



Agenda

Greenville City Council

April 11, 2013
7:00 PM
City Council Chambers
200 West Fifth Street

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 - Mayor Pro-Tem Glover

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Appointments

1. Appointments to Boards and Commissions

VII. New Business

Public Hearings

2. Resolution to close a portion of Seventh Street
3. Ordinance requested by Collice C. Moore to rezone 4.6466 acres located at the terminus of North Creek Drive and 350+/- feet west of Northwoods Subdivision from RA20 (Residential-Agricultural) to I (Industry)
4. Ordinance requested by PIRHL Development, LLC to amend the Future Land Use Plan Map from a commercial (C) category to an office/institutional/multi-family (OIMF) category for the property located between Turnbury Drive and Smythewyck Drive and being 230+/- feet east of East Arlington Boulevard containing 4.3 acres

5. Ordinance initiated by Fleming Solar Center, LLC to amend the Zoning Ordinance to create standards for solar energy facilities as a special use in the RA-20 (Residential-Agricultural) district
6. Ordinance amending the Flood Damage Prevention section of the Zoning Ordinance

Public Comment Period

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

Other Items of Business

7. Resolution requested by Collice C. Moore for an extension of the City of Greenville's Extra-Territorial Jurisdiction (ETJ) for property identified as North Creek Commercial Park
8. Parking recommendations of the University Neighborhood Revitalization Initiative (UNRI) Committee
9. Good Roads Initiative
10. Tar River Study
11. Paperless Policy

VIII. Comments from Mayor and City Council

IX. City Manager's Report

X. Adjournment



City of Greenville, North Carolina

Meeting Date: 4/11/2013
Time: 7:00 PM

Title of Item: Appointments to Boards and Commissions

Explanation: City Council appointments need to be made to the Affordable Housing Loan Committee, Community Appearance Commission, Environmental Advisory Commission, Historic Preservation Commission, Human Relations Council, Pitt-Greenville Convention & Visitors Authority, Public Transportation and Parking Commission, Recreation and Parks Commission, Redevelopment Commission, and the Youth Council.

Fiscal Note: No direct fiscal impact.

Recommendation: Make appointments to the Affordable Housing Loan Committee, Community Appearance Commission, Environmental Advisory Commission, Historic Preservation Commission, Human Relations Council, Pitt-Greenville Convention & Visitors Authority, Public Transportation and Parking Commission, Recreation and Parks Commission, Redevelopment Commission, and the Youth Council.

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[Muni_Report_Appointments_to_Boards_and_Commissions_914698](#)

Appointments to Boards and Commissions

April 11, 2013

Affordable Housing Loan Committee

Council Liaison: Council Member Kandie Smith

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|----------------|------------|--------------|----------------------|-----------------|
| Melissa Grimes | 1 | First term | Eligible | February 2013 |

Community Appearance Commission

Council Liaison: Council Member Calvin Mercer

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|------------------|------------|------------------------|----------------------|-----------------|
| Myron Caspar | 3 | First term | Eligible | April 2013 |
| Jeffrey Johnson | 4 | Filling unexpired term | Eligible | April 2013 |
| Perry Kachroo | 5 | Second Term | Ineligible | April 2013 |
| Fred Wright | 1 | Filling unexpired term | Eligible | April 2013 |
| William Whisnant | 4 | Filling unexpired term | Resigned | July 2014 |

Environmental Advisory Commission

Council Liaison: Council Member Marion Blackburn

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|------------------|------------|--------------|------------------------------------|-----------------|
| James Holley | 4 | First term | Not seeking a 2 nd term | April 2013 |
| Laura Williamson | 5 | First term | Not seeking a 2 nd term | April 2013 |

Historic Preservation Commission

Council Liaison: Council Member Marion Blackburn

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|------|------------|--------------|----------------------|-----------------|
|------|------------|--------------|----------------------|-----------------|

Historic Preservation continued

| | | | | |
|-----------------|---|------------|------------------------------------|--------------|
| Ann Schwarzmann | 3 | First term | Not seeking a 2 nd term | January 2013 |
| Richard Weir | 5 | First term | Resigned | January 2013 |

Human Relations Council

Council Liaison: Mayor Pro Tem Rose Glover

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|----------------|------------|----------------|----------------------|-----------------|
| Geoffrey Kenan | 1 | Unexpired Term | Eligible | September 2013 |

Student Representative

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|-----------------|------------|----------------|----------------------|-----------------|
| Available (ECU) | | Unexpired Term | Eligible | October 2012 |

Pitt Greenville Convention & Visitors Authority

Council Liaison: Mayor Pro-Tem Rose Glover

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|---------------------------|------------|--------------|----------------------|-----------------|
| Joseph Frigden (City (2)) | | Second term | Resigned | July 2012 |

- 1: Owners/operators of hotels/motels
- 2: Members of tourist or convention-related businesses
- 3: Residents not involved in tourist or convention-related business

Public Transportation & Parking Commission

Council Liaison: Council Member Calvin Mercer

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|-------------|------------|----------------|----------------------|-----------------|
| Adam Lawler | 1 | Unexpired term | Eligible | January 2013 |

Recreation & Parks Commission

Council Liaison: Council Member Kandie Smith

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|---|------------|--------------|----------------------|-----------------|
| Brian Jacobs <i>(Council Member Calvin Mercer)</i> | 1 | First term | Resigned | May 31, 2015 |

Redevelopment Commission

Council Liaison: Council Member At-Large Dennis Mitchell

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|--|------------|--------------|----------------------|-----------------|
| Dana Coles <i>(Council Member Kandie Smith)</i> | 1 | First Term | Resigned | November 2016 |

Youth Council

Council Liaison: Council Member Marion Blackburn

| Name | District # | Current Term | Reappointment Status | Expiration Date |
|--------------------|------------|------------------------|----------------------|-----------------|
| 13 Available Slots | | Filling unexpired term | Eligible | September 2013 |

Applicants for Affordable Housing Loan Committee

Christina W. Darden
387 Claredon Drive
Greenville, NC 27858

District #: 5

Thomas Hines
211 Patrick Street
Greenville, NC 27834

District #: 1

Application Date:

Home Phone: (252) 756-9249

Business Phone: (252) 215-1019

Email: chris@chrisdarden.com

Application Date: 10/6/2011

Home Phone: (252) 864-4907

Business Phone: (252) 695-9066

Email: thinesg@aol.com

Applicants for Community Appearance Commission

None.

Applicants for Environmental Advisory Committee

Caroline Loop
1107 W. Wright Road
Greenville, NC 27858
District #: 3

| | |
|--------------------|--------------------------|
| | Application Date: |
| Business | (252) 367-8276 |
| Home Phone: | (252) 258-4098 |
| Email: | carolineloop@yahoo.com |

Applicants for Historic Preservation Commission

Scott H. Duke
2223-C Locksley Drive
Greenville, NC 27858

Application Date: 2/20/2012

District #: 4

Home Phone:
Business Phone: (252) 328-2950
Email: scotthduke@gmail.com

Terry King
1310 Thomas Langston Rd. #7
Winterville, NC 28590

Application Date: 8/25/2012

District #: 2

Home Phone: (252) 412-5228
Business Phone:
Email: terryeu2@aol.com

Dustin Mills
504 Daventry Drive
Greenville, NC 27858

Application Date: 4/9/2012

District #: 5

Home Phone: (919) 480-0791
Business Phone: (252) 558-0207
Email: dmills@pirhl.com

Tyrone O. Walston
2706 Webb Street
Greenville, NC 27834

Application Date: 6/12/2012

Home Phone: (252) 412-7351
Business Phone: (252) 355-8736
District #: 2 **Email:** walston_tyrone

Applicants for Human Relations Council

Wanda Carr
2304 British Court
Greenville, NC 27834

District #: 1

Isaac Chemmanam
402 Lochview Drive
Greenville, NC 27858

District #: 4

Scott H. Duke
2223-C Locksley Drive
Greenville, NC 27858

District #: 4

Evan Lewis
3402 Dunhaven Drive
Greenville, NC 27834

District #: 5

Aaron Lucier
1516 Thayer Drive
Winterville, NC 28590

District #: 5

Angela Marshall
2609B Boone Court
Greenville, NC 27834

District #: 1

Brittney Partridge
925 Spring Forest Road, Apt. 9
Greenville, NC 27834

District #: 1

Application Date: 10/13/2010

Home Phone: (252) 321-1409

Business Phone:

Email: carrwdc@hotmail.com

Application Date: 1/18/2012

Home Phone: (252) 561-8759

Business Phone: (252) 412-2045

Email: isaac.chemmanam@gmail.com

Application Date: 2/20/2012

Home Phone:

Business Phone: (252) 328-2950

Email: scotthduke@gmail.com

Application Date: 7/17/2007

Home Phone: (252) 353-6997

Business Phone: (252) 758-0113

Email: evanl@legalaidnc.org

Application Date: 2/23/2011

Home Phone: (252) 321-3910

Business Phone: (252) 328-2758

Email: luciera@ecu.edu

Application Date: 4/29/2011

Home Phone: (252) 258-4104

Business Phone: (252) 328-4173

Email: marshalla@ecu.edu

Application Date: 7/15/2010

Home Phone: (252) 489-8390

Business Phone:

Email: partridgeb06@students.ecu.edu

Applicants for Pitt-Greenville Convention and Visitors Authority (City)

Brian Brown
2237 Penncross Drive
Greenville, NC 27834
District #: 5

Application Date: 2/23/2011
Home Phone: (252) 414-3943
Business Phone: (252) 353-7379
Email: bbrown@myrepexpress.com

Wanda Carr
2304 British Court
Greenville, NC 27834
District #: 1

Application Date: 10/13/2010
Home Phone: (252) 321-1409
Business Phone:
Email: carrwdc@hotmail.com

Brian Cooper
1149 Mulberry Lane, #34-G
Greenville, NC 27858
District #: 5

Application Date: 3/5/2011
Home Phone: (252) 439-0651
Business Phone: (252) 439-0651
Email: brianevans_99@yahoo.com

Ann Eleanor
102 Lindenwood Drive
Greenville, NC 27834
District #: 5

Application Date: 2/13/2011
Home Phone: (252) 227-4240
Business Phone:
Email: aeleonor@suddenlink.net

Terry King
1310 Thomas Langston Rd. #7
Winterville, NC 28590
District #: 2

Application Date: 8/25/2012
Home Phone: (252) 412-5228
Business Phone:
Email: terryeu2@aol.com

JJ McLamb
102 Christina Drive
Greenville, NC 27858
District #: 4

Application Date: 2/27/2012
Home Phone: (252) 814-6050
Business Phone: (252) 737-4669
Email: jjmclamb@suddenlink.net

Bridget Moore
4128A Bridge Court
Winterville, NC 28590
District #: 5

Application Date: 7/13/2011
Home Phone: (252) 355-7377
Business Phone: (252) 756-1002
Email: bmoore2004@netzero.com

Applicants for Public Transportation & Parking Commission

None.

Applicants for Recreation & Parks Commission

| | | |
|--|--|--|
| Brian Cooper 1149 Mulberry Lane, #34-G Greenville, NC 27858 District #: 5 | Business Home Phone: Email: | Application Date: 3/5/2011 (252) 439-0651 (252) 439-0651 brianevans_99@yahoo.com |
| Gordon Darragh 1300 Oakview Drive Greenville, NC 27858 District #: 4 | Business Home Phone: Email: | Application Date: (252) 917-0090 (252) 752-2633 gmdarragh@yahoo.com |
| Joseph Flood 1919 Sherwood Drive Greenville, NC 27858 District #: 4 | Business Home Phone: Email: | Application Date: 2/10/2009 (252) 328-2745 (252) 353-9915 floodj@ecu.edu |
| Deb Jordan 4321 Davencroft Village Drive Winterville, NC 28590 District #: 5 | Business Home Phone: Email: | Application Date: 1/31/2011 (252) 737-2990 (252) 367-1754 jordand@ecu.edu |
| Aaron Lucier 1516 Thayer Drive Winterville, NC 28590 District #: 5 | Business Home Phone: Email: | Application Date: 2/23/2011 (252) 328-2758 (252) 321-3910 luciera@ecu.edu |
| Jan Maclaga 3402 Foxwood Lane Greenville, NC 27858 District #: 4 | Business Home Phone: Email: | Application Date: 5/12/2011 (252) 756-4520 maclagaj@ecu.edu |
| Bridget Moore 4128A Bridge Court Winterville, NC 28590 District #: 5 | Business Home Phone: Email: | Application Date: 7/13/2011 (252) 756-1002 (252) 355-7377 bmoore2004@netzero.com |
| Al Muller 212 Bristol Court Greenville, NC 27834 District #: 5 | Business Home Phone: Email: | Application Date: 2/11/2011 (252) 328-6737 (252) 916-5667 axm6737@gmail.com |
| Knox Oakley 3906 Bach Circle Greenville, NC 27858 | Business Home Phone: | Application Date: 1/31/2011 (252) 531-2457 (252) 321-6970 |

Recreation & Parks Commission continued

| | |
|--|---|
| District #: 4 | Email: k.oakley@tridim.com |
| Charles Pennington 100 Hickory Street Apt. C205 Greenville, NC 27858 | Application Date: 6/1/2012 |
| District #: 3 | Business Home Phone: (252) 830-2092 Email: chpennington@suddenlink.net |
| Sandra Steele 402 Wesley Road Greenville, NC 27834 | Application Date: 6/26/2006 |
| District #: 4 | Business (252) 328-9333 Home Phone: (252) 355-3127 Email: |
| Francine Taft 706 West 4th Street Greenville, NC 27834 | Application Date: 2/10/2011 |
| District #: 1 | Business Home Phone: (252) 758-3833 Email: |
| Dennis Winstead 119 North Eastern Street Greenville, NC 27858 | Application Date: 5/21/2008 |
| District #: 3 | Business Home Phone: (252) 752-5154 Email: drw0910@eau.edu |
| James Yahnker 413 Beasley Drive, Apt. M-7 Greenville, NC 27834 | Application Date: 2/28/2011 |
| District #: 1 | Business (252) 847-4400 Home Phone: (252) 758-3291 Email: yahnker06@suddenlink.net |

Applicants for Redevelopment Commission

Cornell Allen
4030 Bells Chapel Road
Greenville, NC 27858

District #: 5

Brian Brown
2237 Penncross Drive
Greenville, NC 27834

District #: 5

Wanda Carr
2304 British Court
Greenville, NC 27834

District #: 1

Terry King
1310 Thomas Langston Rd. #7
Winterville, NC 28590

District #: 2

Evan Lewis
3402 Dunhaven Drive
Greenville, NC 27834

District #: 5

JJ McLamb
102 Christina Drive
Greenville, NC 27858

District #: 4

Dustin Mills
504 Daventry Drive
Greenville, NC 27858

District #: 5

Brittney Partridge
925 Spring Forest Road, Apt. 9
Greenville, NC 27834

District #: 1

Application Date: 5/8/2011

Home Phone: (252) 215-0486
Business Phone: (252) 258-9718
Email: mrcallen2436@gmail.com

Application Date: 2/23/2011

Home Phone: (252) 414-3943
Business Phone: (252) 353-7379
Email: bbrown@myrepexpress.com

Application Date: 10/13/2010

Home Phone: (252) 321-1409
Business Phone:
Email: carrwdc@hotmail.com

Application Date: 8/25/2012

Home Phone: (252) 412-5228
Business Phone:
Email: terryeu2@aol.com

Application Date: 7/17/2007

(2)
Home Phone: (252) 353-6997
Business Phone: (252) 758-0113
Email: evanl@legalaidnc.org

Application Date: 2/27/2012

Home Phone: (252) 814-6050
Business Phone: (252) 737-4669
Email: jjmclamb@suddenlink.net

Application Date: 4/9/2012

Home Phone: (919) 480-0791
Business Phone: (252) 558-0207
Email: dmills@pirhl.com

Application Date: 7/15/2010

Home Phone: (252) 489-8390
Business Phone:
Email: partridgeb06@students.ecu.edu

Redevelopment Commission continued

Katherine Wetherington
1503 East 4th Street
Greenville, NC 27858

Application Date: 6/19/2010

Home Phone:

Business Phone:

Email: katherinewetherington@yahoo.com

District #: 3

Applicants for Youth Council

None.



City of Greenville, North Carolina

Meeting Date: 4/11/2013
Time: 7:00 PM

Title of Item: Resolution to close a portion of Seventh Street

Explanation: **Abstract:** This item is to consider a resolution to close a portion of Seventh Street being the section between Evans Street and Cotanche Street. The City will no longer receive Powell Bill Funds for these street sections upon adoption of the Resolution to Close by City Council.

Explanation: The City received a petition from Income Investments, LLC, requesting the City to close a portion of Seventh Street being the section between Evans Street and Cotanche Street. All of the property owners adjoining the street section have signed the petition. The property owners are in the design phase of a redevelopment project for the area from Reade Circle south to Eighth Street and from Evans Street east to Cotanche Street. Staff anticipates the property to be developed as a mixed use of commercial, residential apartments, and a parking deck.

The petition was reviewed by City staff and Greenville Utilities Commission. No adverse comments were received. Staff recommends, as a condition of the street closure, the recordation of a final plat to recombine all of the properties owned by the petitioners in accordance with the provisions of the Subdivision Regulations for Greenville, North Carolina.

The Planning and Zoning Commission gave a favorable recommendation to the petition for closure of a portion of Seventh Street during their January 15, 2013, meeting.

City Council adopted a Resolution of Intent to Close a Portion of Seventh Street during their March 4, 2013, meeting and also set the date for the public hearing on the regularly scheduled City Council meeting on April 11, 2013.

In pursuant to the provisions of G.S. 160A-299, the Resolution of Intent to Close was published in The Daily Reflector on four consecutive Mondays (March 18, March 25, April 1, and April 8, 2013), a copy thereof was sent by certified mail to all owners of property adjoining the street as shown on the Pitt County tax

records, and a notice of the closing and public hearing has been prominently posted in two places along the street sections to be closed.

Fiscal Note:

Budgeted funds for the maintenance of these street sections will no longer be required upon adoption of a Resolution to Close by City Council. The City will no longer receive Powell Bill Funds for these street sections.

Recommendation:

Hold a public hearing and consider the Resolution to Close a Portion of Seventh Street.

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

Attachments / click to download

[Seventh Street Closing Map](#)

[Resolution to Close a portion of Seventh Street 950961](#)

RESOLUTION NO. _____

**AN ORDER OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA
TO CLOSE A PORTION OF SEVENTH STREET**

WHEREAS, the City Council of the City of Greenville, at its March 4, 2013 meeting, adopted a resolution declaring its intent to close a portion of Seventh Street; and

WHEREAS, pursuant to the provisions of G.S. 160A-299, said resolution was published once a week for four (4) successive weeks in The Daily Reflector setting forth that a hearing will be held on the 11th day of April, 2013, on the question of the closing a portion of said street; and

WHEREAS, a copy of the resolution was sent by certified mail to all owners of the property adjoining the portion Seventh Street, as shown on the County tax records, and a notice of the closing and the public hearing was prominently posted in at least two (2) places along said portions of streets; and

WHEREAS, a hearing was conducted on the 11th day of April, 2013, at which time all persons interested were afforded an opportunity to be heard on the question of whether or not the closing will be detrimental to the public interest or the property rights of any individual; and

WHEREAS, it appears to the satisfaction of the City Council of the City of Greenville, North Carolina, after conduction of said hearing, that the closing of a portion of Seventh Street is not contrary to the public interest, and that no individual owning property in the vicinity of said street or in the subdivision in which said street is located would thereby be deprived of reasonable means of ingress and egress to their property;

IT IS NOW THEREFORE ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that, upon the effective date of this Order, the property described below be and the same is closed, and all right, title and interest that may be vested in the public to said area for street purposes is released in accordance with the provisions of G.S. 160A-299:

To Wit: Being a portion of the 100 block of E. Seventh Street as shown on the plat entitled, "Street Closing Acquisition Map for a Portion of Seventh Street", prepared by Rivers and Associates, Inc., dated December 12, 2012.

Location: All that certain strip or tract of land known as Seventh Street lying and being situated in the City of Greenville, Greenville Township, Pitt County, North Carolina, between Evans Street and Cotanche Street and being described by metes and bounds as follows:

TRACT 1: SEVENTH STREET:

BEGINNING at a point where the eastern right of way line of Evans Street intersects with the northern right of way line of Seventh Street, said point being a common corner with the Income Investments, LLC, property described in Deed Book 2410, Page 500, thence leaving Evans Street and with the northern right of way line of Seventh Street, same being the southern line of the Income Investments, LLC, property, $S78^{\circ}53'27''E$ -274.77 feet to a point in said right of way, said point being the eastern terminus of Seventh Street in the western line of the Georgetowne Apartments, LLC, property, described in Deed Book 2797, Page 49; thence with the eastern terminus line of Seventh Street, a common line with Georgetowne Apartments, LLC, $S11^{\circ}15'02''W$ -17.77 feet to a point in the southern right of way line of Seventh Street, said point being a corner with the Ward Holdings, LLC property described in Deed Book 2955, Page 206; thence with the southern right of way line of Seventh Street, same being the northern line of the Ward Holdings, LLC, property, $N78^{\circ}53'27''W$ -274.67 feet to a point in the eastern right of way line of Evans Street, a corner with the Ward Holdings, LLC, property; thence leaving the Ward Holdings, LLC, property and with the Evans Street right of way extended, $N10^{\circ}54'33''E$ 17.77 feet to the POINT OF BEGINNING, containing 4,882 square feet more or less and being all of TRACT 1 shown on Rivers and Associates, Inc. Drawing Z-2567, Dated December 12, 2012 entitled "Street Closing Acquisition Map for a Portion of Seventh Street", which by reference is made a part hereof.

TRACT 2: SEVENTH STREET:

BEGINNING at a point where the western right of way line of Cotanche Street intersects with the now or former southern right of way line of Seventh Street, said point being a common corner with the Ward Holdings, LLC, property described in Deed Book 1051, Page 826; thence leaving Cotanche Street and with the now or former southern right of way line of Seventh Street, same being the northern line of the Ward Holdings, LLC property, $N79^{\circ}15'19''W$ -50.86 feet to a point in said line, said point being the western terminus of the now or former Seventh Street, a common corner between the Ward Holdings, LLC property and the Georgetowne Apartments, LLC, property described in Deed Book 2797, Page 49; thence with the western terminus of Seventh Street in the eastern line of the Georgetowne Apartments, LLC, $N09^{\circ}08'23''E$ -9.97 feet to a point in said line, a corner with the Georgetowne Apartments, LLC property, said point further being a point in the former center line of Seventh Street, a common corner with the Georgetowne Apartments, LLC property; thence with the former centerline of Seventh Street, a common line with the Georgetowne Apartments, LLC, property, $S78^{\circ}31'15''E$ -55.85 feet to the now or former western right of way line of Cotanche Street; thence with a new line $S37^{\circ}42'47''W$ -10.38 feet to the POINT OF BEGINNING, containing 513 square feet more or less and being all of TRACT 2 shown on Rivers and Associates, Inc. Drawing Z-2567 entitled "Street Closing Acquisition Map for a Portion of Seventh Street", which by reference is made a part hereof.

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that the City of Greenville does hereby reserve its right, title, and interest in any utility improvement or easement within the street closed pursuant to this order. Such reservation also extends, in accordance with the provisions of G.S. 160A-299(f), to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the City of Greenville.

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that this Order shall become effective when the following condition is met:

The recordation of a final plat to recombine all of the properties owned by the petitioners lying and being bound by the southern right of way of Reade Circle, the northern right of way of Eighth Street, the eastern right of way of Evans Street, and the western right of way of Cotanche Street and including the closed street right of way of Seventh Street as described above in accordance with the provisions of the Subdivision Regulations for

Greenville, North Carolina.

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that, upon the effective date of this Order, the Mayor and City Clerk are authorized to execute quit-claim deeds or other legal documents to prove vesting of any right, title or interest to those persons owning lots or parcels adjacent to the street in accordance with G.S. 160A-299(c), provided all costs shall be paid by any adjoining landowner requesting such action, all documents must be approved by the City Attorney and all documents, when appropriate, must reserve to the City any easements retained by the City. The intent of this paragraph is to authorize the execution of quit-claim deeds when requested by adjacent property owners; however, none are required and this paragraph is not intended to alter the vesting of title by operation of law as established by G.S. 160A-299(c).

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that a copy of this Order shall be filed in the Office of the Register of Deeds of Pitt County after the effective date of this Order.

ADOPTED this the 11th day of April, 2013.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

NORTH CAROLINA
PITT COUNTY

I, Polly Jones, Notary Public for said County and State, do hereby certify that Carol L. Barwick personally appeared before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as an act of the municipality, the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

WITNESS my hand and official seal this 11th day of April, 2013.

Notary Public

My Commission Expires: August 5, 2016

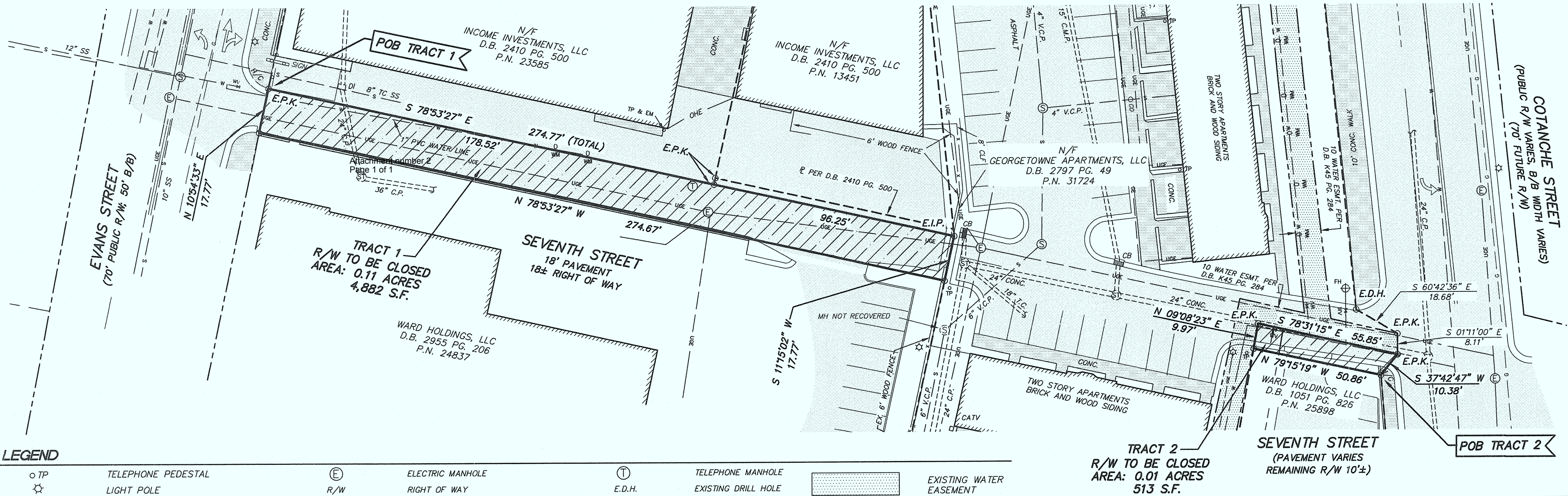
NORTH (D.B. K 44 PG. 112 1976)

NOTES:

- ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS, IN FEET.
- AREA DETERMINED BY COORDINATES.
- PROPERTY SUBJECT TO ANY EASEMENTS, RESTRICTIVE COVENANTS, OR RIGHTS OF WAY WHICH MAY BE OF RECORD. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT REPORT OR RESEARCH.
- THE LIMITS OF THIS SURVEY ARE NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA, PROPERTY IS LOCATED IN A "ZONE X" (AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN), AS SHOWN ON FIRM MAP NUMBER 3720468800J PANEL 4688 J ,EFFECTIVE JANUARY 2, 2004.
- THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN ARE COMPRISED OF ALL SUCH UTILITIES IN THE AREA OF SURVEY EITHER IN SERVICE OR ABANDONED. THE SURVEY FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR DOES HEREBY CERTIFY THAT ALL UTILITIES ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY UNCOVERED AND LOCATED ANY UNDERGROUND UTILITIES).
- INCOME INVESTMENTS, LLC, WARD HOLDINGS, LLC AND GEORGETOWNE APARTMENTS, LLC PROPERTY TO BE COMBINED INTO SINGLE OWNERSHIP, ALL UTILITIES SERVING THESE PARCELS TO BE ABANDONED, ALL EXISTING BUILDINGS AND IMPROVEMENTS TO BE REMOVED.

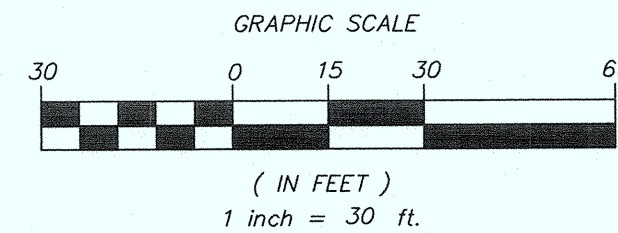


VICINITY MAP
SCALE: 1" = 1000'



LEGEND

| | | | | | | | |
|-------|---------------------------|--------|--------------------------|--------|---------------------|---|-------------------------|
| ○ TP | TELEPHONE PEDESTAL | ⊕ | ELECTRIC MANHOLE | ⊕ | TELEPHONE MANHOLE | ▨ | EXISTING WATER EASEMENT |
| ☆ | LIGHT POLE | R/W | RIGHT OF WAY | E.D.H. | EXISTING DRILL HOLE | | |
| ⊙ | SANITARY SEWER MANHOLE | B/B | BACK TO BACK | MH | MANHOLE | | |
| WM | WATER METER | H/C | HANDICAP | N/F | NOW OR FORMERLY | | |
| WV | WATER VALVE | CO | CLEAN OUT | P.N. | PARCEL NUMBER | | |
| ⊠ | CATCH BASIN | CONC. | CONC. | M.B. | MAP BOOK | | |
| ⊠ | STORM DRAINAGE MANHOLE | C.P. | CONCRETE PIPE | PG. | PAGE | | |
| ⊠ | SIGN | FH | FIRE HYDRANT | D.B. | DEED BOOK | | |
| ⊕ | MONITORING WELL | ==== | STORM DRAINAGE LINES | CLF | CHAIN LINK FENCE | | |
| ⊕ | UTILITY POLE | —s—s— | SANITARY SEWER MAIN | EX. | EXISTING | | |
| ⊕ | LIGHT POLE / UTILITY POLE | —OHT— | OVERHEAD TELEPHONE | | ASPHALT | | |
| —W— | WATER LINE | —G— | UNDER GROUND GAS/SERVICE | | CONCRETE | | |
| —UGE— | UNDERGROUND ELECTRIC | E.I.P. | EXISTING IRON PIPE | | | | |
| —OHE— | OVERHEAD ELECTRIC | E.P.K. | EXISTING PK NAIL | | | | |



REFERENCES

- D.B. 2410 PG. 500
- D.B. 2797 PG. 49
- D.B. 1051 PG. 826
- D.B. M 46 PG. 393
- D.B. K 44 PG. 112
- D.B. K 45 PG. 284
- D.B. G 45 PG. 139
- D.B. R 44 PG. 415
- D.B. Y 41 PG. 516
- M.B. 24 PG. 40 (SEVENTH ST. CLOSING)
- M.B. 14 PG. 59
- ESTATE FILE 99 PG. 353
- GEORGETOWNE APARTMENTS AS-BUILTS RA DRAWING 2752
- P.N. 28624
- P.N. 23585
- P.N. 13451
- P.N. 31724
- RIVERS DWG NO. E-286

STATE OF NORTH CAROLINA
COUNTY OF PITT

I, _____
A REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____
DATE _____

NORTH CAROLINA, PITT COUNTY

I, PATRICK W. HARTMAN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE BY JEW ON 11/9/08 -11/30/08 AND UPDATED BY WG ON 10/24/09 -10/30/09; THAT THE RATIO OF PRECISION IS 1:10,000+; THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (f) (11) THAT THIS SURVEY IS OF ANOTHER CATEGORY, BEING A SURVEY FOR A STREET CLOSING. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 12TH DAY OF DECEMBER, 2012.

PROFESSIONAL LAND SURVEYOR _____
LICENSE NUMBER L-4262

PROFESSIONAL LAND SURVEYOR SEAL

NORTH CAROLINA
LAND SURVEYOR
PATRICK W. HARTMAN
L-4262

DATE 12/12/12

SURVEY/JEW/WG DRAFT KP/PH
DESIGN FDT CHECK PWH

Rivers & Associates, Inc.
Engineers Planners Surveyors
N.C. LIC. NO. F-0334

107 East Second Street
Greenville, NC 27858 (252) 752-4135

6131 Falls of Neuse Road, Suite 300
Raleigh, NC 27609 (919) 848-3347

MAYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF GREENVILLE HAS PASSED A RESOLUTION TO CLOSE A PORTION OF SEVENTH STREET.

RESOLUTION NO. _____

SIGNED _____ MAYOR

SIGNED _____ CITY CLERK

STREET CLOSING ACQUISITION MAP FOR A PORTION OF SEVENTH STREET

CITY OF GREENVILLE, GREENVILLE TOWNSHIP, PITT CO., N.C.

SCALE 1" = 30' DRAWING NO. Z-2567 SHEET 1 OF 1

Scanned 11/14/13



City of Greenville, North Carolina

Meeting Date: 4/11/2013
Time: 7:00 PM

Title of Item: Ordinance requested by Collice C. Moore to rezone 4.6466 acres located at the terminus of North Creek Drive and 350+/- feet west of Northwoods Subdivision from RA20 (Residential-Agricultural) to I (Industry)

Explanation: **Abstract:** The City has received a request from Collice C. Moore to rezone 4.6466 acres located at the terminus of North Creek Drive and 350+/- feet west of Northwoods Subdivision from RA20 (Residential-Agricultural) to I (Industry).

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on March 5, 2013.
On-site sign(s) posted on March 5, 2013.
City Council public hearing notice (property owner and adjoining property owner letter) mailed on March 26, 2013.
Public hearing legal advertisement published on April 1 and 8, 2013.

Comprehensive Plan:

The subject site is located in Vision Area E.

Martin Luther King, Jr. Highway/Greenville Boulevard, between East 14th Street and North Memorial Drive, is considered a connector corridor. Connector corridors are anticipated to contain a variety of higher intensity activities and uses. Old Creek Road is considered a residential corridor. Along residential corridors, service and retail activities should be specifically restricted to the associated focus area and linear expansion should be prohibited.

There is a designated intermediate focus area at the intersection of Martin Luther King, Jr. Highway and Old Creek Road. These nodes typically contain 50,000 to 150,000 square feet of conditioned flood space.

The Future Land Use Plan Map recommends commercial (C) at the southwest corner of Martin Luther King, Jr. Highway and Old Creek Road transitioning to industrial (I) to the northeast and south with conservation/open space (COS) as a buffer to the interior very low density residential (VLDR).

The Future Land Use Map identifies certain areas for conservation/open space uses. The map is not meant to be dimensionally specific, and may not correspond precisely with conditions on the ground. When considering rezoning requests or other development proposals, some areas classified as conservation/open space may be determined not to contain anticipated development limitations. In such cases, the future preferred land use should be based on adjacent Land Use Plan designations, contextual considerations, and the general policies of the comprehensive plan.

The Comprehensive Plan specifically states "Growth and Development Goal Statement: Manage the physical development of Greenville to protect its resources and simultaneously promote responsible industrial and retail growth.

Industrial development should be located adjacent to and/or with direct access to major thoroughfares. Good neighbor industries will be permitted with proper buffering and environmental mitigation. Industries that produce excessive noise, pollution, vibrations, light or other public nuisances should not be located near residential areas.

Office/institutional/multi-family development should be used as a buffer between light industrial and commercial development and adjacent lower density residential land uses.

Adequate conservation/open space buffers should be provided between areas designated for residential development, as indicated on the future land use map, and any adjacent non-residential land use where a zone transition buffer, such as O to OR, is not a practical option.

Allow new heavy industrial development consistent with the future land use plan map.

Rezone additional parcels for industrial and commercial uses consistent with the future land use plan map. This will accommodate the future demand for additional industrial and commercial development in suitable areas.

Prohibit the development of any industry within the 100-year floodplain that may pose a risk to public health and safety. Such industries may include but not be limited to chemical refining and processing, petroleum refining and processing, and hazard material processing or storage facilities.

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

Based on the analysis comparing the existing zoning (191 daily trips) and requested rezoning, the proposed rezoning classification could generate 111 trips to and from the site on North Creek Drive, which is a net *decrease* of 80 trips per

day. Since the traffic analysis for the requested rezoning indicates that the proposal would generate less traffic than the existing zoning, a traffic volume report was not generated.

History/Background:

In 1972, the subject property was incorporated into the City's extra-territorial jurisdiction (ETJ) and was zoned RA20 (Residential-Agricultural).

Present Land Use:

Vacant

Water/Sewer:

Water and sanitary sewer are located in the right-of-way of North Creek Drive.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

Based on a preliminary revised flood study, the property is impacted by the floodway of Moye's Run along its northern, western and southern boundaries.

Surrounding Land Uses and Zoning:

North: CH - Vacant

South: CH - Agri Supply

East: RA20 - Vacant (under common ownership of applicant)

West: CH - Agri Supply

Density Estimates:

Under the current zoning (RA20), staff would anticipate the site to yield no more than 20 single-family lots.

Under the proposed zoning (I), the site could yield 44,529+/- square feet of warehouse/mini-storage/industrial.

The anticipated build-out is 1-2 years.

Fiscal Note:

No cost to the City.

Recommendation:

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

"General compliance with the comprehensive plan" should be construed as meaning the requested rezoning is recognized as being located in a transition area and that the requested rezoning (i) is currently contiguous or is reasonably anticipated to be contiguous in the future to specifically recommended and desirable zoning of like type, character or compatibility, (ii) is complementary with objectives specifically recommended in the Horizons Plan, (iii) is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways, and (iv) preserves the desired urban form. It is recognized that in the absence of more detailed plans, subjective decisions must be made concerning the scale, dimension, configuration, and location of the requested zoning in the particular case. Staff is not recommending approval of the requested zoning; however, staff does not have any specific objection to the requested zoning.

The Planning and Zoning Commission voted to approve the request at its March 19, 2013 meeting.

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

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

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 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

- [Location Map](#)
- [Survey](#)
- [Bufferyard and Vegetation Standards and Residential Density](#)
- [Ordinance Collice Moore 950519](#)
- [Minutes Collice Moore 950525](#)
- [List of Uses RA20 to I 950032](#)

ORDINANCE NO. 13-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on April 11, 2013, at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

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

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

TO WIT: Collice C. Moore Property

LOCATION: Located at the terminus of North Creek Drive and 350+/- feet west of Northwoods Subdivision.

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

Beginning at a point in the southern right of way of North Creek Drive said point being located S 28-49-24 E – 15.15’, thence S 31-10-57 E – 84.39’, thence S 33-32-30 E – 474.24’, thence S 45-29-30 E – 217.41’, thence S 57-26-30 E – 501.08’ from the intersection of the eastern right of way of NCSR 1529 – Old Creek Road and the southern right of way of North Creek Drive thence from said point of beginning with the southern right of way of North Creek Drive S 57-26-30 E – 48.94’, thence 36.12’ along the arc of a curve said curve being to the right having a radius of 28.00’ and a chord bearing S 20-29-08 E – 33.67’, thence 156.85’ along the arc of a curve said curve being to the left having a radius of 55.00’ and a chord bearing S 65-13-37 E – 108.85’, thence leaving the southern

right of way of North Creek Drive S 30-31-15 E – 808.11’, thence N 65-20-00 W – 552.85’, thence N 29-26-41 W – 348.85’, thence N 22-50-00 E – 287.66’ to the point of beginning containing 4.6466 acres.

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

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

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

ADOPTED this 11th day of April, 2013.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc. # 950519

Excerpt from the DRAFT Planning & Zoning Minutes (3/19/2013)

ORDINANCE REQUESTED BY COLLICE C. MOORE TO REZONE 4.6466 ACRES LOCATED AT THE TERMINUS OF NORTH CREEK DRIVE AND 350+/- FEET WEST OF NORTHWOODS SUBDIVISION FROM RESIDENTIAL-AGRICULTURAL (RA20) TO INDUSTRY (I) - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. The property is located in the northeast section of the city, specifically off of Martin Luther King, Jr. Highway west of Northwoods Subdivision on North Creek Drive. The majority of the property in the area is vacant with a variety of uses along the highway. The request could generate a net decrease of trips per day; therefore, a traffic volume report was not generated. After Hurricane Floyd, flood maps were re-drawn. There was a study for property south of the subject property. Due to errors, the area was studied again. New flood maps show the subject property is impacted by the floodway, 100 and 500-year flood plains. The floodway cannot be developed and elevation standards apply to the 100-year floodplain. Under the current zoning (RA20), the site could yield no more than 20 single-family lots. Under the proposed rezoning (I), the site could yield 45,000 square feet of warehouse/mini-storage/industrial. The developable area of the subject property is limited due to the floodway and floodplain. The Future Land Use Plan Map recommends commercial (C) at the intersection of Martin Luther King, Jr. Highway and Old Creek Road transitioning to industrial (I) to the northeast and to the south. Conservation/open space (COS) is recommended because of potential environmental constraints and a buffer between the residential and non-residential uses. Contextual considerations in Horizons state that industrial development should be located adjacent to or with direct access to a major thoroughfare and that industrial uses should have a buffer between residential properties. In staff's opinion, the request is in general compliance. The property is located in a transition area of commercial, industry and conservation/open space. There is heavy commercial and industrial zoning in the area and there is an intervening tract between the subject property and the Northwoods Subdivision. There is direct access onto Martin Luther King Jr. Highway. North Creek Drive is a terminal street and does not connect to any other streets. The request preserves the desired urban form.

Ms Bellis asked if the developer was prohibited from paving due to the floodway.

Ms Gooby stated yes.

Mr. Weitz asked if the entire property was in the floodplain.

Ms Gooby stated the current floodplain maps indicate the property is impacted by the floodway and 100 and 500-year floodplains.

Mr. Parker asked the definition of floodway versus floodplain.

Mr. Tim Corley, City Engineer, stated that the floodway is the area that will be flooded first. The 100-year floodplain is a chance that the area will be flooded in 100 years. It does not mean

it will happen every 100 years but it is an average. It is based on elevation and how the water flows in the area. The City does have a certified flood manager that reviews the City's site plans.

Ms. Bellis asked if a buffer was mandatory between the industrial and residential sites.

Ms. Gooby stated that a vegetative buffer is required between residential and industrial uses, but the subject property does not abut the Northwoods Subdivision.

Ms. Bellis asked if the buffer requirement put restrictions on the undevelopable area.

Ms. Gooby stated that buffer requirements will apply to the property at the time of development.

Mr. Weitz asked would it be acceptable if flooding occurred and how the staff's recommendation of general compliance matched the Horizons Plan.

Ms. Gooby stated that development can take place in the floodplain. The City has a Flood Damage Prevention Ordinance to require elevation standards to mitigate flood damage. A large portion of the property north of the Tar River is impacted by floodplain.

Mr. Parker asked is it better to put non-residential than residential in the subject area.

Ms. Gooby stated non-residential is preferred so that people's homes are not impacted. The subject property is four acres but mostly likely only about one-half will be developable due to floodway and floodplain.

Chairman Bell asked if anything could be built within fifty feet of the floodway.

Ms. Gooby stated nothing can be built within the fifty feet.

Mr. Weitz stated that he disagreed with putting industrial in a floodplain because industrial is higher value development, possible toxic chemical pollution in the water, and more pavement with industrial which increases the velocity of the flooding.

Mr. Corley stated that the property will still follow the storm water regulations and treatment for water quality. Regardless of what type of construction, the same elevation requirements will apply. A lot of the property north of the river will fall into the 500-year flood plain.

Ms. Bellis asked if there were any restrictions on building in the 500-year flood plain.

Mr. Corley stated not in the 500 but in the 100-year flood plain. There are not true regulations in the 500-year floodplain because the likelihood of a storm happening is slim.

Ms. Bellis asked if the building restrictions in a floodplain are based on a 10-year event.

Mr. Corley stated the 100-year storm would have certain height regulations on the buildings but he was not familiar with the specific requirements. The floodway cannot have any development.

Mr. Parker asked if the requirements were city or state requirements.

Mr. Corley stated they are federal management requirements.

Mr. Ken Malpass, representative of Collice Moore, spoke in favor of the request. He stated that a company located on Farmville Boulevard that is impacted because of the Tenth Street Connector Project has contracted with Collice Moore. Because of the nature of the business, the request is for industry.

No one spoke in opposition of the request.

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

Mr. Weitz stated that he was concerned with the amount of floodway and floodplain that was located on the property. He suggested that the board abide by the planning policy of not putting higher value development in a floodplain.

Mr. Parker stated that the request was a sensible balance and fit in the logistics of the property. The property was not big and a small business will occupy it and create balance.

Motion made by Mr. Parker, seconded by Mr. Griffin, to recommend approval of the proposed amendment, to advise that although the proposed amendment is not consistent with the comprehensive plan, in this instance it is an appropriate zoning classification, and to adopt the staff report which addresses plan consistency. Those voting in favor: Bellis, Rich, Griffin and Parker. Those voting in opposition: Weitz, Maxwell and Burton. Motion passed.

EXISTING ZONING

RA20 (Residential-Agricultural)

Permitted Uses

(1) General:

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

(2) Residential:

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

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

(4) Governmental:

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

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical: None*

(8) Services:

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

(9) Repair: None*

(10) Retail Trade: None*

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

(12) Construction:

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

(13) Transportation: None*

*(14) Manufacturing/ Warehousing: * None*

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

RA20 (Residential-Agricultural)

Special Uses

- (1) General:* None*

(2) Residential:

- b. Two-family attached dwelling (duplex)
- g. Mobile Home
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility

(3) Home Occupations (see all categories):

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

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

- b. Greenhouse or plant nursery; including accessory sales

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical: None*

(8) Services:

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

(9) Repair: None*

(10) Retail Trade: None*

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

(12) Construction: None*

(13) Transportation: None*

*(14) Manufacturing/ Warehousing: * None*

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

PROPOSED ZONING

I (Industry)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- d. Off-premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental

g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

(2) *Residential*:* None

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

(4) *Governmental*:

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

(5) *Agricultural/ Mining*:

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

(6) *Recreational/ Entertainment*:

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

(7) *Office/ Financial/ Medical*:

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

(8) *Services*:

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

(9) *Repair*:

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

(10) Retail Trade:

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

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

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

(12) Construction:

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

(13) Transportation:

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

(14) Manufacturing/ Warehousing:

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

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

I (Industry)
Special Uses

(1) *General:** None

(2) *Residential:*

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

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

(4) *Governmental:*

- f. Correctional facility

(5) *Agricultural/ Mining:** None

(6) *Recreational/ Entertainment:*

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

(7) *Office/ Financial/ Medical:*

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

(8) *Services:*

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

(9) *Repair:** None

(10) *Retail Trade:*

- j. Restaurant; regulated outdoor activities

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

(12) *Construction:** None

(13) *Transportation:** None

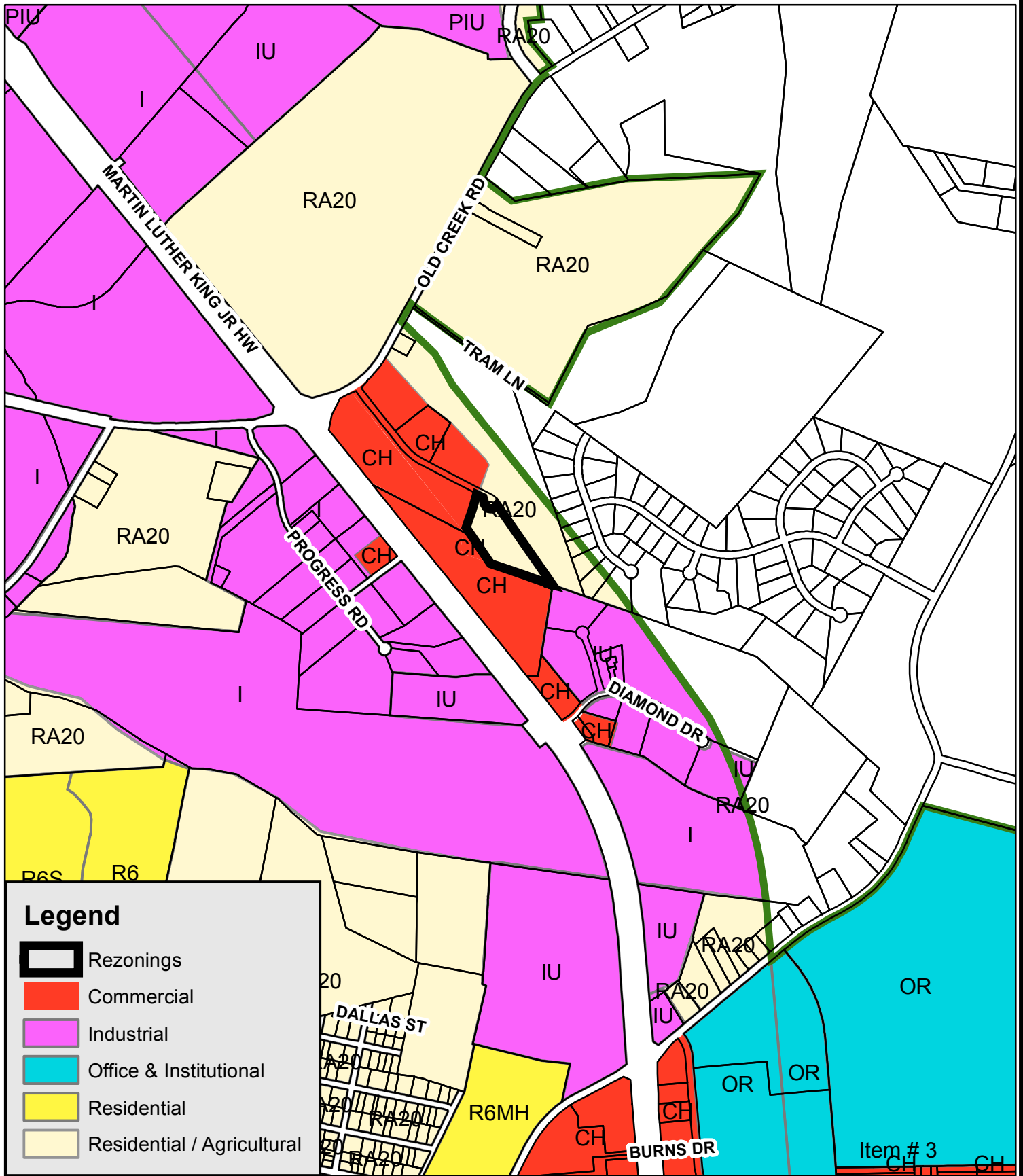
(14) *Manufacturing/ Warehousing:*

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

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

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

Collice C. Moore
4.6466 acres
From: RA20 To: I
February 21, 2013



04/30/07

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

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

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

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

Street trees may count toward the minimum acreage.

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

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

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

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

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

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

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

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

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

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

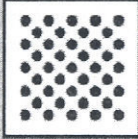
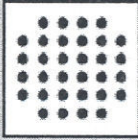
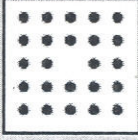
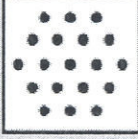

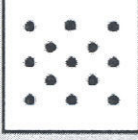
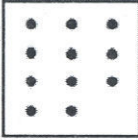
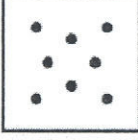
| Residential Density | | |
|---|---|---|
| Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit | | |
| High Density | | |
| R6 R6-N R6-MH OR CDF | 17 units per acre yields 45 persons per acre |  |
| PUD | 12 units per acre yields 32 persons per acre |  |
| Medium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

Illustration: Maximum allowable density in Residential Zoning Districts



City of Greenville, North Carolina

Meeting Date: 4/11/2013
Time: 7:00 PM

Title of Item: Ordinance requested by PIRHL Development, LLC to amend the Future Land Use Plan Map from a commercial (C) category to an office/institutional/multi-family (OIMF) category for the property located between Turnbury Drive and Smythewyck Drive and being 230+/- feet east of East Arlington Boulevard containing 4.3 acres

Explanation: **Abstract:** The City has received a request from PIRHL Development, LLC to amend the Future Land Use Plan Map from a commercial (C) category to an office/institutional/multi-family (OIMF) category for the property located between Turnbury Drive and Smythewyck Drive and being 230+/- feet east of East Arlington Boulevard containing 4.3 acres.

History/Background:

In 1989, the subject property was part of a series of large-scale rezonings in anticipation of the extension of Arlington Boulevard and relocation of Fire Tower Road. At that time, the zoning pattern established commercial at the northeast corner of the proposed intersection of Charles Boulevard and Fire Tower Road.

The current Future Land Use Plan Map (FLUPM) was adopted on February 12, 2004.

Comprehensive Plan:

The subject area is located in Vision Area D.

The FLUPM recommends commercial (C) at the intersection of Arlington Boulevard and Fire Tower Road transitioning to office/institutional/multi-family (OIMF) as a buffer to the residential-only areas extending from this intersection.

There is a designated regional focus area at the intersection of Arlington Boulevard and Fire Tower Road. These areas are intended to contain more than

400,000 square feet of conditioned floor space.

Arlington Boulevard is designated as a connector corridor. Connector corridors are anticipated to contain a variety of higher intensity activities and uses.

The Comprehensive Plan states: "Office/Institutional/Multi-family land uses should be developed along transportation thoroughfares to provide transition between commercial nodes and to preserve vehicle carrying capacity. Office/Institutional/Multi-family development should be used as a buffer between light industrial and commercial development and adjacent lower density residential land uses."

The Horizons: Greenville's Community Plan 2010 Update provides criteria in determining if a change to the FLUPM is compatible or incompatible. The following are excerpts from the 2010 Update.

A FLUPM amendment request will be construed to be "compatible with the comprehensive plan" if:

(i) The proposed amendment is determined by Planning and Zoning Commission and City Council to be necessary as a result of changed conditions in the local development pattern, street pattern, environment or other major feature or plan, which impacts the site in a manner or to a degree not previously anticipated at the time of adoption of the Current FLUPM; and

(ii) The location of the proposed classification(s) support the intent and objective of the current FLUPM, Focus Area Map, and Transportation Corridor Map and other contextual considerations of the comprehensive plan; and

(iii) The resulting anticipated land use is properly located with respect to existing and future adjoining and area uses and the proposed change is not anticipated to cause undue negative impacts on localized traffic, the natural environment or existing land and future neighborhoods and businesses within and in proximity to the area of proposed amendment; and

(iv) The amendment is anticipated to result in a desirable and sustainable land use pattern to an equal or greater degree than existed under the previous plan recommendation.

A FLUPM amendment request will be construed to be "incompatible with the comprehensive plan" if:

In determining whether a FLUPM amendment is compatible with the comprehensive plan, the Planning and Zoning Commission and City Council should take into consideration the following planning principles or concepts:

Functionality: the proposed use category serves a necessary function and does not interrupt or interfere with other proximate compatible uses; or the proposed use enhances desirable transition or buffers between potentially incompatible uses;

Integration: the proposed use category should be evaluated in terms of the Horizons plan's long-term goals, not merely in terms of its individual, short-term impacts.

Environmental Conditions/Constraints:

There are no known environmental constraints.

Surrounding Land Uses and Zoning:

North: OR - Sidus Financial, McCall and Warren Orthodontics, and Greenville Pitt County Home Builder's Association

South: CG - Tie Breaker's Restaurant Strip Center

East: CG - Turnbury Shopping Center

West: CG - Wendy's Restaurant and vacant property (under common ownership of applicant)

Thoroughfare/Traffic Volume (Summary):

Based on the analysis comparing the existing land use (943 daily trips) and requested land use, the proposed land use classification could generate 399 trips to and from the site on Turnbury Drive, which is a net *decrease* of 544 less trips per day. Since the traffic analysis for the requested land use indicates that the proposal would generate less traffic than the existing land use, a traffic volume report was not generated.

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the request is **not compatible** with the comprehensive plan based on the following criteria listed in the 2010 Update. The proposed OIMF category:

- is not necessary as a result of changed conditions in the local development pattern, street pattern, environment or other major feature or plan, which impacts the site in a manner or to a degree not previously anticipated at the time of adoption of the Current FLUPM; and
- does not support the intent and objective of the current FLUPM and other contextual considerations of the comprehensive plan for location of land use categories (Horizons states the OIMF category should be used between commercial nodes and/or incompatible uses.); and
- is not properly located with respect to existing and future adjoining land uses and may cause undue negative impacts on existing and future businesses within and in proximity to the area; and
- is not anticipated to result in a desirable and sustainable land use pattern to an equal or greater degree than existed under the previous plan recommendation

The Planning and Zoning Commission voted 6-2 to deny the request at its February 19, 2013 meeting.

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

Attachments / click to download

 [Location Map](#)

 [Ordinance PIRHL FLUPM 948069](#)

 [Minutes PIRHL LLC 948338](#)

ORDINANCE NO. 13-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
AMENDING HORIZONS: GREENVILLE'S COMMUNITY PLAN

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 April 11, 2013, 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 Future Land Use Plan Map for the following described territory;

WHEREAS, the Horizons: Greenville's Community Plan was adopted on January 9, 1992 by the Greenville City Council per Ordinance 2412; and

WHEREAS, the Horizons: Greenville's Community Plan will from time to time be amended and portions of its text clarified by the City Council; and

WHEREAS, Future Land Use Plans are to be prepared to expand and clarify portions of the Horizons: Greenville's Community Plan; and

WHEREAS, the City Council of the City of Greenville has per Ordinance No. 97-73 adopted the Greenville Future Land Use Plan Map and associated text dated June 4, 1997 as an amendment to the Horizons: Greenville's Community Plan; and

WHEREAS, the City Council of the City of Greenville has per Ordinance No. 04-10 amended the Horizons: Greenville's Community Plan and Future Land Use Plan Map pursuant to the 2004 Update; and

WHEREAS, the Planning and Zoning Commission and the City Council have reviewed the Future Land Use Plan Map and a public hearing has been held to solicit public comment.

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

Section 1. The Future Land Use Plan Map is hereby amended by re-designating from a "Commercial" category to an "Office/Institutional/Multi-family" category for the area described as being 230+/- feet east of the intersection of the eastern right-of-way of East Arlington Boulevard and the northern right-of-way of Smythwyck Drive and also the intersection of the southeast corner of tax parcel 70312 as identified at the Pitt County Tax Assessor's Office and the northern right-of-way of Smythwyck Drive, herein known as the Point of Beginning. From the Point of Beginning, running along the northern right-of-way of Smythwyck Drive in an easterly direction for 470+/- feet; thence cornering and running along the eastern property line of tax parcel 51672 in a northerly direction for 430+/- feet; thence running along the southern right-of-way of Turnbury Drive in a westerly direction for 470+/- feet; thence cornering and running

in a southerly direction for 430+/- feet returning to the Point of Beginning and containing 4.3 acres.

Section 2. That the Director of Community Development is directed to amend the Future Land Use Plan Map of the City of Greenville in accordance with this ordinance.

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

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

ADOPTED this 11th day of April, 2013.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

#948069

Excerpt from the ADOPTED Planning & Zoning Minutes (2/19/2013)

ORDINANCE REQUESTED BY PIRHL DEVELOPMENT, LLC TO AMEND THE FUTURE LAND USE PLAN MAP FROM A COMMERCIAL (C) CATEGORY TO AN OFFICE/INSTITUTIONAL/MULTI-FAMILY (OIMF) CATEGORY FOR THE PROPERTY LOCATED BETWEEN TURNBURY DRIVE AND SMYTHEWYCK DRIVE AND BEING 230+/- FEET EAST OF EAST ARLINGTON BOULEVARD CONTAINING 4.3 ACRES - DENIED

Ms Chantae Gooby, Planner II, delineated the property. The property is located in the southeast section of the city specifically between Turnbury Drive and Smythewyck Drive. The Future Land Use Plan Map recommends commercial (C) at the intersection of Arlington Boulevard and Fire Tower Road transitioning to office/institutional/multi-family (OIMF). The property is currently vacant with some of the surrounding properties developed as commercial. North of Turnbury Drive is office development and some vacant lots. There is a designated regional focus area at the intersection of Arlington Boulevard and Fire Tower Road. The property is considered part of the focus area. In 1989, this area was developed as a large commercial node because Arlington Boulevard was being built and Fire Tower Road was being re-aligned. At that time, there were large-scale commercial rezonings in anticipation of the street upgrades. Based on the analysis comparing the existing land use category and requested land use category, the request could generate a net decrease of trips per day. Therefore, a traffic volume report was not generated. The contextual portion of the Comprehensive Plan states that the Office/Institutional/Multi-Family category should be used between commercial nodes and incompatible uses. Most offices uses are allowed in the current commercial zoning. Therefore, multi-family development is likely to result from this request. Ms Gooby discussed how the 2010 Horizons Update provides criteria in determining if a change to the Future Land Use Plan Map is compatible or incompatible. In staff's opinion, the request is not compatible with the comprehensive plan in that the proposed OIMF category:

- is not necessary as a result of changed conditions in the local development pattern, street pattern, environment or other major feature or plan, which impacts the site in a manner or to a degree not previously anticipated at the time of adoption of the Current FLUPM; and
- does not support the intent and objective of the current FLUPM and other contextual considerations of the comprehensive plan for location of land use categories (Horizons states the OIMF category should be used between commercial nodes and/or incompatible uses.); and
- is not properly located with respect to existing and future adjoining land uses and may cause undue negative impacts on existing and future businesses within and in proximity to the area ; and
- is not anticipated to result in a desirable and sustainable land use pattern to an equal or greater degree than existed under the previous plan recommendation.

The amendment request is incompatible because of functionality and integration. The proposed land use category interrupts or interferes with the proximate compatible uses and also does not

enhance desirable transition or buffers between those uses. Possible multi-family development would not have long-term sustainability due adjacent uses.

Chairman Bell asked if the best use for the property be commercial.

Ms Gooby stated that is what the current plan recommends.

Chairman Bell opened the public hearing.

Dustin Mills, PIRHL Development, LLC representative, spoke in favor of the request. He stated that the company would like to pursue having an apartment complex. The intent of the company is to procure the property and build senior apartments. Under the proposed change, traffic count would decrease by 200,000 trips per year per staff. The company selected the site because of its proximity to a grocery store and promotes walkability. The site is located so that residents can walk, public transportation is available and is compatible with the adjacent uses. It is also in compliance to smart growth in the Comprehensive Plan.

No one spoke in opposition of the request.

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

Mr. Schrade stated that a multi-family complex would not hurt adjacent businesses. He thought the request made good sense.

Mr. Smith agreed with Mr. Schrade.

Mr. Griffin stated his concern was how the proposed change will decrease traffic because there is no guarantee people will walk or the type of facility that will be built.

Ms. Harrington stated putting a senior facility close to a grocery store will be great so the residents could have easy access without being in danger trying to get to the businesses.

Mr. Schrade asked staff was there an issue with the reduced traffic.

Ms Gooby stated that traffic was not a problem. Multi-family is generally a lower traffic generator as compared to single-family or commercial. She cautioned there is a lack of sidewalks in the area and traffic is of a commercial nature which means it occurs almost all day. The area was designed as a commercial node.

Chairman Bell asked if the city would incur the cost of sidewalks.

Ms Gooby stated that the developer generally pay for sidewalks.

Chairman Bell noted that the applicant desired to speak.

948338

Attorney Holec stated it was at the discretion of the board since the public hearing was closed.

Mr. Maxwell asked if there was a guarantee what will be built once the map amendment changed.

Attorney Holec stated no - that the request is not a rezoning. Any type of representation to the type of development cannot be relied upon. A developer can develop any use which is allowed in accordance to the regulations.

Chairman Bell asked if the change would be from Charles Boulevard to Arlington.

Attorney Holec stated that the proposed change would only affect the specified lot area.

Mr. Mills stated that the company provided interior sidewalks to the property line. The company selects properties that they can share a property line with a shopping area. The company cannot promise anything but was informed to make the proposed request prior to making any other decisions.

Ms Bellis asked about the number of units in the proposed senior facility.

Mr. Mills stated the company typically targets about 72-88, mostly one-bedroom units with at least the minimum parking requirements. The size of the lot and the design of the project would not allow more than 100 units. The company's historical studies have shown that senior projects generate less traffic than family projects.

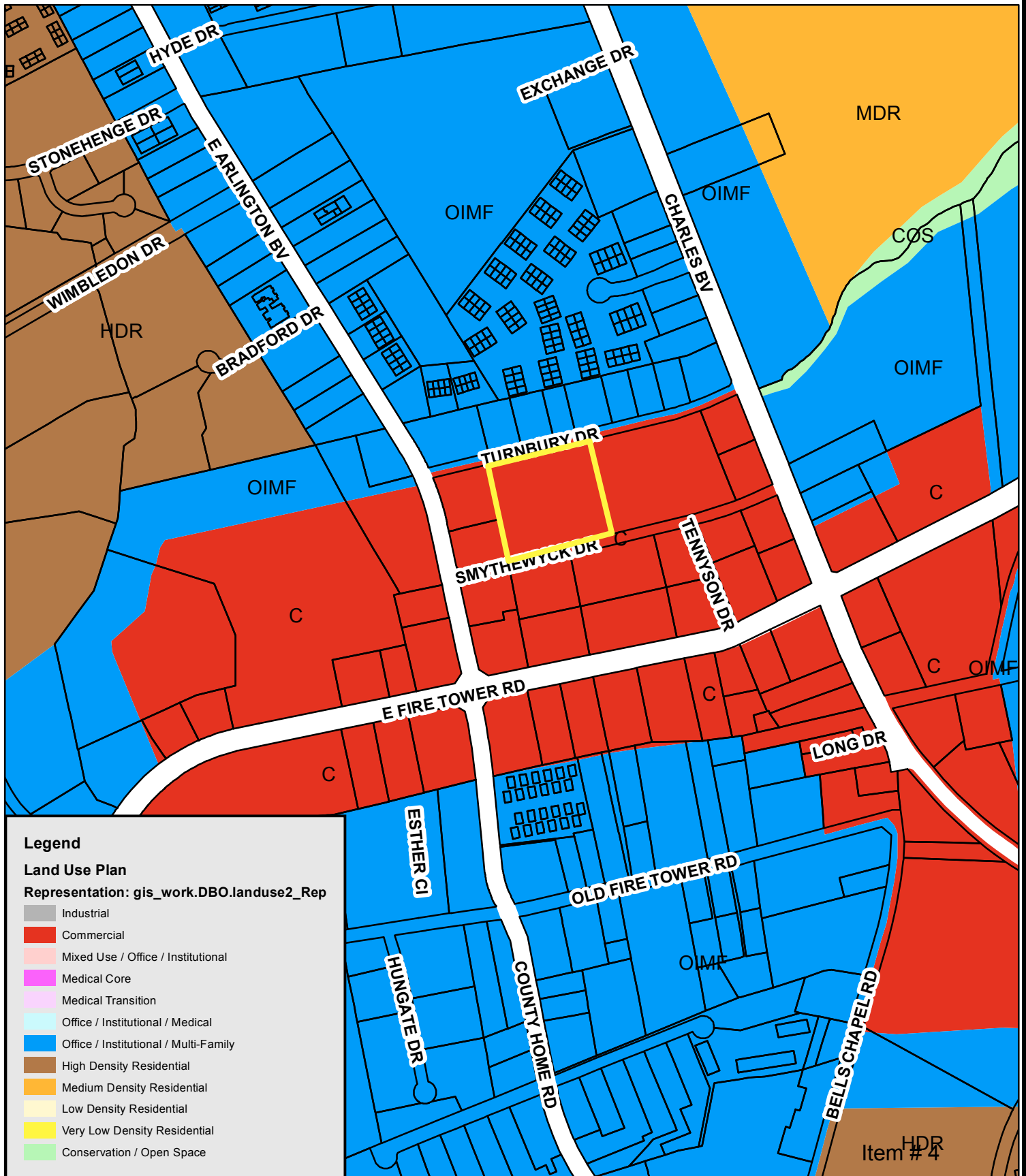
Motion made by Mr. Smith, seconded by Mr. Schrade, to approve the request. Those voting in favor: Smith and Schrade. Those voting in opposition: Bellis, Maxwell, Griffin, Basnight, Rich and Weitz. Motion failed.

Motion made by Ms Basnight, seconded by Mr. Griffin to deny the request. Those voting in favor: Bellis, Maxwell, Griffin, Basnight, Rich and Weitz. Those voting in opposition: Smith and Schrade. Motion passed.

PIRHL Development, LLC
4.3 acres
February 4, 2013



From: C (Commercial) To: OIMF (Office/Institutional/Multi-family)





City of Greenville, North Carolina

Meeting Date: 4/11/2013
Time: 7:00 PM

Title of Item: Ordinance initiated by Fleming Solar Center, LLC to amend the Zoning Ordinance to create standards for solar energy facilities as a special use in the RA-20 (Residential-Agricultural) district

Explanation: **Abstract:** The purpose of this text amendment to the Zoning Ordinance, which was initiated by Fleming Solar Center, LLC, is to amend the Zoning Ordinance to create standards for Solar Energy Facilities as a Special Use in the RA-20 (Residential-Agricultural) district.

Explanation: North Carolina has been identified as one of the most desirable locations in the United States for solar energy facilities. The price of the technology and tax incentives have made such operations profitable. These facilities were first located in the mountains and are now coming to the Piedmont and Coastal Plains regions of North Carolina.

The City of Greenville and Pitt County have received inquiries about solar energy facilities. There were no regulations for this type of use in either jurisdiction. Fleming Solar Center, LLC has applied for a text amendment in both jurisdictions. Pitt County's ordinance was submitted ahead of the City of Greenville's text amendment, so there has been collaboration in establishing essentially the same standards for both jurisdictions.

Some of the standards include:

Solar Energy Facilities will be set back a minimum of 50 feet from property lines and 100 feet from any residence. Inverters shall be a minimum of 150 feet from any residence. There is a noise level requirement of 40 db at the property line.

Maximum of 25 feet in height.

Ten foot bufferyard with a minimum of 9 evergreen trees or shrubs per 100 linear feet.

Security fence of 6 feet in height. Security lighting shall be directed onto their premises.

The use will only be allowed in the RA-20 (Residential-Agricultural) district with a Special Use Permit issued by the Board of Adjustment on a site with a minimum of 30 acres.

The standards should be sufficient to allow the requested use and protect the public interest.

The Planning and Zoning Commission voted to approve the request at its March 19, 2013 meeting.

Fiscal Note: No fiscal impact anticipated

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

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

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

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

Attachments / click to download

[Map of RA-20 with 30 or more acres](#)

[Text Amendment Application](#)

[Solar Farm Ordinance 949081](#)

[Excerpt P_Z minutes Solar Center 951029](#)

ORDINANCE NO. 13-__
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 April 11, 2013, at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

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

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

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

Solar Collector, Accessory. A device or structure for which the primary purpose is to convert solar radiant energy into another source for direct power consumption and interconnection with the power grid to offset energy consumption of a principal use. The device may be roof-mounted or ground-mounted as an accessory use.

Solar Energy Facility. A solar collection system that generates electricity from sunlight to a wholesale electricity market through a regional transmission organization and an interconnection with the local utility power grid and/or for direct distribution to more than one property or consumer as a commercial venture located on a parcel containing a minimum of thirty (30) acres. Solar energy facilities shall consist of a minimum of three (3) individual photovoltaic modules (solar panels), which are an assembly of solar cells to generate electricity. Solar facilities constructed only for the production of electricity dedicated to another facility co-located the same site, or a solar facility which is clearly a subordinate accessory land use, shall not be subject to the special use permit requirements.

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

(5) 1. “*Solar Energy Facility*”. (see also Section 9-4-86) by allowing this land use with a special use permit in the RA-20 (Residential-Agricultural) district and by assigning a LUC 4 to the land use.

Section 3: That Title 9, Chapter 4, Article D, Section 9-4-85 of the City Code is hereby amended to include the use entitled “Solar Energy Facility” as a Special Use in the RA-20 (Residential Agricultural) District.

(PP) Solar Energy Facility

Section 4: That Title 9, Chapter 4, Article D, Section 9-4-86 of the City Code is hereby amended to add the following section:

(PP)Solar Energy Facility

1. *Setbacks*. Solar Energy Facilities and their appurtenant components and structures shall be a minimum of fifty feet from all property lines, and one-hundred feet from any residence. Inverters shall be a minimum of 150 feet from any residence.
2. *Height Requirements*. Individual modules/panels shall be a maximum of 25 feet in height as measured from the grade at the base of the structure to the apex of the structure.
3. *Site Plan*. A site plan, drawn and stamped by a North Carolina licensed surveyor or engineer, shall be submitted showing the following:
 - a) A narrative describing the proposed solar energy facility including an overview of the project;
 - b) The proposed location and dimensions of all solar panels, inverters, existing and proposed structures, screening, fencing, property lines, turnout locations, ancillary equipment, transmission lines, vegetation and the location of any residence within 100 feet of the perimeter of the facility;
 - c) Any preexisting structures on the same lot and principal structures on other properties that would affect the placement of solar panels;
 - d) Parking and access areas;
 - e) Location of any proposed solar access easements;
 - f) Location where wiring is brought together for inter-connection to system components and/or the local utility power grid, and location of disconnect switch;
 - g) Standard drawings of the solar collection system components;
 - h) Security Fencing, a minimum of six feet in height, shall be provided along the entire perimeter of the facility;

- i) The entire perimeter of the facility shall be screened from adjoining properties by a ten foot buffer yard. The buffer yard shall consist of nine evergreen trees or shrubs per 100 linear feet or fraction thereof. The vegetation shall comply with Section 9-4-267;
 - j) Copies of any lease agreement and solar access easement(s);
 - k) Evidence that the electrical utility provider has been informed of the customer's intent to install an interconnected, customer-owned generator (off-grid systems shall be exempt from this requirement);
 - l) Decommissioning plans that describe the anticipated life of the facility, the estimated decommissioning costs in current dollars, and the anticipated manner in which the facility will be decommissioned and the site restored;
 - m) Signature of the property owner(s) and the owner/operator of the facility (if different than the property owner); and
 - n) Other relevant studies, reports, certifications, and approvals as may be reasonably requested by the City of Greenville to ensure compliance with this Article.
4. *Location.* Solar Energy Facilities will be permitted only in the RA-20 (Residential – Agricultural) zoning district on a parcel (or parcels) containing a minimum of thirty (30) acres as a special use as permitted by the City of Greenville Board of Adjustment.
5. *Other Requirements.*
- a) Development of a Solar Energy Facility will be subject to other overlay district regulations including watershed impervious surface limits.
 - b) Solar Energy Facilities shall be fully screened from adjoining properties and adjacent roads by an evergreen buffer capable of reaching a height of 6 feet within three years of planting, with at least 75% opacity at the time of planting.
 - c) All outdoor lighting shall be shielded to direct light and glare onto the system's premises and may be of sufficient intensity to ensure security.
 - d) Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and/or the local utility power grid.
 - e) Solar panels shall be mounted onto a pole, rack or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components and withstand adverse weather conditions.
 - f) Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.
 - g) No ground-mounted large solar energy systems shall be affixed to a block wall or fence.
 - h) No signage shall be permitted on the perimeter fence, with the exception of one (1) sign not to exceed 32 square feet that displays the name, address and emergency contact information of the facility as well as appropriate warning signs.

- i) All obsolete or unused systems shall be removed. Any structure or equipment associated with the solar farm that is not operated for a continuous period of three hundred sixty five (365) days shall be considered obsolete or unused system.
- j) Any lease agreement, solar access easement, and plan for removal of system/equipment shall be provided to the Community Development Director or designee. If the system is to be interconnected to the local utility power grid, a copy of the conditional approval from the local utility must also be provided before a special use permit will be granted.
- k) The Solar Energy Facility and components shall meet all requirements of the North Carolina State Building Code.
- l) The Solar Energy Facility and components shall comply with the current edition of the National Electrical Code; UL listed, and be designed with an anti-reflective coating.
- m) The electrical disconnect switch shall be clearly identified and unobstructed, and shall be noted clearly on the site plan.
- n) The owner or future owner of a property onto which a solar farm is installed assumes all risk associated with diminished performance of said system caused by any present or future adjacent structure or landscaping that may interfere with the system's ability to produce power at its rated capacity, regardless of when that adjacent structure or landscaping is constructed or installed.
- o) Inverter noise shall not exceed 40dBA, measured at the property line.
- p) Other conditions, including, but not limited to, buffering and noise controls that provide adequate protection for adjacent residential properties as may be deemed reasonable and appropriate for the type of system, may be added by the City of Greenville Board of Adjustment.

Section 5: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 6: That this ordinance shall become effective upon its adoption.

ADOPTED this 11th day of April, 2013.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc# 949081

Excerpt from the DRAFT Planning & Zoning Commission Meeting Minutes (3/19/13)

ORDINANCE INITIATED BY FLEMING SOLAR CENTER, LLC TO AMEND THE ZONING ORDINANCE TO CREATE STANDARDS FOR SOLAR ENERGY FACILITIES AS A SPECIAL USE IN THE RA-20 (RESIDENTIAL-AGRICULTURAL) - APPROVED

Mr. Andy Thomas, lead planner, presented the ordinance to amend the City's Zoning Ordinance to create standards for Solar Energy Facilities. North Carolina has been identified at the 4th most desirable location for Solar Energy Facilities. Both Pitt County and the City have been contacted by Solar Energy Firms. Pitt County's ordinance was submitted ahead of the City of Greenville's text amendment so they have collaborated in establishing the same standards. The standards include: (1) facilities will be set back a minimum of 50 feet from property lines and 100 feet from any residence; (2) inverters shall be a minimum of 150 feet from any residence and include a noise prevention clause; (3) panels will a maximum of 25 feet in height; (4) ten foot bufferyard with a minimum of 9 evergreen trees or shrubs per 100 linear feet; (5) a security fence of six feet in height will be installed; (6) security lighting will be directed onto the premises. The use will only be allowed in the RA20 (Residential Agricultural) district of 30 acres or more with a Special Use Permit.

Chairman Bell asked if the company made contact with any landowners.

Mr. Thomas stated he believed they had.

Ms Bellis asked if the facilities could be located in the floodplain.

Mr. Thomas stated he believed they could go in a floodplain.

Mr. Corley stated that the floodway would stay untouched but the panels could go in the 100 year floodplain.

Ms Bellis stated that most of the potential locations are located north of the river.

Mr. Corley stated that the same regulations that a building would have to abide would apply to the farms because it is based on structure and displacement of water. The standards may not be as strict since the structure is inhabitable.

Mr. Weitz asked if the ordinance was based on one type of large scale facility based on the applicant.

Mr. Thomas stated that staff was responding to the text amendment that the applicant submitted.

Mr. Weitz asked if homeowners could install solar panels on their property.

Mr. Thomas stated yes and it is included in the ordinance.

Mr. Weitz asked if the evergreens requirement would hinder sunlight.

Mr. Thomas stated the intent of the evergreen requirement was to have something six feet in height and below. The standard is not designed to create an opaque screen around the facility.

Mr. Weitz asked if the evergreen requirement and setback would affect the solar radiation coming into the site.

Mr. Thomas stated no.

Mr. Parker asked if the developer could pick what type of vegetation to plant.

Mr. Thomas stated yes and the requirement would be a tree that remains in the five/six foot range.

Dr. Burton asked if the text amendment would prevent a small business from converting to solar energy.

Mr. Thomas stated that small business owners could have solar devices also.

Chairman Bell stated that the ordinance will benefit the company leasing the land and the individuals receiving the solar energy.

Mr. Thomas explained that the solar panels have meters and the utility company has to pay for the energy they generate. North Carolina has a law that energy companies have to receive 20% of their energy from a renewable energy source. The solar farms will help the energy companies meet the threshold.

Chairman Bell opened the public hearing.

Mr. Kyle West, representative of Heliosage Energy, spoke in favor of the request. The company has fifteen farms. They currently have lease options with local landowners and the developer will choose the type of vegetation. The utility company will pay the solar farm the same price it would cost them to generate the energy. Mr. West provided a company overview and a definition of a solar farm. He displayed pictures of solar farms located in North Carolina, the height of the panels, the inverters and the mounting systems. The soil in North Carolina does not require concrete unless rocks are prevalent. One panel is 6.25" tall and 3.25" wide. The inverter converts the energy from DC to AC and is mounted on a concrete slab. Growth of solar energy is growing in NC due to the 35% state tax credit and 40% federal tax credit. Solar energy also provides environmental benefits.

Mr. Weitz asked if the state and federal tax credits went away, would the solar farms become unprofitable.

Mr. West stated yes because the state credit offsets the tax liability by 50% which is a significant part of the financing.

Ms Bellis asked if the units were flood proof.

Mr. West stated developers would not develop in the 500 year floodplain because of the investors. It was difficult to find a site not in the floodplain in Greenville but one was identified.

Mr. Parker asked about the noise level of the project.

Mr. West stated that the inverter will make a sound comparable to a refrigerator. It is only converting energy.

Dr. Burton asked what the smallest footprint of a farm was.

Mr. West stated that the company is trying to max out the 5 MW cap so it will be between 30-50 acres.

Chairman Bell asked if the panels would be in different sets on the property.

Mr. West stated that a developer would want a continuous project in order to cut cost. Different sets require separate Certificates of Public Convenience and Necessities from the Utilities Commission.

Mr. Parker asked if an industrial building with an array on top would be on the farm.

Mr. West stated that the process normally starts off on a commercial scale, then industrial and lastly a utility scale. The building would be on the farm but only if the farm is at least 1 MW. The roof would need to be 100,000 square feet.

No one spoke against the request.

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

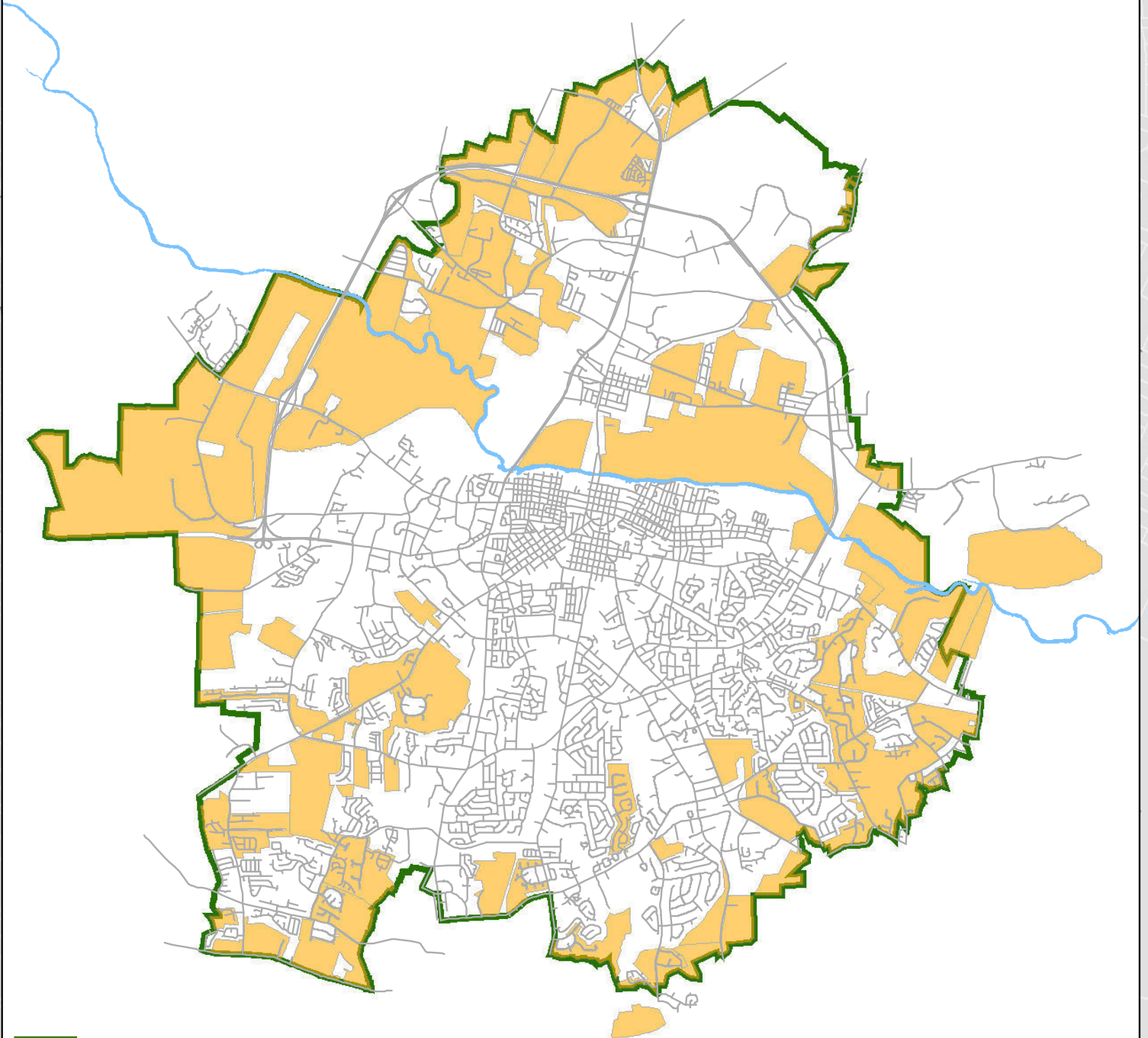
No board discussion.

Motion made by Mr. Weitz, seconded by Ms Bellis, to approve the proposed text amendment, to advise that it is consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

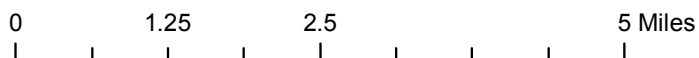


CITY OF
GREENVILLE
NORTH CAROLINA

RA20 with 30 or More Acres



- Greenville ETJ
- Tar River
- RA20 with 30 or More Acres
- Street Centerline



Item # 5



Date Received _____

CITY OF GREENVILLE ZONING ORDINANCE TEXT AMENDMENT APPLICATION

Applicant Name(s) _____ Flemming Solar Center, LLC
_____ Andrew Foukal, Project Manager

Mailing Address _____ P.O. Box 2055
_____ Charlottesville, VA 22902

Contact Phone Number (_ 434 _) 293-7589 _____

Contact Fax Number (_ 434 _) 293-4749 _____

Zoning Ordinance Section Proposed to be Amended: _____

Reason for Request: _____ Zoning Ordinance does not specify Solar Farm language _____

Proposed Language of Text Amendment (attach additional pages if needed):
Please see attached language. _____

Andrew Foukal
Print Name


Signature of Applicant


Date

HelioSage Recommended Solar Farm Language

Definitions:

Solar Farm: An area of land designated for the purpose of producing photovoltaic electricity; primarily to be exported off-site.

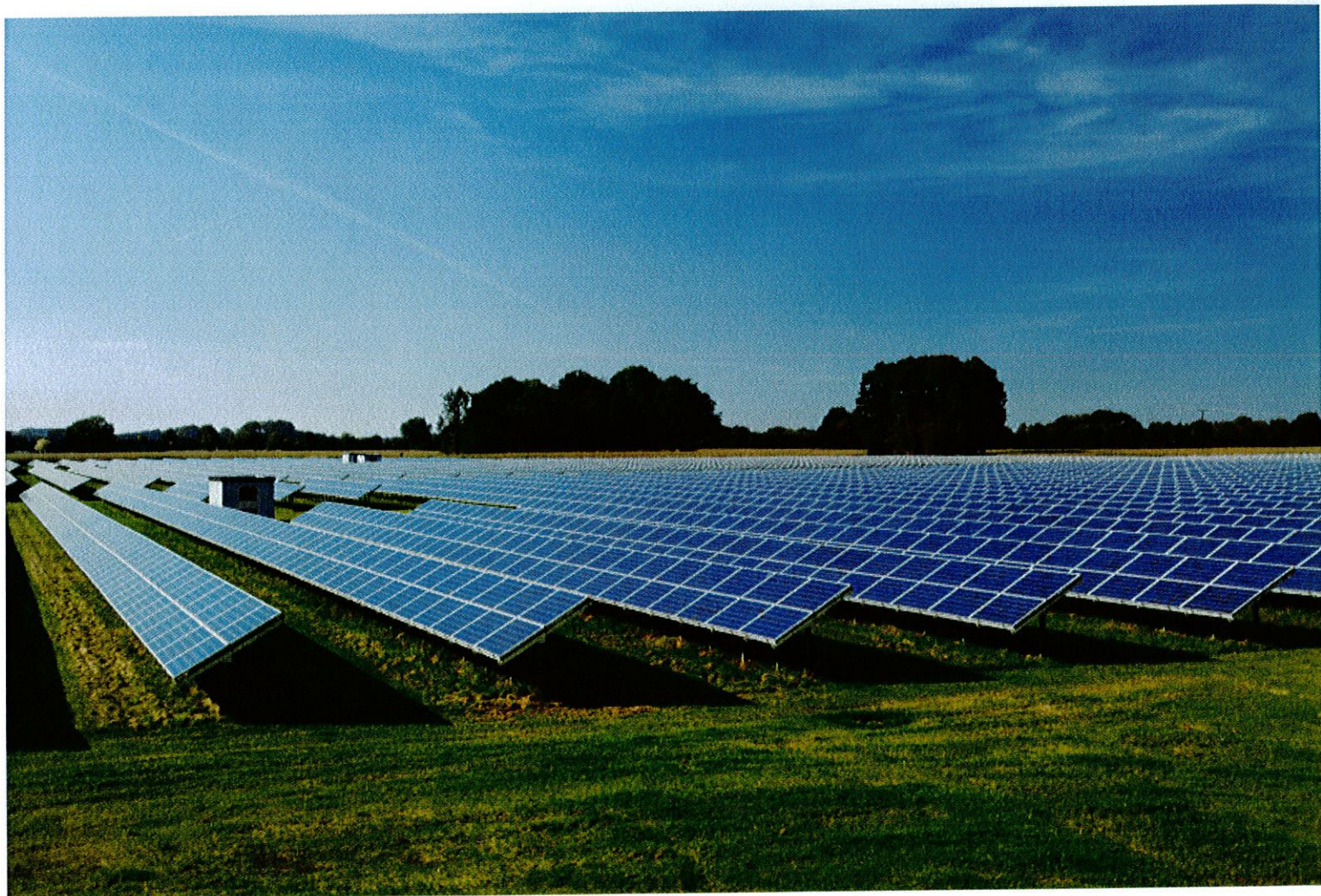
Solar farms shall be a Special Use in ^{RA}~~AR-20~~ zoning areas, and will follow the following requirements:

RF 2/11/13

Solar farm.

Solar energy systems, solar farm development standards shall be:

- a. Height. Systems, equipment and structures shall not exceed 25 feet in height when ground mounted. Roof mounted systems shall not exceed the maximum height for the applicable zoning district.
- b. Setback. Active solar system structures must meet the following setbacks:
 1. Ground-mounted. Ground-mounted solar energy systems as part of a solar farm shall meet the minimum zoning setback for the zoning district in which it is located.
- c. Distribution lines. To the extent practical, all new distribution lines to any building, structure or utility connection may be located above ground.
- d. Approved solar components. Electric solar system components must have a UL listing or equivalent.
- e. Compliance with building code. All active solar systems shall meet all requirements of the North Carolina State Building Code and shall be inspected by a town/county building inspector.
- f. Compliance with National Electric Code. All photovoltaic systems shall comply with the National Electrical Code, current edition.
- g. Utility notification. No grid tied photovoltaic system shall be installed until evidence has been given to the planning and development department that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.
- h. Abandonment. It is the responsibility of the parcel owner to remove all obsolete or unused systems within 12 months of cessation of operations. Reusable components are to be recycled whenever feasible.
- i. A security fence will surround the perimeter of the solar farm.
- j. Reasonable accessibility for emergency services vehicles shall be required.
- k. No signage is allowed on the solar farm fencing except for safety sign(s) not to exceed 32 square feet displaying the facility name, address and emergency contact information.





City of Greenville, North Carolina

Meeting Date: 4/11/2013
Time: 7:00 PM

Title of Item: Ordinance amending the Flood Damage Prevention section of the Zoning Ordinance

Explanation: **Abstract:** This item is an ordinance amending the Flood Damage Prevention Ordinance text defining the basis for establishing the Special Flood Hazard Areas within the jurisdictional authority of the City of Greenville. There are no fiscal impacts associated with this ordinance request.

Explanation: The National Flood Insurance Program (NFIP) was created by Congress in 1968 to reduce the loss of life and property and the rising disaster relief costs caused by flooding. The NFIP is a voluntary program based on a mutual agreement between the federal government and the local community. The City of Greenville became an emergency member of the NFIP on January 15, 1974. The Federal Emergency Management Agency (FEMA) published the first Flood Hazard Boundary Map for the City of Greenville on June 14, 1974, and this map was replaced on July 3, 1978, with a detailed Flood Insurance Study (FIS) and accompanying Flood Insurance Rate Maps (FIRM) when the City became a participating member.

After the devastation of Hurricane Floyd in 1999, the State of North Carolina partnered with FEMA as the first Cooperating Technical State. This partnership was established to update the Flood Insurance Studies for all 100 counties in North Carolina.

On January 2, 2004, the revised study for Pitt County, which includes all of the communities within the county, was published by FEMA and adopted by the City. The North Carolina Floodplain Mapping Program continues to update the Flood Insurance Studies.

On April 16, 2013, FEMA will publish an updated Flood Study for Greene County. This study also includes several streams in Pitt County. On the same date, FEMA will publish an update to the Flood Study for Pitt County. The City of Greenville is required to adopt the revised Flood Insurance Study and its accompanying Flood Insurance Rate Maps to remain a member in good standing in the National Flood Insurance Program.

The revised FIS report document, FIRM Index and revised FIRM Panels 4657 can be found on the City website at http://www.greenvillenc.gov/uploadedFiles/Departments/Public_Works_Dept/Information/Engineering/FIS_and_FIRM_Panels_effective_4_16_2013.pdf

Within the City of Greenville's jurisdiction, there are 1,102 flood insurance policies in force insuring \$229,250,200 of property. There have been 381 claims since 1978, with total losses paid of \$17,891,870.

Mr. Milton Carpenter with the NC Department of Public Safety, NC Floodplain Mapping Program, has assisted City staff with the proposed Zoning Ordinance text amendment. Over the last several years, the North Carolina Floodplain Mapping Program has been working on a countywide update to the Pitt County Flood Insurance Study. Staff expects FEMA to publish the revised countywide Flood Study by the end of 2013. The City will be required to adopt the revised study by the effective date.

At their meeting on March 19, 2013, the Planning and Zoning Commission voted to recommend approval of the Zoning Ordinance text amendment relating to Flood Damage Prevention.

Fiscal Note: No fiscal impact is anticipated with this action.

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

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

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

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

Attachments / click to download

📎 [Flood Damage Prevention Ordinance Amendment](#)

ORDINANCE NO. 13-_____
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 April 11, 2013 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 is reasonable and in the public interest.

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

Section 1: That Title 9, Section 9-6-3, of the Code of Ordinances of the City of Greenville, is hereby amended by deleting subsection (B) and replacing said subsection with the following:

(B) Basis for establishing the special flood hazard areas.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for Pitt County, dated April 16, 2013, and its accompanying Flood Insurance Rate Map (FIRM), including any digital data developed as part of the FIS, which are adopted by reference and declared to be a part of this ordinance. Future revisions to the FIS or FIRM panels that do not change flood hazard data within the jurisdictional authority of the City of Greenville are also adopted by reference and declared to be part of this ordinance. Subsequent revisions to the FIRM should be adopted within 6 months.

The initial Flood Insurance Rate Map for the City of Greenville is dated July 3, 1978.

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 of 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 on April 16th, 2013.

Adopted this 11th day of April, 2013.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 4/11/2013
Time: 7:00 PM

Title of Item: Resolution requested by Collice C. Moore for an extension of the City of Greenville's Extra-Territorial Jurisdiction (ETJ) for property identified as North Creek Commercial Park

Explanation: **Abstract:** The City has received a request from Collice C. Moore for an extension of the City of Greenville's Extra-Territorial Jurisdiction (ETJ) for property identified as North Creek Commercial Park, containing approximately 10.5 acres.

Explanation: When the City of Greenville extended its Extra-Territorial Jurisdiction (ETJ) in 1972, it established the boundary in this area as being 1000 feet east of the right-of-way of US 264. This boundary was drawn irrespective of property lines. Consequently, some properties were split by this boundary, and this property is one that was split.

The property owner desires to have the remainder of their property included within the City of Greenville's ETJ for consideration of future development. It is likely that future property uses would require city sewer, requiring voluntary annexation. The inclusion of this property would allow the property owner the opportunity to pursue a City zoning classification so the property can be marketed.

Pitt County has established a procedure for ETJ extensions that begins with a municipality sponsoring the request. The Greenville City Council is being asked to sponsor this request through the adoption of a resolution. The request will be forwarded to the Pitt County Planning Department, who will send it to their Planning and Zoning Commission and Board of Commissioners for consideration. If the application is successful, it will return to the City of Greenville Community Development Department so the request can be forwarded to the Planning and Zoning Commission and back to City Council for final consideration.

Fiscal Note: No costs to the City of Greenville associated with this request.

Recommendation: Consider adoption of the attached resolution. If adopted, the request will be forwarded to the Pitt County Planning Board and Board of Commissioners.

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

Attachments / click to download

[ETJ Extension- North Creek Commercial Park](#)

[ETJ Ext North Creek Commercial Park 950750](#)

RESOLUTION NO.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE REQUESTING
THE PITT COUNTY BOARD OF COMMISSIONERS TO AGREE TO AN EXTENSION OF
THE CITY OF GREENVILLE'S EXTRATERRITORIAL JURISDICTION

WHEREAS, N.C.G.S. 160A-360 allows a municipality to exercise powers conferred by Article 19 of Chapter 160A of the North Carolina General Statutes within a defined extraterritorial jurisdiction;

WHEREAS, N.C.G.S. 160A-360(e) requires a city and county to agree upon an extension of a city's extraterritorial jurisdiction where a county enforces a zoning ordinance and subdivision regulations and within which the county is enforcing the State Building Code regulations;

WHEREAS, Pitt County enforces a zoning ordinance and subdivision regulations and enforces the State Building Code regulations within areas in the county which are outside the corporate limits and extraterritorial jurisdiction of cities;

WHEREAS, a property owner has requested that the City of Greenville extend its extraterritorial jurisdiction to include his property which is adjacent to the City of Greenville's extraterritorial jurisdiction; and

WHEREAS, City Council desires to approve the request of the property owner by extending its extraterritorial jurisdiction and therefore seeks the agreement of the Pitt County Board of Commissioners for the extension;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby request the Pitt County Board of Commissioners to agree, by a formally adopted resolution as required by N.C.G.S. 160A-360, to an extension of the City of Greenville's extraterritorial powers under Article 19 of Chapter 160A of the North Carolina General Statutes within the area identified in the report entitled "Collice C. Moore/North Creek Commercial Park – Proposed ETJ Expansion" prepared by Malpass and Associates.

This the 11th day of April, 2013.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

February 13, 2013

City of Greenville
Planning Department
c/o Mr. Andy Thomas
PO Box 7207
Greenville, NC 27835-7207

**RE: Collice C. Moore/North Creek Commercial Park – Proposed ETJ Extension
Portion of Parcel Number 02262 and Parcel Number 46068**

To whom it may concern,

Collice C. Moore et al hereby requests that the City of Greenville's ETJ be extended to include the property described as a portion of Pitt County parcel number 02262 and Parcel Number 46068, containing approximately 10.5+/- acres located on the eastern side of Old Creek Road as shown on the attached maps. Currently the subject parcel is partially within the City of Greenville's ETJ. The property is currently vacant and is used for agriculture.

The subject property which in not within the City of Greenville's ETJ is currently zoned Pitt County Zoning RR. The portion of the subject property within the ETJ of the City of Greenville is zoned RA-20 and CH. Properties adjacent to the subject property which are within the Pitt County Zoning Jurisdiction, Pitt County Parcel Numbers – 80550, 53832, 53831, 53830, 53829 and 53828 are zoned RR.

Inclusion of the remainder of Parcel Number 02262 and Parcel Number 46068 into the City of Greenville's ETJ will allow the owners of the property to be able to develop the property with the use of sanitary sewer. The developers constructed and paid for a sanitary sewer pump station on an additional adjacent parcel they owned which is owned and operated by Greenville Utilities Commission. The pump station which was constructed as a regional pump station has the potential to provide sewer service to this property as well as large area located outside of the property presently owned by myself.

Considerations for Greenville ETJ Expansion

The Following items address considerations as noted by the Pitt County Board of Commissioners Draft Policy for Expansions of Municipal ETJ:

- 1) The City of Greenville currently has subdivision and zoning regulations in place that are administered by a planning board and staff.
- 2) The subject property is adjacent to property currently within the City of Greenville's city limits and ETJ.
- 3) Water and electric service is currently available from Greenville Utilities. Sewer service is available and is presently in place for some of the proposed ETJ extension.

- 4) The subject property is not located within two miles of any other planning jurisdiction's corporate limits. The property's location being adjacent to the existing Greenville City Limits and ETJ would imply there will be no impact to neighboring municipalities.

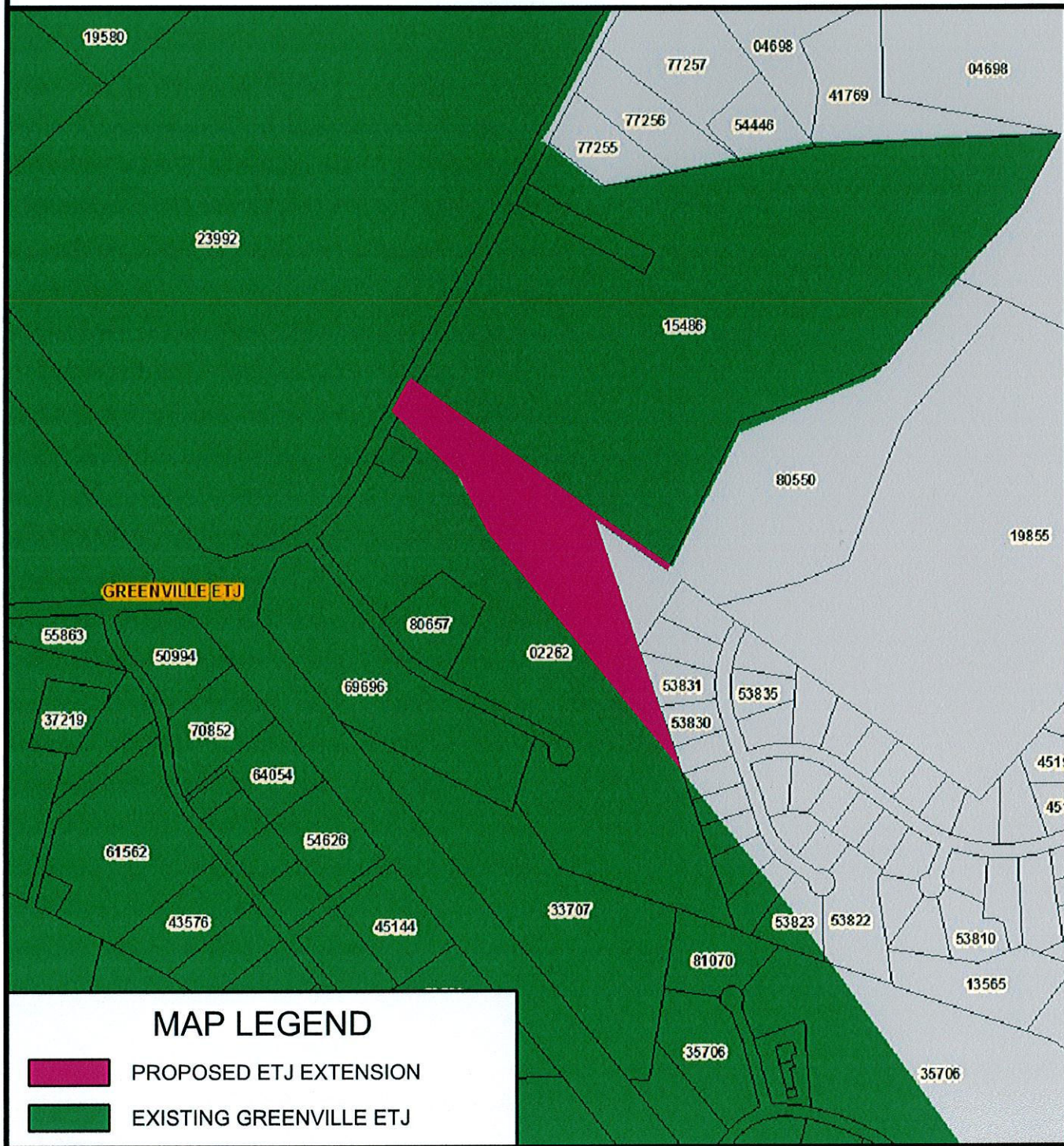
Respectfully

A handwritten signature in black ink that reads "Collice C. Moore". The signature is written in a cursive style with a large initial "C" and a long horizontal stroke at the end.

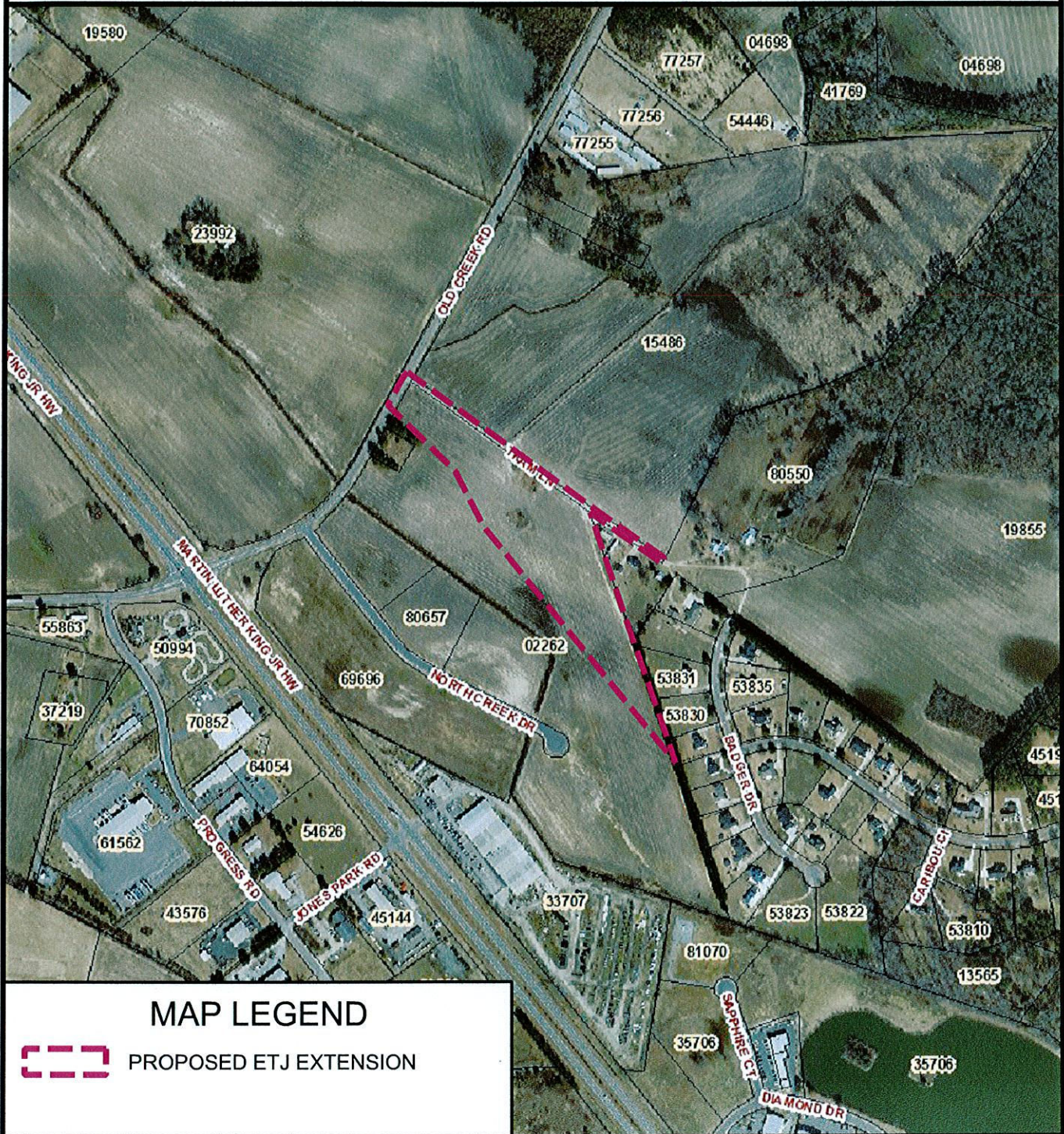
Collice Moore:

Attachments: Maps

PROPOSED MUNICIPAL EXTRATERRITORIAL JURISDICTION EXTENSION



PROPOSED MUNICIPAL EXTRATERRITORIAL JURISDICTION EXTENSION AERIAL PHOTO (2010)

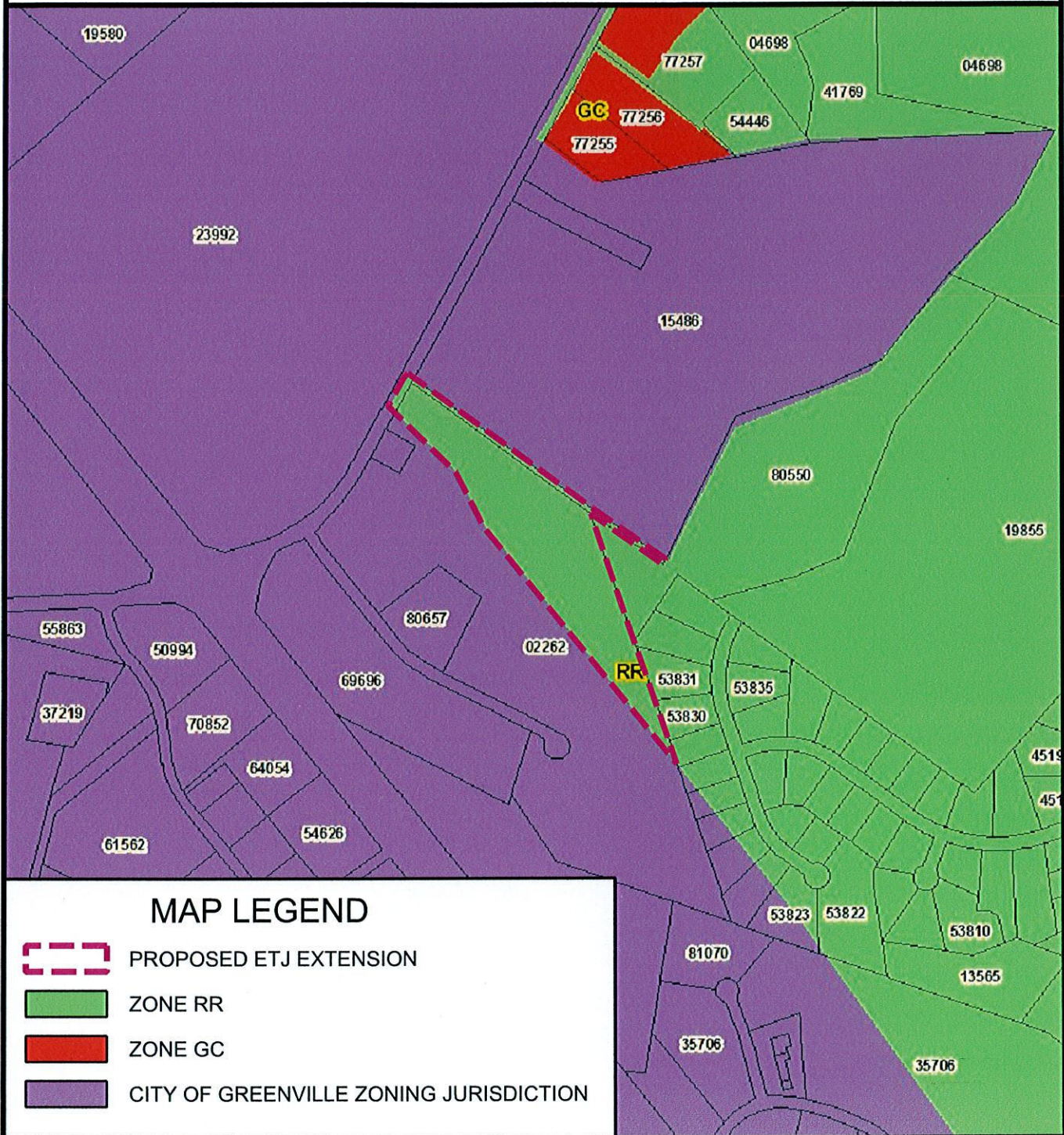


MAP LEGEND

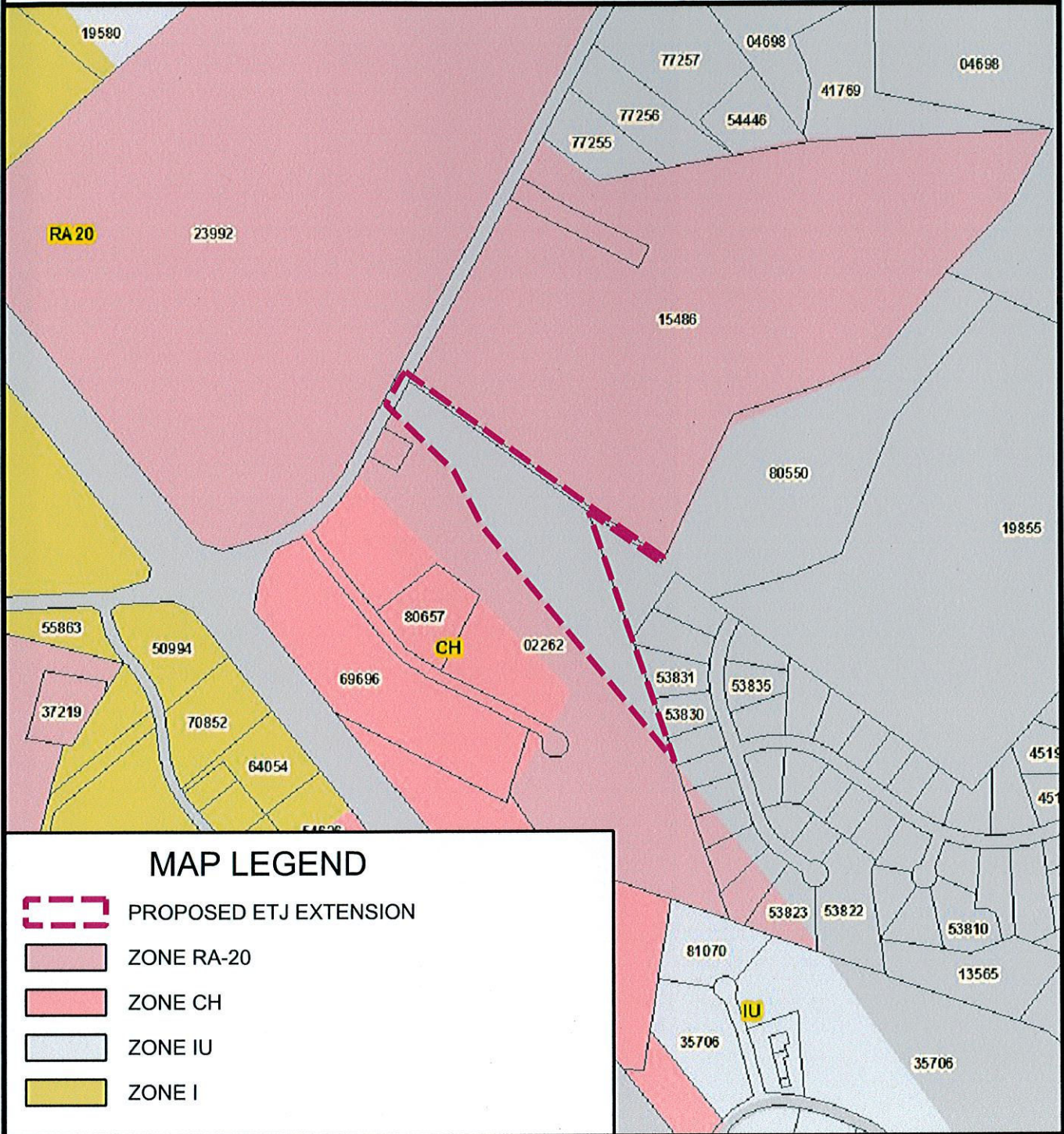


PROPOSED ETJ EXTENSION

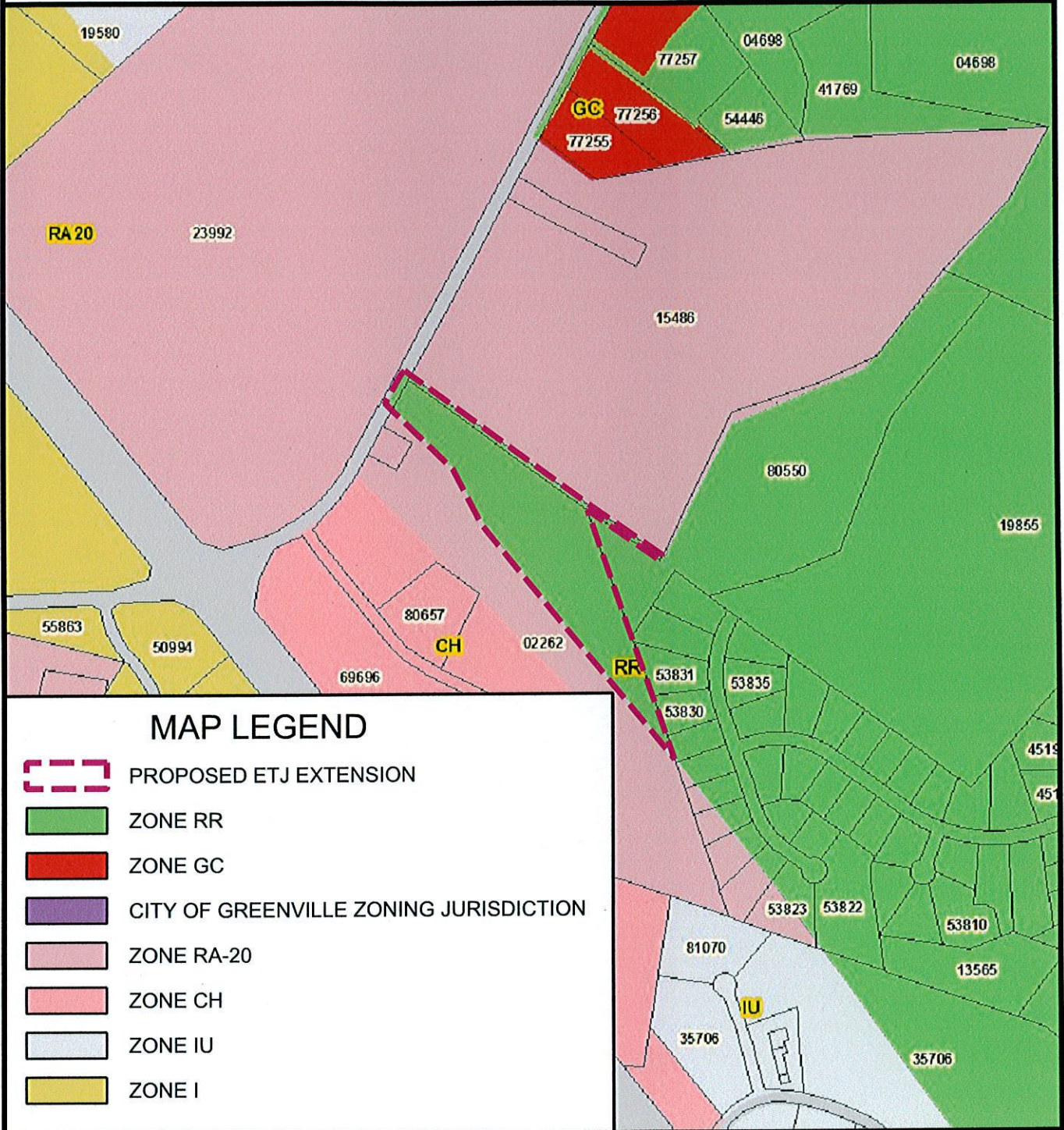
EXISTING PITT COUNTY ZONING



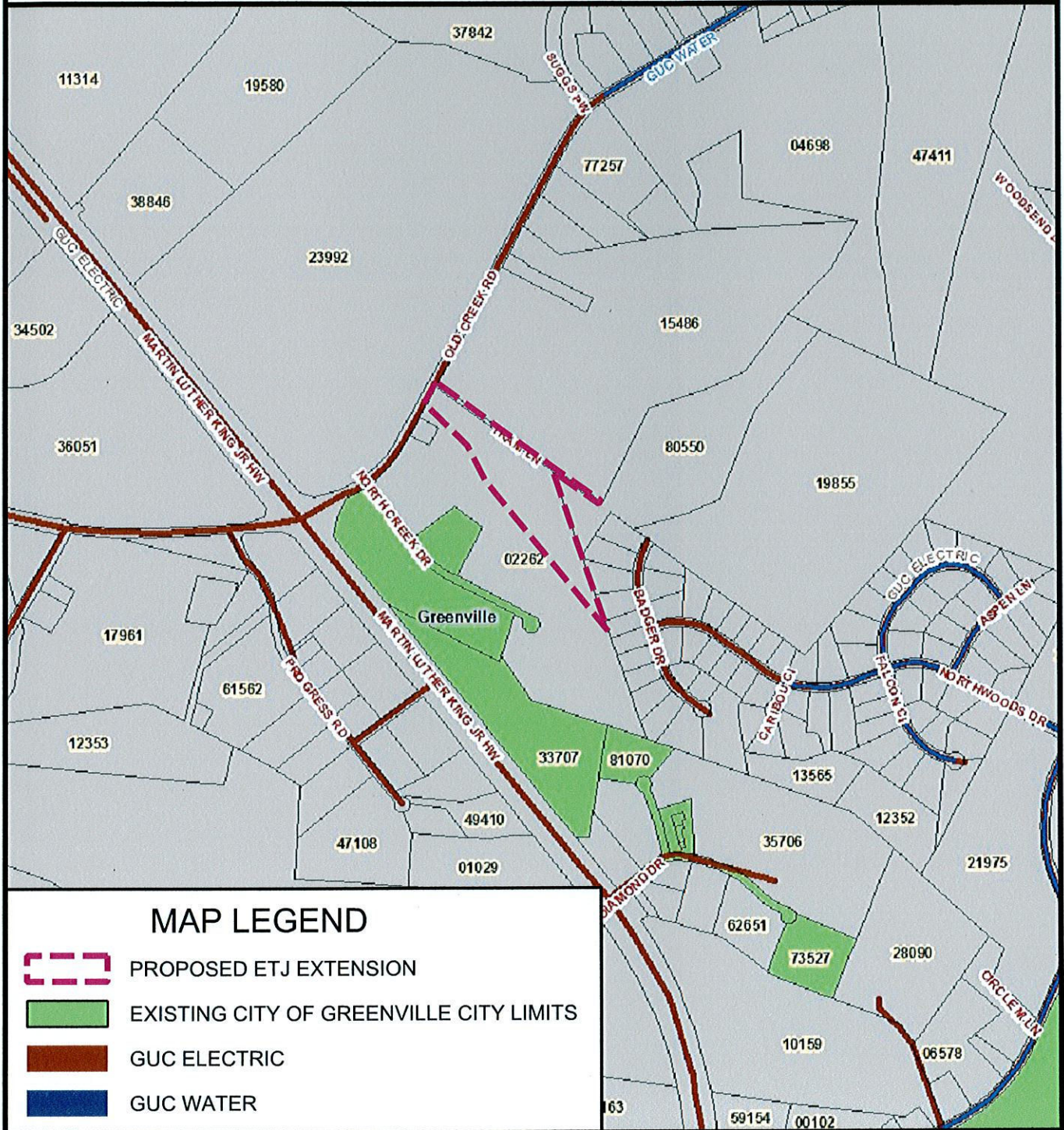
EXISTING CITY OF GREENVILLE ZONING



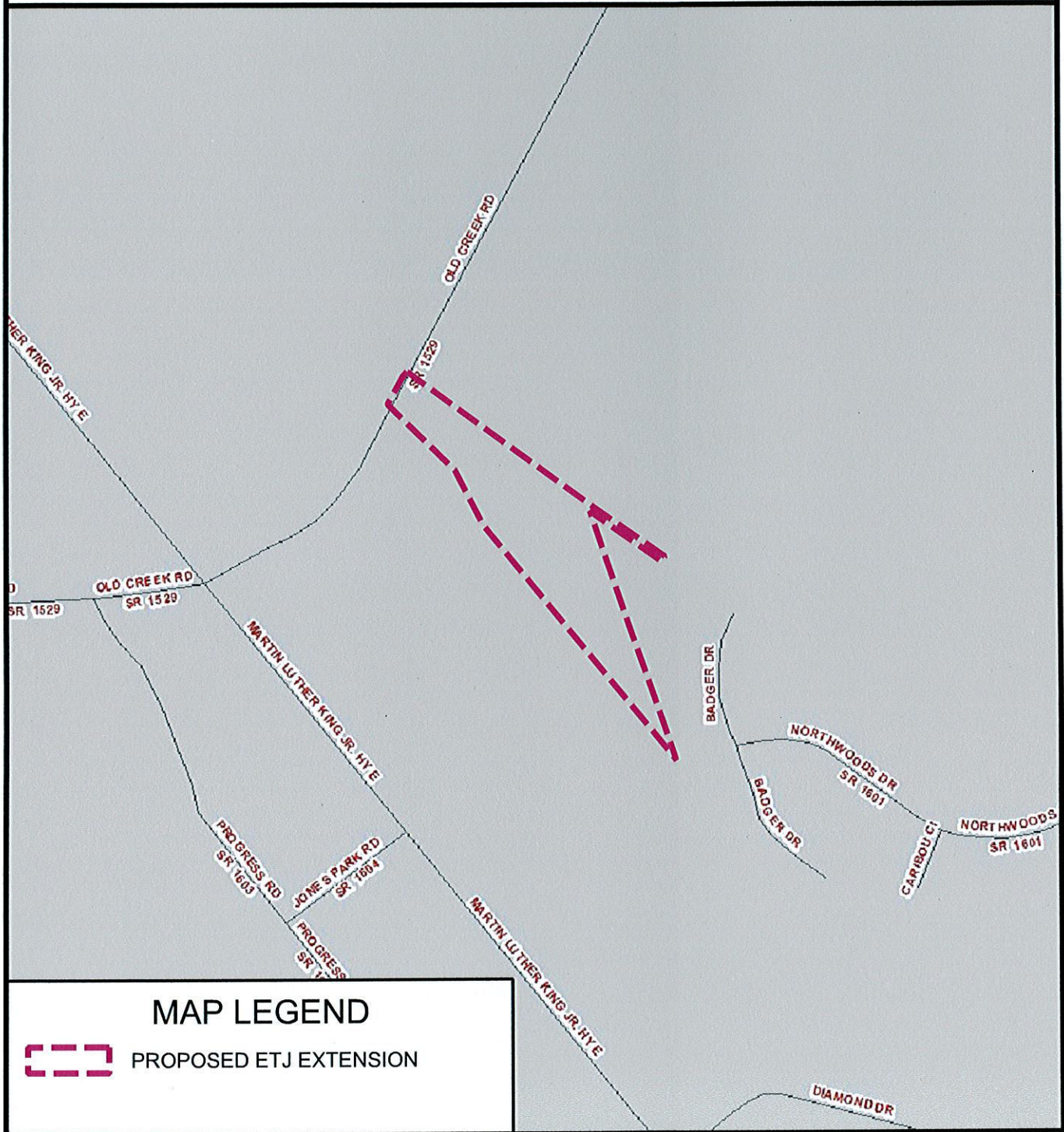
COMBINED PITT COUNTY AND CITY OF GREENVILLE ZONING



EXISTING UTILITY SERVICES



EXISTING THOROUGHFARES

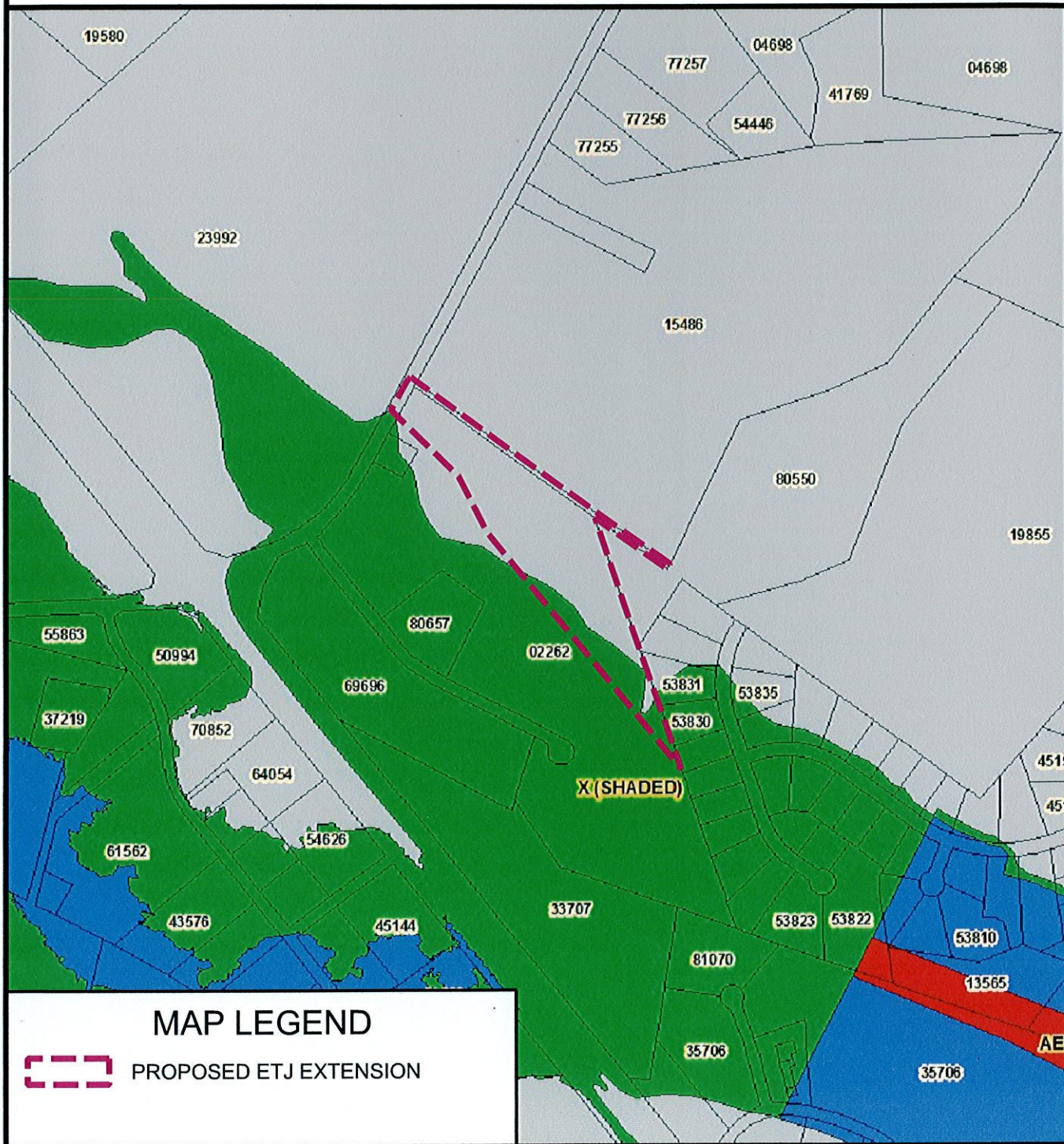


MAP LEGEND



PROPOSED ETJ EXTENSION

PROXIMITY TO EXISTING FLOODWAY





City of Greenville, North Carolina

Meeting Date: 4/11/2013
Time: 7:00 PM

Title of Item: Parking recommendations of the University Neighborhood Revitalization Initiative (UNRI) Committee

Explanation: **Abstract:** At the March 19, 2013, meeting of the University Neighborhood Revitalization Initiative (UNRI) Committee, the committee approved recommendations to City Council to develop rear yard parking standards for vehicle parking in rear yards of residential structures located in the overlay district and to make on-street parking within the overlay district controlled access for residents only.

Explanation: The UNRI Committee was appointed by City Council following the establishment of the University Neighborhood Revitalization Initiative and overlay district. Objectives established by City Council for the UNRI Committee include the following:

- a. Establish a temporary citizen working group for a period of up to 12 months, composed of 2 appointees each by City officials elected by the district (district council person, at-large council person, and mayor) to assist in implementation of items described below and further define and execute additional revitalization efforts in the overlay district.
- b. Pursue funding sources to establish favorable terms and low interest loans and grants for revitalization of properties for citizens in the overlay district with the goal of encouraging transition/upfit over a period to owner occupied homes.
- c. Pursue a parking permit plan for the overlay district which includes permits by right to all legal residents and/or employees in the overlay district with valid driver's licenses as well as a set number of available permits for purchase to East Carolina University students, staff and faculty. Funds generated will be dedicated to increased code enforcement, trash collection, lighting, security and marketing of best practices for the overlay district.
- d. Launch an active community watch program joining together residents, law

enforcement, neighborhood and university groups in the overlay district.

- e. Attach unpaid code violation fees to property tax bills of property owners

The committee has been meeting since December of 2012 and has been actively evaluating all of the established work items. In consideration of the complexities of parking issues, the committee has spent considerable time analyzing parking to develop programs that will ease some of the parking issues within the overlay district.

During the March 19, 2013, meeting of the UNRI Committee, two parking related items were recommended by the committee to City Council for consideration and are listed below:

1. Develop standards that will establish rear yard surface and screening parking standards for dwellings in the overlay district. Suggested standards would limit the number of vehicles on site to four (4), require parking to be on an improved surface and with property screening. Currently there are no standards and the committee felt this would improve the visual appearance of structures within the overlay district.
2. Establish the on-street parking areas within the overlay district as an area for controlled residential parking for residents of the overlay district only. After evaluation, the committee felt that limiting the parking to residents within the overlay district only would improve parking for the residents of the area. It is the desire of the committee that efforts to make the change be timed such that needed changes take place in order to implement the new parking restrictions by the beginning of the fall 2013 semester.

These items were recommended to City Council by a 5-1 vote of the UNRI Committee.

Each of the items has been evaluated by the various departments of the City responsible for implementation and administration of the recommended action. The Public Works and Police Departments are the two departments that will be primarily impacted by the recommendations. There will be additional action steps and budgetary considerations that will have to be developed in advance of implementation if City Council approves the actions. In addition, there may be some phasing of the controlled parking access plans in order to give the Public Works Department time to make the needed striping and signage changes.

Fiscal Note: To be determined

Recommendation: Consider the recommendation by the UNRI Committee, and allow the Public Works and Police Departments to develop a schedule and budgetary plan to implement the recommended programs.

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City of Greenville, North Carolina

Meeting Date: 4/11/2013
Time: 7:00 PM

Title of Item: Good Roads Initiative

Explanation: **Abstract:** Mayor Allen Thomas requested that this item be placed on the agenda for discussion.

Explanation: Mayor Allen Thomas has expressed interest in moving forward in 2013 with resurfacing of key Greenville roads in need of repair. Mayor Thomas is also interested in the City developing a long-term plan and strategy to regularly resurface, improving from deteriorating 75-year cycle to best practice of 30-year cycle.

Staff has provided information on transportation projects from the Council Planning Session in January. Staff will be developing short-term financial plans through the budget process and long-term financial plans to accomplish transportation goals per Council direction.

Fiscal Note: To be determined.

Recommendation: Staff will defer to Council direction.

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 [Transportation Projects Slides](#)

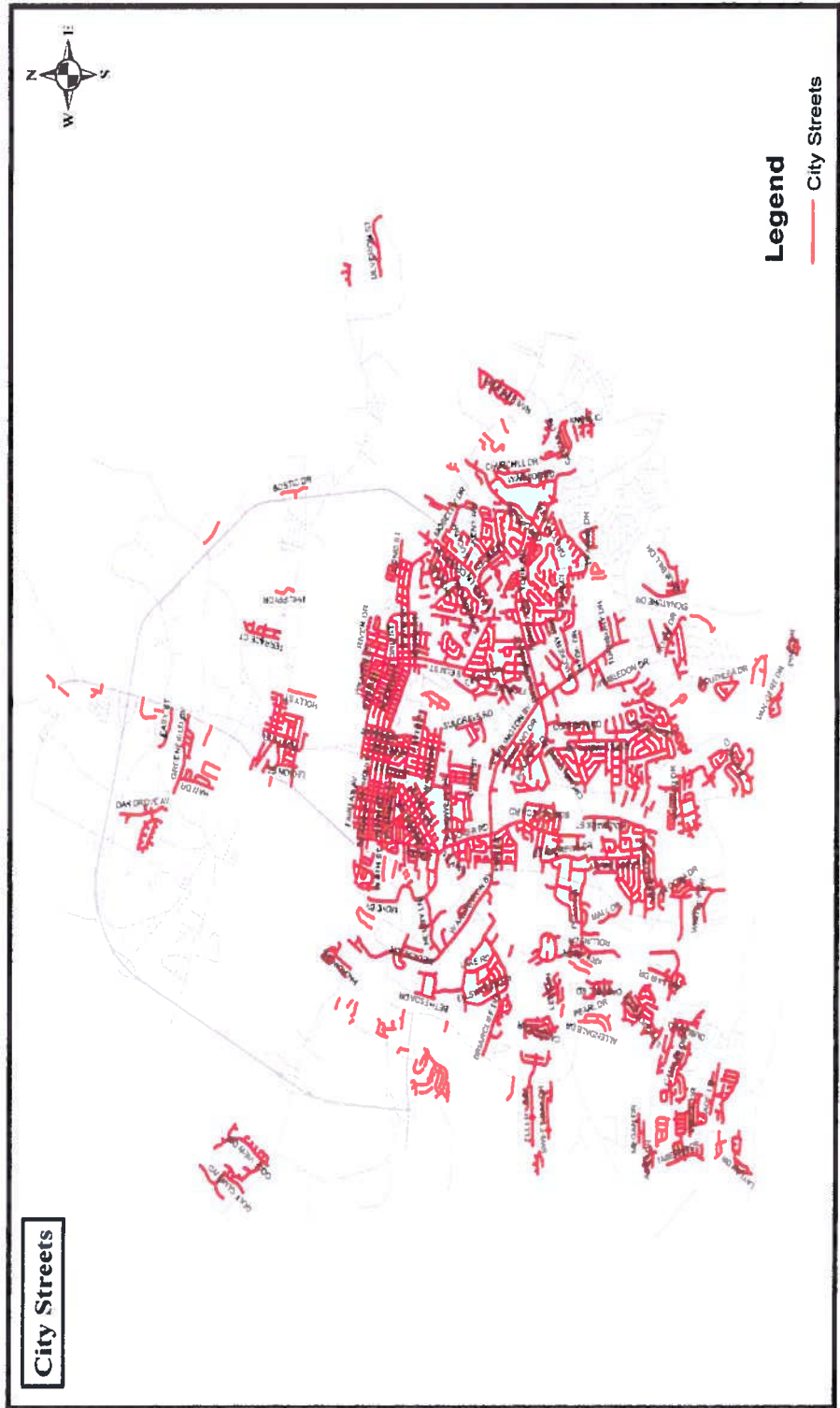


Transportation Projects

CITY OF GREENVILLE, NC CITY COUNCIL PLANNING SESSION

ASSESSMENT OF CITY ROAD CONDITIONS

City road network = 611 Miles

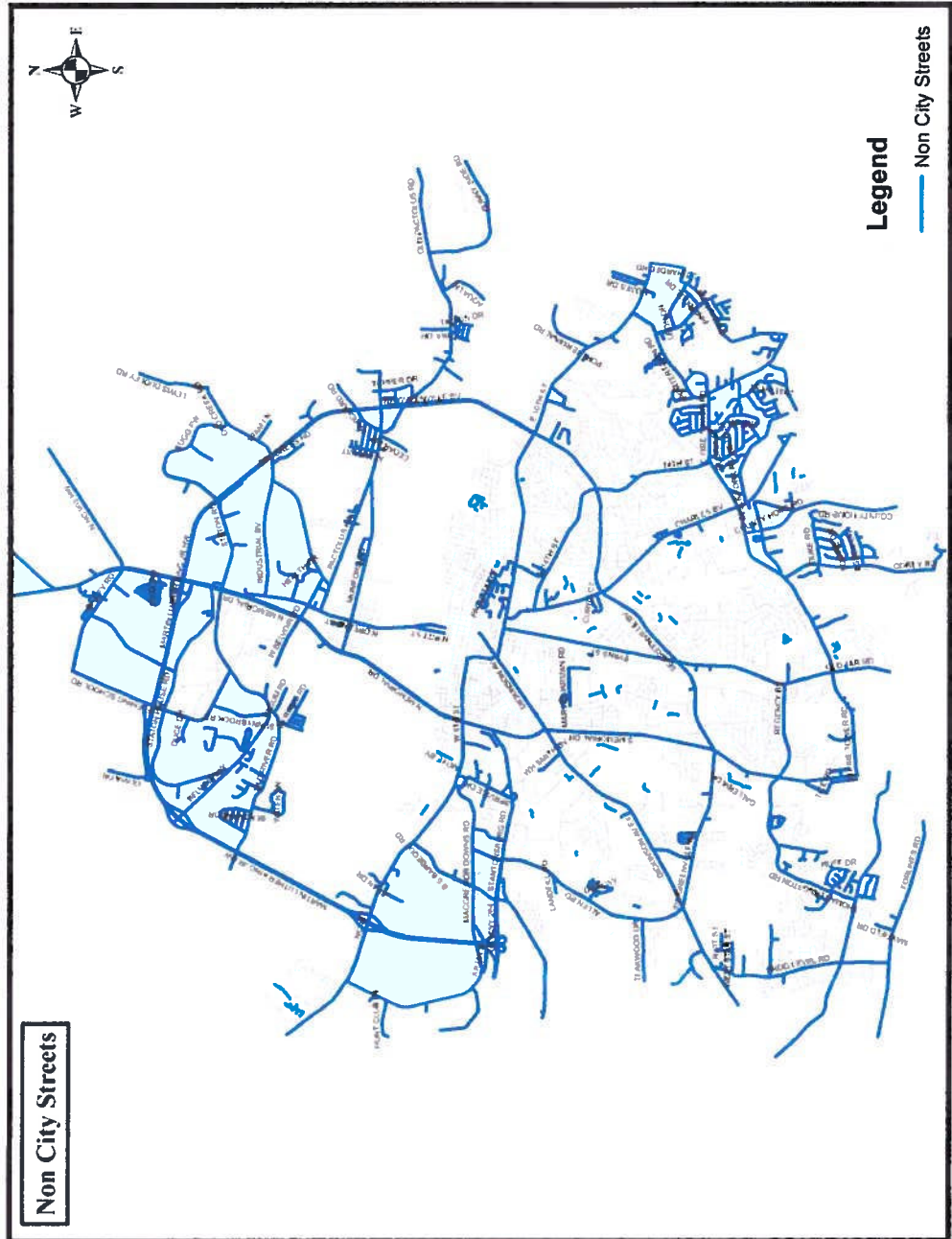


CITY OF GREENVILLE, NC CITY COUNCIL PLANNING SESSION



NON-CITY ROADS

List : Evans,
Memorial, Charles
Blvd, W 5th St,
10th St, 14th St,
Dickinson Ave,
Stantonsburg,
Greenville Blvd,
Fire Tower, MLK
Highway,
Regency Blvd,
Allen Rd,
Portertown Rd,
as well as private
roads



CITY OF GREENVILLE, NC
CITY COUNCIL PLANNING SESSION

CITY ROADWAYS

600+ miles of City Maintained Roads
General Condition of Major Thoroughfares – Poor





ANNUAL MAINTENANCE OF CITY ROADS

- Powell Bill – Distribution = ~\$2,000,000+/Yr
- Operational Maintenance - ~\$1,600,000/Yr
- Net Available for All Capital - ~\$400,000/Yr
- FY 12/13 Resurfacing Program - \$500k
(\$200k Powell Bill, \$300k General Fund)
- FY 12/13 Sidewalk Program - \$200k

IMMEDIATE NEEDS

Approximately 100 miles of road are in poor condition throughout the City.

Cost to Fix - \$100,000 per mile to resurface

Immediate needs = \$10,000,000 to resurface worst 100 miles of roadway

CITY OF GREENVILLE, NC
CITY COUNCIL PLANNING SESSION

FUTURE NEEDS

**Additional 500 Miles of Road at
\$100,000/mile = \$50,000,000**

On a 20 Year Replacement Cycle = \$2.5 Billion Annually

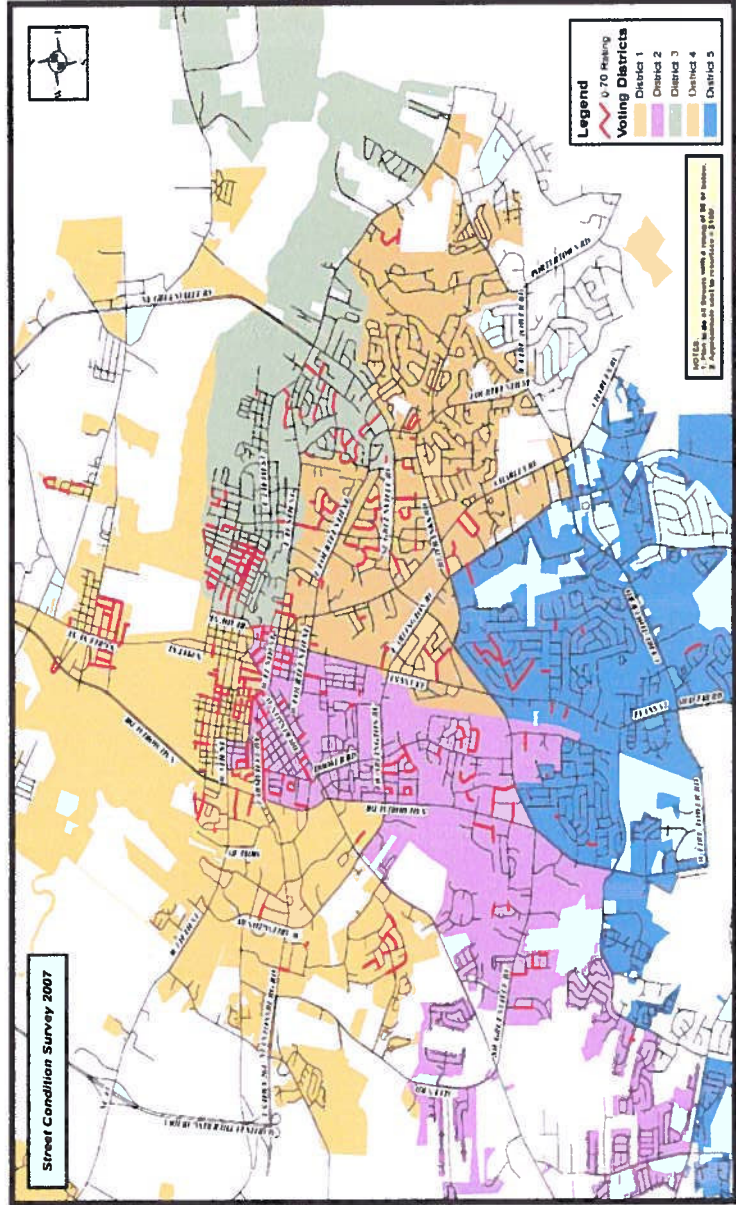




PLAN A

\$10 Million – Capital Outlay

Resurface City's Immediate Needs (about 100 miles)

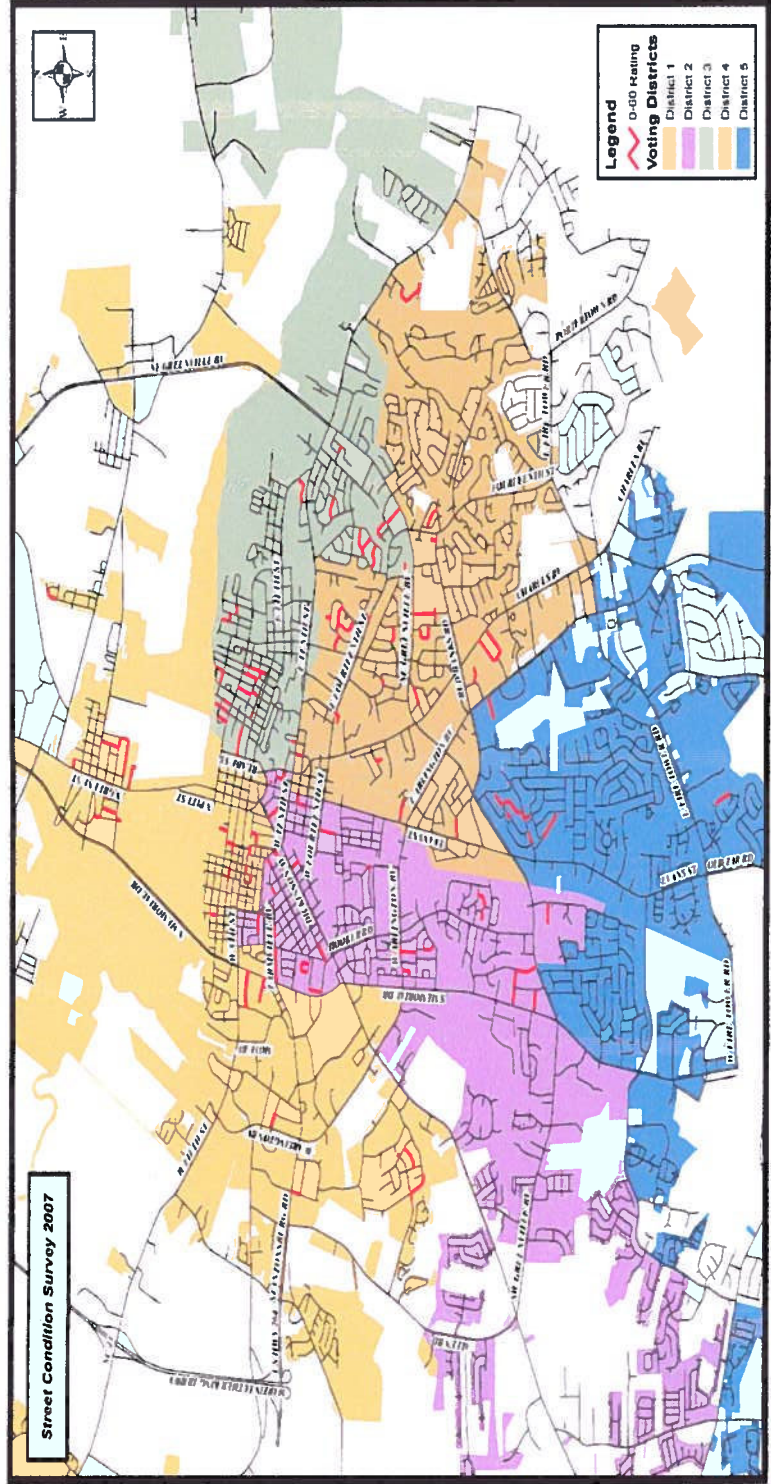




PLAN B

\$10 Million – Capital Outlay - 3 Parts

Part 1 - \$5 Million used to Resurface City's Worst Streets (about 50 miles)





PLAN B (cont'd)

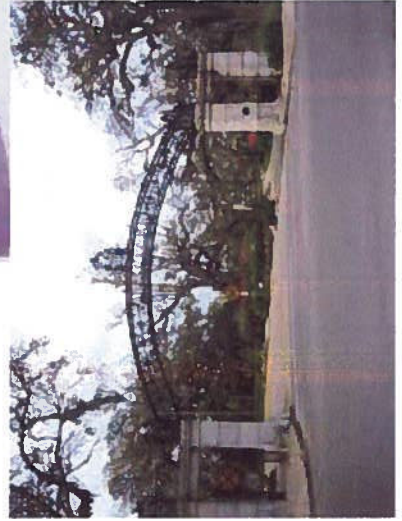
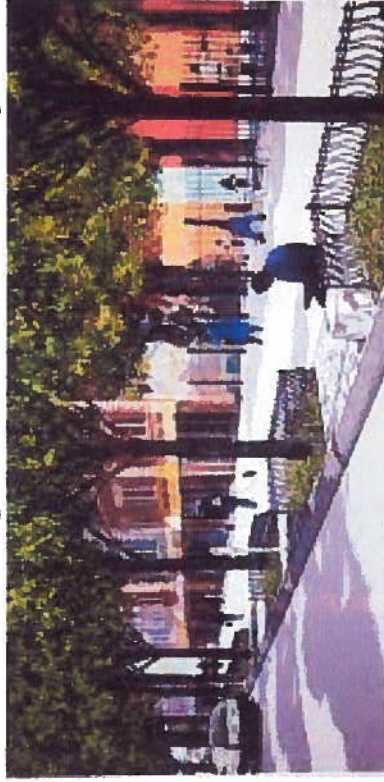
\$10 Million – Capital Outlay
Part 2 - \$1 M to Rehabilitate & Resurface Arlington Blvd.
from Stantonburg Rd to Evans



PLAN B (cont'd)

\$10 Million – Capital Outlay

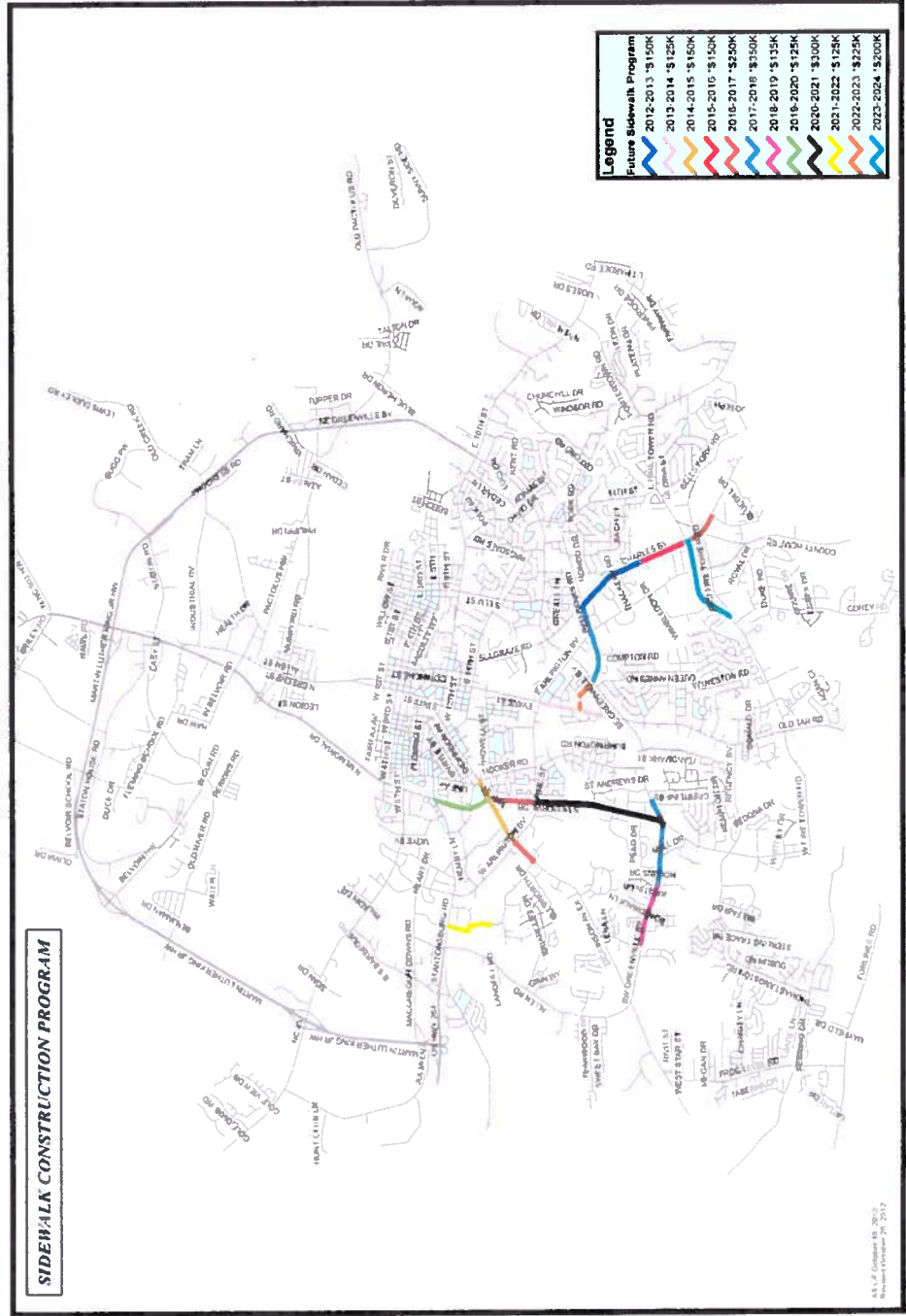
Part 3 – \$4M for a Streetscape Project on 5th St. (Elm to Albemarle) serving as a Gateway Entrance to Downtown



CITY OF GREENVILLE, NC CITY COUNCIL PLANNING SESSION

CITY SIDEWALKS

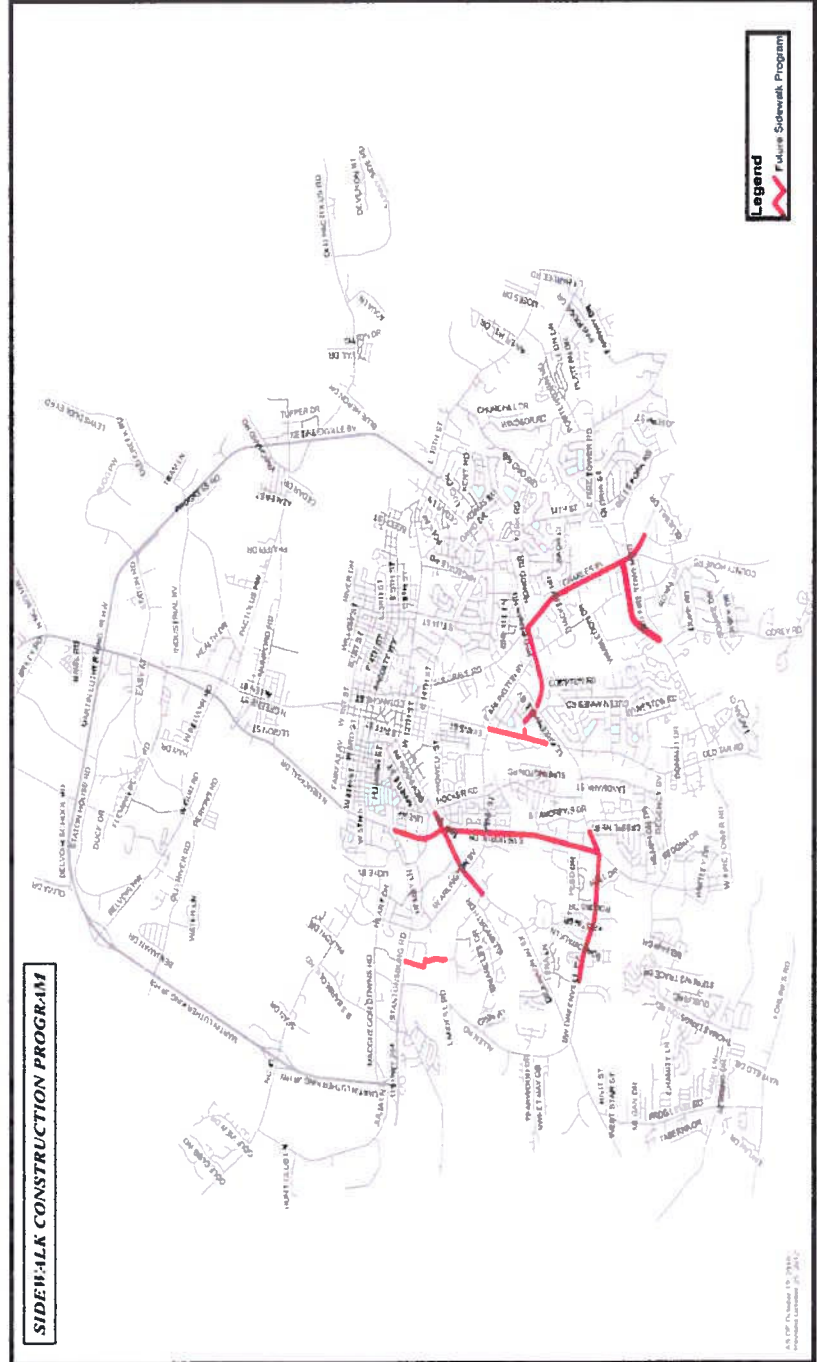
Current 10 yr Sidewalk Construction Program





CAPITAL SIDEWALK PLAN

\$2,000,000 Provides for all sidewalks currently planned



POSSIBLE FINANCING SCENARIOS

Charlotte, NC – Through capital bonds they have a 15 yr replacement cycle for their City streets.

Raleigh, NC – Replacement cycle similar to Charlotte but they assess property owners with a 50% proportionate share on repaving of private roads, paid through taxes over multiple years

Residential - \$32/front foot

Commercial - \$64/front foot



City of Greenville, North Carolina

Meeting Date: 4/11/2013
Time: 7:00 PM

Title of Item: Tar River Study

Explanation: **Abstract:** Council Member Dennis Mitchell requested that this item be placed on the agenda for discussion.

Explanation: Council Member Dennis Mitchell is interested in a river study of the Tar River to look at the feasibility of how to use this resource for tourism, economic development, and environmental stewardship.

Fiscal Note: To be determined

Recommendation: Staff will defer to Council direction.

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City of Greenville, North Carolina

Meeting Date: 4/11/2013
Time: 7:00 PM

Title of Item: Paperless Policy

Explanation: **Abstract:** Council Member Dennis Mitchell requested that this item be placed on the agenda for discussion and vote.

Explanation: Council Member Dennis Mitchell requested discussion regarding City Council packets being paperless and the feasibility of adopting a citywide paperless transition as well. Council Member Mitchell also requested that Council vote on this item.

Fiscal Note: Potential cost savings.

Recommendation: Staff will defer to Council direction.

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