



Agenda

Planning and Zoning Commission

November 18, 2008
6:30 PM
City Council Chambers

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I. INVOCATION - Tony Parker

II. ROLL CALL

III. APPROVAL OF MINUTES - October 21, 2008

IV. NEW BUSINESS

PRELIMINARY PLATS

1. Request by Lewis Land Development for a preliminary plat entitled "Firetower Junction". The property is located south of Firetower Road, east of Dudley's Grant and west of Whitebridge. The proposed development consists of 14 lots.

V. OTHER ITEMS OF BUSINESS

2. City Council Action - November 6, 2008

VI. ADJOURN



City of Greenville, North Carolina

Meeting Date:
11/18/2008
Time: 6:30 PM

Title of Item: October 21, 2008

Explanation: Minutes from October 21, 2008 Planning and Zoning meeting.

Fiscal Note: N/A

Recommendation: Approval

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 [October Minutes](#)

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING AND ZONING COMMISSION

October 21, 2008

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 - X
- Mr. Tony Parker - * Mr. Tim Randall - *
- Mr. Don Baker - * Mr. James Wilson - *
- Mr. Len Tozer - * Mr. Billy Dunn - X
- Mr. Godfrey Bell, Sr. - * Ms. Shelley Basnight - *
- Mr. Hap Maxwell - *

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

VOTING MEMBERS: Lehman, Ramey, Parker, Randall, Baker, Wilson, Tozer, Basnight and Bell

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

OTHERS PRESENT: Dave Holec, City Attorney; Daryl Vreeland, Transportation Engineer; Tim Corley, Engineer

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Tozer, to accept the August 19, 2008 minutes as presented. Motion carried unanimously.

REQUEST BY THE COVENGTON GROUP, LTD.

Ordinance requested by The Covengton Group, LTD to rezone 4.882 acres located along the southern right-of-way of West Fifth Street, west of its intersection with B's Barbecue Road from MR (Medical-Residential [High Density Multi-family]) and MRS (Medical-Residential Single-family [Low Density]) to MO (Medical-Office).

Mr. Seth Laughlin, planner, delineated the area on the map. He stated the property was located in the western part of the city along West Fifth Street and Highway 43 near its intersection with B's Barbecue Road. The existing Land Use Map shows the property is currently vacant. Property north of the proposed rezoning site is zoned RA-20, property to the south and east is zoned MRS and to the west is zoned MR. Rowntree Woods is a multi-family unit located to the West that contains approximately 181 units. Mr. Laughlin stated the rezoning could generate a net increase of 223 trips, with the majority of those trips being to and from the site on West Fifth Street. The property is located on gateway and connector corridors and is adjacent to an intermediate focus area. Mr. Laughlin stated the Future Land Use Plan Map recommends Office/Institutional/Multi-family for the subject property. In staff's opinion, the request is in compliance with the Comprehensive Plan and the Future Land Use Plan Map.

Mr. Tozer asked Mr. Laughlin to explain the note portion of the recommendation.

Mr. Laughlin stated that was the standard language within a recommendation.

Mike Baldwin spoke in favor of the request on behalf of the applicant.

No one spoke in opposition.

Motion was made by Mr. Tozer, 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 that addresses plan consistency and other matters. Motion carried unanimously.

REQUEST BY WRS, INCORPORATED

Ordinance requested by WRS, Incorporated to amend the Future Land Use Plan Map for the area described as being located along the northern right-of-way of East 10th Street and the eastern right-of-way of Port Terminal Road containing 52+/- acres from "Office/Institutional/Multi-family", "Medium Density Residential", and "Conservation/Open Space" categories to a "Commercial" category.

Ms. Gooby stated this was a request to amend the Future Land Use Plan Map with the expectation of a rezoning request. The property is located in the eastern section of the city along East Tenth Street. River Hills Subdivision is located to the east, the Tar River to the north, and Oakhurst and Brook Valley subdivisions are to the west of the property. Ms. Gooby stated the property was located along East Tenth Street across from the Lowe's Shopping Center with some single-family homes that front along East Tenth Street. Ms. Gooby stated East Tenth Street is a gateway corridor which serves as a primary entranceway into the City. There is an intermediate focus area at the intersection of East Tenth Street and Port Terminal Road. Ms. Gooby stated there were currently about 28 acres of commercially zoned property at this intersection. The request could generate a net increase of about 5,800 trips per day, with 60% of that traffic going east and 40% going west. Ms. Gooby stated the site was only accessible via East Tenth Street with no other connectors to the north or the south. Port Terminal Road is a dead-end street. Ms. Gooby stated the property was currently zoned Residential-Agricultural with two small lots of commercially-zoned property. Ms. Gooby showed the commission a map with the Current Land Use Plan Map and the Proposed Land Use Plan Map. She stated the current plan recommends commercial for the property located at the corner of East Tenth Street and Port Terminal Road as well as office and multi-family along East Tenth Street providing some transitional zoning. There is also some medium density residential to the north. The proposed request has commercial radiating out from the corner of East Tenth Street and Port Terminal Road with a strip of office multi-family and medium density residential to serve as transitional zoning to the River Hills Subdivision. Ms. Gooby stated the green area on the map designated as Conservation/Open Space would be in anticipation of some environmental impacts, potentially wetlands. Ms. Gooby showed the Land Use Plan from 1997. She stated in 2004 the Comprehensive Plan Committee met to revise the plan. At that time, several issues arose regarding the intersection being requested due to interest in the property being rezoned or the zoning being noncompliant with the land use plan map. The revised plan included commercial zoning at the corner of Port Terminal Road and an area that abuts the Oakhurst Subdivision. They also added Conservation/Open Space for transitional zoning and changed an area of High Density Residential to Medium Density Residential. Ms. Gooby stated there were approximately 200 changes proposed to the map in 2004, resulting in

the Current Future Land Use Plan Map. The Comprehensive Plan Committee took into consideration what was already on the ground and what was already shown on the land use plan and made their recommendations based on what was already there or in anticipation of new developments. Ms. Gooby showed the board a map with a development pattern that would be in compliance with the current Comprehensive Plan. The map showed a variety of zonings, including commercial and office along East Tenth Street, with potential conservation/open space behind that and medium density multi-family along Port Terminal Road and single-family abutting River Hills Subdivision. Ms. Gooby said a portion of the property not involved in the request could be used as a part of the stormwater requirements as it is currently zoned. She stated the current plan affords reasonable use of the property and provides sustainability for the area for the adjacent properties. Ms. Gooby then showed the board a map that represented a typical street pattern for this type of development. The map showed a curb-cut at Oakdowne Way, which is a signalized intersection. It also showed interconnectivity with River Hills Subdivision, which is currently a stub-out, and Port Terminal road, allowing for two points of ingress and egress and also interconnectivity. Ms. Gooby stated the eastern section of Pitt County is experiencing a lot of residential growth. She stated there was a focus area located at Tenth Street and Portertown Road as well as two focus areas along Highway 43 at Tull Road and Worthington Road. Ms. Gooby stated the other focus areas have north-south as well and east-west connections as opposed to the subject site, where only Tenth Street can be used as a connection to the site. She stated the areas would be more appropriate for this type of development and would also be just as convenient for the residents of the area. She also stated there was already some commercial zoning in the other areas. In closing, Ms. Gooby stated the Comprehensive Plan that we have now was a result of the changes made in 2004. She said the proposal was in preparation for developing the area with a much larger and more intense development than was currently on the plan. Ms. Gooby stated the Current Land Use Plan was not dimensional or site specific. It illustrates the desired community character and affords reasonable use of the properties; therefore absent any compelling or significant changes staff would recommend denial of the request. Ms. Gooby also stated to the board that they could not rely on any of the information in the brochure that was put out by the applicant, just as in a rezoning case.

Mr. Baker asked if the construction of the five lane road was in anticipation of commercial growth for that area.

Ms. Gooby stated she wasn't sure when the road was widened, but it was obviously done to accommodate growth in the area. Ms. Gooby stated the city's position was not that there shouldn't be any development, but it was a matter of the scale of the development.

Mr. Baker stated there weren't many locations in Pitt County that could handle the traffic like that area.

Ms. Gooby said any traffic for this area would be on Tenth Street because there was no other area for the traffic to be disbursed.

Mr. Bell asked if the traffic increase would maximize Tenth Street.

Ms. Gooby said it would not. She said the real difference would be in congestion level.

Mr. Randall asked if the net increase in traffic was based on current zoning or land use.

Ms. Gooby said it was based on the land use plan as it is proposed.

Mr. Baker asked what is the capacity of Tenth Street.

Ms. Gooby said the current was 19,000 and the capacity was 33,000.

Mr. Parker asked if it was expected that River Hills would be connected to the shopping center once completed.

Ms. Gooby said there was already a stub-out in River Hills and the city's policy was to encourage/require interconnectivity.

Mr. Ramey stated that was for fire and police protection.

Mr. Tozer stated what was actually on the ground varied greatly from what was on the plan. He asked how many land use plan map amendments the commission had received over the past two years.

Ms. Gooby stated there were five in 2007 and this was the second one for this year.

Mr. Tozer asked how many were passed by the commission.

Ms. Gooby stated Planning and Zoning Commission had recommended approval for five of the six.

Mr. Tozer asked what happened at the City Council level.

Ms. Gooby said City Council had approved three and denied three.

Mr. Parker asked Ms. Gooby to describe a gateway corridor.

Ms. Gooby stated it was a route for moving large bodies of traffic in and out of the city.

Mr. Parker asked if it defined the character of the city in any way.

Ms. Gooby said it did.

Mr. Randall said there was some wording in the proposal they had received before this one had some wording describing a gateway corridor that was not included in this request. It stated a variety of intense large scale uses could be appropriately developed in one of these corridors.

Mr. Bell asked if the denial of the recommendation was due to the north and south traffic pattern.

Ms. Gooby stated there were a couple of reasons. She said the north and south pattern was a deterrent for having a large scale development there, and the Comprehensive Plan Committee had put a lot of

time and research into the plan.

Mr. Baker asked if they were going to try to discontinue any growth and activity in that area since Lowe's was built.

Ms. Gooby said the city was not against more commercial property in that area, it was a matter of scale in this case.

Mr. Parker asked if who made up the Comprehensive Plan Committee.

Ms. Gooby said it was made up of a varied body of people, including citizens, professionals and interested parties.

Mr. Parker asked how long the committee worked on the plan.

Ms. Gooby said it was two years.

Mr. Lehman opened the public hearing and called for those wished to speak in favor to come forward.

Mr. Jim Price, Vice President and broker in charge of WRS Real Estate Investments, spoke in favor of the request on behalf of the applicant. Mr. Price requested an additional five minutes to give his presentation.

Mr. Lehman said the board needed to discuss the matter and vote on it first.

Mr. Tozer said he felt five minutes was appropriate given the amount of people in the audience who wished to speak and the fact that Mr. Price would be given ample time to respond to questions from the board.

Mr. Randall stated if the request was granted, the opposing side should also be given the extended time.

Mr. Holec stated the rules give the initial speaker five minutes, with each additional person having three minutes. He said the rules were flexible, and they could vote and make the change; however if they do give the initial speaker who is in favor of the application an extra five minutes, they would have to do the same for the opposing side.

Motion was made by Mr. Parker, seconded by Mr. Tozer to deny the request. Parker, Tozer, Basnight, Wilson and Bell voted for the motion, while Baker, Randall and Ramey voted in opposition. Motion carried.

Mr. Price stated they have assembled a nine parcel assembly consisting of eighty-five acres. He said their project was a mixed-use development. Mr. Price stated he believed approximately 30,000 people in the city were not being served and having to travel to get goods and services. He stated

there were two intermediate focus areas covering a huge area and all of the residents of that area have to travel to Greenville Boulevard to get goods and services. Mr. Price said the Comprehensive Plan was not static and the board had the ability to make changes to the plan when needed. He stated he wanted to give the city a gateway project of mixed-use development that would be aesthetically pleasing to the city. Mr. Price stated the property was eighty-five acres and they had tree preservation acres on the site in excess of three acres. He said the rear of the property would be zoned R6A, and they would not do anything to that portion. He stated they would ask for the zoning classification of Office-Residential consisting of about 13.3 acres. Mr. Price stated 49% of the project would be left green. He said the project would end up being about 227,000 feet of retail space, providing 750 jobs and increasing the City's tax base.

Mr. Holec told the commission they could not rely upon any representation as to the manner in which the property is to be developed. He said the property could be developed into any of the permissible uses allowed in the zoning classification.

Mr. Tozer said it appeared the commercial line was coming down along the multi-family line.

Mr. Price said that was correct.

Mr. Tozer asked if you could do multi-family in commercial.

Mr. Price stated they weren't doing commercial in multi-family. He said they could put parking in a multi-family classification.

Mr. Tozer stated he understood they couldn't consider that, but asked if there was supposed to be some multi-family in that area.

Mr. Price said what they were trying to show is that there would not be commercial there, it would be Office-Residential.

Mr. Randall said the request was for commercial.

Mr. Price said once the Land Use Plan was amended, they would request Office Residential zoning for site.

Mr. Parker asked if the Land Use Plan was amended if they would have to request rezoning for three different sections of the property.

Mr. Price said they would, but the property was currently zoned in three different sections.

Mr. Ramey stated there was commercial property on the corner and asked why the two lots next to it couldn't be commercial as well to make it more comprehensive with the plan.

Mr. Price stated all of that property was commercial.

Mr. Randall stated it was currently RA20.

Ms. Gooby said the area they chose was currently zoned residential-agricultural with two small lots zoned commercial.

Mr. Ramey stated he heard Mr. Price say it would all be commercial, from the corner all the way to the stoplight.

Mr. Price said that was correct.

Mr. Parker said it couldn't be because there was a cemetery there.

Mr. Price said the three-way stop at Lowe's would be their major point of ingress and egress, with their property running east from there.

Mr. Parker stated he wanted to be sure that there area was not currently commercial.

Ms. Gooby stated that was correct, except for the two small areas.

Mr. Bell asked if the blue area was their wetland proposal.

Mr. Price stated they wanted to place a conservation easement over that property so it would never be developed. He said a portion of the property was in a floodway and the remainder would be landscaped.

Mr. Maxwell asked the size of the total parking lot.

Mr. Price said it was about 30 acres including building, parking, landscaping, buffers and tree preservation. He said 49% of the interior would be left green.

Mr. Randall asked if that included the property along Highway 33 that is initially not developed.

Mr. Price said they were assuming the out parcels would be 80% developed.

Mr. Randall asked Mr. Price to elaborate on the property that is zoned R6S that abuts River Hills that he said they would be giving away.

Mr. Price said they would leave that there as a natural buffer that would be enhanced. He stated in their meetings with River Hills, security was a topic of discussion and there would be a fence continued all the way up to Highway 33. Mr. Price said their plan did not have a cut to Bramblewood Road and that River Hills did not want that connection. He stated they would have smooth and safe ingress and egress without that road.

Mr. Bell asked if he had met with all of the associations around the site.

Mr. Price said he had met with everyone he could. He stated he had spoken with several people on the east side of Greenville that were driving to Washington to get goods and services.

Mr. Randall asked how wide the buffer area was in the back where it appeared to be the smallest.

Mr. Price said it was about eighty-feet and they would enhance that area.

Mr. Maxwell asked if the city would require the connectivity.

Ms. Gooby said it was her understanding that the city and the Department of Transportation would require interconnectivity with River Hills and the development.

Jason Hamilton, traffic engineer with Ramey Kemp & Associates, spoke in favor of the request. He stated his company was in process of doing a traffic impact analysis for the site. Mr. Hamilton stated the traffic expected to be generated from this site was not expected to exceed the capacity of Tenth Street.

Mr. Randall stated they would be adding possibly 5,800 trips and asked how they would handle that additional traffic.

Mr. Hamilton stated they were proposing improvements beyond what was currently there. He said though they were projecting 5,800 trips daily, they looked at peak hours in their study. He said there would be turn lane improvements and the TIA would address that and recommend improvements as needed.

Ms. Gooby stated the traffic modifications would take place at the time the Preliminary Plat review.

Jeff Belyea, civil engineer with Wolverton and Associates, spoke in favor of the request. He stated they prepared the site plans for the property and would answer any questions they had regarding the site plan.

Mr. Tozer asked where the building would be from Tenth Street in regards to elevation.

Mr. Belyea said they had looked at some preliminary grades and based on GIS information, Tenth Street had an elevation of 50 feet and they expected the anchor tenant to be at a finished floor of 27 feet, making the rooftop slightly higher than Tenth Street.

Jon Day, Commercial Real Estate Broker of Jon Day & Associates, spoke in favor of the request. Mr. Day stated the Proposed Land Use Amendment was the result of about a year and half of research done by Jim Price. He said his research showed the need for retail services on the east side of Greenville. Mr. Day stated five reasons he believed the Land Use Plan should be amended. The first reason he stated was a need for additional commercial zoning in the area. The second reason is due to the three rezonings that have taken place in the area within the last several years. The third reason was that the existing road pattern has the capacity to handle the anticipated growth. The fourth reason was the growth of the residential subdivisions that has occurred in the eastern part of the county. The

fifth reason was change. He stated our world was constantly changing and the cost to travel was increasing.

Mr. Phil Dixon, attorney, spoke in favor of the request. He stated the traffic report in the packet stated the current ADT is 19,890 vehicles per day, with a design capacity of 33,500 vehicles per day, leaving a cushion of about 14,000 vehicles, where this proposal would only be a net increase of 5,800. For this reason he felt traffic was not an issue. Mr. Dixon stated this development could add \$1 million dollars in tax revenues and create 750 new jobs. He stated the project would generate more than 100-million dollars in sales per year. Mr. Dixon said when looking at the City's plan, all of the commercial development was located in the Highway 11 and Greenville Boulevard corridor. He said a town center development was more suited for the city than strip development. Mr. Dixon stated there would be substantial buffer from the residential areas.

Mr. Lehman asked for those who wished to speak in opposition to come forward.

Mr. Charles Da Silva, Co-President of River Hills Neighborhood Association spoke in opposition to the request. Mr. Da Silva stated he had been involved in construction for 34 years and had seen both developments that were well-developed and well-planned as well as those that were not. He said he believed this plan was not well located based on many observations. He said the fact that it does not meet the Current Land Use Plan is the main reason. He said the proposed shopping center would undermine the City's own plan for growth and the area was never intended for this level of commercial activity. He stated Highway 33 was expanded in 1999. Mr. Da Silva said orderly sustainable growth was defined by looking at the features of existing neighborhoods, commercial centers and available land parcels and looking at unique features. He stated while maintaining the continuity of the City's Comprehensive Plan we would preserve neighborhoods and expand the City's business centers without conflict. He said the parcel in question had some unique features and felt it would be tragic to lose those to a commercial development. Mr. Da Silva stated River Hills had a mature ecosystem, provides a diverse, friendly safe environment for families and seniors. He said the riparian buffers to the west and through the neighborhood provide crucial flood control to the area. Mr. Da Silva stated the commercial development would provide interconnectivity and increase traffic, making it unsafe for children to play and ride their bicycles. He said there were no other parcels that would link directly to the Greenway and felt the City would lose a valuable opportunity to have another subdivision with direct access to the Greenway. Mr. Da Silva stated there were several other properties in the city that could house the development without amending the land use plan.

Marian Blackburn, Co-President of River Hills Neighborhood Association spoke in opposition to the request. Ms. Blackburn asked all the members in the audience to stand who came in opposition to the request (around 100 people stood). She urged the board to uphold the residential designation of the proposed site. She felt there was no compelling reason to change the plan and stated there were many parcels available where the development would be more appropriate, more suitable, and more desirable. Ms. Blackburn showed the board a petition that had been signed by 170 people in opposition to the request. She said she and many of her neighbors met with Mr. Price, Mr. Day and Mr. Dixon in August and expressed their concern with the proposal. She stated they felt the development would destroy their neighborhood and was better suited for another area. Ms.

Blackburn stated the increase in revenues and the 750 jobs would be there no matter where the development was located.

Mr. Baker asked what River Hill's opinion of Lowe's was.

Ms. Blackburn said there has been mixed opinions. She felt Lowe's was a good neighbor and this was a matter of intensity in the area.

Mr. Baker asked if she agreed that no matter where the project was located, there would be neighborhoods affected.

Ms. Blackburn said there were some parcels that were suggested where neighborhoods would not be affected. She said the level of intensity of commercial use in this area is about 100,000 square feet, which is already taken up by Lowe's. She said the proposed development would add another 400,000 square feet of space that was above and beyond what is considered appropriate.

Mr. Randall asked why she felt the development would destroy their neighborhood.

Ms. Blackburn said the City's recommended pattern of development was to put single-family homes beside River Hills with apartments on Port Terminal Road. She said if that pattern were followed, those people would be her new neighbors, as opposed to black top asphalt, eighteen wheelers, noise, trash and lights.

Mr. Dale Guckian spoke in opposition to the request. He stated the largest retailer in the world had decided their Greenville store was no longer meeting their needs. He agreed they needed to grow and welcomed that, but wanted to know why anyone would benefit from putting their store there. He said a new retailer coming to town may redistribute spending but it will not give anyone more money to spend. Mr. Guckian said any revenue they generated would be offset by revenue someone else was losing. He stated it wasn't the citizens of Greenville benefiting from this proposal, but the developers from South Carolina and the world's largest retailer.

Mr. John Hylant spoke in opposition to the request. Mr. Hylant stated his opposition had nothing to do with the way the project was being developed. He said they were adding 5,800 cars only to the Wal-Mart store. He asked how many cars were being added with all of the multi-family units being built in the area.

Mr. Juan Daneri spoke in opposition to the request. He stated he moved to the area in 2004 and Greenville residents were more than just shoppers. He said this was a great opportunity for the city to take the new residents that were just annexed and reciprocate.

Ms. Blythe Tennent spoke in opposition to the request. Ms. Tennent said she had lived in the Oakhurst Subdivision for the past 10 years. She said the reason she moved in her neighborhood was because it was quiet, wooded and a great place to raise children. She said her neighborhood was lied to about the Lowe's shopping center and they were very angry at the transformation that had been made. She said the traffic already seemed to be at capacity and suggested some other areas for the

development that would serve the same population without interfering with the residential areas. Mr. Michael King spoke in opposition to the request. He said River Hills was started in the early 80's and has remained a well-kept neighborhood and maintained its tax value. He said the citizens who purchased property in the subdivision did so believing the area would be surrounded with medium and low-density residential housing districts on both sides. The subdivision also has a single-entry point, discouraging drive-thru traffic. He stated the land use plan had served and continued to serve the community well. He said though he had not seen the request, it was his understanding that their intentions were to put a Wal-Mart store at this location. He said Wal-Mart had no regard for the citizens or the environment. He said their reputation and influence for locating stores exactly where they please was unprecedented. He said they would bring increased criminal activity, noise, traffic and acres of impervious surface.

Mr. Ramey said they were not considering a Wal-Mart, but a development of the property and the Comprehensive Plan being changed. He said he did not know anything about Wal-Mart being built out there and the board was not deciding anything concerning Wal-Mart.

Mr. Lehman asked if anyone wished to speak in favor in rebuttal.

Mr. Dixon spoke in rebuttal in favor. He asked the board to think about the 750 jobs and consider the request. He said there was a suggestion made that there would be about 400,000 square feet of space, when it was actually about 150,000 square feet. He said the Future Land Use Plan Map called for commercial on the corner of East Tenth Street and Port Terminal Road. He said the area was a gateway corridor designed to carry high volumes of traffic through and across the city. He said it seems the City's documentation supports the change, yet they have recommended denial of the request. He said there were 19 lots in River Hills that border the property and a substantial buffer proposed.

Mr. Da Silva spoke in rebuttal in opposition. He said traffic was very heavy at peak hours and often backed up to River Hills Drive heading west. He said based on the numbers given by staff, in a 12 hour window that would be approximately 500 cars per hour. He said the interconnectivity would affect more than 19 lots; it would affect every child in the neighborhood on a bicycle or walking through the neighborhood. He said the interconnectivity was one of the major objections for the residents. Mr. Da Silva said the focus area was for intermediate commercial, not something this large that would make such an impact. He said the area acted as a flood buffer for River Hills and even with 49% green space, the area of impervious land would greatly affect the runoff. He said the many tropical storms that we see greatly affect the River Hills Subdivision and felt there was a serious threat of flooding to the land.

Mr. Bell asked Mr. Da Silva what type of experience he had in construction.

Mr. Da Silva stated he had done developments of this magnitude and recently built a dam in Hickory Log Creek and was currently building a 64-inch diameter water main through the City of Charlotte.

Mr. Bell stated Mr. Da Silva indicated he did not feel the project was well located and asked if he felt it was well planned.

Mr. Da Silva said it looked like a reasonably decent plan, but had really not had the chance to look at it in depth.

Mr. Baker stated someone had previously talked about the protection needed for runoff.

Mr. Da Silva stated the property currently acted as a riparian buffer and protects against flood control.

Mr. Baker said someone had stated it was a great place to build homes and asked if he agreed with that.

Mr. Da Silva said the homes would not be as impervious as the shopping center.

Mr. Randall said if the project was approved it would have to come back to the board as a preliminary plat and the board had the ability to put restrictions on the interconnectivity.

Mr. Da Silva said once the property was rezoned, many things could happen that were not in the proposal.

Mr. Randall asked if the city engineer could address the storm runoff issue.

Mr. Tozer said state law would require retention ponds directly proportioned to the pavement on the ground that require specific grass and specific wetland species of bushes in the pond and will maintained inspected by the city. He stated he didn't think he would experience any additional runoff due to those new laws in place.

Mr. Da Silva said what he was referring to is a "sed" basin that is designed to handle a particular flow based on the area they represent and have an overflow spillway for catastrophic events, like tropical storms. He said there were areas in River Hills that rapidly flashfloods that would not be able to handle back to back storms and would be subject to serious flooding and storm drainage back-up from the property.

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

Mr. Ramey said change happens everywhere and it was called progress.

Mr. Baker said they have a good plan and he felt his questions had been answered.

Mr. Parker said the planners felt this development was inappropriate for this site and we should look at another location.

Mr. Wilson said it took two years to make the Comprehensive Plan and it incorporated that change for the future.

Mr. Ramey said the Comprehensive Plan was a guide to go by that could be changed.

Mr. Wilson said there should be very compelling reasons for changing the comprehensive plan.

Mr. Parker said he felt the people responsible for developing the plan were very responsible for the actions of their work and how it would impact the city. He said the plan was just finalized four years ago and though they need to look objectively into change, they don't need to change the plan just because a big box retailer wants to come into a neighborhood area.

Mr. Bell said a lot had changed in Greenville in the last four years, including a lot of residential areas being added that need some retail to support that.

Mr. Randall said the Comprehensive Plan states the location and size of commercial nodes is included and is not intended to be static.

Mr. Ramey said we need the jobs that it would offer to the area.

Mr. Parker said only a portion of the jobs would be full-time, most would be part-time.

Mr. Tozer said the Land Use Plan was basically a guide and there was obviously already a conflict with what was on the Land Use Plan verses what was on the ground. He felt it was imperative that they look at the potential tax-base this would bring to the city. Motion was made by Mr. Tozer, seconded by Mr. Baker to accept the proposed amendment.

Mr. Lehman asked Mr. Holec to explain the process from this point forward to the acceptance or denial of the project.

Mr. Holec stated the commission's recommendation would go to City Council and be voted on there. Then there would be an application for rezoning presented to the Planning and Zoning Commission and they would have to make a recommendation to City Council for approval or denial of that request. If that is approved by City Council, they would then have to submit a preliminary plat for approval to the Planning and Zoning Commission. He said if there was not a subdivision, staff would review the site plan and make changes as necessary to follow the ordinance.

Mr. Tozer asked if they would be able to enhance the buffer.

Mr. Holec said if what they submit is in compliance with the regulations they would not have the authority to increase it.

Mr. Lehman called for the vote. Randall, Ramey, Baker, Basnight, Tozer and Bell voted for the request. Parker and Wilson voted in opposition to the request. Motion carried.

STREET CLOSING- PORTION OF TRIPP LANE

The City has received a request by petition from Edgar Wayland Denton and wife Elaine Garner Denton to close a portion of Tripp Lane starting at the western right of way of Grace Avenue and running about 300 feet to the terminus of Tripp Lane.

Tim Corley, engineer, stated the Denton's own all of the properties along the proposed street section to be closed. The property is currently divided into several lots. Upon the closing of the street, some of the lots would become non-compliant with the City Ordinances. Mr. Corley said a recombination plat was proposed to combine the lots. He said budgeted Funds for the maintenance of this portion of the Tripp Lane will no longer be required upon adoption of a Resolution to Close a Portion of Tripp Lane by City Council. Mr. Corley stated there was a utility easement to be retained by the city that is reflected on the street closing map and the recombination map. He said staff recommended forward the request to City Council for consideration.

Mike Baldwin spoke in favor of the request on behalf of the applicant.

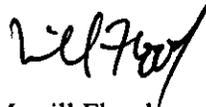
Motion was made by Mr. Ramey, seconded by Mr. Bell to approve the request. Motion carried unanimously.

STAFF PRESENTATION OF MUNIAGENDA

Ms. Gooby stated this would be the last month they received a paper packet. She said beginning in November we would be emailing a link to each member to access the package for that month on or near the day that they normally would receive their packets in the mail. Ms. Gooby told the board they could also access the package through the city's website. She said they would be able to either print all or part of the package if they wanted to.

There being no other business, the meeting adjourned at 8:36 p.m.

Respectfully submitted,



Merrill Flood
Secretary

**Charles M. da Silva
810 River Hills Dr.
Greenville, NC 27858**

I am Charles da Silva a Co-President of the River Hills Neighborhood Association I would first like to thank the Council and my neighbors for the opportunity to address you this evening regarding the proposed amendment to our City's Land Use Plan.

To start off with a little back ground on myself, I relocated to Greenville some 17 years ago like many of our citizens drawn to this community for its milder climate, and wonderful home town feel. I have been involved in construction for over 34 years primarily spent in the heavy civil infrastructure sector, and have seen both well thought out well located developments, as well as developments that were either not well thought out or not well located. I believe that the commercial plan presented to us this evening is not well located. These beliefs are based on a number of reasons and observations.

- The top of these is that it does not comply with the city's current land use plan, which was developed to provide logical, orderly and sustainable growth for our City.
 - o That raises a question: What is logical growth? I believe that when a good land use plan is developed that it identifies area's where both commercial centers and residential centers should be located. In developing these separate centers one must look at the existing landscape and if possible expand on that landscape, and not to infringe on existing residential communities with commercial development. When we look at the current land use plan we see that this concept has been put to use in a well thought out manner.
 - o This shopping center, if approved for this location, would undermine the city's own plans for growth. This area was never intended for this level of commercial activity. Rather, it has always been designated for residential use. This designation reflects the many neighborhoods nearby.
 - o To at this time enter into an amendment to the land use plan and locate a large shopping center which would contain a 24 hour big box store adjacent to an existing residential sub-division would be a mistake to the continuity of the current land use plan.
 - o The next question raised is: How should we define orderly and sustainable growth? I believe that we must look at all the features of the existing residential neighborhoods, commercial centers and available land parcels for future development. Some parcels offer unique features for different types of development, these unique features must be considered, while maintaining



City of Greenville, North Carolina

Meeting Date:
11/18/2008
Time: 6:30 PM

Title of Item: Request by Lewis Land Development for a preliminary plat entitled "Firetower Junction". The property is located south of Firetower Road, east of Dudley's Grant and west of Whitebridge. The proposed development consists of 14 lots.

Explanation: A portion of this property was recently rezoned to neighborhood commercial (CN). It was recommended for approval by the Planning and Zoning Commission on May 15, 2007. It was rezoned by the City Council on June 14, 2007.

This is the former location of the Evans mobile Home Park and Greystone Mobile Home Park. The fire tower located on lot 2 is being moved to an off-site location.

There is an existing commercial building on lot 1. Stormwater management is being provided on lot 7.

NCDOT is in the process of widening Firetower Road, There is a non-access easement along Firetower Road. The lots that front Firetower Road will be serviced internally from Bayswater Drive. The street system consists of a single loop street. An interconnected street pattern is not possible because the surrounding properties are already developed and due to intervening environmental conditions associated with Fork Swamp Canal. The lands located to the south of this development may be provided access from Corey Road. Sidewalks are provided.

There is a fifty foot riparian buffer and greenway easement along the eastern and southern boundary of the property. A small portion of this property is impacted by the 100 year floodplain.

It is anticipated that the front portion of the property will be developed as commercial. The large tracts of land at the rear of the property are slated as residential. The R-6MH zoning currently allows for multi-family development.

Fiscal Note: No cost to the City.

Recommendation: The preliminary plat has been reviewed and approved by the City's Technical review committee. The preliminary plat meets all requirements and city standards.

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

Attachments / click to download

 [Preliminary Plat](#)



City of Greenville, North Carolina

Meeting Date:
11/18/2008
Time: 6:30 PM

Title of Item: City Council Action - November 6, 2008

Explanation: Report on City Council Action from November meeting

Fiscal Note: N/A

Recommendation: Review

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[November 6 2008 City Council Agenda 796825](#)

Greenville City Council Agenda

Thursday, November 6, 2008
7:00 PM
City Council Chambers

- I. Call Meeting to Order
- II. Invocation - Council Member Kittrell
- III. Pledge of Allegiance
- IV. Roll Call
- V. Approval of Agenda
- VI. Special Recognitions • 2008 Citizens Academy Graduates • Phillip Worthington, Police Department Retiree • 2008 United Way Campaign Report
- VII. Appointments
 1. Appointments to the Bicycle Friendly Task Force
 2. Appointments to Boards and Commissions
 3. Nominations for the Pitt-Greenville Convention and Visitors Authority Chairman
- VIII. Consent Agenda
 4. Minutes of the September 30, October 6, October 9, and October 20, 2008 City Council meetings - Approved
 5. Resolution accepting dedication of rights-of-way and easements for Emerald Park, Phase 1, Section 1; Davencroft, Phase 2, Section 1, and Phase 3; and Westpointe, Section 4, Phase 3 - Adopted

(Resolution No. 08-55)

 6. Design services contract for the Convention Center Business District Project - Approved
 7. Resolution for a grant application to the North Carolina Department of Transportation for Bicycle and Pedestrian Grant funds to update the City of Greenville 2002 Bicycle Master Plan - Adopted

(Resolution No. 08-56)

8. Resolution designating applicant's agent for the All Hazards Mitigation Plan Grant - Adopted

(Resolution No. 08-57)

9. Authorization for Mayor to execute North Carolina Rural Center Grant Agreement for Aquifer Storage & Recovery Wellhead Facilities Project on behalf of Greenville Utilities Commission - Approved

(Contract No. 1732)

10. Budget ordinance amendment #5 to the 2008-2009 City of Greenville budget - Adopted

(Ordinance No. 08-111)

11. Fiscal Year 2009-2010 Budget Schedule - Approved
12. Report on bids awarded
- IX. Old Business
13. Resolution consenting to the reinterment of graves from the Forbes Family Cemetery to Homestead Memorial Gardens

(Resolution No. 08-58)

- X. New Business

Public Hearings

14. Ordinance requested by WRS, Incorporated to amend the Future Land Use Plan Map for the area described as being located along the northern right-of-way of East 10th Street and the eastern right-of-way of Port Terminal Road, containing 52+ acres, from "Office/Institutional/Multi-family", "Medium Density Residential", and "Conservation/Open Space" categories to a "Commercial" category - Denied
15. Ordinance requested by The Covington Group, LTD to rezone 4.882 acres located along the southern right-of-way of West Fifth Street, west of its intersection with B's Barbeque Road, from MR (Medical-Residential [High Density Multi-family]) and MRS (Medical-Residential Single-Family [Low Density]) to MO(Medical-Office) - Adopted

(Ordinance No. 08-112)

16. Ordinance to annex Langston Farms, Phase 10, containing 4.2594 acres located at the terminus of Stonebend Drive and Stonewood Drive - Adopted

(Ordinance No. 08-113)

17. Ordinance requiring the repair or the demolition and removal of the dwelling located at 1115 West Fourth Street - Adopted

(Ordinance No. 08-114)

18. Ordinance requiring the repair or the demolition and removal of the dwelling located at 1311 West Fourth Street - Adopted

(Ordinance o. 08-115)

19. Ordinance requiring the repair or the demolition and removal of the dwelling located at 613 Ford Street - Adopted

(Ordinance No. 08-116)

20. Ordinance requiring the repair or the demolition and removal of the dwelling located at 1303 South Greene Street - Adopted

(Ordinance No. 08-117)

Public Comment Period

Other Items of Business

21. Greenville Convention Center naming rights - Approved
22. Resolution of intent to close an unimproved portion of Tripp Lane located west of Grace Avenue - Adopted

(Resolution No. 08-59)

23. Ordinance amending the Nuisances Regulations of the City Code - Continued to December
24. 2008 Comprehensive Recreation and Parks Master Plan - Approved
25. 2008-2009 Capital Reserve Fund designations and ordinance - Adopted

(Ordinance No. 08-118)

26. Revenue Collections Policy - Approved

(Document No. 08-09)

27. Revised Financial Policy Guidelines - Approved

XI. Comments from Mayor and City Council

XII. City Manager's Report

XIII. Adjournment