

October 18, 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 - X

Mr. Bill Lehman - *

Mr. Porter Stokes - *

Mr. Godfrey B. Bell, Sr. - *

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

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

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

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

Vice Chair Tozer welcomed Councilman Ray Craft.

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Bell to accept the September 20, 2005 minutes as presented. Motion carried unanimously.

REQUEST BY WILLIAM E. DANSEY, JR. – GREYSTONE MOBILE HOME PARK, LLC – APPROVED

Vice Chair Tozer stated that the first item is a request by William E. Dansey, Jr., Greystone Mobile Home Park, LLC to rezone 3.161± acres located within Greystone Mobile Home Park, along the eastern right-of-way of Bayswater Road, the western right-of-way of East Shelbrook Drive, and the northern right-of-way of Lancaster Gate from R6MH (Residential-Mobile Home [High Density]) to CG (General Commercial).

Ms. Chantae Gooby stated this is a request to rezone three plus acres to General Commercial. The property is located within Greystone Mobile Home Park. Fire Tower Road runs from east to west and Evans Street from north to south. Ms. Gooby presented a map indicating proposed public streets. There are currently fourteen mobile homes located on the subject property. The subject property is currently part of Greystone Mobile Home Park. To the north is Fire Tower Mini-storage which contains 260 units and to the east there is an approved site plan for an additional 16 units. The subject property is not impacted by the floodplain. The proposed rezoning would generate 60 additional trips. Ms. Gooby stated that from Corey Road to Evans Street, Fire Tower Road is considered a residential corridor. There is a recognized neighborhood focus area located in between a regional focus

area to the east and an intermediate focus area to the west. Fire Tower Road is considered a major thoroughfare. The Land Use Plan Map recommends commercial fronting along Fire Tower Road and then transitioning into high density residential. The property is currently zoned for residential. Property to the north and to the east is zoned General Commercial. Ms. Gooby explained that with the proposed rezoning this area would contain approximately 10.5 acres of General Commercial. Ms. Gooby stated that since 2001 additional commercial has encroached into the mobile home park. Ms. Gooby stated that staff objects to this request in that the already existing commercial exceeds the Land Use Plan recommendations and the proposed commercial area would front along private residential streets.

Mr. Ramey stated that there is existing commercial development up the road across from Covenant Church and now staff says there shouldn't be commercial at this location.

Ms. Gooby explained that there is already sufficient commercial development in the area.

Mr. Fred Mattox, Attorney at Law, spoke on behalf of the applicant. Mr. Mattox presented a letter from Rocky Russell, developer of Dudley's Grant, in favor of the request and a map of the subject property. Mr. Mattox stated that Mr. Dansey wishes to enlarge the existing mini-storage on the site. There is a fence around the existing mini-storage with a gate that is controlled. The fence would be extended to include the proposed addition and utilizing the controlled gate for security. Mr. Mattox stated that mini-storages are needed in this area. Mr. Mattox stated that this request does not add any additional commercial area along Fire Tower Road and asked that the request be granted approval.

Mr. Holec stated that Mr. Gordon had discussed with him prior to the meeting that he has employment with Mr. Dansey however he explained that he does not have any financial interest in this request.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Baker, to approve the request. Those voting in favor were: Ramey, Gordon, Baker, Lehman, Stokes and Bell. Those voting in opposition were: Moye and Randall. Motion carried.

REQUEST BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT – APPROVED

Vice Chair Tozer stated that the next request is by the Planning and Community Development Department as recommended by the Task Force on Preservation of Neighborhoods and Housing, to rezone 73± acres (excluding street rights-of-ways) located south of Greenville Boulevard, west of Memorial Drive, north of Thomas Langston Road, and east of Dickinson Avenue and Frog Level Road and also located along the western right-of-way of East Berkley Road and the southern right-of-way of Treemont Drive, north of Forest Hills Drive, east of West Berkley Road, and south of East Fourteenth Street from RA20 (Residential-Agricultural) and R9 (Residential [Medium Density]) to R9S (Residential-Single Family [Medium

Density]) and from OR (Office-Residential [High Density Multi-family]) to R15S (Residential-Single Family [Low Density]).

Ms. Gooby stated this the third Task Force Neighborhood rezoning. This is part of the neighborhood improvement strategy number six which is to identify neighborhoods that are predominately single family in character but are zoned in manner that would permit intrusion of duplexes or multi-family uses and to rezone such neighborhoods to prohibit further intrusion. This request is for the Red Oak/Oakdale Subdivisions and a small portion of the Forest Hill Subdivision. Ms. Gooby presented a map indicating the multi-family zones currently within the city. The combined area for Red Oak and Oakdale Subdivision is 72 acres. Greenville Boulevard runs from east to west. Currently Red Oak is zoned RA20 and Oakdale is zoned RA20 and R9 and both of these districts do contain a duplex option. The requested zoning for both neighborhoods is R9S which is a single family zoning district. There are currently 167 lots that are being utilized as single family with six lots vacant. The property is not impacted by the floodplain. Collectively there is 23 percent rental and 77 percent owner occupied. There are two Task Force members who own two different pieces of property within the rezoning area. The next area is a small portion of Forest Hills that includes six lots, 1.5 acres. Fourteenth Street runs east to west and Elm Street runs north to south. The property is currently zoned OR which allows multi-family. The proposed zoning is for R15S, single family zoning. The surrounding neighborhood is R15S zoning. The remaining OR property is the site of Elmhurst School. The area is 100 percent single family. The property is not impacted by the floodplain. There is 50 percent rental and 50 percent owner occupied. There is one Task Force member that owns one lot within the rezoning area. None of the neighborhoods contain any non-conforming uses. The anticipated outcome of these rezonings is to provide an added measure of neighborhood stability and demonstrate the city's commitment to single family neighborhood preservation as part of a comprehensive housing revitalization strategy. Ms. Gooby stated that staff is in support of the 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 JFJ ENTERPRISES, LLC – APPROVED

Vice Chair Tozer stated that the next item is request by JFJ Enterprises, LLC, to rezone 4.0874± acres located at the southeast corner of the intersection of MacGregor Downs Road and B's Barbeque Road from MR (Medical-Residential [High Density Multi-Family]) to MO (Medical-Office).

Ms. Gooby stated this is a request to rezone a little over 4 acres from High Density Multi-family to Medical-Office. The property is located at the corner of MacGregor Downs Road and B's Barbeque Road. Currently the property is vacant but it is part of an approved site plan for Cascade Apartments which contains 104 units. There are currently two buildings constructed. The property is not impacted by the floodplain. The proposed rezoning could generate 350 additional trips. MacGregor Downs Road and B's Barbeque Road are considered connector corridors. B's Barbeque Road is considered a minor thoroughfare. The Land Use Plan recommends Office/Institutional/Multi-family for the area bounded by

MacGregor Downs Road, B's Barbeque Road, Stantonsburg Road and Allen Road. The requested Medical-Office (MO) district does not permit residential development and therefore the applicant would need to amend their site plan to relinquish the vested rights for the apartments that would not be allowed under the proposed MO district. Ms. Gooby stated that staff has no object to the request.

Mr. Randall asked if the Commission should make the site plan amendment part of the motion.

Ms. Gooby explained that staff would require the applicant to make the amendment to the site plan prior to the request going to City Council for their recommendation.

Mr. Francis Gardner stated he would answer any questions.

No one spoke in opposition.

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

REQUEST BY 2004 CUMBERLAND, LLC – APPROVED

Vice Chair Tozer stated that the next item is a request by 2004 Cumberland, LLC to rezone 7.32± acres located at the southeast corner of the intersection of Allen Road and the Norfolk Southern Railroad from R6 (Residential [High Density Multi-Family]) to CG (General Commercial).

Ms. Gooby stated this request is to rezone a little over seven acres from High Density Multi-family to General Commercial. The property is located along Allen Road which runs north to south and the railroad which runs from east to west. Currently the property is vacant. To the south is an approved site plan for a church. The property to the west is the Pitt County Landfill. The property is not impacted by the floodplain. The proposed rezoning could generate 850 additional trips. Allen Road is considered a connector corridor to the railroad tracks and then it transitions into a residential corridor. The subject property is also part of a recognized focus area. Allen Road is considered a major thoroughfare. The Land Use Plan recommends commercial transitioning into high density multi-family. To the west is Medical Heavy Commercial. The property to the north is zoned Medical-Office. Ms. Gooby stated that staff has no objection to the request.

Mr. Bell asked with the increase in traffic would the developer asked to delay the project until 2006 when the construction would be completed.

Ms. Gooby stated they would not.

Mr. Hamilton stated there might be some road improvements necessary depending on the site development plan which may include turn lanes, deceleration lanes, etc.

Mr. Jim Walker, Rivers and Associates, spoke on behalf of the request. Mr. Walker explained that this request is part of a 30 acre tract. Mr. Walker advised that they have met with the adjoiners and reviewed the uses that would be allowed and they have no objection. Mr. Walker stated that currently there is no sewer available to

this area and wouldn't be available until 2006. There are no immediate plans for development of this property.

No one spoke in opposition.

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

REQUEST BY UPTOWN PROPERTIES, LLC C/O DONALD JACKSON EDWARDS, MANAGING PARTNER – APPROVED

Vice Chair Tozer stated that the next item is a request by Uptown Properties, LLC c/o Donald Jackson Edwards, Managing Partner, to rezone 0.2745± acres (11,957 square feet) located along the northern right-of-way of Dickinson Avenue and the eastern right-of-way of Pitt Street from CDF (Downtown Commercial Fringe) to CD (Downtown Commercial).

Ms. Gooby stated this is a request to rezone almost 0.3 of an acre from Downtown Commercial Fringe to Downtown Commercial. The property is located along Dickinson Avenue and to the northeast is the Central Business District. Currently both tracts contain a building on each lot. The tract to the north has a vacant building and the tract to the south contains three units. The property is not impacted by the floodplain. Dickinson Avenue is considered a connector corridor and major thoroughfare. Ms. Gooby advised that due to the small size a traffic report was not prepared. The Land Use Plan recommends commercial for the area. Ms. Gooby stated that in 2003 and 2005 similar request for property to be rezoned to Downtown Commercial were approved. Ms. Gooby stated that both the CDF and CD districts allow commercial activities and multi-family. Ms. Gooby stated that staff has no objection to the request.

Mr. Don Edwards, Managing Partner of Uptown Properties, LLC, spoke on behalf of the request. Mr. Edwards stated he purchases property in and around downtown to renovate and reuse. Mr. Edwards stated that someone has inquired about putting apartments on this property and the CDF designation states apartments must be 2,300 square feet. Mr. Edwards explained the CD designation would allow for denser apartments. Mr. Edwards asked that the request be considered.

Mr. Steve Spruill, Spruill & Associates, spoke on behalf of the applicant. Mr. Spruill stated they believe it will be an asset to the community.

No one spoke in opposition.

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

REQUEST BY MAX R. JOYNER, SR. ETAL – APPROVED

Vice Chair Tozer stated that the next item is a request by Max R. Joyner, Sr. Etal to rezone 17.166± acres located along the eastern right-of-way of Meridian Drive, south of Arlington Boulevard, and west of Memorial Drive from OR (Office-Residential [High Density Multi-family]) to R6 (Residential [High Density Multi-Family]).

Ms. Gooby stated this is a request to rezone over 17 acres from Office-Residential to R6, Residential. Ms. Gooby stated that both of these districts do allow multi-family development and the OR district does contain an office option. Memorial Drive runs from north to south and Arlington Boulevard runs from east to west. Currently the property does contain recreation for the Meridian Park Condominiums. This property is actually part of the approved site plan for Meridian Park. The subject tract would contain 90 multi-family units. The property is impacted by the floodway and floodplain associated with Green Mill Run. Arlington Boulevard and Memorial Drive are considered major thoroughfares and connector corridors. There is no change in traffic for the proposed rezoning. Ms. Gooby stated that the map indicates the proposed W. H. Smith Boulevard extension. The Land Use Plan recommends Office/Institutional/Multi-family. Ms. Gooby stated that if the property is rezoned to R6 that would require a more intensive bufferyard when the heavy commercial property to the east is developed. Staff has no objection to the request.

Mr. Mike Baldwin, Baldwin & Associates, representing the applicant spoke on behalf of the request. Mr. Baldwin stated that Mr. Joyner's proposed use for this property is apartments with no office option attached. 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 PITT COUNTY MEMORIAL HOSPITAL – APPROVED

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Vice Chair Tozer stated that the next item is a request by Pitt County Memorial Hospital to close a portion of Moye Boulevard (100' R/W) starting at a point being about 70' north of Stantonsburg Road and running northward about 1100' to the future curved right-of-way of the proposed Moye Boulevard relocation.

Mr. David Brown, City Engineer, stated this request is in regards to a petition presented by the Pitt County Memorial Hospital to close a portion of Moye Boulevard. Pitt County Memorial Hospital has petitioned the City to close a portion of Moye Boulevard to expand their facility in an easterly direction to construct a new cardiovascular center. To offset the closure of this segment of roadway, Pitt County Memorial Hospital would be responsible for providing the necessary right-of-way and constructing the realigned segment of Moye Boulevard. Mr. Brown explained the realigned segment would be a five-lane cross section. Mr. Brown expressed that it would be necessary to close an existing portion of the Moye Boulevard right-of-way and realign the road to accommodate the expansion. Mr. Brown further explained that the recommendation would be forwarded to City Council in November with a Notice of Intent for the road closure. After City Council issues the Notice of Intent to close a portion of Moye Boulevard, a notification to the public would follow by publication in the newspaper for a four-week period and signs posted at each end of the segment of road to be closed.

There was discussion in regards to traffic to the hospital entrance and admissions.

Mr. Brown indicated that traffic would have to be maintained through the area, and the access operations of the hospital would also be maintained. As part of the construction process, Mr. Brown indicated staff would review the construction sequence to make sure they maintain access to the hospital.

Mr. Durk Tyson, Rivers and Associates, representing Pitt County Memorial Hospital, spoke on behalf of the request. Mr. Tyson stated that the request tonight is for the official abandonment of the right-of-way, which is necessary for the hospital to move forward with their construction. With respect to the actual closing of the Moye Boulevard it will not be closed next month. Construction of the cardiovascular building is scheduled for January, 2006. Moye Boulevard will stay open during the construction while constructing the relocated segment of roadway. Mr. Tyson also stated that it may be necessary to close some of the lanes during the building construction.

Mr. Lehman stated what he understood is that the loop would be completed before Moye Boulevard would be closed.

Mr. Tyson indicated that was somewhat true. There are some major utility corridors that have to be cut across the existing road. There will be temporary closures of Moye Boulevard before the new road is completed but traffic to the hospital and medical school will be maintained on Moye Boulevard while building the relocated roadway.

Mr. Todd Skinner, Project Manager of PCMH, stated that Moye Boulevard would not be closed as far as construction of this project. Access to the hospital will be maintained on Moye Boulevard however there may be occasions when existing utilities must be dealt with and would require a temporary closing.

No one spoke in opposition.

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

REQUEST BY RT DEVELOPMENT, INC. – APPROVED

Vice Chair Tozer stated that the next item is a request by RT Development, Inc. for a preliminary plat entitled “Dudley’s Grant, Section 10”. The property is located on the southern side of Fire Tower Road at the end of Dudley’s Grant Drive. The proposed development will consist of 1 lot on 9.796 acres.

Mr. Andy Thomas stated this the Dudley’s Grant, Section 10 preliminary plat request. The property is located on the southern right-of-way of Fire Tower Road at the end of Dudley’s Grant Drive and is currently zoned R6, Residential. The anticipated use is a continuation of the townhome project. This property is somewhat impacted by the floodplain. Fire Tower Road is a major thoroughfare. The Street Design Standards states that cul-de-sac or terminal streets shall not exceed 1,000 feet. The proposed private street is approximately 1,970 feet. The Planning Board is authorized to grant a variance if certain specific conditions exist. If the Board feels compelled to grant a variance, the specific conditions that justify

the granting of a variance must be entered into the record. Such a finding would be necessary to secure preliminary plat approval.

Article I. Variances

Sec. 9-5-181. Authorized; procedure.

(a) The planning and zoning commission may vary the requirements of this chapter where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this chapter could cause an unusual and unnecessary hardship on the subdivider.

(b) In granting variances, the planning and zoning commission may require such conditions as will secure, insofar as practicable, the objectives of the requirement(s) varied. Any variance thus recommended is required to be entered in writing in the minutes of the planning and zoning commission and the findings upon which departure was justified set forth. (Ord. No. 1941, § 1, 1-12-89)

The Engineering Department has reviewed and approved the street design. Extension of streets to adjoining property is not possible due to existing intervening development to the east (Greystone Mobile Home Park) and an access has been provided to the west through Section 9. The preliminary plat has been reviewed and approved by the City's Technical Review Committee.

Mr. Ramey stated that according to map at the lower end it appears to be located in the flood zone. Mr. Ramey asked why the cul-de-sac couldn't be located at the beginning.

Mr. Thomas stated the project designer may be able to answer that question.

Mr. Randall reiterated Mr. Thomas' comments that the Technical Review Committee has reviewed the plan but stated that in the past on dead end streets staff has voiced concerns in regards to emergency vehicles being able to reach the dwellings safely.

Mr. Thomas stated that the Technical Review Committee consists of various departments within the city and the Fire/Rescue Department reviewed this plat and have no concerns.

Mr. Moye commented by saying that he sees it would be difficult by not having a cul-de-sac however testimony has been heard in the past in regards to emergency vehicles having easy access in and out of neighborhoods. Mr. Moye commented that this plat looks like it would be difficult if an emergency vehicle goes to the end of the drive and doesn't have anywhere to go except they way they entered.

Mr. Thomas stated this a townhouse development and along this street there are a series of parking lots in between the buildings so emergency vehicles would be able to maneuver around the parking lot.

Mr. Hamilton stated that the cul-de-sac is stopped at 1,000 feet because that is a private street and to a different design standard than a standard parking lot. The

developer could back track and put in multi-family as long as all the buildings were 750 feet of the cul-de-sac. There is still going to be development at the end. Access will either be provided through a higher grade street or a parking lot. Mr. Hamilton stated that it is their opinion and the Fire Department's opinion that this type of access is a better access than through a parking lot.

Mr. Mike Baldwin, Baldwin and Associates, addressed Mr. Ramey's concern by stating that the reason they extended the cul-de-sac down was to provide a better means of egress and ingress instead of through a parking lot. Mr. Baldwin stated that the Fire Department did request that the cul-de-sac be enlarged in order to allow vehicles to make a complete turn around and that was done.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Gordon to approve the request with the granting of a variance to the 1,000 feet because of the narrowness of the street. Motion carried unanimously.

REQUEST BY CENTER FIELD PROPERTIES, LLC – APPROVED

Vice Chair Tozer stated that the next item is a request by Center Field Properties, LLC for a preliminary plat entitled "Northland Industrial Park, Phase 1". The property is located on the southern side of Staton Road (NCSR 1579) between United Drive and US Highway 264. The proposed development will consist of 2 lots on 43.27 acres.

Mr. Thomas stated this is a request for a preliminary plat for Northland Industrial Park, Phase I. The developer is Westmoreland Company, Inc., Huntsville, Alabama. The property is located on the southern right-of-way of Staton Road between United Drive and US Highway 264. The property is zoned IU, Industrial and the anticipated use is industrial on two lots. The property is somewhat impacted by the floodplain. The property is located on a thoroughfare. This development is located in the recognized industrial area. This submission is creating Lot 1 and the public street, Northland Drive. The remainder of the property will developed later as Phase 2. A significant portion of this property is located in the 100-year floodplain of Parker's Creek and Great Swamp Canal. There is a fifty-foot riparian buffer along the eastern and the southern portion of the property. There is also a greenway easement across the southern boundary. There are existing sewer easements. This property is also bound by a Pitt County Drainage easement. The developer is working on grading at the site. They have secured sedimentation and erosion control approval. Extension of streets is not possible due to the existing intervening development and stream canals referenced above. The preliminary plat has been reviewed and approved by the City's Technical Review Committee. The reviewing agencies report that the submission meets all the requirements and City Standards.

Mr. Durk Tyson, Rivers and Associates, spoke on behalf of the request. Mr. Tyson stated he would answer any questions.

No one spoke in opposition.

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

REQUEST BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Vice Chair Tozer stated that the last item is a request by the Planning and Community Development Department to amend the Subdivision Regulations to include revised recreation and open space dedication standards and requirements applicable at the time of residential subdivision and/or individual site development.

Mr. Hamilton stated this is an amendment to the recreation/open space standards in the Subdivision Ordinance also by reference the zoning standards. It would impact any type of development that would require site plan review. Mr. Hamilton stated that there has been discussions in the past and presentations about the need and utility of open spaces, how neighborhoods can benefit from them. It was pointed out that this is pursuant to City Council 2005 Goals and Objectives which are on schedule at this time. It is anticipated to have this amendment go through an intensive review by the Planning and Zoning Commission because it is a complicated ordinance and involves many different ways of acquiring dedications of property. It involves acquiring dedications through deeds, plat dedications, allows for payment of fees in lieu of those dedications. A number of cities were contacted, a survey of how other cities handle this issue. There aren't any that were contacted that do it the same way, everybody does it differently. Mr. Hamilton explained that the current rules were put in place in the early 80's. In the last 25 years the city has secured 1.5 acres of recreation space in Greenville. The new requirements proposed are in accordance with the recommendations that are set out by the Recreation and Parks Comprehensive Master Plan approved by City Council in 2000. Mr. Hamilton stated that staff does not expect the Commission to consider this request tonight but would ask that the Commission schedule a special meeting in the near future. Mr. Hamilton explained that it would take approximately three hours to go through this material and possibly several meetings prior to holding a public hearing. Mr. Hamilton stated that the special meeting would have to be posted and notice provided.

Mr. Hamilton presented a calendar for October and November which indicates available dates.

Mr. Moye asked if the week after Thanksgiving would be acceptable.

Vice Chair Tozer suggested that the meeting time be changed from 6:30 PM to 5:30 PM. Vice Chair Tozer stated that by meeting the last week of November it would give the Commission ample time to study the information.

Vice Chair Tozer stated that a special meeting will be held on November 29th at 5:30 PM in the City Council Chambers.

There being no further business, motion was made by Mr. Ramey, seconded by Mr. Bell to adjourn at 7:45 PM.

Respectfully submitted,

Merrill Flood
Secretary

APPROVED

Len Tozer, Vice Chair