

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION

January 16, 2018

The Greenville Planning and Zoning Commission met on the above date at 6:00 P.M. in Council Chambers of City Hall.

Mr. Terry King –Chair *
Mr. Doug Schrade – X Ms. Chris Darden – *
Mr. Les Robinson –* Mr. John Collins - *
Ms. Margaret Reid - X Mr. Hap Maxwell - *
Ms. Betsy Leech –* Mr. Ken Wilson - *
Mr. Michael Overton - *

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

VOTING MEMBERS: Robinson, Collins, Maxwell, Overton, Wilson, Leech, Darden

PLANNING STAFF: Chantae Gooby, Planner II; Thomas Weitnauer, Chief Planner; and Amy Nunez, Secretary

OTHERS PRESENT: Emanuel McGirt, City Attorney; Rik DiCesare, Traffic Engineer; Cathy Meyer, Civil Engineer; and Kelvin Thomas, Communication Technician

MINUTES: Motion made by Mr. Robinson, seconded by Mr. Collins, to accept the December 19, 2017 minutes as presented. Motion passed unanimously.

NEW BUSINESS
REZONINGS

ORDINANCE REQUESTED BY TRACEY M. MASON TO REZONE 0.3566 ACRES LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF EAST 10TH STREET AND ADJACENT TO THE DAVIS APARTMENTS FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO CG (GENERAL COMMERCIAL) - APPROVED

Ms. Gooby delineated the property. It is located along East 10th Street across from Lowe’s Home Improvement. Currently, there is a residential structure located on the property. If the same structure is used for commercial purposes, then it will need to be converted to commercial code. An increase in traffic is not anticipated. The Future Land Use and Character Plan Map recommends commercial at the northwestern corner of the intersection of East 10th Street and Port Terminal Road extending to the north along the western side of Port Terminal Road then transitioning to traditional neighborhood, low-medium density to the west. In staff’s opinion, the request is in compliance with Horizons 2026: Greenville’s Community Plan and the Future Land Use and Character Plan Map.

Chairman King opened the public hearing.

Mr. Blake Bjerkeset, Bjerkeset Land Surveying, representative for the applicant, spoke in favor of the request. He stated the property faces a 5-lane road and is more appropriate for commercial use.

No one spoke in opposition.

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

Motion made by Mr. Robinson, seconded by Mr. Wilson, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

ORDINANCE REQUESTED BY SOUTH CREEK DEVELOPMENT, LLC TO REZONE 5.727 ACRES LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF OLD FIRE TOWER ROAD AND 225+/- FEET WEST OF COUNTY HOME ROAD FROM CG (GENERAL COMMERCIAL) TO OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) - APPROVED

Ms. Gooby delineated the property. It is located along Old Fire Tower Road and abuts Sheetz Convenience Store and Arby's that front on East Fire Tower Road. It is currently Jackson's Mobile Home Park. This area contains residential and commercial uses. In 2004, the subject property was zoned to CG. There is IU (industrial) zoning to the south, which was part of an ETJ extension in 1976. At that time, the industrial zoning was probably considered more appropriate given that the location was rural. However, now this area is more urban in character. Under the current zoning, the site could accommodate a mixed retail/restaurant/service development: one (1) conventional restaurant (5,600 sq. ft.), personal services (3,000 sq. ft.), miscellaneous retail (20,000 sq. ft.), office (4,000 sq. ft.), and two (2) fast food restaurants - no drive-thru (4,000 sq. ft.). The retail portion would most likely be users that don't rely on drive-by traffic. Under the proposed zoning, the site could accommodate 62-72 multi-family units (1, 2 and 3 bedrooms). Since the request is from commercial to office/residential, staff would anticipate a decrease in traffic if the property was developed at the current zoning versus the proposed zoning. The Future Land Use and Character Plan Map recommends commercial along East Fire Tower Road transitioning to office/institutional along Old Fire Tower Road, west of County Home Road, to act as a buffer to the residential area further south. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map.

Chairman King opened the public hearing.

Mr. Mike Baldwin, Baldwin Design Consultants, representative for the applicant, spoke in favor of the request. He stated this is a development opportunity that requires OR zoning. There has been a trend in this area of rezoning property to OR.

No one spoke in opposition.

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

Motion made by Mr. Overton, seconded by Mr. Collins, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

ORDINANCE REQUESTED BY H. E. WHICHARD, JR. TO REZONE 0.738 ACRES LOCATED AT THE SOUTHWESTERN CORNER OF THE INTERSECTION OF EAST ARLINGTON BOULEVARD AND RED BANKS ROAD FROM OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) TO CG (GENERAL COMMERCIAL) - APPROVED

Ms. Gooby delineated the property. It is located at the corner of East Arlington Boulevard and Red Banks Road adjacent to Wells Fargo Bank. This area contains a mix of commercial and office uses. An increase of 628 trips per day are anticipated for both streets combined. The property contains a former BB&T bank building. New construction is possible. The subject property could be used for restaurant and/or retail uses. The Future Land Use and Character Plan Map recommends mixed use at the southwestern corner of the intersection of Arlington Boulevard and Red Banks Road. The mixed use character allows a variety of zoning districts. The property is adjacent to CG zoning. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map.

Chairman King opened the public hearing.

Mr. Mike Baldwin, Baldwin Design Consultants, representative for the applicant, spoke in favor of the request. This rezoning will allow uses that are compatible with the surrounding uses. There is a Wells Fargo Bank and restaurants nearby. The building will be demolished.

No one spoke in opposition.

Ms. Darden stated this is a busy intersection and traffic is a concern.

Ms. Leech stated this is a very busy corner and not well-planned. The rezoning process gives us traffic counts but it is not cumulative as other development happens. It is difficult getting in and out of Wells Fargo.

Ms. Darden asked will the ingress/egress remain the same.

Mr. Baldwin stated new construction will allow us to modify the ingress/egress. The property is at the intersection of two major thoroughfares and that is where commercial is going to be located.

Mr. Rik DiCesare, City Traffic Engineer, stated that new construction will allow for some modification of the ingress/egress.

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

Motion made by Mr. Collins, seconded by Mr. Robinson, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

ORDINANCE REQUESTED BY PORTERS CROSSING RESIDENTIAL, LLC TO REZONE 1.416 ACRES LOCATED AT THE NORTHEASTERN CORNER OF THE INTERSECTION OF COUNTY HOME ROAD AND OLD FIRE TOWER ROAD FROM OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) TO CG (GENERAL COMMERCIAL) - DENIED

Ms. Gooby delineated the property. It is located in the southern section of the City at the corner of Old Fire Tower Road and County Home Road. It is adjacent to Arlington Park. Currently, there is a single-family residence and a cemetery on the property. This area has commercial and residential uses. Staff anticipates an increase of 2,000 trips per day. Over the last couple of years, there has been a trend in this area to rezone properties to OR. There is IU zoning to the south that has been in place since 1976. At that time, the industrial zoning was probably considered more appropriate given that the location was rural. However, now this area is more urban in character. Under the current zoning, the property could accommodate 15+/- multi-family units. Under the proposed zoning, the site could accommodate a mixed retail/restaurant development with a convention restaurant, a fast food restaurant (no drive-thru) and personal services. The development could be similar to the development along Fire Tower Road. The Future Land Use and Character Plan Map recommends commercial along Fire Tower Road transitioning to traditional neighborhood, medium-high density to the south, which supports the existing OR zoning that has taken place in the last few years. The request for CG zoning is not supported by the comprehensive plan. With this rezoning request, staff is concerned about potential "spot zoning". Spot zoning can be illegal if it is determined by the court that a rezoning is arbitrary. The burden is on the governing board to determine reasonableness. If there is a reasonable basis, then the rezoning is legal and valid. Reasonableness is determined based on several factors. The considerations are: 1) size of area and particular characteristics, 2) request relative to the comprehensive plan, 3) degree of change in uses between current and proposed uses and 4) relative harm and/or benefit to the owner(s), neighborhood and community. For this request, the request is not supported by the comprehensive plan, which recommends residential. Also, under the current zoning, the property could accommodate 15+/- multi-family units. If this request is approved, then the property can accommodate a mixed retail/restaurant development.

In staff's opinion, the request is not in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map.

Ms. Leech asked if any of the neighbors spoke with staff.

Ms. Gooby stated a member of the Arlington Park homeowner's association spoke with Tom Weitnauer last week. He was given a copy of the staff report.

Mr. Collins stated the comprehensive plan recommends traditional neighborhood in this area but it doesn't look like a traditional neighborhood.

Ms. Gooby stated the lots to the east of the request are residential and undeveloped. The current OR zoning, which allows residential, makes a good transition since these properties are behind the businesses along Fire Tower Road. The area would never look traditional.

Mr. Maxwell asked if staff was concerned with spot zoning in the residential area.

Ms. Gooby stated caution is needed because adjacent properties might want to follow suit even though it is not in compliance with City plans and maps. Spot zoning is decided by the courts.

Mr. Robinson asked if there was a net increase in traffic if the request was approved.

Ms. Gooby stated yes.

Mr. Robinson asked about the cemetery.

Ms. Gooby stated it is protected by law, cannot be moved and must have access.

Chairman King opened the public hearing.

Mr. Mike Baldwin, representative for the applicant, spoke in favor of the request. He believes the request is reasonable since there are commercial and industrial uses in close proximity to the subject property. Plaza Service Center and the Factory Mattress and Bedroom Warehouse are across the street. A mixed martial arts studio on the opposite corner.

Ms. Darden was concerned over the increase in traffic of 2,000 trips where the 4-lane road narrowed to a 2-lane road.

Mr. Baldwin stated that the east side of Old Fire Tower Road has very little traffic.

Mr. Overton stated that if the property were developed there would be buffer between the commercial and Arlington Park.

Mr. Robinson asked what happens when other property owners in this area ask for commercial.

Mr. Baldwin stated the request for commercial is a good fit because it is located at the corner.

Mr. Darden asked if there was the possibility of a traffic light.

Mr. Baldwin stated that because of the proximity to the stop light at the intersection of County Home Road and East Fire Tower Road it probably wouldn't be feasible.

Mr. Rik DiCesare, City Traffic Engineer, stated that the traffic volume would not meet the standards for a stop light.

No one spoke in opposition.

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

Ms. Leech was concerned with traffic and that the location is residential.

Mr. Maxwell was worried about setting a precedent of approving a request that is not in compliance with the comprehensive plan.

Ms. Darden stated that there is already a lot of traffic between the Wal-Mart Neighborhood Market and Parker's BBQ and some of that traffic would be going in the direction of this request.

Mr. Overton stated that residential development doesn't seem like a good fit.

Motion made by Mr. Maxwell, seconded by Ms. Leech, to recommend denial of the proposed amendment, to advise that it is in consistent with the comprehensive plan and to adopt the staff report which addresses plan consistency and other matters. Those voting in favor: Maxwell, Wilson, Robinson, Collins, Darden and Leech. Those voting against: Overton. Motion carried.

With no further business, Mr. Overton made a motion to adjourn, seconded by Mr. Robinson. Motion passed unanimously. Meeting adjourned at 7:02 P.M.

Respectfully Submitted,

Ken Graves, Secretary to the Commission
Interim Director of the Community Development Department