



Agenda

Greenville City Council

August 18, 2022

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 Smiley

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

1. Ron Harris - Recreation and Parks Department Retiree
2. Service Award for City Manager Ann Wall

VII. 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.

VIII. Appointments

3. Appointment to the Animal Control Appeal Board
4. Appointments to Boards and Commissions

IX. New Business

Public Hearings

5. Ordinance to annex Allen Road, LLC, involving 35.70 acres located at the northeastern corner of the intersection of Allen Road and the Norfolk Southern Railroad
6. Ordinance to annex Stonehaven involving 11.7959 acres located at the current terminus of Great Laurel Court
7. Ordinance requested by Bill Clark Homes of Greenville, LLC to rezone 13.84 acres located east of L. T. Hardee Road and between the Norfolk Southern Railroad and Leon Drive from RA20 (Residential-Agricultural) to R6 (Residential [High Density Multi-family])
8. Ordinance requested by Charles Blvd. 58 Acres, LLC to rezone a total of 48.101 acres located along the eastern right-of-way of Charles Boulevard and 200+/- feet south of Cantata Drive from R15S (Residential-Single-family [Low Density]), R9S (Residential-Single-family [Medium Density]), and R6S (Residential-Single-family [Medium Density]) to O (Office)
9. Ordinance requested by Green Estates, LLC to rezone 3.497 acres located at the current terminus of Laurel Ridge Drive from R6A (Residential [Medium Density Multi-family]) to R6 (Residential [High Density Multi-family]).
10. Ordinance requested by Kotarides Development to rezone a total of 18.849 acres located east and west of South Square Drive and 630+/- feet north of Whitley Drive from CG (General Commercial) to R6 (Residential [High Density Multi-family])
11. Ordinance requested by Liberty Investment Partners, LLC to rezone 41.67 acres located between Stantonsburg Road (Hwy 264) and MacGregor Downs Road and west of B's BBQ Road from CG (General Commercial) to MR (Medical Residential [High Density Multi-family]).
12. Ordinance requested by University Medical Park North, LLC to rezone 1.89 acres located north of West 5th Street and on the eastern side of the terminus of Moye Boulevard from MO (Medical Office) to CG (General Commercial)

13. Ordinance requested by Will Clark to rezone 15.78 acres located along the northern right-of-way of Staton Road and 1,000+/- feet east of North Memorial Drive from IU (Unoffensive Industry) to I (Industry)
14. Ordinance requested by the Planning and Development Services Department to amend the Zoning Ordinance to establish a new use and add a definition and standards for a "bar 2022"
15. Resolution authorizing an application to the Federal Transit Administration (FTA) for a Section 5307 grant for federal operating and capital assistance for Greenville Area Transit (GREAT) for fiscal year 2022-2023
16. Application to Receive Funds from the Edward Byrne Memorial Justice Assistance Grant Program

Other Items of Business

17. Contract award for Professional Services Task Order #1 for Design and Bid-Phase Services on the East 4th Street Reconstruction Project.
18. Second Reading of an Ordinance to Revise Part II, Title 12, Chapter 1, Section 3 of the City Code of Ordinances to Create the Uptown Social District and the Dickinson Avenue Social District

X. City Manager's Report

XI. Comments from Mayor and City Council

XII. Adjournment



City of Greenville, North Carolina

Meeting Date: 08/18/2022

Title of Item: Appointment to the Animal Control Appeal Board

Explanation: The City Council at its May 23, 2022, meeting passed an ordinance repealing and replacing Part II, Title 12, Chapter 2 of the City Code to conform to applicable North Carolina law and revise the criminal and civil penalties as necessary to address the interests of public safety and animal welfare.

Section 12-2-16 provides for the creation of an appeal board to hear appeals related to determinations issued when declaring an animal a public nuisance, dangerous animal, vicious animal, potentially dangerous dog, or dangerous dog in accordance the City Code and Chapter 67 of the North Carolina General Statutes.

The three-member appeal board shall be constituted of the following:

- A veterinarian licensed to practice in North Carolina
- The Chief of Police or their designee
- The Fire Marshall or their designee

An alternate member from the Financial Services Department shall be designated to serve in the event of a conflict of interest.

The veterinarian shall be appointed by the City Council for a three-year term that will commence August 1, 2022 and expire July 31, 2025.

Fiscal Note: No direct fiscal impact.

Recommendation: Appoint a veterinarian to the appeal board for a term that will commence on August 1, 2022 and expire July 31, 2025.

ATTACHMENTS

 [City Code Section 12-2-16.pdf](#)

- (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Chapter 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
1. A civil action in the nature of a debt.
 2. The use of a collections agency.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

SECTION 12-2-16 APPEALS OF DETERMINATIONS.

(A) *Appeal Board.* The Appeal Board shall be constituted of three members who shall be a Veterinarian licensed to practice in North Carolina, the Chief of Police or his or her designee, and the current Fire Marshall or his or her designee. There shall be an alternate member from the Financial Services Department to serve in the event of a conflict of interest. The licensed Veterinarian shall be appointed by the City Council for a three-year term.

(B) *Appeal to Appeal Board.* The owner may appeal a determination made pursuant to this Section, Section 12-2-14, Section 12-2-15, or Section 12-2-37 by filing an appeal in accordance with this section.

- (1) *Notice of Appeal; Contents and Filing.* If the owner of the animal elects to appeal the APS Supervisor's determination, the owner shall file a notice of appeal in writing to the Appeal Board. The appeal shall be filed within three days of the issuance of the determination; shall include written objections; and shall be directed to the City Manager's office. Any appeal received by the City Manager's office more than three days after the date of the determination shall be deemed untimely and shall not be considered by the Appeal Board. Accordingly, the APS Supervisor's determination shall stand and may not be appealed.

- (2) *Scheduling of the Hearing.* The City Manager's office, as designee of the Appeal Board, shall schedule a hearing within 10 days of the filing of the notice of appeal. The hearing on the appeal shall take place within a reasonable time, but no longer than 30 days from the filing of the notice of appeal. The City Manager's office shall mail notice of the hearing via certified mail return receipt requested to the appellant and shall also provide notice to the APS Supervisor. If the owner does not appear at the hearing, the APS Supervisor's determination shall stand and shall be fully enforceable.
- (3) *Conduct of the Hearing.* The hearing on the appeal of the APS Supervisor's determination shall be an informal administrative hearing. The City Manager shall be the chairperson and conduct the hearing and govern procedural questions. The North Carolina rules of evidence shall not apply. However, both the appellant and the City shall be entitled to be represented by counsel, have the right to make opening and closing statements, present evidence, and call, confront, and cross-examine witnesses. All witnesses shall testify under oath. Each Appeal Board member shall have the right to question witnesses. The appellant and/or the City shall be allowed to record the hearing. The hearing shall be conducted in accordance with the principles of due process.

(C) *Final Decision of Appeal Board.* The Appeal Board shall make the final decision. The decision of the Appeal Board shall be by majority vote, and said decision shall be made at the conclusion of the hearing unless the Appeal Board requests additional evidence. The decision of the Appeal Board shall be documented by the City Manager in writing, including findings to support the Appeal Board's decision, and notice of appeal rights, and forwarded to the applicant within 10 days of the conclusion of the hearing via certified mail, return receipt requested.

(D) *Appeal to Superior Court.* Any appeal from the final decision of the Appeal Board shall be taken to the Pitt County superior court by filing notice of appeal and a petition for review within 10 days of the final decision of the Appeal Board. Appeals from rulings of the Appeal Board shall be heard de novo before a superior court judge sitting in the Pitt County superior court division.

(E) *Stay of APS Determination During Appeal.* Given the risk to public health and safety associated with determining that an animal is dangerous or vicious or a public nuisance, the APS Supervisor's determination shall be in effect and fully enforceable from the date of determination unless overturned on appeal. However, any requirements in the APS Supervisor's determination involving a date restriction shall be stayed during the pendency of the appeal.

SEC. 12-2-17 EXOTIC ANIMALS.

(A) The Division is hereby vested with the authority to issue permits for the keeping or maintaining of any wild, exotic, dangerous, or nondomestic animal when, in the opinion of the



City of Greenville, North Carolina

Meeting Date: 08/18/2022

Title of Item: Appointments to Boards and Commissions

Explanation: City Council appointments need to be made to the Affordable Housing Loan Committee, Board of Adjustment, Environmental Advisory Commission, Human Relations Council, Multimodal Transportation Commission, Pitt-Greenville Convention and Visitors Authority, Police Community Relations Committee, Planning and Zoning Commission, Recreation and Parks Commission, 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:

- 7 seats on the Youth Council

Fiscal Note: No direct fiscal impact

Recommendation: Make appointments to the Affordable Housing Loan Committee, Board of Adjustment, Environmental Advisory Commission, Human Relations Council, Multimodal Transportation Commission, Pitt-Greenville Convention and Visitors Authority, Police Community Relations Committee, Planning and Zoning Commission, Recreation and Parks Commission, and Youth Council.

ATTACHMENTS

 [August 2022 Appointments to Boards and Commissions.pdf](#)

Appointments to Boards and Commissions

August 2022

Affordable Housing Loan Committee

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Judy Wagner	4	1-year term	Not seeking a second term	February 2022
Deborah Spencer	1	Second term	Resigned	February 2023

Board of Adjustment

Council Liaison: Council Member At-Large Will Bell

Name	District #	Current Term	Reappointment Status	Expiration Date
Rodney Bullock <i>(Mayor Pro-Tem Rose Glover)</i>	2	Second term	Ineligible	June 2022
Nathan Brannon <i>(Council Member Marion Blackburn)</i>	2	Filling unexpired term	Eligible	June 2022

Environmental Advisory Commission

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
David Ames	4	Second term	Ineligible	April 2022

Human Relations Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Mark Rasdorf	4	First term	Resigned	September 2022

Multimodal Transportation Commission

Council Liaison: Council Member Les Robinson

Name	District #	Current Term	Reappointment Status	Expiration Date
Traye Smith	4	First term	Resigned	January 2023
Robert Edwards	3	Filling unexpired term	Eligible	January 2022

Pitt-Greenville Convention and Visitors Authority

Council Liaison: Council Member Rick Smiley

Name	District #	Current Term	Reappointment Status	Expiration Date
Austin Hill	1	First term	Eligible	July 2022
Diane Taylor	5	First term	Eligible	July 2022
Dustin Mills	5	First term	Eligible	July 2022

(City recommendation; County Appointment)

Police Community Relations Committee

Council Liaison: Council Member At-Large Will Bell

Name	District #	Current Term	Reappointment Status	Expiration Date
Kevon Gainer	1	Filling unexpired term	Resigned	October 2021

(Council Member Monica Daniels)

Planning and Zoning Commission

Council Liaison: Council Member At-Large Will Bell

Name	District #	Current Term	Reappointment Status	Expiration Date
Billy Parker <i>(Council Member Monica Daniels)</i>	1	First term	Eligible	June 2022
Les Robinson <i>(Mayor PJ Connelly)</i>	5	Second term	Ineligible	June 2024

Recreation and Parks Commission

Council Liaison: Council Member Monica Daniels

Name	District #	Current Term	Reappointment Status	Expiration Date
Michael Saad <i>(Council Member At-Large Will Bell)</i>	4	Second term	Ineligible	May 2022

Youth Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	Current Term	Reappointment Status	Expiration Date
9 spots open			

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

Applicants for Affordable Housing Loan Committee

None.

Applicants for Board of Adjustment

Tonya Foreman
2508A Brookville Drive
Greenville, NC 27834

District #: 2

Application 6/14/2022

Home Phone: (252) 327-2856

Business Phone:

Email: info@CAREE.today

Joshua Gardner
1905 East 8th Street
Greenville, NC 27858

District #: 3

Application 6/9/2022

Home Phone: (704) 614-2049

Business Phone:

Email: Joshua.gardner49@gmail.com

Applicants for Environmental Advisory Commission

Bill Redding
601 S. Elm St
Greenville, NC 27858

District #: 3

Application 3/17/2021

Home Phone: (252) 758-7292
Business Phone:
Email: billredding07@yahoo.com

Michael H Barnum
614 Maple St
Greenville, NC 27858

District #: 3

Application 12/11/2020

Home Phone: (252) 916-2608
Business Phone: (252) 916-2608
Email: mbarnum@suddenlink.net

Yoshi Newman
214 Quail Hollow Rd
Greenville, NC 27858

District #: 4

Application 5/1/2022

Home Phone: (563) 508-2377
Business Phone: (563) 508-2377
Email: dr.yoshi1000@gmail.com

Joshua Gardner
1905 East 8th Street
Greenville, NC 27858

District #: 3

Application 6/9/2022

Home Phone: (704) 614-2049
Business Phone:
Email: Joshua.gardner49@gmail.com

Applicants for Human Relations Council

Reginald Watson
211 Pin Oak Court
Greenville, NC 27834

District #: 5

Application 7/27/2020

Home Phone: (252) 355-3380
Business Phone: (252) 328-6684
Email: walston.tyrone@gmail.com

Mark Ephriam Parker
1925 Tara Court
Greenville, NC 27858

District #: 4

Application 4/26/2022

Home Phone: (252) 558-6374
Business Phone:
Email: worshack67@gmail.com

Joshua Gardner
1905 East 8th Street
Greenville, NC 27858

District #: 3

Application 6/9/2022

Home Phone: (704) 614-2049
Business Phone:
Email: Joshua.gardner49@gmail.com

Applicants for Multimodal Transportation Commission

None.

Applicants for Pitt-Greenville Convention and Visitors Authority

Joel Sweeney
300 Westhaven Rd
Greenville, NC 27834

Application 6/13/2022

Home Phone: (319) 327-2152

Business Phone:

Email: joel.sweeney@overtongroup.net

District #: 5

Applicants for Police Community Relations Committee

Mark Ephriam Parker
1925 Tara Court
Greenville, NC 27858
District #: 4

Application 4/26/2022
Home Phone: (252) 558-6374
Business Phone:
Email: worshack67@gmail.com

Tonya Foreman
2508A Brookville Drive
Greenville, NC 27834
District #: 2

Application 6/14/2022
Home Phone: (252) 327-2856
Business Phone:
Email: info@CAREE.today

Applicants for Planning and Zoning Commission

Mark Ephriam Parker
1925 Tara Court
Greenville, NC 27858
District #: 4

Application 4/26/2022
Home Phone: (252) 558-6374
Business Phone:
Email: worshack67@gmail.com

Sebastian Krassler
1901 East 6th St
Greenville, NC 27858
District #: 3

Application 6/10/2022
Home Phone: (856) 495-1039
Business Phone:
Email: skrassley98@yahoo.com

Applicants for Recreation and Parks Commission

Joel Sweeney
300 Westhaven Rd
Greenville, NC 27834

District #: 5

Application 6/13/2022

Home Phone: (319) 327-2152
Business Phone:
Email: joel.sweeney@overtongroup.net

Joshua Gardner
1905 East 8th Street
Greenville, NC 27858

District #: 3

Application 6/9/2022

Home Phone: (704) 614-2049
Business Phone:
Email: Joshua.gardner49@gmail.com

Applicants for Youth Council

Kalif Dowell
D. H. Conley High School

Application 5/23/2022

Elijah Marcell Harris
D. H. Conley High School

Application 6/10/2022



City of Greenville, North Carolina

Meeting Date: 08/18/2022

Title of Item: Ordinance to annex Allen Road, LLC, involving 35.70 acres located at the northeastern corner of the intersection of Allen Road and the Norfolk Southern Railroad

Explanation: A. SCHEDULE

1. Advertising date: August 6, 2022
2. City Council public hearing date: August 18, 2022
3. Effective date: August 18, 2022

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 35.70
4. Voting District: 2
5. Township: Arthur
6. Zoning: MR (Medical-Residential)
7. Existing land use: Vacant
8. Anticipated land use: 450 multifamily units
9. Population estimate

	Formula	Number of people
Total current:	0	0
Estimated at full development	450 x 2.18*	981
Current minority	0	0
Estimated minority at full development	981 x 43.4%*	426
Current white	0	0
Estimated white at full development	981 - 426	555

* Source: Census.gov

10. Rural fire tax district: Red Oak
11. Greenville fire district: Station 2
12. Present tax value: \$1,583,100
13. Estimated tax value: \$110,450,000

Fiscal Note: Estimated tax value at full development is \$110,450,000

Recommendation: Approve the attached ordinance to annex Allen Road, LLC

ATTACHMENTS

-  [Ordinance_Allen_Road_LLC_Annexation.pdf](#)
-  [Survey](#)

ORDINANCE NO. 22-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at 6:00 p.m. on the 18th day of August, 2022, after due notice by publication in The Daily Reflector on the 6th day of August, 2022; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled "Allen Road, LLC", involving 35.70 acres prepared by SAM.

LOCATION: Situate in Arthur Township, Pitt County, North Carolina, located at the northeastern corner of the intersection of Allen Road and the Norfolk Southern Railroad.

GENERAL DESCRIPTION:

Situated and lying in the State of North Carolina, Pitt County, Township of Greenville, Being more particularly bounded and described as follows:

Commencing at the NGS monument Mary (having state plane coordinates N: 676133.52' E: 2467304.01') thence north 76°10'23" east, a distance of 1137.36 feet to an existing right-of-way disc, (having state plane coordinates N: 676405.33' E: 2468408.41') Said disc being the true point of beginning.

Thence south 78°26'35" west, a distance of 39.01 feet to a calculated point; thence north 44°05'40" east, a distance of 43.70 feet to a calculated point; thence northwestwardly, with the arc of a curve to the left having a radius of 2029.18 feet, a chord that bears north 34°49'35" east, a chord distance of 793.01 feet to a calculated point; thence northwestwardly, with the arc of a curve to the left having a radius of 2007.16 feet, a chord that bears north 21°36'24" east, a chord distance of 24.55 feet to a calculated point; thence north 21°16'50" east, a distance of 873.29 feet to an existing rebar; thence south 65°02'44" east, a distance of 9.42 feet to a calculated point; thence south 65°02'44" east, a distance of 250.52 feet to an existing iron pipe; thence north 24°58'01" east, a distance of 200.00 feet to an existing rebar; thence north 65°03'19" west, a distance of 270.02 feet to a calculated point; thence north 65°24'40" west, a distance of 8.43 feet to a calculated point; thence northwestwardly, with the arc of a curve to the left having a radius of 1726.33 feet, a chord that bears north 15°03'19" east, a chord distance of 144.43 feet to a calculated point; Thence north 14°03'14" east, a distance of 17.70 feet to a calculated point; the

centerline of Greens Mill Run; Thence the following 13 bearings and distances along the centerline of said creek. 1) South 31°21'54" east, a distance of 14.52 feet; 2) South 21°35'20" west, a distance of 19.08 feet; 3) South 65°23'21" east, a distance of 103.57 feet; 4) South 61°33'08" east, a distance of 180.78 feet; 5) South 57°14'16" east, a distance of 155.94 feet; 6) South 75°59'23" east, a distance of 97.86 feet; 7) South 88°23'26" east, a distance of 112.81 feet; 8) South 32°42'59" east, a distance of 64.60 feet; 9) South 02°42'00" west, a distance of 112.79 feet; 10) South 49°23'04" east, a distance of 309.09 feet; 11) South 89°34'12" east, a distance of 46.42 feet; 12) South 58°12'30" east, a distance of 21.38 feet; 13) South 17°02'35" west, a distance of 62.66 feet; Thence leaving the creek south 24°51'05" west, a distance of 121.34 feet to an existing rebar; thence south 24°51'05" west, a distance of 859.75 feet to an existing 1/2" iron pipe; thence south 83°10'19" west, a distance of 63.87 feet to a calculated point; thence south 80°45'51" west, a distance of 499.94 feet to a calculated point; thence south 78°19'13" west, a distance of 831.44 feet to an existing right-of-way disc the true point of beginning; containing 35.70 acres of land, more or less. Area inclusive of right-of-way.

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

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

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

Section 5. This annexation shall take effect from and after the 18th day of August, 2022.

ADOPTED this 18th day of August, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

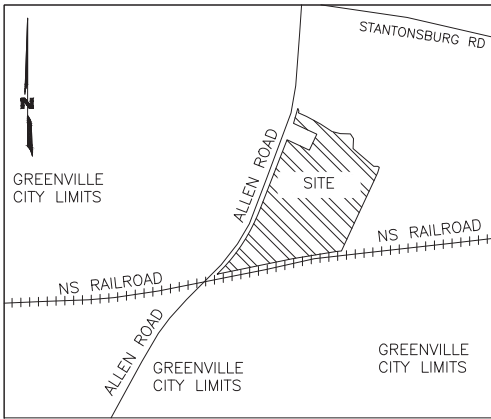
NORTH CAROLINA
PITT COUNTY

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

WITNESS my hand and official seal this ____th day of _____, 2022.

Notary Public

My Commission Expires: _____



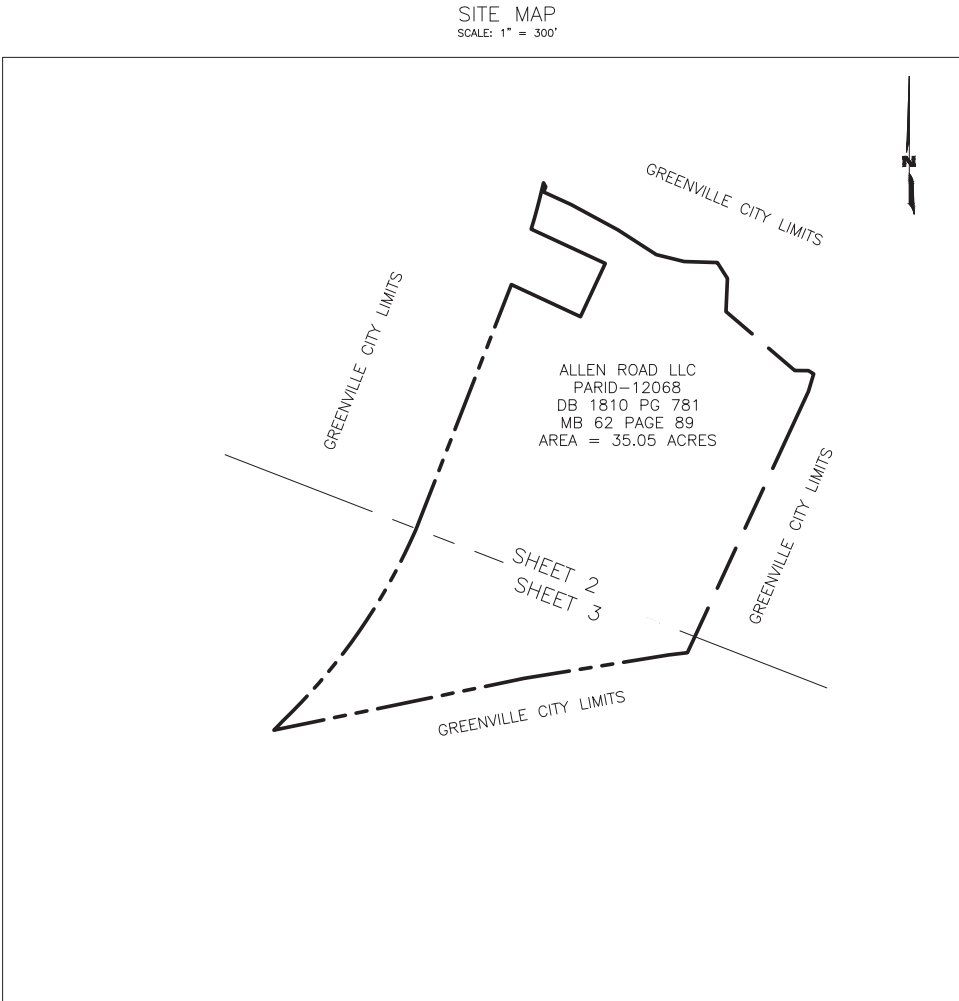
VICINITY MAP
SCALE: 1" = 1000'

SURVEY NOTES:

1. PLANIMETRIC FEATURES SHOWN HEREON ARE BASED UPON A FIELD SURVEY PERFORMED BY SAM LLC FOR ALLEN ROAD LLC AND WILL NOT REFLECT ANY CHANGES TO THE PHYSICAL SITE THROUGH MANMADE OR NATURAL OCCURRENCES BEYOND 05/24/2022.
2. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
3. PROPERTY CORNERS FOUND ARE IN GOOD CONDITION UNLESS OTHERWISE NOTED HEREIN.
4. LINES OF OCCUPATION (WHERE EXISTING) GENERALLY AGREE WITH PROPERTY LINES, ENCROACHMENTS AS SHOWN ON THE SURVEY.
5. THE USER OF THIS SURVEY WILL NEED TO REVIEW ALL ZONING INFORMATION AVAILABLE, SINCE ALL ZONING REQUIREMENTS CAN NOT BE DEPICTED GRAPHICALLY, TO DETERMINE THE SUITABILITY OF THE SITE FOR A SPECIFIC INTENDED USE.
6. ADJOINERS' INFORMATION OBTAINED FROM PITT COUNTY GIS WEBSITE: <https://gis.pittcountync.gov/opis/> NO CERTIFICATION IS MADE TO THE ACCURACY OF CORRECTNESS.
7. OTHER THAN AS SHOWN AND LABELED ON THE SURVEY FROM TITLE REPORT, ROAD RIGHT OF WAY SHOWN IS APPARENT BASED ON THE PHYSICAL FIELD LOCATION OF THE ROAD.
8. ALL PROPOSED PARCEL AREAS MATHEMATICALLY CLOSE GREATER THAN 1:10,000.
9. THIS MAP COMPLIES WITH NATIONAL ACCURACY STANDARDS, VERTICAL ACCURACY DOES NOT EXCEED 10% OF THE ELEVATION TESTED NO MORE THAN 1/2 THE CONTOUR INTERVAL.
10. AREA TO BE ANNEXED INCLUDES PORTION OF THE RIGHT-OF-WAY OF ALLEN ROAD.

LEGEND AND ABBREVIATIONS:

PARID	PARCEL IDENTIFICATION	DB	DEED BOOK
BK	BOOK	MB	MAP BOOK
PG	PAGE	R/W	ACRES
Ex.	EXISTING	A/C	RIGHT-OF-WAY
ESMT.	EASEMENT	POC	POINT OF COMMENCING
SQ.FT.	SQUARE FEET	POB	POINT OF BEGINNING
⊙	IRON PIPE FOUND (IPF)	⊙	IRON ROD FOUND (IRF)
⊙	5/8" REBAR WITH CAP SET (RBWC)	■	R/W DISK MONUMENT
▲		▲	CALCULATED POINT
---		---	SUBJECT PROPERTY LINE
---		---	ADJOINER PROPERTY LINE
---	ROW	---	EXISTING APPARENT RIGHT-OF-WAY
---	TIE	---	TIE LINE
---		---	NEW CITY LIMIT
---		---	OLD CITY LIMIT
▭		▭	FLOODPLAIN



SITE MAP
SCALE: 1" = 300'

LEGAL DESCRIPTION

SITUATED AND LYING IN THE STATE OF NORTH CAROLINA, PITT COUNTY, TOWNSHIP OF GREENVILLE, BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NGS MONUMENT MARY (HAVING STATE PLANE COORDINATES N: 676133.52' E: 2467300.01') THENCE NORTH 76°10'23" EAST, A DISTANCE OF 1137.36 FEET TO AN EXISTING RIGHT-OF-WAY DISC, (HAVING STATE PLANE COORDINATES N: 676165.33' E: 2468408.41') SAID DISC BEING THE TRUE POINT OF BEGINNING.

THENCE SOUTH 78°26'35" WEST, A DISTANCE OF 39.01 FEET TO A CALCULATED POINT;
 THENCE NORTH 44°05'40" EAST, A DISTANCE OF 43.70 FEET TO A CALCULATED POINT;
 THENCE NORTHEASTWARDLY, WITH THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2029.18 FEET, A CHORD THAT BEARS NORTH 34°49'35" EAST, A CHORD DISTANCE OF 793.01 FEET TO A CALCULATED POINT;
 THENCE NORTHEASTWARDLY, WITH THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2007.16 FEET, A CHORD THAT BEARS NORTH 21°36'24" EAST, A CHORD DISTANCE OF 24.55 FEET TO A CALCULATED POINT;
 THENCE NORTH 21°16'50" EAST, A DISTANCE OF 873.29 FEET TO AN EXISTING REBAR;
 THENCE SOUTH 65°02'44" EAST, A DISTANCE OF 9.42 FEET TO A CALCULATED POINT;
 THENCE SOUTH 65°02'44" EAST, A DISTANCE OF 250.52 FEET TO AN EXISTING IRON PIPE;
 THENCE NORTH 24°58'01" EAST, A DISTANCE OF 200.00 FEET TO AN EXISTING REBAR;
 THENCE NORTH 65°03'19" WEST, A DISTANCE OF 270.02 FEET TO A CALCULATED POINT;
 THENCE NORTH 65°24'40" WEST, A DISTANCE OF 8.43 FEET TO A CALCULATED POINT;
 THENCE NORTHEASTWARDLY, WITH THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1726.33 FEET, A CHORD THAT BEARS NORTH 15°03'19" EAST, A CHORD DISTANCE OF 144.43 FEET TO A CALCULATED POINT;
 THENCE NORTH 14°03'14" EAST, A DISTANCE OF 17.70 FEET TO A CALCULATED POINT;
 THE CENTERLINE OF GREENS MILL RUN;
 THENCE THE FOLLOWING 13 BEARINGS AND DISTANCES ALONG THE CENTERLINE OF SAID CREEK:
 1) SOUTH 31°21'54" EAST, A DISTANCE OF 14.52 FEET;
 2) SOUTH 21°35'20" WEST, A DISTANCE OF 19.08 FEET;
 3) SOUTH 65°23'21" EAST, A DISTANCE OF 103.57 FEET;
 4) SOUTH 61°33'08" EAST, A DISTANCE OF 180.78 FEET;
 5) SOUTH 57°14'16" EAST, A DISTANCE OF 155.94 FEET;
 6) SOUTH 75°59'23" EAST, A DISTANCE OF 97.86 FEET;
 7) SOUTH 88°23'26" EAST, A DISTANCE OF 112.81 FEET;
 8) SOUTH 32°42'59" EAST, A DISTANCE OF 64.60 FEET;
 9) SOUTH 02°42'00" WEST, A DISTANCE OF 112.79 FEET;
 10) SOUTH 49°23'04" EAST, A DISTANCE OF 309.09 FEET;
 11) SOUTH 89°34'12" EAST, A DISTANCE OF 46.42 FEET;
 12) SOUTH 58°12'30" EAST, A DISTANCE OF 31.38 FEET;
 13) SOUTH 17°02'35" WEST, A DISTANCE OF 62.66 FEET;
 THENCE LEAVING THE CREEK SOUTH 24°51'05" WEST, A DISTANCE OF 121.34 FEET TO AN EXISTING REBAR; THENCE SOUTH 24°51'05" WEST, A DISTANCE OF 858.75 FEET TO AN EXISTING 12" IRON PIPE; THENCE SOUTH 83°10'19" WEST, A DISTANCE OF 63.87 FEET TO A CALCULATED POINT;
 THENCE SOUTH 80°45'51" WEST, A DISTANCE OF 499.94 FEET TO A CALCULATED POINT;
 THENCE SOUTH 78°19'13" WEST, A DISTANCE OF 831.44 FEET TO AN EXISTING RIGHT-OF-WAY DISC THE TRUE POINT OF BEGINNING.

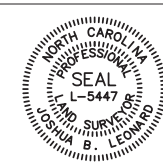
CONTAINING 35.70 ACRES OF LAND, MORE OR LESS. AREA INCLUSIVE OF RIGHT-OF-WAY

SURVEY DATA:

HORIZONTAL DATUM — BASED UPON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD83, US SURVEY FEET, SAID BEARINGS ORIGINATED FROM SAID COORDINATE SYSTEM BY GPS OBSERVATIONS AND OBSERVATIONS OF SELECTED STATIONS IN THE NATIONAL GEODETIC SURVEY CONTINUOUSLY OPERATING REFERENCE STATION (NGS CORS) NETWORK.
 VERTICAL DATUM — NAVD 88

REFERENCES

1. PLAT BOOK 62, PAGE 89
 2. DEED BOOK 1908, PAGE 121
- (ALL DOCUMENTS REFER TO THE PITT COUNTY REGISTER OF DEEDS)



I, JOSHUA B. LEONARD, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1908, PAGE 89, OR FROM BOOKS REFERRED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS SHOWN FROM INFORMATION REFERENCES AS SHOWN HEREON, THAT THE RATIO OF PRECISION FOR TRADITIONAL SURVEY METHOD IS 1:10,000; THAT THE ACCURACY STANDARDS, PART 2, STANDARDS FOR GEODETIC NETWORKS AT THE CLASS "A" ACCURACY CLASSIFICATION (95% CONFIDENCE) AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GPS SURVEY:

POSITIONAL ACCURACY: 3CM + 50PPM
 TYPE OF GPS FIELD PROCEDURE: VRS RTK
 DATES OF SURVEY: 5/7-5/22/2022
 DATUM / EPOCH: NAD 83 (2011)
 PUBLISHED/FIXED-CONTROL USE: NCEB CORS ARP
 GEOD. MODEL: 12B
 COMBINED GRID FACTOR: 0.99989328
 UNITS: US SURVEY FEET

THIS MAP IS EXEMPT FROM GS 47-30 REQUIREMENTS PER GS 47-30 (I) WHICH STATES: THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BOUNDARY PLATS OF STATE LINES, COUNTY LINES, AREAS ANNEXED BY MUNICIPALITIES, NOR TO PLATS OF MUNICIPAL BOUNDARIES, WHETHER OR NOT REQUIRED BY LAW TO BE RECORDED.

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 20TH DAY OF JUNE, 2022.

SIGNED: *Joshua Leonard*
 PROFESSIONAL LAND SURVEYOR NO. L-5447

ANNEXATION MAP ALLEN ROAD, LLC PARCEL NUMBER 12068 RECORDED IN DB 1908 PG 89		MAP NO.	PLATS RECORDED	BOOK	PAGE
SURVEYED: JL		APPROVED:			
DRAWN: VR		DATE: 6/23/2022			
CHECKED: JA		SCALE: N/A			

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

6/23/2022 DATE
 ORDINANCE NO
 35.70 ACRES AREA
GREENVILLE TOWNSHIP, PITT COUNTY, N.C.



City of Greenville, North Carolina

Meeting Date: 08/18/2022

Title of Item: Ordinance to annex Stonehaven involving 11.7959 acres located at the current terminus of Great Laurel Court

Explanation: A. SCHEDULE

1. Advertising date: August 6, 2022
2. City Council public hearing date: August 18, 2022
3. Effective date: August 18, 2022

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 11.7959
4. Voting District: 2
5. Township: Arthur
6. Zoning: R6S (Residential - Single Family)
7. Existing land use: Vacant
8. Anticipated land use: 44 single-family lots
9. Population estimate

	Formula	Number of people
Total current:	0	0
Estimated at full development	44 x 2.18*	96
Current minority	0	0
Estimated minority at full development	96 x 43.4%*	42
Current white	0	0
Estimated white at full development	96 - 42	54



* Census data

10. Rural fire tax district: Red Oak
11. Greenville fire district: Station 5
12. Present tax value: \$178,354
13. Estimated tax value: \$10,000,000

Fiscal Note: Estimated tax value at full development is \$10,000,000

Recommendation: Approve the attached ordinance to annex Stonehaven

ATTACHMENTS

-  [Ordinance_Stonehaven_Annexation.pdf](#)
-  [Stonehaven survey.pdf](#)

ORDINANCE NO. 22-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at 6:00 p.m. on the 18th day of August, 2022, after due notice by publication in The Daily Reflector on the 6th day of August, 2022; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled "Stonehaven", involving 11.7959 acres prepared by Stroud Engineering.

LOCATION: Situate in Arthur Township, Pitt County, North Carolina, located at the current terminus of Great Laurel Court.

GENERAL DESCRIPTION:

Lying and being in Arthur Township, Pitt County, North Carolina, lying north of Dickinson Avenue, west of Allen Road and south of Teakwood Drive, and being more particularly described as follows:

Beginning at a point on the southern right-of-way of Great Laurel Court, said point being the northwest corner of Lot 93, Stone Haven @ Landover, Section One as recorded in Map Book 71, Pages 68-71 of the Pitt County Registry, the True Point of Beginning. Thence from the True Point of Beginning, leaving the southern right-of-way of Great Laurel Court and following the western line of Lot 93 S 02°53'07" E - 120.94 feet to the southwest corner of Lot 93, a point in the northern line of Fieldstone @ Landover, Section One as recorded in Map Book 72, Pages 93-96, thence leaving Lot 93 and following the northern boundary of Fieldstone @ Landover, Section One S 83°19'04" W - 793.70 feet to a point in the northern line of Lot 147B, thence continuing along the boundary of Fieldstone @ Landover, Section One and continuing with the northern line of Rocky Russell Development, LLC (Deed Book 3871, Page 449) , N 89°24'55" W – 297.89 feet to the northeast corner of Pitt Land Development, LLC (Deed Book 1750, Page 47), thence with Pitt Land Development, LLC N 89°24'55" W – 518.82 feet to a point in the eastern line of A&M Development Of Pitt County, LLC (Deed Book 2851, Page 15), thence along that eastern line N 00°39'39" W - 160.95 feet, thence N 05°11'02" W - 39.30 feet to the southeastern most corner of Lot 2, Teakwood Green Subdivision, Phase One as recorded in Map Book 72, Page 181, thence along the Teakwood Green Subdivision line N 005°50'20" W - 113.48 feet to the southwest corner of Lot 56, Teakwood, Section Two as recorded in Map Book 39, Page 100, thence along the southern line of Teakwood, Section Two the following calls: N

88°54'58" E - 750.26 feet, thence N 86°04'27" E - 784.57 feet, thence N 87°00'39" E - 45.99 feet to the northwest corner of Lot 42, Stone Haven @ Landover, Section One (Map Book 71, Pages 68-71), thence along the western line of Lot 42 and crossing Great Laurel Court S 02°53'07" E - 180.12 feet to the southern right-of-way of Great Laurel Court, thence along the southern right-of-way of Great Laurel Court N 87°06'31" E - 28.03 feet to the true point of beginning, containing 11.7959 Acres and being all of Parcel Number 76140 as filed with the Pitt County Tax Assessor's Office.

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

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

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

Section 5. This annexation shall take effect from and after the 18th day of August, 2022.

ADOPTED this 18th day of August, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

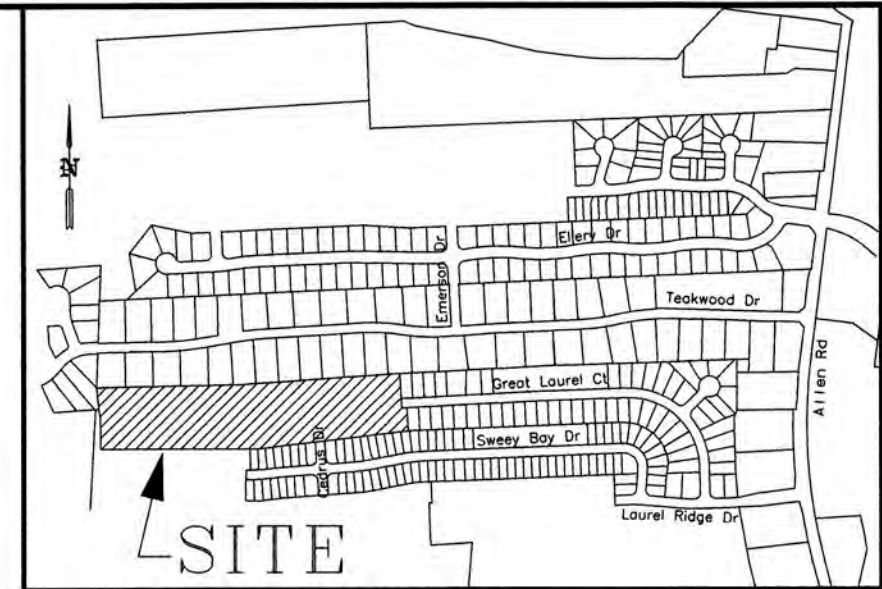
NORTH CAROLINA
PITT COUNTY

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

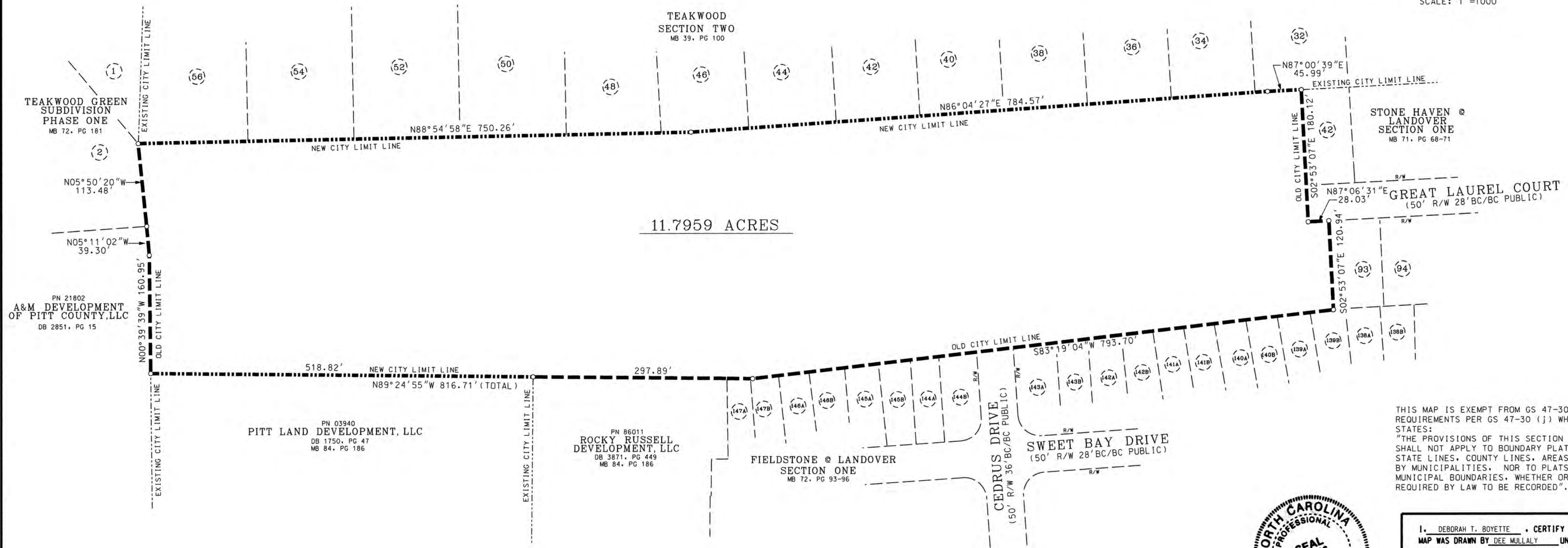
WITNESS my hand and official seal this ____th day of _____, 2022.

Notary Public

My Commission Expires: _____



VICINITY MAP
SCALE: 1"=1000'



11.7959 ACRES

PN 21802
A&M DEVELOPMENT
OF PITT COUNTY, LLC
DB 2851, PG 15

PN 03940
PITT LAND DEVELOPMENT, LLC
DB 1750, PG 47
MB 84, PG 186

PN 86011
ROCKY RUSSELL
DEVELOPMENT, LLC
DB 3871, PG 449
MB 84, PG 186

THIS MAP IS EXEMPT FROM GS 47-30 REQUIREMENTS PER GS 47-30 (J) WHICH STATES: "THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BOUNDARY PLATS OF STATE LINES, COUNTY LINES, AREAS ANNEXED BY MUNICIPALITIES, NOR TO PLATS OF MUNICIPAL BOUNDARIES, WHETHER OR NOT REQUIRED BY LAW TO BE RECORDED".

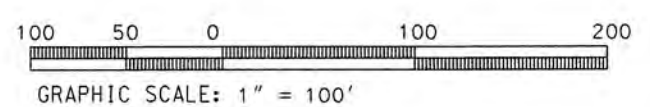


I, DEBORAH T. BOYETTE, CERTIFY THAT THIS MAP WAS DRAWN BY DEE MULLALLY UNDER MY SUPERVISION FROM AN ACTUAL SURVEY BY D. ENGBRETSEN; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN DEEDS AND MAPS REFERENCED HEREON.
WITNESS MY HAND AND SEAL THIS 26th DAY OF MAY, 2022
SIGNED Deborah T. Boyette
PROFESSIONAL LAND SURVEYOR L-4146

NORTH CAROLINA, PITT COUNTY
I, Judy R. Stroud, NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT DEBORAH T. BOYETTE, A PROFESSIONAL LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL THIS 26th DAY OF MAY, 2022
NOTARY PUBLIC Judy R. Stroud
MY COMMISSION EXPIRES 2/27/2025

NORTH CAROLINA, PITT COUNTY THE FOREGOING CERTIFICATE OF _____, A NOTARY PUBLIC, IS CERTIFIED TO BE CORRECT. FILED FOR REGISTRATION THIS 26th DAY OF MAY, 2022 AT 10 O'CLOCK A.
JUDY J. TART, REGISTER OF DEEDS
BY _____
DEPUTY REGISTER OF DEEDS

LEGEND:
- - - - - NEW CITY LIMIT LINE
- - - - - OLD CITY LIMIT LINE
- - - - - EXISTING CITY LIMIT LINE



PN 76140

STONEHAVEN	
ARTHUR TOWNSHIP PITT COUNTY NORTH CAROLINA	
CLIENT: ROCKY RUSSELL DEVELOPMENT, LLC 106 REGENCY BOULEVARD, SUITE B GREENVILLE, NC 27834 (252) 355-7812	
<p>STROUD ENGINEERING, P.A. LICENSE NO. C-0647 107-B COMMERCE ST. GREENVILLE, NC 27858 (252) 756-9352</p>	SURVEYED: DWE/DTB
	APPROVED: DTB
	DATE: 5/26/22
DRAWN: DM	CHECKED: DTB
SCALE: 1" = 100'	

MAP NO.	MAPS RECORDED	BOOK	PAGE

MAP SHOWING AREA ANNEXED BY		
THE CITY OF GREENVILLE		
DATE	ORDINANCE NO.	11.7959 AC AREA



City of Greenville, North Carolina

Meeting Date: 08/18/2022

Title of Item: Ordinance requested by Bill Clark Homes of Greenville, LLC to rezone 13.84 acres located east of L. T. Hardee Road and between the Norfolk Southern Railroad and Leon Drive from RA20 (Residential-Agricultural) to R6 (Residential [High Density Multi-family])

Explanation: **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on June 7, 2022.

On-site sign(s) posted on June 7, 2022.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on August 2, 2022.

Public hearing legal advertisement published on August 6, 2022 and August 13, 2022.

Comprehensive Plan:

The Future Land Use and Character Map recommends traditional neighborhood, medium-high density (TNMH) between Portertown Road and L. T. Hardee Road and south of the Norfolk Southern Railroad transitioning to residential, low-medium density (LMDR) to the west of L. T. Hardee Road and further south.

Traditional Neighborhood, Medium-High Density

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

Intent:

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

intersections within neighborhoods

Primary uses:

Multi-family residential

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

Secondary uses:

Institutional (neighborhood scale)

Residential, Low-Medium Density

Residential, low to medium density areas are primarily single-family developments arranged along wide, curvilinear streets with few intersections. Building and lot size range in size and density but tend to be highly consistent within a development with limited connectivity between different residential types and non-residential uses.

Intent:

- Provide better pedestrian and vehicular connectivity between residential developments
- Improve streetscape features such as consistent sidewalks, lighting, and street trees

Primary uses:

Single-family detached residential

Secondary uses:

Two-family residential

Institutional/civic (neighborhood scale)

Thoroughfare/Traffic Report Summary (Engineering Department):

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 688 trips to and from the site on 10th Street, which is a net increase of 433 additional trips per day.

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 458 trips to and from the site on Eastern Pines Road, which is a net increase of 289 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 present zoning.

Existing Land Uses:

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 and nitrogen and phosphorus reduction.

No portion of the property is located in the Special Flood Hazard Area. No jurisdictional wetlands, streams and riparian buffers exist on the property.

Surrounding Land Uses and Zoning:

North: CG - Wal-Mart and farmland

South: CG - Single-family residences (some are part of Lake Glenwood Subdivision)

East: Farmland and two (2) single-family residences

West: Farmland

Density Estimates:

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

Under the proposed zoning, the site could accommodate 160-170 multi-family units (1, 2 and 3 bedroom units).

The anticipated build-out is 3-5 years.

Fiscal Note: No cost to the City.

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

Therefore, staff recommends approval.

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

The Planning and Zoning Commission voted to approve (4:2) the request at its June 21, 2022 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_-_Bill_Clark_Homes.pdf](#)
-  [P&Z_Excerpt_June_21_2022-_Bill_Clark_RZ.pdf](#)

-  **Bill Clark apo map.pdf**
-  **Bill Clark survey.pdf**
-  **Bill Clark traffic.pdf**
-  **RA20 to R6**
-  **Density and Veg Charts.pdf**

LOCATION: Located east of L. T. Hardee Road and between the Norfolk Southern Railroad and Leon Drive.

DESCRIPTION: Lying and being in Grimesland Township, Pitt County, North Carolina, lying south of NC Highway 43 (E. Tenth Street) and north of Leon Drive, being bounded on the north by Norfolk and Southern Railroad and on the south by Glennwood Properties, Inc. as recorded in Map Book 16, Page 58, and being more particularly described as follows:

Beginning at a point in the northern right-of-way of NCSR 1728 L.T. Hardee Road where the western right-of-way of NCSR 1728 L. T. Hardee Road meets the northern right-of-way at the property of Ollie Joseph Gupton, Jr., Parcel Number 80477, deed reference recorded in Deed Book 3774, Page 11 of the Pitt County Registry, the True Point of Beginning. Thence from the True Point of Beginning, leaving the right-of-way of NCSR 1728 L. T. Hardee Road and following the boundary of the Gupton property the following calls: Thence with a curve to the left, having a radius of 163.65' and a chord of N 01°14'16" W - 125.44' to the point of reverse curvature, thence with a curve to the right having a radius of 223.65' and a chord of N 17°53'49" W - 71.95', thence N 69°06'28" W - 153.55', thence S 16°34'50" W - 213.45' to the northeast corner of Lot 107, Glennwood Properties, Inc. (Map Book 16, Page 58), thence along the northern line of Glennwood Properties, Inc. the following calls: N 67°19'13" W - 98.74', thence N 67°19'07" W - 87.12', thence N 67°19'11" W - 98.84', thence N 67°19'11" W - 52.03', thence leaving the northern line of Glennwood Properties, Inc. and following the eastern line of Hardee Properties Family Limited Partnership (Deed Book 3104, Page 453) N 52°10'36" E - 208.65', thence N 04°18'18" E - 364.00', thence N 07°43'20" E - 10.00', thence N 07°43'20" E - 620.48' to the southern right-of-way of Norfolk and Southern Railroad, thence along the railroad right-of-way S 73°53'23" E - 456.23', thence leaving the railroad right-of-way and continuing along the line of Hardee Properties Family Limited Partnership (Deed Book 3104, Page 453) S 7°41'29" W - 732.61', thence S 74°40'44" E - 372.29' to a point in the western line of Jimmy R. Moore (Deed Book 2836, Page 842) and Jeffery Lynn Smith (Deed Book 2918, Page 859), thence S 14°19'25" W - 239.04', thence leaving Jeffery Lynn Smith and following the line of Wanda R. Smith N 75°54'42" W - 249.21', thence S 22°46'09" W - 207.53' to the northern right-of-way of NCSR 1728 L. T. Hardee Road, thence along the right-of-way N 66°44'12" W - 60.00' to the True Point of Beginning, containing 13.84 Acres and being Parcel Number 80476 as listed with the Pitt County Tax Assessor's Office.

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

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

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

ADOPTED this 18th day of August, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1167156

Excerpt from the draft Planning & Zoning Commission Minutes (06/21/22)

REQUEST BY BILL CLARK HOMES OF GREENVILLE, LLC TO REZONE 13.84 ACRES LOCATED EAST OF L.T. HARDEE ROAD AND BETWEEN THE NORFOLK SOUTHERN RAILROAD AND LEON DRIVE FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO R6 (RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]).

Chantae Gooby presented for staff. The property is located in the Hardee Creek watershed and if stormwater rules apply, it will require 10-year detention. There is no special hazard area, wetlands, streams or buffers located on the property. Between the current zoning and the proposed zoning, this rezoning could have a net increase in traffic of about 722 trips per day with about 60% to 10th Street and 40% to Portertown Road. The property is currently zoned RA20 (Residential-Agricultural) and could yield about 45 single-family homes. Under the requested zoning, R6 (Residential [High Density Multi-family]), it could yield about 165 multi-family units. The Future Land Use Plan recommends TNMH (Traditional Neighborhood Medium to High Density) between Portertown Road to L.T. Hardee Road south of the railroad. The R6 (Residential [High Density Multi-family]) is a part of that character. In staff's opinion, the request is in compliance with the Horizons 2026: Greenville's Community Plan and the Future Land Use Plan. Therefore, staff recommends approval of the request.

Chairman Faison opened the public hearing.

Landon Weaver spoke in favor. The request complies the Future Land Use Plan and it is a good transition to the traditional neighborhood that is existing.

Dennis Campbell spoke in opposition. This request, along with other construction in the area, will generate additional traffic on an already overused roadway creating unnecessary hazard. It will also increase the drainage issues in the area. The increased population will generate more noise pollution and litter for residents.

Harold Wise spoke in opposition. Where the proposal is going, is a very narrow entrance area on a dangerous curve. The request will add stress to the existing roads that are already patched. Lake Glenwood does not have the capacity for additional water runoff.

Wanda Smith spoke in opposition. The increased traffic will create even more of a hazard in the deep curve on L.T. Hardee Road.

Mike Tart spoke in opposition. It would be wise to invest in the infrastructure first then looked at building up the area. Right now the roads cannot handle the increased traffic.

Mr. Thomas asked if there are plans for a traffic light where L.T. Hardee Road connects to Highway 33.

Ms. Gooby stated that she is not aware of any.

Mr. Joyner stated the smaller roads in the area such as L.T. Hardee Road are probably over serviced. He asked if roads are usually improved after development.

Ms. Gooby stated generally road improvement comes with development.

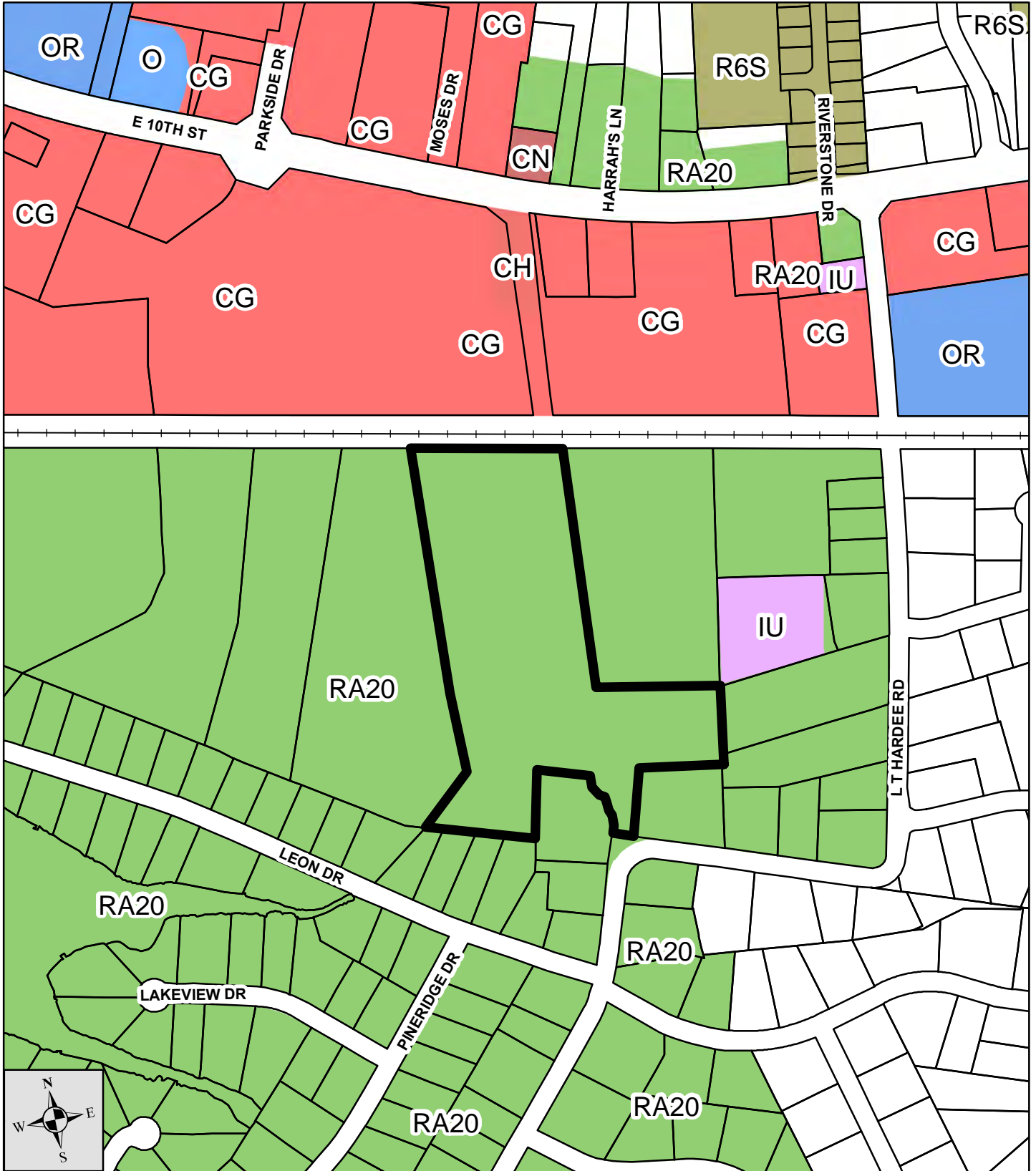
Chairman Faison closed the public hearing.

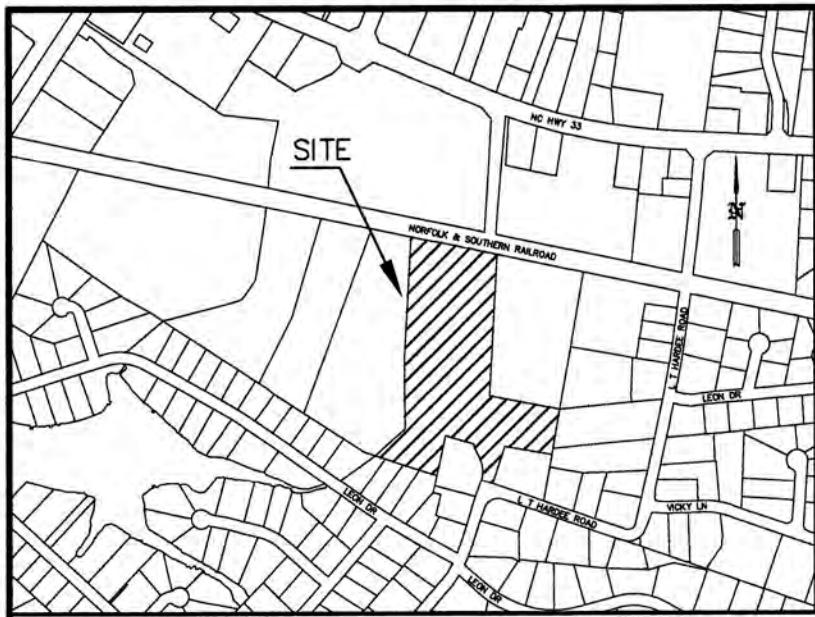
Mr. West asked Mr. Weaver what the typical build out time is.

Mr. Weaver stated if approved, it could be about eight to ten months before receiving permits and possibly an extended build out. They will meet with DOT to discuss the traffic issues as well.

Motion made by Mr. Joyner, seconded by Mr. West, 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 4:2. Voting in favor: West, Parker, Joyner and Thomas. Voting in opposition: Maxwell and Collins.

Bill Clark Homes of Greenville, LLC
From: RA20
To: R6
13.84 acres
June 6, 2022





VICINITY MAP
SCALE: 1"=2000' ±

LINE TABLE		
LINE #	DISTANCE	DIRECTION
L1	52.03'	N 67°19'11" W
L2	98.84'	N 67°19'11" W
L3	87.12'	N 67°19'07" W
L4	98.74'	N 67°19'13" W
L5	60.00'	N 66°44'12" W

CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD DIRECTION	CHORD DISTANCE
C1	72.26'	223.65'	N 17°53'49" W	71.95'
C2	128.73'	163.65'	N 01°14'16" W	125.44'

THIS MAP IS EXEMPT FROM GS 47-30 REQUIREMENTS PER GS 47-30 (j) WHICH STATES:
"THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BOUNDARY PLATS OF STATE LINES, COUNTY LINES, AREAS ANNEXED BY MUNICIPALITIES, NOR TO PLATS OF MUNICIPAL BOUNDARIES, WEATHER OR NOT REQUIRED BY LAW TO BE RECORDED."

I, DEBORAH T. BOYETTE, CERTIFY THAT THIS MAP WAS DRAWN BY MICHAEL L. BOWMAN UNDER MY SUPERVISION. THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN DEEDS AND MAPS REFERENCED HEREON;

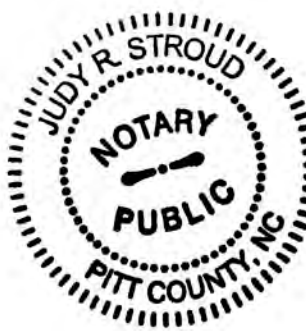
WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 20th DAY OF MAY, 2022

SIGNED Deborah T. Boyette
PROFESSIONAL LAND SURVEYOR L-4146



NORTH CAROLINA, Pitt COUNTY
I, Judy R. Stroud, NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT Deborah T. Boyette, A PROFESSIONAL LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL THIS THE 20 DAY OF May, 2022.

NOTARY PUBLIC Judy R. Stroud
MY COMMISSION EXPIRES 2/21/2025



P1766-001 P1766-001 REZONE.DWG DWG NO 001



NOTES

- BOUNDARY INFORMATION TAKEN FROM MAP TITLED "SUBDIVISION FOR CONNIE A. HARDEE & MONA HARDEE GSCHWIND FARM ON L.T. HARDEE RD" MAP BOOK 74, PAGE 24 AND DATED 09-22-2010
- R/W SYMBOL DENOTES RIGHT OF WAY
- TOPOGRAPHIC FEATURES LOCATED BY AERIAL IMAGERY



GRAPHIC SCALE: 1" = 200'

TOTAL AREA TO REZONE: 13.84 AC

PN 80476

REZONING MAP FOR THE RESERVE	
REFERENCE: BEING THE PROPERTY RECORDED IN MAP BOOK 74, PAGE 24 OF THE PITT COUNTY REGISTRY	
GRIMESLAND TOWNSHIP	PITT COUNTY
NORTH CAROLINA	
CLIENT: BILL CLARKE HOMES OF GREENVILLE, LLC ADDRESS: 200 E. ARLINGTON BLVD, SUITE A GREENVILLE, NC 27858 PHONE: (252) 355-5805	SURVEYED BY: N/A DRAWN BY: MLB CHECKED BY: DTB DATE: 05/17/2022 SCALE: 1"= 200' SHEET 1 OF 1
STROUD ENGINEERING, P.A. 107-B COMMERCE STREET GREENVILLE, NC 27858 (252) 756-9352	
LICENSE NO. C-0647	

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 22-11

Applicant: Bill Clark Homes of Greenville, LLC

Property Information

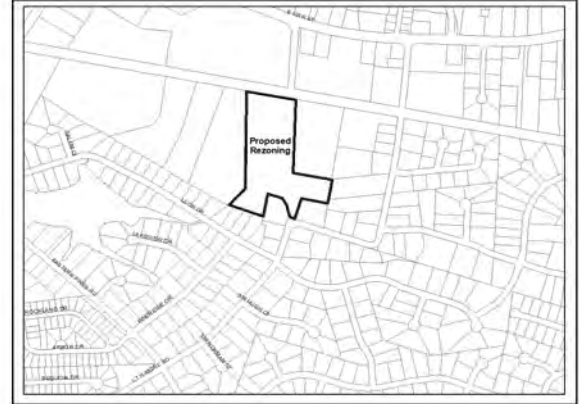
Current Zoning: RA20 (Residential-Agricultural)

Proposed Zoning: R6 (Residential [High Density Multi-Family])

Current Acreage: 13.84 acres

Location: LT Hardee Rd, south of railroad track

Points of Access: 10th St and Eastern Pines Rd via LT Hardee Rd



Location Map

Transportation Background Information

1.) 10th St- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5-lane with curb & gutter	no change
Right of way width (ft)	100	no change
Speed Limit (mph)	50	no change
Current ADT:	20,295 (*)	
Design ADT:	32,200 vehicles/day	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	
Other Information:	There are no sidewalks along 10th St 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: No Planned Improvements.

2.) Eastern Pines Rd- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	2 lanes - paved shoulders	2 lanes - wide shoulders
Right of way width (ft)	60	70
Speed Limit (mph)	45	no change
Current ADT:	3,830 (*)	
Design ADT:	12,000 vehicles/day (**)	13,300 vehicles/day (**)
Controlled Access	No	
Thoroughfare Plan Status:	Minor Thoroughfare	
Other Information:		

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

Transportation Improvement Program Status: No Planned Improvements.

Trips generated by proposed use/change**Current Zoning: 424** -vehicle trips/day (*)**Proposed Zoning: 1,146** -vehicle trips/day (*)**Estimated Net Change: increase of 722 vehicle trips/day (assumes full-build out)**

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

Impact on Existing Roads**The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on 10th St and Eastern Pines Rd are as follows:****1.) 10th St, West of Site (45%):** "No build" ADT of **20,295**

Estimated ADT with Proposed Zoning (full build) – 20,811

Estimated ADT with Current Zoning (full build) – 20,486**Net ADT change =** 325 (2% increase)**2.) 10th St, East of Site (15%):** "No build" ADT of **20,295**

Estimated ADT with Proposed Zoning (full build) – 20,467

Estimated ADT with Current Zoning (full build) – 20,359**Net ADT change =** 108 (<1% increase)**3.) Eastern Pines Rd, West of Site (30%):** "No build" ADT of **3,830**

Estimated ADT with Proposed Zoning (full build) – 4,174

Estimated ADT with Current Zoning (full build) – 3,957**Net ADT change =** 217 (5% increase)**4.) Eastern Pines Rd, East of Site (10%):** "No build" ADT of **3,830**

Estimated ADT with Proposed Zoning (full build) – 3,945

Estimated ADT with Current Zoning (full build) – 3,872**Net ADT change =** 72 (2% increase)**Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 688 trips to and from the site on 10th St, which is a net increase of 433 additional trips per day.

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 458 trips to and from the site on Eastern Pines Rd, which is a net increase of 289 additional trips per day.

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	
R6 (RESIDENTIAL) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	c. On-premise signs per Article N
(2) Residential	
	a. Single-family dwelling
	b. Two-family attached dwelling (duplex)
	b(1). Master Plan Community per Article J
	c. Multi-family development per Article I
	f. Residential cluster development per Article M
	k. Family care homes (see also 9-4-103)
	q. Room renting
(3) Home Occupations - None	
(4) Governmental	

	b. City of Greenville municipal government building or use (see also section 9-4-103)
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	l. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	g. Private noncommercial park or recreational facility
(7) Office/Financial/Medical - None	
(8) Services	
	o. Church or place of worship (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
	c. Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
R6 (RESIDENTIAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
	d. Land use intensity multi-family (LUI) development rating 50 per Article K
	e. Land use intensity multi-family (LUI) development rating 67 per Article K
	l. Group care facility
	n. Retirement center or home
	o(1). Nursing, convalescent or maternity home; minor care facility
	p. Board or rooming house
	r. Fraternity or sorority house
(3) Home Occupations	
	a. Home occupation; not otherwise listed
	b. Home occupation; barber and beauty shop
	c. Home occupation; manicure, pedicure or facial salon
(4) Governmental	
	a. Public utility building or use
(5) Agricultural/Mining - None	
(6) Recreational/Entertainment	
	a. Golf course; 18-hole regulation length (see also section 9-4-103)
	a(1). Golf course; 9-hole regulation length (see also section 9-4-103)
	c(1). Tennis club; indoor and outdoor facilities
(7) Office/Financial/Medical - None	
(8) Services	
	a. Child day care facilities
	b. Adult day care facilities
	d. Cemetery
	g. School; junior and senior high (see also section 9-4-103)

h.	School; elementary (see also section 9-4-103)
i.	School; nursery and kindergarten (see also section 9-4-103)
m.	Multi-purpose center
t.	Guest house for a college or other institution of higher learning
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	

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: 08/18/2022

Title of Item: Ordinance requested by Charles Blvd. 58 Acres, LLC to rezone a total of 48.101 acres located along the eastern right-of-way of Charles Boulevard and 200+/- feet south of Cantata Drive from R15S (Residential-Single-family [Low Density]), R9S (Residential-Single-family [Medium Density]), and R6S (Residential-Single-family [Medium Density]) to O (Office)

Explanation: ** This item was continued from the June 9, 2022 City Council meeting.

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on May 3, 2022.

On-site sign(s) posted on May 3, 2022.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on August 2, 2022.

Public hearing legal advertisement published on August 6, 2022 and August 13, 2022.

Comprehensive Plan:

The Future Land Use and Character Map recommends commercial (C) at the northeastern corner of the intersection of Charles Boulevard and East Fire Tower Road transitioning to office/institutional and traditional neighborhood, medium-high density (TNMH) to the north and interior. Further, the Future Land Use and Character recommends potential conservation/open space (PCOS) along Meetinghouse Branch.

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)

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 2,873 trips to and from the site on Charles Boulevard, which is a net increase of 796 additional trips per day.

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

History/Background:

In 2017, this property was zoned to its current zoning.

Existing Land Uses:

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.

No portion of the property is located in the Special Flood Hazard Area. Jurisdictional wetlands, streams and riparian buffers may exist on the property.

Surrounding Land Uses and Zoning:

North: R6S - Tucker Subdivision; R15S - Rabbit Run Subdivision.

Note: There is a 50+/- foot strip of R15S-zoned property that is not included in this rezoning request. This strip is under common ownership of the subject property.

South: R6 - Farmland and one (1) single-family residence

East: R9S - Tuckahoe Subdivision

West: O - Vacant (under common ownership as the subject property)

Density Estimates:

Under the current zoning, the site could accommodate 215-220 single-family lots.

Under the proposed zoning, the site could accommodate 295,000 square feet of office space.

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 to approve (4:1) the request at its May 17, 2022 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_Charles_Bldv_58_acres.pdf](#)
-  [Minutes Charles_Bldv_RZ.pdf](#)
-  [ChasBLvdAPO.pdf](#)
-  [ChasBlvdsurvey.pdf](#)
-  [Charles Blvd Traffic.pdf](#)
-  [Chas Blvd List_of_uses.pdf](#)
-  [Density and Veg Charts.pdf](#)

ORDINANCE NO. 22-
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 18th day of August, 2022, 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;

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

Section 1. That the following described territory is rezoned from R15S (Residential-Single-family), R9S (Residential-Single-family), R6S (Residential-Single-family) to O (Office).

TO WIT: John Marvin Taft and Patricia Scheller Bowen et al

LOCATION: Located along the eastern right-of-way of Charles Boulevard and 200+/- feet south of Cantata Drive.

DESCRIPTION: **COMMENCING** at a 1/2" Pipe found having observed North Carolina State Plane Coordinate System NAD 83(2011) coordinates of Northing=667,105.57 feet and Easting=2,489,829.28 feet and thence running North 21° 31' 57" West for a distance of 195.60 feet (Ground) to a 1/2" Pipe found having coordinates of Northing=667,287.50 and Easting=2,489,757.50, and then running along and with the easterly right-of-way for Charles Boulevard North 21° 30' 42" West for a distance of 1263.96 feet to a Flat Iron found, thence leaving said right-of-way and turning and running South 89° 38' 15" East for a distance of 322.26 feet to a 3/4" found pipe, thence turning and running South 21° 33' 32" East for a distance of 53.90 feet, said point also being the point and place of BEGINNING.

Thence from said point of beginning South 89° 38' 15" East for a distance of 1854.22 feet to a Calculated point, thence turning and running North 15° 50' 35" West for a distance of 52.07 feet to a Calculated point, thence turning and running the following three (3) calls: (1) South 89° 38' 15" East for a distance of 49.09 feet to a Calculated point; (2) South 89° 38' 15" East for a distance of 29.44 feet to a Calculated point; and (3) South 89° 38' 15" East for a distance of 432.92 feet to a 1/2" Rebar found; thence turning and running the following four (4) calls: (1) South 07° 23' 03" East for a distance of 244.76 feet to 1/2" Pipe found; (2) South 07° 31' 10" East for a distance of 136.83 feet to a 1" Pipe found; (3) South 08° 21' 08" East for a distance of 19.71 feet to a 1" Pipe found; (4) South 08° 21' 08" East for a distance of 134.78 feet to a Calculated point in the center of Meeting House Branch; thence turning and running along and with said Branch the following twenty-three (23) calls: (1) South 50° 36' 27" East for a distance of 52.32 feet to a Calculated point; (2) South 66° 33' 38" East for a distance of 44.19 feet to a Calculated point; (3) South 68° 44' 36" East for a distance of 48.29 feet to a Calculated point; (4) South 54° 02' 24" East for a distance of 67.21 feet to a Calculated point; (5) South 56° 22' 00" East for a distance of 40.38 feet to a Calculated point; (6) South 35° 12' 58" East for a distance of 15.81 feet to Calculated point; (7) South 72° 46' 14" East for a distance of 16.31 feet to a Calculated point; (8) South 48° 42' 59" East for a distance of 35.34 feet to a Calculated point; (9) South 46° 20' 09" East for a distance of 32.82 feet to a Calculated point; (10) South 56° 59' 11" West for a distance of 16.86 feet to a Calculated point; (11) South 56° 59' 11" West for a distance of 41.30 feet to a Calculated point; (12) South 41° 47' 03" West for a distance of 20.82 feet to a Calculated point; (13) South 58° 17' 58" West for a distance of 38.14 feet to a Calculated point; (14) South 44° 24' 10" West for a distance of 72.55 feet to a Calculated point; (15) South 22° 44' 10" West for a distance of 70.68 feet to a Calculated point; (16) South 63° 17' 46" West for a distance of 34.54 feet to a Calculated point; (17) South 63° 17' 46" West for a distance of 143.96 feet to a Calculated point; (18) South 59° 14' 43" West for a distance of 2.30 feet to a Calculated point; (19) South 59° 21' 32" West for a distance of 54.51 feet to a Calculated point; (20) South 81° 19' 54" West for a distance of 65.80 feet to a Calculated point; (21) South 86° 30' 55" West for a distance of 54.69 feet to a Calculated point; (22) South 82° 45' 41" West for a distance of 97.83 feet to a Calculated point; (23) South 84° 10' 19" West for a distance of 49.74 feet to a Calculated point, thence turning and running the following six (6) calls: (1) North 00° 19' 31" East for a distance of 226.78 feet (crossing over a 3/4" Pipe found at 20.00 feet) to a 3/4" Pipe found; (2) North 89° 39' 54" West for a distance of 438.13 feet to a

3/4" Pipe found; (3) South 00° 20' 35" West for a distance of 135.23 feet to a 3/4" Pipe found; (4) North 89° 39' 18" West for a distance of 974.21 feet to a 3/4" Pipe Found; (5) South 68° 27' 38" West for a distance of 80.59 feet to a 3/4" Pipe found; (6) South 68° 27' 38" West for a distance of 190.59 feet to a Calculated point; thence turning and running North 21° 33' 32" West for a distance of 1,089.85 feet to the point and place of **BEGINNING**.

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 18th day of August, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1165138

Excerpt from the adopted Planning & Zoning Commission Minutes (05/17/22)

REQUEST BY CHARLES BLVD. 58 ACRES, LLC TO REZONE A TOTAL OF 48.101 ACRES LOCATED ALONG THE EASTERN RIGHT-OF-WAY OF CHARLES BOULEVARD AND 200+/- FEET SOUTH OF CANTATA DRIVE FROM R15S (RESIDENTIAL-SINGLE-FAMILY [LOW DENSITY]), R9S (RESIDENTIAL-SINGLE-FAMILY [MEDIUM DENSITY]), AND R6S (RESIDENTIAL-SINGLE-FAMILY [MEDIUM DENSITY]) TO O (OFFICE).

Chantae Gooby presented for staff. There is approximately a 50 foot strip left out between the subject property and Tucker Subdivision that will remain R15S (Residential Single-family [Low Density]). The property is located in the Meetinghouse Branch watershed and will require 25-year detention. There is no special flood hazard area but wetlands, streams and buffers may exist. This rezoning could generate a net increase of about 800 trips per day at full build-out between the existing zoning and the proposed zoning. Currently, the property has three separate zoning districts that are all single-family zoning districts. The request is to rezone the property to O (Office). Under the current zoning, the property could yield about 215 single-family lots. Under the proposed zoning, it could yield about 300,000 square feet of office space. The Future Land Use Plan recommends commercial at the corner of Charles Boulevard and Fire Tower Road. Further north along Charles Boulevard, office is used as a buffer between Charles Boulevard and Tucker Subdivision. Office is a good neighbor adjacent to residential. In staff's opinion, the request is in compliance with the Horizons 2026: Greenville's Community Plan and the Future Land Use Plan. Therefore, staff recommends approval of the request.

Mr. Maxwell stated there is residential all around this property and it seems odd to turn it into office.

Ms. Gooby stated office is the most restrictive non-residential district. It is used as a buffer between residential and commercial.

Mr. Maxwell stated he has concern about increased flooding for the neighborhoods.

Ms. Gooby stated this would fall under the stormwater regulations that the city has in place.

Chairman Faison opened the public hearing.

Clint Cogburn spoke in favor. He stated his client, Grover Gaming, submitted this request to use this property as its office. The 50-foot strip was excluded after discussion with the neighbors. They wanted additional buffer and control and the plan is to deed the 50-foot strip property to the adjacent property owners. The proposal is consistent with the existing zoning districts in the area.

Jeff Aldridge spoke in favor. He stated he is a Tucker Estates homeowner and he is one of the 12 houses that backs up to the property. He thinks it is a great neighbor for their neighborhood and the community. He has lived in the neighborhood since 1986 and does not know of any streets that have flooded.

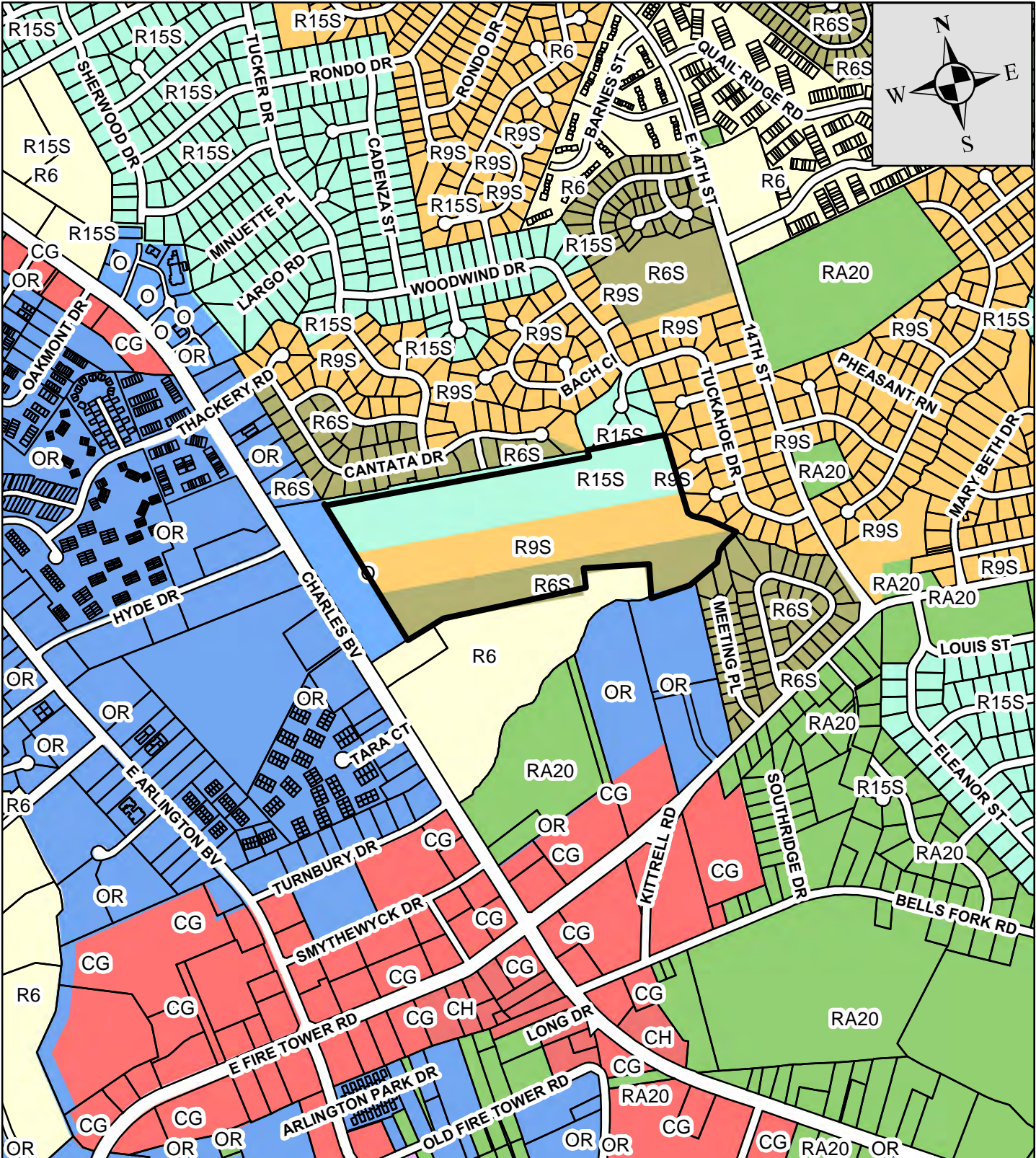
Justin Mullarkey spoke in favor. He stated they have taken an approach that they feel is inclusive of the adjacent property owners. They had a neighborhood meeting to share the ideas and concepts of what this could be.

Jerry Sullivan spoke in opposition. He stated he lives in Meeting Place and he has concern about increased flooding.

Chairman Faison closed the public hearing.

Motion made by Mr. Robinson, seconded by Mr. Joyner, 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. Those voting in favor: Robinson, Joyner, Collins, and Overton. Those voting in opposition: Maxwell. Motion passed 4:1.

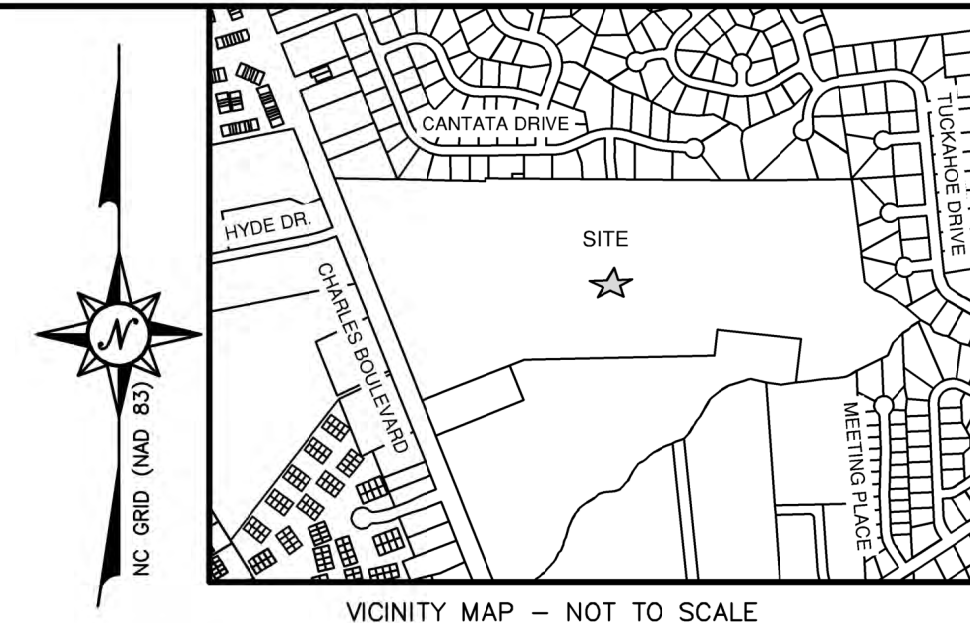
Charles Blvd 58 Acres, LLC
From: R15S, R9S, R6S
To: Office
Acres: 48.101
May 3, 2022



LEGEND

●	= IRON FOUND (AS NOTED)
△	= CALCULATED POINT
—	= SIGN
—	= POWER POLE
☆	= LIGHT POLE
Y—	= GUY WIRE
—	= MAILBOX
—	= TELEPHONE PEDESTAL
⊙	= SANITARY MANHOLE
R/W	= RIGHT OF WAY
N/F	= NOW/FORMERLY
IRF	= IRON REBAR FOUND
IPF	= IRON PIPE FOUND
NAD	= NORTH AMERICAN DATUM
—	= BOUNDARY LINE
- - -	= RIGHT-OF-WAY
- - -	= LINES PER PITT COUNTY GIS
- - -	= EASEMENT (AS NOTED)
- - -	= FENCE (AS NOTED)
—	= OVERHEAD ELECTRIC LINE
—	= TREE LINE

- ALL DISTANCES ARE HORIZONTAL GROUND IN U.S. SURVEY FEET UNLESS OTHERWISE SHOWN.
- BEARINGS BASED ON NC GRID NAD 83(2011).
- REFERENCES: DEED BOOK Y-32, PAGE 378, MAP BOOK 11, PAGE 35
- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- UNDERGROUND UTILITIES ARE SHOWN ONLY WHERE ABOVEGROUND SERVICES WERE VISIBLE.
- SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
- THE EXISTENCE OR NONEXISTENCE OF WETLANDS ON SUBJECT PROPERTY HAS NOT BEEN DETERMINED BY THIS SURVEY.
- SUBJECT TO ALL EASEMENTS, RIGHT OF WAYS, AND OR ENCUMBRANCES THAT MAY EFFECT THIS PROPERTY.
- THIS PARCEL IS IN FLOOD ZONE "X" ACCORDING TO FEMA FIRM PANEL 3720469600J, HAVING AN EFFECTIVE DATE OF JANUARY 1, 2004.
- THIS SITE WAS LOCALIZED AT A 5/8" REBAR W/ CAP HAVING A NORTHING 668,456.91, EASTING 2,489,204.54, AND CSF 0.999890712.
- THE PURPOSE OF THIS PLAT IS FOR REZONING PURPOSES ONLY.



I, MATTHEW T. ROBERTS PLS L-5332, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK Y-32 PAGE 278); THAT THE BOUNDARY LINES NOT SURVEYED ARE INDICATED WITH DASHED LINES AS DRAWN FROM INFORMATION FROM PITT COUNTY GIS; THAT THE RATIO OF PRECISION IS 1:48816; THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600);

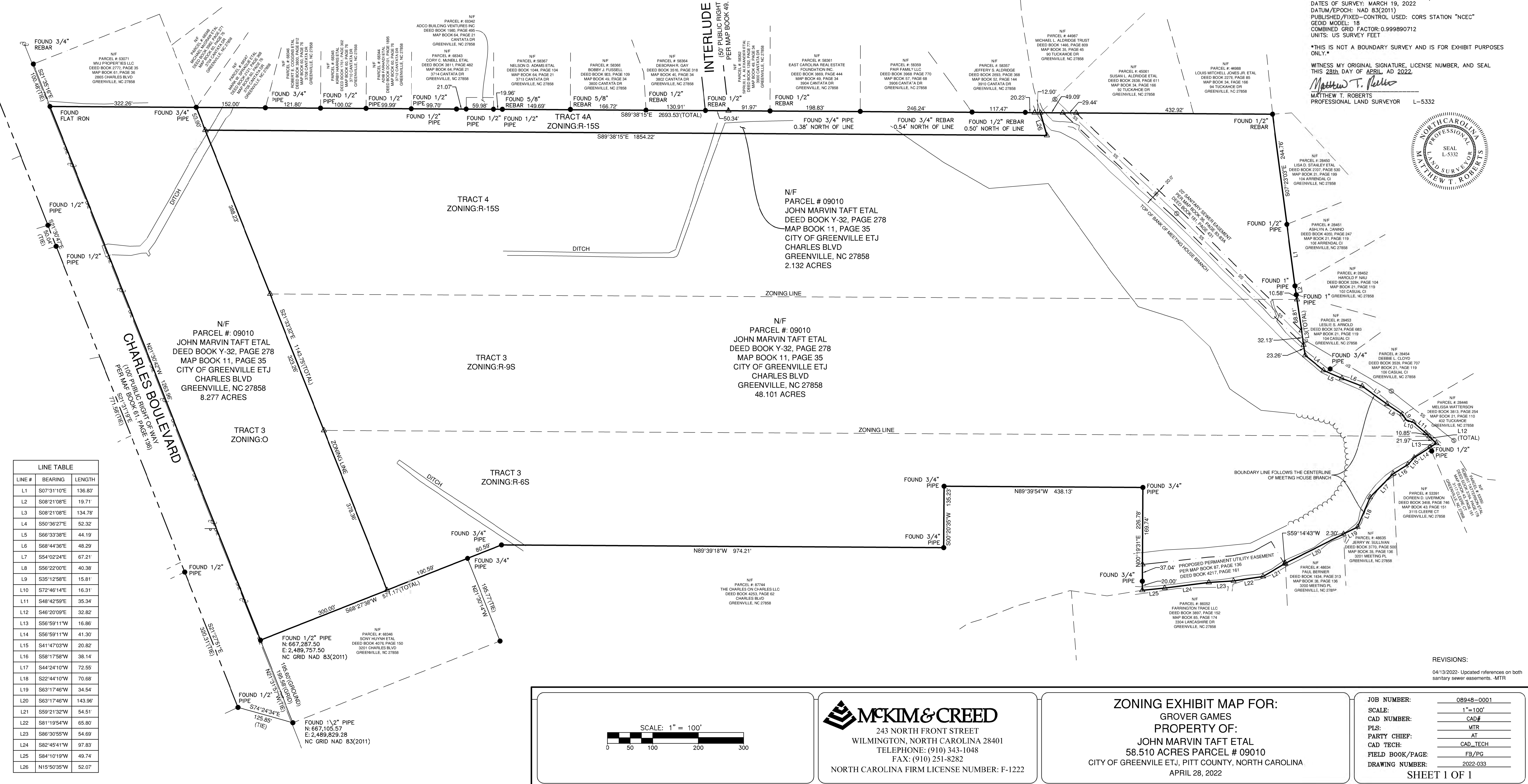
THAT THE GPS SURVEY MADE WAS UNDER MY SUPERVISION AND WAS USED TO ESTABLISH CONTROL.

CLASS OF SURVEY: A
 POSITIONAL ACCURACY: 0.034 @ 95%
 TYPE OF GPS FIELD PROCEDURE: NC RTN/RS
 DATES OF SURVEY: MARCH 19, 2022
 DATUM/EPOCH: NAD 83(2011)
 PUBLISHED/FIXED-CONTROL USED: CORS STATION "NCEC"
 GEOID MODEL: 18
 COMBINED GRID FACTOR: 0.999890712
 UNITS: US SURVEY FEET

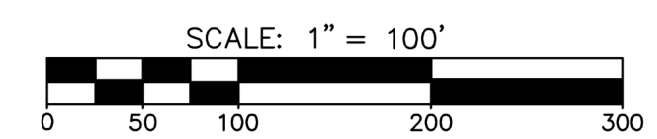
THIS IS NOT A BOUNDARY SURVEY AND IS FOR EXHIBIT PURPOSES ONLY.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 22ND DAY OF APRIL, AD 2022.

Matthew T. Roberts
 MATTHEW T. ROBERTS
 PROFESSIONAL LAND SURVEYOR L-5332



LINE #	BEARING	LENGTH
L1	S07°31'10"E	136.85'
L2	S08°21'08"E	19.71'
L3	S08°21'08"E	134.78'
L4	S50°36'27"E	52.32'
L5	S66°33'38"E	44.19'
L6	S68°44'36"E	48.29'
L7	S54°02'24"E	67.21'
L8	S56°22'00"E	40.38'
L9	S35°12'58"E	15.81'
L10	S72°46'14"E	16.31'
L11	S48°42'59"E	35.34'
L12	S46°20'09"E	32.82'
L13	S56°59'11"W	16.86'
L14	S56°59'11"W	41.30'
L15	S41°47'03"W	20.82'
L16	S58°17'58"W	38.14'
L17	S44°24'10"W	72.55'
L18	S22°44'10"W	70.68'
L19	S63°17'46"W	34.54'
L20	S63°17'46"W	143.96'
L21	S59°21'32"W	54.51'
L22	S81°19'54"W	65.80'
L23	S86°30'55"W	54.69'
L24	S82°45'41"W	97.83'
L25	S84°10'19"W	49.74'
L26	N15°50'35"W	52.07'



MCKIM & CREED
 243 NORTH FRONT STREET
 WILMINGTON, NORTH CAROLINA 28401
 TELEPHONE: (910) 343-1048
 FAX: (910) 251-8282
 NORTH CAROLINA FIRM LICENSE NUMBER: F-1222

ZONING EXHIBIT MAP FOR:
 GROVER GAMES
 PROPERTY OF:
 JOHN MARVIN TAFT ETAL
 58.510 ACRES PARCEL # 09010
 CITY OF GREENVILLE ETJ, PITT COUNTY, NORTH CAROLINA
 APRIL 28, 2022

REVISIONS:
 04/13/2022: Updated references on both sanitary sewer easements. -MTR

JOB NUMBER:	08948-0001
SCALE:	1"=100'
CAD NUMBER:	CAD#
PLS:	MTR
PARTY CHIEF:	AT
CAD TECH:	CAD_TECH
FIELD BOOK/PAGE:	F3/P6
DRAWING NUMBER:	2022-033

SHEET 1 OF 1

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 22-09

Applicant: Charles Blvd 58 Acres, LLC

Property Information

Current Zoning: R15S (Residential-Single-Family), R9S (Residential-Single-Family), R6S (Residential-Single-Family)

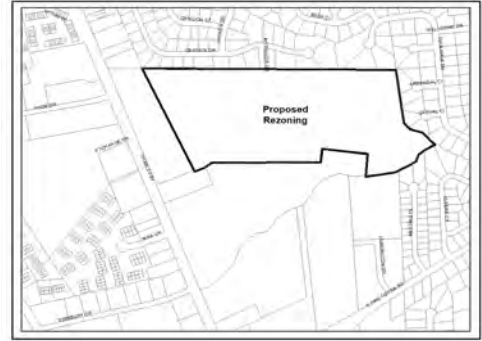
Proposed Zoning: O (Office)

Current Acreage: 50 acres

Location: Charles Blvd, across from Hyde Drive

Points of Access: Charles Blvd

Location Map



Transportation Background Information

1.) Charles Blvd- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5 lanes - curb & gutter	
Right of way width (ft)	100	no change
Speed Limit (mph)	45	no change
Current ADT:	26,465 (*)	
Design ADT:	29,900 vehicles/day (**)	29,900 vehicles/day (**)
Controlled Access	No	
Thoroughfare Plan Status	Major Thoroughfare	

Other Information: There are no sidewalks along Charles Blvd that service this property.

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

Transportation Improvement Program Status: U-6147 - US 264A (GREENVILLE BOULEVARD) TO SR 1726 (BELLS FORK ROAD). ACCESS MANAGEMENT.

Trips generated by proposed use/change

Current Zoning: 2,077 -vehicle trips/day (*) **Proposed Zoning: 2,873** -vehicle trips/day (*)

Estimated Net Change: increase of 796 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 Charles Blvd are as follows:

1.) Charles Blvd , North of Site (60%): “No build” ADT of 26,465

Estimated ADT with Proposed Zoning (full build) – 28,189
 Estimated ADT with Current Zoning (full build) – 27,711
Net ADT change = 478 (2% increase)

2.) Charles Blvd , South of Site (40%): “No build” ADT of 26,465

Estimated ADT with Proposed Zoning (full build) – 27,614

Estimated ADT with Current Zoning (full build) – 27,296

Net ADT change = 318 (1% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 2873 trips to and from the site on Charles Blvd, which is a net increase of 796 additional trips per day.

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

EXISTING ZONING	
R15S (RESIDENTIAL-SINGLE-FAMILY) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	c. On-premise signs per Article N
(2) Residential	
	a. Single-family dwelling
	k. Family care homes (see also 9-4-103)
	q. Room renting
(3) Home Occupations - None	
(4) Governmental	
	b. 4-103)
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	l. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	g. Private noncommercial park or recreational facility
(7) Office/Financial/Medical - None	
(8) Services	
	o. Church or place of worship (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
	c. Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
R15S (RESIDENTIAL-SINGLE-FAMILY) - SPECIAL USES	
(1) General - None	
(2) Residential - None	
(3) Home Occupations	
	a. Home occupation; not otherwise listed
(4) Governmental	
	a. Public utility building or use
(5) Agricultural/Mining	
	f. Stable; horse only (see also section 9-4-103)
(6) Recreational/Entertainment	
	a. Golf course; 18-hole regulation length (see also section 9-4-103)
	a(1). Golf course; 9-hole regulation length (see also section 9-4-103)
	c(1). Tennis club; indoor and outdoor facilities
(7) Office/Financial/Medical - None	

(8) Services	
	d. Cemetery
	g. School; junior and senior high (see also section 9-4-103)
	h. School; elementary (see also section 9-4-103)
	i. School; nursery and kindergarten (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
R9S (RESIDENTIAL-SINGLE-FAMILY) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	c. On-premise signs per Article N
(2) Residential	
	a. Single-family dwelling
	f. Residential cluster development per Article M
	k. Family care homes (see also 9-4-103)
	q. Room renting
(3) Home Occupations - None	
(4) Governmental	
	b. City of Greenville municipal government building or use (see also section 9-4-103)
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	l. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	g. Private noncommercial park or recreational facility
(7) Office/Financial/Medical - None	
(8) Services	
	o. Church or place of worship (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
	c. Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
R9S (RESIDENTIAL-SINGLE-FAMILY) - SPECIAL USES	
(1) General - None	
(2) Residential - None	

(3) Home Occupations	
	a. Home occupation; not otherwise listed
(4) Governmental	
	a. Public utility building or use
(5) Agricultural/Mining	
	i. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	a. Golf course; 18-hole regulation length (see also section 9-4-103)
	a(1). Golf course; 9-hole regulation length (see also section 9-4-103)
	c(1). Tennis club; indoor and outdoor facilities
(7) Office/Financial/Medical - None	
(8) Services	
	d. Cemetery
	g. School; junior and senior high (see also section 9-4-103)
	h. School; elementary (see also section 9-4-103)
	i. School; nursery and kindergarten (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
R6S (RESIDENTIAL-SINGLE-FAMILY) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	c. On-premise signs per Article N
(2) Residential	
	a. Single-family dwelling
	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	
	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)
(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	
R6S (RESIDENTIAL-SINGLE-FAMILY) - SPECIAL USES	
(1) General - None	
(2) Residential - None	
(3) Home Occupations	
	a. Home occupation; not otherwise listed
	d. Home occupation; bed and breakfast inn
(4) Governmental	
	a. Public utility building or use
(5) Agricultural/Mining - None	
(6) Recreational/Entertainment	
	a. Golf course; 18-hole regulation length (see also section 9-4-103)
	a(1). Golf course; 9-hole regulation length (see also section 9-4-103)
	c(1). Tennis club; indoor and outdoor facilities
(7) Office/Financial/Medical - None	
(8) Services	
	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)
	t. Guest house for a college or other institution of higher learning
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
PROPOSED ZONING	
O (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 - None	
(3) Home Occupations - None	
(4) Governmental	
	b. City of Greenville municipal government building or use (see also section 9-4-103)

	c.	County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
	d.	Federal government building or use
(5) Agricultural/Mining		
	a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)
(6) Recreational/Entertainment		
	f.	Public park or recreational facility
(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		
	c.	Funeral home
	e.	Barber or beauty salon
	g.	School; junior and senior high (see also section 9-4-103)
	h.	School; elementary (see also section 9-4-103)
	i.	School; nursery and kindergarten (see also section 9-4-103)
	o.	Church or place of worship (see also section 9-4-103)
	p.	Library
	q.	Museum
	r.	Art gallery
	u.	Art studio including art and supply sales
	v.	Photography studio including photo and supply sales
	w.	Recording studio
	x.	Dance studio
(9) Repair - None		
(10) Retail Trade		
	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		
O (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 - None	
(7) Office/Financial/Medical - None	
(8) Services	
	a. Child day care facilities
	b. Adult day care facilities
	j. College and other institutions of higher learning
	l. Convention center; private
y(4)	Distributed Antenna System (See also 9-4-103 (Q))
	bb. Civic organizations
	cc. Trade or business organizations
(9) Repair- None	
(10) Retail Trade - 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	

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: 08/18/2022

Title of Item: Ordinance requested by Green Estates, LLC to rezone 3.497 acres located at the current terminus of Laurel Ridge Drive from R6A (Residential [Medium Density Multi-family]) to R6 (Residential [High Density Multi-family]).

Explanation: **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on July 2, 2022.

On-site sign(s) posted on July 2, 2022.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on August 2, 2022.

Public hearing legal advertisement published on August 6, 2022 and August 13, 2022.

Comprehensive Plan:

The Future Land Use and Character Map recommends commercial (C) at the northwestern corner of the intersection Allen Road and Dickinson Avenue Extension transitioning to traditional neighborhood, medium-high density (TNMH) to the north.

Commercial

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

Intent:

- Provide connectivity to nearby uses (paths, streets)
- Locate new buildings near street on at least one side and accommodate

- parking to the side or rear of buildings
- Improve/provide public realm features such as signs, sidewalks, landscaping
- Reduce access-points into development for pedestrian and vehicular safety
- Reduce and consolidate surface parking

Primary uses:

Commercial (small and large format)

Office

Secondary uses:

Institutional/civic

Traditional Neighborhood, Medium-High Density

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

Intent:

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

Primary uses:

Multi-family residential

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

Secondary uses:

Institutional (neighborhood scale)

Thoroughfare/Traffic Report Summary (Engineering Department):

Based on possible use permitted by the requested rezoning, the proposed rezoning classification could generate 236 trips to and from the site on Allen Road, which is a net increase of 88 trips per day (over current zoning).

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

History/Background:

In 2001, the property was part of a large-scale extra-territorial jurisdiction (ETJ) extension and zoned to its current zoning.

Existing Land Uses:

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 Greens Mill Run 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 wetlands exist on the property, but there are jurisdictional streams and riparian buffers.

Surrounding Land Uses and Zoning:

North: R6A - Fieldstone at Landover Duplexes

South: R6 - Farmland (under common ownership of applicant)

East: R6A - Fieldstone at Landover Duplexes

West: R6A - Fieldstone at Landover Duplexes

Density Estimates:

Under the current zoning, the site could accommodate 20-22 multi-family units (1, 2 and 3 bedroom units).

Under the proposed zoning, the site could accommodate 30-35 multi-family units

(1, 2 and 3 bedroom units).

The anticipated build-out is within 1-2 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 to unanimously to approve the request at its July 19, 2022 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 - Green Estates LLC.pdf](#)
-  [P&Z Excerpt July 19 2022- Green Estates RZ.pdf](#)
-  [Green Estates apo map.pdf](#)

-  [Green Estate Survey.pdf](#)
-  [Traffic Report Green Estates.pdf](#)
-  [R6A to R6.pdf](#)
-  [Density and Veg Charts.pdf](#)

LOCATION: Located at the current terminus of Laurel Ridge Drive.

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

Beginning at a point located at the intersection of the southern right of way of Laurel Ridge Drive and the northwest property corner of Lot One, Pitt Land Development, LLC as recorded in Map Book 86, Page 56, Pitt County Registry said point having NC Grid Coordinates N 670044.00 and E 2464681.62; thence running along the southern right of way of Laurel Ridge Drive S 87-48-20 W, 180.25 feet to a point; thence leaving the southern right of way of Laurel Ridge Drive and continuing S 87-48-20 W, 769.06 feet to a point; thence N 00-11-27 E, 160.14 feet to a point; thence N 87-48-20 E, 948.65 feet to a point located at the northwest property corner of Lot 187B, Fieldstone @ Landover as recorded in Map Book 72, Page 93, Pitt County Registry; thence S 02-11-40 E, 110.00 feet to a point located at the intersection of the northern right of way of Laurel Ridge Drive and the southwest property corner of Lot 187A, Fieldstone @ Landover as recorded in Map Book 72, Page 93, Pitt County Registry; thence continuing S 02-11-40 E, 50.00 feet to a point located on the southern right of way of Laurel Ridge Drive; thence running along the southern right of way of Laurel Ridge Drive S 87-48-20 W, 6.00 feet to the point of beginning containing 3.497 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 18th day of August, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1168034

Excerpt from the draft Planning & Zoning Commission Minutes (07/19/22)

REQUEST BY GREEN ESTATES, LLC TO REZONE 3.497 ACRES LOCATED AT THE CURRENT TERMINUS OF LAUREL RIDGE DRIVE FROM R6A (RESIDENTIAL [MEDIUM DENSITY MULTI-FAMILY]) TO R6 (RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]).

Chantae Gooby presented for staff. The property is about 12 acres all together. The southern portion OF THE PARCEL is High Density Multi-family so this request is for this entire piece to have the same zoning which is R6 (Residential [High Density Multi-family]). The property is located in the Greens Mill Run watershed. If stormwater rules apply, it will require 25-year detention. The property is not located in a special hazard area. There are no wetlands but there are some streams and buffers. This rezoning will net approximately 10 more units which will give a net increase of about 88 trips per day. The Future Land Use Plan recommends commercial at the corner of Dickinson Avenue and Allen Road. It transitions into Traditional Neighborhood Medium to High Density and steps down to a lower density. In staff's opinion, the request is in compliance with the Horizons 2026: Greenville's Community Plan and the Future Land Use Plan. There is already adjacent R6 (Residential [High Density Multi-family]) zoning as well. Therefore, staff recommends approval of the request.

Chairman Faison opened the public hearing.

Dan Withers spoke in favor. This rezoning is to clean up zoning lines so that it matches the property line.

Wade Smith spoke in opposition. He lives in the neighborhood. There is already a lot of traffic in and out of the neighborhood. The watershed will also be more of an issue with more development. He sees no benefit in changing the zoning because the yards are already too small.

Mr. Maxwell asked how the traffic is in the morning and afternoon with one exit onto Allen Road.

Mr. Smith stated traffic can back up into the neighborhood at times.

Greg McCullough spoke in opposition. There is one road into the neighborhood. The idea of a high density may seem attractive for renters but their neighborhood is a family neighborhood. This may change the dynamics.

Chairman Faison closed the public hearing.

Mr. Maxwell stated adding more homes seems like a problem with there being only one exit onto Allen Road.

Mr. West asked if Laurel Ridge will continue to the proposed road.

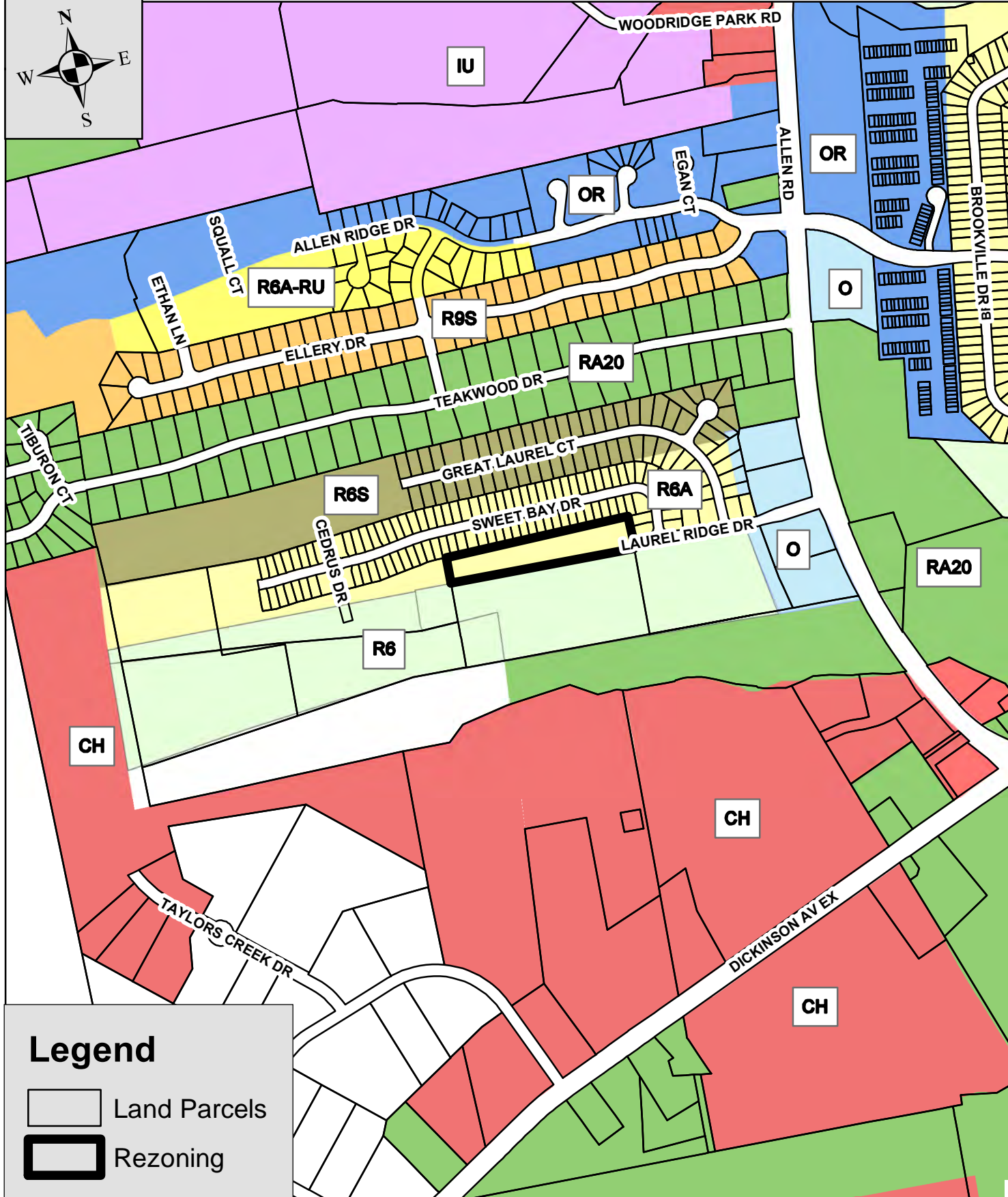
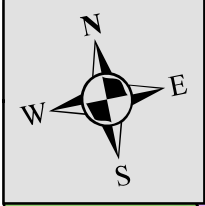
Ms. Gooby stated Laurel Ridge will intersect with Cedrus Drive and they will cul-de-sac to the south.

Mr. Joyner asked if there will be another connection to Allen Road.

Ms. Gooby stated there may be another curb cut further to the south on Allen Road.

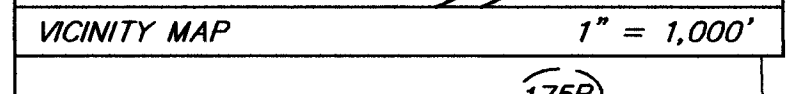
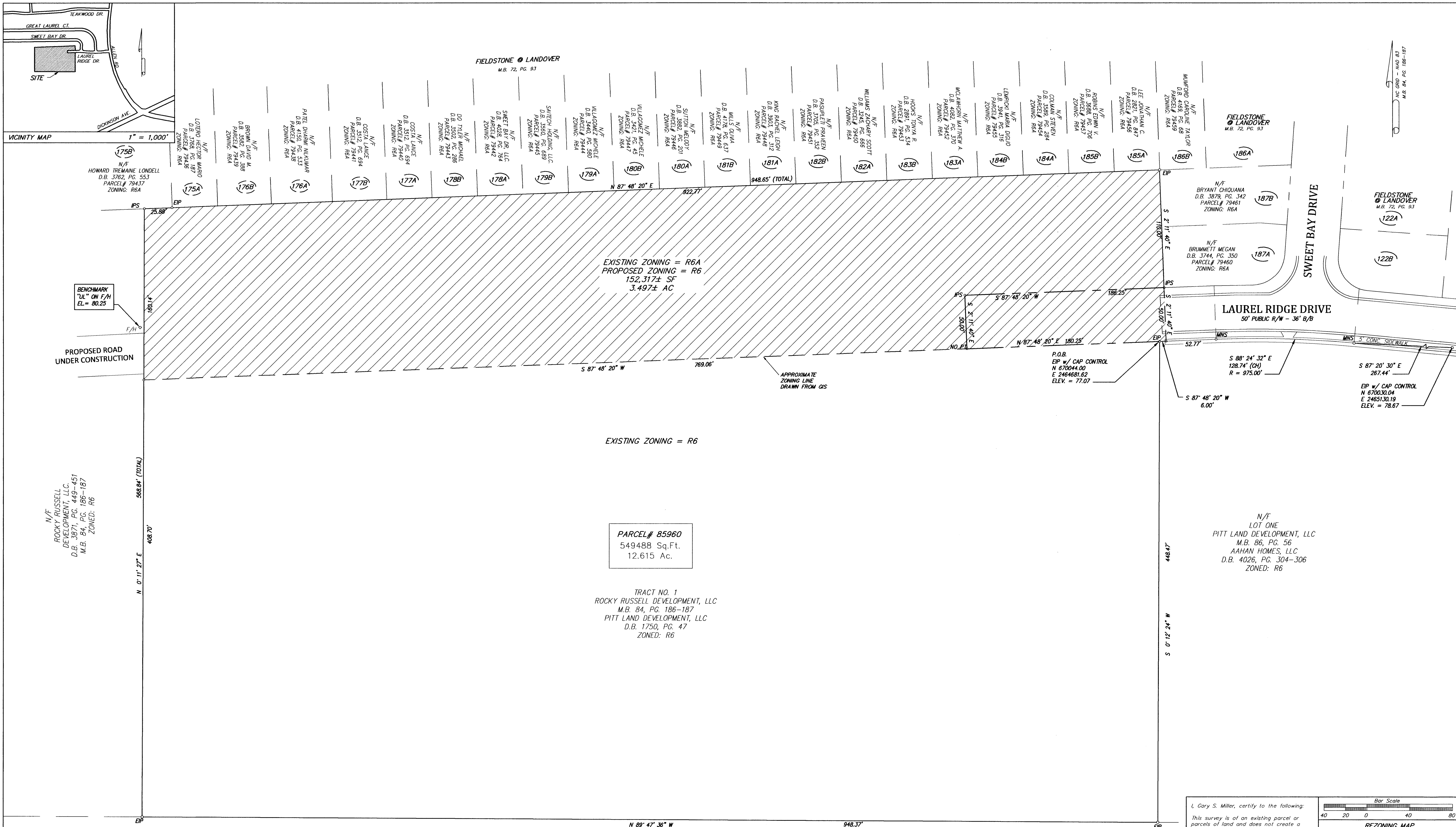
Motion made by Mr. Joyner, seconded by Mr. West, to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

Green Estates, LLC
From: R6A To: R6
Acres: 3.497
July 5, 2022



Legend

- Land Parcels
- Rezoning



BENCHMARK
"LM" ON F/H
EL = 80.25

PROPOSED ROAD
UNDER CONSTRUCTION

N/F
ROCKY RUSSELL
DEVELOPMENT, LLC
D.B. 3871, PG. 449-451
M.B. 84, PG. 186-187
ZONED: R6

PARCEL# 85960
549488 Sq.Ft.
12.615 Ac.

TRACT NO. 1
ROCKY RUSSELL DEVELOPMENT, LLC
M.B. 84, PG. 186-187
PITT LAND DEVELOPMENT, LLC
D.B. 1750, PG. 47
ZONED: R6

N/F
NANNIE SUE CRAWFORD BEST FIELDS
D.B. X-23, PG. 425
LOT 3C
NOAH TYSON HEIRS
M.B. 3, PG. 205
ZONED: RA20

SURVEYED BY: MCP
DRAWN BY: GSM / BLW

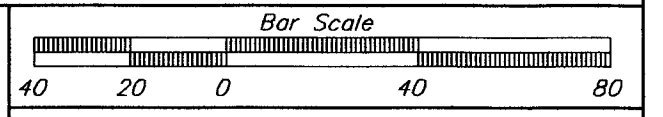
REFERENCE:
DEED BK 4117, PG 700-702
MAP BK 84, PG 186-187
TAX PARCEL # 85960

LEGEND:
EIP - EXISTING IRON PIPE
IPS - IRON PIPE SET
R/W - RIGHT OF WAY
C/L - CENTERLINE
R - RADIUS
B/B - BACK OF CURB TO BACK OF CURB
F/H - FIRE HYDRANT
P.O.B. - POINT OF BEGINNING
MNS - MASONRY NAIL SET



I, Gary S. Miller, certify to the following:
This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 4117, Page 700-702 or other reference source); that the boundaries not surveyed are indicated as drawn from information in Book Page or other reference source; that the ratio of precision or positional accuracy is 1:10,000+; and that this map meets the requirements of the Standards of Practice for Land Surveying in North Carolina (21 NCAC 56.1600).
Witness my hand and seal this 17th day of JUNE, 2022.

Signed *Gary S. Miller*
Professional Land Surveyor No. L-2562



REZONING MAP FOR
GREEN ESTATES, LLC

BEING A PORTION OF
TAX PARCEL # 85960
GREENVILLE
ARTHUR TOWNSHIP
PITT COUNTY
NORTH CAROLINA
SCALE: 1" = 40'
JUNE 16, 2022

WO 22068 FB 390

GARY S. MILLER & ASSOCIATES, P.A.
LAND SURVEYORS
1803 South Charles Blvd.
Greenville, N.C. 27858
Phone (252)756-7878
Fax (252)756-0785
License # C-0225

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 22-15

Applicant: Green Estates

Property Information

Current Zoning: R6A (Residential [Medium Density Multi-Family])

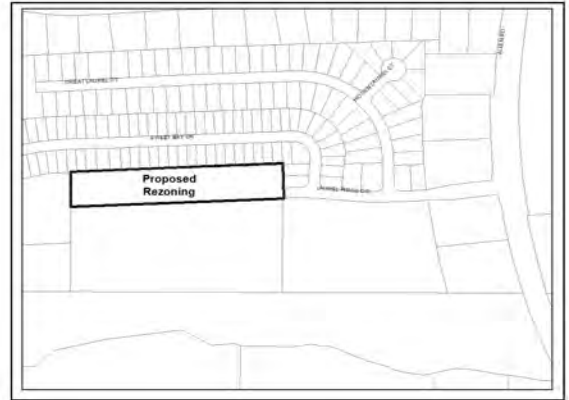
Proposed Zoning: R6 (Residential [High Density Multi-Family])

Current Acreage: 3.49 acres

Location: Allen Road, at Laurel Ridge Drive

Points of Access: Allen Road

Location Map



Transportation Background Information

1.) Allen Rd- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	3-lane, paved shoulders	4 lane divided with grass median
Right of way width (ft)	60	110
Speed Limit (mph)	50	
Current ADT:	18,400 (*)	
Design ADT:	15,750 vehicles/day (**)	41,800 vehicles/day (**)
Controlled Access	No	
Thoroughfare Plan Status	Major Thoroughfare	

Other Information: There are no sidewalks along Allen 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: U-5875 - Widen approximately 2.3 miles of Allen Road from two lanes to a four-lane, median-divided roadway from Stantonsburg Road to Dickinson Avenue Extension (U.S. 13) in Greenville.

Trips generated by proposed use/change

Current Zoning: 148 -vehicle trips/day (*) **Proposed Zoning: 236** -vehicle trips/day (*)

Estimated Net Change: increase of 88 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 Allen Rd are as follows:

1.) Allen Rd , North of Site (50%): **“No build” ADT of 18,400**

Estimated ADT with Proposed Zoning (full build) – 18,518
 Estimated ADT with Current Zoning (full build) – 18,474
Net ADT change = 44 (<1% increase)

2.) Allen Rd , South of Site (50%): "No build" ADT of 18,400

Estimated ADT with Proposed Zoning (full build) – 18,518

Estimated ADT with Current Zoning (full build) – 18,474

Net ADT change = 44 (<1% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 236 trips to and from the site on Allen Rd, which is a net increase of 88 additional trips per day (over current zoning).

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

EXISTING ZONING	
R6A (RESIDENTIAL) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	c. On-premise signs per Article N
(2) Residential	
	a. Single-family dwelling
	b. Two-family attached dwelling (duplex)
	b(1). Master Plan Community per Article J
	c. Multi-family development per Article I
	f. Residential cluster development per Article M
	k. Family care homes (see also 9-4-103)
	q. Room renting
(3) Home Occupations - None	
(4) Governmental	
	b. City of Greenville municipal government building or use (see also section 9-4-103)
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	l. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	g. Private noncommercial park or recreational facility
(7) Office/Financial/Medical - None	
(8) Services	
	o. Church or place of worship (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
	c. Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
R6A (RESIDENTIAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
	d. Land use intensity multi-family (LUI) development rating 50 per Article K
	e. Land use intensity multi-family (LUI) development rating 67 per Article K
	l. Group care facility
	n. Retirement center or home
	o(1). Nursing, convalescent or maternity home; minor care facility
	p. Board or rooming house
	r. Fraternity or sorority house
(3) Home Occupations	

	a.	Home occupation; not otherwise listed
	b.	Home occupation; barber and beauty shop
	c.	Home occupation; manicure, pedicure or facial salon
(4) Governmental		
	a.	Public utility building or use
(5) Agricultural/Mining - None		
		* None
(6) Recreational/Entertainment		
	a.	Golf course; 18-hole regulation length (see also section 9-4-103)
	a(1).	Golf course; 9-hole regulation length (see also section 9-4-103)
	c(1).	Tennis club; indoor and outdoor facilities
(7) Office/Financial/Medical		
(8) Services		
	a.	Child day care facilities
	b.	Adult day care facilities
	d.	Cemetery
	g.	School; junior and senior high (see also section 9-4-103)
	h.	School; elementary (see also section 9-4-103)
	i.	School; nursery and kindergarten (see also section 9-4-103)
	m.	Multi-purpose center
	t.	Guest house for a college or other institution of higher learning
(9) Repair - None		
(10) Retail Trade - None		
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None		
(12) Construction - None		
(13) Transportation - None		
(14) Manufacturing/Warehousing - None		
(15) Other Activities (not otherwise listed - all categories) - None		
PROPOSED ZONING		
R6 (RESIDENTIAL) - PERMITTED USES		
(1) General		
	a.	Accessory use or building
	c.	On-premise signs per Article N
(2) Residential		
	a.	Single-family dwelling
	b.	Two-family attached dwelling (duplex)
	b(1).	Master Plan Community per Article J
	c.	Multi-family development per Article I
	f.	Residential cluster development per Article M
	k.	Family care homes (see also 9-4-103)
	q.	Room renting
(3) Home Occupations - None		
(4) Governmental		
	b.	City of Greenville municipal government building or use (see also section 9-4-103)
(5) Agricultural/Mining		
	a.	Farming; agricultural, horticulture, forestry (see also section 9-4-103)

	i. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	g. Private noncommercial park or recreational facility
(7) Office/Financial/Medical - None	
(8) Services	
	o. Church or place of worship (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
	c. Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
R6 (RESIDENTIAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
	d. Land use intensity multi-family (LUI) development rating 50 per Article K
	e. Land use intensity multi-family (LUI) development rating 67 per Article K
	l. Group care facility
	n. Retirement center or home
	o(1). Nursing, convalescent or maternity home; minor care facility
	p. Board or rooming house
	r. Fraternity or sorority house
(3) Home Occupations	
	a. Home occupation; not otherwise listed
	b. Home occupation; barber and beauty shop
	c. Home occupation; manicure, pedicure or facial salon
(4) Governmental	
	a. Public utility building or use
(5) Agricultural/Mining - None	
(6) Recreational/Entertainment	
	a. Golf course; 18-hole regulation length (see also section 9-4-103)
	a(1). Golf course; 9-hole regulation length (see also section 9-4-103)
	c(1). Tennis club; indoor and outdoor facilities
(7) Office/Financial/Medical - None	
(8) Services	
	a. Child day care facilities
	b. Adult day care facilities
	d. Cemetery
	g. School; junior and senior high (see also section 9-4-103)
	h. School; elementary (see also section 9-4-103)
	i. School; nursery and kindergarten (see also section 9-4-103)

m.	Multi-purpose center
t.	Guest house for a college or other institution of higher learning
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	

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: 08/18/2022

Title of Item: Ordinance requested by Kotarides Development to rezone a total of 18.849 acres located east and west of South Square Drive and 630+/- feet north of Whitley Drive from CG (General Commercial) to R6 (Residential [High Density Multi-family])

Explanation: **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on June 7, 2022.

On-site sign(s) posted on June 7, 2022.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on August 2, 2022.

Public hearing legal advertisement published on August 6, 2022 and August 13, 2022.

Comprehensive Plan:

The Future Land Use and Character Map recommends mixed use, high intensity (MUHI) at the northeastern corner of the intersection South Memorial Drive and West Fire Tower Road transitioning to mixed use (MU) along South Square Drive then residential, low-medium density to the north.

Mixed Use, High Intensity

Large-scale activity centers that contain places to live, work, and shop integrated in a walkable pattern. Multi-story mixed use buildings are located close together and near the street. Large floorplate buildings may support uses that serve the broader community and region.

Intent:

- Vertical mixed use buildings (residential or office above commercial) as well as multi-story single-use buildings that are integrated in a walkable street pattern
- Accommodate parking on-street, behind or to one side of buildings, or in

parking structures; limit curb cuts that break main pedestrian ways; wrap parking structures with other uses or decorative elements; light parking well for safety

- Provide pedestrian and vehicular connection to surrounding development

Primary uses:

Office

Commercial

Multi-family residential

Secondary uses:

Institutional/civic

Mixed Use

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

Intent:

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

Primary uses:

Office

Commercial

Multi-family residential

Secondary uses:

Institutional/civic

Residential, Low-Medium Density

Residential, low to medium density areas are primarily single-family developments arranged along wide, curvilinear streets with few intersections. Building and lot size range in size and density but tend to be highly consistent within a development with limited connectivity between different residential types and non-residential uses.

Intent:

- Provide better pedestrian and vehicular connectivity between residential developments
- Improve streetscape features such as consistent sidewalks, lighting, and street trees

Primary uses:

Single-family detached residential

Secondary uses:

Two-family residential

Institutional/civic (neighborhood scale)

Thoroughfare/Traffic Report Summary (Engineering Department):

Based on the analysis comparing the existing zoning (6,362 daily trips) and requested rezoning, the proposed rezoning could generate approximately 1,550 trips to and from the site on Whitley Drive, which is a net decrease of 4,812 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:

By 1972, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) extension and zoned RA20. In 2002, it was rezoned to its current zoning as part of a large-scale rezoning.

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 is located in the Fork Swamp Watershed. If stormwater rules apply, it would require 25-year detention and nitrogen reduction.

No portion of the property is located in the Special Flood Hazard Area. Jurisdictional wetlands, streams and riparian buffers may exist on the property.

Surrounding Land Uses and Zoning:

North: R6A - South Square Duplexes
South: CG - Vacant (under common ownership of the subject property)
East: RA20 - Reimage Church
West: CH - U-Haul

Density Estimates:

Under the current zoning, the site could accommodate 155,000+/- square feet of commercial space consisting of retail - 70,000 square feet, sit down restaurant - 15,000 square feet, office - 20,000 square feet, car repair – 10,000 square feet, and mini-storage - 40,000 square feet.

Under the proposed zoning, the site could accommodate 220-230 multi-family units (1, 2 and 3 bedroom units).

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

Fiscal Note: No cost to the City.

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

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 to unanimously approve the request at its June 21, 2022 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_-_Kotarides.pdf](#)
-  [Min_Excerpt_June_21_2022-_Kotarides_RZ.pdf](#)
-  [Kotaridesapomap.pdf](#)
-  [Kotarides Dev Survey.pdf](#)
-  [Kotarides List_of_uses.pdf](#)
-  [Density and Veg Charts.pdf](#)

LOCATION: Located along the western right-of-way of South Square Drive and 630+/- feet north of Whitley Drive.

DESCRIPTION: Beginning at a point on the curved western right-of-way of South Square Drive. Said point being the southeasternmost corner of Lot 1A, South Pointe Section 1 as shown in MB 69, PG 154 of the Pitt County Register of Deeds. From the above described beginning, so located, running thence as follows:

With the curved western right-of-way of South Square Drive an arc distance of 65.98', said curve being to the right having a radius of 940.00' and a chord bearing S 02°44'42" W 65.96' to the point of tangency, thence with the western right-of-way of South Square Drive S 04°45'21" W 616.00', thence leaving said right-of-way, N 76°22'15" W 364.03', thence N 01°54'55" W 88.00', thence N 12°47'42" W 524.33', thence N 00°53'12" E 60.88' to the southwesternmost corner of Lot 16A, South Pointe, Section 1 as shown in MB 65, PG 133 of the Pitt County Register of Deeds, thence S 82°50'02" E 530.27' to the point of beginning containing 6.717 acres and being a portion of the property described in DB 2705, PG 470 of the Pitt County Register of Deeds.

Section 2. That the following described territory is rezoned from CG (General Commercial) to R6 (Residential).

TO WIT: CHAMM, LLC et al (Tract 2)

LOCATION: Located along the eastern right-of-way of South Square Drive and 1,600+/- feet north of West Fire Tower Road.

DESCRIPTION: Beginning at a point on the curved eastern right-of-way of South Square Drive. Said point being, the southwesternmost corner of Lot 598, South Pointe, Section 1 as shown in Map Book 65 Page 130 of the Pitt County Register of Deeds. From the above described beginning, so located, running thence as follows:

Leaving the eastern right-of-way of South Square Drive S 82°50'02" E 357.70', thence S 85°56'42" E 362.04', thence S 15°14'32" E 235.14, thence S 07°15'43" E 200.10' thence S 04°20'21" W 137.23", thence S 88°48'30" W 210.34', thence S 63°02'12" W 237.19', thence S 68°15'49" W 35.01', thence S 81°01'49" W 44.26', thence S 17°42'12" W 7.00' thence N 76°22'15" W 357.87' to the eastern right-of-way of South Square Drive, thence with the eastern right-of-way of South Square Drive, N 04°45'21" E 625.37' to the point of curvature, thence with the curved eastern right-of-way of South Square Drive an arc distance of 63.43', said curve being to the left having a radius of 1,000.00' and a chord bearing N 02°56'20" E 63.42' to the point of beginning containing 12.132 acres and a portion of the property in Deed Book 2705, Page 470 of the Pitt County Register of Deeds.

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.

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

ADOPTED this 18th day of August, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1167159

Excerpt from the draft Planning & Zoning Commission Minutes (06/21/22)

REQUEST BY KOTARIDES DEVELOPMENT TO REZONE A TOTAL OF 18.849 ACRES LOCATED EAST AND WEST OF SOUTH SQUARE DRIVE AND 630+/- FEET NORTH OF WHITLEY DRIVE FROM CG (GENERAL COMMERCIAL) TO R6 (RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]).

*THIS PROPERTY IS INCLUDED IN THE FIRE TOWER COMMERCIAL PARK, PHASE 3 PRELIMINARY PLAT THAT IS BEING CONSIDERED BY THE COMMISSION ON THIS AGENDA.

Chantae Gooby presented for staff. The request consists of two tracts totaling 18.849 acres. The property is located in the Fork Swamp watershed. If stormwater rules apply, it will require 25-year detention. There is no special hazard area but wetlands, streams and buffers may exist. The corner of Fire Tower Road and Memorial Drive is a Community Activity Center which is where goods and services are provided for about a 3-mile radius. There is a decrease in traffic between the current zoning and the requested zoning at full build-out so a traffic volume report was not generated. The property is currently zoned CG (General Commercial) and could yield about 155,000 square feet of commercial space. Under the requested zoning, the two tracts together could yield about 225 multi-family units. The Future Land Use Plan recommends MUHI (Mixed Use High Intensity) at the corner of Memorial Drive and Fire Tower Road, transitions into MU (Mixed Use) and eventually transitions into residential. This property is in the MU (Mixed Use) which is described as a place to work, live and shop. In staff's opinion, the request is in compliance with the Horizons 2026: Greenville's Community Plan and the Future Land Use Plan. Therefore, staff recommends approval of the request.

Chairman Faison opened the public hearing.

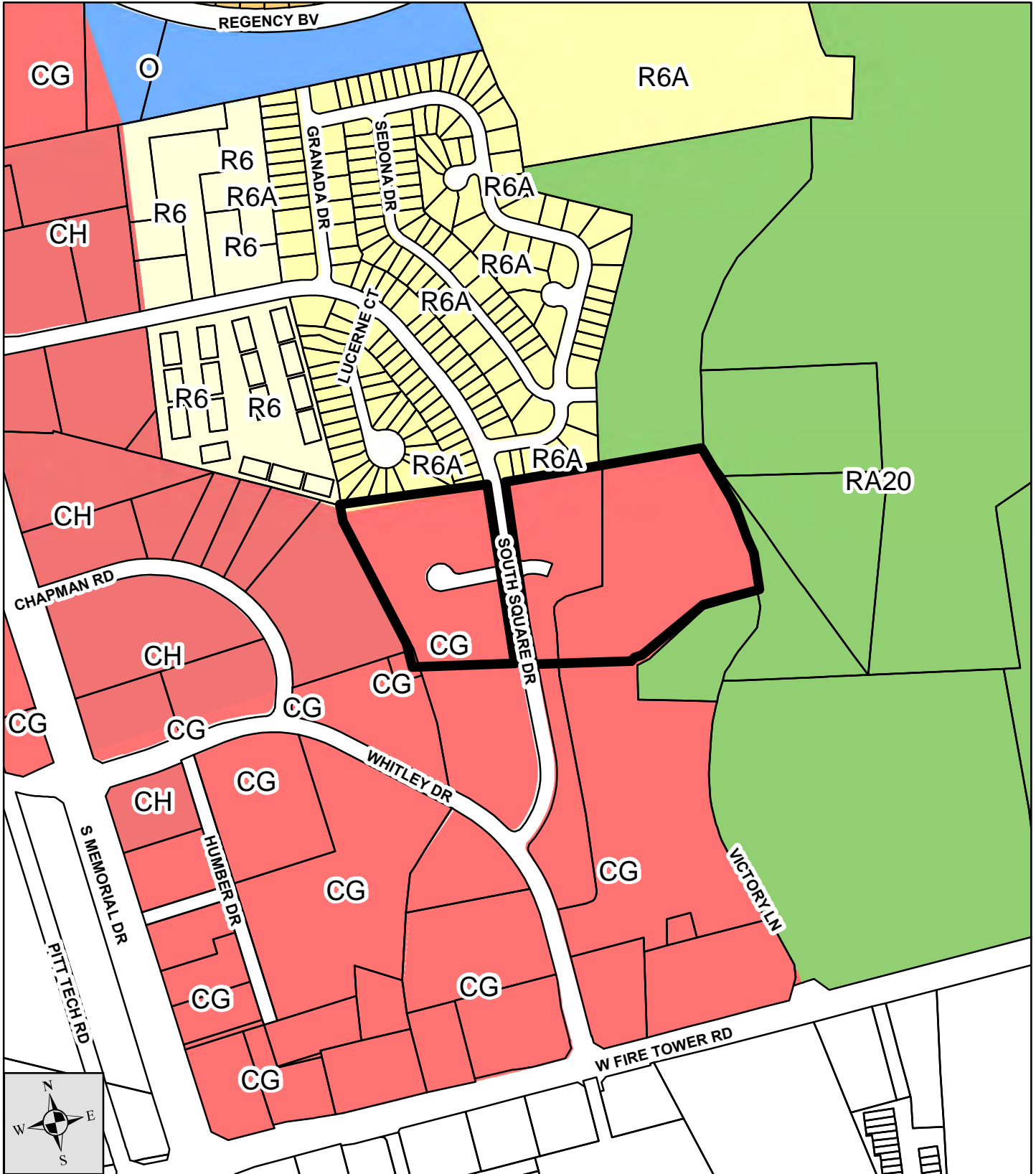
Mike Baldwin spoke in favor. The request is in compliance with the Future Land Use Plan and provides transitional zoning. There has been a wetlands evaluation and there are no wetlands on the site.

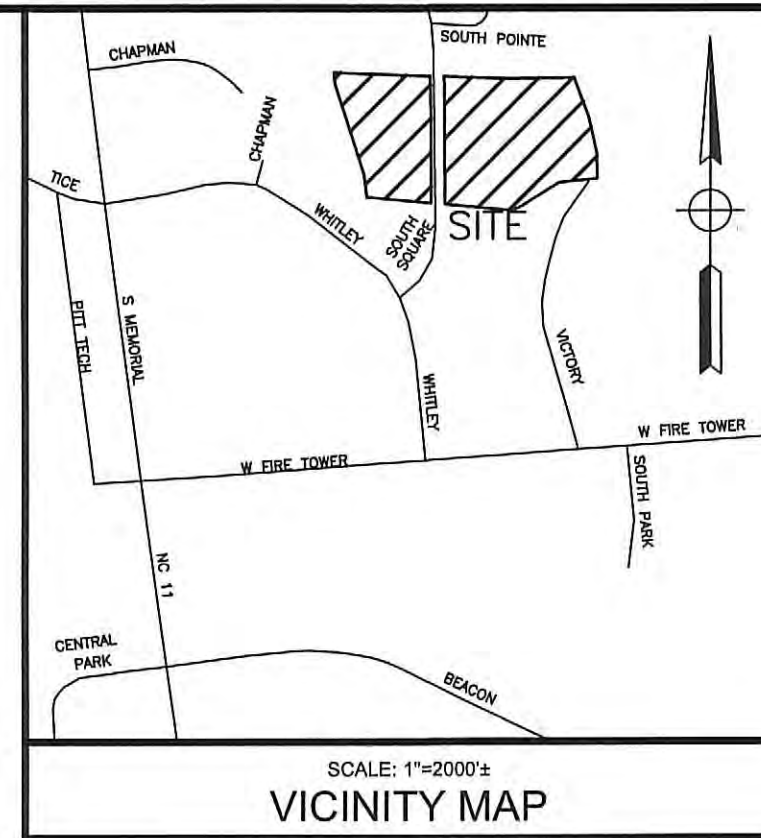
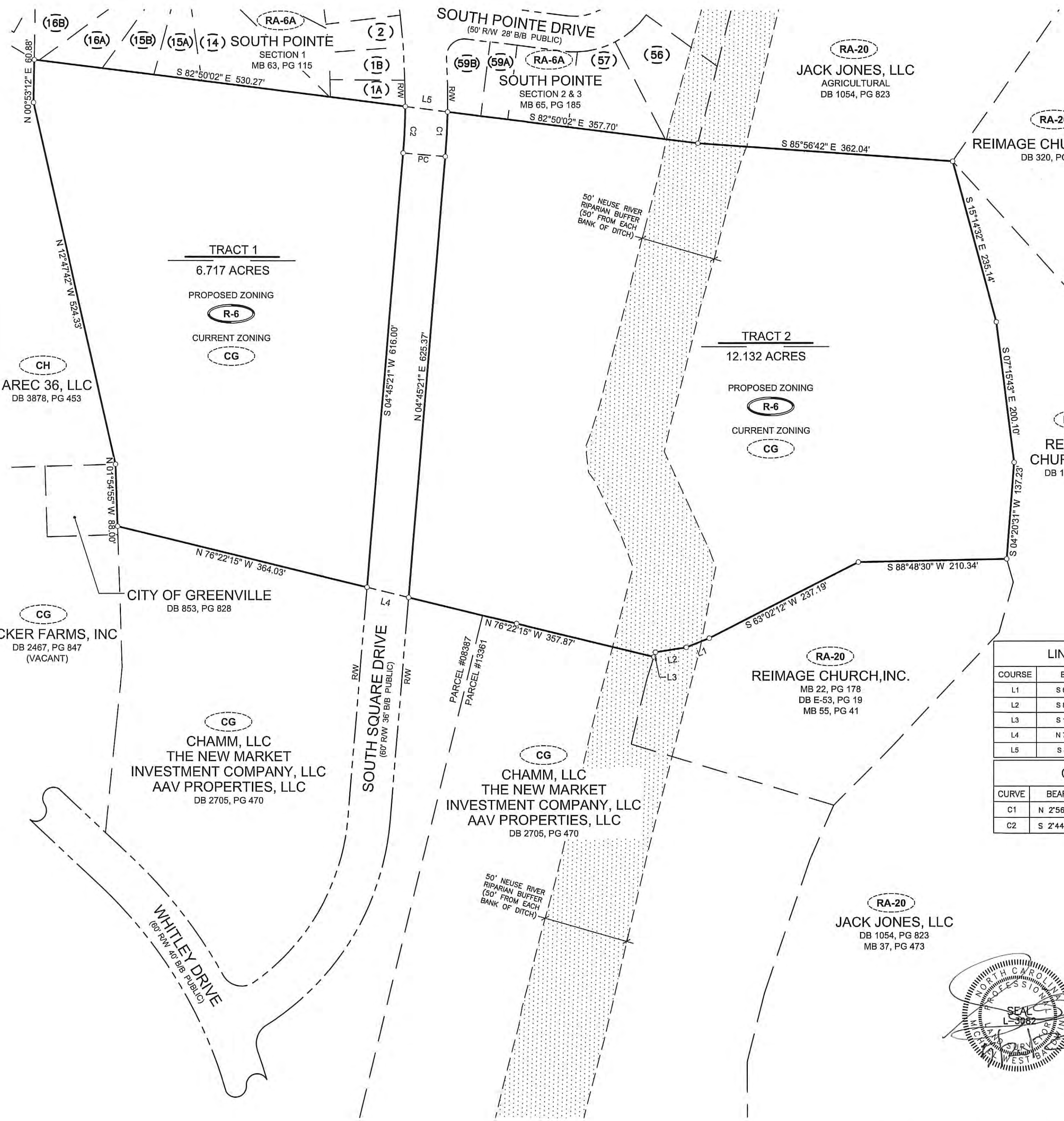
No one spoke in opposition.

Chairman Faison closed the public hearing.

Motion made by Mr. Thomas, seconded by Mr. Parker, 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.

Kotarides Developers
From: CG
To: R6
18.849 acres
June 6, 2022





OWNER: CHAMM, LLC
ADDRESS: 1698 E. ARLINGTON BOULEVARD
 GREENVILLE, NC 27858
PHONE: (252) 714-0793

OWNER: THE NEW MARKET INVESTMENT GROUP, LLC
ADDRESS: 1609 E. 5TH STREET
 GREENVILLE, NC 27858
PHONE: (252) 714-0793

OWNER: AAV PROPERTIES, LLC
ADDRESS: 111 OXFORD ROAD
 GREENVILLE, NC 27858
PHONE: (252) 714-0793

GENERAL NOTES

- ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
- REFERENCE: DEED BOOK 2705, PAGE 470 OF THE PITT COUNTY REGISTER OF DEEDS.

LINE TABLE

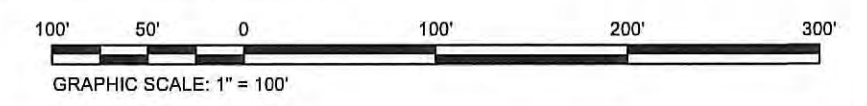
COURSE	BEARING	DISTANCE
L1	S 68°15'49" W	35.01'
L2	S 81°01'49" W	44.26'
L3	S 17°42'12" W	7.00'
L4	N 76°22'15" W	60.73'
L5	S 82°50'02" E	60.50'

CURVE TABLE

CURVE	BEARING	CHORD	RADIUS	LENGTH
C1	N 2°56'20" E	63.42'	1000.00'	63.43'
C2	S 2°44'42" W	65.96'	940.00'	65.98'

LEGEND

R/W = RIGHT-OF-WAY
 B/B = BACK OF CURB TO BACK OF CURB
 EIP = EXISTING IRON PIPE
 SIP = SET IRON PIPE
 ECM = EXISTING CONCRETE MONUMENT
 EPKN = EXISTING PARKER KALON NAIL
 SPKN = SET PARKER KALON NAIL
 R = RADIUS
 CH = CHORD
 C/L = CENTERLINE
 PC = POINT OF CURVATURE
 = NOT TO SCALE



SHEET 1 OF 1
 REZONING MAP

TAX PARCEL #13361
 TAX PARCEL #08387

KOTARIDES DEVELOPERS, LLC

REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED
 IN DEED BOOK 2705, PAGE 470 OF THE PITT COUNTY REGISTER
 OF DEEDS

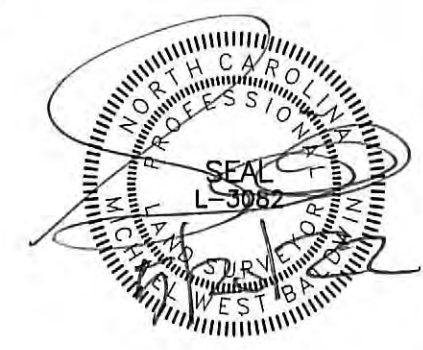
GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

OWNER: SEE LIST
ADDRESS:
PHONE:

 Baldwin Design Consultants, PA LICENSE # C-3498 ENGINEERING - SURVEYING - PLANNING 1700-D EAST ARLINGTON BOULEVARD GREENVILLE, NC 27858 252.756.1390	SURVEYED: MWB	APPROVED: MWB/IP
	DRAWN: CEL	DATE: 05/20/2022
	CHECKED: MWB	SCALE: 1" = 100'

CLOSURE CHECK BOUNDARY

CHECKED: WRH	DATE: 12/07/2021
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CURRENT 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
PROPOSED ZONING	
R6 (RESIDENTIAL) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	c. On-premise signs per Article N
(2) Residential	
	a. Single-family dwelling
	b. Two-family attached dwelling (duplex)
	b(1). Master Plan Community per Article J
	c. Multi-family development per Article I
	f. Residential cluster development per Article M
	k. Family care homes (see also 9-4-103)
	q. Room renting
(3) Home Occupations - None	
(4) Governmental	
	b. City of Greenville municipal government building or use (see also section 9-4-103)
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	l. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	g. Private noncommercial park or recreational facility
(7) Office/Financial/Medical - None	
(8) Services	
	o. Church or place of worship (see also section 9-4-103)
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction	
	c. Construction office; temporary, including modular office (see also section 9-4-103)
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
R6 (RESIDENTIAL) - SPECIAL USES	

(1) General - None	
(2) Residential	
d.	Land use intensity multi-family (LUI) development rating 50 per Article K
e.	Land use intensity multi-family (LUI) development rating 67 per Article K
l.	Group care facility
n.	Retirement center or home
o(1).	Nursing, convalescent or maternity home; minor care facility
p.	Board or rooming house
r.	Fraternity or sorority house
(3) Home Occupations	
a.	Home occupation; not otherwise listed
b.	Home occupation; barber and beauty shop
c.	Home occupation; manicure, pedicure or facial salon
(4) Governmental	
a.	Public utility building or use
(5) Agricultural/Mining - None	
(6) Recreational/Entertainment	
a.	Golf course; 18-hole regulation length (see also section 9-4-103)
a(1).	Golf course; 9-hole regulation length (see also section 9-4-103)
c(1).	Tennis club; indoor and outdoor facilities
(7) Office/Financial/Medical - None	
(8) Services	
a.	Child day care facilities
b.	Adult day care facilities
d.	Cemetery
g.	School; junior and senior high (see also section 9-4-103)
h.	School; elementary (see also section 9-4-103)
i.	School; nursery and kindergarten (see also section 9-4-103)
m.	Multi-purpose center
t.	Guest house for a college or other institution of higher learning
(9) Repair - None	
(10) Retail Trade - None	
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	

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: 08/18/2022

Title of Item: Ordinance requested by Liberty Investment Partners, LLC to rezone 41.67 acres located between Stantonsburg Road (Hwy 264) and MacGregor Downs Road and west of B's BBQ Road from CG (General Commercial) 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 July 2, 2022.

On-site sign(s) posted on July 2, 2022.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on August 2, 2022.

Public hearing legal advertisement published on August 6, 2022 and August 13, 2022.

Comprehensive Plan:

The Future Land Use and Character Map recommends commercial (C) at the northwestern corner of the intersection Stantonsburg Road and B' BBQ Road transitioning to high density, residential (HDR) in the interior. Further potential conservation/open space (PCOS) is recommended

Commercial

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

Intent:

- Provide connectivity to nearby uses (paths, streets)
- Locate new buildings near street on at least one side and accommodate parking to the side or rear of buildings

- Improve/provide public realm features such as signs, sidewalks, landscaping
- Reduce access-points into development for pedestrian and vehicular safety
- Reduce and consolidate surface parking

Primary uses:

Commercial (small and large format)

Office

Secondary uses:

Institutional/civic

Residential, High Density

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

Intent:

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

Primary uses:

Multi-family residential

Two-family residential

Attached residential (townhomes)

Secondary uses:

Office

Single-family residential detached (small lot)

Institutional/civic (churches and schools)

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 (19,105 daily trips) and requested rezoning, the proposed rezoning could generate approximately 2,865 trips to and from the site on B's Barbeque Road, which is a net decrease of 16,240 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 2001, the property was part of a large-scale extra-territorial jurisdiction (ETJ) extension and zoned to its current zoning.

Existing Land Uses:

Woodland

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 Schoolhouse Branch Watershed (Tar River Basin) or possibly Greens Mill Run Watershed (Tar River Basin. In the Schoolhouse Branch Watershed, If stormwater rules apply, it would require 10-year detention, nitrogen and phosphorus reduction. In the Greens Mill Run 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. There may be jurisdictional wetlands, but there are no jurisdictional streams and riparian buffers.

Surrounding Land Uses and Zoning:

North: MRS - Seven (7) single-family residences and GUC Utility substation
South: CG - Trade Mart and Wal-Mart Neighborhood Market; OR - Park West duplexes
East: CG and MR - Farmland, two (2) single-family residences, and woodland (under common ownership of applicant)
West: MRS - Seven (7) single-family residences; woodlands and CG - GUC Utility substation

Density Estimates:

Under the current categories, the site could accommodate one (1) hotel (120 rooms), one (1) freestanding convenience store – 6,000 sq. ft. and 228,000+/- sq. ft. of commercial space consisting: retail - 65,000 sq. ft., sit down restaurant - 30,000 sq. ft., fast food [no drive-thru] – 13,000 sq. ft., office - 20,000 sq. ft., and mini-storage - 100,000 sq. ft.

Under the proposed category, the site could accommodate 400-425 multi-family units (1, 2 and 3 bedroom units).

The anticipated build-out is 3-5 years.

Fiscal Note: No cost to the City.

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

Therefore, staff recommends approval.

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

The Planning and Zoning Commission voted to unanimously approve the request at its July 19, 2022 meeting.

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







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

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

Note: In addition to the other criteria, the Planning and Zoning Commission and

City Council shall consider the entire range of permitted and special uses for the existing and proposed districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

ATTACHMENTS

-  [Ordinance_Liberty_Investment_rezoning.pdf](#)
-  [P&Z_Excerpt_July_19_2022-_Liberty_RZ.pdf](#)
-  [Liberty apo map.pdf](#)
-  [Liberty Survey.pdf](#)
-  [CG to MR.pdf](#)
-  [Density and Veg Charts.pdf](#)

LOCATION: Located between Stantonsburg Road (Hwy 264) and MacGregor Downs Road and west of B's BBQ Road.

DESCRIPTION: All that certain tract or parcel of land lying and being situated in Arthur Township, Pitt County, North Carolina, bounded on the north by MacGregor Downs Road (N.C. Secondary Road 1202), Ann Elizabeth Peralta, Bent Creek Farms, LLC, on the east by B's Barbeque Road (N.C. Secondary Road 1204) and Anne H. Karangelen, William F. Harrington Jr., et al, on the south by Stantonsburg Road (U.S. Highway 264) A.K.A. John P. East Memorial Highway on the west by the properties of Clarence Lee Jordan and Gay B. Howard Heirs, Leonard B. Fleming III and wife June H. Fleming, Alice F. Keene, Trustee of the Brewer Honorary Trust, George G. Wus and wife Virginia A. Wus, Antionette Moore and Wayne Jefferson, Deborah A. Dufresne, Paul Setliff and wife Katie Setliff, Teresa Manning Butts, et al and the City of Greenville property, being a portion of Pitt County Tax Parcels 10085 and 18275 containing 41.67 acres more or less and being described by metes and bounds as follows:

BEGINNING at a point where the northern right of way line of Stantonsburg Road (U.S. Highway 264) A.K.A. John P. East Memorial Highway intersects with the western right of way line of B's Barbeque Road (N.C. Secondary Road 1204), thence with the northern right of way line of Stantonsburg Road as heretofore mentioned along a curve in counter clockwise direction, said curve having a radius of 7799.44 feet a chord bearing of N 85° 53' 42" W and a chord distance of 15.29 feet to a point on said curve, thence continuing with said curve and right of way in a counter clockwise direction, said curve having a radius of 7799.44 feet, a chord bearing of N 88°36'11" W and a chord distance of 586.64 feet to a point in said right of way the TRUE POINT OF BEGINNING, thence from the TRUE POINT OF BEGINNING and continuing with northern right of way line of Stantonsburg Road along a curve in a counter clockwise direction, said curve having a radius of 7799.44 feet, a chord bearing of S 88°37'31" W, and a chord distance of 167.84 feet to a point of tangent, thence continuing with said right of way S 87°27'51" W 202.00 feet, thence S 87°20'03" W 576.70 feet to a point of curve, thence continuing with said right of way along a curve at the off ramp from Stantonsburg Road (U.S. Highway 264), toward the north bound lane of Martin Luther King Jr. Highway in a clockwise direction, said curve having a radius of 864.93 feet, a chord bearing of N 70°16'21" W and a chord distance 418.88 feet to a point of compound curve in said right of way, thence continuing with said right of way along a curve in a clockwise direction, said curve having a radius of 1055.92 feet, a chord bearing of N 53°46'08" W and a chord distance of 91.76 feet to a point in said right of way, said point being a corner with the Clarence Lee Jordan and Gay B. Howard Heirs property, thence leaving Stantonsburg Road (U.S. Highway 264), along the rear property line of Clarence Lee Jordan and Gay B. Howard Heirs (Parcel 33809), Leonard B. Fleming III and wife June H. Fleming (Parcel 32706), Alice F. Keene, Trustee of The Brewer Honorary Trust property (Parcel 32706), George G. Wus and wife Virginia A. Wus (Parcel 42218), Antionette Moore and Wayne Jefferson (Parcel 39891), Deborah A. Dufresne (Parcel 32708), and Paul Setliff and wife Katie Setliff (Parcel 32707), N 54°33'28" E 998.64 feet to a point, said point being a corner with the City of Greenville property recorded in Deed Book 3294, page 699 and shown on a map recorded in Map Book 78, page 120, thence with the City of Greenville property N 88°40'23" E 215.21 feet to a point, a corner, thence continuing with the City of Greenville property and the Teresa Manning Butts, et al property recorded in Deed Book F-42,

page 714, N 01°19'37" W 450.73 feet to a point in the southern right of way line of MacGregor Downs Road (N.C. Secondary Road 1202), thence with the southern right of way line of MacGregor Downs Road (N.C. Secondary Road 1202) N 89°23'23" E 243.79 feet, thence N 89°36'16" E 648.49 feet, thence N 89°50'56" E 99.66 feet, thence N 89°58'12" E 60.33 feet to a point in said right of way, the northwest corner of the Ann Elizabeth Peralta, recorded in Deed Book 3461, page 178, thence leaving MacGregor Downs Road and with the Peralta property S 04°23'01" W 142.43 feet to a point, a corner, thence with the Ann Elizabeth Peralta property and the Bent Creek Farms, LLC, property recorded in Deed Book 3192, page 175, S 86°56'49" E 300.00 feet to a point, a corner with the Bent Creek Farms, LLC, property, thence with the Bent Creek Farms, LLC, property N 23°09'08" E 158.61 feet to a point in the southern right of way line of MacGregor Downs Road (N.C. Secondary Road 1202), thence with the southern right of way line of MacGregor Downs Road S 86°20'40" E 246.80 feet to a point where the southern right of way line of MacGregor Downs Road (N.C. Secondary Road 1202) intersects with the western right of way line of B's Barbeque Road (N.C. Secondary Road 1204), thence with the western right of way line of B's Barbeque Road (N.C. Secondary Road 1204) S 30°28'14" E 73.85 feet, thence S 25°22'43" W 160.12 feet to a point of curve, thence continuing with said right of way along a curve in a clockwise direction, said curve having a radius of 1411.97 feet, a chord bearing of S 31°24'15" W and a chord distance of 296.44 feet to a point of tangent thence continuing with said right of way S 37°25'48" W 277.80 feet to a point in said right of way a new corner, thence leaving the western right of way line of B's Barbeque Road (N.C. Secondary Road 1204) with a new line as follows: N 53°27'13" W 387.32 feet, S 38°08'49" W 292.52 feet to a point of curve, thence along a curve in a clockwise direction, said curve having a radius of 190.00 feet, a chord bearing of S 54°38'25" W, and a chord distance of 107.88 feet to a point of tangent, thence S 71°08'02" W 177.44 feet to a point of curve, thence with a curve in a counter clockwise direction, said curve having a radius of 210.00 feet, a chord bearing of S 57°39'41" W, and a chord distance of 97.85 feet to a point of tangent, thence S 44°11'21" W 142.50 feet to a point of curve, thence with a curve in a clockwise direction, said curve having a radius of 190.00 feet a chord bearing of S 56°14'45" W, and a chord distance of 79.37 feet to a point on said curve, thence S 01°19'37" E 171.10 feet to the TRUE POINT OF BEGINNING containing 41.67 acres more or less and being part of the Pitt County Tax Parcels 10085 and 18275 as shown on a map by Rivers and Associates, Inc. Drawing W-4004-RZ dated March 14, 2022 entitled Rezoning Map for the Harrington Family Tracts for Liberty Investment Partners, LLC which by reference is made a part hereof.

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 18th day of August, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1168051

Excerpt from the draft Planning & Zoning Commission Minutes (07/19/22)

REQUEST BY LIBERTY INVESTMENT PARTNERS, LLC TO REZONE 41.67 ACRES LOCATED BETWEEN STANTONSBURG ROAD (HWY 264) AND MACGREGOR DOWNS ROAD AND WEST OF B'S BBQ ROAD FROM CG (GENERAL COMMERCIAL) TO MR (MEDICAL RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]).

Chantae Gooby presented for staff. The property is located in the Schoolhouse Branch watershed and the Greens Mill Run watershed. For Schoolhouse Branch, if stormwater is required it will be 10-year detention. If water flows into the Greens Mill Run watershed, if stormwater is required it will be 25-year detention. None of the property is located in a special hazard area. There may be some wetlands but there are no streams or buffers. At full build-out under the current zoning and the proposed zoning, there will actually be a net decrease in traffic so a Traffic Volume Report was not generated. Under the current zoning, the property could yield a hotel, convenience store, restaurants, retail and mini-storage. Under the proposed zoning, it could yield about 400 multi-family units. The Future Land Use Plan recommends commercial at the corner of Stantonburg Road and B's BBQ Road. It transitions into high density residential and there is also some potential conservation area. The request is part of the High Density Residential character. In staff's opinion, the request is in compliance with the Horizons 2026: Greenville's Community Plan and the Future Land Use Plan. Therefore, staff recommends approval of the request.

Mr. Maxwell asked how much of the area is considered pocosin.

Ms. Gooby stated there are some wetlands on the property.

Chairman Faison opened the public hearing.

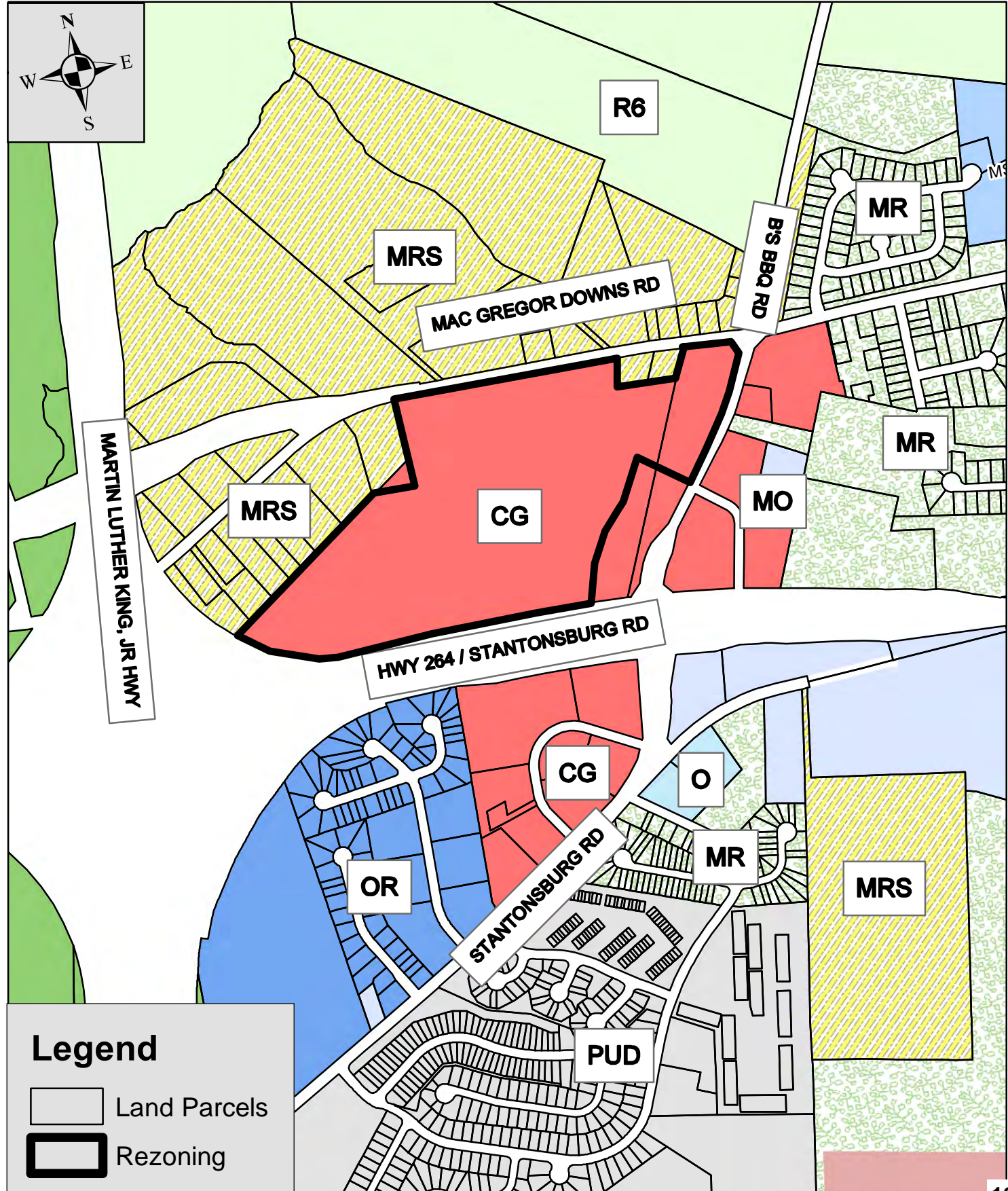
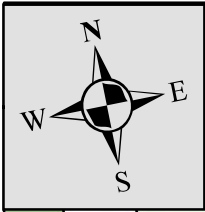
Jim Walker spoke in favor. There has been a lot of interest on the corner tract for commercial over the years but very little interest to the rear of the property. The MR zoning will give the owners more flexibility because it will give the ability for single-family clusters or multi-family. Every five years they have had the project re-delineated for wetlands and there are some linear ditches on the property. No wetlands have been found outside of the ditched areas.

No one spoke in opposition.

Chairman Faison closed the public hearing.

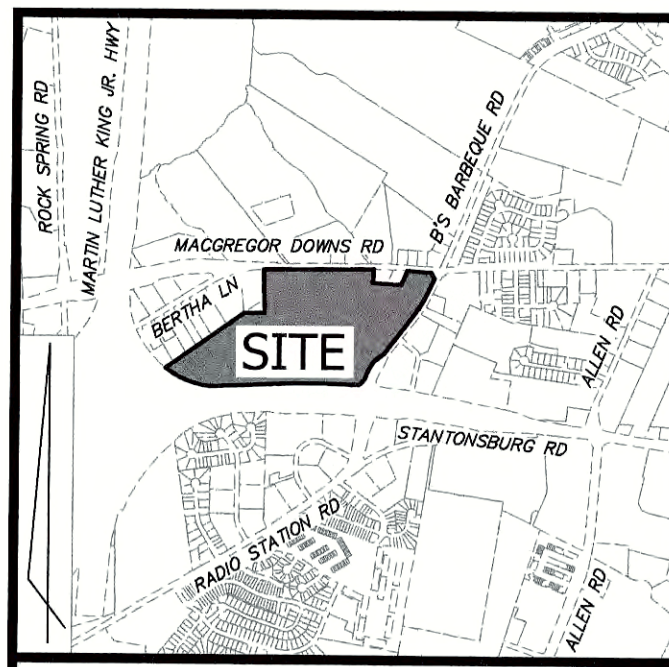
Motion made by Mr. West, seconded by Mr. Parker, to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

Liberty Investment Partners, LLC
From: CG To: MR
Acres: 41.67
July 5, 2022



Legend

- Land Parcels
- Rezoning



VICINITY MAP
SCALE: 1" = 2000'

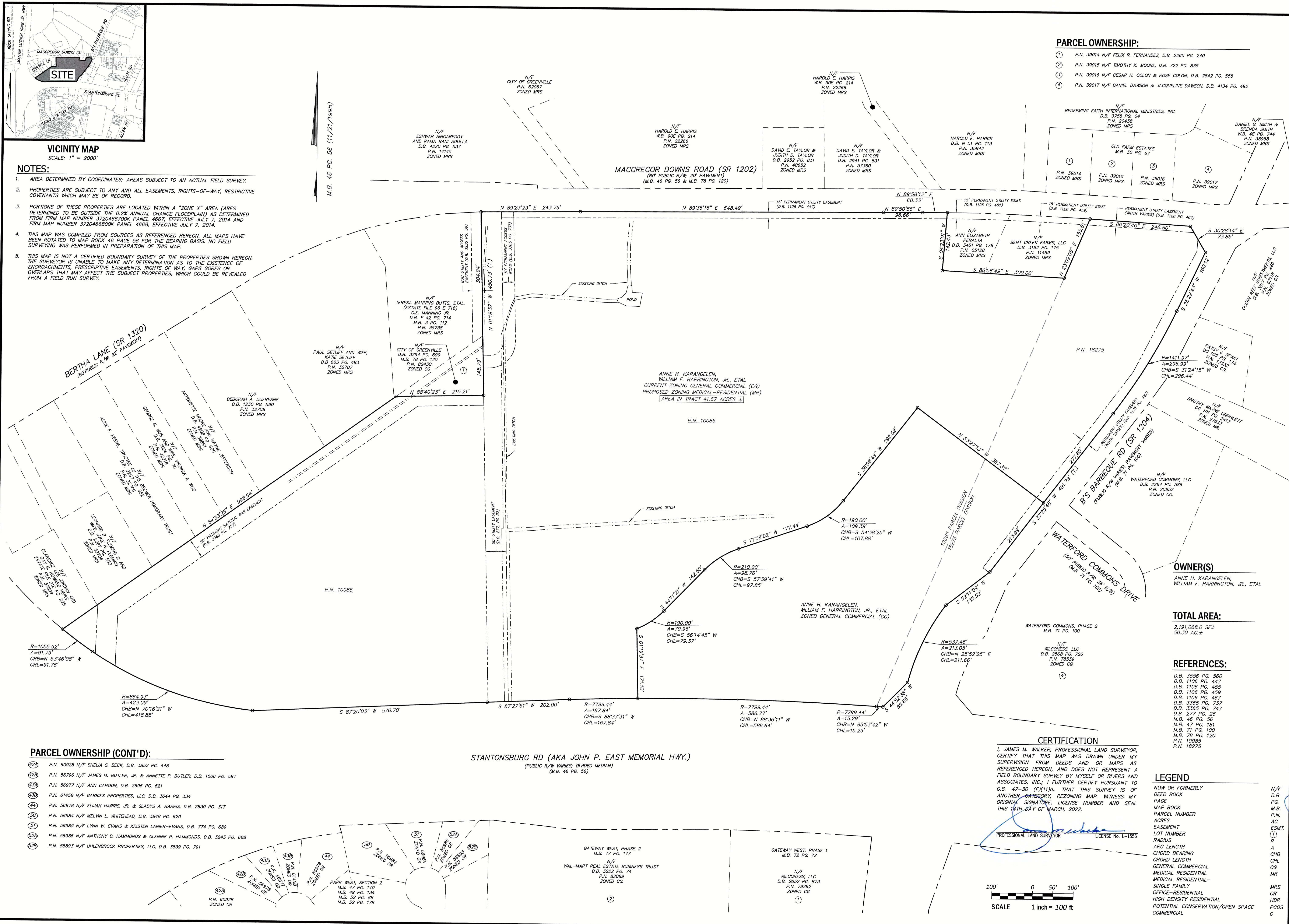
NOTES:

- 1. AREA DETERMINED BY COORDINATES; AREAS SUBJECT TO AN ACTUAL FIELD SURVEY.
2. PROPERTIES ARE SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS-OF-WAY, RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD.
3. PORTIONS OF THESE PROPERTIES ARE LOCATED WITHIN A "ZONE X" AREA (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DETERMINED FROM FIRM MAP NUMBER 3720466700K PANEL 4667, EFFECTIVE JULY 7, 2014 AND FROM MAP NUMBER 3720466800K PANEL 4668, EFFECTIVE JULY 7, 2014.
4. THIS MAP WAS COMPILED FROM SOURCES AS REFERENCED HEREON. ALL MAPS HAVE BEEN ROTATED TO MAP BOOK, 46 PAGE 56 FOR THE BEARING BASIS. NO FIELD SURVEYING WAS PERFORMED IN PREPARATION OF THIS MAP.
5. THIS MAP IS NOT A CERTIFIED BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON. THE SURVEYOR IS UNABLE TO MAKE ANY DETERMINATION AS TO THE EXISTENCE OF ENCROACHMENTS, PRESCRIPTIVE EASEMENTS, RIGHTS OF WAY, GAPS GORES OR OVERLAPS THAT MAY AFFECT THE SUBJECT PROPERTIES, WHICH COULD BE REVEALED FROM A FIELD RUN SURVEY.

M.B. 46 PG. 56 (11/21/1995)

PARCEL OWNERSHIP:

- 1. P.N. 39014 N/F FELIX R. FERNANDEZ, D.B. 2265 PG. 240
2. P.N. 39015 N/F TIMOTHY K. MOORE, D.B. 722 PG. 835
3. P.N. 39016 N/F CESAR H. COLON & ROSE COLON, D.B. 2842 PG. 555
4. P.N. 39017 N/F DANIEL DAWSON & JACQUELINE DAWSON, D.B. 4134 PG. 492



PARCEL OWNERSHIP (CONT'D):

- 428. P.N. 60928 N/F SHELIA S. BECK, D.B. 3852 PG. 448
429. P.N. 56796 N/F JAMES M. BUTLER, JR. & ANNETTE P. BUTLER, D.B. 1506 PG. 597
430. P.N. 56977 N/F ANN CAHOON, D.B. 2696 PG. 621
431. P.N. 61458 N/F GABBIES PROPERTIES, LLC, D.B. 3644 PG. 334
432. P.N. 56978 N/F ELIJAH HARRIS, JR. & GLADYS A. HARRIS, D.B. 2830 PG. 317
433. P.N. 56984 N/F MELVIN L. WHITEHEAD, D.B. 3848 PG. 620
434. P.N. 56985 N/F LYNN W. EVANS & KRISTEN LANER-EVANS, D.B. 774 PG. 689
435. P.N. 56986 N/F ANTHONY D. HAMMONDS & GLENNE P. HAMMONDS, D.B. 3243 PG. 688
436. P.N. 58893 N/F UHLENBROCK PROPERTIES, LLC, D.B. 3839 PG. 791

CERTIFICATION

I, JAMES M. WALKER, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM DEEDS AND OR MAPS AS REFERENCED HEREON, AND DOES NOT REPRESENT A FIELD BOUNDARY SURVEY BY MYSELF OR RIVERS AND ASSOCIATES, INC.; I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (F)(1)(a), THAT THIS SURVEY IS OF ANOTHER CATEGORY, REZONING MAP. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 14TH DAY OF MARCH, 2022.

PROFESSIONAL LAND SURVEYOR LICENSE No. L-1556



TOTAL AREA:

2,191,068.0 SF ±
50.30 AC. ±

REFERENCES:

- D.B. 3556 PG. 560
D.B. 1106 PG. 447
D.B. 1106 PG. 455
D.B. 1106 PG. 459
D.B. 1106 PG. 467
D.B. 3365 PG. 737
D.B. 3365 PG. 747
D.B. 277 PG. 26
M.B. 46 PG. 56
M.B. 47 PG. 181
M.B. 71 PG. 100
M.B. 78 PG. 120
P.N. 10085
P.N. 18275

LEGEND

- NOW OR FORMERLY DEED BOOK PAGE MAP BOOK PARCEL NUMBER ACRES EASEMENT LOT NUMBER RADIUS ARC LENGTH CHORD BEARING CHORD LENGTH GENERAL COMMERCIAL MEDICAL RESIDENTIAL MEDICAL RESIDENTIAL-SINGLE FAMILY OFFICE-RESIDENTIAL HIGH DENSITY RESIDENTIAL POTENTIAL CONSERVATION/OPEN SPACE COMMERCIAL

Table with columns for REVISIONS, DATE, and DESCRIPTION.

REZONING MAP OF THE HARRINGTON FAMILY TRACTS FOR LIBERTY INVESTMENT PARTNERS, LLC. NORTH CAROLINA ARTUR TOWNSHIP, PITT COUNTY.

Rivers & Associates, Inc. logo and contact information.

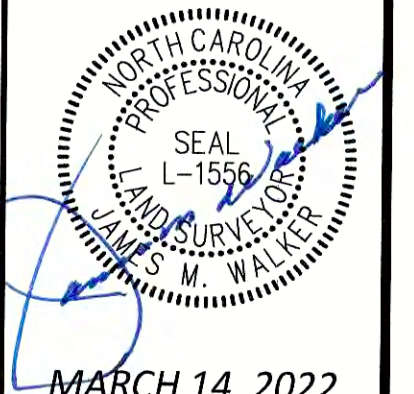


Table with columns for SURVEY N/A, DRAFT MS, DESIGN, CHECK, PROJECT No., DRAWING No., SCALE, SHEET No., and 1 OF 1.

CURRENT ZONING	
CG (GENERAL COMMERCIAL) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	b. Internal service facilities
	c. On-premise signs per Article N
	e. Temporary uses; of listed district uses
	f. Retail sales; incidental
	g. Incidental assembly of products sold at retail or wholesale as an accessory to principal uses
(2) Residential - None	
(3) Home Occupations - None	
(4) Governmental	
	b. City of Greenville municipal government building or use (see also section 9-4-103)
	c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
	d. Federal government building or use
	g. Liquor store, state ABC
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	l. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	h. Commercial recreation; indoor only, not otherwise listed
	j. Bowling alley
	m(1). Dining and entertainment establishment (see also section 9-4-103)
	n. Theater; movie or drama, indoor only
	q. Circus, carnival, or fair, temporary only (see also section 9-4-103)
	s. Athletic club; indoor only
(7) Office/Financial/Medical	
	a. Office; professional and business, not otherwise listed
	b. Operation/processing center
	d. Bank, savings and loans or other savings or investment institutions
	e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
	g. Catalogue processing center
(8) Services	
	c. Funeral home
	e. Barber or beauty salon
	f. Manicure, pedicure or facial salon
	k. Business or trade school
	o. Church or place of worship (see also section 9-4-103)
	q. Museum
	r. Art gallery

s.	Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
s(1).	Hotel, motel bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
u.	Art studio including art and supply sales
v.	Photography studio including photo and supply sales
y(1)	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers not exceeding 200 feet in height or cellular telephone and wireless communication towers not exceeding 200 feet in height (see also section 9-4-103)
y(4)	Distributed Antenna System (See also 9-4-103 (Q))
z.	Printing or publishing service including graphic art, maps, newspapers, magazines and books
aa.	Catering service including food preparation (see also restaurant; conventional and
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
	f.	Hardware store
(13) Transportation		
	c.	Taxi or limousine service
	h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing - None		
	c.	Bakery; production, storage, and shipment facilities
(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
	Appliance; commercial use, sales and accessory repair; excluding outside storage
	n.
	ff. Tobacco shop (Class 1) (see also section 9-4-103)
	gg. Tobacco shop (Class 2) (see also section 9-4-103)
	hh. Hookah café (see also section 9-4-103)
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
	d. Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
	f. Automobile, truck, recreational vehicle, motorcycle and boat sales and service (see also major and minor repair)
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing	
	k. Mini-storage warehouse; household excluding outside storage
(15) Other Activities (not otherwise listed - all categories)	
	a. Other activities; personal services not otherwise listed
	b. Other activities; professional services not otherwise listed
	c. Other activities; commercial services not otherwise listed
	d. Other activities; retail sales not otherwise listed
PROPOSED ZONING	
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	

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: 08/18/2022

Title of Item: Ordinance requested by University Medical Park North, LLC to rezone 1.89 acres located north of West 5th Street and on the eastern side of the terminus of Moye Boulevard from MO (Medical Office) to CG (General Commercial)

Explanation: **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on July 2, 2022.

On-site sign(s) posted on July 2, 2022.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on August 2, 2022.

Public hearing legal advertisement published on August 6, 2022 and August 13, 2022.

Comprehensive Plan:

The Future Land Use and Character Map recommends mixed use MU north of the intersection of West 5th Street and Moye Boulevard transitioning to residential, high density (HDR) to the east and west and potential conservation/open space (PCOS).

Mixed Use

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

Intent:

- Vertical mixed use buildings (residential or office above commercial) as well as various single-use buildings that are integrated in a walkable street pattern
- Accommodate parking on-street, behind or to one side of buildings, or in

parking structures; limit curb cuts that break main pedestrian ways; wrap parking structures with other uses or decorative elements; light parking well for safety

- Provide pedestrian and vehicular connection to surrounding development

Primary uses:

Office

Commercial

Multi-family residential

Secondary uses:

Institutional/civic

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 possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1,199 trips to and from the site on West 5th Street, which is a net increase of 982 additional trips per day (over current

zoning).

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

History/Background:

In 1985, the property was part of a large-scale extra-territorial jurisdiction (ETJ) expansion and was zoned to its current zoning.

Existing Land Uses:

Vacant

Water/Sewer:

Water and sanitary sewer are available to the property.

Historic Sites:

There are no known effects on historic sites.

Environmental Conditions/Constraints:

The property is located in the Schoolhouse Branch Watershed. 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 wetlands, streams, or riparian buffers exist on the property. A public drainage easement is located on the east boundary of the property.

Surrounding Land Uses and Zoning:

North: MO - Veteran's Administration Clinic

South: CG - Vacant

East: R6 - Moyewood (Greenville Housing Authority)

West: CG - Vacant

Density Estimates:

Under the current zoning, the site could accommodate 20,000+/- sq. ft. of office space.

Under the proposed zoning, the site could accommodate one (1) hotel (150 rooms).

The anticipated build-out is 1-2 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 to unanimously approve the request at its July 19, 2022 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_-_University_Medical_North.pdf](#)
- [📄 P&Z_Excerpt_July_19_2022-_Univ_Medical_RZ.pdf](#)
- [📄 UMP apo map.pdf](#)
- [📄 UMP survey.pdf](#)
- [📄 Traffic Report UMPN.pdf](#)
- [📄 MO to CG.pdf](#)
- [📄 Density and Veg Charts.pdf](#)

LOCATION: Located north of West 5th Street and on the east side of the terminus of Moye Boulevard.

DESCRIPTION: Being a tract of land lying and being situated in the City of Greenville, Greenville Township, Pitt County, N.C., bounded on the north by University Medical Park North Owners Association, on the east by Greenville Housing Authority, on the south by University Medical Park North, LLC and on the west by Moye Boulevard and being described by metes and bounds as follows:

Beginning at point located on the eastern right of way of Moye Boulevard at the southwest corner of Lot 10, University Medical Park North recorded in Map Book 75 Page 43 of the Pitt County Registry. Said point also marking the northwest corner of Lot 11, University Medical Park North, now or formerly owned by University Park North, LLC and recorded in Deed Book 2352 Page 189 & Map Book 73 Page 90; thence, from the point of beginning and with the eastern right of way of Moye Boulevard, N 33°04'01" E 200.23 feet to a point; thence with a curve turning to the right with an arc length of 18.55 feet, with a radius of 20.00 feet, with a chord bearing and length of N 59°37'54" E, 17.89 feet to a point; thence with a reverse curve turning to the left with an arc length of 23.93 feet, with a radius of 55.00 feet, with a chord bearing and length of N 73°44'03" E, 23.74 feet to a point, said point being a common corner with Lot 13 University Medical Park North, now or formerly owned by University Medical Park North Owners Association, Inc. and recorded in Deed Book 3176 Page 629 ; thence leaving the eastern right of way of Moye Boulevard and along the southern line of Lot 13, S 56°56'00" E 287.32 feet to a point on the western line of the Greenville Housing Authority property recorded in Deed Book M 36 Page 573 of the Pitt County Registry.; thence with the Greenville Housing Authority line S 11°12'16" W 4.86 feet to a point; thence S 13°32'15" W 243.75 feet to a point, said point being the northeast corner of Lot 11 University Medical Park North recorded in Map Book 73 Page 90; thence with the northern line of Lot 11 N 56°56'00" W 394.08 feet to the **POINT OF BEGINNING**, containing an area of 1.89 acres (82,238 square feet) more or less and being a portion of the property recorded in Deed Book 2352 Page 189, all of Lot 10 University Medical Park North Recorded in Map Book 75 Page 43 of the Pitt County Registry and Pitt County Parcel No 80964, currently zoned MO and a proposed to be rezoned to CG, and further shown on a map by Rivers and Associates, Inc. drawing Z-2679 dated May 16, 2022, entitled Rezoning Map for University Medical Park North, LLC Lot 10 University Medical Park North, which by reference is made a part hereof.

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 18th day of August, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1168032

Excerpt from the draft Planning & Zoning Commission Minutes (07/19/22)

REQUEST BY UNIVERSITY MEDICAL PARK NORTH, LLC TO REZONE 1.89 ACRES LOCATED NORTH OF WEST 5TH STREET AND ON THE EASTERN SIDE OF THE TERMINUS OF MOYE BOULEVARD FROM MO (MEDICAL OFFICE) TO CG (GENERAL COMMERCIAL).

Chantae Gooby presented for staff. The property is located in the Schoolhouse Branch Watershed. If stormwater rules apply, it will require 10-year detention. It is not located in a special hazard area and there are no wetlands, streams or buffers on the property. The property is currently zoned MO (Medical Office) and the request is for CG (General Commercial). There would be a net increase of 982 trips per day. Under the current zoning, it could yield about 20,000 square feet of medical office space. Under the proposed zoning, it could yield a hotel with approximately 150 rooms. The Future Land Use Plan recommends Mixed Use at the intersection of Moye Boulevard and West 5th Street. It transitions into High Density Residential to the east of the property. There is also some Potential Conservation and Open Space as a caution for potential environmental concerns. There is already adjacent CG (General Commercial) zoning. In staff's opinion, the request is in compliance with the Horizons 2026: Greenville's Community Plan and the Future Land Use Plan. Therefore, staff recommends approval of the request.

Chairman Faison opened the public hearing.

Steve Janowski spoke in favor. He stated this area has transitioned to general commercial. This is the last piece to be transitioned for the use of a hotel in the area.

No one spoke in opposition.

Chairman Faison closed the public hearing.

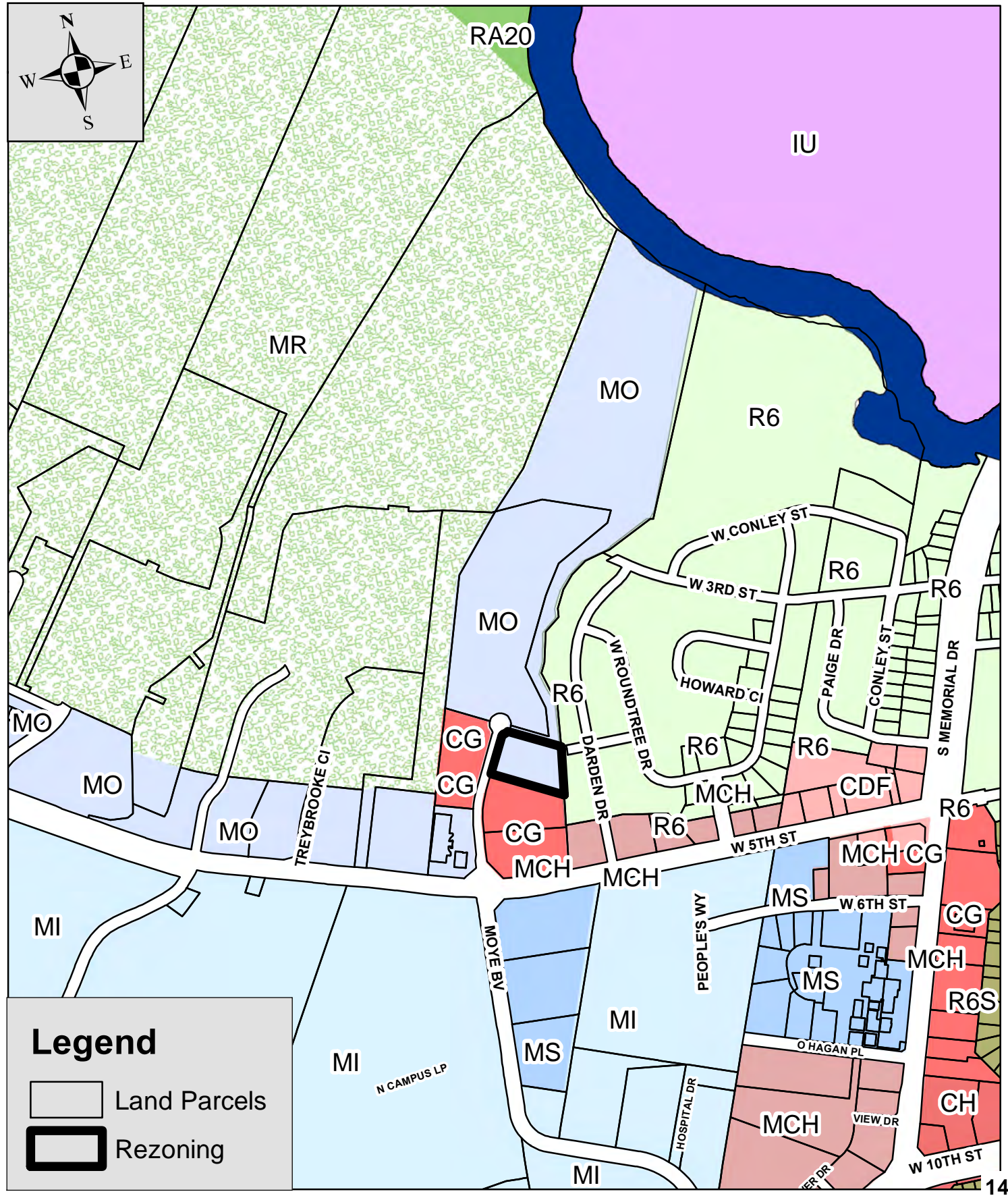
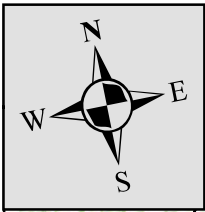
Motion made by Mr. West, seconded by Mr. Collins, to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

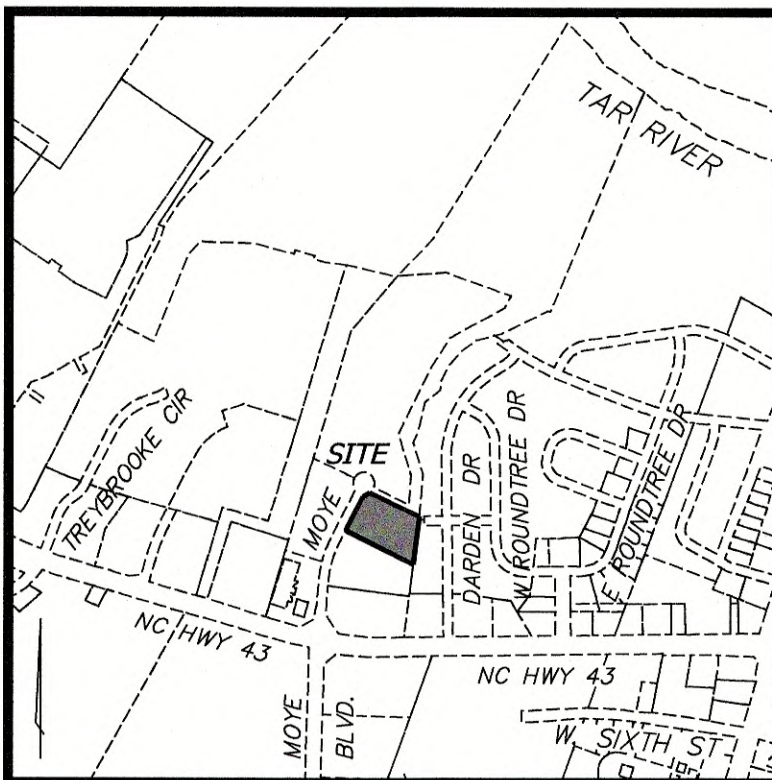
University Medical Park North, LLC

From: MO To: CG

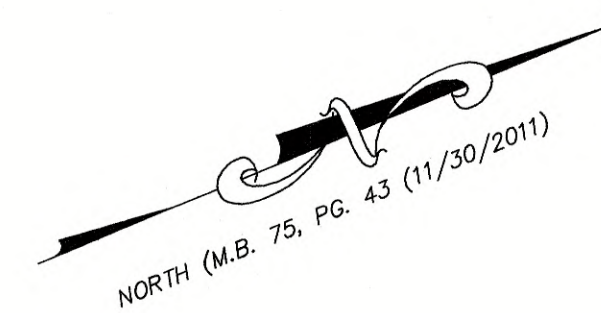
Acres: 1.89

July 5, 2022





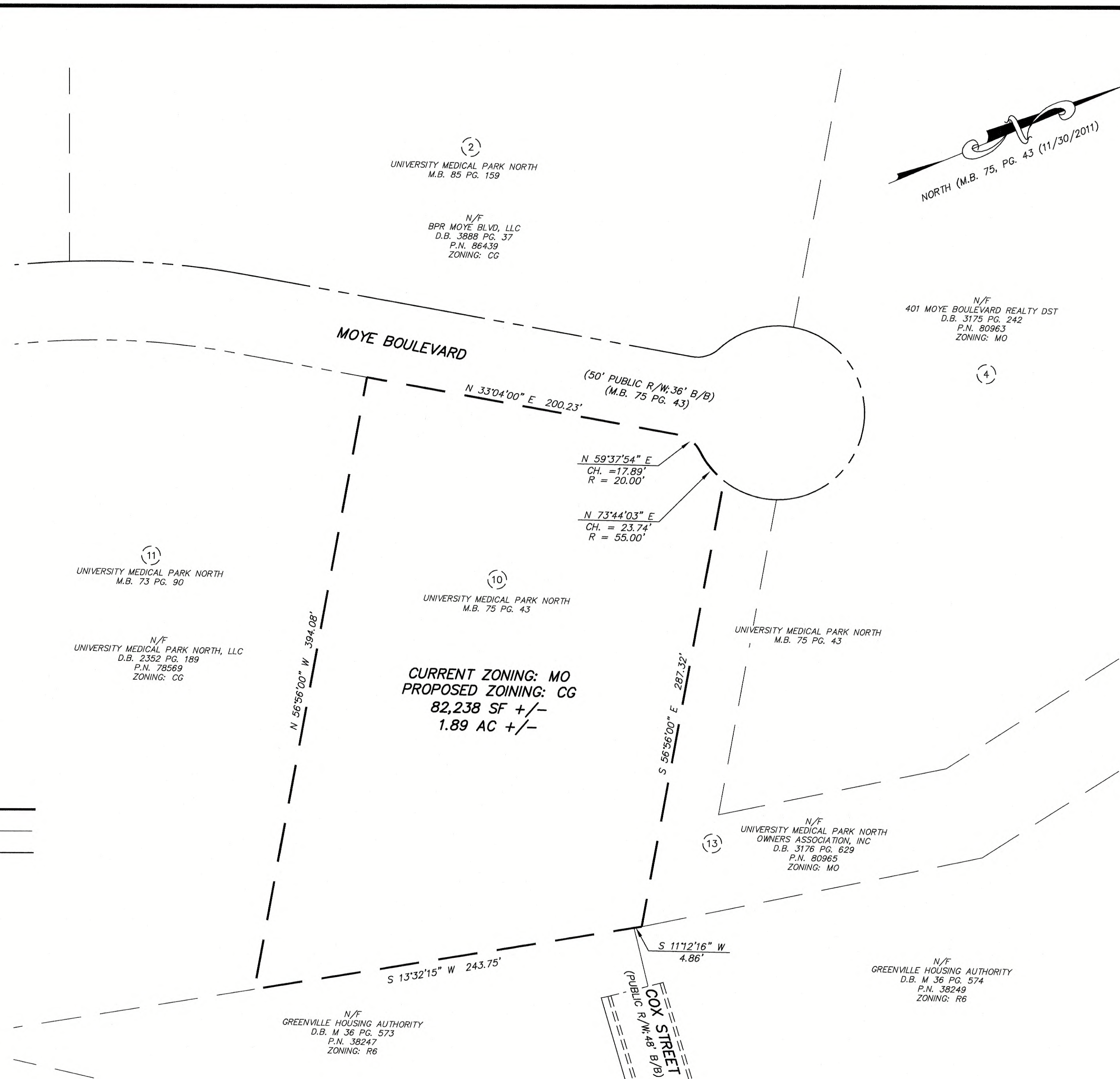
VICINITY MAP SCALE: 1" = 1000'



NORTH (M.B. 75, PG. 43 (11/30/2011))

LEGEND

AC.	ACRES
S.F.	SQUARE FEET
PARCEL NUMBER	P.N.
PAGE	PG.
MAP BOOK	M.B.
N/F	NOW OR FORMERLY
DEED BOOK	D.B.
RIGHT OF WAY	R/W
BACK TO BACK	B/B
REZONING LINE	
ADJOINER LINE	
ADJOINER LINE	
PLATTED LOT INFORMATION	



NOTES

1. AREA DETERMINED BY COORDINATES.
2. ALL DISTANCES ARE HORIZONTAL MEASUREMENTS.
3. NO POINT SET AT ANY CORNER UNLESS OTHERWISE NOTED.
4. THIS MAP WAS PREPARED FOR REZONING PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON. THIS MAP NOT TO BE USED FOR SALES OR CONVEYANCE. NO EXISTING EASEMENTS OR IMPROVEMENTS ARE SHOWN HEREON. PROPERTY SUBJECT TO THOSE EASEMENTS OF RECORD AND RECORDED IN MAP BOOK 75 PG. 43.
5. EXISTING ZONING WAS TAKEN FROM THE PITT COUNTY ONLINE INFORMATION SYSTEM WEBSITE ON MAY 16, 2022.

REFERENCE

D.B. 2352 PG. 189
M.B. 75 PG. 43



REVISIONS:

<p>CERTIFICATION</p> <p>I, PATRICK W. HARTMAN, PROFESSIONAL LAND SURVEYOR CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM DEEDS AND OR MAPS AS REFERENCED HEREON, AND DOES NOT REPRESENT A FIELD SURVEY MADE BY MYSELF OR RIVERS AND ASSOCIATES, INC. I FURTHER CERTIFY THAT I AM A LICENSED SURVEYOR (F)(11)d, THAT THIS SURVEY IS OF ANOTHER CATEGORY, REZONING, AND I HAVE AFFIXED ORIGINAL SIGNATURE AND LICENSE NUMBER AND SEAL THIS 16TH DAY OF MAY, 2022.</p> <p>SIGNED _____ PROFESSIONAL LAND SURVEYOR LICENSE NUMBER L-4262</p>		<p>DATE 5/16/2022</p> <p>SURVEY DRAFT PWH DESIGN CHECK PH</p>		<p>SCALE 1" = 50'</p> <p>DRAWING NO. Z-2679</p> <p>PROJECT NO. 2022063</p> <p>SHEET 1 OF 1</p>	
<p>PRELIMINARY</p> <p>NOT FOR RECORDATION, SALES, OR CONVEYANCES</p>		<p>Seal of Patrick W. Hartman, Professional Land Surveyor, North Carolina</p>		<p>NC License: F-0334</p> <p>Rivers & ASSOCIATES, INC. riversandassociates.com Since 1918</p> <p>Engineers Planners Surveyors Landscape Architects 107 East Second Street Greenville, NC 27658 (252) 752-4135</p>	
<p>REZONING MAP FOR: UNIVERSITY MEDICAL PARK NORTH, LLC LOT 10 UNIVERSITY MEDICAL PARK NORTH OWNER: UNIVERSITY MEDICAL PARK NORTH, LLC CITY OF GREENVILLE, GREENVILLE TWSP., PITT CO., N.C.</p>					

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 22-13

Applicant: University Medical Park North, LLC

Property Information

Current Zoning: MO (Medical-Office)

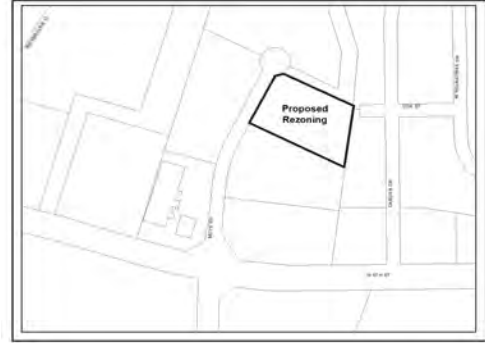
Proposed Zoning: CG (General Commercial)

Current Acreage: 1.89 acres

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

Points of Access: W. 5th Street

Location Map



Transportation Background Information

1.) W. 5th St- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	4 lanes divided with raised median	no change
Right of way width (ft)	100	no change
Speed Limit (mph)	45	no change
Current ADT:	22,190 (*)	
Design ADT:	39,700 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

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

Notes: (*) 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:

Trips generated by proposed use/change

Current Zoning: 217 -vehicle trips/day (*) **Proposed Zoning: 1,199** -vehicle trips/day (*)

Estimated Net Change: increase of 982 vehicle trips/day (assumes full-build out)

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

Impact on Existing Roads

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

1.) W. 5th St , East of Site (50%): **“No build” ADT of 22,190**

Estimated ADT with Proposed Zoning (full build) – 22,790
 Estimated ADT with Current Zoning (full build) – 22,299
Net ADT change = 491 (2% increase)

2.) W. 5th St , West of Site (50%):**“No build” ADT of 22,190**

Estimated ADT with Proposed Zoning (full build) – 22,790

Estimated ADT with Current Zoning (full build) – 22,299**Net ADT change = 491 (2% increase)****Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1199 trips to and from the site on W. 5th St, which is a net increase of 982 additional trips per day (over current zoning).

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

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))
	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	

f. Ambulance Service

(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 uses)
	j. Restaurant and/or dining and entertainment establishment; regulated outdoor activities
	k. Medical supply sales and rental of medically-related products including uniforms and related accessories
	t. Hobby or craft shop
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
(12) Construction - None	
(13) Transportation - None	

(14) Manufacturing/Warehousing - None	
(15) Other Activities (not otherwise listed - all categories) - None	
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		
	c.	Bakery; production, storage, and shipment facilities
(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: 08/18/2022

Title of Item: Ordinance requested by Will Clark to rezone 15.78 acres located along the northern right-of-way of Staton Road and 1,000+/- feet east of North Memorial Drive from IU (Unoffensive Industry) to I (Industry)

Explanation: **Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on June 7, 2022.

On-site sign(s) posted on June 7, 2022.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on August 2, 2022.

Public hearing legal advertisement published on August 6, 2022 and August 13, 2022.

Comprehensive Plan:

The Future Land Use and Character Map recommends industry for the area bounded by Martin Luther King, Jr. Highway, North Memorial Drive and Staton Road. Further, potential conservation/open space (PCOS) is recommended along Parker's Creek and the Greenville Aquatic Center, the former East Carolina Vocational Center (ECVC) and one (1) city-owned, undeveloped parcel.

Industrial/Logistics

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

Intent:

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

Primary uses:

Industrial

Light industrial

Research and assembly

Warehousing

Secondary uses:

Office

Commercial

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):

Staff does not anticipate any change in density between the current and proposed zoning. Therefore, a traffic report was not generated.

History/Background:

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

Existing Land Uses:

Vital Records Control

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 Parker's Creek watershed. If stormwater rules apply, it would require 10-year detention and nitrogen and phosphorus reduction.

No portion of the property is located in the Special Flood Hazard Area. No jurisdictional wetlands, streams and riparian buffers appear to exist on the property.

Surrounding Land Uses and Zoning:

North: IU - S. T. Wooten

South: IU - Edgecombe Furniture and GUC Utility Substation

East: IU - Green For Life (GFL)

West: IU - COEUR

Density Estimates:

Staff does not anticipate any change in density between the current and proposed zoning.

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 June 21, 2022 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_-_Will_Clark.pdf](#)

- 📄 **P&Z_Excerpt_June_21_2022-_Will_Clark_RZ.pdf**
- 📄 **Will Clark apomap.pdf**
- 📄 **Will Clark Survey.pdf**
- 📄 **IU to I.pdf**
- 📄 **Bufferyard Chart Only.pdf**

ORDINANCE NO. 22-
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 18th day of August, 2022, 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 the Indigreen Business Park;

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

Section 1. That the following described territory is rezoned from IU (Unoffensive Industry) to I (Industry).

TO WIT: UNX Industries, LLC

LOCATION: Located along the northern right-of-way of Staton Road and 1,000+/- feet east of North Memorial Drive.

DESCRIPTION: All that tract or parcel of land lying and being in Greenville Township, Pitt County, North Carolina and being described as follows:

TO LOCATE THE POINT OF BEGINNING commence at a point formed by the intersection of the centerline of Seaboard Coastline Railroad with the centerline of North Carolina Secondary Road No. 1579 (having a 100-foot right-of-way); thence South 67 degrees 45 minutes 00 seconds East along the centerline of North Carolina Secondary Road No. 1579 a distance of 1079.00 feet to a point; thence North 22 degrees 15 minutes 00 seconds East a distance of 50.00 feet to a point located on the northeastern margin of the right-of-way of North Carolina Secondary Road No. 1579, said point being the POINT OF BEGINNING; thence North 22 degrees 15 minutes 00 seconds East a distance of 694.72 feet to a point marked by an iron pipe; thence South 67 degrees 45 minutes 00 seconds East a distance of 989.67 feet to a point marked by an iron pipe; thence South 22 degrees 14 minutes 00 seconds West a distance of 688.56 feet point marked by an iron pipe, said point being located on the northeastern margin of the right-of-way of North Carolina Secondary Road No. 1579; thence westerly along the northeastern margin of the right-of-way of North Carolina Secondary Road No. 1579 and following the arc of a curve to the right to a point marked by an iron pipe, said arc having a radius of 1,000 feet and being subtended by a chord bearing North 70 degrees 55 minutes 52 seconds West a distance of 110.98 feet; thence North 67 degrees 45 minutes 00 seconds West along the northeastern margin of the right-of-way of North Carolina Secondary Road No. 1579 a distance of 879.05 feet to the POINT OF BEGINNING, said parcel containing 15.78 acres, more or less.

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 18th day of August, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

1167155

Excerpt from the draft Planning & Zoning Commission Minutes (06/21/22)

REQUEST BY WILL CLARK TO REZONE 15.78 ACRES LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF STATON ROAD AND 1,000+/- FEET EAST OF NORTH MEMORIAL DRIVE FROM IU (UNOFFENSIVE INDUSTRY) TO I (INDUSTRY).

Chantae Gooby presented for staff. The property is located in the Parkers Creek watershed and if stormwater rules apply it will 10-year detention. It is not located in a special hazard area and there are no wetlands, streams or buffers. Staff does not anticipate a change in intensity of the property but this rezoning will allow more potential uses. Therefore, a traffic volume report was not generated. The property is currently zoned IU (Unoffensive Industry) which is a step down from the request for I (Industry). The Future Land Use plan recommends I (Industry) in the area bounded by Memorial Drive, Staton Road and the Bypass. In staff's opinion, the request is in compliance with the Horizons 2026: Greenville's Community Plan and the Future Land Use Plan. Therefore, staff recommends approval of the request.

Chairman Faison opened the public hearing.

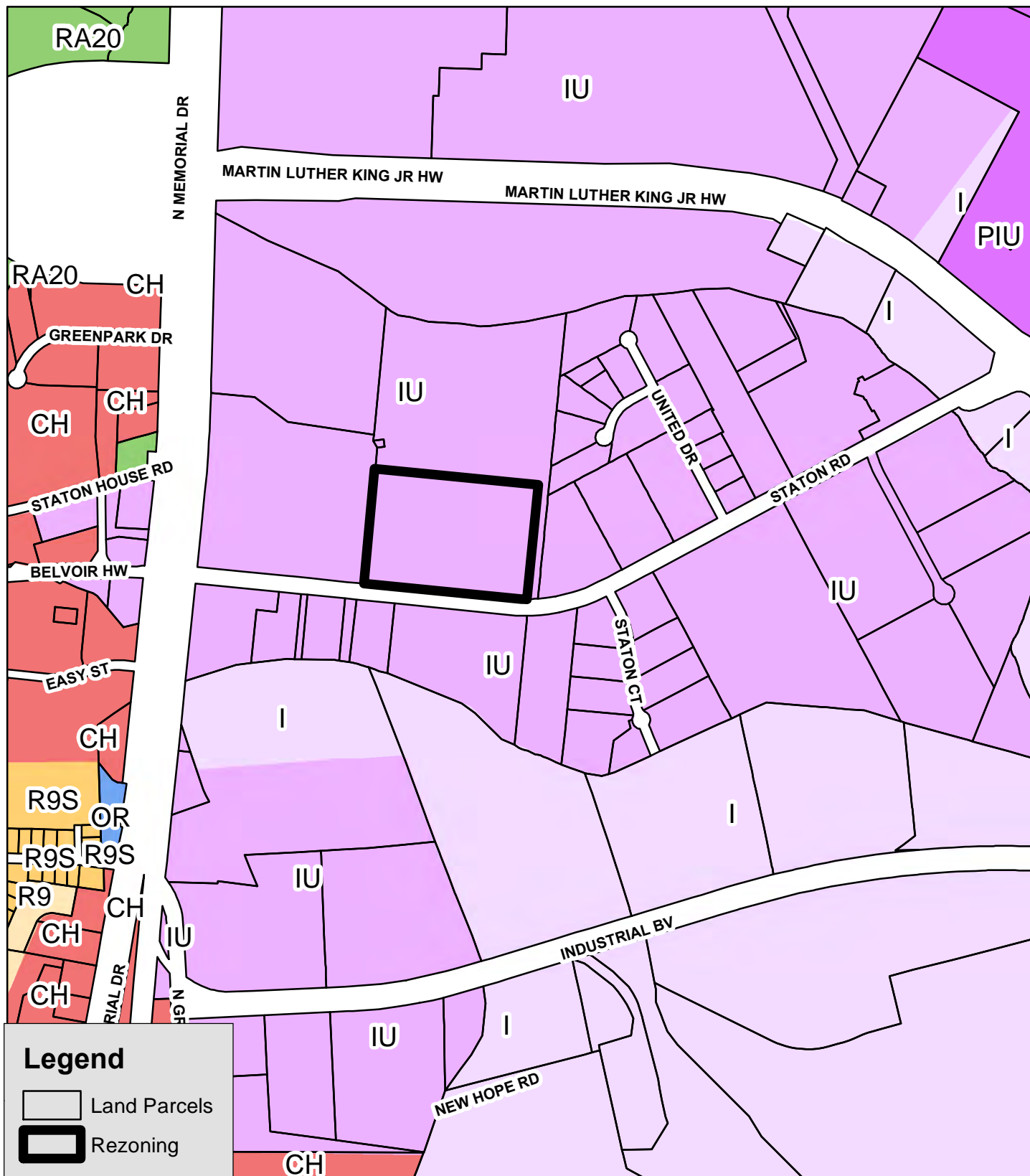
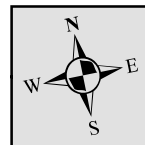
Will Clark spoke in favor. He stated his group is under contract to purchase this property and want to rezone the property to Industry.

No one spoke in opposition.

Chairman Faison closed the public hearing.

Motion made by Mr. West, seconded by Mr. Joyner, 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.

Will Clark
From: IU
To: I
15.78 acres
June 6, 2022



I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in DB _____, PG _____, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, Page _____, SHOWN; that the ratio of precision as calculated is 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my Original Signature, License Number and Seal this _____ Day of _____, 2022.

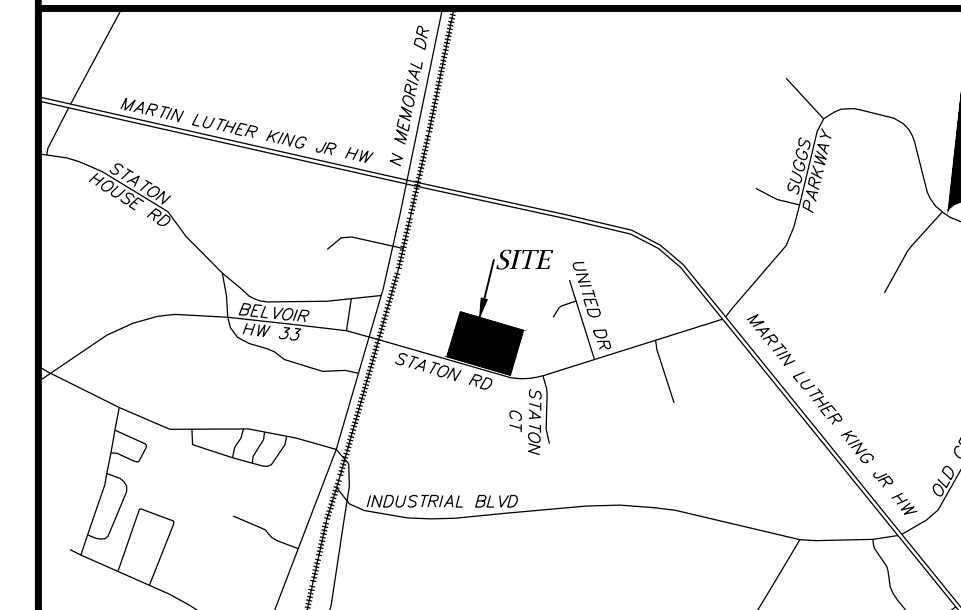
Seal or Stamp: _____ Surveyor: _____ License Number: _____

SURVEYOR NOTES

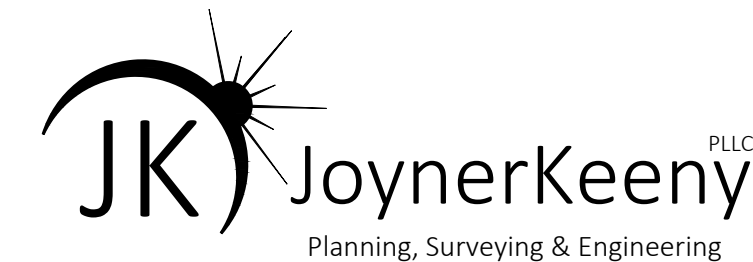
1. UNDERGROUND UTILITIES WERE NOT LOCATED. LOCATION OF UNDERGROUND UTILITIES SHOULD BE FIELD VERIFIED BY CONTACTING THE NC ONE CALL CENTER AT 1-800-632-4949.
2. UNLESS SPECIFIED OTHERWISE, ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET.
3. DATE OF FIELD SURVEY: APRIL 04, 2022.
4. JOYNER KEENEY PROJECT # 220197A
5. JOYNER KEENEY FILE NAME: 220197_Topo.dwg
6. CLIENT AUTHORIZING WORK: _____

LEGEND

Lines Surveyed	Water Meter	WM
Lines Not Surveyed	Fiber Optics Cable	FOC
Iron Property Corner	Hand Hole	HH
(see unless noted otherwise)	Monitor Well	MWELL
Iron Pipe Found	Post Indicator Valve	PIV
Iron Pipe Set	Flanged End Section	FES
Deed Book	Electric Meter	EM
Page Number	Chain Link	CHL
Below Ground	Barbed Wire	BW
Above Ground	Finished Floor Elevation	FFE
Now or Formerly	Ductile Iron Pipe	DIP
Concrete	Vitrified Clay Pipe	VCP
Telephone Pedestal	Plastic Pipe	PL PIPE
Reinforced Concrete Pipe	Bottom	BTM
Drainage Inlet	Minimum Building Line	MBL
Sanitary Sewer Manhole	Cleanout	CO
Light Pole	Point of Beginning	POB
Power Pole with Transformer	No Pipe Set	NPS
Fire Hydrant	Overhead Wire	OHW
Water Valve		



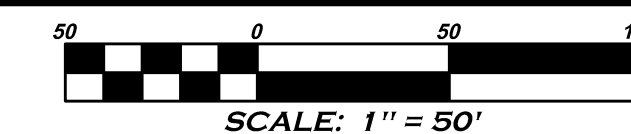
VICINITY MAP (NTS)



1051 North Winstead Avenue - P.O. Box 7533
Rocky Mount, North Carolina 27804
North Carolina Firm Number P-0551
Office: 252.977.3124 Fax: 252.985.6028
www.joynerkeeny.com

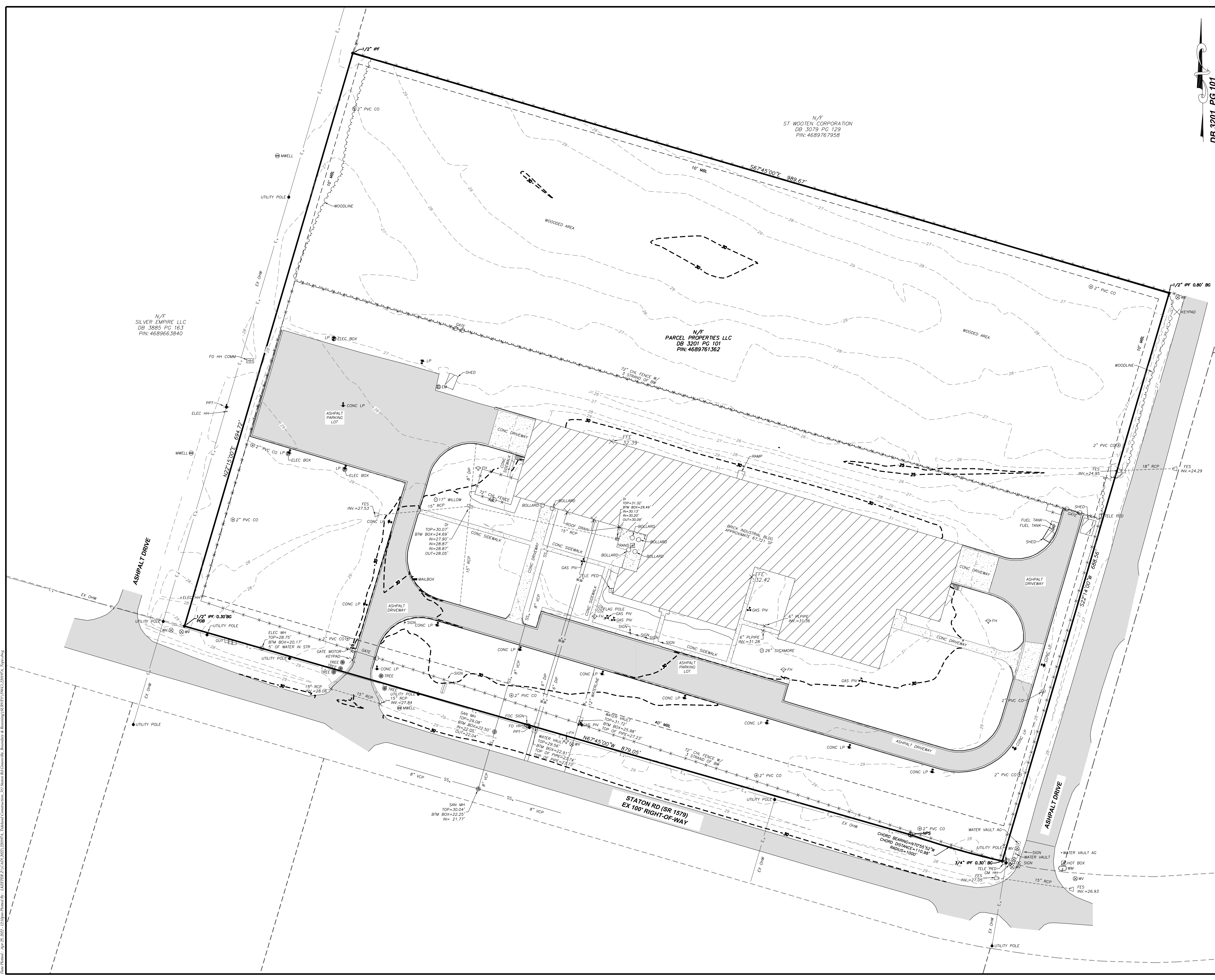
SURVEY FOR:

**TIDELAND
CONSTRUCTION &
PETROLEUM**



SCALE: 1" = 50'

TWSP: GREENVILLE	COUNTY: PITT	STATE: NC
DRAWN BY: RLK	CHECKED BY: WTR	DATE: 04/25/2022
DWG: 220197A_TOPO.dwg	VIEWPORT: TOPO	
JOB NO: 220197A	SHEET NO: 1 of 1	



Drawn: April 25, 2022 - 12:00pm
Checked: April 25, 2022 - 12:00pm
Date Plotted: April 25, 2022 - 12:00pm
Plot File: C:\Users\rlk\AppData\Local\Temp\220197A_Top.dwg

EXISTING ZONING	
IU (UNOFFENSIVE INDUSTRY) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	b. Internal service facilities
	c. On-premise signs per Article N
	d. Off-premise signs per Article N
	e. Temporary uses; of listed district uses
	f. Retail sales; incidental
	g. Incidental assembly of products sold at retail or wholesale as an accessory to principal uses
(2) Residential - None	
(3) Home Occupations - None	
(4) Governmental	
	a. Public utility building or use
	b. City of Greenville municipal government building or use (see also section 9-4-103)
	c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
	d. Federal government building or use
	e. County government operation center
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	b. Greenhouse or plant nursery; including accessory sales
	d. Farmers market
	e. Kennel (see also section 9-4-103)
	f. Stable; horse only (see also section 9-4-103)
	g. Stable; per definition (see also section 9-4-103)
	h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use
	i. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	g. Private noncommercial park or recreational facility
	m(1). Dining and entertainment establishment (see also section 9-4-103)
	p. Circus, carnival, or fair
(7) Office/Financial/Medical	
	b. Operation processing center
	c. Office; customer service, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
	f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
	g. Catalogue processing center
(8) Services	
	n. Auditorium
	s. Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
	y. TV and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communication towers

y(4)	Distributed Antenna System (See also 9-4-103 (Q))
z.	Printing or publishing service including graphic art, maps, newspapers, magazines and books
aa.	Catering service including food preparation (see also restaurant; conventional and fast food)
bb.	Civic organizations
gg.	Vocational rehabilitation center
mm.	Commercial laundries; linen supply
nn.	Industrial laundries
uu.	Modular data processing facility
vv.	Data processing center
(9) Repair	
b.	Minor repair; as an accessory or principal use
c.	Upholsterer; automobile, truck, boat, or other vehicle, trailer or van
d.	Upholsterer; furniture
f.	Appliance; household and office equipment repair
h.	Appliance; commercial and industrial equipment repair not otherwise listed
(10) Retail Trade	
b.	Gasoline or automotive fuel sales; accessory or principal use, retail
h.	Restaurant; conventional
i.	Restaurant; fast food
cc.	Farm supply and commercial implement sales
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
a.	Wholesale; durable and nondurable goods, not otherwise listed
d.	Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
e.	Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery
(12) Construction	
b.	Licensed contractor; general electrical, plumbing, mechanical, etc... including outside storage
c.	Construction office; temporary, including modular office (see also section 9-4-103)
d.	Building supply; lumber and materials sales, plumbing and/or electrical supply including outdoor sales
(13) Transportation	
a.	Railroad freight or distribution and/or passenger station
d.	Truck terminal or distribution center
e.	Parcel delivery service
f.	Ambulance service
g.	Airport and related activities; private
h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing	
a.	Ice plant and freezer lockers
b.	Dairy; production, storage, and shipment facilities
c.	Bakery; production, storage, and shipment facilities
d.	Stone or monument cutting, engraving
g.	Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
h.	Engraving; metal, glass or wood
j.	Moving and storage; including outside storage
k.	Mini-storage warehouse, household; excluding outside storage

	l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
	m. Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage
	o. Feed and grain elevator, mixing, redrying, storage or sales facility
	p. Tobacco redrying or processing plant
	s. Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed
	t. Manufacture of nonhazardous medical supplies or medical products, including distribution
	u. Tire recapping or retreading plant
	v. Bottling or packing plant for nonhazardous materials or products
	y. Recycling collection station or facilities
	cc. Manufacture of pharmaceutical, biological, botanical, medicinal, and cosmetic products, and related materials
(15) Other Activities (not otherwise listed - all categories) - None	
IU (UNOFFENSIVE INDUSTRY) - SPECIAL USES	
(1) General - None	
(2) Residential	
	i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
	j. Residential quarters for resident manager, supervisor or caretaker; including mobile home
	o. Nursing, convalescent or maternity home; major care facility
(3) Home Occupations - None	
(4) Governmental - None	
(5) Agricultural/Mining	
	k. Sand mining(see also item (5)j)
	m. Beekeeping; major use
(6) Recreational/Entertainment	
	e. Miniature golf or putt-putt course
	i. Commercial recreation; indoor and outdoor, not otherwise listed
	k. Firearm ranges; indoor or outdoor
(7) Office/Financial/Medical	
	a. Office; professional and business, not otherwise listed
(8) Services	
	a. Child day care facilities
	b. Adult day care facilities
	l. Convention center; private
	o. Church or place of worship (see also section 9-4-103)
	s(1). Hotel, motel bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
(9) Repair	
	a. Major repair; as an accessory or principal use
(10) Retail Trade	
	j. Restaurant and/or dining and entertainment establishment; regulated outdoor activities
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
	g. Mobile home sales including accessory mobile home office
(12) Construction - None	
(13) Transportation	

	c. Taxi or limousine service
(14) Manufacturing/Warehousing	
	z. Metallurgy, steel fabrication, welding
(15) Other Activities (not otherwise listed - all categories)	
	c. Other activities; commercial services not otherwise listed
	e. Other activities; industrial uses not otherwise listed
PROPOSED ZONING	
I (INDUSTRY) - PERMITTED USES	
(1) General	
	a. Accessory use or building
	b. Internal service facilities
	c. On-premise signs per Article N
	d. Off-premise signs per Article N
	e. Temporary uses; of listed district uses
	f. Retail sales; incidental
	g. Incidental assembly of products sold at retail or wholesale as an accessory to principal uses
(2) Residential - None	
(3) Home Occupations - None	
(4) Governmental	
	a. Public utility building or use
	b. City of Greenville municipal government building or use (see also section 9-4-103)
	c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
	d. Federal government building or use
	e. County government operation center
(5) Agricultural/Mining	
	a. Farming; agricultural, horticulture, forestry (see also section 9-4-103)
	b. Greenhouse or plant nursery; including accessory sales
	e. Kennel (see also section 9-4-103)
	f. Stable; horse only (see also section 9-4-103)
	g. Stable; per definition (see also section 9-4-103)
	h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use
	i. Livestock sales pavilion, auditorium, yard, distribution or transshipment facility
	j. Quarrying, mining, excavation and works including material storage and distribution; sand, stone gravel
	l. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	g. Private noncommercial park or recreational facility
	m(1). Dining and entertainment establishment (see also section 9-4-103)
	p. Circus, carnival, or fair
(7) Office/Financial/Medical	
	b. Operation/processing center
	c. Office; customer service, not otherwise listed, including accessory service delivery vehicle parking and indoor storage
	g. Catalogue processing center

(8) Services	
n.	Auditorium
s.	Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
y.	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communication towers
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)
gg.	Vocational rehabilitation center
nn.	Industrial laundries
uu.	Modular data processing facility
vv.	Data processing center
(9) Repair	
a.	Major repair; as an accessory or principal use
b.	Minor repair; as an accessory or principal use
c.	Upholsterer; automobile, truck, boat, or other vehicle, trailer or van
d.	Upholsterer; furniture
e.	Furniture refinishing, stripping, or repair facility
f.	Appliance; household and office equipment repair
h.	Appliance; commercial and industrial equipment repair not otherwise listed
(10) Retail Trade	
b.	Gasoline or automotive fuel sales; accessory or principal use, retail
h.	Restaurant; conventional
i.	Restaurant; fast food
cc.	Farm supply and commercial implement sales
dd.	Industrial implement, machinery or tool sales
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
a.	Wholesale; durable and nondurable goods, not otherwise listed
d.	Rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
e.	Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery
(12) Construction	
b.	Licensed contractor; general electrical, plumbing, mechanical, etc... including outside storage
c.	Construction office; temporary, including modular office (see also section 9-4-103)
d.	Building supply; lumber and materials sales, plumbing and/or electrical supply including outdoor sales
(13) Transportation	
a.	Railroad freight or distribution and/or passenger station
d.	Truck terminal or distribution center
e.	Parcel delivery service
f.	Ambulance service
g.	Airport and related activities; private
h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing	
a.	Ice plant and freezer lockers

b.	Dairy; production, storage, and shipment facilities
c.	Bakery; production, storage, and shipment facilities
d.	Stone or monument cutting, engraving
e.	Mobile home repair or rework facility; no sales allowed
g.	Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
h.	Engraving; metal, glass or wood
j.	Moving and storage; including outside storage
k.	Mini-storage warehouse, household; excluding outside storage
l.	Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
m.	Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage
n.	Petroleum (bulk) storage facility; excluding retail sales
o.	Feed and grain elevator, mixing, redrying, storage or sales facility
p.	Tobacco redrying or processing plant
q.	Fertilizer or lime manufacture or bulk storage
r.	Manufacturing of acid, toxic chemicals or other hazardous materials or explosive products not otherwise listed
s.	Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed
t.	Manufacture of nonhazardous medical supplies or medical products, including distribution
u.	Tire recapping or retreading plant
v.	Bottling or packing plant for nonhazardous materials or products
w.	Bottling or packing plant for hazardous, flammable or explosive materials or products
y.	Recycling collection station or facilities
z.	Metallurgy, steel fabrication, welding
aa.	Meat, poultry, or fish processing or packing plant
bb.	Slaughterhouse
cc.	Manufacture of pharmaceutical, biological, botanical, medicinal, and cosmetic products, and related materials
(15) Other Activities (not otherwise listed - all categories) - None	
I (INDUSTRY) - SPECIAL USES	
(1) General - None	
(2) Residential	
i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
j.	Residential quarters for resident manager, supervisor or caretaker; including mobile home
(3) Home Occupations - None	
(4) Governmental	
f.	Correctional facility
(5) Agricultural/Mining	
m.	Beekeeping; major use
(6) Recreational/Entertainment	
e.	Miniature golf or putt-putt course
i.	Commercial recreation; indoor and outdoor, not otherwise listed
k.	Firearm ranges; indoor or outdoor
(7) Office/Financial/Medical	
a.	Office; professional and business, not otherwise listed

(8) Services	
a.	Child day care facilities
b.	Adult day care facilities
l.	Convention center; private
s(1).	Hotel, motel bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
(9) Repair - None	
(10) Retail Trade	
j.	Restaurant and/or dining and entertainment establishment; regulated outdoor activities
(11) Wholesale/Rental/Vehicle-Mobile Home Trade - None	
g.	Mobile home sales including accessory mobile home office
(12) Construction - None	
(13) Transportation - None	
(14) Manufacturing/Warehousing	
f.	Junkyard, automobile graveyard or materials reclamation facility
x.	Sanitary landfill or incinerator; public or private
(15) Other Activities (not otherwise listed - all categories)	
c.	Other activities; commercial services not otherwise listed
e.	Other activities; industrial uses not otherwise listed

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: 08/18/2022

Title of Item: Ordinance requested by the Planning and Development Services Department to amend the Zoning Ordinance to establish a new use and add a definition and standards for a "bar 2022"

Explanation: Continuation from the May 9, 2022 City Council Meeting previously slated for discussion on May 12, 2022. Ordinance requested by Planning & Development Services Department to amend the Zoning Ordinance to establish a new use and add a definition and standards for a 'bar 2022'. At Council's request based on the initial recommendation from the Planning and Zoning Commission to have staff seek additional public input, this was item was continued until August, 2022.

This was a text amendment from the Planning and Development Service (PDS) staff to establish a new use and add a definition and standards for a "bar 2022". On March 14, 2022, the City Council passed a motion for PDS staff to bring a text amendment to the Planning and Zoning Commission (P&Z) for consideration of this text amendment.

History

A series of meetings was held by the City Council and an ad hoc Stakeholders Group starting in April, 2021. From the various meetings, staff has gathered feedback to draft this text amendment. Due to the current standards for a public/private club (bar), anyone wanting to start this type of establishment has a limited number of zoning districts where this use is allowed and also has the following separation requirements:

No public or private club shall be located within a 500-foot radius of:

1. an existing or approved public or private club;
2. a conforming use single-family dwelling located in any district; and
3. any single-family residential zoning district.

This is commonly referred to as the "500-foot rule" even though it is comprised of three (3) components. Over the years, the rules to regulate clubs have been instated, amended, and deleted.

Chronology of Zoning Ordinance Amendments Adopted to Regulate Clubs

1992 - Council deleted the 500-foot spacing between clubs

2009 - Fatal drive-by shooting downtown; 25 clubs downtown at that time
2010 - Council added a 500-foot spacing requirement for clubs
2010 - Council added a 500-foot spacing requirement between clubs and residential uses and residential zoning districts
2016 - Council adopted ordinance to allow nonconforming uses to expand through construction of roof decks

It is staff's intent to offer a path for someone to open this type of establishment while adding standards to increase public safety by requiring security personnel, limiting hours of operation, and requiring a security plan. Also, a special use permit is required that includes a mandatory consideration of an annual renewal, amendment to conditions or revocation by the Board of Adjustment.

History of Meetings

On April 5, 2021, Hunden and Associates made a presentation to Council regarding the "500-foot" rule related to public/private club or bar and how it related to redevelopment and reinvestment in the downtown area.

A Stakeholder Group was established that included representative(s) from East Carolina University (ECU), Vidant, and Uptown Greenville, property and business owners as well as those interested in opening a public/private club.

February 7, 2022 - PDS staff made a presentation to Council with a draft ordinance amending the rules and regulations related to bar along with a proposed district.

March 9, 2022 - PDS staff made presentation of the final draft ordinance to the Stakeholders Group to gather additional feedback.

March 14, 2022 - PDS staff made a presentation to Council with a final draft ordinance. Motion passed for staff to proceed with the amendment for consideration by P&Z at its April 19, 2022 meeting and return to City Council at its May 12, 2022 meeting.

Proposed Definition

“Bar 2022 An establishment of which the principal use is entertainment and which meets all of the following:

- (a) May require a cover or minimum charge for admittance or service during regular or special periods of operation;
- (b) Occupies less than 3,500 square feet of space of mechanically conditioned floor area;
- (c) May provide live or recorded amplified music;

- (d) May provide a floor show;
- (e) May provide a dance area;
- (f) May provide a full service bar;
- (g) May offer food service and prepared and/or packaged foods, in a ready-to-consume state;
- (h) Hours of operation shall be limited to 12:00 AM (midnight) Sunday-Thursday and 1:00 AM on Friday and Saturday;
- (i) Shall only be allowed with a special use permit in the following geographic area which is located within the following boundary: East and West Third Street between South Pitt Street and Reade Street; Reade Street and Reade Circle between East Third Street to Cotanche Street; Cotanche Street between Reade Circle to East Eighth Street; East Eighth Street between Cotanche Street and Evans Street; Evans Street between East Eighth Street and East Tenth Street; West Tenth Street between Evans Street and Coastal Seaboard Railroad; Coastal Seaboard Railroad between West Tenth Street and West Fifth Street; West Fifth Street between Coastal Seaboard Railroad and Pitt-Greene Connector; South Pitt Street between West Fifth Street to West Third Street and returning to the point of beginning.

Proposed Standards:

- (1) (a) A special use permit for a bar 2022 is subject to annual renewal, renewal with amended conditions or revocation in accordance with the provisions of this section (VV). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a bar 2022 in accordance with the provisions of section [9-4-83](#).
- (b) Staff may request the Board of Adjustment hold a rehearing for any establishment that has enforcement or response to calls for service actions attributed to them. These include Notices of Violation and/or numerous calls for service from City departments such as Police, Fire/Rescue, Public Works, or Planning & Development Services for infractions of one or more instances of noncompliance with applicable laws, codes, and ordinances. This includes but is not limited to: noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions at any time. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report.
- (c) At the regular January or a special call meeting of the Board of

Adjustment, the Director of Planning and Development Services or their authorized representative shall present to the Board of Adjustment a written staff report of any citations that have been issued for which the annual rehearing shall include a finding of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report. Planning and Development Services staff can make a recommendation of renewal, renewal with amended conditions, or revocation.

(d) Bar 2022s that have not received any citations for noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions may be recommended for renewal by the Director of Planning and Development Services or their representative to the Board of Adjustment without a rehearing at the annual review.

(e) Staff may request the Board of Adjustment hold a rehearing for any establishment that has on-going enforcement actions for numerous infractions of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, notices of violations and special use permit conditions at any time. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report.

(f) Any rehearing shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may grant a special use permit with conditions imposed pursuant to this section (VV) and section 9-4-82 or deny the special use permit. The grant or denial of the special use permit by the Board of Adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a bar 2022.

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

(2) The owner(s) and/or operator(s) of a bar 2022 shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 a.m. each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public rights-of-way or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a public or private club shall comply with the provisions of Title 11, Chapter 9 of the City Code, whether or not the establishment is a nightclub, bar or tavern.

(3) In addition to subsection (F) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a bar 2022, is transferred to a new owner by sale or other means, the new owner shall sign and file with the Director of Planning and Development Services an acknowledgment of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgment shall be made on forms provided by the planning office.

(5) In no event shall the noise generated by amplified audio entertainment exceed the noise control provisions as provided in Title 12, Chapter 5, of the Greenville City Code. For purposes of this section, “amplified audio entertainment” shall mean any type of music or other entertainment delivered through and by an electronic system; provided, however, televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment. Security personnel shall remain on duty until the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area.

(6) If amplified entertainment is provided after 11 PM, the establishment shall employ uniformed security guard(s) provided by a security guard and control profession licensed in accordance with the provisions of G.S. Chapter

74C in the following ratios:

Approved occupancy as determined by the Building Inspector	Number of Security Personnel
1-100	1
101-200	2
201-300	3
301-400	4
401-500	5

If occupancy exceeds 500, the same ratios shall apply as in the above table.

Establishments that have an approved occupancy of no more than 100 and provide amplified entertainment after 11 PM, shall employ no less than 2 security guards in order for one guard to be located within the establishment and one guard to patrol the parking lot where applicable.

(7) A security plan shall be submitted to the Greenville Police Department for review and approval along with the SUP application. Additional security personnel maybe required at the discretion of the Chief of Police based on location, proximity to similar uses, such as public private clubs, D&Es and bar 2022, building occupancy. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all times. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

(8) A lighting plan shall be submitted to the Director of Planning and Development Services or authorized agent for review and approval, and lighting fixtures shall be installed and maintained pursuant to the approved plan which illuminates all exterior portions of the building, lot area and parking lot as determined appropriate by the Director of Planning and Development Services, or authorized agent. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling. Required or additional optional lighting shall comply with this subsection and section [9-4-104](#). A lighting plan will only be required when parking is located on private property.

(9) Shall be exempt of parking requirements in Article O.

(10) Shall use computer applications and software to detect fake identification (IDs).

(11) Shall comply with all current building codes and safety standards.

(12) Within the geographic area as described in the definition of a Bar 2022, there is no separation between a bar 2022 and any other use or zoning district.

Comprehensive Plan:

Uptown Core

Uptown core is composed of Greenville's historic core. It is the most urban and mixed use area of the city with buildings located close together and near the street. Small blocks, on-street parking, and street trees create a pedestrian-friendly district. New development is encouraged to fill in vacant sites such as underutilized parking areas.

Intent:

- Infill vacant lots
- Encourage vertical mixed use development (residential or office above commercial)
- Adapt and reuse historic buildings
- Reduce/consolidate surface parking
- Maintain and expand public realm features such as street trees, lighting, and wayfinding signs

Primary uses:

Commercial

Institutional/civic

Secondary uses:

Office

Multi-family residential

Attached residential (townhomes)

Uptown Edge

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

Intent:

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

Primary uses:

Commercial

Institutional/civic

Neighborhood-scale commercial

Secondary uses:

Multi-family residential

Smart Growth Principles

1. Mix Land Uses

By putting residential, commercial and recreational uses in close proximity to one another, alternatives to driving, such as walking or biking, become viable. Mixed land uses also provide a diverse and sizable commercial base for

supporting transit.

2. Take advantage of compact building design.

Compact building design suggests that communities be laid out in a way that preserves more open space, and that individual buildings make more efficient use of land and resources. For example, by encouraging development to grow vertically rather than horizontally, and by incorporating structured rather than surface parking, communities can reduce the footprint of new construction, and preserve more green space.

4. Create walkable neighborhoods.

As the personal and societal benefits of pedestrian-friendly communities are realized - benefits that include lower transportation costs, greater social interaction, improved personal and environmental health, and expanded consumer choice - many are calling upon the public and private sectors to facilitate development of walkable places. By building places with multiple destinations within close proximity, where the streets and sidewalks balance multiple forms of transportation, communities have the basic framework for walkability.

7. Strengthen and direct development towards developed areas.

Directing development towards areas already served by infrastructure keeps communities compact. This development pattern uses the resources that existing neighborhoods offer and conserves open space and irreplaceable natural resources on the edges. Development in existing neighborhoods represents a cost-effective approach to growth that can improve the quality of life for residents.

Infill development is one strategy that fills the lots that have been left as empty or underused holes in between existing buildings. Redevelopment is another strategy that replaces existing buildings with new types of development. Both of these present significant opportunities for neighborhoods, cities, and developers to improve existing areas in the city and promote revitalization.

10. Encourage community and stakeholder collaboration in development decisions.

Growth can create great places to live, work and play if it responds to a community's own sense of how and where it wants to grow. Some cities have worked primarily to improve housing choices. Others that have suffered from disinvestment may emphasize infill development. New communities separated uses may be looking for the sense of place provided by mixed use town centers. Still others with poor air quality may seek relief by offering transportation choices. The common thread, however, is that the needs of every community and the programs to address them are best defined by the people who live and work there.

Principles

1. Development of underutilized land within the city's existing urban

footprint that is served by infrastructure is a priority over undeveloped land on the city's edge.

It is preferable to accommodate growth in locations within the existing urban area that are appropriate for and can support increased development densities. Infill and redevelopment will occur in a strategic manner that considers community needs like access to amenities, transportation service, and the quality and quantity of open space.

- Areas for future development are identified for infill, redevelopment and greenfield opportunities. Though infill and redevelopment are priorities, that does not imply that all infill or redevelopment capacity must be consumed prior to support for any greenfield development, or that there cannot be strategically targeted new areas for growth.
- Infill or redevelopment will promote a high quality of life for existing residents by encouraging appropriate building placement and size, minimizing traffic impacts, and avoiding other undue negative consequences.
- When new growth occurs on the edge of the community, it will be done in a manner to minimize demand for new infrastructure and community services. Such greenfield development should be clustered to preserve open space and avoid negative impacts on environmentally sensitive areas and waterways. The scenic quality of the area should be preserved.

3. A greater intensity of development that integrates a mix of uses (residential, commercial, office, institutional, civic, etc.) and connects with existing developed areas is encouraged in strategic locations.

Places will be created with multiple uses - residential, commercial, and institutional, among others - in proximity to each other, perhaps on the same site and/or in the same structure. Close attention will be given to the compatibility of those uses and their surroundings. Uses will be arranged in a manner that maximizes pedestrian activity.

- Mixed use centers will be an encouraged development pattern in the city. These places mix retail, residences, offices and civic uses at various scales.
- Special districts will be designated for uses that are not appropriate in a mixed use setting (such as industrial).

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

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

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

- Policies will encourage investment in neighborhoods at the edge of Uptown.

Goals and Policies

Goal 1.1 Focused Approach to Growth and Reinvestment

Policy 1.1.4. Encourage the Evolution of Commercial Areas

Promote the evolution of commercial areas from primarily automobile-oriented to walkable mixed use areas as identified in the Future Land Use and Character Map. This evolution will likely occur incrementally and over time.

Policy 1.1.5. Transform Key Nodes and Districts

Promote compact and walkable mixed use development within key nodes throughout the city as identified by the Future Land Use and Character Map and the Future Growth Framework Map in this chapter.

Goal 1.3 High Quality Infill and Redevelopment

Policy 1.3.1. Support Infill and Redevelopment

Promote development and redevelopment throughout the city with a concentration of these projects in the Uptown Core of the Future Land Use and Character map and the Primary Service Area of the Tiered Growth Map in order to balance the city's tax base, reduce service and maintenance expenditures, and make smart long term investments that use taxpayer dollars wisely. This is generally preferred over new peripheral development.

Goal 1.4 A Vibrant Uptown

Policy 1.4.2. Foster High Density Infill Development

Foster development of high density mixed use buildings in and around Uptown that create a more vibrant pedestrian environment and provide a mix of new housing and office spaces.

Policy 1.4.5 Support and Control Uptown Nightlife

Promote Uptown as Greenville's vibrant and walkable nightlife district that supports a variety of high quality and responsible drinking and restaurant establishments. A thriving nightlife can attract and retain the young professional workers that in turn attract high quality employers. This does not mean nightlife activities need to be allowed to run out of control. Appropriate standards for these businesses should be enforced so that Uptown can be enjoyed safely and responsibly.

Chapter 3

Goal 3.1 Benefit from Past Investments

Policy 3.1.1. Promote Infill Development on Underutilized Sites in the Core

Promote the development of underutilized sites within the urban core of the city through development incentives and active advertisement to potential developers

or business tenants. The city will investigate any current barriers to development and identify solutions to make infill development a more feasible and valued option.

Policy 3.1.2. Encourage Development to Locate Near Existing or Planned Infrastructure

Encourage new development to occur in areas that can be served by existing or planned infrastructure, particularly public water and wastewater while still respecting limits of what the land and adjacent waterways can sustain.

Fiscal Note: No direct cost to the City.

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

Chapter 1, Growing the Economic Hub, Goal 1.4 A Vibrant Uptown.

Policy 1.4.4 Support and Control Uptown Nightlife. Promote Uptown as Greenville's vibrant and walkable nightlife district that supports a variety of high quality and responsible drinking and restaurants establishments. A thriving nightlife can attract and retain the young professional workers that in turn attract high quality employers. This does not mean nightlife activities need to be allowed to run out of control. Appropriate standards for these businesses should be enforced so that Uptown can be enjoyed safely and responsibly.

Chapter 3, Maintaining Fiscal Responsibility Goal 3.1 Benefit from Past Investments *Policy 3.1.1. Promote Infill Development on Underutilized Sites in the Core Promote the development of underutilized sites within the urban core of the city through development incentives and active advertisement to potential developers or business tenants. The city will investigate any current barriers to development and identify solutions to make infill development a more feasible and valued option.*

Therefore, staff recommends approval.







The Planning and Zoning Commission voted to approve (6:2) the request and to recommend to Council to implement additional community engagement prior to consideration of this request at its April 19, 2022 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 1, Growing the Economic Hub, Goal 1.4 A Vibrant Uptown. *Policy 1.4.4 Support and Control Uptown Nightlife. Promote Uptown as Greenville's vibrant and walkable nightlife district that supports a variety of high quality and responsible drinking and restaurants establishments. A thriving nightlife can attract and retain the young professional workers that in turn attract high quality employers. This does not mean nightlife activities need to be allowed to run out of control. Appropriate standards for these businesses should be enforced so that Uptown can be enjoyed safely and responsibly.*"

ATTACHMENTS

-  [Ordinance_for_bars_and_clubs.pdf](#)
-  [Minute Excerpt_April_19_2022-_Bar_2022_TA.pdf](#)
-  [Eligible District.pdf](#)
-  [StakeholderMeetings.pdf](#)
-  [Letter from Co-X Holdings.pdf](#)
-  [Written Comments.pdf](#)

ORDINANCE NO. 22-____
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 12th day of May 2022, 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 160D-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, the following goals and policies of Horizons 2026: Greenville's Community Plan: Chapter 1, Growing the Economic Hub, Goal 1.4 A Vibrant Uptown.

Policy 1.4.4 Support and Control Uptown Nightlife. Promote Uptown as Greenville's vibrant and walkable nightlife district that supports a variety of high quality and responsible drinking and restaurants establishments. A thriving nightlife can attract and retain the young professional workers that in turn attract high quality employers. This does not mean nightlife activities need to be allowed to run out of control. Appropriate standards for these businesses should be enforced so that Uptown can be enjoyed safely and responsibly.

Chapter 3, Maintaining Fiscal Responsibility Goal 3.1 Benefit from Past Investments *Policy 3.1.1. Promote Infill Development on Underutilized Sites in the Core Promote the development of underutilized sites within the urban core of the city through development incentives and active advertisement to potential developers or business tenants. The city will investigate any current barriers to development and identify solutions to make infill development a more feasible and valued option.*

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

Section 1. That Title 9, Chapter 4, Section 22, is hereby amended by adding the following definition in its respective suitable locations within the section based on its alphabetical ordering:

“Bar 2022 An establishment of which the principal use is entertainment and which meets all of the following:

- (a) May require a cover or minimum charge for admittance or service during regular or special periods of operation;
- (b) Occupies less than 3,500 square feet of space of mechanically conditioned floor area;
- (c) May provide live or recorded amplified music;
- (d) May provide a floor show;
- (e) May provide a dance area;
- (f) May provide a full service bar;
- (g) May offer food service and prepared and/or packaged foods, in a ready-to-consume state;
- (h) Hours of operation shall be limited to 12:00 AM (midnight) Sunday-Thursday and 1:00 AM on Friday and Saturday;
- (i) Shall only be allowed with a special use permit in the following geographic area which is located within the following boundary: East and West Third Street between South Pitt Street and Reade Street; Reade Street and Reade Circle between East Third Street to Cotanche Street; Cotanche Street between Reade Circle to East Eighth Street; East Eighth Street between Cotanche Street and Evans Street; Evans Street between East Eighth Street and East Tenth Street; West Tenth Street between Evans Street and Coastal Seaboard Railroad; Coastal Seaboard Railroad between West Tenth Street and West Fifth Street; West Fifth Street between Coastal Seaboard Railroad and Pitt-Greene Connector; South Pitt Street between West Fifth Street to West Third Street and returning to the point of beginning.

Section 2. That Title 9, Chapter 4, Section 85, subsection is hereby amended to add “(QQ) Bar 2022”.

Section 3. That Title 9, Chapter 4, Section 86, subsection is hereby amended by adding “(VV) Bar 2022”.

(1) (a) A special use permit for a bar 2022 is subject to annual renewal, renewal with amended conditions or revocation in accordance with the provisions of this section (VV). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a bar 2022 in accordance with the provisions of section [9-4-83](#).

(b) Staff may request the Board of Adjustment hold a rehearing for any establishment that has enforcement or response to calls for service actions attributed to them. These include Notices of Violation and or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services for infractions of one or more instances of noncompliance with applicable laws, codes, and ordinances. This includes but is not limited to: noise regulations, litter control regulations, fire codes, building codes, nuisance and public

safety regulations, and special use permit conditions at any time. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report.

(c) At the regular January or a special call meeting of the Board of Adjustment, the Director of Planning and Development Services or their authorized representative shall present to the Board of Adjustment a written staff report of any citations that have been issued for which the annual rehearing shall include a finding of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report. Planning and Development Services staff can make a recommendation of renewal, renewal of with amended conditions or revocation.

(d) Bar 2022s that have not received any citations for noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions may be recommended for renewal by the Director of Planning and Development Services or their representative to the Board of Adjustment without a rehearing at the annual review.

(e) Staff may request the Board of Adjustment hold a rehearing for any establishment that has on-going enforcement actions for numerous infractions of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, notices of violations and special use permit conditions at any time. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report.

(f) Any rehearing shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section [9-4-81](#), the Board of Adjustment may grant a special use permit with conditions imposed pursuant to this section (VV) and section [9-4-82](#) or deny the special use permit. The grant or denial of the special use permit by the Board of Adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a bar 2022.

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

(2) The owner(s) and/or operator(s) of a bar 2022 shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 a.m. each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public rights-of-way or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a public or private club shall comply with the

provisions of Title 11, Chapter 9 of the City Code, whether or not the establishment is a nightclub, bar or tavern.

(3) In addition to subsection (F) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a bar 2022, is transferred to a new owner by sale or other means, the new owner shall sign and file with the Director of Planning and Development Services an acknowledgment of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgment shall be made on forms provided by the planning office.

(5) In no event shall the noise generated by amplified audio entertainment exceed the noise control provisions as provided in Title 12, Chapter 5, of the Greenville City Code. For purposes of this section, “amplified audio entertainment” shall mean any type of music or other entertainment delivered through and by an electronic system; provided, however, televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment. Security personnel shall remain on duty until the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area.

(6) If amplified entertainment is provided after 11PM, the establishment shall employ uniformed security guard(s) provided by a security guard and control profession licensed in accordance with the provisions of G.S. Chapter 74C in the following ratios:

Approved occupancy as determined by the Building Inspector	Number of Security Personnel
1-100	1
101-200	2
201-300	3
301-400	4
401-500	5

If occupancy exceeds 500, the same ratios shall apply as in the above table.

Establishments that have an approved occupancy of no more than 100 and provide amplified entertainment after 11PM, shall employ no less than 2 security guards in order for one guard to be located within the establishment and one guard to patrol the parking lot where applicable.

(7) A security plan shall be submitted to the Greenville Police Department for review and approval along with the SUP application. Additional security personnel maybe required at the discretion of the Chief of Police based on location, proximity to similar uses, such and public

private clubs, D&Es and bar 2022, building occupancy. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

(8) A lighting plan shall be submitted to the Director of Planning and Development Services or authorized agent for review and approval, and lighting fixtures shall be installed and maintained pursuant to the approved plan which illuminates all exterior portions of the building, lot area and parking lot as determined appropriate by the Director of Planning and Development Services, or authorized agent. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling. Required or additional optional lighting shall comply with this subsection and section [9-4-104](#). A lighting plan will only be required when parking is located on private property.

(9) Shall be exempt of parking requirements in Article O.

(10) Shall use computer applications and software to detect fake identification (IDs).

(11) Shall comply with all current building codes and safety standards.

(12) Within the geographic area as described in the definition of a Bar 2022, there is no separation between a bar 2022 and any other use or zoning district.

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

Section 5: Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

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

ADOPTED this 12th day of May, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

Excerpt from the draft Planning & Zoning Commission Minutes (4/19/22)

REQUEST BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO ESTABLISH A NEW USE AND ADD A DEFINITION AND STANDARDS FOR “BAR 2022”.

Chantae Gooby presented for staff. In April 2021, the City hired Hunden and Associates (Hunden) to do an analysis for the downtown area. In October 2021, Hunden was asked to do an assessment on the 500-foot rule related to bars/clubs. Hunden recommended that the 500-foot rule be removed because it was preventing investment in the downtown area. There has been interest in opening establishments such as a daiquiri bar, alcoholic “icee” drink store or a vinyl record store that serves alcohol. All of which are considered a bar/club. Under current regulations, potential locations have been difficult to find. In 1992, Council deleted the 500-foot spacing between clubs. In 2009, there was a fatal drive-by shooting downtown which resulted in Council reinstating the 500-foot rule between clubs and also added residential uses and residential zoning districts. Staff held six stakeholder meetings from September 2, 2021 to March 9, 2022. The stakeholder group was made up of roughly 40 people that included property/business owners in the downtown area, Uptown Greenville, East Carolina University and Vidant. There are 39 alcohol establishments City-wide. This does not include restaurants. Bars/clubs are the most intensive uses as they have no security requirement and no ratio of food to alcohol sales requirements. The difference between bars and Dining and Entertainment Establishments (D&Es) are that D&Es must have food sales of at least 30% of the total gross receipts during any month. With the 500-foot rule, a bar/club cannot be within 500 feet of another club, a single-family home or a single-family residential zoning district. Bars/clubs are only allowed with a Special Use Permit in Downtown Commercial (CD), Downtown Commercial Fringe (CDF), General Commercial (CG) and Heavy Commercial (CH) zoning districts. From a survey of other cities, staff found that most do not have spacing requirements between bars to other bars, or between residential uses/districts. Most do have spacing requirements between bars and places of worship and schools. These spacing requirements are enforced by the state’s ABC Commission. At the March 14, 2022 meeting, City Council passed a motion to adopt the staff report and to forward this text amendment to the Planning and Zoning Commission at its April 19, 2022 meeting. With this new use, there may be a cover charge, the space has to be less than 3,500 square feet, there may be live music, a floor show or dance area and may serve food. However they must close by midnight Sunday through Thursday and 1:00 A.M. Friday through Saturday. The use can only be in the eligible district. A Special Use Permit (SUP) from the Board of Adjustment (BOA) is required. An annual renewal, renewal with amended conditions or revocation by the BOA is required. A rehearing may be requested by staff at any time for numerous enforcement actions or calls for services or violation of conditions. Staff may recommend no annual rehearing for establishments that have not had any enforcement actions, calls for service or violation of the conditions but the decision is made by BOA. If amplified entertainment is provided after 11:00 P.M., the establishment has to employ uniformed security guards in ratio to the approved occupancy of the building. Also a security plan has to be approved by Greenville Police Department and there also has to be a lighting plan. There are no parking requirements for this use. The establishment has to use apps and software to detect fake IDs and must comply with building codes and safety standards. For this use, there are no separation requirements between any uses and/or districts. The eligible area is identified as Uptown Core and Uptown Edge Characters. Within these characters, the plan recommends filling in vacant lots and encouraging Mixed-Use. In staff’s opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the Horizons 2026: Greenville’s Community Plan,

Policy 1.4.4 Support and Control Uptown Nightlife. Promoted Uptown as Greenville’s vibrant and walkable nightlife district that supports a variety of high quality and responsible drinking and restaurant establishments. A thriving nightlife can attract and retain the young professional workers that in turn attract high quality employers. This does not mean nightlife activities need to be allowed to run out of control. Appropriate standards for these business should be enforced so that Uptown can be enjoyed safely and responsibly.

Mr. Robinson asked if conditions can be placed on the permit and if the permit has to be renewed every year.

Ms. Gooby stated yes. Any issues including violations, calls for services related to the Police or Fire Department, potential noise violations or litter violations would be brought to the BOA. The Board could approve the permit, revise the conditions or revoke the permit.

Mr. Robinson asked if the city can take action to rescind the permit if there is a problem between the first granting and the year review.

Ms. Gooby stated staff would take the information to the Board. Since the Board gives the permit, it would be the body to amend or revoke the permit.

Mr. Robinson asked if there is a problem how much notice does staff give to the permittee for a hearing for a modification/revocation.

Ms. Gooby stated the permittee would be given a 30-day notice.

Mr. Robinson asked if action is taken to revoke the permit and the decision is rendered, would that be immediate.

Ms. Gooby stated yes.

Mr. Robinson asked if the permittee can take legal action to get it reviewed and if that would be the local Superior Court.

Attorney McGirt stated the applicant can appeal the BOA's decision. Once the BOA issues an order to rescind the permit, under State law the holder has 30 days to appeal to the Superior Court and the permittee can get a stay on that decision while it is being litigated in trial court.

Mr. Robinson stated the Superior Court Judge would have to find that more likely than not, the City made an error when they revoked or rescinded the permit.

Attorney McGirt stated the court would have to make some findings of that nature to protect the permittee's rights while it is pending in trial court. It would be a zoning enforcement action so a Zoning Enforcement Officer would have information that a bar is in violation. The office would issue a Notice of Violation and if the person does not come into compliance, the person has a right to a hearing in front of the BOA. If the BOA agrees with the city and issues an order rescinding the permit then the holder of the permit can appeal to the trial court.

Mr. Robinson asked if there is any procedure that governs the bars currently in existence.

Attorney McGirt stated most of the bars currently in existence have SUPs. If they are in violation, the Zoning Enforcement Officer can issue a Notice of Violation and if they do not agree or don't come into compliance, they have the right to appeal to the BOA.

Chairman Faison stated most bars that are currently in existence are not under annual review. They are only under review in times when something negative happens.

Mr. Parker asked if there is a mechanism in place that would automatically trigger an immediate review of security, etc. if there are two instances between first year review and second year review.

Ms. Gooby stated staff works with the Police and Fire Departments so if something like that were to happen then staff would be notified. Staff would bring the information to BOA for review.

Mr. Robinson stated that is in addition to the policing of the ABC and ALE which grant the alcohol permit. He asked if they can also take action.

Ms. Gooby stated yes.

Chairman Faison asked why staff recommendations became so restrictive when some other cities allow bars as a by-right use. It seems like staff is restricting businesses from their ability to make money and compete with the current market.

Ms. Gooby stated staff did look at how other cities regulate bars, the City's current standards and the impediments for someone who wanted to run such a business. Staff tried to strike a balance with some restrictions for a "Bar 2002" to be a good neighbor whether that be to another bar, retail store or residences. Staff took that information and feedback from the stakeholders and City Council.

Mr. Joyner stated he thinks it is a good idea to review the 500-foot rule relative to investment. It seems like it would be difficult for some to invest with the restrictions and standards required. He stated the other cities do not have a 500-foot rule

Mr. Thomas stated there are three groups. There are bars that are "grandfathered", bars that have a SUP and bars under the current standards. East and West Greenville cannot have this opportunity.

Ms. Gooby stated that based on feedback from Council and the stakeholders group was to focus on downtown.

Mr. Parker asked if Staff had been approached by potential businesses that want to come downtown and if that is how this came about.

Thomas Barnett, Director of Planning and Development Services, stated Staff has been discussing this since back in late 2018. Staff was approached by people that wanted to open a bar but couldn't find a spot that meets all the criteria for the 500-foot rule.

Mr. Parker asked if this were in place then, would they have tried to open up under these new standards.

Mr. Barnett stated he thinks so assuming they weren't all talking about downtown. Staff has been approached recently by people that wanted to have alcohol sales which "makes" them a bar. For example there was a person that sells vinyl and used books but wanted to be able to sell alcohol and maybe have live music at night but the way the ordinance is written, it does not allow for these things so it would be considered a bar. When Staff held the stakeholders meetings there was push from both sides. What is being presented is a compromise to try to meet the needs of people. From Staff's perspective it was going to be the best thing to move forward and have some flexibility.

Mr. Thomas asked how many people attended the stakeholders meetings.

Mr. Barnett stated that the most that attended at any one time was 10. There were different people who showed up at different times but out of the total group there was probably 18 to 20.

Mr. Thomas asked if the stakeholders voted.

Mr. Barnett stated Staff asked them what they thought, took their comments and encouraged them to speak to Council. Staff took back the comments from the group to Council. What is being presented is a result of those meetings and Council's direction back to Staff.

Mr. Thomas asked if the ABC Board and ALE were part of these discussions.

Mr. Barnett stated there were conversations with them about the topic but they were not invited to the meetings.

Mr. Thomas stated there are some things with this that need to be worked on from multiple ends to create a viable solution. There has also been a lot of written commentary received. One of those comments came from Uptown Greenville that took a unanimous vote opposing this because it thinks there should be more discussion. There is also commentary here from the hotel owner who was unfortunately were not included in the stakeholder group.

Mr. Joyner stated he is for removing the 500-foot rule but he thinks there needs to be further work.

Chairman Faison opened the public hearing.

Maury York spoke in opposition. He stated he and his wife have owned 106 E. 4th Street in the Uptown area since 1989. Unfortunately they were not included in the stakeholder meetings. They are concerned about doing away with the 500-foot rule. Before the 500-foot rule was reinstated in 2009, their building was vandalized multiple times by bar patrons. Since the 500-foot rule has been reinstated, the number of bars has diminished and the amount of crime has declined.

Chairman Faison closed the public hearing.

Mr. Maxwell stated he is in agreement with some of the written comments. He thinks some of the businesses that have come downtown the last couple of years came because there wasn't a lot of bars. People are coming downtown more now because they feel safer.

Mr. Collins stated it seems there are some people that think it is too restrictive and some that think it is not restrictive enough so it seems it could be a reasonable compromise to make a decision.

Chairman Faison stated whichever way the vote goes, there still needs to be further discussion on what can be done because the eligible area is small. There is still a whole City where businesses cannot grow and flourish due to the 500-foot rule.

Mr. Robinson stated this is a way to eliminate the 500-foot rule and open up properties downtown for nice bars and restaurants.

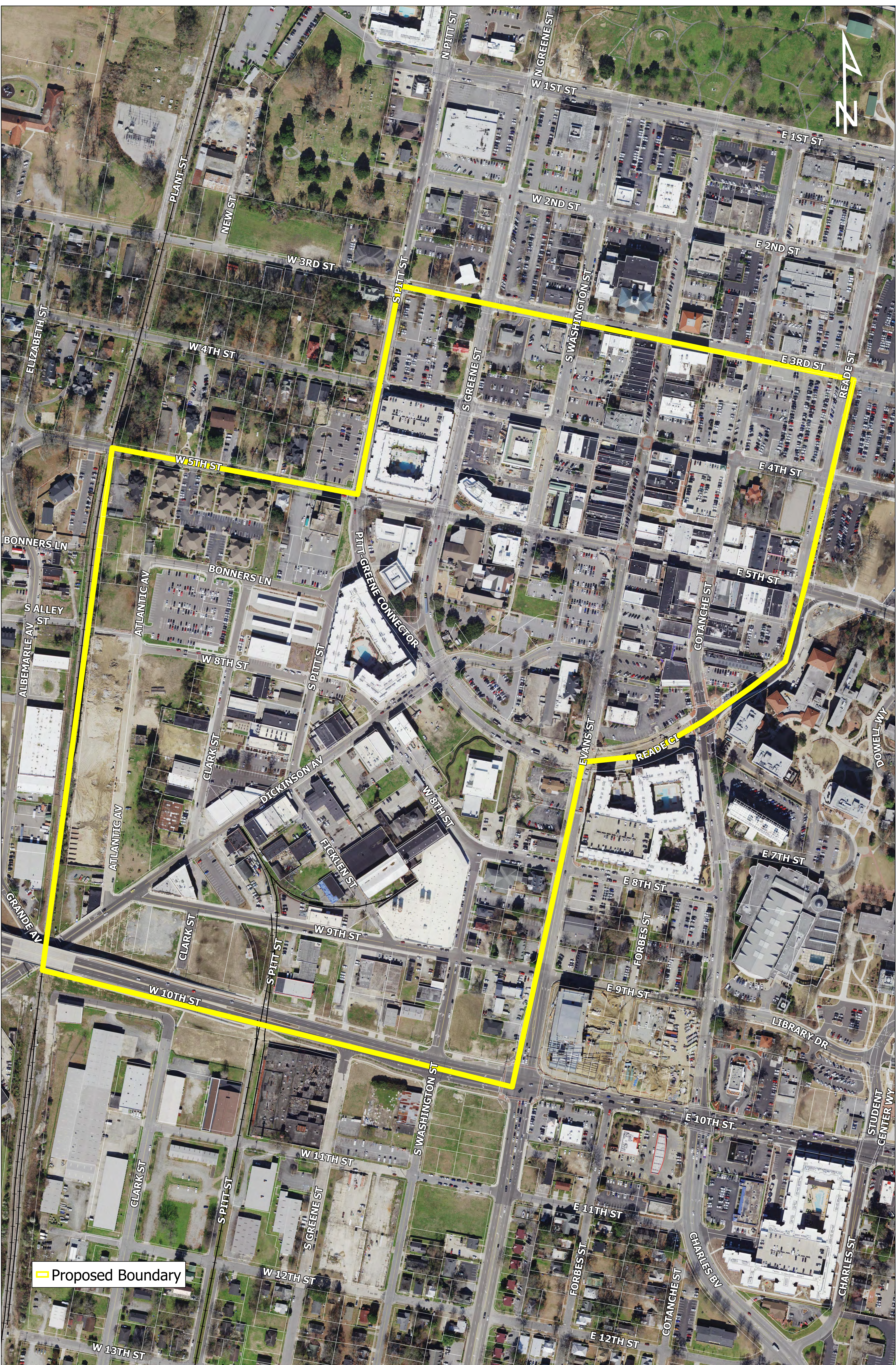
Mr. Thomas stated he thinks the Commission needs to be intentional with what they do here especially if everyone isn't happy. There is a letter from the upcoming hotel owner that states they would not have built here if they knew about this. He thinks there needs to be further meetings to discuss a good solution.

Chairman Faison asked if any hotel would potentially fall into that category. If so, are we telling a hotel that they can't have bar unless they have a restaurant. Some hotels in Raleigh turn into a bar at night that does not serve food.

Mr. Barnett stated they would have to be 500 feet from another bar or they would have to meet the current standard for 50% food sales. The restaurant does not have to be open the same time as the bar. The monthly sales would have to be 50/50.

Attorney McGirt stated the statutory purpose of the Commission is to make a recommendation to Council. The Commission either recommends approval or denial.

Motion made by Mr. Brock, seconded by Mr. Collins, to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and to adopt the staff report which addresses plan consistency and other matters and to recommend to Council to implement additional community engagement prior to consideration of this request . Motion passed 6:2. Voting in favor: West, Robinson, Parker, Joyner, Collins, and Brock. Voting in opposition: Maxwell and Thomas.



Proposed Boundary

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

STAKEHOLDER – A person that was identified as a potential stakeholder who was included in invitations and updates or a person who attended meetings.

ADHOC GROUP LISTING

NAME	COMPANY/AFFILIATION
BAGNELL, BILL	ECU VICE CHANCELLOR
BLOUNT, GRAY	HOME BUILDER'S SUPPLY
BLOUNT, JIM	BLOUNT PROPERTIES
BOUTILIER, KELLY	STARLIGHT CAFÉ
BROWN, DAVID	DAVID USED BOOKS
CLARK, WILL	TIDELAND CONSTRUCTION LLC
DOWELL, TIFFANY	13 ELEVEN NIGHTCLUB
DZEKO, MEREDITH	UPTOWN GREENVILLE
EDWARDS, DON	UNIVERSITY BOOK EXCHANGE (UBE)
EDWARDS, JUDY	CATALOG CONNECTION/UNIV BOUTIQUE
ELLIOTT, TIM	INTERSECT EAST
GARRIOTT, HOLLY	EMERALD LOOP/EMERGE GALLERY
GLENN, MICHAEL	JEFFERSON'S
HARDY, VIRGINIA	ECU VICE CHANCELLOR STUDENT AFF
HARRISON, HUNTER	SMASHED WAFFLES
HATOUM, SHARIF	STILL LIFE ENTERPRISES
HOUSE, KEITH	THE EAST GROUP
KHOURY, TONY	TRANSWORLD BUSINESS ADVISORS
KOCH, BILL	ECU VC CAMP SAFETY
KNEUBUEHL, ERIK	ASSOC VICE CHANCELLOR STUDENT
MCCLAMB, JJ	BUGGY'S BAR
MOYE, STACI	MOYE-CORP
OLIVERIO, BRET	SUP DOGS
OVERTON, MICHAEL	THE OVERTON GROUP
PORTER, TRISTA	GREENVILLE MUSEUM OF ART
SCULLY, MATT	THE SCULLERY
SENATORE, SCOTT	VIDANT
SHAW, RUSSELL	ANOTHER LEVEL HAIR BAR
STALLINGS, TUCKER	STARK HOLDINGS LLC/FICKLEN
TAFT JR, THOMAS	TAFT FAMILY VENTURES
TEEL, KATE	CHAMBER OF COMMERCE
THOMPSON, MARK	THE STATE THEATRE
VAINRIGHT, MARTY	COASTAL FOG
WARD, JIM	WARD HOLDINGS LLC
WHITE, CARLOS	13 ELEVEN NIGHTCLUB
WILKERSON, HOLTON	THE STATE THEATRE

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

There were a total of six (6) stakeholder meetings held. Below is a quick synopsis of each meeting.

MEETING 1: SEPTEMBER 2, 2021 (IN-PERSON)

- STAKEHOLDERS IN ATTENDANCE:
 - Staci Moye; Lee Sarbo; David Lever; Bill Koch; Marilyn Reichstein; Mark Privette; Michael Overton; Don Edwards; Sharif Hatoum
- INFO PROVIDED: Initial introduction and history of the 500-Foot Rule

MEETING 2: OCTOBER 6, 2021 (IN-PERSON)

- STAKEHOLDERS IN ATTENDANCE:
 - Staci Moye; Erik Kneubeuhl; Claire Edwards; Andrew Marchea; Michael Overton; Bret Oliverio; David Brown; Meredith Dzeko; Bill Koch
- INFO PROVIDED:
 - Minutes from previous meeting
 - Introduction to “entertainment/overlay districts” and consultant’s (Hunden) scope of work
 - Pictures of downtown development in different locations

MEETING 3: NOVEMBER 3, 2021 (IN-PERSON)

- STAKEHOLDERS IN ATTENDANCE:
 - Meredith Dzeko; Andrew Schmidt; David Brown; Erik Kneubuehl; Tony Khoury; Bill Koch; Brett Oliverio
- INFO PROVIDED:
 - Minutes from previous meeting
 - Recap of D&E’s, Bars and Clubs
 - Two phase options based off of Council presentation suggestions discussed

MEETING 4 & 5: JANUARY 20, 2022 & JANUARY 25, 2022(VIRTUAL)

- STAKEHOLDERS IN ATTENDANCE:
 - Carlos White; David Brown; Andrew Schmidt; Corbett Harris; Erik Kneubuehl; Tiffany Dowell; Staci Moye; Bret Oliverio; Bill Koch; Sharif Hatoum; Michael Glenn
- INFO PROVIDED:
 - Proposed new use type and standards for “Bar 2021” (see attachment 3)
 - Potential 500-Foot Boundary Map (see attachment 4)

MEETING 6: MARCH 9, 2022 (IN-PERSON)

- STAKEHOLDERS IN ATTENDANCE:
 - Carlos White; Don Edwards; Tony Khoury; Bill Koch; Michael Glenn; Bret Oliverio
- INFO PROVIDED:
 - Draft “Bar 2022” Ordinance (see attachment 5)
 - Updated 500 Foot Rule Boundary Map (see attachment 6)

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

CITY COUNCIL WORKSHOP/MEETING PRESENTATIONS

1. April 5, 2021 - presentation by Hunden on the 500-foot rule
2. October 11, 2021 - presentation by Hunden on downtown financial assessment and 500-foot rule
3. November 8, 2021 - presentation by PDS staff on 500-foot rule
4. December 6, 2021 presentation by PDS staff on 500-foot rule
5. February 7, 2022 - presentation by Hunden on downtown financial assessment and attract new investments to downtown
6. February 7, 2022 - presentation by PDS staff on 500-foot rule
7. March 14, 2022 - presentation by PDS staff on 500-foot rule

*******SEE THE NEXT FEW PAGES FOR ALL ATTACHMENTS*******

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

ATTACHMENT 1

Summary from September 2, 2021

500-Foot Rule/Attract Diverse Reinvestment Downtown Meeting

Attendance:

Stakeholders

Lee Sarbo	Staci Moye (Business Owner)
Don Edwards (Uptown Props.)	David Lever
Marilyn Reichstein	Mark Privette
Michael Overton (The Overton Group)	Bill Koch (ECU Campus Safety)
Sharif Hatoum	

City Staff

Thomas Barnett (PDS)	TaWanda Cage (PDS)
Les Everett (PDS)	Chantae Gooby (Planning)
Elizabeth Blount (Planning)	Bob Clark (Planning)
Michael Cowin (City Mgr's Office)	

Overview/Introduction

- A brief history was provided regarding why the 500-Foot Rule was established and created as a means to limit the number of nightclubs/bars
- The question was presented... “Should the 500-Foot Rule be kept, discarded or revised?... and a discussion of its current impacts on development and investment.”
 - Handout was provided (Carrots/Sticks or Bonuses/Regulation to create an alternative or different framework to spur downtown development)

Discussion/Concerns from attendees

- Biggest challenges are outside of the 500-Foot Rule and those should be addressed first:
 - Parking (Public lots vs. Private lots), ECU had closed part of their parking that had previously been open to the public.
 - Lighting
 - Police Enforcement-citizens not “allowed” in the bar/club establishments flooding the streets (excessive loitering); they feel police are not at liberty to enforce the way they need to
 - Enforcement presence (City Police, ALE, and other agencies all present at the same time); too many agents present in uniformed open view on all the street corners deters “good” customers away

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

- o Infrastructure/beautification investment is needed to brighten the appearance of the City
- Vacant properties due to the 500-Foot Rule:
 - o There are many vacant units in the downtown area. Given the current environment no business or office space is being sought as of now
 - o Only bar availability currently is on Dickinson Ave. (closer to Memorial Dr.) due to the current 500-Foot regulation

Suggestions/Solutions

- Keep the 500-Foot Rule but create an “Overlay/Entertainment District” allowing new developments but with additional regulations that must be met to reduce the 500-Foot requirements such as:
 - o Hours of operation (close before 2PM or offer amenities for patrons to stay a little longer even though no alcohol after 2PM to reduce the influx of people exiting the establishments at one time.
 - o Up to date Code compliance (Sprinklers, restroom facilities, proper occupant loads, ADA, etc.
 - o Strengthen annual review for Special Use Permits
 - o City Approved Security Plan
 - o Age Restrictions (over 21 only)
 - o Open to all (no discrimination or special dress code)
- Parking:
 - o Uptown Transportation could be provided to move people from parking to venues and back again
 - Trolleys
 - Low Speed Vehicles
 - o Signage (improve the ability for the public to easily find parking downtown)
- Incentivize Business Groups
 - o Try to develop complimenting businesses within the same area for more daytime and early evening environment
- Merchandising Plan
- Loitering:
 - o Provide alternative establishments / activities to reduce the numbers
 - o Possible encroachment permit adjustments to allow more authority of control to the business ownership (Major & Minor)

Moving Forward/Questions for Next Time

- Meeting consensus (how often)?
- What legal restrictions would there be within an “Overlay District”?
- Can the City facilitate a meeting between investors and vacant property owners within Uptown?

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

ATTACHMENT 2

500-Foot Rule-Stakeholder Meeting Summary October 6, 2021

Attendance:

Stakeholders

Erik Kneubeuhl (ECU)	Staci Moye (Business Owner)
Claire Edwards (Uptown Profs.)	David Brown (David's Used Books)
Andrew Marcheal (ECU)	Meredith Dzeko (Uptown Greenville)
Michael Overton (The Overton Group)	Bill Koch (ECU Campus Safety)
Bret Oliverio (Sup Dogs)	

City Staff

Thomas Barnett (PDS)	TaWanda Cage (PDS)
Tiana Berryman (Housing)	Chantae Gooby (Planning)
Elizabeth Blount (Planning)	Bob Clark (Planning)
Adrian Atkinson (PDS)	Mark Holtzman (GPD)
Ken Graves (City Mgr's Office)	Michael Cowin (City Mgr's Office)

Presentation (via Powerpoint)

- Current local projects (The Ficklen, Intersect East, Evans St Hotel, Container Bar)
- "Downtown" images from other locations (Chapel Hill, Maryland, California)
- Map of the "greater Downtown area" (West Greenville, TRUNA area included)

Brief Overview of consultant's (Hunden) Scope of Work

- Incentives for development downtown
- Presenting Monday, October 11, 2021 at Council Workshop; attendees invited to watch and/or attend

City's Plan/Focus

- Phase I
 - 500-Foot Rule Options/Alternatives
 - No overlay district-will be Citywide
 - Rule ultimately stays in effect but exception for new bars who commit to a voluntary agreement to comply to specific regulations (i.e. hours of operation, minimum age requirements, safety plan, SUP annual review)

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

- Draft amendment
- Eliminate 500-foot rule
Draft ordinance
- i. Both choices will be offered to Council by end of year for direction
- Phase II
 - Development Downtown
 - Continued research of processes
 - Incentivizing reinvestments
 - Attracting new investments

Q&A/Comments

- Special Use Permits inquiry-obtained by the property owner and business owner; annual reviews will concentrate on the business operations
- Concern of legal liability of the City if renewal of SUP is denied raised
- Compliance standards set
- Previous SUPs considered “grandfathered”
- Definition of bars requested and established
BOA’s criteria-should be equitable in its regulations
- b. Downtown Patrol - per Chief Holtzman, over 20 officers patrol during the weekend
 - i. Lt. Anderson oversees the patrolling
 - ii. Checkpoints (as a means to eliminate loitering-parking lots)
- c. Late night transportation concern
 - i. Incentivizing drunk driving especially if businesses are in dispersed locations
 - ii. Trollies & low speed vehicles options
- d. Zoning-preset regulations will still be in affect

Moving Forward

- Reach out to other comparable locations for input and ideas (i.e. Lynchburg VA; Meredith with Uptown Greenville to provide contact information of various areas)
- Text amendment/new ordinance to be drafted
- Next meeting-
 - Within 3 weeks
 - Review of drafted legislation at that time
 - Will submit draft to Council

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

ATTACHMENT 3

500 FOOT RULE STAKEHOLDER MEETING January 20, 2022
“BAR 21” NEW USE TYPE AND UPDATED STANDARDS (STATUS: PROPOSED, TO BE
DRAFTED PRESUMABLY FOR FEBRUARY COUNCIL MEETING)
New use: “BAR 2021”, permissible by Special Use Permit

Proposed standards:

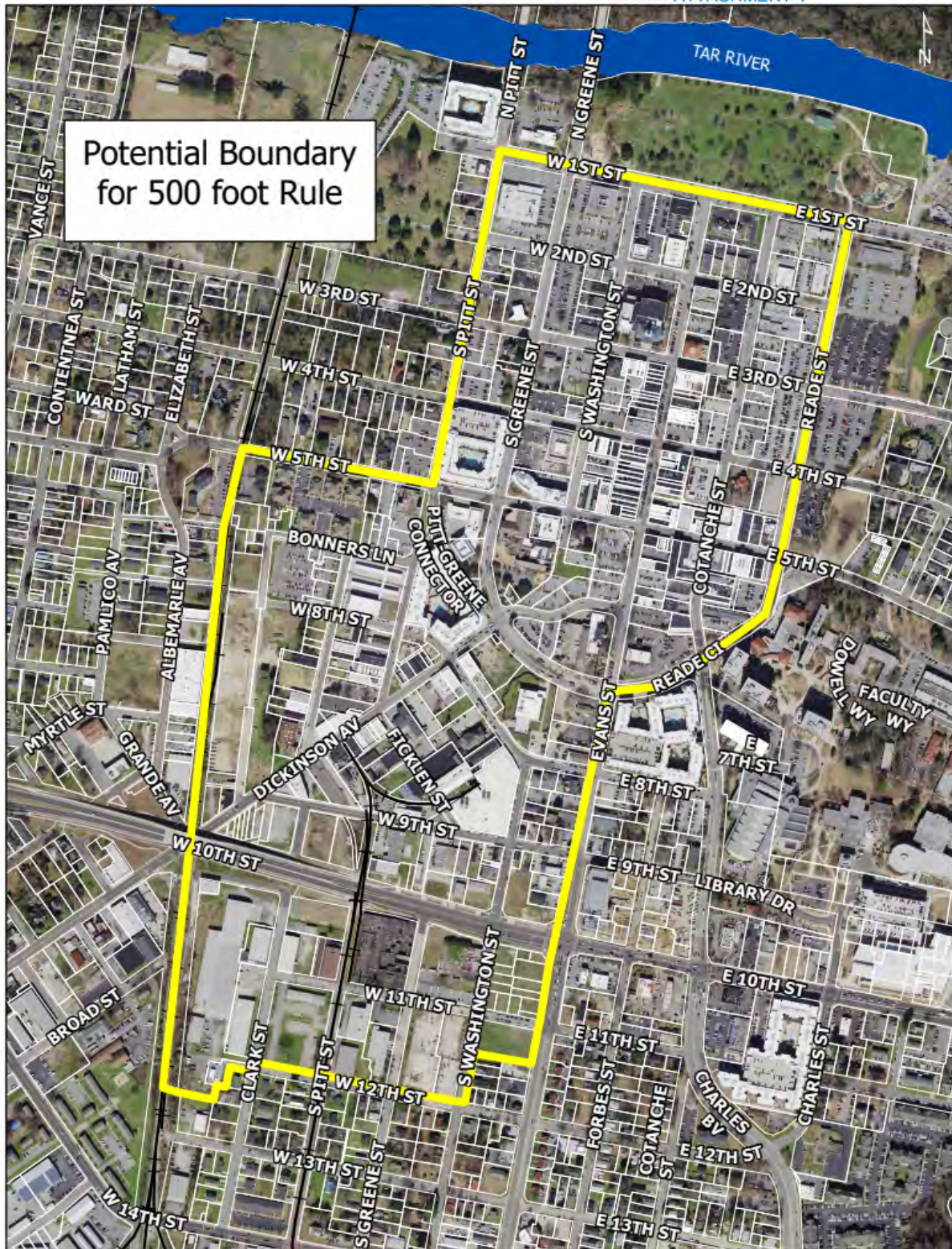
- Annual review by staff, with findings that would require BOA to rehear and renew/revoke the SUP
- If provide amplified entertainment after 11:00 PM, must provide 1 security guard or off-duty law enforcement officer for occupancy 50-199 persons; 2 for 200 or more occupancy
- Exterior lighting plan for the private property (similar to D&E standard)
- Hours of operation limited to 12 midnight Sunday-Thursday; 1 AM on Friday, Saturday.
- No cover charge or admittance fee
- Collect and dispose of litter and debris in the vicinity by 7 AM the following morning
- Shall admit only individuals at least 21 years of age
- Shall use apps/software to detect fake IDs
- Shall submit security plan approved by Police Department as part of the application for SUP
- Shall submit a lighting plan for building, lot, and parking lot
- Shall submit a parking plan demonstrating sufficient parking and safe ingress/egress
- Shall not apply drink pricing specials such as penny drafts; minimum price shall apply
- Shall comply with all current building codes and safety standards

Additional conditions may be placed by the BOA to ensure standards of SUP review are met, initially or upon annual review

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

ATTACHMENT 4

ATTACHMENT 4



500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

ATTACHMENT 5

ORDINANCE NO. 22-____
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 12th day of May 2022, 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 160D-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 22, is hereby amended by adding the following definition in its respective suitable locations within the section based on its alphabetical ordering:

“Bar 2022 An establishment of which the principal use is entertainment and which meets all of the following:

- (a) May require a cover, or minimum charge for admittance or service during regular or special periods of operation;
- ~~(b) Shall not sublet/and or lease to a third party;~~

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

- (b) Occupies less than 3,500 square feet of space of mechanically conditioned floor area;
- (c) May provide live or recorded amplified music;
- (d) May provide a floor show;
- (e) May provide a dance area;
- (f) May provide a full service bar;
- (g) May offer food service and prepared and/or packaged foods, in a ready-to-consume state;
- (h) Hours of operation shall be limited to 12:00 AM (midnight) Sunday-Thursday and 1:00 AM on Friday and Saturday;
- (i) Shall only be allowed with a special use permit in the following geographic area which is located within the following boundary: East and West Third Street between S Pitt Street and Reade Street; Reade Street and Reade Circle between East Third Street to Cotanche Street; Cotanche Street between Reade Circle to East Eight Street; East Eight Street between Cotanche Street and Evans Street; Evans Street between East Eight Street and East Tenth Street; West 10th Street between Evans Street and Coastal Seaboard Railroad; Coastal Seaboard Railroad between West 10th Street and West Fifth Street; West Fifth Street between Coastal Seaboard Railroad and Pitt-Greene Connector; South Pitt Street between West Fifth Street to West Third Street and returning to the point of beginning.

Section 2. That Title 9, Chapter 4, Section 85, subsection is hereby amended to add “(QQ) Bar 2022”.

Section 3. That Title 9, Chapter 4, Section 86, subsection is hereby amended by adding “(VV) Bar 2022”.

(1) (a) A special use permit for a bar 2022 is subject to annual renewal, renewal with amended conditions or revocation in accordance with the provisions of this section (VV). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a bar 2022 in accordance with the provisions of section [9-4-83](#).

(b) Staff may request the Board of Adjustment hold a rehearing for any establishment that has enforcement or response to calls for service actions attributed to them. These include Notices of Violation and or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services for infractions of one or more instances of noncompliance with applicable laws, codes, and ordinances. This includes but is not limited to: noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions at any time. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report.

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

(c) At the regular January or a special call meeting of the Board of Adjustment, the Director of Planning and Development Services or their authorized representative shall present to the Board of Adjustment a written staff report of any citations that have been issued for which the annual rehearing shall include a finding of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report. Planning and Development Services staff can make a recommendation of renewal, renewal of with amended conditions or revocation.

(d) Bar 2022s that have not received any citations for noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions may be recommended for renewal by the Director of Planning and Development Services or their representative to the Board of Adjustment without a rehearing at the annual review.

(e) Staff may request the Board of Adjustment hold a rehearing for any establishment that has on-going enforcement actions for numerous infractions of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, notices of violations and special use permit conditions at any time. The special use permit holder as specified under subsection (VV)(4) below shall be provided notice of the meeting and a copy of the staff report.

(f) Any rehearing shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section [9-4-81](#), the Board of Adjustment may grant a special use permit with conditions imposed pursuant to this section (VV) and section [9-4-82](#) or deny the special use permit. The grant or denial of the special use permit by the Board of Adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a bar 2022.

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

(2) The owner(s) and/or operator(s) of a bar 2022 shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 a.m. each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public rights-of-way or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a public or private club shall comply with the provisions of Title 11, Chapter 9 of the City Code, whether or not the establishment is a nightclub, bar or tavern.

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

(3) In addition to subsection (F) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a bar 2022, is transferred to a new owner by sale or other means, the new owner shall sign and file with the Director of Planning and Development Services an acknowledgment of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgment shall be made on forms provided by the planning office.

(5) In no event shall the noise generated by amplified audio entertainment exceed the noise control provisions as provided in Title 12, Chapter 5, of the Greenville City Code. For purposes of this section, “amplified audio entertainment” shall mean any type of music or other entertainment delivered through and by an electronic system; provided, however, televisions operating with no amplification other than their internal speakers or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment shall not be deemed amplified audio entertainment. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment. Security personnel shall remain on duty until the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area.

(6) If amplified entertainment is provided after 11PM, the establishment shall employ uniformed security guard(s) provided by a security guard and control profession licensed in accordance with the provisions of G.S. Chapter 74C in the following ratios:

Approved occupancy as determined by the Building Inspector	Number of Security Personnel
1-100	1
101-200	2
201-300	3
301-400	4
401-500	5

If occupancy exceeds 500, the same ratios shall apply as in the above table.

Establishments that have an approved occupancy of no more than 100 and provide amplified entertainment after 11PM, shall employ no less than 2 security guards in order for one guard to be located within the establishment and one guard to patrol the parking lot where applicable.

(7) A security plan shall be submitted to the Greenville Police Department for review and approval along with the SUP application. Additional security personnel maybe required at the discretion of the Chief of Police based on location, proximity to similar uses, such and public private clubs, D&Es and bar 2022, building occupancy. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement

500-FOOT RULE STAKEHOLDER MEETINGS OUTLINE

officers at all time. This section shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

(8) A lighting plan shall be submitted to the Director of Planning and Development Services or authorized agent for review and approval, and lighting fixtures shall be installed and maintained pursuant to the approved plan which illuminates all exterior portions of the building, lot area and parking lot as determined appropriate by the Director of Planning and Development Services, or authorized agent. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling. Required or additional optional lighting shall comply with this subsection and section [9-4-104](#). A lighting plan will only be required when parking is located on private property.

(9) Shall be exempt from parking requirements in Article O.

(10) Shall use computer applications and software to detect fake identification (IDs).

(11) Shall comply with all current building codes and safety standards.

(12) Within the geographic area as described in the definition of a Bar 2022, there is no separation between a bar 2022 and any other use or zoning district.

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

Section 4: 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 5: That this ordinance shall become effective upon its adoption.

ADOPTED this 12th day of May, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

Updated version 1160955



March 31, 2022

Mr. Kevin Faison
Chairman, Planning and Zoning Commission
City of Greenville,
Greenville, NC 27834

Dear Mr. Faison:

I am Scott Diggs of Co-X properties. We are building the Hilton Garden Inn in Uptown Greenville and I will be the owner of this new hotel. Our investment will be in excess of \$23,000,000 and will create a tax value of almost \$100,000,000 an acre, which will be the highest in Pitt County, as well as bringing new jobs and new opportunities to Greenville. We plan to open the hotel in the fall of 2023. We believe the hotel is imperative to the success of the continued revitalization of Uptown Greenville.

We strongly oppose the repeal of the 500-foot rule or the creation of an overlay district in Uptown in which there are special permitted exceptions to the 500-foot rule, concerning the opening of new bars. The 500-foot rule has decreased crime and increased public safety in the uptown area, as well as contributed to increased property values to the benefit of the city's tax base—both in reality and in public perception. Changing or repealing the 500-foot rule also will change the nature of the businesses which Uptown is beginning to attract, to the detriment of a decade's progress.

Firstly, the uptown district is safer and experiences less crime as a result of the 500-foot rule. Prior to 2010, before the enactment of the rule, the uptown district was widely regarded as unsafe. Safety from crime (both property crimes and violent crimes including assault) is absolutely essential to the success of a hotel, and we would not have invested in the Uptown district without the increased safety, both real and perceived, created by the 500-foot rule. The perceived and actual safety from crime also enhances the district's appeal to a broad range of businesses.

Secondly, a vibrant, diverse, and above all, commercially successful, Uptown district leads to increases in tax values. This is readily apparent in tax values for the Uptown district over the past ten years. More than just a measure of the area's success, increased tax revenues fund city operations across the entire

Co-X Holdings, LLC
648 NE 3rd Avenue Fort Lauderdale, FL 33304



March 31, 2022

Page 2

city. As of 2018, the Uptown district occupies about 2.29% of the city's land area but generates 13% of the city's property taxes. The hotel project will create nearly \$100 million in tax value per acre. We would like to see that value protected.

Finally, the 500-foot rule is working. Prior to the pandemic, in 2018, we added sixteen new businesses, in Uptown, and from 2016 to 2019 investors provided over half a billion dollars in capital improvements to the area. Newspaper stories covering the transformation of Greenville's downtown were everywhere before the pandemic. Six new businesses are opening in the Uptown area in the next few months, and with the easing of pandemic restrictions, the Uptown area is poised to resume its previously explosive expansion. The 500-foot rule is one part of a multi-pronged policy designed to continue the growth and development of Uptown. Increasing numbers of public art projects, public and private festivities, changes and improvements to parking and parking policy, and state and federal grant programs all work together, with the 500-foot rule, to create a vibrant and increasingly successful area, in spite of the pause to progress created by the pandemic.

The progression of the Uptown district over the last ten years cannot be overstated. New businesses and facilities run the gamut from unique local restaurants to museums, art galleries, music theaters and other amenities. It is not time to change the course of Uptown, particularly backwards, to a district of easy-come, easy-go bars and nightclubs which stand empty during daylight hours and which have little interest in the long-term success of the area. It is instead time to recommit to the changes which brought the hotel to downtown in the first place. We should make the positive changes of the previous ten years our guide and our signpost to the future, so that we can continue to create a great area. Repeal or revision of the 500-foot rule is a risky and unnecessary change which looks to the past. At minimum this issue should be tabled for a least two years and then revisited.

Thank you for your consideration on this most important matter.

Warm Regards,

A handwritten signature in black ink, appearing to read "SD", is written over a large, stylized, circular flourish that extends to the right and loops back under the signature.

Scott Diggs
CEO

Co-X Holdings, LLC
648 NE 3rd Avenue Fort Lauderdale, FL 33304

Chantae Gooby

From: Jerry W. McRoy <jmcroy@earthlink.net>
Sent: Monday, April 18, 2022 11:02 PM
To: Chantae Gooby
Cc: Valerie Shiuwegar; PJ Connelly
Subject: Response / Public Comment -- RE: [External] * 500 Foot Rule Status

Importance: High

Hello Chantae,
 (cc: Valerie, P.J.)

My concerns regarding the reconsideration of the 500-foot rule are numerous but they center around the wider distribution of intoxicating beverages in downtown Greenville.

I remember many years ago, Halloween was bad time in downtown Greenville. Drunken people (perhaps many of them, college students) created a riotous situation that resulted in violence, mayhem, property destruction, and injuries. An eventual outcome was the blockading of the streets in downtown Greenville during Halloween night. That was long ago and I don't remember how long the situation existed, but it was of great concern to the city.

Apparently, a similar situation occurred about a decade ago (from what I read in a recent Daily Reflector article), resulting in the institution of the "500 Foot Rule." (I lived in another state at the time.)

As a Greenville resident, I am concerned that past lessons the city has learned are now being ignored . . . for what purpose, I do not know. I wrote to the Greenville Police Department to obtain information related to downtown Greenville's criminal activity BEFORE the implementation of the "500 Foot Rule" and SINCE, but have not heard back. I was hoping to have that information in hand before sending this response, but perhaps this is something the Planning and Zoning Commission should look into.

I believe it can be safely stated that increased alcohol consumption (including opportunities/places to do so) creates the potential for poor outcomes. Some of those poor outcomes include: more driving under the influence, more outbreaks of violence (including domestic violence), more alcohol related illnesses, and more risk of injuries to downtown patrons.

If the "500 Foot Rule" has been effective in reducing problems for the city and the Greenville Police Department, why would a change be considered? Why would the city want to put

patrons and citizens at a greater risk? Wouldn't a change be counterproductive and set the stage for a return to negative issues of the past? Poor decisions by a local government can often have short and long-term negative effects. Please proceed with wisdom.

When I was a teenager/young person, my Mother used to say "nothing good happens after midnight." Her warning was based on empirical evidence that parents had witnessed for generations. Wisdom usually comes from experience or direct observation. I firmly believe that "nothing good" also results from increased alcohol consumption.

I believe the "500 Foot Rule" should remain in effect. I know that a club or bar must obtain a "special use permit" but as an old friend of mine used to say, "Once the toothpaste is out of the tube, it's impossible to get it back in."

Please consider these comments and pass them on to others on the Planning and Zoning Commission as this issue is assessed / reassessed. Thank You.

NOTE: I would have liked to attend your April 19th meeting personally but have a previously scheduled conflicting meeting to attend.

*Jerry W. McRoy
1017 Van Gert Drive
Winterville, NC 28590
(908) 246-8881 - Mobile
(252) 364-2795 - Home
jmcroy@earthlink.net - E-mail*

To:
Chantae Gooby
Chief Planner
201 W. 5th Street
PO Box 7207
Greenville, NC 27835
252-329-4507

From: Chantae Gooby <cgooby@GREENVILLENC.GOV>
Sent: Wednesday, April 13, 2022 7:41 AM
To: Jerry W. McRoy <jmcroy@earthlink.net>
Cc: Valerie Shiuwegar <VPaul@greenvillenc.gov>; PJ Connelly <PJConnelly@greenvillenc.gov>
Subject: Re: [External] * 500 Foot Rule Status

Yes, the Commission will take public comments.

Chantae Gooby



April 19, 2022

Mayor P.J. Connelly and Members of the City Council
 Ann Wall – City Manager
 Mr. Kevin Faison - Chairman, Planning and Zoning Commission
 Members of Planning and Zoning Commission
 Mr. Tim Greene – Pitt County ABC Board
 City of Greenville,
 Greenville, NC 27834

RE: 500-Foot Rule - New bars - "Guard Rails"

To All Concerned:

I am Scott Diggs of Co-X properties. We are building the Hilton Garden Inn in Uptown Greenville. Our investment will be close to \$24,000,000. We plan to open the hotel in the fall of 2023. We believe the hotel is imperative to the success of the continued revitalization of Uptown Greenville.

We very much support positive development in Uptown and strongly encourage proper "Guard Rails" to be in place prior to the repeal of the 500-foot rule concerning the opening of new bars. The 500-foot rule has decreased crime and increased public safety in the uptown area.

Firstly, the uptown district is safer and experiences less crime as a result of the 500-foot rule. Prior to 2010, before the enactment of the rule, the uptown district was widely regarded as unsafe. Safety from crime (both property crimes and violent crimes including assault) is absolutely essential to the success of a hotel.

Secondly, a vibrant, diverse, and above all, commercially successful, Uptown district leads to increases in tax values. The hotel project will create nearly \$100 million in tax value per acre. We would like to see that value protected.

Thirdly, the Greenville Police must do a better job of enforcement immediately. The Police Chief needs to take a very active proactive enforcement stance to clean up the current loitering situation in the Uptown area. The Uptown area must be a safe environment for all residents, tourists, and students to feel free to move through the streets without an unsafe crowd loitering in the streets causing whether real or perceived potential harm to these visitors.

Finally, the 500-foot rule is working. Prior to the pandemic, in 2018, we added sixteen new businesses, in Uptown, and from 2016 to 2019 investors provided over half a billion dollars in capital improvements to the area. As I stated earlier, we are very pro-development and very much want to see every commercial space occupied with positive tenants that promote a successful Uptown Greenville district. As I stated earlier, we must implement proper "Guard Rails" to be in place prior to the repeal of the 500-foot rule concerning the opening of new bars. The 500-foot rule has decreased crime and increased public safety in the uptown area.

I have included our recommendations and comments below in Exhibit 1 and 2 concerning the documents that have been provided to me by Ann Wall, City Manager, over the last 10 days. The City also hired a professional consultant called Hunden Strategic Partners to evaluate the Uptown District (500-foot rule), comparisons with other cities with ideas that are working in these markets, and specific recommendations for the Uptown District of Greenville. It is apparent that some of these action items have been included, but most of the recommendations from the professional consultant have not been included in Ordinance 22 that is being considered by City Council.

We would like to be involved as soon as possible in conversations with the appropriate people to discuss these "Guard Rails" that should be put in place to make sure that we have a very productive, positive uptown Greenville District. The 500-foot rule has worked so far and it is important that we make sure that the version of a repeal of this 500-foot rule is done successfully and carefully. We only have one opportunity to implement positive growth properly without opening the door to negative elements opening in the Uptown district.

Thank you for your consideration on this most important matter.

M. Scott Diggs
Co-X Properties, LLC

cc: John Sandlin & Paul Adkison – Co-X Properties, LLC – Partners

EXHIBIT #1

CO-X PROPERTIES, LLC - Comments to Ordinance #22-

- 1) Section 1 (c) – Does this 3,500 foot “Condition” space open the rule to outdoor / porch space to be included to get around having a much larger bar? I think 3,500 total feet (inside & outside) is much safer to keep bars smaller.
- 2) Section 1 (e & f) – Does this allow for a “Strip Bar” or any other bad type of establishment?
- 3) Section 1 (i) – Would it make sense to start with even earlier close hours to be on the safe side out of the gate?
- 4) Section 3-1 (a) & 4 – Special Use Permit – What are the rules going to be to obtain, hold and maintain a SUP? This is very important and might be the best guard rail possible.
- 5) Section 3-6 – Why are we even giving allowances for a 500+ person bar when we are talking about 3,500 maximum sq ft? 500+ is much more than 3,500 feet will hold.
- 6) Section 3-9 – Why are we going to make “Bars” exempt from providing their parking?

Questions / Comments – ALL other Documents

- 1) Why only the “Yellow” box and not the whole City?
- 2) Police – Enforcement –
 - a. They feel police are not at liberty to enforce the way they need to so WHY is this?
 - b. Police chief needs to take a very active proactive enforcement stance to clean up the current laundering situation in the Uptown area.
- 3) What is being done to increase lighting and security?
- 4) Questions for “Guard Rails”:
 - a. No Cover Charge
 - b. Over 21
 - c. Close early
 - d. Food minimum
 - e. Security & Parking plan
 - f. Definition of “BAR”
 - g. Limit square footage and occupancy of a bar & allow LES to enter Bars to police these numbers.
 - h. Strict rules to revoke liquor license if out of compliance or 3 violations.
 - i. Major crack-down on underage drinking
- 5) City – No Loitering policy that gives police the ability to enforce, remove & arrest

- 6) Grand Father Clause – Existing Bars – This rule gives current bars the ability to be non-compliant to the new rules/efforts/special use permits being implemented with new bars in Uptown. This is a huge current problem that needs to be addressed in conjunction with the 500-foot rule.
 - 7) Special Use Permit – Very little color has been provided in all the documentation regarding the rules around a special use permit, the enforcement of such permit and the types of new establishments that will be allowed to operate within the new special use permit. We would like the details around this topic and rules.
 - 8) Encroachment permit - Investigate the rules and ability to implement encroachment permits in the Uptown district allowing the GPD the ability to properly enforce the loitering issue in the Uptown area. Shariff knows a fair amount on this subject and has ideas to make this idea a success.
 - 9) Issues with Attachment 5:
 - a. Seems to allow for larger bars with 500+ people
 - b. Eliminates the bar having to secure its own parking spaces to accommodate its business patrons
 - c. Allows for a Cover Charge
 - d. Does speak of the exact intended use i.e.: Can someone open a Strip Bar?
-

EXHIBIT #2

COMMENTS FROM HUNDEN STRATEGIC PARTNERS CONSULTING REPORT

Recommendations from the consulting report specifically targeted toward Uptown Greenville that should be implemented to produce positive development in Greenville:

- 1) Need to be approved as a “restaurant”. Must serve at least 10 menu items, have available seating for 50 diners, and a bonified kitchen. Tried doing a % of sales but was a major admin burden.
- 2) **Downtown Programming (Festivals, farmers markets, fairs) aimed at non-student population** – City governments noted that programming of cultural events in the downtown area that draws in non-student audiences were widely beneficial in creating a comfortable environment for all ages.
- 3) **Involve Police, Security Officials** – One of the beneficial strategies noted was streamlined compliance checks that are semi-annual (but randomly scheduled so visits see a candid reality) and have been seen to reduce drastically the number of places that fail these checks. Increased pressure by police and fire has been seen to eliminate the poor performing establishments or force them to change their actions. This entails staff training mandates, safety restrictions, and much more. Constant monitoring of the sidewalks outside of problem venues can result in citations and ramped up compliance to ensure a limited nuisance factor on the sidewalks and streets, which are under public jurisdiction.
- 4) Food sales over a certain percentage should be required to help mitigation of “alcohol-first” establishments. While 50/50 was claimed to be easy to get around with soft drinks and cheap drinks vs. regular priced food, the 60/40 requirement in other cities has worked.
- 5) **Incentives Needed.** Incentives will play a key role in improving the existing conditions of Uptown and promoting new development. The City needs to evaluate all their available tools to help positive development take place in Uptown. The City is a recipient of a Build Grant, which could be used to improve Uptown. Money talks and everyone can imagine an improved future, esp with carrots.

Initial Recommendations

Promoting Quality Market Entry:

- § Explore/Evaluate city incentives such as TIF Districts, Opportunity Zones, and Business Improvement Districts to promote new market entry.

- § Start with “Low-Hanging Fruit” investments. These small investments include green spaces, enhanced landscaping, public art, and other capital improvements.
- § Work with Uptown Greenville to increase programming of the downtown area, such as festivals, fairs, and farmers markets.
- § Analyze specific commercial developments that will bring an increased quality of life to the Uptown area. Understand that an array of use types is needed to create a synergy in Uptown.

§ Consider investing in an alternative version of a bar with a special use permit to move the property out of grandfathered protection.

Initial Recommendations Cont.

Improve Existing Establishments:

- ▪ Offer incentives focused on safety and security at existing establishments. This could be targeted at reducing occupancies, improving ingress/egress, hiring additional on-site security, increasing employee training, improving bathrooms, enforcing a specific % of food sales, and other measures. Inform existing businesses that they have a certain amount of time to initiate these changes in order to receive incentives. These incentives could come in several forms such as rental assistance and grants.
- ▪ Engage Police & Fire, East Carolina University, and other community organizations/stakeholders to increase on-premise/Uptown security presence. Give these organizations the power to enforce rules through warning systems and citations.
- ▪ Conduct random spot checks of existing bars/restaurants. If violation is in question, involve the most relevant parties to enforce suspensions, citations, and other restrictions.

uptown GREENVILLE

live. play. eat. shop. invest.

Dear Mayor Connelly and Council Members:

We would like to offer a sincere thank you Mayor Connelly, the Council and City staff for helping the Uptown merchants re-open post Covid 19. Doggie Jams was a smashing success, Dickinson Avenue After Dark doubled in size and last weekend's PirateFest's revenue exceeded 2019 by 3:30pm despite colder temperatures. Reorganizing the Uptown organization during Covid 19 has proven to allow the organization to operate with maximize efficiency with a much smaller stakeholder board.

We recognize the value of this partnership with the City and want to continue strengthening the relationship more than in years past. Our overall communication has improved immensely with City staff and Courtnee McGrath, of the Uptown office. Our partnership in the recent beautification efforts with sidewalk cleaning, flower boxes and landscaping have made a tremendous difference in the overall appearance in Uptown. Often, successful partnerships become strong by a need for direct discussions with all stakeholders. Having said this, the Uptown Greenville Board of Directors voted unanimously to request that Council "table" the removal of the current 500 Foot rule in the Center City District until further discussions take place with all stakeholders. We would like to recommend establishing a stakeholder committee to meet over the next 30-45 days to review the 500 Foot rule.

In conclusion, several stakeholder board members and nighttime business owners attended the public input sessions and voiced their concerns against lifting the 500 Foot Rule. We felt the overall information we provided to the consultants was enough to stop the process from moving forward and we are baffled on why it continued to do so. Again, we feel we are in a much better place as an organization and want to continue the positive momentum with the City as a partner.

Sincerely,

Board of Directors

Chairman – Sharif Hatoum

Vice Chairman – Jim Blount

East Carolina University – Eric Kneubuehl

SGA President – Ryan Bonnet

Greenville Utilities – Kathy Howard

Convention and Visitors Bureau – Andrew Schmidt

Sup Dogs – Bret Oliverio

Pirate Radio – Troy Dreyfus

Chamber of Commerce – Trent McGee

Pitt Street Brewery/Jefferson's – Michael Glenn

ENC Alliance/DAP House – Brad Hufford (Absent)

Vidant Health – Scott Senatore (Absent)

East Carolina University Athletic Department – J.J. McLamb (Absent)

City Council District 3 – Will Bell (Absent)

City of Greenville – Michael Cowin (Abstained)



City of Greenville, North Carolina

Meeting Date: 08/18/2022

Title of Item: Resolution authorizing an application to the Federal Transit Administration (FTA) for a Section 5307 grant for federal operating and capital assistance for Greenville Area Transit (GREAT) for fiscal year 2022-2023

Explanation: Each year, the City relies upon FTA funding to help support the operating and capital needs of the Greenville Area Transit (GREAT) system. Obtaining this funding requires a public hearing to receive comments on the proposed grant application and adoption of a resolution approving the grant request and authorizing the filing and execution of the application for these federal funds.

Attached for City Council consideration is a resolution authorizing the filing and execution of a federal grant application for operating and capital funds designated for the City of Greenville to assist with the operation of the Greenville Area Transit (GREAT) system. The grant funding supports transit systems that are open to the public in areas with populations between 50,000 and 200,000. The federal funds are available to reimburse the City for 50% of the operating deficit and 80% of the preventive maintenance, ADA, and capital expenditures. The attached Program of Projects lists the proposed allocation of funding that will be utilized to provide GREAT Transit services in Fiscal Year 2022-2023. Note due to the use of CARES funding over the last two years, this application is for Federal Fiscal Year 2020 5307 funds.

The City Council has previously authorized the City Manager to file and execute all Section 5307 grant applications. Once City Council adopts the attached resolution, the City Manager will file and execute the application.

Fiscal Note: The total amount of the allocation is \$1,874,820. Maximum matching funds are estimated at \$1,124,820. State funds are also contributed towards the operation of the GREAT Transit system. It is expected that the contribution from NCDOT will be approximately \$475,000. The total local match required for FTA and NCDOT funds would be approximately \$650,000. These funds are included in the fiscal year 2022-2023 budget.

Recommendation: Conduct a public hearing to receive comments on the proposed grant application and adopt the attached resolution approving the grant request and authorizing the filing and execution of the application for these federal funds.

ATTACHMENTS

-  [FY23_5307_GrantResolution.pdf](#)
-  [TRANSIT SYSTEM FY 20 5307 GRANT - PROGRAMS OF PROJECTS.pdf](#)

RESOLUTION NO. _____
RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION TO THE
FEDERAL TRANSIT ADMINISTRATION FOR A SECTION 5307 FEDERAL GRANT
FOR OPERATING AND CAPITAL ASSISTANCE FOR GREENVILLE AREA TRANSIT

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project;

WHEREAS, the contract for financial assistance will impose certain obligations upon the Applicant, including the provision by the Applicant of the local share of the project cost;

WHEREAS, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project;

WHEREAS, it is required by the U. S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964 as amended, that the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U. S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the applicant that minority business enterprise be utilized to the fullest extent possible in connection with this project.

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

1. That the City Manager is authorized to execute and file applications on behalf of the City of Greenville with the Federal Transit Administration and the North Carolina Department of Transportation to aid in the financing of planning, capital, and/or operating assistance projects authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, and other Federal and State Statutes authorizing a project administered by the Federal Transit Administration and/or the North Carolina Department of Transportation.
2. That the City Manager is authorized to execute and file the Annual Certifications and Assurances and other documents the Federal Transit Administration requires before awarding a Federal assistance grant or cooperative agreement.
3. That the City Manager is authorized to submit additional information as the Federal Transit Administration or the North Carolina Department of Transportation may require in connection with the application or project.
4. That the City Manager is authorized to set forth and execute affirmative minority business policies in connection with the project.

5. That the City Manager is authorized to execute grant and cooperative agreements with the Federal Transit Administration and the North Carolina Department of Transportation on behalf of the City of Greenville.

ADOPTED this the 18th day of August, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

CERTIFICATION

The undersigned duly qualified City Clerk, acting on behalf of the City of Greenville, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of Greenville City Council on 18th day of August, 2022

Valerie Shiuwegar, City Clerk

Date

SEAL



Transit System FY 20 5307 Grant

Program of Projects

	Federal Share	Local Share	Total
<i>Capital (80/20 split)</i>			
ADA	\$350,000.00	\$87,500.00	\$437,500.00
Preventive Maintenance	\$650,000.00	\$162,500.00	\$812,500.00
<i>Operating (50/50 split)</i>			
Operating	\$874,820.00	\$874,820.00	\$1,749,640.00
Grand Total	\$1,874,820.00	\$1,124,820.00	\$2,999,640.00
Total Local Share		\$1,124,820.00	
State Allocation (SMAP)		<u>475,000 (approx..)</u>	
City Share		<u><u>649,820</u></u>	



City of Greenville, North Carolina

Meeting Date: 08/18/2022

Title of Item: Application to Receive Funds from the Edward Byrne Memorial Justice Assistance Grant Program

Explanation: The Bureau of Justice Assistance (BJA) annually awards agencies grant money for various needs. The BJA designates grants based on the size of a jurisdiction and crime rate.

The Greenville Police Department (GPD) has received notification that it is eligible to receive funds from the Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$27,567. If approved, funds will be used to purchase operating equipment for the department and to supplement programming needs.

The grant requires that a public hearing be held before the final application can be approved and funds distributed. It should be noted that this grant is being awarded jointly to the Pitt County Sheriff's Office, which will also receive \$27,567. An interlocal agreement has been prepared between the City and County for distribution of these funds.

Fiscal Note: GPD has the potential to receive grant funding in the amount of \$27,567 with no City match required.

Recommendation: City Council hold the required public hearing and authorize GPD to complete the application process for the Edward Byrne Memorial Justice Assistance Grant.

ATTACHMENTS

 [BJAG_Form_2022a.pdf](#)

**U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS**

Edward Byrne Justice Assistance Grant Program FY 2022 Local Solicitation

Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2022 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.
2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.
3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (e.g., city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.
4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.
5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.
6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

Signature of Chief Executive of the Applicant Unit of
Local Government

Date of Certification

Printed Name of Chief Executive

Title of Chief Executive

Name of Applicant Unit of Local Government



City of Greenville, North Carolina

Meeting Date: 08/18/2022

Title of Item:

Contract award for Professional Services Task Order #1 for Design and Bid-Phase Services on the East 4th Street Reconstruction Project.

Explanation:

Recently, the City of Greenville was awarded federal funds through the American Rescue Plan Act (ARPA). This grant will provide funding for the East 4th Street Reconstruction Project, which will improve a vital corridor paralleling East 5th Street into the Uptown District. The East 4th Street Reconstruction Project will require an aggressive planning, design and easement acquisition schedule. The urgency of this project is dictated by the schedule associated with the ARPA Funds and availability of federal funds.

The City advertised for professional services for design, easement acquisition and Construction Engineering and Inspection (CEI), for the East 4th Street Reconstruction Project on May 20, 2022. On June 10th, staff received three (3) proposals in response to a Request for Qualifications (RFQ) solicitation. A selection team consisting of four (4) staff reviewed each proposal independently and rated each according to the criteria included in the RFQ. After independent review, the team met together to discuss ratings and to select a firm. The selection team unanimously chose the team lead by Kimley-Horn and Associates of Raleigh, NC. The team includes Rivers and Associates, TELICS, Terracon Consultants, CH Engineering, and Hollins Construction Services.

The scope of professional services for the East 4th Street Reconstruction Project includes, but is not limited to, planning, environmental assessments, permitting, public involvement, surveying, traffic analysis, development of construction documents, right-of-way and easement valuation and acquisition, construction engineering and inspection, and materials testing.

These services will be provided in three task orders:

- Task Order #1 – Design and Bid Phase Services
- Task Order #2 – Easement Acquisition
- Task Order #3 – Construction Engineering and Inspection

Each task order will be negotiated at appropriate times during the life of the project as design progresses, thus allowing scopes and fees of those task orders to be developed based upon more detailed information.

Engineering is requesting City Council approve the fee for Task Order 1 and award a professional services contract to Kimley-Horn and Associates in the amount of \$688,050 for design and bid phase services.

Attached is the lump sum fee proposal and the recommended scope of service. The design will begin immediately upon execution of the contract and is expected to be complete by December 2023.

Fiscal Note: The fee for Task Order #1 is \$688,050.

Recommendation: City Council approve the fee for Task Order #1 and award a professional services contract for design and bid phase services to Kimley-Horn and Associates in the amount of \$688,050.

ATTACHMENTS

-  [East 4th Street_Fee_2022-07-29.pdf](#)
-  [East 4th Street_Scope_2022-07-29.pdf](#)

TASK SUMMARY			
Phase	Task	Description	LS Fee
1.0		Base Services	
	1	Project Administration	\$ 27,020.00
	2	Meetings and Coordination	\$ 25,700.00
	3	Location Surveys (Rivers)	\$ 55,000.00
	4	Subsurface Utility Engineering (CH)	\$ 59,500.00
	5	Geotechnical Subsurface Investigations (Terracon)	\$ 16,900.00
	6	Public Involvement	\$ 51,845.00
	7	30% Infrastructure Plans	\$ 68,740.00
	8	Hydraulic Design	\$ 54,700.00
	9	Utility Coordination and UBO Plans	\$ 24,800.00
	10	Water & Sewer Utility Conflict Plans	\$ 5,550.00
	11	Transportation and Pedestrian Management Plans	\$ 39,400.00
	12	Pavement Marking and Signing Plans	\$ 32,290.00
	13	Erosion Control Plans	\$ 18,340.00
	14	Constructability OPCC and Construction Schedule Review	\$ 8,100.00
	15	60% Infrastructure Plans	\$ 52,090.00
	16	Retaining Wall Plans	\$ 12,250.00
	17	Final 100% Infrastructure Plans	\$ 35,310.00
	18	Bid Phase Services	\$ 26,730.00
	19	Expenses	\$ 2,285.00
		Alternate Services	
	20	Unspecified Services	\$ 55,000.00
	21	Additional Subsurface Utility Engineering (SUE)	\$ 16,500.00

TOTAL \$ 616,550.00
 ALTERNATE SERVICES TOTAL \$ 71,500.00
 GRAND TOTAL \$ 688,050.00

Exhibit A, Attachment 1

SCOPE OF SERVICES

CITY OF GREENVILLE

EAST 4TH STREET RECONSTRUCTION

TASK ORDER 1 – DESIGN

July 29th, 2022

Kimley-Horn and Associates, Inc. (“Engineer”) is pleased to submit this scope of services to the City of Greenville (“City”) for engineering services for the East 4th Street Reconstruction Project Task Order 1. Our project understanding, scope of services, schedule, and fee are below.

Project Understanding

The Engineer understands that the City would like to secure professional services for the East 4th Street Reconstruction Project from approximately 350 feet east of Reade Street to just west of the Elm Street intersection. This project will be performed in three phases: Design, Easement/ROW Mapping, and Construction Phase Services. This scope is specifically for professional services related to the design phase (Task Order 1).

The Engineer will perform all services in accordance with the latest editions of the:

- City of Greenville Manual of Standard Designs and Details
- NCDOT Standard Specifications for Roads and Structures
- Greenville Utilities Commission (“GUC”) Water and Wastewater Design Manual
- NCDEQ Erosion and Sediment Control Planning and Design Manual
- MUTCD (Manual on Uniform Traffic Control Devices)
- And any other applicable standards

The following subconsultants are on the Engineer’s team:

- Rivers and Associates (“Rivers”)
- CH Engineering (“CH”)
- Terracon Consultants (“Terracon”)
- Telecommunication and Industrial Consulting Services Corporation (“TELICS”)
- Hollins Construction Services (“HCS”)

TASK ORDER 1 – DESIGN

TASK 1 – Project Administration

The Engineer will administer the project in a manner so as to be responsive to the needs of the City. The Engineer will perform the following project administration efforts from September 2022 thru June 2023 (10 months):

- Oversee the project team’s scope, schedule, and budget on a day-to-day basis.
- Provide a minimum of two project contacts for the City so that at any time someone familiar with the project can be available to the City if questions, comments, concerns, or other project needs arise.
- Administer the quality control program throughout the life of the project.
- Develop a project schedule that is sensitive to funding deadlines, subconsultant schedules, and City expectations.
- Meet with the City as appropriate throughout the life of the project via conference call and be available to answer project related questions on a regular basis via phone calls and email.
- Prepare and submit via email a monthly progress report that updates the project schedule, lists milestones achieved, provides the current status of each major task, and justifies any proposed changes to the schedule or budgets. Monthly progress reports are due at the end of each month and will coincide with monthly project invoicing.
- Utilize City’s OpCenter project management software to actively manage the project through the design phase (Task Order 1). OpCenter will host project data and allow the City to view updates and submittals throughout project development and construction.
- Maintain a project cost accounting system throughout the life of the project and prepare monthly project invoice.

Rivers, CH, Terracon, and HCS will perform the following project administration efforts:

- Prepare and submit via email a monthly progress report that updates the project schedule, lists milestones achieved, provides the current status of each major task, and justifies any proposed changes to the schedule or budgets. Monthly progress reports are due at the end of each month and will coincide with monthly project invoicing.
- Maintain a project cost accounting system throughout the life of the project and prepare monthly project invoice.

All final project deliverables will be certified (signed, sealed and dated) by a professional engineer and/or surveyor registered in the state of North Carolina.

Project Administration is anticipated to occur on an ongoing basis throughout the design phase (Task Order 1).

TASK 2 – Meetings and Coordination

This project will require regular meetings to coordinate progress and keep the project on schedule. Meetings anticipated include:

- Virtual Monthly External Progress Meetings (One meeting every two months from September 2022 thru June 2023 – 5 total meetings). The Engineer will develop an agenda and meeting minutes for each of these Progress Meetings.
 - The Engineer will have up to three staff members present at each of these meetings.
 - Rivers will have one staff member present at three of these meetings.
 - Terracon will have one staff member present at one of these meetings.
- Virtual Internal Coordination Meetings (Two meetings per month from September 2022 thru June 2023 – 20 total meetings)
 - The Engineer will have up to two staff members present at each of these meetings.

TASK 3 – Location Surveys

Rivers will perform the following survey control tasks:

- Establish Horizontal Control (NAD83/2011) (1:20,000 - Class AA) & Vertical Control (NAVD88) (Class A.)
- Establish Type of Benchmark (TBMs) along corridor at 500-foot+/- intervals
- Prepare signed and sealed Survey Sheets for inclusion into Construction Documents
- Localize final base files to ground around one project control point.
- Show horizontal control points and elevation benchmarks on the survey.

Rivers will perform the following survey design tasks:

- Perform necessary deed and map research, to include sufficient property corner locates to establish an adequate compiled base map of properties and right of way.
- Place labels on each property for record information and parcel identification number.
- Request GUC GIS data for their utilities and include as schematic information.
- Perform field survey along corridor for all visible improvements within an approximate 70-foot corridor (35-feet each side of centerline street)

- Note: Limitations on the corridor width would be: inaccessible areas such as privacy fences, vegetative features property owners would not want cut/damaged or unfriendly dogs.
- Collect elevations at existing grade of natural ground/hard surface features to develop topographic information. This will include a 50' grid on hard surfaces and 100' on natural grounds or as necessary for accurate surface creation.
 - Note: only the top of the first step closest to the street (front landing or porch) will be collected. No FFE/Porch elevations will be collected
- Collect storm/sewer inverts along corridor; to include one structure up and/or down stream
- Request NC811- Survey Marking in Project Area
 - Note: Due to corridor length, NC811 will not likely mark
- Provide signed and sealed control to CH Engineering for their SUE work.
 - CH Engineering to collect water valve nuts as a part of their scope.
- Prepare Topographic/Planimetric CAD file based on the performance of the above tasks.

The following tasks are not included in this scope of work:

- Obtaining Owner authorization/Right of Entry for field work
- Identifying Boundary Survey of each individual parcels along the corridor.
- Entering confined spaces or identifying SUE markings or locates other than NC811 locates
- Excavating buried structures

TASK 4 – Subsurface Utility Engineering (SUE)

CH Engineering will provide subsurface utility mapping at the following desired utility data quality levels: LOS A (10 Testholes), LOS B and LOS C (designating and mapping), and LOS D (records research and mapping). CH Engineering understands that the purpose of these requested services is for pre-construction planning and base mapping for engineering design plans for the City of Greenville East 4th Street Project.

Definitions

The term “designate” in this scope of services means to indicate the presence and approximate horizontal location of underground utilities utilizing the application and interpretation of surface geophysical techniques, which include, but are not limited to, electromagnetic, magnetic, and ground penetrating radar methods.

The term “locate” in this scope of services means to characterize a utilities spatial position, composition, condition, size, and other data that may be reasonably obtainable about the utility and its surrounding environment through exposure by non-destructive

techniques, such as air/vacuum extraction.

DESIGNATING: The process of using surface geophysical method(s) to interpret the presence of a subsurface utility, and to mark its approximate horizontal positions (its designation) on the ground surface (Note: Utility owners and contractors call this “Locating”)

LOCATING: The process of exposing and recording the vertical and horizontal location of a utility.

DATA MANAGEMENT: CADD and database management technologies and comprehensive quality assurance programs that are applied under the direct supervision of registered professionals that assure the quality, value, and usefulness of the collected data.

SURVEYING: Horizontal accuracy of designated marks (typically, Quality Level B SUE) will be surveyed to applicable survey and mapping standards.

UTILITY QUALITY LEVEL: A professional opinion of the quality and reliability of utility information. Such reliability is determined by the means and methods of the professional. Each of the four existing utility data quality levels is established by different methods of data collection and interpretation.

UTILITY SEARCH: The search for a specific or unknown utility or utilities using a level of effort in accordance with the specified quality level, within a defined area.

UTILITY TRACE: The process of using surface geophysical methods to image and track a particular utility.

QUALITY LEVEL A SUE: Horizontal and vertical location of utilities obtained by the actual exposure (or verification of previously exposed and surveyed utilities) and subsequent measurement of subsurface utilities, usually at a specific point. Minimally intrusive excavation equipment is typically used to minimize the potential for utility damage. A horizontal and vertical location as well as other utility attributes are typically shown on plan documents. Accuracy is typically set at 0.10' vertical, and to applicable horizontal survey and mapping accuracy as typically defined in the North Carolina Standards of Practice for Land Surveying or as defined or expected by the project owner.

QUALITY LEVEL B SUE: Information obtained through the application of appropriate surface geophysical methods to determine the existence and approximate horizontal position of subsurface utilities. Quality Level B data should be reproducible by surface geophysics at any point of their depiction. This information is surveyed and reduced onto plan documents. The designated marks (i.e. paint) will be surveyed to applicable survey and mapping standards as typically defined in the North Carolina Standards of Practice for Land Surveying or as defined or expected by the project owner.

QUALITY LEVEL C SUE: Information obtained by surveying and plotting above-ground utility features and by using professional judgement in correlating this information with existing utility records.

QUALITY LEVEL D SUE: Information derived from existing records or oral recollections.

Scope of Services

Subsurface Utility Mapping Services:

- Determine which equipment, personnel and supplies are required to perform subsurface utility mapping at the desired utility data quality levels.
- Obtain data in accordance with the North Carolina Department of Transportation's Location and Surveys Unit Standard Guidelines for the Collection and Depiction of Existing Subsurface Utility Data.
- Translate utility data to the appropriate CADD format for direct incorporation of information into base mapping design file.
- Conduct utility records research to assist in identifying utility owners who may have facilities within the project. This is typically completed by performing a site visit, contacting the One-call notification center, and through correspondence with utility owners in the area.
- Collect and archive utility owner records.

For depicting non-conductive/non-designatable utilities of record; CH Engineering will map subsurface utilities at the appropriate quality level:

Level D and C mapping:

Level D - This level of information comes solely from existing utility records. It may provide an overall "feel" for the congestion of utilities, but it is often highly limited in terms of comprehensiveness and accuracy. It is also a method for depicting non-conductive/non-designatable utilities of record. For example, when there are limited or no visible aboveground utility structures; when records and features do not agree; when utility tracing is unreliable because of significant depths of the utility. Utility owners are often consulted to assist with resolving the location of their utility.

Level C - This level involves surveying visible aboveground utility structures (e.g., manholes, valve boxes, water meters) and correlating this information with existing utility records. When using this information, it is not unusual that some underground utilities have been either omitted or erroneously depicted due to unprovided or non-updated utility records. It is also a method for depicting non-conductive/non-designatable utilities of record. For example, when the conductivity of material(s) of the utility changes; the proximity to shallower more conductive utilities impact utility tracing; and when depth of the utility changes.

For Level of Service D and C data; CH Engineering, PLLC will:

- Survey utility appurtenances, such as - utility poles, pedestals, water valves, water meters, and other utility information that can be observed from the surface.
- Digitize available record information into usable CADD format. Correlate utility owner records to the surveyed data. Depict the horizontal location of the utility by interpreting utility owner records and using professional judgement within the CADD file.
- Review depicted information for accuracy, completeness, and reliability.
- Provide Notes and a map Legend in the CADD file.
- Overhead utilities will be mapped at quality Level C.

For Level of Service B data:

- Investigate site conditions within the entire project area as described in the provided Survey Limits design file by the Engineer.
- Designate existing utilities that are within project limits utilizing appropriate surface geophysical methods such as radio-frequency electromagnetic, magnetic, direct connection, clamping, and/or terrain conductivity techniques. Utilities designated will include those that transmit a signal from Pipe and Cable Locators and Magnetic Locators. Underground utilities may be identified by following the signal to an above ground utility feature within and outside the project limits. Time will be allowed to access above ground utility structures such as electric handholes, communication handholes, light poles, water meters, manholes, water valves, other on-site utility structures and exterior panel boxes and conduits to verify designated marks through direct connection and clamping.
- Other surface geophysical methods, such as ground penetrating radar for utility detection may be used, as appropriate, to discriminate between and detect specific underground facilities. The effectiveness of ground penetrating radar varies by location. Highly conductive soil materials such as clay and salt contaminated soils limit performance of ground penetrating radar. It is recommended that ground penetrating radar be used during a dry season. Small diameter (1" to 6") non-conductive material such as polyvinyl chloride (PVC), polyethylene (PE), high-density polyethylene (HDPE), Asbestos cement (AC) and larger diameter (6" and above) non-conductive materials may not be found without a trace wire and/or while performing designating with ground penetrating radar.
- CH Engineering will not enter permit required confined spaces. CH Engineering will open the access point to inspect and use telescoping poles to clamp utilities from the surface. Size and material of utilities may be difficult to verify inside manholes.
- Prepare appropriate field sketches of marked utilities and survey designated marks (i.e. paint), which shall be referenced to project control either set by

CH Engineering, PLLC or provided by client. CH Engineering will process and reduce collected survey field data to coordinates and plot points and utility line work in CADD.

- Compare survey information CADD file with information provided from field sketches/survey field notes and evaluate information in the field for accuracy and reliability.
- Review information to account for any corrections noted from previous steps against a) records, b) field sketches, c) CADD drafting, d) field notes and e) utility owner correspondences. Depict non-conductive/non-designatable utilities of record at the appropriate SUE Quality Level.

ACCURACY OF QUALITY LEVEL B SUBSURFACE DATA: The accuracy of subsurface data and the position of the designating marks (i.e. paint) can be influenced by factors beyond CH Engineering's control. The conductivity of material(s) of the utilities, their surroundings, moisture, and proximity of other underground utilities, structures, and depth are the common factors. Markings placed on the ground by CH Engineering are not to be used for excavation purposes. The use of information provided by CH Engineering does not relieve any organization from complying with utility damage prevention laws and regulations, including but not limited to, notifying utility owners, notifying Site Owners, and one-call centers.

For Level of Service A data, CH Engineering will:

- Review plans; electronically sweep proposed crossings and perform necessary surveying procedures to "set-up" test holes. Northing and Easting State Plane Coordinates will be requested for each test hole location.
- Excavate test holes to expose the utility to be measured in such a manner that ensures the safety of the excavation and the integrity of the utility to be measured. In performing such excavations, CH Engineering will comply with applicable utility damage prevention laws and coordinate with utility inspectors, if necessary. Excavations will be performed using air/vacuum excavation equipment that is non-destructive to existing facilities.
- Investigate, evaluate, measure and record a) horizontal and vertical location of top and/or bottom of utility referenced to project datum, b) elevation of existing grade over the utility at the test hole referenced to project datum, c) verify the nominal diameter size and/or outer diameter of the utility and configuration of non-encased, multi-conduit systems, d) utility structure material composition, when reasonably ascertainable, e) benchmarks and/or project control used to determine elevations, f) paving thickness and type, if necessary, g) general soil type and site conditions, and h) such other pertinent information as is reasonably ascertainable from each test hole site. References to project datum shall maintain vertical tolerances to 0.10' based on benchmarks shown on CH engineering deliverables and horizontal tolerances to applicable surveying standards.
- Furnish and install semi-permanent survey markers directly above the centerline of utility structure; and for each test hole, record the elevation of

the above-ground marker.

- Backfill around the exposed facility using select material. Excavation will then be backfilled and compacted in lifts. Patching depths may equal or exceed one and one-half times the paving thickness.
- Provide permanent restoration of pavement within limits of original cut (only). When test holes are excavated in areas other than roadway pavement, disturbed areas will be restored, as nearly as reasonably possible to the condition that existed prior to the excavation.
- Evaluate and compare field data (Quality Level D, C, & B) with utility record information and resolve conflicts and discrepancies.
- Provide a CADD compatible design file containing critical information on each test hole.
- Deliverable for Quality Level A locating (test holes) typically includes report listing details as described in previous steps above.

Assumptions and Statements

- CH Engineering will provide depth measurements to the top of the water valve nuts at available valve boxes located within requested survey limits.
- CH Engineering understands that the approximate dimensions and orientation of underground manhole vaults are not part of this scope of work and will be considered additional services.
- Private property owners will be notified to allow CH Engineering staff access to properties with an exterior above ground surface feature such as gas meters.
- Gas services will be designated to the project limits, gas meter, or face of building, whatever comes first.
- Water lines 2 inches or larger and/or fire protection lines will be designated to the project limit or face of building, whatever comes first.
- Water lines 2 inches or below will be taken to the water meter.
- CH Engineering assumes the following utilities will be encountered within the project limits: Electric (primary, secondary, duct bank, transmission, and street lighting); Water (Asbestos Cement, Ductile Iron, Cast Iron, and PVC); Telephone/Communications (duct bank, direct buried, conduit, and fiber optic); Forced Sanitary Sewer (Ductile Iron and PVC), Cable Television (coax, fiber optic, and conduit); Gas (Steel and Plastic), and abandoned and unknown utilities.
- Possible utility owners – Greenville Utilities Commission (water, sewer, gas and electric); Centurylink (Verizon (Formerly MCI)); SEGRA (formerly Spirit); Crown Castle; Sudden-Link and other unknown utility owners.
- Approximately, 20 plan sheets at a scale of 1" = 50'.
- Gravity Stormwater and Sanitary Sewer inverts are not part of this proposal.
- 2 Days of Traffic Control by others are included with this estimate. If additional days are needed the cost per day will be \$1,500.00 a day and considered an additional expense.

- Additional Test holes (up to 10) to be completed as an additional service if requested. The cost per test hole is \$1,650.00. This includes mobility charge and assumes 2 days of traffic control by others.

Deliverables

- Standalone SUE graphics file to NCDOT Mapping Standards (MicroStation),
- Test hole reports and standalone SUE graphics file containing test hole symbols will be provided.

TASK 5 – Geotechnical Subsurface Investigations

Terracon’s Scope of Services is based on their understanding of the project as described by the Engineer and the expected subsurface conditions as described below. Terracon has not visited the project site to confirm the information provided. Aspects of the project, undefined or assumed, are indicated below. Terracon request the design team verify all information prior to our initiation of field exploration activities.

Site Location and Anticipated Conditions

Item	Description
Parcel Information	The project is located 350 feet east of the intersection with Reade Street along East 4 th Street to S Elm Street in Greenville, Pitt County, NC.
Existing Improvements	Existing two lane paved roadway with street parking.
Existing Topography	Gently sloping in elevation ranging from 43 feet to 59 feet MSL based on publicly available topography maps published by the USGS and Google Earth Pro™.
Site Access	We expect the site, and all exploration locations, are accessible with Terracon’s truck-mounted drilling equipment.
Expected Subsurface Conditions	Terracon’s experience near the vicinity of the proposed construction indicates subsurface conditions will likely consist of loose to medium dense sand.

Planned Construction

Item	Description
Information Provided	Initial project details were obtained via email dated June 2, 2022 and from the conference call on June 30, 2022.
Project Description	Approximately 3,800 feet of reconstruction of the street which will include mill and overlay or full replacement. Approximately four retaining walls will require replacement that are between 1 foot and 3 feet tall.
Proposed Grades	Terracon understand existing grades will be maintained throughout.

Item	Description
Below-Grade Structures	None.
Free-Standing Retaining Walls	MSE or concrete cantilevered retaining walls are anticipated.
Pavements	Terracon assumes both rigid (concrete) and flexible (asphalt) pavement sections will be considered and the pavement design period is 15 years. Anticipated traffic is as follows: <ul style="list-style-type: none"> ■ 2,000 vehicles per day with 0.5 percent trucks, 0.5 percent buses, and a 1 percent annual increase assumed. Traffic Data to be provided by the City
Estimated Start of Construction	Early 2024

Terracon’s proposed Scope of Services consists of field exploration, laboratory testing, and engineering/project delivery. These services are described in the following sections.

Field Exploration

In accordance with the request for this proposal from the Engineer, Terracon’s scope of services will include the following:

Number of Exploration Points	Planned Exploration Depth (feet) ^{1,2}	Planned Location
Sixteen	5 or refusal	Spaced at approximately 250 foot intervals along project length
Nine	6 or refusal	Proposed retaining walls

1. Below existing ground surface.
2. Refusal conditions include auger refusal.

Boring Layout and Elevations: Terracon will use handheld GPS equipment to locate borings with an estimated horizontal accuracy of +/-20 feet. Field measurements from existing site features may be utilized. If available, approximate elevations will be obtained by interpolation from a site specific, surveyed topographic map. Terracon can leave the boring/sounding locations marked for later surveying by your project surveyor, if greater accuracy is desired.

Traffic Control: Traffic control is anticipated to complete the work. Terracon will coordinate with a traffic control subcontractor for timing the road work. Beyond timing of the road work, Terracon is not aware of any additional work requirements such as an encroachment permit.

Subsurface Exploration Procedures: Terracon will advance the roadway soil borings with a truck or track-mounted drill rig in general accordance with local standard procedures for standard penetration tests (SPTs). A hand auger and dynamic cone penetrometer (DCP) testing will be conducted at the proposed retaining wall locations.

During the SPT, four samples are obtained in the upper 10 feet of each boring and at intervals of 5 feet thereafter. Soil sampling is typically performed using split-barrel sampling procedures. In the split barrel sampling procedure, a standard 2-inch outer diameter split barrel sampling spoon is driven into the ground by a 140-pound automatic hammer falling a distance of 30 inches. The number of blows required to advance the sampling spoon the last 12 inches of a normal 18-inch penetration is recorded as the Standard Penetration Test (SPT) resistance value. The SPT resistance values, also referred to as N-values, are indicated on the boring logs at the test depths. The samples are placed in appropriate containers, taken to our soil laboratory for testing, and classified by a geotechnical engineer.

Terracon's exploration team will prepare field boring logs as part of standard drilling operations including sampling depths, penetration distances, and other relevant sampling information. Field logs include visual classifications of materials encountered during drilling, and Terracon's interpretation of subsurface conditions between samples. Final boring logs, prepared from field logs, represent the Geotechnical Engineer's interpretation, and include modifications based on observations and laboratory tests.

Property Disturbance: Terracon will backfill borings with soil cuttings upon completion. Pavements will be patched with cold-mix asphalt and/or ready mixed concrete, as appropriate. Terracon's services do not include repair of the site beyond backfilling our boreholes, and cold patching existing pavements. Excess soil cuttings will be dispersed in the general vicinity of the borehole. Because backfill material often settles below the surface after a period, Terracon recommends boreholes to be periodically checked and backfilled, if necessary. Terracon can provide this service, or grout the boreholes for additional fees, at your request.

Safety

Terracon is not aware of environmental concerns at this project site that would create health or safety hazards associated with our exploration program; thus, this Scope considers standard OSHA Level D Personal Protection Equipment (PPE) appropriate. Terracon's Scope of Services does not include environmental site assessment services, but identification of unusual or unnatural materials encountered while drilling will be noted on Terracon's logs and discussed in Terracon's report.

Exploration efforts require borings (and possibly excavations) into the subsurface, therefore Terracon will comply with local regulations to request a utility location service through NC811. Terracon will consult with the owner/client regarding potential utilities, or other unmarked underground hazards. Based upon the results of this consultation, Terracon will consider the need for alternative subsurface exploration methods, as the safety of the field crew is a priority.

Private utilities should be marked by CH Engineering (SUE subconsultant for this project) prior to commencement of field exploration. Terracon will not be responsible for damage to private utilities not disclosed to us. Terracon will assist by coordinating with CH Engineering or subcontracting with a private utility locating service. Fees associated with the additional service are included in our current Scope of Services. The detection of underground utilities is dependent upon the composition and construction of the utility line; some utilities are comprised of non-electrically conductive materials and may not be readily detected. The use of a private utility locate service would not relieve the City of their responsibilities in identifying private underground utilities.

Private Utility Locating: Terracon will scan the area around the test locations and run ground penetrating radar (GPR) to help detect underground utilities.

Site Access: Terracon must be granted access to the site by the property owner. By acceptance of this proposal, without information to the contrary, Terracon considers this as authorization to access the property for conducting field exploration in accordance with the Scope of Services.

The Engineer shall secure all necessary site related approvals, permits, licenses, and consents necessary to commence and complete the Services and will execute any necessary site access agreement. Terracon will be responsible for supervision and site safety measures for its own employees but shall not be responsible for the supervision or health and safety precautions for any third parties, including the Engineer's contractors, subcontractors, or other parties present at the site. In addition, Terracon retains the right to stop work without

penalty at any time Terracon believes it is in the best interests of Terracon's employees or subcontractors to do so in order to reduce the risk of exposure to the coronavirus. The Engineer agrees it will respond quickly to all requests for information made by Terracon related to Terracon's pre-task planning and risk assessment processes. The Engineer acknowledges its responsibility for notifying Terracon of any circumstances that present a risk of exposure to the coronavirus or individuals who have tested positive for COVID-19 or are self-quarantining due to exhibiting symptoms associated with the coronavirus.

Laboratory Testing

The project engineer will review field data and assign laboratory tests to understand the engineering properties of various soil strata. Exact types and number of tests cannot be defined until completion of field work. The anticipated laboratory testing may include the following:

- Water content
- Grain size analysis
- Atterberg limits
- Maximum dry density and optimum moisture content (Proctor)
- California Bearing Ratio – up to 4 assumed

Terracon's laboratory testing program often includes examination of soil samples by an engineer. Based on the material's texture and plasticity, Terracon will describe and classify soil samples in accordance with the Unified Soil Classification System (USCS).

Engineering and Project Delivery

Results of Terracon's field and laboratory programs will be evaluated by a professional engineer. The engineer will develop a geotechnical site characterization, perform the engineering calculations necessary to evaluate foundation alternatives, and develop appropriate geotechnical engineering design criteria for earth-related phases of the project.

This project will be delivered using our GeoReport® system. Upon initiation, Terracon will provide the Engineer with the necessary link and password to access the website (if not previously registered). Each project includes a calendar to track the schedule, an interactive site map, a listing of team members, access to the project documents as they are uploaded to the site, and a collaboration portal. The typical delivery process includes the following:

- Project Planning – Proposal information, schedule and anticipated exploration plan will be posted for review and verification
- Site Characterization – Findings of the site exploration
- Geotechnical Engineering – Recommendations and geotechnical engineering report

When services are complete, Terracon will upload a printable version of the completed geotechnical engineering report, including the professional engineer's seal and signature, which documents Terracon's services. Previous submittals, collaboration and the report are maintained in Terracon's system. This allows future reference and integration into subsequent aspects of our services as the project goes through final design and construction.

The geotechnical engineering report will provide the following:

- Exploration logs with field and laboratory data
- Stratification based on visual soil classification
- Groundwater levels observed during and after the completion of drilling
- Site Location and Exploration Plans
- Subsurface exploration procedures
- Description of subsurface conditions
- Recommended foundation options and engineering design parameters
- Estimated settlement of foundations
- Subgrade preparation/earthwork recommendations
- Lateral earth pressure recommendations
- Recommended pavement options and design parameters

Additional Services

In addition to the services noted above, the following are often associated with geotechnical engineering services. Fees for services noted above do not include the following:

Review of Plans and Specifications: Terracon's geotechnical report and associated verbal and written communications will be used by others in the design team to develop plans and specifications for construction. Review of project plans and specifications is a vital part of our geotechnical engineering services. This consists of review of project plans and specifications related to site preparation, foundation, and pavement construction. Terracon's review will include a written statement conveying Terracon's opinions relating to the plans

and specifications' consistency with the geotechnical engineering recommendations.

Perform Environmental Assessments: Terracon's Scope for this project does not include, either specifically or by implication, an environmental assessment of the site intended to identify or quantify potential site contaminants. If the City is concerned about the potential for such conditions, an environmental site assessment should be conducted. Terracon can provide a proposal for an environmental assessment, if desired.

Terracon's Scope of Services does not include services associated with wet ground conditions or repair of/damage to existing landscape. If such services are desired by the City, Terracon should be notified so we can adjust our Scope of Services.

TASK 6 – Public Involvement

The proposed public involvement for this program will consist of the following project elements:

- One public meeting
- Stakeholder involvement

Public Meetings

The Engineer will conduct one public meeting following the 30% design phase which will allow the project team to share the proposed design improvements and seek input from the public.

The City will prepare and mail a postcard notification for the public meeting to advertise the public meeting.

The Engineer will prepare graphical typical sections, an informational flyer, a presentation, and survey or comment form for the public meeting. Based on the designs prepared as a part of this Task Order, the Engineer will develop landscape-style Public Meeting Maps that illustrate roadway design elements for use at the public meeting.

The Engineer will provide the City with an electronic copy of all public meeting materials for review prior to the public meeting and will make up to two rounds of revisions. The Engineer will have up to two staff members attend and facilitate the public meeting. The public meeting will be held in-person with an online virtual option on a platform such as Facebook Live, GoToMeeting, Zoom, or Microsoft Teams. The Engineer will collect attendees' names and contact information.

Following the public meeting, the Engineer will prepare a summary of the public meeting, survey results, and comments received and will include draft responses to these

comments. A draft of this document will be provided to the City electronically for review. The Engineer will make one round of revisions to the document. The final version of the summary will be provided to the City.

City-Hosted Webpage

The City will create and host a webpage describing the project. The City Public Information Officer will prepare text and graphics content at up to four milestones during the project process to upload to their website.

Stakeholder Involvement

The Engineer will prepare a list of pertinent stakeholders along the project corridor and revise based on input from the City and initial feedback from the public meeting. The Engineer will attend and facilitate one stakeholder meeting (near the 60% design phase). The Engineer will have up to two staff members attend and facilitate the stakeholder meeting. The Engineer will prepare and provide the City with an electronic copy of a draft agenda and meeting materials prior to the stakeholder meeting. The Engineer will conduct one round of revisions and distribute to all of the stakeholders. The Engineer will prepare a summary of the stakeholder involvement meeting and provide a draft of the summary electronically to the City for review.

Historic Preservation Commission Presentation

The majority of this project corridor is within the College View Historic District. The Engineer will schedule and attend one Historical Preservation Commission (HPC) in-person meeting following the submittal of 60% Plans to present the progress of the project to the HPC. The Engineer will have two staff members in attendance at the HPC meeting. The Engineer will prepare a presentation and graphics and provide a draft electronically to the City for review prior to the meeting. The Engineer will make up to one round of revisions to the presentation prior to the meeting.

TASK 7 – 30% Infrastructure Plans

The Engineer will prepare 30% preliminary infrastructure plans once survey is received. Prior to starting design, the Engineer will perform a site visit with two staff members. The chosen typical section adds 5' sidewalk along both sides of the road without shifting the curb lines and does not add bike lanes. Where possible, the street parking will remain. At the East 4th Street and Johnson St intersection, the Engineer will reduce Johnston Street to westbound access only from East 4th Street to South Eastern Street.

This submittal will consist of a title sheet, typical section sheets, plan/profile sheets with roadway horizontal alignments, vertical profiles, construction limits, and preliminary right-of-way and easements, and cross-section sheets. Superelevation will be shown on the plans and cross-sections. All plans, designs, specifications and estimates will conform to the latest editions of AASHTO and NCDOT standards and practices for highway construction, as well as the City of Greenville Manual of Standard Designs and Details.

The Engineer will prepare the plan/profile sheets at a scale of 1-inch = 20 feet horizontal and 1-inch = 5 feet vertical with Microstation V8i software. The Engineer will prepare the cross-section sheets at a scale of 1-inch = 10 feet. To complete the designs, the Engineer will perform a site visit with two staff members to review the survey.

The Engineer will also develop a preliminary Opinion of Probable Construction Cost (OPCC) to be submitted to the City along with the 30% plans. Because the Engineer does not control the cost of labor, materials, equipment or services furnished by others, methods of determining prices, or competitive bidding or market conditions, any opinions rendered as to costs, including but not limited to opinions as to the costs of construction and materials, will be made on the basis of its experience and represent its judgment as an experienced and qualified professional, familiar with the industry. The Engineer cannot and does not guarantee that proposals, bids or actual costs will not vary from its opinions of cost

The Engineer will provide a Quality Control/Quality Assurance review of the 30% plans prior to the submittal. The Engineer will submit electronic PDFs of the plans and OPCC to the City and utility companies. CADD drawings will be provided to the City in Microstation (DGN) or AutoCAD (DWG) format upon request. The Engineer will also coordinate with its subconsultants and the City through the development of the 30% plans and will respond to inquiries via email and telephone.

The Engineer will have up to three staff members coordinate and conduct a virtual 30% Review Meeting with the City and will prepare minutes as well as address review comments received.

TASK 8 – Hydraulic Design

The Engineer will perform drainage studies, designs and field reconnaissance in accordance with the requirements of the “City of Greenville Manual of Standard Designs and Details” and the latest revision of "Guidelines for Drainage Study and Hydraulic Design" by NCDOT. The Engineer will design the changes to existing City storm drainage facilities as required for the construction of the project to assure a level of service acceptable to the City.

The Engineer will perform hydraulic analysis for all storm drain along the curb and gutter sections of East 4th Street and the impacted side streets for incorporation into the plans. This analysis will be based upon the topographical information included in the survey and base information available for drainage designs such as GIS contour information, USGS Quad maps, and FEMA information.

Existing Storm drain systems will be evaluated and proposed improvements will be designed within the project footprint. The City indicated that the corridor had no history of existing nuisance flooding and did not anticipate the proposed storm drain improvements would be extensive. The design of pipe system outfall improvements that extend beyond

the project limits are not included in the design but can be provided as an additional service.

The anticipated general tasks associated with the drainage design include:

- Conduct field reconnaissance of existing drainage features and patterns associated with existing storm drain systems, pipe crossings and ditches.
-
- Size all cross pipes within project limits using CulvertMaster software by Haestead Methods.
- Design proposed storm drain systems (drop inlets, open end pipes, catch basins, etc.) along the existing and proposed curb and gutter sections utilizing GEOPAK Drainage software.
- Evaluate and design necessary revisions to existing hydraulic structures (storm drain, drop inlets, cross pipes, headwalls) that may be impacted by the proposed improvements.
- Finalize hydraulic designs for storm drainage systems, drop inlet locations, outfall analyses (where applicable), and final cross pipe locations.
- Draft the proposed drainage features (storm drain, cross pipes, inlets, etc.) and all associated labeling into the plans.
- Draft the proposed cross pipes, and proposed/existing storm drain systems into the profiles.
- Complete Drainage Summary Sheet (not for the 60% submittal).
- Perform limited conflict analysis between proposed storm drain systems and existing and proposed utilities and light poles. Update drainage designs as necessary.

The storm drain design will be completed using GEOPAK Drainage software and the cross pipes sized using CulvertMaster software by Haestead Methods. The drainage improvements will be identified on the roadway plan/profile sheets with Microstation V8i software. Drainage profile sheets may be necessary to convey additional storm drain information. Drainage designs will be prepared and submitted concurrently with the 60% Plans, 90% Plans, and 100% Plans.

TASK 9 – Utility Coordination and UBO Plans

The City will be copied on pertinent correspondence or communications between the Engineer and any agency or utility company. All tasks for Utility Coordination and Utility-by-Others (UBO) Plans will be performed with the review and approval of the City.

Prior to the development and submittal of the 30% preliminary infrastructure plans, the Engineer will coordinate with private utility companies whose facilities (both existing and proposed) may be affected by the design of the project to identify or confirm all utilities that could adversely affect horizontal alignment development. The Engineer will

distribute a plan corridor map to all utilities with requests to confirm existing facilities and identify any proposed facilities and will confirm receipt of the same.

Following the completion of the 30% preliminary design phase of the project, the Engineer will conduct a kickoff utility coordination meeting with all private utilities to review the proposed design. The Engineer will furnish information pertaining to proposed construction to all involved utility companies and agencies and conduct up to one (1) field coordination meeting with all utilities to review the project, confirm existing facilities, verify pole types and identification numbers, and identify obvious conflicts. The field coordination meeting will also seek to determine restrictions to relocations and identify cost prohibitive adjustments. The Engineer will review all available utility plans, collect additional field data as required, and assist the City as needed to validate and document (if necessary) any claims made by utilities for reimbursement from the City. The utility coordination meeting will establish the basis for the conflict matrix.

To facilitate timely preparation of private utility relocation plans, the Engineer will submit draft drainage design plans to all private utilities at approximately 50% completion of the final construction plans. This will occur such that development of private utility relocation plans and any necessary Permanent Utility Easements (PUE) may be coordinated and included in the 60% plans submittal. The Engineer will work with utility owners to identify areas that may require additional permanent utility easements. The Engineer will distribute the conflict matrix with the draft drainage design plans.

The Engineer will coordinate the resolution of utility conflicts with the respective utility owners. The design and adjustment of privately-owned utilities will be the responsibility of the respective utility owners, with coordination provided by the Engineer.

The Engineer will illustrate the private utility designs and adjustments of utility items on the UBO plans. The Engineer will assist the City with preparing documents needed to contract or coordinate with private utility owners to facilitate their relocation.

The City will be informed or invited to all utility coordination meetings. Items to address at these meetings will include phasing coordination with proposed roadway traffic control plans, joint pole and duct bank usage, potential conflict with signals and other utilities along the corridor, and distribution pole relocation coordination. The Engineer will prepare and distribute utility coordination meeting minutes as requested by the City and prepare up to six monthly utility coordination status reports.

Utility Coordination will consist of the following tasks:

- The Engineer will contact and meet with all utilities (private and public), agencies, whose facilities (both existing and proposed) are located within the project limits and may be affected by proposed drainage for the project. The coordination efforts should include a minimum of two field meetings with the utilities: one meeting after the 30% preliminary design submittal and one meeting after the Final 100% Submittal.

- The Engineer will request the utility owners update the documentation provided during the preliminary design phase that defines the location or description of existing utilities, easements of record, including blanket easements, within the project limits.
- The Engineer will furnish information pertaining to recommended drainage improvements to all involved privately owned utility companies and consider the needs of the utilities during the design of the improvements.
- The Engineer will also coordinate with the private utilities and include the proposed relocations, installations, removals, or adjustments in the construction plans by utility by other plans. The Engineer will coordinate the resolution of any conflicts (both private and public) identified. These resolutions will be included in the design and shown on the UBO plans. The Engineer will also request a cost estimate for relocation from the utility owners who have funding agreements with the City.

UBO plans will be prepared and submitted concurrently with the 60% Plans, 90% Plans, and 100% Plans.

TASK 10 – Water & Sewer Utility Conflict Assessment

The existing water and sanitary sewer utilities along the project corridor are owned by Greenville Utilities Commission (GUC). The Engineer will coordinate with the wet utility owner to obtain records of their facilities in the project area, determine required clearances to avoid conflicts with proposed roadway and drainage improvements, and identify desired system betterments within the project area.

The Engineer will evaluate existing survey of wet utilities in the project area and will make up to one (1) request for supplemental Level B Subsurface Utility Engineering (SUE-B) and survey deemed necessary to complete utility conflict assessments. The Engineer will evaluate final survey and proposed roadway and drainage improvements and will make up to one (1) request for Level A SUE (i.e. test holes) to determine precise location and elevation of existing wet utilities at potential conflict sites. A total of up to ten (10) test holes are allocated to wet utility conflict assessment as a part of Task 4A.

The Engineer will evaluate apparent conflict sites by analyzing Level A SUE and existing / proposed gravity system inverts. The Engineer will make up to one (1) set of recommendations for conflict avoidance through minor roadway and drainage design modifications, subject to applicable design parameters.

The Engineer will develop a supplemental agreement for Wet Utility Design to include relocation at remaining conflict sites and improvements as required by the utility owner.

TASK 11 – Transportation and Pedestrian Management Plans

The Engineer will prepare Transportation and Pedestrian Management Plans (TMP) that include a phasing sequence listing work to be done in each phase, traffic control diagrams and details of each phase and any special considerations, such as time limitations, hour of day limitations, or intermediate completion times/liquidated damages to construct the proposed improvements.

The Engineer will prepare construction TMPs, which will indicate how vehicular and pedestrian traffic is to be maintained during construction of the project. NCDOT Roadway Standard Drawings will be referenced in the traffic control plans but will not be detailed as a part of the traffic control plans. The Proposed Public Rights-of-Way Accessibility Guidelines (PROWAG) will be referenced when developing the pedestrian traffic control plan. Development of these plans will consider required phasing of the private utility companies' relocation designs, if any, during construction. The plans will address and include all traffic control devices, signs, restrictions, and pavement markings required during construction of the recommended improvements.

The TMPs will be designed to meet current NCDOT and MUTCD criteria. The Engineer will prepare the plans on plan sheets at a scale of 1-inch = 20 feet horizontal. These plans will be prepared and submitted concurrently with the 60% Plans, 90% Plans, and 100% Plans.

The Engineer will develop construction phasing schedules which detail the phasing of the utility and roadway construction.

TASK 12 – Pavement Marking and Signing Plans

The Engineer will develop permanent pavement marking and signing plans and will submit plans concurrent with the 60%, 90% and 100% plan submittals. The Engineer will prepare the pavement marking and signing plans on plan sheets at a scale of 1-inch = 20 feet horizontal.

The Engineer will conduct one site visit to identify existing pavement markings and warning, regulatory, and parking signage on the plans. The Engineer is responsible for proposing warning and regulatory signs within the project limits and the City is responsible for street name signs. The Engineer and the City will collaborate on the location of on-street parking pavement markings and proposed and/or relocated parking signage. These designs will be shown on the plans in coordination with the City.

The Engineer will also identify proposed curb ramp locations and types along the corridor in the plans.

TASK 13 – Erosion Control Plan

The Engineer will coordinate with North Carolina Department of Environmental Quality (NCDEQ) Division of Energy, Mineral and Land Resources (DEMLR), to develop Erosion and Sedimentation Control construction plans, and obtain approvals and applicable permits for the approximately 3,800 LF project.

The Engineer will coordinate with NCDEQ DEMLR with the goal of developing erosion and sedimentation control plans that will meet or exceed all applicable regulatory requirements and minimize erosion and control sedimentation during construction of the recommended improvements. Coordination for erosion control will include a minimum of one meeting and/or discussions with City staff prior to one meeting or discussion with NCDEQ DEMLR to discuss the proposed improvements and conceptual plan for addressing erosion control. The meetings will occur during the development and design of the recommended improvements and before the preliminary submittal to NCDEQ DEMLR Regional Engineer for review. The Engineer will revise plans based on NCDEQ DEMLR comments as needed and seek approval.

The City will be included in the meetings and/or on all correspondence or communications between the Engineer, City, and NCDEQ DEMLR. Additionally, coordination efforts will be made with the City to obtain a signed and notarized NCDEQ Financial Responsibility/Ownership Form prior to the preliminary submittal. Following NCDEQ DEMLR review and approval of the erosion and sedimentation control plans, the Engineer will put forth coordination efforts to complete the electronic Notice of Intent (e-NOI) form to receive a Certificate of Coverage (COC) under the NCG01 Permit. Within three business days of submitting, DEMLR will review the e-NOI and send an email to the City to obtain payment for the \$100 annual permit fee for the NPDES NCG01 Permit. After payment is received, NCDEQ DEMLR will issue the COC via email to the City.

The Engineer will design, specify, and include in the plans erosion control measures that meet or exceed all applicable regulatory requirements, minimize erosion, and limit off-site sedimentation during construction of the project. The design will be in accordance with the requirements of the NCDEQ, Erosion and Sediment Control Planning and Design Manual and all applicable regulations.

The Engineer will prepare erosion and sedimentation control construction plans, calculations, and supporting documents for the City and agency review to gain approvals and permits concurrently with the 60% Plans, 90% Plans, and 100% Plans.

The Engineer will show all erosion control measures and details on the plans. Following an initial review by the City, the Engineer will submit erosion and sedimentation control plans, narrative, and calculations to the NCDEQ DEMLR Regional Engineer, and secure NCDEQ DEMLR approval of the plans prior to the submittal of the 100% Final Infrastructure Plans.

The erosion and sedimentation control plans and supporting documents will be sealed by a registered Professional Engineer and consist of the following items:

- Proposed Storm Drainage Improvement Plans
- Erosion and Sedimentation Control Plans
- Detail drawings and specifications
- Vegetative Plan
- Maintenance Plan
- Construction sequence
- Brief Narrative of the proposed improvements and erosion control measures
- Project vicinity map, topographic map, and geotechnical/soils data
- Supporting calculations
- Applicable technical specifications
- Applicable corresponding permits
- Applicable existing deed information
- NCDEQ Financial Responsibility/Ownership form (The City will be responsible for signing and notarizing)
- Check made out to NCDEQ DEMLR for land disturbance review fee (The City is responsible for the land disturbance review fee - \$100/Acre)
- NCDEQ Checklist
- A construction cost estimate for erosion control including quantity take-offs in the City standard format.

TASK 14 – Constructability, OPCC, and Construction Schedule Review

HCS will perform constructability reviews prior to the submission of the 30% Plans, 60% Plans, 90% Plans, and 100% Plans. HCS will provide plan markups and/or a comment memorandum to document review comments and questions regarding the constructability review.

Following the submittal of 60% Plans, the Engineer and HCS will have a virtual 60% Review Meeting with the City. A portion of this review meeting will focus on reviewing the overall project constructability and sharing with the City the feedback received from HCS. HCS will have one staff member attend this meeting.

The Engineer will develop quantities and unit costs for all of the pay items in the OPCC. HCS will review these quantities and unit costs prior to the submission of the 30% Plans, 60% Plans, 90% Plans, and 100% Plans and make recommendations based on current construction market information.

The Engineer will develop construction schedules to show the phasing of utility and roadway construction. HCS will review these schedules and provide comments prior to the submission of the 60% Plans, 90% Plans, and 100% Plans.

TASK 15 – 60% Infrastructure Plans

The Engineer will prepare 60% right-of-way infrastructure plans for the project. The Engineer will incorporate the hydraulic design on the plans and profiles. Right-of-way and easements will be refined based on updated roadway, drainage and utility designs. The Engineer will incorporate the Geotechnical Recommendations and Pavement Designs from Terracon.

The 60% right-of-way infrastructure plans submittal will consist of the revised sheets submitted with the 30% plans, an index of sheets, general notes, special details, drainage profile sheets (if needed), utility-by-others plans, utility conflict plans, traffic and pedestrian management plans, pavement marking and signing plans, and erosion control plans.

The Engineer will also develop retaining wall envelopes to facilitate development of retaining wall designs.

The Engineer will revise the preliminary OPCC and submit the 60% OPCC with the 60% plans. Additional scoping information about other disciplines can be found in their respective tasks.

The Engineer will provide a Quality Control/Quality Assurance review of the 60% plans prior to the submittal. The Engineer will submit electronic PDFs of the plans and OPCC to the City and utility companies. CADD drawings will be provided to the City in Microstation (DGN) or AutoCAD (DWG) format upon request. The Engineer will also coordinate with its subconsultants and the City through the development of the 60% plans and will respond to inquiries via email and telephone.

The Engineer will have up to three staff members coordinate and conduct a virtual 60% Review Meeting with the City and will prepare minutes as well as address review comments received. A portion of this review meeting will focus on reviewing the overall project constructability and sharing with the City the feedback received from HCS. HCS will have up one staff member attend this meeting. The Engineer will make revisions to the designs following this Review Meeting and prior to the Stakeholder meeting.

Following the Stakeholder Meeting and in coordination with the City, the Engineer will incorporate design comments that impact proposed right-of-way and easements. The Engineer will submit updated roadway plans to the City in electronic PDF format for right-of-way and easement acquisition purposes.

TASK 16 – Retaining Wall Plans

The Engineer will prepare plans for up to four (4) permanent retaining walls that will allow for the reconstruction of the sidewalk and curb and gutter along East 4th Street. The Engineer assumes that the permanent retaining walls will be segmental gravity retaining walls and utilize NCDOT standard details. The permanent retaining wall type is based on a preliminary assumption and subject to change based on final geotechnical recommendations. If the soil conditions at any of the permanent retaining wall locations or if the permanent retaining wall analyses require a more complex solution than what has been assumed above, Kimley-Horn will develop a revised scope and fee for any additional effort.

The permanent retaining wall layouts and designs will be prepared in accordance with the AASHTO LRFD Bridge Design Manual; and based on the final geotechnical recommendations, provided by the project Geotechnical Engineer. The permanent retaining walls will be a delegated design to the Contractor. The Engineer will provide the retaining wall design requirements and produce performance plans and specifications that are suitable for bidding.

Construction phase services are not included in this scope of work.

TASK 17 – Final Infrastructure Plans

The Engineer will prepare 90% infrastructure plans for the project. The Engineer will incorporate design and right-of-way revisions resulting from property negotiations (as needed) and will submit 90% Plans to the City. The 90% Plans will include draft Project Special Provisions and Bid Documents, retaining wall plans and all revised items listed previously within the 60% infrastructure plan submittal.

The Engineer will provide a Quality Control/Quality Assurance review of the 90% plans prior to the submittal. The Engineer will submit electronic PDFs of the plans and OPCC to the City and utility companies. CADD drawings will be provided to the City in Microstation (DGN) or AutoCAD (DWG) format upon request.

The Engineer will have up to three staff members coordinate and conduct a virtual 90% Review Meeting with the City and will prepare minutes.

The Engineer will incorporate the 90% comments into the plans, bid documents, and OPCC and provide a Quality Control/Quality Assurance review of the 100% documents prior to the submittal. The Engineer will seal the plans and bid documents for the 100% submittal. The Engineer will submit electronic PDFs of the plans, bid documents, and OPCC to the City and utility companies. CADD drawings will be provided to the City in Microstation (DGN) or AutoCAD (DWG) format upon request.

Once the City approves the 100% plans, the Engineer will sign the sealed plans and bid documents and submit to the City. The Engineer will also submit a CD of all project PDF and electronic files to the City for use during the bidding and construction phases. The Engineer will also coordinate with its subconsultants and the City through the development of the 90% and 100% plans and will respond to inquiries via email and telephone.

TASK 18 – Bid Phase Services

The Engineer will provide Bid Phase Services as described below.

Coordinate Advertisement and Plan Room Setup

The Engineer will manage an on-line Plan Room for the Bid Package where Bidding Contractors can access the Plans and Specifications. Additionally, the Engineer will coordinate advertisement for the bid sets per the requirements set forth by the City. The cost of utilizing this on-line Plan Room is not included in this scope of work and will be the responsibility of the City of Greenville.

Finalize Contract Documents

After final plans are completed, the City will review the bid package and provide comments. The Engineer will address City comments and incorporate any necessary revisions to the contract document that may be needed during the period between final plans and bid.

Pre-Bid Meeting

The Engineer shall prepare the agenda for and conduct a Pre-Bid Meeting with the Contractor's representatives, the City's staff, and the Engineer's sub-consultants as necessary. The Engineer shall provide assistance to the City as needed during this meeting in interpreting the plans and specifications and answering the Contractor's questions. The Engineer will provide Meeting documentation for project records.

Issue Addenda

The Engineer shall prepare and issue up to two (2) Addenda during the bidding process. The Engineer shall coordinate with and provide assistance to the City as needed during this process of interpreting the plans and specifications and answering the Contractor's questions.

Bid Opening

The Engineer shall prepare the agenda for and conduct the Bid Opening Meeting with the Contractor's representatives, the City's staff, and the Engineer's sub-consultants as necessary. The Engineer shall provide assistance to the City as needed during these meetings in interpreting the plans and specifications and answering the Contractor's

questions. The Engineer will provide Bid Opening Meeting documentation for project records.

Bid Tabulation and Certification

The Engineer shall review all the qualified bids, including bond and insurance from the Bid Opening, compliance with contract documents, and tabulate these bids and prepare recommendation of award to the City. The Engineer shall certify the recommended bids.

Contract Execution and Routing

The Engineer shall be available to assist the City with contract execution and routing of documents for signature.

TASK 19 – Expenses

Exhibit A, Attachment 2

ADDITIONAL SERVICES

CITY OF GREENVILLE

EAST 4th STREET RECONSTRUCTION

TASK ORDER 1 - DESIGN

July 29th, 2022

ADDITIONAL SERVICES

TASK 20 – Unspecified Services

For budgetary purposes, this task allocates a sum of money that can be designated at a future date to cover Unspecified Services. City approval for the future task and budget will be required.

TASK 21 – Additional Subsurface Utility Engineering (SUE)

For budgetary purposes, this task allocates a sum of money to cover up to 10 additional test holes (SUE LOS A) to be completed as an additional service if required. The cost per test hole is \$1,650.00. This includes mobility charge and assumes 2 days of traffic control by others. City approval for the future task and budget will be required.

ADDITIONAL SERVICES

Engineering services described in this Scope do not include certain categories of work, which are usually referred to as "Additional Services." The Engineer will provide Additional Services only upon receipt of written authorization from the Owner. To the extent possible, the Engineer will notify the Owner in advance if the need for Additional Services is anticipated. Additional Unspecified Services include:

- Any services not listed above under "Scope of Services."
- Other professional services related to the Project, but not specifically described in this Scope of Services, which are identified and authorized in writing by the Owner.



City of Greenville, North Carolina

Meeting Date: 08/18/2022

Title of Item: Second Reading of an Ordinance to Revise Part II, Title 12, Chapter 1, Section 3 of the City Code of Ordinances to Create the Uptown Social District and the Dickinson Avenue Social District

Explanation: On November 22, 2021 and February 7, 2022 the City Attorney's Office made presentations to City Council regarding the newly created statute N.C.G.S. § 18B-904.1 regarding social districts. On July 7, 2022, N.C.G.S. § 18B-904.1 was repealed and N.C.G.S. § 18B-300.1 (Authorization and Regulation of Social Districts) was created. The new law allows cities and counties to create, by ordinance, designated social districts in accordance with the newly created statute N.C.G.S. § 18B-300.1 and allows non-permittee businesses to participate in social districts.

The City Attorney's Office has prepared for consideration a resolution, ordinance and Management and Maintenance plan creating two social districts in the City of Greenville.

The following is a summary of the ordinance and the Management and Maintenance Plan presented for Council's consideration:

- The ordinance creates and designates the following social districts in the City of Greenville:
 - Uptown Social District
 - Dickinson Avenue Social District
- Boundary maps, for each respective social district, are attached with the agenda for Council's review.
- Unless otherwise suspended by law, each social district will operate from 6:00 p.m. to 10:00 p.m. Thursday through Saturday.
- Participating permittee businesses (i.e. businesses located in the social district that hold certain ABC permits) may sell and serve open containers of alcoholic beverages and allow customers to exit their premises into the social district only during the days and hours of operation of the social district. The open containers shall:
 - Only be sold and served on the premises of the participating

- permittee.
 - Clearly identify the ABC permittee from which the beverage is purchased.
 - Clearly display a logo or some other mark that is unique to the Social District.
 - Not be comprised of glass.
 - Not contain more than 16 fluid ounces.
 - Display the statement "Drink Responsibly- Be 21."
- Alcoholic beverages sold and served by participating permittees may only be consumed by customers of the social district, during the hours of operation, in compliance with the N.C.G.S. § 18B-300.1 and City Code.
 - All sidewalks and crosswalks within the social district boundary are included and allowed for possession and consumption, unless otherwise specifically closed as allowed by City Code.
 - All streets within the social district shall be excluded and not allowed for possession or consumption, unless the street within the social district is specifically closed as allowed by City Code.
 - All public parking lots located within the boundaries of the social district shall be excluded and not allowed for possession or consumption.
 - Participating non-permittee businesses in the social district may allow, on their properties, customers who are in possession of alcoholic beverages purchased from a participating permittee in the social district.
- The boundaries of the social district shall be designated by signs posted in conspicuous locations indicating the area is included in the social district. The signs will also state the following:
 - Days and hours of operation of the social district
 - Contact number for the GPD and NC ALE Division.
 - Statement that an alcoholic beverage purchased from a permittee for consumption in the social district can only be consumed in the social district and must be disposed of prior to exiting the social district.
- The City will develop and approve a uniform sign indicating that a non-permittee business (i.e. business located in the social district that does not hold an ABC permit) allows alcoholic beverages on its premises when the social district is active.
 - The City will distribute an electronic version of the sign to each participating non-permittee business for their production and display at their place of business.
 - The participating non-permittee business shall display the approved sign in their place of business during the operation of the social district.

- Participating permittees and non-permittee businesses will be solely responsible for having and maintaining insurance associated with their respective properties.
- Violations of the ordinance may be subject to the following penalties:
 - Criminal: Class 3 misdemeanor with criminal penalty of not less than \$100 and no more than \$500; and/or
 - Civil: 1st Violation: \$100; 2nd Violation (within 365 days of the 1st): \$250; 3rd and Subsequent Violations (within 365 days of the 1st): \$500.

The statutory language of Session Law 2021-138 states: “Notwithstanding G.S. 160A-75, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.” The item was presented for first reading at the August 15, 2022, City Council meeting. The item will be presented at the August 18, 2022, City Council meeting for second reading and recommended adoption by City Council.

Fiscal Note:

Although the creation of a social district will have a fiscal impact, there is no fiscal impact associated with this presentation.

Recommendation:

Hear discussion on the second reading of the ordinance and adopt the ordinance as presented.

ATTACHMENTS

- 📄 [Resolution--Authorizing and Designating Social Districts.cleaned.pdf](#)
- 📄 [Ordinance_22-XX--An_Ordinance_Creating_Social_Districts.pdf](#)
- 📄 [The_Greenville_Social_Districts_Management_and_Maintenance_Plan.cleaned.pdf](#)

RESOLUTION NO. 2022-

RESOLUTION OF THE GREENVILLE CITY COUNCIL TO AUTHORIZE AND DESIGNATE THE UPTOWN SOCIAL DISTRICT AND THE DICKINSON AVENUE SOCIAL DISTRICT

WHEREAS, Session Law 2022-49, Part XX, Section 3.(e) and Section 3.(f) authorizes a city to adopt an ordinance designating a social district for use in accordance with newly created N.C.G.S. § 18B-300.1; and

WHEREAS, N.C.G.S. § 18B-300.1 defines a social district as “a defined area in which a person may consume alcoholic beverages sold by a permittee [which] may include both indoor and outdoor areas of businesses within or contiguous to the defined area during the days and hours set by the local government by ordinance pursuant to [N.C.G.S. § 18B-300.1(d)]. A social district may include privately owned property, including permittees and non-permittee businesses, and multi-tenant establishments, as defined in [N.C.G.S. §] 18B-1001.5, and public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic;” and

WHEREAS, in accordance with the law, once a city designates a social district, participating ABC permittees can sell alcoholic beverages in authorized containers to patrons to be possessed and consumed within the social district; and

WHEREAS, the Uptown Social District and the Dickinson Avenue Social District shall be created and managed by the City of Greenville; and

WHEREAS, the City Council finds that the designation of the Uptown Social District and the Dickinson Avenue Social District pursuant to Session Law 2022-49 is in the best interests of the citizens and businesses of the City of Greenville; and

WHEREAS, the City Council designates the social districts defined and shown in the Ordinance as the Uptown Social District and the Dickinson Avenue Social District; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville, North Carolina, that it does hereby adopt and approve the Ordinance attached hereto creating the Greenville Uptown Social District and the Dickinson Avenue Social District and the *Greenville Social Districts Management and Maintenance Plan*.

ADOPTED this the _____ day of _____, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

ORDINANCE NO. 22-_____

AN ORDINANCE TO REVISE PART II, TITLE 12, CHAPTER 1, SECTION 3 OF THE CODE OF ORDINANCES, CITY OF GREENVILLE TO CREATE THE UPTOWN SOCIAL DISTRICT AND THE DICKINSON AVENUE SOCIAL DISTRICT

WHEREAS, in accordance with Session Law 2022-49, Sections 3.(e) and 3.(f), which amends N.C.G.S. § 160A-205.4 and creates N.C.G.S. § 18B-300.1 and Session Law 2021-138, Part XIII. Section 13.(b), which amends N.C.G.S. § 160A-175 and N.C.G.S. § 14-4 regarding penalties for violations of ordinances; the City Council of the City of Greenville desires to revise and amend Part II, Title 12, Chapter 1, Section 3 of the Code of Ordinances, City of Greenville to comply with State law and allow for the creation and designation of designated social districts in accordance with N.C.G.S. § 18B-300.1;

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

SECTION 1. That Part II, Title 12, Chapter 1, Section 3 of the Code of Ordinances, City of Greenville, is hereby repealed and replaced as amended to now read as follows:

SEC. 12-1-2 ALCOHOLIC BEVERAGES; SOCIAL DISTRICTS.

(A) *Definitions.* For the purpose of this section, the following definitions, regardless of capitalization, shall apply unless the context clearly indicates or requires a different meaning. To the extent any of the definitions are contrary to the provisions of Chapter 18B of the North Carolina General Statutes, the definitions as found in Chapter 18B of the North Carolina General Statutes shall control.

ABC Commission. The North Carolina Alcoholic Beverage Control Commission established under G.S. section 18B-200.

ABC permit or permits. Any written or printed authorization issued by the Commission pursuant to the provisions of Chapter 18B of the North Carolina General Statutes, other than a purchase-transportation permit. Unless the context clearly requires otherwise, as in the provisions concerning applications for permits, “ABC permit” or “permit” means a presently valid permit.

Alcoholic beverage. Any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, mixed beverages, and any alcohol consumable.

Alcohol consumable. Any manufactured and packaged ice cream, ice pop, gum-based, or gelatin-based food product containing at least one-half of one percent (0.5%) alcohol by volume.

Chief of Police. The Chief of Police of the Greenville Police Department or designee.

City. The City of Greenville.

Customer. A person who purchases an alcoholic beverage from a permittee that is in a social district.

Fortified wine. Any wine or alcohol consumable containing more than sixteen percent (16%) and no more than twenty-four percent (24%) alcohol by volume, made by fermentation from grapes, fruits, berries, rice, or honey; or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States.

Malt beverage. Beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage or alcohol consumable except unfortified or fortified wine as defined by Chapter 18B of the North Carolina General Statutes, containing at least one-half of one percent (0.5%), and not more than fifteen percent (15%), alcohol by volume. Any malt beverage containing more than six percent (6%) alcohol by volume shall bear a label clearly indicating the alcohol content of the malt beverage.

Mixed beverage. Either of the following:

- (1) A drink composed in whole or in part of spirituous liquor and served in a quantity less than the quantity contained in a closed package.
- (2) A premixed cocktail served from a closed package containing only one serving.

Manual of Fees. The fee schedule approved and adopted by the Greenville City Council which is periodically updated and lists sales and services provided by the City of Greenville.

Non-permittee business. A business that is located in a social district and does not hold any ABC permit

Open container. A container whose seal has been broken or a container other than the manufacturer's unopened original container.

Permittee. An establishment holding any of the following permits issued by the ABC Commission:

- (1) An on-premises malt beverage permit issued pursuant to G.S. section 18B-1001(1).
- (2) An on-premises unfortified wine permit issued pursuant to G.S. section 18B-1001(3).
- (3) An on-premises fortified wine permit issued pursuant to G.S. section 18B-1001(5).

- (4) A mixed beverages permit issued pursuant to G.S. section 18B-1001(10).
- (5) A wine shop permit issued pursuant to section G.S. 18B-1001(16).
- (6) A distillery permit issued pursuant to section G.S. 18B-1100(5).

Person. An individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of persons acting as a unit.

Police Department. The Greenville Police Department.

Police Officers. Sworn law enforcement officers employed by the Greenville Police Department.

Premises. A fixed permanent establishment, including all areas inside or outside the licensed establishment, where the permittee has control through a lease, deed, or other legal process.

Social district. A defined area in which a person may consume alcoholic beverages sold by a permittee. A social district may include both indoor and outdoor areas of businesses within or contiguous to the defined area during the days and hours set by the local government by ordinance pursuant to G.S. section 18B-300.1(d). A social district may include privately owned property, including permittees and non-permittee businesses, and multi-tenant establishments, as defined in G.S. section 18B-1001.5, and public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic.

Spirituos liquor or liquor. Distilled spirits or ethyl alcohol, and any alcohol consumable containing distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin and all other distilled spirits and mixtures of cordials, liqueur, and premixed cocktails, in closed containers regardless of their dilution.

Unfortified wine. Any wine or alcohol consumable containing sixteen percent (16%) or less alcohol by volume made by fermentation from grapes, fruits, berries, rice, or honey; or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States.

(B) *Possession of open container of unfortified wine or malt beverage prohibited.* Unless otherwise allowed by State law or this section, it shall be unlawful for any person to possess an open container of unfortified wine or malt beverage upon either of the following:

- (1) A public street in the City by a person who is not an occupant of a motor vehicle.

- (2) Any property owned, occupied, or controlled by the City, including, but not limited to a sidewalk, alley, building, parcel, lot, park, or parking lot.

(C) *Consumption of unfortified wine or malt beverage prohibited.* Unless otherwise allowed by State law or this section, it shall be unlawful for any person to consume unfortified wine or a malt beverage upon either of the following:

- (1) A public street in the City by a person who is not an occupant of a motor vehicle.
- (2) Any property owned, occupied, or controlled by the City, including, but not limited to a sidewalk, alley, building, parcel, lot, park, or parking lot.

(D) *Exceptions regarding alcoholic beverages.* Notwithstanding any other provision of this section and as otherwise allowed by State law, upon obtaining all ABC permits as required by law; obtaining all City permits as may be required; paying all fees as may be required by the *Manual of Fees*; entering into any lease with the City as may be required; obtaining the written approval of the City Manager and subject to any conditions identified by the City Manager in the written approval; and complying with the *Policy and Procedures for the Conditional Service, Sale, and Consumption of Alcoholic Beverages Upon City Facilities*, the sale, service, possession, and consumption of alcoholic beverages as provided by the ABC permit is allowed upon designated portions of:

- (1) A golf course owned, occupied, or controlled by the City;
- (2) A convention center owned, occupied, or controlled by the City;
- (3) The Walter L. Stasavich Science and Nature Center and River Park North;
- (4) The building owned by the City at the Perkins Complex;
- (5) The C.M. Eppes Recreation Center;
- (6) A building owned by the City and leased to a person for a continuous term of greater than two years;
- (7) The Town Common;
- (8) Wildwood Park.
- (9) Any other property owned, occupied, or controlled by the City, including but not limited to public streets, sidewalks, alleys, or parking lots which are temporarily closed to regular traffic for special events. Factors which the City Manager shall consider when permitting the sale, service, possession, or consumption of alcoholic beverages as may be allowed by State law and the ABC Commission at an event or series of events to be conducted at

property owned, occupied, or controlled by the City or public streets, sidewalks, alleys or parking lots which are temporarily closed to regular traffic for special events include but are not limited to:

- (a) That an applicable ABC permit for the event has been issued by the ABC Commission.
- (b) The City's previous experience with the event organizer and/or the event.
- (c) That the location and time for the event is appropriate.
- (d) That the event organizer's plans regarding control of sale, crowd control, cleanup, and other public safety and welfare matters are adequate.

(10) Social Districts in accordance with this section.

(E) Social Districts.

- (1) *Creation.* Pursuant to the provisions of North Carolina General Statutes sections 160A-205.4, 18B-300.1, and as otherwise allowed by State law one or more social districts may be created within the City.
- (2) *Management.* City social districts shall be created, designated, and managed in accordance with the requirements contained in North Carolina General Statutes Section section 160A-205.4 and Chapter 18B and this section.
- (3) *Designated social districts.* The City hereby creates and designates the following Social District(s):
 - (a) The Uptown Social District shall be designated as follows:
 - (i) *General Boundary Area Description; Properties Excluded; Participating Non-Permittee Business Included.* The general northernmost boundary area of the Uptown Social District shall begin at the southwest corner of the intersection of West Fourth Street and Evans Street, thence shall run along the southern right-of-way of West and East Fourth Street in an easterly direction for 186+/- feet to the northeasternmost right-of-way abutting Parcel No. 23601 as listed at the Pitt County Register of Deeds and ending at the right-of-way abutting Parcel No. 15715 as listed at the Pitt County Register of Deeds. In no event shall Parcel No. 15715 as listed at the Pitt County Register of Deeds, nor

portions of abutting streets or sidewalks running along Parcel No. 15715 be included in the Uptown Social District. The general easternmost boundary area of the Uptown Social District shall begin at the intersection of the right-of-way and the northwesternmost portion of Parcel No. 12630 as listed at the Pitt County Register of Deeds and thence shall run along the eastern right-of-way of Cotanche Street in a southerly direction for 672+/- feet; thence cornering and ending at the intersection of the eastern right-of-way of Cotanche Street and the northern right-of-way of Reade Circle. The general southernmost boundary area of the Uptown Social District shall begin at the northern right-of-way of Reade Circle at its intersection with Cotanche Street and proceed in a southwesterly direction for 510+/- feet; thence cornering at the intersection of the northern right-of-way of Reade Circle and the westernmost right-of-way of Evans Street. The general westernmost boundary area of the Uptown Social District shall begin at the northern right-of-way of Reade Circle and the westernmost right-of-way of Evans Street and run along the western right-of-way of Evans Street in a northerly direction for 1,080+/- feet and returning to the point of beginning of the general northernmost boundary area of the Uptown Social District. In no event shall Parcel No. 06645 as listed at the Pitt County Register of Deeds be included in the Uptown Social District. Participating non-permittee businesses within the Uptown Social District are also specifically included in the Uptown Social District as also defined on the most current rendering as identified in subsection (b).

- (ii) *Sidewalks and Crosswalks within the General Boundary Area Included.* All sidewalks and crosswalks within the general boundary area are specifically included in the Uptown Social District, unless specifically closed as allowed by City Code or other applicable law.
 - (iii) *When Streets Included.* Except for the herein described crosswalks, all streets abutting or contained within the Uptown Social District shall be excluded from the Uptown Social District, unless any said street or all said streets are specifically closed as allowed by City Code or other applicable law.
- (b) The Uptown Social District map is shown on the attached rendering, attached as Exhibit A. The most current version of said map is available at the City Clerk's office and on the City's website.

(c) The Dickinson Avenue Social District which is designated as the area within the City as follows:

(i) *General Boundary Area Description; Properties Excluded; Participating Non-Permittee Business Included.* The Dickinson Avenue Social District shall begin at southeast corner of the intersection of Reade Circle and Dickinson Avenue, thence shall run along the southern right-of-way of Reade Circle in an easterly direction for 190+/- feet; thence cornering and running along the easternmost property line of Parcel No. 87407 as listed at the Pitt County Register of Deeds in a southwesterly direction for 185+/- feet; thence cornering and running along the easternmost property line of Parcel No. 02701 as listed at the Pitt County Register of Deeds in a southeasterly direction for 85+/- feet; thence cornering and running along the southernmost property line of Parcel No. 02701 as listed at the Pitt County Register of Deeds in a southwesterly direction for 55+/- feet; thence crossing West Eighth Street in a southwesterly direction for 45+/- feet; thence running along the southernmost right-of-way of West Eighth Street in a southeasterly direction for 275+/- feet; thence cornering and running along the westernmost right-of-way of South Washington Street in a southerly direction for 300+/- feet; thence running along the northernmost right-of-way of West Ninth Street in a westerly direction for 1,080+/- feet; thence crossing Dickinson Avenue in a northerly direction for 75+/- feet; thence cornering and running along the northernmost right-of-way of Dickinson Avenue in a northeasterly direction for 130+/- feet; thence cornering and running along the westernmost right-of-way of Clark Street in a northerly direction for 650+/- feet; thence cornering and running along the southern right-of-way of West Eighth Street and the northernmost property lines of Parcel Nos. 21141 and 12851 as listed at the Pitt County Register of Deeds in an easterly direction for 250+/- feet; thence cornering and running along the westernmost right-of-way of South Pitt Street in a southerly direction for 20+/- feet; thence cornering and running crossing South Pitt Street and the northern property line of Parcel No. 22790 as listed at the Pitt County Register of Deeds in an easterly direction for 125+/- feet; thence cornering and running along the easternmost property lines of Parcel Nos. 22790 and 05237 as listed at the Pitt County Register of Deeds and across Dickinson Avenue in a southeasterly direction for 160+/- feet; thence cornering and running along the southernmost right-of-way of Dickinson

Avenue in a northeasterly direction for 305+/- feet returning to the point of beginning. In no event shall Parcel Nos. 20038 or 19449 as listed at the Pitt County Register of Deeds be included in the Dickinson Avenue Social District. Participating non-permittee businesses within the Dickinson Avenue Social District are also specifically included in the Dickinson Avenue Social District as also defined on the most current rendering as identified in subsection (d).

(ii) *Sidewalks and Crosswalks within the General Boundary Area Included.* All sidewalks and crosswalks within the general boundary area are specifically included in the Dickinson Avenue Social District, unless specifically closed as allowed by City Code or other applicable law.

(iii) *When Streets Included.* Except for the herein described crosswalks, all streets abutting or contained within the Dickinson Avenue Social District shall be excluded from the Dickinson Avenue Social District, unless any said street or all said streets are specifically closed as allowed by City Code or other applicable law.

(d) The Dickinson Avenue Social District is shown on the attached rendering, attached as Exhibit B. The most current version of said map is available at the City Clerk's office and on the City's website.

(4) *Social district days and hours.* Alcoholic beverages may be consumed by customers in accordance with the provisions of G.S. section 18B-300.1 and this section in the Uptown Social District and the Dickinson Avenue Social District Thursday through Saturday from 6:00 p.m. to 10:00 p.m.

(5) *Social district operation.* The operation of the Uptown Social District and the Dickinson Avenue Social District, including guidelines regarding the suspension of regular days and hours of alcohol consumption in all or part of a social district during events requiring other permits pursuant to G.S. section 18B-300.1(j) shall be established by and contained in the *Greenville Social Districts Management and Maintenance Plan*.

(6) *Suspension of the social district.* In addition to any other authority authorized by law, as may be required to protect the health and safety of the general public, the City Manager or designee may suspend operations of any or all social districts.

(F) *Penalties.* In addition to any other penalty as may be allowed by law, a violation of this section may subject the offender to any or all of the following penalties:

- (1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).
- (2) *Civil.*
 - (a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:
 1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).
 2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).
 3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
 - (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by a police officer.
 - (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 1. A civil action in the nature of a debt.

2. The use of a collections agency.
3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
4. Equitable remedies issued by a court of competent jurisdiction.
5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.

(3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

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

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

SECTION 4. In accordance with Session Law 2021-138, Part XIII., Section 13.(b), this ordinance specifying a criminal penalty has been enacted at the meeting other than that in which it was first introduced.

SECTION 5. This ordinance will become effective 45 days from the below date of adoption.

This the _____ day of _____, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

Uptown Social District

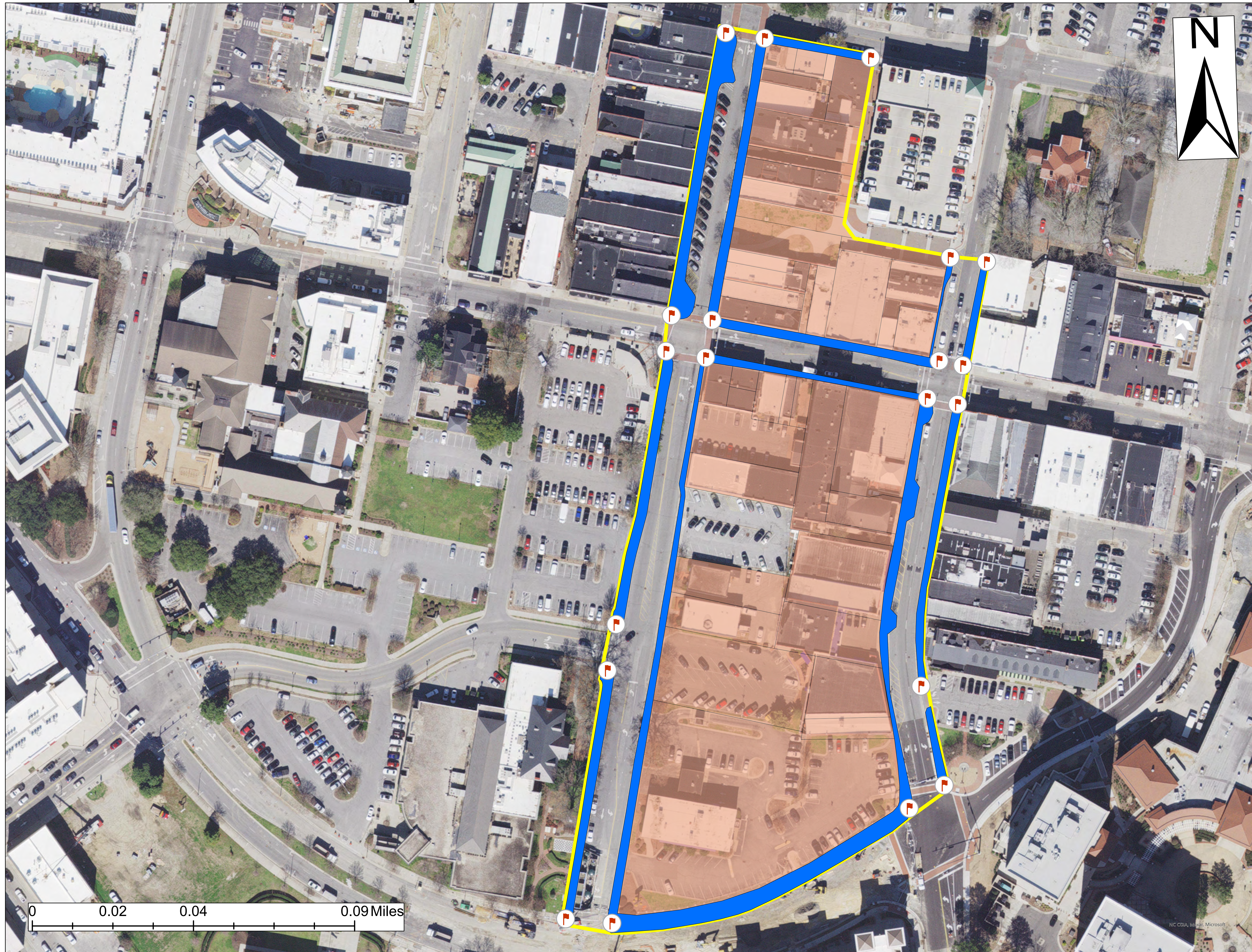


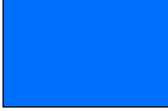



Exhibit A

Legend





-  Eligible Social District Area
-  Social District Signage
-  Sidewalks
-  Boundary

Dickinson Avenue Social District



Exhibit B

Legend

-  Eligible Social District Area
-  Social District Signage
-  Sidewalks
-  Boundary

CITY OF GREENVILLE

GREENVILLE SOCIAL DISTRICTS MANAGEMENT AND MAINTENANCE PLAN



2022



THE GREENVILLE SOCIAL DISTRICTS MANAGEMENT AND MAINTENANCE PLAN

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The Greenville Social Districts Management and Maintenance Plan

Introduction

On July 7, 2022, Session Law 2022-49 was signed by the Governor creating a new statute, N.C.G.S. § 18B-300.1, which allows a local government, such as the City of Greenville (“the City”) to establish “Social Districts” within its jurisdiction. Without limiting the consumption or possession of alcoholic beverages otherwise allowed under Chapter 18B of the North Carolina General Statutes, the intent of N.C.G.S. § 18B-300.1, as stated in N.C.G.S. § 18B-300.1(a), is to regulate, open containers of alcoholic beverages that customers (persons who purchase alcoholic beverages from a permittee that is in a social district) of certain ABC permittees take from the permittee’s licensed premises (for example those establishments having on-premises, mixed beverage, wine shop, or distillery permits issued by the such as private bars, private clubs, restaurants, and hotels) into another defined area where consumption of the alcoholic beverages is allowed. Accordingly, the law serves to regulate the possession and consumption of open containers of alcoholic beverages within the designated social district. The law further allows non-ABC permittee businesses and private property owners located in a social district to allow on their properties open containers of alcoholic beverages sold by participating social district permittees when the social district is active. The City has established two social districts, designated as the Uptown Social District and the Dickinson Avenue Social District.

Each social district must be maintained in a manner that protects the health and safety of the general public. This Management and Maintenance Plan (“the Plan”), which has been approved by City Council, outlines the management, maintenance, and operations of the City’s designated social districts. In accordance with the provisions of N.C.G.S. § 18B-300.1(d)(2), the Plan, which includes a rendering of the boundaries of the Uptown Social District and the Dickinson Avenue Social District and days and hours during which alcoholic beverages may be consumed in the social districts will be placed on the City’s website.

Additionally, in accordance with N.C.G.S. § 18B-300.1(d)(3), before allowing consumption of alcoholic beverages in either of these social districts, the City will submit to the North Carolina Alcoholic Beverage Control Commission (“ABC Commission”) a detailed map of each social district with the boundaries of the social district clearly marked and the days and hours during which alcoholic beverages may be consumed in the social district.

Management of the Social Districts

The Uptown Social District and the Dickinson Avenue Social District will be jointly managed by the City’s Planning and Development Services Department, Public Works Department, and the Police Department.



Non-Permittee Business Signs

In accordance with N.C.G.S. § 18B-300.1(d)(4), the City will develop and approve uniform signs in an electronic .pdf file or similar electronic format indicating that a non-permittee business is included in the social district and allows alcoholic beverages on its premises when the social district is active. The City will then distribute the signs to non-permittee businesses that are included in the social district via email only. Participating non-permittee businesses are solely responsible for all printing and placement of required signs. The City may include private entities, including property owners or property owners' associations. A participating non-permittee business shall display the uniform sign at all times during the times when the social district is active. A customer may not bring an alcoholic beverage into a non-permittee business that does not display the uniform sign. No non-permittee business shall be required to participate or be included in a social district or to allow customers to bring alcohol onto its premises

Social District Boundaries—Maps

A rendering of the boundaries of the Uptown Social District is shown on page 30. A rendering of the boundaries of the Dickinson Avenue Social District is shown on page 32.

Days and Hours of Operation

Unless otherwise suspended by operation of law, the Uptown Social District and the Dickinson Avenue Social District will operate on Thursday through Saturday from 6:00 p.m. to 10:00 p.m. Alcoholic beverages may be consumed in accordance with the provisions of N.C.G.S. § 18B-300.1 and City Code § 12-1-3 only during those dates and hours.

Financing

The costs of establishing and managing the Uptown Social District and the Dickinson Avenue Social District will be funded by the City. Permittee participants and non-permittee business participants are solely responsible for costs associated with their respective properties.

Enforcement and Penalties

Police officers with the Greenville Police Department will enforce the provisions of N.C.G.S. § 18B-300.1 and City Code § 12-1-3. A violation of the provisions of N.C.G.S. § 18B-300.1 (for example N.C.G.S. § 18B-300.1(e) and N.C.G.S. § 18B-300.1(f)) is a Class 1 misdemeanor pursuant to N.C.G.S. § 18B-102(b). A violation of the provisions of City Code § 12-1-3 may be punishable as a Class 3 misdemeanor and/or as a civil penalty as therein stated. Of note, pursuant to N.C.G.S. § 18B-300.1(h), during the days and hours when the social district is active, a non-permittee business participating in the social district shall allow law enforcement officers access to the areas of the premises accessible by customers.



Insurance

The City is insured for its management, maintenance, and operation of the Uptown Social District and the Dickinson Avenue Social District upon the property owned, occupied, or controlled by the City. Permittee participants and non-permittee businesses are solely responsible for having and maintaining any recommended or required insurance associated with their respective properties.

Sanitation and Maintenance

The City's Public Works Department will provide sanitation services within the Uptown Social District and the Dickinson Avenue Social District on the property owned, occupied, or controlled by the City including trash removal and litter pick up. Permittee participants and non-permittee businesses are solely responsible for sanitation services on their private property. Trash/recycling receptacles will be located at the boundaries of the each social district to encourage patrons to properly dispose of their used cups and unconsumed alcohol, as well as throughout the social district area.

Marketing and Promotion

Marketing and promotion of the Uptown Social District and the Dickinson Avenue Social District will be provided by the City.

Required Signs Designating the Social District

In accordance with the provisions of N.C.G.S. § 18B-300.1(d)(1), the Uptown Social District and the Dickinson Avenue Social District will be clearly defined with signs posted in a conspicuous location indicating which area is included in the social district, the days and hours during which alcoholic beverages may be consumed in the social district, the telephone number for the ALE Division and the Greenville Police Department, and a clear statement that an alcoholic beverage purchased from a permittee for consumption in a social district shall (1) only be consumed in the social district and (2) be disposed of before the person in possession of the alcoholic beverage exits the social district.

EXAMPLE: An example of a required sign designating the Uptown Social District is as follows:



THIS IS THE SOCIAL DISTRICT BOUNDARY

Alcoholic beverages may only be consumed in the social district as follows:

<u>DAYS</u>	<u>HOURS</u>
Thursday through Saturday	6:00 p.m. to 10:00 p.m.

NOTICE

An alcoholic beverage purchased from a permittee as defined by N.C.G.S. § 18B-300.1(b)(3) for consumption in this social district shall:

- (1) Only be consumed in the social district and**
- (2) Be disposed of before the person in possession of the alcoholic beverage exits the social district.**

A violation is punishable as a Class 1 misdemeanor.

(N.C.G.S. § 18B-300.1 and N.C.G.S. § 18B-102(b))

Telephone Contacts:

N.C. Alcohol Law Enforcement (ALE) Division:
1-877-ALE-AGENT or (252) 756-4755 (District II)

Greenville Police Department:
Non-Emergency (252) 329-4315
Information Desk (252) 329-4317



Suspension of the Days and/or Hours of Alcohol Consumption in All or Part of the Social District During Events Requiring Other Permits Pursuant to N.C.G.S. § 18B-3001.(j)

To ensure the overall protection of health and safety of the general public, the City Manager or designee has the authority to suspend the regular days and/or hours of alcohol consumption in all or part of the Uptown Social District and/or the Dickinson Avenue Social District during any event requiring other permits pursuant to N.C.G.S. § 18B-300.1(j). Such notice of suspension shall be made in writing and signed by the City Manager or designee. If the City Manager or designee decides to suspend the regular days and/or hours of alcohol consumption in all or part of the Uptown Social District and or the Dickinson Avenue Social District during any event requiring other permits pursuant to N.C.G.S. § 18B-300.1(j), the City Manager or designee shall ensure that the Notice of Suspension defining the suspension (including the days, hours, and area) is posted (1) on the exterior main entry doors of City Hall and the Municipal Building and (2) on the City's website.

Open Containers Sold by Participating Permittees—N.C.G.S. § 18B-300.1(e)

In accordance with N.C.G.S. § 18B-300.1(e), a participating permittee in a social district designated by the City may sell open containers of alcoholic beverages and allow customers to exit its licensed premises to the social district Thursday through Saturday from 6:00 p.m. to 10:00 p.m. and shall:

- (1) Only sell and serve alcoholic beverages on its licensed premises.
- (2) Only sell alcoholic beverages for consumption in social district and off the premises of the permittee in a container that meets all of the following requirements:
 - a) The container clearly identifies the ABC permittee from which the alcoholic beverage was purchased.
 - b) The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
 - c) The container is not comprised of glass.
 - d) The container displays, in no less than 12-point font, the statement, "Drink Responsibly – Be 21."
 - e) The container shall not hold more than 16 fluid ounces.



Limitations on Open Containers—N.C.G.S. § 18B-300.1(f)

In accordance with N.C.G.S. § 18B-300.1(f), except as otherwise allowed by City Code, the possession and consumption of an open container of an alcoholic beverage in a social district designated by the City is subject to all of the following requirements:

- (1) A customer may only possess and consume open containers of alcoholic beverages that were purchased from a permittee located in the social district.
- (2) Customer-purchased open containers of alcoholic beverages in the social district shall only be in containers meeting the requirements set forth in N.C.G.S. § 18B-300.1(e), except for open containers sold by a permittee for consumption on the permittee's premises.
- (3) A customer may only possess and consume open containers of alcoholic beverages in the social district on Thursday through Saturday from 6:00 p.m. to 10:00 p.m.
- (4) A customer shall not possess at one time open containers of alcoholic beverages in the social district in excess of the number of alcoholic beverages that may be sold and delivered by a retail permittee as set forth in N.C.G.S. § 18B-1010. Pursuant to N.C.G.S. § 18B-1010, a social district permittee participant may sell and deliver open containers of alcoholic beverage drinks to a single patron with the following limitations:
 - a) Not more than two alcoholic beverage drinks at one time if the alcoholic beverage drinks are any of the following:
 1. A malt beverage.
 2. Unfortified wine.
 3. Fortified wine.
 - b) Not more than one alcoholic beverage at one time if an alcoholic beverage drink is a mixed beverage or contains spirituous liquor.
- (5) A customer shall dispose of any open container of an alcoholic beverage purchased from a social district permittee participant in the customer's possession prior to exiting the social district unless the customer is reentering the licensed premises of the permittee participant where the customer purchased the alcoholic beverage.
- (6) Notwithstanding N.C.G.S. § 18B-300 and N.C.G.S. § 18B-301, a social district permittee participant or non-permittee business participant may allow a



customer to possess and consume on the business’s premises alcoholic beverages purchased from any social district permittee participant in the social district.

Of additional note, Session Law 2022-49 also amended N.C.G.S. § 18B-301 (Possession and consumption of fortified wine and spirituous liquor.) by adding a new subsection (b1), which states: “(b1) Possession in a Social District or Common Area. – It shall be lawful, without an ABC permit, for a person to possess an open container of fortified wine or spirituous liquor in a social district or a designated consumption area under a common area entertainment permit in compliance with the provisions of G.S. 18B-300.1 or G.S. 18B-1001.5, respectively.”



N.C.G.S. § 18B-300.1



N.C.G.S. § 18B-300.1. Authorization and regulation of social districts.

(a) **Policy.** – The intent of this section is to regulate open containers of alcoholic beverages that customers of a permittee take from the permittee’s licensed premises into another area where consumption of the alcoholic beverages is allowed. This section shall not in any way limit the consumption or possession of alcoholic beverages otherwise allowed under this Chapter.

(b) **Definitions.** – The following definitions apply in this section:

- (1) **Customer.** – A person who purchases an alcoholic beverage from a permittee that is in a social district.
- (2) **Non-permittee business.** – A business that is located in a social district and does not hold any ABC permit.
- (3) **Permittee.** – An establishment holding any of the following permits issued by the Commission:
 - a. An on-premises malt beverage permit issued pursuant to G.S. 18B-1001(1).
 - b. An on-premises unfortified wine permit issued pursuant to G.S. 18B-1001(3).
 - c. An on-premises fortified wine permit issued pursuant to G.S. 18B-1001(5).
 - d. A mixed beverages permit issued pursuant to G.S. 18B-1001(10).
 - e. A wine shop permit issued pursuant to G.S. 18B-1001(16).
 - f. A distillery permit issued pursuant to G.S. 18B-1100(5).
- (4) **Social district.** – A defined area in which a person may consume alcoholic beverages sold by a permittee. A social district may include both indoor and outdoor areas of businesses within or contiguous to the defined area during the days and hours set by the local government by ordinance pursuant to subsection (d) of this section. A social district may include privately owned property, including permittees and non-permittee businesses, and multi-tenant establishments, as defined in G.S. 18B-1001.5, and public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic.

(c) **Local Ordinances Authorized.** – Pursuant to G.S. 153A-145.9, a county may adopt an ordinance designating one or more social districts in the parts of the county outside any city. Pursuant to G.S. 160A-205.4, a city may adopt an ordinance designating one or more social districts.

(d) **Requirements for Designation.** – A social district designated under this section shall meet all of the following requirements:

- (1) The social district shall be clearly defined with signs posted in a conspicuous location indicating which area is included in the social district, the days and hours during which alcoholic beverages may be consumed in the social district, the telephone number for the ALE Division and the local law enforcement agency with jurisdiction over the area comprising the social district, and a clear statement that an alcoholic beverage purchased from a permittee for consumption in a



social district shall (i) only be consumed in the social district and (ii) be disposed of before the person in possession of the alcoholic beverage exits the social district. The hours set by a city or county during which customer-purchased alcoholic beverages may be consumed in a social district shall be in accordance with G.S. 18B-1004.

- (2) The city or county, or the city's or county's designee, shall establish or approve management and maintenance plans for the social district and post these plans, along with a rendering of the boundaries of the social district and days and hours during which alcoholic beverages may be consumed in the social district, on the website for the city or county. The city's or county's designee may include a private entity, including a property owner or property owner's association. Any plan established under this subdivision shall be approved by the governing body of the city or county. The social district shall be maintained in a manner that protects the health and safety of the general public. The city or county may establish guidelines in the ordinance establishing the social district or in its management and maintenance plan to allow for suspension of regular days and hours of alcohol consumption in all or part of a social district during events requiring other permits pursuant to subsection (j) of this section.
- (3) Before allowing consumption of alcoholic beverages in a social district, the city or county shall submit to the Commission a detailed map of the social district with the boundaries of the social district clearly marked, and the days and hours during which alcoholic beverages may be consumed in the social district. The city or county shall only be required to submit a revised map to the Commission if the city or county amends the geographic footprint of a social district. A permittee may be included in the social district even if it chooses to exclude open containers of alcoholic beverages purchased from other permittees in the social district.
- (4) The city or county, or the city's or county's designee, shall develop or approve uniform signs indicating that a non-permittee business is included in the social district and allows alcoholic beverages on its premises when the social district is active and distribute the signs to non-permittee businesses that are included in the social district. The city's or county's designee may include a private entity, including a property owner or property owner's association. The signs may be in the form of a sticker, placard, or other format as deemed appropriate by the city or county. A participating non-permittee business shall display the uniform sign at all times during the times when the social district is active. A customer may not bring an alcoholic beverage into a non-permittee business that does not display the uniform sign. No non-permittee business shall be required to participate or be included in a social district or to allow customers to bring alcohol onto its premises.



(e) Open Containers Sold by Permittees. – A permittee located in a social district may sell open containers of alcoholic beverages and allow customers to exit its licensed premises to the social district in accordance with the following requirements:

- (1) The permittee shall only sell and serve alcoholic beverages on its licensed premises.
- (2) The permittee shall only sell an open container of an alcoholic beverage for consumption in the social district and off the premises of the permittee in a container that meets all of the following requirements:
 - a. The container clearly identifies the permittee from which the alcoholic beverage was purchased.
 - b. The container clearly displays a logo or some other mark that is unique to the social district in which it will be consumed.
 - c. The container is not comprised of glass.
 - d. The container displays, in no less than 12-point font, the statement, “Drink Responsibly – Be 21.”
 - e. The container shall not hold more than 16 fluid ounces.
- (3) Nothing in this subsection shall be construed to authorize the sale and delivery of alcoholic beverage drinks in excess of the limitation set forth in G.S. 18B-1010.

(f) Limitations on Open Containers. – Except where otherwise allowed by local ordinance, the possession and consumption of an open container of an alcoholic beverage in a social district is subject to all of the following requirements:

- (1) A customer may only possess and consume open containers of alcoholic beverages that were purchased from a permittee located in the social district.
- (2) Customer-purchased open containers of alcoholic beverages in the social district shall only be in containers meeting the requirements set forth in subsection (e) of this section, except for open containers sold by a permittee for consumption on the permittee’s premises.
- (3) A customer may only possess and consume open containers of alcoholic beverages in the social district during the days and hours set by the city or county in accordance with subsection (b) of this section, not to exceed the hours for consumption authorized pursuant to G.S. 18B-1004.
- (4) A customer shall not possess at one time open containers of alcoholic beverages in the social district in excess of the number of alcoholic beverages that may be sold and delivered by a retail permittee as set forth in G.S. 18B-1010.
- (5) A customer shall dispose of any open container of an alcoholic beverage purchased from a permittee in the customer’s possession prior to exiting the social district unless the customer is reentering the licensed premises of the permittee where the customer purchased the alcoholic beverage.
- (6) Notwithstanding G.S. 18B-300 and G.S. 18B-301, a permittee or non-permittee business may allow a customer to possess and consume on the business’s premises alcoholic beverages purchased from a permittee in the social district.



(g) Limitations on Closed Containers. – A person, including a customer who is in possession of an open container of an alcoholic beverage authorized under this section, may possess alcoholic beverages in closed containers in a social district to the extent allowed by law.

(h) Responsibilities of Non-Permittee Businesses. – A non-permittee business that is part of a social district and that allows customers to bring alcoholic beverages onto its premises shall not be responsible for enforcement of this Chapter. All non-permittee businesses that are part of a social district and that allow customers to bring alcoholic beverages onto their premises shall clearly post signage on any exits that do not open to the social district indicating that alcoholic beverages may not be taken past that point. During the days and hours when the social district is active, a non-permittee business that allows customers to bring alcoholic beverages onto its premises shall allow law enforcement officers access to the areas of the premises accessible by customers.

(i) Multi-Tenant Establishments Located in a Social District. – Permittees and non-permittee businesses in a multi-tenant establishment located within a social district may participate in the social district regardless of whether the multi-tenant establishment has a common area entertainment permit.

(j) Interaction with Other Permits. – The Commission shall issue permits for special events occurring partially or entirely within the boundaries of a social district as follows:

- (1) The Commission may issue special one-time permits pursuant to G.S. 18B-1002(a)(2) or (a)(5) for events occurring on premises located partially or entirely within the boundaries of a social district. If the event is scheduled to occur during hours when alcoholic beverages may be consumed in the social district, the event permittee shall, in addition to obtaining such signed law enforcement notification as may be required under the Commission’s rules, include in such notification a statement that the event is to occur in a social district during days and hours designated for consumption of alcoholic beverages.
- (2) A permittee holding a winery special event permit, malt beverage special event permit, or spirituous liquor special event permit pursuant to G.S. 18B-1114.1, 18B-1114.5, and 18B-1114.7, respectively, may sell and serve products at special events taking place in a social district.
- (3) A permittee holding a mixed beverages catering permit pursuant to G.S. 18B-1001(12) may serve spirituous liquor to guests at events taking place in a social district.



Resolution Creating the Uptown Social District and the Dickinson Avenue Social District



RESOLUTION NO. 2022-

RESOLUTION OF THE GREENVILLE CITY COUNCIL TO AUTHORIZE AND DESIGNATE THE UPTOWN SOCIAL DISTRICT AND THE DICKINSON AVENUE SOCIAL DISTRICT

WHEREAS, Session Law 2022-49, Part XX, Section 3.(e) and Section 3.(f) authorizes a city to adopt an ordinance designating a social district for use in accordance with newly created N.C.G.S. § 18B-300.1; and

WHEREAS, N.C.G.S. § 18B-300.1 defines a social district as “a defined area in which a person may consume alcoholic beverages sold by a permittee [which] may include both indoor and outdoor areas of businesses within or contiguous to the defined area during the days and hours set by the local government by ordinance pursuant to [N.C.G.S. § 18B-300.1(d)]. A social district may include privately owned property, including permittees and non-permittee businesses, and multi-tenant establishments, as defined in [N.C.G.S. §] 18B-1001.5, and public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic;” and

WHEREAS, in accordance with the law, once a city designates a social district, participating ABC permittees can sell alcoholic beverages in authorized containers to patrons to be possessed and consumed within the social district; and

WHEREAS, the Uptown Social District and the Dickinson Avenue Social District shall be created and managed by the City of Greenville; and

WHEREAS, the City Council finds that the designation of the Uptown Social District and the Dickinson Avenue Social District pursuant to Session Law 2022-49 is in the best interests of the citizens and businesses of the City of Greenville; and

WHEREAS, the City Council designates the social districts defined and shown in the Ordinance as the Uptown Social District and the Dickinson Avenue Social District; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville, North Carolina, that it does hereby adopt and approve the Ordinance attached hereto creating the Greenville Uptown Social District and the Dickinson Avenue Social District and the *Greenville Social Districts Management and Maintenance Plan*.

ADOPTED this the _____ day of _____, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk



Ordinance Creating the Uptown Social District and the Dickinson Avenue Social District



ORDINANCE NO. 22-_____

AN ORDINANCE TO REVISE PART II, TITLE 12, CHAPTER 1, SECTION 3 OF THE CODE OF ORDINANCES, CITY OF GREENVILLE TO CREATE THE UPTOWN SOCIAL DISTRICT AND THE DICKINSON AVENUE SOCIAL DISTRICT

WHEREAS, in accordance with Session Law 2022-49, Sections 3.(e) and 3.(f), which amends N.C.G.S. § 160A-205.4 and creates N.C.G.S. § 18B-300.1 and Session Law 2021-138, Part XIII. Section 13.(b), which amends N.C.G.S. § 160A-175 and N.C.G.S. § 14-4 regarding penalties for violations of ordinances; the City Council of the City Greenville desires to revise and amend Part II, Title 12, Chapter 1, Section 3 of the Code of Ordinances, City of Greenville to comply with State law and allow for the creation and designation of designated social districts in accordance with N.C.G.S. § 18B-300.1;

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

SECTION 1. That Part II, Title 12, Chapter 1, Section 3 of the Code of Ordinances, City of Greenville, is hereby repealed and replaced as amended to now read as follows:

SEC. 12-1-2 ALCOHOLIC BEVERAGES; SOCIAL DISTRICTS.

(A) *Definitions.* For the purpose of this section, the following definitions, regardless of capitalization, shall apply unless the context clearly indicates or requires a different meaning. To the extent any of the definitions are contrary to the provisions of Chapter 18B of the North Carolina General Statutes, the definitions as found in Chapter 18B of the North Carolina General Statutes shall control.

ABC Commission. The North Carolina Alcoholic Beverage Control Commission established under G.S. section 18B-200.

ABC permit or permits. Any written or printed authorization issued by the Commission pursuant to the provisions of Chapter 18B of the North Carolina General Statutes, other than a purchase-transportation permit. Unless the context clearly requires otherwise, as in the provisions concerning applications for permits, “ABC permit” or “permit” means a presently valid permit.

Alcoholic beverage. Any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, mixed beverages, and any alcohol consumable.

Alcohol consumable. Any manufactured and packaged ice cream, ice pop, gum-based, or gelatin-based food product containing at least one-half of one percent (0.5%) alcohol by volume.



Chief of Police. The Chief of Police of the Greenville Police Department or designee.

City. The City of Greenville.

Customer. A person who purchases an alcoholic beverage from a permittee that is in a social district.

Fortified wine. Any wine or alcohol consumable containing more than sixteen percent (16%) and no more than twenty-four percent (24%) alcohol by volume, made by fermentation from grapes, fruits, berries, rice, or honey; or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States.

Malt beverage. Beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage or alcohol consumable except unfortified or fortified wine as defined by Chapter 18B of the North Carolina General Statutes, containing at least one-half of one percent (0.5%), and not more than fifteen percent (15%), alcohol by volume. Any malt beverage containing more than six percent (6%) alcohol by volume shall bear a label clearly indicating the alcohol content of the malt beverage.

Mixed beverage. Either of the following:

- (1) A drink composed in whole or in part of spirituous liquor and served in a quantity less than the quantity contained in a closed package.
- (2) A premixed cocktail served from a closed package containing only one serving.

Manual of Fees. The fee schedule approved and adopted by the Greenville City Council which is periodically updated and lists sales and services provided by the City of Greenville.

Non-permittee business. A business that is located in a social district and does not hold any ABC permit

Open container. A container whose seal has been broken or a container other than the manufacturer's unopened original container.

Permittee. An establishment holding any of the following permits issued by the ABC Commission:

- (1) An on-premises malt beverage permit issued pursuant to G.S. section 18B-1001(1).



- (2) An on-premises unfortified wine permit issued pursuant to G.S. section 18B-1001(3).
- (3) An on-premises fortified wine permit issued pursuant to G.S. section 18B-1001(5).
- (4) A mixed beverages permit issued pursuant to G.S. section 18B-1001(10).
- (5) A wine shop permit issued pursuant to section G.S. 18B-1001(16).
- (6) A distillery permit issued pursuant to section G.S. 18B-1100(5).

Person. An individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of persons acting as a unit.

Police Department. The Greenville Police Department.

Police Officers. Sworn law enforcement officers employed by the Greenville Police Department.

Premises. A fixed permanent establishment, including all areas inside or outside the licensed establishment, where the permittee has control through a lease, deed, or other legal process.

Social district. A defined area in which a person may consume alcoholic beverages sold by a permittee. A social district may include both indoor and outdoor areas of businesses within or contiguous to the defined area during the days and hours set by the local government by ordinance pursuant to G.S. section 18B-300.1(d). A social district may include privately owned property, including permittees and non-permittee businesses, and multi-tenant establishments, as defined in G.S. section 18B-1001.5, and public streets, crosswalks, or parking areas whether or not the streets or parking areas are closed to vehicle traffic.

Spirituos liquor or liquor. Distilled spirits or ethyl alcohol, and any alcohol consumable containing distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin and all other distilled spirits and mixtures of cordials, liqueur, and premixed cocktails, in closed containers regardless of their dilution.

Unfortified wine. Any wine or alcohol consumable containing sixteen percent (16%) or less alcohol by volume made by fermentation from grapes, fruits, berries, rice, or honey; or by the addition of pure cane, beet, or dextrose sugar; or by the addition of pure brandy from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine and produced in accordance with the regulations of the United States.



(B) *Possession of open container of unfortified wine or malt beverage prohibited.* Unless otherwise allowed by State law or this section, it shall be unlawful for any person to possess an open container of unfortified wine or malt beverage upon either of the following:

- (1) A public street in the City by a person who is not an occupant of a motor vehicle.
- (2) Any property owned, occupied, or controlled by the City, including, but not limited to a sidewalk, alley, building, parcel, lot, park, or parking lot.

(C) *Consumption of unfortified wine or malt beverage prohibited.* Unless otherwise allowed by State law or this section, it shall be unlawful for any person to consume unfortified wine or a malt beverage upon either of the following:

- (1) A public street in the City by a person who is not an occupant of a motor vehicle.
- (2) Any property owned, occupied, or controlled by the City, including, but not limited to a sidewalk, alley, building, parcel, lot, park, or parking lot.

(D) *Exceptions regarding alcoholic beverages.* Notwithstanding any other provision of this section and as otherwise allowed by State law, upon obtaining all ABC permits as required by law; obtaining all City permits as may be required; paying all fees as may be required by the *Manual of Fees*; entering into any lease with the City as may be required; obtaining the written approval of the City Manager and subject to any conditions identified by the City Manager in the written approval; and complying with the *Policy and Procedures for the Conditional Service, Sale, and Consumption of Alcoholic Beverages Upon City Facilities*, the sale, service, possession, and consumption of alcoholic beverages as provided by the ABC permit is allowed upon designated portions of:

- (1) A golf course owned, occupied, or controlled by the City;
- (2) A convention center owned, occupied, or controlled by the City;
- (3) The Walter L. Stasavich Science and Nature Center and River Park North;
- (4) The building owned by the City at the Perkins Complex;
- (5) The C.M. Eppes Recreation Center;
- (6) A building owned by the City and leased to a person for a continuous term of greater than two years;



- (7) The Town Common;
 - (8) Wildwood Park.
 - (9) Any other property owned, occupied, or controlled by the City, including but not limited to public streets, sidewalks, alleys, or parking lots which are temporarily closed to regular traffic for special events. Factors which the City Manager shall consider when permitting the sale, service, possession, or consumption of alcoholic beverages as may be allowed by State law and the ABC Commission at an event or series of events to be conducted at property owned, occupied, or controlled by the City or public streets, sidewalks, alleys or parking lots which are temporarily closed to regular traffic for special events include but are not limited to:
 - (a) That an applicable ABC permit for the event has been issued by the ABC Commission.
 - (b) The City's previous experience with the event organizer and/or the event.
 - (c) That the location and time for the event is appropriate.
 - (d) That the event organizer's plans regarding control of sale, crowd control, cleanup, and other public safety and welfare matters are adequate.
 - (10) Social Districts in accordance with this section.
- (E) Social Districts.
- (1) *Creation.* Pursuant to the provisions of North Carolina General Statutes sections 160A-205.4, 18B-300.1, and as otherwise allowed by State law one or more social districts may be created within the City.
 - (2) *Management.* City social districts shall be created, designated, and managed in accordance with the requirements contained in North Carolina General Statutes Section section 160A-205.4 and Chapter 18B and this section.
 - (3) *Designated social districts.* The City hereby creates and designates the following Social District(s):
 - (a) The Uptown Social District shall be designated as follows:



- (i) *General Boundary Area Description; Properties Excluded; Participating Non-Permittee Business Included.* The general northernmost boundary area of the Uptown Social District shall begin at the southwest corner of the intersection of West Fourth Street and Evans Street, thence shall run along the southern right-of-way of West and East Fourth Street in an easterly direction for 186+/- feet to the northeasternmost right-of-way abutting Parcel No. 23601 as listed at the Pitt County Register of Deeds and ending at the right-of-way abutting Parcel No. 15715 as listed at the Pitt County Register of Deeds. In no event shall Parcel No. 15715 as listed at the Pitt County Register of Deeds, nor portions of abutting streets or sidewalks running along Parcel No. 15715 be included in the Uptown Social District. The general easternmost boundary area of the Uptown Social District shall begin at the intersection of the right-of-way and the northwesternmost portion of Parcel No. 12630 as listed at the Pitt County Register of Deeds and thence shall run along the eastern right-of-way of Cotanche Street in a southerly direction for 672+/- feet; thence cornering and ending at the intersection of the eastern right-of-way of Cotanche Street and the northern right-of-way of Reade Circle. The general southernmost boundary area of the Uptown Social District shall begin at the northern right-of-way of Reade Circle at its intersection with Cotanche Street and proceed in a southwesterly direction for 510+/- feet; thence cornering at the intersection of the northern right-of-way of Reade Circle and the westernmost right-of-way of Evans Street. The general westernmost boundary area of the Uptown Social District shall begin at the northern right-of-way of Reade Circle and the westernmost right-of-way of Evans Street and run along the western right-of-way of Evans Street in a northerly direction for 1,080+/- feet and returning to the point of beginning of the general northernmost boundary area of the Uptown Social District. In no event shall Parcel No. 06645 as listed at the Pitt County Register of Deeds be included in the Uptown Social District. Participating non-permittee businesses within the Uptown Social District are also specifically included in the Uptown Social District as also defined on the most current rendering as identified in subsection (b).



- (ii) *Sidewalks and Crosswalks within the General Boundary Area Included.* All sidewalks and crosswalks within the general boundary area are specifically included in the Uptown Social District, unless specifically closed as allowed by City Code or other applicable law.
 - (iii) *When Streets Included.* Except for the herein described crosswalks, all streets abutting or contained within the Uptown Social District shall be excluded from the Uptown Social District, unless any said street or all said streets are specifically closed as allowed by City Code or other applicable law.
- (b) The Uptown Social District map is shown on the attached rendering, attached as Exhibit A. The most current version of said map is available at the City Clerk's office and on the City's website.
- (c) The Dickinson Avenue Social District which is designated as the area within the City as follows:
- (i) *General Boundary Area Description; Properties Excluded; Participating Non-Permittee Business Included.* The Dickinson Avenue Social District shall begin at southeast corner of the intersection of Reade Circle and Dickinson Avenue, thence shall run along the southern right-of-way of Reade Circle in an easterly direction for 190+/- feet; thence cornering and running along the easternmost property line of Parcel No. 87407 as listed at the Pitt County Register of Deeds in a southwesterly direction for 185+/- feet; thence cornering and running along the easternmost property line of Parcel No. 02701 as listed at the Pitt County Register of Deeds in a southeasterly direction for 85+/- feet; thence cornering and running along the southernmost property line of Parcel No. 02701 as listed at the Pitt County Register of Deeds in a southwesterly direction for 55+/- feet; thence crossing West Eighth Street in a southwesterly direction for 45+/- feet; thence running along the southernmost right-of-way of West Eighth Street in a southeasterly direction for 275+/- feet; thence cornering and running along the westernmost right-of-way of South Washington Street in a southerly direction for 300+/- feet; thence running along the northernmost right-of-way of West Ninth Street in a westerly direction for 1,080+/- feet; thence crossing



Dickinson Avenue in a northerly direction for 75+/- feet; thence cornering and running along the northernmost right-of-way of Dickinson Avenue in a northeasterly direction for 130+/- feet; thence cornering and running along the westernmost right-of-way of Clark Street in a northerly direction for 650+/- feet; thence cornering and running along the southern right-of-way of West Eighth Street and the northernmost property lines of Parcel Nos. 21141 and 12851 as listed at the Pitt County Register of Deeds in an easterly direction for 250+/- feet; thence cornering and running along the westernmost right-of-way of South Pitt Street in a southerly direction for 20+/- feet; thence cornering and running crossing South Pitt Street and the northern property line of Parcel No. 22790 as listed at the Pitt County Register of Deeds in an easterly direction for 125+/- feet; thence cornering and running along the easternmost property lines of Parcel Nos. 22790 and 05237 as listed at the Pitt County Register of Deeds and across Dickinson Avenue in a southeasterly direction for 160+/- feet; thence cornering and running along the southernmost right-of-way of Dickinson Avenue in a northeasterly direction for 305+/- feet returning to the point of beginning. In no event shall Parcel Nos. 20038 or 19449 as listed at the Pitt County Register of Deeds be included in the Dickinson Avenue Social District. Participating non-permittee businesses within the Dickinson Avenue Social District are also specifically included in the Dickinson Avenue Social District as also defined on the most current rendering as identified in subsection (d).

- (ii) *Sidewalks and Crosswalks within the General Boundary Area Included.* All sidewalks and crosswalks within the general boundary area are specifically included in the Dickinson Avenue Social District, unless specifically closed as allowed by City Code or other applicable law.
- (iii) *When Streets Included.* Except for the herein described crosswalks, all streets abutting or contained within the Dickinson Avenue Social District shall be excluded from the Dickinson Avenue Social District, unless any said street or all said streets are specifically closed as allowed by City Code or other applicable law.



(d) The Dickinson Avenue Social District is shown on the attached rendering, attached as Exhibit B. The most current version of said map is available at the City Clerk's office and on the City's website.

(4) *Social district days and hours.* Alcoholic beverages may be consumed by customers in accordance with the provisions of G.S. section 18B-300.1 and this section in the Uptown Social District and the Dickinson Avenue Social District Thursday through Saturday from 6:00 p.m. to 10:00 p.m.

(5) *Social district operation.* The operation of the Uptown Social District and the Dickinson Avenue Social District, including guidelines regarding the suspension of regular days and hours of alcohol consumption in all or part of a social district during events requiring other permits pursuant to G.S. section 18B-300.1(j) shall be established by and contained in the *Greenville Social Districts Management and Maintenance Plan*.

(6) *Suspension of the social district.* In addition to any other authority authorized by law, as may be required to protect the health and safety of the general public, the City Manager or designee may suspend operations of any or all social districts.

(F) *Penalties.* In addition to any other penalty as may be allowed by law, a violation of this section may subject the offender to any or all of the following penalties:

(1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).



3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.
 - (b) *Contents and service of civil citation.* A civil citation issued for a violation of any provision of this section shall clearly state when the civil penalty is due and the manner in which the violation may be appealed. Civil citations issued under this section shall be served personally or by first-class mail upon the violator by a police officer.
 - (c) *Appeals; payment of civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, all civil penalties assessed for violations of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (d) *Methods of recovery of unpaid civil penalties.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:
 1. A civil action in the nature of a debt.
 2. The use of a collections agency.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct offense.

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



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

SECTION 4. In accordance with Session Law 2021-138, Part XIII., Section 13.(b), this ordinance specifying a criminal penalty has been enacted at the meeting other than that in which it was first introduced.

SECTION 5. This ordinance will become effective 45 days from the below date of adoption.

This the ___ day of _____, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk



Map of the Uptown Social District

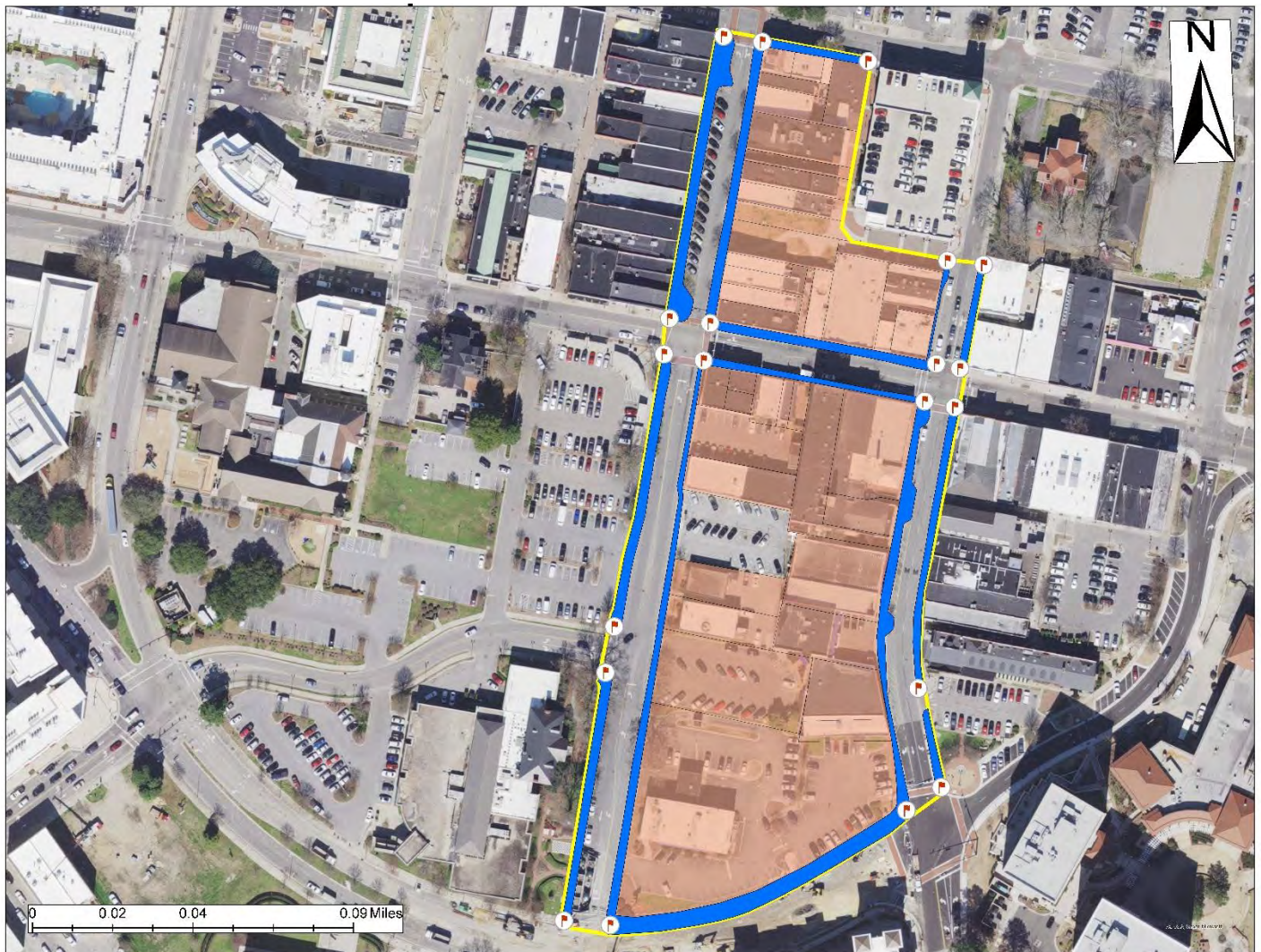


Uptown Social District

Exhibit A

Legend

- Eligible Social District Area
- Social District Signage
- Sidewalks
- Boundary





Map of the Dickinson Avenue Social District



Exhibit B

Dickinson Avenue Social District

Legend

- Eligible Social District Area
- Social District Signage
- Sidewalks
- Boundary

