



# Agenda

## Planning and Zoning Commission

February 20, 2018  
6:00 PM

Council Chambers City Hall, 200 W. Fifth Street

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I. CALL MEETING TO ORDER -

II. INVOCATION - John Collins

III. ROLL CALL

IV. APPROVAL OF MINUTES - January 16, 2018

V. NEW BUSINESS

1. In compliance with the trial court's Consent Order, the P&Z issue the special use permit requested by LCD Acquisitions, LLC, with the conditions set forth in the Consent Order.

LCD Acquisitions, LLC ("LCD") and Patricia S. Bowen, ETAL requested a special use permit to construct 8 two bedroom units, 40 three bedroom units and 130 four bedroom units, totaling 178 units with 656 bedrooms on 26.0 acres of land pursuant to the Land Use Intensity Dormitory Rating 67 standards.

### REZONINGS

2. Ordinance requested by Michael Bryan Roberson to rezone 4.289 acres located between North Memorial Drive and Briley Road and 100+/- feet west of Brookhaven Acres Subdivision from RA20 (Residential-Agricultural) to IU (Unoffensive Industrial).
3. Ordinance requested by Kate Vincent Kittrell to rezone 12.048 acres located along the eastern right-of-way of Dickinson Avenue and adjacent to Cross Creek Apartments and Townhomes from RA20 (Residential-Agricultural) to OR (Office-Residential).
4. Ordinance requested by Arlington Crossing, LLC to rezone 5.498 acres located along the

northern right-of-way of West Arlington Boulevard and adjacent to the Norfolk Southern Railroad from MO (Medical-Office) to MCG (Medical-General Commercial).

VI. OTHER ITEMS OF BUSINESS

5. Training Opportunity for Planning and Zoning Commissioners in Greenville on Tuesday, April 3, 2018, 1:00-4:30 PM

VII. ADJOURN

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

January 16, 2018

The Greenville Planning and Zoning Commission met on the above date at 6:00 P.M. in Council Chambers of City Hall.

Mr. Terry King –Chair \*  
Mr. Doug Schrade – X                      Ms. Chris Darden – \*  
Mr. Les Robinson –\*                      Mr. John Collins - \*  
Ms. Margaret Reid - X                      Mr. Hap Maxwell - \*  
Ms. Betsy Leech –\*                      Mr. Ken Wilson - \*  
Mr. Michael Overton - \*

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

**VOTING MEMBERS:** Robinson, Collins, Maxwell, Overton, Wilson, Leech, Darden

**PLANNING STAFF:** Chantae Gooby, Planner II; Thomas Weitnauer, Chief Planner; and Amy Nunez, Secretary

**OTHERS PRESENT:** Emanuel McGirt, City Attorney; Rik DiCesare, Traffic Engineer; Cathy Meyer, Civil Engineer; and Kelvin Thomas, Communication Technician

**MINUTES:** Motion made by Mr. Robinson, seconded by Mr. Collins, to accept the December 19, 2017 minutes as presented. Motion passed unanimously.

**NEW BUSINESS**  
**REZONINGS**

ORDINANCE REQUESTED BY TRACEY M. MASON TO REZONE 0.3566 ACRES LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF EAST 10TH STREET AND ADJACENT TO THE DAVIS APARTMENTS FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO CG (GENERAL COMMERCIAL) - APPROVED

Ms. Gooby delineated the property. It is located along East 10<sup>th</sup> Street across from Lowe’s Home Improvement. Currently, there is a residential structure located on the property. If the same structure is used for commercial purposes, then it will need to be converted to commercial code. An increase in traffic is not anticipated. The Future Land Use and Character Plan Map recommends commercial at the northwestern corner of the intersection of East 10<sup>th</sup> Street and Port Terminal Road extending to the north along the western side of Port Terminal Road then transitioning to traditional neighborhood, low-medium density to the west. In staff’s opinion, the request is in compliance with Horizons 2026: Greenville’s Community Plan and the Future Land Use and Character Plan Map.

Chairman King opened the public hearing.

Mr. Blake Bjerkeset, Bjerkeset Land Surveying, representative for the applicant, spoke in favor of the request. He stated the property faces a 5-lane road and is more appropriate for commercial use.

No one spoke in opposition.

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

**Motion made by Mr. Robinson, seconded by Mr. Wilson, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.**

ORDINANCE REQUESTED BY SOUTH CREEK DEVELOPMENT, LLC TO REZONE 5.727 ACRES LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF OLD FIRE TOWER ROAD AND 225+/- FEET WEST OF COUNTY HOME ROAD FROM CG (GENERAL COMMERCIAL) TO OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) - APPROVED

Ms. Gooby delineated the property. It is located along Old Fire Tower Road and abuts Sheetz Convenience Store and Arby's that front on East Fire Tower Road. It is currently Jackson's Mobile Home Park. This area contains residential and commercial uses. In 2004, the subject property was zoned to CG. There is IU (industrial) zoning to the south, which was part of an ETJ extension in 1976. At that time, the industrial zoning was probably considered more appropriate given that the location was rural. However, now this area is more urban in character. Under the current zoning, the site could accommodate a mixed retail/restaurant/service development: one (1) conventional restaurant (5,600 sq. ft.), personal services (3,000 sq. ft.), miscellaneous retail (20,000 sq. ft.), office (4,000 sq. ft.), and two (2) fast food restaurants - no drive-thru (4,000 sq. ft.). The retail portion would most likely be users that don't rely on drive-by traffic. Under the proposed zoning, the site could accommodate 62-72 multi-family units (1, 2 and 3 bedrooms). Since the request is from commercial to office/residential, staff would anticipate a decrease in traffic if the property was developed at the current zoning versus the proposed zoning. The Future Land Use and Character Plan Map recommends commercial along East Fire Tower Road transitioning to office/institutional along Old Fire Tower Road, west of County Home Road, to act as a buffer to the residential area further south. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map.

Chairman King opened the public hearing.

Mr. Mike Baldwin, Baldwin Design Consultants, representative for the applicant, spoke in favor of the request. He stated this is a development opportunity that requires OR zoning. There has been a trend in this area of rezoning property to OR.

No one spoke in opposition.

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

**Motion made by Mr. Overton, seconded by Mr. Collins, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.**

ORDINANCE REQUESTED BY H. E. WHICHARD, JR. TO REZONE 0.738 ACRES LOCATED AT THE SOUTHWESTERN CORNER OF THE INTERSECTION OF EAST ARLINGTON BOULEVARD AND RED BANKS ROAD FROM OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) TO CG (GENERAL COMMERCIAL) - APPROVED

Ms. Gooby delineated the property. It is located at the corner of East Arlington Boulevard and Red Banks Road adjacent to Wells Fargo Bank. This area contains a mix of commercial and office uses. An increase of 628 trips per day are anticipated for both streets combined. The property contains a former BB&T bank building. New construction is possible. The subject property could be used for restaurant and/or retail uses. The Future Land Use and Character Plan Map recommends mixed use at the southwestern corner of the intersection of Arlington Boulevard and Red Banks Road. The mixed use character allows a variety of zoning districts. The property is adjacent to CG zoning. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map.

Chairman King opened the public hearing.

Mr. Mike Baldwin, Baldwin Design Consultants, representative for the applicant, spoke in favor of the request. This rezoning will allow uses that are compatible with the surrounding uses. There is a Wells Fargo Bank and restaurants nearby. The building will be demolished.

No one spoke in opposition.

Ms. Darden stated this is a busy intersection and traffic is a concern.

Ms. Leech stated this is a very busy corner and not well-planned. The rezoning process gives us traffic counts but it is not cumulative as other development happens. It is difficult getting in and out of Wells Fargo.

Ms. Darden asked will the ingress/egress remain the same.

Mr. Baldwin stated new construction will allow us to modify the ingress/egress. The property is at the intersection of two major thoroughfares and that is where commercial is going to be located.

Mr. Rik DiCesare, City Traffic Engineer, stated that new construction will allow for some modification of the ingress/egress.

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

**Motion made by Mr. Collins, seconded by Mr. Robinson, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.**

ORDINANCE REQUESTED BY PORTERS CROSSING RESIDENTIAL, LLC TO REZONE 1.416 ACRES LOCATED AT THE NORTHEASTERN CORNER OF THE INTERSECTION OF COUNTY HOME ROAD AND OLD FIRE TOWER ROAD FROM OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) TO CG (GENERAL COMMERCIAL) - DENIED

Ms. Gooby delineated the property. It is located in the southern section of the City at the corner of Old Fire Tower Road and County Home Road. It is adjacent to Arlington Park. Currently, there is a single-family residence and a cemetery on the property. This area has commercial and residential uses. Staff anticipates an increase of 2,000 trips per day. Over the last couple of years, there has been a trend in this area to rezone properties to OR. There is IU zoning to the south that has been in place since 1976. At that time, the industrial zoning was probably considered more appropriate given that the location was rural. However, now this area is more urban in character. Under the current zoning, the property could accommodate 15+/- multi-family units. Under the proposed zoning, the site could accommodate a mixed retail/restaurant development with a convention restaurant, a fast food restaurant (no drive-thru) and personal services. The development could be similar to the development along Fire Tower Road. The Future Land Use and Character Plan Map recommends commercial along Fire Tower Road transitioning to traditional neighborhood, medium-high density to the south, which supports the existing OR zoning that has taken place in the last few years. The request for CG zoning is not supported by the comprehensive plan. With this rezoning request, staff is concerned about potential "spot zoning". Spot zoning can be illegal if it is determined by the court that a rezoning is arbitrary. The burden is on the governing board to determine reasonableness. If there is a reasonable basis, then the rezoning is legal and valid. Reasonableness is determined based on several factors. The considerations are: 1) size of area and particular characteristics, 2) request relative to the comprehensive plan, 3) degree of change in uses between current and proposed uses and 4) relative harm and/or benefit to the owner(s), neighborhood and community. For this request, the request is not supported by the comprehensive plan, which recommends residential. Also, under the current zoning, the property could accommodate 15+/- multi-family units. If this request is approved, then the property can accommodate a mixed retail/restaurant development.

In staff's opinion, the request is not in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map.

Ms. Leech asked if any of the neighbors spoke with staff.

Ms. Gooby stated a member of the Arlington Park homeowner's association spoke with Tom Weitnauer last week. He was given a copy of the staff report.

Mr. Collins stated the comprehensive plan recommends traditional neighborhood in this area but it doesn't look like a traditional neighborhood.

Ms. Gooby stated the lots to the east of the request are residential and undeveloped. The current OR zoning, which allows residential, makes a good transition since these properties are behind the businesses along Fire Tower Road. The area would never look traditional.

Mr. Maxwell asked if staff was concerned with spot zoning in the residential area.

Ms. Gooby stated caution is needed because adjacent properties might want to follow suit even though it is not in compliance with City plans and maps. Spot zoning is decided by the courts.

Mr. Robinson asked if there was a net increase in traffic if the request was approved.

Ms. Gooby stated yes.

Mr. Robinson asked about the cemetery.

Ms. Gooby stated it is protected by law, cannot be moved and must have access.

Chairman King opened the public hearing.

Mr. Mike Baldwin, representative for the applicant, spoke in favor of the request. He believes the request is reasonable since there are commercial and industrial uses in close proximity to the subject property. Plaza Service Center and the Factory Mattress and Bedroom Warehouse are across the street. A mixed martial arts studio on the opposite corner.

Ms. Darden was concerned over the increase in traffic of 2,000 trips where the 4-lane road narrowed to a 2-lane road.

Mr. Baldwin stated that the east side of Old Fire Tower Road has very little traffic.

Mr. Overton stated that if the property were developed there would be buffer between the commercial and Arlington Park.

Mr. Robinson asked what happens when other property owners in this area ask for commercial.

Mr. Baldwin stated the request for commercial is a good fit because it is located at the corner.

Mr. Darden asked if there was the possibility of a traffic light.

Mr. Baldwin stated that because of the proximity to the stop light at the intersection of County Home Road and East Fire Tower Road it probably wouldn't be feasible.

Mr. Rik DiCesare, City Traffic Engineer, stated that the traffic volume would not meet the standards for a stop light.

No one spoke in opposition.

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

Ms. Leech was concerned with traffic and that the location is residential.

Mr. Maxwell was worried about setting a precedent of approving a request that is not in compliance with the comprehensive plan.

Ms. Darden stated that there is already a lot of traffic between the Wal-Mart Neighborhood Market and Parker's BBQ and some of that traffic would be going in the direction of this request.

Mr. Overton stated that residential development doesn't seem like a good fit.

**Motion made by Mr. Maxwell, seconded by Ms. Leech, to recommend denial of the proposed amendment, to advise that it is in consistent with the comprehensive plan and to adopt the staff report which addresses plan consistency and other matters. Those voting in favor: Maxwell, Wilson, Robinson, Collins, Darden and Leech. Those voting against: Overton. Motion carried.**

**With no further business, Mr. Overton made a motion to adjourn, seconded by Mr. Robinson. Motion passed unanimously. Meeting adjourned at 7:02 P.M.**

Respectfully Submitted,

Ken Graves, Secretary to the Commission  
Interim Director of the Community Development Department





# City of Greenville, North Carolina

Meeting Date:  
2/20/2018  
Date time: 6:00 PM

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## **Title of Item:**

In compliance with the trial court's Consent Order, the P&Z issue the special use permit requested by LCD Acquisitions, LLC, with the conditions set forth in the Consent Order.

LCD Acquisitions, LLC ("LCD") and Patricia S. Bowen, ETAL requested a special use permit to construct 8 two bedroom units, 40 three bedroom units and 130 four bedroom units, totaling 178 units with 656 bedrooms on 26.0 acres of land pursuant to the Land Use Intensity Dormitory Rating 67 standards.

## **Explanation:**

**Abstract:** On February 9, 2018, Pitt County Superior Court ("trial court") entered a Consent Order and Final Judgment ("Consent Order") reversing the Planning and Zoning Commission for the City of Greenville ("P&Z") decision, and remanded the case back to the P&Z and ordered the P&Z to issue the Special Use Permit requested by LCD subject to specific conditions. Attached is the Consent Order.

**Background:** The P&Z held a public hearing on May 16, 2017 to consider an application submitted by LCD Acquisitions, LLC and Patricia S. Bowen, ET AL for a special use permit to use the property described as east of Charles Boulevard, north of Grace Church and south of Tucker Estates Subdivision and is a portion of tax parcel 09010 for the purpose of a Land Use Intensity (LUI) Rating 67 Development.

During the May, 16, 2017 Planning and Zoning Commission meeting, the P&Z denied the special use permit and the chair signed the order on May 25, 2017. LCD filed a petition for certiorari with the trial court on June 23, 2017, seeking review of the P&Z decision denying the special use permit.

On February 9, 2018, the trial court issued a Consent Order reversing the P&Z decision and remanded the case back to the P&Z with directions to issue the special use permit with conditions as set forth in the trial court's Consent Order.

**Fiscal Note:** There will be no costs to the City of Greenville associated with this development other than costs to provide routine services.

**Recommendation:** In compliance with the trial court's Consent Order, the P&Z issue the special use permit requested by LCD Acquisitions, LLC, with the conditions set forth in the Consent Order.

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**ATTACHMENTS:**

**Description**

Order and Exhibit A

CITY OF GREENVILLE  
PITT COUNTY, NORTH CAROLINA

PZC DECISION COMPLYING WITH SUPERIOR COURT'S CONSENT ORDER TO ISSUE  
LUI SPECIAL USE PERMIT

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Case Number: Request #17-01

The Planning and Zoning Commission of the City of Greenville ("PZC") reviewed the attached Consent Order and Final Judgment ("Consent Order") entered in Pitt County Superior Court (trial court) in the case entitled:

*LCD Acquisitions, LLC, Petitioner, v. City of Greenville, North Carolina, Respondent and Charles F. Pascarelli, Tara Condominium Homeowners Association, Inc. and PEP-ECU, LLC, 17 CVS 1554.*

After review of the above-referenced Consent Order, the PZC finds the following facts:

1. On May 25, 2017, the PZC issued a decision and order (the "PZC's decision") denying the application for a Special Use Permit submitted by Petitioner, *LCD Acquisitions, LLC* ("LCD"). LCD requested a Special Use Permit to construct a private student dormitory as described in the PZC agenda dated May 16, 2017.
2. LCD appealed the PZC's decision to the trial court for certiorari review.
3. The trial court entered a Consent Order on February 9, 2018 reversing the PZC's decision, remanded the case back to the PZC, and directed the PZC to issue the Special Use Permit to LCD subject to the conditions in the Consent Order.
4. The Consent Order is attached, marked as *Exhibit A*, incorporated by reference and made a part of this PZC decision.

NOW THEREFORE, to comply with the Consent Order, it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. LCD's application for a Special Use Permit is hereby granted.
2. The Special Use Permit issued to LCD is subject to the conditions listed in the Consent Order, which are fully adopted herein. The conditions are as follows:
  - a. Occupancy shall be limited to one bed and one person per bedroom;
  - b. Outside recreation equipment shall be restricted to the designated recreation areas; and
  - c. The owner/manager shall request East Carolina University student transit service and shall cooperate fully with the University in the provision of such service. The project shall be designated to accommodate bus service interior to the development.

SO ORDERED, this the \_\_\_\_\_ day of February, 2018.

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Terry King, Chairman  
Planning and Zoning Commission

ATTEST:

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Joe Durham, Secretary to the Commission  
Interim Director of the Community Development Department

NOTE: Decisions of the Planning and Zoning Commission on action taken concerning any special use permit to establish a Land Use Intensity Development shall be subject to review as provided by law. See NCGS 160A-388.

Persons to whom decision was mailed:

Applicant  
LCD Acquisitions, LLC  
Attn: Mark Jensen  
315 Oconee St.  
Athens, GA 30601

Spence Johnson, Esq.  
Johnson Marlowe, LLP  
335B Oconee Street  
Athens, GA 30601  
Attorney for LCD

Ashley H. Story  
Troutman Sanders LLP  
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Attorney for LCD

Jerome R. Eatman, Jr.

James A. Eatman

Lynch & Eatman, LLP

4130 Parklake Avenue, Suite 100

Raleigh, NC 27612-4463

Attorney for *Charles F. Pascarelli, Tara Condominium Homeowners Association, Inc. and PEP-ECU LLC.*

FILED

2018 FEB -9 PM 2:39

STATE OF NORTH CAROLINA  
COUNTY OF PITT

IN THE GENERAL COURT OF JUSTICE  
PITT COUNTY, C.S.C. SUPERIOR COURT DIVISION  
FILE NO.: 17 CVS 1554

BY \_\_\_\_\_

LCD ACQUISITIONS, LLC ,  
  
Petitioner,  
  
v.  
  
CITY OF GREENVILLE, NORTH  
CAROLINA,  
  
Respondent, and  
  
CHARLES F. PASCARELLI, TARA  
CONDOMINIUM HOMEOWNERS  
ASSOCIATION, INC., AND PEP-ECU,  
LLC  
  
Respondent Intervenors.

CONSENT ORDER AND FINAL  
JUDGMENT

THIS MATTER CAME ON FOR HEARING before the undersigned Superior Court Judge Presiding at the January 22, 2018 Civil Session of Pitt County Superior Court upon Writ of Certiorari by this Court on June 23, 2017 to review, pursuant to N.C. Gen. Stat. § 160A-393, an appeal by Petitioner LCD Acquisitions, LLC ("Petitioner") of a decision issued by the Planning and Zoning Commission of the City of Greenville ("PZC") on May 25, 2017<sup>1</sup> denying Petitioner's application for a Special Use Permit. Petitioner was represented at the hearing by Mr. Spence Johnson, and the Respondent City of Greenville, North Carolina ("Respondent") was represented by Mr. Emanuel D. McGirt. The Respondent Intervenors, Charles F. Pascarelli, Tara Condominium Homeowners Association, Inc. and PEP-ECU, LLC (collectively, "Respondent Intervenors") were represented by Mr. Jerome R. Eatman, Jr. and James A. Eatman.

<sup>1</sup> The actual hearing was held on May 16, 2017. The PZC issued its decision on May 25, 2017.

Respondent was heard on its objection to the Petitioner's Amended Notice of Hearing calendaring the Petition for Writ of Certiorari, which was denied by the Court. Petitioner's Motion to Supplement the Record was heard and granted by the Court. The Court then heard arguments from counsel for the parties on Petitioner's Writ of Certiorari, and reviewed the record. Following the January 22 hearing, the parties conferred, reached a voluntary resolution of this action, and submitted this Consent Order and Final Judgment to the Court. It appearing to the Court that all parties in this matter have agreed to a consent Order, and that such Order should be entered, the Court Orders as follows.

**Recitals**

Whereas, the PZC typically hears cases as an advisory body and makes recommendations to the City Council regarding an applicant's rezoning request;

Whereas, the PZC decision that is being reviewed in this matter was a quasi-judicial, evidentiary hearing and undisclosed *ex parte* communications are prohibited;

Whereas, Petitioner alleges and presented evidence in the record that a competitor of Petitioner had *ex parte* communications with several of the PZC members and that the *ex parte* communications constituted impermissible contacts in violation of Petitioner's due process rights;

Whereas, Petitioner alleges that it presented substantial and competent evidence during the PZC hearing that established it was entitled to the Special Use Permit and such evidence was not rebutted by opponents of Petitioner's application for the Special Use Permit;

Whereas, opponents of Petitioner's application presented testimony and other evidence;

Whereas, Petitioner has informed Respondent that it will seek damages including attorney's fees against Respondent if it prevails in its appeal; and

Whereas, in settling this case and voluntarily resolving their disputes regarding the PZC's

denial of the Special Use Permit, all parties agree to bear their own costs and attorney's fees, and release any and all claims arising out of the PZC decision issued on May 25, 2017 denying the Petitioner's request for a Special Use Permit on the terms and conditions stated in this order;

Based on the above, the Court orders as follows:

**CONCLUSIONS OF LAW:**

1. This Court has jurisdiction over the parties and the subject matter.
2. The decision of the PZC is not supported by substantial and competent evidence.

**WHEREFORE, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED**

**THAT:**

1. The decision of the PZC denying Petitioner's application for a Special Use Permit is reversed. This case is remanded to the PZC, and the PZC is directed as soon as is reasonably practicable, but by no later than its next regularly- scheduled meeting, in any event, to issue the Special Use Permit requested by Petitioner at the May 16, 2017 PZC meeting, with only the following conditions (as was reflected in the staff report at the hearing on May 16, 2017):

- a. Occupancy shall be limited to one bed and one person per bedroom;
- b. Outside recreation equipment shall be restricted to the designated recreation areas; and
- c. The owner/manager shall request East Carolina University student transit service and shall cooperate fully with the University in the provision of such service. The project shall be designated to accommodate bus service interior to the development.



2. Each party to this action agrees to bear its own costs and attorneys' fees.

3. Upon the PZC's issuance of the Special Use Permit in compliance with the terms of this order, Petitioner releases, and discharges any claims against Respondent and all current and former Respondent officials (including elected and appointed officials), officers, employees, independent contractors and agents that arose from or relate to the PZC's denial of the Special Use Permit, including but not limited to a petition for attorney's fees. In addition, Petitioner releases and discharges any claims against Respondent Intervenors that arose from or relate to the PZC's denial of the Special Use Permit, including but not limited to a petition for attorney's fees.

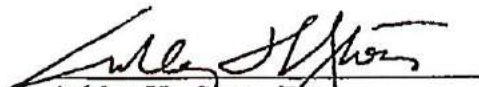
4. Respondent and Respondent Intervenors release and discharge all claims against Petitioner that arise from or relate to the PZC's denial of the Special Use Permit.

This the 7<sup>th</sup> day of February, 2018.

  
HONORABLE R. KENT HARRELL  
SUPERIOR COURT JUDGE PRESIDING

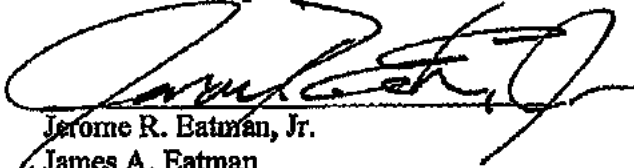
CONSENTED TO:

By:

  
Ashley H. Story, Esq.  
Troutman Sanders LLP  
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Suite 1200  
Raleigh, NC 27609

  
Emanuel D. McGirt

City Attorney  
City Attorney's Office  
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Post Office Box 7207  
Greenville, North Carolina 27835  
Counsel for Respondent



Jerome R. Eatman, Jr.  
James A. Eatman  
Lynch & Eatman, LLP  
4130 Parklake Avenue, Suite 100  
Raleigh, NC 27612-4463  
Counsel for Respondent Intervenors



# City of Greenville, North Carolina

Meeting Date:  
2/20/2018  
Date time: 6:00 PM

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**Title of Item:** Ordinance requested by Michael Bryan Roberson to rezone 4.289 acres located between North Memorial Drive and Briley Road and 100+/- feet west of Brookhaven Acres Subdivision from RA20 (Residential-Agricultural) to IU (Unoffensive Industrial).

**Explanation:** **Abstract:** The City has received a request from Michael Bryan Roberson to rezone 4.289 acres located between North Memorial Drive and Briley Road and 100+/- feet west of Brookhaven Acres Subdivision from RA20 (Residential-Agricultural) to IU (Unoffensive Industrial).

**Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on February 6, 2018.

On-site sign(s) posted on February 6, 2018.

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

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

**Comprehensive Plan:**

The Future Land Use and Character Map recommends commercial at the northwestern corner of the intersection of North Memorial Drive and Briley Road transitioning to office/institutional.

**Commercial**

Primarily community- and regional-scale commercial development situated near and along major roadway corridors. Existing development is characterized by buildings set back from streets behind surface parking. That existing pattern

should evolve to become more walkable with shorter blocks, buildings near streets, shared parking, and connections to surrounding development.

Intent:

- Provide connectivity to nearby uses (paths, streets)
- Locate new buildings near street on at least one side and accommodate parking to the side or rear of buildings
- Improve/provide public realm features such as signs, sidewalks, landscaping Reduce access-points into development for pedestrian and vehicular safety
- Reduce and consolidate surface parking

Primary uses:

Commercial (small and large format)

Office

Secondary uses:

Institutional/Civic

Office/Institutional

These areas serve as a transition between more intense commercial areas and surrounding neighborhoods. The form of future development should take a more walkable pattern with shorter blocks, buildings near streets, shared parking, and connections to surrounding development.

Intent:

- Provide connectivity to nearby uses (paths, streets)
- Locate new buildings near street on at least one side and accommodate parking to the side or rear of buildings; cluster buildings to consolidate and share surface parking
- Improve/provide public realm features such as signs, sidewalks, landscaping
- Reduce access-points into development for pedestrian and vehicular safety

Primary uses:

Office

Institutional/Civic

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

Based on the analysis comparing the existing zoning (124 trips) and the requested rezoning, the proposed rezoning classification could generate similar or less trips to and from the site on North Memorial Drive. Since the traffic analysis for the requested rezoning indicates the could generate less traffic than the existing zoning, a traffic volume report was not generated.

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

**History/Background:**

In 1972, the property was incorporated into the City's extra-territorial jurisdiction (ETJ), as part of a large-scale ETJ extension, and was zoned RA20.

**Present Land Use:**

Wooded

**Water/Sewer:**

Water is located in the rights-of-way of Briley Road and North Memorial Drive. Sanitary sewer is located 300+/- feet from the property.

**Historic Sites:**

There are no known effects on historic sites.

**Environmental Conditions/Constraints:**

There are no known environmental condition/constraints.

**Surrounding Land Uses and Zoning:**

North: RA20 - Vacant (a portion of the property is under common ownership as the subject property)

South: RA20 - Farmland

East: RA20 - One (1) single-family residence and one (1) vacant lot

West: IU - Strategic Distribution Center; RA20 - Three (3) vacant lots

**Density Estimates:**

Under the current zoning, the site could accommodate 10-13 single-family lots.

Under the proposed zoning, the site could accommodate 7,500+/- square foot minor automotive repair shop.

The anticipated build-out time 1-2 years.

**Fiscal Note:**

No cost to the City.

**Recommendation:**

In staff's opinion, the request is not in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map.

"Not in compliance with the comprehensive plan" should be construed as meaning the requested zoning is (i) is specifically noncompliant with plan

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

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

"Motion to recommend approval of the proposed rezoning, to advise that, 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.

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

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

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

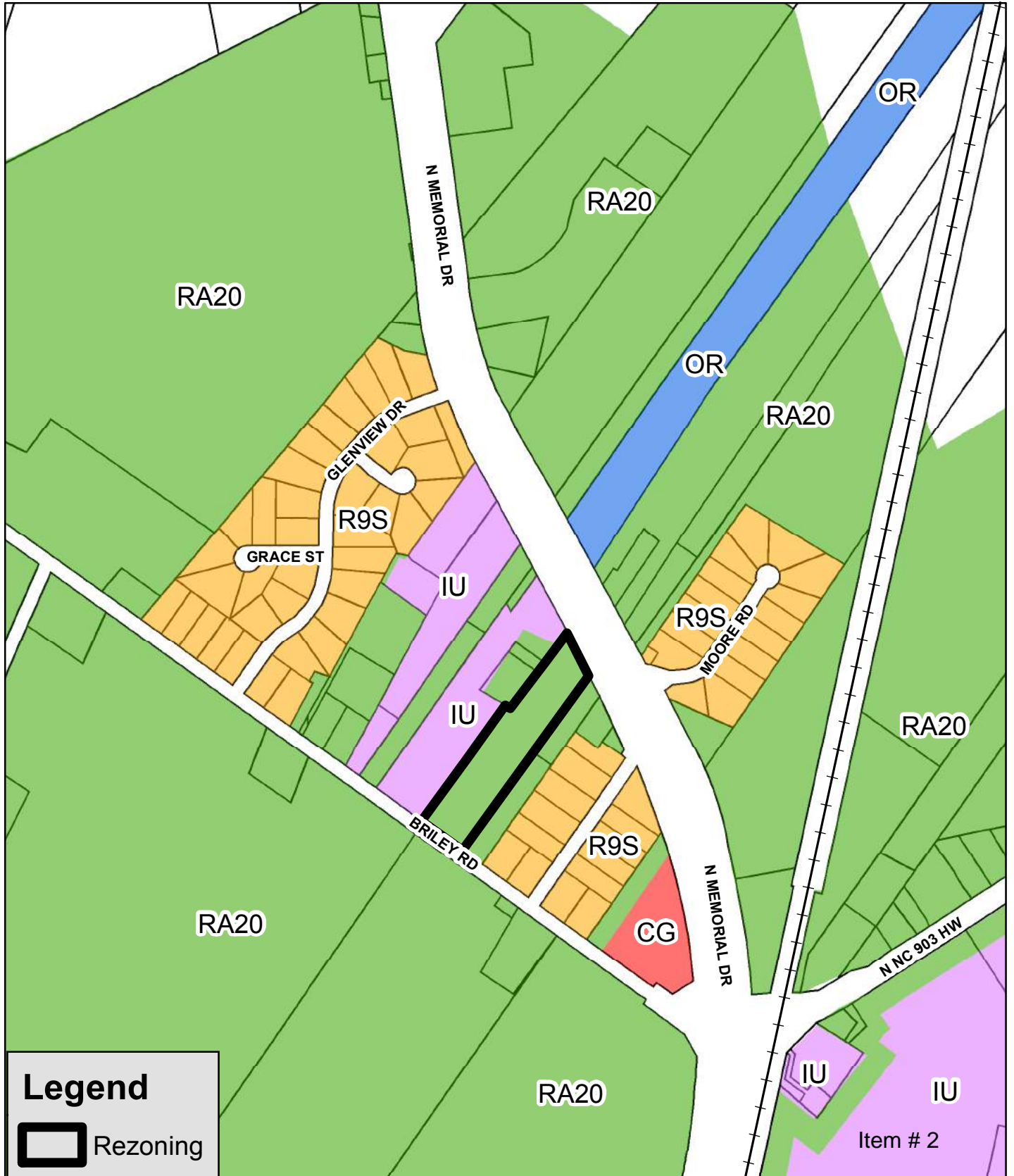
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## **ATTACHMENTS:**

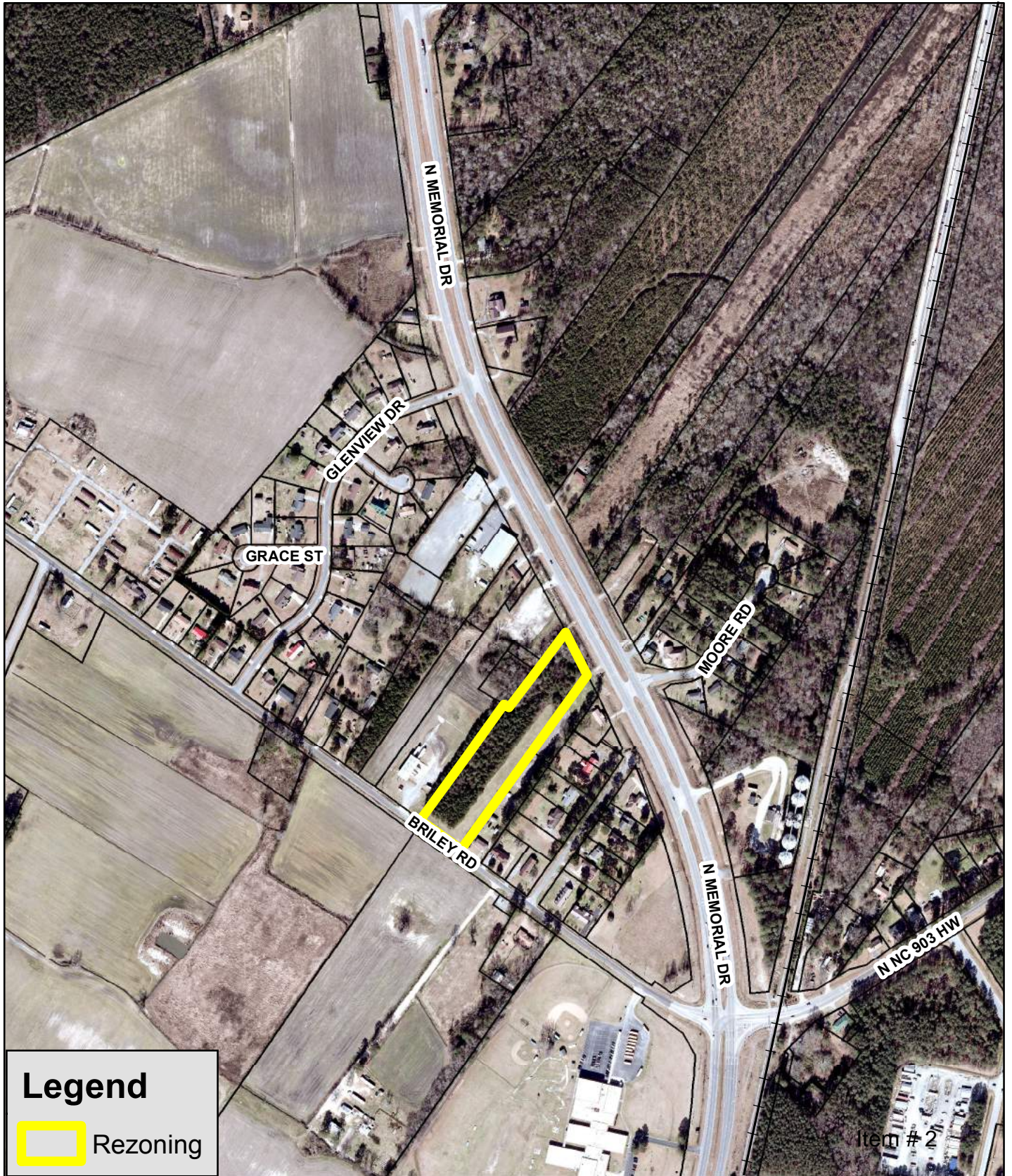
### **Description**

Attachments

**Michael Bryan Roberson**  
**From: RA20**  
**To: IU**  
**Acres: 4.289**  
**February 6, 2018**

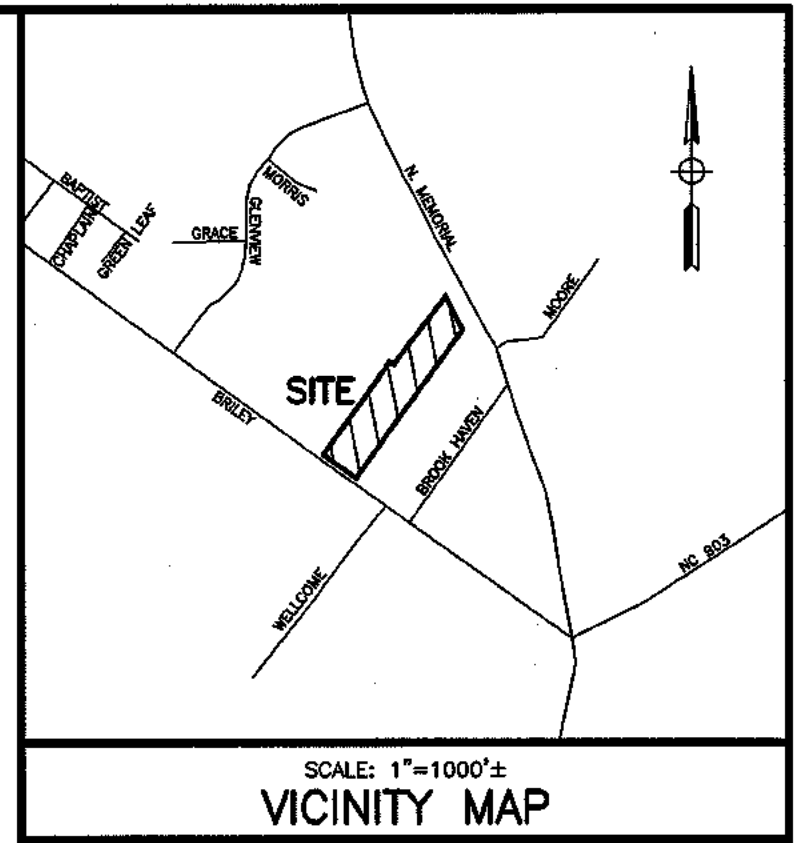
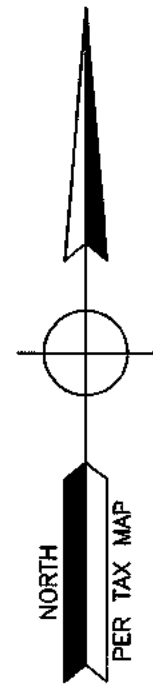


**Michael Bryan Roberson**  
**From: RA20**  
**To: IU**  
**Acres: 4.289**  
**February 6, 2018**



Item # 2

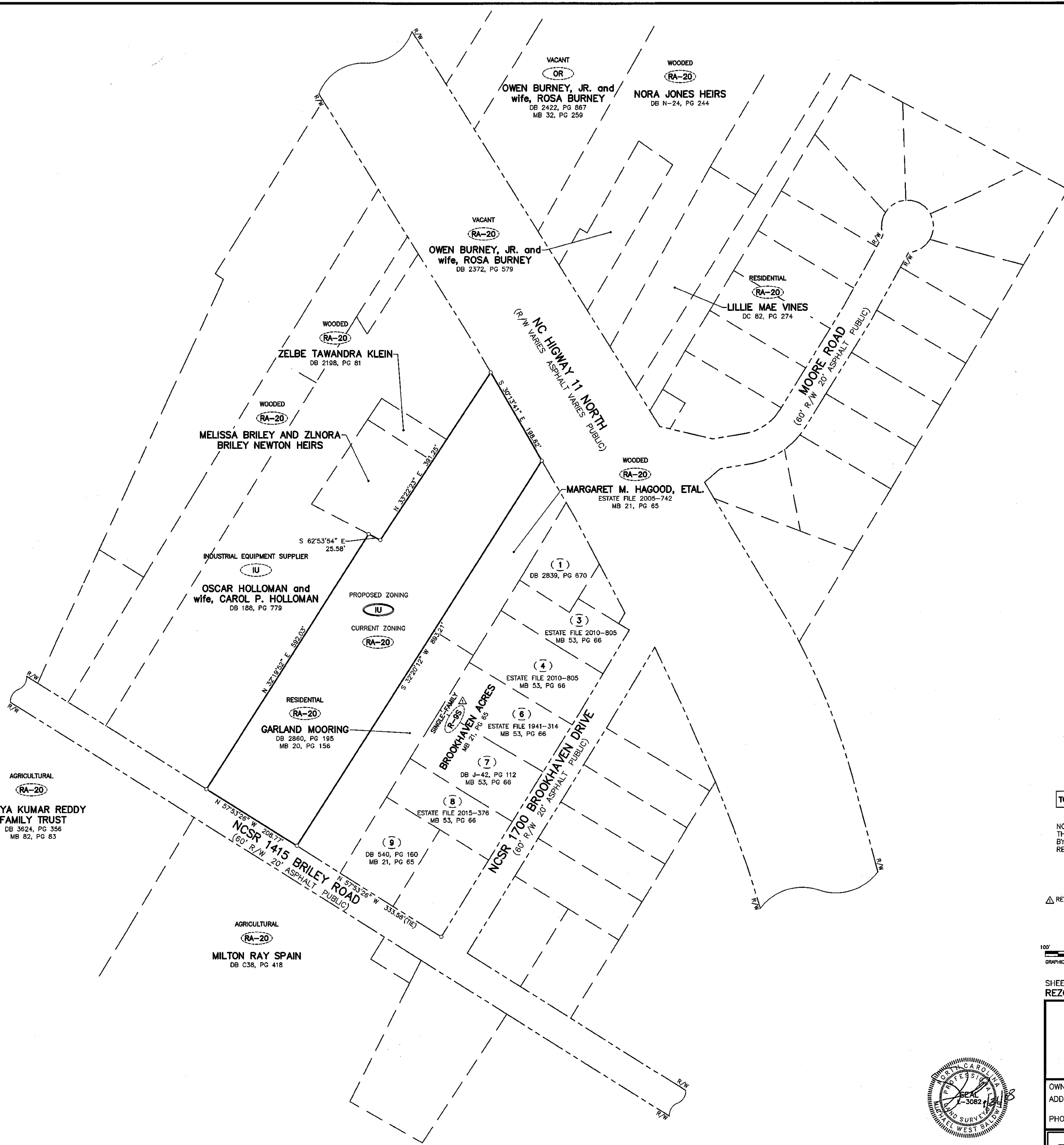




**PROPERTY OWNERS ADDRESSES  
WITHIN 100 FEET OF PROPERTY**

- OSCAR HOLLOMAN and wife, CAROL P. HOLLOMAN  
115 BELLS STREET  
GREENVILLE, NC 27858
- ZELBE TAWANDRA KLEIN  
1310 MUMFORD ROAD  
GREENVILLE, NC 27834
- MELISSA BRILEY and ZLNORA BRILEY NEWTON HEIRS  
3200 MOONLIGHT WAY APT. 106  
GREENVILLE, NC 27834
- VJAYA KUMAR REDDY FAMILY TRUST  
4009 NEWBY ROAD  
ROCKY MOUNT, NC 27804
- MILTON RAY SPAIN  
859 BRILEY ROAD  
GREENVILLE, NC 27834
- GARLAND MOORING  
302 BRILEY ROAD  
GREENVILLE, NC 27834
- MARGARET M. HAGOOD, ETAL.  
530 NORTHWEST SHERIDAN STREET  
WASHINGTON DC, 20011
- (1) MISHA FEATHERSTON  
9507 HANGING ROCK ROAD  
RALEIGH, NC 27613
- (3) (4) RAYMOND W. WILLIAMS  
P.O. BOX 1501  
GREENVILLE, NC 27835
- (6) RAYMOND R. REDDRICK, JR. and GEORGIA REDDRICK  
P.O. BOX 1201  
GREENVILLE, NC 27835
- (7) CHARLOTTE SMITH  
P.O. BOX 946  
GREENVILLE, NC 27835
- (8) DORIS S. LEE and LARRY E. WILLIAMS  
5119 PEMBRIDGE AVENUE  
BALTIMORE, MD 21215
- (9) BOBBY G. PURVIS and wife, DORETHA PURVIS  
300 BRILEY ROAD  
GREENVILLE, NC 27834
- OWEN BURNEY, JR. and wife, ROSA BURNEY  
P.O. BOX 340  
GREENVILLE, NC 27835
- NORA JONES HEIRS  
132 OAKLEAF STREET  
BRIDGEPORT, CT 06606
- LILLIE MAE VINES  
114 TRENT CIRCLE  
GREENVILLE, NC 27834

Attachment number 1  
Page 3 of 9



- LEGEND**
- R/W = RIGHT-OF-WAY
  - C = CENTERLINE
  - EIP = EXISTING IRON PIPE
  - EIS = EXISTING IRON STAKE
  - EPK/W = EXISTING PARKER KALON NAIL
  - SIP = SET IRON PIPE
  - DB = DEED BOOK
  - DC = DEATH CERTIFICATE
  - MB = MAP BOOK
  - B/B = BACK OF CURB
  - ETJ = EXTRATERRITORIAL JURISDICTION

TOTAL AREA TO BE REZONED: 4.289 ACRES

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

△ REVISED: 01-31-18 (CITY OF GREENVILLE COMMENTS) (NRW)  
REVISED ZONING

GRAPHIC SCALE: 1" = 100'

SHEET 1 OF 1  
REZONING MAP  
A PORTION OF PARCEL #12479  
TAX MAP #4780-76-5192

**MICHAEL BRYAN ROBERSON**

REFERENCE: DEED BOOK O-24, PAGE 176 OF  
THE PITT COUNTY REGISTER OF DEEDS  
CAROLINA TOWNSHIP, PITT COUNTY, N.C.

OWNER: NORA JONES HEIRS  
ADDRESS: 132 OAKLEAF STREET  
BRIDGEPORT, CT 06608  
PHONE: (203) 373-9243



<b>Baldwin Design Consultants, PA</b> ENGINEERING - SURVEYING - PLANNING 1700-D EAST ARUNSTON BOULEVARD GREENVILLE, NC 27858 252.756.1390	LICENSE # CS-3488	SURVEYED: N/A	APPROVED: MWB
CHECKED: NRW	DATE: 01/22/18	DRAWN: NRW	DATE: 01/22/18
CHECKED: MWB	SCALE: 1" = 100'		

CLOSURE CHECK BOUNDARY  
CHECKED: NRW DATE: 01/22/18

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
	b(1). Master Plan Community per Article J
	f. Residential cluster development per Article M
	k. Family care homes (see also 9-4-103)
	q. Room renting
(3) Home Occupations - None	
(4) Governmental	
	b. City of Greenville municipal government building or use (see also section 9-4-103)
(5) Agricultural/Mining	
	a. Farming; agricultural, 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
	i. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	g. Private noncommercial park or recreational facility
(7) Office/Financial/Medical - None	
(8) Services	
	o. Church or place of worship (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
	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 (see also section 9-4-103)
	n. Retirement center or home
	o. Nursing, convalescent or maternity home; major care facility

o(1).	Nursing, convalescent or maternity home; minor care facility
(3) Home Occupations	
a.	Home occupation; not otherwise listed
b.	Home occupation; barber and beauty shop
c.	Home occupation; manicure, pedicure or facial salon
(4) Governmental	
a.	Public utility building or use
(5) Agricultural/Mining	
b.	Greenhouse or plant nursery; including accessory sales
m.	Beekeeping; major use
n.	Solar energy facility
(6) Recreational/Entertainment	
a.	Golf course; 18-hole regulation length (see also section 9-4-103)
a(1).	Golf course; 9-hole regulation length (see also section 9-4-103)
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; nursery and kindergarten (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	
<b>PROPOSED ZONING</b>	
<b>IU (UNOFFENSIVE INDUSTRY) - PERMITTED USES</b>	
(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 principal uses
(2) Residential - None	
(3) Home Occupations - 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; agricultural, horticulture, forestry (see also section 9-4-103)
	b.	Greenhouse or plant nursery; including accessory sales
	d.	Farmers market
	e.	Kennel (see also section 9-4-103)
	f.	Stable; horse only (see also section 9-4-103)
	g.	Stable; per definition (see also section 9-4-103)
	h.	Animal boarding not otherwise listed; outside facility, as an accessory or principal use
	l.	Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment		
	f.	Public park or recreational facility
	g.	Private noncommercial park or recreational facility
	m(1).	Dining and entertainment establishment (see also section 9-4-103)
	p.	Circus, carnival, or fair
(7) Office/Financial/Medical		
	b.	Operation/processing center
	c.	Office; customer service, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
	f.	Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
	g.	Catalogue processing center
(8) Services		
	n.	Auditorium
	s.	Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
	y.	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communication towers
	z.	Printing or publishing service including graphic art, maps, newspapers, magazines and books
	aa.	Catering service including food preparation (see also restaurant; conventional and fast food)
	bb.	Civic organizations
	gg.	Vocational rehabilitation center
	mm.	Commercial laundries; linen supply
	nn.	Industrial laundries

(9) Repair	
	b. Minor repair; as an accessory or principal use
	c. Upholsterer; automobile, truck, boat, or other vehicle, trailer or van
	d. Upholsterer; furniture
	f. Appliance; household and office equipment repair
	h. Appliance; commercial and industrial equipment repair not otherwise listed
(10) Retail Trade	
	b. Gasoline or automotive fuel sales; accessory or principal use, retail
	h. Restaurant; conventional
	i. Restaurant; fast food
	cc. Farm supply and commercial implement sales
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
	a. Wholesale; durable and nondurable goods, not otherwise listed
	d. Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
	e. Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery
(12) Construction	
	b. Licensed contractor; general electrical, plumbing, mechanical, etc... including outside storage
	c. Construction office; temporary, including modular office (see also section 9-4-103)
	d. Building supply; lumber and materials sales, plumbing and/or electrical supply including outdoor sales
(13) Transportation	
	a. Railroad freight or distribution and/or passenger station
	d. Truck terminal or distribution center
	e. Parcel delivery service
	f. Ambulance service
	g. Airport and related activities; private
	h. Parking lot or structure; principal use
(14) Manufacturing/Warehousing	
	a. Ice plant and freezer lockers
	b. Dairy; production, storage, and shipment facilities
	c. Bakery; production, storage, and shipment facilities
	d. Stone or monument cutting, engraving
	g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
	h. Engraving; metal, glass or wood

	j. Moving and storage; including outside storage
	k. Mini-storage warehouse, household; excluding outside storage
	Warehouse or mini-storage warehouse, commercial or industrial; including
	l. outside storage
	m. Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage
	o. Feed and grain elevator, mixing, redrying, storage or sales facility
	p. Tobacco redrying or processing plant
	s. Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed
	Manufacture of nonhazardous medical supplies or medical products,
	t. including distribution
	u. Tire recapping or retreading plant
	v. Bottling or packing plant for nonhazardous materials or products
	y. Recycling collection station or facilities
	cc. Manufacture of pharmaceutical, biological, botanical, medicinal, and cosmetic products, and related materials
(15) Other Activities (not otherwise listed - all categories) - None	
<b>IU (UNOFFENSIVE INDUSTRY) - SPECIAL USES</b>	
(1) General - None	
(2) Residential	
	Residential quarters for resident manager, supervisor or caretaker;
	i. excluding mobile home
	j. Residential quarters for resident manager, supervisor or caretaker; including mobile home
	o. Nursing, convalescent or maternity home; major care facility
(3) Home Occupations - None	
(4) Governmental - None	
(5) Agricultural/Mining	
	k. Sand mining(see also item (5)j)
	m. Beekeeping; major use
(6) Recreational/Entertainment	
	e. Miniature golf or putt-putt course
	i. Commercial recreation; indoor and outdoor, not otherwise listed
	k. Firearm ranges; indoor or outdoor
(7) Office/Financial/Medical	
	a. Office; professional and business, not otherwise listed
(8) Services	
	a. Child day care facilities
	b. Adult day care facilities
	l. Convention center; private
	o. Church or place of worship (see also section 9-4-103)

	Hotel, motel bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
(9) Repair	
	a. Major repair; as an accessory or principal use
(10) Retail Trade	
	j. Restaurant and/or dining and entertainment establishment; regulated outdoor activities
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
	g. Mobile home sales including accessory mobile home office
(12) Construction - None	
(13) Transportation	
	c. Taxi or limousine service
(14) Manufacturing/Warehousing	
	z. Metallurgy, steel fabrication, welding
(15) Other Activities (not otherwise listed - all categories)	
	c. Other activities; commercial services not otherwise listed
	e. Other activities; industrial uses not otherwise listed



# City of Greenville, North Carolina

Meeting Date:  
2/20/2018  
Date time: 6:00 PM

---

**Title of Item:** Ordinance requested by Kate Vincent Kittrell to rezone 12.048 acres located along the eastern right-of-way of Dickinson Avenue and adjacent to Cross Creek Apartments and Townhomes from RA20 (Residential-Agricultural) to OR (Office-Residential).

**Explanation:** **Abstract:** The City has received a request from Kate Vincent Kittrell to rezone 12.048 acres located along the eastern right-of-way of Dickinson Avenue and adjacent to Cross Creek Apartments and Townhomes from RA20 (Residential-Agricultural) to OR (Office-Residential).

**Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on February 6, 2018.

On-site sign(s) posted on February 6, 2018.

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

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

**Comprehensive Plan:**

The Future Land Use and Character Map recommends residential, high density (HDR) at the southwestern corner of the intersection of Dickinson Avenue and West Arlington Boulevard.

Residential, High Density

Residential areas composed primarily of multi-family housing in various forms. Defined by existing development patterns where building size and style tend to be consistent within a development, with large blocks, and limited connectivity



between different building types and uses. Future development should take a more traditional neighborhood pattern where different residential types are connected in a walkable pattern. High density residential is typically appropriate near activity centers and corridors.

**Intent:**

- Provide better vehicular and pedestrian connectivity between developments
- Improve architectural variety and site design for new developments
- Improve streetscape features such as consistent sidewalks, lighting and street trees

**Primary uses:**

Multi-family residential  
Two-family residential  
Attached residential (townhomes)

**Secondary uses:**

Office  
Single-family residential detached (small lot)  
Institutional/Civic (churches and schools)

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

Based on the possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 998 trips to and from the site on Dickinson Avenue, which is a net increase of 567 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. A traffic assessment may be required.

**History/Background:**

In 1972, the property was incorporated into the City's extra-territorial jurisdiction (ETJ), as part of a large-scale ETJ extension, and was zoned RA20.

**Present Land Use:**

Farmland

**Water/Sewer:**

Water and sanitary sewer are available.

**Historic Sites:**

There are no known effects on historic sites.

**Environmental Conditions/Constraints:**

There are no known environmental condition/constraints.

**Surrounding Land Uses and Zoning:**

North: OR - Brookdale Senior Living and Barrett Place Apartments  
South: OR - Cross Creek Apartments and Townhomes  
East: OR - Meridian Park Apartments  
West: RA20 - Two (2) single-family residences

**Density Estimates:**

Under the current zoning, the site could accommodate 40-45 single-family lots.

Under the proposed zoning, the site could accommodate 150 multi-family units (1, 2 and 3 bedrooms) based on similar site comparison of Cross Creek Townhomes.

The anticipated build-out time is within 2-5 years.

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

**Recommendation:** In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map.

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

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

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

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

"Motion to recommend denial of the proposed rezoning, to advise that, although the proposed amendment is consistent with the comprehensive plan, there is a

more appropriate zoning classification, and to adopt the staff report which addresses plan consistency."

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

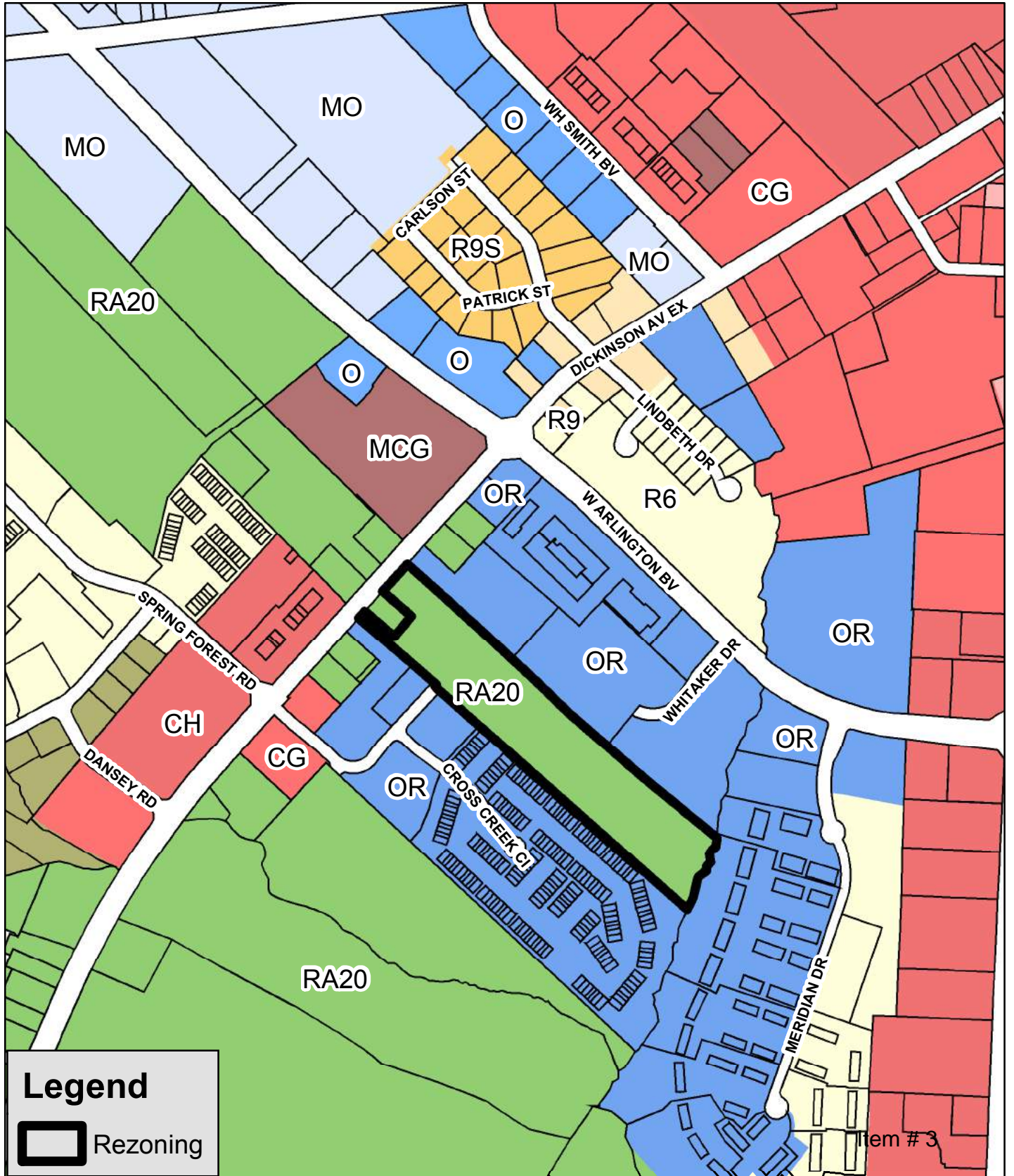
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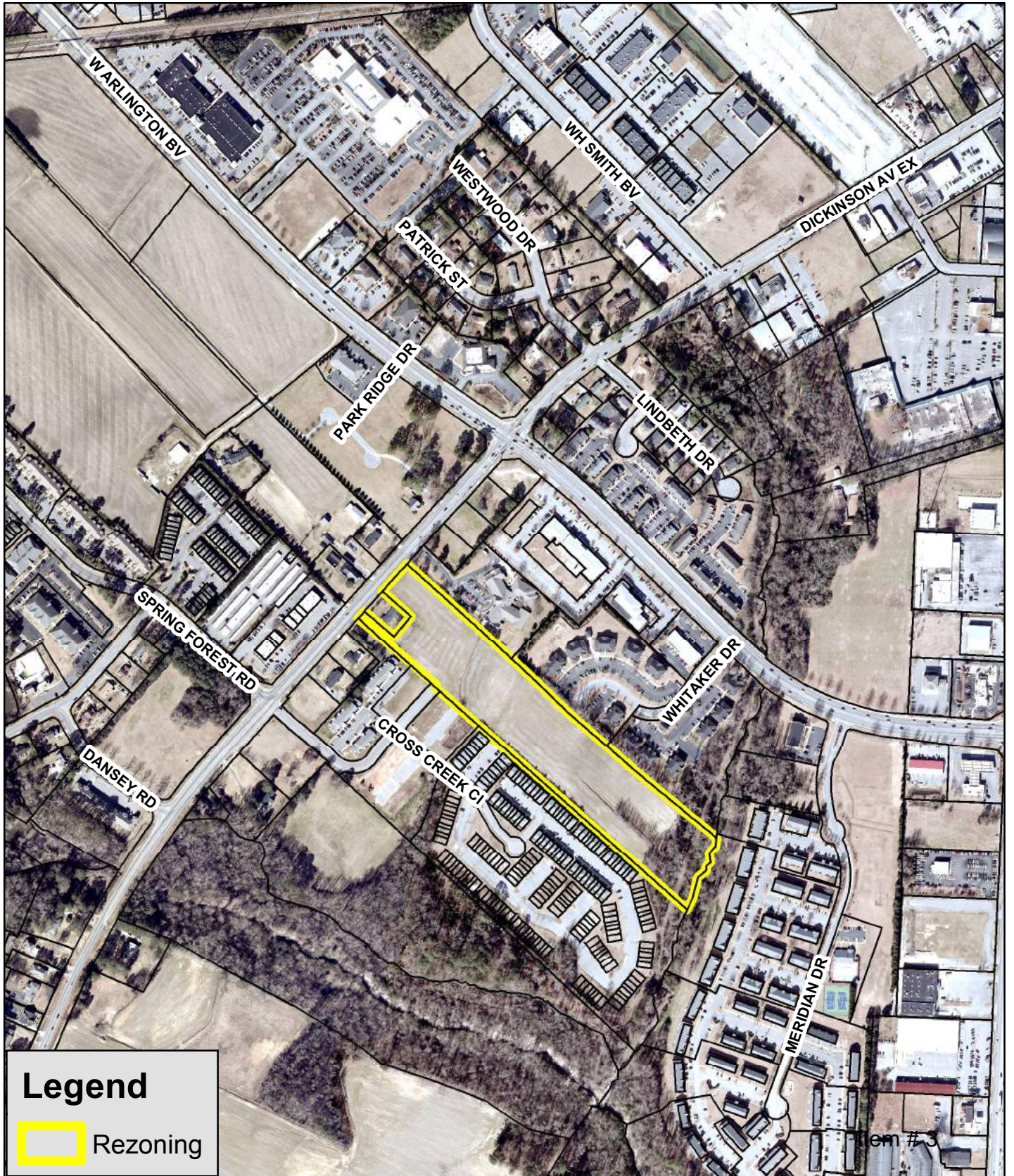
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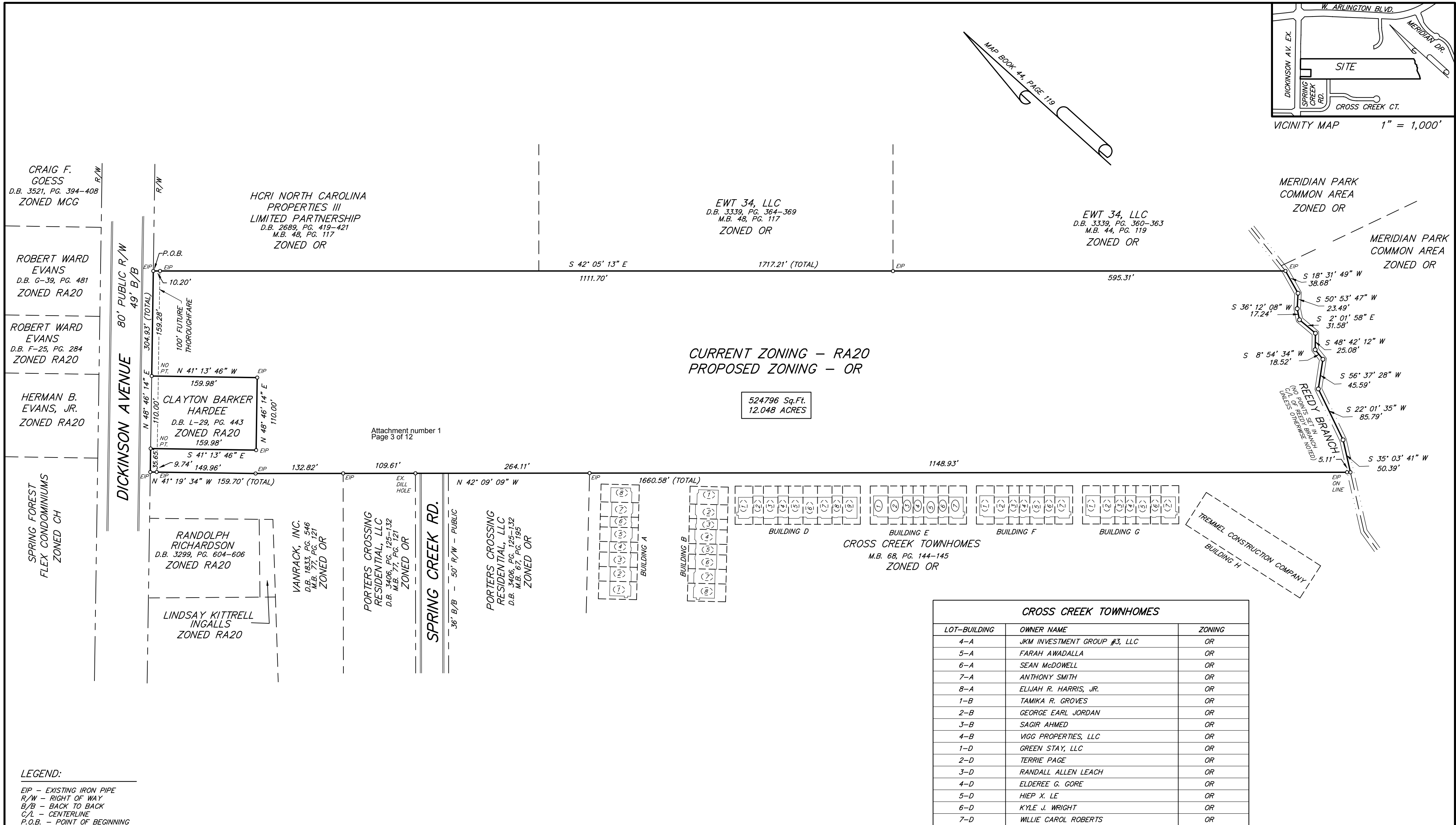
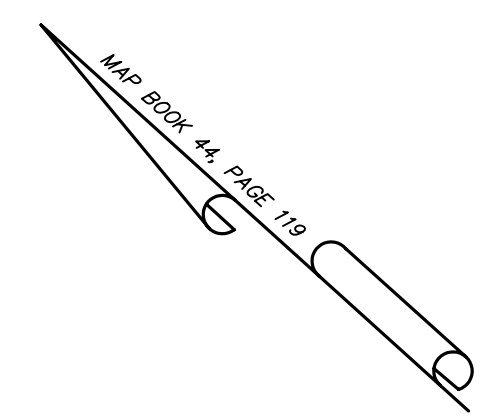
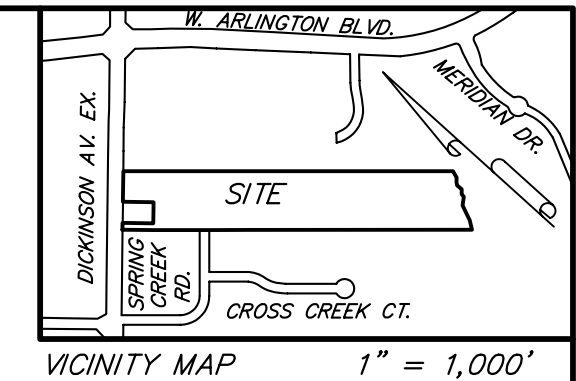
Attachments

**Kate Vincent Kittrell**  
**From: RA20**  
**To: OR**  
**Acres: 12.048**  
**February 6, 2018**



**Kate Vincent Kittrell**  
**From: RA20**  
**To: OR**  
**Acres: 12.048**  
**February 6, 2018**





CURRENT ZONING - RA20  
PROPOSED ZONING - OR

524796 Sq.Ft.  
12.048 ACRES

Attachment number 1  
Page 3 of 12

LEGEND:  
EIP - EXISTING IRON PIPE  
R/W - RIGHT OF WAY  
B/B - BACK TO BACK  
C/L - CENTERLINE  
P.O.B. - POINT OF BEGINNING

CROSS CREEK TOWNHOMES		
LOT-BUILDING	OWNER NAME	ZONING
4-A	JKM INVESTMENT GROUP #3, LLC	OR
5-A	FARAH AWADALLA	OR
6-A	SEAN McDOWELL	OR
7-A	ANTHONY SMITH	OR
8-A	ELIJAH R. HARRIS, JR.	OR
1-B	TAMIKA R. GROVES	OR
2-B	GEORGE EARL JORDAN	OR
3-B	SAGIR AHMED	OR
4-B	VIGG PROPERTIES, LLC	OR
1-D	GREEN STAY, LLC	OR
2-D	TERRIE PAGE	OR
3-D	RANDALL ALLEN LEACH	OR
4-D	ELDEREE G. GORE	OR
5-D	HIEP X. LE	OR
6-D	KYLE J. WRIGHT	OR
7-D	WILLIE CAROL ROBERTS	OR
8-D	ELDEREE G. GORE	OR
9-D	JOSHUA B. BRINSON	OR
1-E	MICHAEL DANIELS	OR
2-E	ROBBIE C. HOLLOWAY	OR
3-E	HUSKY PROPERTIES, LLC	OR
4-E	SHEREESE JOY HARRIS	OR
5-E	HUSKY PROPERTIES, LLC	OR
6-E	RANDALL R. GEDDES	OR
7-E	ASHLEY GLEN ALLEN	OR
1-F	TRACY L. WATSON	OR
2-F	ALEX J. FERIKES	OR
3-F	BAHRAM R. ZARGHAM	OR
4-F	RENEE HOPE PENNINGTON	OR
5-F	LINDA HURDLE WHITE	OR
6-F	M. EMDADUL HAQUE	OR
7-F	M. EMDADUL HAQUE	OR
1-G	SAMANTHA G. HOLLEN	OR
2-G	ZAHİ S. DARAWSHEH	OR
3-G	TIMOTHY TYLER BRADEN	OR
4-G	JOHN MATTI SIPPOLA THIELE	OR
5-G	SARAH A. CIPOLLA	OR
6-G	PATRICIA DANIELS	OR
7-G	DAVID R. STARNES	OR

REZONING MAP FOR

## KATE VINCENT KITTRELL

TAX PARCEL #13111  
GREENVILLE TOWNSHIP  
PITT COUNTY, NORTH CAROLINA

OWNER(S) KATE VINCENT KITTRELL

ADDRESS 2771 DICKINSON AVE. EXT., GREENVILLE, NC 27834

PHONE 252-756-4964

GARY S. MILLER & ASSOCIATES, P.A. LAND SURVEYORS	SURVEYED: GSM	APPROVED: GSM
	DRAWN: BLW	DATE: 01-19-18
	CHECKED: GSM	SCALE: 1" = 100'

Bar Scale  
100 50 0 100 200

REFERENCE:  
DEED BK. 205, PG. 805  
DEED BK. 147, PG. 820  
TAX PARCEL # 13111

I, Gary S. Miller, certify to the following:  
This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;  
that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 205, Page 805, or other reference source \_\_\_\_\_); that the boundaries not surveyed are indicated as drawn from information in Book \_\_\_\_\_, Page \_\_\_\_\_ or other reference source SEE REF.; that the ratio of precision or positional accuracy is 1:10,000+; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600).  
Witness my hand and seal this 19th day of JANUARY, 2018.

Signed G. S. Miller  
Professional Land Surveyor No. L-2562

LEGEND:  
EIP - EXISTING IRON PIPE  
R/W - RIGHT OF WAY  
B/B - BACK TO BACK  
C/L - CENTERLINE  
P/P - POWER POLE  
O/H - OVERHEAD  
D/I - DROP INLET  
E/V - ELECTRICAL VAULT  
F/H - FIRE HYDRANT  
I/P - IRON PIPE SET  
B/B - BACK TO BACK  
P/A - PARKER/KALON NAIL  
M/L - MINIMUM BUILDING LINE

Case No: 18-05

Applicant: Kate Vincent Kittrell

**Property Information**

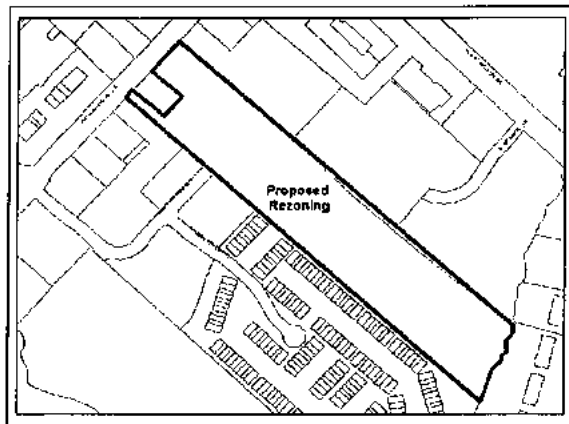
**Current Zoning:** RA20 (Residential-Agricultural)

**Proposed Zoning:** OR (Office-Residential)

**Current Acreage:** 12.048 acres

**Location:** Dickinson Ave, southwest of Arlington Blvd

**Points of Access:** Dickinson Ave



**Location Map**

**Transportation Background Information**

**1.) Dickinson Ave- State maintained**

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	4-lane, curb & gutter	5-lane curb & gutter
Right of way width (ft)	80	100
Speed Limit (mph)	45	no change
<b>Current ADT:</b>	15,600 (*)	UltimateDesign ADT: 29,900 vehicles/day (**)
<b>Design ADT:</b>	27,600 vehicles/day (**)	
<b>Controlled Access</b>	No	
<b>Thoroughfare Plan Status:</b>	Major Thoroughfare	

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

**Notes:** (\*) 2016 NCDOT count adjusted for a 2% annual growth rate  
 (\*\*) Traffic volume based an operating Level of Service D for existing geometric conditions  
 ADT – Average Daily Traffic volume

**Transportation Improvement Program Status:** No planned improvements.

**Trips generated by proposed use/change**

**Current Zoning: 431** -vehicle trips/day (\*)                      **Proposed Zoning: 998** -vehicle trips/day (\*)

**Estimated Net Change: increase of 567 vehicle trips/day (assumes full-build out)**

(\* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

**Impact on Existing Roads**

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on Dickinson Ave are as follows:

**1.) Dickinson Ave , North of Site (60%):**                      **“No build” ADT of 15,600**

Estimated ADT with Proposed Zoning (full build) – 16,199  
 Estimated ADT with Current Zoning (full build) – 15,859  
**Net ADT change = 340 (2% increase)**

2.) Dickinson Ave , south of Site (40%): "No build" ADT of 15,600

Estimated ADT with Proposed Zoning (full build) – 15,999

Estimated ADT with Current Zoning (full build) – 15,772

Net ADT change = 227 (1% increase)

**Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 998 trips to and from the site on Dickinson Ave, which is a net increase of 567 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. A traffic assessment may be required.



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
	b(1). Master Plan Community per Article J
	f. Residential cluster development per Article M
	k. Family care homes (see also 9-4-103)
	q. Room renting
(3) Home Occupations - None	
(4) Governmental	
	b. City of Greenville municipal government building or use (see also section 9-4-103)
(5) Agricultural/Mining	
	a. Farming; agricultural, 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
	l. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	g. Private noncommercial park or recreational facility
(7) Office/Financial/Medical - None	
(8) Services	
	o. Church or place of worship (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
	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 (see also section 9-4-103)
	n. Retirement center or home
	o. Nursing, convalescent or maternity home; major care facility

	o(1). Nursing, convalescent or maternity home; minor care facility
(3) Home Occupations	
	a. Home occupation; not otherwise listed
	b. Home occupation; barber and beauty shop
	c. Home occupation; manicure, pedicure or facial salon
(4) Governmental	
	a. Public utility building or use
(5) Agricultural/Mining	
	b. Greenhouse or plant nursery; including accessory sales
	m. Beekeeping; major use
	n. Solar energy facility
(6) Recreational/Entertainment	
	a. Golf course; 18-hole regulation length (see also section 9-4-103)
	a(1). Golf course; 9-hole regulation length (see also section 9-4-103)
	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; nursery and kindergarten (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	
<b>PROPOSED ZONING</b>	
<b>OR (OFFICE-RESIDENTIAL) - PERMITTED USES</b>	
(1) General	
	a. Accessory use or building
	b. Internal service facilities
	c. On-premise signs per Article N
	f. Retail sales; incidental
(2) Residential	
	b. Two-family attached dwelling (duplex)
	c. Multi-family development per Article I
	k. Family care homes (see also 9-4-103)
	n. Retirement center or home
	o. Nursing, convalescent or maternity home; major care facility
	p. Boarding or rooming house
	q. Room renting
(3) Home Occupations - None	

(4) Governmental	
b.	City of Greenville municipal government building or use (see also section 9-4-103)
c.	County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
d.	Federal government building or use
(5) Agricultural/Mining	
a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)
(6) Recreational/Entertainment	
f.	Public park or recreational facility
g.	Private noncommercial recreation; indoor only, not otherwise listed
(7) Office/Financial/Medical	
a.	Office; professional and business, not otherwise listed
b.	Operation/processing center
c.	Office; customer service, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
d.	Bank, savings and loans or other savings or investment institutions
e.	Medical, dental, ophthalmology or similar clinic, not otherwise listed
(8) Services	
c.	Funeral home
e.	Barber or beauty salon
f.	Manicure, pedicure or facial salon
g.	School; junior and senior high (see also section 9-4-103)
h.	School; elementary (see also section 9-4-103)
i.	School; nursery and kindergarten (see also section 9-4-103)
j.	College and other institutions of higher learning
k.	Business or trade school
n.	Auditorium
o.	Church or place of worship (see also section 9-4-103)
p.	Library
q.	Museum
r.	Art gallery
u.	Art studio including art and supply sales
v.	Photography studio including photo and supply sales
w.	Recording studio
x.	Dance studio
y(2)	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers not exceeding 120 feet in height or cellular telephone and wireless communication towers not exceeding 120 feet in height (see also section 9-4-103)
bb.	Civic organizations
cc.	Trade or business organizations
(9) Repair - None	
(10) Retail Trade	
s.	Book or card store, news stand

	w.	Florist
	ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None		
(12) Construction		
	a.	Licensed contractor; general electrical, plumbing, mechanical, etc... excluding outside storage
	c.	Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None		
(14) Manufacturing/Warehousing - None		
(15) Other Activities (not otherwise listed - all categories) - None		
<b>OR (OFFICE-RESIDENTIAL) - SPECIAL USES</b>		
(1) General - None		
(2) Residential		
	d.	Land use intensity multi-family (LUI) development rating 50 per Article K
	e.	Land use intensity multi-family (LUI) development rating 67 per Article K
	i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
	m.	Shelter for homeless or abused (see also section 9-4-103)
	o(1).	Nursing, convalescent or maternity home; minor care facility
	r.	Fraternity or sorority house
(3) Home Occupations - None		
(4) Governmental		
	a.	Public utility building or use
(5) Agricultural/Mining - None		
(6) Recreational/Entertainment		
	c(1).	Tennis club; indoor and outdoor facilities
	h.	Commercial recreation; indoor only, not otherwise listed
	m(1).	Dining and entertainment establishment (see also section 9-4-103)
(7) Office/Financial/Medical		
	f.	Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
(8) Services		
	a.	Child day care facilities
	b.	Adult day care facilities
	l.	Convention center; private
	s.	Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
	ff.	Mental health, emotional or physical rehabilitation day program facility
	ff(1).	Mental health, emotional or physical rehabilitation day program facility
(9) Repair- None		
(10) Retail Trade - None		
	h.	Restaurant; conventional

	j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None		
(12) Construction - None		
(13) Transportation		
	h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing - None		
(15) Other Activities (not otherwise listed - all categories)		
	a.	Other activities; personal services not otherwise listed
	b.	Other activities; professional services not otherwise listed

## 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.

<b>RESIDENTIAL DENSITY CHART</b>			
<b>Density Level</b>	<b>Future Land Use and Character Type</b>	<b>Applicable Zoning District(s)</b>	<b>Units per Acre***</b>
<b>High</b>	Uptown Edge (UE)	CDF	17 units per acre
	Mixed Use, High Intensity (MUHI)	OR	17 units per acre
		R6	17 units per acre
	Residential, High Density (HDR)	R6	17 units per acre
		R6MH	17 units per acre
Medical-Transition (MT)	MR	17 units per acre	
<b>High to Medium</b>	Mixed Use (MU)	OR	17 units per acre
		R6	17 units per acre
		R6A	9 units per acre
	Uptown Neighborhood (UN)	R6S	7 units per acre
	Traditional Neighborhood, Medium-High Density (TNMH)	R6	17 units per acre
		R6A	9 units per acre
		R6S	7 units per acre
<b>Medium to Low</b>	Traditional Neighborhood, Low-Medium Density (TNLM)	R9	6 units per acre
		R9S	5 units per acre
		R15S	3 units per acre
	Residential, Low-Medium Density (LMHR)	R9S	5 units per acre
		R15S	3 units per acre
		RA20	4 units per acre
		MRS	4 units per acre

\*\*\* Maximim allowable density in the respective zoning district.



# City of Greenville, North Carolina

Meeting Date:  
2/20/2018  
Date time: 6:00 PM

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**Title of Item:** Ordinance requested by Arlington Crossing, LLC to rezone 5.498 acres located along the northern right-of-way of West Arlington Boulevard and adjacent to the Norfolk Southern Railroad from MO (Medical-Office) to MCG (Medical-General Commercial).

**Explanation:** **Abstract:** The City has received a request from Arlington Crossing, LLC to rezone 5.498 acres located along the northern right-of-way of West Arlington Boulevard and adjacent to the Norfolk Southern Railroad from MO (Medical-Office) to MCG (Medical-General Commercial).

**Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on February 6, 2018.  
On-site sign(s) posted on February 6, 2018.  
City Council public hearing notice (property owner and adjoining property owner letter) mailed - N/A at this time.  
Public hearing legal advertisement published - N/A at this time.

**Comprehensive Plan:**

The Future Land Use and Character Map recommends office/institutional for the area bounded by Dickinson Avenue, West Arlington Boulevard, the Norfolk Southern Railroad and W. H. Smith Boulevard while recommending Residential, Low-Medium Density for the Westwood Subdivision.

**Office/Institutional**

These areas serve as a transition between more intense commercial areas and surrounding neighborhoods. The form of future development should take a more



walkable pattern with shorter blocks, buildings near streets, shared parking, and connections to surrounding development.

**Intent:**

- Provide connectivity to nearby uses (paths, streets)
- Locate new buildings near street on at least one side and accommodate parking to the side or rear of buildings; cluster buildings to consolidate and share surface parking
- Improve/provide public realm features such as signs, sidewalks, landscaping
- Reduce access-points into development for pedestrian and vehicular safety

**Primary uses:**

Office

Institutional/Civic

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

The rezoning request would allow some of the uses, under the current zoning, that require a special use permit to be permitted by-right. Staff does not anticipate new construction; therefore a traffic report was not generated.

**History/Background:**

In 1972, the property was incorporated into the City's extra-territorial jurisdiction (ETJ), as part of a large-scale ETJ extension, and was zoned RA20. In 1999, the property was rezoned to MO.

**Present Land Use:**

Arlington Crossing Center

**Water/Sewer:**

Water and sanitary sewer are available.

**Historic Sites:**

There are no known effects on historic sites.

**Environmental Conditions/Constraints:**

There are no known environmental condition/constraints.

**Surrounding Land Uses and Zoning:**

North: OR - Arlington Medical Park Offices

South: OR - Vacant  
East: OR - Physicians East Office  
West: OR and RA20 - Farmland

**Density Estimates:**

Staff would not anticipate new construction, but the requested rezoning would allow some of the uses, under the current zoning, that require a special use permit would then be allowed by-right.

**Additional Staff Comments:**

In 2003, the MO (Medical-Office) district table of uses was amended to include a variety of limited commercial activities. The amendment, initiated by private developers with the support of the medical community, was proposed in response to the need for additional service/retail uses in the medical area.

One of the most significant changes was to allow only fast food restaurants in multi-unit structures (not less than 3 units) which was designed to allow "over the counter sales" while discouraging traditional high volume fast food restaurants commonly associated with highway corridors.

Under the current zoning, the only retail type uses allowed by-right are: pharmacy, florist and book and card shop, news stand, which all could be considered medically-related uses that complement the medical area. The proposed zoning would allow fast food and conventional restaurants and miscellaneous retail by-right.

**Fiscal Note:**

No cost to the City.

**Recommendation:**

In staff's opinion, the request is not in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map.

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

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

"Motion to recommend approval of the proposed rezoning, to advise that, 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.

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

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

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

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**ATTACHMENTS:**

**Description**

Attachments

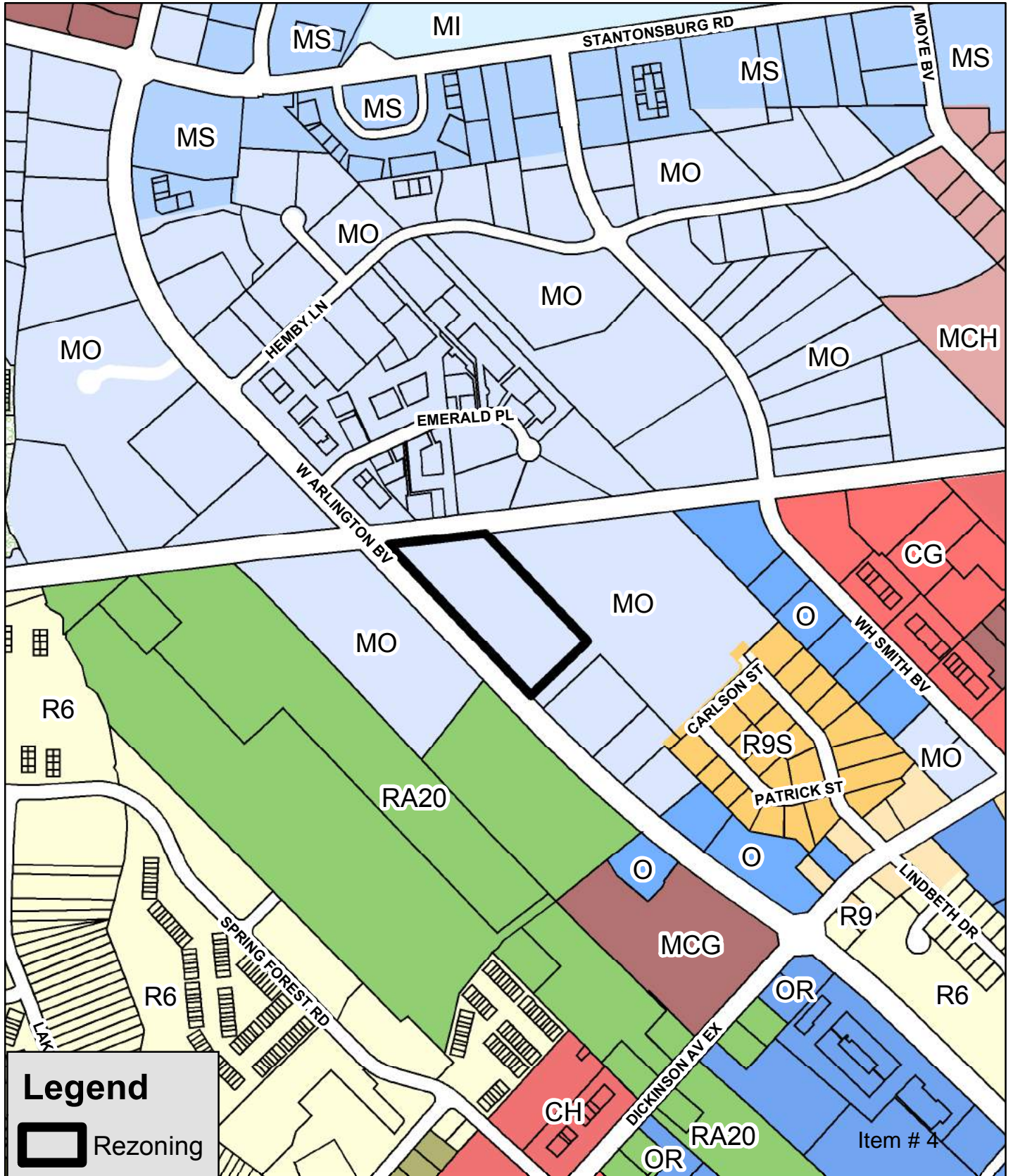
# Arlington Crossing, LLC

From: MO

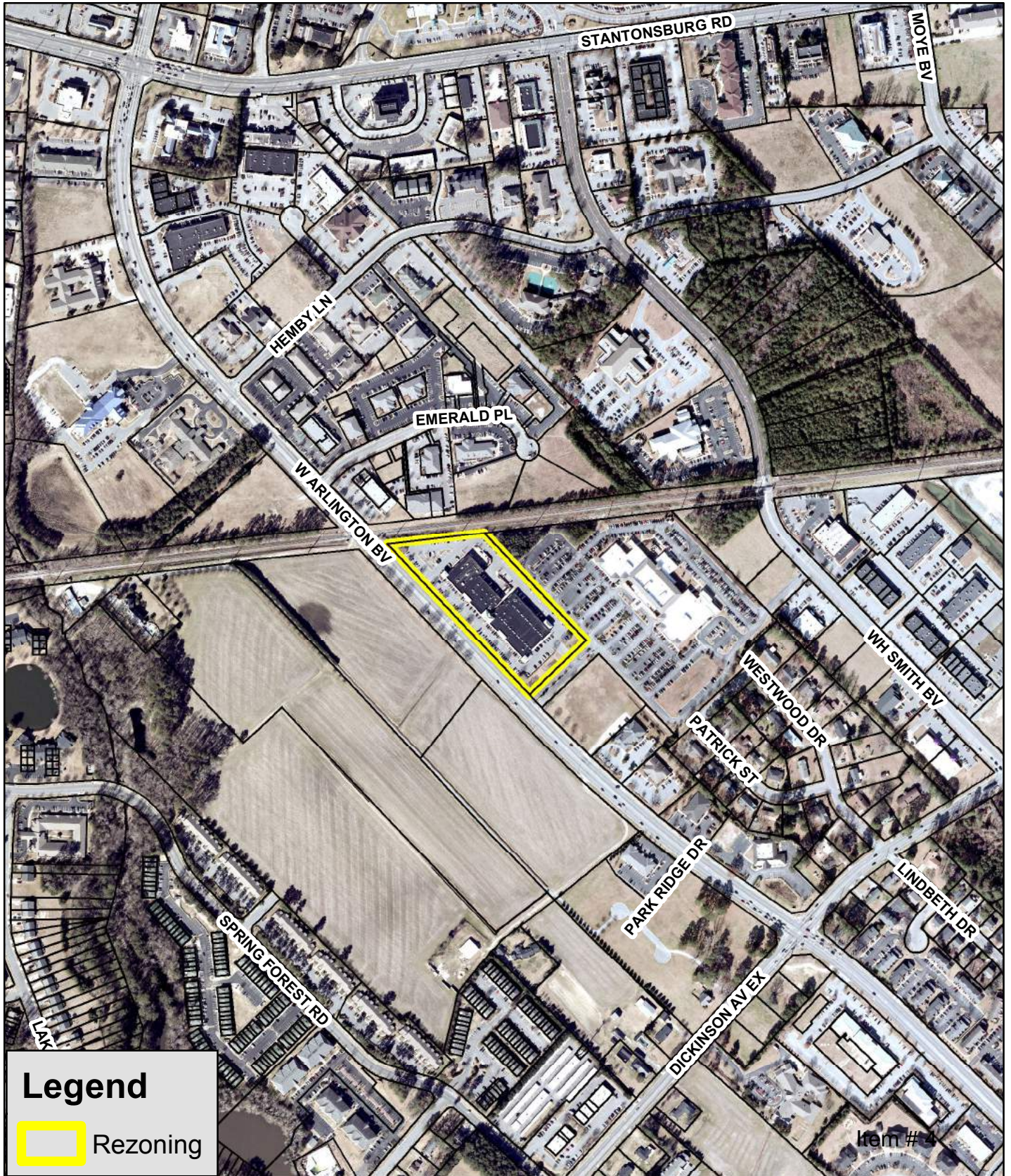
To: MCG

Acres: 5.498

February 6, 2018



**Arlington Crossing, LLC**  
**From: MO**  
**To: MCG**  
**Acres: 5.498**  
**February 6, 2018**



**PROPERTY OWNERS ADDRESSES  
WITHIN 100 FEET OF PROPERTY**

**SHERIF PHILIPS and wife,  
ATEIAT PHILIPS**  
753 PINEPOINT ROAD  
GREENVILLE, NC 27834

**ALFRED E. GARRIS,  
WAYNE DIXON, ETAL**  
3180 EAST FIRETOWER ROAD  
GREENVILLE, NC 27858

**CHANCE PROPERTIES, LLC**  
1862 OLD FORT ROAD  
GREENVILLE, NC 27834

**SOUTHERN SURGICAL  
PROPERTIES, LLC**  
2455 EMERALD PLACE  
GREENVILLE, NC 27834

**ARLINGTON MEDICAL PARK  
LOT 4 PROPERTY OWNERS  
ASSOCIATION, INC.**  
2455 EMERALD PLACE  
GREENVILLE, NC 27834

**G N B INVESTMENTS, LLC**  
2485 EMERALD PLACE  
GREENVILLE, NC 27834

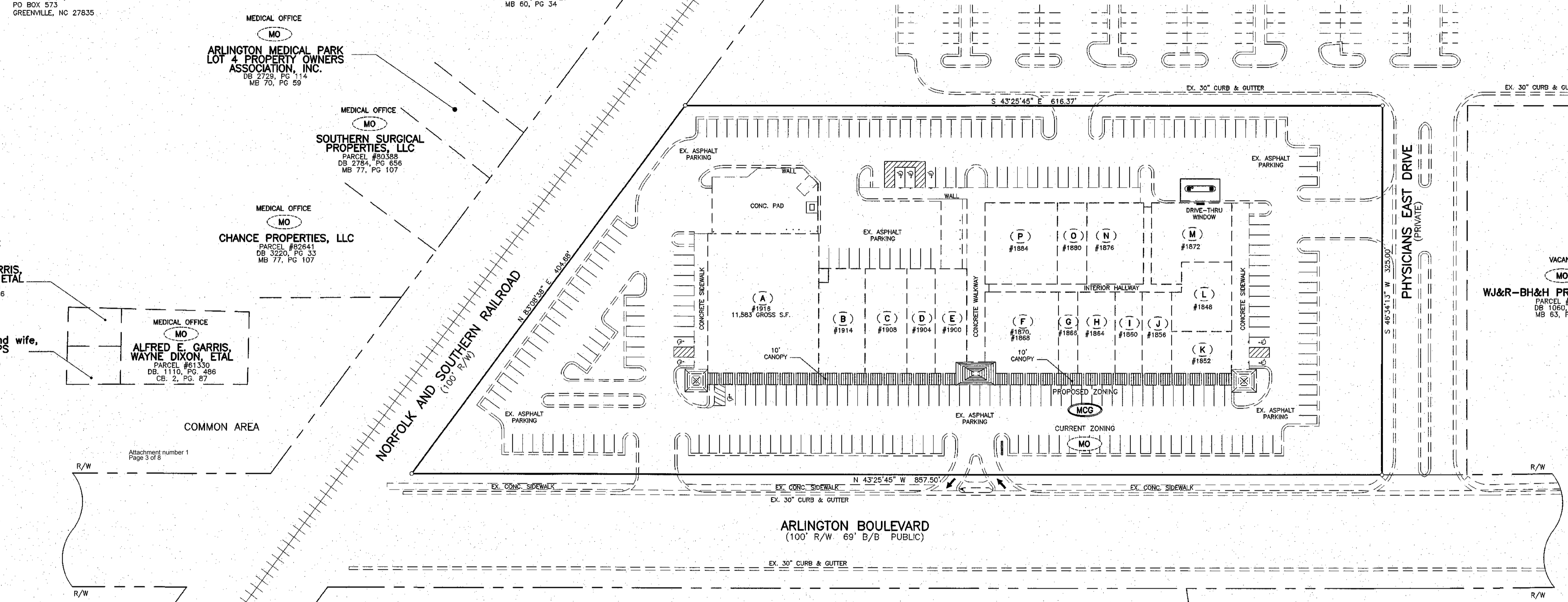
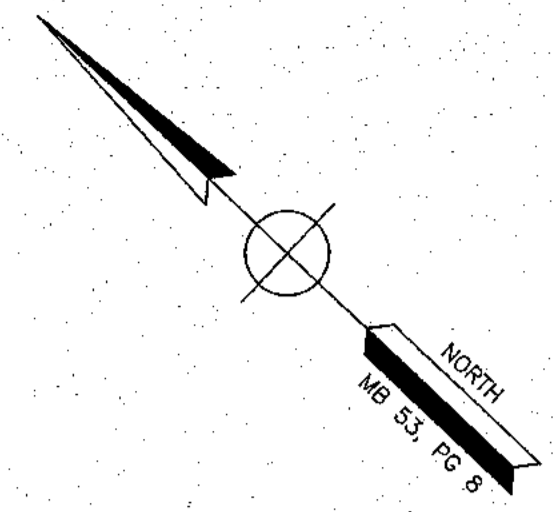
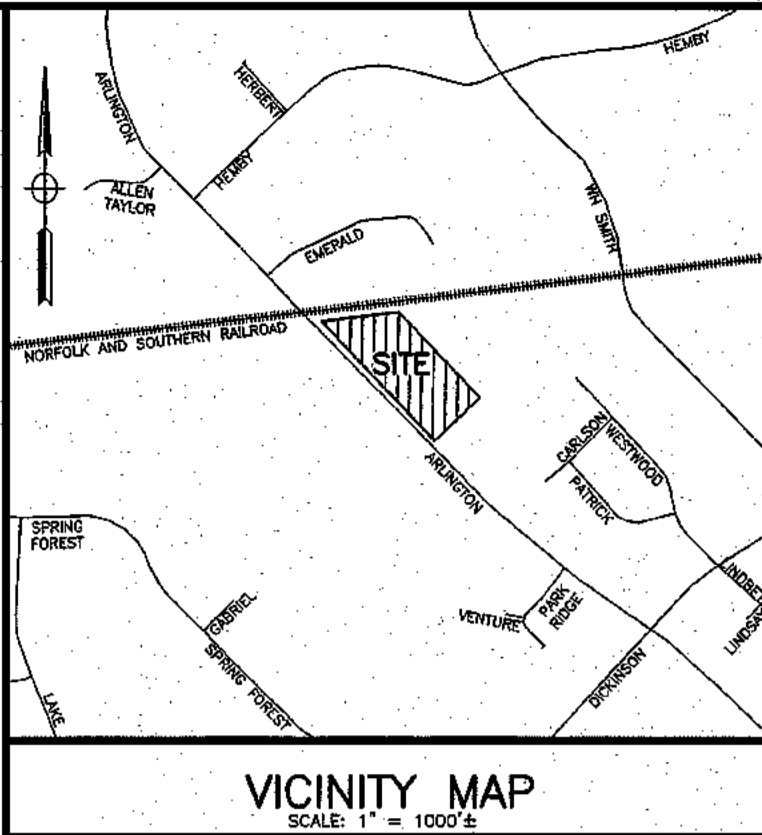
**WINTER VILLAGE MEDICAL  
PROPERTIES, LLC**  
1850 WEST ARLINGTON BOULEVARD  
GREENVILLE, NC 27834

**WJ&R BH&H PROPERTIES, LLC**  
PO BOX 11050  
GOLDSBORO NC, 27532

**ROBERT W. EVANS and  
DONALD E. EVANS**  
2690 DICKINSON AVENUE EXT.  
GREENVILLE, NC 27834

**EMW PROPERTIES**  
1560 PORTERTOWN ROAD  
GREENVILLE, NC 27858

**TFW COMMERCIAL  
PROPERTIES, LLC**  
PO BOX 573  
GREENVILLE, NC 27835



MEDICAL OFFICE  
MO  
ALFRED E. GARRIS,  
WAYNE DIXON, ETAL  
PARCEL #61339  
DB 1110, PG 486  
CB 2, PG 87

MEDICAL OFFICE  
MO  
SHERIF PHILIPS and wife,  
ATEIAT PHILIPS  
PARCEL #60009  
DB 882, PG 570  
CB 2, PG 87

MEDICAL OFFICE  
MO  
ALFRED E. GARRIS,  
WAYNE DIXON, ETAL  
PARCEL #61330  
DB 1110, PG 486  
CB 2, PG 87

MEDICAL OFFICE  
MO  
CHANCE PROPERTIES, LLC  
PARCEL #82641  
DB 3220, PG 33  
MB 77, PG 107

MEDICAL OFFICE  
MO  
SOUTHERN SURGICAL  
PROPERTIES, LLC  
PARCEL #60388  
DB 2784, PG 656  
MB 77, PG 107

MEDICAL OFFICE  
MO  
ARLINGTON MEDICAL PARK  
LOT 4 PROPERTY OWNERS  
ASSOCIATION, INC.  
DB 2729, PG 114  
MB 70, PG 99

VACANT  
MO  
G N B INVESTMENTS, LLC  
PARCEL #67186  
DB 1841, PG 552  
MB 60, PG 34

MEDICAL OFFICE  
MO  
WINTER VILLAGE MEDICAL PROPERTIES, LLC  
PARCEL #05181  
DB 1093, PG 299  
MB 53, PG 8

VACANT  
MO  
WJ&R-BH&H PROPERTIES, LLC  
PARCEL #48583  
DB 1080, PG 11  
MB 63, PG 114

MEDICAL OFFICE  
MO  
TFW COMMERCIAL  
PROPERTIES, LLC  
PARCEL #07219  
DB 2306, PG 801  
DB 822, PG 813

AGRICULTURAL  
MO  
EMW PROPERTIES  
PARCEL #07116  
DB 240, PG 431  
DB 226, PG 4

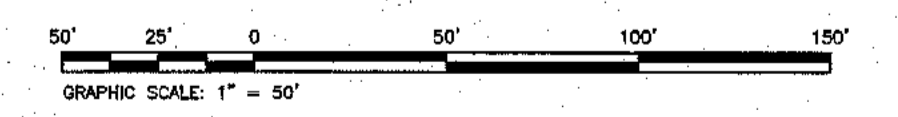
AGRICULTURAL  
RA-20  
ROBERT W. EVANS  
and DONALD E. EVANS  
PARCEL #48337  
ESTATE FILE: 2015-227  
DB 228, PG 4

- TENANT DIRECTORY**
- (A) #1916: K&W CAFETERIA
  - (B) #1914: ECU DE PROCTORING CENTER
  - (C) #1908: UNIFORMS GALORE
  - (D) #1904: MAIN STREET CHICKEN & BBQ
  - (E) #1900: HWY 55 BURGERS SHAKES & FRIES
  - (F) #1870, #1868: BETEENI MEDITERRANEAN GRILL & CAFE
  - (G) #1866: MATY AFRICAN HAIR BRAIDING
  - (H) #1864: 3HC HOME HEALTH AND HOSPICE CENTER
  - (I) #1860: STATE FARM-CHRIS GODLEY
  - (J) #1856: TROPICAL SMOOTHIE CAFE
  - (K) #1852: FIREHOUSE SUBS
  - (L) #1848: IN-TONE FITNESS
  - (M) #1872: MEDICAL PARK PHARMACY
  - (N) #1876: VACANT
  - (O) #1880: VACANT
  - (P) #1884: INNER BANKS MEDIA

- NOTES**
1. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
  2. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
  3. THIS MAP IS OF AN EXISTING PARCEL OF LAND.
  4. REFERENCE: DEED BOOK 1572, PG 1 AND MAP BOOK 53, PG 8 OF THE PITT COUNTY REGISTRY.

- LEGEND**
- NPS = NO POINT SET
  - EIP = EXISTING IRON PIPE
  - R/W = RIGHT-OF-WAY
  - (---) = EXISTING ZONING
  - (---) = PROPOSED ZONING

AREA TO BE REZONED: 5.498 ACRES



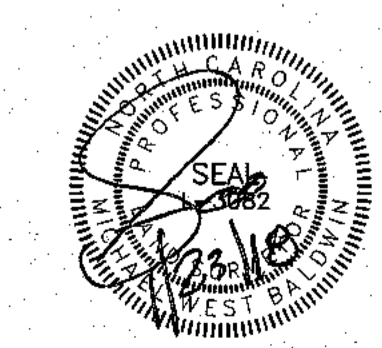
SHEET 1 OF 1  
REZONING MAP  
PARCEL #48582  
TAX MAP #4677-36-4663

**ARLINGTON CROSSING, LLC**

REFERENCE: DEED BOOK 1572, PAGE 1 OF THE PITT COUNTY REGISTRY

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

OWNER: ARLINGTON CROSSING, LLC  
ADDRESS: 1713 ROSEWOOD DR.  
GREENVILLE, NC 27858  
PHONE: (252) 756-5896



CLOSURE CHECK BOUNDARY	
CHECKED: MAH	DATE: 01/22/18

<b>Baldwin Design Consultants, PA</b> ENGINEERING - SURVEYING - PLANNING 1700-D EAST ARLINGTON BOULEVARD GREENVILLE, NC 27858 252.756.1350	LICENSE# C-3486	SURVEYED: N/A	APPROVED: MWB
		DRAWN: MAH	DATE: 01/23/18
		CHECKED: MWB	SCALE: 1" = 50'

Y:\DRAWINGS\15-057 ARLINGTON REZONING.dwg Tue, Jan 23, 2018 10:18am IMHERREON

EXISTING ZONING	
MO (MEDICAL-OFFICE) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	b. Internal service facilities
	c. On-premise signs per Article N
	f. Retail sales; incidental
(2) Residential	
	l. Group care facility
	n. Retirement center or home
	o. Nursing, convalescent or maternity home; major care facility
(3) Home Occupations - None	
(4) Governmental	
	b. City of Greenville municipal government building or use (see also section 9-4-103)
	c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
	d. Federal government building or use
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	g. Private noncommercial recreation; indoor only, not otherwise listed
(7) Office/Financial/Medical	
	a. Office; professional and business, not otherwise listed
	d. Bank, savings and loans or other savings or investment institutions
	e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
(8) Services	
	n. Auditorium
	r. Art gallery
	u. Art studio including art and supply sales
	y(3). TV and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communication towers not exceeding 80 feet in height
	ee. Hospital
	ii. Wellness center, indoor and outdoor facilities
(9) Repair - None	
(10) Retail Trade	
	d. Pharmacy
	s. Book or card store, news stand
	w. Florist
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	

	c.	Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None		
(14) Manufacturing/Warehousing - None		
(15) Other Activities (not otherwise listed - all categories) - None		
<b>MO (MEDICAL-OFFICE) - SPECIAL USES</b>		
(1) General - None		
(2) Residential		
	i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
(3) Home Occupations - None		
(4) Governmental		
	a.	Public utility building or use
(5) Agricultural/Mining - None		
(6) Recreational/Entertainment		
	m(1).	Dining and entertainment establishment (see also section 9-4-103)
	s.	Athletic club; indoor only
(7) Office/Financial/Medical - None		
(8) Services		
	a.	Child day care facilities
	b.	Adult day care facilities
	e.	Barber or beauty salon
	f.	Manicure, pedicure or facial salon
	j.	College and other institutions of higher learning
	l.	Convention center; private
	s.	Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
	s(1).	Hotel, motel bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
	ff(1).	Mental health, emotional or physical rehabilitation day program facility
	hh.	Exercise and weight loss studio; indoor only
	jj.	Health services not otherwise listed
	ll(1).	Dry cleaners; household users; drop-off/pick-up station only
(9) Repair- None		
(10) Retail Trade		
	c.	Wine shop; including on-premise consumption (see also section 9-4-103)
	f.	Office and school supply, equipment sales
	h.	Restaurant; conventional
	i.	Restaurant; fast food (limited to multi-unit structures which contain not less than three separate uses)
	j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities



	k.	Medical supply sales and rental of medically-related products including uniforms and related accessories
	t.	Hobby or craft shop
(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		
<b>PROPOSED ZONING</b>		
<b>MCG (MEDICAL-GENERAL COMMERCIAL) - PERMITTED USES</b>		
(1) General		
	a.	Accessory use or building
	b.	Internal service facilities
	c.	On-premise signs per Article N
	f.	Retail sales; incidental
(2) Residential - None		
(3) Home Occupations - None		
(4) Governmental		
	b.	City of Greenville municipal government building or use (see also section 9-4-103)
	c.	County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
	d.	Federal government building or use
(5) Agricultural/Mining		
	a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)
(6) Recreational/Entertainment		
	f.	Public park or recreational facility
	s.	Athletic club; indoor only
(7) Office/Financial/Medical		
	a.	Office; professional and business, not otherwise listed
	d.	Bank, savings and loans or other savings or investment institutions
(8) Services		
	e.	Barber or beauty salon
	f.	Manicure, pedicure or facial salon
	v.	Photography studio including photo and supply sales
	y(3).	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communication towers not exceeding 80 feet in height
	z.	Printing or publishing service including graphic art, maps, newspapers, magazines and books
	aa.	Catering service including food preparation (see also restaurant; conventional and fast food)
	hh.	Exercise and weight loss studio; indoor only
	ii.	Wellness center, indoor and outdoor facilities
	kk.	Launderette; household users
	ll.	Dry cleaners; household users

(9) Repair	
	g. Jewelry, watch, eyewear or other personal item repair
(10) Retail Trade	
	a. Miscellaneous retail sales; non-durable goods, not otherwise listed
	d. Pharmacy
	f. Office and school supply, equipment sales
	h. Restaurant; conventional
	i. Restaurant; fast food
	k. Medical supply sales and rental of medically-related products including uniforms and related accessories
	l. Electronic; stereo, radio, computer, TV, etc... sales and accessory repair
	s. Book or card store, news stand
	t. Hobby or craft shop
	v. Video or music store; records, tape, CD and the like sales
	w. Florist
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
	c. Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None	
(14) Manufacturing/Warehousing	
	c. Bakery; production, storage, and shipment facilities
(15) Other Activities (not otherwise listed - all categories) - None	
<b>MCG (MEDICAL-GENERAL COMMERCIAL) - SPECIAL USES</b>	
(1) General - None	
(2) Residential	
	i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
(3) Home Occupations - None	
(4) Governmental	
	a. Public utility building or use
(5) Agricultural/Mining - None	
(6) Recreational/Entertainment	
	m(1). Dining and entertainment establishment (see also section 9-4-103)
	t. Athletic club; indoor and outdoor facilities
(7) Office/Financial/Medical - None	
(8) Services	
	a. Child day care facilities
	b. Adult day care facilities
	ff(1). Mental health, emotional or physical rehabilitation day program facility
	jj. Health services not otherwise listed
(9) Repair - None	
(10) Retail Trade	
	c. Wine shop; including on-premise consumption (see also section 9-4-103)

	j. Restaurant and/or dining and entertainment establishment; regulated outdoor activities
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	



# City of Greenville, North Carolina

**Meeting Date:**  
**2/20/2018**  
**Date time: 6:00 PM**

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**Title of Item:** Training Opportunity for Planning and Zoning Commissioners in Greenville on Tuesday, April 3, 2018, 1:00-4:30 PM

**Explanation:** Staff recently received an e-mail from the UNC-School of Government announcing upcoming classes they will offer throughout the state. The City of Greenville would like to encourage Greenville Planning and Zoning Commissioners attend a spring workshop conveniently scheduled in Greenville. The School of Government's class entitled, "Legislative Zoning Decisions Workshop" is intended for boards making or advising on land development regulation decisions, especially planning boards. Adam Lovelady will lead the half-day (1:00-4:30) workshop on Tuesday, April 3 from 1:00-4:30 PM at the Pitt County Agricultural Center Auditorium located at 403 Government Circle in Greenville. The City would like to invite all Greenville Planning and Zoning Commissioners to attend this training session and will cover the \$55 attendance fee. Following are details about the workshop copied from the UNC-SOG website at <https://www.sog.unc.edu/courses/regional-board-workshops-planning-and-development-regulation#!%23register>

## **Spring 2018 Topic: Legislative Zoning Decisions**

Adam Lovelady, Lead Faculty, Assistant Professor of Public Law and Government, UNC School of Government

Equip your development review boards to be more efficient and effective. This half-day workshop is offered for boards making development decisions. Each year we alternate between quasi-judicial decision-making and legislative zoning decisions. For 2018 the focus is legislative zoning decisions such as rezonings and zoning ordinance amendments.

What factors can the governing board consider when evaluating a zoning ordinance amendment? What are the planning board's powers and limits when considering a rezoning request? And, more broadly, what is the role of planning for North Carolina local governments. Through group discussion, lecture, and case studies we will explore these questions and more.

These workshops are intended for boards making or advising on land development regulation decisions, especially governing boards and planning boards, as well as planning and zoning staff.

This and other workshops are coordinated in conjunction with Piedmont Triad Regional Council, Centralina COG, Wake County, Local Government Training Program at WCU, Moore County, Pitt County, and American Planning Association-North Carolina Chapter.

Slides and reference materials will be posted online in advance of the workshop.

**Fiscal Note:**

The City will cover the \$55 attendance fee for Greenville Planning and Zoning Commissioners.

**Recommendation:**

Planning and Zoning Commissioners are encouraged to contact Amy Nunez at [anunez@greenvillenc.gov](mailto:anunez@greenvillenc.gov) or 329-4498 by February 28 if you would like the City to register you for this valuable and convenient training opportunity.

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