

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION
January 21, 2014

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 - X Mr. Brian Smith - *
Mr. Doug Schrade - X Mr. Jerry Weitz –*
Ms. Wanda Harrington-* Mr. Torico Griffin -X

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

VOTING MEMBERS: Parker, Bellis, Smith, Weitz, Darden, King, Harrington

PLANNING STAFF: Thomas Weitnauer, Chief Planner, Chantae Gooby, Planner II and Amy Nunez, Staff Support Specialist II.

OTHERS PRESENT: 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 Mr. King, to accept the December 17, 2013 minutes as presented. Motion carried unanimously.

NEW BUSINESS

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]).- APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. Two letters of opposition from adjoining property owners were given to Commissioners. The property is located in the central section of the city, south of 10th Street and along Brownlea Drive. It is near ECU and the College Court Subdivision. This property was a mobile home park years ago. The property is currently vacant. North of the property is commercial and under the same ownership as the subject property. College Court is to the east and is a single-family subdivision. Duplex units and a few single-family homes are along Brownlea Drive. This request could generate about 39 additional trips per day. The capacity of 10th Street at this location is 33,500 trips per day and the current count is at 25,500. All traffic must use 10th Street since Brownlea Drive does not

connect with 14th Street. There are no plans, nor funds to connect Brownlea Drive to 14th Street. This zoning pattern has been in effect since 1969. A few years ago the College Court and Coghill Subdivisions were rezoned single-family only. Prior to that, these subdivisions were zoned R9. Under current R9 zoning, the property could accommodate 3 duplex buildings or 6 units. Under the requested R6 zoning, the property could accommodate about 10 multi-family units, apartments or townhouses. The Future Land Use Plan (FLUP) recommends commercial at the intersection of East 10th Street and Brownlea Drive transitioning to high density residential to the south and medium density residential to the east. In staff's opinion, the request is in compliance with Horizon's Greenville Community Plan and the Future Land Use Plan Map.

Ms. Bellis asked if there was a commercial site on Brownlea Drive.

Ms. Gooby said there is a brick building to the south of the rezoning that the tax parcel data information indicates is a warehouse. She stated she was unsure of the current use.

Ms. Bellis asked how that matches the zoning map.

Ms. Gooby stated that the commercial property has been there for a while.

Chairwoman Basnight opened the public hearing.

Mr. Bryan Fagundus, on behalf of Eastern Group Property, spoke in favor of the request. He stated that he did not have anything to add to Ms. Gooby's presentation, but would answer any questions.

Mr. Krage Gardiner spoke in opposition of the request. He stated he resides close to the proposed rezoning property and that he has lived in the College Court neighborhood since 1967. He stated that he does not believe there is a need for a high density building in this area when so much is available in Greenville. He stated there is a small group of people who are interested in money that do not care about the neighborhood. He stated he knows the owner of the small commercial/warehouse property on Brownlea Drive and that the property is vacant.

Michael Gibson, with Pinnacle Property Management of NC Inc, spoke in opposition of the request. He stated he lives near the College Court Subdivision. He stated he represents two owners, Option Associates in Wilson and Residuum Properties in Greenville, whom together own 16 duplexes on Brownlea Drive. He stated that people would move into the new complex causing a higher vacancy rate in the existing duplexes in the area. He stated there are many available units throughout Greenville.

Mr. Weitz asked how old the units are that he represents.

Mr. Gibson stated he did not know but would guess the late 1970's. He stated the owners he represents have updated the properties and spend resources to keep them maintained.

Mr. Bryan Fagundus spoke in rebuttal. He stated that the site is about 0.8 acres. He stated they are considering about 8 units for this site. He stated that they are in compliance with the Land Use Plan.

Ms. Bellis asked what the plan was for screening, lighting, and parking.

Mr. Fagundus stated they will develop in accordance to the City's zoning and multi-family requirements. He stated they would use a combination of fence, shrubs, trees and evergreens for screening and would follow the City's new lighting standards to prevent light pollution. He stated they will have parking in the front.

Ms. Darden asked if there are other properties on Brownlea Drive that are not duplexes.

Mr. Fagundus stated they are predominately duplexes.

Ms. Gooby stated that there are duplexes, three single-family properties, townhouse duplexes and one commercial use.

Ms. Darden asked why they want to change the land use.

Mr. Fagundus stated that they prefer townhomes versus duplexes. He stated they look the same but they will have 4 units per building versus 2 units.

Mr. Holec stated the entire range of all uses needs to be taken into consideration. Multi-family is a permitted use within the proposed zoning.

No one spoke in opposition for the rebuttal.

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

Mr. Parker asked staff what is the rough estimate of rental percentage.

Ms. Gooby stated most likely 100%.

Mr. Parker asked how the one commercial property got there and if it was zoned commercial.

Ms. Gooby stated the property was zoned residential and probably was built when zoning regulations were much more relaxed was a fluke. The property is zoned residential.

Ms. Darden stated that the majority of duplexes were built in 1998 and 2001.

Ms. Harrington stated that duplexes have been there a lot longer.

Mr. Smith stated that they were built in the 1980's.

Ms. Bellis stated that some of the duplexes have been there since the 1980's.

Mr. Weitz stated that the age of the units is of minor concern because the whole street is shown in the Land Use Plan for High Density Residential. He stated that if this rezoning is approved, then all properties in that area are appropriate for R6 apartment zoning. He stated the possibility for rezoning requests on older units in the future and could extend the zoning through the whole neighborhood. He stated that he found a policy in the Horizon's Plan that is not cited in the staff report. He read a section directly from the Horizon's Greenville Comprehensive Plan:

Section 3 Plan Elements, Urban Form & Land Use, Neighborhoods 7(i). The City will allow different housing densities to about one another as long as proper buffering and design are provided as needed. Factors in determining preferred locations for high density residential development shall include: close proximity to employment and shopping centers, access to minor and major thoroughfares and transit systems, and the availability of public services and facilities. High density uses adjoining major thoroughfares should be buffered from the highway with berms and/or vegetative screening.

Mr. Weitz stated the property will only have about 4 additional units and the request seems consistent with the policy and supports the rezoning.

Motion made by Mr. Smith, 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. Those in favor: Mr. Parker, Ms. Bellis, Mr. Smith, Mr. Weitz, Mr. King, Ms. Harrington. Those in opposition: Ms. Darden. Motion passed.

ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADDING OUTSIDE TIRE STORAGE AND DISPLAY STANDARDS.-APPROVED

Thomas Weitnauer, Chief Planner, explained the text amendment. During the September 2013 City Council meeting, a request was made to staff to assess tire regulations. The Police Department, Fire/Rescue Department, Code Enforcement and Planning Divisions collaborated to find ways to improve outside tire storage. Staff provided a report to City Council on December 12, 2013 in which City Council directed staff to proceed with preparing text amendments to strengthen rules regarding tire storage. Minor repair activities are allowed by right in the following zoning districts: Heavy Commercial, Unoffensive Industry, Industry, Planned Unoffensive Industry, and Planned Industry. Potential nuisance, such as mosquitoes, health hazards, fire hazards, and aesthetic view could be a problem if regulations are not put in place. As an example, the property at 2800 S. Memorial Drive was a nuisance. It is now in compliance and cleaned up. Problems and frustration arose regarding enforcement when the Fire Department, which used the NC Fire Code, and the Planning Division, which uses the Zoning Ordinance, had competing regulations. Other jurisdictions were contacted to verify how they regulate tire storage. The following are the standards, for New and Grandfathered Properties, being added to the text:

Outside Tire Storage Standards

- (a) 10% of lot or 25% of building
- (b) Maximum of 100 tires
- (c) Required buffers
- (d) Store upright in racks
- (e) 20 feet separation
- (f) 5 feet between racks
- (g) Comply with NC Fire Code
- (h) 9 months to comply

Outside Tire Display Standards

- Within 10 feet of building
- Store outside of bufferyards
- Maximum of 24 tires
- 9 months to comply

In staff's opinion, the proposed Zoning Ordinance Text Amendment is consistent and in compliance with Horizon's Greenville Community Plan.

Ms. Bellis asked if this was for new, used, used for sale, used for storage tires or does it run the gamut.

Mr. Weitnauer stated that it runs the gamut.

Ms. Bellis asked what happens to used tires after a disposal fee has been paid.

Mr. Weitnauer stated that they go to a landfill or can be kept for resale depending on the condition.

Ms. Bellis asked if the proposed included a maximum of 100 tires on site in any condition.

Mr. Weitnauer stated yes and that only about 3-4 businesses that sell used tires keep them outside. Most keep their tires inside.

Ms. Bellis asked if the tires that are stored on racks outside could be covered to keep from filling with water.

Mr. Weitnauer stated that it could be included in the amendment. He stated that the City of Gastonia does required plastic coverings.

Mr. Parker asked that if the property is screened, would the covering be seen by the public.

Mr. Weitnauer stated no if they are to follow the new guidelines.

Mr. Parker asked if there is a certain type of plastic or material that the City of Gastonia required or how it was to be maintained.

Mr. Weitnauer stated that they did not specify but if we are to require it then it should include maintenance.

Chairwoman Basnight asked if the 24 display was included in the 100 or in addition to.

Mr. Weitnauer stated it is in addition to.

Chairwoman Basnight opened the public hearing.

No one spoke in favor of the request.

No one spoke against the request.

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

Mr. Weitz stated that he agrees that the standards are appropriate. He stated that water in tires could be a breeding ground for mosquitoes.

Mr. Parker asked if they should enhance the tires on racks by requiring a plastic cover.

Mr. Weitz stated not necessarily.

Mr. Parker asked staff if the covered racks would be overkill.

Mr. Weitnauer stated not at all.

Mr. Weitz stated he would like to recommend a word change on proposed ordinance: page 3 Section 2 (Y) (1) should be changed from tires displayed to tires stored.

Mr. Weitnauer agreed.

Mr. Parker stated he would like to see the plastic overlay.

Ms. Bellis agreed with Mr. Parker's request.

Chairwoman Basnight asked if anyone objected.

Ms. Harrington agreed that it was a good idea and stated it would help keep the rain out.

Mr. Weitz stated time should be given to staff to research.

Mr. Weitnauer asked if it was for the display or stored tires.

Mr. Parker stated the cover would be just for storage to protect public health.

Chairwoman Basnight asked if specification of type of cover was needed.

Mr. Parker stated to leave the specification up to staff.

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 with the following changes: 1. Change word from display to stored on proposed

ordinance page 3 Section 2 (Y) (1), and 2. Require that stored racks be covered. Motion passed unanimously.

OTHER ITEMS OF BUSINESS

DISCUSSION ITEM FOR AN UPCOMING TEXT AMENDMENT FOR MICROBREWERIES.

Mr. Thomas Weitnauer, Chief Planner, spoke about proposed standards and areas for microbreweries in the City. Currently the City has the 500 feet ordinance for public/private clubs but there are no ordinances for microbreweries. Possible standards:

- Create a definition on 2 scales: repurposed and industrial.
- Limit maximum size
- Set percentage of square feet of building devoted to production
- Allowed by special use permit
- Safety regulations (i.e. trained bouncers and no cover charge)
- Not allowed within 500 ft of existing public/private club or residential unless in West Greenville CRA (Center City Redevelopment Area) using existing buildings and reuse local or national historic district buildings

Mr. Carl Rees, Economic Development Officer spoke. The 2013-2014 Economic Development Initiative handouts were given to Commissioners. The strategic goals implementation, adopted by the Council, is to increase City tax base, increase quality of life, and increase jobs. One target area would include advanced manufacturing in food and beverage. Microbreweries in the urban part of our City would revitalize these areas, increase tax base, and increase high quality entertainment venues. This is a growing market in the US and here in North Carolina like in New Bern and Farmville. There is a quality work force and an abundant source of water in our area to support the beverage sector. 2-3 smaller operations and maybe 1 production level facility would be considered a win for the City.

Mr. Parker stated the Mother Earth Brewery in Kinston is phenomenal. He stated it is a repurposed building that is completely green. He stated he highly encourages microbreweries in Greenville.

Mr. Weitnauer stated this is the first step in preparing an ordinance draft.

Mr. Weitz asked if the microbrewery would be the principal use and then also a bar, tavern, or restaurant. He asked which would be the primary use of the property.

Mr. Weitnauer stated that they could sell what they produce. He stated their primary use would be microbrewery but they could have food and/or live music.

Mr. Weitz asked if it would be classed as a tavern and meet requirements and be a microbrewery.

Mr. Weitnauer stated that yes they would have to meet ABC permits/regulations.

Mr. Weitz asked what it would be called.

Mr. Weitnauer stated that the ordinance would be written up with requirements that make this different from a nightclub but have the required state ABC permits.

DISCUSSION ITEM FOR AN UPCOMING TEXT AMENDMENT TO REQUIRE SIDEWALKS FOR MAJOR COMMERCIAL DEVELOPMENT ALONG MAJOR CORRIDORS.

Mr. Thomas Weitnauer, Chief Planner, spoke about the development of standards for commercial sidewalks. He stated that many stakeholders like Public Works, the Bicycle & Pedestrian Commission, ECU, and Pitt County Schools would be involved.

The areas of study:

- A. Define major commercial development
- B. Define and indentify location of missing gaps in sidewalks
- C. Study recently developed commercial projects where sidewalks were not required or installed and look for foot paths
- D. Study areas where sidewalk requirements may not be appropriate
- E. Other considerations: Lighting, landscaping, bus stop/shelter locations, employment centers, and residential densities

It is very expensive for the City to retrofit after the fact. Compliance with City documents and adopted plans will be taken into consideration as well as reviewing peer cities sidewalk requirements. The study should take a couple of months.

Chairwoman Basnight asked who would keep up the grassy areas around the sidewalks.

Mr. Weitnauer stated probably the City if it is in the right of way or the property owner. He stated he was not sure but would include the issue of long-term maintenance in the study.

Mr. Parker stated that there are areas on Greenville Boulevard near Charles Boulevard where overgrown vegetation has blocked the sidewalk. He stated that it needed to be found out who is responsible for maintenance. He stated that a sidewalk ordinance is great and should have been done 20 years ago.

Mr. Weitnauer stated that the responsible party for maintenance could be owner, City, County, or State.

Chairwoman Basnight asked about sidewalks on both sides of the streets.

Mr. Parker agrees with Chairwoman Basnight's to put sidewalks on both sides of street.

Mr. Weitnauer said it should be both.

Mr. Parker stated that the City has been retrofitting for years and that both sides of the street should be included so that the sidewalks are installed completely from the get go.

Mr. Weitz stated he is in favor of sidewalk requirements. He stated he is concerned that the scope of study is for major commercial on a major corridor and that to him is unacceptable. He stated the sidewalk ordinance should encompass more than commercial thoroughfares. He stated a sidewalk requirement for land development should have been in place years ago. He stated there is a lot of support in the Horizons Plan for an all-encompassing sidewalk requirement. He stated that Bicycle and Pedestrian Master Plan states: The City shall adopt a requirement upon all new developments that streets shall be bordered by sidewalks on both sides except on alleys, service drives, and principal arterials. Streets should provide adequate facilities for all types of traffic including motorists, pedestrians, bicyclists, and transit users including all levels of ability...etc. He stated that there are 9-10 policies in the Horizons Plan that urges us to move in the direction of safe sidewalks. He urged staff not to limit the sidewalk requirements to just commercial. He stated standards should include requirements for commercial and office developments to link up/attach to current public sidewalks.

Mr. Parker agreed with Mr. Weitz's statement. He stated it needs to be done right and the sidewalk ordinance needs to encompass everything.

Mr. Weitnauer thanked the board for their suggestions. He stated that staff would return with a proposed text for an ordinance for their further input.

With no further business, motion made by Mr. Weitz, seconded by Mr. Parker, to adjourn. Motion passed unanimously. Meeting adjourned at 7:48 p.m.

Respectfully Submitted,

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