



## Agenda

September 20, 2011

6:30 PM

Council Chambers, City Hall, 200 West Fifth Street

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- I. CALL MEETING TO ORDER -
- II. INVOCATION - Hap Maxwell
- III. ROLL CALL
- IV. APPROVAL OF MINUTES - August 16, 2011
- V. NEW BUSINESS

### PRELIMINARY PLATS

- 1. Request by EMW Properties for a preliminary plat entitled "Arlington Acres (2011)". The property is located west of Arlington Boulevard at its intersection with the railroad track. The property is further identified as Pitt County Tax Parcel 07116. The proposed development consists of 1 lot on 8.3772 acres.

### TEXT AMENDMENTS

- 2. Zoning Ordinance Text Amendment submitted by F. Durward Tyson Jr, P.E. of Rivers and Associates, Inc. to modify Section 9-4-96 (F) Proximity to Streets.

- VI. ADJOURN

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING  
AND ZONING COMMISSION  
August 16, 2011

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

Mr. Godfrey Bell, Sr. - X  
Mr. Dave Gordon - \*                      Ms. Linda Rich - \*  
Mr. Tony Parker - \*                      Mr. Tim Randall - \*  
Mr. Hap Maxwell - \*                      Ms. Ann Bellis - \*  
Ms. Shelley Basnight - \*                      Mr. Brian Smith - \*  
Mr. Doug Schrade - \*

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

**VOTING MEMBERS:** Gordon, Parker, Maxwell, Basnight, Rich, Bellis, Smith

**PLANNING STAFF:** Chris Padgett, Chief Planner; Chantae Gooby, Planner; Wayne Harrison, Planner; Andy Thomas, Planner; Valerie Paul, Secretary

**OTHERS PRESENT:** Dave Holec, City Attorney; Rik Decesar, Traffic Engineer; Wes Anderson, Public Works Director; Tim Corley, Engineer; Jonathan Edwards, Communications Technician

Attorney Holec said that since the Chair and Vice-Chair were not present, the Commission would have to elect one of the members to serve as Chair for the meeting.

Mr. Smith nominated Mr. Randall. With no further nominations, the Commission voted unanimously in favor.

**MINUTES:** Motion was made by Mr. Gordon, seconded by Mr. Parker, to accept the July 19, 2011 minutes as presented. Motion carried unanimously.

**NEW BUSINESS**

**Rezoning**

Ordinance requested by Frank Hart Trust c/o Robert D. Parrott, Trustee to rezone 0.2868 acres located along the eastern right-of-way of Charles Boulevard and adjacent to The Province Apartments from OR (Office-Residential [High Density Multi-family]) to CDF (Downtown Commercial Fringe).

Ms. Chantae Gooby, Planner, delineated the location of the property. A photograph of the property was presented. She stated the area contains a variety of uses. Charles Boulevard is a connector corridor which is designed to contain a variety of uses. There is a commercial focus area at the intersection of Charles Boulevard and 14<sup>th</sup> Street. This rezoning could generate a net increase of 60 trips per day. The trips will be split 50% in both directions on Charles Boulevard.

This property was zoned OR in 1969. At a point in time, the Domino's Pizza was built. In 2004, restaurants were deleted as a use in the OR district. Therefore, Domino's became a legal non-conforming use, which means the building can't be expanded. The Future Land Use Plan Map recommends office/ institutional/multi-family (OIMF) east of Charles Boulevard between 10<sup>th</sup> and 14<sup>th</sup> Streets. The requested zoning is CDF, which is not a zoning district within the OIMF Future Land Use Plan Map category. In staff's opinion, this request is not in compliance with the Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

Ken Malpass, of Malpass and Associates, spoke in favor of the request. He stated that the existing building has been there for around 30 years and is out-of-date.

No one spoke in opposition of the request.

**Motion was made by Mr. Gordon, seconded by Mr. Smith, to recommend approval of the proposed amendment, to advise that, although the proposed amendment is not consistent with the comprehensive plan, in this instance it is an appropriate zoning classification, and to adopt the staff report which addresses plan consistency. Motion passed unanimously.**

#### **Preliminary Plat**

Request by Greenville Retail Investments, LLC for a preliminary plat entitled "Hardee Crossing at Portertown". The property is located east of Portertown Road, south of East Tenth Street (NC HWY 33) and north and south of the Norfolk Southern Railroad. The property is further identified as Pitt County Tax parcels 24690, 09729, 32502, 51061, 51062, 47497, 50520, 59472, 09795, 05837, 44139, and 44130. The proposed development consists of 9 lots on 48.67 acres.

Mr. Andy Thomas presented the item to the Commission; an aerial map and a zoning map were provided. He gave a history of the area's zoning. It is not impacted by any flood plains and it is located along two major thoroughfares, Tenth Street/NC HWY 33 and Portertown Road. All the Commission would be reviewing is the preliminary plat, or the lot layout – not the site plan or uses. Area residents have brought up the issue of drainage, but the engineer for the applicant has stated that they overdesigned the detention ponds to hold water longer and release it more slowly over a longer period of time so that the rate of post-development run-off will not exceed the rate of pre-development run-off. A public street will be provided along the eastern boundary to provide lateral access to commercial properties that may develop in the future; the site's internal drives will provide ingress and egress easements.

Ms. Ann Bellis said that there were two areas on the map that seem to come down from the Sheetz property to the proposed Wal-Mart pond. She asked if that would be what takes care of the drainage from that property.

Mr. Tim Corley said that the plans submitted for this project indicate that the ponds that are shown detain more water than what is on the site now. One pond is designed for Wal-Mart and its property and the other is for the other retail shops that parallel the railroad.

Ms. Bellis asked what the pipes were and what their diameter is.

Mr. Corley answered that they had not reviewed detailed construction drawings yet but he believes that they are existing crossings underneath the railroad and that they have received permission from the railroad to go in and install bigger pipes. He advised her to confirm with the applicant's engineer.

Ms. Bellis said that currently that land is farmland and it tends to absorb more rainfall than paved lots.

Mr. Corley answered that the ponds equal to about 13 acres of worth of detention area; the ponds will be deep and the rate that the ponds will release the rainwater will be less than what currently comes off the farmland.

Ms. Bellis asked if the ponds would be fenced since they will be so deep.

Mr. Corley answered that he was not sure, but they typically are fenced because they back into a residential area.

Ms. Bellis noted that in some parts of the plan, the term "detention" was used and in other parts "retention" was used and they are not the same.

Mr. Corley answered that they would mean the same thing from an Engineering view point. He said that based on what was shown, the applicant had gone above and beyond the city's requirements.

Ms. Bellis noted that a detention pond would slow it and a retention pond would hold it.

Mr. Corley answered that from a City-stormwater perspective, this would be a detention facility because it is holding the water. The City's engineering staff uses the term "detention" and the applicant uses "retention", but they are the same.

Ms. Bellis asked how many years this was designed for.

Mr. Corley said that the applicant would have to be the one to confirm that question, but he believes that it was designed for a 100-year storm.

Ms. Bellis asked if it would come out of that pond if it exceeds that.

Mr. Corley said that there is emergency overflow on those ponds.

Ms. Bellis asked if lots 81 and 82 currently have homes on them.

Mr. Corley said that he was not sure and they'd have to look at aerial to see.

Ms. Bellis said that if there were houses there then that would be a problem.

Mr. Corley answered that a 100-year event would be very large and there would be no telling where the waters would flood. He said that he understands her concern and they will investigate it, but he believes it is a drainage channel.

Ms. Bellis noted that the property owner might be concerned.

Mr. Randall said that it appears that they are 4 ft. pipes coming in and 18 in. pipes going out, so it appears that they are trying to get all the water off the parking lot and release it slowly.

Mr. Corley said that they may even put a device inside to restrict the flow even more.

Mr. Jim Price, with WRS Inc., introduced himself to the Commission and offered to answer any questions that they might have.

Mr. Randall asked if their civil engineer would step forward and give an overview of their plan to the Commission.

Mr. Todd Southernridge, civil engineer, said that everything drains from 10<sup>th</sup> Street towards the railroad with the current drainage pattern. There are three culverts underneath the railroad that drain water off of the existing Food Lion parking lot. They had looked into using those existing pipes, but they are not big enough. Their design is able to handle all 48 acres. The ponds will have a permanent pool and they are designed to hold about 5 ft. of water; he noted that the plans should have used the term "detention". He outlined the proposed drainage pattern to the Commission.

Ms. Bellis asked him to repeat what he said about the eastern side.

Mr. Southernridge said that there is another ditch on the eastern side of the property that runs into another ditch and drains into Lake Glenwood. He said that their property does not use that ditch.

Mr. David Barham said that he is for free enterprise and development; he thinks they have gone into detail and he thinks it's a good thing.

Mr. Hank Moonshein spoke in opposition. He said that he was not necessarily opposed to the application, but he was concerned. He was not sure how the water from the ditch would make it into the pond and he said that when this plan was initially proposed, it was said that drainage would go into the river, but now it sounds like it will go into Lake Glenwood and he feels that Lake Glenwood cannot handle it.

Mr. Randall said that he did not recall any plans to drain into the river.

Mr. Corley said that he had never heard that either. He said that the residents of Lake Glenwood have expressed their concerns about that to the planners and developers, but it was his understanding that it would go into Lake Glenwood and not the river.

Mr. Moonshein said that other plans had stated that it would go towards the left and not towards Lake Glenwood.

Mr. Corley said that he was not aware of that.

Mr. Thomas said that Mr. Moonshein was referring to the existing drainage plan for Food Lion.

Mr. Corley said that although they are removing that pond that goes to Food Lion, they will retain much more than that pond in the new stormwater facility.

Mr. Moonshein asked if the water that gets into the ditch will go into the retention ponds or will some go into Lake Glenwood.

Mr. Corley said that their engineer said that there would be no water sent to the existing ditch but it would be routed into the ponds.

Mr. Southenridge said that all the waters they are directing will go through the ponds; a little water may get in from the farmlands, but that gets in there today and they are not adding anymore.

Mr. Randall said that he feels that the developers were well aware of the concerns of the residents in that area and he feels that it is admirable.

**Mr. Gordon made a motion to approve the preliminary plat, Mr. Smith seconded and the motion passed unanimously.**

## **TEXT AMENDMENTS**

Request by Steve Mills to amend the Zoning Ordinance regulations applicable to Wine Shops.

Mr. Chris Padgett, Chief Planner, explained that the applicant, Mr. Mills, is the owner/operator of Dolce Vita wine shop. Mr. Mills wants his customers to be able to select from his craft beer inventory and consume the beer at his wine shop the same way they can currently do with his wine inventory. To do this Mr. Mills must obtain an “On-premises malt beverage consumption” ABC permit from the state. It appears that Mr. Mills meets all applicable state requirements for this permit, except that the local zoning standards applicable to a “wine shop” do not allow the on-premises consumption of malt beverages, only wine. Mr. Padgett stated that he had worked with Mr. Mills over the past two months to draft an amendment to the wine shop standards that would allow Mr. Mills to move forward with business improvements while also ensuring that wine shops operate as retail establishments and not as clubs.

Mr. Padgett reviewed the various substantive areas of the proposed text amendment which included the following:

- Allow a wine shop as a permitted use in the CH district and as a special use in the MCG, MCH, CD, CDF, CG, and CN districts. (They are currently a permitted use in the MCG, MCH, CD, CDF, CG, CN and CH districts.)
- Allow the on-premises consumption of malt beverages. (Only the on-premises consumption of wine is currently permitted).
- Require that the sale of wine and malt beverages for on-premises consumption not exceed 40% of the wine shop's total sales of wine and malt beverages including both on-premises and off-premises consumption for any 30-day period. (The 40% requirement is currently limited to wine only).
- Require that records related to the wine shop's total sales of wine and malt beverages for both on-premises and off-premises consumption be maintained on the premises for at least one year and shall be open to inspection. (No such requirement currently exists.)
- Require that a wine shop be located at least 200-feet from any existing or approved public or private club, dining and entertainment establishment, or other wine shop that includes the on-premises consumption of malt beverages. (No such requirement currently exists.)
- Limit wine shops' hours of operation to no later than 11:00 p.m. Sunday - Thursday and no later than 12:00 a.m. Friday - Saturday.
- Prohibit a wine shop from requiring a membership, cover or minimum charge for admittance.

In staff's opinion, this request is in compliance with Horizons: Greenville's Community Plan.

Mr. Gordon asked if the current location of Dolce Vita was zoned CH? Mr. Padgett responded that it was zoned CH. Mr. Gordon asked if the applicant would be required a Special Use Permit under the proposed standards. Mr. Padgett responded that he would not.

Ms. Basnight asked about Dolce Vita's current hours of operation? Mr. Padgett said that he thought they closed by 10 pm during the week and by 11 pm on weekends.

Mr. Randall asked whether a new wine shop would have to get a Special Use Permit annually or if it was a one-time process? Mr. Padgett stated that it would be a one-time process. Mr. Randall asked if we were adding too many layers of standards for these uses? Mr. Padgett replied that the level of regulation for any land use is a policy question and he noted that the city had been strengthening its standards for establishments with the on-premises consumption of alcohol over the past several years.

Steve Mills spoke in favor of the request. Mr. Mills said that he was the owner/ operator of Dolce Vita wine shop. He opened the wine shop four-years ago and it is operated as a retail shop that sales wine and craft beer. Only 7% of his sales are for the on-premises consumption of wine and he would like to offer his beer customers the same opportunities as his wine customers.

Mr. Randall asked Mr. Mills if the extra layers of regulation would be a problem for him opening another wine shop. Mr. Mills said that he is 100% satisfied with the proposed standards and that they would not deter him or anyone that wanted to operate a business the right way.

No one spoke in opposition of the request.

**Motion was made by Mr. Parker, seconded by Mr. Gordon, to approve 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.**

#### **LAND USE PLAN MAP AMENDMENTS**

Ordinance requested by Ward Holdings, LLC et al to amend the Future Land Use Plan Map (FLUPM) from office/institutional/multi-family (OIMF) and medium density residential (MDR) designations to commercial (C) designation for the properties located at the southeast corner of the intersection of Greenville Boulevard and East 14th Street containing 3.96 acres.

Ms. Chantae Gooby, Planner, delineated the location of the property. The property is located at the corner of Greenville Boulevard and East 14<sup>th</sup> Street. The area contains 3.96 acres. She stated the area contains vacant lots, single-family residences and one duplex. Greenville Boulevard is a connector corridor which is designed to contain a variety of uses. There is a commercial focus area at the intersection of Greenville Boulevard and East 14<sup>th</sup> Street. This rezoning could generate a net increase of 2,000 trips per day. The trips will be split 50% in both directions on Greenville Boulevard. There have been several versions of this request over the past few years. The area was zoned single-family and duplex in 1969. In 1990, there was a request to rezone eight lots that fronted onto Greenville Boulevard to office zoning. There was a protest petition and the request was denied. In 2006, the property was included in the Eastwood Neighborhood rezoning to single-family only zoning. This was part of the recommendations from the Task

Force on Preservation of Neighborhoods and Housing (TFPNH). In 2007 and 2008, there were two identical requests (3 lots) to change the OIMF designation to a C designation. These requests were denied. There was a similar request during the five-year comprehensive plan update that included nine lots. The request was to change the OIMF designation to a C designation, this request was also denied. The property was zoned to single-family as part of the TFPNH to single-family only zoning. The only zoning district allowed within the OIMF category for this area is office zoning. The office zoning would allow for the homes fronting Greenville Boulevard to be converted to office use while insulating the interior homes from Greenville Boulevard, minimize traffic impacts and linear expansion of commercial along Greenville Boulevard. The single-family homes fronting along Greenville Boulevard have diminished long-term livability. The OIMF category gives a buffer along Greenville Boulevard and preserves carrying capacity since office generates less traffic than commercial. The interior lot experiences traffic due to the Teen Center and the Perkins Baseball Complex, but not of a scale that non-residential is recommended. For any change to the FLUPM, there should a change that was not anticipated at the time of the adoption of its adoption such as, street changes or new development. In this instance, the FLUPM was adopted in 2004. It is staff's opinion, that there has not been a change that would warrant the FLUPM being changed.

Mr. Parker asked if Hardee Road could be connected to Leon Hardee Road in the future.

Ms. Gooby explained that since the right-of-way has been dedicated to the city, it would be up to the City if and when that would happen.

Mr. Gordon asked for the Commission's voting record for the past three requests.

Ms. Gooby stated that the Commission had recommended approval for all three requests and Council had denied all three requests.

Ms. Bellis asked what uses would be allowed under the Office zoning.

Ms. Gooby explained the property was not zoned office. Examples of uses in that district are medical offices, banks, and an urgent care facility.

Mr. Jim Ward, applicant, spoke in favor of the request. Mr. Ward stated that he has developed a close relationship with the neighborhood. Recently, the family that owns the interior lot has decided to include their lot in this request. This request will allow more flexibility with setbacks, deceleration lanes, and access onto East 14<sup>th</sup> Street. This request will enhance this corner. Most likely any traffic increase would be pass-by traffic. The three remaining corners of this intersection are shown as commercial on the FLUPM. This request shows the proposed commercial to align with the commercial across Greenville Boulevard. He has the support of adjoining property owners and overwhelming support of the Eastwood Neighborhood Association. This support demonstrates the basis for a change on the land use plan map.

Mr. Randall asked Mr. Ward what changed occurred that would warrant the land use plan map to be changed.

Mr. Ward stated that the support of the neighborhood is the change. He stated that there has been a precedent that neighborhood support is a basis for change.

Mr. Parker asked Mr. Ward of his intentions for the vacant lot he owns on Hardee Road.

Mr. Ward stated he intends to let the neighborhood use the lot as green space or as they see fit. He stated that the addition of the interior lot on Leon Hardee Road would not allow Hardee Road to be connected because it is protected by deed.

Scott Hucks, President of the Eastwood Neighborhood Association, spoke in favor of the request. He stated that the association held a meeting on Thursday. The association feels that the change in the FLUPM would be beneficial to the neighborhood and that traffic will be a problem no matter what use is there.

Wayne Caldwell, resident of Brook Valley Subdivision, stated that Brook Valley depends on Adams Boulevard and East 14<sup>th</sup> Street for access. He is concerned that commercial will be negative. He stated that the East 14<sup>th</sup> Street and Greenville Boulevard intersection is inadequate. He has police reports that show that there are as many auto accidents as at this intersection as East 10<sup>th</sup> Street and Greenville Boulevard. This is a problem that needs to be resolved. Egress and ingress for the Teen Center and Perkins Baseball Complex is problematic, especially for left-hand turns. There needs to be a re-design of this intersection before adding additional traffic. Left-hand turns from Adams Boulevard are problematic and the addition of more trips will make it worse. There will be an increase in accidents.

Dr. James Kenny, resident of Eastwood Subdivision, wants awareness for the East 14<sup>th</sup> Street traffic congestion onto Greenville Boulevard. He stated there is traffic congestion at the entrance of the Perkins Baseball Complex. He is concerned about emissions that cause health problems. He asked that 18-wheelers be prohibited on Leon Hardee Road. He spoke about the principles of Smart Growth.

Mr. Ward spoke in rebuttal. He stated that he has an outstanding relationship with the neighborhood. The concerns can be addressed if the request is granted.

No rebuttal from the opposition.

Mr. Randall ask Mr. DiCesare for more information about traffic.

Mr. Rik DiCesare, City Traffic Engineer, explained that Greenville Boulevard and East 14<sup>th</sup> Street are owned by NCDOT. Any plans related to this intersection will be reviewed by the City and NCDOT. The City can also request a Traffic Impact Study. Under the current zoning, the traffic is of a destination nature. Under the proposed zoning, the traffic may be more of a pass-

by nature. He has stated that it is possible there will be very little difference in actual traffic. It depends on what the specific use is. Design and mitigation would be addressed when a site specific development plan is submitted.

Mr. Parker asked if it was possible to prevent Hardee Road from being connected to Leon Hardee Road.

Wes Anderson, Public Works Director, stated that a street closure could be requested. The process could be initiated by the city or property owners.

Mr. Schrade stated that two concerns had been addressed: neighborhood concern and traffic.

Mr. Parker stated that his father lives on Hardee Road and supports the request.

**Motion was made by Mr. Parker, seconded by Ms. Basnight, to recommend approval of the proposed amendment. Those voting in favor: Smith, Maxwell, Parker, Gordon, Basnight, and Rich. Those voting to deny: Bellis.**

Mr. Smith said that he had to be excused from the meeting.

Mr. Gordon made a motion to excuse him from the Board, Ms. Basnight seconded and the motion passed unanimously.

#### **OTHER**

Election of Officers

**Ms. Basnight nominated Mr. Randall as Chair and the Commission voted unanimously in favor.**

**Mr. Parker nominated Mr. Bell as Vice-Chair and the Commission voted unanimously in favor.**

With no further business, a motion was made, seconded and unanimously voted on to adjourn at 8:29 p.m.

Respectfully Submitted,

Merrill Flood, Secretary



# City of Greenville, North Carolina

Meeting Date: 9/20/2011  
Time: 6:30 PM

**Title of Item:** Request by EMW Properties for a preliminary plat entitled "Arlington Acres (2011). The property is located west of Arlington Boulevard at its intersection with the railroad track. The property is further identified as Pitt County Tax Parcel 07116. The proposed development consists of 1 lot on 8.3772 acres.

**Explanation:** This tract of land was subject to a preliminary plat request in 2005. That request depicted the same property being divided into three lots. The preliminary plat was denied by the Planning and Zoning Commission because it found that a new public street should be constructed through the property to serve a landlocked parcel directly to the north. The landlocked parcel had been created by a court-ordered land division and the owner, Jimmy Evans, attended the Planning and Zoning Commission meeting and argued for the public street to be provided to his property.

Planning Division Staff did not object to the 2005 preliminary plat request because in staff's opinion the landlocked parcel could be served by the extension of Gabriel Drive to Arlington Boulevard, across from the primary entrance drive for Physicians East. This street extension would occur as other properties in the area are developed.

Staff's opinion on this request is the same as it was for the 2005 request in that we continue to be a proponent of an interconnected street network and would not object to a new public street being constructed through the property to serve the landlocked parcel directly to the north. We do, however, continue to see the extension of Gabriel Drive to Arlington Boulevard, across from the primary entrance drive for Physicians East, as the desired street connection to provide access to undeveloped property in the area.

This request is being presented to the Planning and Zoning Commission as a preliminary plat because that body has previously decided that a public street should be provided through the subject property. As such, it is staff's opinion that any application to develop the property without subdivision (i.e. site plan) would be an attempt to circumvent the previous Planning and Zoning

Commission's decision which is not permitted by Section 9-4-304 of the Zoning Ordinance. This section includes the following:

**SEC. 9-4-304 COMPLIANCE WITH SUBDIVISION REGULATIONS.**

All development of lands, within the city's planning and zoning jurisdiction and of other lands subject to specific conditions, ordinances, policies or agreements of the city, shall comply with the city subdivision regulations, whether or not the subject tract is actually divided for purposes of transferring title. Applicable regulations shall include but not be limited to water and sanitary sewer extension (s), street extension(s), storm drainage requirements and the like. ( This ordinance is to preclude someone thwarting the intent of the subdivision regulations by just presenting a site plan.)

The applicable portions of the Subdivision Ordinance include the following:

**SEC. 9-5-2 PURPOSE.**

(A) Public health, safety, economy, good order, appearances, convenience and the general welfare require the harmonious, orderly and progressive development of land within the city and its extraterritorial planning jurisdiction. In furtherance of this intent, regulation of land subdivision by the city has the following purposes, among others:

- (1) To encourage economically sound and stable development in the city and its environs;
- (2) To ensure the timely provision of required streets, utilities and other facilities and services to new land developments;
- (3) To ensure adequate provision of safe, convenient vehicular and pedestrian traffic access and circulation in and through new land developments;
- (4) To ensure provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational and other public purposes or the provision of funds in lieu of dedication;
- (5) To ensure, in general, the wise and timely development of new areas in harmony with comprehensive plans as prepared and adopted by the city;

(B) These regulations are intended to provide for the harmonious development of the city and its environs, and in particular:

- (1) For coordinating streets within new subdivisions with other existing planned streets or official adopted Thoroughfare Plan street;
- (2) For appropriate shapes and sizes of blocks and lots;

- (3) For providing land for streets, school sites and recreational areas and providing easements for utilities other public facilities and services;
- (4) For distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, prosperity or general welfare;

**SEC. 9-5-81 STREET DESIGN STANDARDS.**

The following design standards shall apply to all streets in proposed subdivisions:

- (A) The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical and soil conditions, to public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
- (C) The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas.
- (D) Where a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided; and the arrangement shall make provision for the logical and proper projection of such streets.
- (E) Where a new subdivision adjoins unsubdivided lands that do not have direct and adequate access to an approved public street, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided to ensure the adjoining lands of direct and adequate access. Private streets shall not constitute direct and adequate access for purposes of this section.
- (H) The street arrangement within new subdivisions shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it or affect the health, safety and welfare of property owners and residences in the surrounding area. Streets within or adjacent to subdivisions intended for residential purposes shall be so designed that their use by through traffic shall be discouraged except, however, where such streets are existing or proposed thoroughfares.

**SEC. 9-5-84 PROJECTION OF EASEMENTS TO ADJACENT UNDEVELOPED PROPERTY.**

Where a new subdivision is adjacent to undeveloped property that does not have direct access to public utility lines or facilities, adequate easements may be reserved on each side of all rear lot lines and along certain side lot lines where necessary for the future extension of utilities to the undeveloped property.

**SEC. 9-5-95 BLOCK STANDARDS; GENERAL DESIGN.**

Block lengths, widths and areas within bounding roads shall be such that:

(A) Adequate building sites, suitable to the contemplated or probable use are provided.

(C) Lengths between intersecting streets do not exceed 1,400 feet or be less than 300 feet.

**Fiscal Note:** There will be no costs to the City of Greenville associated with this development.

**Recommendation:** The City's Subdivision Review Committee has reviewed the preliminary plat and has found that it meets all technical requirements pending the Planning and Zoning Commission's determination of whether a new public street extension is required.

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Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

**Attachments / click to download**

[Arlington Acres \(2011\)](#)

[Recommended Street Connection Map](#)

[2005 Request Staff Report](#)

[2005 Request Minutes](#)

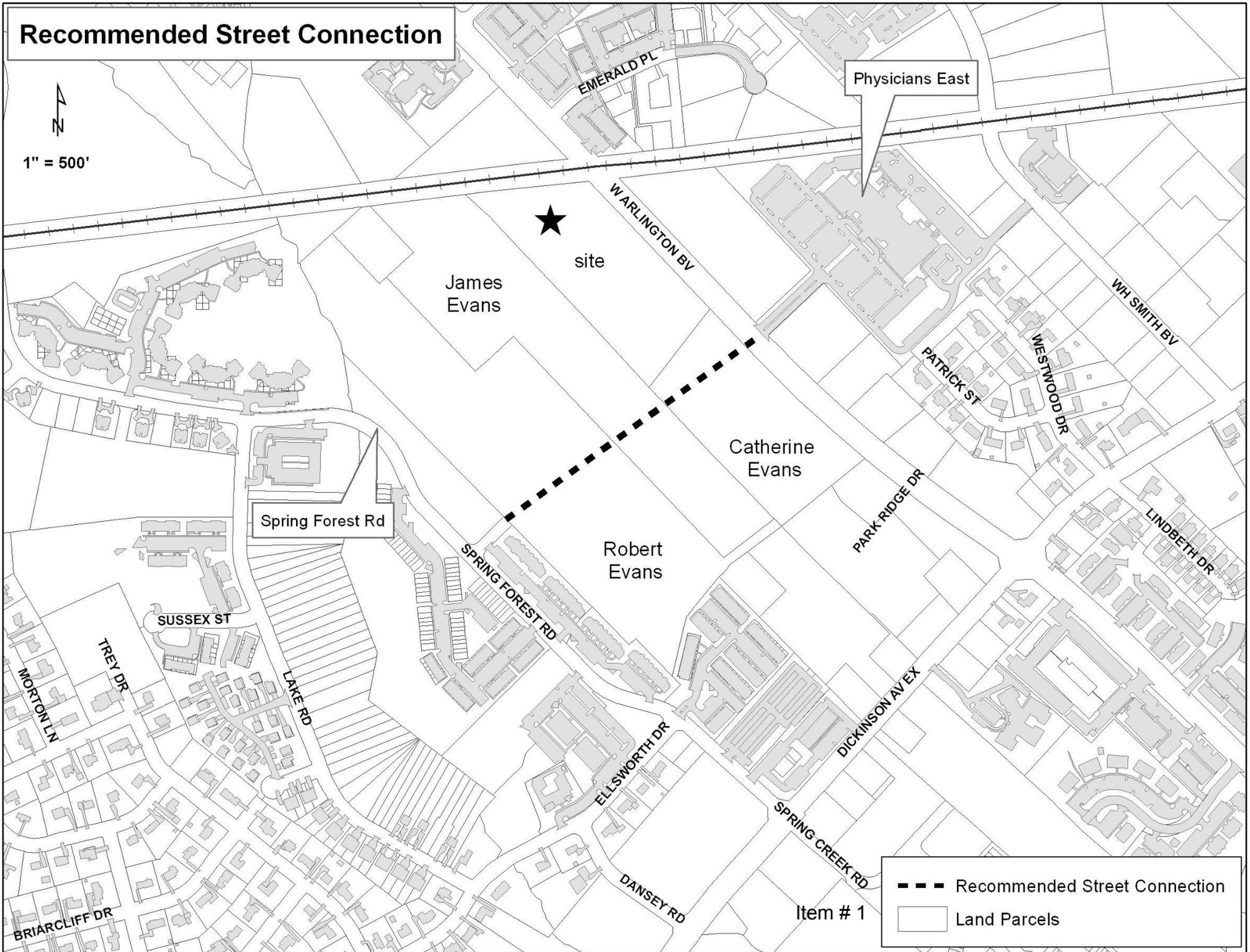
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# Recommended Street Connection



1" = 500'



Physicians East



site

James Evans

Catherine Evans

Robert Evans

Spring Forest Rd

SUSSEX ST

TREY DR

MORTON LN

LAKE RD

SPRING FOREST RD

ELLSWORTH DR

DANSEY RD

DICKINSON AVEX

SPRING CREEK RD

PATRICK ST

WESTWOOD DR

WH SMITH BV

LINDBETH DR

BRIARCLIFF DR

--- Recommended Street Connection

□ Land Parcels

Item # 1

PRELIMINARY PLAT FACT SHEET  
Staff Contact – Andrew Thomas, 329-4512

Name (Request #): Arlington Acres (05-08)  
Developer: EMW Properties, LLC  
Location: The western right-of-way of Arlington Boulevard at its intersection with the Norfolk & Southern Railroad  
Zoning: MO (Medical-Office)  
Anticipated Use: Medical Offices  
Number of Lots: 3

Comments:

The proposed Arlington Acres Subdivision, is filed for the purpose of creating 3 office lots, where each lot fronts directly onto Arlington Boulevard and no street dedication is proposed. The 3 lots will be served by individual and/or shared driveways as indicated on the plat map. Approval of the plat as proposed will result in a vested interest for 5 years, within which time the owner may develop the property under the terms and conditions of the plat, including relief from any obligation to construct a public street to adjoining properties. If the subject property is not final platted within the vesting period the owner must submit a preliminary plat for consideration under the rules in effect at the time, prior to development.

The 15'x15' temporary tree easements indicated along Arlington Boulevard were dedicated by the property owner in conjunction with a tree planting project of NCDOT and the City in the early 1990's. The trees within the easement areas are located on private property, outside the right-of-way. The five (5) year easement period has expired and the trees may be removed as part of a development plan at the option of the owner. The shared driveway on lot 2 will require removal of the tree as indicated. The driveway on lot 1 has been located to avoid the adjacent trees as is practical in consideration of alignment requirements and the existing opposite driveways. The remaining trees may qualify for required street tree plantings at the time of site development.

Lot 3 does not qualify for individual driveway access and will share a driveway with lot 2 through a common access easement as noted.

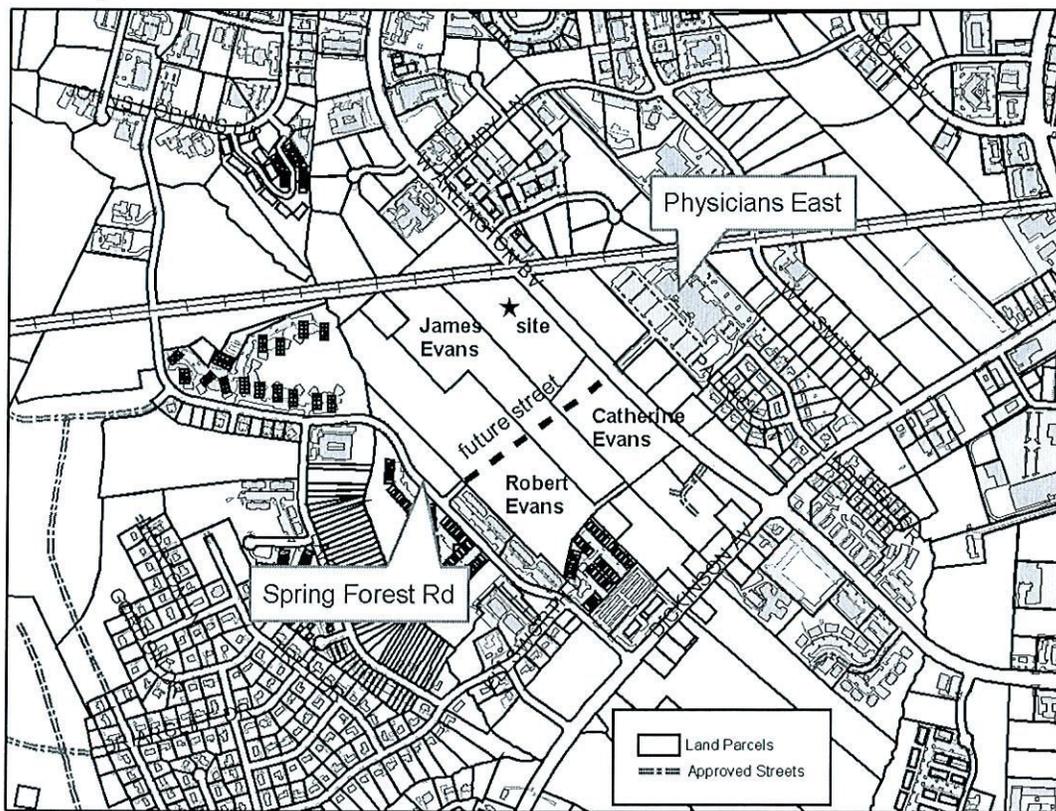
The James Evans property located to the west of the subject tract does not currently have direct access to a public street. Mr. Evans has advised staff that he believes a public street dedication across the subject tract is necessary for the future development of his property. Mr. Evans has stated to staff that the lack of a street extension through the subject tract will create a hardship in the platting of his land. As an adjoining property owner, Mr. Evan has been notified of the plat submission by mail, and he has been invited to the meeting to express his opinion for the Commission's consideration.

Subdivision Regulation street design standards are included below for reference.

In Staff's opinion a public street extending between Spring Forest Drive (Lake Ellsworth Sec. 7), and Arlington Boulevard is necessary to insure a coordinated interconnected street system. A street stub (Gabriel St.) has been provided, in conjunction with Lake Ellsworth Sec. 7, to the Robert Evans tract located west of the James Evans property. At the time of subdivision of the Robert Evans tract, Gabriel Street will be extended to the James Evans property. In addition, a logical and recommended continuation of the same street (Gabriel St.) will be through the James Evans property and Catherine Evans property to a point opposite the Physicians East driveway. The intersection of Gabriel Street and Arlington Boulevard, opposite the Physicians East driveway, will be the most appropriate location for a traffic signal, between the railroad and Dickinson Avenue, as determined necessary in the future. Other streets as required by the Commission, such as requested by Mr. Evans, may supplement that primary connector/collector. A public street as requested by Mr. Evans can be located within the bounds of the proposed subdivision (Arlington Acres) in accordance with the subdivision regulations, at the direction of the Commission. As the abutting tracts are presently configured, the future extension of Gabriel Street (unknown time schedule) will provide future access to interior properties including the James Evans tract.

If the preliminary plat (Arlington Acres) is approved as submitted, the extension of Gabriel Street as referenced above is imperative, and shall be required at the time of development of the Catherine Evans property.

Area map:



The plat as proposed can meet the minimum requirements of the subdivision regulations, provided the Commission is in agreement that the lack of a street extension at this time does not create a hardship for the development of the adjacent properties. If the Commission decides a street extension, through the subject tract to the James Evans property, is in the public interest the Commission may deny the plat as proposed. Any motion for denial should include the reasons for such decision.

## **Excerpts from the City of Greenville Subdivision Ordinance**

### **Sec. 9-5-2. Purpose.**

(a) Public health, safety, economy, good order, appearances, convenience, and the general welfare require the harmonious, orderly and progressive development of land within the city and its extraterritorial planning jurisdiction. In furtherance of this intent, regulation of land subdivision by the city has the following purposes, among others:

- (1) To encourage economically sound and stable development in the city and its environs;
- (2) To ensure the timely provision of required streets, utilities and other facilities and services to new land developments;
- (3) To ensure adequate provision of safe, convenient vehicular and pedestrian traffic access and circulation in and through new land developments;
- (4) To ensure provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational and other public purposes or the provision of funds in lieu of dedication;
- (5) To ensure, in general, the wise and timely development of new areas in harmony with comprehensive plans as prepared and adopted by the city;

(b) These regulations are intended to provide for the harmonious development the city and its environs, and in particular:

- (1) For coordinating streets within new subdivisions with other existing planned streets or official adopted thoroughfare plan street;
- (2) For appropriate shapes and sizes of blocks and lots;
- (3) For providing land for streets, school sites, and recreational areas and providing easements for utilities other public facilities and services;
- (4) For distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, prosperity or general welfare;

### **Sec. 9-5-81. Street design standards.**

The following design standards shall apply to all streets in proposed subdivisions:

- (1) The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical and soil conditions, to public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
- (3) The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas.
- (4) Where a new subdivision adjoins unsubdivided land susceptible to being subdivided, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided; and such arrangement shall make provision for the logical and proper projection of such streets.
- (5) Where a new subdivision adjoins unsubdivided lands that do not have direct and adequate access to an approved public street, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided to insure the adjoining lands of direct and adequate access. Private streets shall not constitute direct and adequate access for purposes of this section.
- (8) The street arrangement within new subdivisions shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it or affect the health, safety and welfare of property owners and residences in the surrounding area. Streets within or adjacent to subdivisions intended for residential purposes shall be so designed that their use by through traffic shall be discouraged, except however, where such streets are existing or proposed thoroughfares.

**Sec. 9-5-84. Projection of easements to adjacent undeveloped property.**

Where a new subdivision is adjacent to undeveloped property that does not have direct access to public utility lines or facilities, adequate easements may be reserved on each side of all rear lot lines and along certain side lot lines where necessary for the future extension of utilities to such undeveloped property. (Ord. No. 1941, § 1, 1-12-89)

**Sec. 9-5-95. Block standards; general design.**

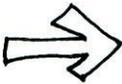
Block lengths, widths and areas within bounding roads shall be such that:

- (1) Adequate building sites, suitable to the contemplated or probable use are provided.
- (3) Lengths between intersecting streets do not exceed one thousand four hundred (1,400) feet or be less than three hundred (300) feet.

contain a residential option. Tract 2 at current zoning would yield 64 single family lots and the proposed zoning could yield 296 multi-family units, 2 and 3 bedrooms. Tracts 3 and 4 are proposed for Medical Heavy Commercial which does not contain a residential option. As recommended by the Land Use Plan the applicant has provided a 50 foot buffer between the proposed commercial area and the existing multi-family.

Mr. Fred Mattox, representing the applicants, spoke on behalf of the request. Mr. Mattox stated that he and Mr. Linwood Stroud would answer any questions.

Motion was made by Mr. Ramey, seconded by Mr. Lehman, to approve the request. Motion carried unanimously.



REQUEST BY EMW PROPERTIES – DENIED

Chairman Yates stated that the next item is a request by EMW Properties for preliminary plat entitled "Arlington Acres". The property is located on the western right-of-way of Arlington Boulevard at its intersection with the Norfolk and Southern Railroad. The proposed development will consist of 3 lots on 8.3772 acres.

Mr. Andy Thomas stated this is a preliminary plat for Arlington Acres and the developer is EMW Properties, LLC. The property is located on the western right-of-way of Arlington Boulevard at its intersection with the Norfolk & Southern Railroad. The property is currently zoned MO (Medical-Office) with three lots and the anticipated use is Medical Offices. Mr. Thomas stated that Stantonsburg Road, Dickinson Avenue and Arlington Boulevard are major thoroughfares. The property is not impacted by the floodplain. This plat is being filed for the purpose of creating 3 office lots, which will have frontage onto Arlington Boulevard without a street extension. If this plat is approved in this manner it will confer upon the owner a vested right to build this for 5 years. If the subject property is not final platted within the vesting period the owner must submit a preliminary plat for consideration under the rules in effect at the time, prior to development. In the 1990 the city in conjunction with DOT had a tree planting project along Arlington Boulevard and there are some 15 foot x 15 foot tree easements and staff would encourage that they be retained. Lot 3 does not qualify for an individual driveway but would have access via a shared driveway and access easement with Lot 2. The James Evans property is located to the west which has a home on the site. Mr. Evans has advised staff that he believes a public street dedication across the subject tract is necessary for the future development of his property. Mr. Evans has stated to staff that the lack of a street extension through the subject tract will create a hardship in the platting of his land. As an adjoining property owner, Mr. Evans has been notified of the plat submission by mail, and he has been invited to the meeting to express his opinion for the Commission's consideration. Mr. Thomas stated he had included in the packets the applicable Subdivision Regulations. In staff's opinion a public street extending between Spring Forest Drive and Arlington Boulevard is imperative. Staff would envision this future street to come off Gabriel Street stub, currently in Lake Ellsworth and tie into Arlington Boulevard at the driveway for Physicians East. This is necessary to provide a coordinated interconnected street system. Other streets as required by the Commission, such as requested by Mr. Evans, may supplement that primary connector/collector. A public street as requested by Mr. Evans can be located within the bounds of the proposed subdivision (Arlington Acres) in accordance with the subdivision regulations, at the

direction of the Commission. As the abutting tracts are presently configured, the future extension of Gabriel Street (unknown time schedule) will provide future access to interior properties including the James Evans tract. If the preliminary plat (Arlington Acres) is approved as submitted, the extension of Gabriel Street as referenced above is imperative, and shall be required at the time of development of the Catherine Evans property. The plat as proposed can meet the minimum requirements of the subdivision regulations, provided the Commission is in agreement that the lack of a street extension at this time does not create a hardship for the development of the adjacent properties. If the Commission decides a street extension, through the subject tract to the James Evans property, is in the public interest the Commission may deny the plat as proposed. Any motion for denial should include the reasons for such decision.

Mr. Lehman asked how Mr. Evans currently accesses his property.

Mr. Thomas stated that Mr. Evans has developed an office park on the corner of Dickinson Avenue and Arlington Boulevard and has put in a private street with a paved driveway to his home site.

Mr. Stokes asked about the driveway being located across Arlington Boulevard in front of Physicians East.

Mr. Thomas replied that with consulting with the Engineering Department, it was concluded that the major intersection would be the street that ties in with Physicians East and that is seen as the major intersection.

Mr. Fred Mattox, representing the applicants, stated there is 757.37 feet of road frontage on Arlington Boulevard for the subject property. The city recommends that street intersections be no closer than 300 feet apart and no further than 1400 feet apart. Point being if you put a street here you set up some requirements as to where the intersection at Spring Forest will be built. Mr. Mattox stated this land is part of a larger tract that was once owned by Godfrey Evans and upon his death subdivided and the property that Mr. James Evans owns came out of Tract 2A. Mr. Mattox explained that this property came from Tract 3 owned by someone else. Mr. Evans stated that Mr. Evans has a right-of-way off Dickinson Avenue to his home and he has access to his property through Lot 3A. Mr. Mattox stated that Mr. Evans would like to divide this property into two separate pieces by dividing with the road for his benefit. Mr. Mattox stated that Mr. Evans created the problem when he received his deed which shows the access from Dickinson Avenue to his property. Mr. Mattox stated that they do not think it is good planning to have a major street close to the street at Physicians East. Mr. Mattox asked the Commission to approve the preliminary plat.

Mr. Bryant Becker, representing Mrs. Leslie Evans, spoke in opposition to the request. Mr. Evans wants to develop his property but he can't because there is no access. Mr. Becker submitted a draft preliminary plat that indicates that a street be required. It is imperative to provide Mr. Evans access when and if Gabriel Street is developed.

Mr. Jimmy Evans spoke in opposition to the request. Mr. Evans stated that he has a 10 foot easement off Dickinson Avenue to his property along with another 6 foot in a curve. Mr. Evans stated that there is a small ditch that would drain the property on the 16 acre property.

Mr. Denton Hardee, one of the owners of the property, advised that no trees on Arlington Boulevard would be removed and that a curb cut was moved so that a tree would not be removed.

Mr. Becker stated that if Gabriel Street is extended to Physicians East that is fine as long as the road comes through this property and stubs off the 16 acres. When the 16 acres is developed Mr. Evans can then connect to Gabriel Street down through his property.

There was discussion on the location of the extension of Gabriel Street in relation to Physicians East.

Mr. Thomas explained that it is imperative that Gabriel Street be extended to Arlington Boulevard and line up with the drive at Physicians East.

Motion was made by Mr. Randall, seconded by Mr. Moyer, to deny the request based on Item 5, Section 9-5-81, Street Design Standards of the Subdivision Ordinance. Motion carried unanimously.

#### REQUEST BY JIMMY W. CARTER – APPROVED

Chairman Yates stated that the next item is a request by Jimmy W. Carter to amend the zoning regulations to include a new definition entitled “Home occupation, bed and breakfast inn”, and to include same as a special use, subject to specific performance standards, on properties that are located both (i) within a R6S zoning district, and (ii) within a locally designated historic district (HD) overlay zoning district.

Mr. Hamilton this is a request by Mr. Carter to amend the R6S district standards, Table of Uses, to include bed and breakfast inns as a special use home occupation. Currently, bed and breakfast inns are a commercial use and they are included under the hotel, motel, bed and breakfast inn category. That type of use is only allowed within commercial, office/institutional and industrial zones. There are no residential based bed and breakfast inns located in Greenville because of that restriction. It is very difficult to find homes within these zones that would accommodate a bed and breakfast. The request is to allow bed and breakfast inns as a home occupation to a single family owner occupant dwelling within the R6S zone. Mr. Hamilton explained that not only would the home have to be within a R6S zone but must also be in a district subject to a historic district overlay zone. There are two within the Greenville, the Tobacco Warehouse District and the Tar River Historic District located off of Fifth Street which is in the area being considered for rezoning to R6S. Bed and breakfast inn is a single family dwelling in which the resident owner offers temporary overnight accommodations to visitors for compensation. Such use may be allowed as an accessory use home occupation to a single family dwelling upon special use approval from the Board of Adjustment in accordance with the additional conditions that would apply within the code. The ordinance contains 16 minimum standards and conditions and the Board of Adjustment can impose additional conditions if they deem necessary. Mr. Hamilton stated that there are other potential historic districts that may be located in the West Greenville area. If those areas are zoned R6S in the future and have the historic overlay perhaps there might be other locations available for this use. Mr. Hamilton read the proposed



# City of Greenville, North Carolina

Meeting Date: 9/20/2011  
Time: 6:30 PM

**Title of Item:** Zoning Ordinance Text Amendment submitted by F. Durward Tyson Jr, P.E. of Rivers and Associates, Inc. to modify Section 9-4-96 (F) Proximity to Streets.

**Explanation:**

**Background and Current Standards**

Prior to 1989, the Zoning Ordinance required that all portions of all buildings be located within 600 feet of a public street. Private streets were qualified for this purpose and the distance was reduced to 500 feet in January, 1989.

The standard was again modified in 1994 following an application submitted by Michael Baldwin on behalf of Vanrack, Inc. This revision allowed developments with common access drives and parking areas of sufficient design, dimension and construction for use by city fire and rescue vehicles to have all buildings located within 750 feet of an approved public or private street.

The city's standards have remained unchanged since 1994 and currently read as follows:

(F) Proximity to streets.

(1) All portions of each building erected in accordance with this section shall be located within 500 feet of an approved public or private street, except as further provided under subsection (F)(2) below.

(2) All portions of each building located within any development which has exclusive and/or common property access drives and parking areas of sufficient design, dimension and construction, for use by fire and rescue vehicles of the city shall be located within 750 feet of an approved public or private street. For purposes of this section, the term "use by fire and rescue vehicles" shall be construed as ingress and egress by continuous forward movement unless otherwise approved by the Chief of Fire Rescue.

**Proposed Modifications**

The current request proposes to increase the distance buildings can be from public or private streets, as provided in subsection (F)(2) above, from 750 feet to 1,000 feet; to incorporate language and standards from State Fire Code related to access; and to clarify that the city retains the right to require the construction of public streets where such is desirable. These changes specifically include modifying subsection (F)(2) and creating a subsection (F)(3) as follows:

(2) All portions of each building located within any development which has exclusive and/or common property access drives and parking areas meeting the requirements of the North Carolina State Fire Code for a fire apparatus access road shall be located within 1,000 feet of an approved public or private street. The fire apparatus access road shall extend to within 150 feet of all portions of the facility as approved by the Chief of Fire and Rescue.

(3) No portion of this subsection shall preclude the city from requiring the construction of a new public street or extension of an existing public street where such is necessary to provide access to adjacent property and/or provide appropriate levels of access and linkages associated with the city's street network.

#### **Staff Comments**

The primary purpose of the proximity to streets standards is to ensure that emergency vehicles have appropriate access to structures requiring service. Since the standards were last revised in 1994, the city has adopted the North Carolina State Fire Code. Appendix D of this Code provides design standards for appropriate levels of access for emergency vehicles, thus addressing the needs for such vehicles.

A secondary purpose of the standards is to encourage the construction of streets through development tracts, thus supporting the development of an interconnected street network. While staff does not believe that increasing the permitted street / building separation from 750 feet to 1,000 feet will cause a negative impact to the desired street network in most instances, it is important to specify that the city may require the construction of a new public street or extension of an existing public street where such is necessary to provide access to adjacent property and/or provide appropriate levels of access and linkages associated with the city's street network. The applicant has addressed this concern by including subsection (F)(3) as part of the proposed amendment.

**Fiscal Note:** No fiscal impact to the city is anticipated.

**Recommendation:** The Fire and Rescue Department, Public Works Department, and Community Development Department have reviewed the proposed amendment and have determined that it will not cause adverse impacts to access for emergency services or the city's street network. In staff's opinion the proposed request is in

compliance with the *Horizon's: Greenville's Community Plan*.

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Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Application](#)

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September 6, 2011

Mr. Christopher N. Padgett, AICP  
Community Development Department  
City of Greenville  
PO Box 7207  
Greenville, NC 27835

Subject: Greenville City Code  
Section 9-4-96 (f) Proximity to streets

Dear Mr. Padgett,

North Carolina State Fire Code (Section 503.1.1) requires "the fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility ..." The dimensional standards for Fire Apparatus Access Road contained in Appendix D have been adopted by the City of Greenville.

Since the current Fire Code requirements ensure adequate access for fire and rescue vehicles, I respectfully request that the City of Greenville modify Section 9-4-96 Item (f) as follows:

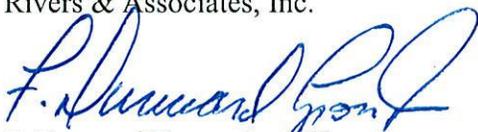
(2) All portions of each building located within any development which has exclusive and/or common property access drives and parking areas *meeting the requirements the North Carolina State Fire Code for a fire apparatus access road of sufficient design, dimension and construction, for use by fire and rescue vehicles of the city* shall be located within one thousand (1,000) seven hundred fifty (750) feet of an approved public or private street. *The fire apparatus access road shall extend to within 150 feet of all portions of the facility as approved by the chief of fire and rescue. For purposes of this section the term "use by fire and rescue vehicles" shall be construed as ingress and egress by continuous forward movement unless otherwise approved by the chief of fire and rescue.*

(3) *No portion of this subsection shall preclude the city from requiring the construction of a new public street or extension of an existing public street where such is necessary to provide access to adjacent property and / or provide appropriate levels of access and linkages associated with the city's street network.*

This revision will allow more flexibility and efficiency in the design of new developments and reduce construction and maintenance costs from unnecessary street construction.

Thank you for your consideration and assistance.

With best regards,  
Rivers & Associates, Inc.



F. Durward Tyson, Jr., P.E.  
Project Manager



Date Received September 7, 2011

### CITY OF GREENVILLE ZONING ORDINANCE TEXT AMENDMENT APPLICATION

Applicant Name(s) F. Durward Tyson, Jr., P.E.

Mailing Address Rivers & Associates, Inc.  
107 East Second Street  
Greenville, NC 27858

Contact Phone Number ( 252 ) 752-4135

Contact Fax Number ( 252 ) 752-3974

Zoning Ordinance Section Proposed to be Amended: 9-4-96(f) Proximity to streets.

Reason for Request: See attached letter

Proposed Language of Text Amendment (attach additional pages if needed):  
See attached letter

F. Durward Tyson, Jr., P.E.

9-7-11

Print Name

Signature of Applicant

Date