

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING  
AND ZONING COMMISSION  
November 15, 2011

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

Mr. Tim Randall - *	
Mr. Godfrey Bell - *	Mr. Dave Gordon - *
Mr. Tony Parker - *	Ms. Linda Rich - *
Mr. Hap Maxwell - *	Ms. Ann Bellis - *
Ms. Shelley Basnight - *	Mr. Brian Smith - *
Mr. Doug Schrade - *	Mr. Jerry Weitz - *

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

**VOTING MEMBERS:** Bell, Parker, Maxwell, Basnight, Gordon, Rich, Bellis, Smith

**PLANNING STAFF:** Merrill Flood, Community Development Director; Chris Padgett, Chief Planner; Chantae Gooby, Planner; Valerie Paul, Secretary

**OTHERS PRESENT:** Bill Little, Assistant City Attorney; Tim Corley, Engineer; Jonathan Edwards, Communications Technician

**MINUTES:** Motion was made by Mr. Bell, seconded by Mr. Smith, to accept the September 20, 2011 minutes as presented. Motion carried unanimously.

**NEW BUSINESS**

**Rezoning**

Ordinance requested by Michael Overton to rezone 1.0172 acres located at the southwest corner of the intersection of Arlington Boulevard and Dickinson Avenue from RA20 (Residential-Agricultural) to OR (Office-Residential [High Density Multi-family]).

Ms. Chantae Gooby, Planner, delineated the property. The property is located at the southwest corner of the intersection of Arlington Boulevard and Dickinson Avenue. There are office and residential uses in this area. This intersection serves as the entrance into the Medical District. This rezoning could generate a net increase of 68 trips with 60% of the trips turning right and 40% of the trips turning left on to Dickinson Avenue. The property is currently zoned residential-agricultural. Under the requested zoning, the site could yield up to 16 multi-family units. The Future Land Use Plan Map recommends office/institutional/multi-family at the southwest corner at Arlington Boulevard and Dickinson Avenue. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

No one spoke in favor of the request.

No one spoke in opposition of the request.

**Motion made by Mr. Gordon, seconded by Mr. Smith, to recommend approval of the proposed amendment to advise that 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 Amendments**

Zoning Ordinance Text Amendment - Modifications to standards for dining and entertainment establishments.

Mr. Christopher Padgett provided background information on this request to the Commission. It began when City Council requested that staff provide them with a report on Dining and Entertainment (D&E) establishments at their August meeting. Staff prepared and presented the report to City Council at their September meeting. City Council then directed staff to draft a text amendment related to the hours that D&E's can have amplified audio entertainment; and more specifically, for a text amendment that would allow D&E's in primarily commercial areas to have extended hours of amplified audio entertainment on Thursday evenings. Staff developed and presented the text amendment to the City Council at their October meeting at which time City Council formally initiated the text amendment and requested that the Neighborhood Advisory Board review and provide input. Mr. Padgett gave a history on D&E's in general; the D&E land use category and its associated standards were adopted by the City Council in April 2009. The D&E category is a hybrid land use between conventional restaurants and public or private clubs. They may not have amplified audio entertainment after 11 p.m., Monday – Thursday and on Sunday; the exception would be found in the Downtown Commercial district where such is allowed until 2 a.m. on Thursday evenings. Mr. Padgett presented the proposed standards:

*"The allowable period of amplified audio entertainment for any dining and entertainment establishment that meets the following separation requirements may be extended, at the option of the owner/operator, from the times specified under subsection (F)1.(6) on each Thursday night to no later than 2:00 a.m. the following day. To qualify for this provision, the dining and entertainment establishment shall not be located within a 500-foot radius, including street rights-of-way, of (i) a conforming use single-family dwelling located in any district, or (ii) any single-family residential zoning district. The required measurement shall be from the building or structure containing the dining and entertainment establishment to the nearest single-family dwelling lot line or single-family residential zoning district boundary line. For purpose of this section, the term "single-family residential zoning district" shall include any RA20; R15S; R9S; R6S; and MRS district."*

Mr. Padgett explained that they based their proposed separation standards on existing separation standards applicable to public or private clubs; staff believes that since the standards are sufficient for public or private clubs, which are intended to be a more intensive use, then it would serve this purpose for extended hours of amplified audio entertainment. Mr. Padgett presented a map that located existing D&E establishments in Greenville. Out of the five establishments currently operating, four would meet the criteria and would be allowed to have the extended hours of amplified audio entertainment. City Council had a significant amount of discussion about the possibility of adding holidays so that no matter on which days they fall, D&E's that meet the specified spacing requirements would be permitted to have amplified audio entertainment up until 2 a.m. Specific holidays or observances provided for the Commission's review and discussion:

- St. Patrick's Day (March 17);
- Cinco de Mayo (May 5);
- Independence Day (July 4);
- Halloween (October 31).

No one spoke in favor of the request.

No one spoke in opposition of the request.

Ms. Bellis asked if there was a provision for noise that would limit sound from extending beyond the property line or beyond the 500 ft.

Mr. Padgett answered that currently there is not a standard like that specifically for either a public or private club or for entertainment establishments. All establishments in the City are subject to the nuisance ordinance and it is enforced by the Police Department.

Mr. Parker commented that the nuisance ordinance would address Ms. Bellis' concern.

Ms. Bellis recalled an issue with an establishment on 10<sup>th</sup> Street and she asked if that particular establishment had a restriction where they could not have sound beyond 50 ft. from the building.

Mr. Flood answered that was a former nightclub, Faces, and the noise restriction was one of the conditions of their Special Use Permit from the Board of Adjustment.

Mr. Parker asked if the holidays were included in the text amendment.

Mr. Padgett answered that it was not in the text amendment that City Council had sent to the Commission, but since they had spent a considerable amount of time discussing it, staff felt that it would be appropriate to bring it before the Commission for discussion.

Mr. Parker said that he was in favor of adding them because they are four holidays that people enjoy going out on and it would help businesses. He suggested that they include the holidays in the text amendment.

Mr. Padgett explained that if the Commission wanted the holidays included, then they would need to note that in the motion.

Chairman Randall asked if there was a consensus from City Council on everyone wanting the holidays listed in there.

Mr. Padgett said that he did not think that there was a consensus.

Mr. Weitz said that there are three provisions in the City Code that address noise or amplified sound. He suggested that the Commission add some additional language to the text amendment that would specify that existing noise control provisions of the City Code would be applicable. He suggested the following language:

*In no event shall amplified audio entertainment exceed the provisions of the Greenville City Code, Title 12, Chapter 5, Sec. 12-5-4 with regard to maximum permitted sound levels; Nor shall amplified audio entertainment rise to the level of "nuisance noise" made unlawful by Sec. 12-5-5, Greenville City Code.*

Mr. Parker said that it would be a clarification of codes that are already in the books and he did not have a problem with it.

Chairman Randall said that he felt that it would be redundant, but if the Commission members felt that it would make it clear for someone, then adding it should not be a problem.

Mr. Schrade asked if there were any other holidays that needed to be added to the list.

Mr. Bell said that he felt that the list was sufficient.

Mr. Gordon commented that they would probably get someone in the next couple of years asking to add another holiday to the list and he asked where it would stop.

**Mr. Bell made a motion to approve 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, and to have it to include the proposed holidays provided in the staff report and make reference to the current noise control provisions within the city code. Ms. Basnight seconded the motion. Mr. Bell, Mr. Parker, Mr. Maxwell, Ms. Basnight, Ms. Rich, Ms. Bellis, Mr. Smith voted in favor; Mr. Gordon voted in opposition, and the motion carried.**

**Other**

Scheduling of the Planning & Zoning Commission meeting for December 2011.

Mr. Padgett said that due to the Christmas holiday, the Planning & Zoning Commission's regularly scheduled December meeting would fall on December 20<sup>th</sup>; Staff said that there are items of business that would necessitate a December meeting so they proposed that the Commission move the meeting to December 13<sup>th</sup>.

**Mr. Bell made the motion to move the meeting to December 13<sup>th</sup>, Ms. Rich seconded and it carried unanimously.**

With no further business, a motion was made, seconded, and unanimously voted on to adjourn at 6:54 p.m.

Respectfully Submitted,

Merrill Flood, Secretary