



Agenda

Planning and Zoning Commission

September 16, 2014

6:30 PM

Council Chambers, City Hall, 200 W. Fifth Street

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- I. CALL MEETING TO ORDER -
- II. INVOCATION - Chris Darden
- III. ROLL CALL
- IV. APPROVAL OF MINUTES - August 19, 2014
- V. NEW BUSINESS

TEXT AMENDMENTS

- 1. Ordinance to amend the Zoning Ordinance by adding a requirement that sidewalks must be constructed along major thoroughfares, minor thoroughfares and boulevards in conjunction with the construction of any new development of non-residential developments, mixed-use developments and multi-family residential developments on existing lots.

LAND USE PLAN MAP AMENDMENTS

- 2. Ordinance requested by V. Parker Overton to amend the Future Land Use Plan Map from a high density residential (HDR) category to commercial (C) and office/institutional/multi-family (OIMF) categories for the property located south of Fire Tower Road, adjacent to Dudley's Grant Townhomes and west of Corey Road containing 85 acres.

- VI. ADJOURN

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

August 19, 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 - *(Vice Chair)	Ms. Chris Darden – *
Mr. Jerry Weitz – *	Ms. Margaret Reid - X
Ms. Ann Bellis - *	Mr. Torico Griffin - X
Mr. Doug Schrade - X	Mr. Terry King –*
Ms. Wanda Harrington-*	Mr. Brian Smith -*

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

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

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

OTHERS PRESENT: Dave Holec, City Attorney; Merrill Flood, Director of Community Development, and Jonathan Edwards, Communications Technician.

MINUTES: Ms. Bellis stated Wanda Harrington was marked absent but was present at last month's meeting. Motion was made by Mr. Smith to approve the June 17, 2014 minutes with the correction that Wanda Harrington was present. Motion carried unanimously.

NEW BUSINESS

REZONINGS

ORDINANCE REQUESTED BY HENNRIETTA SMITH TO REZONE 1.3109 ACRES LOCATED NORTH OF THE INTERSECTION OF OLD FIRE TOWER ROAD AND BELLS CHAPEL ROAD FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO CH (HEAVY COMMERCIAL) - DENIED

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located in the southern section of the City and is at the intersection of Old Fire Tower Road and Bells Chapel Road. Several years ago, Bells Chapel Road connected to Charles Boulevard but the right-of-way was abandoned. Currently, the subject property only has access to Old Fire Tower Road, but when it is developed traffic will be required to use Charles Boulevard. Since Greenville Auto World is between the subject property and Charles Boulevard, a cross access agreement will be required so traffic will be dispersed on Charles Boulevard. There is commercial to the north and east. Residential is to the west and south with large tracts of vacant property. There is a designated regional focus area at the intersection of Arlington Boulevard and Fire Tower Road

where commercial is anticipated and encouraged. This property is considered part of the focus area. This request could generate a net increase of 1,900 trips. Under the current zoning, the property could accommodate 6 single-family lots. Under the proposed zoning, it could accommodate about 9,000 square feet of conventional restaurant and/or retail space. The Future Land Use Plan Map recommends commercial (C) at the intersection of Arlington Boulevard and Fire Tower Road and along the western right-of-way for Charles Boulevard and transitions to office/ institutional/multi-family (OIMF) in the interior area. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

Ms. Bellis asked staff to review the traffic dispersal again.

Ms. Gooby stated the Bells Chapel Road right-of-way was abandoned but since the property between the subject property and Charles Boulevard is developed traffic will be required to use Charles Boulevard. When the subject property is developed, a cross access easement will create access to Charles Boulevard. Traffic is not expected to use Old Fire Tower Road.

Mr. Weitz stated the survey did not show the property had an access easement and the traffic report assumes it will use Charles Boulevard. He asked what would happen if the adjoining property was not developed.

Ms. Gooby stated the neighboring property is developed as a car dealership and that when the subject property is developed a cross-access easement will be required. She stated Ken Malpass is representing the applicant and could give more technical information

Mr. Weitz asked if she had the code requirement for abutting parcels to provide access.

Ms. Gooby stated she did not have the actual code citation.

Chairwoman Basnight opened the public hearing.

Mr. Ken Malpass, representative of the applicant, spoke in favor of the request. He stated that they couldn't force access up front but if the adjacent property developed first, then they could. This happens all the time all over the City. When a site plan is submitted, it will show the parking lot and the easements to the adjacent property owners. The intent of this property is for a portion of the property to be added to the car dealership as a lease. Therefore it would have access to Charles Boulevard. A map of record will have to be done showing a recombination of the other parcels that are owned by Greenville Auto World. It is very common that maps be recorded with interconnectivity.

No one spoke in opposition of the request.

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

Ms. Bellis stated she is concerned about the traffic. The Future Land Use Plan further recommends OIMF (office/institutional/multi-family) and high density residential respectfully for the interior areas south of Charles Boulevard. Unless it is somehow combined with the 2

plots along Charles Boulevard, then this is interior. The tendency has been for this to go to OR (office/residential) for residential development. It doesn't seem to be consistent.

Mr. Weitz stated about 3-6 months ago there was another rezoning near this area and he was concerned then about the overcapacity on County Home Road which has no sidewalks or transit service. It seems that the access will be on Old Fire Tower Road. As of right now, there is no easement. According to what has been said by staff and the applicant's representative, if the property adjacent to the applicant is developed or if the land is leased to the dealership, it will have access. Currently, there is no current access to Charles Boulevard. Old Fire Tower Road is a mixture of apartments, some commercial and single-family homes. There is still residential-agricultural zoning in this area on the west side. Even though the City has planned it to be OIMF (office/institutional/multi-family) and have rezoned in accordance to that, the truth is that there are single-family residences that will be there for a while. He also has concerns with the CH (heavy commercial) zoning because of the land uses it includes are industrial in nature. This property would be one of the first commercial buildings you will see when coming into Greenville. As members, we are asked to consider all the uses in this zone. Some examples: billboard, kennel, motel/hotel, cell tower, commercial laundry, ice plant, adult use establishment, stone cutting, and flea market. He stated he would prefer a more benign commercial use that can interact with the neighbors. It also needs to be in conformity with the Comprehensive Plan and how compatible it is with the surrounding zoning and land uses in the area. He stated he does not see any planned policies referenced yea or nay on this. There are policies for transitions of land use but in this case there are no transitions and that is inconsistent with our planned policies. There is no way to prevent heavy commercial traffic to go along Old Fire Tower Road. This does not promote neighborhood livability and does not meet the objectives of the plan.

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. Smith and Ms. Harrington. Those opposed: Mr. Weitz, Ms. Bellis, Mr. King, Mr. Parker and Ms. Darden. Motion did not pass.

Motion made by Mr. Weitz, seconded by Mr. Parker, to recommend denial of the proposed amendment to advise that it is inconsistent 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. Weitz, Ms. Bellis, Mr. King, Mr. Parker and Ms. Darden. Those opposed: Mr. Smith and Ms. Harrington. Motion passed.

TEXT AMENDMENTS

ORDINANCE TO AMEND TITLE 9, CHAPTER 4, ARTICLE D, PART 3, SEC 9-4-78, TABLE OF USES, APPENDIX A, (8)(C)FF.(1). BY ADDING MENTAL HEALTH, EMOTIONAL OR PHYSICAL REHABILITATION DAY PROGRAM FACILITIES AS A SPECIAL USE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT. - APPROVED

Mr. Thomas Weitnauer, Chief Planner, presented the text amendment. He stated this was a text amendment to the zoning ordinance proposed by a private party rather than by City Staff. It was requested to allow the use of mental health, emotional or physical rehabilitation day program facilities as a special use in the CG (general commercial) zoning district. Currently this use is not allowed in the CG (general commercial) zoning district. Mr. Weitnauer read a portion of the mental health, emotional or physical rehabilitation day program facility definition from the City of Greenville Zoning Ordinance, Sec. 9-4-22 Words and Terms Defined, as follows:

“(1) An establishment qualified for a license by the State of North Carolina which provides a day treatment, day activity or other extended counseling service to persons who do not reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment, children or adolescents who are emotionally disturbed and need special educational services, and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. Persons receiving service at the establishment may be at the facility for no longer than 18 hours within any 24-hour period.”

He stated in the member package there was a letter from the applicant withdrawing their special use permit request. Staff had met with the applicant a few times to understand their request and the service they provide. The service they provide is not allowed in a CG (general commercial) zone. Staff indicated the next step would be to apply for a text amendment to allow the use in the CG zone. He reviewed the history of the ordinance. In 2009, staff initiated a text amendment to respond to an increase of applicants wanting to operate state licensed day treatment facilities. Prior to this it was considered an institutional use. The 2009 text amendment added Day Program Facility to the following zones as a special use: MO (medical office), MCG (medical general commercial), MCH (medical health commercial), OR (office residential), CD (downtown commercial), CDF (downtown commercial fringe), and CH (heavy commercial). Zoning district CG (general commercial) was listed in staff report to the Planning and Zoning Commission and to the City Council but was left out of the ordinance in error. The 2009 ordinance was adopted after the Horizons: Greenville’s Community Plan was written. This is not a change to the zoning map. It is what is allowed in the different zones and the compatibility of the range of uses permitted in the requested zoning classifications with existing and future adjacent and area land uses. In staff’s opinion, the request is in compliance with Horizons: Greenville’s Community Plan.

Chairwoman Basnight asked if this was a correction.

Mr. Weitnauer stated yes for what was intended in 2009.

Chairman Basnight opened the public hearing.

Mr. Jason Barnett, applicant and CEO/co-owner of Paradigm Inc., spoke in favor of the request. He stated they have been a mental health agency for over 12 years in Greenville. They provide services in the residential realm and have added 2 day programs in the last 6 years. They have

relocated their office to a CG (general commercial) zone which currently is not an allowed zone. They are licensed by the State Department of Health and Human Services to run mental health facilities. They request approval of the text amendment to add mental health, emotional or physical rehabilitation day program facilities as a special use in the CG (general commercial) zone.

Mr. Weitz asked if they felt confident they could meet the special use criteria.

Mr. Barnett stated yes. They have a prior location that needed a special use permit and were approved. They are moving for more space and not because of any problems.

Mr. Weitnauer stated that if approved, they will still need a special use permit through the Board of Adjustment.

No one spoke in opposition of the text amendment.

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

Mr. Weitz asked if it could be a permitted use rather than a special use.

Mr. Weitnauer stated they followed previous guidelines. The only place this use is allowed by right is in Medical District 1 & 2. There could be an area where it might be an inappropriate use and that is why the special use permit review is a proposed requirement.

Motion made by Mr. Weitz, seconded by Ms. Harrington, 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. Motion passed unanimously.

OTHER

INFORMATIONAL ITEM: SUMMARY OF POLICY AMENDMENTS, RECOMMENDED IN HORIZONS: GREENVILLE'S COMMUNITY PLAN, THE PLANNING DIVISION WILL PRESENT TO THE PLANNING AND ZONING COMMISSION DURING FUTURE MEETINGS.

Mr. Thomas Weitnauer, Chief Planner, presented the information. He stated Staff would be working on some projects that will be brought to the Planning and Zoning Commission in the future. These items are part of a continuing effort to implement recommendations outlined in the Horizons: Greenville's Community Plan.

1. Sidewalk requirements along major thoroughfares for new commercial development. A draft is completed and being routed to different departments for input.
2. City-wide Architectural Design Standards. It was developed a few years ago but did not move passed the Planning and Zoning Commission. It will be reviewed and hopefully develop a new set of standards. Timeline: Fall 2014-Commence 1st of 5 committee meetings; November 2014-Planning and Zoning Commission Workshop; Dec 2014/Jan2015-Planning and Zoning Commission Public Hearing.
3. Mixed Use District & Development Standards. This will be the first time this is approached. This project is anticipated to commence by the first half of 2015.
4. Open Space Preservation Requirement for New Housing Developments. This is to create continuous large meaningful space. It is anticipated to commence by mid-2015.

All of the items have references in the Comprehensive Plan for implementation and adoption. Some items might take longer than anticipated.

Ms. Bellis asked, regarding sidewalks, if major thoroughfares are State streets and not City.

Mr. Weitnauer stated they can be both.

Ms. Bellis asked if the City can impose requirements on State streets.

Mr. Weitnauer stated that on some State projects it is required when widening a street or creating a street extension. These guidelines are for existing lots that are developed.

Mr. Parker asked if it would be the responsibility of the commercial developer.

Mr. Weitnauer stated yes.

Mr. Weitz stated that the sidewalk ordinance being drafted is applied to major thoroughfares and commercial only. He stated a broader ordinance is needed. It should not be limited only to commercial but also to include institutional and multi-family areas. Site development standards should require on-site pedestrian connection to the public sidewalk. It should be an all encompassing sidewalk requirement for just about everything except single family development.

Mr. Weitnauer stated they will try to broaden the description in the draft. Incremental improvements do have benefits.

Mr. Parker asked why not go for the whole shebang instead of retrofitting and just do right.

Mr. Weitz stated that there will be support in an all encompassing plan. Regarding the Architectural Guidelines, he asked if the 2006 proposed amendment was the Stantonsburg Road Overlay District and if staff was bringing that back with a broader effort.

Mr. Weitnauer stated yes.

Mr. Weitz asked if there will be a Comprehensive Plan or Horizon Plan update committee and if so, will Staff have time to manage this while other projects are ongoing.

Mr. Weitnauer stated the Architectural Design Guidelines should be completed by the beginning of the Comprehensive Plan rewrite. If there is any overlap it should be no more than 2 months.

Mr. Weitz asked that the Horizon plan would not start until January (2015).

Mr. Flood stated they are scoping the project for the Comprehensive Plan rewrite at this point in time. There will be a committee, it will come to the Commission, and there will be community participation. It will be a broad approach, like it always is. The process always yields several meetings therefore it will be an extended process. The schedule is aggressive and time will be shared on projects. One will drop off and another one will start. The timeline is a Staff estimate. The Comprehensive Plan will be a longer more in-depth process

With no further business, a motion was made by Mr. Parker, seconded by Ms. Bellis, to adjourn. Motion passed unanimously. Meeting adjourned at 7:15 p.m.

Respectfully Submitted,

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



City of Greenville, North Carolina

Meeting Date: 9/16/2014
Time: 6:30 PM

Title of Item: Ordinance to amend the Zoning Ordinance by adding a requirement that sidewalks must be constructed along major thoroughfares, minor thoroughfares and boulevards in conjunction with the construction of any new development of non-residential developments, mixed-use developments and multi-family residential developments on existing lots.

Explanation: **Abstract:** As part of a continuing effort to implement recommendations outlined in Horizons: Greenville's Community Plan, the Planning Division developed this text amendment for consideration that would require the installation of sidewalks.

Explanation: Currently, sidewalks are not required to be installed when commercial development is built on existing lots. Sidewalks are only required when a developer builds a street. Over the last several years, the City of Greenville has adopted plans and studies that include directives that support this text amendment requiring sidewalks when commercial development is constructed.

On January 21, 2014, Planning Division staff presented a discussion item to the Planning and Zoning Commission for its input for a text amendment that would require sidewalks for major commercial development along major thoroughfares. The Planning and Zoning Commission offered supportive comments of the conceptual ideas presented.

Planning Division staff surveyed peer cities in North Carolina and determined it is typical for cities to require sidewalks when new commercial projects are built on existing lots. Regulations that require developers install sidewalks along major thoroughfares, minor thoroughfares and boulevards when new development of non-residential development, mixed-use developments and multifamily residential developments is built on existing lots is reasonable and in the public interest to encourage walking to help improve physical health and provides a transportation alternative to help reduce traffic congestion.

Fiscal Note:

There will be a cost to the City to maintain additional sidewalks that developers will be required to construct. However, since developers will be required to construct the sidewalks, the City will not have to pay for the sidewalk construction.

Recommendation:

In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan. Horizon's Implementation Element, Transportation, Objective 1(k) states, *"Require major commercial development to provide areas for public transit and adequate sidewalks."*

Horizon's Implementation Element, Objective 3(g) states, *"Require sidewalks and landscaping ([public] trees in particular) throughout the City and use sidewalks to connect all major activity centers within the City."*

Horizon's Implementation Review: A Progress Report, Recommended Text Amendments 3. states, *"The below language should be formally adopted as an amendment to the Horizons plan text and inserted into Horizons: Greenville Community Plan, in the Plan Elements section, under the Mobility "Policy Statement": The City of Greenville will adopt a comprehensive Sidewalk Improvement Plan and associated sidewalk improvement policies and ordinances to ensure that sidewalks are, pursuant to such a plan, provided for and/or constructed at the time of street extensions and individual site/lot development."*

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."

Attachments / click to download

 [Staff Report 9 10 2014 Text Amendment Sidewalk Requirements with Maps and Attachments 987882](#)

 [Ordinance Sidewalk Requirements Text Amendment 984920](#)

Staff Report: Sidewalk Requirements – Text Amendment

Contents:

Section I.	Background	1
Section II.	Existing Requirements for Sidewalks.....	1
Section III.	Locations of Existing Sidewalks and Gaps.....	2
Section IV.	Sidewalk Requirements in Peer Cities	3
Section V.	Proposed Text Amendments	4
Section VI.	Compliance with Adopted Plans and Studies	5
Map 1	Existing Sidewalks	11
Map 2A	Highway Map	12
Map 2B	Highway Map, Insets A, B and C	13
Map 3	Examples of Sidewalks Gaps	14

Attachments:

- A Excerpt from Planning and Zoning Commission Minutes (01-21-2014)



**Staff Report Developed by the City of Greenville
Community Development Department - Planning Division
September 10, 2014**

#987882

SECTION I: BACKGROUND

As part of a continuing effort to implement recommendations outlined in Horizons: Greenville's Community Plan, the Planning Division developed this text amendment for consideration that would require the installation of sidewalks. Currently, sidewalks are not required to be installed when commercial development is built on existing lots. Sidewalks are only required when a developer builds a street.

Over the last several years, the City of Greenville has adopted plans and studies that include directives that support this text amendment requiring sidewalks when commercial development is constructed.

On January 21, 2014, Planning Division staff presented a discussion item to the Planning and Zoning Commission for its input for a text amendment that would require sidewalks for major commercial development along major thoroughfares. The Planning and Zoning Commission offered supportive comments of the conceptual ideas presented. Commissioners stated the sidewalk ordinance should encompass more than commercial thoroughfares and that a sidewalk requirement for land development should have been in place years ago. Attached are excerpts from the January 21, 2014 Planning and Zoning Commission meeting minutes. (Attachment A)

This report and proposed text amendment addresses the provision of the installation of sidewalks when commercial development occurs along major thoroughfares, minor thoroughfares and boulevards. Ordinance No. 97-131, adopted on December 11, 1997, requires installation of sidewalks with the construction of a new street regardless of the type of development.

SECTION II: EXISTING REQUIREMENTS FOR SIDEWALKS

Currently, a developer is required to construct sidewalks in conjunction with public street extensions as stated in Sec. 9-5-123:

SEC. 9-5-123 SIDEWALKS; WHERE TO BE INSTALLED.

Sidewalks shall be provided by the subdivider in accordance with the following:

- (A) Sidewalks shall be provided in conjunction with public street extensions pursuant to section 9-5-81 of this chapter.*
- (B) The location of proposed sidewalks required pursuant to this section shall be in accordance with the Manual of Standard Designs and Details.*
- (C) Sidewalks shall be provided along both sides of all minor and major thoroughfare streets as shown on the official Thoroughfare Plan.*

- (D) *Sidewalks shall be provided along one side of all collector, standard residential and planned industrial streets.*
- (E) *Sidewalks shall be provided along one side of all minor residential streets which are in excess of 500 feet in length in the case of a cul-de-sac/terminal street or 1,000 feet in length in the case of a loop/connecting street.*
- (F) *The arrangement of sidewalks in new subdivisions shall make provision for the continuation of existing sidewalks in adjoining areas.*

Currently, when a developer builds a new commercial project on a parcel that is already subdivided, the installation of a sidewalk is not required.

SECTION III: LOCATION OF EXISTING SIDEWALKS AND GAPS

Sidewalks are defined in the City of Greenville Code of Ordinances in Sec. 9-2-33, Definitions:

Sidewalk – An improved area on a public or private property, generally parallel to edge of street roadway or curb, where pedestrians walk or stand.

Map 1: Existing Sidewalks, illustrates the location of existing sidewalks within the City of Greenville as of October 2012. Single red lines indicate where existing sidewalks are located along one side of the street while double red lines indicate where existing sidewalks are located on both sides of the street. The map also shows the location of Greenville Housing Authority communities, recreation and park facilities, multi-family developments, bus stops and schools.

The urban core of Greenville has a good sidewalk network of sidewalks on both sides of the street while outlying areas either have sidewalks on only one side of the street or have no sidewalks at all. There are also dozens of multi-family developments and bus stops that are not served by sidewalks.

Sidewalks connect to the greenway system, as evidenced in the city's existing and planned greenway trails, in accordance with the Greenway Master Plan 2004. Combined, they each contribute to the non-motorized transportation network.

Major and Minor Thoroughfares are defined in the City of Greenville Code of Ordinances in Sec. 6-2-33, Definitions:

Thoroughfare, major. Roads which are the principal traffic carriers of the urban area. Their function is to move intra-urban and inter-urban traffic. Refer to the

city thoroughfare plan as amended for streets classified as “major thoroughfares.”

Thoroughfare, minor. Roads which serve the function of collecting traffic from local streets, such as residential, commercial or industrial, and carrying it to the major thoroughfare system. Refer to the city thoroughfare plan as amended for streets classified as “minor thoroughfares.”

Currently, boulevards are not defined in the City of Greenville Code of Ordinances. However, they are designated on the Highway Map from the Highway Element of the Comprehensive Transportation Plan.

Maps 2A and 2B: Highway Map from the Highway Element of the Comprehensive Transportation Plan, identifies the location of freeways, expressways, boulevards, major and minor thoroughfares. These maps were adopted by the Greenville Urban Area Metropolitan Planning Organization on November 18, 2011 and by the North Carolina Department of Transportation on January 5, 2012.

Map 3: Examples of Sidewalk Gaps, provides recent examples and observations from Community Development staff of the absence and gaps of sidewalks. The Bicycle and Pedestrian Master Plan for the Greenville Urban Area Metropolitan Planning Organization, adopted by the City of Greenville on February 10, 2011 provides more extensive examples of existing gaps in sidewalks, particularly on pages 5-9 through 5-13, including cost estimates.

SECTION IV: SIDEWALK REQUIREMENTS IN PEER CITIES

Planning Division staff contacted peer cities in North Carolina to inquire whether sidewalks are required when new commercial development is constructed on existing lots. The cities of Asheville, Jacksonville, Raleigh, and Wilmington require sidewalks when new commercial development is constructed on existing lots. The cities of Charlotte and Goldsboro do not require sidewalks when new commercial development is constructed on existing lots

Staff also conducted a ListServ inquiry asking cities to reply if they require sidewalks when new commercial development is constructed on existing lots. Following is a list of cities that responded that they require sidewalks in such cases: City of Conover, City of Fayetteville, City of Graham, City of Hendersonville, City of Indian Trail, Elizabeth City, Town of Yadkinville and the Village of Pinehurst.

SECTION V: PROPOSED TEXT AMENDMENTS

Proposed text amendments to require construction of sidewalks along major thoroughfares, minor thoroughfares and boulevards when new commercial development is built on existing lots are illustrated below using underlined text to denote new regulations.

“Article Q. ~~[Reserved]~~ OTHER REQUIREMENTS.

SEC. 9-4-281- SIDEWALKS REQUIREMENTS ALONG MAJOR THOROUGHFARES, MINOR THROUGHFARES AND BOULEVARDS.

Construction of sidewalks shall be required along major thoroughfares, minor thoroughfares and boulevards in conjunction with the construction of any new development of non-residential developments, mixed-use developments and multifamily residential developments in accordance with the provisions of this section. The sidewalk requirements in this section are in addition to sidewalk requirements set forth under Article 5: Subdivisions, Sec. 9-5-123.

- (a) Sidewalks shall be provided along both sides of major thoroughfares, minor thoroughfares and boulevards as designated on the adopted Highway Map from the Highway Element of the Comprehensive Transportation Plan, as amended, excluding: freeways; expressways; US-264 between NC-11 and NC-33; and Stantonsburg Drive from B’s Barbeque Rd. westward. The developer shall provide the sidewalk on the side of the street where the development is located in conjunction with the new development on existing lots.
- (b) Construction of sidewalks required by this section shall be accomplished along the entire length of all property of the development abutting major thoroughfares, minor thoroughfares and boulevards.
- (c) Sidewalks shall be constructed in accordance with the *Manual of Standard Designs and Details*. The specific design and location of all sidewalks shall be reviewed by the Director of Public Works. The Director of Public Works may vary the required width of sidewalks from the *Manual of Standard Design and Details* in certain locations of the City.
- (d) All required sidewalks shall be installed prior to any occupancy, including temporary occupancy, of new development.
- (e) If special conditions make sidewalk construction unnecessary or undesirable, and such conditions have been verified by the Director of Public Works, the requirement to construct sidewalks along major thoroughfares, minor thoroughfares and boulevards in conjunction with the construction of any new building on existing lots may be waived. Such waivers shall be granted upon written application to and approval of the Director of Public Works. Appeals of decisions made by the Director of Public Works may be made by the developer to the Board of Adjustment.”

SECTION VI: COMPLIANCE WITH ADOPTED PLANS AND STUDIES

Consideration of any modification to the city zoning ordinance should include a review of Horizon's: Greenville's Community Plan and other officially adopted plans that are applicable. This section provides excerpts from the following plans, programs and studies that are consistent with the proposed text amendment:

- Horizons: Greenville's Community Plan, 2009-2010 Update
- City of Greenville Strategic Plan 2014-2015
- 2014 Citizen Survey
- Development Code Review and Policy Gap Analysis to Improve Greenville's Health, Design and Appearance (November 8, 2012)
- Comprehensive Recreation and Parks Master Plan (November 6, 2008)
- Horizons: Greenville's Community Plan, 2004

Horizons: Greenville's Community Plan, 2009-2010 Update

Greenville's comprehensive plan, Horizons: Greenville's Community Plan, Update 2009-2010 contains adopted goals, policy statements and objectives that should be reviewed and considered to ensure that the proposed text amendment is in compliance with the Plan, and effectively with the community's values.

Staff reviewed the Plan and provides the following findings regarding consistency between the proposed text amendment and the Plan:

IMPLEMENTATION ELEMENT

Transportation, Objective 1: *Ensure that streets in new developments are properly designed, built, and maintained.*

1(k). Require major commercial development to provide areas for public transit stops and adequate sidewalks.

PWD Engineering Division: For sidewalks, this is an on-going process and included as part of the development review process. Public Transit Stops is for future consideration.

Transportation, Objective 3: *Reduce traffic congestion and safety problems.*

3(g). Require sidewalks and landscaping ([public] trees in particular) throughout the City and use sidewalks to connect all major activity centers within the City.

*PWD Engineering Division: Since *2000, the City has installed *11.2 miles of sidewalk. The City will apply for a grant to create a street tree master plan. Sidewalks required in conjunction with the extension of public streets in all subdivisions, provided however sidewalks are not required on short cul-de-sac and loop/connector streets.*

**Note: Figures as reported in 2009-2010.*

IMPLEMENTATION REVIEW: A PROGRESS REPORT

Vision Areas, D-South

D16. Develop pedestrian and bicycle connections between residential areas and between residential and nonresidential areas.

PWD Engineering Division: Ongoing. Included as part of the development review process. The MPO is also developing a bike and pedestrian master plan.

RECOMMENDED TEXT AMENDMENTS

3. Sidewalk Improvement Plan and Policies

The below language should be formally adopted as an amendment to the Horizons plan text and inserted into Horizons: Greenville’s Community Plan, in the Plan Elements section, under the Mobility “Policy Statement”:

The City of Greenville will adopt a comprehensive Sidewalk Improvement Plan and associated sidewalk improvement policies and ordinances to ensure that sidewalks are, pursuant to such a plan, provided for and/or constructed at the time of street extension and individual site/lot development.

City of Greenville Strategic Plan 2014-2015

The Strategic Plan is comprised of the vision for the community, the organizational mission and values, 5-year goals, and annual tactics to achieve the goals. Following are excerpts that relate to the proposed text amendment.

GOALS, PERFORMANCE MEASURES AND TACTICS

GOAL 1: DYNAMIC AND INVITING COMMUNITY

*The City of Greenville will be a dynamic and inviting community with an abundance of arts, cultural and recreational venues, parks and open spaces, greenways and **other transportation alternatives**, clean and attractive streetscapes, and well-designed public spaces and private developments.*

Current Year Tactics

1. Well-Planned City

1a. Development Standards – Review existing development standards (i.e. zoning ordinance and subdivision regulations) to identify substantive modifications that would result in better implementation of the vision, policies and objectives of Horizon’s: Greenville’s Community Plan.

Lead Department: Community Development

GOAL 6: SAFE COMMUNITY

The City of Greenville will collaborate with citizens, businesses, and visitors to provide a safe community.

Performance Measures

*2. Traffic and **pedestrian safety** (motor vehicle and pedestrian crash incidents)*

2014 Citizen Survey

Citizen input was gathered by conducting a citizen survey of over 800 residents in 2014. The survey identified the types of services City citizens value and how satisfied they are with how the City provides those services. Key findings from the survey include:

- Greenville scored higher than the national and regional averages for satisfaction with the quality of services provided by the City.
- Citizens were least satisfied with management of traffic flow on City streets and overall maintenance of City streets and **sidewalks**.
- Police and Fire/Rescue services are the most important to citizens, followed by traffic flow, sanitation services, and maintenance of City streets and **sidewalks**.
- Public safety, economic development, and infrastructure were rated as the most important focus areas for the city.

Development Code Review and Policy Gap Analysis to Improve Greenville’s Health, Design and Appearance, Adopted November 8, 2012

In 2012, the City of Greenville and Pitt County reviewed land use-related plans and development standards to identify policy recommendations and requirements that have an impact on the built environment and physical activity of the city’s residents.

Through a series of meetings with a project work group, the Development Code Review and Policy Gap Analysis to Improve Greenville’s Health, Design and Appearance was produced and the City Council adopted the study in 2012. The study’s outcome produced a prioritized list of regulatory reforms the project work group believed would produce the most positive impacts on making Greenville a healthier community.

Following are the Study’s top five recommendations which include a recommendation for sidewalks (#5).

1. *Drafting and implementation of a Mixed-Use development ordinance.*
2. *Improve/increase the acceptance of property dedications for inclusion into the greenway corridor system and/or the community’s parks program.*
3. *Adoption and implementation of recommendations presented in the 2011 Bicycle & Pedestrian Master Plan.*
4. *Adoption of NCDOT Complete Streets Planning and Design Guidelines to promote design flexibility and alternatives to increase pedestrian amenities in street design.*
5. ***Adopt language to require commercial developments to install sidewalks along corridors adjoining property development.***

Comprehensive Recreation and Parks Master Plan (November 6, 2008)

In 2000, the City developed the Recreation and Parks Master Plan that identified park needs through the year 2020. The Plan was updated in 2008 by assessing the changes that occurred, initiated public discussion on future park needs, and established standards for future park development. As part of the planning effort, interviews were conducted with stakeholders. Each interviewee was asked a list of questions. There was an overall agreement and similarity in many of the responses. When asked “*What do you like least?*,” the following response was given among the answers as reported in the Master Plan:

“Several people pointed out the City’s lack of sidewalks and trails. Greenville is not a walkable community.”

Horizons: Greenville's Community Plan, 2004

Plan Elements, Mobility, Policy Statement, fifth paragraph:

*"The City shall continue to require sidewalks along streets in new developments. The City shall provide additional pedestrian facilities in targeted areas of existing development. **The City will adopt policies that minimize walking distances and encourage pedestrian movement.** The City shall include bicycle facilities in the design of roadway improvements and new construction projects."*

Implementation, Transportation, Implementation Strategies

1(e) When consistent with State Department of Transportation road standards, incorporate the following transportation practices into the design of developments:

- *Design the street network with multiple connections and relatively direct routes.*
- *Space through-streets no more than a half mile apart, or the equivalent route density in a curvilinear network.*
- *Use traffic calming measures liberally.*
- *Keep speeds on local streets down to 20 mph.*
- *Keep speeds on arterials and collectors down to 35 mph (at least inside communities).*
- *Keep local streets as narrow as possible.*
- *Avoid using traffic signals wherever possible and always space them for good traffic progression.*
- ***Provide pedestrians and bicyclists with shortcuts and alternatives to travel along high-volume streets.***
- *Eliminate right turns on red lights in high pedestrian areas.*
- *Require interconnection of commercial parking lots.*

City of Greenville Bicycle and Pedestrian Commission

Several pedestrian-related programs and resources that advocate pedestrian infrastructure are included in the Bicycle and Pedestrian Master Plan for the Greenville Urban Area Metropolitan Planning Organization on pages 7-1 through 7-4. The Master Plan is available on the City of Greenville website.

Among the valuable list of programs is the City of Greenville Bicycle and Pedestrian Commission (BPAC). The BPAC was created to advance Greenville as a bicycle and pedestrian-friendly community and to encourage bicycling and walking among its citizens and visitors.

Adoption of this text amendment will help advance the mission of the Bicycle and Pedestrian Commission by helping to encourage walking among its citizens and visitors toward creating a pedestrian-friendly community.

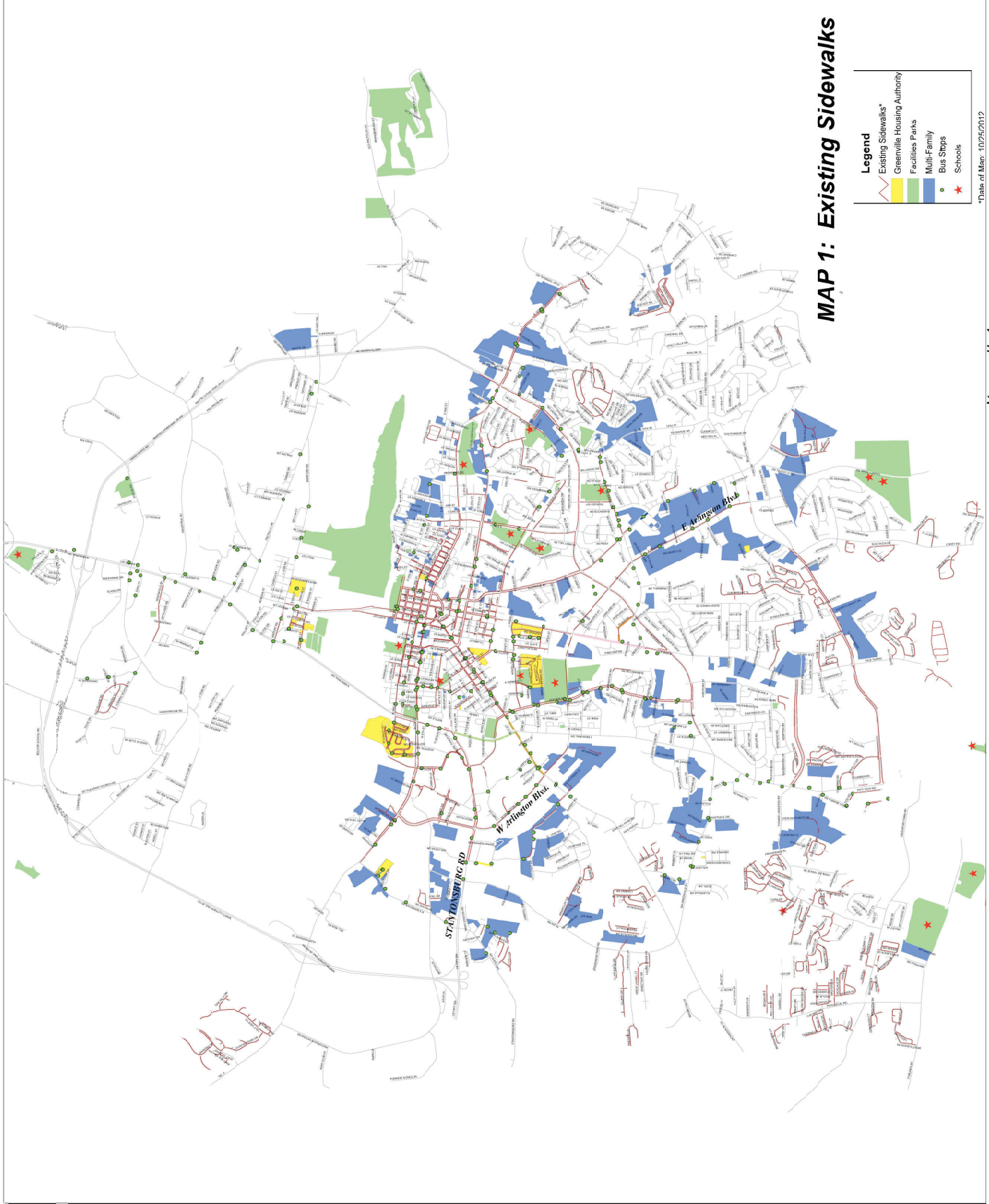
Planning Division staff presented the proposed text amendment to the Bicycle and Pedestrian Commission on September 3, 2014. The Commission unanimously voted approval of a motion to endorse the proposed amendment with the following suggested changes. Planning Division staff responded that the Commission's suggestions will be included in this staff report to the Planning and Zoning Commission and City Council for their consideration to modify the proposed text amendment.

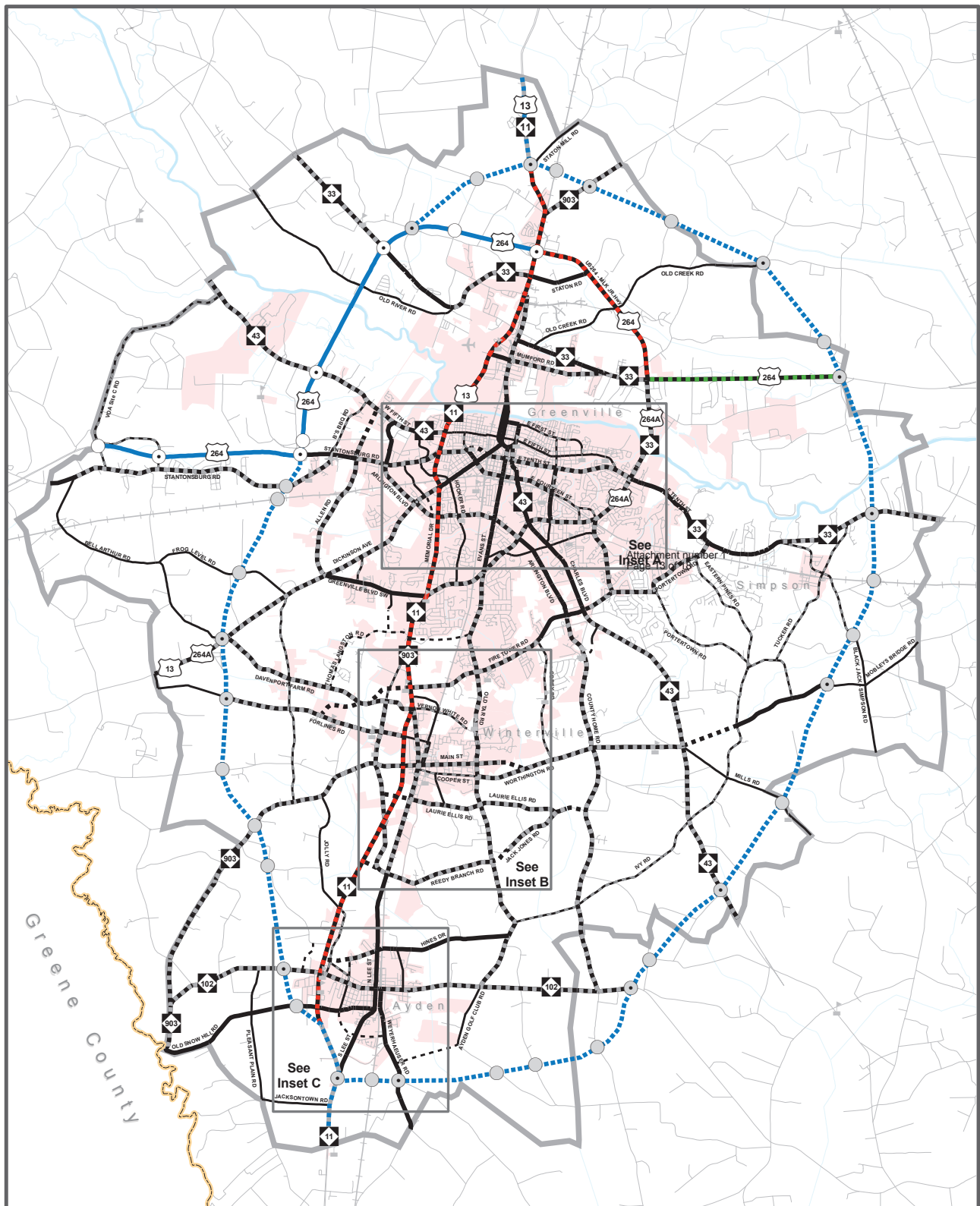
1. Add a provision in subsection (e) that gives the public the authority to appeal decisions of the Director of Public Works to the City Council when the public disagrees with the Public Works Director's waiver of sidewalk requirements.
2. Add a provision that requires the construction of sidewalks when residential structures are converted to non-residential uses.
3. Add a provision that would require a property owner construct a sidewalk when the roadway that fronts his property is redesignated on the Highway Map. For example, if a commercial use is located on a collector facility, then the roadway is later widened and redesignated as a major thoroughfare facility, the property owner would be retroactively required to construct a sidewalk along his frontage.

Summary

In staff's opinion, the adoption of regulations that require developers install sidewalks along major thoroughfares, minor thoroughfares and boulevards when new development of non-residential development, mixed-use developments and multifamily residential developments is built on existing lots is reasonable and in the public interest to encourage walking to help improve physical health and provides a transportation alternative to help reduce traffic congestion. It is further staff's opinion that the text amendment is in compliance with the following adopted plans and studies that support pedestrian infrastructure:

- Horizon's: Greenville's Community Plan (2009-10 Update);
- City of Greenville Strategic Plan 2014-2015;
- 2014 Citizen Survey;
- Development Code Review and Policy Gap Analysis to Improve Greenville's Health, Design and Appearance;
- Comprehensive Recreation and Parks Master Plan; and
- Horizon's: Greenville's Community Plan, 2004.





Freeways

- Existing
- Needs Improvement
- Recommended

Expressways

- Existing
- Needs Improvement
- Recommended

Boulevards

- Existing
- Needs Improvement
- Recommended

Other Major Thoroughfares

- Existing
- Needs Improvement
- Recommended

Minor Thoroughfares

- Existing
- Needs Improvement
- Recommended

- Existing Interchange
- Proposed Interchange
- Existing Grade Separation
- Proposed Grade Separation



Sheet 2 of 5

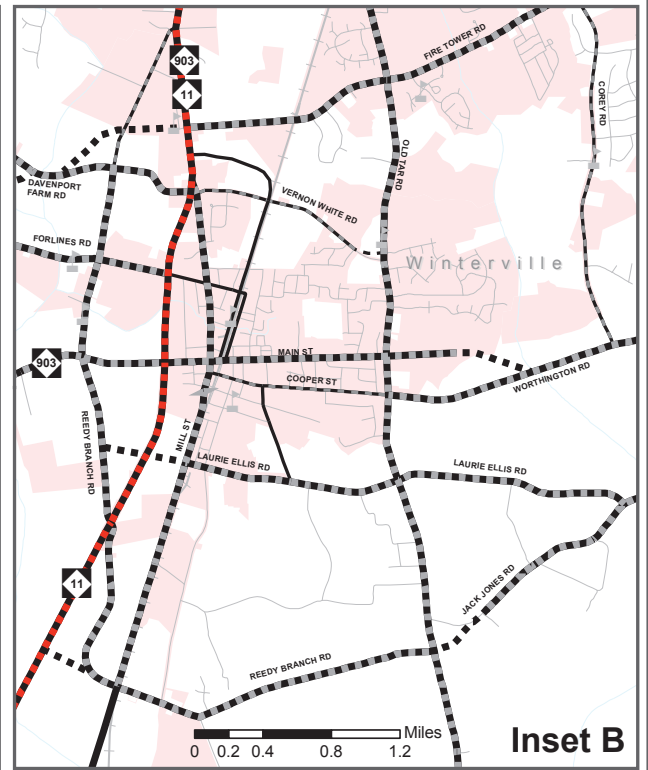
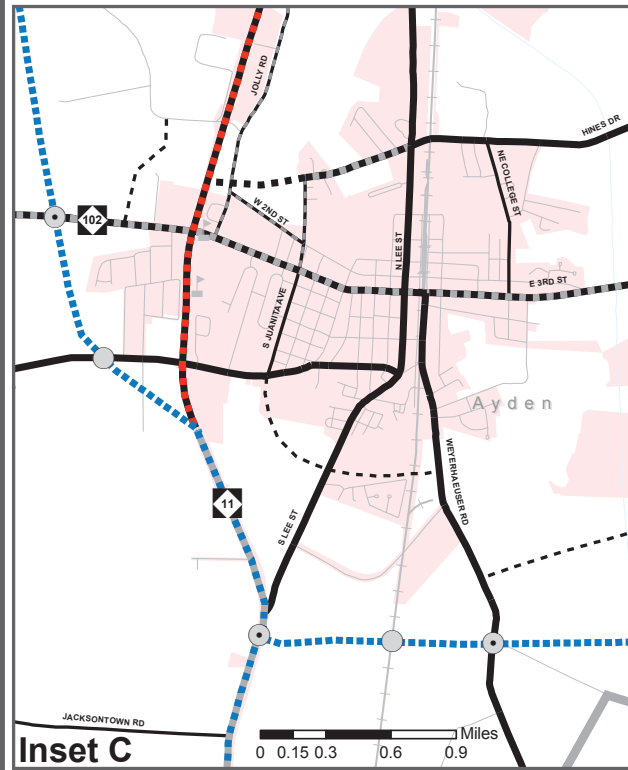
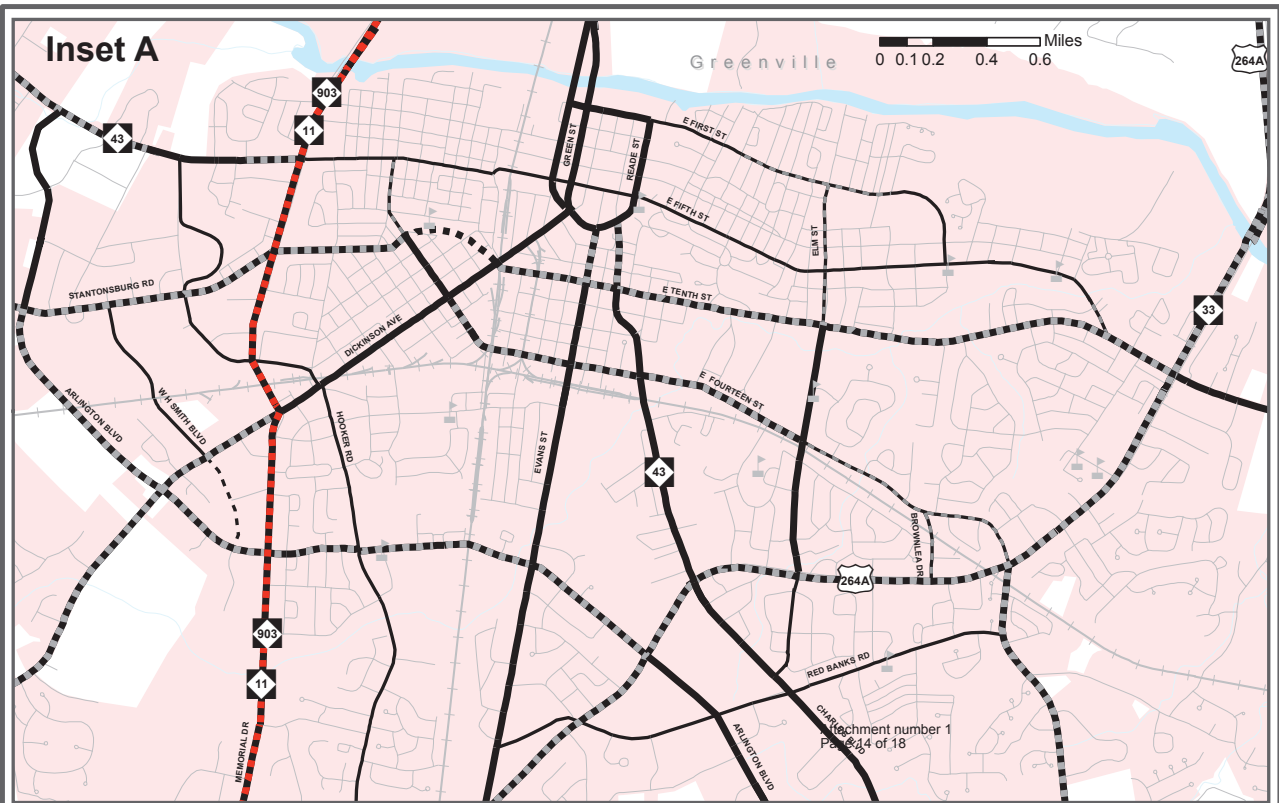
Base map date: 7/29/2008

Refer to CTP document for more details

**MAP 2A
Greenville
Urban Area MPO**

**Highway Map
North Carolina
Comprehensive
Transportation Plan**

Plan date: October 3, 2011



Freeways	Other Major Thoroughfares
Existing	Existing
Needs Improvement	Needs Improvement
Recommended	Recommended
Expressways	Minor Thoroughfares
Existing	Existing
Needs Improvement	Needs Improvement
Recommended	Recommended
Boulevards	Existing Interchange
Existing	Proposed Interchange
Needs Improvement	Existing Grade Separation
Recommended	Proposed Grade Separation

Insets A, B, and C

Sheet 2A of 5

Base map date: 7/29/2008

Refer to CTP document for more details

MAP 2B

Greenville

Urban Area MPO

Highway Map

North Carolina

Comprehensive

Transportation Plan

Plan date: October 3, 2011

Map 3: Examples of Sidewalk Gaps



Excerpt from ADOPTED Planning and Zoning Commission Meeting Minutes (01-21-2014)

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

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 identify 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

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 General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on October 9, 2014, at 7:00 p.m., in the City 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 is reasonable and in the public interest.

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

Section 1: That Title 9, Chapter 4, Article Q of the Code of Ordinances, City of Greenville, North Carolina is hereby amended by adding a section to be numbered 9-4-281, which reads as follows:

Article Q. OTHER REQUIREMENTS.

SEC. 9-4-281- SIDEWALKS REQUIREMENTS ALONG MAJOR THOROUGHFARES, MINOR THROUGHFARES AND BOULEVARDS.

Construction of sidewalks shall be required along major thoroughfares, minor thoroughfares and boulevards in conjunction with the construction of any new development of non-residential developments, mixed-use developments and multifamily residential developments in accordance with the provisions of this section. The sidewalk requirements in this section are in addition to sidewalk requirements set forth under Article 5: Subdivisions, Sec. 9-5-123.

- (a) Sidewalks shall be provided along both sides of major thoroughfares, minor thoroughfares and boulevards as designated on the adopted Highway Map from the Highway Element of the Comprehensive Transportation Plan, as amended, excluding: freeways; expressways; US-264 between NC-11 and NC-33; and Stantonsburg Drive from B's Barbeque Rd. westward. The developer shall provide the sidewalk on the side of the street where the development is located in conjunction with the new development on existing lots.
- (b) Construction of sidewalks required by this section shall be accomplished along the entire length of all property of the development abutting major thoroughfares, minor thoroughfares and boulevards.
- (c) Sidewalks shall be constructed in accordance with the *Manual of Standard Designs and Details*. The specific design and location of all sidewalks shall be reviewed by the Director of Public Works. The Director of Public Works may vary the required width

of sidewalks from the *Manual of Standard Design and Details* in certain locations of the City.

- (d) All required sidewalks shall be installed prior to any occupancy, including temporary occupancy, of new development.
- (e) If special conditions make sidewalk construction unnecessary or undesirable, and such conditions have been verified by the Director of Public Works, the requirement to construct sidewalks along major thoroughfares, minor thoroughfares and boulevards in conjunction with the construction of any new building on existing lots may be waived. Such waivers shall be granted upon written application to and approval of the Director of Public Works. Appeals of decisions made by the Director of Public Works may be made by the developer to the Board of Adjustment.

Section 2. That 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 3. That this ordinance shall become effective immediately upon adoption.

Adopted this 9th day of October, 2014.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 9/16/2014
Time: 6:30 PM

Title of Item: Ordinance requested by V. Parker Overton to amend the Future Land Use Plan Map from a high density residential (HDR) category to commercial (C) and office/institutional/multi-family (OIMF) categories for the property located south of Fire Tower Road, adjacent to Dudley's Grant Townhomes and west of Corey Road containing 85 acres.

Explanation: **Abstract:** The City has received a request by V. Parker Overton to amend the Future Land Use Plan Map from a high density residential (HDR) category to commercial (C) and office/institutional/multi-family (OIMF) categories for the property located south of Fire Tower Road, adjacent to Dudley's Grant Townhomes and west of Corey Road containing 85 acres.

History/Background:

The current Future Land Use Plan Map (FLUPM) was adopted on February 12, 2004.

In 1988, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) and was zoned R6MH (Residential-Mobile Home). There were two mobile home parks located on the property at that time.

The subject property is part of the approved Fire Tower Junction Preliminary Plat approved in 2009.

Over the years, there have been Future Land Use Plan Map amendments and rezonings in the general area. Most of the requests have been on a small scale but there was one significant change. In 2007, there was a change to the Future Land Use Plan Map designation from office/institutional/multi-family (OIMF) and high density residential (HDR) categories to a commercial (C) category (see Attachment 1). A subsequent rezoning changed a portion of the R6MH (Residential-Mobile home) zoning to neighborhood commercial (CN) for 24 acres (see Attachment 2). In 2012, there was a rezoning for the previously CN-zoned property and some remaining R6MH zoning to general commercial (CG)

zoning for 32+/- acres (see Attachment 3).

Comprehensive Plan:

The subject area is located in Vision Area D.

Management Actions:

D8. Restrict development north and south of Fire Tower Road to residential uses, outside of focus areas.

Fire Tower Road is designated as a residential corridor between Evans Street and Corey Road. Along residential corridors, office, service and retail activities should be specifically restricted to the associated focus area, and linear expansion outside of the focus area should be prohibited.

There is a designated neighborhood commercial focus area at the intersection of Fire Tower Road and Bayswater Road. These nodes typically contain 20,000 - 40,000 square feet of conditioned floor space.

The Future Land Use Plan Map recommends commercial (C) along the southern right-of-way of Fire Tower Road between Bayswater Road and Swamp Fork Canal transitioning to conservation/open space (COS) to the east, high density residential (HDR) to the south and office/institutional/multi-family (OIMF) to the west.

The Future Land Use Plan Map identifies certain areas for conservation/open space (COS) uses. The map is not meant to be dimensionally specific, and may not correspond precisely to conditions on the ground. When considering rezoning requests or other development proposals, some areas classified as conservation/open space may be determined not to contain anticipated development limitations. In such cases, the future preferred land use should be based on adjacent Future Land Use Plan designations, contextual considerations, and the general policies of the comprehensive plan.

The Horizons: Greenville's Community Plan 2010 Update provides criteria in determining if a change to the FLUPM is compatible.

The following are excerpts from the 2010 Update.

A FLUPM amendment request will be construed to be "compatible with the comprehensive plan" if:

(i) The proposed amendment is determined by Planning and Zoning Commission and City Council to be necessary as a result of changed conditions in the local development pattern, street pattern, environment or other major feature or plan, which impacts the site in a manner or to a degree not previously anticipated at the time of adoption of the Current FLUPM; and

(ii) The location of the proposed classification(s) supports the intent and

objective of the current FLUPM, Focus Area Map, and Transportation Corridor Map and other contextual considerations of the comprehensive plan; and

(iii) The resulting anticipated land use is properly located with respect to existing and future adjoining and area uses and the proposed change is not anticipated to cause undue negative impacts on localized traffic, the natural environment or existing land and future neighborhoods and businesses within and in proximity to the area of proposed amendment; and

(iv) The amendment is anticipated to result in a desirable and sustainable land use pattern to an equal or greater degree than existed under the previous plan recommendation.

Environmental Conditions/Constraints:

There is floodway, 100 and 500-year floodplains associated with Fork Swamp Canal to the east and south of the property.

Existing Land Use:

Fire Tower Crossing Mini-storage and vacant properties

Surrounding Land Uses and Zoning:

North: CG - Fire Tower Crossing; CN - City-owned

South: RA20 and R6 - vacant

East: CG and R6 - vacant (under common ownership as applicant)

West: R6 - Dudley's Grant Townhomes

Anticipated Density:

Tract 1

Gross Acreage: 35 acres (12.5 net acres)

Current Category: HDR

Proposed Category: C

There is approximately 24 acres in the subject area that is already zoned general commercial (CG). Therefore, the traffic volume report was generated using the anticipated density for the net acreage.

Under the current category (HDR), the site could yield 160 multi-family units (1, 2 and 3 bedrooms).

Under the proposed category (C), the site could yield 119,790+/- square feet of retail/mini-storage/conventional restaurant space.

Tract 2

Gross Acreage: 50 acres

Current Category: HDR

Proposed Category: OIMF

The current and proposed categories allow the same density of multi-family units. Therefore, a traffic volume report was not generated for this tract.

The anticipated build-out for the subject properties is 2-5 years.

Thoroughfare/Traffic Volume (Summary):

Based on possible uses permitted by the requested land use plan category, the proposed category for Tract 1 could generate 4,278 trips to and from the site on Fire Tower Road, which is a net increase of 3,214 additional trips per day. A traffic volume report was not generated for Tract 2 since there is no change in density between the existing and propose land use.

During the review process, measures to mitigate traffic impacts will be determined. Mitigation measures may include constructing turn lanes into the development and improvements at the adjacent signalized intersections, such as the construction of additional turn and/or through lanes.

Additional Staff Comments:

Fiscal Note:

No cost to the City.

Recommendation:

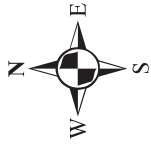
In consideration of the criteria listed in the 2010 Update regarding requests to amend the Future Land Use Plan Map and mitigating factors as previously mentioned, staff's opinion is that the request is **compatible** with the comprehensive plan based on the following criteria listed in the 2010 Update. The proposed C and OIMF categories:

- the proposed amendment is determined by Planning and Zoning Commission and City Council to be necessary as a result of changed conditions in the local development pattern, street pattern, environment or other major feature or plan, which impacts the site in a manner or to a degree not previously anticipated at the time of adoption of the Current FLUPM; and
- is properly located with respect to existing and future adjoining land uses and is not anticipated to cause undue negative impacts on localized traffic, the natural environment or existing and future neighborhoods and businesses within and in proximity to the area; and
- is anticipated to result in a desirable and sustainable land use pattern to an equal or greater degree than existed under the previous plan recommendation.

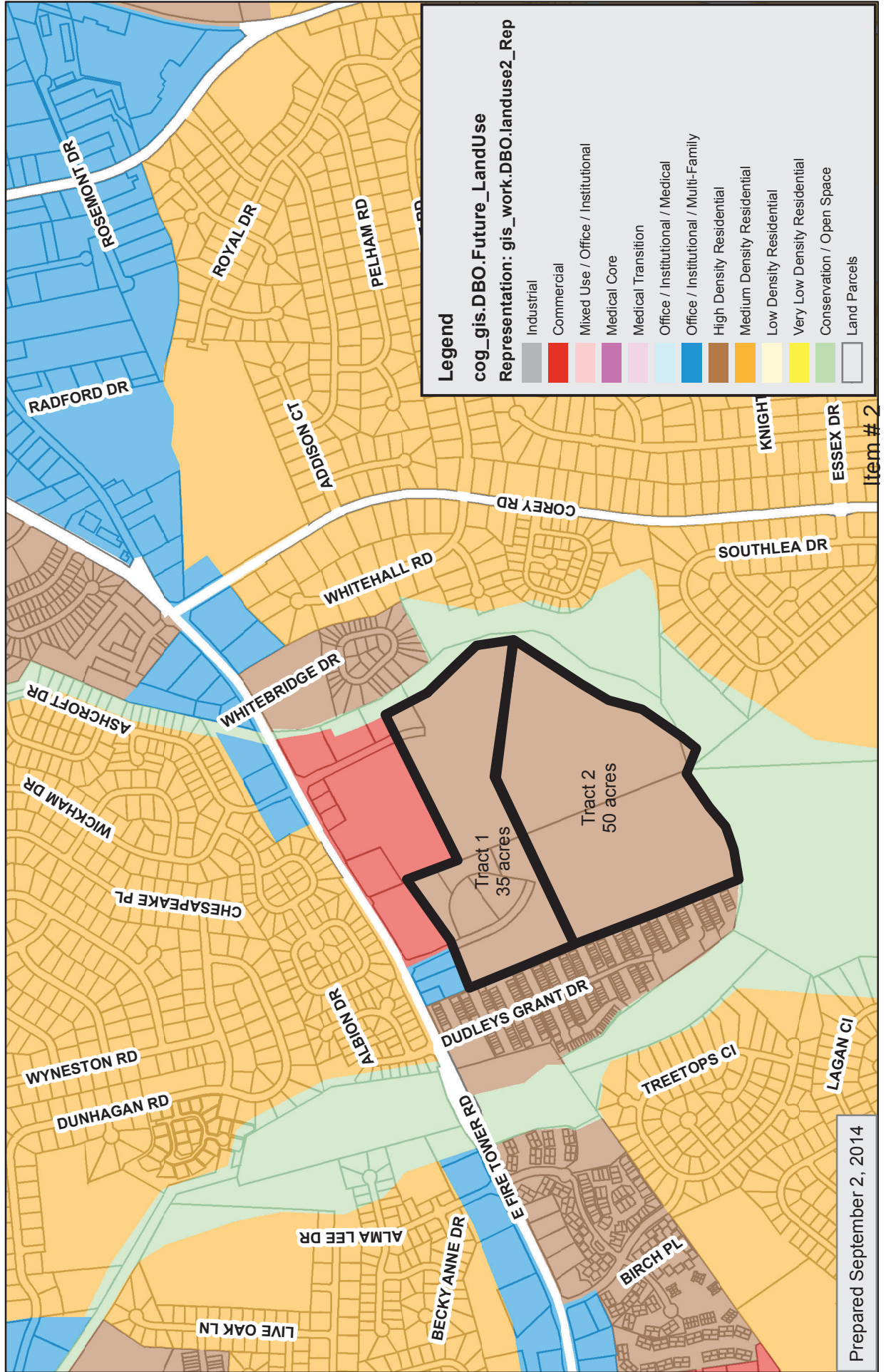
Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Maps, Traffic Report](#)

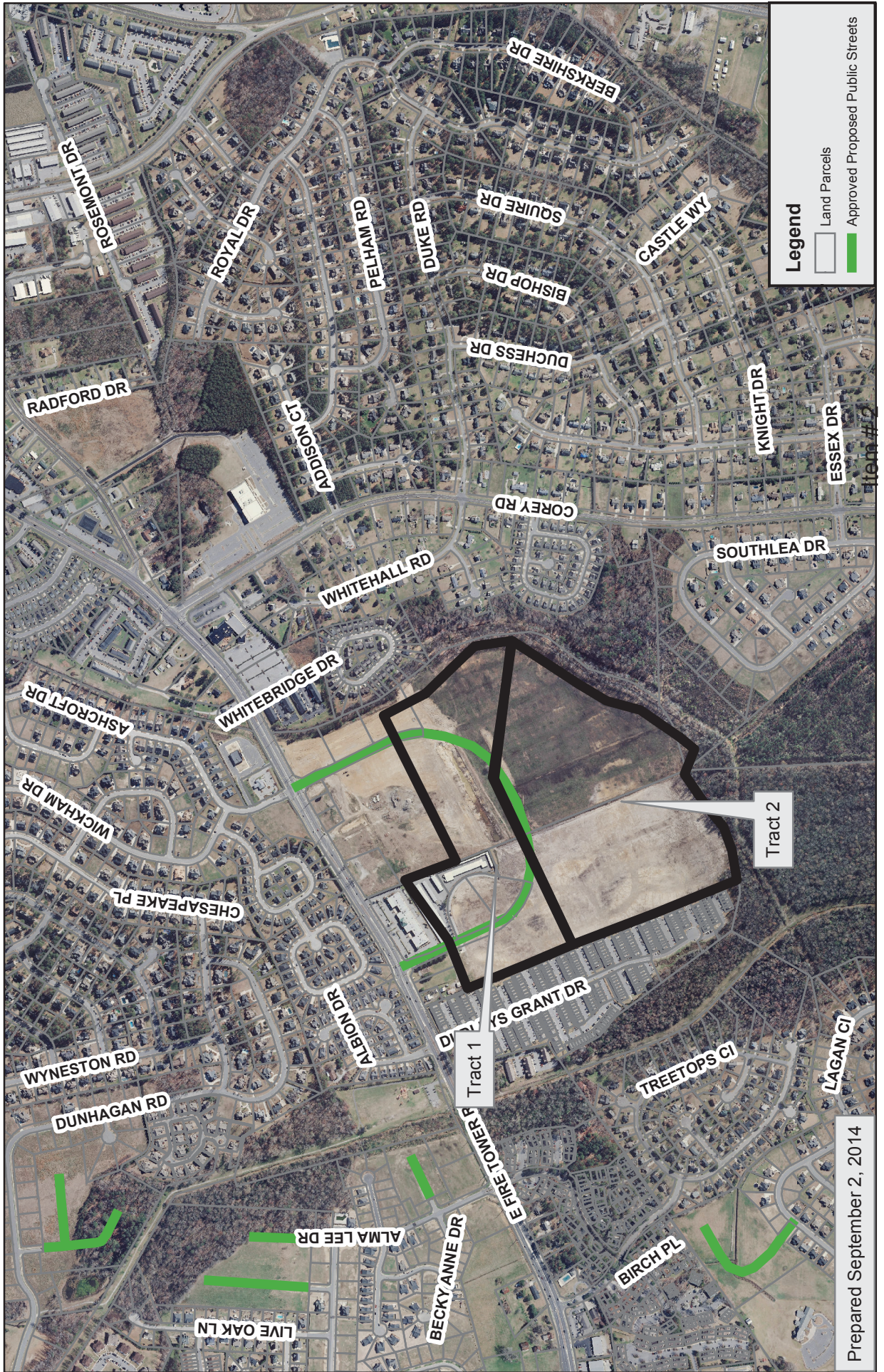


V. Parker Overton
Tract 1: From: High Density Residential (HDR)
To: Commercial (C)
Tract 2: From High Density Residential (HDR)
To: Office/Institutional/Multi-family (OIMF)

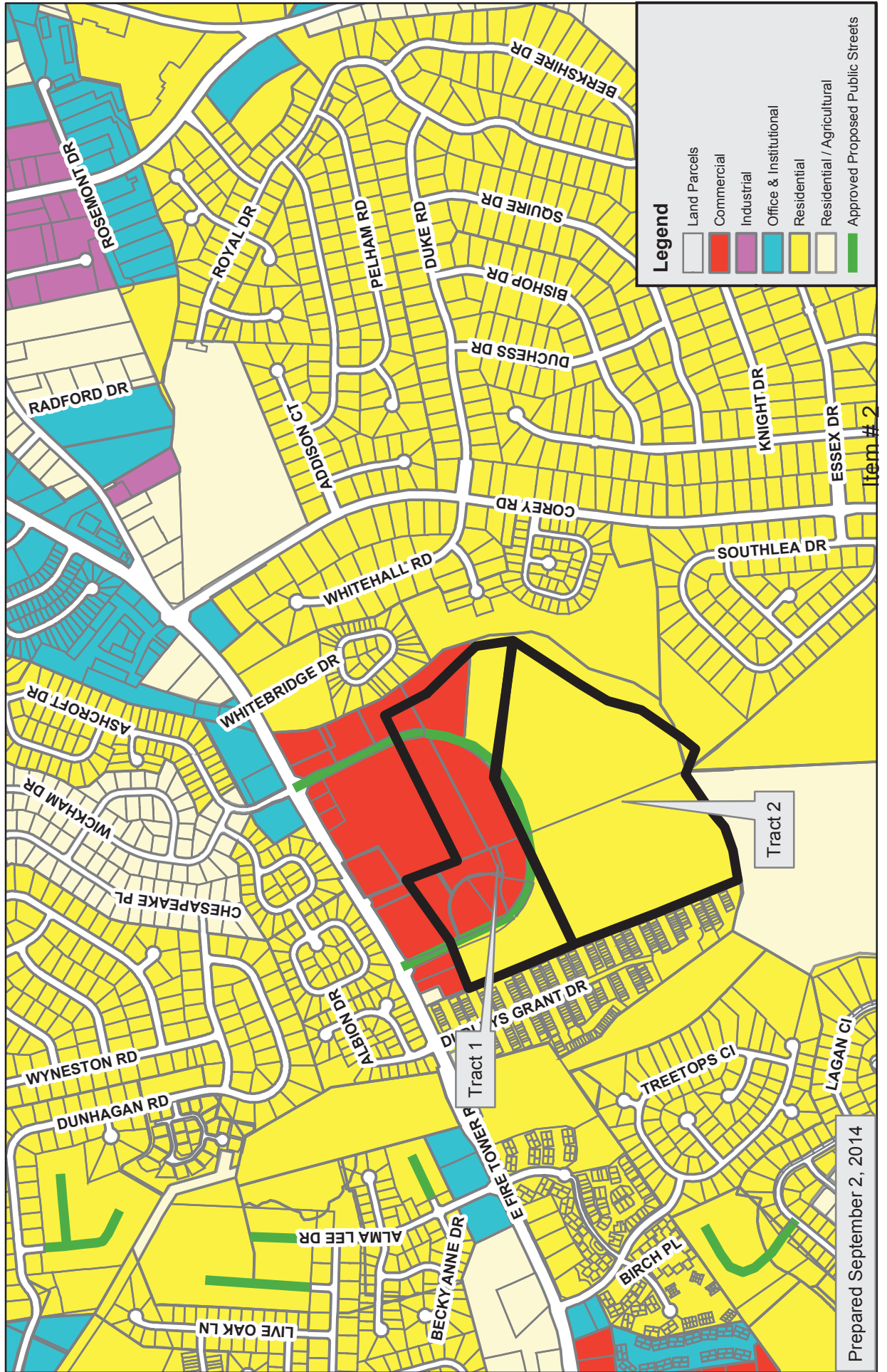
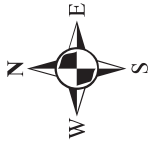




AERIAL PHOTO (2012)



CURRENT ZONING PATTERN



Case No: 14-01

Applicant: Parker Overton

Property Information

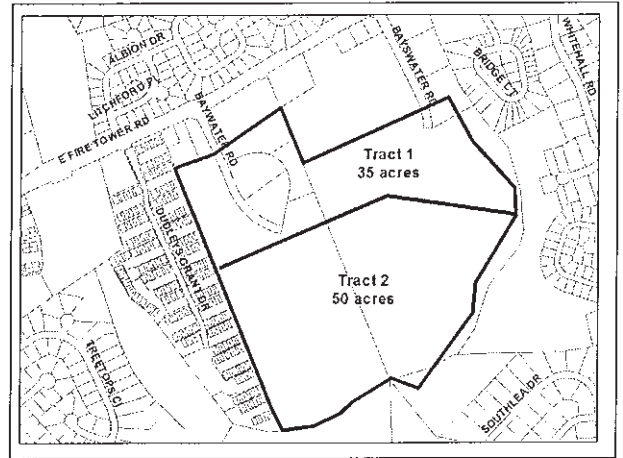
Current Category: HDR (High Density Residential)

Proposed Category: C (Commercial)

Current Acreage: 35 gross acres (12.5 net acres)

Location: south side of Fire Tower Rd, on Bayswater Rd

Points of Access: Fire Tower Rd



Location Map

Transportation Background Information

1.) Fire Tower Rd- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	4-lane with raised median	no change
Right of way width (ft)	100	no change
Speed Limit (mph)	45	no change
Current ADT:	33,290 (*)	Ultimate Design ADT: 35,000 vehicles/day (**)
Design ADT:	35,000 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

Other Information: There are sidewalks along Fire Tower Rd that service this property.

Notes: (*) 2012 NCDOT count adjusted for a 2% annual growth rate
(**) Traffic volume based an operating Level of Service D for existing geometric conditions
ADT – Average Daily Traffic volume

Transportation Improvement Program Status: No planned improvements.

Trips generated by proposed use/change

Current Zoning: 1,064 -vehicle trips/day (*) **Proposed Zoning:** 4,278 -vehicle trips/day (*)

Estimated Net Change: increase of 3214 vehicle trips/day (assumes full-build out)

(* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed land use.)

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on Fire Tower Rd are as follows:

1.) Fire Tower Rd , East of Site (60%): “No build” ADT of 33,290

Estimated ADT with Proposed Land Use (full build) – 35,857
 Estimated ADT with Current Land Use (full build) – 33,928
Net ADT change = 1,929 (6% increase)

2.) Fire Tower Rd , West of Site (40%): “No build” ADT of 33,290

Estimated ADT with Proposed Land Use (full build) – 35,001

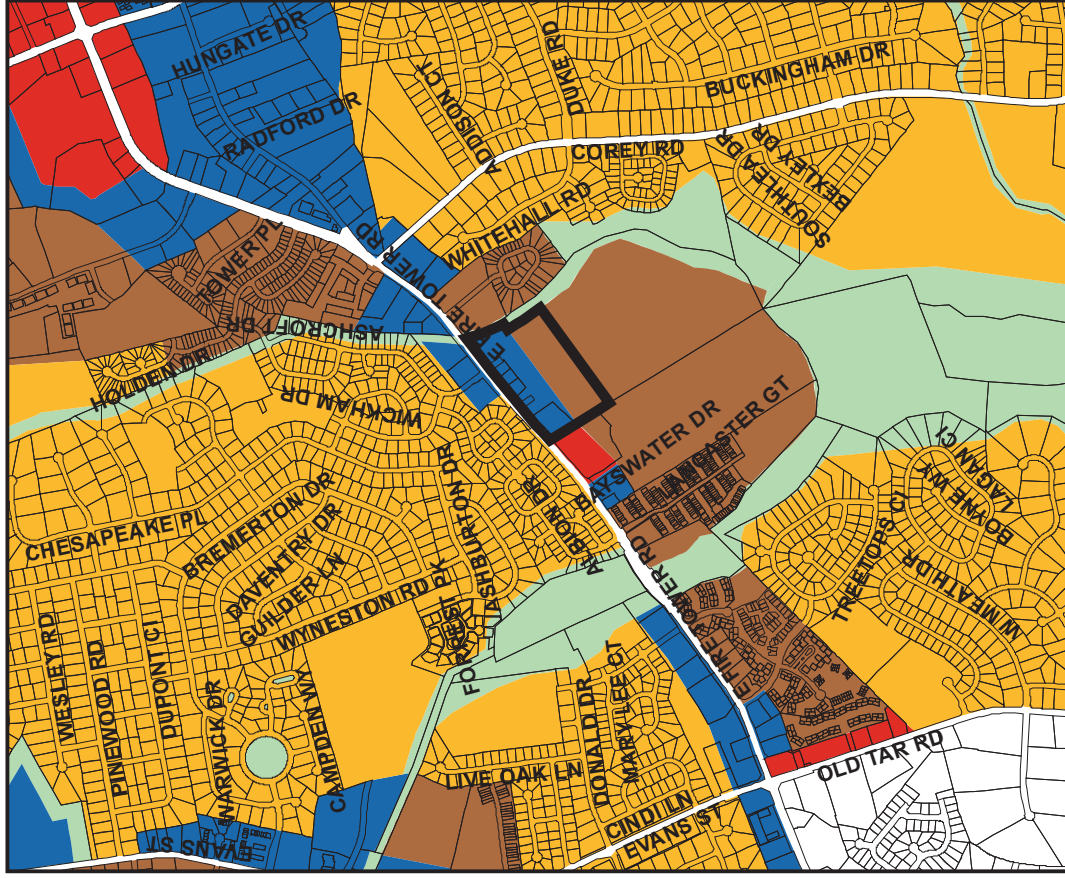
Estimated ADT with Current Land Use (full build) – 33,716**Net ADT change = 1,285 (4% increase)****Staff Findings/Recommendations**

Based on possible uses permitted by the requested land use plan category, the proposed category could generate 4278 trips to and from the site on Fire Tower Rd, which is a net increase of 3214 additional trips per day.

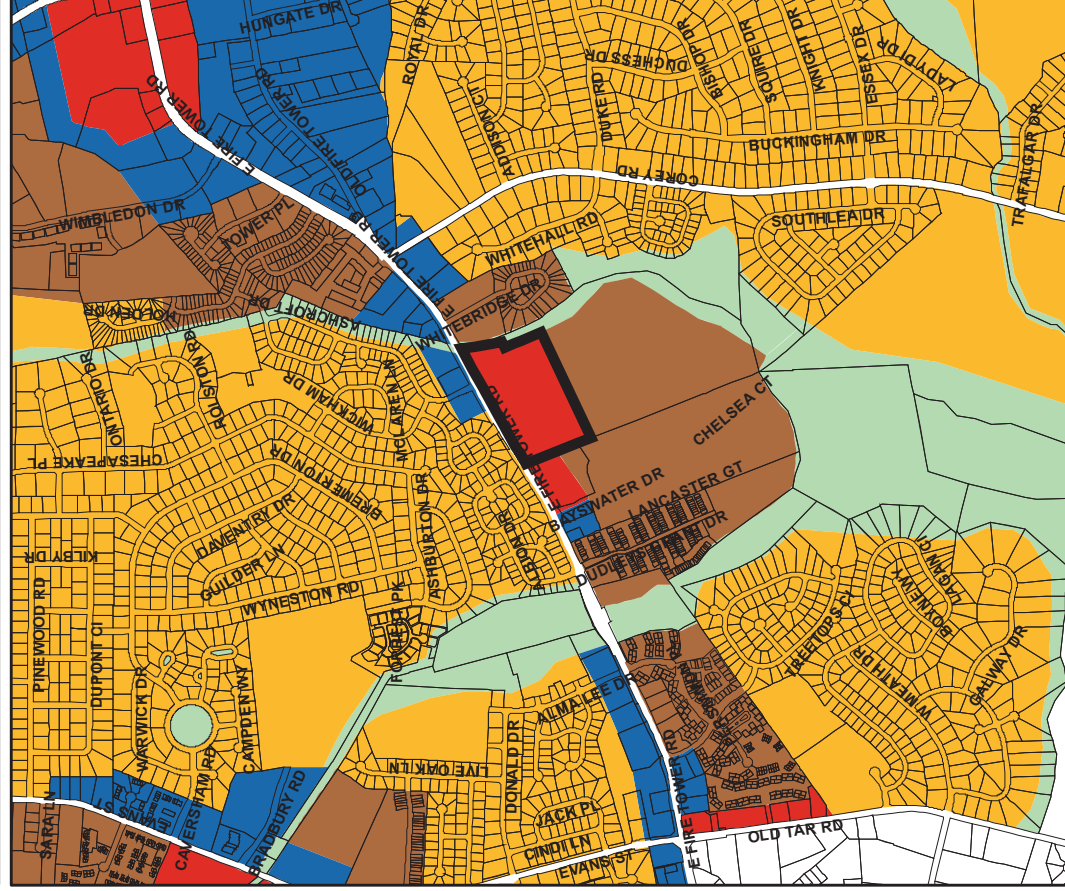
During the review process, measures to mitigate traffic impacts will be determined. Mitigation measures may include constructing turn lanes into the development and improvements at the adjacent signalized intersections such as the construction of additional turn and/or through lanes.

Lewis Land Development, LLC Future Land Use Plan Admendment

Current (Future Land Use Plan Map)

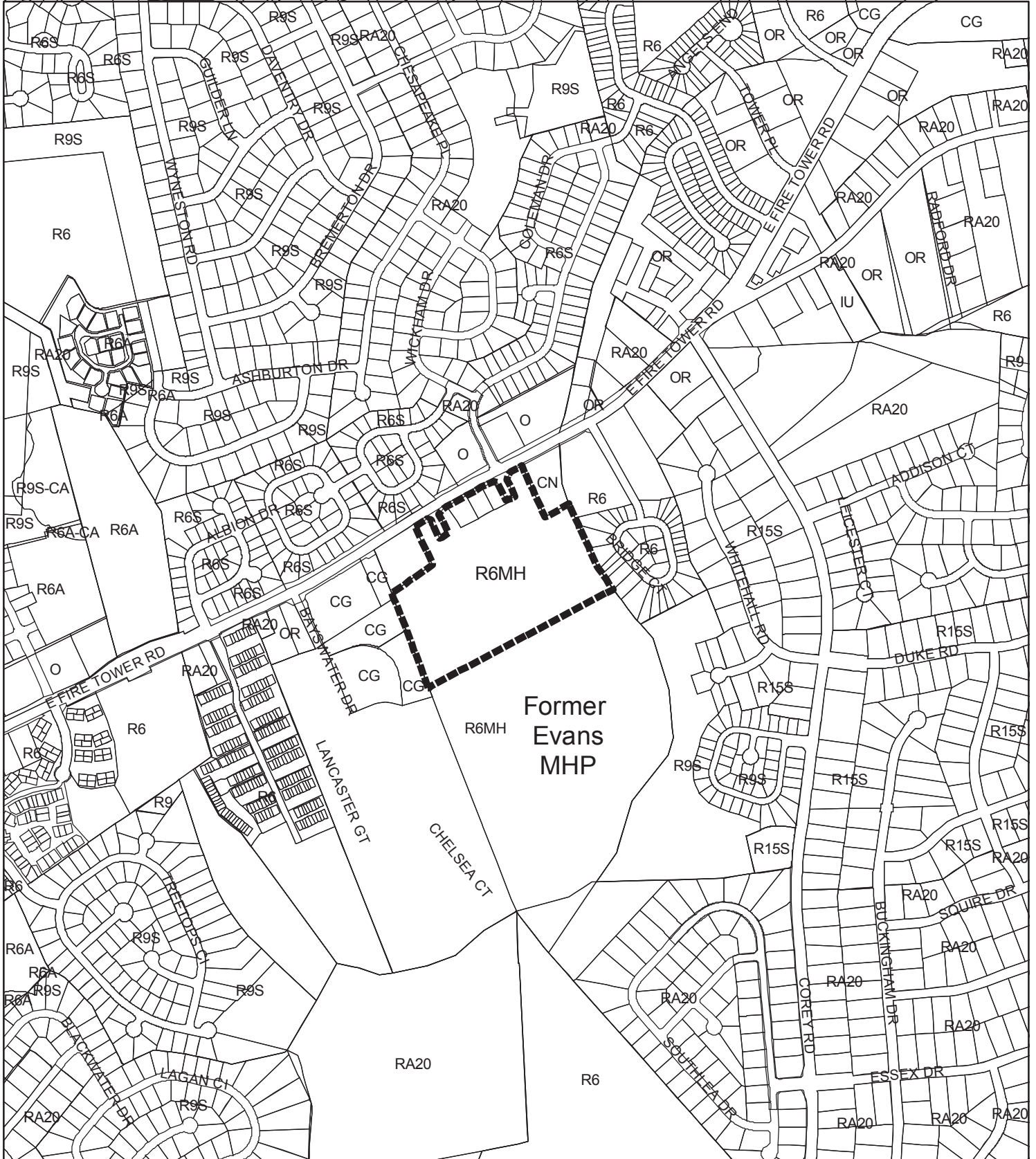


Proposed (Future Land Use Plan Map)






- Rezoning Site
- Industrial
- Commercial
- Mixed Use / Office / Institutional
- Medical Core
- Medical Transition
- Office / Institutional / Medical
- Office / Institutional / Multi-Family
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Very Low Density Residential
- Conservation / Open Space

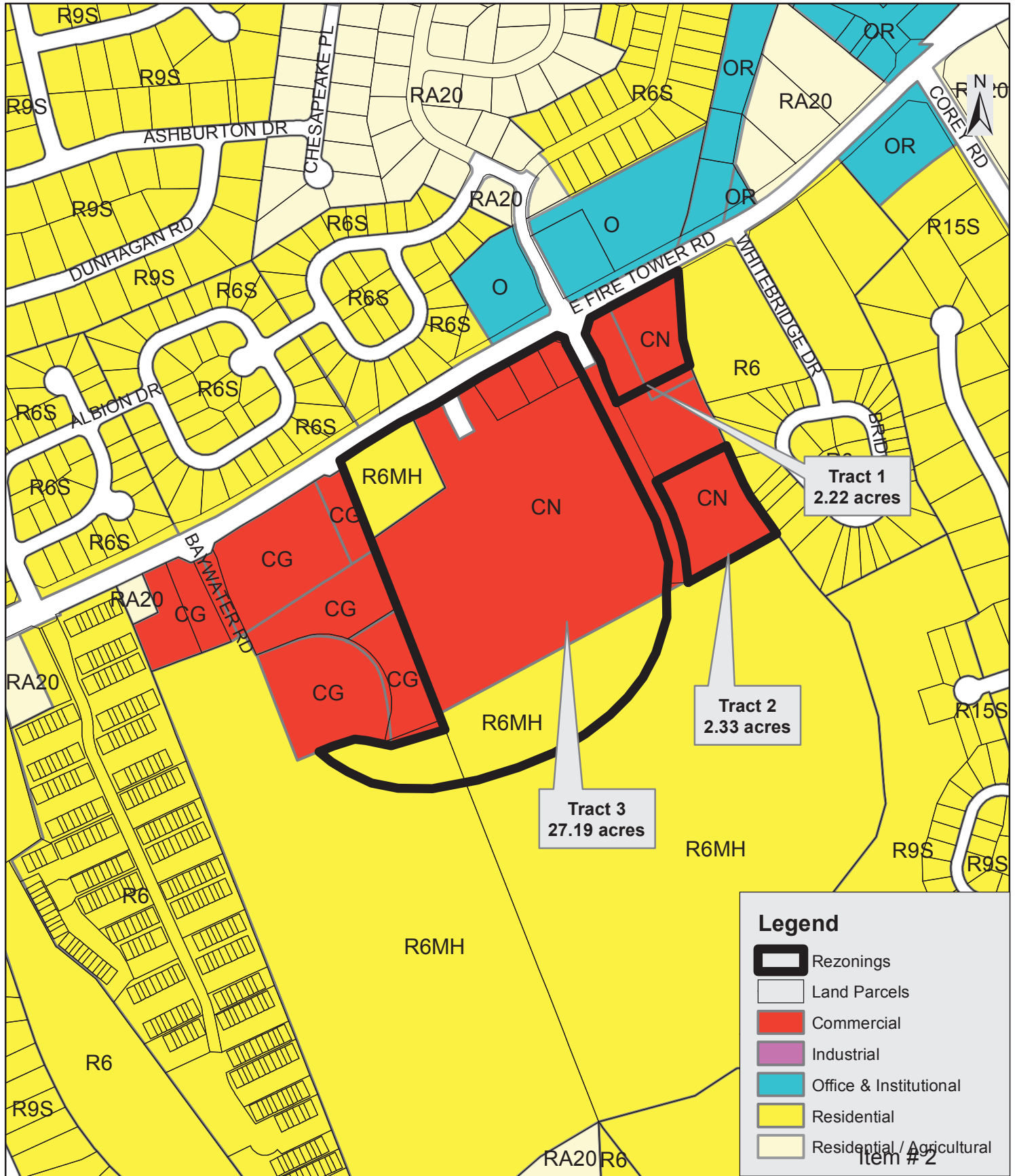
Lewis Land Development, LLC Rezoning Request (07-09)

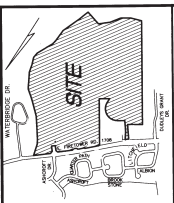


R6MH to CN (24.00 acres)

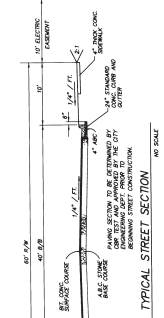
-  Area Requested to be Rezoned
-  Land Parcels
-  Greenville ETJ

Lewis Land Development, LLC, POHL, LLC and
V. Parker Overton (12-03)
From: CN and R6MH To: CG
Total Acreage: 31.74 Acres
March 6, 2012





Vicinity Map
Scale 1" = 100'



SITE SUMMARY
 TOTAL ACRES: 139.67 ACRES
 L.F. OF STREETS: 3,330 L.F.
 COMMON AREA: NONE
 744 MAP: 4686 18
 PARCEL NO.: 25792, 24422, 07249

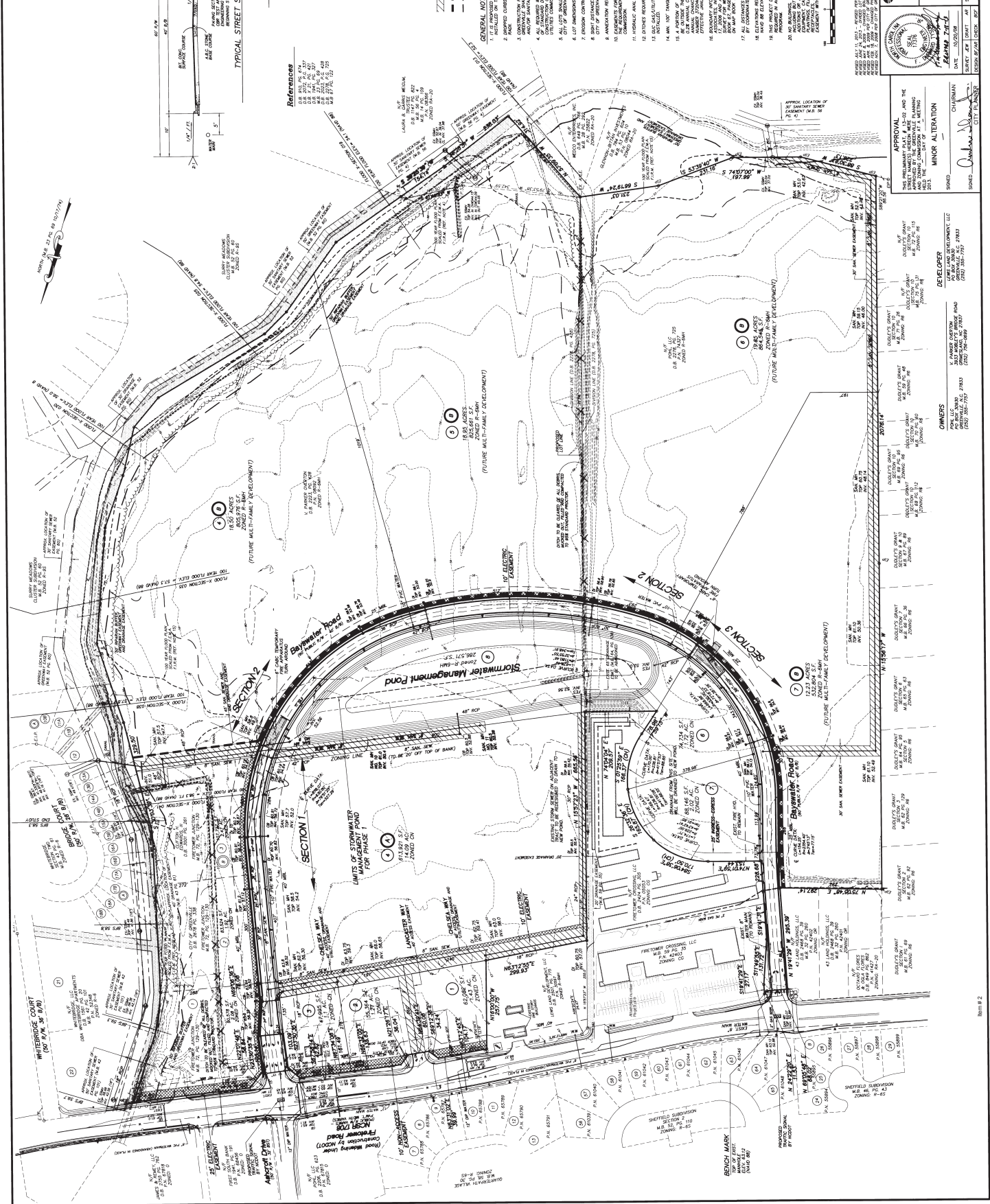
LEGEND

SYMBOL	DESCRIPTION
(Symbol)	EXISTING
(Symbol)	PROPOSED
(Symbol)	EXISTING AND WALK
(Symbol)	PROPOSED WALK
(Symbol)	EXISTING SIDEWALK
(Symbol)	PROPOSED SIDEWALK
(Symbol)	EXISTING DRIVEWAY
(Symbol)	PROPOSED DRIVEWAY
(Symbol)	EXISTING DRIVEWAY
(Symbol)	PROPOSED DRIVEWAY
(Symbol)	EXISTING DRIVEWAY
(Symbol)	PROPOSED DRIVEWAY
(Symbol)	EXISTING DRIVEWAY
(Symbol)	PROPOSED DRIVEWAY

GENERAL NOTES:
 1. ALL PROPOSED UTILITIES AND ELECTRICAL UTILITIES SHALL BE INSTALLED ON THE PROPOSED PROJECT.
 2. SLOPE INDICATED FOR FUTURE HANDICAPPED RAMPS TO BE PROVIDED AT ALL CROSSINGS.
 3. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CITY OF OKLAHOMA STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION AND THE LATEST EDITIONS OF THE CITY OF OKLAHOMA STANDARD SPECIFICATIONS FOR ELECTRICAL AND MECHANICAL SYSTEMS.
 4. ALL PROPOSED UTILITIES SHALL BE INSTALLED TO THE MAINLINE OF THE EXISTING UTILITY LINE.
 5. ALL PROPOSED UTILITIES SHALL BE INSTALLED TO THE MAINLINE OF THE EXISTING UTILITY LINE.
 6. ALL PROPOSED UTILITIES SHALL BE INSTALLED TO THE MAINLINE OF THE EXISTING UTILITY LINE.
 7. ALL PROPOSED UTILITIES SHALL BE INSTALLED TO THE MAINLINE OF THE EXISTING UTILITY LINE.
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 14. ALL PROPOSED UTILITIES SHALL BE INSTALLED TO THE MAINLINE OF THE EXISTING UTILITY LINE.
 15. ALL PROPOSED UTILITIES SHALL BE INSTALLED TO THE MAINLINE OF THE EXISTING UTILITY LINE.
 16. ALL PROPOSED UTILITIES SHALL BE INSTALLED TO THE MAINLINE OF THE EXISTING UTILITY LINE.
 17. ALL PROPOSED UTILITIES SHALL BE INSTALLED TO THE MAINLINE OF THE EXISTING UTILITY LINE.
 18. ALL PROPOSED UTILITIES SHALL BE INSTALLED TO THE MAINLINE OF THE EXISTING UTILITY LINE.
 19. ALL PROPOSED UTILITIES SHALL BE INSTALLED TO THE MAINLINE OF THE EXISTING UTILITY LINE.
 20. ALL PROPOSED UTILITIES SHALL BE INSTALLED TO THE MAINLINE OF THE EXISTING UTILITY LINE.

APPROVAL LOCATION OF THIS PRELIMINARY PLAN IS AT THE CITY OF OKLAHOMA PLANNING AND ZONING COMMISSION, 100 WEST 11TH STREET, OKLAHOMA CITY, OKLAHOMA 73101. THE COMMISSION MEETING IS HELD ON WEDNESDAY, 10:00 AM. THE MEETING IS OPEN TO THE PUBLIC. THE MEETING IS HELD IN THE CITY OF OKLAHOMA PLANNING AND ZONING COMMISSION HEARING ROOM, 100 WEST 11TH STREET, OKLAHOMA CITY, OKLAHOMA 73101.

Rivers
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 (405) 241-1005
 (405) 241-1006
 (405) 241-1007
 (405) 241-1008
 (405) 241-1009
 (405) 241-1010



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OWNERS
 OKLAHOMA LAND DEVELOPMENT, LLC
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 OKLAHOMA CITY, OKLAHOMA 73101
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 (405) 241-1002
 (405) 241-1003
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DEVELOPER
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 100 WEST 11TH STREET
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MINOR ALTERATION
 OKLAHOMA LAND DEVELOPMENT, LLC
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