

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION
November 15, 2016

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

Mr. Terry King –Chair *

Mr. Dustin Mills - *	Ms. Chris Darden – *
Mr. Doug Schrade – *	Ms. Ann Bellis – *
Ms. Margaret Reid - *	Mr. John Collins - *
Ms. Betsy Leech –*	Mr. Les Robinson - X
Mr. Anthony Herring – X	Mr. Michael Overton - *

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

VOTING MEMBERS: Mills, Schrade, Darden, Bellis, Reid, Collins, Leech, Overton

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

OTHERS PRESENT: Dave Holec, City Attorney; Ben Griffith, Director of Community Development; Scott Godefroy, City Engineer and Cathy Meyer, Civil Engineer

MINUTES: Motion made by Ms. Leech, seconded by Ms. Reid, to accept the September 20, 2016 minutes as presented. Motion passed unanimously.

Chairman King stated the applicant Happy Trail Farms, LLC requested to continue their agenda item #4 Preliminary Plat “Westhaven South, Section 5” to the December 2016 meeting.

Motion made by Mr. Overton, seconded by Mr. Schrade to continue the preliminary plat request at “Westhaven South, Section 5”. Motion passed unanimously.

Mr. Scott Godefroy introduced Cathy Meyer to the Commission. She is the new Land Development Engineer in the Public Works Department.

OLD BUSINESS

PRELIMINARY PLATS

REQUEST BY PARROT & DOUGLAS, LLP FOR A PRELIMINARY PLAT ENTITLED, “TABERNA, PHASE 4”. THE SUBJECT PROPERTY IS LOCATED NORTHWEST OF THE INTERSECTION OF FROG LEVEL ROAD AND DAVENPORT FARM ROAD AND IS FURTHER IDENTIFIED AS TAX PARCEL NUMBER 10440. THE PRELIMINARY PLAT CONSISTS OF 29 LOTS ON 13.96 ACRES. – APPROVED

Mr. Weitnauer presented the staff report and delineated the property. The subject property is located in the southwestern portion of the City’s jurisdiction in close proximity to the northwest quadrant of the intersection of Frog Level Rd. and Davenport Farms Rd. The purpose of this plat

is to establish a street pattern and utilities extension for single family lots. The tract is 13.96 acres in size and will be developed as 29 lots. Interconnectivity is being accomplished by connecting to the existing cul-de-sac at the end of Josh Ct. on the west. The subdivision will also be connected to Frog Level Rd to the east to align with the existing road named Masters Lane which is the entrance road into the Augusta Trails neighborhood. The majority of the tract is zoned R6A (Residential) with some (O) Office as well as (CN) Neighborhood Commercial on the south side. No portion of the property is located within a floodplain or floodway. The plat shows proposed 5 foot wide sidewalks along one side of both the proposed Josh Ct. extension road and the entrance road off of Frog Level Rd. The public hearing was advertised in the Daily Reflector on October 31, 2016 and November 7, 2016 as required by the Zoning Ordinance. Adjoining property owner notices were mailed on November 3, 2016. The City's Subdivision Review Committee has reviewed the preliminary plat and has determined that it meets all technical requirements. This application is in conjunction with tonight's P & Z Item #3, the proposed rezoning by the Hart Trust, c/o Don Parrott.

Ms. Bellis asked what the plans were for the southern portion of the plat.

Mr. Weitnauer stated the City had not received anything. The southern portion is zoned Office and Neighborhood Commercial and could have any uses allowed in the table of uses for that zoning. The northern section is platted for single family residential.

Ms. Gooby stated the plat is the whole corner of Frog Level Rd and Davenport Farm Rd. The northern section is platted for single family residential and the southern portion is a stand-alone piece that can be developed as commercial or office. The plat plans out driveway cuts. The rezoning request item #3 on the agenda is to clean up lot lines so all the single family lots will have single family zoning.

Chairman King asked why not handle the rezoning request before the plat request.

Ms. Gooby stated this plat was old business from last month. If the rezoning is not approved, then building permits would not be issued for lots that have commercial zoning.

Chairman King stated that the Commission is the final authority on plats.

Ms. Gooby stated yes but on the design itself for streets.

Chairman King opened the public hearing.

Mr. Ken Malpass, representative of the applicant, spoke in favor of the request. He stated the plat is for the single family area only in the northern section. The southern commercial section does not even have a lot number. All technical requirements have been met. The single family lots will be bigger than the rest of the Taberna subdivision.

Ms. Bellis asked how the plat relates to the rezoning in item #3.

Mr. Malpass stated that some of the property lines need to be cleaned up to separate single family from office and commercial.

Mr. Mike Gardner, 1100 Josh Court, spoke in opposition of the request. He is okay with the single family zoning but opposed to opening up the cul-de-sac. He stated Josh Court is not wide enough. There is a lot of traffic at the intersection of Frog Level and Davenport Farm Roads. This will create a cut-thru through the subdivision and create additional traffic.

Ms. Chekesha Hukins, 1101 Bryson Court, spoke in opposition. She is not opposed to the single family zoning but was confused because the notice to property owners she received stated single family homes totaling 19 lots. She asked why this area was not already zoned for single family.

Ms. Gooby stated the letter had a typo and should have stated 29 lots and not 19 lots. She stated the zoning pattern was established in 2001 for multi-family. R6A was reserved for single family or multi-family. The recession put development on pause and now it's picking up again. The developers have decided to do single family instead of multi-family although either can be done under the current zoning.

Ms. Hukins stated she would prefer to see the property zoned single family only to protect the subdivision. She would like a guarantee that it is single family only.

Ms. Gooby stated their request only consists of the plat with platted single family dwellings.

Mr. Mills asked if the request was approved, could something else besides the single family be built.

Ms. Gooby stated a new preliminary plat would have to be done for duplexes. A site plan, which is approved internally, would be submitted for multi-family (apartments and townhomes).

Ms. Leech asked if there was another alternative to the R6A to satisfy the neighbors to make the property single family only.

Ms. Gooby stated someone could pay the fee and request the property be rezoned single family only. The owner or anyone with the property owner's permission can request rezoning.

Mr. James Kieffer, 1101 Josh Court, spoke in opposition. He is concerned about opening the cul-de-sac through the development. He purchased his property because of the cul-de-sac. He is okay with the single family but opposed multi-family use. This will cause traffic to cut-thru.

Mr. Edmond Swinson, 1108 Josh Court, spoke in opposition. He bought the first house in the Taberna subdivision. He has a young child and there are many other children on Josh Court. Opening the cul-de-sac will cause many issues. The traffic is terrible at the intersection of Frog Level and Davenport Farm Roads. Josh Court is not made for two way traffic.

Mr. Ray Brooks, 1101 Hayley Court, spoke in opposition. He is not against the single family but wants single family only zoning to protect the subdivision. He stated he is a first responder with Red Oak Fire Department. There is a lot of bad traffic in this area and the subdivision has become a cut-thru. Traffic controlling on the streets would help this not be a cut-thru and to slow drivers down. The plan shows a water retention pond that will be by a ditch that the City does not take care of and causing mosquito breeding. This is all behind his house and he would like the ditch removed.

Ms. Reid asked if the neighbors have spoken to the developer about their concerns.

Mr. Brooks stated no.

Mr. Ken Malpass spoke in rebuttal in favor. He stated if they were to do duplexes that would be indicated on the plat. The only intent is to build single family dwellings. This would be much less traffic than multi-family that also is a permitted use. The stub out of Josh Court was originally done to connect to the commercial property. Now it will only connect to the single family and makes the use less intensive.

Mr. Overton asked if there has to be an exit on Frog Level Road.

Mr. Malpass stated that a cul-de-sac cannot exceed 1000 feet in length. There are other rules like Fire Code when it comes to interconnectivity.

Ms. Bellis asked if a barrier could be placed so that there is no through traffic on Josh Court.

Mr. Malpass stated that would negate the purpose of interconnectivity of a public street.

Ms. Darden asked if a change could be made to another connection besides Josh Court or if there are plans to expand Frog Level and Davenport Farm Roads.

Mr. Malpass stated that Frog Level Road will be widened at some point.

Ms. Reid asked if there is a meeting planned with the surrounding owners.

Mr. Malpass stated he is not involved with that.

Mr. Collins asked if Josh Court was too small to be a two way street.

Mr. Malpass stated there are not enough current lots to have a bigger street nor can you go back and make the street bigger. It would not make much sense to use this as a cut-thru due the entrance being so close to the intersection. DOT is working on improving the intersection.

Mr. Brooks spoke in rebuttal of opposition. He stated Frog Level Road is the main cause of traffic. He suggested that a connection from Frog Level to Davenport Farm be placed and there

would be no need for cutting through the current section of Josh Court. Also add traffic bumps to Josh Court to discourage it as a cut-thru.

Mr. Schrade asked Staff if the Commission has the authority over requesting speed bumps.

Attorney Holec stated speed bumps are at the City's determination since it is a public street. He stated the preliminary plat does not extend to Davenport Farm Road. The request is for the consideration of the northern residential part. The Commission is to consider how the applicant's request complies with the City regulations and ordinances. It is not discretionary. A vote to deny would require a reason specifying an ordinance or regulation.

Chairman King closed the public hearing and opened board discussion.

Mr. Overton stated there is no reason to be discussing zoning since the current zoning allows single family.

Attorney Holec clarified that the request is for the plat and not zoning. A rezoning can be initiated by the owner, with owner's permission, or by the Planning and Zoning Commission. The plat cements the potential use of single family development. Nothing is a guarantee because zoning gives them the option to change.

Ms. Leech asked if the request could be tabled to see if the developer could come with other options.

Attorney Holec stated there is no time frame to vote on a preliminary plat except for reasonable time. Legally, yes, the Commission can table the request.

Mr. Mills stated that Josh Court does not look like the other cul-de-sacs in the subdivision that built homes on the end.

Mr. Weitnauer stated the end of the cul-de-sac is on the applicant's property.

Mr. Malpass agreed with Mr. Mills and stated the intent was to extend Josh Court. There was never intent to build homes on the end.

Mr. Mills stated he hears the residents' complaints and concerns. The other cul-de-sacs have homes and Josh Court looks like a dead end. He stated there is no real reason to deny.

Mr. Collins stated it doesn't make sense to table the item to try to find a way for it not to comply.

Mr. Darden stated that it would give the developer time to come up with another idea.

Mr. Collins stated that tabling should not be used as leverage to make the developer do what others want.

Mr. Overton stated there are not many options and it could be worse than their proposal.

Ms. Bellis asked if the owner would have to request a rezoning change to R6S.

Mr. Malpass stated they don't have any issue with the R6S zoning since that is their intent.

Chairman King allowed another public comment/question.

Mr. Edmond Swinson, resident of 1108 Josh Court, asked if they need to add Josh Court to single family development or can it stay connected to the commercial.

Mr. Malpass stated that zoning has nothing to do with the street only what you can put on the land. It's just a cleanup rezoning and straightening lines up. Commercial could be developed right now and it wouldn't change the request.

Mr. Overton asked if the P&Z Commission could change the zoning without the owner's request.

Attorney Holec stated the Commission could initiate the request without owner consent.

Ms. Leech asked if the Commission could amend the related rezoning request that is on the agenda tonight.

Attorney Holec stated no, since notices and advertisements need to go out.

Mr. Schrade stated their hands are tied. The rezoning request is different. This plat request is to agree or not with the way the development will be laid out. No one wants the traffic to hurt the homeowners but it is not in the purview of the Commission. The single family development would help because the area could be multi-family and that would have more traffic. The cleaning up of the parcel lines doesn't change the single family zoning. It just could lose a couple of lots but that won't stop the extension of Josh Court.

Mr. Swinson stated he does not want to stop single family development. The increase in traffic and the street opening will hurt the existing homes.

Motion made by Mr. Mills seconded by Mr. Schrade, to recommend approval of the preliminary plat as presented. Motion passed unanimously.

Mr. Schrade asked what the neighborhood could do to pursue traffic calming.

Mr. Scott Godefroy stated they could make a request to the Traffic Engineering Division.

NEW BUSINESS

ORDINANCE REQUESTED BY DEBBIE AND JACKIE JAMES TO REZONE 2.2609 ACRES LOCATED AT THE NORTHEASTERN CORNER OF THE INTERSECTION

OF NORTH GREENE STREET AND MARTIN STREET FROM CDF (DOWNTOWN COMMERCIAL FRINGE) TO CH (HEAVY COMMERCIAL) – APPROVED

Ms. Gooby delineated the property. It is located in the northeast quadrant of the city along North Greene Street. This rezoning is for the entire block bounded by North Greene, East Dudley, North Pitt and Martin Streets. The property is impacted by the 100-year floodplain associated with the Tar River. There are currently two buildings located on-site. There are various commercial activities in the area and vacant properties due to the buy-out of flood-damaged homes. The current zoning is CDF (Downtown Commercial Fringe) and the request is for CH (Heavy Commercial). This rezoning will allow for uses in excess of the current zoning. Several months ago, there was a similar rezoning in the area. No increase in traffic is anticipated. The Future Land Use and Character Map recommends C (Commercial) between North Greene Street and North Pitt Street transitioning to PCOS (Potential Conservation Open/Space). There is CH zoning adjacent to the property. There should be minimal impact to the scattered residential properties. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map.

Chairman King opened the public hearing.

Mr. Steve Spruill, representative of the applicant, spoke in favor of the request.

No one spoke in opposition.

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

Motion made by Mr. Overton, 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. Motion passed unanimously.

ORDINANCE REQUESTED BY HART TRUST C/O DON PARROTT TO REZONE 1.7619 ACRES LOCATED AT THE NORTHWESTERN CORNER OF THE INTERSECTION OF DAVENPORT FARM ROAD AND FROG LEVEL ROAD FROM O (OFFICE) AND CN (NEIGHBORHOOD COMMERCIAL) TO R6A (RESIDENTIAL [MEDIUM DENSITY MULTI-FAMILY]) FOR TRACT 1 AND FROM R6A (RESIDENTIAL [MEDIUM DENSITY MULTI-FAMILY]) TO O (OFFICE) FOR TRACT 2 – APPROVED

Ms. Gooby delineated the property. It is located in the southwestern quadrant of the city at the intersection of Frog Level Road and Davenport Farm Road. This rezoning is in conjunction with a preliminary plat for Taberna, Phase 4 that was approved by the commission in a previous item tonight. This rezoning will have zoning lines follow lot lines of the plat. This area is mainly residential and vacant properties. This area was part of an extra-territorial jurisdiction (ETJ) in 1998 and was rezoned to its current zoning pattern in 2001. The Future Land Use and Character Map recommends TNMH (Traditional Neighborhood, Medium-High Density) at the

northwestern corner of the intersection of Frog Level Road and Davenport Farm Road transitioning to LMDR (Residential, Low-Medium Density). In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map.

Ms. Leech asked if it was possible to rezone these lots to R6S to alleviate the concerns of the neighborhood.

Attorney Holec stated the Commission can only rezone the properties that are included in this request tonight. You have the ability to rezone all of the property that is included in the preliminary plat to R6S but would need the consent of the property owner. The Commission may only vote on the request that is before it tonight. The representative of the applicant has indicated the applicant would be amenable to rezoning all the property to R6S.

Ms. Darden asked if they could make a motion to change the request to R6S.

Attorney Holec stated that the Commission would need the representative of the applicant to agree to the change or the Commission can wait until the end of the meeting to initiate a rezoning of the entire property.

Mr. Overton stated that he was surprised to learn that the Commission can initiate a rezoning. This could set a bad precedent. However, if the representative is amenable, then a new rezoning would take care of the neighborhood concern.

Chairman King asked if Mr. Malpass was willing to state that applicant is willing to amend the request to R6S.

Mr. Malpass stated that the applicant would be willing to request the entire area be rezoned R6S.

Mr. Schrade stated the applicant brought a preliminary plat for single-family lots. He stated he didn't understand why the Commission would require a rezoning to R6S.

Mr. Malpass stated the only objection would be that the lots not be split-zoned: R6A and R6S. The developer's intent is to develop single-family homes.

Attorney Holec asked Mr. Malpass if he was willing to submit a new rezoning application and fee for a new rezoning for the entire property.

Mr. Malpass stated that the applicant would be amenable but would hate to pay additional fees when the intent to build single-family homes is still accomplished under the current rezoning request. He stated he would prefer the Commission to initiate the rezoning.

Ms. Leech asked if the new request would have to come back next month as a new request.

Ms. Bellis asked Mr. Malpass if this action would slow down your progress.

Mr. Malpass stated no.

Mr. Mills stated he would not support the Commission initiating a rezoning request of someone else's property. He stated they are making this harder than it has to be. The Commission already approved a single-family preliminary plat tonight. Staff explained this request will clean up the zoning lines to match lot lines. He doesn't want to subject the property owner to additional fees and time. They need to vote on what is before them tonight so that the request can go to Council.

Chairman King opened the public hearing.

Mr. Ken Malpass, representative of the applicant, spoke in favor of the request.

Ms. Chekesha Hukins, 1101 Bryson Court, stated she wants a guarantee for the homeowners that the property will be developed as single-family.

Mr. James Kieffer, 1101 Josh Court, stated my cul-de-sac will be extended to connect with the approved preliminary plat and objects to the rezoning and wants the property to stay as commercial and office.

Mr. Malpass stated the standards for streets are the same for residential and non-residential streets so Josh Court will still connect with any streets regardless of the zoning. This allows for inter-connectivity.

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

Motion made by Mr. Overton, 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. Those voting in favor: Overton, Reid, Collins, Bellis, Mills and Schrade. Those voting against: Darden and Leech. Motion carried.

PRELIMINARY PLATS

REQUEST BY HAPPY TRAIL FARMS, LLC FOR A PRELIMINARY PLAT ENTITLED, "WESTHAVEN SOUTH, SECTION 5". THE SUBJECT PROPERTY IS LOCATED SOUTH OF REGENCY BOULEVARD AND IS FURTHER IDENTIFIED AS TAX PARCEL NUMBERS 74010 AND 74011. THE PRELIMINARY PLAT CONSISTS OF 4 LOTS ON 28.49 ACRES. - CONTINUED

Chairman King stated the applicant of item #4, Happy Trails Farms, LLC, requested via email to continue their request to the December 2016 meeting.

Motion made by Mr. Overton, seconded by Mr. Schrade to continue the preliminary plat request at “Westhaven South, Section 5”. Motion passed unanimously.

TEXT AMENDMENTS

ORDINANCE TO AMEND THE ZONING ORDINANCE TO ADD PLACEMENT AND AESTHETIC REVIEW CRITERIA FOR DISTRIBUTED ANTENNA SYSTEMS (DAS).- APPROVED

Mr. Weitnauer presented the Staff report. The City’s zoning regulations for communications towers, antennas, and base units are contained in the Greenville Code of Ordinances, Title 9, Chapter 4, Article F, Section 9-4-103(Q). The current regulations were drafted at a time when antennas were bulky and bolted to the tops of guyed or lattice towers. While that kind of “macrocell” deployment still exists and will continue to exist, there are now a variety of complementary and alternative technologies that are much smaller. Distributed antenna system (DAS) networks and other small cell systems of different nomenclature use components that are a fraction of the size of macrocell deployments, and can be installed on utility poles, buildings, and other smaller structures.

Currently, DAS and small cell networks do not exist on infrastructure in the public right-of-way in Greenville. In response to these technological advances, the City has received a number of requests to attach telecommunications antennas to City-owned infrastructure, replace existing light poles with new light poles outfitted with DAS equipment and install DAS equipment on other city owned property not located within rights-of-way, allowing carriers to manage signal demand in areas with high volume usage such as downtown Greenville and along major roadway corridors.

The reasons for the proposed amendment are to remove barriers to fair, reasonable, and non-discriminatory access to available capacity on City-owned infrastructure located within the public right- of-way, to ensure that communication antennas and associated equipment are placed appropriately and are compatible with surrounding uses, and to do so in an equitable manner consistent with applicable federal, state, and local laws.

Another reason this amendment is necessary is related to a Federal requirement to conduct timely reviews of telecommunication equipment of this kind. Federal law limits the review period for telecommunications applications to 150 days. Meeting the federally imposed time frames will be made less burdensome by allowing administrative review for applications that fall within the provisions of the ordinance.

A companion ordinance to amend the Greenville Code of Ordinances, Title 6, Public Works for the City Council’s December 8, 2016 meeting is being prepared to create an application and permitting process for DAS equipment. Under that ordinance, eligible requests would be approved by the Director of Public Works through a permitting process while applying the

placement and aesthetic regulations what will reside in the Zoning Ordinance proposed in this text amendment.

This text amendment application proposes to amend Title 9, Chapter 4 as summarized as follows:

- Sec. 9-4-22, Add a definition for DAS;
- Sec. 9-4-22, Amend the definition of Public Utility or Use to exclude DAS from definition;
- Sec. 9-4-78, Add DAS to Table of Uses, by right, in all nonresidential zoning districts;
- Sec. 9-4-104(Q), Add DAS to list of heading.

Sec. 9-4-104, Add placement and aesthetic review criteria for distributed antenna systems (DAS) as summarized as follows:

DAS in right-of-way, on city owned infrastructure, on GUC owned infrastructure and/or on city property **in any non-residential district, except CD district:**

- 35 ft maximum height, including the antenna;
- Ground-mounted equipment cannot reduce sidewalks to a width less than 5 ft; and
- Location must not restrict sight triangles of roadway intersections or driveways.

DAS in right-of-way, on city owned infrastructure, on GUC owned infrastructure and/or on city property **in CD (Downtown Commercial) district:**

- 25 ft maximum height including the max. antenna of 6 ft;
- Ground-mounted equipment is not allowed;
- Support poles cannot reduce sidewalks to a width less than 5 ft;
- Location must not restrict sight triangles of roadway intersections or driveways; and
- DAS painted to match posts.

Consistency Review

The proposed Zoning Ordinance Text Amendment is in compliance with three Horizons 2026: Greenville's Community Plan:

Chapter 4, Growing the Economy Policy 4.1.4: ***“Support a Positive Business Climate.”***

Continue to market Greenville's excellent business climate. Where appropriate, promote flexibility in development regulations to ensure a business climate that encourages growth and expansion. Support business growth, expansion, and retention through strategic public improvements. Ensure land use regulations with align with industry needs.

Staff recommends a motion of approval of the proposed text amendment.

Ms. Darden asked why the color is important and will it hamper the integrity of the antenna.

Mr. Weitnauer stated the color would be to match the pole and it shouldn't hamper.

Ms. Leech asked if the access was for anyone to install or specific cell carriers only.

Mr. Weitnauer stated that independent vendors install and lease out to cell carriers.

Ms. Leech asked if it could turn into a monopoly and if a fee is imposed for the use of public property.

Mr. Weitnauer responded other cities charge fees. Regarding the monopoly question, Mr. Weitnauer responded he can't respond if it would create a monopoly.

Mr. Overton stated it would be one per pole and there are not that many providers in the area.

Ms. Leech asked if it would go into residential areas as well.

Mr. Weitnauer stated there are cities that allow it in residential zones. The amendment is limited to non-residential zones to see how it works and looks and possibly modify it later.

Mr. Mills asked if the 25 feet height standard was limited to ground level or building level.

Mr. Weitnauer stated the zoning ordinance has some exemptions of antennas on structures but this amendment will not allow DAS to have those exemptions.

Mr. Mills asked, other than the height and color, are there any other aesthetic criteria.

Mr. Weitnauer stated local government can regulate the weight of the equipment but cannot set up a cubic volume criterion. He stated that technology continues to change.

Mr. Mills asked if Staff has the authority to deny approval based on aesthetics.

Mr. Weitnauer stated yes if they do not follow adopted regulations.

Mr. Overton asked if Staff has the final approval or denial.

Attorney Holec stated approvals and denials will be part of the companion ordinance. Both parts of the ordinance will have regulations.

Mr. Scott Godefroy, City Engineer, stated he has seen some of the earlier DAS equipment which was very unattractive. The requests of installations of DAS equipment needs to be approved but regulations can be in place to minimize the impact.

Ms. Leech asked if additional language was needed stating the need for individual evaluation.

Mr. Weitnauer responded if you review on a case by case basis without consistent standards, the City could overstep its authority and violate FCC rules.

Attorney Holec stated that the national initiative is to encourage this communication. Regulations are needed because without them, vendors can do anything they want. He

recommended that the Commission, in order for the item to progress, could approve the item and suggest that Staff add additional regulations prior to going to City Council.

Mr. Mills stated he would support Attorney Holec's recommendation.

Chairman King opened the public hearing.

No one spoke in favor or opposition.

Chairman King closed the public hearing and opened for Board discussion.

Motion made by Mr. Schrade, 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.

OTHER ITEMS OF BUSINESS

PETITION TO CLOSE A PORTION OF S. PITT STREET

Mr. Scott Godefroy, City Engineer, presented the staff report. The City received a petition from RDC Gather Uptown, LLC requesting a closure of a portion of the right-of-way of South Pitt Street. This is for the new development adjacent to City Hall for student housing by Rael Development. This closure is a reduction in the width of the existing street right-of-way with the reduction being taken from the eastern side of South Pitt Street between West Fourth Street and West Fifth Street. The request is for about .078 acres. The original plat, years ago, included part of the right of way for three lanes on S. Pitt Street. It is nine feet east of where they originally thought the setback was along the sidewalk. The petitioner is the owner of all of the property adjoining the street section requested to be closed. There will be no impact to the Fiscal Budget. The petition has been reviewed by City staff and the Greenville Utilities Commission. Recommend to City Council the closure of a portion of South Pitt Street being a right of way width reduction from the eastern side of South Pitt Street between West Fourth Street and West Fifth Street. If approval is recommended, then it will have a public hearing at City Council.

Mr. Overton stated he was the broker for the seller of this property. He asked to be recused.

Motion made by Ms. Darden seconded by Ms. Bellis, to recuse Mr. Michael Overton from this item. Motion passed unanimously.

Ms. Bellis asked how many feet of the road will be abandoned.

Mr. Godefroy stated it is not the road but the sidewalk area. There is no change to the street.

Ms. Leech asked if it will cause any traffic problems.

Mr. Godefroy stated no.

Chairman King opened the public hearing.

No one spoke in favor or opposition.

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

Motion made by Mr. Schrade seconded by Ms. Darden, to recommend approval of the petition to City Council to close a portion of S. Pitt Street. Motion passed unanimously.

Mr. Overton returned to the Commission.

DISCUSSION ITEM – SUBDIVISION ORDINANCE TEXT AMENDMENT TO EXTEND THE REVIEW TIME OF PRELIMINARY PLATS. - CONTINUED

Chairman King suggested to continue item #7 due to the late hour.

Motion made by Mr. Mills, seconded by Ms. Reid, to move item #7, discussion item on preliminary plat review times, until the next meeting. Motion passed unanimously.

Ms. Gooby stated she left a copy of the new Commissions/Boards Attendance Policy for the Commissioners and had already collected their signed copies.

Chairman King asked if the Commission wanted to take any action regarding initiating a rezoning on tonight's item by Hart Trust.

Attorney Holec stated the Commission could initiate the rezoning amendment or schedule it as a discussion item at the next meeting.

Mr. Overton stated it would be a very bad precedent for the Commission to initiative rezonings.

Mr. Mills agreed.

No motion made to initiate.

With no further business, Mr. Overton made a motion to adjourn, seconded by Ms. Reid. Motion passed unanimously. Meeting adjourned at 9:04 p.m.

Respectfully Submitted,

Ben Griffith, Secretary to the Commission

Director of Community Development Department