

July 19, 2005

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

Mr. Jay Yates - *	
Mr. Len Tozer - *	Mr. Bob Ramey - *
Mr. Dave Gordon - *	Mr. Jim Moye - *
Mr. Tim Randall - *	Mr. Don Baker - X
Mr. James Wilson - *	Mr. Bill Lehman - *
Mr. Porter Stokes - *	Ms. Melba Gorham - X

The members present are denoted by an \* and the members absent are denoted by a x.

VOTING MEMBERS: Yates, Tozer, Ramey, Gordon, Moye, Randall, Wilson, Lehman and Stokes.

PLANNING STAFF: Merrill Flood, Director of Planning and Community Development; Harry V. Hamilton, Jr., Chief Planner; Carl Rees, Senior Planner; Andy Thomas, Planner; Chantae Gooby, Planner; and Kathy Stanley, Secretary.

OTHERS PRESENT: Ray Craft, Council member; Ric Miller; Council member; Bill Little, Assistant City Attorney; Ron Svejkovsky, Transportation Planner; David Brown, City Engineer; and Robert Cheshire, Senior Engineer.

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Tozer to accept the June 21, 2005 minutes as presented. Motion carried unanimously.

#### REQUEST BY THE REDEVELOPMENT COMMISSION

- a. Consideration of a resolution by the Planning and Zoning Commission certifying its recommendation on the Center City Revitalization Plan.

**APPROVED**

- b. Consideration of a resolution by the Planning and Zoning Commission certifying its recommendation on the Redevelopment Plan for the West Greenville Certified Redevelopment Area. **RETURN TO**

## **REDEVELOPMENT COMMISSION WITH NO ACTION TAKEN**

Mr. Carl Rees, Senior Planner, stated that at last month's meeting the Redevelopment Consultants gave their comments on the Redevelopment Plan. There were a significant number of citizen comments during the public hearing, most of which were related to the West Greenville portion of the Plan. After the public hearing, the Commission directed City Staff to hold discussions with members of the West Greenville community represented by the West Greenville Focus Group. Mr. Rees stated that there have been two meetings and the first was to discuss a format as to how the discussions should take place as well as timelines. Mr. Rees stated that on the 15<sup>th</sup> of July, the West Greenville Focus Group provided city staff with a list of proposals/comments with regards to the West Greenville portion of the Revitalization Plan. It was agreed upon that staff would have two weeks to review the comments and refer comments back to the Focus Group. Following the two weeks, staff would meet with representatives of the Focus Group and find common ground between their comments and the staff's responses. Once this has happened, that information would be presented to the Redevelopment Commission which may or may not take action on any of the staff's or Focus Group's proposals. The Plan would then be presented to the Planning and Zoning Commission either with changes or as originally presented for recommendation. Mr. Rees stated that tonight staff is requesting that the Commission return the West Greenville Portion of the Redevelopment Plan to the Redevelopment Commission so that they can receive comments, and to approve the Resolution for the Center City Portion of the Plan. The Center City portion of the Plan can then proceed through the adoption process by the Planning and Zoning Commission and then to City Council. Mr. Rees presented a map of the Revitalization Area with inclusion of the Center City area. Mr. Rees described in detail some of the activities in 2005-2006 Work Plan for the Center City which would include (1) Adaptive Re-use Studies of Warehouses (2) Site Improvements Overlay District (3) Study of a Municipal Services District (4) Property Acquisition and (5) Streetscape Design Manual and Improvements.

Mr. Ramey asked if East Carolina hasn't purchased property on the south side of Tenth Street from the Garrett property to Hatteras Hammocks. Mr. Ramey asked about the funding for the revitalization.

Mr. Rees stated that he does not have knowledge of all the properties that the University has purchased. Mr. Rees explained that the city has identified \$5 million for the Center City area. It is hoped that a small public investment will create a

much greater private investment. Mr. Rees explained that the State of North Carolina has adopted a type of funding called Project Financing that is project specific. Mr. Rees explained how this financing would occur.

Mr. Tozer stated that the map indicates a portion of West Greenville is considered within the Center City.

Mr. Rees explained that when the plan started there were a number of different factors, an overall project area and a certified area. Mr. Rees explained the certified redevelopment area is an area that meets statutory requirements for redevelopment in the State of North Carolina. In this case it is a residential redevelopment area where 66.6 percent of the lots must have some form of blight.

There was discussion in regards to other areas that may need to be revitalized adjacent to or near the West Greenville area.

Mr. Tozer stated that he is excited about the potential revitalization for the City of Greenville. Mr. Tozer stated he has seen some very successful projects in other cities of the up-fit of the inter-city area and in the future will increase property values, create new industries and make Greenville Inter-city a beautiful center.

Chairman Yates recognized Mr. Hemby and the West Greenville Focus Group on their efforts.

Motion was made by Mr. Tozer, seconded by Mr. Randall to approve the Center City Resolution and return the West Greenville Portion back to the Redevelopment Commission. Motion carried unanimously.

REQUEST BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT AS RECOMMENDED BY THE TASK FORCE ON PRESERVATION OF NEIGHBORHOODS AND HOUSING

Chairman Yates stated that the next item is a consideration of an ordinance, requested by the Planning and Community Development Department as recommended by the Task Force on Preservation of Neighborhoods and Housing, to rezone 282.36± acres (excluding street rights-of-ways) located in the area east of Reade Street, north of East Fifth Street and East Tenth Street, south of the Tar River and west of Greenville Boulevard from R6 (Residential [High Density Multi-

family]) and R6N (Residential-Neighborhood Revitalization [High Density Multi-family]) to R6S (Residential – Single Family [Medium Density]) and from R9 (Residential [Medium Density]) to R9S (Residential – Single Family [Medium Density]).

Mr. Harry Hamilton stated this is a rezoning request submitted by the Planning and Community Development Department. It is in association with the Task Force on Preservation of Neighborhoods and Housing recommendations that were submitted to and accepted by City Council December, 2004. This is Neighborhood Strategy Number Six which is “to identify neighborhoods that are predominantly single family in character but are zoned in a manner that would allow intrusion of duplex and multi-family uses and to rezone those neighborhoods to prohibit any further intrusion”. Mr. Hamilton presented a map which illustrates the zoning districts within the City’s jurisdiction that would currently allow multi-family development. Mr. Hamilton indicated the residential, office and downtown commercial fringe areas on the map. Mr. Hamilton stated that neighborhoods have been identified throughout the city that were historically developed as single family that are located within the multi-family zoning districts. Neighborhoods that would be considered more at risk than others have also been identified. There are approximately 7,000 parcels within all these neighborhoods. Mr. Hamilton stated that staff intends to submit to the Commission over a period of time rezoning request for other neighborhoods. Mr. Hamilton pointed out that the Tar River Neighborhood is considered to be currently more at risk than others and have identified four other neighborhoods that are on a priority list, Elmhurst, Englewood, Red Oak, Oakdale, Greenfield Terrance, North River Estates and College Court/Colonial Heights. Mr. Hamilton explained that staff hopes to submit rezoning request for these areas before the end of the year. The West Greenville area is not indicated at this time, of course, this is a high priority area and any rezonings in this area would be pursuant to an adopted plan. The first area, the Tar River Neighborhood, consists of 282 total acres of land, excluding the street right-of-way. Mr. Hamilton explained that the notice for the public hearing and City Council meeting is different than typical rezonings. State Statutes provide that for large rezoning request, 50+ properties, the city may utilize a half-page ad run four times in the local newspaper in lieu of the mail notice. Mail notices were required and completed for persons who own property within the area or contiguous to the area who do not reside within the circulation area of The Daily Reflector. Mr. Hamilton stated that there has also been a front page story in the newspaper concerning this item and signs were posted within the neighborhood. It was pointed out that Wilson Acres, Tar River Estates,

Methodist Retirement Home, some of the multi-family duplex areas adjacent to the river, are completely developed as duplex and multi-family and not included within the neighborhood boundaries. The College View Historic District and scattered landmark properties are located within part of this area and the rezoning to R6S will have no impact on any historic property or the rules that apply to those properties. Mr. Hamilton stated that within the area there are over 1,000 parcels. 119 lots devoted to duplex use, 32 lots devoted to multi-family and 839 single family lots. Single family is the predominate land use within this area. Mr. Hamilton explained that non-conforming uses, such as duplexes and multi-family, will be allowed to continue. A change of use where a non-conforming use exist shall be permitted only if the intended change is to a use that is permissible in the district. This provision prohibits the intrusion of duplex or multi-family use into the area. Within any residential district any dwelling that is used for residential purposes and maintained as a non-conforming use shall be exempt from the extension or enlargement restrictions that apply to non-conforming situations provided that the total number of dwelling units is not increased. No additions or enlargements can create any additional non-conformities in respect to dimensional standards or parking. Multi-family structures that become non-conforming would have to comply, with respect to any type of expansion, with Article I, Standard Multi-family Provisions, or the single family requirements for the zoning district. Two family attached dwellings can be expanded provided they comply with the R6A or R6S, whichever is greater, standards. Repairs, routine maintenance is permitted. Non-conforming use may be continued for an indefinite period. All building activities and operations maintained on the lot are generally considered to be as a whole. When a building permit has been issued for construction for a non-conforming project, the project shall be permitted to develop in accordance with the terms at the time of the zoning action. Mr. Hamilton stated that the anticipated outcome as stated in a report from the Task Force “is that the goal of the rezoning is to provide an measure of neighborhood stability and to demonstrate the city’s commitment to single family neighborhood preservation as part of a comprehensive housing revitalization strategy.”

Mr. Richard Crisp, President of Englewood/Elmhurst Neighborhood Association, member of the Task Force on the Preservation of Single Family Housing and Neighborhoods, stated that he recommends and endorses Item 6 “neighborhoods where the character is single family housing they should remain that way.” Mr. Crisp stated that by rezoning is area it would make sure that the intrusion of duplexes and multi-family housing is not developed to destroy property values and the quality of life. Mr. Crisp that the Task Force members were a diverse group of individuals with

representatives from ECU as well as investment property owners.

Mr. Charlie Ewen, 2409 E. Fifth Street, President of Tar River-University Neighborhood Association, spoke in favor of the rezoning of the area. Mr. Ewen stated that the residents have worked to maintain the character of the neighborhood and feel this is a positive step in that direction.

Mr. Larry Spell spoke in favor of the request. Mr. Spell stated in the case of stability for the neighborhood is this a very important measure that will keep the neighborhoods moving in the direction of owner/occupants.

Mr. Maury York, resident of the university neighborhood, stated that the neighborhood has deteriorated over the years and the rezoning of the university neighborhood will help stabilize and revitalize the area.

Ms. Kathryn Darby, 406 Student Street, spoke in favor of the rezoning. Ms. Darby asked those in the audience to stand who are in a favor of the request. Approximately 40 persons stood. Ms. Darby complimented the Task Force on the work they did on the study. Ms. Darby stated that there has been a lot of neglect to property in the neighborhood.

Mr. Bill Ervin, President of Old Westhaven Neighborhood Association, spoke in favor of preserving single family neighborhoods.

Ms. Dru York asked why Warren Street was not included.

Mr. Hamilton explained that Warren Street is currently zoned R6S single family.

Mr. Edgar Wall, representing the Greenville Property Owners Association, stated that they are concerned about the pace in which changes are occurring. Mr. Wall stated that they don't think it is a bad idea but they would like to offer some input. Mr. Wall stated that the Association has not been consulted, asked how to make changes or implement ideas. Mr. Wall urged the Commission to slow down the pace that the proposal is being reviewed. Mr. Wall asked if staff knew the percentage of rental units in the area.

Mr. Hamilton stated in the area of the Historic District 65 percent of the lots are not owner occupied parcels. The zoning change would not prohibit homeowners from

renting rooms, provided no more than three unrelated people share the dwelling. The change will prevent construction of more apartments and duplexes or conversion of single family homes into duplexes in a historically single family neighborhood.

Mr. Linnie Sullivan spoke in opposition by stating that if the Commission allows higher densities to stay, property values will rise. Mr. Sullivan stated that people should live within walking distance of their workplaces.

Ms. Darby spoke in rebuttal by stating that the Task Force was discussed in the newspaper and held public hearings and if members of Mr. Wall's association wanted to have input, that was the time.

Mr. Wall rebutted by stating he attended several public hearing held by the Task Force but the composition of the Task Force was weighted against persons who have hands-on experience with property(ies). Mr. Wall reminded the Commission that what you want is not necessarily what you get.

Motion was made by Mr. Ramey, seconded by Mr. Wilson, to approve the request. Those voting for were: Tozer, Ramey, Gordon, Moye, Wilson, Lehman and Stokes. Those voting in opposition: Randall. The motion carried.

#### REQUEST BY BOBBY RAY MILLS – APPROVED

Chairman Yates stated that the next item is a request by Bobby Ray Mills to rezone a 4.1949 acres, located north of Davenport Farm Road, 785± feet east of Frog Level Road, and east and south of Augusta Trails Section 3 from RA20 (Residential-Agricultural) to R6S (Residential-Single Family [Medium Density]) and R6A (Residential [Medium Density Multi-family]).

Ms. Chantae Gooby stated this is a request to rezone property located on Davenport Farm Road from RA20 to R6S and R6A. Tract 1 is over 1.5 acres and proposed for R6S, single family and the proposed rezoning would yield six single family lots. Tract 2 is over 2.5 acres and proposed for R6A. Staff would anticipate that Tract 2 would yield 20 multi-family units, 2 and 3 bedroom units. To the north and south of the property is Augusta Trails duplex subdivision and to the south are single family homes. Ms. Gooby stated that Augusta Trails does not connect with the subject property. The subject property is not impacted by the floodplain. There is a

neighborhood focus area located at the intersection of Frog Level Road and Davenport Farm Road. These roads are designated as residential corridors. The proposed rezoning would generate a net increase of 100 trips. Both Frog Level Road and Davenport Farm Road are designated as minor thoroughfares on the Thoroughfare Plan. The Land Use Plan recommends medium density residential. The property is currently zoned RA20 and the zoning would align with the property to the east. Both the R6S and the R6A zoning districts are considered medium density. Staff has no objections to the request.

Motion was made by Mr. Tozer, seconded by Mr. Lehman, to approve the request. Motion carried unanimously.

REQUEST BY BY-PASS PROPERTIES III, LLC, THOMAS GLENNON, NICHOLAS GLENNON AND JERRY WHITEHURST - APPROVED

Chairman Yates stated that the next item is a request by Bypass Properties III, LLC, Thomas Glennon, Nicholas Glennon, and Jerry Whitehurst, to rezone 54.33 acres located south of US Highway 264 and Radio Station Road, 500+ feet west of Allen Road and north and south of Landfill Road from MRS (Medical-Residential Single Family [Low Density]) and MR (Medical-Residential [High Density Multi-family]) to MCH (Medical Heavy Commercial), MR (Medical-Residential [High Density Multi-family]), and MO (Medical Office).

Ms. Gooby stated this is a rezoning request to rezone five tracts of property located along Radio Station Road and the interior of Allen Road and to the north and south of Landfill Road. Tract 1 is currently zoned single family and proposed for Medical Office. Tract 1A is currently zoned High Density Multi-family and is proposed for Medical Office. Tract 2 is currently zoned single family and is proposed for High Density Multi-family. Tract 3 and 4 are currently zoned single family and proposed for Medical Heavy Commercial. The property is not impacted by the floodplain. There is a community focus area at the intersection of Stantonsburg Road and B's Barbeque Road and a neighborhood focus area at the intersection of Landfill Road and Allen Road. Stantonsburg Road is considered a gateway corridor and Allen Road is considered a connector corridor. The proposed rezoning would generate a net increase of 2,500 trips. Approximately 850 trips would be on Stantonsburg Road and 1,650 trips onto Allen Road. There is access to the property on Allen Road through Holly Glen Drive. Both Stantonsburg Road and Allen Road are considered major thoroughfares on the Thoroughfare Plan. The



Land Use Plan recommends Office/Institutional/Multi-family along Radio Station Road, Stantonsburg Road and Allen Road. The Land Use Plan recommends commercial to the north and south of Landfill Road and recommends a conservation area to the west of the commercial area to buffer the existing multi-family. Tracts 1, 2, 3 and 4 are currently zoned single family and Tract 1A is zoned High Density Multi-family. Tracts 1 and 1A are proposed for Medical Office which does not contain a residential option. Tract 2 at current zoning would yield 64 single family lots and the proposed zoning could yield 296 multi-family units, 2 and 3 bedrooms. Tracts 3 and 4 are proposed for Medical Heavy Commercial which does not contain a residential option. As recommended by the Land Use Plan the applicant has provided a 50 foot buffer between the proposed commercial area and the existing multi-family.

Mr. Fred Mattox, representing the applicants, spoke on behalf of the request. Mr. Mattox stated that he and Mr. Linwood Stroud would answer any questions.

Motion was made by Mr. Ramey, seconded by Mr. Lehman, to approve the request. Motion carried unanimously.

#### REQUEST BY EMW PROPERTIES – DENIED

Chairman Yates stated that the next item is a request by EMW Properties for preliminary plat entitled “Arlington Acres”. The property is located on the western right-of-way of Arlington Boulevard at its intersection with the Norfolk and Southern Railroad. The proposed development will consist of 3 lots on 8.3772 acres.

Mr. Andy Thomas stated this is a preliminary plat for Arlington Acres and the developer is EMW Properties, LLC. The property is located on the western right-of-way of Arlington Boulevard at its intersection with the Norfolk & Southern Railroad. The property is currently zoned MO (Medical-Office) with three lots and the anticipated use is Medical Offices. Mr. Thomas stated that Stantonsburg Road, Dickinson Avenue and Arlington Boulevard are major thoroughfares. The property is not impacted by the floodplain. This plat is being filed for the purpose of creating 3 office lots, which will have frontage onto Arlington Boulevard without a street extension. If this plat is approved in this manner it will confer upon the owner a vested right to build this for 5 years. If the subject property is not final platted within the vesting period the owner must submit a preliminary plat for consideration under the

rules in effect at the time, prior to development. In the 1990 the city in conjunction with DOT had a tree planting project along Arlington Boulevard and there are some 15 foot x 15 foot tree easements and staff would encourage that they be retained. Lot 3 does not qualify for an individual driveway but would have access via a shared driveway and access easement with Lot 2. The James Evans property is located to the west which has a home on the site. Mr. Evans has advised staff that he believes a public street dedication across the subject tract is necessary for the future development of his property. Mr. Evans has stated to staff that the lack of a street extension through the subject tract will create a hardship in the platting of his land. As an adjoining property owner, Mr. Evans has been notified of the plat submission by mail, and he has been invited to the meeting to express his opinion for the Commission's consideration. Mr. Thomas stated he had included in the packets the applicable Subdivision Regulations. In staff's opinion a public street extending between Spring Forest Drive and Arlington Boulevard is imperative. Staff would envision this future street to come off Gabriel Street stub, currently in Lake Ellsworth and tie into Arlington Boulevard at the driveway for Physicians East. This is necessary to provide a coordinated interconnected street system. Other streets as required by the Commission, such as requested by Mr. Evans, may supplement that primary connector/collector. A public street as requested by Mr. Evans can be located within the bounds of the proposed subdivision (Arlington Acres) in accordance with the subdivision regulations, at the direction of the Commission. As the abutting tracts are presently configured, the future extension of Gabriel Street (unknown time schedule) will provide future access to interior properties including the James Evans tract. If the preliminary plat (Arlington Acres) is approved as submitted, the extension of Gabriel Street as referenced above is imperative, and shall be required at the time of development of the Catherine Evans property. The plat as proposed can meet the minimum requirements of the subdivision regulations, provided the Commission is in agreement that the lack of a street extension at this time does not create a hardship for the development of the adjacent properties. If the Commission decides a street extension, through the subject tract to the James Evans property, is in the public interest the Commission may deny the plat as proposed. Any motion for denial should include the reasons for such decision.

Mr. Lehman asked how Mr. Evans currently accesses his property.

Mr. Thomas stated that Mr. Evans has developed an office park on the corner of Dickinson Avenue and Arlington Boulevard and has put in a private street with a paved driveway to his home site.

Mr. Stokes asked about the driveway being located across Arlington Boulevard in front of Physicians East.

Mr. Thomas replied that with consulting with the Engineering Department, it was concluded that the major intersection would be the street that ties in with Physicians East and that is seen as the major intersection.

Mr. Fred Mattox, representing the applicants, stated there is 757.37 feet of road frontage on Arlington Boulevard for the subject property. The city recommends that street intersections be no closer than 300 feet apart and no further than 1400 feet apart. Point being if you put a street here you set up some requirements as to where the intersection at Spring Forest will be built. Mr. Mattox stated this land is part of a larger tract that was once owned by Godfrey Evans and upon his death subdivided and the property that Mr. James Evans owns came out of Tract 2A. Mr. Mattox explained that this property came from Tract 3 owned by someone else. Mr. Evans stated that Mr. Evans has a right-of-way off Dickinson Avenue to his home and he has access to his property through Lot 3A. Mr. Mattox stated that Mr. Evans would like to divide this property into two separate pieces by dividing with the road for his benefit. Mr. Mattox stated that Mr. Evans created the problem when he received his deed which shows the access from Dickinson Avenue to his property. Mr. Mattox stated that they do not think it is good planning to have a major street close to the street at Physicians East. Mr. Mattox asked the Commission to approve the preliminary plat.

Mr. Bryant Becker, representing Mrs. Leslie Evans, spoke in opposition to the request. Mr. Evans wants to develop his property but he can't because there is no access. Mr. Becker submitted a draft preliminary plat that indicates that a street be required. It is imperative to provide Mr. Evans access when and if Gabriel Street is developed.

Mr. Jimmy Evans spoke in opposition to the request. Mr. Evans stated that he has a 10 foot easement off Dickinson Avenue to his property along with another 6 foot in a curve. Mr. Evans stated that there is a small ditch that would drain the property on the 16 acre property.

Mr. Denton Hardee, one of the owners of the property, advised that no trees on Arlington Boulevard would be removed and that a curb cut was moved so that a

tree would not be removed.

Mr. Becker stated that if Gabriel Street is extended to Physicians East that is fine as long as the road comes through this property and stubs off the 16 acres. When the 16 acres is developed Mr. Evans can then connect to Gabriel Street down through his property.

There was discussion on the location of the extension of Gabriel Street in relation to Physicians East.

Mr. Thomas explained that it is imperative that Gabriel Street be extended to Arlington Boulevard and line up with the drive at Physicians East.

Motion was made by Mr. Randall, seconded by Mr. Moye, to deny the request based on Item 5, Section 9-5-81, Street Design Standards of the Subdivision Ordinance. Motion carried unanimously.

#### REQUEST BY JIMMY W. CARTER – APPROVED

Chairman Yates stated that the next item is a request by Jimmy W. Carter to amend the zoning regulations to include a new definition entitled “Home occupation, bed and breakfast inn”, and to include same as a special use, subject to specific performance standards, on properties that are located both (i) within a R6S zoning district, and (ii) within a locally designated historic district (HD) overlay zoning district.

Mr. Hamilton this is a request by Mr. Carter to amend the R6S district standards, Table of Uses, to include bed and breakfast inns as a special use home occupation. Currently, bed and breakfast inns are a commercial use and they are included under the hotel, motel, bed and breakfast inn category. That type of use is only allowed within commercial, office/institutional and industrial zones. There are no residential based bed and breakfast inns located in Greenville because of that restriction. It is very difficult to find homes within these zones that would accommodate a bed and breakfast. The request is to allow bed and breakfast inns as a home occupation to a single family owner occupant dwelling within the R6S zone. Mr. Hamilton explained that not only would the home have to be within a R6S zone but must also be in a district subject to a historic district overlay zone. There are two within the Greenville, the Tobacco Warehouse District and the Tar River Historic District

located off of Fifth Street which is in the area being considered for rezoning to R6S. Bed and breakfast inn is a single family dwelling in which the resident owner offers temporary overnight accommodations to visitors for compensation. Such use may be allowed as an accessory use home occupation to a single family dwelling upon special use approval from the Board of Adjustment in accordance with the additional conditions that would apply within the code. The ordinance contains 16 minimum standards and conditions and the Board of Adjustment can impose additional conditions if they deem necessary. Mr. Hamilton stated that there are other potential historic districts that may be located in the West Greenville area. If those areas are zoned R6S in the future and have the historic overlay perhaps there might be other locations available for this use. Mr. Hamilton read the proposed criteria for a bed and breakfast inn. Mr. Hamilton stated that any improvements to the home would require approval from the Historic Preservation Commission in accordance with the Design Guidelines. Mr. Hamilton stated that staff has no objection to the request.

Mr. Chris Mansfield, resident of the area, spoke in favor of the request. Mr. Mansfield stated that this is the kind of thing that can happen when you preserve and stabilize a neighborhood. Mr. Mansfield stated that the B&B would be located within walking distance of McGinns Theater and the Music School. This would be a very attractive for someone to stay.

Ms. Francine Rees, spoke in favor of the request. Ms. Rees stated that she is a member of the Historic Preservation Commission. Ms. Rees stated that she believes no having bed and breakfast inns in Greenville is a serious lack in housing alternatives.

Mr. Larry Spell, spoke in favor of the request. Mr. Spell stated he sees this as also generating traffic for the Center City, downtown area.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Moye to approve the amendment. Motion carried unanimously.

## REQUEST BY THE PLANNING AND COMMUNITY DEVELOPMENT

## DEPARTMENT – APPROVED

Chairman Yates stated that the next item is a request by the Planning and Community Development Department, as initiated and directed by City Council, to amend the zoning regulations to include revised standards and criteria for public or private club special use permits, including annual review report and rehearing procedures and requirements.

Mr. Hamilton stated that this request was initiated and directed by City Council to amend the zoning regulations to include revised standards and criteria for public or private club special use permits. Mr. Hamilton read the definition of a public or private club and the criteria that clubs must comply with. There are presently 24 clubs in Greenville's jurisdiction, 16 are subject to annual review by the Board of Adjustment, 8 are exempt under the grandfather clause. The proposed amendment will only apply to those clubs that are subject to annual review plus any future clubs. Mr. Hamilton stated that 23 of the 233 restaurants in the city regularly offer nightly or periodic entertainment, 8 of the 23 have undertaken the practice of charging a cover fee for admittance during regular or special periods of operation. By definition a restaurant may not charge a cover charge. They may not charge a cover at any time of operation either regular or special periods of operation unless approved as a dual use, a restaurant/club. All except one of the restaurants that have been operating as unapproved dual uses are located within zoning districts that include clubs as a special use option. Mr. Hamilton stated that staff received complaints from property owners, current club owners and restaurant owners in reference to the practice of 8 of the restaurants charging a cover and operating as de facto clubs. Staff compiled a list of all the know restaurants that were undertaking such a practice of offering entertainment and sent them a notice advising them of the rules. City Council received numerous calls from persons currently charging an admittance fee and Council considered the issue at their meeting in June. City Council agreed to continue to recognize the distinction between restaurants and clubs and agreed to retain the cover charge restriction for restaurants as established. City Council agreed to continue to allow the Board of Adjustment to determine the appropriate location of clubs through the public hearing process and directed staff to develop a streamline special use permit rehearing and renewal standard. Currently, public/private clubs may only be granted a special use permit for one year, it has to be renewed annually. Under the proposed standards the one year automatic renewal would be replaced with an annual review report and including reconsideration criteria for the Board. Planning staff will coordinate and prepare a

report for each club subject to the rule. Staff will present the report to the Board when the annual review includes a finding of one or more instances of non-compliance. The report will include noise, litter, fire codes, building codes, nuisance and public safety regulations and special use permit conditions of approval. Based on staff's report the Board may require a new hearing or not require a new hearing based on information submitted. An existing club that is currently operating under the special use permit renewal requirements would continue to operate until their renewal date and afterwards be subject to the new standards. Restaurants located within zoning districts that currently permit clubs as a special use may apply for club status under the streamline standards. This will not affect restaurants who offer entertainment but do not charge a cover fee. Existing clubs subject to the annual review will benefit from the streamline process. The proposed review process and criteria will afford a more effective monitoring of club activities and provide a more meaningful assessment in the case of non-compliance. The review report will take place at least on a yearly basis.

Ms. Margaret Gemperline, Chair of Tar River Community Watch, stated that if the amendment helps regulate the nightclubs and bars she is in favor of the request. Ms. Gemperline stated her concern has been with Dr. Unk's which is in her neighborhood and has been operating as a de facto nightclub she believes. Dr. Unk's is located in a neighborhood commercial zone which does not allow nightclubs. Ms. Gemperline stated that as she understands the proposed Dr. Unk's would not be able to apply for a club permit.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Tozer, to approve the amendment. Motion carried unanimously.

#### REQUEST BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT – APPROVED

Chairman Yates stated that the next item is a request requested by the Planning and Community Development Department, to amend the zoning regulations to include a rear yard street setback modification for detached accessory structures located on double frontage lots containing single family or two-family attached (duplex) dwellings.

Mr. Hamilton stated this request is to include a rear yard setback modification for detached accessory structures located on double frontage lots. Mr. Hamilton stated that over the years persons with double frontage lots have requested to put accessory buildings in their yards and the current requirements have prohibited them from being able to build those accessory structures in many cases. A zoning compliance permit is required for all accessory structures regardless of size or dimension. A building permit is required for any structure over 12 X 12 or 144 square feet. Mr. Hamilton explained the current setback requirements for accessory structures. Mr. Hamilton explained the proposed ordinance would provide a setback modification for double frontage single family and duplex lots under certain conditions. Mr. Hamilton stated that this amendment does not affect non-residential and multi-family setback standards. Mr. Hamilton listed those conditions.

No one spoke for the request.

No one spoke in opposition.

Motion was made by Mr. Tozer, seconded by Mr. Lehman, to approve the request. Motion carried unanimously.

### INFORMATION

Mr. Tim McDonald, Architect for University Health Systems, gave a slide presentation of the growth plans for the hospital.

There being no further business the meeting adjourned at 9:30 PM.

Respectfully submitted,

Merrill Flood  
Secretary