

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION  
December 16, 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 - *
Mr. Doug Schrade - *	Mr. Terry King –*
Ms. Wanda Harrington-X	Mr. Brian Smith -X

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

**VOTING MEMBERS:** Parker, Schrade, Griffin, Bellis, King, Weitz, Darden

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

**OTHERS PRESENT:** Dave Holec, City Attorney; Merrill Flood, Director of Community Development; Tim Corley, Civil Engineer II and Jonathan Edwards, Communications Technician.

**MINUTES:** Motion was made by Mr. Parker, seconded by Mr. King, to accept the October 21, 2014 minutes as presented. Motion carried unanimously.

**NEW BUSINESS**

**TEXT AMENDMENTS**

ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADDLING LIVE PERFORMANCE THEATERS AS AN ALLOWED LAND USE WITHIN THE CD (DOWNTOWN COMMERCIAL) ZONING DISTRICT, SUBJECT TO AN APPROVED SPECIAL USE PERMIT, AND ESTABLISHING SPECIFIC CRITERIA. - APPROVED

Mr. Merrill Flood, Director of Community Development, presented the text amendment. He stated the amendment was recommended by the Redevelopment Commission, who has actively been seeking a redevelopment partner to help redevelop White’s Theater. There are plans that have been identified by community partners to establish a performing arts venue in the Uptown Area. This idea was first discussed during the adoption of the Revitalization Plan in 2006. In the early to mid 1990s, the idea of theaters or performance venues listed as a permitted use in the zoning ordinance was removed. It is no longer a permitted use or special use permitted use in the CD (downtown commercial) district. He stated as they seek to increase activities in the Uptown Area, it is important to have a live, work, play environment as referred to in the Center City Revitalization Plan. The amendment will create a land use category and classification of use for live performance theaters. He stated the Office of Economic Development staff brought a discussion item to the Redevelopment Commission to seek reaction and input regarding live

performance theaters in the CD zoning district with a special use permit. The RDC unanimously voted to request staff and the Planning and Zoning Commission to initiate a text amendment.

Definition: A facility for holding live performances, motion pictures, plays, and live music through the sale of tickets and allows banquets as an accessory use. Such use is limited in its location, size, and operation in accordance with the provisions of section 9-4-86.RR.

Text amendment additions

1. Events and/or banquets must be ticketed or free of charge to participants. No cover charge.
2. Ticketed events permitted: concerts, plays, motion pictures, operas, musicals, ballets, other forms of modern dance.
3. Accessory uses: private banquets and meetings.
4. Activities not permitted: televised events, disc jockey-based events, dance parties, raves, house music-based events, outdoor events or outdoor amplified music.
5. May have as an accessory use a full service bar only open to patrons of ticketed events, private banquets or meetings and is limited to operate only during the hours the above listed permitted ticketed events, private banquets or meetings are held.
6. The facility shall not operate as a public or private club as defined by Title 9, Ch. 4, Art. B, Sec. 9-4-22.
7. Minimum square footage of live performance theaters shall be 5,000 square feet.
8. Accessory retail sales shall be permitted for the sale of theater or event related items.
9. The portion of the building devoted to live performances may have open or fixed seating.
10. A SUP (special use permit) is required and is revocable.

The proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan as follows:

Implementation Section, Growth and Development Subsection, Implementation Strategy 2(t) states, "Preserve historic warehouses and older buildings through renovation and adaptive reuse."

Implementation Section, Economic Development Subsection, Implementation Strategy 2(b) states, "Encourage rehabilitation and reuse of commercial/industrial buildings."

Implementation Section, Vision Areas Subsection, Central, Management Action H5, states, "Develop the downtown as the cultural, recreational, and entertainment center of the City."

Center City West Greenville Revitalization Plan, Chapter 2, Market Feasibility – Housing, Retail and Entertainment Uses, V. Strategy Implications, Goal 2 states, "Reposition and revitalize downtown as a new and vibrant activity center for the city and the region."

In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and Center City West Greenville Revitalization Plan.

Ms. Bellis asked if it was previously a permitted use and if it no longer existed.

Mr. Flood stated yes. He stated sometime in the 1990s it was no longer a permitted use or special use permit in the downtown area.

Ms. Bellis asked if it covered as many uses as the proposed text amendment.

Mr. Flood stated it was less definitive. Since 1977 there have been about 19 amendments to the zoning ordinance related specifically to public/private clubs. He stated things change and the code has been amended to reflect the community's sentiment as to how public/private clubs should perform and operate in the community.

Chairwoman Basnight asked if the proposed meets the minimum requirements.

Mr. Flood stated yes.

Chairwoman Basnight opened the public hearing.

No one spoke in favor or in opposition of the request.

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

No board discussion was made.

**Motion made by Mr. Schrade, seconded by Ms. Darden, 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**

### **PETITION TO CLOSE A PORTION OF GREENPARK DRIVE - APPROVED**

Mr. Tim Corley, Civil Engineer II, presented the petition. He stated Greenpark Drive is located north of the river. It meets at both Staton House Road and N. Memorial Drive near the Sheetz. The petition was received by Stow Management. They wish to abandon the portion of the road that connects to Staton House Road and create a cul-de-sac for a redevelopment project. City staff has the following conditions:

1. City staff recommends, as a condition, of the street closing, a recombination map be submitted in accordance with the Subdivision Regulations.
2. Greenville Utilities has requested an easement over and upon the utilities that will remain in the closed street right-of-way.

Budgeted funds for the maintenance of this street section will no longer be required upon the effective date of the Resolution to Close by City Council. The City will no longer receive Powell Bill funds for the closed street sections. Staff recommends approval to be forwarded to City Council.

Chairwoman Basnight opened the public hearing.

No one spoke in favor or in opposition of the request.

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

No board discussion was made.

**Motion made by Mr. Parker, seconded by Ms. Bellis, to recommend approval to City Council conditional closure of a portion of Greenpark Drive. Motion passed unanimously.**

#### PETITION TO CLOSE A PORTION OF LAWRENCE STREET - APPROVED

Mr. Tim Corley presented the petition. The petition was received by the State of North Carolina on behalf of East Carolina University. It is located off of E. 10<sup>th</sup> Street. Only a portion belongs to the City as the rest converts into a private street. The University has plans for redevelopment of property along 10<sup>th</sup> Street which they own.

City staff has the following condition: Greenville Utilities has requested an easement over and upon the utilities that will remain in the closed street right-of-way.

Budgeted funds for the maintenance of this street section will no longer be required upon the effective date of the Resolution to Close by City Council. The City will no longer receive Powell Bill funds for the closed street sections. Staff recommends approval to be forwarded to City Council.

Chairwoman Basnight opened the public hearing.

No one spoke in favor or in opposition of the request.

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

No board discussion was made.

**Motion made by Mr. Parker, seconded by Ms. Darden to recommend approval to City Council the closure of a portion of Lawrence Street. Motion passed unanimously.**

**With no further business, a motion was made by Mr. Parker, seconded by Mr. King, to adjourn. Motion passed unanimously. Meeting adjourned at 6:49 p.m.**

Respectfully Submitted,

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