

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING  
AND ZONING COMMISSION  
October 18, 2011

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

Mr. Tim Randall - *	
Mr. Godfrey Bell - *	Mr. Dave Gordon - *
Mr. Tony Parker - *	Ms. Linda Rich - *
Mr. Hap Maxwell - *	Ms. Ann Bellis - *
Ms. Shelley Basnight - *	Mr. Brian Smith - *
Mr. Doug Schrade - *	Mr. Jerry Weitz - *

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

**VOTING MEMBERS:** Bell, Parker, Maxwell, Basnight, Gordon, Rich, Bellis, Smith

**PLANNING STAFF:** Merrill Flood, Community Development Director; Chris Padgett, Chief Planner; Chantae Gooby, Planner; Valerie Paul, Secretary

**OTHERS PRESENT:** Dave Holec, City Attorney; Rik DiCesare, Traffic Engineer; Jonathan Edwards, Communications Technician

**MINUTES:** Motion was made by Mr. Bell, seconded by Mr. Smith, to accept the September 20, 2011 minutes as presented. Motion carried unanimously.

**OLD BUSINESS**  
**Text Amendment**

Zoning Ordinance Text Amendment - Modifications to Article P. Vegetation Requirements

Mr. Chris Padgett presented the item to the Commission. One of the Action Items assigned to the Community Development Department from the current year's City Council Goals is to "Analyze the comments received from landscape professionals on the vegetation requirements as part of the review process and recommend changes to the landscape regulations as appropriate."

In an effort to meet City Council's directive, Staff contacted twelve landscape professionals and requested that they review the City's Vegetation Requirements located within Article P of the Zoning Ordinance and provide comments related to potential modifications. The individuals contacted included landscape architects, nursery operators, and landscapers; the individuals that are typically involved in landscape design and using the City's existing vegetation standards. The responses received could generally be placed into two categories:

1. Bufferyard Vegetation Requirements;

- Reduce the amount of vegetation required for a Bufferyard when a qualifying fence, evergreen hedge, or berm is provided.
- When a qualifying fence, evergreen hedge, or berm is provided within a bufferyard, allow some portion of the required vegetation material to be deciduous.

## 2. Approved Vegetation List;

- Update the Approved Vegetation List (as provided in Section 9-4-267 of the Zoning Ordinance) to remove tree and shrub species that, for various reasons, do not thrive in this area, and add new tree and shrub species that do thrive in this area and will add to the community's vegetative diversity.

Staff presented a report outlining the process used to solicit input from landscape professionals and their general recommendations to the Planning and Zoning Commission at their July 19, 2011, meeting. The Planning and Zoning Commission voted to move forward with initiating a Zoning Ordinance Text Amendment.

Subsequent to the Planning and Zoning Commission initiating the Zoning Ordinance Text Amendment, staff created an initial draft of said amendment and provided it to the same twelve landscape professionals that had originally provided input regarding the substantive modifications needed. The initial draft amendment was also provided to the Tree Preservation Work Group, a group consisting of citizens, developers and landscape professionals that are currently working with the Public Works Department to develop tree preservation strategies for the city. The initial draft was then modified based upon comments and input provided by the two before mentioned groups. The first requirement addressed states:

1. Bufferyard Vegetation Requirements
  - A. Reduce the amount of vegetation required for a Bufferyard when a qualifying fence, evergreen hedge, or berm is provided.

The rationale is that when of the qualifying items are provided, the bufferyard is typically reduced by 50% but you would still have 100% of the planting requirements. The landscape professionals that staff has spoken with say that if the planting is that dense it can cause problems where the plants are competing for resources and the trees are not reaching their mature size. The suggested text amendment reads:

### Proposed Text Amendment: Section 9-4-266

(2) Minimum vegetation material:

- (e) Where the fence, evergreen hedger where the fence, evergreen hedge or berm option is utilized within the bufferyard in accordance with the provisions of Section 9-4-119, then the minimum vegetation material required by this subsection is reduced by 25% for Type D, E and F bufferyards.

The second requirement addressed states:

1. Bufferyard Vegetation Requirements

- B. When a qualifying fence, evergreen hedge, or berm is provided within a bufferyard, allow some portion of the required vegetation material to be deciduous.

The current standards require that 100% of the vegetation must be evergreen; under this rule you're creating an opaque screen to the height of 6 ft. with the qualifying items. By allowing some percentage of the vegetation to be non-evergreen in nature, you are not reducing the effectiveness of the screens that go up to a height of 6 ft; for vegetation that reaches heights of 6 ft. – 12 ft., you would receive a filtered view rather than an opaque view, which the landscape professionals feels is appropriate. It is their opinion that the visual benefits would outweigh any negative impacts. The suggested text amendment for this section reads:

Proposed Text Amendment: Section 9-4-266

(2) Minimum vegetation material:

- (f) Where the fence, evergreen hedge or berm option is utilized within the bufferyard in accordance with the provisions of Section 9-4-119, then up to 25% of the minimum vegetation material required by this subsection for Type C, D, E and F bufferyards may be deciduous (non-evergreen).

The final requirement addressed is:

2. Approved Vegetation List

- A. Update the Approved Vegetation List (as provided in Section 9-4-267 of the Zoning Ordinance) to remove tree and shrub species that, for various reasons, do not thrive in this area, and add new tree and shrub species that do thrive in this area and will add to the community's vegetative diversity.

This list has not been updated in over a decade; since that time we have learned that some of the plants on the list are prone to disease or insects, some are not ideal to the area's climate or soils, or they are not commercially available in the area; these plants have been removed from the area. There are some new species that thrive in this environment and they have been added to the list. Mr. Padgett specifically thanked Myriah Shewchuk, Marsha Wiley and Todd Williams for their help in amending this list.

Ms. Basnight asked why bufferyard C was not included in the first one.

Mr. Padgett answered that there is minimal landscaping requirements in that bufferyard to begin with so they felt that it would not necessitate any type of reduction since it was a deviation of about 2 ft.

There were no speakers for or against the proposed text amendment so Chairman Randall closed the public hearing and opened Board discussion.

Mr. Gordon made a motion to approve the proposed text amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans, and to adopt staff's report

which addresses plan consistency and other matters. Ms. Basnight seconded and the motion carried unanimously.

## **NEW BUSINESS**

### **Rezoning**

Ordinance requested by Ward Holdings, LLC et al to rezone 3.87 acres located at the southeast corner of the intersection of Greenville Boulevard and East 14th Street from R9S (Residential - single-family [medium density]) to CG (General Commercial).

Ms. Chantae Gooby presented the item to the Commission. This property was involved in a Land Use Map Amendment that had been presented to the Commission a few months prior. She delineated its area on the map and she noted that Hardee Road is a right-of-way, but it does not connect with Leon Hardee Road. There are a variety of different uses in this area. This rezoning could generate a net increase of 4,320 extra trips with 2,160 going one way and 2,160 going the other way. This request is in compliance with the Land Use Plan Map.

Mr. Jim Ward spoke on behalf of his application. He said that the Eastwood neighborhood is in complete support of the proposal. He noted that it is compliance with the City's Future Plan Map and it has the city's recommendation; he offered to answer any questions that the Commission may have.

With no further speakers, Chairman Randall closed the Public Hearing and he called for Board discussion.

Mr. Weitz said that it looks like it is a done deal, but he wanted to point out a few things. He said that it is not just a matter if the request is consistent with the Land Use Plan Map, but also with the Comprehensive Plan. He did not see anything in the report addressing the policies that the request is consistent or inconsistent with; he believes that there are more inconsistencies than consistencies. Other things that need to be considered are the surrounding zoning patterns, the range of uses permitted in the zoning district requested, the impact on streets and the purpose of the zoning code. He said that the Land Use Plan is specific so you cannot assume that every commercial zoning category is appropriate based on the fact that there is a commercial land use designation on the Future Land Use Map. This is a neighborhood focus area and it is only intended to allow 40,000 sq. ft. of floor space and this proposal is already 38,000 sq. ft; there is already commercial at other corners so this request is not really consistent with a neighborhood focus area. He read a footnote from the 2010 amendment to the Comprehensive Plan that states that the designation of an area with a particular land use category does not mean that the most intensive zoning district used in the land use definitions is automatically recommended. He said it looks like strip development to him and he did not think that there would be anything to prevent the owner from selling off the properties individually if the rezoning is approved; he said that it would be developed individually and it would look like a piece-meal development, which is discouraged by several policies. He said that the Commission is trying to preserve

neighborhood livability and he understands that there is no opposition from the neighborhood group for this request; he feels that the neighborhood may have been worn out by the process. He said that if the request is approved, there will not be a buffer between the commercial zone and the single-family residential zone.

Chairman Randall reminded the Commission that although Mr. Weitz was addressing them from the podium, he is a member of the Commission and they should feel free to contribute their comments at any point because Board Discussion had been opened up.

Mr. Bell asked if Mr. Weitz concern with this request was personal or just as a Board member.

Mr. Weitz answered that it was not personal and he was concerned as a Board member.

Mr. Weitz continued on and said that he was concerned about the uses that would be allowed under this rezoning such as bowling alleys, theaters, circuses, athletic clubs, funeral homes, hotels, motels, television stations and their towers, fast food restaurants, major repair, limousine services, storage areas and others; all of these would have to be considered under this rezoning and it would not be good for the neighborhood.

Mr. Gordon said that the size of the land precludes that some of the uses that he listed would not be possible.

Mr. Weitz allowed that the property does have some limitations as to which uses may or may not go up there, but the Commission is asked to consider all uses by the ordinance.

Mr. Gordon said that plans would still have to come back before the Commission. He said that they are not giving the applicant carte blanche to do whatever he would like with that property.

Mr. Weitz said that they are giving him the right to use any of the uses listed in the commercial zoning district; they would not have the authority to deny him through administrative processes.

Mr. Schrade noted that the President of the neighborhood association had attended a past meeting and said that they were favor of the request.

Mr. Gordon asked if Mr. Weitz knew for a fact that the neighborhood was worn down or if it was an assumption.

Mr. Weitz said that he did not know it as a fact but he had based his comments on the two times that the City Council had denied the request and he believed that the neighborhood had been in opposition at some point.

Mr. Schrade addressed Mr. Weitz's comment about individual driveways. He said that someone had spoken to the Commission about the roads and they would be able to control driveways and entrances up there to a certain point.

Chairman Randall said that Mr. Rik DiCesare, the City's Traffic Engineer, had done a good job addressing the issue. He said that it will hopefully improve that intersection there and he noted that there is restriction on the distance between driveways and intersections.

Mr. Weitz continued on to streets and thoroughfares. He said that there is not really an option for access to the properties besides Greenville Boulevard. Policy suggests that you try to improve traffic flow through the process and he does not see how commercial development will improve the situation. He addressed the living conditions there; he does not see how commercial general uses will promote desirable living conditions. He feels that if commercial is appropriate at this site, then it would be the neighborhood commercial that is consistent with the Comprehensive Plan; the land that is involved is more than necessary for a neighborhood commercial node.

Mr. Gordon asked if the Commission would approve site plans to make sure that there is connectivity from the subdivision to the property that is being developed.

Mr. DiCesare answered that they would.

Mr. Gordon said that whatever plan the applicant will present will have connectivity.

Mr. DiCesare said that the NCDOT is adamant about connectivity.

Mr. Parker asked if he was saying that Hardee Road would be connected to Leon Hardee Road.

Mr. DiCesare said that was not necessarily the case.

Mr. Parker asked what kind of scenario would achieve that connectivity.

Mr. DiCesare said that he would have to see a site plan before he could answer that. He reiterated what he said when they were amending the Land Use for this property; he said that the review process would be both City and State, and a traffic impact assessment would be required due to the level of traffic there. The State and City would have the authority to order an analysis of the other intersections close to the original intersection; mitigation measures include limiting access onto Greenville Boulevard, constructing turn lanes into the development, and intersection improvements at the Greenville Boulevard-14<sup>th</sup> Street intersection. Having a site plan come in opens up the area for all improvements; what is determined will be based on the impact of the site and what the State and City feel is a proper mitigation package.

Chairman Randall said that they may be able to get more with this deal than what is available now.

**Mr. Bell made a motion to recommend approval of the proposed amendment to advise that is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Mr. Smith seconded the motion and it passed unanimously.**

With no further business, a motion was made, seconded and unanimously voted on to adjourn at 7:08 p.m.

Respectfully Submitted,

Merrill Flood, Secretary