



## Agenda

### Planning and Zoning Commission

February 17, 2015

6:30 PM

Council Chambers, City Hall, 200 W. Fifth Street

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- I. CALL MEETING TO ORDER -
- II. INVOCATION - Tony Parker
- III. ROLL CALL
- IV. APPROVAL OF MINUTES - January 20, 2015
- V. NEW BUSINESS

#### REZONINGS

1. Ordinance requested by Happy Trail Farms, LLC to rezone 67.652 acres located south of Stantonsburg Road and west of Pitt County Landfill from RA20 (Residential-Agricultural) to I (Industry) and IU (Unoffensive Industry).
2. Ordinance requested by Hardee 3 Enterprises, Incorporated to rezone 9.816 acres located along the southern right-of-way of East 10th Street and 275+/- feet west of L. T. Hardee Road from RA20 (Residential-Agricultural) to CG (General Commercial).
3. Ordinance requested by Ward Holdings, LLC to rezone 2.0361 acres located along the southern right-of-way of East 10th Street and 270+/- feet west of Elm Street from R9 (Residential [Medium Density Multi-family]) to R6 (Residential [High Density Multi-family]).

#### TEXT AMENDMENTS

4. Ordinance to amend the Zoning Ordinance by adding 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.

VI. ADJOURN

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

January 20, 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 – X (Vice Chair)	Ms. Chris Darden – *
Mr. Jerry Weitz – *	Ms. Margaret Reid - *
Ms. Ann Bellis - *	Mr. Torico Griffin - *
Mr. Doug Schrade - *	Mr. Terry King –*
Ms. Wanda Harrington-X	Mr. Brian Smith -*

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

**VOTING MEMBERS:** Smith, Weitz, King, Bellis, Griffin, Schrade, Darden, Reid

**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:** Motion was made by Mr. Smith, seconded by Ms. Darden, to accept the December 16, 2014 minutes as presented. Motion carried unanimously.

**NEW BUSINESS**

**REZONING**

ORDINANCE REQUESTED BY SCOUTS, LLC TO REZONE 1.50 ACRES LOCATED NEAR THE INTERSECTION OF TUPPER DRIVE AND OLD PACTOLUS ROAD AND 215+/- FEET EAST OF OLD PACTOLUS ROAD FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO CH (HEAVY COMMERCIAL).- APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located in the northeastern section of the City, near the intersection of US Highway 264 and Greenville Boulevard and specifically along Tupper Drive. Currently, the Seegar's Fence Company is located on the property. Most of the uses in the area are commercial, institutional and vacant. The property is impacted by the 500 and 100-year floodplains. The property is considered to be part of the regional focus area located at US Highway 264 and Greenville Boulevard, where commercial is anticipated and encouraged. Due to a small change in traffic, a volume report was not prepared. In 1989, the property was incorporated into the City's ETJ, as part of a large-scale ETJ extension, and zoned RA20 (Residential-Agricultural). Under the current zoning, the property could accommodate 7 single-family lots. Under the requested zoning CH (Heavy Commercial), it could accommodate 14,375+/- square feet of commercial space. Since the property does not have frontage along a major highway, staff does not anticipate retail or

restaurant uses. The Future Land Use Plan Map recommends commercial at the intersection of US Highway 264 and Greenville Boulevard. In staff's opinion, the request is in compliance with Horizon's Greenville Community Plan and the Future Land Use Plan Map.

Mr. Weitz asked when the current use was established on this site.

Ms. Gooby stated in the 1980's.

Mr. Weitz asked if it was there before it was brought into the City's ETJ and remained a nonconforming use.

Ms. Gooby stated yes.

Chairwoman Basnight opened the public hearing.

Mr. Ben Purvis, representative for the applicant, spoke in favor of the request.

Mr. Weitz asked if the site had experienced flooding and if so how much.

Mr. Purvis stated yes, during hurricane Floyd and it was severe.

No one spoke in opposition of the request.

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

Mr. Weitz stated this is an appropriate rezoning request from a land use standpoint. It is surrounded by heavy commercial and little residential. He has reservations about building in the floodplain, but supports the request since there are ordinances and standards in place when building in the floodplain.

**Motion made by Mr. Smith, seconded by Ms. Bellis, 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. Motion passed unanimously.**

#### **TEXT AMENDMENTS**

ORDINANCE TO AMEND THE ZONING ORDINANCE BY REVISING THE SIZE AND PROJECTION DIMENSIONS FOR PROJECTION WALL SIGNS AND ALLOWING SUCH SIGNS ON EACH SIDE OF A BUILDING FACING A PUBLIC STREET OR PUBLIC ALLEY WITHIN THE CD (DOWNTOWN COMMERCIAL) ZONING DISTRICT. - APPROVED

Mr. Thomas Weitnauer, Chief Planner, presented the text amendment. He stated the Zoning Ordinance only allows projection wall signs in the CD (Downtown Commercial) zoning district, however the maximum size sign allowed is ten square feet, whereas typical wall signs throughout the entire City are allowed to be at least 50 square feet as a default minimum allowed

sign surface area, regardless of the lot or building size. This text amendment allows properties with frontage having 100 feet or less to have a maximum area of 15 square feet projection wall sign and allows properties with frontage having more than 100 feet to have a maximum of 50 square foot projection wall signs. This text amendment also increases the maximum dimension projection wall sign may extend past the wall they are mounted to from 3 feet to 4 feet. The zoning ordinance currently allows only one wall projection sign per establishment. This text amendment allows one projection wall sign for each side of a building that fronts a public street or public alley. The proposed changes to the ordinance are as follows.

- May project horizontally from the building wall not more than four feet (currently three)
- Under Section 9-4-234 (B) (5) (b), Wall Projections Signs, remove items 4, 5, 8, and 9
- Add: One projection wall sign is allowed for each side of a building that fronts a public street or public alley.
- Add: Projection wall signs shall be considered part of the total wall sign allowance.
- Add: Properties with frontage having 100 feet or less may have a maximum projection wall sign area of 15 square feet and properties with frontage having more than 100 feet may have a maximum projection wall sign area of 50 square feet

The proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan, Vision Areas Subsection, Management Action H5: "Develop the downtown as the cultural, recreational, and entertainment center of the City." It is also in compliance with the Center City West Greenville Revitalization Plan, Chapter 2, Market Feasibility – Housing, Retail and Entertainment Uses, V. Strategy Implications, Goal 2 which states, "Reposition and revitalize downtown as a new and vibrant activity center for the city and the region."

Ms. Bellis asked if there were any current projection signs.

Mr. Weitnauer stated he saw one from the remnants of Hard Times Bar, some have used awnings and canopies, but there are not many.

Mr. Schrade asked why the allowance of 15 square feet and 50 square feet.

Mr. Weitnauer stated one reason was administrative to be able to quickly permit projects. The other reason is to be straight forward since contractors work with so many jurisdictions.

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.

Mr. Weitz stated some of the amendment is too restrictive and parts are not restrictive enough. He stated most signs are flush mounted to the wall. Projection signs are mounted to the wall but stick out over the sidewalk. He asked if small suspended signs under canopies are considered projection signs.

Mr. Weitnauer stated the ordinance in Section 5(b)(1) reads: “Wall projection signs shall be permanently attached to an exterior wall of a building in a manner approved by the Building Inspector.” He stated no.

Mr. Weitz asked if there is a separate code for suspended signs.

Mr. Weitnauer stated he was not sure but they are not part of wall projection signs.

Mr. Weitz referred to Section 5 (b)(2) that it shall not be attached to the outside edge of a canopy or extend beyond any outside edge of a canopy.

Mr. Flood, Director of Community Development, clarified that suspended signs, which Mr. Weitz mentioned, that project down from the canopy are not permitted under the Code. Projection signs need to be attached to the wall and not from a canopy.

Mr. Weitz stated that an allowance for suspended signs is needed and that projection signs are a relic of the past.

Mr. Flood stated 2 projection signs exist. One at 1<sup>st</sup> & Reade Streets and the other at Winslow’s.

Mr. Weitz stated the proposed would allow for one projection sign per building frontage. He asked what about when various establishments share a building.

Mr. Flood stated the purpose also is to reduce visual clutter. In this scenario, each establishment could not have its own projection sign but could combine into one projection sign.

Mr. Weitz stated the overall size allowance, 50 square feet is too large.

Mr. Weitnauer stated there is a 4 foot projection off of the wall. The allotment of 50 square feet is for buildings with more than 100 feet of frontage. There are not many buildings downtown that do. Projection signs can enhance downtown. He stated he would not suggest this amendment if it would hurt the downtown area. Between 1986 and 2011 there have been over two dozen sign amendments. It is a good time to increase standards. This is a conservative set of amendments.

Mr. Flood stated a section of the sign ordinance currently allows up to 50 square feet of signage for flush mounted signs. This provides consistency in the proposed amendment.

Mr. Weitz stated the proposed height is too big. He stated Starlight Café is a good example. The signage should be oriented to the pedestrian and does not need to be so big. He stated he cannot support the amendment as written.

Ms. Bellis stated she agreed with Mr. Weitz and that being too large would be unpleasant.

Ms. Darden asked how many properties downtown have more than 100 feet of frontage.

Mr. Weitnauer stated he did not have the information.

Ms. Bellis asked if there was a request for this type of sign.

Mr. Weitnauer stated the new parking garage and a few smaller businesses in the past.

Ms. Bellis suggested the parking garage should request a special use permit from the Board of Adjustment.

Mr. Weitnauer stated no, the BOA does not entertain or review variances to sign regulations.

Mr. Griffin stated if this is for consistency then he can see the bigger picture of a more urbanized feel to the City, bringing the old into the new and the new into the old.

Mr. Smith stated that it is for downtown only and that it would help. Not many businesses could afford it, so not too many of these signs would be going up.

Chairwoman Basnight asked if the new apartments being built would be eligible for a sign.

Mr. Weitnauer stated yes.

Ms. Darden asked about the sign on 1<sup>st</sup> & Pitt Streets.

Mr. Flood stated it is a projection sign and was done under the current regulations. He recalls a large projection sign years ago on Dickinson where the gym is at now. Projection signs are making a comeback. This request is trying to accommodate change and keep consistency.

Mr. Weitz stated that he researched other jurisdictions. Wilmington is 15 square feet and Durham is 40 square feet. It all comes down to design and scale. It should be scaled and oriented to the pedestrian. Projection signs should be used when there is no canopy and address the suspended signs under the canopies. The area and height should be kept small. He agreed with Ms. Bellis that the parking garage should request a variance at the Board of Adjustment.

Attorney Holec stated a variance would not meet the legal requirement. It has to be related to the land and therefore would not apply to this.

Mr. King asked what is recommended for the parking garage if this amendment is not passed.

Attorney Holec stated the ordinance would need to be amended to apply to specific buildings or structures. A text amendment is still required.

Mr. Schrade asked where the 50 square foot requirement came from.

Mr. Flood stated it is consistent with the current provisions the sign ordinance that allows up to 50 square feet for flush mounted signs.

Mr. Schrade suggested making the requirements 15 square feet for buildings with under 100 feet of frontage and 32 square feet for buildings over 100 feet of frontage.

Ms. Darden suggested adding an allowance of up to 50 square feet for significantly larger buildings as needed.

Mr. Weitnauer stated that significantly larger could depend on the number of stories.

Ms. Reid agreed with a requirement to include larger buildings so that it is there for the parking garage and any other future large building or expansion.

Mr. Weitnauer stated that the suggestions are good. The suggestions can be included in a motion and can be forwarded to Council.

Attorney Holec stated since this was generated by staff, they are willing to entertain a motion with the changes and proceed to City Council with the changed amendment. The motion needs to be understood and recommended clearly. He stated, as he has heard, the ordinance as is with the reduced square footage from 50 square feet to 30 square feet and adding an additional provision that a building of a certain size and height could have the 50 square feet.

Mr. Weitnauer suggested a revision to the text amendment that added properties with frontage having more than 100 feet and with at least a three story building located on the property with a height of at least 40 feet and a building lot coverage area of at least 80% of the property may have a maximum projection wall sign area of 50 square feet.

Mr. King asked if there was any urgency to do this or could it be tabled until the next meeting.

Mr. Flood stated yes. The completion of the parking deck is in the next few days. The sign became an issue.

Mr. Weitz stated he still had questions about suspended signs that are not covered in the ordinance and needs to be addressed.

Mr. Flood stated that staff would need to do research and come back with a report on it. The Planning and Zoning Commission can initiate the amendment and staff can come back with it.

**Motion made by Mr. Schrade, seconded by Mr. Smith, to recommend approval of the proposed text amendment with the combined changes that Attorney Holec reiterated and Mr. Weitnauer suggested 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. In favor: Mr. Smith, Mr. Griffin, Mr. Schrade, Ms. Darden, and Ms. Reid. Against: Mr. Weitz, Mr. King, Ms. Bellis. Motion carried.**

**Motion made by Mr. Weitz, seconded by Mr. King, to have Staff initiate a text amendment to sign regulations regarding suspended signs. Motion passed unanimously.**

Mr. Flood advised the Commission of items on next month's agenda. First is the theatre, or live performance venue, that City Council has sent back for modifications. Also it is time for the 10 year update to the Horizons plan and information will be provided.

**With no further business, a motion was made by Mr. Smith, seconded by Ms. Darden, to adjourn. Motion passed unanimously. Meeting adjourned at 7:29 p.m.**

Respectfully Submitted,

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





# City of Greenville, North Carolina

Meeting Date: 2/17/2015  
Time: 6:30 PM

**Title of Item:** Ordinance requested by Happy Trail Farms, LLC to rezone 67.652 acres located south of Stantonsburg Road and west of Pitt County Landfill from RA20 (Residential-Agricultural) to I (Industry) and IU (Unoffensive Industry).

**Explanation:** **Abstract:** The City has received a request from Happy Trail Farms, LLC to rezone 67.652 acres located south of Stantonsburg Road and west of Pitt County Landfill from RA20 (Residential-Agricultural) to I (Industry) and IU (Unoffensive Industry).

### **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on February 3, 2015.

On-site sign(s) posted on February 3, 2015.

City Council public hearing notice (property owner and adjoining property owner letter) mailed - N/A at this time.

Public hearing legal advertisement published - N/A at this time.

### **Comprehensive Plan:**

The subject property is located in Vision Area F.

Allen Road, from MacGregor Downs Road to the Norfolk Southern Railroad, is considered a "connector" corridor then transitions to a "residential" corridor to its intersection with Dickinson Avenue.

Stantonsburg Road, between US Highway 264 and the proposed interchange with the Southwest Bypass, is considered a "connector" corridor then transitions to a "residential" corridor continuing west.

Connector corridors are anticipated to contain a variety of higher intensive activities and uses whereas residential corridors are preferred to accommodate lower intensity residential uses. 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 recognized neighborhood focus area at the intersection of Allen Road and Landfill Road. These nodes typically contain 20,000-40,000 of conditioned floor space.

The Future Land Use Plan Map recommends commercial on the western side of the intersection of Allen Road and Landfill Road transitioning to conservation/open space (COS) to act as a buffer to the interior industrial (I). Further, conservation/open space (COS) is recommended as a buffer between the interior industrial (I) and the (OIMF) along Stantonsburg Road.

The Future Land Use Map identifies certain areas for conservation/open space uses. The map is not meant to be dimensionally specific, and may not correspond precisely with 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 Land Use Plan designations, contextual considerations, and the general policies of the comprehensive plan.

The Comprehensive Plan specifically states that, "... all of the industrial areas indicated on the Land Use Plan Map have been buffered with either office, institutional and multi-family or conservation/open space land uses. Buffering has been provided to help prevent land use conflicts between industrial developments and neighboring land uses."

**Thoroughfare/Traffic Volume Report Summary (PWD - Engineering Division):**

Based on the analysis comparing the existing zoning (1,819 daily trips) and requested rezoning, the proposed rezoning classification could generate 1,734 trips to and from the site on Stantonsburg Road, which is a net decrease of 85 less trips per day. Since the traffic analysis for the requested rezoning indicates that the proposal would generate less traffic than the existing zoning, a traffic volume report was not generated.

**History/Background:**

In 2001, the subject property was part of a large-scale extra-territorial jurisdiction (ETJ) extension and was zoned RA20 (Residential-Agricultural).

**Present Land Use:**

Vacant

**Water/Sewer:**

Water is available from Bell Arthur Water Corporation. Sanitary sewer is not

available.

**Historic Sites:**

There are no known effects on designated sites

**Environmental Conditions/Constraints:**

There are no known effects on the designated area.

**Surrounding Land Uses and Zoning:**

North: RA20 - Wooded

South: IU - Wooded

East: I and RA20 - Pitt County Landfill and wooded (owned by Pitt County)

West: RA20 - Vacant and wooded

**Density Estimates:**

Tract 1:

Under the current zoning (RA20), staff would anticipate the site to yield 125-135 single-family lots.

Under the proposed zoning (I), the site could accommodate 270,403+/- square feet of industrial/warehouse uses.

Tract 2:

Under the current zoning (RA20), staff would anticipate the site to yield 30-40 single-family lots.

Under the proposed zoning (IU), the site could accommodate 78,582+/- square feet of industrial/warehouse uses.

Tract 3:

Under the current zoning (RA20), staff would anticipate the site to yield 10-15 single-family lots.

Under the proposed zoning (I), the site could accommodate 32,496+/- square feet of industrial/warehouse uses.

The anticipated build-out time is 3-5 years.

**Fiscal Note:** No cost to the City.

**Recommendation:** **Tracts 1 and 3:**

In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

"In compliance with the comprehensive plan" should be construed as meaning the requested rezoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

**Tract 2:**

In staff's opinion, the request is not in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

"Not in compliance with the comprehensive plan" should be construed as meaning the requested zoning (i) is specifically noncompliant with plan objectives and recommendations including the range of allowable uses in the proposed zone, etc... and/or is of a scale, dimension, configuration or location that is not objectively in keeping with plan intent and (ii) does not promote or preserve the desired urban form. The requested zoning is considered undesirable and not in the public interest and staff recommends denial of the requested rezoning.

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 rezoning, 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 rezoning, 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."

Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed zoning districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

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

**Attachments / click to download**

 [Combined maps, survey and buffer charts](#)

 [List of uses RA20 to I IU 962698](#)

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## **EXISTING ZONING**

### **RA20 (Residential-Agricultural)**

#### ***Permitted Uses***

*(1) General:*

- a. Accessory use or building
- c. On-premise signs per Article N

*(2) Residential:*

- a. Single-family dwelling
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

*(3) Home Occupations (see all categories):\*None*

*(4) Governmental:*

- b. City of Greenville municipal government building or use (see also section 9-4-103)

*(5) Agricultural/ Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- c. Wayside market for farm products produced on site
- e. Kennel (see also section 9-4-103)
- f. Stable; horse only (see also section 9-4-103)
- g. Stable; per definition (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use

*(6) Recreational/ Entertainment:*

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility

*(7) Office/ Financial/ Medical:\* None*

*(8) Services:*

- o. Church or place of worship (see also section 9-4-103)

*(9) Repair:\* None*

*(10) Retail Trade:\* None*

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:\* None*

*(12) Construction:*

- c. Construction office; temporary, including modular office (see also section 9-4-103)

*(13) Transportation:\* None*

*(14) Manufacturing/ Warehousing: \* None*

*(15) Other Activities (not otherwise listed - all categories):\* None*

### **RA20 (Residential-Agricultural)**

#### ***Special Uses***

*(1) General.\* None*

*(2) Residential:*

- b. Two-family attached dwelling (duplex)
- g. Mobile Home
- n. Retirement center or home

o. Nursing, convalescent center or maternity home; major care facility

(3) *Home Occupations (see all categories):*

- a. Home occupation; including barber and beauty shops
- c. Home occupation; including manicure, pedicure or facial salon

(4) *Governmental:*

- a. Public utility building or use

(5) *Agricultural/ Mining:*

- b. Greenhouse or plant nursery; including accessory sales

(6) *Recreational/ Entertainment:*

- a. Golf course; regulation
- c.(1). Tennis club; indoor and outdoor facilities

(7) *Office/ Financial/ Medical:*\* None

(8) *Services:*

- a. Child day care facilities
- b. Adult day care facilities
- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)

(9) *Repair:*\* None

(10) *Retail Trade:*\* None

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade:*\* None

(12) *Construction:*\* None

(13) *Transportation:*\* None

(14) *Manufacturing/ Warehousing:* \* None

(15) *Other Activities (not otherwise listed - all categories):*\* None

## **PROPOSED ZONING**

### **I (Industry)**

#### ***Permitted Uses***

(1) *General:*

- a. Accessory use or building
- b. Internal service facilities
- c. On-premise signs per Article N
- d. Off-premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

(2) *Residential:*\* None

(3) *Home Occupations (see all categories):*\*None

(4) *Governmental:*

- a. Public utility building or use
- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or

- minor repair
- d. Federal government building or use
- e. County government operation center

*(5) Agricultural/ Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- b. Greenhouse or plant nursery; including accessory sales
- e. Kennel (see also section 9-4-103)
- f. Stable; horse only (see also section 9-4-103)
- g. Stable; per definition (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use
- i. Livestock sales pavilion, auditorium, yard, distribution or transshipment facility
- j. Quarry, mining, excavation and works including material storage and distribution; sand, stone, gravel

*(6) Recreational/ Entertainment:*

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility
- p. Circus, carnival or fairs

*(7) Office/ Financial/ Medical:*

- b. Operation/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- g. Catalogue processing center

*(8) Services:*

- n. Auditorium
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular telephone and wireless communication towers [unlimited height, except as provided by regulations]
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- gg. Vocational rehabilitation center
- nn. Industrial laundries

*(9) Repair:*

- a. Major repair; as an accessory or principal use
- b. Minor repair; as an accessory or principal use
- c. Upholster; automobile, truck, boat or other vehicle, trailer or van
- d. Upholsterer; furniture
- e. Furniture refinishing, stripping or repair facility
- f. Appliance; household and office equipment repair
- h. Appliance; commercial and industrial equipment repair not otherwise listed

*(10) Retail Trade:*

- b. Gasoline or automotive fuel sale; accessory or principal use, retail
- h. Restaurant; conventional
- i. Restaurant; fast food
- cc. Farm supply and commercial implement sales
- dd. Industrial implement, machinery or tool sales

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:*

- a. Wholesale; durable and nondurable goods, not otherwise listed
- d. Rental of automobile, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- e. Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery

*(12) Construction:*

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. including outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- d. Building supply; lumber and materials sales, plumbing and/or electrical supply including outside storage



*(13) Transportation:*

- a. Railroad freight or distribution and/or passenger station
- d. Truck terminal or distribution center
- e. Parcel delivery service
- f. Ambulance service
- g. Airport and related activities; private
- h. Parking lot or structure; principal use

*(14) Manufacturing/ Warehousing:*

- a. Ice plant and freezer lockers
- b. Dairy; production, storage and shipment facilities
- c. Bakery; production, storage and shipment facilities
- d. Stone or monument cutting, engraving
- e. Mobile home repair or rework facility; no sales allowed
- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholster
- h. Engraving; metal, glass or wood
- j. Moving and storage; including outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
- m. Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage
- n. Petroleum (bulk) storage facility; excluding retail sales
- o. Feed and grain elevator, mixing, redrying, storage or sales facility
- p. Tobacco redrying or processing plant
- q. Fertilizer or lime manufacture or bulk storage
- r. Manufacturing of acid, toxic chemicals or other hazardous materials or explosive products not otherwise listed
- s. Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed
- t. Manufacture of nonhazardous medical supplies or medical products, including distribution
- u. Tire recapping or retreading plant
- v. Bottling or packing plant for nonhazardous materials or products
- w. Bottling or packing plant for hazardous, flammable or explosive materials or products
- y. Recycling collection station of facilities
- z. Metallurgy, steel fabrication, welding
- aa. Meat, poultry or fish processing or packing plant
- bb. Slaughterhouse
- cc. Manufacture of pharmaceutical, biological, botanical, medical, and cosmetic products, and related materials

*(15) Other Activities (not otherwise listed - all categories):* \* None

**I (Industry)**

***Special Uses***

*(1) General:*\* None

*(2) Residential:*

- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- j. Residential quarters for resident manager, supervisor or caretaker; including mobile home

*(3) Home Occupations (see all categories):*\* None

*(4) Governmental:*

- f. Correctional facility

*(5) Agricultural/ Mining:*\* None

*(6) Recreational/ Entertainment:*

- e. Miniature golf or putt-putt course
- i. Commercial recreation; indoor and outdoor, not otherwise listed
- k. Firearm ranges; indoor or outdoor

*(7) Office/ Financial/ Medical:*

- a. Office; professional and business, not otherwise listed

*(8) Services:*

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- s.(1). Hotel, motel, bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)

*(9) Repair:\* None*

*(10) Retail Trade:*

- j. Restaurant; regulated outdoor activities

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade.\* None*

*(12) Construction:\* None*

*(13) Transportation:\* None*

*(14) Manufacturing/ Warehousing:*

- f. Junkyard automobile graveyard or materials reclamation facility
- x. Sanitary landfill or incinerator; public or private

*(15) Other Activities (not otherwise listed - all categories):*

- c. Other activities; commercial services not otherwise listed
- e. Other activities; industrial services not otherwise listed

**IU (Unoffensive Industry)**

***Permitted Uses***

*(1) General:*

- a. Accessory use or building
- b. Internal service facilities
- c. On-premise signs per Article N
- d. Off-premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

*(2) Residential:\* None*

*(3) Home Occupations (see all categories):\*None*

*(4) Governmental:*

- a. Public utility building or use
- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- e. County government operation center

*(5) Agricultural/ Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- b. Greenhouse or plant nursery; including accessory sales
- d. Farmers market
- e. Kennel (see also section 9-4-103)
- f. Stable; horse only (see also section 9-4-103)
- g. Stable; per definition (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use

*(6) Recreational/ Entertainment:*

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility
- p. Circus, carnival or fairs

*(7) Office/ Financial/ Medical:*

- b. Operation/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- g. Catalogue processing center

*(8) Services:*

- n. Auditorium
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- bb. Civic organization
- gg. Vocational rehabilitation center
- mm. Commercial laundries; linen supply
- nn. Industrial laundries
- y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular telephone and wireless communication towers [unlimited height, except as provided by regulations]

*(9) Repair:*

- b. Minor repair; as an accessory or principal use
- c. Upholster; automobile, truck, boat or other vehicle, trailer or van
- d. Upholsterer; furniture
- f. Appliance; household and office equipment repair
- h. Appliance; commercial and industrial equipment repair not otherwise listed

*(10) Retail Trade:*

- b. Gasoline or automotive fuel sale; accessory or principal use, retail
- h. Restaurant; conventional
- i. Restaurant; fast food
- cc. Farm supply and commercial implement sales

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:*

- a. Wholesale; durable and nondurable goods, not otherwise listed
- d. Rental of automobile, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- e. Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery

*(12) Construction:*

- b. Licensed contractor; general, electrical, plumbing, mechanical, etc. including outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- d. Building supply; lumber and materials sales, plumbing and/or electrical supply including outside storage

*(13) Transportation:*

- a. Railroad freight or distribution and/or passenger station
- d. Truck terminal or distribution center
- e. Parcel delivery service
- f. Ambulance service
- g. Airport and related activities; private
- h. Parking lot or structure; principal use

*(14) Manufacturing/ Warehousing:*

- a. Ice plant and freezer lockers
- b. Dairy; production, storage and shipment facilities
- c. Bakery; production, storage and shipment facilities
- d. Stone or monument cutting, engraving
- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholster

- h. Engraving; metal, glass or wood
- j. Moving and storage; including outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
- m. Warehouse; accessory to approved commercial or industrial uses within a district; excluding outside storage
- o. Feed and grain elevator, mixing, re-drying, storage or sales facility
- p. Tobacco redrying or processing plant
- s. Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed
- t. Manufacture of nonhazardous medical supplies or medical products, including distribution
- u. Tire recapping or retreading plant
- v. Bottling or packing plant for nonhazardous materials or products
- y. Recycling collection station of facilities
- cc. Manufacture of pharmaceutical, biological, botanical, medical, and cosmetic products, and related materials

(15) *Other Activities (not otherwise listed - all categories):*

\* None

## **IU (Unoffensive Industry)**

### ***Special Uses***

(1) *General:* \* None

(2) *Residential:*

- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- j. Residential quarters for resident manager, supervisor or caretaker; including mobile home
- o. Nursing, convalescent center or maternity home; major care facility

(3) *Home Occupations (see all categories):* \* None

(4) *Governmental:* \* None

(5) *Agricultural/ Mining:* \* None

(6) *Recreational/ Entertainment:*

- e. Miniature golf or putt-putt course
- i. Commercial recreation; indoor and outdoor, not otherwise listed
- k. Firearm ranges; indoor or outdoor

(7) *Office/ Financial/ Medical:*

- a. Office; professional and business, not otherwise listed

(8) *Services:*

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- o. Church or place of worship (see also section 9-4-103)
- s.(1). Hotel, motel, bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)

(9) *Repair:*

- a. Major repair; as an accessory or principal use

(10) *Retail Trade:*

- j. Restaurant; regulated outdoor activities

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade:*

- g. Mobile home sales including accessory mobile home office

(12) *Construction:* \* None

*(13) Transportation:*

c. Taxi and limousine service

*(14) Manufacturing/ Warehousing:*

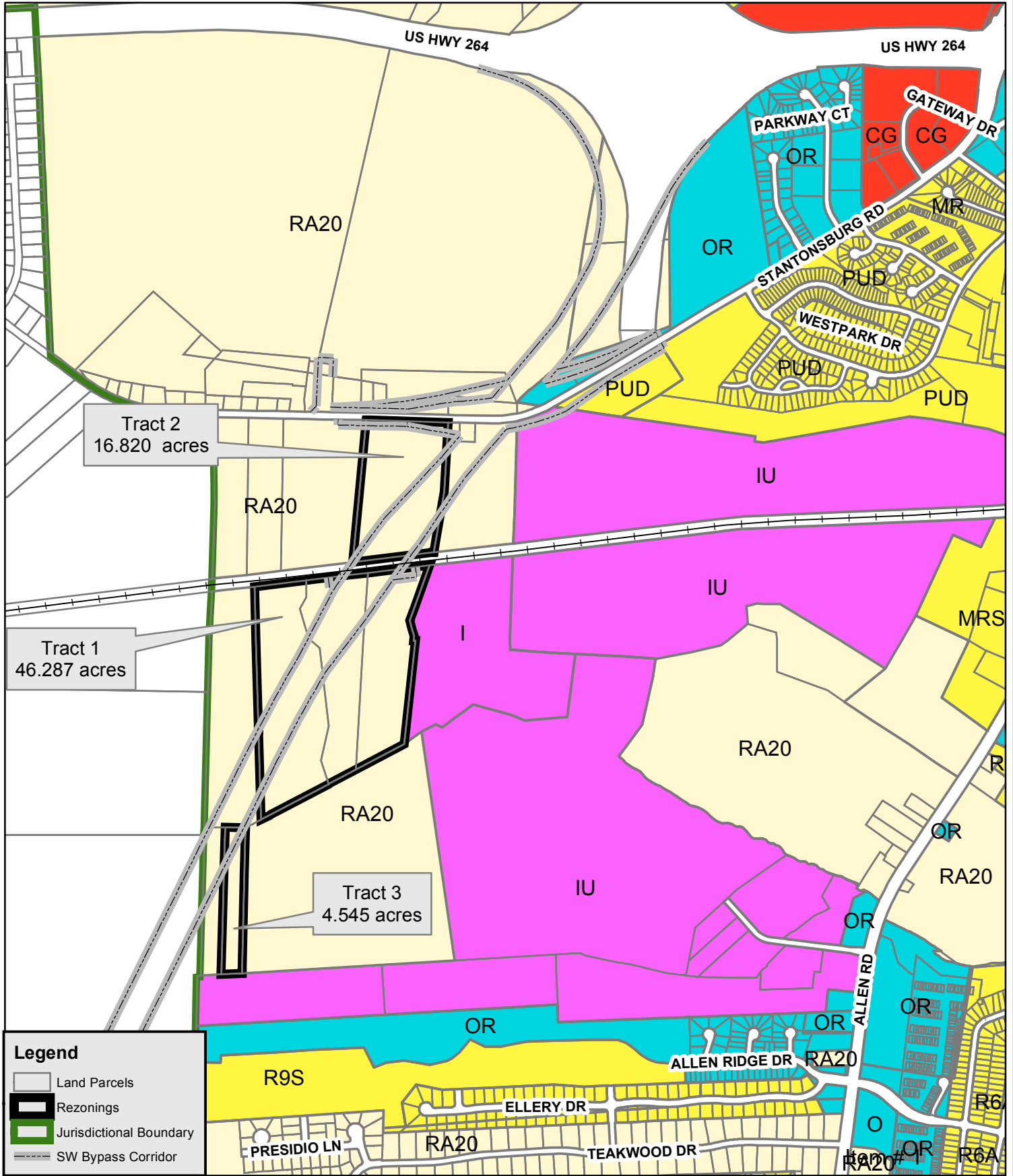
z. Metallurgy, steel fabrication, welding

*(15) Other Activities (not otherwise listed - all categories):*

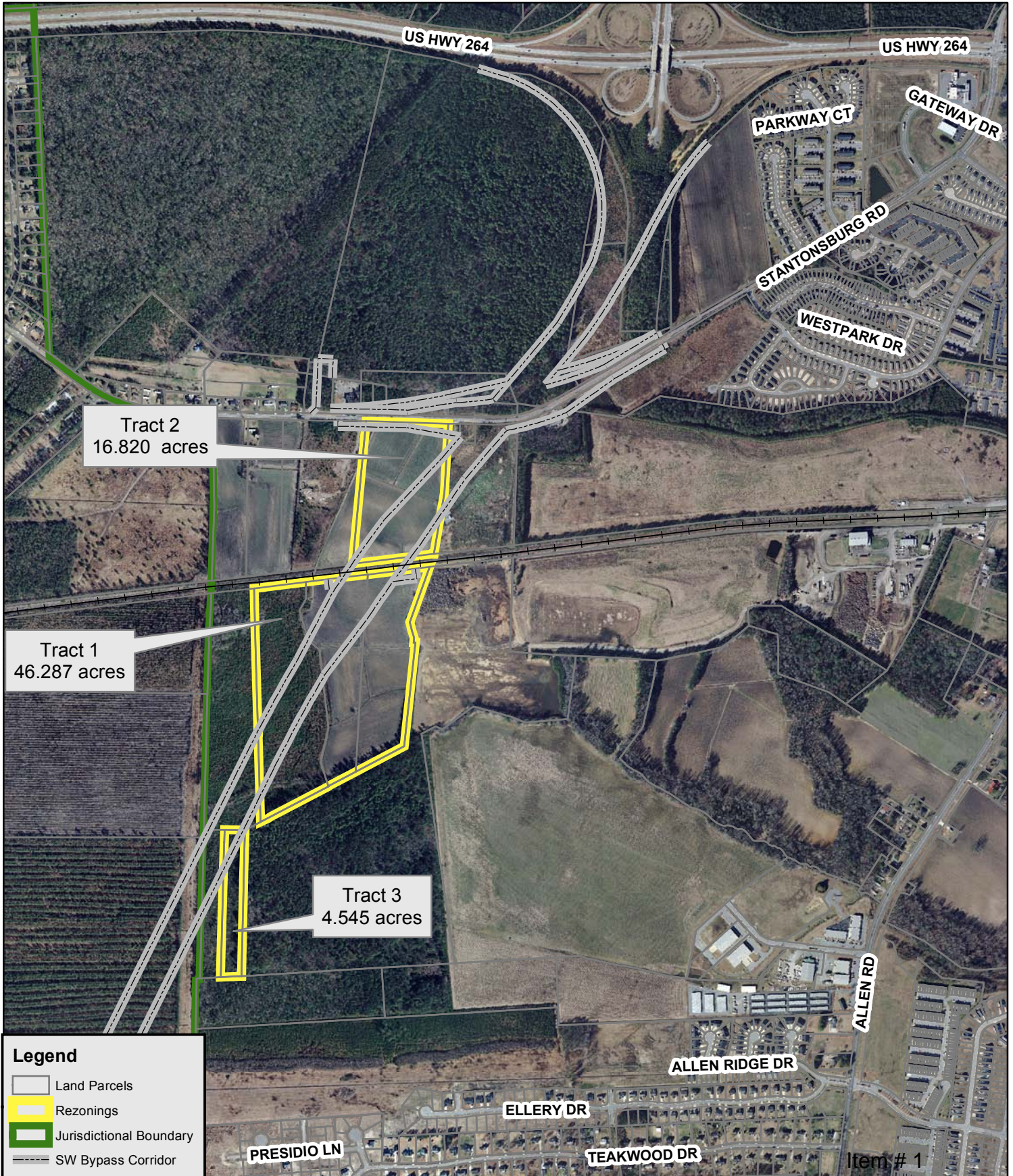
c. Other activities; commercial services not otherwise listed

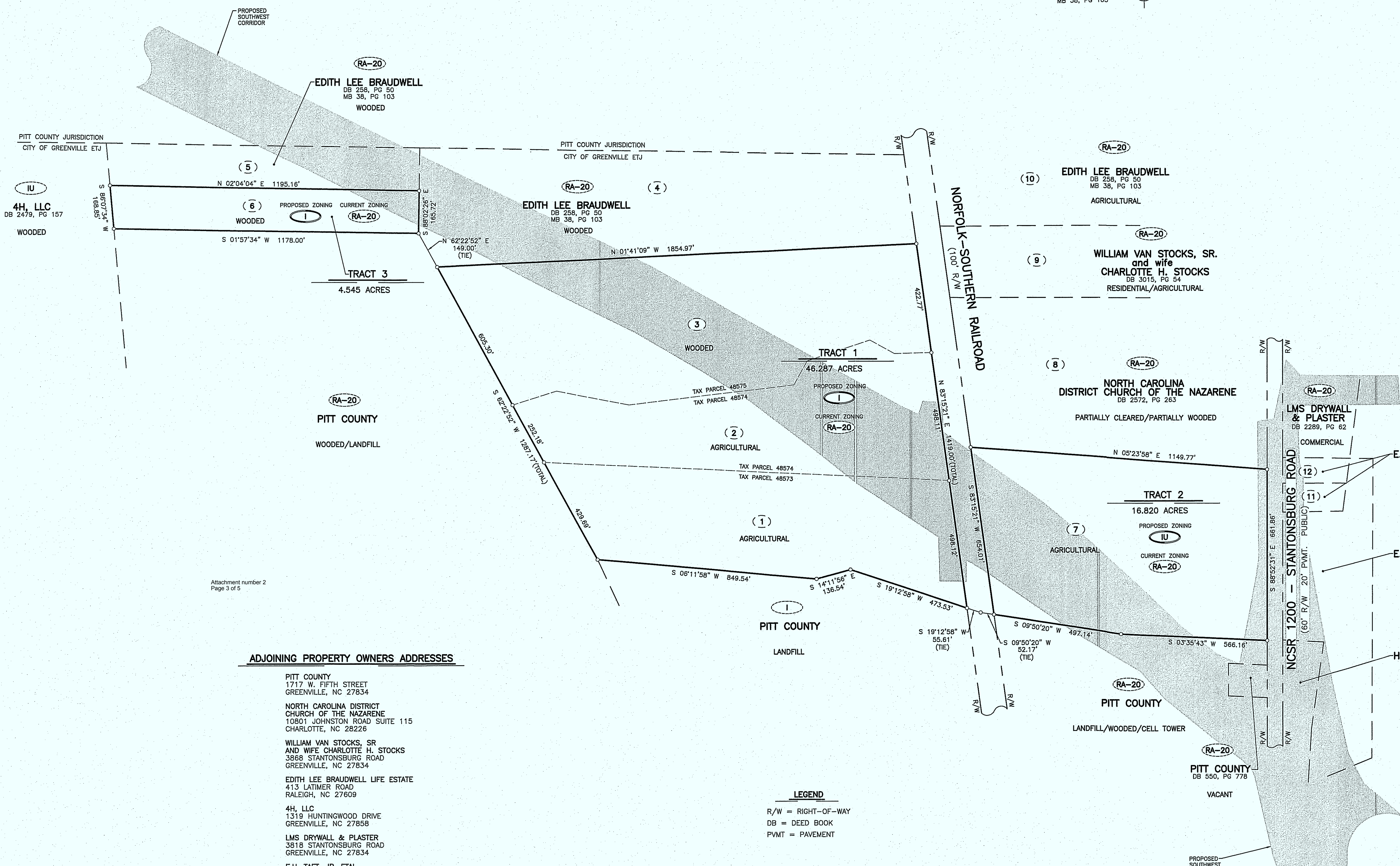
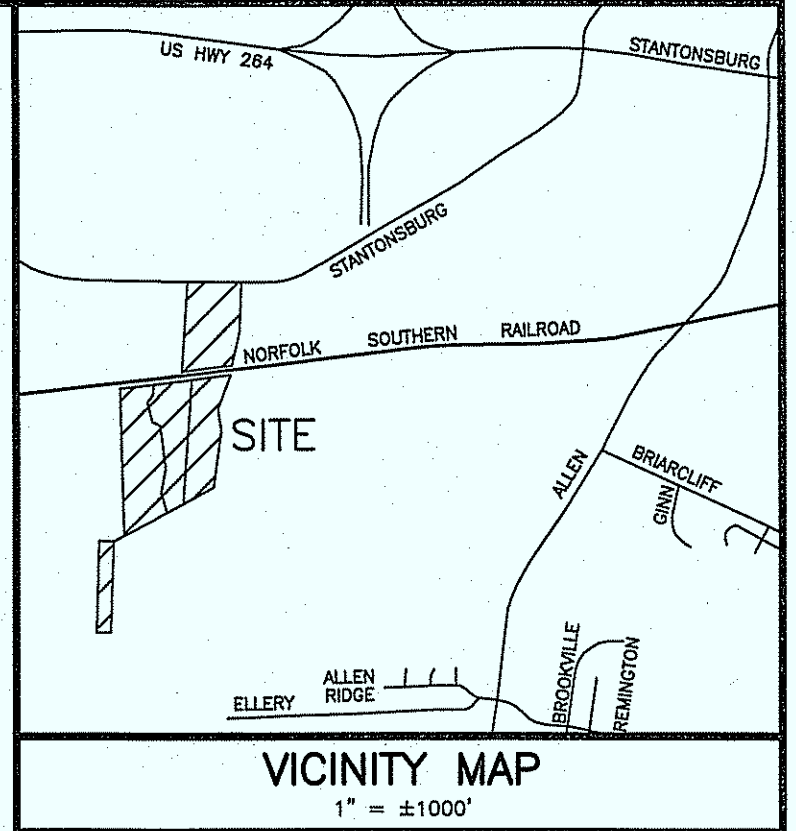
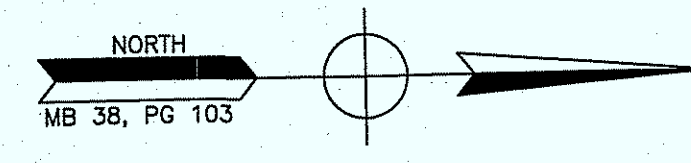
e. Other activities; industrial services not otherwise listed

Happy Trail Farms, LLC. (15-03)  
Tract 1: From: RA20 to: I  
Tract 2: From: RA20 To: IU  
Tract 3: From: RA20 To: I  
February 3, 2015



Happy Trail Farms, LLC. (15-03)  
Tract 1: From: RA20 to: I  
Tract 2: From: RA20 To: IU  
Tract 3: From: RA20 To: I  
February 3, 2015





Attachment number 2  
Page 3 of 5

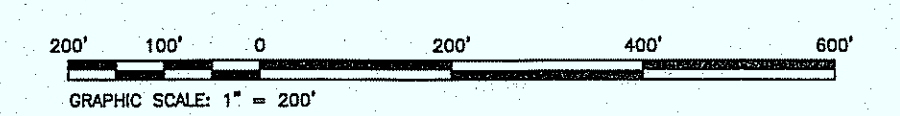
**ADJOINING PROPERTY OWNERS ADDRESSES**

- PITT COUNTY  
1717 W. FIFTH STREET  
GREENVILLE, NC 27834
- NORTH CAROLINA DISTRICT  
CHURCH OF THE NAZARENE  
10901 JOHNSON ROAD SUITE 115  
CHARLOTTE, NC 28226
- WILLIAM VAN STOCKS, SR  
AND WIFE CHARLOTTE H. STOCKS  
3888 STANTONSBURG ROAD  
GREENVILLE, NC 27834
- EDITH LEE BRAUDWELL LIFE ESTATE  
413 LATIMER ROAD  
RALEIGH, NC 27609
- 4H, LLC  
1319 HUNTINGWOOD DRIVE  
GREENVILLE, NC 27858
- LMS DRYWALL & PLASTER  
3818 STANTONSBURG ROAD  
GREENVILLE, NC 27834
- E.H. TAFT, JR. ETAL  
P.O. BOX 566  
GREENVILLE, NC 27835
- E. HOOVER TAFT, III ETAL  
P.O. BOX 566  
GREENVILLE, NC 27835
- HERBERT LEWIS HEIRS  
2067 STOKES ELEMENTARY SCHOOL ROAD  
STOKES, NC 27884

**LEGEND**  
 R/W = RIGHT-OF-WAY  
 DB = DEED BOOK  
 PVMT = PAVEMENT

NOTE: THE BEARINGS AND DISTANCES SHOWN ON THIS MAP WERE TAKEN FROM MAP BOOK 38, PAGE 103 OF THE PITT COUNTY REGISTER OF DEEDS, AND DOES NOT REPRESENT AN ACTUAL SURVEY BY THIS FIRM.

AREA TO BE REZONED: 67.652 ACRES



SHEET 1 OF 1  
REZONING MAP

**HAPPY TRAIL FARMS, LLC**

REFERENCE: MAP BOOK 38, PAGE 103, DEED BOOK 3005, PAGE 769,  
 DEED BOOK 3030, PAGE 162 AND DEED BOOK 3035, PAGE 573 OF  
 THE PITT COUNTY REGISTER OF DEEDS

ARTHUR TOWNSHIP, PITT COUNTY, N.C.

OWNER: HAPPY TRAIL FARMS, LLC  
 ADDRESS: P.O. BOX 1863  
 GREENVILLE, NC 27835  
 PHONE: (310)-623-7896



<b>BOUNDARY CLOSURE CHECK</b>		<b>Baldwin Design Consultants, PA</b>	
CHECKED: JGG	DATE: 12/29/14	SURVEYED: NA	APPROVED: MWB
SITE & SUBDIVISION DESIGN - SURVEYING - PLANNING		DRAWN: JGG	DATE: 12/29/14
3740-B EWING STREET GREENVILLE, NC 27834		CHECKED: MWB	SCALE: 1" = 200'

CAD FILE: DRAWINGS\14-112 HAPPY TRAIL FARMS-ROBERT MOORE\14-112 REZONING.DWG



04/30/07

## BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

**Bufferyard Requirements:** Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE	PUBLIC/PRIVATE STREETS OR R.R.	
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)			
Multi-Family Development (2)	C	B	B	B	B	Residential (1) - (2)	Non-Residential (3) - (5)	A
Office/Institutional, Light Commercial, Service (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industry (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)		
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

**Parking Area:** Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.

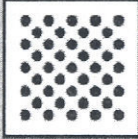
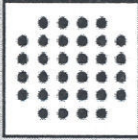
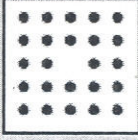
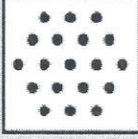

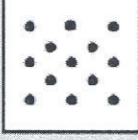
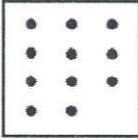
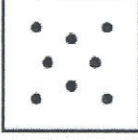
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
<b>High Density</b>		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
<b>Medium Density</b>		
R6-A	9 units per acre yields 24 persons per acre	
R6-S	7 units per acre yields 19 persons per acre	
R9	6 units per acre yields 16 persons per acre	
R9-S	5 units per acre yields 13 persons per acre	
<b>Low Density</b>		
RA-20 MRS	4 units per acre yields 11 persons per acre	
R15-S	3 units per acre yields 8 persons per acre	

Illustration: Maximum allowable density in Residential Zoning Districts



# City of Greenville, North Carolina

Meeting Date: 2/17/2015  
Time: 6:30 PM

**Title of Item:** Ordinance requested by Hardee 3 Enterprises, Incorporated to rezone 9.816 acres located along the southern right-of-way of East 10th Street and 275+/- feet west of L. T. Hardee Road from RA20 (Residential-Agricultural) to CG (General Commercial).

**Explanation:** **Abstract:** The City has received a request from Hardee 3 Enterprises, Incorporated to rezone 9.816 acres located along the southern right-of-way of East 10th Street and 275+/- feet west of L. T. Hardee Road from RA20 (Residential-Agricultural) to CG (General Commercial).

### **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on February 3, 2015.

On-site sign(s) posted on February 3, 2015.

City Council public hearing notice (property owner and adjoining property owner letter) mailed - N/A at this time.

Public hearing legal advertisement published - N/A at this time.

### **Comprehensive Plan:**

The subject site is located in Vision Area C.

East 10th Street (NC 33) is considered a gateway corridor from its intersection with Greenville Boulevard and continuing east. Gateway corridors serve as primary entranceways into the City and help define community character.

There is a recognized intermediate focus area to the east of the intersection of East 10th Street and Portertown Road. Intermediate focus areas generally contain 50,000 to 150,000 square feet of conditioned floor space.

The Future Land Use Plan Map recommends commercial (C) at the southwest corner of the intersection of East 10th Street and L. T. Hardee Road.

**Thoroughfare/Traffic Report Summary (PWD- Engineering Division):**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 5,529 trips to and from the site on East 10th Street, which is a net increase of 5,165 additional trips per day.

During the review process, measures to mitigate the traffic will be determined.

**History/Background:**

In 1989, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned RA20 (Residential-Agricultural).

**Present Land Use:**

Three (3) single-family residences and farmland.

**Water/Sewer:**

Water is available from Eastern Pines Water Corporation. Sanitary sewer is available from Greenville Utilities at the River Hills pump station.

**Historic Sites:**

There are no known effects on designated sites

**Environmental Conditions/Constraints:**

There are no known environmental conditions/constraints.

**Surrounding Land Uses and Zoning:**

North: RA20 - Three single-family residences and one mobile-home residence;  
CN - Commercial building  
South: Norfolk Southern Railroad  
East: CG - Denton Landscaping and vacant  
West: CH and CG - Wal-Mart Shopping Center

**Density Estimates:**

Under the current zoning (RA20), the site could yield 35+/- single-family lots.

Under the proposed zoning (CG), the site could yield 94,069+/- square feet of retail/ conventional and fast food restaurant uses.

The anticipated build-out within 1-2 years.

**Fiscal Note:** No cost to the City.

**Recommendation:** In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

"In compliance with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

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 rezoning, 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 rezoning, 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."

Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed zoning districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

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

**Attachments / click to download**

 [Combined map, survey, traffic and buffer charts](#)

 [List of Uses RA20 to CG 996558](#)

## **EXISTING ZONING**

### **RA20 (Residential-Agricultural)**

#### ***Permitted Uses***

*(1) General:*

- a. Accessory use or building
- c. On-premise signs per Article N

*(2) Residential:*

- a. Single-family dwelling
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

*(3) Home Occupations (see all categories):\*None*

*(4) Governmental:*

- b. City of Greenville municipal government building or use (see also section 9-4-103)

*(5) Agricultural/ Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- c. Wayside market for farm products produced on site
- e. Kennel (see also section 9-4-103)
- f. Stable; horse only (see also section 9-4-103)
- g. Stable; per definition (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use

*(6) Recreational/ Entertainment:*

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility

*(7) Office/ Financial/ Medical:\* None*

*(8) Services:*

- o. Church or place of worship (see also section 9-4-103)

*(9) Repair:\* None*

*(10) Retail Trade:\* None*

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:\* None*

*(12) Construction:*

- c. Construction office; temporary, including modular office (see also section 9-4-103)

*(13) Transportation:\* None*

*(14) Manufacturing/ Warehousing: \* None*

*(15) Other Activities (not otherwise listed - all categories):\* None*

### **RA20 (Residential-Agricultural)**

#### ***Special Uses***

*(1) General.\* None*

*(2) Residential:*

- b. Two-family attached dwelling (duplex)
- g. Mobile Home
- n. Retirement center or home

o. Nursing, convalescent center or maternity home; major care facility

(3) *Home Occupations (see all categories):*

- a. Home occupation; including barber and beauty shops
- c. Home occupation; including manicure, pedicure or facial salon

(4) *Governmental:*

- a. Public utility building or use

(5) *Agricultural/ Mining:*

- b. Greenhouse or plant nursery; including accessory sales

(6) *Recreational/ Entertainment:*

- a. Golf course; regulation
- c.(1). Tennis club; indoor and outdoor facilities

(7) *Office/ Financial/ Medical:\** None

(8) *Services:*

- a. Child day care facilities
- b. Adult day care facilities
- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)

(9) *Repair:\** None

(10) *Retail Trade:\** None

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade:\** None

(12) *Construction:\** None

(13) *Transportation:\** None

(14) *Manufacturing/ Warehousing: \** None

(15) *Other Activities (not otherwise listed - all categories):\** None

## **PROPOSED ZONING**

### **CG (General Commercial)**

#### ***Permitted Uses***

(1) *General:*

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

(2) *Residential: \** None

(3) *Home Occupations (see all categories):\**None

(4) *Governmental:*

- b. City of Greenville municipal government building or use. (See also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use

g. Liquor store, state ABC

*(5) Agricultural/ Mining:*

a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

*(6) Recreational/ Entertainment:*

f. Public park or recreational facility

h. Commercial recreation; indoor only, not otherwise listed

j. Bowling alleys

n. Theater; movie or drama, indoor only

q. Circus, carnival or fair, temporary only (see also section 9-4-103)

s. Athletic Club; indoor only

*(7) Office/ Financial/ Medical:*

a. Office; professional and business, not otherwise listed

b. Operation/processing center

d. Bank, savings and loan or other savings or investment institutions

e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

g. Catalogue processing center

*(8) Services:*

c. Funeral home

e. Barber or beauty shop

f. Manicure, pedicure, or facial salon

k. Business or trade school

o. Church or place of worship (see also section 9-4-103)

q. Museum

r. Art Gallery

s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)

u. Art studio including art and supply sales

v. Photography studio including photo and supply sales

y.(1) Television and/or radio broadcast facilities including receiving and transmission equipment and towers not exceeding 200 feet in height or cellular telephone and wireless communication towers not exceeding 200 feet in height (see also section 9-4-103)

z. Printing or publishing service including graphic art, map, newspapers, magazines and books

aa. Catering service including food preparation (see also restaurant; conventional and fast food)

hh. Exercise and weight loss studio; indoor only

kk. Launderette; household users

ll. Dry cleaners; household users

oo. Clothes alteration or shoe repair shop

pp. Automobile wash

*(9) Repair:*

g. Jewelry, watch, eyewear or other personal item repair

*(10) Retail Trade:*

a. Miscellaneous retail sales; non-durable goods, not otherwise listed

c. Grocery; food or beverage, off premise consumption (see also Wine Shop)

c.1 Wine shop (see also section 9-4-103)

d. Pharmacy

e. Convenience store (see also gasoline sales)

f. Office and school supply, equipment sales

g. Fish market; excluding processing or packing

h. Restaurant; conventional

i. Restaurant; fast food

k. Medical supply sales and rental of medically related products

l. Electric; stereo, radio, computer, television, etc. sales and accessory repair

m. Appliance; household use, sales and accessory repair, excluding outside storage

p. Furniture and home furnishing sales not otherwise listed

q. Floor covering, carpet and wall covering sales

r. Antique sales; excluding vehicles

s. Book or card store, news stand



- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facility)
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- aa. Pawnbroker
- bb. Lawn and garden supply and household implement sales and accessory sales
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:*

- b. Rental of home furniture, appliances or electronics and medically related products (see also (10)k.)
- c. Rental of cloths and accessories; formal wear, etc.

*(12) Construction:*

- c. Construction office; temporary, including modular office (see also section 9-4-103)
- e. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage
- f. Hardware store

*(13) Transportation:*

- c. Taxi or limousine service
- h. Parking lot or structure; principal use

*(14) Manufacturing/ Warehousing: \* None*

*(15) Other Activities (not otherwise listed - all categories):\* None*

**CG (General Commercial)**

***Special Uses***

*(1) General:\* None*

*(2) Residential:*

- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home

*(3) Home Occupations (see all categories):\* None*

*(4) Governmental:*

- a. Public utility building or use

*(5) Agricultural/ Mining:\* None*

*(6) Recreational/ Entertainment:*

- d. Game center
- l. Billiard parlor or pool hall
- m. Public or private club
- t. Athletic club; indoor and outdoor facilities

*(7) Office/ Financial/ Medical:*

- c. Office; customer services, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)

*(8) Services:*

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private

*(9) Repair:*

- a. Major repair; as an accessory or principal use
- b. Minor repair; as an accessory or principal use

*(10) Retail Trade:*

- b. Gasoline or automotive fuel sales; accessory or principal use, retail
- j. Restaurant; regulated outdoor activities
- n. Appliances; commercial use, sales and accessory repair, excluding outside storage

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:*

- d. Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- f. Automobile, truck, recreational vehicle, motorcycle and boat sales and service (see also major and minor repair)

*(12) Construction:*\* None

*(13) Transportation:*\* None

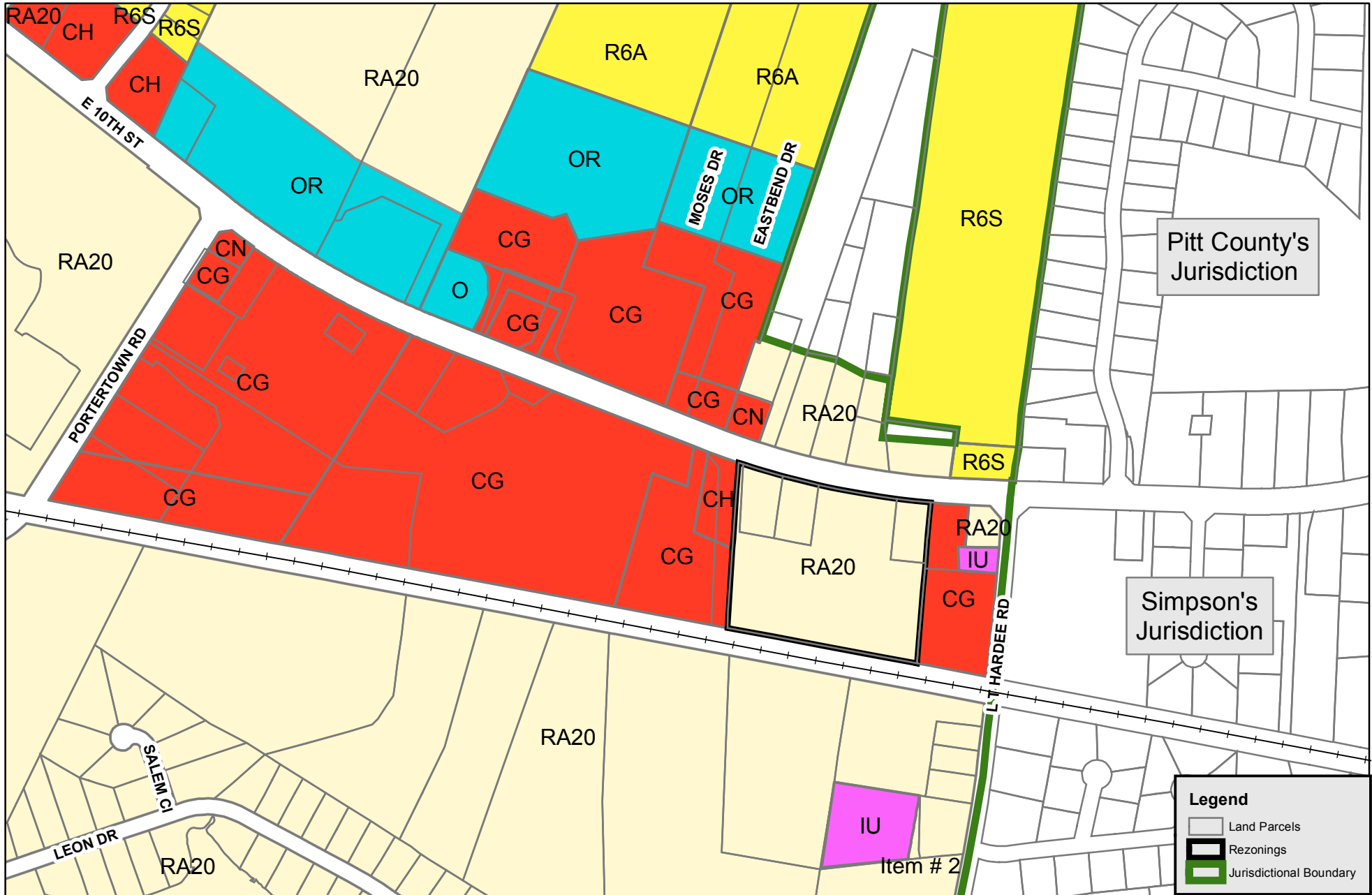
*(14) Manufacturing/ Warehousing:*

- k. Mini-storage warehouse, household; excluding outside storage

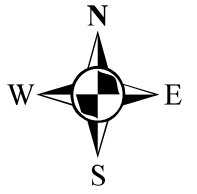
*(15) Other Activities (not otherwise listed - all categories):*

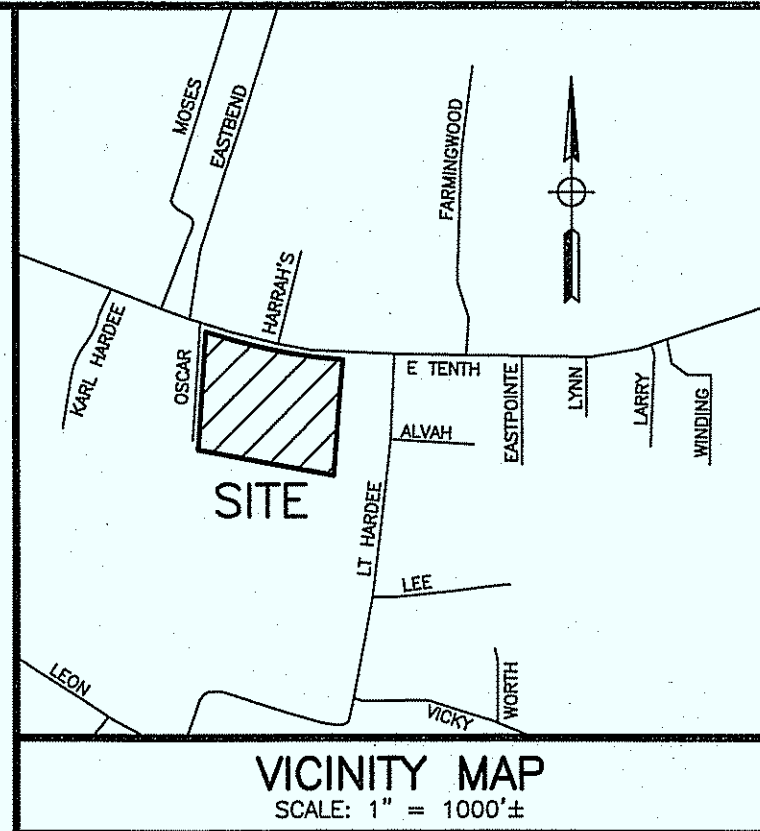
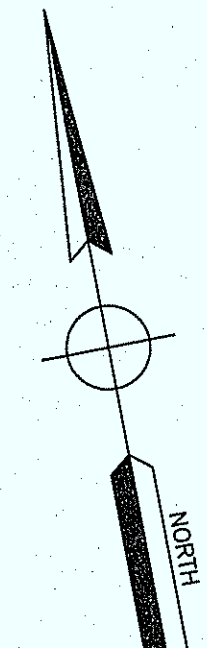
- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

Hardee 3 Enterprises, Inc. (15-02)  
From: RA 20 (Residential-Agricultural)  
To: CG (General Commercial)  
9.816 acres  
February 3, 2015



Hardee 3 Enterprises, Inc. (15-02)  
From: RA 20 (Residential-Agricultural)  
To: CG (General Commercial)  
9.816 acres  
February 3, 2015



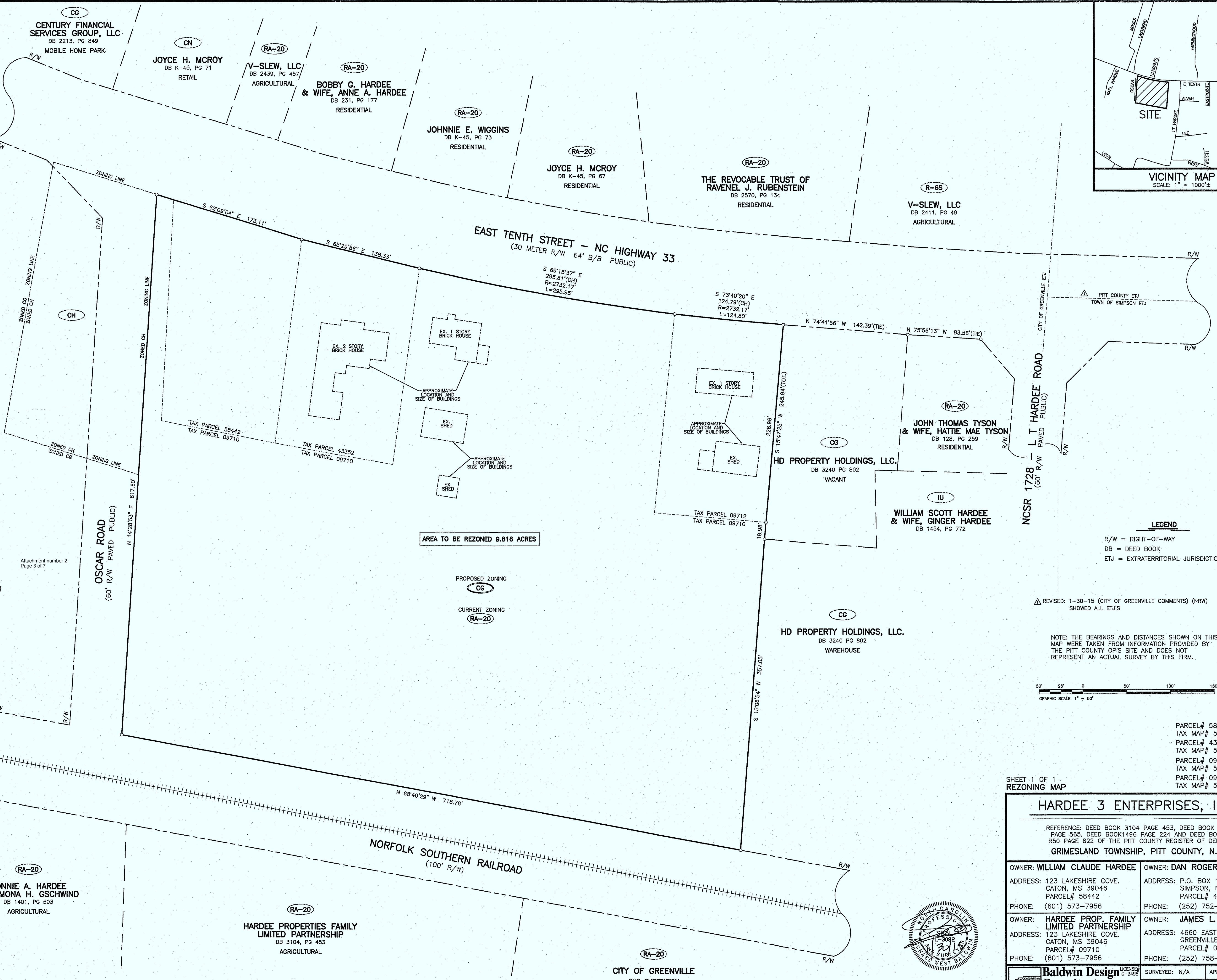


VICINITY MAP  
SCALE: 1" = 1000'

CG  
WAL-MART REAL ESTATE  
BUSINESS TRUST  
DB 2944, PG 139  
MB 75, PG 102  
SHOPPING CENTER

ADJOINING PROPERTY OWNERS ADDRESSES

- CENTURY FINANCIAL SERVICES GROUP, LLC  
740 SE GREENVILLE BOULEVARD SUITE 400 #314  
GREENVILLE, NC 27858
- JOYCE H. MCROY  
4651 E TENTH STREET  
GREENVILLE, NC 27858
- V-SLEW, LLC  
2625 CHARLES BOULEVARD  
GREENVILLE, NC 27858
- BOBBY G. HARDEE  
AND WIFE, ANNE A. HARDEE  
1580 ALLEN ROAD  
GREENVILLE, NC 27834
- JOHNNIE E. WIGGINS  
4631 E TENTH STREET  
GREENVILLE, NC 27858
- THE REVOCABLE TRUST OF RAVENEL J. RUBENSTEIN  
3 WILDEWOOD DOWNS POINT  
COLUMBIA, SC 29223
- HD PROPERTY HOLDINGS, LLC  
103 OAKMONT DRIVE SUITE 1  
GREENVILLE, NC 27858
- CITY OF GREENVILLE  
P.O. BOX 7207  
GREENVILLE, NC 27835
- HARDEE PROPERTIES FAMILY LIMITED PARTNERSHIP  
123 LAKESHIRE COVE  
CANTON, MS 39201
- CONNIE A. HARDEE  
AND MONA H. GSCHWIND  
1510 L.T. HARDEE ROAD  
GREENVILLE, NC 27834
- WAL-MART REAL ESTATE BUSINESS TRUST  
P.O. BOX 8050 ATTN: 0555  
BENTONVILLE, AR 72716



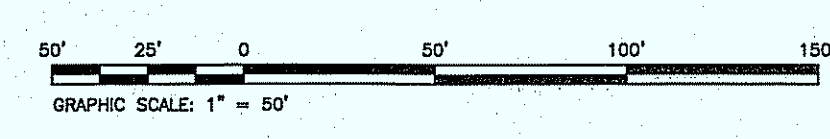
AREA TO BE REZONED 9.816 ACRES

PROPOSED ZONING  
CG  
CURRENT ZONING  
RA-20

LEGEND  
R/W = RIGHT-OF-WAY  
DB = DEED BOOK  
ETJ = EXTRATERRITORIAL JURISDICTION

▲ REVISED: 1-30-15 (CITY OF GREENVILLE COMMENTS) (NRW)  
SHOWED ALL ETJ'S

NOTE: THE BEARINGS AND DISTANCES SHOWN ON THIS  
MAP WERE TAKEN FROM INFORMATION PROVIDED BY  
THE PITT COUNTY OPIS SITE AND DOES NOT  
REPRESENT AN ACTUAL SURVEY BY THIS FIRM.



- PARCEL# 58442  
TAX MAP# 5607-40-0530
- PARCEL# 43352  
TAX MAP# 5607-40-1476
- PARCEL# 09710  
TAX MAP# 5607-40-3211
- PARCEL# 09712  
TAX MAP# 5607-40-6309

SHEET 1 OF 1  
REZONING MAP

HARDEE 3 ENTERPRISES, INC.

REFERENCE: DEED BOOK 3104 PAGE 453, DEED BOOK 778  
PAGE 565, DEED BOOK 1496 PAGE 224 AND DEED BOOK  
R50 PAGE 822 OF THE PITT COUNTY REGISTER OF DEEDS  
GRIMESLAND TOWNSHIP, PITT COUNTY, N.C.

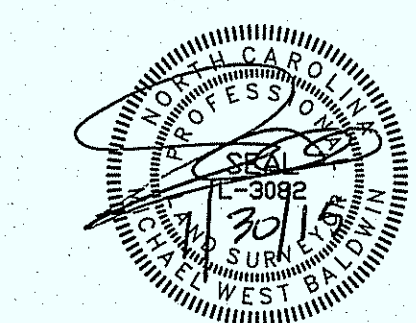
OWNER: WILLIAM CLAUDE HARDEE ADDRESS: 123 LAKESHIRE COVE. CANTON, MS 39046 PARCEL# 58442 PHONE: (601) 573-7956	OWNER: DAN ROGER HARDEE ADDRESS: P.O. BOX 178 SIMPSON, NC 27879 PARCEL# 43352 PHONE: (252) 752-1730
OWNER: HARDEE PROP. FAMILY LIMITED PARTNERSHIP ADDRESS: 123 LAKESHIRE COVE. CANTON, MS 39046 PARCEL# 09710 PHONE: (601) 573-7956	OWNER: JAMES L. HARDEE JR. ADDRESS: 4660 EAST 10th STREET GREENVILLE, NC 27858 PARCEL# 09712 PHONE: (252) 758-2221

**Baldwin Design Consultants, PA**  
1740-B EVANS STREET  
GREENVILLE, NC 27834 252.756.1390

APPROVED: MWB  
DATE: 11/12/14  
SCALE: 1" = 50'

CLOSURE CHECK BOUNDARY

CHECKED: NRW	DATE: 11/14/14
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CAD FILE: DRAWINGS\14-101 HARDEE 3 ENTERPRISES INC\14-101 REZONING MAP.dwg

Case No: 15-02

Applicant: Hardee 3 Enterprises, Inc

Property Information

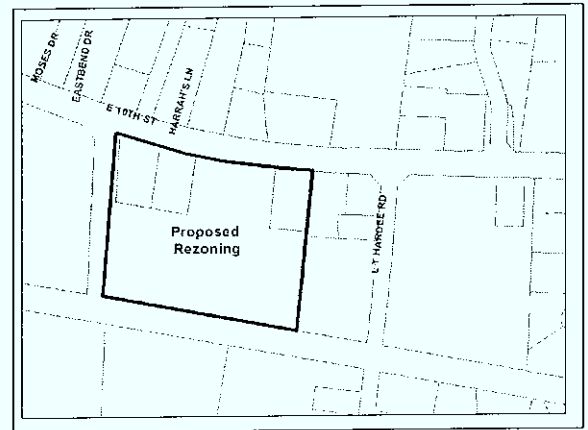
**Current Zoning:** RA20 (Residential-Agricultural)

**Proposed Zoning:** CG (General Commercial)

**Current Acreage:** 9.816 acres

**Location:** E. 10th St, west of LT Hardee Road

**Points of Access:** E. 10th St



**Location Map**

Transportation Background Information

**1.) E. 10th St- State maintained**

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5-lane - curb & gutter	no change
Right of way width (ft)	100	no change
Speed Limit (mph)	55	no change
<b>Current ADT:</b>	18,600 (*)	Ultimate Design ADT: 33,400 vehicles/day (**)
<b>Design ADT:</b>	33,400 vehicles/day (**)	
<b>Controlled Access</b>	No	
<b>Thoroughfare Plan Status:</b>	Major Thoroughfare	

**Other Information:** There are no sidewalks along E. 10th St 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:** 364 -vehicle trips/day (\*)                      **Proposed Zoning:** 5,529 -vehicle trips/day (\*)

**Estimated Net Change:** increase of 5165 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 zoning.)

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on E. 10th St are as follows:

1.) E. 10th St , West of Site (60%):                      “No build” ADT of 18,600

Estimated ADT with Proposed Zoning (full build) – 21,917  
 Estimated ADT with Current Zoning (full build) – 18,818  
 Net ADT change = 3,099 (16% increase)

2.) E. 10th St , East of Site (40%):

“No build” ADT of 18,600

Estimated ADT with Proposed Zoning (full build) – 20,812

Estimated ADT with Current Zoning (full build) – 18,746

Net ADT change = 2,066 (11% increase)

**Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 5529 trips to and from the site on E. 10th St, which is a net increase of 5165 additional trips per day.

During the review process, measures to mitigate the traffic will be determined.

04/30/07

## BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

**Bufferyard Requirements:** Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	B	B	B	B	C	B	A
Office/Institutional, Light Commercial, Service (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industry (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)		
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

**Parking Area:** Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.



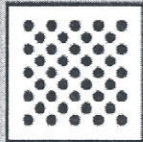
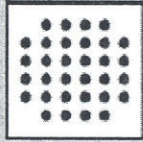
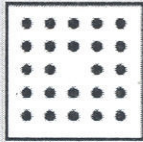
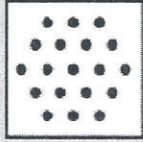

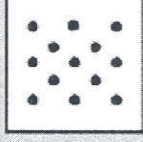
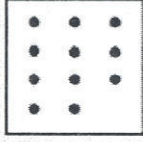
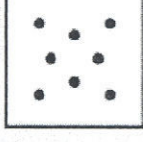
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
<b>High Density</b>		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
<b>Medium Density</b>		
R6-A	9 units per acre yields 24 persons per acre	
R6-S	7 units per acre yields 19 persons per acre	
R9	6 units per acre yields 16 persons per acre	
R9-S	5 units per acre yields 13 persons per acre	
<b>Low Density</b>		
RA-20 MRS	4 units per acre yields 11 persons per acre	
R15-S	3 units per acre yields 8 persons per acre	

Illustration: Maximum allowable density in Residential Zoning Districts



# City of Greenville, North Carolina

Meeting Date: 2/17/2015  
Time: 6:30 PM

**Title of Item:** Ordinance requested by Ward Holdings, LLC to rezone 2.0361 acres located along the southern right-of-way of East 10th Street and 270+/- feet west of Elm Street from R9 (Residential [Medium Density Multi-family]) to R6 (Residential [High Density Multi-family]).

**Explanation:** **Abstract:** The City has received a request from Ward Holdings, LLC to rezone 2.0361 acres located along the southern right-of-way of East 10th Street and 270+/- feet west of Elm Street from R9 (Residential [Medium Density Multi-family]) to R6 (Residential [High Density Multi-family]).

### **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on February 3, 2015.

On-site sign(s) posted on February 3, 2015.

City Council public hearing notice (property owner and adjoining property owner letter) mailed - N/A at this time.

Public hearing legal advertisement published - N/A at this time.

### **Comprehensive Plan:**

The subject site is located in Vision Area I.

East 10th Street, between Evans Street to Greenville Boulevard, is considered a "connector" corridor. Connector corridors are anticipated to contain a variety of higher intensive activities and uses whereas residential corridors are preferred to accommodate lower intensity residential uses.

The Future Land Use Plan Map recommends high density residential (HDR) at the southwest corner of the intersection of East 10th Street and Elm Street transitioning to office/ institutional/multi-family (OIMF) to the west and conservation/open space to the south along Green Mill Run.

**Thoroughfare/Traffic Report Summary (PWD- Engineering Division):**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 200 trips to and from the site on East 10th Street, which is a net increase of 94 additional trips per day.

During the review process, measures to mitigate the traffic will be determined.

**History/Background:**

In 1969, the subject property was zoned R9.

**Present Land Use:**

One single-family residence

**Water/Sewer:**

Water and sanitary sewer are available at the property.

**Historic Sites:**

There are no known effects on designated sites.

**Environmental Conditions/Constraints:**

The property is impacted by the 500 and 100-year floodplains and floodway associated with Green Mill Run.

**Surrounding Land Uses and Zoning:**

North: R9S - One single-family residence and Roman Catholic Campus Ministry

South: OR - Elm Street Park and ECU parking lot

East: R9 - One single-family residence

West: R9 - Alpha Phi Sorority

**Density Estimates:**

Under the current zoning (R9), the site could yield 10+/- duplex units (5 buildings) .

Under the proposed zoning (R6), the site could yield 28-30 multi-family units (1, 2 and 3 bedrooms).

The anticipated build-out within one year.

**Fiscal Note:**

No cost to the City.

**Recommendation:**

In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

"In compliance with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

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 rezoning, 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 rezoning, 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."

Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed zoning districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

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

**Attachments / click to download**

 [Combined maps, survey, traffic and buffer charts](#)

 [List of Uses R9 to R6 971140](#)

## **EXISTING ZONING**

### **R9 (Residential)**

#### ***Permitted Uses***

*(1) General:*

- a. Accessory use or building
- c. On premise signs per Article N

*(2) Residential:*

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

*(3) Home Occupations (see all categories):\*None*

*(4) Governmental:*

- b. City of Greenville municipal government building or use (see also section 9-4-103)

*(5) Agricultural/ Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

*(6) Recreational/ Entertainment:*

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility

*(7) Office/ Financial/ Medical:\* None*

*(8) Services:*

- o. Church or place of worship (see also section 9-4-103)

*(9) Repair:\* None*

*(10) Retail Trade:\* None*

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:\* None*

*(12) Construction:*

- a. Construction office; temporary, including modular office (see also section 9-4-103)

*(13) Transportation:\* None*

*(14) Manufacturing/ Warehousing: \* None*

*(15) Other Activities (not otherwise listed - all categories):\* None*

**R9 (Residential)**

***Special Uses***

(1) *General*:\* None

(2) *Residential*:

o.(1). Nursing, convalescent center or maternity home; minor care facility

(3) *Home Occupations (see all categories)*:

b. Home occupation; excluding barber and beauty shops

c. Home occupation; including manicure, pedicure or facial salon

(4) *Governmental*:

a. Public utility building or use

(5) *Agricultural/ Mining*:\* None

(6) *Recreational/ Entertainment*:

a. Golf course; regulation

c.(1). Tennis club; indoor and outdoor facilities

(7) *Office/ Financial/ Medical*:\* None

(8) *Services*:

a. Child day care facilities

b. Adult day care facilities

d. Cemetery

g. School; junior and senior high (see also section 9-4-103)

h. School; elementary (see also section 9-4-103)

i. School; kindergarten or nursery (see also section 9-4-103)

(9) *Repair*:\* None

(10) *Retail Trade*:\* None

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade*:\* None

(12) *Construction*:\* None

(13) *Transportation*:\* None

(14) *Manufacturing/ Warehousing*: \* None

(15) *Other Activities (not otherwise listed - all categories)*:\* None

## **PROPOSED ZONING**

### **R6 (Residential)**

#### ***Permitted Uses***

*(1) General:*

- a. Accessory use or building
- c. On-premise signs per Article N

*(2) Residential:*

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

*(3) Home Occupations (see all categories):\*None*

*(4) Governmental:*

- b. City of Greenville municipal government building or use (see also section 9-4-103)

*(5) Agricultural/ Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

*(6) Recreational/ Entertainment:*

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility

*(7) Office/ Financial/ Medical:\* None*

*(8) Services:*

- o. Church or place of worship (see also section 9-4-103)

*(9) Repair:\* None*

*(10) Retail Trade:\* None*

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:\* None*

*(12) Construction:*

- a. Construction office; temporary, including modular office (see also section 9-4-103)

*(13) Transportation:\* None*

*(14) Manufacturing/ Warehousing: \* None*

*(15) Other Activities (not otherwise listed - all categories):\* None*

**R6 (Residential)**  
***Special Uses***

(1) *General*:\* None

(2) *Residential*:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity dormitory (LUI) development rating 67 per Article K
- l. Group care facility
- n. Retirement center or home
- p. Board or rooming house
- r. Fraternity or sorority house
- o.(1). Nursing, convalescent center or maternity home; minor care facility

(3) *Home Occupations (see all categories)*:

- a. Home occupation; including barber and beauty shops
- c. Home occupation; including manicure, pedicure or facial salon

(4) *Governmental*:

- a. Public utility building or use

(5) *Agricultural/ Mining*:\* None

(6) *Recreational/ Entertainment*:

- a. Golf course; regulation
- c.(1). Tennis club; indoor and outdoor facilities

(7) *Office/ Financial/ Medical*:\* None

(8) *Services*:

- a. Child day care facilities
- b. Adult day care facilities
- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- m. Multi-purpose center
- t. Guest house for a college and other institutions of higher learning

(9) *Repair*:\* None

(10) *Retail Trade*:\* None

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade*:\* None

(12) *Construction*:\* None

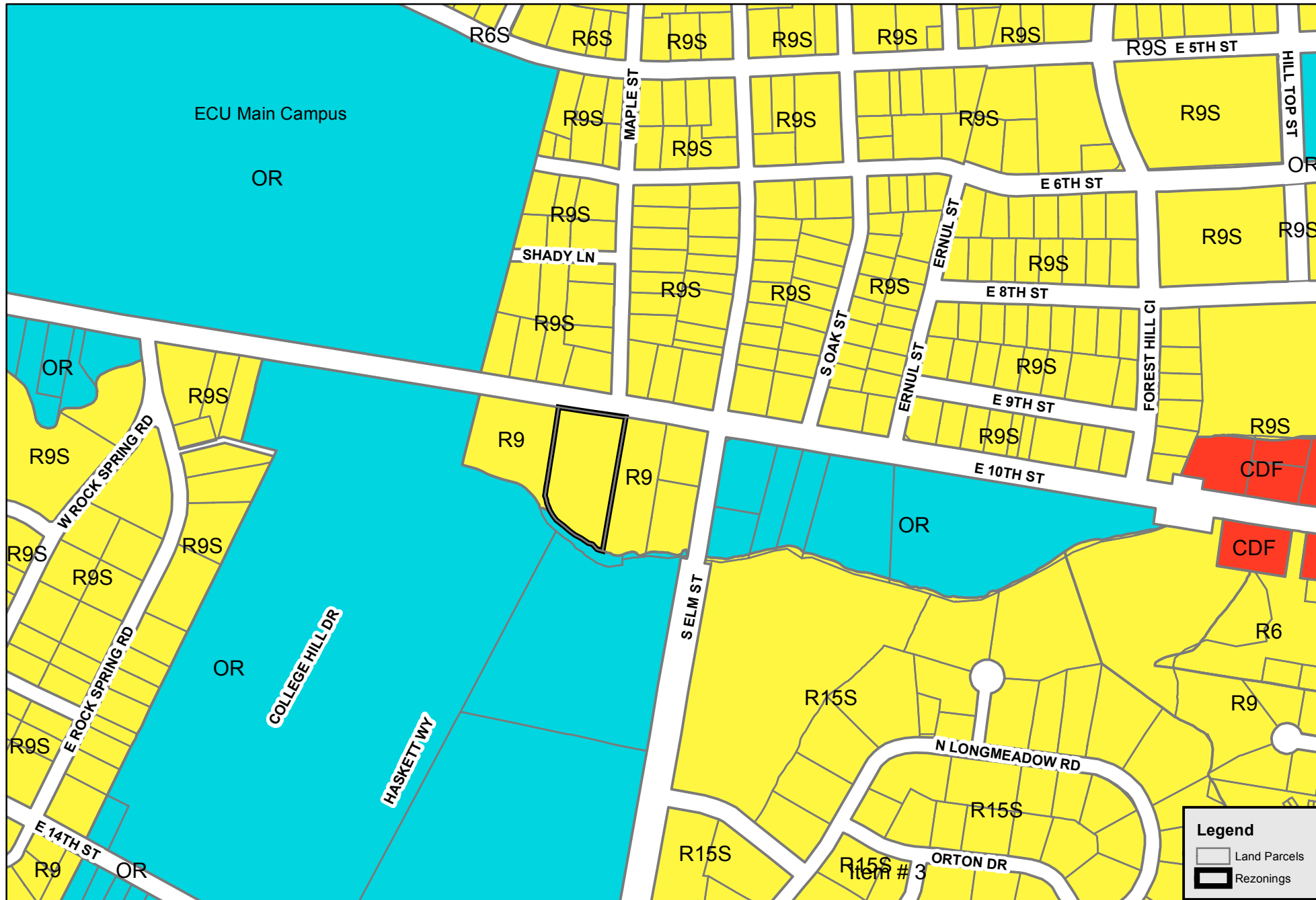
(13) *Transportation*:\* None

(14) *Manufacturing/ Warehousing*: \* None

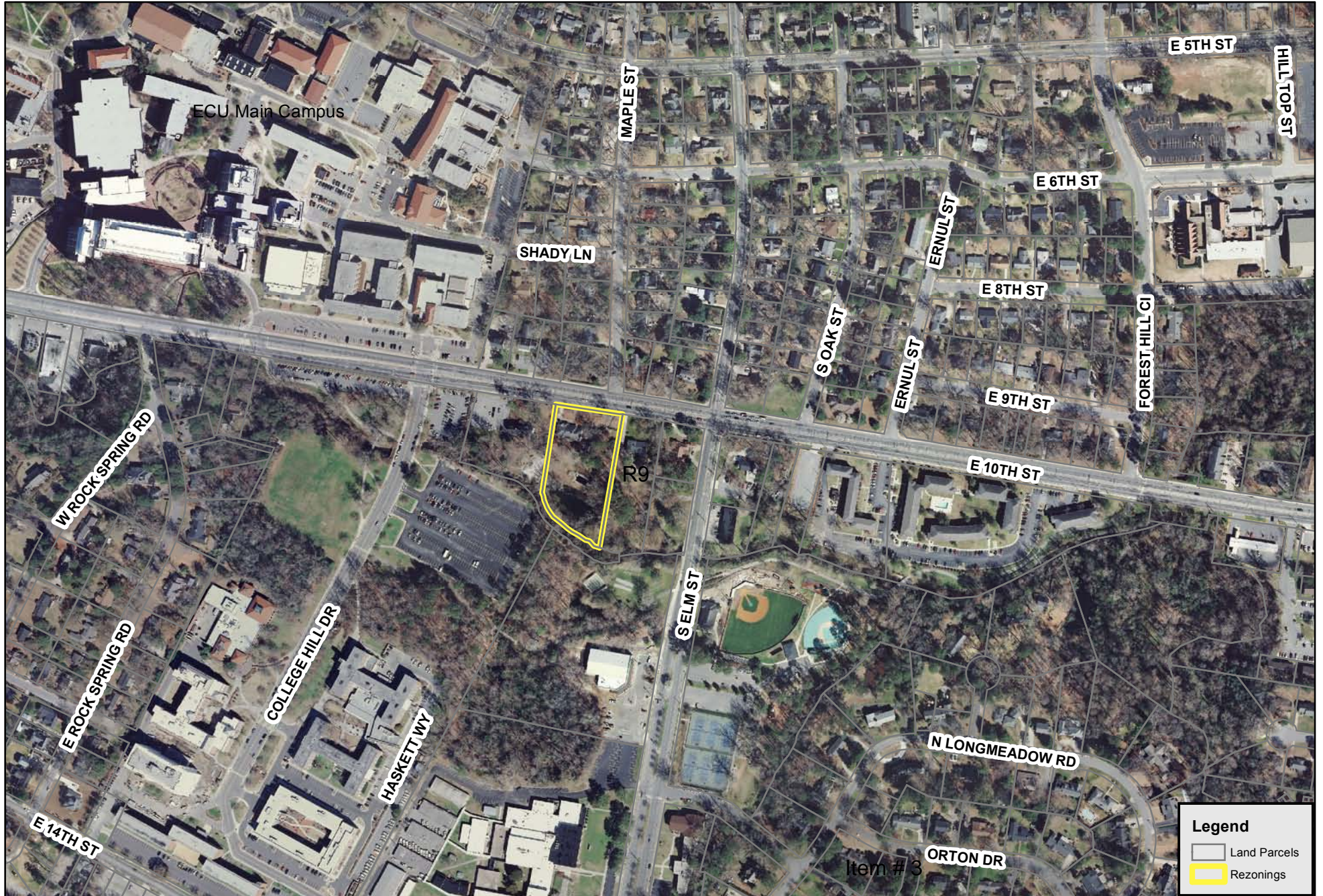
(15) *Other Activities (not otherwise listed - all categories)*:\* None

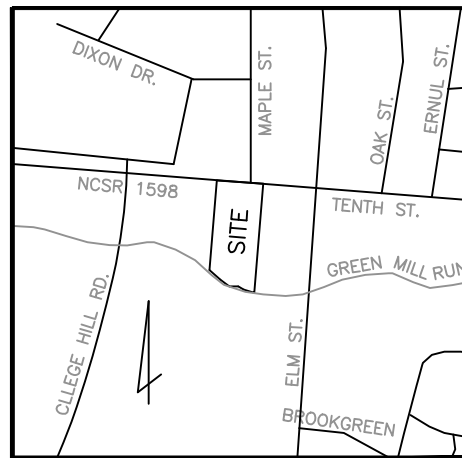


Ward Holdings, LLC (15-04)  
2.0361 acres  
February 3, 2015



Ward Holdings, LLC (15-04)  
2.0361 acres  
February 3, 2015





VICINITY MAP  
1"=1000'

- NOTES**
- THIS IS A REZONING SURVEY FOR PITT COUNTY TAX PARCEL 03379
  - AS PER FEMA FLOOD INSURANCE RATE MAP 3720468700K, DATED JULY 7, 2014, A PORTION OF THIS TRACT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA; ZONE AE
  - ALL DISTANCES SHOWN ARE HORIZONTAL FIELD DISTANCES; NO GRID FACTOR APPLIED
  - THE COMBINED NC GRID FACTOR USED FOR GRID COORDINATE CALCULATIONS IS 0.99989571
  - SEE MAP BOOK 76, PAGE 182 FOR THE RECORDED SUBDIVISION PLAT OF THIS PROPERTY WHICH SUBDIVIDES THE PROPERTY INTO 2 LOTS

**OWNER**

DELTA ALPHA EAST, LLC  
P.O. BOX 2685,  
GREENVILLE, NC 27836  
252-412-5583

**REZONING APPLICANT**

WARD HOLDINGS, LLC  
503 CHESAPEAKE PLACE  
GREENVILLE, NC 27858

**SITE DATA**

ACREAGE IN TOTAL TRACT: 2.0361 AC.  
CURRENT ZONING: R-9  
PROPOSED ZONING: R-6

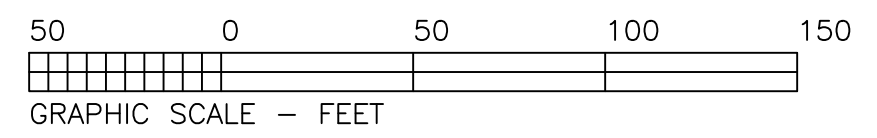
ELM STREET

**LEGEND**

- EXISTING IRON PIPE
- IRON PIPE SET
- NO POINT SET
- △ EXISTING CONCRETE MONUMENT
- PP○ POWER POLE
- u- OVERHEAD UTILITY LINE
- R/W RIGHT OF WAY
- x- 5' CHAINLINK FENCE
- LP○ LIGHT POLE
- s- SEWER LINE
- MH○ MANHOLE

REZONING SURVEY FOR  
**WARD HOLDINGS, LLC**

DEED BOOK 3073, PAGE 243  
CITY OF GREENVILLE  
GREENVILLE TOWNSHIP ~ PITT COUNTY ~ NORTH CAROLINA  
DATE: JANUARY 14, 2015 SCALE: 1"=50'  
REVISED TITLE BLOCK: FEBRUARY 3, 2015

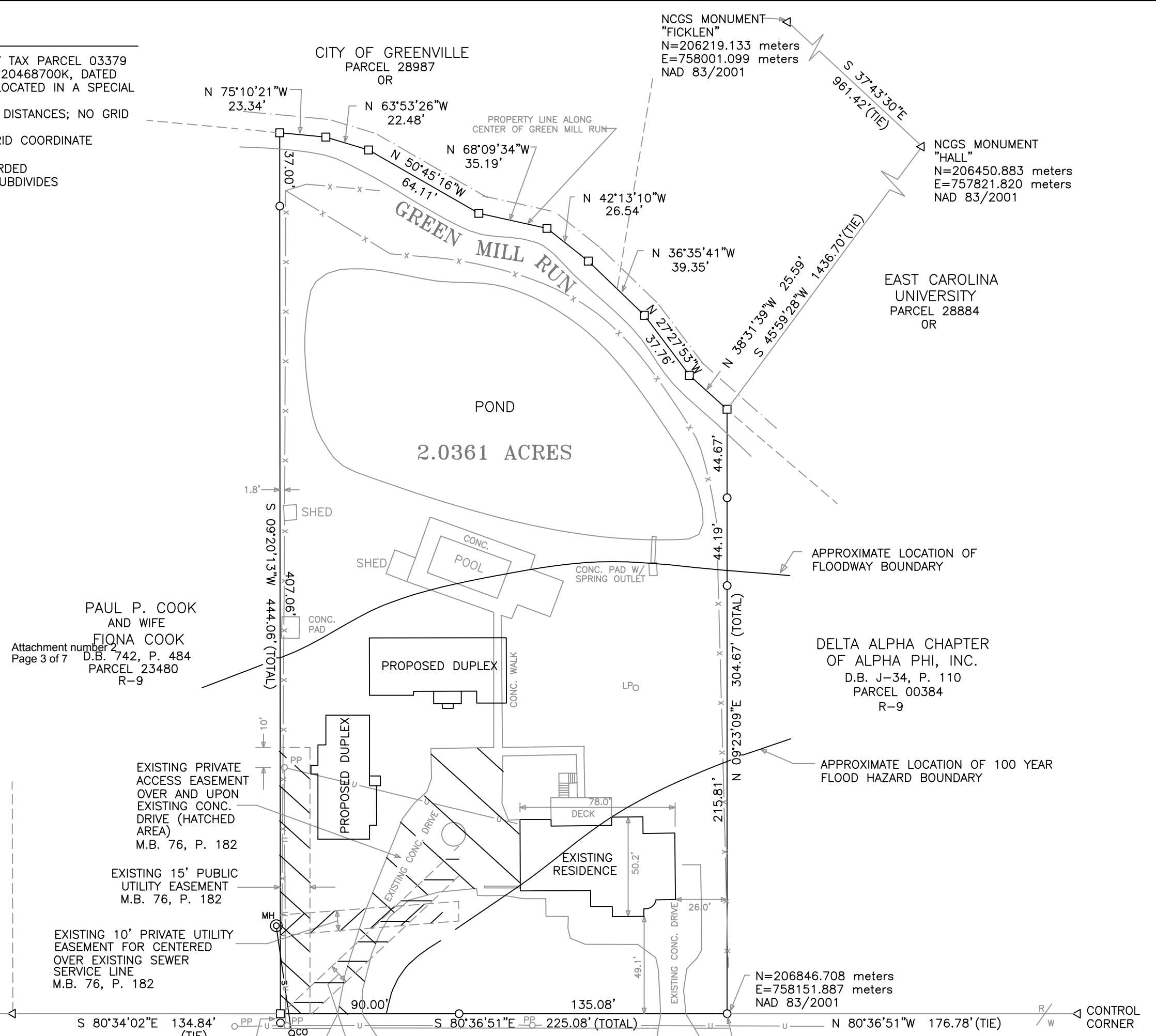


**Spruill & Associates Inc.**

2747 East Tenth Street  
Greenville, North Carolina 27858  
(252) 757-1200  
spruill@coastalnet.com



Firm No.  
C-978



Attachment number 2  
Page 3 of 7

PAUL P. COOK  
AND WIFE  
FIONA COOK  
D.B. 742, P. 484  
PARCEL 23480  
R-9

WILLIAM J. HANLON  
D.B. 3046, P. 528  
PARCEL 19903  
R-9S

MJ3, LLC  
D.B. 2786, P. 732  
PARCEL 18578  
R-9S

MICHAEL WILLIAM EHLBECK  
D.B. 81, P. 517  
PARCEL 12089  
R-9S

F. JOSEPH BISHOP  
GOSSMAN  
D.B. 95, P. 541  
PARCEL 08651  
R-9S

F. JOSEPH BISHOP  
GOSSMAN  
D.B. E49, P. 555  
PARCEL 07529  
R-9S

NCSR 1598 ~ TENTH STREET  
(86' PUBLIC R/W ~ 65' B/B)

MAPLE STREET

THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY STEPHEN N. SPRUILL, PLS NC L-2723 ON FEBRUARY 3, 2015. THIS MEDIA SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT.

I, STEPHEN N. SPRUILL, CERTIFY THAT THIS IS A SURVEY OF AN EXISTING PARCEL OF LAND, AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

STEPHEN N. SPRUILL, P.L.S. L-2723

**REFERENCES**

- D.B. 3073, P. 243
- D.B. M-39, P. 98
- M.B. 76, P. 182
- R/W BOOK 1, P. 12-D
- PITT COUNTY REGISTRY

STATE OF NORTH CAROLINA, PITT COUNTY

I, STEPHEN N. SPRUILL, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:21,390; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS DAY OF \_\_\_\_\_ 2015

PROFESSIONAL LAND SURVEYOR N.C. L-2723

# REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 15-04

Applicant: Ward Holdings, LLC

**Property Information**

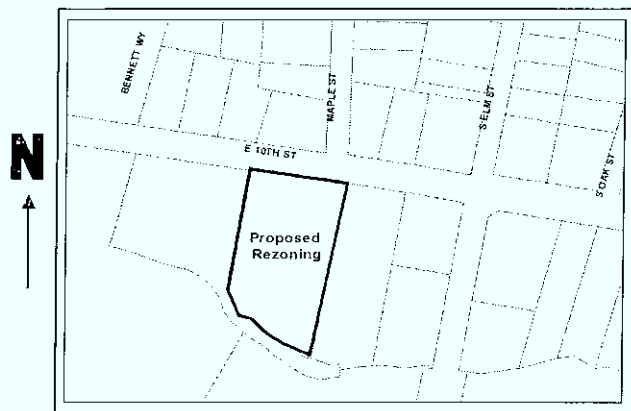
**Current Zoning:** R9 (Medium Density Residential)

**Proposed Zoning:** R6 (High Density Residential)

**Current Acreage:** 2.0361 acres

**Location:** E. 10th St, west of Elm Street

**Points of Access:** E. 10th St



**Location Map**

**Transportation Background Information**

**1.) E. 10th St- State maintained**

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5-lane - curb & gutter	no change
Right of way width (ft)	100	no change
Speed Limit (mph)	35	no change
<b>Current ADT:</b>	23,345 (*)	Ultimate Design ADT: 27,200 vehicles/day (**)
<b>Design ADT:</b>	27,200 vehicles/day (**)	
<b>Controlled Access</b>	No	
<b>Thoroughfare Plan Status:</b>	Major Thoroughfare	

**Other Information:** There are sidewalks along E. 10th St that service this property.

**Notes:** (\*) 2012 NCDOT count adjusted for a 2% annual growth rate  
 (\*\*) Traffic volume based on 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: 106** -vehicle trips/day (\*)                      **Proposed Zoning: 200** -vehicle trips/day (\*)

**Estimated Net Change: increase of 94 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 zoning.)

**Impact on Existing Roads**

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on E. 10th St are as follows:

**1.) E. 10th St , West of Site (60%):**                      **“No build” ADT of 23,345**

Estimated ADT with Proposed Zoning (full build) – 23,465  
 Estimated ADT with Current Zoning (full build) – 23,409  
**Net ADT change = 56 (<1% increase)**

## 2.) E. 10th St , East of Site (40%):

"No build" ADT of 23,345

Estimated ADT with Proposed Zoning (full build) – 23,425

Estimated ADT with Current Zoning (full build) – 23,387

Net ADT change = 38 (&lt;1% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 200 trips to and from the site on E. 10th St, which is a net increase of 94 additional trips per day.

During the review process, measures to mitigate the traffic will be determined.

04/30/07

## BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

**Bufferyard Requirements:** Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE	PUBLIC/PRIVATE STREETS OR R.R.	
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)			
Multi-Family Development (2)	C	B	B	B	B	Residential (1) - (2)	Non-Residential (3) - (5)	A
Office/Institutional, Light Commercial, Service (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industry (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)		
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

**Parking Area:** Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.

Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
<b>High Density</b>		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
<b>Medium Density</b>		
R6-A	9 units per acre yields 24 persons per acre	
R6-S	7 units per acre yields 19 persons per acre	
R9	6 units per acre yields 16 persons per acre	
R9-S	5 units per acre yields 13 persons per acre	
<b>Low Density</b>		
RA-20 MRS	4 units per acre yields 11 persons per acre	
R15-S	3 units per acre yields 8 persons per acre	

Illustration: Maximum allowable density in Residential Zoning Districts



# City of Greenville, North Carolina

Meeting Date: 2/17/2015  
Time: 6:30 PM

**Title of Item:** Ordinance to amend the Zoning Ordinance by adding 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.

**Explanation:** **Abstract:** On December 16, 2014, the Planning and Zoning Commission unanimously approved a motion to recommend approval of a proposed text amendment to add live performance theaters as an allowed use within the CD (Downtown Commercial) Zoning District. The item moved forward to the City Council meeting but when the City Council considered the amendment during their January 15, 2015 meeting, the Council referred it back to the Planning and Zoning Commission for further review. The text amendment has been revised since the Planning and Zoning Commission reviewed it on December 16, 2014.

**Explanation:** Currently, the Zoning Ordinance does not allow live performance theaters in the CD (Downtown Commercial) zoning district.

The text amendment has been revised from the version the Planning and Zoning Commission voted to recommend approval on December 16, 2014. Exhibit A illustrates changes made since the Planning and Zoning Commission's previous review. Changes are highlighted in yellow. Exhibit B provides the same revised text amendment as Exhibit A, but does not highlight the new changes.

Revisions made to the text amendment since the Planning and Zoning Commission reviewed it on December 16, 2014 are comprised of the following changes:

1. Subsections 9-4-86RR(5), (9) and (12) were added; and
2. Subsection 9-4-86RR(8) was revised to increase the minimum square footage of live performance theaters from 5,000 square feet to 7,500 square feet.

This amendment allows live performance theaters in the CD zoning district through a special use permit. Maps 1 and 2 identify current boundaries of the CD Zoning District. Map 3 identifies the Future Land Use designation as



Commercial in the Center City area and depicts the area as a Regional Focus Area. (Refer to Exhibit C for Maps 1-3).

This text amendment also establishes specific criteria for live performance theaters.

Excerpts of relevant adopted meeting minutes are attached from the following meetings:

Exhibit D: City Council meeting held on January 15, 2015;

Exhibit E: Planning and Zoning Commission meeting held on December 16, 2014; and

Exhibit F: Redevelopment Commission meeting held November 4, 2014.

Planning Division staff contacted other North Carolina cities to research whether they have provisions to regulate live performance theaters. The research did not produce examples to incorporate into the proposed text amendment.

**Fiscal Note:**

There is no anticipated fiscal impact.

**Recommendation:**

In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan, 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."

On November 4, 2014, the Redevelopment Commission unanimously voted to request staff and the Planning and Zoning Commission initiate a text amendment that would permit live performance theaters to locate in the CD (Downtown Commercial) zoning district with a special use permit (Refer to Exhibit F).

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."

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

Attachments / click to download

 [Exhibits to Revised Live Performance Theater Text Amendment 997791](#)

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ORDINANCE NO. 15-  
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 March 19, 2015, 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 of the City of Greenville does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Horizons: Greenville's Community Plan, 2009-2010 Update, Implementation Section, Growth and Development Subsection, Implementation Strategy 2(t) to preserve historic warehouses and older buildings through renovation and adaptive reuse, Implementation Section, Economic Development Subsection, Implementation Strategy 2(b) to encourage rehabilitation and reuse of commercial/industrial buildings, Implementation Section, Vision Areas Subsection, Central, Management Action H5 to 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 to reposition and revitalize downtown as a new and vibrant activity center for the city and the region;

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, encourage preservation of older buildings and enhance downtown as a vibrant activity center;

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

Section 1: That Title 9, Chapter 4, Article B, Section 9-4-22 of the City Code is hereby amended by adding the following definitions for “*Live Performance Theater*”:

*Live Performance Theater. 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. (see also section 9-4-86.RR).*

Section 2: That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A), of the City Code, is hereby amended by adding the following new land uses:

(10) gg. “*Live Performance Theater (see also section 9-4-86)*”; by allowing this land use with a special use permit in the CD (Downtown Commercial) zoning district; and by assigning a LUC 4 to the land use.

Section 3: That Title 9, Chapter 4, Article F, Section 9-4-86, of the City Code, is hereby amended by adding the following new subsections:

***SEC. 9-4-86 LISTED USES; SPECIFIC CRITERIA.***

RR. Live Performance Theater (see also section 9-4-22).

- (1) Events and/or banquets must be ticketed or free of charge to participants. No cover charges can be required for events.
- (2) The following ticketed events shall be permitted: Concerts, Plays, Motion Pictures Operas, Musicals, Ballets, Other Forms of Modern Dance.
- (3) As an accessory use the facility may host private banquets and meetings.
- (4) The following activities shall not be permitted at the theater: televised events, disc jockey-based events, dance parties, raves, house music-based events, outdoor events or outdoor amplified music.
- (5) **Recorded music events may be held by touring acts provided the same act does not return to the venue more than three times per calendar year. The maximum percentage of recorded music events shall not exceed 30% of total shows held per calendar year.**
- (6) May have as an ancillary or accessory use a full service bar which is 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 being held.
- (7) The facility shall not operate as a public or private club as defined by Title 9, Chapter 4, Article B, Section 9-4-22.
- (8) **Minimum square footage of live performance theaters shall be 7,500 square feet.**

(9) The facility shall have a fixed permanent stage platform of 800 s.f. min.

- (10) Accessory retail sales shall be permitted for the sale of theater or event related items.
- (11) The portion of the building devoted to live performances may have open or fixed seating.

(12) Closing time shall be no later than 1:00 A.M.

- (13) (a) A special use permit for a live performance theater is subject to revocation in accordance with the provisions of this subsection (10). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a live performance theater in accordance with the provisions of section 9-4-83.
- (b) An annual review shall be conducted by the Director of Community Development or his or her authorized representative of a live performance theater which has received a special use permit for the purpose of determining and ensuring compliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The findings of the Director of Community Development or his or her authorized representative as a result of this annual review shall be compiled in a written staff report.
- (c) At a meeting of the Board of Adjustment, the Director of Community Development or his or her authorized representative shall present to the Board of Adjustment the staff report of a live performance theater for which the annual review includes a finding of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder shall be provided notice of the meeting and a copy of the staff report.
- (d) Based on the staff report, the Board of Adjustment, by a majority vote, may either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit.
1. An order for a rehearing shall be based upon a determination by the Board of Adjustment that either:
    - a. The use of the property is inconsistent with the approved application;
    - b. The use is not in full compliance with all specific requirements

set out in this chapter;

- c. The use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard; or
  - d. The use is not compliant with any additional conditions of approval established by the Board and set out in the order granting the permit.
2. The rehearing shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may grant a special use permit with conditions imposed pursuant to this subsection (RR) and section 9-4-82 or deny the special use permit. The grant or denial of the special use permit by the Board of Adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a live performance theater.
- (e) The requirements and standards set forth in this subsection (RR)(10) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.

Section 4. 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 5. That this ordinance shall become effective immediately upon adoption.

Adopted this 19th day of March, 2015.

---

Allen M. Thomas, Mayor

ATTEST:

---

Carol L. Barwick, City Clerk

**EXHIBIT B: Revised Ordinance**

ORDINANCE NO. 15-  
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 March 19, 2015, 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 of the City of Greenville does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Horizons: Greenville's Community Plan, 2009-2010 Update, Implementation Section, Growth and Development Subsection, Implementation Strategy 2(t) to preserve historic warehouses and older buildings through renovation and adaptive reuse, Implementation Section, Economic Development Subsection, Implementation Strategy 2(b) to encourage rehabilitation and reuse of commercial/industrial buildings, Implementation Section, Vision Areas Subsection, Central, Management Action H5 to 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 to reposition and revitalize downtown as a new and vibrant activity center for the city and the region;

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, encourage preservation of older buildings and enhance downtown as a vibrant activity center;

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

Section 1: That Title 9, Chapter 4, Article B, Section 9-4-22 of the City Code is hereby amended by adding the following definitions for "*Live Performance Theater*":

*Live Performance Theater. 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. (see also section 9-4-86.RR).*

Section 2: That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A), of the City Code, is hereby amended by adding the following new land uses:

(10) gg. “*Live Performance Theater (see also section 9-4-86)*”; by allowing this land use with a special use permit in the CD (Downtown Commercial) zoning district; and by assigning a LUC 4 to the land use.

Section 3: That Title 9, Chapter 4, Article F, Section 9-4-86, of the City Code, is hereby amended by adding the following new subsections:

***SEC. 9-4-86 LISTED USES; SPECIFIC CRITERIA.***

RR. Live Performance Theater (see also section 9-4-22).

- (1) Events and/or banquets must be ticketed or free of charge to participants. No cover charges can be required for events.
- (2) The following ticketed events shall be permitted: Concerts, Plays, Motion Pictures Operas, Musicals, Ballets, Other Forms of Modern Dance.
- (3) As an accessory use the facility may host private banquets and meetings.
- (4) The following activities shall not be permitted at the theater: televised events, disc jockey-based events, dance parties, raves, house music-based events, outdoor events or outdoor amplified music.
- (5) Recorded music events may be held by touring acts provided the same act does not return to the venue more than three times per calendar year. The maximum percentage of recorded music events shall not exceed 30% of total shows held per calendar year.
- (6) May have as an ancillary or accessory use a full service bar which is 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 being held.
- (7) The facility shall not operate as a public or private club as defined by Title 9, Chapter 4, Article B, Section 9-4-22.
- (8) Minimum square footage of live performance theaters shall be 7,500 square feet.



- (9) The facility shall have a fixed permanent stage platform of 800 square feet minimum.
- (10) Accessory retail sales shall be permitted for the sale of theater or event related items.
- (11) The portion of the building devoted to live performances may have open or fixed seating.
- (12) Closing time shall be no later than 1:00 A.M.
- (13)
  - (a) A special use permit for a live performance theater is subject to revocation in accordance with the provisions of this subsection (10). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a live performance theater in accordance with the provisions of section 9-4-83.
  - (b) An annual review shall be conducted by the Director of Community Development or his or her authorized representative of a live performance theater which has received a special use permit for the purpose of determining and ensuring compliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The findings of the Director of Community Development or his or her authorized representative as a result of this annual review shall be compiled in a written staff report.
  - (c) At a meeting of the Board of Adjustment, the Director of Community Development or his or her authorized representative shall present to the Board of Adjustment the staff report of a live performance theater for which the annual review includes a finding of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder shall be provided notice of the meeting and a copy of the staff report.
  - (d) Based on the staff report, the Board of Adjustment, by a majority vote, may either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit.
    1. An order for a rehearing shall be based upon a determination by the Board of Adjustment that either:
      - a. The use of the property is inconsistent with the approved application;
      - b. The use is not in full compliance with all specific requirements

set out in this chapter;

- c. The use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard; or
  - d. The use is not compliant with any additional conditions of approval established by the Board and set out in the order granting the permit.
2. The rehearing shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may grant a special use permit with conditions imposed pursuant to this subsection (RR) and section 9-4-82 or deny the special use permit. The grant or denial of the special use permit by the Board of Adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a live performance theater.
- (e) The requirements and standards set forth in this subsection (RR)(10) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.

Section 4. 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 5. That this ordinance shall become effective immediately upon adoption.

Adopted this 19th day of March, 2015.

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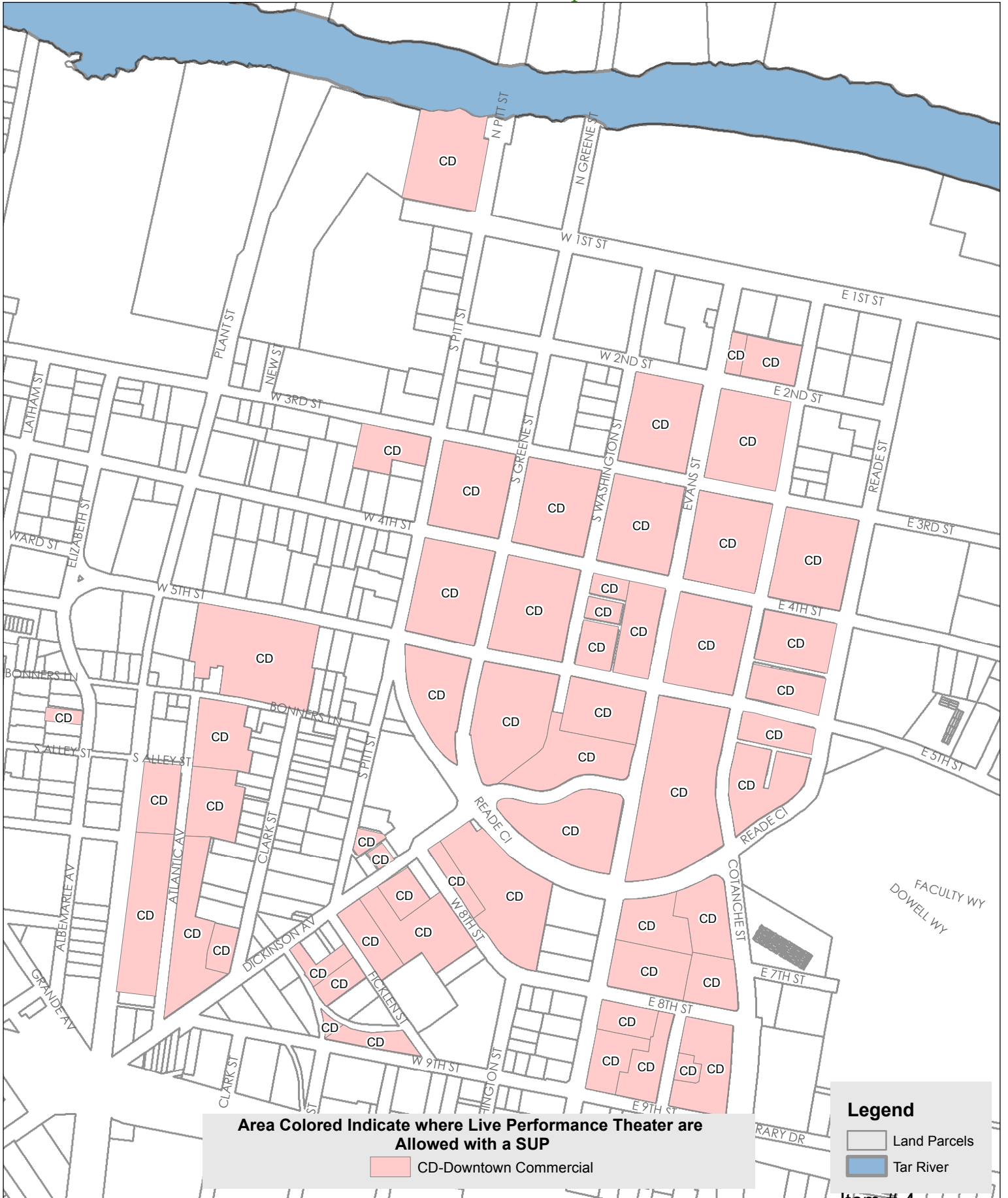
Allen M. Thomas, Mayor

ATTEST:

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Carol L. Barwick, City Clerk

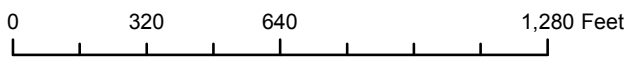
**Map 1 - Zone (CD) Where Live Performance Theater are Permitted with a Special Use Permit**

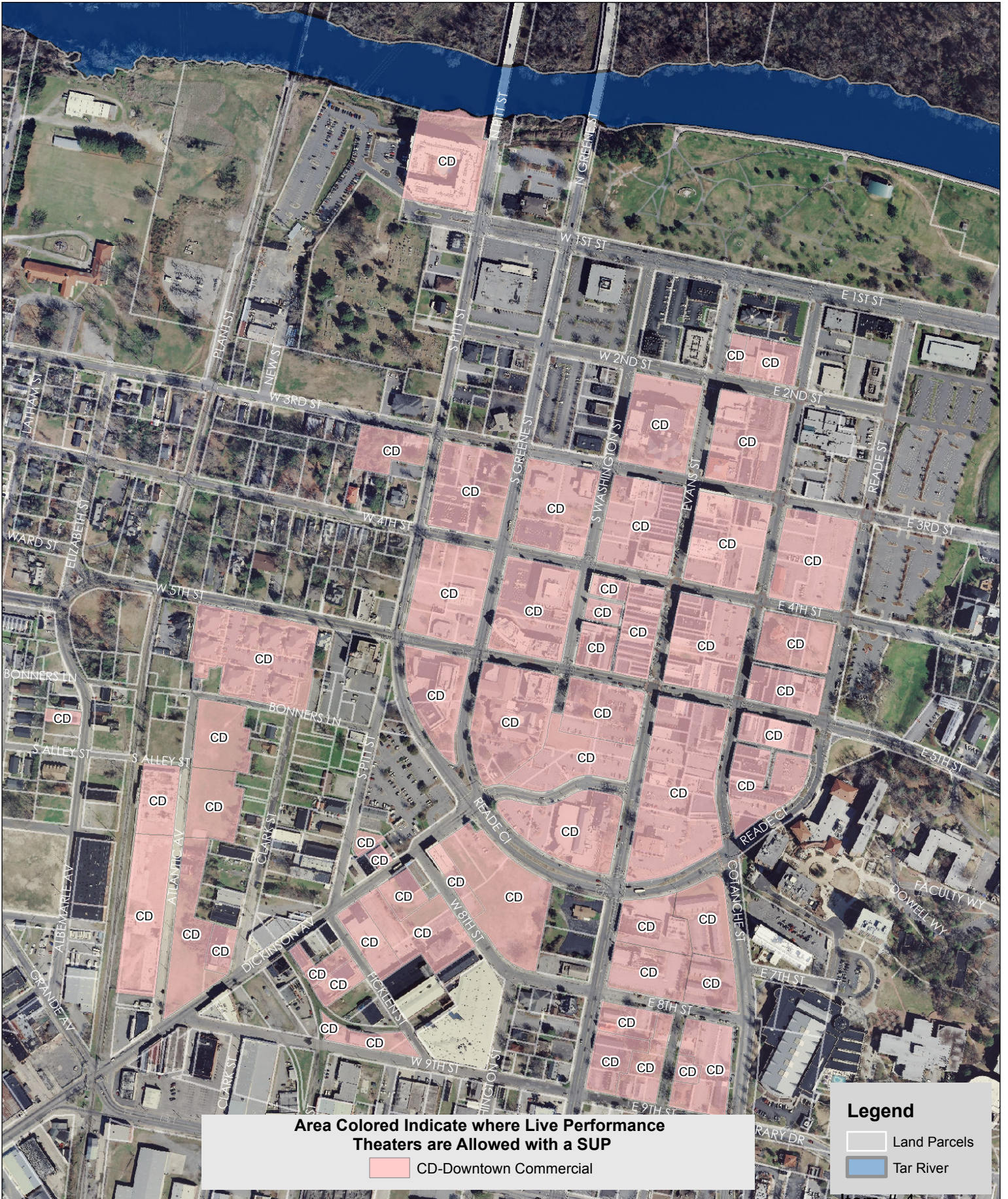


**Area Colored Indicate where Live Performance Theater are Allowed with a SUP**  
 CD-Downtown Commercial

**Legend**

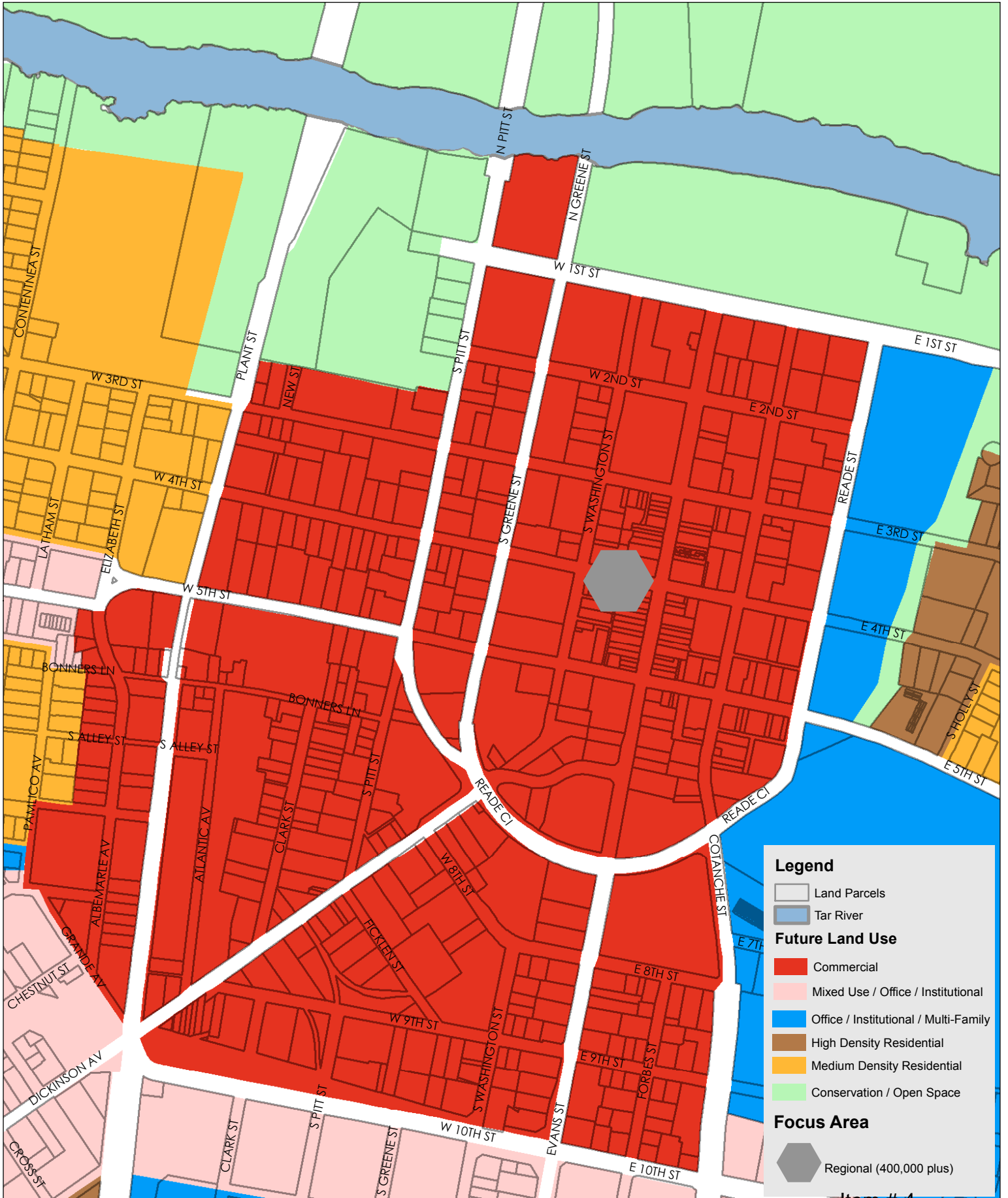
- Land Parcels
- Tar River





0 320 640 1,280 Feet

Item # 4  
10



**Legend**

- Land Parcels
- Tar River

**Future Land Use**

- Commercial
- Mixed Use / Office / Institutional
- Office / Institutional / Multi-Family
- High Density Residential
- Medium Density Residential
- Conservation / Open Space

**Focus Area**

- Regional (400,000 plus)

0 350 700 1,400 Feet

**EXHIBIT D - Excerpt from Adopted City Council Meeting Minutes, Jan. 15, 2015**

ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADDING 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

Community Development Director Flood stated this item comes about as a result of work to revive the uptown and market the former White's Theater to interested redevelopers to create a live entertainment or theater venue in the uptown area. This facility used to be the Park Theater. It has since been purchased by the City in hopes of revitalizing it. The Redevelopment Commission issued a call for developers and is in the process of working with one submitter that seems to have a business model that might work in that facility for a live entertainment venue. There are many similarities between land uses so staff had to work to first determine if this is allowed by Greenville's City Code. Sometime in the early 1990's, the theater option was removed as a permitted or special use in the downtown commercial district. This amendment would allow live performance theaters in the CD (Downtown Commercial) zoning district through a special use permit. It would also establish specific criteria for live performance theaters. This amendment could potentially satisfy two issues as it is known that East Carolina University has future plans to include a performing arts center in this general vicinity.

Staff had to consider the characteristics of live performance venues and define how those differ from some other similar uses such as public or private clubs. One of the major factors affecting public or private clubs in this location would be a spacing requirement. Many other cities treat a live performance venue as a public or private club, but staff feels Greenville needs a hybrid application with a distinction made between the two by operating characteristics.

The text amendment defines a Live Performance Theater as 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 to its location, size and operation in accordance with the provisions of Section 9-4-86.RR.

The definition makes this a different sort of model because one purchases a ticket to see a live event. There are limitations on size – it must be not less than 5,000 sq. ft. – and it allows special events such as banquets, but without a cover charge allowed. It does not permit televised events, disc jockey based events, dance parties, raves, etc. It does allow a full-service bar as an accessory use.

There are other portions of the zoning ordinance that would need to be amended, such as the spacing between public or private clubs if it were classified as a public or private club.

While the Planning and Zoning Commission unanimously voted at its December 16, 2014 meeting to recommend approval, the Redevelopment Commission and the potential developer do have some concerns because of the potential developer's preference to be able to have pre-recorded music at the venue.

Mayor Thomas asked if it is necessary to move forward on this at the present time if there are still unanswered questions.

Director Flood stated at the time the proposal was submitted, the goal was to insure the provisions were in the ordinance. He stated he did not feel a delay of another thirty days would be an issue, but being that the City has entered into negotiations with the potential developer, those provisions will be an important aspect of the buyer's financing agreement.

Council Member Smith stated she was at the Redevelopment Commission's meeting and it was clear that the buyer had some concerns. She feels they would want the City to take a closer look at it. One issue was the recorded music. If someone is putting on a play, but does not have someone to sing live – all of their music is pre-recorded – wouldn't this proposal exclude them?

Director Flood stated no, because the primary use would be the play. This restricts recorded music from being the sole performance because that would make them no different from a public or private club.

Council Member Smith asked if the theater has theater seating or open floor space.

Director Flood stated their model has moveable seating. They could also have telescoping seating that will go flat against a wall.

Council Member Smith asked if this being a ticketed event would make them different from a public or private club.

Director Flood stated this is where the distinction becomes a gray area. It could be in the definition, but the net result is whether you pay in advance for a ticket or at the door for a cover charge, you are still paying to get in.

Council Member Blackburn expressed a desire to be supportive since there is interest in the facility, but if that is not yet the will of the City Council, she would not be hasty.

Mayor Thomas asked if the interested buyer was the Lincoln Theater Group, and if so, don't they operate similar facilities in Raleigh.

Director Flood stated the Mayor was correct, and in Raleigh, they are classified as a public or private club.

Council Member Croskery said by the stated definition, the facility would not be able to broadcast the Super Bowl, but one of the new uses for a facility of this nature is for simulcasting events. He stated he can go to the Regal Theater on Saturday and watch the Metropolitan Opera with a group of his friends. That is a live performance, but it's being done elsewhere. It has recorded music since it's coming over the airwaves, but yet it's being performed live. Motion pictures, which are pre-recorded, are allowed. This seems to

be another gray area. He said he wonders if there are others that may warrant more attention before adopting an ordinance.

Council Member Glover stated this building has been here for a long time with no interest. She would be afraid they potential buyers may lose momentum and decide they cannot work in Greenville. The building needs to be used.

Mayor Thomas asked if it was necessary to hold the public hearing if the item was referred back to Planning and Zoning.

City Attorney Dave Holec stated the Council could hold the public hearing, or choose not to do so if the item was being referred back to Planning and Zoning or continued.

Mayor Thomas asked if anyone was present who wished to speak in a public hearing on this item and no one responded.

Council Member Smiley moved to refer this item to Planning and Zoning for further review and revision to distinguish this use from a public or private club, while allowing its development as a viable venue, with input from the Redevelopment Commission, Uptown Greenville and the potential buyer. Mayor Pro-Tem Mercer seconded the motion, which passed by unanimous vote.



**EXHIBIT E - Excerpt from Adopted Planning & Zoning Commission Meeting Minutes, Dec. 16, 2014**

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 ADDING 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.**

## **EXHIBIT F - Excerpt from Adopted Redevelopment Commission Meeting Minutes, Nov. 4, 2014**

### **VI. Update on Evans Street Gateway Public Art Project**

Mr. Rees stated that a couple of months ago there was a public forum calling for artist issued by the Pitt County Arts Council on our behalf. The Public Arts Committee reviewed a total of eleven submissions. The committee has narrowed down the selection to three finalists. The three finalists are Jim Galuchi, who did the whisper benches at five points, H&G Studios, and Beth Nybeck. They will be at the Emerge gallery on November 14<sup>th</sup> to answer questions. Two volunteers, Ms. Marshall and Ms. Dunn, will be serving on the selection committee. Finalist will be at the next meeting.

### **VII. Consideration of Recommendation to Create a Zoning Category for Theatres and Live Performance Venues**

Mr. Flood stated that there is a lot of momentum concerning land uses and the uptown theater consideration. In addition, East Carolina University is considering a performing arts center in the future. Currently the zoning ordinance does not have provisions for allowing a theatre. We need to make some accommodations for use. Staff would like to create an amendment allowing special use permit. We are asking the RDC to sponsor and authorize staff to craft a zoning amendment to allow special use permit.

Ms. Dunn asked what area is being discussed.

Mr. Flood replied the uptown area and the Dickinson Avenue, Tenth Street, and Evans Street area.

Ms. Dunn asked if staff was proposing to take the CDF and include as a permitted use the theatre or drama.

Mr. Flood replied that staff would look at creating a separate use category or amend the current category to create a definition or to allow special use permits. We will evaluate what other similar cities are doing for special uses.

Mr. King asked if the performing arts area would be limited to the redevelopment area.

Mr. Flood replied perhaps. Staff would not want to do anything that affects reinvestment.

Motion was made by Mr. King and seconded by Ms. Marshall to request that staff investigate venues to create a zoning category for theatres and live performance. Motion carried unanimously.