

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING
AND ZONING COMMISSION
June 19, 2012

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

Mr. Godfrey Bell – Vice Chair (Acting Chairman)*
Mr. Tony Parker - * Ms. Linda Rich - *
Mr. Hap Maxwell – X Ms. Ann Bellis – *
Ms. Shelley Basnight - * Mr. Brian Smith - *
Mr. Doug Schrade - * Mr. Jerry Weitz – *
Ms. Wanda Harrington-X Mr. Torico Griffin -*
Dr. Kevin Burton- *

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

VOTING MEMBERS: Bell, Parker, Basnight, Rich, Bellis, Smith, Schrade, Weitz, Griffin

PLANNING STAFF: Chantae Gooby, Planner II and Elizabeth Blount, Staff Support Specialist II.

OTHERS PRESENT: Chris Padgett, Interim Assistant City Manager, Dave Holec, City Attorney and Jonathan Edwards, Communications Technician.

Acting Chairman Bell recognized Mr. Weitz and Mr. Schrade for becoming Regular Commission Members and welcomed City Alternate #1, Mr. Torico Griffin and City Alternate #2, Dr. Kevin Burton.

MINUTES: Motion was made by Mr. Smith, seconded by Ms Basnight, to accept the May 15, 2012 minutes as presented. Motion carried unanimously.

NEW BUSINESS
REZONINGS

REQUEST BY DAVID HILL – WITHDRAWN

Ordinance requested by David Hill to rezone location at the southeast corner of the intersection of Greenville Boulevard and Belvedere Drive from O (Office) to CG (General Commercial).

Ms Gooby informed the commission that Mr. Hill submitted a request to withdraw his rezoning request.

Motion was made by Mr. Parker, seconded by Ms Rich to accept the withdrawal. Motion carried unanimously.

REQUEST BY STORAGE KINGS, LLC – APPROVED

Ordinance requested by Storage Kings, LLC to rezone area from R6 (Residential [High Density Multi-family]) to CH (Heavy Commercial).

Ms Chantae Gooby, Planner, delineated the property. The property is located along the southern right-of-way of Deck Street and 115+/- feet east of the intersection of Deck Street and South Greene Street. The property is currently vacant. The property is impacted by the 100-year floodplain. No traffic report was generated since the requested rezoning will generate less traffic than the existing zoning. The property is currently zoned as R6 which can accommodate one duplex building. Under the proposed zoning (CH), the property could yield 1,667 additional square feet of mini-storage space. The Future Land Use Plan Map recommends commercial at the southwest corner of the intersection of Evans Street and Deck Street. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan, and the Future Land Use Plan Map.

Mr. Mike Baldwin, representative of Storage Kings, spoke in favor of the request. He stated that the request was primarily for dimensional standards for the lot.

No one spoke in opposition of the request.

Mr. Weitz disagreed with staff's opinion concerning the rezoning being consistent with the developments in floodplains in the Horizons: Greenville's Community Plan. He stated that the rezoning also does not protect neighborhood livability. He also stated that the rezoning request of heavy commercial has to consider all possible businesses and does not believe it is good practice to put possible businesses in a floodplain.

Motion made by Mr. Smith, seconded by Mr. Schrade, 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. Those voting in favor: Smith, Bellis, Basnight, Parker, Griffin, Schrade, and Rich. Those voting in opposition: Weitz. Motion passed.

TEXT AMENDMENTS

REQUEST BY PARADIGM, INC - APPROVED

Zoning Ordinance Text Amendment Application submitted by Paradigm, Inc. requesting to allow Board of Adjustment to approve reasonable accommodations related to the City's ¼ mile separation standard for family care homes.

Mr. Chris Padgett, Interim Assistant City Manager, provided history and background information on this request to the Commission. The process that led to this text amendment began in April 2012. The Commission denied the request and it was sent to City Council. The applicant withdrew the application the night of the public hearing with City Council's permission. The applicant re-vamped the text amendment to address the issue of reasonable accommodations as is provided by the Fair Housing Act. This amendment is different than the previous submitted request as it proposes to empower the Board of Adjustment to grant a reasonable accommodation to the one-fourth mile separation requirement for Family Group Homes subject to specified findings. Procedurally, any request for a reasonable accommodation will be processed like a Special Use Permit, except with different findings. The approval of a reasonable accommodation is limited to the spacing requirement for family care homes only. The Board of Adjustment may prescribe appropriate conditions and safeguards to any such approval. Mr. Padgett also stated that the reasonable request would have to be reasonable and necessary. He stated the factors which may be considered but not limited to in determining whether an accommodation is reasonable and/or necessary. Staff outlined the applicable provisions of the City's Comprehensive Plan. In staff's opinion, the proposed text amendment provides an opportunity for an individual to seek a reasonable accommodation under the Federal Fair Housing Act which would ensure compliance with federal law. Additionally, the process proposed affords protection to neighborhoods by (1) including the opportunity for public input; (2) requiring that the applicant prove the request for a reasonable accommodation is both reasonable and necessary; and (3) providing an opportunity for the Board of Adjustment to prescribe appropriate conditions and safeguards to ensure compatibility with surrounding land uses. In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Comprehensive Plan.

Ms Bellis asked if the one-fourth mile separation was still in effect with the new application.

Mr. Padgett explained the difference between the two text amendments and stated the latest text amendment stresses the need for reasonable accommodations in accordance to the Federal Fair Housing Act.

Ms Bellis asked if the Board of Adjustment's decision would be upheld should an applicant appeal to Superior Court.

Attorney Holec stated that if the board follows the procedures and base their decision upon the evidence produced, then Superior Court will uphold the decision.

Ms Bellis asked what type of evidence could the applicant present that would hold up in court.

Attorney Holec said it would be based upon their findings and need to be admissible according to law.

Mr. Parker asked if the amendment would apply throughout the city and not just site specific.

Mr. Padgett answered yes.

Mr. Schrade asked for clarity concerning Oxford Houses.

Mr. Padgett explained how the Oxford houses were established by federal law and how they can circumvent local zoning authority.

Mr. Schrade asked if the new text amendment was for individual homes to present to the Board of Adjustment their need to circumvent the one-fourth mile separation rule.

Mr. Padgett explained that the text amendment is making the framework for a home to ask the Board of Adjustment for a reasonable accommodation of the one-fourth mile due to it enabling the home to offer services to people with handicaps.

Mr. Parker asked if the text amendment addresses the need for the service and not the economics that the service may bring.

Mr. Padgett referred back to the criteria for the case and stated that there is a variety of evidence that the applicant may use in order to submit a request to the Board of Adjustment in accordance to this text amendment.

Mr. Bob Thompson, Advocacy Coordinator for Disability Advocacy & Research Center, spoke in favor of the request. He spoke advocating Paradigm, Inc. and their ability to increase the number of clients in one of their existing homes. He recognized John Mark Bradley, in the audience, who is an individual with cerebral palsy and has had difficulty finding the right care home to properly care for his needs. Mr. Thompson stated that the text amendment would not change the existing ordinance but provide reasonable accommodations for a person like John Mark to receive quality care and be able to stay in this area.

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

Ms. Bellis stated that the Commission cannot concentrate on a few situations when making a decision that can affect the whole city.

Mr. Bell asked for clarity concerning their decision about the text being applied to the whole city.

Mr. Holec stated Mr. Thompson made an argument that would go before the Board of Adjustment if the text amendment were approved. The new text amendment would amend the ordinance to provide the opportunity for an applicant to go before the Board of Adjustment in order to request a reasonable accommodation. He stated that the Commission was not acting on the specific situations that Mr. Thompson spoke of.

Mr. Schrade asked if the Board of Adjustment could deny one application and approve another.

Attorney Holec stated that the Board of Adjustment has the authority to consider specific fact situations and make a decision accordingly.

Mr. Parker asked if the Commission denied the request would the applicant still have the right to go to City Council.

Attorney Holec stated that the Commission makes a recommendation which is forwarded to City Council automatically.

Mr. Weitz stated that he agreed with staff's opinion with the re-vamped text amendment.

Mr. Schrade stated that he also agreed with staff's opinion. He said that the new text amendment stating that the applicant has to appear before the Board of Adjustment is another step in preventing the family care homes from being concentrated in neighborhoods and provides evaluation on each situation.

Mr. Parker agreed that his view has changed from the original amendment and is in support of the new amendment.

Motion made by Mr. Weitz, seconded by Mr. Schrade, 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. Those voting in favor: Smith, Weitz, Basnight, Parker, Griffin, Schrade, and Rich. Those voting in opposition: Bellis. Motion passed.

OTHER ITEMS OF BUSINESS

Communities Putting Prevention to Work (CPPW) Work Plan

Ms Gooby stated that the Pitt County Health Department gave the City grant funds to hire a consultant to look at the City's development standards from a public health perspective. The objective is to improve community health, design and appearance. The consultant will facilitate meetings with a work group comprised of representatives of residential developers, commercial developers, design professionals, and members of the Planning and Zoning Commission, Bike and Pedestrian Commission, Community Appearance Commission, Neighborhood Advisory Board, and Recreation and Parks Commission. There will be five meetings over a three-month period. The work plan was recommended by the Commission in January.

Mr. Tony Parker volunteered to serve on the work group.

ELECTION OF OFFICERS

Attorney Holec stated that the Commission must elect a Chairman and Vice-Chairman. The office is for a one-year period. Attorney Holec opened the floor for chairman nominations.

Mr. Parker nominated Mr. Godfrey Bell.

No other nominations were made and Attorney Holec closed the nominations. All Commission members were in agreement with the nomination and Mr. Bell was elected Chairman of the Planning and Zoning Commission.

Attorney Holec opened the floor for vice-chairman nominations.

Mr. Bell nominated Ms Shelly Basnight.

No other nominations were made and Attorney Holec closed the nominations. All Commission members were in agreement with the nomination and Ms. Basnight was elected Vice-Chairman of the Planning and Zoning Commission.

With no further business, motion made by Mr. Bell, seconded by Mr. Parker, to adjourn. Motion passed unanimously. Meeting adjourned at 7:21 p.m.

Respectfully Submitted,

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