



Agenda

Planning and Zoning Commission

August 18, 2009
6:30 PM
City Hall Council Chambers

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- I. INVOCATION - Linda Rich
- II. ROLL CALL
- III. APPROVAL OF MINUTES - July 21, 2009
- IV. NEW BUSINESS

TEXT AMENDMENTS

- 1. Request by Caviness & Cates Building and Development Company to amend the maximum porch size that may project into a required front or rear yard from 100 square feet to 200 square feet.
- 2. Request by the Community Development Department to amend the zoning ordinance by (i) including a definition for the use entitled "Mental health, emotional or physical rehabilitation center" and to establish specific criteria for such use, and (ii) including a definition for the new use entitled "Mental health, emotional or physical rehabilitation day program facility" and to list such use in the table of uses.

OTHER

- 3. Request by Don Baker (D and J Baker Holdings LLC) to change the street name of Tobacco Road (from Greenville Boulevard northward to its terminus) to Kristin Drive.
- 4. Amendment of Section V.(D) of the Planning and Zoning Commission Rules of Procedure concerning voting requirements.

- V. ADJOURN



City of Greenville, North Carolina

Meeting Date: 8/18/2009
Time: 6:30 PM

Title of Item: July 21, 2009

Explanation: Minutes from July 21, 2009 Planning and Zoning meeting

Fiscal Note: N/A

Recommendation: Review and approval

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[July 21 2009 P Z Minutes 837985](#)

**DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE
PLANNING AND ZONING COMMISSION**

July 21, 2009

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

Mr. Bill Lehman - *
Mr. Bob Ramey - * Mr. Dave Gordon - *
Mr. Tony Parker - * Mr. Tim Randall - *
Mr. Len Tozer - * Mr. Godfrey Bell, Sr. - *
Ms. Shelley Basnight-* Mr. Hap Maxwell – *
Mr. Allen Thomas - X Ms. Linda Rich - *

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

VOTING MEMBERS: Lehman, Ramey, Gordon, Randall, Tozer, Bell, Basnight, Rich

PLANNING STAFF: Andy Thomas, Planner; Michael Dail, Planner; Harry Hamilton, Chief Planner; and Sarah Radcliff, Secretary.

OTHERS PRESENT: Dave Holec, City Attorney, Daryl Vreeland, Transportation Planner

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Tozer, to accept the June 16, 2009 minutes as presented. Motion carried unanimously.

OLD BUSINESS

REZONINGS

REQUEST BY BROWN FAMILY INVESTMENTS, LLC

Ordinance requested by Brown Family Investments, LLC to rezone 1.59 acres located at the southeast corner of the intersection of Greenville Boulevard and Crestline Boulevard from R9S (Residential-Single-Family [Medium Density]) and O (Office) to CH (Heavy Commercial), R9S (Residential-Single-family [Medium Density]) and O (Office).

Chairman Lehman said they had received a letter from Mike Baldwin, Baldwin & Janowski, requesting to withdraw the rezoning request.

Motion was made by Mr. Bell, seconded by Mr. Thomas, to accept the request. Motion carried unanimously.

NEW BUSINESS

PRELIMINARY PLATS

Request by KMRJ Development, LLC for a preliminary plat entitled "Porter's Pointe (Revised). The property is located north of Portertown Road at its intersection with Herman Garris Road. The proposed development consists of 94 lots on 33.848 acres.

Mr. Andy Thomas, Planner, stated this was a revision of a plat that was approved by the Planning and Zoning Commission on April 15, 2008. Mr. Thomas said the roads and the open space have changed but the number of lots remain the same. Since they are changing the road pattern and this is a cluster subdivision where the Planning and Zoning Commission has approval of the location, character and arrangement of open space, the preliminary plat is being brought back for approval. Mr. Thomas stated this project was initially denied by the Planning and Zoning Commission in September of 2007. The plat was originally submitted with septic tanks. The planning staff and GUC Water Resources Division recommended that the development be denied because the extension of sanitary sewer to this property was considered feasible. Mr. Thomas stated this project was a cluster subdivision and all the open space would be maintained by the Homeowner's Association. All the open space will be dedicated in the initial final plat section. Mr. Thomas said cluster subdivisions are an alternative development option that provides for a more efficient use of land while protecting environmentally sensitive areas. The location and arrangement of open space is subject to Planning and Zoning Commission approval. Open space #4 has a parking lot on it and that improvement is not being counted as required open space. The level spreader does not count towards the required open space. In open space # 3, only 25% of the property that is located in the floodway counts towards the required open space. The open space that is provided exceeds the 15% requirement. There is a significant amount of environmentally sensitive area that is being preserved (3.7 acres) even though all of this area does not count toward the required open space. The Army Corps of Engineers has approved the wetlands delineation boundary. There will be some road widening and a turn lane provided off Portertown Road. Porters Pointe Drive will be the main entrance into the proposed development. An interconnected street pattern with adjoining properties is not possible due to existing development and intervening environmentally sensitive areas. This project has a good internal circulation. Sidewalks are provided along Porters Pointe Drive and Hardee Bluff Drive. Porterview Drive and Baycrest Drive have a 40' right of way and 24' back to back curb. This is a standard that is in the Manual of Standards and Design that is maintained by the Engineering Department. This has been a street section that is seldom used because it can only be used in limited circumstances on low volume streets. There have been some recent changes to the North Carolina Fire Code which mandates that emergency vehicles must be provided a twenty foot travel way. If there is any on-street parking, the required travel way will not be provided. It was requested that the developer increase the street width to 28 feet. They maintain they want to use the twenty-four foot standard that is in the manual. The Planning Staff would recommend that as a condition of approval that an ordinance be adopted by City Council prior to recordation of the initial final plat, that Porterview Drive and Baycrest Drive be designated as no parking along those streets. Application for the no-parking zones shall be the responsibility of the owner/developer. The street will then be signed as such. The preliminary plat has been reviewed and approved by the City's Technical Review Committee. The preliminary plan meets all requirements and city standards with the

exception of the above street width (fire access) standard. The fire protection issue can be accommodated by the no-parking option mentioned above.

Mr. Mike Baldwin spoke on behalf of the applicant. Mr. Baldwin stated Porterview Drive was a 28' back to back section with a 50' right-of-way and didn't understand why they were restricted to no parking on that street. He said it was the same as what's in the rest of the subdivision and they should be able to park on one side of that street. He stated he wanted some clarification from staff on that.

Mr. Thomas stated Baycrest Drive should be the only street with no parking.

Mr. Randall asked if the sewer was ready to tie into.

Mr. Baldwin said the sewer was at Arbor Hills and it was ready.

Mr. Doyle Maness spoke in opposition to the request. Mr. Maness stated he had lived at 2621 Portertown Road most of his life. He said he was opposed to the subdivision and opposed to any sewer easement coming across his property at any time. He said the developers have a right-of-way to the east side of his property that they are using as open space to connect to Herman Garris Road for the two other developments they have planned on Herman Garris Road and Highway 43. He said he had spoken with GUC and they informed him they planned on taking his property and condemning it and using it for the sewer. He said there was direct access from the same developers to the west side of his property instead of GUC taking his property for the profit of the developers. He said he had plans for his property for many years and was just waiting for the sewer to come into the area, hoping it would come along the street front. He said if they do approve the map, he wanted to go on record stating the 25' setback on the property was acceptable to him and Lot 1 that backed up to his lot at 40' was acceptable and he was also pleased with the use of the open space.

Mr. Bell said it sounded like he was pleased with a lot of things, just not the sewer.

Mr. Maness said he was pleased with the second drawing of the map but he is still not an advocate of GUC coming across his property for the profit of the developers, the same developers that have a project on Highway 43 and Herman Garris Road with only 3 or 4 houses that the sewer will help.

Mr. Baldwin spoke in favor in rebuttal. He stated the sewer was in the location that the GUC Master Plan recommends. He said he respected Mr. Maness's opinions and comments; however, GUC would have to handle any issues regarding the sewer.

Mr. Gordon asked if there were plans to extend the sewer any further.

Mr. Baldwin said there were none at this time.

Mr. Thomas stated the sewer was shown in a floodway and you can't build in a floodway.

Mr. Maness spoke in opposition in rebuttal. He said part of the floodway they spoke of was on his property and some of their lots go into the floodway as well. He said he understood you could build

in floodplains if you get above the benchmark and it would work with the sewer across the road. He said he saw an easement on the open space that they could run the sewer through.

Mr. Lehman closed the public hearing. Motion was made by Mr. Bell, seconded by Mr. Tozer, to approve the preliminary plat with the condition that an ordinance be adopted by City Council prior to recordation of the initial final plat that Baycrest Drive be designated as no parking along the street and no parking on one side of all 28' wide streets. Motion carried unanimously.

TEXT AMENDMENTS

Request by the City of Greenville Redevelopment Commission to amend the Downtown Commercial (CD) district residential parking requirements.

Mr. Michael Dail, Planner, stated this request was to amend the parking regulations for the multi-family development within the CD zoning district. The proposed amendment is intended to facilitate additional residential development in the urban core as recommended in the Center City Revitalization Plan and the Comprehensive Plan. Currently these types of development are hindered by the lack of developable space in the downtown area. If approved, the amendment would only affect multi-family development in the downtown commercial zoning district. Mr. Dail stated the current parking regulations state that parking must be either on site, or at a remote site within 800 feet along an improved pedestrian path, such as a sidewalk. If the proposed amendment is approved, it will allow residential developments in the CD district to utilize remote parking that is provided at any location within the CD district – the 800 foot (maximum) dwelling unit to remote parking lot separation standard will continue to apply to such residential developments for out-of-CD-district remote parking lots. For projects located in the CD district the minimum required parking for both dormitory type development and standard multi-family development is ½ parking space per bedroom. The minimum number of required parking spaces is unaffected by the proposed amendment. On-street (right-of-way) public parking, and public owned parking lots absent a long term lease, do not qualify for or satisfy the residential parking requirement.

Mr. Gordon asked if the reason for doing this was so there could be more multi-family development in the downtown area.

Mr. Dail stated the Center City Revitalization Plan and the Comprehensive Plan encourage additional multi-family development in the downtown area as well as pedestrian type access.

Mr. Gordon asked if there was land available to be used for parking.

Mr. Dail said there were vacant lots but someone could potentially buy property and remove the structures and possibly even build parking decks.

Mr. Bell asked what kind of parking the buildings currently being built on West Fifth Street had.

Mr. Dail said he wasn't sure. He said he didn't think they were in the CD zoning district.

Mr. Hamilton stated it had on-site parking.

Mr. Dail said this amendment only applied to properties in the CD zoning district. He said multi-family development in any other district had to have on-site parking.

No one else spoke in favor or opposition to the request.

Motion was made by Mr. Tozer, seconded by Mr. Parker, 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.

OTHER

ELECTION OF OFFICERS

Motion was made by Mr. Tozer, seconded by Mr. Bell, to have Mr. Lehman remain as Chairman. Motion carried unanimously.

Motion was made by Mr. Tozer, seconded by Ms. Basnight, to have Mr. Gordon remain as Vice Chair. Motion carried unanimously.

Both accepted their position of office.

There being no other business, the meeting adjourned at 7:05 p.m.

Respectfully submitted,

Merrill Flood
Secretary



City of Greenville, North Carolina

Meeting Date: 8/18/2009
Time: 6:30 PM

Title of Item: Request by Caviness & Cates Building and Development Company to amend the maximum porch size that may project into a required front or rear yard from 100 square feet to 200 square feet.

Explanation: Current porches; open unenclosed and covered or uncovered (excluding screened or glassed) are allowed to project seven (7) feet into a front or rear yard (setback) provided such porch does not exceed one hundred (100) square feet in surface area.

The applicant wishes to change the maximum square footage of a porch that may project into a side or rear yard from 100 to 200 square feet.

Fiscal Note: No anticipated cost to the City.

Recommendation: In staff's opinion the request is in compliance with Horizons: Greenville's Community Plan and staff has no objection to the amendment.

Motion to approve: Motion to recommend approval of the proposed amendment,
and 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 to deny: Motion 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.

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 [Projection into required yards porches 838048](#)

 [Projection into required yards porches 838041](#)

ORDINANCE NO. 09-____
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on September 10, 2009 at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

Section 1: That Title 9, Chapter 4, Article F, Section 9-4-102(a)(6), of the City Code, is hereby amended by deleting said section in its entirety and substituting the following.

“(6)Porches; open unenclosed and covered or uncovered (excluding screened or glassed): seven (7) feet into a front or rear yard provided such porch does not exceed two hundred (200) square feet in surface area.”

Section 2: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 3: That this ordinance shall become effective upon its adoption.

ADOPTED this 10th day of September, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

Current

Title 9, Chapter 4, Article F.

Sec. 9-4-102. Projections into required yards. (7/22/09)

(a) The following attached structures will be permitted to project into the specified yard for the following distance:

- (1) Sills and eaves: two (2) feet into any yard.
- (2) Fire escape: four (4) feet into any yard.
- (3) Chimneys: three (3) feet into any yard.
- (4) Bay windows: three (3) feet into any yard provided that the projection is not an extension of the foundation; if it is an extension of the foundation, the setback shall be measured from the exterior finished wall.
- (5) Stoops; open unenclosed: three (3) feet into any yard.
- (6) Porches; open unenclosed and covered or uncovered (excluding screened or glassed): seven (7) feet into a front or rear yard provided such porch does not exceed **one hundred (100) square feet** in surface area.
- (7) Carports; open unenclosed: open and unenclosed carports which are attached to and part of the principal structure and which are unenclosed on all exterior sides except for necessary supports may project into interior side or rear yards but shall be no closer than five (5) feet to a side or rear property line.
- (8) Deck/balcony; open unenclosed and uncovered: three (3) feet into any yard.
- (9) Steps open unenclosed and uncovered: can project into any yard, however, no steps shall be located closer than five (5) feet to any property line.
- (10) Gas pump island: can project into any yard in accordance with the bufferyard regulations, however, no gas pump island shall be located closer than ten (10) feet to a public street right-of-way except as further provided. Within any MD-Medical District, no gas pump island shall be located within thirty (30) feet of any public street right-of-way line.
- (11) Canopies and awnings: can project into any yard in accordance with the bufferyard regulations or the following requirements whichever is greater:
 - a. CDF district: not closer than five (5) feet to any public street right-of-way.
 - b. All other nonresidential districts: not closer than ten (10) feet to any public street right-of-way.
 - c. All residential districts: five (5) feet into any yard.
- (12) Mechanical equipment; habitable area heating and air conditioning units: Three (3) feet into any yard. Commercial mechanical equipment including food and freezer lockers, furnaces, ovens and the like or any equipment which utilizes a structure shall not be included under this exemption.

Proposed

- (6) Porches; open unenclosed and covered or uncovered (excluding screened or glassed): seven (7) feet into a front or rear yard provided such porch does not exceed **two hundred (200) square feet** in surface area.



City of Greenville, North Carolina

Meeting Date: 8/18/2009
Time: 6:30 PM

Title of Item: Request by the Community Development Department to amend the zoning ordinance by (i) including a definition for the use entitled "Mental health, emotional or physical rehabilitation center" and to establish specific criteria for such use, and (ii) including a definition for the new use entitled "Mental health, emotional or physical rehabilitation day program facility" and to list such use in the table of uses.

Explanation: Staff has received many requests to operate state licensed day treatment facilities and other similar type mental health facilities in the city's jurisdiction. By interpretation, staff has classified such uses as either a "mental health, emotional or physical rehabilitation center" or as "other activities; personal services not otherwise listed". The volume of applicants wishing to operate these facilities has increased over time and staff is of the opinion specific definitions of the use categories is necessary to alleviate any inconsistency in administration. Note: this class of use does not include "family care homes" that are permitted by-right in residential neighborhoods.

Staff has proposed the following definitions and table of use amendments for the subject uses.

"Mental Health, emotional or physical rehabilitation day program facility: 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 eighteen (18) hours within any twenty-four-hour period. "Dangerous to others" means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious

bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that his conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy."

Mental Health, emotional or physical rehabilitation day program facility as defined above will be a permitted use in the MI and MS (medical) zoning districts and a special use in the MO, MCG, MCH (medical), OR (office/residential), CD, CDF, CG and CH (commercial) zoning districts. The newly defined use will mirror the districts within which "mental health, emotional and physical rehabilitation center" and "other activities; personal services not otherwise listed" are allowed by staff and Board of Adjustment interpretation and past action.

Currently there is no definition for the existing use entitled "mental health, emotional or physical rehabilitation center". This use was originally created to be an institutional facility and the proposed definition reflects that intent.

"Mental health, emotional or physical rehabilitation center: An establishment qualified for a license by the State of North Carolina which provides resident services to more than twenty-five (25) persons who reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. State licensed family care homes and group care facilities are not included under this definition. "Dangerous to others" means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that his conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy."

The proposed ordinance does not amend the table of uses (zoning districts) within which this use is currently allowed as a permitted or special use, however, the ordinance does add specific criteria, which will apply if such use is located in the OR district.

Proposed specific criteria are as follows:.

"(oo) Mental health, emotional or physical rehabilitation center.

(1) Multifamily development standards shall apply when located in the OR zoning district.

(2) Each 3 client occupants or major fraction thereof in addition to any resident

manager and blood relatives to the resident manager shall constitute 1 dwelling unit for determining allowable density under this section."

Fiscal Note: No cost to the city.

Recommendation: In staff's opinion the request is in compliance with Horizons: Greenville's Community Plan.

Motion to approve:

Motion 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 to deny:

Motion 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.

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 [Mental Health Facility Amendment Ordinance 840193](#)

ORDINANCE NO. 09-__
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on September 10, 2009 at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

Section 1: That Title 9, Chapter 4, Article B, Section 9-4-22, of the City Code, is hereby amended by adding the following new definitions in alphabetical order to read as follows:

“Mental health, emotional or physical rehabilitation center. An establishment qualified for a license by the State of North Carolina which provides resident services to more than twenty-five (25) persons who reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. State licensed family care homes and group care facilities are not included under this definition.

“Dangerous to others” means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that his conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

Mental health, emotional or physical rehabilitation day program facility. 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 eighteen (18) hours within any twenty-four-hour period.

“Dangerous to others” means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that his conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.”

Section 2: That Title 9, Chapter 4, Article D, Section 9-4-78(f)(8), of the City Code, is hereby amended by adding a new section “(ff)(1)” entitled “Mental health, emotional, or physical rehabilitation day program facility” as a permitted use in the MI, and MS zoning districts as a land use classification #3, and as a special use in the MO, MCG, MCH, OR, CD, CDF, and CH zoning districts as a land use classification #3.

Section 3: That Title 9, Chapter 4, Article E, Section 9-4-85, of the City Code, is hereby amended by adding a new section “(oo)” to read as follows:

“(oo) *Mental health, emotional or physical rehabilitation center.*”

Section 4: That Title 9, Chapter 4, Article E, Section 9-4-86, of the City Code, is hereby amended by adding a new section “(oo)” to read as follows:

“(oo) *Mental health, emotional or physical rehabilitation center.*

- (1) Multi-family development standards shall apply when located in the OR zoning district.
- (2) Each 3 client occupants or major fraction thereof, in addition to any resident manager and blood relatives to the resident manager, shall constitute 1 dwelling unit for determining allowable density under this section.”

Section 4: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 5: That this ordinance shall become effective upon its adoption.

ADOPTED this 10th day of September, 2009.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 8/18/2009
Time: 6:30 PM

Title of Item: Request by Don Baker (D and J Baker Holdings LLC) to change the street name of Tobacco Road (from Greenville Boulevard northward to its terminus) to Kristin Drive.

Explanation: The Planning Staff has received a request by .Don Baker (D and J Baker Holdings LLC) to change the street name of Tobacco Road (from Greenville Boulevard northward to its terminus) to Kristin Drive. Mr. Baker collected the signatures of 60% of the adjoining residents.

A street name change may be considered in accordance with the following - Sec. 6-2-13(c):

- (1) When there is duplication of names or other conditions which tend to confuse the traveling public or delivery of mail, orders, messages or emergency services;
- (2) When it is found that a change may simplify making or giving directions to persons seeking to locate addresses; or (3) Upon other good and just reason.

Evaluation criteria. The planning and zoning commission and/or city council shall consider the following criteria when evaluating any resolution for a street name change under their respective authority:

- (1) The delivery of personal, public and emergency services;
- (2) The similarity to existing street names;
- (3) Any condition which may confuse the traveling public;
- (4) Ease of giving directions;
- (5) Place, name association or history;
- (6) Pronunciation and spelling;
- (7) The expense to abutting property owners; and
- (8) The expense to effected governmental agencies, including but not limited to the City of Greenville, The County of Pitt, N.C. Department of Transportation, Greenville Utilities Commission and U.S. Postal Service.

The Planning and Zoning Commission will have final approval authority on this request. The proposed name change will not be forwarded to City Council. The street street name change does not exceeds 14 characters and it is not an

honorarium.

Fiscal Note: There will be some costs associated with changing signage for the street name change.

Recommendation: Conduct a public hearing on the proposed street name change and act on the proposed street name change.

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 [Tobacco Road to Kristin Drive resolution 837288](#)

 [Tobacco Road map](#)

RESOLUTION NO. 09-03

A RESOLUTION RENAMING TOBACCO ROAD TO KRISTIN DRIVE

WHEREAS, the Planning and Zoning Commission of the City of Greenville, North Carolina in accordance with the provisions of Section 6-2-13 of the Greenville City Code, caused a notice of public hearing to be published once a week for two successive weeks in The Daily Reflector setting forth that the Planning and Zoning Commission would on August 18th, 2009 at 6:30 p.m. in the Council Chambers of City Hall in the City of Greenville, North Carolina conduct a public hearing on the consideration of a resolution to change the name of a street;

WHEREAS, the owners of property along Tobacco Road were notified by certified mail of the proposed street name change and the public hearing date; and

WHEREAS, a public hearing was held this date to consider changing the name of Tobacco Road;

WHEREAS, those persons wishing to speak for and against the requested name change were given an opportunity to express their opinion at such hearing; and

WHEREAS, The Planning and Zoning Commission is authorized by Section 6-2-13 of the Greenville City Code, to change the name of this street located within the City of Greenville;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF GREENVILLE:

Section 1. The Planning and Zoning Commission finds, by the placement of an X in the blank prior to the finding, that:

_____ There is a duplication of name on two streets which tends to confuse the traveling public or the delivery of mail, orders, messages or emergency services.

_____ There are conditions which tend to confuse the traveling public or the delivery of mail, orders, messages or emergency services.

_____ A change in the name of Tobacco Road may simplify making or giving directions to persons seeking to locate addresses.

_____ Upon other good or just reason, specifically:

Section 2. The name of Tobacco Road is hereby renamed Kristin Drive:

Section 3. From and after the passage of this resolution, the public street name changed herein shall be and shall be known only by the name as provided in this resolution.

Section 4. The Director of Community Development shall cause a copy of this resolution to be recorded in the office of the Pitt County Register of Deeds.

Section 5. The City Engineer shall amend the Official Maps of the City of Greenville in accordance with this resolution. Attachment number 1
Page 2 of 2

Section 6. The Public Works Department is authorized to change street signs in accordance with this resolution.

ADOPTED this the 18th day of August, 2009.

CHAIRMAN

ATTEST:

SECRETARY

NORTH CAROLINA
PITT COUNTY

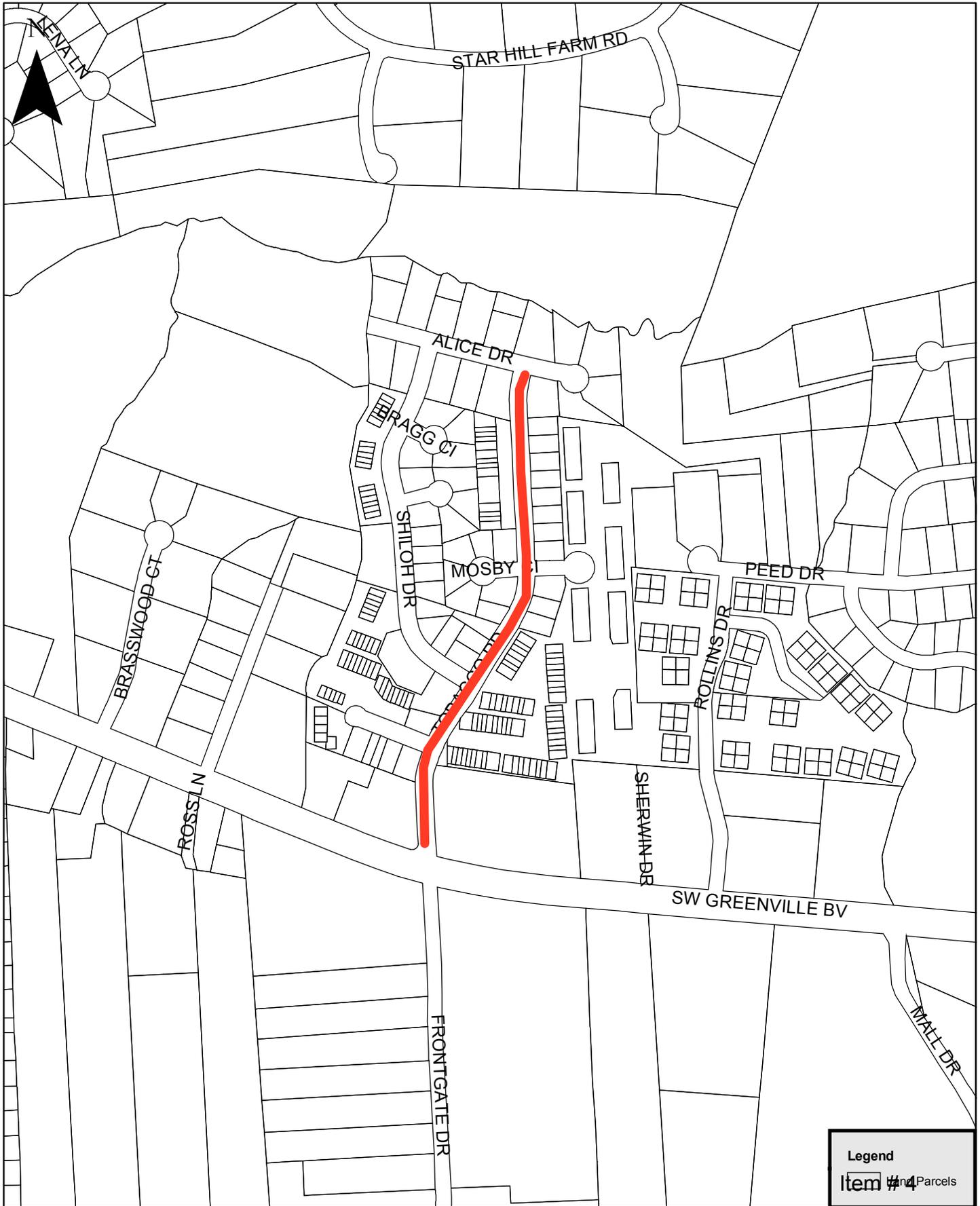
I, _____, a Notary Public in and for said County and State, do hereby certify that Merrill P. Flood, Director of Community Development of the City of Greenville, North Carolina, and, by virtue of his office, Secretary of the Planning and Zoning Commission, personally appeared before me this day who, being by me duly sworn, says that the foregoing Resolution was adopted by the Planning and Zoning Commission of the City of Greenville, North Carolina on the 18th day of August, 2009 and that said Resolution was thereafter duly signed by _____ Chairman of the Planning and Zoning Commission, and was attested by himself as Secretary of the Planning and Zoning Commission.

Witness my hand and official seal this _____ day of _____,
_____.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

Street Name Change From Tobacco Road to Kristin Drive



Legend
Item #4
Parcels



City of Greenville, North Carolina

Meeting Date: 8/18/2009
Time: 6:30 PM

Title of Item: Amendment of Section V.(D) of the Planning and Zoning Commission Rules of Procedure concerning voting requirements.

Explanation: Due to amendment of the NC General Statutes, the voting requirement concerning special use permits considered by the Planning and Zoning Commission has been changed from a 4/5 voting requirement of the total membership to a simple majority vote of a quorum of those members present and eligible to vote.

The attached draft Rules of Procedure have been amended to reflect the current voting requirement.

Per the Rules of Procedure this amendment may be considered for adoption at a subsequent meeting following the meeting at which the amendment is initially considered for discussion.

This amendment will therefore be considered for adoption at the September 15, 2009 regular meeting of the Planning and Zoning Commission.

Fiscal Note: No cost to the City

Recommendation: Staff recommends adoption of the amended Rules of Procedure at the September 15, 2009 Planning and Zoning Commission meeting..

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [P_Z Rules of Procedure amendment voting requirement 839788](#)

Revised 1/28/92
Revised 9/20/94
Revised 8/19/97
Revised 1/17/06
Revised 6/20/06
Draft 9/15/09

RULES OF PROCEDURES
PLANNING AND ZONING COMMISSION
GREENVILLE, NORTH CAROLINA

I. General Rules

The Greenville Planning and Zoning Commission shall be governed by the terms of Chapter 160A, Article 19 of the General Statutes of North Carolina and applicable ordinances of the City of Greenville.

II. Officers and Duties

A. Chairman. The chairman, who is a member of the Greenville Planning and Zoning Commission, shall be elected by the Greenville Planning and Zoning Commission. The chairman shall decide all points of order and procedure subject to these rules. The chairman's term of office shall be for one (1) year and shall run from the first day of July of one year to the last day of June of the succeeding year. The chairman shall be eligible for re-election to one (1) additional term.

B. Vice-Chairman. A vice-chairman shall be elected by the Commission in the same manner and for the same term as the chairman. The vice-chairman shall serve as acting chairman in the absence of the chairman and at such times shall have the same powers and duties of the chairman.

C. Secretary. The Director of Community Development of the City of Greenville or his designee shall serve as secretary to the Commission. The secretary shall keep all records and shall generally perform the clerical work of the Commission.

III. Members and Terms

A. Membership and terms of the Planning and Zoning Commission shall be governed by Title 9, Chapter 2 of the Greenville City Code, as amended.

B. Any alternate member may serve for any regular member without regard to which jurisdiction the alternate or the regular member was originally appointed by.

IV. Orientation of Newly Appointed Members

Prior to participation and/or vote concerning any item before the Commission, each member shall first be required to attend an orientation meeting with the Director of Community Development or his authorized representative.

Notwithstanding the foregoing, in the event a member's attendance is required to achieve a quorum for a meeting, the member may participate and/or vote concerning any item before the Commission until such time as his attendance is not necessary for the maintenance of a quorum.

Each member shall be provided a copy of the following materials: Zoning Regulations, Subdivision Regulations, Comprehensive Plan, Rules of Procedures and Commissioner's Reference Handbook.

At the first commission meeting following a member's orientation, the Director of Community Development or representative shall report for the minutes the qualification of new members under this section.

V. Meetings

A. Regular Meetings. Regular meetings of the Commission shall be held on the third Tuesday of each month at 6:30 p.m. in the Council Chambers of City Hall.

B. Special Meetings. Special meetings of the Commission may be **called at any time by the Chairman. Notice of the time and place of a special meeting shall be given in accordance with the Open meetings Law of North Carolina.**

C. Quorum. Five (5) members of the Greenville Planning and Zoning Commission shall constitute a quorum for a meeting.

D. Voting. All regular members of the Commission shall vote on all matters before the Commission, with the exception of the Chairman who may vote only to break a tie. ~~an on special use permit applications.~~ The alternate members shall fill in for vacancies occurring because of regular members being absent in accordance with the provisions on alternate membership. On all matters, ~~except special use permits,~~ a majority vote of those members present and eligible to vote shall be necessary to pass on any motion. ~~On matters concerning special use permits, a concurring vote of four-fifths of the members of the Commission shall be necessary to approve a special use permit.~~

E. Conflict of Interest. No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which a member is prohibited from voting under G.S. 160A-381(d) in that the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. In all other cases, a failure to vote by a member who is physically present, or who was withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

F. Except as provided otherwise in these rules, the City Code or State Law, Roberts Rules of Order current edition shall govern the parliamentary procedure of the Commission.

G. Decisions. The decisions of the Greenville Planning and Zoning Commission as filed in its minutes shall be a public record available for inspection in the office of the Director of Community Development.

H. Attendance. Regular attendance shall be required for

continued membership on the Greenville Planning and Zoning Commission. Whenever a member of the Greenville Planning and Zoning Commission has missed three (3) consecutive regular meetings or fails to attend seventy-five (75) percent of all regularly scheduled meetings, the Chairman will then immediately notify the City Council that a vacancy exists on the Commission. Upon such notification, the City Council will thereupon appoint a new member to fill said vacancy which appointment will be for the duration of the unexpired term of the member whose position has been vacated or notify the Board of County Commissioners that a vacancy exists in a county appointed position.

VI. Annual Report

The Community Development Department shall prepare and submit at the end of each calendar year to the Commission an annual report of the Commission's activities for the year. The report shall contain a statement of the number of cases reviewed along with other data deemed appropriate for inclusion in the report.

VII. Special Use Permit

The Greenville Planning and Zoning Commission is authorized to approve a special use permit to develop a specific planned unit development (PUD) and a specific land use intensity development (LUI).

VIII. Subdivision Review Board

A. The Subdivision Review Board as established by Title Chapter 5, of the Greenville City Code is authorized to consider approval off final **subdivision plats, minor subdivision plats and soil erosion and sedimentation control plans in accordance with said Title.**

B. Membership. The Subdivision Review Board shall consist of the following: the General Manager of the Greenville Utilities Commission, the Director of Community Development, and the Director of Public Works, or their

respective designated appointee. The Director of Community Development of this designated appointee shall serve as Chairman and Secretary of the Subdivision Review Board. The Secretary shall keep all records and shall generally perform the clerical work of the Board.

C. Meetings. The Subdivision Review Board meeting shall be held on the second and fourth Wednesday of each month at 4:30 p.m. in the City of Greenville, Community Development Department.

E. Quorum. Three (3) members of the Subdivision Review Board shall constitute a quorum for a meeting.

E. Voting. All members of the Subdivision Review Board shall be eligible to vote on any matter. A majority vote of those members present shall be required to pass on any motion.

IX. Amendments

These rules may, within the limits allowed by law, be amended by majority vote provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Adopted this 15th day of September, 2009.

/s/ Bill Lehman Bill Lehman, Chairman

ATTEST: /s/ Merrill Flood Merrill Flood, Secretary