

May 17, 2005

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 - X	
Mr. Len Tozer - *	Mr. Bob Ramey - *
Mr. Dave Gordon - *	Mr. Jim Moye - *
Mr. Tim Randall - *	Mr. Don Baker - *
Mr. James Wilson - *	Mr. Bill Lehman - *
Mr. Porter Stokes - *	Ms. Melba Gorham - X

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

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

PLANNING STAFF: Merrill Flood, Director of Planning and Community Development; Harry V. Hamilton, Jr., Chief Planner; Andy Thomas, Planner; Neil Holthouser, Senior Planner; and Kathy Stanley, Secretary.

OTHERS PRESENT: Ray Craft, Council Member; Dave Holec, City Attorney; Ron Svejkovsky, Transportation Planner; David Brown, City Engineer; and Robert Cheshire, Senior Engineer; Cliff Cahoon, Greenville Utilities.

Vice Chair Tozer recognized Councilmember Ray Craft.

MINUTES: Motion was made by Mr. Gordon, seconded by Mr. Lehman, to accept the April 19, 2005 minutes as presented. Motion carried unanimously.

REQUEST BY THE COVENGTON GROUP, LTD – APPROVED

Vice Chair Tozer stated that the first item is a request by The Covengton Group, Ltd. to rezone a 1.862 acre tract located adjacent to the northern right-of-way of Fire Tower Road, 270 feet east of Wimbledon Drive, south of the Carmike Theatre, east of Fudruckers Restaurant and west of Basil's Restaurant, from OR (Office – Residential [high density multi-family]) to CG (General Commercial).

Mr. Harry Hamilton stated this is a request to rezone property from Office-Residential to General Commercial. The property is located off East Fire Tower Road and east of Wimbledon Drive. The existing Land Use Map indicates a variety of uses which include multi-family and commercial. The focus area is centered around the Covengton Downes development. The Thoroughfare Plan Map indicates the property has direct frontage to a major thoroughfare. The entire area has gone through many changes including 19 rezoning requests around the Fire Tower-Arlington Boulevard Corridor. There have been amendments to the Thoroughfare Plan, the relocation of Fire Tower Road and construction of major thoroughfares. In 1980 there was 75 acres of commercial zoning and office zoning located to the west and east along NC Highway 43 and north of the property on Arlington Boulevard. In 1993 a study committee reviewed and recommended that commercial zoning be restricted along Arlington Boulevard, NC Highway 43 and to

the west along Fire Tower Road. The Land Use Plan Map indicates the commercial area and maintains the office-institutional transition barrier to the commercial area along Fire Tower Road. Mr. Hamilton stated that in staff's opinion this request is a small addition to the commercial area and would not contribute significantly to any impact and would maintain the office buffer. Mr. Hamilton stated that in staff's opinion the request is in compliance with the Comprehensive Plan.

Mr. Mike Baldwin, Baldwin & Associates, spoke on behalf of the applicant. Mr. Baldwin stated that the request does meet the Comprehensive Plan and the specific criteria. Mr. Baldwin stated he would answer any questions.

No one spoke in opposition.

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

REQUEST BY MARY ANNA SHUPING – APPROVED

Vice Chair Tozer stated that the next item is a request by Mary Anna Shuping to rezone a 0.4959 acre (21,601 square foot) lot, located adjacent to the eastern right-of-way of Dickinson Avenue, 150 feet north of Arlington Boulevard and south of Westwood Subdivision, from R9 (Residential [medium density]) to O (Office). Mr. Hamilton stated this request is to rezone property from Residential, Medium Density to Office. The property is located off Dickinson Avenue, north of Arlington Boulevard and south of Westwood Subdivision. It is anticipated that the property will be developed for offices. The property is not impacted by the floodplain. The property is located at the intersection of two connector corridors. The Land Use Plan Map recommends office development along Arlington Boulevard in lieu of commercial which should be restricted to the area around Memorial Drive, W. H. Smith Boulevard and the entrance to Spring Forest Drive. Mr. Hamilton stated that in staff's opinion the areas or lots outside of the Westwood Subdivision that have frontage back onto Arlington Boulevard should be developed for office in lieu of any other type of non-residential development. Mr. Hamilton stated that in staff's opinion the request is in compliance with the Comprehensive Plan.

Mr. Ken Malpass, representing the applicant, David Hill, spoke on behalf of the request. Mr. Malpass stated that Mr. Hill does plan to combine this property with the adjacent property on Arlington Boulevard. Mr. Malpass stated he would answer any questions.

No one spoke in opposition.

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

REQUEST BY DVML, LLC – APPROVED

Vice Chair Tozer stated that the next item is a request by DVML, LLC, to rezone a 6.084 acre tract, located north of Ashcroft Village Subdivision, Section 2, west of Summerhaven Subdivision, Section 2 and east of Bedford Subdivision, Section 8, from RA20 (Residential – Agricultural) to R9S (Residential – Single-family [medium density]).

Mr. Hamilton stated this is a request to rezone property from Residential-Agricultural to Residential-Single Family Medium Density. Mr. Hamilton presented a map indicating preliminary plat approved streets. There is an interconnecting street system between Summerhaven and Ashcroft and this road interconnects with Bedford Subdivision. There is no opportunity for a future street to connect from the rezoning area through to Summerhaven Subdivision. Mr. Hamilton explained that on the map the property is indicated as future recreation area and a stormwater detention area. The Director of Recreation and Parks, Boyd Lee, has been consulted with respect to the potential elimination of the recreation area and is of the opinion that the newly acquired park land, donated by Bill Clark, will be sufficient to serve the recreational needs of the general area. Mr. Hamilton stated that there is a Greenway Corridor separating Summerhaven from this property to the west. There are 50 foot greenway buffers and Riparian Buffers that would be observed prior to development. Mr. Hamilton stated that the Land Use Plan Map recommends medium density residential for the area extending between Summerhaven Subdivision and Bedford Subdivision. Mr. Hamilton stated that the request is in compliance with the Comprehensive Plan.

There was discussion about the detention pond area.

Mr. Hamilton stated that the applicant would have to submit a preliminary plat to staff and it would be reviewed by city agencies. The applicant will not be able to utilize the whole property for development because a portion will be retained for a retention pond.

Mr. Mike Baldwin, representing the applicant, spoke in favor of the request. Mr. Baldwin gave a brief history of the area. Mr. Baldwin stated it is anticipated that 15 lots will be developed. Mr. Baldwin stated he would answer any questions.

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

REQUEST BY HODGE AND MORRIS, LLC – DENIED

Vice Chair Tozer stated that the next item is a request by Hodge and Morris, LLC to rezone a 7.4 acre tract, located north of Allen Ridge Road, 350 feet west of Allen Road and 500 feet north of Teakwood Subdivision, from OR (Office – Residential [high density multi-family]) to R9S (Residential – Single-family [medium density]).

Mr. Hamilton stated that this is a request to rezone 7.4 acres from Office-Residential High Density Multi-family to Residential-Single Family. The property is located to the west of Allen Road. Mr. Hamilton stated that the existing or approved street pattern will interconnect some of these areas. Teakwood doesn't have any connection with the property to the south but the subject property has a street stub connecting Teakwood to this property and an approved preliminary plat for connection to the industrial area. This general area is between Allen Road, which is a Thoroughfare street, and the future southwest corridor area. The rezoning map that was submitted involves 23 preliminary platted lots and three terminal cul-de-sacs. The aerial photo shows the location of the industrial area to the north. In 2003 there were a number of mini-storage warehouses. There are around 50 building within that area and over 1700 units so it is a very large mini-

storage warehouse facility immediately north of this property. The existing land uses within the area are commercial, expanding industrial area, Woodridge Commercial Park, single family development in Teakwood. There are a number of single family dwellings currently being constructed in the area immediately north of Teakwood. The original preliminary plat showed Allen Ridge as a series of lots and tracts. There is single family zoning adjacent to Teakwood, single family lots, duplex and the area that is proposed for rezoning was shown as two multi-family development tracts adjacent to the mini-storage warehouse. There was a revision to Allen Ridge where the two tracts were converted to duplex lots. The OR zone does not allow single family so the only conclusion could be duplexes unless some of these lots were combined together for multi-family building sites. The focus area map shows the residential corridor along Allen Road. Mr. Hamilton stated that the city has proposed a large area for future industrial expansion. The ETJ was extended in this area about five years ago and one of the reasons why the county allowed the city to expand the ETJ was to facilitate the development of an industrial area and facilitate the extension of sewer along Green Mill Run to service this entire area including the industrial development. The Thoroughfare Plan Map shows Allen Road has a thoroughfare and it is slated for widening. Allen Road is being widened to 3-lanes under the Moving Ahead Project. The property is not impacted by any regulated flood hazard area. Mr. Hamilton stated that at the time the ETJ was extended the city established a zoning pattern mainly to facilitate the industrial expansion. In order to protect the Teakwood neighborhood a transition buffer was installed between the industrial and the medium density residential and this is in accordance with a specific guidelines that are set out in the Horizons Plan. The areas to the south of Teakwood are reserved for medium density residential with higher density adjacent to the commercial focus area along Dickinson Avenue. The city actually went in and rezoned a significant amount of property to industrial. The office buffer was put in place, a strip of lots along the northern boundary of Teakwood was rezoned to single family residential and a small portion of the lots were rezoned in 2004 to residential. The zoning pattern replicates the intended land use pattern recommended by the Horizons Plan. Mr. Hamilton stated that to the south of Teakwood there is an approved preliminary plat for Laurel Park Subdivision. The northern portion of the subdivision is zoned for single family and has been platted for 105 single family lots, 114 duplex lots and 10 multi-family tracts. There is an adequate supply of approved single family lots for the general area. There is some clearing that is taking place in this general area and we would certainly anticipate that this preliminary plat would be exercised in the near future. It would be staff's opinion that the request to rezone this property to single family would not be in compliance with the Comprehensive Plan. One of the unfortunate circumstances here is that the industrial area, the commercial area, was being developed prior to the city's extension of the ETJ. Property was zoned industrial, more development has taken place, the mini-storage warehouses have been expanded. At the time those things were taking place this office area was undeveloped. There is no buffer or screening requirement between industrial and vacant office zones. If we go in now and put single family adjacent to this vested commercial area there will be no screening buffer. On one hand if the residential was there and you put in the industrial you'd have in many cases, depending on the type of use you put in the industrial area, up to a 50 foot solid vegetative screen. That will not take place here now. We do not have a way to go back in and retrofit the area to accomplish screening between the proposed single family and the industrial area and that's unfortunate because of the way the property was initially zoned and the way it was initially approved for development. In staff's opinion

rezoning of this property would not be appropriate and again if you look at it in a reverse scenario, would it be appropriate to put industrial adjacent to single family without a transition buffer or some type of intervening conservation area. In staff's opinion it would not. Staff would recommend denial.

There was discussion in regards to the property's location to the commercial area and single family areas.

Mr. Hamilton stated that staff's concern is single family dwellings adjacent to industrial zoning absent a transitional buffer. Mr. Hamilton reiterated that staff's opinion is the areas immediately adjacent to the industrial development and zoning continue in some type of office or multi-family, duplex development. Mr. Hamilton stated that if the property was developed as multi-family or duplex prior to the industrial development screening buffers would have been required. Mr. Hamilton explained this is reversed and there is no way to install screening buffers. In staff's opinion it is appropriate to have multi-family and duplex development in the transition area rather than single family development.

Mr. Phil Hawley, of Bartlett Engineering, spoke on behalf of Hodge and Morris. Mr. Hawley stated that the applicants purchased all the lots except for the strip between the single family development and this property. Mr. Hawley stated that preliminary plans are being developed and the 50 foot buffer will be provided for new development in later phases. Mr. Hawley stated that persons to the south wish to have single family development in lieu of duplexes. Mr. Hawley stated that the applicant will request single family zoning on the remaining property. Mr. Hawley stated he would answer any questions.

There were questions concerning the location of the duplex development.

Mr. Hamilton explained there is a strip of lots that front Allen Ridge Road currently zoned Office-Residential which is restricted to duplexes, multi-family or offices. Mr. Hamilton explained that at the time the OR zoning was established the Teakwood neighborhood was aware that multi-family was potential in that area and they requested that City Council establish a 150 foot buffer adjacent to the neighborhood that could only be developed as single family. A small portion of the property along the northern right-of-way of Eller Drive was recently rezoned to single family.

Mr. Mike Baldwin stated he was not speaking for or against the request but he represents Mr. Cherry (Leroy) who owns the ten lots across the street. Mr. Baldwin stated that it would seem odd to have single family, duplexes and then single family. Mr. Baldwin stated his concern is for his client.

Mr. Hawley rebutted by saying that the lots owned by Mr. Cherry are vacant and that single family homes are under construction in the area to the south. Mr. Hawley asked the Commission to consider the request.

Mr. Ramey asked if the Commission could continue the request for 30 days which would allow Mr. Cherry the opportunity to present his concerns at the next meeting.

Mr. Holec stated that the Commission can continue the request however City Council does not meet in July meaning the request would not be heard until the Council's August meeting.

Motion was made by Mr. Ramey, seconded by Mr. Baker, to postpone the request for 30 days. Those voting to postpone were: Ramey, Baker and Stokes. Those in opposition: Wilson, Gordon, Lehman, Moye and Randall. Motion died.

Motion was made by Mr. Randall, seconded by Mr. Gordon to approve the request. Those voting to approve were: Randall, Gordon and Lehman. Those voting in opposition: Wilson, Ramey, Moye, Stokes and Baker. Motion died. Request was denied.

REQUEST BY ROBERSON LAND DEVELOPMENT – APPROVED

Vice Chair Tozer stated that the next item is a request by Roberson Land Development for a preliminary plat entitled "Mill Creek Subdivision". The property is located on the eastern right-of-way of Frog Level Road, north of Forest Pines Subdivision. The proposed development consists of 143 lots on 51.3 acres.

Mr. Andy Thomas delineated the property on the map. Mr. Thomas stated this is a request for a preliminary plat for Mill Creek Subdivision and the developer is Roberson Land Development. The property is located on the eastern right-of-way of Frog Level Road, north of Forest Pines and is currently zoned RA-20, Residential-Agricultural. The anticipated use is single family residential on 143 lots. This is another development in the southwest sewer test area. Water issues between Greenville Utilities and the Bell Arthur Water Corporation have been resolved. This property adjoins the Swift Creek Drainage Easement which is 110 feet in width. There are two stormwater ponds which will serve this development. The Forest Pines Subdivision is south of this property. Street extensions are provided to the east and north. Sidewalks are provided. The preliminary plat has been reviewed and approved by the City's Technical Review Committee.

No one spoke in favor of the request.

No one spoke in opposition of the request.

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

REQUEST BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT – APPROVED

Vice Chair Tozer stated that the next item is a request by the Planning and Community Development Department to amend the zoning ordinance to establish a civil penalty in the amount of twenty-five dollars (\$25.00) for each day whenever the violation involves either (i) the parking area surface material requirement set forth in Section 9-4-248(a), (ii) the maximum front yard area parking coverage requirement set forth in Section 9-4-248(d) and (e), or (iii) the parking, storage and/or maneuvering requirements set forth in section 9-4-248(f).

Mr. Hamilton stated this is a request to amend the zoning regulations concerning the civil penalties for various violations of the on-site parking standards. There are standards that relate to the material type required for parking. There are standards that relate to the percentage of yard area that can be covered with parking as well as the parking, storing and maneuvering of vehicles on residential property. Mr. Hamilton explained that recently the Housing Task Force presented a report to City Council. One of the improvement strategies was to revise city ordinances related to parking on unimproved surfaces to allow for on the spot ticketing and establish routine patrols of neighborhoods. Currently, the Zoning Enforcement Officer within the Planning Office enforces the parking standards which is mainly upon complaints from citizens. Tickets are issued to the owner of vehicles and/or the property owner. Mr. Hamilton stated that the fines are a sliding scale ranging from \$50 to \$250. Mr. Hamilton stated the city has a Neighborhood Service Division that will have a Nuisance Abatement Officer to enforce these regulations. Tickets will be issued in the field and placed on the automobiles.

There was discussion in regards to enforcement and how it will be conducted.

Mr. Hamilton stated that the purpose of the amendment is to maintain the aesthetic quality of a neighborhood and prevent erosion of property. Mr. Hamilton explained that the amendment would enable the Abatement Officer to ticket vehicles at that time.

No one spoke in favor.

No one spoke in opposition.

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

REQUEST BY ALLTEL COMMUNICATIONS, INC – APPROVED

Vice Chair Tozer stated that the next item is a request by the Planning and Community Development Department to amend the zoning ordinance definition of “room renting” for the purposes of clarification, specifically, that such activity shall only be allowed as an accessory use within an owner occupied dwelling and that the total dwelling occupancy shall be limited to not more than two (2) persons in addition to the resident owner and persons related to the resident owner by blood, adoption, or marriage who constitute a family.

Mr. Hamilton stated this is a request to amend the General Commercial district table of uses to include monopole or other self-supporting communication towers not to exceed 200 feet in height as a permitted use. Mr. Hamilton stated that structures that employ guide wires and other supports would not be permitted under this as well as any tower over 200 feet in height. Mr. Hamilton presented a map indicating tall structures within the city. Transmission towers include cellular telephone, television, radio towers. Water towers, buildings and stacks are commonly used as platforms for transmitters. Within the city’s jurisdiction there are 32 communication towers primarily dedicated to cellular telephone or wireless communication devices. Current zones that allow communication towers of unlimited height are the Industrial, Unoffensive Industry, Downtown Commercial, Heavy Commercial and the Medical Residential, districts. Mr. Hamilton stated that the airport overlay

zones affect a substantial portion of the Industrial area where there are available sites for cell towers thus limiting their utility.

Mr. Bill Howard, Development Agent for Alltel Communications, spoke on behalf of the request. Mr. Howard presented maps to the Commission (see attached) that indicates the area coverage in Greenville. Mr. Howard explained that Alltel supplies coverage through three sites, East Greenville, Fifth Street and Arlington Boulevard. Mr. Howard stated by allowing towers in the General Commercial district it would allow more coverage in the residential areas of Greenville. Mr. Howard explained that Alltel tries to co-locate wherever it is possible.

No one spoke in opposition.

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

REQUEST BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT – APPROVED

Vice Chair stated that the next item is a request by Request by the Planning and Community Development Department to amend the zoning ordinance definition of “room renting” for the purposes of clarification, specifically, that such activity shall only be allowed as an accessory use within an owner occupied dwelling and that the total dwelling occupancy shall be limited to not more than two (2) persons in addition to the resident owner and persons related to the resident owner by blood, adoption, or marriage who constitute a family.

Mr. Hamilton stated this request is to amend the definition of room renting and to amend the definition section to delete the definition of owner/occupant. These amendments are made for purposes of clarification of existing application that staff employs for determining the number of allowed persons within a dwelling. Mr. Hamilton stated that the definition of owner/occupant is being deleted and doesn't fit within the code. The new definition of room renting will be deleted. Mr. Hamilton read the definition of room renting. Mr. Hamilton explained that this means that in a dwelling no more than 3 unrelated people can reside within any dwelling in the city. Room renting is allowed in a owner/occupant dwelling. Anyone who owns a home, in addition to their family, can rent rooms to two additional persons who are not related to the resident owner. If you have a rental dwelling, the renters cannot sublease out under the room renting clause.

No one spoke in favor.

No one spoke in opposition.

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

LONG RANGE PLANNING UPDATE

Vice Chair Tozer stated the last item is an update on the long range planning.

Mr. Neil Holthouser, Senior Planner, gave a brief history of topics discussed at last month's meeting. Mr. Holthouser stated that the Commission expressed a desire to see

some of the concepts that were discussed. Mr. Holthouser presented a maps indicating the Southwest Planning area, projected land uses and potential wetlands in the area. Mr. Holthouser explained that based on the analysis of the projected land uses and projected population of the area in the future. Staff would the following recommendations to be considered in a general land use plan for this area (1) To seek expansion of the ETJ area; (2) Revise the Land Use Plan; (3) It may be necessary to recommend some revised zoning; (4) Propose a zoning pattern in the event the ETJ was extended; (5) Develop a street connector plan for this area; (6) Revise standards for connectivity; (7) Develop locational criteria for development along the Southwest By-pass; (8) Developing mechanisms to achieve greater open space and (9) Plan for public facilities. Mr. Holthouser stated that currently subdivisions are designed to maximize the number of building lot, based on this approach every lot is bounded by another lot or adjoining development. The potential pitfall is that every homes value is linked to the quality and condition of all surrounding lots. Incorporating open space could enhance the neighborhoods appeal and maintain value. Mr. Holthouser illustrated guidelines to the planning concept (1) Access to open space; (2) Mixture of housing types (single family, duplexes, and multi-family); (3) Connectivity and (4) Neighborhood centers.

There was discussion in regards to how to have these concepts addressed at this point.

Mr. Holthouser stated that there is not a mechanism in place currently. Mr. Holthouser stated that staff is reviewing information on how to proceed legally with an ordinance to address these issues. Mr. Holthouser explained that plans must be implemented prior to adoption of an ordinance.

Mr. Moyer stated that these are forward thinking ideas and would add a lot of value to the community. Mr. Moyer stated that he feels a workshop or session not associated with the regular meeting date to review, discuss and get input on how to proceed with the concept.

Mr. David Foreman commented that on Mr. Holthouser's presentations he did not see a lot of parking area. Mr. Foreman stated that he would suggest when the Commission reviews the concepts attention should be given to adequate parking or alternate transportation. Mr. Foreman commented that his suggestion is in relation to the amendment addressed previously on the parking citations.

Mr. Tozer commented that the development community should be involved in the discussions concerning the criteria to be used in future development in this area. Mr. Tozer stated that staff and the Commission will have to convince developers that the concept will be a valuable asset.

Mr. Holthouser explained that these plans will be presented to the general public and developers for input prior to the Commission's recommendation to City Council.

Mr. Randall asked if the extension of the ETJ could be initiated while other issues were being addressed.

Mr. Holthouser explained that the County must grant the City permission to extend the ETJ.

Mr. Flood advised that there is a joint committee between Greenville Utilities, the City of Greenville and Town of Winterville that meets on a quarterly basis to discuss the

extension of the ETJ in this area.

Mr. Lehman asked if a time table could be developed.

Mr. Holthouser stated that a work program scheduled over time is doable.

There was discussion on regards to having a workshop prior to the June meeting. It was suggested that the Commission meet 1 hour prior to the meeting.

Mr. Holthouser stated that a draft plan which includes a work program or schedule of actions to be included in your packets for next month.

There being no further business the meeting adjourned at 8:30 PM.

Respectfully submitted,

Merrill Flood
Secretary

APPROVED

Len Tozer, Vice Chair