

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING
AND ZONING COMMISSION
April 17, 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 - X Mr. Dave Gordon - X
Mr. Tony Parker - * Ms. Linda Rich - *
Mr. Hap Maxwell – * Ms. Ann Bellis – *
Ms. Shelley Basnight - * Mr. Brian Smith - *
Mr. Doug Schrade - * Mr. Jerry Weitz – X
Ms. Wanda Harrington-X

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

VOTING MEMBERS: Parker, Maxwell, Basnight, Schrade, Rich, Bellis, Smith

PLANNING STAFF: Chris Padgett, Interim Assistant City Manager; Elizabeth Blount, Staff Support Specialist II; Chantae Gooby, Planner II and Andrew Thomas, Jr., Lead Planner.

OTHERS PRESENT: Dave Holec, City Attorney; Tim Corley, Engineer, and Jonathan Edwards, Communications Technician.

MINUTES: Motion was made by Ms Bellis, seconded by Mr. Parker, to accept the March 20, 2012 minutes as presented. Motion carried unanimously.

NEW BUSINESS

REZONINGS

Ordinance requested by David Hill to rezone location at the southeast corner of the intersection of Greenville Boulevard and Belvedere Drive from O (Office) to CG (General Commercial).

Chairman Randall noted that a letter had been submitted on behalf of the applicant for a continuance until the May meeting.

Motion was made by Mr. Parker, seconded by Mr. Smith, to grant a continuance until the May 2012 meeting. Motion carried unanimously.

PRELIMINARY PLATS

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. 06649 and 37049. The proposed development consists of 1 lot on 23.65 acres.- APPROVED

Mr. Andrew Thomas, Jr. stated that this was a preliminary plat for Winslow Pointe. He stated that the plat was presented a second time due to inadvertently mailing notice letters to the wrong residents. He apologized and stated that another mailing was sent to the right residents. The site is the recombination of two existing parcels. One parcel contains the Flynn Christian Home and the other tract is vacant. The property is bound on the north by the Green Mill Run. The property has significant wetlands and the Army Corps of Engineers has approved a wetlands delineation. Approximately 45% of this property will not be developed. The property will be served by a private drive connecting to Hooker Road. This preliminary plat also illustrates the multi-family units that are proposed to be built. There will be no costs to the City of Greenville associated with this subdivision other than routine costs to provide public services. The City's Subdivision Review Committee has reviewed the preliminary plat and has determined that it meets all applicable city requirements.

Chairman Randall asked since this plat is being revisited did the board have to do anything pertaining to the prior decision.

Mr. Thomas said approval of the current plat will take care of the prior decision.

Mr. Tim Corley, Public Works Engineer, stated that the developer is only required to provide 1 year/24 hour storm water detention; however, at the city's request he has provided a 50 year detention plan. A storm water pond will be dug and maintained along with yearly inspections.

Ms Bellis stated the cumulative effort of the storm water drainage should be considered and not just individual developments.

Mr. Corley stated when Lakewood Pines was first established that storm water regulations were not in place. The city is working with Lakewood Pines to comprise a plan to help alleviate some of the flooding problems in the area.

Mr. Steve Rice, representative of Ashton Point, spoke in favor of the application and made himself available to answer any questions concerning the development.

Ms Suzanne Lea, secretary of the Lakewood Pines Association, spoke in opposition of the application. She stated that the solutions that the city has been working on will only divert water around the neighborhood into almost the same spot it would normally go in Green Mill Run Way. The association is concerned about the dry water basin being the best management solution and the future development of a parcel labeled "phase 2".

Ms Betsey Leech, a resident of Lakewood Pines, spoke in opposition of the application. She stated that she was concerned about the drainage flowing into the flood plain and why only their

neighborhood is asked to accept the responsibility of managing the storm water drainage. Ms Leech suggested that the commission be careful in approving ideas that have proven to work and look at adopting some plans to stop developers from ruining neighborhoods with poor planning techniques.

Mr. Adam Lanklear, president of Lakewood Pines Association, spoke in opposition of the application. He stated that a house has already been condemned due to flooding and asked the commission to take a wholistic look at the drainage problem to the neighborhood. In his opinion, the retention ponds near the neighborhood have not been effective.

Mr. Steve Rice spoke in rebuttal to the opposition. He clarified that the developer will install a dry basin and not a pond so it will only have water in it when it rains. The dry basin is sized for future development in the area. He also stated that the sedimentary and erosion plan has been approved by the state and the storm water management along with the erosion velocity plans have been approved by staff.

Mr. Tim Corley addressed the concerns from the Lakewood Pines Association. He explained that the developer has an option of which water management design he would like to use as long as it is within the guidelines of the Division of Water Quality. The city does not dictate which best management practice to use. The existing ponds near Lakewood Pines were built under the old regulations before 2004. There was neither maintenance nor procedures to make sure that the ponds were operating the way they were design. Now the city has a Storm Water Division that makes sure the ponds are operating like they should. The city is doing a Storm Water Master Plan to study how improvements can be implemented to improve the flooding issue. The City's Flood Plain Manager did ensure that the plans met all state and federal regulations.

Mr. Parker asked if the older ponds were inefficient.

Mr. Corley stated that the older ponds were not maintained and did not require inspection.

Mr. Parker asked if the old ponds had to be brought up to code.

Mr. Corley stated no.

Mr. Parker asked if the property owners disagree with the city's plan, what will be the city's next step.

Mr. Corley stated that the city just got started with the plan and has not gotten to that point yet.

Mr. Maxwell asked if the city had any leverage with the older places besides asking them to evaluate the plan.

Mr. Corley stated that the older ponds are maintained. The City may look at making modifications to improve versus trying to bring the ponds up to codes.

Mr. Parker asked was there a timeframe for the completion of the plan.

Mr. Corley stated he was unsure because the Storm Water Management section is handling the plan.

Mr. Schrade asked will there be more run off pre development or post development.

Mr. Rice stated he was not sure of the exact amounts but they have designed the basin to handle higher frequency storms.

Motion was made by Mr. Schrade, seconded by Mr. Smith, to approve the preliminary plat. Those voting in favor: Bellis, Smith, Parker, Schrade, Rich and Basnight. Those voting in opposition: Maxwell. Motion passed.

TEXT AMENDMENTS

Zoning Ordinance Text Amendment Application submitted by Paradigm, Inc. requesting to modify the city's standards for Family Care Homes- DENIED

Mr. Christopher Padgett, Interim Assistant City Manager, stated that city staff and the applicant have been communicating regarding the proposed text amendment for over six months. The State defined and created standards for family care homes in 1981. The City of Greenville first defined and created standards for family care homes in the same year and later modified them in 2005. Mr. Padgett stated the definition for a family care home, “persons with disabilities” and individuals that are considered to be “dangerous to others”. He also described the state limits on how municipalities can regulate family care homes along with an explanation of the Federal Fair Housing Act and the City’s current zoning standards for family care homes. Mr. Padgett stated that the city currently has 29 approved family care homes in its 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 due to federal legislation. 39.86 square miles or 60% of the city’s planning and zoning jurisdiction would qualify to locate a new family care home facility by right. The applicant is requesting a text amendment that would allow for an exception to the ¼ mile separation applicable to family care homes 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 outlined the applicable provisions of the Comprehensive Plan. In staff's opinion, the proposed text amendment is not in compliance with Horizons: Greenville's Comprehensive Plan. In staff's opinion, the City's current standards for family care homes, including the ¼ mile separation requirement, provides reasonable opportunities for family care homes within the City's planning and zoning jurisdiction.

Mr. Parker asked if the text amendment was approved could the family care home owners build on two new family care homes on properties adjacent to the existing facility.

Mr. Padgett stated they could not. The proposed amendment if approved would allow them to have a facility adjacent to the existing facility but the next facility would have to be ¼ mile away from each facility.

Ms Bellis asked didn't the amendment say it would have to be one mile separation.

Mr. Padgett stated that in order to qualify to have a second family care home adjacent to an existing facility according to this amendment, both the existing and the proposed has to be a mile away from any other care home; therefore you can have two side by side. At that point, if another operator or the same operator decided they wanted to open another family care home within that vicinity, they would have to meet the current separation standard of a ¼ mile.

Attorney Warner Wells, representative of the applicant, spoke in favor of the request. He stated that part 3 of the amendment, as he understood, meant that neither the applicant nor any other home once two facilities were operating on adjacent parcels could open an additional facility within a one mile radius.

Mr. Padgett stated that the way the amendment was written, in order to have a facility next door to an existing facility, there cannot be another facility within a mile of the existing or proposed facility. Once there are two facilities side by side under that provision, state laws limits the city's ability to do separation requirements to not more than ½ mile. The City would not have the ability to impose the one mile on anyone else. As the applicant trying to use this provision, in order to qualify, the one mile stipulation would have to be made on the front end. Afterwards another facility would still be subject to the city's current standard of ¼ mile.

Attorney Wells stated that according to 2005 data 1,272 people in Pitt County are in group homes. He stated that there are seven family care homes that service the adult population with mental disabilities. Attorney Wells delineated the property's zoning district. He stated that the applicant owns the adjacent home to the existing facility. The proposed amendment could apply to three family care homes at the current time. Two of the facilities are north of the river and service communities normally considered as economically depressed. Several of the existing family care homes were grandfathered before the standard was established. He also stated that the objection of the Federal Fair Housing Act is to provide residential, neighborhood quality living for individuals with disabilities. This amendment would provide greater economy of sufficiency for the community and the operator by providing additional jobs for the county.

Ms. Sophia Ellis, representative of Pitt County Department of Social Services, spoke in favor of the request. She read a letter from Pitt County Department of Social Services that iterated the need for adult care facilities, the convenience for families and the Department of Social Services staff to have homes in the community and the cost effectiveness of having a facility located in Pitt County.

Mr. Bobby Hardy, neighbor of Paradigm, Inc. family care home, spoke in favor of the request. He stated that he and his family welcome an additional family care home in the area. He stated that the facility was neat, staff was personable and they have not encountered any problems with the residents or its staff.

Mr. John Bradley, citizen, spoke in favor of the request. He stated that he has a mentally handicapped son with cerebral palsy who is in need of an adult care home in Pitt County. They are currently unable to find an appropriate location.

Mr. Smith asked to be excused from the meeting. Mr. Parker made a motion to excuse Mr. Smith from the remainder of the meeting. Ms Rich seconded and the motion passed unanimously.

Ms. Inez Fridley, citizen, spoke in opposition of the request. She stated that the current separation requirement adds an amount of separation and protection for all citizens. She recommended that the commission deny the request based on the thorough research and points presented by staff.

Attorney Wells spoke in rebuttal to the opposition. He asked the commission to consider the reasonableness and necessary for equal opportunity factors enumerated by the fourth circuit court of appeals – A) Legitimate purposes and effects of existing zoning regulations; B) Benefits to Handicapped; C) Existence of Alternatives; D) No undue financial burdens on municipalities; E) Substantial or fundamental alterations to existing nature of community; F) Direct link between accommodation and equal opportunity; G) Affirmative enhancement of quality of life.

No one spoke in rebuttal to the applicant's comments.

Ms. Bellis stated that the commission is not opposing the necessity of family care homes, but should consider the concentration of the homes.

Chairman Randall agreed and that it is a zoning issue.

Mr. Parker stated that no one is challenging the good that the homes do, but the impact of future areas in our city if this amendment passes.

Mr. Maxwell stated that he talked to folks working in an area with group homes who stated that part of the idea of having a group home in a neighborhood is to have the neighborhood's impact

on the group home residents. If there are multiple group homes in a neighborhood then you change the dynamic of the neighborhood which is counterproductive.

Mr. Schrade stated that the commission has to look at the whole city and not just the individual request.

Chairman Randall stated that he looked at eight group homes and five were within a ½ to ¼ mile of his home which did not impact the neighborhood too much; however, we have to look at the future and clusters.

Mr. Parker asked what the percentage to build within the city was.

Chairman Randall answered 60% of the jurisdiction is currently available.

Motion made by Mr. Parker, seconded by Ms Basnight, to recommend denial of the proposed 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. Motion passed unanimously.

With no further business, motion made by Mr. Parker, seconded by Mr. Maxwell, to adjourn. Motion passed unanimously. Meeting adjourned at 7:45 p.m.

Respectfully Submitted,

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