

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION
August 19, 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 - *(Vice Chair)	Ms. Chris Darden – *
Mr. Jerry Weitz – *	Ms. Margaret Reid - X
Ms. Ann Bellis - *	Mr. Torico Griffin - X
Mr. Doug Schrade - X	Mr. Terry King –*
Ms. Wanda Harrington-*	Mr. Brian Smith -*

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

VOTING MEMBERS: Parker, Darden, Smith, Bellis, King, Weitz, Harrington

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, and Jonathan Edwards, Communications Technician.

MINUTES: Ms. Bellis stated Wanda Harrington was marked absent but was present at last month's meeting. Motion was made by Mr. Smith to approve the June 17, 2014 minutes with the correction that Wanda Harrington was present. Motion carried unanimously.

NEW BUSINESS

REZONINGS

ORDINANCE REQUESTED BY HENNRIETTA SMITH TO REZONE 1.3109 ACRES LOCATED NORTH OF THE INTERSECTION OF OLD FIRE TOWER ROAD AND BELLS CHAPEL ROAD FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO CH (HEAVY COMMERCIAL) - DENIED

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located in the southern section of the City and is at the intersection of Old Fire Tower Road and Bells Chapel Road. Several years ago, Bells Chapel Road connected to Charles Boulevard but the right-of-way was abandoned. Currently, the subject property only has access to Old Fire Tower Road, but when it is developed traffic will be required to use Charles Boulevard. Since Greenville Auto World is between the subject property and Charles Boulevard, a cross access agreement will be required so traffic will be dispersed on Charles Boulevard. There is commercial to the north and east. Residential is to the west and south with large tracts of vacant property. There is a designated regional focus area at the intersection of Arlington Boulevard and Fire Tower Road where commercial is anticipated and encouraged. This property is considered part of the focus

area. This request could generate a net increase of 1,900 trips. Under the current zoning, the property could accommodate 6 single-family lots. Under the proposed zoning, it could accommodate about 9,000 square feet of conventional restaurant and/or retail space. The Future Land Use Plan Map recommends commercial (C) at the intersection of Arlington Boulevard and Fire Tower Road and along the western right-of-way for Charles Boulevard and transitions to office/ institutional/multi-family (OIMF) in the interior 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 staff to review the traffic dispersal again.

Ms. Gooby stated the Bells Chapel Road right-of-way was abandoned but since the property between the subject property and Charles Boulevard is developed traffic will be required to use Charles Boulevard. When the subject property is developed, a cross access easement will create access to Charles Boulevard. Traffic is not expected to use Old Fire Tower Road.

Mr. Weitz stated the survey did not show the property had an access easement and the traffic report assumes it will use Charles Boulevard. He asked what would happen if the adjoining property was not developed.

Ms. Gooby stated the neighboring property is developed as a car dealership and that when the subject property is developed a cross-access easement will be required. She stated Ken Malpass is representing the applicant and could give more technical information

Mr. Weitz asked if she had the code requirement for abutting parcels to provide access.

Ms. Gooby stated she did not have the actual code citation.

Chairwoman Basnight opened the public hearing.

Mr. Ken Malpass, representative of the applicant, spoke in favor of the request. He stated that they couldn't force access up front but if the adjacent property developed first, then they could. This happens all the time all over the City. When a site plan is submitted, it will show the parking lot and the easements to the adjacent property owners. The intent of this property is for a portion of the property to be added to the car dealership as a lease. Therefore it would have access to Charles Boulevard. A map of record will have to be done showing a recombination of the other parcels that are owned by Greenville Auto World. It is very common that maps be recorded with interconnectivity.

No one spoke in opposition of the request.

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

Ms. Bellis stated she is concerned about the traffic. The Future Land Use Plan further recommends OIMF (office/institutional/multi-family) and high density residential respectfully for the interior areas south of Charles Boulevard. Unless it is somehow combined with the 2

plots along Charles Boulevard, then this is interior. The tendency has been for this to go to OR (office/residential) for residential development. It doesn't seem to be consistent.

Mr. Weitz stated about 3-6 months ago there was another rezoning near this area and he was concerned then about the overcapacity on County Home Road which has no sidewalks or transit service. It seems that the access will be on Old Fire Tower Road. As of right now, there is no easement. According to what has been said by staff and the applicant's representative, if the property adjacent to the applicant is developed or if the land is leased to the dealership, it will have access. Currently, there is no current access to Charles Boulevard. Old Fire Tower Road is a mixture of apartments, some commercial and single-family homes. There is still residential-agricultural zoning in this area on the west side. Even though the City has planned it to be OIMF (office/institutional/multi-family) and have rezoned in accordance to that, the truth is that there are single-family residences that will be there for a while. He also has concerns with the CH (heavy commercial) zoning because of the land uses it includes are industrial in nature. This property would be one of the first commercial buildings you will see when coming into Greenville. As members, we are asked to consider all the uses in this zone. Some examples: billboard, kennel, motel/hotel, cell tower, commercial laundry, ice plant, adult use establishment, stone cutting, and flea market. He stated he would prefer a more benign commercial use that can interact with the neighbors. It also needs to be in conformity with the Comprehensive Plan and how compatible it is with the surrounding zoning and land uses in the area. He stated he does not see any planned policies referenced yea or nay on this. There are policies for transitions of land use but in this case there are no transitions and that is inconsistent with our planned policies. There is no way to prevent heavy commercial traffic to go along Old Fire Tower Road. This does not promote neighborhood livability and does not meet the objectives of the plan.

Motion made by Mr. Smith, 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 in favor: Mr. Smith and Ms. Harrington. Those opposed: Mr. Weitz, Ms. Bellis, Mr. King, Mr. Parker and Ms. Darden. Motion did not pass.

Motion made by Mr. Weitz, seconded by Mr. Parker, 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 addresses plan consistency and other matters. Those in favor: Mr. Weitz, Ms. Bellis, Mr. King, Mr. Parker and Ms. Darden. Those opposed: Mr. Smith and Ms. Harrington. Motion passed.

TEXT AMENDMENTS

ORDINANCE TO AMEND TITLE 9, CHAPTER 4, ARTICLE D, PART 3, SEC 9-4-78, TABLE OF USES, APPENDIX A, (8)(C)FF.(1). BY ADDING MENTAL HEALTH, EMOTIONAL OR PHYSICAL REHABILITATION DAY PROGRAM FACILITIES AS A SPECIAL USE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT. - APPROVED

Mr. Thomas Weitnauer, Chief Planner, presented the text amendment. He stated this was a text amendment to the zoning ordinance proposed by a private party rather than by City Staff. It was requested to allow the use of mental health, emotional or physical rehabilitation day program facilities as a special use in the CG (general commercial) zoning district. Currently this use is not allowed in the CG (general commercial) zoning district. Mr. Weitnauer read a portion of the mental health, emotional or physical rehabilitation day program facility definition from the City of Greenville Zoning Ordinance, Sec. 9-4-22 Words and Terms Defined, as follows:

“(1) An establishment qualified for a license by the State of North Carolina which provides a day treatment, day activity or other extended counseling service to persons who do not reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment, children or adolescents who are emotionally disturbed and need special educational services, and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. Persons receiving service at the establishment may be at the facility for no longer than 18 hours within any 24-hour period.”

He stated in the member package there was a letter from the applicant withdrawing their special use permit request. Staff had met with the applicant a few times to understand their request and the service they provide. The service they provide is not allowed in a CG (general commercial) zone. Staff indicated the next step would be to apply for a text amendment to allow the use in the CG zone. He reviewed the history of the ordinance. In 2009, staff initiated a text amendment to respond to an increase of applicants wanting to operate state licensed day treatment facilities. Prior to this it was considered an institutional use. The 2009 text amendment added Day Program Facility to the following zones as a special use: MO (medical office), MCG (medical general commercial), MCH (medical health commercial), OR (office residential), CD (downtown commercial), CDF (downtown commercial fringe), and CH (heavy commercial). Zoning district CG (general commercial) was listed in staff report to the Planning and Zoning Commission and to the City Council but was left out of the ordinance in error. The 2009 ordinance was adopted after the Horizons: Greenville’s Community Plan was written. This is not a change to the zoning map. It is what is allowed in the different zones and the compatibility of the range of uses permitted in the requested zoning classifications with existing and future adjacent and area land uses. In staff’s opinion, the request is in compliance with Horizons: Greenville’s Community Plan.

Chairwoman Basnight asked if this was a correction.

Mr. Weitnauer stated yes for what was intended in 2009.

Chairman Basnight opened the public hearing.

Mr. Jason Barnett, applicant and CEO/co-owner of Paradigm Inc., spoke in favor of the request. He stated they have been a mental health agency for over 12 years in Greenville. They provide services in the residential realm and have added 2 day programs in the last 6 years. They have

relocated their office to a CG (general commercial) zone which currently is not an allowed zone. They are licensed by the State Department of Health and Human Services to run mental health facilities. They request approval of the text amendment to add mental health, emotional or physical rehabilitation day program facilities as a special use in the CG (general commercial) zone.

Mr. Weitz asked if they felt confident they could meet the special use criteria.

Mr. Barnett stated yes. They have a prior location that needed a special use permit and were approved. They are moving for more space and not because of any problems.

Mr. Weitnauer stated that if approved, they will still need a special use permit through the Board of Adjustment.

No one spoke in opposition of the text amendment.

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

Mr. Weitz asked if it could be a permitted use rather than a special use.

Mr. Weitnauer stated they followed previous guidelines. The only place this use is allowed by right is in Medical District 1 & 2. There could be an area where it might be an inappropriate use and that is why the special use permit review is a proposed requirement.

Motion made by Mr. Weitz, seconded by Ms. Harrington, to recommend approval of the proposed 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

INFORMATIONAL ITEM: SUMMARY OF POLICY AMENDMENTS, RECOMMENDED IN HORIZONS: GREENVILLE'S COMMUNITY PLAN, THE PLANNING DIVISION WILL PRESENT TO THE PLANNING AND ZONING COMMISSION DURING FUTURE MEETINGS.

Mr. Thomas Weitnauer, Chief Planner, presented the information. He stated Staff would be working on some projects that will be brought to the Planning and Zoning Commission in the future. These items are part of a continuing effort to implement recommendations outlined in the Horizons: Greenville's Community Plan.

1. Sidewalk requirements along major thoroughfares for new commercial development. A draft is completed and being routed to different departments for input.
2. City-wide Architectural Design Standards. It was developed a few years ago but did not move passed the Planning and Zoning Commission. It will be reviewed and hopefully develop a new set of standards. Timeline: Fall 2014-Commence 1st of 5 committee meetings; November 2014-Planning and Zoning Commission Workshop; Dec 2014/Jan2015-Planning and Zoning Commission Public Hearing.
3. Mixed Use District & Development Standards. This will be the first time this is approached. This project is anticipated to commence by the first half of 2015.
4. Open Space Preservation Requirement for New Housing Developments. This is to create continuous large meaningful space. It is anticipated to commence by mid-2015.

All of the items have references in the Comprehensive Plan for implementation and adoption. Some items might take longer than anticipated.

Ms. Bellis asked, regarding sidewalks, if major thoroughfares are State streets and not City.

Mr. Weitnauer stated they can be both.

Ms. Bellis asked if the City can impose requirements on State streets.

Mr. Weitnauer stated that on some State projects it is required when widening a street or creating a street extension. These guidelines are for existing lots that are developed.

Mr. Parker asked if it would be the responsibility of the commercial developer.

Mr. Weitnauer stated yes.

Mr. Weitz stated that the sidewalk ordinance being drafted is applied to major thoroughfares and commercial only. He stated a broader ordinance is needed. It should not be limited only to commercial but also to include institutional and multi-family areas. Site development standards should require on-site pedestrian connection to the public sidewalk. It should be an all encompassing sidewalk requirement for just about everything except single family development.

Mr. Weitnauer stated they will try to broaden the description in the draft. Incremental improvements do have benefits.

Mr. Parker asked why not go for the whole shebang instead of retrofitting and just do right.

Mr. Weitz stated that there will be support in an all encompassing plan. Regarding the Architectural Guidelines, he asked if the 2006 proposed amendment was the Stantonburg Road Overlay District and if staff was bringing that back with a broader effort.

Mr. Weitnauer stated yes.

Mr. Weitz asked if there will be a Comprehensive Plan or Horizon Plan update committee and if so, will Staff have time to manage this while other projects are ongoing.

Mr. Weitnauer stated the Architectural Design Guidelines should be completed by the beginning of the Comprehensive Plan rewrite. If there is any overlap it should be no more than 2 months.

Mr. Weitz asked that the Horizon plan would not start until January (2015).

Mr. Flood stated they are scoping the project for the Comprehensive Plan rewrite at this point in time. There will be a committee, it will come to the Commission, and there will be community participation. It will be a broad approach, like it always is. The process always yields several meetings therefore it will be an extended process. The schedule is aggressive and time will be shared on projects. One will drop off and another one will start. The timeline is a Staff estimate. The Comprehensive Plan will be a longer more in-depth process

With no further business, a motion was made by Mr. Parker, seconded by Ms. Bellis, to adjourn. Motion passed unanimously. Meeting adjourned at 7:15 p.m.

Respectfully Submitted,

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