



Agenda

Greenville City Council

October 10, 2019

6:00 PM

City Hall Council Chambers

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

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

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

VII. Special Recognitions

1. Scott Godefroy - Public Works Department Retiree
2. Wendy Hyman - Public Works Department Retiree
3. Carol Barwick - City Clerk's Office Retiree
4. Aaron Hines - Savvy Award from City-County Communications & Marketing Association (3CMA)

VIII. Appointments

5. Appointments to Boards and Commissions

IX. New Business

Public Hearings

6. Ordinance requested by Happy Trail Farms, LLC to rezone 0.975 acres located between West Arlington Boulevard and Spring Forest Road from MCG (Medical-General Commercial) to MR (Medical-Residential [High Density Multi-family])
7. Ordinance requested by University Medical Park North, LLC to rezone 1.133 acres located along the western right-of-way of Moye Boulevard and north of West 5th Street from MO (Medical-Office) to CG (General Commercial)
8. Ordinance requested by Liberty Free Will Baptist Church of Greenville to rezone 18.5428 acres located at the southeastern corner of the intersection of NC Highway 43 W and Martin Luther King, Jr. Highway from RA20 (Residential-Agricultural) to CH (Heavy Commercial)
9. Ordinance requested by the Planning and Development Services Department to amend the City Code by amending the use of recording studio by renaming it to "digital broadcast studio", adding a definition, additional standards and permissible zoning districts
10. Ordinance requested by Michael Overton to amend the City Code by adding "pet grooming facility" as a use that is permitted in the CD (Downtown Commercial), CDF (Downtown Commercial Fringe), MCG (Medical-General Commercial), MCH (Medical-Heavy Commercial), CN (Neighborhood Commercial), CG (General Commercial) and CH (Heavy Commercial) zoning districts. The amendment includes a definition, additional standards and permissible zoning districts.
11. Resolution to Close an alleyway located on the east side of Cedar Lane and south of East Tenth Street

Other Items of Business

12. Acquisition of Property at 430 Bonners Lane near Imperial Site for Economic Development Purpose

X. City Manager's Report

XI. Comments from Mayor and City Council

XII. Adjournment



City of Greenville, North Carolina

Meeting Date: 10/10/2019
Time: 6:00 PM

Title of Item: Appointments to Boards and Commissions

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

Explanation: City Council appointments need to be made to the Community Appearance Commission, Environmental Advisory Commission, Firefighters' Relief Fund Committee, Greenville Bicycle and Pedestrian Commission, Human Relations Council, Police Community Relations Committee, Recreation & Parks Commission, Redevelopment Commission, Sheppard Memorial Library Board, and the Youth Council.

The City Council updated the Board and Commission Policy on October 9, 2017 to include a provision for extended vacancies:

Nominations for Extended Vacancies

In the event there is a vacancy on a City board or commission which has been on the City Council agenda for appointment by City Council for more than three (3) calendar months in which a regular City Council meeting has been held, then any Council Member may make a nomination to fill the vacancy without regard to any other provision relating to who has the authority to make the nomination. If there is more than one nomination, the appointment shall be conducted in accordance with the procedure for nominations and elections in Robert's Rules of Order.

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

- Jeffrey Johnson - Community Appearance Commission
- Drake Brinkley - Environmental Advisory Commission
- Maurice Whitehurst - Human Relations Council
- Ebonee Downey - Recreation & Parks Commission
- Garrett Taylor - Recreation & Parks Commission

- 9 spots on the Youth Council

Fiscal Note: No direct fiscal impact.

Recommendation: Make appointments to the Community Appearance Commission, Environmental Advisory Commission, Firefighters' Relief Fund Committee, Greenville Bicycle and Pedestrian Commission, Human Relations Council, Police Community Relations Committee, Recreation & Parks Commission, Redevelopment Commission, Sheppard Memorial Library Board, and the Youth Council.

ATTACHMENTS:

☐ **Muni_Report_Appointments_to_Boards_and_Commissions_998631**

Appointments to Boards and Commissions

October 2019

Community Appearance Commission

Council Liaison: Council Member Rick Smiley

Name	District #	Current Term	Reappointment Status	Expiration Date
Thomas Alligood	3	First term	Resigned	April 2021
Jeffrey Johnson	4	Second term	Ineligible	April 2019

Environmental Advisory Commission

Council Liaison: Council Member Brian Meyerhoeffer, Jr.

Name	District #	Current Term	Reappointment Status	Expiration Date
David Ames <i>(At-Large Member)</i>	4	First term	Eligible	April 2019
Drake Brinkley	5	First term	Resigned	April 2019
<i>(Lawyer/Someone with knowledge of environmental regulations and environmental safety practices)</i>				

Firefighters' Relief Fund Committee

Council Liaison: n/a

Name	District #	Current Term	Reappointment Status	Expiration Date
Peter Geiger	4	Serves at the will of the City Council	Resigned	January 2020

Greenville Bicycle & Pedestrian Commission

Council Liaison: Council Member Will Bell

Name	District #	Current Term	Reappointment Status	Expiration Date
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Adele Grier	4	First term	Resigned	January 2020
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Human Relations Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Martin Montelongo	1	Filling unexpired term	Not seeking 2 nd term	Sept. 2019
Maurice Whitehurst <i>(Pitt Community College)</i>	2	Second term	Did not meet attendance Requirement	Oct. 2015
ECU Seat				Oct. 2019

Police Community Relations Committee

Council Liaison: Council Member Rick Smiley

Name	District #	Current Term	Reappointment Status	Expiration Date
Carol Bass <i>(Council Member William Litchfield, Jr.)</i>	1	First term	Eligible	October 2019
Lennard Naipaul <i>(Mayor Pro Tem Rose Glover)</i>	2	Filling unexpired term	Eligible	October 2019
Greg Rubel <i>(Council Member Will Bell)</i>	2	Second term	Resigned	October 2020
Scott Snyder <i>(Council Member Rick Smiley)</i>	1	First term	Eligible	October 2019

Recreation & Parks Commission

Council Liaison: Council Member Monica Daniels

Name	District #	Current Term	Reappointment Status	Expiration Date
Ebonee Downey <i>(Mayor Pro-Tem Rose Glover)</i>	1	Filling unexpired term	Resigned	May 31, 2020
Garrett Taylor <i>(Council Member Brian Meyerhoeffer, Jr.)</i>	3	Second term	Ineligible	May 31, 2019

Redevelopment Commission

Council Liaison: Council Member Will Bell

Name	District #	Current Term	Reappointment Status	Expiration Date
Alan Brock <i>(Council Member William Litchfield, Jr.)</i>	1	Filling unexpired term	Resigned	Nov. 14, 2022

Sheppard Memorial Library Board

Council Liaison: Council Member Rick Smiley

Name	District #	Current Term	Reappointment Status	Expiration Date
Mark Sanders	4	Second term	Ineligible	October 2019
Ralph Scott	5	First term	Eligible	October 2019

Youth Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	Current Term	Reappointment Status	Expiration Date
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9 spots open

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

Applicants for Community Appearance Commission

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

Application Date: 4/22/2018

Home Phone: (202) 412-4369

Business Phone:

Email: hembyg@gmail.com

District #: 1

Applicants for Firefighters Relief Fund Committee

None.

Applicants for Environmental Advisory Commission

Orrin Allen Beasley
3601 Live Oak Lane
Greenville, NC 27858

Application Date: 12/8/2015

District #: 5

Home Phone: (252) 216-6099

Business Phone: (252) 216-6099

Email: oab0119@gmail.com

Applicants for Greenville Bicycle & Pedestrian Commission

John A. Kohler
412 Oxford Road
Greenville, NC 27858

District #: 4

Carl Davy Romano
412 Oxford Road
Greenville, NC 27858

District #: 4

Application Date: 10/18/2018

Home Phone: (843) 576-9798
Business Phone: (252) 744-2637
Email: john.kohler.sr@gmail.com

Application Date: 10/18/2018

Home Phone: (708) 704-6970
Business Phone:
Email: cdavyrom@gmail.com

Applicants for Human Relations Council

Alaric Martin
3195 Boardwalk Lane Apt. #9
Greenville, NC 27834

District #: 2

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

District #: 4

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

District #: 5

Kristian Williams
3609 Gosford Gate
Greenville, NC 27858

District #: 2

Stephanie Winfield
1103 Red Banks Road
Greenville, NC

District #: 4

Application Date: 9/4/2018

Home Phone: (919) 924-1631

Business Phone:

Email: amartin@gmail.com

Application Date: 4/24/2018

Home Phone: 252-558-3620

Business Phone:

Email: williak5@pitt.k12.nc.us

Application Date: 4/16/2017

Home Phone: (252) 412-4584

Business Phone:

Email: taft1986@yahoo.com

Application Date: 8/27/2019

Home Phone:

Business Phone:

Email: emailkrissi@yahoo.com

Application Date: 7/14/2017

Home Phone:

Business Phone:

Email: ladona12@gmail.com

Applicants for Police Community Relations Committee

None.

Applicants for Recreation and Parks Commission

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

District #: 1

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

District #: 4

Anthony Mizzelle
1988-B Hyde Drive
Greenville, NC 27858

District #: 4

Christopher Powell
108 B Chandler Drive
Greenville, NC 27834

District #: 1

Carl Davy Romano
412 Oxford Road
Greenville, NC 27858

District #: 4

Kristian Williams
3609 Gosford Gate
Greenville, NC 27858

District #: 5

Application Date: 4/22/2018

Home Phone: (202) 412-4369

Business Phone:

Email: hembyg@gmail.com

Application Date: 4/26/2017

Home Phone: (336) 624-6514

Business Phone:

Email: annlogemann85@gmail.com

Application Date: 5/28/2016

Home Phone: (252) 215-9245

Business Phone: (252) 290-5515

Email: anthonymizzelle.am@gmail.com

Application Date: 6/24/2016

Home Phone: (252) 714-0286

Business Phone:

Email: christopherpowell@yahoo.com

Application Date: 10/18/2018

Home Phone: (708) 704-6970

Business Phone:

Email: cdavyrom@gmail.com

Application Date: 8/27/2019

Home Phone:

Business Phone:

Email: emailkrissi@yahoo.com

Applicants for Redevelopment Commission

Jonathan Ganzert
302 South Summit Street
Greenville, NC 27858

District #: 3

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

District #: 4

Zach Nichols
208 Churchill Dr.
Greenville, NC 27858

District #: 5

Carl Davy Romano
412 Oxford Road
Greenville, NC 27858

District #: 4

Deryck Steven Wilson
1744 Beaumont Drive
Greenville, NC 27858

District #: 4

Application Date: 2/19/2019

Home Phone: (704) 550-6031

Business Phone:

Email: ganzert@gmail.com

Application Date: 4/26/2017

Home Phone: (336) 624-6514

Business Phone:

Email: annlogemann85@gmail.com

Application Date: 6/17/2019

Home Phone: (252) 916-2691

Business Phone: (252) 752-7101

Email: dustin@tdgnc.com

Application Date: 10/18/2018

Home Phone: (708) 704-6970

Business Phone:

Email: cdavyrom@gmail.com

Application Date: 11/27/2017

Home Phone: (252) 714-5950

Business Phone: (252) 321-5200

Email: deryck.wilson@me.com

Applicants for Sheppard Memorial Library Board

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

District #: 4

Lisa L. Mulligan
710 Kensington Drive
Greenville, NC 27858

District #: 3

Application Date: 4/26/2017

Home Phone: (336) 624-6514

Business Phone:

Email: annlogemann85@gmail.com

Application Date: 10/18/2018

Home Phone:

Business Phone:

Email: lisa@finnedconsulting.com

Applicants for Youth Council

None.



City of Greenville, North Carolina

Meeting Date: 10/10/2019
Time: 6:00 PM

Title of Item:

Ordinance requested by Happy Trail Farms, LLC to rezone 0.975 acres located between West Arlington Boulevard and Spring Forest Road from MCG (Medical-General Commercial) to MR (Medical-Residential [High Density Multi-family])

Explanation:

Abstract: The City has received a request from Happy Trail Farms, LLC to rezone 0.975 acres located between West Arlington Boulevard and Spring Forest Road from MCG (Medical-General Commercial) to MR (Medical-Residential [High Density Multi-family]).

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on September 3, 2019.

On-site sign(s) posted on September 3, 2019.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on September 24, 2019.

Public hearing legal advertisement published on September 30, 2019 and October 7, 2019.

Comprehensive Plan:

The Future Land Use and Character Map recommends mixed use (MU) along West Arlington Boulevard between Dickinson Avenue and the Norfolk Southern Railroad transitioning to commercial (C) to the south and residential, high density (HDR) to the west.

Further, potential conservation/open space is recommended along Greens Mill Run which is located in the northeastern section of the property.

The Future Land Use and Character Map identifies certain areas as Potential Conservation/Open Space (PCOS). Much of this area is designated based upon data on flood-prone land and environmental constraints that may not correspond precisely

with conditions on the ground. Seeing an area designated this way is the beginning of a conversation. When considering rezoning requests or other development proposals, some areas classified as Potential Conservation/Open Space may be determined not to contain anticipated limitations on development, or that existing concerns can reasonably be mitigated. In such cases, the future preferred land use should be based on adjacent Land Use and Character designations, contextual considerations, and the general policies of the comprehensive plan.

Mixed Use

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

Intent:

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

Primary uses:

Office

Commercial

Multi-family residential

Secondary uses:

Institutional/Civic

Commercial

Primarily community and regional-scale commercial development situated near and along major roadway corridors. Existing development is characterized by buildings set back from streets behind surface parking. That existing pattern should evolve to become more walkable with shorter blocks, buildings near streets, shared parking and connections to surrounding development.

Intent:

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

Primary uses:
Commercial (small and large format)
Office

Secondary uses:
Institutional/civic

Residential, High Density

Residential areas composed primarily of multi-family housing in various forms. Defined by existing development patterns where building size and style tend to be consistent within a development, with large blocks, and limited connectivity between different building types and uses. Future development should take a more traditional neighborhood pattern where different residential types are connected in a walkable pattern. High density residential is typically appropriate near activity centers and corridors.

Intent:

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

Primary uses:
Multi-family residential
Two-family residential
Attached residential (townhomes)

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

There is a designated community activity center at the intersection of Dickinson Avenue and South Memorial Drive. These centers are intended to provide 50,000 - 250,000 square feet of commercial space serving an area of approximately three miles.

There is a designated neighborhood activity center at the intersection of Dickinson Avenue and Spring Forest Road. These centers are intended to provide 20,000-50,000 square feet of commercial space serving an area within one mile.

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

Staff does not anticipate a net increase in density. Therefore, a traffic report was not generated.

History/Background:

In 1972, the subject properties were incorporated into the City's ETJ (extra-territorial jurisdiction) and zoned RA20 (Residential-Agricultural). In 2018, the subject property was part of a large scale rezoning that resulted in the current zoning pattern.

Present Land Use:

Farmland

Water/Sewer:

Water and sanitary sewer are available to the properties.

Historic Sites:

There are no known effects on historic sites.

Environmental Conditions/Constraints:

The property is located in the Greens Mill Run Watershed. If stormwater rules apply, it would require 25-year detention and nitrogen and phosphorous reduction. It is not located in the Special Flood Hazards Area. Therefore, development is not subject to the Flood Damage Prevention Ordinance.

Surrounding Land Uses and Zoning:

North: RA20 - One (1) single-family residence
South: R6 - Spring Village Townhomes
East: MCG - Vacant (under common ownership of the applicant)
West: MR - Vacant (under common ownership of the applicant)

Density Estimates:

Staff does not anticipate a net increase in density.

Fiscal Note: No cost to the City.

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

"In compliance" with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons

Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

The Planning and Zoning Commission voted unanimously to approve the request at its September 17, 2019 meeting.

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

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

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

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

ATTACHMENTS:

- ▣ **Ordinance_- HTF_19-12_1115906**
- ▣ **Minutes_- Happy_Trail_Farms_19-12_1115718**
- ▣ **Attachments**

ORDINANCE NO. 19-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 10th day of October, 2019, at 6:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

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

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

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

Section 1. That the following described territory is rezoned from MCG (Medical-General Commercial) to MR (Medical-Residential).

TO WIT: Happy Trail Farms, LLC Property

LOCATION: Located between West Arlington Boulevard and Spring Forest Road.

DESCRIPTION: Beginning at a point on the southern line of the James A. Evans and wife Kim M. Evans Property as described in Deed Book 2577, Page 334 of the Pitt County Register of Deeds, said point being located S 46°45'23" W 32.55' from the common southern corner of said James A. Evans and wife Kim M. Evans and the James A. Evans and wife Kim M. Evans Property as described in Deed Book 3690, Page 863 of the Pitt County Register of Deeds. From the above described beginning, so located, running thence as follows:

Leaving the southern line of the above referenced James A. Evans and wife Kim M. Evans Property, S 43°40'05" E 1,883.36', thence S 40°20'09" W 22.65', thence N 43°40'05" W 1,885.90', thence N 46°45'23" E 22.53' to the point of beginning containing 0.975 acre and being a portion of the properties described in Deed Book 3690, Page 851 and Deed Book 3690, Page 859 both of the Pitt County Register of Deeds.

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

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

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

ADOPTED this 10th day of October, 2019.

P. J. Connelly, Mayor

ATTEST:

Polly Jones, Interim City Clerk

1115906

Excerpt from the draft Planning & Zoning Commission Minutes (09/17/2019)

ORDINANCE REQUESTED BY HAPPY TRAIL FARMS, LLC TO REZONE 0.975 ACRES LOCATED BETWEEN WEST ARLINGTON BOULEVARD AND SPRING FOREST ROAD FROM MCG (MEDICAL-GENERAL COMMERCIAL) TO MR (MEDICAL-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY])-**APPROVED**

Ms. Gooby delineated the property. Gabriel Drive will connect to West Arlington Blvd at a future signalized intersection with Physician's East's driveway. This property is vacant and is located in the Greens Mill Run Watershed. If stormwater rules apply, it would require 25-year detention and nitrogen and phosphorous reduction. It is not located in the Special Flood Hazards Area. Therefore, development is not subject to the Flood Damage Prevention Ordinance. Staff does not anticipate a net increase in density. The Future Land Use and Character Map recommends mixed use (MU) along West Arlington Boulevard between Dickinson Avenue and the Norfolk Southern Railroad transitioning to commercial (C) to the south and residential, high density (HDR) to the west. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Mr. Robinson opened the public hearing.

No one spoke in favor.

No one spoke in opposition.

Mr. Robinson closed the public hearing.

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

1115718

Happy Trail Farms, LLC (19-12)

From: MCG

To: MR

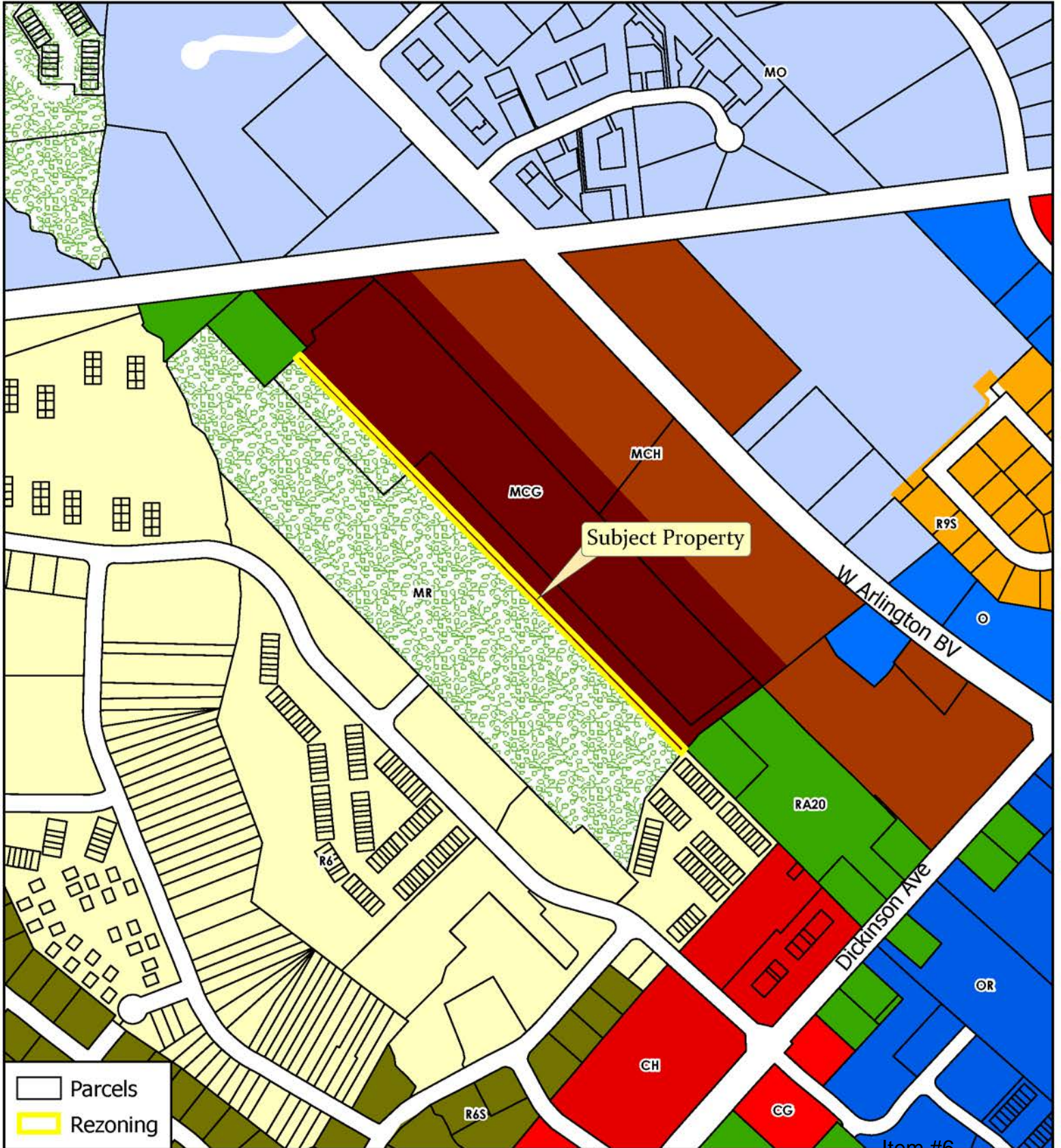
Acres: 0.975

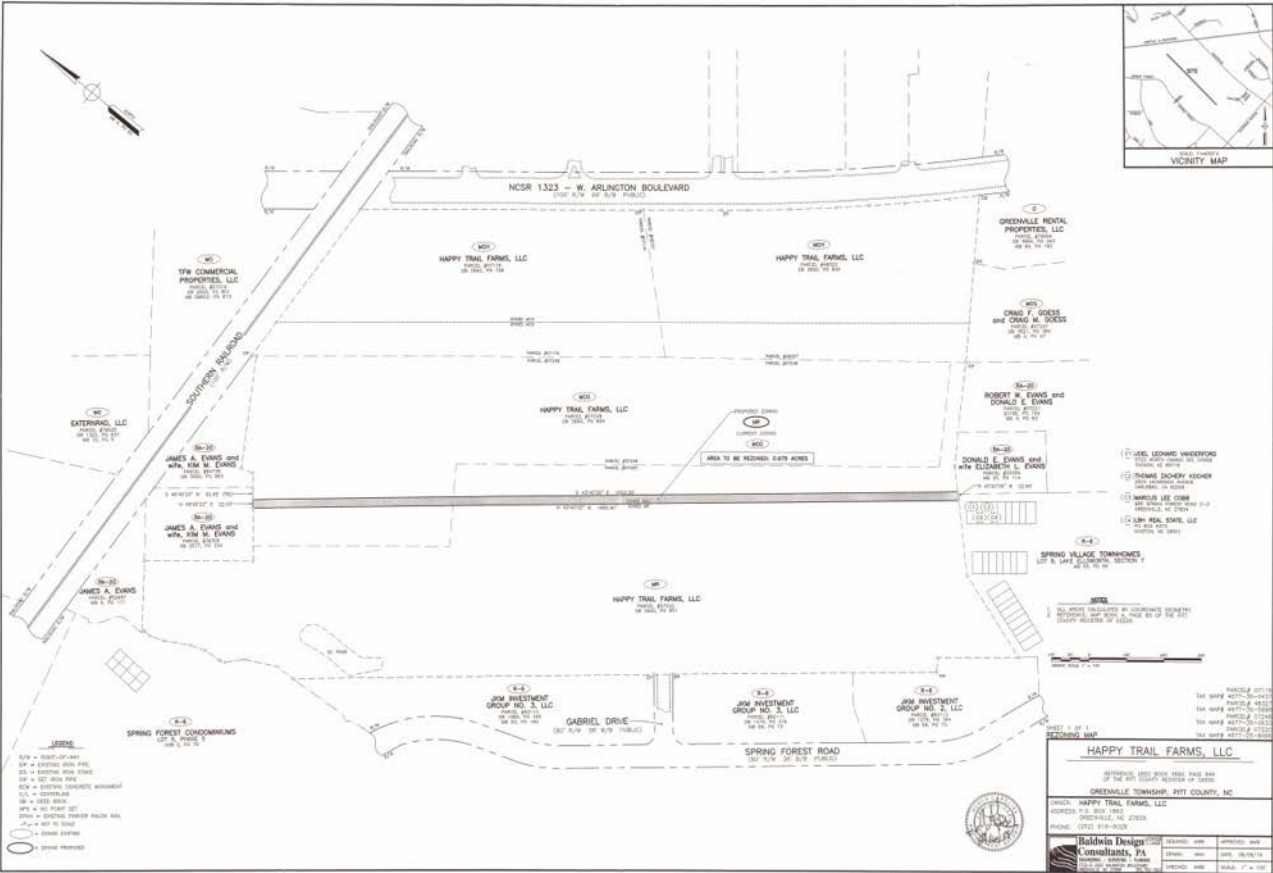
September 3, 2019

N



0 0.03 0.06 0.11 Miles





- (1) LEE, LEONARD UNDERWOOD
- (2) THOMAS DUCHRY KOSHER
- (3) HAROLD W. COOK
- (4) JIM REAL ESTATE, LLC

SPRING VILLAGE TOWNSHIP
LOT 8, LANE 2, SECTION 7
40.20 AC. ±

NOTE:
ALL AREAS INDICATED BY DASHED LINES ARE
RECORDED MAP SHOW A PART OF THE 2011
COUNTY RECORDS OF DEEDS.

NO.	DATE	DESCRIPTION
1	07/11/16	REVISION
2	08/10/17	REVISION
3	07/20/18	REVISION
4	07/20/18	REVISION
5	07/20/18	REVISION
6	07/20/18	REVISION
7	07/20/18	REVISION
8	07/20/18	REVISION

HAPPY TRAIL FARMS, LLC
 INTERLUDE, 1000 JONES ROAD, SUITE 200
 207 5th AVENUE, GREENVILLE, SC 29601
 GREENVILLE, TOWNSHIP, PITT COUNTY, NC
 OWNER: HAPPY TRAIL FARMS, LLC
 ADDRESS: 1000 JONES ROAD, SUITE 200
 GREENVILLE, NC 27603
 PHONE: (252) 919-9029



- LEGEND**
- 1/4" = 100'-0" (1:400)
 - 1/8" = EXISTING ROAD PAV.
 - 1/16" = EXISTING PAV. STONE
 - 1/32" = EXISTING ROAD PAV.
 - 1/64" = EXISTING SIDEWALK MANAGEMENT
 - 1/128" = EXISTING SIDEWALK MANAGEMENT
 - 1/256" = EXISTING SIDEWALK MANAGEMENT
 - 1/512" = EXISTING SIDEWALK MANAGEMENT
 - 1/1024" = EXISTING SIDEWALK MANAGEMENT
 - 1/2048" = EXISTING SIDEWALK MANAGEMENT
 - 1/4096" = EXISTING SIDEWALK MANAGEMENT
 - 1/8192" = EXISTING SIDEWALK MANAGEMENT
 - 1/16384" = EXISTING SIDEWALK MANAGEMENT
 - 1/32768" = EXISTING SIDEWALK MANAGEMENT
 - 1/65536" = EXISTING SIDEWALK MANAGEMENT
 - 1/131072" = EXISTING SIDEWALK MANAGEMENT
 - 1/262144" = EXISTING SIDEWALK MANAGEMENT
 - 1/524288" = EXISTING SIDEWALK MANAGEMENT
 - 1/1048576" = EXISTING SIDEWALK MANAGEMENT
 - 1/2097152" = EXISTING SIDEWALK MANAGEMENT
 - 1/4194304" = EXISTING SIDEWALK MANAGEMENT
 - 1/8388608" = EXISTING SIDEWALK MANAGEMENT
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MCG (MEDICAL-GENERAL COMMERCIAL) - PERMITTED USES

(1) General	
a.	Accessory use or building
b.	Internal service facilities
c.	On-premise signs per Article N
f.	Retail sales; incidental
(2) Residential - None	
(3) Home Occupations - None	
(4) Governmental	
b.	City of Greenville municipal government building or use (see also section 9-4-103)
c.	County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
d.	Federal government building or use
(5) Agricultural/Mining	
a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)
(6) Recreational/Entertainment	
f.	Public park or recreational facility
s.	Athletic club; indoor only
(7) Office/Financial/Medical	
a.	Office; professional and business, not otherwise listed
d.	Bank, savings and loans or other savings or investment institutions
(8) Services	
e.	Barber or beauty salon
f.	Manicure, pedicure or facial salon
v.	Photography studio including photo and supply sales
y(3).	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communication towers not exceeding 80 feet in height
y(4)	Distributed Antenna System (See also 9-4-103 (Q))
z.	Printing or publishing service including graphic art, maps, newspapers, magazines and books
aa.	Catering service including food preparation (see also restaurant; conventional and fast food)
hh.	Exercise and weight loss studio; indoor only
ii.	Wellness center, indoor and outdoor facilities
kk.	Launderette; household users
ll.	Dry cleaners; household users
(9) Repair	
g.	Jewelry, watch, eyewear or other personal item repair
(10) Retail Trade	
a.	Miscellaneous retail sales; non-durable goods, not otherwise listed
d.	Pharmacy
f.	Office and school supply, equipment sales
h.	Restaurant; conventional
i.	Restaurant; fast food
k.	Medical supply sales and rental of medically-related products including uniforms and related accessories
l.	Electronic; stereo, radio, computer, TV, etc... sales and accessory repair
s.	Book or card store, news stand
t.	Hobby or craft shop

	v.	Video or music store; records, tape, CD and the like sales
	w.	Florist
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None		
(12) Construction		
	c.	Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None		
(14) Manufacturing/Warehousing		
	c.	Bakery; production, storage, and shipment facilities
(15) Other Activities (not otherwise listed - all categories) - None		
MCG (MEDICAL-GENERAL COMMERCIAL) - SPECIAL USES		
(1) General - None		
(2) Residential		
	i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
(3) Home Occupations - None		
(4) Governmental		
	a.	Public utility building or use
(5) Agricultural/Mining - None		
(6) Recreational/Entertainment		
	m(1).	Dining and entertainment establishment (see also section 9-4-103)
	t.	Athletic club; indoor and outdoor facilities
(7) Office/Financial/Medical - None		
(8) Services		
	a.	Child day care facilities
	b.	Adult day care facilities
	ff(1).	Mental health, emotional or physical rehabilitation day program facility
	jj.	Health services not otherwise listed
(9) Repair - None		
(10) Retail Trade		
	c.	Wine shop; including on-premise consumption (see also section 9-4-103)
	j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None		
(12) Construction - None		
(13) Transportation - None		
(14) Manufacturing/Warehousing - None		
(15) Other Activities (not otherwise listed - all categories) - None		
PROPOSED ZONING		
MR (MEDICAL-RESIDENTIAL) - PERMITTED USES		
(1) General		
	a.	Accessory use or building
	c.	On-premise signs per Article N
(2) Residential		
	a.	Single-family dwelling
	b.	Two-family attached dwelling (duplex)
	c.	Multi-family development per Article I
	f.	Residential cluster development per Article M
	k.	Family care homes (see also 9-4-103)
	q.	Room renting
(3) Home Occupations - None		

(4) Governmental
b. City of Greenville municipal government building or use (see also section 9-4-103)
(5) Agricultural/Mining
a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
l. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment
f. Public park or recreational facility
g. Private noncommercial park or recreational facility
(7) Office/Financial/Medical - None
(8) Services
o. Church or place of worship (see also section 9-4-103)
y(4) Distributed Antenna System (See also 9-4-103 (Q))
(9) Repair - None
(10) Retail Trade - None
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None
(12) Construction
c. Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None
(14) Manufacturing/Warehousing - None
(15) Other Activities (not otherwise listed - all categories) - None
MR (MEDICAL-RESIDENTIAL) - SPECIAL USES
(1) General - None
(2) Residential
d. Land use intensity multi-family (LUI) development rating 50 per Article K
l. Group care facility
n. Retirement center or home
o. Nursing, convalescent or maternity home; major care facility
o(1). Nursing, convalescent or maternity home; minor care facility
(3) Home Occupations
a. Home occupation; not otherwise listed
(4) Governmental
a. Public utility building or use
(5) Agricultural/Mining - None
(6) Recreational/Entertainment
c(1). Tennis club; indoor and outdoor facilities
(7) Office/Financial/Medical - None
(8) Services
a. Child day care facilities
b. Adult day care facilities
g. School; junior and senior high (see also section 9-4-103)
h. School; elementary (see also section 9-4-103)
i. School; nursery and kindergarten (see also section 9-4-103)
(9) Repair - None
(10) Retail Trade - None
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None
(12) Construction - None
(13) Transportation - None
(14) Manufacturing/Warehousing - None
(15) Other Activities (not otherwise listed - all categories) - None

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

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

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

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

Street trees may count toward the minimum acreage.

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

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

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

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

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

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

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

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

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

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

RESIDENTIAL DENSITY CHART

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

* The residential density of the CD zoning district is based on the size of the mechanically conditioned floor area. See Section 9-4-153 in the City Code for development standards.

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



City of Greenville, North Carolina

Meeting Date: 10/10/2019
Time: 6:00 PM

Title of Item:

Ordinance requested by University Medical Park North, LLC to rezone 1.133 acres located along the western right-of-way of Moye Boulevard and north of West 5th Street from MO (Medical-Office) to CG (General Commercial)

Explanation:

Abstract: The City has received a request from University Medical Park North, LLC to rezone 1.133 acres located along the western right-of-way of Moye Boulevard and north of West 5th Street from MO (Medical-Office) to CG (General Commercial).

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on September 3, 2019.

On-site sign(s) posted on September 3, 2019.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on September 24, 2019.

Public hearing legal advertisement published on September 30, 2019 and October 7, 2019.

Comprehensive Plan:

The Future Land Use and Character Map recommends mixed use (MU) along Moye Boulevard north of its intersection with West 5th Street transitioning to residential, high density residential (HDR) to the east and west.

Further, potential conservation/open space is recommended to the north toward the Tar River.

The Future Land Use and Character Map identifies certain areas as Potential Conservation/Open Space (PCOS). Much of this area is designated based upon data on flood-prone land and environmental constraints that may not correspond precisely with conditions on the ground. Seeing an area designated this way is the beginning of a conversation. When considering rezoning requests or other development proposals,

some areas classified as Potential Conservation/Open Space may be determined not to contain anticipated limitations on development, or that existing concerns can reasonably be mitigated. In such cases, the future preferred land use should be based on adjacent Land Use and Character designations, contextual considerations, and the general policies of the comprehensive plan.

Mixed Use

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

Intent:

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

Primary uses:

Office

Commercial

Multi-family residential

Secondary uses:

Institutional/Civic

Residential, High Density

Residential areas composed primarily of multi-family housing in various forms. Defined by existing development patterns where building size and style tend to be consistent within a development, with large blocks, and limited connectivity between different building types and uses. Future development should take a more traditional neighborhood pattern where different residential types are connected in a walkable pattern. High density residential is typically appropriate near activity centers and corridors.

Intent:

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

Primary uses:

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

Secondary uses:

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

There is a designated employment community center located between Stantonsburg Road and West 5th Street west of South Memorial Drive. These are special employment districts with a regional-scale concentration of non-retail jobs (institutional, office, and industrial).

Appendix 10b Special Area Plan: Medical Area

A legacy of planning: There have been several land use plans for the Medical Area which have guided this plan. Most significant are the Medical District and Environs Land Use Plan (1993), which provided the vision underlying the City's planning for the area, and the Medical District Land Use Plan Update (2007), which recommended specific changes to the City's Future Land Use Map based on conditions at the time.

The Area Tomorrow: Our Intent

Land Use Design and Direction: Overview

1. Within the medical core: Maintain the primacy of the medical uses while encouraging more efficient and intense development.

Growth of medical, institutional and related office uses will be encouraged to occur primarily through infill development and redevelopment on existing sites utilizing multi-story buildings and minimizing surface parking in favor of parking structures or shared off-site shuttle lots. While medical is the primary use, it should not preclude the development of limited commercial services should they enhance the core.

2. Provide additional amenities for visitors and employees such as locally-serving retail, accommodation, restaurants and services.

While the area known as Medical Transition that surrounds the Medical Core will emphasize uses that benefit from proximity to the major institutions (office, research and medical), integrating a greater mix of uses is key to district's long-term health.

3. Encourage the development of mixed-use activity centers at nodes dispersed through the area.

At key nodes, mixed-use centers will integrate places to live, work, and shop in a walkable configuration. Typical of these activity centers is a vertical mixing of uses

where multi-story buildings include office or residential above ground-floor commercial space.

The area bounded by Stantonsburg Road, South Memorial Drive, and Moye Boulevard is designated as a community activity center. These centers are intended to contain 50,000-250,000 square feet of conditioned floor space and serve an area of 3 miles.

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

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1,380 trips to and from the site on West 5th Street, which is a net increase of 998 trips per day.

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

History/Background:

In 1972, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned RA20 as part of a large-scale ETJ extension. In 1985, the Medical District was adopted by City Council. The subject site was included as part of the Medical District and rezoned to its current zoning.

Present Land Use:

Vacant

Water/Sewer:

Water and sanitary sewer are available.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

This property is not located in the Special Flood Hazards Area.

The property is located in the Harris Mill Run/Schoolhouse Branch Watershed. If stormwater rules apply, it would require 10-year detention and nitrogen and phosphorous reduction.

Surrounding Land Uses and Zoning:

North: MO - Greenville VA Health Care Center

South: CG - Vacant (under common ownership of the applicant)

East: MO - Vacant

West: MR - Vacant

Density Estimates:

Under the current zoning, the site could accommodate 10,857+/- sq. ft. of medical office space.

Under the proposed zoning, the site could accommodate 10,857+/- sq. ft. of conventional restaurant space.

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

Fiscal Note:

No cost to the City.

Recommendation:

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

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

The Planning and Zoning Commission voted unanimously to approve the request at its September 17, 2019 meeting.

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

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

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

Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing

and proposed districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

ATTACHMENTS:

- ▣ **Ordinance_-_Uni_Med_Park_North_1115905**
- ▣ **Minutes_-_Uni_Med_Park_1115719**
- ▣ **Attachments**

ORDINANCE NO. 19-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 10th day of October, 2019, at 6:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

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

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

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

Section 1. That the following described territory is rezoned from MO (Medical-Office) to CG (General Commercial).

TO WIT: University Medical Park North, LLC Property

LOCATION: Located along the western right-of-way of Moye Boulevard and north of West 5th Street.

DESCRIPTION: Beginning at a point located on the western right-of-way of Moye Boulevard said point also being located at the northeast property corner of Lot 2 and the southeast property corner of Lot 3, University Medical Park North as recorded in Map Book 75, Pages 43 – 44, Pitt County Registry; thence running along the western right-of-way of Moye Boulevard N 33-04-00 E, 33.85 feet to a point located on the western right-of-way of Moye Boulevard the POINT OF BEGINNING; thence from said point of beginning and leaving the western right-of-way of Moye Boulevard N 56-56-00 W, 235.01 feet to a point; thence N 23-22-51 E, 146.27 feet to a point; thence N 23-06-21 E, 56.67 feet to a point; thence S 56-56-00 E, 239.42 feet to a point located on the western right-of-way of Moye Boulevard; thence running along said right-of-way with a curve to the left having a radius of 55.00 feet a chord bearing and distance S 06-30-06 W, 49.19 feet to a point; thence continuing along said right-of-way with a curve to the right having a radius of 20.00 feet a chord bearing and distance S 06-30-06 W, 17.89 feet to a point; thence continuing along said right-of-way S 33-04-00 W, 140.00 feet to the point of beginning containing 1.133 acres and also being known as a Portion of Lot 3, University Medical Park North, Revision of Lots 2 – 10, and 13 as recorded in Map Book 75, Pages 43 – 44, Pitt County Registry.

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

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

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

ADOPTED this 10th day of October, 2019.

P. J. Connelly, Mayor

ATTEST:

Polly Jones, Interim City Clerk
1115905

Excerpt from the draft Planning & Zoning Commission Minutes (09/17/2019)

ORDINANCE REQUESTED BY UNIVERSITY MEDICAL PARK NORTH, LLC TO REZONE 1.133 ACRES LOCATED ALONG THE WESTERN RIGHT-OF-WAY OF MOYE BOULEVARD AND NORTH OF WEST 5TH STREET FROM MO (MEDICAL-OFFICE) TO CG (GENERAL COMMERCIAL) - **APPROVED**

Ms. Gooby delineated the property. The property is located in the Harris Mill Run/Schoolhouse Branch Watershed. If stormwater rules apply, it would require 10-year detention and nitrogen and phosphorous reduction. Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate a net increase of 998 trips per day. Moye Boulevard and West 5th Street is a signalized intersection. Under the current zoning, the site could accommodate 10,857+/- sq. ft. of medical office space. Under the proposed zoning, the site could accommodate 10,857+/- sq. ft. of conventional restaurant space. The Future Land Use and Character Map recommends mixed use (MU) along Moye Boulevard north of its intersection with West 5th Street transitioning to residential, high density residential (HDR) to the east and west. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Mr. Robinson opened the public hearing.

Mr. Brian Fagundus, Ark Consulting, spoke in favor on behalf of the applicant. He stated the request for General Commercial is to align adjacent parcels with the same zoning for future development.

No one spoke in opposition.

Mr. Robinson closed the public hearing.

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

1115719

University Medical Park North, LLC

From: MO

To: CG

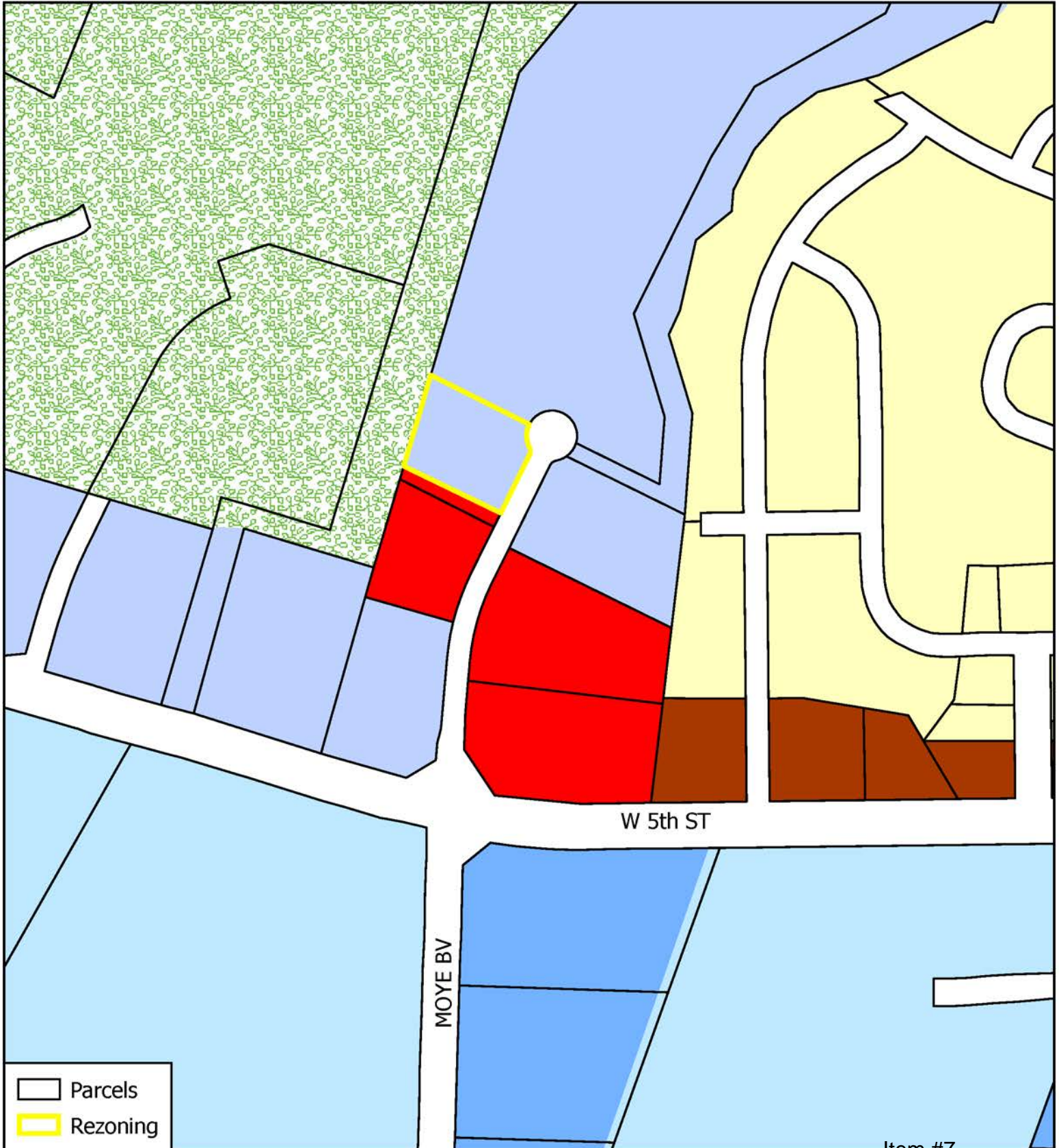
Acres: 1.133

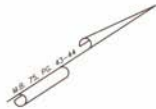
September 3, 2019

N

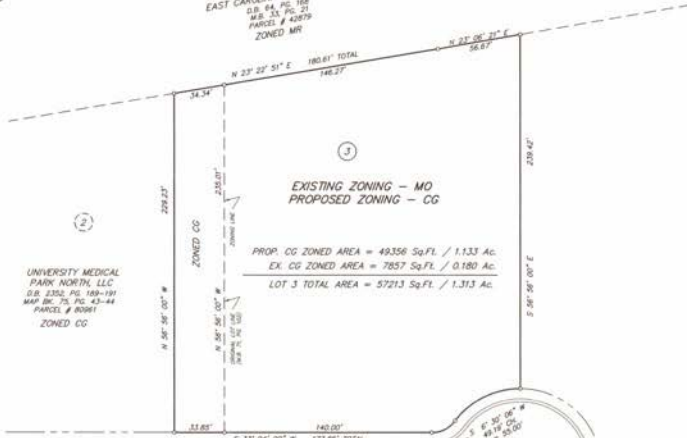


0 0.02 0.04 0.07 Miles





MEDICAL FOUNDATION OF
EAST CAROLINA UNIVERSITY, INC.
D.B. 44, PG. 158
M.B. 33, PG. 31
PARCEL # 42879
ZONED MR



EXISTING ZONING - MO
PROPOSED ZONING - CC

PROP. CC ZONED AREA = 49,356 Sq.Ft. / 1.133 Ac.
EX. CC ZONED AREA = 7857 Sq.Ft. / 0.180 Ac.
LOT 3 TOTAL AREA = 57,213 Sq.Ft. / 1.313 Ac.

UNIVERSITY MEDICAL
PARK NORTH, LLC
D.B. 2332, PG. 189-191
MAP BK. 75, PG. 43-44
PARCEL # 80861
ZONED CC

UNIVERSITY MEDICAL
PARK NORTH, LLC
D.B. 2332, PG. 189-191
MAP BK. 75, PG. 43-44
PARCEL # 78658
ZONED CC

UNIVERSITY MEDICAL
PARK NORTH, LLC
D.B. 2332, PG. 189-191
MAP BK. 75, PG. 43-44
PARCEL # 80864
ZONED MO

UNIVERSITY MEDICAL
PARK NORTH
OWNERS' ASSOCIATION, INC.
D.B. 3176, PG. 629-630
MAP BK. 75, PG. 43-44
PARCEL # 80865
ZONED MO

401 MOYE BOULEVARD
REALTY, DST.
D.B. 3176, PG. 242-248
MAP BK. 75, PG. 43-44
PARCEL # 80863
ZONED MO

LEGEND:
B/W - RIGHT OF WAY
B/R - BACK TO BACK
R - RADUS



DRAWN BY: BLW

19158.dwg/19159.plt

REFERENCE:
MAP BK. 75, PG. 43-44
DEED BK. 2352, PG. 189-191

PARCEL NO. 80864



CERTIFICATION
I, GARY S. MILLER, CERTIFY THAT THIS
PLAT WAS DRAWN UNDER MY SUPERVISION
FROM INFORMATION AS RECEIVED BY MAP
BOOK, SEE PAGE, AND THAT THE
INFORMATION CONTAINED HEREON IS TRUE
AND ACCURATE TO THE BEST OF MY
KNOWLEDGE AND BELIEF
WITNESS MY HAND AND SEAL THIS 3RD
DAY OF AUGUST, 2018.

Professional Land Surveyor No. L-2562



REZONING MAP FOR
UNIVERSITY MEDICAL
PARK NORTH, LLC

PORTION OF LOT 3
UNIVERSITY MEDICAL PARK NORTH
REVISION OF LOTS 2-10, AND 13
GREENVILLE, GREENVILLE TWP.
PITT CO., N.C.
SCALE: 1" = 40'
AUGUST 1, 2019

WO 19159 FB -

GARY S. MILLER
4480800005, P.A.
LAND SURVEYOR
1802 South Carolina Blvd.
Greenville, N.C. 29619
Phone: (252) 338-1111
Fax: (252) 338-1112

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 19-15

Applicant: University Medical Park North, LLC

Property Information

Current Zoning: MO (Medical-Office)

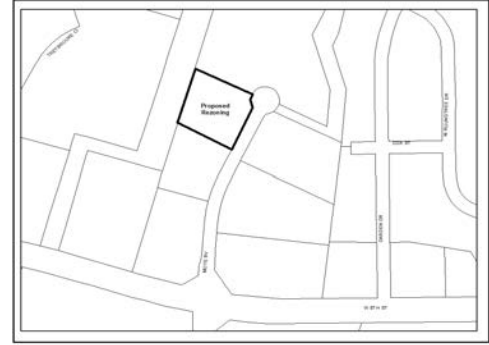
Proposed Zoning: CG (General Commercial)

Current Acreage: 1.133

Location: Moye Blvd, north of W. 5th St

Points of Access: W. 5th Street

Location Map



Transportation Background Information

1.) W. 5th St- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	4 lanes divided with raised median	no change
Right of way width (ft)	100	no change
Speed Limit (mph)	45	no change
Current ADT:	17,510 (*)	
Design ADT:	39,700 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

Other Information: There are sidewalks along W. 5th St that service this property.

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

Transportation Improvement Program Status:

Trips generated by proposed use/change

Current Zoning: 392 -vehicle trips/day (*) **Proposed Zoning: 1,380** -vehicle trips/day (*)

Estimated Net Change: increase of 988 vehicle trips/day (assumes full-build out)

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

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on W. 5th St are as follows:

1.) W. 5th St , East of Site (50%): **“No build” ADT of 17,510**

Estimated ADT with Proposed Zoning (full build) – 18,200

Estimated ADT with Current Zoning (full build) – 17,706

Net ADT change = 494 (3% increase)

2.) W. 5th St , West of Site (50%): “No build” ADT of 17,510

Estimated ADT with Proposed Zoning (full build) – 18,200

Estimated ADT with Current Zoning (full build) – 17,706

Net ADT change = 494 (3% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1380 trips to and from the site on W. 5th St, which is a net increase of 988 additional trips per day.

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

CURRENT ZONING	
OR (OFFICE-RESIDENTIAL) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	b. Internal service facilities
	c. On-premise signs per Article N
	f. Retail sales; incidental
(2) Residential	
	b. Two-family attached dwelling (duplex)
	c. Multi-family development per Article I
	k. Family care homes (see also 9-4-103)
	n. Retirement center or home
	o. Nursing, convalescent or maternity home; major care facility
	p. Boarding or rooming house
	q. Room renting
(3) Home Occupations - None	
(4) Governmental	
	b. City of Greenville municipal government building or use (see also section 9-4-103)
	c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
	d. Federal government building or use
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	g. Private noncommercial recreation; indoor only, not otherwise listed
(7) Office/Financial/Medical	
	a. Office; professional and business, not otherwise listed
	b. Operation/processing center
	c. Office; customer service, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
	d. Bank, savings and loans or other savings or investment institutions
	e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
(8) Services	
	c. Funeral home
	e. Barber or beauty salon
	f. Manicure, pedicure or facial salon
	g. School; junior and senior high (see also section 9-4-103)
	h. School; elementary (see also section 9-4-103)
	i. School; nursery and kindergarten (see also section 9-4-103)
	j. College and other institutions of higher learning
	k. Business or trade school
	n. Auditorium
	o. Church or place of worship (see also section 9-4-103)

	p.	Library
	q.	Museum
	r.	Art gallery
	u.	Art studio including art and supply sales
	v.	Photography studio including photo and supply sales
	w.	Recording studio
	x.	Dance studio
	y(2)	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers not exceeding 120 feet in height or cellular telephone and wireless communication towers not exceeding 120 feet in height (see also section 9-4-103)
	y(4)	Distributed Antenna System (See also 9-4-103 (Q))
	bb.	Civic organizations
	cc.	Trade or business organizations
(9) Repair - None		
(10) Retail Trade		
	s.	Book or card store, news stand
	w.	Florist
	ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None		
(12) Construction		
	a.	Licensed contractor; general electrical, plumbing, mechanical, etc... excluding outside storage
	c.	Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None		
(14) Manufacturing/Warehousing - None		
(15) Other Activities (not otherwise listed - all categories) - None		
OR (OFFICE-RESIDENTIAL) - SPECIAL USES		
(1) General - None		
(2) Residential		
	d.	Land use intensity multi-family (LUI) development rating 50 per Article K
	e.	Land use intensity multi-family (LUI) development rating 67 per Article K
	i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
	m.	Shelter for homeless or abused (see also section 9-4-103)
	o(1).	Nursing, convalescent or maternity home; minor care facility
	r.	Fraternity or sorority house
(3) Home Occupations - None		
(4) Governmental		
	a.	Public utility building or use
(5) Agricultural/Mining - None		

(6) Recreational/Entertainment	
c(1).	Tennis club; indoor and outdoor facilities
h.	Commercial recreation; indoor only, not otherwise listed
m(1).	Dining and entertainment establishment (see also section 9-4-103)
(7) Office/Financial/Medical	
f.	Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
(8) Services	
a.	Child day care facilities
b.	Adult day care facilities
l.	Convention center; private
s.	Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
ff.	Mental health, emotional or physical rehabilitation day program facility
ff(1).	Mental health, emotional or physical rehabilitation day program facility
(9) Repair- None	
(10) Retail Trade - None	
h.	Restaurant; conventional
j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation	
h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories)	
a.	Other activities; personal services not otherwise listed
b.	Other activities; professional services not otherwise listed
PROPOSED ZONING	
CG (GENERAL COMMERCIAL) - PERMITTED USES	
(1) General	
a.	Accessory use or building
b.	Internal service facilities
c.	On-premise signs per Article N
e.	Temporary uses; of listed district uses
f.	Retail sales; incidental
g.	Incidental assembly of products sold at retail or wholesale as an accessory to principal uses
(2) Residential - None	
(3) Home Occupations - None	
(4) Governmental	
b.	City of Greenville municipal government building or use (see also section 9-4-103)

	c.	County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
	d.	Federal government building or use
	g.	Liquor store, state ABC
(5) Agricultural/Mining		
	a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	l.	Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment		
	f.	Public park or recreational facility
	h.	Commercial recreation; indoor only, not otherwise listed
	j.	Bowling alley
	m(1).	Dining and entertainment establishment (see also section 9-4-103)
	n.	Theater; movie or drama, indoor only
	q.	Circus, carnival, or fair, temporary only (see also section 9-4-103)
	s.	Athletic club; indoor only
(7) Office/Financial/Medical		
	a.	Office; professional and business, not otherwise listed
	b.	Operation/processing center
	d.	Bank, savings and loans or other savings or investment institutions
	e.	Medical, dental, ophthalmology or similar clinic, not otherwise listed
	g.	Catalogue processing center
(8) Services		
	c.	Funeral home
	e.	Barber or beauty salon
	f.	Manicure, pedicure or facial salon
	k.	Business or trade school
	o.	Church or place of worship (see also section 9-4-103)
	q.	Museum
	r.	Art gallery
	s.	Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
	s(1).	Hotel, motel bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
	u.	Art studio including art and supply sales
	v.	Photography studio including photo and supply sales
	y(1)	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers not exceeding 200 feet in height or cellular telephone and wireless communication towers not exceeding 200 feet in height (see also section 9-4-103)
	y(4)	Distributed Antenna System (See also 9-4-103 (Q))
	z.	Printing or publishing service including graphic art, maps, newspapers, magazines and books
	aa.	Catering service including food preparation (see also restaurant; conventional and fast food)
	hh.	Exercise and weight loss studio; indoor only

	kk.	Launderette; household users
	ll.	Dry cleaners; household users
	oo.	Clothes alteration or shoe repair shop
	pp.	Automobile wash
(9) Repair		
	g.	Jewelry, watch, eyewear or other personal item repair
(10) Retail Trade		
	a.	Miscellaneous retail sales; non-durable goods, not otherwise listed
	d.	Pharmacy
	e.	Convenience store (see also gasoline sales)
	f.	Office and school supply, equipment sales
	g.	Fish market; excluding processing or packing
	h.	Restaurant; conventional
	i.	Restaurant; fast food (see also section 9-4-103)
	k.	Medical supply sales and rental of medically-related products including uniforms and related accessories
	l.	Electronic; stereo, radio, computer, TV and the like, sales and accessory repair
	m.	Appliance; household use, sales and accessory repair, excluding outside storage
	p.	Furniture and home furnishing sales not otherwise listed
	q.	Floor covering, carpet and wall covering sales
	r.	Antique sales, excluding vehicles
	s.	Book or card store, news stand
	t.	Hobby or craft shop
	u.	Pet shop (see also animal boarding; outside facility)
	v.	Video or music store; records, tape, CD and the like sales
	w.	Florist
	x.	Sporting goods sales and rental shop
	y.	Auto part sales (see also major and minor repair)
	aa.	Pawnbroker
	bb.	Lawn and garden supply and household implement sales and accessory service
	ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade		
	b.	Rental of home furniture, appliances or electronics and medically-related products (see also division (10k.)
	c.	Rental of clothes and accessories; formal wear, and the like
(12) Construction		
	c.	Construction office; temporary, including modular office (see also section 9-4-103)
	e.	Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outdoor sales
	f.	Hardware store
(13) Transportation		
	c.	Taxi or limousine service

	h. Parking lot or structure; principal use
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
CG (GENERAL COMMERCIAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
	i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
(3) Home Occupations - None	
(4) Governmental	
	a. Public utility building or use
(5) Agricultural/Mining - None	
(6) Recreational/Entertainment	
	d. Game center
	l. Billiard parlor or pool hall
	m. Public or private club
	t. Athletic club; indoor and outdoor facilities
	u. Internet sweepstakes business (see also section 9-4-103)
(7) Office/Financial/Medical	
	c. Office; customer service, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
	f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
(8) Services	
	a. Child day care facilities
	b. Adult day care facilities
	l. Convention center; private
(9) Repair	
	a. Major repair; as an accessory or principal use
	b. Minor repair; as an accessory or principal use
(10) Retail Trade	
	b. Gasoline or automotive fuel sales; accessory or principal use, retail
	c. Wine shop; including on-premise consumption (see also section 9-4-103)
	j. Restaurant and/or dining and entertainment establishment; regulated outdoor activities
	n. Appliance; commercial use, sales and accessory repair; excluding outside storage
	ff. Tobacco shop (Class 1) (see also section 9-4-103)
	gg. Tobacco shop (Class 2) (see also section 9-4-103)
	hh. Hookah café (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
	d. Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
	f. Automobile, truck, recreational vehicle, motorcycle and boat sales and service (see also major and minor repair)
(12) Construction - None	

(13) Transportation - None	
(14) Manufacturing/Warehousing	
k.	Mini-storage warehouse; household excluding outside storage
(15) Other Activities (not otherwise listed - all categories)	
a.	Other activities; personal services not otherwise listed
b.	Other activities; professional services not otherwise listed
c.	Other activities; commercial services not otherwise listed
d.	Other activities; retail sales not otherwise listed

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

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

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

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

Street trees may count toward the minimum acreage.

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

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

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

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

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

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

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

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

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

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



City of Greenville, North Carolina

Meeting Date: 10/10/2019
Time: 6:00 PM

Title of Item:

Ordinance requested by Liberty Free Will Baptist Church of Greenville to rezone 18.5428 acres located at the southeastern corner of the intersection of NC Highway 43 W and Martin Luther King, Jr. Highway from RA20 (Residential-Agricultural) to CH (Heavy Commercial)

Explanation:

Abstract: The City has received a request from Liberty Free Will Baptist Church of Greenville to rezone 18.5428 acres located at the southeastern corner of the intersection of NC Highway 43 W and Martin Luther King, Jr. Highway from RA20 (Residential-Agricultural) to CH (Heavy Commercial).

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on September 3, 2019.

On-site sign(s) posted on September 3, 2019.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on September 24, 2019.

Public hearing legal advertisement published on September 30, 2019 and October 7, 2019.

Comprehensive Plan:

The Future Land Use and Character Map recommends commercial (C) at the southeastern corner of the intersection of NC Highway 43 W and Martin Luther King, Jr. Highway transitioning to office/institutional (OI) to the east.

Further, potential conservation/open space is recommended along Harris Mill Run located in the southern section of the property.

The Future Land Use and Character Map identifies certain areas as Potential Conservation/Open Space (PCOS). Much of this area is designated based upon data on flood-prone land and environmental constraints that may not correspond precisely

with conditions on the ground. Seeing an area designated this way is the beginning of a conversation. When considering rezoning requests or other development proposals, some areas classified as Potential Conservation/Open Space may be determined not to contain anticipated limitations on development, or that existing concerns can reasonably be mitigated. In such cases, the future preferred land use should be based on adjacent Land Use and Character designations, contextual considerations, and the general policies of the comprehensive plan.

Commercial

Primarily community- and regional-scale commercial development situated near and along major roadway corridors. Existing development is characterized by buildings set back from streets behind surface parking. That existing pattern should evolve to become more walkable with shorter blocks, buildings near streets, shared parking, and connections to surrounding development.

Intent:

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

Primary uses:

Commercial (small and large format)

Office

Secondary uses:

Institutional/civic

Office/Institutional

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

Intent:

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

Primary uses:
Office
Institutional/civic

There is a designated community activity center at the intersection of NC Highway 43 W and Martin Luther King, Jr. Highway. These centers are intended to provide 50,000 - 250,000 square feet of commercial space serving an area of approximately three miles.

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

Based on the possible uses permitted by the requested rezoning, the proposed rezoning classification could generate approximately 2,924 trips to and from the site on NC Highway 43, which is a net increase of 2,582 trips per day.

During the review process, measures to mitigate traffic impacts will be determined. A Traffic Impact Analysis may be required.

History/Background:

In 2001, the subject property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned RA20 (Residential-Agricultural).

Present Land Use:

One (1) vacant non-residential building (11,280 sq. ft.).

Water/Sewer:

Water is available; however, sanitary sewer is not available at this time.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

A small portion of the property is located in the Special Flood Hazards Area. Any development in this area is subject to the Flood Damage Prevention Ordinance.

The property is located in the Harris Mill Run/Schoolhouse Branch Watershed. If stormwater rules apply, it would require 10-year detention and nitrogen and phosphorous reduction.

Surrounding Land Uses and Zoning:

North: RA20 - One (1) single-family residence
South: R6 - Woodlands

East: RA20 - Vacant

West: CH - Future site of the Greenville Utilities Commission Operations Center

Density Estimates:

The property currently contains a vacant non-residential building (11,280 sq. ft.) and could accommodate an additional 20-25 single-family lots on the residual area of the parcel.

Under the proposed zoning, the site could accommodate a total of 50,484 sq. ft. of commercial and office space (11,280 sq. ft. church, one (1) conventional restaurant (5,600 sq. ft.), one (1) gasoline/convenience store (4,500 sq. ft.), and remaining area retail/office space.

The anticipated build-out is within 4-5 years.

Fiscal Note:

No cost to the City.

Recommendation:

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

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

The Planning and Zoning Commission voted unanimously to approve the request at its September 17, 2019 meeting.

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

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

Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is

a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

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

ATTACHMENTS:

- ☐ **Ordinance_- Liberty_FWB_Church_1115902**
- ☐ **Minutes_- Liberty_FWB_1115720**
- ☐ **Attachments**

ORDINANCE NO. 19-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 10th day of October, 2019, at 6:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

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

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

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

Section 1. That the following described territory is rezoned from RA20 (Residential-Agricultural) to CH (Heavy Commercial).

TO WIT: Liberty Free Will Baptist Church of Greenville Property

LOCATION: Located at the southeastern corner of the intersection of NC Highway 43 W and Martin Luther King Jr. Highway.

DESCRIPTION: Lying and being in Falkland Township, Pitt County, North Carolina and being west of NCSR 1204 B's Barbeque Road, being bounded on the north by US Highway 264 Martin Luther King, Jr. Highway, on the east by the western right-of-way of NC Highway 43, on the south by Pamela Turnage Finch, et al, and on the west by Harris Mill Run Canal, and being more particularly described as follows:

Beginning at NCGS Monument "Jerome" with coordinates of (N) 210778.022 meters, (E) 752120.446 meters NAD83 (2011), thence S 24-43-30 W – 4,491.81' to a point of intersection of US Highway 264 Martin Luther King, Jr, Highway and NC Highway 43, the true Point of Beginning.

Thence from the true Point of Beginning, following the western right-of-way of NC Highway 43 N 80-04-52 E – 66.91' to a point, thence S 72-00-44 E – 78.83' to the northeast corner of the Pamela Turnage Finch, et al property (Deed Book 1989, Page 391), thence along the northern line of Finch S32-33-00W – 2,635.15' to a point in the centerline of Harris Mill Run Canal, thence along the centerline of Harris Mill Run Canal the following calls: N 10-27-05 E – 6.73', thence N 07-48-34 W – 20.85', thence N 47-05-13 E – 12.12', thence N 05-04-44 W – 11.02', thence N 59-51-58 W – 25.80', thence S 64-34-41 W – 9.37', thence N 75-09-16 W – 19.32', thence N 48-47-16 W – 8.93', thence N 83-11-52 W – 25.15', thence S 73-09-50 W – 22.20', thence N 87-37-25 W – 45.29', thence N 45-09-06 W – 16.28', thence N 64-08-58 W – 13.28' to a point on the southern right-of-way of US Highway 264 Martin Luther King, Jr. Highway, thence along the right-of-way of US Highway 264 the following calls: with a curve to the right having a radius of 5,589.58' and being subtended by a chord of N 15-22-38 E – 616.32' to a point, thence N 24-31-54 E – 191.27', thence with a curve to the right having a radius of 5,719.58' and being subtended by a chord of N 23-48-57 E – 196.17', thence N 26-47-23 E – 190.30', thence with a curve to the right having a radius of 1,332.39' and being subtended by a chord of N 33-47-47 E – 184.52', thence N 33-42-25 E – 93.19', thence with a curve to the right having a radius of 1,332.39' and being subtended by a chord of N 46-51-34 E – 232.07', thence N 54-31-02 E – 192.97', thence N 55-49-26 E – 100.70', thence N 54-05-59 E – 208.64', thence with a curve to the left having a radius of 1,245.92' and being subtended by a chord of N 40-21-14 E – 464.54' to the true Point of Beginning, containing 18.5428 Acres and being all of Parcel Number 07111 as filed with the Pitt County Tax Assessor's office.

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

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

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

ADOPTED this 10th day of October, 2019.

P. J. Connelly, Mayor

ATTEST:

Polly Jones, Interim City Clerk

1115902

Excerpt from the draft Planning & Zoning Commission Minutes (09/17/2019)

Ordinance requested by Liberty Free Will Baptist Church of Greenville to rezone 18.5428 acres located at the southeastern corner of the intersection of NC Highway 43 W and Martin Luther King, Jr. Highway from RA20 (Residential-Agricultural) to CH (Heavy Commercial) - **APPROVED**

Ms. Gooby delineated the property. A small portion of the property is located in the Special Flood Hazards Area. Any development in this area is subject to the Flood Damage Prevention Ordinance. The property is located in the Harris Mill Run/Schoolhouse Branch Watershed. If stormwater rules apply, it would require 10-year detention and nitrogen and phosphorous reduction. Based on the possible uses permitted by the requested rezoning, the proposed rezoning classification could generate a net increase of 2,582 trips per day. A Traffic Impact Analysis may be required. Currently, the property contains a vacant non-residential building (11,280 sq. ft.) and could accommodate an additional 20-25 single-family lots on the residual area of the parcel. Under the proposed zoning, the site could accommodate a total of 50,484 sq. ft. of commercial and office space (11,280 sq. ft. church, one (1) conventional restaurant (5,600 sq. ft.), one (1) gasoline/convenience store (4,500 sq. ft.), and remaining area could be retail/office space. The Future Land Use and Character Map recommends commercial (C) at the southeastern corner of the intersection of NC Highway 43 W and Martin Luther King, Jr. Highway transitioning to office/institutional (OI) to the east. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Mr. Robinson opened the public hearing.

Mr. Linwood Stroud, Stroud Engineering, spoke in favor on behalf of the property owner.

Mr. Ron Harrell, commercial real estate broker, spoke in favor on behalf of the property owner.

No one spoke in opposition.

Mr. Robinson closed the public hearing.

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

1115720

Liberty Free Will Baptist Church
of Greenville NC (inc)

From: RA20

To: CH

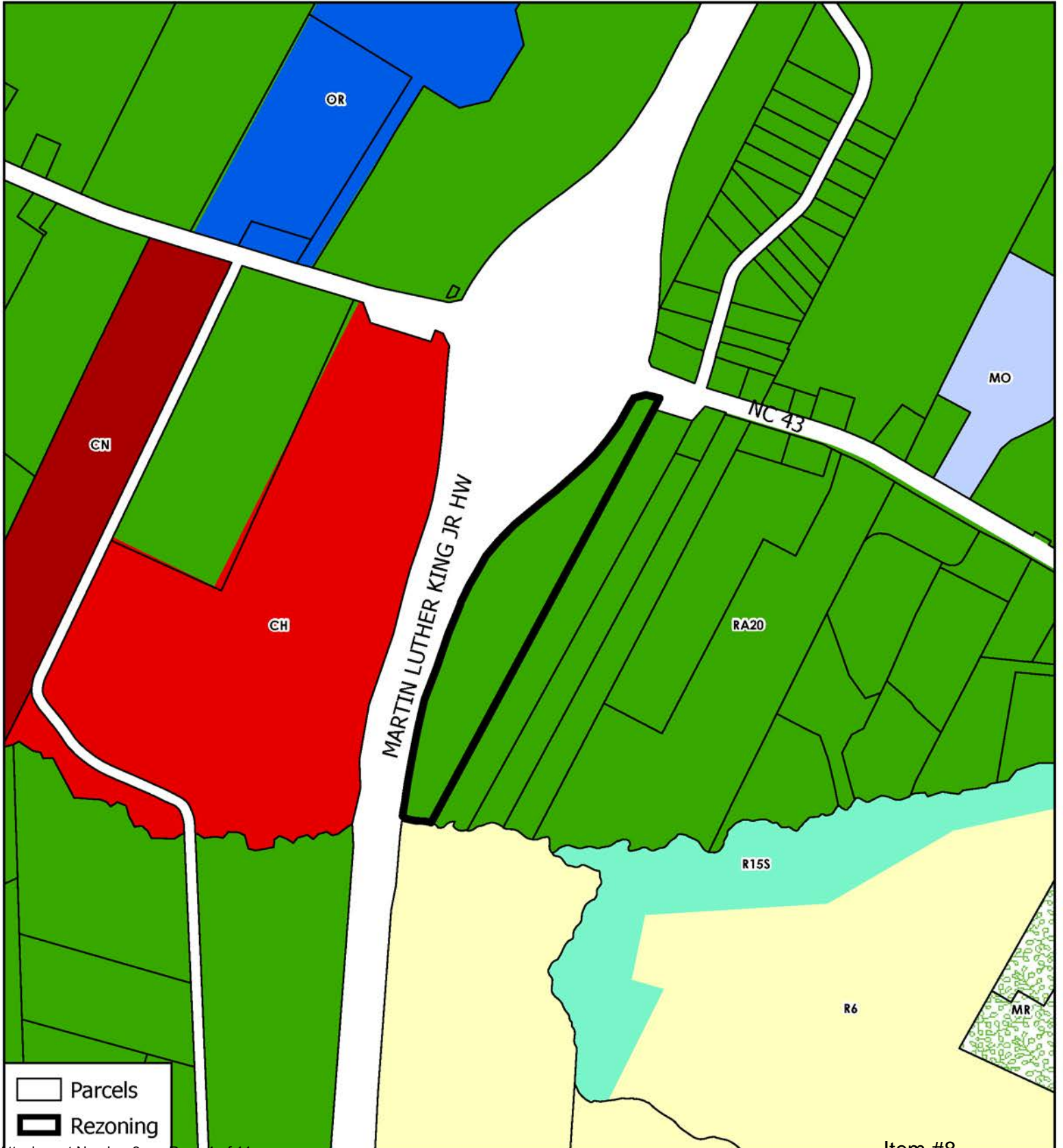
Acres: 18.5428

September 3, 2019

N



0 0.04 0.09 0.18 Miles

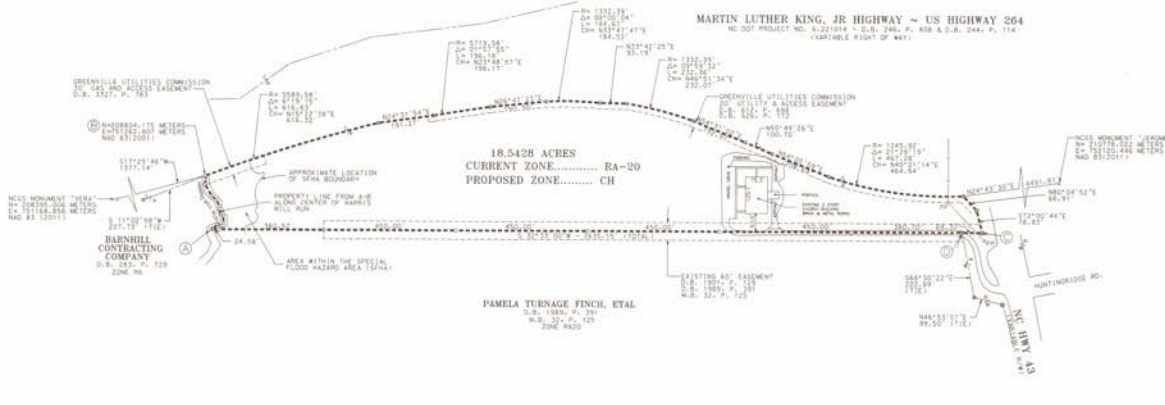




VICINITY MAP, N.T.S.

- LEGEND
- EXISTING IRON PIPE
 - IRON PIPE SET
 - # EXISTING RIGHT OF WAY DISM.
 - ⊞ NO COGNITIVE SURVEY MONUMENT
 - ⊞ EXISTING IRON BAR
 - ⊞ NO POINT SET
 - ⊞ POWER POLE
 - OVERHEAD UTILITY LINE
 - R/W RIGHT OF WAY
 - ⊞ CONTROLLED ACCESS RIGHT OF WAY

- PROPERTY LINE CALLS FROM
A-B ALONG THE CENTER OF
HARRIS MILL RUN
- N 102°21'05" E - 6.73'
 - N 27°48'34" W - 20.05'
 - N 87°00'25" E - 12.17'
 - N 09°04'44" W - 11.02'
 - N 0°01'58" W - 49.40'
 - S 64°34'47" W - 9.37'
 - N 75°29'18" W - 19.54'
 - N 83°11'52" W - 28.15'
 - S 17°08'52" W - 22.07'
 - N 87°37'29" W - 40.29'
 - N 49°08'04" W - 10.84'
 - N 64°58'58" W - 15.28'



I, DEBORAH S. BRYETTE, CERTIFY THAT THIS MAP IS AN ACCURATE REPRESENTATION OF THE SURVEY AND IS AN EXCEPTION TO THE DEFINITION OF A SUBDIVISION.

Deborah S. Bryette
DEBORAH S. BRYETTE, P.E. L-4148



I, DEBORAH S. BRYETTE, CERTIFY THAT THIS MAP WAS DRAWN FROM INFORMATION FOUND ON MAP BY SPINULL & ASSOCIATES, INC. ENTITLED 'SURVEY FOR LIBERTY FREE WILL BAPTIST CHURCH OF GREENVILLE NC INC.' DATED AUGUST 9, 2016 THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES AND DO NOT REPRESENT AN ACTUAL FIELD SURVEY BY STROND ENGINEERING, P.A. WITNESS MY HAND AND SEAL THIS 19th DAY OF FEBRUARY 2025.

Deborah S. Bryette
PROFESSIONAL LAND SURVEYOR L-4148



- REFERENCES
- D.S. 1001, P. 724
 - D.S. 1001, P. 133
 - M.B. 32, P. 125
 - M.B. 32, P. 275
 - R.W. BROWN, J. C. & S. B. JR. PITT COUNTY REGISTER

PN 07111			RECORDED MAP FOR
LIBERTY FREE WILL BAPTIST CHURCH OF GREENVILLE, NC INC.			SURVEYED BY/VA
			DRANK LUK
REFERENCE BEING THE PROPERTY RECORDED IN DEED BOOK 17007, PAGE 125 AND DEED BOOK 1901, PAGE 133 OF THE PITT COUNTY REGISTER			APPROVED DATE
FALKLAND TOWNSHIP	PITT COUNTY	NORTH CAROLINA	DATE: 8/19/19
OWNER: LIBERTY FREE WILL BAPTIST CHURCH	ADDRESS: PO BOX 11071 GREENVILLE, NC 27633	PHONE:	SCALE: 1" = 200'
STROUD ENGINEERING, P.A. 6776 COMMERCE ST. GREENVILLE, NC 27615 (252) 758-9352			DRAWN BY
			DREW: T. G.
LICENSE NO. C-0647			

EXISTING ZONING	
RA20 (RESIDENTIAL-AGRICULTURAL) - PERMITTED USES	
(1) General	
a.	Accessory use or building
c.	On-premise signs per Article N
(2) Residential	
a.	Single-family dwelling
b(1).	Master Plan Community per Article J
f.	Residential cluster development per Article M
k.	Family care homes (see also 9-4-103)
q.	Room renting
(3) Home Occupations - None	
(4) Governmental	
b.	City of Greenville municipal government building or use (see also section 9-4-103)
(5) Agricultural/Mining	
a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)
c.	Wayside market for farm products produced on-site
e.	Kennel (see also section 9-4-103)
f.	Stable; horse only (see also section 9-4-103)
g.	Stable; per definition (see also section 9-4-103)
h.	Animal boarding not otherwise listed; outside facility, as an accessory or principal use
l.	Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
f.	Public park or recreational facility
g.	Private noncommercial park or recreational facility
(7) Office/Financial/Medical - None	
(8) Services	
o.	Church or place of worship (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
c.	Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
RA20 (RESIDENTIAL-AGRICULTURAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
b.	Two-family attached dwelling (duplex)
g.	Mobile home (see also section 9-4-103)
n.	Retirement center or home
o.	Nursing, convalescent or maternity home; major care facility
o(1).	Nursing, convalescent or maternity home; minor care facility
(3) Home Occupations	
a.	Home occupation; not otherwise listed

	b.	Home occupation; barber and beauty shop
	c.	Home occupation; manicure, pedicure or facial salon
(4) Governmental		
	a.	Public utility building or use
(5) Agricultural/Mining		
	b.	Greenhouse or plant nursery; including accessory sales
	m.	Beekeeping; major use
	n.	Solar energy facility
(6) Recreational/Entertainment		
	a.	Golf course; 18-hole regulation length (see also section 9-4-103)
	a(1).	Golf course; 9-hole regulation length (see also section 9-4-103)
	c(1).	Tennis club; indoor and outdoor facilities
(7) Office/Financial/Medical - None		
(8) Services		
	a.	Child day care facilities
	b.	Adult day care facilities
	d.	Cemetery
	g.	School; junior and senior high (see also section 9-4-103)
	h.	School; elementary (see also section 9-4-103)
	i.	School; nursery and kindergarten (see also section 9-4-103)
(9) Repair - None		
(10) Retail Trade - None		
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None		
(12) Construction - None		
(13) Transportation - None		
(14) Manufacturing/Warehousing - None		
(15) Other Activities (not otherwise listed - all categories) - None		
PROPOSED ZONING		
CH (HEAVY COMMERCIAL) - PERMITTED USES		
(1) General		
	a.	Accessory use or building
	b.	Internal service facilities
	c.	On-premise signs per Article N
	d.	Off-premise signs per Article N
	e.	Temporary uses; of listed district uses
	f.	Retail sales; incidental
	g.	Incidental assembly of products sold at retail or wholesale as an accessory to principal uses
(2) Residential - None		
(3) Home Occupations - None		
(4) Governmental		
	a.	Public utility building or use
	b.	City of Greenville municipal government building or use (see also section 9-4-103)
	c.	County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
	d.	Federal government building or use

e.	County government operation center
g.	Liquor store, state ABC
(5) Agricultural/Mining	
a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)
b.	Greenhouse or plant nursery; including accessory sales
d.	Farmers market
e.	Kennel (see also section 9-4-103)
h.	Animal boarding not otherwise listed; outside facility, as an accessory or principal use
l.	Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
b.	Golf course; par three
c.	Golf driving range
c(1).	Tennis club; indoor and outdoor facilities
e.	Miniature golf or putt-putt course
f.	Public park or recreational facility
h.	Commercial recreation; indoor only, not otherwise listed
i.	Commercial recreation; indoor and outdoor, not otherwise listed
j.	Bowling alley
m(1).	Dining and entertainment establishment (see also section 9-4-103)
n.	Theater; movie or drama, indoor only
o.	Theater; movie or drama, including outdoor facilities
q.	Circus, carnival, or fair, temporary only (see also section 9-4-103)
s.	Athletic club; indoor only
t.	Athletic club; indoor and outdoor facilities
(7) Office/Financial/Medical	
a.	Office; professional and business, not otherwise listed
b.	Operation/processing center
c.	Office; customer service, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
d.	Bank, savings and loans or other savings or investment institutions
e.	Medical, dental, ophthalmology or similar clinic, not otherwise listed
f.	Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
g.	Catalogue processing center
(8) Services	
c.	Funeral home
e.	Barber or beauty salon
f.	Manicure, pedicure or facial salon
n.	Auditorium
o.	Church or place of worship (see also section 9-4-103)
q.	Museum
r.	Art gallery
s.	Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
u.	Art studio including art and supply sales

v.	Photography studio including photo and supply sales
y.	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communication towers
y(4)	Distributed Antenna System (See also 9-4-103 (Q))
z.	Printing or publishing service including graphic art, maps, newspapers, magazines and books
aa.	Catering service including food preparation (see also restaurant; conventional and fast food)
bb.	Civic organizations
cc.	Trade or business organizations
hh.	Exercise and weight loss studio; indoor only
kk.	Laundrette; household users
ll.	Dry cleaners; household users
mm.	Commercial laundries; linen supply
oo.	Clothes alteration or shoe repair shop
pp.	Automobile wash
(9) Repair	
b.	Minor repair; as an accessory or principal use
c.	Upholsterer; automobile, truck, boat, or other vehicle, trailer or van
d.	Upholsterer; furniture
f.	Appliance; household and office equipment repair
g.	Jewelry, watch, eyewear or other personal item repair
(10) Retail Trade	
a.	Miscellaneous retail sales; non-durable goods, not otherwise listed
b.	Gasoline or automotive fuel sales; accessory or principal use, retail
c.	Wine shop; including on-premise consumption (see also section 9-4-103)
d.	Pharmacy
e.	Convenience store (see also gasoline sales)
f.	Office and school supply, equipment sales
g.	Fish market; excluding processing or packing
h.	Restaurant; conventional
i.	Restaurant; fast food
k.	Medical supply sales and rental of medically-related products including uniforms and related
l.	Electronic; stereo, radio, computer, TV, etc... sales and accessory repair
m.	Appliance; household use, sales and accessory repair, excluding outside storage
o.	Appliance; household, commercial or industrial use, sales and accessory repair, including outside storage
p.	Furniture and home furnishing sales not otherwise listed
q.	Floor covering, carpet and wall covering sales
r.	Antique sales, excluding vehicles
s.	Book or card store, news stand
t.	Hobby or craft shop
u.	Pet shop (see also animal boarding; outside facility)
v.	Video or music store; records, tape, CD and the like sales
w.	Florist

x.	Sporting goods sales and rental shop
y.	Auto part sales (see also major and minor repair)
aa.	Pawnbroker
bb.	Lawn and garden supply and household implement sales and accessory service
cc.	Farm supply and commercial implement sales
ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
a.	Wholesale; durable and nondurable goods, not otherwise listed
b.	Rental of home furniture, appliances or electronics and medically-related products (see also division (10k.))
c.	Rental of clothes and accessories; formal wear, and the like
d.	Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
e.	Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery
f.	Automobiles, truck, recreational vehicle, motorcycles and boats sales and services (see also major and minor repair)
g.	Mobile home sales including accessory mobile home office
(12) Construction	
b.	Licensed contractor; general electrical, plumbing, mechanical, etc... including outside storage
c.	Construction office; temporary, including modular office (see also section 9-4-103)
e.	Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outdoor sales
f.	Hardware store
(13) Transportation	
c.	Taxi or limousine service
e.	Parcel delivery service
f.	Ambulance service
h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing	
a.	Ice plant and freezer lockers
b.	Dairy; production, storage, and shipment facilities
c.	Bakery; production, storage, and shipment facilities
g.	Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
h.	Engraving; metal, glass or wood
i.	Moving and storage of nonhazardous materials; excluding outside storage
k.	Mini-storage warehouse, household; excluding outside storage
m.	Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage
u.	Tire recapping or retreading plant
(15) Other Activities (not otherwise listed - all categories) - None	
CH (HEAVY COMMERCIAL) - SPECIAL USES	
(1) General - None	
(2) Residential	

	i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
	j.	Residential quarters for resident manager, supervisor or caretaker; including mobile home
(3) Home Occupations - None		
(4) Governmental - None		
(5) Agricultural/Mining		
	m.	Beekeeping; major use
(6) Recreational/Entertainment		
	d.	Game center
	l.	Billiard parlor or pool hall
	m.	Public or private club
	r.	Adult uses
	u.	Internet sweepstakes business (see also section 9-4-103)
(7) Office/Financial/Medical - None		
(8) Services		
	a.	Child day care facilities
	b.	Adult day care facilities
	l.	Convention center; private
	dd.	Massage establishment
	ff(1).	Mental health, emotional or physical rehabilitation day program facility
(9) Repair		
	a.	Major repair; as an accessory or principal use
(10) Retail Trade		
	j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
	n.	Appliance; commercial use, sales and accessory repair; excluding outside storage
	z.	Flea market
	ff.	Tobacco shop (Class 1) (see also section 9-4-103)
	gg.	Tobacco shop (Class 2) (see also section 9-4-103)
	hh.	Hookah café (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None		
(12) Construction - None		
(13) Transportation - None		
(14) Manufacturing/Warehousing		
	d.	Stone or monument cutting, engraving
	j.	Moving and storage; including outside storage
	l.	Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
	y.	Recycling collection station or facilities
(15) Other Activities (not otherwise listed - all categories)		
	a.	Other activities; personal services not otherwise listed
	b.	Other activities; professional services not otherwise listed
	c.	Other activities; commercial services not otherwise listed
	d.	Other activities; retail sales not otherwise listed

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 19-13

Applicant: Liberty Free Will Baptist Church

Property Information

Current Zoning: RA20 (Residential-Agricultural)

Proposed Zoning: CH (Heavy Commercial)

Current Acreage: 18.543

Location: NC Hwy 43, just east of US 264

Points of Access: NC Hwy 43

Location Map



Transportation Background Information

1.) NC Hwy 43- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	4 lanes with raised median	no change
Right of way width (ft)	100	no change
Speed Limit (mph)	55	no change
Current ADT:	10,400 (*)	
Design ADT:	47,200 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

Other Information: There are no sidewalks along NC Hwy 43 that service this property.

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

Transportation Improvement Program Status:

Trips generated by proposed use/change

Current Zoning: 342 -vehicle trips/day (*) **Proposed Zoning: 2,924** -vehicle trips/day (*)

Estimated Net Change: increase of 2582 vehicle trips/day (assumes full-build out)

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

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on NC Hwy 43 are as follows:

1.) NC Hwy 43 , East of Site (40%): **“No build” ADT of 10,400**

Estimated ADT with Proposed Zoning (full build) – 11,570

Estimated ADT with Current Zoning (full build) – 10,537

Net ADT change = 1,033 (10% increase)

2.) NC Hwy 43 , West of Site (60%): “No build” ADT of 10,400

Estimated ADT with Proposed Zoning (full build) – 12,154

Estimated ADT with Current Zoning (full build) – 10,605

Net ADT change = 1,549 (15% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 2924 trips to and from the site on NC Hwy 43, which is a net increase of 2582 additional trips per day.

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

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

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

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

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

Street trees may count toward the minimum acreage.

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

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

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

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

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

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

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

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

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

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



City of Greenville, North Carolina

Meeting Date: 10/10/2019
Time: 6:00 PM

Title of Item:

Ordinance requested by the Planning and Development Services Department to amend the City Code by amending the use of recording studio by renaming it to "digital broadcast studio", adding a definition, additional standards and permissible zoning districts

Explanation:

Abstract: The Planning and Development Services Department desires to amend the City Code by amending the use of recording studio by renaming it to "digital broadcast studio", adding a definition, additional standards and permissible zoning districts.

Explanation: This a text amendment to modernize the use of "recording studio". Currently, the City's zoning ordinance allows a recording studio as permitted use in the O (Office), OR (Office-Residential), CD (Downtown Commercial), and CDF (Downtown Commercial Fringe) zoning districts. Also, the ordinance does not contain a specific definition and advances in technology in this field no longer fit within the generic use of a recording studio. After researching this subject, staff is proposing to specifically define "digital broadcast studio", add additional standards and permissible zoning districts.

The proposed definition:

Digital broadcast studio. An establishment containing one or more studios for the staging and recording, as well as digital distribution, of video or audio productions. Such productions include, but are not limited to, music, web streaming and non-feature length film.

The proposed additional standards are:

- (1) No living quarters shall be allowed.
- (2) No transmission towers or monopoles are allowed.

The proposed additional zoning districts are:

- CG (General Commercial)

- CN (Neighborhood Commercial)
- CH (Heavy Commercial)

The proposed changes will modernize the use of recording studio and allow this use in additional zoning districts, while providing specific standards to this use.

Comprehensive Plan

In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the following adopted policy in Horizons 2026: Greenville's Community Plan.

Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy

Policy 4.3.1 Modernize and Diversify Local Economy

Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy, *Policy 4.3.1 Modernize and Diversify Local Economy*:

Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.

Therefore, staff recommends approval.

The Planning and Zoning Commission voted unanimously to approve the request at its September 17, 2019 meeting.

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

If City Council determines to deny the 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, to make a finding and determination that the required text amendment is inconsistent with the comprehensive plan or other applicable plans, including but not limited to Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy, *Policy 4.3.1 Modernize and Diversify Local Economy*:

Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.

ATTACHMENTS:

- ▣ **Ordinance_-_recording_studio_digital_broadcast_studio_1114751**
- ▣ **Minutes_-_digital_broadcasting_studio_1116166**

ORDINANCE NO. 19-
AN ORDINANCE AMENDING THE CITY CODE
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 October 10, 2019, at 6:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

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

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy. *Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.*

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

Section 1: That Title 9, Chapter 4, Article B, Definitions, Section 22 of the City Code is hereby amended adding "*Digital broadcast studio. Digital broadcast studio: An establishment containing one or more studios for the staging and recording, as well as digital distribution, of video or audio productions. Such productions include, but are not limited to, music, web streaming and non-feature length film.*"

Section 2: That Title 9, Chapter 4, Article U, Appendix A Table of Uses (8)w, of the City Code is hereby amended by deleting "Recording studio" and replacing with "Digital broadcast studio (see also 9-4-103)" and adding as a permitted use in the CG (General Commercial), CN (Neighborhood Commercial), and CH (Heavy Commercial) zoning districts.

Section 3: That Title 9, Chapter 4, Article F. Dimensional Standards, Modifications, and Special Standards, Section 9-4-103 Special Standards for Certain Specific Uses of the City Code is hereby amended adding:

(EE) *Digital broadcast studio.*

- 1) No living quarters shall be allowed.
- 2) No transmission towers and/or monopoles are allowed.

Section 4: That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5: 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 6: That this ordinance shall become effective upon its adoption.

ADOPTED this 10th day of October, 2019.

P. J. Connelly, Mayor

ATTEST:

Polly Jones, Interim City Clerk

1114751

Excerpt from the draft Planning & Zoning Commission Minutes (09/17/2019)

Ordinance requested by Community Development Department Staff to amend the City Code by amending the use of recording studio by renaming it to “digital broadcast studio”, adding a definition, additional standards and permissible zoning districts - APPROVED

Ms. Gooby stated the amendment is to modernize the use of "recording studio". Currently, the City's zoning ordinance allows a recording studio as permitted use in the O (Office), OR (Office-Residential), CD (Downtown Commercial), and CDF (Downtown Commercial Fringe) zoning districts. Also, the ordinance does not contain a specific definition. Advances in technology in this field no longer fit within the generic use of a recording studio. After researching this subject, staff is proposing to replace “recording studio” with "digital broadcast studio", add a definition and additional standards and permissible zoning districts.

The proposed definition:

Digital broadcast studio. An establishment containing one or more studios for the staging and recording, as well as digital distribution, of video or audio productions. Such productions include, but are not limited to, music, web streaming and non-feature length film.

The proposed additional standards are:

- 1) No living quarters shall be allowed.
- 2) No transmission towers allowed.

The proposed additional zoning districts are:

- CG (General Commercial)
- CN (Neighborhood Commercial)
- CH (Heavy Commercial)

The proposed changes will modernize the use of recording studio and allow this use in additional zoning districts, while providing specific standards to this use.

Horizons 2026: Greenville's Community Plan.

Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy

Policy 4.3.1 Modernize and Diversify Local Economy

Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.

Mr. Robinson asked for clarification on the definition transmission towers.

Ms. Gooby stated the ordinance already has a definition. Essentially there will be no outside equipment.

Mr. Robinson asked if monopoles could be included in the new definition since monopole may not fit the exact definition of a transmission tower and could possibly be used if the term is not specifically included.

Ms. Gooby replied that staff would accept that as a friendly amendment to the request.

Mr. Robinson opened the public hearing.

No one spoke in favor or in opposition.

Mr. Robinson closed the public hearing.

Motion made by Mr. West, seconded by Ms. Darden, to add monopolies to the amendment and to recommend approval of the proposed text amendment, to advise that it is consistent with the comprehensive plan and adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

1116166



City of Greenville, North Carolina

Meeting Date: 10/10/2019
Time: 6:00 PM

Title of Item:

Ordinance requested by Michael Overton to amend the City Code by adding "pet grooming facility" as a use that is permitted in the CD (Downtown Commercial), CDF (Downtown Commercial Fringe), MCG (Medical-General Commercial), MCH (Medical-Heavy Commercial), CN (Neighborhood Commercial), CG (General Commercial) and CH (Heavy Commercial) zoning districts. The amendment includes a definition, additional standards and permissible zoning districts.

Explanation:

Abstract: The Planning and Development Services Department received a request by Michael Overton to amend the City Code by adding "pet grooming facility" as a use that is permitted in the CD (Downtown Commercial), CDF (Downtown Commercial Fringe), MCG (Medical-General Commercial), MCH (Medical-Heavy Commercial), CN (Neighborhood Commercial), CG (General Commercial) and CH (Heavy Commercial) zoning districts. The amendment includes a definition, additional standards and permissible zoning districts.

History: Mr. Overton applied for a text amendment to add "pet grooming" as a permitted use in the MCG zoning district. After staff discussions with Mr. Overton and research, the original text amendment was broadened to add the specific use of a "pet grooming facility" to the City's zoning ordinance as a permitted use in the CD, CDF, MCG, MCH, CN, CG and CH zoning districts, and to add specific standards.

Currently, the City's zoning ordinance considers pet grooming, doggie daycare, and/or training, as a "personal service, not otherwise listed" as a special use in the OR (Office-Residential), CD (Downtown Commercial), CDF (Downtown Commercial Fringe), CG (General Commercial), and CH (Heavy Commercial) zoning districts.

In the recent past, there have been requests to offer pet grooming as a standalone use, which required a special use permit. Since pet grooming is a less intensive use as to volume of pets, length of stay, and hours of operation, staff felt that pet grooming, as a standalone use, would be appropriate as a permitted use instead of a special use.

Proposed changes:

Definition:

Pet Grooming Facility

Any premises containing four or more domesticated animals, which are five months or older, where these domestic animals are dropped off and picked up for temporary care on site related to grooming. Grooming activities include both the hygienic care and cleaning of a dog, as well as a process by which a dog's physical appearance is enhanced for showing or other types of competition.

Additional standards:

- (1) Pet grooming and holding will not extend before 7 a.m. or beyond 8 p.m.
- (2) Standalone pet grooming facilities are not to include training, exercise, socialization, keeping or boarding, breeding or sale or rental of pets.
- (3) In the event of a combined use within a single premise any and all pet grooming activities shall occur exclusively within an enclosed area.
- (4) In no event shall pets be kept outside of the structure for purposes of grooming or holding.

Zoning districts are:

- CD (Downtown Commercial)
- CDF (Downtown Commercial Fringe)
- MCG (Medical-General Commercial)
- MCH (Medical-Heavy Commercial)
- CG (General Commercial)
- CN (Neighborhood Commercial)
- CH (Heavy Commercial)

Additional staff comments:

The proposed changes will allow the standalone use of pet grooming to be a permitted use in all of the city's commercial districts, while providing specific standards to minimize/eliminate any unintended negative effects of pet grooming to neighboring businesses and or residential properties. Incidental retail sales of related products, dog food, shampoo, treats etc..., are allowed.

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy, Policy 4.3.1 Modernize and Diversify Local Economy:

Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.

Therefore, staff recommends approval.

The Planning and Zoning Commission voted unanimously to approve the request at its September 17, 2019 meeting.

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

If City Council determines to deny the 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, to make a finding and determination that the required text amendment is inconsistent with the comprehensive plan or other applicable plans, including but not limited to Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy, *Policy 4.3.1 Modernize and Diversify Local Economy*:

Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.

ATTACHMENTS:

- ☐ **Text_amendment_for_pet_grooming_1114867**
- ☐ **Minutes_-_Pet_grooming_1116130**

ORDINANCE NO. 19-
AN ORDINANCE AMENDING THE CITY CODE
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 October 10, 2019, at 6:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

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

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy. *Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.*

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

Section 1: That Title 9, Chapter 4, Article B, Definitions, Section 22 of the City Code is hereby amended adding "*Pet Grooming Facility*. Any premises containing four or more domesticated animals, which are five months or older, where these domestic animals are dropped off and picked up for temporary care on site related to grooming. Grooming activities include both the hygienic care and cleaning of a dog, as well as a process by which a dog's physical appearance is enhanced for showing or other types of competition."

Section 2: That Title 9, Chapter 4, Article U, Appendix A Table of Uses (8), of the City Code is hereby amended by adding "qq. Pet grooming facility (see also 9-4-103)" and adding as a permitted use in the CD (Downtown Commercial), CDF (Downtown Commercial Fringe),

MCG (Medical-General Commercial), MCH (Medical-Heavy Commercial), CN (Neighborhood Commercial), CG (General Commercial) and CH (Heavy Commercial) zoning districts.

Section 3: That Title 9, Chapter 4, Article F. Dimensional Standards, Modifications, and Special Standards, Section 9-4-103 Special Standards for Certain Specific Uses of the City Code is hereby amended adding:

(FF) *Pet grooming facility.*

- (1) Pet grooming and holding will not extend before 7 a.m. or beyond 8 p.m.
- (2) Standalone pet grooming facilities are not to include training, exercise, socialization, keeping or boarding, breeding or sale or rental of pets.
- (3) In the event of a combined use within a single premise any and all pet grooming activities shall occur exclusively within an enclosed area.
- (4) In no event shall pets be kept outside of the structure for purposes of grooming or holding.

Section 4: That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5: 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 6: That this ordinance shall become effective upon its adoption.

ADOPTED this 10th day of October, 2019.

P. J. Connelly, Mayor

ATTEST:

Polly Jones, Interim City Clerk

1114867

Excerpt from the draft Planning & Zoning Commission Minutes (09/17/2019)

Ordinance requested by Michael Overton to amend the City Code by adding “pet grooming facility” as a use permitted in the CD (Downtown Commercial), CDF (Downtown Commercial Fringe), MCG (Medical-General Commercial), MCH (Medical-Heavy Commercial), CN (Neighborhood Commercial), CG (General Commercial) and CH (Heavy Commercial) zoning districts. The amendment includes a definition, additional standards and permissible zoning districts - APPROVED

Motion made by Ms. Darden, seconded by Mr. Joyner, to recuse Mr. Michael Overton from item number six on the agenda because it is his request. Motion passed unanimously.

Ms. Gooby stated that alternate member, Mr. Guth, will vote on this item.

Ms. Gooby stated that in the recent past, there have been requests to offer pet grooming as a standalone use, which requires a special use permit. Since pet grooming is a less intensive use as to volume of pets, length of stay, and hours of operation, staff felt that pet grooming, as a standalone use, would be appropriate as a permitted use instead of a special use. Currently, the City's zoning ordinance considers pet grooming, doggie daycare, and/or training, as a "personal service, not otherwise listed" as a special use in the OR (Office-Residential), CD (Downtown Commercial), CDF (Downtown Commercial Fringe), CG (General Commercial), and CH (Heavy Commercial) zoning districts. Mr. Overton applied for a text amendment to add "pet grooming" as a permitted use in the MCG zoning district. After staff discussions with Mr. Overton and research, the original text amendment was broadened to the following: to add the specific use of a "pet grooming facility" to the City's zoning ordinance as a permitted use in the CD, CDF, MCG, MCH, CN, CG and CH zoning districts, and to add specific standards.

The proposed definition:

Pet Grooming Facility. Any premises containing four or more domesticated animals, which are five months or older, where these domestic animals are dropped off and picked up for temporary care on site related to grooming. Grooming activities include both the hygienic care and cleaning of a dog, as well as a process by which a dog's physical appearance is enhanced for showing or other types of competition.

Additional standards:

- (1) Pet grooming and holding will not extend before 7 a.m. or beyond 8 p.m.
- (2) Standalone pet grooming facilities are not to include training, exercise, socialization, keeping or boarding, breeding or sale or rental of pets.
- (3) In the event of a combined use within a single premise any and all pet grooming activities shall occur exclusively within an enclosed area.
- (4) In no event shall pets be kept outside of the structure for purposes of grooming or holding.

Permissible zoning districts as a permitted use:

- CD (Downtown Commercial)
- CDF (Downtown Commercial Fringe)
- MCG (Medical-General Commercial)
- MCH (Medical-Heavy Commercial)
- CG (General Commercial)
- CN (Neighborhood Commercial)
- CH (Heavy Commercial)

The proposed changes will allow the standalone use of pet grooming to be a permitted use in all of the city's commercial districts, while providing specific standards to minimize/eliminate any unintended negative effects of pet grooming to neighboring businesses and or residential properties. Incidental retail sales of related products, dog food, shampoo, treats etc..., are allowed.

Horizons 2026: Greenville's Community Plan.

Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy

Policy 4.3.1 Modernize and Diversify Local Economy

Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.

Mr. Robinson opened the public hearing.

Mr. Michael Overton, applicant, commercial real estate broker, spoke in favor. He worked with the City to provide an amendment that would satisfy various commercial zonings.

No one spoke in opposition.

Mr. Robinson closed the public hearing.

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



City of Greenville, North Carolina

Meeting Date: 10/10/2019
Time: 6:00 PM

Title of Item: Resolution to Close an alleyway located on the east side of Cedar Lane and south of East Tenth Street

Explanation: **Abstract:** The City is requesting to close an alleyway located on the east side of Cedar Lane and south of East Tenth Street.

Explanation: Closure of the alleyway located on the east side of Cedar Lane and south of East Tenth Street is being requested by the City due to reoccurring public nuisance issues.

City Council adopted a Resolution of Intent to Close an alleyway located on the east side of Cedar Lane and south of East Tenth Street during its September 9, 2019 meeting, setting the date for the public hearing on the regularly scheduled City Council meeting on October 10, 2019. The Planning and Zoning Commission gave a favorable recommendation to the petition for closure during its January 15, 2019 meeting. Pursuant to the provisions of G.S. 160A-299, the Resolution of Intent to Close was published in The Daily Reflector on four consecutive Mondays (September 16, September 23, September 30, and October 7, 2019), a copy thereof was sent by certified mail to all owners of property adjacent to the street as shown on the Pitt County tax records, and a notice of the closing and public hearing has been prominently posted in two places along the street section to be closed.

The street closure map has been reviewed by City staff and Greenville Utilities Commission (GUC). GUC requests a utility easement over and upon the alleyway for the maintenance of public utilities.

Fiscal Note: The City receives no Powell Bill funds for maintenance of alleyways. Budgeted funds for yearly maintenance will no longer be required upon the effective date of the Resolution to Close by City Council. The City has incurred the expense of \$4,700 for the preparation of the street closing map.

Recommendation: Hold a public hearing on the question of whether or not the closing would be detrimental to the public interest or the property rights of any individual. If it appears to the satisfaction of City Council after the hearing that closing of the alleyway is not contrary to the public interest and that no individual owning property in the vicinity of the alleyway in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property, City Council may adopt the Resolution to Close the alleyway located on the east side of Cedar Lane and south of East Tenth Street.

ATTACHMENTS:

- ☐ Cedar_Lane_Alleyway_Closing_Resolution_1116229**
- ☐ Cedar Lane Alley Map**

RESOLUTION NO. _____
AN ORDER OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA
TO CLOSE AN ALLEYWAY LOCATED ON THE
EAST SIDE OF CEDAR LANE AND SOUTH OF EAST TENTH STREET

WHEREAS, the City Council of the City of Greenville, at its September 9, 2019, meeting, adopted a resolution declaring its intent to close the unnamed alleyway located on the east side of Cedar Lane and south of East Tenth Street; and

WHEREAS, pursuant to the provisions of G.S. 160A-299, said resolution was published once a week for four (4) successive weeks in The Daily Reflector setting forth that a hearing will be held on the 10th day of October, 2019 on the question of the closing said alleyway; and

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

WHEREAS, a hearing was conducted on the 10th day of October, 2019, at which time all persons interested were afforded an opportunity to be heard on the question of whether or not the closing will be detrimental to the public interest or the property rights of any individual; and

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

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

To Wit: Being 20 foot wide alleyway as shown on that plat entitled “Street Closing Map For 20’ Alley - Map Book 8, Page 34”, prepared by Rivers & Associates, Inc.

Location: Lying and being in the City of Greenville, Pitt County, North Carolina and being located on the east side of Cedar Lane and 172.5 feet south of E. Tenth Street, and being more particularly described as follows:

Description: BEGINNING at an iron pipe set at the intersection of the eastern right of way of Cedar Lane with the northern line of a 20’ alleyway, with side iron being referenced as N 33°12’43” E to an existing iron pipe located at the intersection of the eastern right of way of Cedar Lane with the southern right of way of East Tenth Street; thence from said BEGINNING POINT and running along the northern boundary of the 20’ alleyway, S60°33’55”E –

206.05' to an existing iron pipe; thence S60°33'55"E – 75.00' to an existing iron pipe; thence S60°33'55"E – 50.01' to a mag nail set in the common line with the Tash Dellagatta, et al, property as recorded in Deed Book 3138, Page 356; thence running along the common line with the Dellagatta property, S30°45'43"W – 20.00 feet to an iron pipe set in the southern boundary of the alleyway; thence running along the southern boundary of the alleyway, N60°30'24"W – 115.98' to an existing iron pipe; thence, N60°24'26"W – 89.93' to an existing iron pipe; thence, N60°47'20"W – 126.02' to an iron pipe set in the eastern right of way of Cedar Lane; thence running along the eastern right of way of Cedar Lane, N33°11'10"E – 20.16' to the POINT OF BEGINNING containing 6,584.2 square feet.

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

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

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

ADOPTED this the 10th day of October, 2019.

P.J. Connelly, Mayor

ATTEST:

Polly Jones, Interim City Clerk

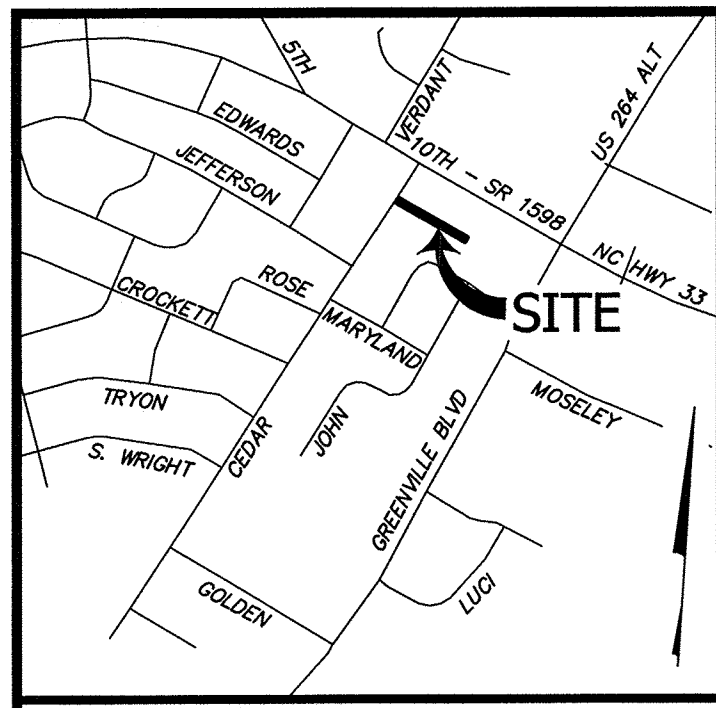
NORTH CAROLINA
PITT COUNTY

I, _____, a Notary Public for said County and State, certify that Polly Jones personally came before me this day and acknowledged that she is the Interim 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 Interim City Clerk.

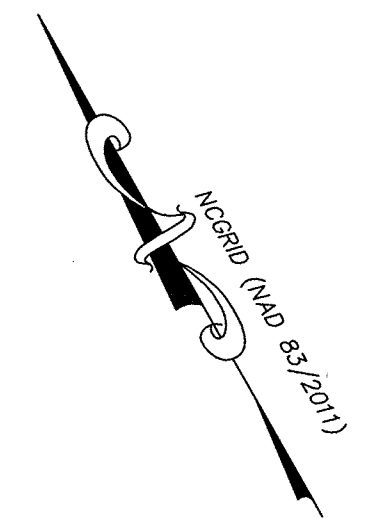
WITNESS my hand and official seal this 10th day of October, 2019.

Notary Public

My Commission Expires: _____



Vicinity Map
SCALE: 1" = 1000'

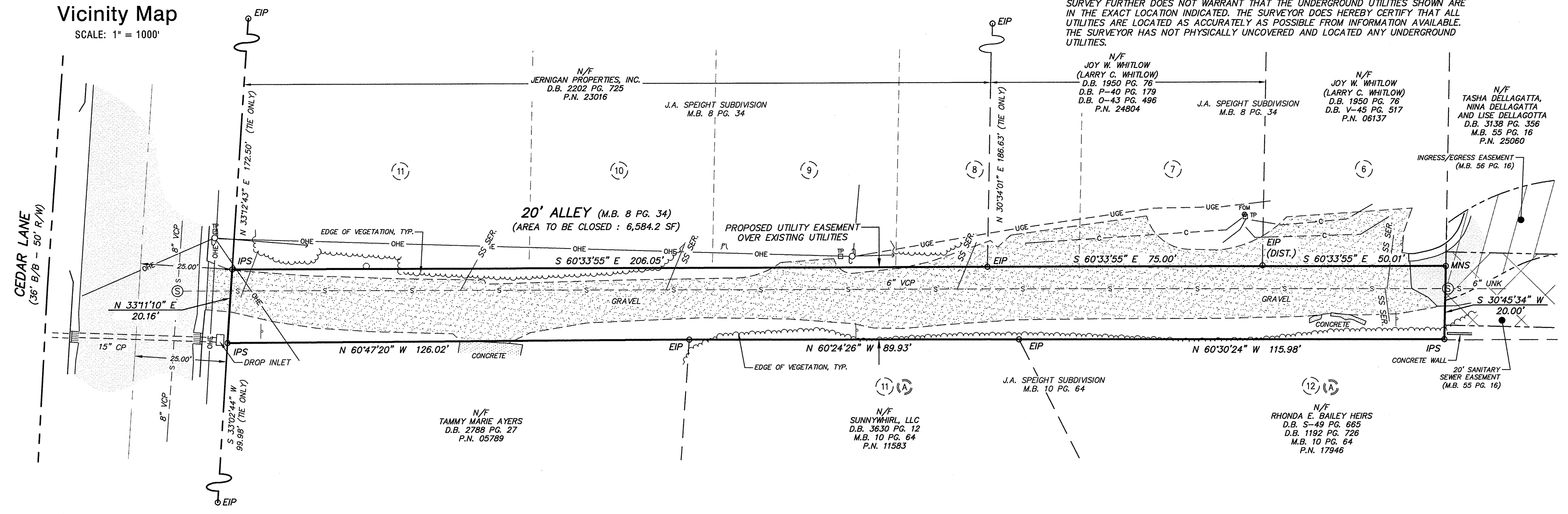


REFERENCES:

- M.B. 8 PG. 34
- M.B. 10 PG. 64
- M.B. 55 PG. 16
- D.B. 3630 PG. 12
- D.B. 3138 PG. 356
- D.B. 2728 PG. 27
- D.C. 2202 PG. 725
- D.B. 104 PG. 253
- D.B. V 45 PG. 517
- D.B. P 40 PG. 179
- D.B. 1950 PG. 76
- D.B. 0 43 PG. 496

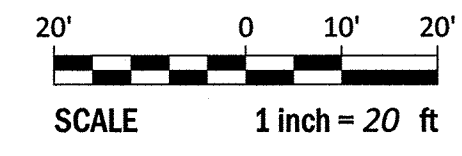
NOTES:

1. ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS.
2. NO POINTS SET UNLESS OTHERWISE INDICATED.
3. THIS PROPERTY IS LOCATED WITHIN A MINIMAL FLOOD RISK AREA, "ZONE X" (AREAS OUTSIDE THE 0.02% ANNUAL CHANCE FLOOD), AS DETERMINED FROM FIRM MAP NUMBER 3720468800K PANEL 4688, EFFECTIVE JULY 7, 2014.
4. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT REPORT. RIVERS AND ASSOCIATES DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THIS PROPERTY ARE SHOWN HEREON.
5. PROPERTY SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD.
6. UNDERGROUND UTILITIES PLOTTED IN PART FROM ACTUAL MAPS PROVIDED BY OTHERS AS NOTED. ACTUAL LOCATIONS MAY VARY. OTHER UTILITIES MAY EXIST. SURVEYOR CANNOT PROVIDED ACCURACY OF NC811 MARKINGS. CONTRACTOR SHOULD CONTACT NC811 AT 1-800-632-4949 TO HAVE UNDERGROUND UTILITIES LOCATED PRIOR TO EXCAVATING OR TRENCHING. TICKET NUMBER C183091670.
7. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN ARE COMPRISED OF ALL SUCH UTILITIES IN THE AREA OF SURVEY EITHER IN SERVICE OR ABANDONED. THE SURVEY FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR DOES HEREBY CERTIFY THAT ALL UTILITIES ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY UNCOVERED AND LOCATED ANY UNDERGROUND UTILITIES.



LEGEND

— R/W —	RIGHT-OF-WAY (R/W)	B/B	BACK TO BACK	⊙	SEWER MANHOLE	[Hatched Box]	INGRESS/EGRESS EASEMENT (D.B. 1101 PG. 524)
- - - c - - -	COMMUNICATION LINE (OLD MARKINGS BY OTHERS)	M.B.	MAP BOOK	⊕	TELEPHONE PEDESTAL	[Diagonal Lines Box]	SANITARY SEWER EASEMENT (M.B. 55 PG. 16)
- - - OHE - - -	OVERHEAD ELECTRIC	D.B.	DEED BOOK	⊕	SIGN	[Stippled Box]	GRAVEL
- - - UGE - - -	UNDERGROUND ELECTRIC (GUC/NC811 MARKING)	P.G.	PAGE	⊕	GUY WIRE	[Dotted Box]	CONCRETE
- - - s - - -	ALLEY CLOSING BOUNDARY	P.N.	PARCEL NUMBER	⊕	UTILITY POLE	[Cross-hatched Box]	ASPHALT
- - - s - - -	SANITARY SEWER	R/W	RIGHT OF WAY	⊕	FIBER OPTIC MARKER	[Stippled Box]	
- - - s - - -	STORM DRAIN	EIP	EXISTING IRON PIPE	⊕	TREE STUMP	[Stippled Box]	
- - - s - - -	EDGE OF VEGETATION	CP	CONCRETE PIPE	⊕	NO POINT SET	[Stippled Box]	
- - - s - - -	ADJOINER PARCEL LINE	IPS	IRON PIPE SET	⊕	PLATTED BLOCK/LOT NO	[Stippled Box]	
- - - s - - -	SS SER. SANITARY SEWER SERVICE (NC 811 MARKING)	MNS	MAG NAIL SET	⊕	CATCH BASIN	[Stippled Box]	
- - - s - - -	VCP VITRIFIED CONCRETE PIPE	DIST.	DISTURBED	⊕	SHRUB	[Stippled Box]	



REVISIONS:

MAYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF GREENVILLE HAS PASSED A RESOLUTION TO CLOSE 20' ALLEY AS SHOWN HEREON.

RESOLUTION NO. _____

SIGNED _____ MAYOR

SIGNED _____ CITY CLERK

STATE OF NORTH CAROLINA
COUNTY OF PITT

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

REVIEW OFFICER _____
DATE _____

SOURCE OF TITLE

THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS: (AS NOTED ABOVE)

PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. L-4262

NORTH CAROLINA, PITT COUNTY

I, PATRICK W. HARTMAN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE BY RB/JA ON 11/04/18 - 11/28/2018; THAT THE RATIO OF PRECISION IS 1:10,000+; THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (f) (11) THAT THIS SURVEY IS OF ANOTHER CATEGORY, BEING A SURVEY FOR A STREET CLOSING. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 28TH DAY OF NOVEMBER, 2018.

PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER L-4262

NORTH CAROLINA
PROFESSIONAL
LAND SURVEYOR
SEAL
L-4262
PATRICK W. HARTMAN

DATE 11/28/18

SURVEY RB DRAFT PH/KB
DESIGN CHECK PWH

NC License: F-0334

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(252) 752-4135

STREET CLOSING MAP FOR
20' ALLEY - MAP BOOK 8 PAGE 34
CITY OF GREENVILLE, GREENVILLE TOWNSHIP, PITT CO., N.C.

SCALE 1" = 20'
DRAWING NO. Z-2641
SHEET 1 OF 1

Scanned 11/28/18

P:\Mun\Greenville - 2017 On-Call - Alley Closure Surveys - 2017115_10\SURVEY\DWG\Z-2641-2642 C06 Alley Closure Surveys.dwg, Cedar Alley, Hartmp, Wed Nov 28, 2018 at 10:48am



City of Greenville, North Carolina

Meeting Date: 10/10/2019
Time: 6:00 PM

Title of Item: Acquisition of Property at 430 Bonners Lane near Imperial Site for Economic Development Purpose

Explanation: **Abstract:** The City has an option contract to purchase the property located at 430 Bonners Lane for \$101,200. The planned use of the property is for economic development purposes in that the property is adjacent to or near numerous City-owned properties including the Imperial Tobacco site. Approval by City Council to proceed with the purchase is requested.

Explanation: The City has a contract to purchase the property located at 430 Bonners Lane for \$101,200. The current owner of the property is Miracle Deliverance Holiness Church. Attached is a copy of the Option Agreement and the First Amendment to the Option Agreement.

The property, a building (church) which rests on .04 acres of land, is identified as Tax Parcel Number 27050.

The planned use of the property is for economic development purposes in that it is adjacent to City-owned property and near the City-owned parcel labeled the Imperial site.

Fiscal Note: The purchase price is \$101,200.

Recommendation: City Council approve acquisition of property (land and building) at 430 Bonners Lane for a purchase price of \$101,200.

ATTACHMENTS:

- ☐ **Option Agreement**
- ☐ **Amendment to Option Agreement**

NORTH CAROLINA
PITT COUNTY

OPTION AGREEMENT

THIS OPTION AGREEMENT is entered into this 5 day of ___ April, 2019, by and between Miracle Deliverance Holiness Church (the "Seller"); and City of Greenville (the "Buyer").

WITNESSETH:

WHEREAS, the Seller is the owner in fee simple of that certain parcel of land located at 430 Bonners Lane, Greenville, NC 27835, and being described on **Exhibit A** attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, Seller is willing to grant to Buyer, and Buyer desires to acquire from Seller, an option to purchase all of the Property under the terms and conditions set forth in this Option Agreement.

NOW, THEREFORE, for and in consideration of the sum of \$1.00 paid by Buyer to Seller concurrent with the execution of this Agreement (the "Option Money") and other good and valuable consideration, Seller hereby grants and conveys to Buyer, its successors and assigns, the right and option to purchase all of the Property described herein (the "Option") under the following terms and conditions:

1. PROPERTY. The Property is identified on **Exhibit A** attached hereto and incorporated herein by reference.
2. OPTION PERIOD. This Option shall be for a period beginning on the date hereof and ending at 5:00 p.m. EST on September 30, 2019.
3. EXERCISE. **Buyer may exercise this Option at any time prior to the expiration of the Option Period by obtaining City Council approval.** The Buyer shall provide notice to Seller of the exercise of the option at the address provided in Paragraph 7 of this Agreement.
4. PURCHASE PRICE UPON EXERCISE. In the event the Buyer exercises this Option during the Option Period, the Purchase Price for the Property shall be \$101,200.00, which will be paid by wire transfer, certified check or other immediately available funds at closing. The Option Money paid by Buyer to Seller shall be non-refundable and will apply towards the Purchase Price if Buyer exercises the Option granted hereunder.
5. CLOSING UPON EXERCISE. Upon exercise of the Option as provided in Section 3 above, Buyer and Seller shall close the sale of the Property at a mutually agreeable time and place but in any event not later than ninety (90) days after exercise of the Option. At closing, Seller shall deliver to Buyer Seller's general warranty deed conveying marketable fee simple title to the

Option Agreement

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Property to Buyer, or its assigns, free and clear of the claims of others and subject only to highway and road rights of way, restrictive covenants, if any, of record in the Pitt County Public Registry, ad valorem taxes for the year of closing which will be prorated at closing, and any and all federal, state or local regulations related to zoning, land use or development of the Property. At closing, Buyer shall deliver to Seller the purchase price outlined in Section 4 above. Each of Seller and Buyer shall pay their respective costs of such closing as is customary in Pitt County, North Carolina, to include as follows: Seller shall pay for the cost of deed stamps, Seller's pro rata share of ad valorem property taxes and the cost of preparation of Seller's deed; and Buyer shall pay the cost of title examination, the premium for title insurance if so desired, and Buyer's pro rata share of the ad valorem property taxes. Each party shall pay its own attorney's fees.

6. TERMINATION. Upon expiration of the Option Period without the Buyer exercising its Option, then (i) this Agreement shall be deemed to have been terminated; and (ii) neither Seller nor Buyer shall have any further rights or obligations hereunder.

7. NOTICE. Any notices or other communications required by this Option shall be in writing, signed by the party giving such notice or by the party's attorney, and shall be deemed to have been given: (i) when actually delivered in any manner, (ii) after being deposited with the United States Postal Service, certified or registered mail, return receipt requested, postage prepaid, properly addressed to the party to whom such notice is intended to be given at the address set forth below, or (iii) when delivered to a nationally-recognized overnight courier delivery service, charges prepaid, properly addressed to the party to whom such notice is intended to be given at the address set forth below. Notices shall be deemed received: (i) when actually received in any manner, (ii) three business days after being deposited with the United States Postal Service as described above, or (iii) one business day after delivery to an overnight delivery service. Until notice of a change of address is given to the other party in accordance with the provisions of this Section, notices shall be delivered, addressed or directed as follows:

To Seller:

Miracle Deliverance Holiness Church
Pastor ELLIA GRAY
~~1224 Holder Drive #107~~ 1224 Holder Drive, Apt. 107
Greenville NC 27834 252-364-1754 (Home)
252-640-5958 cell

To Buyer:

City of Greenville
Ann E. Wall
City Manager
P.O. Box 7207
Greenville, NC 27835

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8. ASSIGNMENT. This Option may be assigned by Buyer without the prior written consent of Seller.

9. MEMORANDUM. Upon the request of either party, Buyer and Seller agree to execute a memorandum or a short form of this Option Agreement for recordation in the office of the Register of Deeds of Pitt County. In the event that a memorandum of this Option is recorded, Buyer and Seller also agree to execute a notice of termination of this Option upon any termination in accordance with its terms, for recordation in the office of the Register of Deeds of Pitt County.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement under seal this the date first above written.

SELLER:
MIRACLE DELIVERANCE HOLINESS CHURCH

PASTOR Ellen Grimes
Name: Ellen Grimes
Title: **Indicate Position, Officer, Trustee, or**
Other Authorized Person (PASTOR) ^{esg}

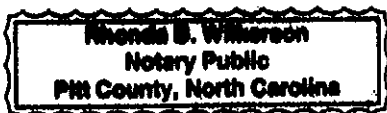
STATE OF NORTH CAROLINA

COUNTY OF Pitt }

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Ellen Elizabeth Grimes.

Witness my hand and Notary Seal this the 23rd day of April, 2019.

[AFFIX NOTARY SEAL BELOW]

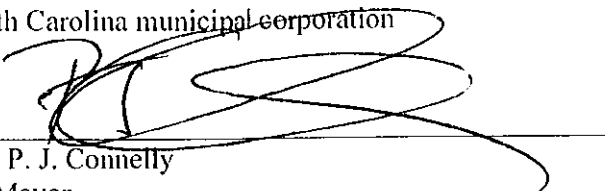


Notary Signature: Rhonda B. Wilkerson
Notary Print Name: Rhonda B Wilkerson
Notary Public

My Commission Expires: 5/21/22

Doc. # 1106835

BUYER:
CITY OF GREENVILLE
A North Carolina municipal corporation

BY: 
Name: P. J. Connelly
Title: Mayor

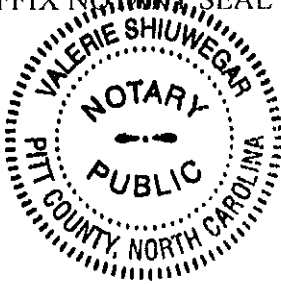
STATE OF NORTH CAROLINA

COUNTY OF Pitt

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: P.J. Connelly

Witness my hand and Notary Seal this the 25th day of April, 2019.

[AFFIX NOTARY SEAL BELOW]



Notary Signature: Valerie Shiuwegar
Notary Print Name: Valerie Shiuwegar
Notary Public

My Commission Expires: Aug. 1, 2020

EXHIBIT A

DESCRIPTION OF PROPERTY BEING PURCHASED

430 BONNERS LANE (PARCEL 27050)

LYING and being in the City of Greenville, Pitt County, North Carolina, and being situate on the north side of Bonners Lane, bounded on the east by Morris Moye, on the south by Bonners' Lane, on the west by James M. Hopkins and more particularly described as follows: BEGINNING at James M. Hopkins, formerly Margaret Miller's southeast corner on the northern property line of Bonners' Lane and runs thence N. 15 E. 53 feet to a stake in Margaret Miller's, now James H. Hopkins' line; thence in an easterly course parallel with the property line of Morris Moye; thence S. 15 W. 53 feet to the northern property line Bonners' lane, a corner with Morris Moye; thence in a westerly direction with the northern property line of Bonners' Lane 33 feet to the point of BEGINNING, containing 1749 square feet, and being the identical property described in Book Y-42, Page 306, Pitt County Registry, and being the SECOND PARCEL described in deed from W.I. Wooten, Jr., acting as Trustee, to Jesse R. Laughinghouse, and wife, Hilda B. Laughinghouse, dated September 26, 1983, on record in Book F-52, Page 584, Pitt County Registry.

NORTH CAROLINA

PITT COUNTY

FIRST AMENDMENT TO OPTION AGREEMENT

THIS FIRST AMENDMENT TO OPTION AGREEMENT is entered into this ____ day of September, 2019, by and between Miracle Deliverance Holiness Church (the “Seller”); and City of Greenville (the “Buyer”).

WITNESSETH:

WHEREAS, the Seller and Buyer entered into an Option Agreement on April 25, 2019 regarding the Buyer’s option to purchase all of the property located at 430 Bonners Lane, Greenville, NC 27835;

Whereas, the Option Agreement is referred to as the “Original Agreement” and is attached and marked as Exhibit 1;

WHEREAS, the Option described in the Original Agreement expires on September 30, 2019 (See Original Agreement, paragraph 2), and the parties desire to extend this Option until October 30, 2019 in order to give the City Council the opportunity to exercise the Option by authorizing the acquisition of the property at one of the Council meetings in October 2019;

Now, therefore the Original Agreement is only amended as follows:

- a. The date stated in Section 2 Option Period is changed from September 30, 2019 to October 30, 2019.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement under seal this the date first above written.

SELLER: Miracle Deliverance Holiness Church

Name:
 Title: **Indicate Position**, Officer, Trustee, or
 Other Authorized Person

Option Agreement
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STATE OF NORTH CAROLINA

COUNTY OF _____

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____.

Witness my hand and Notary Seal this the ____ day of _____, 20__.

[AFFIX NOTARY SEAL BELOW]

Notary Signature: _____

Notary Print Name: _____

Notary Public

My Commission Expires: _____

BUYER: City of Greenville,
A North Carolina municipal corporation

BY: _____
Name: P. J. Connelly
Title: Mayor

STATE OF NORTH CAROLINA

COUNTY OF _____

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____.

Witness my hand and Notary Seal this the ____ day of _____, 20__.

[AFFIX NOTARY SEAL BELOW]

Notary Signature: _____

Notary Print Name: _____

Notary Public

My Commission Expires: