association for the neighborhood.

Mr. Ward said the Hardee Circle area did not have a formal neighborhood association. He said he had sent out 33 letters to surrounding property owners and established a meeting place for them to come and discuss the matter. He said he felt he had made himself available and done all he could to communicate with the neighbors.

Mr. Thomas asked if there was anything in Greenville that compared to what he had in mind for the proposed site.

Mr. Ward said he would like to see something like the McAlister's area, with a restaurant and some retail uses.

Mr. Parker asked Mr. Ward if he saw the same scenario at the intersection of Elm Street and Greenville Boulevard.

Mr. Ward said there was no commercial on Elm and 10th or Elm and 264. He said there were 11 intersections with four-way stops from Memorial Drive to 10th Street and every intersection except for this one and Elm Street had commercial on all four corners.

Ms. Basnight asked which lots were owned by Mr. Ward.

Mr. Ward said he owned the three on the corner and had options to purchase the next two lots. He also owns the lot behind the fifth lot.

Mr. Parker asked if the lot on he owned on Hardee Road was going to be used eventually to allow access to the front properties.

Mr. Ward said he had no intentions of using it for that. He said he purchased it because he had the option to purchase the adjoining lot and the owner really wanted to sell it. He said he had proposed to make that lot available for the use of neighborhood.

No one else spoke in favor of the request.

Mr. Raymond Parker of 106 Hardee Road spoke in opposition to the request. He said he had lived at this address for 36 years and this was the third time he had appeared before P&Z about the rezoning of this tract of land. He said their neighborhood was not in the midst of deterioration as has been told to the commission in a previous meeting. Mr. Parker said he was opposed to changing the FLUPM to commercial and believed the current designation was appropriate and consistent with the Comprehensive Plan.

Ms. Chris Voss of 102 Adams Boulevard spoke in opposition to the request. She said when she bought her property there she assumed it would remain residential, as it always has been. She felt changing the area to commercial would negatively impact her neighborhood.

Mr. Dan Bellitiere of 1605 Muirfield Drive spoke in opposition to the request. He said he had lived in the Eastwood area for 21 years and asked the board to oppose the change because of the negative impacts to traffic and noise.

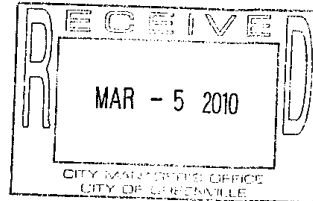
Mr. Thomas asked if he was a resident of the neighborhood.

Mr. Bellitiere said he lived at 1605 Muirfield Drive.

Ms. Elizabeth Paton of 103 Wilkshire Drive spoke in opposition to the request. She said she would be directly impacted by this request. She said there was almost no crime in the neighborhood and everyone looks out for each other. She said she took offense to Mr. Ward saying they have run down houses. Ms. Paton said she was directly impacted by the request; however she did not receive a letter from Mr. Ward.

The following attachments were sent in via email opposing the request.

STALLINGS OIL COMPANY
300 S. WESLEYAN BLVD.
ROCKY MOUNT, NC 27804
MARCH 3, 2010



Mr. Wayne Bowers
City Manager
City of Greenville
P.O. Box 7207
Greenville, NC 27835

Dear Mr. Bowers:

I am writing with regard to the proposed amendment to the City of Greenville Land Use Map requested by Ward Holdings, LLC for the property located at the southeast quadrant of the intersection of Greenville Boulevard and Fourteenth Street in Greenville. Stallings Oil Company owns the property at 1531 SE Greenville Boulevard located in the northwest quadrant of the intersection of Greenville Boulevard and Fourteenth Street. Attached is a copy of the letter from the City of Greenville Planning Department dated December 26, 2007, advising of the requested amendment.

Stallings Oil Company strongly opposes the amendment to the Land Use Map requested by Ward Holdings, LLC, and I am writing to make you aware of our objection.

Thank you for any consideration given to our position on this matter.

Sincerely,


Stallings Oil Company

Boyd M. Tolman

Vice President

Cc: Thomas G. Wisemiller-Planner II

Telephone (252) 937-6184 - Fax (252) 443-443-7997



March 1, 2010

City of Greenville

North Carolina

P.O. Box 7207 - Greenville, NC 27835-7207

STALLINGS OIL CO
300 S WESLEYAN BLVD
ROCKY MOUNT NC 27804

Dear Greenville Area Property Owner:

The City of Greenville wishes to inform you that the City of Greenville Planning and Zoning Commission is undergoing its five-year *Horizons* plan review process and will hold a public hearing on March 16, 2010. At the behest of a property owner or his/her representative, the commission will consider whether to recommend that the Greenville City Council amend the Future Land Use Plan Map for the area located on the south side of the SE Greenville Boulevard corridor from E. 14th Street to (across the street from) the Wachovia Bank building, containing 4.7+/- acres. The commission will also evaluate an additional area adjacent to the primary area, extending to Adams Boulevard, which contains 1.7+/- acres. The owner or representative of a portion of the primary area has proposed the Future Land Use Plan Map be amended from Office/Institutional/Multi-family to Commercial.

Current Land Use Plan Category: Office/Institutional/Multi-Family

Land-owner Suggested Land Use Plan Category: Commercial

Your property is located within close proximity or contained within the area requested for amendment. The Planning and Zoning Commission identified the area indicated above as warranting further study. After evaluating the area, and as they deem necessary, the commission may decide to recommend changes to the Future Land Use Plan Map.

The public hearing for the above item will be included as part of the Planning and Zoning Commission's regularly scheduled March 16, 2010 meeting at 6:30 PM in the Council Chambers on the third floor of City Hall, located at 200 West Fifth Street. The meeting is open to the public. You are welcome to attend.

If you have any questions concerning this matter, please do not hesitate to call the Planning Office at (252) 329-4514.

Sincerely,

Thomas G. Wisemiller

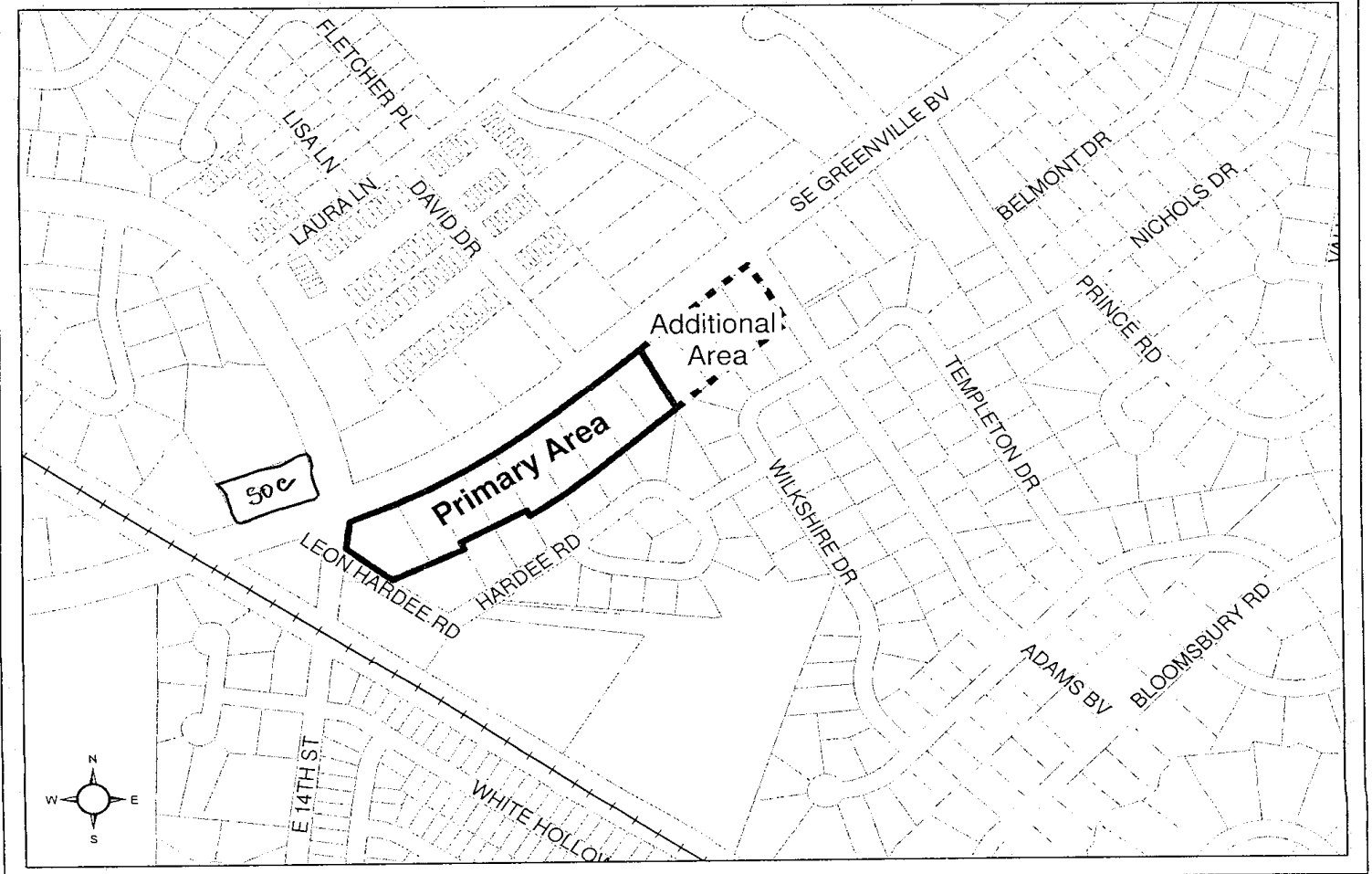
Thomas G. Wisemiller
Planner II

Attachment: Future Land Use Plan Map

857933



Area of Interest #4: Greenville Blvd and 14th Street



Dear Mr. Wisemiller & Greenville Planning & Zoning Commission,

Changing the land use plan to commercial is fine because there is already a large amount of land already zoned Very Low Density, Conservation/Open Space in the area.

We can look at this area and along 264 East as being the Commercial Recreational district of Greenville. You have the Bradford Creek Soccer Complex and Golf Course and the ECU North Campus Recreational Complex. I think we should look at the way North Campus Crossing, ECU Complex, and Wilco/Wendy's/Bojangles were done. If we plan ahead now then we can have good growth.

If you change the land use use plan or not the City of Greenville MPO /NCDOT needs to look at widen and resurfacing Old Pactolus Road (mainly between Old Pactolus/Sunnyside intersection and Old PactolusNE Greenville Blvd. intersection) because of the additional traffic increase. This road is in very bad shape and has to be repaired continuously. The road was built on a sand base and not rock base and cannot handle the amount of traffic that it has today. It already gets a high amount because of the Bradford Creek Golf Course, Bradford Creek Soccer Complex, Greenville Utilities Commission Wastewater Plant, Santree MHP, Vandemere MHP, Seasons MHP, Deveron/Sunnyside Road residents and the commercial area at the intersection where National Welders is located (Old Pactolus Road and NE Greenville Blvd).

Also, the intersection of Old Pactolus Road and NE Greenville Blvd. needs to be redone like the one at Whichard Road and MLK near the Pitt County Fair Grounds. The NCDOT had the funds about five years ago to change it and may it safer, but pulled the funds at the last minute. The NCDOT crews had already marked where to cut the asphalt and were getting ready to do it. The project reference number is 36283.2.7. For the safety of people who live and travel along Old Pactolus Road the intersection needs to be changed.

If you have any questions I can be contacted at 252-341-0723.

Thank you for your consideration.

Sincerely,

Jason D. Briley

No one else spoke in opposition.

Mr. Ward spoke in favor in rebuttal. He said he sent letters to everyone on Hardee Circle and to property owners whose property backed up and adjoined this request. He said he never said the houses were run down. He said there were some rentals and some transition in the neighborhood and the area that seemed to be most affected were the properties that front on Greenville Boulevard, three of which he removed. He said none of

the property owners who would be most drastically impacted, had spoke in opposition to the request. Mr. Ward said he never intended to offend anyone and wanted to work with the neighborhood. He said the property will develop regardless of what occurs tonight and he asked the board to consider something that would give him a little more flexibility than OIMF.

Mr. Stewart Laneave of 104 Hardee Road spoke in opposition in rebuttal. He said he had lived there since the fall of 1976. He said they were concerned about their property values and the possible decrease in them. He asked everyone opposed to the request to please stand (several audience members stood up).

Mr. Lehman closed the public hearing and called for board discussion.

Mr. Ramey said if the property was rezoned to commercial someone could go in and put a gasoline station at the corner of Adams Boulevard and Greenville Boulevard. He said that would decrease property values and he was against that. He said he supported the development of commercial property but wanted to stop it seven lots from 14th Street.

Mr. Bell said he believed the current zoning would be adequate and as Mr. Ward said, whether they changed the Plan or not, it would still allow him to put some type of retail or restaurant in that location.

Mr. Wisemiller said the OIMF recommendation would allow O or OR and staff would recommend O given the conditions. He said under O zoning, office uses would be allowed as well as small scale retail stores and barber/beauty shops. He said restaurants were not allowed under O.

Mr. Parker wanted to advise the board that his father was one of the speakers this evening and that he had spoken with Mr. Holec and it was determined that he did not need to recuse himself. He said he agreed with Mr. Bell, that the Land Use Plan Map was appropriate.

Mr. Ramey said he felt Mr. Parker had a conflict of interest and felt Mr. Holec was wrong if he said differently.

Mr. Holec said he had reviewed the rules and in order to have a conflict of interest there has to be a personal or financial interest of the member himself.

Mr. Thomas said whatever happened with this vote would not open it up for the property owner to do whatever he wanted. He said they would have to come back before P&Z and City Council and submit a request for rezoning.

Mr. Wisemiller said that was correct. He said once the property was rezoned, the property owner could do anything that was an allowed use for that particular zoning, subject to site plan approval. Mr. Wisemiller said this request as well as subsequent requests for rezoning would also have to go before City Council for their approval.

Mr. Tozer said Neighborhood Commercial might be an option for Mr. Ward. He asked if there was a way to change the Future Land Use Plan Map to something a little more restrictive than Commercial.

Mr. Wisemiller said that would have to be done at the rezoning stage.

Mr. Ramey asked if they voted to change it to commercial if they could stop it wherever they wanted to.

Mr. Wisemiller said they could.

Mr. Lehman said he was concerned that Mr. Ward would sell the property to someone who might put a gas station or something of that nature there.

Mr. Parker said they also needed to consider that they might not be sitting on the board two years from now to challenge any of these issues.

Mr. Lehman said someone would be there, it just might not be them.

Mr. Gordon asked how long the property had been zoned the way it is currently.

Mr. Wisemiller said it was rezoned to R9S in 2006.

Mr. Gordon asked how long it had been on the Land Use Plan Map as currently shown.

Ms. Gooby said she believed it had been that way since 1997. She said no changes were made to this area in 2004.

Mr. Gordon asked if the Land Use Plan had always shown the commercial on the other side of the street.

Ms. Gooby said it had.

Mr. Bell said commercial always scares people. He said the reason staff had shown the area all the way to Adams Boulevard is because it will directly affect those properties.

Mr. Ramey said stopping the change to commercial at David Drive would protect Wilkshire Drive and the road into Hardee Circle.

Mr. Maxwell said you would still have commercial right beside a house.

Mr. Ramey said that was correct but you would have to have a buffer between them.

Mr. Bell asked if this was kept at the current zoning, could Mr. Ward get a special use permit to build a restaurant or retail entity.

Mr. Wisemiller said it would be a special use if the property were rezoned to OR.

Mr. Tozer said it appeared that the commercial would line up with the commercial across the street. He said he would like to come to a compromise in order to recommend approval to City Council.

Mr. Bell asked if the depth and buffers that currently exist on the property allowed room for commercial zoning.

Mr. Flood said it would be more limited because of the depth.

Mr. Thomas said the buffers would be more extensive if the property was rezoned to commercial than if it were O or OR.

Mr. Flood said the buffers were determined by the actual land use, not the zoning.

Motion was made by Mr. Ramey, seconded by Mr. Thomas, to approve the change to the Future Land Use Plan Map to commercial for the first seven lots, deleting the remaining primary and secondary areas. Mr. Ramey, Mr. Thomas, Ms. Basnight, Mr. Tozer and Mr. Gordon voted in favor. Mr. Bell, Mr. Parker and Mr. Maxwell voted in opposition. Motion passes.

Comprehensive Plan Review: Future Land Use Plan Map consideration of Area of Interest #5 (Old Pactolus Road)

Mr. Wisemiller said the primary area is located on the south side of Old Pactolus Road corridor containing approximately 107+/- acres. The additional area is to the north and east of the primary area, on both sides of Old Pactolus Road. He said Greenville's Extraterritorial Jurisdiction (ETJ) was last extended in 2001. The property is located in Vision Area B of the Comprehensive Plan, which was seriously impacted by Hurricane Floyd in 1999 by damage to residential areas located within and/or adjacent to primary and additional areas. Mr. Wisemiller said the commission needed to decide whether they needed to change some or all of the OIMF (office/institutional/multi-family), very low Residential, conservation/open space categories to C (commercial) category. The area is located around a residential corridor and if the FLUPM is changed, corridor designation might need to be amended to "connector corridor". He said the FLUPM recommends OIMF, very low-density residential, conservation/open space for the subject property. There is a regional focus area at the intersection of NE Greenville Boulevard/MLK Hwy and Pactolus Highway/264-E. Mr. Wisemiller said the principal intent of the FLUPM configuration for Vision Area B is to discourage residential development in the floodplain, except for very low-density residential. The plan for Vision Area B also seeks to encourage new industry & support businesses in recognized industrial areas. He said the FLUPM recommends a large concentration of commercial to support the Regional Focus Area. He said commercial development in the floodplain exposes personal property and public safety to lower risk than residential development. Low to moderate-intensity commercial uses are preferable to residential/mobile home uses and provide transition between existing residential neighborhoods and the NE Greenville Blvd corridor. Mr. Wisemiller said there were changed conditions in the local development pattern which impacted the site in a manner and to a degree not previously anticipated, being the development of North Campus Crossing and 93 acres being rezoned from C to OR on the opposite corner. He said commercial development in the primary/additional area, provided that it is contiguous with the recommended Regional Focus Area, and is limited in scope, would result in a land use pattern that is more desirable and sustainable than would be accommodated by additional residential development on Old Pactolus Road. Mr. Wisemiller said given the changes that have been made and the current situation, a change to the FLUPM might be warranted if other criteria are met. He said due to the reduction of land area recommended for commercial in Vision Area B, additional commercial could be consistent with the intent and objective of the FLUPM and the Focus Area Map. He said economically feasible commercial uses in the subject area, if limited in scope, are unlikely to cause significantly negative traffic impacts. Low to moderate-intensity commercial uses are preferable to residential/mobile home uses and provide transition between existing residential neighborhoods and the NE Greenville Blvd corridor. Commercial development in the primary/additional area, provided that it is contiguous with the recommended Regional Focus Area, and is limited in scope, would result in a land use pattern that is more desirable and

sustainable than would be accommodated by additional residential development on Old Pactolus Road.

Mr. Parker asked if there would be any impact to the Sewer Treatment Plant.

Mr. Wisemiller said if commercial was chosen for all of the proposed additional area, there could be some issues. Otherwise, the mobile home park should be enough of a buffer to protect that area.

Mr. Jim Hoff, attorney, spoke in favor of the request on behalf of the applicants. He said this change would be consistent with other classifications in the area. He said there were flooding issues in the area, discouraging residential development. Mr. Hoff said they were interested in outdoor commercial recreation that would be low to medium intensity.

No one else spoke in favor of the request.

Ms. Sue Holland spoke in opposition to the request. She said she was concerned with property located in the proposed additional area that contained a farm that had been in her family for years. She said they intend to keep farming the land and was opposed to changing the property to commercial.

Mr. Tozer asked where her parcel was located.

She said it was right next to the developing area.

Mr. Jim Holland spoke in opposition to the request. He said he had heard the applicants wanted to build a pro-shop for the activities they are having at the pond. He said there were several wild animals in the area and changes to the environment could damage those species. He said he had also heard rumors that they wanted to dig a canal from the ponds to the river, which he was opposed to as well.

Mr. James Crozier spoke in opposition to the request. He said he helps the family keep an eye on the farm and the property. He had concerns with the property flooding.

Mr. Tozer said if the land was changed to commercial, it could still be farmed and would have higher value.

Mr. Crozier said if what they did caused their area to flood more easily, it would be worth a lot less.

Mr. Maxwell asked if they would have to build above the existing property because of it being in the floodplain.

Mr. Hamilton said any development within the 100 year floodplain would have to be elevated. He said anything that would discourage further residential development would be recommended.

Mr. Maxwell asked what type of elevation.

Mr. Hamilton said it would depend on the lay of the land. He said areas in the 500 year floodplain require no elevation.

Mr. Gordon asked if he understood correctly that staff recommended commercial only down to the narrow point of the primary area.

Mr. Hamilton said if they were going to change the Land Use Plan, staff recommended stopping the commercial, as far as the street frontage is concerned, right before you get to Santree Mobile Home Park, and not including the mobile home park.

Mr. Ramey asked why staff added the additional area.

Mr. Hamilton said the broken line area is likely to be impacted by whatever is done in the primary area.

Mr. Richard Hill spoke in opposition to the request. He said his property was located outside of the existing ETJ. He said when he developed his property he went before City Council to make sure the property would not be considered for city property anytime in the foreseeable future. He asked that the area where his property is located be excluded from the request.

Mr. Tozer asked if it was the property north of Pactolus.

Mr. Hill said it was.

Mr. Darnell May spoke in opposition to the request. He said his property was also located in the dotted area in the ETJ and he would not like his property changed to commercial.

Ms. Donna Hemby spoke in opposition to the request on behalf of Curtis Rasnake. She said they owned Santree Mobile Home Park that housed 133 families. She said she had received several phone calls and

complaints about the noise and traffic in the pond area. She said they are totally opposed to the request.

Mr. Bruce Tripp spoke in opposition to the request. He said he lived on US 264 but used Old Pactolus Highway. He said the commission should first address the highway. He said the road was currently in disrepair.

Ms. Ann Briley, also a resident of Highway 264, spoke in opposition to the request. She said she would like to be notified as a homeowner that lives about a mile from the property if there would be changes in the Horizons Plan or any of the land uses. She said this would impact the publicly owned golf course and residential properties and felt the use of this property as commercial was not in the best interest of anything residential.

Mr. Hoff spoke in favor in rebuttal. He showed the commission where his area of interest was located and said his interest was in the ponds. He said there had been no digging of the ponds and his clients had no intention of digging a canal to the river. He confirmed that the ponds are currently used recreationally and that is what is being explored. He said he couldn't think of a better area than a flood prone area for a water based use. He said there were very few areas around for this type of activity. Mr. Hoff said his clients were also concerned with the wildlife in the area and would not do anything to harm them. He said he did not think this would be a real invasive or offensive use for the property.

Ms. Ann Briley spoke in opposition in rebuttal. Ms. Briley said recreation does not include drunken activity into the night and that is what the surrounding property owners are experiencing. She felt there were several issues trying to go under one request. She said there was a request of the property owner, a request for rezoning of the primary area and a request for an additional area. Ms. Briley asked for continuation of all items before they are voted on so that they could become better informed.

Mr. Lehman closed the public hearing and called for board discussion.

Mr. Ramey made a motion to delete the dotted line area from the request.

Mr. Bell said he didn't believe there was a need for that motion because staff is not recommending anything in the dotted line.

Mr. Hamilton said if the commission believes commercial is appropriate for this area, staff recommends the commercial frontage along Old Pactolus Road not go any further than the Santree Mobile Home Park. He said there were two different maps, the zoning map, which is very specific, and the land use plan map, which is more general. He said the board was looking for something more specific than what is provided in the land use plan map. Mr. Hamilton said the land use plan map covers a sixty-five square mile area, where rezoning involves parcel specific locations. He said the specifics of the zoning area would be dealt with at the time the rezoning is requested.

Mr. Tozer asked if the land had to be zoned commercial for them to use the ponds recreationally.

Mr. Hamilton said as long as they were doing it as private recreation on land that they have access to or ownership of and are not charging a fee, they could do that.

Mr. Tozer asked Mr. Hoff if he needed the entire primary area to be commercial, including the ponds.

Mr. Hoff answered yes.

Mr. Gordon said one of those opposing to the request had suggested postponing or tabling the request in order to get better educated about it.

Mr. Tozer said the individual that made the request did not live adjacent to the property.

Mr. Maxwell said she was speaking on behalf of all those opposing the request.

Mr. Bell said he agreed that they needed more time to discuss the matter and to try to come to an agreement.

Mr. Maxwell said there were already some issues with surrounding neighbors that probably needed to be addressed.

Motion was made by Mr. Bell, seconded by Mr. Parker, to table the request to allow the petitioner and the residents to meet and come to an agreement before it is brought back to the commission at their next meeting. Motion carried unanimously.

Public and commission Comment Period and Request for Changes and/or Additions to the Horizons Plan text, the 2009-2010 Horizons Plan Review Report, or maps not previously discussed.

Motion was made by Mr. Tozer, seconded by Mr. Gordon that this be the last meeting for the commission to accept new requests for changes to the Horizons Plan. Motion carried unanimously.

Mr. Jon Day, on behalf of John Moye, Sr., asked the commission to consider a tract of land located 800 feet east of the intersection of Dickinson Avenue, Allen Road and SW Greenville Boulevard. He asked that the Land Use Plan Map be changed from OIMF to Commercial. Mr. Day said he felt that would be in better keeping with the adjacent Red Oak neighborhood.

Motion was made by Mr. Thomas, seconded by Mr. Tozer, to study this request and bring it back before the commission at their next meeting. Motion carried unanimously.

Mr. Jerry Williams asked the commission to consider the property located at the northeast corner of S. Memorial Drive and W. Arlington Boulevard. He requested the property be changed from Office/Institutional/Multi-family to Commercial.

Motion was made by Mr. Tozer, seconded by Mr. Gordon, to study this request and bring it back before the commission at their next meeting. Motion carried unanimously.

Mr. Jon Day requested the commission look at the property located at the southwest corner of the intersection of Hwy-264 and Martin Luther King, Jr. Hwy, containing 104.5+/- acres. He requested the property be changed from Conservation/Open Space to Commercial.

Motion was made by Mr. Tozer, seconded by Mr. Bell, to study this request and bring it back before the commission at their next meeting. Motion carried unanimously.

Planning and Zoning Commission discussion and recommendations for fiscal year 2010/11 and 2011/12 City Council budget consideration

Mr. Merrill Flood, Director of Community Development, said City Council requested that the boards and commissions be surveyed to see if they would like any items included in the budget.

Mr. Bell said he would like to them to look into getting some paper and ink for printing packets. He said it would also be nice to have refreshments available for late night meetings.

Motion was made by Mr. Tozer, seconded by Mr. Parker, to take a look at those items. Motion carried unanimously.

There being no other business the meeting adjourned at 9:20p.m.

Respectfully submitted,

Merrill Flood
Secretary