

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION
January 15, 2013

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

Mr. Godfrey Bell –Chair-*
Mr. Tony Parker - * Ms. Shelly Basnight – *
Mr. Hap Maxwell – * Ms. Ann Bellis – *
Ms. Linda Rich - * Mr. Brian Smith - *
Mr. Doug Schrade - * Mr. Jerry Weitz – *
Ms. Wanda Harrington-* Mr. Torico Griffin -X
Dr. Kevin Burton- *

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

VOTING MEMBERS: Parker, Maxwell, Basnight, Bellis, Rich, Weitz, Schrade, Smith

PLANNING STAFF: Chantae Gooby, Planner II and Elizabeth Blount, Staff Support Specialist II.

OTHERS PRESENT: Chris Padgett, Interim Assistant City Manager, Dave Holec, City Attorney, Merrill Flood, Community Development Director, Tim Corley, Engineer and Jonathan Edwards, Communications Technician.

MINUTES: Motion was made by Mr. Parker, seconded by Ms Basnight, to accept the November 20, 2012 minutes as presented. Motion carried unanimously.

NEW BUSINESS

REZONING

ORDINANCE REQUESTED BY INCOME INVESTMENTS, LLC TO REZONE 1.15 ACRES AT THE CORNER OF EVANS STREET AND 8TH STREET FROM DOWNTOWN COMMERCIAL FRINGE (CDF) TO DOWNTONW COMMERCIAL (CD)-APPROVED

Ms Chantae Gooby, Planner II, delineated the property. The property is located in the central section of the city and part of the central business district. Under the current zoning, the site could yield approximately 10,000 square feet of commercial/retail/restaurant space. The proposed zoning could yield 22,592 square feet of restaurant/office/multi-family space. Less traffic would be generated between the existing zoning and the proposed zoning; therefore, a traffic volume report was not generated. The proposed zoning is for CD (Downtown Commercial) which allows mixed use projects. This is part of a trend in the area to rezone property to CD. The adjacent properties are zoned CD. The Future Land Use Plan Map recommends commercial for the area bounded by Reade Circle, Cotanche Street, West 10th

Street and Evans Street. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan, the Future Land Use Plan and the Center City Revitalization Plan.

Chairman Bell opened the public hearing.

Durk Tyson, River and Associates, spoke in favor of the request. He stated that the company requested the rezoning to match the surrounding properties.

No one spoke in opposition of the request.

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

Chairman Bell asked for the list of uses for the rezoning.

Ms Gooby displayed them on the projector.

Motion made by Mr. Parker, seconded by Ms Rich, 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

ZONING TEXT AMENDMENT INITIATED BY THE GREENVILLE CITY COUNCIL CREATING STANDARDS FOR CONVENIENCE STORES, TOBACCO SHOPS, AND HOOKAH CAFES-APPROVED

Mr. Chris Padgett, Interim Assistant City Manager, provided background information on the proposed text amendment. He presented that City Council initiated the text amendment due to new establishments being opened within the community and to ensure the appropriate location of these facilities within the City's jurisdiction. He provided the purpose of the report, a summary of the existing standards, inventory of existing establishments, inspection process and associated findings, survey of other communities and a list of proposed standards. Mr. Padgett stated the proposed standards for convenience stores, tobacco shops and hookah cafés include the following:

- Utilize five land use categories
 - Convenience Stores
 - Convenience Stores with fuel sales
 - Tobacco Shop (Class 1)
 - Tobacco Shop (Class 2)
 - Hookah Cafe

- No changes in how convenience stores are regulated except fresh vegetables and produce would be permitted;
- Definition of Tobacco Shop (Class 1) to include a substantial portion of the retail sales of tobacco products, 20% of the floor area to display and/or stock tobacco products, and/or 40% of the signage is dedicated to advertising tobacco products;
- Tobacco Shop (Class 1) would be permitted with a special use permit in the CH, CG, MCH, CD and CDF districts with a 500- foot separation from an existing or approved school and prohibited within any certified redevelopment area;
- Tobacco Shop (Class 2) to include the retail sales of any specified tobacco smoking apparatus;
- Tobacco Shop (Class 2) would be permitted with a special use permit in the CH and CG districts with the following separation requirements:
 - ½ mile separation for an existing or approved tobacco shop (Class 1 or 2)
 - 500 ft separation from a conforming use single family dwelling located in any district or any single family residential zoning district
 - 500 ft separation from an existing or approved school, church, park or multi-family use
 - Not permitted within any certified redevelopment area;
- Hookah Café to include any establishment that provides for the on-site consumption of shisha or similar flavored tobacco products;
- Hookah Café would be permitted with a special use permit in the CH, CG, CD and CDF districts and must have a ¼ mile separation from an existing or approved hookah café;

Mr. Weitz asked if the definition for Tobacco Shop Class 1 could remove the signage requirement because sign regulations should be content neutral.

Mr. Padgett stated that the sign ordinance is not being impacted in terms of remaining content neutral, but that how a business is presenting itself to the public via signage is being used as one criterion for differentiating a tobacco shop (class 1) from a convenience store.

Mr. Parker asked if hookah cafés are impacted by the same no smoking requirements as bars and restaurants.

Mr. Padgett stated that hookah cafes are not bars or restaurants so smoking within the facility is allowed.

Chairman Bell opened the public hearing.

No one spoke in favor or in opposition of the request.

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

Motion made by Ms Basnight, seconded by Mr. Smith, to recommend approval of the text 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

REQUEST TO CLOSE TWO PORTIONS OF SEVENTH STREET BETWEEN EVANS STREET AND COTANCHE STREET-APPROVED

Mr. Tim Corley, City Engineer, delineated the property. The area on Seventh Street is the existing right-of-way from Evans East and a small right-of-way on the Cotanche side. The City received a petition from Income Investments, LLC, Georgetown Apartments of Greenville, LLC and Ward Holdings, LLC. The petitioners are the adjoining property owners. There will be no cost to the city for the closing of the street. Budgeted funds for the maintenance of this street section will no longer be required. The city will no longer receive Powell Bill funds for these sections of Seventh Street. Staff has no objection to the request and recommend approval.

Mr. Weitz asked if the city is abandoning the title.

Mr. Corley stated the request is a street closing and abandonment of the existing right-of-way because the street is a part of the right-of-way it will no longer be a part of the city's street system.

Mr. Weitz asked if pedestrian access would need to be preserved.

Mr. Corley stated that the right-of-way does not extend all the way through the property so there is no need for pedestrian access. The utilities in the area as a result of the street closing will be abandoned as a part of the redevelopment of the property.

Mr. Parker asked if the two sections of Seventh Street dead ends.

Mr. Corley stated yes. There is a private owned parking lot between the two ends.

Mr. Weitz asked the Planning Staff if the Comprehensive Plan was considered during this decision and if the closing was based on a public purpose or the request of a private property owner.

Mr. Merrill Flood, Community Development Director, stated that the decision is consistent with the Horizon's plan because the street is a dead end stub and does not have access to the other side.

Mr. Parker asked if another process would be taken if connectivity was available.

Mr. Flood stated that the City looks for ways to have interconnectivity and to implement sidewalks.

Mr. Parker asked if private property was between the two stubs

Mr. Flood stated correct.

Attorney Dave Holec stated that the street closing process is a statutory process that is referred to as street closing in the statutes. The street closing does amount to an abandonment of the right-of-way. The city's authority is to retain any utility easement or improvement that is located in the right-of-way. The city does not have any authority to retain a pedestrian easement. He then stated the procedures to fulfill the request.

Chairman Bell asked if a public hearing was needed for the street closing.

Attorney Holec stated yes.

Chairman Bell opened the public hearing.

Durk Tyson, representative of River and Associates and Income Investments, spoke in favor of the request. He stated that the requested portion of Seventh Street does not extend to Cotanche St. Once the right-of-way is abandoned by the city, the property will revert to the two adjoining owners. The applicant is working with the utility companies to either abandon or relocate the existing lines.

No one spoke in opposition of the request.

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

Ms Bellis asked is there common ownership on both sides of the street.

Mr. Tyson stated that Ward Holdings own the Ham's property and Incoming Investments own the former Taff Office building.

Ms Bellis asked were the two companies related.

Mr. Tyson stated no and that both parties signed the petition to close the street.

Mr. Weitz stated that he did not see the public benefit for closing and abandoning the street. He stated that the city is giving valuable property away to private property owners. He stated that the decision to close the street is short sighted and that there could be some future public use for the area.

Dr. Burton agreed with Mr. Weitz in that the closing will not benefit the greater good of the city.

Mr. Smith stated that the city will benefit once the whole project is complete.

Mr. Schrade agreed with Mr. Smith in that the area needs to be developed. The area has been in its current state for a long time. Keeping the street in its current state is not benefitting the city but rather costing the city money to maintain them.

Mr. Parker stated that any road closing has to examine the pros and cons. The project affiliated with the current request is solid and good and the commission should allow the project to be developed.

Mr. Schrade stated the decision would be different if the street connected Evans and Cotanche.

Ms Basnight asked would the city have to pay the landowner if it wanted an easement.

Attorney Holec stated when subdivisions plats are involved the city does not have to pay and has to make the public improvements.

Chairman Bell asked if the developer had to pay.

Attorney Holec stated the developer would have to pay for the construction of the street.

Mr. Parker asked is there a fair market value for abandoned property.

Motion made by Mr. Smith, seconded by Mr. Schrade, to approve the closing of the streets. Motion passed unanimously. Those voting in favor: Smith, Schrade, Bellis, Maxwell, Parker, Basnight and Rich. Those voting in opposition: Weitz. Motion passed.

With no further business, motion made by Mr. Smith, seconded by Ms Basnight, to adjourn. Motion passed unanimously. Meeting adjourned at 7:21p.m.

Respectfully Submitted,

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