



Agenda

Greenville City Council

October 14, 2021

6:00 PM

City Hall Council Chambers, 200 West 5th Street

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

- I. Call Meeting To Order**
- II. Invocation - Council Member Bell**
- 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. Steve Warner - Recreation & Parks Department Retiree

VIII. Appointments

2. Appointments to Boards and Commissions

IX. New Business

Public Hearings

3. Ordinance requested by Bells Fork Partners, LLC to rezone 7.773 acres located between East Fire Tower Road and Bells Fork Road and 470+/- feet east of Kittrell Road from RA20 (Residential-Agricultural) to CG (General Commercial)
4. Ordinance requested by Brighton EC, LLC et al to rezone 1.005 acres located at the northwestern corner of the intersection of West 5th Street and Brighton Park Drive from MO (Medical-Office) to MR (Medical-Residential [High Density Multi-family])
5. Ordinance requested by Gregory Jones to rezone a total of 57.927 acres located along the southern right-of-way of East 10th Street between Oakdowne Way and Pinewood Memorial Park from O (Office) to OR (Office-Residential [High Density Multi-family]) for 19.727 acres (Tract 1), from R6S (Residential-Single-family) to R6A (Residential [Medium Density Multi-family]) for 31.714 acres (Tract 2) and from R6S (Residential-Single-family) to R6A-CA (Residential [Medium Density Multi-family])-Conservation Overlay for 6.486 acres (Tract 3)
6. Ordinance requested by the Mitchell Meeks to amend Title 9 Chapter 4 Article F, Dimensional, Standards, Modifications, and Special Standards, Section 9-4-103 Special Standards for Certain Specific Uses to allow the sale of firearms, accessories, and ammunition and gunsmithing as an accessory use to indoor and outdoor shooting ranges
7. Ordinance requiring the repair or the demolition and removal of the dwelling located at 905 Cherry Street, Tax Parcel #15975

Other Items of Business

8. Ordinance amending the City Code to allow low-speed vehicle taxicabs within the city

X. City Manager's Report

XI. Comments from Mayor and City Council

XII. Adjournment



City of Greenville, North Carolina

Meeting Date: 10/14/2021

Title of Item: Appointments to Boards and Commissions

Explanation:

City Council appointments need to be made to the Greenville Utilities Commission (recommendation from County), Housing Authority, Human Relations Council, Multimodal Transportation Commission, Police Community Relations Committee, Recreation and Parks Commission, Sheppard Memorial Library Board and Youth Council.

The City Council updated the Boards 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 commissions 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 nomination and elections in Robert's Rules of Order." Under this provision, the following seats are open to nominations from the City Council: 2 seats on Youth Council

Fiscal Note: No direct fiscal impact

Recommendation: Make appointments to the Greenville Utilities Commission, Housing Authority, Human Relations Council, Multimodal Transportation Commission, Police Community Relations Committee, Recreation and Parks Commission, Sheppard Memorial Library Board and Youth Council.

ATTACHMENTS

 [October 2021 Appointments to Boards and Commissions.pdf](#)

Appointments to Boards and Commissions

October 2021

Greenville Utilities Commission

Council Liaison: Council Member Rick Smiley

Name	District #	Current Term	Reappointment Status	Expiration Date
Parker Overton	County	Second	Ineligible	June 2021

(Recommendation from County, Appointed by City)

Housing Authority

Council Liaison: Council Member Monica Daniels

Name	District #	Current Term	Reappointment Status	Expiration Date
Sterling Edmonds	4	Third term	Ineligible	May 2021

(Council Member Litchfield)

Human Relations Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Francisco Limon	5	Filling unexpired term	Eligible	September 2021
LaQuon Rogers	County	Filling unexpired term	Eligible	September 2021
Antonio Milton	5	First term	Eligible	September 2021
Olive Barrett	5	Second term	Ineligible	September 2021
Trisha Vu	5	First term	Resigned	September 2023

James Cox	4	First term	Resigned	September 2021
Montez Bishop	5	First term	Resigned	September 2022
Deborah Sheppard	5	First term	Resigned	September 2023
Mark Rasdorf	4	First term	Resigned	September 2022

Multimodal Transportation Commission

Council Liaison: Council Member Monica Daniels

Name	District #	Current Term	Reappointment Status	Expiration Date
Jessica Harley	3	First term	Resigned	January 2023

Police Community Relations Committee

Council Liaison: Council Member Monica Daniels

Name	District #	Current Term	Reappointment Status	Expiration Date
Carol Naipaul <i>(Mayor Pro-Tem Glover)</i>	2	Filling unexpired term	Resigned	October 2023
Robert King III <i>(Council Member Bell)</i>	3	First term	Resigned	October 2022
Louis Warren <i>(Council Member At-Large Meyerhoeffer)</i>	At-Large	Second term	Resigned	October 2021

Recreation and Parks Commission

Council Liaison: Council Member Monica Daniels

Name	District #	Current Term	Reappointment Status	Expiration Date
Kristian Williams	5	First term	Resigned	May 2023

(Mayor Pro-Tem Glover)

Sheppard Memorial Library Board

Council Liaison: Council Member Rick Smiley

Name	District #	Current Term	Reappointment Status	Expiration Date
Jeffrey Coghill	5	Second term	Ineligible	October 2021
Al Muller	5	Second term	Ineligible	October 2021

Youth Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	Current Term	Reappointment Status	Expiration Date
Olivia Chiancone	First term	Eligible	September 2021
Mabre Dawson	First term	Eligible	September 2021
Jamia Galloway	First term	Eligible	September 2021
Asia Gorham	First term	Eligible	September 2021
Diego Lorenzo	First term	Eligible	September 2021
Lexi Karaivanova	First term	Eligible	September 2021
DyQuan Bunns	Filling unexpired term	Eligible	September 2021
Heather Lee	Filling unexpired term	Eligible	September 2021
Olivia Thorn	Filling unexpired term	Eligible	September 2021

2 spots open

Seats that are open to nominations from the City Council are highlighted.

Applicants for Greenville Utilities Commission

(Recommendation from County)

STATEMENT OF INTEREST TO SERVE

If you are a Pitt County resident and would like to volunteer your time and expertise to your community, please complete and return to:

Pitt County Board of Commissioners
c/o Clerk to the Board
1717 W. 5th Street
Greenville, N.C. 27834

Please list in order of preference the Boards and Commissions for which you would be willing to serve:

Greenville Utilities Commission

Full name: Ferrell Blount III Date Of Birth: 12/14/1949

Residence Address: 136 Hammonda Ave Gender: M
City and Zip Code: Bethel NC 27812 Race: White

Mailing Address (if different): PO Box 850, Bethel, NC 27812

Home (Night) Phone No. : 2527149502

Work (Day) Phone No. : 2527149502

Fax No.

Email : fblount@blountpetroleum.com

Attributes: District 2

Please list your County Commissioner District: 2
(This information can be obtained from the Board of Elections at 252-902-3300.)

Please list educational background, military experience, work experience and/or volunteer experience you have had which may be beneficial in evaluating your qualifications:

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)		
Organization	Description	Date(s)
Bethel Methodist Church		
Blount Petroleum Corp.		Present Job
UNC - Chapel Hill	BS	
Woodward Academy		

Applicants for Housing Authority

Gary L. Davis
821 Knoll Circle
Greenville, NC 27858

Application Date: 9/6/2021

Home Phone: (252) 916-3295

Business Phone:

District #: 4

Email: davisg13@outlook.com

Applicants for Human Relations Council

Tyrone Walston
2706 Webb Street
Greenville, NC 27834

Application Date: 12/1/2019

Home Phone: (252) 412-7351
Business Phone: (252) 752-6154

Email: walston.tyone@gmail.com

District #: 2

Reginald Watson
211 Pin Oak Court
Greenville, NC 27834

Application Date: 7/27/2020

Home Phone: (252) 355-3380
Business Phone: (252) 328-6684

Email: waston@ecu.edu

District #: 5

Liz Liles
2113 Southview Dr
Greenville, NC 27858

Application Date: 7/18/2021

Home Phone: (252) 375-9712
Business Phone: (252) 295-7517

Email: liz@daughtersofworth.org

District #: 4

Mayee Zhu
208 South Elm Street Apt. 201
Greenville, NC 27858

Application Date: 9/27/2021

Home Phone: (252) 717-4321
Business Phone:

Email: mayeezhu@gmail.com

District #: 3

Applicants for Multimodal Transportation Commission

Gary L. Davis
821 Knoll Circle
Greenville, NC 27858

Application Date: 9/6/2021

Home Phone: (252) 916-3295

Business Phone:

District #: 4

Email: davisg13@outlook.com

Applicants for Police Community Relations Committee

Gary Davis
3525 Myrtie Court
Greenville, NC 27834

Application Date: 8/9/2021

Home Phone: (252) 917-7979

Business Phone:

District #: 2

Email: garyldavisjr@gmail.com

Applicants for Recreation and Parks Commission

Najiyah Lewis
3160 Ruth Court
Greenville, NC 27834

District #: 2

Application Date: 12/16/2020

Home Phone: (252) 561-5590
Business Phone:
Email: Covington_najiyah@yahoo.com

Tamilla Wiggins
101 F. West Victoria
Greenville, NC 27834

District #: 5

Application Date: 9/16/2020

Home Phone: (252) 258-8580
Business Phone:
Email: tamillawiggins@yahoo.com

Betsy Byma
1903 Tottenham Ct
Winterville, NC 28590

District #: 5

Application Date: 1/11/2021

Home Phone: (607) 745-7661
Business Phone:
Email: betsy.k.byma@gmail.com

Applicants for Sheppard Memorial Library Board

Patricia Rawls
305 Francis Asbury Lane
Greenville, NC 27858

District #: 3

Application Date: 8/23/2021

Home Phone: (252) 714-9400

Business Phone:

Email: patriciarawls.7@gmail.com

Dorothy Muller
212 Bristol Ct.
Greenville, NC 27834

District #: 5

Application Date: 8/17/2021

Home Phone: (252) 916-9279

Business Phone: (252) 756-4299

Email: dchmuller@gmail.com

Applicants for Youth Council

George Hup
J. H. Rose High School

Application Date: 9/16/2021

Morgan Worsley
D. H. Conley High School

Application Date: 9/27/2021



City of Greenville, North Carolina

Meeting Date: 10/14/2021

Title of Item: Ordinance requested by Bells Fork Partners, LLC to rezone 7.773 acres located between East Fire Tower Road and Bells Fork Road and 470+/- feet east of Kittrell Road from RA20 (Residential-Agricultural) to CG (General Commercial)

Explanation: **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on September 7, 2021.
On-site sign(s) posted on September 7, 2021.
City Council public hearing notice (property owner and adjoining property owner letter) mailed on September 28, 2021.
Public hearing legal advertisement published on October 4, 2021 and October 11, 2021.

Comprehensive Plan:

The Future Land Use and Character Map commercial (C) east of the intersection of East Fire Tower Road and Charles Boulevard transitioning to office/institutional (OI) on the east side of Kittrell Road then to traditional neighborhood, medium to high density (TNMH).

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

Traditional Neighborhood, Medium-High Density

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

Intent:

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

Primary uses:

Multi-family residential

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

Secondary uses:

Institutional (neighborhood scale)

Thoroughfare/Traffic Report Summary (Engineering Department):

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 2,706 trips to and from the site on East Fire Tower Road, which is a net increase of 2,467 additional trips per day.

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

History/Background:

In 1972, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned to its current zoning.

Add history of Bobby Joyner request. it was approved by P&Z and denied by Council.

Existing Land Uses:

One (1) single-family residence and farmland

Water/Sewer:

Water and sanitary sewer are available to the property.

Historic Sites:

There are no known effects on historic sites.

Environmental Conditions/Constraints:

The property is located in the Meetinghouse Branch Watershed. If stormwater rules apply, it would require 25-year detention, nitrogen and phosphorus reduction.

The property is not located in the Special Flood Hazard Area. No Jurisdictional streams, riparian buffers, or wetlands appear to exist on the property.

Surrounding Land Uses and Zoning:

North: OR - Farrington Trace Townhomes; RA20 - One (1) single-family residence

South: RA20 - Two (2) single-family residences and one (mobile home) residence

East: RA20 - Southridge Subdivision

West: CG - One (1) single-family residence and farmland

Density Estimates:

Under the current zoning, the site could accommodate 20-25 single-family lots.

Under the proposed zoning, the site could accommodate 58,000+/- square feet of commercial space consisting of one (1) freestanding convenience store - 1,500 sq. ft. and a strip center containing: retail - 6,000 sq. ft., sit down restaurant 2,000 sq. ft., fast food [no drive-thru] - 1,500 sq. ft., office - 2,000 sq. ft., and mini-storage – 45,000 sq. ft.

The anticipated build-out is within 1-2 years.

Additional Staff Comments:

Under North Carolina General Statutes 160D-605, if the governing board wishes to approve a rezoning request that is not in compliance with the adopted comprehensive plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan, and no additional request or application for a plan amendment shall be required. Also, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed

to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. The required findings are provided in the attached ordinance.

Fiscal Note: No cost to the City.

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

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

The Planning and Zoning Commission voted to approve (4:3) the request at its September 21, 2021 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, the request is inconsistent with the comprehensive plan and to adopt the staff report which addresses plan consistency and other matters. "

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

ATTACHMENTS

-  [Ordinance_-_Bells_Fork.pdf](#)
-  [Minutes_-_Bells_Fork_Partners.pdf](#)
-  [Bells Fork Partners apo map.pdf](#)
-  [Bells Fork Partners survey.pdf](#)
-  [Bells Fork Partners Traffic.pdf](#)
-  [RA20 to CG.pdf](#)
-  [Density and Veg Charts.pdf](#)

ORDINANCE NO. 21-
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 6, Chapter 160D, 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 14th day of October, 2021, at 6:00 p.m., conduct an electronic meeting and 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 applicable provisions of North Carolina General Statute 160D-605, the City Council does hereby find and determine that the adoption of the ordinance zoning is reasonable and in the public interest due by encouraging the most appropriate use of land;

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 160D-605, 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 encourages the most appropriate use of land that allows for the development needs of the community and is located in a Primary Service Area;

WHEREAS, the Horizons 2026: Greenville's Community Plan was adopted on September 8, 2016, by the City Council by the adoption of Ordinance No. 16-055 and includes text and a Future Land Use and Character Map;

WHEREAS, the Horizons 2026: Greenville's Community Plan serves as the City of Greenville's comprehensive plan for zoning purposes and will from time to time be amended by the City Council;

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, this ordinance is deemed an amendment to the comprehensive plan;

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

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

TO WIT: Bells Fork Partners, LLC

LOCATION: Located between East Fire Tower Road and Bells Fork Road and 470+/- feet east of Kittrell Road.

DESCRIPTION: Beginning at an existing iron pipe with cap located on the northern right of way of SR 1708 – E. Fire Tower Road said existing iron pipe with cap having NC Grid Coordinates N 666035.59 and E 2491639.87; thence leaving the northern right of way of SR 1708 – E. Fire Tower Road S 04-01-37 E, 69.19 feet to an existing iron pipe located on the southern right of way of SR 1708 – E. Fire Tower Road the POINT OF BEGINNING; thence from said point of beginning and running along the southern right of way of SR 1708 – E. Fire Tower Road N 56-06-41 E, 360.77 feet to an existing magnetic nail located on the southern right of way of SR 1708 – E. Fire Tower Road; thence leaving the southern right of way of SR 1708 – E. Fire Tower Road S 02-33-50 E, 200.00 feet to an existing iron pipe; thence N 56-06-41 E, 150.00 feet to an existing iron pipe; thence S 02-33-50 E, 598.23 feet to an existing iron pipe; thence S 01-01-28 E, 117.58 feet to an existing re-bar; thence S 79-33-53 W, 144.99 feet to an existing iron pipe in concrete; thence S 77-53-54 W, 174.76 feet to a point; thence S 04-25-10 E, 152.19 feet to an existing iron pipe located on the northern right of way of SR 1729 – Bells Fork Road; thence running along the northern right of way of SR 1729 – Bells Fork Road S 77-51-33 W, 100.30 feet to an existing angle iron located on the northern right of way of SR 1729 – Bells Fork Road; then leaving the northern right of way of SR 1729 – Bells Fork Road N 04-25-10 W, 152.26 feet to an existing solid iron in concrete; thence N 04-01-37 W, 715.90 feet to the point of beginning containing 7.773 acres.

Section 2. The Future Land Use and Character Map is hereby amended by re-designating the “Traditional Neighborhood, Medium to High” category to the “Commercial” category for the area described in Section 1.

Section 3. 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 4. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

ADOPTED this 14th day of October, 2021.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1153135

Excerpt from the draft Planning & Zoning Commission Minutes (9/21/2021)

REQUEST BY BELLS FORK PARTNERS, LLC TO REZONE 7.773 ACRES LOCATED BETWEEN EAST FIRE TOWER ROAD AND BELLS FORK ROAD AND 470+/- FEET EAST OF KITTRELL ROAD FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO CG (GENERAL COMMERCIAL).

Chantae Gooby presented for staff. This property has access to Fire Tower Road and Bells Fork Road. It is currently used as farmland and is adjacent to a single-family neighborhood. The property is located in the Meetinghouse Branch Watershed. If stormwater rules apply, it would require 25-year detention. It is not in a floodplain. This request could generate a little over 2,400 trips per day. Under the current zoning, it could yield, it could yield about 20 single-family lots at full build-out. Under the proposed zoning, the property could yield about 58,000 square feet of commercial space which includes a convenience store, restaurant, retail or mini-storage. The Future Land Use and Character Map commercial (C) east of the intersection of East Fire Tower Road and Charles Boulevard transitioning to office/institutional (OI) on the east side of Kittrell Road then to traditional neighborhood, medium to high density (TNMH). The Future Land Use and Character Plan is not dimensionally- or site-specific. In staff's opinion, there was an intent to have a buffer between the commercial along the west side of Kittrell Road and the single-family neighborhood east of Kittrell Road. This rezoning does not provide a buffer and it does not meet the intent of the Future Land Use Plan. Therefore, staff recommends denial.

Mr. Joyner stated this property had previous rezoning request and asked when that request originated and what was the requested zoning.

Ms. Gooby stated that request was in 2020 and was for OR (Office-Multi-family). The request was approved by the Planning and Zoning Commission but denied by Council.

Mr. Collins stated it seems like a hard sale for single-family since the property is located around commercial. What would be a buffer between commercial and the single-family to the east.

Ms. Gooby stated staff recommended approval of the OR request. Unfortunately, at the time it went before Council there was a lot of concern about the amount of traffic generated from multi-family.

Chairman Faison opened the public hearing.

Scott Anderson with Ark Consulting, representative for the applicant, spoke in favor. He stated after the denial of the previous request for OR his clients determined that a more suitable use for this property would be a self-storage use. Self-storage use is a much lower traffic generator. The adjacent property is already zoned CG.

Mr. Faison stated that Mr. Anderson mentioned the plan is to have self-storage. He asked if his client can change their mind for the use if the rezoning request is approved.

Ms. Gooby stated that is correct.

Mr. Robinson clarified with Attorney McGirt that the commission should not consider the proposed use, only the proposed zoning.

Attorney McGirt stated that is correct.

Mr. Thomas asked why the city does not have conditional use zoning.

Ms. Gooby stated Council decides whether or not the City has conditional use zoning. That would require a text amendment and would be up to Council to adopt.

Dustin Mills, applicant, spoke in favor. He stated the previous request was denied by City Council on a use that was consistent with the Horizon Plan. They looked at a proposed use that would generate the least amount of traffic and would address the concerns from the previous request. He believes the General Commercial zoning is the best zoning classification to allow a low density use.

No one spoke in opposition.

Chairman Faison closed the public hearing.

Mr. Joyner stated he does not feel that General Commercial is the best fit for this property.

Mr. Thomas stated he would like City Council to weigh in on conditional use so that the Commission can provide specific limitations.

Mr. Robinson stated despite the Future Land Use Plan, there may be properties that simply beg to be treated differently and this parcel falls into that category.

Mr. Faison stated this is a special piece of property because of the way it is laid out. There is heavy traffic in this area so there will not be a perfect answer. It seems like a self-storage would be a good fit but if the request is approved, the applicant can put any use that falls under General Commercial on this property.

Motion made by Mr. Brock, seconded by Mr. Maxwell to recommend denial of the proposed amendment, to advise that it is inconsistent with the comprehensive plan and to adopt the staff report which addresses plan consistency and other matters. Voting in favor: Joyner, Maxwell, and Brock. Voting in opposition: Robinson, Overton, Collins, and Thomas. Motion failed (3:4).

Motion made by Mr. Robinson, seconded by Mr. Thomas to recommend approval of the proposed amendment, to advise that, although the proposed amendment is not consistent with the comprehensive plan, in this instance it is an appropriate zoning classification, and to adopt the staff report which addresses plan consistency. Voting in favor: Robinson, Overton, Collins, and Thomas. Voting in opposition: Joyner, Maxwell, and Brock. Motion passed (4:3)

Bells Fork Partners, LLC

From: RA20

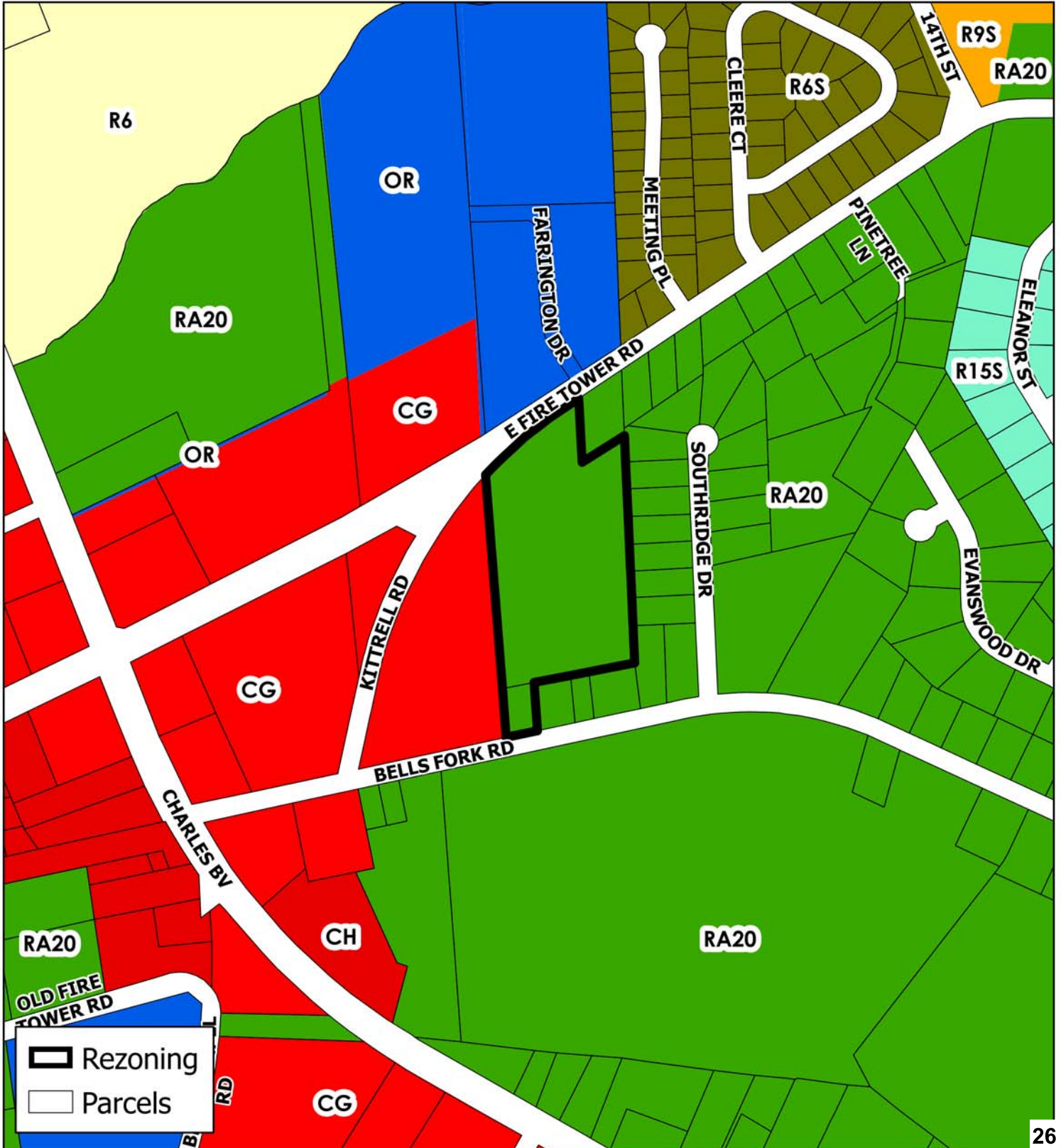
To: CG

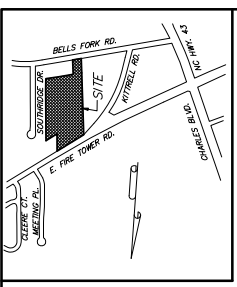
Acres: 7.773

September 7th, 2021

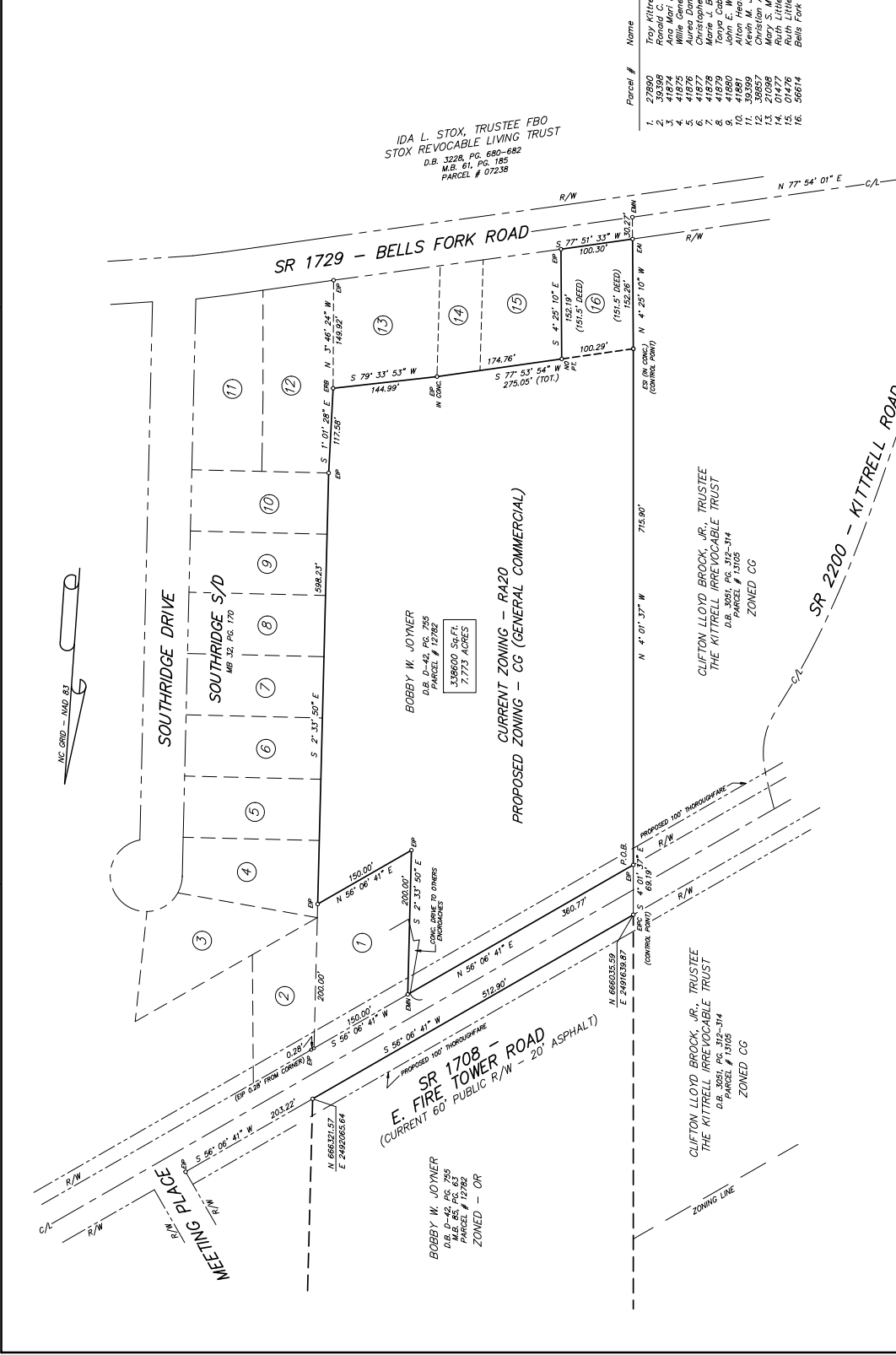


0 0.03 0.06 0.11 Miles





1" = 1,000'
VICINITY MAP



IDA L. STOX, TRUSTEE FBO
STOX REVOCABLE LIVING TRUST
D.B. 3228, PG. 680-682
N.B. 61, PG. 185
PARCEL # 07238

BOBBY W. JOYNER
D.B. 0-42, PG. 255
PARCEL # 12782
3,986.00 Sq. Ft.
7.773 ACRES

CURRENT ZONING - RA20
PROPOSED ZONING - CC (GENERAL COMMERCIAL)

CLIFTON LLOYD BROOK, JR., TRUSTEE
THE KITTRELL IRREVOCABLE TRUST
D.B. 3150, PG. 312-314
PARCEL # 13105

CLIFTON LLOYD BROOK, JR., TRUSTEE
THE KITTRELL IRREVOCABLE TRUST
D.B. 3091, PG. 312-314
PARCEL # 13105

Parcel #	Name	Deed Bk./Page #	Zoning
1	Troy Kittrell	3603/431	RA20
2	Anna C. McDaniel	3603/431	RA20
3	Anna Mari McDaniel	1810/688	RA20
4	Willie Gene Judge	819/849	RA20
5	Chris Daniels Batchelor	3351/323	RA20
6	Marie J. Bell	3295/322	RA20
7	Tonya Cabaniss	3632/803	RA20
8	Alton Heath	3528/808	RA20
9	Kevin M. Justice	1121/263	RA20
10	Christina A. Morris	4029/453	RA20
11	Ruth Little Best	K-35/719	RA20
12	Ruth Little Best	2320/739	RA20
13	Bells Fork Partners, LLC	4151/634	RA20
14			
15			
16			

REZONING MAP
FOR
BOBBY W. JOYNER
AND
BELLS FORK PARTNERS, LLC

BEING A PORTION OF
TAX PARCEL # 12782 &
TAX PARCEL # 56614
WINTERVILLE TOWNSHIP
NORTH CAROLINA
SCALE: 1" = 100'
AUGUST 13, 2021

WC 21186 FB 383

GARY S. MILLER & ASSOCIATES, P.A.
LAND SURVEYORS
9003 South Chimes Blvd.
Greenville, NC 27630
Phone: (252) 766-7979
Fax: (252) 546-0768
License # C-0225

I, Gary S. Miller, certify to the following:
This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.
that this map was drawn under my supervision from an actual survey made under my supervision and field notes recorded in Book 4142, Page 55-57, that the boundaries not surveyed are indicated as drawn from information in Book 4142, Page 55-57, that the ratio of precision or positional accuracy is 1:10,000+; and that this map meets the requirements of the North Carolina Surveying and Mapping Act in North Carolina (21 NCAC 56.1600).
Witness my hand and seal this 13th day of August, 2021.

Signed
Professional Land Surveyor No. L-2562

SURVEYED BY: MCP
DRAWN BY: GSM / BLW

REFERENCE:
DEED BK 4142, PG. 55-57

PARCEL NO. 12782 & 56614

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 21-13

Applicant: Bells Fork Partners, LLC

Property Information

Current Zoning: RA20 (Residential-Agricultural)

Proposed Zoning: CG (General Commercial)

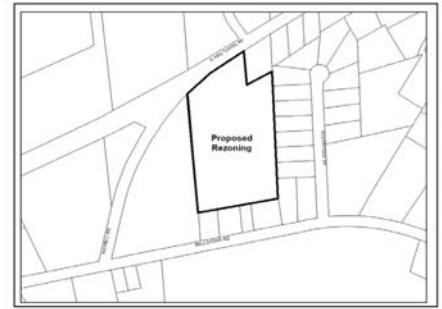
Current Acreage: 7.773 acres

Location: E. Fire Tower Rd, east of Kittrell Road

Points of Access: E. Fire Tower Rd



Location Map



Transportation Background Information

1.) E. Fire Tower Rd- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	2 lane - paved shoulder	4 lane divided with raised median
Right of way width (ft)	60	100
Speed Limit (mph)	45	no change
Current ADT:	24,938 (*)	
Design ADT:	13,300 vehicles/day (**)	39,700 vehicles/day (**)
Controlled Access	No	

Thoroughfare Plan Status Major Thoroughfare

Other Information: There are no sidewalks along E. Fire Tower Rd that service this property.

Notes: (*) 2018 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: Project U-5785, which involves widening a 0.6-mile stretch of Fire Tower Road between Charles Boulevard (N.C. 143) and 14th Street

Trips generated by proposed use/change

Current Zoning: 239 -vehicle trips/day (*) **Proposed Zoning: 2,706** -vehicle trips/day (*)

Estimated Net Change: increase of 2467 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 E. Fire Tower Rd are as follows:

1.) E. Fire Tower Rd , West of Site (60%): “No build” ADT of 24,938

Estimated ADT with Proposed Zoning (full build) – 26,562

Estimated ADT with Current Zoning (full build) – 25,081

Net ADT change = 1,481 (6% increase)

2.) E. Fire Tower Rd , East of Site (40%): “No build” ADT of 24,938

Estimated ADT with Proposed Zoning (full build) – 26,020

Estimated ADT with Current Zoning (full build) – 25,034

Net ADT change = 986 (4% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 2706 trips to and from the site on E. Fire Tower Rd, which is a net increase of 2467 additional trips per day (over current zoning).

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

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	
CG (GENERAL COMMERCIAL) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	b. Internal service facilities
	c. On-premise signs per Article N
	e. Temporary uses; of listed district uses
	f. Retail sales; incidental
	g. Incidental assembly of products sold at retail or wholesale as an accessory to principal uses
(2) Residential - None	
(3) Home Occupations - None	
(4) Governmental	
	b. City of Greenville municipal government building or use (see also section 9-4-103)

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

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, OR	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 (LMDR)	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.

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: 10/14/2021

Title of Item: Ordinance requested by Brighton EC, LLC et al to rezone 1.005 acres located at the northwestern corner of the intersection of West 5th Street and Brighton Park Drive from MO (Medical-Office) to MR (Medical-Residential [High Density Multi-family])

Explanation: **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on September 7, 2021.
On-site sign(s) posted on September 7, 2021.
City Council public hearing notice (property owner and adjoining property owner letter) mailed on September 28, 2021.
Public hearing legal advertisement published on October 4, 2021 and October 11, 2021.

Comprehensive Plan:

The Future Land Use and Character Map shows office/institutional (OI) at the intersection of West 5th Street and Brighton Park Drive transitioning to residential, high density (HDR) to the north. Potential conservation and open space (PCOS) shown along the Tar River and associated potential floodplain and floodway.

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

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)

Potential Conservation/Open Space

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

The Future Land Use and Character Map identifies certain areas as potential conservation/open space. Much of this area is designated based upon data on flood-prone land and environmental constraints that may not correspond precisely with conditions on the ground. Seeing an area designated this way is the beginning of a conversation. When considering rezoning requests or other development proposals, some areas classified as potential conservation/open space may be determined not to contain anticipated limitations on development, or that existing concerns can reasonably be mitigated. In such cases, the future preferred land use should be based on adjacent Land Use and Character designations, contextual considerations, and the general policies of the comprehensive plan.

Intent:

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

Thoroughfare/Traffic Report Summary (Engineering Department):

Based on the analysis comparing the existing zoning (97 daily trips) and requested rezoning, the proposed rezoning could generate approximately 93 trips to and from the site on W. 5th Street, which is a net decrease of 4 trips per day. Since the traffic analysis for the requested rezoning indicates that the proposal would generate less traffic than the existing zoning, a traffic volume report was

not generated.

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

History/Background:

In 1985, the property was incorporated into the city limits and zoned to its current zoning.

Existing Land Uses:

Vacant

Water/Sewer:

Water and sanitary sewer are available to the property.

Historic Sites:

There are no known effects on historic sites.

Environmental Conditions/Constraints:

The property drains to the Tar River. If stormwater rules apply, it would require 10-year detention, nitrogen and phosphorus reduction.

The property is not located in the Special Flood Hazard Area. No Jurisdictional streams, riparian buffers, or wetlands appear to exist on the property.

Surrounding Land Uses and Zoning:

North and West: MO - Brighton Park Apartment Leasing Office

South: MO - Vacant office building

East: MR - Brighton Park Apartments

Density Estimates:

Under the current zoning, the site could accommodate 8,799 sf of office space.

Under the proposed zoning, the site could accommodate 14 multi-family units (1, 2 and 3 bedrooms).

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 21, 2021 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_-_Brighton_EC_LL.C.pdf](#)
-  [Minutes_-_Brighton_EC.pdf](#)
-  [Brighton apo map.pdf](#)
-  [Brighton survey.com.pdf](#)
-  [MO to MR.pdf](#)
-  [Density and Veg Charts.pdf](#)

ORDINANCE NO. 21-
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 6, Chapter 160D, 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 14th day of October, 2021, at 6:00 p.m., 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 applicable provisions of North Carolina General Statute 160D-605, 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 160D-605, 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 applicable provisions of North Carolina General Statute 160D-605, 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 Map 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 MR (Medical-Residential).

TO WIT: Brighton EC, LLC et al

LOCATION: Located at the northwestern corner of the intersection of West 5th Street and Brighton Park Drive.

DESCRIPTION: Lying and being located in Greenville Township, Pitt County, NC and being more particularly described as follows:

Beginning at an existing drill hole located at the southeast property corner of Lot 2, Brighton Park as recorded in Map Book 56, Page 101 in the Pitt County Registry; thence running along the northern right of way of Brighton Park Drive the following courses and distances S 39-55-41 W, 104.26 feet to an existing drill hole; thence with a curve to the right having a radius of 204.89 feet a chord bearing and distance S 48-00-59 W, 57.64 feet to a point; thence with a curve to the left having a radius of 148.89 feet a chord bearing and distance S 48-00-46 W, 41.89 feet to an existing drill hole; thence S 39-55-41 W, 25.21 feet to an existing drill hole; thence with a curve to the right having a radius of 25.00 feet a chord bearing and distance S 61-41-52 W, 18.55 feet to an existing iron pipe located on the eastern right of way of NC Hwy. 43 – West 5th Street; thence running along the eastern right of way of NC Hwy. 43 – West 5th Street the following courses and distances N 54-31-19 W, 63.16 feet to an existing iron pipe; thence N 46-20-01 W, 98.87 feet to an existing iron pipe; thence leaving the eastern right of way of NC Hwy. 43 – West 5th Street N 39-59-09 E, 243.70 feet to an existing iron pipe; thence S 50-04-19 E, 182.26 feet to the point of beginning containing 1.005 acres.

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 14th day of October, 2021.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1153133

Excerpt from the draft Planning & Zoning Commission Minutes (9/21/2021)

REQUEST BY BRIGHTON EC, LLC ET AL TO REZONE 1.005 ACRES LOCATED AT THE NORTHWESTERN CORNER OF THE INTERSECTION OF WEST 5TH STREET AND BRIGHTON PARK DRIVE FROM MO (MEDICAL-OFFICE) TO MR (MEDICAL-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]).

Chantae Gooby presented for staff. This request is made up of two separate parcels and is a little over one acre in size. The property drains to the Tar River and if stormwater rules apply it would require 10-year detention. It is not in a floodplain or a floodway. At full build-out between the existing zoning and the proposed zoning, there would be a negligible change in traffic. Therefore, a traffic volume report was not generated. Under the current zoning, the property could yield approximately 9,000 square feet of office space. Under the proposed zoning, the property could yield about 14 multi-family units. The property is adjacent to similar zoning. The Future Land Use and Character Map shows office/institutional (OI) at the intersection of West 5th Street and Brighton Park Drive transitioning to residential, high density (HDR) to the north. Potential conservation and open space (PCOS) shown along the Tar River and associated potential floodplain and floodway. In staff's opinion, the request is in harmony with the Future Land Use Plan. Therefore, staff recommends approval of the request.

Chairman Faison opened the public hearing.

Scott Anderson with Ark Consulting, representative for the applicant, spoke in favor. He stated the owners of the property wish to build a clubhouse and pool to go along with the Brighton Park Apartments. This request is to allow the same zoning across all of the existing parcels.

Amy Howell spoke in opposition. She stated she is concerned about safety due to congestion from foot and vehicular traffic.

Chairman Faison closed the public hearing.

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

Brighton EC LLC & Brighton EC 2 LLC

From: MO

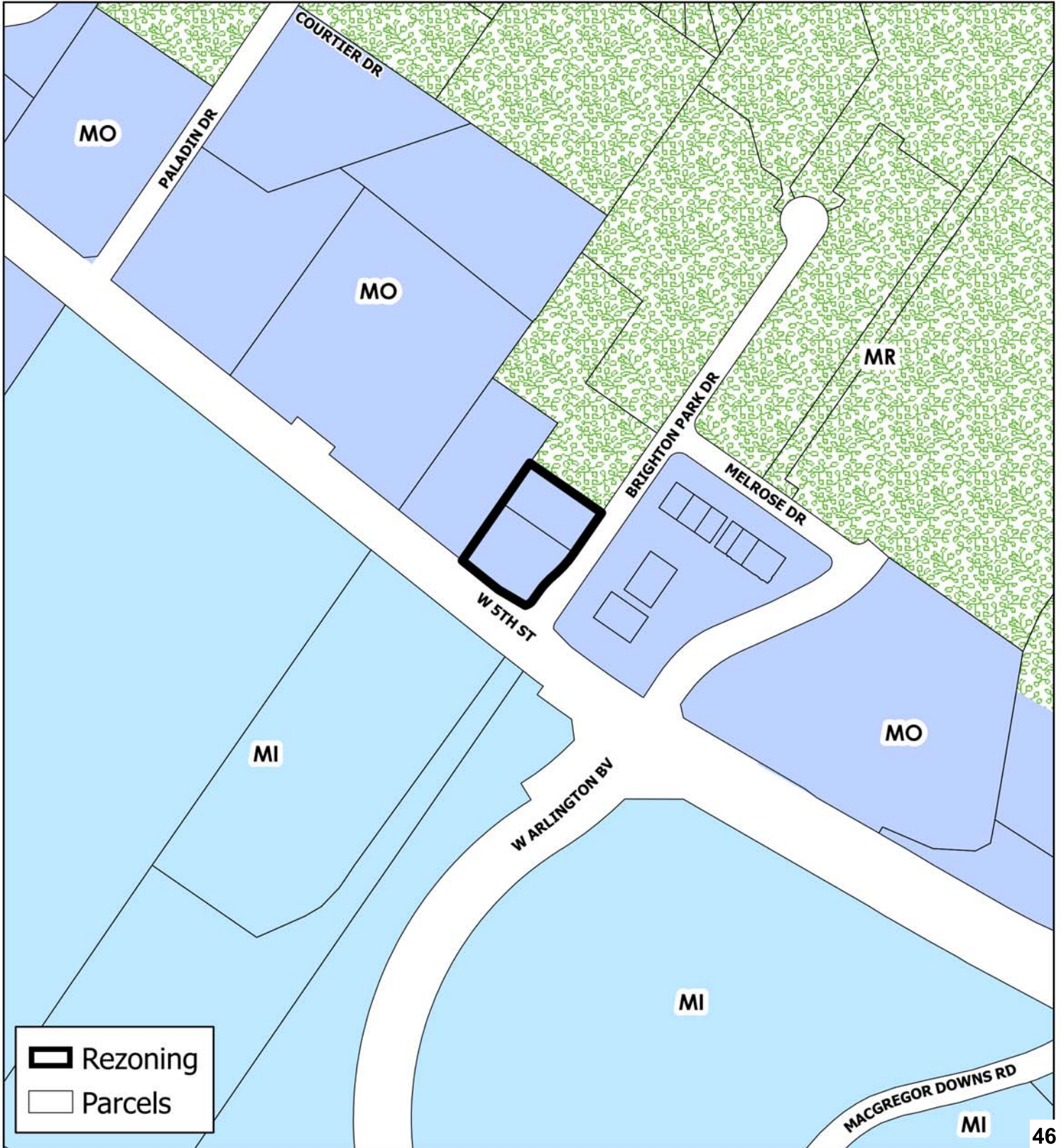
To: MR

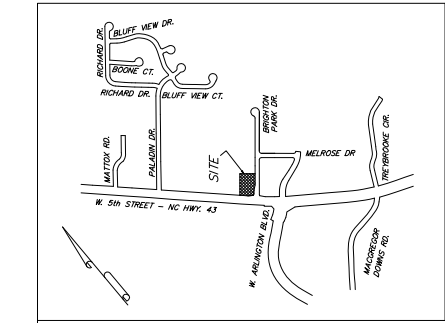
Acres: 1.005

September 7th, 2021

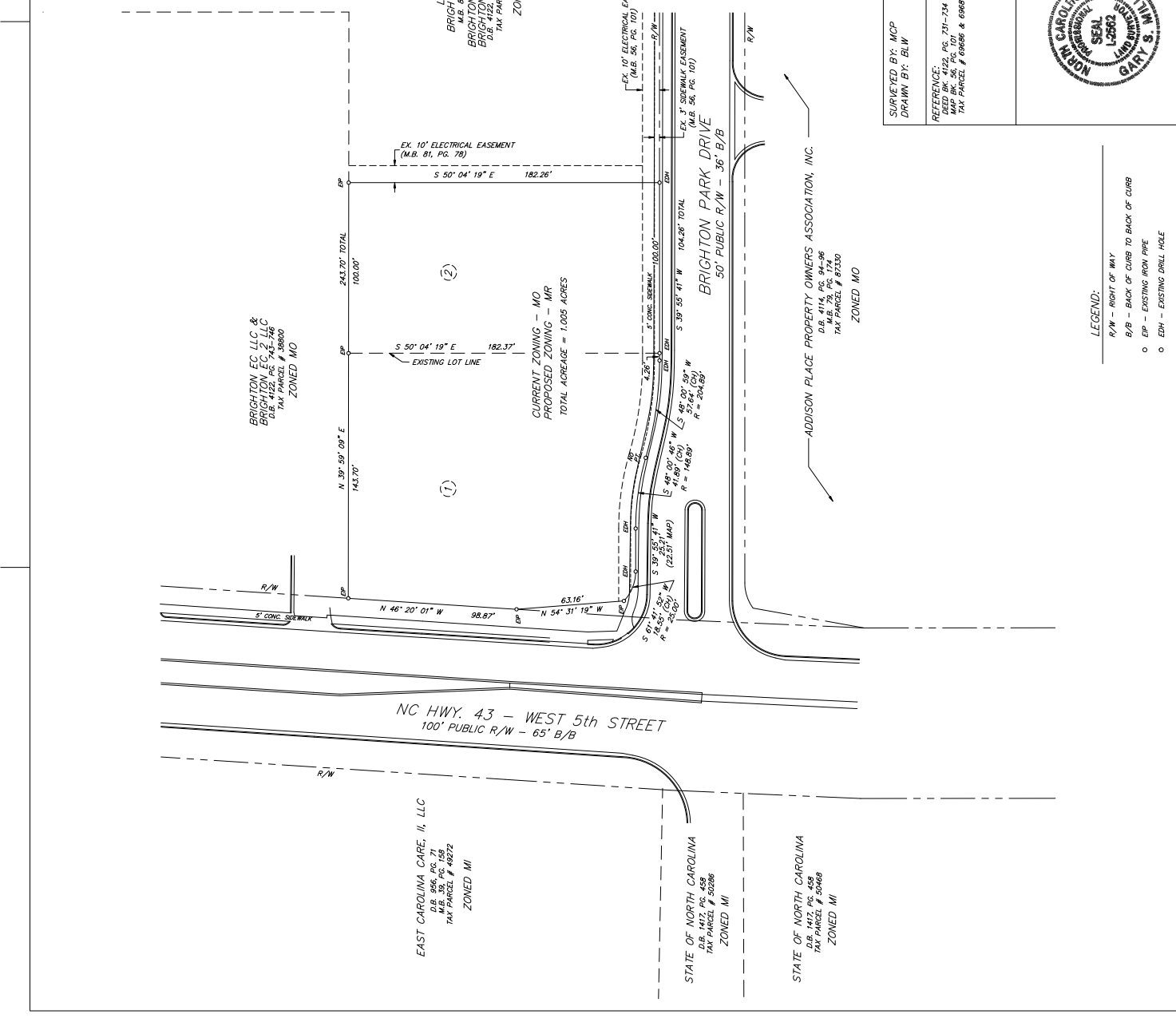
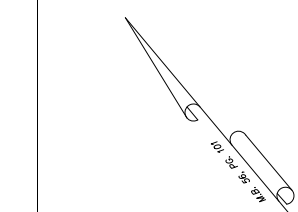


0 0.02 0.04 0.07 Miles





VICINITY MAP
1" = 1,000'



REZONING MAP
FOR
BRIGHTON EC LLC & BRIGHTON EC 2 LLC

LOTS 1 & 2
BRIGHTON PARK
GREENVILLE TOWNSHIP
PITT COUNTY, NORTH CAROLINA

SCALE: 1" = 40' AUGUST 20, 2021

WO 21196
FB -

GARY S. MILLER & ASSOCIATES, P.A.
LAND SURVEYORS
1803 South China Blvd.
Greenville, N.C. 27603 License # C-0025

I, Gary S. Miller, certify to the following:
This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
that this map was drawn under my supervision from an actual survey made under my supervision (and the survey is recorded in Book 1422, Page 234 of the Public Records of North Carolina); that the boundaries not surveyed are indicated as drawn from information in Book 1422, Page 234 of the Public Records of North Carolina; that the ratio of precision or positional accuracy is 1:10,000+; and that this map meets the requirements of the North Carolina Surveying and Mapping Act of 1997, Chapter 89, Article 1, Section 10.1 of the North Carolina General Statutes.
Witness my hand and seal this 20th day of AUGUST, 2021.

Signed Professional Land Surveyor No. L-2562

SURVEYED BY: MCP
DRAWN BY: BLW

REFERENCE:
DEED BK. 1122, PG. 231-234
MAP BK. 56, PG. 107
TAX PARCEL # 69886 & 69887

NORTH CAROLINA SEAL
GARY S. MILLER
LAND SURVEYOR
L-2562

EXISTING ZONING

MO (MEDICAL-OFFICE) - PERMITTED USES

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

(15) Other Activities (not otherwise listed - all categories) - None	
MO (MEDICAL-OFFICE) - 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)
s.	Athletic club; indoor only
(7) Office/Financial/Medical - None	
(8) Services	
a.	Child day care facilities
b.	Adult day care facilities
e.	Barber or beauty salon
f.	Manicure, pedicure or facial salon
j.	College and other institutions of higher learning
l.	Convention center; private
s.	Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
s(1).	Hotel, motel bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
ff(1).	Mental health, emotional or physical rehabilitation day program facility
hh.	Exercise and weight loss studio; indoor only
jj.	Health services not otherwise listed
ll(1).	Dry cleaners; household users; drop-off/pick-up station only
(9) Repair- None	
(10) Retail Trade	
c.	Wine shop; including on-premise consumption (see also section 9-4-103)
f.	Office and school supply, equipment sales
h.	Restaurant; conventional
i.	Restaurant; fast food (limited to multi-unit structures which contain not less than three separate
j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
k.	Medical supply sales and rental of medically-related products including uniforms and related accessories
t.	Hobby or craft shop
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	

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		
	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

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, OR	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 (LMDR)	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.

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: 10/14/2021

Title of Item: Ordinance requested by Gregory Jones to rezone a total of 57.927 acres located along the southern right-of-way of East 10th Street between Oakdowne Way and Pinewood Memorial Park from O (Office) to OR (Office-Residential [High Density Multi-family]) for 19.727 acres (Tract 1), from R6S (Residential-Single-family) to R6A (Residential [Medium Density Multi-family]) for 31.714 acres (Tract 2) and from R6S (Residential-Single-family) to R6A-CA (Residential [Medium Density Multi-family])-Conservation Overlay for 6.486 acres (Tract 3)

Explanation: **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on September 7, 2021.
On-site sign(s) posted on September 7, 2021.
City Council public hearing notice (property owner and adjoining property owner letter) mailed on September 28, 2021.
Public hearing legal advertisement published on October 4, 2021 and October 11, 2021.

Comprehensive Plan:

The Future Land Use and Character Map recommends traditional neighborhood, medium-high density (TNMH) along the southern right-of-way of East 10th Street generally between Oakdowne Way and Pinewood Memorial Park, transitioning to traditional neighborhood, low-medium density (TNLM) to the west. Further, PCOS is shown between the commercial to the north and the surrounding residential as well as to the west and south of the subject property.

Traditional Neighborhood, Medium-High Density

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

Intent:

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

Primary uses:

Multi-family residential

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

Secondary uses:

Institutional (neighborhood scale)

Traditional Neighborhood, Low-Medium Density

Residential area with a mix of housing types on small lots with a single-family neighborhood appearance. Traditional neighborhoods should have a walkable street network of small blocks, a defined center and edges, and connections to surrounding development.

Intent:

- Provide streetscape features such as sidewalks, street trees, and lighting
- Introduce neighborhood-scale commercial centers at key intersections

Primary uses:

Single-family residential

Two-family residential

Attached residential (townhomes)

Secondary uses:

Multi-family residential

Small-scale institutional/civic (churches and school)

Potential Conservation/Open Space

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

The Future Land Use and Character Map identifies certain areas as potential conservation/open space. Much of this area is designated based upon data on flood-prone land and environmental constraints that may not correspond precisely with conditions on the ground. Seeing an area designated this way is the beginning of a conversation. When considering rezoning requests or other development proposals, some areas classified as potential conservation/open space may be determined not to contain anticipated limitations on development, or that existing concerns can reasonably be mitigated. In such cases, the future preferred land use should be based on adjacent Land Use and Character designations, contextual considerations, and the general policies of the comprehensive plan.

Intent:

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

Thoroughfare/Traffic Report Summary (Engineering Department):

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 3,491 trips to and from the site on East 10th Street, which is a net increase of 377 additional trips per day (over current zoning).

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

History/Background:

In 1972, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned to its current zoning.

Existing Land Uses:

One (1) single-family residence, one (1) mobile home residence and farmland

Water/Sewer:

Water and sanitary sewer are available to the property.

Historic Sites:

There are no known effects on historic sites.

Environmental Conditions/Constraints:

The property is located in the Hardee Creek Watershed. If stormwater rules apply, it would require 10-year detention, nitrogen and phosphorus reduction.

A portion of the property is located in the Special Flood Hazard Area and Floodway. A Floodplain Development Permit and Erosion Control Plan will be required for impacts in the floodplain. A No-Rise certification will be required for any impacts in the floodway. Jurisdictional wetlands may exist on the property. Jurisdictional streams and riparian buffers do exist on the property.

Surrounding Land Uses and Zoning:

North: CH - Two (2) cellular towers, Vidant Wound Healing Center; R6S - Oakhurst Subdivision; R6 - Vacant
South: RA20 - Pinewood Memorial Park
East: CG - Vacant (under common ownership of applicant); RA20 - One (1) single-family residence and one (1) mobile home residence
West: RA20 - Brook Valley Golf Course

Density Estimates:

Tract 1:

Acreage: 19.73

Current Zoning: O (Office)

Proposed Zoning: OR (Office-Residential)

Under the current zoning, the site could accommodate 165,528 sf of office space.

Under the proposed zoning, the site could accommodate 255-265 multi-family units (1, 2 and 3 bedrooms).

Tracts 2 and 3

Total Acreage: 35.905

Current Zoning: R6S (Residential-Single-family)

Proposed Zoning: R6A (Residential) and R6A-CA (Conservation Area)

Under the current zoning, the site could accommodate 125-135 single-family lots.

Under the proposed zoning, the site could accommodate 250-260 multi-family units (1, 2 and 3 bedrooms).

The anticipated build-out is within 5-7 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 21, 2021 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_-_Gregory_Jones.pdf](#)
-  [Minutes_-_Gregory_Jones_.pdf](#)
-  [Gregory Jones apo map.pdf](#)
-  [Gregory Jones Survey.pdf](#)
-  [Gregory Jones Traffic.pdf](#)
-  [Density and Veg Charts.pdf](#)
-  [Written Comment for Gregory Jones from Collice Moore, Jr.pdf](#)
-  [Written Comment for Gregory Jones from Matt Wilkerson.pdf](#)

ORDINANCE NO. 21-
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 6, Chapter 160D, 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 14th day of October, 2021, at 6:00 p.m., 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 applicable provisions of North Carolina General Statute 160D-605, 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 160D-605, 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 applicable provisions of North Carolina General Statute 160D-605, 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 Map 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 O (Office) to OR (Office-Residential).

TO WIT: Mary Mann Jones and Gregory Jones Remainder (Tract 1)

LOCATION: Located along the southern right-of-way of East 10th Street between Oakdowne Way and Pinewood Memorial Park

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

Beginning at a point in the southern right-of-way of East 10th Street (NC Highway 33) said point being located S 20°19'04" E, 451.00 feet, thence S 28°05'55" E, 455.81 feet from the southern right-of-way of Oakdowne Way thence from said point of beginning with the southern right-of-way of East 10th Street (NC Highway 33) 433.63 feet along the arc of a curve; said curve turning to the left through an angle of 11° 23' 16.1", having a radius of 2,181.7500 feet, and whose long chord bears S 39° 47' 19.0" E for a distance of 432.92 feet to a point of intersection, thence S 45°28'57" E, 2.38 feet to the northern line of the Pinewood Memorial Park, Inc. property, thence leaving the southern right-of-way of East 10th Street (NC Highway 33) with the northern line of the Pinewood Memorial Park, Inc. property S 61°08'12" W, 469.20 feet, thence N 66°42'00" W, 206.00 feet, thence N 60°07'00" W, 76.00 feet, thence S 87°13'00" W, 92.00 feet, thence S 73°03'00" W, 30.00 feet, thence N 88°32'00" W, 108.00 feet, thence N 87°27'00" W, 111.00 feet, thence N 71°17'00" W, 97.00 feet, thence N 63°07'00" W, 108.00 feet, thence N 64°42'00" W, 76.00 feet, thence N 66°12'00" W, 100.00 feet, thence N 45°12'00" W, 63.00 feet, thence N 69°12'00" W, 79.00 feet, thence leaving the northern line of the Pinewood Memorial Park, Inc. property N 15°03'09" E, 842.96 feet to the southern line of the Collice C. Moore property, thence with the southern line of the Collice C. Moore property S 75°57'00" E, 393.50 feet, thence leaving the southern line of the Collice C. Moore property S 27°23'38" E, 748.92 feet, thence N 55°54'19" E, 300.00 feet to the point of beginning containing 19.7268 acres.

TO WIT: Mary Mann Jones and Gregory Jones Remainder (Tract 2)

LOCATION: Located at the current terminus of Oakdowne Way

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

Beginning at a point in the southern line of the Lowes Home Centers, Inc. property as recorded in Deed Book 2318, Page 480 said point being at the northern right-of-way of Oakdowne Way thence from said point of beginning S 15°03'09" W, 732.17 feet to a point in the northern line of the Pinewood Memorial Park, Inc. property, thence parallel with said line N 49°27'00" W, 10.53 feet, Thence, S 88° 43' 00.0" W for a distance of 140.00 feet thence, S 77° 33' 00.0" W for a distance of 186.27 feet, thence S 41° 33' 00.0" W for a distance of 119.77 feet thence S 56° 03' 00.0" W for a distance of 29.73 feet, thence S 82° 33' 00.0" W for a distance of 93.65 feet, thence N 85° 07' 00.0" W for a distance of 95.68 feet, thence S 50° 48' 00.0" W for a distance of 153.20 feet, thence S 85° 33' 00.0" W for a distance of 46.82 feet, thence S 55° 13' 00.0" W for a distance of 109.62 feet, thence S 75° 03' 00.0" W for a distance of 156.72 feet, thence N 81° 27' 00.0" W for a distance of 60.40 feet, thence N 69° 07' 00.0" W for a distance of 134.55 feet, thence N 52° 27' 00.0" W for a distance of 87.18 feet to a point on a line parallel to and 100'

from the centerline of Hardee Creek, said Hardee Creek being the eastern line of the Brook Valley Country Club, Inc. property, thence along the parallel line of Hardee Creek N 04° 47' 00.0" W for a distance of 38.22 feet, thence N 10° 43' 00.0" E for a distance of 180.70 feet, thence N 09° 13' 00.0" E for a distance of 253.37 feet, thence N 34° 27' 00.0" W for a distance of 202.53 feet, thence N 13° 27' 00.0" W for a distance of 128.84 feet, thence, N 19° 33' 00.0" E for a distance of 145.47 feet thence N 37° 38' 00.0" E for a distance of 87.70 feet, thence N 19° 53' 00.0" E for a distance of 171.82 feet, thence N 03° 43' 00.0" E for a distance of 114.76 feet to a point on a line thence leaving the parallel of Hardee Creek along the southern boundary of a 50 foot residential buffer S 75° 57' 00.0" E for a distance of 1286.61 feet, thence N 14° 03' 00.0" E for a distance of 50.00 feet to a point on the southern line of Oakhurst Subdivision as recorded in Map Book 24, Page 143, thence with the southern line of Oakhurst Subdivision S 75° 57' 00.0" E for a distance of 122.53 feet to the POINT OF BEGINNING containing 31.7138 acres.

TO WIT: Mary Mann Jones and Gregory Jones Remainder (Tract 3)

LOCATION: Located at the current terminus of Oakdowne Way and adjacent to Pinewood Memorial Park

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

Beginning at a point in the northern line of the Pinewood Memorial Park, Inc. property said point being located, S 15°03'09" W, 842.96 feet from a point in the southern line of the Lowes Home Centers, Inc. property as recorded in Deed Book 2318, Page 480 common to the terminus of the Oakdowne Way right-of-way, thence from said point of beginning with the northern line of the Pinewood Memorial Park, Inc. property N 49°27'00" W, 20.00 feet, thence S 88°43'00" W, 92.00 feet, thence S 77°33'00" W, 144.00 feet, thence S 41°33'00" W, 100.00 feet, thence S 56°03'00" W, 66.00 feet, thence S 82 °33'00" W, 128.00 feet, thence N 85°07'00" W, 66.00 feet, thence S 50°48'00" W, 144.00 feet, thence S 85°33'00" W, 51.00 feet, thence S 55°13'00" W, 100.00 feet, thence S 75°03'00" W, 195.00 feet, thence N 81°27'00" W, 92.00 feet, thence N 69°07'00" W, 160.00 feet, thence N 52°27'00" W, 146.00 feet to the centerline of Hardee Creek, said Hardee Creek being the eastern line of the Brook Valley Country Club, Inc. property, thence with the eastern line of the Brook Valley Country Club, Inc. property along the centerline of Hardee Creek N 04°47'00" W, 96.00 feet, thence N 10°43'00" E, 193.00 feet, thence N 09°13'00" E, 212.00 feet, thence N 34 °27'00" W, 181.00 feet, thence N 13 °27'00" W, 177.00 feet, thence N 19°33'00" E, 191.00 feet, thence N 37 °38'00" E, 88.00 feet, thence N 19°53'00" E, 142.00 feet, thence N 03°43'00" E, 118.79 feet Thence, S 75° 57' 00.0" E for a distance of 101.65 feet, thence S 03° 43' 00.0" W for a distance of 114.76 feet, thence S 19° 53' 00.0" W for a distance of 171.82 feet, thence S 37° 38' 00.0" W for a distance of 87.70 feet, thence S 19° 33' 00.0" W for a distance of 145.47 feet, thence S 13° 27' 00.0" E for a distance of 128.84 feet, thence S 34° 27' 00.0" E for a distance of 202.53 feet, thence S 09° 13' 00.0" W for a distance of 253.37 feet, thence S 10° 43' 00.0" W for a distance of 180.70 feet, thence S 04° 47' 00.0" E for a distance of 38.22 feet, thence S 52° 27' 00.0" E for a distance of 87.18 feet, thence S 69° 07' 00.0" E for a distance of 134.55 feet, thence, S 81° 27' 00.0" E for a distance of 60.40 feet thence N 75° 03' 00.0" E for a distance of 156.72 feet, thence N 55° 13' 00.0" E for a distance of 109.62 feet, thence N 85° 33' 00.0" E for a distance of 46.82 feet, thence N 50° 48' 00.0" E for a distance

of 153.20 feet, thence S 85° 07' 00.0" E for a distance of 95.68 feet, thence N 82° 33' 00.0" E for a distance of 93.65 feet, thence N 56° 03' 00.0" E for a distance of 29.73 feet, thence N 41° 33' 00.0" E for a distance of 119.77 feet, thence N 77° 33' 00.0" E for a distance of 186.27 feet, thence N 88° 43' 00.0" E for a distance of 140.00 feet, thence S 49° 27' 00.0" E for a distance of 10.53 feet thence S 15° 03' 11.8" W a distance of 110.79 feet to the POINT OF BEGINNING containing 6.4856 acres.

Section 4. 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 5. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

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

ADOPTED this 14th day of October, 2021.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1153134

Excerpt from the draft Planning & Zoning Commission Minutes (9/21/2021)

REQUEST BY GREGORY JONES TO REZONE A TOTAL OF 57.927 ACRES LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF EAST 10TH STREET BETWEEN OAKDOWNE WAY AND PINWOOD MEMORIAL PARK FROM O (OFFICE) TO OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) FOR 19.727 ACRES (TRACT 1), FROM R6S (RESIDENTIAL SINGLE-FAMILY) TO R6A (RESIDENTIAL [MEDIUM DENSITY MULTI-FAMILY]) FOR 31.714 ACRES (TRACT 2) AND FROM R6S (RESIDENTIAL SINGLE-FAMILY) TO R6A-CA (RESIDENTIAL [MEDIUM DENSITY MULTI-FAMILY])- CONSERVATION OVERLAY FOR 6.486 ACRES (TRACT 3).

Chantae Gooby presented for staff. The request is divided into three separate tracts. The first tract is approximately 20 acres and the request is for Office-Multi-family. Tract 2 is roughly 31 acres and the request is for R6A (Residential [Medium Density Multi-Family]). Tract 3 surrounds Tract 2 and is a conservation area. The property is located in the Hardee Creek Watershed so stormwater will require 10-year detention. It is located in the floodplain and floodway so a “no-rise certificate” will be required. Jurisdictional wetlands may exist and there are jurisdictional streams and buffers on the property. This rezoning could generate a net increase of 377 trips per day. Under the current zoning for Tract 1, it could yield about 165,000 square feet of office at full build-out. Under the proposed rezoning for Tract 1, it could yield about 250 multi-family units. Under the current zoning for Tracts 2 and 3, they could yield about 130 single-family lots. Under the proposed rezoning for Tracts 2 and 3, they could yield about 250 multi-family units. The property in the conservation area can be used for density but has to remain in its natural state. No buildings or parking lots can be located in that area. There is a 50-foot strip of R6S zoning that has been omitted between the subject property and Oakhurst Subdivision. The Future Land Use and Character Map recommends traditional neighborhood, medium-high density (TNMH) along the southern right-of-way of East 10th Street generally between Oakdowne Way and Pinewood Memorial Park, transitioning to traditional neighborhood, low-medium density (TNLM) to the west. Further, PCOS is shown between the commercial to the north and the surrounding residential as well as to the west and south of the subject property. In staff’s opinion, this request meets the intent of the Future Land Use Plan and the Character Map. Therefore, staff recommends approval.

Chairman Faison opened the public hearing.

Scott Anderson with Ark Consulting, representative for the applicant, spoke in favor. He stated the request will allow more flexibility in options for development. The property will have access to 10th Street at an existing signalized intersection. The 50-foot strip that was left out of the request is to create a buffer between the proposed development and the existing single-family homes. The conservation overlay was added to protect the existing riparian buffer and floodway.

Mr. Maxwell asked what steps will be made by the developers to make sure residents downhill will not be flooded by the development.

Mr. Anderson stated there is no set development plan yet but it will be required to meet the City’s Stormwater Management Ordinance. They will be required to put in some sort of pond or detention system to make sure there is no additional water added that will create flooding issues.

No one spoke in opposition.

Chairman Faison closed the public hearing.

Mr. Maxwell stated he is concerned about the lack of sidewalks where there are developments.

Ms. Gooby stated sidewalks will be required along Tenth Street for their portion of the development.

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

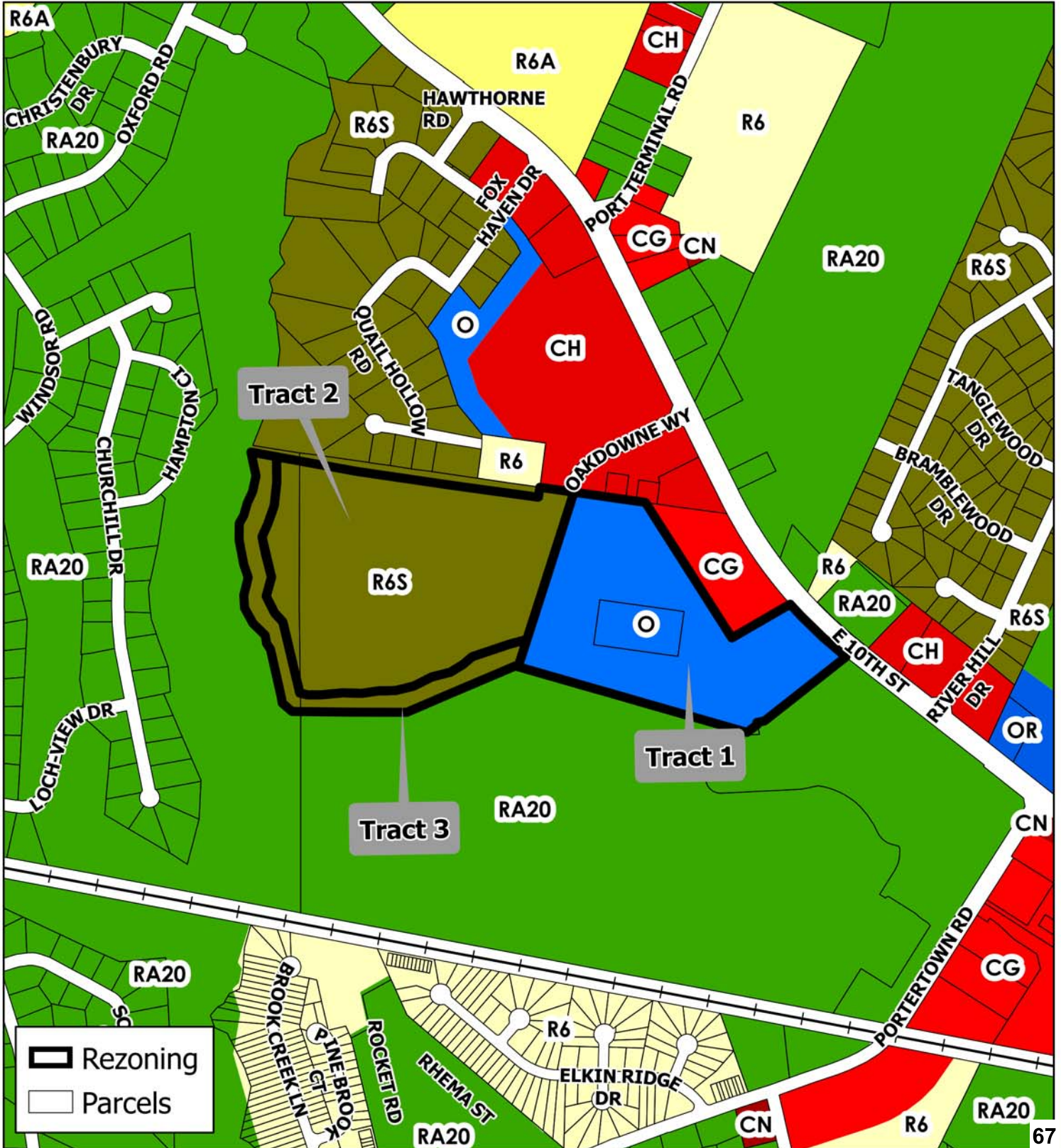
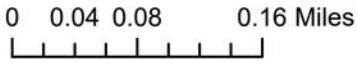
Gregory Scott Jones

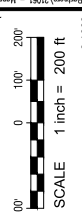
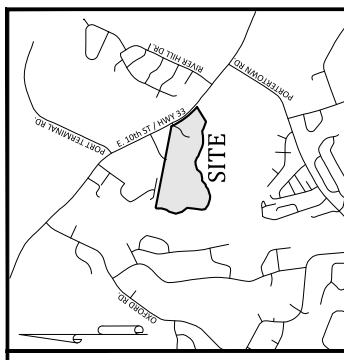
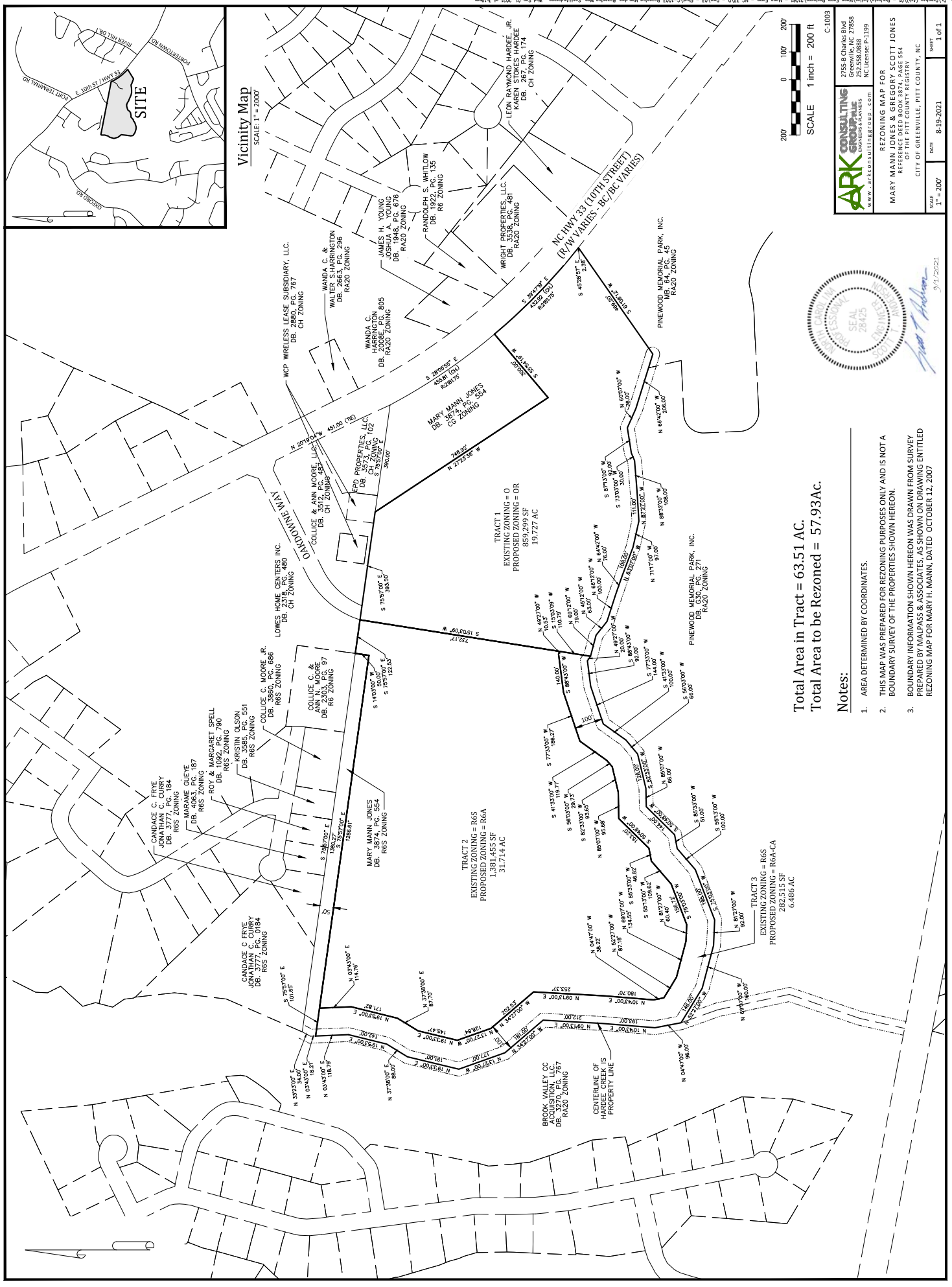
Tract 1
From: O
To: OR
Acres: 19.727

Tract 2
From: R6S
To: R6A
Acres: 29.418

Tract 3
From: R6S
To: R6A-CA
Acres: 6.486

Total Acres: 55.63
September 7th, 2021





APK CONSULTING GROUP, INC.
 2755-B Charles Blvd
 Greensboro, NC 27409
 760.533.8888
 www.apkconsultinggroup.com
 NC License: P-1159

REZONING MAP FOR
 MARY MANN JONES & GREGORY PASCALL
 TRACTS 1, 2, & 3
 OF THE PITT COUNTY REGISTRY #4
 CITY OF GREENVILLE, PITT COUNTY, NC

SCALE: 1" = 200'
 DATE: 8-19-2021
 SHEET: 1 of 1



Total Area in Tract = 63.51 AC.
 Total Area to be Rezoned = 57.93AC.

Notes:

1. AREA DETERMINED BY COORDINATES.
2. THIS MAP WAS PREPARED FOR REZONING PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON.
3. BOUNDARY INFORMATION SHOWN HEREON WAS DRAWN FROM SURVEY PREPARED BY MALPASS & ASSOCIATES, AS SHOWN ON DRAWING ENTITLED REZONING MAP FOR MARY H. MANN, DATED OCTOBER 12, 2007

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 21-12

Applicant: Gregory Jones

Property Information

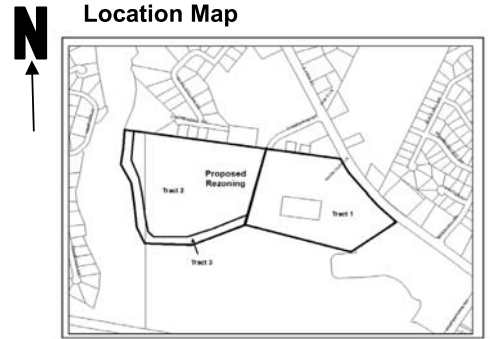
Current Zoning: Tract 1: O (Office)
 Tract 2 and 3: R6S (Residential-Single-Family)

Proposed Zoning: Tract 1: OR (Office-Residential)
 Tract 2 and 3: R6A(Residential) and R6A-CA (Conservation Area)

Current Acreage: Tract 1: 19.73 acres
 Tract 2 and 3: 35.905 acres

Location: E. 10th St, at Oakdown Way

Points of Access: E. 10th St



Transportation Background Information

1.) E. 10th St- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5-lane with curb & gutter	no change
Right of way width (ft)	100	no change
Speed Limit (mph)	50	no change
Current ADT:	26,420 (*)	
Design ADT:	32,200 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status	Major Thoroughfare	

Other Information: There are sidewalks along E. 10th St that service this property.

Notes: (*) 2014 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: 3,114 -vehicle trips/day (*) **Proposed Zoning: 3,491** -vehicle trips/day (*)

Estimated Net Change: increase of 377 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 E. 10th St are as follows:

1.) E. 10th St , West of Site (70%): **“No build” ADT of 26,420**

Estimated ADT with Proposed Zoning (full build) – 28,864
 Estimated ADT with Current Zoning (full build) – 28,600
Net ADT change = 264 (<1% increase)

2.) E. 10th St , East of Site (30%): “No build” ADT of 26,420

Estimated ADT with Proposed Zoning (full build) – 27,467

Estimated ADT with Current Zoning (full build) – 27,354**Net ADT change =** 113 (<1% increase)**Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 3491 trips to and from the site on E. 10th St, which is a net increase of 377 additional trips per day (over current zoning).

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

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, OR	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 (LMDR)	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.

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.



September 17, 2021

City of Greenville Planning and Zoning Commission
200 W 5th Street
Council Chambers, Third Floor
Greenville, NC 27834

Re: Proposed Mann Farm Rezoning, East 10th Street, Greenville, NC

Dear Members of the City of Greenville Planning and Zoning Commission:

I am contacting you regarding the requested zoning change made by Gregory Jones for the 57.927-acres located along the southern right-of-way of East 10th Street between Oakdowne Way and Pinewood Memorial Park.

I currently live and have lived next to this property my whole life. After reviewing the proposed use of the property including the planned conservation areas, I do not oppose the zoning change.

Collice Moore, Jr.
252-341-0500


MEMORIAL PARK
A Wilkerson COMPANY

P.O. BOX 2245 · GREENVILLE, NC 27836

PHONE (252) 752-9220 · FAX (252) 758-5384

September 21, 2021

City of Greenville Planning & Zoning Commission
200 W. 5th Street
Council Chambers, Third Floor
Greenville, NC 27834

RE: Proposed Rezoning Request by Mary Mann Jones and Gregory Scott Jones for Parcels 14113 and 85993 located at 1130 Mann Farm Rd., Greenville, NC 27858

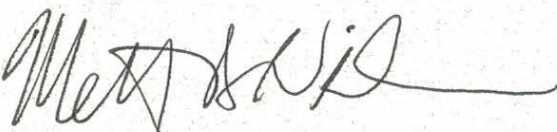
Dear Members of the City of Greenville Planning and Zoning Commission,

Upon first learning of the proposed rezoning of the aforementioned property, I was quite concerned with the possible impact future development might have on the existing cemetery grounds of Pinewood Memorial Park. Pinewood Memorial Park shares a lengthy property line with the property in question. It is my concern that the possibility of multi-family housing will likely result in a large increase of pedestrian activity between any new development and the existing shopping centers located at the intersection of E. 10th Street and Portertown Road. Pedestrian traffic most often follows the quickest and easiest path. In this instance, that would likely be directly across the grounds of Pinewood Memorial Park. Furthermore, much of this traffic may occur at night or other times when cemetery staff are not on the grounds. I believe this creates an environment that encourages crimes of opportunity, such as theft, vandalism, or use of cemetery grounds for illegal activity. It is further my belief that cemetery grounds, wherever they be located, are sacred places that should be protected.

Over the past few days, my business partners and I have had the opportunity to engage in a discussion with representatives of the owners of the referenced property and we have voiced our concerns. After reviewing our expressed concerns, the owners of the property have graciously offered to grant a permanent easement, 30 feet wide by 669 feet long, extending from E. 10th Street along the shared property line between Pinewood Memorial Park and the Mann Farm parcels. Much of our existing shared property line is simply not easily traversed by foot or we have sufficient room on our property to create a barrier to prevent pedestrian traffic. Along the section closest to E. 10th Street, existing burials are too close to the property line to allow for any barrier to be constructed, thus, the need for some form of easement. I have attached documentation from the representative of the owners for the proposed easement, which will be recorded within 30 days of rezoning approval.

Based on the granting of this easement I would like to formally express that the ownership of Pinewood Memorial Park, Inc. does not oppose the current rezoning request and that we greatly appreciate the property owners' willingness to acknowledge our concerns and work to create a solution that protects our grounds, where so many loved ones have been laid to rest for over 60 years.

Sincerely,



Matthew B. Wilkerson
Vice-President
Pinewood Memorial Park

From: Jonathan R Day <jonday1@embarqmail.com>
Sent: Tuesday, September 21, 2021 12:54:15 PM
To: Jeff Daniels <jeff@eastertrustre.com>
Cc: cpaysour@LKPlawfirm.com
<cpaysour@LKPlawfirm.com>; gsjonesplumbing@gmail.com <gsjonesplumbing@gmail.com>
Subject: Easement Pinewood

Jeff,

This email is to confirm that Greg Jones and family are working through the details of granting an easement to Pinewood Memorial Park, Inc in the spirit of obtaining the support by Pinewood for the rezoning request submitted for the Greg Jones et al property. The details of this easement are as follows:

The easement would be a permanent easement, 30 feet wide by 669 feet long and would be located on the Greg Jones Property along the eastern boundary of the Pinewood Memorial Park, Inc. property. It would start on E. 10th Street and extend south about 669 feet along the Pinewood and Greg Jones Property.

The easement would be maintained and improved by Pinewood with a landscaped buffer, possibly a berm, fence and other landscaping improvements. Pinewood would maintain this area in good condition.

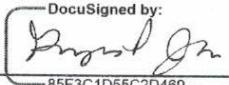
This easement document would be prepared by Greg Jones's Attorney and recorded in the Pitt County Court house 30 days after the rezoning of the property is approved by Greenville City Council. The recording would be before the sale or conveyance of the property to any other party.

Other terms and conditions as prepared by an attorney in a formal legal document and finalized with Pinewood.

Jon Day

The signature below is confirming the agreement of the above easement language.

Gregory Scott Jones

Signature:  9/21/2021
85F3C1D55C2D469...



City of Greenville, North Carolina

Meeting Date: 10/14/2021

Title of Item: Ordinance requested by the Mitchell Meeks to amend Title 9 Chapter 4 Article F, Dimensional, Standards, Modifications, and Special Standards, Section 9-4-103 Special Standards for Certain Specific Uses to allow the sale of firearms, accessories, and ammunition and gunsmithing as an accessory use to indoor and outdoor shooting ranges

Explanation: Currently indoor and outdoor shooting ranges are a special use in the following districts: IU (Unoffensive Industry), I (Industry), PIU (Planned Unoffensive Industry), PI (Planned Industry)

This request is to allow shooting ranges the ability to sell firearms and ammunition as well as gunsmithing services with the following standards:

- 1 An indoor shooting range that has the requisite state and federal firearms sales permit may allow the retail sales of firearms, accessories, and ammunition for on- and off-site premises, provided that the retail sales of firearms and ammunition constitute an accessory and incidental use to the indoor shooting range.
2. A shooting range that also has the requisite state and federal firearm sales permit(s) that allows retails sales of firearms, accessories, and ammunition may also provide gunsmithing services on-premise, provided that the provision of gunsmithing services constitutes an accessory and incidental use to the shooting range.
3. Required permits for retail sales of firearms and ammunition shall include, without limitation, a Federal Firearm License issued by the Bureau of Alcohol, Tobacco and Firearms.

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the 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 21, 2021 meeting.

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

If City Council determines to deny the amendment, 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_-_Accessory_use_of_gun_sales.pdf](#)
-  [Minutes_-_Guns_sales_and_gunsmithing.pdf](#)
-  [Written Comments for Guns Sales Text Amendment.pdf](#)

ORDINANCE NO. 21-
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 6, Chapter 160D, 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 14th day of October, 2021, at 6:00 p.m., conduct a meeting and conduct a public hearing on the adoption of an ordinance amending the City Code;

WHEREAS, in accordance with the provisions of North Carolina General Statute D-605, 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 applicable provisions of North Carolina General Statute 160D-605, 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, Section 103 is hereby amended by adding the following:

“(KK) Indoor Firearm Shooting Range – Retail sales and Gunsmithing

1. An indoor shooting range that has the requisite state and federal firearms sales permit may allow the retail sales of firearms, accessories, and ammunition for on- and off-site premises, provided that the retail sales of firearms and ammunition constitute an accessory and incidental use to the indoor shooting range.
2. A shooting range that also has the requisite state and federal firearm sales permit(s) that allows retail sales of firearms, accessories, and ammunition may also provide gunsmithing

services on-premise, provided that the provision of gunsmithing services constitutes an accessory and incidental use to the shooting range.

3. Required permits for retail sales of firearms and ammunition shall include, without limitation, a Federal Firearm License issued by the Bureau of Alcohol, Tobacco and Firearms.”

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

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

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

ADOPTED this 14th day of October, 2021.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1153137

Excerpt from the draft Planning & Zoning Commission Minutes (9/21/2021)

REQUEST BY MITCHELL MEEKS TO AMEND TITLE 9 CHAPTER 4 ARTICLE F, DIMENSIONAL, STANDARDS, MODIFICATIONS, AND SPECIAL STANDARDS, SECTION 9-4-103 SPECIAL STANDARDS FOR CERTAIN SPECIFIC USES TO ALLOW THE SALE OF FIREARMS, ACCESSORIES, AND AMMUNITION AND GUNSMITHING AS AN ACCESSORY USE TO INDOOR AND OUTDOOR SHOOTING RANGES.

Chantae Gooby presented for staff. The applicant wants to be able to include the sale of guns, ammunition and accessories along with gunsmithing as an accessory use for shooting ranges. Shooting ranges are only allowed with a special use permit in all the industrial zoning districts. This amendment will enable the sale of guns, ammunition and accessories along with gunsmithing when someone is applying for a shooting range. In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the 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. Collins stated there were questions raised by a neighbor as to whether this is an accessory use. It was unclear whether gun sales were dependent on having a firing range. Can clarify the legal issues on what an accessory use is.

Ms. Gooby stated it means that you would have to have a shooting range in order to have gun sales. It would not be a stand-alone store for gun or ammunition sales. It has to be associated with a shooting range.

Mr. Collins stated there was correspondence suggesting that the intention was to open gun sales when the shooting range was not ready for business. He asked if that was the plan, does that suggest that it is not an accessory use.

Ms. Gooby stated the applicants requested a special use permit for the shooting range and at the time they still wanted to add the gun and ammunition sales. They went forward with the approval of the shooting range and were going to go back revised the permit to include sales and gunsmithing.

Mike Biggerstaff stated the plan was to have both the indoor shooting range and gun shop at the same time. There was an existing building that would allow them to have a gun shop while the shooting range was being constructed.

Chairman Faison opened the public hearing.

Mike Biggerstaff spoke in favor. He stated their goal is to have an indoor shooting range with a gun shop. They plan to have classes for concealed carry and hand gun safety. The neighbor to their property was opposed to the shooting range and gun shop. They have decided not to put the shooting range or gun shop at that location but they want to have the paperwork in place to proceed when they find another property.

Mr. Faison asked if they currently do not have a location.

Mr. Biggerstaff stated they do not have a location at this time.

Mr. Collins stated an issue that was raised was whether the gun sales were an accessory use to the shooting range.

Mr. Biggerstaff stated you cannot have a range without being able to sale ammunition at the same time. All the other indoor shooting ranges in the State have gun sales.

Mr. Faison asked Attorney McGirt if the City has satisfied it's positon on accessory use.

Ms. Gooby stated under this request, the sales and gunsmithing would be reliant on the shooting range itself.

Rick Dalyai, applicant, spoke in favor. He stated they can't have a gun range without being able to sell ammunition.

Mr. Thomas asked if surrounding cities have this designation.

Ms. Gooby stated this is a customary use to a shooting range.

No one spoke in opposition.

Chairman Faison closed the public hearing.

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

From: [Charles Burnett](#)
To: [Chantae Gooby](#)
Subject: [External] Dropping Our Objection
Date: Tuesday, September 21, 2021 4:32:53 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender, were expecting this message or otherwise know the content is safe.

Ms. Gooby,

I am happy to inform you that we have reached a settlement with Coastal Plain and are dropping our objection to the text amendment that is on the agenda for tonight's meeting. Please let me know if you need anything else from us to finalize our dropping the objection. Thank you!

Coastal AgroBusiness, Inc

Charles Burnett

CFO & General Counsel

112 Staton Road

Greenville, North Carolina 27834

charlesburnett@coastalagro.com

(o) 252-317-3239

(m) 252-802-1081



City of Greenville, North Carolina

Meeting Date: 10/14/2021

Title of Item: Ordinance requiring the repair or the demolition and removal of the dwelling located at 905 Cherry Street, Tax Parcel #15975

Explanation: The Planning and Development Services Department is requesting that the City Council approve an ordinance requiring the owner of dwelling units on one parcel, which have been vacated and closed for a period of at least six months pursuant to the enforcement of the Repair, Closing, or Demolition of an Abandoned Structure Code, to repair or demolish and remove the identified dwelling unit(s) located at 905 Cherry Street, Tax Parcel #15975. The ordinance provides that the owner has 90 days to repair or demolish and remove the dwelling(s) and if the owner fails to accomplish this within 90 days, then the City will proceed with repairing or demolishing and removing the dwelling(s).

Notice of violation and hearing was sent by certified mail on July 21, 2021, to the listed owner(s) and heirs. The hearing was held on August 5, 2021. An order was given to the ownership requiring them to bring such dwelling into compliance with the Minimum Housing Code of the City of Greenville by repairing, altering or improving the dwelling in order to render it in compliance with the minimum housing standards or by demolishing and removing the structure by a date no later than the 8th day of September, 2021.

No action to repair has been taken to abate the structure in any form. Notices were published in the Greenville, NC newspaper on October 4, 2021 and October 11, 2021, notifying the owners and parties-in-interest of noncompliance and further notifying them that the property would be presented to Council for public hearing and consideration of an ordinance to demolish and remove the structure.

The dwelling(s) has/have been vacated and closed without utilities for well over 4 years.

The current Pitt County Tax Assessor's report values the property at \$6,495 (Building value is listed as \$0, Extra features value of \$2,920 and the land value

is \$3,575 for a total tax value of \$6,495).





The estimated cost to repair the main dwellings is \$101,795.55.

Fiscal Note:

Costs to test and abate asbestos (if present) and demolish the structure are estimated at \$10,000. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 12 of Chapter 160D of the North Carolina General Statutes.

Recommendation: Approve the ordinance requiring the repair or demolition and removal of the dwelling located at 905 Cherry Street, Tax Parcel #15975

ATTACHMENTS

-  [COG-#1142208-v2-905_Cherry_St__Demo_Ordinance.pdf](#)
-  [905 Cherry St-front board up.jpg](#)
-  [905 Cherry St-side vegetation.jpg](#)
-  [905 Cherrry St-back.jpg](#)

ORDINANCE NO. 21-

ORDINANCE REQUIRING THE OWNER OF A DWELLING VACATED
AND CLOSED FOR A PERIOD OF AT LEAST SIX MONTHS PURSUANT TO THE
ENFORCEMENT OF THE MINIMUM HOUSING CODE TO REPAIR OR DEMOLISH
AND REMOVE THE DWELLING LOCATED AT 905 CHERRY ST.,
TAX PARCEL NUMBER 15975

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Article F of Chapter I of Title 9 of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Article 12 of Chapter 160D of the North Carolina General Statutes, the dwelling described herein has been vacated and closed for a period of at least six (6) months;

WHEREAS, the City Council of the City of Greenville hereby finds that the owner has abandoned the intent and purpose to repair, alter or improve the dwelling described herein in order to render it fit for human habitation and the continuation of the dwelling in its vacated and closed state would be inimical to the health, safety, morals and welfare of the city in that the dwelling would continue to deteriorate, would create a fire and safety hazard, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in the area, and would render unavailable property and a dwelling which might otherwise have been made available to ease the persistent shortage of decent and affordable housing in this State; and

WHEREAS, Chapter 200 of the 2005 Session Laws of the North Carolina General Assembly, which applies to the City of Greenville, and Section 9-1-111 of the Code of the City of Greenville, North Carolina, empowers the City Council of the City of Greenville to enact this ordinance;

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

Section 1. The owner, Allysia Shavon Bailey, of the dwelling located at 905 Cherry St., Tax Parcel# 15975 in the City of Greenville, North Carolina, is hereby directed and required to either repair said dwelling so that it fully complies with the standards of the Minimum Housing Code or to demolish and remove said dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. The Code Enforcement Supervisor is hereby authorized and directed to proceed to either repair or demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section I of this ordinance within ninety (90) days, said dwelling being located at 905 Cherry St, Tax Parcel 15975 Greenville, North Carolina, and owned by Allysia Shavon Bailey.

Section 3. The cost of repair or demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 12 of Chapter 160D of the North Carolina General Statutes. The material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. 160D-1203(7).

Section 4. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

Section 5. This ordinance shall become effective upon its adoption.

This the 14th day of October, 2021.

PJ Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

#1142208

Jul 21, 2021 3:46:26 PM



Jul 21, 2021 3:48:41 PM







City of Greenville, North Carolina

Meeting Date: 10/14/2021

Title of Item: Ordinance amending the City Code to allow low-speed vehicle taxicabs within the city

Explanation: Based on requests from City Council members, attached is an ordinance to amend Part II, Title 11, Chapter 1 of the City Code relating to the regulation and operation of low-speed vehicle taxicabs within the city.

The proposed ordinance defines low-speed vehicles; specifies required equipment, inspections, and regulations; and conforms with state and federal law. It will allow for a consistent framework that outlines the steps required by the public to hold a permit to operate a low-speed vehicle for hire within the corporate city limits of Greenville. The ordinance will provide a "one-stop shop" process that streamlines the approval of such operations and will also provide City staff a transparent procedure for determining the City services that will be required to hold a permit to operate a low-speed vehicle for hire. The low-speed vehicle ordinance will be presented to Council to be added to the current vehicle for hire ordinance for approval during the October City Council meeting.

Fiscal Note: No direct cost

Recommendation: Approve the ordinance to allow low-speed vehicles for hire

ATTACHMENTS

 [ORDINANCE--Low-Speed Vehicle Taxicabs--Part II Title 11 Chapter 1.pdf](#)

ORDINANCE NO. 21-

AN ORDINANCE AMENDING PART II, TITLE 11, CHAPTER 1 OF THE GREENVILLE CITY CODE RELATING TO THE REGULATION AND OPERATION OF LOW-SPEED VEHICLE TAXICABS WITHIN THE CITY

WHEREAS, the City of Greenville (“the City”) encourages the use of alternative modes of transportation and for-hire passenger vehicle services and although low-speed vehicles may operate on City streets where the posted speed limit is 35 miles per hour or less, in accordance with Chapters 20 and 160A of the North Carolina General Statutes, including but not limited to N.C.G.S. § 160A-304, the City is authorized to regulate for-hire passenger vehicles in the City such as low-speed vehicle taxicabs; and

WHEREAS, the addition of low-speed vehicle taxicabs to the existing vehicles for hire ordinance is necessary to address the interests of public safety;

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

SECTION 1. That the following definitions are added and inserted alphabetically or amended in Sec. 11-1-1:

SEC. 11-1-1 DEFINITIONS OF WORDS AND PHRASES.

Low-speed vehicle taxicab. A four-wheeled electric vehicle whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour that transports persons for compensation. Unless a specific ordinance applies herein, a low-speed vehicle shall follow all provisions of this chapter related to taxicabs.

Low-speed vehicle taxicab company. A person who applies for and is issued a public certificate of convenience and necessity issued in accordance with this chapter that engages in the business of operating a low-speed vehicle taxicab service as an owner or franchisor.

Taxicab. Includes any motor driven vehicle, seating nine or fewer passengers, for which public patronage is solicited and which calculates the fare by means of the schedule of fares as approved by the City Council. For the purposes of this chapter, the term “taxicab” shall not include “limousine” or “for-hire vehicle” but shall include pedi-cab and low-speed vehicle taxicab as herein separately defined.

SECTION 2. That the following section of Part II, Title 11, Chapter 1 of City Code is amended by rewriting Sec. 11-1-52 as follows:

SEC. 11-1-52 INSPECTION ITEMS.

(A) Each taxicab, limousine, contract service vehicle, transport service or other vehicle for hire owner shall maintain a monthly vehicle inspection log showing the items in this section

have been inspected and the date of any correction. Such inspection logs will be made available to the taxicab inspector or members of the Greenville Police Department upon request. Failure to maintain such inspection logs shall subject the vehicle operator to a civil penalty in the amount of \$50 for each violation of this paragraph.

(B) In addition to the proof of inspection as required by section 11-1-51 above, except as provided in subsection (C) regarding low-speed vehicle taxicabs, each taxicab, limousine, contract service vehicle, transport service or other vehicle for hire during the annual inspection required by this section shall have the following equipment items inspected by the taxicab inspector and the vehicle owner shall maintain the inspection log referenced in this section for the following equipment:

- (1) Each taxicab shall have a minimum of three doors allowing entry into the driver's compartment of the vehicle and allowing entry into the passenger's compartment of the vehicle. All doors must be operable from the inside and outside and constructed with a double or safety lock on each door.
- (2) All upholstery covering or interior lining in any passenger vehicle for hire shall be substantially free of cuts, tears, rips or stains.
- (3) Floor mats of rubber or other material shall be provided and shall at all times be removable. No passenger vehicle for hire shall have on the floor of the vehicle any footrest bracket or other fixture extending above the top of the floor mat.
- (4) Working seat belts shall be provided for each passenger of a passenger vehicle for hire to the extent required as original equipment by the federal government.
- (5) Windshield wiper and defroster operable and adequate;
- (6) Mirrors, rear and left side view free of cracks and defects;
- (7) Windshield shall be clean and clear from both the outside and inside, free of cracks, chips, scratches or any other condition that reduces clarity of vision. All windows of the vehicle must have a light transmittance of 70% or more, with the exception of the uppermost six inches of the front windshield.
- (8) Windows shall be intact and must open and close properly: no decals, posters, or other materials on windows, other than credit card acceptance decals and PVH decals. Window gaskets shall not have any dry rot or leak;
- (9) Taxicab windows shall not be equipped with shades, curtains, film or coatings to such extent that the occupants of the vehicle cannot be seen from the outside of the vehicle;

- (10) Toplight (taxicabs only) equipped with a top light of as required by this chapter. The toplight shall be in working order as required by this chapter;
- (11) Heater and air conditioner operable. Heater must not produce smell of coolant in interior of vehicle. The heater and air conditioner must be able to adequately cool or heat the vehicle in cold or warm weather as required;
- (12) Headlights, tail lights, parking lights, turn signal lights, brake lights, backup lights, license plate lights, side lights and emergency flashers operable. Must also be covered with undamaged lenses of appropriate type and color;
- (13) Accessible vehicle equipment (for any vehicle equipped with such), including wheelchair ramps, tie-downs, safety belts and wheelchair lifts well maintained and operable;
- (14) Door handles and locks. All doors shall operate easily, shall close securely from both the outside and inside of the vehicle, and shall be accessible to passengers. No devices that restrict the ability of a passenger from readily exiting the vehicle in an emergency are allowed;
- (15) Tires, including spare (with tire jack and handle), properly inflated and having minimum tread depth of 2/32-inch and free of defects. Spare tire and jack shall be properly secured using manufacturer's equipment in designated trunk area;
- (16) Vehicle wheels properly aligned, matching hubcaps or wheel covers, wheel rims of uniform type, size and color. All shall have hubcaps attached unless the wheels are of a design which do not require hubcaps;
- (17) Horn operable; loud, clear sound;
- (18) Interior panels properly secured, free of tears and dirt;
- (19) Interior lights and driver instrument displays (speedometer, odometer, gear selection indicator, seat belt warning light, and engine warning system) operable;
- (20) Headliner clean, completely attached to interior ceiling and along edges;
- (21) Seats clean, unbroken and fastened securely, no exposed springs, wires or framework;
- (22) Accelerator, brake, emergency brake, and clutch pedals. Rubber pads in good condition, no exposed metal;

- (23) Trunk or luggage area. Floor covering, clean, free of offensive odors, litter, and items or materials that could damage or stain the passenger's baggage and shall be free of any flammable liquids or other hazardous materials. Trunk shall contain nothing except spare tire, tire jack and handle, emergency tools, and child car seat. Spare tire and jack shall be secured in proper location using manufacturer's equipment;
- (24) Bumpers, grills, and body molding. Advertisements on racks are permitted if such do not impede operator visibility and the racks are attached in a safe manner;
- (25) All bumpers and body moldings shall be in good condition and properly attached as when manufactured;
- (26) Vehicle body shall be free from dents, rust and holes which impair its safety or appearance. Unacceptable body defects (dents, creases, blemishes, ripples, rust or holes) which impair the appearance or serviceability of the vehicle include:
 - (a) A body defect six linear inches or greater and where the deepest point of depression is one-quarter-inch or greater;
 - (b) A body defect three inches in width or greater and three inches in height or greater and where the deepest point of depression is one-quarter-inch or greater;
 - (c) Any defect which is one-half-inch at the deepest point of depression regardless of width or height (this includes any hole in the surface area);
 - (d) Exterior paint which is not uniform in color, does not completely cover the vehicle; or
 - (e) Any body panel, trunk, or hood misalignment;
- (27) Exhaust system. No exhaust leaks, no missing support for tail pipe;
- (28) Gas cap for fuel fill.
- (29) A frame or other device to display the driver's permit, memorandum operating permit, and rate schedule to passengers;
- (30) An operational two-way radio providing direct communication for immediate dispatch of taxicabs.

(C) In addition to the proof of inspection as required by section 11-1-51 above, low-speed vehicle taxicabs during the annual inspection required by this section shall have the following equipment items inspected by the taxicab inspector and the vehicle owner shall maintain the inspection log referenced in this section for the following equipment and specifications:

- (1) Headlamps;
- (2) Front and rear turn signal lamps;
- (3) Taillamps;
- (4) Stop lamps;
- (5) Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear;
- (6) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle, or an interior mirror;
- (7) A parking brake;
- (9) A windshield that conforms to the Federal motor vehicle safety standard on glazing materials (49 CFR sec. 571.205);
- (10) A VIN that conforms to the requirements of part 565 Vehicle Identification Number of Title 49, Subtitle B., Chapter V. of the Code of Federal Regulations;
- (11) A Type 1 or Type 2 seat belt assembly conforming to 49 CFR sec. 571.209, Federal Motor Vehicle Safety Standard No. 209, Seat belt assemblies, installed at each designated seating position.
- (12) Compliance with the rear visibility requirements specified in paragraphs S6.2 of FMVSS No. 111;
- (13) An alert sound as required by 49 CFR sec. § 571.141;
- (14) Horn operable; loud, clear sound;
- (15) The vehicle shall be maintained in a clean and safe condition, and shall be free of:
 - (a) Litter, dirt, and grime, inside and out, including storage areas;
 - (b) Cracked or broken windows, headlights, taillights or interior lights;

- (c) Missing or broken hardware;
- (d) Torn floor covering, head liner or upholstery;
- (e) Unusual or unsightly paint defacement;
- (f) Projections of sheet metal or other materials inside or outside the taxicab that might cause injury or tear clothing;
- (g) Tears or rust holes in the vehicle body;
- (h) Loose pieces such as fenders, bumpers or trim hanging from the vehicle body; and
- (i) Body damage or any condition of the body which would create a safety problem, interfere with the operation of the vehicle, or cause unusual or unsightly defacement of the vehicle.

(D) Every taxicab, limousine, contract service vehicle, transport service, or other vehicle for hire owner shall have a vehicle inspection performed on each vehicle annually each calendar year by a licensed automobile repair business at the expense of the taxi vehicle owner and an inspection by the Inspector. If a vehicle fails the inspection, the owner will have thirty (30) days to take corrective action to fix the deficiency. If the deficiency is not corrected within the thirty (30) day time limit, the inspector may have the vehicle removed from service until the deficiency has been corrected. The inspection form that will be used is located in the *Taxicab Safety Book of Standards*, and a copy may be requested from the city clerk's office.

(E) Violations that are determined to present a clear, substantial and imminent hazard to life, safety, or property shall result in an immediate suspension of the vehicle operating permit.

SECTION 3. That a new Article H. entitled "Low-Speed Vehicle Taxicabs" be created by adding said article and the following sections to Part II, Title 11, Chapter 1 of City Code:

SEC. 11-1-145 RULES AND REGULATIONS OF LOW-SPEED VEHICLE TAXICABS.

(A) *Operation on certain streets only.* It shall be unlawful for a low-speed vehicle taxicab to operate within the city limits or between the city to points, not incorporated, within a radius of five miles of the city where the posted speed limit is greater than 35 miles per hour unless the low-speed vehicle taxicab is crossing a road or street at an intersection where the road or street being crossed has a posted speed limit of more than 35 miles per hour.

(B) *Minimum age of drivers.* A driver of a low-speed vehicle taxicab must be at least 18 years of age and possess a current driver's permit issued in accordance with this chapter.

(C) *Signage required.* The company insignia or logo with company phone number shall be either permanently displayed or magnetically affixed to both sides of the vehicle with at least three-inch lettering and legible from a distance of at least 75 feet.

(D) *Display of driver's permit.* Each taxicab must display its driver's city permit in a visible and conspicuous place, conspicuous to the rear passengers.

(E) *Smoking prohibited.* Smoking by any person is prohibited inside all taxicabs.

(F) *Passengers to be seated.* All passengers shall be seated in seatbelts while the vehicle is in motion.

(G) *Hands-free cellular telephone use.* No operator of a low-speed vehicle taxicab shall use a mobile device for any purpose while a passenger is in the taxicab and the taxicab is in motion, unless such use is exclusively by a hands-free device.

(H) *Random inspections.* Drivers and companies shall be responsible for compliance with this section and shall be subject to random inspection to determine compliance. Any vehicle for hire operated within the city that violates any provision of this section shall be immediately removed from service and not reinstated until all violations are corrected.

(I) It shall be unlawful to operate a low-speed vehicle taxicab:

- (1) Carrying more passengers than the number of seats available.
- (2) In a manner that results in damage to public property.
- (3) In a manner that results in colliding with a pedestrian.
- (4) Equipped with a siren or whistle.
- (5) While knowingly permitting another to attach their bicycle, coaster, sled, roller skates, skateboard, scooter or other rolling devices to the vehicle.
- (6) On a street when the street has a posted speed limit of greater than 35 miles per hour, except for crossing a road or street at an intersection where the road or street being crossed has a posted speed limit of more than 35 miles per hour.
- (7) On a public sidewalk except when stopped to pick up or drop off passengers.
- (8) Without a clearly visible vehicle identification number.
- (9) On a street or public area that has been ordered closed by the city.

(J) *Loading and unloading of passengers.* No low-speed vehicle taxicab driver shall stop to load or unload passengers on the traffic side of the street, while occupying any intersection or crosswalk, or in such a manner as to unduly interfere with the orderly flow of traffic. All low speed vehicle operators shall pull as close to the curb or edge of the roadway as possible to take on or discharge passengers.

(K) *Low speed vehicle parking.* It shall be unlawful to park a low-speed vehicle taxicab to use any public street, public property, or right-of-way as a waiting area unless such area is specifically designated as vehicle for hire waiting or parking area.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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. This ordinance will become effective _____, 2021.

This the ____ day of _____, 2021.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF PITT

I, Camillia Smith, a Notary Public fore said County and State, certify that Valerie Shiuwegar personally came before this date and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by the Mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

Witness my hand and official seal, this the ____ day of _____, 2021.

Camillia Smith, Notary Public

My Commission Expires: October 25, 2023