

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION
April 15, 2014

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

Ms Shelley Basnight –Chair-X
Mr. Tony Parker - *(Vice Chair) Ms. Chris Darden – X
Mr. Terry King – * Ms. Ann Bellis – *
Ms. Linda Rich - X Mr. Brian Smith - X
Mr. Doug Schrade - * Mr. Jerry Weitz –*
Ms. Wanda Harrington-X Mr. Torico Griffin -*

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

VOTING MEMBERS: Schrade, Bellis, Griffin, King, Weitz

PLANNING STAFF: Thomas Weitnauer, Chief Planner; Chantae Gooby, Planner II, Andy Thomas, Lead Planner; and Amy Nunez, Staff Support Specialist II.

OTHERS PRESENT: Dave Holec, City Attorney; Merrill Flood, Director of Community Development; Tim Corley, Civil Engineer II and Jonathan Edwards, Communications Technician.

MINUTES: Motion was made by Ms. Bellis, seconded by Mr. Weitz, to accept the March 18, 2014 minutes as presented. Motion carried unanimously.

NEW BUSINESS

REZONINGS

ORDINANCE REQUESTED BY THE COUNTY OF PITT TO REZONE 28.975 ACRES LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF THE NORFOLK SOUTHERN RAILROAD, 3,600+/- FEET WEST OF ALLEN ROAD AND NORTH OF ALLEN RIDGE SUBDIVISION FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO I (INDUSTRY) - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located in the western section of the City, adjacent to the Pitt County Landfill and west of Allen Road. The rezoning is for 28 acres, which is only a portion of the property owned by Pitt County. The property is currently vacant and is accessed from Landfill Road. The proposed Southwest Bypass will be west of the site. There is a small area of the 500-year flood plain to the east. Under the current zoning, the property could accommodate approximately 110 single-family lots. Under the requested zoning, there could be about 277,000 square feet of industrial/warehouse uses. The Land Use Plan recommends commercial at the intersection of Allen Road and Landfill

Road with conservation/open space to act as a buffer between the commercial and office/multi-family/institutional to the interior industry. In staff's opinion, the request is in compliance with Horizon's Greenville Community Plan and the Future Land Use Plan Map.

Chairman Parker opened the public hearing.

Mr. James Rhodes, with the Pitt County Planning Department, spoke in favor of the request. He stated that this rezoning is only a portion of the property. This rezoning will help define the current industrial-zoned property. The request is in conformance with the City's Land Use Plan.

Mr. Weitz asked if Pitt County was required to comply with City zoning laws when the area is an open use as opposed to a building.

Mr. Rhodes stated that it is not an open use. It is a transfer station.

Attorney Holec stated that the County does have to comply with City zoning regulations.

Mr. Weitz asked even if it was an open area use.

Attorney Holec stated yes because it is still a use. The use of a property is governed by zoning.

No one spoke in opposition of the request.

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

No comments were made during board discussion.

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

ORDINANCE REQUESTED BY EASTERN AREA HEALTH EDUCATION CENTER TO REZONE 0.757 ACRES LOCATED EAST OF THE INTERSECTION OF WEST ARLINGTON BOULEVARD AND MELROSE DRIVE AND 400+/- FEET NORTH OF WEST FIFTH STREET FROM MR (MEDICAL-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) TO MO (MEDICAL-OFFICE) - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located in the central section of the City, north of 5th Street and west of Treybrooke Apartments. The requested rezoning area is part of a larger piece of property. This rezoning will result in the whole property having the same zoning. The property is vacant. There is multi-family to the north, vacant and

institutional to the south. This request could generate a net increase of 190 trips. All the traffic will be at the signalized intersection at Arlington Boulevard and 5th Street. There is a small area of the property in the 500-year flood plain. Any environmental constraints will be considered at the time of development. The Future Land Use Plan recommends office, institutional, or multi-family (OIMF) for this area. The Conservation Open Space (COS) area is recommended as a potential environmental constraint. In staff's opinion, the request is in compliance with Horizon's Greenville Community Plan and the Future Land Use Plan Map.

Chairman Parker opened the public hearing.

Mr. Jon Day, representative for the applicant, spoke in favor of the request. He stated that Eastern Area Health Education Center (AHEC) handles the continuing education requirements for medical professionals in Eastern North Carolina. The requested area is under contract with the desire to construct an office building of approximately 30,000 square feet. The rezoning will result in the entire parcel having one zoning. The new building would be owner-occupied with a few leased spaces.

No one spoke in opposition of the request.

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

No comments were made during board discussion.

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

ORDINANCE REQUESTED BY MATTHEW HINES TO REZONE 0.36 ACRES LOCATED AT THE NORTHWEST CORNER OF DICKINSON AVENUE AND CLARK STREET FROM CDF (DOWNTOWN COMMERCIAL FRINGE) TO CD (DOWNTOWN COMMERCIAL)-
APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. She stated that the property is located in the central section of the City specifically, along Dickinson Avenue between Reade Circle and the proposed 10th Street Connector. It fronts on to Clark Street. Most of the uses in this area are commercial. This rezoning is part of the Uptown Commercial Focus Area. Under the current zoning, the site could accommodate about 3,400 square feet as potential retail or restaurant. Under the requested zoning, there are no setbacks or parking requirements, the property could accommodate 15,000 square feet. The Land Use Plan recommends commercial in this area. In

staff's opinion, the request is in compliance with Horizon's Greenville Community Plan, the Future Land Use Plan Map and the West Greenville 45 Block Revitalization Plan.

Chairman Parker opened the public hearing.

Mr. Matthew Hines, applicant, spoke in favor of the request. He owns Cross-Fit Greenville which is currently located on West Arlington Boulevard. He has outgrown his current space and this location will give more space. The requested site is a warehouse space and is ideal for his business.

No one spoke in opposition of the request.

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

No comments were made during board discussion.

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

PRELIMINARY PLATS

REQUEST BY LANGSTON FARMS, LLC FOR A PRELIMINARY PLAT ENTITLED "LANGSTON COMMERCIAL AND OFFICE PARK, LOT 1". THE PROPERTY IS LOCATED AT THE INTERSECTION OF THE EASTERN RIGHT -OF-WAY OF S. MEMORIAL DRIVE AND THE SOUTHERN RIGHT-OF-WAY OF REGENCY BOULEVARD. THE PROPERTY IS BOUND BY WESTHAVEN SOUTH TO THE NORTH, A RESIDENCE AND TRACTOR SUPPLY COMPANY TO THE SOUTH, VACANT PROPERTY TO THE EAST AND VACANT PROPERTY AND A SHOPPING CENTER (FORMER HOME DEPOT SITE) TO THE WEST. THE SUBJECT PROPERTY IS FURTHER IDENTIFIED AS A PORTION OF PITT COUNTY TAX PARCEL NO. 74013. – APPROVED

Mr. Andy Thomas, Lead Planner, delineated the property. He stated that the property is located in the southern section of the City, bound by S. Memorial and Regency Boulevard. The Tractor Supply Company is to the south and Westhaven South subdivision is to the north. It is vacant to the east and vacant with a shopping center to the west. The zoning pattern for this area was established when the Thomas Langston Road Extension (now called Regency Boulevard) was being discussed. This zoning pattern was established with collaboration of the Westhaven

Neighborhood and was approved by the Planning and Zoning Commission on December 20, 2005 and City Council approval on January 12, 2006. The Future Land Use Map (FLUP) shows high density residential to the east. The property is not impacted by the flood plain. S. Memorial Drive is a major thoroughfare. Regency Boulevard is a minor thoroughfare. This lot is being presented as the next phase of development of the Langston Farms property. Westhaven South Phases 1, 2 & 3 and Regency Boulevard was approved March 21, 2006. Westhaven South Section 4 & Revisions to Phases 2 & 3 was approved on October 17, 2006. Westhaven South, Section 5 was approved on April 15, 2008. The remainder of the property has not been preliminary platted and will need to be preliminary platted prior to future development. The property will be served by a drive on S. Memorial Drive which will be a shared driveway with the adjacent property to the south and a shared driveway on Regency Boulevard. There is a 10-foot non-access easement along S. Memorial Drive and Regency Boulevard. The property has been before the Board of Adjustment which issued a special use permit for a large box grocery store and gas station. The City's Subdivision Review Committee has reviewed the preliminary plat and has determined that it meets all technical requirements.

Ms. Bellis asked a general question regarding the final approval of preliminary plats is by the Planning and Zoning Commission.

Mr. Thomas stated yes.

Ms. Bellis stated that anything with final say by the Planning and Zoning Commission needs to be advertised in the newspaper. She stated she did not see this plat advertised.

Mr. Thomas stated the preliminary plats are not advertised. First class notices are mailed to adjoining property owners. With this plat they were within 300 feet.

Ms. Bellis asked how many occupied houses received letters.

Mr. Thomas stated 8.

Ms. Bellis asked if legal requirements were met.

Mr. Holec stated there is no requirement to publish a notice in the paper for this particular request.

Ms. Bellis asked when would a notice be published.

Mr. Holec stated when the state statute or our regulations require us, but not for a preliminary plat. City Council rezoning requests are required to have a publication of notice.

Ms. Bellis stated that there is residential to the north and south and possibly in the future to the east. These residents should be aware of a development going in that area and be able to provide input.

Mr. Thomas stated the property to the east vacant and to the south is commercial. Across the street is vacant and commercial. The property owners within 300 feet received notice.

Chairman Parker asked that the property in question is already zoned commercial.

Mr. Thomas stated yes, back in 2005.

Mr. Flood stated when the property was rezoned, it was advertised at that time. When the Board of Adjustment met for a special use permit for this property, an advertisement was done. This is a creation of a lot line and extension of utilities; therefore it is not typically a legislative action, but establishing a building site or acceptable building plot for development. The legislative actions have been met along the way.

Mr. Thomas stated when the zoning pattern was established, it was done with collaboration with the Westhaven Neighborhood.

Chairman Parker asked that this is not a zoning issue but a plat.

Mr. Thomas stated yes.

Chairman Parker opened the public hearing.

No one spoke in opposition of the request.

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

No comments were made during board discussion.

Motion made by Mr. Griffin, seconded by Mr. Weitz, to approve the preliminary plat entitled “Langston Commercial and Office Park, Lot 1”. Motion passed unanimously.

TEXT AMENDMENTS

ORDINANCE AMENDING THE FLOOD DAMAGE PREVENTION ORDINANCE TEXT DEFINING THE BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS WITHIN THE JURISDICTIONAL AUTHORITY OF THE CITY OF GREENVILLE AND REDEFINING THE REGULATORY FLOOD PROTECTION ELEVATION - APPROVED

Mr. Tim Corley, Civil Engineer II, stated the flood studies have been completed and new maps are completed. The new maps are to take effect July 7, 2014. All new building will have to comply after the July 7, 2014 date. The base flood elevation building requirements will have a

minimum of two (2) feet above base flood elevation per the North Carolina Floodplain Mapping Program.

Adoption of the revised Flood Insurance Study and the accompanying Flood Insurance Rates maps and to change the freeboard requires a text amendment to The Flood Damage Prevention Ordinance outlined below:

That Title 9, Chapter 6, of the City Code be amended as follows:

Section 9-6-3, subsection (B) Basis for Establishing the Special Flood Hazard Areas, replace the strikethrough text with the BOLD text as follows:

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Pitt County, dated ~~April 13, 2013~~ **July 7, 2014**, and its accompanying Flood Insurance Rate Map, (FIRM) including any digital data developed as part of the FIS, which are adopted by reference and declared to be a part of this ordinance. Future revisions to the FIS or FIRM panels that do not change flood hazard data within the jurisdictional authority of the City of Greenville are also adopted by reference and declared to be part of this ordinance. Subsequent revisions to the FIRM should be adopted within 6 months.

Replace all of the text in subsection, Sec. 9-6-2. Definitions, (52) *Regulatory Flood Protection Elevation* with the following:

Regulatory Flood Protection Elevation means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be at least the BFE plus two (2) feet for all structures and other development except manufactured homes. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade. For manufactured homes, the regulatory flood protection elevation shall be at least the BFE plus two (2) feet. Allowable elements below the lowest floor are limited to electrical, mechanical, and ductwork, which are considered a standard part of the manufactured home. Cross over ducts for double and triple wide manufactured homes are specifically exempted from the freeboard requirement provided the bottom of all such cross over ducts are above the base flood elevation. All electrical, mechanical, and duct work which are not a part of the manufactured home shall be no lower than two (2) feet above the base flood elevation.

Staff recommends approval of the proposed text amendments to City Council.

Ms. Bellis asked for the definition of base flood elevation.

Mr. Corley stated it referred to the 100 year flood level.

Chairman Parker opened the public hearing.

No one spoke in favor or in opposition of the text amendment.

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

Mr. Weitz stated he supports the ordinance amendment that increases the regulation in flood areas. He stated that elevating a structure to the new 2 feet minimum is a much better protection from flooding. He stated the best policy is to keep buildings and people out of the flood plain. Even though there is flood insurance, partially subsidized by the federal government for those who build in the flood plain, it must be kept in mind that the flood plain will change over time. He stated it is not a guarantee that an area will not flood. He stated that the new Congress just passed a law, signed by the President, regarding a whole new mapping program. He stated he wanted to recognize the importance of flood plains and good development that stays out of the flood plains.

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

With no further business, motion made by Mr. Griffin, seconded by Mr. Weitz, to adjourn. Motion passed unanimously. Meeting adjourned at 7:06 p.m.

Respectfully Submitted,

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