

January 19, 2010

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

Mr. Bill Lehman - *
Mr. Bob Ramey - * Mr. Dave Gordon - *
Mr. Tony Parker - * Mr. Tim Randall - *
Mr. Len Tozer - * Mr. Godfrey Bell, Sr. - *
Ms. Shelley Basnight - * Mr. Hap Maxwell - *
Mr. Allen Thomas - * Ms. Linda Rich - *

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

VOTING MEMBERS: Lehman, Ramey, Gordon, Randall, Tozer, Bell, Basnight, Thomas and Rich

PLANNING STAFF: Chantae Gooby, Planner; Harry Hamilton, Chief Planner; and Sarah Radcliff, Secretary; Merrill Flood, Director of Community Development

OTHERS PRESENT: Dave Holec, City Attorney; Thom Moton, Assistant City Manager; Tim Corley, Engineer; Daryl Vreeland, Transportation Planner; Calvin Mercer, City Council; and Marion Blackburn, City Council

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Tozer, to accept the December 15, 2009 minutes as presented. Motion carried unanimously.

Mr. Lehman stated staff wanted to make a change to the agenda to move Item 3 under Text Amendments to Item 1.

NEW BUSINESS

Text Amendments

Request by Edwards Community Group to amend the zoning ordinance to establish a new overlay district entitled "Urban Core (UC) Overlay" and standards applicable within the area bound by 10th Street, the CSXT Railroad, 14th Street, Green Mill Run and ECU easement.

Mr. Hamilton stated this is a text amendment to the zoning regulations. He said the next item on the agenda is a request to zone a specific property to this overlay zone. He said any site specific issues related to a particular piece of property should be addressed during the zoning hearing. Mr. Hamilton said the purpose and intent of the urban core (UC) overlay district and requirements is to allow modification of select site development standards of the underlying zoning district which are designed to facilitate development and redevelopment of in-fill sites in a designated area in proximity to the urban core. An urban core (UC) overlay district is defined as an overlay zoning district adopted in conjunction with a underlying general purpose district (CDF, and/or OR only) wherein the zoning rights, standards, restrictions and requirements as set forth for the common general purpose district shall extend to the urban core (UC) overlay district zoned area. All urban core (UC) overlay district(s) shall be restricted to the land area located within the following boundary: south of Tenth Street, east of the CSXT Railroad, north of Fourteenth Street and west of Green Mill Run / ECU Easement (former RR spur) as existing on the date of adoption of the ordinance. Mr. Hamilton said no urban core (UC) overlay district shall be located outside of the designated area described above. He said the majority of the area in the Urban Core is zoned Commercial. There is some OR including the East Carolina University Campus and along the river. Areas located to the east and west of Evans Street Extension from Tenth Street to Fourteenth Street are zoned CDF. Mr. Hamilton said the Comprehensive Land Use Plan Map recommends extending the CD zoning as far south as Tenth Street. He said areas to the south of Tenth Street should remain CDF or OR.

An urban core (UC) overlay district shall be established within the designated area upon City Council adoption of an individual zoning ordinance which defines the boundary of the specific urban core (UC) district. If UC overlay zoning is approved for a specific site, high-density residential development including standard multi-family housing and Land Use Intensity (LUI) residential development located on the site may be subject to the following:

- reduced street setback (25 ft. to 5 ft.)
- reduced street bufferyard (6 ft. / 10 ft. to 5 ft.)
- reduced parking space to dwelling separation setback (15 ft. to 5 ft.)

Mr. Hamilton said all reductions are at the option of the property owner. Mr. Hamilton said if this ordinance is approved and a property owner within the boundary requests the UC Overlay it would have to be reviewed by the Planning and Zoning Commission with the recommendation sent to City Council. If City Council zones a specific property to the UC designation the right-of-way setbacks, street bufferyards and the dwelling unit to parking separation setback could be reduced to not less than five feet.

Mr. Hamilton said, as an example, the First Place Properties development on the corner of First and Pitt Streets is located in the CD district, where no setbacks are required. He said any property included in the UC Overlay can take advantage of not less than a five foot right-of-way setback. All other zoning and site development requirements continue to apply.

Mr. Ramey asked if anything would be done in the Green Mill area so it wouldn't flood that area.

Mr. Hamilton said Green Mill Run includes a flood hazard area and these changes would not affect the Flood Damage Prevention ordinance requirements in any way.

Mr. Tozer asked if the developer decided to take advantage of the five foot setback how far it would be from the curb line.

Mr. Hamilton said it would depend on the street. He said in urban areas where the roads have been widened there were some locations where the right-of-way line is only a few feet behind the curve. In others, like Charles Boulevard, it may be as much as ten or fifteen feet.

Mr. Randall said there would be very few areas where they would actually be within five feet of the street or back of curb.

Mr. Tozer asked if the current urban core area was mapped out in the city.

Mr. Hamilton said Urban Core was just a reference to the general geographical location that they are speaking of.

Mr. Tozer asked what the height of the building could be within five foot of the setback.

Mr. Hamilton said the height could be thirty-five feet with a five foot setback. He said the ordinance provides that increasing the setback may allow a proportional increase in height.

Mr. Gordon asked what advantages staff saw to making this change.

Mr. Hamilton said a significant amount of multifamily development, including student housing, has been built on green sites in the periphery of the city. He said staff would encourage more pedestrian oriented residential development, specifically student housing, in close proximity to the campus. This ordinance will provide greater development flexibility often necessary to facilitate in-fill and redevelopment of previously built sites.

Mr. Randall asked if the Planning Department considered expanding the area to something other than this specific spot.

Mr. Hamilton said the areas that are anticipated to be CD in the future extend from downtown, west to the railroad track, south to Tenth Street and CD zoning already allows zero setbacks. The proposed designated area is the only remaining multi-family zoned area adjacent to the downtown.

Mr. Bell asked about the parking.

Mr. Hamilton said parking would be required on-site.

Steve Simonetti, Vice President of Land Acquisition and Development for Edwards Communities Development Company, spoke on behalf of the applicant. He said they do all of their own construction, labor and management. He said they do not build to sell, but to own and operate their developments.

Mr. Ramey asked if they were still managing all of their developments.

Mr. Simonetti said they had only sold one of their student housing projects. He said the project was not for sale but Mr. Edwards was made an offer he couldn't refuse.

Mr. Ramey said he wondered if they were going to build and then sell.

Mr. Simonetti said they planned to build, own and operate this long term, just as they have all their other locations.

Mr. Holec reminded the board that they could not rely upon any information regarding the development of the property. He said development can occur as long as it complies with the ordinance requirements.

Mr. Matthew Shulman spoke in opposition to the request. He said he wasn't sure yet if he was for or against the amendment, but he had some questions that he would like to have answered. He said it was his understanding that the sole issue of this amendment was whether or not to waive certain setback requirements. He asked the planning staff to address the pluses and minuses of the waiver of setbacks. He said appreciated all information given by the planning department. He said this was powered by select site development, not a result of the planning departments continuing review process as to what is best for the city.

Mr. Simonetti spoke in favor in rebuttal to Mr. Shulman's comments. He said the main benefit of what they were doing was recognizing that the lot sizes are smaller. In order to be able to take what is there and improve upon it, you need to be able to take advantage of the density that has been approved for that and locate the buildings and accommodate the parking so that you can meet all of the city's requirements.

Ms. Camilla Davis spoke in opposition to the request. She stated she wasn't really opposed to the whole project but wasn't sure why the city would change the rules for one developer and for one project.

Mr. Hamilton said the ordinance applies to potentially several different projects, not just the area the applicant has interests in. He said it was much easier for people to build in remote areas on green sites. He said in the urban core area there were a lot of constraints on properties and few large tracts available. Reducing the setbacks was not drastically different than the CD district. Staff encourages redevelopment in the center city and downtown area.

Mr. Gordon asked how this amendment came about.

Mr. Hamilton said the applicant approached the city about redevelopment in the area and identified the required street setbacks as an issue.

Mr. Shulman spoke in opposition in rebuttal. He said it seemed the setback regulations were somehow linked to height regulations. He said he understood heights could increase as you increase the setback and wanted to call that to the attention of the commission.

With no further comment, Mr. Lehman closed the public hearing and called for board discussion.

Mr. Bell said he saw a lot of advantages to allowing the UC Overlay.

Motion was made by Mr. Randall, seconded by Mr. Thomas 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. Mr. Tozer and Ms. Basnight voted in opposition, all others voted in favor. Motion passes.

Rezoning

Ordinance requested by Edwards Communities Development Company to rezone 16.14 acres located along the eastern right-of-way of Charles Boulevard, between 10th and 14th Streets, and west of Rock Spring Subdivision from OR (Office-Residential) to OR-UC (Office Residential) with an Urban Core overlay.

Ms. Chantae Gooby said this rezoning request was to add an Urban Core Overlay to the existing zoning. She stated the overlay reduced setbacks, but does not affect the density. The property is centrally located in the city along Charles Boulevard, between 10th and 14th Streets, west of Rock Springs Subdivision. Currently, the subject property contains King's Arms Apartments, Green Mill Run Apartments, the Masonic Lodge and four single-family homes. Ms. Gooby said the area contains a variety of uses. There is a commercial node at the intersection of Charles Boulevard and 14th Street. No traffic report was generated because the overlay does not affect the density. Ms. Gooby said staff anticipates the site would be cleared of the current buildings and redeveloped. The Future Land Use Plan Map recommends commercial at the northeast corner of the intersection of Charles Boulevard and East 14th Street with office/institutional/multi-family (OIMF) in the interior areas. The Future Land Use Plan Map also recommends conservation/open space (COS) along Green Mill Run. In staff's opinion, this request is in compliance with Horizon's: Greenville's Community Plan and the Future Land Use Plan Map.

Mr. Randall asked if any development could occur within the floodway.

Mr. Gooby said it could not.

Mr. Gordon asked where the current apartments were located in regards to the floodplain area.

Ms. Gooby said King's Arms apartments are located out of the floodplain; however, a portion Green Mill Run Apartments is located in the 100-year floodplain.

Durk Tyson, Rivers & Associates, spoke on behalf of the applicant. He said if there were portions in the floodplain that are to be redeveloped; they would be redeveloped under the new standards.

Mr. Ramey asked why the Masonic Lodge was included.

Mr. Tyson explained that not all of the properties in the request were under contract with Edwards Communities. He said they had all been contacted by the applicant to see if they were interested in selling. The Masonic Lodge allowed their property to be included in the rezoning, but may not sell the property to the applicant. However, the Masonic Lodge saw the advantage in having the overlay applied to their property.

Mr. George Hamilton spoke in opposition to the request. He said there were a lot of good features to the plan but had specific concern with properties being placed in the floodway and floodplain. He said that would have a very adverse effect on Green Mill Run. He asked to what height they could go to the floodway.

Mr. Tim Corley, City of Greenville Engineer, said the floodway could not be touched. He said there were certain permits to develop in the floodplain but added they were very difficult to get. He said he did not foresee them getting anything that would allow them to develop within that area. Any development in the 100-year floodplain would be required to meet the city's Flood Damage Prevention Ordinance.

Mr. George Hamilton asked how far the 100-year floodplain extended back from the floodway.

Mr. Corley said he could not tell him that by looking at the map. He said it reached to almost the entire width of the property at its center.

Mr. George Hamilton said his biggest concern was continually filling the floodplain; therefore compromising its ability to absorb water.

Mr. Corley said they would still have to provide information to the Engineering Department showing that the floodplain is not being affected.

Mr. Thomas said they would actually be reducing the impacts.

Mr. Corley said that was correct.

Mr. George Hamilton asked about the height of the building.

Mr. Harry Hamilton said the maximum height was 35 feet, but it could be increased if you increased the setback.

Mr. James Robbins spoke in opposition to the request. He asked if the floodplain could be clear cut. He said there were wild animals there and felt the area was an asset to the city. He said he was concerned that the area would be destroyed as part of the development.

Mr. Corley said there was a riparian buffer on the property which is a state regulated area 50' on either side of the stream. He said the first 30' could not be touched at all and only certain things were allowed in the remaining 20', such as a greenway.

Mr. Robbins said he would like to be a good neighbor and hoped the representative from Edwards would meet with the neighborhood and get some input.

With no further comments, Mr. Lehman closed the public hearing and called for board discussion.

Mr. Ramey said he was concerned about the Masonic Lodge.

Mr. Parker said he believed the Lodge was contacted and agreed to be included.

Mr. Ramey said he still had concerns with them selling it.

Motion was made by Mr. Bell, seconded by Mr. Randall 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. Mr. Tozer, Ms. Basnight and Mr. Ramey voted in opposition to the request. Mr. Thomas, Ms. Rich, Mr. Bell, Mr. Gordon and Mr. Randall voted in favor. Motion passed.

Rezoning

Ordinance requested by Thomas F. Taft, Sr., Manager/Partner for Atlantic Avenue Holding Co., LLC to rezone 6.34 acres located along Atlantic Avenue between Dickinson Avenue and Bonners Lane from CDF (Downtown Commercial Fringe) and IU (Unoffensive Industry) to CD (Downtown Commercial).

Ms. Chantae Gooby said this property was centrally located in the city along Atlantic Avenue and north of Dickinson Avenue. Currently, the property contains the remnants of the Imperial Tobacco Warehouse. She said there were a variety of uses in the area including commercial and single-family homes. The subject property is located in the designated regional focus area described as the central business district. This rezoning could generate a net increase of about 1,400 trips per day evenly disbursed along Dickinson Avenue. Ms. Gooby said the requested CD zoning would allow for zero lot line construction. The Future Land Use Plan Map recommends commercial for the subject property. Ms. Gooby stated the request is in compliance with Horizon's: Greenville's Community Plan, the Future Land Use Plan Map and the Center City Revitalization Plan.

Mr. Durk Tyson, Rivers & Associates, spoke on behalf of the applicant.

With no further comments, Mr. Lehman closed the public hearing and called for board discussion.

Motion was made by Mr. Ramey, seconded by Mr. Tozer to recommend approval of proposed amendment, to advise that it is consistent with the comprehensive plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion carried unanimously.

There being no other business the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Merrill Flood
Secretary