



Planning and Zoning Commission

April 17, 2012 6:30 PM Council Chambers, City Hall, 200 W. Fifth Street

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- I. CALL MEETING TO ORDER -
- II. INVOCATION Ann Bellis
- III. ROLL CALL
- IV. APPROVAL OF MINUTES March 20, 2012
- V. NEW BUSINESS

REZONINGS

1. Ordinance requested by David Hill to rezone 0.3325 acres (14,483 square feet) located at the southeast corner of the intersection of Greenville Boulevard and Belvedere Drive from O (Office) to CG (General Commercial).

PRELIMINARY PLATS

2. Request by Ashton Point E, LP for a preliminary plat entitled "Winslow Pointe". The property is located on the eastern side of Hooker Road at its intersection with Ridge Place. The property is bound by Green Mill Run to the north, CSX Railroad to the east and Pinebrook Subdivision to the south. The subject property is further identified as Pitt County Tax Parcel Nos. 25484 and 25485. The proposed development consists of 1 lot on 23.65 acres.

TEXT AMENDMENTS

- 3. Zoning Ordinance Text Amendment Application submitted by Paradigm, Inc. requesting to modify the city's standards for Family Care Homes.
- VI. <u>ADJOURN</u>

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING AND ZONING COMMISSION March 20, 2012

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

Mr. Tim Randall - * Mr. Godfrey Bell - * Mr. Tony Parker - * Mr. Hap Maxwell - * Ms. Shelley Basnight - * Mr. Doug Schrade - * Ms. Wanda Harrington - * Mr. Doug Schrade - *

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

<u>VOTING MEMBERS</u>: Bell, Parker, Maxwell, Basnight, Harrington, Bellis, Weitz and Schrade.

<u>PLANNING STAFF</u>: Chris Padgett, Interim Assistant City Manager; Merrill Flood, Community Development Director; Elizabeth Blount, Staff Support Specialist II; Chantae Gooby, Planner II and Andrew Thomas, Jr., Lead Planner.

<u>OTHERS PRESENT</u>: Dave Holec, City Attorney and Jonathan Edwards, Communications Technician.

<u>MINUTES</u>: Motion was made by Mr. Bell, seconded by Ms. Basnight, to accept the February 21, 2012 minutes as presented. Motion carried unanimously.

<u>NEW BUSINESS</u> REZONINGS

REQUEST BY BRIGHTON PARK APARTMENTS, LLC - DENIED

Ordinance requested by Brighton Park Apartments, LLC to rezone 0.63 acres located on the western right-of-way of Brighton Park Drive approximately 50 feet south of its intersection with its intersection with Melrose Drive from MO (Medical-Office) to MR (Medical-Residential).

Mr. Andy Thomas, Planner, delineated the property. The property is located in the western section of the city near the intersection of Brighton Park Drive and West Fifth Street. The property is currently vacant and adjacent properties to the north, south and east of the property are vacant. Carolina Ortho Prosthetics is to the west of the property. The rezoning could generate fewer trips on West Fifth Street than the existing zoning. The property is currently

zoned MO (Medical-Office) and the requested zoning is MR (Medical-Residential). Under the current zoning (MO), the site could yield 6,028+/- square feet of medical office space. Under the proposed zoning (MR), the maximum density would allow 11 multi-family units (1, 2 and 3 bedrooms). Staff would anticipate the site to yield 8 multi-family units (1, 2 and 3 bedrooms). The Future Land Use Plan Map recommends office/institutional/multi-family (OIMF) along the northern right-of-way of West Fifth Street between Schoolhouse Branch and Harris Run. In staff's opinion, the request is in compliance with <u>Horizons: Greenville's Community Plan</u>, the Future Land Use Plan Map and the Medical District Land Use Plan Update (2007).

Mr. Clay Tyre, representative of Brighton Park LLC, spoke in favor of the request.

Mr. Carl Tyndall, owner of Carolina Ortho Prosthetics, spoke in opposition of the request. Mr. Tyndall requested that the current zoning remain the same and not have apartments encroaching upon the medical area. Mr. Tyndall stated his property is zoned OI and goes back 650 feet from Fifth Street. The adjacent properties, the nursing home, dialysis center, and Brighton Park distance from Fifth street are 450 feet, 480 feet, and 445 feet, respectively. Brighton Park has the shortest distance. Mr. Tyndall stated that he foresaw the existing property going down in value, increase foot traffic, improper use of the lawn by animals and increase in crime. He pointed out that the location of the rezoning request is at the narrowest depth of MO zoning along that section of W. Fifth Street.

Mrs. Barbara Tyndall, wife of Mr. Tyndall, also spoke in opposition of the request. Mrs. Tyndall stated that she works at the Carolina Ortho Prosthetics office and no longer feels safe. The increase of foot and vehicular traffic along with increased crime makes her and her co-workers feel unsafe. Mrs. Tyndall presented a graph of crime statistics of Brighton Park to demonstrate the increase of crimes since the growth of the complex. She stated that she felt the more the density of the area increases, the more unsafe it becomes. She suggested that the area remain medical office.

Motion made by Mr. Maxwell, seconded by Mr. Parker, to recommend denial of the proposed amendment, to advise that, although the proposed amendment is consistent with the Comprehensive Plan, there is a more appropriate zoning classification, and to adopt the staff report which addresses plan consistency. Those voting in favor: Bellis, Basnight, Parker, Maxwell, Schrade, Weitz and Harrington. Those voting in opposition: Bell. Motion passed.

REQUEST BY E. HOOVER TAFT, III, TRUSTEE AND MARGIE B. STAFFORD, TRUSTEE - APPROVED

Ordinance requested by E. Hoover Taft, III, Trustee and Margie B. Stafford, Trustee to rezone 0.43 acres (18,713 square feet) located at the southwest corner of the intersection of Ellsworth Drive and Spring Forest Road from R6S (Residential-Single-Family [Medium Density]) to R6 (Residential [High Density Multi-family]).

Mrs. Chantae Gooby, Planner, delineated the property. The property is located in the southwest section of the city at the intersection of Spring Forest Road and Ellsworth Drive. The property consists of two vacant lots. There are apartments, commercial buildings and single-family homes in this area. The proposed rezoning will generate an insignificant increase of vehicle trips on Dickinson Avenue. In 2006, the property was zoned to single-family as part of the neighborhood rezonings. At that time, staff included the subject lots to remove the multi-family option even though it was recognize that single-family would have diminished long-term livability. Under the proposed rezoning (R6), the site could yield no more than two (2) duplex buildings (4 units). The Future Land Use Plan Map recommends medium density residential (MDR) transitioning to office/institutional/multi-family (OIMF) and high density residential (HDR) at the intersection of Ellsworth Drive and Spring Forest Road. Due to the configuration of the property, any buildings would be oriented toward Spring Forest Road. In staff's opinion, the request is in general compliance with <u>Horizons: Greenville's Community Plan</u> and the Future Land Use Plan Map. Staff necognizes that the location of the property does have limitations for use as single-family. Staff has no objection to the request.

Mr. Mike Baldwin, representative of applicants, spoke in favor of the request. He reiterated that the property is located in a transition area. Due the location and configuration of the lots, single-family is not suitable. He stated that because of the size, the property is suitable for duplex development.

No one spoke in opposition of the request.

Motion made by Mr. Bell, seconded by Ms Bellis, to recommend approval of the proposed amendment, to advise that, it is consistent with the Comprehensive Plan, in this instance it is an appropriate zoning classification, and to adopt the staff report which addresses plan consistency. Those voting in favor: Bellis, Basnight, Parker, Maxwell, Schrade, Bell and Harrington. Those voting in opposition: Weitz. Motion passed.

REQUEST BY LEWIS LAND DEVELOPMENT, LLC, POHL, LLC and V. PARKER OVERTON - APPROVED

Ordinance requested by Lewis Land Development, LLC, POHL, LLC and V. Parker Overton to rezone 31.74 acres located at the southeastern and southwestern corners of the intersection of Fire Tower Road and Bayswater Road from CN (Neighborhood Commercial) and R6MH (Residential-Mobile Home (High Density]) to CG (General Commercial).

Mrs. Chantae Gooby, Planner, delineated the property. This property is located in the southern section of the city along Fire Tower Road between White Bridge Apartments and Dudley's Grant Townhomes. The rezoning has been divided into three different tracts. Tracts 1 and 2 are currently zoned neighborhood commercial and the request is for general commercial. Tract 3 is currently zoned for mobile home/multi-family and neighborhood commercial and the request is for general commercial. Tracts 1 and 2 are impacted by the floodway and floodplain associated with Fork Swamp Canal. There is a designated neighborhood focus area located in the general area. The rezoning could generate a net increase of 1,484 additional trips per day. The Fire Tower Road/Bayswater Road intersection has already been signalized. Under the requested zoning, Tracts 1 and 2 will yield the same amount of conditioned floor space of retail/ restaurant/office but the proposed zoning will allow additional uses. A portion of Tract 3 is zoned neighborhood commercial and the request is for general commercial. Both the current and proposed zoning would yield the same amount of conditioned floor space of retail/restaurant/office, but the proposed zoning will allow additional uses. The portion of Tract 3 that is zoned mobile home/multi-family could yield up to 155 multi-family units. Under the proposed zoning, the site could yield 172,880 square feet of retail/restaurant/office space. Tract 3 also contains a stormwater detention pond. The Future Land Use Plan Map recommends commercial (C) along the southern right-of-way of Fire Tower Road between Bayswater Road (western terminus) and Swamp Fork Canal transitioning to conservation/ open space (COS) to the east, high density residential (HDR) to the south and office/institutional/multi-family (OIMF) to the west. In staff's opinion, the request is in general compliance. The site is adjacent to similar zoning. The current and proposed zoning will accommodate similar size development, but the proposed zoning will allow additional uses. There is existing transitional zoning in place.

Ms. Bellis asked what was currently between Tracts 1 and 2.

Mrs. Gooby stated it was the location of a new fire station.

Mr. Weitz stated that the neighborhood focus area designation was not consistent with the current amount of commercial zoning. He stated that the intended size of a neighborhood focus area was much smaller.

Mr. Padgett stated that council made a decision in 2007 to change some of the square footage in the neighborhood focus area to commercial development. The question for the commission is if the change in the intensity of commercial designation is appropriate.

Mr. Jim Hopf, representative of the applicant, spoke in favor of the request. He stated that traffic will increase by 2% with the proposed zoning, but that the key difference between the current and the proposed zoning is the additional uses. He also stated that the proposed zoning is consistent with the Land Use Plan.

No one spoke in opposition of the request.

Motion made by Mr. Parker, seconded by Ms Harrington, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

Text Amendment

ZONING ORDINANCE TEXT AMENDMENT RELATING TO SIGN REGULATIONS ASSOCIATED WITH TEMPORARY FLAGS, WIND BLADES AND BANNERS

The City of Greenville's standards for regulating signs are located in Article N of the Zoning Ordinance and are typically referred to as the city's sign regulations. The sign regulations strive to balance the rights and needs of businesses and other entities to advertise and promote themselves to the public with the community's need to maintain public safety and the aesthetic quality.

Mr. Chris Padgett, Interim Assistant City Manager, provided background information on this request to the Commission. The process that led to this text amendment began at the May 31, 2011, City Council meeting when a report on the city's sign standards was requested. Mr. Padgett presented three issues to be considered by the Commission: (1) Flags and Wind Blades (2) Use of Banners by Non-Profits and Governmental Organizations (3) Use of Banners for "Going Out of Business Sales/Events"

Issue #1-Flags and Wind Blades

Mr. Padgett stated that the Commission reviewed a text amendment at their January 17, 2012, meeting and made a recommendation to City Council. The recommendation included:

- A definition for "wind blade"
- Limiting flags without commercial messages to no more than 100 square feet in area with no limitation on the number permitted per lot.
- Limiting flags with commercial messages that are located on functioning light poles internal to the business lot to no more than 50 square feet in area.
- Permitting freestanding flags with commercial messages and wind blades with commercial or noncommercial messages as follows:
 - At least one freestanding flag or wind blade is permitted per lot;

- One freestanding flag or wind blade is permitted for each 100 feet of lot frontage on a public or private street; and
- Each freestanding flag or wind blade shall not exceed 25 square feet in area or 12 feet in height.

Mr. Padgett stated that City Council reviewed the recommendation at the February 9, 2012, meeting. During discussion, there was not a consensus on the recommendation. City Council voted to table the text amendment recommended by the Planning and Zoning Commission and sent the item back to the Commission to provide a recommendation on eliminating the use of temporary freestanding flags and wind blades.

Mr. Padgett presented an alternate amendment based on City Council's directive. This amendment includes the following:

- Provide a definition for "wind blade"
- Limit flags with or without commercial messages that are located on functioning light poles internal to the business lot to no more than 50 square feet in area. No limitation on the number permitted per lot.
- Temporary freestanding flags and wind blades are not permitted.
- Flags attached to permanent flag poles are limited to 50 square feet for commercial messages, 100 square feet for noncommercial messages, and no more than one flag pole per lot.

Mr. Bell stated that he would like to keep the initial recommendation.

Mr. Schrade agreed.

Mr. Parker asked was the City Council concerned with the proximity of the wind blades to the right-of-way.

Mr. Padgett answered that there was some discussion about the safety related to these temporary structures possibly blocking views from driveways, but that a primary concern was the aesthetics of the city's primary corridors.

Mr. Weitz suggested the elimination or strict regulation of wind blades so the community does not have additional sign clutter.

Ms. Basnight asked if Code Enforcement had enough personnel to enforce the sign regulations.

Mr. Padgett stated that he could not speak for Code Enforcement's staffing, but noted that they patrol the city daily addressing a number of code issues and that they address temporary sign violations when they see them.

Mr. Parker asked for the definition of "temporary signs".

Mr. Padgett explained that temporary referred to the type of sign structure not attached to a permanent foundation.

Mr. Maxwell asked why does the alternate amendment have "the no limit of flags per lot" if we are trying to restrict the number of flags.

Mr. Padgett stated that our current standard states you can have an unlimited number of flags per lot. The suggestion was to work with what we already have.

No one spoke in favor of the amendment.

No one spoke in opposition of the amendment.

Motion made by Mr. Bell, seconded by Ms Harrington, to recommend denial of the requested amendment and to reaffirm the Commission's previous recommendation, to advise that it is inconsistent with the comprehensive plan or other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Those voting in favor: Bellis, Basnight, Parker, Maxwell, Schrade, Bell and Harrington. Those voting in opposition: Weitz. Motion passed.

Issue #2-Use of Banners by Non-Profits and Governmental Organizations

Mr. Padgett stated that the current ordinance prohibits the use of banners by businesses except for grand openings (limited to 10 days), but allows their use by non-profits and governmental organizations subject to the following:

- The banners do not have a commercial message;
- No more than one on-site and three off-site banners are permitted;
- The use of the banners is limited to seven days; and
- Each banner can be no more than 30 square feet in area.

Mr. Padgett stated that staff had been receiving comments from the community regarding businesses not being able to use banners, but non-profits and governmental organizations can. The issue was being presented to the Commission to see if they would like to consider recommending a modification to this standard to City Council.

Mr. Weitz stated that he felt the distinction should be between commercial and noncommercial messages versus businesses and non-profits or governmental organizations.

Chairman Randall asked if a business is having a sale can they use a banner as advertisement.

Mr. Padgett stated no but they can use a six square foot temporary sign or a permanent sign with changeable copy.

Chairman Randall stated that it appears the Commission has issues with the current ordinance. He asked if staff could make modifications to the ordinance with direction from the Commission.

Mr. Padgett stated that staff can create some options if the Commission has specific directives.

Mr. Parker made a motion to continue this item to a future meeting, Mr. Bell seconded and the motion carried unanimously.

Issue #3 - Use of Banners for "Going Out of Business Sales/Events"

Mr. Padgett stated that the current ordinance allows the use of banners for Grand Openings, but not for Going Out of Business Sales/Events. If the Commission desires to recommend the creation of such a provision, the following may be considered:

- Limiting the duration of such events to no more than 10 days;
- Requiring a Zoning Compliance Certificate;
- Limiting the use of banners to one located on-site; and
- Limiting the use of this provision to one total occurrence.

Chairman Randall asked if there was any provision for any business to put up a banner to advertise an anniversary sale or special event.

Mr. Bell stated that businesses should be allowed the same sign regulations for Going Out of Business as they do for Grand Openings.

No one spoke in favor of the amendment.

No one spoke in opposition of the amendment.

Ms Basnight stated that the banners should be allowed for just Going Out of Business Events.

Mr. Parker asked if the Commission would like to address allowing businesses to have banners for sales.

Mr. Padgett stated that businesses can use other signs to advertise sales but at this point cannot use banners.

Motion made by Mr. Bell, seconded by Ms Harrington, to recommend the proposed amendment, to advise that it is consistent with the comprehensive plan or other applicable plans, and to adopt the staff report which should include limiting the use of Going Out of Business banners. Those voting in favor: Bellis, Basnight, Weitz, Maxwell, Schrade, Bell and Harrington. Those voting in opposition: Parker. Motion passed.

OTHER ITEMS OF BUSINESS

Update on Zoning Text Amendment Application Related to Standards for Family Care Homes

Mr. Chris Padgett, Interim Assistant City Manager, stated that staff continued to have communication with the applicant concerning eliminating spacing requirements for family care homes. The applicant has submitted a revised text amendment application to be presented at the April Planning & Zoning Commission meeting.

Chairman Randall asked if the Commission had received a layout of existing group homes.

Mr. Padgett stated yes and that staff will provide an updated map in next month's package.

Mr. Weitz and Mr. Bell stated that they will not be at the April Planning and Zoning meeting.

With no further business, Mr. Bell made a motion to adjourn, Ms Basnight seconded, and it passed unanimously. Meeting adjourned at 8:00 p.m.

Respectfully Submitted,

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



City of Greenville, North Carolina

Meeting Date: 4/17/2012 Time: 6:30 PM

<u>Title of Item:</u>	Ordinance requested by David Hill to rezone 0.3325 acres (14,483 square feet) located at the southeast corner of the intersection of Greenville Boulevard and Belvedere Drive from O (Office) to CG (General Commercial).
Explanation:	Required Notice:
	 Planning and Zoning Commission meeting notice (property owner and adjoining property owner(s) letters) mailed on April 2, 2012. On-site sign(s) posted on April 2, 2012. City Council public hearing notice (property owners and adjoining property owner(s) letters) mailed - N/A at this time. Public hearing legal advertisement published - N/A at this time. Public hearing legal advertisement published - N/A at this time. Comprehensive Plan: The subject property is located in Vision Area E. Greenville Boulevard is designated as a connector corridor from its intersection with Charles Boulevard to its intersection at Dickinson Avenue. Connector corridors are anticipated to contain a variety of higher intensity land uses. Belvedere Drive is a standard residential collector street that provides access to Greenville Boulevard. The Future Land Use Plan Map recommends office/institutional/multi-family (OIMF) along the southern right-of-way of Greenville Boulevard from Hooker Road to the western (Greenville Boulevard) entrance of Belvedere Subdivision, transitioning to medium density residential (MDR) in the interior areas to the south. Office development is preferred in lieu of multi-family in the areas abutting single-family neighborhoods. The Comprehensive Plan states that, "office/institutional/multi-family
	development should be used as a buffer between light industrial and commercial

development and adjacent lower density residential land uses."

Thoroughfare/Traffic Volume (PWD - Engineering Division) Report Summary:

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1,588 trips to and from the site on Greenville Boulevard, which is a net increase of 1,552 additional trips per day.

During the review process, measures to mitigate traffic impacts will be determined. Mitigation measures may include limiting access onto Greenville Boulevard through cross access to the adjacent eastern parcel and constructing an eastbound right turn lane at the Bismarck Street intersection.

History/Background:

In 1969, the property was zoned R9 (Residential). In 1987, the property was part of a neighborhood rezoning (Club Pines, Belvedere, and Westhaven Subdivisions) to R9S (single-family only). In 2007, the property was rezoned from R9S to Office as part of a larger rezoning along this section of Greenville Boulevard that added additional commercial zoning to the adjacent property to the east.

Present Land Use:

Vacant

Water/Sewer:

Water and sanitary sewer are available in the right-of-way of Greenville Boulevard.

Historic Sites:

There is no known effect on designated sites.

Environmental Conditions/Constraints:

There are no known environmental constraints.

Surrounding Land Uses and Zoning:

North: CH - Tabeya and Kentucky Fried Chicken/Long John Silvers Restaurants
South: R9S - Belvedere Subdivision
East: CG - Vacant (under common ownership as applicant)
West: O - Vacant (under common ownership as applicant)

Density Estimates:

Under the current zoning (O), the site could yield 3,186+/- square feet of office

space.

Under the proposed zoning (CG), the site could yield 3,186+/- square feet of retail/ restaurant/office space.

The anticipated build-out time is 1-2 years.

Additional Staff Comments:

Of primary concern is the protection of the Belvedere Subdivision entrance. The intersection of Greenville Boulevard and Belvedere Drive serves as a primary entrance into a substantial single-family neighborhood.

A similar zoning pattern has been established at the western corner of this intersection.

The proposed rezoning will reduce the office buffer along Belvedere Drive which was established by the previous rezoning in 2007.

The existing office zoning contains a compatible mix of business and office uses and serves as a transition between the commercial activities on Greenville Boulevard and the residential dwellings in the interior. Office zoning is the most restrictive non-residential zoning district. There is no residential option under the office zone.

This specific property has been the subject of a past rezoning request and continuing neighborhood concerns have resulted in the current zoning. Office zoning is the preferred zoning for this location due to the intersection's function as a primary entrance into the neighborhood. If approved, this request will result in a narrowing of the current office zoning that will likely result in the parcel not being developed in the preferred office-like character.

Under Article O. Parking, office zoning allows for cross-district parking for uses in the proposed CG district.

The subject property will have egress/ingress onto Greenville Boulevard via the signalized intersection at Bismarck Street. There is an approved site plan for Car Quest Auto Parts in the intervening lot between the subject property and the University Church of Christ. An additional curb cut along Belvedere Drive for access to the subject property is possible.

Any specific improvements above minimum bufferyard and street tree requirements, including additional plantings and the like, which the applicant may voluntarily offer, would be by private agreement. The City cannot participate in the development of or in the enforcement of any private agreements associated with any rezoning.

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the request <u>is not</u> in compliance with <u>Horizons: Greenville's</u> <u>Community Plan</u> and the Future Land Use Plan Map due to the absence of an adequate buffer or other conditions(s) determined sufficient to protect the interest of the neighborhood. <u>However, the inclusion of transitional zoning or other</u> <u>private conditions of development that are agreeable to the affected</u> <u>neighborhood residents may accomplish the intent of the Plan.</u>

The Plan recommends that buffers to commercial development be provided to minimize negative impacts on low density residential developments in proximity. Accomplishment of that objective is the primary concern.

In staff's opinion, the proposed CG (General Commercial) zoning would not be in compliance with <u>Horizons: Greenville's Community Plan</u> and the Future Land Use Plan Map in the absence of adequate buffer or other condition(s) determined sufficient to protect the interest of the abutting single-family neighborhood. The inclusion of transitional zoning (marginally beneficial in this case due to the limited depth of the property), or other private conditions of development that are agreeable to the affected neighborhood residents, may accomplish the intent of the Plan.

The Plan also recommends that buffers to that commercial development be provided to minimize negative impacts on low density residential developments in proximity. Accomplishment of that objective is the primary concern.

"Not in compliance with the comprehensive plan" should be construed as meaning the requested rezoning (i) is specifically noncompliant with plan objectives and recommendations including the range of allowable uses in the proposed zone, etc., and/or of a scale, dimension, configuration or location that is not objectively in keeping with the plan intent and (ii) does not promote or preserve the desired urban form. The requested rezoning is considered undesirable and not in the public interest, and staff recommends denial of the requested rezoning.

Note: In addition to other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

Location Map

Bufferyard and Vegetation Standards and Residential Density

- Survey
- List_of_Uses_R9S_and_CG_894321

Traffic Report

EXISTING ZONING

O (Office) Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- f. Retail sales; incidental

(2) Residential:

* None

(3) Home Occupations (see all categories): *None

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use

(5) Agricultural/ Mining:

a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

(6) Recreational/ Entertainment:

f. Public park or recreational facility

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- o. Church or place of worship (see also section 9-4-103)
- p. Library
- q. Museum
- r. Art Gallery
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- x. Dance studio

(9) *Repair:* * None

(10) Retail Trade:s. Book or card store, news stand

w. Florist

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade: * None

(12) Construction:c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) Transportation: * None

(14) Manufacturing/ Warehousing: * None

(15) Other Activities (not otherwise listed - all categories): * None

O (Office) Special Uses

(1) General: * None

(2) Residential:

i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile homes

(3) Home Occupations (see all categories): * None

(4) Governmental:a. Public utility building or use

(5) Agricultural/Mining: * None

(6) Recreational/Entertainment: * None

(7) Office/ Financial/ Medical: * None

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- j. College and other institutions of higher learning
- 1. Convention center; private

bb. Civic organizations

cc. Trade and business organizations

(9) Repair: * None

(10) Retail Trade:

* None

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade: * None (12) Construction: * None

(13) Transportation: * None

(14) Manufacturing/ Warehousing: * None

(15) Other Activities (not otherwise listed - all categories): * None

PROPOSED ZONING

CG (General Commercial) Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On-premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

(2) Residential: * None

(3) Home Occupations (see all categories): *None

(4) Governmental:

- b. City of Greenville municipal government building or use. (See also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- g. Liquor store, state ABC

(5) Agricultural/ Mining:

a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

(6) Recreational/Entertainment:

- f. Public park or recreational facility
- h Commercial recreation; indoor only, not otherwise listed
- j. Bowling alleys
- n. Theater; movie or drama, indoor only
- q. Circus, carnival or fair, temporary only (see also section 9-4-103)
- s. Athletic Club; indoor only

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- b. Operation/processing center
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- g. Catalogue processing center

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- k. Business or trade school
- o. Church or place of worship (see also section 9-4-103)
- q. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- y.(1) Television and/or radio broadcast facilities including receiving and transmission equipment and towers not exceeding 200 feet in height or cellular telephone and wireless communication towers not exceeding 200 feet in height (see also section 9-4-103)
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- hh. Exercise and weight loss studio; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

(9) Repair:

g. Jewelry, watch, eyewear or other personal item repair

(10) Retail Trade:

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- g. Fish market; excluding processing or packing
- h. Restaurant; conventional
- i. Restaurant; fast food
- k. Medical supply sales and rental of medically related products
- 1. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales
- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facility)
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- aa. Pawnbroker
- bb. Lawn and garden supply and household implement sales and accessory sales
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

- b. Rental of home furniture, appliances or electronics and medically related products (see also (10)k.)
- c. Rental of cloths and accessories; formal wear, etc.

(12) Construction:

- c. Construction office; temporary, including modular office (see also section 9-4-103)
- e. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage
- f. Hardware store

(13) Transportation:

- c. Taxi or limousine service
- h. Parking lot or structure; principal use

(14) Manufacturing/ Warehousing: * None

(15) Other Activities (not otherwise listed - all categories): * None

CG (General Commercial) Special Uses

(1) General: * None

(2) Residential:

i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home

(3) Home Occupations (see all categories): * None

*(4) Governmental:*a. Public utility building or use

(5) Agricultural/ Mining: * None

(6) Recreational/ Entertainment:

- d. Game center
- l. Billiard parlor or pool hall
- m. Public or private club
- t. Athletic club; indoor and outdoor facilities

(7) Office/ Financial/ Medical:

- c. Office; customer services, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- 1. Convention center; private

(9) Repair:

- a. Major repair; as an accessory or principal use
- b. Minor repair; as an accessory or principal use

(10) Retail Trade:

- b. Gasoline or automotive fuel sales; accessory or principal use, retail
- j. Restaurant; regulated outdoor activities
- n. Appliances; commercial use, sales and accessory repair, excluding outside storage

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

- d. Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- f. Automobile, truck, recreational vehicle, motorcycle and boat sales and service (see also major and minor repair)

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

k. Mini-storage warehouse, household; excluding outside storage

15) Other Activities (not otherwise listed - all categories):

a. Other activities; personal services not otherwise listed

- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed

d. Other activities; retail sales not otherwise listed



04/30/07

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

PROPOSED LAND USE CLASS (#)		ADJACENT F	PERMITTED LAND US	ADJACENT V NONCON	PUBLIC/PRIVATE STREETS OR R.R			
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	В	Β.	В	В	С	В	А
Office/Institutional, Light Commercial, Service (3)	D	D	В	В	В	D	В	А
Heavy Commercial, Light Industry (4)	E	E	В	В	В	E	В	A
Heavy Industrial (5)	F	F	В	В	В	F	В	A

	Bufferyard A (st	reet yard)
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Bufferyard B (no sci	reen required)
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Width	For every 100 linear feet	
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs	

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Buf	feryard E (screen required)
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs
	nay be reduced by fifty (50%) percent if a nedge (additional material) or earth berm is provided.

Bufferyard D (screen required)					
Width	For every 100 linear feet				
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs				

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

	ufferyard F (screen required)
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs
	th may be reduced by fifty (50%) percent if a n hedge (additional material) or earth berm is provided.

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.



Illustration: Maximum allowable density in Residential Zoning Districts



REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Attachment number 5 Page 1 of 2

Case No: 12-04 Applicant: David Hill **Property Information Current Zoning:** O (Office) SN GREENTLLE BY **Proposed Zoning:** CG (General Commercial) N **Current Acreage:** 0.3326 acres Adjacent to corner parcel at southeast corner of Location: Greenville Blvd & Belvedere Dr **Points of Access: Belvedere** Drive Location Map **Transportation Background Information** 1.) Greenville Boulevard- State maintained Ultimate Thoroughfare Street Section **Existing Street Section** 6-lane divided with curb & gutter 5-lane with curb & gutter Description/cross section Right of way width (ft) 100 110 45 Speed Limit (mph) 45 **Current ADT:** 34,330 (*) Ultimate Design ADT: 45,000 vehicles/day (**) **Design ADT:** 33,500 vehicles/day (**) **Controlled Access** No Thoroughfare Plan Status: Major Thoroughfare Other Information: There are no sidewalks along Greenville Boulevard that service this property. Notes: (*) 2010 NCDOT count adjusted for a 2% annual growth rate (**) Traffic volume based an operating Level of Service D for existing geometric conditions ADT – Average Daily Traffic volume Transportation Improvement Program Status: No planned improvements. Trips generated by proposed use/change **Current Zoning: 36** Proposed Zoning: 1,588 -vehicle trips/day (*) -vehicle trips/day (*) Estimated Net Change: increase of 1552 vehicle trips/day (assumes full-build out) (* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.) **Impact on Existing Roads** The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on Greenville Boulevard are as follows: "No build" ADT of 34,330 1.) Greenville Boulevard, East of Site (45%): Estimated ADT with Proposed Zoning (full build) - 35,045 Estimated ADT with Current Zoning (full build) - 34,346 699 (2% increase) Net ADT change = COG-#923568-v1-Rezoning Case 12-04 - David Hill

Item #1

Applicant: David Hill

2.) Greenville Boulevard, West of Site (45%):

"No build" ADT of 34,330

Estimated ADT with Proposed Zoning (full build) – 35,045 Estimated ADT with Current Zoning (full build) – 34,346

Net ADT change = 699 (2% increase)

3.) Belvedere Drive (10%)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1588 trips to and from the site on Greenville Boulevard, which is a net increase of 1552 additional trips per day.

During the review process, measures to mitigate traffic impacts will be determined. Mitigation measures may include limiting access onto Greenville Boulevard through a cross access to the adjacent eastern parcel and constructing an eastbound right turn lane at the Bismarck Street intersection.



City of Greenville, North Carolina

Meeting Date: 4/17/2012 Time: 6:30 PM

<u>Title of Item:</u>	Request by Ashton Point E, LP for a preliminary plat entitled "Winslow Pointe". The property is located on the eastern side of Hooker Road at its intersection with Ridge Place. The property is bound by Green Mill Run to the north, CSX Railroad to the east and Pinebrook Subdivision to the south. The subject property is further identified as Pitt County Tax Parcel Nos. 25484 and 25485. The proposed development consists of 1 lot on 23.65 acres.
Explanation:	This preliminary plat was brought before the Planning and Zoning Commission in February, 2012 where it was approved. Since that time, it has been determined that the property notices were inadvertently sent to a different location. This preliminary plat is being brought back before the board so the original approval can be vacated and a public hearing be conducted with the proper adjoiners being notified.
	This site is the recombination of two existing parcels. One parcel contains the Flynn Christan Home and the other tract is vacant.
	The property is bound on the north by the Green Mill Run. A riparian buffer and greenway easement will be dedicated with the recordation of the final plat. The property has significant wetlands and the Army Corps of Engineers has approved a wetlands delineation. A large portion of this property will remain undisturbed.
	The property will be served by a private drive which is the primary purpose of this submission.
	This preliminary plat also illustrates the multi-family units that are proposed to be built.
<u>Fiscal Note:</u>	There will be no costs to the City of Greenville associated with this subdivision other than routine costs to provide public services.

Recommendation: The Ci

The City's Subdivision Review Committee has reviewed the preliminary plat and has determined that it meets all technical requirements.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

Minslow Pointe Preliminary Plat









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DRAWN: Checked:	PITT COUNTY, TRACT 1 - PARCEL 254 Samuel R. Johnson C. AAV Properties, LLC 111 Oxford Road Greenville, NC 28587 Phone: 910-515-796 NG, PA SURVEYED:	T 8, 2012	מז ו			40.73 38.45 38.19	- 40.73 -	- 49.77 49.07 48.69 47.96 47.65	- 49.19	- 49.59 49.20 48.78 48.47	- 50.23 49.75	51.81 51.20 50.59 49.76 47.95 47.60	- 50.24 49.21 48.76	11	JRE
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City of Greenville, North Carolina

Meeting Date: 4/17/2012 Time: 6:30 PM

<u>Title of Item:</u> Zoning Ordinance Text Amendment Application submitted by Paradigm, Inc. requesting to modify the city's standards for Family Care Homes.

Explanation:

Background Information

It is the policy of the State of North Carolina to provide persons with disabilities the opportunity to live in a normal residential environment. The State further dictates that each person with a disability shall have the same rights as any other citizen to live and reside in residential communities, homes and group homes on the same basis as any other citizen. The State defined and created standards for family care homes in 1981, and later modified them in 2005, as a means of implementing this policy directive and to ensure compliance with federal law.

The City of Greenville first defined and created standards for family care homes in 1981. These new standards were modeled after the state law that was adopted earlier that year and included a 1/2 mile separation requirement for family care homes (i.e. a proposed family care home could not be located within 1/2 mile of an existing family care home). In 1991, the *Pitt County Group Home Board* requested that the City eliminate the 1/2 mile separation requirement so that such facilities could be more easily established throughout the community. The City Council found that eliminating the separation requirement altogether would not be appropriate, but they did reduce the requirement to 1/4 mile which is still the standard today.

Family care homes are defined by NCGS 168-21 as "a home with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident persons with disabilities." The term "persons with disabilities" is broadly defined and includes, but is not limited to, the following:

- Persons with mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbance or orthopedic impairments;
- Persons suffering from Alzheimer's, senile dementia or organic brain syndrome;

- Persons with human immunodeficiency virus (HIV) and / or acquired immune deficiency syndrome (AIDS), who are in ambulatory condition; and
- Recovering alcoholics or drug addicts who are not currently using illegal controlled substances.

This definition does not include individuals that are considered to be "dangerous to others". 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 this conduct will be repeated.

State Limits on Local Land Use Controls

The State of North Carolina, through NCGS 168-22, dictates that municipalities shall view family care homes as residential land uses for zoning purposes and shall allow them as a permitted use in all residential zoning districts. The statute further dictates that a family care home cannot be made subject to the issuance of a special use permit. A municipality may, however, prohibit a family care home from being located within a 1/2 radius of an existing family care home.

It should be noted that the prospective family care home operators must meet State licensing / permitting requirements as well as local zoning requirements. These two processes are independent of one another.

Federal Fair Housing Act

This request has federal Fair Housing Act implications. The federal Fair Housing Act makes it unlawful to make a dwelling unavailable to a person because of race, color, national origin, religion, sex, familial status, or handicapped condition. A violation of the Act includes failure to make a reasonable accommodation in rules and policies when it is necessary to afford a protected person equal opportunity to use and enjoy a dwelling. The Act applies to local governments including the requirement that local governments make a reasonable accommodation in rules and policies when it is necessary to afford a protected personable accommodation in rules and policies when it is necessary to afford a protected a protected personable accommodation in rules and policies when it is necessary to afford a protected personable accommodation in rules and policies when it is necessary to afford a protected personable accommodation in rules and policies when it is necessary to afford a protected personable accommodation in rules and policies when it is necessary to afford a protected personable accommodation in rules and policies when it is necessary to afford a protected personable accommodation in rules and policies when it is necessary to afford a protected personable accommodation in rules and policies when it is necessary to afford a protected personable accommodation in rules and policies when it is necessary to afford a protected personable accommodation in rules and policies when it is necessary to afford a protected personable accommodation in rules and policies when it is necessary to afford a protected personable accommodation in rules and policies when it is necessary to afford a protected personable accommodation in rules and policies when it is necessary to afford a protected personable accommodation in rules and policies when it is necessary to afford a protected personable accommodation in rules and policies when it is necessary to afford a protected personable accommodation in rules and policies when it is nece

The federal Fair Housing Act has resulted in litigation relating to Zoning Ordinance provisions which apply to group homes and family care homes which serve persons with disabilities. Included in the Zoning Ordinance provisions which have been challenged as being in violation of the Act is the separation requirement between family care homes. Although the courts in some states have invalidated separation requirements completely, the courts in other states have upheld separation requirements. A North Carolina court has not yet ruled on this.

When considering this proposed amendment, consideration should be given as to whether the amendment is a reasonable accommodation under the federal Fair Housing Act. The standard as established by case law is that the accommodation is reasonable and necessary. The case law approved factors include the following:

(1) *Reasonable*. Factors which may be considered to determine whether an accommodation is reasonable include but are not limited to the following:

(a) the legitimate purposes and effects of existing zoning regulations are not undermined by the accommodation;

(b) the benefits that the accommodation provides to individuals with disabilities;

(c) alternatives to the accommodation do not exist which accomplish the benefits more efficiently; and

(d) a significant financial and administrative burden is not imposed by the accommodation upon the city.

(2) *Necessary*. Factors which may be considered to determine whether an accommodation is necessary include but are not limited to the following:

(a) direct or meaningful amelioration of the effects of the particular disability or handicap is provided by the accommodation; and

(b) individuals with disabilities are afforded by the accommodation equal opportunity to enjoy and use housing in residential neighborhoods.

Current Zoning Standards

The City's standards applicable to family care homes are consistent with the applicable state requirements outlined above as follows:

- The City's definition of a family care home is modeled after the state definition and also includes language from other applicable state statutes.
- The City permits family care homes as a use of right in all residential zoning districts including the RA-20, R-15S, R-9S, R-6S, R-6N, R-9, R-6, R-6A, R-6MH, MR, MRS, OR and CDG districts.
- Family care homes are not subject to a special use permit in any district.
- Family care homes are subject to a 1/4 mile (1,320-foot) separation requirement from other family care homes (this is a significantly less strict requirement than is permitted by state law).

(A complete copy of all City zoning standards applicable to family care homes is attached.)

Current Request

Paradigm, Inc., a mental and behavioral health care provider, has submitted a Zoning Ordinance Text Amendment Application requesting to add the following language as an addition to the existing 1/4 mile separation requirement applicable to family care homes, as provided in subsection (D)(3) under Section 9-4-103 of the Zoning Ordinance:

The following exception to the ¹/₄ mile separation requirement provides for the reasonable accommodation for individuals with disabilities while also limiting

the cumulative impacts of family care home facilities congregating within residential neighborhoods:

A family care home may be located within 1/4 mile of an existing family care home if:

1. Both the existing family care home and the proposed family care home are operated by the same licensed operator;

2. The proposed family care home is located upon property which is adjacent to the property upon which the existing family care home is located; and,

3. The existing family care home and the proposed family care home are not located within one mile of any other family care home.

Staff Comments

The existing separation requirement applicable to family care homes is intended to ensure that these facilities do no congregate or cluster within residential neighborhoods. In staff's opinion, the establishment of multiple family care homes in close proximity to one another within a residential neighborhood could potentially lead to nonresidential characteristics within the neighborhood and have an adverse impact on the neighborhood's character and on its residents. Additionally, such concentration of these facilities could be adverse or detrimental to the City's efforts related to two specific Objectives of <u>Horizons:</u> <u>Greenville's Community Plan</u> as follows:

Objective H6: To improve and revitalize existing neighborhoods.

Objective UF6: To preserve neighborhood livability.

Other specific Objectives of **Horizons:** Greenville's Community Plan that may be interpreted as supporting the basis of the requested text amendment include the following:

Objective H15: To partnership with others to provide affordable housing for special needs populations.

Objective UF2: To encourage a mixing of land uses.

Objective UF3: To encourage a diversity of housing options.

In staff's opinion, the City's current standards for family care homes, including the 1/4 mile separation requirement, provides reasonable opportunities for family care homes within the City's planning and zoning jurisdiction. As of April 4, 2012, there are 29 approved family care homes within the City's planning and zoning jurisdiction (24 active and 5 approved but pending State permitting). Additionally, there are 8 active Oxford House facilities that are not subject to the local zoning requirements related to spacing. Based on an analysis of the City's current standards and the location of these existing facilities, approximately

39.86 square miles or 59.8% of the city's planning and zoning jurisdiction would qualify to locate a new family care home facility by right (see attached map). **Fiscal Note:** No fiscal impact is anticipated. In staff's opinion, the proposed Zoning Ordinance Text Amendment is not in **Recommendation:** compliance with Horizons: Greenville's Community Plan. If the Planning and Zoning Commission determines to recommend approval of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows: "Motion 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." If the Planning and Zoning Commission determines to recommend denial of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows: "Motion to recommend denial of the proposed text amendment, to advise that it is inconsistent with the comprehensive plan or other applicable plans, and to adopt the staff report which addresses plan consistency and other matters."

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

- Current_Zoning_Standards___Family_Care_Homes_913173
- E Family_Care_Home_Separation_Standards_Survey_912969
- Application
- Family Care Home Map
- **•** Family Care Home Inventory



Date Received 3-16-12

CITY OF GREENVILLE ZONING ORDINANCE TEXT AMENDMENT APPLICATION

Applicant Name(s) Paradigm, Inc.
(Jason and Jeanette Barnett)
Mailing Address P. O. Box 31091
Greenville, NC 27833-31091
Contact Phone Number (_252) 561-8112
Contact Fax Number (561-7455
Zoning Ordinance Section Proposed to be Amended:
Section 9-3-103, paragraph (D)(3)
8
Reason for Request <u>For a reasonable accommodation to provide needed</u>
facilities for individuals with disabilities.
Proposed Language of Text Amendment (attach additional pages if needed):
Please see attached page.

Jeannette M. Burnett H 3.14.12 len Signature of Applicant **Print Name** Date 1

The following exception to the ¼ mile separation requirement provides for the reasonable accommodation for individuals with disabilities while also limiting the cumulative impacts of family care home facilities congregating within residential neighborhoods:

A family care home may be located within 1/4 mile of an existing family care home if:

- 1. B oth the existing family care home and the proposed family care home are operated by the same licensed operator;
- 2. The propose d family care home is located upon property which is adjacent to the property upon which the existing family care home is located; and,
- 3. The existing family care home and the proposed family care home are not located within one mile of any other family care home.

Current Zoning Standards for Family Care Homes – City of Greenville

1. **Section 9-4-22** provides the definition of a family care home as follows:

Family care home. An establishment defined under G.S. 168-20 through 168-23 as amended, with support and supervisory personnel that provides room and board, personal care and rehabilitation services in a family environment for not more than six resident persons with disabilities. Person with disabilities means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbance and orthopedic impairments but not including mentally ill persons who are dangerous to others. 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 this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct.

- (1) The following shall be considered a person with disabilities for the purpose of this definition:
 - (a) An elderly and disabled person suffering from Alzheimer's, senile dementia, organic brain syndrome;
 - (b) A recovering alcoholic or drug addict who is not currently using an illegal controlled substance; and/or
 - (c) A person with human immunodeficiency virus (HIV) and/or acquired immune deficiency syndrome (AIDS), who is in ambulatory condition.
- (2) Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.
- 2. Section 9-4-103 (D) provides the following standards applicable to family care homes:
- (D) Family care home.
 - (1) For purposes of this section, a family care home shall be as defined herein.
 - (2) Family care homes shall be deemed a residential use of property and shall be permissible in all residential districts subject to subsection (D)(3) below.

- (3) No family care home shall be permitted within a one-fourth-mile (1,320 foot) radius of an existing family care home as measured from the nearest lot line.
- 3. **Appendix A (C)(2)** provides the districts in which family care homes can be located as a permitted use as follows:
 - RA-20 (Residential Agricultural) district;
 - R-15S (Residential Single Family) district;
 - R-9S (Residential Single Family) district;
 - R-6S (Residential Single Family) district;
 - R-6N(Residential Neighborhood Revitalization) district;
 - R-9 (Residential) district;
 - R-6 (Residential) district;
 - R-6A (Residential) district;
 - R-6MH (Residential Mobile Home) district;
 - MR (Medical Residential) district;
 - MRS (Medical Residential Single Family) district;
 - OR (Office Residential) district; and
 - CDF (Downtown Commercial Fringe) district.

Survey of Other North Carolina Jurisdictions: Separation Requirements for Family Care Homes

Staff surveyed numerous other North Carolina municipalities and Pitt County to verify which entities have spacing requirements for Family Care Homes (i.e. a set distance that a proposed Family Care Home must be from an existing Family Care Home). The results of the survey are provided below:

<u>Pitt County</u>

Ayden:	2,640 ft. (½ mile)
Farmville:	No separation standard.
Greenville:	1,320 ft (¼ mile)
Grifton:	2,640 ft. (½ mile)
Pitt County:	2,640 ft. (½ mile)
Winterville:	2,640 ft. (½ mile)

Eastern North Carolina

Goldsboro:	1,320 ft (¼ mile)
Jacksonville:	2,640 ft. (½ mile)
New Bern:	2,500 ft.
Rocky Mount:	750 ft.
Washington:	2,640 ft. (½ mile)
Wilmington:	2,640 ft. (½ mile)
Wilson:	No separation standard.

<u>Statewide</u>

Apex:	2,640 ft. (½ mile)
Cary:	1,320 ft (¼ mile)
Charlotte:	800 ft.
Durham:	No separation standard.
High Point:	2,640 ft. (½ mile)



Inventory of Existing Family Care Homes Located within Greenville's Planning and Zoning Jurisdiction April 4th 2012

NAME	ADDRESS	STATUS
Rosa Bradley Home For Adults I	2201 N MEMORIAL DR	Active
Freeman Family Care Home #4	1004 W THIRD ST	Active
Whites Family care Home	708 W THIRD ST	Active
Midland Supervised Living	3309 A MIDLAND CT	Active
Forest Hills Group Home	1913 FOREST HILL DR	Active
Pitt County Group Home #4	1203 REDBANKS RD	Active
Freeman Family Care Home #1	506 SEDGEFIELD DR	Active
King George Road Group Home	323 KING GEORGE RD	Active
Paradigm Facility for Adults	4001 A OLD PACTOLUS RD	Active
Freeman Family Care Home #2	108 KENWOOD LN	Active
MAAL-CARE	1200 E FIRE TOWER RD	Active
Our Fathers House	2605 A E THIRD ST	Active
Erin's Place	126 OAKMONT DR	Active
Paradigm, Inc.	2501 JEFFERSON DR	Active
Emmanuel Residential Facility	208 COUNTRY CLUB DR	Active
Keep Hope Alive	1110 SE GREENVILLLE BV	Active
Bridging the Gap, LLC	3830 P6 STERLING POINTE DR	Active
Easter Seals UCP North Carolina, Inc.	108 GUINEVERE LN	Active
Keep Hope Alive	1419 SE GREENVILLE BV	Active
Wimbledon Place	1650 WIMBLEDON DR	Active
Better Connections, INC.	3330 A MOSELEY DR	Active
Tamika Groves	1205 B8 CROSS CREEK CI	Active
Freeman Famiily Care Home #5	1006 W THIRD ST	Active
Freeman Family Care Home #3	1408 CHESTNUT ST	Active
Oxford House DellWood	1428 SE GREENVILLE BV	Active-Oxford
Oxford House Eastwood	1614 SE GREENVILLE BV	Active-Oxford
Oxford House Glenwood II	203 GLENWOOD AV	Active-Oxford
Oxford House Greenville	2521 S MEMORIAL DR	Active-Oxford
Oxford House Memorial	2519 S MEMORIAL DR	Active-Oxford
Oxford House Red Banks	1401 RED BANKS RD	Active-Oxford
Oxford House Charles St.	2208 CHARLES BV	Active-Oxford
Oxford House Evans	1909 E EIGHTH ST	Active-Oxford
Genesis Inc. of NC	2411 EVANS ST	Approved (pending State Permit)
Carol Groves	307 BURRINGTON RD	Approved (pending State Permit)
Dominion Adult Care	207 LEE ST	Approved (pending State Permit)
Great Things Foundations, Inc.	1707 W THIRD ST	Approved (pending State Permit)
Tammy Vines	110 PEARL DR	Approved (pending State Permit)

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