

ADOPTED MINUTES FOR THE GREENVILLE PLANNING AND ZONING COMMISSION

AUGUST 20, 2020

The Greenville Planning and Zoning Commission met via electronic media on the above date at 6:00 pm.as a continuation of the recessed meeting from August 18, 2020. Due to COVID 19 safety measures, commission members connected electronically to the meeting from their own locations.

Chairman Robinson said that recent actions by the North Carolina General Assembly has changed the way the commission will vote. The Planning and Zoning Commission met on August 18, 2020 at 6PM via ZOOM and in keeping with the laws related to electronic meeting the items from that meeting were recesses until today. The public hearings were already held. This meeting is to discuss the item and then vote on the item in question.

Mr. Les Robinson - Chair *

Mr. Kevin Faison - *	Mr. Allen Thomas - *
Mr. Michael Overton -*	Mr. John Collins - *
Mr. Alan Brock - *	Mr. Hap Maxwell - *
Mr. Billy Parker - *	Mr. Brad Guth - *
Mr. Max Ray Joyner III - *	Mr. Chris West – *

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

Mr. Robinson asked if all those who were present on August 18, 2020, were present for tonight's meeting.

The Clerk confirmed that the same members were present for both meetings.

Chairman Robinson asked the commission if they all received the public comments pertaining to the agenda items.

VOTING MEMBERS: Robinson, Overton, Parker, Joyner, Maxwell, Collins, Faison, Guth, and West. Due to a clerical error, Alan Brock participated in the voting on Items 2 and 3 instead of Mr. Guth.

PLANNING STAFF: Chantae Gooby, Chief Planner; Bradleigh Sceviour, Planner II; Tony Parker, Planner I; Thomas Barnett, Director of Planning Services

OTHERS PRESENT: Emanuel McGirt, City Attorney; Kelvin Thomas, Communication Technician

OLD BUSINESS

Rezoning:

2. REQUEST BY AMY A. EDWARDS TO REZONE A TOTAL OF 14.221 ACRES LOCATED ALONG PORTERTOWN ROAD BETWEEN EASTERN PINES ROAD AND NORFOLK SOUTHERN RAILROAD FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO CG (GENERAL COMMERCIAL) – 5.038 ACRES AND R6 (RESIDENTIAL [HIGH DENSITY RESIDENTIAL]) – 9.183 ACRES.

Mr. West asked to be recused due to a potential financial opportunity.

Motion made by Mr. Joyner, seconded by Mr. Maxwell, to recuse Mr. West from voting on this item. Motion passed unanimously.

Mr. Maxwell addressed potential flooding issues in areas below the area requested for rezoning. He asked staff if residents are made aware of flooding potential, or if staff recommends flood insurance.

Daryl Norris, Public Works Engineer stated part of the city's flood management program is educational outreach, and the city encourages every household to carry flood insurance.

Mr. Maxwell asked about Willow Run and any flooding they may have experienced in the past.

Mr. Norris said the information is in the city's master plan. Engineers model flood potential and look for areas that are prone to flooding. He also stated that the city does contact residents in repetitive loss areas to disburse further flood information.

Mr. Robinson asked how mortgage companies or lenders could find this information.

Mr. Norris said companies typically look at floodplain maps, but do have the ability to reach out to staff. If the potential property is in a floodplain, lenders will require flood insurance.

Mr. Maxwell commented that he is seriously concerned that flood related issues in the new development have not been looked at in sufficient depth prior to the vote.

Motion made by Mr. Overton, seconded by Mr. Joyner, to recommend to approval for the proposed amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed 7:1. Voting in favor: Overton, Faison, Brock, Parker, Joyner and Collins. Voting in opposition: Maxwell.

3. REQUEST BY HAPPY TRAIL FARMS, LLC TO REZONE A TOTAL OF 33.849 ACRES LOCATED NORTH OF THE INTERSECTION OF HERMAN GARRIS ROAD AND PORTERTOWN ROAD FROM RA20 (RESIDENTIAL – AGRICULTURAL) TO R6S (RESIDENTIAL SINGLE FAMILY [MEDIUM DENSITY]).

Motion made by Mr. Brock, seconded by Mr. West, to recommend to approval for the proposed amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

Text Amendment:

4. ORDINANCE REQUESTED BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO AMEND THE CITY CODE BY CREATING A USE CLASSIFICATION AND ASSOCIATED STANDARDS FOR SMALL PRIVATE SCHOOLS.

Mr. Robinson referred the Commission to comments that were received via the public input email. See attached. Mr. Robinson said that Ms. Joni Torres requested that Mr. Overton be recused because of a financial contribution to JPIL. He looked into this, and stated a member can only be recused if the member stands to gain financially from the relationship. If not, the member cannot request to be recused. He further stated that the Overton Group made a financial contribution of \$250 that was solicited by someone other than the applicant. He understood that the contribution was to go towards scholarships, and that Mr. Overton is not on any Board of Directors or Trustees.

Mr. Overton said that the contribution was for a fund raiser to raise money for financially disadvantaged families who wished to have their children attend JPII. He also added that serving on the Planning and Zoning Commission is not an easy task and that he serves out of a dedication to the city.

Mr. Robinson stated that as a lawyer he understood that the standard is the member should have a reasonable possibility of significant direct financial gain before recusing themselves.

Mr. McGirt agreed and said there was no evidence of conflict of interest between Mr. Overton and JPII. He shared on screen the language he referenced.

Mr. Guth advised the chair that there was a clerical error and that he should be voting. Mr. McGirt and Mr. Robinson agreed and advised that Mr. Guth should be voting.

Mr. Robinson asked for discussion of the item from the commission.

Mr. Maxwell who said the process of the amendment has been flawed. There are hundreds of residents who are not having their voices heard. He spoke about the history of the text amendment and said it would have a negative impact on current and possible new neighborhoods and future private schools. He said he is in opposition to the text amendment stating he felt it was not fair to the neighbors.

Motion made by Mr. Maxwell, seconded by Mr. Collins, to recommend to denial of the proposed text amendment. Motion failed by a vote of 3:5. Voting in favor: Maxwell, Collins, and Guth. Voting in opposition favor: Overton, Parker, Joyner, Faison, and West.

Mr. Collins said he agreed with Mr. Maxwell, and that the increase in decibels to a cap at 75 is unacceptable, citing the percentage of perceived volume increase as the reason for his decision.

Mr. Guth said that the Special Use Permit (SUP) process is being ignored, and that a precedent is being set by bypassing the SUP process. He is concerned future developers will bypass the SUP by going right for a text amendment.

Mr. Parker asked if any new schools would fall under the text amendment.

Ms. Gooby confirmed and said also that any current schools were to expand the existing facilities and fall within the use description then they would have to comply.

Mr. Faison said that then if the amendment fails JPII will continue operate under the SUP. Both sides had to give up somethings to reach a consensus. He felt staff did a good job trying to work with the two parties. He also said he felt there were less restrictions with the SUP as opposed to the text amendment.

Mr. Maxwell reminded the commission of the petition that was brought before them, and that those who were vocal were not just the efforts of a few people, citing over 230 signatures.

Mr. Joyner said the petitioners sent the document to over 500 addresses and had a 50/50 return on them. He also said this was a tough choice, but he was going to support the text amendment.

Mr. Collins said he did not believe it was 50/50. He said you cannot get everyone to participate in petitions. He asked how many households actually came out in support of the amendment.

Mr. Faison said that this is why he wanted to know how many households were being impacted. He said the signatures could be a large representation or small.

Mr. Collins said the neighborhood overwhelmingly does not support the amendment. There were no petitions supporting the text amendment.

Mr. Guth stated that this should be a SUP issue. Once at the BOA, the issue is limited to the finding of facts.

Mr. Maxwell said there were 304 signatures from 235 households.

Mr. Robinson said he uses his legal training to examine the SUP, and one thing that concerns him is the SUP allows JPPI to sponsor any event without restraint.

Motion made by Mr. Joyner, seconded by Mr. Faison, to recommend to approval for the proposed text amendment. Motion passed by a vote of 5:3. Voting in favor: Overton, Parker, Joyner, Faison, and West. Voting in opposition: Maxwell, Collins, and Guth.

ATTACHMENTS:

IN FAVOR

Rich Balot email and photo

IN OPPOSITION

Joni Torres

Albrecht McLawhorn

Thomas Feller

Michael da Silva - 3 attachments

Robert "Dave" Caldwell - 3 attachments

Kathryn Verbanac

Land Use Plan Amendment:

5. REQUEST BY LANGSTON FARMS, LLC TO AMEND THE FUTURE LAND USE AND CHARACTER MAP FOR 1.881 ACRES FROM OFFICE/INSTITUTIONAL TO COMMERCIAL FOR THE PROPERTY LOCATED AT THE NORTHEASTERN CORNER OF THE INTERSECTION OF SOUTH MEMORIAL DRIVE AND REGENCY BOULEVARD.

Motion made by Mr. West, seconded by Mr. Parker, to approve the Future Land Use Plan amendment. Motion passed unanimously.

NEW BUSINESS

Rezoning:

6. REQUEST BY P.B. BUILDERS, LLC TO REZONE A TOTAL OF 9.873 ACRES IN THE COBBLESTONE SUBDIVISION AT THE TERMINUS OD QUAIL DRIVE FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO R6 (RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]).

Motion made by Mr. Overton, seconded by Mr. Joyner, to recommend to approval for the proposed amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

7. REQUEST BY STARK HOLDINGS, LLC AND TRADE HOLDING COMPANY, LLC TO REZONE A TOTAL OF 5.756 ACRES LOCATED BETWEEN WEST 10TH STREET AND WEST 8TH STREET AND WEST OF SOUTH WASHINGTON STREET FROM CDF (DOWNTOWN COMMERCIAL FRINGE) AND IU (UNOFFENSIVE INDUSTRY) TO CD (DOWNTOWN COMMERCIAL).

Motion made by Mr. Joyner, seconded by Mr. West, to recommend to approval for the proposed amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

8. Adjournment

Motion made by Mr. West, seconded by Mr. Faison, to adjourn the August 20, 2020 Planning and Zoning Meeting. Motion passed unanimously.

Respectfully submitted,

Chantae Gooby

Chief Planner