

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION  
March 17, 2015

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 - \*  
Ms. Ann Bellis - \* Mr. Torico Griffin - \*  
Mr. Doug Schrade - \* Mr. Terry King –\*  
Mr. Brian Smith -\*

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

**VOTING MEMBERS:** Parker, Darden, Weitz, Bellis, Griffin, Schrade, King, Smith

**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. Griffin, seconded by Mr. Schrade, to accept the January 20, 2014 minutes as presented. Motion carried unanimously.

**NEW BUSINESS**

**REZONING**

ORDINANCE REQUESTED BY BRIGHTON PARK APARTMENTS, LLC TO REZONE 0.63 ACRES LOCATED ALONG THE WESTERN RIGHT-OF-WAY OF BRIGHTON PARK DRIVE AND 250+/- FEET NORTH OF WEST 5<sup>TH</sup> STREET FROM MO (MEDICAL-OFFICE) TO MR (MEDICAL RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]). - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located in the center section of the City, near the intersection of W. 5<sup>th</sup> Street and Arlington Boulevard and specifically along Brighton Park Drive. Currently, the property is vacant. There is multi-family to the north and office/institutional uses along W. 5<sup>th</sup> Street. This area, including the subject property, was incorporated into the City's extra-territorial jurisdiction (ETJ) in 1986 and zoned to its current zoning. Due to a small change in traffic, a volume report was not prepared. Under the current zoning, the property could accommodate 5,200 square feet of medical office space. Under the requested zoning, it could accommodate 6-8 multi-family units. The Future Land Use Map recommends office/institutional/multi-family (OIMF) along the northern right-of-way of West 5<sup>th</sup> Street. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan, the Future Land Use Plan Map and the Medical District Land Use Plan Update (2007).

Mr. Weitz asked how staff considers Comprehensive Plan policies in the staff report.

Ms. Gooby stated that if he was referring to the Horizons Plan then those policies are considered as part of the staff report.

Mr. Weitz suggested a rezoning should be similar to a text amendment that cites relevant policies out of the Comprehensive Plan and say if it is consistent or not consistent with those policies.

Mr. Thomas Weitnauer, Chief Planner, stated they are using the Future Land Use Map as a reference and the policies that back up the map. It is the basis of the staff recommendation.

Mr. Weitz asked if staff recommendation is only based on the Future Land Use Map and not citing Comprehensive Plan policies.

Mr. Merrill Flood, Director of Community Development, stated the map is the graphic representation of the Future Land Use Urban Form. There are management objectives in each vision area but each objective cannot cover every parcel in the City, unless there is a specific policy to a specific rezoning.

Mr. Weitz stated he has seen several instances where the map is not the full story and policies are not considered.

Mr. Flood stated staff considers the various considerations in the comprehensive plan in the staff analysis. Absent a specific recommendation by policy objective in the plan for a specific site, the map is the final determination of the preferred land use.

Mr. Weitz stated he disagrees that the policies are not site specific and that recommendations do not portray the complete picture of the Comprehensive Plan.

Mr. Flood stated, absent a specific recommendation related to a specific site, staff has been consistent.

Chairwoman Basnight opened the public hearing.

Mr. Reggie Spain, applicant, spoke in favor of the request. He stated he wants to offer 2-bedroom units.

No one spoke in opposition of the request.

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

Mr. Weitz stated he has a concern with the ability to expand the core of the Medical District. The Medical Plan appears to show that it is trying to reserve some area for non-residential development. He stated there is a loss of future service area lands due to the subsequent alternative use. Additional office space will be needed as the Medical District continues to grow.

He has a concern of setting a precedent to expand multi-family beyond its current location as shown on the map. There are many other places that apartments can be developed.

Ms. Darden stated she agreed with Mr. Weitz.

Mr. Smith stated it is only 0.63 acres which is significant and there are apartments already located there. People in the medical area need places to live. He is in favor of the request.

Ms. Gooby stated the property was zoned back in 1986 when it was brought into the ETJ. The depth of the office zoning was made to a sufficient depth to allow office development along W. 5<sup>th</sup> Street then transitions to multi-family zoning. The zoning line was made at a time when most of the area was not developed and it was expected that there would be small changes to the zoning line as properties develop. There was a similar rezoning several years ago that changed the zoning to follow property lines.

Attorney Holec stated the recommendation the Commission is to give is either up or down recommendation on the request. Comments can still be made. There are some differences with applications that have multiple tracts.

Mr. Weitz asked if it was unlawful for the Commission to recommend a smaller area than the requested area.

Attorney Holec stated it is not unlawful, but the typical practice is to make a recommendation on the actual application.

Mr. Weitz stated that the suggestion is not to do it because it has never been done that way.

Attorney Holec stated the ordinance says to make a recommendation on the request.

Mr. Parker asked if the property owner had any say in rezoning less than what was requested.

Attorney Holec stated Council does have the ability to make a separation. They can rezone all or part of a request and/or rezone as a different zoning classification. The role of the Commission is to make a recommendation on the actual request. He stated he could suggest a follow-up motion stating how the Commission would consider the request differently.

Mr. Griffin asked if they voted down, would it be the responsibility of the applicant.

Attorney Holec stated no. The Commission could ask the applicant if they would like to amend their application. The Commission would vote on the actual application.

Mr. Smith asked what the difference was since the size is only 0.63 acres.

Mr. Schrade stated that splitting the request could be useless to the applicant.

Chairwoman Basnight asked the applicant how splitting the request would affect him.

Mr. Spain stated the reason they have requested the extra lot is to have room for centralized parking for the units. It would be useless unless the whole request was granted. He stated no one would want 0.63 acres to expand in the medical district because it is so small.

Mr. Weitz stated that it could set a precedent in the area.

Mr. Flood stated when the Medical District Use Plan was amended and a preferred land use pattern was established, it took into account all recommended objectives of the plans. They dovetail each other.

**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. In favor: Mr. Smith, Mr. King, Ms. Bellis, Mr. Griffin, Mr. Parker, and Mr. Schrade. Oppose: Mr. Weitz and Ms. Darden. Motion carried.**

ORDINANCE REQUESTED BY HAPPY TRAIL FARMS, LLC TO REZONE 67.652 ACRES LOCATED SOUTH OF STANTONSBURG ROAD AND WEST OF PITT COUNTY LANDFILL FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO I (INDUSTRY) AND IU (UNOFFENSIVE INDUSTRY) - TRACTS 1 & 3 - APPROVED AND TRACT 2 - DENIED

Ms. Gooby delineated the property. She stated the property is located in the western section of the City and adjacent to the Pitt County Landfill. The request is divided into three tracts: the requested zoning for Tracts 1 & 3 are I (Industry) and Tract 2 is IU (Unoffensive Industry). The projected path of the Southwest Bypass will bisect all three tracts. Tract 2 is north of the railroad and the other two tracts are south of the railroad. Most of the property is vacant. There are residential uses to the west and the landfill is to the east. Under the current zoning, the property could accommodate about 170 single family lots. Under the requested zoning, it could accommodate 380,000 square feet of industrial or warehouse uses. Since the traffic analysis for the requested rezoning indicates that the proposal would generate less traffic than the existing zoning, a traffic volume report was not generated. The Future Land Use Plan Map recommends commercial (C) at the southwest corner of the intersection of the US Highway 264 and the proposed Southwest Bypass and transitioning to office/institutional/multi-family (OIMF) and conservation/open space (COS) along Stantonburg Road to act as a buffer to the interior industry (I). Further, conservation/open space (COS) is recommended as a buffer between the interior industrial (I) and the high density residential (HDR) to the north. The Comprehensive Plan specifically states that, "... all of the industrial areas indicated on the Land Use Plan Map have been buffered with either office, institutional and multi-family or conservation/open space land uses. Buffering has been provided to help prevent land use conflicts between industrial developments and neighboring land uses." Tracts 1 and 2 are adjacent to the Pitt County Landfill. Only the portion of the landfill adjacent to Tract1 is zoned industry (I). In staff's

opinion, the request for Tracts 1 & 3 is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map. In staff's opinion, the request for Tract 2 is not in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

Ms. Bellis asked if there was enough land for development after the bypass is built.

Ms. Gooby stated yes.

Mr. Weitz asked if the landfill was still operational.

Ms. Gooby stated yes.

Mr. Weitz asked if the County planned on expanding the landfill with their additional lot.

Ms. Gooby stated they are storing lime with the railroad and then it is trucked out.

Mr. Weitz asked if the railroad had a loading area which would be accessible to the applicant.

Ms. Gooby stated that was a railway right-of-way question.

Mr. Weitz asked where the closest sewer was.

Ms. Gooby stated about a ½ mile away at Westpointe neighborhood.

Mr. Weitz asked if the water drainage from this site goes into the Green Mill water shed.

Mr. Tim Corley showed a map that the area is part of the Green Mill Run watershed and that the City is working on a watershed master plan that will look at all the watersheds within the City. The study will show what projects can be done and what areas are most sensitive. It will find what areas could change from a 10-year storm event to a 25-year storm event.

Mr. Weitz asked if it would include proposals to impound water for flood control.

Mr. Corley stated they are looking at opportunities to identify areas to retrofit activity.

Mr. Weitz asked if their motions would be divided since the tracts were divided.

Attorney Holec stated the request has three separate distinct tracts and individual motions can be made.

Ms. Bellis asked why tract 2 is not in compliance.

Ms. Gooby stated the Future Land Use Plan shows tract 2 should be OIMF (Office/Institutional/Multi-Family) and the request is for IU (Unoffensive Industry).

Mr. Parker asked for the definition of Unoffensive Industry or for the uses in that zone.

Ms. Gooby referenced the list of uses for the IU district and named a few of the uses: agricultural, office, retail, truck terminals, bakeries, and mini-storage with no outside storage is permitted.

Chairwoman Basnight opened the public hearing.

Mr. Mike Baldwin, representative for the applicant, spoke in favor of the request. He stated the Land Use Plan is a guide, it is not perfect, and does not meet every aspect. He presented a map of the zoning at the intersection of Arlington Boulevard and Fire Tower Road. The parcel shows OR (Office-Residential) and adjacent IU (Unoffensive Industry). It is transitional zoning. Tract 2 is similar in transitional zoning. A more appropriate buffer is IU (Unoffensive Industry). It decreases traffic. About 40% of Tract 2 will be taken up by the Southwest Bypass. Tracts 1 & 3 are in compliance. Following the plan on Tract 2 is not in the best interest of the whole property.

Mr. Weitz asked how Tracts 1 & 3 would be accessed.

Mr. Baldwin stated that it depends on cuts on the Bypass.

Mr. Weitz asked if he was sure since it should be controlled access.

Mr. Baldwin stated it could be controlled or restricted but there would be allowed access.

Mr. Weitz asked how they would get sewer to the property.

Mr. Baldwin stated they have not spoke with GUC yet, but it would require a regional lift station.

Mr. Weitz asked if there were any immediate prospects for development.

Mr. Baldwin stated no.

Mr. Weitz stated that by rezoning the property the value would increase. The State then would pay more for the land during the right-of-way acquisition when it's time for the Bypass. He asked if that was the intent.

Mr. Baldwin stated no and that it was business as usual.

Mr. Weitz asked what the possible use of the land is after the Bypass.

Mr. Baldwin stated that the questioning was site specific and this rezoning request is a broad scope.

Ms. Bellis asked if the Landfill is currently being used as a transfer station and asked if it would increase in height.

Ms. Gooby stated they are still in operation.

Mr. Smith stated that trash is dropped off and then it gets transferred somewhere else. It's not getting buried and increasing in height.

Mr. Schrade stated that the height Mr. Baldwin referred to was the lime.

Mr. Baldwin stated he does not know the height of the lime but the height of the Landfill is very visible.

Mr. Weitz asked if anyone knew what the landfill told the State what its long-term plans are.

Ms. Gooby stated she believes they will remain there as a transfer station.

Mr. Schrade stated they are still taking in biodegradable items.

Mr. Parker stated the land gives them room to increase their capacity as the County grows.

Mr. Baldwin stated that a conclusion cannot be made on Pitt County's plans.

Ms. Elizabeth Letchworth spoke in opposition of the request. She lives on Stantonsburg Road near the requested rezoning. She and her neighbors have concerns. Their first concern was rezoning the property to industrial and then the State buying it at a higher cost. Another concern was how the rezoning would affect the residential values of the nearby properties. She stated there is an issue with flooding on Stantonsburg Road and she has concerns how development there could cause more flooding to the residential properties.

Ms. Gooby stated that any concerns about property values are best left with a real estate appraiser. Their area is rural and development is nearing them. The flooding along Stantonsburg Road would need to be addressed with NCDOT.

Ms. Letchworth stated her concern with development there could cause more drainage toward the residential area causing more flooding.

Ms. Gooby stated that drainage would be handled at the time the property gets developed.

Attorney Holec stated the speaker made clear objections although there are no answers for her at this time. The Commission considers the land use and not what NCDOT would pay for the land.

Mr. Baldwin spoke in rebuttal. He stated the City has a storm water ordinance to protect downstream property owners from flooding conditions. Any development on the property would have to conform to those requirements.

Ms. Bellis asked if the storm water retention he refers to is a 10-year event.

Mr. Baldwin stated yes and it is possible in some areas to be a 25-year event.

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

Mr. Schrade stated that Mr. Weitz made a point about the increased value of the property due to the rezoning. As staff has stated, the Commission is to make a decision based on land use and not land value. He stated he was okay with Tracts 1 & 3 but questions Tract 2. Since the property is near the lime transfer station, it seems to work as a transition and it would not be a large lot with the Bypass coming through it. His opinion is to approve all three.

Mr. Weitz stated some uses for I (Industry) for Tracts 1 & 3 could be: rock quarry, mines, toxic and hazardous materials manufacturing, slaughter houses, etc. He has concerns with some of the uses. He would prefer to see IU (Unoffensive Industry). He stated the site would probably be visible to the travelling public because of the roads. Tracts 1 & 3 do not have access to roads at this time. There is no sewer. He is concerned with the uses it could have at the entrance to the City.

**Motion made by Mr. Schrade, seconded by Mr. Smith, of Tracts 1 & 3 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. In favor: Mr. Schrade, Mr. Smith, Ms. Bellis, Mr. Griffin, Mr. Parker and Ms. Darden. Oppose: Mr. Weitz and Mr. King. Motion carried.**

Mr. Weitz stated that if Tracts 1 & 3 were for IU, he would be in favor of the motion.

**Motion made by Mr. Schrade, seconded by Mr. Smith, of Tract 2 to recommend approval of the proposed amendment, to advise that, although the proposed amendment is not consistent with the Comprehensive Plan, in this instance it is an appropriate zoning classification, and to adopt the staff report which addresses plan consistency. In favor: Mr. Schrade, Mr. Smith and Ms. Darden. Oppose: Ms. Bellis, Mr. Griffin, Mr. Parker, Mr. Weitz and Mr. King. Motion failed.**

**Motion made by Mr. Parker, seconded by Mr. Griffin, of Tract 2 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. In favor: Ms. Bellis, Mr. Griffin, Mr. Parker, Mr. Weitz and Mr. King. Oppose: Mr. Schrade, Mr. Smith and Ms. Darden. Motion carried.**

ORDINANCE REQUESTED BY HARDEE 3 ENTERPRISES, INCORPORATED TO REZONE 9.816 ACRES ALONG THE SOUTHERN RIGHT-OF-WAY OF EAST 10<sup>TH</sup> STREET AND 275+/- FEET WEST OF L.T. HARDEE ROAD FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO CG (GENERAL COMMERCIAL) - APPROVED

Ms. Gooby delineated the property. She stated the property is located in the eastern section of the City, south of 10<sup>th</sup> Street, west of L.T. Hardee Road, and abuts to the Wal-Mart Shopping Center. The property consists of 3 single-family homes and farm land. There is commercial on either

side of the property and vacant property to the south. It is considered part of the intermediate focus area on East 10<sup>th</sup> Street between Portertown Road and L. T. Hardee Road, where commercial is encouraged and anticipated. The proposed rezoning could generate about 5,100 trips per day but that does keep 10<sup>th</sup> Street within its design capacity. Under the current zoning, the property could accommodate about 35 single-family lots. Under the requested zoning, it could accommodate about 94,000 square feet of retail/conventional and fast food restaurant uses. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan, and the Future Land Use Plan Map.

Chairwoman Basnight opened the public hearing.

Mr. Baldwin, representative of the applicant, spoke in favor of the request. He estimates traffic on 10<sup>th</sup> Street is at about 50% capacity. If and when the property is developed, traffic mitigation, storm water issues, etc. will comply with the City's ordinances. They are currently working with GUC to bring sewer to the site. The property is in compliance with the Land Use Plan.

Ms. Bellis asked where the drainage from the property goes.

Mr. Baldwin stated under the railroad tracks into an existing ditch into Hardee Creek and Lake Glenwood.

No one spoke in opposition of the request.

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

No board discussion was made.

**Motion made by Mr. Schrade, seconded by Ms. Darden, 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 carried unanimously.**

ORDINANCE REQUESTED BY WARD HOLDINGS, LLC TO REZONE 2.0361 ACRES LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF EAST 10<sup>TH</sup> STREET AND 270+/- FEET WEST OF ELM STREET FROM R9 (RESIDENTIAL [MEDIUM DENSITY MULTI-FAMILY]) TO R6 (RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) - DENIED

Ms. Gooby delineated the property. She stated the property is located in the central section of the City, south of 10<sup>th</sup> Street, across from ECU Main Campus, and west of Elm Street. To the south is Elm Street Park. There are single-family residences to the east and north and Green Mill Run to the south. The property is impacted by the 500 and 100-year floodplains and the floodway associated with Green Mill Run. There are developmental standards in the ordinance for new development. The proposed could generate about 94 trips per day and it does stay within the design capacity of the street. Under the current zoning, the property could accommodate about 10 duplex units or 5 buildings. Under the requested zoning, it could accommodate 28-30 multi-

family units of new development. The Future Land Use Map recommends high density residential (HDR) at the southwest and southeast corners of the intersection of East 10<sup>th</sup> Street and Elm Street and then transitions to conservation/open space (COS) to the south along Green Mill Run. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

Mr. Weitz asked if staff considered the policies in the Hazard Mitigation Plan or the Horizons Plan which refers to not having high density in the flood plain.

Ms. Gooby stated that the adopted Land Use Plan Map takes policies into consideration. There is a damage prevention ordinance in place which sets standards for new development in the floodplain.

Mr. Weitz asked if Ms. Gooby and staff believe it is in the best interest of the public to put additional density in the flood plain.

Mr. Parker stated he did not agree with the comments from Mr. Weitz and that it appears he was trying to put words in staffs' mouths.

Mr. Weitz stated he did not see any rezoning signs posted in the area for the request.

Ms. Gooby showed the Commission a picture of the property from her presentation with the rezoning sign and stated it was taken on March 3<sup>rd</sup>. Once the sign has been posted, then the statue has been met.

Mr. Smith stated she posted the sign but she can't be out there watching the sign.

Ms. Bellis asked if the proposed property was contiguous with the parking lot at the foot of College Hill. She stated that parking lot floods often.

Ms. Gooby stated that Green Mill Run is between this property and the parking lot.

Mr. Tim Corley, Civil Engineer II, showed another map that indicated the floodway/floodplain. He stated the parking lot is in the floodway. Any development on this request will need to comply with the flood damage prevention ordinance. Nothing can be built in the floodway. Development is allowed in the 100-year floodplain but requirements must be met. There are no restrictions in the 500-year floodplain. If there is significant change to the existing property, then the requirement for the floodplain would need to be met.

Mr. Schrade asked how much of the property was in the 500-year flood plain.

Mr. Corley estimated about 3/4 of an acre.

Ms. Bellis asked if there was a cumulative effect considered.

Mr. Corley stated they can try to put certain restrictions on certain watersheds in the City.

Ms. Bellis stated that ultimately a dam is being built.

Mr. Corley stated it is displacement of water to other places but there are safety factors involved.

Ms. Bellis stated that if everything north of Greenville Boulevard drains into the Green Mill Run, then building in the 100-floodplain could cause more flood damage.

Mr. Corley stated that it was something to be considered in another forum regarding floodplain regulations. He stated he was not sure when the watershed plan would be complete but it is in the works. Policies changes is something that could start once problem areas are indentified.

Chairwoman Basnight opened the public hearing.

Mr. Jim Ward, applicant, spoke in favor of the request. He stated he wanted to bring the property into compliance with the Future Land Use Plan Map. There are no immediate plans for the site. He is aware that the property has significant limitations for further development outside the existing footprint at both a cost and utilization standpoint. He stated he would stay within the current boundaries as the property currently exists.

Mr. Ward stated he has done significant development in the area. He stated his “for rent” signs are constantly missing. For any development that he would consider for this site, he would include the neighborhood and it would be a team effort.

Mr. Paul Cook spoke in opposition of the request. He and his wife live in the house directly east of the property. They moved in the home in 1998 and the property has flooded 3 times to date. The 100-year floodplain is a myth. This area floods frequently. Increased residents in the area would make it worse. When Hurricane Floyd passed, 10<sup>th</sup> Street turned into a river. They were displaced.

Mr. Mike Barnum, 614 Maple Street, spoke in opposition. He stated he agrees with Mr. Cook. A lot of the flooding from Hurricane Floyd was due to all the building in that area. Green Mill Run has dammed up causing more flooding. He stated that building in this area would cause flooding to be worse and cause more problems.

Ms. Elizabeth Knott, 1908 E. 6<sup>th</sup> Street, spoke in opposition. She frequents 10<sup>th</sup> and Elm Streets daily. Traffic might be within the design capacity but in reality there is a lot of traffic. Logistically pulling into this property would cause more traffic congestion. The area does not only flood during hurricanes. Green Mill Run floods often and causes Elm Street to close. She opposes anything that will increase flooding and traffic.

Mr. Hap Maxwell, 1506 E. 5<sup>th</sup> Street, spoke in opposition. He saw the flooding from Hurricane Floyd. The flooding is caused by the huge volume of impervious surfaces that runs water to the river. If the river is high, then it flows back into Green Mill Run and the City. The bridge at Greenville Boulevard acts as a dam causing more flooding.

Mr. Andrew Morehead, president of TRUNA, spoke in opposition. He stated higher densities mean more impervious surfaces and additional houses in floodplains which causes the displacement of water to continue. This is a very big concern. Decisions need to be made in a city-wide context and not by individual lots.

Ms. Ann Maxwell, member of the Neighborhood Advisory Board (NAB), spoke in opposition. Last month the NAB heard comments from a neighborhood in District 1 about flooding and trees in their area being cut down. This area is near the airport. There were no homes in that area when the airport was developed. Homes should not be in that area but it had been approved some time ago by a Planning Board, and now the people are suffering. The decisions made by the Commission affect everyone. More development and impervious surface in the College Hill area will cause more flooding. Any new developments that run off into the waterways will ultimately cause more flooding.

Mr. Ward spoke in rebuttal. With the existing building, it would be cost prohibitive to extend an additional footprint. The only plan he has is to enhance the existing structure. Any new plans would need to have a site plan submittal and need to be approved by the City before proceeding.

Attorney Holec stated there is opportunity for opposition rebuttal to respond to what has already been said and not present new information.

Ms. Fiona Cook spoke in opposition rebuttal. She lives next door to the proposed rezoning property. She stated the existing structure on that property has completely flooded twice.

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

Mr. Weitz stated the Land Use Plan Map does indicate multi-family residential use but disagrees with staff that it is consistent with policies for the floodplains and the Comprehensive Plan. He stated that the policies indicate that floodplain development is not the responsible thing to do.

Ms. Reid stated she agrees with Mr. Weitz. When considering change in an area, you have to look at more than statistics. It needs to be taken into consideration peoples' lives and how they are affected.

Mr. Parker stated he sees the concerns and knows the area. We talk about a walkable sustainable community and bringing students to the area so they can walk to campus. We want to go away from building outside the perimeter. There are beautiful developments in the Uptown area and this request seems to fit well with that. There are other developments in the area. This property is not going to cause a flood or be haphazardly built. He stated that he would approve the request.

Ms. Bellis stated she feels strongly that just because something is permitted doesn't mean it's a good idea. It would be irresponsible to continue to approve something that puts people in harm's

way. The cumulative effect is not considered and dams are continually being built in the flood plain which exasperates the flooding. It is irresponsible to approve anything in the floodplain.

**Motion made by Mr. Weitz , seconded by Mr. King , to recommend denial of the proposed amendment, to advise that it is inconsistent with the Comprehensive Plan and other applicable plans and not to adopt the staff report which addresses plan consistency and other matters due to floodplain development is not the responsible thing to do . In favor: Mr. Weitz, Mr. King, Ms. Bellis, and Ms. Darden. Oppose: Mr. Smith, Mr. Griffin, Mr. Parker, and Mr. Schrade. Chairman Basnight broke tie to vote in favor of the motion. Motion carried.**

### **TEXT AMENDMENTS**

**ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADDING LIVE PERFORMANCE THEATERS 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. Merrill Flood, Director of Community Development, presented the text amendment. At the December 16, 2014 the Planning and Zoning Commission unanimously approved a motion to recommend approval of a proposed text amendment to add live performance theaters as an allowed use within the CD (Downtown Commercial) Zoning District with a special use permit. The item moved forward to the City Council meeting, but when the City council considered the amendment during their January 15, 2015 meeting, the Council referred it back to the Planning and Zoning Commission for further review. The text amendment has been revised due to the concerns of live recorded music. Staff met with the proposed purchaser of White's Theater to understand more about their business model. It would be distinguished as a theater and not a public/private club.

The following revisions were made to the ordinance since the December 16, 2014 Planning and Zoning meeting:

1. Added allowance provisions for recorded music.
2. Increased the minimum size of theaters from 5,000 square feet to 7,500 square feet.
3. Added a requirement for a permanent stage with a minimum size of 800 square feet.
4. Added a regulation stating that the theater will close at 1:00 am.

#### **Definition:** Live Performance Theater

*A facility for holding live performances, motion pictures, plays, and live music through the sale of tickets and allows banquets as an accessory use. Such use is limited in its location, size and operation in accordance with the provisions of section 9-4-86.RR.*

#### **Regulations** (revised regulations are underlined):

1. Events and/or banquets must be ticketed or free of charge to participants. No cover charge can be required for events.

2. The following ticketed events shall be permitted: concerts, plays, motion pictures, operas, musicals, ballets, other forms of modern dance.
3. As an accessory use, the facility may host private banquets and meetings.
4. The following activities shall not be permitted: televised events, disc jockey-based events, dance parties, raves, house music-based events, outdoor events or outdoor amplified music.
5. Recorded music events may be held by touring acts provided the same act does not return to the venue more than three times per calendar year. The maximum percentage of recorded music events shall not exceed 30% of total shows held per calendar year.
6. May have an accessory use, a full service bar which is only open to patrons of ticketed events, private banquets or meetings and is limited to operate only during the hours the above listed permitted ticketed events, private banquets or meetings are held.
7. The facility shall not operate as a public or private club as defined by Title 9, Ch. 4, Art. B, Sec. 9-4-22.
8. Minimum square footage of live performance theaters shall be 7,500 ~~5,000~~ square feet.
9. The facility shall have a fixed permanent stage platform of 800 square feet minimum.
10. Accessory retail sales shall be permitted for the sale of theater or event related items.
11. The portion of the building devoted to live performances may have open or fixed seating.
12. Closing time shall be no later than 1:00 am.

### **Special Use Permits**

The text amendment requires a special use permit which is revocable. Regulations would be reviewed on an annual basis just like the activities of dining and entertainment establishments and public/private clubs. Live Performance Theaters would only be allowed in the CD (Downtown Commercial) Zoning District.

The proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan:

Implementation Section, Growth and Development Subsection, Implementation Strategy 2(t) states, "Preserve historic warehouses and older buildings through renovation and adaptive reuse."

Implementation Section, Economic Development Subsection, Implementation Strategy 2(b) states, "Encourage rehabilitation and reuse of commercial/industrial buildings."

Implementation Section, Vision Areas Subsection, Central, Management Action H5, states, "Develop the downtown as the cultural, recreational, and entertainment center of the City."

The proposed Zoning Ordinance Text Amendment is in compliance with the Center City West Greenville Revitalization Plan, Chapter 2, Market Feasibility – Housing, Retail and Entertainment Uses, V. Strategy Implications, Goal 2 states, "Reposition and revitalize downtown as a new and vibrant activity center for the city and the region."

He stated the City is trying to create a “live, work, play” environment. The Redevelopment Commission met last week and approved unanimously the amendment modifications. In staff’s opinion, the proposed Zoning Ordinance is in compliance with the Horizons: Greenville's Community Plan and the Center City West Greenville Revitalization Plan.

Chairman Basnight opened the public hearing.

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

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

No board discussion was made.

**Motion made by Mr. Smith, seconded by Mr. Griffin, 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.**

ORDINANCE TO AMEND THE ZONING ORDINANCE BY EXPANDING THE EXISTING WINE SHOP REGULATIONS TO ADD THE ALLOWANCE OF CRAFT BEER SHOPS IN THE SAME ZONING DISTRICTS WHERE WINE SHOPS ARE ALLOWED TO OPERATE. - APPROVED

Mr. Thomas Weitnauer, Chief Planner, presented the text amendment. He stated this text amendment was brought to the City by applicants, Jeremy & Jennifer Spengeman and Michael & Kitty Leaman, to expand the existing wine shop definition and provision to include allowance of craft beer. The text amendment proposes craft beer shops in the same zones where wine shops are allowed. Wine shops can sell beer. The underlined in the following denotes regulations to be added to SEC. 9-4-22:

***Wine and Craft Beer Shop.*** *An establishment conducted pursuant to G.S. 18B-1001 as amended, and operated as a principal or accessory use, which is authorized to sell wine and/or craft beer in the manufacture’s original container for consumption off the premises, provided however, the permittee shall be authorized to conduct accessory and incidental wine and/or craft beer tasting on the premises and is further authorized to sell wine and/or craft beer for on-premises consumption, as an accessory and incidental use to the “wine and craft beer shop”, provided the establishment and operation is compliant with section 9-4-103(S). Among the two limited types of alcoholic beverages that may be sold, a “wine and craft beer shop” may sell wine exclusively, craft beer exclusively, or both wine and craft beer provided that the “wine and craft beer shop” has the requisite state permit(s) that allows retail sales of wine and/or malt beverages for consumption on the premises. A “wine and craft beer shop” that does not meet the requirements*

*of section 9-4-103(S) shall be deemed a public or private club for the purpose of zoning and land use classification. For purposes of the wine and craft beer shop use, craft beer is defined as a malt beverage from a brewer with an annual production of 6 million barrels of beer or less. Notwithstanding the foregoing, wine and beer shops may offer retail products and prepared prepackaged food for purchase as an incidental use.*

For the remainder of the proposed amendment, “and Craft Beer” was inserted throughout the current wine and wine shop regulations in 24 locations. The following are Zoning Districts where Wine and Craft Beer Shops are permitted:

Allowed by Right:

CH (Heavy Commercial)

Allowed with a Special Use Permit:

MCG (Medical General Commercial)

MCH (Medical Health Commercial)

CD (Downtown Commercial)

CDF (Downtown Commercial Fringe)

CG (General Commercial)

Consideration was given to ensure this text amendment does not allow wine and craft beer shops to turn into de facto nightclubs. The special use permit is part of that process and can be revoked if not abiding by the regulations. The proposed zoning ordinance text amendment is in compliance with Horizons: Greenville’s Community Plan.

**Plan Elements: Economy**

“**Objective E1.** To create conditions favorable for healthy economic expansion in the area.”

“**Objective E2.** To attract new industry and businesses which strengthen Greenville’s role as a regional center.”

The proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville’s Community Plan.

Chairwoman Basnight opened the public hearing.

Mr. Jeremy Spengeman, applicant, spoke in favor of the request. He is the owner and operator of Basil’s Restaurant since 1999. He stated, with his wife and in-laws, he wants to open a craft beer shop. It would consist of on and off premise beer consumption. He stated his business plan would consist of 75% net sales of off premise consumption with 200-250 different bottles on shelves at room temperature available for purchase. He would have 10-20 taps to bottle/fill to order, also known as Growlers, for purchase and a few available for consumption on site. The shop would also have ancillary sales like gift baskets and pre-packaged food. No food preparation will be on site. Hours of operations: 12pm to 10pm Sunday through Thursday, 12pm to 11pm Friday and Saturday, and 12pm to 6pm on Sundays. The current ordinance allows selling wine and beer, but not beer only. He wants to sell beer only. In order to protect from bar

use, the request is for craft beer which is specialty beer like wine. On-premise sales of craft beer will not exceed 40% of net sales. They will not be within 200 feet of a public/private club, a dining and entertainment establishment, or another wine and craft beer shop. A membership, cover or minimum charge for admittance or service will not be required at any time. The primary use is retail.

Mr. Michael Overton spoke in favor of the request. He stated North Carolina is becoming one of the largest craft beer states in the nation. People are looking for this concept and it is not a bar. He believes it will be good for the City.

No one spoke in opposition of the request.

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

No board discussion was made.

**Motion made by Mr. Parker seconded by Ms. Darden, 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**

**ORDINANCE AMENDING HORIZONS: GREENVILLE'S COMMUNITY PLAN TO INCORPORATE BY REFERENCE THE SOUTH GREENVILLE ELEMENTARY SCHOOL AREA REPORT AND PLAN – APPROVED**

Ms. Gooby stated that one of the 2014-2015 City Council goals is for quality neighborhoods and as part of that goal is to develop and complete a small area plan for the South Greenville Elementary School area. It is located in the central area of the City between Evans Street and Hooker Road, south of the Public Works Department and north of J. H. Rose High School. It is about 140 acres with a variety of uses. The development of the plan was a joint effort with various city departments and Greenville Utilities. Surveys were mailed out to property owners and residents for their input. There were two neighborhood information meetings: July 8, 2014 and March 10, 2015. As part of the preparation of the plans, staff identified several items that are included in the plan: assist the neighborhood in the establishment of a Neighborhood Association and a Community Watch Program, consider streetscape and entrance enhancement to Brownhill Cemetery, consider initiation of zoning amendments in the neighborhood and/or adjacent area properties that are zoned inconsistently with the Comprehensive Plan and/or FLUPM recommendations and assess street lighting levels and cause the installation of additional lamps and/or trimming of vegetation.

The plan will be forwarded to City Council. If adopted, it will be incorporated into Horizons: Greenville's Community Plan. City Council requests these plans and uses them as guides for what the neighborhood wants, needs, or requires. Parks, greenways, health safety, zoning, etc. were taken into consideration when developing the plan.

Mr. Smith asked about the attendance at the neighborhood meetings.

Ms. Gooby stated it was not as much as we would like but many people did inquire by phone and responded to the surveys.

Chairwoman Basnight opened the public hearing.

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

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

Mr. Weitz commended the staff on a good job with the plan and with the GIS maps. He stated the neighborhood is highly desirable yet unrecognized. It has a good grid pattern of streets, sidewalks, public transportation, schools, and various other uses. It is very accessible to other parts of the City. He believes there is potential for this neighborhood to be considered historic in the future. There is also potential for more commercial and other new development that can enhance and serve the neighborhood.

**Motion was made by Mr. Schrade, seconded by Mr. Parker, to recommend approval of the ordinance amendment. Motion passed unanimously.**

Chairwoman Basnight stated she appointed Jerry Weitz and Tony Parker to the Comprehensive Plan Committee and they accepted.

**With no further business, a motion was made by Mr. Smith, seconded by Mr. Parker, to adjourn. Motion passed unanimously. Meeting adjourned at 9:10 p.m.**

Respectfully Submitted,

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