



# Agenda

## Greenville City Council

August 14, 2008  
7:00 PM  
City Council Chambers  
200 West Fifth Street

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### **I. Call Meeting To Order**

### **II. Invocation - Council Member Joyner**

### **III. Pledge of Allegiance**

### **IV. Roll Call**

### **V. Approval of Agenda**

### **VI. Special Recognitions**

- Willie Faison - Public Works Retiree

### **VII. Appointments**

1. Appointments to Bicycle Friendly Task Force
2. Appointments to Boards and Commissions

### **VIII. Old Business**

3. Ordinance requested by Jeremy Spengeman to amend the definition of "conventional restaurant", for purposes of qualifying as a principal use restaurant under the zoning regulations, to reduce the minimum sales requirement of prepared and/or packaged foods, in a ready-to-consume state, during any month, from more than fifty (50) percent of total gross receipts in all cases to either (i) more than fifty (50) percent of total gross receipts or (ii) has monthly sales of prepared and/or packaged food in a ready-to-consume state in excess of thirty (30) percent of the total gross receipts for such establishment and such sales are not less than seventy-five thousand dollars (\$75,000.00) for such establishment for each quarter-year period of each year, and to include

specific criteria for determining which sales can be attributed in the portion of sales of prepared and/or packaged food in a ready-to-consume state in the definitions for conventional restaurant and fast food restaurant

## **IX. New Business**

### **Public Hearings**

4. Ordinance requested by Greenville Developers, LLC to rezone 6.833 acres located along the southern right-of-way of Stantonsburg Road, north of the Pitt County Landfill and southwest of Westpointe Subdivision from MCG (Medical-General Commercial) to PUD (Planned Unit Development).
5. Ordinance requested by University Medical Park North, LLC to rezone 5.83 acres located along the northern right-of-way of West 5th Street at its intersection with Moye Boulevard extension from MR (Medical-Residential [High Density Multi-family]) and MO (Medical-Office) to CG (General Commercial)
6. Ordinance requested by Campus Towers, LLC to rezone 0.185 acres located along the eastern right-of-way of Forbes Street between 8th Street and 9th Street from OR (Office-Residential [High Density Multi-family]) to CD (Downtown Commercial)
7. Ordinance requested by H. E. Whichard, Jr. to rezone 1.7012 acres located along the southern right-of-way of Charles Boulevard (Highway 43), south of Branch's Mobile Home Park, and 1,550± feet northwest of Herman Garris Road, from RA20 (Residential-Agricultural) to OR (Office-High Density Multi-family)
8. Ordinance to annex Brook Hollow, Section 3, containing 19.198 acres located west of Brook Hollow, Section 2, and at the terminus of Leighton Drive and Cambria Drive
9. Ordinance to annex Meadow Woods, Section 2, Phases 2 and 3, containing 19.782 acres located east of Meadow Woods, Section 1, and being on the east side of Tifgreen Drive and the terminus of Penncross Drive
10. Ordinance requiring the repair or the demolition and removal of the dwelling located at 211 Paris Avenue
11. Ordinance requiring the repair or the demolition and removal of the dwelling located at 409 Deck Street

### **Public Comment Period**

- The Public Comment Period is a period reserved for comments by the public. Items that were the subject of a public hearing at this meeting shall not be discussed. A total of 30 minutes is allocated with each individual being allowed no more than 3 minutes. Individuals who registered with the City Clerk to speak will speak in the order registered until the allocated 30 minutes expires. If time remains after all persons who registered have spoken, individuals who did not register will have an opportunity to speak until the allocated 30 minutes expires.

**Other Items of Business**

12. Youth Protection Ordinance (Curfew)

13. City Strategic Plan for Alternative Fuels and Vehicle Replacements

**X. Comments from Mayor and City Council**

**XI. City Manager's Report**

**XII. Adjournment**



# City of Greenville, North Carolina

Meeting Date: 8/14/2008  
Time: 7:00 PM

**Title of Item:** Appointments to Bicycle Friendly Task Force

**Explanation:** On May 8, 2008, the Greenville City Council approved the proposal from the Bicycle Safety Advocacy Group, which included the establishment of a Greenville Bicycle Friendly Task Force. The goals of the Task Force include:

- 1) Review the implementation of the 2002 Greenville Urban Area Bicycle Master Plan
- 2) Inventory and assess the current status of bikeways in Greenville
- 3) Examine model bicycle-friendly communities' best practices
- 4) Develop a plan to seek and obtain designation of Greenville as a Bicycle Friendly Community from the League of American Bicyclists
- 5) Facilitate application for North Carolina Department of Transportation Bicycle and Pedestrian Planning grant
- 6) Explore other opportunities to fund bikeway infrastructure improvements
- 7) Develop a five-year plan for advancing the culture of Greenville to one in which its citizens are proud to support and advocate for bicyclists and pedestrians
- 8) Develop a ten-year plan to achieve 100 miles of bikeways

The Task Force will be a time-limited activity with the objective of completing all of its goals within two years of being created. The proposal approved by City Council recommended that representatives of each City Council Member and the Mayor be appointed to the Task Force. This item was placed on the June 12, 2008 City Council agenda, at which time it was continued until August 14, 2008. Therefore, the Mayor and each Council Member are scheduled to make the appointments at the August 14, 2008 City Council meeting. A list of proposed appointments is attached.

**Fiscal Note:** No direct cost.

**Recommendation:** Make appointments to the Bicycle Friendly Task Force.

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 [Prospective list of members for Greenville Bicycle Friendly Task Force 778364](#)

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## Greenville Bicycle Friendly Task Force August, 2008

<b>Member</b>	<b>Representing</b>
Thom Moton	City of Greenville
Dr. Herb Garrison	Eastern Carolina Injury Prevention Program (ECIPP)
Jennifer Smith	Pitt County Memorial Hospital
Tom Tysinger	Mayor Pat Dunn
Walter Council	Council Member Mildred Council
Cheryl Walters	Council Member Rose Glover
Adrian Snyder	Council Member Max Joyner
Kori Brewer	Council Member Larry Spell
Tony Parker	Council Member Calvin Mercer
Dr. Dennis Steed	Council Member Bryant Kittrell
Lang Jones	NCDOT
Karen Stokes	East Carolina University
Elaine Cabinum- Foeller	ECU Brody Women
Christy Deardorff	Eastern Carolina Velo Cycling Club
Jill Tward	FROGGS
James Rhodes	Pitt County Planning and Rails to Trails
Robert Brewington	Greenville Police Department
Chris Mansfield	Greenville Neighborhood Commission
Rita Roy	Pitt County Schools
J. P. Walsh	Uptown Greenville
Drew Griffin	ECU SGA
Don McGlohon, Jr.	Member At Large
Mark Gillespie	Greenville Recreation and Parks Department
Daryl Vreeland	Greenville Public Works Department



# City of Greenville, North Carolina

Meeting Date: 8/14/2008  
Time: 7:00 PM

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**Title of Item:** Appointments to Boards and Commissions

**Explanation:** Appointments need to be made to the Community Appearance Commission, Greenville Utilities Commission, and Historic Preservation Commission. Also, a nomination for a county member needs to be made for the Pitt-Greenville Convention and Visitors Authority.

**Fiscal Note:** None.

**Recommendation:** Make appointments to the Community Appearance Commission, Greenville Utilities Commission, and Historic Preservation Commission, and nominate to Pitt County a person to serve as a county member on the Pitt-Greenville Convention and Visitors Authority.

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[Appointments To Boards and Commissions City Council Meetings Agenda Deadline Material 138519](#)

# Appointments To Boards and Commissions

August 14, 2008

## Community Appearance Commission

**Council Liaison:** Council Member Larry Spell

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
LaVeta Weatherington	Second term	Ineligible	July 2008
Doreen Winston	First term	Did not meet attendance requirements	April 2010

## Greenville Utilities Commission

**Council Liaison:** Council Member At-Large Bryant Kittrell

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Julia Carlson (County)	Filling unexpired term	Eligible	June 30, 2008
L. H. Zincone (City)	Second term	Ineligible	June 30, 2008

## Historic Preservation Commission

**Council Liaison:** Council Member Calvin Mercer

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Richard Weir	First term	Resigned	January 2011

## Pitt-Greenville Convention and Visitors Authority

**Council Liaison:** Mayor Pro-Tem Mildred A. Council

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Dawn Cribari (1) (County)	Second term	Ineligible	July 2008

(1) Owners/operators of hotels/motels



## Applicants for Community Appearance Commission

Troy Jensen 122 Asbury Road Greenville, NC 27858	931-9492	<b>Application</b>	6/20/2008
Justin Mullarkey 1509 East 5th Street Greenville, NC 27858	364-1183	<b>Application</b>	1/28/2008

## Applicants for Greenville Utilities Commission

Charles H. Farley 110 Bramblewood Drive Greenville, NC 27858 355-6474	<b>Application</b>	7/1/2008
John E. Ferren 3010 Westview Drive Greenville, NC 27834 756-3607	<b>Application</b>	3/22/2007
Mary Grier 1704 South Elm Street Greenville, NC 27858 756-1076	<b>Application</b>	6/27/2008
Clifton Bell Hickman 112 Roanoke Place Greenville, NC 27834 756-3591	<b>Application</b>	10/11/2007
Sandra A. Hickman 112 Roanoke Place Greenville, NC 27834 756-3591	<b>Application</b>	5/14/2008
Zeke Jackson 3226 Meeting Place Greenville, NC 27858 (919) 750-1420	<b>Application</b>	12/10/2007
Corey Rhodes 3911 Sterling Pointe Drive, #006 Winterville, NC 28590 756-7776	<b>Application</b>	5/11/2008
Kay Swope 107 Valley Place Greenville, NC 27834 758-4692	<b>Application</b>	10/17/2007
Don M. Wilkerson 3714 Cantata Drive Greenville, NC 27834 355-7331	<b>Application</b>	2/28/2007
William H. Wilkerson 407 Rutledge Road Greenville, NC 27858 754-2827	<b>Application</b>	7/30/2007

## Applicants for Historic Preservation Commission

Minnie J. Anderson PO Box 441 Greenville, NC 27835	347-3234	<b>Application</b>	7/1/2008
Roger Kammerer 1115 Ragsdale Road Greenville, NC 27858	758-6882	<b>Application</b>	5/12/2008
Kay Swope 107 Valley Place Greenville, NC 27834	758-4692	<b>Application</b>	10/17/2007
Blake Wiggs 1400-B Ashley Way Greenville, NC 27858	902-7343	<b>Application</b>	10/9/2007



## *Applicant Interest Listing*

Experience	Onslow County	Retired HR Director
Experience	Alamance County	Retired HR Director
Volunteer/Prof. Associations	United Way	
Volunteer/Prof. Associations	Church Committees	
Volunteer/Prof. Associations	NC Symphony Board	
Volunteer/Prof. Associations	Meals on Wheels	

**Ralph Hall Jr**  
111 Hardee Street  
Greenville NC 27858

Day  
Evening Phone: (252) 756-0262  
Fax:  
E-mail: bajhall@aol.com

Gender: M  
Race: White  
District: 6  
Priority: 0

Applied for this board on: 2/26/2003

Application received/updated: 02/26/2003

Applicant's Attributes: District 6  
Greenville ETJ

**Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)**

	<b>Organization</b>	<b>Description</b>	<b>Date(s)</b>
Education	University of South Carolina	Civil Engineering	1955-1957
Education	Edenton High		
Experience	Phillippines Construction	Project Manager	1962-1966
Experience	Foreign Service Staff Officer	Civil Engineer	1966-1969
Experience	Odell Associates	Hospital Construction Engineer	1969-1973
Experience	PCMH	Vice-President of Facilities	1973-2001
Volunteer/Prof. Associations	N.C. Bio-Medical Association		
Volunteer/Prof. Associations	N.C. Association of Health Care		
Volunteer/Prof. Associations	American Society of Health Care		
Volunteer/Prof. Associations	American Cancer Society		

*Convention & Visitors Authority*  
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## *Applicant Interest Listing*

Volunteer/Prof. Associations      State Board of Directors

### Boards Assigned To

Industrial Revenue & Pollution Control Authority	3/15/2004 to 3/15/2007
 P. C. M. H. Board of Trustees District 2	 2/19/2008 to 3/31/2013

### Steve Little

3314 NC 33 W  
Greenville NC 27834

Day (910) 608-3724  
Evening Phone: (252) 758-2040  
Fax:  
E-mail: slittle@nashfinch.com

Gender: M  
Race: White  
District: 2  
Priority:

Applied for this board on: 1/5/2007

Application received/updated: 01/05/2007

Applicant's Attributes: District 2  
County Planning Jurisdiction  
North of the River

### Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	<b>Organization</b>	<b>Description</b>	<b>Date(s)</b>
Education	East Carolina University		
Education	Belvoir Elementary		
Experience		NC Real Estate Broker License	
Experience	Nash Finch	Division Manager	
Volunteer/Prof. Associations	Pitt County Planning Board		6 years

### Boards Assigned To

ABC Board	1/23/2007 to 6/30/2009
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### Joseph Skinner

P.O. Box 30135

Day (252) 847-6843  
Evening Phone: (252) 756-1966

Gender: M  
Race: White

*Convention & Visitors Authority*  
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## *Applicant Interest Listing*

Greenville NC 27833

Fax:  
E-mail:

District: 4  
Priority: 0

Applied for this board on: 12/20/2002

Application received/updated: 12/17/2007

Applicant's Attributes: District 4  
Greenville City Limits

### Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	<b>Organization</b>	<b>Description</b>	<b>Date(s)</b>
Education	East Carolina University		
Education	Ralph L Fike		
Experience	S.T. Wooten Construction		
Experience	C.A. Lewis	General Contractor	15 years
Experience	Pitt County Memorial Hospital	Project Manager/Employer	2000
Volunteer/Prof. Associations	Advisory Board @ PCC		
Volunteer/Prof. Associations	University Kiwanis Club		
Volunteer/Prof. Associations	Planning & Zoning		

### Boards Assigned To

Development Commission  
Greenville Nominated

12/18/2007 to 12/17/2010

### Linda Tripp

4817 NC 33 E  
105 Oakmont Drive-work-use this one  
Greenville NC 27858

Day (252) 355-4700  
Evening Phone: (252) 758-3840  
Fax: (252) 355-4707  
E-mail: ltripp@greenvillenc.com

Gender: F  
Race: White  
District: 3  
Priority: 0

Applied for this board on: 4/25/2003

Application received/updated: 04/25/2003

Applicant's Attributes: District 3

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## *Applicant Interest Listing*

Simpson ETJ  
GUC Customer  
Non Greenville Resident

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	<b>Organization</b>	<b>Description</b>	<b>Date(s)</b>
Education	South Georgia College		
Education	East Carolina University	BUED,MAED	
Education	Pitt Community College	Real Estate Broker's License	
Education	Patterson High		
Experience	Carolina Court Reporters, Inc.	President & CEO	1992-present
Experience	State of North Carolina	Division of Water Quality	1972-1979
Experience	Tripp Diet Centers, Inc.	President & CEO	1979-1992
Volunteer/Prof. Associations	East Carolina University	Pirate Club/Vice-President	
Volunteer/Prof. Associations	Pitt Community College		
Volunteer/Prof. Associations	Jockey Club Advisory Board		
Volunteer/Prof. Associations	East Carolina University	Network for Advancement	
Volunteer/Prof. Associations	Various Church Committees &		
Volunteer/Prof. Associations	East Carolina University	Performing Arts/Vice-President	
Volunteer/Prof. Associations	American Heart Association	Gala Chairperson	
Volunteer/Prof. Associations	American Cancer Society	Hope Gala Committee	
Volunteer/Prof. Associations	Greenville Museum of Art	Benefactor	
Volunteer/Prof. Associations	East Carolina University	Art Enthusiasts Committee	
Volunteer/Prof. Associations	East Carolina University	Chancellor's Society	
Volunteer/Prof. Associations	East Carolina University	Friends of Theater-Director	
Volunteer/Prof. Associations	Health Education Foundation		
Volunteer/Prof. Associations	Ironwood Golf Board		



## *Applicant Interest Listing*

Boards Assigned To

Pitt - Greenville Airport Authority  
County

7/9/2007 to 6/30/2011

**Larry White**

1804 Old Mill Court  
Greenville NC 27858

Day (252) 328-2315  
Evening Phone: (252) 353-2665  
Fax: (252) 328-4368  
E-mail: whitel@ecu.edu

Gender: M  
Race: White  
District: 3  
Priority:

Applied for this board on: 5/24/2007

Application received/updated: 05/24/2007

Applicant's Attributes: Greenville City Limits  
District 3

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	<b>Organization</b>	<b>Description</b>	<b>Date(s)</b>
Education	Florida State University	MLS	1993
Education	University of Florida	BA	1988
Education	Wildwood High		
Experience	East Carolina University	Assistant Professor, Library Program	2005-present
Experience	Washington County Public	Library Director	2002-2005
Experience	Levy County Public Library	Director of Library Operations	1999-2000
Experience	Bureau of Library Development	Library Program Specialist	1998-1999
Experience	Leon County Public Library	Library Service Supervisor	1995-1998
Volunteer/Prof. Associations	Association of Library Inf.	Member since 2005	
Volunteer/Prof. Associations	Association of Rural & Small	Member	2005-2006
Volunteer/Prof. Associations	Pitt County Citizens Academy		
Volunteer/Prof. Associations	College of Education	Member	2005-present
Volunteer/Prof. Associations	Library Admin. & Management	Member since 2003	
Volunteer/Prof. Associations	Library Science & Instructional	Member	2005-present

*Convention & Visitors Authority*  
Wednesday, July 23, 2008

## *Applicant Interest Listing*

Volunteer/Prof. Associations	Florida Library Association	Member	2000-2002
Volunteer/Prof. Associations	North Carolina Library	Member since 2005	
Volunteer/Prof. Associations	Ohio Library Council	Member	2002-2005
Volunteer/Prof. Associations	Public Library Association	Member since 2003	
Volunteer/Prof. Associations	American Libraries Association	Member since 1993	

### Wendy Winstead

140 Farmington Rd.  
Grimesland NC 27834

Day (252) 916-8180  
Evening Phone: (252) 355-8280  
Fax:  
E-mail: wenwins@earthlink.net

Gender: F  
Race: White  
District: 3  
Priority: 0

Applied for this board on: 5/2/2003

Application received/updated: 07/12/2006

Applicant's Attributes: District 5  
County Planning Jurisdiction  
South of the River

### Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	<b>Organization</b>	<b>Description</b>	<b>Date(s)</b>
Education	East Carolina University	BS in Social Studies	
Education	Fuquay-Varian Senior H.S.		
Experience	R.H.Donnallay	Sprint Yellow Pages Account	1995-present
Volunteer/Prof. Associations	Salvation Army Volunteer		
Volunteer/Prof. Associations	Michael Jordan Golf Classic		
Volunteer/Prof. Associations	Dream Factory Committee		
Volunteer/Prof. Associations	CCA-NC East Carolina Chapter		
Volunteer/Prof. Associations	Association Executives of NC		
Volunteer/Prof. Associations	March of Dimes of Eastern NC	Board of Directors, Bid for Bachelors	
Volunteer/Prof. Associations	American Cancer Society	Relay for Life Committee	

## *Applicant Interest Listing*

Volunteer/Prof. Associations	Greater Greenville Kiwanis Club	Board of Directors,President,Vice-
Volunteer/Prof. Associations	Pitt-Greenveille Chamber of	Ambassador,Chamber Bowling

### Boards Assigned To

ABC Board

8/31/2006 to 8/31/2009



# City of Greenville, North Carolina

Meeting Date: 8/14/2008  
Time: 7:00 PM

**Title of Item:**

Ordinance requested by Jeremy Spengeman to amend the definition of “conventional restaurant”, for purposes of qualifying as a principal use restaurant under the zoning regulations, to reduce the minimum sales requirement of prepared and/or packaged foods, in a ready-to-consume state, during any month, from more than fifty (50) percent of total gross receipts in all cases to either (i) more than fifty (50) percent of total gross receipts or (ii) has monthly sales of prepared and/or packaged food in a ready-to-consume state in excess of thirty (30) percent of the total gross receipts for such establishment and such sales are not less than seventy-five thousand dollars (\$75,000.00) for such establishment for each quarter-year period of each year, and to include specific criteria for determining which sales can be attributed in the portion of sales of prepared and/or packaged food in a ready-to-consume state in the definitions for conventional restaurant and fast food restaurant

**Explanation:**

In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready-to-consume state, the following sales shall be included: (i) food prepared in the establishment’s kitchen and served as a meal to be consumed on the premises or as a take-out order, (ii) packaged food sold to accompany the meal, and (iii) non-alcoholic beverages sold to accompany the meal. The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state: (i) mixed alcoholic beverages, including the mixer, (ii) any other alcoholic beverage, (iii) grocery items not ordered and purchased with meals, (iv) a membership, cover or other minimum charge for admittance or service during regular or special periods of operation, and (v) any other product, item, entertainment, service, or gratuity which is not specified as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready-to-consume state. For purposes of determining compliance, the zoning enforcement officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina.

This proposed "food sales percentage requirement" amendment only applies to the definition of “conventional restaurant” and does not affect or change the

definition of “fast food restaurant”. For an establishment to qualify as a fast food restaurant, such establishment will require sales of prepared and/or packaged foods, in a ready-to-consume state, in excess of fifty (50) percent of the total gross receipts for such establishment during any month.

Under the zoning regulations, the primary distinction between a “restaurant” and a “public or private club” is the minimum percentage of food sales to total sales requirement applicable to restaurants and the option of a “club” to require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation.

The prohibition of charging a membership or admittance fee and the minimum percentage of food sales to total sales requirement for restaurants is included under subsections (1) and (2) of the City’s definition of restaurant (conventional and fast food). The proposed ordinance will not delete or modify subsection (1) – restaurants will not be permitted to charge a membership or admittance fee under any circumstances. Under the proposed ordinance, a public or private club may continue to charge a membership or admittance fee.

Zoning regulations typically regulate land use activities as either “principal use” or “accessory use”. A “principal use” is simply defined as “the primary purpose for which a building, structure or lot is designed, arranged or intended”. An “accessory use” is defined by its association with an on-site principal use, specifically by combination of several criteria including (i) dependent to, (ii) incidental and subordinate to, and (iii) customarily associated with, the principal use. When a second activity is located on a lot that already contains a principal use and the second activity does not qualify under the definition of “accessory use”, the second use is classified as an additional “principal use”. More than one principal use may be located on one lot. This dual-use scenario is allowed provided both principal uses are permitted in the applicable zoning district. Dual or greater multi-principal use is a common occurrence in planned centers, such as a traditional shopping center. Each principal use may have one or more associated accessory uses, provided the principal use and accessory uses comply with the definitions for each. On the other hand, an accessory use cannot be allowed as a matter-of-right absent a permitted principal use to which it is determined to be accessory.

The qualification of a principal use is therefore based on the determination of the “primary purpose” of the structure or lot. Absent specific standards, staff would rely on the following in addition to other considerations: the comparison of (i) the percentage of building floor area and/or lot area devoted to the various uses, (ii) the percentage of employees devoted to the various uses, and the percentage of customers for each, and (iii) the percentage of total revenue of the various uses in the case of a business establishment. For purposes of Greenville’s zoning regulations, the qualification criteria for both a “restaurant” and a “club” is further established by the definition for each use and includes a percentage of food sales to total sales standard – 50% in the case of a restaurant.

For purposes of alcoholic beverage control, the State currently qualifies as a restaurant any establishment that has revenue from food sales in excess of 30%

of total sales during any month. The State requirement at one time (mid-1990's) mirrored the current City standard; however, the percentage was lowered by the State to allow more locations to qualify for a mixed beverage license under the auspices of a restaurant. Prior to State adoption of the reduced requirement, establishments not meeting the 50% rule had to qualify as a "private membership club".

Staff is of the opinion that the State's current 30% ABC law has no direct relation to the establishment or qualification of a principal use under zoning and should not be utilized to determine the establishment of a "restaurant". The State has a complete system for regulating the sale and consumption of alcoholic beverages and, as a result, the City cannot further regulate alcohol sales. The City may, however, define a restaurant for the purpose of zoning regulation, and this local zoning authority does not override or conflict with the State's definition of restaurant for the sale of alcohol. The State's definition of restaurant and the City's definition and regulation of restaurant are independent in purpose and application.

In summary, under the City's zoning regulations, both "restaurant" and "public or private club" are clearly defined. A restaurant is an establishment in which the principal use is the sale and/or consumption of food – a 50% food sales requirement applies and a minimum admittance fee or cover charge is not allowed. A public or private club is an establishment in which the principal use is entertainment and which cannot qualify under the definition of restaurant.

Restaurants may sell alcoholic beverages; however, for purposes of qualification as a restaurant, the sale and consumption of alcoholic beverages is not considered a food product and does not count toward the 50% rule requirement. The State's alcohol control agency (ABC and ALE) is responsible for periodic inspection of licensed establishments for the purpose of monitoring compliance with the State's 30% rule and other matters. The City routinely requests and receives copies of the ALE inspection reports and utilizes such information in determining the use qualification of the licensed establishments.

Conventional restaurants, as currently defined, are allowed as a permitted and/or special use in the following zoning districts: MS, MO, MCG, MCH (medical), OR (office-residential), all five (5) commercial districts and all four (4) industrial districts. Public or private clubs, as currently defined, are allowed as a special use in the following zoning districts: CD, CDF, CG, and CH (commercial) only. If the minimum food sales standard is reduced from 50% to 30%, the establishments that are currently not qualified as a restaurant solely because of the 50% rule, but which can meet the 30% rule, will then become a permitted or special use option in ten (10) additional zoning districts. Such a change will facilitate the establishment of currently considered principal use public/private clubs, under the relaxed definition of restaurant, in a greater variety of locations, many heretofore not considered appropriate for such use. Specifically, the introduction of such (30% qualified) establishments in the medical districts, the CN (neighborhood commercial), O (office only district) and all industrial districts is not in keeping with the purpose and intent of those districts.

Due to the anticipated negative impact of this proposed change, staff is of the

opinion that the requested amendment is not in compliance with the comprehensive plan, and staff recommends denial of the request to amend the definition of “conventional restaurant”.

The Public hearing on this requested ordinance amendment was conducted on June 12, 2008. At the conclusion of the public hearing the City Council voted to continue the item to the August 14, 2008 meeting and requested staff to prepare a report providing additional information. On June 13, 2008 staff provided a memorandum to the City Council listing the additional information that had been requested during the June 12, 2008 meeting and asking the City Council to inform staff of any other information needed relative to this item. Since no other information was requested by City Council, the report was completed based on the June 13, 2008 listing and delivered to the City Council on July 25, 2008.

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

**Recommendation:** In staff’s opinion, the request is not in compliance with Horizons: Greenville’s Community Plan.

The Planning and Zoning Commission recommended denial of the ordinance amendment at their April 15, 2008 meeting.

If City Council determines to approve the amendment request, a motion to adopt the attached ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the amendment request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: Motion to deny the requested text amendment and to make a finding and determination that the denial of the text amendment request is consistent with the adopted comprehensive plan and that the denial of the text amendment request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

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**Attachments / click to download**

[Restaurant definition ordinance applicant substitute 747492](#)

[Jeremy Spengeman minutes 3 18 08 751524](#)

ORDINANCE NO. 08-\_\_  
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 June 12, 2008 at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and 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, as a result, its furtherance of the goals and objectives of the comprehensive plan.

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 to delete subsection “(2)” of the definition of “Restaurant, conventional” in its entirety and substitute the following subsection “(2)” as follows:

- “(2) Meets one (1) or more of the following criteria: (i) has monthly sales of prepared and/or packaged food in a ready to consume state in excess of fifty (50) percent of the total gross receipts for such establishment, or (ii) has monthly sales of prepared and/or packaged food in a ready to consume state in excess of thirty (30) percent of the total gross receipts for such establishment and such sales are not less than seventy-five thousand dollars (\$75,000.00) for such establishment for each quarter-year period of each year. For the purpose of this subsection (2), quarter-year periods shall be as follows: (i) January, February, and March, (ii) April, May, and June, (iii) July, August, and September, and (iv) October, November, and December. When a restaurant establishment is in operation for less than any quarter-year period, the minimum amount of the sales of prepared and/or packaged food requirement during that quarter-year period shall be reduced from seventy-five thousand dollars (\$75,000.00) so that it is directly proportional to the number of days of operation during that quarter-year period in comparison to the number of days during that quarter-year period. For purposes of this subsection (2), days of operation shall be the total number of days, including all weekdays, between and including the date of initial operation during that quarter-year period and the last date of that quarter-year period. In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state, the following sales shall be included: (i) food prepared in the



establishment's kitchen and served as a meal to be consumed on the premises or as a take-out order, (ii) packaged food sold to accompany the meal, and (iii) non-alcoholic beverages sold to accompany the meal. The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state: (i) mixed alcoholic beverages, including the mixer, (ii) any other alcoholic beverage, (iii) grocery items not ordered and purchased with meals, (iv) a membership, cover or other minimum charge for admittance or service during regular or special periods of operation, and (v) any other product, item, entertainment, service, or gratuity which is not specified in this subsection (2) as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state. For purposes of determining compliance under this subsection (2), the zoning enforcement officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina.”

Section 2: That Title 9, Chapter 4, Article B, Section 9-4-22, of the City Code, is hereby amended to delete subsection “(2)” of the definition of “Restaurant, fast food” in its entirety and substitute the following subsection “(2)” as follows:

“(2) Has monthly sales of prepared and/or packaged food in a ready to consume state in excess of fifty (50) percent of the total gross receipts for such establishment. In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state, the following sales shall be included: (i) food prepared in the establishment's kitchen and served as a meal to be consumed on the premises or as a take-out order, (ii) packaged food sold to accompany the meal, and (iii) non-alcoholic beverages sold to accompany the meal. The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state: (i) mixed alcoholic beverages, including the mixer, (ii) any other alcoholic beverage, (iii) grocery items not ordered and purchased with meals, (iv) a membership, cover or other minimum charge for admittance or service during regular or special periods of operation, and (v) any other product, item, entertainment, service, or gratuity which is not specified in this subsection (2) as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state. For purposes of determining compliance under this subsection (2), the zoning enforcement officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina.”

Section 3: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 4: That this ordinance shall become effective upon its adoption.

ADOPTED this 14<sup>th</sup> day of August, 2008.

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

\_\_\_\_\_  
Wanda T. Elks, City Clerk

**Excerpt from the Draft Planning and Zoning Commission meeting minutes (4/15/08)**

**REQUEST BY JEREMY SPENGE MAN (as amended by the applicant) – DENIED**

Request by Jeremy Spengeman to amend the definition of “conventional restaurant”, for purposes of qualifying as a principal use restaurant under the zoning regulations, to reduce the minimum sales requirement of prepared and/or packaged foods, in a ready-to-consume state, during any month, from more than fifty (50) percent of total gross receipts in all cases to either (i) more than fifty (50) percent of total gross receipts or (ii) has monthly sales of prepared and/or packaged food in a ready to consume state in excess of thirty (30) percent of the total gross receipts for such establishment and such sales are not less than seventy-five thousand dollars (\$75,000.00) for such establishment for each quarter-year period of each year, and to include specific criteria for determining which sales can be attributed in the portion of sales of prepared and/or packaged food in a ready to consume state in the definitions for conventional restaurant and fast food restaurant.

Chairman Tozer stated that a public hearing was held in February for this request. Adjustments were requested and made. Another public hearing was held in March with additional adjustments requested. Chairman Tozer stated he did not believe there was a need to hold another public hearing. He gave the commission members an opportunity to ask Harry Hamilton any questions. No questions were asked. Chairman Tozer opened the discussion to the board. Mr. Ramey stated he felt it would be wrong to change the criteria given that the city and the people in the community were against it.

Motion was made by Mr. Baker to approve the proposed amendment, to advise that it is consistent with the comprehensive plan or other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Motion was seconded by Mr. Randall. Bell, Baker, Lehman and Randall voted in favor of the request. Gordon, Moyer, Wilson and Ramey voted in opposition to the request. Chairman Tozer cast the tiebreaker vote in opposition of the motion to approve the amendment. Motion to approve failed 5 to 4.

City Attorney Dave Holec asked for a reverse motion to deny the request.

Mr. Ramey made a motion to deny the proposed amendment, to advise that it is inconsistent with the comprehensive plan or other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Motion was seconded by Mr. Moyer. Gordon, Moyer, Wilson and Ramey voted in favor. Bell, Baker, Lehman and Randall voted in opposition. Chairman Tozer cast the tiebreaker vote in favor of the motion to deny the amendment. Motion to deny passed 5 to 4. The request is therefore recommended for denial.

**[See the 3/18/08 Planning and Zoning Commission public hearing minutes – pg 2]**

**Excerpt from the Planning and Zoning Commission meeting minutes (3/18/08)**

**REQUEST BY JEREMY SPENGE MAN (as amended by applicant) - CONTINUED TO THE APRIL 15, 2008 MEETING**

Request by Jeremy Spengeman to amend the definition of “conventional restaurant”, for purposes of qualifying as a principal use restaurant under the zoning regulations, to reduce the minimum sales requirement of prepared and/or packaged foods, in a ready-to-consume state, during any month, from more than fifty (50) percent of total gross receipts in all cases to either (i) more than fifty (50) percent of total gross receipts or (ii) more than thirty (30) percent of total gross receipts and such sales are not less than twenty thousand dollars (\$20,000.00), for such establishment for each month, and to include specific criteria for determining which sales can be attributed in the portion of sales of prepared and/or packaged food in a ready to consume state in the definitions for conventional restaurant and fast food restaurant.

This amendment was continued from the February Planning and Zoning meeting. Mr. Hamilton read the substitute amendments for consideration. Mr. Hamilton stated that staff had revised the ordinance and the ordinance amendment report to reflect those changes. Mr. Hamilton stated the following items could be used in determining the portion of sales to be attributed to the sale of foods in a ready-to-consume state: food prepared in the establishment’s kitchen and served as a meal to be consumed on the premises or as a take-out order, packaged foods sold to accompany the meal and non-alcoholic beverages sold to accompany the meal. Mixed alcoholic beverages, including the mixer, any other alcoholic beverages, grocery items not ordered and purchased with the meal, a membership cover or other charge for admittance, and any product, item, entertainment, service or gratuity are not to be included in the sales. Mr. Hamilton stated the \$20,000 food sales rule was based on an estimated average of food sales per month. Mr. Hamilton gave comparisons to other similar restaurants, noting that the \$20,000 food sales requirement was significantly lower than the food sales of Buffalo Wild Wings and Pirates Pub.

Mr. Randall asked how many seats were in Pirates Pub. Mr. Hamilton stated he did not know exactly how many seats it held; however, it was not as large as Dr. Unk’s.

Attorney Phil Dixon, representing the applicant, spoke on behalf of the request.

Mr. Dixon stated the applicant was one of several owners of Dr. Unk’s and Basil’s restaurants. Mr. Dixon stated that neither restaurant had ever had any ABC citations nor had Basil’s had any city citations. He stated that Dr. Unk’s had recently received a city citation and promptly paid the \$50 fine. Mr. Dixon stated that the other university cities in North Carolina have the 30% rule that they are proposing. Mr. Dixon clarified that the request was not for \$20,000/month, but for \$250,000/year, of food sales. Mr. Dixon stated that a number of restaurants in the area are not meeting the rule that have not been cited and felt they were being treated unfairly. Mr. Dixon stated that Dr. Unk’s was in the top 10 purchasers of Cisco Foods for the Greenville area. Mr. Dixon stated in order to stay in business, they could reduce the cost of alcoholic beverages to meet the 50% rule,

but felt that was the opposite of what the city wanted and would encourage people to drink more. Mr. Dixon stated he felt the request was reasonable.

Mr. Baker asked if any complaints had been reported on the restaurant.

Mr. Dixon stated they had not, other than the recent citation from the city regarding the 50% rule.

Mr. Baker asked if Mr. Dixon had met with the city staff since the last meeting.

Mr. Dixon stated he had not, yet he had requested information from Mr. Hamilton and it had been submitted to him.

Mr. Baker asked what percentage of food sales was achieved.

Mr. Spengeman as well as Mr. Hamilton stated it was just over 30%.

Mr. Hamilton stated the city had a formula and it was stated in the ordinance and the existing regulations were included in the report. In order to qualify as a restaurant you must have more than 50% of your total gross receipts from the sale of food. Mr. Hamilton stated that the city's ordinance included language directly from the ABC regulations. Mr. Hamilton also stated that all businesses that sell alcoholic beverages are required to maintain 3 full years of records on the premises and the ABC Commission can check this at any time.

Mr. Ramey asked if Mr. Hamilton considered the current ordinance adequate.

Mr. Hamilton stated he did. He stated that the city did not go out on a monthly basis and check to see if people are meeting the standards unless there was an operational complaint. A number of restaurants had been checked in the last two years and a significant number had applied for Special Use Permits because they were in zones that allowed public clubs. Mr. Hamilton stated the city had received a number of complaints that Dr. Unk's was charging an admission charge. He stated that the zoning for this restaurant does not allow for the Special Use Permit for the public/private club. Mr. Hamilton stated in staff's opinion this was a zoning issue and this area did not allow this type of use for this zoning. Mr. Hamilton stated the city recommends staying with the 51% rule.

Mr. Tozer asked Mr. Hamilton if he was comfortable with the way the amendment was worded.

Mr. Hamilton stated that the substitute amendment put in the \$20,000 exemption in order to monitor the food sales on a monthly basis.

Mr. Moyer stated he felt food sales would fluctuate during certain months due to the city being a university town, which may affect the monthly totals.

Mr. Hamilton stated the city would issue a warning prior to issuing a citation and that being out of compliance for 30 days was not the issue. He stated that Dr. Unk's had been out of the 50% threshold for some time.

Mr. Randall asked if excluding the office and medical districts would be appeasable.

Mr. Hamilton stated that would exclude the restaurants from those districts and would be counterproductive.

Jeremy Spengeman, applicant, spoke in favor of the request. Mr. Spengeman stated he wanted to be responsible and work with the city to resolve the problem and stay in business.

Mr. Wilson asked Mr. Spengeman if he was aware of what could happen when he opened the restaurant in a neighborhood zone.

Mr. Spengeman said he was not, and had he known, he would have contacted an attorney prior to purchasing the property.

Jean Winstead spoke in favor of the request.

Linda Vlahos, business partner to Jeremy Spengeman, spoke in favor of the request.

John Gresham spoke in opposition to the request.

Mr. Baker asked if there had been any complaints with the neighbors.

Mr. Gresham stated that they did have disruptions late at night.

Mrs. Basnight asked what time the restaurant closed.

Mr. Spengeman replied that they closed at 2 a.m.

Chris Mansfield, president of the Tar River University Neighborhood Association, spoke in opposition to the request.

Myron Casper spoke in opposition to the request.

Mr. Dixon spoke in favor in rebuttal. Mr. Dixon stated that the request was for 30% or food sales of \$250,000, not \$20,000/month and stated that the board should be voting on the \$250,000, not the \$20,000/month.

Mr. Wilson asked Mr. Dixon if the city records had been checked.

Mr. Dixon stated they had and no complaints were found.

Mr. Mansfield spoke in opposition in rebuttal.

Mr. Tozer closed the public hearing.

City Attorney Dave Holec stated the amendment was made at \$250,000/year and was translated by the staff to \$20,000/month in order to make it more enforceable. Mr. Holec stated that Mr. Hamilton did send the draft with the \$20,000 exemption to Mr. Dixon several weeks before the meeting and had not heard back from Mr. Dixon. Mr. Holec stated that the board could vote on the \$20,000/month or the \$250,000/year, depending on what the applicant wanted.

Mr. Ramey asked if he was correct in thinking that the board could not change what was presented.

Mr. Holec said that was correct and that is what they were trying to clarify.

Mr. Dixon stated either was acceptable to the applicant.

Mr. Bell asked if the discussion could be tabled.

Mr. Dixon stated he was in favor of tabling the discussion in order to get the wording right.

Mr. Ramey made a motion to carry the request forward for another month. Motion was seconded by Mr. Bell. Motion carried unanimously.

**Excerpt from the Planning and Zoning Commission meeting minutes (2/19/08)**

**REQUEST BY JEREMY SPENGE MAN – CONTINUED TO THE MARCH 18, 2008 MEETING**

Request by Jeremy Spengeman to amend the definition of “conventional restaurant” to reduce the minimum sales requirement of prepared and/or packaged foods, in a ready-to-consume state, during any month, from fifty (50) percent of total gross receipts to thirty (30) percent of total gross receipts, for purposes of qualifying as a principal use restaurant under the zoning regulations.



# City of Greenville, North Carolina

Meeting Date: 8/14/2008  
Time: 7:00 PM

**Title of Item:** Ordinance requested by Greenville Developers, LLC to rezone 6.833 acres located along the southern right-of-way of Stantonsburg Road, north of the Pitt County Landfill and southwest of Westpointe Subdivision from MCG (Medical-General Commercial) to PUD (Planned Unit Development).

**Explanation:**

**Required Notice:**

Planning and Zoning Commission meeting notice (adjoining property owner letters) mailed June 3, 2008.

On-site Sign(s) posted on June 3, 2008.

City Council public hearing notice (adjoining property owner letters) mailed July 22, 2008.

Public Hearing Legal Advertisement published August 4 and 11, 2008.

**Comprehensive Plan:**

The subject site is located in Vision Area F.

Stantonsburg Road is considered a “connector” corridor from its intersection with US Highway 264 and transitioning to a “residential” corridor at the entrance of the Pitt County Landfill Container Site and continuing southwest. Connector corridors are anticipated to contain a variety of higher intensity 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 the focus area node should be prohibited.

The subject tract is located in a transition area along Stantonsburg Road between High Density Residential (HDR) and Industrial (I). Conservation/Open Space (COS) or other transitional buffer between the residential to the north and the landfill to the south is desirable.

**Thoroughfare/Traffic Volume (PW-Engineering Division) Report**



**Summary:**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 663 trips to and from the site on Stantonsburg Road, which is a net decrease of 1,741 additional trips per day.

During the review process, measures to mitigate the traffic will have to be determined. These measures could include the construction of a left turn lane on Stantonsburg Road and traffic signal modifications at the nearest signalized intersection. Access to the tract will also be reviewed.

*Detailed Report Attached*

**History/Background:**

By 1987, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned MD-7 (agricultural-residential [low density]). Later that year, the property was rezoned to MD-4 (commercial) as part of a larger rezoning that included the adjacent property (under common ownership) to the north to PUD (Planned Unit Development) and MD-3 (office). The MD-4 district was later renamed to MCG (Medical-General Commercial) and MD-3 to (Office).

**Present Land Use:**

Vacant and stormwater detention ponds (2± acres) for the Westpointe Subdivision.

**Water/Sewer:**

Water and sanitary sewer are available at Gretna Drive.

**Historic Sites:**

There is no known effect on designated sites.

**Environmental Conditions/Constraints:**

There are no known environmental constraints.

**Surrounding Land Uses and Zoning:**

North: OR – Woodlands  
South: I – Pitt County Landfill and Container Site  
East: PUD – Westpointe Subdivision  
West: OR – Woodlands

**Density Estimates:**

Under the current zoning (MCG) staff would anticipate the site to yield up to

56,000± square feet of retail space.

At the proposed zoning (PUD), staff would anticipate the site to yield approximately 12-15 single-family units based on similar site development of the adjacent PUD. Special Use Permit required prior to development.

The anticipated build-out time is 1-2 years.

**Additional Staff Comments:**

To the south of Westpointe Subdivision is a strip of PUD-zoned land (approximately 200-feet wide) that was conveyed to Pitt County Landfill.

The subject tract will have to be incorporated in the Westpointe PUD since it does not meet the PUD minimum requirement (no less than 10 acres) to be a stand-alone development. The current Westpointe PUD contains a variety of residential types (single-family, townhomes, duplexes, and apartments).

**Fiscal Note:**

No cost to the city.

**Recommendation:**

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

"General compliance with the comprehensive plan" should be construed as meaning the requested zoning is recognized as being located in a transition area and that the requested zoning (i) is currently contiguous, or is reasonably anticipated to be contiguous in the future, to specifically recommended and desirable zoning of like type, character or compatibility, (ii) is complementary with objectives specifically recommended in the Horizons Plan, (iii) is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways, and (iv) preserves the desired urban form.

It is recognized that in the absence of more detailed plans, subjective decisions must be made concerning the scale, dimension, configuration and location of the requested zoning in the particular case. Staff is not recommending approval of the requested zoning; however staff does not have any specific objection to the requested zoning.

The Planning and Zoning Commission on June 17, 2008 voted to approve the request.

Note: In addition to 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.

If City Council determines to approve the rezoning request, a motion to adopt the attached rezoning ordinance will accomplish this. The ordinance includes the

statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: Motion to deny the request to rezone and to make a finding and determination that the denial of the rezoning request is consistent with the adopted comprehensive plan and that the denial of the rezoning request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

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- [📄 Locational Map](#)
- [📄 Survey](#)
- [📄 Bufferyard and Vegetation Chart and Residential Density Chart](#)
- [📄 Ordinance Greenville Developers 757468](#)
- [📄 Rezoning Case 08 10 Greenville Developers LLC 767158](#)
- [📄 Greenville Developers LLC minutes 771805](#)
- [📄 List of Uses MCG to PUD 771163](#)

ORDINANCE NO. 08-\_\_  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
REZONING TERRITORY LOCATED WITHIN THE  
PLANNING AND ZONING JURISDICTION 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 August 14, 2008, 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 rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration; and,

WHEREAS, in accordance with the provision of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance rezoning the following described property is consistent with the adopted comprehensive plan and that the adoption of the ordinance rezoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

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

Section 1. That the following described territory is rezoned from MCG (Medical-General Commercial) to PUD (Planned Unit Development).

TO WIT: Greenville Developers, LLC Property.

LOCATION: Located along the southern right-of-way of Stantonsburg Road, north of Pitt County Landfill and southwest of Westpointe Subdivision.

DESCRIPTION: Beginning at a point in the centerline of Stantonsburg Road (NCSR 1200), said point being located S 61°12'08" W, 35.67 feet, S 61°19'06" W, 711.31 feet and S 61°20'25" W, 97.10 feet from a point at the centerline intersection of Stantonsburg Road (NCSR 1200) and Westpointe Drive. From the above described beginning, so located, running thence as follows:

Leaving the centerline of Stantonsburg Road (NCSR 1200), S 28°39'35" E, 380.00 feet, thence S 61°20'25" W, 548.00 feet, thence N 79°46'24" W, 611.11 feet to a point in the centerline of Stantonsburg Road (NCSR 1200), thence with the centerline of

Stantonsburg Road (NCSR 1200), N 63°01'16" E, 155.01 feet, N 61°15'50" E, 677.16 feet and N 61°20'25" E, 191.58 feet to the point of beginning containing 6.833 acres and being a portion of the property described in Deed Book 1394, Page 486 of the Pitt County Register of Deeds Office.

Section 2. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 3. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 4. That this ordinance shall become effective upon its adoption.

ADOPTED this 14<sup>th</sup> day of August, 2008.

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Patricia C. Dunn, Mayor

ATTEST:

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Wanda T. Elks, City Clerk

Doc. # 757468

**Case No: 08-10**

**Applicant: Greenville Developers, LLC**

**Property Information**

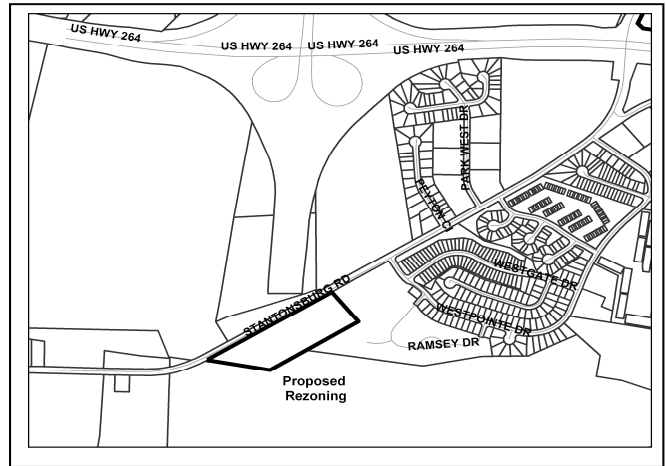
**Current Zoning:** MCG (Medical General Commercial)

**Proposed Zoning:** PUD (Planned Unit Development)

**Current Acreage:** 6.833 ac

**Location:** Stantonsburg Road

**Points of Access:** Stantonsburg Road



**Location Map**

**Transportation Background Information**

**1.) Stantonsburg Road- State maintained**

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	2 lanes	2 lanes
Right of way width (ft)	60	70
Speed Limit (mph)	55	55
<b>Current ADT:</b>	6,554 (*)	Ultimate Design ADT: 12,000 vehicles/day (**)
<b>Design ADT:</b>	12,000 vehicles/day (**)	
<b>Controlled Access</b>	<b>No</b>	
<b>Thoroughfare Plan Status:</b>	Major Thoroughfare	

**Other Information:** There are no sidewalks along Stantonsburg Road that service this property.

**Notes:** (\*) 2006 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:** Parcel is likely to be impacted by the SW Bypass project.

**Trips generated by proposed use/change**

**Current Zoning: 2,404** -vehicle trips/day (\*)                      **Proposed Zoning: 663** -vehicle trips/day (\*)

**Estimated Net Change: increase of -1741 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 Stantonsburg Road are as follows:**

**1.) Stantonsburg Road , North of Site:                      “No build” ADT of 6,554**

Estimated ADT with Proposed Zoning (full build) – 7,151  
 Estimated ADT with Current Zoning (full build) – 8,718  
**Net ADT change = -1,567 (<1% increase)**

Case No: 08-10

Applicant: Greenville Developers, LLC

**2.) Stantonsburg Road , South of Site:                    “No build” ADT of 6,554**

Estimated ADT with Proposed Zoning (full build) – 6,620

Estimated ADT with Current Zoning (full build) – 6,794**Net ADT change =        -174 (<1% increase)****Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 663 trips to and from the site on Stantonsburg Road, which is a net decrease of 1,741 additional trips per day.

During the review process, measures to mitigate the traffic will have to be determined. These measures could include the construction of a left turn lane on Stantonsburg Road and traffic signal modifications at the nearest signalized intersection. Access to the tract will also be reviewed.

**Excerpt from the Planning and Zoning Commission meeting minutes (6/17/08)**

REQUEST BY GREENVILLE DEVELOPERS, LLC

Rezoning ordinance requested by Greenville Developers, LLC for 6.833 acres located along the southern right-of-way of Stantonsburg Road, north of the Pitt County Landfill and southwest of Westpointe Subdivision from MCG (Medical-General Commercial) to PUD (Planned Unit Development]). The subject property is further identified as a portion of Pitt County Tax Parcel No. 51947.

Chantae Gooby, Planner, delineated the area on the map. She stated that the property was located in the northwest quadrant of the city, adjacent to Pitt County Landfill and Westpointe Subdivision. Ms. Gooby stated that most of the land to the north of the property was vacant. There are detention ponds located on the property that are for the Westpointe Subdivision. The rezoning could generate a decrease of over 1,700 trips, with most of the decrease being to the north on Stantonsburg Road. Ms. Gooby showed the general path of the Southwest By-pass. She stated there was a large focus area at the intersection of B's BBQ Road and Stantonsburg Road, where higher intensive uses are expected. Ms. Gooby stated the subject tract is located in a transition area between high density residential and industrial. She stated that Westpointe Subdivision and the subject property were rezoned to their current zoning in 1987. Ms. Gooby stated that under the current zoning the site could yield up to 56,000 square feet of retail space; however under the proposed zoning, staff would anticipate the site to yield between 12 and 15 single family lots. Since the property is less than 10 acres it would have to be incorporated into the existing Westpointe Subdivision, which is also zoned PUD. In staff's opinion, the request is in general compliance with the comprehensive plan and the land use plan map.

Mr. Randall asked about the proposed route of the Southwest By-pass. He stated it appeared to run straight into the property.

Ms. Gooby stated the map showed the general location of the by-pass and it would most likely be located to west of the property.

Mr. Mike Baldwin spoke in favor of the request on behalf of the applicants. Mr. Baldwin stated that about 40% of the property was taken up by detention ponds, giving them a buffer from the unoffensive industry, being the landfill.

No one spoke in opposition to the request.

Motion was made by Mr. Baker, seconded by Mr. Ramey, 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 carried unanimously.



## **EXISTING ZONING**

### **MCG (Medical-General Commercial)**

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

##### *(1) General:*

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- f. Retail sales; incidental

##### *(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

##### *(5) Agricultural/ Mining:*

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

##### *(6) Recreational/ Entertainment:*

- f. Public park or recreational facility
- s. Athletic club; indoor only

##### *(7) Office/ Financial/ Medical:*

- a. Office; professional and business, not otherwise listed
- d. Bank, savings and loan or other savings or investment institutions

##### *(8) Services:*

- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- v. Photography studio including photo and supply sales
- z. Printing or publishing service including graphic art, maps, 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
- ii. Wellness center; indoor and outdoor facilities
- kk. Launderette; household users
- ll. Dry Cleaners; household users

##### *(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
- f. Office and school supply, equipment sales
- 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
- s. Book or card store, news stand
- t. Hobby or craft shop
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist

*(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:*

- c. Bakery; production, storage and shipment facilities

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

\* None

**MCG (Medical-General Commercial)**

***Special Uses***

*(1) General:*

\* None

*(2) Residential:*

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

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

\* None

*(4) Governmental:*

- a. Public utility building or use

*(5) Agricultural/ Mining:*

\* None

*(6) Recreational/ Entertainment:*

- t. Athletic club; indoor and outdoor facilities

*(7) Office/ Financial/ Medical:*

\* None

*(8) Services:*

- a. Child day care facilities
- b. Adult day care facilities
- jj. Health services not otherwise listed

*(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:  
\* None

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

## **PROPOSED ZONING**

### **PUD (Planned Unit Development)** *Permitted Uses*

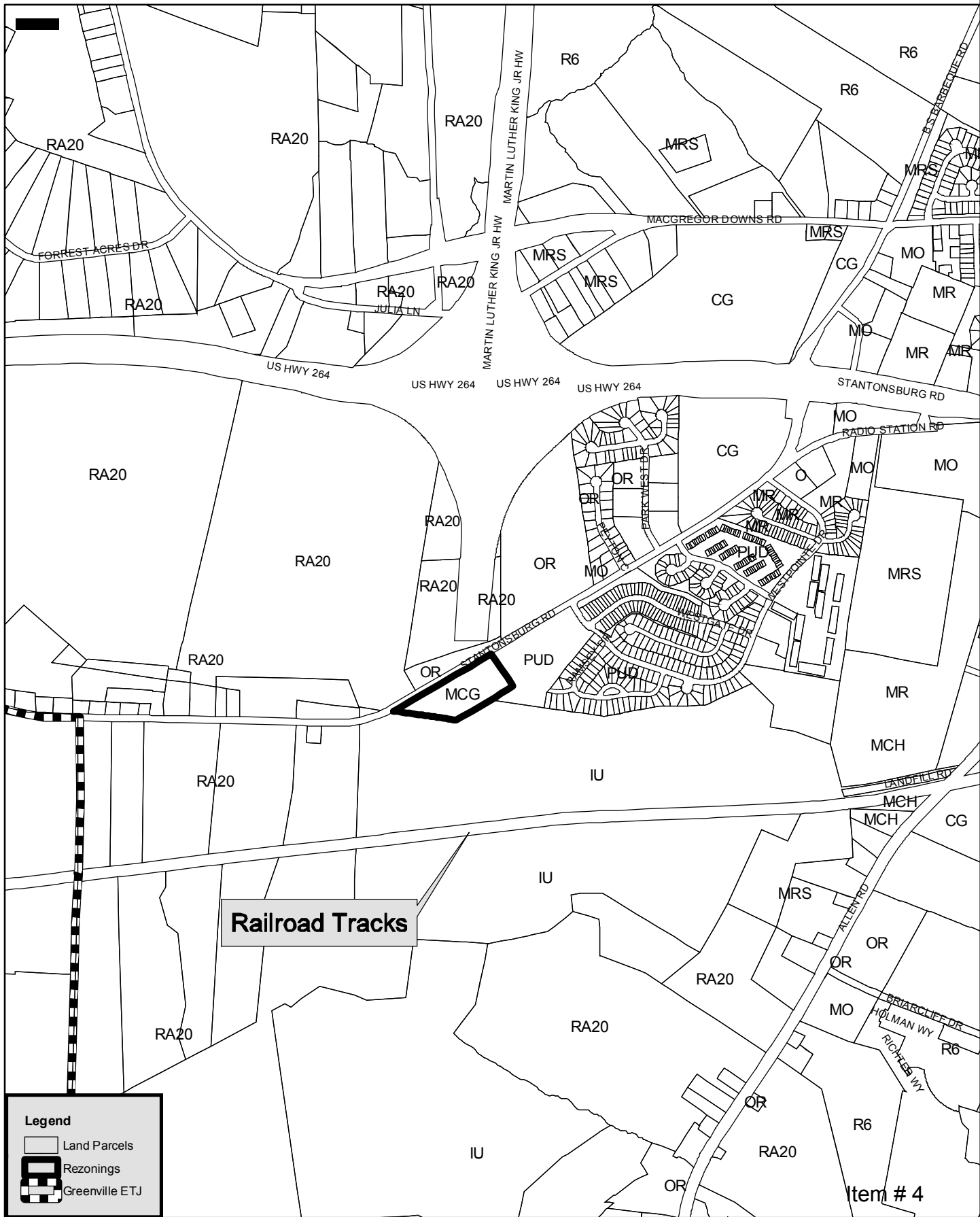
#### **Residential uses:**

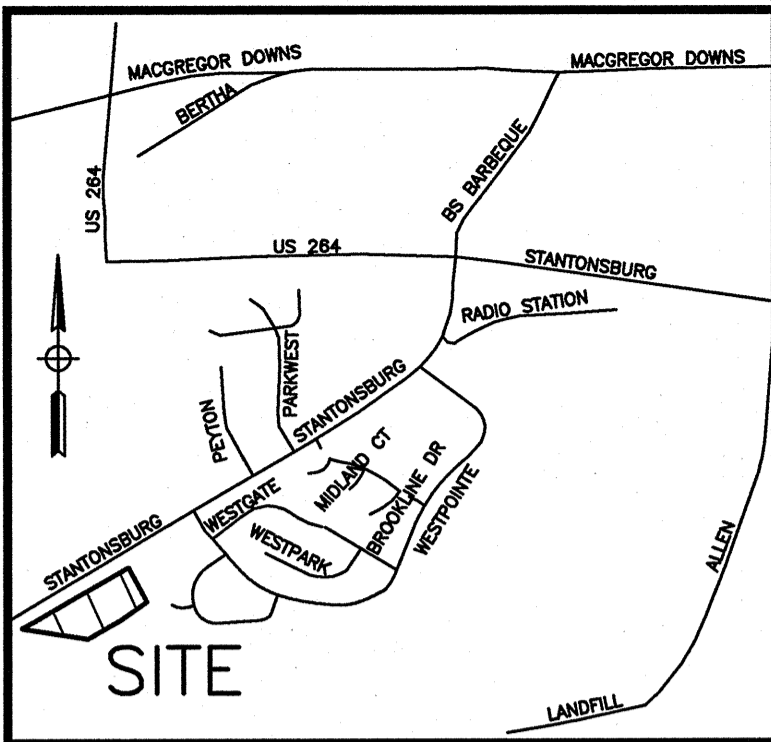
- a. Detached single-family dwelling
- b. Two-family attached dwelling (duplex)
- c. Attached single-family dwelling or townhouse development group
- d. Condominium development group
- e. Multi-family development group
- f. Family care home, subject to Article F
- g. Accessory building or use
- h. Public recreation or park facility
- i. Private recreation facility
- j. Church
- k. Golf course; regulation
- l. City of Greenville municipal government building or use per Article F

#### **Nonresidential uses; provided however such uses shall not be operated between the hours of 12:00 am and 5:00 am:**

- a. School; elementary subject to Article F
- b. School; kindergarten or nursery subject to Article F
- c. School; junior and senior high subject to Article F
- d. Child day care facilities
- e. Adult day care facilities
- f. Barber or beauty shop
- g. Office; professional and business not otherwise listed
- h. Medical, dental, ophthalmology or similar clinic not otherwise listed
- i. Library
- j. Grocery; food or beverage, off-premise consumption
- k. Convenience store
- l. Pharmacy
- m. Restaurant; conventional
- n. Restaurant; outdoor activities
- o. Accessory gasoline or automotive fuel sales
- p. Bank, savings and loan or other savings or investment institutions
- q. City of Greenville municipal government building or use per Article F

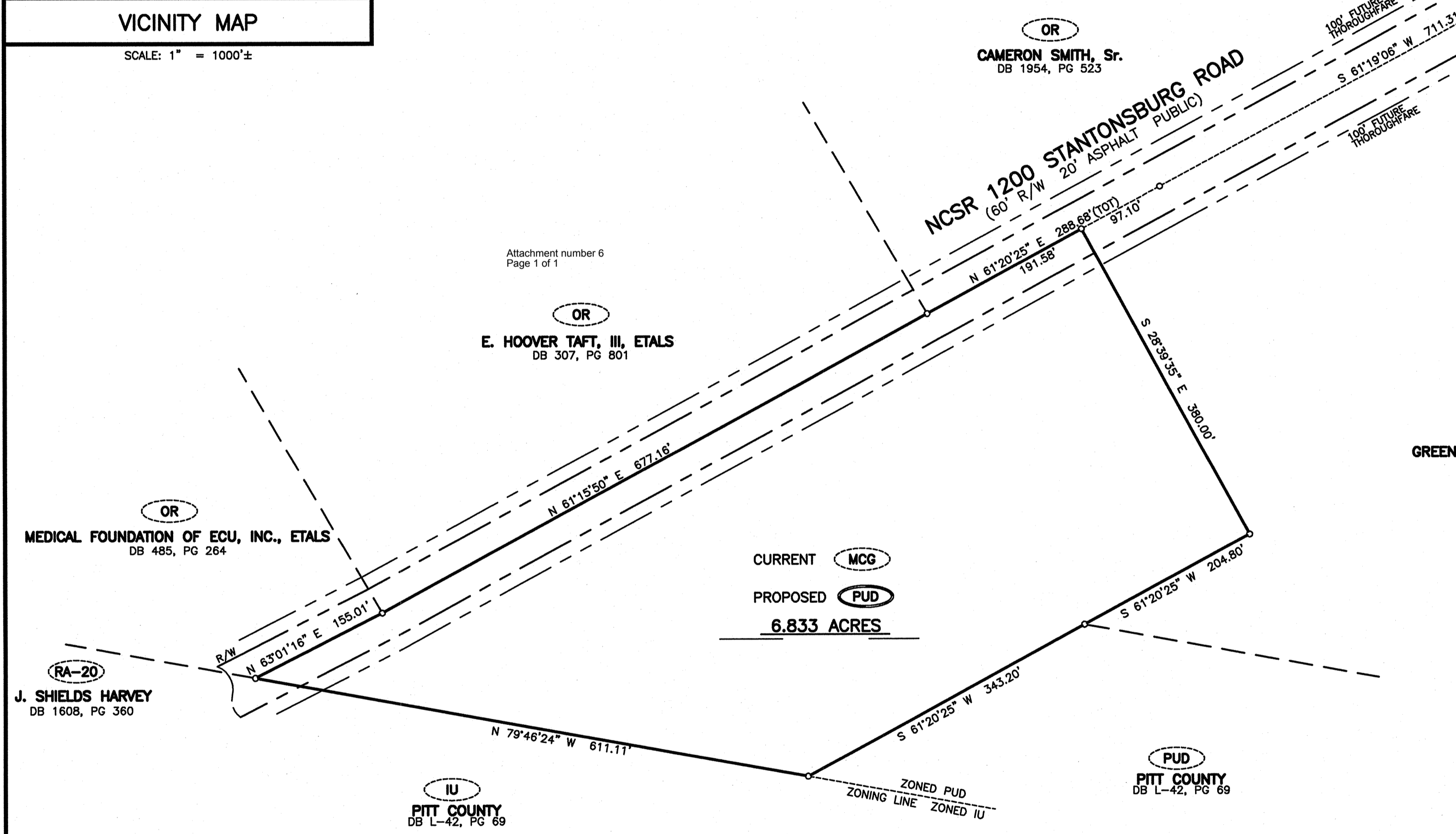
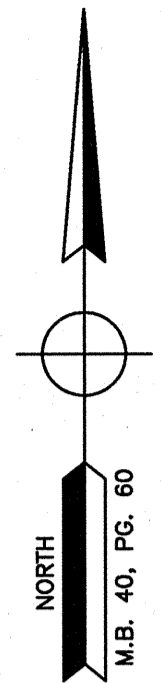
Greenville Developers, LLC  
MCG to PUD  
6.833 acres  
May 22, 2008





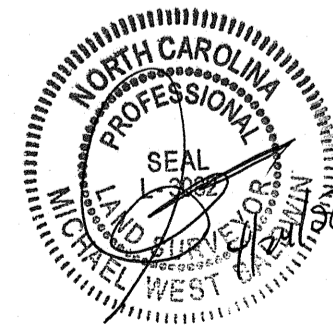
VICINITY MAP

SCALE: 1" = 1000'±



**NOTES**

1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
2. THIS MAP IS OF A SURVEY THAT IS OF ANOTHER CATEGORY.



PARCEL #051947

REZONING MAP FOR  
**GREENVILLE DEVELOPERS, LLC**

REFERENCE: BEING A PORTION OF THE PROPERTY RECORDED IN DEED BOOK 1394, PAGE 486 OF THE PITT COUNTY REGISTRY.

GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

OWNER: **GREENVILLE DEVELOPERS, LLC**  
ADDRESS: PO BOX 979  
GREENVILLE, NC 27835  
PHONE: (252) 355-0664

<p><b>Baldwin &amp; Janowski</b> ENGINEERING - SURVEYING - PLANNING 1015 CONFERENCE DRIVE GREENVILLE, NC, 27858 252.758.1390</p>	SURVEYED: JP	APPROVED: MWB
	DRAWN: SCB	DATE: 04/24/2008
	CHECKED: MWB	SCALE: 1" = 100'

## BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

**Bufferyard Requirments:** 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.

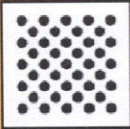
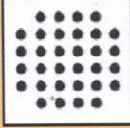
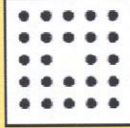
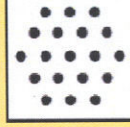

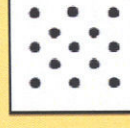
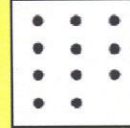

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

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: 8/14/2008  
Time: 7:00 PM

**Title of Item:** Ordinance requested by University Medical Park North, LLC to rezone 5.83 acres located along the northern right-of-way of West 5th Street at its intersection with Moye Boulevard extension from MR (Medical-Residential [High Density Multi-family]) and MO (Medical-Office) to CG (General Commercial)

**Explanation:**

**Required Notice:**  
Planning and Zoning Commission meeting notice (adjoining property owner letters) mailed on June 3, 2008.  
On-site Sign(s) posted on June 3, 2008.  
City Council public hearing notice (adjoining property owner letters) mailed on July 21, 2008.  
Public Hearing Legal Advertisement published on August 4 and August 11, 2008.

**Comprehensive Plan:**

The subject site is located in Vision Area F.

West 5th Street is considered a “gateway corridor” beginning at the intersection with Martin Luther King Jr. Highway and continuing east into the city. These major transportation corridors should be carefully designed and developed to reflect their importance as entranceways to the City. Since these thoroughfares will ultimately be multi-lane facilities carrying large volumes of high-speed traffic, adjoining land uses should be planned accordingly. A variety of intense, large-scale uses could appropriately be developed in these corridors; however, curb cuts should be strictly controlled to facilitate smooth traffic flow.

The Future Land Use Plan Map recommends Commercial (C) north of West 5th Street at its intersection with Moye Boulevard transitioning to High Density Residential to the interior area.

In addition, a new Neighborhood Focus Area designation is recommended for the subject site as part of the Medical District Land Use Plan Update adopted in



February of 2008. The recommended change will facilitate additional service and retail use options in the University Medical Park North subdivision in lieu of linear roadside (strip) development west of the intersection of Moye Boulevard. Additional commercial development along this section of West 5th Street should be confined to the designated Neighborhood Focus Area.

### **Thoroughfare/Traffic Volume (PW-Engineering Division) Report Summary**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1,784 trips to and from the site on Moye Boulevard, which is a net increase of 110 additional trips per day.

During the site development process, measures to mitigate the traffic will be determined. These measures may include turn lane modifications on West 5th Street and may require traffic signal modifications at the signalized intersection of West 5th Street and Moye Boulevard.

*Detailed Report Attached*

### **History/Background:**

In 1989, the subject property was zoned MO (Medical Office). The rear portion of the subject site was rezoned from MO to MR (Medical-Residential) in June of 2002.

### **Present Land Use:**

The site contains the University Medical Park (North) subdivision, wherein the Board of Adjustment has recently approved (6/28/07) special use permits (Case #07-11) for a motel and restaurant fronting West 5th Street (Greenville Hospitality Investments, LLC – Lot 1).

### **Water/Sewer:**

Water service is located adjacent to the property in Moye Boulevard.

Sanitary sewer service is located adjacent to the property in Moye Boulevard.

### **Historic Sites:**

There is no known effect on designated sites.

### **Environmental Conditions/Constraints:**

There are no known environmental constraints.

### **Surrounding Land Uses and Zoning:**

North: MR – Vacant

South: MI – ECU School of Medicine  
MS – Medical offices  
East: R6 – Greenville Housing Authority  
MCH - Vacant  
West: MO – Retirement center  
MR – Treybrooke Apartments

**Density Estimates:**

Under the current zoning (MR), staff would anticipate the site to yield 10-15 multi-family units.

At the proposed zoning (CG), staff would anticipate the site to yield approximately 13,600 square feet of retail space.

The anticipated build-out time is one (1) to two (2) years.

**Fiscal Note:**

No cost to the City.

**Recommendation:**

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

The phrase “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.

The Planning and Zoning Commission on June 17, 2008, voted to approve the request.

Note: In addition to 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.

If City Council determines to approve the rezoning request, a motion to adopt the attached rezoning ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:  
Motion to deny the request to rezone and to make a finding and determination that the denial of the rezoning request is consistent with the adopted

comprehensive plan and that the denial of the rezoning request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

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

**Attachments / click to download**

- [📄 Location Map](#)
  - [📄 Survey Map](#)
  - [📄 Bufferyard and Vegetation Chart, Residential Density Chart](#)
  - [📄 Ordinance to Rezone University Medical Park North LLC 776664](#)
  - [📄 Rezoning Case 08 11 University Park North Lots 2 11 and 12 766986](#)
  - [📄 University Medical Park North LLC Minutes 771808](#)
  - [📄 List of Uses MR and MO to CG 776535](#)
-

ORDINANCE NO. 08-\_\_  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
REZONING TERRITORY LOCATED WITHIN THE  
PLANNING AND ZONING JURISDICTION 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 August 14, 2008 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 rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration; and,

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance rezoning the following described property is consistent with the adopted comprehensive plan and that the adoption of the ordinance rezoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

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

Section 1. That the following described territory is rezoned from MO (Medical-Office) and MR (Medical-Residential [High Density Multi-family]) to CG (General-Commercial).

TO WIT: University Medical Park North, LLC Property.

LOCATION: Located along the northern right-of-way of West 5th Street at its intersection with Moye Boulevard extension.

DESCRIPTION:

**LOT 2:** All that certain lot or parcel of land lying and being situated in the City of Greenville, Greenville Township, Pitt County, North Carolina bounded on the north by the property of University Medical Park North, LLC, on the east by Moye Boulevard, on the south by Lot 1 University Medical Park North also known as the Greenville Hospitality Investments, LLC property and on the west by a portion of the property owned by Carolina Long Term Care, LLC and a portion of the property owned by the Medical Foundation of East Carolina University, Inc. and being described by metes and bounds as follows:

BEGINNING at a point in the western right of way line of Moye Boulevard, said point being the northeast corner of Lot 1 University Medical Park North recorded in Map Book 69 at page 34, the southeast corner of Lot 2 as described herein, thence leaving the western right of way line of Moye Boulevard and with the northern line of Lot 1, N67°22'41"W 199.23 feet to a point in the eastern line of Carolina Long Term Care, LLC, thence leaving Lot 1 and with the eastern line of Carolina Long Term Care, LLC N22°34'31"E 45.62 feet, thence N23°22'51"E 12.09 feet to a common corner between Carolina Long Term Care, LLC and the Medical Foundation of East Carolina University, Inc. property, thence leaving Carolina Long Term Care, LLC and with the eastern line of Medical Foundation of East Carolina University, Inc. property, N23°22'51"E 241.73 feet to a point in said line, a new corner, thence leaving the Medical Foundation of East Carolina University, Inc with a new line S56°56'00"E 235.02 feet to a point in the western right of way line of Moye Boulevard, a new corner, thence with the western right of way line of Moye Boulevard S33°04'00"W 147.62 feet to a point of curve, thence continuing with the western right of way line of Moye Boulevard along a curve in a counter-clockwise direction, said curve having a radius of 525.00 feet, a chord bearing of S26°56'44"W and a chord distance of 111.96 feet to the POINT OF BEGINNING containing 1.36 acres more or less and being all of Lot 2 as shown on Rivers & Associates, Inc. drawing Z-2470, dated May 16, 2008 entitled *Rezoning Map For University Medical Park North Lots 2, 11 and 12* which, by reference, is made a part hereof.

**LOTS 11 and 12:** All those certain Lots or parcels of land lying and being situated in the City of Greenville, Greenville Township, Pitt County, North Carolina bounded on the north by the property of University Medical Park North, LLC, on the east by the Greenville Housing Authority property and the Novella Higgs

Moye Heirs property, on the south by West 5th Street (NC Highway 43) and on the west by Moye Boulevard and being described by metes and bounds as follows:

BEGINNING at a point in the northern right of way line of West 5th Street (NC Highway 43) said point being a common corner between Lot 12, University Medical Park North, LLC recorded in Map Book 69 at page 34 and the Novella Higgs Moye Heirs property identified as Pitt County Tax parcel 15837, thence with the northern right of way line of West 5th Street (NC Highway 43) N84°05'41"W 152.92 feet, thence N77°40'42"W 188.21 feet, thence N26°43'55"W 120.36 feet to a point in the eastern right of way line of Moye Boulevard, thence leaving West 5th Street (NC Highway 43) and with the eastern right of way line of Moye Boulevard N08°46'34"E 78.74 feet, thence N11°41'17"E 112.53 feet to a point of curve, thence continuing with the eastern right of way line of Moye Boulevard along a curve in a clockwise direction, said curve having a radius of 475.00 feet, a chord bearing of N22°22'39"E and a chord distance of 176.21 feet to a point of tangent, thence N33°04'00"E 87.39 feet to a point in said right of way, a new corner, thence leaving the eastern right of way line of Moye Boulevard with a new line S56°56'00"E 394.08 feet to a point in the western property line of the Greenville Housing Authority property, thence with the western line of the Greenville Housing Authority property S13°32'15"W 167.22 feet to the northwest corner of the Novella Higgs Moye Heirs property, thence with the western line of the Novella Higgs Moye Heirs property S13°32'15"W 215.99 feet to the POINT OF BEGINNING containing 4.47 acres more or less and being all of Lots 11 and 12 as shown on Rivers & Associates, Inc. drawing Z-2470 dated May 16, 2008 entitled *Rezoning Map For University Medical Park North Lots 2, 11 and 12* which, by reference, is made a part hereof.

Section 2. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 3. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 4. That this ordinance shall become effective upon its adoption.

ADOPTED this 14<sup>th</sup> day of August, 2008.

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Patricia C. Dunn, Mayor

ATTEST:

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Wanda T. Elks, City Clerk

**Case No:** 08-11

**Applicant:** University Park North Lots 2, 11, and 12

**Property Information**

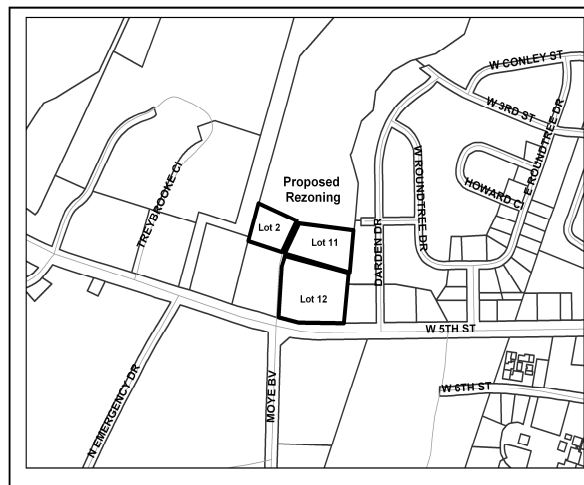
**Current Zoning:** MO (Medical Office) and MR (Medical-Residential [High Density MF])

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

**Current Acreage:** Lot 2: 1.36 ac, Lot 11: 2.03 ac, Lot 12: 2.44 ac  
Total = 5.83 ac

**Location:** NE corner of Stantonsburg Road and B's Barbeque Road

**Points of Access:** Stantonsburg Road and B's Barbeque Road



**Location Map**

**Transportation Background Information**

**1.) W 5th Street- State maintained**

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	4-lanes	4-lanes
Right of way width (ft)	100	100
Speed Limit (mph)	45	45
<b>Current ADT:</b>	16,646 (*)	Ultimate Design ADT: 33,500 vehicles/day (**)
<b>Design ADT:</b>	33,500 vehicles/day (**)	
<b>Controlled Access</b>	<b>No</b>	
<b>Thoroughfare Plan Status:</b>	Major Thoroughfare	
<b>Other Information:</b>	There are sidewalks along the south side of W 5th Street that service this property.	

**Notes:** (\*) 2006 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.

**2.) Moye Blvd.- City maintained**

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	4-lanes	4-lanes
Right of way width (ft)	80	80
Speed Limit (mph)	35	35
<b>Current ADT:</b>	5,618 (*)	Ultimate Design ADT: 33,500 vehicles/day (**)
<b>Design ADT:</b>	33,500 vehicles/day (**)	
<b>Controlled Access</b>	<b>No</b>	
<b>Thoroughfare Plan Status:</b>	Minor Thoroughfare	
<b>Other Information:</b>	There are no sidewalks along Moye Blvd. that service this property.	

**Notes:** (\*) 2006 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.





**Excerpt from the Planning and Zoning Commission meeting minutes (6/17/08)**

REQUEST BY UNIVERSITY MEDICAL PARK NORTH, LLC

Rezoning ordinance requested by University Medical Park North, LLC for 5.83 acres located along the northern right-of-way of West 5<sup>th</sup> Street at its intersection with Moye Boulevard extension from MR (Medical-Residential [High Density Multi-family]) and MO (Medical-Office) to CG (General Commercial). The subject property is further identified as Pitt County Tax Parcel Nos. 76161 and 33077.

Seth Laughlin, Planner, gave the presentation. Mr. Laughlin delineated the area on the map. He stated the property was located in the central western quadrant of the city. Mr. Laughlin stated this rezoning involves lots 2, 11 and 12 of the University Medical Park North Commercial Subdivision. Mr. Laughlin stated that they received a Special Use Permit from the Board of Adjustment to construct a motel with a fast food restaurant in the parking lot of the same property. The survey shows lots 2, 11 and 12 have a current zoning of Medical Office and Medical Residential, with the requested zoning of General Commercial. There are multi-family developments to the east and west. The thoroughfare plan shows West 5<sup>th</sup> Street as a major thoroughfare with a net increase of 220 trips over the existing zoning. Mr. Laughlin stated the Corridor Focus Area Map shows the site as a neighborhood focus area that is anticipated to have approximately 40,000 square feet of commercial development at full build-out. The neighborhood focus area is a result of a recommendation from the medical district land use plan update. The land use plan recommends commercial for this site. Mr. Laughlin stated in staff's opinion, the rezoning is in compliance with the comprehensive plan.

Durk Tyson with Rivers and Associates spoke in favor of the request on behalf of the applicant. Mr. Tyson stated that West 5th Street currently has about 15,000 trips a day and Moye Boulevard has about 8,300 trips a day, both with a capacity greater than 33,000.

No one spoke in opposition to the request.

Motion was made by Mr. Bell, seconded by Mr. Lehman, 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.

## **EXISTING ZONING**

### **MO (Medical-Office)**

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

##### *(1) General:*

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- f. Retail sales; incidental

##### *(2) Residential:*

- l. Group care facility
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility

##### *(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

##### *(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:*

- a. Office; professional and business, not otherwise listed
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

##### *(8) Services:*

- n. Auditorium
- r. Art gallery
- u. Art studio including art and supply sales
- ee. Hospital
- ii. Wellness center; indoor and outdoor facilities

##### *(9) Repair:*

\* None

##### *(10) Retail Trade:*

- d. Pharmacy
- s. Book or card store, news stand
- w. Florist

##### *(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

***Special Uses MO (Medical-Office)***

*(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:*

s. Athletic club; indoor only

*(7) Office/ Financial/ Medical:*

\* None

*(8) Services:*

a. Child day care facilities

b. Adult day care facilities

e. Barber or beauty shop

f. Manicure, pedicure or facial salon

j. College and other institutions of higher learning

l. Convention center; private

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)

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)

hh. Exercise and weight loss studios; indoor only

ll.(1) Dry cleaning; household users, drop-off/pick-up station only [2,000 sq. ft. gross floor area limit per establishment]

jj. Health services not otherwise listed

*(9) Repair:*

\* None

*(10) Retail Trade:*

- f. Office and school supply, equipment sales [5,000 sq. ft. gross floor area limit per establishment]
- h. Restaurant; conventional
- i. Restaurant; fast food [limited to multi-unit structures which contain not less than three separate uses]
- j. Restaurant; regulated outdoor activities
- k. Medical supply sales and rental of medically related products including uniforms and related accessories.
- t. Hobby or craft shop [5,000 sq. ft. gross floor area limit per establishment]

*(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

**MR (Medical-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 recreation 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

**MR (Medical-Residential)**  
***Special Uses***

*(1) General:*

\* None

*(2) Residential:*

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- l. Group care facility
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- o.(1). Nursing, convalescent center or maternity home; minor care facility

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

- b. Home occupations; excluding barber and beauty shops
- d. Home occupations; excluding manicure, pedicure or facial salon

*(4) Governmental:*

- a. Public utility building or use

*(5) Agricultural/ Mining:*

\* None

*(6) Recreational/ Entertainment:*

- 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
- 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
- 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

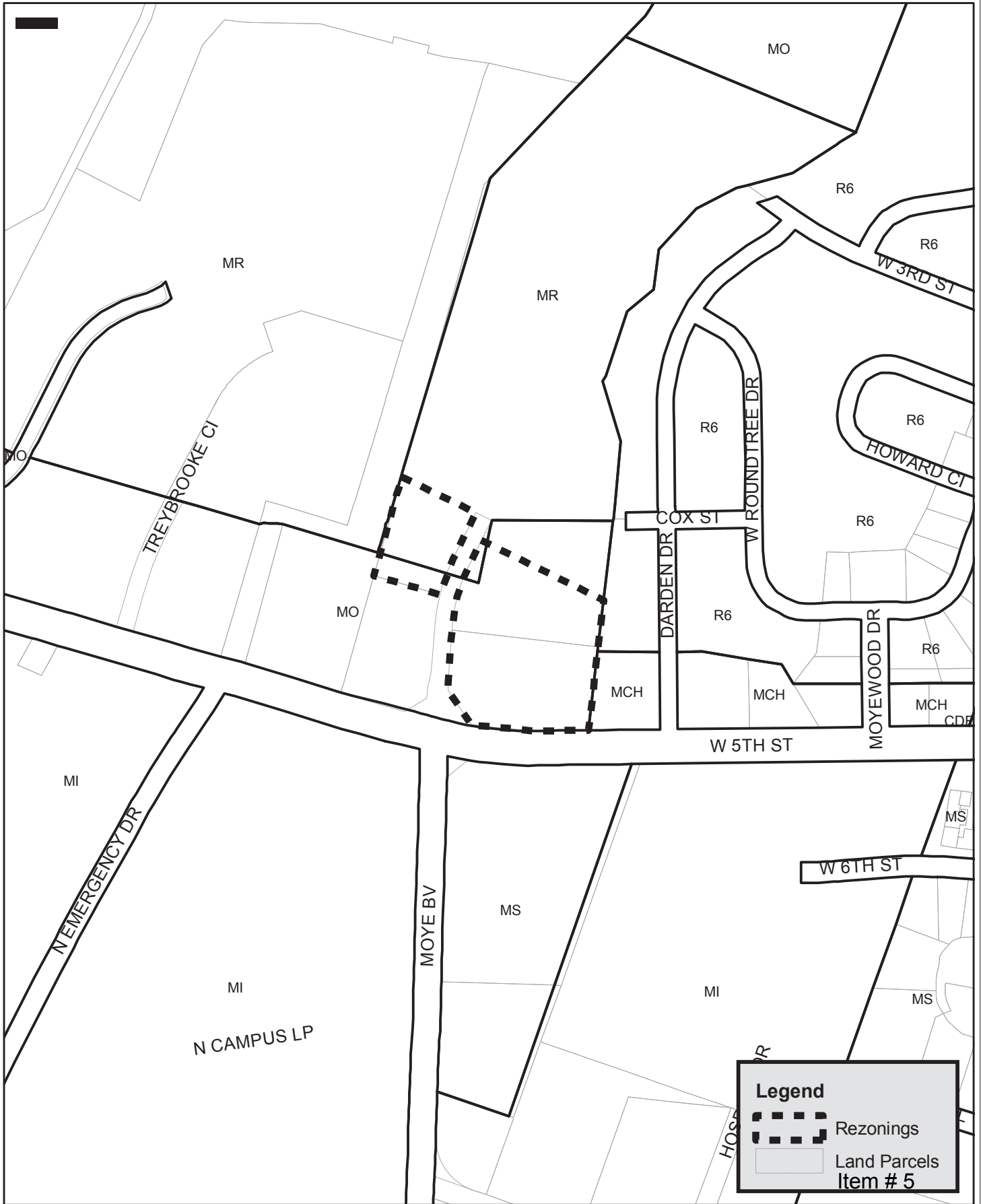
*(14) Manufacturing/ Warehousing:*

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

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

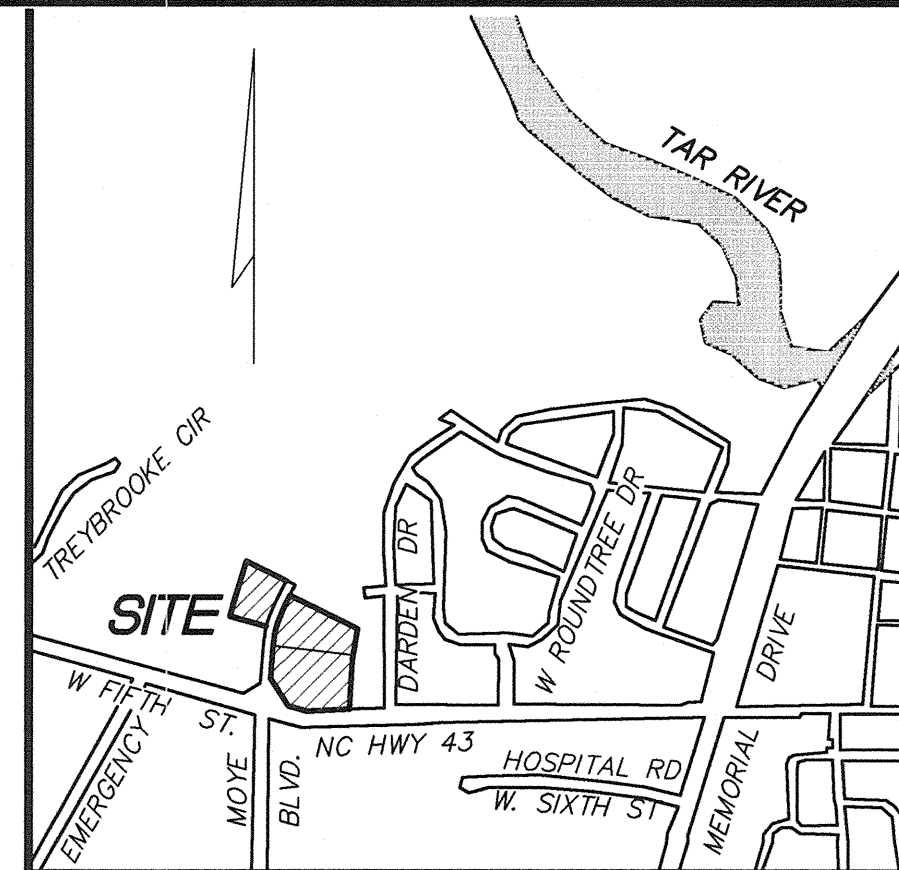
- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

University Medical Park North Lots 2, 11, & 12  
MO & MR to CG  
5.83 Acres  
June 3, 2008



**NOTES :**

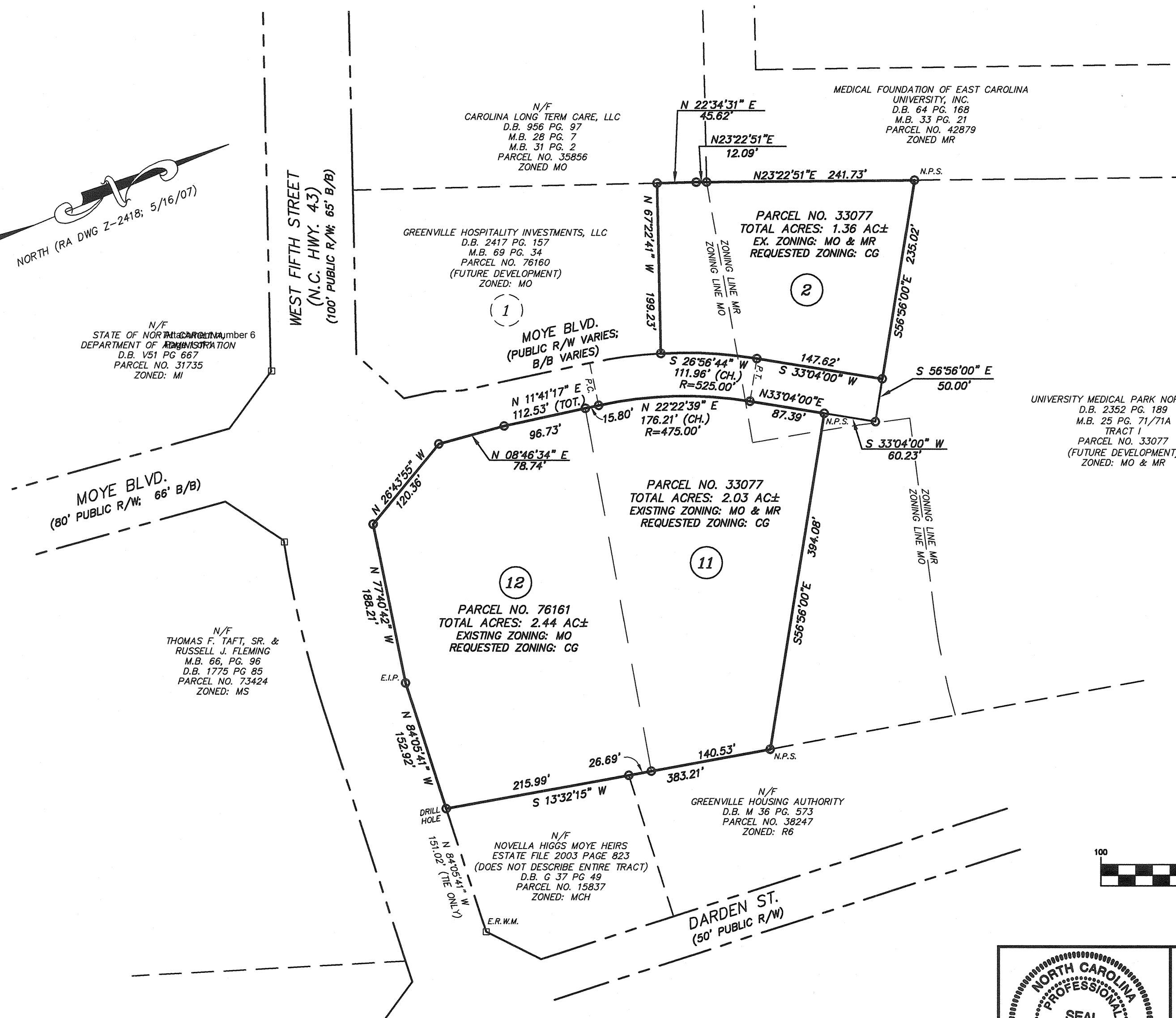
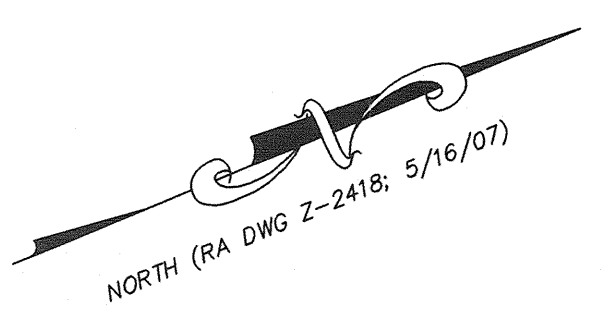
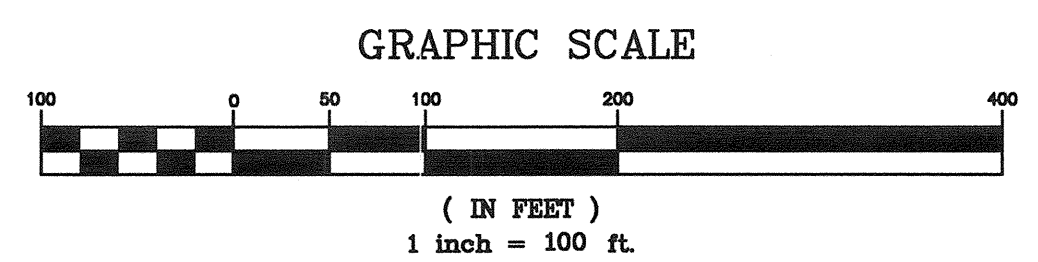
1. IRON STAKES LOCATED AT ALL CORNERS, EXCEPT AS NOTED OTHERWISE.
2. ALL DISTANCES ARE HORIZONTAL GROUND MEASURED UNLESS SHOWN OTHERWISE.
3. THIS MAP WAS PREPARED FOR REZONING PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON.
4. BOUNDARY INFORMATION TAKEN FROM REFERENCED INFORMATION SHOWN HEREON. THIS IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN AND IS NOT TO BE USED FOR SALES OR CONVEYANCES.
5. THIS MAP IS AN EXCEPTION TO THE DEFINITION OF A SUBDIVISION AND DOES NOT CONFORM TO G.S. 47-30.



**Vicinity Map**  
1" = 1000'

- References:**
- PARCEL NO. 33077 & 76161  
D.B. 2352, PG. 189  
M.B. 69 PG. 34  
M.B. 25 PG. 71/71A  
PRELIMINARY PLAN BY RIVERS & ASSOC., INC.,  
DRAWING NO. W-3057, DATED 9/27/07
  - UNIVERSITY MEDICAL PARK NORTH, LLC  
D.B. 2352 PG. 189  
M.B. 25 PG. 71/71A  
TRACT I  
PARCEL NO. 33077  
(FUTURE DEVELOPMENT)  
ZONED: MO & MR

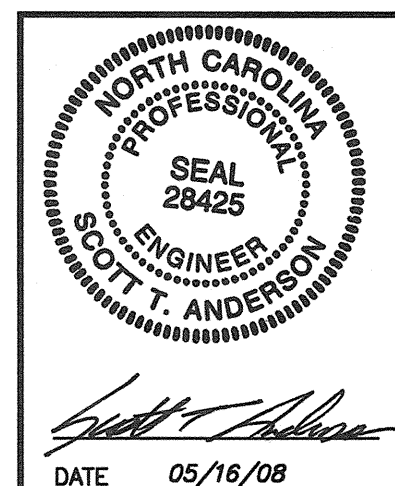
**SITE DATA:**  
TOTAL AREA: 5.83 ACRES



**Legend**

- IRON PIPE SET
- E.I.P. EXISTING IRON PIPE
- PG. PAGE
- M.B. MAP BOOK
- B/B BACK TO BACK
- R/W RIGHT OF WAY
- PARCEL NO. PARCEL NUMBER
- ⑫ LOT NUMBER
- E.R.W.M. RIGHT OF WAY MONUMENT
- CH. CHORD
- RA RIVERS AND ASSOCIATES
- N/F NOW OR FORMERLY
- TOT. TOTAL
- N.P.S. NO POINT SET

**OWNER :**  
UNIVERSITY MEDICAL PARK NORTH, LLC  
P.O. BOX 566  
GREENVILLE, NC 27835  
Phone: (252) 752-2000



**Rivers & Associates, Inc.**  
Engineers Planners Surveyors  
Since 1918  
107 East Second Street  
Greenville, NC 27858 (252) 752-4135  
6131 Falls of Neuse Road, Suite 300  
Raleigh, NC 27609 (919) 848-3347

**REZONING MAP FOR**  
**University Medical Park North**  
**Lots 2, 11 and 12**  
GREENVILLE, GREENVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

SURVEY WCG	DRAFT EW	SCALE	DRAWING NO.	SHEET
CHECK STA		1" = 100'	Z-2470	1 OF 1

## BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

**Bufferyard Requirments:** 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.

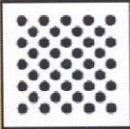
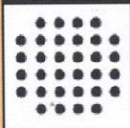
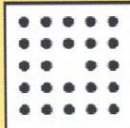
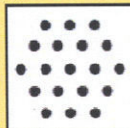
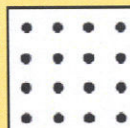
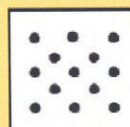
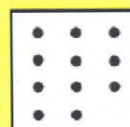
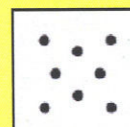
Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

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: 8/14/2008  
Time: 7:00 PM

**Title of Item:** Ordinance requested by Campus Towers, LLC to rezone 0.185 acres located along the eastern right-of-way of Forbes Street between 8th Street and 9th Street from OR (Office-Residential [High Density Multi-family]) to CD (Downtown Commercial)

**Explanation:**

**Required Notice:**

Planning and Zoning Commission meeting notice (adjoining property owner letters) was mailed on June 3, 2008.

On-site Sign(s) posted on June 3, 2008.

City Council public hearing notice (adjoining property owner letters) mailed July 21, 2008.

Public Hearing Legal Advertisement published August 4 and 11, 2008.

**Comprehensive Plan:**

The subject site is located in Vision Area G.

The Future Land Use Plan Map recommends Commercial (C) for the majority of the downtown area including this section of Forbes Street.

The subject property is located within the site selected and approved by the Greenville City Council for the Intermodal Transportation Facility. This site was selected at the May 8, 2008 City Council meeting after a 9-month study.

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

The proposed rezoning will have a minimal impact on Forbes Street (a net increase of 13 vehicle trips/day); therefore, a traffic analysis was not performed.

**History/Background:**



In 1989, the subject property was zoned OR (Office-Residential).

**Present Land Use:**

Vacant.

**Water/Sewer:**

Water service is currently located adjacent to the property in Forbes Street. Sanitary sewer service is currently located adjacent to the property in Forbes Street.

**Historic Sites:**

There is no known effect on designated sites.

**Environmental Conditions/Constraints:**

There are no known environmental constraints.

**Surrounding Land Uses and Zoning:**

North: OR – Campus Christian Fellowship  
South: OR – One two-family attached (duplex) dwelling  
East: OR – Saad Apartments (10 units)  
West: CDF – One single-family home

**Density Estimates:**

Under the current zoning (OR), staff would anticipate the site to yield one (1) duplex dwelling structure. If developed for residential, the proposed zoning (CD), would yield approximately four (4) multi-family units including on-site parking. The anticipated build-out time is two to three years.

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

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

The phrase “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.

The Planning and Zoning Commission on June 17, 2008, voted to approve the

request.

Note: In addition to 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.

If City Council determines to approve the rezoning request, a motion to adopt the attached rezoning ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: Motion to deny the request to rezone and to make a finding and determination that the denial of the rezoning request is consistent with the adopted comprehensive plan and that the denial of the rezoning request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

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

**Attachments / click to download**

- [📎 Location Map](#)
- [📎 Survey Map](#)
- [📎 Bufferyard, Vegetation Chart, and Residential Density Chart](#)
- [📎 Ordinance to Rezone Campus Towers LLC 776666](#)
- [📎 Campus Towers LLC Minutes 771807](#)
- [📎 List of Uses OR to CD 776532](#)

ORDINANCE NO. 08-\_\_  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
REZONING TERRITORY LOCATED WITHIN THE  
PLANNING AND ZONING JURISDICTION 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 August 14, 2008 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 rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration; and,

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance rezoning the following described property is consistent with the adopted comprehensive plan and that the adoption of the ordinance rezoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

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

Section 1. That the following described territory is rezoned from OR (Office-Residential [High Density Multi-family]) to CD (Downtown Commercial).

TO WIT:                      Campus Towers, LLC Property.

LOCATION:                    Located along the eastern right-of-way of Forbes Street between 8<sup>th</sup> Street and 9<sup>th</sup> Street.

DESCRIPTION: Beginning at an existing iron pipe located on the eastern right of way of Forbes Street said existing iron pipe being located southwardly +/-135.64 feet from the intersection of the southern right of way of E. Eighth Street and the eastern right of way of Forbes Street; thence from said point of beginning and leaving the eastern right of way of Forbes Street S 74-25-27 E, 59.91 feet to an existing iron pipe; thence S 15-54-00 W, 30.05 feet to an existing iron pipe; thence S 74-40-50 E, 30.69 feet to an existing iron pipe; thence S 16-37-53 W, 65.56 feet to an existing iron pipe; thence S 59-04-03 W, 7.48 feet to an existing iron pipe; thence N 73-43-54 W, 83.60 feet to an existing iron pipe located on the eastern right of way of Forbes Street; thence running along the eastern right of way of Forbes Street N 15-18-02 E, 99.88 feet to the point of beginning containing 8,078 square feet or 0.185 acres.

Section 2. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 3. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 4. That this ordinance shall become effective upon its adoption.

ADOPTED this 14<sup>th</sup> day of August, 2008.

---

Patricia C. Dunn, Mayor

ATTEST:

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Wanda T. Elks, City Clerk

**Excerpt from the Planning and Zoning Commission meeting minutes (6/17/08)**

**REQUEST BY CAMPUS TOWERS**

Rezoning ordinance requested by Campus Towers for 0.185 acres located along the eastern right-of-way of Forbes Street between 8<sup>th</sup> Street and 9<sup>th</sup> Street from OR (Office-Residential [High Density Multi-family]) to CD (Downtown Commercial). The subject property is further identified as Pitt County Tax Parcel Nos. 24841 and 24842.

Seth Laughlin, Planner, gave the presentation. Mr. Laughlin delineated the area on the map. He stated the property was located in the center of the city. Mr. Laughlin stated the existing zoning was OR. The existing land use map shows a variety of uses from institutional, parking, commercial and some single-family residential. Mr. Laughlin stated the thoroughfare plan shows Evans Street and Cotanche Street as connector corridors. He stated that the proposed rezoning had a minimal impact on traffic and did not warrant a traffic study from Public Works. He said that the land use plan calls for commercial uses for the subject site and surrounding blocks. Mr. Laughlin stated in staff's opinion the request was in compliance with the comprehensive plan.

Mr. Fred Mattox, attorney, spoke in favor of the request on behalf of the applicant.

Mr. Brad Williams, architect with Hite Associates, spoke in favor of the request on behalf of the applicant.

No one spoke in opposition to the request.

Motion was made by Mr. Ramey, seconded by Mr. Gordon, 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.

## **EXISTING ZONING**

### **OR (Office-Residential)**

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

##### *(1) General:*

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- f. Retail sales incidental

##### *(2) Residential:*

- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- k. Family care home (see also section 9-4-103)
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- p. Board or rooming house
- 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)
- 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

##### *(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 recreation facility

##### *(7) Office/ Financial/ Medical:*

- a. Office; professional and business, not otherwise listed
- b. Operational/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

##### *(8) Services:*

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- 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)
- j. College or other institutions of higher learning
- k. Business or trade school
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)

- p. Library
- q. Museum
- r. Art Gallery
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- x. Dance studio
- bb. Civic organizations
- cc. Trade or business organizations

*(9) Repair:*

\* None

*(10) Retail Trade:*

- s. Book or card store, news stand
- w. Florist

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

\* None

*(12) Construction:*

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- 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

**OR (Office-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
- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- o.(1). Nursing, convalescent center or maternity home; minor care facility
- r. Fraternity or sorority house

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

\* None

*(4) Governmental:*

- a. Public utility building or use

*(5) Agricultural/ Mining:*

\* None

*(6) Recreational/ Entertainment:*

- c.(1). Tennis club; indoor and outdoor facilities
- h. Commercial recreation; indoor only, not otherwise listed

*(7) Office/ Financial/ Medical:*

- f. Veterinary clinic or animal hospital (also see animal boarding; outside facility, kennel and stable)

*(8) Services:*

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- 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)
- ff. Mental health, emotional or physical rehabilitation center

*(9) Repair:*

- \* None

*(10) Retail Trade:*

- h. Restaurant; conventional
- j. Restaurant; regulated outdoor activities

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

- \* None

*(12) Construction:*

- \* None

*(13) Transportation:*

- h. Parking lot or structure; principle use

*(14) Manufacturing/ Warehousing:*

- \* None

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

- a. Other activities; personal services not otherwise listed
- b. Other activities; professional services not otherwise listed

## **PROPOSED ZONING**

### **CD (Downtown 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:*

- c. Multi-family development per Article 1
- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- n. Retirement center or home



- o. Nursing, convalescent center or maternity home; major care facility
- q. Room renting

*(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
- 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
- g. Private noncommercial park or recreation facility
- h. Commercial recreation; indoor only, not otherwise listed
- j. Bowling alleys
- o. Theater; movie or drama, including outdoor facility
- s. Athletic club; indoor only

*(7) Office/ Financial/ Medical:*

- a. Office; professional and business, not otherwise listed
- b. Operational/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- g. Catalogue processing center

*(8) Services:*

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- j. College or other institutions of higher learning
- k. Business or trade school
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- p. Library
- 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
- w. Recording studio
- x. Dance studio
- 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)
- bb. Civic organizations
- cc. Trade or business organizations
- hh. Exercise and weight loss studios; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users
- oo. Clothes alteration or shoe repair shop

*(9) Repair:*

- f. Appliance; household and office equipment 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
- h. Restaurant; conventional
- i. Restaurant; fast food
- 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 facilities)
- 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)
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

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

- c. Rental of cloths and accessories; formal wear, etc.
- d. Rental of automobiles, noncommercial trucks or trailers, recreational vehicle, motorcycles and boats

*(12) Construction:*

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- f. Hardware store

*(13) Transportation:*

- b. Bus station; passenger and related freight
- c. Taxi or limousine service
- e. Parcel delivery service
- h. Parking lot or structure; principal use

*(14) Manufacturing/ Warehousing:*

- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
- h. Engraving; metal, glass or wood

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

\* None

**CD (Downtown Commercial)**

***Special Uses***

*(1) General:*

\* None

*(2) Residential:*

e.(1) Dormitory development

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

\* None

*(4) Governmental:*

\* None

*(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:*

\* None

*(8) Services:*

a. Child day care facilities

b. Adult day care facilities

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

l. Convention center; private

*(9) Repair:*

b. Minor repair; as an accessory or principal use

*(10) Retail Trade:*

b. Gasoline or automotive fuel sales; accessory or principal use, retail

g. Fish market; excluding processing or packing

j. Restaurant; regulated outdoor activities

n. Appliance; commercial use, sales and accessory repair, excluding outside storage

aa. Pawnbroker

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

\* None

*(12) Construction:*

\* None

*(13) Transportation:*

\* None

*(14) Manufacturing/ Warehousing:*

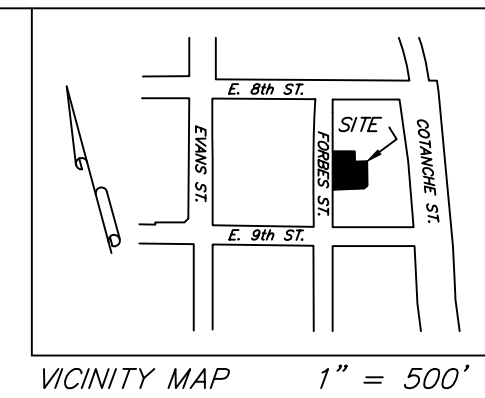
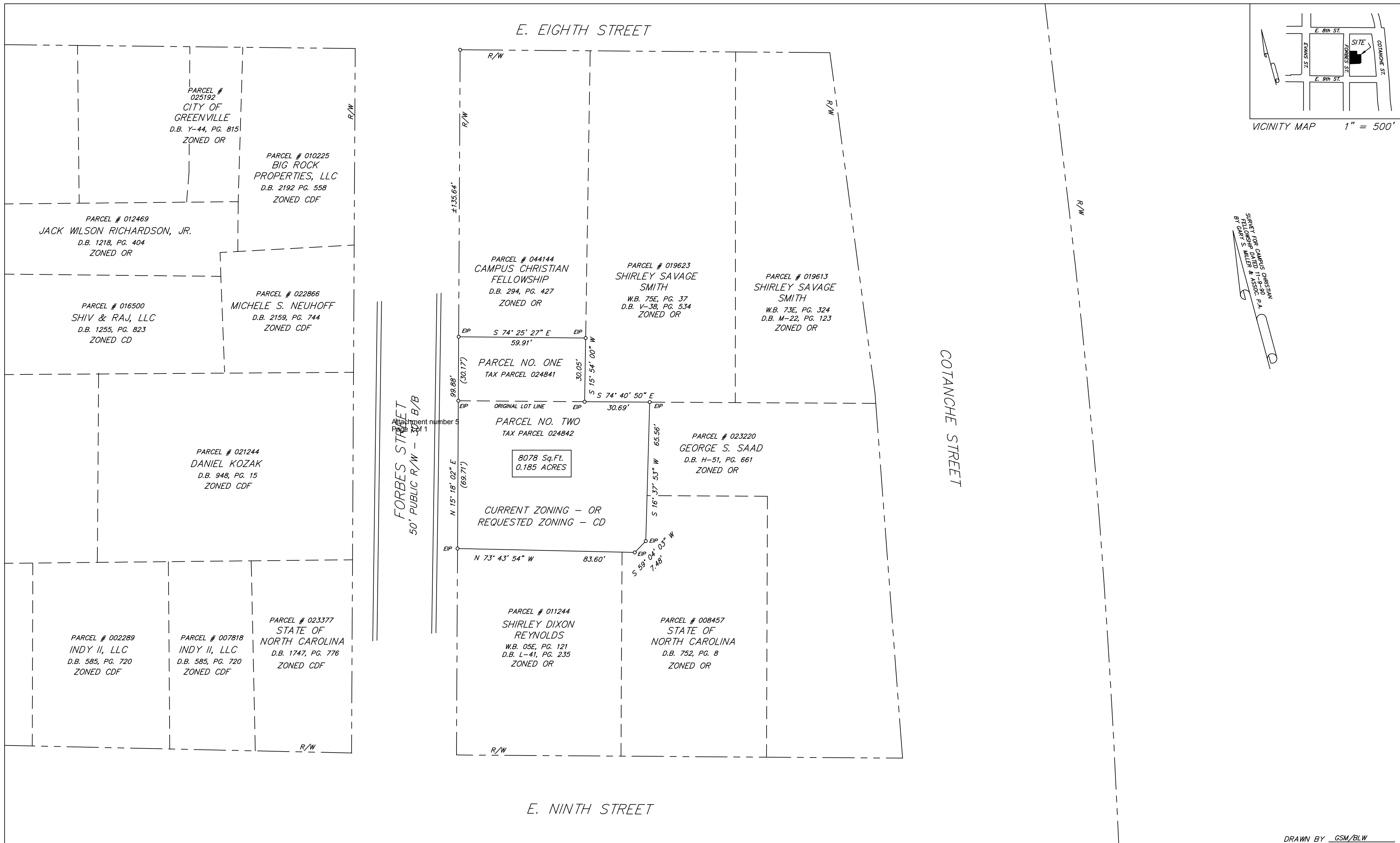
- y. Recycling collection station or facilities

*(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

Campus Towers  
OR to CD  
0.185 Acres  
June 3, 2008



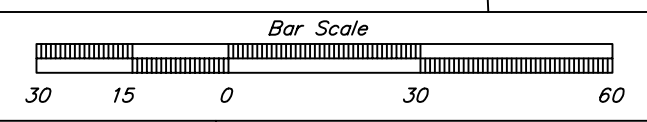


SHIRLEY CAMPUS CHRISTIAN FELLOWSHIP DATED 11-9-90 P.A. BY GARY S. MILLER & ASSOC.

FORBES STREET  
50' PUBLIC R/W - 30' B/B

COTANCHE STREET

DRAWN BY GSM/BLW



REFERENCE:  
DEED BK. 2467, PG. 692-694

PARCEL NO. 024841  
024842

**CERTIFICATION**

I, GARY S. MILLER, CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE BY MIKE PHILLIPS THAT THIS CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1: 10,000+ THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM DEED INFORMATION; WITNESS MY HAND AND SEAL THIS 29th DAY OF MAY, 2008 A.D.

SIGNED \_\_\_\_\_  
PROFESSIONAL LAND SURVEYOR NO. L-2562

**LEGEND:**  
EIP - EXISTING IRON PIPE  
IPS - IRON PIPE SET  
P/P - PARKER/KALON NAIL  
C/L - CENTERLINE

R/W - RIGHT OF WAY  
B/B - BACK TO BACK  
P/P - POWER POLE  
O/H - OVERHEAD  
D/I - DROP INLET

MBL - MINIMUM BUILDING LINE  
T/P - TELEPHONE PEDESTAL  
E/T - ELECTRICAL TRANSFORMER  
E/V - ELECTRICAL VAULT  
F/H - FIRE HYDRANT

REZONING MAP FOR  
CAMPUS TOWERS, LLC

GREENVILLE  
PITT CO., N.C.  
SCALE: 1" = 30'  
MAY 29, 2008

WO 08108 FB 322

**GARY S. MILLER & ASSOCIATES, P.A.**  
LAND SURVEYORS

1803 South Charles Blvd.  
Greenville, N.C. 27858 Phone (252)756-7878  
Fax (252)756-0785

Item # 6

## BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

**Bufferyard Requirments:** 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.

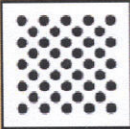
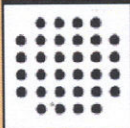
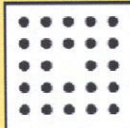
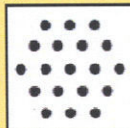
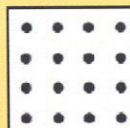
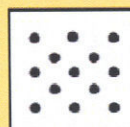
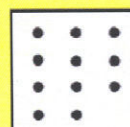
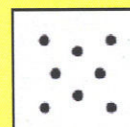
Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

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: 8/14/2008  
Time: 7:00 PM

**Title of Item:** Ordinance requested by H. E. Whichard, Jr. to rezone 1.7012 acres located along the southern right-of-way of Charles Boulevard (Highway 43), south of Branch's Mobile Home Park, and 1,550± feet northwest of Herman Garris Road, from RA20 (Residential-Agricultural) to OR (Office-High Density Multi-family)

**Explanation:**

**Required Notice:**

Planning and Zoning Commission meeting notice (adjoining property owner letters) mailed on June 30, 2008.  
On-site Sign(s) posted on June 30, 2008.  
City Council public hearing notice (adjoining property owner letters) mailed on July 22, 2008.  
Public Hearing Legal Advertisement published on August 4 and August 11, 2008.

**Comprehensive Plan:**

The subject site is located in Vision Area C.

Charles Boulevard is considered a "gateway" corridor beginning at Fire Tower Road and continuing south. Gateway corridors serve as primary entranceways into the City and help define community character.

The Land Use Plan Map recommends Office/Institutional/Multi-family (OIMF) along the southern right-of-way of Charles Boulevard transitioning to Medium Density Residential (MDR) in the interior areas.

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

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 166 trips to and from the site on NC 43, which is a net increase of 150 additional trips per day.

During the review process, measures to mitigate the traffic will have to be determined. These measures could include the construction of a left turn lane on NC 43. Access to the tract will also be reviewed.

*Detailed Report Attached*

**History/Background:**

In 1995, the subject property was incorporated into the city’s extra-territorial jurisdiction (ETJ) and zoned RA20. In 2002, the adjacent property, under common ownership, was rezoned to OR.

**Present Land Use:**

One (1) single-family residence and one (1) mobile home residence.

**Water/Sewer:**

Water is provided by Eastern Pines Water Corporation. Sanitary sewer is available at Grey Fox Run Subdivision.

**Historic Sites:**

There is no known effect on designated sites.

**Environmental Conditions/Constraints:**

There are no known environmental constraints.

**Surrounding Land Uses and Zoning:**

North: RA20 – Branch’s Mobile Home Park  
South: OR – Vacant (under common ownership)  
East: OR – Vacant (under common ownership)  
West: OR – One (1) mobile home residence (under common ownership)

**Density Estimates:**

Currently, there is a single-family residence and a mobile home on the property.

At the proposed zoning (OR), staff would anticipate the site to yield 20-25 multi-family units. Staff would anticipate the subject property to be developed with the adjacent properties under common ownership.

The anticipated build-out time is 2-3 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.

The Planning and Zoning Commission on July 15, 2008 voted to approve the request.

Note: In addition to 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.

If City Council determines to approve the rezoning request, a motion to adopt the attached rezoning ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and therefore, denial is reasonable and in the public interest.

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

**Attachments / click to download**

- [📄 Location Map](#)
- [📄 Survey](#)
- [📄 Bufferyard and Vegeation Chart and Residential Density Chart](#)
- [📄 Ordinance HE Whichard Jr. 771070](#)
- [📄 Rezoning Case 08 13 H.E. Wichard Jr. 771565](#)
- [📄 H. E. Whichard Jr. Minutes 753392](#)
- [📄 List of Uses RA20 to OR 733096](#)

ORDINANCE NO. 08-\_\_\_\_  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE  
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING  
JURISDICTION 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 August 14, 2008, 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 rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration; and,

WHEREAS, in accordance with the provision of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance rezoning the following described property is consistent with the adopted comprehensive plan and that the adoption of the ordinance rezoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

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

Section 1. That the following described territory is rezoned from RA20 (Residential-Agricultural) to OR (Office-Residential).

TO WIT:                   H. E. Whichard, Jr. Property.

LOCATION:                Located along the southern right-of-way of Charles Boulevard (Highway 43), south of Branch's Mobile Home Park and 1,550± feet northwest of Herman Garris Road.

DESCRIPTION:        Lying and being situate in Winterville Township, Pitt County, North Carolina, and being more particularly described as follows:

Beginning at a point in the eastern right-of-way of NC Highway 43 said point being located N 56°40'44" W, 1,594.67 feet from the centerline intersection of Herman Garris Road (NCSR 1730) and NC Highway 43, thence from said point of beginning leaving the eastern right-of-way of NC Highway 43 S 18°42'22" W, 233.64 feet, thence N 55°37'21" W, 121.01 feet, thence N 57°59'22" W, 234.33 feet, thence N 35°07'23" E, 238.45 feet to the eastern right-of-way of NC Highway 43, thence with the eastern right-of-way of

NC Highway 43 S 54°52'37" E, 288.90 feet to the point of beginning containing 1.7012 acres.

Section 2. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 3. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 4. That this ordinance shall become effective upon its adoption.

ADOPTED this 14<sup>th</sup> day of August, 2008.

---

Patricia C. Dunn, Mayor

ATTEST:

---

Wanda T. Elks, City Clerk

Doc. # 771070

# REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

**Case No:** 08-13

**Applicant:** H.E. Wichard, Jr.

**Property Information**

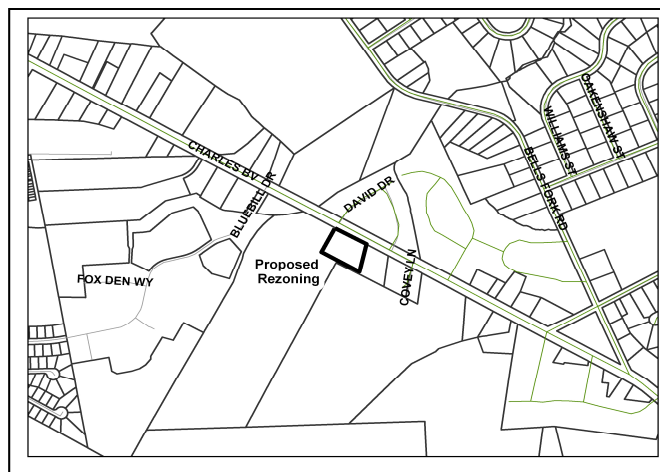
**Current Zoning:** RA20 (Residential-Agricultural)

**Proposed Zoning:** OR (Office-Residential [High Density MF])

**Current Acreage:** 1.7012 ac

**Location:** NC 43

**Points of Access:** NC 43



**Location Map**

**Transportation Background Information**

**1.) NC 43- State maintained**

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	2 lanes	4 lanes
Right of way width (ft)	60	100
Speed Limit (mph)	45	45
<b>Current ADT:</b>	14,280 (*)	Ultimate Design ADT: 35,000 vehicles/day (**)
<b>Design ADT:</b>	12,000 vehicles/day (**)	
<b>Controlled Access</b>	<b>No</b>	
<b>Thoroughfare Plan Status:</b>	Major Thoroughfare	

**Other Information:** There are no sidewalks along NC 43 that service this property.

**Notes:** (\*) 2007 City of Greenville 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 Projects.

**Trips generated by proposed use/change**

**Current Zoning: 16**      -vehicle trips/day (\*)                      **Proposed Zoning: 166**      -vehicle trips/day (\*)

**Estimated Net Change: increase of 150 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 NC 43 are as follows:**

**1.) NC 43 , North of Site:**                                      **“No build” ADT of 14,280**

Estimated ADT with Proposed Zoning (full build) – 14,429

Estimated ADT with Current Zoning (full build) – 14,294

**Net ADT change = 135 (<1% increase)**

Case No: 08-13

Applicant: H.E. Wichard, Jr.

**2.) NC 43 , South of Site:****“No build” ADT of 14,280**

Estimated ADT with Proposed Zoning (full build) – 14,297

Estimated ADT with Current Zoning (full build) – 14,282**Net ADT change = 15 (<1% increase)****Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 166 trips to and from the site on NC 43, which is a net increase of 150 additional trips per day.

During the review process, measures to mitigate the traffic will have to be determined. These measures could include the construction of a left turn lane on NC 43. Access to the tract will also be reviewed.

**Excerpt from the draft Planning and Zoning Commission meeting minutes (7/15/08)**

**REQUEST BY H. E. WHICHARD**

Rezoning ordinance requested by H. E. Whichard, Jr. for 1.7012 acres located along the southern right-of-way of Charles Boulevard (Highway 43), south of Branch's Mobile Home Park, and 1,550± feet northwest of Herman Garris Road from RA20 (Residential-Agricultural) to OR (Office-Residential [High Density Multi-family]).

Chantae Gooby, Planner, delineated the area on the map. She stated that the property was located in the southeast quadrant of the city, along Highway 43. Ms. Gooby stated that there is currently a mobile home and a single-family residence on the property. Most of the surrounding area is vacant; however Grey Fox Run is currently under development. The rezoning could generate a net increase of 150 trips, with 90% of those trips being towards town. Ms. Gooby stated that Highway 43 was considered a gateway corridor and designed to carry large volumes of traffic. The land use plan recommends office or multi-family along both sides of Highway 43, and the request is for office or multi-family. At the proposed zoning, staff would anticipate the site to yield 20-25 multi-family units. Staff would anticipate the subject property to be developed with the adjacent properties under common ownership. In staff's opinion, the request is in general compliance with the comprehensive plan and the land use plan map.

Ken Malpass spoke in favor of the request on behalf of the applicant.

Motion was made by Mr. Tozer, seconded by Mr. Bell, 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 carried unanimously.



## **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)
- ee. Hospital

*(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**

### **OR (Office-Residential)**

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

(1) *General:*

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- f. Retail sales incidental

(2) *Residential:*

- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- k. Family care home (see also section 9-4-103)
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- p. Board or rooming house
- 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)
- 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

(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 recreation facility

(7) *Office/ Financial/ Medical:*

- a. Office; professional and business, not otherwise listed
- b. Operational/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

(8) *Services:*

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- 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)
- j. College or other institutions of higher learning
- k. Business or trade school
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- p. Library
- q. Museum
- r. Art Gallery
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- x. Dance studio
- bb. Civic organizations
- cc. Trade or business organizations

*(9) Repair:*

\* None

*(10) Retail Trade:*

- s. Book or card store, news stand
- w. Florist

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

\* None

*(12) Construction:*

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- 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

**OR (Office-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
- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- o.(1). Nursing, convalescent center or maternity home; minor care facility
- r. Fraternity or sorority house

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

\* None

*(4) Governmental:*

a. Public utility building or use

*(5) Agricultural/ Mining:*

\* None

*(6) Recreational/ Entertainment:*

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

h. Commercial recreation; indoor only, not otherwise listed

*(7) Office/ Financial/ Medical:*

f. Veterinary clinic or animal hospital (also see animal boarding; outside facility, kennel and stable)

*(8) Services:*

a. Child day care facilities

b. Adult day care facilities

l. Convention center; private

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)

ff. Mental health, emotional or physical rehabilitation center

*(9) Repair:*

\* None

*(10) Retail Trade:*

h. Restaurant; conventional

j. Restaurant; regulated outdoor activities

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

\* None

*(12) Construction:*

\* None

*(13) Transportation:*

h. Parking lot or structure; principle use

*(14) Manufacturing/ Warehousing:*

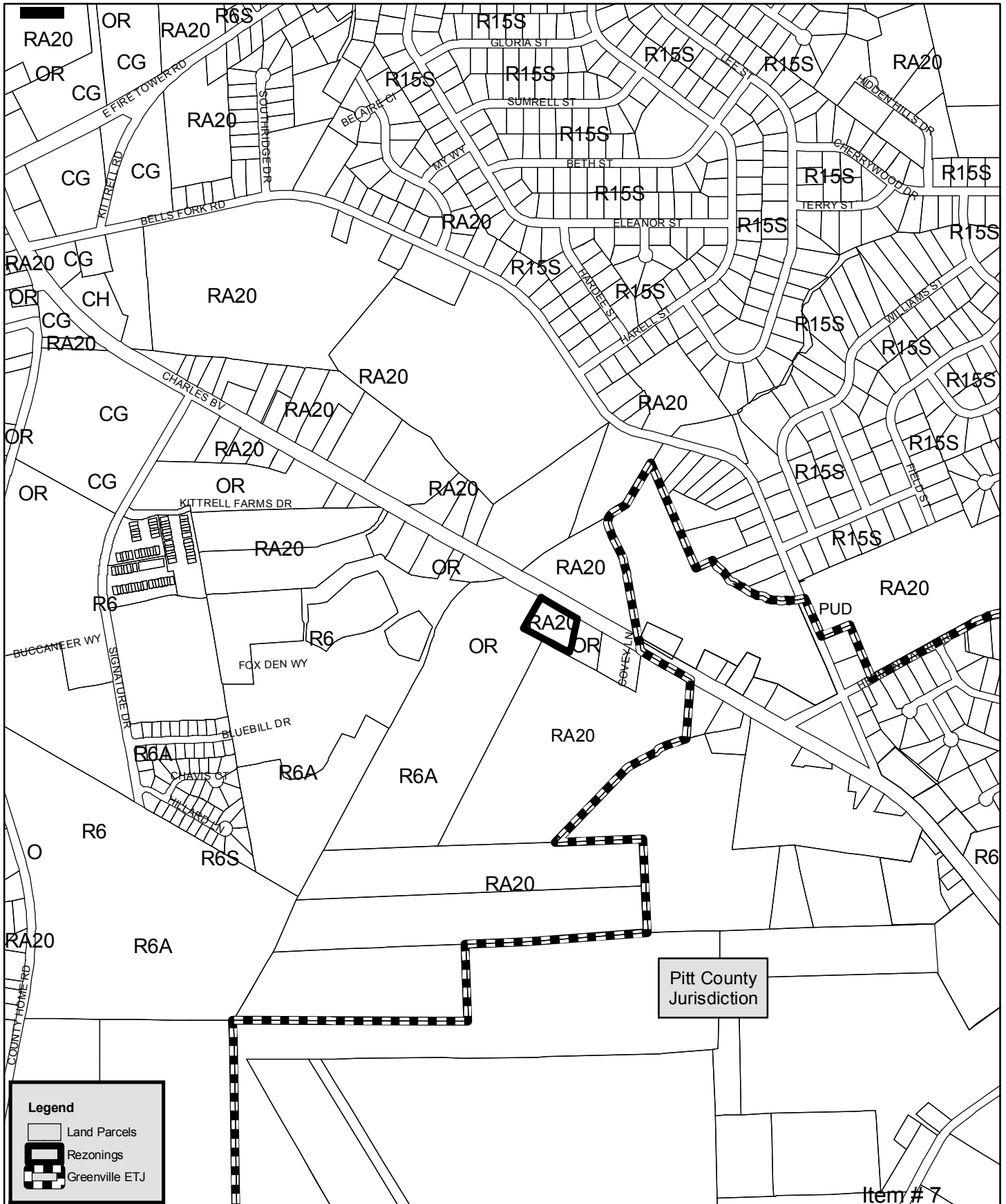
\* None

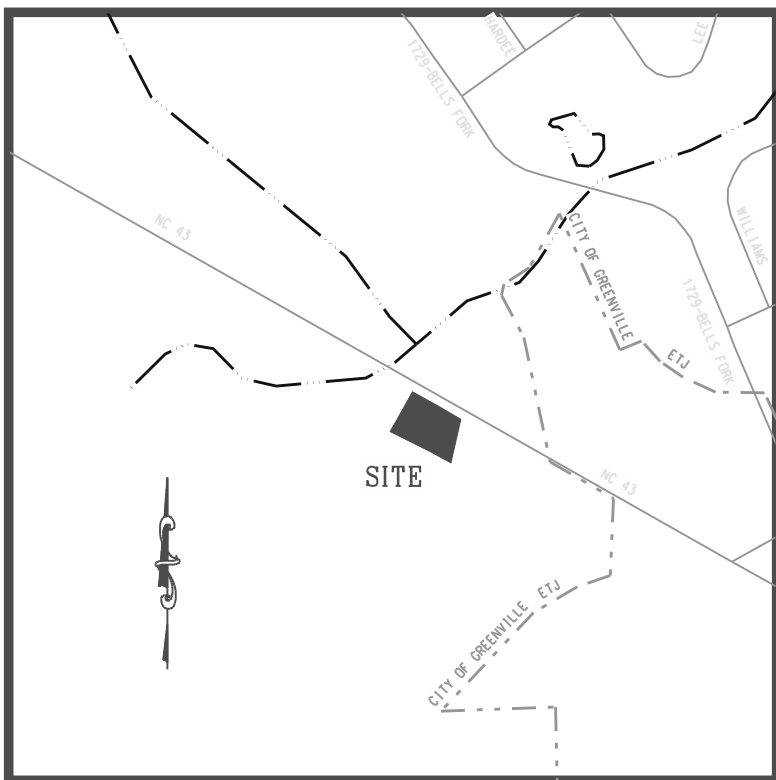
*(15) Other Activities (not otherwise listed - all categories):*

a. Other activities; personal services not otherwise listed

b. Other activities; professional services not otherwise listed

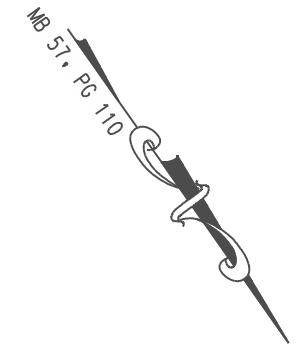
H. E. Whichard, Jr.  
RA20 to OR  
1.7012 acres  
June 30, 2008





VICINITY MAP  
1" = 1000'

C.L. WESTBROOK  
FAMILY, LLC  
DB 698, P 550  
RA 20



Attachment number 6  
Page 1 of 1

1A  
H.E. WHICHARD, JR.  
DB 1293, P 110  
MB 57, P 110  
OR

EXISTING ZONING: RA-20  
PROPOSED ZONING: OR  
TOTAL AREA: 1.7012 ACRES

3B  
H.E. WHICHARD, JR.  
DB 1293, P 104  
MB 57, P 110  
OR

EXISTING PK. NAIL  
C/L INTERSECTION  
NC HWY 43 & NCSR 1730  
(THERMAN GARRIS ROAD)

N 56°40'44"W 1594.67'TIE

S 16°28'48"E 227.28'81.5

N 55°37'21"W 121.01'

N 57°59'22"W 234.33'

N 35°07'23"E 238.45'


S 54°52'37"E 288.90'

NC HWY 43  
(100' PUBLIC R/W - PVMT VARIES)

CAROLYN HARRIS  
DB 161, P 573  
RA 20



CARLTON E. PARKER, P.L.S. 2980

REZONING MAP FOR	
<b>H.E. WHICHARD, JR.</b>	
TAX PARCEL 60944 - REFERENCE DEED BOOK 2505, PAGES 612-613	
WINTERVILLE TOWNSHIP    PITT COUNTY    NORTH CAROLINA	
OWNER: H.E. WHICHARD JR.	DESIGNED: WKM
ADDRESS: PO BOX 1863 GREENVILLE, NC 27858	DRAWN: JHT
PHONE: (252) 758-4309	APPROVED: WKM
 <b>MALPASS &amp; ASSOCIATES</b> 1645 EAST ARLINGTON BLVD., SUITE D GREENVILLE, N.C. 27858 (252) 756-1780	DATE: 6/02/08
	SCALE: 1" = 40'
	SHEET 1 OF 1

Item # 7

## BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

**Bufferyard Requirments:** 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

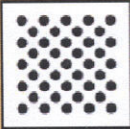
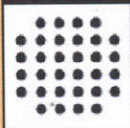
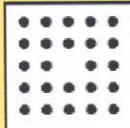
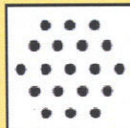
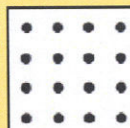
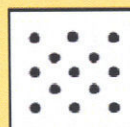
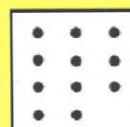
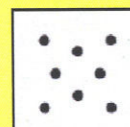
Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

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: 8/14/2008  
Time: 7:00 PM

**Title of Item:** Ordinance to annex Brook Hollow, Section 3, containing 19.198 acres located west of Brook Hollow, Section 2, and at the terminus of Leighton Drive and Cambria Drive

**Explanation:** ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: August 4th, 2008
2. City Council public hearing date: August 14, 2008
3. Effective date: December 31, 2008

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 19.198 acres
4. Voting District: 1
5. Township: Greenville
6. Vision Area: F
7. Zoning District: R6A-RU (Restricted Residential Use Overlay)
8. Land Use: Existing: Vacant  
Anticipated: 49 (approx. 2600 square foot) two-family

attached (duplex) structures

9. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	49 x 2.19*	107
Current Minority	-----	0
Estimated Minority at full development	107 x 42.0%**	45
Current White	-----	0
Estimated White at full development	107 - 45	62

10. Rural Fire Tax District: Red Oak

11. Greenville Fire District: Station #5 (Distance of 1.8 miles)

12. Present Tax Value: \$249,574  
Estimated Future Tax Value: \$11,715,580

**Fiscal Note:** The total estimated tax value at full development is \$11,715,580.

**Recommendation:** Approval of the ordinance to annex Brook Hollow, Section 3

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

Attachments / click to download

[Survey Map](#)

[Annexation\\_Ord\\_Brook\\_Hollow\\_Section\\_3\\_776491](#)

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ORDINANCE NO. 08-\_\_\_\_  
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:00 p.m. on the 14<sup>th</sup> day of August, 2008, after due notice by publication in The Daily Reflector on the 4<sup>th</sup> day of August, 2008; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended.

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

Section 1. That by virtue of the authority vested in the City Council of the City of Greenville, North Carolina, under G. S. 160A-31, as amended, the following described contiguous territory is annexed:

TO WIT: Being all that certain property as shown on the annexation map entitled "Brook Hollow, Section 3", involving 19.198 acres as prepared by Baldwin & Janowski, PA

LOCATION: Lying and being situated in Greenville Township, Pitt County, North Carolina, located west of Brook Hollow Section Two and at the terminus of Leighton Drive and Cambria Drive. This annexation involves 19.782 acres.

GENERAL DESCRIPTION: Beginning at a point on the northern line of Lot 107B, Brook Hollow, Section Two as recorded in Map Book 69, Pages 37-40 of the Pitt County Register of Deeds Office, said point being the southwestern

terminus of Leighton Drive. From the above described beginning, so located, running thence as follows:

Leaving the southwestern terminus of Leighton Drive, N 83°31'54" W 36.21' to the point of curvature, thence with a curve to the left having a radius of 325.00' and a chord bearing N 84°43'40" W 13.57', thence S 04°04'33" W 107.96', thence N 85°06'16" W 17.21', thence S 70°28'44" W 114.53', thence S 44°37'40" W 114.53', thence S 25°39'05" W 55.97', thence S 16°47'15" W 633.03', thence S 03°01'24" W 120.56', thence S 02°19'28" E 64.09', thence S 66°18'30" W 106.85', thence S 61°29'07" W 90.92', thence N 37°53'00" W 118.44', thence N 87°48'17" W 72.15', thence N 16°47'15" E 1577.65', thence N 73°12'45" W 156.00', thence N 16°47'15" E 6.35', thence N 73°12'45" W 106.00', thence N 16°47'15" E 573.41', thence S 69°29'03" E 81.32', thence S 85°22'25" E 93.89', thence S 61°17'24" E 43.86', thence S 47°42'21" E 63.11', thence S 39°37'55" E 134.98', thence S 58°25'27" E 37.68', thence S 88°53'24" E 66.71', thence S 64°28'48" E 40.29', thence N 55°10'10" E 32.60', thence S 01°52'36" E 349.37', S 88°07'24" W 32.07', thence S 06°28'06" W 519.17' to the point of beginning containing 19.198 acres and being a portion of the property described in Deed Book 1754, Page 640 of the Pitt County Register of Deeds Office.

Section 2. Territory annexed to the City of Greenville by this ordinance shall, pursuant to the terms of G. S. 160A-23, be annexed into Greenville municipal election district one. The City Clerk, City Engineer, representatives of the Board of Elections and any other person having responsibility or charge of official maps or documents shall amend those maps or documents to reflect the annexation of this territory into municipal election district one.

Section 3. The territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Greenville and shall be entitled to the same privileges and benefits as other territory now within the City of Greenville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 4. The Mayor of the City of Greenville, North Carolina, shall cause a copy of the map of the territory annexed by this ordinance and a certified copy of this ordinance to be recorded in the office of the Register of Deeds of Pitt County and in the Office of the Secretary of State in Raleigh, North Carolina. Such a map shall also be delivered to the Pitt County Board of Elections as required by G.S. 163-288.1.

Section 5. This annexation shall take effect from and after the 31<sup>st</sup> day of December, 2008.

ADOPTED this 14<sup>th</sup> day of August, 2008.

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

\_\_\_\_\_  
Wanda T. Elks, City Clerk

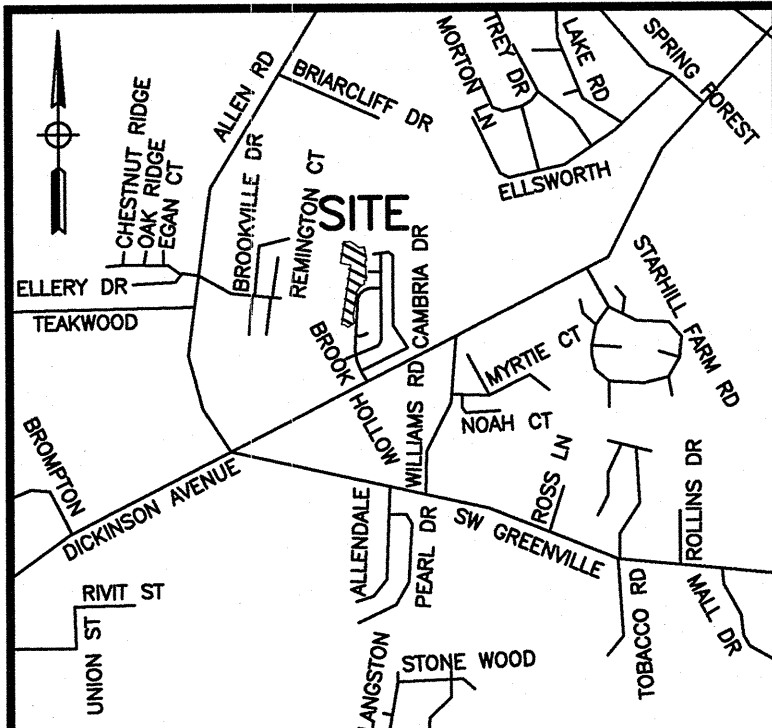
NORTH CAROLINA  
PITT COUNTY

I, Patricia A. Sugg, Notary Public for said County and State, certify that Wanda T. Elks personally came before me this day and acknowledged that she is City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

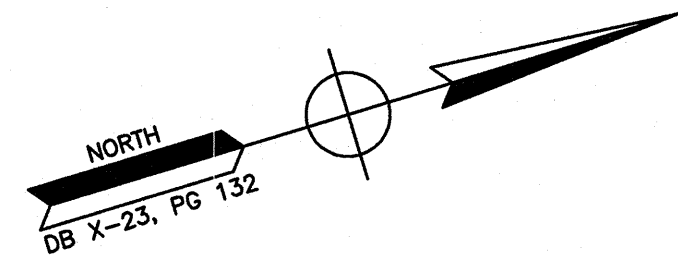
WITNESS my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Patricia A. Sugg, Notary Public

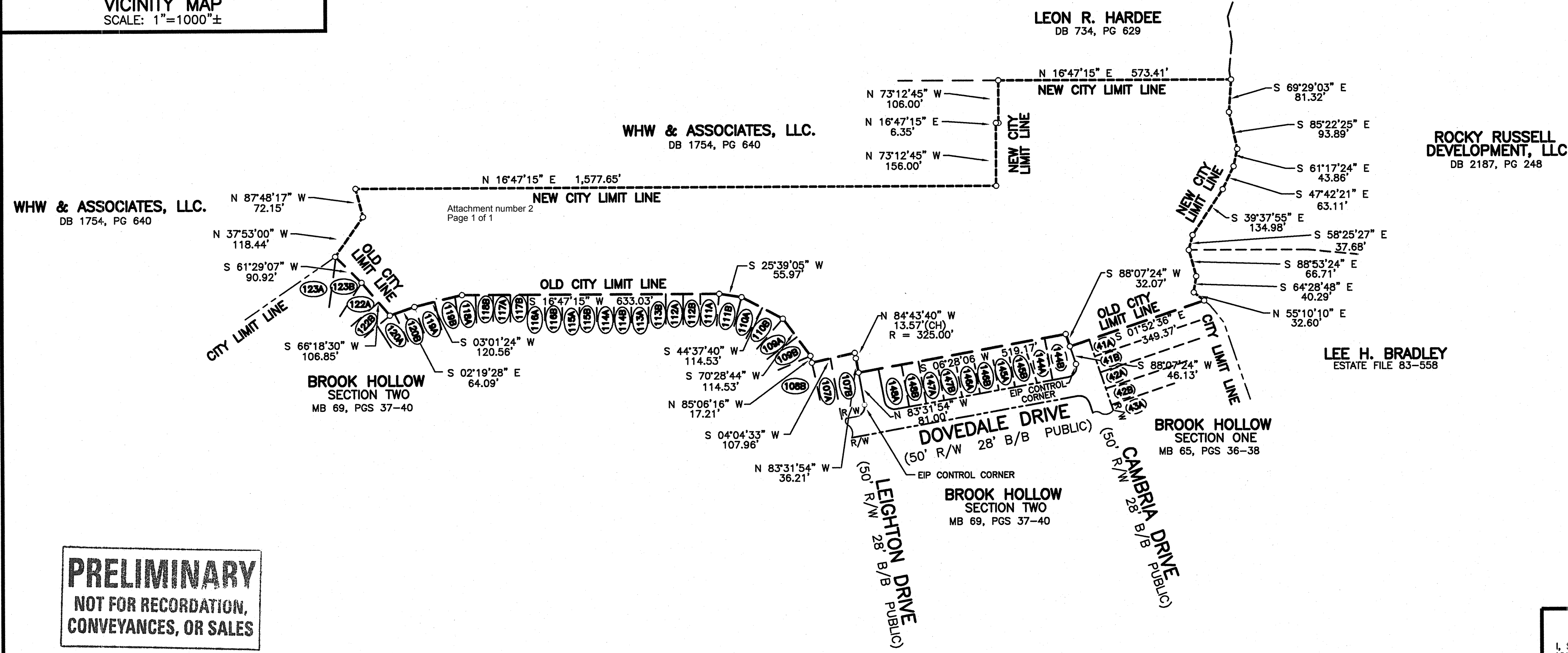
My Commission Expires: September 4, 2011.



VICINITY MAP  
SCALE: 1"=1000"±

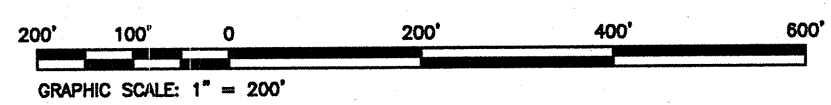


**LEGEND**  
EIP = EXISTING IRON PIPE  
R/W= RIGHT-OF-WAY



**PRELIMINARY**  
NOT FOR RECORDATION,  
CONVEYANCES, OR SALES

**LEGEND**  
NEW CITY LIMIT LINE = - - - - -  
OLD CITY LIMIT LINE = - - - - -  
CITY LIMIT LINE = - - - - -



- NOTES**
1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
  2. THIS MAP IS OF A SURVEY THAT IS OF ANOTHER CATEGORY.
  3. REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1754, PAGE 640 OF THE PITT COUNTY REGISTRY.

SHEET 1 OF 1  
A PORTION OF PARCEL #2822  
A PORTION OF TAX MAP# 4667.20-81-3134

FILE #: 04-037  
C&G FILE: DIKSNEK  
CAD FILE: BROOK HOLLOW ANNEX 3.DWG

**BROOK HOLLOW, SECTION THREE**  
OWNER: **WHW & ASSOCIATES, LLC.**  
2217-D LOCKSLEY WOODS DRIVE  
GREENVILLE, NC 27858  
(252) 756-9346

**Baldwin & Janowski, P.A.**  
ENGINEERING - SURVEYING - PLANNING  
1015 CONFERENCE DRIVE  
GREENVILLE, NC, 27858 252.756.1390

SURVEYED: MH APPROVED: SCB  
DRAWN: SCB DATE: 05/06/2008  
CHECKED: SCB SCALE: 1 = 200'

MAP NO.	PLATS RECORDED	MAP BOOK	PAGE
	N/A		

MAP SHOWING AREA ANNEXED BY  
**THE CITY OF GREENVILLE, N.C**  
EFFECTIVE DATE \_\_\_\_\_ ORDINANCE # \_\_\_\_\_ AREA 19.198 ACRES  
GREENVILLE TOWNSHIP, PITT COUNTY, N.C.

**CERTIFICATION**  
I, STUART C. BARWICK, PLS CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION, THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE BY MIKE HOUSE THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1: 10,000 THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM DEED INFORMATION THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS 6th DAY OF MAY, 2008

SIGNED \_\_\_\_\_  
REGISTRATION NO. L-4461

NORTH CAROLINA, PITT COUNTY  
I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT STUART C. BARWICK, A PROFESSIONAL LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND SEAL THIS 6th DAY OF MAY, 2008

NOTARY PUBLIC  
MY COMMISSION EXPIRES: 03/28/2009

NORTH CAROLINA, PITT COUNTY  
THE FOREGOING CERTIFICATE OF \_\_\_\_\_ IS CERTIFIED TO BE CORRECT. FILED FOR REGISTRATION THIS DAY OF \_\_\_\_\_ AT O'CLOCK \_\_\_\_\_ M. REGISTER OF DEEDS.  
BY \_\_\_\_\_ DEPUTY REGISTER OF DEEDS



# City of Greenville, North Carolina

Meeting Date: 8/14/2008  
Time: 7:00 PM

**Title of Item:** Ordinance to annex Meadow Woods, Section 2, Phases 2 and 3, containing 19.782 acres located east of Meadow Woods, Section 1, and being on the east side of Tifgreen Drive and the terminus of Penncross Drive

**Explanation:** ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: August 4th, 2008
2. City Council public hearing date: August 14, 2008
3. Effective date: December 31, 2008

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 19.782 acres
4. Voting District: 5
5. Township: Winterville
6. Vision Area: E
7. Zoning District: R6S (Residential-Single-Family)
8. Land Use: Existing: Vacant  
Anticipated: 87 (approx. 1200 square foot) single-



family homes

9. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	87 x 2.354*	204
Current Minority	-----	0
Estimated Minority at full development	204 x 43.4%**	89
Current White	-----	0
Estimated White at full development	204 - 89	115

10. Rural Fire Tax District: Red Oak

11. Greenville Fire District: Station #5 (Distance of 3.5 miles)

12. Present Tax Value: \$356,076  
Estimated Future Tax Value: \$10,274,082

**Fiscal Note:** The total estimated tax value at full development is \$10,274,082.

**Recommendation:** Approval of the ordinance to annex Meadow Woods, Section 2, Phases 2 and 3.

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

**Attachments / click to download**

[Survey Map](#)

[Annexation\\_Ord\\_Meadow\\_Woods\\_Sect\\_2\\_Ph\\_2\\_and\\_3\\_776484](#)

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ORDINANCE NO. 08-\_\_\_\_  
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville has been petitioned under G.S. 160A-31, as amended, to annex the area described herein; and

WHEREAS, the City Council has directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:00 p.m. on the 14<sup>th</sup> day of August, 2008 after due notice by publication in The Daily Reflector on the 4<sup>th</sup> day of August, 2008; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-31, as amended.

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

Section 1. That by virtue of the authority vested in the City Council of the City of Greenville, North Carolina, under G. S. 160A-31, as amended, the following described contiguous territory is annexed:

TO WIT: Being all that certain property as shown on the annexation map entitled "Meadows Woods, Section 2, Phases 2 & 3" involving 19.782 acres as prepared by Baldwin & Janowski, PA.

LOCATION: Lying and being situated in Winterville Township, Pitt County, North Carolina, located east of Meadow Woods, Section 1 and being on the east side of Tifgreen Drive and the terminus of Penncross Drive. This annexation involves 19.782 acres.

GENERAL DESCRIPTION: Beginning at a point on the northernmost right-of-way of Penncross Drive, said iron pipe being the southeastern corner of Lot 16, Meadow Woods Subdivision, Section 1 as recorded in Map Book 59, Page 157 of the Pitt

County Register of Deeds Office. From the above described beginning, so located, running thence as follows:

Leaving the northern most right-of-way of Penncross Drive, N 00°23'04" E 112.50', thence S 89°36'56" E 431.39', thence N 87°20'58" E 511.17' to an existing iron pipe, thence S 02°50'42" E 698.19', thence S 51°02'40" E 389.22' to an existing iron pipe, thence S 89°40'05" W 1360.55', thence N 00°19'55" W 112.50', thence N 89°40'05" E 200.00', thence N 00°19'55" W 702.26', thence N 89°36'56" W 114.84' to the point of beginning containing 19.782 acres.

Section 2. Territory annexed to the City of Greenville by this ordinance shall, pursuant to the terms of G. S. 160A-23, be annexed into Greenville municipal election district five. The City Clerk, City Engineer, representatives of the Board of Elections and any other person having responsibility or charge of official maps or documents shall amend those maps or documents to reflect the annexation of this territory into municipal election district five.

Section 3. The territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Greenville and shall be entitled to the same privileges and benefits as other territory now within the City of Greenville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 4. The Mayor of the City of Greenville, North Carolina, shall cause a copy of the map of the territory annexed by this ordinance and a certified copy of this ordinance to be recorded in the office of the Register of Deeds of Pitt County and in the Office of the Secretary of State in Raleigh, North Carolina. Such a map shall also be delivered to the Pitt County Board of Elections as required by G.S. 163-288.1.

Section 5. This annexation shall take effect from and after the 31<sup>st</sup> day of December, 2008.

ADOPTED this 14<sup>th</sup> day of August, 2008.

---

Patricia C. Dunn, Mayor

ATTEST:

---

Wanda T. Elks, City Clerk

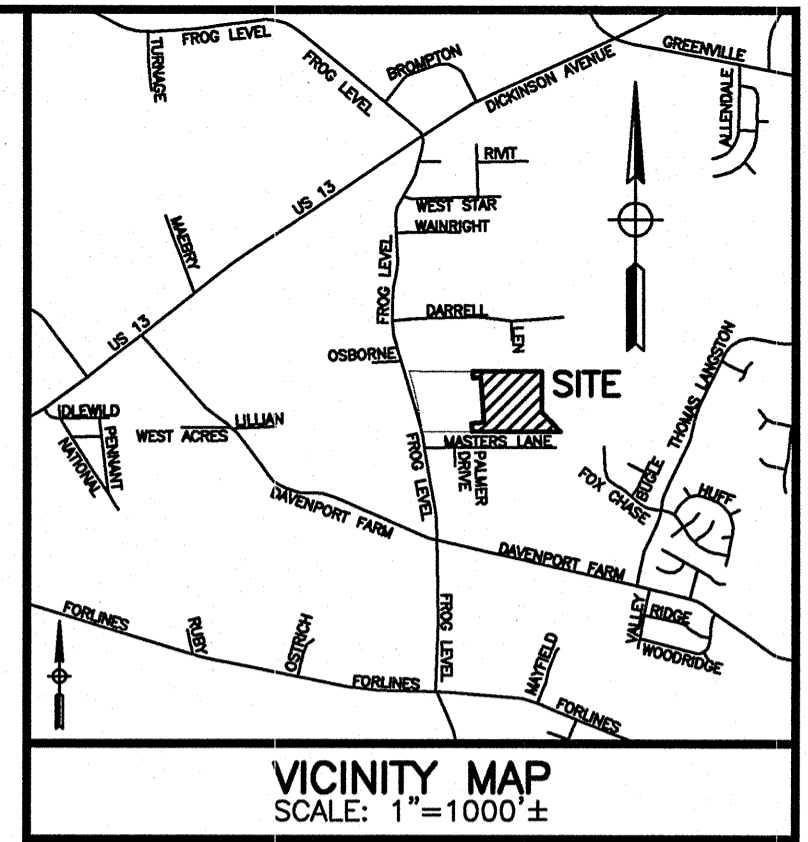
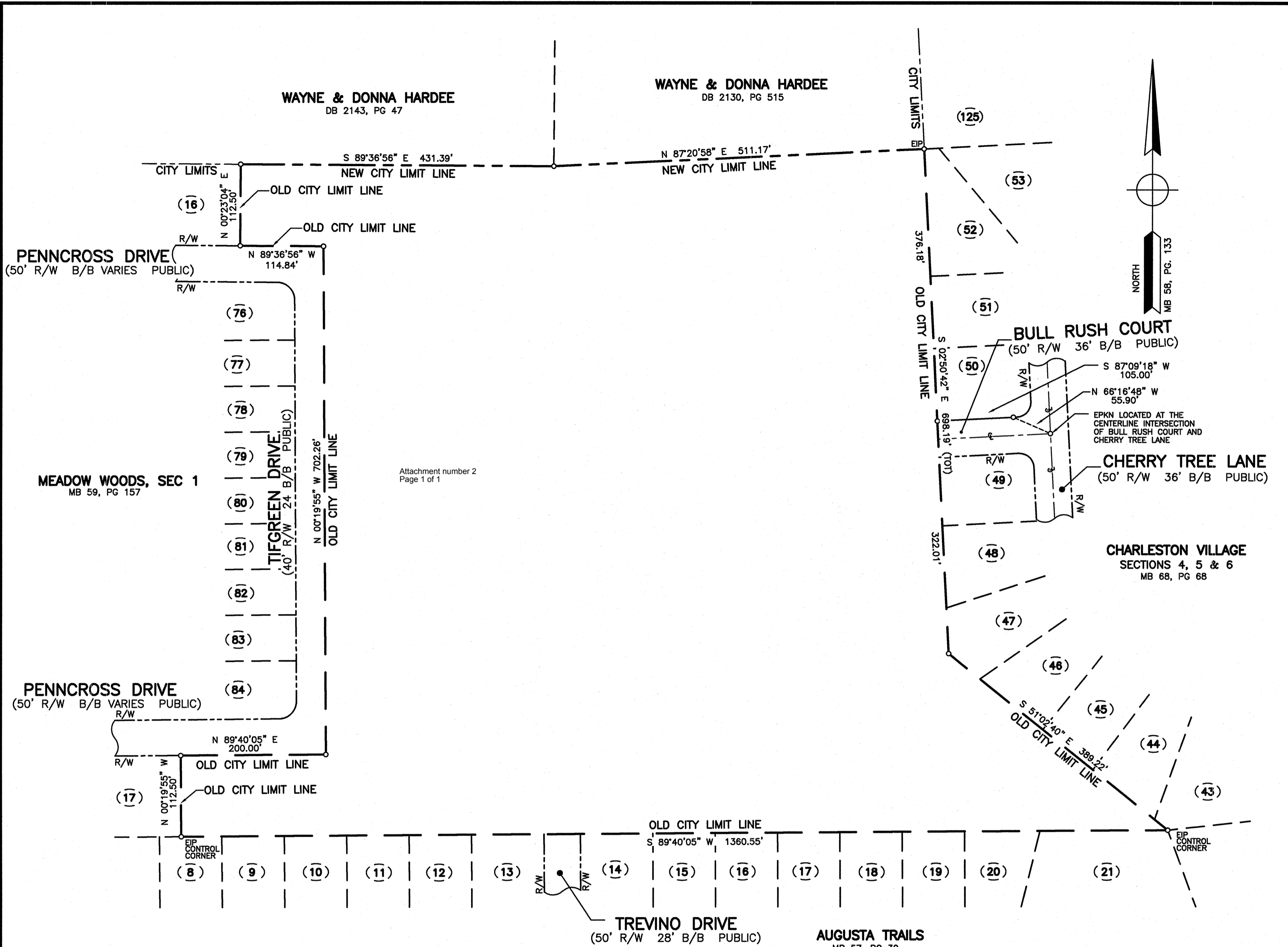
NORTH CAROLINA  
PITT COUNTY

I, Patricia A. Sugg, Notary Public for said County and State, certify that Wanda T. Elks personally came before me this day and acknowledged that she is City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

WITNESS my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Patricia A. Sugg, Notary Public

My Commission Expires: September 4, 2011

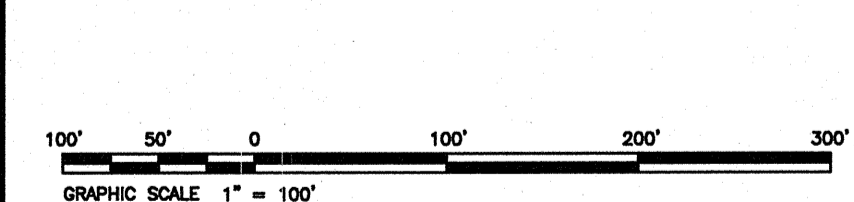


- LEGEND**
- EIP = EXISTING IRON PIPE
  - SIP = SET IRON PIPE
  - C/L = CENTERLINE
  - R/W = RIGHT-OF-WAY
  - EPKN = EXISTING PARKER KALON NAIL
  - CH = CHORD
  - R = RADIUS
  - NPS = NO POINT SET

**PRELIMINARY**  
NOT FOR RECORDATION,  
CONVEYANCES, OR SALES

**CERTIFICATION**  
THIS IS TO CERTIFY THAT THIS MAP WAS DRAWN UNDER MY DIRECTION AND SUPERVISION FROM AN ACTUAL FIELD LAND SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINE; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY HAND AND SEAL THIS 23rd DAY OF MAY, 2008.  
MICHAEL WEST BALDWIN. PLS L-3082



- LEGEND**
- NEW CITY LIMIT LINE = - - - - -
  - OLD CITY LIMIT LINE = - - - - -
  - CITY LIMITS = - - - - -

- NOTES**
- ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
  - THIS MAP IS OF A SURVEY THAT IS OF ANOTHER CATEGORY.
  - REFERENCE: DEED BOOK 1409, PAGE 533 OF THE PITT COUNTY REGISTER OF DEEDS OFFICE.

**CLOSURE CHECK BOUNDARY**  
CHECKED: JAM      DATE: 05/27/08

SHEET 1 OF 1  
TAX PARCEL# 066253  
TAX MAP# 4666.18-41-1105

**MEADOW WOODS, SECTION 2, PHASE 2 & 3**  
OWNER: EDMONSON CONSTRUCTION COMPANY OF GREENVILLE, LLC  
2625 CHARLES BLVD  
GREENVILLE, N.C. 27858  
(252) 321-9904

**Baldwin & Janowski PA**  
ENGINEERING - SURVEYING - PLANNING  
1015 CONFERENCE DRIVE  
GREENVILLE NC, 27858 252.756.1390

SURVEYED: SH      APPROVED: MWB  
DRAWN: JAM      DATE: 05/23/08  
CHECKED: MWB      SCALE: 1 = 100'

MAP NO.	PLATS RECORDED	MAP BOOK	PAGE
	N/A		

MAP SHOWING AREA ANNEXED BY  
**THE CITY OF GREENVILLE, N.C**  
(EFFECTIVE DATE \_\_\_\_\_ RESOLUTION # \_\_\_\_\_ AREA 19.782 AC.)  
WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.



# City of Greenville, North Carolina

Meeting Date: 8/14/2008  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 211 Paris Avenue

**Explanation:** The City of Greenville Code Enforcement Coordinator requests the City Council approve an ordinance requiring the owner of a dwelling, which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code, to repair or demolish and remove the dwelling located at 211 Paris Avenue. The ordinance gives the owner 90 days to repair or demolish and remove the structure. If the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on February 27, 2007 to the property owner informing the owner of the minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the dwelling into compliance. Since that date, there have been two certified notices mailed to the property owner regarding minimum housing violations of the dwelling. Staff has attempted to work with the owner, but no repairs have been made.

The most recent notice sent to the owner was mailed on July 9, 2008, and provided notice to the owner that the dwelling was considered an abandoned structure. There have been no calls for service to the property by the Greenville Police Department. The dwelling has been vacant and closed for a period of at least six months. The utilities to the dwelling have been disconnected since September 30, 2005. Taxes on the property are current.

The Pitt County Tax Assessors Office report dated June 24, 2008 valued the property at \$21,910 (the building value is \$17,660 and the land value is \$4,250). The estimated cost to repair the dwelling is \$2,600.

**Fiscal Note:** Estimated costs to test and abate asbestos (if present) and demolish the structure






will be approximately \$9,000.

**Recommendation:** Approve the ordinance requiring the repair or demolition and removal of the dwelling located at 211 Paris Avenue.

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

**Attachments / click to download**

-  [Picture # 1 for 211 Paris Avenue](#)
  -  [Picture # 2 for 211 Paris Avenue](#)
  -  [Picture # 3 for 211 Paris Avenue](#)
  -  [Picture #4 for 211 Paris Avenue](#)
  -  [Ordinance for 211 Paris Avenue 776031](#)
-

ORDINANCE NO. 08-  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 211 PARIS AVENUE  
TAX PARCEL NUMBER 021332

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Greenville that:

Section 1. The owner, Shirley Ann Ebron Dupree, of the dwelling located at 211 Paris Avenue, in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. The Code Enforcement Coordinator is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, said dwelling being located at 211 Paris Avenue, Greenville, North Carolina, and owned by Shirley Ann Ebron Dupree.

Section 3. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority,



and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 4. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 5. This ordinance shall become effective upon its adoption.

This the 14<sup>h</sup> day of August, 2008.

---

Patricia C. Dunn, Mayor

ATTEST:

---

Wanda T. Elks, City Clerk



Item # 10



Item # 10



Item # 10



Item # 10



# City of Greenville, North Carolina

Meeting Date: 8/14/2008  
Time: 7:00 PM

**Title of Item:** Ordinance requiring the repair or the demolition and removal of the dwelling located at 409 Deck Street

**Explanation:** The City of Greenville Code Enforcement Coordinator requests the City Council approve an ordinance requiring the owner of a dwelling, which has been vacated and closed for a period of at least six months pursuant to the enforcement of the Minimum Housing Code, to repair or demolish and remove the dwelling located at 409 Deck Street. The ordinance gives the owner 90 days to repair or demolish and remove the dwelling and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling.

The initial notice of violation was sent by certified mail on March 13, 2008 to the property owner informing the owner of the minimum housing violations cited by the Code Enforcement Officer and of the remedies necessary to bring the dwelling into compliance. Since that date, there have been two certified notices mailed to the property owner regarding minimum housing violations of the dwelling. Staff has attempted to work with the owner, but no repairs have been made.

The most recent notice sent to the owner was mailed on July 9, 2008, and provided notice to the owner that the dwelling was considered an abandoned structure. There have been no calls for service by the Greenville Police Department to the property. The dwelling has been vacant and closed for a period of at least six months. The utilities to the dwelling have been disconnected since October 12, 2005 on unit A and June 9, 2004 on unit B. Taxes on the property are current.

The Pitt County Tax Assessor's Office report dated June 23, 2008 valued the property at \$13,401 (the building value is \$12,101 and the land value is \$2,700). The estimated cost to repair the dwelling is \$31,600.

**Fiscal Note:** Cost to test and abate asbestos (if present) and demolish the structure will be approximately \$9,000.

**Recommendation:** Approve the ordinance requiring the repair or demolition and removal of the dwelling located at 409 Deck Street.

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

**Attachments / click to download**

 [Picture # 1 for 409 Deck Street](#)

 [Picture #2 for 409 Deck Street](#)

 [Picture #3 for 409 Deck Street](#)

 [Picture #4 for 409 Deck Street](#)

 [Ordinance for 409 Deck Street 775119](#)

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ORDINANCE NO. 08-  
ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED  
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE  
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH  
AND REMOVE THE DWELLING LOCATED AT 409 DECK STREET  
TAX PARCEL NUMBER 004313

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter 1 of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Part 6 of Article 19 of Chapter 160A of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, G.S. 160A-443 (5), which applies to the City of Greenville pursuant to the provisions of Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Greenville that:

Section 1. The owner, Josephine Saad, of the dwelling located at 409 Deck Street, in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. The Code Enforcement Coordinator is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, said dwelling being located at 409 Deck Street, Greenville, North Carolina, and owned by Josephine Saad.

Section 3. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 10 of Chapter 160A of the North Carolina General Statutes. The material of the dwelling and any



personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160A-443 (6).

Section 4. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 5. This ordinance shall become effective upon its adoption.

This the 14<sup>h</sup> day of August, 2008.

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Patricia C. Dunn, Mayor

ATTEST:

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Wanda T. Elks, City Clerk



Item # 11



Item # 11



Item # 11



Item # 11



# City of Greenville, North Carolina

Meeting Date: 8/14/2008  
Time: 7:00 PM

**Title of Item:** Youth Protection Ordinance (Curfew)

**Explanation:** The City of Greenville has experienced an increase in violent crime and criminal activity in the past several years, particularly assaults, armed robberies, and strong-armed robberies. The number of Index I crimes reported to the Greenville Police Department increased by 8% in 2007. During the same time period, robberies increased by 14% and violent crime rose by 4 percent. While this increase is consistent with national trends, a particularly disturbing trend has been that the age of the offenders has grown younger. The Police Department has recognized the vast increase in juvenile violence, juvenile gang activity, and crime by persons under the age of 16. However, the activities of juveniles are not easily monitored or controlled by existing laws and ordinances. In addition, juveniles are particularly susceptible by their lack of maturity and experience to participate in unlawful activities or be victims of crimes by older perpetrators. It has been found that unsupervised juveniles on the streets and in public places late at night or early mornings are more likely to become victims of crimes or be involved in criminal or nuisance behaviors.

No local laws or ordinances currently exist within the city that require special regulation of minors in order to protect them during the nighttime hours. Such a law or ordinance would greatly aid in crime prevention and promote parental supervision and authority to decrease juvenile crime. The purpose of the Youth Protection Ordinance is not only to protect juveniles from victimization and exposure to criminal activity. It is also intended to reinforce and promote the role of the parent to raise and guide their children. Assuming this parental responsibility would greatly enhance the health, safety, and welfare of both the juveniles and adults by creating an environment promoting better protection and security for all concerned. The intended outcomes and goals of the proposed Youth Protection Ordinance are to provide law enforcement the necessary tools to aid in reducing nocturnal juvenile crime, controlling juvenile delinquency, controlling drug activity, limiting damage to property and other property crimes, and reducing juveniles' involvement in public disturbances that often lead to more serious activity.

**Fiscal Note:**

No direct costs to begin ordinance implementation, but some additional staffing and overtime costs may be incurred in the future. These additional costs cannot be quantified until the Police Department gains some experience with enforcing the curfew in Greenville.

**Recommendation:**

Approve the attached Youth Protection Ordinance.

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

**Attachments / click to download**

 [Curfew Ordinance\\_\\_August\\_2008\\_774939](#)

 [Youth\\_Protection\\_Ordinance\\_778499](#)

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ORDINANCE NO. \_\_\_\_\_  
AN ORDINANCE AMENDING TITLE 12 OF THE GREENVILLE  
CITY CODE ESTABLISHING A YOUTH PROTECTION ORDINANCE  
IMPOSING CERTAIN RESTRICTIONS UPON JUVENILES  
DURING SPECIFIED HOURS.

WHEREAS, the City Council has determined that there has been an increase in juvenile violence, juvenile gang activity and crime by persons under the age of 16 years in the City of Greenville; and

WHEREAS, persons under the age of 16 years are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

WHEREAS, the offensive activities of juveniles are not easily controlled by existing laws and ordinances; and

WHEREAS, a curfew for those under the age of 16 years will be in the interest of the public health, safety, and general welfare and will help attain the forgoing objectives and to diminish the undesirable impact of such conduct on the citizens of Greenville and will promote the public health, safety and welfare; and

WHEREAS, North Carolina General Statute §160A-198 authorizes the City of Greenville by an appropriate ordinance to impose a curfew on persons under the age of 16 years.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA:

Section 1: That Title 12 of the Code of Ordinances, City of Greenville, North Carolina is hereby amended by the addition of Chapter 7, to read as follows:

CHAPTER 7. YOUTH PROTECTION.

**Sec. 12-7-1. Definitions.**

For the purpose of this chapter, the following words and phrases shall have the following meanings:

**CURFEW HOURS means:**

- (a) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
- (b) 12:01 a.m. until 6:00 a.m. on any Friday or Saturday.



**DIRECT ROUTE** means the shortest reasonable path of travel or a commonly used route to reach a final destination without any detour or stop along the way.

**EMERGENCY** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

**ESTABLISHMENT** means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to any place of amusement, entertainment, or eating place.

**GUARDIAN** means:

- (a) a person who, under court order, is the guardian of the person of a minor, or
- (b) a public or private agency with whom a minor has been placed by a court.

**JUVENILE OR MINOR** means any person under the age of 16 years.

**OPERATOR** means any individual, firm, association, partnership, or corporation operating, managing or conducting any establishment, including the members or partners of an association or partnership and the officers of a corporation.

**PARENT** means:

- (a) a natural parent, adoptive parent, or step-parent of another person, or
- (b) a person 18 years of age or older who has written authorization by a parent, guardian or the courts to have the care and custody of a minor.

**PUBLIC PLACE** means any place to which the public has access, including but not limited to, streets, highways, alleys, rights-of-way, schools and school grounds, hospitals, apartment houses, office buildings, transport facilities, shops, theaters, bowling alleys, arcades, playgrounds, parks and eating places, the common areas of any of the above-mentioned locations, and other establishments open to the public for the conduct of business.

**REMAIN** means to linger or stay or to fail to leave the premises when requested to do so by a police officer or the operator of the premises.

**SERIOUS BODILY INJURY** means bodily injury that creates a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

**Sec. 12-7-2. Curfew for Juveniles.**

It shall be unlawful for a juvenile to be present in or remain in any public place within the city or on the premises of any establishment within the city during curfew hours.

**Sec. 12-7-3. Exceptions**

The following shall constitute valid exceptions to the operation of the provisions of this chapter:

- (a) When a juvenile is accompanied by a parent or guardian of such juvenile.
- (b) When a juvenile is accompanied by an adult 18 years of age or older who has written authorization by a parent or guardian of such juvenile to take said parent's place in accompanying said juvenile for a designated period of time and purpose within a specified area.
- (c) When a juvenile is exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.
- (d) When a juvenile is on the property where the juvenile resides or on the sidewalk immediately adjacent to the property where the juvenile resides.
- (e) When a juvenile is returning home by direct route (without any unnecessary detour or stop) from and within one (1) hour of the termination of an activity conducted or sponsored by a public or private school, such as a sporting event, play, concert, or dance.
- (f) When the juvenile is engaged in a lawful employment activity or using a direct route to and from a place of employment.
- (g) When the juvenile is, with parental consent, engaged in normal interstate travel through the city or originating or terminating in the city.
- (h) When the juvenile is married or emancipated.
- (i) When the juvenile is reacting or responding to an emergency.
- (j) When authorized, by special permit from the Chief of Police carried on the person of the juvenile thus authorized, as hereinafter provided. When necessary nighttime activities of a juvenile may be inadequately provided for by other provisions of this chapter, then recourse may be had to the Chief of Police, either for a regulation as provided in subsection (k) or for a special permit as the circumstances warrant. Upon the findings of reasonable necessity for the use of a public place to the extent warranted by a written application signed by a juvenile and by a parent or guardian of the juvenile, if feasible, stating (1) the name, age and address

of the juvenile; (2) the name, address, and telephone number of a parent or guardian thereof; (3) the height, weight, sex, color of eyes and hair and other physical characteristics of the juvenile; (4) the necessity that requires the juvenile to remain upon a public place during the curfew hours otherwise applicable; (5) the public place; and (6) the beginning and ending of the period of time involved by date and hour, the Chief of Police may grant a permit in writing for the juvenile's use of a public place at such hours as in the opinion of the Chief of Police may reasonably be necessary and consistent with the purposes of this chapter. In an emergency this may be handled by telephone or other effective communication, with a corresponding record being made contemporaneously to the Chief of Police or to the person designated by the Chief of Police to receive such record.

(k) When authorized, by regulation issued by the Chief of Police in other similar cases of reasonable necessity, similarly handled but adapted to reasonably necessary night time activities of more juveniles than can readily be dealt with on an individual special permit basis. Normally such regulation by the Chief of Police permitting use of public places should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the public places permitted, the period of time involved not to extend more than one (1) hour beyond the time for termination of the activity, and the reason for finding that the regulation is reasonably necessary and is consistent with the purposes of this chapter.

**Sec. 12-7-4. Parental Responsibility.**

(a). It shall be unlawful for a parent or guardian having legal custody of a juvenile knowingly to permit or by inefficient control to allow the juvenile to remain in any public place within the city or on the premises of any establishment within the city under circumstances not constituting an exception to, or otherwise beyond the scope of, this chapter. The term "knowingly" includes knowledge that a parent or guardian should reasonably be expected to have concerning the whereabouts of a juvenile in that parent or guardian's legal custody. This requirement is intended to hold a neglectful or careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.

(b). It shall be unlawful for any parent or guardian to refuse to take custody when requested by a police officer during the curfew hours of a juvenile for whom the parent or guardian is responsible.

**Sec. 12-7-5. Operator Responsibility.**

It shall be unlawful for any operator of an establishment to knowingly permit a juvenile to remain at the establishment under circumstances not constituting an exception to this chapter unless the operator has notified the police that a juvenile was present on the premises of the establishment during curfew hours and refused to leave. The term "knowingly" includes knowledge that an operator should reasonably be expected to have concerning the patrons of

the establishment. The standard for “knowingly” shall be applied through an objective test: whether a reasonable person in the operator’s position should have known that the patron was a juvenile in violation of this chapter.

**Sec. 12-7-6. Aiding and Abetting.**

It shall be unlawful for any person 16 years of age or older to aid or abet a juvenile in the violation of this chapter.

**Sec. 12-7-7. Enforcement.**

Before taking any enforcement action for curfew violations under this chapter, a police officer shall ask the apparent juvenile offender’s age and reason for being in the public place or establishment during curfew hours. The officer shall notify the parent or guardian that there has been a curfew violation, and request the parent or guardian to take custody of the juvenile. The officer shall document this accordingly. If the parent or guardian is not available or refuses to take custody of the juvenile, then, the officer, consistent with the provisions of Chapter 7B of the North Carolina General Statutes, may proceed to place the juvenile in temporary custody and initiate such actions that may be necessary for placement of the juvenile.

**Sec. 12-7-8 Penalties.**

(a) A juvenile who violates any provision of this chapter shall be guilty of a misdemeanor as provided in North Carolina General Statute §14-4 and is subject to being adjudicated delinquent. The court may, in its discretion, impose any dispositional alternatives that are provided in the North Carolina General Statutes for a juvenile who is delinquent.

(b) Any person other than a juvenile who violates any provision of this chapter shall be guilty of a misdemeanor as provided in North Carolina General Statute §14-4.

(c) In addition to any other penalty provided by this section, the parent or guardian having custody of a juvenile subject to this chapter shall be liable and responsible for all costs incurred by the City of Greenville for providing personnel to remain in the company of the juvenile who has been detained as a curfew violator where the parent or guardian does not pick up the juvenile within one (1) hour after receiving notice from the City of Greenville that the City of Greenville is detaining the juvenile for a curfew violation. The amount to be paid by the parent or guardian shall be based on the hourly wage of the City of Greenville employee who is assigned to remain with the juvenile plus the costs of the benefits for that employee. The City of Greenville may collect the amounts due by any manner provided by law, including initiation of litigation to recover such amounts due and owing, plus reasonable attorneys fees and costs incurred.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. 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 4. This ordinance will become effective on the 1<sup>st</sup> day of September, 2008.

This the 14<sup>th</sup> day of August, 2008.

\_\_\_\_\_  
Patricia C. Dunn, Mayor

ATTEST:

\_\_\_\_\_  
Wanda T. Elks, City Clerk

# Youth Protection Ordinance

August 1, 2008

## **Introduction**

The City of Greenville has experienced an increase in violent crime and criminal activity in the past several years, particularly assaults, armed robberies, and strong-armed robberies. The number of Index I crimes reported to the Greenville Police Department increased by 8% in 2007. During the same time period, robberies increased by 14% and violent crime rose by 4 percent. While this increase is consistent with national trends, a particularly disturbing trend has been that the age of the offenders has grown younger.

The police department has recognized the vast increase in juvenile violence, juvenile gang activity and crime by persons under the age of 16. However, the activities of juveniles are not easily monitored or controlled by existing laws and ordinances.

In addition juveniles are particularly susceptible by their lack of maturity and experience to participate in unlawful activities or be victims of crimes by older perpetrators. It has been found the unsupervised juveniles on the streets and in public places late at night or early mornings is more likely to become victims of crimes, or involved in criminal or nuisance behaviors.

No local laws or ordinances currently exist within the City that requires special regulation of minors in order to protect them during the nighttime hours. Such a law or ordinance would greatly aid in crime prevention and promote parental supervision and authority to decrease juvenile crime.

The purpose of the Youth Protection Ordinance is not only to protect juveniles from victimization and exposure to criminal activity. It is also intended to reinforce and promote the role of the parent to raise and guide their children. Assuming this parental responsibility would greatly enhance the health, safety, and welfare of both the juveniles and adults by creating an environment promoting better protection and security for all concerned.

The intended outcomes and goals of the proposed Youth Protection Ordinance are to provide law enforcement the necessary tools to aid in the reduction of nocturnal juvenile crime, controlling juvenile delinquency, controlling drug activity; limiting damage to property and other property crimes, and reducing juveniles involvement in public disturbances that often lead to more serious activity.

## **City of Greenville Juvenile Crime**

### **Arrests**

Juvenile arrest under the age of 16 increased 59% since 2004.

2004	227
2005	298
2006	350
2007	360

In the past year the number of juveniles charged with serious felony crimes increased exponentially.

Aggravated Assault	+175%
Burglary	+185%
Robbery	+216%

### **Armed Robberies**

Beginning in the spring and continuing into the fall of 2007, the City of Greenville began to experience a marked increase in armed and strong armed robberies. Through special operations and investigative efforts a significant portion of the investigations resulted in criminal charges.

From May until December 2007, 10 juveniles were charged with 18 counts of robbery. In 2008 nine juveniles have been charged with 15 counts of robbery.

Criminal data and analysis has indicated that the robberies involving juveniles consistently occur between midnight and 4 a.m.

### **Robberies Involving Juveniles**

Midnight – 6:00 a.m.	14%
11:00 P.M. – Midnight	31%
7:00 P.M. – 11:00 p.m.	55%



### **Juveniles Involved in Criminal Activity**

A review and analysis of criminal investigations indicates juveniles listed as the suspect or believed to be a suspect spiraled upward by 22% over the past three years.

- 2005            256
- 2006            370
- 2007            312

### **Calls for service involving juveniles during proposed hours**

From 2005 – 2007, calls for service involving juveniles during the hours of 11:00 p.m. – 6:00 a.m. increased by some 111%.

### **Juvenile Gang Activity**

In response to the growing concern with gangs and gang activity in North Carolina, Governor Mike Easley directed a study to be conducted on gangs in North Carolina. The report entitled *A Comprehensive Assessment of Gangs in North Carolina: A Report to the General Assembly* was released in 2008.

The report indicates that 80% of jurisdictions report an increase in gang activity. The report estimates that the entire State has 550, 30 of which are exclusively youth gangs, with 14,500 members. The SBI estimates that by 2012 the State could have as many as 41,000 gang members. The profile of gang members indicates that the members are between 15 to 27 years of age. However, the recruitment of members more often occurs when the member is much younger.

The City of Greenville and the Greenville Police Department have recognized this growing trend in gang crimes and activities. Moreover, within the Investigations Bureau of the police department, a Gang Unit consisting of four officers and a supervisor was formed in January 2007. This unit has been identifying and validating gangs, gang members, and their activities in Greenville and the surrounding County. Due to intelligence provided by the Gang Unit, it has been duly noted that gangs have been identified and linked to a number of violent crimes, property crimes and other activities attributed to youth gangs.

## **Police and Community Response**

The Greenville Police Department and the City of Greenville have sought to address this growing problem through enforcement and intervention initiatives designed to prevent youth involvement in gangs and crime.

### **Intervention Efforts**

The police department has partnered with other City departments and community groups in effort to prevent youth from becoming involved in crime. The Greenville Police Department and Greenville Recreation and Parks established the Police Athletic League (PAL) and the Summer Significance Academy in partnership with the United Way of Pitt County. The PAL program operates an after-school program during the school year, a spring break educational camp, and a summer camp during the summer. It also hosts youth dances throughout the year to provide social activities for the youth. The targeted age group for the PAL Program is youth ranging from 8 to 15 years of age.

The police department has also partnered with Pitt County Schools to provide Gang Resistance Education and Training (GREAT) to sixth graders at both middle schools in Greenville and select schools in the county. The program has received grant funding through the national program, and instruction began this past spring.

The police department was also successful in securing a grant through the Governor's Crime Commission in the amount of \$86,396. These funds will be used to combat gang violence through a variety of approaches to include education, prevention, intervention and suppression components.

### **Enforcement**

The Area Policing Plan implemented by the Patrol Bureau is designed to assign officers and supervisors to specific areas and affix the responsibility for the activities in their areas. Weekly crime stat meetings are held to discuss what efforts are being made to address specific problems in each area. This effort and the exchange of information at these meetings have resulted in an increase in arrests and the reduction of criminal and nuisance behavior in identified hot spots.

In response to the increase in robberies, the police department developed and implemented a Violent Crime Response Plan. This plan shifts resources from various functions throughout the department to target hot spots identified through data analysis.

Officers working this detail regularly come in contact with juveniles roaming the streets late at night and in the early morning hours. Presently, officers must use more creative legal methods to deal with these youths. An example, officers use techniques such as

strict enforcement of the bicycle helmet laws in response to youth criminal activities that are identified during the late hours and in high crime areas.

In response to the crime and violence in the downtown district, the police department developed and implemented the Downtown Deployment Plan, which places resources in the downtown area during peak hours. These officers regularly confront juveniles hanging out around the bars and the fringes of downtown.

Presently officers have limited legal means of removing juveniles from potentially dangerous situations. The curfew included in the proposed Youth Protection Ordinance would provide officers another tool to proactively address these concerns before the juvenile becomes a victim or is involved in a crime.

While not all crime increases can be attributed to juveniles, and not all juvenile arrests are during proposed hours of curfew. Observations by our offices during routine patrols, criminal investigations, and special enforcement efforts report a dramatic increase in juveniles out during the proposed curfew hours. Documented cases listing a juvenile in an arrest or as a victim are frequently occurring in areas with documented high crime or nuisance activity.

## **Youth Protection Ordinance Proposed**

*It shall be unlawful for a juvenile to be present in or remain in any public place within the city or on the premises of any establishment within the city during curfew hours.*

### **Juvenile or Minor**

Any unemancipated or unmarried person under the age of 16 years.

### **Parent**

- (a) a natural parent, adoptive parent, or step-parent of another person, or
- (b) a person 18 years of age or older who has written authorization by a parent, guardian or the courts to have the care and custody of a minor.

### **Public Place**

Any place to which the public has access.

### **Establishment**

Any privately-owned place of business operated for a profit to which the public is invited.

### **Curfew hours**

11:00 PM- 6:00 AM  
Sunday through Thursday

12:01 AM- 6:00 AM  
Friday and Saturday

### **Exceptions**

- When accompanied by a parent or guardian.
- When accompanied by an adult 18 years of age or older authorized by a parent or guardian.
- When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.
- When on the sidewalk or property where the juvenile resides.
- When the juvenile is engaged in a lawful employment activity or using a direct route to and from a place of employment.
- When a juvenile is returning home by direct route (without any unnecessary detour or stop) from and within one (1) hour of the termination of an activity conducted or sponsored by a public or private school, such as a sporting event, play, concert, or dance.
- When authorized, by special permit from the Chief of Police.
- When an operator of an establishment, when the operator has notified the police that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.

### **Parental Responsibilities**

It shall be unlawful for a parent or guardian having legal custody of a juvenile knowingly to permit or by inefficient control to allow the juvenile to remain in any public place within the city or on the premises of any establishment within the city under circumstances not constituting an exception list above.

### **Knowingly**

Knowledge that a parent or guardian should reasonably be expected to have concerning the whereabouts of a juvenile in that parent or guardian's legal custody.

It shall be unlawful for any parent or guardian to refuse to take custody when requested by a police officer during the curfew hours of a juvenile for whom the parent or guardian is responsible.

### **Penalties**

A juvenile who violates any provision of this chapter is subject to being adjudicated delinquent.

Any person other than a juvenile who violates any provision of this chapter shall be guilty of a misdemeanor.

The parent or guardian is responsible for costs incurred for providing personnel to detain the violator where the parent or guardian does not pick up the juvenile within one hour of notification.

### **Enforcement**

Before taking any enforcement action for curfew violations under the provisions of this Ordinance, a police officer shall ask the apparent juvenile offender's age and reason for being in the public place or establishment during curfew hours.

The officer shall notify the parent or guardian that there has been a curfew violation and request the parent or guardian to take custody of the juvenile. The officer shall document this accordingly.

If the parent or guardian is not available or refuses to take custody of the juvenile, then the officer, consistent with the provisions North Carolina laws pertaining to temporary custody, will take custody of the juvenile..

### **North Carolina Cities with a Curfew for Minors**

Bethel  
Carolina Beach  
Chapel Hill  
Charlotte  
Havelock  
Jacksonville  
Kinston

Knightdale  
Lumberton  
New Bern  
Rocky Mount (proposed)

## **Conclusion**

The Youth Protection Ordinance is intended to promote the health, safety and welfare of both juveniles and adults by creating an environment providing better protection and security for all concerned. The proposed curfew contained within the proposed Youth Protection Ordinance is intended to provide law enforcement a valuable tool to remove youth from potentially dangerous and volatile situations.

The curfew will allow the police department and community to form the necessary partnerships to assist parents and guardians of minors in the increasingly difficult task of child rearing. It is only through this cooperation that we can successfully meet the challenge of gangs and youth violence being experienced by our community.

In order for curfew laws to be effective, they must be enforced in a consistent, fair and uniform manner. In addition, to be properly evaluated, enforcement actions must be fully documented. To these and related ends, the Greenville Police Department will establish and follow the procedures and guidelines when enforcing curfew violations.



# City of Greenville, North Carolina

Meeting Date: 8/14/2008  
Time: 7:00 PM

**Title of Item:** City Strategic Plan for Alternative Fuels and Vehicle Replacements

**Explanation:** Public Works staff, in its efforts to implement the US Mayor's Climate Protection Agreement, has been researching alternative fuels and vehicles to develop a strategy to lower City costs and reduce the City's impact on the environment. Staff's objective is to obtain City Council guidance on staff's strategy in order to complete implementation planning for purchases over the next few years. The results of this research are outlined below:

**Diesel:**

The City converted to ultra-low sulfur diesel in preparation for the Environmental Protection Agency (EPA) 2007 emission standards for on-road diesel equipped trucks. New City trucks purchased since 2007 are equipped with the ultra-clean engine and diesel particulate filters that reduce the amount of pollution generated by these engines.

Although 20 percent biodiesel reduces carbon dioxide emissions by 15 percent, and 100 percent biodiesel reduces emissions by 75 percent over petroleum diesel, recent research is questioning the overall impact of biodiesel on the environment. The research has determined the total carbon footprint associated with growing the crops used in biodiesel, the production of the fuel itself, and transportation may be greater than "regular" diesel.

Current diesel engines can operate up to 20 percent biodiesel without conversion. Engines operating on a higher percentage of biodiesel require modifications that are not supported by engine manufacturers. This would impact the City's ability to maintain engine warranties. Additionally, this would require the City's entire fleet to be modified before the City could convert its single diesel tank to biodiesel or an additional tank and pump system would have to be installed to support both diesel and biodiesel capable trucks during the conversion period, or non-modified diesel trucks would have to fuel at local service stations.

### Ethanol:

Ethanol gets 25 percent fewer miles per gallon than gasoline. This results in ethanol producing greenhouse gases in relatively the same amount as gasoline. In comparing all costs associated with ethanol, there is little difference in price between the two fuels. Similar to bio-diesel, recent studies have determined the total carbon footprint associated with growing corn, producing the fuel, and transporting the ethanol may be greater than gasoline. Additionally, recent analysis has shown some of the increase in the cost of food is associated with the increased use of farmland to produce crops for fuel production instead of food.

### Electric:

Although a few golf cart sized electric vehicles are available, the City has limited use for vehicles with size, speed and distance limitations. This alternative may become a more viable option as battery technology improves.

### Fossil Fuel-Electric Hybrids:

Although the initial purchase price of hybrids is higher than standard vehicles, payback calculations based on paying \$3.50 per gallon for gasoline have shown that the typical return on investment due to savings associated with the reduced fuel consumption is less than the life of the vehicle in the City. The payback associated with this option makes it a good choice for the City. Additionally, the reduced fuel consumption associated with these vehicles decreases pollution and the City's carbon footprint.

### Propane and Compressed Natural Gas (CNG):

Propane and compressed natural gas (CNG) require an investment to install refueling facilities. These fuels produce 30 to 40 percent less carbon dioxide than gasoline and require the installation of additional fueling facilities. The current estimated cost for constructing a CNG fueling facility is a minimum of \$500,000. Greenville Utilities Commission (GUC) has one small slow-fill station which could not support the City of Greenville. Research into the availability of vehicles has determined that manufacturers are not pursuing this option, and the number of manufacturers offering this option has decreased.

Honda still makes a Civic that operates off CNG. Other light vehicles are after-market conversions that enable a vehicle to operate on natural gas. One city estimated that it cost \$1.50 per gallon equivalent to fuel its CNG vehicles. A concern with the CNG vehicle in this area is the local support infrastructure. Local "dealers" will not have the capability to perform warranty and other work on a CNG-equipped vehicle until their personnel are trained. However, there is not the demand in this area that would make it economical for these "dealers" to support this requirement.

Staff's plan is to continue using ultra low sulfur diesel in the City's entire diesel powered equipment. Older diesel vehicles will be retrofitted with diesel particulate filters when it is economically sound to perform the required



modifications. Staff will purchase hybrid vehicles where appropriate based on each department's operational requirements.

Hybrids cost more than gasoline-only powered vehicles; thus, these purchases will have a greater impact on the City's Vehicle Replacement Fund. These greater initial costs are offset by reduced operational costs over the life of the vehicle. City passenger vehicles range from the Chevrolet Cavalier to Ford Crown Victoria. Trucks range from Ford Ranger to the GMC trash trucks.

Hybrids are not appropriate for the Police Department's patrol cars and Fire Department's apparatus. Where there is an appropriate use, Public Works will perform a cost analysis for the vehicle that will be replaced to determine the cost effectiveness of replacing it with a hybrid. Current analysis has determined that the payback period for replacing a midsize sedan with a Toyota Camry or a Ford Escape is 5.5 years when the City is paying \$3.50 per gallon for unleaded. Typically, the City retains this type of vehicle for 8 years.

The City's strategic plan to replace its current fleet is to focus on hybrid technology, evaluate each vehicle to determine if it is appropriate and cost effective to replace it with a hybrid. Review fuel technology annually to determine if other alternatives will meet City requirements.

**Fiscal Note:**

If all of the appropriate vehicles scheduled to be replaced this fiscal year and next were replaced, the additional cost to the Vehicle Replacement Fund would be \$160,000.

**Recommendation:**

City Council support the City's strategic vehicle purchase plan.

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