



Agenda

Greenville City Council

August 9, 2018

6:00 PM

City Council Chambers

200 West Fifth Street

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

- I. Call Meeting To Order**
- II. Invocation - Mayor Connelly**
- III. Pledge of Allegiance**
- IV. Roll Call**
- V. Approval of Agenda**
- VI. Public Comment Period**

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

who registered have spoken, individuals who did not register will have an opportunity to speak until the allocated 30 minutes expires.

VII. Special Recognitions

1. Scott Lascalette - Police Department Retiree
2. Award from Government Finance Officers Association for Outstanding Achievement in Popular Annual Financial Reporting
3. Recognition of Greenville Noon Rotary Field of Honor Project

VIII. Appointments

4. Appointments to Boards and Commissions

IX. Consent Agenda

5. Resolution Updating the City's Agents for FEMA Funds for Hurricane Matthew
6. Resolution for the Redemption of Greenville Utilities Commission Series 2008A Bonds
7. Encroachment Agreement with Conterra Ultra Broadband, LLC
8. Agreement with CSX Transportation, Inc. for services associated with construction of the South Tar River Greenway Phase 3 from Pitt Street to Nash Street
9. Report on Bids and Contracts Awarded
10. Various tax refunds greater than \$100

X. New Business

Public Hearings

11. Ordinance to annex Greenville Auto Auction Site, LLC involving 39.97 acres located near the northwestern corner of the intersection of Dickinson Avenue and Brompton Lane
12. Ordinance to annex the Stuart Michael Edwards property involving 2.027 acres located at the southwestern corner of the intersection of Portertown Road and Eastern Pines Road
13. Ordinance to annex Covengton Downe, Lot 2, Block G involving 0.796 acres located along the northern right-of-way of East Fire Tower Road and 550+/- feet east of Wimbledon Drive

14. Ordinance to annex the Greenville Utilities Commission Operations Center involving 86.81 acres located at the southwestern corner of the intersection of Martin Luther King, Jr. Highway and NC Highway 43
15. Ordinance requested by the City of Greenville to rezone 0.10+/- acres (4,356 square feet) located along the eastern right-of-way of Roosevelt Avenue and 75+/- feet south of West 5th Street from R6 (Residential) to CDF (Downtown Commercial Fringe)
16. Ordinance requested by Gary L. Warren, Trustee of the Gary L. Warren Revocable Trust, et. al. to rezone 130.6 acres located at the northeastern corner of the intersection of Martin Luther King, Jr. Highway and Old Creek Road from RA20 (Residential-Agricultural), I (Industry) and IU (Unoffensive Industry) to PIU (Planned Unoffensive Industry)
17. Ordinance requested by Salvatore Passalacqua to rezone 0.220 acres (9,583 square feet) located at the northwestern corner of the intersection of Dickinson Avenue and Columbia Avenue from CDF (Downtown Commercial Fringe) to CD (Downtown Commercial)
18. Ordinance requested by The Imperial Building, LLC and Saad Rentals, LLC to rezone 0.428 acres (18,644 square feet) located at the southeastern corner of the intersection of Dickinson Avenue and West 9th Street from CDF (Downtown Commercial Fringe) to CD (Downtown Commercial)
19. Ordinance requested by Happy Trail Farms, LLC to rezone a total of 60.895 acres located between Belvoir Highway and Sunnybrook Road for Tract 1 and at the northeastern corner of the intersection of Belvoir Highway and Redmond Lane for Tract 2 from RA20 (Residential-Agricultural) and CG (General Commercial) to I (Industry) for Tract 1 – 51.035 acres and CH (Heavy Commercial) for Tract 2 – 9.860 acres
20. Ordinance requested by Jeffrey Daniels and Timothy McCarthy to rezone 0.246 acres located along the southern right-of-way of East 6th Street adjacent to the East Carolina University Main Campus from R9S (Residential-Single-family [Medium Density]) to OR (Office-Residential [High Density Multi-family])

Other Items of Business

21. Consideration of the Job Creation Grant Program
22. Discussion of Town Common alcohol ordinance
23. Discussion on Regulation of Short-Term Rental Properties

XI. City Manager's Report

XII. Comments from Mayor and City Council

XIII. Adjournment



City of Greenville, North Carolina

Meeting Date: 8/9/2018
Time: 6:00 PM

Title of Item: Appointments to Boards and Commissions

Explanation: **Abstract:** The City Council fills vacancies and makes reappointments to the City's boards and commissions. Appointments are scheduled to be made to thirteen of the boards and commissions.

Explanation: City Council appointments need to be made to the Board of Adjustment, Community Appearance Commission, Environmental Advisory Commission, Greenville Bicycle & Pedestrian Commission, Greenville Utilities Commission, Historic Preservation Commission, Housing Authority, Human Relations Council, Pitt-Greenville Convention & Visitors Authority, Planning & Zoning Commission, Police Community Relations Committee, Recreation & Parks Commission, and the Youth Council.

The City's Board and Commission Policy states that County members on the Greenville Utilities Commission are recommended by the Pitt County Commissioners and appointed by the City Council. The Pitt County Board of Commissioners recommend that Vance Overton be reappointed to serve a second three-year term that will expire June 2021.

The City's Board and Commission Policy on the Pitt-Greenville Convention & Visitors Authority states that the City Council shall make the nomination to the County on five of the members, and appointment of County members shall be made by the Pitt County Commissioners based on the nominations of City Council. The County seat for Kenneth Ross is up for nomination.

The City Council updated the Board and Commission Policy on August 15, 2016. A provision for extended vacancies was included:

Nominations for Extended Vacancies

In the event there is a vacancy on a City board or commission which has been on the City Council agenda for appointment by City Council for more than three (3) calendar months in which a regular City Council meeting has been held, then any

Council Member may make a nomination to fill the vacancy without regard to any other provision relating to who has the authority to make the nomination. If there is more than one nomination, the appointment shall be conducted in accordance with the procedure for nominations and elections in Robert's Rules of Order.

Under this provision, the following seats are open to nominations from the City Council:

- Environmental Advisory Commission - Durk Tyson, Engineer Seat
- Kathy Moore - Human Relations Council, Shaw University Seat
- Maurice Whitehurst - Human Relations Council, Pitt Community College Seat
- Leonard Naipaul, Police Community Relations Committee
- 5 vacant seats - Youth Council, Pitt County High Schools

Fiscal Note: No direct fiscal impact.

Recommendation: Make appointments to the Board of Adjustment, Community Appearance Commission, Environmental Advisory Commission, Greenville Bicycle & Pedestrian Commission, Greenville Utilities Commission, Historic Preservation Commission, Housing Authority, Human Relations Council, Pitt-Greenville Convention & Visitors Authority, Planning & Zoning Commission, Police Community Relations Committee, Recreation & Parks Commission, and the Youth Council.

ATTACHMENTS:

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Appointments to Boards and Commissions

August 2018

Board of Adjustment

Council Liaison: Council Member Brian Meyerhoeffer, Jr.

Name	District #	Current Term	Reappointment Status	Expiration Date
Richard Winkler <i>(Mayor P.J. Connelly)</i>	4	First term	Eligible	June 2018

Community Appearance Commission

Council Liaison: Council Member Rick Smiley

Name	District #	Current Term	Reappointment Status	Expiration Date
Todd Brown	2	Filling unexpired term	Resigned	April 2018

Environmental Advisory Commission

Council Liaison: Council Member Brian Meyerhoeffer

Name	District #	Current Term	Reappointment Status	Expiration Date
Durk Tyson <i>(Professional Engineer)</i>	4	Filling unexpired term	Resigned	April 2018

Greenville Bicycle & Pedestrian Commission

Council Liaison: Council Member Will Bell

Name	District #	Current Term	Reappointment Status	Expiration Date
Bryson White	3	First term	Resigned	January 2021

Greenville Utilities Commission

Council Liaison: Council Member William Litchfield

Name	District #	Current Term	Reappointment Status	Expiration Date
Vance Overton	County	First term	Eligible	June 2018
<i>(Recommended to serve a second three-year term by the County)</i>				

Historic Preservation Commission

Council Liaison: Council Member William Litchfield, Jr.

Name	District #	Current Term	Reappointment Status	Expiration Date
Jordan Koonts	3	Filling unexpired term	Resigned	January 2019

Housing Authority

Council Liaison: Council Member Kandie D. Smith

Name	District #	Current Term	Reappointment Status	Expiration Date
Ann Huggins	2	Second term	Ineligible	May 2018
<i>(Council Member Will Bell)</i>				

Human Relations Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Kathy Moore	3	First term	Did not seek additional term	October 2016
<i>(Shaw University)</i>				
Maurice Whitehurst	2	Second term	Did not meet attendance Requirement	Oct. 2015
<i>(Pitt Community College)</i>				

Pitt-Greenville Convention & Visitors Authority

Council Liaison: Council Member Brian Meyerhoeffer, Jr.

Name	District #	Current Term	Reappointment Status	Expiration Date
Kenneth Ross	County	First term	Eligible	July 2018

(Member of tourist or convention-related business; City recommends, County appoints)

Planning & Zoning Commission

Council Liaison: Council Member Will Bell

Name	District #	Current Term	Reappointment Status	Expiration Date
Margaret Reid <i>(Council Member Kandie Smith)</i>	1	First term	Eligible	May 2018

Police Community Relations Committee

Council Liaison: Council Member Rick Smiley

Name	District #	Current Term	Reappointment Status	Expiration Date
Leonard Naipaul <i>(Mayor Pro-Tem Rose Glover)</i>	2	First term	Resigned	Oct. 2019

Recreation & Parks Commission

Council Liaison: Council Member Kandie Smith

Name	District #	Current Term	Reappointment Status	Expiration Date
Audrey Gates Nealy <i>(Council Member Kandie Smith)</i>	2	Second term	Ineligible	May 31, 2018
Elizabeth Seda <i>(Council Member William Litchfield, Jr.)</i>	2	First term	Resigned	May 31, 2019
Juquon Whitaker <i>(Mayor Pro-Tem Rose Glover)</i>	2	First term	Resigned	May 31, 2020

Youth Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	Current Term	Reappointment Status	Expiration Date
5 spots open; 5 spots open to the City Council			

*Seats that are open to nomination from the City Council are highlighted.

Applicants for Board of Adjustment

Billy Parker
305 Woodspring Lane
Greenville, NC 27834

District #: 1

Deryck Steven Wilson
1744 Beaumont Drive
Greenville, NC 27858

District #: 4

Stephanie Winfield
1103 Red Banks Road
Greenville, NC

District #: 4

Application Date: 5/20/2017

Home Phone: (252) 714-4111

Business Phone: (252) 756-2388

Email: parkersbarbecue@gmail.com

Application Date: 11/27/2017

Home Phone: (252) 714-5950

Business Phone: (252) 321-5200

Email: deryck.wilson@me.com

Application Date: 7/14/2017

Home Phone:

Business Phone:

Email: ladona12@gmail.com

Applicants for Community Appearance Commission

Gregory Hemby
1410 W. 6th Street
Greenville, NC 27834

Application Date: 4/22/2018

Home Phone: (202) 412-4369

Business Phone:

Email: hembyg@gmail.com

District #: 1

Applicants for Environmental Advisory Commission

Orrin Allen Beasley
3601 Live Oak Lane
Greenville, NC 27858

Application Date: 12/8/2015

District #: 5

Home Phone: (252) 216-6099
Business Phone: (252) 216-6099
Email: oab0119@gmail.com

Daniel Hemme
3921 Nantucket Road #B
Greenville, NC 27834

Application Date: 2/12/2017

District #: 1

Home Phone: (919) 698-0792
Business Phone: (252) 327-6729
Email: hemmedp@gmail.com

Eric Hogue
2911 Tripp Lane
Greenville, NC 27834

Application Date: 9/01/2017

District #: 1

Home Phone:
Business Phone: (252) 375-1445
Email: ericdhogue@gmail.com

Applicants for Greenville Bicycle and Pedestrian Commission

Daniel Hemme
3921 Nantucket Road #B
Greenville, NC 27834

District #: 1

Application Date: 2/12/2017

Home Phone: (919) 698-0792

Business Phone: (252) 327-6729

Email: hemmedp@gmail.com

Applicants for Historic Preservation Commission

Shelva Jones Davis
127 Antler Road
Greenville, NC 27834

District #: 5

Application Date: 1/31/2017

Home Phone: (252) 321-0494

Business Phone:

Email: shelva.davis@gmail.com

Eric Hogue
2911 Tripp Lane
Greenville, NC 27834

District #: 1

Application Date: 9/01/2017

Home Phone:

Business Phone: (252) 375-1445

Email: ericdhogue@gmail.com

Charles Ogletree
2072 G Quail Ridge Road
Greenville, NC 27858

District #: 4

Application Date: 8/24/2017

Home Phone: (252) 689-4771

Business Phone: (252) 796-7379

Email: cwounc1962@gmail.com

Applicants for Housing Authority

Karen Brookins
4102 River Chase Drive
Greenville, NC 27858

Application Date: 9/01/2017

District #: 3

Home Phone: (252) 327-5880

Business Phone: (252) 752-6101

Email: karenbrookins@earthlink.net

Applicants for Human Relations Council

Eric Hogue
2911 Tripp Lane
Greenville, NC 27834

District #: 1

Travis Williams
3408 Evans Street Apt. E
Greenville, NC 27834

District #: 5

Keshia B. Williams
945 Spring Forest Rd.
Greenville, NC

District #: 4

Stephanie Winfield
1103 Red Banks Road
Greenville, NC

District #: 4

Application Date: 9/01/2017

Home Phone:

Business Phone: (252) 375-1445

Email: ericdhogue@gmail.com

Application Date:

Home Phone: (252) 412-4584

Business Phone:

Email: taft1986@yahoo.com

Application Date: 4/24/2018

Home Phone: 252-558-3620

Business Phone:

Email: williak5@pitt.k12.nc.us

Application Date: 7/14/2017

Home Phone:

Business Phone:

Email: ladona12@gmail.com

Applicants for Pitt-Greenville Airport Authority

Robert Scott Barker
2212 Lexington Farms
Greenville, NC 27834

Application Date: 4/18/2016

District #: 2

Home Phone: (252) 689-3596
Business Phone: (252) 757-3787
Email: scott.barker@suddenlink.net

Gregory Hemby
1410 W. 6th Street
Greenville, NC 27834

Application Date: 4/22/2018

District #: 1

Home Phone: (202) 412-4369
Business Phone:
Email: hembyg@gmail.com

Louis M. Jones
94 Tuckahoe Drive
Greenville, NC 27858

Application Date: 12/15/2017

District #: 4

Home Phone: (252) 756-7660
Business Phone: (704) 617-1098
Email: mjones94@suddenlink.net

Anna L. Logemann
1105 Turtle Creek Road Unit G
Greenville, NC 27858

Application Date: 4/26/2017

District #: 4

Home Phone: (336) 624-6514
Business Phone:
Email: annlogemann85@gmail.com

Applicant Interest Listing

South of the River

VolAg Southeast

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)		
Organization	Description	Date(s)
Greenville Youth Explosion	Committee Member	
Pitt County Democratic Party	Member	
Pitt County Schools	Retired	
N.C. Dept. of Corrections		
East Carolina University	B.A Teacher Certification, Special Ed.	
JH Rose	Diploma	

Chenele Coleman-Sellers

3467 Old River Road
Greenville NC 27834

Day Phone: (252) 258-0644
Evening Phone:
Fax: (919) 237-1957
E-mail: chenele1128@gmail.com

Gender: F
Race: African
District: 2
Priority:

Applied for this board on: 5/19/2016

Application received/updated: 07/06/2017

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

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)		
Organization	Description	Date(s)
Education	ECPI University	AAS
Education	Eastern High School	
Experience	Community Non-profits & Farms	Medical Asst, Customer Service, & Pu
Experience	Department of Veteran Affairs	MSA
Volunteer/Prof. Associations	Alliance Medical Ministry	

Applicant Interest Listing

Volunteer/Prof. Associations	Veteran Affairs	
<u>Boards Assigned To</u>		
Home and Community Care Block Grant Committee	10/3/2016	to 10/3/2019
Person over 60 years of age		

Robert Corbett

3879 Bell Road
P.O. Box 61
Fountain NC 27829

Day Phone: (252) 749-4421
Evening Phone:
Fax:
E-mail: rcorbett27829@gmail.com

Gender: M
Race: White
District: 4
Priority:

Applied for this board on: 1/29/2016

Application received/updated: 01/29/2016

Applicant's Attributes: Fountain ETJ
South of the River
VolAg Southwest

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	Farmville High School		
Experience	Tobacco Processing		40+ yrs
Experience	Standard Commerical Tobacco		22+ yrs
Experience	Imperial Tobacco		18+ yrs
Experience	NC National Guard		
Volunteer/Prof. Associations	Fountain Wellness Ctr Board		
Volunteer/Prof. Associations	Rural Fire Board		
Volunteer/Prof. Associations	Meals on Wheels		
Volunteer/Prof. Associations	Past Fireman		

<u>Boards Assigned To</u>		
Fire District Commission	2/15/2016	to 12/31/2015
Fountain FD		

Convention & Visitors Authority
Monday, January 22, 2018

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Applicant Interest Listing

Pitt County Planning Board	9/12/2016 to 9/30/2019
District 6	

Ralph Hall Jr
111 Hardee Street
Greenville NC 27858

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

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

Applied for this board on: 2/26/2003

Application received/updated: 02/26/2003

Applicant's Attributes: District 6
Greenville ETJ
VolAg Southeast

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

<u>Boards Assigned To</u>

Convention & Visitors Authority
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Applicant Interest Listing

Industrial Revenue & Pollution Control Authority	3/15/2004 to 3/15/2007
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Emis Lee
834 Aspen Lane
Greenville NC 27834

Day Phone: (252) 341-5696
Evening Phone: (252) 689-2381
Fax: (252) 321-4626
E-mail: elee@email.pitcc.edu

Gender: M
Race: African
District: 2
Priority:

Applied for this board on: 2/10/2015

Application received/updated: 02/06/2015

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

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	Organization	Description	Date(s)
Education	Elizabeth City State University	B.A.	
Education	Roanoke High		
Experience	PCC Putreach w/ Emis Lee	Radio Broadcaster	
Experience	Pitt Community College	Director of College Outreach	
Experience	United States Army	2nd Lieutenant	
Volunteer/Prof. Associations	Mentor		
Volunteer/Prof. Associations	West Greenville Community Dev	Board Member	
Volunteer/Prof. Associations	Eastern Carolina Counseling Cen	Former Board Member	

<u>Boards Assigned To</u>	
Development Commission	6/6/2016 to 12/31/2018
P.C. Nursing Home/Adult Care Community Advisory	3/7/2016 to 3/17/2019

Applicant Interest Listing

Ashley Moore
4695 Old Tar Road
Winterville NC 28590

Day Phone: (252) 321-6700
Evening Phone: (252) 341-8223
Fax:
E-mail: atmoore75@gmail.com

Gender: M
Race: White
District: 5
Priority:

Applied for this board on: 3/23/2017

Application received/updated: 03/23/2017

Applicant's Attributes: Winterville City Limits
South of the River
VolAg Southeast
District 5

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	East Carolina University		
Education	DH Conley	High School	
Experience	Stormwater Advisory Board		
Volunteer/Prof. Associations	Winterville Historical Society		

Boards Assigned To			
	Pitt County Board of Adjustment		1/8/2018 to 1/1/2021
	Alternate		

Donald Rhodes
4785 US 258
Farmville NC 27828

Day Phone: (252) 753-4609
Evening Phone: (252) 916-5566
Fax:
E-mail: drhodes@centurylink.net

Gender: M
Race: White
District: 4
Priority:

Applied for this board on: 1/29/2016

Application received/updated: 01/29/2016

Applicant's Attributes:

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)

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Applicant Interest Listing

Courtyard Marriott	General Manager
USMC	Military
Mince High School	Diploma

Michael Weimar

2362 Vicky Lane
Greenville NC 27858

Day Phone: (252) 378-5461
Evening Phone: (252) 689-2206
Fax:
E-mail: mpweimar@gmail.com

Gender: M
Race: White
District: 3
Priority:

Applied for this board on: 8/10/2017

Application received/updated: 08/10/2017

Applicant's Attributes: VolAg Southeast
South of the River
County Planning Jurisdiction

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	State University of NY at Brockp	B.S. Business Admin. /Marketing	
Education	Spencerport High		
Experience	Sherwin-Williams Company	Sales Rep	
Volunteer/Prof. Associations	Pitt County Republican Party		
Volunteer/Prof. Associations	Covenant Church		

Guilford Whitfield

3478 Hwy 258
P.O. Box 496
Fountain NC 27829

Day Phone: (252) 749-3425
Evening Phone: (252) 749-6201
Fax:
E-mail:

Gender: M
Race: African
District: 4
Priority:

Applied for this board on: 1/29/2016

Application received/updated: 01/29/2016

Applicant's Attributes: Fountain ETJ
South of the River

Applicant Interest Listing

VolAg Southwest

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	2 years of College	Commercial Artist	
Education	High School - yes		
Experience	Retired CIA		20+ years
Volunteer/Prof. Associations	Town of Fountain		

<u>Boards Assigned To</u>	
Fire District Commission Fountain FD	2/15/2016 to 12/31/2015

Aundrea Williams

2100 Flagstone Ct.

Unit 05

Greenville NC 27834

Day Phone: (252) 258-5005

Evening Phone:

Fax:

E-mail: aundreawilliams@yahoo.co

Gender: F

Race: African

District: 1

Priority:

Applied for this board on: 12/12/2016

Application received/updated: 12/12/2016

Applicant's Attributes: Greenville City Limits
VolAg Southwest
South of the River
District 1

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	Shaw University	B.S. Business Admin, M.S. Human Re	
Education	J.H. Rose High School		
Experience	Vidant Medical Center	Financial Coordinator	

<u>Boards Assigned To</u>	

Applicant Interest Listing

Animal Services Advisory Board	10/16/2017 to 2/7/2018
At large	

Eric Williams

527 Rachel Lane
Grimesland NC 27858

Day Phone: (252) 258-5002
Evening Phone:
Fax:
E-mail: logetw423@gmail.com

Gender: M
Race: African
District: 3
Priority:

Applied for this board on: 12/11/2014

Application received/updated: 02/01/2016

Applicant's Attributes: County Planning Jurisdiction
South of the River
VolAg Southeast

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	East Carolina University		
Education	J.H. Rose High		
Experience	East Carolina University	Helpdesk Tech. Spec.	
Experience	NC National Guard Army		

<u>Boards Assigned To</u>	
P.C. Nursing Home/Adult Care Community Advisory	3/7/2016 to 3/17/2019

IL YOON

102 Bishop Dr.
Winterville NC 28590

Day Phone: (252) 367-9836
Evening Phone: (804) 447-4655
Fax:
E-mail: neilyoon1@gmail.com

Gender: M
Race: Asian
District:
Priority:

Applied for this board on: 12/13/2016

Application received/updated: 12/13/2016

Applicant's Attributes: Greenville ETJ
South of the River

Applicant Interest Listing

VolAg Southeast

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
	Republic of Korean Army		
Education	Korea University	Bachelors degree	
Education	Kyung-Moon High School	Seoul, Korea	
Experience	Finix-One Corperation	President	Dec.13-present
Experience	Adam's Auto Wash	Vice-President	Aug.08-Aug. 2013
Experience	Deok-u Co., LTD	Overseas Marketing Manager	Jan.05-July 08
Experience	Carrefour S.A. France	Marketing Manager	July 99- Dec. 03
Volunteer/Prof. Associations	Seoul Olympic Volunteer		1988
Volunteer/Prof. Associations	Korean Association of Greenville	President	

Applicants for Planning and Zoning Commission

Jim Hooker
3605 Bayley Lane
Greenville, NC 27858

District #: 5

Billy Parker
305 Woodspring Lane
Greenville, NC 27834

District #: 1

Tyler James Russell
3856 Forsyth Park Ct.
Winterville, NC 28590

District #: 2

Deryck Steven Wilson
1744 Beaumont Drive
Greenville, NC 27858

District #: 4

Application Date: 4/7/2016

Home Phone: (703) 994-5001

Business Phone:

Email: jameshooker@cox.net

Application Date: 5/20/2017

Home Phone: (252) 714-4111

Business Phone: (252) 756-2388

Email: parkersbarbecue@gmail.com

Application Date:

Home Phone: (910) 840-0337

Business Phone: (252) 215-4000

Email: tjr@wardandsmith.com

Application Date: 11/27/2017

Home Phone: (252) 714-5950

Business Phone: (252) 321-5200

Email: deryck.wilson@me.com

Applicants for Police Community Relations Committee

Whitley Taylor Pollard
609 Elm Street
Greenville, NC 27858

Application Date: 7/14/2016

Home Phone: (252) 717-6764

Business Phone:

Email: pollardwhitely@gmail.com

District #: 3

Applicants for Recreation and Parks Commission

Byron Aynes
1903 Brook Road
Greenville, NC 27858

District #: 4

Daniel Hemme
3921 Nantucket Road #B
Greenville, NC 27834

District #: 1

Anna L. Logemann
1105 Turtle Creek Road Unit G
Greenville, NC 27858

District #: 4

Christopher Powell
108 B Chandler Drive
Greenville, NC 27834

District #: 1

Application Date: 9/17/2016

Home Phone: (252) 414-1710

Business Phone:

Email: byron.rha@gmail.com

Application Date: 2/12/2017

Home Phone: (919) 698-0792

Business Phone: (252) 327-6729

Email: hemmedp@gmail.com

Application Date: 4/26/2017

Home Phone: (336) 624-6514

Business Phone:

Email: annlogemann85@gmail.com

Application Date: 6/24/2016

Home Phone: (252) 714-0286

Business Phone:

Email: christopherpowell@yahoo.com

Applicants for Youth Council

None.



City of Greenville, North Carolina

Meeting Date: 8/9/2018
Time: 6:00 PM

Title of Item: Resolution Updating the City's Agents for FEMA Funds for Hurricane Matthew

Explanation: **Abstract:** In order to file for reimbursement through the Federal Emergency Management Agency (FEMA) for Hurricane Matthew related expenses, the City must designate agents to apply for funds. A resolution is attached updating the designated primary agent to Byron Hayes, Director of Financial Services.

Explanation: On October 10, 2016, the President of the United States made a Public Assistance Disaster Declaration regarding Hurricane Matthew for multiple counties in North Carolina, including Pitt County. This action opened the door for federal disaster aid to the City through the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA), to be made available to supplement state and local recovery efforts in the affected area. These funds can be used to assist with the emergency work related to preparing for and responding to the event, and the permanent work needed to repair public infrastructure.

To apply for these funds, the City of Greenville must designate a Primary and Secondary Applicant's Agent. FEMA and the North Carolina Department of Emergency Management have requested that the individuals be able to respond directly to questions and gather all necessary paperwork for a successful application process.

On December 5, 2016, City Council adopted a resolution designating Bernita Demery and Eric Griffin as the City's authorized agents. Ms. Demery has since retired, and City Council action is requested to update the designated primary agent as Byron Hayes, Director of Financial Services.

Fiscal Note: Hurricane Matthew costs are currently being estimated.

Recommendation: City Council approve the attached resolution designating Byron Hayes (Financial Services Director) as Primary Agent and Eric Griffin (Fire/Rescue Chief) as Secondary Agent to facilitate this application for FEMA funds.

ATTACHMENTS:

- ▣ **Resolution**

**RESOLUTION
DESIGNATION OF APPLICANT'S AGENT**

North Carolina Division of Emergency Management

Organization Name (hereafter named Organization) City of Greenville	Disaster Number: FEMA-4285-DR-NC
--	-------------------------------------

Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):
NC Dept of Public Safety, Division of Emergency Management

Applicant's Fiscal Year (FY) Start
Month: 07 Day: 01

Applicant's Federal Employer's Identification Number
56 - 6000229

Applicant's Federal Information Processing Standards (FIPS) Number
NC - 37147 -

PRIMARY AGENT	SECONDARY AGENT
Agent's Name Byron Hayes	Agent's Name Eric Griffin
Organization City of Greenville	Organization City of Greenville
Official Position Financial Services Director	Official Position Fire/Rescue Chief
Mailing Address 200 W. 5th St	Mailing Address P.O. Box 7207
City ,State, Zip Greenville, NC, 27835	City ,State, Zip Greenville, NC, 27835
Daytime Telephone (252) 329-4439	Daytime Telephone (252) 329-4397
Facsimile Number (252) 329-4074	Facsimile Number
Pager or Cellular Number (252) 493-1817	Pager or Cellular Number (252) 258-6001

BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this _____ day of _____, 20_____

GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title P. J. Connelly, Mayor	Name Carol L. Barwick
Name and Title Rose H.Glover, Mayor Pro-Tem	Official Position City Clerk
Name and Title	Daytime Telephone (252) 329-4422

CERTIFICATION

I, Carol L. Barwick, (Name) duly appointed and City Clerk (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of City of Greenville, NC (Organization) on the 9th day of August, 2018.

Date: _____ Signature: _____

Rev. 06/02

APPLICANT ASSURANCES

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of: Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his/her knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.



City of Greenville, North Carolina

Meeting Date: 8/9/2018
Time: 6:00 PM

Title of Item: Resolution for the Redemption of Greenville Utilities Commission Series 2008A Bonds

Explanation: **Abstract:** Greenville Utilities Commission seeks approval of a resolution for the redemption of series 2008A Bonds.

Explanation: Greenville Utilities Commission (GUC) currently has \$1,425,000 of the Series 2008A Bonds bearing an interest rate of 5.0%, maturing on November 1, 2019 and \$515,000 of the Series 2008A Bonds maturing on November 1, 2020 bearing an interest rate of 4.0%. The bonds have an exercisable redemption option effective November 1, 2018. The outstanding bonds will be redeemed utilizing funds remaining in an existing debt service reserve fund that no longer needs to be maintained by the Commission. At the July 19, 2018 regular meeting, the GUC Board of Commissioners approved the redemption of \$1,940,000 of remaining Series 2008A Bonds and recommends similar action by City Council.

Fiscal Note: No costs to the City.

Recommendation: Adopt the attached resolution.

ATTACHMENTS:

- ▣ **Resolution**

A regular meeting of the City Council of the City of Greenville, North Carolina was held in the City Council Chamber at the City Hall in Greenville, North Carolina, the regular place of meeting, on August 9, 2018 at 6:00.

Present: Mayor P.J. Connelly, presiding, and Council members _____

Absent: _____

* * * * *

_____ introduced the following resolution, a copy of which had been provided to each Council member, and which was read by its title:

RESOLUTION NO. 2018 - __

RESOLUTION PROVIDING FOR THE CALL FOR REDEMPTION OF \$1,940,000 COMBINED ENTERPRISE SYSTEM REVENUE BONDS, SERIES 2008A AND RELATED ACTIONS

WHEREAS, the City of Greenville, North Carolina (the "City"), in cooperation with the Greenville Utilities Commission (the "Commission") has previously issued its \$47,325,000 Combined Enterprise System Revenue Bonds, Series 2008A (the "Series 2008A Bonds") pursuant to the Amended and Restated Bond Order adopted by the City Council of the City authorizing and securing Greenville Utilities Commission Combined Enterprise System Revenue Bonds of the City, under which The Bank of New York Mellon Trust Company, N.A. is acting as Trustee (the "Trustee");

WHEREAS, the Series 2008A Bonds maturing on or after November 1, 2019 are subject to optional redemption by the City on November 1, 2018 at a redemption price of 100% of the principal amount thereof, plus accrued interest to the date fixed for redemption;

WHEREAS, the Commission has advised the City that the Commission desires that \$1,425,000 of the Series 2008A Bonds maturing November 1, 2019 and bearing interest at a rate of 5.0%, and \$515,000 of the Series 2008A Bonds maturing November 1, 2020 and bearing interest at a rate of 4.0% (collectively, the "Bonds to be Redeemed") be redeemed on November 1, 2018 (such Bonds being the remaining outstanding Series 2008A Bonds, other than the Series 2008A Bonds maturing on such date); and

WHEREAS, the Commission has identified funds held in the Debt Service Reserve Fund under the Bond Order that are available to pay the redemption price of the Bonds to be Redeemed upon the redemption thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE:

Section 1. The City Council hereby calls the Bonds to be Redeemed for optional redemption on November 1, 2018 at the redemption price set forth above. The payment of the Bonds to be Redeemed on such date is in addition to the payment at maturity of the remaining outstanding Series 2008A Bonds stated to mature on such date.

Section 2. The Commission and the Trustee are hereby requested to take such additional actions as shall be necessary or desirable to call the Bonds to be Redeemed for redemption on November 1, 2018 and provide notice of such redemption to the owners of the Bonds to be Redeemed at the times and in the manner specified in the Bond Order.

Section 3. The City hereby approves the transfer of amounts in the Debt Service Reserve Fund under the Bond Order to pay the principal of the Bonds to be Redeemed on the redemption date, and the transfer of additional amounts therein to the payment at maturity of the remaining outstanding Series 2008A Bonds maturing on November 1, 2018.

Section 4. The officers, agents and employees of the City are hereby authorized and directed to do all acts and things required of them by the provisions of this Resolution for the full, punctual and complete performance of the provisions hereof.

Section 5. This resolution shall take effect immediately upon its passage.

Adopted this the 9th day of August, 2018.

After consideration of the foregoing resolution, Council member _____ moved for the passage thereof, which motion was duly seconded by Council member _____, and the foregoing resolution was passed by the following vote:

Ayes: _____

Noes: _____

* * * * *

I, Carol L. Barwick, Clerk of the City of Greenville, North Carolina, DO HEREBY CERTIFY that the foregoing accurately reflects the proceedings as recorded in the minutes of the

City Council of said City at a meeting held on August 9, 2018 and contains the verbatim text of Resolution No. __-18 which was duly adopted by said City Council at said meeting.

WITNESS my hand and the official seal of said City, this ___ day of August, 2018.

City Clerk

[SEAL]



City of Greenville, North Carolina

Meeting Date: 8/9/2018
Time: 6:00 PM

Title of Item: Encroachment Agreement with Conterra Ultra Broadband, LLC

Explanation: **Abstract:** The City has received a request from Conterra Ultra Broadband, LLC, to encroach over and upon the public street right-of-ways of the City for installation, operation, and maintenance of communication facilities.
Explanation: For City Council's consideration is the Master Right of Way Encroachment Agreement setting out the terms by which Conterra Ultra Broadband, LLC, can encroach over and upon the public street rights-of-ways of the City. No adverse comments regarding this encroachment were received through the departmental review process. Staff takes no exception to this request.

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

Recommendation: City Council approve the right-of-way encroachment agreement permitting Conterra Ultra Broadband, LLC, to encroach over and upon the public street right-of-ways of the City for installation, operation, and maintenance of communication facilities.

ATTACHMENTS:

▣ ENC_Conterra,_R_W_agreement_for_Fiber_to_Pitt_County_Schools_1081680

-----[SPACE ABOVE THIS LINE IS RESERVED FOR RECORDATION DATA]-----

STATE OF NORTH CAROLINA
COUNTY OF PITT

Prepared by: City of Greenville
Mail to: City of Greenville PWD
PO Box 7207
Greenville, NC 27834

Master Rights of Way Encroachment Agreement

THIS AGREEMENT made and entered into this the ____ of August, 2018 by and between the **CITY OF GREENVILLE**, a municipal corporation created under the laws of the State of North Carolina, P.O. Box 7207, Greenville, NC 27835, party of the first part and hereinafter referred to as the “**City**”, and **CONTERRA ULTRA BROADBAND, LLC**, a South Carolina limited liability company authorized to do business in North Carolina, party of the second part, and hereinafter referred to as “**PERMITTEE**.”

W I T N E S S E T H

WHEREAS, PERMITTEE, party of the second part, desires to encroach upon the public rights of way of the public streets within the corporate limits of the City of Greenville for the installation, operation, and maintenance of a communications Facilities; and

WHEREAS, it is to the material advantage of PERMITTEE to effect this encroachment, and the CITY, in the exercise of authority conferred upon it by North Carolina General Statute § 160A-296, is willing to permit the encroachment within specific locations within the City public rights of way of the public streets within the corporate limits of Greenville as approved by the Director of Public Works, subject to the terms and conditions of this Agreement, the provisions of the Code of Ordinances, City of Greenville, North Carolina, and the provisions of North Carolina General Statute § 160A-400.50 et seq.; and

NOW, THEREFORE, in consideration of the execution of this Agreement by the City, the benefits flowing to PERMITTEE , and the covenants and agreements herein contained with respect to the obligations of PERMITTEE hereunder, the CITY does hereby give and grant unto PERMITTEE the right and privilege to make the encroachment as shown on all permits to construct the encroachment, subject to the conditions contained in this Agreement; and

TO HAVE AND TO HOLD said encroachment rights under this Agreement unto PERMITTEE, provided, however, that PERMITTEE performs and abides by the covenants and agreements herein contained.

The covenants and agreements by and between the CITY and PERMITTEE as a part of the consideration for this encroachment agreement are as follows:

SECTION 1. DEFINITIONS

For the purposes of this agreement the following terms, phrases, words and their derivations shall have the meaning given herein unless otherwise defined by Federal or State law. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number. The word "shall" is mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

Communications Services means all services that PERMITTEE is authorized to provide under Law.

GUC means Greenville Utilities Commission.

Facilities includes, without limitation, cables, conduits, converters, splice boxes, cabinets, handholds, manholes, vaults, equipment, surface location markers, utility poles, appurtenances, and related facilities to be located by the PERMITTEE in the Public Rights of Way of the CITY and used or useful for the provision of communications services it is authorized by law to provide.

NCDOT means North Carolina Department of Transportation.

LAW means any local, state or federal legislative, judicial or administrative order, certificate, decision statute, constitution, ordinance, resolution, regulation, rule, tariff, guideline or other requirement, as amended, now in effect or subsequently enacted or issued during the term of this Agreement, including, but not limited to, the Communications Act of 1934, as amended by the Telecommunications Act of 1996, Pub.L. No. 104-104, 110 Stat. 70, codified at 47 U.S.C., and all orders, rules, tariffs, guidelines and regulations issued by the Federal Communications Commission or the North Carolina Utilities Commission pursuant thereto.

PUBLIC RIGHTS OF WAY or PUBLIC WAY means the surface, the airspace above the surface and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, park, parkway, waterway, utility easement hereafter held by the City or other public rights of way now or which shall entitle the CITY and PERMITTEE to the use thereof for the purpose of installing and maintaining Facilities owned by the Permittee. No reference herein to the "public way" shall be deemed to be a representation or guarantee by the CITY that its title to any property is sufficient to permit its use for such purpose, and PERMITTEE shall, by its use of such terms, be deemed to gain only such rights to use property in the CITY as the CITY may have the undisputed right and power to give or as granted by Federal or State law.

STATE means the State of North Carolina.

SECTION 2. GENERAL PROVISIONS

- a. Use of Public Rights of Way. For the purpose of installation, operation and maintenance of Facilities PERMITTEE may erect, install, construct, repair, replace, reconstruct and retain in, on, over, under, upon, across and along the public streets and ways within the corporate limits of Greenville such cables, conduits, splice boxes, cabinets, hand holes, manholes, vaults, equipment, surface location markers, and other appurtenances as are necessary to the operation of the Facilities provided, however, that, subject to applicable Law, PERMITTEE shall comply with all design, construction, safety, and performance provisions contained in this Agreement and other applicable local ordinances. The PERMITTEE accepts the City right-of-way "as is" and "where is" and assumes all risks related to the use. The City is not liable for any damage to Facility Equipment due to an event causing damage to the Facility Equipment except where such damage is caused by the sole negligence or willful misconduct of the City.
- b. Location of Public Rights of Way and Existing Utilities. It is the responsibility of PERMITTEE to determine the location of the public rights of way and utilities located thereof and to show the same on construction drawings. PERMITTEE shall notify other utility owners and provide protection and safeguards to prevent damage or interruption to existing facilities and to maintain accessibility to existing utilities. Cost to repair, restore, or relocate existing facilities due to this encroachment shall be the responsibility of PERMITTEE. To the extent applicable, PERMITTEE agrees to fully comply with Underground Utility Safety and Damage Prevention Act, Article 8A of Chapter 87 of the NCGS.
- c. Use of Areas Outside the Public Rights of Way. This Agreement only covers the encroachment over and upon the public rights of way of the public streets maintained by the CITY within the corporate limits of Greenville. PERMITTEE shall secure all necessary easements, permits, permission, or approval for encroachment or other use of property outside the CITY maintained right of ways. Upon request, PERMITTEE shall provide to the CITY documentation of the above mentioned easements, permits, permissions and encroachments or use of properties outside the public street rights of way maintained by the CITY.
- d. Police Powers. PERMITTEE's rights are subject to the police powers of the CITY to adopt and enforce ordinances for the health, safety and welfare of the public to extent allowed by law. Subject to applicable law, PERMITTEE shall comply with all applicable general laws and ordinances enacted by the CITY pursuant to that power (for instance, City's noise ordinance).
- e. E-verify. If this agreement is subject to NCGS § 143-133.3, the PERMITTEE and its subcontractors shall comply with the requirements of Article 2 of Chapter 64 of the NCGS.
- f. Permittee acknowledges that City may impose a right-of-way charge to the extent permitted by law.

SECTION 3. TERM

Term. The term of this Agreement is twenty (20) years (the "First Term"). At the end of the First Term, the Agreement shall automatically renew for successive one-year terms unless terminated by either party as provided herein or unless superseded by a new or amended agreement. Notwithstanding the foregoing, the grant of Permission to encroach shall become void, and this Agreement terminated, if the Applicant does not begin installation of the Facilities within one (1) year of the date of this Agreement (unless mutually agreed upon in writing by the parties) and thereafter diligently pursue installation to completion.

SECTION 4. CONSTRUCTION AND TECHNICAL STANDARDS

- a. Compliance with Construction and Technical Standards. PERMITTEE shall construct, install and maintain its Facilities in an orderly and workmanlike manner and in a manner consistent with all laws, City ordinances, construction standards, current technological standards and governmental requirements, which standards are incorporated by reference herein.
- b. Tree Trimming Plan for Overhead Lines. After approval by the CITY of the Facilities, PERMITTEE shall submit to the CITY a tree trimming plan if required by the Director of Public Works for review and approval by the City Arborist.
- c. Structural Engineering Analysis. If PERMITTEE's Facilities include a pole or other structure that is proposed to support Small Wireless Facilities, the Permittee shall submit a structural engineering analysis by a North Carolina registered professional engineer certifying that the pole or other structure that is proposed to support the Small Wireless Facility Equipment can reasonably support the proposed Small Wireless Facility Equipment considering the conditions of the street and the anticipated hazards from traffic to be encountered at the location. The Permittee shall inspect the City right-of-way on which the Permittee's Small Wireless Facility Equipment will be placed and shall base its determination of the suitability of the City right-of-way for Permittee's purposes on such inspection, on a structural engineering analysis by a North Carolina registered professional engineer certifying that the pole or other structure that is proposed to support the Small Wireless Facility Equipment can reasonably support the proposed Small Wireless Facility Equipment considering the conditions of the street and the anticipated hazards from traffic to be encountered at the location.
- d. Approval of Construction Plans. Prior to the placement or installation of any part of the PERMITTEE's facilities within public rights of way, PERMITTEE shall first submit to the Director of Public Works a Construction Plan, sealed by a Professional Engineer and/or Land Surveyor licensed in the State, including a concise description of the facilities proposed to be erected or installed, specifications, engineering drawings, and detailed plans indicating the proposed location of all such facilities and their relationship with existing utilities including the location of the right of way and all above and below ground structures located within the right of way. All permits issued by the City shall become part of this agreement.
- e. Pole Attachment. PERMITTEE shall provide the CITY with written verification of PERMITTEE's right to attach to poles along the path of the fiber optic cable when said poles are to be utilized, and that there is sufficient clearance for attachment.
- f. Identification of Facilities. All above ground structures shall be marked to identify the owner of the structure and emergency contact for the same.
- g. NCDOT Approval. PERMITTEE shall submit to the CITY written verification of approval of the PERMITTEE's final construction plans from the North Carolina Department of Transportation (NCDOT) where NCDOT right of ways are involved, and evidence of the coordination of construction with other utilities along PERMITTEE's facilities route. No placement or installation of any part of the PERMITTEE'S facilities shall be commenced by any person until construction permits and written approval has been issued by the Director of Public Works; provided further, that such permits and approval shall not be unreasonably withheld and action thereon shall be taken within a reasonable period of time as allowed by law.

- h. PERMITTEE shall provide the following to the Director of Public Works at least three (3) working days before the start of construction.
- (1) Application for a Right-of-Way Excavation & Restoration Permit
 - (2) Proposed schedule of operations.
 - (3) The name(s) and phone numbers of the project contact person(s).
 - (4) Tree trimming plan for overhead lines.
- i. Traffic Control Plan. PERMITTEE shall submit with the original application and coordinate with the City Traffic Engineer, a traffic control plan prepared in accordance with the Manual on Uniform Traffic Control Devices and amendments or supplements thereto (MUTCD) as published by the Federal Highway Administration at least forty eight (48) hours prior to the start of construction. PERMITTEE shall install and maintain all traffic control devices in accordance with the plan and MUTCD. Street or lane closures shall be limited to the hours between 8:30AM and 4:30 PM, Monday-Friday or as approved by the CITY Traffic Engineer.
- j. Record Drawings. Within sixty (60) days after the completion of any construction activities of the Facilities within the encroachment areas, PERMITTEE shall provide to the Director of Public Works copies of the record drawings, being two (2) printed copies along with a PDF file of the same, and a digital version compatible with ESRI GIS software.
- k. Requirement for Underground Installations. All installations that can practicably be placed underground shall be underground where feasible and shall be underground in those areas of the CITY where all utilities serving the area are underground at the time of installation. In areas where other utility facilities are above ground at the time of installation, PERMITTEE may install its service above ground on such facilities. All cables shall be installed, where possible, parallel with electric and telephone lines. Multiple cable configurations shall be arranged in parallel and bundled with due respect for engineering considerations. At such time as all utilities and cable serving the area are required to be placed underground by the CITY or are placed underground, PERMITTEE shall likewise place its services underground without cost to the CITY.
- l. Applicable Standards. PERMITTEE shall at all times comply with the (1) applicable Federal, State and local regulations; and (2) the standards as set forth in this Agreement.
- m. Interference with Persons, Improvements, Public and Private Property and Utilities. PERMITTEE's Facilities shall be located, erected and maintained so that such system shall:
- (1) Not endanger or interfere with the health, safety or lives of persons;
 - (2) Not interfere with the utilization of the right of way by the CITY or utilization by the GUC of the right of way or facilities maintained by GUC;
 - (3) Not interfere with the free and proper use of public streets, alleys, bridges, easements or other public ways, places or property, except to the minimum extent possible during actual construction, repair or removal;
 - (4) Not interfere with the rights and reasonable convenience of private property owners, except to the minimum extent possible during actual construction, repair or removal; and

- (5) Not obstruct, hinder or interfere with any gas, electric, water or other utilities, cable, telecommunication or telephone facilities located within the CITY.

n. Excavation and Work in Public Streets; Application; Restoration; Damage.

- (1) Prior to the start of any permitted work under this agreement, the PERMITTEE shall make application for a Right-of-Way Excavation and Restoration Permit.
- (2) PERMITTEE shall install the cable by directional boring. PERMITTEE may excavate or disturb pavement, curb, gutters, sidewalks, driveways, or other surfacing in or on any street, right-of-way, or public place as necessary for directional boring. Manholes and handholes shall not be visible in residential areas unless approved by the Director of Public Works who may require a route change. If authorized in writing by the Director of Public Works, sidewalks may be excavated for the placement of manholes and handholes.
- (3) Excavations or borings made by PERMITTEE under the public streets, rights-of-way or public places of the CITY, pursuant to this Agreement, shall be made in compliance with the ordinances and regulations of the CITY in effect at the time of such excavation.
- (4) Prior to any excavation in or boring under the public streets or rights-of-way of the CITY, PERMITTEE shall notify all utilities that may be affected by such excavation in or boring under the street, rights-of-way or property upon which the work is to be done, and the nature of the work to be performed. Additionally, the services of North Carolina One-Call may be used to notify its member utilities.
- (5) In situations deemed by the PERMITTEE to constitute an emergency involving a danger to the public health, safety and welfare, PERMITTEE shall notify the Director of Public Works of the nature and the location and of the potential hazard.
- (6) During the installation, repair or removal of PERMITTEE's facilities in or on any street, right of way or public place, PERMITTEE agrees to provide at all times proper signs, signal lights, flagmen, barricades, and other warning devices for the protection of pedestrian and vehicular traffic in conformance with the approved Traffic Control Plan and MUTCD.
- (7) PERMITTEE shall exercise due care in the operation, installation, alteration, repair or removal of its system. If any utility or property of the CITY or GUC, real or personal, is damaged, impaired or destroyed as a result of either the negligent or intentional acts of PERMITTEE, its employees, agents or persons operating under its direction, supervision or control, PERMITTEE shall be liable to the CITY for such damages, including but not limited to the cost to repair or replace the utility or property.
- (8) Immediately after PERMITTEE installs or repairs its system, PERMITTEE shall refill any excavations according to the technical specifications of the CITY. PERMITTEE shall restore and replace landscaping destroyed, disturbed, or damaged by such work in accordance with the technical specifications of the CITY and subject to the inspection of the Director of Public Works.
- (9) If the installation, alteration, repair or removal of the facilities in or on any street, right of way or public place requires the temporary removal of bricks, grates, trees or other property or

materials belonging to the CITY, PERMITTEE shall, until such materials are reinstalled, and in the exercise of due care, store said property or materials in a safe place satisfactory to the CITY to minimize the risk of damage or theft.

- (10) PERMITTEE shall preserve and protect all trees and shrubbery located within the streets, rights of way, and public places of the CITY from damage by PERMITTEE. PERMITTEE shall comply with the regulations of the CITY concerning the preservation and protection of trees and shrubs. PERMITTEE shall pay to the CITY the cost of treating, removing and replacing any tree or shrub on the streets, rights-of-way and public places of the CITY which has been damaged or destroyed as a result of the work of PERMITTEE.
- (11) Whenever the CITY, GUC, or NCDOT, or their successors or assigns, within the exercise of reasonable police power, for the benefit of the public safety, plan to widen, modify, close, relocate, grade or regrade any public street, sidewalk, or other public way, in, along, under or across, which PERMITTEE shall have installed any of its facilities, it shall be the duty of PERMITTEE, upon reasonable notice by the proper authority, and at no cost to the CITY, GUC, or NCDOT to remove or relocate as necessary its facilities.
- (12) PERMITTEE shall, on the request of any person holding a building moving permit issued by the CITY, temporarily raise or lower its lines to permit the moving of buildings. The expense of such temporary removal, raising or lowering of lines shall be paid by the person requesting the same, and PERMITTEE shall have the authority to require such payment in advance. PERMITTEE shall be given not less than fifteen (15) working days advance notice to arrange for such temporary line changes.
- (13) All necessary easements over and under private property, or encroachments upon NCDOT rights of ways, or railroad rights of way shall be acquired by PERMITTEE. The CITY neither promises nor contracts to obtain or acquire rights of way for the construction, installation, maintenance or operation of the PERMITTEE's system. PERMITTEE shall provide the CITY upon demand and within fifteen (15) days written verification of NCDOT's approval for the facility which encroaches upon NC's rights of way and owner approval for encroachments along any railroad or other rights of way or on private property.
- (14) Any damage to PERMITTEE's encroaching structure caused by the CITY's or GUC's use of its rights of way for construction or maintenance work in the ordinary course of its business, shall be borne by PERMITTEE except where such damage is caused by the sole negligence or willful misconduct of the City.
- (15) Removal and Abandonment.
 - a) If this Agreement is terminated and if PERMITTEE has no other legal right to keep its facilities in place, PERMITTEE agrees to promptly vacate and remove its above-ground facilities at its own expense, provided that the Director of the Department of Public Works may, at that time, agree in writing, upon the written request of PERMITTEE to allow abandonment of some or all of its above-ground facilities in place, if PERMITTEE will transfer ownership of any abandoned facilities to the City. PERMITTEE may abandon underground facilities in place.

- b) Should any removal or abandonment of facilities in place be approved by the Director of Public Works, PERMITTEE shall thereafter apply for and obtain any necessary permits.
- c) If any portion of the above-ground facilities covered under this Agreement are no longer used by the PERMITTEE, or are abandoned for a period in excess of 180 days, the PERMITTEE shall notify the CITY and shall vacate and remove the facilities at its own expense within a reasonable time.

SECTION 5. EMERGENCY CONTACTS

- a. Coordination of Emergency Events: In case of an emergency, CITY will act to protect the public health and safety of its citizens and to protect public and private property, notwithstanding any provision in this Agreement. In the event addressing the emergency impacts the Permittee's Facility Equipment, the CITY will make every reasonable effort to coordinate its emergency response with the PERMITTEE. PERMITTEE shall post on all Small Wireless Facility poles the emergency contact information of the Permittee.
- b. Notice of Changes: Permittee will keep emergency contact information current, and provide the Director of Public Works with information as to changes within a reasonable time.
- c. Response to Network Emergency: In case of a network emergency, Permittee may access its Facilities without first obtaining a permit to disturb the City right-of-way provided Permittee has conducted network trouble-shooting and diagnostic tests and has reasonably identified the point or points of network failure or malfunction. While acting under this provision to address a network emergency, Permittee shall conduct its activities within the City right-of-way in such a manner as to protect public and private property. Permittee will make every reasonable effort to coordinate its emergency response with the City. To that end, prior to entering the City right-of-way, Permittee will contact the Director and give notice to City of the network emergency and an estimated time period to address the situation.

SECTION 6. TRANSFER OF OWNERSHIP OR CONTROL

- a. No transfer of ownership or control of the facility shall occur unless approved by the CITY. A transfer of ownership or control of the facility shall comply with all applicable Federal, State and Local Laws. The PERMITTEE shall promptly notify the CITY of its intent to transfer ownership or control of the facility and shall provide the CITY with a true copy of all the documents relating to ownership transfer. The transferee is required to accept this Agreement and all of its terms, provisions, and any amendments at the time of transfer. Performance bond and letter of credit, insurance are required from the transferee before the transfer is complete. Notification to the CITY shall be as outlined herein. Notwithstanding anything herein to the contrary, PERMITTEE shall be permitted to transfer ownership and control of its facilities to any other entity with which it is affiliated through ownership (for example, a corporate parent, a subsidiary, or a subsidiary of a corporate parent) providing that such other entity undertakes all the obligations of PERMITTEE under this Agreement.
- b. Grant of Third Party Rights. Notwithstanding any provision in this Agreement to the contrary, the CITY agrees and acknowledges that PERMITTEE shall have the right to grant to third parties

indefeasible rights of use and/or a right to use its facilities, which are subject to the rights that have been granted to PERMITTEE under this Agreement and that such actions by PERMITTEE shall not constitute a transfer of ownership or control of the facilities or require the prior approval by the CITY.

- c. Restoration of Property. In removing its facilities, PERMITTEE shall not excavate or disturb pavement, curb, gutters, sidewalks, driveways, or other surfaces in or on any street, right-of-way or public place. PERMITTEE shall refill, at its own expense, any excavation and boring that shall be made by it and shall leave all public ways and places in as good a condition or better as that prevailing prior to PERMITTEE's removal of its facilities without affecting the electrical, television, telephone or other telecommunication cable, wires or attachments or the utilities. The CITY shall inspect and approve the condition of the public ways and public places and cables, wires, attachments, and poles after removal. The liability, indemnity, insurance, performance bond and letter of credit as provided herein shall continue in full force and effect during the period of removal until full compliance by PERMITTEE with the terms and conditions of this paragraph and this Agreement.
- d. Restoration by CITY; Reimbursement of Costs. In the event of a failure by PERMITTEE to complete any work required by c. above, or any other work required by CITY ordinance within the time as may be established and to the satisfaction of the CITY, the CITY may cause such work to be done and PERMITTEE shall reimburse the CITY the cost thereof within fifteen (15) days after receipt of an itemized list of such costs or the CITY may recover such costs through the performance bond provided by PERMITTEE. The CITY shall be permitted to seek legal and equitable relief to enforce the provisions of this section.

SECTION 7. PERFORMANCE BOND, LETTER OF CREDIT, INSURANCE, AND INDEMNIFICATION.

a. Performance Bond or Letter of Credit.

- (1) At the time this Agreement is accepted, PERMITTEE shall deliver to the CITY:
 - a) Letter of credit issued by a federally-insured banking institution in the amount of one hundred thousand dollars (\$100,000) or
 - b) Performance bond issued by a surety licensed in North Carolina in the amount of \$100,000

The bond or letter of credit shall be a security fund. Failure to timely obtain, file and maintain said bond or letter of credit shall constitute a substantial violation within the meaning of this section.

- (2) The security fund shall serve as security for:
 - a) The faithful performance by PERMITTEE of all the terms and conditions of the Agreement;
 - b) Any expenditure, damage or loss incurred by the CITY occasional by PERMITTEE's unexcused or uncured failure to comply with all lawful rules, regulations, orders, permits and other directives of the CITY issued pursuant to this Agreement; and

- c) The payment by PERMITTEE of all liens and taxes, and all damages, claims, costs or expenses which the CITY has been compelled to pay or incur by reason of any act or default of PERMITTEE, and all other payments due the CITY from PERMITTEE pursuant to this Agreement.
 - d) The costs and expenses incurred by the CITY as a result of PERMITTEE's abandonment of the Facility at any time during the term of the Agreement or any extension thereto; or
- (3) If PERMITTEE fails to repay to the CITY any damages, costs or expenses which the CITY shall be compelled to pay by reason of any act or default of PERMITTEE in connection with this Agreement, the CITY may then demand payment from the security fund.
 - (4) The letter of credit shall be issued to the City of Greenville and shall be made payable upon a draft submitted by the CITY and accompanied by the written statement of an appropriately authorized official for the CITY that payment is due the CITY under the terms of this Agreement as a result of a default by PERMITTEE. The CITY shall be the beneficiary under the performance bond. PERMITTEE shall not use the security fund for other purposes and shall not assign, pledge or otherwise use this security fund as security for any purpose. During the term of the Agreement, the letter of credit shall be maintained in the amount of one hundred thousand dollars (\$100,000), or the performance bond shall be maintained in the amount of one hundred thousand dollars (\$100,000).

b. Insurance.

- (1) All Certificates of Insurance must be furnished before work begins. A Certificate of Insurance (COI) must be issued by an authorized representative of the insurance carrier(s). Certificates of Insurance must have the Insurance Company name and NAIC number clearly identified.
- (2) PERMITTEE shall immediately advise the CITY of any litigation arising out of this Agreement that may develop that would affect this insurance.
- (3) Neither the provisions of this section nor any damages recovered by the CITY hereunder, shall be construed or limit the liability of PERMITTEE under the Agreement or for damages.
- (4) Permittee shall provide at least 30 days' prior written notice to City of cancellation or non-renewal of any required coverage that is not replaced.
- (5) All insurance policies provided under the provisions of this ordinance or the Agreement shall be written by companies authorized to do business in the State of North Carolina and approved by the State Commissioner of Insurance.
- (6) Permittee shall include the City of Greenville as an Additional Insured to the General Liability and Automobile Liability policies including those of its subcontractors while working hereunder.

(7) **Commercial General Liability:**

Limits:

Each Occurrence:	\$1,000,000
General Aggregate Limit	\$2,000,000
Products and Completed Operations Aggregate	\$2,000,000

The form of coverage must be the ISO CG 00 01 policy or equivalent as approved by the State of North Carolina Department of Insurance. Certificates evidencing ongoing completed operations coverage shall be provided for at least two years following the termination or expiration of this Agreement.

(8) **Commercial Automobile Liability:**

Limits:

\$1,000,000 combined single limit.

The City of Greenville must be added as an Additional Insured on the Commercial Auto Liability policy.

(9) **Workers' Compensation Insurance:**

Limits:

Workers Compensation: Statutory for the State of North Carolina

Employers Liability: Bodily Injury by Accident \$1,000,000 each accident

Bodily Injury by Disease \$1,000,000 policy limit

Bodily Injury by Disease \$1,000,000 each employee.

Workers Compensation must include all employees.

(10) **Umbrella Liability**

An Umbrella or excess Liability policy covering General Liability, Automobile Liability and Employers Liability with a minimum limit of \$10,000,000 is required. PERMITTEE may use any combination of primary and excess to meet required total limits.

Notwithstanding the forgoing, PERMITTEE may, in its sole discretion, self-insure any of the required insurance under the same terms as required by this Agreement. In the event PERMITTEE elects to self-insure its obligation under this Agreement to include City as an additional insured, the following conditions apply: (i) City shall promptly and no later than thirty (30) days after notice thereof provide PERMITTEE with written notice of any claim, demand, lawsuit, or the like for which it seeks coverage pursuant to this Section and provide

PERMITTEE with copies of any demands, notices, summonses, or legal papers received in connection with such claim, demand, lawsuit, or the like; (ii) City shall not settle any such claim, demand, lawsuit, or the like without the prior written consent of PERMITTEE; and (iii) City shall fully cooperate with PERMITTEE in the defense of the claim, demand, lawsuit, or the like.

c. Indemnification

- (1) To the maximum extent allowed by law, the Permittee shall defend, indemnify, and save harmless Indemnitees from and against all Charges that arise in any manner from, in connection with, or out of this agreement as a result of acts or omissions of the Permittee or subcontractors or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable. In performing its duties under this subsection (1) the Permittee shall at its sole expense defend Indemnitees with legal counsel reasonably acceptable to the City.
- (2) Definitions. As used in subsections (1) above and (3) below, “Charges” means claims, judgments, costs, damages, losses, demands, liabilities, duties, obligations, fines, penalties, royalties, settlements, and expenses (included without limitation within “Charges” are (1) interest and reasonable attorneys' fees assessed as part of any such item, and (2) amounts for alleged violations of sedimentation pollution, erosion control, pollution, or other environmental laws, regulations, ordinances, rules, or orders -- including but not limited to any such alleged violation that arises out of the handling, transportation, deposit, or delivery of the items that are the subject of this agreement). “Indemnitees” means City and GUC, and their officers, officials, independent contractors, agents, and employees, excluding the Permittee.
- (3) Other Provisions Separate. Nothing in this section shall affect any warranties in favor of the City that are otherwise provided in or arise out of this agreement. This section is in addition to and shall be construed separately from any other indemnification provisions that may be in this agreement.
- (4) Survival. This section shall remain in force despite termination of this agreement (whether by expiration of the term or otherwise) and termination of the services of the Permittee under this agreement.
- (5) Limitations of the Permittee’s Obligation. If this section is in, or is in connection with, a contract or agreement relative to the design, planning, construction, alteration, repair or maintenance of a building, structure, highway, road, appurtenance or appliance, including moving, demolition and excavating connected therewith, then subsection (1) above shall not require the Permittee to indemnify or hold harmless Indemnitees against liability for damages arising out of bodily injury to persons or damage to property proximately caused by or resulting from the negligence, in whole or in part, of Indemnitees.

SECTION 8. NOTICES.

Except as otherwise provided herein, all notices from PERMITTEE to the CITY pursuant to this Agreement shall be to the City Manager or his/her designee as follows:

City of Greenville
P.O. Box 7207
Greenville, NC 27835
Attention: City Manager

And to PERMITTEE

Conterra Ultra Broadband, LLC
2101 Rexford Road, Suite 200E
Charlotte, NC 28211
Attn: David Warden

With a copy to

Conterra Ultra Broadband, LLC
2101 Rexford Road, Suite 200E
Charlotte, NC 28211
Attn: General Counsel

PERMITTEE shall maintain with the CITY a telephone number and an address for service of notices by mail. PERMITTEE shall be required to advise the CITY of such addresses and telephone numbers and any changes thereof.

SECTION 9. FAILURE OF CITY TO ENFORCE THIS AGREEMENT, NO WAIVER OF THE TERMS THEREOF

PERMITTEE shall not be excused from complying with any of the terms and conditions of this Agreement by any failure of the CITY upon any one or more occasions to insist upon or to seek compliance with any such terms or conditions.

SECTION 10. SEVERABILITY

- a. **Invalidity.** If any term, condition or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be held to be invalid or unenforceable by a court of competent jurisdiction, the remainder hereof and the application of such term, condition or provision to persons or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and this Agreement and all the terms, provisions and conditions hereof shall, in all other respects, continue to be effective and to be complied with. In the event that such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision which had been held invalid or modified is no longer in conflict with the law, rules and regulations then in effect, said provision shall thereupon return to full force and effect and shall thereafter be binding on PERMITTEE and the CITY.

- b. Court Action. Notwithstanding anything to the contrary, in the event that any court, agency, commission, legislative body or other authority of competent jurisdiction (i) declares any section, deemed by the CITY to be material, invalid, in whole or in part, or (ii) requires PERMITTEE either to (a) perform any act which is inconsistent with any section deemed by the CITY to be material; or (b) cease performing any act deemed by the CITY to be material, the CITY shall so notify PERMITTEE and the CITY and PERMITTEE shall, in good faith, renegotiate that term or those terms of this Agreement.

SECTION 11. RIGHTS CUMULATIVE

All rights and remedies given to the CITY and PERMITTEE by this Agreement shall be in addition to and cumulative with any and all other rights or remedies, -existing or implied, now or hereafter available to the CITY and PERMITTEE, at law or in equity, and such rights and remedies shall not be exclusive, but each and every right and remedy specifically given by this Agreement or otherwise existing or given may be exercised from time to time and as often and in such order as may be deemed expedient by the CITY and PERMITTEE and the exercise of one or more rights or remedies shall not be deemed a waiver of the right to exercise at the same time or thereafter any other right or remedy.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate originals as of the day and year first above written.

CITY OF GREENVILLE

By: _____
P.J. Connelly, Mayor

ATTEST

Carol L. Barwick, City Clerk

Conterra Ultra Broadband, LLC,
a South Carolina limited liability company

By: _____
S. Shane Turley, SVP & General Counsel

APPROVED AS TO FORM:

Emanuel D. McGirt, City Attorney

PRE-AUDIT CERTIFICATION:

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Byron Hayes, Director of Financial Services

Account Number _____

Project Code (if applicable) _____

RECOMMENDED:

Kevin Mulligan, Public Works Director

State of North Carolina
County of Pitt

I, _____, a Notary Public of said County and State, do hereby certify that Carol L. Barwick personally appeared before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipal corporation, and that by authority duly given and as the act of the City of Greenville through and by the City Council, its governing body, the foregoing instrument was signed in its name by the Mayor, P.J. Connelly, sealed with corporate seal, and attested by herself as its City Clerk.

WITNESS my hand and Notarial Seal, this the ____ day of _____, 2018.

_____, Notary Public

(Print or Type Name of Notary Here)

My Commission Expires: _____

State of _____

County of _____

I, _____ a notary public in and for the aforesaid county and state, certify that S. Shane Turley, SVP & General Counsel, personally (1) appeared before me this day, (2) stated that he or she is the Senior Vice President of **CONTERRA ULTRA BROADBAND, LLC**, a limited liability company organized and existing under the laws of the State of South Carolina, (3) acknowledged that the foregoing agreement with the City of Greenville carries on in the usual way the company's business, and (4) acknowledged the due execution of the contract on behalf of the company.

WITNESS my hand and Notarial Seal, this the ____ day of _____, 2018.

_____, Notary Public

(Print or Type Name of Notary Here)

My Commission Expires: _____



City of Greenville, North Carolina

Meeting Date: 8/9/2018
Time: 6:00 PM

Title of Item: Agreement with CSX Transportation, Inc. for services associated with construction of the South Tar River Greenway Phase 3 from Pitt Street to Nash Street

Explanation: **Abstract:** CSX Transportation (CSXT) has completed its review of the design plans for the South Tar River Greenway Phase 3. To proceed, the City must execute a Construction Agreement with CSXT that outlines certain reimbursement costs, insurance requirements, and other procedures for working on CSXT right-of-way.

Explanation: Design plans for the South Tar River Greenway Phase 3 from Pitt Street to Nash Street are complete and easements have been acquired. The greenway will cross underneath the existing CSXT railroad bridge west of Pitt Street. This crossing required an extensive review process with CSXT and its consultant to obtain approval of the proposed construction plans and details, which was recently secured. The City must now execute a Construction Agreement with CSXT that provides for safe operations within the CSXT right-of-way during construction operations. Stipulations of the agreement include, but are not limited to, insurance requirements of the City's contractor, advance notice of working within CSXT right-of-way, requirements for presence of a CSXT flagger when working on CSXT right-of-way, and review of shop drawings/submissions by the City's contractor for work to be performed underneath the railroad bridge. The City is responsible for reimbursing CSXT for costs incurred as a result of the proposed greenway construction. Based on the construction plans and specifications, CSXT has estimated this cost to be \$171,871. An advance deposit for this amount must be sent to CSXT once the agreement is fully executed by both parties and prior to commencing with construction activities within CSXT right-of-way.

Fiscal Note: Funding for this Construction Agreement is provided within the existing budget for the project.

Recommendation: Approve the attached Construction Agreement with CSX Transportation, Inc. for construction of the South Tar River Greenway Phase 3 project and authorize staff to send the subsequent advance deposit of \$171,871 to CSX Transportation, Inc. once the agreement is fully executed.

ATTACHMENTS:

- ☐ **CSX Agreement**

Project: Greenville, Pitt County, North Carolina – Proposed construction of the Tar River Greenway Trail beneath an existing CSXT bridge, DOT # TBD, Milepost AA-148.94, Florence Division, Parmele Subdivision, CSXT OP # NC0725

CONSTRUCTION AGREEMENT

This Construction Agreement (“**Agreement**”) is made as of _____, 20___, by and between CSX TRANSPORTATION, INC., a Virginia corporation with its principal place of business in Jacksonville, Florida (“**CSXT**”), and the CITY OF GREENVILLE, a body corporate and political subdivision of the State of North Carolina (“**City**”).

EXPLANATORY STATEMENT

1. City has proposed to construct, or to cause to be constructed, the Tar River Greenway Trail beneath an existing CSXT undergrade bridge within the vicinity of Milepost AA-148.94 on the Parmele Subdivision of the Florence Division in Greenville, Pitt County, North Carolina (the “**Project**”).
2. City has obtained, or will obtain, all authorizations, permits and approvals from all local, state and federal agencies (including City), and their respective governing bodies and regulatory agencies, necessary to proceed with the Project and to appropriate all funds necessary to construct the Project.
3. City acknowledges that: (i) by entering into this Agreement, CSXT will provide services and accommodations to promote public interest in this Project, without profit or other economic inducement typical of other City contractors; (ii) neither CSXT nor its affiliates (including their respective directors, officers, employees or agents) will incur any costs, expenses, losses or liabilities in excess of payments made to CSXT, by or on behalf of City or its contractors, pursuant to this Agreement; and (iii) CSXT retains the paramount right to regulate all activities affecting its property and operations.
4. It is the purpose of this Agreement to provide for the terms and conditions upon which the Project may proceed.

NOW, THEREFORE, in consideration of the foregoing Explanatory Statement and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the parties agree as follows:

1. Project Plans and Specifications

- 1.1 Preparation and Approval. Pursuant to Exhibit A of this Agreement, all plans, specifications, drawings and other documents necessary or appropriate to the design and construction of the Project shall be prepared, at City’s sole cost and expense, by City or CSXT or their respective contractors. Project plans, specifications and drawings prepared by or on behalf of City shall be subject, at CSXT’s election, to the review and approval of CSXT. Such plans, specifications and drawings, as prepared or approved by CSXT, are referred to as the “**Plans**”, and shall be incorporated and deemed a part of this Agreement. Plans prepared or submitted to and approved by CSXT as of the date of this Agreement are set forth in Exhibit B to this Agreement.
- 1.2 Effect of CSXT Approval or Preparation of Plans. By its review, approval or preparation of Plans pursuant to this Agreement, CSXT signifies only that such Plans and improvements

constructed in accordance with such Plans satisfy CSXT's requirements. CSXT expressly disclaims all other representations and warranties in connection with the Plans, including, but not limited to, the integrity, suitability or fitness for the purposes of City or any other persons of the Plans or improvements constructed in accordance with the Plans.

1.3 Compliance with Plans. The Project shall be constructed in accordance with the Plans.

2. Allocation and Conduct of Work

Work in connection with the Project shall be allocated and conducted as follows:

2.1 CSXT Work. Subject to timely payment of Reimbursable Expenses as provided by Section 4, CSXT shall provide, or cause to be provided, the services as set forth by Exhibit A to this Agreement. City agrees that CSXT shall provide all services that CSXT deems necessary or appropriate (whether or not specified by Exhibit A) to preserve and maintain its property and operations, without impairment or exposure to liability of any kind and in compliance with all applicable federal, state and local regulations and CSXT's contractual obligations, including, but not limited to, CSXT's existing or proposed third party agreements and collective bargaining agreements.

2.2 City Work. City shall perform, or cause to be performed, all work as set forth by Exhibit A, at City's sole cost and expense.

2.3 Conduct of Work. CSXT shall commence its work under this Agreement following: (i) delivery to CSXT of a notice to proceed from City; (ii) payment of Reimbursable Expenses (as provided by Section 4.1) as required by CSXT prior to the commencement of work by CSXT; (iii) issuance of all permits, approvals and authorizations necessary or appropriate for such work; and (iv) delivery of proof of insurance acceptable to CSXT, as required by Section 9. The initiation of any services by CSXT pursuant to this Agreement, including, but not limited to, the issuance of purchase orders or bids for materials or services, shall constitute commencement of work for the purposes of this Section. The parties intend that all work by CSXT on CSXT property shall conclude no later than **December 31, 2019**, unless the parties mutually agree to extend such date.

3. Special Provisions. City shall observe and abide by, and shall require its contractors ("Contractors") to observe and abide by the terms, conditions and provisions set forth in Exhibit C to this Agreement (the "Special Provisions"). To the extent that City performs Project work itself, City shall be deemed a Contractor for purposes of this Agreement. City further agrees that, prior to the commencement of Project work by any third party Contractor, such Contractor shall execute and deliver to CSXT Schedule I to this Agreement to acknowledge Contractor's agreement to observe and abide by the terms and conditions of this Agreement.

4. Cost of Project and Reimbursement Procedures

4.1 Reimbursable Expenses. City shall reimburse CSXT for all costs and expenses incurred by CSXT in connection with the Project, including, without limitation: (1) all out of pocket expenses, (2) travel and lodging expenses, (3) telephone, facsimile, and mailing expenses, (4) costs for equipment, tools, materials and supplies, (5) sums paid to CSXT's consultants and subcontractors, and (6) CSXT labor in connection with the Project, together with CSXT labor overhead percentages established by CSXT pursuant to applicable law (collectively, "**Reimbursable Expenses**"). Reimbursable Expenses shall also include expenses incurred by

CSXT prior to the date of this Agreement to the extent identified by the Estimate provided pursuant to Section 4.2.

4.2 Estimate. CSXT has estimated the total Reimbursable Expenses for the Project as shown on Exhibit D (the “**Estimate**”, as amended or revised). In the event CSXT anticipates that actual Reimbursable Expenses for the Project may exceed such Estimate, it shall provide City with the revised Estimate of the total Reimbursable Expenses, together with a revised Payment Schedule (as defined by Section 4.3.1), for City’s approval and confirmation that sufficient funds have been appropriated to cover the total Reimbursable Expenses of such revised Estimate. CSXT may elect, by delivery of notice to City, to immediately cease all further work on the Project, unless and until City provides such approval and confirmation.

4.3 Payment Terms.

4.3.1 City shall pay CSXT for Reimbursable Expenses as set forth in the Payment Schedule as shown on Exhibit E (the “Payment Schedule”, as revised pursuant to Section 4.2).

4.3.2 Following completion of the Project, CSXT shall submit to City a final invoice that reconciles the total Reimbursable Expenses incurred by CSXT against the total payments received from City. City shall pay to CSXT the amount by which Reimbursable Expenses exceed total payments as shown by the final invoice, within thirty (30) days following delivery of such invoice to City. In the event that the payments received by CSXT from City exceed the Reimbursable Expenses, CSXT shall remit such excess to City.

4.3.3 In the event that City fails to pay CSXT any sums due CSXT under this Agreement: (i) City shall pay CSXT interest at the lesser of 1.0% per month or the maximum rate of interest permitted by applicable law on the delinquent amount until paid in full; and (ii) CSXT may elect, by delivery of notice to City: (A) to immediately cease all further work on the Project, unless and until City pays the entire delinquent sum, together with accrued interest; and/or (B) to terminate this Agreement.

4.3.4 All invoices from CSXT shall be delivered to City in accordance with Section 16 of this Agreement. All payments by City to CSXT shall be made by certified check and mailed to the following address or such other address as designated by CSXT’s notice to City:

CSX Transportation, Inc.
P. O. Box 530192
Atlanta, GA 30353-0192

4.4 Effect of Termination. City’s obligation to pay to CSXT Reimbursable Expenses in accordance with Section 4 shall survive termination of this Agreement for any reason.

5. Appropriations City represents to CSXT that: (i) City has appropriated funds sufficient to reimburse CSXT for the Reimbursable Expenses encompassed by the Estimate attached as Exhibit D; (ii) City shall use its best efforts to obtain appropriations necessary to cover Reimbursable Expenses encompassed by subsequent Estimates approved by City; and (iii) City shall promptly notify CSXT in the event that City is unable to obtain such appropriations.

6. Easements and Licenses

- 6.1 City Obligation. City shall acquire all necessary licenses, permits and easements required for the Project.
7. Permits At its sole cost and expense, City shall procure all permits and approvals required by any federal, state, or local governments or governmental agencies for the construction, maintenance and use of the Project, copies of which shall be provided to CSXT.
8. Termination
- 8.1 By City. For any reason, City may, as its sole remedy, terminate this Agreement by delivery of notice to CSXT. City shall not be entitled to otherwise pursue claims for consequential, direct, indirect or incidental damages or lost profits as a consequence of CSXT's default or termination of this Agreement or Work on the Project by either party.
- 8.2 By CSXT. In addition to the other rights and remedies available to CSXT under this Agreement, CSXT may terminate this Agreement by delivery of notice to City in the event City or its Contractors fail to observe the terms or conditions of this Agreement and such failure continues more than ten (10) business days following delivery of notice of such failure by CSXT to City.
- 8.3 Consequences of Termination. If the Agreement is terminated by either party pursuant to this Section or any other provision of this Agreement, the parties understand that it may be impractical for them to immediately stop the Work. Accordingly, they agree that, in such instance a party may continue to perform Work until it has reached a point where it may reasonably and safely suspend the Work. City shall reimburse CSXT pursuant to this Agreement for the Work performed, plus all costs reasonably incurred by CSXT to discontinue the Work and protect the Work upon full suspension of the same, the cost of returning CSXT's property to its former condition, and all other costs of CSXT incurred as a result of the Project up to the time of full suspension of the Work. Termination of this Agreement or Work on the Project, for any reason, shall not diminish or reduce City's obligation to pay CSXT for Reimbursable Expenses incurred in accordance with this Agreement. In the event of the termination of this Agreement or the Work for any reason, CSXT's only remaining obligation to City shall be to refund to City payments made to CSXT in excess of Reimbursable Expenses in accordance with Section 4.
9. Insurance In addition to the insurance that City requires of its Contractor, City shall acquire or require its Contractor to purchase and maintain insurance in compliance with CSXT's insurance requirements attached to this Agreement as Exhibit F. Neither City nor Contractor shall commence work on the Project until such policy or policies have been submitted to and approved by CSXT's Risk Management Department.
10. Ownership and Maintenance
- 10.1 By City. City shall own, maintain and repair, at its sole cost and expense, all parts comprising the permanent aspects of the Project, as shown by the Plans. In the event City fails to do so after reasonable notice from CSXT (no more than thirty (30) days, unless an emergency condition exists or is imminent in the opinion of CSXT, that requires immediate action), CSXT may perform such maintenance and repair, at City's sole cost and expense. Upon the cessation of use of the Project by City, City shall remove the structure and restore CSXT's property to its original condition, at City's sole cost and expense, to CSXT's satisfaction.

10.2 Alterations. City shall not undertake any alteration, modification or expansion of the Project, without the prior approval of CSXT, which may be withheld for any reason, and the execution of such agreements as CSXT may require.

11. Indemnification

11.1 Generally. To the maximum extent permitted by applicable law, City and its Contractors shall indemnify, defend, and hold CSXT and its affiliates harmless from and against all claims, demands, payments, suits, actions, judgments, settlements, and damages of every nature, degree, and kind (including direct, indirect, consequential, incidental, and punitive damages), for any injury to or death to any person(s) (including, but not limited to the employees of CSXT, its affiliates, City or its Contractors), for the loss of or damage to any property whatsoever (including but not limited to property owned by or in the care, custody, or control of CSXT, its affiliates, City or its Contractors, and environmental damages and any related remediation brought or recovered against CSXT and its affiliates), arising directly or indirectly from the negligence, recklessness or intentional wrongful misconduct of the Contractors, City, and their respective agents, employees, invitees, contractors, or its contractors' agents, employees or invitees in the performance of work in connection with the Project or activities incidental thereto, or from their presence on or about CSXT's property. The foregoing indemnification obligation shall not be limited to the insurance coverage required by this Agreement, except to the extent required by law or otherwise expressly provided by this Agreement.

11.2 Compliance with Laws. City shall comply, and shall require its Contractors to comply, with any federal, state, or local laws, statutes, codes, ordinances, rules, and regulations applicable to its construction and maintenance of the Project. City's Contractors shall indemnify, defend, and hold CSXT and its affiliates harmless with respect to any fines, penalties, liabilities, or other consequences arising from breaches of this Section.

11.3 "CSXT Affiliates". For the purpose of this Section 11, CSXT's affiliates include CSX Corporation and all entities, directly or indirectly, owned or controlled by or under common control of CSXT or CSX Corporation and their respective officers, directors, employees and agents.

11.4 Notice of Incidents. City and its Contractor shall notify CSXT promptly of any loss, damage, injury or death arising out of or in connection with the Project work.

11.5 Survival. The provisions of this Section 11 shall survive the termination or expiration of this Agreement.

12. Independent Contractor The parties agree that neither City nor its Contractors shall be deemed either agents or independent contractors of CSXT. Except as otherwise provided by this Agreement, CSXT shall exercise no control whatsoever over the employment, discharge, compensation of, or services rendered by City or City's Contractors, or the construction practices, procedures, and professional judgment employed by City or its Contractor to complete the Project. Notwithstanding the foregoing, this Section 12 shall in no way affect the absolute authority of CSXT to prohibit City or its Contractors or anyone from entering CSXT's property, or to require the removal of any person from its property, if it determines, in its sole discretion, that such person is not acting in a safe manner or that actual or potential hazards in, on or about the Project exist.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in duplicate, each by its duly authorized officers, as of the date of this Agreement.

CITY OF GREENVILLE

By: _____

Print Name: _____

Title: _____

CSX TRANSPORTATION, INC.

By: _____

Print Name: Tony C. Bellamy

Title: Director Project Management – Public Projects

APPROVED AS TO FORM:

Emanuel D. McGirt, City Attorney

PRE-AUDIT CERTIFICATION:

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Byron Hayes, Director of Financial Services

Account Number _____

Project Code (if applicable) _____

EXHIBIT A

ALLOCATION OF WORK

Subject to Section 2.1, work to be performed in connection with the Project is allocated as follows:

- A. City shall let by contract to its Contractors:
 - 1. Construct the Tar River Greenway Trail beneath an existing CSXT undergrade Bridge, and all associated work.

- B. CSXT shall perform or cause to be performed:
 - 1. Preliminary Engineering Services
 - 2. Construction Engineering/Inspection Services
 - 3. Flagging Services
 - 4. Signal & Communications Work (mark outs)
 - 5. Excess Soil Support Services as described in the Soil and Water Management Policy found in CSXT's Public Project Manual dated July 2017.
 - 6. Accounting and Administrative Services related to the foregoing

EXHIBIT B

PLANS AND SPECIFICATIONS

Plans, Specifications and Drawings:

As of the date of this Agreement, the following plans, specifications and drawings have been submitted by City to CSXT for its review and approval:

City of Greenville – South Tar River Greenway, Phase 3 (EB-5539). Sheets C-16, 1, S-1 through S-2, S-18 through S-24. Drawing prepared by Kimley-Horn & Associates, Inc. for the City of Greenville and received by AECOM 3/3/2017 & 5/3/17.

City of Greenville – South Tar River Greenway, Phase 3 Structural Design Calculations. Sheets 1 through 166. Calculations prepared by Kimley-Horn & Associates, Inc. and received by AECOM March 3, 2017.

City of Greenville – South Tar Greenway EB-5539 – Pile Supported Slab at STA. 124+30.56-L4 Specifications. Pages 1 through 3. Prepared by Kimley-Horn & Associates, Inc. and received by AECOM 5/3/2017.

NOTE: In the event subsequent plan submissions are made by City to CSXT for review and approval, once approved, said plans shall be considered to be incorporated into this Exhibit B as of the date of CSXT's written approval.

EXHIBIT C

CSXT SPECIAL PROVISIONS

DEFINITIONS:

As used in these Special Provisions, all capitalized terms shall have the meanings ascribed to them by the Agreement, and the following terms shall have the meanings ascribed to them below:

“CSXT” shall mean CSX Transportation, Inc., its successors and assigns.

“CSXT Representative” shall mean the authorized representative of CSX Transportation, Inc.

“Agreement” shall mean the Agreement between CSXT and Agency, as amended from time to time.

“Agency” shall mean the **City of Greenville, North Carolina**

“Agency Representative” shall mean the authorized representative of **The City of Greenville, North Carolina**.

“Contractor” shall have the meaning ascribed to such term by the Agreement.

“Work” shall mean the Project as described in the Agreement.

I. AUTHORITY OF CSXT ENGINEER

The CSXT Representative shall have final authority in all matters affecting the safe maintenance of CSXT operations and CSXT property, and his or her approval shall be obtained by the Agency or its Contractor for methods of construction to avoid interference with CSXT operations and CSXT property and all other matters contemplated by the Agreement and these Special Provisions.

II. INTERFERENCE WITH CSXT OPERATIONS

- A. Agency or its Contractor shall arrange and conduct its work so that there will be no interference with CSXT operations, including train, signal, telephone and telegraphic services, or damage to CSXT’s property, or to poles, wires, and other facilities of tenants on CSXT’s Property or right-of-way. Agency or its Contractor shall store materials so as to prevent trespassers from causing damage to trains, or CSXT Property. Whenever Work is likely to affect the operations or safety of trains, the method of doing such Work shall first be submitted to the CSXT Representative for approval, but such approval shall not relieve Agency or its Contractor from liability in connection with such Work.
- B. If conditions arising from or in connection with the Project require that immediate and unusual provisions be made to protect train operation or CSXT’s property, Agency or its Contractor shall make such provision. If the CSXT Representative determines that such provision is insufficient, CSXT may, at the expense of Agency or its Contractor, require or provide such provision as may be deemed necessary, or cause the Work to cease immediately.

III. NOTICE OF STARTING WORK. Agency or its Contractor shall not commence any work on

CSXT Property or rights-of-way until it has complied with the following conditions:

- A. Notify CSXT in writing of the date that it intends to commence Work on the Project. Such notice must be received by CSXT at least ten business days in advance of the date Agency or its Contractor proposes to begin Work on CSXT property. The notice must refer to this Agreement by date. If flagging service is required, such notice shall be submitted at least thirty (30) business days in advance of the date scheduled to commence the Work.
- B. Obtain authorization from the CSXT Representative to begin Work on CSXT property, such authorization to include an outline of specific conditions with which it must comply.
- C. Obtain from CSXT the names, addresses and telephone numbers of CSXT's personnel who must receive notice under provisions in the Agreement. Where more than one individual is designated, the area of responsibility of each shall be specified.

IV. WORK FOR THE BENEFIT OF THE CONTRACTOR

- A. No temporary or permanent changes to wire lines or other facilities (other than third party fiber optic cable transmission systems) on CSXT property that are considered necessary to the Work are anticipated or shown on the Plans. If any such changes are, or become, necessary in the opinion of CSXT or Agency, such changes will be covered by appropriate revisions to the Plans and by preparation of a force account estimate. Such force account estimate may be initiated by either CSXT or Agency, but must be approved by both CSXT and Agency. Agency or Contractor shall be responsible for arranging for the relocation of the third party fiber optic cable transmission systems, at no cost or expense to CSXT.
- B. Should Agency or Contractor desire any changes in addition to the above, then it shall make separate arrangements with CSXT for such changes to be accomplished at the Agency or Contractor's expense.

V. HAUL ACROSS RAILROAD

- A. If Agency or Contractor desires access across CSXT property or tracks at other than an existing and open public road crossing in or incident to construction of the Project, the Agency or Contractor must first obtain the permission of CSXT and shall execute a license agreement or right of entry satisfactory to CSXT, wherein Agency or Contractor agrees to bear all costs and liabilities related to such access.
- B. Agency and Contractor shall not cross CSXT's property and tracks with vehicles or equipment of any kind or character, except at such crossing or crossings as may be permitted pursuant to this section.

VI. COOPERATION AND DELAYS

- A. Agency or Contractor shall arrange a schedule with CSXT for accomplishing stage construction involving work by CSXT. In arranging its schedule, Agency or Contractor shall ascertain, from CSXT, the lead time required for assembling crews and materials and shall make due allowance therefore.

- B. Agency or Contractor may not charge any costs or submit any claims against CSXT for hindrance or delay caused by railroad traffic; work done by CSXT or other delay incident to or necessary for safe maintenance of railroad traffic; or for any delays due to compliance with these Special Provisions.
- C. Agency and Contractor shall cooperate with others participating in the construction of the Project to the end that all work may be carried on to the best advantage.
- D. Agency and Contractor understand and agree that CSXT does not assume any responsibility for work performed by others in connection the Project. Agency and Contractor further understand and agree that they shall have no claim whatsoever against CSXT for any inconvenience, delay or additional cost incurred by Agency or Contractor on account of operations by others.

VII. STORAGE OF MATERIALS AND EQUIPMENT

Agency and Contractor shall not store their materials or equipment on CSXT's property or where they may potentially interfere with CSXT's operations, unless Agency or Contractor has received CSXT Representative's prior written permission. Agency and Contractor understand and agree that CSXT will not be liable for any damage to such materials and equipment from any cause and that CSXT may move, or require Agency or Contractor to move, such material and equipment at Agency's or Contractor's sole expense. To minimize the possibility of damage to the railroad tracks resulting from the unauthorized use of equipment, all grading or other construction equipment that is left parked near the tracks unattended by watchmen shall be immobilized to the extent feasible so that it cannot be moved by unauthorized persons.

VIII. CONSTRUCTION PROCEDURES

A. General

- 1. Construction work on CSXT property shall be subject to CSXT's inspection and approval.
- 2. Construction work on CSXT property shall be in accord with CSXT's written outline of specific conditions and with these Special Provisions.
- 3. Contractor shall observe the terms and rules of the CSXT Safe Way manual, which Agency and Contractor shall be required to obtain from CSXT, and in accord with any other instructions furnished by CSXT or CSXT's Representative.

B. Blasting

- 1. Agency or Contractor shall obtain CSXT Representative's and Agency Representative's prior written approval for use of explosives on or adjacent to CSXT property. If permission for use of explosives is granted, Agency or Contractor must comply with the following:
 - a. Blasting shall be done with light charges under the direct supervision of a responsible officer or employee of Agency or Contractor.

- b. Electric detonating fuses shall not be used because of the possibility of premature explosions resulting from operation of two-way train radios.
- c. No blasting shall be done without the presence of an authorized representative of CSXT. At least 10 days' advance notice to CSXT Representative is required to arrange for the presence of an authorized CSXT representative and any flagging that CSXT may require.
- d. Agency or Contractor must have at the Project site adequate equipment, labor and materials, and allow sufficient time, to (i) clean up (at Agency's expense) debris resulting from the blasting without any delay to trains; and (ii) correct (at Agency's expense) any track misalignment or other damage to CSXT's property resulting from the blasting, as directed by CSXT Representative, without delay to trains. If Agency's or Contractor's actions result in delay of any trains, including Amtrak passenger trains, Agency shall bear the entire cost thereof.
- e. Agency and Contractor shall not store explosives on CSXT property.

2. CSXT Representative will:

- a. Determine the approximate location of trains and advise Agency or Contractor of the approximate amount of time available for the blasting operation and clean-up.
- b. Have the authority to order discontinuance of blasting if, in his or her opinion, blasting is too hazardous or is not in accord with these Special Provisions.

IX. MAINTENANCE OF DITCHES ADJACENT TO CSXT TRACKS

Agency or Contractor shall maintain all ditches and drainage structures free of silt or other obstructions that may result from their operations. Agency or Contractor shall provide erosion control measures during construction and use methods that accord with applicable state standard specifications for road and bridge construction, including either (1) silt fence; (2) hay or straw barrier; (3) berm or temporary ditches; (4) sediment basin; (5) aggregate checks; and (6) channel lining. All such maintenance and repair of damages due to Agency's or Contractor's operations shall be performed at Agency's expense.

X. FLAGGING / INSPECTION SERVICE

- A. CSXT has sole authority to determine the need for flagging required to protect its operations and property. In general, flagging protection will be required whenever Agency or Contractor or their equipment are, or are likely to be, working within fifty (50) feet of live track or other track clearances specified by CSXT, or over tracks.
- B. Agency shall reimburse CSXT directly for all costs of flagging that is required on account of construction within CSXT property shown in the Plans, or that is covered by an approved plan revision, supplemental agreement or change order.

- C. Agency or Contractor shall give a minimum of 10 days' advance notice to CSXT Representative for anticipated need for flagging service. No work shall be undertaken until the flag person(s) is/are at the job site. If it is necessary for CSXT to advertise a flagging job for bid, it may take up to 90-days to obtain this service and CSXT shall not be liable for the cost of delays attributable to obtaining such service.
- D. CSXT shall have the right to assign an individual to the site of the Project to perform inspection service whenever, in the opinion of CSXT Representative, such inspection may be necessary. Agency shall reimburse CSXT for the costs incurred by CSXT for such inspection service. Inspection service shall not relieve Agency or Contractor from liability for its Work.
- E. CSXT shall render invoices for, and Agency shall pay for, the actual pay rate of the flagpersons and inspectors used, plus standard additives, whether that amount is above or below the rate provided in the Estimate. If the rate of pay that is to be used for inspector or flagging service is changed before the work is started or during the progress of the work, whether by law or agreement between CSXT and its employees, or if the tax rates on labor are changed, bills will be rendered by CSXT and paid by Agency using the new rates. Agency and Contractor shall perform their operations that require flagging protection or inspection service in such a manner and sequence that the cost of such will be as economical as possible.

XI. UTILITY FACILITIES ON CSXT PROPERTY

Agency shall arrange, upon approval from CSXT, to have any utility facilities on or over CSXT Property changed as may be necessary to provide clearances for the proposed trackage.

XII. CLEAN-UP

Agency or Contractor, upon completion of the Project, shall remove from CSXT's Property any temporary grade crossings, any temporary erosion control measures used to control drainage, all machinery, equipment, surplus materials, falsework, rubbish, or temporary buildings belonging to Agency or Contractor. Agency or Contractor, upon completion of the Project, shall leave CSXT Property in neat condition, satisfactory to CSXT Representative.

XIII. FAILURE TO COMPLY

If Agency or Contractor violate or fail to comply with any of the requirements of these Special Provisions, (a) CSXT may require Agency and/or Contractor to vacate CSXT Property; and (b) CSXT may withhold monies due Agency and/or Contractor; (c) CSXT may require Agency to withhold monies due Contractor; and (d) CSXT may cure such failure and the Agency shall reimburse CSXT for the cost of curing such failure.

EXHIBIT D
INITIAL ESTIMATE
ATTACHED

D-1

**CSX TRANSPORTATION, INC.
FORCE ACCOUNT ESTIMATE**

ACCT. CODE : 709 - NC0725

ESTIMATE SUBJECT TO REVISION AFTER:	12/10/2018	DOT NO.:	TBD
CITY:	Greenville	COUNTY:	Pitt
DESCRIPTION:	Preliminary Engineering, Construction Engineering and Inspection, and Flagging Services for the proposed construction of the Tar River Greenway Trail beneath an existing CSXT bridge		
DIVISION:	Florence	SUB-DIV:	Parmele
AGENCY PROJECT NUMBER:	EB-5539	MILE POST:	AA-148.94

PRELIMINARY ENGINEERING:

212 Contracted & Administrative Engineering Services (CSXT In-Office)	\$	1,000
212 Contracted & Administrative Engineering Services (Arcadis)	\$	2,400
Subtotal	\$	<u>3,400</u>

CONSTRUCTION ENGINEERING/INSPECTION:

212 Contracted & Administrative Engineering Services (CSXT In-Office)	\$	1,000
212 Contracted & Administrative Engineering Services (Arcadis)	\$	43,700
Subtotal	\$	<u>44,700</u>

FLAGGING SERVICE: (Contract Labor)

070 Labor (Conductor-Flagman)	\$	-
050 Labor (Foreman/Inspector)	\$	42,160
070 Additive (Transportation Department)	\$	-
050 Additive 118.86% (Engineering Department)	\$	50,111
230 Per Diem (Engineering Department)	\$	11,729
230 Expenses	\$	-
Subtotal	\$	<u>104,000</u>

SIGNAL & COMMUNICATIONS WORK: (Details Attached) \$ 4,146

TRACK WORK: \$ -

PROJECT SUBTOTAL \$ 156,246

900 **CONTINGENCIES:** 10.00% \$ 15,625

GRAND TOTAL ***** \$ 171,871

DIVISION OF COST:

Agency	100.00%	\$ 171,871
Railroad		\$ -
TOTAL *****		\$ <u>171,871</u>

NOTE: Estimate is based on FULL CROSSING CLOSURE during work by Railroad Forces.

This estimate has been prepared based on site conditions, anticipated work duration periods, material prices, labor rates, manpower and resource availability, and other factors known as of the date prepared. The actual cost for CSXT work may differ based upon the agency's requirements, their contractor's work procedures, and/or other conditions that become apparent once construction commences or during the progress of the work

Office of Assistant Chief Engineer Public Projects--Jacksonville, Florida

Estimated prepared by:	E. Yessick, Arcadis	Approved by:	TC	CSXT Public Project Group
DATE:	6/13/2018	REVISED:		DATE: 6/29/2018

EXHIBIT E

PAYMENT SCHEDULE

Upon execution and delivery of the fully executed Construction Agreement, City will deposit with CSXT a sum equal to the Reimbursable Expenses, as shown by the Estimate. If CSXT anticipates that it may incur Reimbursable Expenses in excess of the deposited amount, CSXT will request an additional deposit equal to the then remaining Reimbursable Expenses which CSXT estimates that it will incur. CSXT shall request such additional deposit by delivery of invoices to City. City shall make such additional deposit within thirty (30) days following delivery of such invoice to City.

EXHIBIT F

INSURANCE REQUIREMENTS

I. Insurance Policies:

Agency and Contractor, if and to the extent that either is performing work on or about CSXT's property, shall procure and maintain the following insurance policies:

1. Commercial General Liability coverage at their sole cost and expense with limits of not less than \$5,000,000 in combined single limits for bodily injury and/or property damage per occurrence, and such policies shall name CSXT as an additional named insured. The policy shall include endorsement ISO CG 24 17 evidencing that coverage is provided for work within 50 feet of a railroad. If such endorsement is not included, railroad protective liability insurance must be provided as described in item 4 below.
2. Statutory Worker's Compensation and Employers Liability Insurance with limits of not less than \$1,000,000, which insurance must contain a waiver of subrogation against CSXT and its affiliates (if permitted by state law).
3. Commercial automobile liability insurance with limits of not less than \$1,000,000 combined single limit for bodily injury and/or property damage per occurrence, and such policies shall name CSXT as an additional named insured. The policy shall include endorsement ISO CA 20 70 evidencing that coverage is provided for work within 50 feet of a railroad. If such endorsement is not included, railroad protective liability insurance must be provided as described in item 4 below.
4. Railroad protective liability insurance with limits of not less than \$5,000,000 combined single limit for bodily injury and/or property damage per occurrence and an aggregate annual limit of \$10,000,000, which insurance shall satisfy the following additional requirements:
 - a. The Railroad Protective Insurance Policy must be on the ISO/RIMA Form of Railroad Protective Insurance - Insurance Services Office (ISO) Form CG 00 35.
 - b. CSX Transportation must be the named insured on the Railroad Protective Insurance Policy.
 - c. Name and Address of Contractor and Agency must appear on the Declarations page.
 - d. Description of operations must appear on the Declarations page and must match the Project description.
 - e. Authorized endorsements must include the Pollution Exclusion Amendment - CG 28 31, unless using form CG 00 35 version 96 and later.

f. Authorized endorsements may include:

- (i). Broad Form Nuclear Exclusion - IL 00 21
- (ii) 30-day Advance Notice of Non-renewal or cancellation
- (iii) Required State Cancellation Endorsement
- (iv) Quick Reference or Index - CL/IL 240

g. Authorized endorsements may not include:

- (i) A Pollution Exclusion Endorsement except CG 28 31
- (ii) A Punitive or Exemplary Damages Exclusion
- (iii) A "Common Policy Conditions" Endorsement
- (iv) Any endorsement that is not named in Section 4 (e) or (f) above.
- (v) Policies that contain any type of deductible

- 5. All insurance companies must be A. M. Best rated A- and Class VII or better.
- 6. The CSX OP number or CSX contract number, as applicable, must appear on each Declarations page and/or certificates of insurance.
- 7. Such additional or different insurance as CSXT may require.

II. Additional Terms

- 1. Contractor must submit the original Railroad Protective Liability policy, Certificates of Insurance and all notices and correspondence regarding the insurance policies to:

Insurance Department
CSX Transportation, Inc.
500 Water Street, C-907
Jacksonville, FL 32202

OR

insurancedocuments@csx.com

- 2. Neither Agency nor Contractor may begin work on the Project until it has received CSXT's written approval of the required insurance.

Project: Greenville, Pitt County, North Carolina – Proposed construction of the Tar River Greenway Trail beneath an existing CSXT undergrade Bridge, DOT # TBD, Milepost AA-148.94, Florence Division, Parmele Subdivision, CSXT OP # NC0725

SCHEDULE I

CONTRACTOR'S ACCEPTANCE

To and for the benefit of CSX Transportation, Inc. ("CSXT") and to induce CSXT to permit Contractor on or about CSXT's property for the purposes of performing work in accordance with the Agreement dated _____, 20__, between the City of Greenville and CSXT, Contractor hereby agrees to abide by and perform all applicable terms of the Agreement, including, but not limited to Exhibits C and F to the Agreement, and Sections 3, 9 and 11 of the Agreement.

Contractor: _____

By: _____

Name: _____

Title: _____

Date: _____



City of Greenville, North Carolina

Meeting Date: 8/9/2018
Time: 6:00 PM

Title of Item: Report on Bids and Contracts Awarded

Explanation:

Abstract: The Director of Financial Services reports the following bids and/or contracts were awarded over a certain dollar threshold by the Purchasing Manager and City Manager.

Explanation: The Director of Financial Services reports that the following bids and/or contracts were awarded during the month of June.

<u>Date Awarded</u>	<u>Description</u>	<u>Vendor PO Number</u>	<u>Amount</u>	<u>MWBE Vendor?</u>	<u>Does Local Preference Apply?</u>
6/15/2018	Fire Station No. 2 Expansion	DesignCo Construction PO# 18000562	\$235,285.71	No	No
6/21/2018	Public Works Fuel Island Canopy Replacement	Meridian Design Build PO# 18000565	\$129,425.00	No	No
6/28/2018	Police Citywide Surveillance Project - Fiber for various phases	Broadlinx Telecom PO# 18000571	\$59,300.28	No	No

The contract for the expansion of Fire Station #2 is being awarded to DesignCo although Meridian Design was the low bid. All bids for the fire station expansion required a bid bond. Meridian Design's bid was submitted without a bid bond thereby making it nonresponsive.

Fiscal Note: Funding for the bids and contracts awarded are included in the City of Greenville's 2017-2018 budget ordinance.

Recommendation: That award information be reflected in the City Council minutes.

ATTACHMENTS:

- ☐ **PO# 18000562**
- ☐ **PO# 18000565**
- ☐ **PO# 18000571**

BID TABULATION



Client / Facility:	City of Greenville	TEG Project No.:	20160246
Project Name:	City of Greenville Fire Station No. 2 Expansion and Roof Replacement	Client Project No.:	
		Report Date:	December 20, 2017

Bidder	License Number	Bid Bond	Power of Attorney	Contr ref form	Contr info form	MWBE forms	Addenda Acknowledged			Base Bid	Alternate 1	Alternate 2	Alternate 3	Total base plus alternates
							#1	#2	#3					
Meridian Design Build of NC	74401	no	no	yes	yes	yes	12/5*	12/5*	12/5*	\$223,750.00	\$10,080	\$10,980	\$29,975	\$274,785
DesignCo Construction, Inc	73384	yes	yes	yes	yes	yes	12/18	na	na	\$235,285.71	\$10,920	\$9,650	\$22,050	\$277,906

* there was only one addenda, and it was dated 12-18-17

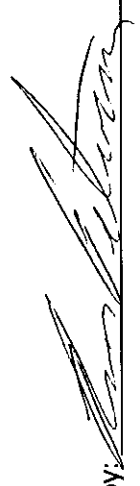
The above tabulation represents the bids received on 12-19-17 at 2:00 pm

Signed  Name / Title

BID TABULATION SHEET
 City of Greenville, North Carolina
 Public Works Department

Project Name:	Public Works Fuel Island Canopy Replacement	
Opening Location:	1500 Beatty Street	31-May-18

Contractor Name	Base Bid	Add 1	Add 2	Total
Meridian Design/Build	\$71,250.00	\$58,175.00	\$40,125.00	\$169,550.00
Spatco Energy Solutions	\$81,980.00	\$191,366.65	\$32,518.75	\$305,865.40

Certified by: 
 Ross Peterson, Building Facilities Coordinator



City of Greenville, North Carolina

Meeting Date: 8/9/2018
Time: 6:00 PM

Title of Item: Various tax refunds greater than \$100

Explanation: **Abstract:** Pursuant to North Carolina General Statute 105-381, refunds are being reported to City Council. These are refunds created by a change or release of value for City of Greenville taxes by the Pitt County Tax Assessor. Pitt County Commissioners have previously approved these refunds; they are before City Council for their approval as well. These refunds will be reported as they occur when they exceed \$100.

Explanation: The Director of Financial Services reports refunds of the following taxes:

<u>Payee</u>	<u>Adjustment Refunds</u>	<u>Amount</u>
Brown, Abbie H.	Registered Motor Vehicle	\$331.69
Davis, Michael	Registered Property Taxes	\$125.64
Ellis, Ann S.	Registered Motor Vehicle	\$250.34
Escamillia, Francisco	Registered Property Taxes	\$104.00
Fletcher Family Properties LLC	Registered Property Taxes	\$968.73
Greenville Utilities Commission (GUC)	Registered Motor Vehicle	\$319.53
Messmore, Cynthia S.	Registered Motor Vehicle	\$158.81
Mayo, Tracey G.	Registered Motor Vehicle	\$141.04
Monk, Jessica P.	Registered Motor Vehicle	\$139.86
Smithfield Hog Production Division	Registered Motor Vehicle	510.03

Wheels L T	Registered Motor Vehicle	\$133.40
Whitehurst, Neshala	Registered Property Taxes	\$135.48
Wood, John K.	Registered Property Taxes	\$118.84
	REFUNDS TOTAL:	\$3,437.39

Fiscal Note: The total to be refunded is \$3,437.39.

Recommendation: Approval of tax refunds by City Council.



City of Greenville, North Carolina

Meeting Date: 8/9/2018
Time: 6:00 PM

Title of Item: Ordinance to annex Greenville Auto Auction Site, LLC involving 39.97 acres located near the northwestern corner of the intersection of Dickinson Avenue and Brompton Lane

Explanation: **Abstract:** The City received a voluntary annexation petition to annex Greenville Auto Auction Site, LLC involving 39.97 acres located near the northwestern corner of the intersection of Dickinson Avenue and Brompton Lane. The subject property is the site of Greenville Auto Auction and is anticipated to yield a 17,500 square foot expansion.

ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: July 30, 2018
2. City Council public hearing date: August 9, 2018
3. Effective date: June 30, 2019

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 39.97
4. Voting District: 2
5. Township: Arthur

6. Zoning: CH (Heavy Commercial)
7. Land Use: Existing: Greenville Auto Auction
Anticipated: 17,500 square feet expansion
8. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	-----	0
Current Minority	-----	0
Estimated Minority at full development	-----	0
Current White	-----	0
Estimated White at full development	-----	0

* average household size

9. Rural Fire Tax District: Red Oak
10. Greenville Fire District: Station #5 (Distance of 3.0 miles)
11. Present Tax Value: \$1,485,435
Estimated Future Tax Value: \$3,235,435

Fiscal Note: The total estimated tax value at full development is \$3,235,435.

Recommendation: Approve the attached ordinance to annex Greenville Auto Auction Site, LLC

ATTACHMENTS:

- ☐ **Ordinance - _Greenville_Auto_Auction_annexation_1084575**
- ☐ **Survey**

ORDINANCE NO. 18-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 6:00 p.m. on the 9th day of August, 2018, after due notice by publication in The Daily Reflector on the 30th day of July, 2018; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled “Greenville Auto Auction Site, LLC” involving 39.97 acres as prepared by Rivers & Associates.

LOCATION: Lying and being situated in Arthur Township, Pitt County, North Carolina, located near the northwestern corner of the intersection of Dickinson Avenue and Brompton Lane.

GENERAL DESCRIPTION:

COMMENCING AT NORTH CAROLINA GEODETIC MONUMENT “LAYTON” HAVING GRID COORDINATES N: 667,555.15 FT US, E: 2,464,074.24 FT US, (NAD 83), LOCATED IN THE NORTHERN RIGHT-OF-WAY OF DICKINSON AVENUE EXTENTION (U.S. HWY 264 A & U.S. HWY 13) S 67-55-37 W, 260.87 FEET TO AN IRON PIPE SET AT THE RIGHT-OF-WAY INTERSECTION OF BROMPTON LANE AND DICKINSON AVENUE EXTENTION; THENCE WITH THE EASTERN RIGHT-OF-WAY OF BROMPTON LANE N 24-52-25 W, 50.00 FEET TO A POINT BEING THE **TRUE POINT OF BEGINNING**; BEING THE SOUTH WEST CORNER OF TAX PARCEL 84468; THENCE ALONG THE EASTERN RIGHT-OF-WAY OF BROMPTON LANE N 24-52-24 W, 21.80 FEET TO AN EXISTING IRON ROD; THENCE CURVING TO THE LEFT WITH A RADIUS OF 460.00 FEET N 49-22-56 W, 381.56 FEET (CHORD) TO AN EXISTING IRON ROD BEING A COMMON CORNER WITH MT. CARMEL CHRISTIAN CHURCH (DEED BOOK 2005, PAGE 86); THENCE LEAVING SAID RIGHT-OF-WAY N 01-13-37 W, 403.92 FEET TO AN IRON ROD SET; THENCE N 00-03-02 E, 702.68 FEET TO AN EXISTING IRON PIPE LABELED CONTROL CORNER, BEING A COMMON CORNER WITH A & M DEVELOPMENT OF PITT COUNTY, LLC (DEED BOOK 2851, PAGE 15) AND NANNIE SUE FIELDS (MAP BOOK 3, PAGE 205); THENCE N 89-28-38 E, 240.47 FEET TO AN IRON PIPE SET; THENCE N 47-09-18 E, 112.99 FEET TO AN IRON PIPE SET; THENCE N 77-26-01 E, 238.05 FEET TO AN IRON PIPE

SET; THENCE N 80-43-45 E, 18.29 FEET TO A POINT; THENCE N 80-43-45 E, 273.86 FEET TO AN IRON PIPE SET; THENCE S 64-10-06 E, 161.61 FEET TO AN IRON PIPE SET; THENCE S 87-15-08 E, 163.73 FEET TO AN IRON PIPE SET BEING A COMMON CORNER WITH NANNIE SUE FIELDS (MAP BOOK 3, PAGE 205) AND TRADE LAND COMPANY, LLC (DEED BOOK 3289, PAGE 799); THENCE S 00-13-17 W, 712.35 FEET TO AN IRON PIPE SET; THENCE S 00-13-17 W, 345.20 FEET TO A SET IRON PIPE; THENCE S 00-13-17 W, 523.34 FEET TO AN IRON PIPE SET LABELED CONTROL CORNER ON THE NORTHERN RIGHT-OF-WAY OF DICKINSON AVENUE EXTENTION; THENCE WITH THE NORTHERN RIGHT-OF-WAY S 65-07-46 W, 517.28 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY N 24-52-25 W, 450.00 FEET TO AN IRON PIPE SET; THENCE S 65-07-35 W, 200.00 FEET TO THE **TRUE POINT OF BEGINNING** CONTAINING 39.97 ACRES, BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 2767, PAGE 039 IN THE PITT COUNTY REGISTRY OF DEEDS. THIS METES AND BOUNDS DESCRIPTION EXCLUDES THE AREA OWNED BY GLOBAL SIGNAL ACQUISITIONS, IV RECORDED IN MAP BOOK 71, PAGE 58, AND DEED BOOK 2868, PAGE 186 THAT IS ENCIRCLED BY GREENVILLE AUTO AUCTION SITE, LLC PROPERTY. THIS METES AND BOUNDS DESCRIPTION WAS TAKEN FROM A MAP ENTITLED "ANNEXATION MAP GREENVILLE AUTO AUCTION SITE, LLC" PREPARED BY BENJAMIN J. PERVIS, PLS LICENSE NUMBER L-4290, DATED MARCH 22, 2018.

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

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

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

Section 5. This annexation shall take effect from and after the 30th day of June, 2019.

ADOPTED this 9th day of August, 2018.

P. J. Connelly, Mayor

ATTEST:

Carol L. Barwick, City Clerk

NORTH CAROLINA
PITT COUNTY

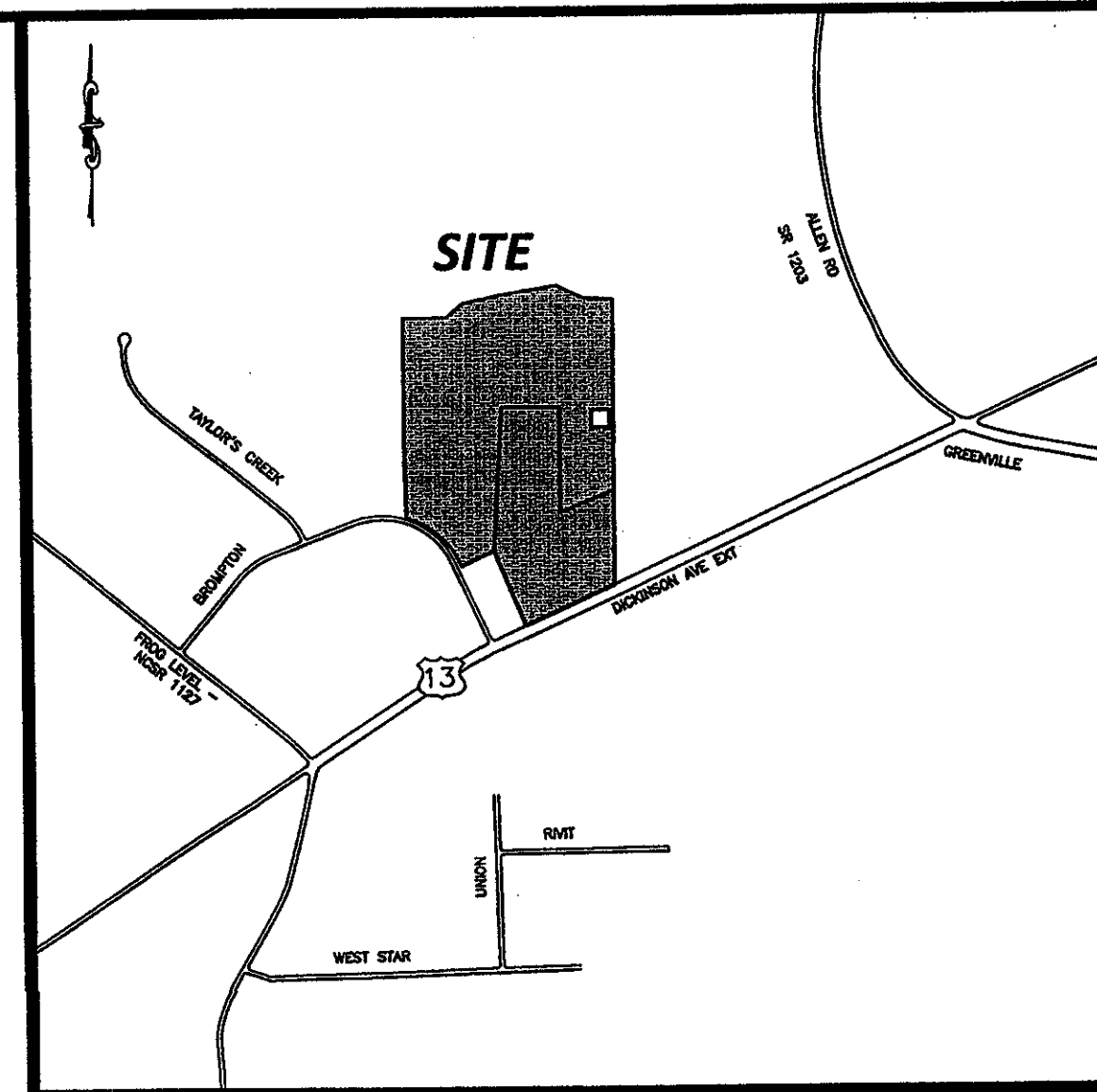
I, Polly Jones, a Notary Public for said County and State, certify that Carol L. Barwick personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument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

WITNESS my hand and official seal this ____th day of _____, 2018.

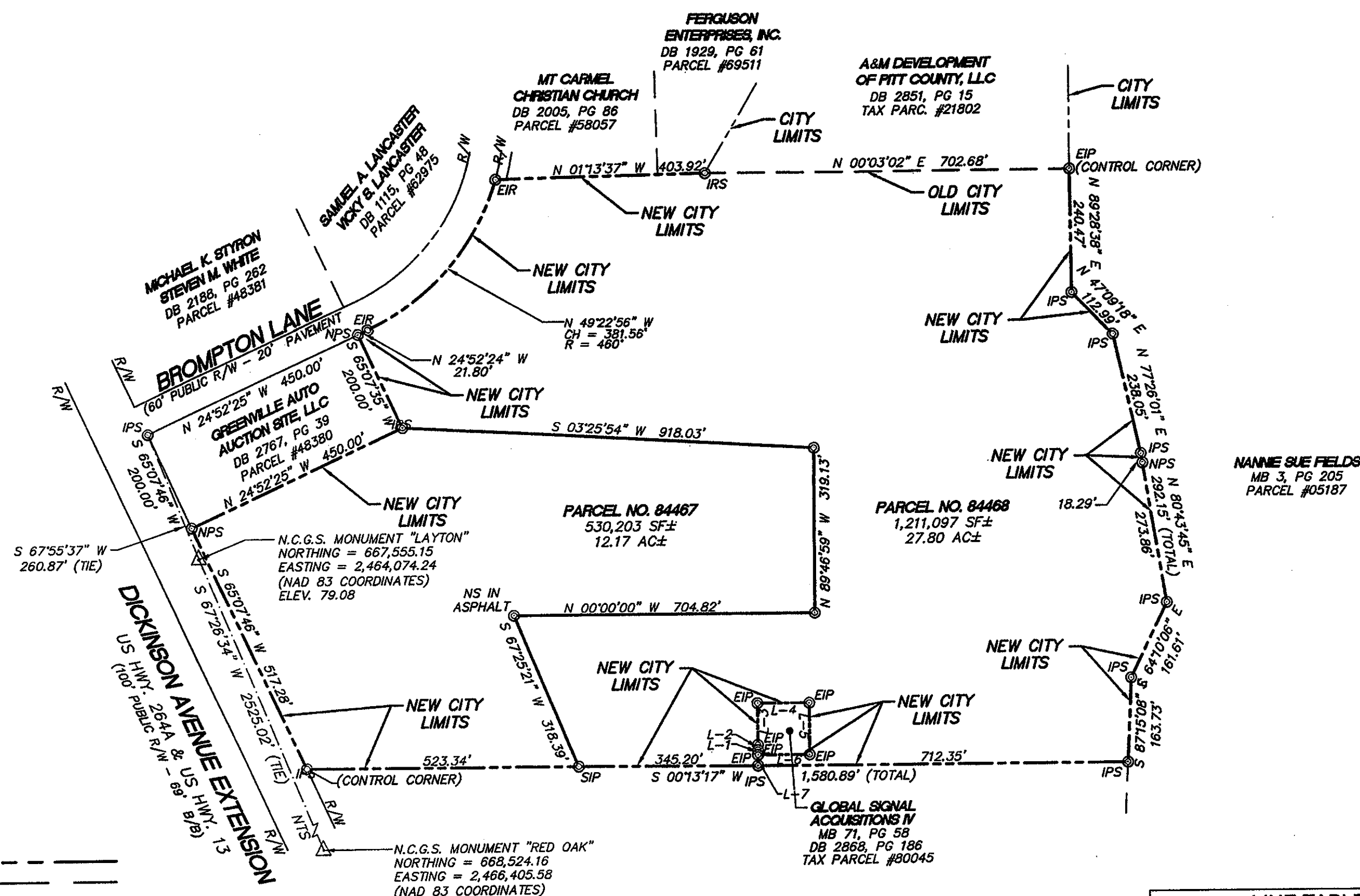
Notary Public

My Commission Expires: _____

1084575



Vicinity Map
1" = 1000'



NANNE SUE FIELDS
MB 3, PG 205
PARCEL #05187

- Notes:**
1. AREA DETERMINED BY COORDINATES.
 2. ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS.
 3. NO POINT SET AT ANY CORNER UNLESS OTHERWISE NOTED.
 4. THIS MAP WAS PREPARED FOR ANNEXATION PURPOSES ONLY; REFERENCE RECORDED BOUNDARY SURVEY IN MAP BOOK 76, PAGE 94.
 5. CITY LIMITS WAS TAKEN FROM PITT COUNTY GEOGRAPHIC INFORMATION SYSTEM.
 6. PROPERTY ADDRESS PER PITT COUNTY GIS: 4330 DICKINSON AVENUE

Legend

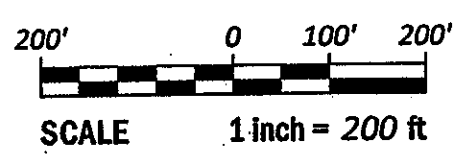
NEW CITY LIMIT	---
OLD CITY LIMIT	---
CITY LIMIT	---
PARCEL NUMBER	PARCEL NO.
RIGHT OF WAY	R/W
NO POINT SET	NPS
EXISTING IRON PIPE	EIP
EXISTING IRON ROD	EIR
NO POINT SET	NPS

TRADE LAND COMPANY, LLC
DB 3289, PG 799
PARCEL #05363

- References:**
- DEED BOOK 2767, PAGE 39
 - DEED BOOK 250, PAGE 166
 - DEED BOOK X-23, PAGE 425
 - MAP BOOK 76, PAGE 94
 - MAP BOOK 71, PAGE 58
 - MAP BOOK 38, PAGE 50
 - MAP BOOK 37, PAGE 175 & 175A
 - MAP BOOK 37, PAGE 141
 - PARCEL NUMBER 84467
 - PARCEL NUMBER 84468

LINE TABLE

LINE	DISTANCE	ANGLE
L-1	9.27'	N89°38'25"W
L-2	10.00'	S89°53'35"W
L-3	85.55'	N89°58'28"W
L-4	100.12'	N00°03'38"E
L-5	99.99'	S89°58'16"W
L-6	100.07'	S00°09'23"W
L-7	20.79'	S89°53'23"W



ANNEXATION MAP
GREENVILLE AUTO AUCTION SITE, LLC
ARTHUR TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: GREENVILLE AUTO AUCTION SITE, LLC
ADDRESS: 1645 ARLINGTON BOULEVARD, GREENVILLE, NC 27858
PHONE: (252) 355-4111

MAP NO.	PLATS RECORDED	BOOK	PAGE
	GREENVILLE AUTO AUCTION SITE, LLC	76	94
	USL AUTO AUCTION OF GREENVILLE, LLC	71	58
	OXFORD PARK	38	50
	OXFORD PARK SEC 1, PH 2	37	175 & 175A
	OXFORD PARK SEC 1, PH 1	37	141

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C.
EFFECTIVE DATE: _____ ORDINANCE NO.: _____ AREA: **39.97 ACRES**
ARTHUR TOWNSHIP, PITT COUNTY, N.C.

CERTIFICATION
NORTH CAROLINA PITT COUNTY
I, BENJAMIN J. PURVIS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION, FROM DEEDS AND MAPS REFERENCED HEREON; THAT THE RATIO OF PRECISION IS 1:10,000; THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 (F)(11)(d) AS TO THE FOLLOWING THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION. (ANNEXATION MAP)
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 27TH DAY OF MARCH 2018.

SIGNED: *Benjamin J. Purvis*
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER: L-4290

Rivers & Associates, Inc.
NO License: F-0334
Engineers, Planners, Surveyors, Landscape Architects
107 East Second Street, Greenville, NC 27834
(252) 762-4195
riversandassociates.com Since 1918

SURVEYED	APPROVED
BP	BP
DRAWN	DATE
JJB	3/22/2018
CHECKED	SCALE
BP	1"=200'



City of Greenville, North Carolina

Meeting Date: 8/9/2018
Time: 6:00 PM

Title of Item: Ordinance to annex the Stuart Michael Edwards property involving 2.027 acres located at the southwestern corner of the intersection of Portertown Road and Eastern Pines Road

Explanation: **Abstract:** The City received a voluntary annexation petition to annex the Stuart Michael Edwards property involving 2.027 acres located at the southwestern corner of the intersection of Portertown Road and Eastern Pines Road. The subject area currently contains 3,120 square feet of commercial space.

ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: July 30, 2018
2. City Council public hearing date: August 9, 2018
3. Effective date: June 30, 2019

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 2.027
4. Voting District: 4
5. Township: Grimesland

- 6. Zoning: CN (Neighborhood Commercial)
- 7. Land Use: Existing: 3,120 square feet of commercial space
Anticipated: 3,120 square feet of commercial space
- 8. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	-----	0
Current Minority	-----	0
Estimated Minority at full development	-----	0
Current White	-----	0
Estimated White at full development	-----	0

* average household size

- 9. Rural Fire Tax District: Eastern Pines
- 10. Greenville Fire District: Station #6 (Distance of 3.0 miles)
- 11. Present Tax Value: \$141,516
Estimated Future Tax Value: \$141,516

Fiscal Note: The total estimated tax value at full development is \$141,516.

Recommendation: Approve the attached ordinance to annex the Stuart Michael Edwards property

ATTACHMENTS:

- ☐ **Ordinance - _Stuart_M_Edwards_1084577**
- ☐ **Survey**

ORDINANCE NO. 18-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 6:00 p.m. on the 9th day of August, 2018, after due notice by publication in The Daily Reflector on the 30th day of July, 2018; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled “Stuart Michael Edwards” involving 2.027 acres as prepared by Baldwin Design Consultants.

LOCATION: Lying and being situated in Grimesland Township, Pitt County, North Carolina, located at the southwestern corner of the intersection of Portertown Road and Eastern Pines Road.

GENERAL DESCRIPTION:

COMMENCING AT NORTH CAROLINA GEODETIC MONUMENT “LAYTON” HAVING GRID COORDINATES N: 667,555.15 FT US, E: 2,464,074.24 FT US, (NAD 83), LOCATED IN THE NORTHERN RIGHT-OF-WAY OF DICKINSON AVENUE EXTENTION (U.S. HWY 264 A & U.S. HWY 13) S 67-55-37 W, 260.87 FEET TO AN IRON PIPE SET AT THE RIGHT-OF-WAY INTERSECTION OF BROMPTON LANE AND DICKINSON AVENUE EXTENTION; THENCE WITH THE EASTERN RIGHT-OF-WAY OF BROMPTON LANE N 24-52-25 W, 450.00 FEET TO A POINT BEING THE **TRUE POINT OF BEGINNING**; BEING THE SOUTH WEST CORNER OF TAX PARCEL 84468; THENCE ALONG THE EASTERN RIGHT-OF-WAY OF BROMPTON LANE N 24-52-24 W, 21.80 FEET TO AN EXISTING IRON ROD; THENCE CURVING TO THE LEFT WITH A RADIUS OF 460.00 FEET N 49-22-56 W, 381.56 FEET (CHORD) TO AN EXISTING IRON ROD BEING A COMMON CORNER WITH MT. CARMEL CHRISTIAN CHURCH (DEED BOOK 2005, PAGE 86); THENCE LEAVING SAID RIGHT-OF-WAY N 01-13-37 W, 403.92 FEET TO AN IRON ROD SET; THENCE N 00-03-02 E, 702.68 FEET TO AN EXISTING IRON PIPE LABELED CONTROL CORNER, BEING A COMMON CORNER WITH A & M DEVELOPMENT OF PITT COUNTY, LLC (DEED BOOK 2851, PAGE 15) AND NANNIE SUE FIELDS

(MAP BOOK 3, PAGE 205); THENCE N 89-28-38 E, 240.47 FEET TO AN IRON PIPE SET; THENCE N 47-09-18 E, 112.99 FEET TO AN IRON PIPE SET; THENCE N 77-26-01 E, 238.05 FEET TO AN IRON PIPE SET; THENCE N 80-43-45 E, 18.29 FEET TO A POINT; THENCE N 80-43-45 E, 273.86 FEET TO AN IRON PIPE SET; THENCE S 64-10-06 E, 161.61 FEET TO AN IRON PIPE SET; THENCE S 87-15-08 E, 163.73 FEET TO AN IRON PIPE SET BEING A COMMON CORNER WITH NANNIE SUE FIELDS (MAP BOOK 3, PAGE 205) AND TRADE LAND COMPANY, LLC (DEED BOOK 3289, PAGE 799); THENCE S 00-13-17 W, 712.35 FEET TO AN IRON PIPE SET; THENCE S 00-13-17 W, 345.20 FEET TO A SET IRON PIPE; THENCE S 00-13-17 W, 523.34 FEET TO AN IRON PIPE SET LABELED CONTROL CORNER ON THE NORTHERN RIGHT-OF-WAY OF DICKINSON AVENUE EXTENTION; THENCE WITH THE NORTHERN RIGHT-OF-WAY S 65-07-46 W, 517.28 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY N 24-52-25 W, 450.00 FEET TO AN IRON PIPE SET; THENCE S 65-07-35 W, 200.00 FEET TO THE **TRUE POINT OF BEGINNING** CONTAINING 39.97 ACRES, BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 2767, PAGE 039 IN THE PITT COUNTY REGISTRY OF DEEDS. THIS METES AND BOUNDS DESCRIPTION EXCLUDES THE AREA OWNED BY GLOBAL SIGNAL ACQUISITIONS, IV RECORDED IN MAP BOOK 71, PAGE 58, AND DEED BOOK 2868, PAGE 186 THAT IS ENCIRCLED BY GREENVILLE AUTO AUCTION SITE, LLC PROPERTY. THIS METES AND BOUNDS DESCRIPTION WAS TAKEN FROM A MAP ENTITLED "ANNEXATION MAP GREENVILLE AUTO AUCTION SITE, LLC" PREPARED BY BENJAMIN J. PERVIS, PLS LICENSE NUMBER L-4290, DATED MARCH 22, 2018.

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

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

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

Section 5. This annexation shall take effect from and after the 30th day of June, 2019.

ADOPTED this 9th day of August, 2018.

P. J. Connelly, Mayor

ATTEST:

Carol L. Barwick, City Clerk

NORTH CAROLINA
PITT COUNTY

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

WITNESS my hand and official seal this ____th day of _____, 2018.

Notary Public

My Commission Expires: _____

1084577



City of Greenville, North Carolina

Meeting Date: 8/9/2018
Time: 6:00 PM

Title of Item: Ordinance to annex Covengton Downe, Lot 2, Block G involving 0.796 acres located along the northern right-of-way of East Fire Tower Road and 550+/- feet east of Wimbledon Drive

Explanation: **Abstract:** The City received a voluntary annexation petition to annex Covengton Downe, Lot 2, Block G involving 0.796 acres located along the northern right-of-way of East Fire Tower Road and 550+/- feet east of Wimbledon Drive. The subject area is currently undeveloped and is anticipated to yield 2,570+/- square feet of commercial space.

ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: July 30, 2018
2. City Council public hearing date: August 9, 2018
3. Effective date: June 30, 2019

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 0.796
4. Voting District: 5
5. Township: Winterville

- 6. Zoning: CG (General Commercial)
- 7. Land Use: Existing: Vacant
Anticipated: 2,570+/- square feet of commercial space.
- 8. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	-----	0
Current Minority	-----	0
Estimated Minority at full development	-----	0
Current White	-----	0
Estimated White at full development	-----	0

* average household size

- 9. Rural Fire Tax District: Rural Winterville
- 10. Greenville Fire District: Station #3 (Distance of 4.0 miles)
- 11. Present Tax Value: \$418,176
Estimated Future Tax Value: \$675,176

Fiscal Note: The total estimated tax value at full development is \$675,176.

Recommendation: Approve the attached ordinance to annex Covengton Downe, Lot 2, Block G

ATTACHMENTS:

- Ordinance - Covengton Downe, Lot 2, Block G 1078446**
- Survey**

ORDINANCE NO. 18-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 6:00 p.m. on the 9th day of August, 2018, after due notice by publication in The Daily Reflector on the 30th day of July, 2018; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled "Covengton Downe, Lot 2, Block G" involving 0.796 acres as prepared by Coastal Carolina Surveyors, PLLC.

LOCATION: Lying and being situated in Winterville Township, Pitt County, North Carolina, located along the northern right-of-way of East Fire Tower Road and 550+/- feet east of Wimbledon Drive.

GENERAL DESCRIPTION:

All that certain tract of land known lying and being situated in the City of Greenville ETJ, Winterville Township, Pitt County, North Carolina bound by Lot 1, Block G Covengton Downe Subdivision, Lot 3, Block G Covengton Downe Subdivision, Lot 15, Block G Covengton Downe Subdivision and E. Fire Tower Road and being described by metes and bounds as follows:

BEGINNING at NGS Monument "Worship" having state plane coordinates of N666204.10 and E2490197.73, thence from said point of beginning with a tie line S 58°55'26" W 2,956.70' to a point in the northern right-of-way line of E. Fire Tower Road, said point being the TRUE POINT OF BEGINNING and the southwest corner of Lot 3, Block G Covengton Downe Subdivision as recorded in DB 3051, PG 334, thence from the TRUE POINT OF BEGINNING and running with the northern right-of-way line of E. Fire Tower Road with a curve in a counterclockwise direction, said curve having a radius of 871.59', a chord bearing of S 62°58'15" W and a chord distance of 149.66' to a point in the northern right-of-way line of E. Fire Tower Road, said point being the southeast corner of Lot 1, Block G Covengton Downe Subdivision as recorded in DB 1948, PG 274, thence cornering and leaving the northern right-of-way line of E. Fire Tower Road and running with the eastern

line of Lot 1, Block G Covengton Downe Subdivision N 33°29'18.65" W 125.36' to a point of curvature, thence with a curve in a clockwise direction, said curve having a radius of 489.00', a chord bearing of N 28°13'37" W and a chord distance of 87.53' to a point, said point being the northeast corner of Lot 1, Block G Covengton Downe Subdivision and in the southern line of Lot 15, Block G Covengton Downe Subdivision as recorded in DB 746, PG 294, thence with the southern line of Lot 15, Block G Covengton Downe Subdivision N 66°15'21" E 18288' to the northwest corner of Lot 3, Block G Covengton Downe Subdivision, thence cornering and leaving the southern line of Lot 15, Block G Covengton Downe Subdivision and with the western line of Lot 3, Block G Covengton Downe Subdivision S 22°12'42" E 202.31' to the TRUE POINT OF BEGINNING containing 34,659 square feet or 0.796 acres more or less and being all of Lot 2, Block G Covengton Downe Subdivision as shown on Coastal Carolina Surveyors, PLLC Drawing P-0790, Dated March 28, 2018 entitled "Map Showing Area Annexed by The City of Greenville, NC, Covengton Downe Subdivision Lot 2, Block G", which by reference is made a part hereof.

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

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

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

Section 5. This annexation shall take effect from and after the 30th day of June, 2019.

ADOPTED this 9th day of August, 2018.

P. J. Connelly, Mayor

ATTEST:

Carol L. Barwick, City Clerk

NORTH CAROLINA
PITT COUNTY

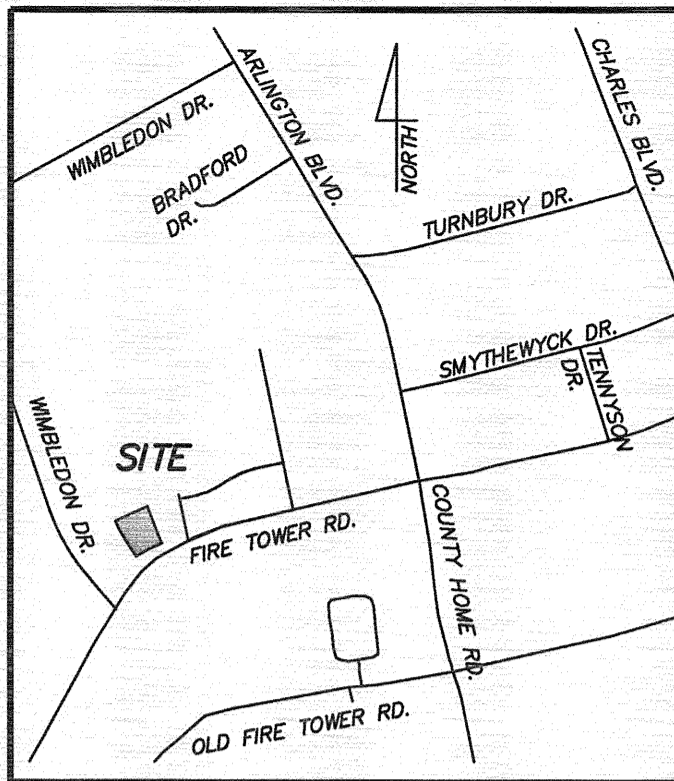
I, Polly Jones, a Notary Public for said County and State, certify that Carol L. Barwick personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument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

WITNESS my hand and official seal this ____th day of _____, 2018.

Notary Public

My Commission Expires: _____

1078446



VICINITY MAP
1"=1000'

SURVEY NOTES

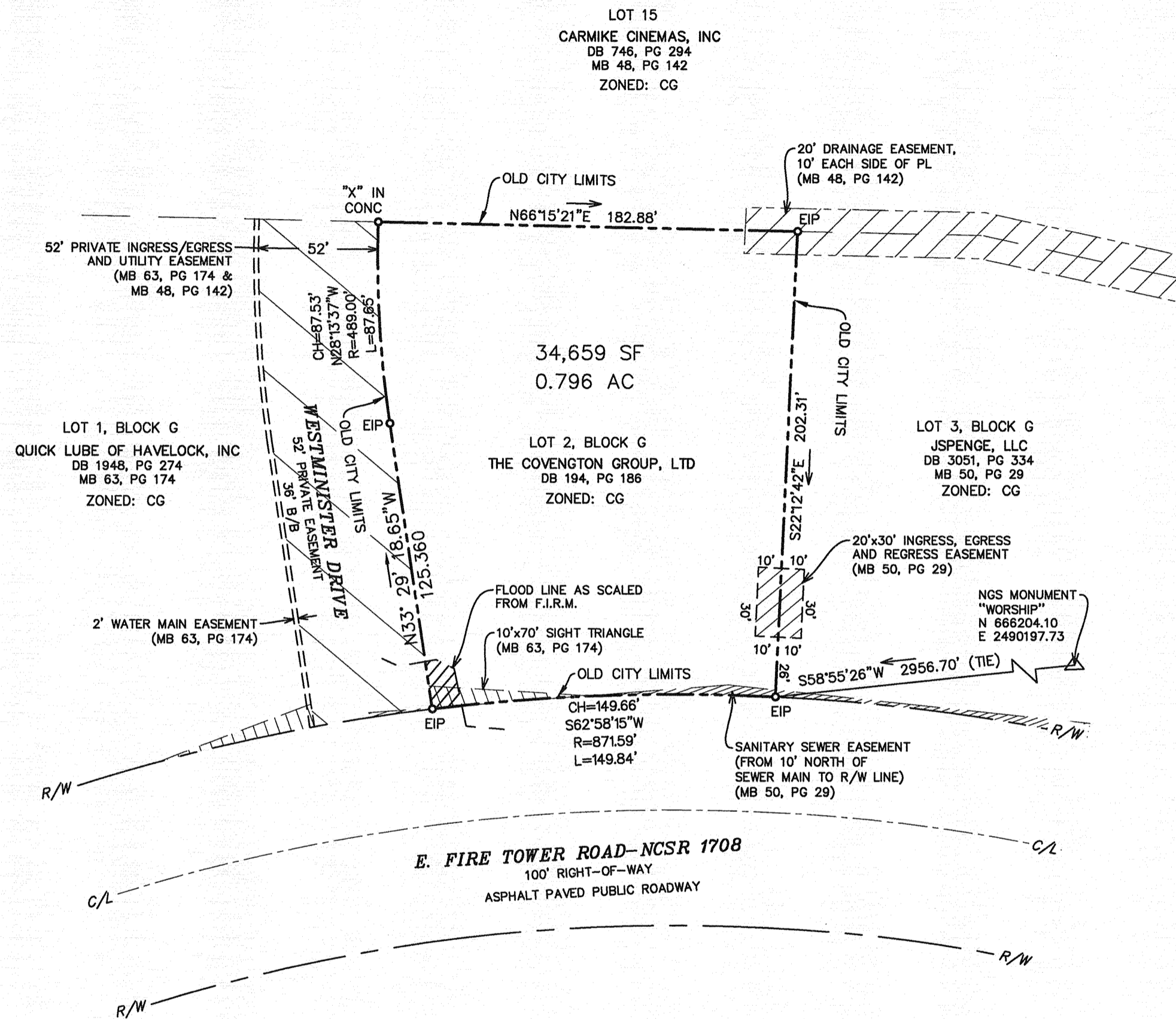
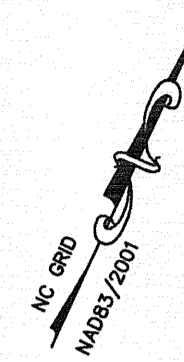
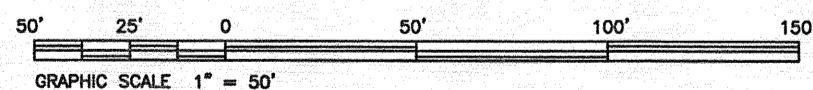
- ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS UNLESS SHOWN OTHERWISE.
- LOT AREAS CALCULATED BY COORDINATE GEOMETRY.
- A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA, AE, AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
REF: FIRM 3720468600K, CID 370191, PANEL 4686, EFFECTIVE DATE 07/07/2014.
- PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY, AND RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD.
- THIS SURVEY PERFORMED WITHOUT BENEFIT OF A TITLE REPORT.
- REFERENCES: DB 194, PG 186
MB 36, PG 8
MB 63, PG 174
MB 50, PG 29
MB 48, PG 142

LEGEND

- B/B BACK OF CURB TO BACK OF CURB
- C/L CENTERLINE
- CONC CONCRETE
- DB DEED BOOK
- EIP EXISTING IRON PIPE
- IPS IRON POINT SET
- MB MAP BOOK
- NTS NOT TO SCALE
- PG PAGE
- PL PROPERTY LINE
- R/W RIGHT OF WAY

LINE LEGEND

- NEW CITY LIMIT LINE = - - - - -
- OLD CITY LIMIT LINE = - - - - -
- CITY LIMIT LINE = - - - - -



LOT 15
CARMIKE CINEMAS, INC
DB 746, PG 294
MB 48, PG 142
ZONED: CG

LOT 1, BLOCK G
QUICK LUBE OF HAVELOCK, INC
DB 1948, PG 274
MB 63, PG 174
ZONED: CG

LOT 2, BLOCK G
THE COVENGTON GROUP, LTD
DB 194, PG 186
ZONED: CG

LOT 3, BLOCK G
JSPENGE, LLC
DB 3051, PG 334
MB 50, PG 29
ZONED: CG



SURVEYOR'S CERTIFICATION

THIS IS TO CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK _____ PAGE _____ OR FROM BOOKS REFERENCED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK _____ PAGE _____ OR AS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (f) (1) (d), THIS SURVEY IS OF ANOTHER CATEGORY AND IS AN EXEMPTION TO THE DEFINITION OF A SUBDIVISION.
WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 17 DAY OF APRIL, 2018.

Kenneth L. Biggs, Sr., P.L.S. L-3110

COVENGTON DOWNE SUBDIVISION			MAP NO.	PLATS RECORDED	MAP BOOK	PAGE
LOT 2, BLOCK G BEING PITT COUNTY TAX PARCEL 82585, NC PIN 4686745743, AS RECORDED IN DEED BOOK 194, PAGE 186 OF THE PITT COUNTY REGISTRY GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA				N/A		
COASTAL CAROLINA SURVEYORS, PLLC LAND SURVEYORS PO BOX 2768, WINTERVILLE, NC 28590 CELL (252) 702-1427 OFFICE/FAX (252) 321-6236 kenbiggs1@yahoo.com	SURVEYED: KB	APPROVED: KB				
	DRAWN: CT	DATE: 03/28/18				
	CHECKED: KB	SCALE: 1" = 50'				

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C.
(EFFECTIVE DATE _____ ORDINANCE # _____ AREA 0.796 AC)
WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.



City of Greenville, North Carolina

Meeting Date: 8/9/2018
Time: 6:00 PM

Title of Item: Ordinance to annex the Greenville Utilities Commission Operations Center involving 86.81 acres located at the southwestern corner of the intersection of Martin Luther King, Jr. Highway and NC Highway 43

Explanation: **Abstract:** The City received a voluntary annexation petition to annex the Greenville Utilities Commission Operations Center involving 86.81 acres located at the southwestern corner of the intersection of Martin Luther King, Jr. Highway and NC Highway 43. The subject area is currently undeveloped and is anticipated to yield 120,000+/- square feet of public utility space.

ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: July 30, 2018
2. City Council public hearing date: August 9, 2018
3. Effective date: June 30, 2019

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 86.81
4. Voting District: 1
5. Township: Falkland

6. Zoning: CH (Heavy Commercial)
7. Land Use: Existing: Vacant
Anticipated: 120,000+/- square feet of public utility space
8. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	-----	0
Current Minority	-----	0
Estimated Minority at full development	-----	0
Current White	-----	0
Estimated White at full development	-----	0

* average household size

9. Rural Fire Tax District: Red Oak
10. Greenville Fire District: Station #2 (Distance of 4.0 miles)
11. Present Tax Value: \$0 (tax exempt)
Estimated Future Tax Value: \$0 (tax exempt)

Fiscal Note: The total estimated tax value at full development is \$0 (tax exempt).

Recommendation: Approve the attached ordinance to annex the Greenville Utilities Commission Operations Center

ATTACHMENTS:

- Ordinance_-_GUC_OP_Center_annexation_1084574
- Survey

ORDINANCE NO. 18-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 6:00 p.m. on the 9th day of August, 2018, after due notice by publication in The Daily Reflector on the 30th day of July, 2018; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled "Greenville Utilities Commission Operations Center" involving 86.81 acres as prepared by The East Group.

LOCATION: Lying and being situated in Farmville Township, Pitt County, North Carolina, located at the southwestern corner of the intersection of Martin Luther King, Jr, Highway and NC Highway 43.

GENERAL DESCRIPTION:

LYING AND BEING IN FALKLAND TOWNSHIP, PITT COUNTY, NORTH CAROLINA NEAR THE INTERSECTION OF NC HIGHWAY 43 AND ON/OFF RAMP FOR THE WEST BOUND LANE OF US HIGHWAY 264 BYPASS, SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT, SAID POINT LYING N 01°14'11" E, 1,244.33 FEET FROM N.C.G.S.M. "VERA" HAVING NAD 83 GRID COORDINATES N (Y) 683,709.28 E, (X) 2,464,459.82; THENCE S 55°54'51" W, 47.72 FEET TO A POINT; THENCE S 52°23'19" W, 47.54 FEET TO A POINT; THENCE S 75°57'48" W, 34.22 FEET TO A POINT; THENCE N 53°47'31" W, 33.79 FEET TO A POINT; THENCE S 76°47'45" W, 48.78 FEET TO A POINT; THENCE S 44°47'59" W, 41.99 FEET TO A POINT; THENCE N 52°29'07" W, 41.52 FEET TO A POINT; THENCE S 72°35'09" W, 54.95 FEET TO A POINT; THENCE S 40°28'02" W, 38.43 FEET TO A POINT; THENCE N 57°31'55" W, 45.77 FEET TO A POINT; THENCE N 67°12'20" W, 39.54 FEET TO A POINT; THENCE S 53°46'04" W, 34.65 FEET TO A POINT; THENCE S 05°02'50" E, 26.30 FEET TO A POINT; THENCE S 21°07'43" W, 17.52 FEET TO A POINT; THENCE N 63°46'56" W, 30.26 FEET TO A POINT; THENCE S 67°02'27" W, 76.54 FEET TO A POINT; THENCE S 88°39'23" W,

23.63 FEET TO A POINT; THENCE N 57°47'12" W, 21.12 FEET TO A POINT; THENCE N 14°19'58" W, 73.29 FEET TO A POINT; THENCE N 50°36'35" W, 26.54 FEET TO A POINT; THENCE N 83°40'40" W, 11.26 FEET TO A POINT; THENCE S 59°57'37" W, 15.72 FEET TO A POINT; THENCE N 77°18'04" W, 47.47 FEET TO A POINT; THENCE S 11°34'10" W, 18.58 FEET TO A POINT; THENCE S 56°56'59" W, 28.09 FEET TO A POINT; THENCE S 74°47'26" W, 16.95 FEET TO A POINT; THENCE N 62°25'58" W, 23.91 FEET TO A POINT; THENCE S 86°44'04" W, 33.30 FEET TO A POINT; THENCE S 82°20'10" W, 33.70 FEET TO A POINT; THENCE N 75°05'37" W, 26.39 FEET TO A POINT; THENCE N 36°59'16" W, 19.52 FEET TO A POINT; THENCE N 87°23'40" W, 43.72 FEET TO A POINT; THENCE N 89°48'22" W, 38.59 FEET TO A POINT; THENCE S 50°04'12" W, 17.82 FEET TO A POINT; THENCE S 62°45'38" W, 34.05 FEET TO A POINT; THENCE N 88°59'49" W, 12.62 FEET TO A POINT; THENCE S 46°59'19" W, 13.96 FEET TO A POINT; THENCE N 83°35'23" W, 104.43 FEET TO A POINT; THENCE N 26°17'37" W, 44.77 FEET TO A POINT; THENCE N 58°12'49" W, 20.20 FEET TO A POINT; THENCE N 38°33'07" W, 23.20 FEET TO A POINT; THENCE N 80°59'06" W, 24.42 FEET TO A POINT; THENCE S 63°38'41" W, 20.73 FEET TO A POINT; THENCE N 25°16'46" W, 67.30 FEET TO A POINT; THENCE N 15°27'29" W, 59.14 FEET TO A POINT; THENCE N 32°47'26" W, 15.43 FEET TO A POINT; THENCE N 78°36'34" W, 38.26 FEET TO A POINT; THENCE S 54°27'32" W, 46.01 FEET TO A POINT; THENCE N 42°17'39" W, 36.54 FEET TO A POINT; THENCE 67°32'39" W, 33.28 FEET TO A POINT; THENCE N 86°00'57" W, 146.25 FEET TO A POINT; THENCE 25°04'26" W, 73.70 FEET TO A POINT; THENCE N 28°46'15" W, 175.30 FEET TO A POINT; THENCE S 85°46'05" W, 52.06 FEET TO A POINT; THENCE N 23°56'56" W, 37.16 FEET TO A POINT; THENCE N 77°51'13" W, 41.39 FEET TO A POINT; THENCE N 73°35'50" W, 25.66 FEET TO A POINT; THENCE N 49°02'14" W, 69.92 FEET TO A POINT; THENCE S 60°04'03" W, 41.16 FEET TO A POINT; THENCE S 76°12'58" W, 38.36 FEET TO A POINT; THENCE N 25°23'54" E, 147.65 FEET TO A POINT; THENCE N 25°23'54" E, 238.00 FEET TO A POINT; THENCE N 25°23'54" E, 906.60 FEET TO A POINT; THENCE S 64°35'59" E, 29.98 FEET TO A POINT; THENCE S 64°35'59" E, 637.28 FEET TO A POINT; THENCE N 25°24'01" E, 1,756.33 FEET TO A POINT; THENCE N 73°04'37" W, 674.68 FEET TO A POINT; THENCE N 25°23'48" E, 101.10 FEET TO A POINT; THENCE S 73°04'30" E, 713.00 FEET TO A POINT; THENCE S 16°55'30" W, 99.97 FEET TO A POINT; THENCE S 19°43'11" E, 122.50 FEET TO A POINT; THENCE S 73°04'36" E, 137.35 FEET TO A POINT; THENCE S 73°04'36" E, 210.00 FEET TO A POINT; THENCE N 19°23'21" E, 68.16 FEET TO A POINT; THENCE S 64°10'55" E, 44.09 FEET TO A POINT; THENCE S 28°08'18" E, 74.73 FEET TO A POINT; THENCE S 04°55'37" W, 492.07 FEET TO A POINT; THENCE S 05°53'57" W, 194.78 FEET TO A POINT; THENCE S 18°25'14" W, 194.30 FEET TO A POINT; THENCE S 19°20'31" W, 115.83 FEET TO A POINT; THENCE S 14°39'55" W, 149.83 FEET TO A POINT; THENCE S 13°46'36" W, 207.14 FEET TO A POINT; THENCE S 19°06'27" W, 410.40 FEET TO A POINT; THENCE S 09°32'20" W, 307.84 FEET TO A POINT; THENCE S 01°52'08" E, 156.24 FEET TO A POINT; THENCE S 12°26'47" W, 218.64 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 86.81 ACRES MORE OR LESS.

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

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

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

Section 5. This annexation shall take effect from and after the 30th day of June, 2019.

ADOPTED this 9th day of August, 2018.

P. J. Connelly, Mayor

ATTEST:

Carol L. Barwick, City Clerk

NORTH CAROLINA
PITT COUNTY

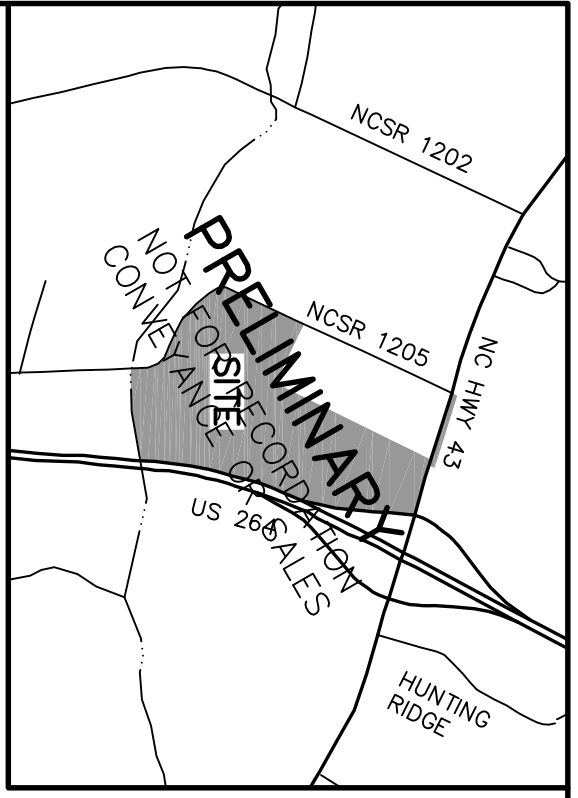
I, Polly Jones, a Notary Public for said County and State, certify that Carol L. Barwick personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument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

WITNESS my hand and official seal this ____th day of _____, 2018.

Notary Public

My Commission Expires: _____

1084574



LINE TABLE FROM "A" TO "B"

LINE	LENGTH	BEARING
L1	47.72	S85°53'41"W
L2	37.54	S52°23'19"W
L3	33.79	S23°27'48"W
L4	48.28	S76°47'45"W
L5	41.99	S44°47'59"W
L6	41.52	N52°29'07"W
L7	54.95	S72°35'09"W
L8	38.43	S40°28'02"W
L9	45.77	N57°31'55"W
L10	39.54	N67°12'20"W
L11	26.50	S53°46'54"W
L12	17.82	S210°7'43"W
L13	30.26	N63°46'56"W
L14	76.54	S67°02'27"W
L15	23.63	S89°39'23"W
L16	21.12	N57°47'12"W
L17	73.29	N14°19'58"W
L18	26.54	N50°36'35"W
L19	11.26	N83°40'40"W
L20	47.47	S27°18'04"W
L21	18.58	S11°34'10"W
L22	28.09	S56°56'59"W
L23	16.95	S74°47'26"W
L24	23.91	N62°25'58"W
L25	33.70	S82°20'10"W
L26	26.59	N25°05'37"W
L27	18.53	N55°39'46"W
L28	43.72	N67°23'40"W

LINE TABLE "B" TO "C"

LINE	LENGTH	BEARING
L33	38.59	N89°48'22"W
L34	17.82	S90°04'12"W
L35	34.05	S82°45'38"W
L36	13.96	N88°59'49"W
L37	104.43	N83°35'33"W
L38	44.77	N28°12'32"W
L39	20.20	N81°24'49"W
L40	23.20	N83°30'07"W
L41	24.42	N80°59'06"W
L42	20.75	S83°38'41"W
L43	67.30	N25°16'46"W
L44	59.14	N152°27'29"W
L45	41.39	N78°56'42"W
L46	46.01	S54°27'32"W
L47	36.54	N42°17'39"W
L48	33.28	N67°32'39"W
L49	146.25	N86°00'57"W
L50	73.70	N25°04'26"W
L51	175.30	N28°46'15"W
L52	52.06	S85°46'05"W
L53	41.39	N23°35'35"W
L54	25.66	N73°35'30"W
L55	69.92	N49°02'14"W
L56	41.16	S60°04'03"W
L57	38.37	S76°12'58"W

LINE TABLE

LINE	LENGTH	BEARING
L61	137.35	S130°43'46"E
L62	210.00	S73°04'36"E
L63	68.16	N19°23'21"E
L64	44.09	S84°10'55"E
L65	74.73	S28°08'18"E
L66	194.30	S18°25'14"W
L67	115.83	S18°25'14"W
L68	249.83	S14°39'55"W
L69	156.74	S13°35'30"W
L70	156.74	S13°35'30"W
L71	218.64	S12°26'47"W

CITY LIMIT LINE TYPE LEGEND

NEW CITY LIMIT ———

OLD CITY LIMIT - - - - -

CITY LIMIT - - - - -

ANNEXATION MAP FOR GREENVILLE UTILITIES COMMISSION OPERATIONS CENTER TRACT 2 FORBES FARM, LLC MB 81 PG 74 PARCEL NUMBER 83675

CITY OF GREENVILLE FOR THE BENEFIT OF GREENVILLE UTILITIES COMMISSION

ADDRESS : PO BOX 1847 GREENVILLE, NC 27833

PHONE : (252) 551-1491

THE EAST GROUP
324 S. EVANS ST.
GREENVILLE, NC 27834
(252) 788-9746
CORPORATE LICENSE NO. 00206

Engineering, Architecture, Surveying, Technology

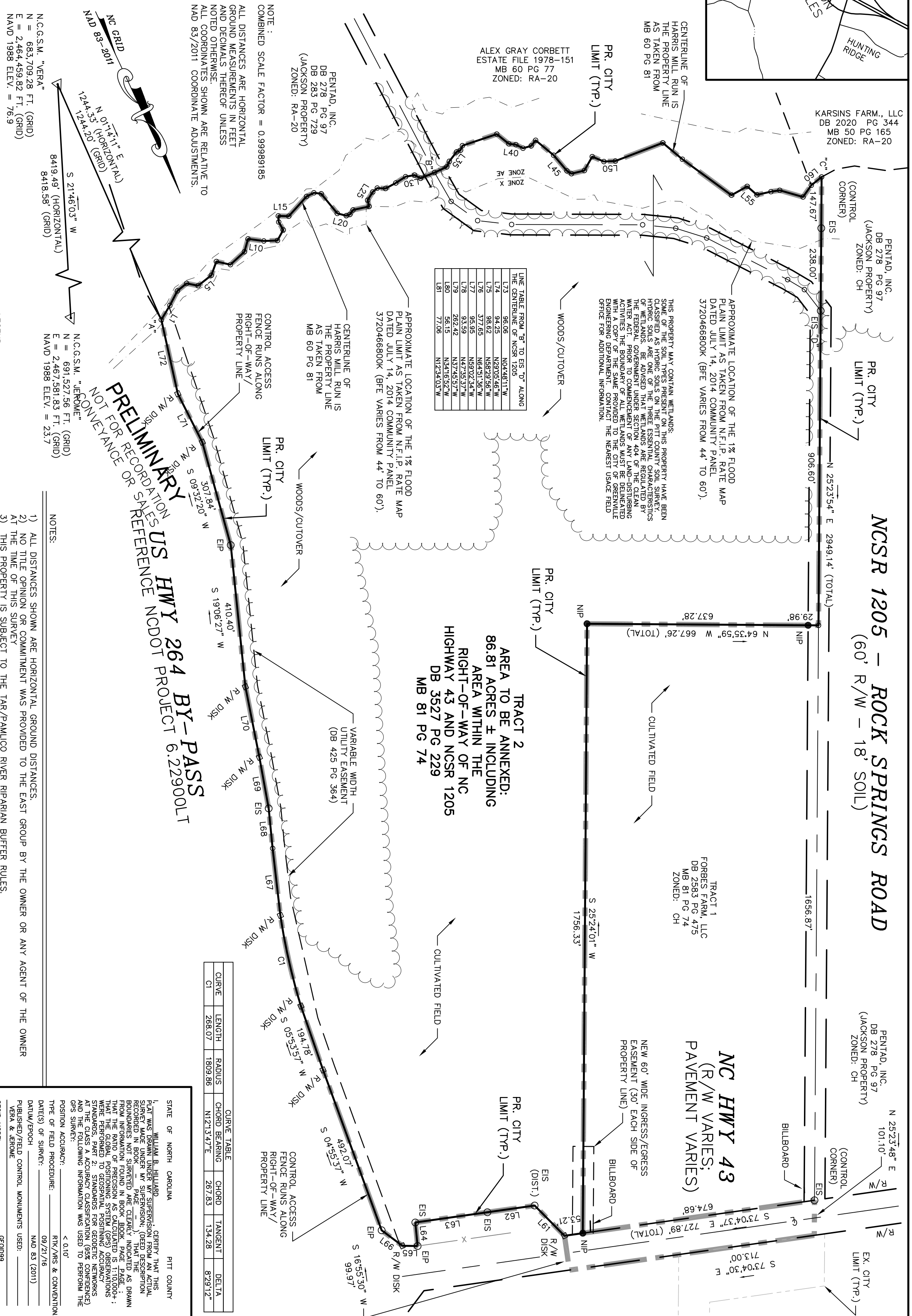
APPROXIMATE LOCATION OF THE 1% FLOOD PLAIN LIMIT AS TAKEN FROM N.F.I.P. RATE MAP DATED JULY 14, 2014 COMMUNITY PANEL 3720466800K (BFE VARIES FROM 44' TO 60').

APPROXIMATE LOCATION OF THE 1% FLOOD PLAIN LIMIT AS TAKEN FROM N.F.I.P. RATE MAP DATED JULY 14, 2014 COMMUNITY PANEL 3720466800K (BFE VARIES FROM 44' TO 60').

LINE TABLE FROM "B" TO "EIS" TO "A" ALONG THE CENTERLINE OF NCSR 1205

LINE	LENGTH	BEARING
L72	94.25	N20°05'44"W
L73	98.62	N58°29'56"W
L74	377.65	N64°51'36"W
L75	93.95	N59°02'34"W
L76	262.42	N47°35'37"W
L77	56.15	N37°45'57"W
L78	77.06	N72°34'03"W

APPROXIMATE LOCATION OF THE 1% FLOOD PLAIN LIMIT AS TAKEN FROM N.F.I.P. RATE MAP DATED JULY 14, 2014 COMMUNITY PANEL 3720466800K (BFE VARIES FROM 44' TO 60').



- NOTES:
- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
 - 2) NO TITLE OPINION OR COMMITMENT WAS PROVIDED TO THE EAST GROUP BY THE OWNER OR ANY AGENT OF THE OWNER AT THE TIME OF THIS SURVEY.
 - 3) THIS PROPERTY IS SUBJECT TO THE TARP/PANUICO RIVER RIPARIAN BUFFER RULES.
 - 4) THE SURVEYOR MAKES NO GUARANTEE THAT THERE ARE NO OTHER EASEMENTS THAT MAY BENEFIT OR BURDEN THE SUBJECT PROPERTY.
 - 5) THIS PROPERTY IS LOCATED IN ZONE X AND AE AND IS PARTIALLY LOCATED IN A SPECIAL FLOOD HAZARD AREA AS TAKEN FROM N.F.I.P. RATE MAP DATED JULY 14, 2014 COMMUNITY PANEL 3720466800K (BFE VARIES FROM 44' TO 60').
 - 6) FOR PROPERTY SETBACKS AND BUFFER YARDS CONSULT THE CITY OF GREENVILLE ZONING ORDINANCE.
 - 7) THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.
 - 8) UTILITIES AND IMPROVEMENTS ON THE PROPERTY ARE NOT SHOWN FOR CLARITY.
 - 9) SIGN AND DRAINAGE EASEMENTS SHALL BE PROVIDED AS DESCRIBED IN THE "AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY" BETWEEN GREENVILLE UTILITIES COMMISSION OF THE CITY OF GREENVILLE, NORTH CAROLINA AND FORBES FARM, LLC DATED APRIL 21, 2016.

STATE OF NORTH CAROLINA

WILLIAM B. HILLIARD, CERTIFY THAT THIS SURVEY WAS MADE UNDER MY SUPERVISION FROM AN ACTUAL RECORD IN BOOK NO. 81 PAGE 74 THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK RECORD PAGE 2483, 114-114 THAT THE GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS WERE PERFORMED TO GEOSPATIAL POSITIONING ACCURACY STANDARD CLASS ACCURACY CLASSIFICATION (GNSS CONFIDENCE) AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GPS SURVEY:

POSITION ACCURACY: < 0.10'

TYPE OF FIELD PROCEDURE: RTK/WMS & CONVENTIONAL

DATE(S) OF SURVEY: 09/21/16

PUBLISHED/FIELD CONTROL MONUMENTS USED: NAD 83 (2011)

GENA & GENOE

CEOID MODEL: GCG099

CEOID NUMBER: 0.99989185

COMBINED GRID FACTOR: U.S. SURVEY FEET

UNITS:

DATE: _____

REVIEW OFFICER: _____

MAP NO. 81

BOOK 74

PAGE 74

MAP SHOWING AREA ANNEXED BY THE CITY OF GREENVILLE, NC

86.81 AC ±

DATE _____

ORDINANCE NO. _____

AREA _____

FALKLAND TOWNSHIP, PITT COUNTY, N.C.



City of Greenville, North Carolina

Meeting Date: 8/9/2018
Time: 6:00 PM

Title of Item:

Ordinance requested by the City of Greenville to rezone 0.10+/- acres (4,356 square feet) located along the eastern right-of-way of Roosevelt Avenue and 75+/- feet south of West 5th Street from R6 (Residential) to CDF (Downtown Commercial Fringe)

Explanation:

Abstract: The City of Greenville has submitted a request to rezone 0.10+/- acres (4,356 square feet) located along the eastern right-of-way of Roosevelt Avenue and 75+/- feet south of West 5th Street from R6 (Residential) to CDF (Downtown Commercial Fringe).

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on July 2, 2018.

On-site sign(s) posted on July 2, 2018.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on July 24, 2018.

Public hearing legal advertisement published on July 30 and August 6, 2018.

Comprehensive Plan:

The Future Land Use and Character Map recommends mixed use (MU) along the southern right-of-way of West 5th Street roughly between Bonners Lane and South Memorial Drive transitioning to uptown neighborhood (UN) and traditional neighborhood, medium-high density (TNMH) to the south.

Mixed Use

Small-scale activity centers that contain places to live, work, and shop integrated in a walkable pattern. Mixed use buildings are located close together and near the street. Buildings tend to be smaller than mixed use, high intensity (MUHI), supporting primarily locally-oriented uses and serving as a transition in intensity to nearby neighborhoods.

Intent:

- Vertical mixed use buildings (residential or office above commercial) as well as various single-use buildings that are integrated in a walkable street pattern
- Accommodate parking on-street, behind or to one side of buildings, or in parking structures; limit curb cuts that break main pedestrian ways; wrap parking structures with other uses or decorative elements; light parking well for safety
- Provide pedestrian and vehicular connection to surrounding development

Primary uses:

Office

Commercial

Multi-family residential

Secondary uses:

Institutional/civic

Uptown Neighborhood

Uptown neighborhood is a primarily residential area surrounding the uptown core (UC) and uptown edge (UE). It features a grid street pattern and mix of residential building types on small lots, with some commercial, office and civic uses.

Intent:

- Improve/maintain streetscape features such as consistent sidewalks, street trees, and lighting
- Introduce neighborhood-scale commercial centers at key intersections
- Address blight/property maintenance
- Address historic preservation efforts

Primary uses:

Single-family residential

Two-family residential

Secondary uses:

Multi-family residential

Commercial (neighborhood scale)

Institutional/civic (neighborhood scale)

Traditional Neighborhood, Medium-High Density

Primarily residential area featuring a mix of higher density housing types ranging from multi-family, townhomes, and small-lot single-family detached. They are typically located within a walkable distance to a neighborhood activity center. Traditional neighborhoods should have a walkable street network of small blocks, a defined center and edges, and connections to surrounding development.

Intent:

- Provide streetscape features such as sidewalks, street trees, and lighting
- Allow neighborhood-scale commercial or mixed use centers at key intersections within neighborhoods

Primary uses:

Multi-family residential

Single-family residential attached (townhomes) and detached (small-lot)

Secondary uses:

Institutional (neighborhood scale)

This subject property is included in the West Greenville Certified Redevelopment Area in The Center City - West Greenville Revitalization Plan. It is specifically located in Focus Area 6, which is described as:

Area 6: Fourteenth Avenue and Sixth Street

The Fourteenth Avenue and Sixth Street area is primarily residential in character. As with most of the areas within the Redevelopment Plan, there are numerous rental properties. Many of the rental properties have experienced a high degree of deterioration. In response, efforts to improve the area may include rehabilitation of owner-occupied units and acquisition/demolition of dilapidated units to make lots available for new construction. The focus in this area will be on providing a diverse array of residential opportunities.

Housing policy statements include:

- To improve and revitalize existing neighborhoods.
- To improve, preserve and develop residential areas.
- To encourage the rehabilitation of dilapidated units and the development of vacant lots, and encourage the preservation, renovation, code enforcement, and rehabilitation of older housing stock.

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

An increase in density is not anticipated. Therefore, a traffic volume report was not generated.

History/Background:

In 1969, the property was zoned to its current zoning.

Existing Land Uses:

One (1) duplex building (city-owned)

Water/Sewer:

Water and sanitary sewer are available to the property.

Historic Sites:

There are no known effects on historic sites.

Environmental Conditions/Constraints:

The property is located in the Harris Mill Run / Schoolhouse Branch Watershed. Since the property is less than 0.5 acres, stormwater rules will not apply.

Surrounding Land Uses and Zoning:

North: CDF - One (1) single-family residence (City-owned)
South: R6 - One (1) vacant lot (City-owned)
East: CDF - One (1) vacant lot (City-owned)
West: R6 - One (1) single-family residence

Density Estimates:

Due to the small size of the tract, an increase in density is not anticipated.

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

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan , the Future Land Use and Character Map and The Center City - West Greenville Revitalization Plan.

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

The Planning and Zoning Commission voted unanimously to approve the request at its July 17, 2018 meeting.

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

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

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

ATTACHMENTS:

- ▣ **Ordinance_City_of_Greenville_18-16_1083495**
- ▣ **Minutes_-_COG_rezoning_18-16_1084667**
- ▣ **Attachments**

ORDINANCE NO. 18-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 9th day of August, 2018, at 6:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character designation and is located in a Preferred Growth Area;

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

Section 1. That the following described territory is rezoned from R6 (Residential) to CDF (Downtown Commercial Fringe).

TO WIT: City of Greenville

LOCATION: Located along the eastern right-of-way of Roosevelt Avenue and 75+/- feet south of West 5th Street.

DESCRIPTION: Beginning at a known point, said point being the intersection of the southern right-of-way West 5th Street and the eastern right-of-way of Roosevelt Avenue thence running along the eastern right-of-way of Roosevelt Avenue in a southerly direction for 75+/- feet; thence cornering and running along the northern property line of the property identified as Pitt County parcel number 00079 in an easterly direction for 115+/- feet; thence cornering and running along the eastern property line of the property identified as Pitt County parcel number 00079 in a southerly direction for 35+/- feet; thence cornering and running along the southern property line of the property identified as Pitt County parcel number 00079 in a westerly direction for 115+/- feet; thence cornering and running along the eastern right-of-way of Roosevelt Avenue in a northerly direction for 115 +/- feet returning to the point of beginning and containing 0.10 +/- acres.

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

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

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

ADOPTED this 9th day of August, 2018.

P. J. Connelly, Mayor

ATTEST:

Carol L. Barwick, City Clerk

1083495

Excerpt from the draft Planning & Zoning Commission Minutes (07/17/2018)

ORDINANCE REQUESTED BY THE CITY OF GREENVILLE TO REZONE 0.10+/- ACRES (4,356 SQUARE FEET) LOCATED ALONG THE EASTERN RIGHT-OF-WAY OF ROOSEVELT AVENUE AND 75+/- FEET SOUTH OF WEST 5TH STREET FROM R6 (RESIDENTIAL) TO CDF (DOWNTOWN COMMERCIAL FRINGE) – APPROVED

Ms. Gooby, delineated the property. The city owns the property. Currently, there is a boarded-up duplex on the property. This area is mainly single-family homes. There are commercial uses along West 5th Street. Due to the small size, a traffic report wasn't prepared. Since the property is less than a half-acre, stormwater rules do not apply. This rezoning is located in Area 6 of The Center City – West Greenville Revitalization Plan. The plan states the focus of this area should be the rehabilitation of structures and acquisition/demolition of dilapidated structures to allow for new construction. The property is adjacent to a single-family home that is owned by the city, which is zoned CDF. The Future Land Use and Character Map recommends mixed use along West 5th Street roughly between Bonners Lane and South Memorial Drive. This character is described as a place to live, work and shop. In staff's opinion, the request is in compliance with the Horizons 2026: Greenville's Community Plan, the Future Land Use and Character Map and The Center City – West Greenville Revitalization Plan. Staff recommends approval.

Ms. Karen Gilkey, representing the Greenville Housing Division, spoke in favor of the request. In addition to this property, the City owns the adjacent single-family property. The plan is to demolish the existing duplex on the rezoning site and combine it with the single-family property. This will allow for a driveway for the single-family property on Roosevelt Avenue instead of West 5th Street.

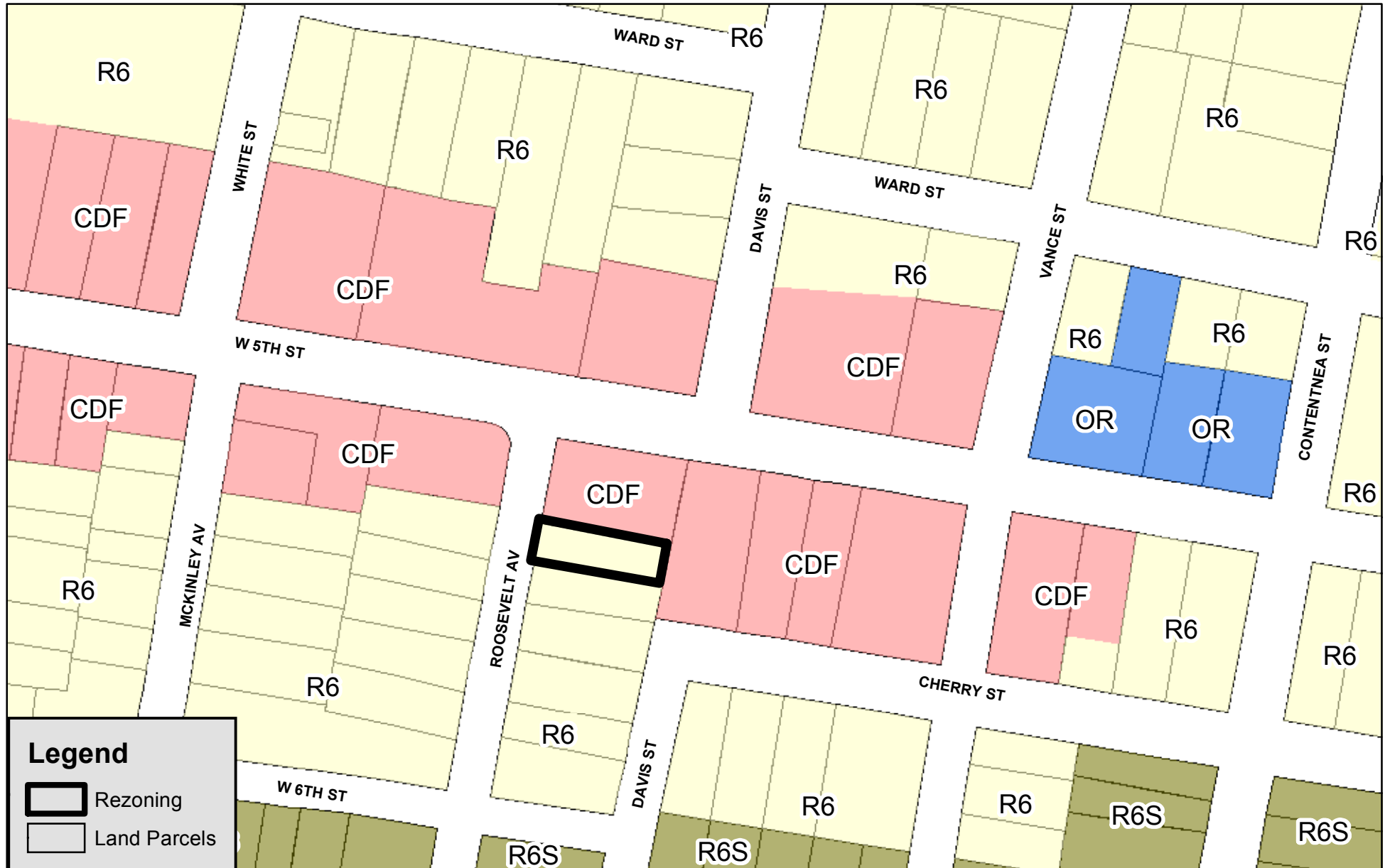
Mr. Overton opened the public hearing.

No one spoke in opposition.



Motion made by Mr. Wilson, seconded by Ms. Darden, 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.

Mr. Maxwell stated that staff should revisit the regulation the stormwater regulations that properties less than half-acre do not have to comply with storm water rules. This rule was put in place in the early 2000's and it is shortsighted. After a while properties of this size in an area add up and could present a problem.

City of Greenville
Acres: 0.10+/- (4,356 sq. ft.)
From: R6
To: CDF
June 22, 2018



Legend

-  Rezoning
-  Land Parcels

City of Greenville
Acres: 0.10+/- (4,356 sq. ft.)
From: R6
To: CDF
June 22, 2018

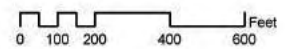
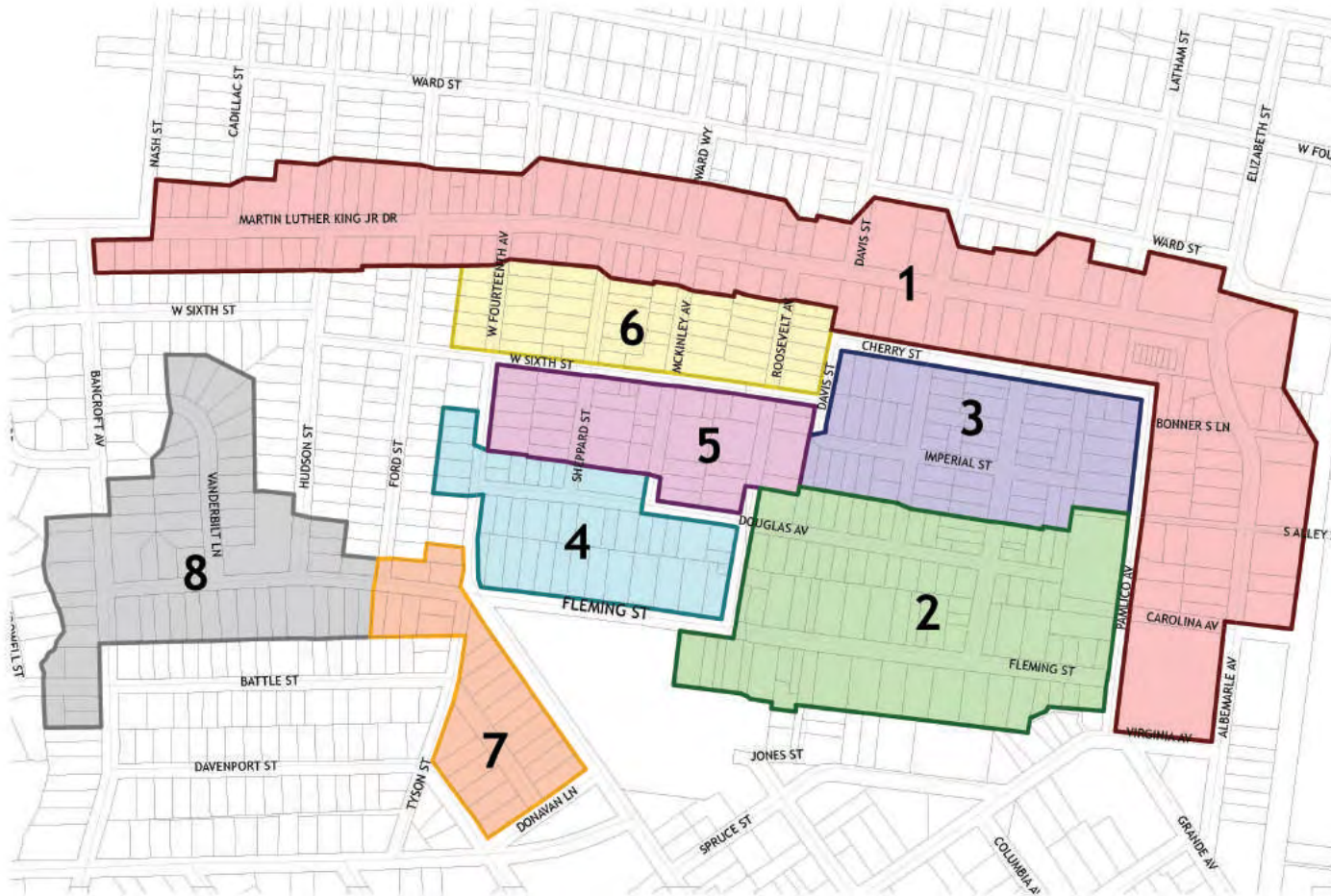




MAP 4.1

City of Greenville
Pitt County, North Carolina
Center City/ West Greenville
Revitalization Plan

2003 Consolidated Plan
Focus Areas



EXISTING ZONING

R6 (RESIDENTIAL) - PERMITTED USES

(1) General	
a.	Accessory use or building
c.	On-premise signs per Article N
(2) Residential	
a.	Single-family dwelling
b.	Two-family attached dwelling (duplex)
b(1).	Master Plan Community per Article J
c.	Multi-family development per Article I
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)
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	
R6 (RESIDENTIAL) - SPECIAL USES	
(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
l.	Group care facility
n.	Retirement center or home
o(1).	Nursing, convalescent or maternity home; minor care facility
p.	Board or rooming house
r.	Fraternity or sorority house
(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 - None	
(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)
	m. Multi-purpose center
	t. Guest house for a college or other institution of higher learning
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
PROPOSED ZONING	
CDF (DOWNTOWN COMMERCIAL FRINGE) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	b. Internal service facilities
	c. On-premise signs per Article N
	e. Temporary uses; of listed district uses
	f. Retail sales; incidental
	g. Incidental assembly of products sold at retail or wholesale as an accessory to principal uses
(2) Residential	
	a. Single-family dwelling
	b. Two-family attached dwelling (duplex)
	c. Multi-family development per Article I
	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)
	c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair

	d. Federal government building or use
	g. Liquor store, state ABC
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	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
	n. Theater; movie or drama, indoor only
(7) Office/Financial/Medical	
	a. Office; professional and business, not otherwise listed
	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)
	k. Business or trade school
	n. Auditorium
	o. Church or place of worship (see also section 9-4-103)
	p. Library
	q. Museum
	r. Art gallery
	s. Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
	u. Art studio including art and supply sales
	v. Photography studio including photo and supply sales
	w. Recording studio
	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)
	kk. Launderette; household users
	ll. Dry cleaners; household users
	mm. Commercial laundries; linen supply
	oo. Clothes alteration or shoe repair shop
	pp. Automobile wash
(9) Repair	
	d. Upholsterer; furniture
	f. Appliance; household and office equipment repair
	g. Jewelry, watch, eyewear or other personal item repair

(10) Retail Trade	
a.	Miscellaneous retail sales; non-durable goods, not otherwise listed
d.	Pharmacy
e.	Convenience store (see also gasoline sales)
f.	Office and school supply, equipment sales
g.	Fish market; excluding processing or packing
h.	Restaurant; conventional
i.	Restaurant; fast food
l.	Electronic; stereo, radio, computer, TV, etc... sales and accessory repair
m.	Appliance; household use, sales and accessory repair, excluding outside storage
n.	Appliance; commercial use, sales and accessory repair, excluding outside storage
p.	Furniture and home furnishing sales not otherwise listed
q.	Floor covering, carpet and wall covering sales
r.	Antique sales, excluding vehicles
s.	Book or card store, news stand
v.	Video or music store; records, tape, CD and the like sales
w.	Florist
x.	Sporting goods sales and rental shop
y.	Auto part sales (see also major and minor repair)
ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
c.	Rental of clothes and accessories; formal wear, and the like
d.	Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
f.	Automobiles, truck, recreational vehicle, motorcycles and boats sales and services (see also major and minor repair)
(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)
e.	Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outdoor sales
f.	Hardware store
(13) Transportation	
b.	Bus station; passenger and related freight
c.	Taxi or limousine service
e.	Parcel delivery service
f.	Ambulance service
(14) Manufacturing/Warehousing	
c.	Bakery; production, storage, and shipment facilities
(15) Other Activities (not otherwise listed - all categories) - None	
CDF (DOWNTOWN COMMERCIAL FRINGE) - SPECIAL USES	
(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)
n.	Retirement center or home
o(1).	Nursing, convalescent or maternity home; minor care facility
o.	Nursing, convalescent or maternity home; major care facility
r.	Fraternity or sorority house
(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 - None	
(6) Recreational/Entertainment	
d.	Game center
i.	Commercial recreation; indoor and outdoor, not otherwise listed
l.	Billiard parlor or pool hall
m.	Public or private club
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
l.	Convention center; private
x.	Dance studio
bb.	Civic organizations
cc.	Trade or business organization
ff(1).	Mental health, emotional or physical rehabilitation day program facility
hh.	Exercise and weight loss studio; indoor only
(9) Repair	
a.	Major repair; as an accessory or principal use
b.	Minor repair; as an accessory or principal use
(10) Retail Trade	
b.	Gasoline or automotive fuel sales; accessory or principal use, retail
c.	Wine shop; including on-premise consumption (see also section 9-4-103)
g.	Fish market; excluding processing or packing
j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
t.	Hobby or craft shop
u.	Pet shop (see also animal boarding; outside facility)
ff.	Tobacco shop (Class 1) (see also section 9-4-103)
hh.	Hookah café (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	

(12) Construction	
d.	Building supply; lumber and materials sales, plumbing and/or electrical supply including outdoor sales
(13) Transportation	
h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing	
g.	Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
(15) Other Activities (not otherwise listed - all categories)	
a.	Other activities; personal services not otherwise listed
b.	Other activities; professional services not otherwise listed
c.	Other activities; commercial services not otherwise listed
d.	Other activities; retail sales 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.

RESIDENTIAL DENSITY CHART

Density Level	Future Land Use and Character Type	Applicable Zoning District(s)	Units per Acre***
High	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	
High to Medium	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
Medium to Low	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: 8/9/2018
Time: 6:00 PM

Title of Item:

Ordinance requested by Gary L. Warren, Trustee of the Gary L. Warren Revocable Trust, et. al. to rezone 130.6 acres located at the northeastern corner of the intersection of Martin Luther King, Jr. Highway and Old Creek Road from RA20 (Residential-Agricultural), I (Industry) and IU (Unoffensive Industry) to PIU (Planned Unoffensive Industry)

Explanation:

Abstract: The City has received a request from Gary L. Warren, Trustee of the Gary L. Warren Revocable Trust, et .al. to rezone 130.6 acres located at the northeastern corner of the intersection of Martin Luther King, Jr. Highway and Old Creek Road from RA20 (Residential-Agricultural), I (Industry) and IU (Unoffensive Industry) to PIU (Planned Unoffensive Industry).

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on July 2, 2018.

On-site sign(s) posted on July 2, 2018.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on July 24, 2018.

Public hearing legal advertisement published on July 30 and August 6, 2018.

Comprehensive Plan:

The Future Land Use and Character Map recommends industrial/logistics (IL) at the northeastern corner of the intersection of Martin Luther King, Jr. Highway and Old Creek Road. Further, potential conservation/open space (PCOS) is recommended along the western right-of-way of Sugg Parkway to act as a buffer between the industrial/logistics (IL) and the current and recommended residential uses.

Industrial/Logistics

Area is characterized by warehouses and light manufacturing operations and related office uses. It includes the Greenville Industrial Park, airport area, and Southwest Bypass Corridor.

Intent:

- Encourage expansion of light industrial, assembly and research uses
- Encourage the use of higher-quality building materials and landscaping for highly-visible sites

Primary uses:

Industrial

Light industrial

Research and assembly

Warehousing

Secondary uses:

Office

Commercial

Policy 4.1.3. Support the Economic Base

Continue to support and offer resources for existing businesses seeking to expand in Greenville. Attract and retain companies within target sectors that benefit from clustering.

In particular:

- Back office and data centers
- Digital media/software/simulation
- Pharmaceutical manufacturing
- Medical device manufacturing
- Advanced manufacturing

Potential Conservation/Open Space

Potential conservation/open space land is typically located in areas that contain existing parkland, needed land buffers, exhibit potential for flooding, or are deemed inappropriate for development due to physical or environmental barriers. Some land within this area may not contain barriers to development, or there may be reasonable mitigation. Site analysis is needed to determine development capabilities in these areas.

The Future Land Use and Character Map identifies certain areas as potential conservation/open space. Much of this area is designated based upon data on flood-prone land and environmental constraints that may not correspond precisely with conditions on the ground. Seeing an area designated this way is the beginning of a conversation. When considering rezoning requests or other development proposals, some areas classified as potential conservation/open space may be determined not to

contain anticipated limitations on development, or that existing concerns can reasonably be mitigated. In such cases, the future preferred land use should be based on adjacent Land Use and Character designations, contextual considerations, and the general policies of the comprehensive plan.

Intent:

- Conserve environmentally-sensitive land
- Buffer incompatible land uses with open space
- Provide open space network through the city for recreation
- Conservation/open space buffers adjacent to industrial development should be maintained at a width based on the type of industry and its potential to create compatibility problems
- Greenways and greenway connectors should be maintained to be consistent with the Greenway Plan.

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

Based on the analysis comparing the existing zoning (4,308 daily trips) and requested rezoning, the proposed rezoning classification could generate approximately 2,880 trips to and from the site on Old Creek Road, which is a net *decrease* of 1,428 less trips per day. Since the traffic analysis for the requested rezoning indicates that the proposal would generate less traffic than the existing zoning, a traffic volume report was not generated.

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

History/Background:

In 1983, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) as part of a large-scale ETJ extension and was zoned to its current zoning. The subject property is located in the Recognized Industrial Area.

Present Land Use:

Farmland

Water/Sewer:

Water and sanitary sewer are available to the property.

Historic Sites:

There are no known effects on historic sites.

Environmental Conditions/Constraints:

The subject property is located in the Moyes Run / Cannon Swamp Watershed. Under stormwater rules, 10-year detention may apply.

There is a mapped section of 500-year floodplain along this section of the Cannon Swamp Canal. This area is part of the Pitt County Drainage District #8. Development plans will be reviewed by Pitt County Drainage.

Surrounding Land Uses and Zoning:

North: I and IU - Hyster-Yale Group
South: RA20, IU and CH - Farmland; CG (county zoning) - Old Creek Mini-storage
East: PIU and IU - Vacant
West: I - Vacant

Density Estimates:

Under the current zoning, the site could accommodate 390 single-family lots and 150,800 square feet of pharmaceutical manufacturing.

Under the proposed zoning, the site could accommodate 754,000 square feet of pharmaceutical manufacturing.

The anticipated build-out is within 2-3 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 Map.

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

The Planning and Zoning Commission voted unanimously to approve the request at its July 17, 2018 meeting.

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

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

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

ATTACHMENTS:

- ☐ Ordinance_-Gary_Warren_Trustee_1082788**
- ☐ Minutes_-Gary_L._Warren_1084668**
- ☐ Attachments**

ORDINANCE NO. 18-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 9th day of August, 2018, at 6:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 4.1.3 support the economic base; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character designation and is located in the Recognized Industrial Area;

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

Section 1. That the following described territory is rezoned from RA20 (Residential-Agricultural), IU (Unoffensive Industry), and I (Industry) to PIU (Planned Unoffensive Industry).

TO WIT: Gary L. Warren Trustee of the Gary L. Warren Revocable Trust, Et al

LOCATION: Located at the northeastern corner of the intersection of Martin Luther King, Jr. Highway and Old Creek Road.

DESCRIPTION: All that certain tract or parcel of land lying and being situated in Pactolus Township, Pitt County, N.C. bounded on the east by Old Creek Road (N.C. Secondary Road 1529), on the south by Martin Luther King, Jr. Highway (U.S. 264 By-Pass) on the west by NACCO Materials Handling Group and on the north by Pitt County Committee of 100, Inc. containing 130.6 acres more or less and further identified as Pitt County Tax Parcel 23992 and 19580 and being described by metes and bounds as follows:

BEGINNING at a point in the northern right-of-way line of Martin Luther King, Jr. Highway (U.S. Highway 264 By-Pass) said point being the southeast corner of NACCO Materials Handling Group, formerly Yale Materials Handling Corporation as described in Deed Book V-54, Page 172, thence from said POINT OF BEGINNING and with the eastern line of the NACCO Materials Handling Group property the following: N 40°45'05" E, 100.33 feet, N 44°28'35" E, 106.42 feet, N 48°12'05" E, 716.55 feet, N 49°13'56" W, 729.11 feet, N 40°46'05" E, 810.72 feet, N 28°02'05" E, 364.83 feet, N 32°34'38" E, 71.42 feet to a point in the eastern right-of-way line of Sullivan Drive (N.C. Secondary Road 1613) at its southern terminus, thence with the eastern right-of-way line of Sullivan Drive (N.C. Secondary Road 1613) N 32°17'20" E, 57.39 feet to a point in said right-of-way said point being the southwest corner of Lot 1, Indigreen Subdivision, Section V recorded in Map Book 82, Page 28, now or formerly the property of Pitt County Committee of 100, Inc. described in Deed Book 2528, Page 184, thence leaving Sullivan Drive (N.C. Secondary Road 1613) and with the southern line of Lot 1, Indigreen Subdivision, Section V recorded in Map Book 82, Page 28 the following: S 55°53'51" E, 15.91 feet, S 56°02'57" E, 1,003.75 feet, S 86°08'48" E, 300.00 feet, S 68°07'11" E, 624.97 feet, thence N 88°54'57" E, 174.06 feet to a point in the western right-of-way line of Sugg Parkway recorded in Map Book 81, Page 110, thence leaving Lot 1, Indigreen Subdivision, Section V and with the western right-of-way line of Sugg Parkway along a curve in a counter clockwise direction, said curve having a radius of 550.00 feet, a chord bearing of S 34°20'54" E, and chord distance of 54.23 feet to a point of tangent in said right-of-way, thence continuing with the western right-of-way line of Sugg Parkway S 37°10'24" E, 187.21 feet to a point where the western right-of-way line of Sugg Parkway intersects with the eastern right-of-way line of Old Creek Road (N.C. Secondary Road 1529), thence leaving Sugg Parkway and with the western right-of-way line of Old Creek Road (N.C. Secondary Road 1529) the following: S 39°52'14" W, 49.99 feet, S 36°12'10" W, 50.00 feet, S 32°33'13" W, 50.00 feet, S 30°59'56" W, 44.49 feet, S 28°52'05" W, 460.18 feet, S 28°51'28" W, 1,807.76 feet to a point of curve in said right-of-way, thence continuing with Old Creek Road (N.C. Secondary Road 1529) along a curve in a clockwise direction, said curve having a radius of 686.20 feet, a chord bearing of S 48°20'18" W, and chord distance of 457.47 feet to a point of tangent in said right-of-way marked by an existing right-of-way monument, thence continuing with the western right-of-way line of Old

Creek Road (N.C. Secondary Road 1529) S 73°18'34" W, 208.67 feet, thence N 72°52'49" W, 100.17 feet to a point where the western right-of-way line of Old Creek Road (N.C. Secondary Road 1529) intersects with the northern right-of-way line of Martin Luther King, Jr. Highway (U.S. Highway 264 By-Pass) said point marked by an existing right-of-way monument, thence leaving Old Creek Road (N.C. Secondary Road 1529) and with the northern right-of-way line of Martin Luther King, Jr. Highway (U.S. Highway 264 By-Pass) N 39°10'01" W, 1,650.03 feet, thence N 37°51'41" W, 80.25 feet to the POINT OF BEGINNING containing 130.6 acres more or less as shown on Rivers and Associates, Inc. Drawing W-3786 Dated June 4, 2018 entitled Rezoning Map for Gary L. Warren Trustee, Gary L. Warren Revocable Trust, Tracy Jackson Warren, Glenn Harris Warren and Marsha Louise Warren Evans which by reference is made a part hereof.

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

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

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

ADOPTED this 9th day of August, 2018.

P. J. Connelly, Mayor

ATTEST:

Carol L. Barwick, City Clerk

1082788

Excerpt from the draft Planning & Zoning Commission Minutes (07/17/2018)

ORDINANCE REQUESTED BY GARY L. WARREN, TRUSTEE OF THE GARY L. WARREN REVOCABLE TRUST, ET AL TO REZONE 130.6 ACRES LOCATED AT THE NORTHEASTERN CORNER OF THE INTERSECTION OF MARTIN LUTHER KING, JR. HIGHWAY AND OLD CREEK ROAD FROM RA20 (RESIDENTIAL-AGRICULTURAL), I (INDUSTRY) AND IU (UNOFFENSIVE INDUSTRY) TO PIU (PLANNED UNOFFENSIVE INDUSTRY) - APPROVED

Ms. Gooby delineated the property. It is located at the northeastern corner of the intersection Martin Luther King, Jr. Highway and Old Creek Road. The property is located in the Recognized Industrial Area. The area is largely vacant, commercial and industrial uses. An increase in traffic is not anticipated. The property is located in the Moyes Run / Cannon Swamp Watershed. When developed, stormwater rules will require 10-year detention. Any development plan will be reviewed by Pitt County Drainage along with the city. Under the current zoning, the site could accommodate 390 single-family lots and 151,000+/- square feet of pharmaceutical manufacturing. Under the requested zoning, the property could accommodate 754,000+/- square feet of pharmaceutical manufacturing. The Future Land Use and Character Map recommends industrial/logistics (IL) for this area. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Mr. Overton opened the public hearing.

Mr. Jim Walker, Rivers & Associates, spoke in favor, representing the applicants. The property is currently farm land and is immediately adjacent to the Indigreen Industrial Park. The hope is to develop the property like the Indigreen Industrial park and its covenants. This rezoning will bring the property into agreement with other uses in the area.

Mr. Brad Hufford, Pitt County Development Commission, spoke in favor. The Commission is actively marketing the property. The request is appropriate because it fits with the surrounding area.

Mr. Robert V. Parker, 2201 Old Creek Road, spoke in opposition, there are actually residential houses nearby and it needs to be considered how this would impact them. The recently added turn lane on Sugg Parkway has had a negative impact on his property.

Mr. Overton closed the public hearing.

Motion made by Mr. Robinson, seconded by Ms. Darden, 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.

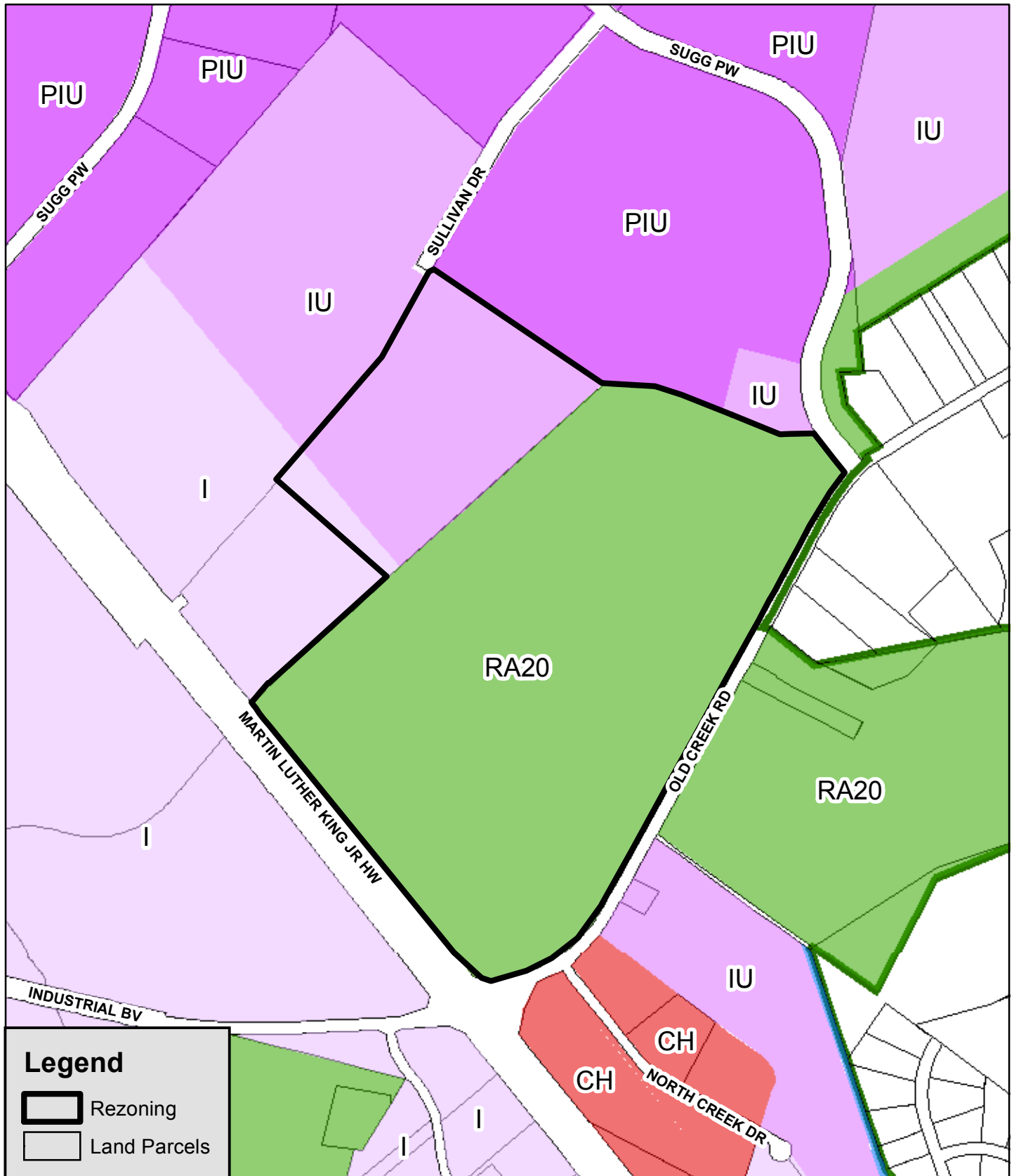
Gary L. Warren, Trustee of Gary L. Warren Revocable Trust, Et al

Acres: 130.6

From: RA20, IU and I

To: PIU

June 20, 2018



Gary L. Warren, Trustee of Gary L. Warren Revocable Trust, Et al

Acres: 130.6



From: RA20, IU and I

To: PIU

June 20, 2018



Legend

-  Rezoning
-  Land Parcels

LEGEND:

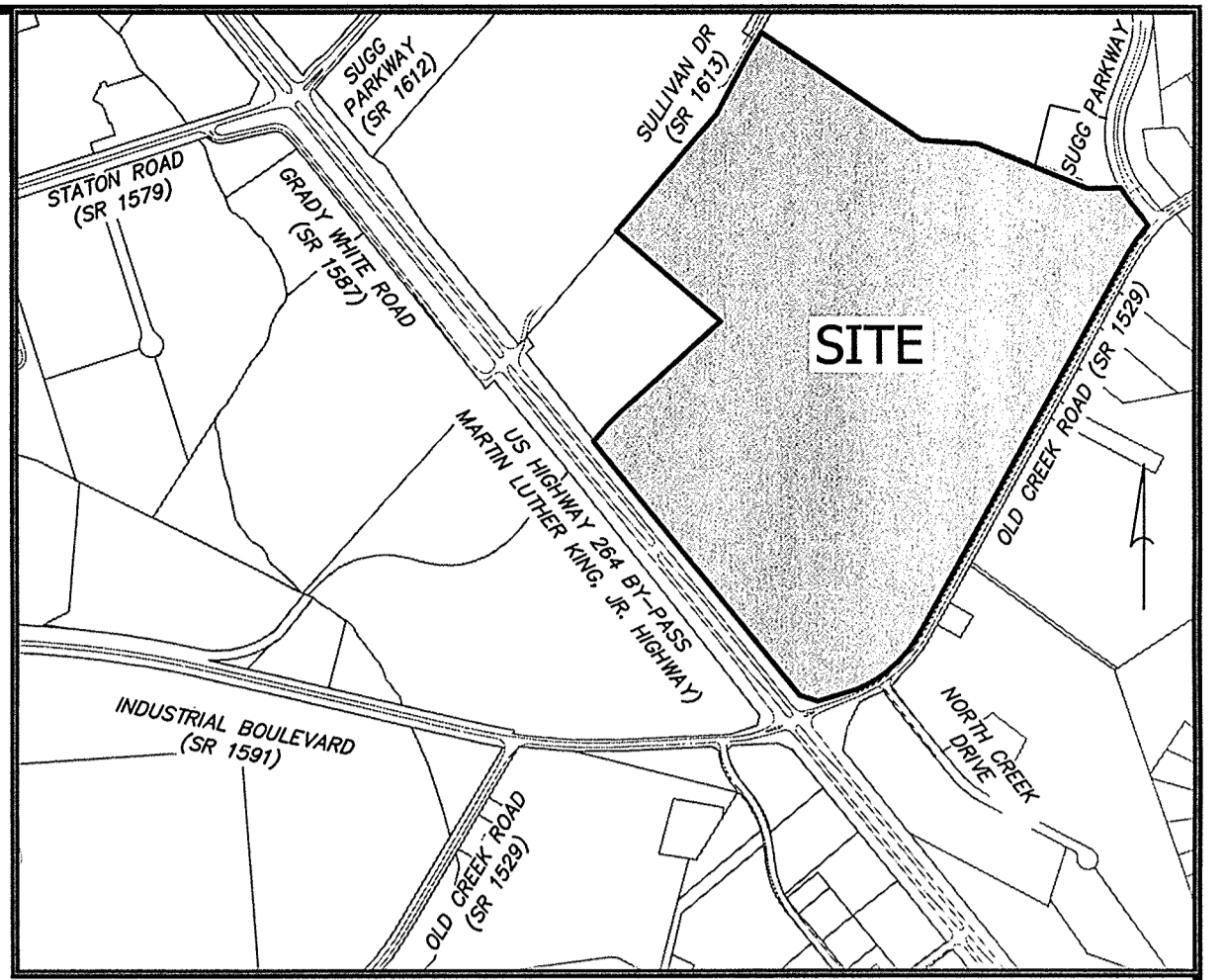
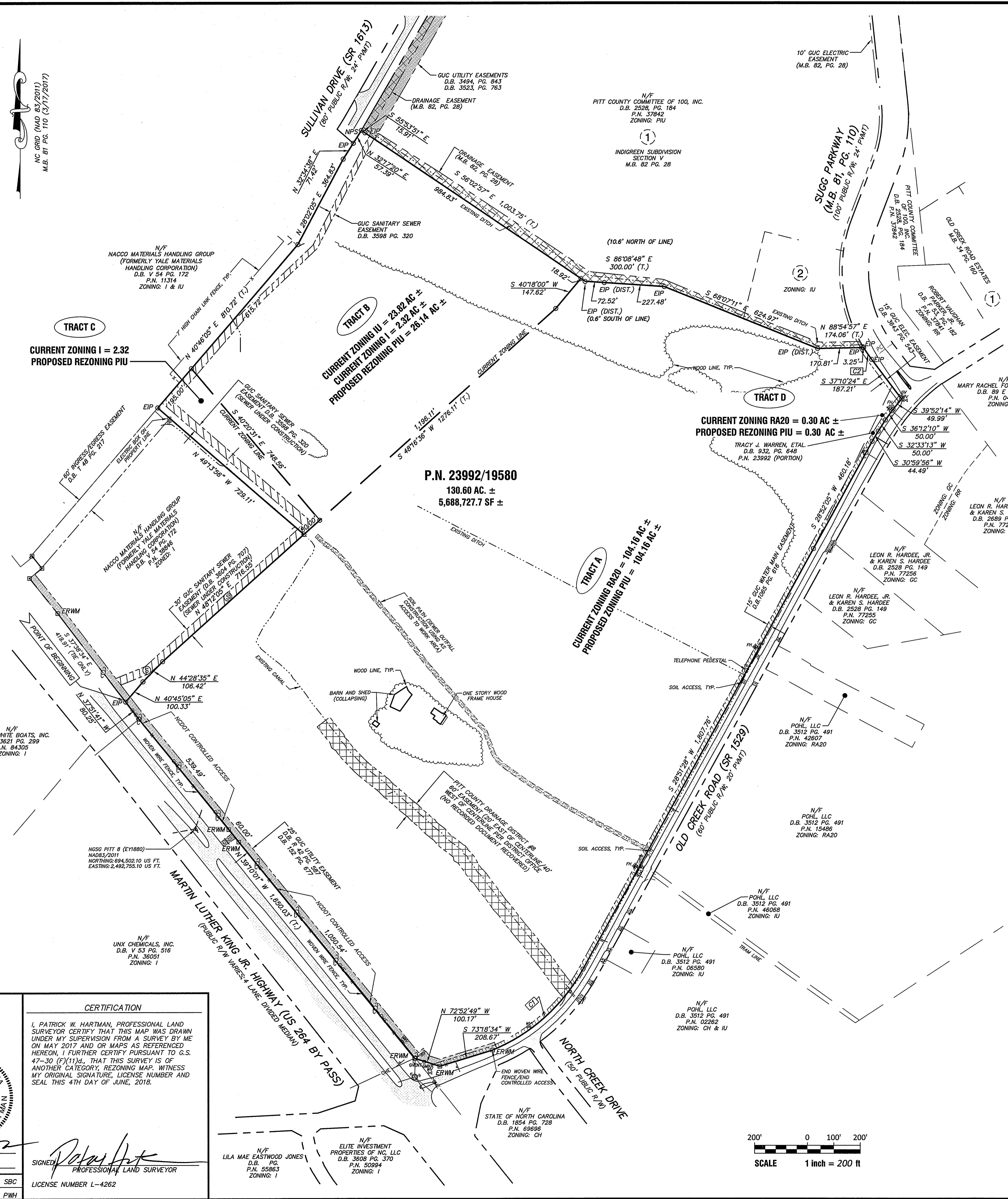
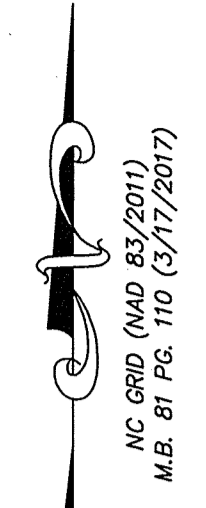
PROPERTY LINE	---
REZONING LINE	---
ADJACENT OWNER LINE	---
RIGHT OF WAY LINE	---
WOODS LINE	---
CENTERLINE OF DITCH	---
EASEMENT	---
LOT/BLOCK NUMBER	(A) (B)
TOTAL	(T.)
TYPICAL	TP.
RIGHT OF WAY	R/W
DEED BOOK	D.B.
PAGE	PG.
MAP BOOK	M.B.
NO POINT SET	NPS
EXISTING IRON PIPE	EIP
EXISTING RIGHT OF WAY MONUMENT	ERWM
FIRE HYDRANT	PH
WATER VALVE	WV
TELEPHONE PEDESTAL	TP
GAS MARKER	GM
GAS VENT	GV
PAVEMENT	PVMT
NOW OR FORMERLY	N/F
PARCEL NUMBER	P.N.
PLANNED UNOFFENSIVE INDUSTRY	PIU ZONING
UNOFFENSIVE INDUSTRY	IU ZONING
INDUSTRIAL	I ZONING
POINT OF CURVATURE	PC
RESIDENTIAL / AGRICULTURAL	RA20 ZONING
UTILITY POLE	UP
SANITARY SEWER MANHOLE	SM

REFERENCES:

- D.B. 2953 PG. 429
- D.B. 999 PG. 36
- D.B. 532 PG. 648
- D.B. Q 51 PG. 237
- D.B. U 28 PG. 533
- D.B. B 28 PG. 70
- M.B. 81 PG. 110
- M.B. 82 PG. 28
- M.B. 50 PG. 163
- M.B. 22 PG. 89
- M.B. 21 PG. 12
- ESTATE FILE 90E-308
- D.B. C 40 PG. 622 (RIGHT OF WAY SHP 6.801768)
- D.B. C 40 PG. 625 (RIGHT OF WAY SHP 6.801768)
- D.B. R 42 PG. 587 (GUC EASEMENT)
- D.B. H 47 PG. 685 (SEABOARD COASTLINE RR)
- D.B. 3643 PG. 543 (GUC ELECTRIC EASEMENT)
- D.B. 3598 PG. 320 (GUC SEWER EASEMENT)
- D.B. 152 PG. 677 (GUC UTILITY EASEMENT)
- D.B. 1065 PG. 616 (GUC WATERMINE EASEMENT)
- STATE HIGHWAY BOOK 1 PG. 12, 13, 23
- RIVERS DRAWING W-767
- P.N. 19580
- P.N. 23992

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	686.20'	466.39'	38°56'32"	S 48°20'18" W	457.47'
C2	350.00'	54.25'	5°39'04"	S 34°20'52" E	54.23'



Vicinity Map
SCALE: 1" = 1000'

SITE ZONING SUMMARY

TRACT	AREA (ACRES)	CURRENT ZONING	PROPOSED ZONING
TRACT A	104.16 ACRES	RA-20	RA-20 PIU
TRACT B	23.82 ACRES	IU	IU PIU
TRACT C	2.32 ACRES	I	I PIU
TRACT D	0.30 ACRES	RA-20	RA-20 PIU
TOTAL AREA	130.60 ACRES		PROPOSED ZONING PIU

NOTES

- AREA DETERMINED BY COORDINATES.
- ALL DISTANCES ARE HORIZONTAL MEASUREMENTS.
- NO MARKERS SET AT CORNERS UNLESS OTHERWISE NOTED.
- THIS MAP WAS PREPARED FOR REZONING PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON.
- EXISTING ZONING WAS TAKEN FROM THE OFFICIAL ZONING MAP, THE CITY OF GREENVILLE, DATED APRIL 22, 2005 AND INPUT FROM THE CITY OF GREENVILLE.
- BOUNDARY INFORMATION SHOWN HEREON WAS DRAWN, IN PART, FROM A FIELD SURVEY PERFORMED BY RIVERS AND ASSOCIATES, INC. AND IN PART FROM DEEDS AND MAPS REFERENCED HEREON.
- ADJOINING PROPERTY DATA WAS TAKEN FROM THE PITT COUNTY ONLINE PARCEL INFORMATION WEB SITE AND HAS NOT BEEN VERIFIED FOR ACCURACY OR CORRECTNESS.

OWNERS:

GARY L. WARREN TRUSTEE, GARY L. WARREN REVOCABLE TRUST, TRACY JACKSON WARREN, GLENN HARRIS WARREN AND MARSHA LOUISE WARREN EVANS
717 LATIMER DRIVE
KERNERSVILLE, NC 27284

REVISION: #1 - 6/25/2018: PER CITY REVIEW

REZONING MAP FOR:
GARY L. WARREN TRUSTEE, GARY L. WARREN REVOCABLE TRUST, TRACY JACKSON WARREN, GLENN HARRIS WARREN AND MARSHA LOUISE WARREN EVANS
PACTOLUS TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER GARY L. WARREN TRUSTEE, GARY L. WARREN REVOCABLE TRUST, ETAL ADDRESS 717 LATIMER DRIVE KERNERSVILLE NC 27284 PHONE (336)-410-7206	SURVEYED DRAWN KB/PH CHECKED PWH
APPROVED DATE 06/04/2018 SCALE 1" = 200'	DESIGN CHECK PWH

Rivers & Associates, Inc.
NC License: F-9334
107 East Second Street Greenville, NC 27858 (252) 752-4155

CERTIFICATION

I, PATRICK W. HARTMAN, PROFESSIONAL LAND SURVEYOR CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM A SURVEY BY ME ON MAY 2017 AND OR MAPS AS REFERENCED HEREON. I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (F)(11)d, THAT THIS SURVEY IS OF ANOTHER CATEGORY, REZONING MAP. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 4TH DAY OF JUNE, 2018.

Patrick W. Hartman
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER L-4262

North Carolina Professional Land Surveyor Seal
L-4262
PATRICK W. HARTMAN

REZONING MAP FOR:
GARY L. WARREN TRUSTEE, GARY L. WARREN REVOCABLE TRUST, TRACY JACKSON WARREN, GLENN HARRIS WARREN AND MARSHA LOUISE WARREN EVANS
PACTOLUS TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER:
GARY L. WARREN TRUSTEE, GARY L. WARREN REVOCABLE TRUST, TRACY JACKSON WARREN, GLENN HARRIS WARREN AND MARSHA LOUISE WARREN EVANS
717 LATIMER DRIVE
KERNERSVILLE, NC 27284

APPROVED:
DATE 06/04/2018
SCALE 1" = 200'

DESIGN:
CHECK PWH

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-
	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 -		
(15) Other Activities (not otherwise listed - all categories) - None		
IU (UNOFFENSIVE INDUSTRY) - PERMITTED USES		
(1) General		
	a.	Accessory use or building
	b.	Internal service facilities
	c.	On-premise signs per Article N
	d.	Off-premise signs per Article N
	e.	Temporary uses; of listed district uses
	f.	Retail sales; incidental
	g.	Incidental assembly of products sold at retail or wholesale as an accessory to 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-
	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
	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
	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
	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
	l.	Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
	m.	Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage
	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
	t.	Manufacture of nonhazardous medical supplies or medical products, including distribution
	u.	Tire recapping or retreading plant
	v.	Bottling or packing plant for nonhazardous materials or products
	y.	Recycling collection station or facilities
	cc.	Manufacture of pharmaceutical, biological, botanical, medicinal, and cosmetic products, and related materials
(15) Other Activities (not otherwise listed - all categories) - None		
IU (UNOFFENSIVE INDUSTRY) - SPECIAL USES		
(1) General - None		
(2) Residential		
	i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
	j.	Residential quarters for resident manager, supervisor or caretaker; including mobile home
	o.	Nursing, convalescent 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)
	s(1). Hotel, motel bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
(9) Repair	
	a. Major repair; as an accessory or principal use
(10) Retail Trade	
	j. Restaurant 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
I (INDUSTRY) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	b. Internal service facilities
	c. On-premise signs per Article N
	d. Off-premise signs per Article N
	e. Temporary uses; of listed district uses
	f. Retail sales; incidental
	g. Incidental assembly of products sold at retail or wholesale as an accessory to 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-
	b. Greenhouse or plant nursery; including accessory sales
	e. Kennel (see also section 9-4-103)
	f. Stable; horse only (see also section 9-4-103)

	g.	Stable; per definition (see also section 9-4-103)
	h.	Animal boarding not otherwise listed; outside facility, as an accessory or principal use
	i.	Livestock sales pavilion, auditorium, yard, distribution or transshipment facility
	j.	Quarrying, mining, excavation and works including material storage and distribution; sand, stone gravel
	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
	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)
	gg.	Vocational rehabilitation center
	nn.	Industrial laundries
(9) Repair		
	a.	Major repair; as an accessory or principal use
	b.	Minor repair; as an accessory or principal use
	c.	Upholsterer; automobile, truck, boat, or other vehicle, trailer or
	d.	Upholsterer; furniture
	e.	Furniture refinishing, stripping, or repair facility
	f.	Appliance; household and office equipment repair
	h.	Appliance; commercial and industrial equipment repair not otherwise listed
(10) Retail Trade		
	b.	Gasoline or automotive fuel sales; accessory or principal use, retail
	h.	Restaurant; conventional

	i. Restaurant; fast food
	cc. Farm supply and commercial implement sales
	dd. Industrial implement, machinery or tool sales
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
	a. Wholesale; durable and nondurable goods, not otherwise listed
	d. Rental of 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
	e. Mobile home repair or rework facility; no sales allowed
	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
	l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
	m. Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage
	n. Petroleum (bulk) storage facility; excluding retail sales
	o. Feed and grain elevator, mixing, redrying, storage or sales facility
	p. Tobacco redrying or processing plant
	q. Fertilizer or lime manufacture or bulk storage

	r.	Manufacturing of acid, toxic chemicals or other hazardous materials or explosive products not otherwise listed
	s.	Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed
	t.	Manufacture of nonhazardous medical supplies or medical products, including distribution
	u.	Tire recapping or retreading plant
	v.	Bottling or packing plant for nonhazardous materials or products
	w.	Bottling or packing plant for hazardous, flammable or explosive materials or products
	y.	Recycling collection station or facilities
	z.	Metallurgy, steel fabrication, welding
	aa.	Meat, poultry, or fish processing or packing plant
	bb.	Slaughterhouse
	cc.	Manufacture of pharmaceutical, biological, botanical, medicinal, and cosmetic products, and related materials
(15) Other Activities (not otherwise listed - all categories) - None		
I (INDUSTRY) - SPECIAL USES		
(1) General - None		
(2) Residential		
	i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
	j.	Residential quarters for resident manager, supervisor or caretaker; including mobile home
(3) Home Occupations - None		
(4) Governmental		
	f.	Correctional facility
(5) Agricultural/Mining		
	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
	s(1).	Hotel, motel bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)

(9) Repair - None	
(10) Retail Trade	
	j. Restaurant and/or dining and entertainment establishment; regulated outdoor activities
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
	g. Mobile home sales including accessory mobile home office
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing	
	f. Junkyard, automobile graveyard or materials reclamation facility
	x. Sanitary landfill or incinerator; public or private
(15) Other Activities (not otherwise listed - all categories)	
	c. Other activities; commercial services not otherwise listed
	e. Other activities; industrial uses not otherwise listed
PROPOSED ZONING	
PIU (PLANNED UNOFFENSIVE INDUSTRY) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	b. Internal service facilities
	c. On-premise signs per Article N
	e. Temporary uses; of listed district uses
	f. Retail sales; incidental
	g. Incidental assembly of products sold at retail or wholesale as an accessory to 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
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	b. Greenhouse or plant nursery; including accessory sales
	e. Kennel (see also section 9-4-103)
	f. Stable; horse only (see also section 9-4-103)
	g. Stable; per definition (see also section 9-4-103)
	h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use
(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)
(7) Office/Financial/Medical	
b.	Operation/processing center
c.	Office; customer service, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
g.	Catalogue processing center
(8) Services	
n.	Auditorium
s.	Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
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)
gg.	Vocational rehabilitation center
nn.	Industrial laundries
(9) Repair	
b.	Minor repair; as an accessory or principal use
c.	Upholsterer; automobile, truck, boat, or other vehicle, trailer or
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
dd.	Industrial implement, machinery or tool sales
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
a.	Wholesale; durable and nondurable goods, not otherwise listed
d.	Rental of 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
	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
	l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
	m. Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage
	p. Tobacco redrying or processing plant
	s. Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed
	t. Manufacture of nonhazardous medical supplies or medical products, including distribution
	v. Bottling or packing plant for nonhazardous materials or products
	cc. Manufacture of pharmaceutical, biological, botanical, medicinal, and cosmetic products, and related materials
(15) Other Activities (not otherwise listed - all categories) - None	
PIU (PLANNED UNOFFENSIVE INDUSTRY) - SPECIAL USES	
(1) General - None	
(2) Residential	
	i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
	j. Residential quarters for resident manager, supervisor or caretaker; including mobile home
(3) Home Occupations - None	
(4) Governmental - None	
(5) Agricultural/Mining - None	
(6) Recreational/Entertainment	
	k. Firearm ranges; indoor or outdoor
(7) Office/Financial/Medical - None	
(8) Services	

	a.	Child day care facilities
	b.	Adult day care facilities
	l.	Convention center; private
	s(1).	Hotel, motel bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
(9) Repair		
	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 - None		
(12) Construction - None		
(13) Transportation - None		
(14) Manufacturing/Warehousing		
	d.	Stone or monument cutting, engraving
	o.	Feed and grain elevator, mixing, redrying, storage or sales facility
	u.	Tire recapping or retreading plant
	y.	Recycling collection station or facilities
	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

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

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

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

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

Street trees may count toward the minimum acreage.

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

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

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

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

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

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

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

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

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

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

RESIDENTIAL DENSITY CHART

Density Level	Future Land Use and Character Type	Applicable Zoning District(s)	Units per Acre***
High	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	
High to Medium	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
Medium to Low	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: 8/9/2018
Time: 6:00 PM

Title of Item:

Ordinance requested by Salvatore Passalacqua to rezone 0.220 acres (9,583 square feet) located at the northwestern corner of the intersection of Dickinson Avenue and Columbia Avenue from CDF (Downtown Commercial Fringe) to CD (Downtown Commercial)

Explanation:

Abstract: The City has received a request from Salvatore Passalacqua to rezone 0.220 acres (9,583 square feet) located at the northwestern corner of the intersection of Dickinson Avenue and Columbia Avenue from CDF (Downtown Commercial Fringe) to CD (Downtown Commercial).

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on July 2, 2018.

On-site sign(s) posted on July 2, 2018.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on July 24, 2018.

Public hearing legal advertisement published on July 30 and August 6, 2018.

Comprehensive Plan:

Principle 5.

Uptown features a vibrant mix of businesses, residences, education, recreation, entertainment, and civic uses, and a distinctive character that is appealing to residents, visitors and investors.

- As the historic and civic heart of Greenville, Uptown will be a focus for revitalization efforts, strengthening community pride and the city's image. Revitalization efforts will include both public and private investment.

- ECU’s Main and Millennial Campuses will be leveraged to attract new development and help strengthen the city’s core.
- Adaptive reuse of underutilized buildings will be encouraged.
- Development of buildings on existing surface parking areas will be encouraged, while parking needs will be addressed through sharing arrangements and parking structures.
- Policies will encourage investment in neighborhoods at the edge of Uptown.

The Future Land Use and Character Map recommends uptown edge (UE) in the area bounded by Dickinson Avenue, the 10th Street Connector, and West 14th Avenue.

Uptown Edge

Uptown edge surrounds the uptown core and continues the urban street grid. It includes the Warehouse District and the area near the future ECU Millennial Campus. Development should extend the mixed use and walkable pattern of the core. With parcels generally larger than in Uptown Core, this area offers opportunity for larger-scale infill and redevelopment projects.

Intent:

- Infill and redevelopment with a mix of uses
- Adapt and reuse existing buildings for non-industrial uses
- Improve public realm with sidewalks and street trees
- Reduce /consolidate surface parking

Primary uses:

- Commercial
- Institutional/civic
- Neighborhood-scale commercial

Secondary uses:

- Multi-family residential

The subject property is included in The Dickinson Avenue Corridor Study that was accepted by City Council on December 8, 2014. It is specifically located in Area Eight, which is described as:

Area Eight: Athletics and Recreation Zone

The current residential neighborhood in this sub-area is in decline and will likely be further stressed by the construction and operation of the elevated 10th Street Connector overpass. While future redevelopment plans for this area must remain flexible and sensitive to the needs of existing populations, this sub-area may be appropriate for athletic facilities and similar uses. Possible options in this sub-area include a downtown-style ballpark using the entire site or a mixed-use district anchored by multi-facility athletics/recreation uses like the West Greenville Basketball Complex, along with compatible restaurants(s)/food vendor(s).

Also, the subject property is located in the West Greenville Revitalization Area (2005).

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

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 360 trips to and from the site on Dickinson Avenue, which is a net increase of 350 additional trips per day.

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

History/Background:

In 1969, the property was zoned to its current zoning.

Existing Land Uses:

Vacant

Water/Sewer:

Water and sanitary sewer are available to the property.

Historic Sites:

There are no known effects on the designated properties.

Environmental Conditions/Constraints:

The property is located in the Harris Mill Run / Schoolhouse Branch Watershed. Since the property is less than 0.5 acres, stormwater rules will not apply.

Surrounding Land Uses and Zoning:

North: CDF - One (1) single-family residence

South: CDF - Taylor Warehousing and Dickinson Avenue Auto and Tire Service

East: CDF - Temple of Zion International Ministries and one (1) vacant lot

West: CDF - One (1) single-family residence

Density Estimates:

Under the current zoning, the site could accommodate one (1) single-family lot.

Since the proposed zoning (CD) allows zero (0) lot line building construction and non-residential uses are exempt from parking requirements, staff would anticipate 4,000 square feet of restaurant space.

Since the proposed zoning (CD) allows zero (0) lot line building construction and non-residential uses are exempt from parking requirements, staff does not anticipate a change in intensity to the site, but views this rezoning as allowing greater flexibility in the use of the property.

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

Fiscal Note: No cost to the City.

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

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

The Planning and Zoning Commission voted unanimously to approve the request at its July 17, 2018 meeting.

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

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

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

ATTACHMENTS:

- ▣ **Ordinance_Salvatore_Passalacqua_1083494**
- ▣ **Minutes_-_Salvatore_Passalacqua_1084669**
- ▣ **Attachments**

ORDINANCE NO. 18-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 9th day of August, 2018, at 6:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character designation and is located in a Preferred Growth Area;

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

Section 1. That the following described territory is rezoned from CDF (Downtown Commercial Fringe) to CD (Downtown Commercial).

TO WIT: Ludlow Management, LLC

LOCATION: Located at the northwestern corner of the intersection of Dickinson Avenue and Columbia Avenue.

DESCRIPTION: Beginning at a point where the northern right-of-way of US HWY 264 (Dickinson Avenue) intersects the western right-of-way of Columbia Avenue. From the above described beginning, so located, running thence as follows:

With the northern right-of-way of US HWY 264 (Dickinson Avenue), S 63°16'00" W, 66.00', thence leaving the northern right-of-way US HWY 264 (Dickinson Avenue) N 27°01'00" W, 145.36', thence N 62°59'00" E, 65.84' to an existing iron pipe on the western right-of-way of Columbia Avenue, thence with the western right-of-way of Columbia Avenue, S 27°04'45" E, 145.67' to the point of beginning containing 0.220 acres.

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

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

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

ADOPTED this 9th day of August, 2018.

P. J. Connelly, Mayor

ATTEST:

Carol L. Barwick, City Clerk

1083494

Excerpt from the draft Planning & Zoning Commission Minutes (07/17/2018)

ORDINANCE REQUESTED BY SALVATORE PASSALACQUA TO REZONE 0.220 ACRES (9,583 SQUARE FEET) LOCATED AT THE NORTHWESTERN CORNER OF THE INTERSECTION OF DICKINSON AVENUE AND COLUMBIA AVENUE FROM CDF (DOWNTOWN COMMERCIAL FRINGE) TO CD (DOWNTOWN COMMERCIAL) – APPROVED

Ms. Gooby, delineated the property. It's located on the south side of the Tenth Street Connector. Since the property is less than a half-acre, stormwater rules do not apply. There are a variety of uses in this area. This rezoning could generate an increase of 350 trips per day. The proposed CD zoning district will allow for denser development because there are no vegetation requirements and setbacks. This site is included in The Dickinson Avenue Corridor Plan and specifically in Area 8, which is described as an area for recreation and mixed uses. The Future Land Use and Character Map recommends urban edge along Dickinson Avenue from West 14th Street to Reade Circle. This character is described as having mixed uses and infill and redevelopment. In staff's opinion, the request is in compliance with the Horizons 2026: Greenville's Community Plan, the Future Land Use and Character Map and The Dickinson Avenue Corridor Plan. Staff recommends approval.

Mr. Wilson asked for an update on the people that were displaced by the Tenth Street Connector.

Mr. Overton opened the public hearing.

Mr. Mike Baldwin, Baldwin Design Consultants, representing the applicant, spoke in favor of the request. Since there are no setbacks, it will allow for the property to be developed in a way that is more in keeping with the rest of downtown. This will allow more flexibility by adding more uses. He does not anticipate an increase in traffic.

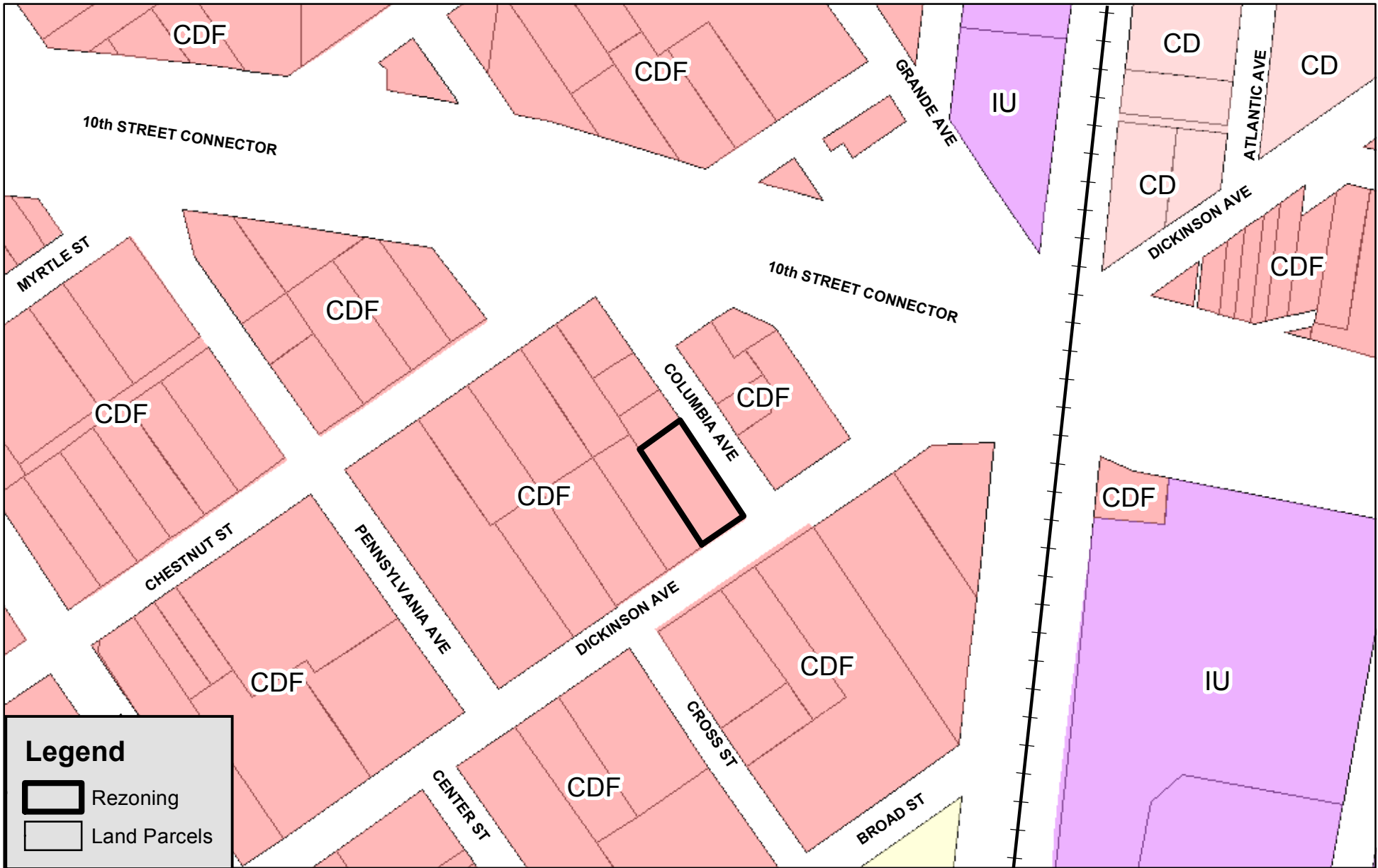
Mr. Michael White, spoke in favor, owns a hairstyling business next door and expressed concern as to what uses would be permitted. He is concerned that a restaurant or convenience store might cause loitering.

No one spoke in opposition.

Mr. Overton closed the public hearing.

Motion made by Mr. Robinson, seconded by Ms. Darden, 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.

Salvatore Passalacqua
Acres: 0.220 (9,583 square feet)
From: CDF
To: CD
June 20, 2018



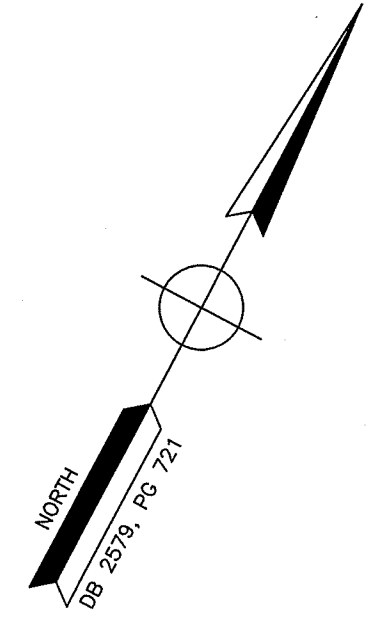
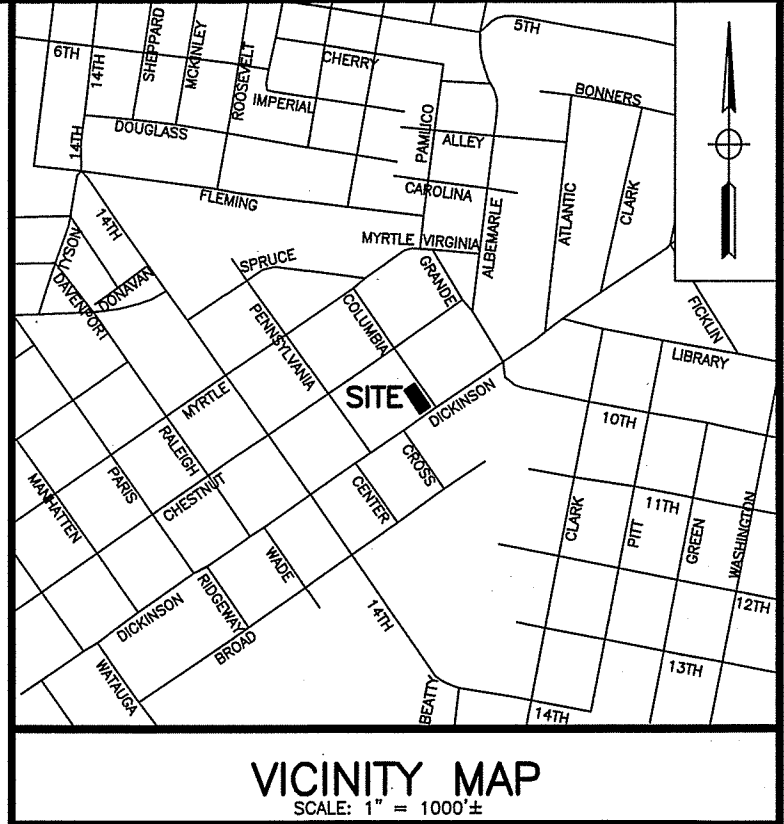
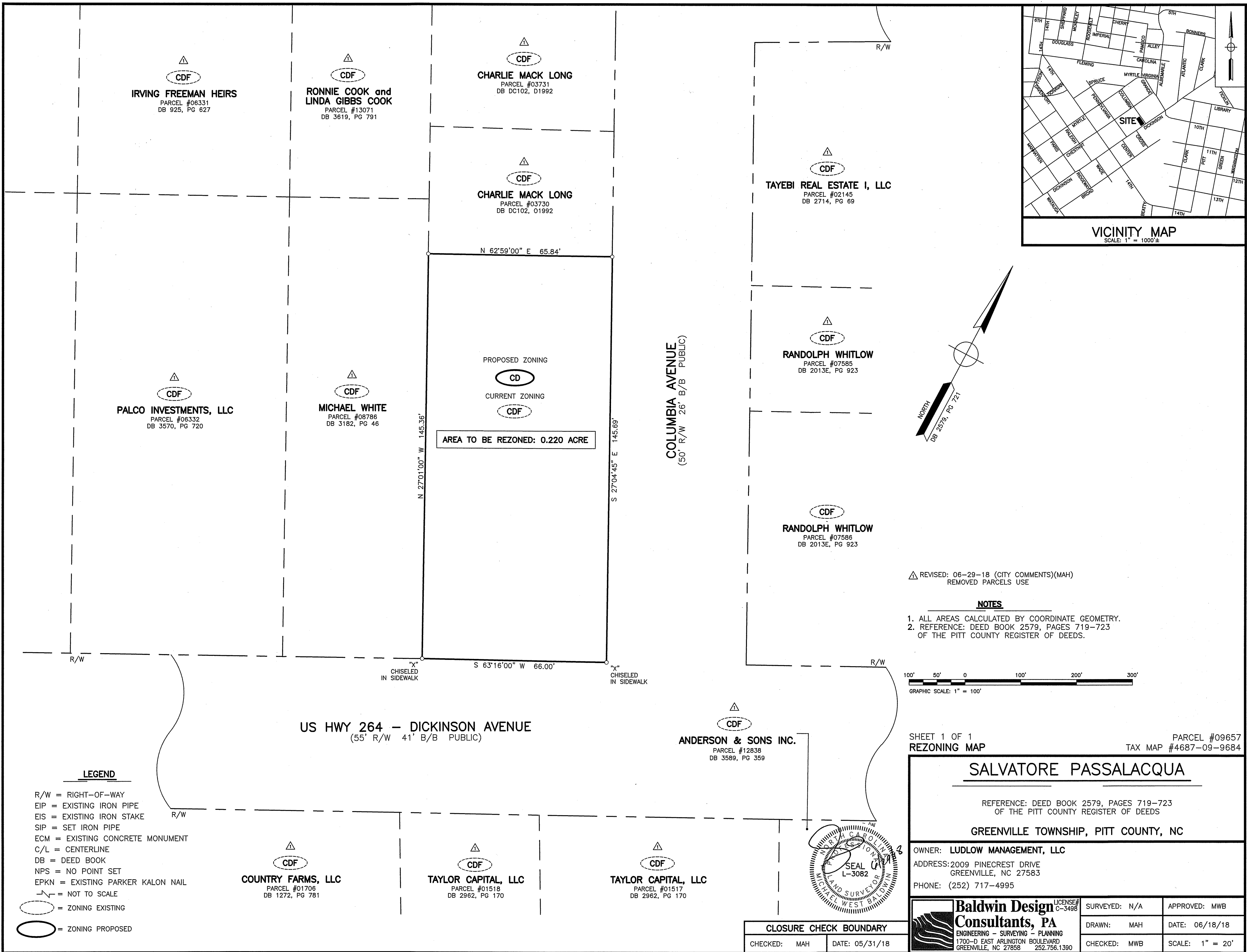
Legend

- Rezoning
- Land Parcels

Salvatore Passalacqua
Acres: 0.220 (9,583 square feet)
From: CDF
To: CD
June 20, 2018



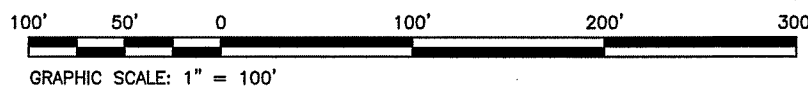
Y:\DRAWINGS\18-066 SALVATORE PASSALACQUA\REZONING.dwg Fri, Jun 29, 2018-9:18am MHERREJON



△ REVISED: 06-29-18 (CITY COMMENTS)(MAH)
REMOVED PARCELS USE

NOTES

1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
2. REFERENCE: DEED BOOK 2579, PAGES 719-723 OF THE PITT COUNTY REGISTER OF DEEDS.



SHEET 1 OF 1 REZONING MAP PARCEL #09657 TAX MAP #4687-09-9684

SALVATORE PASSALACQUA
REFERENCE: DEED BOOK 2579, PAGES 719-723 OF THE PITT COUNTY REGISTER OF DEEDS
GREENVILLE TOWNSHIP, PITT COUNTY, NC

OWNER: LUDLOW MANAGEMENT, LLC
ADDRESS: 2009 PINECREST DRIVE GREENVILLE, NC 27583
PHONE: (252) 717-4995

<p>Baldwin Design Consultants, PA ENGINEERING - SURVEYING - PLANNING 1700-D EAST ARLINGTON BOULEVARD GREENVILLE, NC 27858 252.756.1390</p>	LICENSE# C-3498	SURVEYED: N/A	APPROVED: MWB
		DRAWN: MAH	DATE: 06/18/18
	CHECKED: MWB	SCALE: 1" = 20'	

CLOSURE CHECK BOUNDARY	
CHECKED: MAH	DATE: 05/31/18

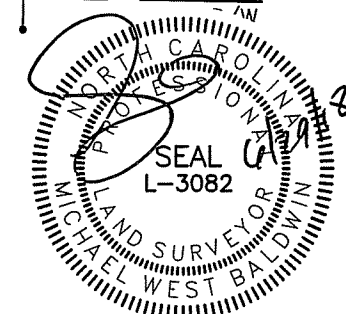
- LEGEND**
- R/W = RIGHT-OF-WAY
 - EIP = EXISTING IRON PIPE
 - EIS = EXISTING IRON STAKE
 - SIP = SET IRON PIPE
 - ECM = EXISTING CONCRETE MONUMENT
 - C/L = CENTERLINE
 - DB = DEED BOOK
 - NPS = NO POINT SET
 - EPKN = EXISTING PARKER KALON NAIL
 - - - = NOT TO SCALE
 - = ZONING EXISTING
 - = ZONING PROPOSED

COUNTRY FARMS, LLC
PARCEL #01706 DB 1272, PG 781

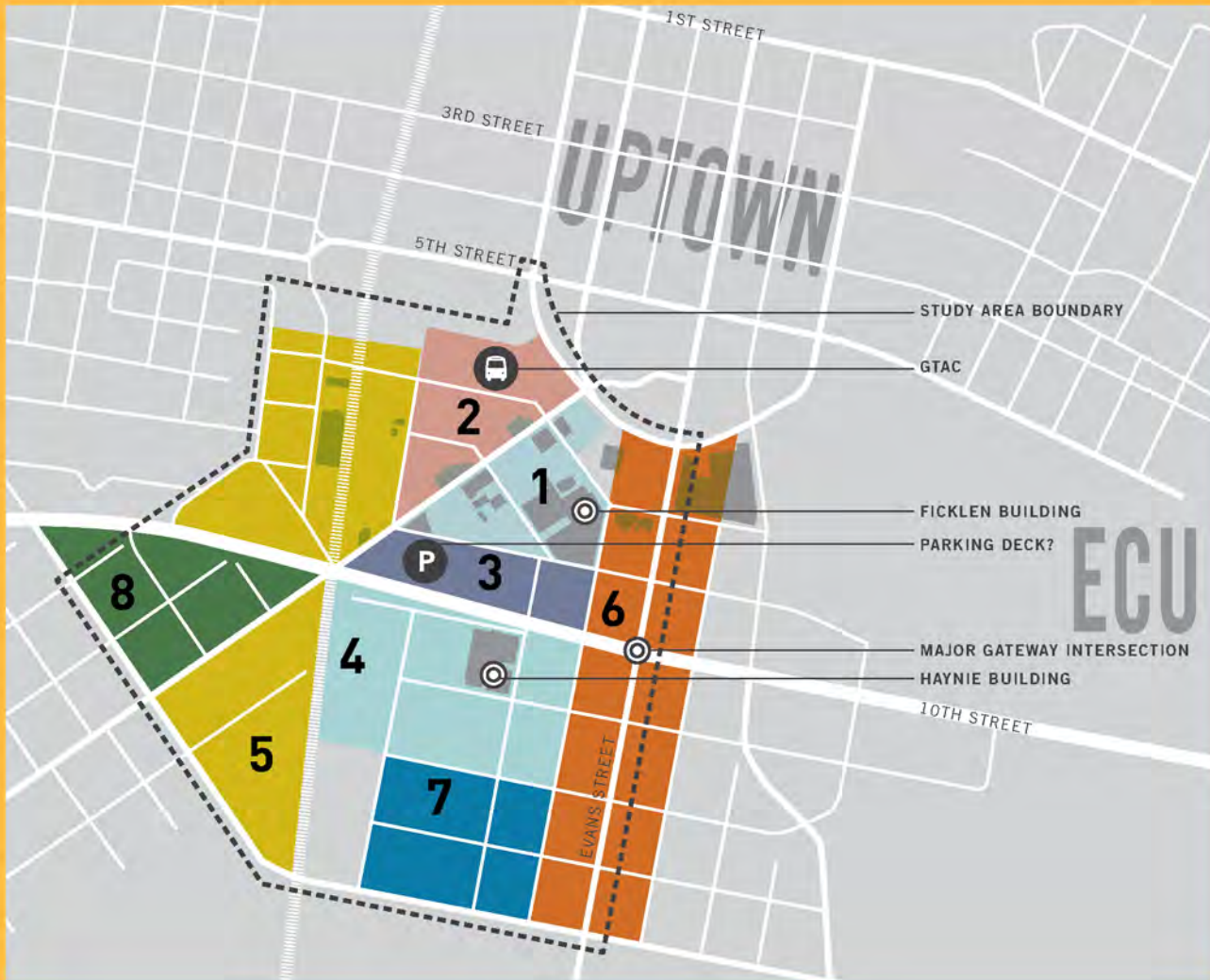
TAYLOR CAPITAL, LLC
PARCEL #01518 DB 2962, PG 170

TAYLOR CAPITAL, LLC
PARCEL #01517 DB 2962, PG 170

ANDERSON & SONS INC.
PARCEL #12838 DB 3589, PG 359



EIGHT DISTINCT SUB-AREAS



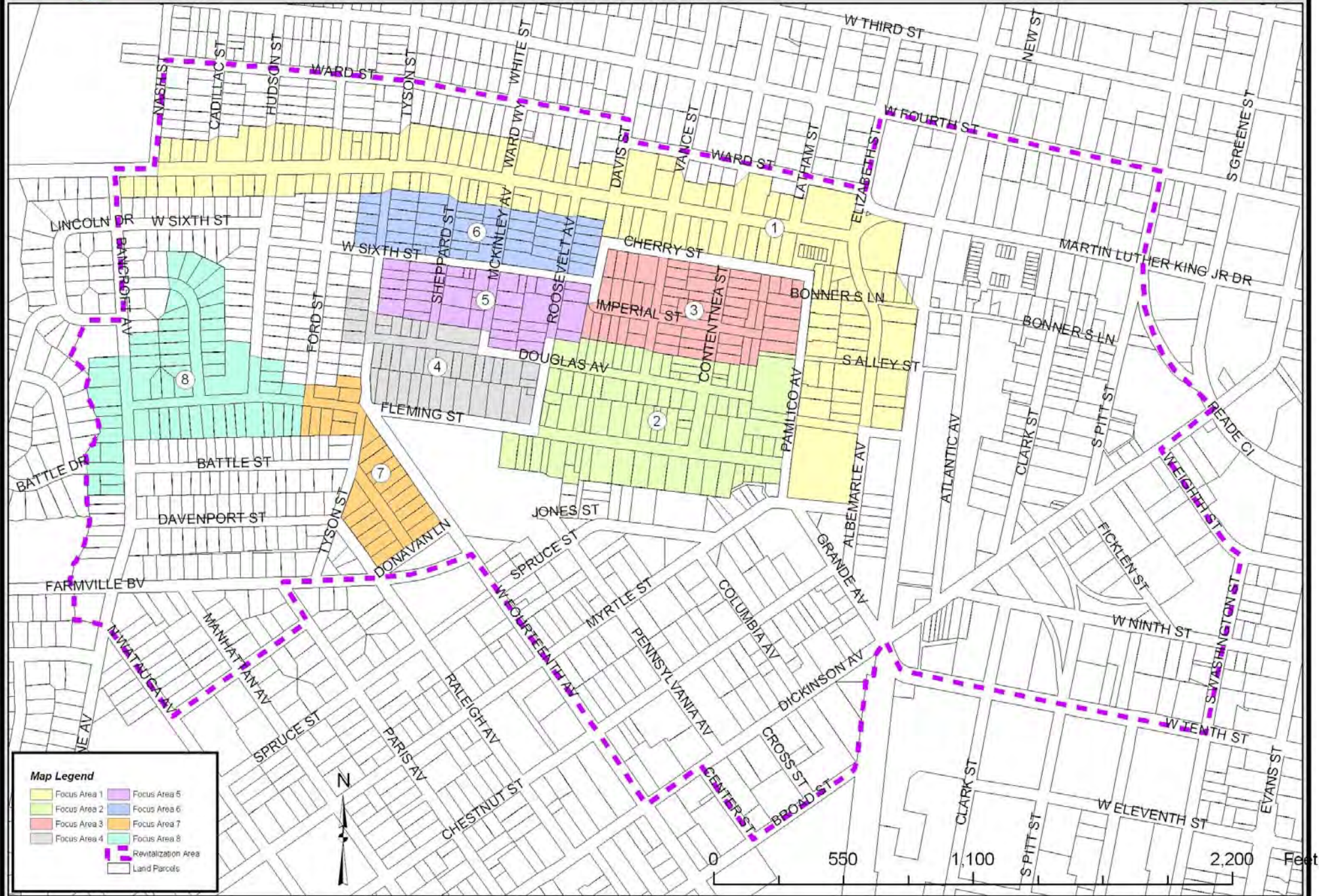
Legend

- AREA ONE: HISTORIC BUILDING INFILL
- AREA TWO: ARTS DISTRICT AND TRANSIT
- AREA THREE: 10TH STREET THRESHOLD
- AREA FOUR: INNOVATION ZONE
- AREA FIVE: PDR AREAS
- AREA SIX: EVANS CORRIDOR
- AREA SEVEN: EXISTING RESIDENTIAL NEIGHBORHOOD
- AREA EIGHT: ATHLETICS / RECREATION ZONE



West Greenville Revitalization Area

June 9, 2005



REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 18-18

Applicant: Salvatore Passalacqua

Property Information

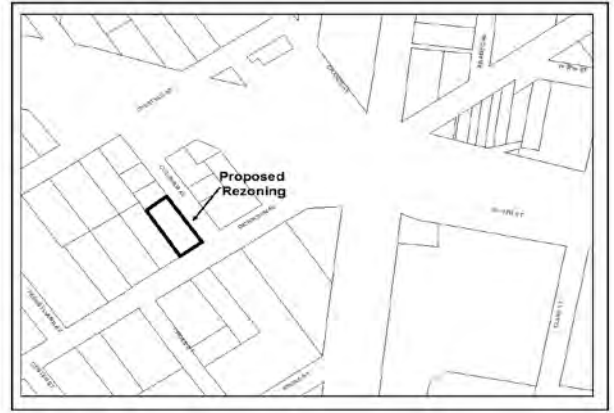
Current Zoning: CDF (Downtown Commercial Fringe)

Proposed Zoning: CD (Downtown Commercial)

Current Acreage: .22 acres (9,583 sf)

Location: Dickinson Ave, just west of Columbia Ave

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	3-lane with curb & gutter	no change
Right of way width (ft)	50	no change
Speed Limit (mph)	25	no change
Current ADT:	7,330	
Design ADT:	11,300 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

Other Information: There are sidewalks along Dickinson Ave that service this property.

Notes: (**) Traffic volume based an operating Level of Service D for existing geometric conditions
ADT – Average Daily Traffic volume

Transportation Improvement Program Status:

Trips generated by proposed use/change

Current Zoning: 10 -vehicle trips/day (*) **Proposed Zoning: 360** -vehicle trips/day (*)

Estimated Net Change: increase of 350 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 7,330

Estimated ADT with Proposed Zoning (full build) –	7,546
Estimated ADT with Current Zoning (full build) –	<u>7,336</u>
Net ADT change =	210 (3% increase)

2.) Dickinson Ave , South of Site (40%): "No build" ADT of 7,330

Estimated ADT with Proposed Zoning (full build) – 7,474

Estimated ADT with Current Zoning (full build) – 7,334

Net ADT change = 140 (2% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 360 trips to and from the site on Dickinson Ave, which is a net increase of 350 additional trips per day.

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

EXISTING ZONING	
CDF (DOWNTOWN COMMERCIAL FRINGE) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	b. Internal service facilities
	c. On-premise signs per Article N
	e. Temporary uses; of listed district uses
	f. Retail sales; incidental
	g. Incidental assembly of products sold at retail or wholesale as an accessory to principal uses
(2) Residential	
	a. Single-family dwelling
	b. Two-family attached dwelling (duplex)
	c. Multi-family development per Article I
	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)
	c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
	d. Federal government building or use
	g. Liquor store, state ABC
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	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
	n. Theater; movie or drama, indoor only
(7) Office/Financial/Medical	
	a. Office; professional and business, not otherwise listed
	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)
	k. Business or trade school

	n. Auditorium
	o. Church or place of worship (see also section 9-4-103)
	p. Library
	q. Museum
	r. Art gallery
	s. Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
	u. Art studio including art and supply sales
	v. Photography studio including photo and supply sales
	w. Recording studio
	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)
	kk. Launderette; household users
	ll. Dry cleaners; household users
	mm. Commercial laundries; linen supply
	oo. Clothes alteration or shoe repair shop
	pp. Automobile wash
(9) Repair	
	d. Upholsterer; furniture
	f. Appliance; household and office equipment repair
	g. Jewelry, watch, eyewear or other personal item repair
(10) Retail Trade	
	a. Miscellaneous retail sales; non-durable goods, not otherwise listed
	d. Pharmacy
	e. Convenience store (see also gasoline sales)
	f. Office and school supply, equipment sales
	g. Fish market; excluding processing or packing
	h. Restaurant; conventional
	i. Restaurant; fast food
	l. Electronic; stereo, radio, computer, TV, etc... sales and accessory repair
	m. Appliance; household use, sales and accessory repair, excluding outside storage
	n. Appliance; commercial use, sales and accessory repair, excluding outside storage
	p. Furniture and home furnishing sales not otherwise listed
	q. Floor covering, carpet and wall covering sales
	r. Antique sales, excluding vehicles
	s. Book or card store, news stand
	v. Video or music store; records, tape, CD and the like sales
	w. Florist
	x. Sporting goods sales and rental shop
	y. Auto part sales (see also major and minor repair)
	ee. Christmas tree sales lot; temporary only (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	

	c.	Rental of clothes and accessories; formal wear, and the like
	d.	Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
	f.	Automobiles, truck, recreational vehicle, motorcycles and boats sales and services (see also major and minor repair)
(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)
	e.	Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outdoor sales
	f.	Hardware store
(13) Transportation		
	b.	Bus station; passenger and related freight
	c.	Taxi or limousine service
	e.	Parcel delivery service
	f.	Ambulance service
(14) Manufacturing/Warehousing		
	c.	Bakery; production, storage, and shipment facilities
(15) Other Activities (not otherwise listed - all categories) - None		
CDF (DOWNTOWN COMMERCIAL FRINGE) - SPECIAL USES		
(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)
	n.	Retirement center or home
	o(1).	Nursing, convalescent or maternity home; minor care facility
	o.	Nursing, convalescent or maternity home; major care facility
	r.	Fraternity or sorority house
(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 - None		
(6) Recreational/Entertainment		
	d.	Game center
	i.	Commercial recreation; indoor and outdoor, not otherwise listed
	l.	Billiard parlor or pool hall
	m.	Public or private club
	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
	l.	Convention center; private
	x.	Dance studio
	bb.	Civic organizations
	cc.	Trade or business organization
	ff(1).	Mental health, emotional or physical rehabilitation day program facility
	hh.	Exercise and weight loss studio; indoor only
(9) Repair		
	a.	Major repair; as an accessory or principal use
	b.	Minor repair; as an accessory or principal use
(10) Retail Trade		
	b.	Gasoline or automotive fuel sales; accessory or principal use, retail
	c.	Wine shop; including on-premise consumption (see also section 9-4-103)
	g.	Fish market; excluding processing or packing
	j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
	t.	Hobby or craft shop
	u.	Pet shop (see also animal boarding; outside facility)
	ff.	Tobacco shop (Class 1) (see also section 9-4-103)
	hh.	Hookah café (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None		
(12) Construction		
	d.	Building supply; lumber and materials sales, plumbing and/or electrical supply including outdoor sales
(13) Transportation		
	h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing		
	g.	Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
(15) Other Activities (not otherwise listed - all categories)		
	a.	Other activities; personal services not otherwise listed
	b.	Other activities; professional services not otherwise listed
	c.	Other activities; commercial services not otherwise listed
	d.	Other activities; retail sales not otherwise listed
PROPOSED ZONING		
CD (DOWNTOWN COMMERCIAL) - PERMITTED USES		
(1) General		
	a.	Accessory use or building
	b.	Internal service facilities
	c.	On-premise signs per Article N
	e.	Temporary uses; of listed district uses
	f.	Retail sales; incidental

	g. Incidental assembly of products sold at retail or wholesale as an accessory to principal uses
(2) Residential	
	c. Multi-family development per Article I
	i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
	n. Retirement center or home
	o. Nursing, convalescent or maternity home; major care facility
	q. Room renting
(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
	g. Liquor store, state ABC
(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
	h. Commercial recreation; indoor only, not otherwise listed
	j. Bowling alley
	o. Theater; movie or drama, including outdoor facilities
	s. Athletic club; indoor only
(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
	f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
	g. Catalogue processing center
(8) Services	
	c. Funeral home
	e. Barber or beauty salon
	f. Manicure, pedicure or facial salon
	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
	s.	Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
	u.	Art studio including art and supply sales
	v.	Photography studio including photo and supply sales
	w.	Recording studio
	x.	Dance studio
	y.	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
	cc.	Trade or business organizations
	hh.	Exercise and weight loss studio; indoor only
	kk.	Launderette; household users
	ll.	Dry cleaners; household users
	oo.	Clothes alteration or shoe repair shop
(9) Repair		
	f.	Appliance; household and office equipment repair
	g.	Jewelry, watch, eyewear or other personal item repair
(10) Retail Trade		
	a.	Miscellaneous retail sales; non-durable goods, not otherwise listed
	d.	Pharmacy
	e.	Convenience store (see also gasoline sales)
	f.	Office and school supply, equipment sales
	h.	Restaurant; conventional
	i.	Restaurant; fast food
	l.	Electronic; stereo, radio, computer, TV, etc... sales and accessory repair
	m.	Appliance; household use, sales and accessory repair, excluding outside storage
	p.	Furniture and home furnishing sales not otherwise listed
	q.	Floor covering, carpet and wall covering sales
	r.	Antique sales, excluding vehicles
	s.	Book or card store, news stand
	t.	Hobby or craft shop
	u.	Pet shop (see also animal boarding; outside facility)
	v.	Video or music store; records, tape, CD and the like sales
	w.	Florist
	x.	Sporting goods sales and rental shop
	y.	Auto part sales (see also major and minor repair)
	ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade		
	c.	Rental of clothes and accessories; formal wear, and the like

	d.	Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
(12) Construction		
	a.	Licensed contractor; general electrical, plumbing, mechanical, etc... excluding outside storage
	c.	Construction office; temporary, including modular office (see also section 9-4-103)
	f.	Hardware store
(13) Transportation		
	b.	Bus station; passenger and related freight
	c.	Taxi or limousine service
	e.	Parcel delivery service
	h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing		
	g.	Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
	h.	Engraving; metal, glass or wood
(15) Other Activities (not otherwise listed - all categories) - None		
CD (DOWNTOWN COMMERCIAL) - SPECIAL USES		
(1) General - None		
(2) Residential		
	e(1).	Dormitory Development
(3) Home Occupations - None		
(4) Governmental - None		
(5) Agricultural/Mining - None		
(6) Recreational/Entertainment		
	d.	Game center
	l.	Billiard parlor or pool hall
	m.	Public or private club
	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
	i.	School; nursery and kindergarten (see also section 9-4-103)
	l.	Convention center; private
	ff(1).	Mental health, emotional or physical rehabilitation day program facility
(9) Repair		
	b.	Minor repair; as an accessory or principal use
(10) Retail Trade		
	b.	Gasoline or automotive fuel sales; accessory or principal use, retail
	c.	Wine shop; including on-premise consumption (see also section 9-4-103)
	g.	Fish market; excluding processing or packing
	j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities

n.	Appliance; commercial use, sales and accessory repair; excluding outside storage
aa.	Pawnbroker
ff.	Tobacco shop (Class 1) (see also section 9-4-103)
hh.	Hookah café (see also section 9-4-103)
ii.	Microbrewery (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing	
y.	Recycling collection station or facilities
(15) Other Activities (not otherwise listed - all categories)	
a.	Other activities; personal services not otherwise listed
b.	Other activities; professional services not otherwise listed
c.	Other activities; commercial services not otherwise listed
d.	Other activities; retail sales 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.

RESIDENTIAL DENSITY CHART

Density Level	Future Land Use and Character Type	Applicable Zoning District(s)	Units per Acre***
High	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	
High to Medium	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
Medium to Low	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: 8/9/2018
Time: 6:00 PM

Title of Item:

Ordinance requested by The Imperial Building, LLC and Saad Rentals, LLC to rezone 0.428 acres (18,644 square feet) located at the southeastern corner of the intersection of Dickinson Avenue and West 9th Street from CDF (Downtown Commercial Fringe) to CD (Downtown Commercial)

Explanation:

Abstract: The City has received a request from The Imperial Building, LLC and Saad Rentals, LLC to rezone 0.428 acres (18,644 square feet) located at the southeastern corner of the intersection of Dickinson Avenue and West 9th Street from CDF (Downtown Commercial Fringe) to CD (Downtown Commercial).

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on July 2, 2018.

On-site sign(s) posted on July 2, 2018.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on July 24, 2018.

Public hearing legal advertisement published on July 30 and August 6, 2018.

Comprehensive Plan:

Principle 5.

Uptown features a vibrant mix of businesses, residences, education, recreation, entertainment, and civic uses, and a distinctive character that is appealing to residents, visitors and investors.

- As the historic and civic heart of Greenville, Uptown will be a focus for revitalization efforts, strengthening community pride and the city's image. Revitalization efforts will include both public and private investment.

- ECU's Main and Millennial Campuses will be leveraged to attract new development and help strengthen the city's core.
- Adaptive reuse of underutilized buildings will be encouraged.
- Development of buildings on existing surface parking areas will be encouraged, while parking needs will be addressed through sharing arrangements and parking structures.
- Policies will encourage investment in neighborhoods at the edge of Uptown.

The Future Land Use and Character Map recommends urban edge (UE) in the area bounded by Dickinson Avenue, West 8th Street, South Washington Street and West 10th Street.

Uptown Edge

Uptown edge surrounds the uptown core and continues the urban street grid. It includes the Warehouse District and the area near the future ECU Millennial Campus. Development should extend the mixed use and walkable pattern of the core. With parcels generally larger than in Uptown Core, this area offers opportunity for larger-scale infill and redevelopment projects.

Intent:

- Infill and redevelopment with a mix of uses
- Adapt and reuse existing buildings for non-industrial uses
- Improve public realm with sidewalks and street trees
- Reduce /consolidate surface parking

Primary uses:

Commercial

Institutional/civic

Neighborhood-scale commercial

Secondary uses:

Multi-family residential

The subject property is included in The Dickinson Avenue Corridor Study that was accepted by City Council on December 8, 2014. It is specifically located in Area One, which is described as:

Area One: Historic Building Infill

Along the south side of Dickinson Avenue, this sub-area includes several important historic buildings. The Cupola Buildings were previously renovated and converted into office space. The Ficklen, which is Greenville's best remaining example of Carolina tobacco warehouse, could be renovated to support a wide range of uses from residential lots, offices and innovation space. These historic assets will help to create an authentic and distinctly North Carolinian feel to the side area. Generally speaking, "authentic places" are desired by millennials and young professionals - this loft-warehouse character will be a key aspect of branding the broader study area.

Additionally, this sub-area should include public amenities and open spaces along existing railroad spurs that are expected to be decommissioned in the future.

Also, the subject property is located in the West Greenville Revitalization Area (2005).

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

Currently, there are commercial buildings located on-site. Since the proposed zoning (CD) allows zero lot line building construction and non-residential use are exempt from parking requirements, staff does not anticipate a change in intensity to the site. Therefore, a traffic volume report was not generated.

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

History/Background:

In 1969, the property was zoned its current zoning.

Existing Land Uses:

Two (2) buildings containing retail, restaurant and residential space (19,108 square feet)

Water/Sewer:

Water and sanitary sewer are available to the properties.

Historic Sites:

The subject properties are located in the National Register Tobacco Warehouse Historic District. This is an honorary designation that does not regulate the appearance of structures contained within the district.

Environmental Conditions/Constraints:

The property is located in the Harris Mill Run / Schoolhouse Branch Watershed. Since the property is less than 0.5 acres, stormwater rules will not apply.

Surrounding Land Uses and Zoning:

North: CD - Two (2) vacant parcels (City-owned)

South: CDF - Three (3) NCDOT-owned parcels

East: CDF - One (1) NCDOT-owned parcel

West: No west side due to the shape of the property

Density Estimates:

Since the proposed zoning (CD) allows zero (0) lot line building construction and non-residential uses are exempt from parking requirements, staff does not anticipate a change in intensity to the site, but views this rezoning as allowing greater flexibility in the use of the property.

Fiscal Note: No cost to the City.

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

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

The Planning and Zoning Commission voted unanimously to approve the request at its July 17, 2018 meeting.

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

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

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

ATTACHMENTS:

- ❑ **Ordinance_The_Imperial_Building_and_Saad_Rentals_1083493**
- ❑ **Minutes_-_Imperial_Saad_1084670**
- ❑ **Attachments**

ORDINANCE NO. 18-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 9th day of August, 2018, at 6:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character designation and is located in a Preferred Growth Area;

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

Section 1. That the following described territory is rezoned from CDF (Downtown Commercial Fringe) to CD (Downtown Commercial).

TO WIT: The Imperial Building, LLC and Saad Rentals, LLC properties

LOCATION: Located at the southeastern corner of the intersection of Dickinson Avenue and West 9th Street.

DESCRIPTION: Beginning at a point where the southern right-of-way of US Highway 264 (Dickinson Avenue) intersects the northern right-of-way of Ninth Street. From the above described beginning, so located, running thence as follows:

With the southern right-of-way of US Highway 264 (Dickinson Avenue), N 54°18'43" E, 189.92', thence leaving the southern right-of-way of US Highway 264 (Dickinson Avenue) S 34°58'55" E, 196.30' to a point on the northern right-of-way of Ninth Street, thence with the northern right-of-way of Ninth Street N 79°22'36" W, 271.44' to the point of beginning containing 0.428 acres.

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

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

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

ADOPTED this 9th day of August, 2018.

P. J. Connelly, Mayor

ATTEST:

Carol L. Barwick, City Clerk

1083493

Excerpt from the draft Planning & Zoning Commission Minutes (07/17/2018)

ORDINANCE RECEIVED FROM THE IMPERIAL BUILDING, LLC AND SAAD RENTALS, LLC TO REZONE 0.428 ACRES (18,644 SQUARE FEET) LOCATED AT THE SOUTHEASTERN CORNER OF THE INTERSECTION OF DICKINSON AVENUE AND WEST 9TH STREET FROM CDF (DOWNTOWN COMMERCIAL FRINGE) TO CD (DOWNTOWN COMMERCIAL) - APPROVED

Ms. Gooby, delineated the property. It's located on the north side of the Tenth Street Connector. This request is comprised of two separate parcels. Since the property is less than a half-acre, stormwater rules do not apply. There is retail on the first floor and multi-family on the second floor of one of the buildings. The second building is vacant. There is mainly commercial uses in this area. Since the property is developed, staff does not anticipate an increase in traffic. The proposed CD zoning district will allow for denser development because there are no vegetation requirements and setbacks. It also offers more flexibility in uses. This site is included in The Dickinson Avenue Corridor Plan and specifically in Area 1, which is described as an area for historic building infill. The buildings are located in the National Register Tobacco Warehouse Historic District. The Future Land Use and Character Map recommends urban edge along Dickinson Avenue from West 14th Street to Reade Circle. This character is described as having mixed uses and infill and redevelopment. In staff's opinion, the request is in compliance with the Horizons 2026: Greenville's Community Plan, the Future Land Use and Character Map and The Dickinson Avenue Corridor Plan. Staff recommends approval.

Mr. Overton requested to be recused from voting on this agenda item. He is a broker for one of the properties.

Motion made by Mr. Robinson, seconded by Ms. Darden, to recuse Mr. Overton. Motion passed unanimously.

Mr. Overton said he would conduct the hearing and then recuse himself before the vote.

Mr. Overton opened the public hearing.

Mr. Mike Baldwin, Baldwin Design Consultants, representing the applicant, spoke in favor. He stated that CD would allow more appropriate uses for the downtown area.

No one spoke in opposition.

Mr. Overton closed the public hearing.

Mr. Robinson acted as Chair in Mr. Overton's place.

Motion made by Mr. Wilson, seconded by Ms. Darden, 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.

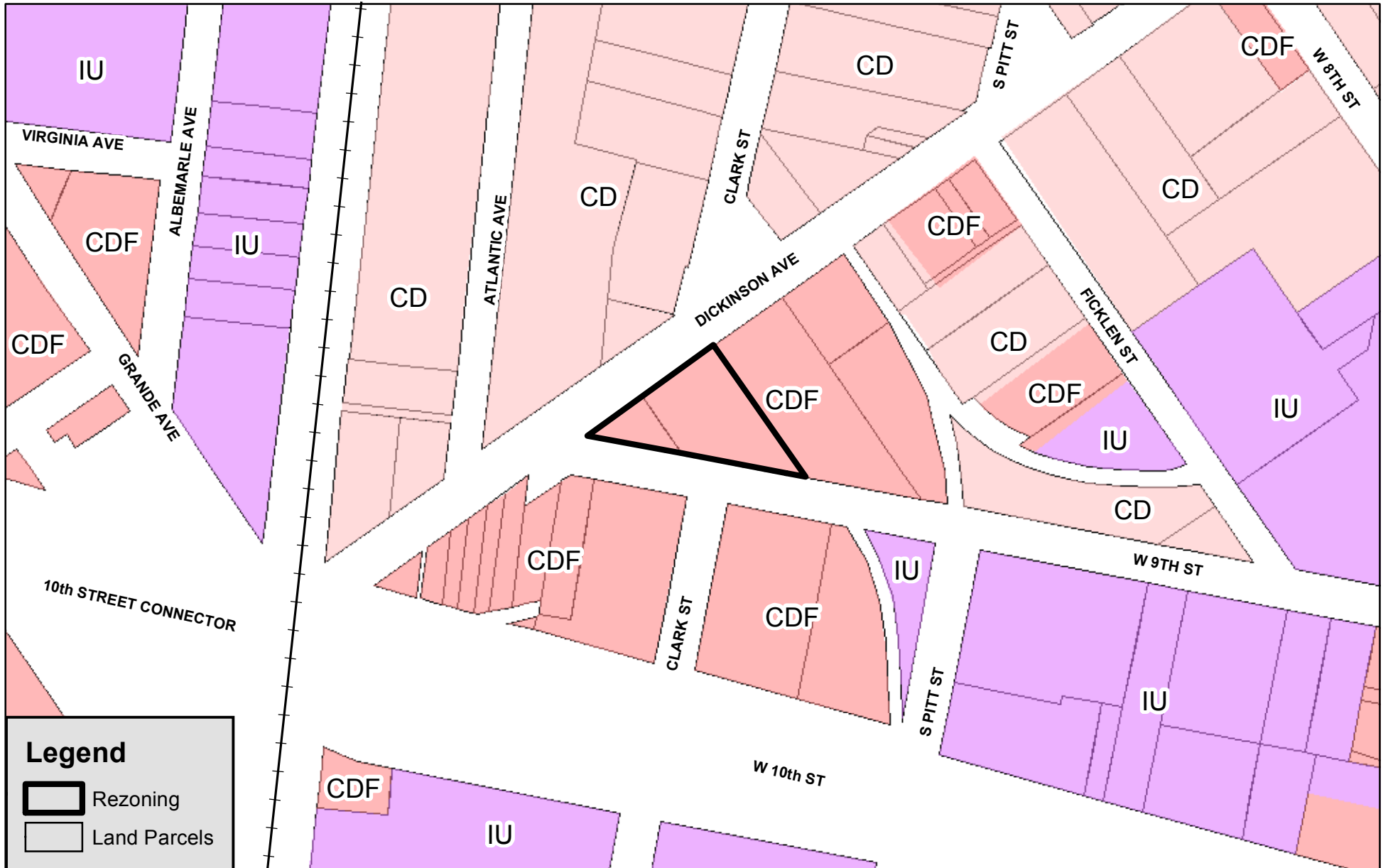
The Imperial Building, LLC and Saad Rentals, LLC

Acres: 0.428 (18,644 square feet)

From: CDF

To: CD

June 20, 2018



The Imperial Building, LLC and Saad Rentals, LLC

Acres: 0.428 (18,644 square feet)

From: CDF

To: CD

June 20, 2018



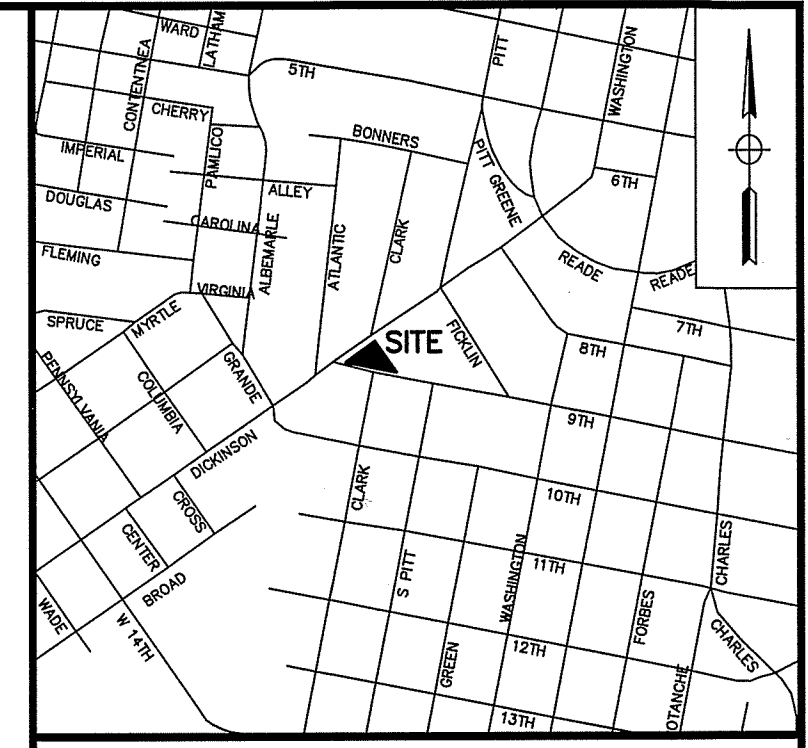
VACANT
CD
CITY OF GREENVILLE
PARCEL #34561
DB 3035, PG 638

VACANT
CD
CITY OF GREENVILLE
PARCEL #16548
DB 3035, PG 638

WAREHOUSE
CD
OSCAR HOLLOMAN and
wife, CAROL HOLLOMAN
PARCEL #13140
DB 3077, PG 476

SOUTH CLARK STREET
(50' R/W 32' B/B PUBLIC)

US HWY 264 - DICKINSON AVENUE
(55' R/W 41' B/B PUBLIC)



VICINITY MAP
SCALE: 1" = 1000'

YARD
CDF
DEPARTMENT OF
TRANSPORTATION
PARCEL #06651
DB 3164, PG 356

YARD
CDF
DEPARTMENT OF
TRANSPORTATION
PARCEL #06652
DB 3164, PG 356

YARD
CDF
DEPARTMENT OF
TRANSPORTATION
PARCEL #15539
DB 3282, PG 774

N 54°18'43" E 189.92'

PARCEL #15739
PARCEL #02759

PROPOSED ZONING

CD

CURRENT ZONING

CDF

AREA TO BE REZONED: 0.428 ACRE

(50' R/W
NINTH STREET
32' B/B PUBLIC)

N 79°22'36" W 271.44'

S 34°58'55" E 196.30'

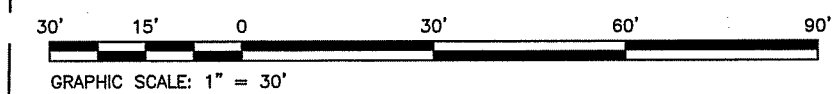
VACANT
CDF
DEPARTMENT OF
TRANSPORTATION
PARCEL #19449
DB 3278, PG 539

(50' R/W
CLARK STREET
32' B/B PUBLIC)

YARD
CDF
DEPARTMENT OF
TRANSPORTATION
PARCEL #16122
DB 3278, PG 539

YARD
CDF
DEPARTMENT OF
TRANSPORTATION
PARCEL #18343
DB 3278, PG 528

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.



PARCEL #15739
TAX MAP #4688-10-8056
PARCEL #02759
TAX MAP #4688-10-9037

SHEET 1 OF 1
REZONING MAP

**SAAD RENTALS /
THE IMPERIAL BUILDING**

REFERENCE: DEED BOOK 3678, PAGE 233;
AND DEED BOOK 2700, PGS 7-14 OF
THE PITT COUNTY REGISTER OF DEEDS.
GREENVILLE, GREENVILLE TOWNSHIP, PITT COUNTY, NC

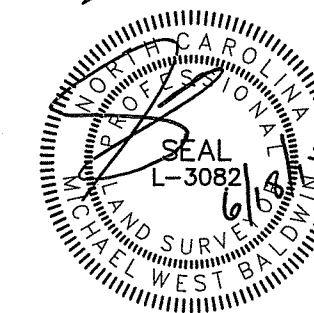
OWNERS: SAAD RENTALS, LLC
ADDRESS: 108 BROWNLEA DRIVE, SUITE A
GREENVILLE, NC 27858
PHONE: (252) 757-3191

OWNERS: THE IMPERIAL BUILDING, LLC
ADDRESS: P.O. BOX 2561
GREENVILLE, NC 27836
PHONE: (252) 414-5583

Baldwin Design Consultants, PA
ENGINEERING - SURVEYING - PLANNING
1700-D EAST ARLINGTON BOULEVARD
GREENVILLE, NC 27858 252.756.1390

DESIGNED: MWB	APPROVED: MWB
DRAWN: MAH	DATE: 06/18/18
CHECKED: MWB	SCALE: 1" = 30'

CLOSURE CHECK BOUNDARY	
CHECKED: MAH	DATE: 06/14/18

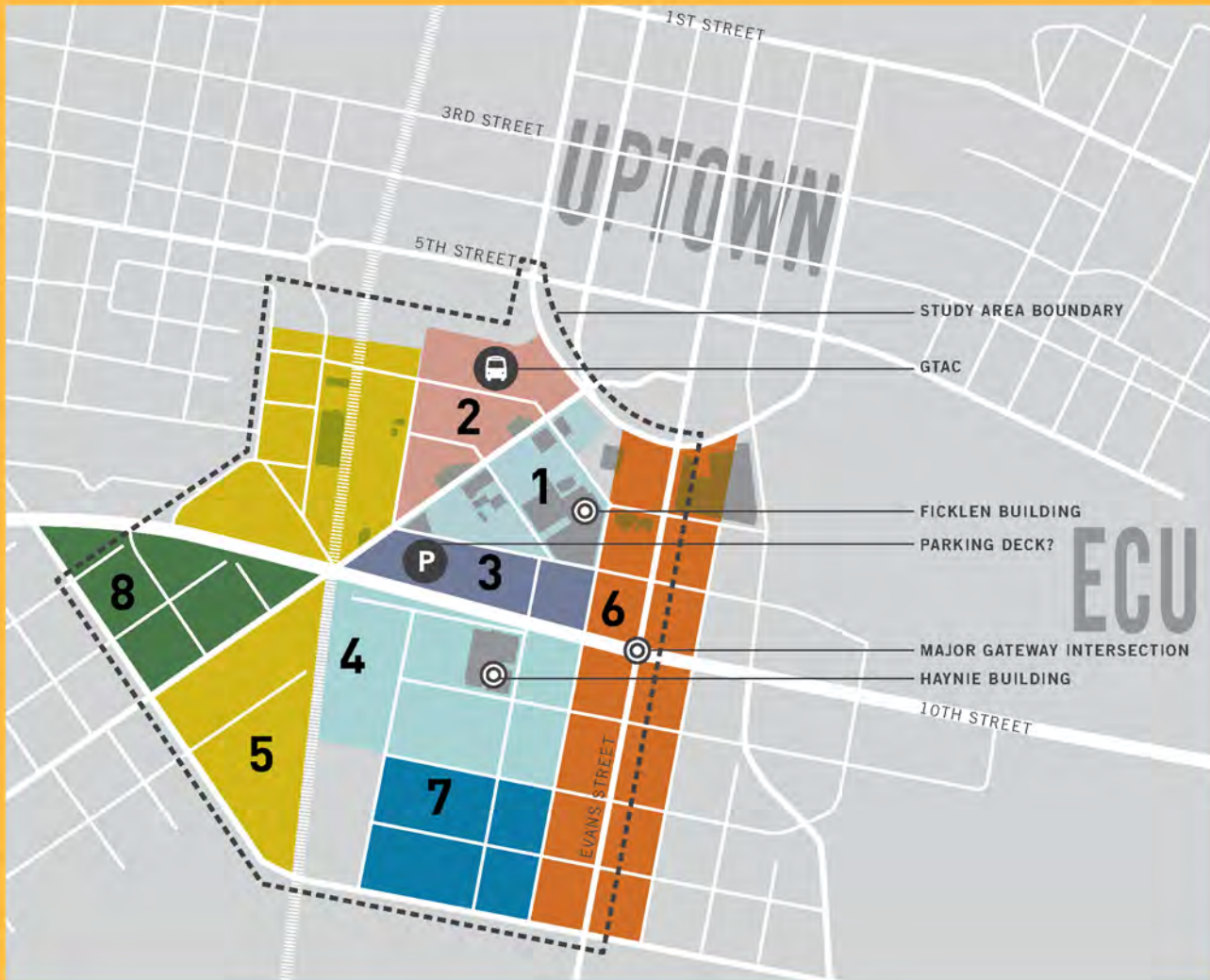


LEGEND

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

- = ZONING EXISTING
- = ZONING PROPOSED

EIGHT DISTINCT SUB-AREAS



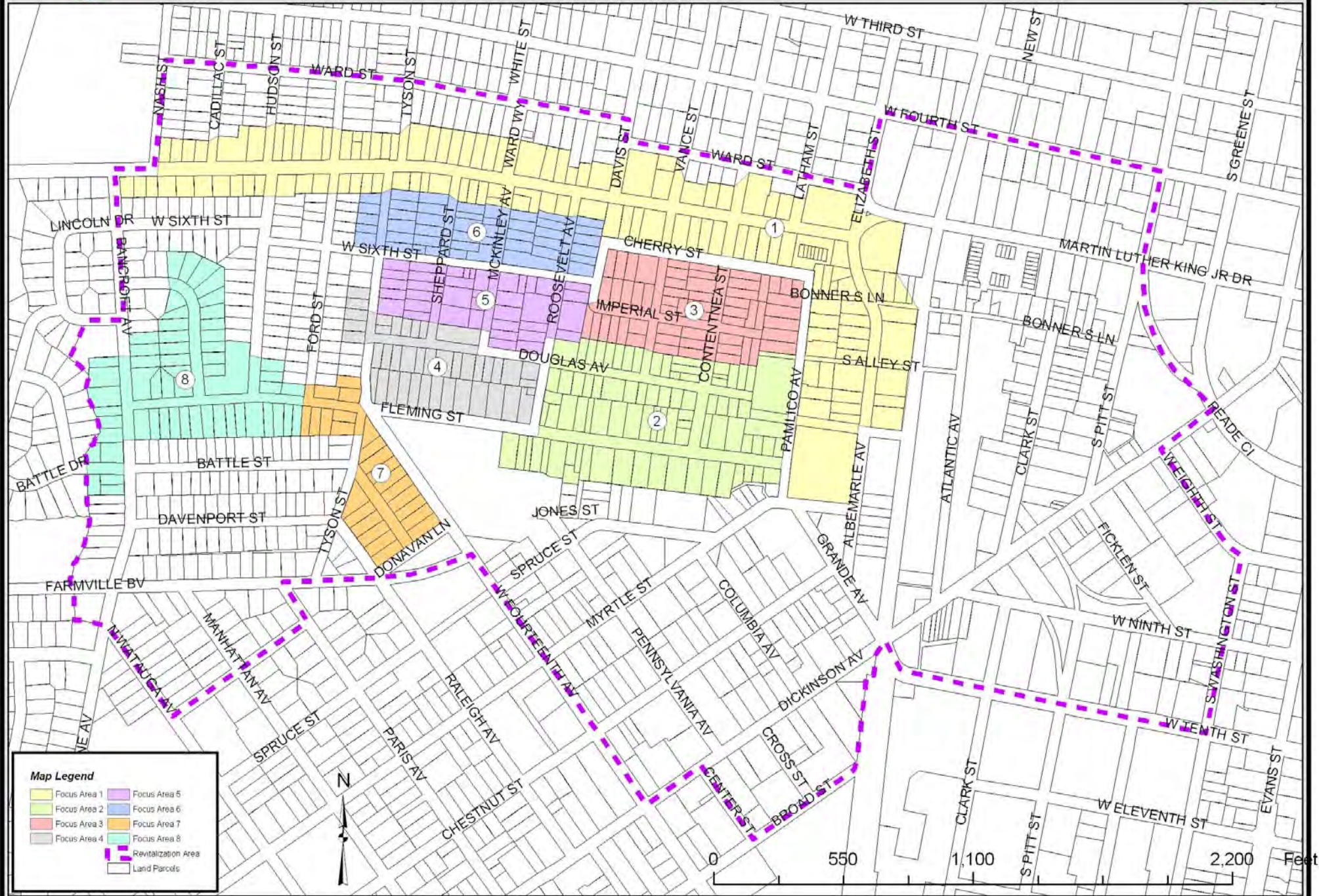
Legend

- AREA ONE: HISTORIC BUILDING INFILL
- AREA TWO: ARTS DISTRICT AND TRANSIT
- AREA THREE: 10TH STREET THRESHOLD
- AREA FOUR: INNOVATION ZONE
- AREA FIVE: PDR AREAS
- AREA SIX: EVANS CORRIDOR
- AREA SEVEN: EXISTING RESIDENTIAL NEIGHBORHOOD
- AREA EIGHT: ATHLETICS / RECREATION ZONE



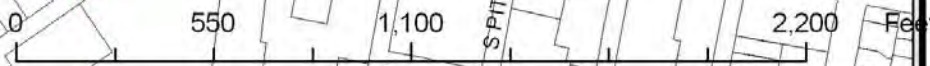
West Greenville Revitalization Area

June 9, 2005



Map Legend

- Focus Area 1
- Focus Area 2
- Focus Area 3
- Focus Area 4
- Focus Area 5
- Focus Area 6
- Focus Area 7
- Focus Area 8
- Revitalization Area
- Land Parcels



EXISTING ZONING	
CDF (DOWNTOWN COMMERCIAL FRINGE) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	b. Internal service facilities
	c. On-premise signs per Article N
	e. Temporary uses; of listed district uses
	f. Retail sales; incidental
	g. Incidental assembly of products sold at retail or wholesale as an accessory to principal uses
(2) Residential	
	a. Single-family dwelling
	b. Two-family attached dwelling (duplex)
	c. Multi-family development per Article I
	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)
	c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
	d. Federal government building or use
	g. Liquor store, state ABC
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	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
	n. Theater; movie or drama, indoor only
(7) Office/Financial/Medical	
	a. Office; professional and business, not otherwise listed
	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)
	k. Business or trade school

	n.	Auditorium
	o.	Church or place of worship (see also section 9-4-103)
	p.	Library
	q.	Museum
	r.	Art gallery
	s.	Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
	u.	Art studio including art and supply sales
	v.	Photography studio including photo and supply sales
	w.	Recording studio
	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)
	kk.	Launderette; household users
	ll.	Dry cleaners; household users
	mm.	Commercial laundries; linen supply
	oo.	Clothes alteration or shoe repair shop
	pp.	Automobile wash
(9) Repair		
	d.	Upholsterer; furniture
	f.	Appliance; household and office equipment repair
	g.	Jewelry, watch, eyewear or other personal item repair
(10) Retail Trade		
	a.	Miscellaneous retail sales; non-durable goods, not otherwise listed
	d.	Pharmacy
	e.	Convenience store (see also gasoline sales)
	f.	Office and school supply, equipment sales
	g.	Fish market; excluding processing or packing
	h.	Restaurant; conventional
	i.	Restaurant; fast food
	l.	Electronic; stereo, radio, computer, TV, etc... sales and accessory repair
	m.	Appliance; household use, sales and accessory repair, excluding outside storage
	n.	Appliance; commercial use, sales and accessory repair, excluding outside storage
	p.	Furniture and home furnishing sales not otherwise listed
	q.	Floor covering, carpet and wall covering sales
	r.	Antique sales, excluding vehicles
	s.	Book or card store, news stand
	v.	Video or music store; records, tape, CD and the like sales
	w.	Florist
	x.	Sporting goods sales and rental shop
	y.	Auto part sales (see also major and minor repair)
	ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade		

	c.	Rental of clothes and accessories; formal wear, and the like
	d.	Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
	f.	Automobiles, truck, recreational vehicle, motorcycles and boats sales and services (see also major and minor repair)
(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)
	e.	Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outdoor sales
	f.	Hardware store
(13) Transportation		
	b.	Bus station; passenger and related freight
	c.	Taxi or limousine service
	e.	Parcel delivery service
	f.	Ambulance service
(14) Manufacturing/Warehousing		
	c.	Bakery; production, storage, and shipment facilities
(15) Other Activities (not otherwise listed - all categories) - None		
CDF (DOWNTOWN COMMERCIAL FRINGE) - SPECIAL USES		
(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)
	n.	Retirement center or home
	o(1).	Nursing, convalescent or maternity home; minor care facility
	o.	Nursing, convalescent or maternity home; major care facility
	r.	Fraternity or sorority house
(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 - None		
(6) Recreational/Entertainment		
	d.	Game center
	i.	Commercial recreation; indoor and outdoor, not otherwise listed
	l.	Billiard parlor or pool hall
	m.	Public or private club
	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
	l.	Convention center; private
	x.	Dance studio
	bb.	Civic organizations
	cc.	Trade or business organization
	ff(1).	Mental health, emotional or physical rehabilitation day program facility
	hh.	Exercise and weight loss studio; indoor only
(9) Repair		
	a.	Major repair; as an accessory or principal use
	b.	Minor repair; as an accessory or principal use
(10) Retail Trade		
	b.	Gasoline or automotive fuel sales; accessory or principal use, retail
	c.	Wine shop; including on-premise consumption (see also section 9-4-103)
	g.	Fish market; excluding processing or packing
	j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
	t.	Hobby or craft shop
	u.	Pet shop (see also animal boarding; outside facility)
	ff.	Tobacco shop (Class 1) (see also section 9-4-103)
	hh.	Hookah café (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None		
(12) Construction		
	d.	Building supply; lumber and materials sales, plumbing and/or electrical supply including outdoor sales
(13) Transportation		
	h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing		
	g.	Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
(15) Other Activities (not otherwise listed - all categories)		
	a.	Other activities; personal services not otherwise listed
	b.	Other activities; professional services not otherwise listed
	c.	Other activities; commercial services not otherwise listed
	d.	Other activities; retail sales not otherwise listed
PROPOSED ZONING		
CD (DOWNTOWN COMMERCIAL) - PERMITTED USES		
(1) General		
	a.	Accessory use or building
	b.	Internal service facilities
	c.	On-premise signs per Article N
	e.	Temporary uses; of listed district uses
	f.	Retail sales; incidental

	g. Incidental assembly of products sold at retail or wholesale as an accessory to principal uses
(2) Residential	
	c. Multi-family development per Article I
	i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
	n. Retirement center or home
	o. Nursing, convalescent or maternity home; major care facility
	q. Room renting
(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
	g. Liquor store, state ABC
(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
	h. Commercial recreation; indoor only, not otherwise listed
	j. Bowling alley
	o. Theater; movie or drama, including outdoor facilities
	s. Athletic club; indoor only
(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
	f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
	g. Catalogue processing center
(8) Services	
	c. Funeral home
	e. Barber or beauty salon
	f. Manicure, pedicure or facial salon
	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
	s.	Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
	u.	Art studio including art and supply sales
	v.	Photography studio including photo and supply sales
	w.	Recording studio
	x.	Dance studio
	y.	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
	cc.	Trade or business organizations
	hh.	Exercise and weight loss studio; indoor only
	kk.	Launderette; household users
	ll.	Dry cleaners; household users
	oo.	Clothes alteration or shoe repair shop
(9) Repair		
	f.	Appliance; household and office equipment repair
	g.	Jewelry, watch, eyewear or other personal item repair
(10) Retail Trade		
	a.	Miscellaneous retail sales; non-durable goods, not otherwise listed
	d.	Pharmacy
	e.	Convenience store (see also gasoline sales)
	f.	Office and school supply, equipment sales
	h.	Restaurant; conventional
	i.	Restaurant; fast food
	l.	Electronic; stereo, radio, computer, TV, etc... sales and accessory repair
	m.	Appliance; household use, sales and accessory repair, excluding outside storage
	p.	Furniture and home furnishing sales not otherwise listed
	q.	Floor covering, carpet and wall covering sales
	r.	Antique sales, excluding vehicles
	s.	Book or card store, news stand
	t.	Hobby or craft shop
	u.	Pet shop (see also animal boarding; outside facility)
	v.	Video or music store; records, tape, CD and the like sales
	w.	Florist
	x.	Sporting goods sales and rental shop
	y.	Auto part sales (see also major and minor repair)
	ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade		
	c.	Rental of clothes and accessories; formal wear, and the like

	d.	Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
(12) Construction		
	a.	Licensed contractor; general electrical, plumbing, mechanical, etc... excluding outside storage
	c.	Construction office; temporary, including modular office (see also section 9-4-103)
	f.	Hardware store
(13) Transportation		
	b.	Bus station; passenger and related freight
	c.	Taxi or limousine service
	e.	Parcel delivery service
	h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing		
	g.	Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
	h.	Engraving; metal, glass or wood
(15) Other Activities (not otherwise listed - all categories) - None		
CD (DOWNTOWN COMMERCIAL) - SPECIAL USES		
(1) General - None		
(2) Residential		
	e(1).	Dormitory Development
(3) Home Occupations - None		
(4) Governmental - None		
(5) Agricultural/Mining - None		
(6) Recreational/Entertainment		
	d.	Game center
	l.	Billiard parlor or pool hall
	m.	Public or private club
	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
	i.	School; nursery and kindergarten (see also section 9-4-103)
	l.	Convention center; private
	ff(1).	Mental health, emotional or physical rehabilitation day program facility
(9) Repair		
	b.	Minor repair; as an accessory or principal use
(10) Retail Trade		
	b.	Gasoline or automotive fuel sales; accessory or principal use, retail
	c.	Wine shop; including on-premise consumption (see also section 9-4-103)
	g.	Fish market; excluding processing or packing
	j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities

n.	Appliance; commercial use, sales and accessory repair; excluding outside storage
aa.	Pawnbroker
ff.	Tobacco shop (Class 1) (see also section 9-4-103)
hh.	Hookah café (see also section 9-4-103)
ii.	Microbrewery (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing	
y.	Recycling collection station or facilities
(15) Other Activities (not otherwise listed - all categories)	
a.	Other activities; personal services not otherwise listed
b.	Other activities; professional services not otherwise listed
c.	Other activities; commercial services not otherwise listed
d.	Other activities; retail sales 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.

RESIDENTIAL DENSITY CHART

Density Level	Future Land Use and Character Type	Applicable Zoning District(s)	Units per Acre***
High	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	
High to Medium	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
Medium to Low	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: 8/9/2018
Time: 6:00 PM

Title of Item:

Ordinance requested by Happy Trail Farms, LLC to rezone a total of 60.895 acres located between Belvoir Highway and Sunnybrook Road for Tract 1 and at the northeastern corner of the intersection of Belvoir Highway and Redmond Lane for Tract 2 from RA20 (Residential-Agricultural) and CG (General Commercial) to I (Industry) for Tract 1 – 51.035 acres and CH (Heavy Commercial) for Tract 2 – 9.860 acres

Explanation:

Abstract: The City has received a request from Happy Trail Farms, LLC to rezone a total of 60.895 acres located between Belvoir Highway and Sunnybrook Road for Tract 1 and at the northeastern corner of the intersection of Belvoir Highway and Redmond Lane for Tract 2 from RA20 (Residential-Agricultural) and CG (General Commercial) to I (Industry) for Tract 1 – 51.035 acres and CH (Heavy Commercial) for Tract 2 – 9.860 acres.

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on July 2, 2018.

On-site sign(s) posted on July 2, 2018.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on July 24, 2018.

Public hearing legal advertisement published on July 30 and August 6, 2018.

Comprehensive Plan:

The Future Land Use and Character Map recommends commercial (C) at the northeastern corner of the intersection of Belvoir Highway and Sunnybrook Road transitioning to traditional neighborhood, medium - high density (TNMH) along Sunnybrook Road and industrial/logistics (IL) to the north.

Further, potential conservation/open space (PCOS) is recommended between the traditional neighborhood, medium - high density (TNMH) and industrial/logistics (IL) and the residential, low - medium density (LMDR) to the north.

The Future Land Use and Character Map recommends industrial/logistics (IL) at the northeastern corner of the intersection of Belvoir Highway and Redmond Lane transitioning to residential, low - medium density (LMDR) and potential conservation/open space (PCOS) to the interior.

Industrial/Logistics

Area is characterized by warehouses and light manufacturing operations and related office uses. It includes the Greenville Industrial Park, airport area, and Southwest Bypass Corridor.

Intent:

- Encourage expansion of light industrial, assembly and research uses
- Encourage the use of higher-quality building materials and landscaping for highly-visible sites

Primary uses:

Industrial
Light industrial
Research and assembly
Warehousing

Secondary uses:

Office
Commercial

Policy 4.1.3. Support the Economic Base

Continue to support and offer resources for existing businesses seeking to expand in Greenville. Attract and retain companies within target sectors that benefit from clustering.

In particular:

- Back office and data centers
- Digital media/software/simulation
- Pharmaceutical manufacturing
- Medical device manufacturing
- Advanced manufacturing

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

Traditional Neighborhood, Medium - High Density

Primarily residential area featuring a mix of higher density housing types ranging from multi-family, townhomes, and small-lot single-family detached. They are typically located within a walkable distance to a neighborhood activity center. Traditional neighborhoods should have a walkable street network of small blocks, a defined center and edges, and connections to surrounding development.

Intent:

- Provide streetscape features such as sidewalks, street trees, and lighting
- Allow neighborhood-scale commercial or mixed use centers at key intersections within neighborhoods

Primary uses:

Multi-family residential

Single-family residential attached (townhomes) and detached (small-lot)

Secondary uses:

Institutional (neighborhood scale)

Residential, Low - Medium Density

Residential, low - medium density areas are primarily single-family developments arranged along wide, curvilinear streets with few intersections. Building and lot size range in size and density but tend to be highly consistent within a development with limited connectivity between different residential types and non-residential uses.

Intent:

- Provide better pedestrian and vehicular connectivity between residential developments
- Improve streetscape features such as consistent sidewalks, lighting, and street trees

Primary uses:

Single-family detached residential

Secondary uses:

Two-family residential

Institutional/civic (neighborhood scale)

Potential Conservation/Open Space

Potential conservation/open space land is typically located in areas that contain existing parkland, needed land buffers, exhibit potential for flooding, or are deemed inappropriate for development due to physical or environmental barriers. Some land within this area may not contain barriers to development, or there may be reasonable mitigation. Site analysis is needed to determine development capabilities in these areas.

The Future Land Use and Character Map identifies certain areas as potential conservation/open space. Much of this area is designated based upon data on flood-prone land and environmental constraints that may not correspond precisely with conditions on the ground. Seeing an area designated this way is the beginning of a conversation. When considering rezoning requests or other development proposals, some areas classified as potential conservation/open space may be determined not to contain anticipated limitations on development, or that existing concerns can reasonably be mitigated. In such cases, the future preferred land use should be based on adjacent Land Use and Character designations, contextual considerations, and the general policies of the comprehensive plan.

Intent:

- Conserve environmentally-sensitive land
- Buffer incompatible land uses with open space
- Provide open space network through the city for recreation
- Conservation/open space buffers adjacent to industrial development should be maintained at a width based on the type of industry and its potential to create compatibility problems
- Greenways and greenway connectors should be maintained to be consistent with the Greenway Plan.

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

Based on the analysis comparing the existing zoning (2,983 daily trips) and requested rezoning, the proposed rezoning classification could generate approximately 200 trips to and from the site on Belvoir Highway, which is a net *decrease* of 2,783 less trips per day. Since

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

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. In 1979, as part of a large-scale rezoning, the CG-zoned portion was rezoned at that time.

Present Land Use:

Farmland

Water/Sewer:

Water is available, but sanitary sewer is not currently available.

Historic Sites:

There are no known effects on historic sites.

Environmental Conditions/Constraints:

The subject property is located in the Moyes Run / Cannon Swamp Watershed. Under stormwater rules, 10-year detention may apply.

Surrounding Land Uses and Zoning:

North: RA20 - Two (2) single-family residences and one (1) vacant lot (city-owned); R9 - Woodlands

South: RA20 - Five (5) vacant lots, one (1) single-family residence and New Fleming OFWB Church; CH - One (1) commercial building; IU - One (1) industrial warehouse

East: RA20 and CG - One (1) vacant lot (city-owned)

West: RA20 - Four (4) duplex buildings, farmland and one (1) sandmine

Density Estimates:

Tract 1

Gross Acreage: 51.035

Current Zoning: RA20 (Residential-Agricultural) and CG (General Commercial)

Proposed Zoning: I (Industry)

Under the current zoning, the site could accommodate 150 single-family lots. Due to the size of the CG-zoned property, it is not developable.

Under the proposed zoning, the site could accommodate quarrying/sandmining including storage and distribution on the entire site.

Tract 2

Gross Acreage: 9.860

Current Zoning: RA20 (Residential-Agricultural) and CG (General Commercial)

Proposed Zoning: CH (Heavy Commercial)

Under the current zoning, the site could accommodate 20 single-family lots and 25,000 square feet containing: one (1) convenience store with gasoline sales (3,600 square feet) and mini-storage (21,400 square feet).

Under the proposed zoning, the site could accommodate quarrying/sandmining including storage and distribution on the entire site.

The anticipated build-out 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 Map.

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

The Planning and Zoning Commission voted (6:2) to deny the request at its July 17, 2018 meeting.

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

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is

a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

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

ATTACHMENTS:

- ☐ **Ordinance_Happy_Trail_Farms_18-20_1083491**
- ☐ **Minutes_-_HTF_18-20_1084673**
- ☐ **Attachments**

ORDINANCE NO. 18-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 9th day of August, 2018, at 6:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character designation and is located in a Primary Service Area and a Preferred Growth Area;

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

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

TO WIT: Happy Trail Farms, LLC, Tract 1

LOCATION: Located between Belvoir Highway and Sunnybrook Road, and 1,100+/- feet south of Fleming School Road.

DESCRIPTION: Beginning at a point on the eastern right-of-way of NCSR 1440 (Sunnybrook Road), said point being the northwestern corner of the Mary Denise Owens Property as described in Deed Book 2020, Page 113 of the Pitt County Register of Deeds. From the above described beginning, so located, running thence as follows:

With the eastern right-of-way of NCSR 1440 (Sunnybrook Road), N 00°44'39" W, 16.81', and N 03°07'39" W, 188.40', and N 08°34'39" W, 368.20', to the point of curvature, thence with a curve to the right an arc distance of 623.19', said curve having a radius of 940.20' and a chord bearing N 11°57'14" E, 611.85' to the point of tangency, thence N 28°20'06" E, 130.70', and N 26°18'21" E, 253.00', thence leaving the eastern right-of-way of NCSR 1440 (Sunnybrook Road) S 76°42'22" E, 133.19', thence S 57°56'47" E, 69.47', thence S 55°13'05" E, 367.22', thence S 59°32'41" E, 62.78', thence S 60°01'27" E, 75.08', thence S 72°03'09" E, 238.50', thence S 70°56'32" E, 343.72', thence S 14°40'41" E, 39.41', thence S 15°23'06" E, 179.04', thence S 23°07'00" E, 34.39', thence S 47°45'29" E, 23.58', to a point on the curved western right-of-way of Belvoir Highway, thence with a curve to the left an arc distance of 623.19', said curve having a radius of 1,412.31' and a chord bearing S 22°37'28" W, 618.14' to the point of tangency, thence S 08°59'54" W, 97.63' to the point of curvature, thence with a curve to the right an arc distance of 1,254.25', said curve having a radius of 984.33' and a chord bearing S 45°41'16" W, 1,171.10', thence leaving the curved right-of-way of Belvoir Highway, N 02°54'04" W, 524.77', thence N 56°38'35" W, 439.81' to the point of beginning containing 51.035 acres and being a portion of the property described in Deed Book 3824, Page 89 of the Pitt County Register of Deeds.

Section 2. That the following described territory is rezoned from RA20 (Residential-Agricultural) and CG (General Commercial) to CH (Heavy Commercial).

TO WIT: Happy Trail Farms, LLC, Tract 2

LOCATION: Located at the northeastern corner of the intersection of Belvoir Highway and Redmond Lane.

DESCRIPTION: Beginning at a point where the curved eastern right-of-way of Belvoir Highway intersects the northern right-of-way of Redmond Lane. From the above described beginning, so located, running thence as follows:

With the curved eastern right-of-way of Belvoir Highway a curve to the left an arc distance of 633.37', said curve having a radius of 1,084.33' and a chord bearing N 25°54'33" E, 624.40' to the point of tangency, thence N 08°59'54" E, 96.91' to the point of curvature, thence with a curve to the right an arc distance of 595.66', said curve having a radius of 1,312.31' and a chord bearing N

23°01'25" E, 590.56', thence leaving the curved eastern right-of-way of Belvoir Highway S 69°00'42" E, 76.56', thence S 01°56'41" E, 1,265.85', to a point on the curved northern right-of-way of Redmond Lane, thence with the curved northern right-of-way of Redmond Lane a curve to the left an arc distance of 128.62', said curve having a radius of 1,524.51' and a chord bearing N 78°41'37" W, 128.58', thence N 06°59'35" E, 20.19', thence with a curve to the left an arc distance of 413.31', said curve having a radius of 1,576.65' and a chord bearing N 88°33'48" W, 412.13', thence S 03°18'58" E, 19.45', S 82°22'58" W, 34.89', and N 46°55'56" W, 88.04' to the point of beginning containing 9.860 acres and being a portion of the property described in Deed Book 3824, Page 89 of the Pitt County Register of Deeds.

Section 3. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 4. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5. That this ordinance shall become effective upon its adoption.

ADOPTED this 9th day of August, 2018.

P. J. Connelly, Mayor

ATTEST:

Carol L. Barwick, City Clerk

1083491

Excerpt from the draft Planning & Zoning Commission Minutes (07/17/2018)

ORDINANCE RECEIVED FROM HAPPY TRAIL FARMS, LLC TO REZONE A TOTAL OF 60.895 ACRES LOCATED BETWEEN BELVOIR HIGHWAY AND SUNNYBROOK ROAD FOR TRACT 1 AND AT THE NORTHEASTERN CORNER OF THE INTERSECTION OF BELVOIR HIGHWAY AND REDMOND LANE FOR TRACT 2 FROM RA20 RESIDENTIAL-AGRICULTURAL) AND CG (GENERAL COMMERCIAL) TO I (INDUSTRY) FOR TRACT 1 – 51.035 ACRES AND CH (HEAVY COMMERCIAL) FOR TRACT 2 – 9.860 ACRES - DENIED

Ms. Gooby delineated the property. This property is vacant as is most of the surrounding properties. However, there are a number of residential uses in the area, as well. There is an existing sand mine of the west side of Sunnybrook Road. This property is not included in the Recognized Industrial Area. The property is located in the Moyes Run / Cannon Swamp Watershed. When developed, stormwater rules will require 10-year detention. Under the current zoning for Tract 1, the site could accommodate 150 single-family lots. The CG-zoned portion is not developable due to its size. Under the requested zoning for Tract 1, the property could accommodate sandmining and distribution. Under the current zoning for Tract 2, the site could accommodate 20 single-family lots and a convenience store and mini-storage. Under the requested zoning for Tract 2, the property could accommodate sandmining and distribution. An increase in traffic is not anticipated. The Future Land Use and Character Map recommends commercial at the intersection of Belvoir Highway and Sunnybrook Road transitioning to medium-high density residential along Sunnybrook Road and industrial/logistics (IL) to the north. Further, potential conservation/open space is recommended between the residential and industrial and the lower density residential to the north. For Tract 2, the Future Land Use and Character Map recommends industrial/logistics (IL) at the intersection of Belvoir Highway and Redmond Lane. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Mr. Overton opened the public hearing.

Mr. Mike Baldwin, Baldwin Design Consultants, represents the owner, Mr. Woody Whichard, spoke in favor of the request. Mr. Whichard purchased this property about a year ago. He buys, improves and re-sells properties. He does not anticipate that any potential use would create more traffic.

Mr. Richard Mabry, 2101 Sunnybrook Road, spoke in opposition. He lives next door to the existing sand mine and has suffered and complained for years about dust and noise. The trucks going in and out of the existing sand mine shakes his house and he doesn't want more of this happening.

Steve Nichols, Sunnybrook Road, spoke in opposition. He has lived on Sunnybrook Road since its inception, as do other family members prior to the existing sand mine. The trucks tear up the road.

Ms. Reid requested to be recused from voting on this agenda item. She stated her daughter lives in the area.

Mr. Overton asked her to hold off until the hearing is over.

Ms. Mary Whitley Joyner, 1993 Sunnybrook Road, spoke in opposition. The trucks don't allow them to get out and that when it rains the water backs up.

Mr. William E. Joyner, 1993 Sunnybrook Road, spoke in opposition. He and his wife need peace and quiet and their health. He objects to the trucks and the noise.

Ms. Sonya Atkinson Briley, 1995 & 1997 Sunnybrook Road, spoke in opposition, has all the same complaints from her tenants as the previous speakers.

Mr. Edward Downing, spoke in opposition, stated that he is under contract to buy 2102 Sunnybrook Road and isn't sure if he should break it. It's not fair how big companies impact people to make money.

Mr. Larry Miner, owner of 2102 Sunnybrook Road, spoke in opposition. As a property owner adjacent to Tract 1, the noise, dust and trucks are horrendous. The road is narrow and property would be better off with houses.

Mr. Jeremy Albright, 2100 Sunnybrook Road, spoke in opposition. As an adjacent property owner, his children can't play outside due to the dust. Despite an alternative access was added for trucks to use, they still come through Sunnybrook Road. He is concerned that no traffic impact study had been done. The zoning isn't compatible with surrounding uses.

Mr. Andrew Steinlein, 2160 Sunnybrook Road, spoke in opposition. The road is so torn up that his daughter's rim had to be replaced after hitting a pot hole. The trucks dump sand in the road as they turn which presents a danger.

Mr. Bill Kitchner, 2110 Sunnybrook Road, spoke in opposition. It is currently unsafe for young children and for people to walk. He has asthma and a heart condition, which is exasperated by the sand.

Mr. Michael Baldwin, spoke in rebuttal in favor of the request, it's unfortunate that S.T. Wooten Sand Mine has access to Sunnybrook Road, but feels that shouldn't affect this rezoning. There will be access off Belvoir Highway, which will drive the development of the property. He does not feel single-family housing is appropriate for this property.

Mr. Joyner inquired as to the reason for the buffer zone.

Ms. Gooby stated the green buffer zone could mean various things such as an environmental issue or some other type of incompatibility. It means there should be a buffer such as a setback or vegetation requirement. She showed the chart of buffer requirements depending on uses.

Mr. Overton stated that sand mining is a potential use under this request and that members have to consider all of the uses allowed in the requested zoning districts.

Mr. Baldwin speculated that there may be a blue line stream in the referenced buffer area.

Mr. Richard Mabry, spoke in rebuttal in opposition, that the drainage in the area is horrible. It floods in the yards and the streets.

Mr. Overton closed the public hearing.

Motion made by Ms. Darden, seconded by Mr. King, to recuse Ms. Reid. Motion passed unanimously.

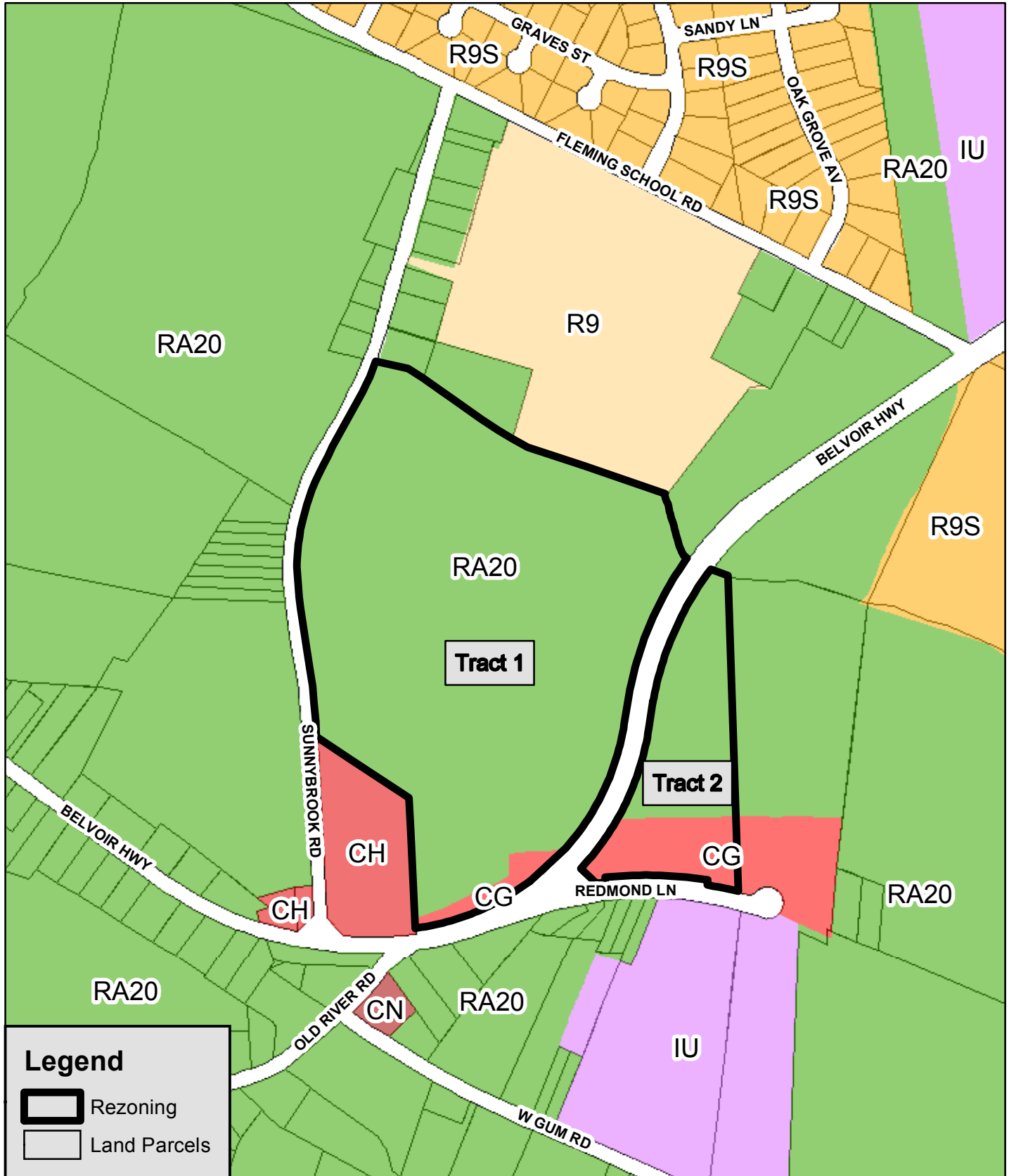
Mr. Joyner voted in Ms. Reid's place.

Mr. Maxwell stated that he is concerned for the people living there.

Ms. Darden stated that it would be better if there was a buffer.

Motion made by Mr. Collins, seconded by Mr. Maxwell, to recommend denial of the proposed amendment, to advise that it is inconsistent with the comprehensive plan and to adopt the staff report which addressed plan consistency and other matters. Voting in favor: Collins, Maxwell, Wilson, King, Schrade, and Darden. Voting in opposition: Robinson and Joyner. Motion passed.

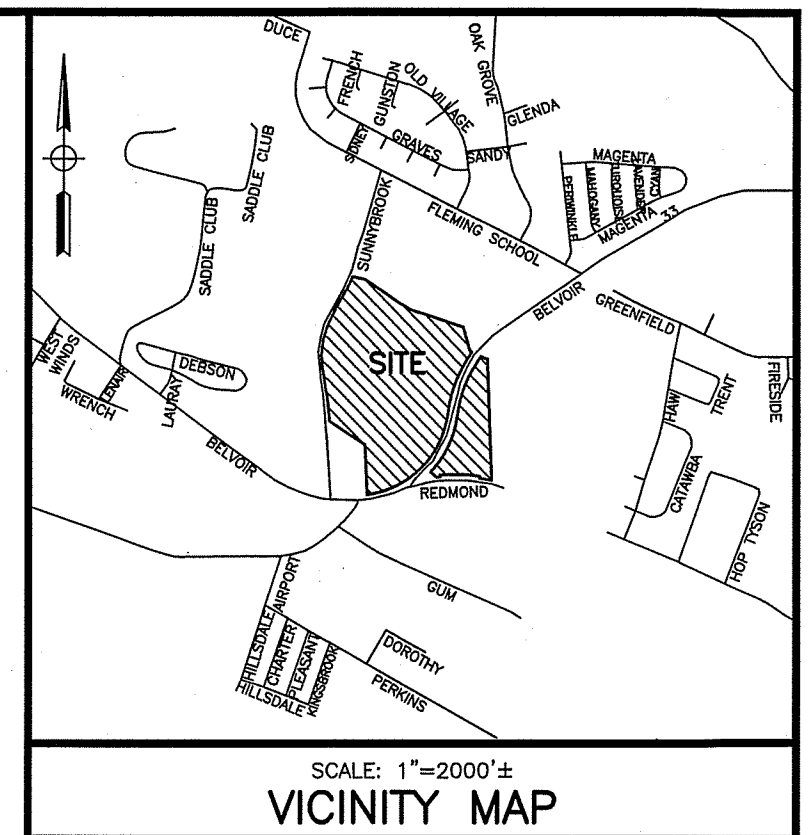
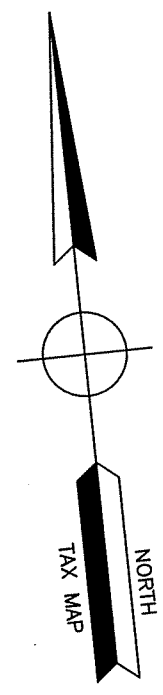
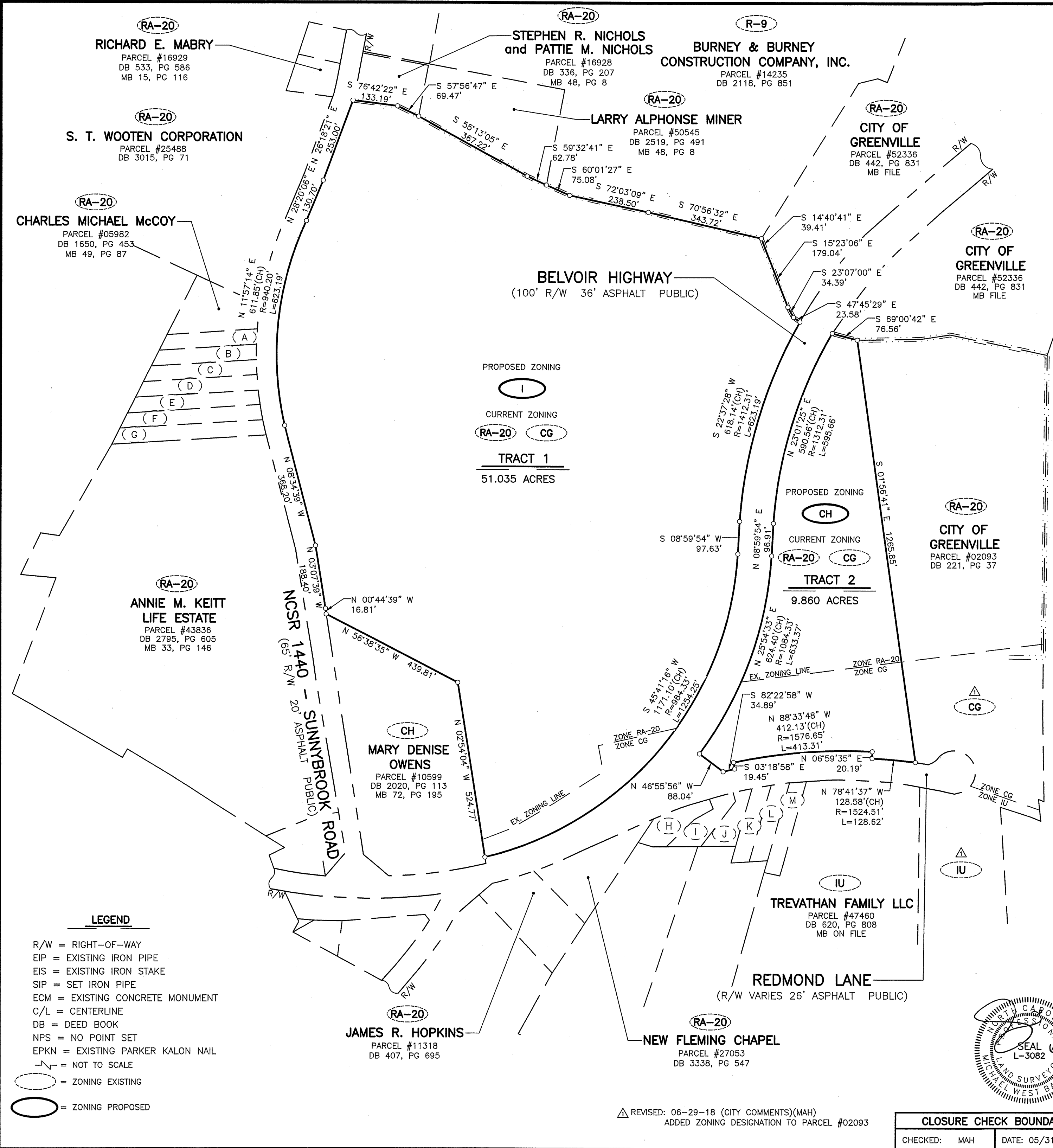
Happy Trail Farms, LLC
From: RA20 and CG
Tract 1 To: I (51.035 acres)
Tract 2 To: CH (9.860 acres)
June 22, 2018



Happy Trail Farms, LLC
From: RA20 and CG
Tract 1 To: I (51.035 acres)
Tract 2 To: CH (9.860 acres)
June 22, 2018



Y:\DRAWINGS\18-014 HAPPY TRAIL FARMS, LLC\REZONING.dwg Fri, Jun 29, 2018-9:14am MHERRERON



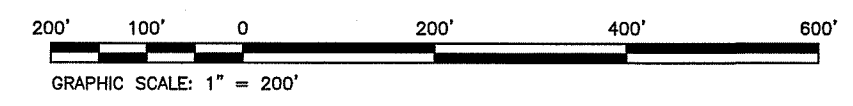
SCALE: 1"=2000'±
VICINITY MAP

**ADJOINING PROPERTY OWNERS INDEX
WITHIN 100 FEET FROM PROPERTY**

- | | |
|---|--|
| (A) WAYNE C. MANESS
PARCEL #58704
DB 1929, PG 213
MB 49, PG 87 | (H) GERTRUDE EBON HEIRS
PARCEL #06596
DB E82, PG 158 |
| (B) SONYA C. ATKINSON
PARCEL #58703
DB 913, PG 290
MB 49, PG 87 | (I) JOHN HENRY DAVIS
PARCEL #05771
DB C33, PG 681 |
| (C) RONNIE BURNEY
PARCEL #58702
DB 3666, PG 651
MB 49, PG 87 | (J) CONIEL HOLLIDAY JR.
PARCEL #57662
DB 1924, PG 511 |
| (D) S & K WAINRIGHT HOLDINGS, LLC
PARCEL #58701
DB 2706, PG 382
MB 49, PG 87 | (K) EMERALD PARTNERS, LLC
PARCEL #25263
DB 2564, PG 486
MB 1, PG 13 |
| (E) STEPHEN CHRISTOPHER BARTLEY SR.
PARCEL #58700
DB 2308, PG 565
MB 49, PG 87 | (L) BERNICE REDMOND STREETER
PARCEL #01755
DB X41, PG 212 |
| (F) MARY WHITLEY
PARCEL #58699
DB 1737, PG 830
MB 49, PG 87 | (M) NAOMI R. CARMON
PARCEL #03576
DB E40, PG 203 |
| (G) WAYNE C. MANESS
PARCEL #58698
DB 1929, PG 215
MB 49, PG 87 | |

TOTAL AREA TO BE REZONED: 60.895 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.



SHEET 1 OF 1 REZONING MAP PARCEL# 28261 TAX MAP# 4679-94-1566

HAPPY TRAIL FARMS, LLC

REFERENCE: DEED BOOK 3824, PAGE 89 OF THE PITT COUNTY REGISTER OF DEEDS.

BELVOIR TOWNSHIP, PITT COUNTY, NC

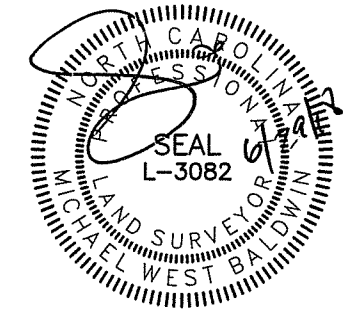
OWNERS: HAPPY TRAIL FARMS, LLC

ADDRESS: P.O. BOX 1863 GREENVILLE, NC 27835

PHONE: (252) 916-9028

Baldwin Design Consultants, PA
ENGINEERING - SURVEYING - PLANNING
1700-D EAST ARLINGTON BOULEVARD
GREENVILLE, NC 27858 252.756.1390

SURVEYED: N/A	APPROVED: MWB
DRAWN: MAH	DATE: 06/14/18
CHECKED: MWB	SCALE: 1" = 200'



CLOSURE CHECK BOUNDARY

CHECKED: MAH	DATE: 05/31/18
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REVISD: 06-29-18 (CITY COMMENTS)(MAH)
ADDED ZONING DESIGNATION TO PARCEL #02093

- LEGEND**
- R/W = RIGHT-OF-WAY
 - EIP = EXISTING IRON PIPE
 - EIS = EXISTING IRON STAKE
 - SIP = SET IRON PIPE
 - ECM = EXISTING CONCRETE MONUMENT
 - C/L = CENTERLINE
 - DB = DEED BOOK
 - NPS = NO POINT SET
 - EPKN = EXISTING PARKER KALON NAIL
 - - - = NOT TO SCALE
 - () = ZONING EXISTING
 - () = ZONING PROPOSED

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		
CG (GENERAL COMMERCIAL) - PERMITTED USES		
(1) General		
	a.	Accessory use or building
	b.	Internal service facilities
	c.	On-premise signs per Article N
	e.	Temporary uses; of listed district uses
	f.	Retail sales; incidental
	g.	Incidental assembly of products sold at retail or wholesale as an accessory to principal uses

(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
	g. Liquor store, state ABC
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	l. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	h. Commercial recreation; indoor only, not otherwise listed
	j. Bowling alley
	m(1). Dining and entertainment establishment (see also section 9-4-103)
	n. Theater; movie or drama, indoor only
	q. Circus, carnival, or fair, temporary only (see also section 9-4-103)
	s. Athletic club; indoor only
(7) Office/Financial/Medical	
	a. Office; professional and business, not otherwise listed
	b. Operation/processing center
	d. Bank, savings and loans or other savings or investment institutions
	e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
	g. Catalogue processing center
(8) Services	
	c. Funeral home
	e. Barber or beauty salon
	f. Manicure, pedicure or facial salon
	k. Business or trade school
	o. Church or place of worship (see also section 9-4-103)
	q. Museum
	r. Art gallery
	s. Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
	u. Art studio including art and supply sales
	v. Photography studio including photo and supply sales

	y(1)	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers not exceeding 200 feet in height or cellular telephone and wireless communication towers not exceeding 200 feet in height (see also section 9-4-103)
	z.	Printing or publishing service including graphic art, 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
	kk.	Launderette; household users
	ll.	Dry cleaners; household users
	oo.	Clothes alteration or shoe repair shop
	pp.	Automobile wash
(9) Repair		
	g.	Jewelry, watch, eyewear or other personal item repair
(10) Retail Trade		
	a.	Miscellaneous retail sales; non-durable goods, not otherwise listed
	d.	Pharmacy
	e.	Convenience store (see also gasoline sales)
	f.	Office and school supply, equipment sales
	g.	Fish market; excluding processing or packing
	h.	Restaurant; conventional
	i.	Restaurant; fast food (see also section 9-4-103)
	k.	Medical supply sales and rental of medically-related products including uniforms and related accessories
	l.	Electronic; stereo, radio, computer, TV and the like, sales and accessory repair
	m.	Appliance; household use, sales and accessory repair, excluding outside storage
	p.	Furniture and home furnishing sales not otherwise listed
	q.	Floor covering, carpet and wall covering sales
	r.	Antique sales, excluding vehicles
	s.	Book or card store, news stand
	t.	Hobby or craft shop
	u.	Pet shop (see also animal boarding; outside facility)
	v.	Video or music store; records, tape, CD and the like sales
	w.	Florist
	x.	Sporting goods sales and rental shop
	y.	Auto part sales (see also major and minor repair)
	aa.	Pawnbroker
	bb.	Lawn and garden supply and household implement sales and accessory service
	ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade		

	b.	Rental of home furniture, appliances or electronics and medically-related products (see also division (10k.))
	c.	Rental of clothes and accessories; formal wear, and the like
(12) Construction		
	c.	Construction office; temporary, including modular office (see also section 9-4-103)
	e.	Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outdoor sales
	f.	Hardware store
(13) Transportation		
	c.	Taxi or limousine service
	h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing - None		
(15) Other Activities (not otherwise listed - all categories) - None		
CG (GENERAL COMMERCIAL) - SPECIAL USES		
(1) General - None		
(2) Residential		
	i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
(3) Home Occupations - None		
(4) Governmental		
	a.	Public utility building or use
(5) Agricultural/Mining - None		
(6) Recreational/Entertainment		
	d.	Game center
	l.	Billiard parlor or pool hall
	m.	Public or private club
	t.	Athletic club; indoor and outdoor facilities
	u.	Internet sweepstakes business (see also section 9-4-103)
(7) Office/Financial/Medical		
	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)
(8) Services		
	a.	Child day care facilities
	b.	Adult day care facilities
	l.	Convention center; private
(9) Repair		
	a.	Major repair; as an accessory or principal use
	b.	Minor repair; as an accessory or principal use
(10) Retail Trade		
	b.	Gasoline or automotive fuel sales; accessory or principal use, retail

	c.	Wine shop; including on-premise consumption (see also section 9-4-103)
	j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
	n.	Appliance; commercial use, sales and accessory repair; excluding outside storage
	ff.	Tobacco shop (Class 1) (see also section 9-4-103)
	gg.	Tobacco shop (Class 2) (see also section 9-4-103)
	hh.	Hookah café (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade		
	d.	Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
	f.	Automobile, truck, recreational vehicle, motorcycle and boat sales and service (see also major and minor repair)
(12) Construction - None		
(13) Transportation - None		
(14) Manufacturing/Warehousing		
	k.	Mini-storage warehouse; household excluding outside storage
(15) Other Activities (not otherwise listed - all categories)		
	a.	Other activities; personal services not otherwise listed
	b.	Other activities; professional services not otherwise listed
	c.	Other activities; commercial services not otherwise listed
	d.	Other activities; retail sales not otherwise listed
PROPOSED ZONING		
I (INDUSTRY) - PERMITTED USES		
(1) General		
	a.	Accessory use or building
	b.	Internal service facilities
	c.	On-premise signs per Article N
	d.	Off-premise signs per Article N
	e.	Temporary uses; of listed district uses
	f.	Retail sales; incidental
	g.	Incidental assembly of products sold at retail or wholesale as an accessory to 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
	e.	Kennel (see also section 9-4-103)
	f.	Stable; horse only (see also section 9-4-103)
	g.	Stable; per definition (see also section 9-4-103)
	h.	Animal boarding not otherwise listed; outside facility, as an accessory or principal use
	i.	Livestock sales pavilion, auditorium, yard, distribution or transshipment facility
	j.	Quarrying, mining, excavation and works including material storage and distribution; sand, stone gravel
	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
	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)
	gg.	Vocational rehabilitation center
	nn.	Industrial laundries
(9) Repair		
	a.	Major repair; as an accessory or principal use
	b.	Minor repair; as an accessory or principal use
	c.	Upholsterer; automobile, truck, boat, or other vehicle, trailer or van
	d.	Upholsterer; furniture
	e.	Furniture refinishing, stripping, or repair facility
	f.	Appliance; household and office equipment repair

	h.	Appliance; commercial and industrial equipment repair not otherwise listed
(10) Retail Trade		
	b.	Gasoline or automotive fuel sales; accessory or principal use, retail
	h.	Restaurant; conventional
	i.	Restaurant; fast food
	cc.	Farm supply and commercial implement sales
	dd.	Industrial implement, machinery or tool sales
(11) Wholesale/Rental/Vehicle-Mobile Home Trade		
	a.	Wholesale; durable and nondurable goods, not otherwise listed
	d.	Rental of 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
	e.	Mobile home repair or rework facility; no sales allowed
	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
	l.	Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
	m.	Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage

	n.	Petroleum (bulk) storage facility; excluding retail sales
	o.	Feed and grain elevator, mixing, redrying, storage or sales facility
	p.	Tobacco redrying or processing plant
	q.	Fertilizer or lime manufacture or bulk storage
	r.	Manufacturing of acid, toxic chemicals or other hazardous materials or explosive products not otherwise listed
	s.	Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed
	t.	Manufacture of nonhazardous medical supplies or medical products, including distribution
	u.	Tire recapping or retreading plant
	v.	Bottling or packing plant for nonhazardous materials or products
	w.	Bottling or packing plant for hazardous, flammable or explosive materials or products
	y.	Recycling collection station or facilities
	z.	Metallurgy, steel fabrication, welding
	aa.	Meat, poultry, or fish processing or packing plant
	bb.	Slaughterhouse
	cc.	Manufacture of pharmaceutical, biological, botanical, medicinal, and cosmetic products, and related materials
(15) Other Activities (not otherwise listed - all categories) - None		
I (INDUSTRY) - SPECIAL USES		
(1) General - None		
(2) Residential		
	i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
	j.	Residential quarters for resident manager, supervisor or caretaker; including mobile home
(3) Home Occupations - None		
(4) Governmental		
	f.	Correctional facility
(5) Agricultural/Mining		
	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

	i. Convention center; private
s(1).	Hotel, motel bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
(9) Repair - None	
(10) Retail Trade	
	j. Restaurant and/or dining and entertainment establishment; regulated outdoor activities
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
	g. Mobile home sales including accessory mobile home office
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing	
	f. Junkyard, automobile graveyard or materials reclamation facility
	x. Sanitary landfill or incinerator; public or private
(15) Other Activities (not otherwise listed - all categories)	
	c. Other activities; commercial services not otherwise listed
	e. Other activities; industrial uses not otherwise listed
CH (HEAVY COMMERCIAL) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	b. Internal service facilities
	c. On-premise signs per Article N
	d. Off-premise signs per Article N
	e. Temporary uses; of listed district uses
	f. Retail sales; incidental
	g. Incidental assembly of products sold at retail or wholesale as an accessory to 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
	g. Liquor store, state ABC
(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)

	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		
	b.	Golf course; par three
	c.	Golf driving range
	c(1).	Tennis club; indoor and outdoor facilities
	e.	Miniature golf or putt-putt course
	f.	Public park or recreational facility
	h.	Commercial recreation; indoor only, not otherwise listed
	i.	Commercial recreation; indoor and outdoor, not otherwise listed
	j.	Bowling alley
	m(1).	Dining and entertainment establishment (see also section 9-4-103)
	n.	Theater; movie or drama, indoor only
	o.	Theater; movie or drama, including outdoor facilities
	q.	Circus, carnival, or fair, temporary only (see also section 9-4-103)
	s.	Athletic club; indoor only
	t.	Athletic club; indoor and outdoor facilities
(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
	f.	Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
	g.	Catalogue processing center
(8) Services		
	c.	Funeral home
	e.	Barber or beauty salon
	f.	Manicure, pedicure or facial salon
	n.	Auditorium
	o.	Church or place of worship (see also section 9-4-103)
	q.	Museum
	r.	Art gallery
	s.	Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
	u.	Art studio including art and supply sales
	v.	Photography studio including photo and supply sales

	y.	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
	cc.	Trade or business organizations
	hh.	Exercise and weight loss studio; indoor only
	kk.	Launderette; household users
	ll.	Dry cleaners; household users
	mm.	Commercial laundries; linen supply
	oo.	Clothes alteration or shoe repair shop
	pp.	Automobile wash
(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
	g.	Jewelry, watch, eyewear or other personal item repair
(10) Retail Trade		
	a.	Miscellaneous retail sales; non-durable goods, not otherwise listed
	b.	Gasoline or automotive fuel sales; accessory or principal use, retail
	c.	Wine shop; including on-premise consumption (see also section 9-4-103)
	d.	Pharmacy
	e.	Convenience store (see also gasoline sales)
	f.	Office and school supply, equipment sales
	g.	Fish market; excluding processing or packing
	h.	Restaurant; conventional
	i.	Restaurant; fast food
	k.	Medical supply sales and rental of medically-related products including uniforms and related accessories
	l.	Electronic; stereo, radio, computer, TV, etc... sales and accessory repair
	m.	Appliance; household use, sales and accessory repair, excluding outside storage
	o.	Appliance; household, commercial or industrial use, sales and accessory repair, including outside storage
	p.	Furniture and home furnishing sales not otherwise listed
	q.	Floor covering, carpet and wall covering sales
	r.	Antique sales, excluding vehicles
	s.	Book or card store, news stand

	t.	Hobby or craft shop
	u.	Pet shop (see also animal boarding; outside facility)
	v.	Video or music store; records, tape, CD and the like sales
	w.	Florist
	x.	Sporting goods sales and rental shop
	y.	Auto part sales (see also major and minor repair)
	aa.	Pawnbroker
	bb.	Lawn and garden supply and household implement sales and accessory service
	cc.	Farm supply and commercial implement sales
	ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade		
	a.	Wholesale; durable and nondurable goods, not otherwise listed
	b.	Rental of home furniture, appliances or electronics and medically-related products (see also division (10k.))
	c.	Rental of clothes and accessories; formal wear, and the like
	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
	f.	Automobiles, truck, recreational vehicle, motorcycles and boats sales and services (see also major and minor repair)
	g.	Mobile home sales including accessory mobile home office
(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)
	e.	Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outdoor sales
	f.	Hardware store
(13) Transportation		
	c.	Taxi or limousine service
	e.	Parcel delivery service
	f.	Ambulance service
	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
	g.	Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
	h.	Engraving; metal, glass or wood

	i.	Moving and storage of nonhazardous materials; excluding outside storage
	k.	Mini-storage warehouse, household; excluding outside storage
	m.	Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage
	u.	Tire recapping or retreading plant
(15) Other Activities (not otherwise listed - all categories) - None		
CH (HEAVY COMMERCIAL) - SPECIAL USES		
(1) General - None		
(2) Residential		
	i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
	j.	Residential quarters for resident manager, supervisor or caretaker; including mobile home
(3) Home Occupations - None		
(4) Governmental - None		
(5) Agricultural/Mining		
	m.	Beekeeping; major use
(6) Recreational/Entertainment		
	d.	Game center
	l.	Billiard parlor or pool hall
	m.	Public or private club
	r.	Adult uses
	u.	Internet sweepstakes business (see also section 9-4-103)
(7) Office/Financial/Medical - None		
(8) Services		
	a.	Child day care facilities
	b.	Adult day care facilities
	l.	Convention center; private
	dd.	Massage establishment
	ff(1).	Mental health, emotional or physical rehabilitation day program facility
(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
	n.	Appliance; commercial use, sales and accessory repair; excluding outside storage
	z.	Flea market
	ff.	Tobacco shop (Class 1) (see also section 9-4-103)
	gg.	Tobacco shop (Class 2) (see also section 9-4-103)
	hh.	Hookah café (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None		
(12) Construction - None		

(13) Transportation - None	
(14) Manufacturing/Warehousing	
	d. Stone or monument cutting, engraving
	j. Moving and storage; including outside storage
	l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
	y. Recycling collection station or facilities
(15) Other Activities (not otherwise listed - all categories)	
	a. Other activities; personal services not otherwise listed
	b. Other activities; professional services not otherwise listed
	c. Other activities; commercial services not otherwise listed
	d. Other activities; retail sales 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.

RESIDENTIAL DENSITY CHART

Density Level	Future Land Use and Character Type	Applicable Zoning District(s)	Units per Acre***
High	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	
High to Medium	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
Medium to Low	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: 8/9/2018
Time: 6:00 PM

Title of Item: Ordinance requested by Jeffrey Daniels and Timothy McCarthy to rezone 0.246 acres located along the southern right-of-way of East 6th Street adjacent to the East Carolina University Main Campus from R9S (Residential-Single-family [Medium Density]) to OR (Office-Residential [High Density Multi-family])

Explanation: **Abstract:** The City has received a request from Jeffrey Daniels and Timothy McCarthy to rezone 0.246 acres located along the southern right-of-way of East 6th Street adjacent to the East Carolina University Main Campus from R9S (Residential-Single-family [Medium Density]) to OR (Office-Residential [High Density Multi-family]).

*This item was continued from the June 14, 2018 City Council meeting.

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on May 1, 2018.

On-site sign(s) posted on May 1, 2018.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on July 24, 2018.

Public hearing legal advertisement published on July 30 and August 6, 2018.

Comprehensive Plan:

The Future Land Use and Character Map recommends university/institutional (UI) adjacent to the east side of the East Carolina University Main Campus south of East 5th Street, west of Maple Street, and north of East 10th Street transitioning to traditional neighborhood, medium-high density (TNMH).

University/Institutional

Mainly comprised of ECU's Main Campus, surrounding facilities (athletic fields), and the future Millennial Campus. The core of the campus area tends to cluster

buildings in a walkable pattern. At the edges of the campus are related facilities and parking areas.

Intent:

- Encourage better physical links between Uptown and ECU
- Support campus development as described in A Campus Within Context, A Comprehensive Master Plan for East Carolina University (2012) and in potential master plan updates by coordinating infrastructure improvements and leveraging investments to revitalize adjacent areas

Primary uses:

Institutional/Civic

Secondary uses:

Office

Multi-family residential

Traditional Neighborhood, Medium-High Density

Primarily residential area featuring a mix of higher density housing types ranging from multi-family, townhomes, and small-lot single-family detached. They are typically located within a walkable distance to a neighborhood activity center. Traditional neighborhoods should have a walkable street network of small blocks, a defined center and edges, and connections to surrounding development.

Intent:

- Provide streetscape features such as sidewalks, street trees, and lighting
- Allow neighborhood-scale commercial or mixed use centers at key intersections within neighborhoods

Primary uses:

Multi-family residential

Single-family residential attached (townhomes) and detached (small-lot)

Secondary uses:

Institutional (neighborhood scale)

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

Based on the possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 98 trips to and from the site on East 5th Street, which is a net increase of 84 additional trips per day.

Based on the possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 98 trips to and from the site on East 10th Street, which is a net increase of 84 additional trips per day.

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

History/Background:

The subject property has been in the city limits since 1969 and was zoned R9. In 2005, the subject property was rezoned to its current zoning (R9S - single-family only) as part of a large-scale city-initiated rezoning.

Present Land Use:

Vacant

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 conditions/constraints.

Surrounding Land Uses and Zoning:

North: R9S - East Carolina University parking lot
South: R9S - One (1) single-family residence
East: R9S - One (1) single-family residence (under common ownership of applicant)
West: OR - East Carolina University Main Campus

Density Estimates:

Under the current zoning, the site could accommodate one (1) single-family residence.

Under the proposed zoning, the site could accommodate a private parking lot containing 25-30 spaces.

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

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 Map.

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

The Planning and Zoning Commission voted unanimously to deny the request at its May 15, 2018 meeting.

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

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

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

ATTACHMENTS:

- ▣ **Ordinance_-_Daniels_and_McCarthy_1080690**
- ▣ **Minutes_-_Jeffrey_Daniels_and_Timothy_McCarthy_1080607**
- ▣ **Attachments**

ORDINANCE NO. 18-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 9th day of August, 2018, at 6:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character designation and is located in a Preferred Growth Area;

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

Section 1. That the following described territory is rezoned from R9S (Residential-Single-family) to OR (Office-Residential).

TO WIT: Jeffrey Daniels and Timothy McCarthy

LOCATION: Located along the southern right-of-way of East 6th Street adjacent to the East Carolina University Main Campus.

DESCRIPTION: Beginning at a point at the southwestern terminus of East 6th Street. From the above described beginning, so located, running thence as follows:

With the southern right-of-way of East 6th Street, S 72°18'00" E 65.00' and S 69°19'26" E 10.05', thence leaving the southern right-of-way of East 6th Street, S 15°15'47" W 124.70', thence N 81°31'19" W 15.58', thence N 81°44'37" W 72.40', thence N 20°21'00" E 139.64' to the point of beginning containing 0.246 acre.

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

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

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

ADOPTED this 9th day of August, 2018.

P. J. Connelly, Mayor

ATTEST:

Carol L. Barwick, City Clerk

1080690

Excerpt from the ADOPTED Planning & Zoning Commission Minutes (05/15/2018)

ORDINANCE REQUESTED BY JEFFREY DANIELS AND TIMOTHY MCCARTHY TO REZONE 0.246 ACRES LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF EAST 6TH STREET ADJACENT TO THE EAST CAROLINA UNIVERSITY MAIN CAMPUS FROM R9S (RESIDENTIAL-SINGLE-FAMILY [MEDIUM DENSITY]) TO OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) - DENIED

Ms. Gooby delineated the property. It is located on East 6th Street adjacent to the ECU Main Campus. Currently, the property is vacant but is adjacent to a single-family home that is also owned by the applicant. There is a university-owned parking lot to the north. There are no environmental concerns. Staff anticipates the property to be developed as a private parking lot of 25-30 spaces. When comparing the site as a single-family residence and a parking lot, a net increase of 84 trips per day is anticipated. The property is zoned residential. The ECU Main campus is zoned OR, which is also the requested zoning. The Future Land Use and Character Map recommends university/institutional for the ECU Main Campus as well as for the area to the east on E. 6th Street. Of the six lots that are shown as university/institutional, half of the lots are already owned by ECU. The remaining lots are privately-owned. This character is shown in this area as a natural progression of the campus. This is the same situation for properties along the northern right-of-way of East 5th Street since ECU owns most of those properties. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Chairman King opened the public hearing.

Mr. Mike Baldwin, Baldwin Design Consultants, representative for the applicant, spoke in favor of the request. Mr. Daniels intends on putting a parking lot on this lot. He looked at the Future Land Use and Character Map and that is why he purchased the property. A parking lot requires a special use permit. He owns the adjoining property, which is a single-family home that he rents. The request is compatible with the Future Land Use and Character Map. There is a parking lot just across the street from this site.

Ms. Ann Maxwell, spoke in opposition, homeowner in the TRUNA area and was a member of the Comprehensive Plan Committee. This request brought to light that this area of the neighborhood is recommended for university/institutional. Even though she attended 100% of the meetings, she was naïve about the Future Land Use and Character Map. She never saw this on the maps. The ECU parking lot was originally intended as a playground when the property was gifted to ECU by the previous owners of her house. The applicant is the same person who did the parking lot on 10th Street. This will erode our neighborhood.

Ms. Inez Fridley, spoke in opposition, homeowner in TRUNA area and was a member of Comprehensive Plan Committee, she was astonished that university/institutional was recommended for this area. This rezoning allows uses that undercut the neighborhood. This request is in conflict with the text in the Horizons Plan to protect neighborhoods. The applicant is the same person who did the parking lot on 10th Street.

Mr. John Gresham, spoke in opposition, resident of Maple Street, a parking lot will degrade our neighborhood.

Mr. Nathan Maxwell, spoke in opposition, is concerned with the loss of trees. He is speaking for the trees.

Mr. Andrew Morehead, resident of Harding Street, spoke in opposition, stated Maple Street is a quiet street. Adding a parking lot will increase traffic. We need to maintain the character of the neighborhood.

Mr. John Whacker, lives at 6th Street and Elm Street, spoke in opposition, worries that the properties next door could also be developed as a private parking lots.

Mr. Barnum, spoke in opposition, resident of Maple Street, stated a parking lot will turn into an impervious surface and will increase run-off.

Ms. Kara Ameen, spoke in opposition, resident of Harding Street, stated the map should be put back the way it was on the old map.

Ms. Susan Pierce, spoke in opposition, resident of Eastern Street, stated we are not preserving our neighborhoods.

Mr. Ed Johnson, spoke in opposition, was astounded to learn two members of the Comprehensive Plan Committee did not know about this section of the Future Land Use and Character Map. There is an effort to preserve the neighborhood and the map does not support this.

Mr. Mike Baldwin, spoke in rebuttal in favor, stated there is the ECU Main Campus at the end of East 6th Street and a parking lot on the right-hand side of the street. This rezoning would allow a parking lot directly across the street from the existing parking lot. The applicant looked at the Future Land Use and Character Map plan before purchasing the property. He did his due diligence. The map is not a mistake.

Ms. Ann Maxwell, spoke in rebuttal in opposition, this property was owned by Ms. Petterson and when ECU planned buy up the neighborhood, she planted all the trees, greenery and the fence as a buffer to ECU. If the greenery is removed and replaced with gravel for a parking lot, this will cause run-off and further degrade the appearance of the neighborhood.

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

Mr. Schrade stated this request could allow other uses than a parking lot. This request does not fit in the neighborhood.

Ms. Leech stated this map is strange in particular to this neighborhood.

Ms. Reid stated there is an issue with the Horizons Plan language. She is concerned more about flooding.

Motion made by Ms. Leach, seconded by Ms. Reid, 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. Motion passed unanimously.

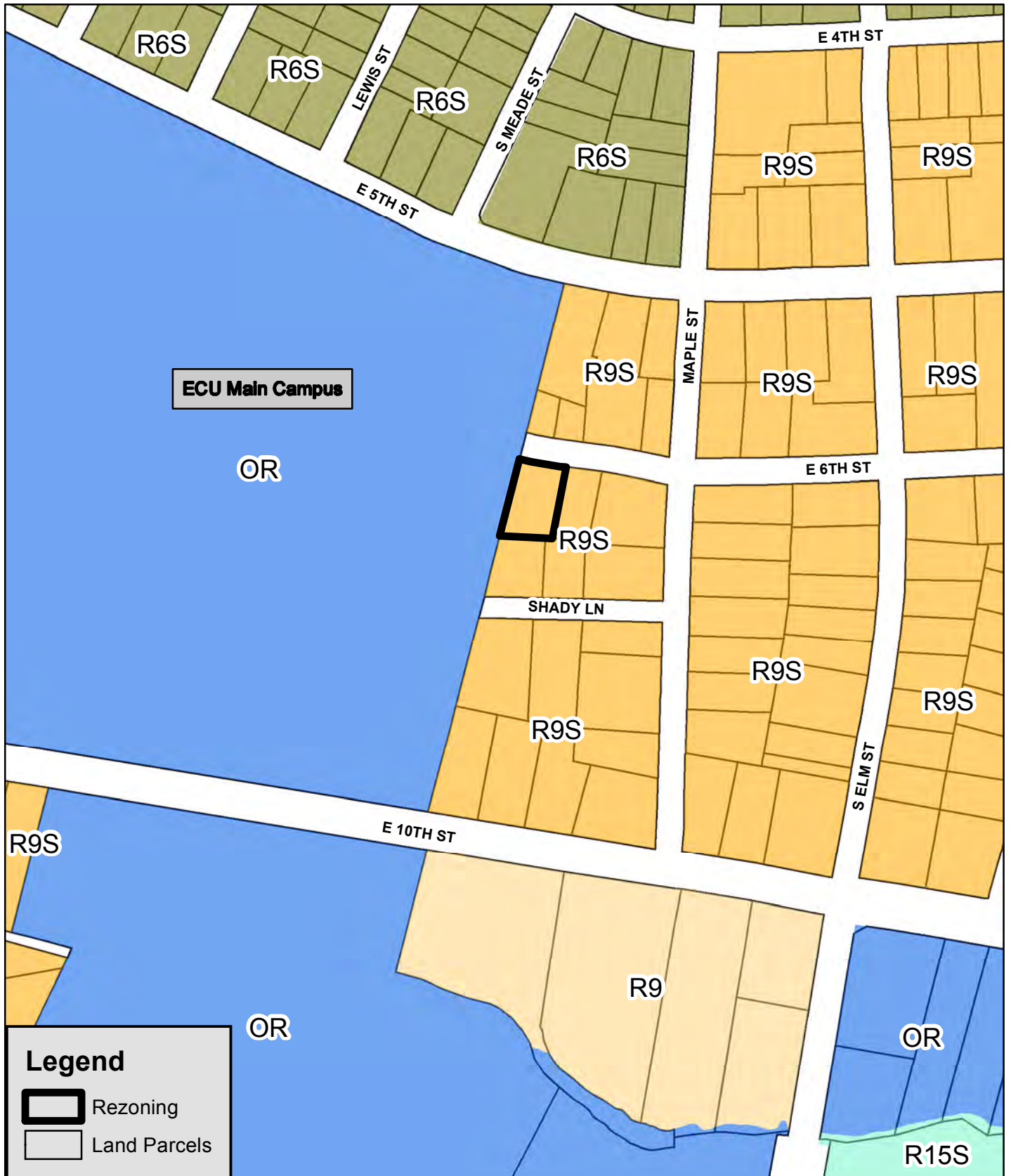
Jeffrey Daniels and Timothy McCarthy

From: R9S

To: OR

Acres: 0.246

May 1, 2018



Jeffrey Daniels and Timothy McCarthy

From: R9S

To: OR

Acres: 0.246

May 1, 2018



REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 18-15

Applicant: Jeffrey Daniels and Timothy McCarthy

Property Information

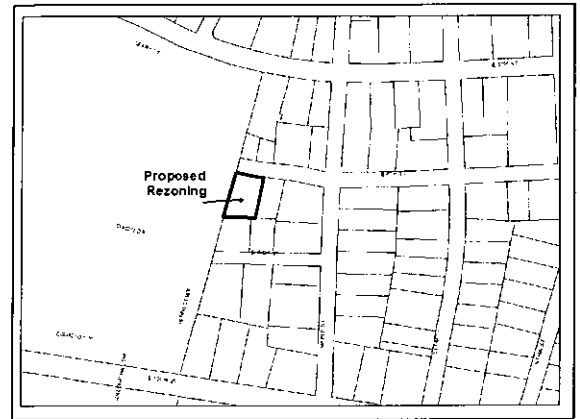
Current Zoning: R9S (Residential-Single-family [Medium Density])

Proposed Zoning: OR (Office-Residential [High Density Multi-family])

Current Acreage: 0.246 acres

Location: 6th St, west of Maple St

Points of Access: 10th St, 5th St



Location Map

Transportation Background Information

1.) 10th St- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5 lanes - curb & gutter	4-lane with median
Right of way width (ft)	85	90
Speed Limit (mph)	35	no change
Current ADT:	21,850 (*)	UltimateDesign ADT: 28,100 vehicles/day (**)
Design ADT:	24,300 vehicles/day	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	
Other Information:		

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.

2.) 5th St- City maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	2-lane curb & gutter	no change
Right of way width (ft)	50	no change
Speed Limit (mph)	25	no change
Current ADT:	11,445 (*)	
Design ADT:	10,000	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	
Other Information:		

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

Trips generated by proposed use/change

Current Zoning: 10 -vehicle trips/day (*)

Proposed Zoning: 178 -vehicle trips/day (*)

Estimated Net Change: increase of 168 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 10th St and 5th St are as follows:

1.) **10th St, West of Site (25%):** "No build" ADT of **21,850**
 Estimated ADT with Proposed Zoning (full build) – 21,895
 Estimated ADT with Current Zoning (full build) – 21,853
Net ADT change = 42 (<1% increase)

2.) **10th St, East of Site (25%):** "No build" ADT of **21,850**
 Estimated ADT with Proposed Zoning (full build) – 21,895
 Estimated ADT with Current Zoning (full build) – 21,853
Net ADT change = 42 (<1% increase)

3.) **5th St, West of Site (25%):** "No build" ADT of **11,445**
 Estimated ADT with Proposed Zoning (full build) – 11,490
 Estimated ADT with Current Zoning (full build) – 11,448
Net ADT change = 42 (<1% increase)

4.) **5th St, East of Site (25%):** "No build" ADT of **11,445**
 Estimated ADT with Proposed Zoning (full build) – 11,490
 Estimated ADT with Current Zoning (full build) – 11,448
Net ADT change = 42 (<1% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 89 trips to and from the site on 10th St, which is a net increase of 84 additional trips per day.

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 89 trips to and from the site on 5th St, which is a net increase of 84 additional trips per day.

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

R9S (RESIDENTIAL-SINGLE-FAMILY) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	c. On-premise signs per Article N
(2) Residential	
	a. Single-family dwelling
	f. Residential cluster development per Article M
	k. Family care 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)
	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	
R9S (RESIDENTIAL-SINGLE-FAMILY) - SPECIAL USES	
(1) General - None	
(2) Residential - None	
(3) Home Occupations	
	a. Home occupation; not otherwise listed
(4) Governmental	
	a. Public utility building or use
(5) Agricultural/Mining	
	l. Beekeeping; minor use (see also section 9-4-103)
(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	
	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	
PROPOSED ZONING	
OR (OFFICE-RESIDENTIAL) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	b. Internal service facilities
	c. On-premise signs per Article N
	f. Retail sales; incidental
(2) Residential	
	b. Two-family attached dwelling (duplex)
	c. Multi-family development per Article 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		
OR (OFFICE-RESIDENTIAL) - SPECIAL USES		
(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.

RESIDENTIAL DENSITY CHART

Density Level	Future Land Use and Character Type	Applicable Zoning District(s)	Units per Acre***
High	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	
High to Medium	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
Medium to Low	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: 8/9/2018
Time: 6:00 PM

Title of Item: Consideration of the Job Creation Grant Program

Explanation: **Abstract:** City Council will consider the policy guidelines for the Job Creation Grant Program for the purpose of incentivizing new full-time job creation and/or taxable investment in the City Limits and ETJ.

Explanation: City staff has presented various drafts of the Job Creation Grant Program to the City Council Economic Development Committee (CCEDC) and the City Council in both 2017 and 2018, incorporating feedback into each revision.

The purpose of the Job Creation Grant program is to encourage the creation and expansion of new and existing businesses and jobs within the City of Greenville. The grant provides funding to businesses based on new full-time jobs created and an increase in tax base. The proposed grant program contains three options for incentivizing companies that are locating or expanding in Greenville:

The Full-time Job Creation Option was created for companies that are making a taxable investment of at least \$500,000 and hiring at least 25 new full-time employees. This funding option applies to both the Greenville City Limits and ETJ. Grant amounts are \$1,000 per new full-time employee with a maximum annual installment of \$100,000. This option contains a 3-tier structure that provides a larger incentive to companies that have elevated job levels by increasing the number of annual installments between two and five.

The Property Tax Investment & Full-time Job Creation Option was created for companies that are making a taxable investment of at least \$500,000 and hiring at least 50 new full-time employees. This funding option applies to the Greenville City Limits only. This grant option provides companies with an incentive based on full-time job creation and taxable investment. Grant amounts are based on 50-75% of the increase in property taxes generated by the investment and last three to seven years with a maximum installment of \$150,000. Under this grant option, the City Council will select the exact percentage of property taxes (between 50-75%) and the number of annual installments.

The Economic Development Investment (EDI) Zone Option was created for businesses that are making a taxable investment of at least \$300,000 and hiring at least 15 new full-time employees within a prioritized area of the city. EDI Zones are priority areas within the City of Greenville that are established to promote economic development. These areas represent designated revitalization areas, growing areas of the city, and gateways into the community. Grant amounts are based on 75% of the increase in property taxes generated by the investment and last between three and seven years, with a maximum annual installment of \$150,000.

Under the EDI Zone option, City Council will select the number of annual installments that help determine the total grant amount. This decision will be based on how well the project supports the goals and initiatives of the City Council and the overall impact the project could have.

The Job Creation Grant Program contains information about overall eligibility, the policy rationale, eligible geography, program guidelines and requirements, wage rates, terms and grant amounts, and claw-back provisions. In addition, the policy also includes the steps a company would need to navigate, as well as a scoring system to better understand the impact of the proposed company's location or expansion. Prior to any funding decision being made about a company relocation or expansion, an economic impact analysis will be completed.

Fiscal Note: FY 2018-2019 includes an appropriation of \$100,000 to fund the proposed Job Creation Grant Program.

Recommendation: Staff recommends that City Council adopt the Job Creation Grant Program.

ATTACHMENTS:

- ▣ **Job Creation Grant Program Draft**

City of Greenville

Job Creation Grant Program Guidelines

I. Introduction

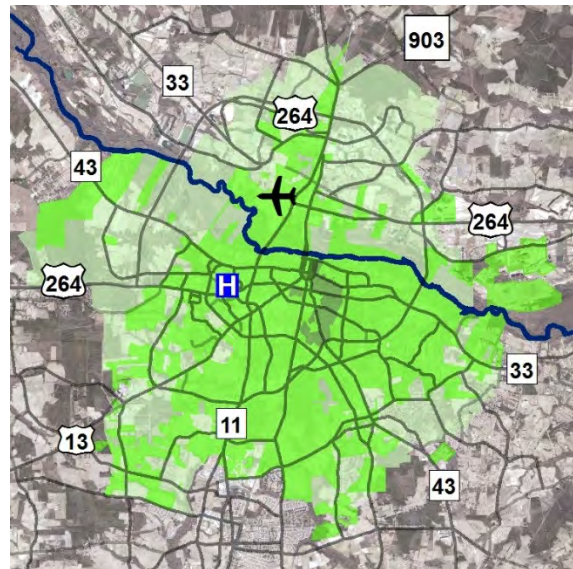
The purpose of the Job Creation Grant program is to encourage the creation, and expansion of new and existing businesses and jobs within the City of Greenville. The grant provides funding to businesses based on new full-time jobs created and an increase in tax base. All grant awards are approved by the City Council, and are dispersed in annual installments only after the company complies with the provisions set forth in a contractual development agreement with the City of Greenville. The grant program is supported by the overall economic impact the project is expected to have, including property tax investment, direct, indirect, and induced jobs.

The Job Creation Grant program is open to all business sectors except for retail, food service businesses, and hotels. The grant program contains three options for incentivizing new and expanding businesses. The *City of Greenville reserves the right to select the grant option for the applicant.*

Full-time Job Creation Option:

The Full-time Job Creation Option was created for companies that are making a taxable investment of at least \$500,000 and hiring at least 25 new full-time jobs. This funding option applies to both the Greenville City Limits and Extraterritorial Jurisdiction (ETJ) (See Attachment I). To be considered for this grant, companies must pay at least 50% of employee health insurance for all of the new full-time incentivized jobs, or provide an equivalent benefit.

This grant option provides companies with the incentive based on full-time job creation only. Grant amounts are \$1,000 per new full-time job, with a maximum annual installment of \$100,000. This option contains a 3-tier structure that provides a larger incentive to companies that have elevated job levels by increasing the number of annual installments between two and five. New full-time job creation levels must be met each year prior to grant funds being dispersed. In addition, all new full-time jobs must be maintained for 3 years beyond the completion of annual grant installments.



Property Tax Investment & Full-time Job Creation Option:

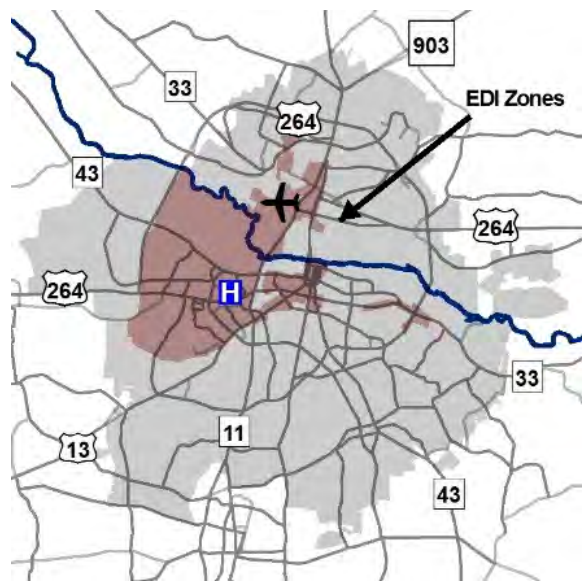
The Property Tax Investment & Full-time Job Creation Option was created for companies that are making a taxable investment of at least \$500,000 and hiring at least 50 new full-time jobs. This funding option applies to the Greenville City Limits only. To be considered for this grant, companies must pay at least 50% of employee health insurance for all of the new full-time incentivized jobs, or provide an equivalent benefit.

This grant option provides companies with an incentive based on full-time job creation and taxable investment. Grant amounts are based on 50-75% of the increase in property taxes generated by the investment and last three to seven years, with a maximum annual installment of \$150,000.

Under this grant option, the City Council will select the exact percentage of property taxes (between 50-75%) and the number of annual installments between three and seven years. This flexibility is provided due to the company making taxable investment within the City Limits and also so that City Council can have a competitive funding option to land companies. New full-time job creation levels must be met each year prior to grant funds being dispersed. In addition, all new full-time jobs must be maintained for 3 years beyond the completion of annual grant installments.

Economic Development Investment (EDI) Zone Option:

The Economic Development Investment (EDI) Zone Option was created for companies that are making a taxable investment of at least \$300,000 and hiring at least 15 new full-time jobs within a prioritized EDI Zone within the Greenville City Limits. EDI Zones are priority areas within the City of Greenville that are established to promote economic development (See Attachment II). These areas represent designated revitalization areas, growing areas of the City, and gateways into the community. To be considered for this grant, companies must pay at least 50% of employee health insurance for all of the new full-time incentivized jobs, or provide an equivalent benefit.



This grant option provides companies with the incentive based on full-time job creation and taxable investment. Grant amounts are based on 75% of the increase in property taxes generated by the investment and last three to seven years, with a maximum annual installment of \$150,000.

Under this grant option, the City Council will select the number of annual installments that help determine the total grant amount. This decision will be based on how well the project supports the goals and initiatives of the City Council and the overall impact the project could have. In making this determination, the City Council may consider the scale and type of the business, the number of part-time employees, and the potential quality of life and other factors.

This flexibility is provided due to the company making taxable investment in a prioritized EDI Zone, and also so that City Council can have a tool to incentivize neighborhood serving or transformative projects that have a full-time job creation component. New full-time job creation levels must be met each year prior to grant funds being dispersed. In addition, all new full-time jobs must be maintained for 3 years beyond the completion of annual grant installments.

II. Policy Rationale and Fiscal Approach

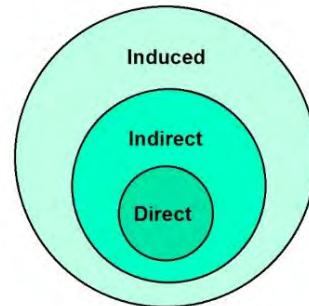
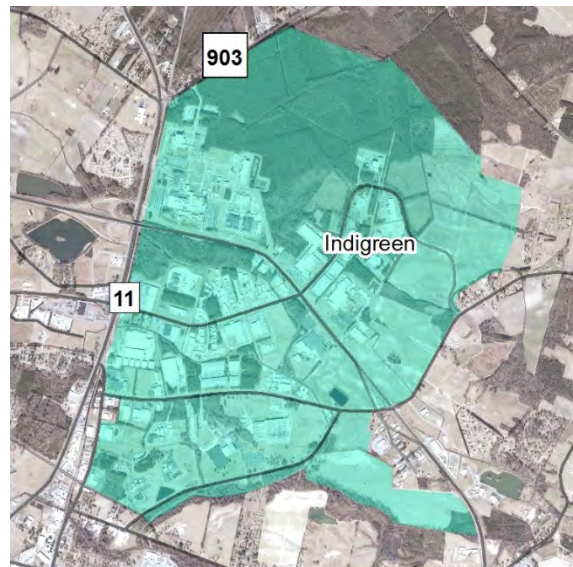
Full-time Job Creation Option:

If a company that is creating a minimum of 25 new full-time jobs locates or expands within the Greenville City Limits or Extraterritorial Jurisdiction (ETJ), the project may be eligible for funding under this option of the Job Creation Grant program.

This option incentivizes new full-time job creation only. However, the company must be making a taxable investment of at least \$500,000 to be eligible.

Examples of companies that may pursue this option could include, but are not limited to, call centers that looking for a vacant “plug-and-play” building, or industrial companies locating or expanding in the City’s ETJ within the Recognized Industrial Area.

In Greenville, the majority of industrial company expansions and relocations take place in the City’s ETJ within the Recognized Industrial Area (See Attachment III). While the City of Greenville does not receive property tax revenue within this area, the overall economic impact of new direct, indirect, and induced jobs makes the incentive viable (See attachment IV). Also, requiring that the company make a minimum taxable investment of \$500,000 ensures the project still adds value due to the impact of local tax revenues being received by the County.



Property Tax Investment & Full-time Job Creation Option:

If a company that is creating a minimum of 50 new full-time jobs locates or expands within the Greenville City Limits, the project may be eligible for funding under this option of the Job Creation Grant program.

This option incentivizes both new full-time job creation and taxable investment. The company must be making a taxable investment of at least \$500,000 within the City Limits to be eligible.

Similar to the previous option, the Property Tax Investment & Full-time Job Creation Option could also help attract larger companies like a data or call center, or an industrial company that is locating on a site that is in the City limits or is annexable. It provides a higher annual installment and maximum grant payment due to the property tax revenues received by the City.

Exact payment amounts are based on 50-75% of the increase in property taxes generated by the investment. This option can provide a larger incentive to companies that have elevated taxable investment levels. This can be accomplished by increasing the number of annual installments between three and seven.

The increased funding under this option as compared to the previous one is due to the company making taxable investment and creating at least 50 new full-time employees.

Economic Development Investment Zone Option:

If a business is locating or expanding in one of six Economic Development Investment Zones (EDI), and the investment site is in the Greenville City Limits or is annexable, the project may be eligible for funding under this option of the Job Creation Grant program. EDI Zones are priority areas within the City that are established to promote economic development. These areas represent designated revitalization areas, growing areas of the City, and gateways into the community (See Attachment II).

This option is the City's most flexible funding option under the Job Creation Grant program. The application process is open to businesses creating as few as 15 new full-time jobs and making a taxable investment of at least \$300,000.

While the job creation levels and minimum taxable investment is lower than the previous options, a company would be investing directly into a prioritized area of the City, creating new full-time jobs, and making taxable investment. The opportunity also exists with this option to fund smaller projects due to the neighborhood serving or transformative elements that new businesses and jobs bring to underserved areas.

Exact payment amounts are based on 75% of the increase in property taxes generated by the investment. This option has the ability to provide a larger incentive to companies that have elevated taxable investment levels. This is accomplished by increasing the number of annual installments between three and seven.

Although this is the most flexible grant option, qualified projects should align with the current goals and initiatives of City Council.

III. Qualifying for a Grant Award

The Job Creation Grant program contains three options for incentivizing new and expanding businesses. The following provides the minimum grant requirements for each option and the general framework for calculating grant awards.

Full-time Job Creation Option:

- a) Company must invest a minimum of \$500,000 taxable investment (See “Definition of Investment” under section VII. Terms and Conditions).
- b) Company must create a minimum of 25 new full-time jobs at the investment site.
- c) To be considered for this grant, companies must pay at least 50% of employee health insurance for all of the new full-time incentivized jobs, or provide an equivalent benefit.
- d) This option applies to companies locating or expanding in the City Limits or the Extraterritorial Jurisdiction (ETJ) (See Attachment I).
- e) Grant amounts are \$1,000 per new full-time job, with a maximum annual installment of \$100,000.
- f) This option contains a 3-tier structure that provides a larger incentive to companies that have elevated job levels by increasing the number of annual installments between two and five. This payment schedule is referred to as the “grant period”.
- g) New full-time job creation levels must be met each year prior to grant funds being dispersed. These job creation levels will be established in the contractual development agreement. In addition, all new full-time jobs must be maintained for 3 years beyond the completion of annual grant installments.

The following matrix illustrates the 3-tier structure used to determine grant amounts and the number of annual installments:

Tier	Number of New Full-time Jobs	Amount Per Job	Maximum Annual Grant Installment	Maximum Number of Annual Grant Installments
One	25 - 74	\$1,000	\$100,000	2
Two	75 - 124	\$1,000	\$100,000	3
Three	125 +	\$1,000	\$100,000	5

Property Tax Investment & Full-time Job Creation Option:

- a. Company must invest a minimum of \$500,000 taxable investment.
- b. Company must create a minimum of 50 new full-time jobs at the investment site.
- c. To be considered for this grant, companies must pay at least 50% of employee health insurance for all of the new full-time incentivized jobs, or create an equivalent benefit.
- d. This option applies to companies locating or expanding in the Greenville City Limits. If the project site is not within the Greenville City Limits at the time of application, it must be annexed by the City of Greenville prior to construction or grant funds being dispersed (See Attachment I).
- e. Annual installments are based on 50-75% of the increase in property taxes generated by the investment. The maximum annual installment for this grant option is \$150,000.
- f. Under this grant option, the City Council will select the exact percentage of property taxes (between 50-75%) and the number of annual installments between three and seven years. This flexibility is provided due to the company making taxable investment in within the City Limits and also so that City Council can have a competitive funding option to land companies.

- g. New full-time job creation levels must be met each year prior to grant funds being dispersed. These job creation levels will be established in the contractual development agreement. In addition, all new full-time jobs must be maintained for 3 years beyond the completion of annual grant installments.

Note: Grant calculations will be based on the “increase in property values” only. This means that the original tax value of the building and land will not be taken into consideration when calculating grant payments.

Economic Development Investment Zone (EDI) Option:

- a. Company must invest a minimum of \$300,000 taxable investment.
- b. Company must create a minimum of 15 new full-time jobs at the investment site.
- c. To be considered for this grant, companies must pay at least 50% of employee health insurance for all of the new full-time incentivized jobs, or create an equivalent benefit.
- d. This option is for businesses locating or expanding in one of six Economic Development Investment Zones (EDI). EDI Zones are priority areas within the City of Greenville that are established to promote economic development. These areas represent designated revitalization areas, growing areas of the City, and gateways into the community (See Attachment II).
- e. Under this option, projects should align with the current goals and initiatives of the Greenville City Council. In making this determination, the City Council may consider the scale and type of the business, the number of part-time employees, and the potential quality of life and economic impact that the project would have.
- f. Projects locating in EDI Zones must be located within the Greenville City Limits. If the project site is not within the City Limits at the time of application, it must be annexed by the City of Greenville prior to construction or grant funds being dispersed (See Attachment I).
- g. Annual installments are based on 75% of the increase in property taxes generated by the investment and last between three and seven years. The maximum annual installment for this grant option is \$150,000.
- h. New full-time job creation levels must be met each year prior to grant funds being dispersed. These job creation levels will be established in the contractual development agreement. In addition, all new full-time jobs must be maintained for 3 years beyond the completion of annual grant installments.

Note: Grant calculations will be based on the “increase in property values” only. This means that the original tax value of the building and land will not be taken into consideration when calculating grant payments.

IV. Scoring System

The following scoring system is designed to provide the City Council with a general understanding of the positive economic impact the project is expected to have. The scoring system does not prioritize funding or disqualify projects. Final decisions regarding eligibility and funding levels are detailed for each of the three options in the “Qualifying for a Grant Award” section. The scoring parameters are:

1. Full-time Job Creation Option will be scored on (B) Job Creation and (C) Wages Paid.
2. Property Tax Investment & Full-time Job Creation Option will be scored on (A) Tax Value, (B) Job Creation, and (C) Wages Paid.
3. Economic Development Investment (EDI) Zone Option will be scored on (A) Tax Value, (B) Job Creation, (C) Wages Paid, and will also receive an additional “5 points” for being within a prioritized economic development area.

A - Tax Value			B - Job Creation			C - Wages Paid		
* Increase * in Tax Value	Max Points	Tax Value Score	New Full- time Jobs Created	Max Points	Jobs Score	Wages Paid	Max Points	Wages Score
\$500,000 - \$1,000,000	1		25 - 74	1		100 - 109% of MSA AVG	1	
\$1,000,000- \$4,999,999	2		75 - 124	2		110 - 119% of MSA AVG	2	
\$5,000,000- \$9,999,999	3		125 - 174	3		120 - 129% of MSA AVG	3	
\$10,000,000 - 19,999,999	4		175 - 224	4		130% - 139% of MSA AVG	4	
\$20,000,000 and above	5		225 and up	5		140% and higher of MSA AVG	5	

Full-time Job Creation Option	
Score Range	Priority
0-3	Low
4-6	Moderate
7-10	High

Property Tax Investment & Full-time Job Creation Option	
Score Range	Priority
0-5	Low
6-10	Moderate
11-15	High

Economic Development Investment (EDI) Zone Option	
Score Range	Priority
0-5	Low
6-10	Moderate
11-15	High

(B) + (C) = Total Score

(A) + (B) + (C) = Total Score

(A) + (B) + (C) = Total Score

Total Score + 5 pts within EDI
Zone

V. Eligibility

The Job Creation Grant program is open to all business sectors except for retail, food service businesses, and hotels. *The City of Greenville has other small business and capital investment incentives that provide funding for those businesses sectors.*

In order for a qualifying project to be eligible for a Job Creation Grant, the applicant must submit an application package that must be approved by the Greenville City Council prior to creating the new full-time jobs and starting construction.

Eligible companies must pay at least 50% of employee health insurance for all of the new full-time incentivized jobs, or provide an equivalent benefit.

The applicant must demonstrate that the project would not be feasible without grant funding. This is a legal requirement in North Carolina that requires a “but for” provision to be met, meaning that the project could not move forward without the public funding, or that there is competition with other locations for attracting the project.

The applicant will be required to agree that if any of the property at the investment site is transferred to another owner, the job creation levels are not met and maintained, and the estimated total tax value is less than what is agreed upon, then the City of Greenville’s obligation to provide grant payments may be reduced, subject to repayment, and any further grant payments shall cease. The contractual development agreement between the City and Grantee will address these claw-back provisions in more detail.

Companies that are incentivized through this program can only have one active Job Creation Grant at a time, but are welcome to make application in the future as long as the expansion meets the minimum requirements of the grant program.

VI. Application Process

1. City staff meets with company representative(s) for an initial project discussion to determine if the project qualifies for funding under the Job Creation Grant program. *If staff determines that a project does not qualify, staff will not recommend to the Greenville City Council that the project be considered for funding under the program.*
2. The company submits an application package to the City of Greenville that includes the following:
 - a. A letter that includes the following:
 - i. should be on company letterhead including a handwritten signature;
 - ii. addressed to the City Manager;
 - iii. should thoroughly detail the necessity for the incentive. It must illustrate how the project could not move forward without the incentive, or that there is demonstrated competition from other locations, for attracting the project;
 - iv. a description of the company providing information on company history and what the business is engaged in;
 - v. estimated tax value of the property after the completion of the construction, expected number of new full-time jobs, and the estimates average salary for all full-time employees at the investment site;
 - vi. description of the project, including the tax parcel number and general location (nearby streets, medical district, etc.);
 - b. Official Statement from the Pitt County Tax Assessors Office depicting the current tax value for the subject property;
 - c. Federal or State employment documents illustrating the number of full-time employees that are currently employed by the company. An example is the NCUI 101 Quarterly Tax and Wage Report. Start-up businesses will not have to comply with this provision.
 - d. Information about any governmental approvals required;
 - e. Cost estimates for renovations or new construction at the investment site. The estimates must be on company letterhead from a licensed contractor, and include a photocopy of the contractor's license to perform the work in the State of N.C.
 - f. Site control documents illustrating that the company has outright ownership of the subject property, an option to purchase, or a signed lease agreement;
 - g. Start-up businesses must submit a copy of the business plan including 3-years of financial projections. If there is confidential information in the business plan, the City will accept a redacted version, provided there is enough information available for City officials to make a qualified decision;
3. City staff reviews the application package, ensuring that all documentation is provided, and will coordinate an economic impact analysis to understand the project implications.
4. Based on a favorable review of the complete application package, staff will make a recommendation to the City Council whether to award grant funding or not.
5. The City Council considers the request at a regularly scheduled meeting. Disbursement of grant funds typically require a closed session of the City Council. While the City staff recommendation will be taken into consideration by the City Council, the final decision to award grant funding rests solely with the City Council.
6. City Council holds a public hearing and approves the request for funding. This approval could include changes or conditions.
7. Following the approval, the City of Greenville will prepare a development agreement that outlines the contractual relationship between the City and the company that must be signed by officials from both parties. This agreement details required documentation, development schedule, payment schedule, and other information that will guide the specifics of the grant.

VII. Terms and Conditions

Taxable Investment: Under the Job Creation Grant program, taxable investment is broadly defined as improvements to land and/or buildings, or the purchase or lease of new equipment, or buildings constructed for the qualifying company. Where circumstances warrant, the value of leasehold improvements in existing buildings can be taken into consideration, when it can be reasonably demonstrated that the lease will cause additional investment to replace the leased space, or that the lease results in a higher value for the building or land.

Equivalent Benefit: Under the Job Creation Grant program, companies are required to pay 50% of employee health insurance, or provide an equivalent benefit. If the company is not providing health insurance, the City will review the benefits offered to determine if it will suffice.

Wage Rates: Grant recipients must pay an average wage rate for all employees at the investment site equal to or greater than 100% of the average annual wage rate for the Greenville M.S.A. The average annual wage rate that will be used for comparison is defined by the North Carolina Department of Commerce Finance Center. *Should the projected annual average wage rate be less than the M.S.A. average, the City may consider the industry-specific annual average wage rate in making a determination regarding eligibility.*

Documentation and Development Agreement: The required documentation and employment standards will be set forth in a contractual development agreement between the City and the Grantee. These standards must be maintained throughout the term of the grant in order for payments to continue. Failure to maintain these standards during the grant term will result in suspension of grant payments until such time as the standards are once again met and maintained. Grant recipients that relocate outside of the City of Greenville Extraterritorial Jurisdiction (ETJ) during the term of the grant or within 3 years after receipt of the final grant installment will be required to repay a proportional amount of the grant.

Local Participation: Grant recipients will be encouraged to hire residents of the Greenville M.S.A. and use local small, minority and women owned businesses when such goods or services can be obtained at competitive prices. A Memorandum of Understanding (MOU) may be required along with the development agreement detailing additional grant conditions.

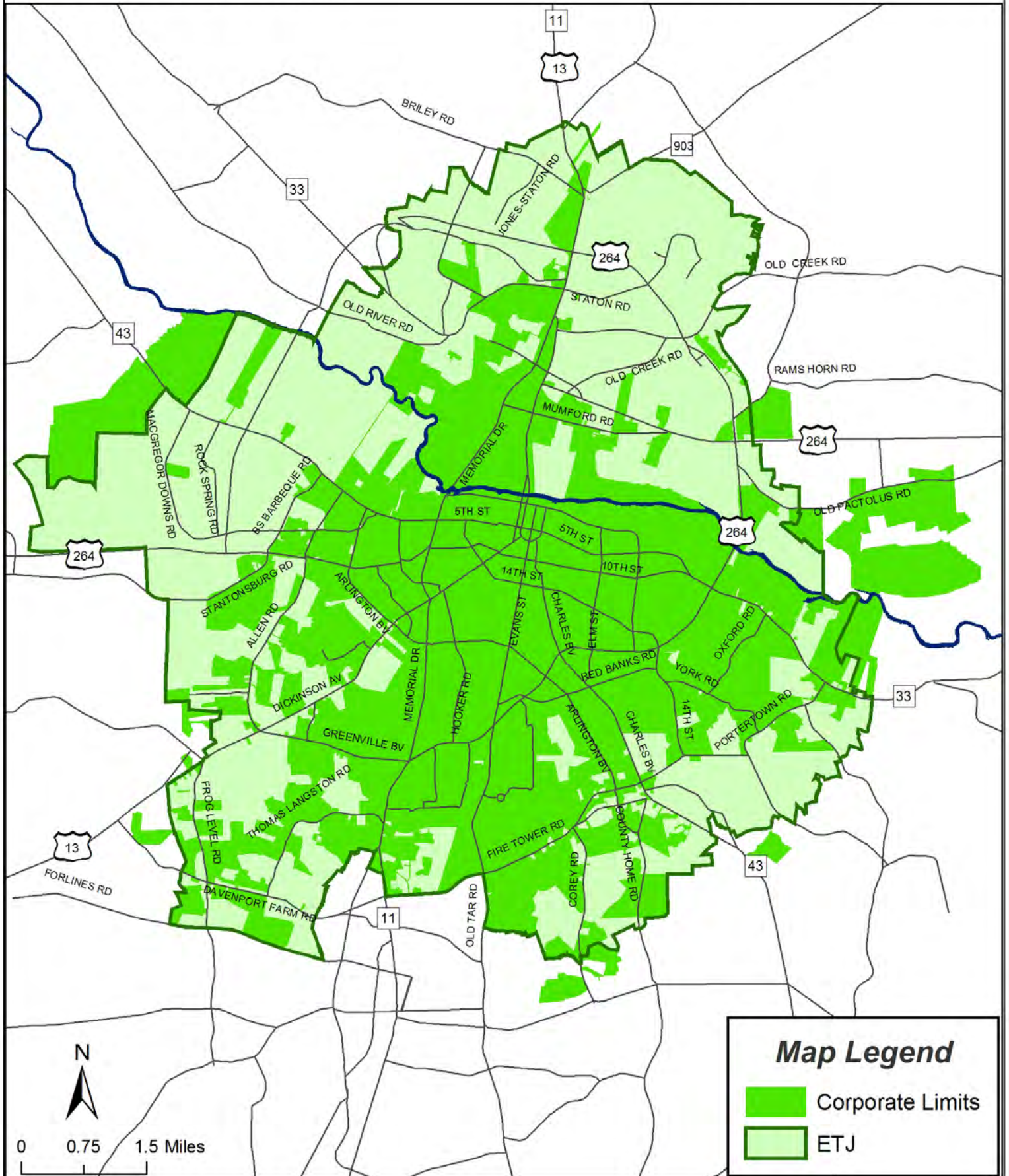
Disqualification or Suspension of Grant Payments: Factors that may cause an applicant to be disqualified or grant funds to be suspended include non-payment of property taxes or other City fees, non-compliance with local regulations, and conflicts-of-interest.

Confidentiality: Specific project details and discussions between the City and applicant will remain confidential until the legally required public hearing.

Funding Availability: Funding under the Job Creation Grant program may be contingent upon funds being budgeted by the City to support the program.

Eligible Business Sectors: The Job Creation Grant program is open to all business sectors except for retail, food service businesses, and hotels. *The City of Greenville has other small business and capital investment incentives that provide funding for those businesses sectors.*

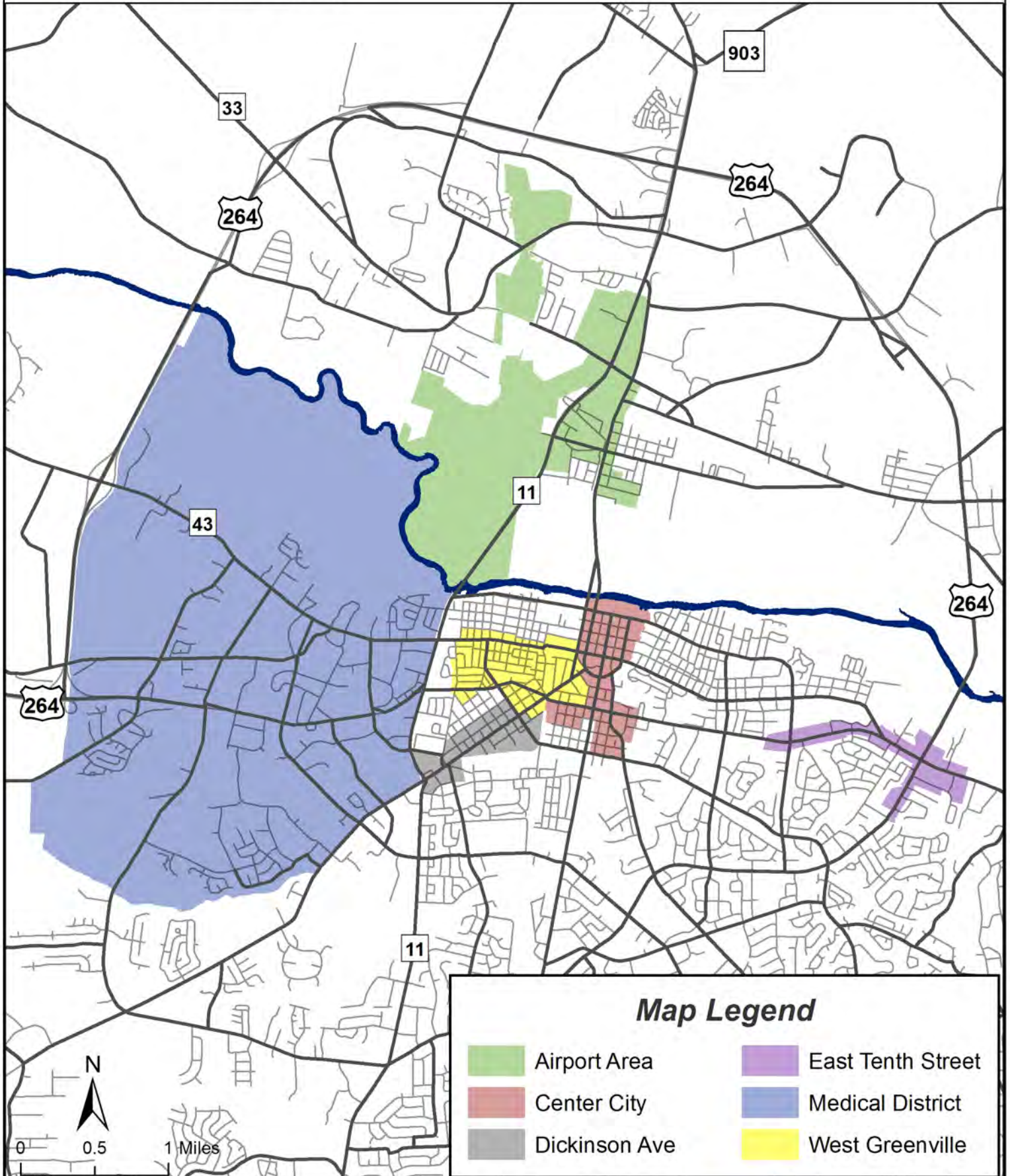
Eligibility Beyond the 1st Grant: With each new project (new facility, building expansion, etc.) the company is eligible to apply for another grant as long as the expansion meets the minimum requirements of the grant program.

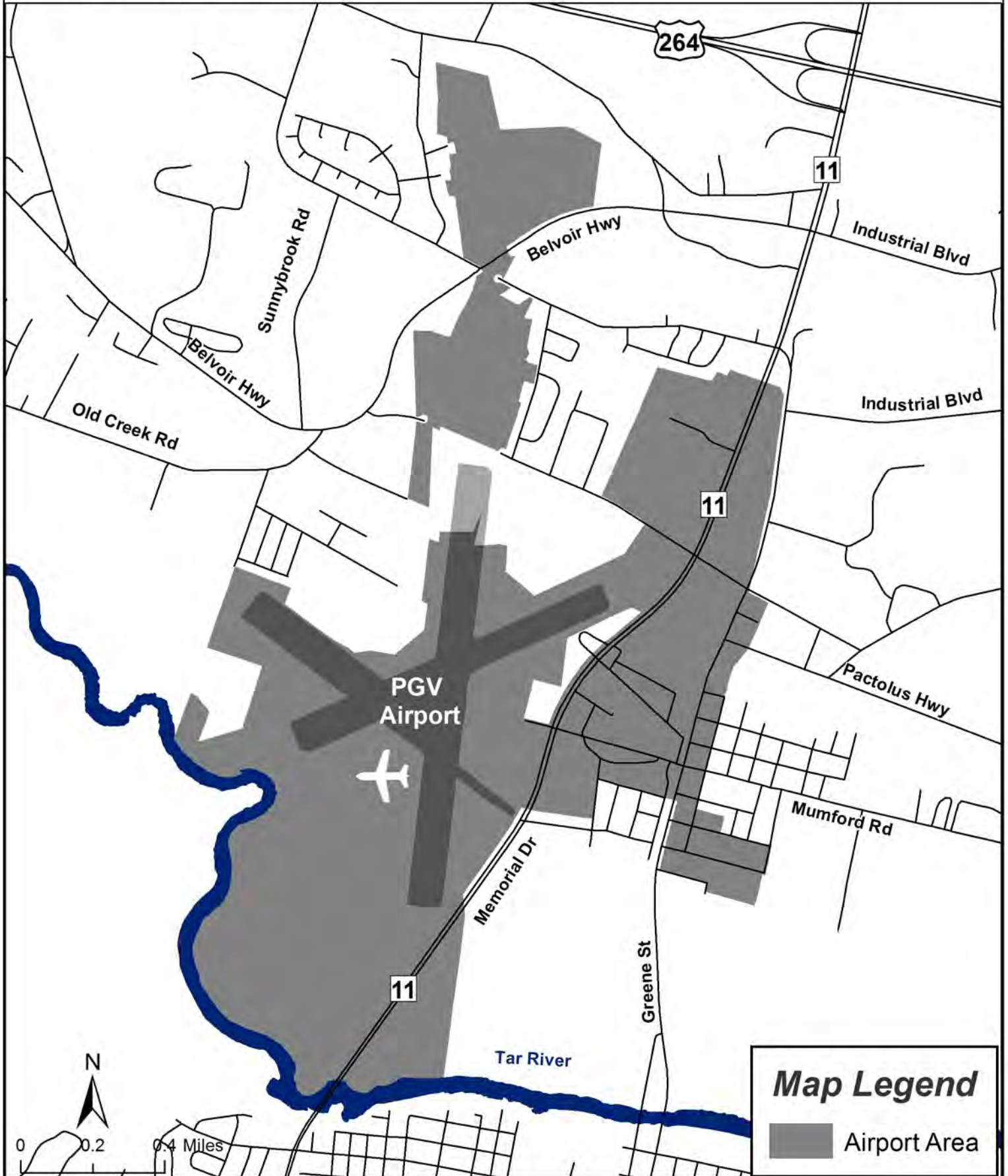


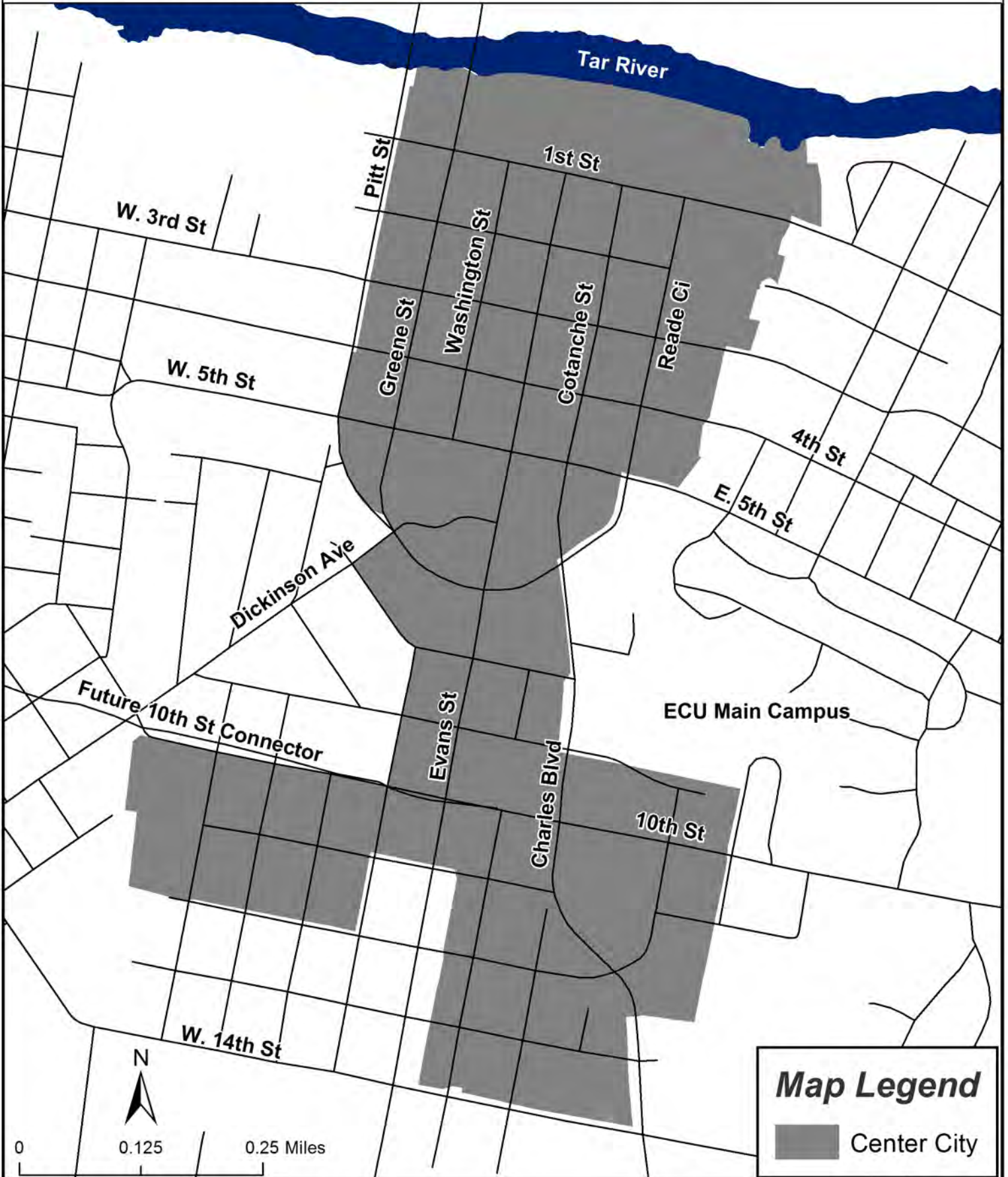
Attachment 2

Economic Development Investment Zones (EDI)

July 25, 2018



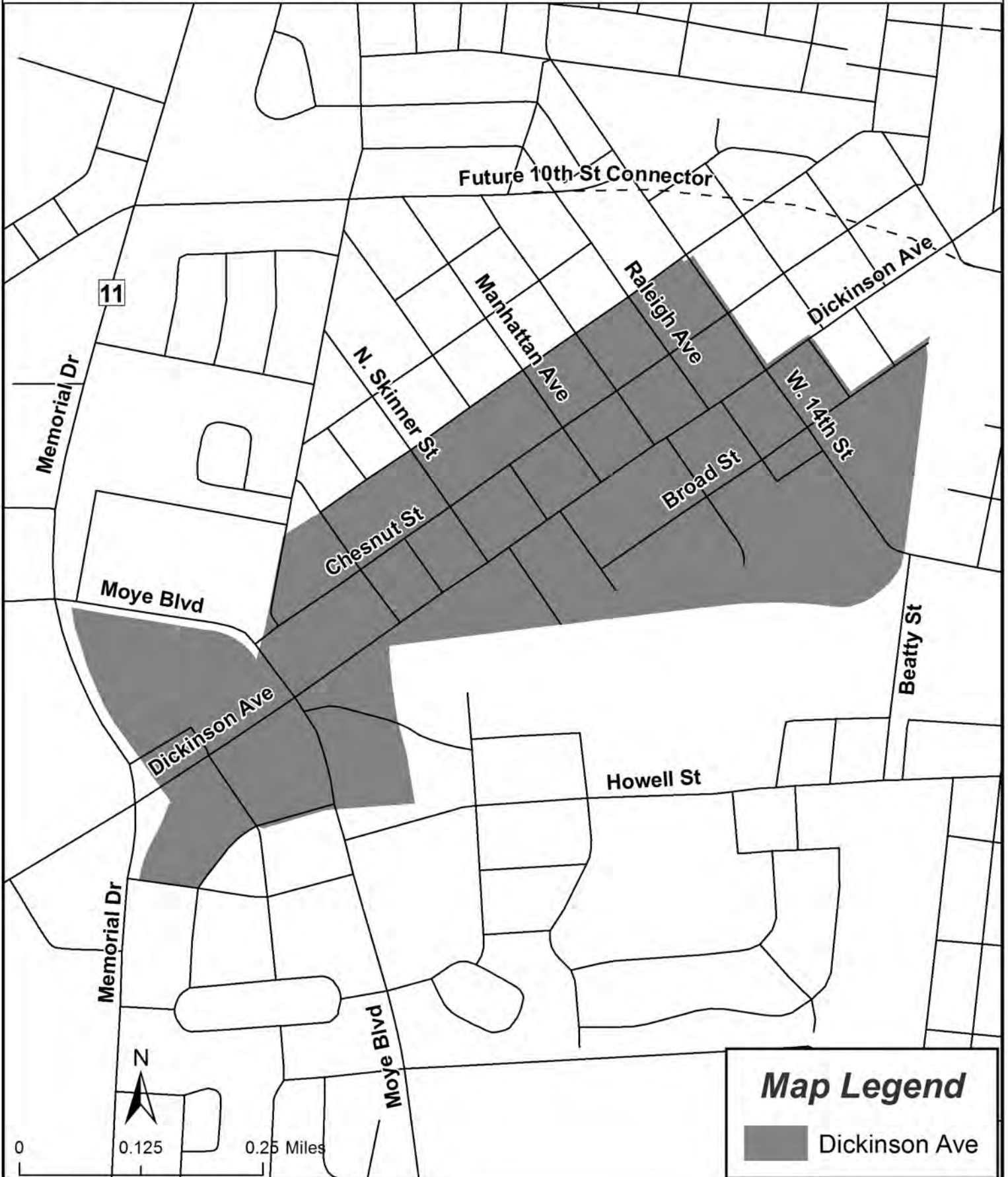


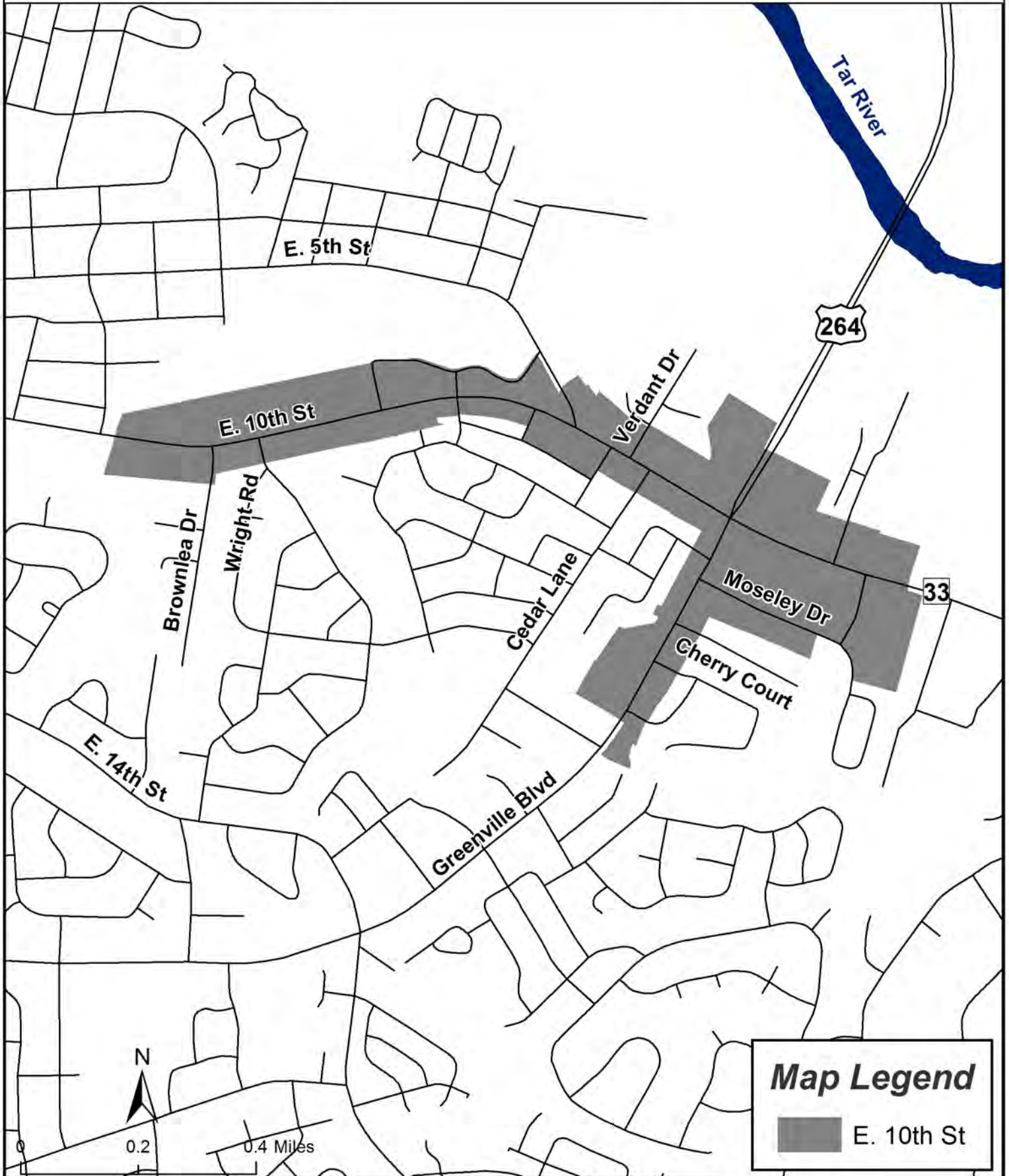


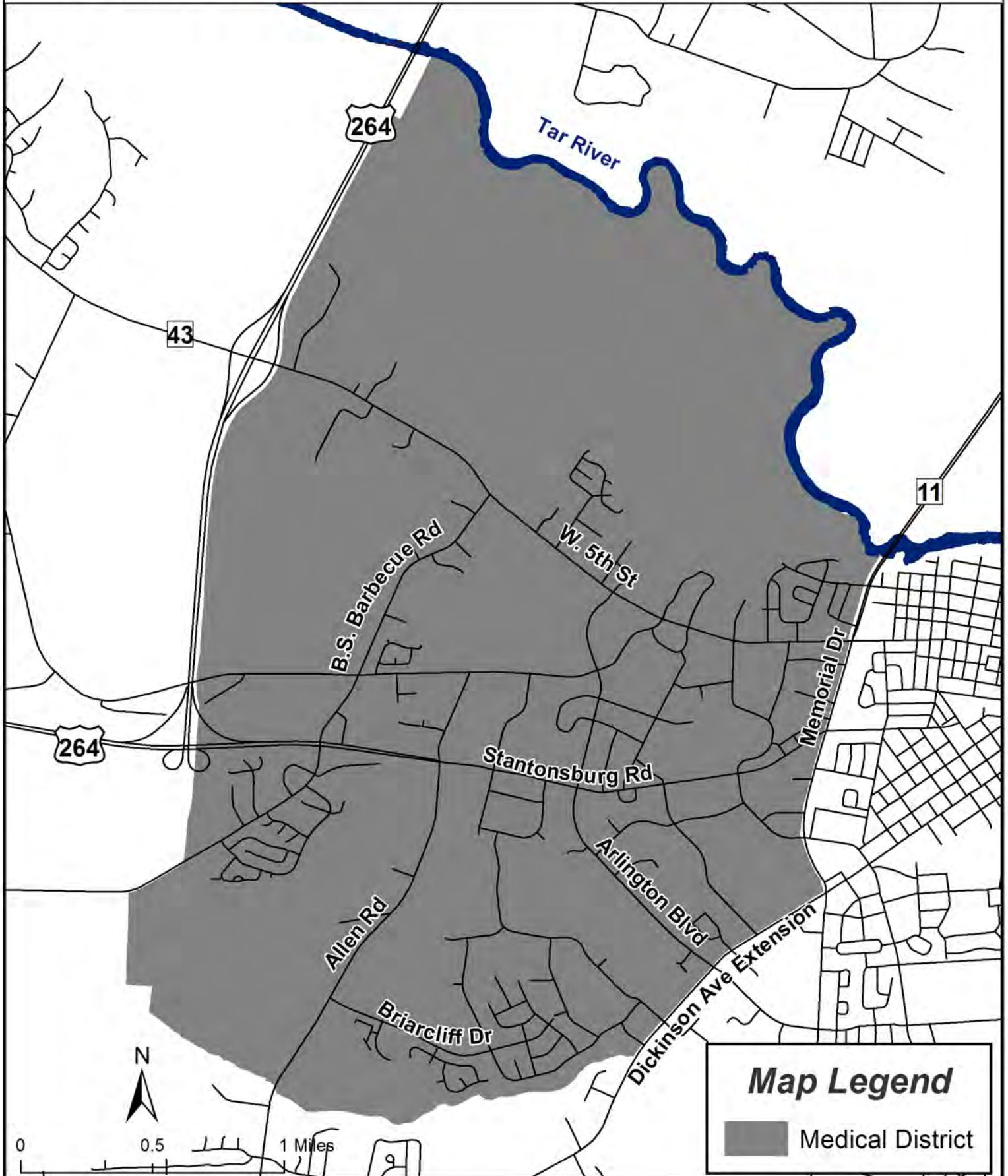
Attachment 2 - 3

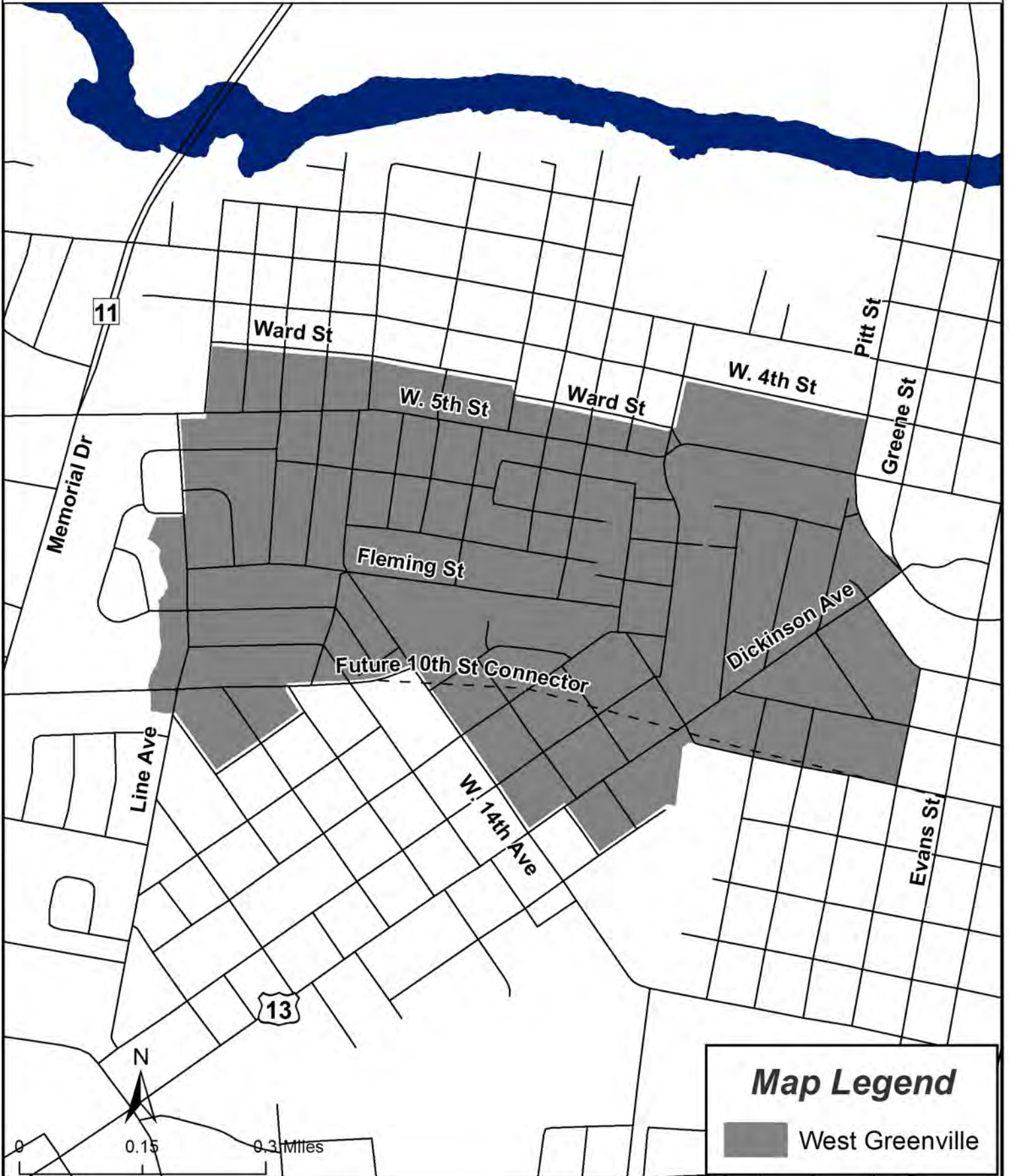
Dickinson Avenue Economic Development Zone (EDI)

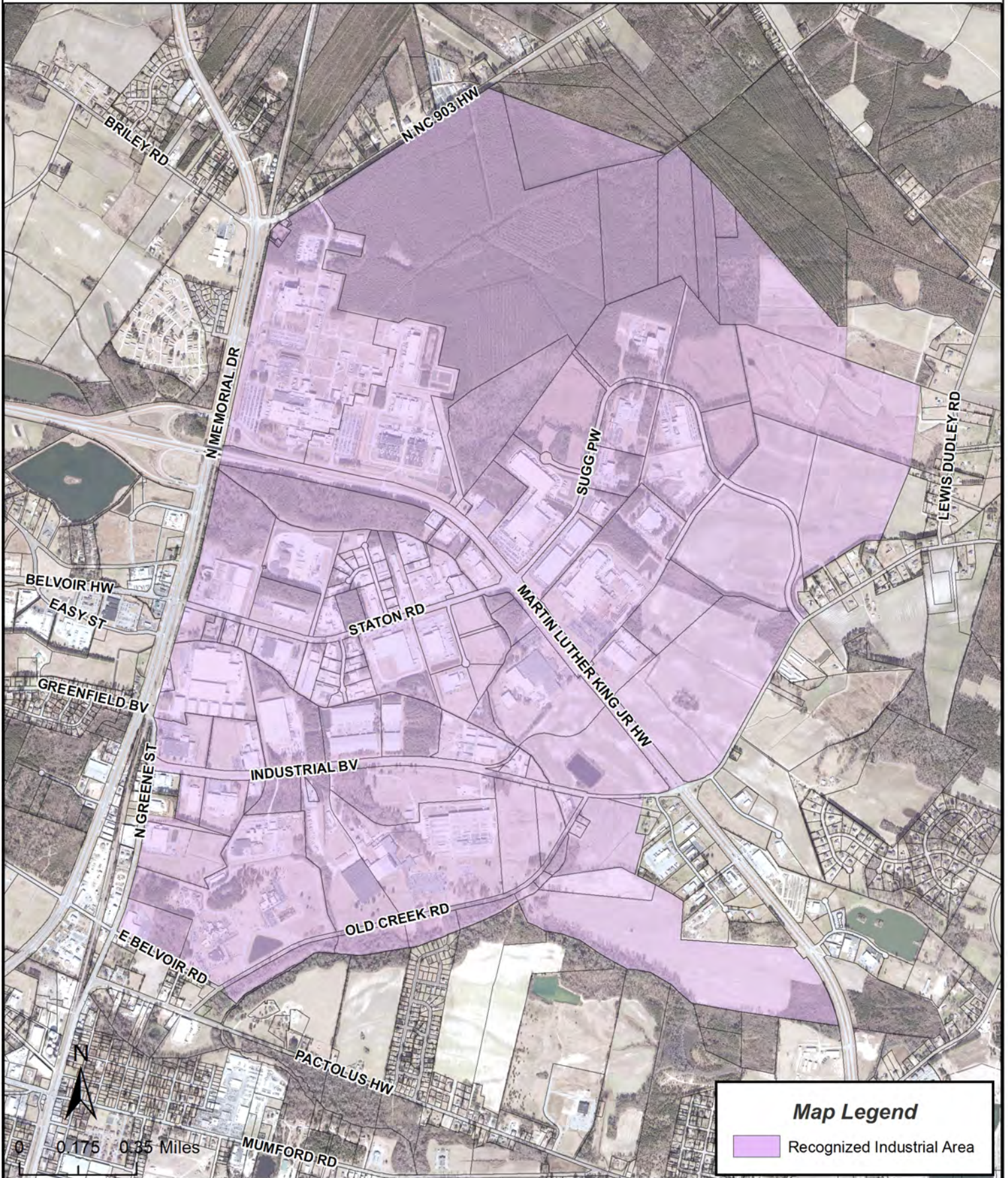
July 25, 2018











Attachment IV

Economic Impact of Direct, Indirect, & Induced Jobs

To better understand the overall economic impact of new full-time job creation within the City's ETJ, a recent study titled, "US Biopharmaceuticals Economic Impact Study" helped shed light on how direct new jobs can impact a community by creating additional indirect and induced jobs. The following describes the difference between direct, indirect, and induced jobs:

Direct Jobs: the impact of a new company locating in a community by producing new jobs at a facility.

Indirect Jobs: Jobs that are created as a result of the direct jobs. These job types consist of suppliers, waste cleanup, shipping and delivery services, etc.

Induced Jobs: Jobs that are created as a result of the direct and indirect jobs. These job types consist of service jobs that are added to a local economy due to the increase in population and spending (restaurant, retail, etc).

Illustrative Scenario:

If an industrial company that is adding new full-time jobs locates in the City's ETJ, the following assumptions can be taken into consideration when understanding the effects of direct, indirect, and induced jobs:

- Approximately 50% of employees that work in industrial facilities in the Greenville M.S.A. live outside of the area and commute into work each day. The other 50% are assumed to live within Pitt County (Greenville M.S.A.)
- Although ½ of the workers live outside of the Greenville M.S.A., they will likely be shopping in Greenville at least 2X a month according to the Retail Strategies trade area analysis.
- While the average wage in Greenville according to the NC. Department of Commerce is \$38,404, manufacturing jobs (including Biopharma) typically pay much more. The average wage for manufacturing jobs in Pitt County is currently \$60,060.
- The 2015 study titled "US Biopharmaceuticals Economic Impact Study" indicated that for every one direct Biopharma job added to the State of N.C., 2.6 indirect jobs and 2.2 induced jobs are created.
- Under these parameters, a new Biopharma company creating 300 new full-time jobs in the City's ETJ would likely have 150 employees that will be residing in the community, meaning the project could create an additional new 390 indirect jobs, 330 induced jobs, for a total of 870 direct, indirect, and induced jobs.

SOURCES:

US Biopharmaceuticals Economic Impact Study, 2015 <http://phrma-docs.phrma.org/sites/default/files/pdf/biopharmaceuticaul-industry-economic-impact.pdf>



City of Greenville, North Carolina

Meeting Date: 8/9/2018
Time: 6:00 PM

Title of Item: Discussion of Town Common alcohol ordinance

Explanation: Council Member Will Bell asked that a discussion of the Town Common alcohol ordinance be added to the agenda.

Fiscal Note: N/A

Recommendation: Discuss the Town Common alcohol ordinance as requested by Council Member Bell.



City of Greenville, North Carolina

Meeting Date: 8/9/2018
Time: 6:00 PM

Title of Item: Discussion on Regulation of Short-Term Rental Properties

Explanation: Mayor P.J. Connelly requested an item be added to the agenda to discuss Air BNB's (a type of short-term rental), and ways to monitor these establishments in our community.

Fiscal Note: No financial impact with this item

Recommendation: Discuss the issue as requested
