

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION
March 18, 2014

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

Ms Shelley Basnight –Chair-*

Mr. Tony Parker - *	Ms. Chris Darden – *
Mr. Terry King – *	Ms. Ann Bellis – *
Ms. Linda Rich - *	Mr. Brian Smith - *
Mr. Doug Schrade - *	Mr. Jerry Weitz –*
Ms. Wanda Harrington-X	Mr. Torico Griffin -*

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

VOTING MEMBERS: Parker, Rich, Schrade, Bellis, Smith, Weitz, Griffin, Darden

PLANNING STAFF: Thomas Weitnauer, Chief Planner; Chantae Gooby, Planner II and Amy Nunez, Staff Support Specialist II.

OTHERS PRESENT: Dave Holec, City Attorney; Merrill Flood, Director of Community Development; Tim Corley, Civil Engineer II and Jonathan Edwards, Communications Technician.

MINUTES: Motion was made by Mr. Smith, seconded by Ms. Rich, to accept the January 21, 2014 minutes as presented. Motion carried unanimously.

NEW BUSINESS

ORDINANCE REQUESTED BY DAUGHTRIDGE OIL COMPANY OF GREENVILLE TO REZONE 4.2289 ACRES LOCATED BETWEEN STATON HOUSE ROAD AND BELVOIR HIGHWAY AND 400+/- FEET WEST OF NORTH MEMORIAL DRIVE FROM IU(UNOFFENSIVE INDUSTRY) TO CH(HEAVY COMMERCIAL) - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located in the northern section of the City, between Staton House Road and Belvoir Highway, and west of North Memorial Drive. The subject property is comprised of 2 parcels. Properties to north and east are under common ownership of the applicant. One part of the property is vacant and the other is used for overflow parking for The Fuel Doc. There is commercial to the east and south and residential to the north. This request could generate a net increase of about 1,300 trips a day based on a worst-case scenario. There is a traffic signal at the intersection of Staton House Road and Memorial Drive. Both Memorial Drive and Martin Luther King Jr. Highway are 4-lane highways. Under the current and proposed zoning, the site could accommodate about 40,000 square feet. Under the current IU zoning, staff would expect mini-storage, warehouse, or restaurant space. Under the proposed zoning CH, staff would expect retail, mini-storage, or

restaurant. The Land Use Plan recommends commercial at the southwest quadrant of Memorial Drive and Martin Luther King Jr. Highway. There is industrial to the west and more commercial to the south. In staff's opinion, the request is in compliance with Horizon's Greenville Community Plan and the Future Land Use Plan Map.

Chairwoman Basnight opened the public hearing.

Mr. Ken Malpass, representing the applicant, spoke in favor of the request. He stated that the proposed rezoning is in compliance and there is not a lot of demand for industrial in this area. This rezoning will open the area up for retail sales.

No one spoke in opposition of the request.

Chairwoman Basnight closed the public hearing and opened for board discussion.

No comments were made during board discussion.

Motion made by Mr. Parker, seconded by Mr. Smith, 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.

ORDINANCE REQUESTED BY GREG LASSITER DBA CHAMPIONS HEALTH AND FITNESS TO REZONE 2.505 ACRES LOCATED 250+/- NORTH OF EAST 10TH STREET AND 430+/- FEET EAST OF HOMESTEAD MEMORIAL CEMETERY FROM OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) AND O (OFFICE) TO CG(GENERAL COMMERCIAL) - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located in the eastern section of the City, north of 10th Street near Congregation Bayt Shalom Synagogue. The rezoning is north of 10th Street and will be served by Parkside Drive, which is east of the property. The intersection of 10th Street and Parkside Drive is signalized. The property is vacant. The adjacent parcel to the east is owned by the City and is the future site of the Eastside Park. The new Wal-Mart Shopping Center is to the south. This request could generate a net increase of 557 trips. The property is not impacted by the floodplain or floodway. Under the current zoning OR, the site could accommodate about 35 multi-family units. Under the requested zoning CG, the site could accommodate about 24,000 square feet of retail, commercial, or conventional restaurant. The Future Land Use Plan recommends commercial along the northern right-of-way of East 10th Street east of Congregation Bayt Shalom. The property to the west is shown as COS (Conservation Open Space) and is part of the City's policy to show parks or future parks as

conservation open space. In staff's opinion, the request is in compliance with Horizon's Greenville Community Plan and the Future Land Use Plan Map.

Ms. Bellis asked if the vacant strip adjacent to this property is the future entry way to the park and how big is that strip.

Ms. Chantae said the strip is about 50 feet wide. It does serve as access to the city property, but the park may end up being served by Parkside Drive.

Chairwoman Basnight opened the public hearing.

Greg Lassiter, applicant, spoke in favor of the request. He stated he has been in business, Champions Health and Fitness, for 30 years. He is excited about the possibility of going on that side of town to service the citizens. Health is a very big issue in society and he looks forward to the chance to having his business there to serve community.

Attorney Holec reminded the Commission that all permitted and special uses within the requested zoning district must be taken into consideration and not any particular representation for any particular use.

Jim Hopf, representative of property owner, spoke in favor of the request. He stated that the owner of the property has contacted the synagogue and that the synagogue did not have any opposition to the rezoning. He stated that this change is consistent with the land uses and the desire/intent to bring commercial/retail to this area.

No one spoke in opposition of the request.

Chairwoman Basnight closed the public hearing and opened for board discussion.

No comments were made during board discussion.

Motion made by Mr. Smith, seconded by Mr. Schrade, 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.

ORDINANCE REQUESTED BY OXFORD STREET, LLC TO REZONE 3.935 ACRES LOCATED BETWEEN OLD FIRE TOWER ROAD AND ROSEMONT DRIVE AND 450+/- EAST OF COUNTY HOME ROAD FROM RA20(RESIDENTIAL-AGRICULTURAL) TO OR(OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. She stated that the property is located in the southeastern section of the City, between Old Fire Tower Road and Rosemont Drive, and east of County Home Road. There is currently a single-family home on the property. There are neighboring single-family residences, commercial along Fire Tower Road, and multi-family to the south. This request could generate a net increase of 222 trips a day. There is a Regional Focus Area, where commercial is anticipated and encouraged, at the intersection of Fire Tower Road and Arlington Boulevard. The property is currently zoned RA20 and could accommodate 15 single-family lots. Under the requested zoning, OR, staff would anticipate the site to yield 55 multi-family units. The requested zoning, OR, is part of the OIMF (Office/Institutional/Multi-Family) category. In staff's opinion, the request is in compliance with Horizon's Greenville Community Plan and the Future Land Use Plan Map.

Chairwoman Basnight opened the public hearing.

Mike Baldwin, representative of the applicant, spoke in favor of the request. He stated that the request is in compliance with the Comprehensive Plan and provides transitional zoning. There is a minimal amount of additional traffic generated by this request. There is adequate water and sewer available to the site and no environmental concerns.

No one spoke in opposition of the request.

Chairwoman Basnight closed the public hearing and opened for board discussion.

Mr. Weitz stated that he agrees that it is consistent with the Comprehensive Plan and is prepared to support a motion to approve the rezoning. First, County Home Road is at capacity causing a traffic issue and there are no long-term plans to improve the road. Secondly, there is no infrastructure for sidewalks or transit. There is no bus service anywhere south of Fire Tower Road. Although, the request is consistent with the plan, it is not a good way to grow and hopes the City will address these infrastructure needs in the near future.

Mr. Parker asked who maintains County Home Road.

Mr. Flood stated NCDOT.

Motion made by Ms. Rich, seconded by Ms. Bellis, 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 AMENDMENTS

ORDINANCE INITIATED BY THE GREENVILLE CITY COUNCIL TO AMEND THE ZONING ORDINANCE BY REMOVING TEXT PROVISIONS RELATING TO INCREASED OCCUPANCY IN THE UNIVERSITY NEIGHBORHOOD REVITALIZATION INITIATIVE (UNRI) OVERLAY DISTRICT (Option1) - APPROVED

ORDINANCES INITIATED BY THE GREENVILLE CITY COUNCIL TO AMEND THE ZONING ORDINANCE BY REMOVING THE TEXT PROVISION RELATED TO THE UNIVERSITY NEIGHBORHOOD REVITALIZATION INITIATIVE (UNRI) OVERLAY DISTRICT AND TO AMEND THE ZONING MAP TO DELETE THE UNIVERSITY NEIGHBORHOOD REVITALIZATION INITIATIVE (UNRI) OVERLAY (Option 2) - APPROVED

Ms. Chantae Gooby, Planner II, gave the staff presentation. She stated since Agenda Items 4 and 5 were initiated at the same time and associated with the UNRI Overlay, staff will be making 1 presentation but there will be 2 separate public hearings. At the end of each public hearing, the Commission would vote to recommend approval or denial of each amendment. Each amendment should be considered independent of each other. The amendments were compiled into one staff report and the amendments are referred to as Option 1 and 2. Option 1 is removing the zoning text provisions relating to the increased occupancy in the UNRI Overlay District. Option 2 is removing the all the zoning text provisions relating to the UNRI Overlay District and to amend the zoning map to delete the UNRI Overlay. Staff has considered each of the amendments on its own merit. Staff reviewed the Horizons plan as well as the Tar River University Neighborhood Report and Plan. Due to the nature of these amendments, it is possible that those opposed or in support of the amendments would rely on the same objectives. It depends on the values of each person as to which option is best. In October, 2012, council adopted the UNRI standards and amended the zoning map to add the UNRI designation. This allowed up to 4-unrelated persons to live in one housekeeping unit, which is a single-family home, a duplex unit or multi-family unit within certain standards:

- The dwelling unit shall have four or more bedrooms; and
- The dwelling unit shall contain at least 1,500 square feet of heated floor area; and
- At least three on-site parking spaces shall be provided for the dwelling unit; and
- A zoning compliance letter from the City must be obtained; and
- A Crime free lease addendum included in the lease.

In June, 2013, Council expanded the Controlled Residential Parking area. This is on-street parking for residents only. The area was increased to include streets north of First Street to the river. A parking decal is required and obtained from the Public Works Department. Controlled Residential Parking will not be affected by either of these amendments. In September, 2013, Council adopted rear yard parking standards which limits parking/storing of vehicles, boats, trailers etc... on single-family and duplex lots to a maximum of four. Screening is required if visible from adjoining properties or the street with a 6-foot fence or vegetation. This standard is not impacted under Option 1, but under Option 2, this text would be deleted.

Ms. Gooby delineated the area on a map. The area is generally from the University to the Tar River, west of downtown and east of Elm Street. If the UNRI is removed as part of Option 2, the area would revert back to its base zoning. The base zonings districts will not change. The Future Land Use Plan Map (FLUPM) matches the current zoning which includes some commercial and high/medium/low density residential. The College View Historic District is also in this Overlay area. There has been no change to the existing land uses. There is little change of owner-occupied versus rental properties. There was a 1% change in which 12 units changed from owner-occupied to rental property. The area is about 16% owner-occupied and 83% rental. There were 1,238 potential code violations for 2013. The majority (over 1,000) of these violations were parking-related and were not mapped due to the high number. A code enforcement action map was presented representing 235 violations. Sixty percent of the violations were for parking on unimproved surface. As of March 11, 2014, 49 zoning compliance letters have been issued. Five applications were awaiting approval that would allow up to 4-unrelated persons to reside in one housekeeping unit. In staff's opinion, the request is in compliance with Horizon's Greenville Community Plan, the Future Land Use Plan Map and the Tar River/University Area Neighborhood Report and Plan. Staff has considered each of the amendments on their own merit. For Option 1, while it is recognized that the goals, policy statements and objectives provided in the staff report may be interpreted in different ways, it is staff's opinion that the proposed text amendment is in general compliance by encouraging homeownership, reducing adverse impacts associated with increased occupancy and maintaining aesthetic standards to preserve neighborhood livability. For Option 2, while it is recognized that the goals, policy statements and objectives provided in the staff report may be interpreted in different ways, it is staff's opinion that the proposed text and map amendments are in general compliance by encouraging homeownership and reducing adverse impacts associated with increased occupancy.

Ms. Bellis asked if a code enforcement officer was assigned to this area.

Ms. Gooby stated there are 2 code enforcement officers.

Ms. Bellis asked if someone would lose their job if the UNRI was removed.

Ms. Gooby stated no.

Mr. Parker asked if the 49 approved zoning compliance properties and the 5 waiting approval would be grandfathered.

Attorney Holec stated yes.

Ms. Bellis asked if the grandfathered properties would follow the owner or the property.

Attorney Holec stated it stays with the property as a general rule. He stated that City Council has the authority to impact that rule with a specific change.

Mr. Parker asked if new applications could still be taken.

Attorney Holec stated yes until the time the amendment was approved by City Council.

Chairwoman Basnight asked if the approved grandfathered properties still have to abide by the original rules.

Attorney Holec stated yes.

Chairwoman Basnight opened the public hearing for Option 1.

Mr. Andrew Morehead, President of TRUNA (Tar River University Neighborhood Association), spoke in favor. He stated the Horizons Plan and the City goals for the University area are to encourage homeownership, preserve historical properties and to improve neighborhoods. The objectives are to establish single-family neighborhoods by encouraging reinvestment in established neighborhoods and converting rental properties into owner-occupied dwellings. There is a perverse incentive in this Overlay area to convert single-family homes into rentals and generate more rental income than anywhere else in the City. The increased rental activity and transient population are associated with an increase in crime rates. Increased investment in rental property will result in a decline of homeownership. There has only been about \$40,000 worth of permits for this area. This is not a case of homeowners against students. He stated that other cities have different numbers to limit occupancy but only Chapel Hill has differential occupancy because it has conservation districts.

Mr. Weitz asked Mr. Morehead to elaborate on differential occupancy.

Mr. Morehead stated that there is a city-wide limit on the number of occupants. He stated that in Chapel Hill houses started being converted to rental in one neighborhood and they reduced the occupancy rate to 2 from 4. This was a less occupancy overlay to preserve the neighborhood and have incentives for homeownership.

Ms. Erin Wooten, resident of 403 Maple Street, spoke in favor. She stated crime is not down in this area. There is a hot spot in the Overlay area. Her property is family-owned and once was surrounded by all single-family homes and now is surrounded by rentals. The increase in rentals increases crimes and she wants a safer environment.

Ms. Inez Fridley, resident of 2003 E 5th Street, spoke in favor. She stated her property is about 3 blocks away from the Overlay but the Overlay affects her property. Although about 1,000 people signed an online petition in favor of the 4-unrelated, only 22 people signed the protest petition against the UNRI. Most rents went up because of the UNRI causing little to no savings. The City should not ignore good planning practices.

Ms. Beverly Harris, resident of 404 South Harding Street, spoke in favor. She stated that 52 permits had been granted to rental properties to house 4-unrelated tenants but were not inspected. Bedrooms were created out of living and/or dining rooms. The rental properties will likely never be owner-occupied again since they make more money as rentals. The owners of rental properties in this area have an unfair advantage and these properties pull down the value of the owner-occupied homes. Students are not the problem, but the landlords are because they do not maintain the rental properties.

Mr. Ed Harper, resident of 1607 E. 5th Street, spoke in favor. He stated the investment amount mentioned is not correct. There is a huge influx of out-of-town investors. Only \$46,500 in building permits have been issued for the \$5.5 million of recently purchased homes in this area. Only the landlords are benefiting. He likes the students but the 4-unrelated rule does not benefit the community.

Ms. Ann Maxwell, longtime resident of 32 years, spoke in favor. She stated that the objective to improve and encourage homeownership cannot be done under the UNRI. She knows of three families that wanted to buy in the neighborhood but could not afford it. She doesn't understand how the UNRI revitalizes the neighborhood. A potential owner-occupied buyer was interested in a home that had damage but someone else purchased the property to use as a rental and moved students in without fixing the issues. Students are getting caught in the middle because landlords are turning any room they can into a bedroom so they can have 4-unrelated.

Ms. Marsha Ironsmith, resident of 34 years at 112 South Harding Street, spoke in favor. She stated there were many in objection when the UNRI was originally approved. The TRUNA Plan was adopted in 2009 and had several suggestions/strategies for this area that have not been implemented by Council. This is a clear case of Council blaming others for their lack of action and a handout politically moved to a select few.

Ms. Pat Pertalion, resident of neighborhood since 1963, spoke in favor. She stated that homeownership is related to higher property rates and lower crime. Rental vacancy is at 17%. It is not necessary to categorize or incentivize more homes into this vacancy category.

Mr. Weitz asked if the 17% vacancy rate was city-wide.

Ms. Pertalion stated it was.

Mr. Weitz asked what the source of that information.

Mr. Morehead stated a staff report.

Ms. Joanne Kollar, resident of 123 North Harding Street, spoke in favor. She stated she was on the UNRI committee and part of TRUNA. About a year ago she led a tour for the City regarding code violations in the Overlay. Now there is no difference or improvement except more residential parking is available. The UNRI has accelerated the conversion of single-family homes to rentals. Spot zoning created by the UNRI has made it a profitable neighborhood for landlords because of the increased occupancy. Owners have been approached by realtors and landlords to sell their properties so that it can be converted to rentals. The UNRI has not improved the neighborhood, but has added to its decline. She urges the City to remove the Overlay completely.

Mr. Bernard Kane, resident of the Stratford Subdivision, spoke in favor. He believes his neighborhood could be next for 4-unrelated. He stated that these neighborhoods need to be restored back to single-family homes.

Ms. Belinda Perkinson, resident of North Harding Street. She stated that the Overlay is spot zoning and is illegal. A lawsuit regarding this has cost the City \$20,000.00. It does not serve the interest of the City. Incentivizing rental conversion and increasing the percentage of rental property in this area has cost everyone money.

Mr. Michael King, ECU Student Body President, spoke in opposition of the request. He stated that students want to maintain the 4-unrelated occupancy. He lives in a 4-unrelated property at 1003 East 3rd Street that was inspected, met the criteria and was approved. If the rule was eliminated then students would be kicked out because the price of rent would remain the same but would need to be divided by 3 and not 4. The 27,000 ECU students represent 1/3 of the City's population and the City would be nothing without ECU due to the economy the students bring. Eliminating the UNRI is against the students and everyone should work together.

Mr. Weitz asked if the students had complaints about their homes.

Mr. Michael King stated that his fraternity does not have a house but many members live in the grid in houses that have been maintained.

Ms. Bellis stated that Mr. Michael King lived in an approved house but asked if he visited houses that have 4 occupants that have not been approved.

Mr. Michael King stated he did not know if they had been approved since he had not spoken to those landlords.

Ms. Bellis asked if the application was approved before 4 people moved into where Mr. Michael King resides.

Mr. Michael King stated yes and his landlord has other houses that also have been approved.

Mr. Terry King stated that the property where Mr. Michael King resides, and all other approved homes, would be grandfathered. He stated that Mr. Michael King's objection that his residence would be changed is not existent.

Mr. Michael King stated he is representing everyone and understands that he and those who will live in the same property as him will be fine. It is the right of the students to be able to live in this neighborhood since they add so much to the City economy.

Ms. Elizabeth Semple, representing UNA (University Neighborhood Association representing investors) spoke in opposition. She questioned what would have happened to properties in the Overlay area if investors had not purchased them. She stated that it is very costly to purchase these older homes and repair them for occupancy. There is no reason to start over but instead keep the UNRI and fix what currently is not working. Crime has decreased in this area and rental properties have increased and that has nothing to do with the UNRI.

Mr. Tim Ferruzzi, landlord, spoke in opposition. He praised ECU Student Body President, Michael King, for representing the students. He stated that many who have spoken are elitist and don't represent Greenville. The houses sell for more money and that is why the rent is higher. All the properties had to be inspected and meet the standards. The right of association which is a first amendment right that you cannot determine what is a family. He stated it is a violation to tell people how to live by putting a limit on the number of people in a house. He stated that UNRI has only been in effect for one year and that is not enough time to improve the investments.

Mr. Jeremy Spengeman, commercial property owner, spoke in opposition. He stated that back in 2000, he lived near this area and had 4-unrelated occupants in the home without problems. Until recently, 4-unrelated had been around but not enforced. The Overlay area will never be all owner-occupied single-family homes. TRUNA does not care about the students. The rental owners have not had time to improve the investments. Students should have an option to live close and not have to live in big apartment complexes further away from campus.

Ms. Terry Williams, spoke in opposition. She stated the issues are not with the 4-unrelated but with code enforcement issues. The UNRI program needs more time to be effective. The Chief of Police stated that crime has decreased by 35% in the center city and university area. Eliminating the Overlay would cause a parking problem. She suggested the request be delayed until more information is available to make the best decision.

Ms. Katie Swanner, member of ECU Student Body Executive Board, spoke in opposition. She stated she lives in the Overlay area and her house has been remodeled. Students are more involved in student activities when they live closer to campus. Students should not be kicked out of a neighborhood that is across the street from where they attend school.

Mr. Edgar Wall, previous resident from 1970 to 1999, spoke in opposition. He stated this is an economic viability issue. Neighborhoods go through life cycles. Investments in this area have kept the neighborhood alive. There needs to be more time to make money on the investment in order to fix it up. His sister attended ECU in 1963 and lived in a house with 6 people. The UNRI will work.

Ms. Bellis asked if everyone that lived with his sister in 1963 had a car.

Mr. Wall stated no. He agreed that parking is an issue.

Mr. Katherine Darby, spoke in rebuttal, in favor of the request. She stated that it would be interesting to see the history of the code violations divided up by owner-occupied and rental

properties. She spoke with students who have issues with the landlords, code violations where they live and see other properties with 4-unrelated occupants that are not approved yet nothing is being done about it. Only 2 building permits were issued to fix up properties. Those who spoke about all the improvements that have been done to investment properties did not provide evidence. People have mentioned we should work together but Council hasn't done anything.

Ms. Terry Williams, spoke in rebuttal, in opposition of the request. She stated that those homeowners who live in this neighborhood and have spoken tonight have had 20 years to get the neighborhood to where it is now. The UNRI needs more time to work. The code violations were not new in the last year but over a course of time before UNRI. If people are having issues with properties, then they should report them to Code Enforcement. As a real estate agent, she is concerned with the property values in this area.

Chairwoman Basnight closed the public hearing on Option 1 and opened for board discussion.

Mr. Weitz asked if there was a housing program that would make it unlawful if a property had damage that the City could cite the owner.

Mr. Flood stated yes. The City adopted the Minimum Housing Code in 1978 and is enforced by the Code Enforcement Division under the Police Department.

Mr. Weitz asked if there were statistics available from the Police Department regarding crime.

Mr. Flood stated that he believes the Police Department updated City Council last week about crime but he did not have the information. Staff could arrange for the Police Department to come and provide an update to the Board.

Mr. Schrade stated that the statistics on crime from the police reports would be nice to have in order to have the real story.

Mr. Griffin stated he appreciates the community's perspective on the issues but would like to see more raw data regarding the crime issues.

Mr. Smith stated he believes it's all about code enforcement. He stated that there hasn't been enough time to see what's going to happen. People need to report the violations being seen in order to fix the situation. The University isn't going anywhere and he would be in favor to deny the request.

Mr. Parker asked what is the turnaround time on a code violation complaint, how long does it take an inspector to get out there, and how long does the owner have to make amends.

Mr. Flood stated the time is based on severity, if it creates a threat and other factors. He stated that Code Enforcement is under the Police Department, but he would say within 24 hours for inspection and then the owner is notified regarding a hearing time.

Mr. Smith asked if the request could be postponed or just deny/approve.

Attorney Holec stated it could be postponed up to 65 days. He stated the information is for Board review and recommendation.

Mr. Flood stated that if there are questions regarding crime, that a representative from the Police Department should be present to answer those questions.

Attorney Holec reminded Board that their recommendation is only for Option 1.

Chairwoman Basnight asked if they could postpone.

Attorney Holec stated yes for 65 days if you would like more information presented.

Mr. Parker asked if applications for the 4 unrelated would still be accepted if the request was postponed.

Attorney Holec stated yes.

Mr. Weitz stated he is not in favor of a delay since this could be repealed. He stated that if the UNRI is removed, the grandfathered properties would be non-conforming. The more time passes, more properties could be approved for 4-unrelated under the current ordinance.

Mr. Griffin asked if code enforcement information specific to this area is available.

Ms. Gooby stated that the code enforcement information in staff's presentation indicates calls responded to and did not necessarily end in a violation.

Mr. Smith asked if tickets were given on parking on unimproved surfaces.

Ms. Gooby stated that those violations are issued a citation on the spot.

Mr. Griffin asked if the unimproved parking violations are at the 4-unrelated properties.

Ms. Gooby stated that the code violations reported does not always indicate the exact location, but it could be possible to overlay the violations with the 4-unrelated properties.

Mr. Smith asked if staff knew how many more properties could be converted to 4 bedrooms.

Ms. Gooby stated 2 years ago staff identified 288 possible properties, from tax data, that fit the 1,500 square foot criteria.

Mr. Parker stated that he agrees with Mr. Weitz to not delay a recommendation. People came out tonight for a decision, so one should be made. His fear is that keeping this 4-unrelated rule in this area, whose neighborhood would be next. He would vote to repeal the rule.

Mr. Weitz stated the speakers tonight made it clear to him that spot zoning has been created in this area. No other neighborhood has the opportunity to have 4 unrelated. Investors are interested in this area because there is the opportunity to make more money. This is not the right way to do things. The neighborhood should not be given special treatment to get higher rents. He supports the repeal of the UNRI because it doesn't comport with the Comprehensive Plan that supports homeownership.

Attorney Holec stated that Ms. Chris Darden had left the meeting due to another commitment and he suggested that the Commission formally excuse her from the meeting.

Motion made by Mr. Parker, seconded by Mr. Weitz, to excuse Chris Darden from the meeting. Motion passed unanimously.

Attorney Holec stated that Mr. Terry King is now able to vote and there is now a full board again.

Motion made by Mr. Parker, seconded by Mr. Weitz, 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 in favor: Mr. Parker, Ms. Bellis, Mr. Weitz, Mr. King, Ms. Rich. Those in opposition: Mr. Smith, Mr. Griffin, Mr. Schrade. Motion passed.

ORDINANCES INITIATED BY THE GREENVILLE CITY COUNCIL TO AMEND THE ZONING ORDINANCE BY REMOVING THE TEXT PROVISION RELATED TO THE

UNIVERSITY NEIGHBORHOOD REVITALIZATION INITIATIVE (UNRI) OVERLAY DISTRICT AND TO AMEND THE ZONING MAP TO DELETE THE UNIVERSITY NEIGHBORHOOD REVITALIZATION INITIATIVE (UNRI) OVERLAY (Option 2) - APPROVED

Chairwoman Basnight opened the public hearing for Option 2.

Mr. Chris Mansfield, resident of 408 South Harding Street, spoke in favor. He stated the Overlay is not in compliance nor achieves the goals of existing plans. The current standards only benefits a small number of rental owners. The Overlay is not fair and was done in the wrong way. Overlay districts may be used to achieve goals that cannot be achieved by existing zoning. Overlays are special, but should not be imposed. Legacy is important, what will we leave our children. What would be best long term and what legacy will this area leave for the future? The “golden rule” do unto our neighborhood as you would have done unto yours.

Mr. Andrew Morehead, resident of 409 South Harding Street, spoke in favor. He stated that overlays are used to incentivize behaviors in specific areas. When the percentage of rental property becomes too high, you start to see the neighborhood decline. Crime peaked around 2007/2008. The Police are doing everything they can and crime is currently at a steady pace. This is a fairness issue and would be different if the whole City was under the 4-unrelated rule.

Ms. Artemis Kares, resident, spoke in favor. She questioned the boundaries of the UNRI and if it was to include properties near the University then why didn't it include the other side. She stated that creating the special district with special rules increases the chances of doing something that discriminates. She believes having 4-unrelated in this area does that. She stated that she does not want to be in a special district or have special rules. Since the 4-unrelated is not city-wide, it discriminates and should be eliminated.

Mr. Edgar Wall spoke in opposition. He stated that overlays can have an effective utilization in areas that are already impacted. The area adjacent to the University is impacted by the University. There are geographic reasons for why this area was set up the way it was. The City has created the environment to have the desire for 4-unrelated people living in this area. The City gave the 4-bedroom exclusion to big box apartment complexes. Now it's an environment that the students are comfortable with and want to live 4 to a unit. Apartment complexes are becoming slums and students want out of there. This issue will come back.

Mr. Chris Mansfield, spoke in rebuttal, in favor of the request. He stated that this could be thrown out and to start all over and do it right. Together they should address the items in the

Comprehensive and TRUNA 2009 plans. Affordable housing and a diversity of housing are missing.

Mr. Edgar Wall, spoke in rebuttal, in opposition of the request. He stated that he is not a member of any association but just a previous resident of the area and an investor. The reason why there are rental properties is because of the 27,000 students who want to be close to ECU. There is no change in utilization of the area. Not everyone reinvests in the properties that is what Code Enforcement is for. He stated this was about economic viability, which is to use the property in a matter that it is viable. If not, then there would be less utilization and less ability to maintain. More people can be in that area without doing any infrastructure or creating any more issues.

Chairwoman Basnight closed the public hearing on Option 2 and opened for board discussion.

Ms. Bellis stated she was confused about the vote and asked if voting yes would eliminate everything in the Overlay.

Attorney Holec stated that what is before the Commission is a zoning ordinance text and map amendments. It would amend the map to eliminate the Overlay district and remove the provisions for increased occupancy and the rear yard parking requirements. Code Enforcement and on-street parking regulations are not impacted.

Ms. Bellis asked if the 2 votes for Options 1 & 2 could be in conflict.

Attorney Holec stated that Council has initiated 2 amendments and have asked for your recommendation and opinion on both. If the Commission, after the vote, wanted to make a statement or comment to the Council that they prefer one over the other, they could. Each item must be looked at independently.

Chairman Basnight asked if both recommendations go to Council.

Attorney Holec stated yes and then after their hearing on these items, Council will choose what they feel is appropriate.

Mr. Parker stated that the Option 2 vote is either to keep or remove the Overlay.

Attorney Holec stated yes.

Chairman Basnight asked if there was a problem with rear yard parking before the Overlay.

Mr. Flood stated the rear yard parking standards were initiated by the UNRI committee and were later adopted by Council.

Mr. Parker asked if the rear yard parking standards could become a city-wide ordinance.

Mr. Flood stated yes.

Mr. Parker stated that rear yard parking should be addressed city-wide.

Mr. Weitz stated that approval of the request would also eliminate the rear yard parking requirements. The Commission could make a motion to Council to initiate a zoning amendment that would re-adopt rear yard parking standards to be city-wide.

Chairman Basnight asked if the ordinance regarding parking on unimproved surfaces was city-wide.

Ms. Gooby stated yes. The decal parking is not impacted by either option. The rear yard parking standards are only for the UNRI, and by removing the Overlay (Option2) there would be no limit to parking on improved surfaces in the rear yard.

Motion made by Mr. Weitz, 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. Those in favor: Mr. Parker, Mr. Weitz, Mr. King, Ms. Rich, Ms. Basnight. Those in opposition: Mr. Smith, Mr. Griffin, Mr. Schrade, Ms. Bellis. Chairman Basnight broke the tie. Motion passed.

Mr. Weitz stated that if Council accepts Option 2 it would completely eliminate the Overlay. He stated that he would like the Commission to recommend to Council city-wide rear yard parking regulations.

Mr. Smith stated that they need just to start over.

Mr. Griffin stated we can't have it all. He stated that it was approved as a Commission to eliminate the Overlay and that now anything should come from Council versus them.

Mr. Weitz stated he wanted to go on record that he feels the rear yard parking regulations were appropriate and would like to see Council re-vamp the rear yard parking regulations city-wide.

Mr. Parker agreed with Mr. Weitz and stated that he wanted to go on record as well that the city-wide rear yard parking regulations should be addressed immediately.

Mr. Parker announced that Saturday May 3, 2014 the Neighborhood Advisory Board will hold their 4th Annual Symposium and all are invited.

With no further business, motion made by Mr. Smith, seconded by Mr. Parker, to adjourn. Motion passed unanimously. Meeting adjourned at 9:07 p.m.

Respectfully Submitted,

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