

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION
July 17, 2012

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. Linda Rich - *
Mr. Hap Maxwell – * Ms. Ann Bellis – *
Ms. Shelley Basnight - * Mr. Brian Smith - X
Mr. Doug Schrade - * Mr. Jerry Weitz – *
Ms. Wanda Harrington-* Mr. Torico Griffin -X
Dr. Kevin Burton- X

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

VOTING MEMBERS: Bell, Parker, Basnight, Rich, Bellis, Harrington, Schrade, Weitz, Maxwell

PLANNING STAFF: Merrill Flood, Community Development Director, Chantae Gooby, Planner II and Elizabeth Blount, Staff Support Specialist II.

OTHERS PRESENT: Dave Holec, City Attorney, Richard DiCesare, City Traffic Engineer and Jonathan Edwards, Communications Technician.

MINUTES: Motion was made by Ms Basnight, seconded by Mr. Weitz, to accept the June 19, 2012 minutes as presented. Motion carried unanimously.

NEW BUSINESS
REZONINGS

REQUEST BY GREENVILLE COMMUNITY LIFE CENTER, INC.– APPROVED

Ordinance requested by Greenville Community Life Center, Inc. to rezone 2.27 acres located at the northwest corner of the intersection of Manhattan Avenue and Chestnut Street from OR (Office-Residential [High Density Multi-family]) to CDF (Downtown Commercial Fringe).

Ms Chantae Gooby, Planner, delineated the property. The property is centrally located in the city within the neighborhood formally known as the Higgs Neighborhood. The property is located next to the future site of the Dream Park. Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1069 trips to and from the site on 14th Avenue or Dickinson Avenue, which is a net increase of 962 additional trips per

day. In 1969, the subject property was zoned R6 (multi-family) and was rezoned to OR (office-residential) in 1987. Under the current zoning, the homeless shelter is a non-conforming use. Under the current zoning (OR), the site could yield 32 multi-family units. The proposed zoning could yield 21,753 square feet of office/residential/retail space. A shelter is allowed under the CDF (Downtown Commercial Fringe) district which is the only district in the city that does allow that. The Future Land Use Plan Map recommends mixed use/office/institutional (MOI) at the intersection of West 14th Avenue and Dickinson Avenue and transitioning to office/institutional/multi-family (OIMF) to the north. In staff's opinion, the request is in general compliance with Horizons: Greenville's Community Plan, and the Future Land Use Plan Map.

Ms Bellis asked was the property the old Agnes Fuller school.

Ms Gooby stated yes.

Ms Bellis asked if the school was part of the Greenville Community Shelter.

Ms Gooby stated that both of the buildings belong to the shelter.

Mr. Weitz asked if the shelter was a special use under the CDF zoning.

Ms Gooby stated it was but the CDF is the only zoning that allows homeless shelters.

Mr. Weitz asked if the applicant will file a special use permit.

Ms Gooby stated that if the applicant plans to do something with the shelter then they may have to file for a special use permit.

Mr. Weitz asked if CDF is consistent and compatible with the office designation on the Future Land Use Map.

Ms Gooby stated that it is in general compliance, not complete compliance. Land use plan is not dimensional or site specific.

Mr. Derk Tyson, River & Associates representative, spoke in favor of the request. He reiterated the history of the current zoning predicament of the shelter. He stated that the shelter is not permitted to build under the current zoning and therefore has applied for a rezoning. The shelter will take the necessary steps to be in compliance.

Mr. Parker asked if a rezoning request had to be submitted order for the shelter to legally begin building.

Mr. Tyson answered yes.

Ms Lynn James, Executive Director of Greenville Community Shelter, spoke in favor of the request. She stated that no changes to the existing building can be made without the amendment to the zoning district.

Mr. Bell noted that the increase in traffic reported in staff's report would mainly be foot traffic.

Ms James agreed.

Mr. Weitz asked if the front building would ever need to be removed.

Ms James stated that an assessment was done on the front building and it was in good condition. The shelter does not plan to do any work to the building and is currently using it for meetings, classes and a medical clinic for the homeless.

Mr. Weitz stated that if the shelter is rezoned CDF, then the zoning would allow for revitalization of the neighborhood.

Ms James stated that the shelter hopes that the facility improvements will begin the revitalization process.

Attorney Holec cautioned the board that they cannot rely on the potential development of a property in making their decision on the rezoning. It can be used for any of the uses which is allowed by the zoning classifications.

Ms Ann Huggins, a resident in the neighborhood, spoke in opposition of the request. Her concern was if the area was rezoned that any type of business could come in the area. She would prefer to keep the area residential rather than commercial. She asked was there an alternative to rezoning.

Ms Gooby restated staff's opinion and the current status of the shelter's nonconforming use. She stated the rezoning is only for one block and there are not a lot of other options.

Mr Bell asked if the city was focusing on Dickinson Avenue as being a business hub for the area.

Ms Gooby answered yes and stated the changes made.

Mr Bell stated that he believed the rezoning for the shelter will not have an impact on the neighborhood.

Ms Huggins stated that she was concerned about the ripple effect the rezoning would cause.

Mr. Flood answered the question about another option. The applicant could ask for a text amendment for the shelter to be used as a special or permitted use any place in the current zoning area.

Ms Bellis asked what is the legality for special use in the OR zoning district.

Mr. Flood reiterated the revamping of the zoning classifications in the 90's that left off shelters being able to be special use in the OR district.

Mr. Weitz added another option could be conditional zoning but the city does not embrace the concept.

Mr. Flood stated the city has viewed studies conducted by several Planning Boards and City Councils. The city's policy direction has been to use the by right or by use zoning category. The city's current neither Comprehensive Plan nor Zoning Ordinance recommends using conditional use zoning.

Ms Jean Lyons, a resident in the proposed neighborhood, spoke in opposition to the request. She asked whether the neighborhood would be rezoned or just the block of the proposed location.

Mr. Bell stated that the request is just for the block of the proposed location.

Ms James spoke in rebuttal of the opposition. She said the shelter's preference was not to request a rezoning. The original thought was to ask for a special use permit but they were advised to proceed with rezoning. The applicant intent is not to cause deterioration to the neighborhood.

Ms Bellis asked how complicated would it be to change the rezoning request to a special use and the time frame necessary for a change.

Attorney Holec stated that the applicant would have to amend their request and it would come before the board at the next meeting. The applicant would have to submit a request to amend the zoning ordinance so the shelter would be a use in the current zoning classification. The current request is narrower because it applies to the proposed location.

No one else spoke in rebuttal to the opposition.

Mr. Parker stated that the shelter will be there for a while and there is a need. He had no reservation in changing the zone to Downtown Commercial Fringe.

Mr. Weitz stated that the rezone could be revitalization to the area.

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.

REQUEST BY EAST CAROLINA BOARD – DENIED

Ordinance requested by The East Carolina Bank to rezone 41.616 acres located along the southern right-of-way of Regency Boulevard between South Pointe Duplexes and the CSX Railroad from R6S (Residential-Single-family [Medium Density]) to R6A (Residential [Medium Density Multi-family]).

Ms Chantae Gooby, Planner, delineated the property. The property is located along the southern section of the city. The property is between Evans St. and Memorial Drive. The request is to change from single family to both single and multi-family zoning. Part of the property has been approved for a preliminary plat which includes 165 single family lots. The property is vacant. The proposed rezoning classification could generate 416 trips per day. The property is currently zoned for 165 single family lots. Under the proposed zoning, the property could yield 300 multi-family lots. The Future Land Use Plan Map recommends medium density residential (MDR) throughout the entire area. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan, and the Future Land Use Plan Map.

Ms Bellis asked what type of housing was allowed with multi-family dwellings

Ms Gooby stated duplexes, townhomes or apartment buildings.

Mr. Weitz asked staff if the Comprehensive Plan had any policies or objectives to support the request.

Mr Flood stated that the housing and mobility section of the plan describes having a mix of housing within a variety of neighborhoods throughout the city. He suggested that staff provide the board with the text excerpts from the plan at a later date.

Mr. Weitz asked was Regency Boulevard on the transit bus route.

Ms Gooby said currently there are no bus stops on Regency Boulevard and did not know if the Great Bus traveled the road.

Mr. Parker asked if the city kept an occupancy rate of apartment buildings.

Ms Gooby stated that the city does not have a record of occupancy due to the turnover rate.

Mr. Bell asked about the number of trips per day according to the traffic report.

Ms Gooby stated that the total number of ins and outs is 416.

Ms Bellis asked about the number of trips per day under the current zoning.

Ms Gooby stated the current zoning is 1,579 and the proposed zoning would generate 1,995 trips per day.

Ms Bellis asked if Regency Boulevard was a city maintained street or Department of Transportation road.

Ms Gooby stated a city maintained street. She also mentioned that the request is for a medium density district will has a cap of 9 units per acre.

Mr. Maxwell said that he is concerned about the backup of the current traffic near the requested area.

Mr. Bob Milam, Special Asset Coordinator of East Carolina Bank, spoke in favor of the request. He stated that the property was obtained by the bank via foreclosure. The bank is looking for a more advantageous way of marketing the property.

Mr. Weitz asked the applicant if a market study was done to prove that additional duplexes would serve a demand.

Mr. Milam stated that the bank talked to several real estate developers to see what they could do to make the property as attractive as they could to find a buyer for it. The applicant has no intention of building homes on the property.

Mr. Scott Anderson, representative of River & Associates, spoke in favor of the request. He stated that Regency Boulevard was designed for 35,000 trips per day and currently has 8,000. If used fully under the current zoning, it will have 8,790 trips per day. If the property was developed fully with multi-family, it will have 8,989 or 2% increase. He reiterated that the proposed request is on the low end of the number of multi-family units per acre.

Mr. John Selby, president of the Shamrock homeowners association, spoke in opposition of the request. He stated that the neighborhood is concerned about the impact of the proposed request. Due to Regency Boulevard, the neighborhood is dealing with the train and additional foot traffic. He asked will the developer fence off the area.

Ms Gooby stated that if the proposed property is rezoned then the developer could build any type of housing within the zoning classification without having to come back to the Planning and Zoning Commission.

Chairman Bell closed the public hearing and opened board discussion.

Mr. Weitz stated that the request introduces multi-family zoning to an area that is entirely single family residents.

Ms Gooby stated that R6A and office zoning are currently located beside the proposed property.

Mr. Schrade stated that he felt the request did coincide with the Comprehensive Plan because of the single family dwellings as the buffer for West Haven.

Ms Bellis asked if any buffering could be along the railroad track.

Ms Gooby said vegetation requirements near a railroad track are minimum.

Motion made by Mr. Schrade, seconded by Ms Harrington, 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: Harrington and Schrade. Those voting in opposition: Weitz, Bellis, Maxwell, Parker, Basnight, and Rich. Motion failed.

Motion made by Mr. Weitz, seconded by Mr. Maxwell, to recommend denial of the proposed amendment to advise that it is inconsistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which is consistent with this motion which addresses plan consistency and other matters. Those voting in favor: Weitz, Bellis, Maxwell, Parker, Basnight, and Rich. Those voting in opposition: Harrington and Schrade. Motion passed.

With no further business, motion made by Mr. Parker, seconded by Ms Basnight, to adjourn. Motion passed unanimously. Meeting adjourned at 7:40 p.m.

Respectfully Submitted,

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