

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION

June 17, 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. Terry King – *	Ms. Ann Bellis – *
Ms. Linda Rich - X	Mr. Brian Smith - *
Mr. Doug Schrade - *	Mr. Jerry Weitz –*
Ms. Wanda Harrington-*	Mr. Torico Griffin -X

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

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

PLANNING STAFF: Thomas Weitnauer, Chief Planner 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. Parker, seconded by Mr. Smith, to accept the May 20, 2014 minutes as presented. Motion carried unanimously.

NEW BUSINESS

TEXT AMENDMENTS

ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADDING MICROBREWERIES AS AN ALLOWED LAND USE WITHIN THE CD (DOWNTOWN COMMERCIAL) ZONING DISTRICT, SUBJECT TO AN APPROVED SPECIAL USE PERMIT, AND ESTABLISHING SPECIFIC CRITERIA. – APPROVED

Mr. Thomas Weitnauer, Chief Planner, presented the text amendment. Meetings to date:

- 1/21/14 P&Z Discussion item. P&Z directed staff to formulate a microbrewery text amendment.
- 2/4/14 RDC (Redevelopment Commission) Discussion item. RDC asked staff to return with revisions.
- 5/6/14 RDC Discussion item. RDC requested P&Z to create a microbrewery ordinance.

- 5/9/14 Chamber of Commerce Issues Committee briefing. Chamber was supportive of concepts.

Mr. Weitnauer also stated he met with Uptown Greenville's Director, Bianca Shoneman, and she had no objections. There are over 100 microbreweries in North Carolina. There are 13 in Eastern North Carolina. According to City Ordinance, if a use is not listed, it is prohibited. The City needs to be prepared if any interest arises. Breweries in North Carolina contributed 37,000 jobs and \$3.8 billion to the economy as of May 2011.

Text Amendment includes: New Definition, Added to Use Table and:

1. Allowed in CD (Downtown Commercial) with special use permit
2. Principal use is production of beer
3. Accessory uses are limited to: retail sales, food consumption, entertainment, games, tasting room, event room, and loading area
4. 5,000 square feet maximum for brew equipment
5. 30% minimum building square feet for equipment
6. No exterior speakers within 150' of residential (150' buffers around known residential uses within the Target Area where microbreweries cannot have amplified equipment)
7. No cover charges
8. Annual review conducted
9. Restaurants may add microbreweries, 30% maximum square feet with special use permit

The proposed zoning ordinance text amendment is in compliance with the Horizons: Greenville's Community Plan. Growth & Development Implementation Strategy 2(t): "Preserve historic warehouses and older buildings through renovation and adaptive reuse."

Horizons: Greenville's Community Plan. Vision Areas Subsection: Central, Management Action H5: "Develop the downtown as the cultural, recreational and entertainment center of the City."

Center City West Greenville Revitalization Plan. Flexibility in Zoning and Development Codes: "Providing innovative administration of zoning regulations and development codes may create market opportunities in depressed areas."

In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the Horizons: Greenville's Community Plan and the Future Land Use Map.

Mr. Weitz stated the proposed amendment is good for downtown, good for the City. He stated staff did a good job. He was concerned that it might be too restrictive but it does fit with the ordinance and the standards are appropriate. The maximum space to brew at about 5,000 square feet and the minimum floor area of 30% limits the size of a microbrewery to about 16,000 square feet or less. There are warehouses in the downtown commercial district that are larger than

20,000 square feet. He stated it appears that the space would force the microbrewery to have another tenant in the same building.

Mr. Weitnauer stated there is a supply of buildings that would accommodate the restrictions.

Mr. Parker asked how a previous microbrewery, Ham's, existed and if it was by special use.

Mr. Flood stated that Ham's was more of a restaurant and the microbrewery was an accessory use. This ordinance is to make the microbrewery the principal use.

Chairwoman Basnight asked if they have to have food.

Mr. Weitnauer stated it was optional.

Chairwoman Basnight asked if restaurants want to add a microbrewery do they have to be in the downtown commercial area.

Mr. Weitnauer stated yes, in the downtown commercial (CD) zone.

Mr. Weitz suggested language and word changes in the text amendment. Under SEC. 9-4-86 QQ. (3) add: food and beverage consumption. He stated this because of the possible tasting rooms.

Mr. Weitnauer said that it is covered under #2 which states: The principal use is the production of malt beverages for retail sales for on-premises and off-premises consumption.

Mr. Weitz stated that the word addition would limit confusion.

Mr. Parker asked if they would be able to sell liquor also.

Mr. Weitnauer stated yes with the proper permits.

Mr. Parker stated that he agreed with Mr. Weitz.

Mr. Weitnauer acknowledged Mr. Parker then stated that also in #3 the word "ancillary" should be "accessory". He stated we would make both changes.

Mr. Weitz stated the other change was in SEC. 9-4-86 QQ. (9)(a)2. He suggested changing "overall building square footage" to "total square feet of the restaurant". He stated the

possibility of a restaurant operating in part of a building versus the whole building and the 30% limit should only apply to the leased space and not the whole building.

Mr. Weitnauer stated that a restaurant may not want to use their current space but could do an addition for a microbrewery. The word change could make an existing restaurant reduce their restaurant area.

Mr. Weitz stated the total square feet would let them expand.

Mr. Schrade stated a restaurant would incorporate the additional space.

Mr. Weitz stated if a restaurant doesn't occupy an entire building but the 30% restriction applies to the entire building. It should be measured on the space they occupy.

Mr. Weitnauer stated he doesn't want a restaurant to lose space currently occupied for tables and chairs that bring in revenue. He stated it could be changed to: "The area of the restaurant devoted to operating brewing equipment shall not exceed 30% of the restaurant's total area at the time a microbrewery is added."

Attorney Holec stated it will be reviewed and with correct language to incorporate what was said.

Mr. Schrade agreed with Mr. Weitz about the larger buildings. He stated that possibly a footnote could be added to indicate that the space would not have to be shared.

Mr. Flood stated that one of the items they wanted to stay away from was getting above 5,000 square feet devoted to microbrewery because then it's a production facility and would have to be located outside of the downtown commercial zone. Production facilities are at the peripheral of the City.

Mr. Parker asked when will there be an ordinance for brewery production.

Mr. Flood stated they will be working on it. This text amendment is the most urgent right now.

Mr. Weitnauer stated the RDC wanted staff to also look into distillery text amendments.

Chairwoman Basnight opened the public hearing.

No one spoke in favor or in opposition of the request.

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

No comments were made during board discussion.

Motion made by Mr. Weitz, seconded by Mr. Parker, to recommend approval of the proposed text amendment with the suggested discussed amendments to SEC. 9-4-86 QQ. (3) and (9)(a)2, 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

PRESENTATION ON THE STATUS OF PRIVATE STREETS WITHIN THE CITY OF GREENVILLE.

Tim Corley, Civil Engineer II, presented the presentation on private streets. He stated City Council asked for this item to be looked at. An ordinance change will come before the P&Z Commission in the near future. Here is the current private street status:

- Private streets within City limits = 16 lane miles
- Private streets in ETJ = 17 lane miles
- Estimated cost to repair and accept City private streets is \$6-10 million dollars or more
- Named Access (private driveways) = 42 lane miles - \$750,000/mi
- Powell Bill funds (State funds for roads) not collected over life of private road

The City's private street requirements have changed with the most recent update to the City's Manual of Standard Design and Details. The current standard is for a 40-foot easement on private streets versus 50-foot right-of-way for a public street and 24-foot pavement width for private streets versus a 28-foot width for public streets. Another key private street consideration is the allowance of on-street parking. Besides the costs to upgrade the streets as shown above, additional costs may occur if other infrastructure requires improvements. There are no building setbacks for private streets and there is for public streets. Encroachments are set standards but require an agreement for public streets. The maintenance of these private streets has always been the responsibility of the Homeowners Associations or property owners.

The current City Code Policy for Acceptance of Roadways:

- Must be within City limits
- Must meet minimum current design standards
- Provide Calculations/Inspection/Repairs before acceptance
- Right-of-way dedication & non-conforming lots occurs prior to acceptance (All property owners must agree and sign)
- Bring road up to City Standards in all aspects
- Revise Powell Bill lane miles for NCDOT

Benchmark data of peer cities indicates that other jurisdictions have moved to a standard that all streets, public and private, must be built to public street standards to avoid future requests of this nature and their long term financial implications.

The Developer Requirements for Public Road Acceptance are:

- Must follow acceptance procedures and streets must be built to City Standards
- Inspections performed by City Staff to insure no deficiencies in construction

Zoning Implications:

- Establishment of public right-of-way will create non-conforming situations with regard to dimensional requirements of the zoning ordinance
- This will create several issues because there is no “blanket variance” provision to exempt these structures from the dimensional standards of the City of Greenville Zoning Ordinance such as:
 1. Prohibiting the expansion of structures where the non-conformity exists
 2. Future property title issues for structures not meeting the City of Greenville Zoning Ordinance property dimensional standards
 3. Establishment of public rights-of-way may have the result of rendering properties unusable thus resulting in a property takings without compensation or a form of condemnation

Mr. Corley listed examples of private streets with issues: drainage directly to street not allowed, dead end street with no cul-de-sac, driveway width and separation, dirt road and private paved roads create dangerous conditions, encroachment and setback issues, uninspected work and risk of failures, unmaintained roads/stormwater facilities, poor quality of work, and dirt road and wooden bridges are non-conforming construction.

Recommendation - City Council to provide direction on:

- Continue to follow the private street procedure for acceptance with full compliance to public street standards
- Consider the omission of the private street standard or make public and private street standards the same for all criteria – width, setbacks, R/W, etc.
- Accepting all private streets within the City Limits (not recommended)
- Modifying acceptance requirements in some manner (not recommended)

The Greenville City Council upon hearing the information voted unanimously to direct the staff to remove private streets as a development option. He stated no action is needed tonight.

OTHER ITEMS OF BUSINESS

ELECTION OF OFFICERS

Chairwoman Basnight recognized Mr. Weitz and Ms. Bellis both being reappointed to second three year terms. Also Chris Darden was appointed to her full first three year term. Linda Rich has resigned from the Planning and Zoning Commission effective immediately.

Dave Holec, City Attorney, stated there are two officers elected, the Chair and the Vice-Chair. The term of office is one year from July 1st to June 30th. The Chair is eligible to serve two one year terms and not repeat after that. The current Chair and Vice-Chair have served one year each. The procedure is to call for nominations. Nominations can be made by any member. No second is required. Allow opportunity for as many nominations as possible. Once all nominations are made, the nominations period is closed. Voting will be done in the order nominations were received. Once a member receives the majority vote, then that person is elected and voting ceases.

Mr. Parker nominated Shelly Basnight for Chair.

Attorney Holec asked if there were any more nominations. None heard, he declared nominations closed. **Ms. Shelley Basnight was unanimously elected Chair.**

Ms. Darden nominated Mr. Tony Parker for Vice-Chair.

Attorney Holec asked if there were any more nominations. None heard, he declared nominations closed. **Mr. Tony Parker was unanimously elected Vice-Chair.**

With no further business, motion made by Mr. Weitz, seconded by Mr. Parker, to adjourn. Motion passed unanimously. Meeting adjourned at 7:23 p.m.

Respectfully Submitted,

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