

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION  
November 19, 2013

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

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

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

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

**PLANNING STAFF:** Merrill Flood, Community Development Director, Thomas Weitnauer, Chief Planner, Chantae Gooby, Planner II and Amy Nunez, Staff Support Specialist II.

**OTHERS PRESENT:** Dave Holec, City Attorney and Jonathan Edwards, Communications Technician.

**MINUTES:** Mr. Parker stated a correction to the minutes by removing Mr. Parker and Mr. King as voting members and replacing with Mr. Smith and Mr. Schrade. Motion was made by Mr. Smith, seconded by Ms. Darden, to correct and accept the October 15, 2013 minutes. Motion carried unanimously.

**NEW BUSINESS**

ORDINANCE REQUESTED BY BEACON INVESTMENTS, LLC TO REZONE 2.966 ACRES LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF OLD FIRE TOWER ROAD AND 670+/- FEET EAST OF COUNTY HOME ROAD FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]).- APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. The property is located in the southeastern section of the city between Fire Tower Road and Old Fire Tower Road. There are a variety of residential uses in this area. The property backs up to the commercial properties along Fire Tower Road. There is a Regional Focus Area at Fire Tower Road and Arlington Boulevard where commercial is expected. This particular rezoning does not have access to Fire Tower Road. The request could generate about 168 additional trips per day. Under current zoning, staff would anticipate about 11 single-family lots. Under the proposed zoning, staff would anticipate

about 41 multi-family units. The Land Use Plan recommends commercial at Arlington Boulevard and Fire Tower Road, then transitions to office/institutional/multi-family (OIMF). This rezoning request is for OR which is office and multi-family, which is considered part of the OIMF category. In staff's opinion, the request is in compliance with Horizon's Greenville Community Plan and the Future Land Use Plan Map.

Mr. Weitz asked the maximum density.

Ms. Gooby stated the anticipated is 41 which is about 14 units per acre and maximum would be 17 units per acre.

Mr. Weitz asked if the density would be higher if they sought a special use permit.

Ms. Gooby stated that on a piece of property that small, it would seem unlikely.

Mr. Weitz referenced the traffic report that stated a daily use of 15,000 plus trip per day on County Home Road and that it is designed for 12,000. He asked if County Home Road was over capacity.

Ms. Gooby stated that while the road is over capacity at this point the ultimate design is for 33,500.

Mr. Weitz asked if County Home Road is in a long-range plan to be widened.

Ms. Gooby stated it ultimately would be 5 lanes with curb/gutter, wide outside lanes and sidewalks.

Mr. Weitz asked if it was in an adopted plan.

Ms. Gooby stated that she did not know if it is in the TIP.

Mr. Weitz asked for clarification of what Public Works means when they say they will take measures to mitigate traffic.

Ms. Gooby stated the statement means that other measures such as, deceleration lane or designated turn lane, could be required at the time of development.

Chairwoman Basnight opened the public hearing.

Mike Baldwin, representative for Beacon Investments, spoke in favor of the request. He stated it is in compliance with the Comprehensive Plan and Land Use Plan Map. It also offers transitional zoning. He stated that there is little traffic on Old Fire Tower Road. He stated that water and sewer are available to the site. He stated that the owner would comply with City of Greenville storm water policy.

No one spoke against the request.

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

Mr. Weitz stated the request is consistent with the Comprehensive Plan and Future Land Use Plan Map. He stated that he was prepared to support a motion to approve but had concerns regarding no sidewalks in the area. He stated that an amendment to follow the Bike/Pedestrian Plan that was adopted by the City of Greenville 2011 requires sidewalks be installed at time of development. He is concerned with the capacity of road and pedestrian infrastructure of this area.

**Motion made by Mr. Smith, 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 passed unanimously.**

ORDINANCE REQUESTED BY JEFFREY K. BAILEY TO REZONE 0.8214 ACRES LOCATED WEST OF CHARLES BOULEVARD AND 90+/- FEET NORTH OF OLD FIRE TOWER ROAD FROM RA20 (RESIDENTIAL-AGRICULTURAL) AND OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) TO CH (HEAVY COMMERCIAL). - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. The property is located in the southeast section of the city. It is located at the Bells Fork Shopping area. This request is made of 2 separate tracts. In the middle of tract 1 & 2 is Greenville Auto World. All 3 tracts are under common ownership. There is a concentration of commercial zoning in the area and coming down Hwy 43. This area is part of the regional focus area. This is where commercial is anticipated and encouraged. This request could generate 3,700 trips generated. Charles Boulevard is a 4-lane highway and does have a turning lane that serves this property. This property it technically cut off from Bells Chapel Road and Old Fire Tower Road, it's accessible but not serviced. Under current zoning, Tract 1 would anticipate to yield no more than 2 single-family homes. Tract 2 is currently Office-Residential with about 4600 square feet of office space. Together the tracts are less than an acre and about 6000 square feet of space. In staff's opinion, the request is in compliance with the Comprehensive Plan and the Future Land Use Plan Map.

Mr. Weitz asked if Long Drive was a real street.

Ms. Gooby said it is an unimproved private drive.

Chairwoman Basnight opened the public hearing.

Ken Malpass, representative for Jeffrey K. Bailey, spoke in favor of the request. The owner rents the space to Greenville Auto World who would like to expand their business. That is the intent for the request. Sewer is about 500 feet away and they are working with Greenville Utilities to extend it to the property.

Ms. Bellis asked if the 3 properties would be combined into one use.

Mr. Malpass said yes.

Ms. Bellis asked how many driveway cuts would be needed.

Mr. Malpass said he doesn't anticipate any nor does he think they could get them. The owner is satisfied with the current driveway.

Mr. Weitz stated that Long Drive property is a land locked parcel. He asked if there is a guaranteed access to the Long Drive property.

Mr. Malpass stated there is a 13-foot easement recorded on a plat to a deed.

Monica Long, representative of Mr. Long, spoke in opposition of the request. Mr. Long owns the parcel to the west of tract 1, several parcels behind these tracts and a 12 ft easement known as Long Drive. The business currently there routinely blocks this access and acts like the easement does not exist. The business has re-aligned and paved part of the drive changing the original straight path. Tract 1 does not have roadside use. Long Drive is a private gravel drive/easement and cannot support high volume traffic. Rezoning will cause the health and welfare of the tenants of the property Mr. Long owns to suffer.

Ms. Darden asked how many properties does Mr. Long own that are serviced by Long Drive.

Ms. Long stated that the easement services a total of 4.10 acres of property owned by Mr. Long.

Mr. King asked if Ms. Long's father had complaints from his tenants.

Ms. Long said yes.

Ms. Bellis asked Mr. Holec if there is a law that you cannot have a land locked piece of land denying somebody access.

Mr. Holec stated yes and that is why the easement exists. It is up to the owner to enforce their easement rights. The tracts could be combined but would be subject to the easement. It is the responsibility of the owner to enforce the easement rights. The owner would need to speak with the owner of the land impeding their access to the easement. If they are not getting voluntary compliance, then they can go to court.

Mr. Parker asked if they had addressed the business owner and the property owner of the situation.

Ms. Long stated that she believes her father has spoken to whoever was on site. She did not know if he had spoken with the actual property owner or business owner.

Mr. Malpass spoke in rebuttal of the opposition.

Mr. Malpass stated that the easement would not be deleted. The purpose of recombining the lots is to not have bufferyards and property lines from the same owner when doing a site plan.

Mr. Parker asked if the current easement is permanent.

Mr. Malpass said yes.

Ms. Basnight asked if the owner is aware of the easement.

Mr. Malpass said yes but that the Long family has been dealing with the tenant and not the land owner.

Ms. Bellis asked if the new building going to be across the easement.

Mr. Malpass stated it would be on the smaller tract.

Mr. Parker asked if the new building would be on the easement.

Mr. Malpass stated no.

Ms. Darden asked if the rezoning is approved would it cause more ingress/egress problems with the expansion of the dealership.

Mr. Malpass stated that it doesn't change the rights of the easement owner. The tenant must respect the easement and keep it open. This discussion is about the zoning. He had not heard anything about the easement being blocked until tonight.

Ms. Bellis stated that is should not be the tenant's responsibility that the easement is clear, but the owner of the land the tenant is using.

Mr. Malpass said the owner of the land the dealership is on is not there every day. He needs to let the tenant know.

Mr. King stated that his concern is regarding the lack of communication.

Mr. Malpass stated he is unaware but that the dealership has been there for several years. There is no sign that says no parking on the easement.

Ms. Darden asked if there is a way it could be marked off to maintain a clear open path.

Mr. Malpass stated that if the area was striped it might show as a designated area. But it is currently a gravel drive and not obvious.

Mr. Griffin asked Ms. Long if any agreement could be made between the 2 property owners or does Mr. Long completely oppose the rezoning due to the oversight of the easement.

Ms. Long stated that Mr. Long is completely opposed. He feels like their rights have been violated. She stated that the car dealership changed/re-aligned the driveway access differently than its original straight path and put asphalt down.

Mr. King asked why has it been so long and no enforcement has taken place.

Ms. Long stated that Mr. Long is a southern gentleman and had not taken any action yet.

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

Mr. Weitz stated he has concerns with Heavy Commercial zoning and its permitted uses. The easement issue is a civil matter and independent of the rezoning issue.

**Motion made by Mr. Parker, seconded by Mr. Smith, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Those in favor: Mr. Weitz, Ms. Bellis, Ms. Rich, Mr. Smith, Mr. Parker, Mr. King. Those in opposition: Ms. Darden and Mr. Griffin. Motion is passed.**

ORDINANCE REQUESTED BY TOBACCO WAREHOUSE DISTRICT, LLC TO REZONE 0.471 ACRES (20,509 SQUARE FEET) LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF DICKINSON AVENUE AND 45+/- FEET WEST OF WEST 8<sup>TH</sup> STREET FROM CDF (DOWNTOWN COMMERCIAL FRINGE) TO CD (DOWNTOWN COMMERCIAL).- APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. The property is located in the central section of the City between 8<sup>th</sup> Street and Ficklen Street. This area is a variety of uses. It is in the Business Use Focus Area. This rezoning could generate 643 additional trips per day, but

interconnected streets in this area will help disburse. The current CDF zoning is about 6,000 square feet. Under the proposed CD zoning it could go up to 20,000 square feet since there are no setbacks and could be built up to the property line. The rezoning gives more flexibility and density. It is recommended for commercial in this area. In staff's opinion, the request is in compliance with Horizons Plan, Future Land Use Plan Map and the West Greenville 45 Block Revitalization Plan.

Ms. Bellis asked if the rezoning included the 2 story corner property, antique store.

Ms. Gooby said no.

Mr. Parker asked if there could be a blanket rezoning for this area to all commercial.

Ms. Gooby stated yes at the direction of council.

Mr. Weitz stated that the planning commission could initiate the blanket rezoning at its discretion.

Mr. Parker said we should.

Mr. Flood stated that the preferred method is for the applicant to start the rezoning process. This Dickinson corridor will soon go under a major study.

Chairwoman Basnight opened the public hearing.

Mr. Scott Anderson, representative of the applicant, spoke in favor of the request. It is in compliance with the Land Use Plan and compatible with the adjacent uses.

Mr. Weitz asked if the property on site is a contributing structure to the National Register Historic District.

Mr. Anderson stated he did not know. The applicant's intent is to rehab the existing structure. It will not be torn down.

No one spoke in favor or opposition of the request.

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

Mr. Weitz stated that the zoning for this area needs to be cleaned up. Time is consumed with individual rezoning requests. He says he hopes that an approval will not give the owner incentive to tear down a worthy historic structure.

**Motion made by Mr. Parker, seconded by Ms. Rich, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other**

**applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.**

## **OTHER**

UPDATE FROM PLANNING STAFF ON CURENT APPROVED PLANS AND UPCOMING UPDATES.

Ms. Chantae Gooby, Planner II spoke of the approved plans and upcoming updates. This is about the plans we use for P&Z. The Horizons Plan was adopted in 2004. It is currently on a 10 year re-write within the next year or so. There was an update in 2010. These documents complement each other and should not contradict each other. The Medical District Plan and Horizons Plan should be in harmony when reviewing rezoning requests in the Medical District. The 10<sup>th</sup> Street Connector is moving along. It is available online. The West Greenville 45 Block Revitalization Area has come up in the Dickinson area rezonings. We also have the Center City Rezoning.

Mr. Parker asked what could be done as the commission to further discuss having sidewalks added to an ordinance.

Mr. Flood stated that staff is working on a program to add additional sidewalks to take to council.

**With no further business, motion made by Mr. Smith, seconded by Ms. Darden, to adjourn. Motion passed unanimously. Meeting adjourned at 7:28 p.m.**

Respectfully Submitted,

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