

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION
April 21, 2015

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 – X	Ms. Margaret Reid - *
Ms. Ann Bellis - *	Mr. Torico Griffin - *
Mr. Doug Schrade - X	Mr. Terry King –*
Mr. Brian Smith -*X	

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

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

PLANNING STAFF: Thomas Weitnauer, Chief Planner; Chantae Gooby, Planner II; and Elizabeth Blount, Acting Secretary.

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

MINUTES: Motion was made by Mr. Parker seconded by Mr. King, to accept the March 17, 2014 minutes as presented. Motion carried unanimously.

NEW BUSINESS

TEXT AMENDMENT

TEXT AMENDMENT TO THE ZONING ORDINANCE TO AMEND THE MAXIMUM BUILDING LENGTH CRITERIA OF MULTI-FAMILY DEVELOPMENTS - APPROVED

Mr. Thomas Weitnauer, Chief Planner, presented the request for the text amendment. Staff received an application from Jim Walker of Rivers and Associates, Inc. to amend the maximum building lengths of multi-family development so that they may exceed the existing maximum building length of 260 feet, pending compliance with other proposed criteria.

Greenville's Zoning Ordinance limits building lengths of multi-family developments to 260 feet. Mr. Weitnauer read the regulation that currently addresses building maximum length for multi-family developments. Mr. Weitnauer stated, Article I. Multi-Family Development, Section 9-4-145 Development Standards, (G), states: "No contiguous unit or series of attached units shall exceed a combined length of 260 feet." A maximum building length of 260 feet is exempt in the Downtown Commercial zoning district where other standards are established in the zoning ordinance.

The text amendment application by Mr. Walker proposes to retain the existing regulations above and then add the following new text to add, except as provided herein. "Any building

which exceeds two hundred sixty feet shall be designed and constructed with the appropriate firewalls and/or equipped with a sprinkler system in compliance with either the North Carolina State Building Code, General Construction Volume I, or the North Carolina Building Code, Volume I-B, Residential, whichever is applicable, or both if both are applicable.”

Staff reviewed the history of the building length regulation and determined a modified version of it was adopted in the City's first zoning ordinance in 1969. Staff does not know what the justification was for the regulation, but suspect it may have been a method to reduce the spread of fire throughout a long egress corridor. Staff consulted with the Chief Building Inspector and the Fire Marshal to investigate whether the proposed text amendment would have any bearing on applicable building codes or fire prevention regulations. The Chief Building Inspector responded that the Building Code does not establish any limits on building lengths to 260 feet. The Fire Marshal concurred with the Chief Building Inspector's comments.

Mr. Weitnauer reported the proposed amendment is in compliance with Horizons: Greenville's Community Plan, 2004, Plan Elements, Housing, Objective H2 which states: “To encourage quality in the design and construction of new dwellings and multifamily structures.”

Staff recommends approval of the proposed text amendment.

Chairwoman Basnight opened the public hearing.

Mr. James Walker, applicant, spoke in favor of the request. He stated that the amenities of multi-family developments are now being added to the inside of the facility and causing the maximum building length to exceed 260 feet. Mr. Walker did not want to remove the ordinance language but to add flexibility.

No questions from the board.

No one spoke in opposition of the request.

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

No board discussion.

Motion made by Mr. King, seconded by Mr. Parker, 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.

TEXT AMENDMENT TO THE ZONING ORDINANCE BY ADDING SCHOOLS AS AN ALLOWED USE WITHIN THE IU (UNOFFENSIVE INDUSTRY) ZONING DISTRICT, SUBJECT TO AN APPROVED SPECIAL USE PERMIT AND ESTABLISHING SPECIFIC CRITERIA- DENIED

Mr. Thomas Weitnauer, Chief Planner, presented the request for the text amendment. Staff received an application from Mr. Fred Mattox, representative of Eastern Carolina Vocational

Center (ECVC), Inc. The text amendment is to add schools as an allowed use within the Unoffensive Industry (IU) zoning district, subject to an approved special use permit and establishing specific criteria. Greenville's zoning ordinance does not allow schools in the IU zoning district. Mr. Weitnauer presented an excerpt from the Zoning Ordinance of Table of Uses that shows how this amendment proposes to allow junior, senior, elementary, kindergarten and nursery schools in the IU zoning district with an approved special use permit.

Mr. Weitnauer stated that the current ordinance requires schools to be located 50 feet away from any adjoining property or public street right-of-way line. The applicant proposed the following criteria:

(l) Schools may be allowed as a special use in the IU (Unoffensive Industry) zoning district provided the school complies with the following additional criteria:

- a. The property shall have a minimum of eight acres.
- b. The maximum allowed building coverage shall be 40% of the property.
- c. The property shall have a minimum public road frontage of 450 feet.
- d. All loading and unloading of students shall be off-street.
- e. All parking areas shall be off-street in accordance with Article 0, Parking.
- f. The school must be authorized by the State of North Carolina.

Mr. Weitnauer delineated the property in reference to the Recognized Industrial area and existing IU zoning districts along with a map indicating where schools are allowed. He provided a list of all the land uses permitted by right and by special use permit in the IU and I (Industrial) zoning districts.

Mr. Weitnauer stated that staff objects to the proposed text amendment for the following three reasons: 1. Approval of the text amendment can lead to future limitations on industrial development. 2. Approval of the text amendment will introduce school students, faculty and staff to dangerous conditions typically associated with industrial districts. 3. Approval of the text amendment would not be consistent with Horizons: Greenville's Community Plan. He said other non-residential land uses likely would also pursue text amendments applicable in the industrial zones due to the precedent set by schools in the industrial districts. This will reduce the availability of property developed for industrial uses. Mr. Weitnauer said a reduction in lands developed for industrial uses will limit the function of industrial districts' full potential. Industrial buildings and vacant industrial sites interspersed with service and commercial uses will make it difficult for adjacent property having industrial zoning to develop, redevelop or expand industrial facilities since there will be concern of exposing school students, faculty and staff to noises, odor, large freight traffic and potentially dangerous materials and fumes associated with industrial uses. Such a reduction in the full potential of Greenville and Pitt County's industrial districts may limit industrial employment, production and industrial growth which is a vital segment of the local and regional economy. Mr. Weitnauer stated there are ample zoning districts within the City and ETJ where schools are allowed by right or with a special use permit. Mr. Weitnauer referenced how a large pharmaceutical company in Kinston threatened a school within 0.7 miles from the facility during a large industrial accident that blew out the windows of a school.

Mr. Weitnauer reported that in staff's opinion, the proposed text amendment is not in compliance with Horizons: Greenville's Community Plan, 2009-2010 Update, Northeast, Policy B4 which states, encourage new industry and support businesses in the recognized industrial area. Mr.

Weitnauer said the amendment is also not consistent with Horizons: Greenville's Community Plan, 2004, Urban Form and Land Use Policy 6(c) that states nor shall non-industrial uses be allowed to encroach upon existing or planned industrial sites.

Mr. Weitnauer stated in staff's opinion, the proposed Zoning Ordinance Text Amendment is not in compliance with Horizons: Greenville's Community Plan and added staff recommends denial of the proposed text amendment.

Mr. Parker asked if staff's concern was with the precedent of allowing schools in IU.

Mr. Weitnauer stated correct because it is not site specific and the criteria could be met at other locations. As the school grows, they will have limitations as well as the surrounding properties having limitations.

Chairwoman Basnight asked the original classification of ECVC.

Mr. Weitnauer stated it was classified as a vocational center. The center was built at the same time the city was adopting the ordinance. The category of vocational center was added when ECVC wanted to expand. Staff worked hard to try to fit the center into a legal grandfathered nonconforming category because Pitt County held classes in the building but it could not fit the criteria. Staff informed the applicant that they had the right to appeal their interpretation with the Board of Adjustment.

Chairwoman Basnight asked if the building was currently empty.

Mr. Weitnauer stated the applicant would be able to answer that question.

Mr. Parker asked the difference between a vocational center and a school.

Mr. Weitnauer stated that vocational centers offer classes in trade to mostly adults and may or may not have a dining area where a school has classrooms, dining area and cater to a younger population.

Mr. Parker asked if one entity was geared to children and the other towards adults.

Mr. Weitnauer stated that more facilities would be associated with schools than a vocational center.

Mr. King asked the background of Unoffensive Industry.

Mr. Weitnauer stated that Unoffensive industry is light industry, less noise, smoke, and hazard. At this location, IU is next to I.

Chairwoman Basnight asked if the city was still using the pool and if it was connected to the building.

Mr. Weitnauer stated yes and that staff would have to look into the 50 foot separation from another building in order for a school to occupy the facility. The applicant would need to apply for a special use permit for the use along with the 50 foot separation which they currently cannot meet.

Mr. Parker asked if ECVC is leasing the building and not running the school.

Mr. Weitnauer stated that the applicant would need to answer the question.

Chairwoman Basnight opened the public hearing.

Mr. Fred Mattox, chairman of ECVC board, spoke in favor of the request. He surrendered his law license five years ago and was not there as an attorney. He stated that he saw an article in the paper about Ignite Academy wanting to set up a charter school in Pitt County. He developed the criteria for the special use permit and recognized the need to include a statement addressing the separation requirement. He read the definition of the IU district and stressed that the word “primarily” indicates the land uses are not the only uses allowed. The applicant stated that the board is willing to accept any additional conditions.

Mr. Bob Jones, president of ECVC, spoke in favor of the request and provided the history of ECVC. He stated that the original building was built in 1970 which included classrooms and dining space. As the center moved to more industrial training, the staff removed some nonload-bearing walls and made production space and warehouse space. Later, the aquatics center was built and the dorms. Vocational rehabilitation changed and was encouraged to become a part of mainstream. The center closed the dorms and became involved in manufacturing and distribution contracts. The center no longer needed classrooms and moved into the old TRW building and leased existing space to Pitt County Schools. A history of learning has occupied the building. He stated that Welcome Middle school is located approximately 1/4 mile away from an industrial plant. No harm has occurred to any ECVC students while located in their old building.

Chairwoman Basnight asked about the Hugs and Alpha program at the old location.

Mr. Jones stated that the Alpha program was run by Pitt County schools for high school students.

Mr. Parker asked what the program taught.

Mr. Jones stated he did not know the subjects taught but the audience was for students with behavioral problems and not in the main population of Pitt County Schools. The Hugs program was a preschool for students with autism.

Mr. Parker asked if ECVC planned to lease the building and not run the school.

Mr. Jones stated the intent is to lease for four years of the charter and then sell the building at cost.

Mr. Parker asked for clarity that there will be no operational partnership with ECVC and the charter school.

Mr. Jones stated no except for the lease.

Ms Reid asked the number of students that have been through the facility.

Mr. Jones stated that 95 students were living in the dorms at one time and 85-100 additional students came to the facility that did not live in the dorms.

Ms Reid asked the proposed number of students in the facility per day.

Mr. Jones stated 200-215 students initially.

Mr. Parker asked if a dining area was in the facility when ECVC was operating in the building.

Mr. Jones stated yes, a commercial kitchen.

Ms Reid asked what type of school is proposed to use the facility.

Mr. Jones stated that the charter states kindergarten to eighth grade and that the selection process will be done by the lottery because they have more applications than they have slots for the school. ECVC will invest \$350,000 to upfit the building for classrooms so the building will be put to use that is currently underutilized.

Mr. King asked the age of the population of the ECVC participants.

Mr. Jones stated young adults, ages 18 and older.

Mr. King asked for clarification that no young children were at ECVC.

Mr. Jones stated not as a part of ECVC.

Mr. Parker asked when ECVC was founded.

Mr. Jones stated that it was chartered in 1965 for vocational training.

Mr. Parker asked if there was a history of classes being taught since 1965.

Mr. Jones stated yes.

Mr. Parker asked if Pitt County was required to get a special use permit when they leased the facility.

Mr. Jones stated that as far as he knew they drew up a lease and moved in. He did not see a special use permit on record but he did not know where to look.

Mr. Weitnauer stated that the primary use of the building was a vocational center but accessory uses could include education. If the city was aware of a governmental use, it was probably considered an accessory use and not a primary use. The primary use of the building is no longer there. Staff checked the special use permits for the property and only found a nursery school and a church.

Ms Darden asked if the building was built before the area was zoned IU.

Mr. Weitnauer stated it was simultaneous.

Ms Darden asked what the property was zoned prior to the city's zoning.

Mr. Weitnauer stated that there was no zoning prior by the city and that the county may have had a zoning.

Mr. King asked if changing the text amendment was setting a precedent city wide.

Mr. Weitnauer stated yes and within our ETJ.

Ms Reid asked if there was a building in Greenville that was previously a charter school that is now vacant.

Mr. Weitnauer stated he was not familiar with that location.

Ms Reid stated that it was the old Agnes Fuller building.

Chairwoman Basnight stated that the old Agnes Fuller building is now the Third Street Community Center.

Ms Reid stated that there is a building across from Mt. Calvary Church that used to be a charter school and it is currently vacant.

Mr. Parker asked why the request was denied by staff.

Mr. Merrill Flood, Community Development Director, stated that the ordinance is specific. If the use is not listed as a permitted use or a special use then it is not allowed unless there is a provision in the code that allows it. Certain activities have been mentioned in the facility but to staff's knowledge and from our best records they were not approved by the city. In addition if they have gone out of existence for more than 180 calendar days, it is not deemed to be a grandfathered use whether approved by the city or not.

Mr. David Stalls, Vice President of Development for New Point Education, spoke in favor of the request. They were hired by Ignite Academy to help with the school start up process. The analysis of the site stated that the location will be safe for children. The analysis evaluated the configuration of the building, parking, drop off, etc. The school will start with grades K-5 and grow to grades K-8. They will start with 215 and grow to 400 over seven years. The school will bring 40 new jobs to the area. The proposed location will be a great site.

Mr. Jon Day, local realtor, spoke in favor of the request. He stated that he worked with Ignite to find a location for the school. He took them all over Greenville and they could not find an existing building that fit their criteria except ECVC. Ignite is planning to lease 35,000 sq. ft. of the building with moderate changes. He stated that Ignite will be able to use an existing building which fits our Horizon plan. He looked at several other IU locations and found Welcome Middle located across the street from an IU zoning district and a Montessori school on Fire Tower Road located across from IU zoning district. There have not been any problems with those schools. The times have changed so that vacant industrial buildings are now being used for other uses.

Ms Reid asked if Mr. Day was able to find the school that she mentioned earlier.

Mr. Day stated no but he would do some research but that ECVC did fit the applicant's need.

Ms Darden asked if they looked for locations that could be expanded.

Mr. Day stated that the criteria were 20,000 sq. ft. of area and 14-15 acres of land so they could expand. They also had recreational needs, large parking requirements and several entrances needed for the buses.

Chairwoman Basnight asked will the school use the entire building when they expand to 400 students.

Mr. Day stated that the current lease is for 35,000 sq. ft. but the total building has 88,000 sq. ft. They will have an option to purchase the building in order to expand. There is a total of 11 acres of land so it will be able to accommodate their recreational needs.

Mr. Bob Clark, resident, spoke in favor of the request. He stated that the list of uses in the IU zoning district included childcare centers which included children being near places of work. He mentioned that the school in Kinston located in an industrial district mentioned in staff report is located in another community and do not necessarily apply to Greenville. He asked the board to look at the uses that are allowed in IU and how they are similar to the request.

Mr. David Edwards, CEO of Ignite Charter School, spoke in favor of the request. He stated that charter schools are funded by the state so they are government entities. The charter school is a publically funded school.

Mr. Bryant Kittrell, ECVC realtor, spoke in favor of the request. He stated that the property has been listed for two years and it is not suitable for industrial use. The facility leans itself to the type of use per the request because of the Fitness Center. The request is a unique situation.

No one spoke in opposition of the request.

Ms Bellis stated her concern with setting a precedent for the area designated industrial.

Ms Darden stated that the building is there and has been used for education so if the amendment was approved, she questioned if any other school would want to move to an industrial area.

Ms Reid stated that she was concerned with putting the number of anticipated students in an industrial area. There will be more students than ever before, more activity and a lot more going on in an industrial area.

Mr. Parker stated his concern was the precedent; however, it is a very good adaptive use of an existing building.

Mr. Griffin stated that the education component was a secondary use and never the primary use of the building. His concern is putting the children in danger and inhibiting the industrial area from growing. It is an ideal use for the building but it is not in the best location.

Ms Darden stated she did have a concern with opening the entire city to allowing schools in IU zoning district; however, she did not see how the existing building would be viable for industrial use with its current setup and the fitness center connected to the building.

Mr. Dave Holec, City Attorney, stated that the board did not have to decide during the meeting but that the applicant was on a time restraint. He reiterated the 50 foot building separation and that it needed to be addressed in the motion if the board was inclined to make an approval.

Chairwoman Basnight asked if the board could just consider the request and not open it city wide.

Mr. Holec stated the applicant included the conditions for the special use permit in hopes that it would limit other properties in the IU district that may potentially have similar requests. The special use would be heard by the Board of Adjustment (BOA). The BOA does have the ability to place conditions on particular areas for future requests. However, if a request meets the requirements and there is no reason to deny, then BOA would approve it.

Motion made by Ms. Darden, seconded by Mr. Parker, to recommend approval of the proposed amendment and the relief of the 50 foot setback requirement to advise that, although the proposed amendment is not consistent with the Comprehensive Plan, in this instance it is an appropriate zoning classification, and to adopt the staff report which addresses plan consistency.

Those voting in favor: Darden and Parker. Those voting in opposition: King, Bellis, Griffin and Reid. Motion failed.

Motion made by Mr. King, seconded by Ms Bellis, to recommend denial of the proposed 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.

Those voting in favor: King, Bellis, Griffin and Reid. Those voting in opposition: Darden and Parker. Motion passed.

LAND USE PLAN MAP AMENDMENTS

ORDINANCE REQUESTED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO AMEND THE FUTURE LAND USE PLAN MAP FROM AN OFFICE/INSTITUTIONAL/MULTI-FAMILY (OIMF) CATEGORY TO AN INDUSTRY (I) CATEGORY FOR THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH MEMORIAL DRIVE AND WEST BELVOIR ROAD CONTAINING 30 ACRES – CONTINUED TO MAY 19, 2015

Ms. Gooby delineated the property. She stated the property is located in the northern section of the City, along North Memorial Drive and north of Pitt-Greenville Airport. The property is currently vacant with residential to the west. It is located outside of the recognized industrial area. The property is impacted by the 500-year floodplain associated with the Tar River. North Memorial Drive is considered a gateway corridor which is where high volumes of traffic travel in and out of the city. The intersection of North Memorial Drive and West Belvoir Highway is signalized. In the late 1990's/early 2000, a section of West Belvoir Highway was abandoned and incorporated into the airport and it is now a dead end street. Currently, the property is zoned office-multi-family with commercial to the north and industrial to the east. The intent of the Future Land Use Map is for industrial and commercial east of North Memorial Drive, industrial to the south of West Belvoir Highway and residential in the interior with office/institutional/multi-family (OIMF) and/or conservation/open space (COS) as a buffer to the non-residential uses. The comprehensive plan supports industrial north of the Tar River in the recognized industrial area, and industrial uses should be located with direct access to major thoroughfares. The request is to change OIMF to I. The comprehensive plan gives us criteria on how to decide if an amendment to map is considered compatible: has there been an unanticipated change in street pattern, development pattern..., does the request support the intents and objectives of the plan, will existing and future adjoining properties be negatively impacted, and will the change result in a desirable and sustainable land use? In this case, the request does not offer OIMF and/or COS as a buffer to the adjoining residential neighborhood that is afforded under the current plan recommendations. Without such buffering the residential area to the west could be negatively impacted from industrial uses such as, noise and sounds. Therefore, staff recommends denial of the request since the request does not offer the same protection to neighboring properties as shown at other locations on the Future Land Use Plan Map.

Ms. Bellis: Is the biggest concern the lack of a buffer?

Ms. Gooby: Yes, that is a concern.

Dan Withers, P.E., Rivers and Associates, spoke on behalf of the applicant in favor of the request. This is a request for NCDOT, Division II in preparation of a rezoning request. The subject property is a portion of a property that is owned by the State. This particular corner is the only corner of the intersection of North Memorial Drive and West Belvoir Highway that is not recommend for I (Industry). It is our opinion that the current standards in the City's ordinance will protect the neighborhood. The State has owned this property for many years. It is our opinion that the intended use is not incompatible with the Future Land Use Plan Map and that the proposed use would not have adverse effects on the adjoining property. This site has limited potential due to its proximity to the airport.

Ms. Bellis: My reservation is the lack of a dedicated buffer.

Mr. King: Has there been any discussion with the neighborhood?

Mr. Withers: No

Ms. Bellis: This neighborhood has been severely impacted over the years.

Mary L. Williams, spoke on behalf of an adjoining property owner, in opposition to the request due to lack of a buffer between the subject property and his property.

Mr. Withers: It is our intention to leave a significant portion of open space, however there is time to amend this request.

Mr. Flood: We request that if the request is amended that staff has time to review it.

Motion made by Mr. Parker, seconded by Ms. Darden, to continue this item to the May 19, 2015 Planning and Zoning Commission meeting. Motion passed unanimously.

With no further business, a motion was made by Ms. Bellis, seconded by Mr. Parker, to adjourn. Motion passed unanimously. Meeting adjourned at 8:18 p.m.

Respectfully Submitted,

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