



Agenda

Greenville City Council

January 14, 2010
7:00 PM
City Council Chambers
200 West Fifth Street

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

I. Call Meeting To Order

II. Invocation - Mayor Pro-Tem Kittrell

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

- Carol Clark, Police Department Retiree
- John Fisher, Fire-Rescue Department Retiree
- Theresa Holley, Recreation and Parks Department Retiree

VII. Appointments

1. Appointments to Boards and Commissions
2. Appointments to the Special Task Force on Public Safety and appointment of two Co-Chairs

VIII. New Business

Public Hearings

3. Ordinance granting a taxicab franchise to Valentine Long Perkins d/b/a Earlybirds Transportation and Taxi Service
4. Ordinance amending the zoning regulations to include a five-hundred (500) foot minimum separation requirement between “public or private clubs”
5. Ordinance amending Horizons: Greenville's Community Plan to incorporate by reference the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan
6. Ordinance to annex Firetower Commercial Village, Lot 2, involving 0.9120 acres located north of Firetower Road and approximately 760 feet east of South Memorial Drive
7. Naming the City's outdoor pool the Greenville Community Pool

Public Comment Period

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

Other Items of Business

8. Elm Street Park Master Plan
9. Drew Steele Fund Offer of Gift

IX. Comments from Mayor and City Council

X. City Manager's Report

XI. Adjournment



City of Greenville, North Carolina

Meeting Date: 1/14/2
Time: 7:00 PM

Title of Item: Appointments to Boards and Commissions

Explanation: City Council appointments or reappointments need to be made to the Community Appearance Commission, Environmental Advisory Commission (professional engineer slot), Firefighters' Relief Fund Committee, Greenville Bicycle and Pedestrian Commission, Historic Preservation Commission, Human Relations Council, Public Transportation and Parking Commission, and Youth Council. In addition, a recommendation needs to be made to fill the County vacancy on the Pitt-Greenville Convention and Visitors Authority to replace Marion Blackburn (resident not involved in tourist or convention-related business slot).

Fiscal Note: No fiscal impact.

Recommendation: Make appointments or reappointments to the Community Appearance Commission, Environmental Advisory Commission (professional engineer slot), Firefighters' Relief Fund Committee, Greenville Bicycle and Pedestrian Commission, Historic Preservation Commission, Human Relations Council, Public Transportation and Parking Commission, and Youth Council; and to make a recommendation to fill the County vacancy on the Pitt-Greenville Convention and Visitors Authority to replace Marion Blackburn (resident not involved in tourist or convention-related business slot).

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

Appointments to Boards and Commissions

January 14, 2010

Community Appearance Commission

Council Liaison: Council Member Kandie Smith

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Katherine Wetherington	First term	Resigned	April 2011
Evon Zell	First term	Resigned	July 2011

Environmental Advisory Commission

Council Liaison: Council Member Marion Blackburn

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
J. Stephen Janowski (5)	First term	Moved out of city limits	April 2012

(5) A professional engineer

Firefighters' Relief Fund Committee

Council Liaison: Not Applicable

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Patricia Sugg	Filling unexpired term	Eligible	January 2010

Greenville Bicycle and Pedestrian Commission

Council Liaison: Council Member Calvin Mercer

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Available Slots (12)			

Historic Preservation Commission

Council Liaison: Council Member Calvin Mercer

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Roger Kammerer	Filling unexpired term	Eligible	January 2010
Ann Schwarzmann	Filling unexpired term	Eligible	January 2010
Ryan Webb	Filling unexpired term	Eligible	January 2010
Ashley Wetherington	First term	Resigned	January 2012

Human Relations Council

Council Liaison: Council Member Max Joyner, Jr.

Regular Members

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Tawanda Boone	First term	Resigned	September 2011
James Cox	Second term	Resigned	September 2010
Franchine Pena	Second term	Ineligible	September 2009
Shane Martin	Filling unexpired term	Moved out-of-state	September 2011

Student Representative from Higher Educational Institution (Pitt Community College)

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Keisha Staton	Third term	Resigned	October 2009

Pitt Greenville Convention and Visitors Authority

Council Liaison: Council Member Rose Glover

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Marion Blackburn (County Member)	First term	Elected as City Council Member	July 2010

Public Transportation and Parking Commission

Council Liaison: Council Member Kandie Smith

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Ronald Dunbar	First term	Eligible	January 2010
Lisa Faison-Simmons	Filling unexpired term	Eligible	January 2010
Shannon White	Second term	Resigned	January 2011

Youth Council

Council Liaison: Council Member Rose Glover

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Available Slots (11)			

Applicants for Community Appearance Commission

Teasha Barrett 1216-B Allen Road Greenville, NC 27834	414-2844	Application Date: 9/23/2009 District: #1
Valerie Guess 3915 Sterling Pointe Drive Winterville, NC 28590	227-4991	Application Date: 6/9/2009 District: #5
Jeffrey Johnson 2008 Pinecrest Drive Greenville, NC 27858	355-0644	Application Date: 2/12/2009 District: #4
Jeremy Jordan 707 West 4th Street Greenville, NC 27834	341-3066	Application Date: 6/25/2009 District: #1
Justin Mullarkey 1509 East 5th Street Greenville, NC 27858	364-1183	Application Date: 6/10/2009 District: #3
Ray M. Spears 3609 Prestwick Place Greenville, NC 27834	364-2565	Application Date: 9/18/2009 District: #1
Wayne M. Whipple 3102 Cleere Court Greenville, NC 27858	321-0611	Application Date: 3/9/2009 District: #4

Applicants for Environmental Advisory Commission

Ann Eleanor
102 Lindenwood Drive
Greenville, NC 27834

Application Date: 2/10/2009
District: 5
848-4257 **Occupation:** Retired

Valerie Guess
3915 Sterling Pointe Drive
Winterville, NC 278590

Application Date: 6/9/2009
District: 5
227-4991 **Occupation:** Retired
US Army Veteran

James Holley
1906 Fairview Way
Greenville, NC 27858

Application Date: 10/18/2009
District: 4
215-0065 **Occupation:** Hydrogeologist

Applicants for Firefighters' Relief Fund Committee

George W. Powell
109 Ironwood Drive
Greenville, NC 27834

756-8039

Application Date: 9/22/2009
District: #5

Applicants for Greenville Bicycle and Pedestrian Commission

Brad Beggs 2800 Edwards Street Greenville, NC 27858	423-277-0920	Application Date: 10/8/2009 District: #3
Walter Council 410 West Fifth Street Greenville, NC 27834	757-1037	Application Date: 10/9/2009 District: #1
Mitchell Craib 1625 Longwood Drive Greenville, NC 27858	364-1950	Application Date: 10/6/2009 District: #4
Brian Glover 1407 North Overlook Drive Greenville, NC 27858	979-7033	Application Date: 10/2/2009 District: #4
Jerry Hopfengardner 305 John Wesley Road Greenville, NC 27858	830-8018	Application Date: 12/17/2009 District: #3
John Kenney 1001 Johnston Street Greenville, NC 27858	413-0319	Application Date: 10/19/2009 District: #3
Donald McGlohon 121 Martinsborough Road Greenville, NC 27858	355-8203	Application Date: 9/24/2009 District: #4
Matthew Rosenbaum 104 Williamsburg Drive Greenville, NC 27858	970-232-8995	Application Date: 10/8/2009 District: #4
J. P. Walsh 1314 Minuette Place Greenville, NC 27858	355-8032	Application Date: 10/1/2009 District: #4
Orren Ward 106 Osceola Drive Greenville, NC 27858	752-9202	Application Date: 10/12/2009 District: #3

Applicants for Historic Preservation Commission

NONE

Applicants for Human Relations Council

Regular Member Candidates:

Teisha Lavaughn Barrett 1216-B Allen Road Greenville, NC 27834	414-2844	Application Date: 9/23/2009 District: #1
Gloria Brewington-Person 1005 Cortland Road Greenville, NC 27834	321-3227	Application Date: 10/1/2009 District: #2
Brian Brown 2237 Penncross Drive Greenville, NC 27834	367-5831	Application Date: 9/11/2009 District: #5
Ronnie Christian 2608 Mulberry Lane Greenville, NC 27858	561-5405	Application Date: 7/2/2008 District: #5
Ann Eleanor 102 Lindenwood Drive Greenville, NC 27834	848-4257	Application Date: 2/10/2009 District: #5
Corey Rhodes 3911 Sterling Pointe Drive, #006 Winterville, NC 28590	916-4523	Application Date: 2/11/2009 District: #5

Student Member Candidates from Higher Educational Institutions: NONE

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

Debbie Avery

3010 Sapphire Lane
Winterville NC 28590

Race: White

Day Phone: (252) 531-4590

Evening Phone: (252) 756-9832

Fax:

E-mail: davery60@hotmail.com

Gender: F

District: 4

Applicant's Attributes:

Priority:

Application received/Applied for this board on: 1/16/2009 updated: 01/16/2009

County Planning Jurisdiction

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

Organization Description Date(s)

Education: East Carolina BS - Education

Education: Ayden Grifton High

Experience: First State Bank 1978-1984

Experience: ECU School of Medicine Standardized Patient 2007-present

Experience: Pitt County Schools Middle School Science Teacher 30 years

Experience: Winterville Chamber of Commerce Executive Director

Volunteer/Prof. Associations Winterville Kiwanis Club

Volunteer/Prof. Associations Winterville Watermelon Festival

Brian Cooper

1149 Mulberry Lane #34G

Greenville NC 27858

Race: White

Day Phone: (252) 439-0651

Evening Phone: (252) 439-0651

Fax:

E-mail: Brianevans_99@yahoo.co

Gender: M

District: 5

Applicant's Attributes:

Priority: 0

Applied for this board on: 12/23/2009 Application received/updated: 12/23/2009

District 5

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

Organization Description Date(s)

Princeton University Education AB-History

Education University of Michigan MA

Education: Sewanhaka High

Experience: Self-Employed - Cooper Pearson Writer-Editor & Marketing currently

Experience: Air Force ROTC 2 years

Experience: Hill & Knowlton/New York Senior Account Executive 1984-1985

Experience: St. Regis Paper Company/New Y PR Project Manager 1978-1984

Experience: Harcourt Brace Jovanovich/New Asst. to the CEO 1976-1978

Experience: The Port Authority 1972

Experience: Industry Experience Publishing,Media, Airport Mang., Hea

Experience: Treadway Ins. & Resorts Marketing & Communications Directo 1976

Volunteer/Prof. Associations: Princeton Club of New York Member, Board of Governors 1975-1990

Volunteer/Prof. Associations: The International Center English/language tutor

Volunteer/Prof. Associations: The Network of Independent Pub 1986-1988

Volunteer/Prof. Associations: Literacy Tutor/Orange County

Volunteer/Prof. Associations: Radio Reading Services of Easter

Volunteer/Prof. Associations: Greenville Writers Group Member

Volunteer/Prof. Associations: American Society of Journalists Member

Applicants for Public Transportation and Parking Commission

Richard Malloy Barnes
208 South Elm Street, Apt. N
Greenville, NC 27858 752-5278

Application Date: 3/23/2009
District: #3

Mary Fedash
3223 Meeting Place
Greenville, NC 27858 jmfedash@suddenlink.net

Application Date: 10/20/2008
District: #4

Applicants for Youth Council

NONE



City of Greenville, North Carolina

Meeting Date: 1/14/2
Time: 7:00 PM

Title of Item: Appointments to the Special Task Force on Public Safety and appointment of two Co-Chairs

Explanation: On November 9, 2009, the City Council created a Special Task Force on Public Safety to study crime in Greenville and make recommendations to the City Council to improve public safety in the community. Specifically, the Task Force will identify areas that have a high incidence of crime, violence, and quality of life issues utilizing recent crime statistics, analyze any zoning regulations that may impact crime, study the perception of crime and how that perception impacts the community's image, review the alcohol laws that apply in the City, and study crime reduction strategies that have worked in other communities.

The Special Task Force, as created by Council, will be composed of two Co-Chairs appointed by the City Council, seven members with the Mayor and each City Council Member making one appointment, and eight members selected to represent various agencies. The City Clerk on December 14 requested that each of the eight agencies submit a name for appointment by January 11, 2010.

At the November 9, 2009 meeting, the City Council indicated that it would make the appointments in January.

Fiscal Note: No direct cost to appoint members to the Special Task Force.

Recommendation: Each Council Member is to make an appointment to the Task Force on Public Safety and the entire Council is to appoint two Co-Chairs.

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City of Greenville, North Carolina

Meeting Date: 1/14/2
Time: 7:00 PM

Title of Item: Ordinance granting a taxicab franchise to Valentine Long Perkins d/b/a Earlybirds Transportation and Taxi Service

Explanation: Valentine Long Perkins d/b/a Earlybirds Transportation and Taxi Service has made application for a taxicab franchise to operate one taxicab. The Financial Services, Community Development, and Police Departments have reviewed the application and find no reason not to grant the request. The business is located outside the corporate limits of the City of Greenville; however, a franchise from the City Council must be granted in order for a taxicab to operate in the City limits of Greenville. Advertisement was placed in The Daily Reflector on January 4 and 11, 2010 for the public hearing, which is scheduled for January 14, 2010. Notification of the public hearing has been sent to all taxicab owners.

Fiscal Note: No direct cost to the City.

Recommendation: Adopt the attached ordinance granting a taxicab franchise to Valentine Long Perkins d/b/a Earlybirds Transportation and Taxi Service.

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- [Application](#)
- [Ordinance for Earlybirds Transportation 852413](#)

ORDINANCE NO. 10-_____
AN ORDINANCE GRANTING A TAXICAB FRANCHISE
TO VALENTINE LONG PERKINS
D/B/A EARLYBIRDS TRANSPORTATION AND TAXI SERVICE

WHEREAS, the City of Greenville is authorized by G.S. 160A-304 to license and regulate all vehicles operated for hire within the City of Greenville; and

WHEREAS, the City of Greenville has adopted an ordinance, Title 1 of Chapter 11 of the Greenville City Code, requiring the operators of taxicab businesses within the City to obtain a franchise from the City permitting said operation, and said ordinance sets forth certain requirements and criteria that must be satisfied in order to obtain and maintain the franchise for the operation of a taxicab business; and

WHEREAS, Valentine Long Perkins d/b/a Earlybirds Transportation and Taxi Service is an applicant for a franchise permitting the operation of one taxicab within the City limits; and

WHEREAS, following investigation into the qualifications of the applicant, the City Council has determined that the applicant satisfies the requirements and conditions for the operation of a taxicab business within the City and has presented evidence substantiating the public convenience and necessity of such a business;

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

Section 1. A taxicab franchise is hereby issued to Valentine Long Perkins d/b/a Earlybirds Transportation and Taxi Service to permit the operation within the City of Greenville of not more than one taxicab.

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

Section 3. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 4. This ordinance shall become effective immediately upon its adoption.

First reading passed on the 11th day of January, 2010.

Second reading passed on this the 14th day of January, 2010.

Duly adopted on the 14th day of January, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

APPLICATION FOR TAXICAB FRANCHISE

(NOTE \$30 application fee must be presented with application in order for application to be considered)

To the Mayor and City Council of the City of Greenville

The undersigned hereby makes application for a taxicab franchise under the provisions of Chapter 564, Session Laws 1945, and presents the following information

- 1 The applicant is familiar with the ordinances of the City of Greenville relating to liability insurance, drivers regulations, regulations of rates, and other matters pertaining to the operation of taxicabs
- 2 The individual, corporate or trade name and business address of the applicant is EARLYBIRDS Cab LLC, 2366 Springhill Rd, Greenville N.C. 27858
252-347-3258
- 3 The Applicant is
 - A An individual and sole owner of the taxicab business to be operated under the above name
 - B A corporation chartered under the laws of the State of North Carolina in the year 2/17/06 and the officers of the corporation are Valentine Perkins
 - C A partnership, as shown by articles hereto attached, and the names of partners are _____
- 4 The Applicant operates in the following cities GREENVILLE N.C. 27858
- 5 The Applicant is requesting franchise to operate 1 taxicabs
- 6 In support of this application, the following Exhibits are attached
 - Exhibit A A full statement of facts which, if supported by substantial testimony at the hearing, will support a finding of public convenience and necessity for this operation
 - Exhibit B A complete list of Applicant's motor equipment showing year, make, model, and carrying capacity of each unit
 - Exhibit C Financial statement showing assets, liabilities and net worth of applicant
 - Exhibit D Statement showing applicant has made complete arrangement for off-street parking of all motor vehicles
 - Exhibit E Statement of proposed fares for transportation of persons and property
 - Exhibit F Statement of experience of applicant in conducting taxicab business
 - Exhibit G For persons who plan to be a driver Official results of a drug screening for the applicant(s) from a practicing licensed physician AND a waiver from the physician who conducted the drug screening releasing those results to the Greenville Police Department

HAND PRINT OR TYPE

LAST NAME <u>PERKINS</u>		FIRST NAME <u>Valentine</u>		MIDDLE NAME	
ALIAS OR NICKNAME <u>Tina</u>	SEX <u>female</u>	AGE <u>57</u>	WEIGHT <u>181</u>	HEIGHT <u>5'8"</u>	ID NO
ADDRESS <u>2366 Springhill Rd, Greenville</u>		HAIR <u>Blk.</u>	EYES <u>Blk</u>	COMPLEXION <u>Dark</u>	
OCCUPATION <u>Transporter</u>		DRIVERS LICENSE NO		IDENTIFICATION NO	
PLACE OF BIRTH <u>Pitt County - Ayden N.C.</u>		DATE OF BIRTH		SOCIAL SECURITY NO	

Signature of Applicant Valentine Perkins

Subscribed and sworn to before me this 24th day of November, 2009

My Commission Expires 11/6/11

Wanda J. Clark
 Notary Public

Exhibit A

There are several reasons that I request the operation of Earlybird Cab LLC. first of all and mainly because of a great request from the citizens of Greenville and especially the uptown students of ECU. constantly asking for more service from taxicabs providers, as a transporter I have been called uptown on game nights and Halloween nights to do pick-up service because of the fact that there are not enough cabs running, and they say that they have to wait at long periods of times, and finally ends up having to walk home, because of a lack of cab providers, wherein transporters are not allowed to go into cabbng them without the legal certification, also I have been asked and encouraged to go into cabbng because of the great need, I also feel that there is a greater need for this type of service, there is a greater demand for it, also a more familiar service for other who has relocated to this area that has been used to the cab service in other cities, and it is also a better money market, and cash flow.

Exhibit B:

I will use for cab service a 1996 4 door silver Crown Victoria, will carry up to 5 peoples.

Exhibit C: (will include necessary documents)

I am covered by my business insurance with 1.5 m, I am covered with life and accident insurance with 40,000 Ins. my home is value at at 100,000⁰⁰, I have a bus, not operating (1985) worth about 1,000⁰⁰, a 1997 Dodge Caravan worth 800⁰⁰ not running, a 1994 Chyster Concorde worth 1,400⁰⁰, Ford Taurus 1993 worth 1000⁰⁰

Exhibit D:

My business will be located about 6.0 miles outside the city limit, at my resident where all my automobiles are very well parked in my back yard, and under my carport, there is plenty room for them and are not interfering with any other residents on either side of me.

I Am in compliance with the city of Greenville listings for fares and will comply as follows,

Exhibit F:

I have experience as a former taxicab driver of about 17 months with City Cabs service a well known taxicab service here in Greenville, I was able to get a lot of cabbng experience from my trainer, I also had previous experience of about 25 years of Homehealth traveling as a home health aide from different towns and counties, here in Greenville, with driving, locations informative informations, and dealing with all types of peoples including, Sick, Public, also I started my own transportation service in 2006, and have done well, even through the economy being as it is, but I feel it's time for a change in order to go to fase 2, not leave one business but to add onto the one that is still in existence, I believe the taxicab service along with transportation will only malce the business better,

Exhibit G:

I will be driving as a taxicab driver and will attach my drug screening test results, and a waiver from the physician to release the results to the Greenville Police.



City of Greenville, North Carolina

Meeting Date: 1/14/2
Time: 7:00 PM

Title of Item: Ordinance amending the zoning regulations to include a five-hundred (500) foot minimum separation requirement between “public or private clubs”

Explanation: At its November 9, 2009 meeting, and after consideration of various options to improve public safety within the downtown and other areas wherein entertainment establishments are permitted, the City Council determined to proceed with consideration of an amendment to the zoning regulations that will require all new public or private clubs to be separated by not less than 500 feet as measured between the closest property line.

This new requirement will apply to all public or private clubs located both within the downtown commercial district and the rest of the city's zoning jurisdiction.

Prior to its November 9, 2009, meeting, the City Council requested and received a report on possible actions to improve public or private club safety from the City Attorney which included the following option: "7) Enact a zoning ordinance which establishes a minimum separation requirement for the location of public or private clubs in order to reduce the adverse impact which is caused by the concentration of such clubs. The concentration of public or private clubs within an area has an adverse impact from a land use perspective in addition to the adverse impact that the concentration creates for law enforcement purposes. There are sixteen (16) public or private clubs located in approximately a four (4) block area of the downtown area. Establishment of a separation requirement in the zoning ordinance would disperse these uses and minimize their adverse impact. A separation requirement would apply to the location of new establishments and the expansion of existing establishments. Current establishments would be grandfathered. A separation requirement would not have an immediate impact but it would ensure that additional public or private clubs would not be located in the immediate area."

On November 20, 2009, the City Attorney's office mailed notice of City Council's determination to proceed with consideration of ordinances that apply to

all public or private clubs to the owners and managers of all clubs. The notice invited the club owners and managers to attend the scheduled meetings of the Planning and Zoning Commission and the City Council when these proposed ordinances would be considered and voice their opinion on these and related proposals if they so desired.

Excerpt from the City Attorney's Planning and Zoning Commission meeting notice to the club owners and managers is included below.

"The Planning and Zoning Commission of the City of Greenville will hold a public meeting on the 15th day of December, 2009, at 6:30 p.m. in the Council Chambers of City Hall, 200 West Fifth Street, in order to consider a recommendation to City Council on a proposed ordinance amending the Zoning Ordinance which establishes a minimum separation requirement for the location of public or private clubs so that no new club and no addition to an existing club will be allowed unless the club meets the minimum separation requirement. Existing clubs in their current location and size are "grandfathered" and may continue operation indefinitely provided that club activity does not cease for a period of six (6) months. A change in ownership does not impact this "grandfather" protection. A copy of the proposed ordinance is enclosed. On the basis of objections, debate and discussion at the hearing, changes may be made from what has been proposed. If you have any questions, please do not hesitate to contact me at 252-329-4426."

As summarized in the above meeting notice, (i) no new club and no addition to an existing club will be allowed unless the club meets the minimum 500-foot separation requirement, and (ii) existing clubs in their current location and size are "grandfathered" and may continue operation indefinitely provided that club activity does not cease for a period of six (6) months. A change in ownership does not impact this "grandfather" protection. This proposed spacing requirement is an amendment to the zoning ordinance.

Other related ordinances, not involving amendment of the zoning regulations or review and recommendation of the Planning and Zoning Commission, which the City Council has determined to also consider include the following: (1) a prohibition on a public or private club employing a person as a bouncer who has been convicted of certain crimes and a requirement that a public or private club conduct criminal record checks of each person employed as a bouncer and (2) a prohibition on a public or private club employing a person as a bouncer who has not completed a training program for bouncers conducted by the police department within certain time frames and a requirement that a bouncer employed at a public or private club annually complete a training program for bouncers conducted by the police department.

The above options (1) and (2) were considered and approved by City Council at its December 10, 2009 meeting. On November 20, 2009, the City Attorney's office provided written notice to the owners and managers of all public and

private clubs concerning these proposed amendments to the city code. Although related to the common goal of increased downtown public safety, the City Council's approval of the aforementioned actions is separate from the proposed public or private club spacing requirement.

At the December 15, 2009, Planning and Zoning Commission meeting, the Commission did not approve a motion to recommend adoption of the original draft ordinance requiring a five-hundred (500) foot spacing requirement between public or private clubs in all districts. In addition, the Planning and Zoning Commission approved a motion recommending approval of a substitute ordinance requiring a five-hundred (500) foot spacing requirement between public or private clubs located only in the CD (downtown commercial) district.

Both the original draft ordinance (doc #841377) and the Planning and Zoning Commission recommended substitute ordinance (doc #851388) are attached for City Council consideration.

On December 18, 2009, the City Attorney's office mailed notice of the public hearing to consider adoption of the proposed ordinance amending the zoning ordinance to require spacing between public or private clubs to the property owners and the club owners and managers of all clubs. The notice invited the property owners and club owners and managers to attend the public hearing and voice their opinion on this proposal if they so desire.

Fiscal Note:

No direct cost to the City.

Recommendation:

In staff's opinion, both the original draft ordinance (doc #841377) and the Planning and Zoning Commission recommended substitute ordinance (doc #851388) are in compliance with Horizons: Greenville's Community Plan.

The Planning and Zoning Commission did not recommend approval of the original draft ordinance (doc #841377) at its December 15, 2009 meeting.

Following Planning and Zoning Commission action on the original draft ordinance, the Commission did recommend approval of a substitute ordinance (doc #851388) at its December 15, 2009 meeting that limited the scope of the proposed ordinance to the downtown commercial district.

If City Council determines to approve the amendment request that applies to all public or private clubs, a motion to adopt the attached original ordinance (841377) will accomplish this. If City Council determines to approve the amendment request as recommended by the Planning and Zoning Commission that applies only within the downtown commercial district, a motion to adopt the revised attached ordinance (851388) will accomplish this. The ordinances include the statutorily required statement describing whether the action taken is

consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

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

Motion to deny the requested text amendment and to make a finding and determination that the denial of the text amendment request is consistent with the adopted comprehensive plan and that the denial of the text amendment request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

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Attachments / click to download

- [Letter from ECU Chancellor concerning spacing requirement](#)
 - [Original_Club_Spacing_Ordinance_841377](#)
 - [Pand_Z_Recommended_Club_Spacing_Ordinance_12_15_09_851388](#)
 - [Excerpt from December 15 2009 Planning and Zoning Minutes spacing requirement 851895](#)
 - [Restaurant_Dand_E_Club_regulations_849164](#)
 - [Official_List_of_All_Public_Private_Clubs_Spreadsheet_841247](#)
 - [Nightclub_and_Restaurant_Survey_740703](#)
-

Original Draft Ordinance

ORDINANCE NO. 10 - ____
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on January 14, 2010 at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

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

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

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

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

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

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

This 14th day of January, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

Planning and Zoning Commission recommended substitute ordinance (12/15/09)

ORDINANCE NO. 10 - ____
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on January 14, 2010 at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

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

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

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

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

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

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

This 14th day of January, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk
851388

Excerpt from December 15, 2009 Planning and Zoning Commission Draft Minutes

Text Amendments

Request by the Community Development Department, at the initiation of City Council, to amend the zoning regulations to include a 500 foot minimum separation requirement between “public or private clubs”.

Mr. Hamilton said he had received a letter from the ECU Chancellor voicing support for this amendment. The letter was included in the Commissions agenda materials. He said following a public hearing on November 9, 2009, and after consideration of various options to improve public safety within the downtown and other areas wherein entertainment establishments are permitted, the City Council determined to proceed with consideration of an amendment to the zoning regulations that will require all new public or private clubs to be separated by not less than 500 feet as measured between the closest property line. Other related ordinances, not involving amendment of the zoning regulations or review and recommendation of the Planning and Zoning Commission, which the City Council approved on December 10, 2009 include the prohibition of a club employing a person as a bouncer who has been convicted of certain crimes and the prohibition of a club employing a person as a bouncer who has not completed an annual training program for bouncers conducted by the police department.

On November 20, 2009 the City Attorney's office mailed notice of City Council's determination to proceed with consideration of ordinances that apply to all public or private clubs to the owners and managers of all clubs operating in Greenville's jurisdiction. The notice invited the club owners and managers to attend both the Planning and Zoning Commission and City Council meetings and voice their opinion on the proposed regulations if they so desired.

Mr. Hamilton stated the proposed spacing requirement would mean no new club and no addition to an existing club will be allowed unless the club meets the minimum 500 foot separation requirement (between clubs), and existing clubs in their current location and size are “grandfathered” and may continue operation indefinitely provided that club activity does not cease for a period of six months. He said a change in ownership does not impact this “grandfather” protection.

Mr. Hamilton stated several other uses in Greenville have spacing standards such as family care homes which must have at least ¼ mile (1,320 feet) between homes. He said a survey of club spacing requirements in other area NC cities was conducted and staff found that clubs in Cary, if outside activities are utilized, must be 100 feet from all residential zones. There is no spacing requirement for Chapel Hill, Jacksonville, Rocky Mount or Wilmington. The City of Fayetteville requires a public or private club that includes adult entertainment be at least 500 feet from daycares, schools and places of worship. In Garner, if the club is a permitted (by-right) use, such club must be at least 500 feet from all residential zones or residential uses. Kinston's requirement is at least 300 feet from another club. In Washington a club cannot be located within 500 feet of another club and in Wilson clubs cannot be located within 500 feet of a residence, church or public park. Mr. Hamilton stated the proposed spacing requirement will apply to all public or private clubs located within the downtown and within the outlying areas of the city's jurisdiction. He said there are currently 25 public or private clubs located in Greenville's jurisdiction. Mr. Hamilton stated a public or private club is defined as an establishment whose principal use is entertainment. A club does not have a minimum food sales requirement as is required for dining and entertainment establishments and restaurants. Mr. Hamilton said the highest concentration of public or private clubs is in the downtown area. He said the proposed amendment would restrict additional clubs from locating in this area. He said the Commission needed to vote on the proposed amendment as presented. He also stated that if the Commission decided not to recommend the request, the Commission could, by separate motion and vote, recommend an alternative spacing requirement to City Council.

Mr. Thomas asked what goal the City had in mind when recommending this change.

Mr. Hamilton said the intent is to increase public safety and to prohibit a high concentration of clubs in one area.

Mr. Thomas said it seemed like it would be harder for the police to control a more widespread area.

Mr. Hamilton said the Police Department had addressed that issue and in the opinion of the Chief of Police less concentration of clubs was recommended.

Mr. Ramey asked what staff recommended.

Mr. Hamilton said staff supported the ordinance as proposed and believe it would prohibit a high concentration of clubs in any one area.

Mr. Bell asked if existing clubs would be able to move downtown or if existing clubs could expand.

Mr. Hamilton said the 500 foot spacing from existing clubs does not cover the entire downtown. He said there were some other available areas outside the four block area of high club concentration.

Mr. Randall asked where staff come up with 500 feet.

Mr. Hamilton said a block length in the downtown area was about 300 feet so anything less than that would mean a couple of clubs per block face and 500 feet better ensures no more than one club per block face.

Mr. Randall asked if a shopping center with a club in it such as Tiebreakers had a new center develop across the street from it if that new center could house a public or private club.

Mr. Hamilton said if the perimeter boundaries of the lots were less than 500 feet apart it could not.

Mr. Thomas asked if staff inquired as to why two other college towns, Wilmington and Chapel Hill, did not have spacing requirements.

Mr. Hamilton said staff did not ask that specific question.

Mr. Tozer asked if there had been significant growth of public or private clubs in the area in the last five to ten years.

Mr. Hamilton said there had been a few clubs added but would not say there had been significant growth.

Mr. George Saieed spoke in opposition to the request. He said he owned a club in the downtown area and represented several property owners with clubs on their property in the downtown area. Mr. Saieed did not list the properties or persons he represented. He said there haven't been any new clubs open in the downtown area in several years. He said he didn't see how safety would be any better with the proposed ordinance. He asked if the clubs that were under a special use permit in the downtown area would be grandfathered in.

Mr. Hamilton said any club that doesn't currently meet the spacing requirement would be grandfathered, those with or without a special use permit.

Mr. Saieed said one of the goals of the old Horizon's Plan was to concentrate clubs to the downtown area to make it safer and easier to control and this was a total contradiction to that.

Mr. Hamilton said there was no guarantee that the number of clubs would be reduced in the downtown area. He said the main purpose of the amendment was to not have additional clubs in the area of concentration. He said some clubs may be phased out through attrition and conversion to other uses, but that is up to the property owners.

Mr. Saieed asked if notice was sent out to the property owners or to the clubs because he didn't receive a notice.

Mr. Holec said notice was mailed to the owners and managers of the public or private clubs, though it was not required.

Mr. Jeremy King spoke in opposition to the request. He said he was an attorney with an office on South Pitt Street. He said he was opposed to the ordinance because he didn't think it would do what it intended. He felt it would transfer property rights for all the neighboring property owners of the clubs and decrease the value of neighboring properties by limiting their use.

Mr. Lehman closed the public hearing and called for board discussion.

Mr. Bell asked Mr. Holec if there had been any contact with the property owners downtown other than by legal advertisement.

Mr. Holec said this was not a rezoning, therefore mail notice was not required.

Mr. Gordon asked if there had been any contact with any of the other property owners in the area.

Mr. Hamilton said there had not. He said everyone is concentrating on the downtown area, but there were hundreds of acres of land scattered across the city that could potentially be locations for public or private clubs and they would have to notify an extraordinary number of people to include everyone that could possibly be affected. The ordinance applies to the entire city not just the downtown.

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

Mr. Tozer stated he had issues with the strip mall example where a new development couldn't rent to a club if one was located right across the street.

Mr. Thomas asked if they could still have discussion.

Mr. Holec said they needed a second before they could have further discussion.

Mr. Gordon seconded the motion.

Mr. Thomas said staff had done a great job on the proposal; however he would like to see more study done on this issue. He said he would like to hear from more property owners because they are the ones being impacted the most.

Mr. Randall agreed. He stated he was not in favor of the motion to approve the request..

Mr. Ramey asked if anyone on the board knew what it took to control five thousand people.

Mr. Parker said working at UBE he could understand what it was like. He said it was hard to control a crowd that large. He said it would be easier to send two officers out to enforce a small crowd than to try and control a crowd of five thousand.

Mr. Bell said he agreed with having some type of containment in the downtown area.

Mr. Lehman called for a vote on Mr. Ramey's motion. Mr. Gordon, Ms. Rich and Mr. Ramey voted in favor of the motion. Mr. Bell, Mr. Thomas, Ms. Basnight, Mr. Tozer and Mr. Randall voted in opposition to the motion. Motion fails.

Following the first motion and vote, motion was made by Mr. Tozer, seconded by Mr. Bell, to approve a substitute amendment, specifically that the spacing requirement only apply to the CD district, and to advise that the amendment is consistent with the comprehensive plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters.

Mr. Randall said he felt five hundred feet as proposed was very restrictive and it should be adjusted.

Mr. Ramey stated five hundred feet was necessary to restrict further concentration of clubs in the downtown area.

Mr. Gordon said it wouldn't matter if it was three hundred or five hundred feet, the neighboring property still wouldn't be able to be a club.

Mr. Thomas said he felt all the property owners should have been notified and he felt economics would decide if more clubs came to the area or not, not the spacing requirement.

Mr. Lehman called for a vote on the motion. Ms. Rich, Mr. Bell, Mr. Gordon, Mr. Tozer and Ms. Basnight voted in favor of the motion. Mr. Thomas, Mr. Randall and Mr. Ramey voted in opposition to the motion. Motion carried.

Greenville, NC Zoning Ordinance excerpts – 11/17/09

Public or private club. An establishment of which the principal use is entertainment and which meets all of the following:

- (1) May be open to the general public;
- (2) May require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation;
- (3) May provide live or recorded amplified music;
- (4) May provide a floor show;
- (5) May provide a dance area;
- (6) May offer a full service bar;
- (7) May offer food services;
- (8) May provide food attendant (waiter/waitress) table ordering and busboy services; and
- (9) Does not qualify under the definition of “restaurant, fast food” or “restaurant, conventional” or “dining and entertainment establishment”, as contained herein;
- (10) Any proposed or established “dining and entertainment establishment” that does not comply with the definition, standards or requirements applicable to “dining and entertainment establishments” as contained herein shall be classified as a “public or private club” for purposes of zoning regulation.

Dining and entertainment establishment. An eating and entertainment establishment open to the general public and which meets all of the following:

- (1) May require a membership, cover, or minimum charge for admittance or service during special periods of operation in accordance with this Chapter;
- (2) Has sales of prepared and/or packaged foods, in a ready to consume state, in excess of thirty (30) percent of the total gross receipts for such establishment during any month. In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state, the following sales shall be included: (i) food prepared in the establishment's kitchen and served as a meal to be consumed on the premises or as a take-out order, (ii) packaged food sold to accompany the meal, and (iii) non-alcoholic beverages sold to accompany the meal. The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state: (i) mixed alcoholic beverages, including the mixer, (ii) any other alcoholic beverage, (iii) grocery items not ordered and purchased with meals, and (iv) any other product, item, entertainment, service, or gratuity which is not specified in this subsection (2) as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state. A membership, cover, or minimum charge for admittance or service shall not be included in either the total gross receipts for such establishment or in the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state. For purposes of determining compliance under this subsection (2), the zoning enforcement officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina;
- (3) Does provide sit down dining area(s);
- (4) May provide food attendant (waiter/waitress) table ordering and busboy services;
- (5) May offer food in disposable containers;
- (6) May offer carry-out and/or off-site delivery services;

- (7) Does not offer drive-in attendant services;
- (8) May exhibit one (I) but not both of the following operational functions or characteristics:
 - (a) Drive thru service.
 - (b) Over the counter service. For purposes of this section the term "over the counter service" shall include both customer ordering and the receipt of food, excepting beverages, condiments, utensils, etc., from an order/delivery station or counter remote to the on-site place of consumption;
- (9) May have one or more of the following activities or services, which is open to the establishments patrons and general public and is limited to the hours of operation of complete food services including regular menu food ordering, food preparation and on-premise food consumption, except as otherwise provided in this subsection (9): full service bar, live or recorded amplified music, floor show and dancing area. Complete food services including regular menu food ordering, food preparation and on-premise food consumption services may be suspended at the option of the owner/operator not less than one (1) hour prior to the close of business each evening. For purposes of interpretation of this section, when a dining and entertainment establishment closes for business at 12:00 AM (midnight) complete restaurant services including regular menu food ordering, food preparation and on-premise food consumption shall be provided until not less than 11:00 PM of the same day;
- (10) Shall be limited to a maximum mechanically conditioned floor area requirement and shall comply with a minimum separation and security requirement as specified under sections 9-4-86 and 9-4-103;
- (11) Does not qualify under the definition of "restaurant, fast food" or "restaurant, conventional" as contained herein; and
- (12) Any dining and entertainment establishment that does not meet the aforesaid requirements shall be classified as a "public or private club" for purposes of zoning regulation.

Restaurant, conventional. An eating establishment open to the general public of which the principal use is food services including food ordering, food preparation and on-premise food consumption, and which meets all the following:

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

- (4) Does provide sit down dining area(s);
- (5) Does provide table cleaning and clearing (busboy) services;
- (6) Does provide attendant (waiter/waitress) food delivery services, unless over the counter service is provided in accordance with subsection 9 below;
- (7) May offer carry-out and/or off-site delivery services provided such food service is an accessory activity;
- (8) Does not offer drive-in attendant services;
- (9) May exhibit one (1) but not both of the following operational functions or characteristics:
 - (a) Drive thru service.
 - (b) Over the counter service. For purposes of this section the term “over the counter service” shall include both customer ordering and the receipt of food, excepting beverages, condiments, utensils, etc., from a order/delivery station or counter remote to the on-site place of consumption; and
- (10) May have as an ancillary or accessory use a full service bar, live or recorded amplified music, floor show and dancing area which is open to the restaurant patrons and general public and is limited to the hours of operation of the principal use restaurant.

Restaurant, fast food. An eating establishment open to the general public of which the principal use is food services including food ordering, food preparation and on-premise food consumption, and which meets all of the following:

- (1) Does not require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation;
- (2) Has sales of prepared and/or packaged foods, in a ready to consume state, in excess of fifty (50) percent of the total gross receipts for such establishment during any month. In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state, the following sales shall be included: (i) food prepared in the establishment’s kitchen and served as a meal to be consumed on the premises or as a take-out order, (ii) packaged food sold to accompany the meal, and (iii) non-alcoholic beverages sold to accompany the meal. The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state: (i) mixed alcoholic beverages, including the mixer, (ii) any other alcoholic beverage, (iii) grocery items not ordered and purchased with meals, and (iv) any other product, item, entertainment, service, or gratuity which is not specified in this subsection as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state. For purposes of determining compliance under this subsection, the zoning enforcement officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina;
- (3) Does not qualify as a conventional restaurant by definition; and
- (4) May have as an ancillary or accessory use a full service bar, live or recorded amplified music, floor show, and dancing area which is open to the restaurant patrons and general public and is limited to the hours of operation of the principal use restaurant.
- (5) The following is not considered a “restaurant, fast food” under this definition.
 - (a) Ancillary or accessory food service for a permitted principal use where such food service is open to the general public such as an employee and/or patron cafeteria or eating area;
 - (b) Temporary food service as part of permitted temporary uses such as carnivals, fairs, street fairs, circuses, athletic events, community events, concerts, nonprofit fund raising events, emergency shelters, and the like; or
 - (c) Any establishment where the preparation of food is merely incidental to the sale of food such as a grocery store or food market and the like.

development or his authorized representative as a result of this annual review shall be compiled in a written staff report.

- (c) At a meeting of the board of adjustment, the director of community development or his authorized representative shall present to the board of adjustment the staff report of a public or private club for which the annual review includes a finding of one or more instances of non-compliance with applicable laws, codes, and ordinances including, but not limited to, noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder as specified under subsection (4) below shall be provided notice of the meeting and a copy of the staff report.
- (d) Based on the staff report, the board of adjustment, by a majority vote, may either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit. An order for a rehearing shall be based upon a determination by the board of adjustment that either (i) the use of the property is inconsistent with the approved application, (ii) the use is not in full compliance with all specific requirements set out in Title 9, Chapter 4 of the Greenville City Code, (iii) the use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard, or (iv) the use is not compliant with any additional conditions of approval established by the board and set out in the order granting the permit. The rehearing shall be in the nature of, and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section 9-4-81, the board of adjustment may grant a special use permit with conditions imposed pursuant to this subsection (f) and section 9-4-82 or deny the special use permit. The grant or denial of the special use permit by the board of adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a public or private club.
- (e) The requirements and standards set forth in this subsection (f)(1) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.
- (2) The owner(s) and operator(s) of a public or private club shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 AM each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public right-of-ways or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a public or private club shall comply with the provisions of Title 11, Chapter 9 of the City Code whether or not the establishment is a nightclub, bar or tavern.
- (3) In addition to subsection (2) above, the board of adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.
- (4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a

public or private club, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the director of community development an acknowledgement of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgement shall be made on forms provided by the planning office.

- (5) Any public or private club that has been issued a special use permit by the board of adjustment, that is subject to mandatory annual renewal, shall continue under the terms and conditions of the issued special use permit, until the expiration of said permit. All subsequent special use permit approvals for said location shall be subject to the specific criteria set forth under this subsection (f). (Ord. No. 06-75, §1, 8-10-06)

(f)1. Dining and entertainment establishments.

- (1) (a) A special use permit for a dining and entertainment establishment is subject to revocation in accordance with the provisions of this subsection (f)(l). Nothing herein shall prohibit or restrict the authority of the board of adjustment to rescind or revoke a special use permit for a dining and entertainment establishment in accordance with the provisions of section 9-4-83.

(b) An annual review shall be conducted by the director of community development or his authorized representative of a dining and entertainment establishment which has received a special use permit for the purpose of determining and ensuring compliance with applicable laws, codes, and ordinances including, but not limited to, noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The findings of the director of community development or his authorized representative as a result of this annual review shall be compiled in a written staff report.

(c) At a meeting of the board of adjustment, the director of community development or his authorized representative shall present to the board of adjustment the staff report of a dining and entertainment establishment for which the annual review includes a finding of one or more instances of non-compliance with applicable laws, codes, and ordinances including, but not limited to, noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder as specified under subsection (4) below shall be provided notice of the meeting and a copy of the staff report.

(d) Based on the staff report, the board of adjustment, by a majority vote, may either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit. An order for a rehearing shall be based upon a determination by the board of adjustment that either (i) the use of the property is inconsistent with the approved application, (ii) the use is not in full compliance with all specific requirements set out in Title 9, Chapter 4 of the Greenville City Code, (iii) the use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard, or (iv) the use is not compliant with any additional conditions of approval established by the board and set out in

the order granting the permit. The rehearing shall be in the nature of, and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section 9-4-81, the board of adjustment may grant a special use permit with conditions imposed pursuant to this subsection (f)1 and section 9-4-82 or deny the special use permit. The grant or denial of the special use permit by the board of adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a dining and entertainment establishment.

(e) The requirements and standards set forth in this subsection (f)(1) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.

- (2) The owner(s) and operator(s) of a dining and entertainment establishment shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 AM each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public right-of-ways or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a dining and entertainment establishment shall comply with the provisions of Title 11, Chapter 9, of the City Code entitled Litter Control in Parking Lots.
- (3) In addition to subsection (2) above, the board of adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.
- (4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a dining and entertainment establishment, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the director of community development an acknowledgement of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgement shall be made on forms provided by the planning office.
- (5) May require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation.
- (6) Weekdays. Except as further provided under subsection (8) below, dining and entertainment establishments shall not have amplified audio entertainment after 11:00 PM each Monday, Tuesday, Wednesday, and Thursday night and before 11:00 AM of the next day. For purposes of this section "amplified audio entertainment" shall mean any type of music or other entertainment delivered through and by an electronic system, provided however televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment.
- (7) Weekends. Except as further provided under subsection (8) below, dining and entertainment establishments shall not have amplified audio entertainment after 2:00 AM each Friday and Saturday night and before 11:00 AM of the next day, and shall not have amplified audio

entertainment after 11:00 PM each Sunday night and before 11:00 AM of the next day. For purposes of this section “amplified audio entertainment” shall mean any type of music or other entertainment delivered through and by an electronic system, provided however televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment.

- (8) Special period of operation. The allowable period of amplified audio entertainment may be extended, at the option of the owner/operator, from the times specified under subsections (6) and (7) above to not later than 2:00 AM and before 11:00 AM of the next day on the following day: December 31st (New Years Eve).
- (9) Shall have sales of prepared and/or packaged foods, in a ready to consume state, in excess of thirty (30) percent of the total gross receipts for such establishment during any month. In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state, the following sales shall be included: (i) food prepared in the establishment’s kitchen and served as a meal to be consumed on the premises or as a take-out order, (ii) packaged food sold to accompany the meal, and (iii) non-alcoholic beverages sold to accompany the meal. The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state: (i) mixed alcoholic beverages, including the mixer, (ii) any other alcoholic beverage, (iii) grocery items not ordered and purchased with meals, and (iv) any other product, item, entertainment, service, or gratuity which is not specified in this subsection as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state. A membership, cover, or minimum charge for admittance or service shall not be included in either the total gross receipts for such establishment or in the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state. For purposes of determining compliance under this subsection, the zoning enforcement officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina.
- (10) Records related to the sale of prepared and/or packaged food in a ready to consume state and the sale of all other products and services shall be maintained on premises for not less than one (1) year and shall be open for inspection or audit at all reasonable hours during any period of establishment operation by the zoning enforcement officer. The zoning enforcement officer may view the records on the premises of the establishment or may request copies of such written records be delivered to the city. Records of sales of prepared and/or packaged food in a ready to consume state and the sale of all other products and services shall be filed separate and apart from all other records maintained on the premises. The requirements of this subsection shall be for the purpose of determining compliance with subsection (9) above. Failure to provide all records required by this subsection in a timely manner, to be determined by the city, upon written request of the zoning enforcement officer shall constitute a violation of the zoning regulations.
- (11) A lighting plan shall be submitted to the director of community development, or authorized agent for review and approval and lighting fixtures shall be installed and maintained pursuant to such approved plan which illuminates all exterior portions of the building, lot area and parking

lot as determined appropriate by the director of community development, or authorized agent. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling. Required or additional optional lighting shall comply with this subsection and section 9-4-104.

- (12) A parking plan which conforms to the provisions of Article O, Parking, shall be submitted to the director of community development, or authorized agent for site plan review and approval in accordance with the provisions of the Land Development Administrative Manual. The exemption provisions of section 9-4-243(2) shall not apply to a dining and entertainment establishment and each establishment shall provide all required parking spaces specified under section 9-4-252 on-site or in an approved remote parking facility in accordance with section 9-4-250.
- (13) No dining and entertainment establishment located in a CN (neighborhood commercial) district shall contain more than 7,000 total square feet of mechanically conditioned floor area, including but not limited to any activity area, kitchen, restroom, interior walk-in storage room, hallway, foyer, bar and serving station, seating area, dance floor, and sound stage.
- (14) No dining and entertainment establishment located in a CN (neighborhood commercial) district shall be located within a two-hundred (200) foot radius of an existing or approved dining and entertainment establishment located within any CN (neighborhood commercial) district as measured from the nearest lot line.
- (15) When a dining and entertainment establishment (i) is located within five-hundred (500) foot radius, including street right-of-ways, of a residential zoning district as measured from the building or structure containing a dining and entertainment establishment to the nearest residential zoning district boundary, and (ii) such establishment provides or utilizes amplified audio entertainment as defined herein after 11:00 PM on any day, such establishment shall be subject to a security requirement during and after such period of amplified audio entertainment as follows:
 - a. Establishments that have an approved occupancy above 50 but less than 200 total persons as determined by the building inspector shall employ not less than one (1) uniformed off-duty law enforcement officer, or not less than one (1) uniformed security guard provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.
 - b. Establishments that have an approved occupancy of 200 or more total persons as determined by the building inspector shall employ not less than two (2) uniformed off-duty law enforcement officers, or not less than two (2) uniformed security guards provided by a security guard and control profession licensed in accordance with the provisions of Chapter

74C of the North Carolina General Statutes, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

c. For purposes of this section the term “residential zoning district” shall include the following districts: RA20, R6MH, R6, R6A, R6A-RU, R6N, R6S, R9, R9S, R15S, PUD, MR, and MRS. (Ord. No. 09-27, § 7, 4-9-08)

(q) *Restaurant; conventional or fast food.*

- (1) Except as further provided, whenever a proposed restaurant is to be located adjacent to a permitted residential use, or a residential zoning district, the following minimum standards shall be required:
 - (a) The restaurant principal structure shall maintain a public street (front yard) setback not less than the adjoining residential zoning district;
 - (b) The restaurant principal structure shall maintain a side and rear yard setback not less than twenty-five (25) feet from any property line which abuts a residential zoning district or a permitted residential use;
 - (c) The maximum height of the restaurant principal and/or accessory structure(s) shall not exceed thirty-five (35) feet; and
 - (d) Any exterior menu reader board or order station which contains an audio speaker(s) shall be setback not less than fifty (50) feet from any side or rear property line which abuts a permitted residential use or residential zoning district, and such speaker shall be oriented and directed away from any adjacent permitted residential use or residential zoning district in a manner approved by the director of community development or the director’s authorized representative and such requirements shall be indicated upon an approved site plan. Separation of such speaker from an adjacent permitted residential use or residential zoning district by an intervening nonresidential building or structure of sufficient dimension to negate or block the transmission of sound may, upon approval of the director of community development or representative, substitute for the speaker setback, orientation and direction standards of this section. No exterior menu reader board or order station shall be utilized or operated in a manner which constitutes a nuisance or hazard to the general public.
- (2) No new restaurant within any MS zoning district shall be located within five hundred (500) feet of any existing or vested restaurant in any zoning district or within one thousand (1000) feet of any existing or vested restaurant in any MS district, as measured between the nearest enclosed structural part of such establishments.
- (3) Within any MO zoning district no fast food restaurant shall be located in a freestanding detached structure exclusive to such use. All fast food restaurants in any MO zoning district shall be located within and be part of an attached multi-unit structure which contains not less than three (3) individual units occupied by, or are available for sale or lease, to separate establishments. (Ord. No. 06-75, §1, 8-10-06)

Sec. 9-4-103. Special standards for certain specific uses. (Permitted Uses – i.e. P)

(o) Restaurant; fast food and/or restaurant; conventional utilizing drive-thru services

1. Except as further provided, whenever a proposed restaurant is to be located adjacent to a permitted residential use, or a residential zoning district, the following minimum standards shall be required:

- a. The restaurant principal structure shall maintain a public street (front yard) setback not less than the adjoining residential zoning district;
- b. The restaurant principal structure shall maintain a side and rear yard setback not less than twenty-five (25) feet from any property line which abuts a residential zoning district or a permitted residential use;
- c. The maximum height of the restaurant principal and/or accessory structure(s) shall not exceed thirty-five (35) feet; and
- d. Any exterior menu reader board or order station which contains an audio speaker(s) shall be setback not less than fifty (50) feet from any side or rear property line which abuts a permitted residential use or residential zoning district, and such speaker shall be oriented and directed away from any adjacent permitted residential use or residential zoning district in a manner approved by the Director of Community Development or his designee and such requirement shall be indicated upon an approved site plan. Separation of such speaker from an adjacent permitted residential use or residential zoning district by an intervening nonresidential building or structure of sufficient dimension to negate or block the transmission of sound may, upon approval of the Director of Community Development or his designee, substitute for the speaker setback, orientation or direction standards of this section. No exterior menu reader board or order station shall be utilized or operated in a manner which constitutes a nuisance or hazard to the general public. (Ord. No. 06-75, §1, 8-10-06)

(o.1) Restaurant; conditional and/or restaurant; fast food records retention requirement.

1. Records related to the sale of prepared and/or packaged food in a ready to consume state and the sale of all other products and services shall be maintained on premises for not less than one (1) year and shall be open for inspection or audit at all reasonable hours during any period of establishment operation by the zoning enforcement officer. The zoning enforcement officer may view the records on the premises of the establishment or may request copies of such written records be delivered to the city. Records of sales of prepared and/or packaged food in a ready to consume state and the sale of all other products and services shall be filed separate and apart from all other records maintained on the premises. The requirements of this section shall be for the purpose of determining the portion of sales attributed to the sale of prepared and/or packaged food in a ready to consume state. Failure to provide all records required by this section in a timely manner, to be determined by the city, upon written request of the zoning enforcement officer shall constitute a violation of the zoning regulations.

(t) Dining and entertainment establishment not subject to Article E Standards and Criteria for Special Uses shall comply with all of the following:

(1) When a dining and entertainment establishment (i) is located within five-hundred (500) foot radius, including street right-of-ways, of a residential zoning district as measured from the building or structure containing a dining and entertainment establishment to the nearest residential zoning district boundary, and (ii) such establishment provides or utilizes amplified audio entertainment as defined herein after 11:00 PM on any day, such establishment shall be subject to a security requirement during and after such period of amplified audio entertainment as follows:

a. Establishments that have an approved occupancy above 50 but less than 200 total persons as determined by the building inspector shall employ not less than one (1) uniformed off-duty law enforcement officer, or not less than one (1) uniformed security guard provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

b. Establishments that have an approved occupancy of 200 or more total persons as determined by the building inspector shall employ not less than two (2) uniformed off-duty law enforcement officers, or not less than two (2) uniformed security guards provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes, to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

c. For purposes of this section the term “residential zoning district” shall include the following districts: RA20, R6MH, R6, R6A, R6A-RU, R6N, R6S, R9, R9S, R15S, PUD, MR, and MRS.

(2) The owner(s) and operator(s) of a dining and entertainment establishment shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 AM each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public right-of-ways or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a dining and entertainment establishment shall comply with the provisions of Title 11, Chapter 9, of the City Code entitled Litter Control in Parking Lots.

(3) May require a membership, cover, or minimum charge for admittance or service during regular or special periods of operation.

(4) Weekdays. Except as further provided under subsection (6) below, dining and entertainment establishments shall not have amplified audio entertainment after 11:00 PM each Monday, Tuesday, Wednesday, and Thursday night and before 11:00 AM of the next day. For purposes of this section “amplified audio entertainment” shall mean any type of music or other entertainment delivered through and by an electronic system, provided however televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment.

(5) Weekends. Except as further provided under subsection (6) below, dining and entertainment establishments shall not have amplified audio entertainment after 2:00 AM each Friday and Saturday night and before 11:00 AM of the next day, and shall not have amplified audio entertainment after 11:00 PM each Sunday night and before 11:00 AM of the next day. For purposes of this section “amplified audio entertainment” shall mean any type of music or other entertainment delivered through and by an electronic system, provided however televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment.

(6) Special period of operation. The allowable period of amplified audio entertainment may be extended, at the option of the owner/operator, from the times specified under subsections (4) and (5) above to not later than 2:00 AM and before 11:00 AM of the next day on the following day: December 31st (New Years Eve).

(7) Shall have sales of prepared and/or packaged foods, in a ready to consume state, in excess of thirty (30) percent of the total gross receipts for such establishment during any month. In determining the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state, the following sales shall be included: (i) food prepared in the establishment’s kitchen and served as a meal to be consumed on the premises or as a take-out order, (ii) packaged food sold to accompany the meal, and (iii) non-alcoholic beverages sold to accompany the meal. The following shall not be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state: (i) mixed alcoholic beverages, including the mixer, (ii) any other alcoholic beverage, (iii) grocery items not ordered and purchased with meals, and (iv) any other product, item, entertainment, service, or gratuity which is not specified in this subsection as a sale to be included in the portion of sales that can be attributed to the sales of prepared and/or packaged food in a ready to consume state. A membership, cover, or minimum charge for admittance or service shall not be included in either the total gross receipts for such establishment or in the portion of sales that can be attributed to the sale of prepared and/or packaged food in a ready to consume state. For purposes of determining compliance under this subsection, the zoning enforcement officer may utilize and rely upon any routine or special audit report prepared by a department, division of a department, or agency of the State of North Carolina.

(8) Records related to the sale of prepared and/or packaged food in a ready to consume state and the sale of all other products and services shall be maintained on premises for not less than one (1) year and shall be open for inspection or audit at all reasonable hours during any period of establishment operation by the zoning enforcement officer. The zoning enforcement officer may view the records on the premises of the establishment or may request copies of such written records be delivered to the city. Records of sales of prepared and/or packaged food in a ready to consume state and the sale of all other products and services shall be filed separate and apart from all other records maintained on the premises. The requirements of this subsection shall be for the purpose of determining compliance with subsection (7) above. Failure to provide all records required by this subsection in a timely manner, to be determined by the city, upon written request of the zoning enforcement officer shall constitute a violation of the zoning regulations.

(9) A lighting plan shall be submitted to the director of community development, or authorized agent for review and approval and lighting fixtures shall be installed and maintained pursuant to such approved plan which illuminates all exterior portions of the building, lot area and parking lot as determined appropriate by the director of community development, or authorized agent. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling. Required or additional optional lighting shall comply with this subsection and section 9-4-104.

(10) A parking plan which conforms to the provisions of Article O, Parking, shall be submitted to the director of community development, or authorized agent for site plan review and approval in accordance with the provisions of the Land Development Administrative Manual. The exemption provisions of section 9-4-243(2) shall not apply to a dining and entertainment establishment and each establishment shall provide all required parking spaces specified under section 9-4-252 on-site or in an approved remote parking facility in accordance with section 9-4-250.

Survey of Nightclub & Restaurant Zoning Requirements City of Greenville, Planning Division January 31, 2008

The term “nightclub” as used in this survey includes public or private club, bar, pub, etc.

Survey conducted by Mike Dail, Zoning Administrator

Cary, NC

Percentage of food sales required to be considered a restaurant: 51% (taken from definition of nightclub/bar)

Can a restaurant charge an admittance or cover charge: Although not specified in the zoning regulations a restaurant may occasionally charge a cover provided however if a restaurant operates as a nightclub, based on activity or frequency, the establishment would be considered a nightclub regardless of the food sales percentage

Are nightclubs a permitted uses or special uses: Nightclubs are a permitted use in some commercial zoning districts and special uses in other commercial districts

Are there any additional specific requirements for nightclubs: If a nightclub has outdoor activities it must be located at least a 100 feet from any residential zoning district

Chapel Hill, NC

Percentage of food sales required to be considered a restaurant: The zoning ordinance does not specify a minimum food sales percentage

Can a restaurant charge an admittance or cover charge: Restaurants can charge a cover

Are nightclubs a permitted uses or special uses: No specific requirement for nightclubs – all nonresidential land uses are subject to either Planning Commission (site plan) approval or City Council special use permit approval, the approval method being dependent on the building size and/or amount of land disturbance and the land use intensity rating of the existing and proposed use; nonresidential developments that contain more than 20,000 sq. ft. of building floor area or involve more than 40,000 sq. ft. of land disturbance, and which involve a change in land use intensity require City Council special use permit approval

Are there any additional specific requirements for nightclubs: No additional requirements

Fayetteville, NC

Percentage of food sales required to be considered a restaurant: The zoning ordinance does not specify a minimum food sales percentage

Can a restaurant charge an admittance or cover charge: Restaurants can charge a cover

Are nightclubs a permitted use or special use: Permitted use

Are there any additional specific requirements for nightclubs: Clubs and other places of entertainment operated as commercial enterprises except clubs and places of entertainment defined under section 30-125 (Adult Establishments) shall be located 500 feet or more from daycares, schools or places of worship as measured from the exterior walls of such uses.

Garner, NC

Percentage of food sales required to be considered a restaurant: 51% (specified in the zoning regulations)

Can a restaurant charge an admittance or cover charge: Although not specified in the zoning regulations a restaurant may occasionally charge a cover provided however if a restaurant operates as a nightclub, based on activity or frequency, the establishment would be considered a nightclub regardless of the food sales percentage

Are nightclubs a permitted use or special use: Nightclubs are a permitted use in some industrial zoning districts and special use in some commercial districts

Are there any additional specific requirements for nightclubs: Nightclubs located in industrial districts (permitted use category) cannot be located within 500 feet of a residential use or residential zoning district

Jacksonville, NC

Percentage of food sales required to be considered a restaurant: 30% (specified in the zoning regulations)

Can a restaurant charge an admittance or cover charge: Restaurants cannot charge a cover

Are nightclubs a permitted use or special use: Special use

Are there any specific requirements for nightclubs: No additional requirements

Kinston, NC

Percentage of food sales required to be considered a restaurant: The zoning ordinance does not specify a minimum food sales percentage

Can a restaurant charge an admittance or cover charge: Restaurants cannot charge a cover

Are nightclubs a permitted use or special use: Nightclubs are a permitted use in some commercial zoning districts and a special uses in other commercial districts

Are there any additional specific requirements for nightclubs: Nightclubs cannot be located within 300 feet of another nightclub

Rocky Mount, NC

Percentage of food sales required to be considered a restaurant: The zoning ordinance does not specify a minimum food sales percentage

Can a restaurant charge an admittance or cover charge: Restaurants cannot charge a cover

Are nightclubs a permitted use or special use: Nightclubs are a permitted use in some commercial districts

Are there any additional specific requirements for nightclubs: No additional requirements

Washington, NC

Percentage of food sales required to be considered a restaurant: 50% (specified in the zoning regulations)

Can a restaurant charge an admittance or cover charge: Restaurants cannot charge a cover

Are nightclubs a permitted use or special use: Nightclubs are a special use in some commercial zoning districts

Are there any additional specific requirements for nightclubs: Nightclubs cannot be located within 500 feet of another nightclub

Wilmington, NC

Percentage of food sales required to be considered a restaurant: The zoning ordinance does not specify a minimum food sales percentage

Can a restaurant charge an admittance or cover charge: Although not specified in the zoning regulations a restaurant may occasionally charge a cover provided however if a restaurant operates as a nightclub, based on activity or frequency, the establishment would be considered a nightclub regardless of the food sales percentage

Are nightclubs a permitted use or special use: Nightclubs are a permitted use in some commercial zoning districts and special uses in other commercial districts

Are there any additional specific requirements for nightclubs: No additional requirements

Wilson, NC

Percentage of food sales required to be considered a restaurant: 30% (specified in the zoning regulations)

Can a restaurant charge an admittance or cover charge: Restaurants cannot charge a cover

Are nightclubs a permitted use or special use: Nightclubs are a special use in some commercial zoning districts

Are there any additional specific requirements for nightclubs: Nightclubs cannot be located within 500 feet of a residence, church or public park

Greenville, NC

Percentage of food sales required to be considered a restaurant: Greater than 50% (specified in the zoning regulations)

Can a restaurant charge an admittance or cover charge: Restaurants cannot charge a cover

Are nightclubs a permitted uses or special uses: Nightclubs are a special use some commercial zoning districts (CD, CDF, CG and CH only)

Are there any additional specific requirements for nightclubs: Yes -- see Section 9-4-86(f) below:

“(f) Public or private club.

- (1) (a) A special use permit for a public or private club is subject to revocation in accordance with the provisions of this subsection (f)(1). Nothing herein shall prohibit or restrict the authority of the board of adjustment to rescind or revoke a special use permit for a public or private club in accordance with the provisions of section 9-4-83.
- (b) An annual review shall be conducted by the director of community development or his authorized representative of a public or private club which has received a special use permit for the purpose of determining and ensuring compliance with applicable laws, codes, and ordinances including, but not limited to, noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The findings of the director of community development or his authorized representative as a result of this annual review shall be compiled in a written staff report.
- (c) At a meeting of the board of adjustment, the director of community development or his authorized representative shall present to the board of adjustment the staff report of a public or private club for which the annual review includes a finding of one or more instances of non-compliance with applicable laws, codes, and ordinances including, but not limited to, noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder as specified under subsection (4) below shall be provided notice of the meeting and a copy of the staff report.
- (d) Based on the staff report, the board of adjustment, by a majority vote, may either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit. An order for a rehearing shall be based upon a determination by the board of adjustment that either (i) the use of the property is inconsistent with the approved application, (ii) the use is not in full compliance with all specific requirements set out in Title 9, Chapter 4 of the Greenville City Code, (iii) the use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard, or (iv) the use is not compliant with any additional conditions of approval established by the board and set out in the order granting the permit. The rehearing shall be in the nature of, and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section 9-4-81, the board of adjustment may grant a special use permit with conditions imposed pursuant to this subsection (f) and section 9-4-82 or deny the special use permit. The grant or denial of the special use permit by the board of adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a public or private club.
- (e) The requirements and standards set forth in this subsection (f)(1) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.

- (2) The owner(s) and operator(s) of a public or private club shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 AM each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public right-of-ways or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a public or private club shall comply with the provisions of Title 11, Chapter 9 of the City Code whether or not the establishment is a nightclub, bar or tavern.
- (3) In addition to subsection (2) above, the board of adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.
- (4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a public or private club, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the director of community development an acknowledgement of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgement shall be made on forms provided by the planning office.
- (5) Any public or private club that has been issued a special use permit by the board of adjustment, that is subject to mandatory annual renewal, shall continue under the terms and conditions of the issued special use permit, until the expiration of said permit. All subsequent special use permit approvals for said location shall be subject to the specific criteria set forth under this subsection (f).”

OTHER

To qualify as a restaurant, under the current State Alcoholic Beverage Control Commission (ABC) regulations, an establishment must have sales of prepared and/or packaged foods, in a ready to consume state, in excess of thirty (30) percent of the total gross receipts. For purposes of this rule alcoholic beverages and blinded non-alcohol mixers do not constitute “food”. This State ABC requirement is separate from any city/county zoning standard unless such standard is specifically adopted by the jurisdiction. Under Greenville’s zoning requirements a restaurant must have sales of prepared and/or packaged foods, in a ready to consume state, in excess of fifty (50) percent of the total gross receipts for such establishment during any month..

State Alcohol Law Enforcement (ALE) officers routinely inspect and audit restaurant establishments for compliance with State ABC requirements (i.e. 30% rule) and other matters. The frequency of such inspection is determined by ALE. The City may also request ALE inspection of establishments and review audit results to determine compliance with local zoning requirements. When the City suspects that an establishment is not in compliance with the zoning regulation (50% rule), either as a result of staff observation of reoccurring nightclub type activity or neighborhood resident complaint of such activity, ALE has, at the request of the city, conducted an inspection at the next available opportunity and provided audit result to the City.

Restaurants which sale alcoholic beverages are subject to periodic ALE inspection, at a frequency determined by ALE, and the City may review the results of any audit to determine compliance with local zoning requirements.

Below are excerpts from the Alcoholic Beverage Control Commission (ABC) website concerning audits and record keeping requirements (emphasis added) :

The ABC Commission's Audit Division through financial and inventory audits ensures that ABC permit holders comply with the ABC laws and rules. ABC permittees are required to maintain certain qualifications that are monitored through required reports and verified by routine visits to the business location. All ABC businesses are subject to being audited, however, those that possess mixed beverage permits receive the most scrutiny.

The ABC Commission rules require all mixed beverage permittees to maintain full and accurate monthly records of their finances and to submit reports on their financial and inventory on a schedule set by the Audit Division. In addition, the ABC statutes require businesses to meet certain criteria by definition. For example, Mixed Beverage Restaurants shall have gross receipts from food sales of not less than thirty percent (30%) of the business's total gross receipts. Once the application requirements are met and a retail ABC permit is issued, an ABC auditor will visit the location to discuss the ABC regulations.

Restaurants, Hotels: Record Keeping

Monthly Records. Restaurants, hotels and tour boats holding Mixed Beverages Permits shall maintain full and accurate monthly records of their finances, separately indicating each of the following:

1. Amounts expended for the purchase of spirituous liquor from ABC stores and the quantity of spirituous liquor purchased;
2. Amounts collected from the sale of mixed beverages and, by brand and container size, the quantity of spirituous liquor sold;
3. If a guest room cabinet permittee, the amounts collected from the sale of liquor from guest room cabinets, and by container size, the quantity of liquor sold from cabinets;
4. The quantity of spirituous liquor, by brand and container size, that was not sold but is no longer on the premises due to stated reasons, such as breakage or theft;
5. If a restaurant, amounts collected from the sale of
 - A. Food and non-alcoholic beverages;
 - B. Items other than food and beverages of all kinds; and
 - C. Malt beverages, unfortified wine and fortified wine;
6. If a hotel, amounts collected from:
 - A. Furnishing lodging;
 - B. Sale of meals;
 - C. Sale of malt beverages, unfortified wine and fortified wine; and
 - D. All other sources.

Segregation of Records. Records of purchases of spirituous liquor and sales of alcoholic beverages shall be filed separate and apart from all other records maintained on the premises.

Retention and Inspection of Records. Records, including original invoices related to alcoholic beverages and mixed beverages, shall be maintained on the premises for three years and shall be open for inspection or audit.

Submission of Financial records. A restaurant or hotel holding a Mixed Beverages Permit shall submit to the Commission for its review, on forms provided by the Commission, regular reports summarizing the information required to be maintained by this Rule. These reports shall be submitted on a schedule set by the Commission.



Office of the Chancellor
East Carolina University
105 Spilman Building • Greenville, NC 27858-4353
252-328-6212 office • 252-328-4155 fax
www.ecu.edu

December 9, 2009

William Lehman, Chairman
Planning and Zoning Commission
City of Greenville
P.O. Box 7207
Greenville, North Carolina 27835

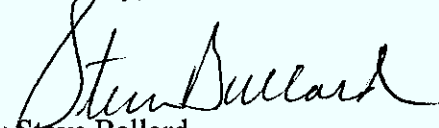
Dear Mr. Lehman:

This letter is to express the support of East Carolina University for the ordinance being considered by the Planning and Zoning Commission proposing the establishment of a minimum separation requirement for the location of public or private clubs in the City of Greenville.

East Carolina University supports the City of Greenville and Mayor Dunn in their efforts to reduce the adverse impact which is caused by the concentration of such clubs. We especially endorse your efforts to limit the negative impact that the concentration creates for law enforcement purposes. The safety of our students and the growth of our university are at stake; we must work together to enhance the face of our community.

Thank you for considering this proposal.

Sincerely,


Steve Ballard
Chancellor

pc: Merrill Flood, Community Development Director



City of Greenville, North Carolina

Meeting Date: 1/14/2
Time: 7:00 PM

Title of Item: Ordinance amending Horizons: Greenville's Community Plan to incorporate by reference the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan

Explanation: As part of the Task Force on Preservation of Neighborhoods and Housing's recommendations, City Council's 2006-2007 Goals, and Horizons: Greenville's Community Plan recommendations, the Community Development Department has prepared the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan. This plan is intended to guide policy and investment decisions for the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions.

Fiscal Note: Costs of specific recommendations to be determined prior to their implementation.

Recommendation: Approval of the ordinance amending Horizons: Greenville's Community Plan to incorporate by reference the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan.

The Planning and Zoning Commission voted to recommend approval at their December 15, 2009 meeting.

Motion to approve the proposed text amendment, to advise that it is consistent with the comprehensive plan and other applicable plans.


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

Attachments / click to download

 [Carolina Heights Plan](#)

 [Report and Plan for Carolina Heights, Tucker Circle, Greenbrier and Hillsdale](#)

 [Ordinance for Carolina Heights areas 849863](#)

 [Excerpt from December 15 2009 Planning and Zoning Minutes for Neighborhood Plan Amendment 851934](#)

ORDINANCE NO. 10-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
AMENDING HORIZONS: GREENVILLE'S COMMUNITY PLAN

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on January 14, 2010 at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending Horizons: Greenville's Community Plan as follows;

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

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

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

WHEREAS, the Planning and Zoning Commission and the City Council have reviewed Horizons: Greenville's Community Plan and the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan (09-01), and a public hearing has been held to solicit public comment.

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

Section 1: That Horizons: Greenville's Community Plan is hereby amended to incorporate by reference the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan (09-01).

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

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

ADOPTED this 14th day of January, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

Excerpt from December 15, 2009 Planning and Zoning Commission Draft Minutes

Ordinance amending Horizons: Greenville's Community Plan to incorporate by reference the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan.

Ms. Gooby said the commission's vote would be on the report and plan itself, not the items in the plan. She said the plans are prepared as part of the Task Force on Preservation of Neighborhoods and Housing Strategy# 9: "Develop and adopt Neighborhood Plans to guide public policy and investment decisions in older, established neighborhoods". One of City Council's 2006-07 Goals was "Emphasize the importance of neighborhood stabilization and revitalization". Ms. Gooby said the plans are a joint effort between City Departments (CDD, GPD, F/R, PWD, R/P), GUC and the neighborhood. Staff mailed surveys to property owners and households (rentals) asking for feedback and comments about their neighborhood. On July 28, 2009, a neighborhood meeting was held and the survey results were presented. The report takes a comprehensive look at the neighborhood from transportation, health and life safety, to current and/or pending planned public improvements. Ms. Gooby said 55% of the homes in the neighborhood were not compliant with the E-911 addressing requirements. The objective of the report and plans are to identify by analysis and citizen input, the strengths and weaknesses of neighborhood issues affecting sustainability and to create broad support for recommended improvement strategies. Ms. Gooby said the City Council and City Staff will take such actions as necessary for the support and implementation of the neighborhood plan by amending HORIZONS: Greenville's Community Plan to incorporate the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan by reference. There are two types of strategies: policy and capital improvement. Some of the items on the plan are:

- City Council will consider creating a Rental Registration Program as recommended by the Task Force on Preservation of Neighborhoods and Housing as per City Council 2006-2007 Goals and Objectives;
- staff will conduct a periodic review of the neighborhood report and plan, and the adopted implementation and improvement strategies;
- staff will prepare cost estimates and project schedules for the Capital Improvement and Implementation Strategies included in this plan;
- staff investigate options for neighborhood identification signage to be located at neighborhood entrances including easement acquisition and/or in right-of-way location
- staff will also increase neighborhood-wide code enforcement efforts through the allocation of additional resources and staff-directed patrols;
- the City will investigate the creation of a home improvement matching grant fund for older site-built single-family owner-occupied dwellings (example - not less than 30-years old) to be awarded on an annual basis, to encourage qualified home improvement/upgrades that will increase the tax value and marketability of older dwellings;
- the City will provide grants, in accordance with current program/policy, to the neighborhood homeowners association for design and construction of neighborhood (subdivision) entrance signs;

- the City will install appropriate GREAT system bus stops with improvements at locations as determined necessary and appropriate by the PWD, as recommended by the Thoroughfare Plan;
- the City will encourage additional neighborhood volunteer participation in the Adopt-A-Street program;
- the City will assist the neighborhood and area residents in the establishment of a Neighborhood Association and a Neighborhood Watch Program;
- staff would look at existing crosswalks and the suitability of additional crosswalks in the neighborhood;
- the City will assess street lighting levels throughout the neighborhood and cause the installation of additional lamps as determined necessary by the City Engineer;
- the City will monitor Green Mill Run and institute bank stabilization as necessary to minimize sedimentation/erosion and land loss as determined to be necessary by City Engineer;
- the City will evaluate passenger vehicle speeds on neighborhood streets and shall install additional traffic calming devices as determined necessary by the City Engineer, especially on Millbrook Drive and Sunset Avenue;
- the City will notify property owners of address number display requirements and update GIS-GPS coverage of storm water improvements throughout and adjacent to the neighborhood;
- the City will request and encourage GUC to update the GIS-GPS coverage for all public utilities, including water, sanitary sewer, gas and electric lines, and street lights throughout and adjacent to the neighborhood.

Mr. Randall wanted to clarify that they were voting on the plan and the document, not any rezoning or changes to the Land Use Plan.

Ms. Gooby said that was correct. She said their vote would not take action on any of those items, only the report and plan itself.

Motion was made by Mr. Ramey, seconded by Mr. Thomas to recommend approval of proposed amendment, to advise that it is consistent with the comprehensive plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion carried unanimously.

Neighborhood Plan for the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions

2009

Goals:

To create, maintain and enhance a sustainable neighborhood.

Objectives:

To identify by analysis and citizen input, the strengths and weaknesses of neighborhood issues affecting sustainability and to create broad support for recommended improvement strategies.

Policy Implementation and Improvement Strategies:

The City Council and City Staff will take such actions as necessary for the support and implementation of the neighborhood plan as follows:

- City Council will amend HORIZONS: Greenville's Community Plan to incorporate the Carolina Heights, Greenbrier, Hillsdale, and Tucker Circle Area Report and Plan by reference.
- City Staff will conduct a periodic review of the neighborhood report and plan, and the adopted implementation and improvement strategies to evaluate plan progress toward the goal of continued neighborhood sustainability.
- Completion of current City Council Goals (2006 - 2007) and future goals, as may be adopted, in accordance with established schedules.
- Completion of current City Council Goals (2008 - 2009) and future goals, as may be adopted, in accordance with established schedules.
- City Council will consider creating a Rental Registration Program as recommended by the Task Force on Preservation of Neighborhoods and Housing and per City Council 2006-2007 Goals and Objectives.
- City Staff will investigate options for neighborhood identification signage to be located at neighborhood entrances including easement acquisition and/or in right-of-way location.
- City Staff will increase neighborhood-wide code enforcement efforts through the allocation of additional resources and staff directed patrols.
- City Staff will prepare cost estimates and project schedules for the Capital Improvement and Implementation Strategies included in this plan.

- City Council will utilize this plan to guide public policy and investment decisions within the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions.

Capital Improvement and Implementation Strategies:

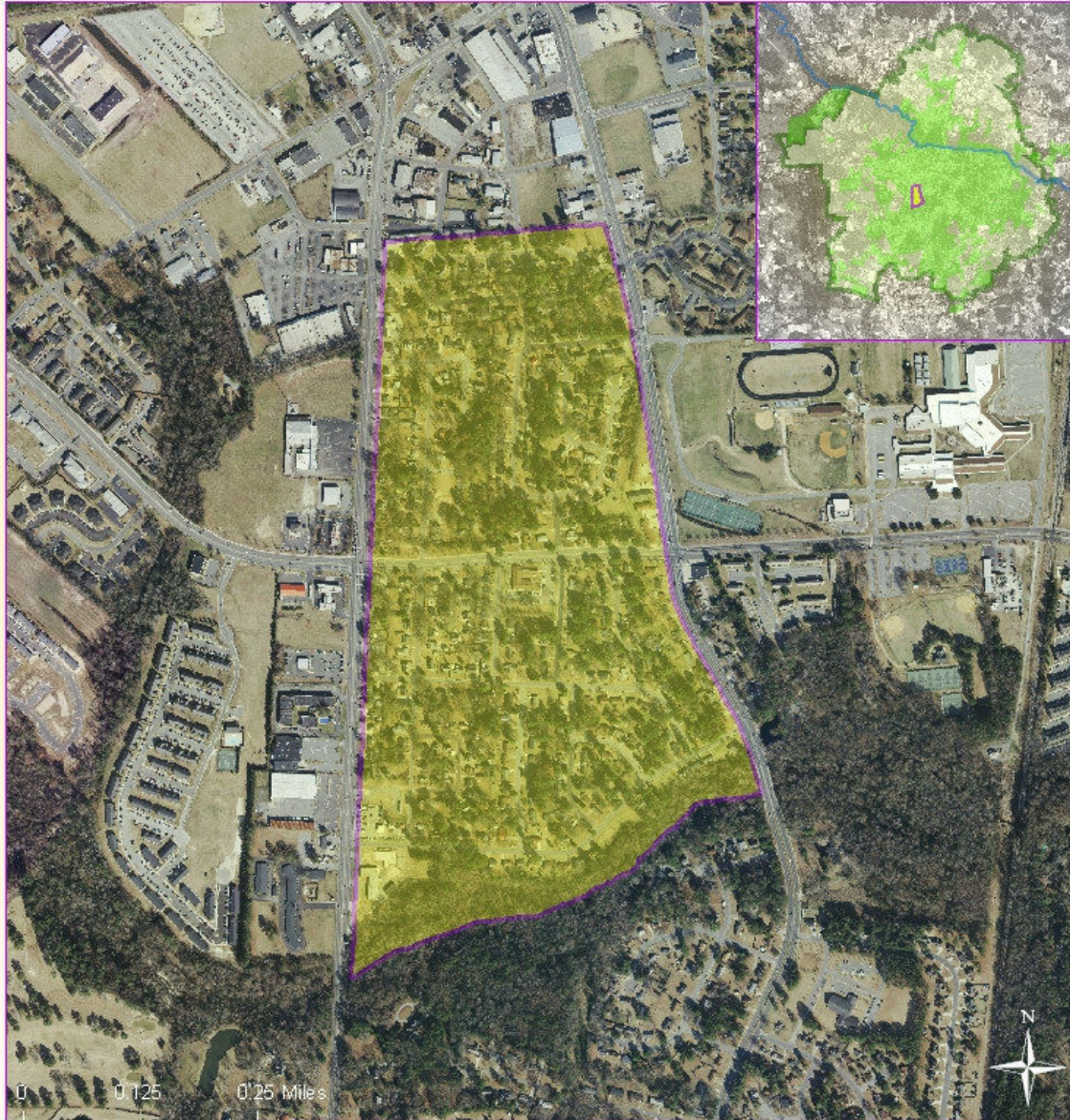
The City Council and City Staff will take such actions as necessary for the support and implementation of the neighborhood plan as follows:

- The City will investigate the creation of a home improvement matching grant fund for older site-built single-family owner-occupied dwellings (example - not less than 30-years old) to be awarded on an annual basis, to encourage qualified home improvement/upgrades that will increase the tax value and marketability of older dwellings. Such grant to be secured by an owner occupancy condition (Deed of Trust) for a determined period.
- The City will provide grants, in accordance with current program/policy, to the neighborhood homeowners associations for design and construction of neighborhood (subdivision) entrance signs.
- The City will install appropriate GREAT system bus stop improvements at locations as determined necessary and appropriate by the Public Works Department as recommended by the Thoroughfare Plan.
- The City will encourage additional neighborhood volunteer participation in the Adopt-A-Street program.
- The City will assess street lighting levels throughout the neighborhood and cause the installation of additional lamps as determined necessary by the City Engineer.
- The City will monitor Green Mill Run and institute bank stabilization as necessary to minimize sedimentation/erosion and land (building site) loss as determined to be necessary by the City Engineer.
- The City will assist neighborhood and area residents in the establishment of a Neighborhood Association and a Neighborhood Watch Program.
- The City will evaluate passenger vehicle speeds on neighborhood streets and shall install additional traffic calming devices as determined to be necessary by the City Engineer, especially on Millbrook Drive and Sunset Avenue.
- The City will notify property owners of address number display requirements.
- The City will update the GIS-GPS coverage for storm water improvements throughout and adjacent to the neighborhood.

- The City will request and encourage GUC to update the GIS-GPS coverage for all public utilities, including water, sanitary sewer, gas and electric lines, and street lights throughout and adjacent to the neighborhood.
- The City will investigate enhancing existing crosswalks and suitability of additional crosswalks in the neighborhood.



Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan (09-01)



**Prepared by the Community Development Department
December, 2009**

ACKNOWLEDGEMENTS

Greenville City Council and Administrative Staff

Ms. Pat Dunn, Mayor
Mr. Bryant Kittrell, Mayor Pro-Tem
Ms. Kandie Smith
Ms. Rose Glover
Ms. Marion Blackburn
Mr. Calvin Mercer
Mr. Max Joyner, Jr.

Mr. Wayne Bowers, City Manager
Mr. Thom Moton, Assistant City Manager
Ms. Wanda Elks, City Clerk
Mr. Dave Holec, City Attorney

Greenville Planning and Zoning Commission

Mr. Bill Lehman, Chairman
Mr. Dave Gordon, Vice Chairman
Mr. Len Tozer
Ms. Shelley Basnight
Mr. Tim Randall
Mr. Bob Ramey
Mr. James L. Wilson
Mr. Godfrey B. Bell, Sr.
Mr. Tony Parker
Mr. Arthur "Hap" Maxwell
Mr. Allen Thomas
Ms. Linda Rich

Community Development Department - Project Staff

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Patrick House, GIS Specialist
Harry V. Hamilton, Jr., Chief Planner
Merrill Flood, Director of Community Development

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Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions Neighborhood Report and Plan (09-01) 2009

Report

1. Background/Introduction

In February 2004, the Greenville City Council established an ad hoc citizen Task Force on Preservation of Neighborhoods and Housing. This Task Force was charged with examining the conditions that exist in older, established neighborhoods, determining the impacts of rental properties, and recommending actions that would strengthen and enhance neighborhood vitality. The Task Force recommended 10 neighborhood improvement strategies, including strategy #9: "Develop and adopt Neighborhood Plans to guide public policy and investment decisions in older, established neighborhoods". These recommendations were submitted to and accepted by the Greenville City Council in December, 2004. The Task Force on Preservation of Neighborhoods and Housing Report to City Council, December 13, 2004 is available on-line at the city's web page, www.greenvillenc.gov/department/communitydevelopment/plans. The Greenville City Council also has established as one of its 2006-2007 Goals, "Emphasize the importance of neighborhood stabilization and revitalization". In an effort to achieve this goal, comprehensive neighborhood plans will be prepared and presented to the Planning and Zoning Commission for review and recommendation, and to the City Council for adoption. The adopted plans will be in the form of an amendment to HORIZONS: Greenville's Community Plan.

2. Neighborhood Profile (see map 1)

The Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions, hereafter referred to collectively as "the neighborhood", are located in the central section of the city, and more specifically, between Memorial Drive and Hooker Road, north of Green Mill Run and south of Ione Street. The neighborhood is located in Voting District # 2 and within the city limits. As designated in HORIZONS: Greenville's Community Plan, the neighborhood is located in Vision Area G. The neighborhood began developing in the early 1950's. The neighborhood is composed of the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions and collectively contains a total of 422 lots (381 residential lots, -- non-residential lots, and 24 vacant lots) on 130.16 net acres (152.20 total acres). The neighborhood has 4.37 miles (23,096.19 linear feet) of paved public streets. The average year of construction of single-family dwellings is 1962.

Below is a break-out of all of the land uses within the neighborhood by number of lots:

Commercial	10
Duplex	3
Institutional	2
Multi-family lots	5
Recreation	1
Single-family dwellings	373
Vacant lots	24
Cemetery	1

<u>Office</u>	<u>3</u>
TOTAL	422

As of 1969, the neighborhood was zoned residential (R6) and commercial (CH).

3. Index of Report Attachments

Due to shape and size of neighborhood, the attached maps are for illustrative purposes only and can be reproduced in larger sizes.

- Map 1: Voting District and City Limits
- Map 2: Streams and Open Ditches
- Map 3: Topography
- Map 4: Flood Hazard
- Map 5: Aerial Photo
- Map 6: Greenways
- Map 7: Hydric Soils
- Map 8: Impervious Surface
- Map 9: Thoroughfare Plan
- Map 10: Existing Sidewalks
- Map 11: Traffic Calming
- Map 12: Water and Sanitary Sewer Systems (public)
- Map 13: Drainage System (public)
- Map 14: Existing Land Uses
- Map 15: Multi-Family and Duplexes
- Map 16: Owner Units and Rental Units
- Map 17: Building Tax Value
- Map 18: Fire Stations and Routes
- Map 19: Fire Hydrants
- Map 20: Street Light
- Map 21: Cultural Resources
- Map 22: Recreation and Parks and Government Facilities
- Map 23: Focus Areas (HORIZONS)
- Map 24: Code Enforcement Actions
- Map 24a: (northeast section)
- Map 24b: (southeast section)
- Map 24c: (northwest section)
- Map 24d: (southwest section)
- Map 25: Occupancy Investigation
- Map 26: Future Land Use Plan Map (HORIZONS)
- Map 27: Current Zoning
- Map 28: Street Addresses (House Numbers)
- Map 29: City-owned Properties
- Map 30: GREAT Bus Routes (city-wide)
- Map 31: GREAT Bus Stops (in the neighborhood)
- Map 32: Non-Conforming Uses

Other Supplemental Attachments:

- Citizens Survey Results

- Calls for Police Services and Code Enforcement Actions/Investigations
- Neighborhood Plan Development and Consideration Process Outline
- Issues for Consideration in the Development of Neighborhood Plans
- Report Identifying Issues and Considerations Concerning City-Initiated Rezoning of Lots Fronting the Memorial Drive Corridor

4. Current Conditions

A. Natural Environment (see maps 2-6)

The neighborhood is generally located between Memorial Drive and Hooker Road, north of Green Mill Run and south of Ione Street. Green Mill Run is a major tributary to the Tar River and is located to the south of the neighborhood. Green Mill Run feeds into the Tar River and is designated as part of the City's adopted Greenway system.

The topography (NGVD) of the neighborhood ranges from a high of 62' to a low of 36' along Green Mill Run. The highest area is located near the intersection of Memorial Drive and Arlington Boulevard. The neighborhood ultimately drains to the Tar River.

The Tar River and Green Mill Run contain a regulated flood hazard area including a mapped floodway, 100 and 500-year floodplains. See also Title 9, Chapter 6, Flood Damage Prevention, of the City Code.

In 1999, the City of Greenville was impacted by Hurricane Floyd. Because of its proximity to Green Mill Run, the neighborhood was impacted by flood waters where several residential structures were severely impacted.

There are six (6) lots that are owned by the City that were purchased for the purpose of revitalization. These lots are located on the south side of Millbrook Street and are vacant. These lots are maintained by the City.

Within the neighborhood, the owners of three (3) single-family residences and four (4) duplex buildings applied for the Hazard Mitigation Grant Program (Buy-out) with an average of 59.36% damage. Of these, 2 single-family residences and 1 duplex building were purchased by the City. The dwellings/buildings were demolished and the properties are to remain vacant under the Buy-out guidelines.

There were nine (9) other single-family residences that were impacted and inspected for storm-related damage. The average damage was 48.36%. These properties were not included in the Buy-out. There may have been other hurricane-related damage reported to private insurance.

Green Mill Run provides a large area of natural growth tree cover in the neighborhood. This area also provides limited wildlife habitat. The remaining areas of the neighborhood have little natural growth tree cover. Most tree cover within the area has been as a result of independent residential lot landscaping.

There are opportunities in or within reasonable walking distance for residents in the neighborhood to access greenways. The Tar River and Green Mill Run are designated as greenway corridors on the official Greenway Master Plan (2004). There is a sidewalk along

Hooker Road that connects Guy Smith Park with Greenville Boulevard and is considered part of the greenway system.

There is a planned greenway trail (3.54 miles) from Allen Road to Evans Street along Green Mill Run that would consist of a 10-12-foot wide, multi-use paved trail. The greenway is listed a Priority C, which indicates the intended completion of the greenway within 5-10 years of the adopted plan in 2004. This greenway will provide a connection from Allen Road to Evans Park and to the Central Hub trail (downtown area). This greenway will intersect with the Lake Ellsworth Trail. A sewer easement on the north side of Green Mill Run defines the path of the greenway. The design of the project is listed on City Council’s 2009 Goals. The scope of the project depends on the amount of dollars that remain after completing the South Tar River Greenway.

With the exception of the Green Mill Run corridor, there are no known regulated wetlands located within the neighborhood.

B. Land Suitability (see maps 7-8)

With the exception of the city-owned Buy-out lots, on which development is prohibited, there is no known soil, water table, topological, or other environmental limitations that would prohibit continued residential use of the lots within the neighborhood.

Due to the severe flooding associated with Hurricane Floyd in 1999, especially along the Tar River, the City amended its Flood Damage Prevention Ordinance. The neighborhood is impacted by the floodway, 100 and 500-year floodplains associated with the Tar River. The following are the elevation standards under the current City Code.

ELEVATION STANDARDS

Use	Elevation
Non-residential and single-family lots over 20,000 square feet	Base Flood Elevation (BFE) plus 1 foot
Duplexes, multi-family and single-family lots less than 20,000 square feet	BFE plus 1 foot or 500-year floodplain elevation, whichever is greater
Manufactured Homes	BFE plus 2 feet

Green Mill Run is classified as a regulated stream and is subject to the Tar-Pamlico Buffer Protection Rules and associated stream buffer setback requirements. Pursuant to the Tar-Pamlico buffer rules, no structures or other land-disturbing activity is permitted within 50-feet of the top of the stream bank. Green Mill Run is located south of the Tar River and traverses the city in a west to east direction.

Hydric soils (Bb, Ra, Co, and Ly) are mainly located near and along Green Mill Run corridor. Remaining soils within the neighborhood include ExA, OcB, WaB, CrB2, GoA and GoB. Neighborhood property soils are suitable for sanitary sewer-dependent residential development.

C. Transportation (see maps 9-11, 30 and 31)

The neighborhood has an inter-connected grid street system that provides excellent multi-directional access.

Current ingress and egress to the neighborhood are mainly served by Memorial Drive, Hooker Road, and Arlington Boulevard.

Memorial Drive, from Dickinson Avenue to Greenville Boulevard, is a state-maintained, existing major thoroughfare with four (4) travel lanes contained within a 100-foot right-of-way. Future planned improvements include sidewalks in both travel directions. At time of this report, there are no sidewalks along this section of Memorial Drive.

Hooker Road is a city-maintained, existing minor thoroughfare with four (4) travel lanes that provides a direct north to south connection through the neighborhood. Currently, there are sidewalks in both directions and bike lanes are recommended along the entire length of the road. The segment from May Street to Greenville Boulevard contains a raised median. All segments are contained within a 100-foot right-of-way. There are nine (9) Greenville Area Transit (GREAT) bus stops along Hooker Road. All GREAT buses return to the transfer point, in the downtown area, every hour, which allows riders to change buses to reach destinations along all the GREAT bus routes. Only the bus stops at the Wal-Mart Shopping Center and north of Arlington Boulevard have a shelter and bench. An additional bus stop planned on the east side of Hooker Road across the street from the Piggly Wiggly Shopping Center.

Arlington Boulevard, between Memorial Drive and Hooker Road, is a city-maintained, existing major thoroughfare that provides an east to west connection through the neighborhood with four (4) travel lanes. The existing rights-of-way are between 75-80 feet. Future planned improvements include the addition of two (2) travel lanes with sidewalks and bike lanes in both directions contained within a 100-foot right-of-way. At the time of this report, there is a sidewalk along the north side of Arlington Boulevard within the neighborhood.

Sunset Avenue, Millbrook Street, Pittman Drive, and Pine Street are collector roads for the neighborhood. There are signalized intersections at the intersection of Arlington Boulevard and Memorial Drive and at the intersection of Arlington Boulevard and Hooker Road. There are crosswalks at Arlington Boulevard and Hooker Road, Hooker Road and Pendleton Street/Marvin Jarman Road, and on Arlington Boulevard at the entrance to Evans Park/River Birch Tennis Center.

In the neighborhood, the posted public street speed limits range from 25 to 35 miles per hour.

All streets within the neighborhood are publicly dedicated, city-maintained streets with curb and gutter construction and a piped storm drainage system. On-street parking is permitted on all streets except for Arlington Boulevard and Hooker Road.

Due to the age of the neighborhood, sidewalks were not required at the time of development but have been added over time. The Public Works Department has made an evaluation of sidewalks to determine no additional sidewalks are needed in the neighborhood.

There are multiple stop conditions throughout the neighborhood to help discourage cut-through traffic and excessive speed on collector streets. There are no speed bumps within the neighborhood. At the neighborhood meeting, there was discussion of the need for speed bumps to discourage cut-thru traffic and reduce excessive speed, especially along Millbrook Street.

In the past, there have been traffic studies done in the neighborhood by the Engineering Division. Based on those studies, those areas did not qualify for any type of mitigation. Currently, there is

a petition with a neighborhood representative for another traffic study. Once the petition is submitted with the required amount of signatures, the Engineering Division can proceed.

There are four (4) Greenville Area Transit (GREAT) system bus stops on Hooker Road that are located in the neighborhood: north of Pendleton Street, at Green Villa Apartments, south of Arlington Boulevard, and at Millbrook Drive. None of the stops have a bench or shelter. All GREAT transit system buses begin and end their routes at the transfer point, located in the downtown area. Patrons can also switch buses at this location to reach destinations on all the bus routes. There is a bus stop at the Piggly Wiggly Supermarket, located to the north of the neighborhood, which is a transfer point for two of the bus routes. An additional bus stop is planned on the east side of Hooker Road across the street from the Piggly Wiggly Shopping Center.

Currently, a paving condition rating survey, including this area, is being conducted by the Public Works Department to determine if and when street resurfacing is needed.

D. Public Utilities: Water, Sanitary Sewer, Gas and Electric (see map 12)

Public utilities are provided and maintained by Greenville Utilities Commission (GUC).

All lots within the neighborhood currently have direct access to water, sanitary sewer, gas and electric services of the GUC. GUC has identified no significant infrastructure concerns, with regard to the aforementioned utilities, that will affect the current or future level of service.

Electric, telephone, and cable TV service are via overhead lines supported by utility poles located within the public rights-of-way.

E. Storm Drainage: Public and Private Storm Water Drainage (see map 13)

The street drainage system and associated out of right-of-way drainage improvements, including subsurface systems and open channels, and the portions of Green Mill Run located within the city limits, are maintained by the City of Greenville Public Works Department.

Per the current Stormwater Management and Control ordinance, street catch basins are designed for a 2-year storm and the subsurface stormwater system is designed for a 10-year storm. The Tar River is monitored by the Pamlico-Tar Riverkeeper.

Using the 2004 Stormwater Drainage Improvement Bond money, there were stormwater drainage improvements made on Sylvan Drive.

During heavy rain storms, some lots experience temporary down-slope flooding.

Due to the limited size of its drainage area at most locations, Green Mill Run storm flow has not impacted any additional structures. Currently, there are no bank destabilization projects, along the section of Green Mill Run in the neighborhood, being undertaken by the city.

The neighborhood does not contain any private or common storm water detention facility, due to the age of the development.

The Public Works Department has identified no significant infrastructure concerns with regard to the public stormwater drainage system that would affect the current and future level of service of the vehicle travel-ways. All subsurface drainage improvements and open channels are adequate for the ordinance specified design storm.

F. Structures and Building Activity (see maps 8, 14, 15)

The neighborhood is comprised of a variety of uses, including residential, vacant, institutional and commercial. The average year of construction of single-family dwellings is 1962.

In a 30-month period (01/1/07 - 7/31/09), there were eight (8) building permits issued within the neighborhood for alterations and additions. The total recorded permit value of the improvements was \$110,540. The total 30-month improvements were less than 1% of the total 2008 building tax value.

In 2008, the total building (excluding land) tax value in the neighborhood is \$24,895,969.00. The combined land and building (total) tax value in the neighborhood is \$30,661,332.00. At the current city tax rate (\$0.56 per \$100) the total property valuation results in \$171,703.00 annual revenue to the city. See Section L. Public Services for a general description of municipal services provided to the neighborhood.

Due to the period of construction, many neighborhood homes do not contain relatively modern conveniences and energy-efficient systems.

At the time of this report, there are no boarded up/dilapidated or abandoned structures located within the neighborhood.

G. Socioeconomic (see maps 16, 17)

Based on a comparison of physical addresses and tax mailing addresses of single-family dwellings, the subject area is approximately 64% owner-occupied and 36% rental property at the time of this report.

According to the U.S. Census Bureau, the 2007 adjusted average (mean) household income in Greenville is \$47,433. The average (mean) family income is \$67,883 and average (mean) non-family household income is \$28,929.

The average (mean) 2008 tax value of homes (single-family only - including lots) in the neighborhood is \$102,479. The average (mean) 2008 tax value of residential homes in Greenville is \$144,896 (including condominiums and townhouses) and \$176,896 (excluding condominiums and townhouses).

The neighborhood does contains a mix of housing options, both price and unit type, for transitional housing purposes.

H. Health and Life Safety (see maps 4, 8, 18, 19, 20, 28)

There are multiple access points into the neighborhood, and the existing interconnected street system affords alternate access routes to the thoroughfare streets. Interconnected public streets also allow public service vehicles (police, fire, sanitation, etc.) alternate routes for ingress and egress into and through the neighborhood.

There are regulatory flood hazard areas (floodway and floodplain) associated with Green Mill Run. As illustrated by the City's geographical information system (GIS) coverage for structures and the flood hazard area overlay, there are no dwellings or buildings, within the neighborhood, located within the floodway of Green Mill Run, wherein no fill or construction is permitted. There are 21 single-family dwellings, 3 duplex buildings and the former Carolina Dairy property that are impacted by the 100-year floodplain. The minimum finished floor elevation requirement for new construction or expansion of a dwelling is base flood (100-year) elevation plus one (1) foot, or the 500-year flood elevation, whichever is greater. The minimum flood elevation varies depending on location along the watercourse. Since some structures were purchased via the Buy-out, impact has been minimized as many of the impacted structures have been removed and the property is to remain vacant as required by Buy-out program guidelines.

There were 656 calls/actions for the Greenville Police Department in the twelve (12) month period from January, 2008 to December, 2008. There were personal and property crimes recorded during this period including animal complaints (129), breaking and enterings (11), and various parking violations including parking on unimproved surfaces (17). There are additional parking violations (32) issued through the Code Enforcement Division for parking on unimproved surfaces.

There is an official Community Watch Program in the Hillsdale Subdivision only.

Fire suppression and rescue services for the neighborhood are primarily provided by City Fire/Rescue Station #2 (Hemby Lane) and City Fire/Rescue Station #1 (Downtown), as needed. Stations #2 and #1 can be dispatched separately or simultaneously depending on the type of call. The Fire/Rescue Department provides Paramedic Service which is a higher level of service compared to basic Emergency Medical Technician (EMT) Service. While the neighborhood is accessible via an interconnected street system, fire suppression and rescue services mainly use Memorial Drive, Arlington Boulevard, and Hooker Road to access the neighborhood. However, all streets are accessible by emergency vehicles.

Fire hydrants are located throughout the neighborhood. Recommended hydrant to single-family dwelling separation is 500 or fewer feet. All dwellings are located within the recommended hydrant to dwelling radius. Water pressure and fire flow meets or exceeds the requirements of the city and fire apparatus access roads comply with NC and local Fire Code requirements. The emergency response travel time and distance from the service delivery stations to the furthestmost point in the subdivision are in accordance with recommended standards.

There are no known hazardous waste/materials (surface and/or underground) sites in the neighborhood. Some of the homes currently utilize, or may have on-site (unsecured) abandoned, underground fuel oil storage tanks that may pose a risk of groundwater contamination.

The city conducts periodic mosquito control activities in the neighborhood. There are no known conditions of rodent infestation associated with any flood hazard area, overgrown lot, standing water, or abandoned structure/vehicle.

Overhead street lights are maintained by GUC on standard (wood) transmission line poles. Currently, there are no plans to place utility lines underground. Changes or additions of street lights are performed by GUC at the City Engineer's request. Street light placement is done in accordance with applicable neighborhood GUC lighting manual standards. Based on the type,

power, and location of the current street lights there have been no substandard (under-lighted) areas identified in the neighborhood based on minimum design standard requirements.

There were complaints from neighborhood residents, collected from surveys and at the neighborhood meeting, of under-lighted areas throughout the neighborhood. There was concern these under-lighted areas made unsafe conditions when walking through the neighborhood and created conditions for criminal activity. There was concern about amount of non-neighborhood foot traffic through the neighborhood.

At the time of this report a significant number of structures within the neighborhood do not display code compliant address numbers on the dwelling structure. Minimum size house numbers are: single-family and duplex dwellings - four (4) inches high and multi-family dwellings - six (6) inches high. Currently, many dwellings are reliant on address numbers posted on street-side mail boxes, painted on street curbs, or address numbers that are smaller than the required size in lieu of having properly-sized address numbers affixed to the dwelling structure. All dwelling units are coded to the 911 emergency response system.

I. Quality of Life (see maps 8, 21, 22, 23, and 29)

At the time of this report, the neighborhood does not have an organized and active property or homeowners' association. At the neighborhood meeting, there was interest expressed in starting an association. The neighborhood was informed of the benefits of organizing an association, which would include access to funds through the Neighborhood Advisory Board. A few residents stated, at the neighborhood meeting, that there was an unofficial neighborhood association composed of a few of the homeowners.

The neighborhood is bisected by Arlington Boulevard in an east to west direction. At the neighborhood meeting, there were concerns voiced about the difficulty of crossing Arlington Boulevard, especially for residents trying to reach Hillside Park. The commercial to the north can be difficult for pedestrian traffic to reach due to lack of sidewalks along Memorial Drive. There is a pedestrian crossing at the intersection of Hooker Road and Arlington Boulevard. Hooker Road has sidewalks in both directions.

The aesthetic quality of public views and the overall general streetscape is good due to mature tree cover, paved and adequate driveways, and uniformity of dwelling orientation and setbacks of most dwellings. There are no neighborhood identifiers, such as entrance markers or signage at street access points, public art or public/common property landscape improvements within the neighborhood that further define community character, identity and sense of place. However, with the formation of a neighborhood association, there are funds available that could be used by the neighborhood association to purchase signage/entrance markers.

Electric and other copper wire services are via overhead utility lines, and lack of pedestrian level street lighting negatively impacts the visual quality of the neighborhood.

Some of the lots purchased via the Buy-out are leased by adjoining property owners and others are maintained by the City.

The neighborhood contains a variety of land uses including Arlington Boulevard Baptist Church, child care centers, former Carolina Dairy property, office uses, two (2) car dealerships, the Hope Station Wellness Center, beauty salon, and a cleaning agency.

At the time of the report, the roadsides along Arlington Boulevard, that are located within the neighborhood, are maintained under the Adopt-A-Street program by the Phi Kappa Tau Fraternity. Millbrook Street, between Memorial Drive and Hooker Road, is available for adoption.

The neighborhood does not contain any mapped archaeological sites.

There are several public or common leisure, educational or recreational opportunities within the bounds of the neighborhood or within reasonable walking distance of some of the neighborhood. The closest public leisure, educational, or recreational opportunities are Hillsdale Park and the vacant city-owned lots along Millbrook Drive that are located within the neighborhood. Evans Park/River Birch Tennis Center, South Greenville Park/Center, and J. H. Rose High school are in reasonable walking distance of some of the neighborhood. Guy Smith Park and the city pool are within a short driving distance of the neighborhood. It should be noted that Arlington Boulevard bisects the neighborhood in an east and west direction. Therefore, residents in the southern section of the neighborhood have to cross Arlington Boulevard to reach Hillsdale Park, J. H. Rose High School and South Greenville Park/Center. All residents in the area have to cross Hooker Road to reach Evans Park/River Birch Tennis Center, J. H. Rose High School and South Greenville Park/Center. There are crosswalks at Arlington Boulevard and Hooker Road, Hooker Road and Pendleton Street/Marvin Jarman Road, and on Arlington Boulevard at the entrance to Evans Park/River Birch Tennis Center.

The Comprehensive Recreation and Park's Master Plan was adopted by City Council on November 6, 2008. The Plan recommends an additional neighborhood park in the vicinity of Fairlane Road, which is located south of the neighborhood.

As previously mentioned, there is a planned greenway that includes a section of Green Mill Run within the neighborhood.

City-Owned Recreation and Parking Facilities located within or in reasonable walking distance of some of the neighborhood (see map 22):

Evans Park and River Birch Tennis Center – four (4) lighted tennis courts, two (2) lighted softball fields, archery range, restrooms and the River Birch Tennis Center. The tennis center contains eight (8) lighted tennis courts, and The Rotary Club picnic shelter.

Hillsdale Park – swing sets, jungle gym, slides, and picnic shelter.

J.H. Rose High School – open space available to neighborhood residents during and after school hours and weekends.

South Greenville Park/Center - gymnasium/recreation center, youth baseball field, multi-purpose field, playground, and picnic shelter.

Green Mill Run Greenway (proposed) – from Allen Road to Evans Street along Green Mill Run. This 3.54 mile greenway would consist of a 10-12 foot wide, multi-use paved trail. This walkway provides a scenic and environmentally friendly walkway and bike path along Green Mill Run for the enjoyment of walkers, runners, bicyclists, and nature enthusiasts.

Buy-out lots – these lots are maintained by the Public Works Department unless leased by outside individuals/entities. The City purchased two (2) single-family and one (1) duplex lots in the neighborhood. Of these, two (2) lots are maintained by the City of Greenville and one (1) lot is leased to an individual.

City-owned lots – these six (6) lots were purchased by the City in 2000 for the purpose of revitalization. Currently, these lots are vacant and are maintained by the Public Works Department.

Buy-out Property Statistics (within neighborhood only)

Single-family and duplex dwellings only

Total: 16 inspected for storm-related damage

7 applied for the Buy-out (single-family& duplex)

3 purchased via the Buy-out

4 withdrawn (owner elected not to participate in Buy-out Program)

59.36% - average damage of properties that applied for the Buy-out

9 inspected for damage that did not apply for the Buy-out

48.36% - average damage

There may have been other hurricane-related damage reported to private insurance.

The east side of the neighborhood is near the Seaboard Coastline Railroad which is east of J. H. Rose High School. The west side of the neighborhood is bordered by Memorial Drive. The proximity of the railroad and Memorial Drive to the neighborhood are external noise generators.

There are two (2) commercial/service focus areas for residents of the neighborhood: centered at the intersection of Memorial Drive and Dickinson Avenue Extension and along the western right-of-way of Memorial Drive south of Arlington Boulevard. These commercial areas are within reasonable walking distance of most of the neighborhood, but due to the lack of a pedestrian crossing at Memorial Drive and Arlington Boulevard and lack of sidewalks along Memorial Drive, these areas can be difficult to reach on foot. These areas contain the Piggly Wiggly Shopping Center, Greenville Buyer's Market, retail shops, convenience stores, restaurants (conventional and fast food), post office, motels, car dealerships, a furniture store and other establishments that provide necessary and convenience services.

J. Code Compliance (Code Enforcement unless otherwise noted) (see maps 24, 24a, 24b, 24c, 24d, and 25)

In the 30-month period, January, 2007 – June, 2009, there were 327 code enforcement-related staff investigations and/or actions in the neighborhood.

Code enforcement and selected police investigations/actions were as follows:

Animal complaints (stray, domestic animals and nuisance wildlife): 129*

Parking on unimproved surfaces: 32

Weeded lots: 94

Public nuisances: 81

Litter/rubbish: 0

Abandoned/junked vehicles: 78

Residential occupancy (3 unrelated rule): 0
Minimum housing code: 3
Zoning and land use: 0
Abandoned structure: 2
Structure Numbering: 32
Voided: 2

* Information provided for GPD is for the time period from January, 2008 to December, 2008. These investigations/calls are included in the 656 GPD service calls.

K. Current and/or Pending Planned Public Improvements

The Greenway Master Plan proposes the Green Mill Run Greenway from Allen Road to Evans Street. At the time of this report, the design of the project is listed as one as an action item on City Council's 2009 Goals.

The Greenville Urban Area Thoroughfare Plan proposes widening Arlington Boulevard, between Memorial Drive and Hooker Road, to six (6) travel lanes within a 100 foot right-of-way and bike lanes and sidewalks. This section of Arlington Boulevard currently has a right-of-way of 75-80 feet and four (4) travel lanes. At the time of this report, this project is not on the Metropolitan Planning Organization (MPO) Priority List.

L. Public Services

The neighborhood is located within the Greenville city limits (see map 1).

The City and GUC currently provide the following services to the neighborhood:

- General government, vested in a city council of six (6) members (5 district and 1 at-large) and a mayor elected from the qualified voters. The neighborhood is located in voting district 2.
- Sanitation services including residential (curbside/rear yard) garbage, bulk refuse and yard debris disposal and recycling are provided on a weekly schedule. Vector (malaria/rodent) control and seasonal leaf collection also are provided.
- Street maintenance and traffic services including repair and reconstruction of street travel-ways and street drainage facilities located within the right-of-way of public streets.
- Public drainage system construction and maintenance.
- Fire suppression and life rescue, including paramedic service and transport on a 24-hour basis.
- Police services for the protection of life and property including traffic control and crime investigation on a 24-hour basis.
- Recreation and Parks services including passive open spaces, active recreation facilities and parks.
- Library services and branch facilities.
- Utilities including water, sanitary sewer, gas and electric service, streetlights and stormwater.

Building inspection, minimum housing code, nuisance abatement, zoning and subdivision regulations and related enforcement services are provided within the city limits.

Cable television and telephone service lines are constructed and maintained by Suddenlink and Embarq, respectively.

M. Information Technology

Internet service is available via phone line and cable (copper wire) and satellite connection. Fiber optic and public access wireless internet service is not currently available in the neighborhood.

N. Future Land Use Plan Map Recommendations (HORIZONS) (see map 26)

The Future Land Use Plan recommends several types of land uses within the neighborhood. The described recommendations are only for the area within the boundary of the neighborhood. The majority of the neighborhood is recommended for medium density residential (MDR). Conservation/open space (COS) is recommended along Green Mill Run, Hillsdale Park, and south of the commercial area that abuts property along North Sylvan Drive. Commercial (C) is recommended at the northeast corner of the intersection of Memorial Drive and Sylvan Drive, and at the southeast corner of the intersection of Memorial Drive and Millbrook Street. Office/institutional/multi-family (OIMF) is recommended along the eastern right-of-way of Memorial Drive between Sylvan Drive and Millbrook Street and along the right-of-way of Hooker Road in the general area of Glendale Drive and Pendleton Street. Office (O) zoning is the preferred in this area due to the restriction of multi-family and due to diminished long-term liveability of the dwellings that front along Memorial Drive due to roadway impacts.

The Future Land Use Plan Map recommendations for adjoining and area properties support a sustainable environment for the neighborhood.

O. Zoning Classification(s) (see maps 27 and 32)

In 2007, a significant portion of the neighborhood was rezoned from R6 (multifamily, duplex and single-family) to R6S (single-family only) as part of the Task Force on Preservation of Neighborhoods and Housing Strategy # 6: "Identify neighborhoods that are predominantly single-family in character, but are zoned in a manner that would permit intrusion of duplex and multi-family uses. Rezone such neighborhoods to prohibit further intrusion."

At the time of the rezoning, a majority of the neighborhood was zoned R6 which allowed single-family, duplex and multi-family development. Lots that were zoned O, OR, CDF and CH (in the neighborhood along Memorial Drive) were not included in the rezoning. There is a small section of R6-zoned property, which is part of the Carolina Dairy property, that was excluded from the rezoning. This section of the property is not developable as it doesn't meet minimum lot requirements.

As noted above, the Future Land Use Plan Map recommends office/institutional/multi-family (OIMF) along the eastern right-of-way of Memorial Drive between Sylvan Drive and Millbrook Street with office (O) zoned being preferred.

In 2007, the Community Development Department staff (at the request of City Council) prepared a report that identified issues and considerations concerning the lots that front along Memorial Drive between. The report addressed the possibility of a city-initiated zoning on the lots fronting Memorial Drive between Sylvan Drive and Millbrook Drive.

As stated in the report, there are inherent problems with rezoning the subject lots to office to be considered. The issues, as stated in the report, are:

1. Rezoning of the subject residential (dwelling) lots to O (office-only) will create non-conforming use situation due to the fact that the existing residential use is not a permitted or special use option in the O district. The non-conforming provision of the zoning regulation would allow continuation of the existing single-family use including maintenance and routine repair; however, the rezoning to O would prevent the construction of a new dwelling on a vacant lot or the residential reconstruction, repair and/or use of a dwelling willfully abandoned for a period of 6 months. A dwelling destroyed by fire, wind, flood or other natural disaster may be repaired and reoccupied regardless of the extent of damage provided such reconstruction is begun within 6 months of the date of destruction.
2. Residential mortgage lenders may be concerned with the rezoning of residential property to a non-residential use category due to the resultant application of the non-conforming use provisions mentioned under 1 above.
3. City-initiated zoning of the subject lots may galvanize opposition from other area property owners concerned that they may be targeted by similar ad hoc city-initiated rezoning. Other-area property owners may believe the city has a “hidden agenda” or undisclosed list of other sites targeted for additional city-initiated rezoning. A city-initiated rezoning program may also jeopardize property owner cooperation in future land use planning efforts.
4. Several property owners have assembled contiguous parcels, likely in anticipation of acquiring additional properties for a future consolidated development, and rezoning from residential to office may increase future acquisition expenses. Due to the fact that the subject lots are already impacted by development limitations, including physical location, expense of house removal or adaptive reuse improvement of the dwelling structure, and limited lot dimensions, the redevelopment of the subject “hard-to-build” lots may not then be cost effective when coupled with increased acquisition costs.
5. Rezoning related value increase may benefit the current residential owner; however, the anticipated or actual value increase due to rezoning may create a “cost avoidance” effect resulting in a prospective developer’s decision not to purchase a “hard-to-build” lot due to the homeowner’s zoning inflated sales price expectation. Inflated sales prices may be a disincentive to further investment and redevelopment in this area.
6. A property owner rezoning petition is subject to a filing fee of \$500.00 (flat fee) plus \$50.00 per acre or additional fraction thereof. The filing fee is specified in the city’s manual of fees and is designed to recoup the processing cost of a rezoning application. Typical filing fee for an individual single-family lot is \$500.00. A city initiated rezoning of property does relieve the affected property owner of typical rezoning application expenses including the required filing fee. The monetary cost of processing a city-initiated rezoning request including legal advertisement, property owner and adjacent owner mailed notice, as well as nonmonetary administrative costs, including interagency analysis and report preparation, printing expenses, etc. would then be absorbed by the city.

7. The Pitt County Tax Appraiser has advised the planning staff that the rezoning from R6S to O may increase the tax liability of the affected properties. Specifically with respect to the subject lots (i) the appraised value of the “land” is higher as office property than as residential property, and (ii) the value of the dwelling structure may also be considered as contributing to the “office” value if the dwelling can reasonably be anticipated to be adaptable for office use. If the dwelling structure can not be adapted for office use, the value of the dwelling structure would be deleted from the calculation and the total “office value” would therefore be reduced. If the value of the office lot, absent the dwelling structure (potential office) value, is less than the current total residential (dwelling and lot) value no additional tax liability would apply. The Pitt County Tax Office would have to determine the applicable after-rezoning tax value of each lot on a case by case basis.

The current R6S zone is restricted to single-family dwellings only. However, there are three (3) existing duplex buildings and Green Villa Apartments have been “grandfathered”. “Grandfathered” uses may remain provided such uses are not abandoned for more than 6 months.

The remaining sections of the neighborhood are zoned: R6, O, OR, CDF, CH.

The goal of the single-family zoning is to provide an added measure of neighborhood stability and to demonstrate the city’s commitment to single-family neighborhood preservation as part of a comprehensive housing revitalization strategy. The prior R6 zoning allowed single-family and duplex dwellings, and multifamily development. The remaining portions of the neighborhood are zoned R6 (single-family/duplex/multi-family) which is part of the Carolina Dairy property, O which contains a salon/beauty shop, two (2) office buildings, OR that contains a cleaning service, one (1) day care center, the Hope Station Wellness Center and one (1) single-family residence, CDF that contains three (3) day care centers, one (1) single-family residence, and CH that contains two (2) vacant lots, and insurance office, two (2) car dealerships, and the vacant Carolina Dairy building.

There are seven (7) legal non-conforming uses within the neighborhood. Three (3) duplex buildings along Millbrook Street and four (4) multi-family buildings along Hooker Road are non-conforming uses under the current single-family only zoning.

The current zoning map designations for the neighborhood and area properties support a sustainable environment for the neighborhood.

Zoning District Standards for R6S zoning district.

Select R6S Zoning Standards (minimums per Title 9, Chapter 4, Article F of the City Code)

Lot size: 6,000 square feet

Front setback: 25 feet

Side setback: 8 feet

Rear setback: 15 feet

Accessory structure setbacks: 15 feet or less in height - 5 foot rear yard setback;
15 feet or more in height - 15 foot rear yard setback;
10 foot separation between accessory structure and dwelling; or
5 foot separation with 1-hour fire rated assembly

Carports (open and unenclosed): 5 foot side setback

Because the O, OR, CDF and CH district standards are so varied, those standards are not specifically listed. See Title 9, Chapter 4. Zoning of the City Code.

5. Current Condition Assessment based in part on Citizens' Input compiled from the mailed/internet survey (6 below), comments received during the neighborhood information meeting (9 below), and Staff Analysis.

The purpose of the current condition assessment is to the identifying neighborhood strengths and weaknesses and for prioritization of remedial action plans and improvements.

- Scale:**
- 1 = Severe negative neighborhood-wide impact requiring immediate remedial action.
 - 2 = Substantial negative neighborhood-wide impact requiring the immediate development and implementation of a remedial action plan.
 - 3 = Moderate negative neighborhood-wide or localized impact requiring the development and implementation of a remedial action plan.
 - 4 = Positive neighborhood-wide attribute, condition or factor that promotes and/or facilitates sustainability, no remedial action necessary.
 - 5 = Optimal neighborhood-wide attribute, condition or factor that promotes and/or facilitates sustainability, no remedial action necessary.

- A. Natural Environment - 4
- B. Land Suitability - 4
- C. Transportation - 3
- D. Public Utilities - 4
- E. Storm Drainage - 3
- F. Structures and Building Activity - 3
- G. Socioeconomic - 3
- H. Health and Safety - 2
- I. Quality of Life - 2
- J. Code Compliance - 3
- K. Current and/or Planned Public Improvements - 3
- L. Public Services - 4
- M. Information Technology - 3
- N. Future Land Use Plan Map - 4
- O. Zoning - 2

Identified Areas for Consideration of Neighborhood Improvement:

C. Transportation – 3

- Arlington Boulevard thoroughfare improvements
- Sidewalks on one side of all neighborhood collector streets
- Sidewalks along Memorial Drive
- Cut-thru traffic from Memorial Drive to Hooker Road on neighborhood streets

E. Storm Drainage - 3

- Localized street intersection flooding

F. Structures and Building Activities - 3

- Aging housing stock, and lack of reinvestment and improvement resulting in competitive disadvantage for continued owner occupancy

G. Socioeconomic - 3

- Comprehensive reinvestment in and continued improvement of the housing stock

H. Health and Safety - 2

- Unsecured underground fuel oil tanks
- Street Lighting
- Posted street addresses
- Park safety
- Under-lighted areas
- Lack of pedestrian-friendly crossing at Arlington Boulevard and Memorial Drive

I. Quality of Life - 2

- Neighborhood identifiers, entrance signs, etc.
- Overhead utility lines and services
- Street lighting
- Pedestrian/bike (sidewalk/bike lane) access to services and parks
- Lack of Homeowner's Association
- Lack of Community Watch Program (except in Hillsdale Subdivision)
- Participation in Adopt-A-Street Program
- Lack of recreational opportunities (all subdivisions) within reasonable walking distance
- Crime

J. Code Compliance - (CDD Code Enforcement Division unless otherwise noted) - 3

- Minimum housing code
- Abandoned/junked vehicles
- Parking on unimproved surfaces
- Weeded lots
- Public nuisances
- Abandoned Structures
- Animal complaints (Police)

K. Current and/or Planned Public Improvements- 3

- Completion of Thoroughfare Plan improvements
- Greenway along Green Mill Run

M. Information Technology- 3

- Fiber optic services
- Wireless internet

O. Zoning - 2

- Residential lots fronting along Memorial Drive

6. Survey Results Summary

Surveys were mailed to property owners and residents, utilizing tax parcel information, requesting their opinion of current neighborhood conditions. In total, 104 surveys (93-owners, 11-renters) were returned. Due to the small number of surveys from renters, no meaningful statistics could be derived. Therefore, the survey results have been combined from owners and renters. Below is the average score of those responses.

OWNERS & RENTERS (combined)

5 - very satisfied 4 - satisfied 3 - unsatisfied 2 - no interest 1 - N/A or unable to answer

- 4.5 - Convenience to retail shopping
- 3.3 - Convenience to personal services (daycare, etc.)
- 3.6 - Convenience to place of employment
- 3.7 - Accessibility to and from the neighborhood (turning movements and wait times)
- 3.7 - Neighborhood appearance (curb appeal, style and character of homes)
- 3.5 - Neighborhood identification (sense of place)
- 2.4 - Neighborhood organization (home owners' association effectiveness)
- 2.4 - Number of rental properties (percent of rental dwellings)
- 2.9 - Condition of rental properties
- 3.3 - Sidewalks and pedestrian friendly street crossings
- 3.2 - Security of investment (anticipated or realized appreciation in home value)
- 3.6 - Personal safety (personal and property crime)
- 3.7 - External noise (road noise, adjacent incompatible use)
- 3.6 - Internal noise (frequent amplified sound and other noise emanating from neighborhood dwellings or adjacent properties)
- 3.7 - Streetscape appearance (shoulder maintenance, litter and trash)
- 3.8 - Neighborhood lighting quality (street lights, property/building lighting)
- 3.6 - Outdoor environmental quality (natural settings, open spaces)
- 3.3 - Recreational opportunities within or in convenient walking distance of the neighborhood (accessibility to parks, play grounds)
- 3.7 - Convenient and accessible on-street parking
- 3.7 - Street drainage conditions (neighborhood streets and neighborhood entrances)
- 3.9 - Residential lot drainage conditions (your dwelling)
- 3.8 - Neighborhood public street condition and maintenance
- 2.0 - Private parking lot condition and maintenance (for apartments, etc.)
- 2.9 - Convenient access to public (GREAT) transit system stops
- 2.2 - Convenient access to ECU STUDENT transit system stops

Note – The primary area of concerns expressed on surveys were lack of recreational opportunities, personal safety, condition of rental properties, the need for more police presence, loitering, lack of sidewalks, and noise and foot traffic along Memorial Drive.

Does your neighborhood have an organized and active Neighborhood Association?

- 73% - No
- 13.5% - Yes
- 13.5% - No answer

At the neighborhood meeting, it was mentioned that a few of the homeowners have an unofficial association that meets occasionally.

Do you regularly attend meetings of the neighborhood association?

- 75 % - No
- 20% - No answer
- 5% - Yes

How many years have you lived in this neighborhood?

- 27% - over 25 years
- 13% - 1 to 5 years
- 14% - 10 to 15 years
- 12.5% - 5 to 10 years
- 12.5% - 15 to 20 years
- 11% - 20 to 25 years
- 8% - no answer
- 2% - less than 1 year

20 years on average

Note - Overall, survey responses would indicate that a significant number of homes may, in the near future, be available for owner occupant or rental occupancy due to demographic shift.

My previous address located outside this neighborhood was:

- 57% - a Greenville in-city neighborhood
- 14% - a Pitt County out-of-city area (rural subdivision or stand alone rural lot)
- 12% - a State other than North Carolina
- 12% - no answer
- 2% - a Country other than the United States
- 2% - a County in North Carolina other than Pitt County
- 1% - a Winterville in-city neighborhood
- 1% - a Pitt County city other than Greenville or Winterville

Do you plan on moving out of your current neighborhood in the next 1 to 3 years?

- 82% - No
- 10% - Yes
- 8% - No answer

If yes, check all that apply (consideration or reasons for moving):

Represents the number of time issue was marked as a reason. Some surveys indicated multiple reasons.

- 4 - Security issues (personal or property crime)
- 4 - Other
- 3 - Need larger dwelling (bedrooms, bathrooms, yard area, etc.)
- 3 - Physical condition of current dwelling

- 2 - Quality of life issues (quiet enjoyment, recreational, open spaces, etc...)
- 2 - Employment opportunity in another area
- 1 - Retirement
- 1 - Prefer a smaller dwelling/yard (less space, less maintenance)

Do you have any of these problems [structural, mechanical, electrical, plumbing, etc.] at your current dwelling?

Of the homeowner surveys received, 43 surveys indicated some type of problem. The responses and windshield survey by staff would indicate that the housing stock is in good physical condition however, due to the period of construction, many houses are in need of upgrades and improvements.

- Frequent poor yard drainage: 16
- Plumbing system problems: 21
- Electrical system problems: 12
- Foundation or structural problems: 12
- Heating and cooling: 21
- Leaking Roof: 10
- Weatherization: 3
- Sewer: 1
- Insects: 1

Do you view your current neighborhood as:

- 40% - stable
- 33% - declining
- 16% - some improvement
- 5% - no answer
- 4% - excellent
- 3% - substantial improvement

Please check the appropriate age range for the person(s) completing this survey.

- 49% - 60 and over
- 32% - 45 – 60 years old
- 14% - 25 – 45 years old
- 3% - 18 – 25 years old
- 2% - No answer

Which of the following best describes your household?

Family = 2 or more adults living together (married couple, roommates, etc...)

- 34% - Single occupant (an adult living alone)
- 34 % - Family with no children in the household
- 13% - Family with a young child(ren) (infant – 13 years old)
- 3.5 % - No answer
- 12% - Family with an older child(ren) (14 – 18 years old)
- 3.5% - Family with young and older children

7. HORIZONS: Greenville's Community Plan (2004) Recommendations: (see also map 27)

Vision area

The neighborhood is located in Vision Area G, West Central.

The following are Management Actions for Vision Area F, which are related to this specific neighborhood:

G3. Develop a greenway along Green Mill Run.

G8. Implement more police protection.

Other Contextual Recommendations (objectives, policy statements and implementation strategies specific to this neighborhood)

Objectives

Housing

H5. To improve and revitalize existing neighborhoods.

Mobility

M4. To preserve and protect existing and future residential neighborhoods.

M5. To provide safe, convenient and efficient opportunities for pedestrian and bicycle movements.

Recreation and Parks

RP1. To provide park and open spaces in all neighborhoods.

RP5. To increase access to and use of recreational facilities at City parks and public schools.

RP7. To continue the construction of greenway projects in the City.

RP9. To expand recreational infrastructure (i.e. sidewalks and bike paths).

Environmental Quality

EQ11. To reserve areas of floodplain for open space corridors and greenways.

Urban Form

UF6. To preserve neighborhood livability.

UF21. To provide transition buffers and/or zoning between incompatible land uses.

UF30. To discourage undesirable "cut through" traffic in subdivisions and developments by the use of circuitous street routes, multiple stop conditions, and other design options.

Implementation Strategies

Land Use

- 2 (i). Office/institutional/multi-family development should be used as a buffer between light industrial and commercial development and adjacent lower density residential land uses.
- 4 (e). Implement programs to increase home ownership.

Growth and Development

- 2(b). Implement the Greenway Master Plan.
- 2 (x). Maintain neighborhood character and identity.
- 2 (y). Create walkable communities/neighborhoods.
- 2 (z). Encourage citizen involvement within neighborhoods.

Implementation Strategies (completed to date)

- General planning principles supported
- Rezoning of neighborhood to single-family only
- Greenway Master Plan adopted
- Recreation and Parks, Master Plan adopted
- Thoroughfare Plan adopted

Implementation Strategies (pending)

- Green Mill Run Greenway Extension

8. City Council Goals (2006-2007)

Completed to Date

- 6. Goal: Emphasize the Importance of Neighborhood Stabilization and Revitalization
 - A. Objective: Preserve/prevent deterioration of single-family neighborhoods for more sustainable communities
 - Action Item # 6: Rezone remaining predominantly single-family use neighborhoods to an “S district” classification (see TFPNH recommendation # 6)

Pending

- 6. Goal: Emphasize the Importance of Neighborhood Stabilization and Revitalization
 - A. Objective: Preserve/prevent deterioration of single-family neighborhoods for more sustainable communities
 - Action Item # 7: Develop and adopt neighborhood plans to guide policy and investment decisions in older, established single-family neighborhoods (see TFPNH recommendation # 9)

6. Goal: Emphasize the Importance of Neighborhood Stabilization and Revitalization
 - A. Objective: Setup pilot program in T.R.U.N.A. and all areas of the City to increase homeownership
 - Action Item# 1: Create economic incentives to encourage reinvestment in established single-family neighborhoods
 - Action Item # 2: Develop and empower neighborhood associations, including financial assistance to train leaders and build organizational capacity (see TFPNH recommendation # 8)
 - E. Objective: Expand loan program for conversion of rental property
 - Action Item # 1: Convert rental properties to owner-occupied housing; develop a citywide down payment assistance program to assist 20 homebuyers over the next two years
8. Goal: Provide a Safe Community
 - A. Objective: Create and implement community policing policies that increase public contact and improve the perception of the Police Department
 - Action Item # 1: Allocate resources to best provide community policing based on calls for service analysis completed in 2005

8a. City Council Goals (2008-2009)

Completed

6. Goal: Enhance Cultural and Recreational Opportunities
 - A. Objective: Provide better and improved park/recreation facilities in underserved neighborhoods

Action Item: Replace outdated playground equipment at South Greenville Park with new play structures and two new swings sets

Pending

3. Goal: Promote Sustainability and Livability of Both Old and New Neighborhoods
 - B. Objective: Expand the greenway system
 - Action Item # 4: Complete design of the Green Mill Run Greenway Extension to Evans Park.

9. Public comments received during the public information meeting held at Arlington Boulevard Baptist Church on July 28, 2009

- City-owned lot maintenance (brush is taking over more of lot)
- Code enforcement
- Access to parks and recreation – difficulty of crossing Arlington Boulevard to reach Hillsdale Park
- Former Carolina Dairy property – neglect of site/lack of maintenance and safety
- Sidewalks – especially for crime prevention and safety
- Fire safety -
- Sylvan Drive signage (street signs and speed limit)
- Speed bumps – especially on Millbrook to slow traffic and deter cut-through traffic
- Signage – not to block intersection specifically at Cherokee Drive, mainly due to proximity to traffic signal at intersection of Arlington Boulevard and Hooker Road
- Neighborhood Association (trying to establish one)
- Yard debris in streets (leaves, lawn clippings that clog up catch basins)
- Animal control
- Tree roots damaging streets and driveways
- Trash pick-up rules and regulations
- Security issues – crime, personal safety, and loitering

Issues for Consideration in the Development of Neighborhood Plans

Community Development Department

Land Suitability

- Topography
- Soils
- Watershed protection
- Buffers

Comprehensive Land Use Plan

- Vision Area designation
- Current HORIZONS Plan contextual recommendations
- Current Future Land Use Plan Map recommendations

Structures and Building Activity

- Dwelling types and condition
- Improvement permit records

Socioeconomic

- Demographics
- Dwelling Occupancy
- Median home value
- Home improvements
- Retail trade service areas
- Employment areas

Quality of Life

- Community character and identity
- Unifying and complementary elements
- Aesthetics
- History and heritage
- Open spaces
- Noise pollution
- Minimum housing code compliance and enforcement
- Nuisance abatement code compliance and enforcement
- Walkability
- Private development identification signage
- Neighborhood property owners association
- Access to commercial, services and employment nodes

Code Compliance

- Building
- Residential Occupancy
- Minimum housing
- Abandoned/junk vehicles
- Public nuisance
- Weeded lots
- Zoning and land use
- Garbage and trash, etc. collection standards

Information Technology

Cable TV
Telephone
Fiber optic

Cultural Resources

Library services, etc.
Civic and private art resources
Cultural /historical resources and landmarks

Public Works Department

Natural Environment

Flood hazard areas
Stream channels and bodies water
Street trees
Wildlife habitat
Environmental hazards and limitations
Mosquito control

Transportation

Traffic circulation
Connectivity of streets
GREAT bus stops/routes existing
ECU bus stops/routes existing
Sidewalks and bike lanes
Thoroughfare and street construction/improvement plans
On-street parking
Street identification, and regulatory signage
Speed limits within neighborhood
Traffic control and traffic calming

Storm Drainage

Stormwater management systems
Road flooding conditions
Lot flooding conditions
Stream bank stabilization
Riparian buffers
Storm water detention
Storm water utility program improvements

Service Delivery

Garbage collection
Mosquito control
Trash collection
Yard debris collection
Recycling

Other

Adopt-A-Street program

Greenville Utilities Commission

Public Utilities

- Water system
- Sanitary sewer system
- Gas system
- Electric distribution system
- Street lights

Police Department

Health & Safety

- Crime control and calls for service with number of citations issued
- Animal control and calls for service with number of citations issued
- Police presence and programs
- Neighborhood watch program

Quality of Life

- Residential noise violations with number of citations issued

Fire/Rescue Department

Health & Safety

- Fire/Rescue service delivery station(s) and response time
- Fire/Rescue apparatus access roads
- Hydrant location and dwelling separation
- Chemical hazards

Recreation and Parks Department

Quality of Life

- Public recreational and open space improvements and facilities
- Public recreation programs
- Accessibility of public green spaces
- Condition of public green spaces
- Usability of public green spaces
- Private recreation and open space

Adopted Plans Affecting Neighborhoods – All Departments

- HORIZONS, Greenville's Community Plan (2004)
- West Greenville Revitalization Plan (2005)
- Center City-West Greenville Streetscape Master Plan (2006)
- Recreation and Parks Comprehensive Master Plan (2000) [update adopted by CC November 6, 2008]
- Greenville Urban Area Thoroughfare Plan (2004)
- Transportation Improvement Program (2006)
- Greenway Master Plan (2004)
- Hazard Mitigation Plan (2004)

Neighborhood Plan for the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions

2009

Goals:

To create, maintain and enhance a sustainable neighborhood.

Objectives:

To identify by analysis and citizen input, the strengths and weaknesses of neighborhood issues affecting sustainability and to create broad support for recommended improvement strategies.

Policy Implementation and Improvement Strategies:

The City Council and City Staff will take such actions as necessary for the support and implementation of the neighborhood plan as follows:

- City Council will amend HORIZONS: Greenville's Community Plan to incorporate the Carolina Heights, Greenbrier, Hillsdale, and Tucker Circle Area Report and Plan by reference.
- City Staff will conduct a periodic review of the neighborhood report and plan, and the adopted implementation and improvement strategies to evaluate plan progress toward the goal of continued neighborhood sustainability.
- Completion of current City Council Goals (2006 - 2007) and future goals, as may be adopted, in accordance with established schedules.
- Completion of current City Council Goals (2008 - 2009) and future goals, as may be adopted, in accordance with established schedules.
- City Council will consider creating a Rental Registration Program as recommended by the Task Force on Preservation of Neighborhoods and Housing and per City Council 2006-2007 Goals and Objectives.
- City Staff will investigate options for neighborhood identification signage to be located at neighborhood entrances including easement acquisition and/or in right-of-way location.
- City Staff will increase neighborhood-wide code enforcement efforts through the allocation of additional resources and staff directed patrols.
- City Staff will prepare cost estimates and project schedules for the Capital Improvement and Implementation Strategies included in this plan.
- City Council will utilize this plan to guide public policy and investment decisions within the Carolina Heights, Greenbrier, Hillsdale and Tucker Circle Subdivisions.

Capital Improvement and Implementation Strategies:

The City Council and City Staff will take such actions as necessary for the support and implementation of the neighborhood plan as follows:

- The City will investigate the creation of a home improvement matching grant fund for older site-built single-family owner-occupied dwellings (example - not less than 30-years old) to be awarded on an annual basis, to encourage qualified home improvement/upgrades that will increase the tax value and marketability of older dwellings. Such grant to be secured by an owner occupancy condition (Deed of Trust) for a determined period.
- The City will provide grants, in accordance with current program/policy, to the neighborhood homeowners associations for design and construction of neighborhood (subdivision) entrance signs.
- The City will install appropriate GREAT system bus stop improvements at locations as determined necessary and appropriate by the Public Works Department as recommended by the Thoroughfare Plan.
- The City will encourage additional neighborhood volunteer participation in the Adopt-A-Street program.
- The City will assess street lighting levels throughout the neighborhood and cause the installation of additional lamps as determined necessary by the City Engineer.
- The City will monitor Green Mill Run and institute bank stabilization as necessary to minimize sedimentation/erosion and land (building site) loss as determined to be necessary by the City Engineer.
- The City will assist neighborhood and area residents in the establishment of a Neighborhood Association and a Neighborhood Watch Program.
- The City will evaluate passenger vehicle speeds on neighborhood streets and shall install additional traffic calming devices as determined to be necessary by the City Engineer, especially on Millbrook Drive and Sunset Avenue.
- The City will notify property owners of address number display requirements.
- The City will update the GIS-GPS coverage for storm water improvements throughout and adjacent to the neighborhood.
- The City will request and encourage GUC to update the GIS-GPS coverage for all public utilities, including water, sanitary sewer, gas and electric lines, and street lights throughout and adjacent to the neighborhood.
- The City will investigate enhancing existing crosswalks and suitability of additional crosswalks in the neighborhood.

Supplemental Information

Greenville Police Department calls for service are for the period of January 1, 2008 – December 31, 2008 for the neighborhood.

Type	Number of Calls	Disposition
Abandoned Vehicle	9	1-citation
Alarm	28	0
Animal Complaint	129	3-warnings; 7-citations; 1-arrest
Arrest	3	3-arrests
Assault	20	6-arrests
Auto Larceny	7	0
Breaking & Entering	11	0
Burglary	1	0
Chase	2	1-arrest
Check on Welfare	10	0
Communicating Threats	9	0
Damage to property	16	2-arrests
Directed Patrol	94	0
Dispute	35	1-arrest
Disturbance	13	2-verbal warnings
Domestic	11	1-arrests
Escort	4	1-arrest
Fight	6	0
Fireworks	2	0
Fraud	8	0
Harassment	3	0
Hit and Run Injury	3	3-citations
Hit and Run- Property Damage	3	0
Juvenile Complaint	20	0
Larceny	23	0
Missing Person	6	0
Open door, window, etc	4	0
Parking Violation	17	1-citation; 2-verbal warnings
Recovered Property / Vehicle	6	0
Request Officer	41	1-arrest
Sexual Assault	1	1-arrest
Shots Fired	3	0
Suspicious Activity/Person/Vehicle	60	1-citation; 1-arrest
Traffic Complaint	14	1-citation
Trespassing	20	0
Vehicle Crash – Property Damage	14	9-citations
TOTAL	656	

Neighborhood Plan Development and Consideration Process Outline

1. Identification of neighborhood boundaries.
2. City departments meeting to compile current condition assessment and assemble facts, statistics and past and pending actions.
3. Mail surveys to each property owner (tax listing) and household (street address) if different, and advise the owner/occupants of a scheduled neighborhood meeting (time - place TBA), and schedule of the Planning and Zoning Commission meeting.
4. Activate the on-line (city web page) survey option for the particular neighborhood.
5. Compile survey responses received prior to neighborhood meeting and create a data spread sheet for distribution to city departments.
6. Conduct neighborhood information meeting to present current condition assessment and receive input from neighborhood resident/owners, and advise persons of the scheduled Planning and Zoning Commission meeting.
7. Staff to compile public comments collected from the neighborhood input meeting.
8. Staff to prepare a draft comprehensive neighborhood plan report for presentation to the Planning and Zoning Commission including goals, objectives, and implementation strategies.
9. Advertise Planning and Zoning Commission meeting (newspaper).
10. Planning and Zoning Commission to hold a public meeting to consider the draft neighborhood plan report and plan recommendations at which time the report and plan may be recommended for adoption, or continued for further study prior to recommendation; forward recommendation to City Council.
11. Advertise City Council meeting item as a proposed amendment to the comprehensive plan – HORIZONS: Greenville's Community Plan (newspaper).
12. City Council to hold a public hearing to consider adoption of the neighborhood plan report and amendment to the comprehensive plan
13. City Council to consider plan project/improvement funding at the time of annual budget or capital improvement plan adoption.
14. Neighborhood Plan projects to be completed in accordance with program schedule and funding availability.

Report Identifying Issues and Considerations Concerning City-Initiated Rezoning Of Lots Fronting the Memorial Drive Corridor

This report specifically concerns the 30 lots fronting the eastern right-of-way of Memorial Drive, being those lots located south of Sylvan Drive and north of Millbrook Street, which are currently zoned either O (office-only), OR (office-residential) or R6S(single-family residential).

Background information concerning the subject lots

- The subject lots are owned by 23 separate property owners, 6 of whom own multiple and contiguous properties.
- The residentially-zoned lots were rezoned from R6 (Multi-family residential) to R6S (single-family residential) in March 2007, pursuant to the Task Force on Preservation of Neighborhoods and Housing Report and zoning recommendations. The rezoning from R6 to R6S was for the purpose of prohibiting dwelling conversion from single-family to duplex and/or multi-family use, and such action does not prohibit further rezoning in accordance with comprehensive plan recommendations.
- The Future Land Use Plan Map recommends OIMF (office/institutional/multifamily) for the subject lots, with O (office-only) preferred due to the multi-family restriction. Low intensity non-residential use is recommended due to the fact that the long-term livability of the single-family dwellings fronting Memorial Drive is expected to diminish over time as a result of roadway impacts.
- To date, 8 of the subject lots have been rezoned from the previous residential category to O (3 lots) and OR (5 lots) for adaptive reuse purposes. The OR lots were rezoned prior to the Housing Task Force Report.
- Rezoning to O (office-only) would be recommended by staff, for both the existing OR and R6S properties.
- Pitt County owns 2 contiguous OR zoned lots (former city fire station site). The existing social services use is permitted under both the existing OR and recommended O zoning districts.
- Typical lot area of the subject (individual) lots is 10,000 + square feet. Minimum lot size of non-residential use lots is: 7,500 sq. ft. in the OR district and 12,000 sq. ft. in the O district. If an individual lot is rezoned to O and the dwelling is removed for redevelopment, the new building site must meet the minimum area requirement of 12,000 sq. ft. individually or in combination with other lots to qualify for zoning purposes. Adaptive reuse of an existing dwelling would be permitted on a substandard lot provided all other zoning requirements are met.

Rezoning issues for consideration concerning the subject lots

1. Rezoning of the subject residential (dwelling) lots to O (office-only) will create a non-conforming use situation due to the fact that the existing residential use is not a permitted or special use option in the O district. The non-conforming provision of the zoning regulation would allow continuation of the existing single-family use including maintenance and routine repair; however, the rezoning to O would prevent the construction of a new dwelling on a vacant lot or the residential reconstruction, repair and/or use of a dwelling willfully abandoned for a period of 6 months. A dwelling destroyed by fire, wind, flood or other natural disaster may be repaired and reoccupied regardless of the extent of damage provided such reconstruction is begun within 6 months of the date of destruction.
2. Residential mortgage lenders may be concerned with the rezoning of residential property to a non-residential use category due to the resultant application of the non-conforming use provisions mentioned under 1 above.
3. City-initiated zoning of the subject lots may galvanize opposition from other area property owners concerned that they may be targeted by similar ad hoc city-initiated rezoning. Other-area property owners may believe the city has a “hidden agenda” or undisclosed list of other sites targeted for additional city-initiated rezoning. A city-initiated rezoning program may also jeopardize property owner cooperation in future land use planning efforts.
4. Several property owners have assembled contiguous parcels, likely in anticipation of acquiring additional properties for a future consolidated development, and rezoning from residential to office may increase future acquisition expenses. Due to the fact that the subject lots are already impacted by development limitations, including physical location, expense of house removal or adaptive reuse improvement of the dwelling structure, and limited lot dimensions, the redevelopment of the subject “hard-to-build” lots may not then be cost effective when coupled with increased acquisition costs.
5. Rezoning related value increase may benefit the current residential owner; however, the anticipated or actual value increase due to rezoning may create a “cost avoidance” effect resulting in a prospective developer’s decision not to purchase a “hard-to-build” lot due to the homeowner’s zoning inflated sales price expectation. Inflated sales prices may be a disincentive to further investment and redevelopment in this area.
6. A property owner rezoning petition is subject to a filing fee of \$500.00 (flat fee) plus \$50.00 per acre or additional fraction thereof. The filing fee is specified in the city’s manual of fees and is designed to recoup the processing cost of a rezoning application. Typical filing fee for an individual single-family lot is \$500.00. A city initiated rezoning of property does relieve the affected property owner of typical rezoning application expenses including the required filing fee. The monetary cost of processing a city-initiated rezoning request including legal advertisement, property owner and adjacent owner mailed notice, as well as nonmonetary administrative costs, including interagency analysis and report preparation, printing expenses, etc. would then be absorbed by the city.

7. The Pitt County Tax Appraiser has advised the planning staff that the rezoning from R6S to O may increase the tax liability of the affected properties. Specifically with respect to the subject lots (i) the appraised value of the “land” is higher as office property than as residential property, and (ii) the value of the dwelling structure may also be considered as contributing to the “office” value if the dwelling can reasonably be anticipated to be adaptable for office use. If the dwelling structure can not be adapted for office use, the value of the dwelling structure would be deleted from the calculation and the total “office value” would therefore be reduced. If the value of the office lot, absent the dwelling structure (potential office) value, is less than the current total residential (dwelling and lot) value no additional tax liability would apply. The Pitt County Tax Office would have to determine the applicable after-rezoning tax value of each lot on a case by case basis.

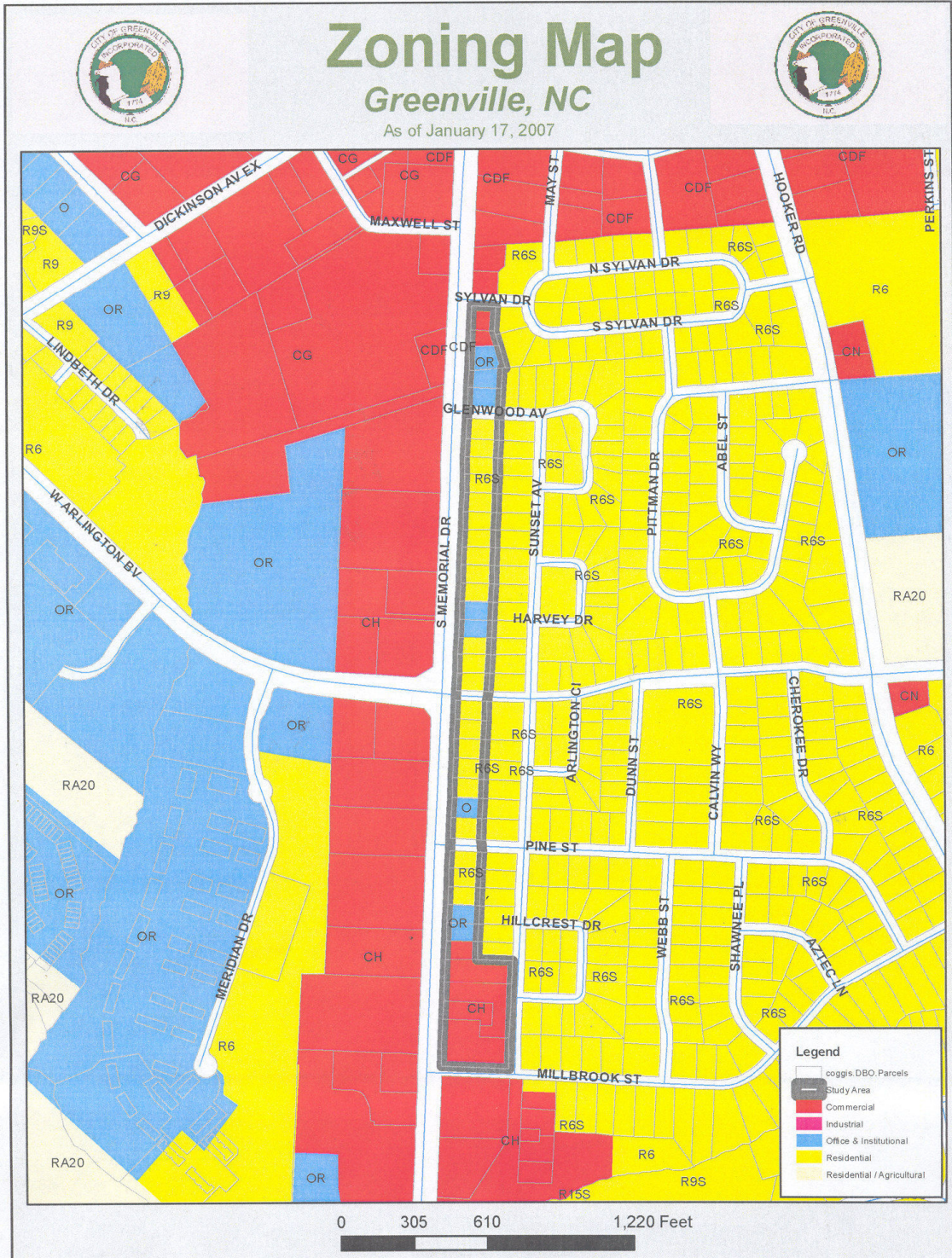
Attached is supplemental information concerning city-initiated zoning in general.

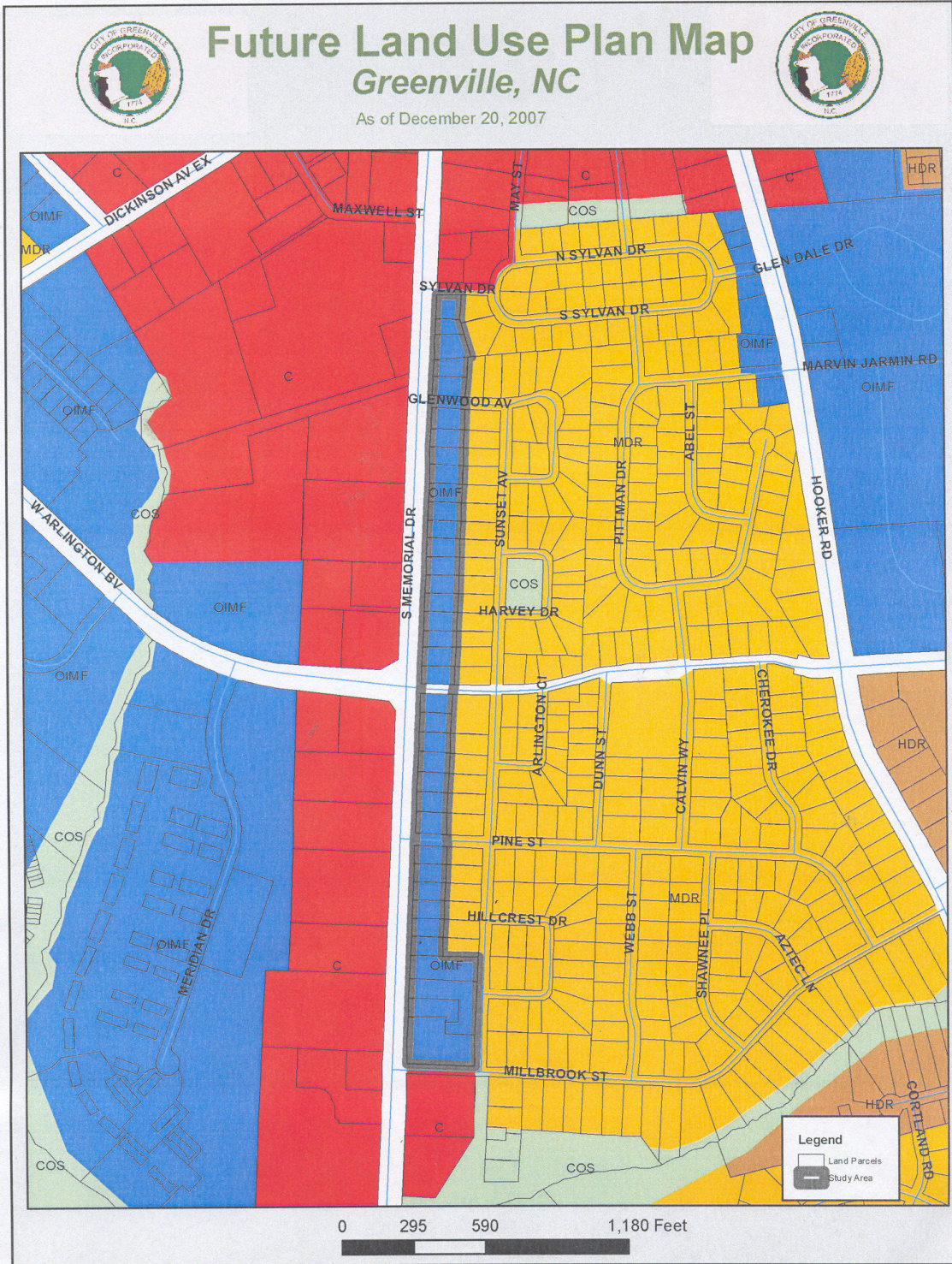
Supplemental information concerning city initiated zoning in general

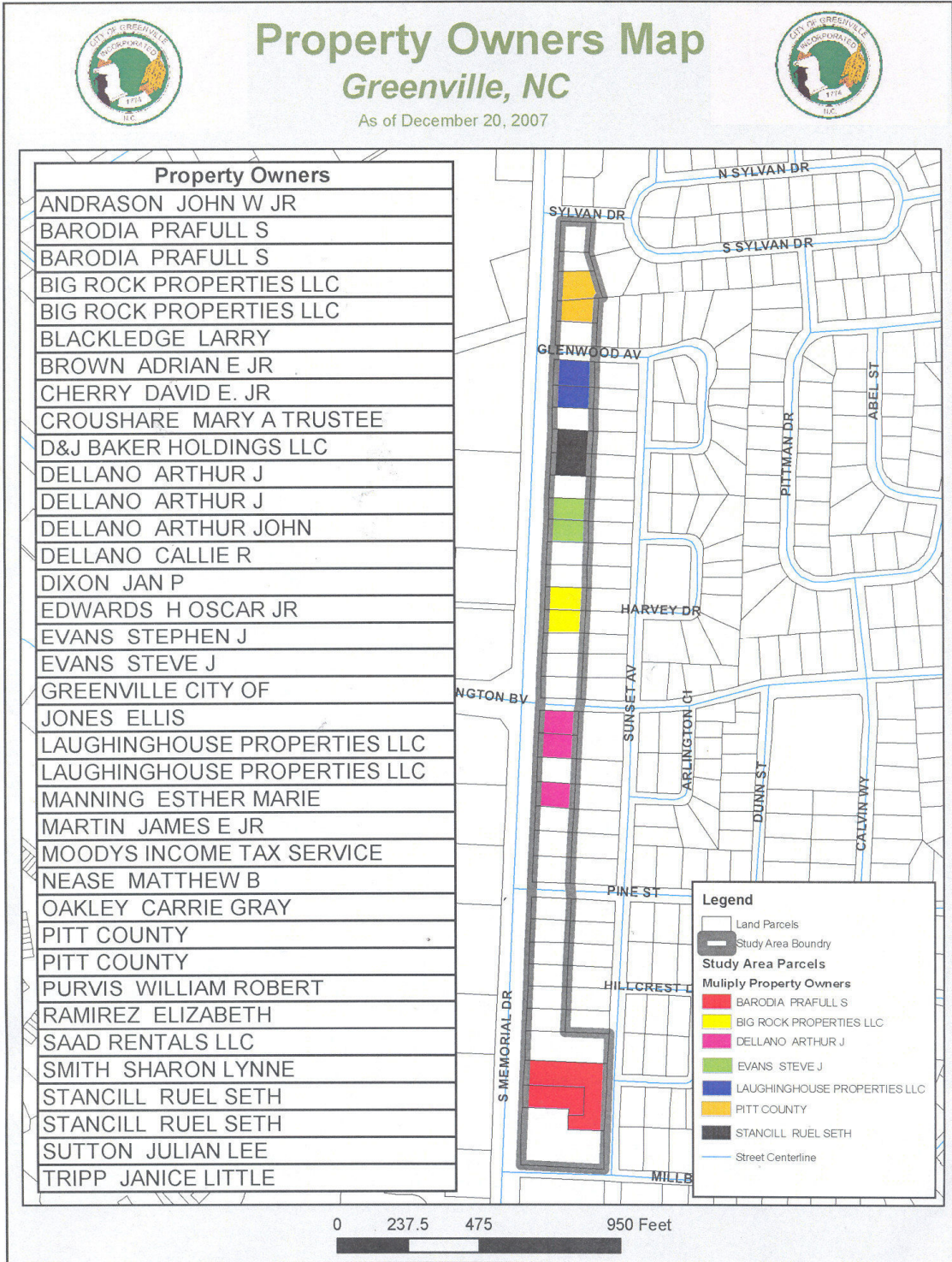
- Zoning map amendments are, in most cases, at the request of the property owner. In the past 20 years (1987 through 2007) there have been 579 property owner-initiated rezoning petitions and 48 city-initiated petitions. (627 total petitions of which 7.5+ % were city-initiated)
- Zoning actions should be reasonable and in the public interest and should promote the public health, safety, morals, and general welfare, regardless of the initiating party.
- All zoning actions should be supported by the comprehensive plan. This is a basic requirement of state law and does support desirable community goals, which are the product of a lengthy public process, involving large numbers of citizens and compromises among competing interests.
- Zoning actions do not have to insure the most profitable use of each tract – there is no “highest and best use” standard. A “reasonable use” approach is appropriate in administration of zoning.
- The city has initiated rezoning of property in the past – e.g., the Medical District Plan (1986) and the more recent Housing Task Force Plan (2005 – 2007). Rezoning in those and similar cases was pursuant to specific planning efforts and had the general support of the majority of property owners and/or major stake holders in the affected areas. In these and other special plan based cases, the plan objectives could not have been accomplished if dependent on the individual rezoning petition of the affected owners. City-initiated rezoning is often the only effective implementation strategy where multiple property owners are involved.
- The rezoning of property is typically viewed as either increasing the use options (up-zoning) or decreasing the use options (down-zoning). Involuntary change of land use options (up or down) may be viewed by the affected property owner as detrimental for various reasons including:
 - (a) non-conforming issues created by the change, although pre-zoning use is allowed to continue under certain conditions,

- (b) perceived and/or actual real estate value change, and the fear of additional tax liability in the case of “up-zoned” properties, and
- (c) the change may reduce use options in the case of “down-zoning” or create other conditions that adversely impact the owner’s investment-backed expectations under the current zoning.

- In addition to the property owners’ concerns noted above (a-c), various lending institutions have in the past expressed concerns with respect to the potential effect of city-initiated rezoning of secured (deed-of-trust, etc.) properties. The zoning of developed, and particularly undeveloped property, may affect the market value of a note held as security for an outstanding loan. This typically would not be an issue with respect to “up-zoning” of a property.
- There are 12 separate land use categories illustrated on the Future Land Use Plan Map. Each of these categories is associated with 1 or more of the 28 zoning districts, or as conservation/open space. Therefore, the Future Land Use Plan Map, in many cases, represents a range of available land use options to be evaluated on a site-specific, case-by-case basis at the time of zoning consideration. Due to this range of options, and in the absence of a more detailed neighborhood, corridor or area plan, such as the Medical District Plan, or other immediate comprehensive plan based objective, rezoning initiation is generally left to the discretion of the individual owner.
- As part of the ongoing city-wide neighborhood, corridor, and area planning efforts, staff will be preparing detailed plans to supplement the current comprehensive plan. Those detailed plans will include implementation strategies that may involve rezoning recommendations, and may result in city-initiated rezoning.





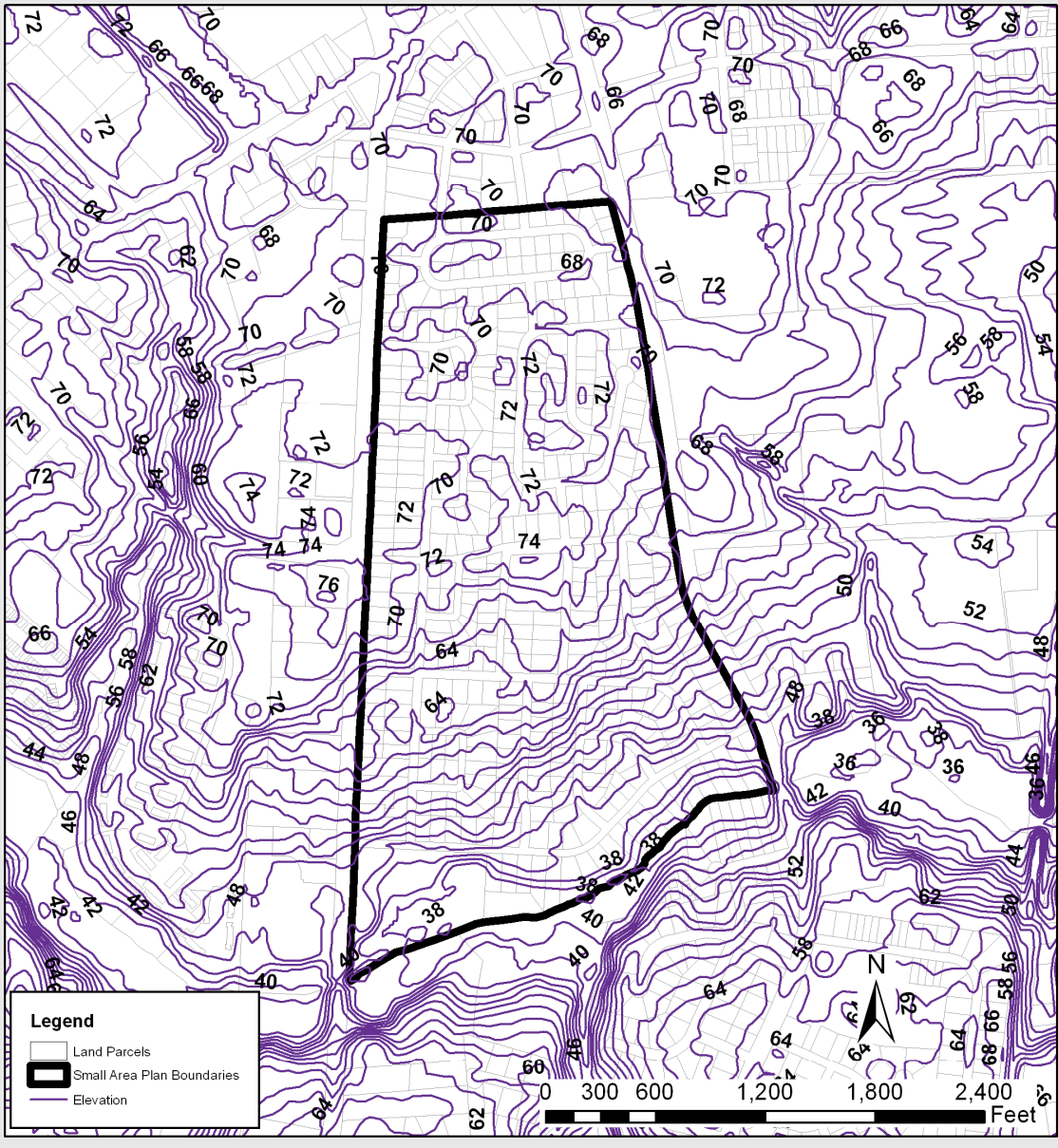


Property Owners
ANDRASON JOHN W JR
BARODIA PRAFULL S
BARODIA PRAFULL S
BIG ROCK PROPERTIES LLC
BIG ROCK PROPERTIES LLC
BLACKLEDGE LARRY
BROWN ADRIAN E JR
CHERRY DAVID E. JR
CROUSHARE MARY A TRUSTEE
D&J BAKER HOLDINGS LLC
DELLANO ARTHUR J
DELLANO ARTHUR J
DELLANO ARTHUR JOHN
DELLANO CALLIE R
DIXON JAN P
EDWARDS H OSCAR JR
EVANS STEPHEN J
EVANS STEVE J
GREENVILLE CITY OF
JONES ELLIS
LAUGHINGHOUSE PROPERTIES LLC
LAUGHINGHOUSE PROPERTIES LLC
MANNING ESTHER MARIE
MARTIN JAMES E JR
MOODYS INCOME TAX SERVICE
NEASE MATTHEW B
OAKLEY CARRIE GRAY
PITT COUNTY
PITT COUNTY
PURVIS WILLIAM ROBERT
RAMIREZ ELIZABETH
SAAD RENTALS LLC
SMITH SHARON LYNNE
STANCILL RUEL SETH
STANCILL RUEL SETH
SUTTON JULIAN LEE
TRIPP JANICE LITTLE



Map 3: Topography

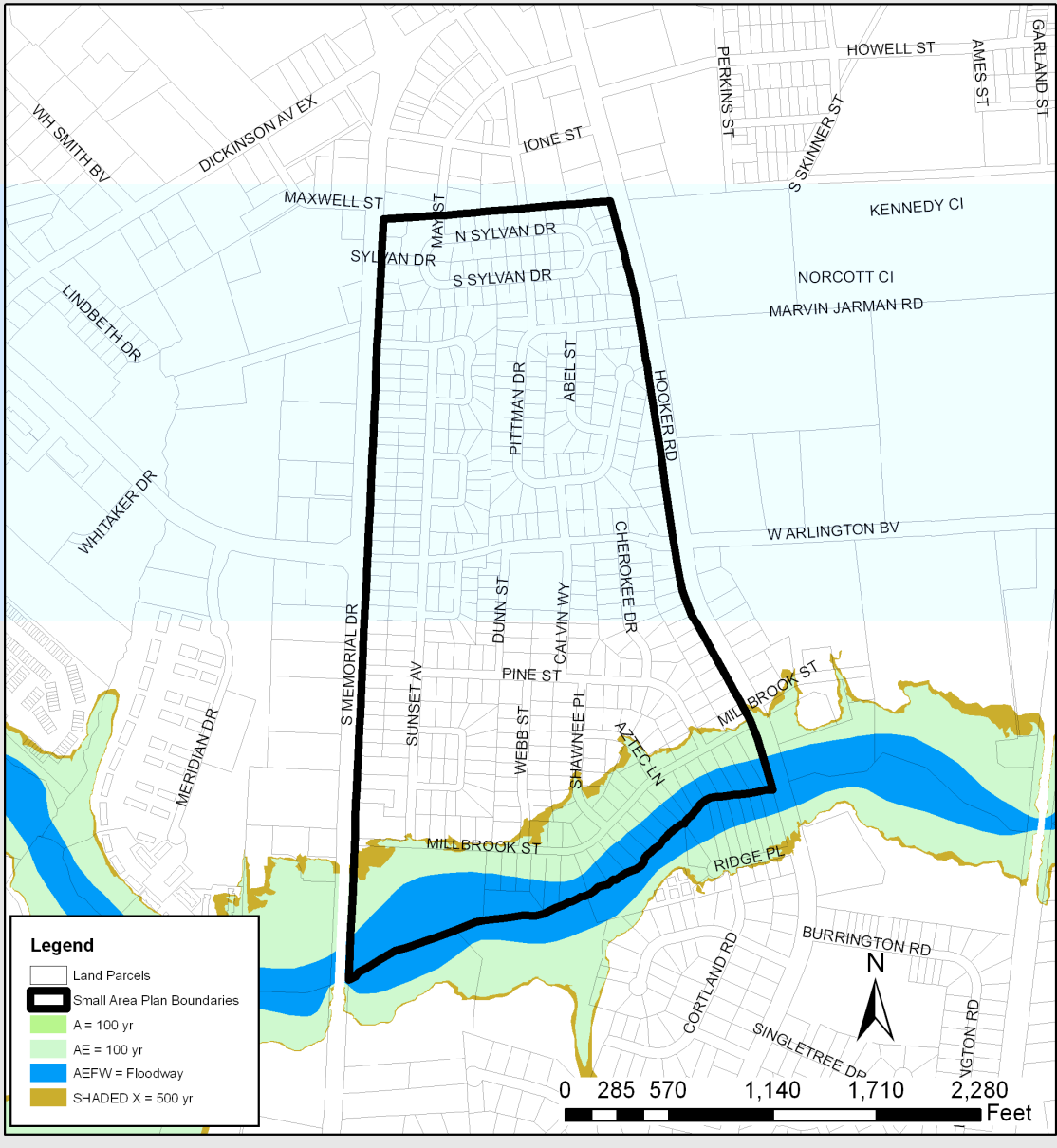
September 30th, 2009





Map 4: Flood Hazard Map

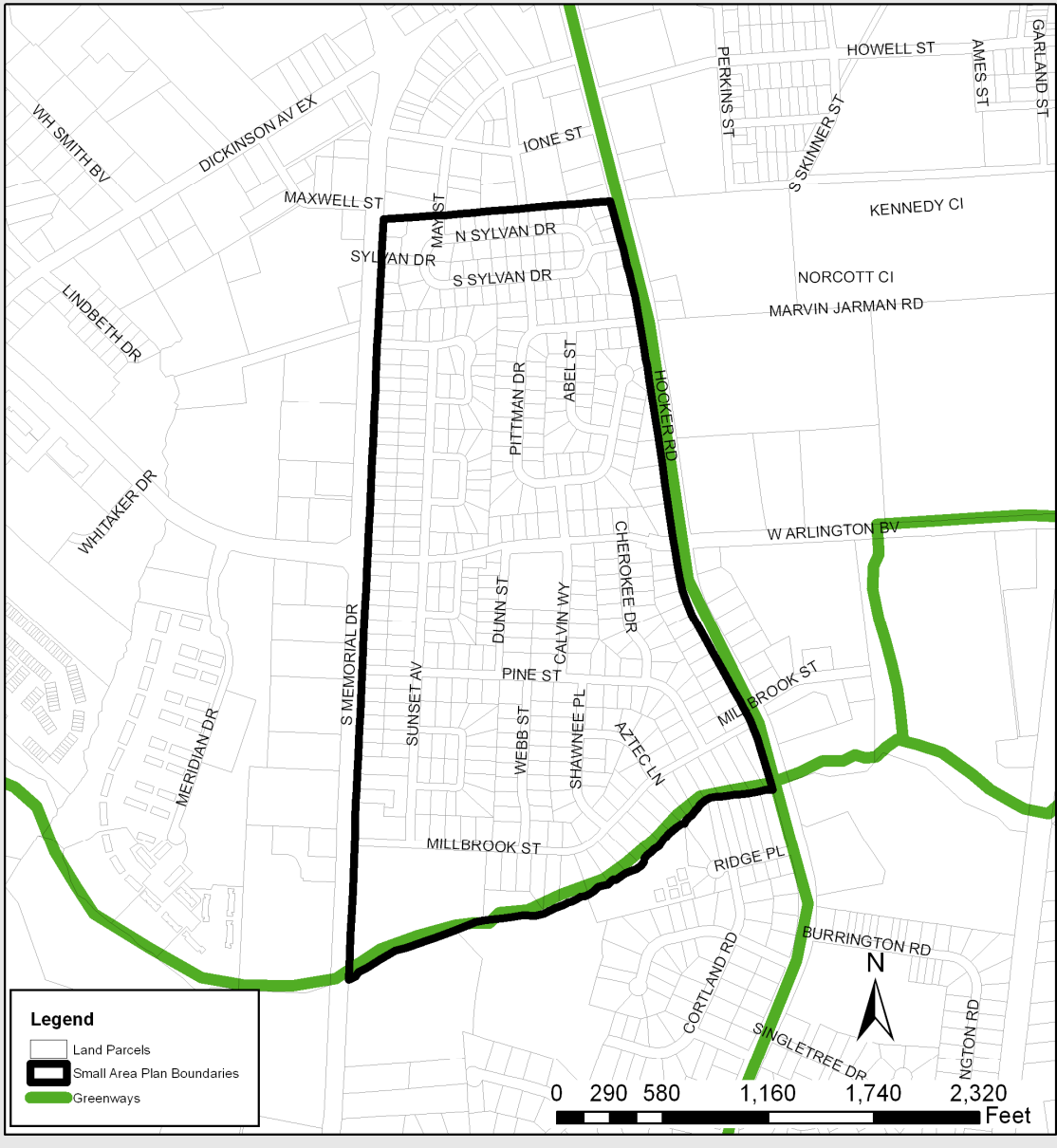
September 30th, 2009

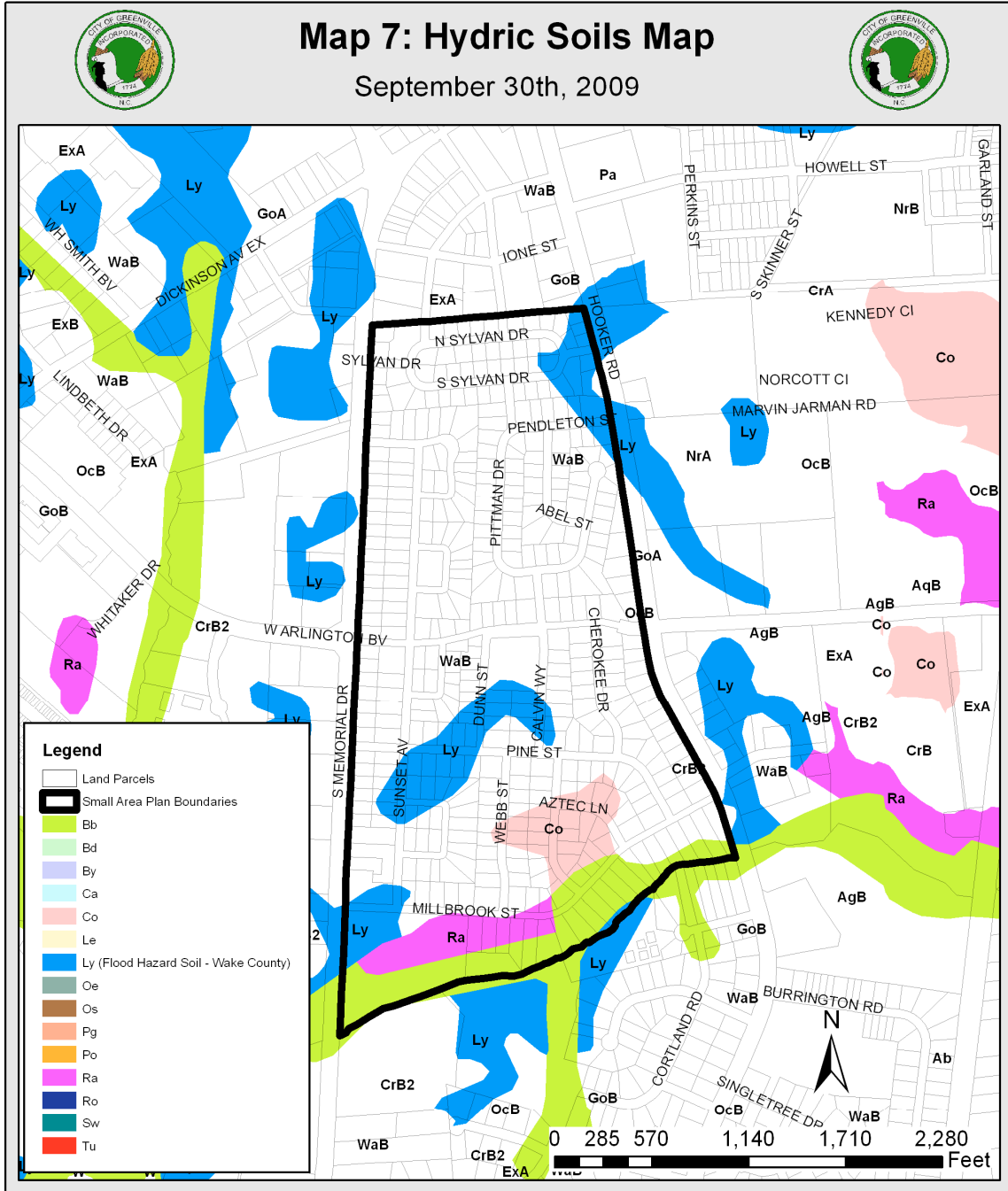




Map 6: Greenways Map

September 30th, 2009

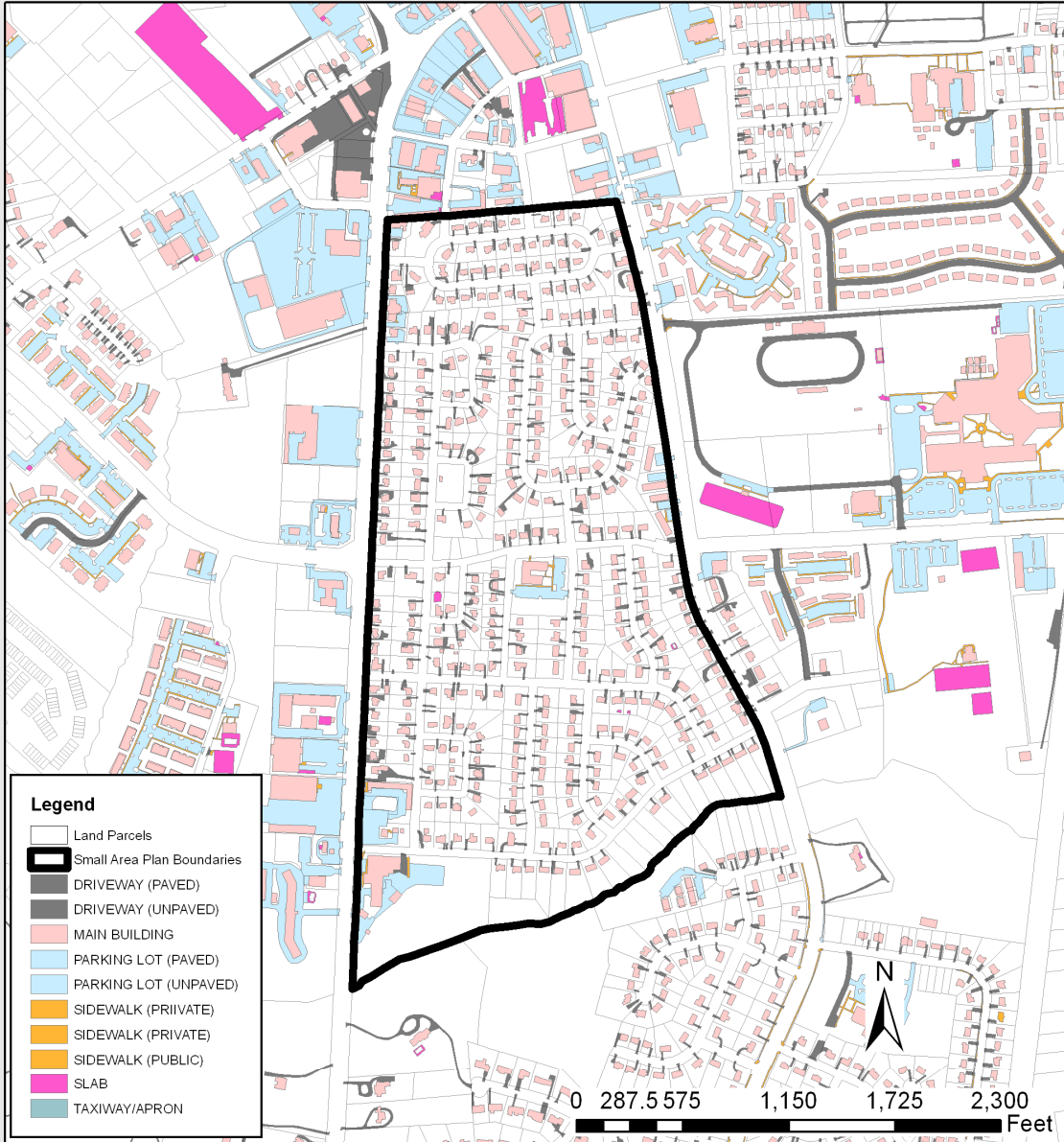


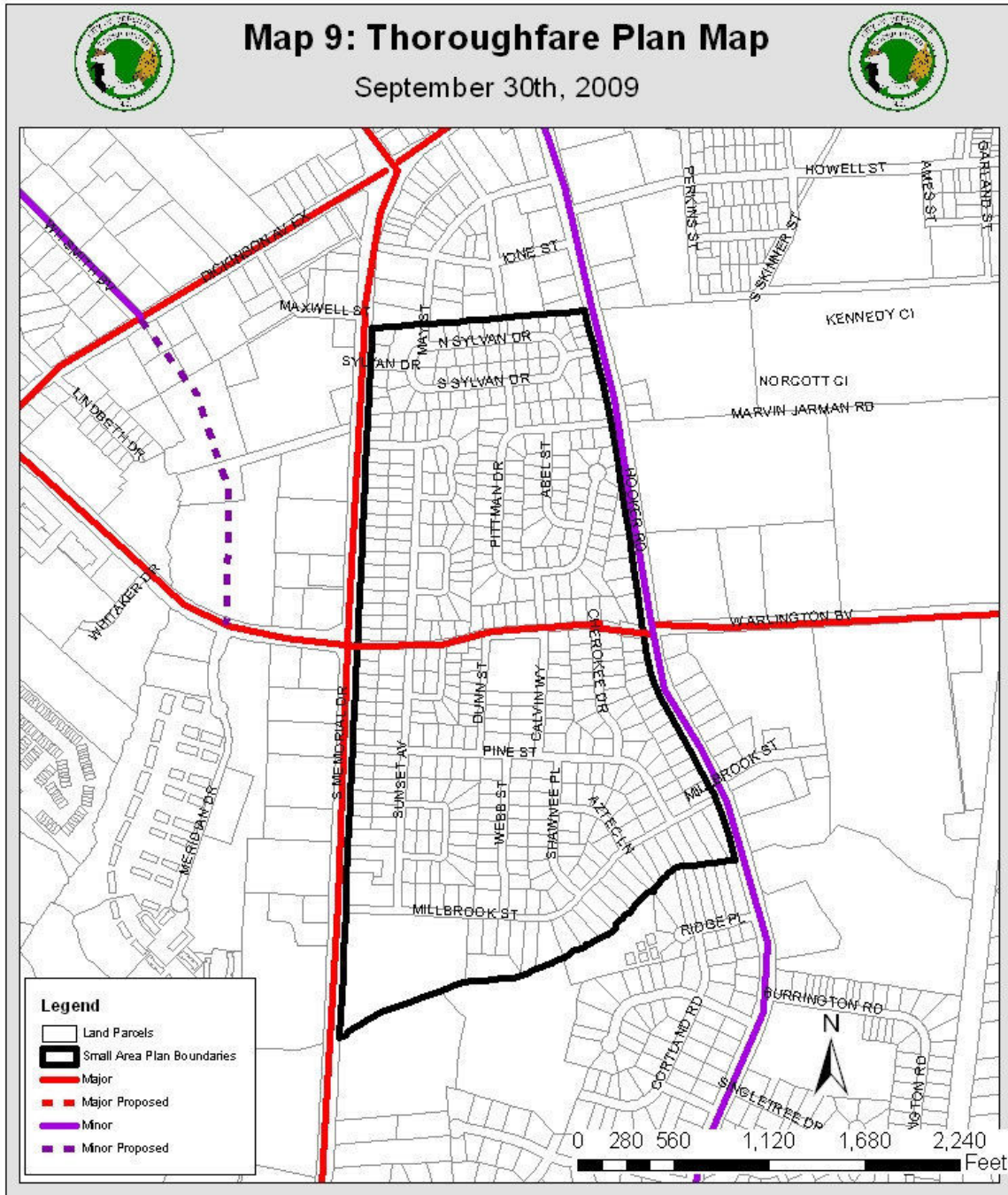




Map 8: Impervious Surface Map

September 30th, 2009

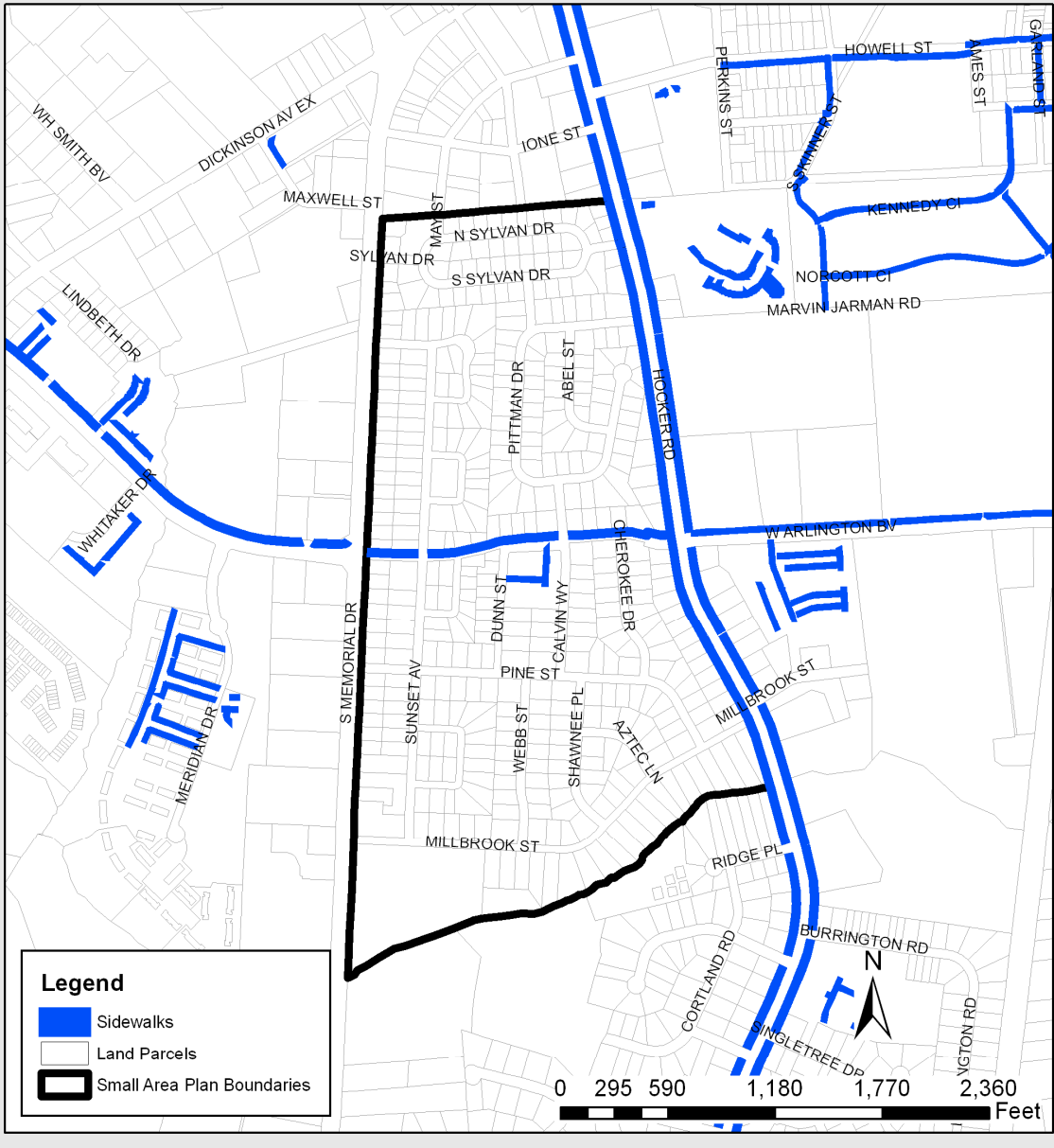






Map 10: Existing Sidewalks Map

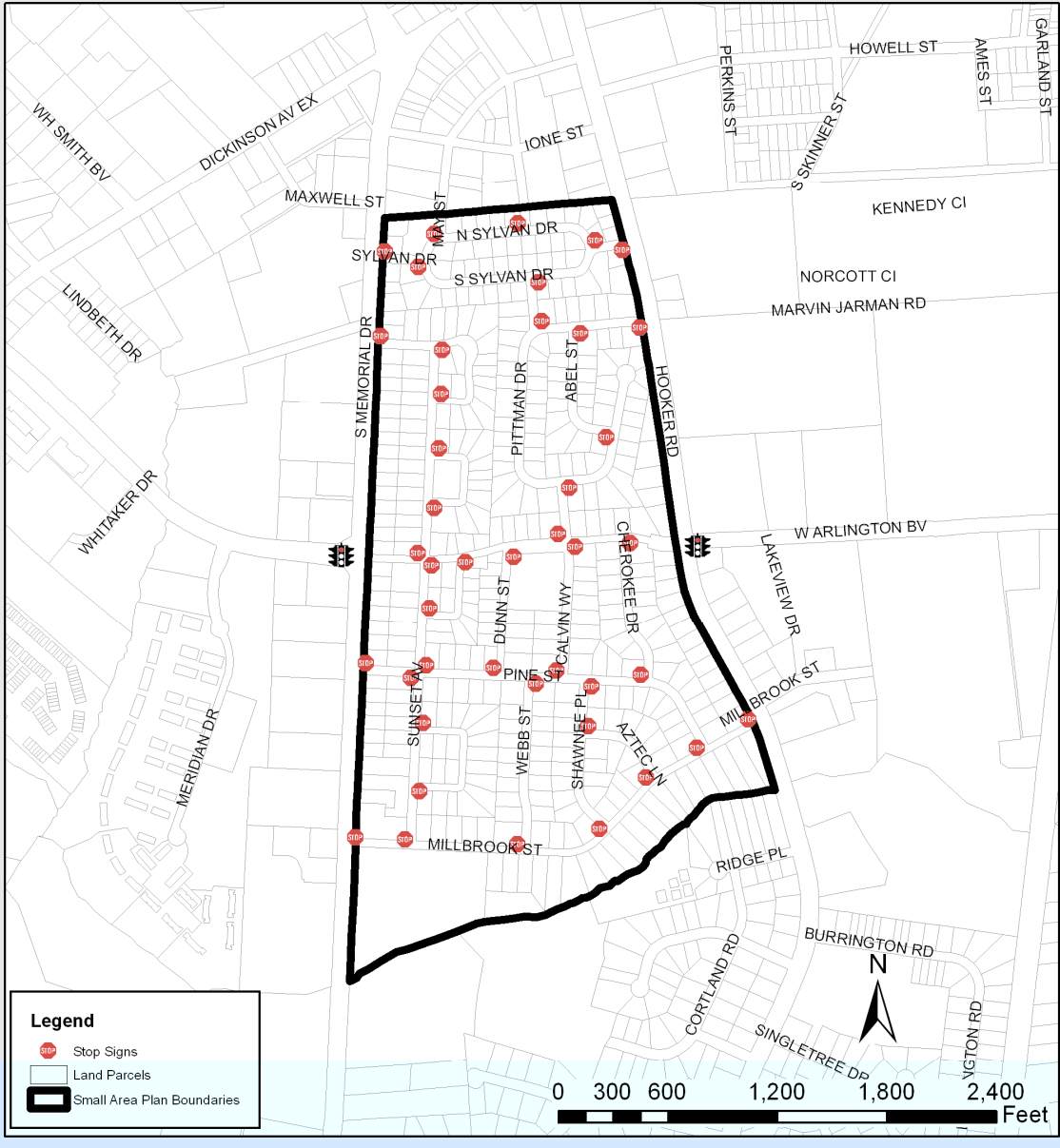
September 30th, 2009





Map 11: Traffic Calming Map

September 30th, 2009



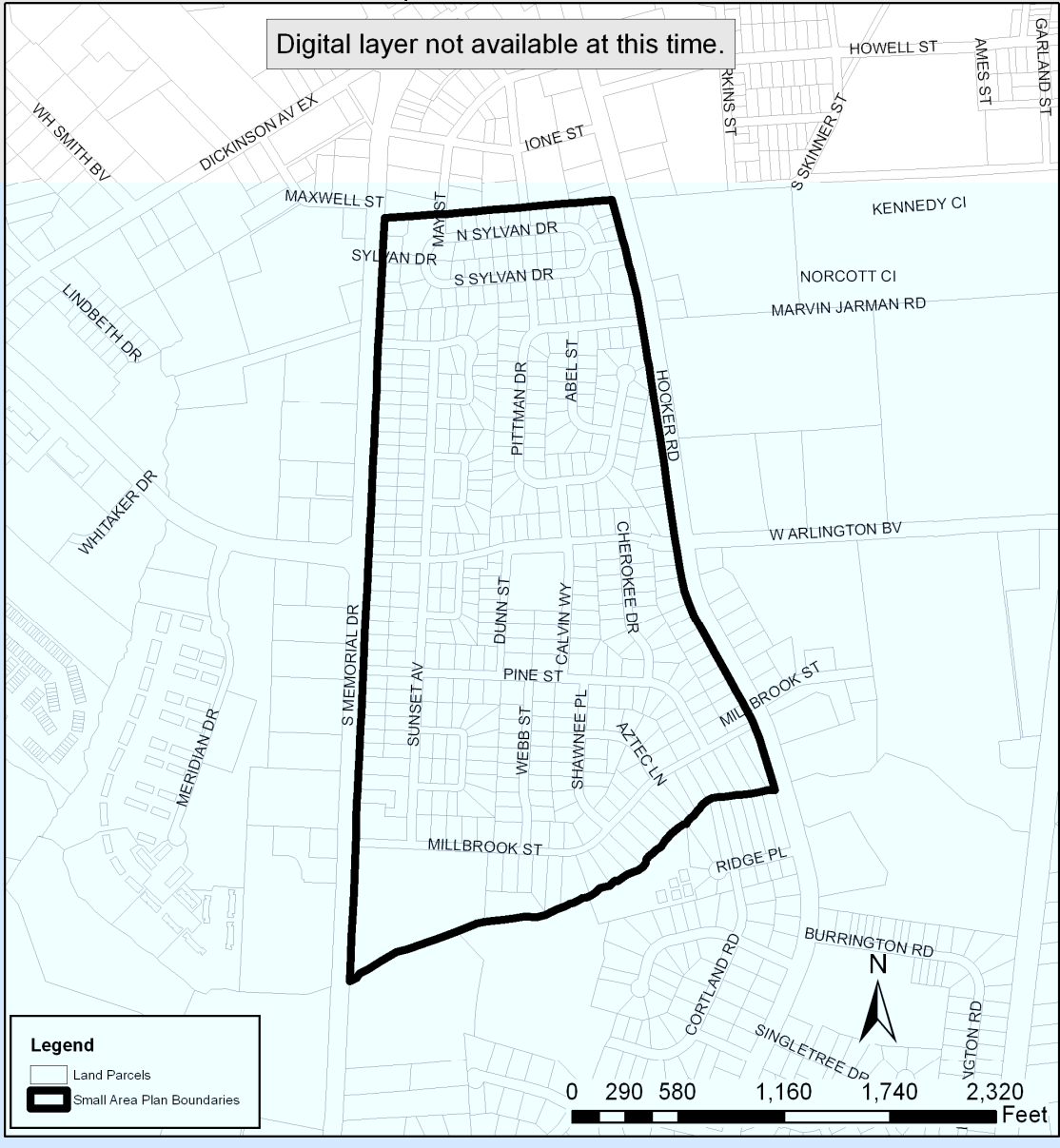


Map 12: Water and Sanitary Sewer Systems (Public) Map

September 30th, 2009



Digital layer not available at this time.

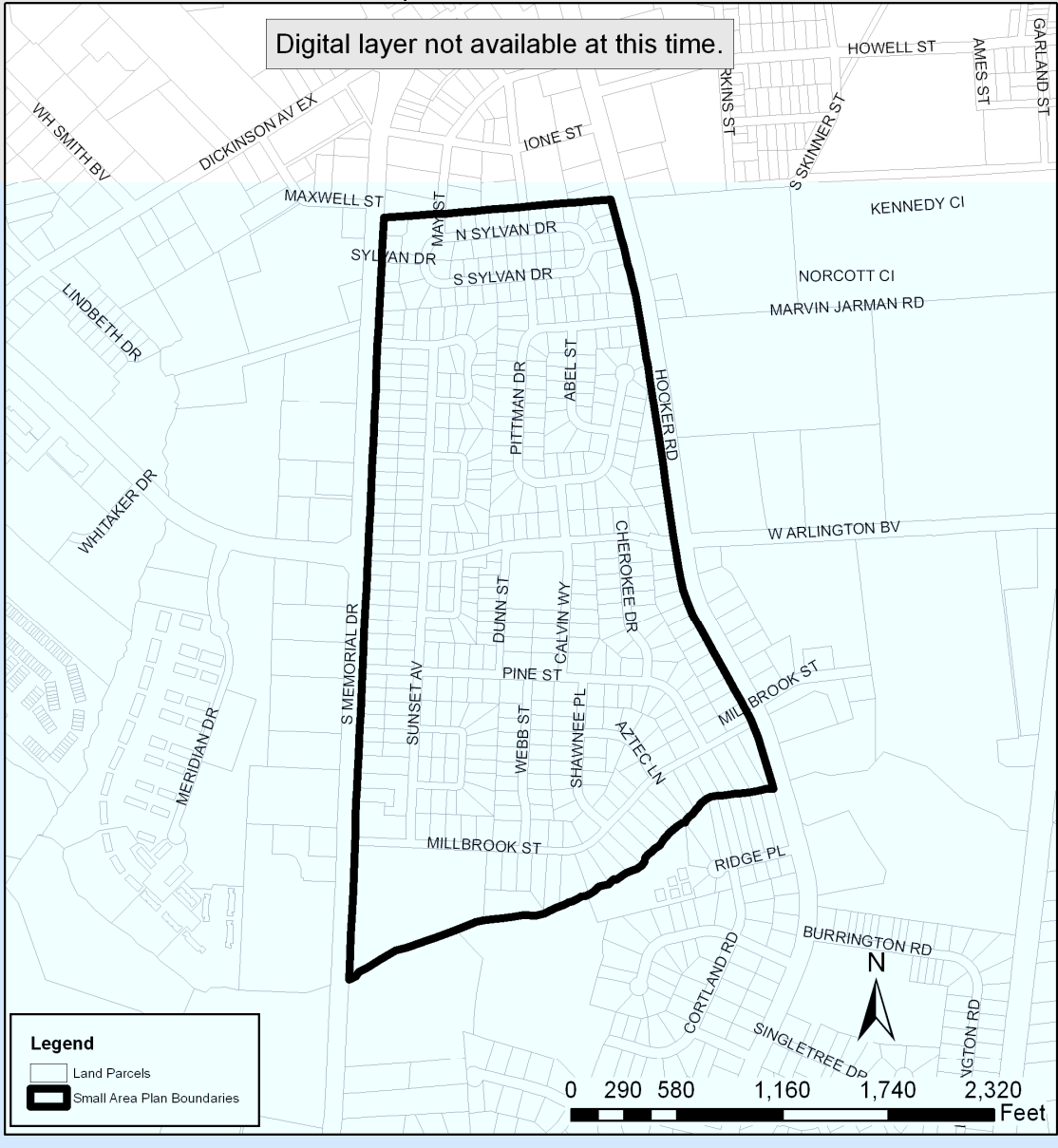


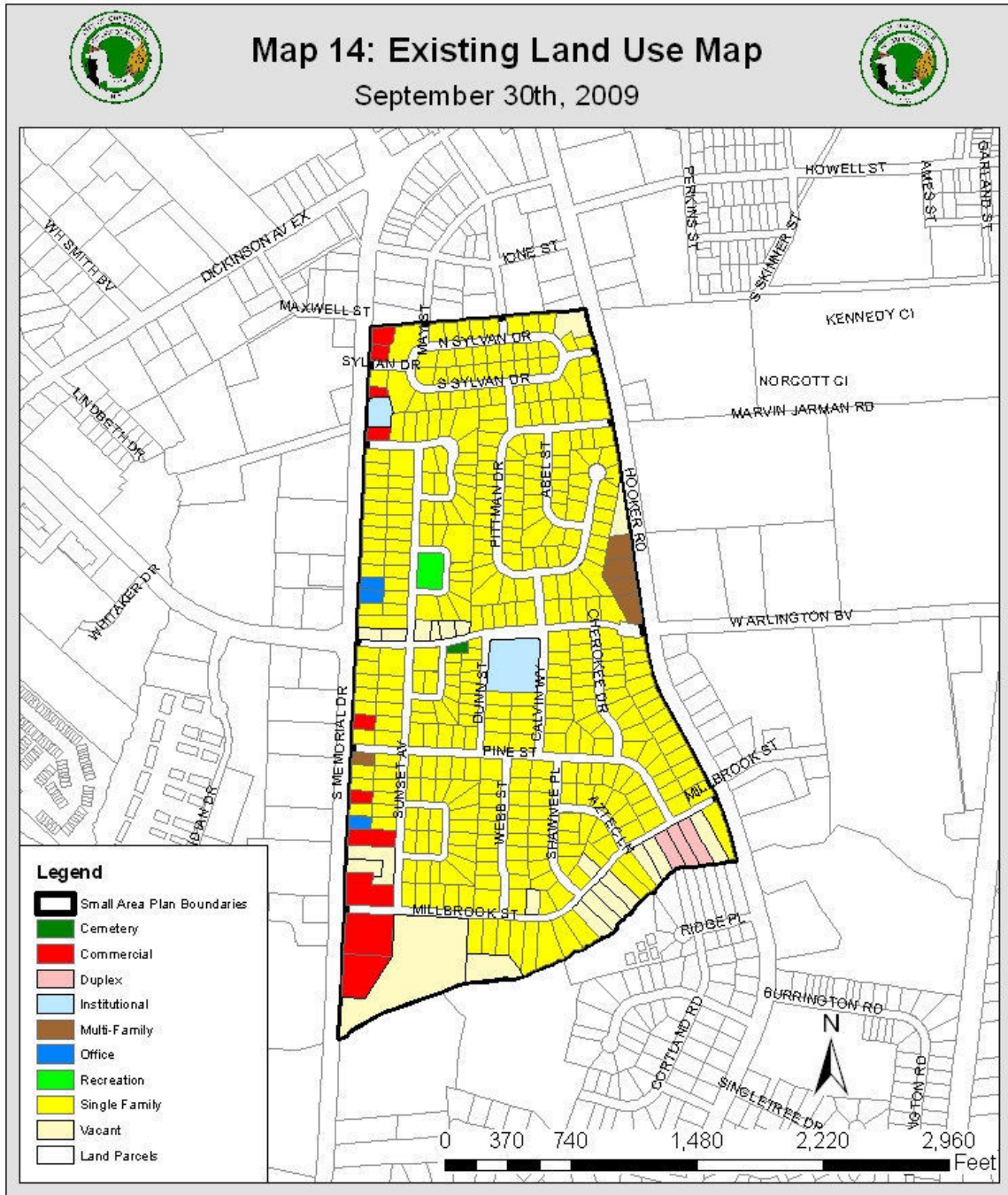


Map 13: Drainage Systems (Public) Map September 30th, 2009



Digital layer not available at this time.



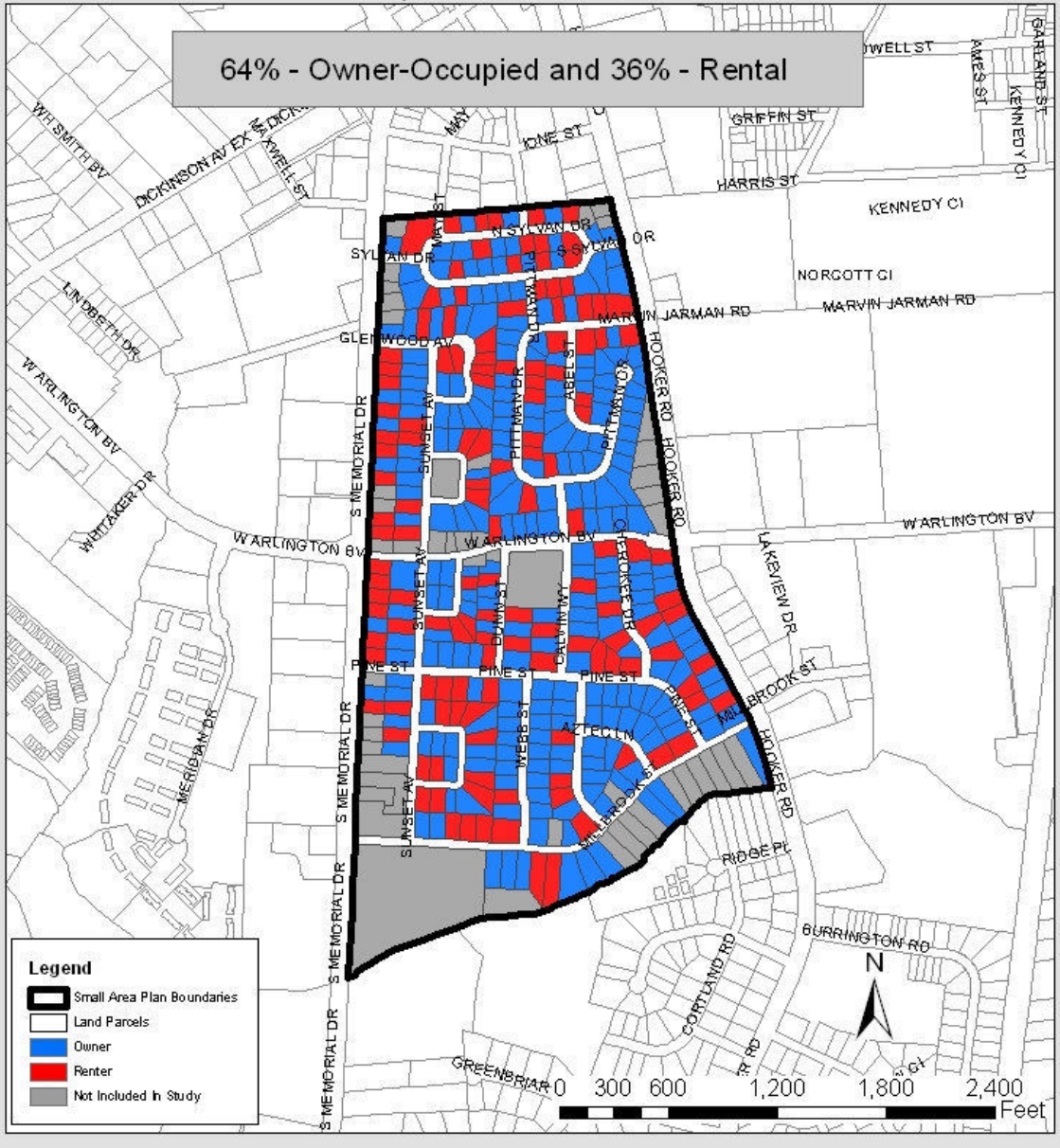




Map 16: Owner Units and Rental Units Map September 30th, 2009



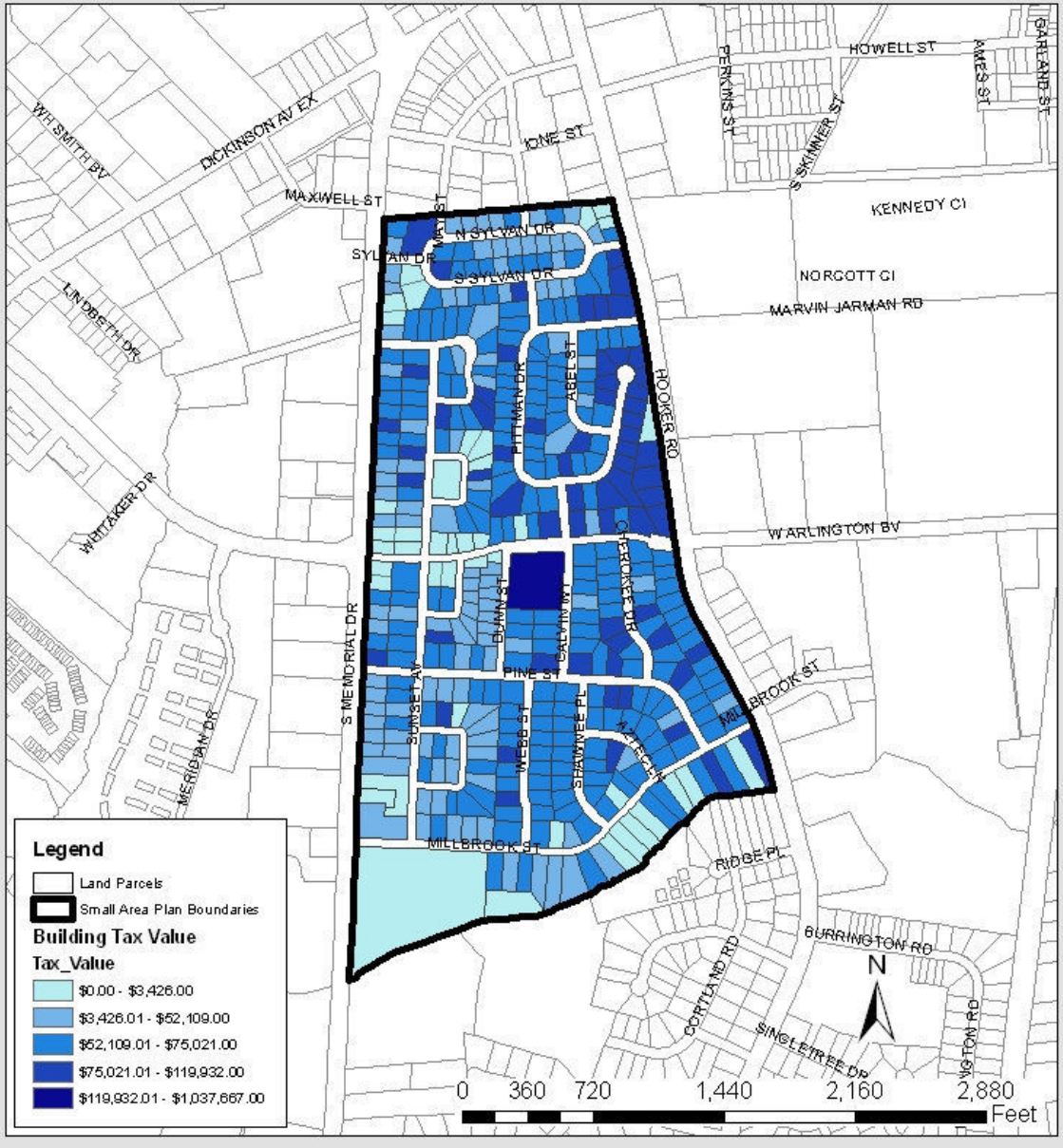
64% - Owner-Occupied and 36% - Rental

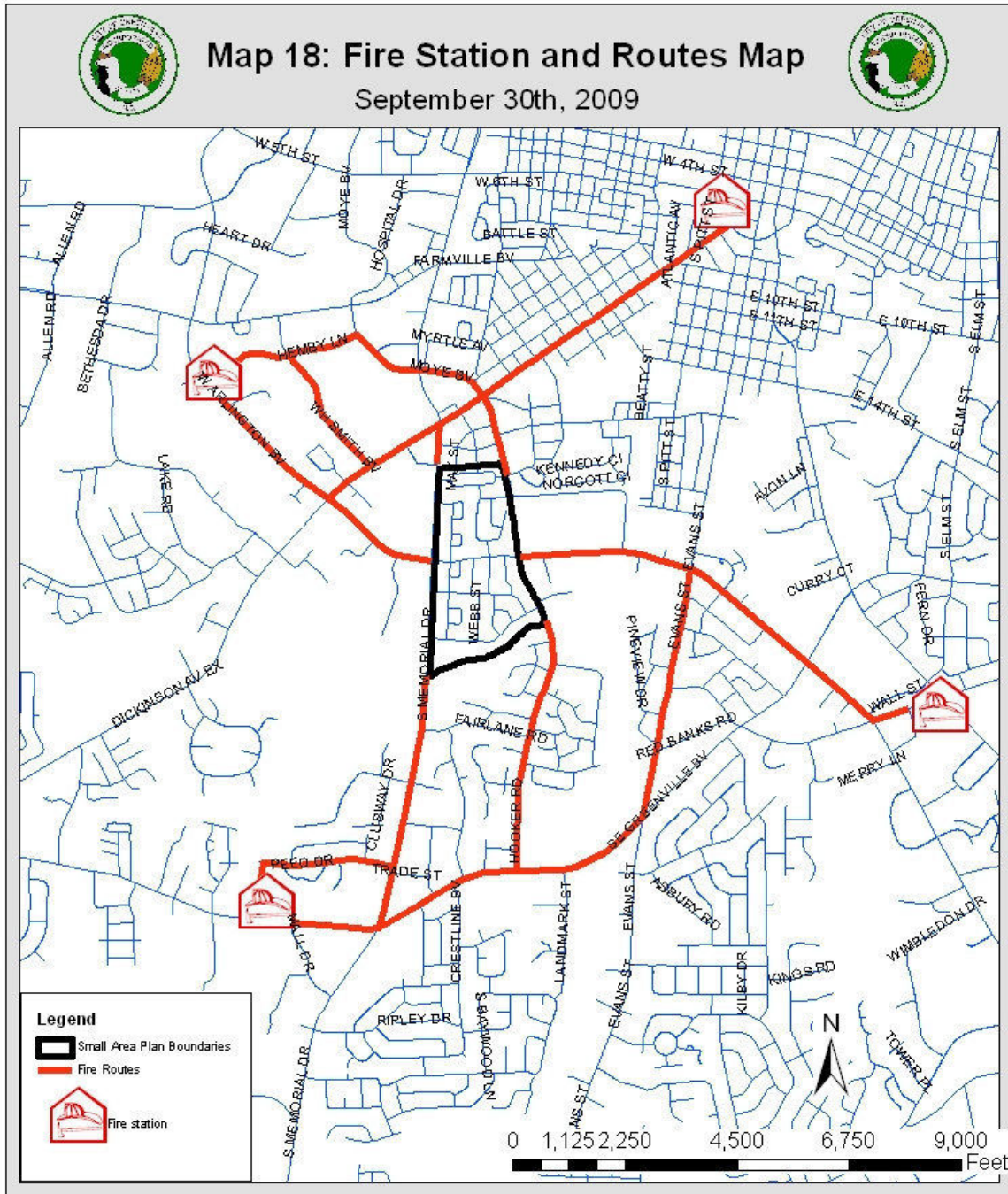




Map 17: Building Tax Value Map

September 30th, 2009

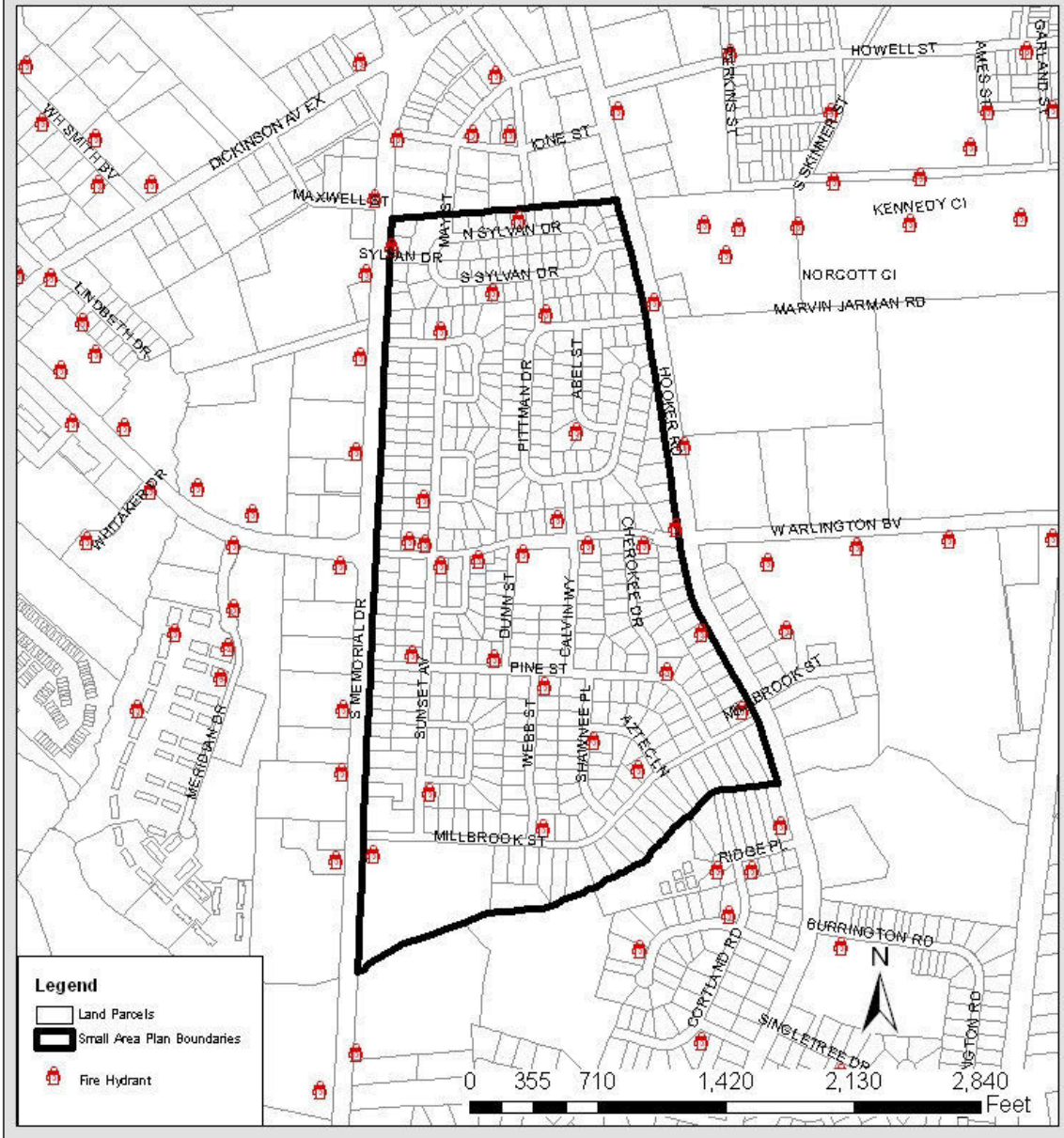






Map 19: Fire Hydrants Map

September 30th, 2009

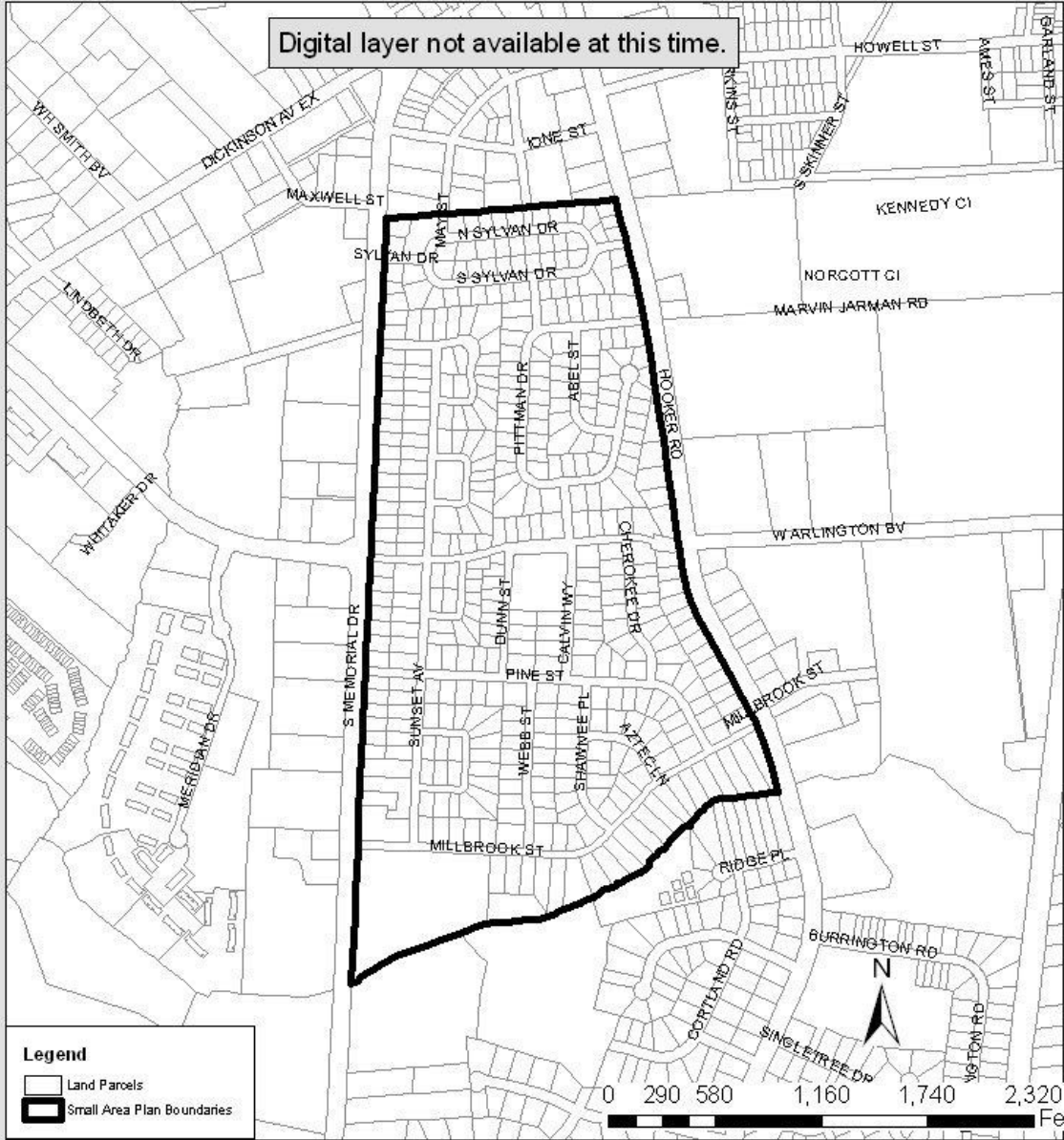


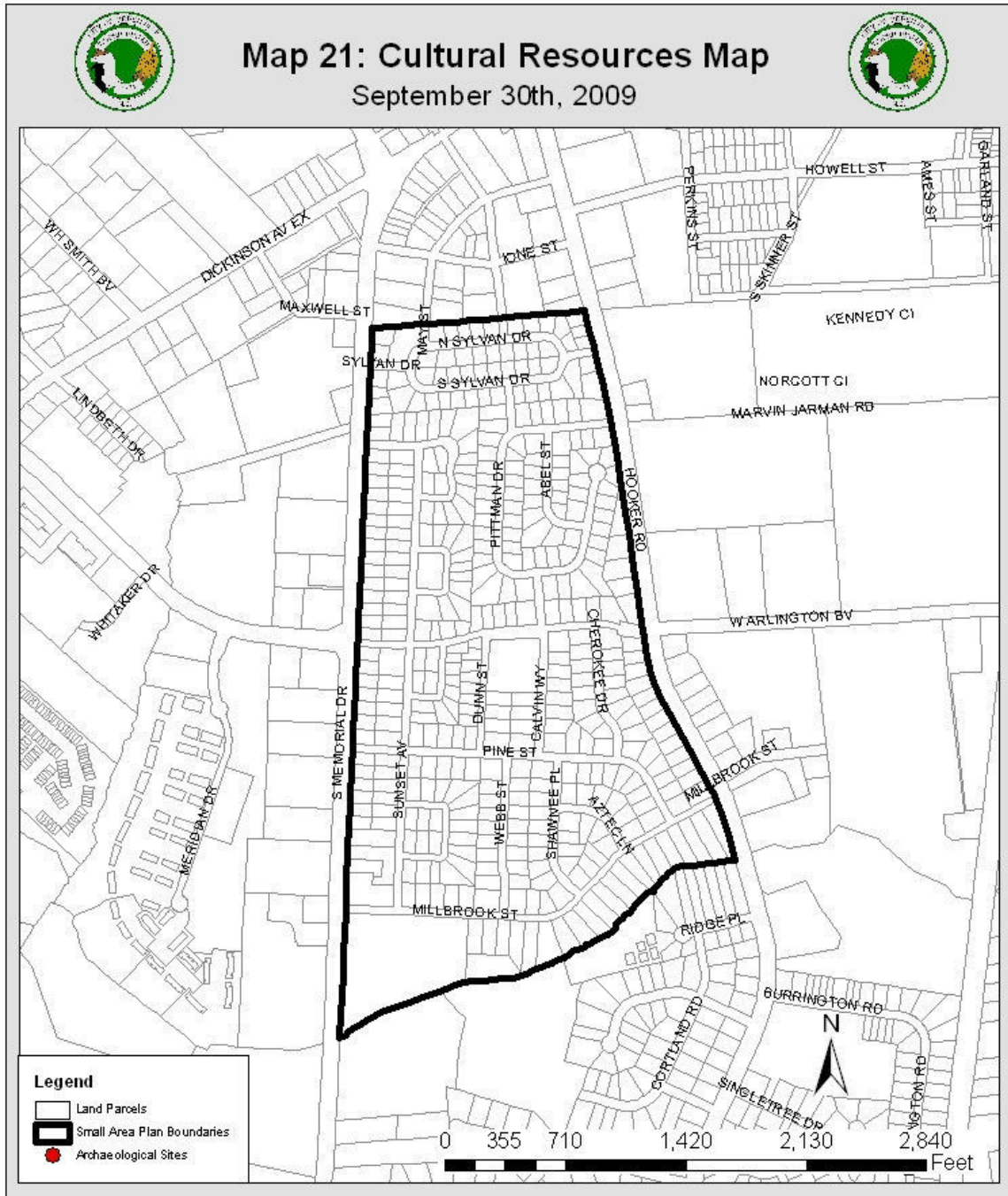


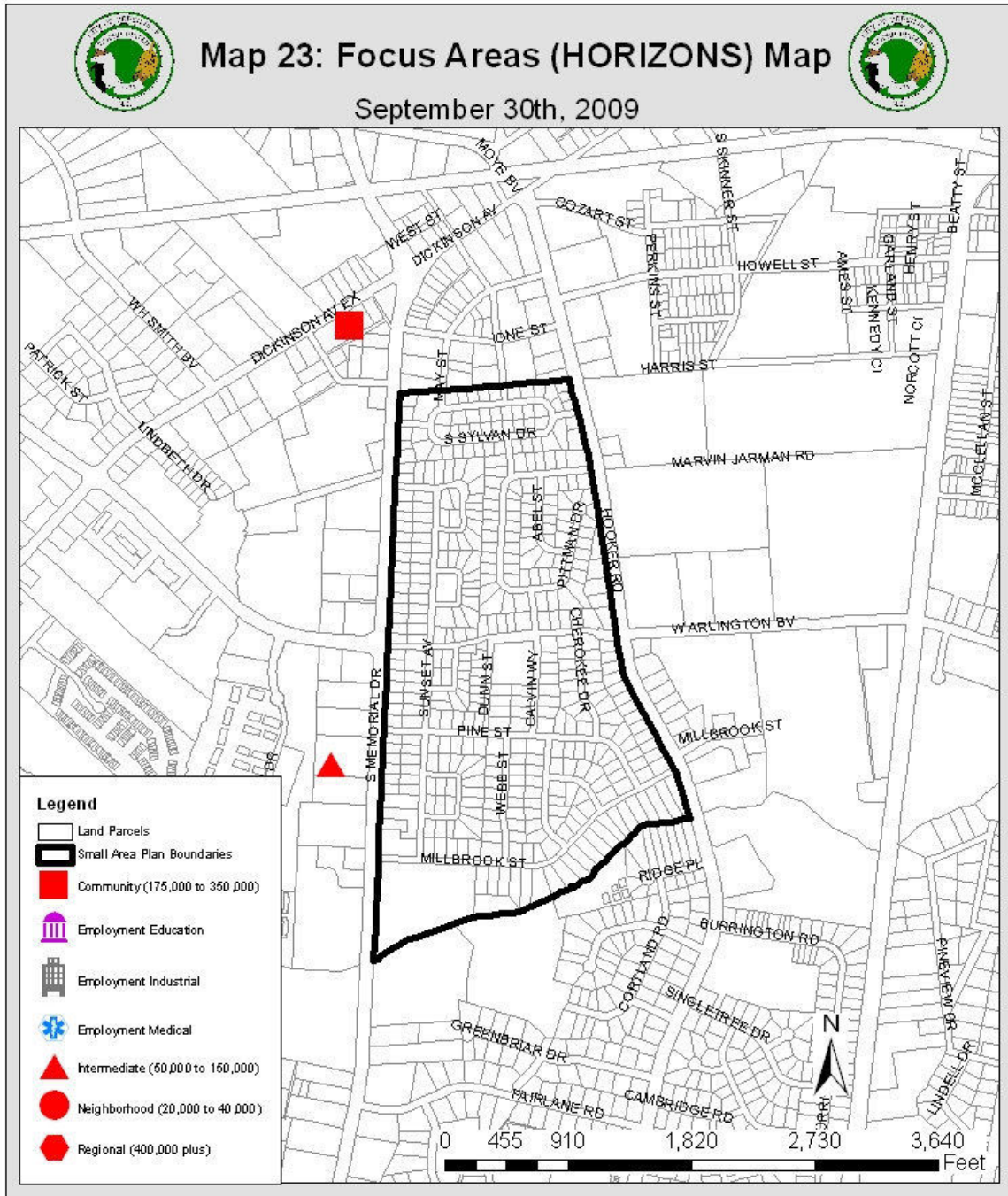
Map 20: Street Lights Map September 30th, 2009

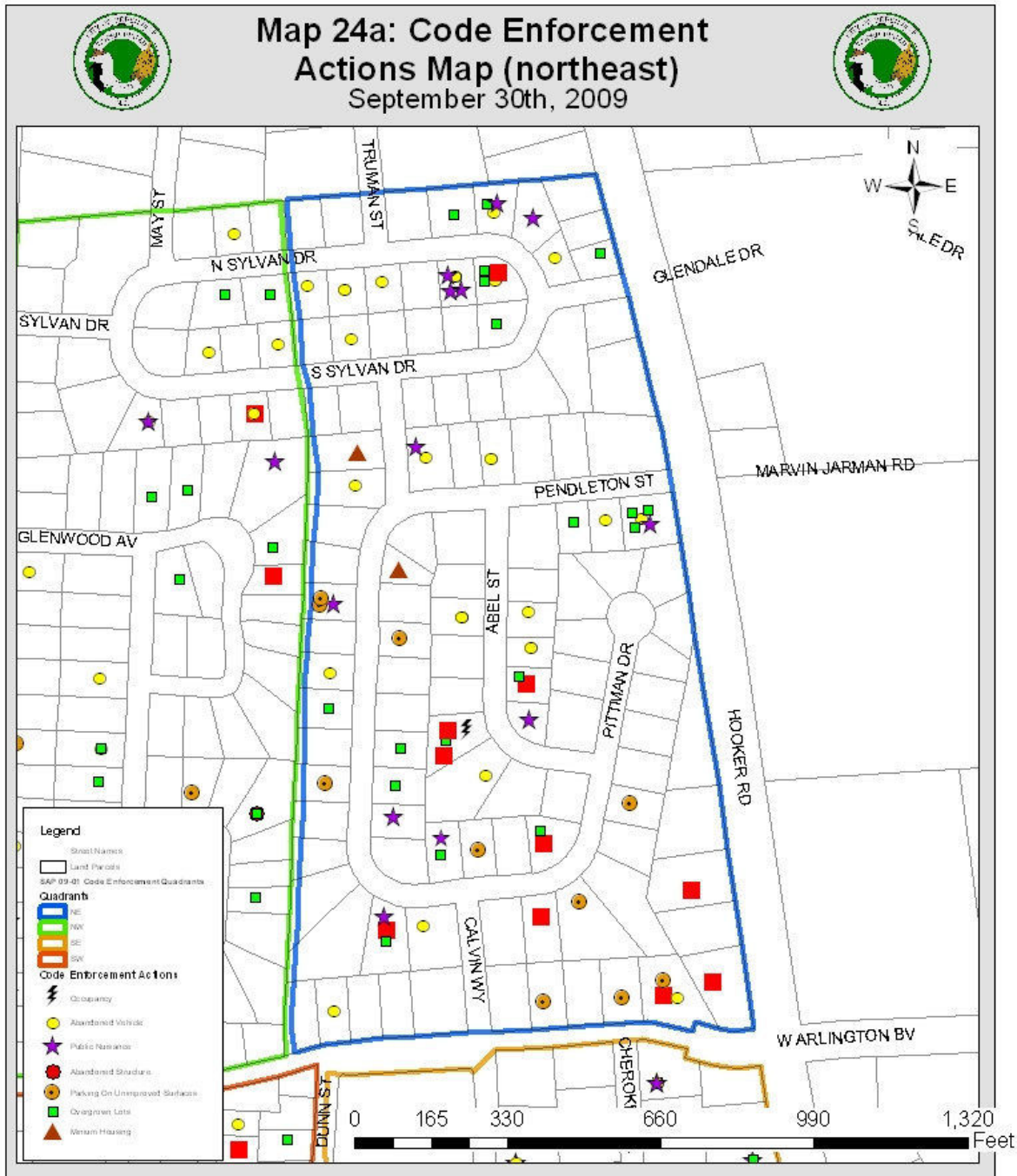


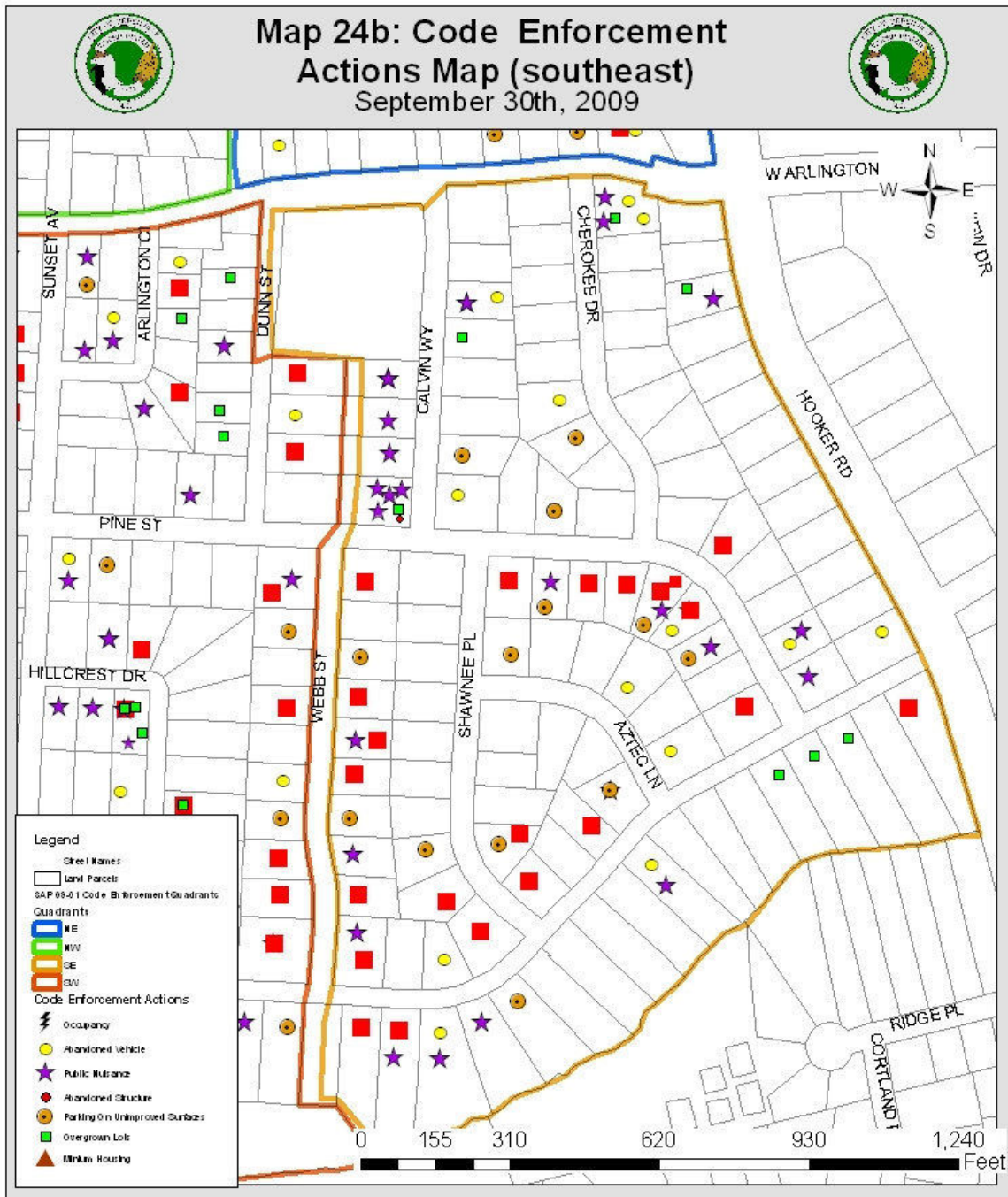
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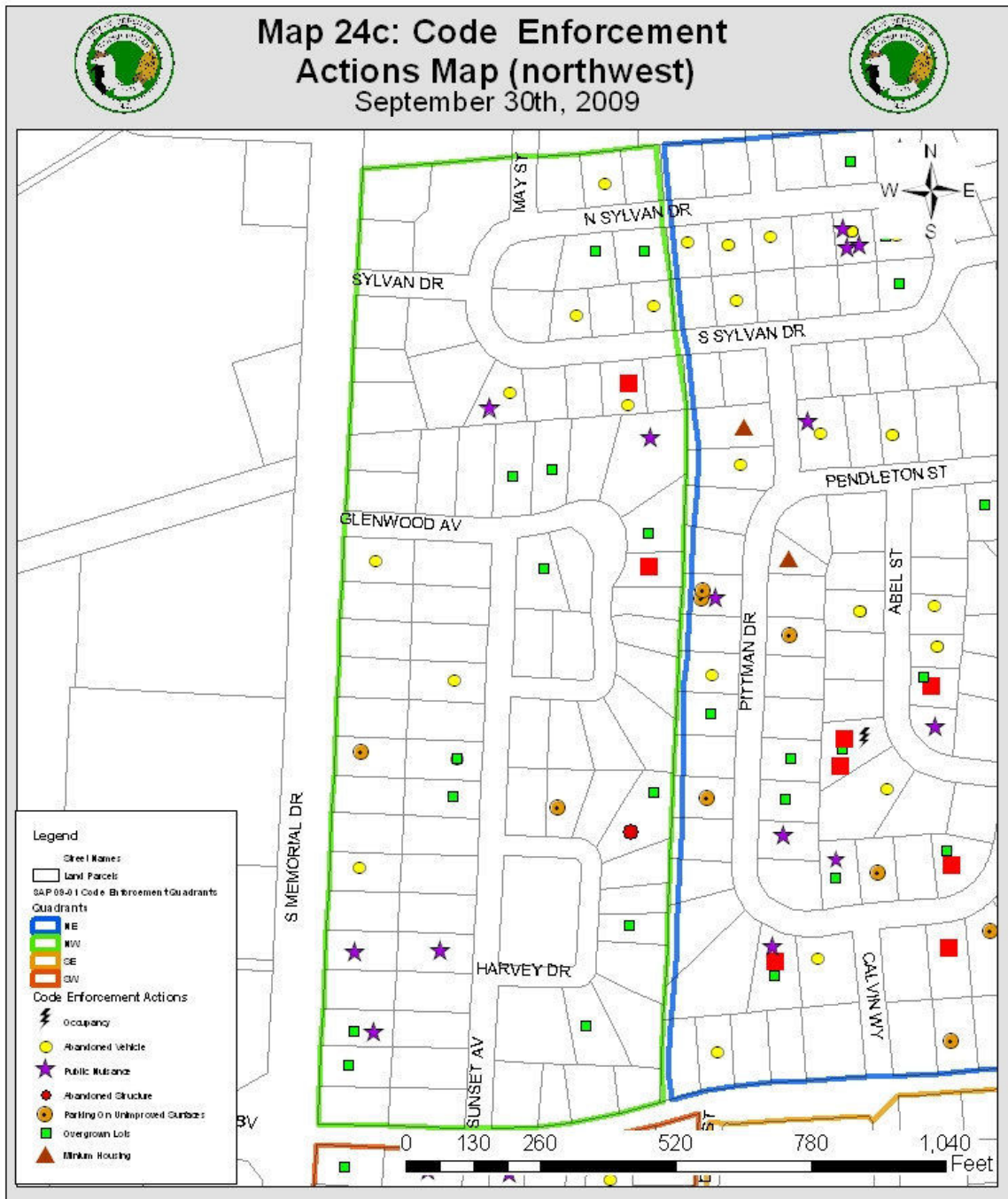


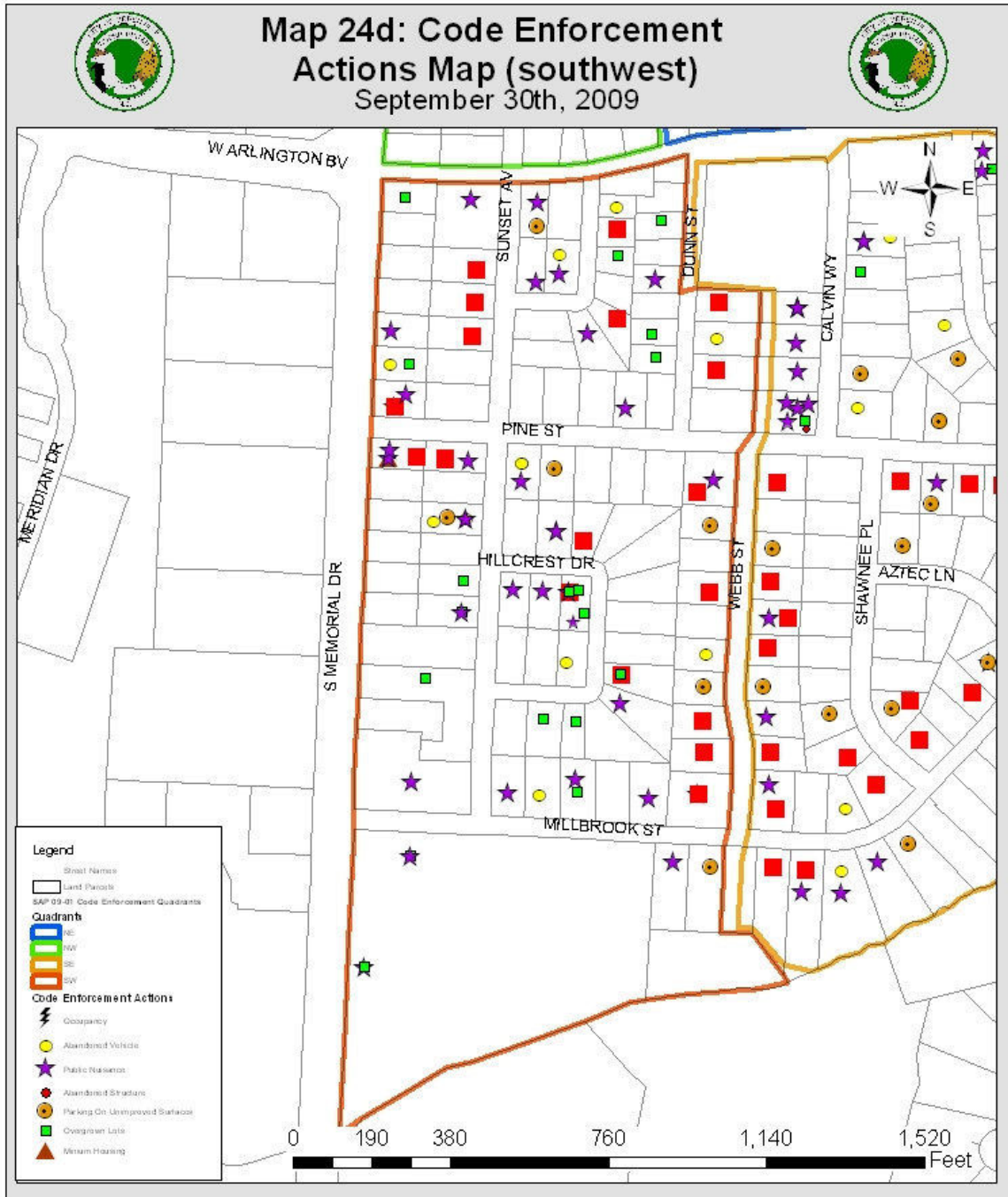












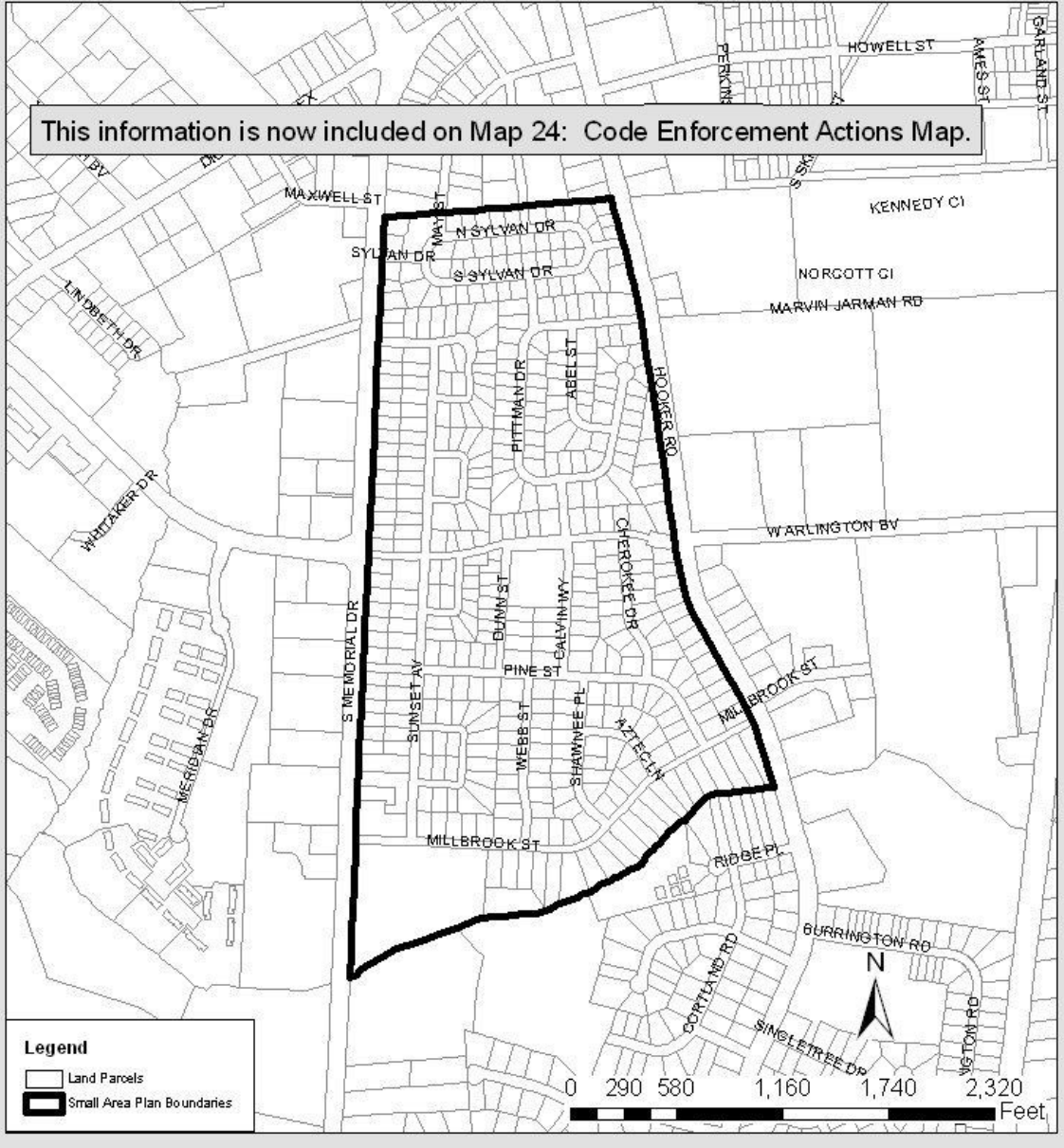


Map 25: Occupancy Investigations Map

September 30th, 2009

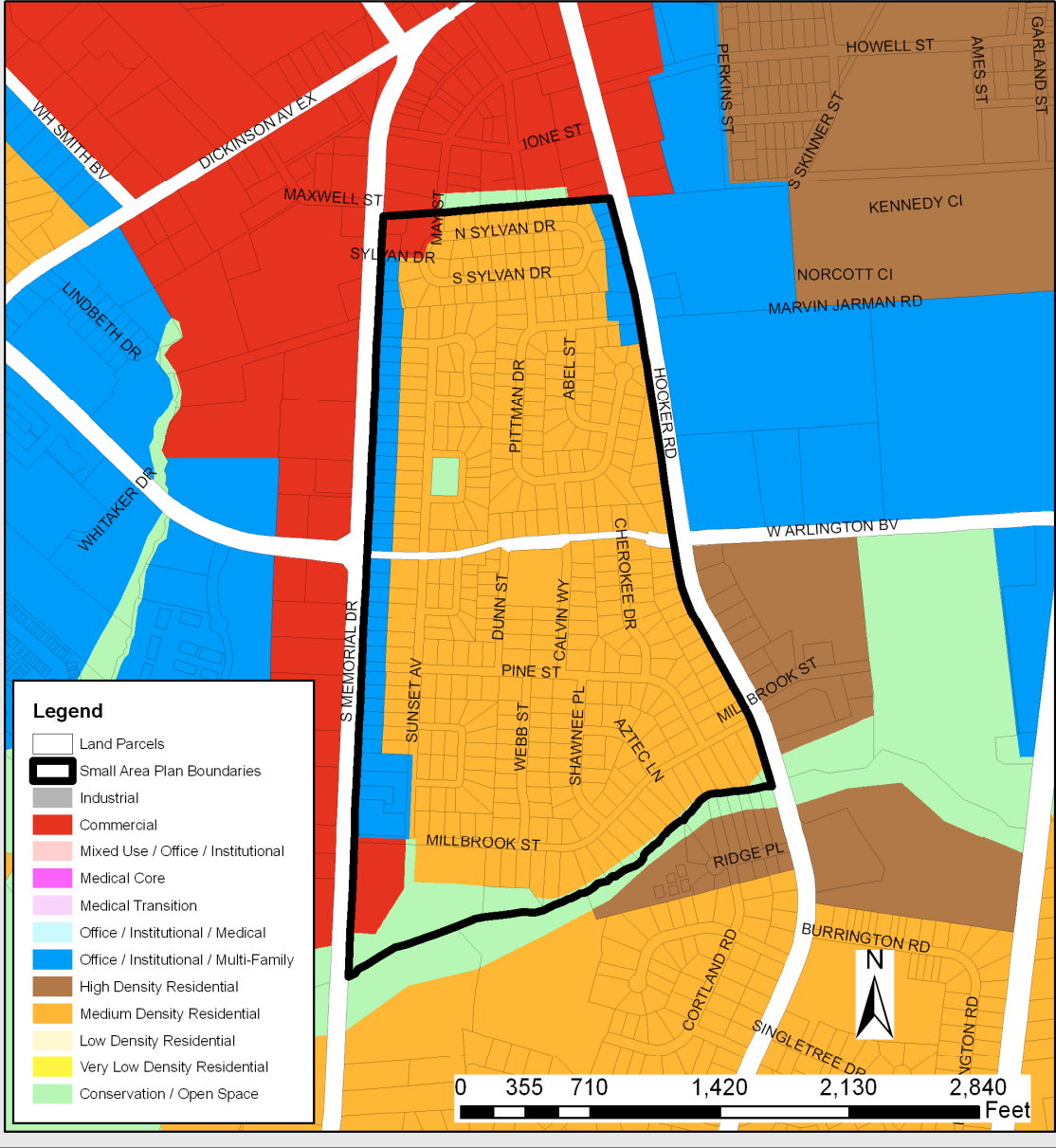


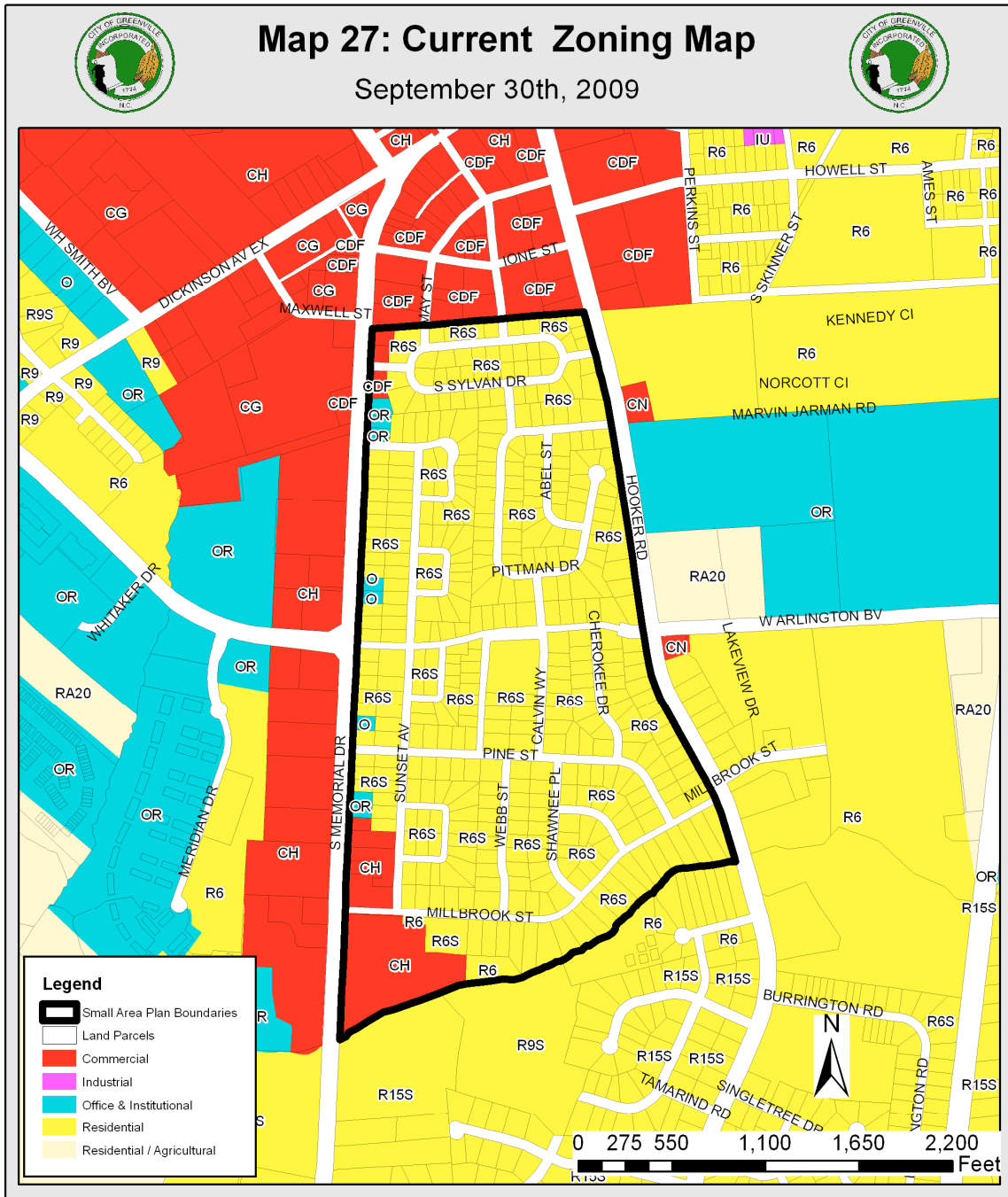
This information is now included on Map 24: Code Enforcement Actions Map.





Map 26: Future Land Use Plan Map (HORIZONS) September 30th, 2009





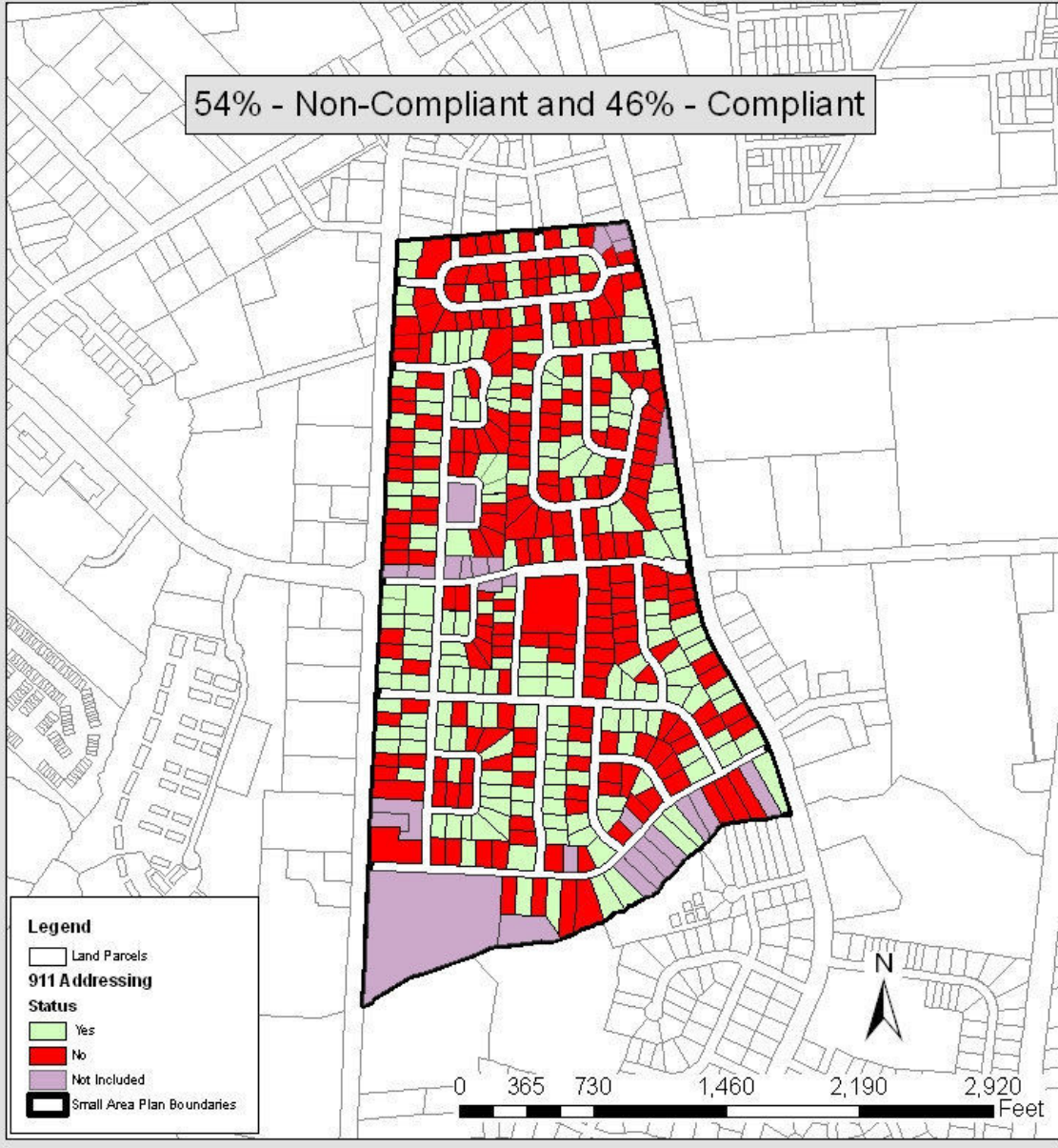


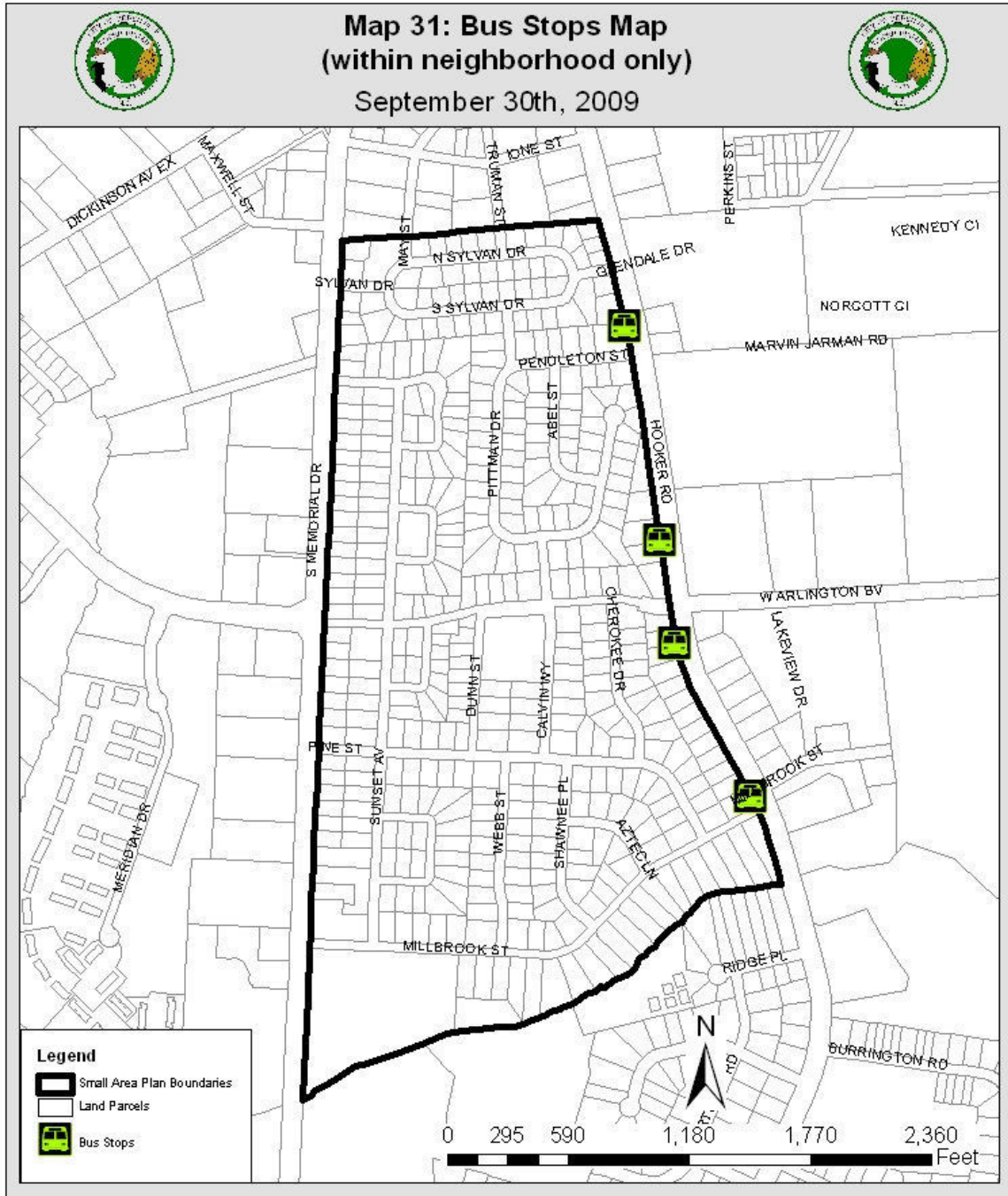
Map 28: Street Addresses (House Numbers) Map

September 30th, 2009



54% - Non-Compliant and 46% - Compliant

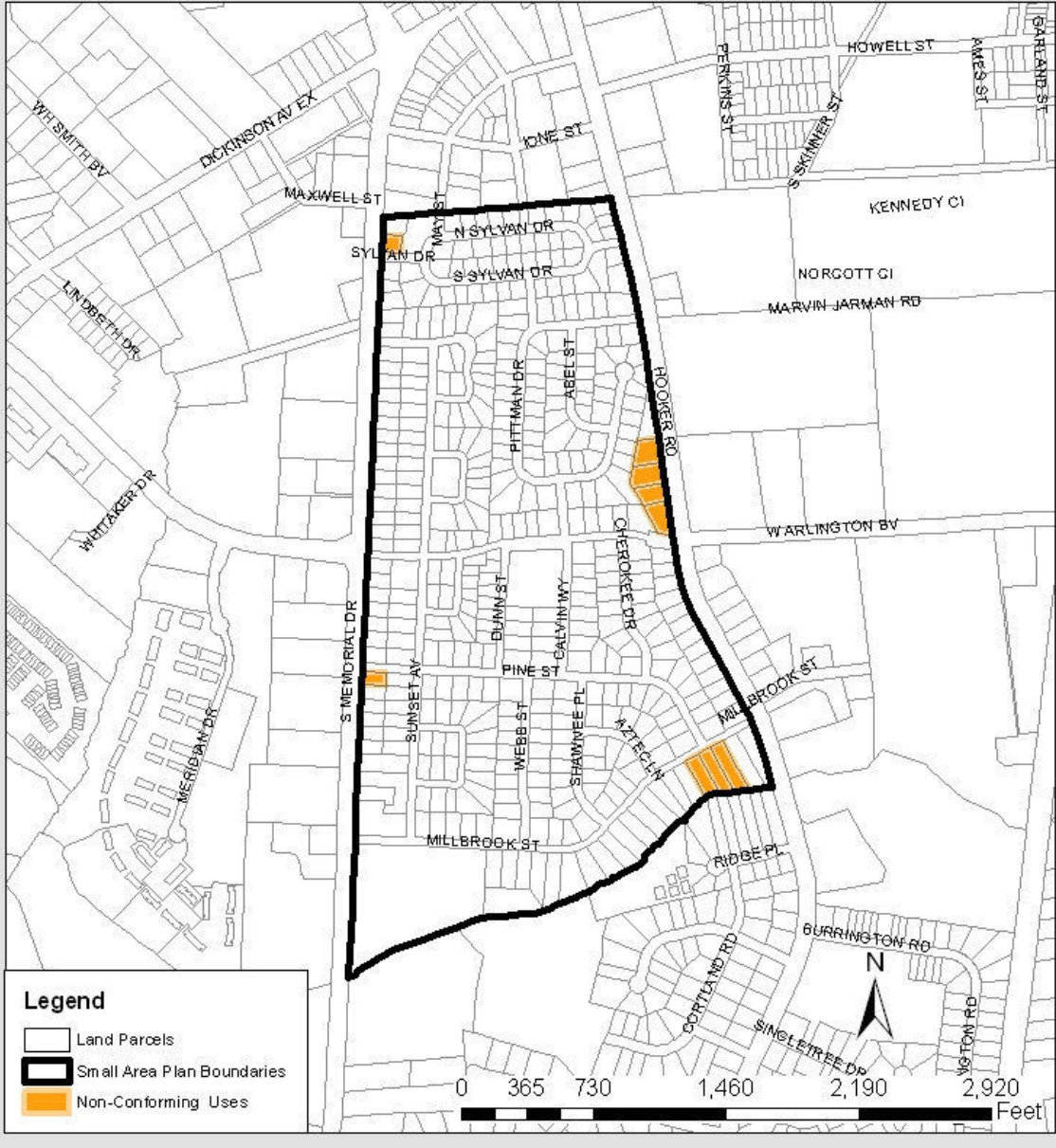






Map 32: Non-Conforming Uses Map

September 30th, 2009





City of Greenville, North Carolina

Meeting Date: 1/14/2
Time: 7:00 PM

Title of Item: Ordinance to annex Firetower Commercial Village, Lot 2, involving 0.9120 acres located north of Firetower Road and approximately 760 feet east of South Memorial Drive

Explanation: ANNEXATION PROFILE
A. SCHEDULE

1. Advertising date: January 4, 2010
2. City Council public hearing date: January 14, 2010
3. Effective date: June 30, 2010

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 0.9120 acres
4. Voting District: 5
5. Township: Winterville
6. Vision Area: E
7. Zoning District: CG- General Commercial
8. Land Use: Existing: Vacant Anticipated: 9,000 sq. ft. commercial building

9. Population:

	Formula	Number of People
Total Current	N/A	N/A
Estimated at full development	N/A	N/A
Current Minority	N/A	N/A
Estimated Minority at full development	N/A	N/A
Current White	N/A	N/A
Estimated White at full development	N/A	N/A

10. Rural Fire Tax District: Winterville

11. Greenville Fire District: Station #5 (Distance of 1.9 miles)

12. Present Tax Value: \$381,819
Estimated Future Tax Value: \$1,416,819

Fiscal Note: The total estimated tax value at full development is \$1,416,819.

Recommendation: Approve the attached ordinance to annex Firetower Commercial Village, Lot 2.

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

Attachments / click to download

[📄 Firetower Commercial Village, Lot 2 Annexation Map](#)

[📄 Firetower Commercial Village Lot 2 Annexation Ordinance 851911](#)

ORDINANCE NO. 10-_____
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:00 p.m. on the 14th day of January, 2010 after due notice by publication in The Daily Reflector on the 4th day of January, 2010; and

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

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

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

TO WIT: Being all that certain property as shown on the annexation map entitled "Firetower Commercial Village, Lot 2" involving 0.9120 acres as prepared by Malpass & Associates, Inc.

LOCATION: Lying and being situated in Winterville Township, Pitt County, North Carolina, located north of Firetower Road and approximately 760 feet east of S. Memorial Drive. This annexation involves 0.9120 acres.

GENERAL DESCRIPTION:

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

Beginning at a point in the northern right of way of NCSR 1708 (Fire Tower Road) said point being located S 88-44-41 E – 250.63' from the eastern right of way of NC Hwy 11 (Memorial Drive) thence from said point of beginning leaving the northern right of way of NCSR 1708 N 01-40-00 W – 215.00', thence N 88-20-00 E – 178.68', thence S 01-40-00 E – 234.09' to the northern right of way of NCSR 1708, thence with the northern right of way of NCSR 1708 N 83-03-36 W – 100.53', thence N 88-44-41 W – 79.39' to the point of beginning containing 0.9120 acres.

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

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

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

Attachment number 1
Page 2 of 2

Section 5. This annexation shall take effect from and after the 30th day of June, 2010.

ADOPTED this 14th day of January, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Wanda T. Elks, City Clerk

NORTH CAROLINA
PITT COUNTY

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

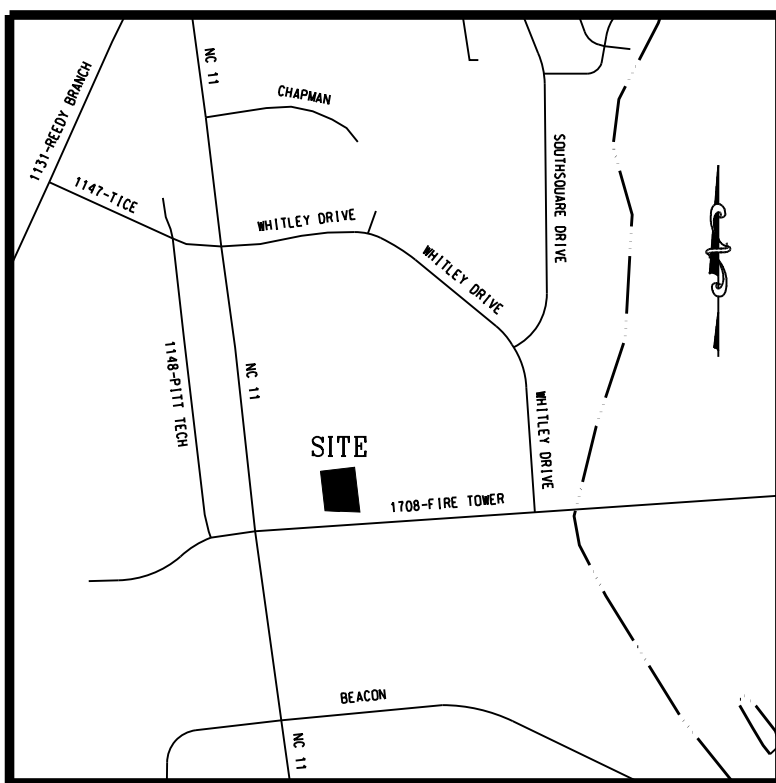
WITNESS my hand and official seal, this the _____ day of _____, 2010.

Patricia A. Sugg, Notary Public

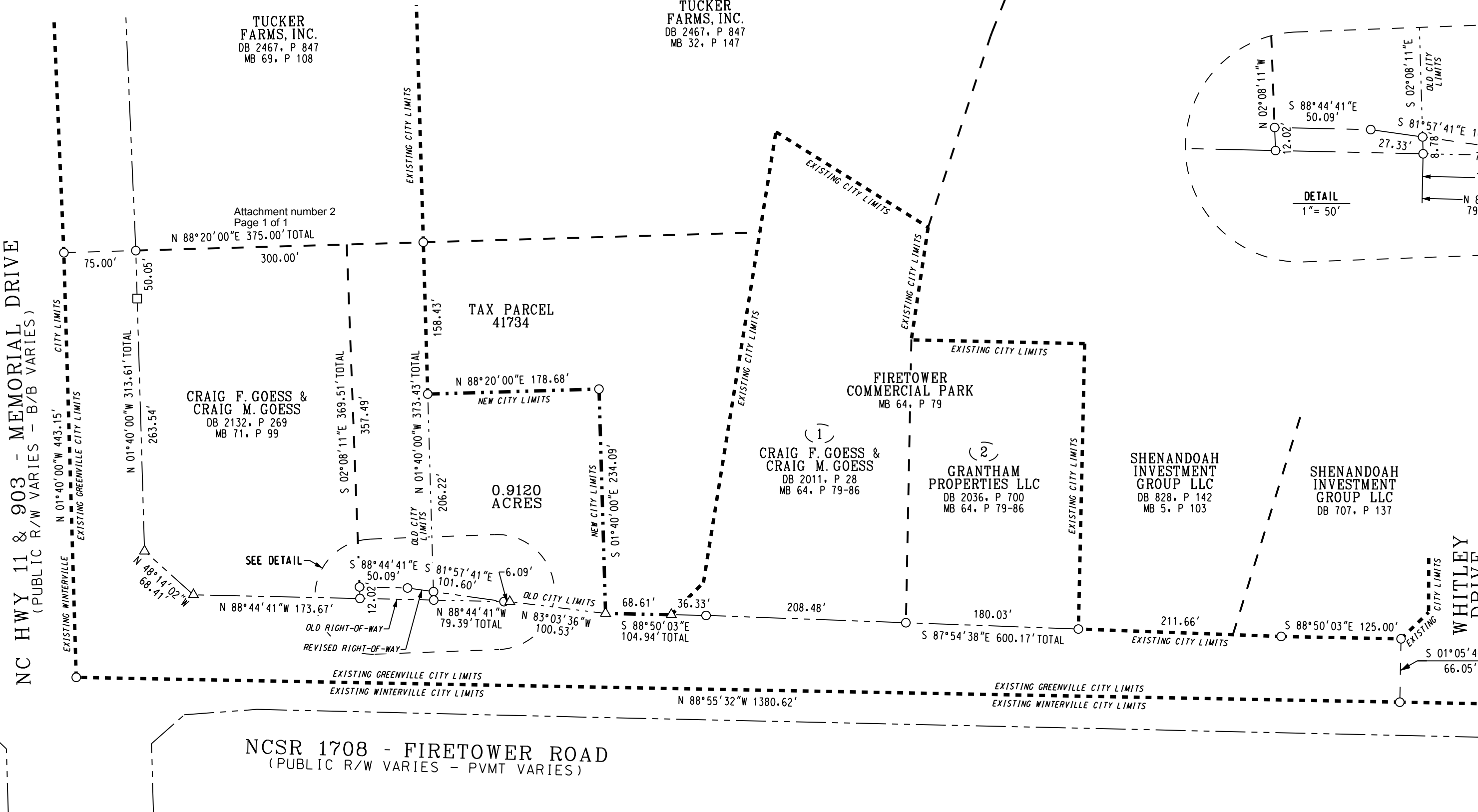
My Commission Expires: September 4, 2011

Document # 851911

Item # 6



VICINITY MAP
1"=1000'



A PORTION OF PARCEL 41734
ANNEXATION MAP FOR
FIRETOWER COMMERCIAL VILLAGE LOT 2
REFERENCE DEED BOOK 2132, PAGE 269 OF THE PITT COUNTY REGISTRY
WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

LEGEND
NEW CITY LIMIT = - - - - -
EXISTING CITY LIMIT = - - - - -
OLD CITY LIMIT = - - - - -



OWNER: CRAIG F. GOESS & CRAIG M. GOESS
ADDRESS: 3615 S. MEMORIAL DRIVE
GREENVILLE, NC 27858
PHONE: (252) 321-3000

MALPASS & ASSOCIATES
1645 E. ARLINGTON BLVD., SUITE D
GREENVILLE, N.C. 27858
(252) 756-1780

SURVEYED: CEP APPROVED: CEP
DRAWN: JHT DATE: 11/25/09
CHECKED: CEP SCALE: 1"=100'

MAP NO.	PLATS RECORDED	BOOK	PAGE

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C.

DATE: _____; ORDINANCE NUMBER: _____; AREA: 0.9120 ACRES
WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

I, CARLTON E. PARKER, CERTIFY THAT THIS MAP WAS DRAWN BY ME OR UNDER MY SUPERVISION FROM AN ACTUAL SURVEY BY ME OR UNDER MY SUPERVISION, THAT THE RATIO OF PRECISION AS CALCULATED FROM LATITUDES AND DEPARTURES IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK _____, PAGE _____; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL

THIS _____ DAY OF _____ A.D., 2009.

CARLTON E. PARKER L-2980

NORTH CAROLINA, _____ PITT COUNTY I, _____, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT CARLTON E. PARKER, A REGISTERED LAND SURVEYOR PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL.
THIS _____ DAY OF _____, 2009.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

NORTH CAROLINA, PITT COUNTY THE FOREGOING CERTIFICATE OF _____ NOTARY PUBLIC, IS CERTIFIED TO BE CORRECT. FILED FOR REGISTRATION THIS _____ DAY OF _____, 20____, AT _____ O'CLOCK, _____ M.
JUDY TART, REGISTER OF DEEDS
BY _____ DEPUTY REGISTER OF DEEDS



City of Greenville, North Carolina

Meeting Date: 1/14/2
Time: 7:00 PM

Title of Item: Naming the City's outdoor pool the Greenville Community Pool

Explanation: The aquatics staff has worked to increase activity at the City's pool located at 2113 Myrtle Avenue, as well as increase the quality of service to patrons. The facility has been established as the "home field" for the summer swim team and now hosts competitive swim meets.

There were multiple weekends last summer where the pool was at or near patron capacity. The pool has earned the honor of hosting the 2010 Greenville Area Summer Swim League Championship, an event that last year featured more than 300 individual swimmers. Perhaps most of all, staff has received positive, supportive feedback from patrons, many of whom were warned against visiting the pool because it was "unsafe or dangerous." For the past two years, there have been no major incidents at the facility. Many pool patrons have thanked staff for dispelling the unsafe perception.

It has been with the help of the aquatics staff, Parks Maintenance, Greenville Police, Fire/Rescue, Public Works, Recreation and Parks administration, and numerous others that this pool has regained prominence in the community. With this in mind, comes this proposal to formally request the name of the facility be changed to the "Greenville Community Pool." Renaming this facility can renew interest from the community and truly make it the centerpiece for summer aquatics in Greenville.

At their meeting on December 9, 2009, the Greenville Recreation and Parks Commission unanimously passed a motion to recommend to the City Council that the City's outdoor swimming pool at Guy Smith Park be named "Greenville Community Pool".

Council's naming guidelines currently require that a public hearing be held as part of the naming process.

Fiscal Note:

Minor costs for signage can be covered in the Recreation and Parks Department operating budget.

Recommendation:

Approve the recommendation made by the Recreation and Parks Commission to change the name of the City's outdoor swimming pool at Guy Smith Park to the "Greenville Community Pool."

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

Attachments / click to download



City of Greenville, North Carolina

Meeting Date: 1/14/2
Time: 7:00 PM

Title of Item: Elm Street Park Master Plan

Explanation: Elm Street Park is a very popular facility serving a number of key stakeholder groups in the City of Greenville. Little League plays a prominent role at this park, operating a nationally recognized field of the highest quality. Elm Street Park is also the site of the Sarah Vaughn Field of Dreams, which provides baseball opportunities for Greenville's special needs community. The park also contains the Elm Street Gym, the Elm Street Center, picnic shelters, two playground units (one being the accessible CommonGround playground), the Senior Games area, and a portion of the Green Mill Run Greenway.

A park-specific Master Plan has been developed for Elm Street Park to support the North Carolina Parks and Recreation Trust Fund (PARTF) Grant application for the Drew Steele Center. Additional credit is given in the grant scoring if the plan is accepted/adopted "by the local governing board."

A key component of this Master Plan was the Capital Needs Assessment (CNA) developed for Elm Street Park and all other parks in Greenville's park system. This CNA represents the input from neighborhood associations, stakeholders, a Master Plan development meeting, and park staff. Note that eventually all parks will have a Master Plan, but developing these documents will be a long-term effort.

The Greenville Recreation and Parks Commission has offered input on the plan and will consider recommending City Council adoption at the Commission's meeting on January 13, 2010. The City Manager will be informed of the result of the Commission vote immediately following that meeting.

The Master Plan for Elm Street Park with map is attached.

Fiscal Note:

The proposed Master Plan for Elm Street Park includes capital improvements of \$1,910,300, which encompass the Drew Steele Center development and improvements/renovations to Elm Street Park's existing facilities. These improvements can be made as funds are identified and approved.

Recommendation:

Adopt the attached Master Plan for Elm Street Park.

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

Attachments / click to download

[Elm Street Park Master Plan Map](#)

[PARTF Elm St Masterplan 12.22.2009 Council 851979](#)

ELM STREET PARK MASTER PLAN

GENERAL DESCRIPTION:

Elm Street Park is a 13 acre facility that is bordered on the north by Green Mill Run and on the south by Eppes Middle School. The park is bisected by Elm Street, which is a secondary road. Though designated as a community park (25 - 75 acres), it is much smaller than a traditional community park. The designation is due to the fact that Elm Street Park is one of the most visited and popular park in the City of Greenville. Perhaps due to its popularity, the site is completely built out, with no future park expansion possible or planned. Only existing facility renovations as identified in the Department's Capital Needs Assessment (CNA) are planned.

SITE ANALYSIS:

Natural Features: The park's topography is essentially divided into a lower bench elevation and an upper bench. The lower bench is a floodplain and bordered by Green Mill Run, an actively flowing, moderate sized stream. Due to years of development, what once may have been wetland is now park lawn area, with the exception of a small pond on the site with a number of mature bald cypress trees. A mature wooded area of approximately two (2) acres generally contains the typical southern tree species for this region, with the notable exception of a colony of American beech in the lowland areas. That species is unusual this far east and is present due to the relatively cool, mature woods. At the edge of the floodplain, the topography rapidly rises in elevation, creating an upper bench area which is the site of the existing gymnasium. Again, the upland area has tree species typical of a mature southern forest, with water oak, southern red oak, and related species. These elevation changes, with the expected species changes, create a rich interpretive opportunity.

Historic Features: There are no historic features on the site.

Man-made features: In the lower bench floodplain there is a lawn games site and two little league fields, one for traditional little league and one for special needs individuals. There is also a playground designed for both able bodied children and those with disabilities. In the upper elevations there are two picnic shelters, another playground unit, a tennis court area, and the Elm Street Gym.

RECREATION NEEDS:

Recreational Opportunities preferred by the public:

Recreational opportunities the public preferred were identified by a series of meetings which specifically considered the Elm Street Park Master Plan and a comprehensive facility evaluation by stakeholders and staff as reflected in the Capital Needs Assessment. A meeting to specifically consider the Elm Street Park Master Plan was conducted on 12/8/09 and those meeting results were communicated to the Recreation and Parks Commission on 12/9/09. Additional comments from the Commissioners were received at this meeting. Questions and comments from the 12/8/09 and 12/9/09 meetings are below:

Elm Street Park Master Plan Public Meeting - Questions and Comments on December 8, 2009

Park Commission Comments added on Dec. 9, 2009

- Are you going to resurface the shuffleboard courts? The seniors have been requesting it.
- Could the resurfacing of the shuffleboard courts be part of the PARTF Grant?
- A metal seamless roof on Elm Street Center is a good idea but would it get damaged if it is hit with baseballs?
- Has it been discussed to return Elm Street Center's exterior back to the original brick? Or will it be painted again?
- Has the handling unit for the HVAC in Elm Street Center been replaced?
- In the first phase, perhaps you could include a handicapped accessible weight room at Elm Street Gym instead of a kitchen, and add the kitchen in the Phase 2 as we already have a multipurpose room in the project?
- I think to give up the kitchen is too big of a sacrifice; it should be kept.
- Does the grass parking lot on Elm Street below the Elm Street Gym provide accessibility to the Lawn Games Area (no)?
- Would you want to put a shelter at the grass parking lot? Or is this too close to the neighborhood?
- The neighborhood has complained about game day (ECU) parking in this grass lot. Would they complain about a shelter?
- Are you using this space (grass parking lot) as a buffer from the neighborhood?
- You might put picnic tables in this space (grass parking lot) instead of the shelter and satisfy the need.
- A lot of people still look for sharks teeth in Greenmill Run.
- We need a longer and wider basketball court at Elm Street Gym.
- Timers on the tennis court lights would save money. (These have been included in the Capital Needs Assessment).
- Specialized Recreation Division has a concern with the type of flooring surface to be installed in Elm Street Gym. Can the floor be used for roller-skating? This is an issue that has come up in the past. Users have to go to Kinston to practice (roller-skating).
- How is the PA sound directed on the Little League and Challenger (ADA accessible) fields? Sometimes the Brookgreen neighborhood complains about noise from the fields.
- There is a gap between the front of the press box and the back of the bleachers at the Little League field that needs to be investigated for safety.
- Recreation needs to develop a programming master plan for Elm Street gym and Center to prevent user conflicts. With the renovation of Elm Street Gym some scheduling challenges could arise.
- There is some concern that some programs may be bumped because of the renovations.
- An indoor volleyball system could be part of the PARTF plan.
- Crossing at Elm Street between Park sections is hazardous, particularly with special needs children crossing to Sarah Vaughn Field of Dreams; improve intersection markings and crossing.

Note that all of these comments relate to facility renovation and not new facilities. This is because Elm Street Park is currently in a "built-out" state; i.e. no further development can occur in this park, other than the renovations planned associated with the Drew Steele Center and as identified in the Capital Needs Assessment. The park is heavily used as it now stands, and citizens have specifically stated that they do not want to see park expansion into the few remaining natural areas.

Master Plan relationship to existing facilities and services:

The implementation of the PARTF project will provide an ADA compliant, accessible connection of Elm Street Gym (the Drew Steele Center) to the greenway system through the Green Mill Run Greenway. This greenway segment links to the new South Tar River Greenway, resulting in greenway connections from Elm Street Park to the Uptown and numerous parks along that route. Because the Master Plan focuses on the renovation of existing facilities and not park expansion (as park expansion is not possible), the continuing renovation of existing facilities maintains facility quality but provides no new facilities.

PROGRAM DESCRIPTION:

Elm Street Park serves a large variety of park users, with a major emphasis on Little League games for both able bodied children and those with disabilities. Family picnics are a common occurrence, and large school groups routinely visit the playground areas for school outings. Tennis is very popular for both local area residents and ECU students as the University is within walking distance from the park. The current Elm Street Gym, hopefully soon to be the Drew Steele Center, now functions primarily as a venue for adult and middle/high school basketball play. The continuation of these activities was supported during public meetings regarding the facility, and they will continue, but with a more thoughtful approach to scheduling the facility to ensure that the needs of the special needs community are met.

As noted above, the park is currently in a "built-out" state and currently functions exactly as it will in the future, with the exception of the Drew Steele Center renovation. The renovation makes the park accessible to the special needs community for the first time, greatly expanding their recreational opportunities.

PHYSICAL NEEDS:

The Capital Needs Assessment systematically reviewed all park facilities in the park system to identify capital improvement requirements. Park stakeholders (Little League officials, representatives of the special needs community, those offering comments during the Elm Street Park Master Planning process, and park staff) combined to create the Elm Street Capital Needs Assessment document. As noted, no facility expansion is possible; the capital needs focus is on facility renovation. The specific physical needs, matched with project costs, are listed in the Elm Street Park's Capital Needs Assessment document, on page 4.

No additional land will be acquired for this park as it is in an urban area of the city, which precludes any further land acquisition. The renovation of the gym into the Drew Steele Center, with its accessibility plan, is the last remaining major component to properly complete the park. The current Elm Street Gym is an inefficient use of space, primarily serving only as a basketball venue. The therapeutic summer day camp has met on site for brief periods, but due to the fact that the center is not air conditioned it is of very limited use for this program. Consequently the camp uses inadequate facilities at the nearby school as a primary programming point.

SITE PLANS:

A site plan of the entire park is provided as an attachment.

PUBLIC INVOLVEMENT:

Public involvement occurred at a number of levels, and through a number of forums. Park stakeholders (as noted above) combined to create the Elm Street Capital Needs Assessment document. The overall Capital Needs Assessment document forms the basis of all Capital budget requests in the park system.

Elm Street Park Capital Needs Assessment

Category options: Trails (T); Park Renovations (PR); Building Renovations (BR); New Buildings (NB); New Parks (NP); Existing Park Expansions (EPE); ADA Compliance (ADA); Health & Safety (HS).				
Priority Ranking options: High, Medium, Low				
FACILITY:	Elm St. Park			
ASSET	CATEGORIES	WORK DESCRIPTION	PRIORITY RANKING	COST ESTIMATE
Elm St. Gym; Renovation	BR, ADA, PR	Project totally renovates Elm St. gym resulting in building expansion, creation of an office area with central control of the facility, restroom relocation, activity rooms, & other improvements. Outdoor components include ADA accessible trail to the senior games area and an attached arts shelter. Approximately \$500,000 in privately raised money is available to match either grant or other funds. A \$500,000 PARTF grant has been requested as a match. Overall project cost projection is dependent on the cost/sq.ft. used; At \$150/Sq.ft the projection is \$2,198,400. At an optimistic \$115/Sq.Ft. the cost is estimated @ \$1,685,000. Assuming building cost is \$1,750,000, without the PARTF Grant \$1,250,000 is needed; with PARTF, \$750,000.	HIGH	\$1,000,000.00
Elm St Gym; HVAC renovation	BR, HS	Current HVAC in need of replacement, add air conditioning	HIGH	\$215,000.00
Elm St. Gym; Design/Development	BR, ADA, PR	The only way to achieve a relatively accurate cost estimate for the Elm St. Gym renovation is to push forward the design/development component of the project. This will solidify final building plan & result in construction documents & specifications ready for bid. Cost for DD is based on 4% of the total project cost projection (4% x \$1,750,000 = \$70,000).	HIGH	\$70,000.00
Shelter behind gym	BR	Replace decking (rotten), repair grill, & replace roof with standing metal seam roof	HIGH	\$18,000.00
Parking lot; gym	PR, ADA	Reconstruction of center parking lot surface & some sub-surface replacement; Extremely poor condition; 25,000 Sq.Ft.@\$3/sq).	HIGH	\$75,000.00
Senior games	PR, ADA	installation of accessible paths to senior game elements, install ADA parking.	HIGH	\$6,500.00
Elm St. Center	BR, ADA	Complete Restroom renovation replacing all fixtures, stalls, flooring, & wall finishes.	HIGH	\$30,000.00
Elm St. Center	BR, ADA	Center interior renovation including new flooring, wall façade treatment, energy efficient window & door installation, roof insulation.	MEDIUM	\$65,000.00
Elm St. Center	BR, HS	Install fire alarm system; required per fire code	HIGH	\$12,000.00
Elm St. Center	BR	Install standing seam metal roof on center	MEDIUM	\$18,000.00
Tennis	PR	Seal coat parking lot	MEDIUM	\$8,000.00
Tennis	PR	Repair 6 tennis courts; minor surface repair (bird baths, cracking) & re-color coat surface	MEDIUM	\$19,800.00
Tennis	PR	Install push-button timers for electrical savings	MEDIUM	\$12,000.00
Park; shelter	PR, ADA	Extend pad past dripline on upper shelter, correct severe erosion generally around site, & provide ADA accessible route of travel to all 4 shelters.	MEDIUM	\$15,000.00
Upper Playground	PR, ADA	Safety surface under main playground unit.	MEDIUM	\$55,000.00
Tennis	HS, ADA, PR	replace 2 sets of bleachers currently non-compliant with safety & ADA regulations	HIGH	\$8,500.00
Little League	HS, ADA, PR	replace 6 sets of bleachers currently non-compliant with safety & ADA regulations	HIGH	\$32,500.00
TOTAL:				\$1,660,300.00

ELM STREET PARK MASTER PLAN

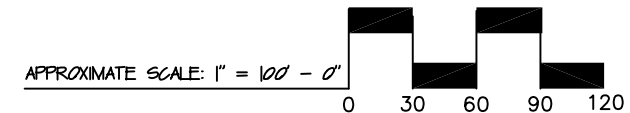


LEGEND

- ① SHELTER
- ② PLAYGROUND
- ③ FIELD OF DREAMS
- ④ BASEBALL FIELD
- ⑤ CONCESSION BLDG/ RESTROOMS
- ⑥ OBSERVATION DECK
- ⑦ TENNIS COURTS
- ⑧ PARKING AREAS
- ⑨ BLEACHERS
- ⑩ ELM STREET CENTER
- ⑪ COVERED SHUFFLEBOARD
- ⑫ DREW STEELE CENTER
- ⑬ NEW OUTDOOR COVERED PLAZA
- ⑭ EXISTING BOGGE COURTS
- ⑮ EXISTING HORSESHOE PITS
- ⑯ EXISTING POND
- ⑰ GREEN MILL RUN
- ⑱ TREE HOUSE
- EXISTING STRUCTURE
- PHASE I BUILDING RENOVATIONS
- PHASE II BUILDING RENOVATIONS
- NEW TRAIL
- RENOVATED TRAIL
- EXISTING TRAIL
- - - PROPERTY LINE



Item # 8



GREENVILLE RECREATION & PARKS DEPARTMENT
GREENVILLE, NORTH CAROLINA



City of Greenville, North Carolina

Meeting Date: 1/14/2
Time: 7:00 PM

Title of Item: Drew Steele Fund Offer of Gift

Explanation: The Drew Steele Fund has offered a gift in the sum of \$460,000 to the City with certain conditions. The offer and conditions are contained in the attached letter dated January 7, 2010, from Mike Steele.

The conditions stated in the letter are as follows:

(1) The sum shall only be used for the purpose of funding the renovation of the existing Elm Street Gym facility into a multi-use accessible recreation facility that serves as a focal point for the services offered by the Recreation and Parks Department of the City of Greenville for persons with special needs.

(2) In the event the City of Greenville does not commence the renovation of the first phase of the renovation (estimated to cost approximately \$1 million) no later than two (2) years after the sum is received, then the City shall return the sum to the Drew Steele Fund within thirty (30) days after the City Manager receives a written notice from the designated representative of the Drew Steele Fund requesting the return of the funds provided that the notice is delivered to the City prior to the commencement of the construction of phase one of the renovation.

(3) The conditions of this gift may be modified upon written agreement of the City Manager of the City of Greenville and the designated representative of the Drew Steele Fund.

(4) For the purpose of these conditions, Mike Steele shall be the designated representative of the Drew Steele Fund. By written notice delivered to the City Manager signed by Mike Steele or, in the event of his death, the executor of his estate, another person may be designated as the designated representative of the Drew Steele Fund for the purpose of these conditions.

These funds will be utilized as a part of the \$500,000 local match required for the application for the 2010 N.C. Parks and Recreation Trust Fund Grant which City Council approved at its December 10, 2009, meeting. The application requests a grant in the amount of \$500,000 in support of the first phase of the renovation of the Elm Street Gym into the Drew Steele Center. The first phase of the renovation is estimated to cost \$1 million.

The Recreation and Parks Commission will consider this offer at its January 13, 2010, meeting so that it can make a recommendation to City Council.

Fiscal Note:

If the City is successful with its grant application, a \$500,000 local match is required. In addition to the \$460,000 gift from the Drew Steele Fund, \$40,000 will be provided by City funds unless another gift is received. A budget amendment will be necessary after the award of the grant, and these funds will come from the capital reserve.

Recommendation:

City Council accept the gift in the sum of \$460,000 from the Drew Steele Fund with the conditions stated in the January 7, 2010, letter from Mike Steele.

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

Attachments / click to download

 [Mike Steele Letter](#)

MAYOR'S OFFICE
RECEIVED: 1/7/10
DISTRIBUTION: _____

January 7, 2010

VIA HAND-DELIVERY

Mayor Patricia C. Dunn
City of Greenville
P.O. Box 7207
Greenville, NC 27835

RE: Drew Steele Fund

Dear Mayor Dunn:

On behalf of the Drew Steele Fund, a gift in the sum of \$460,000 is hereby offered to the City of Greenville subject to the following conditions:

- (1) The sum shall only be used for the purpose of funding the renovation of the existing Elm Street Gym facility into a multi-use accessible recreation facility that serves as a focal point for the services offered by the Recreation and Parks Department of the City of Greenville for persons with special needs.
- (2) In the event the City of Greenville does not commence the renovation of the first phase of the renovation (estimated to cost approximately \$1 million) no later than two (2) years after the sum is received, then the City shall return the sum to the Drew Steele Fund within thirty (30) days after the City Manager receives a written notice from the designated representative of the Drew Steele Fund requesting the return of the funds provided that the notice is delivered to the City prior to the commencement of the construction of phase one of the renovation.
- (3) The conditions of this gift may be modified upon written agreement of the City Manager of the City of Greenville and the designated representative of the Drew Steele Fund.
- (4) For the purpose of these conditions, Mike Steele shall be the designated representative of the Drew Steele Fund. By written notice delivered to the City Manager signed by Mike Steele or, in the event of his death, the executor of his estate, another person may be designated as the designated representative of the Drew Steele Fund for the purpose of these conditions.

Please acknowledge in writing the acceptance of this gift subject to the conditions listed in this letter. Upon receipt of this acknowledgement, a check in the amount of \$460,000 will be delivered to the City. There are many persons involved in the fundraising efforts which made this gift possible. The willingness of the City to make this facility a reality is appreciated.

Sincerely,



Mike Steele
Drew Steele Fund