



Agenda

Greenville City Council

January 11, 2024

6:00 PM

City Hall Council Chambers, 200 West 5th Street

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

- I. Call Meeting To Order**
- II. Invocation - Council Member Blackburn**
- 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 of City Council Members to Boards and Committees

VIII. Old Business

3. Update on 902 Ward Street (Tax Parcel #06722)

IX. New Business

Public Hearings

4. Ordinance requested by RaceTrac, Inc. to rezone 3.405 acres located at the southwestern corner of the intersection of North Memorial Drive and Independence Boulevard from RA20 (Residential-Agricultural) to CG (General Commercial)
5. Ordinance requested by Elliot Sidewalk Communities to amend Title 9, Chapter 4 Section 200.4 MUI Mixed Use Institutional District Standards of the Zoning Ordinance by deleting "(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." and replacing with "(6) Residential uses may not exceed 35% of the total land area and 400 residential units within an MUI district. This ratio shall apply to the aggregate of the entire MUI designated land area within a specific development or master development."
6. Ordinance requested by the Planning and Development Services Department to amend the Subdivision Ordinance to add language to require review by City staff of plats that combine, recombine, or otherwise alter lot lines prior to the recordation
7. Ordinance Requiring the Demolition and Removal of the Dwelling Located at 1112 Dickinson Avenue, Tax Parcel #10858

Other Items of Business

8. Results of the Financial Audit for Fiscal Year Ended June 30, 2023 Including Review of FY 2023-24 Available Fund Balance

X. City Manager's Report

XI. Comments from Mayor and City Council

XII. Adjournment



City of Greenville, North Carolina

Meeting Date: 01/11/2024

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, Firefighter's Relief Fund Committee, Historic Preservation Commission, Human Relations Council, Police Community Relations Committee, and the Youth Council.

The City Council updated the Boards and Commission Policy on October 9, 2017 to include a provision for extended vacancies: Nominations for Extended Vacancies "In the event there is a vacancy on a City board or commissions which has been on the City Council agenda for appointment by City Council for more than three (3) calendar months in which a regular City Council meeting has been held, then any Council Member may make a nomination to fill the vacancy without regard to any other provision relating to who has the authority to make the nomination. If there is more than one nomination, the appointment shall be conducted in accordance with the procedure for nomination and elections in Robert's Rules of Order." Under this provision, the following seats are open to nominations from the City Council:

- Heena Shah, Human Relations Council
- Laquon Rogers, Human Relations Council
- Susan Camus, Human Relations Council
- Mark Rasdorf, Human Relations Council
- 13 seats on the Youth Council

Fiscal Note: No direct fiscal impact.

Recommendation: Make appointments to the Affordable Housing Loan Committee, Board of Adjustment, Firefighter's Relief Fund Committee, Historic Preservation Commission, Human Relations Council, Police Community Relations Committee, and the Youth Council.

ATTACHMENTS

[January 2024 Boards and Commissions List.pdf](#)

Appointments to Boards and Commissions

January 2024

Affordable Housing Loan Committee

Council Liaison: Council Member Tonya Foreman

Name	District #	Current Term	Reappointment Status	Expiration Date
Victor Ihuka	3	First term	Resigned	February 2026

Board of Adjustment

Council Liaison: Mayor Pro Tem Monica Daniels

Name	District #	Current Term	Reappointment Status	Expiration Date
Tonya Foreman (District 2)	2	First term	Resigned	June 2025

Firefighter's Relief Fund Committee

Council Liaison: Council Member

Name	District #	Current Term	Reappointment Status	Expiration Date
Will Franklin		First term	Eligible	January 2023
Eric Mullet		First term	Eligible	January 2024

Historic Preservation Commission

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Edythe Gianessi	5	Filling unexpired term	Eligible	January 2024
Justin Edwards	3	Second Term	Ineligible	January 2024
Andrew Morehead	3	First Term	Eligible	January 2024

Israel Mueller	4	Second Term	Resigned	January 2026
Robert Wright	3	First Term	Eligible	January 2024

Human Relations Council

Council Liaison: Council Member Portia Willis

Name	District #	Current Term	Reappointment Status	Expiration Date
Heena Shah	1	Filling unexpired term	Eligible	September 2022
Laquon Rogers	County	First Term	Resigned	September 2024
Susan Camus	4	First Term	Resigned	September 2024
Mark Rasdorf	4	First Term	Resigned	September 2025
Samar Badwan	4	Second Term	Ineligible	September 2023
Lomax Mizzelle	4	Second Term	Ineligible	September 2023

Multimodal Transportation Commission

Council Liaison: Council Member Matthew Scully

Name	District #	Current Term	Reappointment Status	Expiration Date
Donald McGlohon	5	First term	Eligible	January 2024

Police Community Relations Committee

Council Liaison: Council Member Portia Willis

Name	District #	Current Term	Reappointment Status	Expiration Date
Carol Naipaul (District 2)	2	First term	Eligible	October 2024

Youth Council

Council Liaison: Council Member Portia Willis

Name	Current Term	Reappointment Status	Expiration Date
Jamia Galloway	Second term	Ineligible	September 2022
Diego Lorenzo	Second term	Ineligible	September 2022
Olivia Thorn	First term	Ineligible	September 2022
Landon Elks	First term	Ineligible	September 2023
Shamara Hyman	First term	Ineligible	September 2023
Sadie Smith	First term	Ineligible	September 2023
(7 additional open seats)			

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

Boards and Commissions Applicants

Name	Board Applied To	Email Address
Sydney Mcleod	Affordable Housing Loan Committee	sydneyhmcleod@gmail.com
Naz M Staton	Affordable Housing Loan Committee	statonn18@outlook.com
Demond Hairston	Affordable Housing Loan Committee	pastordahairston@gmail.com
Kendall Williams	Board of Adjustment	kdwilliams273@gmail.com
Logan Harrison	Board of Adjustment	harrisonl20@students.ecu.edu
Tim Ferruzzi	Environmental Advisory Commission	theferruzzi@gmail.com
Chris Davis	Environmental Advisory Commission	cndavis320@yahoo.com
Candace Pearce	Historic Preservation Commission	candacepearce@mac.com
Kendall Williams	Historic Preservation Commission	kdwilliams273@gmail.com
David J Thompson	Historic Preservation Commission	davidt4564@gmail.com
Logan Harrison	Human Relations Council	harrisonl20@students.ecu.edu
John M Porter-acee	Human Relations Council	johnpa@st-tim.org
David J Thompson	Human Relations Council	davidt4564@gmail.com
Kendall Williams	Police Community Relations Committee	kdwilliams273@gmail.com
Demond Hairston	Police Community Relations Committee	pastordahairston@gmail.com
Jack Chen	Youth Council	dogepaul35@gmail.com



City of Greenville, North Carolina

Meeting Date: 01/11/2024

Title of Item: Appointment of City Council Members to Boards and Committees

Explanation: Appointments are needed for the following committees:

- Joint Pay & Benefits Committee - On September 8, 1992, a committee was established by the City Council and Greenville Utilities Commission (GUC) to jointly study the pay plans of the City and GUC. The Joint Pay & Benefits Committee consists of two City Council Members and two GUC Commissioners. Two appointments by vote of the City Council need to be made.
- Taxicab Appeal Board - Section 11-1-67 of the City Code of Ordinances establishes a Taxicab Appeal Board. Membership is composed of the City Manager or a designee, a member of the Greenville Taxicab Association, and a designated member of the City Council. The purpose of this board is to hear appeals of the Chief of Police to deny the issuance of or to revoke a taxi driver's permit. One appointment by vote of the City Council needs to be made.

Fiscal Note: No direct fiscal impact.

Recommendation: Make appointments to the Joint Pay & Benefits Committee and the Taxicab Appeal Board.



City of Greenville, North Carolina

Meeting Date: 01/11/2024

Title of Item: Update on 902 Ward Street (Tax Parcel #06722)

Explanation: As directed by City Council at its June 8, 2023 meeting, City staff is providing an update on the property owner's progress for rehabbing the residential structure at 902 Ward Street.

The following is a summary of activities that have occurred to date:

- June 14, 2022: The Complaint and Notice of Hearing was sent by certified mail to the property owner(s).
- June 30, 2022: The City held a hearing, and the property owner attended the hearing.
- June 30, 2022: The Findings of Fact and Order was sent by certified mail to the listed owner(s).
 - The Order instructed the property owner(s) to bring the dwelling into compliance with the Minimum Housing Code of the City of Greenville by repairing, altering or improving the dwelling in order to render it in compliance with the minimum standards or by demolishing and removing the dwelling by a date no later than July 29, 2022.
- September 8, 2022: A Public Hearing was held before City Council. The demolition order was tabled, and a 180-day extension was granted to the property owner. The 180 days ended March 8, 2023.
- April 13, 2023: City Council received an update on the rehab progress for this property.
 - City Council voted to postpone the demolition order for 30 days.
 - City Council advised staff to prepare a rehab agreement to include specifications for the property owner to follow during the rehab process of the property.
- June 8, 2023: City Council received an update on the rehab and approved the proposed rehab agreement granting a one-year extension.

- City Council required the agreement to include a 6-month update to ensure the property owner was making adequate progress. Other specifications in the agreement included the property owner:
 - Obtaining all required trade permits.
 - Granting access to associated staff as necessary to monitor the status of construction and maintain bi-weekly communication.
 - Passing all associated inspections.
 - Keeping the worksite grounds clean and secure.

- July 24, 2023: Code Enforcement ("CE") completed its first follow up inspection, and determined progress was made in maintaining the grounds, but CE was not granted access to the structure.

- August 9, 2023: CE requested a follow-up inspection, and CE was refused access and denied a follow-up inspection because the property owner required the Chief Building Inspector to be present during the inspections.

- August 18, 2023: The property owner paid for and acquired the plumbing and electrical trade permits.

- August 2023 - December 2023: Staff attempted to complete several inspections, and was able to complete the following inspections during this timeframe:
 - September 11, 2023 (Inspections & Code Enforcement)
 - October 9, 2023 (Code Enforcement)
 - November 3, 2023 (Code Enforcement)
 - December 11, 2023 (Inspections & Code Enforcement)

- December 11, 2023: Inspection, staff found the same issues identified during previous inspections and communicated with the owner verbally, again, and in writing the following:
 - None of the plumbing, mechanical or electrical work is able to pass inspection at this time.
 - There were multiple examples where work had been done and had been covered. Given the work had been covered prior to inspection, the City Inspection Division was not able to determine if the work had been performed to building code. Therefore it was communicated to the owner that multiple items must be uncovered for inspection.
 - Wiring installed will need to be properly protected including the installation of nail plates.
 - Windows are not properly installed, and exterior openings are not sealed or properly flashed to prevent water from infiltrating the home.
 - Visible insulation is not the proper R-value and has not been installed correctly.

- Bathroom floor joists are rotten and either need to be replaced or evaluated by a structural engineer.
 - Plumbing work completed under the house is made up of improperly sized pipes and incorrect slopes.
 - The plumbing “tee” is the wrong size, and the plumbing configuration is installed backwards.
 - Dining room ceiling needs to be insulated and currently does not have an access point to remedy. The need for insulation was identified during a previous inspection when the ceiling was open.
 - Electrical plugs are not tamper resistant and need to be replaced.
 - Sheetrock is installed in multiple locations despite the fact that the insulation and electrical have not been inspected.
 - Multiple repairs throughout the structure will require inspection before additional sheetrock should be installed.
 - Both levels of the structure must be completed, and all repairs must pass inspection based on the NC State Building Code requirements prior to staff deeming the structure habitable and issuance of a certificate of occupancy (CO).
 - The requested updated timeline/plan for completion of repairs requested by staff has not been provided.
 - Inspections must be requested at each stage of repair (prior to covering up work) in order to resolve the code enforcement case and meet the required residential building code standards.
- No repairs have been attempted on the second level of the structure.

Fiscal Note:

There are no direct fiscal impacts to the City at this time.

Recommendation:

Council grant the remaining 6 months of the current one-year allowance and staff return on June 13, 2024 to provide an update on progress or Council direct staff to proceed with next steps to demolish the property.



City of Greenville, North Carolina

Meeting Date: 01/11/2024

Title of Item: Ordinance requested by RaceTrac, Inc. to rezone 3.405 acres located at the southwestern corner of the intersection of North Memorial Drive and Independence Boulevard from RA20 (Residential-Agricultural) to CG (General Commercial)

Explanation: **Required Notices:**

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

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

City Council public hearing notice (property owner and adjoining property owner letter) mailed on December 22, 2023.

Public hearing legal advertisement published on December 30, 2023 and January 6, 2024.

Comprehensive Plan:

The Future Land Use and Character Map recommends commercial (C) at the southwestern corner of the intersection of North Memorial Drive and Independence Boulevard transitioning to office/institutional (OI) and industrial/logistics (IL) for the remainder of the area between Jones Staton Road and North Memorial Drive. Further, potential conservation/open space (PCOS) is shown along Parker's Creek and a manmade pond (most likely a "borrow pit" for a road construction project) where sand was mined.

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

Industrial/Logistics

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

Intent:

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

Primary uses:

Industrial

Light industrial

Research and assembly

Warehousing

Secondary uses:

Office

Commercial

Potential Conservation/Open Space

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

capabilities in these areas.

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

Intent:

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

Thoroughfare/Traffic Report Summary (Engineering Department):

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 2,651 trips to and from the site on Memorial Drive, which is a net increase of 2,594 additional trips per day (over current zoning).

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

History/Background:

In 1981, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) as part of a large-scale ETJ extension and was zoned RA20 (Residential-Agricultural).

On October 19, 2023 City Council approved a request to amend the Future Land Use and Character Map to recommend commercial (C) in this area. At the City Council hearing, the applicant was asked and agreed to hold a neighborhood meeting prior to the consideration of a rezoning application. The meeting was held on December 13, 2023 at 7:00PM at the Barnes-Ebron-Taft Center. Those in attendance were: nine (9) citizens, two (2) elected officials, two (2) City staff members and the representatives of the applicant.

Existing Land Uses:

Vacant

Water/Sewer:

Water and sanitary sewer are available to the property.

Historic Sites:

There are no known effects on historic sites.

Environmental Conditions/Constraints:

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

The property is not located in the Special Flood Hazard Area. There may be jurisdictional wetlands, streams, and riparian buffers on the property.

Surrounding Land Uses and Zoning:

North: R6MH – Colonial Village Duplexes

South: RA20 - Vacant (under same ownership as subject properties)

East: RA20 – Thermo Fisher

West: RA20 – West Wood Mobile Home Community

Density Estimates:

Under the current zoning, the site could accommodate 6 single-family lots.

Under the proposed zoning, the site could accommodate one convenience store with gasoline sales.

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

Fiscal Note:

No cost to the City.

Recommendation:

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

Therefore, staff recommends approval.

The Planning and Zoning Commission voted unanimously to approve the request at its December 19, 2023 meeting.

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

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 RaceTrac, Inc Rezoning.pdf](#)
- [Excerpt_Minutes_for_Race_Track_Rezoning.pdf](#)
- [RaceTrac APO Map.pdf](#)
- [RaceTrac Survey.pdf](#)
- [RaceTrac Traffic Report](#)
- [RA20 to CG List of Uses.pdf](#)
- [Density and Veg Charts.pdf](#)

ORDINANCE NO. 24-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 6, Chapter 160D, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 11th day of January, 2024, at 6:00 p.m., conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

WHEREAS, in accordance with the applicable provisions of North Carolina General Statute 160D-605, the City Council does hereby find and determine that the adoption of the ordinance zoning the following described property is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance zoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160D-605, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the applicable provisions of North Carolina General Statute 160D-605, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character Map and is located in a Preferred Growth Area;

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

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

TO WIT: HPD, LLC

LOCATION: Located along the southwestern corner of the intersection of North Memorial Drive and Independence Boulevard.

DESCRIPTION: ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND LYING AND BEING SITUATE IN PITT COUNTY, STATE OF NORTH CAROLINA CONTAINING 3.405 ACRES WITH THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT AN OLD CONCRETE MONUMENT (DISTURBED) LOCATED AT THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY OF INDEPENDENCE BOULEVARD AND THE WESTERN RIGHT OF WAY OF NORTH MEMORIAL DRIVE; THENCE RUNNING ALONG SAID RIGHT OF WAY OF NORTH MEMORIAL DRIVE S12°22'155"W 520.61' TO A POINT; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING S81°16'06"W 177.94' TO A POINT IN A DITCH; THENCE RUNNING ALONG SAID DITCH, AS THE LINE, THE FOLLOWING 12 CALLS: N08°05'41"W 91.50 TO A POINT; THENCE N04°42'13"E 15.52' TO A POINT; THENCE N29°04'16"E 11.25' TO A POINT; THENCE N01°46'37"E 9.57' TO A POINT; THENCE N02°32'37"W 25.88' TO A POINT; THENCE N12°54'12"W 71.83' TO A POINT; THENCE N18°32'08"W 50.54' TO A POINT; THENCE N04°59'28"W 72.27' TO A POINT; THENCE N01°19'24"E 52.59' TO A POINT; THENCE N03°15'11"W 48.86' TO A POINT; THENCE N01°23'16"W 133.18' TO A POINT; THENCE N00°52'45"W 33.26' TO A POINT LOCATED ON THE SOUTHERN RIGHT OF WAY OF INDEPENDENCE BOULEVARD; THENCE TURNING AND RUNNING ALONG SAID RIGHT OF WAY S77°48'48"E 310.59' TO THE POINT OF BEGINNING.

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

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

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

ADOPTED this 11th day of January, 2024.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk
1189479

Excerpt from the draft Planning & Zoning Commission Minutes (12/19/23)

REQUEST BY RACETRAC, INC. TO REZONE 3.405 ACRES LOCATED AT THE SOUTHWESTERN CORNER OF THE INTERSECTION OF NORTH MEMORIAL BOULEVARD AND INDEPENDENCE BOULEVARD FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO CG (GENERAL COMMERCIAL).

Christopher Kelly, Planner I, presented on behalf of Staff. The property drains to the Parker's Creek Watershed. If stormwater rules apply, it would require 10-year detention, nitrogen and phosphorus reduction. The property is not located in the Special Flood Hazard Area. There may be jurisdictional wetlands, streams, and riparian buffers on the property. This request could generate a net increase of 2,594 additional trips per day on North Memorial Drive. During the review process, measures to mitigate the traffic will be determined. A Traffic Impact Analysis will be required. This property was originally zoned RA20 in 1981 when the property was incorporated into the City's Extraterritorial Jurisdiction. Under the current zoning, the site could accommodate six single-family lots. Under the proposed zoning, the site could accommodate one convenience store with gasoline sales. Currently, the Future Land Use and Character Map recommends commercial (C) at the southwestern corner of the intersection of North Memorial Drive and Independence Boulevard transitioning to office/institutional (OI) and industrial/logistics (IL) for the remainder of the area between Jones Staton Road and North Memorial Drive. The Future Land Use Plan was amended on October 19, 2023 from office/institutional to the current commercial category. At this City Council hearing, the applicant was asked and agreed to hold a neighborhood meeting. This meeting was held on December 13, 2023. The requested zoning is general commercial. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use Plan. Staff recommends approval.

Chair Brock opened the public hearing.

Tommy Pease, RaceTrac, spoke in favor of the request. We are in agreement with staff's recommendation. The proposed zoning is in line with the Future Land Use and Character Map. Our team is committed to working with the City and the surrounding communities. We look forward to keeping an open dialogue with the community to address any issues that may come up.

No one spoke in opposition to the request.

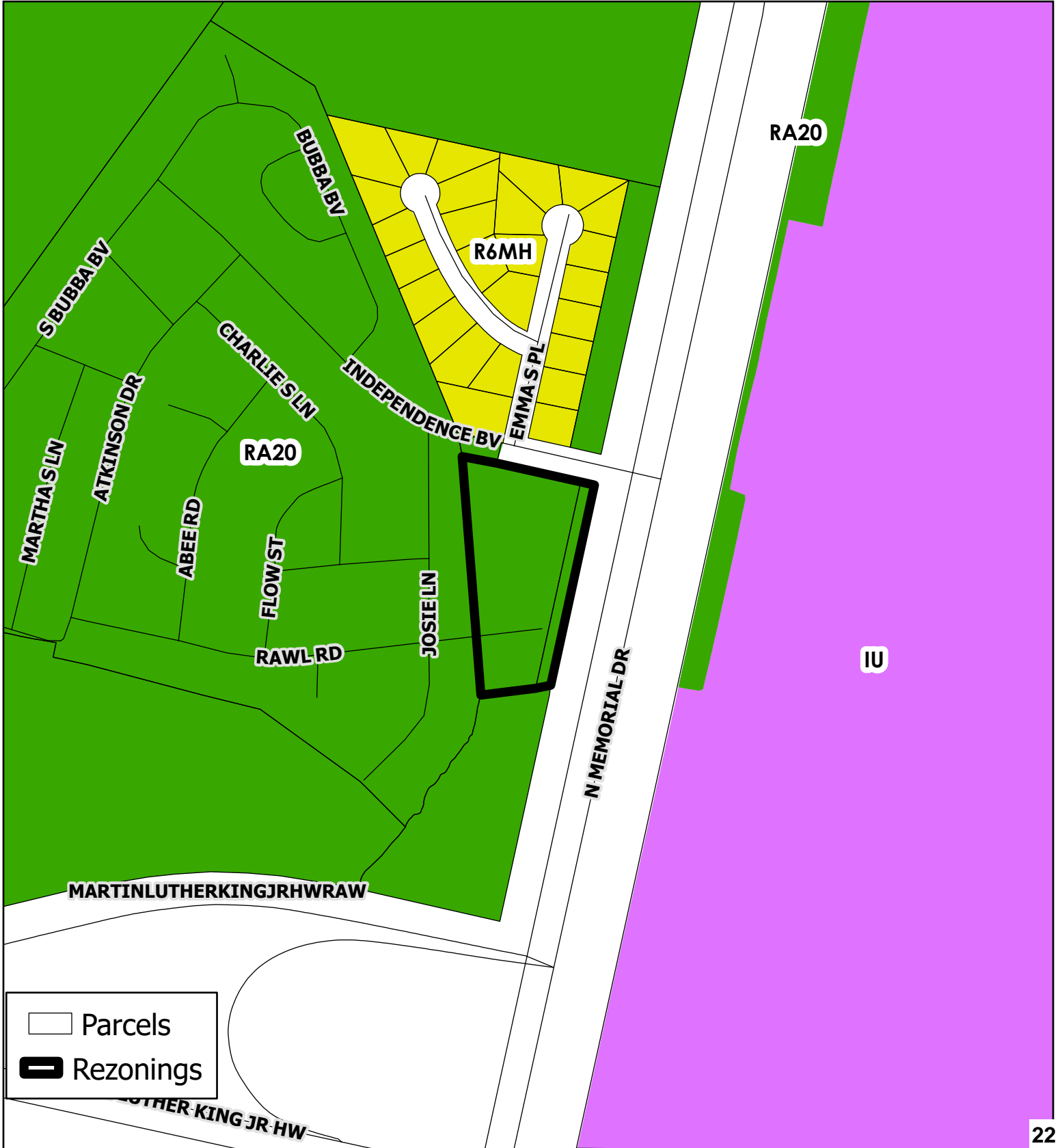
Chair Brock closed the public hearing and opened board discussion.

Motion made by Vice Chair Faison, seconded by Mr. Denton, 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.

RaceTrac, Inc
From: RA20
To: CG
Acres: 3.405
December 5, 2023

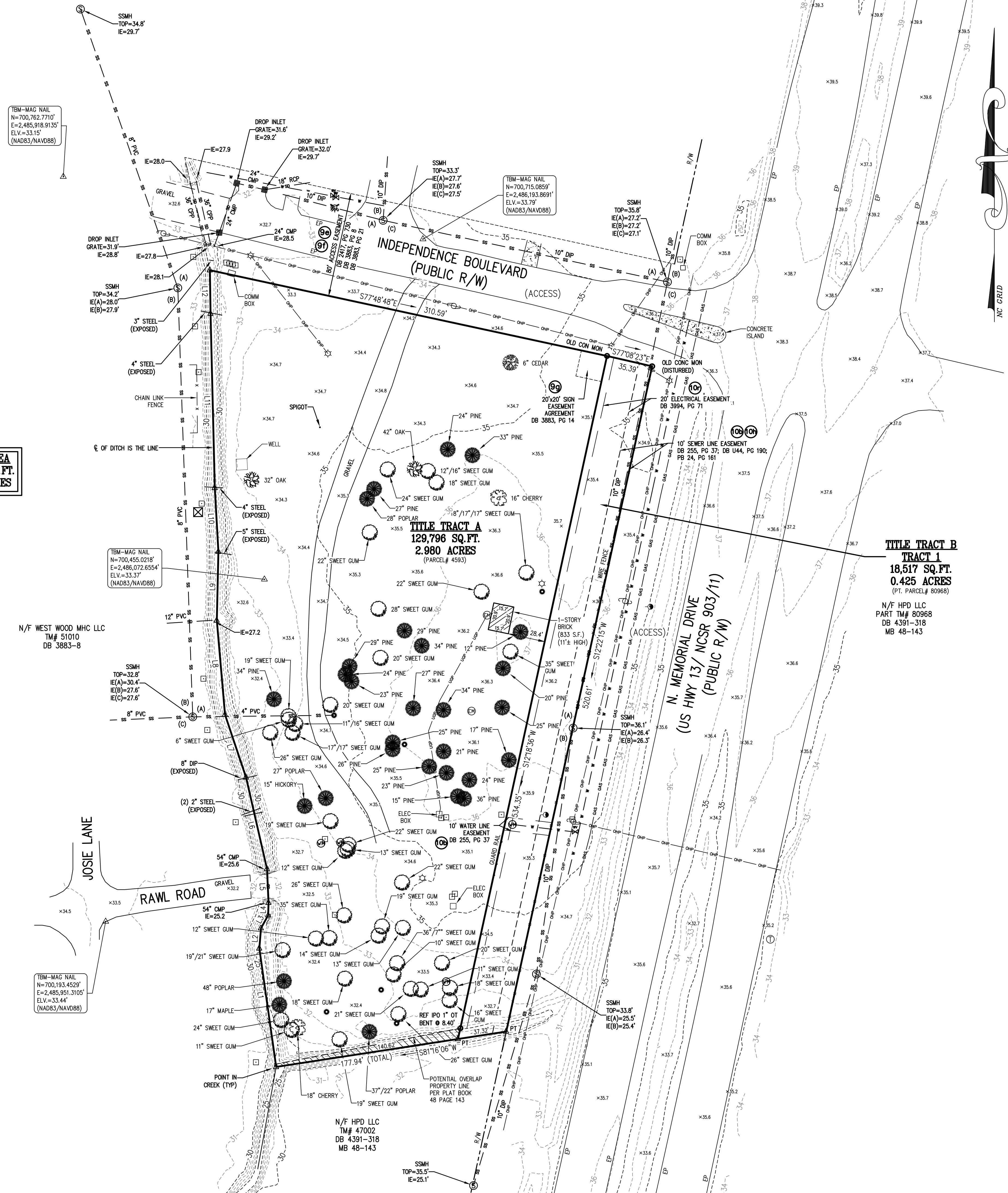


0 0.02 0.04 0.08 Miles



LINE #	BEARING	LENGTH
L1	N08°05'41"W	91.50
L2	N04°42'13"E	15.52
L3	N29°04'16"E	11.25
L4	N01°46'37"E	9.57
L5	N02°32'37"W	25.88
L6	N12°54'12"W	71.83
L7	N18°32'08"W	50.54
L8	N04°59'28"W	72.27
L9	N01°19'24"E	52.59
L10	N03°15'11"W	48.86
L11	N01°23'16"W	133.18
L12	N00°52'45"W	33.26

TOTAL AREA
148,313 SQ. FT.
3.405 ACRES



TITLE TRACT B
TRACT 1
18,517 SQ. FT.
0.425 ACRES
(PT. PARCEL# 80968)
N/F HPD LLC
PART TM# 80968
DB 4391-318
MB 48-143

TOPO NOTES:
1. ELEVATIONS ARE BASED ON NAVD83 (NCVRS)
2. CONTOURS ARE SHOWN AT 1' INTERVALS

CAUTION



Know what's below.
Call before you dig.

THE UTILITIES ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

LEGEND

POB POINT OF BEGINNING	CAATV CABLE TV PEDESTAL	TC/BC TELEPHONE PEDESTAL
BL BUILDING LINE	TEL TELEPHONE PEDESTAL	TW/BW TOP/BOTTOM WALL
CL CENTERLINE	EM ELECTRIC METER	TM/BM TOP/BOTTOM WALL
CMP CORRUGATED METAL PIPE	CB CATCH BASIN	VCP VITRIFIED CLAY PIPE
CT CRIMP TOP	DI DROP INLET	WM WATER METER
DE DRAINAGE EASEMENT	ET ELEC TRANS	WD WATER VALVE
EP EDGE OF PAVEMENT	90.0 90.0 ELEVATION	WV WATER VALVE
IPO IRON PIN OLD-O	FD FIRE HYDRANT	X-CABLE TV
IPS IRON PIN SET-O	GM GAS METER	X-FENCE LINE
M&C NAIL & CAP	GV GAS VALVE	FOC FIBER OPTIC CABLE
OT OPEN TOP	LP LIGHT POLE	GS GAS LINE
RB REBAR	PP POWER POLE	OP OVERHEAD POWER
RCP REINFORCED CONC PIPE	GP GUY ANCHOR	OHT OVERHEAD TELEPHONE
R/W RIGHT OF WAY	SMH SO MANHOLE	SD STORM DRAIN
SD STORM DRAIN	SS MANHOLE	SS SANITARY SEWER
SS SANITARY SEWER	TMH TELEPHONE MANHOLE	UGT UNDERGROUND POWER
SSE SS EASEMENT	CO CLEAN OUT	UGT UNDERGROUND TEL
		W WATER LINE
		PI POST INDICATOR VALVE

SHEET 2 OF 2

"ALTA / NSPS LAND TITLE SURVEY"
FOR
RACETRAC PETROLEUM, INC.

N. MEMORIAL DRIVE/INDEPENDENCE BOULEVARD
PITT COUNTY
GREENVILLE, NORTH CAROLINA

DATE	FIELD CREW	DRAWN BY	CHECKED BY
4/18/2023	RM/DR	HS	ACJ

SCALE: 1"=40'

SITE DESIGN, INC.
CIVIL ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS

225 ROCKY CREEK ROAD, GREENVILLE, SC 29615
PH: (864)271-0496
www.sitedesign-inc.com

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 23-11

Applicant: RaceTrack Petroleum, Inc.

Property Information

Current Zoning: RA20 (Residential-Agricultural)

Proposed Zoning: CH (General Commercial)

Current Acreage: 3.405 acres

Location: Memorial Dr, north of US 264 Bypass

Points of Access: Memorial Drive

Location Map



Transportation Background Information

1.) Memorial Dr- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	4-lane divided with grass median	no change
Right of way width (ft)	190	no change
Speed Limit (mph)	55	
Current ADT:	19,100 (*)	
Design ADT:	43,900 vehicles/day (**)	
Controlled Access	Yes	
Thoroughfare Plan Status	Major Thoroughfare	
Other Information: There are no sidewalks along Memorial Dr that service this property.		

Notes: (*) 2020 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: 57 -vehicle trips/day (*) **Proposed Zoning:** 2,651 -vehicle trips/day (*)

Estimated Net Change: increase of 2594 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 Memorial Dr are as follows:

1.) Memorial Dr , North of Site (50%): “No build” ADT of 19,100

Estimated ADT with Proposed Zoning (full build) – 20,426

Estimated ADT with Current Zoning (full build) – 19,129

Net ADT change = 1,297 (7% increase)

2.) Memorial Dr , South of Site (50%): “No build” ADT of 19,100

Estimated ADT with Proposed Zoning (full build) – 20,426

Estimated ADT with Current Zoning (full build) – 19,129**Net ADT change = 1,297 (7% increase)****Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 2651 trips to and from the site on Memorial Dr, which is a net increase of 2594 additional trips per day (over current zoning).

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

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

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

	l. Beekeeping; minor use (see also section 9-4-103)
(6) Recreational/Entertainment	
	f. Public park or recreational facility
	h. Commercial recreation; indoor only, not otherwise listed
	j. Bowling alley
	n. Theater; movie or drama, indoor only
	q. Circus, carnival, or fair, temporary only (see also section 9-4-103)
	s. Athletic club; indoor only
(7) Office/Financial/Medical	
	a. Office; professional and business, not otherwise listed
	b. Operation/processing center
	d. Bank, savings and loans or other savings or investment institutions
	e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
	g. Catalogue processing center
(8) Services	
	c. Funeral home
	e. Barber or beauty salon
	f. Manicure, pedicure or facial salon
	k. Business or trade school
	o. Church or place of worship (see also section 9-4-103)
	q. Museum
	r. Art gallery
	s. Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
	u. Art studio including art and supply sales
	v. Photography studio including photo and supply sales
	x. dance studio
	y(1) TV and/or radio broadcast facilities, including receiving and transmission equipment and towers not exceeding 200 feet in height or cellular telephone and wireless communication towers not exceeding 200 feet in height (see also section 9-4-103)
	y(4) Distributed Antenna System (See also 9-4-103 (Q))
	z. Printing or publishing service including graphic art, maps, newspapers, magazines and books
	aa. Catering service including food preparation (see also restaurant; conventional and fast food)
	hh. Exercise and weight loss studio; indoor only
	kk. Laundrette; household users
	ll. Dry cleaners; household users
	oo. Clothes alteration or shoe repair shop
	pp. Automobile wash
	qq. Pet grooming facility (see also section 9-4-103)
	ss. Tattooing
	tt. Microblading
(9) Repair	
	g. Jewelry, watch, eyewear or other personal item repair
(10) Retail Trade	
	a. Miscellaneous retail sales; non-durable goods, not otherwise listed

d.	Pharmacy
e.	Convenience store (see also gasoline sales)
f.	Office and school supply, equipment sales
g.	Fish market; excluding processing or packing
h.	Restaurant; conventional
i.	Restaurant; fast food (see also section 9-4-103)
k.	Medical supply sales and rental of medically-related products including uniforms and related accessories
l.	Electronic; stereo, radio, computer, TV and the like, sales and accessory repair
m.	Appliance; household use, sales and accessory repair, excluding outside storage
p.	Furniture and home furnishing sales not otherwise listed
q.	Floor covering, carpet and wall covering sales
r.	Antique sales, excluding vehicles
s.	Book or card store, news stand
t.	Hobby or craft shop
u.	Pet shop (see also animal boarding; outside facility)
v.	Video or music store; records, tape, CD and the like sales
w.	Florist
x.	Sporting goods sales and rental shop
y.	Auto part sales (see also major and minor repair)
aa.	Pawnbroker
bb.	Lawn and garden supply and household implement sales and accessory service
ee.	Christmas tree sales lot; temporary only (see also section 9-4-103)
mm.	Grocery store
(11) Wholesale/Rental/Vehicle-Mobile Home Trade	
b.	Rental of home furniture, appliances or electronics and medically-related products (see also division (10k.))
c.	Rental of clothes and accessories; formal wear, and the like
(12) Construction	
c.	Construction office; temporary, including modular office (see also section 9-4-103)
e.	Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outdoor sales
f.	Hardware store
(13) Transportation	
c.	Taxi or limousine service
e.	Parcel delivery service
h.	Parking lot or structure; principal use
(14) Manufacturing/Warehousing	
c.	Bakery; production, storage, and shipment facilities
(15) Other Activities (not otherwise listed - all categories) - None	
CG (GENERAL COMMERCIAL) - SPECIAL USES	
(1) General - None	
(2) Residential	
i.	Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
(3) Home Occupations - None	

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

RESIDENTIAL DENSITY CHART

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

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

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

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

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

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

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

Street trees may count toward the minimum acreage.

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

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs
Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.	

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs
Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.	

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs
Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.	

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs
Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.	

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



City of Greenville, North Carolina

Meeting Date: 01/11/2024

Title of Item:

Ordinance requested by Elliot Sidewalk Communities to amend Title 9, Chapter 4 Section 200.4 MUI Mixed Use Institutional District Standards of the Zoning Ordinance by deleting "(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." and replacing with "(6) Residential uses may not exceed 35% of the total land area and 400 residential units within an MUI district. This ratio shall apply to the aggregate of the entire MUI designated land area within a specific development or master development."

Explanation:

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 portion of the development could not exceed 25% of the total building square footage. This proposal is to limit the amount of residential use to not exceed 35% of the total land area. Specifically, Elliott Sidewalk Communities is requesting that residential usage be allowed to occupy up to 35% of the total land area and up to 400 residential units. As such, staff is of the opinion that the change from total building square footage to total land area is an acceptable request as it offers more flexibility in the development of this type of project but also caps the amount of residential units at no more than 400 residential. Building height is limited to 5 stories or 70 feet.

On August 10, 2023, City Council approved a text amendment from Elliott Sidewalk Communities to reduce the minimum habitable size residential unit to a minimum of 400 square foot for a one-bedroom unit and 500 square feet for a two-bedroom unit and density is primarily limited by building height. Prior to this amendment, residential density was based on land acreage.

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.

(c) Parking location requirements:

(1) Each required parking space shall be located:

(a) On the lot containing the associated residential use;

(b) Within a remote parking facility located within 800 feet of the use it is intended to serve, as measured with and along an improved pedestrian path from the most distant parking space to the building entrance; or

(c) Within a remote parking facility located in a Downtown

Commercial (CD) District.

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

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

(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.~~

(6) Residential uses may not exceed 35% of the total land area and 400 residential units within an MUI district. This ratio shall apply to the aggregate of the entire MUI designated land area within a specific development or master development.

(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):* The MUI may utilize remote parking that is a distance in excess of 400 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.

(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.

Table of current and proposed changes:

Current standards (Residential Uses)	Proposed standards (Residential Uses)
25% of the total building square footage	35% of the total land area
Residential Unit Maximum: N/A	Residential Unit Maximum: 400

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.

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 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.

The Planning and Zoning Commission voted to approve (5:1) the request at its December 19, 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."

ATTACHMENTS

- [Ordinance_-_MUI_density_calculation.pdf](#)
- [Excerpt_Minutes_for_MUI.pdf](#)
- [Email from East Carolina University](#)

ORDINANCE NO. 24-
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 11th day of January, 2024, 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(A)(6), is hereby amended by deleting and replacing with the following:

(6) Residential uses may not exceed 35% of the total land area and 400 residential units within an MUI district. This ratio shall apply to the aggregate of the entire MUI designated land area within a specific development or master development.

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 11th day of January 2024.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

Doc. # 1189578

Excerpt from the adopted Planning & Zoning Commission Minutes (11/21/23)

REQUEST BY ELLIOT SIDEWALK COMMUNITIES TO AMEND TITLE 9, CHAPTER 4 SECTION 200.4 MUI MIXED USE INSTITUTIONAL DISTRICT STANDARDS OF THE ZONING ORDINANCE BY DELETING "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." AND REPLACING WITH "RESIDENTIAL USES MAY NOT EXCEED 35% OF THE TOTAL LAND AREA AND 400 RESIDENTIAL UNITS WITHIN AN MUI DISTRICT. THIS RATIO SHALL APPLY TO THE AGGREGATE OF THE ENTIRE MUI DESIGNATED LAND AREA WITHIN A SPECIFIC DEVELOPMENT OR MASTER DEVELOPMENT."

Chantae Gooby, Chief Planner, presented for staff. The Mixed Use-Institutional District is intended to be more of a campus style setting. The entity that controls the project should be a local government or an institutional entity. This request is solely based on district density. For the district dimensional standards, there is no lot area requirements, no public street setback as well as no side or rear setback, and the height restriction is no more than 5 stories or 70 feet, whichever one is the highest. The minimum size is of residential units is 400 square feet for a one bedroom unit and 500 square feet for a two or more bedroom unit. The current language states “*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*”. The proposed language states “*Residential uses may not exceed 35% of the total land area and 400 residential units within an MUI district. This ratio shall apply to the aggregate of the entire MUI designated land area within a specific development or master development*”. This amendment is a different way to calculate the number of multi-family units but there is a cap of no more than 400 units on an overall project.

Current standards (Residential Uses)	Proposed standards (Residential Uses)
25% of the total building square footage	35% of the total land area
Residential Unit Maximum: N/A	Residential Unit Maximum: 400

In staff’s opinion, the request is in compliance with 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. Staff recommends approval.

Andrew Denton stated that he is concerned that while there is a cap of 400 multi-family units he has concerns that project could potentially be split into smaller projects that would allow up to 400 multi-family units for each project.

Allen Thomas stated that he would like to know why the applicant is proposing the change.

Chair Brock opened the public hearing.

Alex Flint, Elliot Sidewalk Communities, spoke in favor of request.

No one spoke in opposition.

Chair Brock closed the public hearing and opened board discussion.

Motion made by Vice-Chair Faison, seconded by Mr. Thomas, to continue request until December 19, 2023 to gather more information from the applicant.

Motion passed unanimously.

Excerpt from the draft Planning & Zoning Commission Minutes (12/19/23)

Motion made by Mr. Woodmansee, seconded by Mr. Denton, to re-open the public hearing for this request. Motion passed unanimously.

REQUEST BY ELLIOT SIDEWALK COMMUNITIES TO AMEND TITLE 9, CHAPTER 4 SECTION 200.4 MUI MIXED USE INSTITUTIONAL DISTRICT STANDARDS OF THE ZONING ORDINANCE BY DELETING "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." AND REPLACING WITH "RESIDENTIAL USES MAY NOT EXCEED 35% OF THE TOTAL LAND AREA AND 400 RESIDENTIAL UNITS WITHIN AN MUI DISTRICT. THIS RATIO SHALL APPLY TO THE AGGREGATE OF THE ENTIRE MUI DESIGNATED LAND AREA WITHIN A SPECIFIC DEVELOPMENT OR MASTER DEVELOPMENT."

Chantae Gooby, Chief Planner, presented for staff. The Mixed Use-Institutional District is intended to be more of a campus style setting. The entity that controls the project should be a local government or an institutional entity. This request is solely based on district density. For the district dimensional standards, there is no lot area requirements, no public street setback as well as no side or rear setback, and the height restriction is no more than 5 stories or 70 feet, whichever one is the highest. The minimum size is of residential units is 400 square feet for a one bedroom unit and 500 square feet for a two or more bedroom unit. The current language states "*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*". The proposed language states "*Residential uses may not exceed 35% of the total land area and 400 residential units within an MUI district. This ratio shall apply to the aggregate of the entire MUI designated land area within a specific development or master development*". This amendment is a different way to calculate the number of multi-family units but there is a cap of no more than 400 units on an overall project.

Current standards (Residential Uses)	Proposed standards (Residential Uses)
25% of the total building square footage	35% of the total land area
Residential Unit Maximum: N/A	Residential Unit Maximum: 400

In staff's opinion, the request is in compliance with 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. Staff recommends approval.

Chair Brock opened the public hearing.

Tim Elliot, applicant, spoke in favor of application. This really sounds more complicated than it is. We need to preserve the mixed-use and vibrancy of 20 acres in downtown. To do so, it's clearly going to be a phased development. There will be about 150 people working there. All the amenity spaces and the average square foot of the hallways, the core, the units and everything else, was restricting us and we wouldn't see a residential apartment there for 6-7 years. We would like to accelerate that. We think residential housing is absolutely needed downtown. The more bodies we put downtown, the better the community. We are not putting up student housing, strictly market rate apartments. Secondly, we wanted to take what was originally planned on 12th Street and bring it to the front at 10th Street. We want the world to know that there's construction here, a welcoming residential property. We seek faculty, young professionals or any professionals, and anyone who wants to live downtown. We have every intention of having some dining, retail, and great amenities.

Merrill Flood, Director of Millennial Campus Planning of East Carolina University, spoke in favor of application. Intersect East is part of the research and innovation campus network. The idea behind the development is to create an area where research extends into community as well as industrial problem solving. This is a long-term phase development that will result in 1,300,000 square feet over time. It does not promote student housing or dormitory housing on the site. This will probably be 8-10 years of development. We have several partners that have already signed long-term leases for over 100,000 square feet that will be developed this year.

No one spoke in opposition.

Chair Brock closed the public hearing and opened board discussion.

Mr. Denton asked if the development is already defined as to the usage?

Ms. Gooby stated there is an approved master plan on file. Any adjustments will have to be reviewed and approved by staff. A master plan defines the types of uses, amount of uses, and if they're going to phase it or not. Intersect East is one large project. The project right now is defined as all of those parcels together. There are public streets between them, but it is defined as one project.

Mr. Faison asked other than the university and the hospital, who else could apply for one of these?

Ms. Gooby stated it could be the City for a public-private partnership or your larger institutions, like hospitals, universities, or colleges.

Mr. Woodmansee what is the square footage of the apartments?

Mr. Elliot stated there are 20 acres. We're asking for 35% of that to be residential because we believe in over 100 years there's going to be the need for housing downtown.

Mr. Denton stated that he has concerns over the amendment that it could potentially allow someone to develop the residential portion of the project, but not include the other uses. The intent is for the residential to follow the other uses. The project should be frontloaded with office, research and development, and other uses then the residential to follow.

Mr. Elliott explained that the residential is needed in order to get financing for the project.

Mr. Denton stated that the financing is separate from the intent of the use. The intent is to have the office, research and development, and other uses prior to the residential being built.

Mr. Faison asked what type of safeguards does the University have to make sure that the development happens, not just the residential?

Mr. Flood stated the University has covenants. There are phases of when the land has to be leased. We have limitations on the amount of square footage for uses. The phases of development for the project can't exceed the amount that's been previously approved and we would look to the developer to do as indicated.

Motion made by Mr. Woodmansee, seconded by Mr. Thomas, 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. Vote 5:1. Those voting in favor: Woodmansee, Parker, Thomas, Faison, and Stone. Those voting in opposition: Denton.



Office of Economic and Community Engagement
Division of Research, Economic Development and Engagement

Office 303 | 300 East First Street
East Carolina University | Greenville, N.C. 27858 | 252-737-2256 | floodm18@ecu.edu

November 20, 2023

City of Greenville Planning and Zoning Commission
P.O. Box 7207
Greenville NC 27835-7207

Dear Mr. Alan Brock, Planning and Zoning Commission Chair and,
Members of the Greenville Planning and Zoning Commission:

I am writing in support of agenda item #7 on the November 21, 2023, agenda of the City of Greenville Planning and Zoning Commission. I am unable to attend the meeting on Tuesday but am very familiar with this item, the MUI Zoning District, and the Intersect East Development which is part of the East Carolina Research and Innovation Campus network.

The proposed amendment allowing a 35% residential square footage cap and not to exceed 400 units (as applied to the aggregate of the entire MUI designation), within MUI Zoned campuses is a reasonable approach to phased /multi-year development projects such as Intersect East and future MUI projects. Specifically, for Intersect East, the proposed amendment does not collide with or violate restrictive and development covenants established for Intersect East by East Carolina University. Additionally, the amendment will enhance the developers ability to attract future partners to the campus by allowing construction of young professional housing during development as a campus feature.

Intersect East is currently being populated by industry and business partners. This amendment will enhance the vision for the project to be a work, live and recreate environment. Intersect East will be an important addition to not only Greenville but also Eastern NC.

If there are additional details about the benefit to the project by the amendment or other aspects of the development that I can provide answers to, I am glad to do so.

Sincerely,

Merrill Flood
Director of Research and Innovation Campus Development in the Office of Economic & Community Engagement
Planner in Residence, Department of Geography, Planning and Environment
Willis Building, Office 303
(252) 737-2256
Floodm18@ecu.edu





City of Greenville, North Carolina

Meeting Date: 01/11/2024

Title of Item:

Ordinance requested by the Planning and Development Services Department to amend the Subdivision Ordinance to add language to require review by City staff of plats that combine, recombine, or otherwise alter lot lines prior to the recordation

Explanation:

The purpose of this amendment is to add language to the Subdivision Ordinance. This will require a surveyor/property owner to present a plat/map that combines, recombines, consolidates, or otherwise alters existing lot lines of properties to present the plat/map to City Staff for review prior to the recordation of the map at the Courthouse.

When property is divided and/or the number of lots are increased, the plat/map is required to be reviewed and approved by the Planning and Zoning Commission. However, when lots lines are altered but the number of lots isn't increased, the plat/map is considered exempt for review under the Subdivision Ordinance.

This amendment incorporates language that will require a plat/map that would otherwise be considered exempt from the Subdivision to be present to City Staff for review and approval. While this type of map may be exempt under the Subdivision Ordinance, this action may create a situation where combining or altering lot lines can cause a violation of the Zoning Ordinance. The intent of this language is to prevent unforeseen consequences of recording of these types of plats/maps which is why City Staff making this request. The review will be free of charge and can most likely be completed within 24 hours of presentation of the plat/map.

The text in red is the proposed language:

Section 9-5-19 CITY REVIEW AND APPROVAL OF EXEMPT PLATS FOR RECORDATION

Pursuant to NCGS 47-30 (11), prior to the recordation of a plat which shows or includes, in whole or in part, property located within the jurisdiction of the City for purposes of land development regulation, and which plat contains a surveyor's certificate as provided in NCGS 47-30(11) d. , "that the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision", then the plat shall be first presented to the City Planning Department for review. Upon

review by the City, the plat will not be approved for recordation if, by dividing, recombining, consolidating, or otherwise altering existing lot lines, it results in a violation of, or is otherwise inconsistent with, any land development regulation of the City. Such a determination by the City shall be noted by affixing to the plat a statement of non-approval, in which case the plat may not be presented for recordation. If the City, upon its review of the plat, determines that its contents are consistent with the City's land development regulations, or that no City approval is otherwise required, then it will affix to the plat a certificate of approval, or a statement that no approval is required, and the plat may be presented for recordation.

The following is the language that will be affixed to the plat:

CITY OF GREENVILLE CERTIFICATION OF APPROVAL

"I, _____, the City Planner of the City of Greenville, NC, certify this map or plat is an exemption to the definition of a subdivision and exceeds the minimum land development regulations of the City of Greenville. This plat is approved for recordation.

City Planner

Date

Fiscal Note: No cost to the City.

Recommendation: Staff recommends approval.

The Planning and Zoning Commission voted unanimously to approve the request at its December 19, 2023 meeting.

ATTACHMENTS

- [Ordinance_Exempt_Subdivisions.pdf](#)
- [Excerpt_for_Exempt_SD.pdf](#)
- [Example_of_Exempt_Map.pdf](#)

ORDINANCE NO. 24-
AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE OF THE CITY OF
GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on January 11, 2024, at 6:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-373, the City Council of the City of Greenville does hereby find and determine that the adoption of the ordinance is reasonable and in the public interest to enhance existing coordination with organizational partners in the technical review of preliminary subdivision plats;

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

Section 1. That Title 9, Chapter 5, Article A. General Provisions is hereby amended by adding the following section:

SEC. 9-5-19 CITY REVIEW AND APPROVAL OF EXEMPT PLATS FOR RECORDATION

Pursuant to NCGS 47-30 (11), prior to the recordation of a plat which shows or includes, in whole or in part, property located within the jurisdiction of the City for purposes of land development regulation, and which plat contains a surveyor's certificate as provided in NCGS 47-30(11) d. , *“that the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision”*, then the plat shall be first presented to the City Planning Department for review. Upon review by the City, the plat will not be approved for recordation if, by dividing, recombining, consolidating, or otherwise altering existing lot lines, it results in a violation of, or is otherwise inconsistent with, any land development regulation of the City. Such a determination by the City shall be noted by affixing to the plat a statement of non-approval, in which case the plat may not be presented for recordation. If the City, upon its review of the plat, determines that its contents are consistent with the City's land development regulations, or that no City approval is otherwise required, then it will affix to the plat a certificate of approval, or a statement that no approval is required, and the plat may be presented for recordation.

The following is the language that will be affixed to the plat:

CITY OF GREENVILLE CERTIFICATION OF APPROVAL

“I, _____, the City Planner of the City of Greenville, NC, certify this map or plat is an exemption to the definition of a subdivision and exceeds the minimum land development regulations of the City of Greenville. This plat is approved for recordation.

City Planner

Date

Section 2: That 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 3: That this ordinance shall become effective upon its adoption.

ADOPTED this 11th day of January, 2024.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

Doc. # 1189573

Excerpt from the draft Planning & Zoning Commission Minutes (12/19/23)

6. REQUEST BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO AMEND THE SUBDIVISION ORDINANCE TO ADD LANGUAGE TO REQUIRE REVIEW BY CITY STAFF OF PLATS THAT COMBINE, RECOMBINE, OR OTHERWISE ALTER LOT LINES PRIOR TO THE RECORDATION. THERE WILL NOT BE A CHARGE FOR THE REVIEW OF THESE TYPES OF PLATS.

Chantae Gooby, Chief Planner, presented on behalf of staff. Currently, the City's Subdivision Ordinance applies when a property is divided and/or the number of lots is increased. The plat/map is required to be reviewed and approved by the Planning and Zoning Commission. However, when lots lines are altered but the number of lots isn't increased, the plat/map is considered exempt for review. Currently, code does not require City Staff Review however Staff will review the plat, if requested. The recording of an "exempt" plat/map may result in a violation of the Zoning Ordinance. The proposed language will require staff review of maps that would otherwise be considered exempt. This review will be free and can most likely occur within 24 hours of submission. There are several surveyors that already ask for review of maps before recordation so this should be not be impactful to development.

Vice Chair Faison asked some of the small properties in the West Greenville area, that are too small to develop. Can put two of lots together?

Mr. Gooby stated yes, that is correct. It's a simple review, we stamp it exempt, and they take it to the Courthouse for recording.

Chair Brock opened the public hearing.

Mr. H. Powell Dew, Jr, Pastor, spoke in favor of the request.

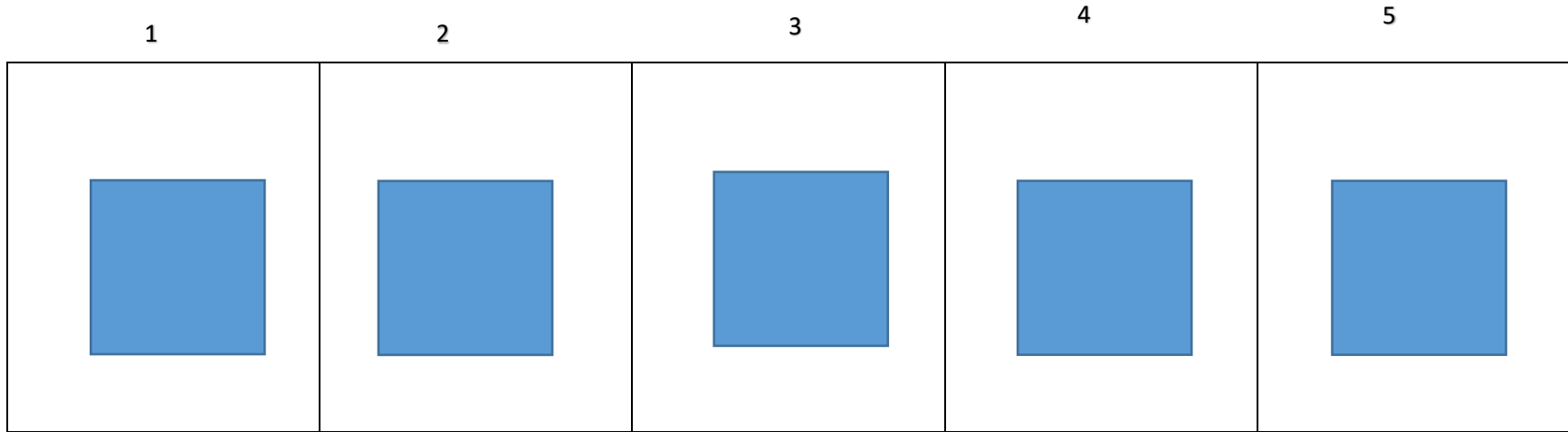
No one spoke in opposition of the request.

Chair Brock closed the public hearing and opened board discussion.

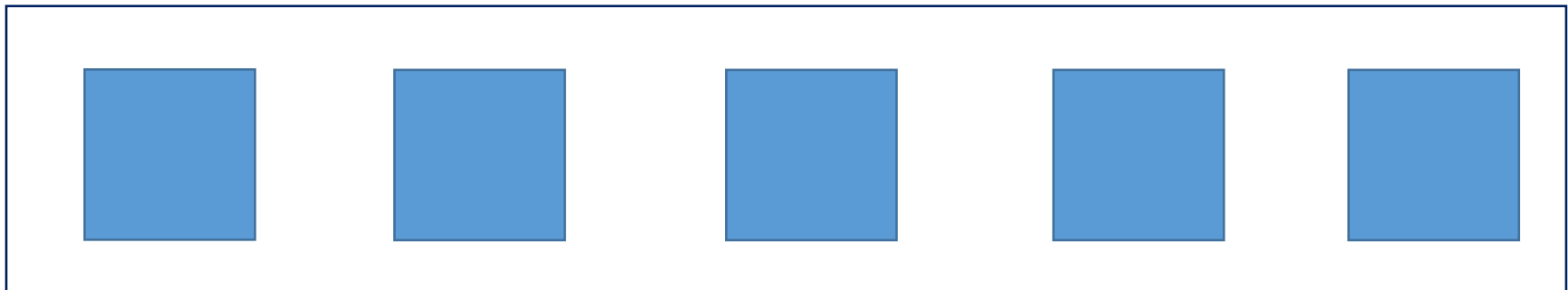
Motion made by Mr. Parker, seconded by Mr. Thomas, to amend the Subdivision Ordinance to add language to require review by City Staff of plats that combine, recombine, or otherwise alter lot lines prior to the recordation. Motion passed unanimously.

EXAMPLE OF MAP THAT IS EXEMPT UNDER THE SUBDIVISION ORDINANCE

Existing Map: 5 lots that contain 5 single-family residences



Proposed Map: To combine 5 lots into 1 lot that contains 5 single-family residences. While the proposed map is exempt under the Subdivision Ordinance because the number of lots is not increased, the combining of the lots results in a change of use under the Zoning Ordinance. The arrangement of lots and buildings would now be considered multi-family development. Multi-family development is defined as three or more residential units located on a common lot. A change of use would require an approved site plan. If this plat is recorded at the Courthouse and the lots are recombined as shown below, this would result in a zoning violation. If the plat was presented to City Staff for review prior to recordation, staff would inform the surveyor/property owner that additional review/approval is required before the plat can be recorded. The surveyor/property owner can make an informed decision as to how to proceed. This review is free and can typically be done within 24 hours of receiving a draft map.





City of Greenville, North Carolina

Meeting Date: 01/11/2024

Title of Item: Ordinance Requiring the Demolition and Removal of the Dwelling Located at 1112 Dickinson Avenue, Tax Parcel #10858

Explanation: The Neighborhood and Business Services Department is requesting for the City Council to approve an ordinance ordering the Code Enforcement Supervisor or officer to demolish and remove the dwelling located at 1112 Dickinson Avenue as provided in the original order of the Code Enforcement Supervisor or officer pursuant to the City Code Section 9-1-111 (D)(2).

The property has been designated as a Local Landmark by the City of Greenville and is known as "The Jacob W. Higgs House". Therefore, the owner must request a Certificate of Appropriateness from the City of Greenville Historic Preservation Commission ("HPC") within 30 days, and absent HPC delaying the demolition, the property owner then has 30 days to demolish and remove the dwelling. If the owner fails to accomplish these requirements, then the City will proceed with requesting the required Certificate of Appropriateness and demolishing and removing the dwelling, absent HPC delaying the demolition.

The following provides information available and actions that have occurred to date:

- On August 24, 2023, an Administrative Inspection Warrant was executed at the property to complete an exterior and interior inspection, and Code Enforcement was unable to complete the inspection.
- On August 30, 2023, a new Administrative Inspection Warrant was obtained and executed to complete exterior and interior inspections.
- On September 19, 2023, a Notice of Complaint and Hearing was sent by certified mail to the listed owner(s) and heirs.
- On September 23 and 30, 2023, the Notice of Complaint and Hearing was published in the Greenville, NC Daily Reflector to the listed owner(s) and heirs to ensure all owners and parties in interest, specifically unknown and unnamed, received proper notice and an opportunity for a hearing on the action to be taken by the City for the dwelling located at 1112 Dickinson Avenue, Tax Parcel #10858.
- On October 11, 2023, the City held a hearing and one of the owners was

present.

- On October 16, 2023, the Notice of Findings of Fact and Order was sent by certified mail to the listed owner(s) and heirs.
- On October 21 & 28, 2023, the Notice of Findings of Fact and Order was published in the Greenville, NC Daily Reflector.
 - The Order instructed the listed owner(s) and heirs to bring the dwelling into compliance with the Minimum Housing Code of the City of Greenville by demolishing and removing the structure by no later than November 30, 2023.
- The dwelling has been vacated and closed without utilities for over 5 years.
- The current Pitt County Tax Assessor's report values the property at \$126,284 (Building value is listed as \$54,042, Extra features value of \$2,590, and the land value is \$69,652 for a total tax value of \$126,284).
- The estimated cost to repair the main dwellings is \$307,671.25, and this cost includes exterior repair cost that must follow North Carolina and City of Greenville historical design regulations.
- Before the property owner(s) or the City can demolish the structure, an application must be filed to request a Certificate of Appropriateness from the HPC. The HPC has authority, when justified, to delay the demolition for 365 days for time to identify a pathway to preserve the property and/or its contents.

Fiscal Note:

Costs to test and abate asbestos, if present, and demolish the dwelling are estimated at \$14,500. The cost of demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 12 of Chapter 160D of the North Carolina General Statutes. If the dwelling is demolished and removed by the public officer, the local government shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the demolition and removal, and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

Recommendation:

Staff recommends that Council approve the ordinance requiring the demolition and removal of the dwelling located at 1112 Dickinson Avenue, Tax Parcel #10858, and direct the property owner(s) or City staff to file an application requesting the approval of a Certificate of Appropriateness from the City of Greenville Historic Preservation Commission before demolition.

ATTACHMENTS

- [1189574v1A 1112 Dickinson Avenue Demo Ordinance.pdf](#)
- [1112 Dickinson \(1\).jpg](#)
- [1112 Dickinson \(2\).jpg](#)
- [1112 Dickinson \(3\).jpg](#)
- [1112 Dickinson \(5\).jpg](#)
- [1112 Dickinson \(6\).jpg](#)
- [1112 Dickinson \(7\).jpg](#)
- [1112 Dickinson \(8\).jpg](#)

ORDINANCE NO. ____

ORDINANCE REQUIRING THE DEMOLITION AND REMOVAL OF THE DWELLING
LOCATED AT:
1112 DICKINSON AVENUE, TAX PARCEL NUMBER# 10858
(CODE CASE# CEMH-2023-00033)

WHEREAS, pursuant to the enforcement of the Minimum Housing Code contained in Title 9, Chapter 1, Article F of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Article 12 of Chapter 160D of the North Carolina General Statutes (G.S.), the owner of the dwelling described below has failed to comply with an Order to demolish and remove the dwelling;

WHEREAS, the City Council of the City of Greenville does hereby find and determine that the owner of the dwelling described below has been given a reasonable opportunity to bring the dwelling in conformity with the minimum standards established by the Minimum Housing Code contained in Section 9-1-94 through 9-1-102 of the Code of the City of Greenville, North Carolina; and

WHEREAS, G. S. § 160D-1203 and Section 9-1-111 (D)(2), of the Code of the City of Greenville, North Carolina empower the City Council of the City of Greenville to enact this ordinance to authorize and direct the Code Enforcement Supervisor or Officer to demolish and remove a dwelling when the owner has failed to comply with an Order of the Code Enforcement Supervisor or Officer issued pursuant to the provisions of the Minimum Housing Code;

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

Section 1. The owner(s), James A. Brown Jr, Paula D. Brown, Darryl D. Hartsfield, Marquivian D. Brown, and Brianna D. Watson, of the dwelling located at 1112 Dickinson Avenue, Tax Parcel # 10858 in the City of Greenville, North Carolina, is hereby directed and required to file an application, within 30 days, requesting approval of a Certificate of Appropriateness (COA) from the City of Greenville Historic Preservation Commission (HPC) before proceeding to demolish and remove the dwelling. Demolition and removal of the dwelling should occur within thirty (30) days from the COA approval date.

Section 2. The Code Enforcement Supervisor or Officer is hereby authorized and directed to also make application for approval of a COA before demolition and removal of the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within thirty (30) days, said dwelling being located at 1112 Dickinson Avenue, Greenville, North Carolina, and owned by James A. Brown Jr, Paula D. Brown, Darryl D. Hartsfield, Marquivian D. Brown, and Brianna D. Watson.

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

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

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

This the 11 day of January, 2024.

PJ Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

NORTH CAROLINA
PITT COUNTY

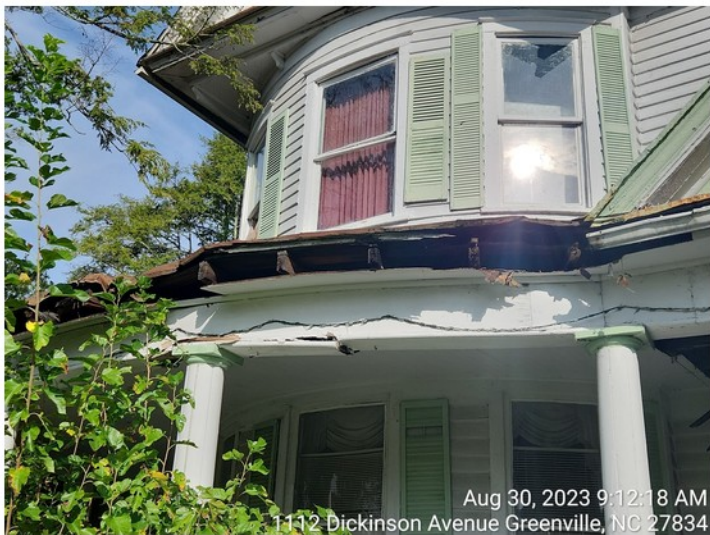
I, _____, a Notary Public in and for said state and county, do hereby certify that Valerie Shiuwegar personally appeared before me this day and acknowledging that she is the City Clerk of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by the Mayor, sealed with the corporate seal and attested by herself as its City Clerk.

Witness my hand and notarial seal this _____ day of _____ 2024.

Notary Public

My Commission Expires:







Aug 30, 2023 9:18:04 AM
1112 Dickinson Avenue Greenville, NC 27834



Aug 30, 2023 9:30:38

1112 Dickinson Avenue Greenville, NC 278

61





Aug 30, 2023 9:34:14

1112 Dickinson Avenue Greenville, NC 278

63



Aug 30, 2023 9:46:32 AM
1112 Dickinson Avenue Greenville, NC 27864



City of Greenville, North Carolina

Meeting Date: 01/11/2024

Title of Item: Results of the Financial Audit for Fiscal Year Ended June 30, 2023 Including Review of FY 2023-24 Available Fund Balance

Explanation: Cherry Bekaert, LLP, the City's Independent Auditor, will present the results of the City's 2022-23 external audit. Cherry Bekaert representatives and staff of the Financial Services Department will be in attendance to answer any questions related to the audit. The following are a few highlights of the 2022-23 audit:

FY 2022-23 Audit Results:

- The City received the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for FY2022.

This is an outstanding audit report and a reflection of the importance that City Council and staff place on fiscal reporting and accountability.

On January 4, 2024, the City's Audit Committee will review the report for the Fiscal Year Ending June 30, 2023. A copy of the statements will be distributed to council before the meeting. At the City Council meeting, the auditors will discuss their opinion on the results of operations as of the end of the 2023 fiscal year.

The final phase of the annual audit cycle includes submission of financial statements to the Local Government Commission (LGC) for review. Following LGC review and final revisions, the Annual Comprehensive Financial Report (ACFR) will be finalized and provided to the Mayor and City Council Members prior to January 31.

FY 2023-24 Fund Balance Designations:

Each year the City waits until the completion of the fiscal year audit to approve and record the next fiscal year's General Fund Balance designations. This timing is intended to ensure that the City meets the LGC requirement of 25%. The following is the calculation for FY 2023-24:

Unrestricted Cash and Investments	\$	31,170,501
Debt Service Fund Balance		1,341,982
Restricted Cash		1,266,300

Less Liabilities		(4,885,513)
Less Encumbrances		(2,532,134)
Fund Balance Available for Apprpriation	\$	26,361,136
Total Expenditures		83,275,606
Total Transfers Out		15,014,004
Calculated % Available Fund Balance		26.82%

The following are the FY 2023-24 designations to General Fund Balance:

Available Fund Balance Before FY 2023-24 Appropriations		\$26,361,136
Fund Balance FY 2023-24 Designations:		
a. Fund Balance Appropriated as Part of FY2023-24 Budget		(500,000)
b. Fund Balance Appropriated for Traffic Safety Projects		(100,000)
c. Fund Balance Appropriated for Wildwood Trails		(500,000)
d. Fund Balance Appropriated for Mast Arm Poles		(325,000)
e. Fund Balance Appropriated for Gateway Sign		(350,000)
f. Fund Balance Appropriated for FIP Projects		(310,000)
g. Fund Balance Appropriated for Fire Station 8 Land		(400,000)
h. Fund Balance Appropriated for Cemetary Improvements		(115,000)
i. Fund Balance Appropriated for Greenfield Terrace		(497,361)
Unassigned Fund Balance After FY 2021-22 Designations		\$23,263,775

The following is a summary of the FY 2023-24 Calculated Excess Fund Balance after the FY 2023-24 Designations:

Unassigned Fund Balance After FY 2023-24 Designations	\$	23,263,775
FY 2022-23 Calculated Unassigned Fund Balance at 22.5%		<u>22,115,162</u>
FY 2022-23 Calculated Excess Fund Balance	\$	1,148,613

The Available Fund Balance After FY 2023-24 Designations stands at \$23,263,775 which represents an Available Fund Balance Percentage of 23.67%. Staff recommends continuing to build fund balance to meet the LGC 25% guidelines.

Fiscal Note: Detailed fiscal information is contained in the audit report which will be distributed prior to the meeting date.

Recommendation: Accept the audit results as presented by Cherry Bekaert, LLP for the year ended June 30, 2023 and the FY 2023-24 General Fund Balance After Designations
