

June 16, 2009

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

Mr. Bill Lehman - \*  
Mr. Bob Ramey - \*                      Mr. Dave Gordon - X  
Mr. Tony Parker - \*                    Mr. Tim Randall - \*  
Mr. James Wilson – X                Mr. Len Tozer - \*  
Mr. Godfrey Bell, Sr. - \*            Ms. Shelley Basnight-\*  
Mr. Hap Maxwell – \*                Mr. Allen Thomas - \*  
Ms. Linda Rich - \*

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

**VOTING MEMBERS:** Lehman, Ramey, Parker, Randall, Tozer, Bell, Basnight, Thomas, Rich

**PLANNING STAFF:** Chantae Gooby, Planner; Merrill Flood, Director of Community Development; and Sarah Radcliff, Secretary.

**OTHERS PRESENT:** Dave Holec, City Attorney, Daryl Vreeland, Transportation Planner, Tim Corley, Engineer

Mr. Lehman welcomed new member Linda Rich to the Commission. Ms. Radcliff stated Ms. Rich has completed orientation and was eligible to vote.

**MINUTES:** Motion was made by Mr. Ramey, seconded by Mr. Tozer, to accept the May 19, 2009 minutes as presented. Motion carried unanimously.

## **REZONINGS**

### **REQUEST BY BROWN FAMILY INVESTMENTS, LLC**

Ordinance requested by Brown Family Investments, LLC to rezone 1.59 acres located at the southeast corner of the intersection of Greenville Boulevard and Crestline Boulevard from R9S (Residential-Single-Family [Medium Density]) and O (Office) to CH (Heavy Commercial), R9S (Residential-Single-family [Medium Density]) and O (Office).

Chairman Lehman said they had received a letter from Mike Baldwin, Baldwin & Janowski, requesting a continuance of this project until the next meeting date of July 21, 2009.

Motion was made by Mr. Bell, seconded by Mr. Thomas, to continue the request until the next meeting. Motion carried unanimously.

### **REQUEST BY H.M. WILSON DEVELOPMENT, LLC**

Ordinance requested by H.M. Wilson Development, LLC to rezone 34.142 acres located 1,300± feet west of Allen Road between Teakwood Subdivision and Woodridge Commercial/Industrial Park from R9S (Residential-Single-family [Medium Density]) to R6 (Residential [High Density Multi-family]) and R6A-RU (Residential [Medium Density Multi-family]) with a RU (restricted use) residential overlay (single-family and duplex only).

Ms. Chantae Gooby stated this was a request to rezone 34 acres. She said 27 acres were requested for multi-family and 7 acres for single-family and duplexes. Ms. Gooby stated the RU overlay denotes the property is restricted to single-family and duplexes only. The rezoning is located in the western section of the city, west of Allen Road between Woodridge Corporate Park and Teakwood Subdivision. The property is currently vacant but is part of the Allen Ridge Subdivision. This rezoning could generate over 2,200 trips with the majority of those trips going north on Allen Road. Ms. Gooby stated Woodridge Corporate Park is designated as an Industrial Employment Focus Area. In 2001, the area was part of a 275-acre ETJ expansion. Both Woodridge Corporate Park and Teakwood Subdivision existed at that time. Woodridge Park was zoned Industrial and Teakwood Subdivision was zoned RA20. The intervening property was zoned OR (office-multi-family) as a transition area. At the time of the ETJ expansion, there was a strip of R9S (single-family) added adjacent to Teakwood, at the request of the neighborhood, to give the neighborhood an additional buffer of single-family in anticipation of the multi-family development between Teakwood Subdivision and Woodridge Corporate Park. In 2004, a portion of the OR-zoned property was rezoned to the present single-family zoning. Staff would anticipate between 65 and 75 single-family lots for tract 1 under the current zoning and about 320 multi-family units under the requested multi-family district. Under the proposed zoning for Tract 2, staff would anticipate 15-20 single-family/duplex lots. Ms. Gooby stated the intent of the Land Use Plan was to provide a transition between the Teakwood Subdivision and Woodridge Corporate Park. In staff's opinion, the requested zoning could be in compliance with the Land Use Plan, but for the people who have purchased homes in Allen Ridge and Teakwood Subdivisions that may have made their decision based on the current R9S (single-family) zoning.

Mr. Tozer asked Ms. Gooby if she was alright with the changes.

Ms. Gooby stated the R9S (single-family) zoning works under the Land Use Plan and the request would be compliant except that there are already homes and people who have purchased in the area with the expectation of the R9S (single-family) being in the area.

Mr. Ramey asked how the people would get across Allen Road.

Ms. Gooby stated there were a lot of vacant lots and as homes are built there would be improvements made to the highway.

Mike Baldwin, Baldwin and Janowski, spoke in favor of the request on behalf of the applicant. Mr. Baldwin stated he was involved in the project back in 1998 when they requested and were approved for the whole tract to be OR, with the exception of a buffer area for Teakwood. He said there was a long stretch of single-family homes that were purchased with duplexes on the other side of them in

the OR area. He said when they submitted the rezoning request they originally asked for R6 and were told by planning staff that RU might be more appropriate to the people who had purchased lots in the area.

Mr. Ramey stated Allen Road was not designed to carry those volumes of traffic. He asked if the request were approved how were the people going to get in and out of the area.

Mr. Baldwin said there was lane widening and there was a turn lane in place already. He said traffic flow was better now than it was in 1998 at the initial rezoning.

Mr. Bell asked if H.M. Wilson had talked with the landowners/homeowners in the area.

Mr. Baldwin said he did not know.

Mr. Randall asked what was planned for Tract 1.

Mr. Baldwin said a portion of Tract 1 would be for duplexes. He said he did not know what would happen all the way back.

Mr. Tozer asked about the City's traffic report.

Mark Stamper spoke in opposition to the request on behalf of the residents of Allen Ridge. Mr. Stamper stated he was a property owner on Ellery Drive for approximately one month. He said they chose their house based on many criteria, one being that you had to drive very slowly to avoid running over children playing and riding on bicycles. Mr. Stamper stated he felt traffic would be exponentially increased on Ellery Drive if the proposed zoning request was approved. He said there was currently a severe bottleneck at Allen Ridge Drive and Ellery Drive. He said that combined with the development across the street there was already causing traffic problems. He stated he had a protest petition that had been signed by 18 property owners opposing the rezoning request. He said the three things they all agreed on were: fear of a decrease in property value, exponential traffic increases, and irreversible damage to their safe and quiet neighborhood. Mr. Stamper requested the rezoning request be denied or at least continued until a statutory protest petition could be submitted.

Mr. Holec stated a statutory protest petition had no application for this Commission so they were not at a disadvantage. He said the statutory protest petition only applied to City Council and Mr. Stamper's petition could be submitted to the Commission for consideration.

Mr. Lehman stated they would accept the petition.

Mr. Thomas asked Mr. Stamper if he had had any discussion with the developer or if there was an HOA.

Mr. Stamper stated they did have a HOA but had not been able to contact them. He said they had had no communication with the developer.

Mr. Randall asked why only 18 names were on the petition when there appeared to be around 70 homes on Ellery Drive.

Mr. Stamper stated the neighborhood was not entirely developed at this time.

Mr. Eric Reifschneider spoke in opposition to the request. He stated he had lived in the area since the construction of the first duplexes. He said he lived on Allen Road and that area has become a mess. He said his house had been broken into and traffic was a mess. He did not feel Allen Road could handle the traffic with the current condition of the road. He stated he had tried to call the developer and they directed him to the surveyor who he spoke with prior to the first continuance of the request.

Mr. Ramey asked if the developer had talked to the people in the area.

Mr. Reifschneider said they had not. He stated he thought they were from out of state and when he called they said their representative was Spruill and when he spoke with them they told them it was being continued.

Ms. Tiffany Bell spoke in opposition to the request. Ms. Bell stated she had been a resident of Ellery Drive for about two years. She stated she just wanted the Commission to see the face of one of the homeowners in the area. She said she didn't know a lot about zoning and policies and procedures but she has a son and felt putting apartments or duplexes there would jeopardize the safety of the children in the area. She said when she purchased her home the builder told her there would be other single-family homes put in the area.

Mr. Parker asked if the developer had attempted to contact her.

Ms. Bell stated they hadn't.

Mr. Johnny Tyson spoke in opposition to the request. Mr. Tyson stated he lived at the entrance to Allen Ridge Subdivision and was there before any of the other people. He said he sold about 14 acres to Mr. Cherry and though he had nothing in writing, he was told it would be single-family with a couple of duplexes. He said he definitely didn't want a lot of people behind him and he was now concerned that they wanted a portion of his front yard for a turn lane. He stated he was very concerned about that and did not want to lose his front yard to that.

Mr. Curtis Wilder spoke in opposition to the request. Mr. Wilder stated he was also a resident of Ellery Drive. He just wanted to add to what the others had said regarding the traffic. He said at times the traffic would be backed up from ViQuest to Allen Ridge which is about a quarter of a mile. He stated he was also concerned with the depreciation of his property if more duplexes were added to the area.

Mr. Baldwin spoke in favor in rebuttal. He stated he shared some of the concerns that they had spoken about. He said this subdivision would not be what makes or breaks Allen Road. He said with respect to the traffic on Ellery Drive he did not understand why anyone would venture off of Allen Ridge Drive heading toward Allen Road would go through Ellery. He stated he did not think the

development that would take place on Allen Ridge Drive would affect the traffic on Ellery Drive. He stated the request was part of the City's recommendation and their ordinance of interconnectivity. He said this was transitional zoning. He asked what lot numbers the people who spoke lived on.

Mr. Stamper stated his address was 957 Ellery Drive.

Mr. Baldwin stated 957 Ellery Drive didn't about the rezoning. He said there were already duplexes on the right side of Ellery Drive. He stated he did not feel the property values would be affected based on the size of the houses that were already in the area.

Mr. Ramey stated he was concerned that the developers had not spoken with the people in the area.

Mr. Baldwin stated it concerned him as well because the developers were located in Wilson, not another state; and he was located in Greenville and Spruill wasn't working on the job. He said when the initial request was made Chantae had received some calls and they changed the request to R6A-RU and to his knowledge there hadn't been any calls since.

Mr. Randall asked if Tract 1 was made R6A-RU to provide flexibility.

Mr. Baldwin said it was for flexibility and also because they had gotten beyond the area where people had bought homes.

Mr. Stamper spoke in opposition in rebuttal. He said his property did not about the area in question and he did ride by the current duplexes everyday; however, he felt he would still be affected by the change. He stated there had been a lot of comments about what happened in 1998 and that he was more concerned with what was happening now and in the future.

Mr. Ramey stated he had a problem with the fact that the developer had not talked with the people being affected. He made a motion to continue the item to allow time for the developer to communicate with the people in the area.

Mr. Tozer stated they already knew both sides and didn't see how a continuance would provide any additional information.

Mr. Bell said he agreed that the developer should meet with the people; however, he felt the request would provide a substantial impact on the future saleability of the homes in the area.

Mr. Lehman asked if there was a second for Mr. Ramey's motion. With no second, the motion died.

Motion was made by Mr. Bell, seconded by Mr. Parker, to deny the proposed amendment, to advise that, although the proposed amendment is consistent with the comprehensive plan, there is a more appropriate zoning classification, and to adopt the staff report which addresses plan consistency. Mr. Ramey, Mr. Parker, Mr. Randall, Mr. Bell, Ms. Basnight, Mr. Thomas, and Ms. Rich voted in favor of the motion. Mr. Tozer voted in opposition to the motion. Motion carried.

There being no other business, the meeting adjourned at 7:50 p.m.

Respectfully submitted,

Merrill Flood  
Secretary