

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. Dave Gordon - X
Mr. Tony Parker - *	Ms. Linda Rich - X
Mr. Hap Maxwell - *	Ms. Ann Bellis - *
Ms. Shelley Basnight - *	Mr. Brian Smith - X
Mr. Doug Schrade - *	Mr. Jerry Weitz - *
Ms. Wanda Harrington - *	

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

VOTING MEMBERS: Bell, Parker, Maxwell, Basnight, Harrington, Bellis, Weitz and Schrade.

PLANNING STAFF: 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.

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

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

NEW BUSINESS
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 Horizons: Greenville's Community Plan, 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 Horizons: Greenville's Community Plan and the Future Land Use Plan Map. Staff recognizes 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