

January 18, 2005

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

Mr. Jay Yates - *
Mr. Len Tozer - * Mr. Bob Ramey - *
Mr. Dave Gordon – * Mr. Jim Moye - *
Mr. Tim Randall – * Mr. Don Baker – *
Mr. James Wilson – * Mr. Bill Lehman - *
Ms. Melba Gorham - *

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

VOTING MEMBERS: Yates, Tozer, Gordon, Moye, Randall, Baker, Wilson, Lehman and Gorham.

PLANNING STAFF: Merrill Flood, Director of Planning and Community Development; Harry V. Hamilton, Jr., Chief Planner; Ed Lynch, Planner; Chantae Gooby, Planner; and Kathy Stanley, Secretary.

OTHERS PRESENT: Dave Holec, City Attorney; Ray Craft, Council Member; Ron Svejkovsky, Transportation Planner; David Brown, City Engineer; and Robert Cheshire, Senior Engineer.

MINUTES: Motion was made by Mr. Moye, seconded by Mr. Lehman, to accept the December 21, 2004 minutes as presented. Motion carried unanimously.

Chairman Yates recognized Mr. Ray Craft, Council member.

REQUEST BY STUART SAVAGE, ETAL – APPROVED

Chairman Yates stated that the first item of business is a request by Stuart Savage to rezone 3.481 acres located along the eastern right-of-way of Dickinson Avenue and 140± feet east of Lindbeth Drive from R9 (Residential [Medium Density]) to OR (Office-Residential [High Density Multi-family]).

Ms. Chantae Gooby stated that the subject property is located along the eastern right-of-way of Dickinson Avenue. To the north is a single family residence and Salvation Army, to the east is a vacant lot zoned General Commercial. To the south is Lindbeth Grove subdivision, Arlington West Apartments and Pecan Grove Apartments and along the southern boundary is Reedy Branch. To the west is a single family residence and Westwood Subdivision and vacant property along W. H. Smith Boulevard. The property is currently zoned R9, Medium Density Residential. Ms. Gooby stated that staff anticipates that at the present zoning the site would yield 18 duplex units. The requested zoning is OR, Office-Residential [High Density Multi-family]. Staff anticipates that the site would yield 47 two and three bedroom units based on similar site comparison of Willoughby Park at 14 units per acre. At maximum density the site would yield 57 one, two and three bedroom units. The site could also be developed as offices. The Land Use Plan recommends office/institutional/multi-family for the area near the corner of the

intersection along with a conservation area along Reedy Branch. A Tar-Pamlico Water Quality Stream Buffer, which would be 50 feet from the top of the bank, is also required. Any medium and high density residential or non-residential development would be prohibited within this buffer. Ms. Gooby stated that the proposed rezoning should not significantly increase traffic to and from the site.

Mr. Jon Day, representing the applicant, stated that Mr. Savage lives in the adjacent residence to this site. Mr. Day stated that Mr. Savage and his children have entered into an agreement to sell the property with the prospects of building offices and a child day care on the site.

No one spoke in opposition.

Motion was made by Mr. Lehman, seconded by Mr. Moye, to approve the request. Motion carried unanimously.

REQUEST BY NELSON B. CRISP – APPROVED

Mr. David Brown, City Engineer, made reference to a plat included in the Commission's packet on the closing of a portion of Claredon Drive. Mr. Brown stated this is an unimproved segment of Claredon Drive and the petitioner is Ms. Nelson Crisp. Mr. Brown presented the process in closing a street as required under State Statutes and identified that City Council is to determine two (2) facts before permanently closing a street. The first is a determination if the adjoining property owners will be affected by the closing and the second is whether or not the closing would be detrimental to public interest. As part of this process, Mr. Brown identified that the Commission reviews the petition and would make a recommendation to City Council. Mr. Brown presented that based upon its review, staff's opinion is that closing the unimproved segment would not adversely affect the adjoining property owners or be contrary to public interest. Mr. Brown stated that presently there is concrete curb and gutter along the unimproved area and a storm drainage pipe stubbed out towards that portion of roadway for future development. Mr. Brown identified that a storm drainage easement would be maintained for future development. Mr. Brown presented that, as part of the process in closing a street, the petitioner will be required to post a bond for the removal of the curb and gutter on this portion of the street as well as any improvements identified by staff.

Mr. Randall asked if the street at this location is officially closed if the City gives the right-of-way back.

Mr. Brown stated that was correct. He identified the property would revert to the adjacent property owners. In this case, the site would be divided in half giving each of the property owners half of the right-of-way.

Mr. Randall asked if the property is reverted to an adjacent property owner if they could develop it in accordance with the zoning.

Mr. Brown stated that if it were developed it would have to be done with approved zoning.

No one spoke in favor of the request.

No one spoke in opposition.

Motion was made by Mr. Baker, seconded by Mr. Tozer, to approve the request. Motion carried. Those voting in favor: Baker, Tozer, Gorham, Wilson, Lehman, Gordon, Moye. Those voting in opposition: Randall.

REQUEST BY THE PLANNING COMMUNITY DEVELOPMENT DEPARTMENT – APPROVED AS AMENDED

Chairman Yates stated that the next item is a request by the Planning and Community Development Department to amend the sign regulations to include reference to the standards applicable to the class of signs entitled “signs not requiring permits” and to include criteria concerning the method of attachment and display of temporary “roof mounted inflatable balloons”.

Mr. Harry Hamilton stated that this requested amendment was previously reviewed by the Commission in November and concerns two sections of the Sign Regulations. One, signs that are not otherwise regulated by permits and a provision concerning roof mounted balloons or displays. Mr. Hamilton made reference to the handout and board outlining the amendment considerations and options. Mr. Hamilton stated that no balloons would be allowed under the proposed ordinance above 25 feet which is the maximum height for signs in all districts. The Commission recommended approval of the original request and forwarded it to City Council in December. Mr. Hamilton stated that City Council has returned the amendment back to the Commission to review the substituted options submitted by interested persons. Mr. Hamilton stated that if the Commission wishes to include any or all of the options they will be incorporated into the amendment, if the Commission wishes to make additional amendments those would be incorporated or the Commission may wish not to approve any of the options. Mr. Hamilton read the options as listed. Mr. Hamilton explained that Greenville Utilities had expressed concern in regards to balloons and where they may fall if deflated. Mr. Hamilton explained that roof mounted balloons are restricted to a specific duration and frequency. Mr. Hamilton stated if the Commission recommends some of the provisions especially frequency and duration would have to be subjected to a permit requirement similar to roof mounted balloons. The synopsis includes the provisions for roof mounted balloons which states that balloons can be displayed for not more than two consecutive days, one per lot and not more than 20 total days per year. Mr. Hamilton explained that under the original proposal balloons are not regulated. It is the opinion of staff that if the height of the balloons are regulated to 25 feet few people would use large balloons or blimps as an advertising option. Mr. Hamilton stated the other part of the ordinance deals with roof mounted balloons and that portion to be amended is to include a provision that roof mounted balloons have to be attached to a roof and not be allowed to free float above a roof.

The Commission discussed all of the proposed options and voted on each one separately.

Chairman Yates asked for comments on option one. Chairman Yates stated that 50 feet is realistic but other members suggested remaining at 25 feet. On option two there were no comments. Option three was considered appropriate. Options four, five and six were deleted.

No one from the public spoke in favor or spoke in opposition.

Motion was made by Mr. Randall, seconded by Mr. Lehman to accept the additional option No. One with the height limited to 50 feet. Those in favor: Randall, Lehman. Those in opposition: Tozer, Gordon, Baker, Moye, Wilson and Gorham. Motion failed.

Motion was made by Mr. Baker, seconded by Mr. Wilson that the height remain at 25 feet. Motion carries. Those in favor: Tozer, Gordon, Baker, Moye, Wilson and Gorham. Those in opposition: Randall and Lehman.

Motion was made by Mr. Moye, seconded by Mr. Tozer to approve Option 2, limiting the dimension of all balloons to 20 feet, as presented. Motion carries unanimously.

The Commission members elected to delete three, four, five and six from the options.

There being no further business, motion was made by Mr.. Baker, seconded by Mr. Gordon, to adjourn the meeting at 7:20 PM.

Respectfully submitted,

Merrill Flood
Secretary

APPROVED

Jay Yates, Chair