



Agenda

Greenville City Council

March 14, 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 Les Robinson

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

1. Chris Hinson - Recreation and Parks Department Retiree
2. Fire/Rescue Department Reaccreditation

VII. Public Comment Period

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

VIII. Appointments

3. Appointments to Boards and Commissions
4. Appointment of an Alternate Member to the Greenville Urban Area Metropolitan Planning Organization Transportation Advisory Committee (TAC)

IX. New Business

Public Hearings

5. Ordinance to annex Langston Commercial and Office Park, Lot 8 property involving 1.880 acres located at the northeastern corner of the intersection of Regency Boulevard and South Memorial Drive
6. Ordinance to annex Wimbledon Park, Lot 2B, property involving 3.3453 acres located along the western right-of-way of Wimbledon Drive and 300+/- feet south of Holden Drive
7. Ordinance to annex Reggie Spain Homes, LLC property involving 52.608 acres located along the northern right-of-way of Frog Level Road and at the current terminus of Madera Drive
8. Ordinance requested by Reggie Spain Homes, LLC to rezone 52.608 acres located along the northern right-of-way of Frog Level Road and at the current terminus of Madera Drive from RR (Rural-Residential – Pitt County’s Jurisdiction) to RA20 (Residential-Agricultural)
9. Ordinance requested by the Planning and Development Services Department to amend Title 9, Chapter 4, Article N. Signs to allow for additional signage in the CD (Downtown Commercial) zoning district
10. Ordinance requested by Amanda Bambrick to amend Title 9, Chapter 4 of the Zoning Ordinance to establish "Commercial recreation; indoor and outdoor, not otherwise listed" as a use with associated standards, and to add this use as a special use in the RA20 (Residential-Agricultural) zoning district

Other Items of Business

11. Ordinance Prohibiting the Unauthorized Use of Limited Use Dumpsters or Limited Use Trash Receptacles

X. City Manager's Report

XI. Comments from Mayor and City Council

XII. Adjournment



City of Greenville, North Carolina

Meeting Date: 03/14/2024

Title of Item: Appointments to Boards and Commissions

Explanation: City Council appointments need to be made to the Affordable Housing Loan Committee, Historic Preservation Commission, Human Relations Council, Multimodal Transportation Commission, 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 commission which has been on the City Council agenda for appointment by City Council for more than three (3) calendar months in which a regular City Council meeting has been held, then any Council Member may make a nomination to fill the vacancy without regard to any other provision relating to who has the authority to make the nomination. If there is more than one nomination, the appointment shall be conducted in accordance with the procedure for nomination and elections in Robert's Rules of Order." Under this provision, the following seats are open to nominations from the City Council:

- Samar Badwan, Human Relations Council
- Victor Ihuka, Affordable Housing Loan Committee
- 12 seats on the Youth Council

Fiscal Note: No direct fiscal impact.

Recommendation: Make appointments to the Affordable Housing Loan Committee, Historic Preservation Commission, Human Relations Council, Multimodal Transportation Commission, and the Youth Council.

ATTACHMENTS

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

Appointments to Boards and Commissions

March 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

Historic Preservation Commission

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Justin Edwards	3	Second Term	Ineligible	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
Samar Badwan	4	Second Term	Ineligible	September 2023
PCC Student				September 2024

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

Recreation and Parks Commission

Council Liaison: Council Member Matthew Scully

Name	District #	Current Term	Reappointment Status	Expiration Date
John Ashby	4	Filling Unexpired Term	Ineligible	May 2025

Youth Council

Council Liaison: Council Member Portia Willis

Name	Current Term	Reappointment Status	Expiration Date
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
Sydney Mcleod	Historic Preservation Commission	sydneyhmcleod@gmail.com
Kendall Williams	Historic Preservation Commission	kdwilliams273@gmail.com
David J Thompson	Historic Preservation Commission	davidt4564@gmail.com
Donald Rivers	Human Relations Council	donaldrivers@policy-change.com
David J Thompson	Human Relations Council	davidt4564@gmail.com
Rajendra Jagad	Multimodal Transportation Commission	rjagad@gmail.com
Alanah S Eason	Youth Council	alanaheason314@icloud.com
Amelia A Octigan	Youth Council	octigaam@students.pittschools.org
Dakota L Parrott	Youth Council	parrotta@students.pittschools.org
Zackery P Cash	Youth Council	cashza@students.pittschools.org
Mikayla M Keyes	Youth Council	pmkeyes1105@gmail.com
Tayler M Gundy	Youth Council	taylergundy@gmail.com



City of Greenville, North Carolina

Meeting Date: 03/14/2024

Title of Item: Appointment of an Alternate Member to the Greenville Urban Area Metropolitan Planning Organization Transportation Advisory Committee (TAC)

Explanation: The Greenville Urban Area Metropolitan Planning Organization (MPO) is a federally mandated transportation policy-making organization composed of representatives from the City of Greenville, Pitt County, Town of Winterville, Town of Ayden, and the Village of Simpson. The Greenville Urban Area Transportation Advisory Committee (TAC) is established with the responsibility of serving as a forum for cooperative transportation planning and decision making for the MPO.

The TAC is the policy board of the MPO. The TAC shall consist of a representative appointed by member boards of local government and a member of the North Carolina Board of Transportation. Additionally, an alternate member may be appointed by member boards of local government and the North Carolina Board of Transportation. Alternate members may only vote in the absence of the voting member. The TAC representative and the alternate member appointed by boards of local government must be an elected official of the appointing board of local government.

The Mayor currently serves as the primary member and chair of the TAC. Former Mayor Pro-Tem Rose Glover had served as the alternate member until her term expired on the City Council in 2023. An appointment is needed to the alternate position on the TAC. Both the primary member and alternate member are required to file an annual ethics statement with the State by April 15th of each year.

Fiscal Note: No direct fiscal impact.

Recommendation: Staff recommends that the City Council make the City of Greenville's primary and alternate positions on the TAC ex-officio positions:

Primary Seat - Mayor
Alternate Seat - Mayor Pro Tem

This assignment will fill the alternate seat and aid with the filing deadlines going forward.



City of Greenville, North Carolina

Meeting Date: 03/14/2024

Title of Item: Ordinance to annex Langston Commercial and Office Park, Lot 8 property involving 1.880 acres located at the northeastern corner of the intersection of Regency Boulevard and South Memorial Drive

Explanation: A. SCHEDULE

1. Advertising date: March 2, 2024
2. City Council public hearing date: March 14, 2024
3. Effective date: March 14, 2024

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 1.880
4. Voting District: 5
5. Township: Winterville
6. Zoning: CG (General-Commercial)
7. Existing land use: Vacant
8. Anticipated land use: 10,000 square foot commercial establishment
9. Population estimate

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

* Source: Census.gov

10. Rural fire tax district: Rural Winterville
11. Greenville fire district: Station 5
12. Present tax value: \$679,535
13. Estimated tax value: \$3,000,000

Fiscal Note: Estimated tax value at full development is \$3,000,000

Recommendation: Approve the attached ordinance to annex Langston Commercial and Office Park, Lot 8

ATTACHMENTS

- [Ordinance Langston Commercial and Office Park, Lot 8 Annexation.pdf](#)
- [Langston Commercial and Office Park, Lot 8 Annexation Map.pdf](#)

ORDINANCE NO. 24-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at 6:00 p.m. on the 14th day of March, 2024, after due notice by publication in The Daily Reflector on the 2nd day of March, 2024; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled “Langston Commercial and Office Park, Lot 8”, involving 1.880 acres.

LOCATION: Situate in Winterville Township, Pitt County, North Carolina, located at the northeastern corner of the intersection of Regency Boulevard and South Memorial Drive.

GENERAL DESCRIPTION:

BEGINNING AT A FOUND 5/8" REBAR WITH CAP INSCRIBED "TIMMONS CORNER" AND BEING THE NORTHWEST CORNER OF SAID TRACT 8, THENCE ALONG THE NORTH LINE THEREOF S89°43'48"E A DISTANCE OF 381.43' TO A FOUND 5/8" REBAR BEING THE NORTHEAST CORNER OF SAID TRACT 8; THENCE ALONG THE EAST LINE THEREOF S00°17'08"W A DISTANCE OF 119.56' TO A FOUND 1" PIPE, CONTINUING AN ADDITIONAL DISTANCE OF 123.47' TO A FOUND 1" PIPE, AND CONTINUING FOR AN ADDITIONAL DISTANCE OF 101.30', TRAVERSING IN ALL A TOTAL DISTANCE OF 344.33', TO A FOUND 60D NAIL BEING THE SOUTHEAST CORNER OF SAID TRACT 8 AND BEING LOCATED ON THE NORTHERLY RIGHT-OF-WAY LINE OF REGENCY BOULEVARD (A 90' PUBLIC RIGHT-OF-WAY); THENCE ALONG THE NORTHERLY LINE THEREOF THE FOLLOWING THREE (3) CALLS:

1. N56°42'20"W A DISTANCE OF 224.21' TO A FOUND CONCRETE RIGHT-OF-WAY MONUMENT, 2. N44°15'46"W A DISTANCE OF 51.10' TO A FOUND CONCRETE RIGHT-OF-WAY MONUMENT, 3. N56°44'27"W A DISTANCE OF 172.48' TO A FOUND CONCRETE RIGHT-OF-WAY MONUMENT BEING THE SOUTHERLY END OF A CORNER CUTBACK SITUATED AT THE INTERSECTION OF THE NORTHERLY LINE OF SAID REGENCY BOULEVARD WITH THE EASTERLY LINE OF SOUTH MEMORIAL DRIVE (A 150' PUBLIC RIGHT-OF-WAY), THENCE ALONG SAID CORNER CUTBACK N23°18'57"W A DISTANCE OF 51.29' TO A FOUND CONCRETE RIGHT-OF-WAY MONUMENT SITUATED ON THE EASTERLY LINE OF SAID SOUTH MEMORIAL DRIVE; THENCE ALONG THE EASTERLY LINE THEREOF N10°00'28"E A DISTANCE OF 45.45' TO THE POINT OF BEGINNING, CONTAINING 81,874 SQUARE FEET OR 1.880 ACRES, MORE OR LESS.

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

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

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

Section 5. This annexation shall take effect from and after the 14th day of March, 2024.

ADOPTED this 14th day of March, 2024.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

NORTH CAROLINA
PITT COUNTY

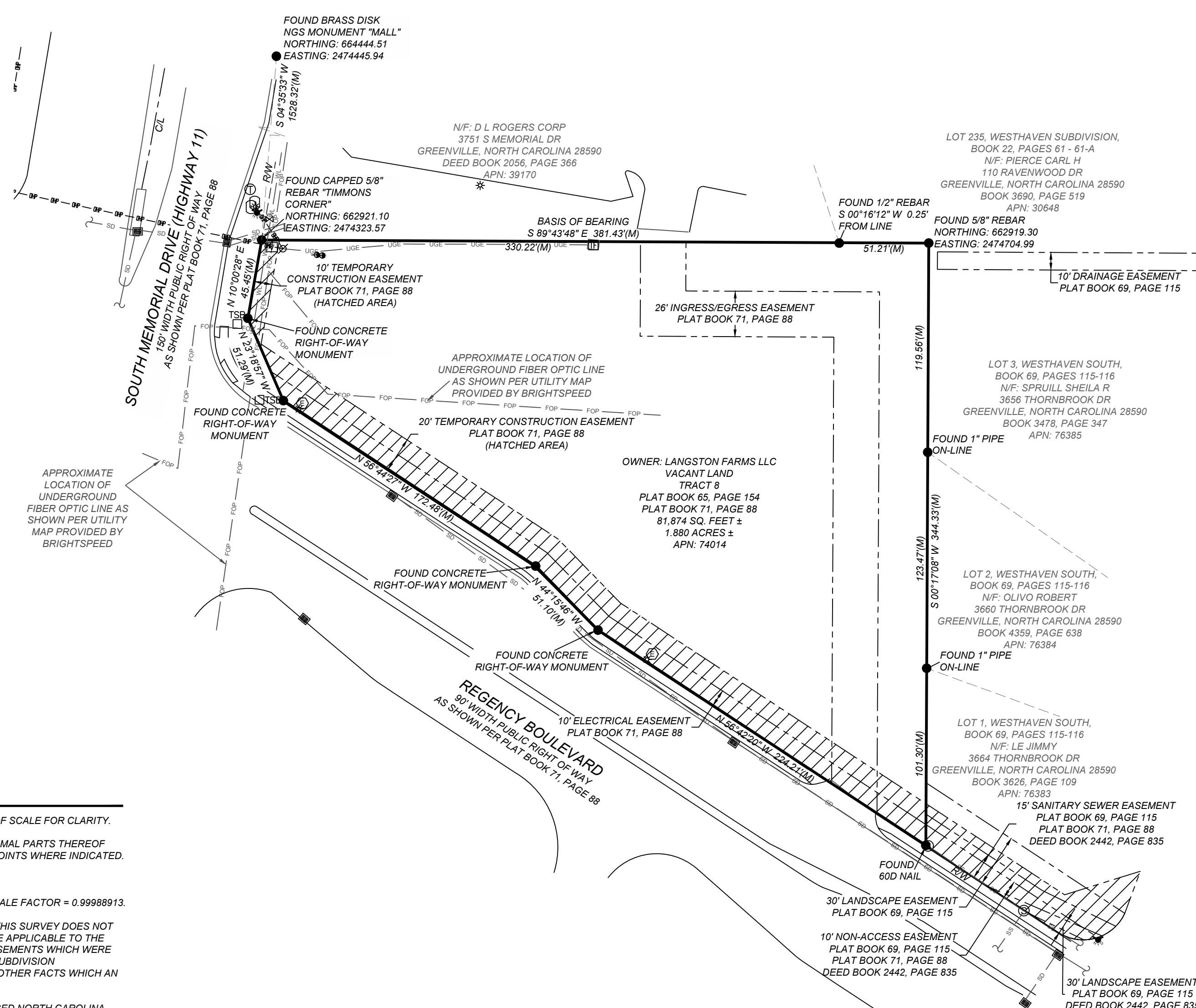
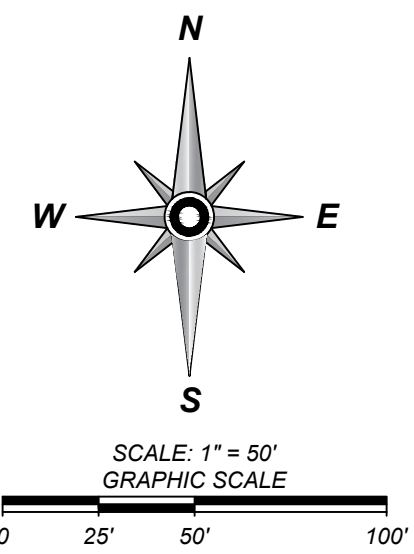
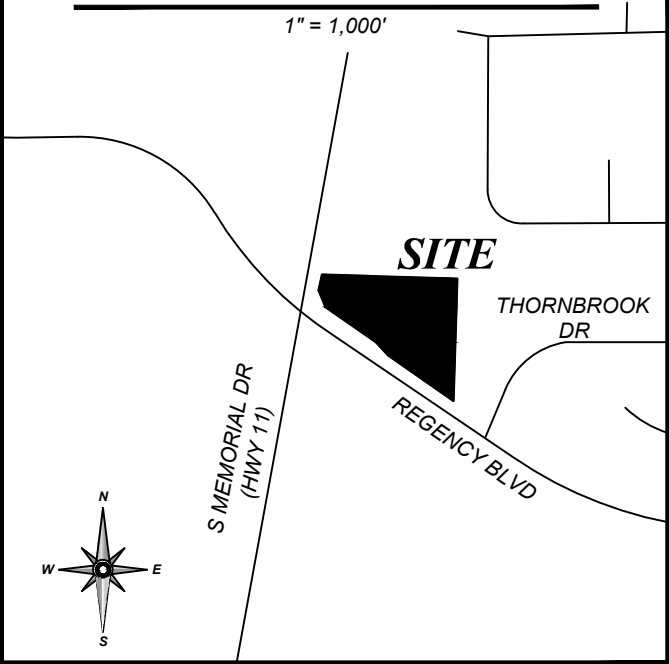
I, Camillia P. Smith, a Notary Public for said County and State, certify that Valerie Shiuwegar personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing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

WITNESS my hand and official seal this ____th day of _____, 2024.

Notary Public

My Commission Expires: _____
1191351

VICINITY MAP



GENERAL NOTES

- SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.
- DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.
- COMPLETED FIELD WORK WAS AUGUST 11, 2023.
- THE DISTANCES SHOWN HEREON ARE GROUND. COMBINED SCALE FACTOR = 0.99988913.
- EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.
- NO SURVEYOR OR ANY OTHER PERSON OTHER THAN A LICENSED NORTH CAROLINA ATTORNEY MAY PROVIDE LEGAL ADVICE CONCERNING THE STATUS OF TITLE TO THE PROPERTY DESCRIBED IN THIS SURVEY ("THE SUBJECT PROPERTY"). THE PURPOSE OF THIS SURVEY, AND THE COMMENTS RELATED TO THE SCHEDULE B-II EXCEPTIONS, IS ONLY TO SHOW THE LOCATION OF BOUNDARIES AND PHYSICAL OBJECTIONS IN RELATION THERETO. TO THE EXTENT THAT THE SURVEY INDICATES THAT THE LEGAL INSTRUMENT "AFFECTS" THE SUBJECT PROPERTY, SUCH STATEMENT IS ONLY INTENDED TO INDICATE THAT PROPERTY BOUNDARIES INCLUDED IN SUCH INSTRUMENT INCLUDE SOME OR ALL OF THE SUBJECT PROPERTY. THE SURVEYOR DOES NOT PURPORT TO DESCRIBE HOW SUCH INSTRUMENT AFFECTS THE SUBJECT PROPERTY OR THE ENFORCEABILITY OR LEGAL CONSEQUENCES OF SUCH INSTRUMENT.
- NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS WERE TAKEN FROM PITT COUNTY GIS.
- AREA WAS COMPUTED BY COORDINATE GEOMETRY.

LEGEND & SYMBOLS

● (M)	FOUND MONUMENT AS-NOTED	□ TSB	TRAFFIC SIGNAL BOX
N/F	MEASURED/CALCULATED DIMENSION NOW OR FORMERLY	⊞	ELECTRIC TRANSFORMER
---	BOUNDARY LINE	⊞	ELECTRIC VAULT
---	EASEMENT LINE	⊞	GUY ANCHOR
R/W	RIGHT-OF-WAY LINE	⊞	WATER VALVE
⊞	FIRE HYDRANT	⊞	DRAIN GRATE
⊞	LIGHT	⊞	TELEPHONE MANHOLE
⊞	SANITARY MANHOLE	⊞	TELEPHONE PEDESTAL
⊞	UTILITY VAULT	⊞	OVERHEAD POWER LINE
⊞	POWER POLE	⊞	UNDERGROUND ELECTRIC LINE
⊞ TSP	TRAFFIC SIGNAL POST	⊞	UNDERGROUND STORM DRAINAGE LINE
---	UNDERGROUND FIBER OPTIC LINE	⊞	UNDERGROUND SANITARY SEWER LINE
		⊞	UNDERGROUND WATER LINE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1845, PAGE 459, PLAT BOOK 65, PAGE 154 AND PLAT BOOK 71, PAGE 88); THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 0.06; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE 3RD OF JANUARY, 2024.

CLASS OF SURVEY: A
 POSITIONAL ACCURACY: 0.06'
 TYPE OF GPS FIELD PROCEDURE: STATIC/OPUS
 FIELD DATE OF SURVEY: AUGUST 11, 2023
 DATUM/EPOCH: NAD83
 GEOID MODEL: GEOID18
 COMBINED SCALED FACTOR: 0.99988913
 UNITS: US SURVEY FEET

I FURTHER CERTIFY PURSUANT TO G.S. 47-80 (F) (1) (C) (1). THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

TYLER REID GOODWIN
 PROFESSIONAL LAND SURVEYOR NO. L-5463
 STATE OF NORTH CAROLINA
 NORTH CAROLINA FIRM NO. C-4828

REVIEW OFFICERS CERTIFICATION

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

BY _____ REVIEW OFFICER
 DATE _____

ANNEXATION MAP

LANGSTON COMMERCIAL AND OFFICE PARK, LOT 8
 WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

BLEW & ASSOCIATES, P.A.
 3825 N. SHILOH DRIVE
 FAYETTEVILLE, AR 72703
 479-443-4506
 SURVEY@BLEWINC.COM
 FIRM LICENSE NO. C-4828

SURVEYOR JOB NUMBER:
 23-5020.01
 SURVEY DRAWN BY:
 CKLS - 01/03/2024
 SURVEY REVIEWED BY:
 TRG
 SHEET:
 1 OF 1

MAP NO.	MAPS RECORDED	BOOK	PAGE

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

(DATE) _____ (ORDINANCE NO.) _____ (AREA) 1.880 ACRES
 WINTERVILLE TOWNSHIP, PITT COUNTY, NC.

PRELIMINARY



City of Greenville, North Carolina

Meeting Date: 03/14/2024

Title of Item: Ordinance to annex Wimbledon Park, Lot 2B, property involving 3.3453 acres located along the western right-of-way of Wimbledon Drive and 300+/- feet south of Holden Drive

Explanation: A. SCHEDULE

1. Advertising date: March 2, 2024
2. City Council public hearing date: March 14, 2024
3. Effective date: March 14, 2024

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 3.3453
4. Voting District: 4
5. Township: Winterville
6. Zoning: OR (Office-Residential)
7. Existing land use: Vacant
8. Anticipated land use: 28 townhomes
9. Population estimate

	Formula	Number of people
Total current:	0	0
Estimated at full development	28 X 2.18	61
Current minority	0	0
Estimated minority at full development	61 X 43.4%	26
Current white	0	0
Estimated white at full development	61 - 26	35

* Source: Census.gov

10. Rural fire tax district: Rural Winterville
11. Greenville fire district: Station 7
12. Present tax value: \$233,800
13. Estimated tax value: \$4,760,000

Fiscal Note: Estimated tax value at full development is \$4,760,000.

Recommendation: Approve the attached ordinance to annex Wimbledon Park, Lot 2B.

ATTACHMENTS

- [Ordinance Wimbledon Park Lot 2B Annexation.pdf](#)
- [Wimbledon Park, Lot 2B Annexation Map.pdf](#)

ORDINANCE NO. 24-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at 6:00 p.m. on the 14th day of March, 2024, after due notice by publication in The Daily Reflector on the 2nd day of March, 2024; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled “Wimbledon Park, Lot 2B”, involving 3.3453 acres.

LOCATION: Situate in Winterville Township, Pitt County, North Carolina, located along the western right-of-way of Wimbledon Drive and 300+/- feet south of Holden Drive.

GENERAL DESCRIPTION:

Beginning at a point in the western right of way of Wimbledon Drive, said point being the southeast corner of Wimbledon Park Lot 2A as recorded in map book 62, page 171 of the Pitt County Registry, thence from said point of beginning with the western right of way of Wimbledon Drive S 00-23-37 E – 309.05’, thence 342.90’ along the arc of a curve said curve being to the left having a radius of 550.00’ and a chord bearing S 18-15-15 E – 337.37’ to the northeast corner of Wimbledon Park Lot 1 as recorded in map book 69, page 72, thence with the northern line of Wimbledon Park Lot 1 S 67-26-03 W – 213.91’ to the northeast corner of Tower Village Section 1 as recorded in map book 43, page 104, thence with the northern line of Tower Village Section 1 S 87-47-06 W – 67.59’ to the eastern line of Tower Village Section 2 as recorded in map book 44, page 99, thence with the eastern line of Tower Village Section 2 N 07-16-54 E – 42.51’, thence N 04-42-58 W – 506.18’ to the southeast corner of Centre Court as recorded in map book 80, page 33, thence with the eastern line of Centre Court N 28-23-46 W –

188.20' to the southwest corner of Wimbledon Park Lot 2A, thence with the southern line of Wimbledon Park Lot 2A N 89-36-23 E – 283.01' to the point of beginning containing 3.3453 acres.

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

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

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

Section 5. This annexation shall take effect from and after the 14th day of March, 2024.

ADOPTED this 14th day of March, 2024.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

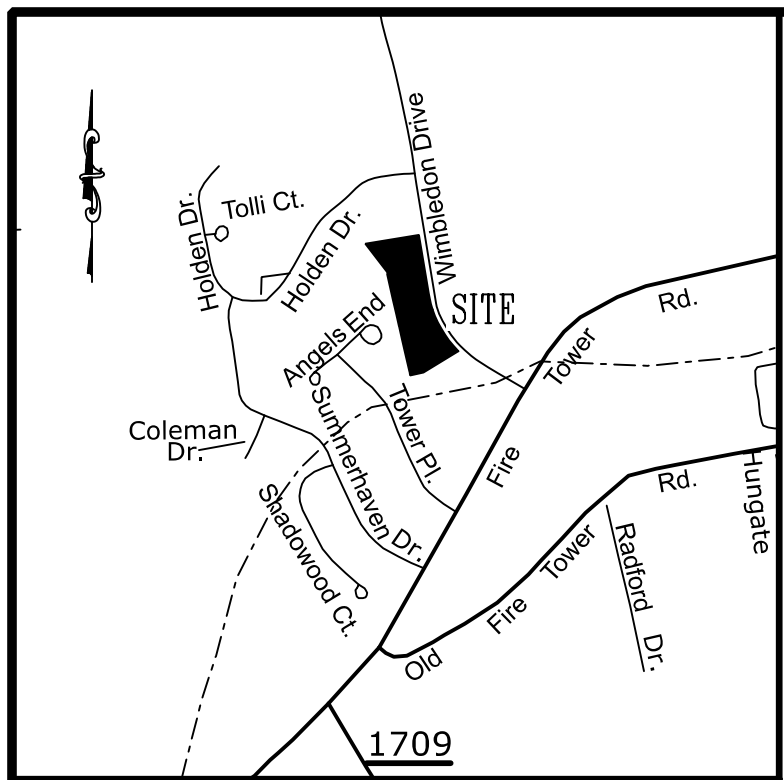
NORTH CAROLINA
PITT COUNTY

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

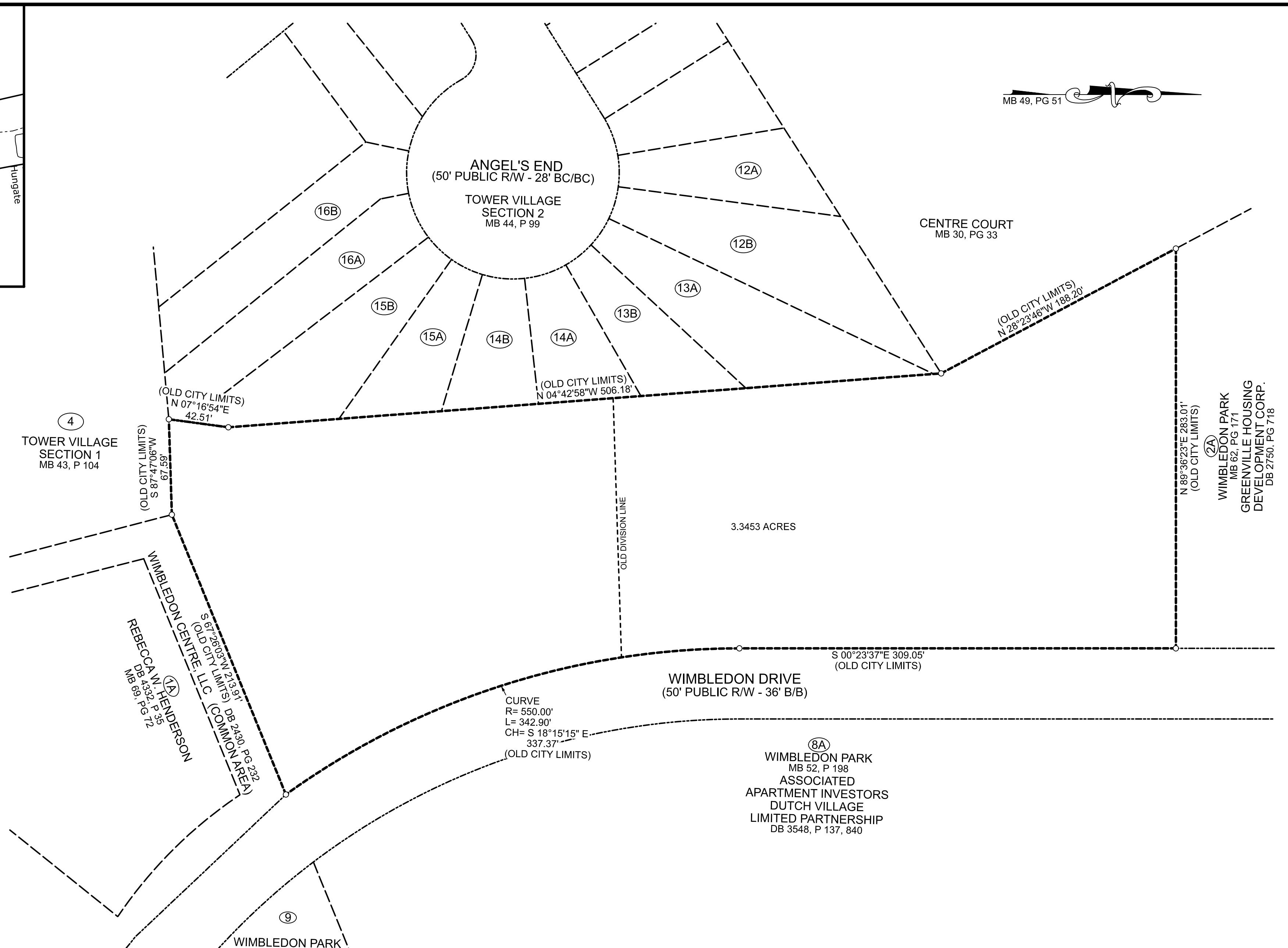
WITNESS my hand and official seal this ____th day of _____, 2024.

Notary Public

My Commission Expires: _____
1191350



VICINITY MAP
1"=1000'



LEGEND

NEW CITY LIMITS =

EXISTING CITY LIMITS =

OLD CITY LIMITS =

PARCEL NUMBERS: 60942 & 66951

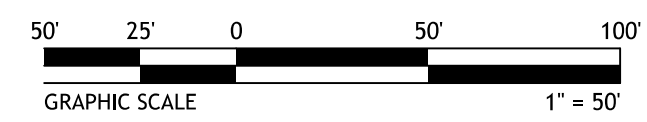
ANNEXATION MAP FOR
WIMBLEDON PARK, LOT 2B
REFERENCE DEED BOOK 4201, PAGE 152
OF THE PITT COUNTY REGISTRY

WINTERVILLE TWP. CITY OF GREENVILLE PITT COUNTY NORTH CAROLINA

OWNER: S & K WAINRIGHT HOLDINGS, LLC
ADDRESS: 3277 SPEIGHT SEED FARM ROAD
WINTERVILLE, NC 28590
PHONE: (252) 756-6209

MALPASS & ASSOCIATES
1645 E. ARLINGTON BLVD., SUITE D
GREENVILLE, N.C. 27858
(252) 756-1780

SURVEYED:	CEP	APPROVED:	CEP
DRAWN:	MAH	DATE:	01/31/24
CHECKED:	CEP	SCALE:	SCALE: 1"=50'



MAP NO.	PLATS RECORDED	BOOK	PAGE

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

DATE: _____; ORDINANCE NUMBER: _____; AREA: 3.3453 ACRES

WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

I, CARLTON E. PARKER CERTIFY THAT THIS MAP WAS DRAWN BY ME OR UNDER MY SUPERVISION FROM AN ACTUAL SURVEY BY ME OR UNDER MY SUPERVISION, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK _____, PAGE _____

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL

THIS _____ DAY OF _____ A.D., 2024.

CARLTON E. PARKER L-2980



City of Greenville, North Carolina

Meeting Date: 03/14/2024

Title of Item: Ordinance to annex Reggie Spain Homes, LLC property involving 52.608 acres located along the northern right-of-way of Frog Level Road and at the current terminus of Madera Drive

Explanation: A. SCHEDULE

1. Advertising date: March 2, 2024
2. City Council public hearing date: March 14, 2024
3. Effective date: March 14, 2024

B. CHARACTERISTICS

1. Relation to primary city limits: Contiguous
2. Relation to recognized industrial area: Outside
3. Acres: 52.608
4. Voting District: 2
5. Township: Arthur
6. Zoning: RR (Rural-Residential – Pitt County’s Jurisdiction)
7. Existing land use: Vacant
8. Anticipated land use: 155 single-family lots
9. Population estimate

	Formula	Number of people
Total current:	0	0
Estimated at full development	155 X 2.18	338
Current minority	0	0
Estimated minority at full development	338 X 43.4%	147
Current white	0	0
Estimated white at full development	338 - 147	191

* Source: Census.gov

10. Rural fire tax district: Red Oak
11. Greenville fire district: Station 5
12. Present tax value: \$80,368
13. Estimated tax value: \$24,800,000

Fiscal Note: Estimated tax value at full development is \$24,800,000.

Recommendation: Approve the attached ordinance to annex the Reggie Spain Homes, LLC property.

ATTACHMENTS

- [Ordinance Reggie Spain Homes, LLC Annexation.pdf](#)
- [Reggie Spain Homes, LLC Annexation Map.pdf](#)

ORDINANCE NO. 24-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at 6:00 p.m. on the 14th day of March, 2024, after due notice by publication in The Daily Reflector on the 2nd day of March, 2024; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled “Reggie Spain Homes, LLC”, involving 52.608.

LOCATION: Situate in Arthur Township, Pitt County, North Carolina, located along the northern right-of-way of Frog Level Road and at the current terminus of Madera Drive.

GENERAL DESCRIPTION:

Commencing at an existing iron pipe located at the intersection of the western right of way line of Brompton Lane with the northern right of way line of Frog Level Road (NCSR 1127) and running N 50°47’58” W 703.16 feet to an existing iron pipe located at the southeast corner of the property herein described and being the POINT OF BEGINNING; thence from said beginning point so established along and with the northern right of way line of Frog Level Road (NCSR 1127) N 50°41’04” W 1331.36 feet to an existing iron pipe; thence continuing with said north right of way line of Frog Level Road (NCSR 1127) N 51°15’29” W 121.31 feet to an existing iron pipe at the southeast corner of the property of Lever and Russell Real Estate, LLC as described in Deed Book 3665, Page 797; thence with said Lever and Russell Real Estate, LLC eastern property line N 01°59’34” E 78.93 feet to an existing iron pipe and continuing N 01°59’34” E 1111.96 feet to an existing iron pipe at the southeast corner of the property of Wyatt Livingstone Brown, Jr. and Petrice Brown Flood as described in Deed Book A-24, Page 547;

thence with the east line of said Brown and Flood property N 01°59'34" E 462.44 feet to an existing iron pipe at the southwest corner of Lot 17, Teakwood Green Subdivision, Phase II as recorded in Map Book 80, Page 121; thence with the south line of Lots 11 through 17 and the southern terminus of the right of way of Madera Drive, all as shown on the aforementioned Map Book 80, Page 121 of Teakwood Green Subdivision, Phase II and with the south line of Lots 8 through 10 of Teakwood Green Subdivision, Phase One as recorded in Map Book 72, Page 181 to a point at the northwest corner of the property of A&M Development of Pitt County, LLC as described in Deed Book 2851, Page 15; thence with the west line of said A&M Development of Pitt County, LLC property S 01°14'47" E 33.09 feet to an existing iron pipe and S 01°14'47" E 1842.65 feet to an existing iron pipe at the northwest corner of Lot 3 of Oxford Park, Section Four, Phase 1-A as recorded in Map Book 74, Page 184; thence with the west line of said Lot 3 S 01°13'33" E 110.42 feet to an existing iron pipe at the northernmost corner of Lot 15 of Oxford Park, Section One, Phase Two as shown in Map Book 37, Page 175; thence with the west line of said Lot 15 S 01°13'33" E 657.28 feet to the POINT OF BEGINNING containing 52.608 acres. This description was prepared from information shown in Map Book 87, Page 47 and has not been field surveyed by Ark Consulting Group, PLLC; all deeds and maps referenced herein are found at the Pitt County Cadastre.

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

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

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

Section 5. This annexation shall take effect from and after the 14th day of March, 2024.

ADOPTED this 14th day of March, 2024.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

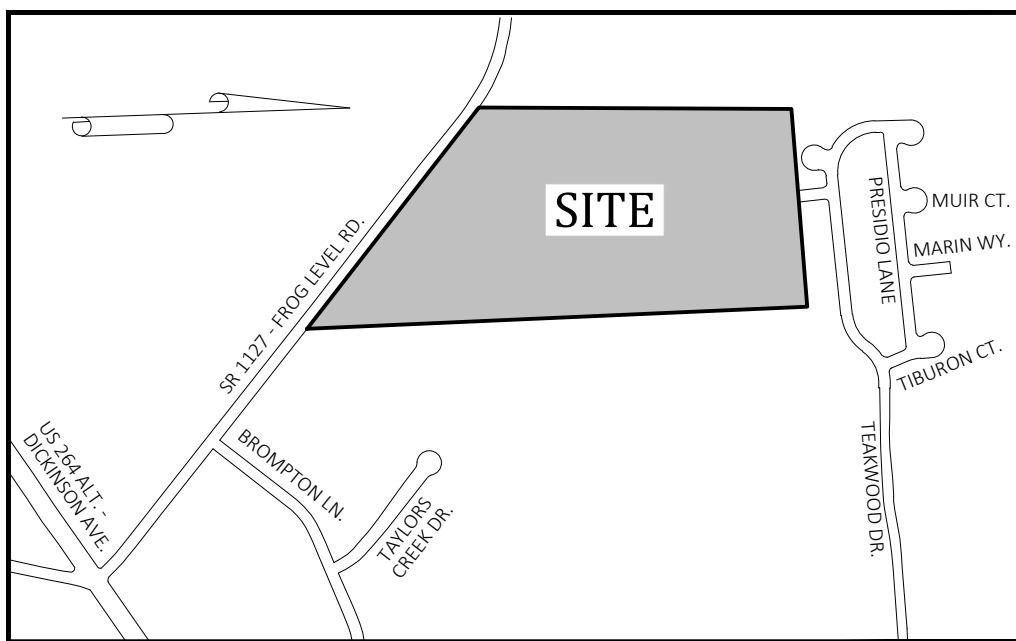
NORTH CAROLINA
PITT COUNTY

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

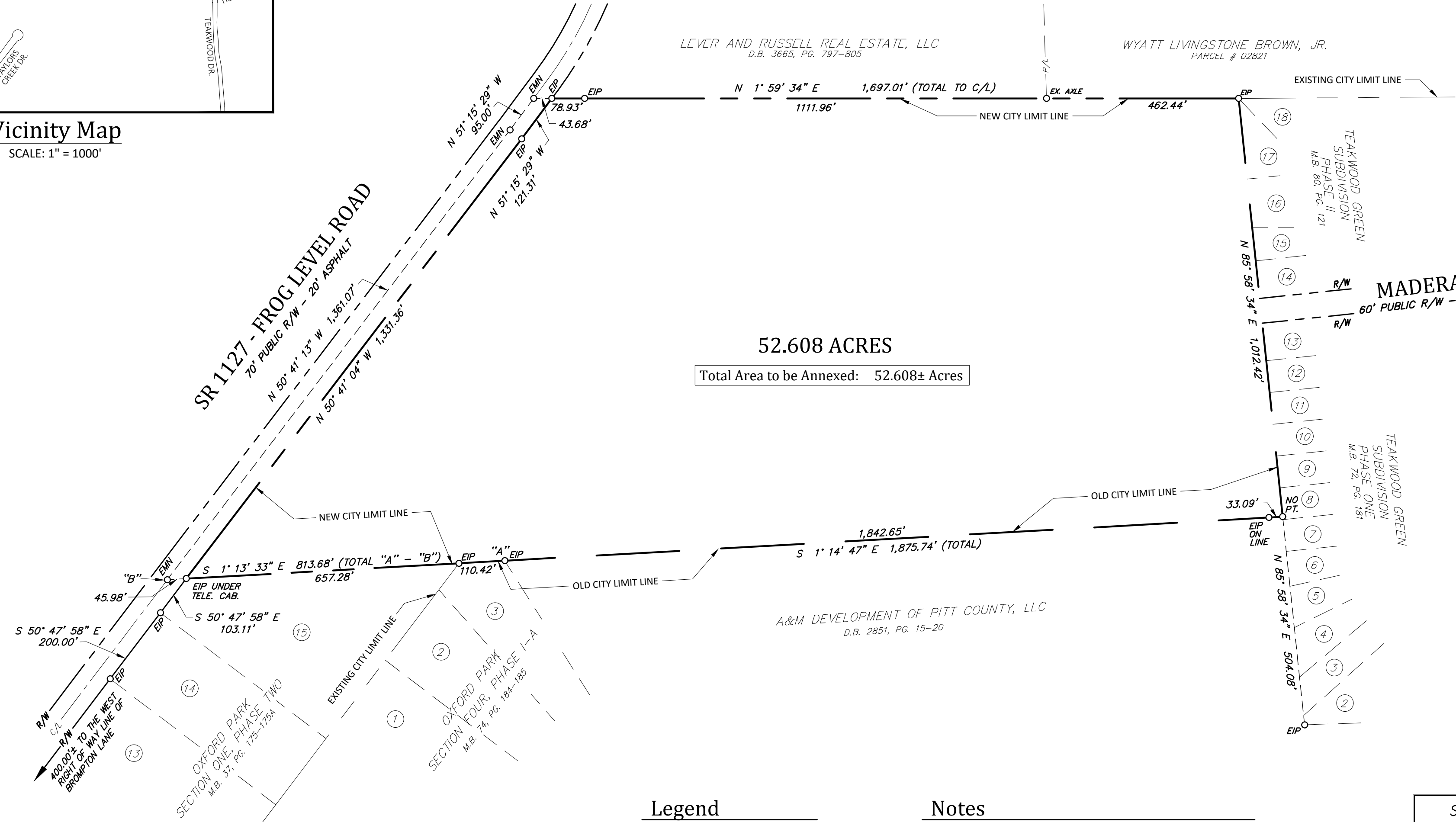
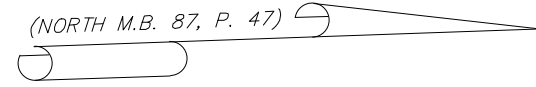
WITNESS my hand and official seal this ____th day of _____, 2024.

Notary Public

My Commission Expires: _____
11913512

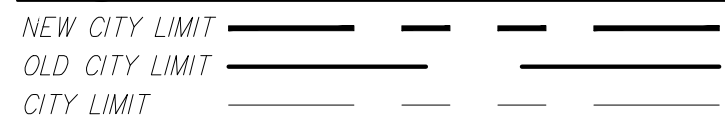


Vicinity Map
SCALE: 1" = 1000'



52.608 ACRES
Total Area to be Annexed: 52.608± Acres

Legend



Legend

- EIP - EXISTING IRON PIPE
- EMN - EXISTING MAGNETIC NAIL
- R/W - RIGHT OF WAY
- C/L - CENTERLINE
- P/L - PROPERTY LINE
- N/F - NOW OR FORMERLY

Notes

1. AREA DETERMINED BY COORDINATES.
2. THIS MAP WAS PREPARED FOR ANNEXATION PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON.
3. BOUNDARY INFORMATION AND PROPERTY CORNER MONUMENTATION SHOWN HEREON WAS DRAWN FROM SURVEY PREPARED BY GARY S. MILLER AND ASSOCIATES, P.A. FOR REGGIE SPAIN HOMES, LLC DATED JUNE 8, 2021 AND INFORMATION PROVIDED BY THE PITT COUNTY OPIS WEBSITE AND DOES NOT REPRESENT AN ACTUAL FIELD SURVEY BY THIS FIRM.
4. THIS IS AN ANNEXATION REQUEST COMPOSITE BOUNDARY MAP OF PITT COUNTY TAX PARCEL NUMBER 15811.
5. AS SHOWN ON FEMA FIRM NO 3720466600J & 3720466700K DATED JULY 7, 2014; THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.

SURVEYOR'S CERTIFICATION

I, STEPHEN N. SPRULL, CERTIFY THAT THIS MAP WAS PREPARED FROM INFORMATION SHOWN IN MAP BOOK 87, PAGE 47 AND HAS NOT BEEN FIELD SURVEYED BY ARK CONSULTING GROUP, PLLC AND IS EXEMPT FROM G.S. 47-30 AS SET FORTH IN SECTION (j) THEREOF.

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS
THE _____ DAY OF _____, 2024.

SIGNED _____
PROFESSIONAL LAND SURVEYOR NO. L-2723



D:\ARK_DROPBOX\01 - PROJECTS\ACTIVE\SPAIN\21091 - FROG LEVEL ROAD\0 - DMG\03 - FINAL\C-1017-ANNEXATION-FROG LEVEL.DWG, SITE, Dem, Thu, Feb 01, 2024 @ 3:32 PM

ANNEXATION PLAT FOR REGGIE SPAIN HOMES LLC CITY OF GREENVILLE, ARTHUR TOWNSHIP, PITT COUNTY, N.C.		MAP NO. 4666	PLATS RECORDED REGGIE SPAIN HOMES, LLC	BOOK 87	PAGE 47
 <small>www.arkconsultinggroup.com 2755-B Charles Blvd. Phone: (252) 558-0888 Greenville, NC 27858</small>	SURVEYED: DRAWN: BMP CHECKED: JDW	APPROVED: SNS DATE: 02-01-2024 SCALE: 1"=200'			

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C.
DATE: _____ ORDINANCE NO. _____ AREA: 52.608 AC
ARTHUR TOWNSHIP, PITT COUNTY, N.C.

PRELIMINARY PLAT -
NOT FOR RECORDATION,
CONYANCES OR SALES



City of Greenville, North Carolina

Meeting Date: 03/14/2024

Title of Item: Ordinance requested by Reggie Spain Homes, LLC to rezone 52.608 acres located along the northern right-of-way of Frog Level Road and at the current terminus of Madera Drive from RR (Rural-Residential – Pitt County’s Jurisdiction) to RA20 (Residential-Agricultural)

Explanation: **Required Notices:**

- Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on February 6, 2024.
- On-site sign(s) posted on February 6, 2024.
- City Council public hearing notice (property owner and adjoining property owner letter) mailed on February 27, 2024.
- Public hearing legal advertisement published on March 2, 2024 and March 9, 2024.

Comprehensive Plan:

The Future Land Use and Character Map recommends commercial (C) at the northeastern corner of the intersection of Dickinson Avenue Extension and Frog Level Road transitioning to residential, low-medium density (LMDR) to the north and west.

Commercial

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

Intent:

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

Primary uses:

Commercial (small and large format)

Office

Secondary uses:

Institutional/civic

Residential, Low-Medium Density

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

Intent:

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

Primary uses:

Single-family detached residential

Secondary uses:

Two-family residential

Institutional/civic (neighborhood scale)

Thoroughfare/Traffic Report Summary (Engineering Department):

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1,603 trips to and from the site on Frog Level Road, which is a net increase of 990 additional trips per day along Dickinson Avenue.

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

History/Background:

The subject property is located in the County's Jurisdiction and will require annexation. A voluntary annexation petition has been submitted and is scheduled to be considered at the same Council meeting as this rezoning.

On January 24, 2022, City Council approved a request to amend the Future Land Use and Character Map to recommend residential, low-medium density (LMDR) for this area.

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 Greens Mill Run Watershed (Tar River Basin). If stormwater rules apply, it would require 25-year detention, nitrogen and phosphorus reduction.

The property is not located in the Special Flood Hazard Area. No jurisdictional wetlands exist on the property. Jurisdictional streams and buffers may exist on the property.

Surrounding Land Uses and Zoning:

North: RA20 - Teakwood Green Subdivision

South: RR (Pitt County's Jurisdiction) - Vacant

East: GC (Pitt County's Jurisdiction) - One (1) vacant lot; CH - Oxford Park Subdivision

West: GC (Pitt County's Jurisdiction) - One (1) vacant lot

Density Estimates:

Under the current zoning, the site could accommodate 60-65 single-family lots.

Under the proposed zoning, the site could accommodate 140-170 single-family lots.

The anticipated build-out is within 5-7 years.

Fiscal Note: No cost to the City.

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

Therefore, staff recommends approval.

The Planning and Zoning Commission voted unanimously to approve the request at its February 20, 2024 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) promotes 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 Reggie Spain Homes LLC Rezoning.pdf](#)
- [Text Excerpt Reggie Spain.pdf](#)
- [Reggie Spain APO Map.pdf](#)
- [Reggie Spain Homes, LLC Survey.pdf](#)
- [Reggie Spain Traffic Report.pdf](#)
- [Existing RR \(County\) Uses.pdf](#)
- [Proposed RA20 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 14th day of March, 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 RR (Rural Residential – Pitt County’s Jurisdiction) to RA20 (Residential-Agricultural).

TO WIT: Reggie Spain Homes, LLC

LOCATION: Located along the northern right-of-way of Frog Level Road and at the current terminus of Madera Drive.

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

Commencing at an existing iron pipe located at the intersection of the western right of way line of Brompton Lane with the northern right of way line of Frog Level Road (NCSR 1127) and running N 50°47'58" W 703.16 feet to an existing iron pipe located at the southeast corner of the property herein described and being the POINT OF BEGINNING; thence from said beginning point so established along and with the northern right of way line of Frog Level Road (NCSR 1127) N 50°41'04" W 1331.36 feet to an existing iron pipe; thence continuing with said north right of way line of Frog Level Road (NCSR 1127) N 51°15'29" W 121.31 feet to an existing iron pipe at the southeast corner of the property of Lever and Russell Real Estate, LLC as described in Deed Book 3665, Page 797; thence with said Lever and Russell Real Estate, LLC eastern property line N 01°59'34" E 78.93 feet to an existing iron pipe and continuing N 01°59'34" E 1111.96 feet to an existing iron pipe at the southeast corner of the property of Wyatt Livingstone Brown, Jr. and Petrice Brown Flood as described in Deed Book A-24, Page 547; thence with the east line of said Brown and Flood property N 01°59'34" E 462.44 feet to an existing iron pipe at the southwest corner of Lot 17, Teakwood Green Subdivision, Phase II as recorded in Map Book 80, Page 121; thence with the south line of Lots 11 through 17 and the southern terminus of the right of way of Madera Drive, all as shown on the aforementioned Map Book 80, Page 121 of Teakwood Green Subdivision, Phase II and with the south line of Lots 8 through 10 of Teakwood Green Subdivision, Phase One as recorded in Map Book 72, Page 181 to a point at the northwest corner of the property of A&M Development of Pitt County, LLC as described in Deed Book 2851, Page 15; thence with the west line of said A&M Development of Pitt County, LLC property S 01°14'47" E 33.09 feet to an existing iron pipe and S 01°14'47" E 1842.65 feet to an existing iron pipe at the northwest corner of Lot 3 of Oxford Park, Section Four, Phase 1-A as recorded in Map Book 74, Page 184; thence with the west line of said Lot 3 S 01°13'33" E 110.42 feet to an existing iron pipe at the northernmost corner of Lot 15 of Oxford Park, Section One, Phase Two as shown in Map Book 37, Page 175; thence with the west line of said Lot 15 S 01°13'33" E 657.28 feet to the POINT OF BEGINNING containing 52.608 acres. This description was prepared from information shown in Map Book 87, Page 47 and has not been field surveyed by Ark Consulting Group, PLLC; all deeds and maps referenced herein are found at the Pitt County Cadastre.

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

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

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

ADOPTED this 14th day of March, 2024.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk
1191358

Excerpt from the draft Planning & Zoning Commission Minutes (2/20/24)

2. REQUEST BY REGGIE SPAIN HOMES, LLC TO REZONE 52.608 ACRES LOCATED ALONG THE NORTHERN RIGHT-OF-WAY OF FROG LEVEL ROAD AND AT THE CURRENT TERMINUS OF MADERA DRIVE FROM RR (RURAL-RESIDENTIAL – PITT COUNTY’S JURISDICTION) TO RA20 (RESIDENTIAL-AGRICULTURAL).

Christopher Kelly, Planner I, presented on behalf of Staff. Both the annexation and rezoning petition will be presented to City Council on March 14, 2024. The survey of the property is 52.608 acres. The property drains to the Greens Mill Run Watershed (Tar River Basin). If stormwater rules apply, it would require 25-year detention, nitrogen and phosphorus reduction. The property is not located in the Special Flood Hazard Area. No jurisdictional wetlands exist on the property. Jurisdictional streams and buffers may exist on the property. This request could generate a net increase of 990 additional trips per day along Dickinson Avenue. During the review process, measures to mitigate the traffic will be determined. Currently, the property is zoned RR (Rural Residential). Under the current county zoning, the site could accommodate 60-65 single-family lots. Under the proposed city zoning of RA20, the property could accommodate 140 – 170 single-family lots. The Future Land Use and Character Map recommends commercial (C) at the northeastern corner of the intersection of Dickinson Avenue Extension and Frog Level Road transitioning to residential, low-medium density (LMDR) to the north and west. In staff’s opinion, the request is in compliance with Horizons 2026: Greenville’s Community Plan and the Future Land Use and Character Map. Staff recommends approval.

Chair Brock opened the public hearing.

Scott Anderson, Ark Consulting Group PLLC, spoke in favor of request.

No one spoke in opposition of the request.

Chair Brock closed the public hearing and opened board discussion.

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

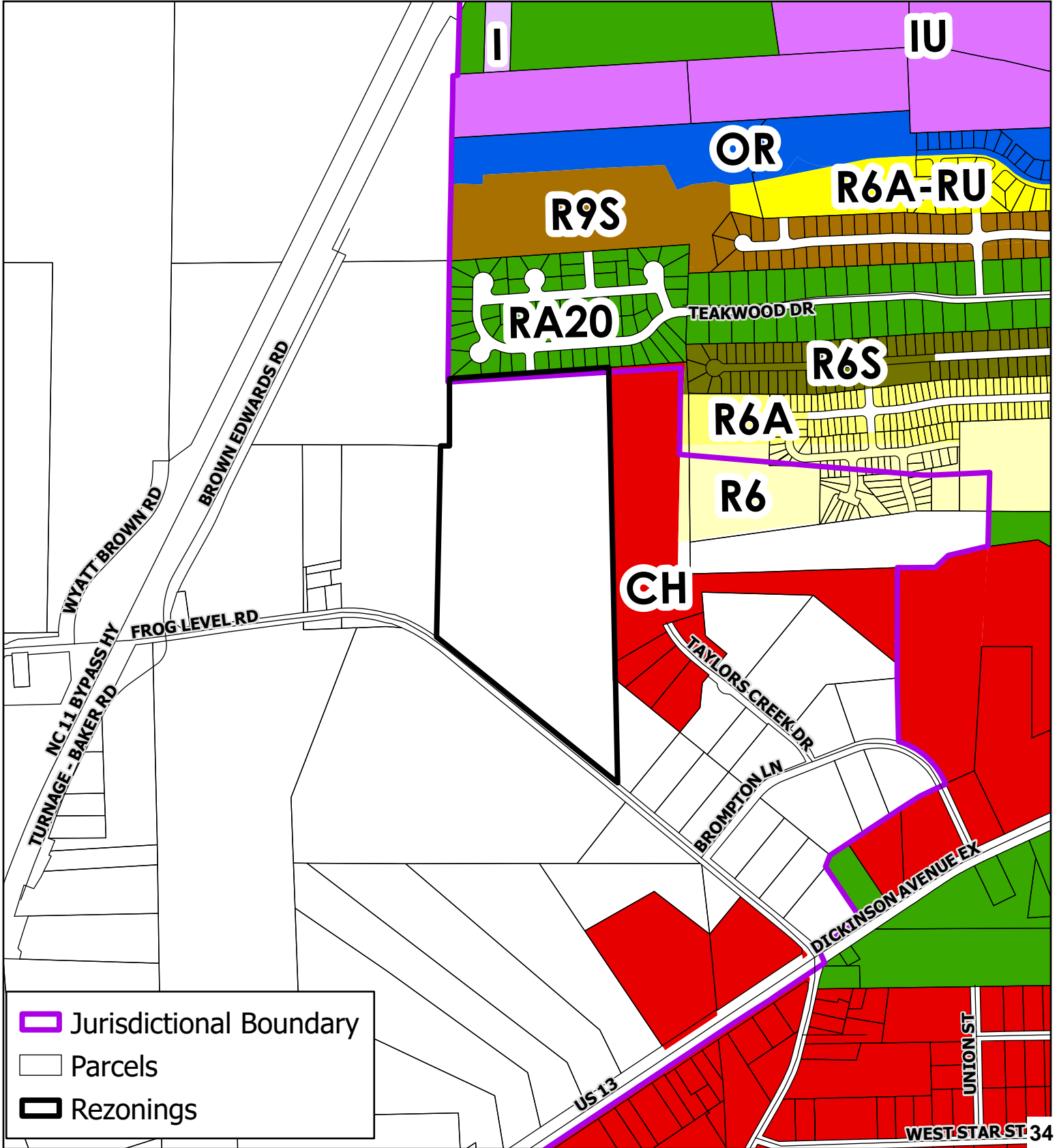
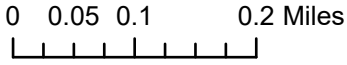
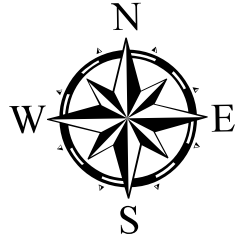
Reggie Spain Homes, LLC




From: RR (County)

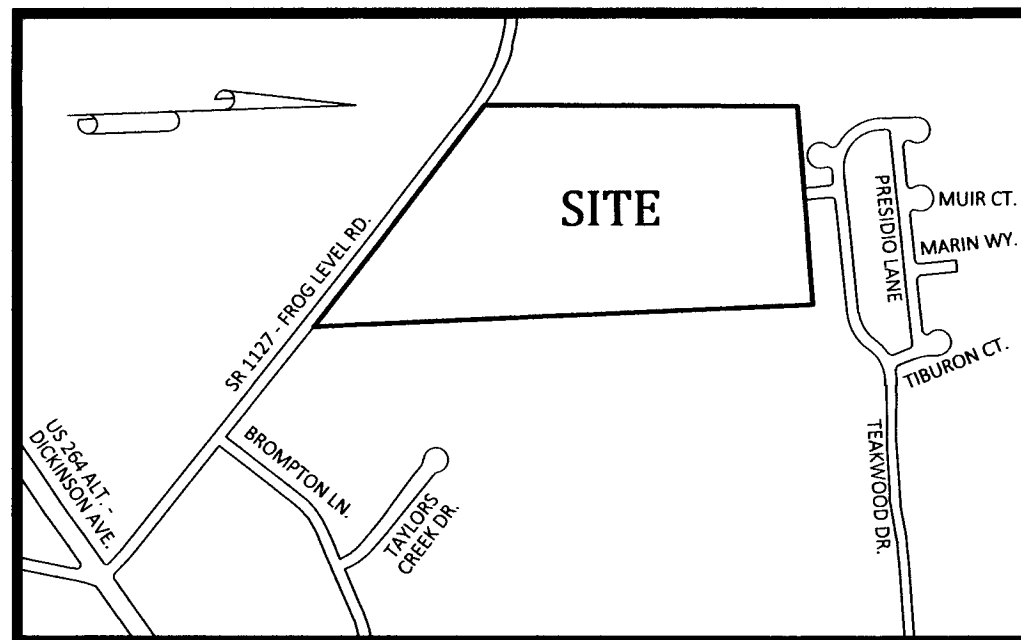
To: RA20

Acres: 52.608

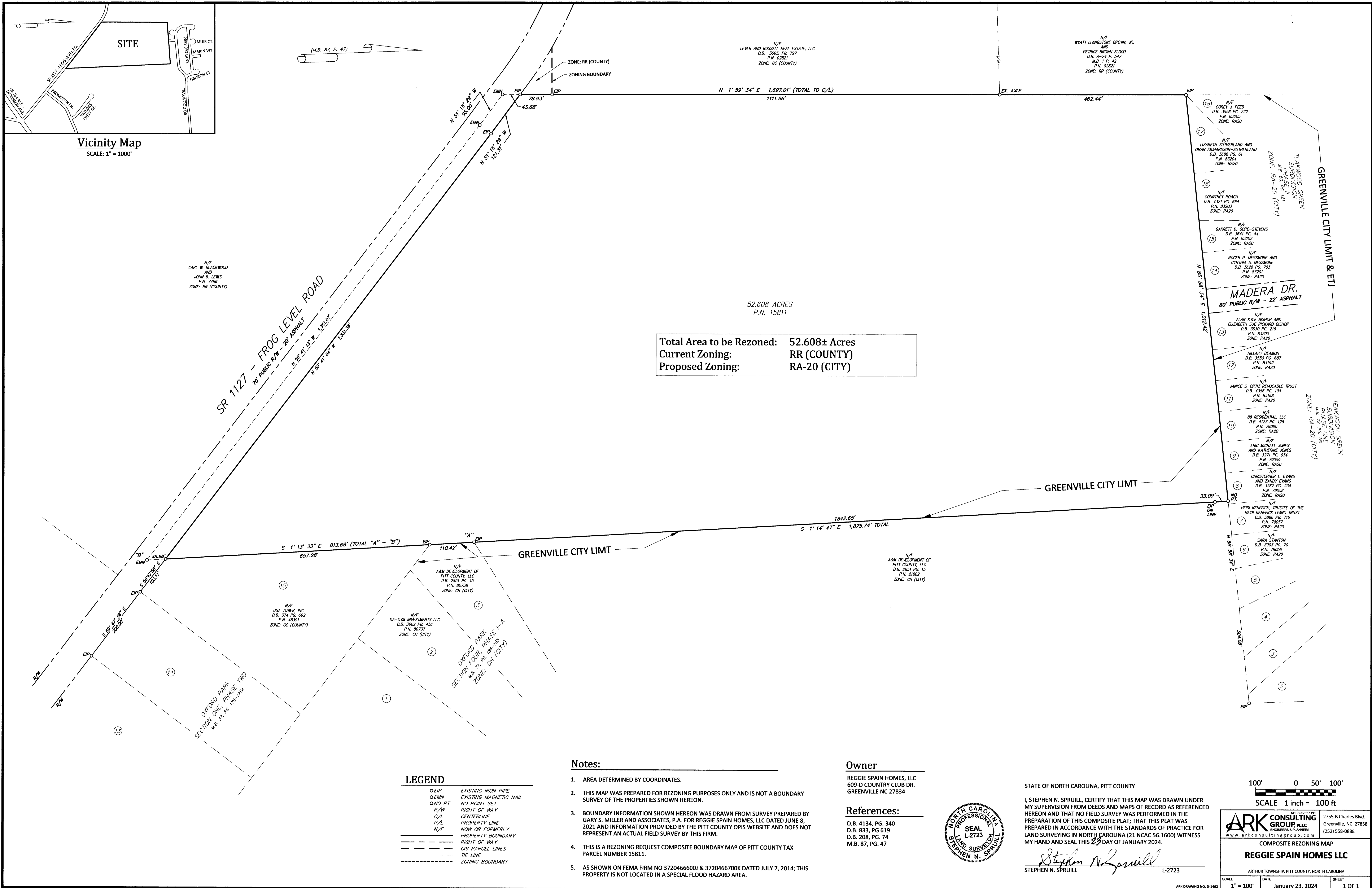
February 20, 2024



-  Jurisdictional Boundary
-  Parcels
-  Rezonings



Vicinity Map
SCALE: 1" = 1000'



Total Area to be Rezoned: 52.608± Acres
Current Zoning: RR (COUNTY)
Proposed Zoning: RA-20 (CITY)

LEGEND

- /IP EXISTING IRON PIPE
- /MN EXISTING MAGNETIC NAIL
- /NO PT. NO POINT SET
- R/W RIGHT OF WAY
- C/L CENTERLINE
- P/L PROPERTY LINE
- N/O/NW NOW OR FORMERLY
- GIS PARCEL LINES
- TIE LINE
- - - ZONING BOUNDARY

Notes:

1. AREA DETERMINED BY COORDINATES.
2. THIS MAP WAS PREPARED FOR REZONING PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON.
3. BOUNDARY INFORMATION SHOWN HEREON WAS DRAWN FROM SURVEY PREPARED BY GARY S. MILLER AND ASSOCIATES, P.A. FOR REGGIE SPAIN HOMES, LLC DATED JUNE 8, 2021 AND INFORMATION PROVIDED BY THE PITT COUNTY OPIS WEBSITE AND DOES NOT REPRESENT AN ACTUAL FIELD SURVEY BY THIS FIRM.
4. THIS IS A REZONING REQUEST COMPOSITE BOUNDARY MAP OF PITT COUNTY TAX PARCEL NUMBER 15811.
5. AS SHOWN ON FEMA FIRM NO 372046600J & 3720466700K DATED JULY 7, 2014; THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.

Owner

REGGIE SPAIN HOMES, LLC
609-D COUNTRY CLUB DR.
GREENVILLE NC 27834

References:

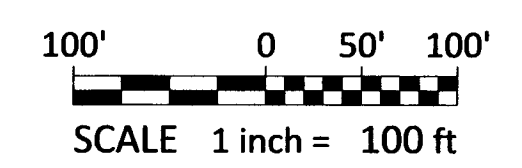
- D.B. 4134, PG. 340
- D.B. 833, PG 619
- D.B. 208, PG. 74
- M.B. 87, PG. 47



STATE OF NORTH CAROLINA, PITT COUNTY

I, STEPHEN N. SPRUILL, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM DEEDS AND MAPS OF RECORD AS REFERENCED HEREON AND THAT NO FIELD SURVEY WAS PERFORMED IN THE PREPARATION OF THIS COMPOSITE PLAT; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600) WITNESS MY HAND AND SEAL THIS 22 DAY OF JANUARY 2024.

Stephen N. Spruill
STEPHEN N. SPRUILL L-2723



ARK CONSULTING GROUP, PLLC
ENGINEERS & PLANNERS
www.arkconsulting.com

2755-B Charles Blvd.
Greenville, NC 27858
(252) 558-0888

COMPOSITE REZONING MAP
REGGIE SPAIN HOMES LLC

ARTHUR TOWNSHIP, PITT COUNTY, NORTH CAROLINA

SCALE	DATE	SHEET
1" = 100'	January 23, 2024	1 OF 1

ARK DRAWING NO. D-1462

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 24-01

Applicant: Reggie Spain Homes, LLC

Property Information

Current Zoning: RR (Rural Residential - Pitt County's Jurisdiction)

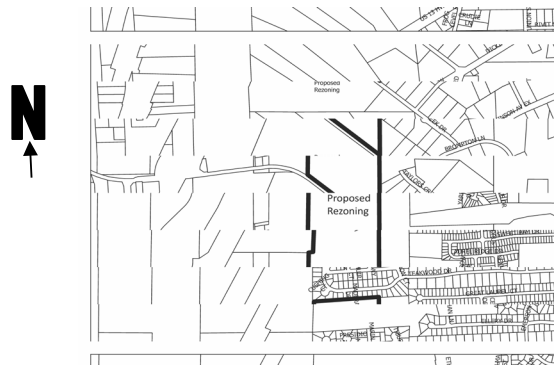
Proposed Zoning: RA20 (Residential-Agricultural)

Current Acreage: 52.608 acres

Location: Frog Level Rd, northwest of Dickinson Avenue

Points of Access: Dickinson Ave via Frog Level Rd

Location Map



Transportation Background Information

1.) Dickinson Ave- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5-lane - curb & gutter	no change
Right of way width (ft)	100	no change
Speed Limit (mph)	50	no change
Current ADT:	11,965 (*)	
Design ADT:	33,500 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status	Major Thoroughfare	

Other Information: There are no sidewalks along Dickinson Ave that service this property.

- Notes:**
- (*) 2022 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: 613 -vehicle trips/day (*) **Proposed Zoning:** 1,603 -vehicle trips/day (*)

Estimated Net Change: increase of 990 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 Dickinson Ave are as follows:

1.) Dickinson Ave , West of Site (40%): “No build” ADT of 11,965

Estimated ADT with Proposed Zoning (full build) – 12,606
 Estimated ADT with Current Zoning (full build) – 12,210
Net ADT change = 396 (3% increase)

2.) Dickinson Ave , East of Site (60%): "No build" ADT of 11,965

Estimated ADT with Proposed Zoning (full build) – 12,927

Estimated ADT with Current Zoning (full build) – 12,333

Net ADT change = 594 (5% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested zoning, the proposed zoning classification could generate 1,603 trips to and from the site on Frog Level Rd, which is a net increase of 990 additional trips per day along Dickinson Ave.

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

Existing Zoning

RR (Rural Residential) Pitt County Zoning

AGRICULTURE-RELATED USES

Agricultural Productions (livestock)
Agricultural Productions (crops)
Forestry

RESIDENTIAL USES

Bed and Breakfast Inn
Family Care Home
Group Care Facility
Halfway House
Manufactured Home on Individual Lot
Manufactured Home Park, Major (5 or more units)
Manufactured Home Park, Minor (5 or less units)
Modular Home
Multifamily Dwelling, less and 5 units
Single-Family Detached Dwelling
Two-Family Dwelling (duplex)

ACCESSORY USES AND STRUCTURES

Accessory Dwelling Unit
Accessory Structures and Buildings (Noncontiguous)
Accessory Uses and Structures (customary)
Caretaker Dwelling
Communication Tower Under 60' in Height
Emergency Shelter
Home Occupation
Rural Family Occupation
Satellite Dish Antenna
Solar Collector, Accessory
Swimming Pool
Temporary Health Care Structure
Wind Energy Facility, Accessory

RECREATIONAL USES

Athletic Fields
Civic, Social, and Fraternal Associations
Country Club with Golf Course
Golf Course
Private Campground/RV Park
Private Club or Recreation Facility, Other
Public Park or Recreational Facility, Other
Recreational Vehicles
Riding Academy
Swim and Tennis Club

EDUCATIONAL AND INSTITUTIONAL USES

Cemetery or Mausoleum on Same Property as Church

Cemetery or Mausoleum Not on Same Property as Church
Church or Other Place of Worship
College, University, Technical Institute
Miscellaneous Educational Services
Day Care Center, Adult and Child
Dare Care Facility, Residential
Elementary or Secondary School
Fire Station/Emergency Medical Service
Library
Nursing and Convalescent Home
Orphanage
Law Enforcement Substation
Retreat/Conference Center
Tutoring/Mentoring Center (less than 5 students)

BUSINESS, PROFESSIONAL and PERSONAL SERVICES

Veterinary Clinic
Wedding/Event Facility

TRANSPORTATION, WAREHOUSING AND UTILITIES

Radio, Television or Communication Tower Over 60' In Height
Sewage Treatment Plant
Solar Energy Facility
Utility Lines
Utility Related Appurtenances
Water Treatment Plant

OTHER USES

Arts and Craft Shows
Automobile Parking On Same Lot As Principal Use
Christmas Tree Sales
Emergency Shelter
Horse Shows
Outdoor Fruit and Vegetable Markets
Outdoor Religious Events
Special Temporary Event
Temporary Construction, Storage or Office; Real Estate Sales or Rental Office (with concurrent building permit for permanent building)
Temporary Emergency, Construction, and Repair Residence

PROPOSED 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	

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: 03/14/2024

Title of Item: Ordinance requested by the Planning and Development Services Department to amend Title 9, Chapter 4, Article N. Signs to allow for additional signage in the CD (Downtown Commercial) zoning district

Explanation: This is a request to allow properties that are zoned CD (Downtown Commercial) to qualify for additional signage. Currently, the amount of signage is based entirely on the length of the building and there is no consideration for the height of the building.

More specifically, the amount of signage for any non-residential building is based on the length of the building wall that is parallel and adjacent to one or more of the following qualifying areas:

- (a) A public or private street;
- (b) A common parking area in the case of a planned center;
- (c) A public parking area; or
- (d) A public access walkway.

In cases where sign regulations will not allow signage of at least 50 square feet, then the requirements shall be waived to the extent that a total wall sign allowance of 50 square feet or less, at the option of the owner, shall be permitted.

While most of the buildings in the downtown area are the same height as adjoining buildings, buildings that are mid-block and taller than adjoining buildings do not qualify for additional signage. An emerging trend in the downtown area is that new infill and redevelopment projects are producing taller buildings. When buildings are adjacent to other buildings and taller, there is no additional signage allowed.

The character of the downtown area is comprised of somewhat narrow streets with buildings that are connected to adjacent buildings by common side walls that are aligned with the sidewalk.

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

SEC. 9-4-222 DEFINITIONS.

Exposed walls. Exterior walls of a building that are taller in height than a directly adjacent building or vacant lot.

Parapet. The extension of the main wall or walls of a building above the roof level.

SEC. 9-4-233 SPECIAL PROVISIONS FOR CERTAIN SIGNS.

(N) *Exposed Wall Signs.* In the CD Zoning District only, when a building has exposed stories above the height of an adjacent building or vacant lot, and the wall does not otherwise qualify for signage under the definition of building frontage, the surface area of the exposed portion of the wall may be used to calculate the total allowable sign surface area.

(1) Wall signs on exposed walls and/or parapets shall not exceed 1.5% of the total square feet of the exposed area of the wall.

(2) Parapets added to existing buildings for the purpose of attaching signs shall match the architecture of the rest of the building, be of the same thickness, and on the same plane as the wall to which it is added and be no more than six feet above the roofline. Additions of a parapet for the purpose of signage cannot be braced back to the roof.

On February 7, 2024, as an opportunity to provide feedback and ask questions, City Staff presented this amendment to the Downtown Greenville Partnership (formerly Uptown Greenville). There were no objections voiced at the meeting.

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 1.4.6. Promote Quality Signage. Business and traffic signage in Uptown should enhance the character of Uptown. Traffic signage should be limited where alternative options are available.*

Therefore, staff recommends approval.

The Planning and Zoning Commission voted unanimously to approve the request at its February 20, 2024 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 1.4.6. Promote Quality Signage. Business and traffic signage in Uptown should enhance the character of Uptown. Traffic signage should be limited where alternative options are available."

ATTACHMENTS

- [Ordinance_-_CD_Exposed_Wall_Signs.pdf](#)
- [Excerpt_Signage_02_20_2024.pdf](#)
- [CD-zoned properties](#)
- [Signage examples.pdf](#)
- [Clarendon Properties Letter of Support.pdf](#)

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 14th day of March, 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 1.4.6. Promote Quality Signage. Business and traffic signage in Uptown should enhance the character of Uptown. Traffic signage should be limited where alternative options are available; and*

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

Section 1. That Title 9, Chapter 4, Section 222, is hereby amended by adding the following definitions in their respective suitable locations within the section based on its alphabetical ordering:

Exposed walls. Exterior walls of a building that are taller in height than a directly adjacent building or vacant lot.

Parapet. The extension of the main wall or walls of a building above the roof level.

Section 2. That Title 9, Chapter 4, Section 223, is hereby amended by adding the following:

(N) Exposed Wall Signs. In the CD Zoning District only, when a building has exposed stories

above the height of an adjacent building or vacant lot, and the wall does not otherwise qualify for signage under the definition of building frontage, the surface area of the exposed portion of the wall may be used to calculate the total allowable sign surface area.

- (1) Wall signs on exposed walls and/or parapets shall not exceed 1.5% of the total square feet of the exposed area of the wall.
- (2) Parapets added to existing buildings for the purpose of attaching signs shall match the architecture of the rest of the building, be of the same thickness, and on the same plane as the wall to which it is added, and be no more than six feet above the roofline. Additions of a parapet for the purpose of signage cannot be braced back to the roof.

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

Section 4: Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

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

ADOPTED this 14th day of March, 2024.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

Doc. # 1191347

Excerpt from the draft Planning & Zoning Commission Minutes (2/20/24)

3. REQUEST BY THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO AMEND TITLE 9, CHAPTER 4, ARTICLE N. SIGNS TO ALLOW FOR ADDITIONAL SIGNAGE IN THE CD (DOWNTOWN COMMERCIAL) ZONING DISTRICT.

Chantae Gooby, Chief Planner, presented on behalf of City Staff. The proposed sign regulations are only applicable to CD-zoned properties. This amendment is to allow additional signage for an exposed wall that is adjacent to a building or vacant lot which would otherwise not qualify for signage. Under the current standards, there are four ways to qualify for signage as described under the definition of “building frontage”:

Building frontage. The distance expressed in linear feet of the horizontal dimension of a building wall that is parallel and adjacent to one or more of the qualifying areas listed below:

- (a) A public or private street;*
- (b) A common parking area in the case of a planned center;*
- (c) A public parking area; or*
- (d) A public access walkway.*

One of the catalysts of this amendment has been the construction of the hotel on Evans Street which is six (6) stories taller than the adjacent buildings. Because of the current sign regulations, the exposed six (6) stories does not qualify for additional signage. The signage is determined by the length of the building along Evans Street and the parking deck. Since the building is generally narrow, the total amount of signage under the current standards would have to be “spread out” among the four (4) sides of the buildings.

Currently, under Section 9-4-230, total allowable sign surface area is calculated by the following:

(D) Unless otherwise provided in this article, the maximum wall sign surface area permitted for any nonresidential use shall be determined as follows.

- (1) All wall signs for any one use shall not exceed one and one-half square feet of sign surface area per linear foot of building frontage occupied by such use.*
- (2) If a building has frontage on more than one qualifying area, then the total sign surface area permitted on the building shall be the sum of the sign surface area allotments related to each frontage.*
- (3) Signage may be allowed on any building wall, provided that the sign surface area of all signs located on a wall of a structure may not exceed 25% of the total surface area of the wall on which the signs are located. Wall signage may be placed on a canopy, provided that the sides of a canopy shall be considered as a wall, and the signage on a canopy shall be subject to the 25% limitations of this section.*

Staff is proposing two definitions:

Exposed walls. Exterior walls of a building that are taller in height than a directly adjacent building or vacant lot.

Parapet. The extension of the main wall or walls of a building above the roof level.

Currently, the amount of signage is determined by the linear feet of a building’s frontage. Under the proposed standards, additional signage is possible if the building has exposed walls. The proposed language is: *Section 9-4-233 (N)(1): Wall signs on exposed walls and/or parapets shall not exceed 1.5% of the total square feet of the exposed area of the wall.*

On February 7, 2024, City Staff presented this amendment to the Downtown Greenville Partnership (formerly Uptown Greenville). There was an opportunity to provide feedback and ask questions. There were no objections voiced at the meeting.

In Staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan: Goal 1.4. A Vibrant Uptown, Policy 1.4.6. Promote Quality Signage Business and traffic signage in Uptown should enhance the character of Uptown. Traffic signage should be limited where alternative options are available.

Vice Chair Faison asked if there would be lighting requirements or restrictions with the signage update.

Ms. Gooby stated the signs can be lighted or digital but will follow the same standards as the rest of the City.

Chair Brock opened the public hearing.

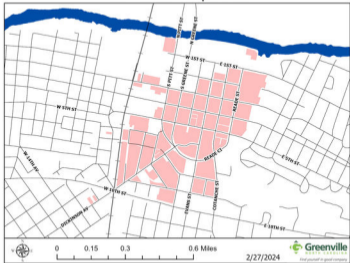
Gale Wallace, Clarendon Properties, spoke in favor of request.

No one spoke in opposition of the request.

Chair Brock closed the public hearing and opened board discussion.

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

CD-Zoned Properties



CURRENT STANDARDS

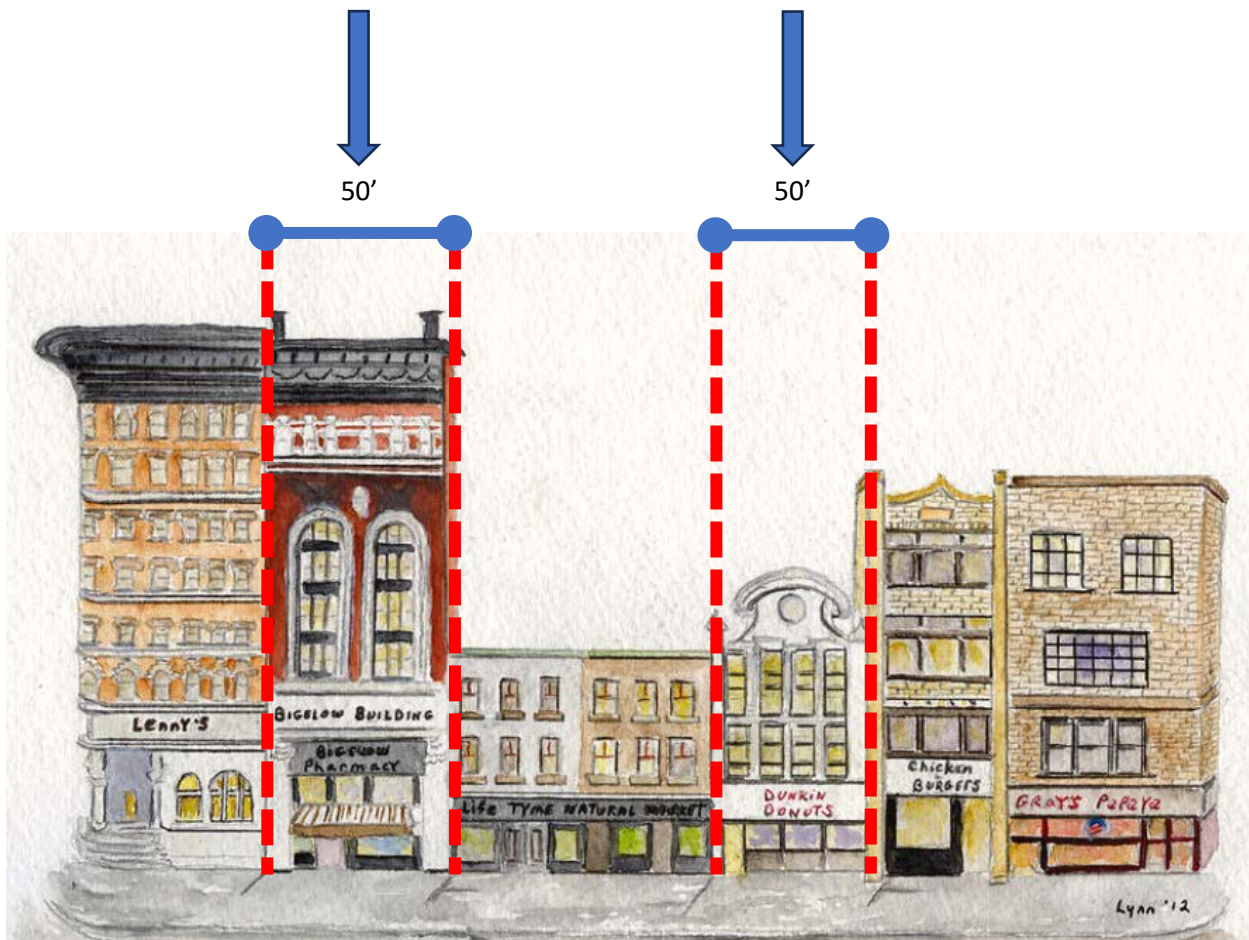
How is the amount of signage determined? The amount of signage is determined by the linear feet (LF) of the building's frontage.

Section 9-4-230 (D)(1): All wall signs for any one use shall not exceed 1.5 square feet of sign surface area per linear foot of building frontage occupied by such use.

In the example below, if Dunkin Donuts and the Bigelow Building each have 50' of frontage along the street they both qualify for 75 square feet (SF) of signage. No consideration is given that the Bigelow Building is much taller.

Signage calculation: $50' \text{ LF} \times 1.5 = 75 \text{ SF}$ of signage

**Illustration below is not drawn to scale.



PROPOSED STANDARDS

How is the amount of signage determined? The amount of signage is determined by the linear feet (LF) of the building's frontage AND the amount of square footage (SF) of an exposed wall.

Section 9-4-230 (D)(1): All wall signs for any one use shall not exceed 1.5 SF of sign surface area per linear foot of building frontage occupied by such use.

Section 9-4-233 (N): *Exposed Wall Signs.* In the CD Zoning District only, when a building has exposed stories above the height of an adjacent building or vacant lot, and the wall does not otherwise qualify under section 9-4-222, the surface area of the exposed portion of the wall may be used to calculate the total allowable sign surface area.

(1) Wall signs on exposed walls and/or parapets shall not exceed 1.5% of the total square feet of the exposed area of the wall.

(2) Parapets added to existing buildings for the purpose of attaching signs shall match the architecture of the rest of the building, be of the same thickness, and on the same plane as the wall to which it is added, and be no more than six feet above the roofline. Additions of a parapet for the purpose of signage cannot be braced back to the roof.

In the example below, if the area of the exposed wall is 3,750 SF x 1.5% = 56 SF of signage

In total, the Bigelow Building would qualify for a total of 131 SF of signage. This is calculated by adding the 75 SF of signage based on the frontage plus the 56 SF of signage based on the exposed wall.



January 5, 2024

Ms. Chantae Gooby
City of Greenville
Chief Planner
201 W. 5th Street
Greenville, NC 27835

RE: Text Amendment-Sign Ordinance

Dear Ms. Gooby,

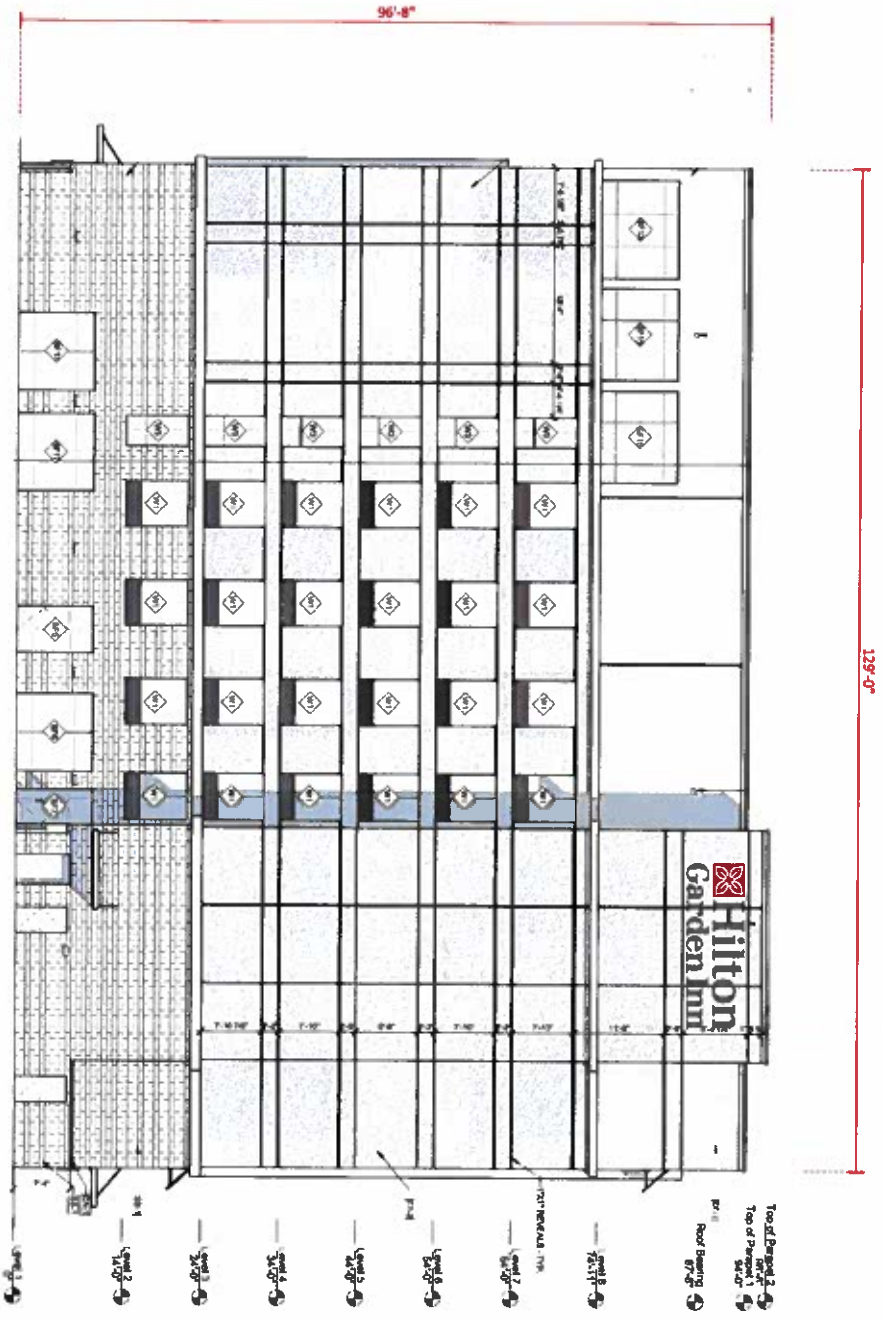
I am writing this letter in support of the proposed Text Amendment to the current CD Zoning District Sign Ordinance. As you are aware Clarendon Properties, LLC is the developer of the Hilton Garden Inn hotel project at 423 Evans St. The proposed language will allow us to install the exterior building signage we believe would be required to provide the appropriate exposure for our guests and visitors to the downtown area.

We are hopeful that the City will approve this Text Amendment and we look forward to completing the construction of the hotel in the fall.

Best Regards,



John M. Sandlin
President
Clarendon Properties, LLC



B NORTH ELEVATION

SCALE: 1/16" = 1'-0"



Design #	0422271A-1
Sheet	2 of 10
Client	Hilton Garden Inn
Address	423 Evans Street Greenville NC
Account	NC
Designer	GI
Date	7/13/2012
Revision / Date	At ES N71 labels, S on north

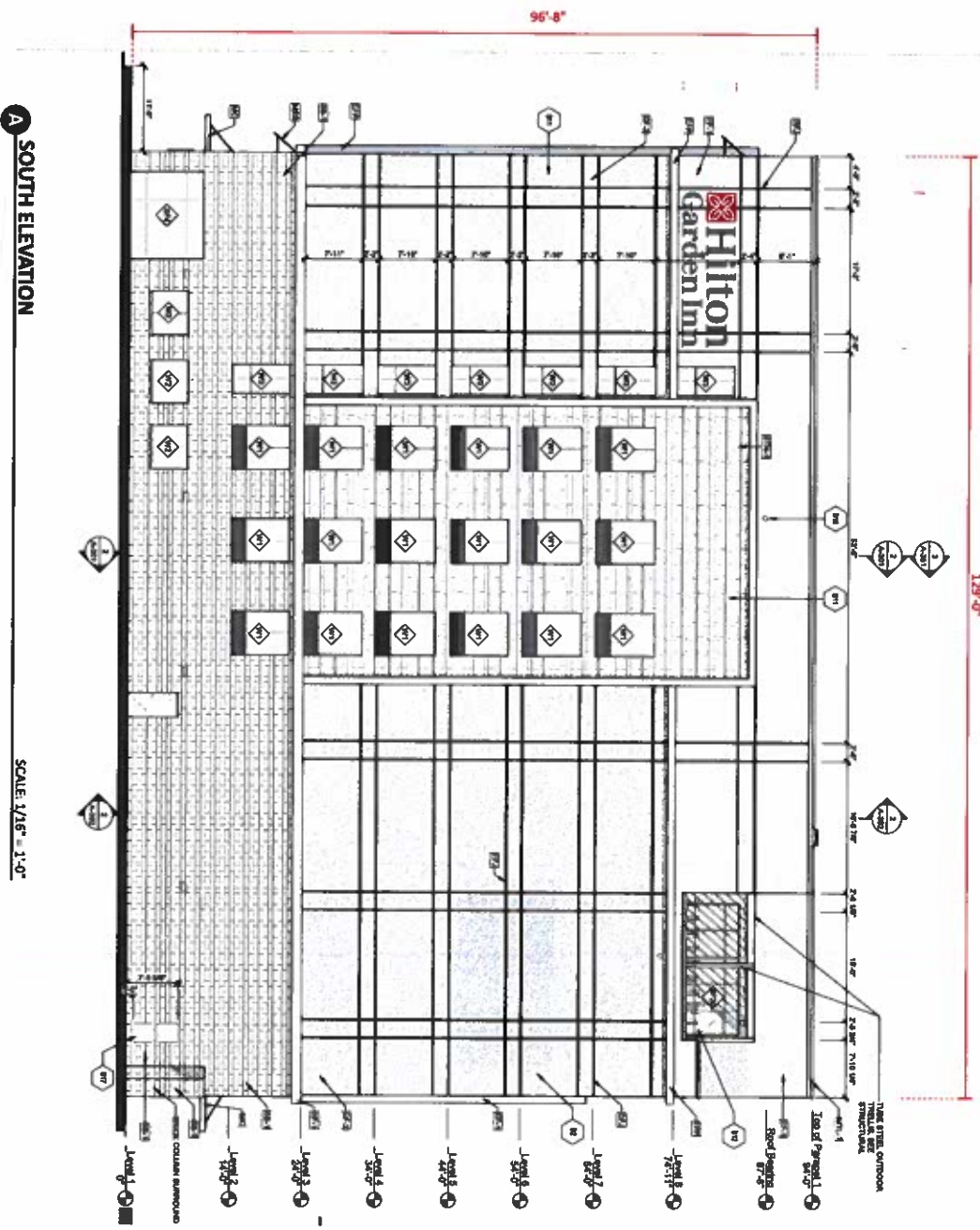


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FINAL ELECTRICAL CONNECTION BY CUSTOMER



A SOUTH ELEVATION

SCALE: 1/16" = 1'-0"



Design #	0422271A1
Sheet	1 of 10
Client	Hilton Garden Inn
Address	423 Evans Street Greenville NC
Account Rep.	NY
Designer	GI
Date	7/13/202
Revision / DATE	
N 15 N/31 looks S on north	



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FINAL ELECTRICAL CONNECTION BY CUSTOMER





City of Greenville, North Carolina

Meeting Date: 03/14/2024

Title of Item: Ordinance requested by Amanda Bambrick to amend Title 9, Chapter 4 of the Zoning Ordinance to establish "Commercial recreation; indoor and outdoor, not otherwise listed" as a use with associated standards, and to add this use as a special use in the RA20 (Residential-Agricultural) zoning district

Explanation: **Background:**

Currently, the Table of Uses in the Zoning Ordinance includes a use listed as "Commercial recreation; indoor and outdoor, not otherwise listed"; however, this use is not specifically defined. This use is allowed by-right in the mixed use institutional (MUI) and heavy commercial (CH) zoning districts and a special use in the downtown commercial fringe (CDF), unoffensive industry (IU), and industry (I) zoning districts.

This text amendment establishes a definition and associated standards for the "Commercial recreation; indoor and outdoor, not otherwise listed" use as well as requiring a special use permit in the RA20 zoning district.

Currently, this use is applied to recreational uses (not located at a public park) that includes indoor and outdoor activities. Some examples of outdoor activities could be miniature golf and pickleball/tennis courts. Additionally, this use is allowed in primarily non-residential districts.

This text amendment seeks to allow this type of use in a primarily residential district and includes additional standards to mitigate negative impacts to neighborhoods such as, increased setbacks, increased vegetative buffers, and lighting standards.

The text in red is the proposed language:

SEC. 9-4-22 Words and Terms Defined

Commercial recreation; indoor and outdoor, not otherwise listed. A facility offering one or more various recreational activities that includes without limitation indoor and outdoor activity areas including, but not limited to, go-carts, golf driving ranges, miniature golf or putt-putt. This use shall not include a firearm range.

SEC. 9-4-86 Listed Uses; Specific Criteria

(WW) Commercial recreation; indoor and outdoor, not otherwise listed

1. These standards shall only apply to the RA20 zoning district.
2. Shall be located on no less than 20 acres.
3. There shall be a minimum of 200 feet from all outdoor activity area equipment and structures including but not limited go-carts, golf driving ranges, miniature golf or putt-putt, from the boundary of the lot, except where there is a shared property line with a city-owned recreational facility or property, there shall be a minimum separation of 100 feet along said property line. This minimum of 200 feet shall be exclusive of parking.
4. Public street setback shall be in accordance with Section 9-4-94.
5. Bufferyard "E" shall apply except where the property abuts public/private streets or railroad rights-of-way in which the bufferyard as set forth in Article G shall apply.
6. No signage shall be permitted on the exterior (facing the outside of the subject property) of a perimeter fence, whether the fence is required by code or not.
7. The operation and use of outdoor activities shall be in compliance with federal, state and local laws and regulations.
8. Notwithstanding the foregoing provisions there shall be no restriction on use of amplified sound equipment that produces 60db or less as measured at any property line.
9. Any amplified sound shall be enforced per Title 12, Chapter 5: Noise Control by Greenville Police Department. In cases where the property is located outside of the city limits, the same regulations shall apply but will be enforced per Title 9, Chapter 4, Article U. Administration, Enforcement, Penalties.
10. No sound may exceed 65 (dB(A)) as measured from the property line when the adjoining property is a conforming residential use or within the following zoning districts: RA20 (Residential-Agricultural), R15S (Residential-Single-family), R9 (Residential), R9S (Residential-Single-family), R6 (Residential), R6A (Residential), R6N (Residential), R6S (Residential-Single-family), R6MH (Residential-Mobile Home), MR (Medical-Residential), OR (Office-Residential), O (Office), and CDF (Downtown Commercial Fringe), CG (General Commercial) and CH (Heavy Commercial). A sound study shall be required at the discretion of the Planning and Development Services Department Director or when this use is located within 250 feet of any of the above listed zoning districts except when the Planning and Development Services Department Director determines it not necessary. This shall be measured at the exterior property line.
11. The purpose of the sound study is to determine that the operation of the entire facility at full use can comply with the City's Noise Ordinance.
12. Lighting of outdoor areas shall be designed to meet the standards found in the document "Lighting Standards for the City of Greenville" as well as in accordance with the following requirements:

(a) All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties. All such lighting fixtures shall be equipped with a glare control package (e.g., directional LED lighting, louvers, shields or similar devices).

(b) Light levels at adjacent property lines shall not exceed ambient light levels by 0.5 foot candles in any circumstance.

(c) Light measurement technique: Light level measurements shall be made at the property line of the property upon which light to be measured is being generated. Measurements will first be taken with the light off and then with the light on to establish a baseline for ambient light conditions. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the light registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent. Measurements shall be taken with a light meter that has been calibrated within two years. Light levels are specified, calculated and measured in foot candles.

(d) In the event a dispute between the City and the property owner or lessee over the validity of any light measurements taken by the City arises, then at the expense of the party disputing the claim, an independent engineer may be hired to conduct new measurements. The engineer shall be licensed by the state and shall take all measurements while accompanied by a representative of the city. Both parties shall certify the readings on the independent engineer's light meter and measurements shall be taken in the same way as described above in section (c).

13. (a) Annual Review. A special use permit for a commercial recreation; indoor and outdoor, not otherwise listed use is subject to annual review in accordance with the provisions of this subsection (F)(1). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to modify or revoke a special use permit for a commercial recreation; indoor and outdoor, not otherwise listed use in accordance with the provisions of section 9-4-83.

(b) Reporting. At the regular January meeting of the Board of Adjustment, the Director of Planning and Development Services or their authorized representative shall present to the Board of Adjustment a written staff report of any violation citations that has been issued for which the annual review shall include a finding of one or more instances of noncompliance with applicable laws, codes and ordinances, including Notices of Violation from City departments such as Police, Fire, Public Works, or Planning & Development Services, not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. If the Board of Adjustment votes to hold a hearing for

modification or revocation of the special use permit, the special use permit holder, and property owner, if not the same individual, shall be provided notice of the meeting and a copy of the staff report.

(c) Noncompliance; and Modification or Revocation. Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous violations citations of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation from City departments such as Police, Fire, Public Works, or Planning & Development Services, not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions at any time. The special use permit holder, and property owner, if not the same individual, shall be provided notice of the meeting and a copy of the staff report.

(d) Quasi-Judicial Hearing. Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may modify the conditions or revoke a special use permit pursuant to this section (F) and section 9-4-82. The modification or revocation of the special use permit by the Board of Adjustment after the hearing shall constitute a revocation of the previously granted special use permit for a commercial recreation; indoor and outdoor, not otherwise listed use .

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

14. *Ownership and/or Permit Holder.* The special use permit shall be issued to the property owner as listed on the tax records of the county or to the person/entity that has been authorized by the property owner via the special use permit application, herein referred to as the permit holder. When the ownership of any property, which has a special use permit for a commercial recreation; indoor and outdoor, not otherwise listed use, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of Planning and Development Services an acknowledgment of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgment shall be made on forms provided by the planning office.
15. Any commercial recreation; indoor and outdoor, not otherwise listed use that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

Fiscal Note:

No cost to the City.

Recommendation: In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with the Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub, Goal 4.5. A High Quality of Life 4.5.2. Enhance Civic Opportunities to cultivate, attract, and retain a high-quality workforce, including recent ECU graduates, young professionals, and families. The city should foster a sense of place by promoting tourism and engaging activities. The city should also bolster civic opportunities like urban farms, recreation facilities, parks, libraries, and museums.

Therefore, staff recommends approval.

The Planning and Zoning Commission voted to recommend denial (4:2) of 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 the 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 requested text amendment is inconsistent with the comprehensive plan or other applicable plans, including but not limited to Horizons 2026: Greenville's Community Plan, Chapter 4 Growing the Economic Hub, Goal 4.5. A High Quality of Life 4.5.2. Enhance Civic Opportunities to cultivate, attract, and retain a high-quality workforce, including recent ECU graduates, young professionals, and families. The city should foster a sense of place by promoting tourism and engaging activities. The city should also bolster civic opportunities like urban farms, recreation facilities, parks, libraries, and museums."

ATTACHMENTS

- [Ordinance Text Amendment for Outdoor Recreation.pdf](#)
- [Excerpt_Minutes_for_Bambrick_Text_Amendment.pdf](#)
- [Survey of Other Communities' Standards.pdf](#)
- [RA20 Properties over 20 acres](#)
- [Table of Uses Commercial Recreation.pdf](#)
- [Bufferyard_E.pdf](#)
- [James McRoy Comments.pdf](#)
- [Email from Jamie Smith.pdf](#)

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 14th day of March, 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 4 Growing the Economic Hub, *Goal 4.5. A High Quality of Life 4.5.2. Enhance Civic Opportunities to cultivate, attract, and retain a high quality workforce, including recent ECU graduates, young professionals, and families. The city should foster a sense of place by promoting tourism and engaging activities. The city should also bolster civic opportunities like urban farms, recreation facilities, parks, libraries, and museums;* and

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

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

Commercial recreation; indoor and outdoor, not otherwise listed. A facility offering one or more various recreational activities that includes without limitation indoor and outdoor activity areas including, but not limited to, go-carts, golf driving ranges, miniature golf or putt-putt. This use shall not include a firearm range.

Section 2 . That Title 9, Chapter 4, Section 86 of the City Code is hereby amended by adding the following:

(WW) Commercial recreation; indoor and outdoor, not otherwise listed

1. These standards shall only apply to the RA20 zoning district.
2. Shall be located on no less than 20 acres.
3. There shall be a minimum of 200 feet from all outdoor activity area equipment and structures including but not limited go-carts, golf driving ranges, miniature golf or putt-putt, from the boundary of the lot, except where there is a shared property line with a city-owned recreational facility or property, there shall be a minimum separation of 100 feet along said property line. This minimum of 200 feet shall be exclusive of parking.
4. Public street setback shall be in accordance with Section 9-4-94.
5. Bufferyard "E" shall apply except where the property abuts public/private streets or railroad rights-of-way in which the bufferyard as set forth in Article G shall apply.
6. No signage shall be permitted on the exterior (facing the outside of the subject property) of a perimeter fence, whether the fence is required by code or not.
7. The operation and use of outdoor activities shall be in compliance with federal, state and local laws and regulations.
8. Notwithstanding the foregoing provisions there shall be no restriction on use of amplified sound equipment that produces 60db or less as measured at any property line.
9. Any amplified sound shall be enforced per Title 12, Chapter 5: Noise Control by Greenville Police Department. In cases where the property is located outside of the city limits, the same regulations shall apply but will be enforced per Title 9, Chapter 4, Article U. Administration, Enforcement, Penalties.
10. No sound may exceed 65 (dB(A)) as measured from the property line when the adjoining property is a conforming residential use or within the following zoning districts: RA20 (Residential-Agricultural), R15S (Residential-Single-family), R9 (Residential), R9S (Residential-Single-family), R6 (Residential), R6A (Residential), R6N (Residential), R6S (Residential-Single-family), R6MH (Residential-Mobile Home), MR (Medical-Residential), OR (Office-Residential), O (Office), and CDF (Downtown Commercial Fringe), CG (General Commercial) and CH (Heavy Commercial). A sound study shall be required at the discretion of the Planning and Development Services Department Director or when this use is located within 250 feet of any of the above listed zoning districts except when the Planning and Development Services Department Director determines it not necessary. This shall be measured at the exterior property line.
11. The purpose of the sound study is to determine that the operation of the entire facility at full use can comply with the City's Noise Ordinance.
12. Lighting of outdoor areas shall be designed to meet the standards found in the document "Lighting Standards for the City of Greenville" as well as in accordance with the following requirements:
 - (a) All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties. All such lighting fixtures shall be equipped with a glare control package (e.g., directional LED lighting, louvers, shields or similar devices)
 - (b) Light levels at adjacent property lines shall not exceed ambient light levels by 0.5 foot candles in any circumstance.

(c) Light measurement technique: Light level measurements shall be made at the property line of the property upon which light to be measured is being generated. Measurements will first be taken with the light off and then with the light on to establish a baseline for ambient light conditions. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the light registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent. Measurements shall be taken with a light meter that has been calibrated within two years. Light levels are specified, calculated and measured in foot candles.

(d) In the event a dispute between the City and the property owner or lessee over the validity of any light measurements taken by the City arises, then at the expense of the party disputing the claim, an independent engineer may be hired to conduct new measurements. The engineer shall be licensed by the state and shall take all measurements while accompanied by a representative of the city. Both parties shall certify the readings on the independent engineer's light meter and measurements shall be taken in the same way as described above in section (c).

13. (a) *Annual Review.* A special use permit for a commercial recreation; indoor and outdoor, not otherwise listed use is subject to annual review in accordance with the provisions of this subsection (F)(1). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to modify or revoke a special use permit for a commercial recreation; indoor and outdoor, not otherwise listed use in accordance with the provisions of section 9-4-83.
- (b) *Reporting.* At the regular January meeting of the Board of Adjustment, the Director of Planning and Development Services or their authorized representative shall present to the Board of Adjustment a written staff report of any violation that has been issued for which the annual review shall include a finding of one or more instances of noncompliance with applicable laws, codes and ordinances, including Notices of Violation from City departments such as Police, Fire, Public Works, or Planning & Development Services, not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. If the Board of Adjustment votes to hold a hearing for modification or revocation of the special use permit, the special use permit holder, and property owner, if not the same individual, shall be provided notice of the meeting and a copy of the staff report.
- (c) *Noncompliance; and Modification or Revocation.* Staff may request for the Board of Adjustment to hold a hearing for a modification or revocation of a special use permit for any establishment that has enforcement actions for numerous violations of one or more instances of noncompliance with applicable laws, codes and ordinances including Notices of Violation from City departments such as Police, Fire, Public Works, or Planning & Development Services, not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit

conditions at any time. The special use permit holder, and property owner, if not the same individual, shall be provided notice of the meeting and a copy of the staff report.

(d) *Quasi-Judicial Hearing.* Any hearing for a modification or revocation of a special use permit shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the hearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may modify the conditions or revoke a special use permit pursuant to this section (F) and section 9-4-82. The modification or revocation of the special use permit by the Board of Adjustment after the hearing shall constitute a revocation of the previously granted special use permit for a commercial recreation; indoor and outdoor, not otherwise listed use .

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

14. *Ownership and/or Permit Holder.* The special use permit shall be issued to the property owner as listed on the tax records of the county or to the person/entity that has been authorized by the property owner via the special use permit application, herein referred to as the permit holder. When the ownership of any property, which has a special use permit for a commercial recreation; indoor and outdoor, not otherwise listed use, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the Director of Planning and Development Services an acknowledgment of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgment shall be made on forms provided by the planning office.
15. Any commercial recreation; indoor and outdoor, not otherwise listed use that has been issued a special use permit by the Board of Adjustment shall continue under the terms and conditions of the issued special use permit unless there is a modification or a revocation.

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

Section 4: Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

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

ADOPTED this 14th day of March, 2024.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk
Doc. # 1189603

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

REQUEST BY AMANDA BAMBRICK TO AMEND TITLE 9, CHAPTER 4 OF THE ZONING ORDINANCE TO ESTABLISH "COMMERCIAL RECREATION; INDOOR AND OUTDOOR, NOT OTHERWISE LISTED" AS A USE WITH ASSOCIATED STANDARDS, AND TO ADD THIS USE AS A SPECIAL USE IN THE RA20 (RESIDENTIAL-AGRICULTURAL) ZONING DISTRICT.

Chantae Gooby, Chief Planner, presented for staff. The text amendment would apply city-wide, if approved. The proposed definition is "*Commercial recreation; indoor and outdoor, not otherwise listed. A facility offering one or more various recreational activities that includes without limitation indoor and outdoor activity areas including, but not limited to, go-carts, golf driving ranges, miniature golf or putt-putt. This use shall not include a firearm range*". This use would be allowed with a special use permit on RA20-zoned property with no less than 20 acres. Since this request is to allow this recreation use with indoor and outdoor activities in a primarily residential district, additional standards have been added to mitigate negative impacts to neighborhoods, such as increased setbacks and vegetative buffers. There are specific lighting and amplified sound standards. Currently this use is allowed in the MUI (Mixed Use Institutional), CDF (Downtown Commercial Fringe), CH (Heavy Commercial), IU (Unoffensive Industry) and I (Industrial) districts. The MUI and CDF districts allow residential use; however, CH, IU and I do not. The proposed standards have increased setbacks of at least 200 feet of the improvements from the side and rear setbacks. Setbacks can be decreased to 100' if the use is adjacent to a city-owned recreation facility, but only along the shared property line. Standards for sound would be amplified sound may not exceed 60 decibels at the property line. This scales shows 60 decibels is relative to other sound. 60 decibels is roughly the sound of a conversation. Noise complaints and violations are enforced by Greenville Police Department. For lighting standards, light at the property line cannot exceed 0.5 foot candles above ambient light. If this request is approved, a special use permit would have to be granted by the Board of Adjustment ("Board") for this use. The special use permit is subject to an annual review by the Board. Staff provides a written report of any noncompliance issues, and the Board may hold a hearing to determine if the permit should be modified or revoked. Special use permits run with the land and not the owner. City staff has worked with Ms. Bambrick and her client to achieve a balance between allowing this type of uses in residential areas while providing standards to mitigate negative impacts. This text amendment is in compliance with the Horizons 2026: Greenville's Community Plan, Chapter 4 Growing the Economic Hub, Goal 4.5. A High Quality of Life 4.5.2. Enhance Civic Opportunities to cultivate, attract, and retain a high quality workforce, including recent ECU graduates, young professionals, and families. The city should foster a sense of place by promoting tourism and engaging activities. The city should also bolster civic opportunities like urban farms, recreation facilities, parks, libraries, and museums. Staff recommends approval.

Billy Parker asked if the John Paul Catholic High School would be a comparable use to the proposed use?

Ms. Gooby stated that some this use is very similar and many of the same standards have been use for the proposed use such as the lighting and noise standards.

Kevin Faison asked why a SUP not permitted by-right?

Ms. Gooby a SUP could require an annual review of the permit that would allow for the Board of Adjustment to consider modification or revocation if there is noncompliance with City Code. If the use is allowed by-right

Andrew Denton asked how are golf courses regulated as far as a use?

Ms. Gooby stated that golf courses are a specific use. The proposed use is for a mix of activities.

Kevin Faison is most concerned about the noise from a race track.

Ms. Stone asked to be recused.

Motion made by Mr. Thomas, seconded by Mr. Denton, to recuse Ms. Stone from Item 8. Motion passed unanimously.

Chair Brock opened the public hearing.

Attorney Amanda Bambrick, applicant, spoke in favor of request. She is cognizant that this use is allowed in a primarily residential zoning districts and standards have been included to mitigate any negative impacts. She specifically worked on the text amendment to allow the John Paul Catholic High School and similar standards were use. The project will be a multi-step process with public involvement. They wanted to incorporate standards that would have “teeth” that includes a minimum size requirement and light and sounds standards. They held a neighborhood meeting on Mr. Sawyer’s property and had a go-cart demonstration. This would allow for economic development. There is a risk with having a special use permit.

Scott Anderson, Ark Consulting Group PLLC, spoke in favor of request. Mr. Sawyer’s property is located in the County’s Jurisdiction and would require an annexation and an initial zoning. This is an opportunity to allow more recreational opportunities.

Billy Parker asked if the applicant went to the County to potentially develop under County’s regulations.

Ms. Bambrick stated that her client wasn’t successful at the County. They decided to move forward with developing under the City’s regulations because of the ability to tie onto sewer and future development.

T. J. Sawyer, owner of Sawyer’s Fun Park, spoke in favor of request. Ultimately, several jobs will be created. An important aspect is to help retain young professionals and offer something for children. This will be beneficial when there are visitors to the City, such as, World Series to have other opportunities.

Jerry McRoy, Corey Ridge property owner, spoke in opposition. There is concern that noise from this type of use will be a nuisance. This type of use will be allowed to be adjacent to residential property. There has already been issues in the past of sound coming from the patio at Sawyer’s Fun Park that can be heard throughout the neighborhood. There were 40+ complaints about noise and there was nothing done it.

Mr. Parker asked Mr. McRoy are there any standards that would make you more comfortable.

Mr. McRoy stated not if there are outside activities.

Hugh Bryan, Neighborhood Association President of Corey Ridge, spoke in opposition. It appears that this discussion has been about a specific property but this amendment is broad in nature.

Louise McRoy, Corey Ridge property owner, spoke in opposition. This is not a personal attack on Mr. Sawyer but this is near our home. It is a good idea, but not the right location. There has already been an issue in the neighborhood with music from the outdoor area at his current location. Mr. Sawyer has not been responsive to the neighborhood's complaints.

Chair Brock closed the public hearing and opened board discussion.

Allen Thomas asked what is the criteria for a Top Golf? What have other cities required? This opens a Pandora's box of possibilities. I would like more clarity from what other cities require.

Motion made by Mr. Thomas, seconded by Vice-Chair Faison, to continue the request until December 19, 2023 to gain more clarity on the use. Motion passed unanimously.

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

REQUEST BY AMANDA BAMBRICK TO AMEND TITLE 9, CHAPTER 4 OF THE ZONING ORDINANCE TO ESTABLISH "COMMERCIAL RECREATION; INDOOR AND OUTDOOR, NOT OTHERWISE LISTED" AS A USE WITH ASSOCIATED STANDARDS, AND TO ADD THIS USE AS A SPECIAL USE IN THE RA20 (RESIDENTIAL-AGRICULTURAL) ZONING DISTRICT.

Motion made by Chair Brock, seconded by Mr. Parker, to re-open the public hearing for this request. Motion passed unanimously.

Chantae Gooby, Chief Planner, presented for staff. The text amendment would apply city-wide, if approved. The proposed definition is "*Commercial recreation; indoor and outdoor, not otherwise listed. A facility offering one or more various recreational activities that includes without limitation indoor and outdoor activity areas including, but not limited to, go-carts, golf driving ranges, miniature golf or putt-putt. This use shall not include a firearm range*". This use would be allowed with a special use permit on RA20-zoned property with no less than 20 acres. Since this request is to allow this recreation use with indoor and outdoor activities in a primarily residential district, additional standards have been added to mitigate negative impacts to neighborhoods, such as increased setbacks and vegetative buffers. There are specific lighting and amplified sound standards. Currently this use is allowed in the MUI (Mixed Use Institutional), CDF (Downtown Commercial Fringe), CH (Heavy Commercial), IU (Unoffensive Industry) and I (Industrial) districts. The MUI and CDF districts allow residential use; however, CH, IU and I do not. The proposed standards have increased setbacks of at least 200 feet of the improvements from the side and rear setbacks. Setbacks can be decreased to 100' if the use is adjacent to a city-owned recreation facility, but only along the shared property line. Standards for sound would be amplified sound may not exceed 60 decibels at the property line. This scales shows 60 decibels is relative to other sound. 60 decibels is roughly the sound of a conversation. Noise complaints and

violations are enforced by Greenville Police Department. For lighting standards, light at the property line cannot exceed 0.5 foot candles above ambient light. As an example, a parking lot is 10 foot-candles and a tennis court is 30 foot candles. If this request is approved, a special use permit would have to be granted by the Board of Adjustment (“Board”) for this use. The special use permit is subject to an annual review by the Board. Staff provides a written report of any noncompliance issues, and the Board may hold a hearing to determine if the permit should be modified or revoked. Special use permits run with the land and not the owner. City staff has worked with Ms. Bambrick and her client to achieve a balance between allowing this type of uses in residential areas while providing standards to mitigate negative impacts. At last month’s meeting, the Commission asked staff to survey how other communities regulate Top Golf-styles uses. This information was provided in the staff report too. The information provided for Greenville is for a Top Golf use. This type of use is considered a number of different uses in different communities: golf driving range, outdoor recreation and a golf course. The types of approval that are required varies widely too. Raleigh has a different classification if the use has an occupancy under 250 people. Charlotte classifies the use differently if there is amplified sound. Some communities allow this use in residential, commercial, mixed use, and industrial districts. The setbacks vary widely. One of the few consistencies is that lighting standard of the lights cannot exceed 0.5 foot-candles over ambient light at the property line. Most communities do not have a height limitation.

Chair Brock opened the public hearing.

Attorney Amanda Bambrick, applicant, spoke in favor of request. We have been working on this project for almost a year. We want to make sure that this project is regulated and any violation will be enforced.

Scott Anderson, Ark Consulting Group PLLC, spoke in favor of request. The setbacks for this request either equal or exceeds many communities around us. There are a lot of uses throughout our City that have outdoor activities, such as neighborhood pools or tennis courts. This request does require a special use permit, so neighbors will have the opportunity to go to the Board of Adjustment to present their concerns or any specific requests at that time.

Mr. Parker asked do you have any stats on the traffic associated with the expansion?

Mr. Anderson stated currently the traffic is about 8,000 trips a day if you are coming in from the Worthington Road and about 4,000 if you are coming in from the Covenant Church. Corey Road is designed for 12,000 trips a day. The Department of Transportation is planning to add a roundabout at the intersection of Corey Road and Worthington Road this summer.

Jerry McRoy, Corey Ridge property owner, spoke in opposition. Compute North filed for bankruptcy a couple of years back and if they had built in Greenville it would have been double stacked buildings left. The proposed site is not in the City. They have already tried this request through the County. Please consider the sound of multiple people, golf balls, and go-carts.

Glenn Stewart, neighbor, spoke in opposition. The home I live in was constructed before Mr. Sawyer constructed his first building. In 2013, my wife and I visited Mr. Sawyer at his building, EC Cats. We were thinking about doing expansion on our home and we wanted to see what he had

in planned for his business. We asked him would there ever be a road beside our home, and he said no. Two years later, there was a road being built beside our home, and we were not informed. We consider Sawyer's Fun Park an inconsiderate neighbor. I live right beside the lights.

Elizabeth Hodges, neighbor, spoke in opposition. A year ago we went to the County Planning and Zoning Commission Board meeting. A survey was done by Mr. Eric Gooby and it was determined that the land was unfit for commercial use. The Board voted 7:0 against the request. The outdoor noise is a problem, but they have done better. The land isn't suitable for this type of use.

Hugh Bryan, Neighborhood Association President of Corey Ridge, spoke in opposition. The board is being asked to recraft an ordinance for one individual property owner. Where is the benefit to the communities in City? The City should protect the existing neighborhoods. If this is allowed, it will erode the quality of life in Corey Ridge and other nearby communities and also erode the value of those properties as well.

Jamie Smith, neighbor, spoke in opposition. My backyard is across the street. Prior to making a decision, I would like to request that you make a formal visit to our neighborhood, preferably when the weather is nice or when they are open to gain the full impact of Sawyer's. No one has knocked on my door and I have not received any type of notification. *She played a short video of the noise in her backyard.*

Mary Lou Stewart, neighbor, spoke in opposition. We live in front of Air U (Sawyer's Fun Park). The traffic has increased. The trees are not being maintained.

Kaitlyn Kerner, neighbor, spoke in opposition. I share a property line with Sawyer's. This request will directly impact my property. Corey Road is a two lane road with bus stops and lots of traffic. This request will also have increase of alcohol sales and could become dangerous.

Lisa Thamann, Neighborhood Association President of Blackwood Ridge, spoke in opposition. We are completely against this request. The increased noise is a disturbance to our neighborhood. There could be some collaborative efforts between the neighborhoods and Sawyers but it's just not the right location.

Julie Walker, neighbor, spoke in opposition. I sent an email last month, because I was unable to attend last month's meeting. I live on Van Gert Drive. I am mostly concerned about the lights and noise from the music. This will also bring down the value of our homes.

Carlos White, neighbor, spoke in opposition. We need entertainment just without the noise. I am a small business owner so I understand. It's a great concept but a bad location.

Chair Brock closed the public hearing and opened board discussion.

Attorney Emanuel McGirt confirmed Ms. Stone is able to vote on this request.

Jerry McRoy, Corey Ridge property owner, spoke in reference to a comment made at the Pitt County Planning Board meeting made by Planner Eric Gooby. Mr. Gooby advised the Board that Planning Staff finds this request is not consistent with the Pitt County Comprehensive Land Use Plan. The property is designated as suburban residential and does not meet the locational criteria

for general commercial, which includes frontage and access to a major state highway or secondary road location. Mr. Gooby stated that Planning Staff also finds that the request is not reasonable and not in the public interest due to the size of the area proposed for rezoning. This area is predominantly zoned residential and is in very close proximity to several single-family residential subdivisions. Mr. Gooby advised the Board that Planning Staff recommends denial of the request by Sawyer's Property Management Group to rezone their 22.38 acres.

Mr. Parker asked is there any compromise between the neighborhoods and Sawyer's?

Mr. McRoy stated speaking for myself and my wife, I would say no.

Ms. Thamann stated I can only speak for myself. I do not believe there is anything that they can do especially with the traffic and sound.

Attorney Amanda Bambrick stated we mailed a notice to the properties within 250 feet of Mr. Sawyer's property to notify of the neighborhood meeting.

Mr. Sawyer stated the 43 citations that he was cited for were done during COVID because we opened. I was receiving citations for EC Cats and for Air U (Sawyer's Fun Park). We have not had noise ordinance citations. When the police came out, we have made adjustments.

Mr. Anderson stated existing trees and positioning of the building will mitigate light and sound. Traffic is increased for this location after peak times and on the weekends.

Mr. Parker asked is there any documented increase in crime?

Vice-Chair Faison stated things like break-ins, vandalism, at your site?

Mr. Sawyer stated nothing out of the ordinary.

Mr. Denton asked why not just rezoning?

Mr. Anderson stated the location is not suitable for full blown commercial use.

Mr. Woodmansee stated with all the steps that has to be completed I am not sure why this request has to be the first to go.

Mr. Parker stated this is a hard situation. I am sure when Mr. Sawyer first started all the houses were not there but he has invested there.

Mr. Thomas stated I was hoping the information from other cities would help to give us guidance.

Vice Chair Faison stated this text amendment we have supersedes what others have done. I was on the Horizons Committee and this fits in with Horizons but the neighborhoods don't want it and it's a lot of opposition.

Chair Brock stated it's a wide range of situations that may occur. Are those standards acceptable with the 200-foot setbacks, lighting, and sound?

Mr. Thomas stated this text amendment could be good for the City.

Vice Chair Faison stated as a small business owner, I would not agree to this because it is a huge risk. It has too many limited factors and could slow up my productivity.

Motion made by Mr. Woodmansee, seconded by Mr. Parker, to recommend denial of the proposed text amendment, to advise it is consistent with the comprehensive plan or other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Motion passed. Vote 4:2. Those voting in favor: Woodmansee, Parker, Thomas, and Denton. Those voting in opposition: Faison and Stone.

At the November 21, 2023 Planning and Zoning Commission (“Commission”) meeting, the Commission was considering a text amendment to establish a definition and standards for “Outdoor Commercial Recreation”. While this use allows a combination of different outdoor activities, of most interest was how other jurisdictions regulate Top Golf-type of uses. Staff surveyed seven jurisdictions to determine how that community regulates Top Golf-type uses. These communities were surveyed because they either have this type of development or are likely to have this type of use in the near future. This use is usually a multi-storied structure where customers can practice hitting golf balls. Typically there is fencing or netting to provide a perimeter to prevent golf balls from the leaving the field, amplified sound, external lighting, and an eating facility. There doesn’t appear to be any consensus on how other jurisdictions regulate this use.

Of the surveyed jurisdictions, the use is either considered a “golf driving range” or “outdoor recreation”. Most jurisdictions restrict this use to non-residential zoning districts, but there are exceptions. This information is not intended to be exhaustive, but to give general information.

Table 1: This table illustrates the general zoning districts this use is allowed and the type of approval needed.

TABLE OF USES						
General Zoning Districts						
Location	Residential-only	Commercial	Mixed-Use	Industrial	Agricultural	Institutional/Public-Owned
Greenville		P				
Raleigh (less than 250 seats)	P		P			
(more than 250 seats)	S		S			
Charlotte (w/o amplified sound)		P	P			
(w/amplified sound)		C	C			
Greensboro	S	P	P	P	S	
Winston-Salem		P	P	P		S
Durham City and County	S	L	D	L		
Wilmington		C				
Myrtle Beach, SC		P				
Key: P: Permitted by-right; S: Special Use Permit; L: Limited; D: Development Standards/Plan Approval; C: Conditional						
If a cell is blank, the use is not allowed in that district.						

Table 2: This table illustrates the minimum lot size and setback/buffers of the improvements from adjacent uses.

MINIMUM SETBACK/BUFFER OF IMPROVEMENTS FROM ADJACENT USES							
General Zoning Districts							
Location	Minimum Lot Size	Residential-only	Commercial	Mixed-Use	Industrial	Agricultural	Institutional / Public-Owned
Greenville		S: 10'; R: 10'	S: 4'; R: 4'	n/a	S: 4; R: 4'	n/a	n/a
Raleigh (less than 250 seats)	Twice minimum size in residential zone	S: 10'; R: 10'				S: 10'; R: 10'	n/a
(more than 250 seats)		100'				100'	n/a
Charlotte (w/o amplified sound)		S: 10'; R:20'		S: 10'; R:20'		S: 10'; R:20'	n/a
(w/amplified sound)		100'				100'	n/a
Greensboro		S: 10'; R: 10'	S: 10'; R: 10'	S: 10'; R: 10'	S: 10'; R: 10'	20	n/a
Winston-Salem		40				40	n/a
Durham City and County		100'	30'	30'	30'	100'	30'
Wilmington	15,000 SF	S: 50; R: 25'				S: 50; R: 25'	
Myrtle Beach, SC	6,000 SF in Entertainment Zone	S: 10'; R: 10'				S: 10'; R: 10'	n/a
	Key: S: Side; R:Rear						
	*While setbacks/buffers may not be required per zoning, building and fire code still apply						

Table 3: This table illustrates the use classification, light standards, height restrictions and additional notes.

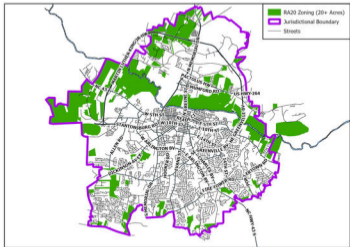
Location	Use	Lighting Standards	Height Restriction	Additional Notes
Greenville	Golf driving range	0.5 footcandles from residential properties		
Raleigh (less than 250 seats)	Golf Course		96'; setback is increased 1:1 over 40' in height	
(more than 250 seats)	Golf driving range w/o amplified sound			
Charlotte (w/o amplified sound)	Golf driving range w/ amplified sound	0.5 footcandles from residential properties		
(w/amplified sound)	Golf driving range	0.5 footcandles from residential properties		100' separation when adjacent to residential property; restriction on building height when its within 200' of residential/vacant property; limit of 50' height within 100', limit to 65' in height within 100-200 feet; only applies to part of structure within distance
Greensboro	Golf driving range	1 footcandles from residential properties	50'	Fences taller than 8' in height have to meet principal setbacks
Winston-Salem	Outdoor Recreation	Not exceed 7500 candela w/n 150' edge of field	60'	
Durham City and County	Golf driving range	0.5 footcandles from residential properties		For limited uses: fencing and evergreen trees (40-6' tall per 100 LF)
Wilmington	Golf driving range			No amplified sound when within 200' of single-family zoning
Myrtle Beach, SC				

In conclusion, this type of use is regulated very differently by various communities. Most communities allow this use in commercial and mixed-use districts, however there are some that allow this use in predominantly residential districts. The type of the approval, height restrictions and required setbacks/buffers varies widely. Most communities have a consistent lighting standard where the light from the property cannot exceed ambient light levels by 0.5 foot candles in any circumstances on the adjoining property. This is the same standards that is proposed under this text amendment.

EXAMPLES







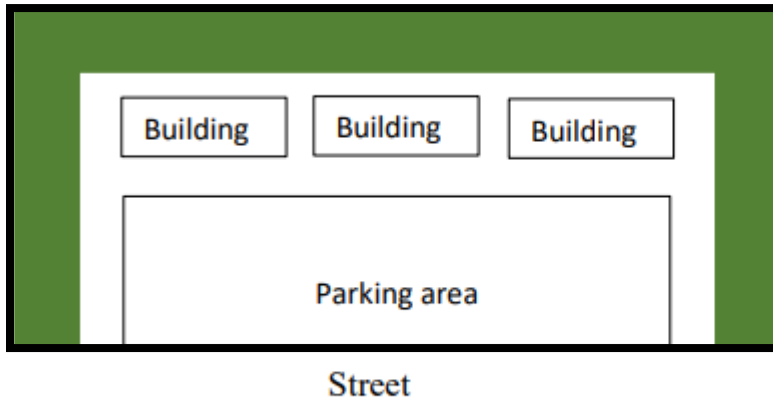
(6) Recreational/entertainment.

	USE	LUC#	RA20	R15S	R9S	R6S	R6N	R9	R6	R6 A	R6MH	MI	MS	MO	MCG	MR	MCH	MRS	MUI	OR	O	CD	CDF	CG	CN	CH	IU	I	PIU	PI
i.	Commercial recreation; indoor and outdoor, not otherwise listed	4	S																P				S			P	S	S		

BUFFERYARD “E” STANDARDS AND EXAMPLE

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 IS SHOWN IN GREEN



From: [J. MCROY](#)
To: [Planning and Zoning Commission](#); [Chantae Gooby](#)
Cc: [Louise McRoy](#); [Elizabeth Hodges](#)
Subject: [External] Sawyer"s Fun Park / Proposed "text changes" to RA-20 Residential / Agricultural Zoning Ordinance standards
Date: Monday, November 20, 2023 11:16:55 AM

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

[Chantae Gooby](#), Chief Planner, 252.329.4507

Ms. Gooby / Planning and Zoning Commission Board,

Please consider our personal input regarding a 'proposed' text change to the RA-20 Residential / Agricultural zoning standards being requested by Amanda Bambrick, who we believe is an attorney retained by T. J. Sawyer to represent his Sawyer's Fun Park operation on Corey Road.

We believe this represents a continued attempt by Sawyer's to disrupt the "peace and quiet" of neighborhoods near his operation to further his own personal commercialization aspirations. He has not proven himself to be a good neighbor in the past and we do not anticipate any positive change that direction in the future if his operation is allowed to expand to an adjacent outdoor area.

When Mr. Sawyer attempted to have the Pitt County Planning and Zoning Commission change their zoning ordinances a year or so ago, the Pitt County P&Z Board voted 7-0 to **DENY** his proposed zoning changes. After a very large and vocal neighborhood group (CONCERNED CITIZENS) showed up at the Pitt County P&Z meeting and a subsequent Pitt County Board of Commissioners meeting, Mr. Sawyer withdrew his request. Now it appears he is attempting to push his "personal commercial agenda" through the City of Greenville via a

backdoor approach that begins with changing the underlying RA-20 Residential / Agricultural use standards.

WE OPPOSE ANY SUCH ACTIONS! (Changes)

Reference: This is what I was able to find within the Greenville City Code book.

[SEC. 9-4-46 RA-20 RESIDENTIAL-AGRICULTURAL. \(amlegal.com\)](http://amlegal.com)

Neighbors who live near Sawyer's Fun Park. Please NOTE the date, time, and location of this meeting. The future of our neighborhoods is at stake and in our opinion, under attack! The more OPPOSITION we can show, the more our collective voices can be heard and considered. Thank You.

Greenville Planning and Zoning Commission

Meeting Scheduled: Tuesday 11/21/2023

City Hall Council Chambers

200 West 5th Street

Agenda Item 8:

"Request by Amanda Bambrick to AMEND Title 9, Chapter 4 of the Zoning Ordinance to establish 'Commercial recreation; indoor and outdoor, not otherwise listed' as a use . . . in the RA-20 (Residential-

Agricultural) zoning district."

We believe this is the lawyer (Amanda) representing Sawyer's Fun Park on Corey Road. We further believe that this is another attempt by T.J. Sawyer to circumvent zoning restrictions to allow him to create an outdoor recreational complex right in our 'backyard.' From an informational meeting he held a couple of months ago, we learned he wishes to ADD a Go Cart track, a Mini Golf course, and a 2-story outdoor Golf Driving Range on the empty land just north / adjacent to his current indoor operation on Corey Road. His previous attempt to get his wishes pushed through the Pitt County Zoning Commission was thwarted by a large showing of CONCERNED RESIDENTS who live near his property. We believe citizens should make their concerns, opinions, and voices be heard to ensure community harmony for ALL.

Thank You.

We do plan to attend the 11/21/2023 meeting to voice our concerns. Thank You for considering our input.

Louise & Jerry McRoy

Corey Ridge subdivision

lmcroy@earthlink.net

Mobile: (908) 246-8882

jmcroy@earthlink.net

Mobile: (908) 246-8881

From: [Jamie Smith](#)
To: [PJ Connelly](#); [Monica Daniels](#); [Portia Willis](#); [Tonya Foreman](#); [Marion Blackburn](#); [Matt Scully](#); [Les Robinson](#); [Chantae Gooby](#); [Planning and Zoning Commission](#)
Subject: [External] Rezoning request/Sawyer's Fun Park
Date: Tuesday, December 19, 2023 10:49:21 AM

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

Re: Rezoning request concerns/objections

I am writing to you to express my concern regarding the rezoning of property owned by Sawyer's Fun Park off Corey Road. The request was submitted by lawyer Amanda Bambrick to amend Title 9 Chapter 4 of the zoning ordinance.

I am a homeowner in the Blackwood subdivision across Corey Road from the property in question. I hope our representatives and city zoning employees will deny this request. This will be discussed at the planning/zoning meeting scheduled for tonight.

Our main complaints with the request are the increased noise, crime and traffic that will accompany the proposed additions expected after the rezoning and future use of property in that area if Sawyer's choose to sell their business or parcels of property they own in that area.

Having the facility as it is now, is doable in this area but an expansion would greatly decrease the quality of living for the neighborhoods directly around Sawyer's and those along Corey Road.

Noise: I have recordings from my backyard of the music from Sawyer's during outdoor music events. It sounds like the speakers are in my backyard. You can even sing along. Additional outdoor attractions like a go-kart track and miniature golf course will increase the noise. Music from speakers to keep patrons entertained while they wait, instructions from staff, loud yelling of patrons cheering each other on will all be heard at our home. We can currently hear cheers from the ballpark and counting from players when they warm up at Boyd Lee Park which is further from our home than Sawyer's. The noise carries a great deal from that area to the homes around the facilities. We know the noise will increase and disturb those around Sawyer's.

Crime: As a former crime prevention specialist, I know that crime follows amusement facilities and Boyd Lee Park and homes immediately around the facility will be the main victims of the increased crime. With the additional attractions comes the opportunity for parents to drop children off unattended and for teenagers to use it as a hang out unsupervised. When the money given to the children runs out and they aren't ready to go home, Boyd Lee (whether

open or closed) will be the next stop. Vandalism of buildings and property, drug use, vehicle racing and littering are just a few of the issues the city can expect to deal with and pay for with an expansion of Sawyers. Neighbors can expect to be disturbed by loud engines racing, vehicle break-ins, littering and the potential for vehicle accidents due to the racing of teenagers down Corey Road. This already takes place and will increase with the attractions offered at Sawyer's.

Traffic/Pedestrians: Traffic along Corey Road has increased with the addition of new homes and events at Boyd Lee. The increase of traffic on Worthington, County Home and Old Tar Roads has increased the use of Corey as a cut through to/from Firetower Road. To my knowledge, there are no plans to improve Corey Road to increase its ability to handle the increased traffic. The number of cars will also grow as planned road improvements on Old Tar Road get underway and people use Corey to avoid Old Tar. I also fear the increase of pedestrians along Corey, walking from neighborhood/apartments to get to Sawyer's. There are no sidewalks, and the shoulder is very narrow. I see several individuals on foot regularly (especially during good weather) making their way to Boyd Lee or Sawyer's. The foot traffic, especially teens and older children will increase along Corey.

Future impacts: The final item I would like the city to consider is what happens if Sawyer's closes. Greenville is growing and it's only a matter of time before a bigger business comes in offering better, flashier attractions in a more centralized location. This will eventually put Sawyer's Fun Park out of business leaving an abandoned go-kart track, miniature golf course and multiple small buildings in addition to the larger building that would be very difficult to sell. What if Sawyer's chooses to sell or parcel off property to other businesses after zoning is approved instead of developing it for their use?

Before the rezoning is considered, crime potential and traffic studies should be conducted.

I appreciate your willingness to consider my family's objections to this. The county turned this request down and I hope you follow their lead.

Jamie Smith
Blackwood Subdivision



City of Greenville, North Carolina

Meeting Date: 03/14/2024

Title of Item: Ordinance Prohibiting the Unauthorized Use of Limited Use Dumpsters or Limited Use Trash Receptacles

Explanation: There are three public parking lot locations in Downtown Greenville that the City allows private solid waste collectors to place receptacles for the collection of solid waste. The receptacles are found within the Merchants Parking Lot, the Roses Parking Lot, and the Hodges Parking Lot. In order to be able to use the receptacles located within these three public parking lots, a Downtown merchant must have an authorized contract with the private solid waste collector that has their respective receptacles placed within each respective parking lot.

The City has had an ongoing issue with persons not authorized by contract to utilize the receptacles within the three public parking lots carelessly placing, depositing, disposing, leaving trash, refuse and garbage in or upon the receptacles without authorization, thereby receiving the benefits of the services without payment as required.

In partnership with the Director of Public Works, the City Attorney's Office has researched and prepared for consideration an ordinance creating a new Part II, Title 12, Chapter 1, Section 15 of the Code of Ordinances, City of Greenville (City Code § 12-1-15), which defines limited use dumpsters and limited use trash receptacles, prohibits the unauthorized use of these limited use dumpsters and limited use trash receptacles except by those authorized to use such receptacles, and creates both civil and criminal penalties for the unauthorized use of such receptacles.

The proposed ordinance includes both civil and criminal penalties for unauthorized use. Given the ordinance includes criminal penalties, the law requires the City implement the code section, City Code § 12-1-15, as proposed, by way of two readings before City Council. Staff will present the first reading at the March 11, 2024 City Council meeting and present the second reading for adoption at the March 14, 2024 City Council meeting.

Fiscal Note: There is no fiscal impact associated with this presentation.

Recommendation: City Council adopt an Ordinance to Make Revisions to Part II, Title 12, Chapter 1 of the Code of Ordinances, City of Greenville by adding a new section City Code § 12-1-15 to Prohibit the Unauthorized Use of Limited Use Dumpsters or Limited Use Trash Receptacles.

ATTACHMENTS

- Ordinance to Prohibit Unauthorized Use of Limited Use Dumpsters or Limited Use Trash Receptacles on City Property 3.4.24.pdf**

ORDINANCE NO. 24-_____

AN ORDINANCE TO MAKE REVISIONS TO PART II, TITLE 12, CHAPTER 1 OF THE CODE OF ORDINANCES, CITY OF GREENVILLE BY PROHIBITING THE UNAUTHORIZED USE OF LIMITED USE DUMPSTERS OR LIMITED USE TRASH RECEPTACLES ON CITY PROPERTY

WHEREAS, in accordance with N.C.G.S. § 14-399(k), N.C.G.S. § 160A-303.1, N.C.G.S. § 160A-174, N.C.G.S. § 160A-175, 160A-185 and N.C.G.S. § 14-4 Council finds that certain revisions to the City's Code of Ordinances as herein stated are necessary to preserve, promote, and protect the health, safety, and welfare of its citizens.

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

SECTION 1. That Part II, Title 12, Chapter 1, Section 15 (labeled reserved) of the Code of Ordinances, City of Greenville is amended by adding new section (Sec. 12-1-15) to read:

SEC. 12-1-15 UNAUTHORIZED USE OF LIMITED USE DUMPSTER OR LIMITED USE TRASH RECEPTACLE PROHIBITED ON CITY PROPERTY.

(A) *Definitions.* For the purpose of this section, the following definitions regardless of capitalization shall apply:

Authorized person. A person authorized by contract with a specific garbage or trash service collector or contractor, to place, deposit, discard, dispose, or leave any trash, refuse, rubbish, or garbage in or upon a limited use dumpster or limited use trash receptacle.

City property. Any property owned, leased, or controlled by the city.

Limited use dumpster or limited use trash receptacle. A dumpster or other trash receptacle located upon city property which is emptied on a regular basis by the city or a trash service collector or contractor, placed and intended for use solely by authorized persons for the placement, deposit, discarding, disposing, or leaving of any trash, refuse, or garbage or other similar materials in or therein upon, and is posted with signage including the following language:

NOTICE:

Limited Use Dumpster/Receptacle

Authorized Users Only

Any Unauthorized Use is Subject to Criminal and Civil Penalties.

City Code § 12-1-15.

Person. An individual, firm, partnership, association, corporation, limited liability company, other organization or group, employee or staff thereof, or other combination of persons acting as a unit or part thereof.

(B) *Violation.* It shall be unlawful for any person to place, deposit, discard, dispose, or leave any trash, refuse, rubbish, or garbage in or upon a limited use dumpster or limited use trash receptacle unless that person is an authorized person.

(C) *Penalties.* A violation of this section may subject the violator to any or all of the following penalties:

(1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to N.C.G.S. § 14-4 and N.C.G.S. § 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) A violation of any of the provisions of this section shall subject the violator to a civil penalty by way of a civil ticket in an amount as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of one hundred dollars (\$100.00).

2. *Second violation within 365 days of the first violation.* A second violation of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

3. *Third and subsequent violations within 365 days of the first violation.* A third violation and any subsequent violations of this section by the violator within 365 days from herein defined first violation shall subject the violator to a civil penalty of five hundred dollars (\$500.00) per violation.

(b) *Appeals; payment of civil penalty.* Unless appealed in accordance with Part II, Title 1, Chapter 1, Section 20 of the City Code, a civil penalty assessed for a violation of any provision of this section must be paid to and received by the revenue division of the City's Financial Services Department within five business days from the date of issuance.

(c) *Methods of recovery of unpaid civil penalty.* Unless appealed in accordance with the appeal provisions of this section, if full payment for an assessed civil penalty is not timely received by the revenue division of the City's Financial Services Department, the City may recover the unpaid civil penalty by any or all of the following methods:

1. A civil action in the nature of a debt.
 2. The use of a collections agency and the assessment of an administrative fee.
 3. The use of the provisions of Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 4. Equitable remedies issued by a court of competent jurisdiction.
 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Separate offenses.* Each violation of this section and each day that a violation continues is considered a separate offense.
- (4) *Enforcement Authorized.* Any law enforcement officer is authorized to enforce the criminal and civil penalties allowed by subsections (C)(1) and (C)(2)a. of this section and the City Manager and Director of the City's Public Works Department and their designees are authorized to enforce the civil penalties allowed by subsections (C)(2)a. of this section.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

SECTION 4. This ordinance will become effective upon passage.

This the _____ day of _____, 2024.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk