

March 21, 2006

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

	Mr. Jay Yates - *	
Mr. Len Tozer - *		Mr. Bob Ramey - *
Mr. Dave Gordon - *		Mr. Jim Moye - *
Mr. Tim Randall – X		Mr. Don Baker – *
Mr. James Wilson – *		Mr. Bill Lehman - *
Mr. Porter Stokes – *		Mr. Godfrey Bell, Sr. - *

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

VOTING MEMBERS: Yates, Tozer, Ramey, Gordon, Moye, Baker, Wilson, Lehman and Stokes.

PLANNING STAFF: Merrill Flood, Director of Community Development; Harry V. Hamilton, Jr., Chief Planner; Andy Thomas, Planner; Chantae Gooby, Planner; Niki Jones, Planner and Kathy Stanley, Secretary.

OTHERS PRESENT: Thom Moton, Assistant City Manager; Pat Dunn, Council Member; Dave Holec, City Attorney; David Brown, City Engineer; Robert Cheshire, Senior Engineer and Steve Yetman, Traffic Engineer.

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Tozer, to accept the February 21, 2006 minutes as presented. Motion carried unanimously.

REQUEST BY WILLIAM H. CLARK – CONTINUED TO APRIL

Mr. Ramey noted that the Commission members have received a letter from the applicant asking that the request be continued.

Chairman Yates asked if the Commission would like to receive public comments or do I have a motion to continue.

Motion was made by Mr. Baker, seconded by Mr. Tozer to continue the request to the April meeting. Those voting for the continuance were: Tozer, Ramey, Gordon, Baker, Wilson, Lehman and Stokes. Those voting in opposition were: Moye. Motion carried.

FUTURE LAND USE PLAN MAP AMENDMENT – APPROVED

Chairman Yates stated that the first item under New Business is a request by Medford Pointe, Inc., to amend the Future Land Use Plan Map for 15.081 acres located along the eastern right-of-way of Allen Road, 1,250± feet south of the Norfolk Southern Railroad, west of Lake Ellsworth Subdivision, and 5,000± feet north of Dickinson Avenue from HDR (High Density Residential) to OIMF (Office/Institutional/Multi-family).

Ms. Chantae Gooby stated this request is a Land Use Plan Amendment from Medford Pointe, Inc. which involves 15 acres. This request is in conjunction with the Medford Pointe rezoning request. The property is located along Allen Road. Ms. Gooby presented an aerial map indicating proposed public streets and multi-family developments in the area. The property is not impacted by the floodplain. Ms. Gooby stated that there is a neighborhood focus area at the intersection of Allen Road and the railroad tracks. Allen Road is indicated as a major thoroughfare on the Thoroughfare Plan. The existing land use is vacant. There are some single family homes to the west and south of the subject property. The property is currently zoned R6, R9 and RA20. The current future Land Use Plan recommends High Density Residential and the proposed request is to amend the Land Use Plan for Office/Institutional/Multi-family. Ms. Gooby stated that within the Comprehensive Plan office/institutional/multi-family land uses should be developed along thoroughfares to provide transition between commercial nodes and to preserve vehicle carrying capacity and should be used as a buffer between light industrial and commercial development to adjacent lower density residential land uses. In staff's opinion, the proposed Office/Institutional/Multi-family land use category would maintain the recommended buffer between the recognized focus area and the medium density residential in the interior areas. The proposed amendment would allow for office, service and limited commercial uses in addition to the existing high density residential use option already under the current Land Use Plan designation. The density would be 17 units per acre.

Mr. Mike Baldwin, representing Medford Pointe, Inc., stated the applicant currently has this property under contract with local developers. Mr. Baldwin stated that staff

had recommended amending the Land Use Plan to reflect their rezoning request.

No one spoke in opposition.

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

REQUEST BY MEDFORD POINTE, INC. – APPROVED

Chairman Yates stated that the next item is a request by Medford Pointe, Inc. to rezone 35.87 acres located along the eastern right-of-way of Allen Road, 1,250± feet south of the Norfolk Southern Railroad, west of Lake Ellsworth Subdivision, and 5,000± feet north of Dickinson Avenue from RA20 (Residential-Agricultural), R9 (Residential [Medium Density]), and R6 (Residential [High Density Multi-family]) to R6S (Residential-Single-family [Medium Density]), OR (Office-Residential [High Density Multi-family]), and MO (Medical-Office).

Ms. Gooby stated this is the rezoning request in conjunction with the Land Use Plan amendment. This request involves the rezoning of 35 acres. The property is located along Allen Road. Ms. Gooby stated that Tract 1 is currently zoned R6, High Density Multi-family. The requested zoning is for OR, Office-Residential. Tract 2 is currently zoned R9, which allows single family and duplex and the proposed zoning is for R6S, single family. Tract 3 is zoned R6 and the proposed zoning is MO, Medical-Office and Tract 4 is zoned RA20 and the requested zoning is OR. Ms. Gooby presented an aerial map indicating the proposed streets and stated that Tract 2 will be serviced by a proposed street to Allen Road and will also have access through Lake Ellsworth Subdivision. The property is currently vacant and there are single-family homes to the west and south. Tract 2 is impacted by the floodway and the 100 and 500 year floodplains of Green Mill Run. Development within the floodway is prohibited. Single family lots in Tract 2 would be required to be elevated to base flood elevation plus one foot or to the 500 year floodplain, whichever is greater. Ms. Gooby indicated the primary street patterns on the map and indicated the location of a neighborhood focus area at the intersection of Allen Road and the railroad tracks. Allen Road is a major thoroughfare. This rezoning request could generate an additional 2,500 trips of which 1,050 would be distributed onto Allen Road to the north and south and 250 trips to the northeast and 150 to the southwest along Dickinson Avenue. The current Land Use Plan recommends high density multi-family. Ms. Gooby reiterated that the Land Use Plan was recommended for amendment which would recommend

Office/Institutional/Multi-family. There is some medium density residential in the interior areas. In staff's opinion, this request is in compliance with the Comprehensive Plan and with the proposed amended Land Use Plan.

Mr. Mike Baldwin, representing the applicant, spoke on behalf of the request. Mr. Baldwin stated with Tracts 1, 2 and 4 is a follow up to the requested amendment to the Land Use Plan. A portion is requested for OR and a portion for MO. The reason for the difference is in the list of permitted/special uses in the MO district there are uses that they would like to develop on the tract. Tract 2 is being down zoned and feels that the residents of Lake Ellsworth would be pleased. Mr. Baldwin stated that the road going through will be at the rear of the single family development.

Ms. Estelle Pulaski, 3211 Ellsworth Drive, asked if there will be a buffer between the her property line and Tract 2.

Ms. Harry Hamilton stated there is no buffer required between two single-family categories.

No one spoke in opposition.

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

REQUEST BY TRILEX, INC. – APPROVED

Chairman Yates stated that the next item is a request by Trilex, Inc. to rezone 0.2+ acres (8,415 square feet) located at the northeast corner of the intersection of Evans and Second Streets from OR (Office-Residential [High Density Multi-family]) to CD (Downtown Commercial).

Ms. Gooby stated this is a request by Trilex, Inc. to rezone their property from Office-Residential to Downtown Commercial. The tract is approximately 8,000 square feet. The subject property is located within the downtown commercial core. Currently the property has an office with on-site parking. The property is not impacted by the floodplain. The downtown area is a regional focus area. The Land

Use Plan recommends commercial zoning. In staff's opinion, the request is in compliance with the Comprehensive Plan and Land Use Plan.

Mr. Jim Walker, River & Associates, stated that Rivers & Associates has purchased this site and would like to expand their building. Mr. Walker stated that their property is currently zoned Downtown Commercial.

No one spoke in opposition.

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

REQUEST BY JUDITH ALLEN VANDIFORD – APPROVED

Chairman Yates stated that the next item is request by Judith Allen Vandiford to rezone 1.89± acres located along the western right-of-way of Allen Road, south of the Norfolk Southern Railroad, and 450± feet east of the Pitt County Landfill from MRS (Medical-Residential-Single-family) to MCH (Medical-Heavy Commercial).

Ms. Gooby stated this request is to rezone approximately two acres from Medical-Residential-Single Family to Medical-Heavy Commercial. The subject property is located along Allen Road. The property currently contains one single-family residence. The property is not impacted by the floodplain. There is a neighborhood focus area located at Allen Road and the railroad tracks. Allen Road is considered a major thoroughfare. This rezoning request could generate an additional 170 trips, 85 trips to the north and south along Allen Road. The Land Use Plan recommends commercial zoning for the intersection of Allen Road and the railroad tracks. In staff's opinion, the request is in compliance with the Comprehensive Plan and Land Use Plan.

Mr. Mike Baldwin, representing the applicant, stated this request meets the requirements of the Comprehensive Plan. This rezoning request brings the property into conformance with the property to the north and east and surrounding area.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Tozer, to recommend approval

of the proposed rezoning, to advise that it is consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Motion carried unanimously

REQUEST BY ANNE ALLEN HARDEE AND JUDITH ALLEN VANDIFORD
– APPROVED

Chairman Yates stated that the next item is a request by Anne Allen Hardee and Judith Allen Vandiford to rezone 21.97± acres located along the eastern right-of-way of Allen Road, 2,460± feet south of the Norfolk Southern Railroad, west of Lake Ellsworth Subdivision, 288± feet north of Cobblestone Subdivision, and north of Green Mill Run from RA20 (Residential-Agricultural) to R6 (Residential [High Density Multi-family]).

Ms. Gooby stated this is a request to rezone approximately 22 acres from RA20 to R6, High Density Multi-family. The subject property is located along Allen Road. Ms. Gooby stated that this request is located on the opposite side of the road as the previous request. There are single-family homes to the south and west of the subject property. The property is impacted by the floodway and the 100 and 500 year floodplain associated with Green Mill Run. Any single-family lots that are less than 20,000 square feet, duplexes or multi-family, would be required to be elevated to base flood elevation plus one foot or the 500 year floodplain, whichever is greater. No development would take place in the floodway. This rezoning request could generate an additional 990 trips, with 495 trips to the north and south along Allen Road. The Land Use Plan recommends high density residential along the eastern right-of-way of Allen Road. The property is currently zoned RA20 however, property to the north and east is zoned R6 which is the requested zoning for this property. In staff's opinion, the request is in compliance with the Comprehensive Plan and the Land Use Plan.

Mr. Ramey asked when is the proposed widening of Allen Road is to take place. Mr. Steve Yetman, Traffic Engineer, stated it will be later this year.

Mr. Mike Baldwin, representing the applicants, stated that the request is in compliance with the Horizons Plan and Land Use Plan. Mr. Baldwin stated that at the time of development if Allen Road hasn't been widened to three-lanes, he anticipates that three-lanes will be required for this development.

No one spoke in opposition.

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

REQUEST BY DVML, LLC – APPROVED

Chairman Yates stated that the next item is a request by DVML, LLC to rezone 13.643 acres located 470± feet east of Frog Level Road, 990± feet south of Darrell Drive, north of Meadow Woods Subdivision, and immediately south of Tripp Farms Subdivision (Colony Wood Subdivision) from RA20 (Residential-Agricultural) to R6S (Residential-Single-family [Medium Density]).

Mr. Gooby stated this request is to rezone approximately 13 acres from RA20 to R6S, Single-family. The subject property is located along Frog Level Road. To the north of the subject property is Tripp Farms Subdivision, to the east is Charleston Village and to the south is Meadow Woods Subdivision. Ms. Gooby stated that the streets within these three subdivisions will provide access to the subject property. To the west, along Frog Level Road, are two single-family homes. The property is not impacted by the floodplain. Frog Level Road is considered a minor thoroughfare. The requested rezoning could generate an additional 100 trips with 60 trips to the north and 40 trips to the south on Frog Level Road. There are duplexes in the vicinity of the property. The Land Use Plan recommends medium density residential along Allen Road and on the interior areas adjacent to the focus area. In staff's opinion, the request is in compliance with the Horizons Plan and the Land Use Plan.

Mr. Mike Baldwin, representing the applicant, stated that Tripp Farms to the north is being developed with smaller lots. There is a preliminary plat for the Ange property, Charleston Village, for R9S zoning. Mr. Baldwin stated that if it were not for street stub and interconnectivity this site wouldn't be served.

No one spoke in opposition.

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

REQUEST BY LANGSTON FARMS, LLC. – APPROVED

Chairman Yates stated that the next item is a request by Langston Farms, LLC to rezone 41.190 acres located 2,115± feet east of Memorial Drive, 580± feet south of Westhaven Subdivision and south of the proposed Thomas Langston Road Extension, 250± feet west of the Seaboard Coastline Railroad, and 3,180± feet north of Fire Tower Road from RA20 (Residential-Agricultural) to R6S (Residential-Single family [Medium Density]) (Tract 1) and R9S (Residential-Single family [Medium Density]) (Tract 2).

Ms. Gooby stated this request is to rezone approximately 41 acres from RA20 to R6S and R9S, Single-family. The subject property is located east of Memorial Drive and north of Fire Tower Road. Tract 1 is requested to be zoned R6S and Tract 2 is requested for R9S. To the north of the property is Westhaven Subdivision, to the east is Shamrock Cluster Subdivision and South Hall Subdivision and Faith and Victory Church is to the south. The property is not impacted by the floodplain. This rezoning could generate an additional 950 trips, with 620 trips to the north and 320 trips to the south along Memorial Drive. Ms. Gooby indicated the proposed minor thoroughfare, Thomas Langston Road Extension, on the map and this property would be served by Thomas Langston Road. The Land Use Plan recommends medium density residential. In staff's opinion, the request is in compliance with the Comprehensive Plan and Land Use Plan.

Mr. Mike Baldwin, representing the applicant, stated this is the last phase of rezoning petitions for this tract of land. The northern line of this request is the centerline of the proposed Thomas Langston Road Extension.

No one spoke in opposition.

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

REQUEST BY GREENVILLE PROPERTIES, LLC – APPROVED

Chairman Yates stated that the next item is a request by Greenville Properties for a

preliminary plat entitled “Westhaven, Section 11, Phases 1, 2 & 3” (Westhaven South). The property is located East of Memorial Drive, south of Westhaven, Sections 2, 7 and 10 and west of Regency Office Park. The preliminary plat consists of 118 lots on 47.468 acres.

Mr. Andy Thomas stated this is the preliminary plat for Westhaven, Section 11, Phases 1,2 and 3. The applicant has indicated they want to refer to the development as Westhaven South. The property is located east of Memorial Drive, south of Westhaven, Sections 2, 7 and 10 and west o Regency Office Park. The property is currently zoned R9S, Residential single family. The anticipated use is single family on 118 lots. This property is not impacted by the floodplain. Mr. Thomas stated that this is not the plat that will dedicate the extension of Thomas Langston Road. Certainly these lots will establish the northern boundary of that thoroughfare but that will be another future submission. The lots identified as being owned by Langston Farms, LLC and the proposed Blazer Drive are also not included in this request. Those lots will be a future submission. The City of Greenville is working closely with the property owners and developers on the future Thomas Langston Road extension. What is being considered is the expansion of Westhaven subdivision. The streets will tie into existing streets as well as the proposed Thomas Langston Road. The street network is also extended to the adjoining vacant tract for future extension. While the street network provides adequate access, it does not create a situation of “cut-through” traffic. The applicant has used a combination of curvilinear streets and stop conditions to prevent negative impacts. There is a 10-foot non-access easement along the proposed Thomas Langston Road Extension. All lots will have internal access from internal streets of the subdivision. Sidewalks are provided. The developer is voluntarily dedicating a 1.27 acre park area. It will be adjacent to the existing Westhaven Park and will allow expansion of the recreational area. The preliminary plat has been reviewed and approved by the City’s Technical Review Committee. The preliminary plat meets all technical requirements and city standards.

Mr. Tozer asked if the city is prepared and have funds to activate the park area that will be taken in.

Mr. Thomas stated that it will be incorporated into the Recreation Departments future budget.

Mr. Mike Baldwin, representing the applicant, stated he would answer any questions.

No one spoke in opposition.

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

REQUEST BY ROSEWOOD FARMS – APPROVED

Chairman Yates stated that the next item is a request by Rosewood Farms for a preliminary plat entitled “Kittrell Farms Patio Homes, Section 2“. The property is located east of the proposed Hunt Hill Drive and north of the proposed Blue Bill Drive (generally south of Charles Boulevard and east of County Home Road). The preliminary plat consists of 51 lots on 14.48 acres.

Mr. Thomas stated this is a request for a preliminary plat entitled Kittrell Farms Patio Homes, Section 2. The property is located east of the proposed Hunt Hill Drive and north of the proposed Blue Bill Drive, generally south of Charles Boulevard and east of County Home Road. The property is currently zoned R6 and R6A. The anticipated use is single-family residential on 51 lots. Hunt Hill Road is designated as a minor thoroughfare on Thoroughfare Plan. The property is not impacted by the floodplain. This is another section of the Kittrell Farms development. This section will contain patio homes. There is a 10-foot non-access easement along Hunt Hill Road. These lots will served internally. There is north-south and east- west connectivity for a future street network via both Bluebill Drive and Hunt Hill Road. Sidewalks are provided. The homeowner’s association will maintain the stormwater detention pond. The preliminary plat has been reviewed and approved by the City’s Technical Review Committee. The preliminary plat meets all requirements and city standards.

No one spoke in favor.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Gordon, to approve the plat. Motion carried unanimously.

REQUEST BY JON DAY – APPROVED

Chairman Yates stated that the next item is a request by Jon Day for a preliminary plat entitled “Irish Creek, Section 3“. The property is located east of Old Tar Road at the proposed Guinness Drive, north of Irish Creek, south and west of Treetops. The preliminary plat consists of 2 lots on 21.75 acres.

Mr. Thomas stated this request is for a preliminary plat entitled Irish Creek, Section 3. The property is located east of Old Tar Road at the proposed Guinness Drive, north of Irish Creek, south and west of Treetops. The property is currently zoned R6A, Residential Multi-family. The anticipated use is for a church on Tract 1 and multi-family residential on Tract 2. Old Tar Road is designated as a thoroughfare on the Thoroughfare Plan. The property is not impacted by the floodplain. Mr. Thomas stated that Tract 1 will be served via Guinness Drive. There will be a 10 foot non-access easement along Old Tar Road. Tract 2 has a Tar-Pamlico riparian buffer on a significant portion of the property. The developer is proposing to utilize a lot that has already been platted for single family residential as access for Tract 2. This action would route multi-family traffic through an established single family neighborhood. Such an action would be in conflict with several goals of Horizons, Greenville's Community Plan. Mr. Thomas made reference to the goals included in the Fact Sheet. The housing policy statement is that the city will require all subdivisions to be buffered adequately from incompatible land uses. Under mobility the policy statement is that the city shall seek to avoid routing undesirable traffic through neighborhoods and increasing traffic within acceptable capacity along local streets. Mr. Thomas stated that under the urban form and land use there are several policy statements such as neighborhoods should not create new edges, and that the city can allow different densities as long as proper buffering and design are provided. Mr. Thomas stated that staff objects on the technical design standards. Mr. Thomas made reference to the information presented to the Commission on Section 9-4-249. Cross district parking. To summarize the section states that if a drive is installed across a lot that is zoned differently the use that you are getting to has to be allowed in both districts. In this particular case, a driveway would not be allowed because it would be going through a single family district where multi-family is not allowed to a multi-family district. Mr. Thomas explained that it not just the number of vehicles but the intensity and maintaining community character such an action would be detrimental to the future single family homeowners. In Section 9-5-81. Street design standards. This section discusses the arrangement, character, extent, width, grade and location of streets shall be considered in relation to existing and planned streets, to public convenience and safety and their appropriate relation to the proposed use of the land to be served by such streets. The street arrangements within new subdivisions shall be such as to not 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. The streets or future streets would not be in the proper relation to the proposed use of land. Again, it would be routing multi-family traffic through a single-family neighborhood. This is not a good idea no matter

where it is. Proposed routing of the multi-family traffic through the single-family neighborhood would cause a hardship to the future homeowners there. It will negatively affect the health, safety and public welfare of the single-family homeowners. It is routing the high traffic generator through the lower traffic generating area. The Planning Staff would have to object at this point because if the church is allowed to build on the front tract, then the owner to the rear will no alternative but to request to extend a public street to the multi-family area. Again, the Planning Staff would have to object to that street extension but there would be no solution if the front tract were already developed. Mr. Thomas reminded the Commission that there is already an existing approved preliminary plat which shows the intent of the street being extended much further back into the multi-family area and does not rely on access from the single family neighborhood. The Planning Staff does object to the preliminary plat based on not providing adequate access to the rear lot. It presents a detriment to the proposed single-family neighborhood, which has already been final platted. The street arrangement causes hardship to the future owners. It also does not meet the goals and objectives of the Comprehensive Plan. It would not be illegal (but it is inadvisable) for the Planning and Zoning Commission to approve the plat. It would render the rear tract only available for the development of a single-family dwelling and that is not a reasonable expectation. The proposed owner has stated the intention of building multi-family. They have also stated that if they had to build single-family, the project would not work. When a public street is presented to the Planning and Zoning Commission, the Planning Staff would again object however it would probably be too late for there to be any meaning. Mr. Thomas reiterated that the staff does object to the preliminary plat as presented.

Mr. Moye asked Mr. Thomas to indicate on the map where the street is proposed.

Mr. Thomas stated that the applicant has under contract to purchase Lot 166 which is an already existing platted single family lot. This would be the only access to the larger tract. If the Commission approved this plat what would be approved is a 9.75 acre single family lot because according to the technical standards of the zoning ordinance they could not install a driveway across this lot. The applicant would have to come back to the Commission and present another preliminary plat and propose a public street.

Mr. Ramey asked if a street could be cut through the church property.

Mr. Thomas stated that the applicant could and that the Engineering Department has estimated the cost of \$15,000. On the earlier plat that was somewhat the intent an

area was shown were a street would go that went further back into the property.

Mr. Tozer asked if the multi-family zoning is high density or medium density.

Mr. Thomas stated that is medium density multi-family. Mr. Thomas stated that staff does not object to multi-family development in the area but does object to the routing of the access.

Mr. Steve Janowski, Baldwin & Associates, representing the applicant, spoke on behalf of the request. Mr. Janowski stated that at this time Peace Presbyterian Church is planning to be at the corner. Mr. Janowski stated they have reviewed several scenarios for the back but this is an unusual piece of property.

Mr. Rick Croskery, Chairman of the Building Committee of Peace Presbyterian Church, stated that the church currently occupies a parcel of approximately 5.5 acres at Highway 13 and Fire Tower Road. The encroaching development around that site has cause the church to seek relocation. Mr. Croskery stated that based on that experience they are keenly interested in the nature and integrity of their relocation site and its surroundings. The 22 acre parcel, which is the entire parcel, is too large for a church of their size which is the reason for the division of the two tracts. Mr. Croskery stated that the church believes the use of the majority of the land as a church will be seen as an asset for the surrounding area.

Mr. Jon Day, spoke in favor of the request. Mr. Day stated that the church is planning to relocate to Tract 1 and access to Tract 2 is proposed through lot 166. Mr. Day explained that he has entered into a contract to purchase the entire parcel of land, including lot 166 and then sell to the church Tract 1. Mr. Day stated that Lot 166 is currently owned by Harvey Lewis which was recently purchased by the Lynn Evans and Jim Lanier who own all the lots along Blackwater Drive. Mr. Day stated that Lot 166 was conveyed to the present owners with full knowledge that it was going to used for future access. Mr. Day explained that his contention is that access through Blackwater Drive is much more economically feasible. It's not feasible to extend Guinness Drive which will cost more and will yield the church less usable land. Mr. Day stated that they feel like the proposed development of the property through Lot 166 is economically feasible. Mr. Day explained that Tract 2 will be developed as a low density, high quality multi-family development. Mr. Day stated that city staff reviewed the plat and according to the report it states "the preliminary plat has been reviewed and approved by the City's Technical Review Committee. The preliminary plat meets all technical and city standards." Mr. Day

stated he believes the city reviewed, approved it and if he has a contract to buy it he has a legal right to sub-divide it. Mr. Day explained that Mr. Evans and Mr. Lanier have retained the right to approve what is built on Tract 2.

Mr. Lynn Evans explained that Lot 166 was sold to Mr. Harvey Lewis with full knowledge of what he wanted to do as far as a church on Tract 1 and multi-family development on Tract 2. Mr. Evans asked that the plat be approved.

Mr. Richard Johnston, member of Peace Presbyterian Church, Architect with The East Group, advised that The East Group is designed the new church facility.

Mr. Day asked those in the audience in support to stand. Approximately 5 members of the church stood.

No one spoke in opposition.

Motion was made by Mr. Tozer, seconded by Mr. Ramey, to approve the plat. Motion carried unanimously.

REQUEST BY STOW MANAGEMENT – APPROVED

Chairman Yates stated that the next item is a request by Stow Management for a preliminary plat entitled “North Green Commercial Park“. The property is located south of US Highway 264, west of Memorial Drive and north of Staton House Road. The preliminary plat consists of 19 lots on 34.024 acres.

Mr. Thomas stated this a request for a preliminary plat for North Green Commercial Park. The property is located south of US Highway 264, west of Memorial Drive and north of Staton House Road. The property is currently zoned Unoffensive Industry and the anticipated use is unoffensive industrial on 19 lots. This is a 35-acre industrial park. Located behind the Staton House Volunteer Fire Department. The site is located on a major thoroughfare. The property is not impacted by the floodplain. The proposed Greenpark Drive connects Memorial Drive and Staton House Road. Sidewalks are provided. The plat indicates sidewalks along the cul-de-sac however the developer has asked that they be removed. Those sidewalks are not required by ordinance. The property owner’s association will maintain the stormwater detention pond. There is a 10-foot non-access easement along Memorial Drive for lots 13 and 14. Lot 15 will qualify for driveway access to Memorial Drive and a 10 foot non-access easement on the two parcels along Staton

House Road. The preliminary plat has been reviewed and approved by the City's Technical Review Committee. The preliminary plat meets all requirements and city standards.

Mr. Mike Baldwin spoke on behalf of the applicant. Mr. Baldwin stated he would answer any questions.

Motion was made by Mr. Ramey, seconded by Mr. Moye, to approve the plat. Motion carried unanimously.

REQUEST BY THE COMMUNITY DEVELOPMENT DEPARTMENT – APPROVED

Chairman Yates stated that the last item is a request by the Community Development Department, to amend the sign regulations to require removal of abandoned signs and sign support structures.

Mr. Harry Hamilton stated this is a request to amend the sign regulations to require removal of abandoned signs and sign support structures. Mr. Hamilton explained that the new section is (d) which would require that signs and sign support structures that are abandoned for a period of 12 months shall be removed. For purposes of this section when an establishment, building or use that is the beneficiary of any on-premise sign has been vacated or otherwise no longer in operation, all signs and sign support structures associated with the vacated establishment, building or use shall be deemed to be abandoned. Mr. Hamilton presented pictures of signs and sign structures that have been abandoned or the building has been removed. Mr. Hamilton stated that the proposed amendment would apply to signs attached to buildings.

Mr. Tozer asked who would be responsible in removing the sign or sign structure.

Mr. Hamilton stated it would be the property owner's responsibility. Enforcement will be achieved through the Planning Office by mailing letters requesting compliance and issuing citations of \$250 per day.

Ms. Mary Callahan asked how empty properties would be addressed that are for lease.

Mr. Hamilton stated that staff would use good judgment in applying the rules.

Motion was made by Mr. Ramey, seconded by Mr. Tozer, to approve the amendment. Motion carried unanimously.

Motion was made by Mr. Ramey, to adjourn the meeting at 8 PM.

Respectfully submitted,

Merrill Flood
Secretary