



Agenda

Planning and Zoning Commission

June 17, 2014

6:30 PM

Council Chambers, City Hall, 200 W. Fifth Street

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I. CALL MEETING TO ORDER -

II. INVOCATION - Linda Rich

III. ROLL CALL

IV. APPROVAL OF MINUTES - May 20, 2014

V. NEW BUSINESS

TEXT AMENDMENTS

1. Ordinance to amend the Zoning Ordinance by adding microbreweries as an allowed land use within the CD (Downtown Commercial) zoning district, subject to an approved special use permit, and establishing specific criteria.

OTHER

2. Presentation on the status of private streets within the City of Greenville.

VI. OTHER ITEMS OF BUSINESS

3. Election of Officers

VII. ADJOURN

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING
AND ZONING COMMISSION

May 20, 2014

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

Ms Shelley Basnight –Chair-X
Mr. Tony Parker - *(Vice Chair) Ms. Chris Darden – *
Mr. Terry King – * Ms. Ann Bellis – X
Ms. Linda Rich - X Mr. Brian Smith - X
Mr. Doug Schrade - * Mr. Jerry Weitz –*
Ms. Wanda Harrington-X Mr. Torico Griffin -*

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

VOTING MEMBERS: Schrade, Darden, Griffin, King, Weitz

PLANNING STAFF: Thomas Weitnauer, Chief Planner; Chantae Gooby, Planner II, Andy Thomas, Lead Planner; and Amy Nunez, Staff Support Specialist II.

OTHERS PRESENT: Dave Holec, City Attorney; Merrill Flood, Director of Community Development; Tim Corley, Civil Engineer II and Jonathan Edwards, Communications Technician.

MINUTES: Motion was made by Mr. Weitz, seconded by Mr. King, to accept the April 15, 2014 minutes as presented. Motion carried unanimously.

CHANGE TO AGENDA: Motion was made by Mr. King, seconded by Mr. Weitz, to move agenda item #5 to agenda item #1. Motion carried unanimously.

OTHER ITEMS OF BUSINESS

THIS IS AN INFORMATIONAL ITEM FROM VIDANT MEDICAL CENTER ABOUT THE UPCOMING CONSTRUCTION OF THE CANCER CENTER.

Mr. Merrill Flood introduced Mr. Tim McDonnell and the presentation of the Cancer Center at Vidant Medical Center.

Mr. Tim McDonnell, of the Vidant Medical Center, provided a presentation on the upcoming Cancer Center at Vidant. It will be a six-story building with outpatient and inpatient services, clinics, exam rooms, radiation oncology, treatment areas, areas of infusion, reception and administrative areas. The building will connect to the existing Heart Center building. The estimated opening date is March 2018.

NEW BUSINESS

REZONINGS

ORDINANCE REQUESTED BY CHAMPIONS HEALTH AND FITNESS TO REZONE 5.13 ACRES LOCATED 950+/- FEET SOUTH OF EAST FIRE TOWER ROAD AND ADJACENT TO WHITEBRIDGE DUPLEXES FROM R6MH (RESIDENTIAL-MOBILE HOME [HIGH DENSITY]) TO CG (GENERAL COMMERCIAL) - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located in the southern section of the City, south of Fire Tower Road and adjacent to Whitebridge Duplexes. The area was previously Evans & Greystone Mobile Home Parks. This rezoning also encompasses the future right-of-way of Bayswater Road. The two ends of Bayswater Road will eventually connect to form a loop. The property is currently vacant. Duplexes and single-family homes are to the east, single-family homes to the north. Adjacent to the rezoning area is common area for Surrey Meadows Subdivision. This request could generate a net increase of 950 trips. Fire Tower Road is a 4-lane divided median highway with a signalized intersection at Bayswater Road closest to the rezoning area. The other end of Bayswater Road is not signalized. The property is impacted by the 500 and 100-year flood plain associated with the Fork Swamp Canal. Any floodplain issues will be resolved at the time of development. Under the current zoning, the property could accommodate approximately 40 mobile homes. Under the proposed zoning, it could accommodate about 50,000 square feet of retail or conventional restaurant uses. The Future Land Use Plan Map recommends commercial south of Fire Tower Road between Fork Swamp Canal and Bayswater Road with conservation/open space to the east and high density residential to the south. In staff's opinion, the request is in general compliance with Horizon's Greenville Community Plan and the Future Land Use Plan Map. The property is contiguous to similarly-zoned property. It is a judgment call as to where the commercial should stop and high density residential should start.

Mr. Weitz mentioned in the staff report that staff was not recommending approval of the requested zoning, but has no objections. He asked what holds staff from recommending approval.

Ms. Gooby stated that the property is located in a transition area between commercial and high density residential. There is commercial contiguous with the subject property and it is a judgment call as to where the commercial should stop.

Mr. Weitz asked for clarity on the flood plain map.

Ms. Gooby stated the 500 and 100-year floodplains are located on the property. Elevation standards apply in the 100-year floodplain and the flood way cannot be disturbed.

Chairman Parker opened the public hearing.

Mr. Greg Lassiter, owner of Champions Health and Fitness, spoke in favor of the request. He previously requested a rezoning for property on 10th Street for a second location. He is putting that site on hold. Pitt Community College has purchased his current location and he has to re-locate.

Mr. Weitz asked if there was a reason why he could not use any of the commercially-zoned property in the area that is vacant.

Mr. Lassiter stated the back part of the property is more suitable for traffic flow, privacy and more space for future.

Mr. Jim Hopf, attorney on behalf of the property owner, spoke in favor of the request. There is an economic impact issue regarding some uses that can afford street frontage and higher-valued property. This request is a use where interior space is better. Most of the interior spaces in the area have been sold. The proposed rezoning backs up to a stream and green area that acts as a natural buffer and will not be developed. The flood concerns have been alleviated in terms of raising the elevation of the property and getting new flood elevation certifications. The proposed request is consistent with uses in the area. The whole area is highly development as residential and more commercial is needed.

Mr. Weitz asked if there was a final plat that shows Bayswater Road will connect.

Mr. Thomas stated there is an approved preliminary plat showing Bayswater Road will connect.

Mr. Weitz asked if that this 5 acre subdivision is consistent with the approved preliminary plat.

Mr. Thomas stated yes.

No one spoke in opposition of the request.

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

Mr. Weitz stated he supports the rezoning. The Future Land Use Plan designates this area as a neighborhood commercial node which is about 20,000 to 40,000 square feet of building. He stated he currently estimates it at 250,000 square feet of property. This node is much larger than what the plan suggests. Fire Tower Road is nearing capacity and more commercial development will cause more congestion. He is hesitant to rezone in the flood plain since it puts development in harm's way. The property is not suitable for mobile homes anymore. Commercial uses will not have a major impact. He suggests when Horizons is updated, it would be good to recognize this area as a regional node of 250,000 square feet.

Mr. Weitz stated he will support the motion but the findings are clear that it is not consistent with the Comprehensive Plan.

Motion made by Mr. Schrade, seconded by Ms. Darden, 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.

ORDINANCE REQUESTED BY HAPPY TRAILS, LLC TO REZONE 28.534 ACRES
LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF REGENCY BOULEVARD
AND ADJACENT TO SOUTH POINTE DUPLEXES FROM R6S (RESIDENTIAL-SINGLE
FAMILY [MEDIUM DENSITY]) TO R6A (RESIDENTIAL [MEDIUM DENSITY MULTI-
FAMILY]) - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located in the southern section of the City, south of Regency Boulevard and adjacent to South Pointe Duplexes. This rezoning is comprised of 2 separate parcels and where the parcels meet is an existing curb cut on Regency Boulevard. The property is vacant. There are single-family homes to the north and duplexes to the west. This request could generate a net increase of 149 trips. Regency Boulevard is a 4-lane divided median highway and is signalized at both Evans Street and Memorial Drive. Under the current zoning, the property could accommodate approximately 120 single-family homes. Under the requested zoning, it could accommodate about 195 multi-family units. The Future Land Use Plan recommends office at the intersection of Regency Boulevard and Memorial Drive then transitions into medium density residential. In staff's opinion, the request is in compliance with Horizon's Greenville Community Plan and the Future Land Use Plan Map. Both the current zoning and the proposed zoning are considered medium density residential. Therefore, either zoning is acceptable under the plan. It is a judgment call. The request is adjacent to similar zoning on either side.

Chairman Parker asked for the history of this property.

Ms. Gooby stated that in 2005 the City and the West Haven neighborhood planned out a zoning pattern acceptable to all. Most of the zoning has remained the same. One exception is the area adjacent to the railroad that was rezoned from R9S to R6S. About 18 months ago, there was a request to rezone about 40 acres from R6S to R6A. That request included the subject property. The Shamrock neighborhood, on the other side of the railroad tracks, opposed the request. The request was denied by the Planning and Zoning Commission and was withdrawn prior to City Council consideration. The current request for R6A is for a smaller area and there is a different applicant.

Chairman Parker opened the public hearing.

Mr. Steve Janowski, representative for the applicant, spoke in favor of the request. He stated that the request is about 1,300 feet west of the railroad tracks. The north side, where the single-family residences are located, has a berm along Regency Boulevard. There is a divided 4-lane vegetated highway. On the proposed property, there is a berm along Regency Boulevard. R6S is

to the east with transitional commercial and medium density residential. There is R6A zoning to the southwest. This is a great example of transitional zoning. The traffic capacity is 35,000 and the projection of this request is about 75-100 additional trips per day. There would be very little impact on traffic since Regency Boulevard is currently underutilized.

No one spoke in opposition of the request.

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

Mr. Weitz stated he would prefer to have multi-family be on a transit route, which Regency Boulevard does not have. Multi-family and office/institutional/multi-family (OIMF) should be all over the City with apartments in higher densities. This area is predominantly single-family. He is concerned with having multi-family in this area. No one from the West Haven neighborhood was here to speak. It is a 4-lane road and how many developers would build single-family detached lots along a 4-lane road. He is leaning toward denial of the application.

Ms. Darden stated she agreed and shared the same concerns. There is a congested area going out toward Memorial Drive.

Mr. Schrade stated the neighborhood was present on the previous request and stated they did not want it. He stated now the neighborhood is not present and that shows they are not concerned. Currently, this vacant land is not being developed. The road is there and can handle the traffic. It is a reasonable request and without neighborhood opposition, he would recommend approval.

Chairman Parker stated he appreciated the comments. He stated that Mr. Schrade's comments have a lot of credence. It is a good example of transitional zoning.

Mr. Weitz stated that staff is correct that applying for R6A is consistent with the plan. Since it is not inconsistent with the plan, he would support the request even with his concerns.

Motion made by Mr. Schrade, seconded by Mr. King, 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.

PRELIMINARY PLATS

REQUEST BY OUTDOOR PROPERTIES II, LLC FOR A PRELIMINARY PLAT ENTITLED "NORTHWEST COMMERCIAL PARK". THE PROPERTY IS LOCATED NEAR THE INTERSECTION OF ALLEN ROAD AND DICKINSON AVENUE EXTENSION ON THE WESTERN RIGHT-OF-WAY OF ALLEN ROAD IMMEDIATELY ADJACENT TO THE

TRADE STATION. THE SUBJECT PROPERTY IS FURTHER IDENTIFIED AS A PORTION OF PITT COUNTY TAX PARCEL NO 78577. – APPROVED

Mr. Andy Thomas, Lead Planner, delineated the property. He stated that the property is located in the western section of the City, near the intersection of Dickinson Avenue Extension and Allen Road/Greenville Boulevard. It is the parcel behind the Trade/Wilco Hess Station on the western right-of-way of Allen Road. The property is zoned CH (Heavy Commercial). The Future Land Use Plan calls for Commercial and Office Institutional Multi-Family (OIMF). The property is not impacted by the flood plain. It is at the intersection of two major thoroughfares. This plat represents further development of the commercial property at this intersection. It will be accessed by a driveway that will be maintained by the property owner's association. The City of Greenville of Greenville will not consider accepting this driveway for maintenance. It will also be accessed via a shared driveway with the Trade/Wilco Hess Convenience Store at the intersection. There is a 50 Foot Tar/Pamlico Riparian Buffer along the northern boundary. A common detention pond will serve the properties and will be maintained by the property owner's association. The City's Subdivision Review Committee has reviewed the preliminary plat and has determined that it meets all technical requirements.

Chairman Parker opened the public hearing.

No one spoke in favor or in opposition of the request.

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

No comments were made during board discussion.

Motion made by Mr. Weitz, seconded by Ms. Darden, to approve the preliminary plat entitled "Northwest Commercial Park". Motion passed unanimously.

Mr. Thomas mentioned that Tim Corley, City Civil Engineer, will be speaking at next month's meeting regarding private streets. He stated that two weeks ago Mr. Corley made his presentation to City Council. City Council voted to do away with private streets.

TEXT AMENDMENTS

ORDINANCE TO AMEND THE ZONING ORDINANCE BY REDUCING THE NUMBER OF REGULAR BOARD OF ADJUSTMENT MEMBERS, THAT ARE APPOINTED BY PITT COUNTY, FROM TWO MEMBERS TO ONE MEMBER. - APPROVED

Mr. Thomas Weitnauer, Chief Planner, stated the text amendment sets the number of Pitt County representatives serving on the Board of Adjustments to an appropriate number of members

relative to the Extraterritorial Jurisdiction (ETJ) population. There has been an extended period of vacancies in 2 of the 3 positions the County appoints to the Board of Adjustments. This has been caused by the lack of applicants that meet the qualification that the person be a resident of the ETJ. General Statutes prescribes Board of Adjustment (BOA) extraterritorial membership based on the population outside of city limits and within the municipalities' extraterritorial jurisdiction. The ETJ population is shrinking as the City annexes property. Since the population within the City of Greenville's Extraterritorial Jurisdiction has reduced in number, it is acceptable and appropriate to reduce the number of County appointees representing the extraterritorial areas. This text amendment has been developed to reduce the number of extraterritorial representatives on the Board of Adjustment membership composition from two County regular members to one and continue to retain one County alternate member. This will add a regular City member to the Board. Additionally, two clean-up amendments to this section are proposed. First, in compliance with statutory provisions, the County appointment is to be made by the Pitt County Board of Commissioners and not the Chairman of the Board of Commissioners. The amendment corrects this. Second, there are no ex-officio members to the Board so the language which provides that the Director of Community Development, or authorized representative, is an ex-officio member is deleted by the amendment.

Horizon's Administrative Element's Implementation Strategy 1(b) states, "Ensure that the membership of all planning related boards, commissions and ad hoc/advisory committees is a broad cross section of Greenville's citizenry."

In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan.

Mr. Weitz stated the staff report stated there was a discussion with Pitt County regarding the changes. He asked if the discussion was with the Planning Director or did the Board of Commissioners consent to the changes.

Mr. Weitnauer stated that communication was with Pitt County staff, which is in concurrence with the changes.

Chairman Parker asked if it would go before the County Commissioners.

Attorney Holec stated that City Staff has advised the Pitt County Staff, including the Planning Director, the County Manager, and the County Attorney. They in turn advised the Board of County Commissioners. County Staff notified City staff that they have no objections. Since it is based on population, it is a City decision, not the County.

Chairman Parker stated that last month's Board of Adjustment meeting did not have quorum. It was an embarrassment to the City and a waste of time/money for the applicants. He asked if the ordinance change would help obtain quorum.

Mr. Weitnauer stated this is one part of a set of improvements. Unlike some boards, Board of Adjustment meets every month. Last month's meeting was during Easter week.

Mr. Weitz stated that the last General Assembly made revisions to the zoning enabling statute regarding Boards of Adjustment. He asked if the City had amended that code.

Mr. Weitnauer stated yes.

Attorney Holec stated that it was not a code amendment, just a procedural amendment. He stated that it had occurred.

Chairman Parker opened the public hearing.

No one spoke in favor or in opposition of the text amendment.

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

No comments were made during board discussion.

Motion made by Mr. Weitz, seconded by Mr. Griffin, 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.

Mr. Weitnauer thanked Mr. Weitz for participating in the annual Neighborhood Advisory Board (NAB) Symposium.

With no further business, motion made by Ms. Darden, seconded by Mr. Griffin, to adjourn. Motion passed unanimously. Meeting adjourned at 7:33 p.m.

Respectfully Submitted,

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



City of Greenville, North Carolina

Meeting Date: 6/17/2014
Time: 6:30 PM

Title of Item: Ordinance to amend the Zoning Ordinance by adding microbreweries as an allowed land use within the CD (Downtown Commercial) zoning district, subject to an approved special use permit, and establishing specific criteria.

Explanation: On January 21, 2014, Community Development Department staff brought a discussion item to the Planning and Zoning Commission to seek their reaction and input for a text amendment that would permit microbreweries to locate in Greenville. Staff provided handouts of the 2013-2014 Economic Development Initiatives to Commissioners and stated the strategic goals' implementation, adopted by City Council, is to increase the City's tax base, increase quality of life and increase jobs. The Commission directed staff to formulate a text amendment to allow microbreweries in the Center City and West Greenville area.

On February 4, 2014, Community Development Department staff brought the microbrewery discussion item to the Redevelopment Commission to gauge their level of support and input on conceptual regulations for microbreweries. The Commission offered constructive comments and requested staff return with revisions that addressed their concerns.

On May 6, 2014, the Planning Division presented revised microbrewery text amendment to the Redevelopment Commission. The Commission discussed the text amendment Commission and approved a motion to request the Planning and Zoning Commission create a microbrewery ordinance inclusive of the Redevelopment Commission's recommendation.

Fiscal Note: No cost to the City.

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."

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[Microbrewery Text Amendment Staff Report 980175](#)

[Maps 1 5 Microbreweries Text Amendment 981806](#)

[Microbrewery Text Amendment Ordinance 980860](#)

Staff Report: Microbreweries – Text Amendment

Contents:

Section I.	Background	1
Section II.	Target Area for Microbreweries	2
Section III.	Distinctions between Microbreweries and Public/Private Clubs	4
Section IV.	Proposed Text Amendment.....	4
Section V.	Compliance with the Comprehensive Plan and Other Adopted Plans.....	8

Maps:

Map 1	Zone (CD) where Microbreweries are Permitted with a Special Use Permit	11
Map 2	Zone (CD) with Aerial where Microbreweries are Permitted with a Special Use Permit	12
Map 3	Future Land Use and Designated Focus Area	13
Map 4	150 Foot Noise Control Buffer around Known Residential Uses Near Areas where Microbreweries are Permitted with an SUP.....	14
Map 5	Zoning in the Area where Microbreweries are Allowed in the CD District with a SUP	15



**Staff Report Developed by the City of Greenville
Community Development Department - Planning Division
June 11, 2014**

#980175-v4

Section I: Background

Since the 1980's, the microbrewery market has grown in the U.S. North Carolina has the most microbreweries of any state south of Pennsylvania and east of Texas according to the North Carolina Craft Brewers Club. Between 80 to 100 microbreweries are located in North Carolina with over a dozen in Eastern North Carolina:

1. Beer Army Combat Brewery, Trenton, beerarmy.com
2. BroomTail Craft Brews, Wilmington, broomtailbrewery.com
3. Double Barley Brewing, Smithfield, doublebarleybrewing.com
4. Front Street Brewery, Wilmington, frontstreetbrewery.com
5. Good Vibes Brew, Wilmington, goodvibesbrew.com
6. Full Moon Brewery, Manteo, thefullmooncafe.com
7. Good Hops Brewing, Carolina Beach, goodhopsbrewing.com
8. Huske Hardware House Fayetteville, huskehardware.com
9. Mother Earth Brewing, Kinston, motherearthbrewery.com
10. Outer Banks Brewing Station, Kill Devil Hills, obbrewing.com
11. The Duck-Rabbit Craft Brewery, Farmville, duckrabbitbrewery.com
12. Tight Lines Brewing Company, Morehead City, facebook.com/tightlinesbrewing
13. Weeping Radish Farm Brewery, Grandy, weepingradish.com

According to a November 21, 2011 article in the Charlotte News and Observer, *“North Carolina’s independent craft breweries have contributed 37,000 jobs to the state and \$3.8 billion to its economy.”* In a July 31, 2012 article by the UNC School of Government entitled, *“Brewing Up Some Economic Development: Changes to Craft Brewery Laws in North Carolina,”* the article reported, *“North Carolina’s legislation appears to be one factor that has helped stimulate growth of its brewing industry.”* The article also stated, *“North Carolina has recently enacted several provisions aimed at increasing the development of its brewing industry.”*

Although Greenville is surrounded by other cities with a growing number of successful microbreweries, Greenville’s Zoning Ordinance does not allow microbreweries. Omission of a particular land use is interpreted to mean uses not listed are prohibited. Sec. 9-4-13, Uses Prohibited states, *“Unless a use of land is specifically allowed in a zoning district, either as a matter of right or as a special use, then the use shall be prohibited in the district.”* Recognizing Greenville may be missing opportunities to attract a growing industry coupled with our area’s quality workforce and an abundant source of water, Community Development Department staff initiated discussions with the Planning and Zoning Commission, the Redevelopment Commission and the Chamber of Commerce to gauge receptiveness for a text amendment to allow microbreweries within the City of Greenville.

On January 21, 2014, Community Development Department staff brought a discussion item to the Planning and Zoning Commission to seek their reaction and input for a text amendment that would permit microbreweries to locate in Greenville. Staff provided

handouts of the 2013-2014 Economic Development Initiatives to Commissioners and stated the strategic goals' implementation, adopted by City Council, is to increase the City's tax base, increase quality of life and increase jobs. Advanced manufacturing in food and beverage sectors could serve to address these strategic goals. Microbreweries targeted for the urban core of Greenville could help revitalize the area, increase tax base, and increase high quality entertainment venues. The Planning and Zoning Commission offered supportive comments of the conceptual ideas presented. The Commission directed staff to formulate a text amendment to allow microbreweries in the Center City and West Greenville area.

On February 4, 2014, Community Development Department staff brought the microbrewery discussion item to the Redevelopment Commission to gauge their level of support and input on conceptual regulations for microbreweries. The Commission offered constructive comments and requested staff return with revisions that addressed their concerns.

On May 6, 2014, the Planning Division returned to the Redevelopment Commission and presented revised regulations in response to Commissioners' concerns. There was discussion among Commissioners whether a regulation included in the draft that requires a 150 foot separation between amplified music and residential uses was an adequate distance to protect residential uses. Some Commissioners expressed concern it wasn't enough protection while other members stated it was too restrictive in an area the City may want to develop as mixed use. After the discussion, the Commission approved a motion to request the Planning and Zoning Commission create a microbrewery ordinance inclusive of the Redevelopment Commission's recommendation.

On May 9, 2014, the Office of Economic Development delivered a presentation to the Greenville-Pitt Chamber of Commerce's Issues Committee. Staff briefed the Committee on the conceptual ideas for a text amendment to allow microbreweries and the Redevelopment Commission's May 6 recommendation. The Chamber's Committee was supportive of the concepts presented.

Section II: Target Area for Microbreweries

Staff prepared this amendment to direct microbreweries toward a targeted area rather than allow microbreweries throughout the City. This approach was developed to encourage investment into vacant buildings and vacant lots in the Greenville's older urban core. The area within the City targeted where microbreweries would be allowed is in CD (Downtown Commercial) zoning district, hereinafter referred to as the Target Area. Within this Target Area, a microbrewery will have to comply with regulations described in Section 4 of this report.

Underutilized warehouses, manufacturing and commercial buildings within the Target Area may serve as appropriate adaptive reuse opportunities for microbreweries. Warehouse and manufacturing buildings offer open floor plans with high ceilings suitable for bulky brewing equipment and often include loading docks for receiving and shipping materials. Underutilized commercial buildings within and in proximity to Uptown Greenville may be accessible to existing City amenities such as parking lots and may be within walking distance for Uptown employees and visitors via existing sidewalks.

Microbreweries frequently locate in historic buildings in an urban setting as these properties offer a unique ambiance through their architectural elements such as exposed brick walls and an eclectic décor. The Target Area includes all of National Register of Historic Places District known as the Greenville Commercial Historic District. The Target Area also includes portions of three other National Register Districts: Tobacco Warehouse Historic District; Dickinson Avenue Historic District; and the Skinnerville-Greenville Heights Historic District. In addition, nine Greenville Local Historic Landmarks and three National Register Properties are within the Target Area. Vacant buildings and lots are not the only location where microbreweries may locate within the Target Area. Existing restaurants within the CD zoning district may also add microbrewery operations.

This text amendment permits microbreweries only within the CD (Downtown Commercial) zoning district through a special use permit. Maps 1 and 2 illustrate where microbreweries could be permitted by displaying colors of the CD zoning district. Map 5 shows where these zones are located in relation to surrounding zoning districts.

Map 3 illustrates Future Land Use Plan Map designations in the Target Area from Horizons: Greenville's Community Plan as "Commercial." The central business district was also labeled a Regional Focus Area in the Community Plan. This Regional Focus Area anticipates and encourages commercial zoning. Over the last several years, properties in this area have been rezoned to CD (Downtown Commercial), which is the preferred zoning district. Allowing microbreweries in only the CD zone could help encourage additional rezonings toward this preferred zoning district to help fulfill the Horizons Plan.

This text amendment sets a maximum area within each building devoted to beer production to 5,000 square feet. Although the City may want to attract microbreweries, along with other types of development, there is a limited supply of property within the urban core. Rather than have a the beer production component of microbreweries consume an area the size of a city block and beyond, the City wants to foster redevelopment and revitalization with a mixture of uses. The regulation doesn't set a maximum of 5,000 square feet for the entire microbrewery, but only for the beer production component. For reference to this 5,000 square foot area, the Mother Earth Brewery's beer production component, located in Kinston, has approximately 7,500 square feet on the first floor. This estimate does not include the tasting room, outdoor

plaza and gift shop. The City anticipates preparing another text amendment to allow much larger breweries in industrial zones without a size limit. This text amendment is focused only on allowing smaller microbreweries within the urban core and trying to size them appropriately to the limited acreage and planning context of the area.

Section III: Distinctions between Microbreweries and Public/Private Clubs

Consideration was given to ensure this text amendment does not allow microbreweries to turn into de facto nightclubs. Following are distinctions between microbrewery and public/private clubs regulations.

Cover Charges. Microbreweries are prohibited from charging cover charges while public/private clubs are allowed to charge cover charges.

Separation Requirements. Microbreweries do not have any separation requirements (except for amplified equipment – see below) while Public/Private clubs must be separated at least 500 feet from other public/private clubs and from conforming use single-family dwellings and any single-family residential zoning district.

Noise Control. Microbreweries shall not have amplified equipment within 150 feet from any residential use while public/private clubs do not have such a distance requirement since they are required to separate at least 500 feet from single-family dwellings.

Map 4 illustrates 150 foot buffers around known residential uses within the Target Area where microbreweries cannot have amplified equipment as depicted in the light green shaded areas.

Minimum Requirement of Floor Area for Brewing Equipment. Microbrewery regulations include another control to help prevent microbreweries from converting into a public/private club. This amendment requires microbreweries to devote a significant amount of floor area (30%) to operating brewing equipment.

Section IV: Proposed Text Amendment

In order to amend the Zoning Code to allow microbreweries within the Target Area, text amendments must be adopted. This text amendment requires a public hearing before City Council. The P & Z Commission is required to review and if supportive, recommend an ordinance relating to microbrewery regulations since they would be added in the Zoning Ordinance. Although Community Development staff initiated discussions of this amendment, the Redevelopment Commission approved a motion to request the Planning and Zoning Commission create a microbrewery ordinance.

Proposed text amendments to allow microbreweries are illustrated below using underlined text to denote regulations to be added.

SEC. 9-4-22 WORDS AND TERMS DEFINED.

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

Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A), of the City Code is amended by adding the following new land uses: SEC. 9-4-86 LISTED USES; SPECIFIC CRITERIA.

(10) ii. "Microbrewery (see also section 9-4-86)"; [by allowing this land use with a special use permit in the CD (Downtown Commercial) zoning district; and by assigning a LUC 4 to the land use.]

SEC. 9-4-86 LISTED USES; SPECIFIC CRITERIA.

QQ. Microbrewery (see also section 9-4-22).

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

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

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

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

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

- (6) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior quest areas shall not have amplified equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.
- (7) A microbrewery shall not require a membership, cover or minimum charge for admittance or service.
- (8) (a) A special use permit for a microbrewery is subject to revocation in accordance with the provisions of this subsection (8)(a). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a microbrewery in accordance with the provisions of section 9-4-83.
- (b) An annual review shall be conducted by the Director of Community Development or his or her authorized representative of a microbrewery which has received a special use permit for the purpose of determining and ensuring compliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The findings of the Director of Community Development or his or her authorized representative as a result of this annual review shall be compiled in a written staff report.
- (c) At a meeting of the Board of Adjustment, the Director of Community Development or his or her authorized representative shall present to the Board of Adjustment the staff report of a microbrewery for which the annual review includes a finding of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder shall be provided notice of the meeting and a copy of the staff report.
- (d) Based on the staff report, the Board of Adjustment, by a majority vote, may either determine that a rehearing is not

required for the special use permit or order a rehearing on the special use permit.

1. An order for a rehearing shall be based upon a determination by the Board of Adjustment that either:

a. The use of the property is inconsistent with the approved application;

b. The use is not in full compliance with all specific requirements set out in this chapter;

c. The use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard; or

d. The use is not compliant with any additional conditions of approval established by the Board and set out in the order granting the permit.

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

(e) The requirements and standards set forth in this subsection (QQ)(8) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.

(9) (a) Existing conforming use conventional restaurants may add, subject to an approved special use permit, a microbrewery operation as an accessory use provided they comply with the following:

1. The restaurant be located within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.
2. The area of the restaurant devoted to operating brewing equipment shall not exceed 30% of the overall building square footage.
3. Malt beverages produced for retail sales for on-premises and off-premises consumption shall comply with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S.18B as amended.
4. The restaurant and the microbrewery accessory use shall not require a membership, cover or minimum charge for admittance or service.
5. A special use permit for a microbrewery accessory use shall be subject to revocation in accordance with the provisions of this subsection 9(a). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a microbrewery ancillary use in accordance with the provisions of section 9-4-83.
6. An annual review of the microbrewery accessory use and all subsequent procedures to address review findings shall be in accordance with the provisions of subsection QQ.8(b) through (e).

Section V: Compliance with the Comprehensive Plan and Other Adopted Plans

Consideration of any modification to the City zoning ordinance should include a review of the community's comprehensive plan and other officially adopted plans that are applicable.

Horizons: Greenville’s Community Plan

Greenville’s comprehensive plan, Horizons: Greenville’s Community Plan, contains adopted goals, policy statements and objectives that should be reviewed and considered to ensure that the proposed text amendments are in compliance with the Plan, and effectively with the community’s values.

Staff reviewed the Plan and provides the following findings regarding consistency between the proposed text amendment and the Plan. The Focus Area Map in the Horizon Plan identifies the central business district as a “Regional Focus Area” Regional Focus Areas are the most intensely developed categories among the 5 focus areas defined in Horizon’s Future Land Use Element. This Regional Focus Area anticipates and encourages commercial zoning. Over the last several years, properties in this area are being zoned CD (Downtown Commercial), which is the preferred zoning district. Allowing microbreweries in only the CD zone could help encourage additional rezonings toward this preferred zoning district to help fulfill the Horizons Plan.

The following implementation strategies from the Plan should also be considered when evaluating the proposed text amendment:

IMPLEMENTATION SECTION

Growth and Development Subsection:

***Implementation Strategy 2(t).** Preserve historic warehouses and older buildings through renovation and adaptive reuse.*

***Implementation Strategy 2(gg).** Support restaurants, shops and boutiques in the downtown area. Establish safety standards for places of assembly.*

Economic Development Section:

***Implementation Strategy 2(b).** Encourage rehabilitation and reuse of commercial/industrial buildings.*

Vision Areas Subsection:

***Central, Management Actions H5.** Develop the downtown as the cultural recreational, and entertainment center of the City.*

The Center City West Greenville Revitalization Plan,

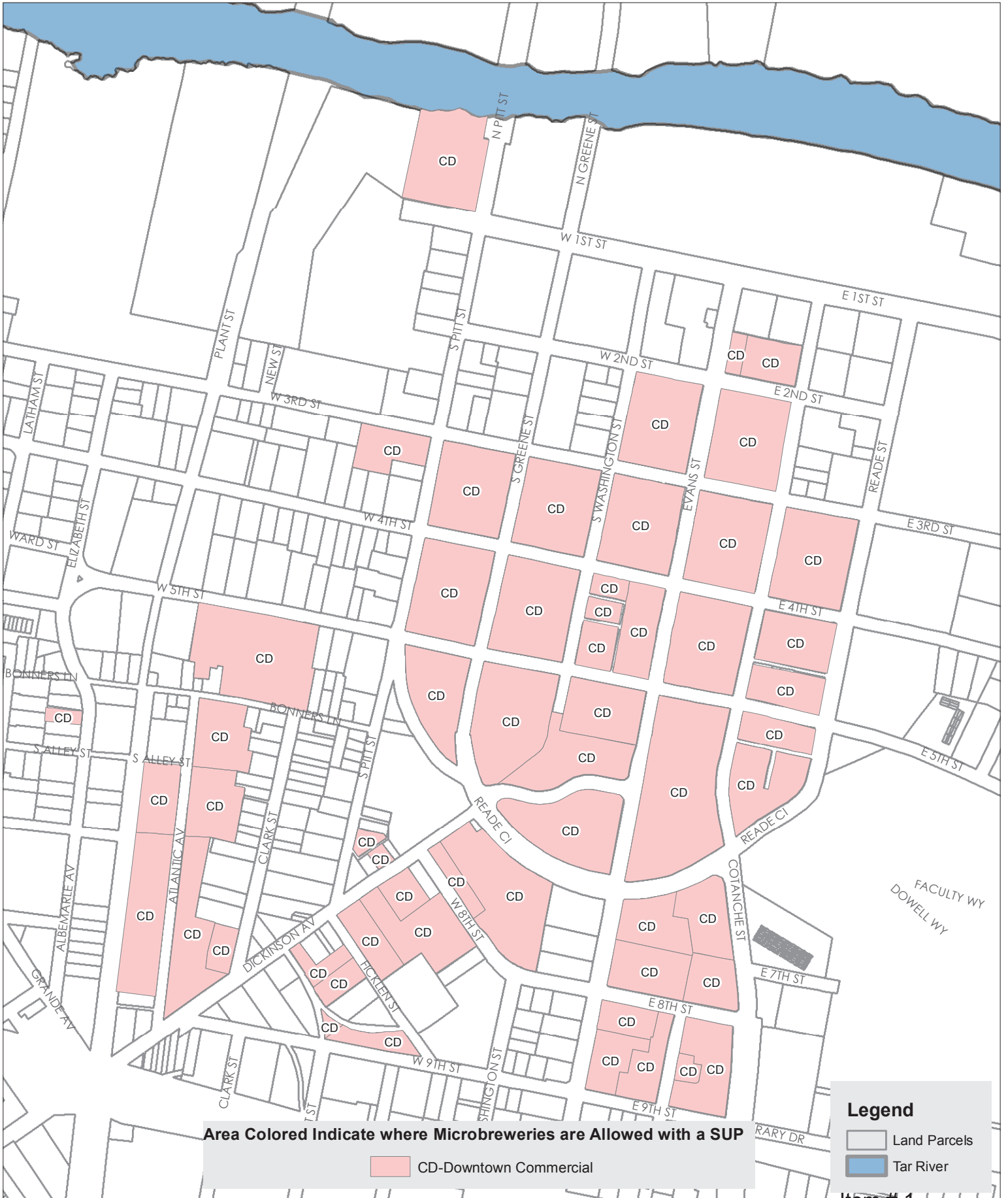
In 2003, the Redevelopment Commission retained consultants to assist with the preparation of a redevelopment plan for the Center City and the West Greenville

neighborhoods. Through a series of meetings to receive input from a diverse cross-section of stakeholders, the Redevelopment Commission produced the Center City-West Greenville Revitalization Plan that was adopted in 2006.

Staff reviewed the Plan and provides the following implementation strategies to be considered when evaluating consistency between the text amendment and the Revitalization Plan proposed herein:

Chapter 2 – Market Feasibility – House, Retail, and Entertainment Uses. *Eating, drinking and entertainment can bring life and vitality to downtown Greenville and to other locations within the revitalization area. In the entertainment demand analysis, four scenarios were outlined that might be implemented, in part or in whole, to expand the entertainment opportunities of the downtown. In this effort, a key objective should be to capture the potential market of University sports fan who come close by the revitalization area to attend these sporting events. A local determination should be made as to which approach would best achieve the local vision of the future of the downtown.*

Flexibility in Zoning and Development Codes. *Providing innovative administration of zoning regulations and development codes may create market opportunities in depressed areas. Exchange of additional floor area for the provision of improved pedestrian features, greater public open space, or better coordinated development can be used to entice future development.*



Area Colored Indicate where Microbreweries are Allowed with a SUP

CD-Downtown Commercial

Legend

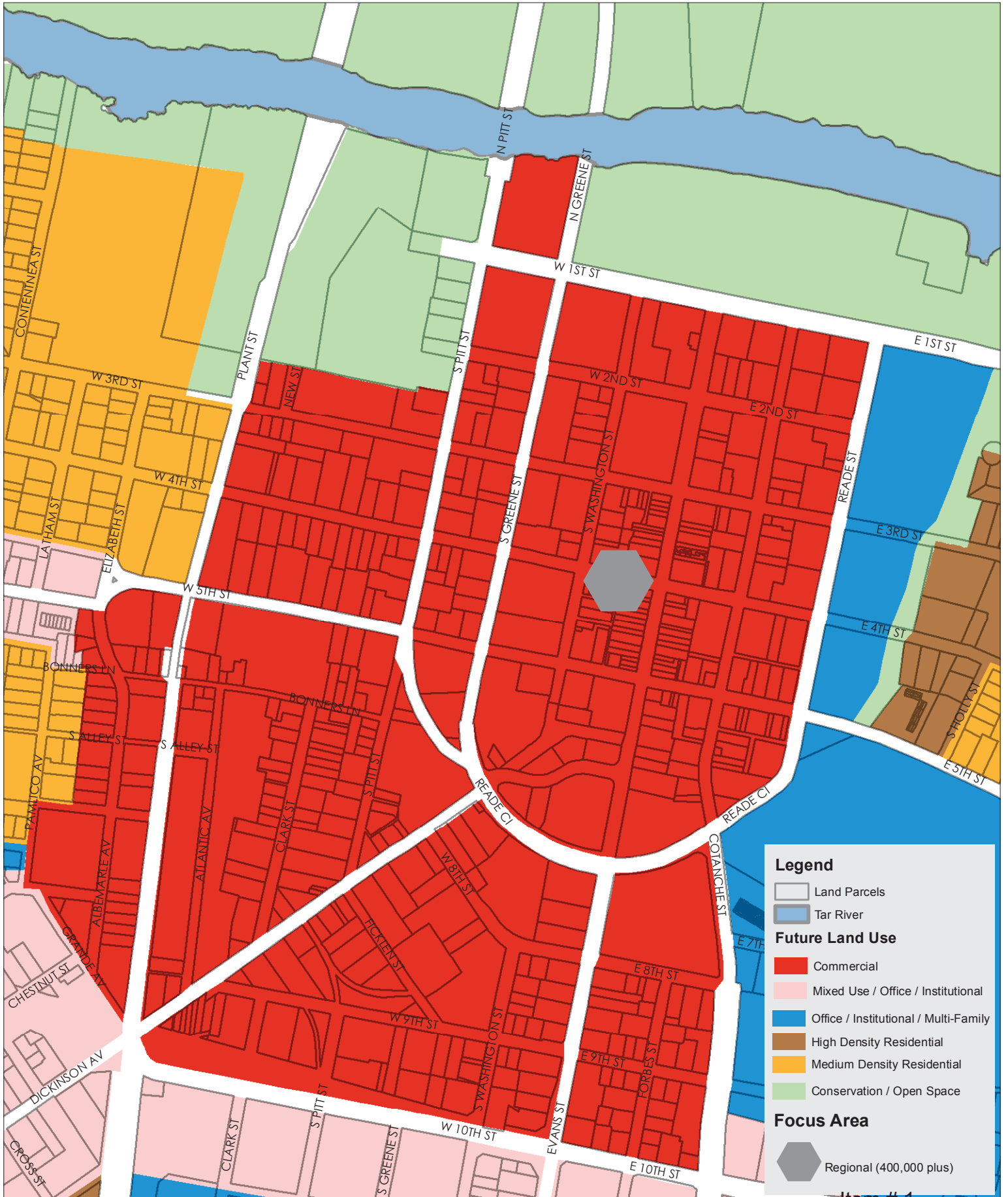
- Land Parcels
- Tar River

Item # 1



0 320 640 1,280 Feet

Item # 1



Legend

- Land Parcels
- Tar River

Future Land Use

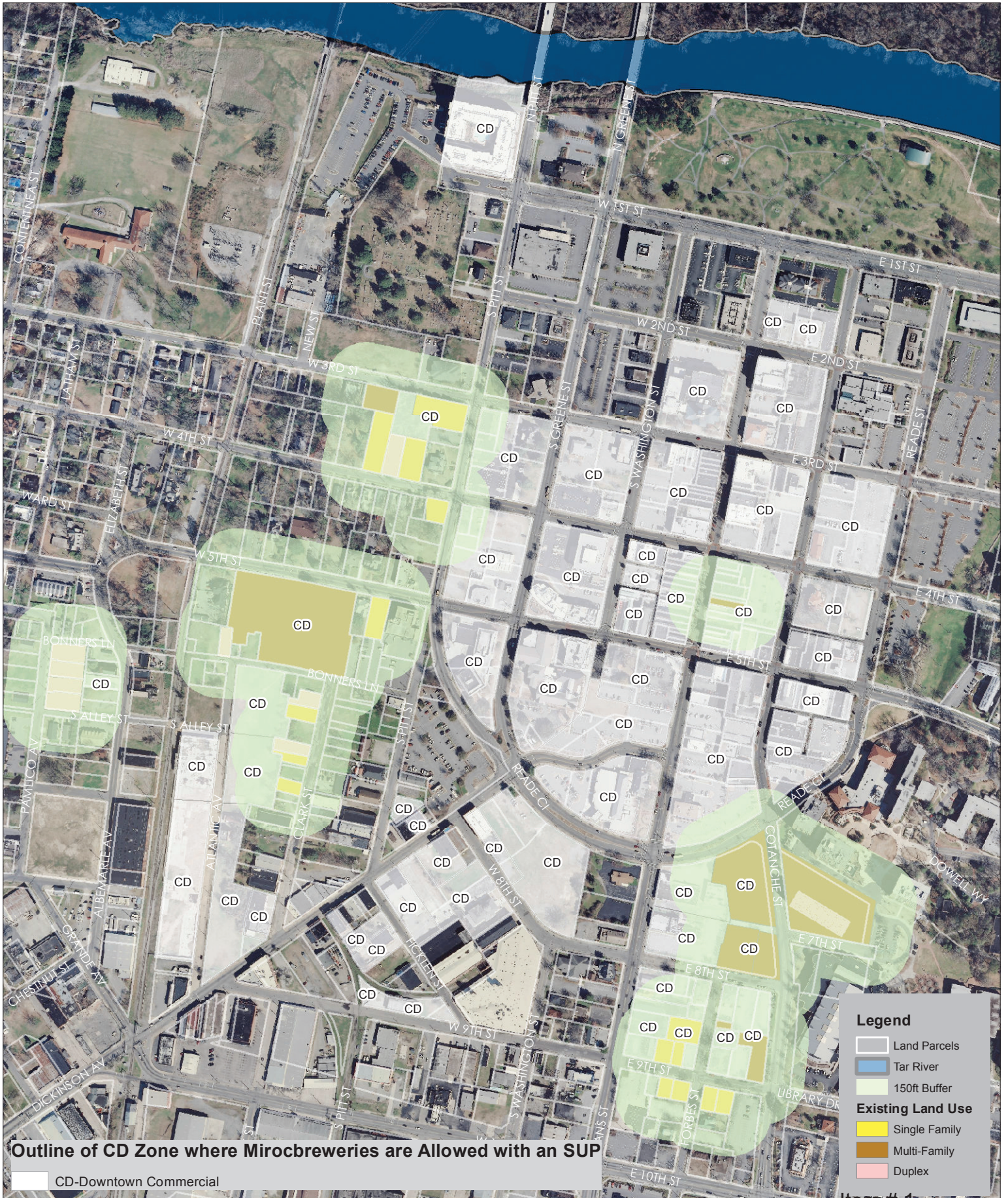
- Commercial
- Mixed Use / Office / Institutional
- Office / Institutional / Multi-Family
- High Density Residential
- Medium Density Residential
- Conservation / Open Space

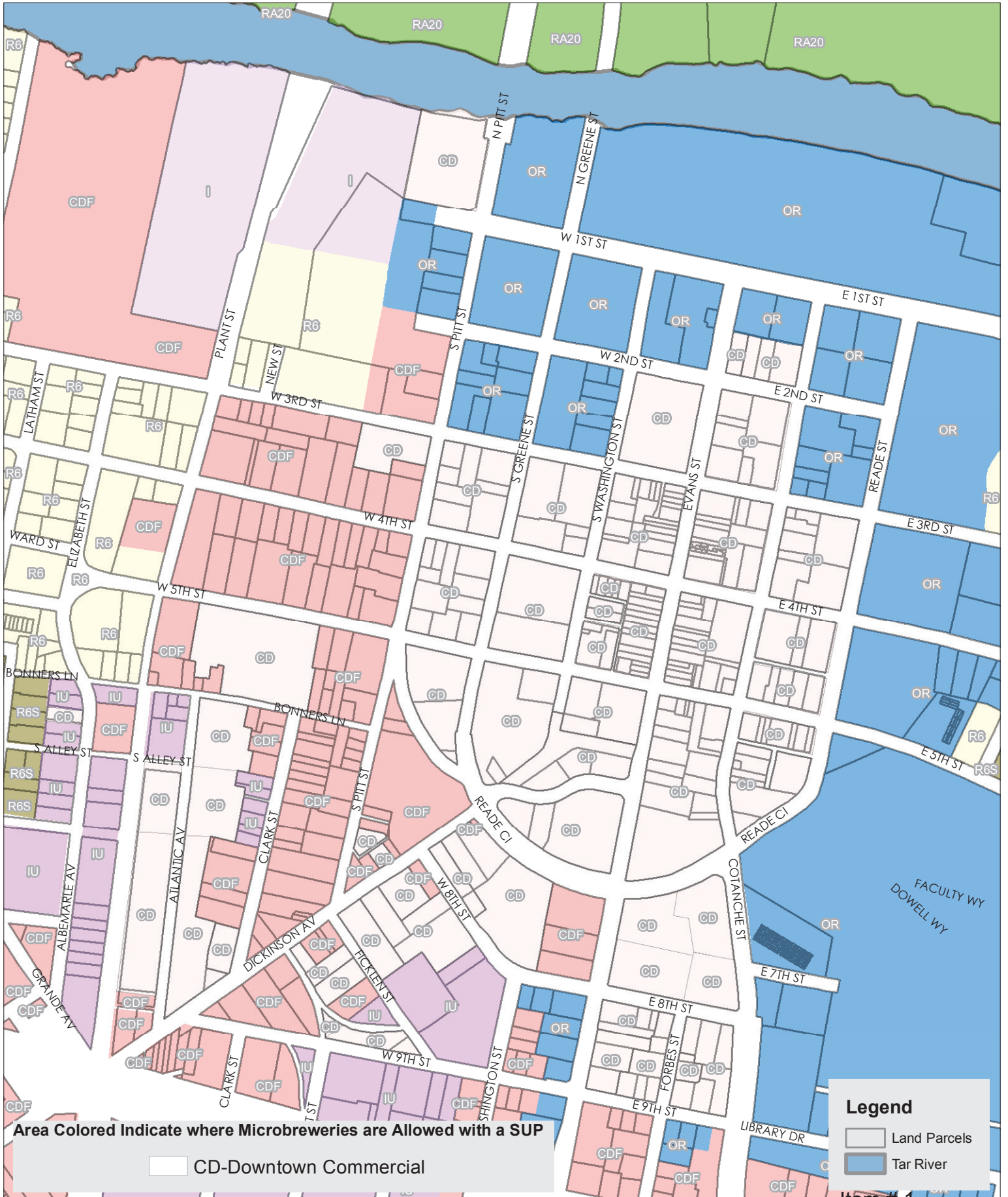
Focus Area

- Regional (400,000 plus)

Item # 1

0 350 700 1,400 Feet





Area Colored Indicate where Microbreweries are Allowed with a SUP

CD-Downtown Commercial

Legend

- Land Parcels
- Tar River

Item # 1

ORDINANCE NO. 14-
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 August 14, 2014, 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 for “*Microbrewery*”:

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

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) ii. “*Microbrewery (see also section 9-4-86)*”; by allowing this land use with a special use permit in the CD (Downtown Commercial) zoning district; and by assigning a LUC 4 to the land use.

Section 3: That Title 9, Chapter 4, Article F, Section 9-4-86, of the City Code, is hereby amended by adding the following new subsections:

SEC. 9-4-86 LISTED USES; SPECIFIC CRITERIA.

QQ. Microbrewery (see also section 9-4-22).

- (1) Microbreweries are allowed within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.
- (2) The principal use is the production of malt beverages for retail sales for on-premises and off-premises consumption in accordance with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws

pursuant to G.S.18B as amended.

- (3) Ancillary uses may include and be limited only to: retail sales; food consumption; entertainment; games; a tasting room; event room; and loading area.
- (4) The portion of the building devoted to operating brewing equipment shall not exceed 5,000 square feet.
- (5) A minimum of 30% of the microbrewery's floor area shall have operating brewing equipment that produces beer for retail sales. This percentage shall be satisfied at the time a Certificate of Occupancy inspection is conducted and shall be maintained thereafter.
- (6) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior guest areas shall not have amplified equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.
- (7) A microbrewery shall not require a membership, cover or minimum charge for admittance or service.
- (8)
 - (a) A special use permit for a microbrewery is subject to revocation in accordance with the provisions of this subsection (8)(a). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a microbrewery in accordance with the provisions of section 9-4-83.
 - (b) An annual review shall be conducted by the Director of Community Development or his or her authorized representative of a microbrewery which has received a special use permit for the purpose of determining and ensuring compliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The findings of the Director of Community Development or his or her authorized representative as a result of this annual review shall be compiled in a written staff report.
 - (c) At a meeting of the Board of Adjustment, the Director of Community Development or his or her authorized representative shall present to the Board of Adjustment the staff report of a microbrewery for which the annual review includes a finding of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder shall be provided notice of the meeting and a copy of the staff report.
 - (d) Based on the staff report, the Board of Adjustment, by a majority vote, may

either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit.

1. An order for a rehearing shall be based upon a determination by the Board of Adjustment that either:
 - a. The use of the property is inconsistent with the approved application;
 - b. The use is not in full compliance with all specific requirements set out in this chapter;
 - c. The use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard; or
 - d. The use is not compliant with any additional conditions of approval established by the Board and set out in the order granting the permit.
 2. The rehearing shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may grant a special use permit with conditions imposed pursuant to this subsection (QQ) and section 9-4-82 or deny the special use permit. The grant or denial of the special use permit by the Board of Adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a microbrewery.
- (e) The requirements and standards set forth in this subsection (QQ)(8) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.
- (9) (a) Existing conforming use conventional restaurants may add, subject to an approved special use permit, a microbrewery operation as an accessory use provided they comply with the following:
1. The restaurant must be located within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.
 2. The area of the restaurant devoted to operating brewing equipment shall not exceed 30% of the overall building square footage.

3. Malt beverages produced for retail sales for on-premises and off-premises consumption shall comply with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S.18B as amended.
4. The restaurant and the microbrewery accessory use shall not require a membership, cover or minimum charge for admittance or service.
5. A special use permit for a microbrewery accessory use shall be subject to revocation in accordance with the provisions of this subsection 9(a). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a microbrewery ancillary use in accordance with the provisions of section 9-4-83.
6. An annual review of the microbrewery accessory use and all subsequent procedures to address review findings shall be in accordance with the provisions with subsection QQ.8(b) through (e).

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

Adopted this 14th day of August, 2014.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 6/17/2014
Time: 6:30 PM

Title of Item: Presentation on the status of private streets within the City of Greenville.

Explanation: **Abstract:** There are approximately 16 lane miles of private streets within the City limits. The estimated cost to repair and accept these streets is approximately \$6 to \$10 million. Additionally, should the City eventually annex the area in the Extra Territorial Jurisdiction (ETJ), there are another 17 lane miles of private roads.

Explanation: The City currently has a private street development standard that has been used intermittently. Approximately 16 lane miles of the City's 700+ lane miles of streets are classified as private. There have been several inquiries recently about the City accepting private streets. As a result, the City's Public Works, Community Development, and Fire/Rescue Departments have jointly met to discuss and analyze the fiscal, zoning, and public safety implications associated with this potential acceptance.

The City's private street requirements have changed with the most recent update to the City's Manual of Standard Design and Details. The current standard is for a 40-foot easement on private streets versus 50-foot right-of-way for a public street and 24-foot pavement width for private streets versus a 28-foot width for public streets. Another key private street consideration is the allowance of on-street parking. Besides the costs to upgrade the streets as shown above, additional costs may occur if other infrastructure requires improvements. The maintenance of these private streets has always been the responsibility of the Homeowners Associations or property owners.

The current City Code requirements for acceptance of private streets include the following:

- Must be within the City limits
- Must meet minimum design standards for public streets
- Inspections and repairs are completed before acceptance
- Right-of-way dedication occurs prior to acceptance

Benchmark data of peer cities indicates that other jurisdictions have moved to a standard that all streets, public and private, must be built to public street standards to avoid future requests of this nature and their long term financial implications. A presentation on private streets was made at the City Council meeting.

Fiscal Note:

The cost to the City to accept all private streets based on required improvements to streets, stormwater, sidewalks, curbs, gutters, and other necessary infrastructure could be between \$6 to \$10 million.

Recommendation:

The Engineering Department presented to the City Council the following options to provide direction as to the staff:

1. Removing private street options from the City's Manual of Standard Design & Details (i.e. eliminating any new private streets) and continuing current policy to accept private streets (recommended)
2. Accepting all private streets within City limits
3. Modifying acceptance requirements in some manner, to be determined

The Greenville City Council upon hearing the information voted unanimously to direct the staff to remove private streets as a development option.

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Attachments / click to download



City of Greenville, North Carolina

Meeting Date: 6/17/2014
Time: 6:30 PM

Title of Item: Election of Officers

Explanation:

Fiscal Note:

Recommendation:

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

Attachments / click to download
