

PITT COUNTY PLANNING BOARD  
**MINUTES April 15, 2020**  
 GREENVILLE, NORTH CAROLINA

The Pitt County Planning Board met in a regular session on Wednesday, April 15, 2020, at 5:30 p.m. in the 2<sup>ND</sup> FLOOR EUGENE JAMES AUDITORIUM of the Pitt County Office Building, 1717 W. 5th Street, Greenville, North Carolina. The meeting was conducted virtually with Board members and the public participating remotely.

**1. CALL TO ORDER**

Vice-Chairman Guth called the meeting to order at 5:30 p.m. and welcomed guests.

**2. PRAYER AND PLEDGE OF ALLEGIANCE**

Vice-Chairman Guth led the Board in a moment of silence and James Rhodes led the Pledge of Allegiance.

**The following members were present:**

Fred Austin (Nonvoting)	Tucker Moore
Don Brown	Maria Rogerson
David Davenport	Danny Smith
Brad Guth	

**The following members were absent:**

Faye Barefoot  
 Naomi Buck  
 R.J. Hemby  
 Steve Little

**Staff in Attendance:**

James Rhodes, Director  
 Jason, Bryant, Planner I  
 Janis Gallagher, County Attorney

**3. APPROVAL OF MINUTES OF JANUARY 15, 2020 MEETING**

UPON MOTION by David Davenport, seconded by Don Brown, the Pitt County Planning Board voted unanimously to approve the minutes of the January 15, 2020 meeting.

**4. PUBLIC ADDRESSES TO THE BOARD**

No public participants addressed the Board.

***DEVELOPMENT REVIEW***

**5. THREE OAKS:** Located on Eastern Pines Road, south of its intersection with Apple Jack Drive

Mr. Bryant presented the preliminary plat for Three Oaks by noting the size and location of the development. He reviewed the conditions and requirements pertinent to the site. Mr. Bryant stated that notices were sent to all adjacent property owners in accordance with the Planning Board's Notification policy. Mr. Bryant advised that Planning staff received a few emails in regards to drainage system and buffers. Mr. Bryant stated the Technical Review Committee has recommended conditional approval of this plan.

**PRELIMINARY PLAN**

**THREE OAKS:** Located on Eastern Pines Road, south of its intersection with Apple Jack Drive

**Site Data:** 22.27 acres, 21 Lots

**TRC Recommendation: Conditional Approval**

**CONDITIONS AND REQUIREMENTS**

**[Planning]**

1. Based on the calculations submitted, this development will require the installation of Best Management Practices (BMP's) and/or a payment must be approved and paid to a private mitigation bank or the Environmental Enhancement Program (EEP) to meet the Phosphorus loading requirements of the Pitt County Stormwater Ordinance. This payment must be made prior to approval of the construction/SESC plan.
2. All BMP's must meet the requirements of the Pitt County Stormwater Ordinance and must be designed according the North Carolina BMP Manual.
3. The owner will be responsible for maintenance of all stormwater BMP's. A stormwater maintenance agreement is required.
4. Add not located within a ½ mile Voluntary Agricultural District Buffer.
5. Correct effective date of the FEMA Firm map to 1/2/2004.
6. Please show riparian buffer around pond on Apple Jack Drive.
7. Ditch to be filled must be shown on all subsequent submittals, including final plat for recordation.
8. Acorn Court – Denied – Road name exists within the County and therefore the proposed road must be renamed.

**[Pitt County Environmental Health]**

9. Each lot will be evaluated in accordance with rules .1940 of the Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal (15A NCAC 18A .1900).
10. No fill material (including construction spoils) is allowed on any area to be used for a sewage disposal system or 100% repair area. Any amount of fill found on these areas will be grounds for disapproval of the proposed lot.

11. The location of any proposed berms must be shown on all subsequent maps. The final dimensions of the completed berm must be shown so that the Environmental Health staff can verify that no portion of any berms will interfere with the sewage system or 100% repair locations.
12. Locations of any soil stock pilings should be shown on the construction plan. These stock pilings should be placed in an area not to be utilized for on-site sewage disposal.
13. If underground electrical lines or natural gas lines cross the property at any point, they must be flagged by ULOCCO before the site is evaluated by the Environmental Health staff.
14. The location of any existing or proposed drainage tile must be field located and shown on a surveyed map provided to Environmental Health staff.
15. A backhoe may be required for the site evaluations (15A NCAC 18A .1939(b)).
16. Any riparian buffers or floodways must be noted on subsequent maps.

**[Emergency Management]**

17. One additional fire hydrant is required to ensure Lot 1 is within 400 ft.

**[Greenville Utilities Commission, Electric]**

18. Add a 15' electrical easement along Eastern Pines Rd on existing overhead utilities, to extend up to lot 21 connecting to proposed 10' electric easement along Three Oaks Dr.

**[NC Department of Transportation]**

19. NCDOT requests a non-access easement to be placed along Eastern Pines Road. All lots must be served internally.
20. A sight triangle and either ROW or public utility easement must be placed at the intersection of Eastern Pines Road and Three Oaks Drive.
21. A sight triangle and either ROW or public utility easement must be placed at the intersection of Acorn Court and Three Oaks Drive.
22. Driveway permit and encroachment agreements will be required.

**GENERAL COMMENTS**

**[Pitt County Environmental Health]**

- No permits have been applied for at this time.

**[Pitt County Planning, Zoning]**

- Property is zoned Rural Residential.
- The minimum setback from internal streets is 30'.

**[E-911 Addressing]**

- Three Oaks Drive – Approved – added to the pending road name list

**[Eastern Pines Water Corporation]**

- Will be able to supply water to the proposed subdivision.

**[Pitt County Soil and Water]**

- Soil Types: Co, OcB, Ra and WaB)
- Soil types Ra, Co, and OcB have a seasonal high water table.
- All soil types are unstable for trenching 4 feet or more.
- Our records indicate the presence of sub surface drain tile, there can be a possibility for a presence on site.
- Located in the Hardee Creek watershed.

**[Pitt County Schools]**

- As of February 2020, the school districts are Wintergreen, Hope Middle, and DH Conley High School.

Mr. Bryant presented the Board with the following email from Ervin Hardee.

“I am writing you to express a concern I have with the proposed subdivision located on parcel number 85456. I own a lot in Heritage Place next to this property and I also build Heritage subdivision. I was also on the Planning Board for several years.

My concern is with the water runoff from any development that is put on this property. Just over a year ago, Stuart Elks, who also owns a lot beside this property, cleaned out the ditch on this property from Apple Jack Road to Heritage Place to address water backing up. That helped the situation but when we get a normal to heavy rain it still backs up. It’s even worst on the ditches downstream and the property backing up Heritage Place. The water over flows and covers the land on both sides of the ditches. Approving this subdivision without addressing the water situation will lead to major issues with water back up. It will also lead to septic tank issues when the water backs up and is not allowed to drain in a timely matter.

I would recommend that the ditches be widen and cleaned out on both the property in question as well as ditches down steam to prevent any issues with flooding. There also needs to be some type of quick relief or buffer for the water runoff such as a retention pond on site.

I know the Planning Board and County does not want to deal with flooding and septic tank issues in the future.

Will you please past this concern on to the Panning Board for consideration.

Please reply so I know you received this e-mail.

Thanks for your time.”

Ervin Hardee

Nellie Taylor of 830 and 872 Applejack Drive, Greenville emailed her concerns to Planning Staff. Mr. Bryant presented the Board the following email from Mrs. Taylor.

“As owner of No. 3 and No. 5 of Applejack Acres as shown on Preliminary Plat for Three Oaks Subdivision, I am submitting two comments to the Pitt County Planning Board for consideration as follows:

1. Request that water egress from Applejack Acres across Proposed Three Oaks Subdivision be protected.
2. Attention to buffer along Applejack Drive which will be pleasing to both properties.

Thank you for your consideration.

Nellie G. Taylor

Darrell Long of 1002 Lexington Downs Drive, Greenville expressed his concerns in an email to Planning staff. Mr. Bryant presented the Board with the following email from Mr. Long.

“I received the notice for public comments on proposed subdivision at parcel 85456. I reside at parcel 68419. Adding the subdivision will adversely affect my parcel 68419 and the parcels downstream of me. The drainage system and drainage tile need to be updated to support the proposed subdivision at 85456.”

Thank You,  
Darrell Long

Mr. Rhodes advised the Board that there has been follow up dialogue concerning both the stormwater issues and issues relating to the questions by Ms. Taylor. The preliminary stormwater calculations show that there will be minimal increase and possibly a decrease in the peak flow and the amount of runoff from the property after development. Also, there would be improvements on site to help retain some of the stormwater through roadside ditches, as well as the ditch that is being cleaned out and widened as part of the development process. Mr. Rhodes advised the Board that the adjacent property owners have been invited to keep engaged in the process to relay any of their concerns regarding the stormwater plan.

Maria Rogerson asked if there has been any question or is there any requirements for interconnectivity with Applejack Drive.

Mr. Rhodes advised no there was not. Mr. Rhodes noted that with the subdivision regulations Applejack Drive is a private drive and interconnectivity between public streets and private street is not required. All the other property in the adjacent area was developed several years ago and there were not any stub-outs required at that time.

Mr. Austin asked if there is any indicated easement between Applejack Drive and the plot.

Mr. Rhodes advised there is no easement. Typically the easements would run along with some type of drainage or utility improvement and there are none along the shared property line.

Maria Rogerson asked is there going to be a vegetation requirement of lot 13 and 14. Is there a requirement to keep them from removing the vegetation and putting up a fence.

Mr. Rhodes advised that developer has no intention of removing the row of trees or the buffer that is already there. However, it is the individual property owner's prerogative as to whether they retain the woods line. There are no buffer requirements between residentially-used properties.

**UPON MOTION** by Maria Rogerson, and seconded by Don Brown, the Pitt County Planning Board voted unanimously to conditionally approve of the preliminary plan for Three Oaks.

**6. THE FARM:** Located on County Home Road, south of its intersection with Jack Jones Road

Mr. Bryant advised the Board that Bryan Fagundus, PE of Ark Consulting Group, PLLC requested that the preliminary plat for The Farm be continued until a subsequent Planning Board meeting. Mr. Bryant presented the Board with the following email from Bryan Fagundus.

“On behalf of Cherry Construction Company, Inc., I respectfully request that the Preliminary Plat for “The Farm” scheduled to be heard on tonight’s Planning Board agenda be continued until a subsequent Planning Board meeting.

As part of the Technical Review Committee’s review process, the Planning Department issued review comment 13 requesting a street stub connection to Parcel #35435 or #35436 due to the adjacent parcels being in the same ownership and being greater than 10 acres. After review of this comment, Parcel #35346 is less than 10 acres in size (6.4 Ac+/-). Furthermore, Parcel #35435 appears to have limited development potential given the existing property features. Pitt County Drainage Lateral FS 21C bisects this parcel; and, in addition to the intricacies of this water feature, we have concern about the potential septic suitability of the soils on this parcel.

Again, we respectfully request the continuance of the Preliminary Plat for “The Farm” so we can continue to work with Staff to investigate these items and provide additional documentation surrounding the condition of Parcel #35435 in an effort to determine the appropriate course of action for the requested street stub. Our intention is to bring this item back to the Planning Board as quickly as we can complete the additional investigations.

Thank you in advance for your consideration of this request.”  
Bryan C. Fagundus, PE (NC, VA)

**UPON MOTION** by Tucker Moore, and seconded by Maria Rogerson, the Pitt County Planning Board voted unanimously to postpone consideration of the preliminary plan for The Farm until a subsequent Planning Board meeting.

## ***PLANNING MATTERS***

### **7. NC 43 SOUTH CORRIDOR LAND USE PLAN MONTHLY PROGRESS UPDATE**

Mr. Rhodes presented the Board with the following updates on the Southwest Bypass Project activities for the month of March 2020.

#### **Completed tasks:**

- Finalized contract with Stewart
- Conducted stakeholder interview and held Working Group Meeting #1 on March 11th

#### **Next steps:**

- Finalize study area along corridor
- Continue collection and analysis of data
- Develop project website and online public survey
- Hold Working Group Meeting #2 and conduct public input sessions on May 6<sup>th</sup>

### **8. CENSUS 2020 COMPLETE COUNT COMMITTEE**

Mr. Rhodes advised the Board that there have been some delays with Census 2020. Census 2020 will incorporate the most current guidelines from authorities to ensure the health and safety of staff and the public. Mr. Rhodes advised the primary dates for Census 2020 are still intact, but the field activities for Census 2020 are scheduled to resume after June 1, 2020. Mr. Rhodes noted the goal for Pitt County response rate is 82%.

## ***INFORMATIONAL ITEMS***

### **9. WOODMOOR FARMS SUBDIVISION ROAD IMPROVEMENTS**

Mr. Rhodes advised the Board that with NCDOT's recent acceptance of maintenance responsibilities for Saddle Way, Trotters Way and Mares Way and portions of Trails End and Wesley Lane in Woodmoor Farms the Board of Commissioners may proceed with the final steps of the assessment process for this project. Mr. Rhodes advised the Board that the Commissioners adopted the Preliminary Assessment Roll Resolution which identifies the annual tax assessment for each of the benefitted property owners, and set a February 17th public hearing date to confirm the assessment roll at its February 3, 2020 meeting.

Mr. Rhodes advised the Board that the Board of Commissioners held a public hearing on February 17, 2020 and confirmed the Assessment Roll for Woodmoor Farms Subdivision Road Improvements, and directed the Tax Collector to publish that the roll has been confirmed.

**10. ANGEL HERRERA CONDITIONAL DISTRICT REZONING – ZONING ORDINANCE MAP AMENDMENT**

Mr. Rhodes advised the Board that the Planning Department received a petition from Angel Herrera requesting that his property be rezoned from Light Industrial (LI) to General Commercial (Conditional District) (GC(CD)) to allow the operation of an automobile repair service, automobile towing service, motor vehicles sales, and tire sales. The property is located on the northeastern corner of the intersection of US 264 East and SR 1564 (Old Washington Road) in the Pactolus Township. The subject property is 1.71 acres, the entirety of which is proposed for rezoning.

Mr. Rhodes advised the Board that property was previously rezoned by the Board of Commissioners on April 18, 2005 from Rural Agricultural (RA) to Light Industrial (LI). As per the minutes of the public hearing, it was indicated that the property owner at the time (James T. Boyd) planned to operate a fencing business on the site, however, the rezoning request was not conditional and the property was never developed for the stated purpose. On December 3, 2019, Planning staff became aware of an automobile repair business that was operating on the subject property and observed that a large number of vehicles had accumulated on the site. It was determined that the use is operating without a zoning compliance permit and is not permitted within the current LI zoning district.

Mr. Rhodes advised the Board that the Board of Commissioners approved the request from Angel Herrera requesting that his property be rezoned from Light Industrial (LI) to General Commercial (Conditional District) (GC(CD)) at its February 17, 2020 meeting.

**11. 2019 PLANNING DEPARTMENT ANNUAL REPORT**

Mr. Rhodes presented the Board with the Planning Department's 2019 Annual Report and advised that the document can also be viewed on the Department's website.

**12. DEPARTMENTAL MONTHLY REPORT FOR JANUARY, FEBRUARY AND MARCH**

**13. VARIOUS CORRESPONDENCE AND ARTICLES**

**14. ADJOURNMENT**

There being no further business, the Pitt County Planning Board adjourned at 6:05pm.

Respectfully submitted,  
/s/James Rhodes  
Executive Secretary