



Agenda

Planning and Zoning Commission

August 16, 2016

6:30 PM

Council Chambers, City Hall, 200 W. Fifth Street

See Item VI.3. for addendum to this agenda package added on 8/12/16.

Assistive listening devices are available upon request for meetings held in the Council Chambers. If an interpreter is needed for deaf or hearing impaired citizens, please call 252-329-4422 (voice) or 252-329-4060 (TDD) no later than two business days prior to the meeting.

- I. CALL MEETING TO ORDER -
- II. INVOCATION - Chris Darden
- III. ROLL CALL
- IV. APPROVAL OF MINUTES - July 19, 2016
- V. NEW BUSINESS

REZONINGS

1. Ordinance requested by Happy Trail Farms, LLC to rezone 7.683 acres located at the northwestern corner of the intersection of Arlington Boulevard and Dickinson Avenue from MO (Medical-Office) to MCG (Medical-General Commercial).

TEXT AMENDMENTS

2. Ordinance to amend the Zoning Ordinance to allow nonconforming land uses in the CD (Downtown Commercial) Zoning District to be expanded through the construction of open air roof decks, subject to specific criteria.

VI. PUBLIC HEARINGS

3. Consideration to Recommend Adoption of Horizons 2026: Greenville's Community Plan

See last 2 pages of this agenda packet (8/11/16 Memo) for an addendum to this item added on 8/12/16.

VII. ADJOURN

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

July 19, 2016

The Greenville Planning and Zoning Commission met on the above date at 6:30 p.m. in the Room 337 of City Hall.

Mr. Terry King –Chair *

Mr. Dustin Mills - *	Ms. Chris Darden – *
Mr. Doug Schrade – *	Ms. Ann Bellis – *
Ms. Margaret Reid - *	Mr. John Collins - *
Ms. Betsy Leech –X	Mr. Les Robinson - *
Mr. Anthony Herring – *	Mr. Michael Overton - *

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

VOTING MEMBERS: Mills, Schrade, Bellis, Darden, Reid, Collins, Herring, Robinson

PLANNING STAFF: Thomas Weitnauer, Chief Planner; Michael Dail, Lead Planner and Amy Nunez, Staff Support Specialist II.

OTHERS PRESENT: Dave Holec, City Attorney and Merrill Flood, Assistant City Manager

MINUTES: Motion was made by Mr. Schrade, seconded by Ms. Darden to accept the June 21, 2016 minutes as presented. Motion carried unanimously.

NEW BUSINESS

PRELIMINARY PLAT

REQUEST BY THE CONVENGTION GROUP, LTD, ETAL FOR A PRELIMINARY PLAT ENTITLED, “CONVENGTION DOWNE SUBDIVISION, BLOCK G”, LOCATED NORTHWEST OF THE INTERSECTION OF E. ARLINGTON BOULEVARD AND E. FIRE TOWER ROAD. THE SUBJECT PROPERTY IS FURTHER IDENTIFIED AS TAX PARCEL NUMBER 33117. THE PROPOSED PLAT CONSISTS OF 5 LOTS TOTALING 19.95 ACRES. - APPROVED

Ms. Michael Dail, Lead Planner, delineated the property. He stated the request is located in the southeastern portion of the City, more specifically northwest of the intersection of E. Arlington Boulevard and E. Fire Tower Road. It is east of the Carmike Cinemas. The purpose of this plat is to establish a street pattern, Turnbury Drive, for the subject property, to create 5 commercial lots (4, 6, 7, 16, and 17) which are 13.76 acres and to modify 3 existing lots (5, 13, and 14). All five of the new lots are zoned CG (General Commercial). Lots 5, 13, and 14 were reviewed by the Subdivision Review Board and created by the final plat process. The modifications to lots 5, 13, and 14 will become a portion of the right-of-way for the new Turnbury Drive. The southern

section of Turnbury Drive is the part of the driveway to Wal-Mart. This section was built to City public street standards with the anticipation that it would become a public street. The plat was created to accept the public street and have Turnbury Drive connect to be one continuous street. Further subdividing of the lots may occur depending on the development pattern. The public hearing of this preliminary plat was advertised in the Daily Reflector on July 7 and July 11, 2016, as requested by the Commission.

Chairman King opened the public hearing.

Mr. Brian Fugundis, with Ark Consulting Group, spoke in favor of the request on behalf of the applicant. He stated he was prepared to answer questions.

No one spoke in opposition.

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

No discussion was made.

Motion made by Mr. Schrade, seconded by Mr. Mills, to approve the preliminary plat. Motion carried unanimously.

TEXT AMENDMENTS

ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE BY ADDING ADVERTISEMENT REQUIREMENTS FOR PRELIMINARY PLAT REVIEWS BY THE PLANNING AND ZONING COMMISSION. – APPROVED

Mr. Weitnauer presented the ordinance. He stated the ordinance is to amend the Subdivision Ordinance by adding advertisement requirements for preliminary plat reviews by the Planning and Zoning Commission. The City of Greenville Planning and Zoning Commission initially raised the item during the April 19, 2016 P&Z meeting and had further discussion during the June 21, 2016 P&Z meeting. This text amendment is to require the advertisement of preliminary plats prior to the Planning and Zoning Commission's review. The following will be added to the subdivision ordinance:

b) Before final action is taken by the Planning and Zoning Commission on a preliminary plat, notice that the preliminary plat will be reviewed at a meeting shall be published. The notice shall be given once a week for two successive weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 8 days nor more than 25 days before the date of the meeting. In computing such period the day of publication is not to be included but the day of the meeting is to be included."

He stated that the language is similar to other boards. The plat will be advertised two times before the hearing. Staff found that the request is in compliance with the Horizons: Greenville's Community Plan, 2004, Section 4, Implementation Element, Administration, Objective 1 to establish effective citizen/public participation in the Greenville planning process and Strategy

1(a) to advertise all meetings of the Greenville Planning and Zoning Commission and Board of Adjustment through newspaper advertisements and public service announcements.

Mr. Schrade asked if Staff agreed or disagreed with the proposed amendment.

Mr. Weitnauer stated the cost to the City to advertise each preliminary plat two times before each Planning and Zoning Commission meeting will be an additional \$110. The Commission has been reviewing an average of approximately 5 plats a year over the last few years. The estimated additional cost to the City is approximately \$550 a year. There is basis for the request. He stated Ms. Bellis mentioned that there are large subdivisions that with the lack of notification, people would not be aware. Staff is in agreement.

Chairman King opened a public hearing.

No one spoke in favor or in opposition.

Chairman King closed the public hearing and opened for board discussion

No discussion was made.

Motion made by Ms. Bellis, seconded by Ms. Darden, to approve the request. Motion carried unanimously.

OTHER ITEMS OF BUSINESS

DISCUSSION ITEM – STAFF BRIEFING ON THE BACKGROUND AND PROGRESS OF THE DRAFT LONG-RANGE PLANNING DOCUMENT ENTITLED, HORIZONS 2026: GREENVILLE’S COMMUNITY PLAN.

Mr. Weitnauer stated the item was to give the Commission the background and progress of the Plan. He stated it currently is in the draft/adoption stage. The Horizons 2026 Public Review Draft and the Plan's Appendices have been posted on the project website under the "Work Products" button at the following address: Horizons.GreenvilleNC.gov. A summary report from the Open House, June 20, 2016 at the Greenville Convention Center, is also posted on the project website under the "Public Participation" button. He stated that during his tenure as a planner, this is one of the best plans he has seen. It has been tailored to the community by the consultants, Clarion and Associates based in Chapel Hill, NC. Next month, Clarion and Associates will conduct the public hearing of the Horizons 2026 Plan for the Commission to consider recommendation of adoption to the City Council. He presented a power point presentation highlighting the background and progress of the Plan. A few highlights:

How the Plan is used: 1. Articulates the community vision. 2. Policy guidance for decision making in: growth management, rezoning and development cases, capital improvements, and

facilities and services. 3. Sets out implementation strategies for: work plans for City departments, support for partnership efforts, and public investments.

Participation: 1. City stakeholders and jurisdictional partners. 2. Comprehensive Plan Committee of 24 members. 3. Planning and Zoning Commission. 4. City Council. 5. City Staff and the Consultants.

The Horizon 2026 Study area extended three miles outside of the City limits and included 4 special areas: Airport, Medical, Arlington/Memorial and Southwest Bypass.

Phase I-Initiate: Public engagement strategy developed, Horizon 2026 website launched, and Data gathered and analyzed.

Phase II- Analyze: Existing trends and conditions assessed, 2010 Horizons Plan implementation audited, Analysis and area plan priorities identified, and Community vision framework.

During Phase II, leadership meetings were held: Comprehensive Plan Committee meetings, Stakeholder interviews, and a Leadership breakfast. Public Engagement areas: Workshop for Our Future, How Will We Grow Workshop, Area Plan Stakeholder meetings, Our City Our Plan Open House, online survey, website: Horizon.Greenville.gov, and correspondence from Staff. The outcomes from this Phase produced the following two documents available online: Horizons 2026: Community Profile and Horizons 2026: Workshop for Our Future.

Phase III- Draft: Included workshops, future growth framework map, small area plans, policy framework, public workshops #3 and public review draft of Horizons 2026. This Phase also included the Future Land Use and Character Map.

The Horizons 2026 Plan has the following chapters: Building Great Places, Enhancing Mobility, Maintaining Fiscal Responsibility, Growing the Economic Hub, Creating Complete Neighborhoods, Fostering a Resilient City, Growing a Healthy City, Growing Together, Action Plan, and Appendices.

Phase IV-Adoption: Adoption Schedule:

Early August:	P&Z Commission Work Session of <u>Horizons 2026</u> and Q&A
August 16 th :	P&Z Commission Public Hearing to consider recommending adoption of the Plan to City Council
September 8 th :	City Council Public Hearing (tentative date)

Mr. Weitnauer encouraged Commissioners to familiarize themselves with the structure and contents of the draft Horizons 2026 Plan.

Mr. Merrill Flood thanked everyone involved with the Plan. He stated the Plan talks about how we grow and shapes the community. He stated to place close attention to the character types that have been matched up with the existing zoning. Greenville is not stagnant and the next ten years will prove to be the same. This is the most important document that the P&Z Commission uses. He encouraged everyone to view it online.

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

Respectfully Submitted,

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



City of Greenville, North Carolina

Meeting Date: 8/16/2016
Time: 6:30 PM

Title of Item: Ordinance requested by Happy Trail Farms, LLC to rezone 7.683 acres located at the northwestern corner of the intersection of Arlington Boulevard and Dickinson Avenue from MO (Medical-Office) to MCG (Medical-General Commercial).

Explanation: **Abstract:** The City has received a request from Happy Trail Farms, LLC to rezone 7.683 acres located at the northwestern corner of the intersection of Arlington Boulevard and Dickinson Avenue from MO (Medical-Office) to MCG (Medical-General Commercial).

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on August 2, 2016.

On-site sign(s) posted on August 2, 2016

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

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

Comprehensive Plan:

The subject area is located in Vision Area F.

The Future Land Use Plan Map (FLUPM) recommends office/institutional/multi-family (OIMF) at the intersection of Arlington Boulevard and Dickinson Avenue then transitions to commercial (C) at the northwestern corner of the intersection of Dickinson Avenue and Spring Forest Road.

There is a designated neighborhood focus area at the intersection of Dickinson Avenue and Spring Forest Road. These areas are intended to contain 40,000+/- square feet of conditioned floor space.

This area was not part of any FLUMP amendments at the time of the adoption of the Medical District Land Use Plan Update (2008).

Arlington Boulevard is designated as a "connector corridor " from West 5th Street to its intersection with Bells Chapel Road.

Dickinson Avenue is designated as a "connector corridor" from Reade Circle to Arlington Boulevard and as a "residential corridor" from Arlington Boulevard to Allen Road.

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.

Urban Form & Land Use Objectives:

UF20. To concentrate higher intensive uses in employment and focus areas.

UF22. To ensure proper size of and spacing between focus areas.

Policy Statements

5. Intermediate/Neighborhood Focus Areas

5(a). The location of these areas should be evaluated based on surrounding residential development patterns and the lack of alternative retail uses to serve these areas. Neighborhood Focus Areas should have a neighborhood-size market area.

5(c). Neighborhood and Intermediate Focus Areas should be compatible in size and scale with surrounding development.

Land Use Implementation Strategies:

2(e). Concentrate commercial development in well-defined nodes.

2(h). Office/Institutional/Multi-family land uses should be developed along transportation thoroughfares to provide transition between commercial nodes and to preserve vehicle carrying capacity.

2(i). Office/Institutional/Multi-family development should be used as a buffer between light industrial and commercial development and adjacent lower density residential land uses.

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

Based on possible use permitted by the requested rezoning, the proposed rezoning classification could generate 1,368 trips to and from the site on Arlington Boulevard, which is a net increase of 1,028 additional trips per day.

Based on possible use permitted by the requested rezoning, the proposed rezoning classification could generate 1,368 trips to and from the site on

Dickinson Avenue, which is a net increase of 1,028 additional trips per day.

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

History/Background:

In 1972, the subject properties were incorporated into the City's ETJ (extra-territorial jurisdiction) and was zoned RA20 (Residential-Agricultural). In 1996, a portion of the property was rezoned to O (Office). In 2007, all of the property was rezoned to MO (Medical-Office).

A portion of the subject property is part of the approved preliminary plat for Arlington West Office Park that was approved in 2002.

Present Land Use:

Vacant and one (1) single-family residence

Water/Sewer:

Water and sanitary sewer are available.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

There are no known environmental constraints.

Surrounding Land Uses and Zoning:

North: O - Arlington West Office Park (1 building); RA20 - Farmland

South: OR and RA20 - Vacant

East: O - Carolina Vision Care and Diamond Pointe Professional Center

West: RA20 - One (1) single-family residence and farmland

Density Estimates:

Under the current zoning (MO), the site could accommodate 61,680+/- square feet of office space.

Under proposed zoning (MCG), the site could accommodate 61,680+/- square feet of retail space.

The anticipated build-out is within one (1) year.

Additional Staff Comments:

In June 2003, the MO zoning district was amended to include a variety of limited commercial activities that includes pharmacies (free-standing) and fast foot restaurants located in a multi-unit structure which contains not less than three (3) individual units.

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the request is not in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map and the Medical District Land Use Plan Update (2008).

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

If the Planning and Zoning Commission determines to recommend approval of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend approval of the proposed rezoning, to advise that it is consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters."

If the Planning and Zoning Commission determines to recommend denial of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend denial of the 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."

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

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

Attachments / click to download

 [Attachments](#)

 [List_of_Uses_for_MO_986293](#)

CURRENT 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

**MO (Medical-Office)
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:
 - 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

PROPOSED 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

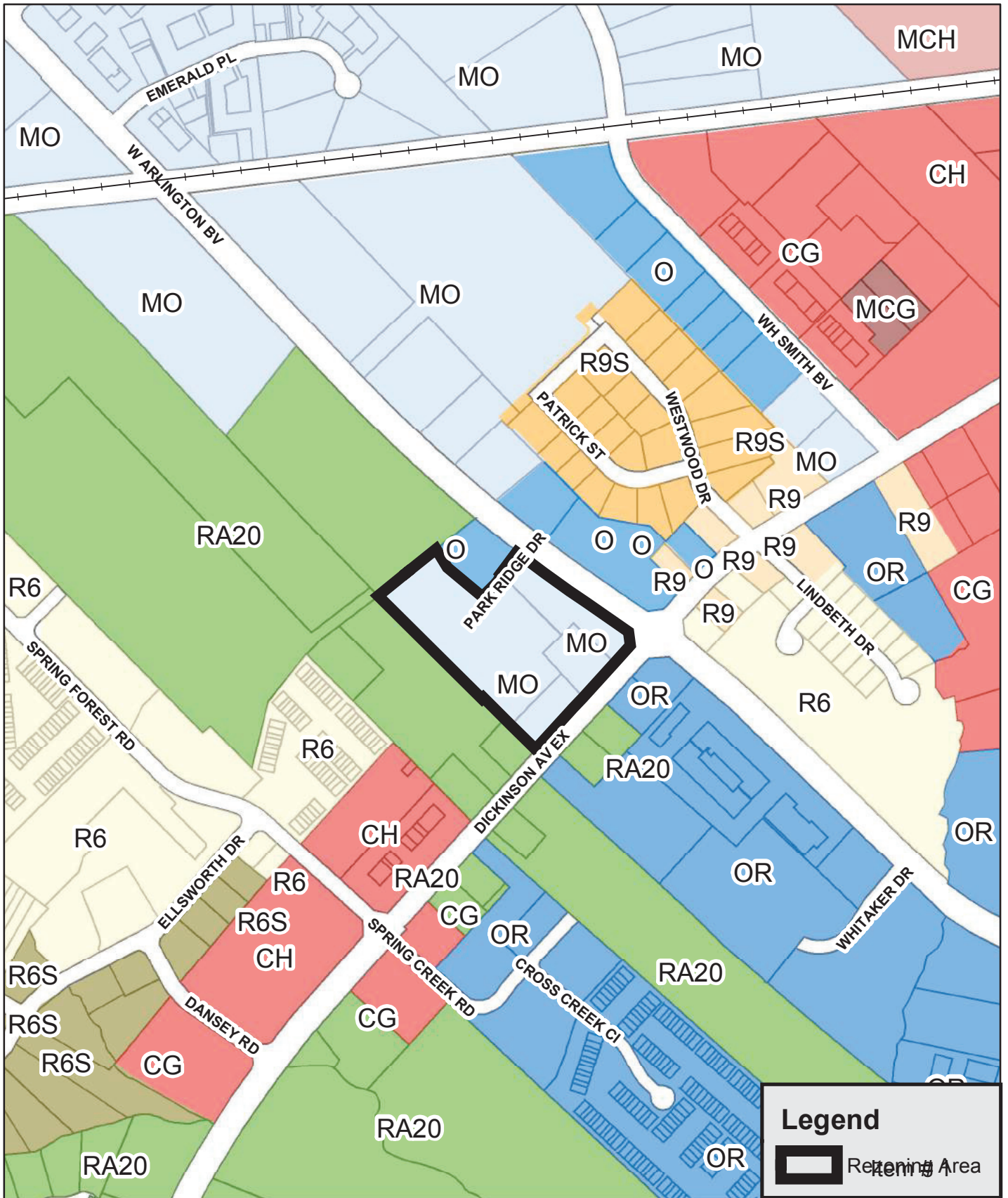
(12) *Construction*:* None

(13) *Transportation*:* None

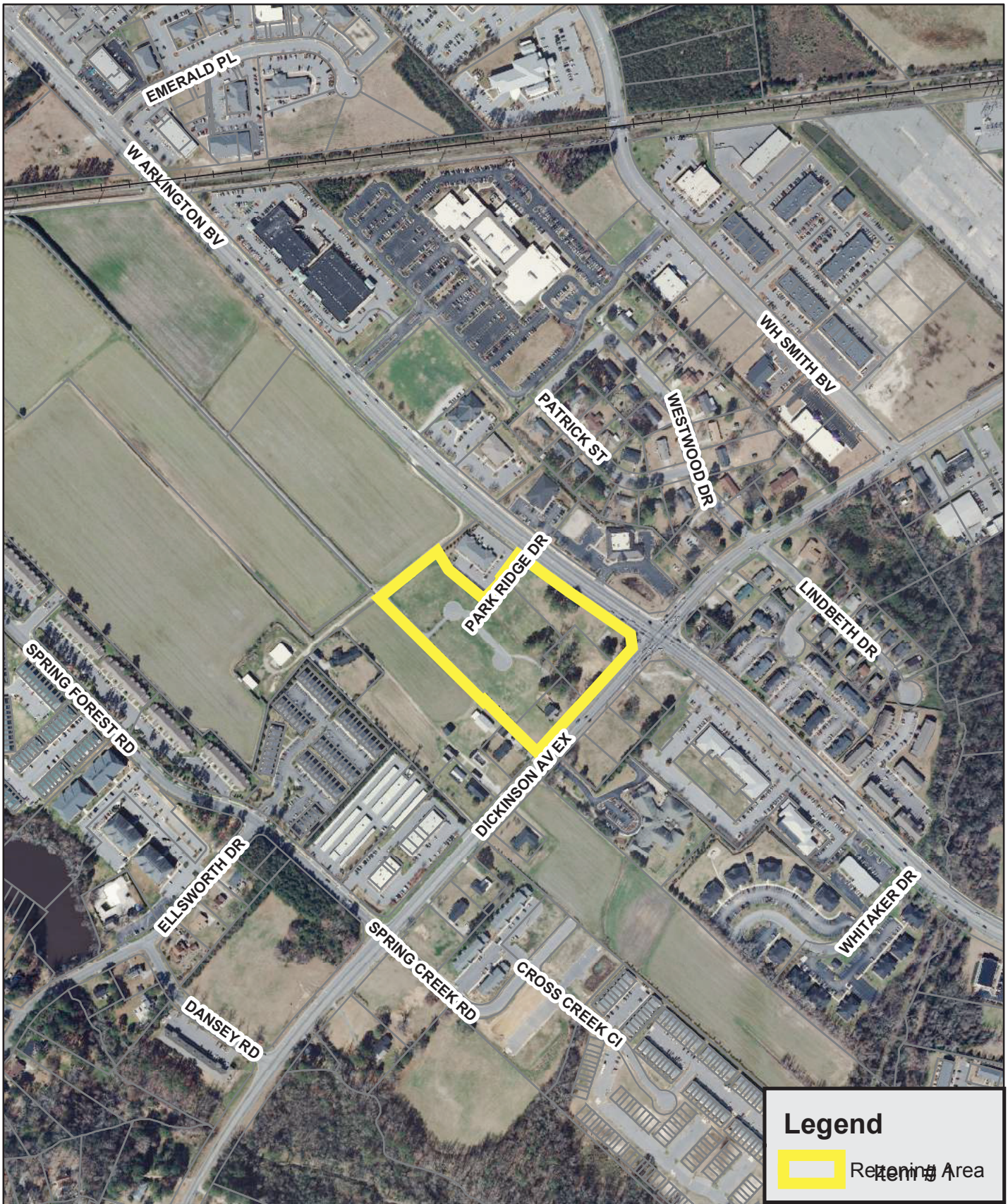
(14) *Manufacturing/ Warehousing*: * None

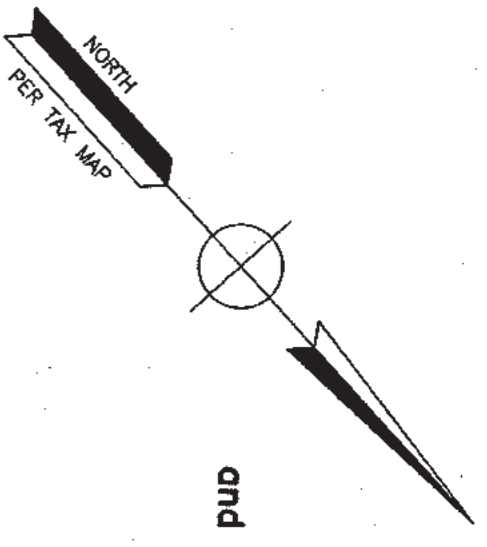
(15) *Other Activities (not otherwise listed - all categories)*:* None

Happy Trail Farms, LLC
From: MO (Medical-Office)
To: MCG (Medical-General Commercial)
7.683 acres
August 2, 2016



Happy Trail Farms, LLC
From: MO (Medical-Office)
To: MCG (Medical-General Commercial)
7.683 acres
August 2, 2016





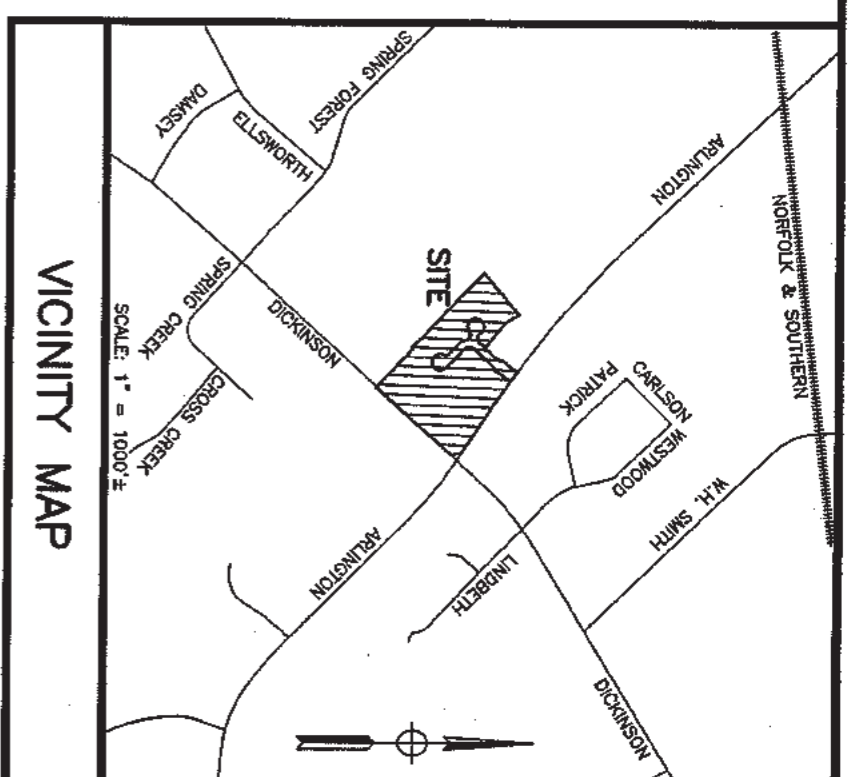
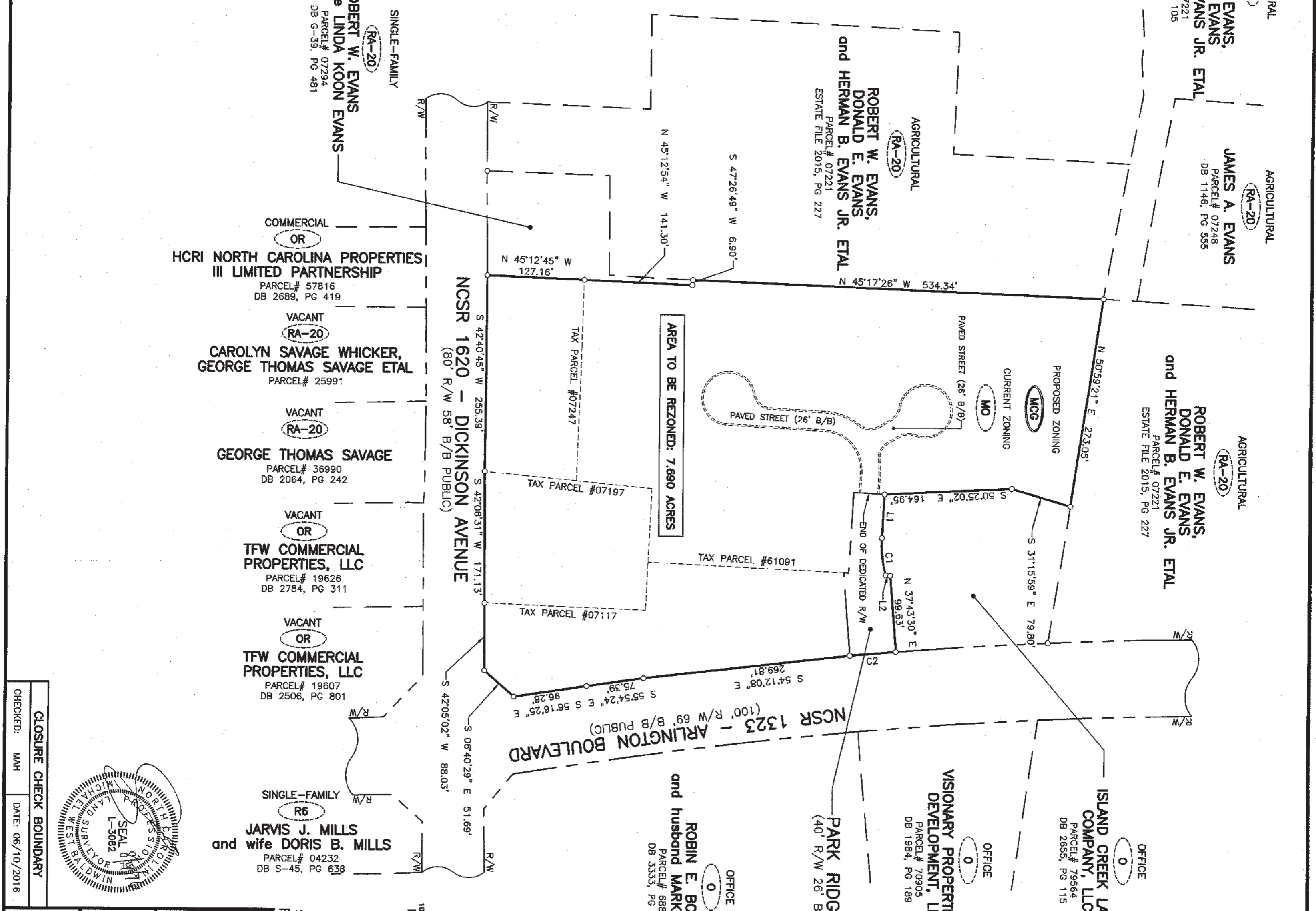
PROPERTY OWNERS ADDRESSES WITHIN 100 FEET OF PROPERTY

- ISLAND CREEK LAND COMPANY, LLC
PO BOX 12172
NEW BERN, NC 28561
- VISIONARY PROPERTIES & DEVELOPMENT, LLC
583 WHITE HORSE DRIVE
GREENVILLE, NC 27834
- ROBIN E. BOWMAN and husband MARK S. BOWMAN
588 WHITE HORSE DRIVE
GREENVILLE, NC 27834
- JARVIS J. MILLS and wife DORIS B. MILLS
1602 N. OVERLOOK DRIVE
GREENVILLE, NC 27858
- CHICKEN BONE CREEK, LLC
2894 BALLARDS CROSSROADS ROAD
GREENVILLE, NC 27834
- ATWF COMMERCIAL PROPERTIES, LLC
PO BOX 20700
GREENVILLE, NC 27858
- ATWF COMMERCIAL PROPERTIES, LLC
105 VICTORIA COURT
GREENVILLE, NC 27858
- GEORGE THOMAS SAVAGE
PO BOX 102
WINTERVILLE, NC 28590
- CAROLYN SAVAGE WHICKER, GEORGE THOMAS SAVAGE ETAL
853 SOUNDSIDE ROAD
EDENTON, NC 27932
- HCRI NORTH CAROLINA PROPERTIES III LIMITED PARTNERSHIP
4500 DORK STREET
TOLDOO, OH 93619
- ROBERT W. EVANS and wife LINDA KOON EVANS
2890 DICKINSON AVENUE
GREENVILLE, NC 27834
- ROBERT W. EVANS, DONALD E. EVANS and HERMAN B. EVANS JR. ETAL
2890 DICKINSON AVENUE
GREENVILLE, NC 27834
- JAMES A. EVANS
1881 W. ARLINGTON BOULEVARD
GREENVILLE, NC 27834

LEGEND

- R/W = RIGHT-OF-WAY
- B/B = BACK OF CURB TO BACK OF CURB
- EIP = EXISTING IRON PIPE
- EIS = EXISTING IRON STAKE
- SIP = SET IRON PIPE
- ECM = EXISTING CONCRETE MONUMENT
- C/L = CENTERLINE
- DB = DEED BOOK
- NPS = NO POINT SET
- EPKN = EXISTING PARKER KALON NAIL
- - - = NOT TO SCALE

1000'



LINE TABLE

COURSE	BEARING	DISTANCE
L1	N 45°44'48" E	97.01'
L2	N 44°13'35" W	5.75'

CURVE TABLE

CURVE	RADIUS	CHORD	CHORD BEARING	LENGTH
C1	143.00'	48.99'	N 35°52'59" E	48.23'
C2	5779.58'	80.00'	S 52°37'58" E	80.00'

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

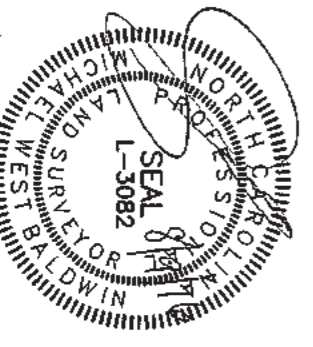


SHEET 1 OF 1
REZONING MAP
HAPPY TRAIL FARMS, LLC
 REFERENCE: DEED BOOK 1353, PAGE 493
 AND DEED BOOK 226, PAGE 1
 OF THE PITT COUNTY REGISTER OF DEEDS
GREENVILLE, GREENVILLE TOWNSHIP, PITT COUNTY, NC
 OWNER: JAMES A. EVANS
 ADDRESS: 1861 ARLINGTON BLVD
 GREENVILLE, NC 27834
 PHONE: (252) 756-8996
 OWNER: AMOS RAY EVANS
 ADDRESS: 202 WILLIAMSBURG ROAD
 GREENVILLE, NC 27858
 PHONE: (252) 756-7536

Baldwin Design Consultants, PA
 ENGINEERING - SURVEYING - PLANNING
 1700-D EAST ARLINGTON BOULEVARD
 GREENVILLE, NC 27838
 PHONE: (252) 756-1390

CLOSURE CHECK BOUNDARY
 CHECKED: MAH DATE: 06/10/2016

DRAWN: MAH DATE: 09/10/2016
 CHECKED: MMB SCALE: 1" = 100'



Case No: 16-11

Applicant: James A. Evans (Happy Trail Farms, LLC)

Property Information

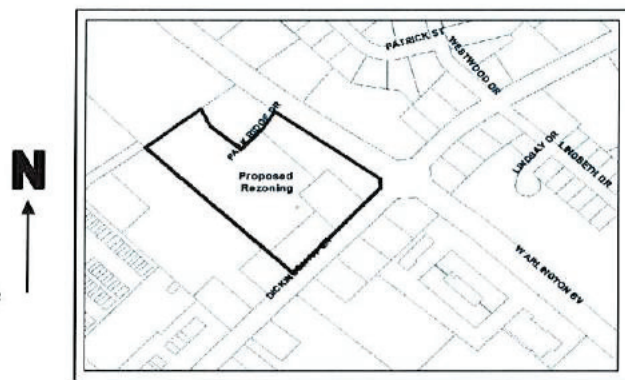
Current Zoning: MO (Medical-Office)

Proposed Zoning: MCG (Medical-General Commercial)

Current Acreage: 7.683 acres

Location: Northwest corner of Arlington Blvd & Dickinson Ave

Points of Access: Arlington Blvd, Dickinson Ave



Location Map

Transportation Background Information

1.) Arlington Blvd- City maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5-lanes with curb & gutter	6-lanes with curb & gutter
Right of way width (ft)	100	100
Speed Limit (mph)	45	45
Current ADT:	30,200 (*)	UltimateDesign ADT: 45,000 vehicles/day (**)
Design ADT:	28,900	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

Other Information: There are no sidewalks along Arlington Blvd that service this property.

Notes: (*) 2014 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.) Dickinson Avenue- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	4-lanes, curb & gutter	5-lanes with curb & gutter with sidewalks
Right of way width (ft)	80	100
Speed Limit (mph)	45	45
Current ADT:	15,600 (*)	Ultimate Design ADT: 33,500 vehicles/day (**)
Design ADT:	26,700	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

Other Information: There are no sidewalks along Dickinson Avenue that service this property.

Notes: (*) 2014 NCDOT count adjusted for a 2% annual growth rate
(**) Traffic volume based an operating Level of Service D for existing geometric conditions
ADT – Average Daily Traffic volume

Transportation Improvement Program Status: No Planned Improvements.

Trips generated by proposed use/change

Current Zoning: 679 -vehicle trips/day (*) **Proposed Zoning: 2,735** -vehicle trips/day (*)

Estimated Net Change: increase of 2056 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 Arlington Blvd and Dickinson Avenue are as follows:

1.) Arlington Blvd, South of Site (25%): "No build" ADT of 30,200

Estimated ADT with Proposed Zoning (full build) – 30,884
 Estimated ADT with Current Zoning (full build) – 30,370
Net ADT change = 514 (2% increase)

2.) Arlington Blvd, North of Site (25%): "No build" ADT of 30,200

Estimated ADT with Proposed Zoning (full build) – 30,884
 Estimated ADT with Current Zoning (full build) – 30,370
Net ADT change = 514 (2% increase)

3.) Dickinson Avenue, West of Site (25%): "No build" ADT of 15,600

Estimated ADT with Proposed Zoning (full build) – 16,284
 Estimated ADT with Current Zoning (full build) – 15,770
Net ADT change = 514 (3% increase)

4.) Dickinson Avenue, East of Site (25%): "No build" ADT of 15,600

Estimated ADT with Proposed Zoning (full build) – 16,284
 Estimated ADT with Current Zoning (full build) – 15,770
Net ADT change = 514 (3% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1368 trips to and from the site on Arlington Blvd, which is a net increase of 1028 additional trips per day.

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1368 trips to and from the site on Dickinson Avenue, which is a net increase of 1028 additional trips per day.

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

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

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

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

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

Street trees may count toward the minimum acreage.

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

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

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

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

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

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

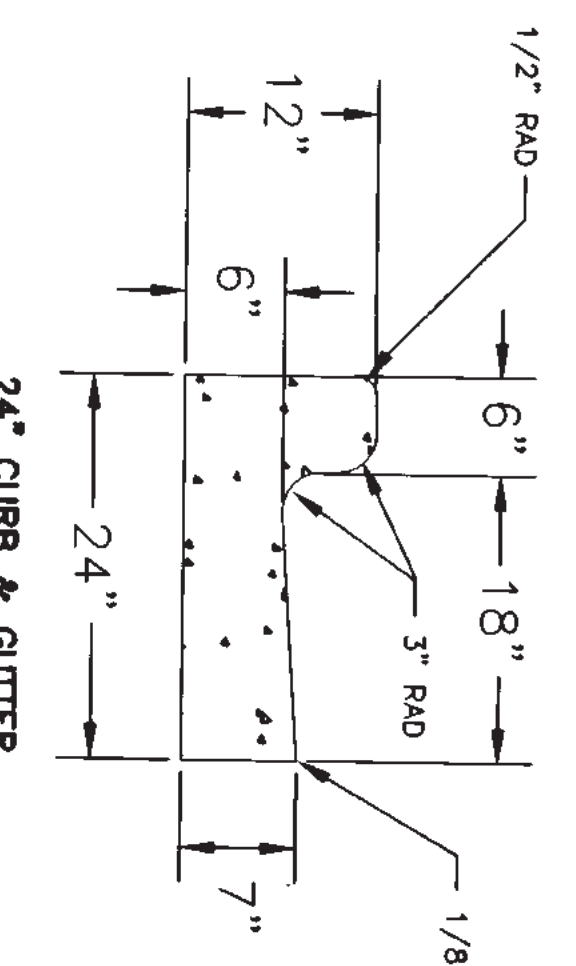
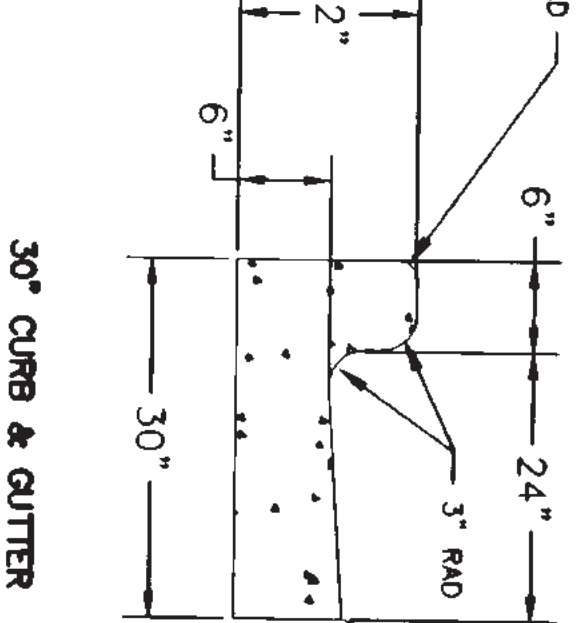
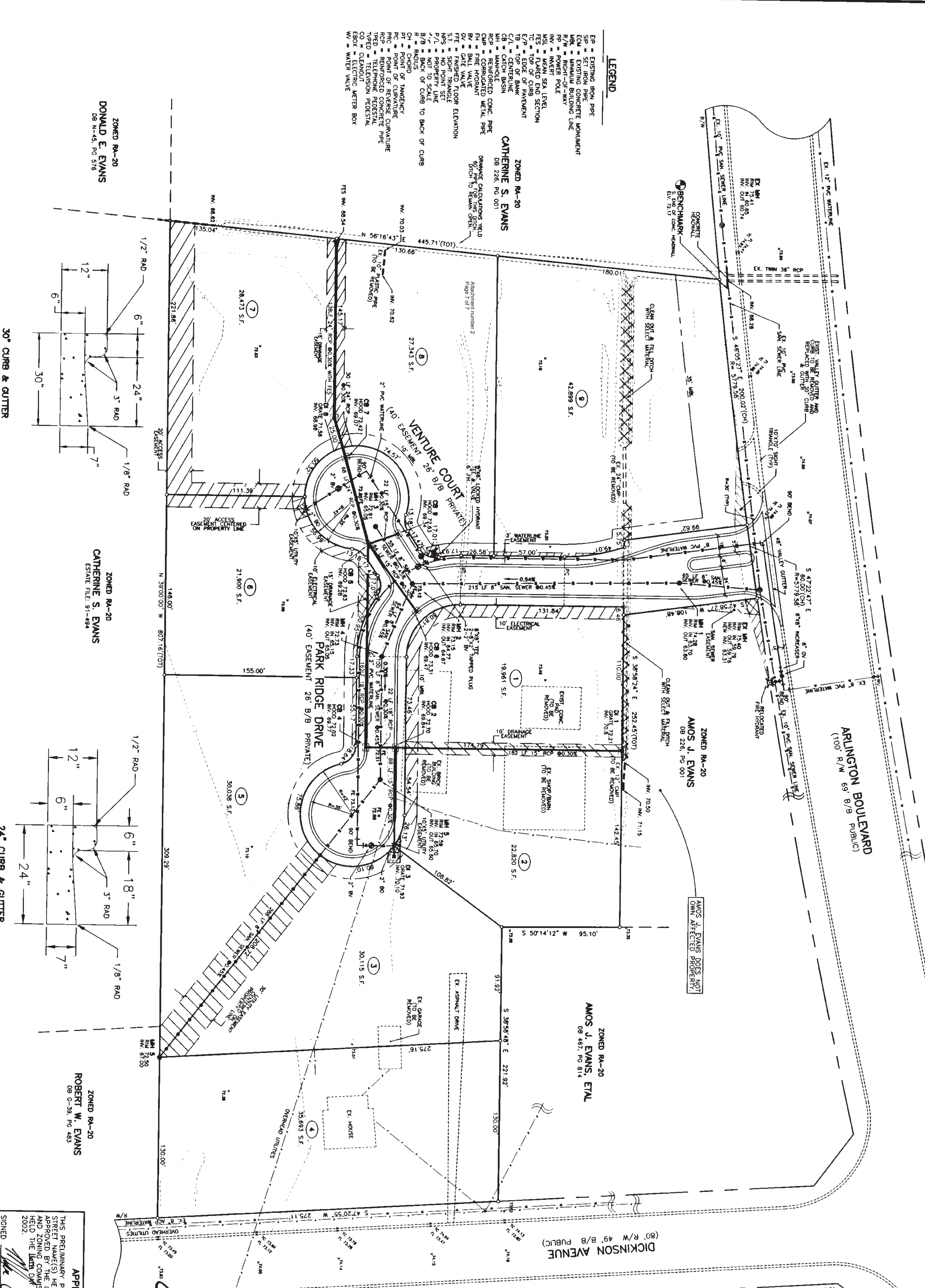
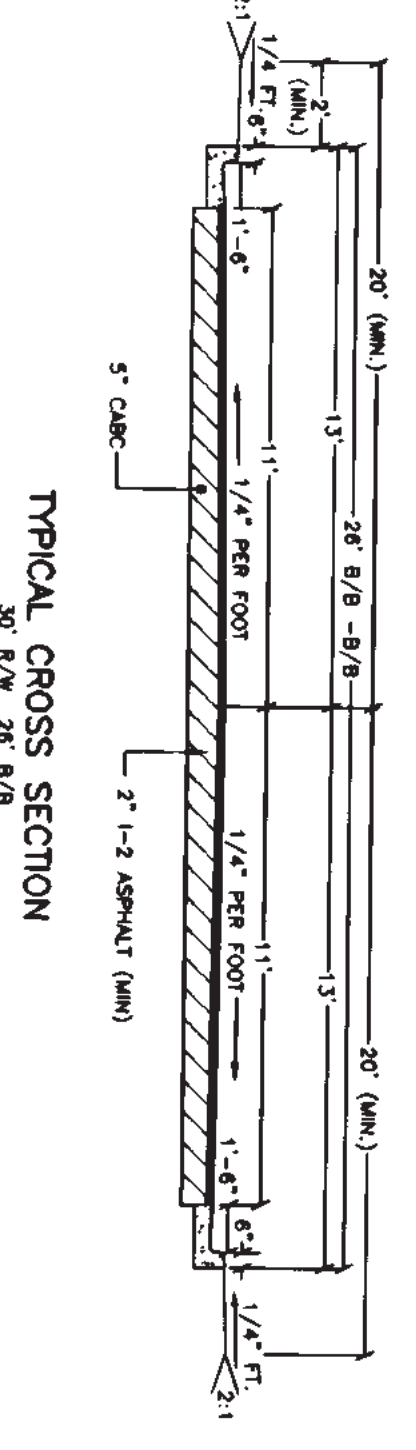
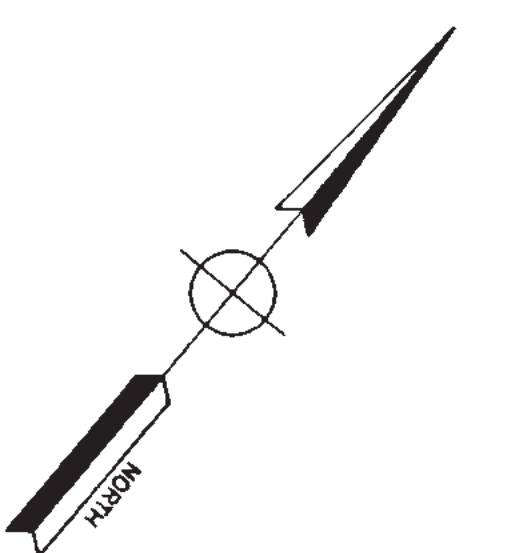
Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

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

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

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

SITE DATA	
TOTAL AREA IN TRACT	6.683 ACRES
NO. OF LOTS CREATED	9
ZONING CLASSIFICATION	RA-20
LINEAR FEET IN ACCESS EASEMENTS	0
ACREAGE IN PARKS, RECREATION AREAS, COMMON AREAS AND THE LIKE	26,245 S.F.
	0



APPROVAL
 THIS PRELIMINARY PLAT AND THE STREET NAMES HERON WERE APPROVED BY THE GREENVILLE PLANNING AND ZONING COMMISSION AT A MEETING HELD THE 10th DAY OF MAY 2002.

[Signature]
 CHAIRMAN

[Signature]
 CITY PLANNER

ARLINGTON WEST OFFICE PARK
 PRELIMINARY PLAT

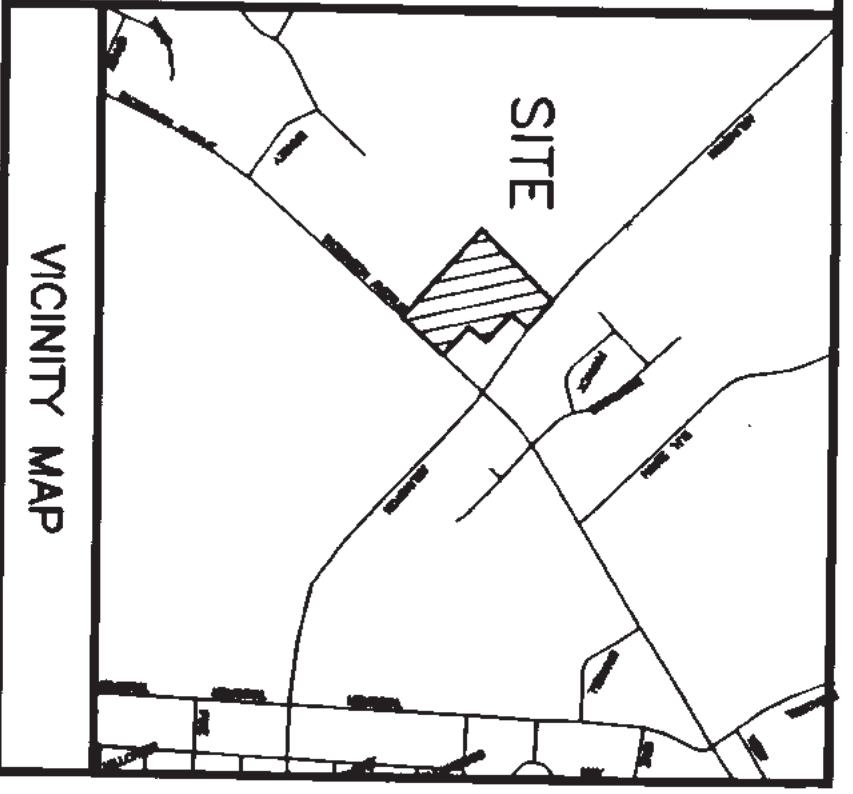
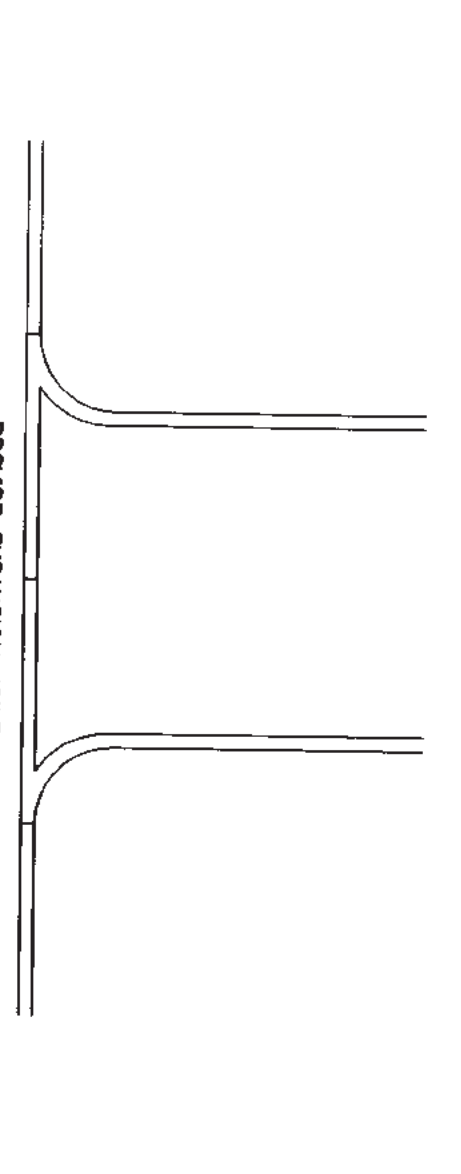
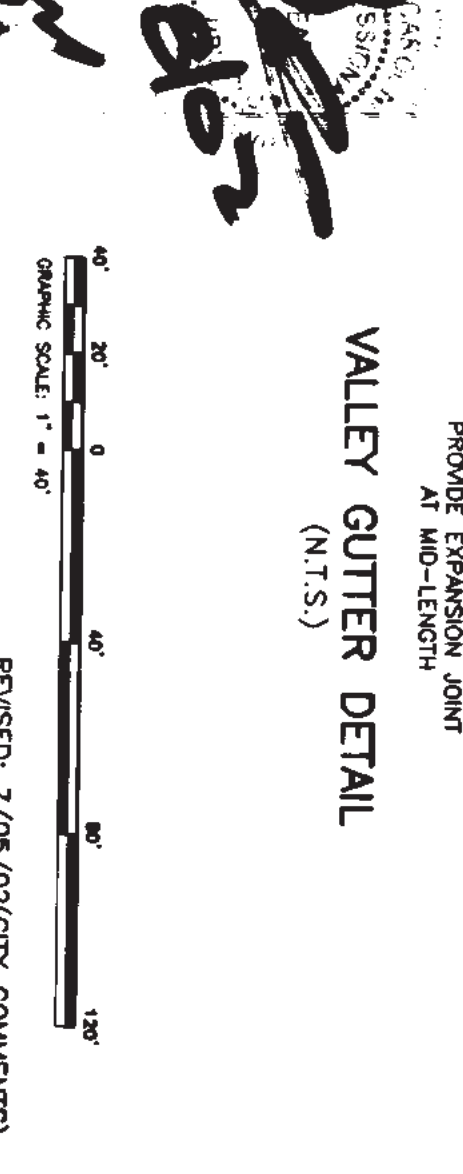
OWNER: JAMES A. EVANS, ETAL
 ADDRESS: 1861 WEST ARLINGTON BOULEVARD
 GREENVILLE, NC 27834
 PHONE: (252) 756-8996

REVISIONS:
 REVISED: 7/05/02 (CITY COMMENTS)
 REVISED: 6/27/02 (ACCESS EASEMENT)
 TAX PARCEL # 7247
 TAX MAP # 467710-45-3093
 TAX MAP # 61091
 TAX MAP # 467710-45-0355

Baldwin and Associates
 ENGINEERING AND PLANNING
 2523 W. 25th St.
 GREENVILLE, NC 27608
 PHONE: (252) 756-1590

DESIGNED: HMB
 DRAWN: KMH/DM
 CHECKED: HMB

APPROVED: HMB/JS
 DATE: 06/17/02
 SCALE: 1" = 40'



- GENERAL NOTES**
- ALL REQUIRED IMPROVEMENTS TO BE BUILT IN ACCORDANCE WITH THE CITY OF GREENVILLE MANUAL OF STANDARD DESIGN AND DETAILS.
 - NECOTD DRIVEWAY PERMIT REQUIRED.
 - TRASH CONTROL PLAN IS REQUIRED.
 - BY THE DEPT. OF HOUSING AND URBAN DEVELOPMENT. REF: FIRM 370191.0010 B, DATED APRIL 30, 1996.
 - A STORM WATER DETENTION PLAN IS REQUIRED FOR ALL LOTS.
 - THIS SITE IS NOT IN THE GREENVILLE WATER SUPPLY WATERSHED BY GREENVILLE UTILITIES.
 - CONSTRUCTION PLANS AND SPECIFICATIONS SHALL BE APPROVED BY GREENVILLE UTILITIES.
 - ALL REQUIRED IMPROVEMENTS SHALL BE SHOWN ON THE GREENVILLE UTILITIES MANUAL FOR THE DESIGN AND CONSTRUCTION OF WATER AND WASTEWATER SYSTEM EXTENSIONS.
 - HYDRAULIC ANALYSIS REQUIRED.
 - A PAVING PLAN SHALL BE SUBMITTED TO AND APPROVED BY CUC PRIOR TO BEGINNING CONSTRUCTION.
 - CONSTRUCTION OF THE WATERLINE TO EDGE OF EASEMENTS.
 - 30" INGRESS EGRESS RESURFACING TO BE MAINTAINED.
 - THIS MAP IS A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 - ALL OPEN WATERCOURSES DURING 48" OR LESS MUST BE PAVED. WATERCOURSES TO REMAIN OPEN ARE TO BE EVALUATED FOR 100 YEAR FLOOD RISK BY THE PROPERTY OWNERS.
 - MAINTENANCE FOR PRIVATE STREETS IS THE RESPONSIBILITY OF THE PROPERTY OWNERS. STREETS AS PROPOSED DO NOT MEET MINIMUM REQUIREMENTS FOR DIMENSIONS AND PUBLIC UTILITIES STANDARDS FOR STREET EXTENSIONS AND WILL NOT BE CONSIDERED FOR PUBLIC DEDICATION. (A NOTE REFLECTING THIS WILL BE PLACED ON FINAL PLAT)
 - AMENDATION IS REQUIRED.



City of Greenville, North Carolina

Meeting Date: 8/16/2016
Time: 6:30 PM

Title of Item: Ordinance to amend the Zoning Ordinance to allow nonconforming land uses in the CD (Downtown Commercial) Zoning District to be expanded through the construction of open air roof decks, subject to specific criteria.

Explanation: **Abstract:** The City of Greenville received an application for a zoning ordinance text amendment from Mr. Sharif Hatoum. Mr. Hatoum owns the Still Life night club located at 511 Cotanche Street. Mr. Hatoum desires to expand his night club to create an open air roof deck which is currently not allowed by the nonconforming situation section of the zoning ordinance. Since the club is a nonconforming land use as a result of not complying with the 500 foot separation requirement for clubs, he is not allowed to expand the club, unless a text amendment is adopted to permit such an addition. Mr. Hatoum's application is included in the attached to the staff report. (Exhibit A)

Explanation: Greenville's Zoning Ordinance does not allow public or private clubs to expand if they do not comply with the 500 foot separation requirements from other public clubs, private clubs, residential or residential zoning districts as such clubs are considered grandfathered nonconforming land uses. (Maps 1 and 2, Exhibit B) The separation requirement was adopted by Greenville City Council in 2010 (Exhibit C) In order to amend the Zoning Ordinance to allow a nonconforming public or private club to expand through construction of a roof deck, a text amendment would need to be adopted.

An ordinance was prepared based on Mr. Hatoum's text amendment application. (Exhibit D) Staff prepared modifications to Mr. Hatoum's proposed text amendment language for Planning and Zoning Commission's consideration. Staff's suggested modifications could still accommodate Mr. Hatoum's proposed open air roof deck project, but it has been expanded to address concerns explained in the staff report. (Exhibit E)

The Planning and Zoning Commission is required to review and if supportive recommend an ordinance relating to public and private club regulations since they would be added in the Zoning Ordinance.

Details regarding this text amendment are provided in the attached staff report.

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, it is a policy matter whether the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan as there are adopted policies both in support and in opposition of this text amendment application.

If the Planning and Zoning Commission determines to recommend approval of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend approval of the proposed text amendment, to advise that it is consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters."

If the Planning and Zoning Commission determines to recommend denial of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend denial of the proposed text amendment, to advise that it is inconsistent with the comprehensive plan or other applicable plans, and to adopt the staff report which addresses plan consistency and other matters."

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

Attachments / click to download

 [Staff Report](#)

**Staff Report to Planning and Zoning Commission
Open Air Decks on Nonconforming Land Uses in the CD Zoning District –
Text Amendment**

Applicant: Sharif Hatoum, Still Life

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**City of Greenville
Community Development Department - Planning Division
August 3, 2016**

Background

The City of Greenville received an application for a zoning ordinance text amendment from Mr. Sharif Hatoum. (Exhibit A: Application Submittal Documents). Mr. Hatoum owns the Still Life night club located in uptown Greenville at 511 Cotanche St. which is identified in attached Map 1 and labeled number 9. Mr. Hatoum desires to expand his night club to create an open air roof deck which is currently not allowed by the nonconforming situation section of the zoning ordinance. Since the club is a nonconforming land use as a result of not complying with the 500 foot separation requirement for clubs, he is not allowed to expand the club, unless a text amendment is adopted to permit such an addition. Mr. Hatoum received a special use permit to operate his club before two ordinances were adopted by City Council in 2010 which resulted in making his club a nonconforming land use.

Greenville's Zoning Ordinance does not allow public or private Club's to expand if they do not comply with the 500 foot separation requirements from other public clubs, private clubs, residential or residential zoning districts as such clubs are considered grandfathered nonconforming land uses. On February 11, 2010, Greenville City Council adopted Ordinance #10-11 to amend the zoning ordinance to include a 500 foot minimum separation between public or private clubs. On August 12, 2010, Greenville City Council adopted Ordinance #10-68 to amend the zoning ordinance to include a separation requirement between public and/or private clubs and residential uses and residential zoning districts. These two 2010 ordinances along with the City Council minutes and staff report are attached in Exhibits C and D in case the Planning and Zoning Commissioners want to review issues and discussions that led up to their adoption.

The two 2010 ordinances grandfathered public and private clubs that did not comply with the spacing requirements when the ordinances were adopted. Many night clubs have slowly closed in the uptown area over the last 5 years, but 14 clubs remain uptown. Map 1, Existing Public and Private Clubs in the Uptown Greenville Area, identifies eight public and private clubs in the uptown area that were grandfathered and six clubs that were approved with a Special Use Permit. Map 2, Existing Public and Private Clubs in the City of Greenville, identifies additional public and private clubs outside of the uptown area that currently exist. Exhibit B provides recent photographs of existing public and private clubs.

Proposed Text Amendment by Applicant

In order to amend the Zoning Ordinance to allow a nonconforming public or private club to expand through construction of a roof deck, a text amendment would need to be adopted. This text amendment application requires a public hearing before City Council. The Planning and Zoning Commission is required to review and if supportive recommend an ordinance relating to public and private club regulations since they would be added in the Zoning Ordinance.

Mr. Hatoum's Still Life night club is identified on Map 1 as a club that received a special use permit. The application includes proposed language and Mr. Hatoum provides additional justification for his proposed text amendment. Mr. Hatoum wants to expand his night club vertically to create an open air roof top patio which is not allowed by the nonconforming situation section of the zoning ordinance.

Proposed text amendments to add a roof deck on a nonconforming use are illustrated below using underlined text to denote regulations to be added in three areas of the Zoning Ordinance. The proposed text amendment adds a new subsection(E). Following is the complete Section 9-4-29 with the proposed text added to the end so that the Planning and Zoning Commissioners may better understand the proposed text in the context of the entire Section 9-4-29, including the short list of exemptions where subsection (E) is proposed to be added. Exhibit E provides a proposed ordinance based on Mr. Hatoum's text amendment application.

1. This text amendment application proposes to amend Title 9, Chapter 4, Article C, Nonconforming Situations, Section 9-4-29, by adding new subsection (E) as denoted with underlined text.

SEC. 9-4-29 EXTENSION OR ENLARGEMENT OF NONCONFORMING SITUATIONS.

(A) Except as specifically provided in this section, the extent of the nonconformity of a nonconforming situation shall not be increased. In particular, the following activities shall be prohibited:

- (1) Nonconforming uses. An increase in the total amount of space devoted to a nonconforming use; extensions throughout any portion of a building by a nonconforming use; and an increase in volume, intensity or frequency by a nonconforming use.*
- (2) Other nonconforming situations. Greater nonconformity with respect to dimensional restrictions, density requirements or other regulations such as parking requirements; and enclosing a previously unenclosed area that does not meet all applicable development standards.*

(B) Subject to section 9-4-34, a nonconforming use of undeveloped land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a sand mining operation) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming if 10% or more of the earth products had already been removed on the effective date of these regulations.

(C) Within any zoning district, any mobile home used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a mobile home of the same or larger size, provided that:

- (1) The total number of dwelling units is not increased;*

- (2) *The enlargement or replacement does not create additional nonconformities or increase the extent of existing nonconformities with respect to dimensional standards and/or parking requirements;*
- (3) *Subject to subsection (C)(2) above, when a single mobile home on an individual lot of record is located in a residential district, single-family requirements for the controlling district shall apply;*
- (4) *Subject to subsection (C)(2) above, when a single mobile home on an individual lot of record is located in a nonresidential district, R-6MH District requirements shall apply;*
- (5) *Subject to subsection (C)(2) above, when two or more mobile homes are located on a parcel of land in any zoning district, the provisions of Article H of this chapter shall apply;*
- (6) *Accessory buildings and structures shall be subject to the requirements of the applicable district or article in accordance with this section;*
- (7) *Parking requirements shall apply in accordance with Article O of this chapter; and/or*
- (8) *This section shall be subject to the limitations stated in section 9-4-32.*

(D) Within any residential zoning district, any dwelling structure used for residential purposes and maintained as a nonconforming use, and any accessory building or structure to the dwelling, shall be exempt from the provisions of subsection (A)(1) above, provided that:

- (1) *The total number of dwelling units is not increased;*
- (2) *The enlargement or addition does not create additional nonconformities or increase the extent of existing nonconformities with respect to dimensional standards and/or parking requirements;*
- (3) *Subject to subsection (D)(2) above, when located within a single-family district, multi-family dwelling structure(s) shall comply with Article I of this chapter or single-family requirements for the controlling district, whichever is greater; and/or*
- (4) *Subject to subsection (D)(2) above, when located within a single-family district, two-family attached (duplex) dwelling structures shall comply with R-6A District standards or single-family requirements for the controlling district, whichever is greater.*

(E) Public and Private Clubs are allowed to expand vertically for the purpose of an open air deck within the existing footprint so long as the existing establishment in its entirety complies will all current building codes and regulations.

Proposed Text Amendment by Staff

Staff suggests the following proposed text amendment to add subsection (E) for Planning and Zoning Commission's consideration. The effect of staff's suggested language would only allow vertical open air roof deck expansions to nonconforming land use expansions only within the CD (Downtown Commercial) zoning district. Exhibit F provides a proposed ordinance based on suggested language by staff that could still accommodate Mr. Hatoum's proposed roof deck project, but it has been expanded to all grandfathered nonconforming land uses within the CD zoning district.

The Planning Division conferred with the Inspections Division regarding their process on how an expansion and increase in occupancy would be treated in relation to compliance with the NC Building Code. Additional language is suggested below by staff to clarify how the NC Building Code would need to be adhered to for construction of open air roof decks and resulting increases in occupancy on nonconforming land uses.

In Section 9-4-29, add subsection (E) as follows:

(E) Within the CD downtown commercial zoning district, a nonconforming use that may be continued in accordance with the provisions of section 9-4-28 will be allowed to expand directly above the roof of existing areas devoted to the same type of nonconforming use and shall not be subject to the provisions of subsection (A)(1) above relating to said expansion, provided that:

- (1) The open air deck is directly above the nonconforming use and does not have an intervening story between the existing nonconforming use and the open air deck;
- (2) The addition does not create additional nonconformities or increase the extent of existing nonconformities with respect to dimensional standards, setback requirements, height limits, and/or parking requirements;
- (3) Improvements to the existing building are made so that it is in full compliance with all current North Carolina Building Code requirements as a result of the additional functional square footage and, as such, building permit applicants may be required, as determined necessary by the building inspector, to provide construction drawings that demonstrate compliance with increased structural loads through a structural analysis prepared and sealed by a professional engineer, occupant loads, egress loads including exterior stairs and/or ramps used as a means of egress, plumbing facility loads, interior and roof deck finish material information, sprinkler loads, fire alarm system and additional specific requirements pertinent to the building as a result of the addition;

- (4) New and reconfigured stairways and landings constructed to serve new open air decks upon a roof shall be allowed to be constructed within the property lines of the nonconforming use, regardless whether they are within or outside of a building's exterior walls;
- (5) It is permissible to reconstruct existing roofs to support open air decks, regardless whether existing roofs enclose conditioned buildings or are located above nonconditioned areas that are open on the side(s);
- (6) Enclosed areas on open air roof decks shall be limited to mechanical rooms, HVAC equipment, bathrooms and janitor closets;
- (7) A special use permit is approved by the Board of Adjustment for the addition; and
- (8) Notwithstanding the foregoing, the nonconforming use, including the addition, remains as a nonconforming use in accordance with the provisions of this chapter.

Compliance with the Comprehensive Plan

Consideration of any modification to the city zoning ordinance should include a review of the community's comprehensive plan and other officially adopted plans that are applicable.

Greenville's comprehensive plan, Horizons: Greenville's Community Plan, 2004, and the 2009/2010 update contains adopted goals, policy statements and objectives that should be reviewed and considered to ensure that the proposed text amendments are in compliance with the Plan, and effectively with the community's values.

Staff reviewed the Plan and provides the following findings regarding consistency between the proposed text amendment and the Plan. The proposed Zoning Ordinance Text Amendment is in compliance with some objectives of Horizons: Greenville's Community Plan while it is also out of compliance with another objective regarding public and/or private clubs with the uptown area.

Following are three relevant excerpts from Horizons: Greenville's Community Plan, 2004 that may be considered to be in compliance with the proposed text amendment.

Section 3, Plan Elements, Economy, Objective E12:

"To revitalize the downtown area."

Section 4, Implementation, Vision Areas, H, Central Area, *Objective H5*:

"Develop the downtown as the cultural, recreational, and entertainment center of the City."

Section 4, Implementation, Growth and Development:

“Implementation Strategy 2(gg). Support restaurants, shops, and boutiques in the downtown area. Establish safety standards for places of assembly.”

Implementation Strategy 2(gg) above was retained in the 2010 Update of Horizons Plan with the implementation note:

“Community Development Department Planning Division: The Center City – West Greenville Revitalization Plan adopted March 2006, draft safety standards for public clubs developed – held pending further study. The City Manager’s Office and the Attorney’s Office completed a report and legal analysis on Potential Actions to Address Downtown Crime Issues, which was presented to the City Council in August [24] 2009.”

Following is a relevant excerpt from Horizons: Greenville’s Community Plan, 2004 that may be considered to be out of compliance with the proposed text amendment.

Section 4, Implementation, Vision Areas, H, Central Area, Objective H29:

“Prohibit “public and/or private clubs” within the downtown subdistricts overlay.”

Objective H29 above was retained in the 2010 update of Horizons with the following note regarding implementation:

“Community Development Department Planning Division: Ongoing recommendation.”



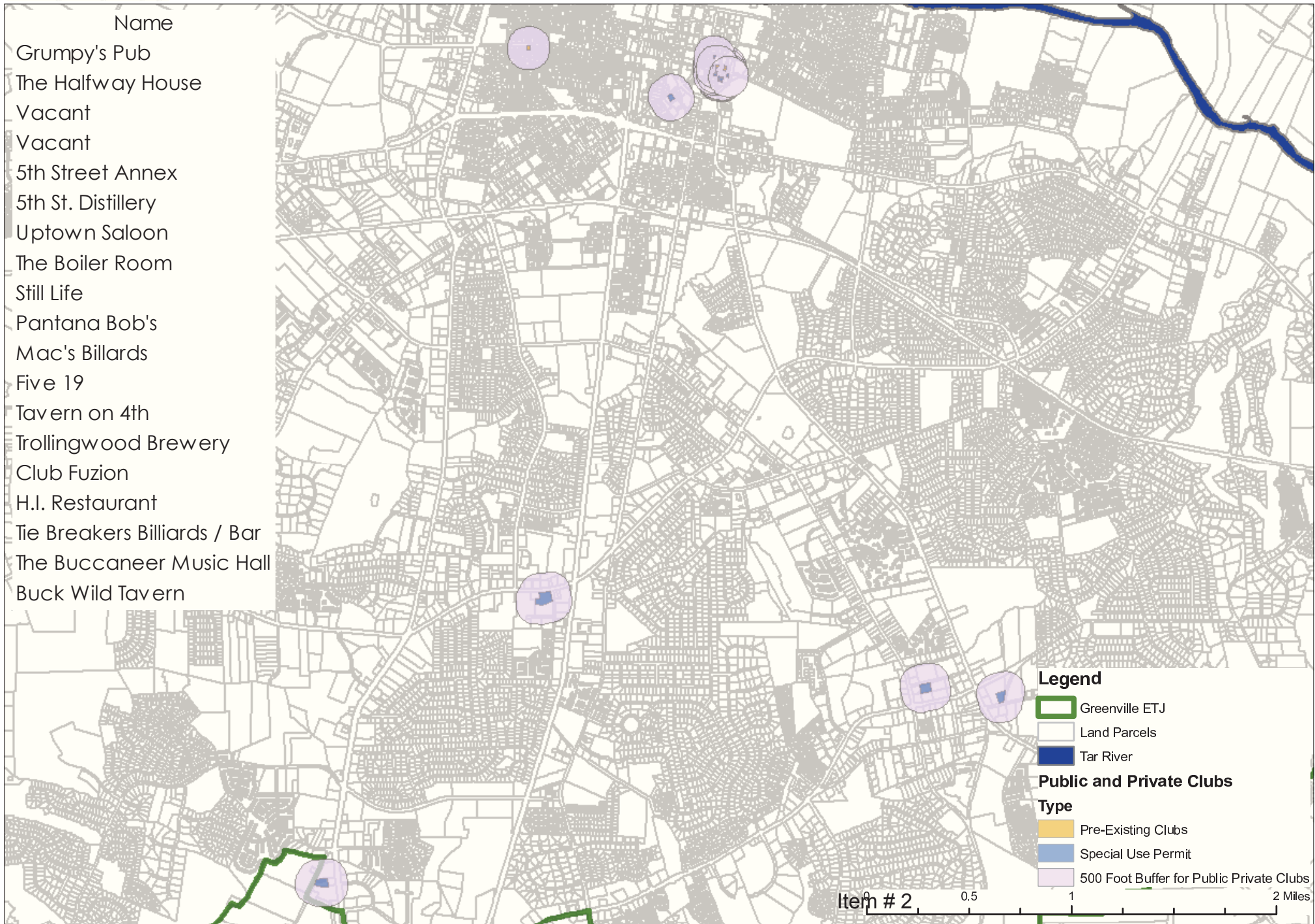


EXHIBIT A: Application Submittal Documents



Date Received 11/4/15 *tw*

**CITY OF GREENVILLE
ZONING ORDINANCE TEXT AMENDMENT APPLICATION**

Applicant Name(s):

Business: Still Life
Owner: Sharif Hatoum

Mailing Address:

511 Cotanche St
Greenville NC 27858

Contact Phone Number: 252-902-4869

Contact Fax Number: 919-374-4246

Zoning Ordinance Section Proposed to be Amended:

Section 9-4-29

Reason for Request:

We would like to be able to expand our business/building vertically to create an open air roof top patio.

Proposed Language of Text Amendment (attach additional pages if needed):

Would like to add a section "e" to 9-4-29.

Public and private clubs are allowed to expand vertically for the purpose of an open air deck within the existing footprint so long as the existing establishment in its entirety complies with all current building codes and regulations.

Sharif Hatoum

11/04/15

Print Name

Signature of Applicant

Date



511 Cotanche Greenville NC, 27858 [400 W. North St Suite 120 Raleigh, NC 27603
1-877-590-5478

I understand the reasoning behind the ordinance and I do not object to it, however I do believe that being able to expand on existing buildings / businesses would be in the best interest of the city.

Currently all the private clubs in downtown are grandfathered in. What this means is that their liquor license and occupancy is based on laws that have since become outdated. Some establishments currently have occupancies ranging from 400-800 people with limited lavatories compared to current code requirements. Also current state law states that any establishment that has an occupancy of 300 or more would be required to install a sprinkler system for safety reasons. I know this because I installed one in one of my Raleigh businesses.

Occupancy requirement have also changed dramatically from the amount of sq footage per person required by law and how many lavatories must be made available based the occupant you are looking for.

Greenville city code requires any business/building that does structural changes to there establishment/building to adhere to new codes and regulations including the Americans with Disabilities Act (ADA). All of which would be at a cost to the investor but at a benefit to the revitalization of downtown greenville.

What this all means is that anyone who is willing to spend the money to expand there current footprint would see a reduction in there occupancy in order to achieve the expansion for the reasons stated above. The city of greenville would also be able to collect more in property tax from any expansion done to existing buildings while at the same time allowing property owners to improve on the overall condition of properties downtown which is something that is greatly needed.

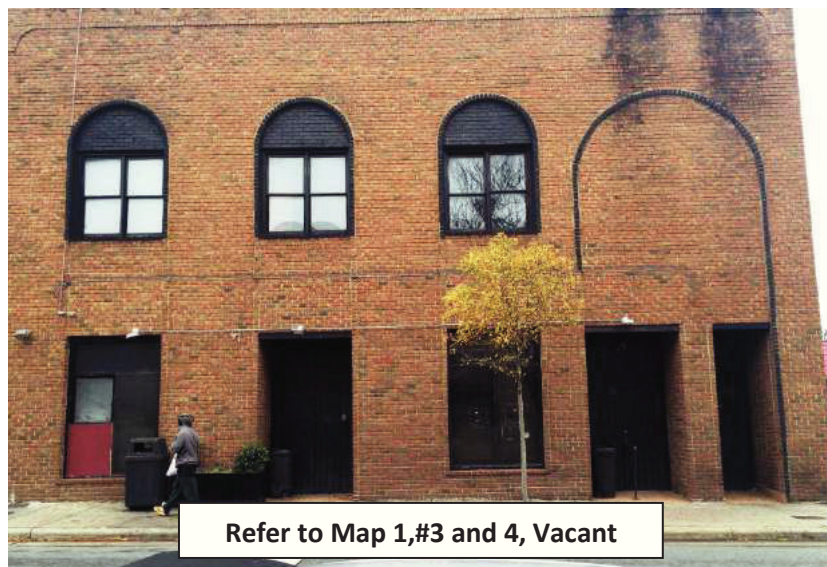
I want to give the private club owners the chance to do the right thing and improve on there businesses if the opportunity arises. If the other owners do not want to, then they will continue to run dismal establishments.

I am personally affected by the current ordnances in place due to the fact that I started a project to expand vertically back in 2006. When I changed the structure of my building in 2006 I turned in my grandfathered occupancy to the city in order to have additional lavatories and improve the overall quality of my building. I also stubbed out my plumbing in a way that would allow me to expand vertically because there was no ordinance at the time preventing me from going vertical. I went from a 500 person occupancy down to 250 person, however we were able to bring our establishment up to all current codes. My reasoning behind this was if I could expand vertically and provide a quality establishment I would be able to make up the 250 person difference with the addition of a rooftop patio. Shortly after my investment was made the new ordinance was adopted canceling any opportunity for me to continue the project. I have already invested a considerable amount of money in improvements just to get it to this point. The expansion project would inject an additional funds into the economy as well as provide additional jobs going forward.

Respectfully,

Sharif Hatoum

EXHIBIT B: EXISTING PUBLIC AND PRIVATE CLUBS (Refer to Map 1 for locations in Uptown)

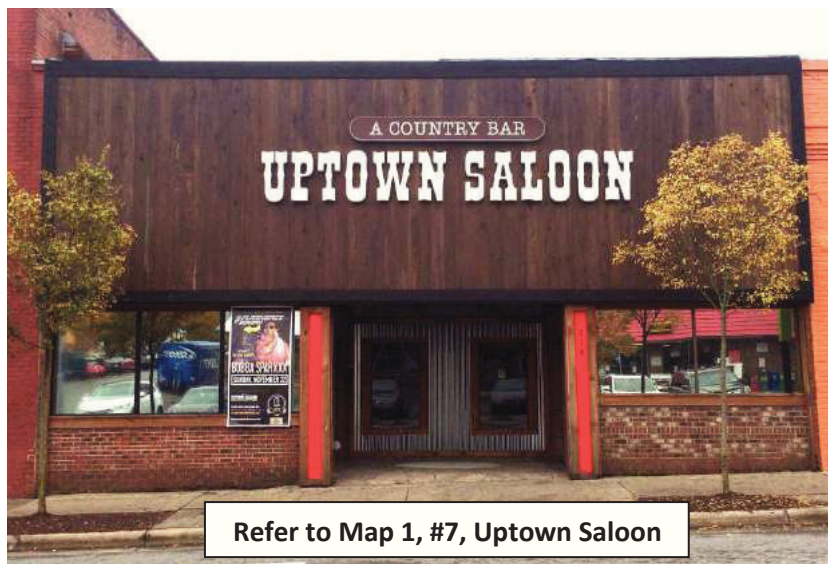




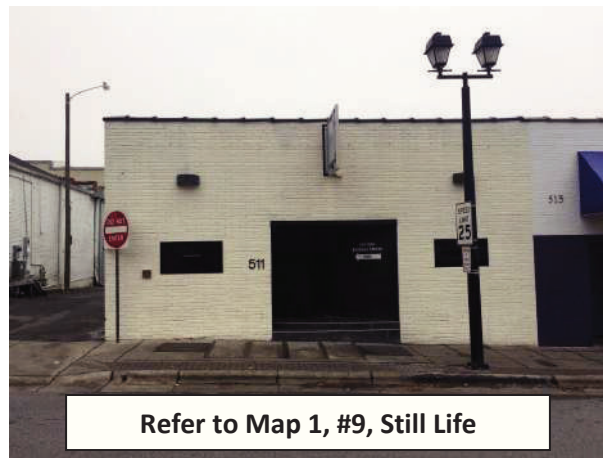
Refer to Map 1, #5, 5th Street Annex



Refer to Map 1, #6, 5th Street



Refer to Map 1, #7, Uptown Saloon





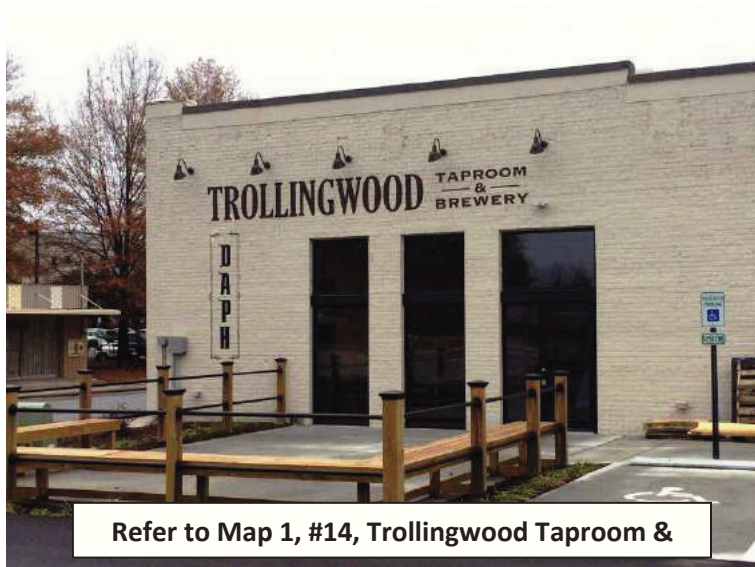
Refer to Map 1, #11, Mac Billiards



Refer to Map 1, #12, Club Five 19



Refer to Map 1, #13, Tavern on 4th



Refer to Map 1, #14, Trollingwood Taproom &



Club Fuzion, 1311 W. 5th St.



H.I. Restaurant, 203 Greenville Blvd.



Tie Breakers Sports Bar & Grill, 1920 B Smythewyck Dr.



The Buccaneer Music Hall, 2120 E. Fire Tower Rd.



Buck Wild Tavern, 4042 S. Memorial Dr.

EXHIBIT C: Ordinance 10-11, City Council Minutes and Staff Report

ORDINANCE NO. 10 - 11
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 February 11, 2010 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:

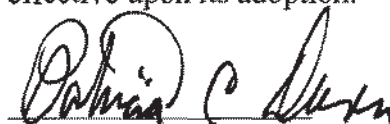
Section 1: That Title 9, Chapter 4, Article E, Section 9-4-86(f), of the City Code, is hereby amended to include a new subsection (6) to read as follows:

“(6) No public or private club located in any district shall be located within a five-hundred (500) foot radius of an existing or approved public or private club as measured from the nearest lot line in accordance with the following. When a public or private club is located or to be located on a lot exclusive to itself, the measurement shall be from the perimeter lot line of the exclusive lot. When a public or private club is located or to be located in a separate structure exclusive to itself on a lot containing multiple uses, the measurement shall be from the perimeter lot line of the lot containing multiple uses. When a public or private club is located or to be located in a common structure with other uses such as a shopping center on a common lot, the measurement shall be from the perimeter lot line of the common lot.”

Section 2: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 3: That this ordinance shall become effective upon its adoption.

This 11th day of February, 2010.


Patricia C. Dunn, Mayor

ATTEST:


Wanda T. Elks, City Clerk

841377

MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
February 11, 2010

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Patricia C. Dunn presiding. The meeting was called to order, followed by the invocation by Council Member Mercer and the pledge of allegiance to the flag. The following were present.

Mayor Patricia C. Dunn
Mayor Pro-Tem J. Bryant Kittrell III
Council Member Rose H. Glover
Council Member Max R. Joyner, Jr.
Council Member Kandie Smith
Council Member Calvin R. Mercer
Council Member Marion Blackburn
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

City Manager Bowers informed the Council that a request had been received to continue Items 17 and 18, “Ordinance requested by Edwards Community Group to amend the zoning ordinance to establish a new overlay district entitled “Urban Core (UC) Overlay” and standards applicable within the area bound by Tenth Street, the CSXT Railroad, Fourteenth Street, and Greenville Mill Run/ECU Easement” and “Ordinance requested by Edwards Community Development company to rezone 16.14 acres located along the eastern right-of-way of Charles Boulevard, between Tenth and Fourteenth Streets, and west of Rock Spring Subdivision from OR (Office-Residential) to OR-UC (Office-Residential) with a UC (urban core) overlay.”

Motion was made by Council Member Joyner and seconded by Council Member Glover to continue Items 17 and 18 to March 4, 2010. Motion carried unanimously.

Motion was made by Council Member Blackburn and seconded by Council Member Kittrell to approve the agenda as amended. Motion carried unanimously.

SPECIAL RECOGNITIONS

Ms. Kathy Moore, North Carolina State Chapter Director of Honor and Remember, made a presentation to City Council on the Honor and Remember Program. Ms. Moore’s son was killed March 5, 2007 in Iraq and since that time, she has been involved with Honor and Remember, which was founded by George Lutz of Virginia after his son was killed in Iraq in December 2005. Mr. Lutz realized that there was not a national symbol honoring America’s fallen service members, so he designed the Honor and Remember Flag. The purpose of Honor and Remember

inclusiveness, Mr. Clark stated that he agreed with having inclusiveness. Citizens need to realize that just because events are titled Piratefest and Freeboot Friday, it does not mean that one has to be a student or support East Carolina University to participate. They are truly community wide events. Uptown Greenville would like for everyone to be a part.

Upon being asked why the 31 businesses that are uptown are not members of Uptown Greenville, Mr. Clark replied that he doesn't know if there is a specific reason. Uptown Greenville has demonstrated that it provides value and that the businesses get a great return on investment; however, it has only gotten to 75% participation.

Discussion occurred about an annual report, and Mr. Clark informed the Council that Uptown Greenville would be happy to provide a report to Council as often as it requests. The current contract says an annual report; however, that can be changed to reflect semi-annual reports.

Discussion occurred about having an MSD and how long it would take to get the process started. City Manager Bowers stated that it has to be done prior to the beginning of a fiscal year. There are guidelines regarding this, and it takes several months prior to the beginning of a fiscal year.

Ms. Ann Holland requested to speak and encouraged the Council to enter into the agreement with Uptown Greenville, a group of people who are putting their own money towards this. They are very inclusive. Uptown Greenville needs the funding from the City to get them to the next step. They have improved so much and need the help of the Council. Ms. Holland asked the Council to please help Uptown Greenville by entering into the contract.

Motion was made by Council Member Joyner and seconded by Council Member Mercer to enter into the one-year contract for professional services with Uptown Greenville for \$25,000, with an amendment requiring a semi-annual update on performance instead of a yearly update. Motion carried unanimously. (Contract No. 1838)

ORDINANCE AMENDING THE ZONING REGULATIONS TO INCLUDE A FIVE HUNDRED FOOT MINIMUM SEPARATION REQUIREMENT BETWEEN PUBLIC OR PRIVATE CLUBS – ADOPTED

Director of Community Development Merrill Flood informed the Council that at the November 9, 2009 City Council meeting and after consideration of various options to improve public safety within the downtown and other areas where in entertainment establishments are permitted, the City Council determined to proceed with consideration of an amendment to the zoning regulations that will require all new public or private clubs to be separated by not less than 500 feet as measured between the closest property line. This new requirement will apply to all public or private clubs located both within the downtown commercial district and the rest of the city's zoning jurisdiction. Prior to its November 9, 2009, meeting, the City Council requested and received a report on possible actions to improve public or private club safety from the City Attorney which included the following option: "7) Enact a zoning ordinance which establishes a minimum separation requirement for the location of public or private clubs in order to reduce the adverse impact which is caused by the concentration of such clubs. The concentration of public or private clubs within an area has an adverse impact from a land use perspective in addition to the adverse impact that the concentration creates for law enforcement purposes. There are sixteen

(16) public or private clubs located in approximately a four (4) block area of the downtown area. Establishment of a separation requirement in the zoning ordinance would disperse these uses and minimize their adverse impact. A separation requirement would apply to the location of new establishments and the expansion of existing establishments. Current establishments would be grandfathered. A separation requirement would not have an immediate impact but it would ensure that additional public or private clubs would not be located in the immediate area." On November 20, 2009, the City Attorney's office mailed notice of City Council's determination to proceed with consideration of ordinances that apply to all public or private clubs to the owners and managers of all clubs. The notice invited the club owners and managers to attend the scheduled meetings of the Planning and Zoning Commission and the City Council when these proposed ordinances would be considered and voice their opinion on these and related proposals if they so desired. Existing clubs in their current location and size are "grandfathered" and may continue operation indefinitely provided that club activity does not cease for a period of six (6) months. A change in ownership does not impact this "grandfather" protection. No new club and no addition to an existing club will be allowed unless the club meets the minimum 500-foot separation requirement and existing clubs in their current location and size are "grandfathered" and may continue operation indefinitely provided that club activity does not cease for a period of six (6) months. A change in ownership does not impact this "grandfather" protection. This proposed spacing requirement is an amendment to the zoning ordinance. Other related ordinances, not involving amendment of the zoning regulations or review and recommendation of the Planning and Zoning Commission, which the City Council has determined to also consider include the following: (1) a prohibition on a public or private club employing a person as a bouncer who has been convicted of certain crimes and a requirement that a public or private club conduct criminal record checks of each person employed as a bouncer and (2) a prohibition on a public or private club employing a person as a bouncer who has not completed a training program for bouncers conducted by the police department within certain time frames and a requirement that a bouncer employed at a public or private club annually complete a training program for bouncers conducted by the police department. The above options (1) and (2) were considered and approved by City Council at its December 10, 2009, meeting. On November 20, 2009, the City Attorney's office provided written notice to the owners and managers of all public and private clubs concerning these proposed amendments to the city code. Although related to the common goal of increased downtown public safety, the City Council's approval of the aforementioned actions is separate from the proposed public or private club spacing requirement.

Director of Community Development Flood continued by stating that at the December 15, 2009, Planning and Zoning Commission meeting, the Commission did not approve a motion to recommend adoption of the original draft ordinance requiring a five-hundred (500) foot spacing requirement between public or private clubs in all districts. In addition, the Planning and Zoning Commission approved a motion recommending approval of a substitute ordinance requiring a five-hundred (500) foot spacing requirement between public or private clubs located only in the CD (downtown commercial) district. On December 18, 2009, the City Attorney's office mailed notice of the public hearing to consider adoption of the proposed ordinance amending the zoning ordinance to require spacing between public or private clubs to the property owners and the club owners and managers of all clubs. The notice invited the property owners and club owners and managers to attend the public hearing and voice their opinion on this proposal if they so desire. On January 14, 2010, the City Council held and closed the public hearing on the adoption of the subject ordinance. Following the public hearing, the City Council continued the item for

consideration at the February 11, 2010, City Council meeting. In staff's opinion, both the original draft ordinance and the Planning and Zoning Commission recommended substitute ordinance are in compliance with Horizons: Greenville's Community Plan. The Planning and Zoning Commission did not recommend approval of the original draft ordinance at its December 15, 2009 meeting. Following Planning and Zoning Commission action on the original draft ordinance, the Commission did recommend approval of a substitute ordinance at its December 15, 2009 meeting that limited the scope of the proposed ordinance to the downtown commercial district. If City Council determines to approve the amendment request that applies to all public or private clubs, a motion to adopt the attached original ordinance will accomplish this. If City Council determines to approve the amendment request as recommended by the Planning and Zoning Commission that applies only within the downtown commercial district, a motion to adopt the revised ordinance will accomplish this. The ordinances include 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.

Chief of Police William Anderson expressed support of the ordinance and stated that even though he did not feel it would have an immediate impact, it would have a long-term impact.

Upon being asked if there are any other areas that have a concentration of clubs like there is downtown, Director of Community Development Merrill Flood stated that there is not another area that has such a concentration.

It was suggested that the Public Safety Committee look at this prior to it being voted on by Council, and Council Member Glover stated that a committee should not take authority away from the Police Department.

Upon being reminded that in 1992, the Chief of Police liked having the patrons concentrated together and the Council was told that it would not survive a legal challenge, City Attorney Holec stated that there has been a change in the law since 1992. The City Attorney, in 1992, did not say definitely that it would not survive a legal challenge. In 1994, rather than the ABC Commission considering the zoning regulations in place, the language of the Statute was changed to "shall consider" instead of "may consider".

The Council was reminded that it instructed staff, the Police Chief, and the City Manager to come up with things they felt could help problems downtown. If the Council allows a board to run the Police Department, that would be a terrible injustice to the City, as the Police Department has spent a lot of hours trying to make all of Greenville safe. The Council needs to let the department heads do their job. The Public Safety Committee does not consist of professional police chiefs.

Council Member Kittrell stated that he called past Council Members, and the consensus of the group was that they would be in favor of the ordinance if it was enforceable.

The Council was reminded by Council Member Smith that it needs to consider other changes that need to be made to make the students safe.

Council Member Joyner stated that there has been no study and dialogue with citizens regarding this ordinance. It needs to be pulled because of improper notification, meaning that only bar owners were notified, not necessarily people who own other properties or people who own bars citywide.

Council Member Glover expressed concern about African-Americans not being allowed in nightclubs because of the way they dress. She expressed concern about nightclubs owned by African-Americans being closed, leaving them nowhere to go.

Motion was made by Council Member Mercer and seconded by Council Member Blackburn to adopt the ordinance amending the zoning regulations to include a five hundred foot minimum separation requirement between public or private clubs. Motion carried with a 4:2 vote. Mayor Pro-Tem Kittrell and Council Members Glover, Mercer, Blackburn voted in favor of the motion. Council Members Joyner and Smith voted in opposition. (Ordinance No. 10-11)

EXHIBIT D – Ordinance Prepared Based on Application Received

ORDINANCE NO. 16- 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 September 8, 2016, at 6:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Horizons: Greenville's Community Plan, 2004, Plan Elements, Economy, Objective E12 to revitalize the downtown area; and Implementation, Central Area Vision Area Objective H5 to develop the downtown as the cultural, recreational, and entertainment center of the city;

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, improve health and safety of public and private clubs and reinforce the character of downtown as a cultural, recreational and entertainment center;

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

Section 1: That Title 9, Chapter 4, Article C, Section 9-4-29 of the City Code is hereby amended by adding the following subsection (E):

Public and Private Clubs are allowed to expand vertically for the purpose of an open air deck within the existing footprint so long as the existing establishment in its entirety complies with all current building codes and regulations.

Section 2. That any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

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

Adopted this 8th day of September, 2016.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

#1018461

EXHIBIT E - Ordinance Prepared Based on Suggested Language by Staff

ORDINANCE NO. 16-
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 September 8, 2016, at 6:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Horizons: Greenville's Community Plan, 2004, Plan Elements, Economy, Objective E12 to revitalize the downtown area; and Implementation, Central Area Vision Area Objective H5 to develop the downtown as the cultural, recreational, and entertainment center of the city;

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, improve health and safety of existing nonconforming uses;

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

Section 1: That Title 9, Chapter 4, Article C, Section 9-4-29 of the City Code is hereby amended by adding the following subsection (E):

- (E) Within the CD downtown commercial zoning district, a nonconforming use that may be continued in accordance with the provisions of section 9-4-28 will be allowed to expand directly above the roof of existing areas devoted to the same type of nonconforming use and shall not be subject to the provisions of subsection (A)(1) above relating to said expansion, provided that:
 - (1) The open air deck is directly above the nonconforming use and does not have an intervening story between the existing nonconforming use and the open air deck;

- (2) The addition does not create additional nonconformities or increase the extent of existing nonconformities with respect to dimensional standards, setback requirements, height limits, and/or parking requirements;
- (3) Improvements to the existing building are made so that it is in full compliance with all current North Carolina Building Code requirements as a result of the additional functional square footage and, as such, building permit applicants may be required, as determined necessary by the building inspector, to provide construction drawings that demonstrate compliance with increased structural loads through a structural analysis prepared and sealed by a professional engineer, occupant loads, egress loads including exterior stairs and/or ramps used as a means of egress, plumbing facility loads, interior and roof deck finish material information, sprinkler loads, fire alarm system and additional specific requirements pertinent to the building as a result of the addition;
- (4) New and reconfigured stairways and landings constructed to serve new open air decks upon a roof shall be allowed to be constructed within the property lines of the nonconforming use, regardless whether they are within or outside of a building's exterior walls;
- (5) It is permissible to reconstruct existing roofs to support open air decks, regardless whether existing roofs enclose conditioned buildings or are located above nonconditioned areas that are open on the side(s);
- (6) Enclosed areas on open air roof decks shall be limited to mechanical rooms, HVAC equipment, bathrooms and janitor closets;
- (7) A special use permit is approved by the Board of Adjustment for the addition; and
- (8) Notwithstanding the foregoing, the nonconforming use, including the addition, remains as a nonconforming use in accordance with the provisions of this chapter.

Section 2. That any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

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

Adopted this 8th day of September, 2016.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

#1024403



City of Greenville, North Carolina

Meeting Date: 8/16/2016
Time: 6:30 PM

Title of Item: Consideration to Recommend Adoption of Horizons 2026: Greenville's Community Plan

Explanation: **Abstract:** After a year of Comprehensive Plan Committee meetings, public workshops attended by hundreds of citizens, outreach using various methods of media and numerous meetings and draft reviews by City staff, Horizons 2026: Greenville's Community Plan is moving into the adoption phase beginning with the Planning and Zoning Commission's review. During this public hearing, the Commission will: receive a presentation that summarizes the content of the Plan; hear comments by the public; ask questions; and may consider making a recommendation of adoption of Horizons 2026 to City Council.

Explanation: Horizons 2026 is both Greenville's long range community-driven process to update the city's comprehensive plan, and the plan document itself. The plan includes goals, policies, and actions that constitute a renewed vision and the blueprint for the city's future. The Horizons process involved four phases which included the initiation of the planning effort, analyses of key community trends and policies, drafting the plan, and adopting the plan. Public engagement was a critical component throughout the planning process.

Greenville is experiencing new challenges as the city population is growing and changing, local, regional, and global economies are shifting and environmental challenges are mounting. The city will need to rely on its legacy of thoughtful planning to envision and achieve a vibrant and sustainable future.

This comprehensive plan will serve as a tool that expresses the values, aspirations, and vision of the community, along with goals, policies, and strategies to achieve that vision. It sets forth the long-range planning in categories including transportation, housing, environment, economic development, and weaves these elements through thematic topics.

Horizons 2009-2010 is the city's previous comprehensive plan and prior plans were adopted in 2004, 1997 and 1992. There are several reasons the Horizons

2010 plan needed to be updated, including:

- Many of the action items have been accomplished;
- The population has grown and changed, resulting in new demands;
- Local, regional, national, and global changes have resulted in a new social, economic, and environmental context; and
- New research and information has expanded the knowledge and thinking about community planning best practices.

Horizons 2026 provides an important opportunity to study current trends and conditions, reevaluate the community's priorities, and create a renewed vision for Greenville.

On July 19, 2016, the Planning and Zoning Commission received a presentation on the background and approach of the Horizons update project. Two members of the Planning and Zoning Commission, Terry King (current P & Z Chair) and Tony Parker (former P & Z Chair), served together on the 24 member Committee throughout the year of the Plan's development as representatives of the Planning and Zoning Commission. Representatives from 7 additional City boards served on the Committee along with invited representation of East Carolina University, Vidant Medical Center, Uptown Greenville, the Home Builders Association, Pitt County Committee of 100, Pitt-Greenville Chamber of Commerce and Mayor and City Council Member appointees.

In addition to attendance by the appointed Comprehensive Plan Committee members, Community Partners were also invited to all Committee meetings to review drafts and provide input throughout development of the plan. These Community Partners invited to participate included representatives from various City of Greenville Departments, the Town of Winterville, Pitt County Government (Planning Department), Pitt County Schools, Greenville Utilities Commission and NC-DOT. Presentations and summaries from the Comprehensive Plan Committee meetings were promptly posted online following each meeting at the project website address.

During the August 16 P & Z meeting, the consulting project manager, Leigh Anne King of Clarion Associates, will summarize the Plan's content. Subsequently, the Commission will take comments by the public, ask questions and may consider making a recommendation of adoption of Horizons 2026 to City Council.

As staff stated during the July 19 Planning and Zoning Commission meeting, the June 14, 2016 Public Review Draft of Horizons 2026 was previously posted on the City's website for the public and Planning Commission's review. The draft was updated on August 5 in response to comments received during the Comprehensive Plan Committee's May 2 meeting and comments received during the June 20 Public Open House. For ease of Commissioners' review, pages that were revised since the June 14 draft was posted online are noted on pages that were revised.

Horizons 2026: Greenville's Community Plan(Public Hearing Draft August 5, 2016) is posted at the following website address. The document that will open is composed of the main plan and the appendices. The Planning and Zoning Commission will be asked to make a motion of adoption on this entire document:

<http://www.greenvillenc.gov/government/community-development/planning-division/horizons-update-project/horizons-work-products>

Supporting data and analysis that served as the basis for Horizons 2026 is contained in the document entitled Horizons 2026: Community Profile. This document is also posted online immediately below the Horizons 2026 document in the same website location listed above. The Community Profile document, which is not intended for adoption, provides background supporting documentation of demographics, trends, survey results and other pertinent information gathered throughout development of Horizons 2026 which led to goals, policies, priorities and maps contained throughout the Horizons 2026 plan.

The Comprehensive Plan Committee is scheduled to hold their final meeting on Wednesday, August 10 to receive a presentation of revisions made since their May 2 meeting as well as receive a briefing of any changes that resulted from the public unveiling of the Plan during the June 20, 2016 Public Open House. Any new comments received during the August 10 Committee meeting that generate revisions to the updated August 5 Horizons 2026 plan will be presented to the Planning and Zoning Commission before Commissioners consider making a recommendation of adoption the Plan to City Council. The City Council is scheduled to hold their public hearing to consider adoption of Horizons 2026 on September 8.

Summaries about the Public Engagement process, workshops, stakeholder meetings and planning process followed to produce Horizons 2026 are provided in the Plan's introduction while full reports of all of the public workshops are provided online at the project website.

Horizons: Greenville's Community Plan, adopted on February 12, 2004 by Ordinance No. 04-10, Section 4, Implementation, Administration, Implementation Strategy 3(a) states, *"At a minimum, update the Horizons Plan and implementation process every five years or at any time that annual population growth exceeds five percent (5%) in two consecutive calendar years."* The City has prepared major updates every ten years and plan reviews every five years. This is the year the 2004 Horizons plan is scheduled to be replaced with a major ten-year update. Horizons 2026 plan was prepared to serve as the major 10-year update.

Fiscal Note:

Implementation of Horizons 2026 will likely require regulatory reforms, additional planning and possibly construction of publicly-funded projects identified in the Plan could result in budget requests that go through the ordinary

budget approval process, just as implementation of past Horizons plans. Implementation of the Plan and fiscal impacts that may be required could help produce more efficient and fiscally responsible growth which may exceed Greenville's outlay of funds necessary to implement the Plan.

Recommendation: Staff Recommendation: Staff recommends the Planning and Zoning Commission approve a motion to recommend adoption of Horizons 2026 to City Council.

Comprehensive Plan Committee Recommendation: The Committee is scheduled to meet after this agenda item is transmitted to the Planning and Zoning Commission. The Committee's recommendation will be reported during the Planning and Zoning Commission's August 16 meeting.

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ADDENDUM: This Memo was added to this agenda packet on 8/12/16.

TO: Greenville Planning and Zoning Commission
FROM: Tom Weitnauer, Chief Planner
DATE: August 11, 2016
SUBJECT: Addendum to Planning and Zoning Commission August 16, 2016 Agenda Packet

This memorandum provides an addendum to the Planning and Zoning Commission, August 16, 2016 agenda packet for Item #3, Horizons 2026. This memo was prepared to convey the recommendations made by the Greenville Comprehensive Plan Committee (CPC) to the Greenville Planning and Zoning Commission requesting adjustments to the Horizons 2026: Greenville's Community Plan Public Hearing Draft dated August 5, 2016. At their August 10, 2016 advertised meeting, the CPC voted unanimously endorse and forward Horizons 2026 to the Planning and Zoning Commission to proceed to the Planning and Zoning Commission's public hearing with the following four adjustments.

- 1. Amend the Future Land Use and Character Category for Greenville Utilities Commission's (GUC) Operations Center located at 801 Mumford Road from TNLM (Traditional Neighborhood, Low to Medium Density) to IL (Industrial Logistics).**

The Future Land Use and Character categories are designed to provide a flexible approach to guide future land use decisions in Greenville's planning and zoning jurisdiction, and in future areas that may one day be added to this jurisdiction. Most all of the categories include secondary uses such as institutional/civic that are intended to include utility uses that exist in neighborhoods and non-residential areas around town. The GUC Operations Center was coded as TNLM to reflect the character of the surrounding areas, understanding that some secondary uses, such as a utility operation may exist in these areas. What we now understand is that the GUC will likely be moving its Operations Center to a new location, and would like to open up this property as an economic development site. The CPC recommends changing the Future Land Use and Character category to reflect the vision for the future of this property. That also includes extending a Potential Conservation/Open Space buffer around the eastern periphery of the property to buffer it from adjacent residentially designated areas.

- 2. Add a New Implementation Action in Chapter 5: Creating Complete Neighborhoods, and in Chapter 9: Action Plan, to Develop Strategies to Stabilize and Revitalize the University Neighborhood**

CPC Members are requesting that a new implementation action should be added to the plan to address the disinvestment and changes that have occurred in the University Neighborhood area due to decreasing owner occupancy and the increase of

student rental properties. And that this implementation action should be added to the list of priority actions included in Chapter 9: Action Plan. The specific Action language recommended is as follows:

Action 5.8: Develop Strategies to Stabilize and Revitalize the University Neighborhood

Develop a set of strategies intended to stabilize and revitalize the University Neighborhood and surrounding areas. This could include providing financing incentives for potential homebuyers, stricter enforcement of existing regulations, assessment of additional regulations to address nuisance and blight issues, partnering with ECU to develop programs to educate student renters about expectations for living in established Greenville neighborhoods, infrastructure improvements, and other strategies.

3. Update an Action in Chapter 6: Fostering A Resilient City, and in Chapter 9: Action Plan, to Support Implementation of the Greenville Watershed Master Plans, and to Add the Plans to the List of Relevant Plans on pages 14-15.

The City of Greenville's Stormwater Management Program has conducted a city-wide assessment of stormwater management issues: water quality, flooding, and erosion control. This is an effort to improve the city's stormwater system through a comprehensive evaluation of Greenville's watersheds and to recommend and prioritize projects that will control flooding, stabilize streams, and improve overall water quality in the city and adjacent areas. The Watershed Master Plans identify capital projects to meet the City's stormwater goals, and include adjustments to the Stormwater Ordinance to include best management practices. CPC members have requested that Action 6.4: Complete Development of Watershed Master Plans (page 141) be revised to reflect the current status of the plan and identify the implementation of these plans as a priority. They also request that this action should be added to the list of priority actions included in Chapter 9: Action Plan. The specific Action language recommended is as follows:

Action 6.4: Implement Greenville's Watershed Master Plans

Make it a priority to implement the recommendations included in the Fork Swamp, Greens Mill Run, Hardee Creek, Harris Mill Run / Schoolhouse Branch, Johnsons Mill / Parker Creek, Meetinghouse Branch, and Swift Creek Watershed Master Plans. This includes supporting the implementation of capital projects to meet Watershed Master Plan goals, and updates to the City's Stormwater Ordinance.

4. Add the 10th Street Connector Plan to the Relevant List of Plans on Pages 14-15

These four adjustments will be presented to the Planning & Zoning Commission for further discussion at the August 16, 2016 Public Hearing on the 2026 Horizons Plan.

Cc: Merrill Flood, Director of Community Development and Assistant City Manager
Dave Holec, City Attorney
Ben Griffith, Director of Community Development
Chantae Gooby, Planner II, Planning and Zoning Commission Liaison
Leigh Anne King, Clarion Associates
Greenville Comprehensive Plan Committee Members and Community Partners