

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION  
November 20, 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-\*

Mr. Tony Parker - *	Ms. Shelly Basnight – *
Mr. Hap Maxwell – *	Ms. Ann Bellis – *
Ms. Linda Rich - X	Mr. Brian Smith - X
Mr. Doug Schrade - *	Mr. Jerry Weitz – *
Ms. Wanda Harrington-*	Mr. Torico Griffin -*
Dr. Kevin Burton- X	

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

**VOTING MEMBERS:** Parker, Maxwell, Basnight, Bellis, Griffin, Weitz, Schrade, Harrington

**PLANNING STAFF:** Andy Thomas, Lead Planner, Chantae Gooby, Planner II and Elizabeth Blount, Staff Support Specialist II.

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

**MINUTES:** Mr. Weitz stated that the statement on page 5 under the zoning for Greenville Community Center in the October 16, 2012 minutes should be changed to say “the text amendment will open up more of the city to the homeless or abused uses but given the requirement of a two acre lot, the opportunities will be more limited.” Mr. Parker made a motion to approve the minutes as amended, Mr. Griffin seconded the motion and it passed unanimously.

**AGENDA:** Mr. Padgett explained the revision of the agenda. Ms Harrington made a motion to approve the revised agenda, Ms Basnight seconded the motion and it passed unanimously.

**NEW BUSINESS**

**OTHER**

**REQUEST BY GREENVILLE AUTO AUCTION, LLC TO EXEND THE CITY OF GREENVILLE’S EXTRA-TERRITORIAL JURISDICTION (ETJ)- APPROVED**

Mr. Andy Thomas, Lead Planner, delineated the property. The property is located on Dickinson Extension. Greenville Auto Auction currently owns the property which one part is within the city’s jurisdiction and the other is in the County. The owner desires to expand the existing business to the adjacent property, totaling 15.78 acres, located in the County's Jurisdiction. This expansion includes increasing the amount of impervious area (pavement) on the site, thus, stormwater regulations apply. Since both properties are under common ownership and being

improved as one development, the owner is requesting to extend the City's Jurisdiction so both the properties are subject to the same regulations. On June 18, 2012, the Greenville City Council adopted a resolution asking the Pitt County Commissioners for approval of the proposed ETJ extension.

On July 18, 2012, the Pitt County Planning Board recommended approval in extending the City's ETJ. On August 20, 2012, the Pitt County Commissioners approved the request. Staff recommended that the board conduct a public hearing and offer a recommendation for the extension.

Chairman Bell opened the public hearing.

Steve Janowski, representative of Greenville Auto, spoke in favor of the request. He stated that the company had three tracts of land that were under different stormwater regulations and both the staff and the county agreed that the extension of the extra-territorial jurisdiction was the best solution.

No one spoke in opposition of the request.

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

No discussion from board members.

**Motion made by Ms. Harrington, seconded by Mr. Parker, 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.**

## **REZONINGS**

**ORDINANCE REQUESTED BY GREENVILLE AUTO AUCTION SITE, LLC TO REZONE 22.775 ACRES LOCATED NORTH OF BROMPTON LANE AND 1,520+/- FEET WEST OF ALLEN ROAD - APPROVED**

Ms. Chantae Gooby, Planner II, delineated the property. The property is located in the south western part of the city, north of Brompton Lane and 1,520+/- feet west of Allen Road. Most of the property in the area is vacant or commercial. The rezoning could result in a decrease in traffic so a traffic report was generated. Under the current zoning (GC) and proposed zoning (CH), staff would anticipate the site to yield the same square footage (64,714+/-) of auto sales/rental/repair or mini-storage. Under the current zoning (OR), staff would anticipate the site to yield 97 multi-family units. Under the proposed zoning (CH), staff would anticipate the site to yield 28,663+/- square footage of auto sales/rental/repair or mini-storage. The Future Land Use Plan Map recommends commercial (C) starting at the northwest corner of the intersection of Dickinson Avenue Extension and Greenville Boulevard/Allen Road continuing west and

transitioning to office/institutional/multi-family (OIMF) to the north. The requested rezoning is recognized as being located in a transition area and that the requested rezoning is currently contiguous or is reasonably anticipated to be contiguous in the future, is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways, and preserves the desired urban form. In staff's opinion, the request is in general compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan.

Ms Bellis asked for clarity concerning the special uses for adult use establishments.

Ms Gooby stated that adult use establishments cannot be located within 500 feet of churches, schools or residential property.

Mr. Weitz asked what the County Land Use Plan Map designates for the property.

Ms Gooby stated the County's Land Use Plan Map is complimentary with the City's Land Use Plan Map and recommends commercial.

Mr. Weitz asked for elaboration on staff's recommendation.

Ms Gooby stated that commercial property is extending further north into to the residential area but the resulting zoning would be in keeping with the intent of the plan. Staff wanted to make the board aware of this. There is an intervening strip of land between the residential and commercial.

Mr. Steve Janowski, representative of Greenville Auto, spoke in favor of the request. He stated that the company wanted all three parcels of land to be the same zoning. The company wants to expand the business for vehicle stock.

Mr. Weitz asked if the expansion would be needed anytime soon.

Mr. Janowski stated no time soon but the company wanted to be in the position to expand.

No one spoke in opposition of the request.

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

Mr. Weitz stated that the rezoning is appropriate.

**Motion made by Mr. Weitz, seconded by Mr. Maxwell, to recommend approval of the rezoning 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.**

ORDINANCE REQUESTED BY THIRD STREET COMMUNITY CENTER TO REZONE  
14.30 ACRES LOCATED NEAR THE NORTHEAST CORNER OF THE INTERSECTION OF  
WEST THIRD STREET AND CONTENTNEA STREET - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. The property is located downtown. The rezoning could result in an increase of 87 trips per day with the traffic being dispersed in the neighborhood grid-street pattern. Therefore, a traffic volume report was not generated impact. In 1969, the subject property was zoned R6 (Residential). The property is adjacent to an electrical substation. Third Street School is designated as a Local Landmark and is located in the Skinnerville/Greenville Heights National Register Historic District. The Future Land Use Plan Map recommends commercial (C) for the downtown area transitioning to conservation/ openspace (COS) and high density residential (HRD) to the west. While the request is not recommended by the Future Land Use Plan Map, it is complementary with the objectives specifically recommended in the Horizons Plan. This rezoning is a unique situation where a former school is being re-developed and is a historic property. Horizons specifically states to preserve and re-use non-residential buildings, and maintain neighborhood character and identity. This rezoning is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways. For these reasons, staff's opinion is the request is in general compliance with the comprehensive plan.

Mr. Walter Strathy, Executive Director of Third Street Community Center, spoke in favor of the request. The organization is a Christ-centered 501c(3) nonprofit organization which strives for community transformation from the inside out. They are currently working with several organizations in the community to help with family and youth development, health and wellness, business and economic development and job creation and workforce development.

Mr. Weitz asked why CDF zoning was selected.

Mr. Strathy stated that the organization is working with Pitt Community College in establishing a culinary school.

Mr. Weitz asked if CDF was the only zoning that allowed a culinary school.

Mr. Strathy stated Heavy Commercial would be the preferred zoning to be a buffer between the industrial and the residential areas.

Attorney Holec cautioned the board to consider all the permitted uses affiliated with the proposed rezoning.

Mr. Zaheim Winstead, member of mentoring program at the Third Street Community Center, spoke in favor of the request. He stated that the program has helped him stay out of trouble, get better grades and play sports.

Dr. Richard Rizutti, owner of the Third Street School, spoke in favor of the request. He is requesting flexibility towards various uses of the property. They are still in the process of planning how to use the property but they want to do good to the community.

Ms. Joyce Jones, Executive Director of STRIVE, spoke in favor of the request. The Center will allow STRIVE to have an office in the community in which it serves.

Mr. Robert Lee Cherry, resident of the neighborhood, spoke in favor of the request. He stated that the Community Center is one of the greatest things that happened to Greenville.

Mr. David Lusk, Dean of Continuing Education at Pitt Community College, spoke in favor of the request. PCC is willing to help the center with the workforce development program. The center is a natural fit for the culinary school because of the kitchen and dining area.

No one spoke in opposition of the request.

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

Mr. Parker stated that the center is an excellent opportunity of adaptive re-use of an existing piece of property in lieu of the future permitted uses of the rezoning. The development of the property can be an asset to West Greenville and the City as a whole.

Mr. Weitz stated that all the uses of the proposed rezoning must be considered and not on the promises of the current owner. There is no guarantee that the proposed use will be in existence forever. He is concerned some of the uses that could be developed in the suggested rezoning.

**Motion made by Mr. Griffin, seconded by Mr. Parker, to recommend approval of the rezoning 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: Griffin, Parker, Schrade, Bellis, Basnight, Maxwell, Harrington. Those voting in opposition: Weitz. Motion passed.**

## **OTHER ITEMS OF BUSINESS**

### **REQUEST BY AMANDA GARRIS FOR A SKETCH PLAN ENTITLED "MANNING SQUARE, LOT 1"-APPROVED**

Mr. Thomas, Lead Planner, delineated the property. The property is located in the western portion of the city between Greenville Boulevard and Dickinson Avenue approximately 1,000 feet east of the intersection of Dickinson Avenue and Greenville Boulevard/Allen Road. The property is identified as Pitt County Tax Parcel No. 14233. The property has commercial zoning along Greenville Boulevard and residential agricultural along Dickinson Avenue. The street network offers a stub to the east. Sidewalks are not required because of the short street length. A pedestrian access is proposed between the residential and commercial property.

The stormwater facility is sized to accommodate the entire development. The property will be served by two driveways along Greenville Boulevard with cross access easements. There will be a 15-foot non-access easement along Greenville Boulevard. One entrance along Dickinson Avenue and a landscaping berm will prevent any additional driveways. There will be no costs to the City associated with this subdivision.

Mr. Weitz noted that all the property is not commercial and the sketch plat does indicate low density on the Southside of the property.

Chairman Bell opened the public hearing.

Mr. Ken Malpass, representative of Amanda Garris, spoke in favor of the request. He stated that he would answer any questions.

Mr. Weitz asked if the stormwater detention area had to be as large as it is.

Mr. Malpass stated that the plan is just a sketch. The applicant will size the detention area when the plan is finalized.

No one spoke in opposition of the request.

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

**Motion made by Mr. Parker, seconded by Ms Basnight, 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.**

#### REQUEST BY AMANDA GARRIS FOR A PRELIMINARY PLAN ENTITLED "MANNING SQUARE, LOT 1"-APPROVED

Mr. Thomas, Lead Planner, delineated the property. The property is located in the western portion of the city. The property is located on the northern right-of-way of Greenville Boulevard approximately 1440 feet east of its intersection with Dickinson Avenue Extension. The property contains a watercourse on the eastern side of the property. A riparian buffer will be dedicated with the recordation of the final plat. The property will be served by a drive on the adjacent lot with an ingress-egress easement. There will be a 15-foot non-access easement along Greenville Boulevard. No costs to the City of Greenville associated with the subdivision other than routine costs to provide public services. The City's Subdivision Review Committee has reviewed the preliminary plat and has determined that it meets all technical requirements.

Chairman Bell asked for the location of the pedestrian access.

Mr. Thomas stated that the pedestrian access will be designated when the residential property is platted to the north should the property be developed as illustrated.

Chairman Bell opened the public hearing.

Mr. Ken Malpass, representative of Amanda Garris, spoke in favor of the request. He stated that he would answer any questions.

No one spoke in opposition of the request.

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

**Motion made by Ms Basnight, seconded by Ms Harrington, 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.**

## **TEXT AMENDMENT**

### **AMENDMENT TO THE ZONING ORDINANCE TEXT DEFINING AND CREATING STANDARDS FOR INTERNET SWEEPSTAKES BUSINESSES- APPROVED**

Mr. Chris Padgett, Interim Assistant City Manager, provided background information on the proposed text amendment. He presented that City Council initiated the text amendment, provided a description of Internet Sweepstakes Businesses, the legal authority for Local Land Use Regulation, a summary of existing standards, identification of existing and approved Internet Sweepstakes Businesses, and a survey of standards from other communities. The city currently has fifteen Internet Sweepstakes Business in which nine were operating prior to a special use permit being required. Mr. Padgett stated the proposed definition of an Internet Sweepstakes Business and that they are proposed to be permitted with a special use permit in the Heavy commercial (CH) and General Commercial (CG) zoning districts, subject to specific criteria.

Proposed standards include:

- ¼ mile separation of a proposed internet sweepstakes business from an existing or approved internet sweepstakes business;
- 500-foot separation of a proposed internet sweepstakes business from (i) a conforming use single-family dwelling located in any district, (ii) any single family residential zoning district;
- Not permitted within any certified redevelopment area (i.e. West Greenville, Center City and 45-Block redevelopment areas);

- Use shall be conducted within a completely enclosed building, and no outside congregation of customers is permitted for any purpose;
- 500-foot separation of a proposed internet sweepstakes business from an existing or approved school, church, park, or multi-family use;

Mr. Bell asked if any of the existing businesses are currently in the redevelopment area.

Mr. Padgett stated that he would have to check to make sure but he did not believe any were in the 45-block area and maybe one was in the West Greenville area.

Mr. Padgett continued to state that an analysis of the potential standards reports that 587 acres (1.4%) of the property located within the City's planning and zoning jurisdiction would be available for the establishment of a new internet sweepstakes business under the proposed standards. These areas are primarily located along the community's primary corridors (Greenville Boulevard / HWY 264, Memorial Drive / NC 11, Fire Tower Road and Dickinson Avenue). In staff's opinion, the proposed Text Amendment is in compliance with Horizons: Greenville's Comprehensive Plan.

Ms. Bellis asked if any of the existing nonconforming internet business closed, could a new establishment operate in that site.

Mr. Padgett stated that the nonconforming rights would expire if the use ceased for a period exceeding 180 days. If a new internet sweepstakes business opened within 180 days, they could do so.

Mr. Parker asked for the definition of multi-family use.

Mr. Padgett stated that multi-family is a structure with three or more dwelling units.

Mr. Weitz asked about the safety concerns of internet businesses.

Mr. Padgett stated that the calls of service were relatively infrequent. The concerns are really related to indirect and cumulative impacts if these establishments are permitted near residential neighborhoods or allowed to congregation or cluster in close proximity to one another.

Mr. Weitz stated that he wanted to be sure that the decision regarding regulating internet business was because of health or safety issues versus moral beliefs. He also asked why the limitation of operating hours and the number of terminals were not a part of the proposed standards.

Mr. Padgett stated that staff provided City Council with those potential standards as options, but the city does not regulate the hours of operation of any other businesses. There was a discussion about the minimum number of machines, but the definition of internet sweepstakes business includes any entity having even a single machine, so the additional standard was not included.



Mr. Parker asked if there was a minimum age requirement for a person to use a machine.

Mr. Padgett stated that there is no state law relating to an age limit but half of the existing Internet Businesses don't allow people under 18 in the building and the other half will allow them in, but will not allow them to play.

Mr. Parker asked if bars and clubs had limited operating hours.

Mr. Padgett stated they have limited hours in which they can serve alcohol, based on state law.

Mr. Bell asked staff if the parking component should be a necessary part of the proposed standards.

Mr. Padgett stated that staff looked at various options and did not see the need to establish a separate parking standard at this time.

Chairman Bell opened the public hearing.

Stephen Kozikowskil, current internet sweepstakes business owner, spoke in favor of the amendment. He requested that regulations not be established that would limit current businesses from operating, such as new parking requirements and limitations on the number of terminals.

No one spoke in opposition of the request.

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

Mr. Parker asked would the grandfathered businesses be impacted by the parking limitations.

Mr. Padgett stated that no change in parking was suggested with the proposed amendment.

Mr. Schrade asked if the crime affiliated with internet sweepstakes businesses were comparable to convenience store activity.

Mr. Padgett stated that the calls for service report from two months ago showed that they were similar.

**Motion made by Ms Basnight, seconded by Ms Bellis, 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.**

## **OTHER**

### **REQUEST BY SUMMER GREEN APARTMENTS, LLC TO CHANGE THE STREET NAME OF BRASSWOOD COURT, FROM GREENVILLE BOULEVARD TO ITS TERMINUS, TO BOARDWALK LANE- APPROVED**

Mr. Thomas explained the purpose of the request. Summer Green Apartments owns 100% of the property on the street. He listed the conditions for a street name change and the evaluation criteria. He also stated that the Planning and Zoning Commission had final approval authority on the request. The proposed name change will not be forwarded to City Council because the street name change does not exceed 14 characters and is not an honorarium. There will be some cost to the City for changing signage.

Ms Bellis asked if the name could be confused with any other existing street name.

Mr. Thomas stated no and that staff checked the name of the streets in the city and Pitt County.

Mr. Parker asked the sole reason for the request.

Mr. Thomas stated the new owner of the apartments wanted to change in order to be able to market their property.

Ms Donna Parker, property manger of Summer Green apartments, spoke in favor of the request. She gave the history associated with the purchase of the apartments. She stated that negative connotations were associated with the current street name. The proposed name was chosen to stay with the apartment's theme.

Mr. Weitz asked if the road was private or public.

Mr. Thomas stated it was public.

No one spoke in opposition of the request.

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

Mr. Parker stated that the board went through the same process in changing Tobacco Road to Kristin Drive and he did not have a problem with the change.

**Motion made by Mr. Parker, seconded by Ms Basnight to accept the name change. Motion passed unanimously.**

Mr. Parker asked to discuss the December Planning and Zoning meeting.

Chairman Bell stated that staff informed him that the deadline for submittals had passed and no items were on the agenda for the December meeting.

**Motion made by Ms Bellis, seconded by Ms Harrington, that the Planning and Zoning Commission not meet on December 18. Motion passed unanimously.**

**With no further business, motion made by Mr. Parker, seconded by Ms Basnight, to adjourn. Motion passed unanimously. Meeting adjourned at 8:02 p.m.**

Respectfully Submitted,

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