

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION  
January 19, 2016

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

Mr. Tony Parker – Chair \*  
Mr. Terry King - \*                      Ms. Chris Darden – \*  
Mr. Doug Schrade – X                Ms. Ann Bellis – X  
Ms. Margaret Reid - \*                Mr. John Collins - \*  
Mr. Dustin Mills - \*                    Ms. Betsy Leech –\*  
Mr. Les Robinson - \*                  Mr. Anthony Herring - \*

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

**VOTING MEMBERS:** King, Darden, Reid, Collins, Mills, Leech, Robinson, Herring

**PLANNING STAFF:** Thomas Weitnauer, Chief Planner; Chantae Gooby, Planner II, and Amy Nunez, Staff Support Specialist II.

**OTHERS PRESENT:** Dave Holec, City Attorney; Merrill Flood, Assistant City Manager; Scott Godefroy, City Engineer, and Jewel Jones, Communications Technician.

**MINUTES:** Motion was made by Mr. Mills, seconded by Mr. King to accept the December 15, 2015 minutes as presented. Motion carried unanimously.

Chairman Parker requested Item #5, Discussion Item on Infill Development, to be removed from the agenda. **Motion made by Mr. Robinson, seconded by Ms. Darden, to remove Item #5 from the agenda. Motion carried unanimously.**

**NEW BUSINESS**

REZONINGS

ORDINANCE REQUESTED BY BEACON INVESTMENTS, LLC TO REZONE 1.412 ACRES LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF OLD FIRE TOWER ROAD AND 550+/- FEET EAST OF COUNTY HOME ROAD FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]). - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. It is located south of Fire Tower Road and east of County Home Road and contains two parcels. There is a mobile home on the front parcel and the other parcel is vacant. This area contains a variety of uses. The intersection of Fire Tower Road and Arlington Boulevard is designated as a regional focus area, which is where commercial is anticipated and encouraged. This rezoning could generate an increase of 76 trips

per day. Under the current zoning, the property could accommodate less than five single-family lots. Under the proposed zoning, the property could accommodate 15-20 multi-family units. The Future Land Use Plan Map recommends commercial at the intersection of Fire Tower Road and Arlington Boulevard transitioning to office/institutional/multi-family (OIMF) as a buffer to the interior residential areas. There is OR zoning adjacent to the rezoning site. OR zoning is considered part of the office/institutional/multi-family (OIMF) land use category. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

Chairman Parker opened the public hearing.

Mike Baldwin, Baldwin Design Consultants, representative of the applicant, stated that the applicant also owns the adjacent property to the east. The intent is to combine the properties together in order to develop them. Water and sanitary sewer are already available. There is minimal traffic increase.

No one spoke in opposition of the request.

Chairman Parker closed the public hearing and opened for board discussion.

No board comments made.

**Motion made by Ms. Reid, seconded by Ms. Darden, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.**

ORDINANCE REQUESTED BY GREENVILLE UTILITIES COMMISSION (GUC) TO REZONE 1.041+/- ACRES LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF WEST 5<sup>TH</sup> STREET AND SOUTH PITT STREET FROM CDF (DOWNTOWN COMMERCIAL FRINGE) TO CD (DOWNTOWN COMMERCIAL). - APPROVED

Ms. Gooby, Planner, delineated the property. It is located in the Uptown Area. Currently, there is an office building and associated parking and two vacant lots. The request consists of four lots total. There are single-family residences to the north and west of the subject property. The former location of Pugh's Tire and the bus station are located to the east. There is an approved special use permit for 120 multi-family units and retail space for the Pugh's/bus station block. The Uptown area is a regional focus area where commercial is anticipated and encouraged. This property is considered part of the focus area. This rezoning could generate an increase of 376 trips. There is a signalized intersection at West 5th Street and Pitt Street. The property is currently zoned CDF. The request is for CD. This is a similar pattern that is occurring in the Uptown area. The Planning and Zoning Commission initiated a rezoning request for property south of the Police Department. This request was approved by City Council in September, 2015.

The Future Land Use Plan Map recommends commercial in the Uptown Area. This rezoning is also part of the Greenville 45-Block Revitalization area. The CD zoning is preferred because it allows a variety of uses and allows more intensive development. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan, the Future Land Use Plan Map and the West Greenville 45-Block Revitalization Plan.

Chairman Parker opened the public hearing.

Chris Padgett, Chief Administrative Officer of GUC, spoke in favor of the request. Mr. Padgett stated that GUC staff, The East Group and City staff have worked on this request. Various members of GUC staff and The East Group are present to answer questions.

Phil Dixon, General Counsel of GUC, spoke in favor of the request. He stated that Mr. Pugh allowed his vacant lots to be used for GUC employee parking which are being displaced by the anticipated multi-family project on the former Pugh's properties.

No one spoke in opposition of the request.

Chairman Parker closed the public hearing and opened for board discussion.

No board comments made.

**Motion made by Mr. King, seconded by Mr. Mills, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.**

Mr. Mills stated he had a conflict of interest with Items 3 and 4 on the agenda. He requested to be recused from these items. **Motion made by Mr. Robinson, seconded by Mr. King, to recuse Mr. Mills from Items 3 and 4 on the agenda. Motion carried unanimously.**

ORDINANCE REQUESTED BY TAFT-WARD INVESTMENTS, LLC ETAL TO ADD AN URBAN CORE (UC) OVERLAY DISTRICT FOR 4.22+/- ACRES LOCATED SOUTH OF EAST 10<sup>TH</sup> STREET, WEST OF CHARLES STREET, AND EAST OF CHARLES BOULEVARD. THE CURRENT ZONING IS CDF (DOWNTOWN COMMERCIAL FRINGE) AND THE REQUESTED ZONING IS CDF-UC (DOWNTOWN COMMERCIAL FRINGE-URBAN CORE OVERLAY). - APPROVED

Ms. Chantae Gooby, Planner II, explained that the rezoning was to add the urban core overlay district to the underlying CDF district. The next item is a text amendment to the urban core overlay district which is in conjunction with this rezoning, however the purpose and intent is still the same which is to facilitate infill and redevelopment. The property is located south of East 10<sup>th</sup> Street between Charles Boulevard and Charles Street and bisected by 11<sup>th</sup> Street. This

rezoning contains vacant lots, multi-family, single-family and commercial uses. The surrounding area contains a variety of uses. The urban core overlay area was established as a way to facilitate redevelopment and infill in the area bounded by East 10th Street, Green Mill Run, East 14th Street and the CSX Railroad. This area is the only place the urban core overlay can be added. Several years ago, The Province Apartments were developed under the UC Overlay District standards. The Future Land Use Plan Map recommends mixed-use/office/institutional (MOI) at the southeast corner of the intersection of East 10th Street and Charles Boulevard transitioning to office/institutional/multi-family (OIMF) to the south and east. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

Chairman Parker opened the public hearing.

Jim Walker, Rivers and Associates, representative of the applicant, spoke in favor of the request. He stated that Rivers and Associates was involved with The Province Apartments.

No one spoke in opposition of the request.

Chairman Parker closed the public hearing and opened for board discussion.

No board comments made.

**Motion made by Ms. Darden, seconded by Ms. Leech, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.**

## **TEXT AMENDMENT**

ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADDING A DORMITORY DEVELOPMENT AS AN ALLOWED LAND USE WITHIN THE CDF (DOWNTOWN COMMERCIAL FRINGE) ZONING DISTRICT – UC (URBAN CORE OVERLAY), SUBJECT TO AN APPROVED SPECIAL USE PERMIT, AND ESTABLISHING SPECIFIC CRITERIA. - APPROVED

Mr. Thomas Weitnauer, Chief Planner, presented the text amendment. He stated the City of Greenville received this application for a text amendment from Jim Walker, Rivers and Associates, Inc., that proposes the addition of a definition and regulations to allow dormitory developments in the CDF (Downtown Commercial Fringe) zoning district – UC (Urban Core Overlay) through special use permits and proposed review criteria. Mr. Weitnauer stated Mr. Walker submitted the initial application and staff provided comments resulting in an amended application staff could support. Mr. Weitnauer provided handouts that reflect final changes to the amendment application that address rear and side building setbacks when dormitory developments are constructed adjacent to any use other than single family.

Mr. Weitnauer presented Mr. Walker's proposed text amendment. In Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A)(C)(2), the Table of Uses would be amended by rewriting the column labeled "Use" on the row numbered e(1) to read as follows: Dormitory development (see also Sec. 9-4-86(MM), \*Only allowed in CDF district with an Urban Core Overlay District (see also Sec. 9-4-86(MM)-1). In Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A)(C)(2), the Table of Uses would be amended by adding, "S\*" under the column labeled "CDF" on the row numbered e(1) in order to add the use entitled "Dormitory development" as a special use in the CDF (Downtown Commercial Fringe). He presented a slide showing an excerpt of the Table of Uses to depict how the proposed amendments would revise the Table of Uses to incorporate this amendment.

Mr. Weitnauer stated this text amendment application proposes to amend Title 9, Chapter 4, Article E, Section 9-4-86 listed Uses; Specific Criteria, by adding the following new subsection (MM)-1 to read as follows. (MM)-1 Dormitory development within the CDF-UC District. (1) Maximum single and double occupancy limits shall comply with the following minimum habitable (mechanically conditioned) floor area per each bedroom. For purposes of these requirements, the term "floor area" shall include private living spaces and any connected common living spaces associated with subject bedroom, provided however the common living space allocation devoted to a bedroom shall not qualify for or count toward the minimum floor area requirement of any other bedrooms: (a) Single residential occupancy within dormitory units shall be limited to one bed per each bedroom and one person per each bedroom having a minimum floor area of 200 square feet. (b) Double residential occupancy within dormitory units shall be limited to two beds per each bedroom and two persons per each bedroom having a minimum floor area of 400 square feet. (2) Dormitory development within the CDF-UC District shall provide retail sales and/or other non-residential uses with a minimum floor area of 10,000 square feet. For purposes of this requirement, the term "floor area" shall mean non-storage floor area which is used as retail sales, or other non-residential uses. Where architectural layouts are not available for consideration, the "floor area" will be calculated by multiplying 80 percent times the gross area designated as non-residential use until such time architectural layouts are available for consideration or occupancy has commenced, whichever is earlier. (3) Minimum lot area: 2.0 Acres (4) Minimum lot width: 100 feet (5) Minimum street setback: five feet (6) Minimum side and rear setbacks: (a) When adjacent to single-family use: ten feet (b) When adjacent to any use other than single-family: per Article G, Bufferyard Setback (7) Maximum height (above grade): none (8) Maximum lot coverage (excluding drives and parking): none (9) Minimum parking requirements: (a) Single residential occupancy: Seventy-five hundredths (0.75) space per bed. (b) Double residential occupancy: One and one-half space per bedroom. (c) Non-residential uses: The required number of parking spaces for non-residential uses shall be provided in accordance with Article O, except as modified herein. The parking requirements set forth in Article O for non-residential uses may be reduced by twenty five percent (25%) where combined parking is available for the non-residential user. For purposes of this section, the term "combined parking" shall be that parking which is part of the required residential parking that is available and accessible to the non-residential user. (10) Parking location requirements: Each required parking space shall be located on the lot containing the associated use. (11) Parking spaces adjacent to principal or other structures including accessory structures per Section 9-4-251(B)(9): The minimum separation requirement may be reduced at the

option of the Owner to not less than five (5) feet. (12) Off-street parking: All off-street parking areas designed for three or more spaces shall be in accordance with Article 0-Parking except as modified in Sec. 9-4-200.1(B)(6). (13) Site vegetation location requirements per Section 9-4-268(J)(1) may be modified for dormitory developments whereby, with the exception of street yard trees, site vegetation shall not be located within two feet of a principal and/or accessory structure in order to meet vegetation requirements. (14) Signage: All signs shall be erected in accordance with Article N of this chapter. (15) Residential and nonresidential uses allowed subject to district standards, and requirements, development allowed under this section may include both residential and nonresidential use. (16) Nothing in this subsection shall supersede applicable North Carolina State Building Code Requirements.

Mr. Weitnauer stated this text amendment application proposes to amend Title 9, Chapter 4, Article L, Section 9-4-200.1 by rewriting subsection (B)(5) to add “dormitory development” among the list of development types that may be constructed in the Urban Core (UC) Overlay District, subject to modified standards to read as follows: (5) Within any Urban Core (UC) Overlay District multi-family development, land use intensity multi-family (LUI) development rating 50, land use intensity dormitory (LUI) development rating 67, and dormitory development, as listed under Article D and Appendix A table of permitted uses, shall be subject to modified standards as listed under subsection (6) below, unless otherwise provided. All other standards, requirements and conditions of the underlying general purpose district not included under and modified by subsection (6) shall continue to apply.

Mr. Weitnauer presented a map that illustrates the location of the UC (Urban Core) Overlay and the underlying CDF (Downtown Commercial Fringe) zoning district in the City where dormitory developments could be allowed under the proposed text amendment, pending special use permit review and compliance with proposed criteria in the text amendment.

Mr. Weitnauer stated he reviewed the Horizons: Greenville’s Community Plan, 2004 and said, in staff’s opinion; the proposed Zoning Ordinance Text Amendment is in compliance with Section 4 - Implementation, Section 1 - Land Use, Implementation Strategy 2(b) that reads as follows: Provide for the Mixed Use District. A Mixed Use District is intended to provide for the coordinated development of office, commercial, and residential uses and their necessary support functions in the vicinity of key highway intersections in Greenville. They should be designed to facilitate stated public policies to encourage design which emphasizes people-oriented environments and compatible, visually interesting development. This district provides areas where moderate scale, mixed use centers can locate, with an emphasis on development of a balance of residential, office, and commercial uses.

Mr. Collins asked about the definition of dormitory development and who could reside in the dormitory.

Mr. Weitnauer replied that the dormitory definition is already in the zoning ordinance.



Assistant City Manager Merrill Flood responded that Fair Housing laws prevent the developer and owner from dictating that only university students could live in the dormitory.

Ms. Leech referenced the 25% parking reduction for nonresidential uses and asked what parking will do to surrounding residences.

Mr. Weitnauer stated that if everyone who lives in the dormitory owns cars and are all home at the same time and there is a heavy population of nonresidential customers with cars on the property all at the same time, it could have some impact on the area. He added that the 25% reduction for the nonresidential uses was supported by staff because that type of parking demand should not be expected to be likely.

Chairman Parker opened the public hearing.

Mr. Jim Walker, applicant with Rivers and Associates, spoke in favor of the request. He stated the proposed parking requirement of .75 is higher than the existing dormitory parking requirements of .5 so there will be more parking per bedroom than in The Boundary project and in the proposed apartment project in the Pugh's former property. He stated the Urban Core and the dormitory development regulations proposed allow flexibility.

Ms. Darden asked what the hours of operation for the nonresidential uses would be.

Mr. Walker responded that he does not know at this time.

Mr. Alexander Naoum, son of an adjacent property owner, George Naoum, spoke in opposition to the request. He stated he previously understood the development would be like The Boundary. He said this amendment raises a lot of questions and said parking is a concern if this takes away on-street parking. He also asked who can live in the development and he would like time to study the amendment and believes it avoids standard density regulations. He said his questions are like those asked by the Commissioners.

Mr. George Naoum, adjacent property owner, spoke in opposition of the request. He stated he has unanswered questions about density of the property, parking issues and who could live at the development. He said he already has to absorb a lot of students in his parking lot and would really like to take another look at what is proposed.

Mr. Walker spoke in rebuttal and said his proposed regulations exceed dormitory standards in the (CD) Downtown Commercial zoning district.

Ms. Darden asked if 11<sup>th</sup> Street is to be closed.

Mr. Walker stated they are looking into it and need to follow up with the City and GUC.

Mr. George Naoum spoke in rebuttal and said with the possible closure of 11<sup>th</sup> street, it would create even more pressure on parking.

Chairman Parker closed the public hearing and opened for board discussion.

Ms. Reid stated her concerns about parking.

Chairman Parker interjected that the parking requirement will be higher than The Boundary and good infill mixed use project could encourage students to walk.

Ms. Leech stated the parking impact on surrounding areas may be a concern and it may be useful to evaluate parking.

Mr. Flood stated the evaluation of this text amendment should not be site-specific since the adoption of the amendment would apply to more than just the property being discussed. He stated the applicant will be required to show plans during a public hearing the Board of Adjustment will hold to evaluate the project impact to the area, including parking.

**Motion made by Mr. Collins, seconded by Ms. Reid, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. In favor: Collins, Reid, Herring, Robinson, Darden. Oppose: King and Leech. Motion carried.**

**With no further business, motion made by Mr. Robinson, seconded by Ms. Darden, to adjourn. Motion passed unanimously. Meeting adjourned at 7:50 p.m.**

Respectfully Submitted,

Merrill Flood, Secretary to the Commission  
Director of Community Development Department