

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING
AND ZONING COMMISSION
September 18, 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 –Chair-X
Mr. Tony Parker - * Ms. Shelly Basnight – (Acting Chairman)*
Mr. Hap Maxwell – * Ms. Ann Bellis – *
Ms. Linda Rich - * Mr. Brian Smith - *
Mr. Doug Schrade - X Mr. Jerry Weitz – *
Ms. Wanda Harrington-* Mr. Torico Griffin -*
Dr. Kevin Burton- *

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

VOTING MEMBERS: Parker, Maxwell, Rich, Bellis, Smith, Weitz, Griffin, Burton

PLANNING STAFF: Merrill Flood, Community Development Director, Chris Padgett, Chief Planner, Chantae Gooby, Planner II and Elizabeth Blount, Staff Support Specialist II.

OTHERS PRESENT: Dave Holec, City Attorney, Captain Ted Sauls, Police, Lieutenant Richard Allbrooks, Code Enforcement, Corporal Chris Viverette, Code Enforcement, Richard DiCesare, Public Works, Council Member Dennis Mitchell, and Jonathan Edwards, Communications Technician.

MINUTES: Motion was made by Mr. Smith, seconded by Mr. Parker, to accept the August 21, 2012 minutes as presented. Motion carried unanimously.

NEW BUSINESS

TEXT AMENDMENTS

**ZONING TEXT AMENDMENT APPLICATION SUBMITTED BY U.S. CELLULAR
REQUESTING TO AMEND THE CITY’S ZONING STANDARDS APPLICABLE TO
COMMUNICATIONS TOWERS- APPROVED**

Mr. Chris Padgett, Chief Planner, provided background information on the request to the Commission. The presentation included a summary of the City’s existing standards, identification of existing and approved communications towers located within the City’s jurisdiction, and a survey of standards from other communities. The proposed amendment would allow communications towers as a permitted use within the MCH, MCG, MS, Mi and MO districts so long as they do not exceed 80 feet in height, are a monopole structure type, are located on an one acre or greater lot, are located at least 500 feet from existing towers and are setback from any residential zoned lot a distance at least 75% of the tower height. In staff’s

opinion, the request will allow for continued growth of the medical districts and is in compliance with Horizons: Greenville's Community Plan.

Mr. Weitz asked if the suggested amendment should say one or two acres.

Mr. Padgett stated the second reference should say one.

Mr. Michael Darwin, representative of U.S. Cellular, spoke in favor of the application. He stated that staff did a nice job in presenting the request and he was available for any questions.

No one spoke in opposition of the request.

Acting Chair Basnight closed the public hearing.

No discussion from board members.

Motion made by Mr. Parker, seconded by Mr. Smith, 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.

ZONING TEXT AMENDMENT INITIATED BY THE GREENVILLE CITY COUNCIL
ESTABLISHING THE UNIVERSITY NEIGHBORHOOD REVITALIZATION INITIATIVE
(UNRI) OVERLAY DISTRICT- DENIED

Mr. Chris Padgett, Chief Planner, provided a combined staff report for both the text and the map amendments. The presentation included the background for the amendment, overview of the University Neighborhood Revitalization Initiative (UNRI), location of proposed UNRI overlay district, location and relationship to the historic district, current zoning, character of proposed UNRI Overlay district, and compliance with the comprehensive plan and other applicable plans. Detailed statistics, excerpt of minutes from the August 9, 2012 City Council meeting and a list of permitted and special uses for applicable base zoning districts were included in the board meeting package. In staff's opinion, the proposed zoning ordinance text and map amendments are in general compliance with the comprehensive plan.

Mr. Parker asked if a house had to originally be designed with four bedrooms or could the owner convert a room to a bedroom to meet the four bedroom qualification for increased occupancy.

Mr. Padgett stated that the proposed amendment would apply to the number of bedrooms at the time of the application.

Mr. Maxwell asked how staff could say the amendment was in general compliance when the city's plan promotes owner occupancy but the amendment promotes rental occupancy.

Mr. Padgett stated that the comprehensive plan has numerous objectives that were considered. Some of those objectives could be construed as supporting the proposed amendment, while others could be construed as being adverse to the proposed amendment. When staff weighed all of the objectives, it was determined that the proposal was in general compliance.

Mr. Weitz asked if the public hearings for both the text and map amendments could be conducted at the same time.

Attorney Holec stated that the commission should have separate public hearings.

Mr. Weitz asked why the August 9 City Council public hearing minutes were not included in the package.

Mr. Padgett stated that there was no public hearing on this topic during the August 9 City Council meeting, but rather a public comment period.

Mr. Weitz asked if it was legal to change the boundaries of the district after City Council approved the motion initiating the amendment.

Attorney Holec stated that City Council was made aware of the issue, had an opportunity to clarify the intent, but choose not to so staff is proceeding as planned.

Mr. Parker asked if 288 homes could be affected by this amendment regardless if owner or renter occupied.

Mr. Padgett stated yes. 288 dwelling units located within the proposed UNRI Overlay District had been identified as having at least 1,500 square feet of heated floor area based on the tax records, but it was unknown how many of those would meet the other qualification criteria.

Mr. Maxwell asked if applicants would have to prove the home had four bedrooms.

Mr. Padgett stated that the applicants would have to prove they meet all the criteria.

Mr. Maxwell asked if the backyard had any limitations to how much could be parking.

Mr. Padgett stated that there is no code limitation on the amount of improved parking area that can be located in the rear yard.

Mr. Parker asked if the applicant modified the home to add a bedroom, would they have to get a building permit.

Mr. Padgett stated yes.

Mr. Parker asked if East Carolina University had expressed its stance on the issue.

Mr. Padgett stated the university is aware of the issue but they have not taken a position to his knowledge.

Mr. Michael Schinasi, owner in the neighborhood, spoke in favor. He stated that he had not heard any evidence of why the change should not take place since only 12% of the homes are owner-occupied.

Mr. James Roberts, resident of neighborhood and landlord, spoke in favor. He stated that he did not see the risk associated with the request. The amendment could help alleviate bad tenants in the area.

Mr. Frank Cassiano, owner and landlord in the neighborhood, spoke in favor. He stated that the residents have to recognize that the area is primarily a rental neighborhood. The amendment is intended to result in neighborhood revitalization, has regulations and oversights to protect current residents, and should be given a chance to work.

Mr. David Carpenter, owner of property in the neighborhood and uptown area, spoke in favor. He is concerned about the health and welfare of the neighborhood. He stated that the initiative will be positive with the multiple guidelines. It will encourage and incentivize investors.

Mr. Josh Martinkovic, resident of the neighborhood, spoke in favor. He stated that neighborhood residents have lost the ability to communicate with one another. The University Neighborhood Association has been established to work with their constituents in helping solve the issues in the area.

Mr. Justin Davis, current student body president of ECU, spoke in favor. He stated that the proposed area is a renter's neighborhood. Bringing in students helps eliminate commuter traffic and allow young professionals to move in the area because they will be able to share expenses.

Mr. Andrew Morehead, Tar River University Neighborhood Association (TRUNA) President, spoke in opposition. He presented studies that he felt showed that increased rental occupancy leads to increased crime and decreased property values. He stated that students will not come back to the neighborhood because of the availability of student oriented housing developments around the City. He also stated that the initiative is in direct conflict of 4 d & e of the Comprehensive Plan.

Mr. Chris Mansfield, owner in the neighborhood, spoke in opposition. He stated that the existing plans emphasize the preservation of the single-family character in the neighborhood and that the initiative does not mention how it will achieve that goal. General compliance should not be enough to change for an overlay district.

Mr. Dave Schwartz, citizen, spoke in opposition. He asked how the increase in occupancy relates to ECU's future growth plans.

Mr. Maury York, member of Historic Preservation Commission (HPC), spoke in opposition. He stated that the HPC voted to urge City Council to not enact an amendment allowing increased unrelated occupancy because it would have a negative impact on the historic district and historic landmarks. He stated that there are programs established to assist property owners in making improvements to their homes.

Ms. Donna Whitley, landlord of residential property in the neighborhood, spoke in opposition. She stated that stronger code enforcement is needed in the area.

Mr. Bob Thompson, owner in the neighborhood, spoke in opposition. He stated that the initiative is not an improvement but double-talk. He stated that 887 code violations in the proposed area occurred from January 1, 2011 to July 20, 2012 and that the proposed amendment will add more work for code enforcement.

Ms. Brenda Ernest, resident of neighborhood, spoke in opposition. She stated that neither residents nor students will benefit from the proposal.

Mr. Eric Horseman, owner in the neighborhood, spoke in opposition. He stated that he was actively discouraged not to buy in the area because it was a "student district". He would like to see the existing codes enforced and encouragement of owner-occupancy.

Mr. Mike McCameron, owner in the neighborhood, spoke in opposition. He stated that student density increases crime and that parking is not addressed in the amendment.

Mr. Jim Moye, resident of Greenville, spoke in opposition. He stated that the only beneficiaries of the amendment are the landlords. Neither the city, university nor the neighbors will benefit from the proposed amendment.

Ms. Joan Mansfield, homeowner in College View District, spoke in opposition. She stated that the city will have fiscal impact by additional work on code enforcement, police, and public works. The property value and tax revenue will decrease if the proposed amendment is passed.

Ms. Ann Maxwell, chair of Neighborhood Advisory Board (NAB), spoke in opposition. She stated that the NAB unanimously voted to support the 3-unrelated as written.

Mr. Richard Crisp, president of Englewood/Elmhurst Neighborhood Association, spoke in opposition. He asked the board to not support the amendment.

Ms. Joan Koehler, resident of the neighborhood, spoke in opposition. She read a resolution from the residents of Cypress Glenn opposing the proposed amendment.

Ms. Belinda Perkinson, resident of neighborhood, spoke in opposition. She stated that the proposed amendment will ruin the balance of residents in the neighborhood and undercut any future changes. Students will not move to the area but will migrate to the student-friendly locations built by the university and other developers.

Mr. Ed Harper, resident of the neighborhood, spoke in opposition. He stated that the amendment is the definition of special interest legislation. It benefits a handful of landlords, deteriorates the neighborhood, and creates a dangerous trend of having overlay districts to similar zoned properties.

Mr. George Hamilton, owner in College View District, spoke in opposition. He stated that he is very concerned that City Council is not listening to its citizens and just to special interest groups. He suggested revitalization for more ownership versus rentership.

Ms. Mary Laura Paupalos, property owner in the neighborhood, spoke in opposition. She stated that she and her brother are concerned that students will become easy targets for crimes and that parking will be a bigger problem.

Ms. Katherine Darby, resident of the TRUNA neighborhood, spoke in opposition. She presented crime statistics in the area. Other areas of the city outside of the overlay district were included in the original increase of crime statistics. The Association conducted research that indicated most of the crimes reported in the neighborhood were from rental occupants.

Ms. Inez Fridley, resident of the TRUNA neighborhood, spoke in opposition. She presented the commission a copy of GS 160A-383. She stated that the proposed amendment does not fulfill the public purposes in the statute.

Attorney Holec stated the policy for the rebuttal comment period.

Mr. Edgar Wall, owner in the neighborhood, spoke in rebuttal in favor of the request. He stated that the statistics are a one-to-one ratio, meaning that you would expect approximately 88% of the crimes to take place in rental properties since approximately 88% of the properties are rental properties. The area needs to be concerned with its economic viability. What we have done in the past has not worked; we need to try this approach.

Ms. Katherine Darby, resident of TRUNA neighborhood, spoke in rebuttal in opposition of the request. She stated that the caring citizens of the neighborhood have given evidence of why the proposed amendment should not be passed. The proposed amendment is a bailout for a small group and that students must be citizens and be responsible for their actions.

Acting Chair Basnight closed the public hearing and opened for board discussion.

Mr. Weitz stated that the initiative will not revitalize but be a determinant to the neighborhood. Too much density could possibly be added to the area and the quality of life of the area will continue to decrease. He gave some statistics from the 2009 Tar River /University Neighborhood Plan and encouraged council to base its decision upon the neighborhood plan.

Ms. Bellis stated that the city will be in direct violation of the statutes if the amendment is approved.

Attorney Holec stated that the handout provided by Ms. Fridley lists the general purposes for zoning regulations and the city will not be in violation of statutes if they approve the amendment.

Ms. Bellis re-stated that the city will not achieve the purpose of the statutes if the amendment is approved.

Mr. Parker stated that the approval of the amendment will be setting a dangerous precedent. He is concerned that the elected officials are not listening to the citizens who came to speak.

Motion made by Mr. Smith, seconded by Mr. Griffin, 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 and Griffin. Those voting in opposition: Weitz, Bellis, Maxwell, Parker, Burton, and Rich. Motion failed.

Motion made by Mr. Maxwell, seconded by Ms. Bellis, to recommend denial of the proposed amendment to advise that it is inconsistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which is consistent with this motion which addresses plan consistency and other matters. Those voting in favor: Weitz, Bellis, Maxwell, Parker, Burton, and Rich. Those voting in opposition: Smith and Griffin. Motion passed.

REZONINGS

ZONING MAP AMENDMENT INITIATED BY THE GREENVILLE CITY COUNCIL
DESIGNATING TERRITORY AS A UNIVERSITY NEIGHBORHOOD REVITALIZATION
INITIATIVE (UNRI) OVERLAY DISTRICT- DENIED

NOTE: The staff presentation related to this item was a combined presentation for both the proposed UNRI Text Amendment and UNRI Map Amendment. This presentation occurred prior to the Planning and Zoning Commission's consideration of the proposed UNRI Text Amendment. Please refer to the minutes for that item for the applicable staff presentation.

Acting Chair Basnight opened the public hearing.

Mr. Josh Martinkovic, University Neighborhood Association representative, spoke in favor of the request. He stated that the proposed amendment would help implement the future master plan of East Carolina University and the University Neighborhood Association is willing to work with any constituents to help solve problems in this area.

Ms. Morgan Cassiano, resident of the neighborhood, spoke in favor of the request. She stated that the survey was administered while students were not in the area. The reference to Boone in

the study should not be included because the no more than two unrelated occupancy standard is not enforced due to inadequate student housing. Current city policies are not working in the neighborhood and some owners are willing to help in any way they can.

Mr. Chris Mansfield, resident of the neighborhood, spoke in opposition of the request. He stated that the proposed area was not identified during the public meetings. He stated the purpose of overlay districts and that the appropriate standards and safeguards are not listed in the proposed amendment. He also stated that the amendment was more for spot zoning rather than an overlay district.

Attorney Holec stated the definition of spot zoning.

Andrew Morehead, president of TRUNA, spoke in opposition of the request. He stated that the proposed amendment fits the definition of spot zoning and there is no rationale for the proposal.

Elizabeth Knott, nearby resident of the proposed UNRI district, spoke in opposition of the request. She stated she was concerned with the arbitrary boundaries of the district. She mentioned that the proposal does not guarantee improved conditions or appearance of the area. The proposal should consider the entire city and not just a specific area.

Mr. Frank Cassiano, resident of the neighborhood, spoke in rebuttal to the opposition. He stated that the boundaries are not arbitrary and that the neighborhood needs a lot of commitment to help move the area forward.

Mr. Chris Mansfield, resident of the neighborhood, spoke in rebuttal to those in favor. He stated that he was concerned whether the proposal would ensure sustainability, preservation, restoration, and revitalization of the university neighborhood.

Acting Chair Basnight closed the public hearing and commended attendees for their conduct.

Mr. Weitz stated that under the proposal the definition of family will be treated differently in the UNRI than in the rest of Greenville and that he questions whether that is fair or equal protection.

Dr. Burton stated that his concern revolves around the wording of the amendment being specific to a particular neighborhood and not the city overall.

Motion made by Mr. Maxwell, seconded by Ms. Bellis, to recommend denial of the proposed 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. Those voting in favor: Weitz, Bellis, Maxwell, Parker, Burton, and Rich. Those voting in opposition: Smith and Griffin. Motion passed.

OTHER ITEMS OF BUSINESS

Talent Bank Applications

Mr. Padgett stated that the talent bank applications for all the board members were included in the meeting package.

Acting Chairman Basnight thanked the staff for their help concerning the meeting.

With no further business, motion made by Mr. Smith, seconded by Mr. Parker, to adjourn. Motion passed unanimously. Meeting adjourned at 9:39 p.m.

Respectfully Submitted,

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