

August 18, 2009

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 - X                      Mr. Dave Gordon - \*  
Mr. Tony Parker - \*                      Mr. Tim Randall - \*  
Mr. Len Tozer - \*                        Mr. Godfrey Bell, Sr. - X  
Ms. Shelley Basnight - X                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, Gordon, Parker, Randall, Tozer, Maxwell, Thomas, Rich

**PLANNING STAFF:** Andy Thomas, Planner; Michael Dail, Planner; Harry Hamilton, Chief Planner; Merrill Flood, Director of Community Development; and Sarah Radcliff, Secretary.

**OTHERS PRESENT:** Dave Holec, City Attorney

**MINUTES:** Motion was made by Mr. Tozer, seconded by Mr. Gordon, to accept the July 21, 2009 minutes as presented. Motion carried unanimously.

**NEW BUSINESS - Text Amendments**

**REQUEST BY CAVINESS & CATES BUILDING AND DEVELOPMENT COMPANY**

Request by Caviness & Cates Building and Development Company to amend the maximum porch size that may project into a required front or rear yard from 100 square feet to 200 square feet.

Mr. Dail stated the code currently contains provisions for certain attached structures to project into a required yard (setback). This includes seals and eaves on houses, chimneys, fire escapes, bay windows, porches, carports, decks and several others. Currently the ordinance says open unenclosed and covered or uncovered (excluding screened or glassed) are allowed to project seven (7) feet into a front or rear yard (setback) provided such porch does not exceed one hundred (100) square feet in surface area. Mr. Dail said the applicant proposed to change the maximum square footage of a porch to 200 square feet. In staff's opinion increasing the maximum porch size could increase defensible space by bringing more people out of their homes and putting more eyes on neighborhood streets, thus promoting safer neighborhoods and increasing porch size could potentially promote healthier and more viable neighborhoods by increasing neighborhood interaction and create a greater sense of community, which are both goals of the Comprehensive Plan. Mr. Dail stated the encroachment would not change; it would still be seven feet into the front or rear yard.

Eric Blaze spoke in favor of the request on behalf of the applicant.

No one spoke in opposition to the request.

Motion was made by Mr. Tozer, seconded by Mr. Parker, 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 carried unanimously.

**REQUEST BY THE COMMUNITY DEVELOPMENT DEPARTMENT**

Request by the Community Development Department to amend the zoning ordinance by (i) including a definition for the use entitled "Mental health, emotional or physical rehabilitation center" and to establish specific criteria for such use, and (ii) including a definition for the new use entitled "Mental health, emotional or physical rehabilitation day program facility" and to list such use in the table of uses.

Mr. Dail stated the code currently has a use entitled "Mental health, emotional or physical rehabilitation center". He said the Community Development had received a tremendous amount of

requests to open state licensed day treatment facilities in the past year and half. Mr. Dail said the day treatment facilities have been categorized either as “mental health, emotional or physical rehabilitation centers” or as “personal services, not otherwise listed”. He said due to the amount of requests received, staff saw a need to add a new use category to the table of uses. The new use being proposed is a “Mental health, emotional or physical rehabilitation day program facility”. Staff is also proposing definitions for both the existing use and the new use, specific criteria that the existing use would be subject to when it’s allowed as a special use and also the zoning districts that would allow the new use as a special and permitted use. The definition proposed for the existing use states: An establishment qualified for a license by the State of North Carolina which provides resident services to more than twenty-five (25) persons who reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. State licensed family care homes and group care facilities are not included under this definition.

He stated that currently a “Mental health, emotional or physical rehabilitation center” is a permitted use in the MI and MS zoning districts and it is a special use in the OR zoning district and the specific criteria being proposed for the existing use is (1) Multi-family development standards shall apply when located in the OR zoning district and (2) Each 3 client occupants or major fraction thereof, in addition to any resident manager and blood relatives to the resident manager, shall constitute 1 dwelling unit for determining allowable density under this section.

The definition being proposed for the new use, “Mental health, emotional or physical rehabilitation day program facility” states: an establishment qualified for a license by the State of North Carolina which provides a day treatment, day activity or other extended counseling service to persons who do not reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment, children or adolescents who are emotionally disturbed and need special educational services, and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. Persons receiving service at the establishment may be at the facility for no longer than eighteen (18) hours within any twenty-four-hour period. The zoning districts proposed for the new use to be a permitted use in are the MI and MS zoning districts. Staff is proposing the new use to be a special use in the MO, MCG, MCH, OR, CD, CDF, and CH zoning districts. Mr. Dail said there had been approximately five requests to the Board of Adjustment in the past year and a half for these types of services and there are two on the agenda for August. Mr. Dail said this amendment would open up a lot of places for these facilities to locate.

Mr. Gordon asked how many were already in existence.

Mr. Dail said there were probably about 10 in the city.

Mr. Gordon asked where they were located.

Mr. Dail said they were spread out throughout the city.

Mr. Maxwell said there was no indication as to the number of persons they can serve a day. He asked if that was addressed in the amendment.

Mr. Dail said they are required to be licensed by the state and had to go by their guidelines. He said the population they serve is usually based on the square footage of the building.

Mr. Randall asked if the amendment was just generally cleaning up the description of this type of facility to make the process simpler.

Mr. Dail said that was correct.

No one else spoke in favor or opposition to the request.

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

## OTHER

### **Request by Don Baker (D and J Baker Holdings, LLC) to change the street name change of Tobacco Road (from Greenville Boulevard northward to its terminus) to Kristin Drive**

Andy Thomas, Planner, stated he had received a request by Don Baker (D and J Baker Holdings LLC) to change the street name change of Tobacco Road (from Greenville Boulevard northward to its terminus) to Kristin Drive. Mr. Baker collected the signatures of 60% of the adjoining residents. Mr. Thomas stated a street name change may be considered in accordance with the following Sec.6-2-13(c): (1) When there is duplication of names or other conditions which tend to confuse the traveling public or delivery of mail, orders, messages or emergency services; (2) When it is found that a change may simplify making or giving directions to persons seeking to locate addresses or (3) Upon other good or just reason. Mr. Thomas stated the Planning and Zoning Commission and/or City Council shall consider the following criteria when evaluating any resolution for a street name change under their respective authority: (1) The delivery of personal, public and emergency services; (2) The similarity to existing street names; (3) Any condition which may confuse the traveling public; (4) Ease of giving directions; (5) Place, name association or history; (6) Pronunciation and spelling; (7) The expense to abutting property owners; and (8) The expense to effected governmental agencies, including but not limited to the City of Greenville, The County of Pitt, N.C. Department of Transportation, Greenville Utilities Commission and U.S. Postal Service. He said the Planning and Zoning Commission will have final approval authority on this request. The proposed name change will not be forwarded to City Council. Mr. Thomas said the street name change does not exceed 14 characters and it is not an honorarium. Mr. Thomas stated he had received a letter from a homeowner in favor of changing the street name. He said he had also received a letter from Horton Rentals, another adjoining property owner, suggesting the street be changed to Frontgate Drive rather than Kristin Drive. Mr. Horton stated it would help get a traffic control light at the intersection and help 911 responders locate addresses on both sides of SW Greenville Boulevard. Mr. Horton requested the Commission delay taking action on the case until they could get a formal request completed. Mr. Thomas stated the police and fire department had already reviewed and approved the street name change request. He said a traffic light would be placed at that intersection when traffic conditions warrant the need for one, no matter what the name was. Mr. Thomas said Mr. Baker had collected signatures and paid the fee for the street name change and tonight it was up to the Commission to vote on the request as presented.

Mr. Randall asked if changing the name to Frontgate Drive would create more of a dilemma for 911 responders than Kristin Drive.

Mr. Thomas said it was not unusual for streets to change names at major intersections.

Mr. Lehman asked if Frontgate Drive was once named Tobacco Road.

Mr. Thomas said it was.

Mr. Allen Thomas asked about the costs associated with the request.

Mr. Thomas stated costs would be very minimal to change the signage.

Mr. Don Baker spoke in favor of the request. Mr. Baker said they had spent over \$100,000 in the last three months improving the area.

Mr. Randall said the Commission had to have a reason to change the name of the street. He said the one that would apply would be "Upon other good or just reason, specifically 'blank'".

Mr. Baker said history was the reason.

Mr. Randall said change the name to clean up the image.

Mr. Baker said that was correct.

Motion was made by Mr. Gordon, seconded by Mr. Randall to approve the request. Motion carried unanimously.

**Amendment of Section V.(D) of the Planning and Zoning Commission Rules of Procedure concerning voting requirements**

Mr. Harry Hamilton stated this was a request to amend the Rules of Procedure to be discussed tonight and voted on at the September meeting. Mr. Hamilton stated due to an amendment of the NC General Statutes, the voting requirement concerning special use permits considered by the Planning and Zoning Commission has been changed from a 4/5 voting requirement of the total membership to a simple majority vote of a quorum of those members present and eligible to vote. Mr. Hamilton said staff recommends adoption of the amended Rules of Procedure at the September 15, 2009 meeting.

Motion was made by Mr. Thomas, seconded by Mr. Parker to table the matter until the September meeting. Motion carried unanimously.

There being no other business, the meeting adjourned at 6:57 p.m.

Respectfully submitted,

Merrill Flood  
Secretary