



Agenda

Planning and Zoning Commission

December 15, 2015

6:30 PM

Council Chambers, City Hall, 200 W. Fifth Street

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I. CALL MEETING TO ORDER -

II. INVOCATION - Dustin Mills

III. ROLL CALL

IV. APPROVAL OF MINUTES - November 17, 2015

V. NEW BUSINESS

TEXT AMENDMENTS

1. Ordinance to amend the Zoning Ordinance by adding a Domestic Violence Center as a permitted land use within the MS (Medical Support) zoning district, subject to specific criteria.

VI. ADJOURN

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING
AND ZONING COMMISSION

November 17, 2015

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

Mr. Tony Parker – Chair *

Mr. Terry King - *	Ms. Chris Darden – *
Mr. Doug Schrade – X	Ms. Ann Bellis – *
Ms. Margaret Reid - *	Mr. John Collins - *
Mr. Dustin Mills - *	Ms. Betsy Leech –*
Mr. Mark Gillespie – X	Mr. Anthony Herring - X

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

VOTING MEMBERS: King, Bellis, Darden, Reid, Collins, Leech, Mills

PLANNING STAFF: Thomas Weitnauer, Chief Planner; Andy Thomas, Lead Planner, and Amy Nunez, Staff Support Specialist II.

OTHERS PRESENT: Dave Holec, City Attorney; Scott Godefroy, City Engineer, and Jewel Jones, Communications Technician.

MINUTES: Motion was made by Mr. King, seconded by Ms. Bellis to accept the October 20, 2015 minutes as presented. Motion carried unanimously.

NEW BUSINESS

PRELIMINARY PLATS

REQUEST BY ROBERSON LAND DEVELOPMENT FOR A PRELIMINARY PLAT ENTITLED “MILL CREEK, PHASE 2 & 3”. THE SUBJECT PROPERTY IS LOCATED EAST OF FROG LEVEL ROAD IMMEDIATELY ADJACENT TO MILL CREEK, PHASE 1 AND NORTH OF FOREST PINES. THE PROPERTY IS FURTHER IDENTIFIED AS TAX PARCEL #03117. THE PRELIMINARY PLAT CONSISTS OF 52 LOTS ON 28.4085 ACRES. THE PROPERTY OWNER AND DEVELOPER IS ROBERSON LAND DEVELOPMENT. - APPROVED

Mr. Andy Thomas, Lead Planner, presented the preliminary plat. The subject property is located in the southwest portion of the City, located east of Frog Level Road and immediately adjacent to Mill Creek, Phase 1 and north of Forest Pines. This development is an extension of Mill Creek, which was approved by the Planning and Zoning Commission on May 17, 2005. This development plan is a redesign of the remaining property. The development pattern provides interconnectivity to the adjoining undeveloped property to the north and east. The property to the south is an existing subdivision (Forest Pines) which was developed under county regulations in

the early 80's and does not provide an opportunity for interconnectivity. This property is bounded by the Swift Creek watershed to the south and has a 35 feet drainage easement. There is a 50 riparian buffer upon the stream into which it empties. These sections have their own stormwater pond. There will be no parking along Brayden Court due to the 28 foot street width. No parking signs will be installed by the developer. The City's Subdivision Review Committee has reviewed the preliminary plat and has determined that it meets all technical requirements.

Mr. Collins stated the cul-de-sac on Brayden Court appears to be wider. He asked why no parking there.

Mr. Thomas stated it would need to be the turnaround area for safety vehicles like fire trucks.

Ms. Bellis asked if the property was in the City limits and who would maintain the streets.

Mr. Thomas stated it is in City limits and the Public Works Department would maintain them.

Ms. Bellis asked if the streets meet State DOT standards and would they ever be state owned.

Mr. Thomas stated they need to meet City Standard of Design and would never be state owned.

Chairman Parker opened the public hearing.

Mr. Ken Malpass, representative of the applicant Roberson Land Development, spoke in favor of the request. He stated the previous design was approved. This redesigned request was for larger lots and to add some curb appeal in comparison with Phase 1 of this development.

No one spoke in opposition of the request.

Chairman Parker closed the public hearing and opened for board discussion.

No board comments made.

**Motion made by Ms. Darden, seconded by Mr. Mills, to approve the preliminary plat.
Motion passed unanimously.**

TEXT AMENDMENT

ORDINANCE TO AMEND THE ZONING ORDINANCE BY REVISING THE OUTSIDE TIRE STORAGE AND DISPLAY REGULATIONS. – APPROVED

Mr. Thomas Weitnauer, Chief Planner, presented the text amendment. The ordinance is to amend the Zoning Ordinance by revising the outside tire storage and display regulations. In October 2013, City Council directed Staff to prepare text amendments. In February 2014, City Council adopted the amendment. In September 2015, after three tire companies voiced objections about the tire regulations, City Council requested a Staff report of the implementation

and inspections. On October 8, 2015, after the Staff report, City Council ordered revised text amendments. As requested, the Community Development Department Staff and Fire/Rescue Department Staff provided City Council with a status report of steps Staff has taken to implement, inspect and enforce outside tire storage and outside tire display regulations City Council adopted on February 13, 2014, Ordinance No. 14-010. The 38 page staff report is available for review on the City's website under the City Council's October 8, 2015 agenda as item #8. City Council directed staff to make the following amendments which have been incorporated into this ordinance: *1. Amend the number of tires allowed in outdoor storage on the property from 100 to 300 tires; and 2. Amend the restriction on outdoor displays of tires from the current provision of being within 10 feet from the principal building to being between 10 to 20 feet from the principal building.* City Council requested the first amendment as they believed 100 tires was overly restrictive and directed the second amendment so that the location of tires stored outside was consistent with the North Carolina Fire Code, as amended. When the amendment is adopted, it will take immediate effect. The proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan, Urban Form and Land Use Element Objective UF8, which states, "To enhance the appearance of highway and gateway corridors."

Mr. Mills asked where the increased amount of tires would go.

Mr. Weitnauer stated there are location requirements. Tire display is in front of the store. Tire storage is not on display and must be screened either behind the building or with fencing or landscaping. A small lot might not be affected by this amendment change.

Ms. Bellis stated that in the past the Community Appearance Commission had concerns with rodents around tires. She asked, if they are now stored upright where water can accumulate, would that cause a mosquito breeding problem.

Mr. Weitnauer stated the requirement is to store the tires on vertical racks. It is possible to cause standing water, but the amendment was a great improvement from before when tires were allowed on the ground. There is no regulation to avoid rain.

Chairman Parker asked if tire covers were previously discussed.

Mr. Weitnauer stated yes but a cover could deteriorate and it was not included in the amendment.

Chairman Parker opened the public hearing.

No one spoke in favor or in opposition of the request.

Chairman Parker closed the public hearing and opened for board discussion.

No board comments made.

Motion made by Ms. Darden, seconded by Mr. Collins, 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.

With no further business, motion made by Ms. Leech seconded by Mr. King, to adjourn. Motion passed unanimously. Meeting adjourned at 6:51 p.m.

Respectfully Submitted,

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



City of Greenville, North Carolina

Meeting Date:
12/15/2015
Time: 6:30 PM

Title of Item: Ordinance to amend the Zoning Ordinance by adding a Domestic Violence Center as a permitted land use within the MS (Medical Support) zoning district, subject to specific criteria.

Explanation: **Abstract:** The City of Greenville received an application from Mr. Jeff Sarvey for a text amendment that proposes the addition of regulations to allow Domestic Violence Centers in the MS (Medical Support) zoning district as a permitted use, subject to specific criteria.

Explanation: Greenville's Zoning Ordinance does not allow Domestic Violence Centers in the MS (Medical Support) zoning district.

Omission of a particular land use is interpreted to mean uses not listed are prohibited.

The attached staff report provides additional details regarding this text amendment. The applicant's full application submittal is attached to the staff report in Appendix B.

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan.

If the Planning and Zoning Commission determines to recommend approval of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend approval of the proposed text 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."

If the Planning and Zoning Commission determines to recommend denial of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend denial of the proposed text 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."

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Staff Report, Application and Ordinance](#)

**Staff Report:
Domestic Violence Center – Text Amendment**

Applicant: Jeff Sarvey, General Manager, WPJS Properties, LLC

Contents

Background 1
Zone Where Domestic Violence Centers are Proposed Under This Text Amendment. 1
Proposed Text Amendment 3
Compliance with the Comprehensive Plan 5

Maps

Map 1: Medical Support Zoning District 6
Map 2: Zoning Districts 7

Exhibits

Exhibit A: Excerpt of the Table of Uses Showing Proposed Amendments 8
Exhibit B: Application Submittal Documents 9



**City of Greenville
Community Development Department - Planning Division
December 1, 2015**

Background

Greenville's Zoning Ordinance currently does not allow Domestic Violence Centers in the Medical Support (MS) zoning district. Omission of a particular land use is interpreted to mean uses not listed are prohibited. Sec. 9-4-13, Uses Prohibited states, "Unless a use of land is specifically allowed in a zoning district, either as a matter of right or as a special use, then the use shall be prohibited in the district."

The City of Greenville received an application for a text amendment from Mr. Jeff Sarvey that proposes the addition of Domestic Violence Centers in the Medical Support (MS) zoning district as a permitted use, by right. (Exhibit B: Application Submittal Documents).

Zone Where Domestic Violence Centers are Proposed Under This Text Amendment

The text amendment proposes Domestic Violence Centers in the MS (Medical Support) zoning district as a permitted land use, by right, and proposes review criteria and operational requirements for such centers. Maps 1 and 2 illustrate locations of the MS zoning district throughout the City where Domestic Violence Centers would be allowed under the proposed text amendment.

The Medical Support zoning district is defined in the Zoning Ordinance, Sec. 9-4-56 as follows:

The MS Medical Support District is primarily designed to create areas in which hospitals, rehabilitation centers, medical offices and clinics may be compatibly mixed, in order that these related uses can be near each other for doctor and patient convenience. The district shall also allow a wider variety of medical support services. In addition, through its permitted uses, the district shall encourage a healthful environment in abutting residential areas, as well as within the health care delivery community.

Land uses currently allowed, by right, in the MS district are listed below:

- (1) *General*
 - a. *Accessory use or building*
 - b. *Internal service facilities*
 - c. *On-premises signs per Article N*
 - f. *Retail sales; incidental*

- (2) *Residential*
 - l. *Group Care Facility*
 - n. *Retirement Center or Home*
 - o. *Nursing, convalescent or maternity home, major care facility*

- (4) *Governmental*
 - b. *City of Greenville Municipal Government building or use*
 - c. *County or State building or use, not otherwise listed, excluding outside storage and minor or major repair*
 - d. *Federal government building or use*

- (5) *Agricultural/mining*
 - a. *Farming, agriculture, horticulture, forestry*

- (6) *Recreational/entertainment*
 - f. *Public park or recreational facility*

- (7) *Office, Financial, Medical*
 - e. *Medical, dental, ophthalmology or similar clinic, not otherwise listed*

- (8) *Services*
 - Y(3). *Television and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless telecommunication towers not exceeding 80 feet in height*
 - ee. *Hospital*
 - ff. *Mental health, emotional or physical rehabilitation facility*
 - ff(1) *Mental health, emotional, or physical rehabilitation day program facility*

- (10) *Retail Trade*
 - d. *Pharmacy*
 - w. *Florist*

- (12) *Construction*
 - c. *Construction office; temporary including modular office*

- (13) *Transportation*
 - h. *Parking lot or structure; principal use*

Land uses currently allowed in the MS district, with approval of a special use permit, are listed below:

- (2) *Residential*
 - l. *Land use intensity dormitory (LUI) development rating 67 per Article K*
 - i. *Residential quarters for resident manager, supervisor or caretaker; excluding mobile home.*

- (4) *Governmental*
 - a. *Public utility building or use*

- (6) *Recreational/entertainment*
 - m(1). *Dining and entertainment establishment*

- (7) *Office, Financial, Medical*
 - a. *Office, professional and business, not otherwise listed*
 - d. *Bank, savings and loan or other savings or investment institutions*

- (8) *Services*
 - a. *Child day care facilities*
 - b. *Adult day care facilities*
 - j. *College and other institutions of higher learning*
 - l. *Convention center; private*
 - s. *Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and Sec. 9-4-103)*
 - gg. *Vocational rehabilitation center*
 - jj. *Health services not otherwise listed*

- (10) *Retail Trade*
 - h. *Restaurant*
 - j. *Restaurant and/or dining and entertainment establishment; regulated outdoor activities*
 - k. *Medical supply sales and rental of medically related products including uniforms and related accessories*

- (14) *Manufacturing/warehousing*
 - t. *Manufacture of nonhazardous medical supplies or medical products, including distribution*

Title 9, Chapter 4, Article U, Administration, Enforcement, Penalties, Appendix A: Table of Uses, (A)(15) Other Activities (not otherwise listed – all categories) provides limited flexibility for other activities, not otherwise listed, in the Table of Uses for certain zoning districts through approval of by rights. This catch-all flexibility tool is allowed in nine of the twenty seven zoning districts. However, the MS (Medical Support) zoning district is not one of the zoning districts where this allowance is available for a Domestic Violence Center.

Proposed Text Amendment

In order to amend the Zoning Ordinance to allow a Domestic Violence Center to operate in the MS zoning district, text amendments must be adopted. This text amendment application requires a public hearing before City Council. The Planning and Zoning Commission is required to review and if supportive, recommend an ordinance relating to Domestic Violence Center regulations since they would be added in the Zoning Ordinance.

The application submittal documents are attached (Exhibit B). The application includes Mr. Sarvey's proposed language and an attachment that provides additional justification for his proposed text amendment. In the application attachment, Mr. Sarvey explains how the Domestic Violence Center has a strong dependence on medical facilities and medical staff.

Maps 1 and 2 illustrate all of the properties within the City that are zoned MS. If this amendment is adopted, it would only apply to properties zoned MS.

Proposed text amendments to add Domestic Violence Center are illustrated below using underlined text to denote regulations to be added in three areas of the Zoning Ordinance.

1. This text amendment application proposes to amend Title 9, Chapter 4, Article B, Section 9-4-22, by adding the following definition for “Domestic Violence Center”:

Domestic Violence Center. A home for women and children seeking relief and refuge from family violence and abuse.

2. This text amendment application proposes to amend Title 9, Chapter 4, Article F, Section 9-4-78 (Appendix A, Table of Uses), by adding the following new land use, by right, in the Medical Support (MS) zoning district and by assigning a LUC 3 to the land use. Exhibit A presents how the proposed land use would appear in the Table of Uses if this amendment is adopted through the addition of the following language:

(2)(m)1. “Domestic Violence Center (see also section 9-4-103(DD))”;

3. This text amendment application proposes to amend Title 9, Chapter 4, Article D, Section 9-4-103 (DD), by adding the following new subsection. This list of review criteria is the same list applicable to homeless and abuse shelters that already appears in the Zoning Ordinance. In conversations between city staff and the applicant, the applicant believes the location he has selected for a Domestic Violence Center and the operation of the facility will comply with this criteria so staff added this language to the application.

(DD). Domestic Violence Center (see also section 9-4-22).

(1) The minimum lot size shall be 15,000 square feet.

(2) Maximum occupancy shall be in accordance with the North Carolina State Building Code or not more than one person per each 500 square feet of lot area, whichever is less.

(3) On-site supervision shall be maintained during all hours of operation.

(4) Single-building development shall be in accordance with single-family standards.

(5) Multiple-building development shall be in accordance with multi-family development standards.

(6) Parking shall be required at a ratio of one space per every two supervisors and one space per each 500 square feet of habitable floor area.

Compliance with the Comprehensive Plan

Consideration of any modification to the city zoning ordinance should include a review of the community's comprehensive plan and other officially adopted plans that are applicable.

Greenville's comprehensive plan, Horizons: Greenville's Community Plan, 2004, and the 2009/2010 update contains adopted goals, policy statements and objectives that should be reviewed and considered to ensure that the proposed text amendments are in compliance with the Plan, and effectively with the community's values.

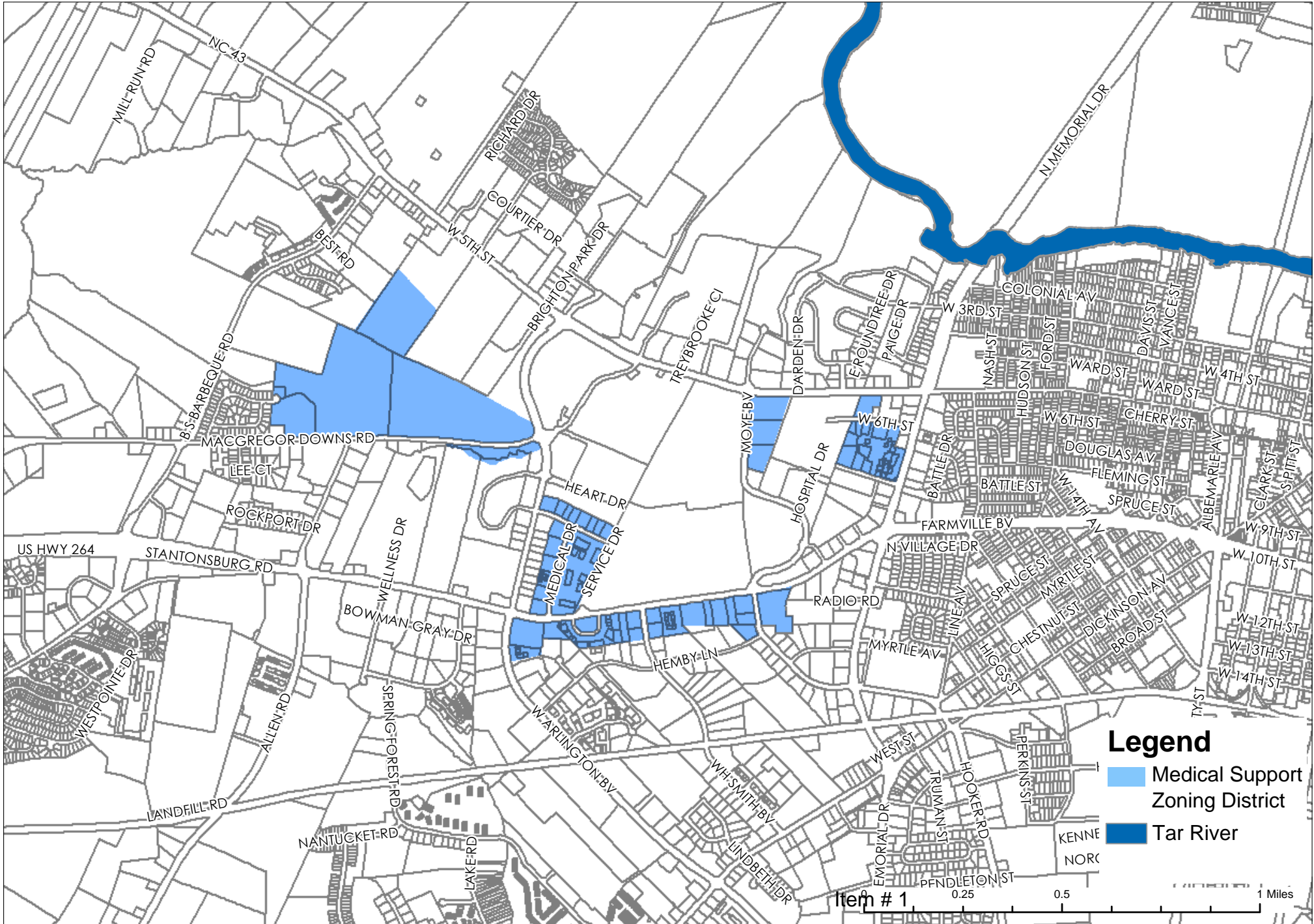
Staff reviewed the Plan and provides the following findings regarding consistency between the proposed text amendment and the Plan. In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan.

Following is a relevant excerpt from Horizons: Greenville's Community Plan, 2004.

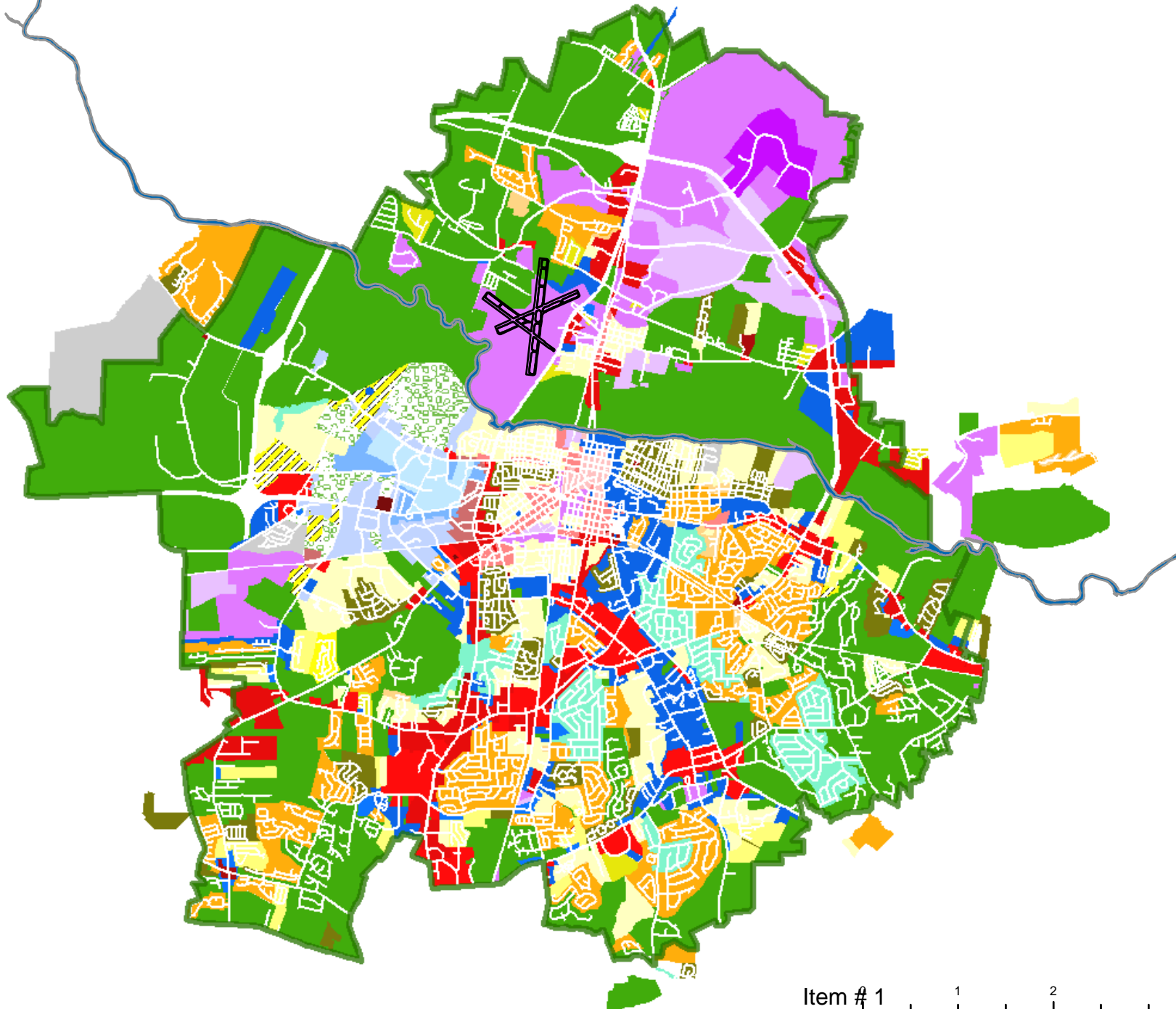
Plan Elements, Housing: *Objective H2: To provide transitional housing.*

Staff believes allowing Domestic Violence Centers to be permitted in the MS (Medical Support) zoning district will allow residents of the center and health care providers to be located in close proximity. As the provision of convenient health care access to domestic violence center residents is essential to treat and counsel patients, staff believes the Domestic Violence Center land use is compatible with other land uses allowed in the Medical Support District and meets the intent of the definition of the Medical Support Zoning District.

Map 1- Medical Support Zoning District



Map 2 - Zoning Districts



- Legend**
- Greenville ETJ
 - Tar River
 - PGV Airport
 - CD
 - CDF
 - CG
 - CH
 - CN
 - MCH
 - MCG
 - I
 - IU
 - PIU
 - MI
 - MO
 - MS
 - O
 - OR
 - R6
 - R6A
 - R6A-CA
 - R6A-RU
 - R6MH
 - R6N
 - R6S
 - R9
 - R9S
 - R9S-CA
 - R15S
 - PUD
 - MR
 - MRS
 - RA20

Item # 1 1 2 4 Miles

EXHIBIT B: Application Submittal Documents



Date Received 11/12/2015

CITY OF GREENVILLE
ZONING ORDINANCE TEXT AMENDMENT APPLICATION

Applicant Name(s) WPJS Properties,LLC Jeff Sarvey-General Manager

Mailing Address PO Box 88 Winterville, NC 28590

Contact Phone Number (252-714-1959) _____

Contact Fax Number (252-355-2002) _____

Zoning Ordinance Section Proposed to be Amended: For a "Domestic violence Center" and we ask that the use be allowed "by right" under the MS Zoning ordinance.

Reason for Request: This area is an ideal location for the Family Violence Support Network Community Home . As a behavioral health organization we want to be close to the hospital.

Proposed Language of Text Amendment (attach additional pages if needed): see attached

Text Amendment Language

Text Amendment for "Domestic Violence Center"

Sec. MS Zoning

Words and Terms defined as a home for women and children seeking relief and refuge from family violence and abuse. Specifically this location of 1707 W. Sixth Street will be the domicile for the Center for Family Violence Prevention. The building will be a residence for those needing relief and support for several days or several weeks until a safe location can be provided. This property will be fenced containing the side and rear yards and security measures will be in place. Hours of operation will be 24/7 with domestic type provisions. We are a behavioral health program serving Pitt, Martin and Washington counties. Nearly 20% of our residents come to us directly from the hospital on their own or with an officer. We are a rehabilitation center for women and their children. We are requesting a group care facility use as a shelter for the abused to get mental health counseling, health care and information about prevention for themselves and children, over 80% of our clients have mental health issues. We provide workshops on health issues, and mental health training. This site will allow us to provide this in a private appropriate manner. We are a nonprofit organization intended to be used solely for temporary occupancy by abused women and children. We are certified by the N.C. Council for Women Domestic Violence Commission and are funded by them. Individuals contribute to our mission as well as grants from the Kate B. Reynolds Foundation and Vidant Health. We hope this location will allow us to have a Registered Nurse there at regular scheduled times.

ORDINANCE NO. 16-
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on January 14, 2016, at 6:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Horizons: Greenville's Community Plan, 2004, Plan Elements, Housing, Objective H2 to provide transitional housing;

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, attract new businesses;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

Section 1: That Title 9, Chapter 4, Article B, Section 9-4-22 of the City Code, is hereby amended by adding the following definition for "Domestic Violence Center":

Domestic Violence Center. A home for women and children seeking relief and refuge from family violence and abuse.

Section 2: That Title 9, Chapter 4, Article F, Section 9-4-78 (Appendix A), of the City Code, is hereby amended by adding the following new land use:

(2)(m)1. "Domestic Violence Center (see also section 9-4-103(DD)"; by allowing as a permitted land use, by right, in the Medical Support (MS) zoning district; and by assigning

1

a LUC 3 to the land use.

Section 3: That Title 9, Chapter 4, Article D, Section 9-4-103 (DD), of the City Code, is hereby amended by adding the following new subsection

(DD). Domestic Violence Center (see also section 9-4-22).

(1) The minimum lot size shall be 15,000 square feet.

(2) Maximum occupancy shall be in accordance with the North Carolina State Building Code or not more than one person per each 500 square feet of lot area, whichever is less.

(3) On-site supervision shall be maintained during all hours of operation.

(4) Single-building development shall be in accordance with single-family standards.

(5) Multiple-building development shall be in accordance with multi-family development standards.

(6) Parking shall be required at a ratio of one space per every two supervisors and one space per each 500 square feet of habitable floor area.

Section 4. That any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 5. That this ordinance shall become effective immediately upon adoption.

Adopted this 14th day of January, 2016.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk