



## **Agenda**

### **Greenville City Council**

**August 10, 2023**

**6:00 PM**

**City Hall Council Chambers, 200 West 5th Street**

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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.

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- I. Call Meeting To Order**
- II. Invocation - Council Member Les Robinson**
- III. Pledge of Allegiance**
- IV. Roll Call**
- V. Approval of Agenda**
- VI. Public Comment Period**

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

#### **VII. Appointments**

- 1. Appointments to Boards and Commissions

2. Appointment to the Pitt County Human Relations Commission

## **VIII. New Business**

### **Public Hearings**

3. Ordinance to annex Brook Hollow, Section 5, Phases 1A and 2 property involving 13.7 acres located along the northern right-of-way of Dickinson Avenue Extension and at the current terminus of Dorset Drive
4. Ordinance to annex Covington Downe Subdivision, Lot 3, Block B property involving 4.650 acres located between Turnbury Drive and Smythewyck Drive and 250+/- feet east of East Arlington Boulevard
5. Ordinance to annex Fairfield Subdivision, Section Two, Lot 12 property involving 0.353 acres located at the northeastern corner of the intersection of Davenport Farm Road and Garnet Way
6. Ordinance to annex GCO Properties, LLC property involving 0.95 acres located 225+/- feet south of Marine Drive and 350+/- feet east of Northeast Greenville Boulevard
7. Ordinance requested by Redeeming Faith International Ministries, Inc. to rezone 5.84 acres located along the northern right-of-way of MacGregor Downs Road and 175+/- feet west of B's Barbeque Road from MRS (Medical-Residential-Single-Family) to R6 (Residential)
8. Ordinance requested by Elliot Sidewalk Communities to increase density standards for the Mixed Use Institutional District (MUI) from a limit of no more than 8 multi-family units per acre to allowing multi-family units with a minimum habitable (mechanically conditioned) floor area per unit of no less than 400 square feet for a one bedroom unit and 500 square feet for a two or more bedroom unit
9. Ordinance requested by the Planning and Zoning Commission to amend the Zoning Ordinance to delete the 500-foot separation requirement from a "bar" to another "bar" except in the "BAR 2022" eligible area
10. Ordinance requested by the Planning and Zoning Commission to amend the Zoning Ordinance to add a "microbrewery" and a "microdistillery" as a special use to the following districts: CDF (Downtown Commercial Fringe), CG (General Commercial) and CH (Heavy Commercial) and add a "microdistillery" as a permitted use in the MUI (Mixed Use-Institutional) district
11. Ordinance requested by the Planning and Development Services Department to amend the Zoning Ordinance to combine two uses and associated standards: "Wine and Craft Beer Shop" and "Wine, Craft Beer, and Keg Shop" to create and establish the use and associated standards for a "Wine and Beer Store"

12. Resolution Approving Amendment No. 3 to an Economic Development Agreement with Grover Gaming, Inc. & Banilla Games, Inc.
13. Application to receive funds from the Edward Byrne Memorial Justice Assistance Grant Program

**Other Items of Business**

14. Discussion of Balloon Releases Within the City Limits of Greenville
15. Discussion of Supporting the North Carolina Department of Transportation's Naming of the Southwest Bypass in Honor of Former Senator Tom Taft

**IX. City Manager's Report**

**X. Comments from Mayor and City Council**

**XI. Adjournment**



# City of Greenville, North Carolina

Meeting Date: 08/10/2023

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**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, Greenville Utilities Commission, Housing Authority, Human Relations Council, Multimodal Transportation Commission, Pitt-Greenville Airport Authority, Pitt-Greenville Convention & Visitors Authority, Planning & Zoning Commission, Police Community Relations Committee, and the Youth Council.

One member of the Housing Authority Board must be a member that is directly assisted by the Housing Authority. The Residents' Council has nominated Ms. Ebony Harris. The Housing Authority has approved the nomination and forwarded it to the City Council for consideration and appointment. The appointment can be made any member of the City Council by a majority vote.

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:

- 8 seats on the Youth Council

**Fiscal Note:** No direct fiscal impact

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

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ATTACHMENTS

[COG-\\_1183198-v1-August\\_2023\\_Boards\\_and\\_Commissions\\_List.docx](#)

# Appointments to Boards and Commissions

August 2023

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## Affordable Housing Loan Committee

**Council Liaison:** Council Member Marion Blackburn

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Anne Fisher	1	Second term	Ineligible	February 2023

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## Board of Adjustment

**Council Liaison:** Council Member Will Bell

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration</b>
Hunt McKinnon ( <i>Council Member Rick Smiley</i> )	4	Second term	Ineligible	June 2023

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## Environmental Advisory Commission

**Council Liaison:** Council Member Marion Blackburn

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Diego Llerna	3	First term	Resigned	April 2025

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## Greenville Utilities Commission

**Council Liaison:** Council Member Rick Smiley

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration</b>
Kelly Darden ( <i>Mayor P.J. Connelly</i> )	1	First term	Resigned	June 2026
Marcus Jones ( <i>Council Member Monica Daniels</i> )	1	First term	Resigned	June 2025

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### Historic Preservation Commission

**Council Liaison:** Council Member Monica Daniels

Name	District #	Current Term	Reappointment Status	Expiration Date
Ronita Jones	2	First term	Resigned	January 2026

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### Human Relations Council

**Council Liaison:** Mayor Pro-Tem Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Rod Debs	3	Second term	Ineligible	September 2022
Heena Shah	1	Filling unexpired term	Eligible	September 2022

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### Multimodal Transportation Commission

**Council Liaison:** Council Member Les Robinson

Name	District #	Current Term	Reappointment Status	Expiration Date
Hunter Peyton	5	First term	Resigned	January 2023

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### Pitt-Greenville Airport Authority

**Council Liaison:** Council Member Les Robinson

Name	District #	Current Term	Reappointment Status	Expiration
Venkat Gudivada ( <i>Council Member Rick Smiley</i> )	4	First term	Resigned	June 2026

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### Pitt-Greenville Convention & Visitors Authority

**Council Liaison:** Council Member Rick Smiley

Name	District #	Current Term	Reappointment Status	Expiration
Candace Hollingsworth	County	Unexpired term	Eligible	July 2023

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*(Owner/operator of hotels/motels)*

Brianne Lester          1          First term          Eligible          July 2023

*(Owner/operator of hotels/motels)*

Robert Sheck          County          First term          Eligible          July 2023

*(Resident not involved in tourist/convention business)*

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### **Planning & Zoning Commission**

**Council Liaison:** Council Member Will Bell

	<b>Current</b>	<b>Reappointment</b>	<b>Expiration</b>
<b>Name</b>	<b>District #</b>	<b>Term</b>	
Max Joyner, III <i>(Council Member Marion Blackburn)</i>	4	First term	Eligible          June 2023
Arthur Hap Maxwell <i>(Council Member Rick Smiley)</i>	3	Second term	Ineligible          June 2023

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### **Police Community Relations Committee**

**Council Liaison:** Council Member At-Large Will Bell

<b>Name</b>	<b>District #</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Carol Naipaul <i>(Mayor Pro-Tem Glover)</i>	2	First term	Eligible	October 2024

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### **Youth Council**

**Council Liaison:** Mayor Pro-Tem Rose Glover

<b>Name</b>	<b>Current Term</b>	<b>Reappointment Status</b>	<b>Expiration Date</b>
Jamia Galloway	Second term	Ineligible	September 2022
Diego Lorenzo	Second term	Ineligible	September 2022
Olivia Thorn	First term	Eligible	September 2022

**(8 open seats)**

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



Applicants for  
Affordable Housing Loan Committee

Sydney McLeod  
22 Upton Ct  
Greenville, NC 27858

**Application** 10/15/2022

**Home Phone:** (910) 635-8702

**Business Phone:**

**Email:** sydneyhmcLeod@gmail.com

**District #:** 4

# Applicants for Board of Adjustment

None.

# Applicants for Environmental Advisory Commission

Chris Davis  
1710 Sassafras Ct  
Greenville, NC 27858  
**District #:** 4

**Application** 10/20/2022  
**Home Phone:** (336) 420-2435  
**Business Phone:** (252) 355-7006  
**Email:** cndavis320@yahoo.com

Tim Ferruzzi  
305 Wesley Rd  
Greenville, NC 27858  
**District #:** 5

**Application** 1/16/2023  
**Home Phone:**  
**Business Phone:**  
**Email:** theferruzzi@gmail.com

# Applicants for Greenville Utilities Commission

Wanda Carr  
2304 British Court  
Greenville 27834  
[carrwdc@hotmail.com](mailto:carrwdc@hotmail.com)

John Minges  
3304 Grey Fox Train  
Greenville 27858  
[john@minges.com](mailto:john@minges.com)

# Applicants for Historic Preservation Commission

Dr. David Dennard  
3110 Briarcliff Drive  
Greenville 27834  
[dennardd@ecu.edu](mailto:dennardd@ecu.edu)

# Applicants for Human Relations Council

George Cherry, Jr.  
503 East Second Street  
Greenville, NC 27858  
**District #:** 3

**Application** 07/24/2023  
**Home Phone:** (252) 531-1690  
**Business Phone:**  
**Email:** georgecherry48@gmail.com

# Applicants for Multimodal Transportation Commission

None.

# Applicants for Pitt-Greenville Airport Authority

Chris Davis  
1710 Sassafras Ct  
Greenville, NC 27858  
**District #:** 4

**Application** 10/20/2022  
**Home Phone:** (336) 420-2435  
**Business Phone:** (252) 355-7006  
**Email:** [cndavis320@yahoo.com](mailto:cndavis320@yahoo.com)

David Horn  
912 Megan Drive  
Greenville 27834  
[horn@encalliance.com](mailto:horn@encalliance.com)

John Minges  
3304 Grey Fox Train  
Greenville 27858  
[john@minges.com](mailto:john@minges.com)

Mark Porter  
1901 Coventon Way  
Greenville NC 27858  
[m.porter@advancemechn.com](mailto:m.porter@advancemechn.com)



Applicants for  
Pitt-Greenville Convention & Visitors Authority

None.

## Applicants for Planning & Zoning Commission

Sebastian Krassley  
1901 E. 6<sup>th</sup> St  
Greenville, NC 27858  
**District #:** 3

**Application** 06/10/2022  
**Home Phone:** (856) 495-1039  
**Business Phone:**  
**Email:** [skrassley98@yahoo.com](mailto:skrassley98@yahoo.com)

Zachary Woodmansee  
1600 E. Fifth Street  
Greenville 27858  
[Zach.woodmansee@gmail.com](mailto:Zach.woodmansee@gmail.com)

# Applicants for Police Community Relations Committee

None.

# Applicants for Youth Council

None.



# City of Greenville, North Carolina

Meeting Date: 08/10/2023

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**Title of Item:** Appointment to the Pitt County Human Relations Commission

**Explanation:** The County has extended an opportunity to the City of Greenville to nominate a municipal representative to the County's Pitt County Human Relations Commission. There are 21 seats on the board:

1. Ten representatives from the municipalities in Pitt County
  - a. Ayden
  - b. Bethel
  - c. Falkland
  - d. Farmville
  - e. Fountain
  - f. Greenville
  - g. Grifton
  - h. Grimesland
  - i. Simpson
  - j. Winterville
2. One representative of law enforcement
3. One representative of the Department of Social Services
4. One representative from the Latinx community
5. One representative from the African American community
6. One representative from the Asian American community
7. One representative from the LGBTQ community
8. One representative from Public Health
9. One representative from the faith community
10. One representative from the Pitt County Board of Commissioners
11. Two at-large members

**Fiscal Note:** No direct fiscal impact.

**Recommendation:** Nominate a member to serve on the Pitt County Human Relations Commission.

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## ATTACHMENTS

[Pitt County Human Relations Commission.pdf](#)

## ORDINANCE ESTABLISHING PITT COUNTY HUMAN RELATIONS COMMISSION

Be it ordained by the County of Pitt, North Carolina, as follows:

**Section 1.** In Pitt County we seek to strive for a community in which the dignity and worth of each individual is respected on his/her own merits, a community in which genuine equality of opportunity for all persons is a recognizable fact. A Commission is hereby created to identify concerns in the area of human relations, make recommendations regarding these issues and engage in activities which shall effectively; (a) promote equality in such areas as economic, educational, governmental and cultural life of the community for all citizens without regard to race, creed, national origin, sex, age, sexual orientation or disability, and work to eliminate discrimination on any of these bases; (b) encourage fair treatment and mutual understanding and respect among all citizens; (c) discover and seek to counter practices and customs which create animosity and unrest; and (d) make recommendations to the appointing authority for action it deems necessary for harmonious relationships among the citizens.

**Section 2.** There is hereby created a Human Relations Commission for the County of Pitt (HRC). It shall consist of twenty-one (21) members appointed by the Pitt County Board of Commissioners serving without compensation:

- Ten (10) representatives, one from each of Pitt County's municipalities,
- One (1) representative of law enforcement
- One (1) representative of the Department of Social Services
- One (1) representative from the Latinx community
- One (1) representative from the African American community
- One (1) representative from the Asian American Community
- One (1) representative from the LGBTQ community
- One (1) representative from Public Health
- One (1) representative from the faith community
- One (1) representative from Pitt County Board of Commissioners
- Two (2) members at-large

A majority of seats filled shall constitute a quorum for the transaction of business. Of the twenty-one (21) members first appointed, 7 shall be appointed for one year, 7 for two years, and 7 for three years. Thereafter, all appointments to the HRC shall be for a term of three years. Appointments are subject to the Pitt County Board Appointment Policy. In the event of the death, resignation or removal of any member, his/her successor shall be appointed by the Pitt County Board of Commissioners to serve for the unexpired period of the term for which such member had been appointed, provided however, that all members shall continue in office until their successors shall have been appointed. It is encouraged that members appointed by the Pitt County Board of Commissioners be actively engaged with an organization advancing inclusivity in the community.

**Section 3.** The HRC at its organizational meeting and each annual meeting thereafter shall elect from its membership: a Chair, Vice Chair; and Secretary for a term of one year. These officers shall have and perform such duties as are commonly associated with their respective titles and shall be and

constitute the executive committee of the HRC which shall exercise such powers of the HRC between its regular meetings as may be authorized by the HRC. The HRC shall be further authorized to appoint and determine the membership of such number of standing and temporary committees as it may find expedient for the performance of its duties.

**Section 4.** The Human Relations Commission shall meet at least once each month at such time and place as shall be determined by the HRC in its bylaws. Special called meetings may be called by the Chair and noticed in accordance with law. An emergency meeting may be called by the Chair because of generally unexpected circumstances that require immediate consideration by the Human Relations Commission.

**Section 5.** The functions, powers, and duties of the HRC shall be as follows:

- a. Study and recommend strategies for the prevention of potential human relations problems and crises and the promotion of good relations.
- b. Identify, study and document areas of human need (housing, employment, education, transportation, etc.) in the County and recommend strategies for meeting those needs.
- c. Endeavor to make the Human Relations Commission itself a model of good human relations at work.
- d. Prepare and submit at least annually a report to the Pitt County Board of Commissioners.
- e. Cooperate with State, Federal and local governmental agencies.
- f. Communicate regularly the work, observations and recommendations of the Human Relations Commission to the Pitt County Board of Commissioners.
- g. Advise the Pitt County Board of Commissioners of recommended actions to aid and carry out the purposes of this Ordinance.
- h. Promote and provide training/workshops for community advancement.
- i. Advocate for equal employment opportunity.
- j. Promote and provide education on equal housing opportunity.
- k. Perform duties assigned by the Pitt County Board of Commissioners.
- l. Provide opportunities for meaningful discussion on human relations throughout the community.
- m. Provide information and referrals related to Human Relations issues.

**Section 6.** The services of all other county departments and agencies shall be made available to the HRC for the carrying out of the functions herein stated.

**Section 7.** If any section of this Ordinance be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separately from the remaining provisions of this Ordinance; said section to be completely severable from the remaining provisions of this Ordinance and the remaining provisions of this Ordinance shall remain in full force and effect.

**Section 8.** That all Ordinances, or the parts of Ordinances, in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

**Section 9.** That this Ordinance shall be effective upon adoption by the County of Pitt from and after its passage.

Adopted this the 11<sup>th</sup> day of January, 2021.

\_\_\_\_\_  
Ann Floyd Huggins, Chairwoman  
Pitt County Board of Commissioners

Attest:

\_\_\_\_\_  
Kimberly W. Hines  
Clerk to the Board





# City of Greenville, North Carolina

Meeting Date: 08/10/2023

**Title of Item:** Ordinance to annex Brook Hollow, Section 5, Phases 1A and 2 property involving 13.7 acres located along the northern right-of-way of Dickinson Avenue Extension and at the current terminus of Dorset Drive

**Explanation:** A. SCHEDULE

1. Advertising date: July 29, 2023
2. City Council public hearing date: August 10, 2023
3. Effective date: August 10, 2023

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 13.7
4. Voting District: 2
5. Township: Greenville
6. Zoning: R6 (Residential)
7. Existing land use: Vacant
8. Anticipated land use: 17 two-family lots (34 units) and 61 multi-family units
9. Population estimate

	Formula	Number of people
Total current:	0	0
Estimated at full development	95 X 2.18	207
Current minority	0	0
Estimated minority at full development	207 X 43.4%	90
Current white	0	0
Estimated white at full development	207 - 90	117

\* Source: Census.gov

10. Rural fire tax district: Red Oak
11. Greenville fire district: Station 5
12. Present tax value: \$265,398
13. Estimated tax value: \$18,095,000

**Fiscal Note:** Estimated tax value at full development is \$18,095,000

**Recommendation:** Approve the attached ordinance to annex Brook Hollow, Section 5, Phases 1A and 2

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ATTACHMENTS

- Ordinance Brook Hollow Section 5 Phases 1A and 2 Annexation.pdf**
- Brook Hollow, Phases 1A & 2 Survey.pdf**

ORDINANCE NO. 23-  
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 10<sup>th</sup> day of August, 2023, after due notice by publication in The Daily Reflector on the 29<sup>th</sup> day of July, 2023; 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 “Brook Hollow, Section 5, Phases 1A and 2”, involving 13.7 acres prepared by Coastal Carolina Surveyors, PLLC

LOCATION: Situate in Greenville Township, Pitt County, North Carolina, located along the northern right-of-way of Dickinson Avenue Extension and at the current terminus of Dorset Drive

GENERAL DESCRIPTION:

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

Beginning at an existing iron pipe located in the northern right of way line of Dickinson Avenue (North Carolina Highway 13 – 100 foot public right of way); said iron pipe being the southeast corner of the subject property as recorded in Deed Book 4224, Page 228 and being the southwest property corner of the William Joseph Tripp Family Trust property as recorded in Deed Book 3647, Page 593, Pitt County Registry; thence S 60-25-37 W, 34.46 feet, running along the right of way of Dickinson Avenue, to the Point of Beginning;

Thence, from the point of beginning, running along the right of way of Dickinson Avenue S 60-25-37 W, 76.00 feet; thence N 29-34-23 W, 68.49 feet; thence 65.23 feet along an arc having a radius of 241.00 feet whose chord bears N 21-49-10 W, 65.03 feet; thence 46.59 feet along an arc having a radius of 112.00 feet whose chord bears N 02-08-57 W, 46.25 feet; thence N 09-46-02 E, 165.09 feet; thence 65.91 feet along an arc having a radius of 170.00 feet whose chord bears N 01-20-23 W, 65.50 feet; thence N 12-26-48 W, 62.38 feet; thence 129.82 feet along an arc having a radius of 632.78 feet whose chord bears S 86-09-20 W, 129.59 feet; thence N 88-13-06 W, 321.03 feet; thence S 83-30-17 W, 103.89 feet; thence 30.63 feet along an arc having a radius of 475 feet whose chord bears S 12-06-59 E, 30.62 feet; thence S 76-02-10 W, 157.79 feet to a point lying on the eastern boundary of Brook Hollow, Section 1 as recorded in Map Book 65, Page 36, Pitt County Registry; thence N 14-12-10 W, 52.00 feet; thence N 03-34-06 W, 39.26 feet; thence N 03-34-06 W, 105.89 feet to the southern right of way line of Dorset Drive; thence N 03-34-06 W, 48.61 feet; thence N 05-03-46 E, 1.61 feet to the northern right of way line of Dorset Drive; thence N 05-03-46 E, 95.16 feet; thence N 05-03-46 E, 5.02 feet; thence N 01-46-54 E, 74.99 feet; thence S 88-13-06 E, 264.00 feet; thence N 01-46-54 E, 400.00 feet; thence N 88-13-06 W, 107.00 feet; thence N 01-46-54 E, 80.00 feet; thence S 88-13-06 E, 107.00 feet; thence N 01-46-54 E, 80.00 feet; thence N 01-46-54 E, 20.36 feet; thence N 05-45-07 E, 59.61 feet; thence N 11-50-52 E, 80.00 feet; thence N 19-56-19 E, 80.00 feet; thence S 66-00-58 E, 11.60 feet; thence N 89-49-32 E, 20.98 feet; thence N 89-49-32 E, 106.21 feet; thence S 12-13-20 E, 185.66 feet; thence S 24-59-00 E, 70.21 feet; thence S 46-30-28 E, 251.03 feet; thence S 15-26-50 E, 127.20 feet; thence S 11-02-08 E, 262.06 feet; thence S 57-50-10 W, 15.81 feet; thence 76.09 feet along an arc having a radius of 363.00 feet whose chord bears S 63-50-29 W, 75.95 feet; thence S 12-26-48 E, 107.75 feet; thence S 19-58-39 E, 60.02 feet; thence 27.34 feet along an arc having a radius of 20.23 feet whose chord bears S 32-27-19 W, 25.31 feet; thence S 12-26-48 E, 117.91 feet; thence S 12-26-48 E, 33.05 feet; thence 89.17 feet along an arc having a radius of 230.00 feet whose chord bears S 01-20-23 E, 88.61 feet; thence S 09-46-02 W, 123.10 feet; thence 43.48 feet along an arc having a radius of 88.00 feet whose chord bears S 04-23-13 E, 43.04 feet; thence S 18-32-28 E, 29.96 feet; thence 31.77 feet along an arc having a radius of 165.00 feet whose chord bears S24-03-25 E, 31.72 feet; thence S 29-34-23 E, 68.49 feet to the Point of Beginning; containing 13.7 acres, more or less.

Section 2. Territory annexed to the City of Greenville by this ordinance shall, pursuant to the terms of G.S. 160A-23, be annexed into Greenville municipal election district 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 10<sup>th</sup> day of August, 2023.

ADOPTED this 10<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
P. J. Connelly, Mayor

ATTEST:

\_\_\_\_\_  
Valerie Shiuwegar, City Clerk

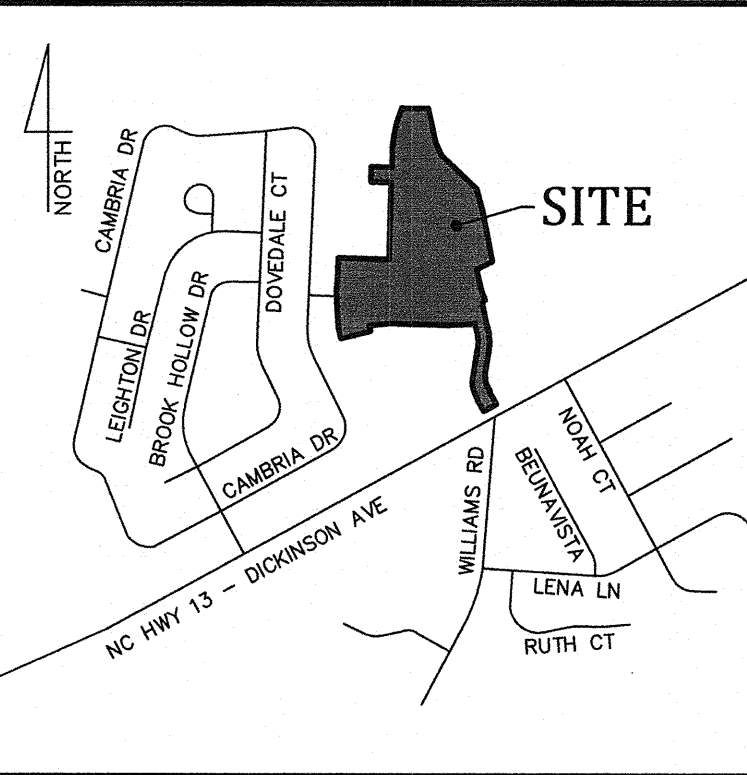
NORTH CAROLINA  
PITT COUNTY

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 \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
1183240

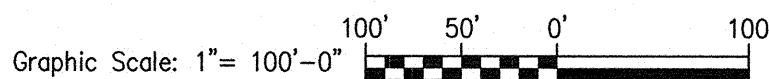


VICINITY MAP  
SCALE: 1"=1000'±

LEGEND:

- AC = ACRE
- B/B = BACK OF CURB TO BACK OF CURB
- C = CURVE
- CC = CONTROL CORNER
- CH = CHORD
- C/L = CENTERLINE
- DB = DEED BOOK
- DR = DRIVE
- ECM = EXISTING CONCRETE MONUMENT
- EIP = EXISTING IRON PIPE
- EIS = EXISTING IRON STAKE
- ERB = EXISTING REBAR
- ESMT = EASEMENT
- ETI = EXISTING "T" IRON
- EX = EXISTING
- IPS = IRON POINT SET
- L = LINE
- MB = MAP BOOK
- MBL = MINIMUM BUILDING SETBACK LINE
- MNS = MAGNETIC NAIL SET
- N/F = NOW OR FORMERLY
- NTS = NOT TO SCALE
- NPS = NO POINT SET
- PG = PAGE
- R = RADIUS
- RD = ROAD
- REF = REFERENCE
- R/W = RIGHT OF WAY
- SF = SQUARE FEET
- TL = TOTAL LENGTH

Line #	Length	Direction
L1	52.00'	N14°12'10"W
L2	39.26'	N03°34'06"W
L3	105.89'	N03°34'06"W
L4	48.61'	N03°34'06"W
L5	1.61'	N05°03'46"E
L6	95.16'	N05°03'46"E
L7	5.02'	N05°03'46"E
L8	74.99'	N01°46'54"E



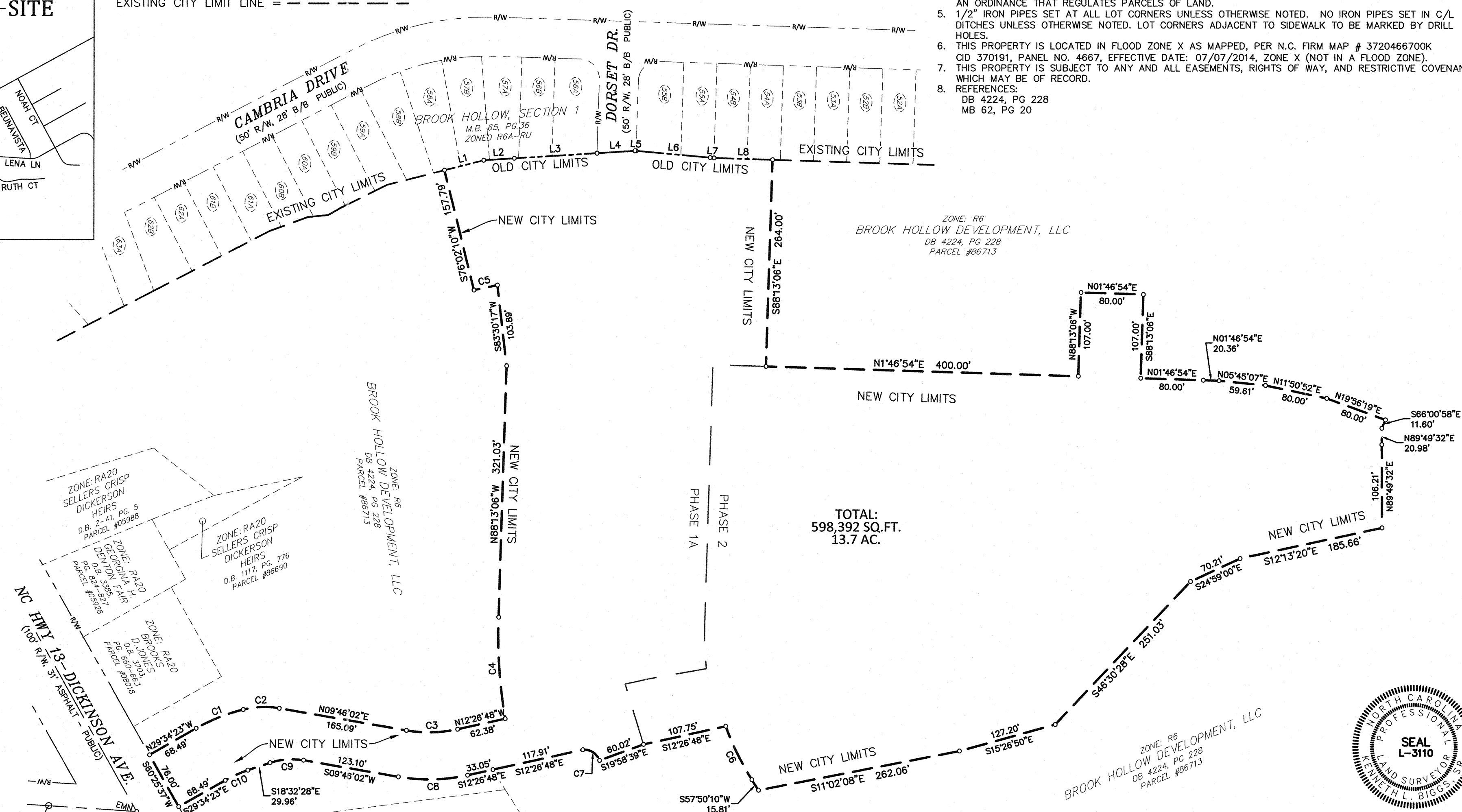
SHEET 1 of 2

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



SURVEY NOTES:

1. ACREAGE CALCULATED BY THE COORDINATE METHOD.
2. NO N.C.G.S. HORIZONTAL CONTROL MONUMENTS FOUND WITHIN 2000 FEET OF THIS PROPERTY.
3. ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS IN FEET AND DECIMALS THEREOF UNLESS NOTED OTHERWISE.
4. THAT THIS SURVEY IS OF AN EXISTING PARCEL OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
5. 1/2" IRON PIPES SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED. NO IRON PIPES SET IN C/L DITCHES UNLESS OTHERWISE NOTED. LOT CORNERS ADJACENT TO SIDEWALK TO BE MARKED BY DRILL HOLES.
6. THIS PROPERTY IS LOCATED IN FLOOD ZONE X AS MAPPED, PER N.C. FIRM MAP # 3720466700K CID 370191, PANEL NO. 4667, EFFECTIVE DATE: 07/07/2014, ZONE X (NOT IN A FLOOD ZONE).
7. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY, AND RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD.
8. REFERENCES:  
DB 4224, PG 228  
MB 62, PG 20



TOTAL:  
598,392 SQ.FT.  
13.7 AC.

Curve #	CH Bearing	CH Length	Radius	Length
C1	N21°49'10"W	65.03'	241.00	65.23'
C2	N02°08'57"W	46.25'	112.00	46.59'
C3	N01°20'23"W	65.50'	170.00	65.91'
C4	S86°09'20"W	129.59'	632.78	129.82'
C5	S12°06'59"E	30.62'	475.00	30.63'
C6	S63°50'29"W	75.95'	363.00	76.09'
C7	S32°27'19"W	25.31'	20.23	27.34'
C8	S01°20'23"E	88.61'	230.00	89.17'
C9	S04°23'13"E	43.04'	88.00	43.48'
C10	S24°03'25"E	31.72'	165.00	31.77'

ZONE: R6  
BROOK HOLLOW DEVELOPMENT, LLC  
DB 4224, PG 228  
PARCEL #86713



SURVEYOR'S CERTIFICATION

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

I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (f)(1)(d), THIS SURVEY IS OF ANOTHER CATEGORY AND IS AN EXEMPTION TO THE DEFINITION OF A SUBDIVISION.

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

SIGNED: *Kenneth L. Biggs, Sr.*  
KENNETH L. BIGGS, SR., P.L.S. L-3110

**BROOK HOLLOW, PHASES 1A & 2**

BEING A PORTION OF PITT COUNTY TAX PARCEL 86713, AS RECORDED IN DEED BOOK 4224, PAGE 228 OF THE PITT COUNTY REGISTRY GREENVILLE MUNICIPALITY, GREENVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

COASTAL CAROLINASURVEYORS, PLLC  
LAND SURVEYORS  
PO Box 2768, Winterville, NC 28590  
KB cell (252) 702-1427  
kenbiggs1@yahoo.com  
P-0790

SURVEYED: KLB	APPROVED: KLB
DRAWN: KLB/CT	DATE: 06/28/2023
CHECKED: KLB	SCALE: 1" = 100'

MAP NO.	PLATS RECORDED	MAP BOOK	PAGE
	N/A		

MAP SHOWING AREA ANNEXED BY  
**THE CITY OF GREENVILLE, N.C**  
(EFFECTIVE DATE \_\_\_\_\_ ORDINANCE # \_\_\_\_\_ AREA 13.7 AC.)  
GREENVILLE TOWNSHIP, PITT COUNTY, N.C.

REVIEW OFFICER

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

BY: \_\_\_\_\_ REVIEW OFFICER  
DATE: \_\_\_\_\_



# City of Greenville, North Carolina

Meeting Date: 08/10/2023

**Title of Item:** Ordinance to annex Covengton Downe Subdivision, Lot 3, Block B property involving 4.650 acres located between Turnbury Drive and Smythewyck Drive and 250+/- feet east of East Arlington Boulevard

**Explanation:** A. SCHEDULE

1. Advertising date: July 29, 2023
2. City Council public hearing date: August 10, 2023
3. Effective date: August 10, 2023

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 4.650
4. Voting District: 4
5. Township: Winterville
6. Zoning: OR (Office-Residential)
7. Existing land use: Vacant
8. Anticipated land use: 72 multi-family units
9. Population estimate

	Formula	Number of people
Total current:	0	0
Estimated at full development	72 X 2.18	157
Current minority	0	0
Estimated minority at full development	157 X 43.4%	68
Current white	0	0
Estimated white at full development	157 - 68	89

\* Source: Census.gov

10. Rural fire tax district: Rural Winterville
11. Greenville fire district: Station 7
12. Present tax value: \$1,725,760
13. Estimated tax value: \$15,840,000

**Fiscal Note:** Estimated tax value at full development is \$15,840,000

**Recommendation:** Approve the attached ordinance to annex Covengton Downe Subdivision, Lot 3, Block B

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ATTACHMENTS

- [Ordinance Covengton Down Subdivision Lot 3 Block B Annexation.pdf](#)
- [Covengton\\_Downe\\_Subdivision\\_\\_Lot\\_3\\_\\_Block\\_B\\_Survey.pdf](#)



ORDINANCE NO. 23-  
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 10<sup>th</sup> day of August, 2023, after due notice by publication in The Daily Reflector on the 29<sup>th</sup> day of July, 2023; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled “Covengton Downe Subdivision, Lot 3, Block B”, involving 4.650 acres prepared by Gary S. Miller & Associates, PA

LOCATION: Situate in Winterville Township, Pitt County, North Carolina, located between Turnbury Drive and Smythewyck Drive roughly 250+/- feet east of East Arlington Boulevard

GENERAL DESCRIPTION:

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

Beginning at an existing iron pipe located at the intersection of the eastern right of way of E. Arlington Boulevard and the southern right of way of Turnbury Drive thence running along the southern right of way of Turnbury Drive S 76-18-20 W, 244.95 feet to an existing magnetic nail located on the southern right of way of Turnbury Drive the POINT OF BEGINNING; thence from said point of beginning and continuing along the southern right of way of Turnbury Drive N 76-18-20 E, 471.06 feet to an existing iron pipe located on the southern right of way of Turnbury Drive; thence leaving the southern right of way of Turnbury Drive S 13-41-40 E, 430.00 feet to an existing drill hole located on the northern right of way of Smythewyck Drive;

thence running along the northern right of way of Smythewyck Drive S 76-18-20 W, 471.06 feet to an existing iron pipe located on the northern right of way of Smythewyck Drive; thence leaving the northern right of way of Smythewyck Drive N 13-41-40 W, 182.00 feet to an existing iron pipe; thence continuing N 13-41-40 W, 107.98 feet to an existing magnetic nail; thence continuing N 13-41-40 W, 140.02 feet to the point of beginning containing 4.650 acres and being known as Pitt County Tax Parcel #04191.

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

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

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

Section 5. This annexation shall take effect from and after the 10<sup>th</sup> day of August, 2023.

ADOPTED this 10<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
P. J. Connelly, Mayor

ATTEST:

\_\_\_\_\_  
Valerie Shiuwegar, City Clerk

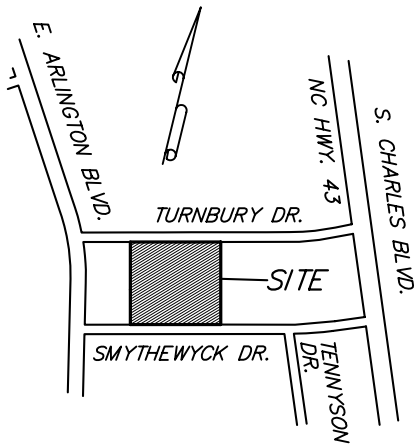
NORTH CAROLINA  
PITT COUNTY

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.

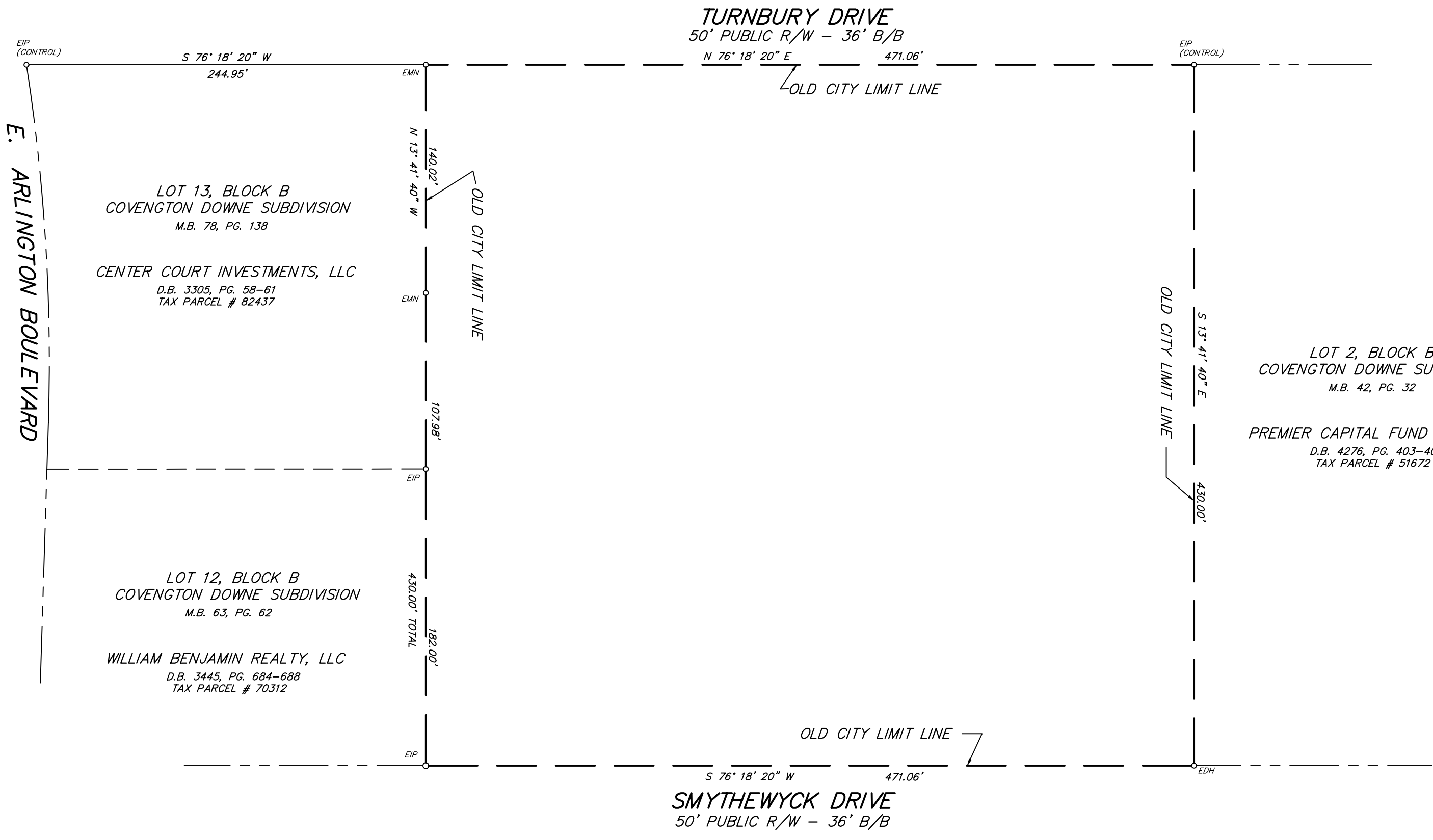
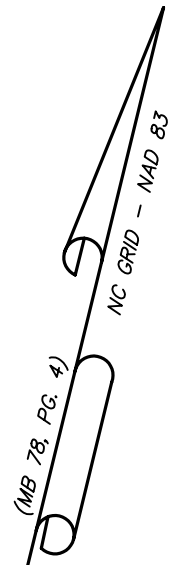
WITNESS my hand and official seal this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
1183238



VICINITY MAP 1" = 1,000'



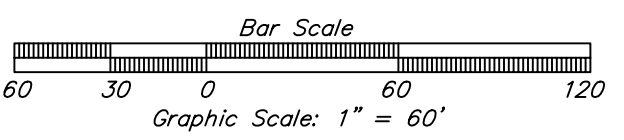
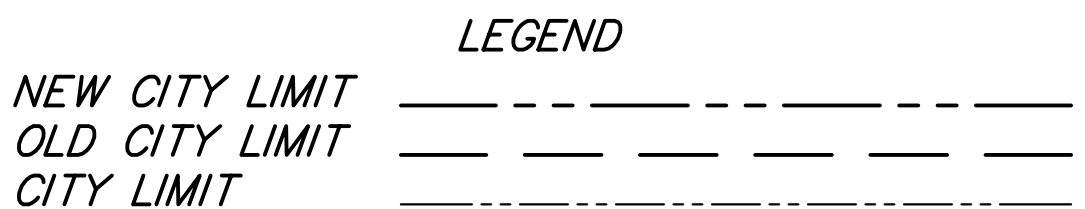
**LEGEND:**  
 R/W - RIGHT OF WAY  
 B/B - BACK OF CURB TO BACK OF CURB  
 EIP - EXISTING IRON PIPE  
 EDH - EXISTING DRILL HOLE  
 EMN - EXISTING MAGNETIC NAIL

**REFERENCE:**  
 DEED BK. 194, PG. 186  
 MAP BK. 42, PG. 163  
 DEED BK. 4418, P. 69

**NOTE:**  
 THIS MAP IS EXEMPT FROM GS 47-30 AS PER GS 47-30 (J).

**SURVEYOR'S CERTIFICATION**  
 I, GARY S. MILLER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 4418, PAGE 69, OR FROM BOOKS REFERENCED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK SEE, PAGE REF., OR AS REFERENCED HEREON; 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.  
 I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (f) (1) (d). THIS SURVEY IS OF ANOTHER CATEGORY AND IS AN EXEMPTION TO THE DEFINITION OF SUBDIVISION.  
 WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 17th DAY OF JUNE, 2023.

SIGNED *G. Miller*  
 PROFESSIONAL LAND SURVEYOR NO. L-2562



ANNEXATION PLAT FOR  
**Covington Downe, Lot 3, Block B**  
 BEING TAX PARCEL # 04191  
 WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

**GARY S. MILLER & ASSOCIATES, P.A.**  
 LAND SURVEYORS  
 1803 South Charles Blvd.  
 Greenville, N.C. 27838  
 Phone (252)756-7878  
 Fax (252)756-0785  
 License # C-0225

SURVEYED: MCP APPROVED: GSM  
 DRAWN: BLW DATE: 06/26/2023  
 CHECKED: TEM SCALE: 1" = 60'

MAP NO.	PLATS RECORDED	BOOK	PAGE
		42	163

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

DATE: \_\_\_\_\_ ORDINANCE NO. \_\_\_\_\_ AREA: 4.650 Ac.  
 WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.





# City of Greenville, North Carolina

Meeting Date: 08/10/2023

**Title of Item:** Ordinance to annex Fairfield Subdivision, Section Two, Lot 12 property involving 0.353 acres located at the northeastern corner of the intersection of Davenport Farm Road and Garnet Way

**Explanation:** A. SCHEDULE

1. Advertising date: July 29, 2023
2. City Council public hearing date: August 10, 2023
3. Effective date: August 10, 2023

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 0.353
4. Voting District: 5
5. Township: Winterville
6. Zoning: RA20 (Residential-Agricultural)
7. Existing land use: One (1) single-family residence
8. Anticipated land use: One (1) single-family residence
9. Population estimate

	Formula	Number of people
Total current:	0	0
Estimated at full development	1 X 2.18	2
Current minority	0	0
Estimated minority at full development	2 X 43.4%	1
Current white	0	0
Estimated white at full development	2 - 1	1

\* Source: Census.gov

10. Rural fire tax district: Red Oak
11. Greenville fire district: Station 5
12. Present tax value: \$72,402
13. Estimated tax value: \$72,402

**Fiscal Note:** Estimated tax value at full development is \$72,402

**Recommendation:** Approve the attached ordinance to annex Fairfield Subdivision, Section Two, Lot 12

---

ATTACHMENTS

- [Ordinance Fairfield Subdivision, Section Two, Lot 12 Annexation.pdf](#)
- [Fairfield Subdivision, Section Two, Lot 12 Survey.pdf](#)

ORDINANCE NO. 23-  
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 10<sup>th</sup> day of August, 2023, after due notice by publication in The Daily Reflector on the 29<sup>th</sup> day of July, 2023; 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 "Fairfield Subdivision, Section Two, Lot 12", involving 0.353 acres prepared by Benjamin J. Purvis, PLS

LOCATION: Situate in Winterville Township, Pitt County, North Carolina, located at the northeastern corner of the intersection of Davenport Farm Road and Garnet Way

GENERAL DESCRIPTION:

LYING AND BEING IN WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE SOUTHEAST INTERSECTION OF GARNET WAY AND DAVENPORT FARM ROAD - N.C.S.R. 1128, THENCE S 70°33'21" E A DISTANCE OF 12.36' TO THE POINT OF BEGINNING, THENCE N 19°19'30" E A DISTANCE OF 175.00' TO A POINT;

THENCE S 70°40'30" E A DISTANCE OF 34.35' TO A POINT; THENCE S 71°17'00" E A DISTANCE OF 52.65' TO A POINT; THENCE S 18°43'00" W A DISTANCE OF 175.00' TO A POINT; THENCE N 71°17'00" W A DISTANCE OF 53.58' TO A POINT; THENCE N

70°40'30" W A DISTANCE OF 35.28' TO THE POINT OF BEGINNING, CONTAINING 0.35 ACRES, MORE OR LESS, AND BEING ALL OF LOT 12, FAIRFIELD, SECTION TWO, RECORDED IN MAP BOOK 27, PAGE 8, PITT COUNTY REGISTER OF DEEDS

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

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

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

Section 5. This annexation shall take effect from and after the 10<sup>th</sup> day of August, 2023.

ADOPTED this 10<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
P. J. Connelly, Mayor

ATTEST:

\_\_\_\_\_  
Valerie Shiuwegar, City Clerk

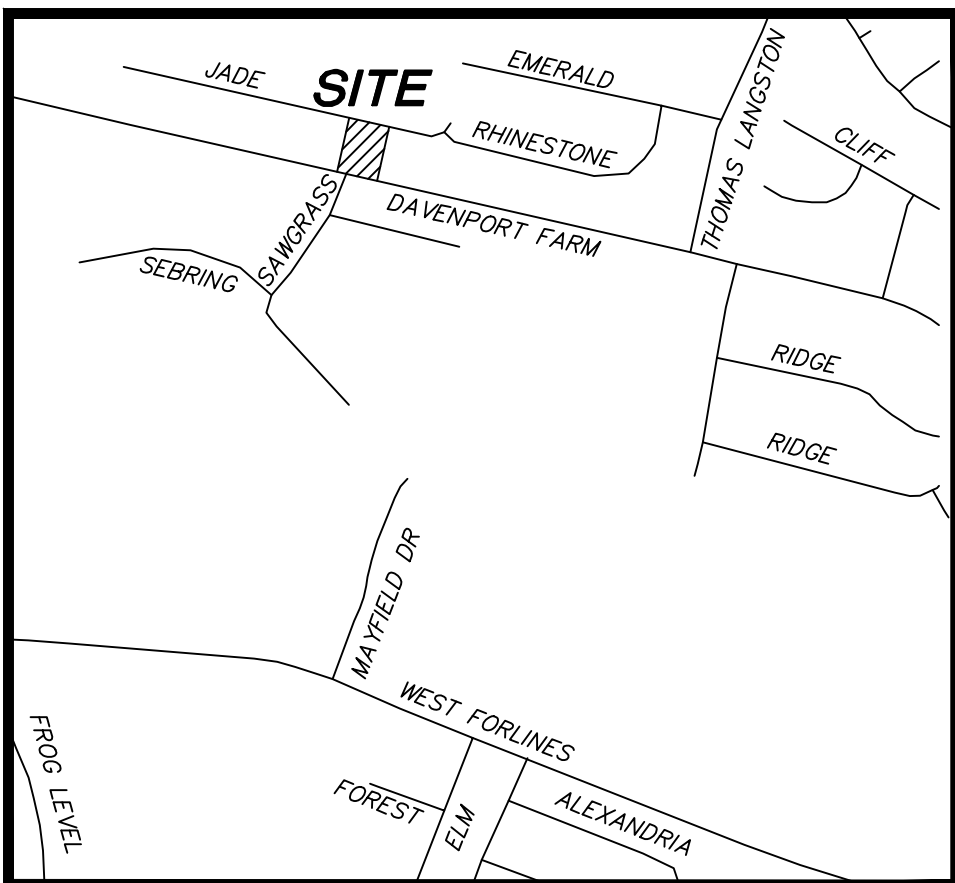
NORTH CAROLINA  
PITT COUNTY

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 \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
1183241



**VICINITY MAP**  
1" = 1000'

MAP BOOK 27, PAGE 8

**GARNET WAY**  
(PUBLIC R/W VARIES - BACK TO BACK VARIES)

**JADE LANE**  
(50' PUBLIC R/W - 36' BACK TO BACK)

**EMERALD PARK**  
PHASE ONE, SECTION TWO  
MAP BOOK 69, PAGE 194

**FAIRFIELD**  
SECTION TWO  
MAP BOOK 27, PAGE 8

**N.C.S.R. 1128 - DAVENPORT FARM ROAD**  
(70' PUBLIC R/W - 33' PAVEMENT)

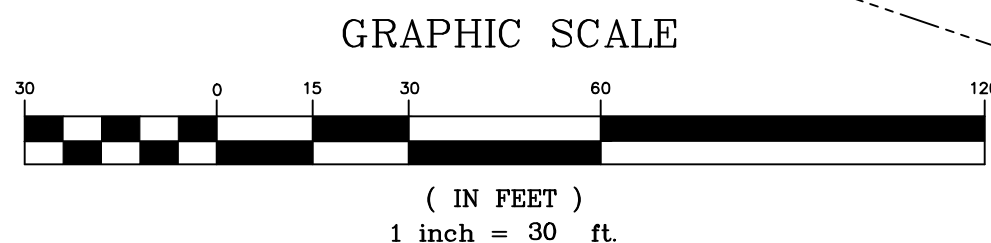
AREA - 0.363 ACRES

**REFERENCES**

DEED BOOK 2418, PAGE 332  
MAP BOOK 27, PAGE 8

**LEGEND**

RIGHT OF WAY R/W



ANNEXATION MAP  
**FAIRFIELD SUBDIVISION, SECTION TWO,**  
**LOT 12; AS RECORDED IN MAP BOOK 27, PAGE 8;**  
 BEING THE PROPERTY OF STACY SMITH AS RECORDED  
 IN DEED BOOK 2418, PAGE 332; PITT COUNTY TAX PARCEL NUMBER 35201  
 WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

RECORDED IN MAP BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

OWNER STACY SMITH  
 ADDRESS 884 DAVENPORT FARM ROAD, WINTERVILLE, NC 28590  
 PHONE 252-917-2073

MAP NO.	PLATS RECORDED	BOOK	PAGE
	FAIRFIELD, SECTION TWO	27	8

MAP SHOWING AREA ANNEXED BY  
**THE CITY OF GREENVILLE, N.C.**  
 EFFECTIVE DATE \_\_\_\_\_ ORDINANCE NO. \_\_\_\_\_  
 WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.  
 0.353 ACRES  
 AREA

**BENJAMIN J. PURVIS, P.L.S.**  
 2004 B. EAST 3RD. ST.  
 Greenville, N.C. 27858  
 (252) 341-5588

SURVEYED N/A	APPROVED BJP
DRAWN BJP	DATE 07-03-2023
CHECKED BJP	SCALE 1" = 30'

**CERTIFICATION**  
 NORTH CAROLINA PITT COUNTY  
 I, BENJAMIN J. PURVIS, HEREBY CERTIFY THAT THIS MAP WAS DRAWN BY ME FROM AN ACTUAL FIELD SURVEY PERFORMED BY ME FROM DEED DESCRIPTIONS RECORDED IN BOOKS REFERENCED HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (1) (11) d. THAT THIS SURVEY IS OF ANOTHER CATEGORY; BEING A SURVEY FOR ANNEXATION INTO CITY LIMITS OF THE CITY OF GREENVILLE; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 8TH DAY OF JULY, A.D., 2023.  
 SIGNED \_\_\_\_\_ PROFESSIONAL LAND SURVEYOR  
 LICENSE NUMBER L-4290





# City of Greenville, North Carolina

Meeting Date: 08/10/2023

**Title of Item:** Ordinance to annex GCO Properties, LLC property involving 0.95 acres located 225+/- feet south of Marine Drive and 350+/- feet east of Northeast Greenville Boulevard

**Explanation:** A. SCHEDULE

1. Advertising date: July 29, 2023
2. City Council public hearing date: August 10, 2023
3. Effective date: August 10, 2023

B. CHARACTERISTICS

1. Relation to primary city limits: Noncontiguous
2. Relation to recognized industrial area: Outside
3. Acres: 0.95
4. Voting District: 1
5. Township: Pactolus
6. Zoning: CH (Heavy Commercial)
7. Existing land use: One (1) Storage Building
8. Anticipated land use: One (1) Storage Building
9. Population estimate

	Formula	Number of people
Total current:	0	0
Estimated at full development	0	0
Current minority	0	0
Estimated minority at full development	0	0
Current white	0	0
Estimated white at full development	0	0

\* Source: Census.gov

10. Rural fire tax district: Staton House
11. Greenville fire district: Station 6
12. Present tax value: \$300,000
13. Estimated tax value: \$300,000

**Fiscal Note:** Estimated tax value at full development is \$300,000

**Recommendation:** Approve the attached ordinance to annex GCO Properties, LLC

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ATTACHMENTS

- [Ordinance GCO Properties LLC Annexation.pdf](#)
- [GCO Properties, LLC Survey.pdf](#)

ORDINANCE NO. 23-  
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-58.1, 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 10<sup>th</sup> day of August, 2023, after due notice by publication in The Daily Reflector on the 29<sup>th</sup> day of July, 2023; 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-58.1, as amended, the following described noncontiguous territory is annexed:

TO WIT: Being all of that certain property as shown on the annexation map entitled "GCO Properties, LLC", involving 0.95 acres prepared by Gaskins Land Surveying, PA

LOCATION: Situate in Pactolus Township, Pitt County, North Carolina, located 225+/- feet south of Marine Drive and 350+/- feet east of Northeast Greenville Boulevard

GENERAL DESCRIPTION:

BEGINNING AT A SET REBAR, SAID REBAR BEING LOCATED THE FOLLOWING COURSES FROM AN EXISTING RIGHT OF WAY MONUMENT LOCATED AT THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY OF MARINE BLVD. (SR 2246) AND THE EASTERN RIGHT OF WAY OF GREENVILLE BLVD. (US HWY 264) THENCE WITH THE EASTERN RIGHT OF WAY OF GREENVILLE BLVD S 04°51'00" E 200.00' TO AN EXISTING IRON PIPE; THENCE CONTINUING WITH SAID RIGHT OF WAY S 04°53'25" E 201.54' TO AN EXISTING IRON PIPE. SAID PIPE BEING THE SOUTH WESTERN CORNER AS SHOWN ON THAT MAP RECORDED IN MAP BOOK 60 PAGE 100 IN THE PITT COUNTY REGISTER OF DEEDS. THENCE WITH THE SOUTHERN PROPERTY LINE AS SHOWN ON SAID MAP N 85°09'00" W 253.13' TO A SET REBAR AND BEING THE POINT OF BEGINNING. THENCE FROM SAID POINT OF BEGINNING

A NEW LINE N 04°7'00" W 201.56' TO A SET REBAR IN THE NORTHERN LINE OF THAT MAP RECORDED IN MAP BOOK 60 PAGE 100; THENCE WITH THE NORTH LINE OF SAID MAP N 85°09'00" E 204.15' TO AN EXISTING IRON PIPE. SAID PIPE BEING THE NORTH EAST CORNER OF THE SAID MAP. THENCE WITH THE EASTEREN LINE OF SAID MAP S 04°51'00" E 201.54' TO AN SET REBAR. SAID REBAR BEING THE SOUTH EASTERN CORNER OF SAID MAP. THENCE WITH THE SOUTHERN LINE OF SAID MAP S 85°09'00" W 206.73' TO THE POINT OF BEGINNING. CONTAINING 0.95 ACRES.

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

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

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

Section 5. This annexation shall take effect from and after the 10<sup>th</sup> day of August, 2023.

ADOPTED this 10<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
P. J. Connelly, Mayor

ATTEST:

\_\_\_\_\_  
Valerie Shiuwegar, City Clerk

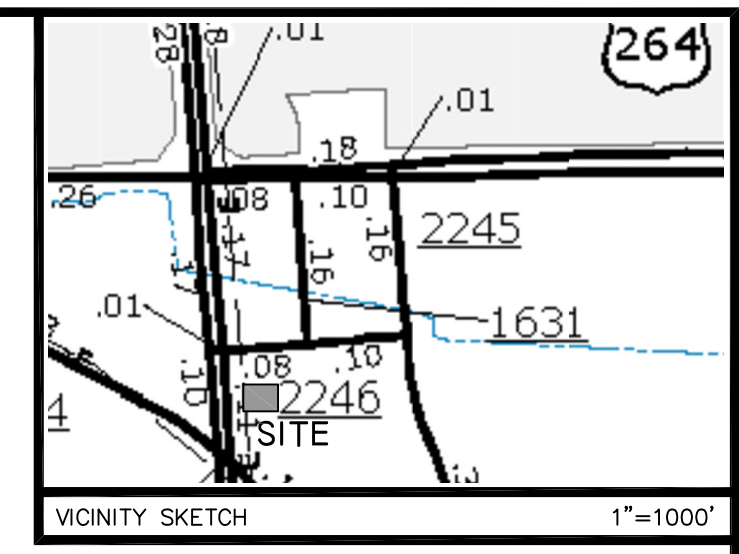
NORTH CAROLINA  
PITT COUNTY

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 \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_  
1183239



- LEGEND**
- EIP EXISTING IRON PIPE
  - EIR EXISTING IRON ROD
  - EIA EXISTING AXLE
  - ECM EXISTING CONC. MONUMENT
  - SIP SET IRON PIPE
  - NPS NO POINT SET
  - R/W RIGHT OF WAY
  - MBL MINIMUM BUILDING LINE
  - NEW CITY LIMIT
  - - - CITY LIMIT
  - - - OLD CITY LIMIT



REVISED DIVISION LINE 6/30/23



I, KENDALL E. GASKINS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM A SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK SEE, PAGE REFERENCES); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK    , PAGE    ; 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.

I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (F)(1)(c), THIS SURVEY IS OF ANOTHER CATEGORY AND IS AN EXEMPTION TO THE DEFINITION OF A SUBDIVISION.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL  
THIS 13TH DAY OF JUNE, A.D., 2023.

**PRELIMINARY MAP  
NOT FOR RECORDATION**  
KENDALL E. GASKINS L-3824

**GCO PROPERTIES, LLC**  
3506 NE GREENVILLE BLVD  
GREENVILLE, NC 27834  
(252) - 321-3000

MAP NO.	PLATS RECORDED	BOOK	PAGE
11-034	BLACKWELDER PROPERTIES, LLC	86	60
	LOTS 7, 8 & 10 NORTHSIDE COMMERCIAL CENTER		
	LOTS 4 NORTHSIDE COMMERCIAL CENTER	60	100

<b>Gaskins Land Surveying, P.A.</b> PROFESSIONAL LAND SURVEYING Phone: 252-244-0599 Fax: 252-244-5899 PO Box 354 Vanceboro, NC 28586	SURVEYED: KEG	APPROVED: KEG
	DRAWN: KEG	DATE: 6/13/23
	CHECKED: KEG	SCALE: 1"=60'

MAP SHOWING AREA ANNEXED BY  
THE CITY OF GREENVILLE, N.C.  
(EFFECTIVE DATE \_\_\_\_\_ ORDINANCE # \_\_\_\_\_ AREA 0.95 AC.)  
GREENVILLE TOWNSHIP, PITT COUNTY, N.C.

**REVIEW OFFICER'S CERTIFICATION**

I, \_\_\_\_\_, A REVIEW OFFICER OF PITT COUNTY, N.C., CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING  
BY \_\_\_\_\_ REVIEW OFFICER  
DATE: \_\_\_\_\_



# City of Greenville, North Carolina

Meeting Date: 08/10/2023

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**Title of Item:**

Ordinance requested by Redeeming Faith International Ministries, Inc. to rezone 5.84 acres located along the northern right-of-way of MacGregor Downs Road and 175+/- feet west of B's Barbeque Road from MRS (Medical-Residential-Single-Family) to R6 (Residential)

**Explanation:**

**Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on June 5, 2023

On-site sign(s) posted on June 5, 2023

City Council public hearing notice (property owner and adjoining property owner letter) mailed July 25, 2023

Public hearing legal advertisement published on July 29, 2023 and August 5, 2023

**Comprehensive Plan:**

The Future Land Use and Character Map recommends commercial (C) at the northeastern corner of B's Barbeque Road and MacGregor Downs Road, transitioning to office/institutional (OI) in the interior.

**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

**Thoroughfare/Traffic Report Summary (Engineering Department):**

Based on possible uses permitted by the requested zoning, the proposed zoning classification could generate 404 trips to and from the site on B's Barbeque Road and MacGregor Downs Road, which is a net increase of 244 additional trips per day.

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

**History/Background:**

In 1976, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned RA20.

In 1985, the property was included as part of the Medical District that was adopted by City Council and rezoned to MRS (Medical-Residential-Single-Family).

**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:**

This property drains to the Schoolhouse Branch Watershed (Tar River Basin). If stormwater rules apply, it would require 10-year detention, nitrogen and phosphorus reduction.

A portion of the property is not located in the currently mapped Special Flood Hazard Area. No jurisdictional wetlands exist on the property. No jurisdictional streams and riparian buffers exist on the property.

**Surrounding Land Uses and Zoning:**

North: R6 – Nexus Harris Mill Run Apartments (under review)

South: MRS – Four (4) single-family residences

East: MRS – Two (2) single-family residences

West: MRS – Farmland

**Density Estimates:**

Under the current zoning, the site could accommodate 17 single-family residences.

Under the proposed zoning, the site could accommodate 60 multi-family units (1, 2 and 3 bedroom units).

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

**Additional Staff Comments:**

This area is currently being developed with single-family and multi-family development. To the north of the subject property, there are two large-scale residential developments. Carter Ridge is approved for 125 single-family lots and 152 multi-family units, and Nexus Mill Run Apartments are approved for 252 multi-family units. While this area is recommended for office/institutional use on the Future Land Use and Character Map, the demand and/or need for office type uses, particularly in this area, is low. Based on current development trends and lack of demand/need for office uses in this area, in this instance, the rezoning is in general compliance with the Future Land Use and Character Map.

**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 (i) is 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 20, 2023 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 Redeeming Faith International Ministries Rezoning.pdf**
- Rezoning Redeeming Faith Minute Excerpt.pdf**
- Redeeming Faith International Ministries, Inc APO Map.pdf**
- Redeeming Faith International Ministries Survey.pdf**
- Redeeming Faith International Ministries Traffic Report.pdf**
- List\_of\_usesMRStoR6.pdf**
- Density and Veg Charts.pdf**



LOCATION: Located at the northern right-of-way of MacGregor Downs Road and 175+/- feet west of B's Barbeque Road

DESCRIPTION: **BEGINNING** at an iron pipe in the north right of way line of MacGregor Downs Road, the said iron pipe is located North 78 degrees 41 minutes 45 seconds West 463.90 feet from an iron pipe in the said north right of way line of MacGregor Downs Road, the last said iron pipe is located North 72 degrees 41 minutes 40 seconds West from a point in the centerline intersection of MacGregor Downs Rod and B's Barbeque Road; thence from the beginning iron pipe North 83 degrees 05 minutes 17 seconds West with the said north right of way line of MacGregor Downs Road 58.20 feet to a point; thence North 06 degrees 54 minutes 44 seconds East 200.00 feet with the Harold E. and Ann H. Harris land of record in Deed Book N-51 Page 113 to an iron pipe, thence continuing with the said Harris land the following two calls to iron pipes North 03 degrees 45 minutes 25 seconds West 642.21 feet and North 03 degrees 45 minutes 30 seconds West 13.76 feet; thence the following two calls to iron pipes South 49 degrees 56 minutes 35 seconds East 522.49 feet and South 42 degrees 22 minutes 44 seconds East 243.04 feet with the BRC Greenville, LLC land of record in Deed Book 4029 Page 180 to an iron pipe; thence South 28 degrees 41 minutes 47 seconds West 276.61 feet with the Betty Diane Horton Barnhill lot of record in Deed Book V-50 Page 812 and then the Tyrone Hollis lot of record in Deed Book 3691 Page 202 to an iron pipe; thence North 82 degrees 00 minutes 00 seconds West 339.46 feet with the Cesar H. and Rose M. Colon lot of record in Deed Book 2482 Page 555 and then the Timothy Kevin Moore lot of record in Deed Book 722 Page 835 and then the Felix Ralph Fernandez lot of record in Deed Book 2265 Page 240 339.46 feet to and iron pipe; thence continuing with the said Fernandez lot South 08 degree 55 minutes OJ seconds West 150.03 feet to the **BEGINNING:** containing 5.84 acres according to a survey titled "Property of Redeeming Faith International Ministries, Inc." dated April 5, 2023 by Hood L. Richardson, PLS and being the property described in Deed Book 3758 at page 004.

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 10<sup>th</sup> day of August, 2023.

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P. J. Connelly, Mayor

ATTEST:

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Valerie Shiuwegar, City Clerk

1181134

**Excerpt from the adopted Planning & Zoning Commission Minutes (June 20, 2023)**

REQUEST BY REDEEMING FAITH INTERNATIONAL MINISTRIES, INC. TO REZONE 5.84 ACRES LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF MACGREGOR DOWNS ROAD ROUGHLY 175+/- FEET WEST OF B'S BARBEQUE ROAD FROM MRS (MEDICAL-RESIDENTIAL-SINGLE-FAMILY) TO R6 (RESIDENTIAL).

Chantae Gooby, Chief Planner, presented for staff. The property is more specifically located near the intersection of MacGregor Downs Road and B's BBQ Road. Earlier tonight you approved a plat for multi-family which is adjacent to this property. This request could generate a net increase of 488 trips per day. Under the current zoning, the site could accommodate 17 single-family residences. Under the proposed zoning, the site could accommodate 60 multi-family units. The Future Land Use and Character Map recommends commercial (C) at the northwestern corner of B's Barbeque Road and MacGregor Downs Road transitioning to office/institutional (OI) in the interior. In this instance, the requested zoning is alignment with the rest of the development patterns in this area. Since Covid, the demand for office zoning has declined sharply and most likely will not locate in this area. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Vice Chair Collins opened the public meeting.

Fredrick Hopkins, representing Redeeming Faith International Ministries, spoke in favor. Before the pandemic we had purchased this property to build a new sanctuary and we did never had a chance to do that. Since that time, all of the property around us they have been building multi-family. We feel that it's necessary for us to not build our church there and sell that property.

No one spoke in opposition of the request.

Vice Chair Collins closed public hearing.

**Motion made by Mr. West, seconded by Mr. Thomas, to recommend approve of the request, to advise that, although the proposed amendment is not consistent with the comprehensive plan, in this instance it is an appropriate zoning classification, and to adopt the staff report which addresses plan consistency. Motion passed unanimously.**

Redeeming Faith International Ministries, Inc.

From: MRS

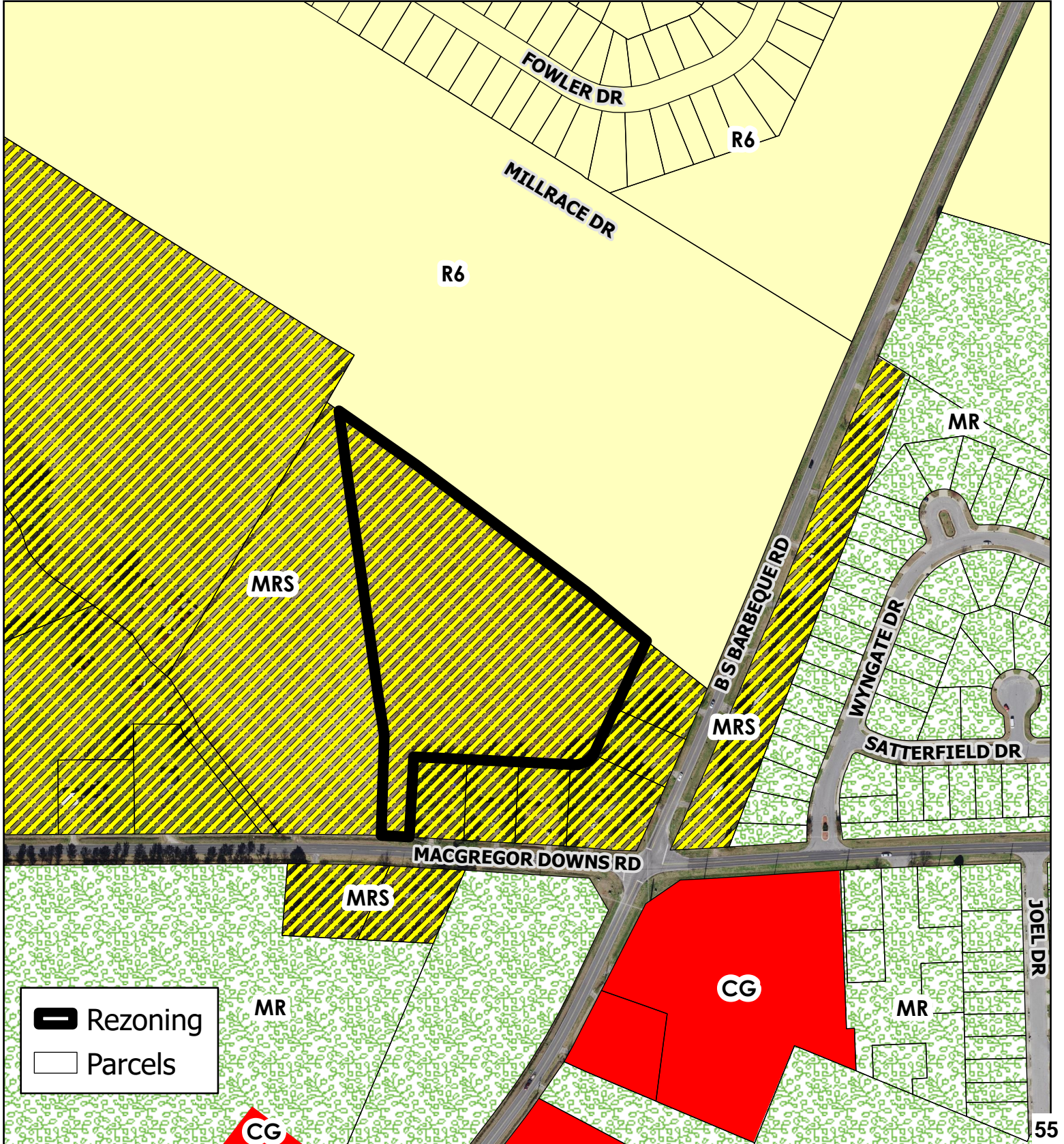
To: R6

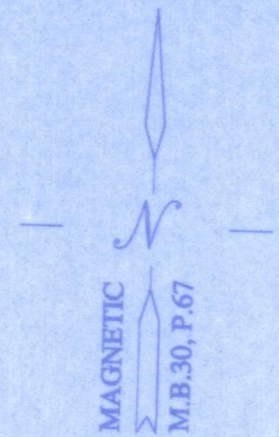
Acres: 5.84

May 16th, 2023



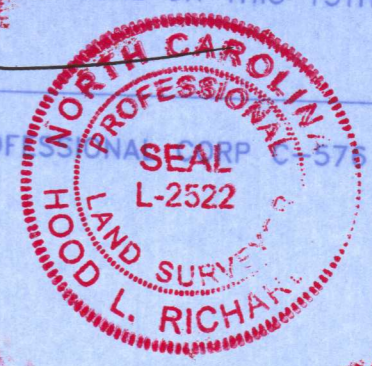
0 0.01 0.03 0.06 Miles





I, HOOD RICHARDSON, CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION, THIS MAP WAS DRAWN FROM AN ACTUAL LAND SURVEY USING DOCUMENTS OF RECORD AS SHOWN ON THIS MAP AND THAT THE ERROR OF CLOSURE IS 1:10,000 AS CALCULATED BY LATITUDES AND DEPARTURES, THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, NO DETERMINATION OTHER THAN AS IS SHOWN ON THIS MAP HAS BEEN MADE ABOUT G.S. 47-30, SECTION 3, (F), (11), DASHED LINES WITHOUT NOTATION ARE NOT SURVEYED. WITNESS MY HAND AND SEAL ON THIS 13TH DAY OF APRIL, 2023.

HOOD L. RICHARDSON, P.L.S L-2522 PROF.

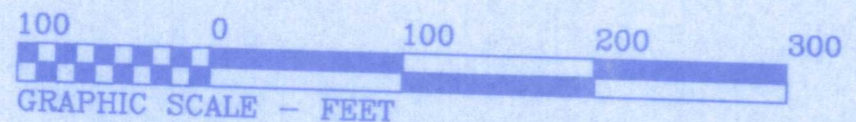
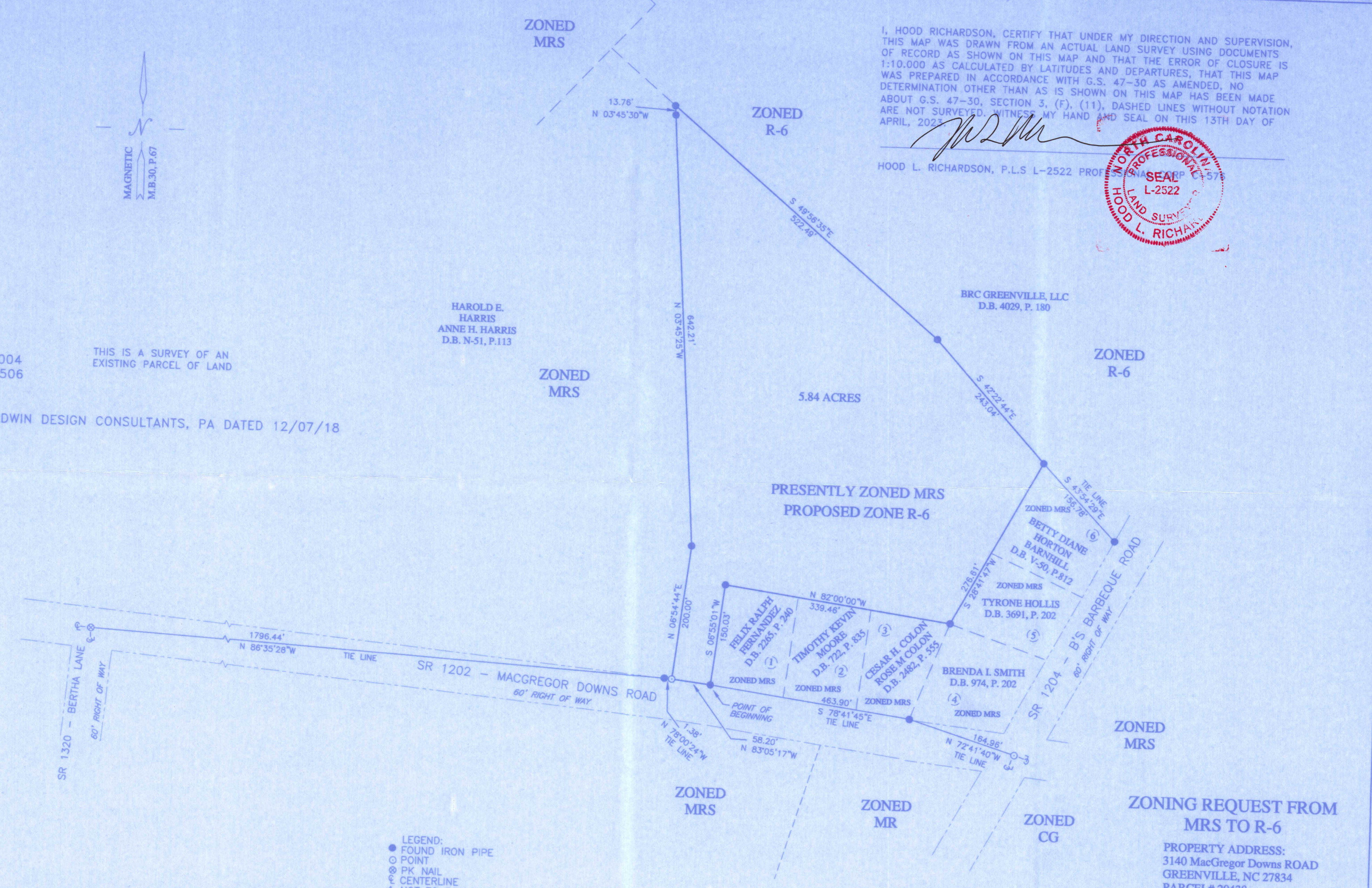


REFERENCES:  
 D.B. 3758, P. 004  
 D.B. V-22, P. 506  
 M.B. 3, P. 112  
 M.B. 30, P. 67  
 SURVEY BY BALDWIN DESIGN CONSULTANTS, PA DATED 12/07/18

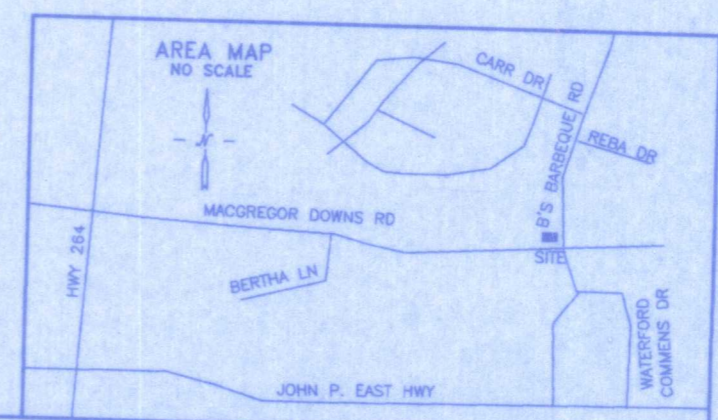
THIS IS A SURVEY OF AN EXISTING PARCEL OF LAND

HAROLD E. HARRIS  
 ANNE H. HARRIS  
 D.B. N-51, P.113

BRC GREENVILLE, LLC  
 D.B. 4029, P. 180



- LEGEND:  
 ● FOUND IRON PIPE  
 ○ POINT  
 ⊗ PK NAIL  
 ⊕ CENTERLINE  
 √ NOT TO SCALE



ZONING REQUEST FROM MRS TO R-6

PROPERTY ADDRESS:  
 3140 MacGregor Downs ROAD  
 GREENVILLE, NC 27834  
 PARCEL# 20438

PROPERTY OF:  
**REDEEMING FAITH INTERNATIONAL MINISTRIES, INC.**  
 FALKLAND TOWNSHIP PITT COUNTY  
 NORTH CAROLINA

SCALE: 1" = 100' SURVEY DATE: APRIL 5, 2023

SURVEYED BY: HOOD RICHARDSON, P.A. C-576  
 ENGINEERS-PLANNERS  
 110 WEST 2ND STREET  
 WASHINGTON, N.C. 27689  
 PHONE: (252) 975-3472



# REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

**Case No:** 23-04

**Applicant:** Redeeming Faith International Ministries, Inc.

**Property Information**

**Current Zoning:** MRS (Medical-Residential-Single-Family)

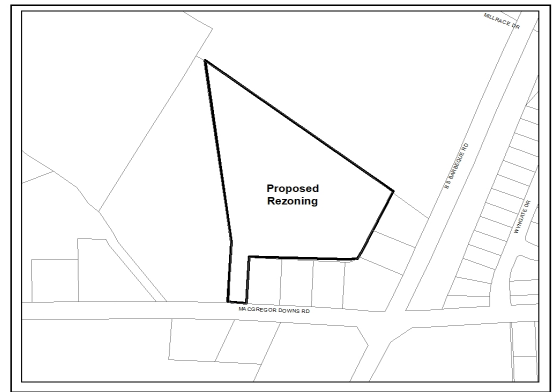
**Proposed Zoning:** R6 (Residential)

**Current Acreage:** 5.84 acres

**Location:** Northwest corner of B's BBQ Rd and MacGregor Downs Rd

**Points of Access:** MacGregor Downs Rd

**Location Map**



**Transportation Background Information**

**1.) B's Barbeque Rd- State maintained**

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	2-lane - paved shoulder	3-lanes with curb & gutter, wide outside lanes
Right of way width (ft)	60	70
Speed Limit (mph)	45	
<b>Current ADT:</b>	5,400 (*)	
<b>Design ADT:</b>	13,300 vehicles/day (**)	14,300 vehicles/day (**)
<b>Controlled Access</b>	<b>no</b>	
<b>Thoroughfare Plan Status</b>	Minor Thoroughfare	
<b>Other Information: There are no sidewalks along B's Barbeque Rd that service this property.</b>		

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

**Transportation Improvement Program Status:**

**Trips generated by proposed use/change**

**Current Zoning: 160** -vehicle trips/day (\*)                      **Proposed Zoning: 404** -vehicle trips/day (\*)

**Estimated Net Change: increase of 244 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 B's Barbeque Rd are as follows:**

**1.) B's Barbeque Rd , North of Site (30%): “No build” ADT of 5,400**

Estimated ADT with Proposed Zoning (full build) –	5,521
Estimated ADT with Current Zoning (full build) –	5,448
<b>Net ADT change =</b>	<b>73 (1% increase)</b>

**2.) B's Barbeque Rd , South of Site (50%): "No build" ADT of 5,400**

Estimated ADT with Proposed Zoning (full build) – 5,602

Estimated ADT with Current Zoning (full build) – 5,480

Net ADT change = 122 (2% increase)

**3.) MacGregor Downs Rd , West of Site (5%): 12 trips****4.) MacGregor Downs Rd , East of Site (15%): 37 trips****Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 404 trips to and from the site on B's Barbeque Rd and MacGregor Downs Rd, which is a net increase of 244 additional trips per day (over current zoning).

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

EXISTING ZONING	
MRS (MEDICAL-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)
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)
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	
MRS (MEDICAL-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
c.	County or state government building or use not otherwise listed; excluding outside storage and major or minor repair

(5) Agricultural/Mining	
b.	Greenhouse or plant nursery; including accessory sales
(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	
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)
y.	TV and/or radio broadcast facilities, including receiving and transmission equipment and towers or cellular telephone and wireless communication towers
(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	
<b>PROPOSED ZONING</b>	
<b>R6 (RESIDENTIAL) - PERMITTED USES</b>	
(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
<b>R6 (RESIDENTIAL) - SPECIAL USES</b>
(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: 08/10/2023

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**Title of Item:** Ordinance requested by Elliot Sidewalk Communities to increase density standards for the Mixed Use Institutional District (MUI) from a limit of no more than 8 multi-family units per acre to allowing multi-family units with a minimum habitable (mechanically conditioned) floor area per unit of no less than 400 square feet for a one bedroom unit and 500 square feet for a two or more bedroom unit

**Explanation:** **Background**

On May 18, 2020, the City established the Mixed Use Institutional (MUI) zoning district. The zoning district was created in partnership with East Carolina University (ECU) to accommodate and support development plans for the Millennial Campus. Recognizing the importance of ECU as an economic engine for the region as well as the potential benefits of redeveloping the Millennial Campus for the downtown area, staff worked with ECU to create an ordinance which protects and promotes the interests of ECU and the City. Since that time, the Intersect East project has been developing. The developer of that project is the applicant, Elliott Sidewalk Communities.

At that time of adoption, the residential option that was included in the MUI zoning district allowed up to 8 multi-family units per acre. The applicant is requesting to increase the residential density with standards that are more in line with an urban setting. The proposed standards are closely aligned with the Downtown Commercial (CD) zoning district. This amendment will allow for on-site residential development in association with this large-scale project. The requested residential density is based on a minimum square footage of units that will foster vertical development. The is the same density found in the Downtown Commercial (CD) zoning district. Due to the nature of these types of projects, they will most likely be large in scale and/or high in intensity.

The text in red indicates the requested changes.

SEC. 9-4-200.4 MUI Mixed Use Institutional District Standards

(A) *General district standards.*



(1) Single entity.

(a) Each Mixed Use Institutional (MUI) district must be under the control of a single entity and have a controlling governmental interest or be a hospital, college or university.

(b) Development of properties within the MUI may be accomplished or carried out by either the single entity or in collaboration with a private development partner.

(2) MUI developments may consist of one, or several, lots. They may also occur in phases.

(3) District dimensional standards.

(a) Lot area (net). All uses: none.

(b) Lot width (at the MBL). All uses: none.

(c) Public street setback: 0 feet minimum.

(d) Side setback: 0 feet minimum.

(e) Rear setback: 0 feet minimum.

(f) Height: 5 stories or 70 feet

(4) District density standards.

(a) Minimum habitable (mechanically conditioned) floor area per unit:

(1) One bedroom unit: 400 square feet.

(2) Two or more bedroom unit: 500 square feet.

(b) Minimum parking: One space per unit.

(5) Multiple principal uses may be allowed on a single lot within an MUI.

(6) Residential uses may not exceed 25% of the total building square footage of an MUI. In the event of a phased development, this ratio will be enforced for each specific phase.

(7) Commercial uses may not exceed 30% of the total non-residential building square footage in an MUI district. In the event of a phased development, this ratio will be enforced for each specific phase.

(8) The ground floor of any vertically mixed use space must be designated for use by an active use ground floor use (i.e., no storage or residences).

(9) Initial bufferyard requirements shall be based on the most restrictive of anticipated uses and the requirement shall apply to all subsequent uses absent any change in zoning for the development.

(10) In the case of a vertically mixed use structure, in no event shall non-residential space be located above residential space.

(11) Any development phase within an MUI district shall provide 20% open space for either active or passive use. In the context of this subsection, open space shall mean all space that is not occupied by a building footprint. Uses such as outdoor amphitheater or other publicly accessible outdoor recreation shall also count towards satisfaction of this requirement.

(B) *Application requirements.*

(1) Any development in an MUI district must submit a Master Plan to the City of Greenville Technical Review Committee. All submissions must adhere to the Technical Review Committee requirements.

(2) Each application must also include the following.

(a) The specific standards intended to be modified as part of the approval process. If a standard is not listed as being modified, then the standard is considered applicable and the plan is required to comply. However, subsequent requests for alternative compliance and variances may still be submitted.

(b) The proposed maximum number of dwelling units.

(c) The proposed maximum square footage of nonresidential floor area.

(d) A general description of how the MUI district conforms with the Comprehensive Plan.

(e) In the event that a development is to occur in phases, then a phasing plan must be provided. Said phasing plan will also include an improvement schedule that can defer phase specific improvements by no more than one phase from when the associated phase is completed i.e., if a multi-use path or outdoor amphitheater is approved in phase 1, it shall be completely installed prior to the completion of phase 2. All improvements shown for the final phase of a development must be completed prior to the issuance of a Certificate of Occupancy for any structure in the final phase.

(f) An illustrative 3-dimensional model or digital rendering that shows building elevations, location of streets and prominent site features. The 3-dimensional model must illustrate the potential massing and scale of the proposed development, but will not be regulatory.

(C) *Master plan required.* In an MUI district, standards of an MUI Master Plan may be modified through approval by the Director of Planning and Development Services or his/her designee. This approval will be granted as part of the Technical Review Committee process. An MUI Master Plan allows modifications to the General District Standards or other provisions of Title 9, Chapter 4 in the following ways:

(1) *Remote Parking.* The MUI may utilize remote parking that is a distance not in excess of 800 feet from the associated principal use site. Said remote parking must be on land that is also owned by the single entity controlling the principal use site. All other provisions of the subsection and article shall apply. This provision shall not account for more than 70% of the total required parking for the site or any one specific phase.

(a) Such remote parking facility shall be in accordance with the applicable provisions of Article O.

(b) All off-street parking areas designed for three or more spaces shall be in accordance with Article O.

(c) The remote parking facility shall not be utilized or occupied by any other use or for any purpose other than as parking for the associated principal use.

(d) The remote parking facility shall be located within the MUI district or within a district which allows principal use parking lots.

(2) *Article G. Bufferyard Setbacks:* Bufferyard setbacks may be waived in exchange for more robust internal pedestrian circulation standards. Primary pedestrian accommodations must provide internal circulation along a minimum 14' wide multi-use path. Said path must provide through and cross access to adjacent parcels and rights-of-way. This area must be shown on the site plan that is provided to the Technical Review Committee.

(3) *General District Standards:* Building height may exceed five stories or 70 feet when either the entire building, or the portion of such building as may be in excess of 70 feet, is stepped back one foot for every foot in excess of the 70 foot height allowance from the property line.

(4) *General District Standards:* The overall open space requirement may be reduced to 15% in exchange for public access to outdoor amenities.

(D) *Master plan amendments.*

(1) The Director of Planning and Development Services or his/her designee may administratively approve amendments to a submitted MUI Master Plan without resubmission to the Technical Review Committee.

(2) *Allowable amendments.*

(a) An increase or decrease to the approved nonresidential square footage, not to exceed 10% of the original approval or the 25% development maximum.

(b) A transfer of nonresidential floor area or residential dwelling units, from one area to another, not to exceed a 20% maximum for each standard.

(c) Minor adjustments in location of building, parking, recreation or sporting facilities and open space areas. A minor adjustment shall be a modification in orientation or distance to a property line; however, the adjustment shall not exceed 100 feet in distance from the approved location, and shall not be located any closer than 50 feet to the boundary of the MUI district. However, where a building or parking area is shown on the approved Master Plan within 50 feet of a property line, the building or parking area adjustment may not be located any closer to the property line than as shown on the approved Master Plan. An adjustment to the location of transit facilities is permitted, provided the adjustment occurs prior to the recordation of the transit easement.

(d) An exchange of open space area, provided the exchanged areas are of like acreage, value and utility.

(e) A relocation of access points, driveways or sidewalks either within or outside of the public right-of-way with the concurrence of the Engineering Department (and where applicable the NCDOT).

(f) A relocation of a fence, wall, sign or utility. Fences or walls required for bufferyards may not be removed or relocated to an area that conflicts with the

buffering requirement.

(g) Any requirement associated with an allowable amendment must be shown on the Master Plan.

**TABLE OF CURRENT AND PROPOSED STANDARDS:**

<b>Current standards</b>	<b>Proposed standards</b>
Minimum lot area per dwelling unit	Minimum lot area per dwelling unit
One bedroom: 4,500 SF	None
Two or more bedrooms: 5,500 SF	
Minimum habitable (mechanically-conditioned) floor area per dwelling unit	Minimum habitable (mechanically-conditioned) floor area per dwelling unit
One bedroom: 650 SF	One bedroom: 400 SF
Two or more bedrooms: 1,000 SF	Two or more bedrooms: 500 SF

**Comprehensive Plan**

Horizons 2026: Greenville's Community Plan contains the following goals, policies and actions that support this text amendment:

Chapter 1 Building Great Places, Goal 1.1. Focused Approach to Growth and Reinvestment

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.

Chapter 1 Building Great Places, Goal 1.3. High Quality Infill and Redevelopment

Policy 1.3.1. Support Infill and Redevelopment

Promote development and redevelopment through the city with a concentration of these projects in the Uptown Core and 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.

Chapter 1 Building Great Places, Goal 1.4. A Vibrant Uptown

Policy 1.4.9. Work with ECU on Millennial Campus in Uptown

Work with ECU on the development of the Millennial Campus in Uptown.

There should be harmony between the needs of the university and the plans of the city. Campus buildings can contribute to quality design in uptown.

## Chapter 1 Building Great Places, Action 1.1. Adopt Mixed Use Zoning Districts

### Action 1.1

The city should move quickly to adopt a minimum of two new mixed use zoning districts that are consistent with the descriptions, intents and building blocks of the Mixed Use, High Intensity (MUHI) and Mixed Use (MU) character districts outlined in this chapter. Additionally, a strategy should be developed for implementing the Uptown Core (UC) and Uptown Edge (UE) districts that may be enacted through new zoning districts or overlay districts. The city may consider implementing a form-based code district in certain areas. To ensure the application of the zoning district, incentives could be provided for new development within these areas.

#### **Additional staff comments:**

The proposed changes will allow greater flexibility in development standards for innovative developments on the MUI zoning district.

#### **Fiscal Note:**

No cost to the City.

#### **Recommendation:**

In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the Horizons 2026: Greenville's Community Plan, Chapter 1 Building Great Places, Goal 1.4. *A Vibrant Uptown*, Policy 1.4.9. *Work with ECU on Millennial Campus in Uptown. There should be harmony between the needs of the university and the plans of the city. Campus buildings can contribute to quality design in uptown.*

Therefore, staff recommends approval.

The Planning and Zoning Commission voted unanimously to approve the request at its July 18, 2023 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 Building Great Places, Goal 1.4. A Vibrant Uptown, Policy 1.4.9. Work with ECU on Millennial Campus in Uptown. There should be harmony between the needs of the university and the plans of the city. Campus buildings can contribute to quality design in uptown."

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#### ATTACHMENTS

- [Ordinance\\_\\_MUI\\_increase\\_residential\\_density.pdf](#)
- [Excerpt\\_-\\_MUI\\_residential\\_density\\_increase.pdf](#)
- [MUI\\_red\\_line.pdf](#)



ORDINANCE NO. 23-  
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 10<sup>th</sup> day of August, 2023, 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 1 Building Great Places, *Goal 1.4. A Vibrant Uptown Policy 1.4.9. Work with ECU on Millennial Campus in Uptown Work with ECU on the development of the Millennial Campus in Uptown. There should be harmony between the needs of the university and the plans of the city. Campus buildings can contribute to quality design in uptown; and*

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

Section 1. That Title 9, Chapter 4, Section 200.4, is hereby amended by deleting and replacing with the following:

SEC. 9-4-200.4 MUI Mixed Use Institutional District Standards

(A) *General district standards.*

(1) Single entity.

(a) Each Mixed Use Institutional (MUI) district must be under the control of a single entity and have a controlling governmental interest or be a hospital, college or university.

(b) Development of properties within the MUI may be accomplished or carried out by either the single entity or in collaboration with a private development partner.

(2) MUI developments may consist of one, or several, lots. They may also occur in phases.

(3) District dimensional standards.

(a) Lot area (net). All uses: none.

(b) Lot width (at the MBL). All uses: none.

(c) Public street setback: 0 feet minimum.

(d) Side setback: 0 feet minimum.

(e) Rear setback: 0 feet minimum.

(f) Height: 5 stories or 70 feet

(4) District density standards.

(a) **Minimum habitable (mechanically conditioned) floor area per unit:**

(1) **One bedroom unit: 400 square feet.**

(2) **Two or more bedroom unit: 500 square feet.**

(b) **Minimum parking: One space per unit.**

(5) Multiple principal uses may be allowed on a single lot within an MUI.

(6) Residential uses may not exceed 25% of the total building square footage of an MUI. In the event of a phased development, this ratio will be enforced for each specific phase.

(7) Commercial uses may not exceed 30% of the total non-residential building square footage in an MUI district. In the event of a phased development, this ratio will be enforced for each specific phase.

(8) The ground floor of any vertically mixed use space must be designated for use by an active use ground floor use (i.e., no storage or residences).

(9) Initial bufferyard requirements shall be based on the most restrictive of anticipated uses and the requirement shall apply to all subsequent uses absent any change in zoning for the development.

(10) In the case of a vertically mixed use structure, in no event shall non-residential space be located above residential space.

(11) Any development phase within an MUI district shall provide 20% open space for either active or passive use. In the context of this subsection, open space shall mean all space that is not occupied by a building footprint. Uses such as outdoor amphitheater or other publicly accessible outdoor recreation shall also count towards satisfaction of this requirement.

(B) *Application requirements.*

(1) Any development in an MUI district must submit a Master Plan to the City of Greenville Technical Review Committee. All submissions must adhere to the Technical Review Committee requirements.

(2) Each application must also include the following.

(a) The specific standards intended to be modified as part of the approval process. If a standard is not listed as being modified, then the standard is considered applicable and the plan is required to comply. However, subsequent requests for alternative compliance and variances may still be submitted.

(b) The proposed maximum number of dwelling units.

(c) The proposed maximum square footage of nonresidential floor area.

(d) A general description of how the MUI district conforms with the Comprehensive Plan.

(e) In the event that a development is to occur in phases, then a phasing plan must be provided. Said phasing plan will also include an improvement schedule that can defer phase specific improvements by no more than one phase from when the associated phase is completed i.e., if a multi-use path or outdoor amphitheater is approved in phase 1, it shall be completely installed prior to the completion of phase 2. All improvements shown for the final phase of a development must be completed prior to the issuance of a Certificate of Occupancy for any structure in the final phase.

(f) An illustrative 3-dimensional model or digital rendering that shows building elevations, location of streets and prominent site features. The 3-dimensional model must illustrate the potential massing and scale of the proposed development, but will not be regulatory.

(C) *Master plan required.* In an MUI district, standards of an MUI Master Plan may be modified through approval by the Director of Planning and Development Services or his/her designee. This approval will be granted as part of the Technical Review Committee process. An MUI Master Plan allows modifications to the General District Standards or other provisions of Title 9, Chapter 4 in the following ways:

(1) *Remote Parking.* The MUI may utilize remote parking that is a distance not in excess of 800 feet from the associated principal use site. Said remote parking must be on land that is also owned by the single entity controlling the principal use site. All other provisions of the subsection and article shall apply. This provision shall not account for more than 70% of the total required parking for the site or any one specific phase.

(a) Such remote parking facility shall be in accordance with the applicable provisions of Article O.

(b) All off-street parking areas designed for three or more spaces shall be in accordance with Article O.

(c) The remote parking facility shall not be utilized or occupied by any other use or for any purpose other than as parking for the associated principal use.

(d) The remote parking facility shall be located within the MUI district or within a district which allows principal use parking lots.

(2) *Article G. Bufferyard Setbacks:* Bufferyard setbacks may be waived in exchange for more robust internal pedestrian circulation standards. Primary pedestrian accommodations must provide internal circulation along a minimum 14' wide multi-use path. Said path must provide through and cross access to adjacent parcels and rights-of-way. This area must be shown on the site plan that is provided to the Technical Review Committee.

(3) *General District Standards:* Building height may exceed five stories or 70 feet when either the entire building, or the portion of such building as may be in excess of 70 feet, is stepped back one foot for every foot in excess of the 70 foot height allowance from the property line.

(4) *General District Standards:* The overall open space requirement may be reduced to 15% in exchange for public access to outdoor amenities.

(D) *Master plan amendments.*

(1) The Director of Planning and Development Services or his/her designee may administratively approve amendments to a submitted MUI Master Plan without resubmission to the Technical Review Committee.

(2) *Allowable amendments.*

(a) An increase or decrease to the approved nonresidential square footage, not to exceed 10% of the original approval or the 25% development maximum.

(b) A transfer of nonresidential floor area or residential dwelling units, from one area to another, not to exceed a 20% maximum for each standard.

(c) Minor adjustments in location of building, parking, recreation or sporting facilities and open space areas. A minor adjustment shall be a modification in orientation or distance to a property line; however, the adjustment shall not exceed 100 feet in distance from the approved location, and shall not be located any closer than 50 feet to the boundary of the MUI district. However, where a building or parking area is shown on the approved Master Plan within 50 feet of a property line, the building or parking area adjustment may not be located any closer to the property line than as shown on the approved Master Plan. An adjustment to the location of transit facilities is permitted, provided the adjustment occurs prior to the recordation of the transit easement.

(d) An exchange of open space area, provided the exchanged areas are of like acreage, value and utility.

(e) A relocation of access points, driveways or sidewalks either within or outside of the public right-of-way with the concurrence of the Engineering Department (and where applicable the NCDOT).

(f) A relocation of a fence, wall, sign or utility. Fences or walls required for bufferyards may not be removed or relocated to an area that conflicts with the buffering requirement.

(g) Any requirement associated with an allowable amendment must be shown on the Master Plan.

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

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

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

ADOPTED this 10<sup>th</sup> day of August, 2023.

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P. J. Connelly, Mayor

ATTEST:

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Valerie Shiuwegar, City Clerk

Doc. # 1183833

**Excerpt from the draft Planning & Zoning Commission Minutes (07/18/2023)**

3. REQUEST BY ELLIOT SIDEWALK COMMUNITIES TO INCREASE DENSITY STANDARDS FOR THE MIXED USE INSTITUTIONAL DISTRICT (MUI) FROM A LIMIT OF NO MORE THAN 8 MULTI-FAMILY UNITS PER ACRE TO ALLOWING MULTI-FAMILY UNITS WITH A MINIMUM HABITABLE (MECHANICALLY CONDITIONED) FLOOR AREA PER UNIT OF NO LESS THAN 400 SQUARE FEET FOR A ONE BEDROOM UNIT AND 500 SQUARE FEET FOR A TWO OR MORE BEDROOM UNIT.

Chantae Gooby, Chief Planner, presented for staff. Back in 2020, the City worked with ECU to establish the Mixed-Use Institutional Zoning. It was intended to allow large scale mixed-use development that would either be developed, controlled, and/or owned by an institution, such as, ECU or the hospital. When Staff originally worked on this text amendment, it was not clearly known if there was going to be residential on this project, but a residential component was added to the standards. Elliott Sidewalk is the developer of the Intersect East project and is the applicant. This change is to increase residential density standards. In the original standards, the number of units was based on acreage. This amendment will base the number of units on a minimum size of a unit and will allow for vertical development which is more compatible with an urban setting. This is a table of the current and proposed standards:

<b>Current standards</b>	<b>Proposed standards</b>
Minimum lot area per dwelling unit	Minimum lot area per dwelling unit
One bedroom: 4,500 SF	None
Two or more bedrooms: 5,500 SF	
Minimum habitable (mechanically-conditioned) floor area per dwelling unit	Minimum habitable (mechanically-conditioned) floor area per dwelling unit
One bedroom: 650 SF	One bedroom: 400 SF
Two or more bedrooms: 1,000 SF	Two or more bedrooms: 500 SF

Parking requirements: one space per unit.

In staff’s opinion, the request is in compliance with the Horizons 2026: Greenville’s Community Plan, Chapter 1 Building Great Places, *Goal 1.4. A Vibrant Uptown Policy 1.4.9. Work with ECU on Millennial Campus in Uptown Work with ECU on the development of the Millennial Campus in Uptown. There should be harmony between the needs of the university and the plans of the city. Campus buildings can contribute to quality design in uptown.* Therefore, staff recommends approval of the request.

Chair Faison opened the public meeting.

Michelle Clements, The East Group, representative for the applicant, spoke in favor of the request. When we worked with the City to develop this ordinance, we were trying to get something in place because we did not have anything like this for the City. The residential didn’t really apply but now we are just talking about apartment type space. Because we have seen the parking issues from the lower parking standards from other developments, we have requested higher parking requirements.

Chair Faison asked how high are you planning to build?

Ms. Clements stated possibly 4 or 5 stories.

No one spoke in opposition of the request.

Chair Faison closed public hearing.

**Motion made by Mr. Thomas, seconded by Mr. West, 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.**

**SEC. 9-4-200.4 MUI MIXED USE INSTITUTIONAL DISTRICT STANDARDS. (red-line)**

(A) *General district standards.*

(1) *Single entity.*

(a) Each Mixed Use Institutional (MUI) district must be under the control of a single entity and have a controlling governmental interest or be a hospital, college or university.

(b) Development of properties within the MUI may be accomplished or carried out by either the single entity or in collaboration with a private development partner.

(2) MUI developments may consist of one, or several, lots. They may also occur in phases.

(3) *District dimensional standards.*

(a) Lot area (net). All uses: none.

(b) Lot width (at the MBL). All uses: none.

(c) Public street setback: 0 feet minimum.

(d) Side setback: 0 feet minimum.

(e) Rear setback: 0 feet minimum.

(f) Height: 5 stories or 70 feet

(4) *District density standards.*

~~(a) Residential density shall conform to the standards for the R-6A district as found in Section [9-4-143](#).~~

**(a) Minimum habitable (mechanically conditioned) floor area per unit:**

**(1) One bedroom unit: 400 square feet.**

**(2) Two or more bedroom unit: 500 square feet.**

**(b) Minimum parking: One space per unit.**

(5) Multiple principal uses may be allowed on a single lot within an MUI.

(6) Residential uses may not exceed 25% of the total building square footage of an MUI. In the event of a phased development, this ratio will be enforced for each specific phase.

(7) Commercial uses may not exceed 30% of the total non-residential building square footage in an MUI district. In the event of a phased development, this ratio will be enforced for each specific phase.



(8) The ground floor of any vertically mixed use space must be designated for use by an active use ground floor use (i.e., no storage or residences).

(9) Initial bufferyard requirements shall be based on the most restrictive of anticipated uses and the requirement shall apply to all subsequent uses absent any change in zoning for the development.

(10) In the case of a vertically mixed use structure, in no event shall non-residential space be located above residential space.

(11) Any development phase within an MUI district shall provide 20% open space for either active or passive use. In the context of this subsection, open space shall mean all space that is not occupied by a building footprint. Uses such as outdoor amphitheater or other publicly accessible outdoor recreation shall also count towards satisfaction of this requirement.

(B) *Application requirements.*

(1) Any development in an MUI district must submit a Master Plan to the City of Greenville Technical Review Committee. All submissions must adhere to the Technical Review Committee requirements.

(2) Each application must also include the following.

(a) The specific standards intended to be modified as part of the approval process. If a standard is not listed as being modified, then the standard is considered applicable and the plan is required to comply. However, subsequent requests for alternative compliance and variances may still be submitted.

(b) The proposed maximum number of dwelling units.

(c) The proposed maximum square footage of nonresidential floor area.

(d) A general description of how the MUI district conforms with the Comprehensive Plan.

(e) In the event that a development is to occur in phases, then a phasing plan must be provided. Said phasing plan will also include an improvement schedule that can defer phase specific improvements by no more than one phase from when the associated phase is completed. I.e., if a multi-use path or outdoor amphitheater is approved in phase 1, it shall be completely installed prior to the completion of phase 2. All improvements shown for the final phase of a development must be completed prior to the issuance of a Certificate of Occupancy for any structure in the final phase.

(f) An illustrative 3-dimensional model or digital rendering that shows building elevations, location of streets and prominent site features. The 3-dimensional model must illustrate the potential massing and scale of the proposed development, but will not be regulatory.

(C) *Master plan required.* In an MUI district, standards of an MUI Master Plan may be modified through approval by the Director of Planning and Development Services or his/her designee. This approval will be granted as part of the Technical Review Committee process. An MUI Master Plan allows modifications to the General District Standards or other provisions of [Title 9, Chapter 4](#) in the following ways:

(1) ~~Article O. Parking. 9-4-250(D)(1)~~ *Remote Parking*: The MUI may utilize remote parking that is a distance in excess of ~~400~~ 800 feet from the associated principal use site. Said remote parking must be on land that is also owned by the single entity controlling the principal use site. All other provisions of the subsection and article shall apply. This provision shall not account for more than 70% of the total required parking for the site or any one specific phase.

(a) Such remote parking facility shall be in accordance with the applicable provisions of Article O.

(b) All off-street parking areas designed for three or more spaces shall be in accordance with Article O.

(c) The remote parking facility shall not be utilized or occupied by any other use or for any purpose other than as parking for the associated principal use.

(d) The remote parking facility shall be located within the MUI district or within a district which allows principal use parking lots.

(2) *Article G. Bufferyard Setbacks*: Bufferyard setbacks may be waived in exchange for more robust internal pedestrian circulation standards. Primary pedestrian accommodations must provide internal circulation along a minimum 14' wide multi-use path. Said path must provide through and cross access to adjacent parcels and rights-of-way. This area must be shown on the site plan that is provided to the Technical Review Committee.

(3) *General District Standards*(~~2~~): Building height may exceed five stories or 70 feet when either the entire building, or the portion of such building as may be in excess of 70 feet, is stepped back one foot for every foot in excess of the 70 foot height allowance from the property line.

(4) *General District Standards* (~~10~~): The overall open space requirement may be reduced to 15% in exchange for public access to outdoor amenities.

(D) *Master plan amendments.*

(1) The Director of Planning and Development Services or his/her designee may administratively approve amendments to a submitted MUI Master Plan without resubmission to the Technical Review Committee.

(2) *Allowable amendments.*

(a) An increase or decrease to the approved nonresidential square footage, not to exceed 10% of the original approval or the 25% development maximum.

(b) A transfer of nonresidential floor area or residential dwelling units, from one area to another, not to exceed a 20% maximum for each standard.

(c) Minor adjustments in location of building, parking, recreation or sporting facilities and open space areas. A minor adjustment shall be a modification in orientation or distance to a property line; however, the adjustment shall not exceed 100 feet in distance from the approved location, and shall not be located any closer than 50 feet to the boundary of the MUI district. However, where a building or parking area is shown on the approved Master Plan within 50 feet of a property line, the building or parking area adjustment may not be located any closer to the property line than as shown on the approved Master Plan. An adjustment to the location of transit facilities is permitted, provided the adjustment occurs prior to the recordation of the transit easement.

(d) An exchange of open space area, provided the exchanged areas are of like acreage, value and utility.

(e) A relocation of access points, driveways or sidewalks either within or outside of the public right-of-way with the concurrence of the Engineering Department (and where applicable the NCDOT).

(f) A relocation of a fence, wall, sign or utility. Fences or walls required for bufferyards may not be removed or relocated to an area that conflicts with the buffering requirement.

(g) Any requirement associated with an allowable amendment must be shown on the Master Plan.



# City of Greenville, North Carolina

Meeting Date: 08/10/2023

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**Title of Item:**

Ordinance requested by the Planning and Zoning Commission to amend the Zoning Ordinance to delete the 500-foot separation requirement from a "bar" to another "bar" except in the "BAR 2022" eligible area

**Explanation:**

In January 2023, City Council approved text amendments related to alcohol establishments. As part of the discussion, City Council asked the Planning and Zoning Commission for additional feedback on potentially adding more locations for a "BAR 2022" along with potential changes to the separation distances dealing with residences and places of worship.

At the February 21, 2023 meeting, the Planning and Zoning Commission discussed adding additional locations for the "BAR 2022", but in the end passed a motion to initiate a text amendment to delete the portion of the "500-foot rule" that requires a 500-foot separation from a "bar" to another "bar". In keeping with City Council's decision in January 2023 to only allow the "BAR 2022" use in the Uptown area (see the BAR 2022 Eligible Area map) without separation requirements, this text amendment will not apply to the "BAR 2022" eligible area so as to not conflict with City Council's action. The separation requirements related to single-family residences and/or districts stays in place.

Also, staff has included some additional language to the standards to provide more clarity related to property owners and permit holders.

Below are the existing standards and the text in red indicates the proposed changes.

9-4-86

(F) Bar.

(1) (a) Annual review. A special use permit for a bar is subject to annual review in accordance with the provisions of this subsection (F)(1). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to modify, rescind or revoke a special use permit for a bar in accordance with the provisions of section [9-4-83](#).

(b) Reporting. At the regular January 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 violation that has been issued for which the annual review 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. If the Board of Adjustment votes to hold a hearing for modification or revocation of the special use permit, the property owner **and permit holder, if applicable**, as specified under subsection (F)(4) below, shall be provided notice of the meeting and a copy of the staff report.

(c) Noncompliance; and modification or revocation. Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous violations of one or more instances of noncompliance with applicable laws, codes and ordinances including notices of violation and/or numerous calls for service from city departments such as Police, Fire, Public Works, or Planning & Development Services, 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 **property owner and special-use permit holder, if applicable, and property owner, if not the same individual**, as specified under subsection (F)(4) below, shall be provided notice of the meeting and a copy of the staff report.

(d) Quasi-judicial hearing. Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may modify the conditions or revoke a special use permit pursuant to this section (F) and section 9-4-82. The modification or revocation of the special use permit by the Board of Adjustment after the hearing shall constitute a revocation of the previously granted special use permit for a bar.

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

(2) Litter/debris. The owner(s) and operator(s) of a bar 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 bar shall comply with the provisions of [Title 11, Chapter 9](#) of the City Code.

(3) In addition to subsection (F)(2) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(4) Ownership **and/or Permit Holder**. The special use permit shall be issued to the property owner as listed on the tax records of the county **or to the person/entity that has been authorized by the property owner via the special use permit application, herein referred to as the permit holder**. When the ownership of any property, which has a special use permit for a bar, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of 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) Any bar that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

(6) **In the BAR 2022 eligible area**, no bar ~~located in any district~~ shall be located within a 500-foot radius of an ~~existing or approved~~ bar as measured from the nearest lot line in accordance with the following. When a bar is located or to be located on a lot exclusive to itself, the measurement shall be from the perimeter lot line of the exclusive lot. When a bar is located or to be located in a separate structure exclusive to itself on a lot containing multiple uses, the measurement shall be from the perimeter lot line of the lot containing multiple uses. When a bar is located or to be located in a common structure with other uses such as a shopping center on a common lot, the measurement shall be from the perimeter lot line of the common lot.

(7) At the time of special use permit approval, a bar shall not be located within a 500-foot radius, including street right-of-ways, of (i) a conforming use single-family dwelling located in any district, or (ii) any single-family residential zoning district. The required measurement shall be from the building or structure containing the bar to the nearest single-family dwelling lot line or single-family residential zoning district boundary line. For purpose of this section, the term "single-family residential zoning district" shall include any RA20, R15S, R9S, R6S, and MRS district.

#### DEFINITION:

Bar. (1) An establishment of which the principal use is primarily engaged in the business of selling alcoholic beverages and for consumption on the premises. A bar shall not include a brewery, winery, or distillery. A bar must meet all of the following:

- (a) May provide live or recorded amplified music;
- (b) May provide a floor show;
- (c) May provide a dance area;
- (d) May offer a full service bar; and
- (e) Does not qualify under the definitions of restaurant, fast food; restaurant, conventional; or bar 2022 as contained in this section.

Any proposed or established “restaurant; conventional” that does not comply with the definition, standards or requirements applicable to a “restaurant; conventional” as contained herein shall be classified as a “bar” for purposes of zoning regulation.

Requires a special use permit in the following zoning districts:

CD (Downtown Commercial)

CDF (Downtown Commercial Fringe)

CG (General Commercial)

CH (Heavy Commercial)

**DEFINITION:**

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

(a) Occupies less than 2,000 square feet of space of premises;

(b) May provide live or recorded amplified music;

(c) May provide a floor show;

(d) May provide a dance area;

(e) Shall only be allowed with a special use permit in the following geographic area: Uptown District: Beginning at the intersection of West Third Street and South Pitt Street, between along West and East Third Streets 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. See attached map.

**Recommendation:** The proposed Zoning Ordinance Text Amendment is in compliance with the following adopted goals and policies in Horizons 2026: Greenville’s Community Plan Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy. *Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville’s economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville’s tax base.*

Therefore, staff recommends approval.

The Planning and Zoning Commission voted unanimously to approve the request at its April 18, 2023 meeting.

If City Council determines to approve the request, a motion to adopt the attached

ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

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

"Motion to deny the requested text amendment, to make a finding and determination that the required text amendment is inconsistent with the comprehensive plan or other applicable plans, including but not limited to Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy. *Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.*

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#### ATTACHMENTS

- [Ordinance\\_to\\_remove\\_500\\_foot\\_separation\\_between\\_bars.pdf](#)
- [Excerpt Text\\_Amendments\\_for\\_bar\\_separation\\_and\\_MD\\_&\\_MB.pdf](#)
- [Bar 2022 Map.pdf](#)



ORDINANCE NO. 23-  
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 10<sup>th</sup> day of August, 2023, 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;* and

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

Section 1. That Title 9, Chapter 4, Section 86(F), is hereby amended by deleting and replacing with the following:

(F) Bar.

(1) (a) Annual review. A special use permit for a bar is subject to annual review in accordance with the provisions of this subsection (F)(1). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to modify, rescind or revoke a special use permit for a bar in accordance with the provisions of section 9-4-83.

(b) Reporting. At the regular January 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 violation that has been issued for which the annual review 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. If the Board of Adjustment votes to hold a hearing for modification or revocation of the special use permit, the property owner and permit holder, if applicable, as specified under subsection (F)(4) below, shall be provided notice of the meeting and a copy of the staff report.

(c) Noncompliance; and modification or revocation. Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous violations of one or more instances of noncompliance with applicable laws, codes and ordinances including notices of violation and/or numerous calls for service from city departments such as Police, Fire, Public Works, or Planning & Development Services, 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 property owner and permit holder, if applicable, as specified under subsection (F)(4) below, shall be provided notice of the meeting and a copy of the staff report.

(d) Quasi-judicial hearing. Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may modify the conditions or revoke a special use permit pursuant to this section (F) and section 9-4-82. The modification or revocation of the special use permit by the Board of Adjustment after the hearing shall constitute a revocation of the previously granted special use permit for a bar.

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

(2) Litter/debris. The owner(s) and operator(s) of a bar 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 bar shall comply with the provisions of Title 11, Chapter 9 of the City Code.

(3) In addition to subsection (F)(2) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(4) Ownership and/or Permit Holder. The special use permit shall be issued to the property owner as listed on the tax records of the county or to the person/entity that has been authorized by the property owner via the special use permit application, herein referred to as the permit holder. When the ownership of any property, which has a special use permit for a bar, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director

of 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) Any bar that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

(6) In the BAR 2022 eligible area, no bar shall be located within a 500-foot radius of a bar as measured from the nearest lot line in accordance with the following. When a bar is located or to be located on a lot exclusive to itself, the measurement shall be from the perimeter lot line of the exclusive lot. When a bar is located or to be located in a separate structure exclusive to itself on a lot containing multiple uses, the measurement shall be from the perimeter lot line of the lot containing multiple uses. When a bar is located or to be located in a common structure with other uses such as a shopping center on a common lot, the measurement shall be from the perimeter lot line of the common lot.

(7) At the time of special use permit approval, a bar shall not be located within a 500-foot radius, including street right-of-ways, of (i) a conforming use single-family dwelling located in any district, or (ii) any single-family residential zoning district. The required measurement shall be from the building or structure containing the bar to the nearest single-family dwelling lot line or single-family residential zoning district boundary line. For purpose of this section, the term "single-family residential zoning district" shall include any RA20, R15S, R9S, R6S, and MRS district.

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

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

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

ADOPTED this 10<sup>th</sup> day of August, 2023.

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P. J. Connelly, Mayor

ATTEST:

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Valerie Shiuwegar, City Clerk  
Doc. # 1183859

**EXCERPT FROM THE ADOPTED PLANNING AND ZONING COMMISSION MINUTES (04/18/2023)**

1. REQUEST INITIATED BY THE PLANNING AND ZONING COMMISSION TO AMEND THE ZONING ORDINANCE TO DELETE THE 500-FOOT SEPARATION REQUIREMENT FROM A "BAR" TO ANOTHER "BAR" EXCEPT IN THE "BAR 2022" ELIGIBLE AREA.
2. REQUEST INITIATED BY THE PLANNING AND ZONING COMMISSION TO AMEND THE ZONING ORDINANCE TO ADD A "MICROBREWERY" AND A "MICRODISTILLERY" AS A SPECIAL USE TO THE FOLLOWING DISTRICTS: CDF (DOWNTOWN COMMERCIAL FRINGE), CG (GENERAL COMMERCIAL) AND CH (HEAVY COMMERCIAL) AND ADD A "MICRODISTILLERY" AS A PERMITTED USE IN THE MUI (MIXED USE-INSTITUTIONAL) DISTRICT.

\*One public hearing was held for both of these of these agenda items, but the Commission voted on the items separately.

Chantae Gooby, Chief Planner, presented for staff. At your last meeting, you voted on a few different items that were related to alcohol establishments. The first item is the request initiated by the Planning and Zoning Commission to amend the Zoning Ordinance to delete the 500-foot separation requirement from a "bar" to another "bar" except in the "BAR 2022" eligible area. Just to provide a little history, on January 12, 2023 at the City Council meeting, Council voted on a motion to ask the Commission for additional feedback on potentially adding more locations for a "BAR 2022" along with potential changes to the separation distances dealing with residences and places of worship. On February 21, 2023, this Commission made a motion to initiate a text amendment to delete the portion of the "500-foot rule" that requires a 500-foot separation from a "bar" to another "bar". In keeping with Council's decision in January, 2023 to only allow the "BAR 2022" use in the Uptown area (see the BAR 2022 Eligible Area map) without a separation requirements, this text amendment will not apply to the "BAR 2022" eligible area as to not conflict with Council's previous action. Item Number Four (item #2) is a request by the Planning and Zoning Commission to amend the Zoning Ordinance to add a "microbrewery" and a "micro distillery" as a special use to the following districts: CDF (Downtown Commercial Fringe), CG (General Commercial) and CH (Heavy Commercial) and add a "micro distillery" as a permitted use in the MUI (Mixed Use-Institutional) district. Lastly, on March 21, 2023, this commission made a motion to allow a microbrewery and micro distillery in the same zoning districts as bars. Staff added the MUI district.

Microbreweries are already permitted in MUI. It's a special use in CD. This amendment adds districts that allow bars. For microdistilleries, this amendment adds MUI and additional districts that also allow bars.

Chair Faison asked are bars permitted in the MUI district.

Ms. Gooby stated no.

In staff's opinion, the requests are in compliance with the Horizons 2026: Greenville's Community Plan Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy. *Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.* Therefore, staff recommends approval of both requests.

Chair Faison opened the public meeting.

No one spoke in favor of the request.

No one spoke in opposition of the request.

Chair Faison closed public hearing.

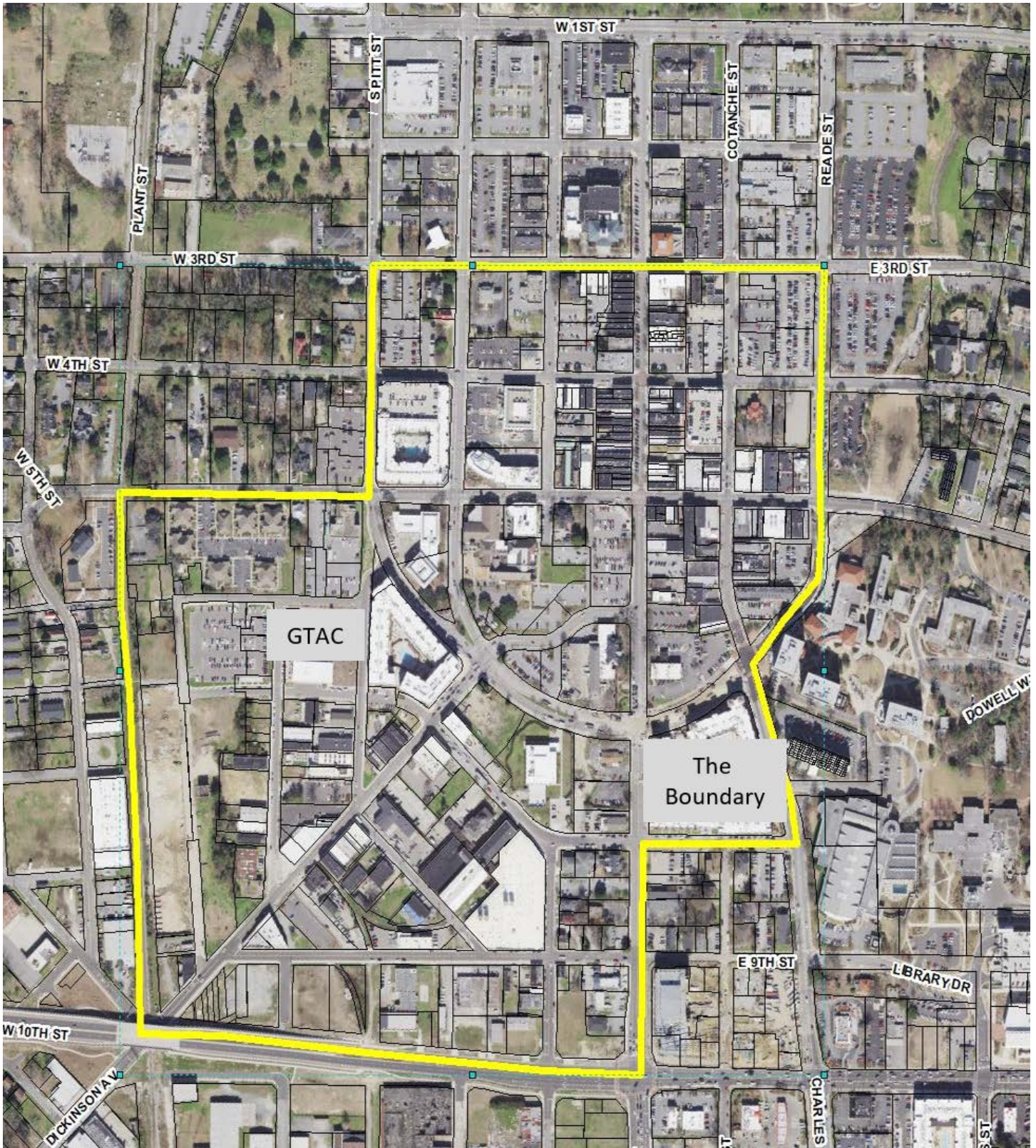
**Item 1**

**Motion made by Mr. Collins, 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.**

**Item 2**

**Motion made by Mr. Joyner, 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.**

BAR 2022 ELIGIBLE AREA





# City of Greenville, North Carolina

Meeting Date: 08/10/2023

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**Title of Item:** Ordinance requested by the Planning and Zoning Commission to amend the Zoning Ordinance to add a "microbrewery" and a "microdistillery" as a special use to the following districts: CDF (Downtown Commercial Fringe), CG (General Commercial) and CH (Heavy Commercial) and add a "microdistillery" as a permitted use in the MUI (Mixed Use-Institutional) district

**Explanation:** Currently, a microbrewery and a microdistillery require special use permits and are only allowed in CD zoning. At the March 21, 2023 meeting, the Planning and Zoning Commission voted to initiate a text amendment to expand the zoning districts that would allow a microbrewery and a microdistillery in the following zoning districts: CDF (Downtown Commercial Fringe), CG (General Commercial), and CH (Heavy Commercial). This text amendment would result in a microbrewery and a microdistillery being allowed in the same zoning districts as a bar.

Since a microbrewery is allowed as a permitted use in the MUI (Mixed Use-Institutional) district, this amendment will add a microdistillery as a permitted use in the same district.

All other standards for a microbrewery and a microdistillery still apply.

Also, staff has included some additional language to the standards to provide more clarity related to property owners and permit holders and minor corrections.

This text amendment will result in more equitable standards for alcohol establishments by allowing less intensive uses to locate in the same or similar zoning districts as more intensive uses.

**Fiscal Note:** No direct cost

**Recommendation:** In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub, *Goal 4.3 A Stable & Resilient Economy. Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.*

Therefore, staff recommends approval.

The Planning and Zoning Commission voted unanimously to approve the request at its April 18, 2023 meeting.

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

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

"Motion to deny the requested text amendment, to make a finding and determination that the required text amendment is inconsistent with the comprehensive plan or other applicable plans, including but not limited to Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy. *Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.*

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## ATTACHMENTS

- [Ordinance\\_to\\_add\\_MB\\_and\\_MD\\_to\\_CD\\_CDF\\_CG\\_CH.pdf](#)
- [Excerpt\\_-\\_Text\\_Amendments\\_for\\_bar\\_separation\\_and\\_MD\\_&\\_MB.pdf](#)
- [Table\\_of\\_Uses\\_for\\_microbrewery\\_and\\_microdistillery.cleaned\(1\)\(002\).pdf](#)
- [Current Microbrewery and Microdistillery Standards](#)
- [MB\\_and\\_MD\\_red-line.pdf](#)



ORDINANCE NO. 23-  
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 10<sup>th</sup> day of August, 2023, 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;* and

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

Section 1. That Title 9, Chapter 4, Section 86(QQ) of the City Code is hereby amended by deleting and replacing with the following:

9-4-86 Standards

(QQ) *Microbrewery (see also section [9-4-22](#)).*

(1) The principal use is the production of malt beverages for retail sales for on-premises and off-premises consumption in accordance with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S. 18B, as amended.

(2) Accessory uses may include and be limited only to: retail sales; food and beverage consumption; entertainment; games; a tasting room; event room; and loading area.

(3) The portion of the building devoted to operating brewing equipment shall not exceed 5,000 square feet.

(4) A minimum of 30% of the microbrewery's floor area shall have operating brewing equipment that produces beer for retail sales. This percentage shall be satisfied at the time a Certificate of Occupancy inspection is conducted and shall be maintained thereafter.

(5) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior guest areas shall not have amplified sound equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.

(6) (a) *Annual Review.* A special use permit for a microbrewery is subject to annual review in accordance with the provisions of this subsection (QQ)(6). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to modify, rescind or revoke a special use permit for a microbrewery in accordance with the provisions of section 9-4-83.

(b) *Reporting.* At the regular January 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 violation that has been issued for which the annual review 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. If the Board of Adjustment votes to hold a modification or revocation of the special use permit, the property owner and permit holder, if applicable, as specified under subsection (QQ)(10) below, shall be provided notice of the meeting and a copy of the staff report.

(c) *Noncompliance; and Modification or Revocation.* Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous violations of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation and/or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services, 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 property owner and permit holder, if applicable, as specified under subsection (QQ)(10) below, shall be provided notice of the meeting and a copy of the staff report.

(d) *Quasi-Judicial Hearing.* Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may the special use permit pursuant to this subsection (QQ) and section 9-4-82. The modification or revocation of the special use permit by the Board of Adjustment after the hearing shall constitute a revocation of the previously granted special use permit for a microbrewery.

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

(7) Malt beverages produced for retail sales for on-premises and off-premises consumption shall comply with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S. 18B as amended.

(8) *Litter/Debris.* The owner(s) and operator(s) of a microbrewery 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 microbrewery shall comply with the provisions of Title 11, Chapter 9 of the City Code.

(9) In addition to subsection (QQ)(8) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(10) *Ownership and/or Permit Holder.* The special use permit shall be issued to the property owner as listed on the tax records of the county or to the person/entity that has been authorized by the property owner via the special use permit application, herein referred to as the permit holder. When the ownership of any property, which has a special use permit for a microbrewery is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of 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.

(11) Any microbrewery that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

(12) A bar may add, subject to an approved special use permit, a state ABC permit and a local beer and wine license, if required, a microbrewery operation as an accessory use provided it complies with the following:

(a) The area of the bar devoted to operating the brewing equipment shall not exceed 49% of the area of the bar including the area devoted to the operating the brewing equipment.

Section 2. That Title 9, Chapter 4, Section 86(UU) of the City Code is hereby amended by deleting and replacing with the following:

(UU) *Microdistillery (see also section 9-4-22).*

(1) The principal use is the production of spirituous liquor for retail sales for on-premises and off-premises consumption in accordance with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises spirituous liquor permit for distilleries as authorized by G.S. 18B-1105 as amended and all other laws pursuant to G.S. 18B as amended.

(2) Accessory uses may include and be limited only to: retail sales; food and beverage consumption; entertainment; games; a tasting room; event room; and loading area.

(3) The portion of the building devoted to operating distilling equipment shall not exceed 5,000 square feet.

(4) A minimum of 30% of the microdistillery's floor area shall have operating distilling equipment that produces spirituous liquor for retail sales. This percentage shall be satisfied at the time a Certificate of Occupancy inspection is conducted and shall be maintained thereafter.

(5) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior guest areas shall not have amplified sound equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.

(6) (a) *Annual Review.* A special use permit for a microdistillery is subject to annual review in accordance with the provisions of this subsection (UU)(6). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to modify, rescind or revoke a special use permit for a microbrewery in accordance with the provisions of section 9-4-83.

(b) *Reporting.* At the regular January 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 violation that has been issued for which the annual review 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. If the Board of Adjustment votes to hold a modification or revocation of the special use permit, the property owner and permit holder, if applicable, as specified under subsection (UU)(10) below, shall be provided notice of the meeting and a copy of the staff report.

(c) *Noncompliance; and Modification or Revocation.* Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous violations of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation and/or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services, 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 property owner, and permit holder, if applicable, as specified under subsection (UU)(10) below, shall be provided notice of the meeting and a copy of the staff report.

(d) *Quasi-Judicial Hearing.* Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may the special use permit pursuant to this subsection (UU) and section 9-4-82. The modification or revocation of the special use permit by the Board of Adjustment after the hearing shall constitute a revocation of the previously granted special use permit for a microdistillery.

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

(7) Spirituous liquor produced for retail sales for on-premises and off-premises consumption shall comply with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises spirituous liquor permit for distilleries as authorized by G.S. 18B-1105 as amended and all other laws pursuant to G.S.18B as amended.

(8) *Litter/Debris.* The owner(s) and operator(s) of a microbrewery 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 microbrewery shall comply with the provisions of Title 11, Chapter 9 of the City Code.

(9) In addition to subsection (UU)(8) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(10) *Ownership and/or Permit Holder.* The special use permit shall be issued to the property owner as listed on the tax records of the county or to the person/entity that has been authorized by the property owner via the special use permit application, herein referred to as the permit holder. When the ownership of any property, which has a special use permit for a microdistillery is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of 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.

(11) Any microdistillery that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

(12) A bar may add, subject to an approved special use permit, a state ABC permit, and a local beer and wine license, if required, a microdistillery operation as an accessory use provided it complies with the following:

(a) The area of the bar devoted to operating the distilling equipment shall not exceed 49% of the area of the bar including the area devoted to the operating the distilling equipment.

Section 3. That Title 9, Chapter 4, Article U, Appendix A: Table of Uses of the City Code is hereby amended for use (10) Retail trade ii. Microbrewery by placing an “S” in the following zoning districts: CDF (Downtown Commercial Fringe), CG (General Commercial) and CH (Heavy Commercial).

Section 4. That Title 9, Chapter 4, Article U, Appendix A: Table of Uses of the City Code is hereby amended for use (10) Retail trade ll. Microdistillery by placing an “S” in the following zoning districts: CDF (Downtown Commercial Fringe), CG (General Commercial) and CH (Heavy Commercial).

Section 5. That Title 9, Chapter 4, Article U, Appendix A: Table of Uses of the City Code is hereby amended for use (10) Retail trade II. Microdistillery by placing a “P” in the following zoning district: MUI (Mixed Use Institutional).

Section 6. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 7: 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 8: That this ordinance shall become effective upon its adoption.

ADOPTED this 10<sup>th</sup> day of August, 2023.

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P. J. Connelly, Mayor

ATTEST:

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Valerie Shiuwegar, City Clerk

Doc. # 1183618

**EXCERPT FROM THE ADOPTED PLANNING AND ZONING COMMISSION MINUTES (04/18/2023)**

1. REQUEST INITIATED BY THE PLANNING AND ZONING COMMISSION TO AMEND THE ZONING ORDINANCE AGENDA GREENVILLE PLANNING AND ZONING COMMISSION TO DELETE THE 500-FOOT SEPARATION REQUIREMENT FROM A "BAR" TO ANOTHER "BAR" EXCEPT IN THE "BAR 2022" ELIGIBLE AREA.
2. REQUEST INITIATED BY THE PLANNING AND ZONING COMMISSION TO AMEND THE ZONING ORDINANCE TO ADD A "MICROBREWERY" AND A "MICRODISTILLERY" AS A SPECIAL USE TO THE FOLLOWING DISTRICTS: CDF (DOWNTOWN COMMERCIAL FRINGE), CG (GENERAL COMMERCIAL) AND CH (HEAVY COMMERCIAL) AND ADD A "MICRODISTILLERY" AS A PERMITTED USE IN THE MUI (MIXED USE-INSTITUTIONAL) DISTRICT.

\*One public hearing was held for both of these of these agenda items, but the Commission voted on the items separately.

Chantae Gooby, Chief Planner, presented for staff. At your last meeting, you voted on a few different items that were related to alcohol establishments. The first item is the request initiated by the Planning and Zoning Commission to amend the Zoning Ordinance to delete the 500-foot separation requirement from a "bar" to another "bar" except in the "BAR 2022" eligible area. Just to provide a little history, on January 12, 2023 at the City Council meeting, Council voted on a motion to ask the Commission for additional feedback on potentially adding more locations for a "BAR 2022" along with potential changes to the separation distances dealing with residences and places of worship. On February 21, 2023, this Commission made a motion to initiate a text amendment to delete the portion of the "500-foot rule" that requires a 500-foot separation from a "bar" to another "bar". In keeping with Council's decision in January, 2023 to only allow the "BAR 2022" use in the Uptown area (see the BAR 2022 Eligible Area map) without a separation requirements, this text amendment will not apply to the "BAR 2022" eligible area as to not conflict with Council's previous action. Item Number Four (item #2) is a request by the Planning and Zoning Commission to amend the Zoning Ordinance to add a "microbrewery" and a "micro distillery" as a special use to the following districts: CDF (Downtown Commercial Fringe), CG (General Commercial) and CH (Heavy Commercial) and add a "micro distillery" as a permitted use in the MUI (Mixed Use-Institutional) district. Lastly, on March 21, 2023, this commission made a motion to allow a microbrewery and micro distillery in the same zoning districts as bars. Staff added the MUI district.

Microbreweries are already permitted in MUI. It's a special use in CD. This amendment adds districts that allow bars. For microdistilleries, this amendment adds MUI and additional districts that also allow bars.

Chair Faison asked are bars permitted in the MUI district.

Ms. Gooby stated no.

In staff's opinion, the requests are in compliance with the Horizons 2026: Greenville's Community Plan Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy. *Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.* Therefore, staff recommends approval of both requests.

Chair Faison opened the public meeting.

No one spoke in favor of the request.

No one spoke in opposition of the request.

Chair Faison closed public hearing.

**Item 1**

**Motion made by Mr. Collins, 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.**

**Item 2**

**Motion made by Mr. Joyner, 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.**



(10) Retail trade.

	USE	LUC#	RA20	R15S	R9S	R6S	R6N	R9	R6	R6 A	R6MH	MI	MS	MO	MCG	MR	MCH	MRS	MUI	OR	O	CD	CDF	CG	CN	CH	IU	I	PIU	PI
ii.	Microbrewery (see also <a href="#">9-4-86</a> )	4																	P			S	S	S		S				
II	Microdistillery	4																	P			S	S	S		S				

## MICROBREWERY

### DEFINITION:

*Microbrewery.* A facility for the brewing of malt beverages that is limited in its location, size and operation in accordance with the provisions of section 9-4-86.QQ.

Special Use Permit in the following zoning districts:

CD (Commercial Downtown)

### STANDARDS:

(QQ) *Microbrewery* (see also section [9-4-22](#)).

(1) Microbreweries are allowed within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.

(2) The principal use is the production of malt beverages for retail sales for on-premises and off-premises consumption in accordance with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S. 18B, as amended.

(3) Accessory uses may include and be limited only to: retail sales, food and beverage consumption, entertainment, games, a tasting room, event room, and loading area.

(4) The portion of the building devoted to operating brewing equipment shall not exceed 5,000 square feet.

(5) A minimum of 30% of the microbrewery's floor area shall have operating brewing equipment that produces beer for retail sales. This percentage shall be satisfied at the time a Certificate of Occupancy inspection is conducted and shall be maintained thereafter.

(6) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior guest areas shall not have amplified sound equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.

(7) (a) *Annual Review.* A special use permit for a microbrewery is subject to annual review in accordance with the provisions of this subsection (QQ)(7). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to modify, rescind or revoke a special use permit for a microbrewery in accordance with the provisions of section [9-4-83](#).

(b) *Reporting.* At the regular January 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 violation that has been issued for which the annual review 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. If the Board of Adjustment votes to hold a modification or revocation of the special use permit, the property owner, as specified under subsection (QQ)(11) below, shall be provided notice of the meeting and a copy of the staff report.

(c) *Noncompliance; and Modification or Revocation.* Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous violations of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation and/or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services, 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 property owner, as specified under subsection (QQ)(11) below, shall be provided notice of the meeting and a copy of the staff report.

(d) *Quasi-Judicial Hearing.* Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may the special use permit pursuant to this subsection (QQ) and section 9-4-82. The modification or revocation of the special use permit by the Board of Adjustment after the hearing shall constitute a revocation of the previously granted special use permit for a microbrewery.

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

(8) Malt beverages produced for retail sales for on-premises and off-premises consumption shall comply with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S. 18B as amended.

(9) *Litter/Debris.* The owner(s) and operator(s) of a microbrewery bar 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 microbrewery shall comply with the provisions of Title 11, Chapter 9 of the City Code.

(10) In addition to subsection (QQ)(9) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(11) *Ownership.* 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 microbrewery is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of 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.

(12) Any microbrewery that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

(13) A bar may add, subject to an approved special use permit, a state ABC permit and a local beer and wine license, if required, a microbrewery operation as an accessory use provided it complies with the following:

(a) The area of the bar devoted to operating the brewing equipment shall not exceed 49% of the area of the bar including the area devoted to the operating the brewing equipment.

## MICRODISTILLERY

### DEFINITION:

*Microdistillery.* A facility for the distillation of spirituous liquors that is limited in its location, size and operation in accordance with the provisions of section 9-4-86(UU)

Special Use Permit in the following zoning districts:

CD (Commercial Downtown)

### STANDARDS:

(UU) *Microdistillery (see also section 9-4-22).*

(1) Microdistilleries are allowed within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.

(2) The principal use is the production of spirituous liquor for retail sales for on-premises and off-premises consumption in accordance with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises spirituous liquor permit for distilleries as authorized by G.S. 18B-1105 as amended and all other laws pursuant to G.S. 18B as amended.

(3) Accessory uses may include and be limited only to: retail sales; food and beverage consumption; entertainment; games; a tasting room; event room; and loading area.

(4) The portion of the building devoted to operating distilling equipment shall not exceed 5,000 square feet.

(5) A minimum of 30% of the microdistillery's floor area shall have operating distilling equipment that produces spirituous liquor for retail sales. This percentage shall be satisfied at the time a Certificate of Occupancy inspection is conducted and shall be maintained thereafter.

(6) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior guest areas shall not have amplified sound equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.

(7) (a) *Annual Review.* A special use permit for a microdistillery is subject to annual review in accordance with the provisions of this subsection (UU)(7). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to modify, rescind or revoke a special use permit for a microbrewery in accordance with the provisions of section 9-4-83.

(b) *Reporting.* At the regular January 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 violation that has been issued for which the annual review 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. If the Board of Adjustment votes to hold a modification or revocation of the special use permit, the property owner, as specified under subsection (UU)(11) below, shall be provided notice of the meeting and a copy of the staff report.

(c) *Noncompliance; and Modification or Revocation.* Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous violations of one or more instances of noncompliance with applicable laws, codes and

ordinances including Notices of Violation and/or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services, 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 property owner, as specified under subsection (UU)(11) below, shall be provided notice of the meeting and a copy of the staff report.

(d) *Quasi-Judicial Hearing.* Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may the special use permit pursuant to this subsection (QQ) and section 9-4-82. The modification or revocation 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 microdistillery.

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

(8) Spirituous liquor produced for retail sales for on-premises and off-premises consumption shall comply with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises spirituous liquor permit for distilleries as authorized by G.S. 18B-1105 as amended and all other laws pursuant to G.S.18B as amended.

(9) *Litter/Debris.* The owner(s) and operator(s) of a microbrewery bar 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 microbrewery shall comply with the provisions of Title 11, Chapter 9 of the City Code.

(10) In addition to subsection (UU)(9) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(11) *Ownership.* 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 microdistillery is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of 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.

(12) Any microdistillery that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

(13) A bar may add, subject to an approved special use permit, a state ABC permit, and a local beer and wine license, if required, a microdistillery operation as an accessory use provided it complies with the following:

(a) The area of the bar devoted to operating the distilling equipment shall not exceed 49% of the area of the bar including the area devoted to the operating the brewing equipment.

9-4-86 Standards

(QQ) *Microbrewery* (see also section [9-4-22](#)).

~~—(1) Microbreweries are allowed within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.~~

~~(2)~~(1) The principal use is the production of malt beverages for retail sales for on-premises and off-premises consumption in accordance with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S. 18B, as amended.

~~(3)~~(2) Accessory uses may include and be limited only to: retail sales, food and beverage consumption, entertainment, games, a tasting room, event room, and loading area.

~~(4)~~(3) The portion of the building devoted to operating brewing equipment shall not exceed 5,000 square feet.

~~(5)~~(4) A minimum of 30% of the microbrewery's floor area shall have operating brewing equipment that produces beer for retail sales. This percentage shall be satisfied at the time a Certificate of Occupancy inspection is conducted and shall be maintained thereafter.

~~(6)~~(5) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior guest areas shall not have amplified sound equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.

~~(7)~~(6) (a) *Annual Review*. A special use permit for a microbrewery is subject to annual review in accordance with the provisions of this subsection (QQ)(7) (6). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to modify, rescind or revoke a special use permit for a microbrewery in accordance with the provisions of section [9-4-83](#).

(b) *Reporting*. At the regular January 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 violation that has been issued for which the annual review 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. If the Board of Adjustment votes to hold a modification or revocation of the special use permit, the property owner **and permit holder, if applicable**, as specified under subsection (QQ)~~(11)~~(10) below, shall be provided notice of the meeting and a copy of the staff report.

(c) *Noncompliance; and Modification or Revocation*. Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous violations of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation and/or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services, 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 property owner **and permit holder, if applicable**, as specified under

subsection (QQ)~~(11)~~(10) below, shall be provided notice of the meeting and a copy of the staff report.

(d) *Quasi-Judicial Hearing.* Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section ~~9-4-81~~, the Board of Adjustment may the special use permit pursuant to this subsection (QQ) and section ~~9-4-82~~. The modification or revocation of the special use permit by the Board of Adjustment after the hearing shall constitute a revocation of the previously granted special use permit for a microbrewery.

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

~~(8)~~(7) Malt beverages produced for retail sales for on-premises and off-premises consumption shall comply with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S. 18B as amended.

~~(9)~~(8) *Litter/Debris.* The owner(s) and operator(s) of a microbrewery ~~bar~~ 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 microbrewery shall comply with the provisions of Title 11, Chapter 9 of the City Code.

~~(10)~~(9) In addition to subsection (QQ)~~(9)~~(8) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

~~(11)~~(10) *Ownership and/or Permit Holder.* The special use permit shall be issued to the property owner as listed on the tax records of the county ~~or to the person/entity that has been authorized by the property owner via the special use permit application, herein referred to as the permit holder.~~ When the ownership of any property, which has a special use permit for a microbrewery is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of 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.

~~(12)~~(11) Any microbrewery that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

~~(13)~~(12) A bar may add, subject to an approved special use permit, a state ABC permit and a local beer and wine license, if required, a microbrewery operation as an accessory use provided it complies with the following:

(a) The area of the bar devoted to operating the brewing equipment shall not exceed 49% of the area of the bar including the area devoted to the operating the brewing equipment.

(UU) *Microdistillery* (see also section 9-4-22).

~~(1) Microdistilleries are allowed within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.~~

~~(2)~~(1) The principal use is the production of spirituous liquor for retail sales for on-premises and off-premises consumption in accordance with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises spirituous liquor permit for distilleries as authorized by G.S. 18B-1105 as amended and all other laws pursuant to G.S. 18B as amended.

~~(3)~~(2) Accessory uses may include and be limited only to: retail sales; food and beverage consumption; entertainment; games; a tasting room; event room; and loading area.

~~(4)~~(3) The portion of the building devoted to operating distilling equipment shall not exceed 5,000 square feet.

~~(5)~~(4) A minimum of 30% of the microdistillery's floor area shall have operating distilling equipment that produces spirituous liquor for retail sales. This percentage shall be satisfied at the time a Certificate of Occupancy inspection is conducted and shall be maintained thereafter.

~~(6)~~(5) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior guest areas shall not have amplified sound equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.

~~(7)~~(6) (a) *Annual Review.* A special use permit for a microdistillery is subject to annual review in accordance with the provisions of this subsection (UU)~~(7)~~(6). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to modify, rescind or revoke a special use permit for a ~~microbrewery~~ microdistillery in accordance with the provisions of section 9-4-83.

(b) *Reporting.* At the regular January 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 violation that has been issued for which the annual review 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. If the Board of Adjustment votes to hold a modification or revocation of the special use permit, the property owner, as specified under subsection (UU)~~(11)~~(10) below, shall be provided notice of the meeting and a copy of the staff report.

(c) *Noncompliance; and Modification or Revocation.* Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous violations of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation and/or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services, 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 property owner, as specified under subsection (UU)~~(11)~~(10) below, shall be provided notice of the meeting and a copy of the staff report.

(d) *Quasi-Judicial Hearing.* Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section ~~9-4-81~~, the Board of Adjustment may the special use permit pursuant to this subsection ~~(UU)~~ and section ~~9-4-82~~. The modification or revocation of the special use permit by the Board of Adjustment after the hearing shall constitute a revocation of the previously granted special use permit for a microdistillery.

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

~~(8)~~(7) Spirituous liquor produced for retail sales for on-premises and off-premises consumption shall comply with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises spirituous liquor permit for distilleries as authorized by G.S. 18B-1105 as amended and all other laws pursuant to G.S.18B as amended.

~~(9)~~(8) *Litter/Debris.* The owner(s) and operator(s) of a ~~microbrewery~~ microdistillery ~~bar~~ 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 microbrewery shall comply with the provisions of Title 11, Chapter 9 of the City Code.

~~(10)~~(9) In addition to subsection (UU)~~(9)~~(8) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

~~(11)~~(10) *Ownership.* The special use permit shall be issued to the property owner as listed on the tax records of the county ~~or to the person/entity that has been authorized by the property owner via the special use permit application, herein referred to as the permit holder.~~ When the ownership of any property, which has a special use permit for a microdistillery is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of 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.

~~(12)~~(11) Any microdistillery that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

~~(13)~~(12) A bar may add, subject to an approved special use permit, a state ABC permit, and a local beer and wine license, if required, a microdistillery operation as an accessory use provided it complies with the following:

(a) The area of the bar devoted to operating the distilling equipment shall not exceed 49% of the area of the bar including the area devoted to the operating the ~~brewing~~ distilling equipment.



# City of Greenville, North Carolina

Meeting Date: 08/10/2023

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**Title of Item:**

Ordinance requested by the Planning and Development Services Department to amend the Zoning Ordinance to combine two uses and associated standards: "Wine and Craft Beer Shop" and "Wine, Craft Beer, and Keg Shop" to create and establish the use and associated standards for a "Wine and Beer Store"

**Explanation:**

In January, 2023, City Council approved text amendments related to alcohol establishments. Since that time, the Planning and Zoning Commission has initiated two text amendments related to alcohol establishment standards. As part of these discussion, Planning staff is initiating this amendment to combine and simplify the two similar uses and standards into one use, "Wine and Beer Store". There are no separation distances proposed for this new use. This new use will be allowed in the same zoning districts as the uses it is replacing. Also, part of this amendment is to align the new standards with the standards of other alcohol establishments such as bars, microdistilleries, and microbreweries and to have City standards compliant with State ABC laws.

Below is the new definition and standards:

Section 9-4-22 Definitions:

*Wine and beer store.* An establishment conducted pursuant to G.S. Chapter 18B as amended, and operated as a principal or accessory use, which is authorized to sell wine and/or malt beverages in the manufacturer's original container for consumption off the premises, and the retail sale of malt beverages or unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas in a cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled, provided however, the permittee may conduct and supervise, in compliance with G.S. Chapter 18B, accessory and incidental wine and/or malt beverages tastings on the premises. Permittee may also sell wine and/or malt beverages for on-premises consumption, as an accessory and incidental use to the "wine and beer store", provided the establishment and operation is compliant with G.S. Chapter 18B and City Code Section 9-4-86(SS). Among the two limited types of alcoholic beverages that may be sold, a "wine and beer store" may sell wine exclusively, malt beverages exclusively, or both wine and malt beverages provided that the "wine and beer store" has the requisite state permit(s) that allows retail sales of wine and/or malt beverages for consumption on the premises.

Section 9-4-86 Listed Uses; Specific Criteria

(SS) *Wine and beer stores (see also section 9-4-22)*

(1) A wine and beer store that also has the requisite state permit(s) that allows retail sales of wine and malt beverages for on-premises consumption, in accordance with G.S. Chapter 18B as amended, may sell wine and malt beverages for consumption on the premises, provided that the on-premises consumption of wine and malt beverages constitutes an accessory and incidental use to the primary retail use of the wine and beer store.

(2) For purposes of this section, on-premises consumption of unfortified wine is allowed provided the sale of wine for consumption on the premises does not exceed 40% of the wine store's total sales including both on-premises and off-premises consumption for any 30-day period. The term "sale(s)" means any transfer, trade, exchange, or barter, in any manner or by any means, for consideration.

(3) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior guest areas shall not have amplified sound equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.

(4) (a) *Annual Review.* A special use permit for a wine and beer store is subject to annual review in accordance with the provisions of this subsection (SS)(4). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to modify or revoke a special use permit for a wine and beer store in accordance with the provisions of section 9-4-83.

(b) *Reporting.* At the regular January 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 violation citations that has been issued for which the annual review 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. If the Board of Adjustment votes to hold a modification or revocation of the special use permit, the property owner and permit holder, if applicable, shall be provided notice of the meeting and a copy of the staff report.

(c) *Noncompliance; and Modification or Revocation.* Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous violations citations of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation and/or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services, 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 property owner and permit holder, if applicable, shall be provided notice of the meeting and a copy of the staff report.

(d) *Quasi-Judicial Hearing.* Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may grant or deny the special use permit pursuant to this subsection (SS)(4)(d) and section 9-4-82. The modification or revocation of the special use permit by the Board of Adjustment after the hearing shall constitute a revocation of the previously granted special use permit for a wine and beer store.

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

(5) *Litter/Debris.* The owner(s) and operator(s) of a wine and beer store 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 wine and beer store shall comply with the provisions of Title 11, Chapter 9 of the City Code.

(6) In addition to subsection (SS)(5) above, the Board of Adjustment

may establish specific and reasonable litter and trash mitigation standards or requirements.

(7) *Ownership and/or Permit Holder.* The special use permit shall be issued to the property owner as listed on the tax records of the county or to the person/entity that has been authorized by the property owner via the special use permit application, herein referred to as the permit holder. When the ownership of any property, which has a special use permit for a bar, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of 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.

(8) Any wine and beer store that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

(9) The provisions of this section shall apply to all wine and beer stores whether operated as a principal or accessory use.

This use will be allowed with a special use permit in the following districts:

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

This use will be allowed as a permitted use permit in the following districts:

CH (Heavy Commercial)  
MUI (Mixed Use - Institutional)

**Fiscal Note:** No direct cost

**Recommendation:** In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub, *Goal 4.3 A Stable & Resilient Economy. Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy*

*and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base.*

Therefore, staff recommends approval.

The Planning and Zoning Commission voted unanimously to approve the request at its June 20, 2023 meeting.

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

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

"Motion to deny the requested text amendment, to make a finding and determination that the required text amendment is inconsistent with the comprehensive plan or other applicable plans, including but not limited to Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy. Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base."

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## ATTACHMENTS

- [Ordinance - Wine and beer store.pdf](#)
- [Excerpt Amendment for Wine and Beer Store.pdf](#)
- [Wine and Craft Beer Shop \(Current Language\).pdf](#)
- [Wine, Beer and Keg Stores \(Current Language\).pdf](#)

ORDINANCE NO. 23-  
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 10<sup>th</sup> day of August, 2023, 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 location within the section based on its alphabetical ordering:

*Wine and beer store.* An establishment conducted pursuant to G.S. Chapter 18B as amended, and operated as a principal or accessory use, which is authorized to sell wine and/or malt beverages in the manufacturer's original container for consumption off the premises, and the retail sale of malt beverages or unfortified wine dispensed from a tap connected to a pressurized container utilizing carbon dioxide or similar gas in a cleaned and sanitized container that is filled or refilled and sealed for consumption off the premises and that identifies the permittee and the date the container was filled or refilled, provided however, the permittee may conduct and supervise, in compliance with



G.S. Chapter 18B, accessory and incidental wine and/or malt beverages tastings on the premises. Permittee may also sell wine and/or malt beverages for on-premises consumption, as an accessory and incidental use to the "wine and beer store", provided the establishment and operation is compliant with G.S. Chapter 18B and City Code Section 9-4-86(SS). Among the two limited types of alcoholic beverages that may be sold, a "wine and beer store" may sell wine exclusively, malt beverages exclusively, or both wine and malt beverages provided that the "wine and beer store" has the requisite state permit(s) that allows retail sales of wine and/or malt beverages for consumption on the premises.

Section 2. That Title 9, Chapter 4, Section 22, is hereby amended by deleting the definition of "*Wine and craft beer shop*".

Section 3. That Title 9, Chapter 4, Section 86(SS) is hereby amended by deleting and replacing with the following:

(SS) *Wine and beer stores (see also section [9-4-22](#))*

(1) A wine and beer store that also has the requisite state permit(s) that allows retail sales of wine and malt beverages for on-premises consumption, in accordance with G.S. Chapter 18B as amended, may sell wine and malt beverages for consumption on the premises, provided that the on-premises consumption of wine and malt beverages constitutes an accessory and incidental use to the primary retail use of the wine and beer store.

(2) For purposes of this section, on-premises consumption of unfortified wine is allowed provided the sale of wine for consumption on the premises does not exceed 40% of the wine store's total sales including both on-premises and off-premises consumption for any 30-day period. The term "sale(s)" means any transfer, trade, exchange, or barter, in any manner or by any means, for consideration.

(3) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior guest areas shall not have amplified sound equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.

(4) (a) *Annual Review.* A special use permit for a wine and beer store is subject to annual review in accordance with the provisions of this subsection (SS)(4). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to modify or revoke a special use permit for a wine and beer store in accordance with the provisions of section [9-4-83](#).

(b) *Reporting.* At the regular January 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 violation citations that has been issued for which the annual review 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. If the Board of Adjustment votes to hold a modification or

revocation of the special use permit, the property owner and permit holder, if applicable, shall be provided notice of the meeting and a copy of the staff report.

(c) *Noncompliance; and Modification or Revocation.* Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous violations citations of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation and/or numerous calls for service from City departments such as Police, Fire, Public Works, or Planning & Development Services, 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 property owner and permit holder, if applicable, shall be provided notice of the meeting and a copy of the staff report.

(d) *Quasi-Judicial Hearing.* Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section [9-4-81](#), the Board of Adjustment may grant or deny the special use permit pursuant to this subsection (SS)(4)(d) and section [9-4-82](#). The modification or revocation of the special use permit by the Board of Adjustment after the hearing shall constitute a revocation of the previously granted special use permit for a wine and beer store.

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

(5) *Litter/Debris.* The owner(s) and operator(s) of a wine and beer store 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 wine and beer store shall comply with the provisions of Title 11, Chapter 9 of the City Code.

(6) In addition to subsection (SS)(5) above, the Board of Adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.

(7) *Ownership and/or Permit Holder.* The special use permit shall be issued to the property owner as listed on the tax records of the county or to the person/entity that has been authorized by the property owner via the special use permit application, herein referred to as the permit holder. When the ownership of any property, which has a special use permit for a bar, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of 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.

(8) Any wine and beer store that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

(9) The provisions of this section shall apply to all wine and beer stores whether operated as a principal or accessory use.

Section 4. That Title 9, Chapter 4, Section 103(S) is hereby amended by deleting and replacing with the following:

(S) Reserved

Section 5. That Title 9, Chapter 4, Section 103(U) are hereby amended by deleting and replacing with the following:

(U) Reserved

Section 6. That Title 9, Chapter 4, Article U, Appendix A Table of Uses, (10) Retail trade of the City Code is hereby amended by deleting and replacing “c. Wine and craft beer shop (see also 9-4-103)” with “c. Wine and beer store (see also 9-4-103)”.

Section 7. That Title 9, Chapter 4, Article U, Appendix A Table of Uses, (6) Recreation/entertainment of the City Code is hereby amended by deleting use “m(1). Dining and entertainment establishment”.

Section 8. That Title 9, Chapter 4, Article U, Appendix A Table of Uses, (6) Recreation/entertainment of the City Code is hereby amended by replacing “m. Public or private club” with “m. Bar (see also 9-4-86)”.

Section 9. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 10: 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 11: That this ordinance shall become effective upon its adoption.

ADOPTED this 10<sup>th</sup> day of August, 2023.

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P. J. Connelly, Mayor

ATTEST:

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Valerie Shiuwegar, City Clerk

Doc. # 1179351

**Excerpt from the adopted Planning & Zoning Commission Minutes (06/20/2023)**

REQUEST BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO AMEND THE ZONING ORDINANCE TO COMBINE THE TWO USES OF A "WINE AND CRAFT BEER SHOP" AND A "WINE, BEER AND KEG STORE" TO ESTABLISH THE USE AND STANDARDS FOR A "WINE AND BEER STORE"

Chantae Gooby, Chief Planner, presented for staff. The wine and craft beer shop and wine, beer and keg store uses were established in 2015 but at different times. The reason was at the time of the adoption of the wine and craft beer stores “growlers” were not available. Once the ability to buy beer in a growler was available, the wine, beer and keg store use was established. While these two uses are similar there are some differences. The amendment tonight to combine and simplify both of these uses into 1 use which is a wine and beer store. Also, this is a clean-up to delete some of the language related to these establishments where State law pre-empts the City. No existing businesses will be impacted by this amendment. The intent when both of these uses were created was to allow establishments to sell wine and beer for both off- and on-premise consumption. This use does not allow the sale or consumption of spirituous liquor. Wine and craft beer stores allow for off-premise and on-premises of beer and wine. Wine, beer and keg stores allow for wine, beer, kegs and growlers for off-premise use, and only beer for on-premise consumption. Because of state law, Greenville cannot regulate the hours of operation or if an establishment charges a cover charge. This language will be deleted as part of this amendment. The separation standards between this use and other alcohol establishments has been deleted. We have combined the zoning districts from both uses.

In staff’s opinion, the request is in compliance with the Horizons 2026: Greenville’s Community Plan, Chapter 4, Growing the Economic Hub, Goal 4.3 A Stable & Resilient Economy. Policy 4.3.1 Modernize and Diversify Local Economy. Support the growth of a variety of employment opportunities and businesses that diversify Greenville's economy and provide workers with a range of skill sets and training. Encourage business growth within incorporated areas to expand and diversify Greenville's tax base. Therefore, staff recommends approval of the request.

Vice Chair Collins opened the public meeting.

No one spoke in favor of the request.

No one spoke in opposition of the request.

Vice Chair Collins closed public hearing.

**Motion made by Mr. West, seconded by Mr. Peyton, 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.**

*Wine and Craft Beer Shop (Current Language)*

9-4-22

*Wine and craft beer shop.* An establishment conducted pursuant to G.S. 18B-1001 as amended, and operated as a principal or accessory use, which is authorized to sell wine and/or craft beer in the manufacturer's original container for consumption off the premises, provided however, the permittee shall be authorized to conduct accessory and incidental wine and/or craft beer tasting on the premises and is further authorized to sell wine and/or craft beer for on-premises consumption, as an accessory and incidental use to the "wine and craft beer shop", provided the establishment and operation is compliant with section [9-4-103\(S\)](#). Among the two limited types of alcoholic beverages that may be sold, a "wine and craft beer shop" may sell wine exclusively, craft beer exclusively, or both wine and craft beer provided that the "wine and craft beer shop" has the requisite state permit(s) that allows retail sales of wine and/or malt beverages for consumption on the premises. A "wine and craft beer shop" that does not meet the requirements of section [9-4-103\(S\)](#) shall be deemed a public or private club for the purpose of zoning and land use classification. For purposes of the wine and craft beer shop use, “

9-4-103

(S) *Wine and craft beer shop (see also Section [9-4-22](#)).*

(1) A wine and craft beer shop may sell wine and/or craft beer for consumption on the premises, provided that the on-premises consumption of wine and/or craft beer constitutes an accessory and incidental use to the wine and craft beer shop.

(2) A wine and craft beer shop that also has the requisite state permit(s) that allows retail sales of malt beverages for on-premises consumption, in accordance with G.S. 18B-1001 as amended, may sell both wine and malt beverages for consumption on the premises, provided that the combined on-premises consumption of wine and malt beverages constitute an accessory and incidental use to the primary retail use wine and craft beer shop.

(3) For purposes of this section, on-premises consumption of wine and malt beverages shall be deemed an accessory and incidental use to a wine and craft beer shop, provided the combined sale of wine and malt beverages for consumption on the premises does not exceed 40% of the wine and craft beer shop's total sales of wine and malt beverages including both on-premises and off-premises consumption, for any 30-day period. The term "sale(s)" as used herein shall be the receipt of payment for the wine and malt beverages sold and/or consumed and shall not be a measure of the volume of wine and malt beverages sold and/or consumed.

(4) Records related to the wine and craft beer shop's total sales of wine and malt beverages for both on-premises and off-premises consumption shall be maintained on the premises for not less than one year and shall be open for inspection and audit at all reasonable hours when the establishment is open for business by the Zoning Enforcement Officer. The Zoning Enforcement Officer may view the records on the premises or may request that copies of the written records be delivered to the city. The

requirements of this subsection shall be for the purpose of determining compliance with subsection (S)(3) above.

(5) No wine and craft beer shop that includes the on-premises consumption of wine and malt beverages shall be located within a 200-foot radius, including street rights-of-way, of an existing or approved public or private club, dining and entertainment establishment, or other wine and craft beer shop that includes the on-premises consumption of wine and malt beverages. The required measurement shall be from the building or structure containing the wine and craft beer shop to the nearest property line of the parcel containing the existing or approved public or private club, dining and entertainment establishment, or other wine shop that includes the on-premises consumption of wine and malt beverages.

(6) A wine and craft beer shop shall not operate after 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday or after 12:00 a.m. on Friday and Saturday.

(7) A wine and craft beer shop shall not require a membership, cover or minimum charge for admittance or service during regular or special periods of operation.

(8) A wine and craft beer shop that does not meet the requirements of section [9-4-103\(S\)](#) shall be deemed a public or private club for the purpose of zoning and land use classification.

(9) The provisions of this section shall apply to all wine and craft beer shops whether operated as a principal or accessory use.

This use is allowed with a special use permit in the following districts:

MCG (Medical-General Commercial)

MCH (Medical-Heavy Commercial)

CD (Downtown Commercial)

CDF (Downtown Commercial Fringe)

CG (General Commercial)

CN (Neighborhood Commercial)

This use is permitted in the following districts:

MUI (Mixed Use Institutional)

CH (Heavy Commercial)

*Wine, Beer and Keg Stores (Current Language)*

9-4-22

No definition

9-4-86

(SS) *Wine, beer and keg stores (see also section [9-4-22](#)).*

(1) Properties eligible to be considered for a wine, beer and keg store through approval of a special use permit must be located within a CN (Neighborhood Commercial) zoning district and must be located within a 500-foot radius, including street rights-of-way, of a Regional, Community, Intermediate or Neighborhood Focus Area as identified in Horizons: Greenville's Community Plan, Focus Area Map, adopted in 2004 as measured from the center point of the Focus Area map label to the nearest lot line of properties zoned CN (Neighborhood Commercial).

(2) A wine, beer and keg store may sell malt beverages for consumption on the premises, provided that the on-premises consumption of malt beverages is limited to only serving two-ounce tastings and constitutes an accessory and incidental use to the wine, beer and keg store.

(3) A wine, beer and keg store that also has the requisite state permit(s) that allows retail sales of malt beverages for on-premises consumption, in accordance with G.S. 18B-1001 as amended, may sell only malt beverages for consumption on the premises, provided that the on-premises consumption of malt beverages is limited to the sale of two-ounce tastings and constitutes an accessory and incidental use to the primary retail use of the wine, beer and keg store.

(4) For purposes of this section, on-premises consumption of malt beverages shall be deemed an accessory and incidental use to a wine, beer and keg store, provided the sale of malt beverages for consumption on the premises does not exceed 40% of the wine, beer and keg store's total sales of wine and malt beverages including both on-premises and off-premises consumption, for any 30-day period. The term "sale(s)" as used herein shall be the receipt of payment for the wine and malt beverages sold and/or consumed and shall not be a measure of the volume of wine and malt beverages sold and/or consumed.

(5) Records related to the wine, beer and keg store's total sales of wine and malt beverages for both on-premises and off-premises consumption shall be maintained on the premises for not less than one year and shall be open for inspection and audit at all reasonable hours when the establishment is open for business by the Zoning Enforcement Officer. The Zoning Enforcement Officer may view the records on the premises or may request that copies of the written records be delivered to the city. The requirements of this subsection shall be for the purpose of determining compliance with subsection (4) above.

(6) To help avoid high concentrations of businesses within close proximity that sell wine and malt beverages, no wine, beer and keg store that includes the on-premises consumption malt beverages, limited to two-ounce tastings, shall be located within a 25-foot radius, including street rights-of-way, of an existing or approved public or private club, dining and entertainment establishment, including a wine and craft beer shop or other wine, beer and keg store that includes the on-premises consumption of wine and malt beverages, limited to two-ounce tastings. The required measurement shall be from the building or structure containing the wine, beer and keg



store to the nearest property line of the parcel containing the existing or approved public or private club, dining and entertainment establishment, including a wine and craft beer shop or other wine, beer and keg store that includes the on-premises consumption of wine and malt beverages.

(7) A wine, beer and keg store shall not operate after 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday or after 12:00 a.m. on Friday and Saturday.

(8) A wine, beer and keg store shall not require a membership, cover or minimum charge for admittance or service during regular or special periods of operation.

(9) A wine, beer, and keg store that does not meet the requirements of this section shall be deemed a public or private club for the purpose of zoning and land use classification.

(10) The provisions of this section shall apply to all wine, beer and keg stores whether operated as a principal or accessory use.

This use is allowed with a special use permit in the following districts:

CN (Neighborhood Commercial)



# City of Greenville, North Carolina

Meeting Date: 08/10/2023

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**Title of Item:** Resolution Approving Amendment No. 3 to an Economic Development Agreement with Grover Gaming, Inc. & Banilla Games, Inc.

**Explanation:** On February 13, 2020, the City Council entered into an agreement with Grover Gaming, Inc. ("Grover Gaming") for a job creation grant.

On January 19, 2021, the City Council approved an amendment to the grant agreement for creation of additional jobs and an extension of the grant period to December 31, 2032, and required an additional investment of \$12.5 million by January 1, 2024.

On February 7, 2022, the City Council approved another amendment to the grant agreement to allow for Grover Gaming and its partner company, Banilla Games, Inc. to fulfill the economic development milestones and be subject to all terms and conditions of the original agreement and amendments.

Grover Gaming has grown rapidly and now has five facilities in the Greenville area. Although the company made significant progress towards achieving the milestones of the grant agreements, the company is requesting an additional two years, or to January 1, 2026, to make its \$12.5 million property investment. As a result, the City is requesting an additional two years, or to December 31, 2034, of maintenance for jobs created and property investments.

**Fiscal Note:** No additional financial impact

**Recommendation:** Approve amendment No. 3 to the job creation grant agreement with Grover Gaming Inc.

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## ATTACHMENTS

- [RESOLUTION FOR GROVER GAMING-AMNDT NO 3..pdf](#)
- [AMENDMENT NO 3-GROVER GAMING-EXT OF TIME..pdf](#)
- [Progress Update - Grover Gaming Job Creation Grant.pdf](#)

RESOLUTION NO. \_\_\_-23

RESOLUTION OF THE GREENVILLE CITY COUNCIL APPROVING AMENDMENT TO ECONOMIC DEVELOPMENT INCENTIVE FOR GROVER GAMING, INC.

**WHEREAS**, North Carolina General Statute § 158-7.1 grants authority to the City of Greenville to make appropriations for the purposes of aiding and encouraging the location or expansion of certain business enterprises in the corporate limits of the City or in Pitt County (specifically City’s ETJ), or for other purposes which the City Council finds, in its discretion, will increase employment, taxable property base, and business prospects of the City;

**WHEREAS**, Grover Gaming, Inc. (“Grover Gaming”) is headquartered in the City’s extraterritorial jurisdiction, and is a company that develops software and gaming systems and does business throughout the United States;

**WHEREAS**, the City and Grover Gaming entered into an amendment to increase the number of years for the Job Creation Grant in exchange for the creation of up to 200 additional jobs and a capital investment of at least \$12.5 million in acquisition and improvements to real property within the City limits or City’s ETJ by January 1, 2024;

**WHEREAS**, the grant would be paid to Grover Gaming only upon proof that the company made the agreed-upon investment in its additional real property which it has recently acquired or is still in negotiations to acquire; and created up to 200 full-time jobs;

**WHEREAS**, an additional amendment has allowed Grover Gaming and a related company, Banilla Games, Inc., (the “Companies”) to meet the economic development obligations, including job creation and real property acquisition and investments;

**WHEREAS**, Grover Gaming still plans to acquire land and buildings which will serve as its new headquarters and thereby enhance Pitt County’s tax base, and create up to an additional 200 jobs, and persons filling the new positions shall work inside the building or buildings;

**WHEREAS**, the Greenville City Council has held a public hearing to consider whether to amend an economic development agreement by extending the time for the Companies to fulfill the agreed upon capital investments by an additional 2 years, or by January 1, 2026;

**WHEREAS**, if this grant and extension of time to fulfill obligations were not approved, the Companies may take the economic development project (expansion of business) to another State; and

**WHEREAS**, the City Council does hereby find and determine that the proposed economic development project will tend to increase the taxable property base of the City, increase the business prospects of the City, and create high-paying jobs, and that it is in the public interest to provide assistance, as authorized by North Carolina General Statute § 158-7.1, in order to encourage the Company to develop the project described herein.

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

- The City approves the continued appropriation and expenditure of up to \$100,000 annually for an additional 2-year period for Grover Gaming as an economic development incentive (“Job Creation Grant”). The total grant period is now 7 years.
- The amendment to the Economic Development Agreement between the City and Grover Gaming which includes terms that require the Companies to acquire additional property and make improvements to such property by January 1, 2026 is hereby approved.
- New full-time job creation levels must continue be met each year prior to grant funds being dispersed the following year.
- In addition, all new full-time jobs and property improvements created during the extension period must be maintained until December 31, 2034, to avoid triggering of recapture provisions.
- The Mayor or City Manager is authorized to execute this agreement and any other documents necessary to effectuate the project on behalf of the City.

Adopted this 10<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
P.J. Connelly, Mayor

ATTEST:

\_\_\_\_\_  
Valerie Shiuwegar, City Clerk

**NORTH CAROLINA  
PITT COUNTY**

**AMENDMENT TO  
AGREEMENT**

**AMENDMENT NO. 3 TO ECONOMIC DEVELOPMENT AGREEMENT BETWEEN  
GROVER GAMING, INC. AND CITY OF GREENVILLE FOR JOB CREATION  
WITHIN CITY'S ETJ**

**THIS AMENDMENT** (“Amendment No. 3”), made and entered into this date, \_\_\_\_\_, (“effective date”), by and between the City of Greenville, a municipal corporation organized and existing pursuant to the laws of the State of North Carolina, hereinafter referred to as the “City”; Grover Gaming, Inc., a company organized and existing under the laws of the State of North Carolina, hereinafter referred to as the “Company”, and Banilla Games, Inc., a company organized and existing under the laws of the State of North Carolina, hereinafter referred to as the “Partner Company”, and Grover Gaming, Inc. and Banilla Games, Inc., hereinafter referred to together as “Companies”.

**WITNESSETH**

**WHEREAS**, the City and the Company entered into an agreement titled “Economic Development Agreement Between Grover Gaming, Inc. and City of Greenville for Job Creation within City’s ETJ” (“Original Agreement”) dated February 13, 2020;

**WHEREAS**, the Original Agreement grants a Job Creation Grant of up to \$100,000 per year for a maximum of 5 years;

**WHEREAS**, Amendment No. 1, dated January 2021, grants an extension of Job Creation Grant payments for two (2) additional years, which is an exception to the Job Creation Grant policy in exchange for the Company creating an additional 200 jobs and investing an additional \$12.5 million in acquisition and improvements to real property within the City’s extraterritorial jurisdiction (“ETJ”) by January 1, 2024;

**WHEREAS**, Amendment No. 2, dated April 22, 2022, provides for the inclusion of an additional party, Banilla Games, Inc., (“Partner Company”) for the fulfillment of obligations under each agreement, including the Original, Amendment No. 1 and Amendment No. 2 (hereinafter collectively referred to as “Agreements”).

**WHEREAS**, the Companies still remain duly organized and existing under the laws of the

State of North Carolina, have a place of business within the State of North Carolina, and are in good standing and authorized to do business in the State of North Carolina. The principal offices are located at 3506 NE Greenville Blvd, Greenville, NC 27834;

**WHEREAS**, this Amendment No. 3 provides for an extension of time of two (2) years, or to January 1, 2026, for the Companies to fulfill the obligation of investing \$12.5 million in acquisition and improvements to real property within the City limits or City's ETJ;

**WHEREAS**, this Amendment No. 3 also extends the time for which the Companies must maintain all jobs created and investments made during the initial and extension of grant period for an additional two (2) years, or to December 31, 2034; and

**WHEREAS**, the City funds still remain protected because the grant payment is only issued upon the Companies presenting sufficient proof to the satisfaction of the City of qualified job creation and taxable investment in real property as provided in the Agreements.

**NOW THEREFORE**, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree to amend the Agreements as follows:

1. The Companies shall make investments in additional land acquisition, property and improvements, and the acquisition and improvements shall be made during the period of January 1, 2021 through January 1, 2026.

2. In addition to dates and percentages listed in the Agreements for repayment of grant funds upon an Event of Default, *Extended Grant Period remedies*, shall also include the following dates and percentages:

iv. If such Event of Default occurs on or before December 31, 2032, the repayment amount shall be 15% of the grant payments.

v. If such Event of Default occurs on or before December 31, 2033, the repayment amount shall be 5% of the grant payments.

3. The term of this Amendment No. 3 shall commence on the effective date of this Amendment

No. 3, as defined herein, and the Agreements shall expire on December 31, 2034, unless earlier terminated as provided in the Agreements.

4. Except as set forth in this Amendment No. 3, all remaining terms and conditions of the Agreements are unaffected by this Amendment No. 3, and such provisions in the Agreements remain in full force and effect.

5. If there is a conflict between the Agreements, the terms of this Amendment No. 3 will prevail.

*[Signature Pages Follow]*

**IN WITNESS WHEREOF**, the parties hereto have set their hands and seals on the dates written below and the undersigned hereby warrants and certifies that they have read the Agreement in its entirety, understand it and agree to be bound by all the terms and conditions stated herein. Further, they warrant and certify they are authorized to enter into this Agreement and to execute same on behalf of the parties as the act of the said parties.

**CITY OF GREENVILLE**

BY: \_\_\_\_\_  
P.J. Connelly, Mayor

Attest: (SEAL)

\_\_\_\_\_  
Valerie Shiuwegar, City Clerk

STATE OF NORTH CAROLINA  
COUNTY OF PITT

I, \_\_\_\_\_ a Notary Public of said county and state, certify that Valerie Shiuwegar, City Clerk, personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipal corporation, and that by authority duly given and as the act of the City of Greenville, the foregoing instrument was signed in its name by its Mayor, sealed with the City Seal, and attested by herself as City Clerk.

Witness my hand and seal this the \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_



**APPROVED AS TO FORM:**

**BY:** \_\_\_\_\_  
**City Attorney or Designee (Designee means Assistant City Attorney)**

**PRE-AUDIT CERTIFICATION:**

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

**BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
Byron Hayes, Director of Financial Services

**ACCOUNT NUMBER:**

**PROJECT CODE (IF APPLICABLE):** \_\_\_\_\_

*[Additional Signature Page Follows]*

**GROVER GAMING, INC.**

BY: \_\_\_\_\_  
Garrett Blackwelder

TITLE: \_\_\_\_\_

**BANILLA GAMES, INC.**

BY: \_\_\_\_\_  
Garrett Blackwelder

TITLE: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF PITT

I, \_\_\_\_\_, Notary Public in and for the aforesaid County and State, do hereby certify that Garrett Blackwelder personally came before me this day and acknowledged that he is the CEO of Grover Gaming, Inc., a corporation, and CEO of Banilla Games, Inc., a corporation, and acknowledged the due execution of the foregoing instrument on behalf of the corporations.

Witness my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

EXHIBIT A  
ANNUAL CERTIFICATION  
GROVER GAMING, INC. AND BANILLA GAMES, INC. "COMPANIES"

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

This Certificate is delivered pursuant to the Economic Development Agreement (the "Agreement") dated \_\_\_\_\_, 20\_\_\_\_, between the City of Greenville ("City") and Grover Gaming, Inc. ("Company"), and Banilla Games, Inc. ("Partner Company"). Any capitalized term not otherwise defined herein shall have the meaning assigned to such term in the Agreement. The terms of the Agreement are incorporated into this Certificate as if fully set forth herein. Reference herein to the Agreement includes any Amendments to the Agreement including Amendments No. 1, No. 2 and No. 3.

I do hereby certify, for and on behalf of the Companies, that

**Initial Grant Period:**

- (a) The following Improvements were made during the Improvement Period from these dates, January 1, \_\_\_\_\_ through December 31, \_\_\_\_\_:
- (b) The amount of the personal and real property valuations of the Property and Improvements, as of January 1, 20\_\_\_\_, are in the amount of \$\_\_\_\_\_.
- (c) The following *new* jobs have been added: \_\_\_\_\_.
- (d) Proof of taxes paid in the format requested is attached to this certificate.

**Extended Grant Period: 200 jobs; \$12.5 million dollars in property acquisition and improvements**

- (e) Real property acquired and improved during the period of January 1, 2021 through January 1, 2026: \_\_\_\_\_.
- (f) The amount of the personal and real property valuations of the Property and Improvements, as of January 1, 20\_\_\_\_, are in the amount of: \$\_\_\_\_\_.
- (g) The following *new* jobs have been added: \_\_\_\_\_.
- (h) Proof of taxes paid in the format requested is attached to this certificate.

Grover Gaming, Inc.

Banilla Games, Inc.

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF PITT

I, \_\_\_\_\_, Notary Public in and for the aforesaid County and State, do hereby certify that Garrett Blackwelder personally came before me this day and acknowledged that he is the CEO of Grover Gaming, Inc., a corporation, and CEO of Banilla Games, Inc., a corporation, and acknowledged the due execution of the foregoing instrument on behalf of the corporations.

Witness my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

May 5, 2023

Honorable P.J. Connelly, Mayor  
200 West Fifth Street  
Greenville, NC 27835

Ms. Ann Wall, City Manager  
City Manager's Office  
200 West Fifth Street Greenville, NC 27834

RE: Job Creation Grant Progress Update & Request to Extend Capital Expenditure  
Period

Dear Mayor Connelly and City Council:

Please accept this letter as an update regarding our plans for continued growth here in Greenville and Pitt County and as a request to extend the period in which we have for capital expenditures.

As you may already know, Grover Gaming currently has five facilities in the Greenville area: our headquarters & administrative offices, a development center, two warehouses, and our printing operation. Our plan is to combine these various offices and operations into two facilities: our national headquarters & development center and our national operations center.

Our current headquarters & administrative offices, located at 3506 Greenville Blvd NE, comprise of three buildings and approximately 30,000 square feet. In the past, over 100 of our game developers, engineers, artists, and other creative professionals were also at this facility. However, we ran out of space and now these employees constitute the Grover Gaming Greenville Development Center, located at 1015 WH Smith Blvd. As alluded to above, we plan to expand our 3506 Greenville Blvd facility by adding a fourth building, among other major property improvements. Whereas the three current buildings total 30,000 square feet combined, the new fourth building will be at least 30,000 square feet by itself. To help accomplish this, we are currently under contract to acquire neighboring property. This will be our national headquarters & development center.

Our planned national operations center required us to acquire the current Minges Bottling Company plant in Ayden. We are leasing this back to Minges while they build a new facility across the street. We plan to expand this facility by adding at least 100,000 square feet among other upfits. Once these upfits are complete, we plan to combine our two area warehouses and printing operation into this single facility. This will be our national operations center.

We have already achieved the capital expenditures set forth in our *initial grant period*, as that term is defined in Amendment No. 1 to Economic Development Agreement Between Grover

Gaming, Inc. and City of Greenville for Job Creation Within City’s ETJ (“Agreement”), but the Agreement further requires \$12.5 million in capital expenditures by January 1, 2024, as part of *the extension of the grant period*. Therefore, we request extension of this capital expenditure period to January 1, 2026, to allow us time to complete the major capital expenditures set forth above.

Lastly, as of December 31, 2022, we have created approximately 224 jobs towards our City economic incentives.

We deeply appreciate the City Council’s continued support. If you should have any questions or need any additional information, please do not hesitate to contact me by phone at (252) 214-7066 or by e-mail at [marc@grovergaming.com](mailto:marc@grovergaming.com).

Sincerely,

A handwritten signature in black ink that reads "Marc C Downing". The signature is written in a cursive, flowing style.

Marc Downing  
Chief Counsel



# City of Greenville, North Carolina

Meeting Date: 08/10/2023

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**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 \$26,761. If approved, funds can be used to purchase equipment and supplement programming needs. GPD intends to utilize the funds for implementation of a new taser platform. The FY2023-24 City of Greenville General Fund Budget includes a recurring appropriation of \$75,000 for the replacement of tasers. The grant funding will be utilized in conjunction with the recurring appropriation to fully fund the program.

The grant requires a public hearing be held before the final application can be approved and funds distributed. It should be noted that this grant is being jointly awarded to the Pitt County Sheriff's Office. The Sheriff's Office will also receive \$26,761. 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 \$26,761 with no City match required.

**Recommendation:** Staff recommends that City Council hold the required public hearing and authorize GPD to complete the application process for the Edward Byrne Memorial Justice Assistance Grant.

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## ATTACHMENTS

[FY23 local jag ce-certification.pdf](#)

**U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS**

**Edward Byrne Memorial Justice Assistance Grant Program FY 2023 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 2023 Edward Byrne Memorial 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: 08/10/2023

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- Title of Item:** Discussion of Balloon Releases Within the City Limits of Greenville
- Explanation:** Council Member Marion Blackburn requested an item be added to the agenda to discuss balloon releases within the City Limits of Greenville.
- Fiscal Note:** No direct cost
- Recommendation:** Discuss the issue as requested by Council Member Blackburn
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# City of Greenville, North Carolina

Meeting Date: 08/10/2023

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**Title of Item:** Discussion of Supporting the North Carolina Department of Transportation's Naming of the Southwest Bypass in Honor of Former Senator Tom Taft

**Explanation:** Council Member Rick Smiley requested an item be added to the agenda to support the North Carolina Department of Transportation's naming of the Southwest Bypass after Greenville native Tom Taft. The attached letter from former Governor James B. Hunt, Jr. is apparently already on the record at NCDOT, but City Council concurrence may be required since part of the Southwest Bypass is in Greenville's jurisdiction.

**Fiscal Note:** No direct cost

**Recommendation:** Discuss the issue as requested by Council Member Smiley

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## ATTACHMENTS

[Gov Hunt Letter re Naming of SW Bypass for Tom Taft.pdf](#)



**The Honorable James B. Hunt, Jr.**

Governor of North Carolina

1977-1985 1993-2001

September 13, 2022

The Honorable Roy Cooper  
Governor of North Carolina  
Office of the Governor  
20301 Mail Service Center  
Raleigh, NC 27699

Dear Governor Cooper:

I write you today on behalf of our mutual friend, former Senator Tom Taft of Greenville.

I have recently learned that the NC Board of Transportation is currently considering honoring Senator Taft by naming the new Southwestern Loop (Bypass) in his honor. I would like to warmly encourage that effort and add my personal support to the endeavor.

As you know, Senator Taft has a long history of civic and public service over more than 50 years. He and his family have supported numerous initiatives and efforts on behalf of Greenville, Pitt County, and all of North Carolina but especially Eastern North Carolina.

I'm attaching a resume that describes many of Senator Taft's accomplishments, rather than detailing them in this letter.

I would like to highlight his long and successful efforts supporting the construction and maintenance of good roads in North Carolina during his three terms in the NC State Senate, supporting transportation funding and policy legislation as well as numerous special projects.

I remember well my first discussion with Senator Taft in 1972 when we met to discuss my invitation to him to become my first staff hire for the Lieutenant Governor's Office, assuming a successful Fall election. Tom accepted that invitation and worked tirelessly in the Fall campaign. One of the focuses of that first meeting was his commitment to seeing US-264 become a four-lane controlled access highway from Raleigh to Greenville and beyond. We shared that commitment as it was to be one of my first highway priorities if I was elected Governor following my term as Lieutenant Governor.

Tom's support for good roads continued while he served as legal counsel to me as Lieutenant Governor. Upon my election to my first term as Governor in 1977, Tom discussed with me potentially serving on the State Board of Transportation or as Chairman of the NC State Ports Authority. We both felt he could render greater service to North Carolina's economic and transportation development by chairing the

Ports Authority Board—which he did successfully for seven years. He continued that support throughout his three terms in the State Senate.

Shortly after my election in 1977, Tom approached me about making US-264 a four-lane as one of my first transportation priorities. I suggested that he champion the formation of the US-264 Association, which he did and served as its first President and worked tirelessly to ensure the funding and construction from Zebulon to Greenville. Many citizens supported that effort but no one more than Tom.

I believe naming the new Greenville Southwestern Loop (Bypass) in his honor would be appropriate recognition of his public service and especially to the transportation needs of North Carolina and Eastern North Carolina.

Thank you for your consideration.

Warmest regards,

A handwritten signature in cursive script, appearing to read "Jim Hunt".

James B. Hunt, Jr.