



Agenda

Planning and Zoning Commission

January 15, 2013

6:30 PM

Council Chambers, City Hall, 200 W. Fifth 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 - Jerry Weitz
- III. ROLL CALL
- IV. APPROVAL OF MINUTES - November 20, 2012
- V. NEW BUSINESS

REZONINGS

1. Ordinance requested by Income Investments, LLC to rezone 1.15 acres located at the northeast corner of the intersection of Evans Street and 8th Street from Downtown Commercial Fringe (CDF) to Downtown Commercial (CD)

TEXT AMENDMENTS

2. Zoning Text Amendment Initiated by the Greenville City Council Creating Standards for Convenience Stores, Tobacco Shops, and Hookah Cafes

OTHER

3. Request to close two portions of Seventh Street between Evans Street and Cotanche Street

- VI. ADJOURN

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING
AND ZONING COMMISSION
November 20, 2012

The Greenville Planning and Zoning Commission met on the above date at 6:30 p.m. in the Council Chambers of City Hall.

Mr. Godfrey Bell –Chair-*

Mr. Tony Parker - *	Ms. Shelly Basnight – *
Mr. Hap Maxwell – *	Ms. Ann Bellis – *
Ms. Linda Rich - X	Mr. Brian Smith - X
Mr. Doug Schrade - *	Mr. Jerry Weitz – *
Ms. Wanda Harrington-*	Mr. Torico Griffin -*
Dr. Kevin Burton- X	

The members present are denoted by an * and the members absent are denoted by an X.

VOTING MEMBERS: Parker, Maxwell, Basnight, Bellis, Griffin, Weitz, Schrade, Harrington

PLANNING STAFF: Andy Thomas, Lead Planner, Chantae Gooby, Planner II and Elizabeth Blount, Staff Support Specialist II.

OTHERS PRESENT: Chris Padgett, Interim Assistant City Manager, Dave Holec, City Attorney, Tim Corley, Engineer and Jonathan Edwards, Communications Technician.

MINUTES: Mr. Weitz stated that the statement on page 5 under the zoning for Greenville Community Center in the October 16, 2012 minutes should be changed to say “the text amendment will open up more of the city to the homeless or abused uses but given the requirement of a two acre lot, the opportunities will be more limited.” Mr. Parker made a motion to approve the minutes as amended, Mr. Griffin seconded the motion and it passed unanimously.

AGENDA: Mr. Padgett explained the revision of the agenda. Ms Harrington made a motion to approve the revised agenda, Ms Basnight seconded the motion and it passed unanimously.

NEW BUSINESS

OTHER

REQUEST BY GREENVILLE AUTO AUCTION, LLC TO EXEND THE CITY OF GREENVILLE’S EXTRA-TERRITORIAL JURISDICTION (ETJ)- APPROVED

Mr. Andy Thomas, Lead Planner, delineated the property. The property is located on Dickinson Extension. Greenville Auto Auction currently owns the property which one part is within the city’s jurisdiction and the other is in the County. The owner desires to expand the existing business to the adjacent property, totaling 15.78 acres, located in the County's Jurisdiction. This expansion includes increasing the amount of impervious area (pavement) on the site, thus,

stormwater regulations apply. Since both properties are under common ownership and being improved as one development, the owner is requesting to extend the City's Jurisdiction so both the properties are subject to the same regulations. On June 18, 2012, the Greenville City Council adopted a resolution asking the Pitt County Commissioners for approval of the proposed ETJ extension.

On July 18, 2012, the Pitt County Planning Board recommended approval in extending the City's ETJ. On August 20, 2012, the Pitt County Commissioners approved the request. Staff recommended that the board conduct a public hearing and offer a recommendation for the extension.

Chairman Bell opened the public hearing.

Steve Janowski, representative of Greenville Auto, spoke in favor of the request. He stated that the company had three tracts of land that were under different stormwater regulations and both the staff and the county agreed that the extension of the extra-territorial jurisdiction was the best solution.

No one spoke in opposition of the request.

Chairman Bell closed the public hearing and opened for board discussion.

No discussion from board members.

Motion made by Ms. Harrington, seconded by Mr. Parker, to recommend approval of the proposed 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.

REZONINGS

ORDINANCE REQUESTED BY GREENVILLE AUTO AUCTION SITE, LLC TO REZONE 22.775 ACRES LOCATED NORTH OF BROMPTON LANE AND 1,520+/- FEET WEST OF ALLEN ROAD - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. The property is located in the south western part of the city, north of Brompton Lane and 1,520+/- feet west of Allen Road. Most of the property in the area is vacant or commercial. The rezoning could result in a decrease in traffic so a traffic report was generated. Under the current zoning (GC) and proposed zoning (CH), staff would anticipate the site to yield the same square footage (64,714+/-) of auto sales/rental/repair or mini-storage. Under the current zoning (OR), staff would anticipate the site to yield 97 multi-family units. Under the proposed zoning (CH), staff would anticipate the site to yield 28,663+/- square footage of auto sales/rental/repair or mini-storage. The Future Land Use Plan Map recommends commercial (C) starting at the northwest corner of the intersection of

Dickinson Avenue Extension and Greenville Boulevard/Allen Road continuing west and transitioning to office/institutional/multi-family (OIMF) to the north. The requested rezoning is recognized as being located in a transition area and that the requested rezoning is currently contiguous or is reasonably anticipated to be contiguous in the future, is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways, and preserves the desired urban form. In staff's opinion, the request is in general compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan.

Ms Bellis asked for clarity concerning the special uses for adult use establishments.

Ms Gooby stated that adult use establishments cannot be located within 500 feet of churches, schools or residential property.

Mr. Weitz asked what the County Land Use Plan Map designates for the property.

Ms Gooby stated the County's Land Use Plan Map is complimentary with the City's Land Use Plan Map and recommends commercial.

Mr. Weitz asked for elaboration on staff's recommendation.

Ms Gooby stated that commercial property is extending further north into to the residential area but the resulting zoning would be in keeping with the intent of the plan. Staff wanted to make the board aware of this. There is an intervening strip of land between the residential and commercial.

Mr. Steve Janowski, representative of Greenville Auto, spoke in favor of the request. He stated that the company wanted all three parcels of land to be the same zoning. The company wants to expand the business for vehicle stock.

Mr. Weitz asked if the expansion would be needed anytime soon.

Mr. Janowski stated no time soon but the company wanted to be in the position to expand.

No one spoke in opposition of the request.

Chairman Bell closed the public hearing and opened for board discussion.

Mr. Weitz stated that the rezoning is appropriate.

Motion made by Mr. Weitz, seconded by Mr. Maxwell, to recommend approval of the rezoning 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.

ORDINANCE REQUESTED BY THIRD STREET COMMUNITY CENTER TO REZONE
14.30 ACRES LOCATED NEAR THE NORTHEAST CORNER OF THE INTERSECTION OF
WEST THIRD STREET AND CONTENTNEA STREET - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. The property is located downtown. The rezoning could result in an increase of 87 trips per day with the traffic being dispersed in the neighborhood grid-street pattern. Therefore, a traffic volume report was not generated impact. In 1969, the subject property was zoned R6 (Residential). The property is adjacent to an electrical substation. Third Street School is designated as a Local Landmark and is located in the Skinnerville/Greenville Heights National Register Historic District. The Future Land Use Plan Map recommends commercial (C) for the downtown area transitioning to conservation/ openspace (COS) and high density residential (HRD) to the west. While the request is not recommended by the Future Land Use Plan Map, it is complementary with the objectives specifically recommended in the Horizons Plan. This rezoning is a unique situation where a former school is being re-developed and is a historic property. Horizons specifically states to preserve and re-use non-residential buildings, and maintain neighborhood character and identity. This rezoning is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways. For these reasons, staff's opinion is the request is in general compliance with the comprehensive plan.

Mr. Walter Strathy, Executive Director of Third Street Community Center, spoke in favor of the request. The organization is a Christ-centered 501c(3) nonprofit organization which strives for community transformation from the inside out. They are currently working with several organizations in the community to help with family and youth development, health and wellness, business and economic development and job creation and workforce development.

Mr. Weitz asked why CDF zoning was selected.

Mr. Strathy stated that the organization is working with Pitt Community College in establishing a culinary school.

Mr. Weitz asked if CDF was the only zoning that allowed a culinary school.

Mr. Strathy stated Heavy Commercial would be the preferred zoning to be a buffer between the industrial and the residential areas.

Attorney Holec cautioned the board to consider all the permitted uses affiliated with the proposed rezoning.

Mr. Zaheim Winstead, member of mentoring program at the Third Street Community Center, spoke in favor of the request. He stated that the program has helped him stay out of trouble, get better grades and play sports.

Dr. Richard Rizutti, owner of the Third Street School, spoke in favor of the request. He is requesting flexibility towards various uses of the property. They are still in the process of planning how to use the property but they want to do good to the community.

Ms. Joyce Jones, Executive Director of STRIVE, spoke in favor of the request. The Center will allow STRIVE to have an office in the community in which it serves.

Mr. Robert Lee Cherry, resident of the neighborhood, spoke in favor of the request. He stated that the Community Center is one of the greatest things that happened to Greenville.

Mr. David Lusk, Dean of Continuing Education at Pitt Community College, spoke in favor of the request. PCC is willing to help the center with the workforce development program. The center is a natural fit for the culinary school because of the kitchen and dining area.

No one spoke in opposition of the request.

Chairman Bell closed the public hearing and opened for board discussion.

Mr. Parker stated that the center is an excellent opportunity of adaptive re-use of an existing piece of property in lieu of the future permitted uses of the rezoning. The development of the property can be an asset to West Greenville and the City as a whole.

Mr. Weitz stated that all the uses of the proposed rezoning must be considered and not on the promises of the current owner. There is no guarantee that the proposed use will be in existence forever. He is concerned some of the uses that could be developed in the suggested rezoning.

Motion made by Mr. Griffin, seconded by Mr. Parker, to recommend approval of the rezoning 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. Those voting in favor: Griffin, Parker, Schrade, Bellis, Basnight, Maxwell, Harrington. Those voting in opposition: Weitz. Motion passed.

OTHER ITEMS OF BUSINESS

REQUEST BY AMANDA GARRIS FOR A SKETCH PLAN ENTITLED "MANNING SQUARE, LOT 1"-APPROVED

Mr. Thomas, Lead Planner, delineated the property. The property is located in the western portion of the city between Greenville Boulevard and Dickinson Avenue approximately 1,000 feet east of the intersection of Dickinson Avenue and Greenville Boulevard/Allen Road. The property is identified as Pitt County Tax Parcel No. 14233. The property has commercial zoning along Greenville Boulevard and residential agricultural along Dickinson Avenue. The street network offers a stub to the east. Sidewalks are not required because of the short street length. A pedestrian access is proposed between the residential and commercial property.

The stormwater facility is sized to accommodate the entire development. The property will be served by two driveways along Greenville Boulevard with cross access easements. There will be a 15-foot non-access easement along Greenville Boulevard. One entrance along Dickinson Avenue and a landscaping berm will prevent any additional driveways. There will be no costs to the City associated with this subdivision.

Mr. Weitz noted that all the property is not commercial and the sketch plat does indicate low density on the Southside of the property.

Chairman Bell opened the public hearing.

Mr. Ken Malpass, representative of Amanda Garris, spoke in favor of the request. He stated that he would answer any questions.

Mr. Weitz asked if the stormwater detention area had to be as large as it is.

Mr. Malpass stated that the plan is just a sketch. The applicant will size the detention area when the plan is finalized.

No one spoke in opposition of the request.

Chairman Bell closed the public hearing and opened for board discussion.

Motion made by Mr. Parker, seconded by Ms Basnight, to recommend approval of the proposed 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.

REQUEST BY AMANDA GARRIS FOR A PRELIMINARY PLAN ENTITLED "MANNING SQUARE, LOT 1"-APPROVED

Mr. Thomas, Lead Planner, delineated the property. The property is located in the western portion of the city. The property is located on the northern right-of-way of Greenville Boulevard approximately 1440 feet east of its intersection with Dickinson Avenue Extension. The property contains a watercourse on the eastern side of the property. A riparian buffer will be dedicated with the recordation of the final plat. The property will be served by a drive on the adjacent lot with an ingress-egress easement. There will be a 15-foot non-access easement along Greenville Boulevard. No costs to the City of Greenville associated with the subdivision other than routine costs to provide public services. The City's Subdivision Review Committee has reviewed the preliminary plat and has determined that it meets all technical requirements.

Chairman Bell asked for the location of the pedestrian access.

Mr. Thomas stated that the pedestrian access will be designated when the residential property is platted to the north should the property be developed as illustrated.

Chairman Bell opened the public hearing.

Mr. Ken Malpass, representative of Amanda Garris, spoke in favor of the request. He stated that he would answer any questions.

No one spoke in opposition of the request.

Chairman Bell closed the public hearing and opened for board discussion.

Motion made by Ms Basnight, seconded by Ms Harrington, to recommend approval of the proposed 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.

TEXT AMENDMENT

AMENDMENT TO THE ZONING ORDINANCE TEXT DEFINING AND CREATING STANDARDS FOR INTERNET SWEEPSTAKES BUSINESSES- APPROVED

Mr. Chris Padgett, Interim Assistant City Manager, provided background information on the proposed text amendment. He presented that City Council initiated the text amendment, provided a description of Internet Sweepstakes Businesses, the legal authority for Local Land Use Regulation, a summary of existing standards, identification of existing and approved Internet Sweepstakes Businesses, and a survey of standards from other communities. The city currently has fifteen Internet Sweepstakes Business in which nine were operating prior to a special use permit being required. Mr. Padgett stated the proposed definition of an Internet Sweepstakes Business and that they are proposed to be permitted with a special use permit in the Heavy commercial (CH) and General Commercial (CG) zoning districts, subject to specific criteria.

Proposed standards include:

- ¼ mile separation of a proposed internet sweepstakes business from an existing or approved internet sweepstakes business;
- 500-foot separation of a proposed internet sweepstakes business from (i) a conforming use single-family dwelling located in any district, (ii) any single family residential zoning district;
- Not permitted within any certified redevelopment area (i.e. West Greenville, Center City and 45-Block redevelopment areas);

- Use shall be conducted within a completely enclosed building, and no outside congregation of customers is permitted for any purpose;
- 500-foot separation of a proposed internet sweepstakes business from an existing or approved school, church, park, or multi-family use;

Mr. Bell asked if any of the existing businesses are currently in the redevelopment area.

Mr. Padgett stated that he would have to check to make sure but he did not believe any were in the 45-block area and maybe one was in the West Greenville area.

Mr. Padgett continued to state that an analysis of the potential standards reports that 587 acres (1.4%) of the property located within the City's planning and zoning jurisdiction would be available for the establishment of a new internet sweepstakes business under the proposed standards. These areas are primarily located along the community's primary corridors (Greenville Boulevard / HWY 264, Memorial Drive / NC 11, Fire Tower Road and Dickinson Avenue). In staff's opinion, the proposed Text Amendment is in compliance with Horizons: Greenville's Comprehensive Plan.

Ms. Bellis asked if any of the existing nonconforming internet business closed, could a new establishment operate in that site.

Mr. Padgett stated that the nonconforming rights would expire if the use ceased for a period exceeding 180 days. If a new internet sweepstakes business opened within 180 days, they could do so.

Mr. Parker asked for the definition of multi-family use.

Mr. Padgett stated that multi-family is a structure with three or more dwelling units.

Mr. Weitz asked about the safety concerns of internet businesses.

Mr. Padgett stated that the calls of service were relatively infrequent. The concerns are really related to indirect and cumulative impacts if these establishments are permitted near residential neighborhoods or allowed to congregation or cluster in close proximity to one another.

Mr. Weitz stated that he wanted to be sure that the decision regarding regulating internet business was because of health or safety issues versus moral beliefs. He also asked why the limitation of operating hours and the number of terminals were not a part of the proposed standards.

Mr. Padgett stated that staff provided City Council with those potential standards as options, but the city does not regulate the hours of operation of any other businesses. There was a discussion about the minimum number of machines, but the definition of internet sweepstakes business includes any entity having even a single machine, so the additional standard was not included.

Mr. Parker asked if there was a minimum age requirement for a person to use a machine.

Mr. Padgett stated that there is no state law relating to an age limit but half of the existing Internet Businesses don't allow people under 18 in the building and the other half will allow them in, but will not allow them to play.

Mr. Parker asked if bars and clubs had limited operating hours.

Mr. Padgett stated they have limited hours in which they can serve alcohol, based on state law.

Mr. Bell asked staff if the parking component should be a necessary part of the proposed standards.

Mr. Padgett stated that staff looked at various options and did not see the need to establish a separate parking standard at this time.

Chairman Bell opened the public hearing.

Stephen Kozikowskil, current internet sweepstakes business owner, spoke in favor of the amendment. He requested that regulations not be established that would limit current businesses from operating, such as new parking requirements and limitations on the number of terminals.

No one spoke in opposition of the request.

Chairman Bell closed the public hearing and opened for board discussion.

Mr. Parker asked would the grandfathered businesses be impacted by the parking limitations.

Mr. Padgett stated that no change in parking was suggested with the proposed amendment.

Mr. Schrade asked if the crime affiliated with internet sweepstakes businesses were comparable to convenience store activity.

Mr. Padgett stated that the calls for service report from two months ago showed that they were similar.

Motion made by Ms Basnight, seconded by Ms Bellis, to recommend approval of the proposed 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.

OTHER

REQUEST BY SUMMER GREEN APARTMENTS, LLC TO CHANGE THE STREET NAME OF BRASSWOOD COURT, FROM GREENVILLE BOULEVARD TO ITS TERMINUS, TO BOARDWALK LANE- APPROVED

Mr. Thomas explained the purpose of the request. Summer Green Apartments owns 100% of the property on the street. He listed the conditions for a street name change and the evaluation criteria. He also stated that the Planning and Zoning Commission had final approval authority on the request. The proposed name change will not be forwarded to City Council because the street name change does not exceed 14 characters and is not an honorarium. There will be some cost to the City for changing signage.

Ms Bellis asked if the name could be confused with any other existing street name.

Mr. Thomas stated no and that staff checked the name of the streets in the city and Pitt County.

Mr. Parker asked the sole reason for the request.

Mr. Thomas stated the new owner of the apartments wanted to change in order to be able to market their property.

Ms Donna Parker, property manger of Summer Green apartments, spoke in favor of the request. She gave the history associated with the purchase of the apartments. She stated that negative connotations were associated with the current street name. The proposed name was chosen to stay with the apartment's theme.

Mr. Weitz asked if the road was private or public.

Mr. Thomas stated it was public.

No one spoke in opposition of the request.

Chairman Bell closed the public hearing and opened for board discussion.

Mr. Parker stated that the board went through the same process in changing Tobacco Road to Kristin Drive and he did not have a problem with the change.

Motion made by Mr. Parker, seconded by Ms Basnight to accept the name change. Motion passed unanimously.

Mr. Parker asked to discuss the December Planning and Zoning meeting.

Chairman Bell stated that staff informed him that the deadline for submittals had passed and no items were on the agenda for the December meeting.

Motion made by Ms Bellis, seconded by Ms Harrington, that the Planning and Zoning Commission not meet on December 18. Motion passed unanimously.

With no further business, motion made by Mr. Parker, seconded by Ms Basnight, to adjourn. Motion passed unanimously. Meeting adjourned at 8:02 p.m.

Respectfully Submitted,

Merrill Flood, Secretary to the Commission
Director of Community Development Department



City of Greenville, North Carolina

Meeting Date: 1/15/2013
Time: 6:30 PM

Title of Item: Ordinance requested by Income Investments, LLC to rezone 1.15 acres located at the northeast corner of the intersection of Evans Street and 8th Street from Downtown Commercial Fringe (CDF) to Downtown Commercial (CD)

Explanation: **Abstract:** The City has received a request from Income Investments, LLC to rezone 1.15 acres located at the northeast corner of the intersection of Evans Street and 8th Street from Downtown Commercial Fringe (CDF) to Downtown Commercial (CD).

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on January 3, 2013.

On-site sign(s) posted on January 3, 2013.

City Council public hearing notice (property owner and adjoining property owner letter) mailed - N/A at this time.

Public hearing legal advertisement published - N/A at this time.

Comprehensive Plan:

The subject site is located in Vision Area G.

Evans Street is considered a connector corridor from Reade Circle continuing south. Connector corridors are anticipated to contain a variety of higher intensity activities and uses.

The Future Land Use Plan Map recommends commercial (C) for the area bounded by Reade Circle, Cotanche Street, West 10th Street and Evans Street.

The subject property is located in the designated regional focus area described as the central business district (Uptown area).

Thoroughfare/Traffic Report Summary (PWD- Engineering Division):

Based on the analysis comparing the existing zoning (1,264 trips) and requested rezoning, the proposed rezoning classification could generate 805 trips to and from the site on Evans Street, which is a net *decrease* of 459 less trips per day. Since the traffic analysis for the requested rezoning indicates that the proposal will generate less traffic than the existing zoning, a traffic volume report was not generated.

History/Background:

On the 1969 zoning series map, the subject property was zoned CDF (Downtown Commercial Fringe).

Present Land Use:

Former location of Ham's Restaurant

Water/Sewer:

Water and sanitary sewer are located in the right-of-way of Evans Street.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

There are no known environmental conditions/constraints.

Surrounding Land Uses and Zoning:

North: CD - two (2) vacant commercial buildings
South: CD - Trent Lee, III MD office and one (1) duplex building
East: CD: Georgetown Apartments
West: CDF- Marathon Restaurant and parking lot

Density Estimates:

Under the current zoning (CDF), the site could yield 9,940+/- square feet of commercial/retail/restaurant space.

Under the proposed zoning (CD), the site could yield 22,592+/- square feet of commercial/retail/restaurant space. There are no setbacks or on-site parking requirements for the CD district.

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

Fiscal Note:

No cost to the City.

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

"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.

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 zoning districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [📄 Location Map](#)
- [📄 Survey](#)
- [📄 Bufferyard and Vegetation Standards and Residential Density](#)
- [📄 List_of_Uses_CDF_to_CD_719111](#)

EXISTING ZONING

CDF (Downtown Commercial Fringe)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

(2) Residential:

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- k. Family care home (see also section 9-4-103)
- q. Room renting

(3) Home Occupations (see all categories):

*None

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- g. Liquor store, state ABC

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreation facility
- o. Theater; movie or drama, including outdoor facility

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- k. Business or trade school
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- p. Library

- q. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- kk. Launderette; household users
- ll. Dry cleaners; household users
- mm. Commercial laundries; linen supply
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

(9) Repair:

- d. Upholsterer; furniture
- f. Appliance; household and office equipment repair
- g. Jewelry, watch, eyewear or other personal item repair

(10) Retail Trade:

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- h. Restaurant; conventional
- i. Restaurant; fast food
- l. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- n. Appliance; commercial use, sales and accessory repair, excluding outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales
- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

- c. Rental of cloths and accessories; formal wear, etc.
- f. Automobiles, truck, recreational vehicle, motorcycles and boat sales and service (see also major and minor repair)

(12) Construction:

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- e. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage
- f. Hardware store

(13) Transportation:

- b. Bus station; passenger and related freight
- c. Taxi or limousine service
- e. Parcel delivery service
- f. Ambulance service

(14) Manufacturing/ Warehousing:

- c. Bakery; production, storage and shipment facilities

(15) Other Activities (not otherwise listed - all categories):

* None

CDF (Downtown Commercial Fringe)

Special Uses

(1) General:

* None

(2) Residential:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity multifamily (LUI) development rating 67 per Article K
- j. Residential quarters for resident manager, supervisor or caretaker; including mobile homes
- m. Shelter for homeless or abused
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- o.(1). Nursing, convalescent center or maternity home; minor care facility
- r. Fraternity or sorority house

(3) Home Occupations (see all categories):

- a. Home occupation; including barber and beauty shops
- c. Home occupation; including manicure, pedicure or facial salon

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- d. Game center
- i. Commercial recreation; indoor and outdoor not otherwise listed
- l. Billiard parlor or pool hall
- m. Public or private club

(7) Office/ Financial/ Medical:

* None

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- x. Dance studio
- bb. Civic organizations
- cc. Trade or business organizations
- hh. Exercise and weight loss studios; indoor only

(9) Repair:

- a. Major repair; as an accessory or principal use
- b. Minor repair; as an accessory or principal use

(10) Retail Trade:

- b. Gasoline or automotive fuel sales; accessory or principal use, retail
- g. Fish market; excluding processing or packing
- j. Restaurant; regulated outdoor activities
- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facility)

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

* None

(12) Construction:

- d. Building supply; lumber and materials sales, plumbing and/or electrical supply including outside storage

(13) Transportation:

- h. Parking lot or structure; principal use

(14) Manufacturing/ Warehousing:

- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery

(15) Other Activities (not otherwise listed - all categories):

- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

PROPOSED ZONING

CD (Downtown Commercial)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

(2) Residential:

- c. Multi-family development per Article 1
- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- q. Room renting

(3) Home Occupations (see all categories):

*None

(4) Governmental:

- a. Public utility building or use

- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- g. Liquor store, state ABC

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreation facility
- h. Commercial recreation; indoor only, not otherwise listed
- j. Bowling alleys
- o. Theater; movie or drama, including outdoor facility
- s. Athletic club; indoor only

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- b. Operational/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- g. Catalogue processing center

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- j. College or other institutions of higher learning
- k. Business or trade school
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- p. Library
- q. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- x. Dance studio
- y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular telephone and wireless communication towers [unlimited height, except as provided by regulations]
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- bb. Civic organizations
- cc. Trade or business organizations
- hh. Exercise and weight loss studios; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users
- oo. Clothes alteration or shoe repair shop

(9) Repair:

- f. Appliance; household and office equipment repair
- g. Jewelry, watch, eyewear or other personal item repair

(10) Retail Trade:

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- h. Restaurant; conventional
- i. Restaurant; fast food
- l. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales
- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facilities)
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

- c. Rental of cloths and accessories; formal wear, etc.
- d. Rental of automobiles, noncommercial trucks or trailers, recreational vehicle, motorcycles and boats

(12) Construction:

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- f. Hardware store

(13) Transportation:

- b. Bus station; passenger and related freight
- c. Taxi or limousine service
- e. Parcel delivery service
- h. Parking lot or structure; principal use

(14) Manufacturing/ Warehousing:

- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery
- h. Engraving; metal, glass or wood

(15) Other Activities (not otherwise listed - all categories):

* None

CD (Downtown Commercial)
Special Uses

(1) General:

* None

(2) Residential:

e.(1) Dormitory development

(3) Home Occupations (see all categories):

* None

(4) Governmental:

* None

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

d. Game center

l. Billiard parlor or pool hall

m. Public or private club

t. Athletic club; indoor and outdoor facilities

(7) Office/ Financial/ Medical:

* None

(8) Services:

a. Child day care facilities

b. Adult day care facilities

i. School; kindergarten or nursery (see also section 9-4-103)

l. Convention center; private

(9) Repair:

b. Minor repair; as an accessory or principal use

(10) Retail Trade:

b. Gasoline or automotive fuel sales; accessory or principal use, retail

g. Fish market; excluding processing or packing

j. Restaurant; regulated outdoor activities

n. Appliance; commercial use, sales and accessory repair, excluding outside storage

aa. Pawnbroker

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

* None

(12) Construction:

* None

(13) Transportation:

* None

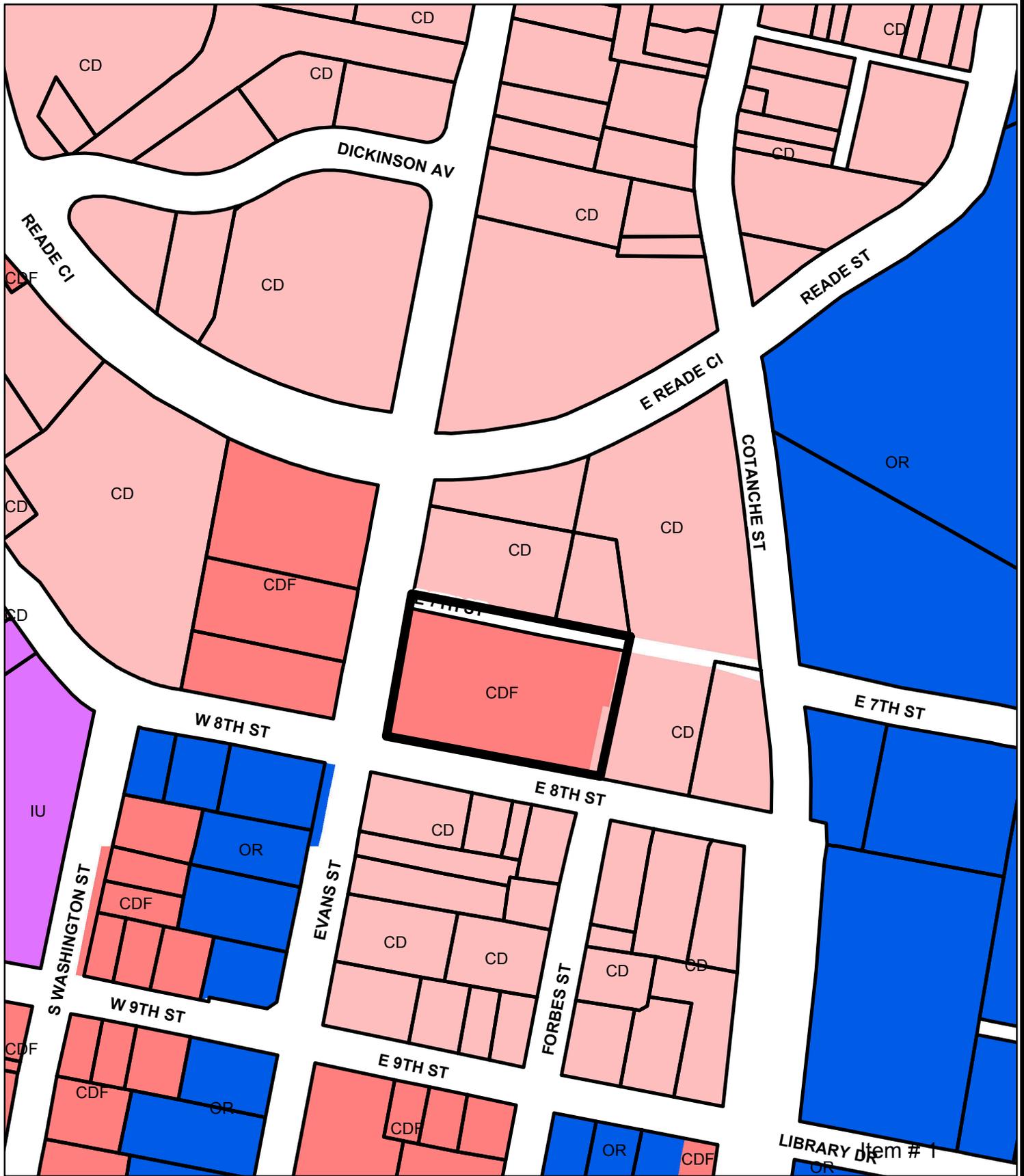
(14) Manufacturing/ Warehousing:

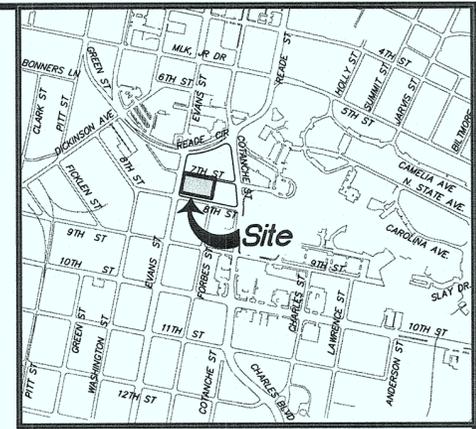
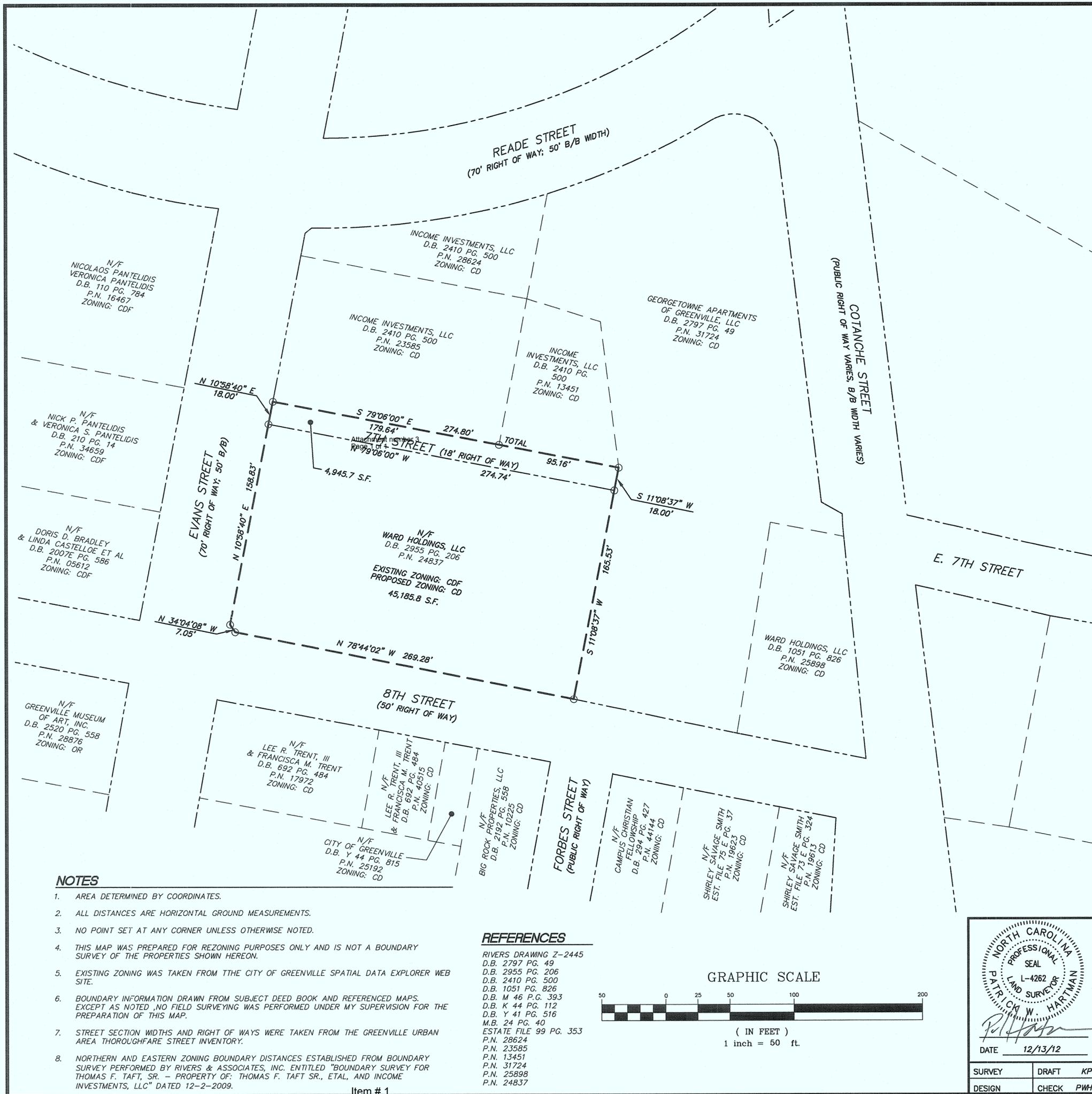
y. Recycling collection station or facilities

(15) Other Activities (not otherwise listed - all categories):

- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

Income Investments, LLC
CDF to CD
1.15 acres
January 3, 2013





REZONED AREA SUMMARY

PARCEL NO. 24837	45,185.8 S.F. (1.04 AC.)
7th STREET	4,945.7 S.F. (0.11 AC.)
TOTAL	50,131.5 S.F. (1.15 AC.)

LEGEND

P.N.	PARCEL NUMBER
N/F	NOW OR FORMERLY
S.F.	SQUARE FEET
B/B	BACK TO BACK
NO.	NUMBER

CERTIFICATION

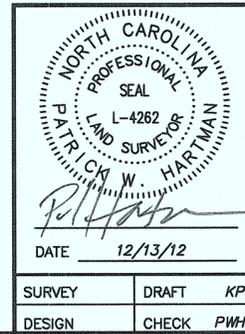
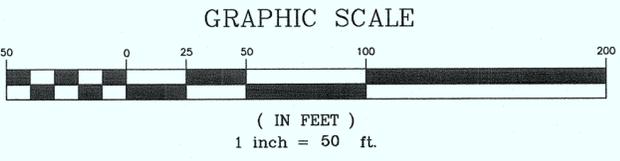
NORTH CAROLINA PITT COUNTY

I, PATRICK W. HARTMAN, PROFESSIONAL LAND SURVEYOR CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM DEEDS AND OR MAPS AS REFERENCED HEREON, AND DOES NOT REPRESENT A FIELD BOUNDARY SURVEY BY MYSELF OR RIVERS AND ASSOCIATES, INC.; I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (F)(11)D., THAT THIS SURVEY IS OF ANOTHER CATEGORY, REZONING MAP. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 10th DAY OF DECEMBER, 2012.

SIGNED: *Patrick W. Hartman*
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER: L - 4262

- NOTES**
- AREA DETERMINED BY COORDINATES.
 - ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS.
 - NO POINT SET AT ANY CORNER UNLESS OTHERWISE NOTED.
 - THIS MAP WAS PREPARED FOR REZONING PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON.
 - EXISTING ZONING WAS TAKEN FROM THE CITY OF GREENVILLE SPATIAL DATA EXPLORER WEB SITE.
 - BOUNDARY INFORMATION DRAWN FROM SUBJECT DEED BOOK AND REFERENCED MAPS, EXCEPT AS NOTED, NO FIELD SURVEYING WAS PERFORMED UNDER MY SUPERVISION FOR THE PREPARATION OF THIS MAP.
 - STREET SECTION WIDTHS AND RIGHT OF WAYS WERE TAKEN FROM THE GREENVILLE URBAN AREA THOROUGHFARE STREET INVENTORY.
 - NORTHERN AND EASTERN BOUNDARY DISTANCES ESTABLISHED FROM BOUNDARY SURVEY PERFORMED BY RIVERS & ASSOCIATES, INC. ENTITLED "BOUNDARY SURVEY FOR THOMAS F. TAFT, SR. - PROPERTY OF: THOMAS F. TAFT SR., ETAL, AND INCOME INVESTMENTS, LLC" DATED 12-2-2009.

- REFERENCES**
- RIVERS DRAWING Z-2445
 - D.B. 2797 PG. 49
 - D.B. 2955 PG. 206
 - D.B. 2410 PG. 500
 - D.B. 1051 PG. 826
 - D.B. M 46 P.G. 393
 - D.B. K 44 PG. 112
 - D.B. Y 41 PG. 516
 - M.B. 24 PG. 40
 - ESTATE FILE 99 PG. 353
 - P.N. 28624
 - P.N. 23585
 - P.N. 13451
 - P.N. 31724
 - P.N. 25898
 - P.N. 24837



Rivers & Associates, Inc.
Engineers, Planners, Surveyors

107 East Second Street
Greenville, NC 27658 (252) 752-4135

6131 Falls of Neuse Road, Suite 300
Raleigh, NC 27609 (919) 848-3347

REZONING MAP FOR

Income Investments, LLC

CITY OF GREENVILLE, GREENVILLE TOWNSHIP, PITT CO., N.C.

SURVEY	DRAFT	KP	SCALE	DRAWING NO.	SHEET
DESIGN	CHECK	PWH	1" = 50'	Z - 2566	1 OF 1

04/30/07

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.

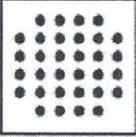
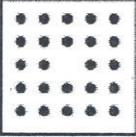
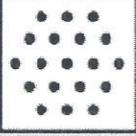
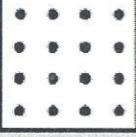
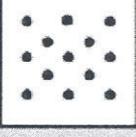
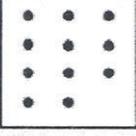
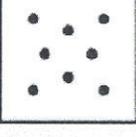
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons per acre	
R6-S	7 units per acre yields 19 persons per acre	
R9	6 units per acre yields 16 persons per acre	
R9-S	5 units per acre yields 13 persons per acre	
Low Density		
RA-20 MRS	4 units per acre yields 11 persons per acre	
R15-S	3 units per acre yields 8 persons per acre	

Illustration: Maximum allowable density in Residential Zoning Districts



City of Greenville, North Carolina

Meeting Date: 1/15/2013
Time: 6:30 PM

Title of Item: Zoning Text Amendment Initiated by the Greenville City Council Creating Standards for Convenience Stores, Tobacco Shops, and Hookah Cafes

Explanation: **Abstract:** The purpose of this text amendment, which was initiated by the Greenville City Council, is to propose standards related to the location of convenience stores, tobacco shops, and hookah cafes. The City Zoning Ordinance currently does not define or provide standards for tobacco shops or hookah cafes. Recognizing that a number of new establishments have opened within the community in recent years that specialize in the retail sales of tobacco-related products, City Council initiated this text amendment to ensure the appropriate location of these facilities within the City's jurisdiction.

Explanation: Over the past several years, a number of new establishments have opened within the community that specialized in retail sales of tobacco-related products. The City Zoning Ordinance does not recognize or define this specific land use, unofficially referred to as a "tobacco shop". Some of these establishments sell many of the same types of products traditionally found in a convenience store, but simply devote a larger portion of their stock to tobacco products than do convenience stores. Others sell tobacco products, tobacco smoking apparatus (water pipes, hookah pipes, bowls, water bongs, and similar products), and a range of retail items, many of which are not typically associated with a convenience store. All tobacco shops were either categorized as Convenience stores or as Miscellaneous retail sales, a land use classification that is permitted by-right in the MCG, MCH, CD, CDF, CG and CH districts, until August 2011. The City then began categorizing the more intensive tobacco shops (i.e. the establishments that are not similar to convenience stores) as Other activities, retail sales not otherwise listed, a land use classification that is permitted with a special use permit in the CD, CDF, CG and CH districts. Since applying this new land use category, only one new facility has been opened after receiving a special use permit, and that facility has since closed.

Staff Comments: The attached report provides an overview of the current standards applicable to convenience stores and tobacco shops; an inventory of

existing establishments located within the community; information related to the city-wide inspection of existing establishments and the findings associated with these inspections; and an outline of proposed modifications to the City's standards for review and consideration.

In staff's opinion, the proposed standards contained within the proposed zoning text amendment are needed to ensure the appropriate location and permitting process for these land uses. It is staff's further opinion that the proposed text amendment is in compliance with **Horizons: Greenville's Community Plan** and, if adopted, would benefit plan objectives related to preserving neighborhood livability.

Fiscal Note: No fiscal impact anticipated

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

Horizons: Greenville's Community Plan.

If the Planning and Zoning Commission determines to recommend approval of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion 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."

If the Planning and Zoning Commission determines to recommend denial of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to recommend denial of the proposed text amendment, to advise that it is inconsistent with the comprehensive plan or other applicable plans, and to adopt the staff report which addresses plan consistency and other matters."

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Report on Convenience Stores and Tobacco Shops 918640](#)

[Tobacco Shop Ordinance 945023](#)

Report on City of Greenville Standards for Convenience Stores and Tobacco Shops

Contents:

- Section I. Report Purpose– Page 1
- Section II. Summary of Existing Standards – Page 1
- Section III. Inventory of Existing Establishments – Page 2
- Section IV. Inspection Process and Associated Findings – Page 7
- Section V. Survey of Other Communities – Page 10
- Section VI. Outline of Proposed Standards – Page 11



**Report Developed by the City of Greenville
Community Development Department - Planning Division
October 24, 2012
Updated January 9, 2013**

SECTION I – Report Purpose

The purpose of this Report is to provide City Council with an overview of the current standards applicable to convenience stores and tobacco shops; to provide an inventory of existing establishments located within the community; to provide information related to the city-wide inspection of existing establishments and the findings associated with these inspections; and to provide an outline of proposed modifications to the city's standards for City Council's review and consideration.

SECTION II – Summary of Existing Standards

Convenience Store

The city zoning ordinance defines a convenience store as

“Any food-personal merchandise store which sells at retail only prepackaged food and beverage products, personal toiletries, sundries, over-the-counter medications, household supplies, magazines, and the like in combination from a limited inventory and does not stock fresh vegetables, produce, poultry or meats.”

Convenience stores are currently permitted by right in the MCH; CD; CDF; CG; CN; and CH districts. Convenience stores with gasoline or automobile fuels sales are currently permitted by right in the MCH; CH; IU; I; PIU; and PI districts and with a special use permit in the CD; CDF; CG; and CN districts.

Tobacco Shop

Over the past two years a number of new establishments have opened within the community that specialized in retail sales of tobacco related products. The city zoning ordinance does not recognize or define this specific land use, unofficially referred to as a tobacco shop. Some of these establishments sell many of the same types of products traditionally found in a convenience store, but simply devote a larger portion of their stock to tobacco products than do convenience stores. Others sale tobacco products, tobacco smoking apparatus (water pipes, hookah pipes, bowls, water bongs, and similar products) and a range of retail items, many of which are not typically associated with a convenience store. All tobacco shops were either categorized as *Convenience stores* or as *Miscellaneous retail sales*, a land use classification that is permitted by-right in the MCG, MCH, CD, CDF, CG and CH districts, until August, 2011. The city then began categorizing the more intensive tobacco shops (i.e. the establishments that are not similar to convenience stores) as *Other activities, retail sales not otherwise listed*, a land use classification that is permitted with a special use permit in the CD, CDF, CG and CH districts. Since applying this new land use category, only one new facility has been opened after receiving a special use permit.

SECTION III – Inventory of Existing Establishments

During the first quarter of 2012 staff analyzed business license records and utilized field observations to identify all known establishments that would be considered as convenience stores or tobacco shops within the city’s planning and zoning jurisdiction. This data was reviewed and updated during the fourth quarter of 2012, providing the following inventory of all such establishments.

Table 1. Inventory of Convenience Stores, Tobacco Shops and Hookah Cafes Located within City Limits and ETJ

#	Business Name	Address	Pitt Co. Parcel I.D. #	Zoning District	Land Use Classification
1	252 Tobacco Shop	3010 E. 10th St	06137	CH	Tobacco Shop Class 2
2	Blackbeard's Cigars	600-B Greenville Blvd	22001	CG	Tobacco Shop Class 1
3	Campus Store	316 E. 10th St	03801	CDF	Convenience Store with Gas
4	Cigarette & Tobacco Outlet (5 Points)	205 S. Memorial Dr	01409	R6	Tobacco Shop Class 1
5	City Gas	1799 N. Greene St	62159	CH	Convenience Store with Gas
6	D's Drive Thru	2753 E. 10th St	03532	CG	Tobacco Shop Class 2
7	DH Convenience Store	1900 S. Pitt St	06515	R6	Convenience Store
8	Dreams Tobacco Shop	501 S. Memorial Dr	48302	CG	Tobacco Shop Class 2
9	Duck Thru #15	1301 Charles Blvd	27258	CN	Convenience Store with Gas
10	Duck Thru #20	1900 SE Greenville Blvd	38068	CG	Convenience Store with Gas

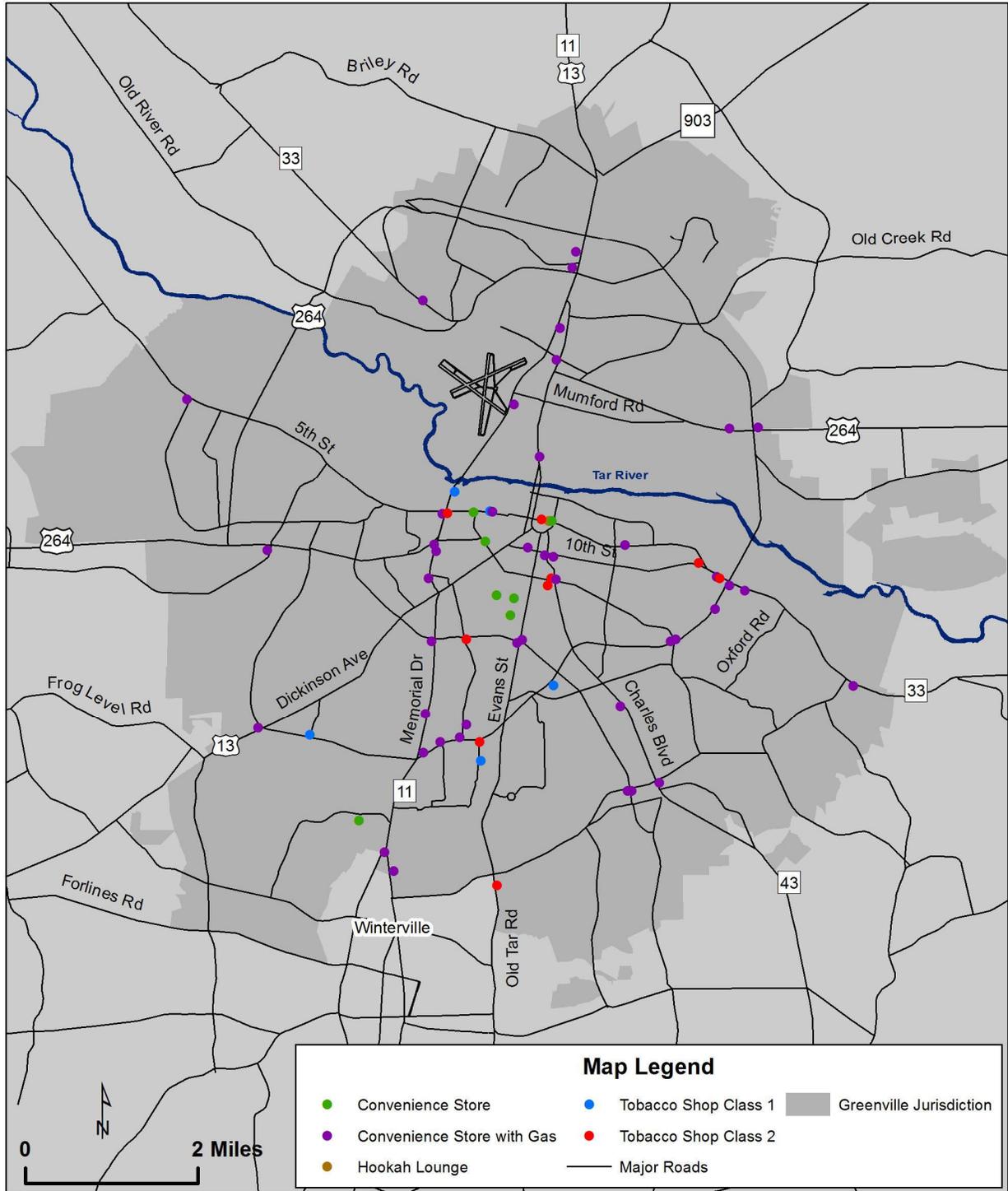
#	Business Name	Address	Pitt Co. Parcel I.D. #	Zoning District	Land Use Classification
11	Duck Thru #14	3000 E. 10th St	23016	CH	Convenience Store with Gas
12	Expressions	424 Evans St	09026	CD	Tobacco Shop Class 2
13	Handy Mart #51	1000 S. Memorial Dr	50504	MCH	Convenience Store with Gas
14	Handy Mart #54	3701 Hwy 43 S.	37246	CG	Convenience Store with Gas
15	Hookalicious	203 E. 5th St	12630	CD	Hookah Lounge
16	Joe's Country Mart	1710 Belvoir Hwy	58820	RA20	Convenience Store with Gas
17	Jolly Roger	405 E. 14th St	20459	CDF	Tobacco Shop Class 2
18	K&A Convenient Mart	1000-A W. 5th St	05426	CDF	Tobacco Shop Class 1
19	K&P Mini Mart	1706 Garland St	08775	R6	Convenience Store
20	Kangaroo Express #3083	700 S. Memorial Dr	15242	MCH	Convenience Store with Gas
21	Kangaroo Express #3099	1531 SE Greenville Blvd	18870	CN	Convenience Store with Gas
22	Kangaroo Express #3104	1301 W. Arlington Blvd	52969	CH	Convenience Store with Gas
23	Kangaroo Express #3419	2200 S. Evans St	08108	CG	Convenience Store with Gas
24	Kangaroo Express #826	4000 S. Memorial Dr	47849	CH	Convenience Store with Gas

#	Business Name	Address	Pitt Co. Parcel I.D. #	Zoning District	Land Use Classification
25	Kangaroo Express #827	2195 S. Evans St	48303	CG	Convenience Store with Gas
26	Kangaroo Express #859	1900 E. Firetower Rd	54213	CG	Convenience Store with Gas
27	Kangaroo Express #895	1930 N. Memorial Dr	34532	CH	Convenience Store with Gas
28	Kangaroo Express #901	2600 S. Charles Blvd	30488	CG	Convenience Store with Gas
29	Kings Convenience Inc.	300 SW Greenville Blvd	15509	CH	Convenience Store with Gas
30	Kings Convenient Store	912 W. 5th St	67546	CDF / R6	Convenience Store with Gas
31	Landmark Convenient & Discount	3243 Landmark St	41775	CH	Tobacco Shop Class 1
32	Landmark Pick-Up	1809 E. 5th St	02078	R9S	Convenience Store with Gas
33	Marks Food Market	2205 Old Pictolus Hwy	23830	CN	Convenience Store with Gas
34	Mid Town Groceries	1308 W. 14th St	03293	CDF	Convenience Store
35	Murphy USA #6645	250 SW Greenville Blvd	63432	CG	Convenience Store with Gas
36	NC Tobacco Discount	1400 S. Charles Blvd	00602	CG	Tobacco Shop Class 2
37	Pitt St. Mini Mart	1701 S. Pitt St	56711	R6	Convenience Store
38	PJ's Mart	1205 W. 5th St	00621	CDF	Convenience

#	Business Name	Address	Pitt Co. Parcel I.D. #	Zoning District	Land Use Classification
					Store
39	Red Oak Grill & Grocery	1500 SW Greenville Blvd	27433	CG	Tobacco Shop Class 1
40	Sam & Moe's	139 SW Greenville Blvd	47883	CH	Tobacco Shop Class 2
41	Sheetz #391	2100 County Home Rd	72609	CG	Convenience Store with Gas
42	Sheetz #397	1000 Charles Blvd	74017	CDF	Convenience Store with Gas
43	Sheetz #409	650 Whitley Dr	75068	CH	Convenience Store with Gas
44	Sheetz #415	4300 E. 10th St	68187	CG	Convenience Store with Gas
45	Sheetz #488	2521 N. Memorial Dr	80843	CH	Convenience Store with Gas
46	Speedy Mart of Pitt	701 Hooker Rd	23706	CN	Tobacco Shop Class 2
47	Stop Shop	213 E. 5th St	08436	CD	Convenience Store
48	The Fuel Dock #12	2403 N. Memorial Dr	15528	IU	Convenience Store with Gas
49	The Fuel Dock #4	500 S. Memorial Dr	03107	CDF	Convenience Store with Gas
50	The Oasis	2130 SE Greenville Blvd	41824	CH	Convenience Store with Gas
51	The Point Tobacco & Convenient	3750-D Sterling Point Dr	53472	CG	Convenience Store

#	Business Name	Address	Pitt Co. Parcel I.D. #	Zoning District	Land Use Classification
52	Tobacco Plus	4125 Old Tar Rd	31595	CG	Tobacco Shop Class 2
53	WILCO #1801	1601 Greenville Blvd	25191	CG	Convenience Store with Gas
54	WILCO #1802	210 W. 10th St	23619	IU	Convenience Store with Gas
55	WILCO #1806	500 N. Greene St	12855	CH	Convenience Store with Gas
56	WILCO #1820	715 S. Memorial Dr	23646	CH	Convenience Store with Gas
57	WILCO #1840	3202 E. 10th St	56082	CH	Convenience Store with Gas
58	WILCO #1858	1110 N. Memorial Dr	45139	CH	Convenience Store with Gas
59	WILCO #1864	612 SW Greenville Blvd	16852	CH	Convenience Store with Gas
60	WILCO #1879	3579 NC 43 N.	64117	CN	Convenience Store with Gas
61	WILCO #1891	3000 S. Memorial Dr	22285	CH	Convenience Store with Gas
62	WILCO #237	3505 Hwy 264 E.	74964	CH	Convenience Store with Gas
63	WILCO #240	3000 Stantonsburg Rd	79292	CG	Convenience Store with Gas
64	WILCO #390	502 SW Greenville Blvd	18047	CH	Convenience Store with Gas
65	WILCO #41	4000 Dickinson Ave Ext.	56070	CG	Convenience Store with Gas

Map 1. Location of Convenience Stores, Tobacco Shops and Hookah Cafes Located within City Limits and ETJ



SECTION IV – Inspection Process and Associated Findings

Planning Division staff partnered with Code Enforcement Division staff in the first quarter of 2012 to conduct joint inspections of all known convenience stores and tobacco shops located within the city’s planning and zoning jurisdiction. As part of these inspections, staff visited each establishment location, photographed the building exterior and grounds, completed a survey of stock items, and noted potential code enforcement and zoning violations. In all, approximately 300 staff hours were utilized conducting the inspections, documenting the findings and following through with abatement efforts.

A total of 53 violations were identified during the inspection process. 38 of these violations were related to temporary signs (banners, more than one yard sign, etc...) and 14 were related to permanent signs (i.e. locations where window signs were in excess of 25% coverage, illegal wall signs, etc...).

Examples of Establishments in Violation of the 25% Window Coverage Limitation:



Examples of Convenience Stores Inspected



Examples of Tobacco Shops Inspected



SECTION V – Survey of Other Communities

Staff contacted multiple other North Carolina communities to obtain information regarding how they classify and regulate tobacco shops. Table 2, below, summarizes the findings of these inquiries.

Table 2: Survey Results - Standards from Other North Carolina Communities

City	Specific Definition	Land Use Category	Permitted Zoning Districts	By-Right or SUP/CUP	Current Number
Concord	No	Retail	General Commercial only	By-Right	6+/-
Jacksonville	No	Retail	All commercial zones	By-right	15-20
Hickory	No	Retail	All commercial zones	By-right	0
Rocky Mount	No	Retail	All business districts	By-right	5+/-
Wilmington	No	Retail	All commercial zones	By-right	12+/-
Wilson	No	Retail sales & services not otherwise listed	All business districts	By-right (in some commercial districts), SUP (if over 6,400 sq. ft) or CUP in B6 district	15+/-

SECTION VI – Outline of Proposed Standards

The following standards are proposed for the Planning and Zoning Commission recommendation and City Council consideration. These new standards propose to use five land use categories that address the establishments discussed herein. These categories include:

1. Convenience Store

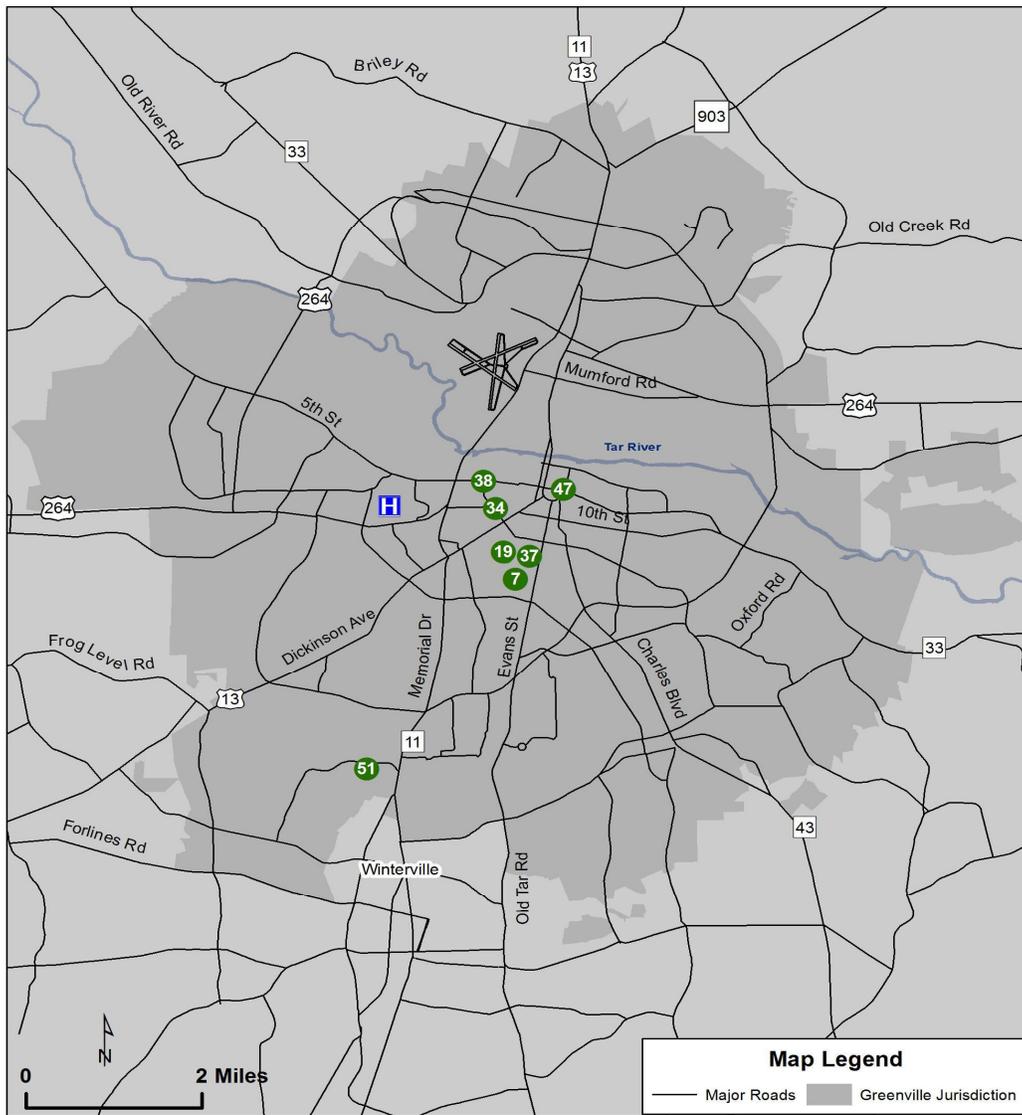
- This land use is currently defined by the zoning ordinance as follows:
“Any food-personal merchandise store which sells at retail only prepackaged food or beverage products, personal toiletries, sundries, over-the-counter medications, household supplies, magazines, and the like in combination from a limited inventory and does not stock fresh vegetables, produce, poultry or meats.”
This definition is proposed to be modified to allow the stocking of fresh vegetables and produce at convenience stores as a means of increasing access to healthy foods throughout the community.
- Convenience stores are currently permitted by right in the MCH; CD; CDF; CG; CN; and CH districts. No changes are proposed to the permitted districts.

Table 3. Inventory of Convenience Stores Located within City Limits and ETJ

#	Business Name	Address	Pitt Co. Parcel I.D. #	Zoning District	Land Use Classification
7	DH Convenience Store	1900 S. Pitt St	06515	R6	Convenience Store
19	K&P Mini Mart	1706 Garland St	08775	R6	Convenience Store
34	Mid Town Groceries	1308 W. 14th St	03293	CDF	Convenience Store
37	Pitt St. Mini Mart	1701 S. Pitt St	56711	R6	Convenience Store
38	PJ's Mart	1205 W. 5th St	00621	CDF	Convenience Store

#	Business Name	Address	Pitt Co. Parcel I.D. #	Zoning District	Land Use Classification
47	Stop Shop	213 E. 5th St	08436	CD	Convenience Store
51	The Point Tobacco & Convenient	3750-D Sterling Point Dr	53472	CG	Convenience Store

Map 2. Location of Convenience Stores



2. Convenience Store (with gasoline or automobile fuel sales)

- This land use is permitted by right in the MCH, CH, IU, I, PIU, and PI districts. It is permitted with a special use permit in the CD, CDF, CG, and CN districts. No changes are proposed to the permitted districts.

Table 4. Inventory of Convenience Stores (with gasoline or automobile fuel sales) Located within City Limits and ETJ

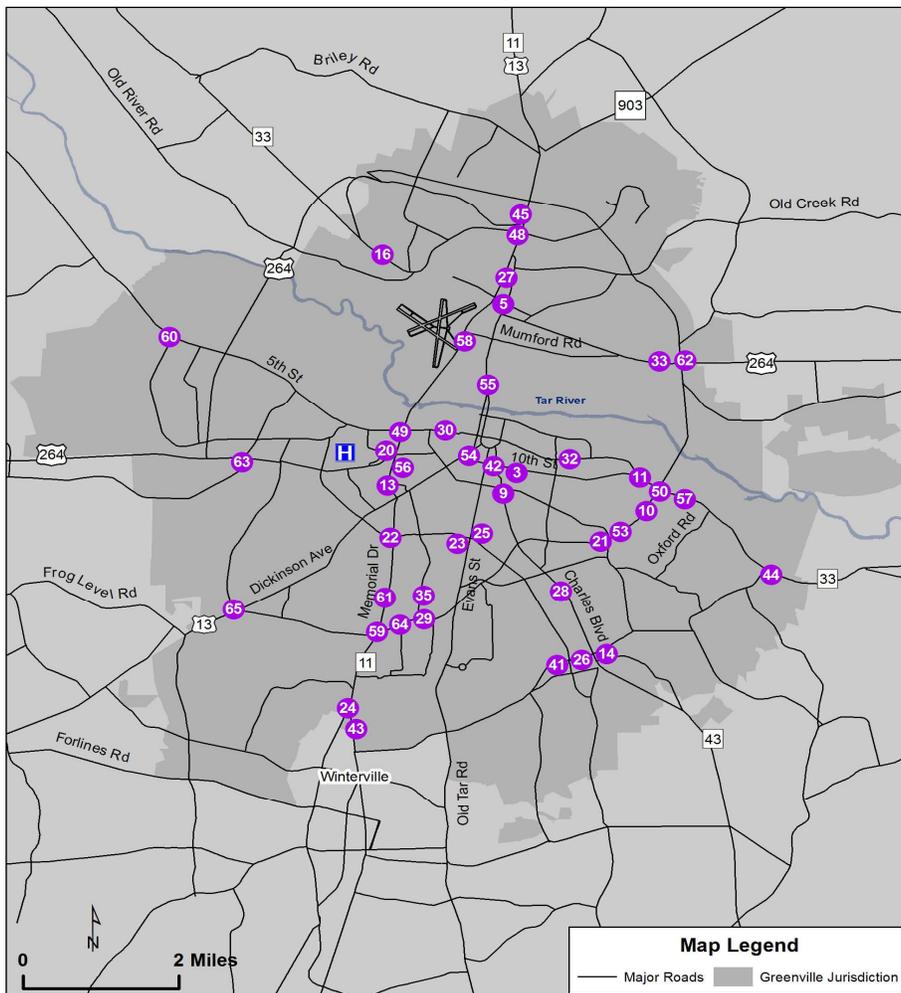
#	Business Name	Address	Pitt Co. Parcel I.D. #	Zoning District	Land Use Classification
3	Campus Store	316 E. 10th St	03801	CDF	Convenience Store with Gas
5	City Gas	1799 N. Greene St	62159	CH	Convenience Store with Gas
9	Duck Thru #15	1301 Charles Blvd	27258	CN	Convenience Store with Gas
10	Duck Thru #20	1900 SE Greenville Blvd	38068	CG	Convenience Store with Gas
11	Duck Thru #14	3000 E. 10th St	23016	CH	Convenience Store with Gas
13	Handy Mart #51	1000 S. Memorial Dr	50504	MCH	Convenience Store with Gas
14	Handy Mart #54	3701 Hwy 43 S.	37246	CG	Convenience Store with Gas
16	Joe's Country Mart	1710 Belvoir Hwy	58820	RA20	Convenience Store with Gas
20	Kangaroo Express #3083	700 S. Memorial Dr	15242	MCH	Convenience Store with Gas
21	Kangaroo Express #3099	1531 SE Greenville Blvd	18870	CN	Convenience Store with Gas
22	Kangaroo Express #3104	1301 W. Arlington Blvd	52969	CH	Convenience Store with Gas

#	Business Name	Address	Pitt Co. Parcel I.D. #	Zoning District	Land Use Classification
23	Kangaroo Express #3419	2200 S. Evans St	08108	CG	Convenience Store with Gas
24	Kangaroo Express #826	4000 S. Memorial Dr	47849	CH	Convenience Store with Gas
25	Kangaroo Express #827	2195 S. Evans St	48303	CG	Convenience Store with Gas
26	Kangaroo Express #859	1900 E. Firetower Rd	54213	CG	Convenience Store with Gas
27	Kangaroo Express #895	1930 N. Memorial Dr	34532	CH	Convenience Store with Gas
28	Kangaroo Express #901	2600 S. Charles Blvd	30488	CG	Convenience Store with Gas
29	Kings Convenience Inc.	300 SW Greenville Blvd	15509	CH	Convenience Store with Gas
30	Kings Convenient Store	912 W. 5th St	67546	CDF / R6	Convenience Store with Gas
32	Landmark Pick-Up	1809 E. 5th St	02078	R9S	Convenience Store with Gas
33	Marks Food Market	2205 Old Pactolus Hwy	23830	CN	Convenience Store with Gas
35	Murphy USA #6645	250 SW Greenville Blvd	63432	CG	Convenience Store with Gas
41	Sheetz #391	2100 County Home Rd	72609	CG	Convenience Store with Gas
42	Sheetz #397	1000 Charles Blvd	74017	CDF	Convenience Store with Gas
43	Sheetz #409	650 Whitley Dr	75068	CH	Convenience Store with Gas

#	Business Name	Address	Pitt Co. Parcel I.D. #	Zoning District	Land Use Classification
44	Sheetz #415	4300 E. 10th St	68187	CG	Convenience Store with Gas
45	Sheetz #488	2521 N. Memorial Dr	80843	CH	Convenience Store with Gas
48	The Fuel Dock #12	2403 N. Memorial Dr	15528	IU	Convenience Store with Gas
49	The Fuel Dock #4	500 S. Memorial Dr	03107	CDF	Convenience Store with Gas
50	The Oasis	2130 SE Greenville Blvd	41824	CH	Convenience Store with Gas
53	WILCO #1801	1601 Greenville Blvd	25191	CG	Convenience Store with Gas
54	WILCO #1802	210 W. 10th St	23619	IU	Convenience Store with Gas
55	WILCO #1806	500 N. Greene St	12855	CH	Convenience Store with Gas
56	WILCO #1820	715 S. Memorial Dr	23646	CH	Convenience Store with Gas
57	WILCO #1840	3202 E. 10th St	56082	CH	Convenience Store with Gas
58	WILCO #1858	1110 N. Memorial Dr	45139	CH	Convenience Store with Gas
59	WILCO #1864	612 SW Greenville Blvd	16852	CH	Convenience Store with Gas
60	WILCO #1879	3579 NC 43 N.	64117	CN	Convenience Store with Gas
61	WILCO #1891	3000 S. Memorial Dr	22285	CH	Convenience Store with Gas

#	Business Name	Address	Pitt Co. Parcel I.D. #	Zoning District	Land Use Classification
62	WILCO #237	3505 Hwy 264 E.	74964	CH	Convenience Store with Gas
63	WILCO #240	3000 Stantonsburg Rd	79292	CG	Convenience Store with Gas
64	WILCO #390	502 SW Greenville Blvd	18047	CH	Convenience Store with Gas
65	WILCO #41	4000 Dickinson Ave Ext.	56070	CG	Convenience Store with Gas

Map 2. Location of Convenience Stores (with gasoline or automobile fuel sales)



3. Tobacco Shop (Class 1)

- This is a new land use classification intended to define and provide standards for establishments that, as a substantial portion of the use, entail the retail sales of tobacco products including, but not limited to, cigarettes, cigars, chewing tobacco, shisha, unformed or loose tobacco, and similar products. For the purpose of this definition, a substantial portion of the use is established if:
 1. At least 20% of the establishment’s floor area open and accessible to customers is used for the display and/or stocking of tobacco products as provided herein; or
 2. At least 40% of the establishment’s signage that is visible from public rights-of-way advertises tobacco products as provided herein.

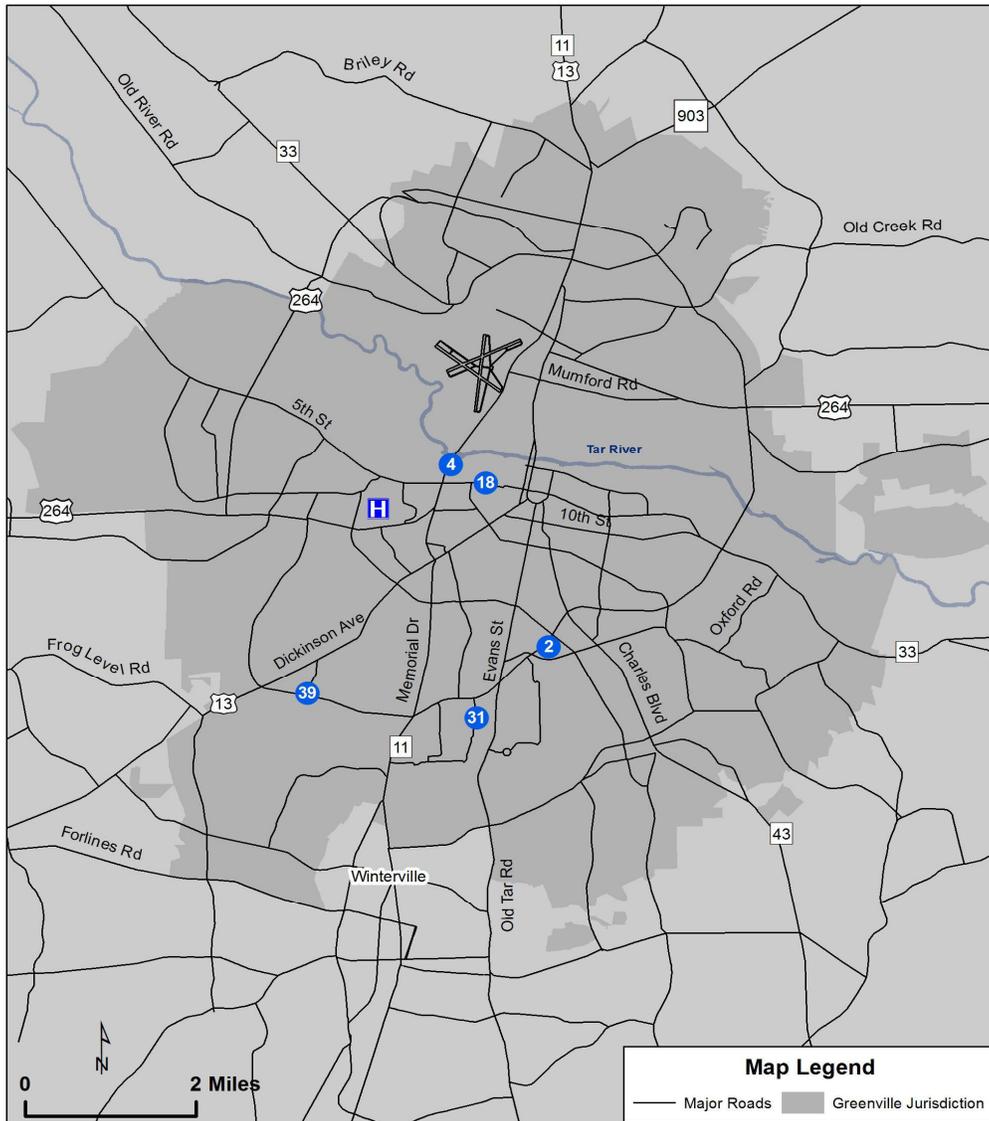
- This land use is proposed to be permitted with a special use permit in the CH, CG, MCH, CD and CDF districts, subject to the following separation requirements:
 - ❖ 500-foot separation of a proposed tobacco shop (Class 1) from an existing or approved school;
 - ❖ Not permitted within any certified redevelopment area (i.e. West Greenville, Center City and 45-Block redevelopment areas);

Table 5. Inventory of Tobacco Shops (Class 1) Located within City Limits and ETJ

#	Business Name	Address	Pitt Co. Parcel I.D. #	Zoning District	Land Use Classification
2	Blackbeard's Cigars	600-B Greenville Blvd	22001	CG	Tobacco Shop Class 1
4	Cigarette & Tobacco Outlet (5 Points)	205 S. Memorial Dr	01409	R6	Tobacco Shop Class 1
18	K&A Convenient Mart	1000-A W. 5th St	05426	CDF	Tobacco Shop Class 1
31	Landmark Convenient & Discount	3243 Landmark St	41775	CH	Tobacco Shop Class 1

#	Business Name	Address	Pitt Co. Parcel I.D. #	Zoning District	Land Use Classification
39	Red Oak Grill & Grocery	1500 SW Greenville Blvd	27433	CG	Tobacco Shop Class 1

Map 3. Location of Tobacco Shops (Class 1)



4. Tobacco Shop (Class 2)

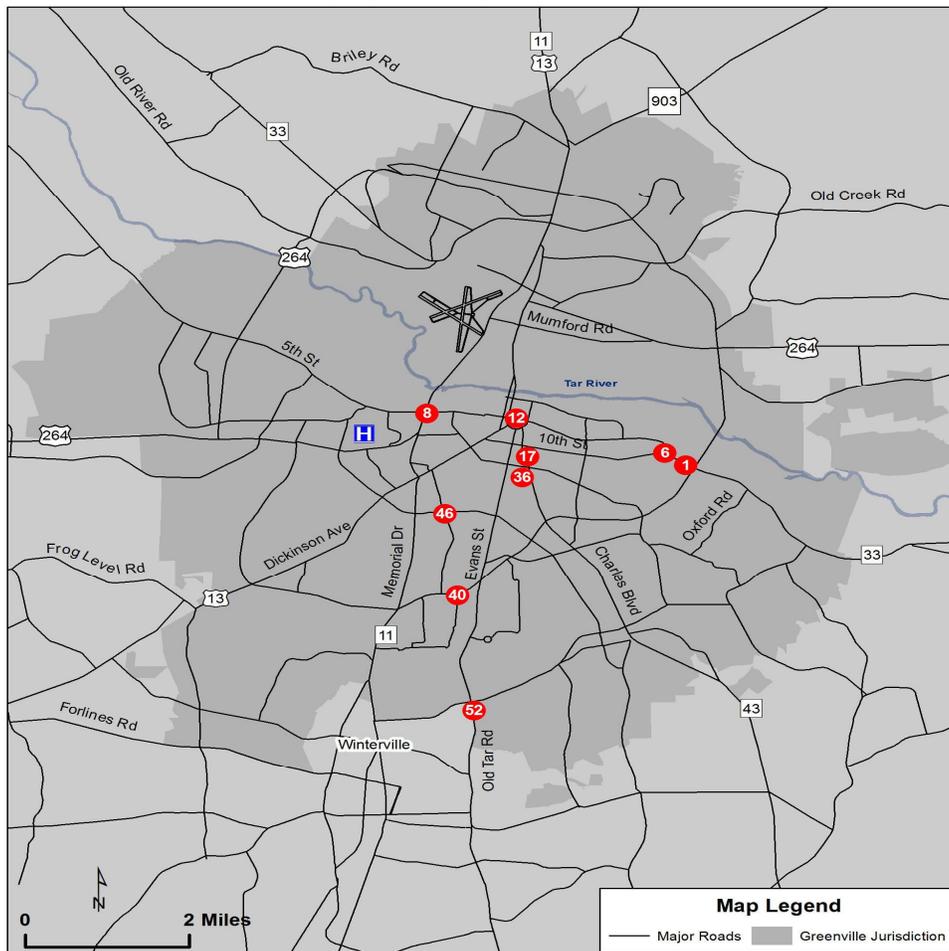
- This is a new land use classification intended to define and provide standards for establishments that entail the retail sales of any of the following tobacco smoking apparatus: water pipes; hookah pipes; bowls; water bong; or similar products.
- This land use is proposed to be permitted with a special use permit in the CH and CG districts, subject to the following separation requirements:
 - ❖ 1/2 mile separation of a proposed tobacco shop (Class 2) from an existing or approved tobacco shop (Class 1 or 2);
 - ❖ 500-foot separation of a proposed tobacco shop (Class 2) from (i) a conforming use single-family dwelling located in any district, (ii) any single-family residential zoning district;
 - ❖ 500-foot separation of a proposed tobacco shop (Class 2) from an existing or approved school, church, park, or multi-family use;
 - ❖ Not permitted within any certified redevelopment area (i.e. West Greenville, Center City and 45-Block redevelopment areas);

Table 6. Inventory of Tobacco Shops (Class 2) Located within City Limits and ETJ

#	Business Name	Address	Pitt Co. Parcel I.D. #	Zoning District	Land Use Classification
1	252 Tobacco Shop	3010 E. 10th St	06137	CH	Tobacco Shop Class 2
6	D's Drive Thru	2753 E. 10th St	03532	CG	Tobacco Shop Class 2
8	Dreams Tobacco Shop	501 S. Memorial Dr	48302	CG	Tobacco Shop Class 2
12	Expressions	424 Evans St	09026	CD	Tobacco Shop Class 2
17	Jolly Roger	405 E. 14th St	20459	CDF	Tobacco Shop Class 2

#	Business Name	Address	Pitt Co. Parcel I.D. #	Zoning District	Land Use Classification
36	NC Tobacco Discount	1400 S. Charles Blvd	00602	CG	Tobacco Shop Class 2
40	Sam & Moe's	139 SW Greenville Blvd	47883	CH	Tobacco Shop Class 2
46	Speedy Mart of Pitt	701 Hooker Rd	23706	CN	Tobacco Shop Class 2
52	Tobacco Plus	4125 Old Tar Rd	31595	CG	Tobacco Shop Class 2

Map 4. Location of Tobacco Shops (Class 2)



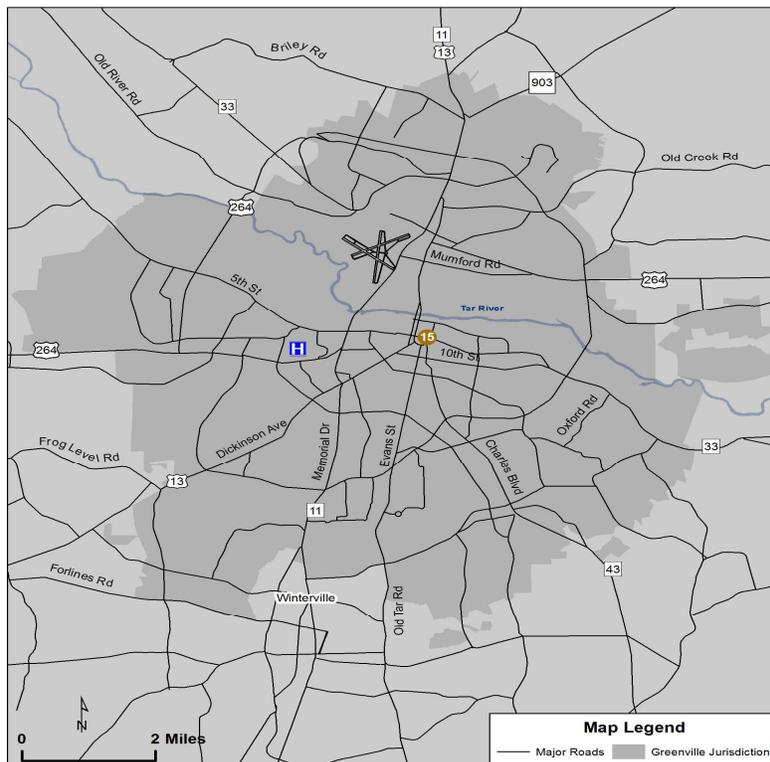
5. Hookah Cafe

- This is a new land use classification intended to define and provide standards for any establishment that, as a primary or accessory use, provides for the on-site consumption of shisha or similar flavored tobacco products.
- This land use is proposed to be permitted with a special use permit in the CH; CG; CD and CDF districts subject to the following separation requirements:
 - ❖ 1/4 mile separation of a proposed hookah cafe from an existing or approved hookah cafe.

Table 6. Inventory of Hookah Cafes Located within City Limits and ETJ

#	Business Name	Address	Pitt Co. Parcel I.D. #	Zoning District	Land Use Classification
15	Hookalicious	203 E. 5th St	12630	CD	Hookah Lounge

Map 5. Location of Hookah Cafes



ORDINANCE NO. 12-
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on _____, 2013 at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and is reasonable and in the public interest.

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

Section 1: That Title 9, Chapter 4, Article B, Section 9-4-22 of the City Code is hereby amended by adding the following definitions and deleting the current definition for “Convenience store”:

Convenience store. Any food-personal merchandise store which sells at retail only prepackaged food and beverage products, personal toiletries, sundries, over-the-counter medications, household supplies, magazines, and the like in combination from a limited inventory and does not stock poultry or meats.

Hookah Café. An establishment that, as a primary or accessory use, provides for the on-site consumption of shisha or similar flavored tobacco products.

Tobacco Shop (Class 1). An establishment that, as a substantial portion of the use, entails the retail sales of tobacco products including, but not limited to, cigarettes, cigars, chewing tobacco, shisha, unformed or loose tobacco, and/or similar products.

For the purpose of this definition, a substantial portion of the use is established if:

- 1. At least 20% of the establishment’s floor area open and accessible to customers is used for the display and/or stocking of tobacco products as provided herein; or*
- 2. At least 40% of the establishment’s signage that is visible from public rights-of-way advertises tobacco products as provided herein.*

Tobacco Shop (Class 2). An establishment that entails the retail sales of any of the following tobacco smoking apparatus: water pipes; hookah pipes; bowls; water bongos; or similar products.

Section 2: That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A), of the City Code, is hereby amended by adding the following new land uses:

(10) ff. *“Tobacco Shop (Class 1) (see also section 9-4-103)”*; by allowing this land use with a special use permit in the CH (Heavy Commercial), CG (General Commercial), MCH (Medical – Heavy Commercial), CD (Downtown Commercial), and CDF (Downtown Commercial Fringe) districts; and by assigning a LUC 4 to the land use.

(10) gg. *“Tobacco Shop (Class 2) (see also section 9-4-103)”*; by allowing this land use with a special use permit in the CH (Heavy Commercial) and CG (General Commercial) districts; and by assigning a LUC 4 to the land use.

(10) hh. *“Hookah Cafe (see also section 9-4-103)”*; by allowing this land use with a special use permit in the CH (Heavy Commercial), CG (General Commercial), CD (Downtown Commercial), and CDF (Downtown Commercial Fringe) districts; and by assigning a LUC 4 to the land use.

Section 3: That Title 9, Chapter 4, Article F, Section 9-4-103, of the City Code, is hereby amended by adding a the following new subsections:

(X) *Hookah Cafe (see also section 9-4-22)*

1. No hookah café shall be located within a one-fourth mile (1,320 foot) radius of an existing or approved hookah cafe.

(Y) *Tobacco Shop (Class 1) (see also section 9-4-22)*

1. No tobacco shop (class 1) shall be located within a 500-foot radius of an existing or approved school. This measurement shall be made from the exterior wall of the proposed tobacco shop (class 1) to the nearest exterior wall of any existing or approved school.
2. No tobacco shop (class 1) shall be located within any certified redevelopment area.

(Z) *Tobacco Shop (Class 2) (see also section 9-4-22)*

1. No tobacco shop (class 2) shall be located within a one-half mile (2,640 foot) radius of an existing or approved tobacco shop (class 1) or tobacco shop (class 2).
2. No tobacco shop (class 2) shall be located within a 500-foot radius of the following:
 - (i) an existing conforming use single-family dwelling located in any district;
 - (ii) any single-family residential zoning district; and
 - (iii) an existing or approved school, church, park or multi-family use.

3. The measurements associated with subsections 1 and 2 above shall be made from the exterior wall of the proposed tobacco shop (class 2) to the nearest exterior wall of any existing or approved tobacco shop (class 1 or 2), existing conforming use single-family dwelling located in any district, or existing or approved school, church or multi-family use. The measurement shall be made from the exterior wall of the proposed tobacco shop (class 2) to the nearest property line of any single-family residential zoning district or park.
4. No tobacco shop (class 2) shall be located within any certified redevelopment area;

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

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

Adopted this ____ day of _____, 2013.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 1/15/2013
Time: 6:30 PM

Title of Item: Request to close two portions of Seventh Street between Evans Street and Cotanche Street

Explanation: The City received a petition from Income Investments, LLC, Georgetown Apartments of Greenville, LLC, and Ward Holdings, LLC, requesting the closure of two (2) sections of Seventh Street. The street sections are located between Evans Street and Cotanche Street.

The petitioners are in the design phase to redevelopment their properties adjoining and located south of Reade Circle, west of Cotanche Street, north of Eight Street and on the east of Evans Street. Their properties along with the proposed street sections to be closed will be combined into single ownership. All of the utilities and existing buildings and improvements will be removed.

The petition has been reviewed by City Staff and Greenville Utilities Commission. No adverse comments were received.

Fiscal Note: Budgeted funds for the maintenance of this street section will no longer be required upon adoption of a Resolution to Close by City Council. The city will no longer receive Powell Bill funds for these sections of Seventh Street.

Recommendation: Forward this request to City Council for consideration recommending the closing these two (2) sections of Seventh Street lying between Evans Street and Cotanche Street.

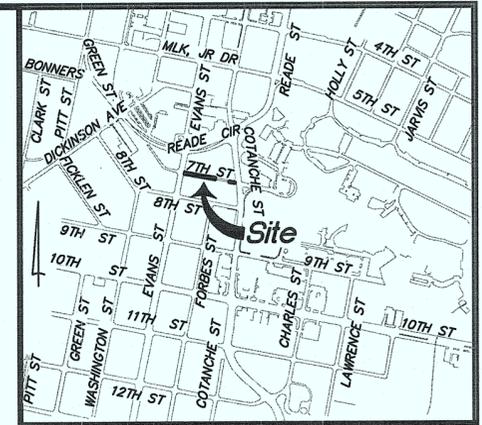
Attachments / click to download

 [7th Street Closing Map](#)

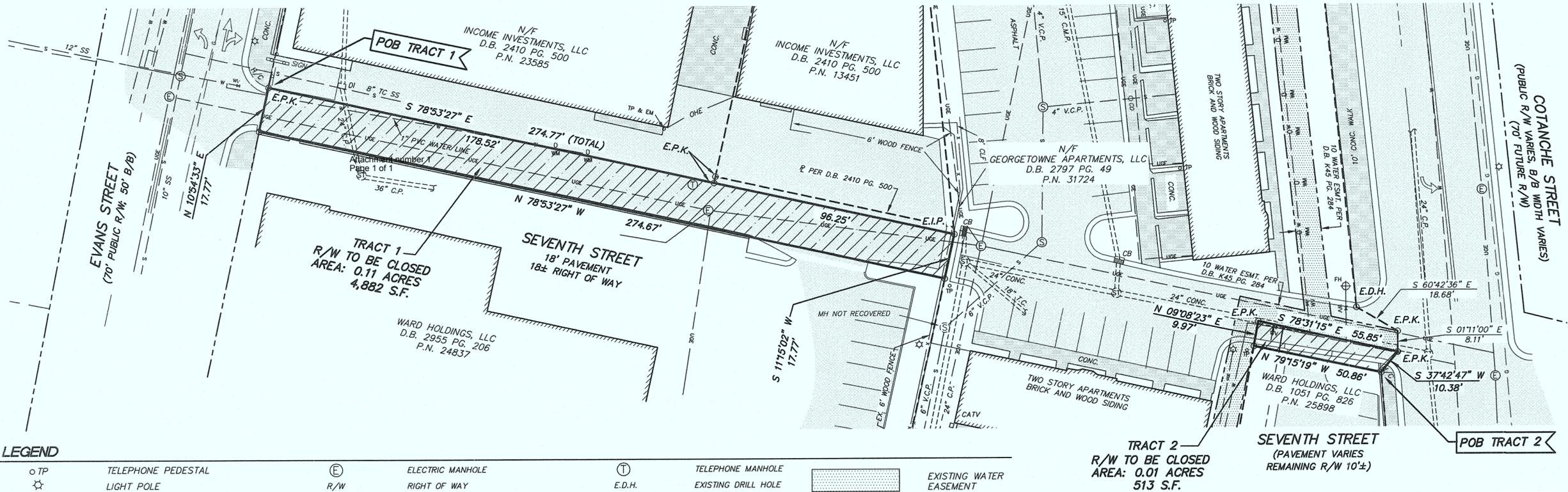
NORTH (D.B. K 44 PG. 112 1976)

NOTES:

- ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS, IN FEET.
- AREA DETERMINED BY COORDINATES.
- PROPERTY SUBJECT TO ANY EASEMENTS, RESTRICTIVE COVENANTS, OR RIGHTS OF WAY WHICH MAY BE OF RECORD. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT REPORT OR RESEARCH.
- THE LIMITS OF THIS SURVEY ARE NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA, PROPERTY IS LOCATED IN A "ZONE X" (AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN), AS SHOWN ON FIRM MAP NUMBER 3720468800J PANEL 4688 J ,EFFECTIVE JANUARY 2, 2004.
- THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN ARE COMPRISED OF ALL SUCH UTILITIES IN THE AREA OF SURVEY EITHER IN SERVICE OR ABANDONED. THE SURVEY FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR DOES HEREBY CERTIFY THAT ALL UTILITIES ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY UNCOVERED AND LOCATED ANY UNDERGROUND UTILITIES).
- INCOME INVESTMENTS, LLC, WARD HOLDINGS, LLC AND GEORGETOWNE APARTMENTS, LLC PROPERTY TO BE COMBINED INTO SINGLE OWNERSHIP, ALL UTILITIES SERVING THESE PARCELS TO BE ABANDONED, ALL EXISTING BUILDINGS AND IMPROVEMENTS TO BE REMOVED.

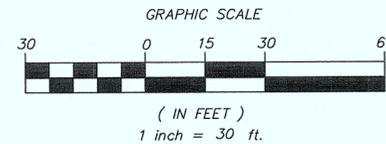


VICINITY MAP
SCALE: 1" = 1000'



LEGEND

○ TP	TELEPHONE PEDESTAL	⊕	ELECTRIC MANHOLE	⊕	TELEPHONE MANHOLE	▨	EXISTING WATER EASEMENT
☆	LIGHT POLE	R/W	RIGHT OF WAY	E.D.H.	EXISTING DRILL HOLE		
⊙	SANITARY SEWER MANHOLE	B/B	BACK TO BACK	MH	MANHOLE		
WM 0	WATER METER	H/C	HANDICAP	N/F	NOW OR FORMERLY		
WV 64	WATER VALVE	CO ○	CLEAN OUT	P.N.	PARCEL NUMBER		
⊠	CATCH BASIN	CONC.	CONC.	M.B.	MAP BOOK		
⊠	STORM DRAINAGE MANHOLE	C.P.	CONCRETE PIPE	PG.	PAGE		
⊠	SIGN	FH	FIRE HYDRANT	D.B.	DEED BOOK		
⊕ M/W	MONITORING WELL	=====	STORM DRAINAGE LINES	CLF	CHAIN LINK FENCE		
⊕	UTILITY POLE	—s—s—	SANITARY SEWER MAIN	EX.	EXISTING		
⊕	LIGHT POLE / UTILITY POLE	—OHT—	OVERHEAD TELEPHONE		ASPHALT		
—W—	WATER LINE	—G—	UNDER GROUND GAS/SERVICE		CONCRETE		
—UGE—	UNDERGROUND ELECTRIC	E.I.P.	EXISTING IRON PIPE				
—OHE—	OVERHEAD ELECTRIC	E.P.K.	EXISTING PK NAIL				



REFERENCES

- D.B. 2410 PG. 500
- D.B. 2797 PG. 49
- D.B. 1051 PG. 826
- D.B. M 46 P.G. 393
- D.B. K 44 PG. 112
- D.B. K 45 PG. 284
- D.B. G 45 PG. 139
- D.B. R 44 PG. 415
- D.B. Y 41 PG. 516
- M.B. 24 PG. 40 (SEVENTH ST. CLOSING)
- M.B. 14 PG. 59
- ESTATE FILE 99 PG. 353
- GEORGETOWNE APARTMENTS AS-BUILTS RA DRAWING 2752
- P.N. 28624
- P.N. 23585
- P.N. 13451
- P.N. 31724
- RIVERS DWG NO. E-286

STATE OF NORTH CAROLINA
COUNTY OF PITT

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

REVIEW OFFICER _____
DATE _____

NORTH CAROLINA, PITT COUNTY

I, PATRICK W. HARTMAN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE BY JEW ON 11/9/08 -11/30/08 AND UPDATED BY WG ON 10/24/09 -10/30/09; THAT THE RATIO OF PRECISION IS 1:10,000+; THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (f) (11) THAT THIS SURVEY IS OF ANOTHER CATEGORY, BEING A SURVEY FOR A STREET CLOSING. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 12TH DAY OF DECEMBER, 2012.

PROFESSIONAL LAND SURVEYOR _____
LICENSE NUMBER L-4262

PROFESSIONAL LAND SURVEYOR
NORTH CAROLINA
SEAL
L-4262
PATRICK W. HARTMAN
DATE 12/12/12

Rivers & Associates, Inc.
Engineers Planners Surveyors
N.C. LIC. NO. F-0334
107 East Second Street Greenville, NC 27858 (252) 752-4135
6131 Falls of Neuse Road, Suite 300 Raleigh, NC 27609 (919) 848-3347

STREET CLOSING ACQUISITION MAP FOR A PORTION OF SEVENTH STREET

CITY OF GREENVILLE, GREENVILLE TOWNSHIP, PITT CO., N.C.

RESOLUTION NO. _____
SIGNED _____ MAYOR
SIGNED _____ CITY CLERK

SCALE 1" = 30'
DRAWING NO. Z-2567
SHEET 1 OF 1

Scanned 11/4/13