

Agenda

Planning and Zoning Commission

January 21, 2014 6:30 PM Council Chambers, City Hall, 200 W. Fifth Street

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- I. CALL MEETING TO ORDER -
- II. INVOCATION Shelley Basnight
- III. ROLL CALL
- IV. APPROVAL OF MINUTES December 17, 2013
- V. NEW BUSINESS

REZONINGS

1. Ordinance requested by Eastern Group Properties, LLC to rezone 0.825 acres (35,949 square feet) located along the eastern right-of-way of Brownlea Drive and 130+/- feet south of East 10th Street from R9 (Residential [Medium Density Multi-family]) to R6 (Residential [High Density Multi-family]).

TEXT AMENDMENTS

2. Ordinance to amend the Zoning Ordinance by adding outside tire storage and display standards.

VI. OTHER ITEMS OF BUSINESS

- 3. Discussion item for an upcoming text amendment for microbreweries.
- 4. Discussion item for an upcoming text amendment to require sidewalks for major commercial development along major corridors.
- VII. <u>ADJOURN</u>

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

December 17, 2013

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

Ms Shelley Basnight	–Chair-*
Mr. Tony Parker - *	Ms. Chris Darden – *
Mr. Terry King – *	Ms. Ann Bellis – *
Ms. Linda Rich -*	Mr. Brian Smith - *
Mr. Doug Schrade - *	Mr. Jerry Weitz -*
Ms. Wanda Harrington-X	Mr. Torico Griffin -*

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

VOTING MEMBERS: Parker, Rich, Schrade, Darden, Bellis, Smith, Weitz, Griffin

<u>PLANNING STAFF:</u> Merrill Flood, Community Development Director, Thomas Weitnauer, Chief Planner, Chantae Gooby, Planner II and Amy Nunez, Staff Support Specialist II.

<u>OTHERS PRESENT</u>: Dave Holec, City Attorney, Carl Rees, Economic Development Officer, Tim Corley, Civil Engineer II, and Jonathan Edwards, Communications Technician.

MINUTES: Motion was made by Mr. Smith, seconded by Ms. Rich, to accept the November 19, 2013 minutes as presented. Motion carried unanimously.

NEW BUSINESS

ORDINANCE REQUESTED BY STOW MANAGEMENT, INCORPORATED AND STEPHEN M. HARRINGTON TO REZONE 25.876 ACRES LOCATED BETWEEN MARTIN LUTHER KING, JR. HIGHWAY AND STATON HOUSE ROAD AND 380 +/- FEET WEST OF NORTH MEMORIAL DRIVE FROM IU (UNOFFENSIVE INDUSTRY) TO CH (HEAVY COMMERCIAL).- APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. This rezoning is a follow up to a Future Land Use Map Amendment a few months ago. The property is located in the northern section of the city between Martin Luther King Jr. Highway, Staton House Road and Memorial Drive. This property has already been platted and storm water is already in place. The property is currently vacant. There are commercial properties to the east and south and residential uses to the west. This request could generate about 8,000 additional trips per day. There is a stop light at the intersection of Staton House Road and Memorial Drive. Memorial Drive and Martin Luther King Jr. Highway are 4-lane highways. The property is currently UI (Unoffensive Industrial).

Staff would anticipate this site to yield roughly 245,000 square feet of conditioned floor space under both zoning districts. Under the current zoning, staff would anticipate mini-storage, warehouse and/or restaurants uses. Under the proposed zoning, staff would anticipate retail, mini-storage and/or restaurant uses. The Future Land Use Map recommends commercial. In staff's opinion, the request is in compliance with <u>Horizon's Greenville Community Plan</u> and the Future Land Use Plan Map.

Ms. Bellis asked if this was the same property the board considered October (2013).

Ms. Gooby said yes.

Ms. Bellis stated that in October the property was 36 acres and now it was 25.876 acres. She asked why the difference.

Ms. Gooby stated there was already commercial zoning and this rezoning is for the remaining portion not zoned commercial.

Chairwoman Basnight opened the public hearing.

Mr. Jim Hopf, representative for Stow Management, spoke in favor of the request. He stated that he was here 2 months ago for the Land Use Change. He stated that this rezoning is consistent with other uses in the area. He stated he is not aware of any objections or concerns to the requested change. This request is market driven due to calls the applicant has received over the years for this property to be commercial, retail, or service-oriented businesses as opposed to industrial. He stated that the change will benefit this area of the City.

No one spoke against the request.

Chairwoman Basnight closed the public hearing and opened for board discussion.

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

PETITION TO CLOSE A PORTION OF AN ALLEY

Mr. Tim Corley, Civil Engineer II, explained the petition. He stated the alley is located at the old Attic Space downtown. He stated there is a project going on in conjunction with this closing. It is located at 205 and 207 East Fifth Street and Cotanche Street. He stated that the petition with intent to close the alley was sent to City Council and was approved. If approved, it will go to City Council for final vote to close. He stated all utilities will have to be relocated. He stated they checked with the Fire Department and they have no concerns with the closing of this alley.

Chairwoman Basnight opened the public hearing.

Mr. Carl Rees, Economic Development Officer, stated that this project is supported by the Redevelopment Commission and recommends this project. He introduced the developer of the project.

Mr. Holton Wilkerson, managing partner of developer Community Smith, spoke on behalf of Norcor LLC in favor of the request. He stated the Historic Tax Credit Redevelopment project at Fifth/Cotanche will be comprised of approximately 20,000 square feet of office and retail uses anchored by administrative offices for East Carolina University. It consists of constructing an elevator and connecting, where possible, to the second stories of adjacent buildings.

Mr. Richard King, architect of Dunn and Dalton, spoke in favor of the request. He stated that the reason for the partial closing of the alley is for the project of an addition to the rear of both 207 East Fifth Street and 417 Cotanche Street for a shared elevator and rear exit stairs. It will give handicap accessible access to the first and second floors of adjacent buildings. He stated that because of this project, they are requesting approximately seven feet of space from the alley.

Mr. Steve Spruill, surveyor, spoke in favor of the request. He stated that this request is for the partial closure of the alley.

Mr. Weitz stated that the alley is fifteen feet wide and the request for partial closure is for seven feet. He asked staff if it was advisable to keep about seven feet of alley open or just close it completely.

Mr. Rees stated that the current fifteen feet of alley is not accessible to fire equipment. He stated that staff current thinking is the alley would be closed to vehicular traffic except for service vehicles with bollards at either end of the alley. He stated that the Redevelopment Commission is in the early planning stages for improvements of the alley to make it a safe pedestrian walkway.

Mr. Weitz asked if *close* means the City will abandon the parcel and the title would go to the adjacent property owners.

Mr. Rees stated that the land will latch on to the adjoining properties.

Mr. Weitz asked if there was an option to close the alley and not abandon or give it away.

Mr. Rees stated that after staff review, this was the cleanest option.

No one spoke against the request.

Chairwoman Basnight closed the public hearing and opened for board discussion.

Mr. Parker stated that this project is critical to the Uptown Greenville to increase business in the area. He stated that whatever can be done to help this project come to fruition should be done. He is in support of the partial closing of the alley.

Mr. Smith stated that it would be nice to see the alley get a face lift.

Motion made by Mr. Smith, seconded by Mr. Schrade, to recommend approval of the request. Motion passed unanimously.

With no further business, motion made by Mr. Parker, seconded by Mr. Griffin, to adjourn. Motion passed unanimously. Meeting adjourned at 6:54 p.m.

Respectfully Submitted,

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



City of Greenville, North Carolina

Meeting Date: 1/21/2014 Time: 6:30 PM

Ordinance requested by Eastern Group Properties, LLC to rezone 0.825 acres (35,949 square feet) located along the eastern right-of-way of Brownlea Drive and 130+/- feet south of East 10 th Street from R9 (Residential [Medium Density Multi-family]) to R6 (Residential [High Density Multi-family]).
Abstract: The City has received a request from Eastern Group Properties, LLC to rezone 0.825 acres (35,949 square feet) located along the eastern right-of-way of Brownlea Drive and 130+/- feet south of East 10 th Street from R9 (Residential [Medium Density Multi-family]) to R6 (Residential [High Density Multi-family]).
Required Notices:
 Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on January 6, 2014. On-site sign(s) posted on January 6, 2014. City Council public hearing notice (property owner and adjoining property owner letter) mailed - N/A at this time. Public hearing legal advertisement published - N/A at this time.
Comprehensive Plan:
The subject area is located in Vision Area I.
Management Actions:
I6: Extend Brownlea Drive to connect with 14th Street.
The Future Land Use Plan Map recommends commercial (C) at the southeast corner of East 10th Street and Brownlea Drive transitioning to high density residential (HDR) to the south along Brownlea Drive and medium density residential (HDR) to the east.

Tenth Street, between Dickinson Avenue and Greenville Boulevard, is considered a connector corridor. Connector corridors are anticipated to contain a variety of higher intensity activities and uses. Brownlea Drive is considered a residential corridor. Along residential corridors, service and retail activities should be specifically restricted to the associated focus area and linear expansion should be prohibited.

There is a designated neighborhood focus area near the intersection of East 10th Street and Brownlea Drive. These areas are intended to contain 20,000 - 40,000 square feet of conditioned floor space.

Thoroughfare/Traffic Report Summary (PWD- Engineering Division):

Based on the analysis comparing the existing zoning (40 daily trips) and the requested rezoning, the proposed rezoning classification could generate 79 trips to and from the site on Brownlea Drive, which is a net increase of 39 trips per day along 10th Street. Tenth Street at this location has a 5-lane cross section with a capacity of 33,500 vehicles per day and a current ADT of 25,500 vehicles per day. With the addition of 39 trips generated by the proposed rezoning, the impact on traffic along this thoroughfare is negligible (<1%). Therefore, a traffic volume report was not generated.

History/Background:

In 1969, the subject property was zoned R9.

Present Land Use:

Vacant

Water/Sewer:

Water and sanitary sewer are located in the right-of-way of Brownlea Drive.

Historic Sites:

There are no known effects on designated sites

Environmental Conditions/Constraints:

There are no known environmental conditions/constraints.

Surrounding Land Uses and Zoning:

North: CDF - Vacant (under common ownership of applicant)
South: R9 -One (1) single-family residence
East: R9S - Three (3) single-family residences (College Court Subdivision)
West: R9 - Two (2) duplex units and one (1) single-family residence

Density Estimates:

	Under the current zoning (R9), the site could accommodate no more than 3 duplex lots (6 units).
	Under the proposed zoning (R6), the site could accommodate 10-12 multi-famiy units (1, 2 and 3 bedrooms).
	The anticipated build-out within one (1) year.
Fiscal Note:	No cost to the City.
Recommendation:	In staff's opinion, the request is <u>in compliance</u> with <u>Horizons: Greenville's</u> <u>Community Plan</u> the Future Land Use Plan Map.
	<u>"In compliance</u> with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.
	Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed zoning districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

Viewing Attachments Requires Adobe Acrobat. <u>Click here</u> to download.

Attachments / click to download

- Traffic Memo
- Location Map
- Survey
- D Bufferyard and Vegetation Standards and Residential Density
- List_of_Uses_R9_to_R6_971140

EXISTING ZONING

R9 (Residential) *Permitted Uses*

(1) General:

- a. Accessory use or building
- c. On premise signs per Article N

(2) Residential:

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

(3) Home Occupations (see all categories):*None

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)
- (5) Agricultural/ Mining:
- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility

(7) Office/ Financial/ Medical:* None

(8) Services:

o. Church or place of worship (see also section 9-4-103)

(9) Repair:* None

(10) Retail Trade:* None

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:* None

(12) Construction:

a. Construction office; temporary, including modular office (see also section 9-4-103)

(13) Transportation:* None

(14) Manufacturing/ Warehousing: * None

(15) Other Activities (not otherwise listed - all categories):* None

R9 (Residential) *Special Uses*

(1) General:* None

(2) Residential:

o.(1). Nursing, convalescent center or maternity home; minor care facility

(3) Home Occupations (see all categories):

- b. Home occupation; excluding barber and beauty shops
- c. Home occupation; including manicure, pedicure or facial salon

(4) Governmental:

- a. Public utility building or use
- (5) Agricultural/ Mining:* None

(6) Recreational/Entertainment: a. Golf course; regulation

c.(1). Tennis club; indoor and outdoor facilities

(7) Office/ Financial/ Medical:* None

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- (9) Repair:* None
- (10) Retail Trade:* None
- (11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:* None
- (12) Construction:* None
- (13) Transportation:* None
- (14) Manufacturing/ Warehousing: * None
- (15) Other Activities (not otherwise listed all categories):* None

PROPOSED ZONING

R6 (Residential) *Permitted Uses*

(1) General:

- a. Accessory use or building
- c. On-premise signs per Article N

(2) Residential:

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

(3) Home Occupations (see all categories):*None

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)
- (5) Agricultural/ Mining:
- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility

(7) Office/ Financial/ Medical:* None

- (8) Services:
- o. Church or place of worship (see also section 9-4-103)
- (9) Repair:* None
- (10) Retail Trade:* None
- (11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:* None

(12) Construction:

- a. Construction office; temporary, including modular office (see also section 9-4-103)
- (13) Transportation:* None
- (14) Manufacturing/ Warehousing: * None
- (15) Other Activities (not otherwise listed all categories):* None

R6 (Residential) Special Uses

(1) General:* None

(2) Residential:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity dormitory (LUI) development rating 67 per Article K
- 1. Group care facility
- n. Retirement center or home
- p. Board or rooming house
- r. Fraternity or sorority house
- o.(1). Nursing, convalescent center or maternity home; minor care facility

(3) Home Occupations (see all categories):

- a. Home occupation; including barber and beauty shops
- c. Home occupation; including manicure, pedicure or facial salon
- (4) Governmental:
- a. Public utility building or use
- (5) Agricultural/ Mining:* None
- (6) Recreational/ Entertainment:
- a. Golf course; regulation
- c.(1). Tennis club; indoor and outdoor facilities

(7) Office/ Financial/ Medical:* None

- (8) Services:
- a. Child day care facilities
- b. Adult day care facilities
- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- m. Multi-purpose center
- t. Guest house for a college and other institutions of higher learning
- (9) Repair:* None
- (10) Retail Trade:* None
- (11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:* None
- (12) Construction:* None
- (13) Transportation:* None
- (14) Manufacturing/ Warehousing: * None
- (15) Other Activities (not otherwise listed all categories):* None

MEMORANDUM

TO: Chantae M. Gooby, Planning & CD

FROM: Rik DiCesare, P.E., PTOE, City Traffic Engineer

SUBJECT: Rezoning Thoroughfare/Traffic Volume Report for January 20, 2014, Planning & Zoning Commission Meeting

RDC

DATE: January 6, 2014

t.,

We have reviewed the following rezoning request:

Case #14-01 Eastern Group Properties, LLC

Based on the analysis comparing the existing zoning (40 daily trips) and requested rezoning, the proposed rezoning classification could generate 79 trips to and from the site on Brownlea Drive, which is a net increase of 39 trips per day along Tenth Street. Tenth Street at this location has a 5-lane cross section with a capacity of 33,500 vehicles per day and a current ADT of 25,500 vehicles per day. With the addition of 39 trips generated by the proposed rezoning, the impact on traffic along this thoroughfare is negligible (<1%). Therefore, a traffic volume report was not generated.

If you have any questions, do not hesitate to contact me at Ext. 4066, or Stacey Pigford at Ext. 4678.

cc: Stacey Pigford, P.E., Assistant Traffic Engineer





04/30/07

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

	1	ADJACENT PERMITTED LAND USE CLASS (#)				ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	В	Β.	В	В	С	В	A
Office/Institutional, Light Commercial, Service (3)	D	D	В	В	В	D	В	A
Heavy Commercial, Light Industry (4)	E	E	В	В	в*	E	В	A
Heavy Industrial (5)	F	F	В	В	В	F	В	A

	Bufferyard A (s	treet yard)
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

reen required)
Width
4'
6'
10'

Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Buf	feryard E (screen required)
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs
	nay be reduced by fifty (50%) percent if a hedge (additional material) or earth berm is provided.

1	Bufferyard D (screen required)
Width	For every 100 linear feet
	4 large evergreen trees
20'	6 small evergreens
	16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Width	For every 100 linear feet
	8 large evergreen trees
50'	10 small evergreens
	36 evergreen shrubs
	th may be reduced by fifty (50%) percent if a
ence, evergree	n hedge (additional material) or earth berm is provided.

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.



Illustration: Maximum allowable density in Residential Zoning Districts



City of Greenville, North Carolina

Meeting Date: 1/21/2014 Time: 6:30 PM

<u>Title of Item:</u>	Ordinance to amend the Zoning Ordinance by adding outside tire storage and display standards.
Explanation:	In response to the City Council's request, on October 10, 2013, staff provided a presentation under agenda item entitled "Item 11: Tire Dealerships and the Storage and Disposal of Tires." At the conclusion of discussing the issue of tire storage, the City Council directed staff to investigate the issues and develop any recommendations for ordinance revisions if needed.
	On December 12, 2013, Planning Division staff provided a report to the City Council on tire storage activities and alternatives for text amendments to the Land Development Ordinance. Staff presented two alternatives for the Council's consideration:
	1). Prepare a text amendment that continue to allow tires to be stored outside with the addition of criteria to lessen the visual impacts; or
	2). Prepare a text amendment to prohibit outside tire storage entirely.
	The City Council selected alternative #1 and directed staff to proceed with preparing text amendments that allow tires to be stored outside with the addition of criteria to lessen the visual impacts and reduce their potential as a public nuisance and fire hazard.
Fiscal Note:	No cost to the City.
Recommendation:	In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with <u>Horizons: Greenville's Community Plan</u> .

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."

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Attachments / click to download

- Tire_Storage___Text_Amendment_Report_to_P__Z_Commission_971030
- D Ordinance_Outside_Tire_Storage_Text_Amendment_971084

Staff Report: Outside Tire Storage Text Amendment

Contents:

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Section III.	Current Zoning Violations to Tire Storage Standards – Page 4
Section IV.	Enforcement Actions to Date (1/14/14) – Page 5
Section V.	Shortfalls of Existing Outside Tire Storage Standards – Page 5
Section VI	Survey Results of Peer Cities – Page 6
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Section VIII.	Compliance with the Comprehensive Plan and Other Applicable Adopted Plans – Page 9
Appendix A:	Photographs of Outside Tire Storage Areas Referenced in this Report – Page 10



Staff Report Developed by the City of Greenville Community Development Department - Planning Division January 15, 2014

Section I: Background

In response to the City Council's request, on October 10, 2013, staff provided a presentation under agenda item entitled "Item 11: Tire Dealerships and the Storage and Disposal of Tires." At the conclusion of discussing the issue of tire storage, the City Council directed staff to investigate the issues and develop any recommendations for ordinance revisions if needed.

On December 12, 2013, Planning Division staff provided a report to the City Council on tire storage activities and alternatives for text amendments to the Land Development Ordinance. Staff presented two alternatives for the Council's consideration:

- 1). Prepare a text amendment that continue to allow tires to be stored outside with the addition of criteria to lessen the visual impacts; or
- 2). Prepare a text amendment to prohibit outside tire storage entirely.

The City Council selected alternative #1 and directed staff to proceed with preparing text amendments that allow tires to be stored outside with the addition of criteria to lessen the visual impacts.

Section II: Existing Zoning Ordinance Regulations Regarding Relevant to Outside Tire Storage

Section 9-4-22, Definitions, classifies tire repair as a minor repair activity as defined below. Relevant language is highlighted with bold text.

SEC. 9-4-22 DEFINITIONS.

Repair; major. The following activities shall be considered major repair:

- (1) Engine overhaul or dismantling of subparts;
- (2) Body or frame repair;
- (3) Windshield or glass replacement;
- (4) Transmission, starter, alternator or other subpart rework service;
- (5) Welding or metal cutting; and
- (6) Any other repair other than minor repair.

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Repair; minor. The following activities shall be considered minor repair:
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- (1) Engine tune-up; changing of plugs, filters, oil, lubricants, belts, adjustments;
- (2) Change and rotate tires;
- (3) Brake services;
- (4) Electrical system services;
- (5) Radiator services;
- (6) Muffler services; and
- (7) Battery service.

Section 9-4-78, Table of Uses, permit minor repair activities (including change and rotate tires) by right in the following zoning districts:

- Heavy Commercial (CH);
- Unoffensive Industry (IU);
- Industry (I);
- Planned Unoffensive Industry (PIU); and
- Planned Industry (PI)

Section 9-4-78, Table of Uses, permit minor repair activities (including change and rotate tires) <u>through approval of a Special Use Permit</u> in the following zoning districts:

- Medical Heavy Commercial (MCH);
- Downtown Commercial (CD):
- Downtown Commercial Fringe (CDF);
- General Commercial (CG); and
- Neighborhood Commercial (CN);

Section 9-4-78, Table of Uses, permit junk yards, automobile graveyard and materials reclamation facilities only in the Industry (I) zoning district through approval of a Special Use Permit. The relevance of this regulation is detailed in the Section V, Shortfalls of Existing Tire Storage Standards.

Section 9-4-86, Listed Uses; Specific Criteria, list criteria required under major and minor repair facilities. Relevant language is highlighted with bold text.

SEC. 9-4-86 LISTED USES; SPECIFIC CRITERIA.

(B) Major or minor repair facilities.

- (1) All wrecked or damaged motor vehicles and parts shall be screened so as not to be visible from adjoining property lines and street right-of-way.
- (2) All vehicles on the premises for repair shall be stored at the rear of the principal structure.
- (3) No vehicle shall be stored on the premises for more than 15 days.

(4) There shall be no exterior storage of items other than vehicles.

- (5) Sale of vehicles shall be in accordance with Article B, section 9-4-22, definition of automobile, truck, recreational vehicle, motorcycle and boat sales, contained therein.
- (6) Rental or utility trailers, cars and trucks shall be permitted as accessory uses, provided that all units in excess of four shall be screened from adjoining street right-of-way and property lines in accordance with Bufferyard C or with a bufferyard of greater intensity as required by the bufferyard regulations.
- (7) Outdoor displays of products such as tires, oil, wiper blades or other similar products shall be permitted provided they are within ten feet of the principal structure and outside required bufferyards. Signage displayed in conjunction with such display shall be in accordance with the sign regulations.
- (8) All services except fuel sales shall be performed within a completely enclosed building.

Section 12-3-3, Nuisances Prohibited; Enumeration, list activities the City considers nuisances. Relevant language is highlighted in bold red text.

SEC. 12-3-3 NUISANCES PROHIBITED; ENUMERATION.

The following enumerated and described conditions are hereby found, deemed and declared to constitute a detriment, danger and hazard to the public health and the public safety of the inhabitants of the city and are found deemed and declared to be public nuisances wherever the same may exist, and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

- (A) Any condition which is a breeding ground or harbor for mosquitoes or a breeding ground or harbor for rats or other pests;
- (F) Any concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags or any other combustible materials or objects of a like nature;

Section III: Current Violations to Tire Storage Standards

Out of approximately twenty six known businesses that sell automobile tires within the City, Planning Division staff determined six businesses appear to violate one or more of the Zoning Ordinances listed above in Section II. In the most extreme case, one business (#5 below) was determined to violate Section 12-3-3(A) and (F), Nuisances Prohibited; Enumeration, due to the excessive concentration of automobile tires stored outside which was considered to be an unapproved junk yard.

Photographs of these properties are provided in Appendix A:

- 1. Quality Tire and Auto Services located at 104 E. Belvoir Rd.
- 2. Colony Tire located at 110 Daughtridge Dr.
- 3. Carolina Tire Services located at 1620 N. Greene St.
- 4. Dickinson Tire and Auto Services located 1025 Dickinson Ave.
- 5. Carolina Tire and Auto Services <u>formerly</u> located at 2800 S. Memorial Dr.
- 6. RimTyme Custom Wheels located at 3006 S. Memorial Dr.

Section IV: Enforcement Actions to Date (1/15/14)

Several businesses have been observed by the Code Enforcement Division, the Fire/Rescue Department and Community Development Department and enforcement actions have been taken by respective City Departments.

The Planning Division focused its attention on the property which had the largest concentration of tires and which had grown in volume the fastest, Carolina Tire and Auto Services located at 2800. S. Memorial Dr. Aerial Photographs from 2012 and 2013 are shown in Appendix A, Photographs #12-14. Following are enforcement actions to date from the Planning Division for this property.

- On October 10, 2013, the Planning Division mailed a notice of violation to the Zoning Ordinance to the property owners of Carolina Tire and Auto Services located at 2800 S. Memorial Dr.
- On November 4, 2013, the Planning Division served a second notice of violation to the Zoning Ordinance to the property owners. The letter was signed by the property owner to acknowledge receipt.
- On November 20, 2013, the Planning Division met with the property owner to offer a final chance to propose a plan to comply with the Zoning Ordinance. The property owner signed a document stating that all tires would be removed by December 13, 2013.
- On December 11, 2013, the Planning Division agreed to a deadline extension of January 3, 2014 to allow a new tenant to complete the removal and storage of remaining tires.
- On December 19, 2013, the Planning Division inspected the property and determined that the property owner and new tenant achieved full compliance with the issues surrounding the prior violations regarding outside tire storage.

Section V: Shortfalls of Existing Tire Storage Standards

There are shortfalls in tools currently available to address outside tire storage. One shortfall is that the City has two sets of standards that appear in different Codes and the other is that the Zoning Ordinance standards are inadequate as currently adopted.

Having two sets of standards are challenging to enforce and can be confusing to property owners whom store tires. There are standards the Fire/Rescue Department uses that are set by the State of North Carolina. It is the Planning Division's understanding from conversations with the Fire/Rescue Department that they can only enforce standards adopted in the NC Fire Code. The Fire Code standards address how

tires are to be stored in proximity to structures and property lines. The standards also address the volume of tires which in certain cases, depending on how tires can be stored, may be very large. The standards do not address screening tires to reduce visual impacts.

Another shortfall of the City's Zoning Ordinance standards is that they are inadequate as currently written to assist in intervening before problems become very large. Our current standards could be characterized as "too little and too late." The City's standards allow outside tire storage, but do not set any kind of size limit for areas allowed for tire storage. The standards do not require any type of screening of tire storage areas from public streets or adjacent properties.

The only standard of significance the City has to enforce is when the storage has grown to such an excessive quantity that it can be considered a junk yard. Since junk yards require Special Use Permits in only the Industry (I) zoning district, any property that has grown to an extent it can be considered a junk yard and has not received a Special Use Permit, can be cited as a zoning violation. By the time a property has such an abundance of tires for it to be considered a junkyard; it has likely already become a public nuisance and possibly a fire and safety hazard to adjacent properties. When properties get to this point, it becomes a major code enforcement challenge to make property owners remove their tires in a timely manner due to the cost of disposal and the limited disposal stream the landfill will accept. The City's current allowance of tires to grow to such proportions, by omission of standards, could be misconstrued by tire businesses that such a practice is condoned, only to later receive a notice of violation.

Section VI: Survey Results of Peer Cities

The City of Greenville contacted other cities in North Carolina to inquire whether or not they have outside tire storage regulations. Following are results by responding cities.

- The City of Kinston does not prohibit outside tire storage.
- The City of Eden prohibits uncovered outside tire storage.
- The City of Jacksonville prohibits outside tire storage in certain zoning districts.
- The City of Asheville allows outside tire storage in certain districts as an accessory use and requires twenty foot wide screening buffers if tires are located adjacent to a residential use.
- The City of Gastonia allows outside tire storage up to one thousand with the following criteria requirements when the number of tires stored outside exceed one hundred:

- Piles higher than eight feet must have horizontal dimensions no greater than 100 feet by 20 feet;
- Tires must be completely enclosed to visually screen the tires with a six foot gated fence so tires are not visible to streets and adjacent properties;
- Tires must be no closer than twenty feet from property lines, street and utility rights-of-way;
- Tires must be covered in plastic;
- There must be twenty feet between tire piles and tire piles shall be accessible to firefighting equipment on all sides;
- Areas where tires are stored must have proper drainage;
- Tire storage areas much be accessible with a paved road;
- The area where tires are stored must be kept free of vegetation; and
- No person shall accumulate more than one thousand tires unless they are stored in a building.

Section VII: Proposed Text Amendments

Proposed text amendments add specific criteria for the display and storage of tires outside of buildings and provide an effective date for compliance by existing businesses. The text amendments have been written to apply to businesses that are permitted by right, to operate major or minor repair facilities, as well to businesses that receive approval of Special Use Permits.

Following are proposed text amendments to section 9-4-86(B), Major or minor repair facilities. New text is underlined to illustrate revisions.

- (B) Major or minor repair facilities.
 - (1) All wrecked or damaged motor vehicles and parts shall be screened so as not to be visible from adjoining property lines and street right-of-way.
 - (2) All vehicles on the premises for repair shall be stored at the rear of the principal structure.
 - (3) No vehicle shall be stored on the premises for more than 15 days.
 - (4) There shall be no exterior storage of items other than vehicles and tires. Tires stored outside shall be in accordance with subsection (9) below.
 - (5) Sale of vehicles shall be in accordance with Article B, section 9-4-22, definition of automobile, truck, recreational vehicle, motorcycle and boat sales, contained therein.

- (6) Rental or utility trailers, cars and trucks shall be permitted as accessory uses, provided that all units in excess of four shall be screened from adjoining street right-of-way and property lines in accordance with Bufferyard C or with a bufferyard of greater intensity as required by the bufferyard regulations.
- (7) Outdoor displays of products such as tires, oil, wiper blades or other similar products shall be permitted provided they are within ten feet of the principal structure and outside required bufferyards. Signage displayed in conjunction with such display shall be in accordance with the sign regulations. <u>A maximum of twenty four tires may be</u> <u>displayed outside</u>. All tires displayed outside of <u>buildings shall comply with compliance requirements</u> <u>set forth in subsection (9) (h).</u>
- (8) All services except fuel sales shall be performed within a completely enclosed building.
- (9) Tires stored outside must comply with the following standards to minimize their visual impact and reduce their potential as a public nuisance and fire hazard:
 - (a). The maximum area devoted to tire storage shall be limited to ten percent of the property area or twenty five percent of the building from which the business operates, whichever is less;
 - (b). The maximum number of tires stored outside shall not exceed one hundred;
 - (c). Tires must be stored behind required bufferyards and located where they are not visible from a street right-of-way or adjacent property through the installation of opaque fencing and/or landscaping or placement of tires behind buildings;
 - (d). All tires must be placed on racks in the upright position;
 - (e). There shall be a minimum separation of twenty feet between tire racks and property lines, street right-of-way, and buildings;
 - (f). Rows of tire racks shall be separated from one another by a minimum of five feet;
 - (g). The placement of tires stored outside shall be placed and maintained in accordance with this subsection (9) and the North Carolina Fire Code, as amended. The more restrictive provisions shall prevail between the NC Fire

	Code	and	tire	stor	age	standa	irds	of	this
	artic	cle.							
(h)	Notwi	lthsta	nding	the	prov	visions	re	lated	to
	nonconforming uses and situations contained in								
	Article C of this chapter, the requirements								
	contained in this subsection (9) shall be								
	applicable to all existing and future major								
	and minor repair facilities. In the event a use or situation, existing on the date of the adoption of this subsection (9), is or becomes nonconforming by virtue of the adoption of								
	this	subse	ection	(9),	it	shal	l be	ren	noved
	within nine months after the date of adoption								
	of this subsection (9).								

Following are proposed text amendments to section 9-4-103, Special Standards for Certain Specific Uses. New text is underlined to illustrate revisions.

(Y) Major or minor repair facilities.

(1) All tires displayed outside shall comply with section 9-4-86(B)(7). All tires displayed outside shall comply with section 9-4-86(B)(9).

Section VIII: Compliance with the Comprehensive Plan and Other Applicable Adopted Plans

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, <u>Horizons: Greenville's Community Plan</u>, contains policy statements and objectives related to numerous Plan Elements. The Plan also includes a Future Land Use Plan Map that depicts the general preferred use of land within the City's planning and zoning jurisdiction. These plans provide broad 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 has reviewed both plans and provides the following objective to be considered when evaluating the proposed text amendment proposed herein:

1. Horizons: Greenville's Community Plan Provisions:

The Urban Form and Land Use Element:

Objective UF8: To enhance the appearance of highway and gateway corridors.

Appendix A: Photographs of Outside Tire Storage Areas Referenced in this Report



1. Quality Tire and Auto Services, 104 E. Belvoir Rd

Photo #1: 2012 Aerial Photograph of Quality Tire and Auto Services Source: 2012 City of Greenville, NC GIS Aerial



Imagery Date: 1/6/2013 35°38'15.81" N 77°22'05.36" W elevPhoto #2:2013 Aerial Photograph of Quality Tire and Auto ServicesSource:Google Earth Jan. 6, 2013



Photo #3:Oct. 1, 2013 Photograph of Quality Tire and Auto ServicesSource:City of Greenville Planning Division



2. Colony Tire, 110 Daughtridge Dr

Photo #4:2012 Aerial Photograph of Colony TireSource:2012 City of Greenville, NC GIS Aerial



Photo #5: 2013 Aerial Photograph of Colony Tire Source: Google Earth Jan. 6, 2013



Photo #6:Oct. 1, 2013 Photograph of Colony TireSource:City of Greenville Planning Division



3. Carolina Tire Services, 1620 N. Greene St.

Photo #7: 2012 Aerial Photograph of Carolina Tire Service, Source: 2012 City of Greenville, NC GIS Aerial



Photo #8: 2013 Aerial Photograph of Carolina Tire Service Source: Google Earth Jan. 6, 2013 n


Photo #9: Oct. 1, 2013 Photograph of Carolina Tire Source: City of Greenville Planning Division



4. Dickinson Ave. Auto and Tire, 1025 Dickinson Ave.

Photo #11:2013 Aerial Photograph of Dickinson Ave. Auto and Tire Source: Google Earth Jan. 6, 2013



Photo #12:Oct. 1, 2013 Photograph of Dickinson Ave. Auto and Tire Source: City of Greenville Planning Division



5. Carolina Tire and Auto Services, formerly located at 2800 S. Memorial Dr.

Photo #13: 2012 Aerial Photograph of Carolina Tire and Auto Services Source: 2012 City of Greenville, NC GIS Aerial



Photo #14: 2013 Aerial Photograph of Carolina Tire and Auto Services Source: Google Earth Jan. 6, 2013



Photo #15: Oct. 1, 2013 Photograph of Carolina Tire and Auto Services
Source: City of Greenville Planning Division
Note: This is not a view from the street. The photograph was taken from the side of the adjacent property.

RimTyme Custom Wheels, 3006 S. Memorial Dr. 6.



Photo #16: 2012 Aerial Photograph of RimTyme Custom Wheels 2012 City of Greenville, NC GIS Aerial Source:



Google Earth Jan. 6, 2013 Source:



Photo #18: Oct. 1, 2013 Photograph of RimTyme Custom Wheels

Source: City of Greenville Planning Division

Note: A telephoto lens was used to zoom in on tires stored at the rear of the property within close proximity to a multi-family residential building.

ORDINANCE NO. 14 - _____ 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 North Carolina General Statutes, caused a public notice to be given and published once a week for two successive weeks in <u>The Daily Reflector</u> setting forth that the City Council would, on ______, 2014 at 7:00 p.m., in the 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 does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan 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, as a result, its furtherance of the goals and objectives of the comprehensive plan.

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

<u>Section 1:</u> That Title 9, Chapter 4, Section 9-4-86(B), of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended to read as follows:

(B) Major or minor repair facilities.

- (1) All wrecked or damaged motor vehicles and parts shall be screened so as not to be visible from adjoining property lines and street right-of-way.
- (2) All vehicles on the premises for repair shall be stored at the rear of the principal structure.
- (3) No vehicle shall be stored on the premises for more than 15 days.
- (4) There shall be no exterior storage of items other than vehicles and tires. Tires stored outside shall be in accordance with subsection (9) below.
- (5) Sale of vehicles shall be in accordance with Article B, section 9-4-22, definition of automobile, truck, recreational vehicle, motorcycle and boat sales, contained therein.
- (6) Rental or utility trailers, cars and trucks shall be permitted as accessory uses, provided that all units in excess of four shall be screened from adjoining street right-of-way and property lines in accordance with Bufferyard C or with a bufferyard of greater intensity as required by the bufferyard regulations.

- (7) Outdoor displays of products such as tires, oil, wiper blades or other similar products shall be permitted provided they are within ten feet of the principal structure and outside required bufferyards. Signage displayed in conjunction with such display shall be in accordance with the sign regulations. A maximum of twenty four tires may be displayed outside. All tires displayed outside of buildings shall comply with compliance requirements set forth in subsection (9)(h).
- (8) All services except fuel sales shall be performed within a completely enclosed building.
- (9) Tires stored outside must comply with the following standards to minimize their visual impact and reduce their potential as a public nuisance and fire hazard:
 - (a). The maximum area devoted to tire storage shall be limited to ten percent of the property area or twenty five percent of the building from which the business operates, whichever is less;
 - (b). The maximum number of tires stored outside shall not exceed one hundred;
 - (c). Tires must be stored behind required bufferyards and located where they are not visible from a street right-of-way or adjacent property through the installation of opaque fencing and/or landscaping or placement of tires behind buildings;
 - (d). All tires must be placed on racks in the upright position;
 - (e). There shall be a minimum separation of twenty feet between tire racks and property lines, street right-of-way, and buildings;
 - (f). Rows of tire racks shall be separated from one another by a minimum of five feet;
 - (g). The placement of tires stored outside shall be placed and maintained in accordance with this subsection (9) and the North Carolina Fire Code, as amended. The more restrictive provisions shall prevail between the NC Fire Code and tire storage standards of this article.
 - (h). Notwithstanding the provisions related to nonconforming uses and situations contained in Article C of this chapter, the requirements contained in this subsection (9) shall be applicable to all existing and future major and minor repair facilities. In the event a use or situation, existing on the date of the adoption of this subsection (9), is or becomes nonconforming by virtue of the adoption of this subsection (9), it shall be removed within nine months after the date of adoption of this subsection (9).

<u>Section 2:</u> That Title 9, Chapter 4, Section 9-4-103, of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended by adding subsection (Y), which subsection reads as follows:

(Y) Major or minor repair facilities.

(1) All tires displayed outside shall comply with section 9-4-86(B)(7). All tires displayed outside shall comply with section 9-4-86(B)(9).

<u>Section 3.</u> All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

<u>Section 4.</u> 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. This ordinance shall become effective on _____.

_____, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 1/21/2014 Time: 6:30 PM

<u>Title of Item:</u> Discussion item for an upcoming text amendment for microbreweries.

Explanation:

Fiscal Note:

Recommendation:

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Attachments / click to download



City of Greenville, North Carolina

Meeting Date: 1/21/2014 Time: 6:30 PM

<u>Title of Item:</u>	Discussion item for an upcoming text amendment to require sidewalks for major commercial development along major corridors.
Explanation:	Please see attached <i>draft</i> outline of staff report.
Fiscal Note:	No cost to the City.
Recommendation:	No action needed.

Viewing Attachments Requires Adobe Acrobat. Click here to download.

Attachments / click to download

Staff_Report___Proposed_Ordinance_Amendment_to_Require_Sidewalks_for_Commercial_Development_967847

Staff Report

Sidewalk Requirements for Major Commercial Development on Major Corridors - Text Amendment

Contents:

- I. Executive Summary
- II. Background Initiation of Text Amendment
- III. Existing Code Requirements for Sidewalks
- IV. Locations of Existing Sidewalks
- V. Areas of Study:
 - A. Define Major Commercial Development;
 - B. Define and Identify Location of Missing Gaps in Sidewalks;
 - C. Study Recently Developed Commercial Projects Where Sidewalks Were Not Required or Installed
 - D. Study Areas Where Sidewalk Requirements May Not be Appropriate; and
 - E. Other Considerations Lighting, Bus Stop/Shelter Locations, Employment Centers, and Residential Densities
- VI. Excerpts of City Documents and Policies Regarding Sidewalks
 - A. Horizons Greenville's Community Plan, 2009-2010 Update
 - B. Horizons Greenville's Community Plan, 2004
 - C. <u>Analysis to Improve Greenville's Health, Design and</u> <u>Appearance, 2013</u>
 - D. City of Greenville 2012-2013 Strategic Goals
- VII. Peer Cities' Sidewalk Requirements and Fees in Lieu
- VIII. Greenville Sidewalk Construction Program 2013-2014 through 2023-2024 Schedule and Approximate Costs to Retrofit Sidewalks
- IX. Alternatives for Text Amendments Sidewalk Requirements
- X. Compliance with the Comprehensive Plan and Other Applicable Adopted Plans