



Agenda

Planning and Zoning Commission

April 21, 2009
6:30 PM
City Council Chambers

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- I. INVOCATION - Shelley Basnight
- II. ROLL CALL
- III. APPROVAL OF MINUTES - March 17, 2009
- IV. NEW BUSINESS

REZONINGS

- 1. Ordinance requested by H. M. Wilson Development, LLC to rezone 14.787 acres located 1,300± feet west of Allen Road between Teakwood Subdivision and Woodridge Commercial/Industrial Park from R9S (Residential-Single-family [Medium Density]) to R6 (Residential [High Density Multi-family]).
- 2. Ordinance requested by University Medical Park North, LLC to rezone 17.6 acres located 600± feet north of West Fifth Street between Treybrooke and Moyewood Apartments from MR (Medical-Residential [High Density Multi-family]) to MO (Medical-Office.)

PRELIMINARY PLATS

- 3. Request by HM Wilson Development, LLC for a preliminary plat entitled "Allen Ridge, Revision of Section 3, Phases 1-3 & Section 4". The property is located west of Allen Road. The property is bound by Allen Ridge, Section 1 and 2 to the east, Woodridge Corporate Park to the north and Teakwood to the south. The proposed development consists of 128 lots on 62.218 acres.

LAND USE PLAN MAP AMENDMENTS

- 4. Ordinance requested by the Lampe Company, Incorporated to amend the Future Land Use Plan Map for the area described as being located at the northeast corner of the intersection of

Arlington Boulevard and the Seaboard Coastline Railroad from an "Office/Institutional/ Multi-family" category to a "Commercial" category.

OTHER

5. Request by the City of Greenville Public Works Department- Engineering Division to change the street name for Hooker Road Extension to Convention Center Drive.

V. OTHER ITEMS OF BUSINESS

6. City Council Action-April 6th and 9th, 2009

VI. ADJOURN



City of Greenville, North Carolina

Meeting Date: 4/21/2009
Time: 6:30 PM

Title of Item: March 17, 2009

Explanation: Minutes from March 17, 2009 Planning and Zoning Commission

Fiscal Note: N/A

Recommendation: Approval

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[📎 March 2009 Planning and Zoning Minutes 818191](#)

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

March 17, 2009

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

Mr. Bill Lehman - *
Mr. Bob Ramey - * Mr. Dave Gordon - *
Mr. Tony Parker - * Mr. Tim Randall - *
Mr. Don Baker – X Mr. James Wilson - *
Mr. Len Tozer - * Mr. Godfrey Bell, Sr. - *
Ms. Shelley Basnight-* Mr. Hap Maxwell - *
Mr. Allen Thomas - *

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

VOTING MEMBERS: Lehman, Ramey, Gordon, Randall, Wilson, Tozer, Bell, Basnight, Thomas

PLANNING STAFF: Harry Hamilton, Chief Planner; Merrill Flood, Director of Community Development; Chantae Gooby, Planner; and Sarah Radcliff, Secretary.

OTHERS PRESENT: Dave Holec, City Attorney, Daryl Vreeland, Transportation Planner, Tim Corley, Engineer, Jonathan Edwards, Communication Technician

MINUTES: Motion was made by Mr. Tozer, seconded by Mr. Wilson, to accept the February 17, 2009 minutes as presented. Motion carried unanimously.

REZONING

Request by Cellco Partnership dba Verizon Wireless

Ordinance requested by Cellco Partnership dba Verizon Wireless to rezone 4.92± acres located north of West Fifth Street and 800± feet west of Paladin Place Subdivision from MRS (Medical-Residential Single-family) to OR (Office-Residential [High Density Multi-family]).

Ms. Chantae Gooby stated the rezoning was located in the northwest section of the city, just north of West Fifth Street and east of Paladin Place duplexes. Ms. Gooby stated the applicants indicated their desire to locate a cell tower on the property. There is a 20-foot easement that allows for access from West Fifth Street to the proposed cell tower location. The surrounding property is mainly vacant with some single-family homes scattered in the area. The proposed rezoning will have minimal impact on West Fifth Street; therefore, a traffic analysis was not performed. West Fifth Street is considered a gateway corridor. The Land Use Plan recommends office/institutional/multi-family (OIMF) along the northern right-of-way of West Fifth Street between Schoolhouse Branch and Harris Mill Run and high density residential (HDR) in the interior areas. There is conservation/openspace (COS) is recommended along Harris Mill Run and transitioning toward the

Tar River. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan, the Medical District Land Use Plan Update, and the Future Land Use Plan Map.

Lisa Good, Pennington Law Firm spoke in favor of the request on behalf of the applicant.

No one spoke in opposition.

Motion was made by Mr. Bell, seconded by Mr. Ramey 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 carried unanimously.

TEXT AMENDMENT

Consideration of an ordinance to amend the zoning regulations to establish a dining and entertainment establishment use and associated standards.

Mr. Harry Hamilton, Chief Planner, gave the presentation. Mr. Hamilton said that City Council, at their February 12, 2009 meeting, elected to continue the Jeremy Spengeman request to amend the definition of conventional restaurant to reduce the percentage of food sales requirement for restaurants, and initiate an amendment establishing a dining and entertainment use option and associated standards. Per City Council direction, Staff has been instructed to develop a dining and entertainment establishment ordinance that accomplishes three main objectives: establishment of compromise and common ground between the competing interests of the Unk's business and the residential neighborhood; insures the viability of the Unk's business and; protection of the neighborhood's residential interests through mitigation of incompatible attributes. The Planning and Zoning Commission may after review and consideration either recommend approval of the draft ordinance, recommend approval of the draft ordinance with recommended amendments, recommend denial of the draft ordinance, or continue the item for further study. Staff mailed a copy of the draft ordinance to the neighborhood associations currently on file with the Planning Office, the Chamber of Commerce and Mr. Spengeman's attorney (Mr. Phil Dixon). Written comments were received from the Tar River-University Assn. (TRUNA), Elmhurst-Englewood Assn., and Mr. Dixon, and were included in the agenda materials. An additional letter from TRUNA (dated 3/14/09) was mailed by TRUNA under separate cover and given to you tonight.

Mr. Hamilton stated the draft ordinance includes the following:

(1) A (new) definition for "dining and entertainment establishment" including a minimum food sales requirement of 30% of total sales.

There are 3 types of uses that serve food and/or beverages: restaurants, dining and entertainment establishments (new), and public/private clubs. Minimum food sales requirement (% of total sales) is: Restaurants – 51 %, Dining and Entertainment Establishments – 30 % and Public/Private Clubs – 0 %.

Mr. Hamilton said alcoholic beverages do not qualify as food and a cover charge does not constitute sales.

(2) Amended definitions for conventional and fast food restaurants to include a clause for determining the portion of sales that can be attributed to the sale of food. The 50% minimum food sales requirement for all "restaurants" is maintained.

(3) Special use permit criteria for those cases where a dining and entertainment establishment is subject to special use permit approval of the Board of Adjustment.

There are 11 special use permit criteria:

(1) a revocation clause for noncompliance with standards and conditions,

(2) an annual staff review report requirement,

(3) permit rehearing procedures,

(4) trash and litter disposal requirements,

(5) a business transfer notice requirement,

(6) cover charge allowance and without date/time limitations,

special use permit criteria continued:

(7) date/time limitations for amplified audio entertainment,

(8) a minimum food sales (30% rule) requirement,

(9) a one year food sales records retention requirement,

(10) an exterior lighting plan requirement, and

(11) a parking plan requirement

Mr. Hamilton said the Board of Adjustment may also impose additional site specific conditions on the use when such conditions are determined to be necessary in order for the board to find in favor of the application.

(4) Ordinance imposed criteria for those cases where a dining and entertainment establishment is a permitted (by-right) use and is not subject to approval of the Board of Adjustment – includes all criteria except those concerning special use permit review and approval.

(5) An amended definition of “outdoor activities” to include amplified outdoor audio sound. The amended “outdoor activities” definition will also continue to apply to all restaurants as well as dining and entertainment establishments.

(6) A new section requiring all restaurants to maintain food sales records for one year.

(7) An amended public/private club parking standard to delete the employee based parking requirement – parking to be based on defined (measurable) activity area.

(8) A dining and entertainment establishment parking requirement – same as public/private clubs.

(9) Table of use listing for dining and entertainment establishment. This includes all districts that currently allow restaurants. Proposed as a permitted use, by-right in the following districts: General

Commercial (CG), Heavy Commercial (CH), Unoffensive Industry (IU), Industry (I), Planned Unoffensive Industry (PIU), and Planned Industry (PI). Proposed as a special use, Board of Adjustment approval required, in the following districts: Medical-Support (MS), Medical-Office (MO), Medical-General Commercial (MCG), Medical-Heavy Commercial (MCH), Office-Residential (OR), Downtown Commercial (CD), Commercial Downtown Fringe (CDF), and Neighborhood Commercial (CN).

Mr. Hamilton said the proposed ordinance would allow dining and entertainment in the same zones as restaurants, though in some zones the proposed use will be subject to special use permit approval. For comparison, public and private clubs are restricted to four commercial districts – CD, CDF, CG and CH. Mr. Hamilton said any restaurant located in any of those four zones could apply for a special use permit to operate as a public/private club at this time. The CN district is one of the districts requiring a special use permit for dining and entertainment. Mr. Hamilton said the CN district is the most restrictive, non-residential commercial zone and there are very few in the city. He stated the only CN zone that does not abut a thoroughfare street is the one in Tar River neighborhood area. That particular CN district is the only one that is located on a minor residential street and completely surrounded by a neighborhood.

(10) A dining and entertainment establishment is proposed as a class 4 use for bufferyard setback and screening purposes – same as required for a public/private club.

(11) Establishes a maximum mechanically condition floor area requirement of 7,000 square feet for dining and entertainment establishments located in a CN district. This limits the size of the establishment. For reference, Unk's has 6,887 square feet of total mechanically conditioned floor area as indicated by the Pitt County property tax information. Christy's Euro Pub has 1,134 square feet of mechanically conditioned floor area.

(12) Establishes a minimum separation requirement of 200 feet between dining and entertainment establishments located in a CN district as measured from the nearest lot line. This will limit impactation of the subject use in any CN district. For reference, the Unk's property boundary and the Christy's Euro Pub property boundary are separated by 242 feet.

(13) Allows an admission charge (cover) during any period of operation. This will allow the operator of a dining and entertainment establishment to charge a cover during all regular business days and makes allowance for special events (i.e. comedy night, etc.) during weekdays to compensate for an earlier cut-off time for amplified audio entertainment (i.e. 11:00 PM cut-off for Sunday through Thursday).

(14) Clarifies the meaning of amplified audio entertainment to specifically not include: televisions operating with no amplification other than their internal speakers, or televisions connected to a master sound system operating at low amplification and indoor background music system operating at a low amplification and not intended as a principal form of entertainment or indoor background music operating at low amplification and not intended as a principal form of entertainment.

(15) Establishes an 11:00 PM cut-off for amplified audio entertainment for the period Sunday through Thursday, except as further specified for the “special period of operation”. This will minimize adverse activity commonly associated with larger crowds exiting such establishments on week (work) days at late night hours.

(16) Establishes a 2:00 AM cut-off for amplified audio entertainment on Friday and Saturday. This will allow a dining and entertainment establishment to operate as a “place of entertainment” on a limited basis, provided however such extended hours of entertainment (i.e. from 11:00 PM to 2:00 PM) will require qualified outside security personnel proportionate to the maximum occupancy of the establishment.

(17) Extends the amplified audio entertainment cut-off to 2:00 AM for the “special period of operation” – December 31st (New Years Eve). This will allow entertainment past midnight as is common for restaurants and similar uses on this day.

(18) Establishes the earliest time permitted for amplified audio entertainment on any day at 11:00 AM. This will allow entertainment activities to begin at a reasonable time in the morning while allowing church services to beginning at typical worship hours at the Unk’s establishment, an existing church use on Sunday morning.

(19) Establishes a security requirement, (i.e. a minimum number of outside security personnel). This applies to all dining and entertainment establishments that are located within 500 feet of a residential zoning district when the establishment provides or utilizes amplified audio entertainment after 11:00 PM on any day. This is designed to minimize secondary impacts, such as noisy patrons in the parking lot, when the establishment is open late hours.

(20) Establishes a security personnel requirement for dining and entertainment establishments that are subject to the security requirement: If the maximum occupancy limit is less than 50 persons, no outside security officer is required. If the maximum occupancy limit is 50 or more persons but less than 200, one outside security officer is required. If the maximum occupancy is 200 or more persons, two outside security officers are required. The security requirement is designed to require qualified outside security personnel in proportion to the maximum number of persons permitted to occupy the building as determined by the building inspector. Qualified security personnel shall be either uniformed off-duty law enforcement officers, or uniformed security guards provided by a security guard and control profession licensed in accordance with the provisions of Chapter 74C of the North Carolina General Statutes. The security personnel are to patrol the parking lot, and to disperse the crowd, and to direct traffic during the period 11:00 PM to the close of business and later to such time that all patrons and other persons, other than employees, have vacated the premises and associated parking area. The required security personnel shall remain on duty and visible outside the establishment, and shall be accessible to law enforcement officers at all times. This requirement shall apply regardless of the number of patrons actually within the establishment at the time of amplified audio entertainment.

In summary, the Planning and Zoning Commission may recommend approval of the draft ordinance, recommend approval of the draft ordinance with recommended amendments, recommend denial of

the draft ordinance, or continue the item for further study. If the item is continued, the P&Z must take action on the item within 65 days of initial consideration (at or before the May 19th P&Z meeting) or the item will be deemed to be recommended for approval and will be subsequently forwarded to City Council for final action.

Mr. Hamilton reminded the Commission that the three main objectives of City Council are: to seek compromise between the competing interests; the viability of the Unk's business; and to mitigate possible incompatible attributes of the proposed use.

The draft ordinance represents staff's recommendation after considering all comments received from interested persons, and City Council objectives.

Mr. Ramey asked if TRUNA agreed with the ordinance.

Mr. Hamilton stated it would be best if someone from their association answered that question. He said the additional letter the commissioners received from TRUNA was a summary of TRUNA's opinion of the ordinance.

Mr. Ramey asked if the ordinance was approved by the P&Z, BOA and City Council if that kind of establishment could be put in any area of the city.

Mr. Hamilton said as proposed a dining and entertaining establishment would be allowed wherever a restaurant was allowed as either a permitted or a special use.

Mr. Bell asked if the city had any feedback from areas other than Unk's and TRUNA.

Mr. Hamilton said they had received a letter from the Elmhurst/Englewood Neighborhood Association, which was included in the agenda materials.

Mr. Maxwell asked what the occupancy was for Unk's.

Mr. Hamilton said it was in excess of 200, so it would require two security officers.

Mr. Spengeman said the Unk's building occupancy was 295.

Mr. Randall stated Unk's had concerns with basing the number of security guards on the maximum occupancy rather than the actual occupancy at any time and asked how the city came up with that.

Mr. Hamilton said staff felt that a requirement based on the number of people in the building at any particular time was unenforceable. He said it was not possible for staff to determine or know the number of people that were going to be in an establishment at any given time, therefore staff recommends the requirement be based on maximum building occupancy as established in advance by the building inspector, a known number.

Mr. Parker asked if there was currently a time for music to be turned off for restaurants that offered that.

Mr. Hamilton said as long as the business is operating with more than 51% sales of food and not charging a cover, they would not end up in this situation.

Mr. Randall stated the 51% rule would stay in effect for restaurants. He asked if that issue was being addressed since the state had the 30% rule and the City of Greenville has the 51% rule.

Mr. Hamilton said there wasn't a proposal to change that, other than the original request by Mr. Spengeman, which has been tabled until a decision is made on the new ordinance. He said he would assume if this ordinance was passed, that request would be withdrawn or action taken to deny it.

Mr. Randall said there were currently restaurants that established parking based on the number of employees and asked if they would be affected by the new ordinance, which bases parking on floor area.

Mr. Hamilton said parking regulation is not a science and is very subjective, and parking standards were already based on activity area, that basing parking requirements on the number of employees was not effective or practical.

Mr. Parker asked if any restaurant could apply for a special use permit for a dining and entertainment use if the ordinance was passed.

Mr. Hamilton said yes and that any restaurant located in one of the four zones that allow special use application for public/private clubs could already make application under that category. He said dining and entertainment would be permitted by right in several other zones, but they would have to operate under the new requirements.

Mr. Randall said TRUNA's letter mentioned additional holidays and asked if there were any provisions in the ordinance for holidays other than New Year's Eve.

Mr. Hamilton said the logic behind the New Year's Eve holiday is that the day after the celebration is traditionally not a work day. It is also a secular holiday universally observed. Staff felt that if you include religious or cultural holidays there may be no limit on the number of days proposed for this purpose.

Mr. Randall said he thought some other holidays should be included.

Mr. Jeremy Spengeman spoke in favor of the request on behalf of Unk's Restaurant. Mr. Spengeman said he supported 95% of the City's proposal and could continue to maintain his business at a break even point with the way the ordinance was written; however he did have a couple of requested changes. He would like for only one off-duty officer to be required on nights where amplified audio is allowed after a certain time. Second, he would like amplified audio to be allowed until 12 am Monday through Thursday. He stated the NC ABC attorneys insist the city ordinance is in direct

violation with the state statute, as the 30% food sales requirement of the state supersedes local zoning ordinance. He said without a compromise the city would be forced to take Unk's and other businesses in violation of the current ordinance to Superior Court, as the state statute allows these businesses to continue operation as restaurants. He said he had invited the members of TRUNA to his restaurant for dinner to discuss how Unk's could be a better neighborhood member and his offer was never accepted. He felt TRUNA did not want to compromise and would not be satisfied until he was put out of business. He said Unk's was the only business in the area that provided a lit parking lot as well as lighting on all three open sides of the building. He stated TRUNA did not represent the neighborhood, only about 5% of the neighborhood. He said, based on a survey submitted by the city, that only 60% of owner occupied households and 15% of renter occupied households know that TRUNA exists. He said of those replying to the survey that 73% of the homeowners were over 45 years of age, while 75% of the renters were 45 or younger, with more than 65% of both groups planning on being in their current home for at least three years. He said TRUNA represents only 10 rental property households in an area that is 65% renter occupied. He said the closest TRUNA representative that has spoken against his case lives 6 blocks away from Unk's, approximately ½ mile.

Mr. Randall asked how he felt they could enforce the number of security officers based on actual occupancy, rather than maximum occupancy as proposed.

Mr. Spengeman said it could be predicted by the establishment based on and past experience. He said he had contacted the Pitt County Sheriff's Office regarding off-duty officers and the rate was \$30/hour. He said if one officer was there, others could be called for back up if necessary and if they predicted a larger crowd, two would be hired in advance.

Ms. Basnight asked if he currently had security guards.

Mr. Spengeman said he had his own employees that served as guards. The ordinance says he would have to hire off-duty police officers or uniformed security company guards.

Mr. Maxwell asked if he had a large crowd on a night that he closed at 2 am what would be the normal amount of time it takes to get everyone out of there.

Mr. Spengeman said they want them out of there as soon as possible after 2. He said the last drink had to be finished by 2:30 and they did it by 2:15 and tried to disperse the crowd as quickly as possible. He said he would have the outside security officer there until 3.

Ms. Basnight asked if they had entertainment every night.

Mr. Spengeman said he currently had karaoke on Wednesday night and live entertainment on Friday. He said in the past they had live music on Tuesday, karaoke on Wednesday, and entertainment on Friday and Saturday.

Mr. Thomas asked what his pattern of occupancy had been.

Mr. Spengeman said with the way the proposal was written, during the week he would have to end the music by 11. He said he would not have to have outside security personnel in that case. He said the past Friday night was fairly busy with approximately 150 people.

Mr. Phil Dixon, attorney, spoke in favor of the request. He said Mr. Spengeman received his first city citation in three years for not meeting the 50% rule. Mr. Dixon said they felt there was preemption by the State ABC rule and felt there had been selective enforcement. He said selective enforcement was no one's fault; it was just simply not having the data readily available. Mr. Dixon said the City's proposal was a compromise between Unk's and TRUNA. He said neighborhood commercial was the only zoning district that did not allow them to apply for a special use permit under the current rule concerning public clubs. He said they would like to be able to have amplified music until 12 am Monday through Thursday and base the number of security guards on actual occupancy at the time of the music.

Mr. Randall asked Mr. Dixon what things he felt were unfair.

Mr. Dixon said having no amplified music after 11 was not viable, but midnight would work. He said they would also like to have Halloween along with New Year's Eve. He also felt there was an issue with the number of security personnel required.

Mr. Thomas asked if they would be charging a cover.

Mr. Dixon said that was a big concession by the city and would help them a lot.

Mr. Thomas said that would also give them a way to have a head count.

Mr. Dixon said based on his experience, Mr. Spengeman could get a good idea of what kind of crowd he would have.

Mr. Bell asked if he agreed with the determination that accounts for the actual percentage of food sales.

Mr. Dixon said under the new ordinance the 30% rule applied, which was the State's rule, and they had never had any problem with that.

Alex Thorpe spoke in favor of the request. He said his home faced City Market and the City Market parking lot. He said he had lived there for the past 10 years and had no problem with Unk's.

Mr. Chris Mansfield, president of Tar River University Neighborhood Association (TRUNA), spoke in opposition to the request. Mr. Mansfield said TRUNA was not opposed to commerce in a neighborhood commercial zone. He said they were not opposed to bars, night clubs, or restaurants that have live music. He said the neighborhood commercial zone was to accommodate convenient shopping facilities consisting primarily of necessary good and personal services required to serve the neighborhood. Mr. Mansfield said they feel the hours should be more restricted on Fridays and Saturdays than what is proposed in the ordinance.

Mr. John Gresham spoke in opposition to the request. He asked the commission to not allow a night club to operate in their neighborhood. He said he had met with Mr. Spengeman and believed he had a good establishment, but it was not in the right location. He said a review of the City of Greenville's police call report showed calls for assistance in the Jarvis Street area are over 300 per year with almost 30% were specifically to the Unk's address. He said the neighborhood traffic patterns, sidewalks and street lights were not adequate for almost 300 patrons to safely and quietly leave a night club in this area. He said if the Commission considers the draft as is, he hoped they would pay special attention to limiting the number of patrons and the hours of operation that would maintain the neighborhood environment.

Mr. Andrew Morehead spoke in opposition to the request. Mr. Morehead said he was concerned that having a place that occupies up to 300 people was just inviting criminals into the neighborhood. His concern was for those people that weren't in the immediate area of the club not having enough security. He said not having access to a major thoroughfare also limited the availability of officers.

Mr. Randall stated attributing crime in the area to the people leaving Unk's did not seem fair.

Mr. Morehead said having an island such as Unk's in the middle of a neighborhood area allowed it to be a point of circulation.

Mr. Ramey asked Mr. Morehead if he thought the current economy would worsen crime in the area.

Mr. Morehead said he felt crime would worsen in all of Greenville, not just their neighborhood.

Mr. Bell asked what TRUNA was doing to involve the college students to be a part of their association.

Mr. Morehead said they had previously had people from student life, the neighborhood coalition and had participated in outreach activities. He said there was a new group of kids moving in every year. He said many of them were faculty members or retired faculty members and enjoy being around students and they care about them.

Mr. Maury York spoke in opposition to the request. Mr. York said the Board of Adjustment was very reluctant to put a business out of business and someone who complained about a business had to have very thorough documentation of how the business was not in compliance before the Board would take action. He said when conditions are placed on businesses; the BOA doesn't take very seriously checking up on whether the conditions are being adhered to.

Mr. Phil Dixon spoke in favor in rebuttal. He said the BOA was a quasi-judicial body that required evidence like a court of law and should require substantial evidence to shut down a business. He said they required an annual review of the special use permits and it could be brought back before the BOA at any time. Mr. Dixon said the city had several ways to keep control of the situation. He said it would have been much simpler for Mr. Spengeman to go to Superior Court and have the judge

uphold the ABC rule; however he chose to compromise with the city and an ordinance that had many stipulations and requirements.

Mr. Randall asked if he was to go to Superior Court and have the 30% rule applied if it would be applicable to all restaurants in Greenville.

Mr. Dixon said it would.

Mr. Wilson asked if the case went to Superior Court, how long it would take to resolve.

Mr. Dixon said he had two recent cases in Superior Court; one took 8 months and the other almost 2 years.

Mr. Chris Mansfield spoke in opposition in rebuttal. He said the Commission should not assume that any of the proponents or opponents are right on all points of fact or law. He said for the cities that have the 30% rule, he wondered if they had night clubs in residential neighborhoods. He said if they were meeting the 30% rule at a high volume, it just meant it was a large bar. He asked the Commissioners to compare Mr. Spengeman's investment in his business to the investments the individuals of the neighborhood had put into improving their homes and property.

Mr. Ramey asked if he agreed with the City's ordinance.

Mr. Mansfield said their problem is that it did not restrict the hours of operation sufficiently. He said they wanted it to stay at 11 during the week and no later than midnight on Friday and Saturday. He said they would also like for the total number of patrons to be limited.

Mr. Randall asked if he meant close the business at 11 or amplified music at 11.

Mr. Mansfield said they were essentially the same. The patrons attend the business to listen to the music.

Mr. Randall stated that Mr. Mansfield had said the noise from the music was very well contained.

Mr. Mansfield said it was not a noise issue; it was that the music that brought the patrons, thus the crime.

Mr. Lehman closed the public hearing and asked staff to redisplay the three options the commission had.

Mr. Ramey stated they did not want to put anyone out of business and did not want to see the city, citizens or the business injured. He suggested they study the matter for another 30 days.

Mr. Lehman asked how he thought that would make a difference.

Mr. Ramey said if the board could get together and have a private discussion they might be able to come to an agreement.

Mr. Holec stated there was an Open Meetings Law and they could not meet in private without the public being made aware of it.

Mr. Bell said he felt there had been enough discussion and felt they should move on the issue.

Mr. Maxwell said this was the only neighborhood commercial area in the city that was not on a thoroughfare and with the facility being able to handle close to 300 people he felt it was the wrong location for a facility of this size.

Mr. Thomas asked if he was aware of any other area that this would apply to.

Mr. Maxwell said according to Mr. Hamilton it could be in a lot of places.

Mr. Bell said of the 22,500 students that attend ECU, about 200 of them probably go to Unk's on a weekly basis and they had not received any input from them. He felt it provided convenience for the students and was better than them going across town and getting a DWI.

Mr. Tozer said it was important to remember that they do not have the final say, they can only make a recommendation to City Council. He said it appeared they had reached a compromise and would recommend they send it to City Council.

Mr. Randall agreed and said the City had done a good job with the ordinance; however he felt a couple of amendments were needed.

Motion was made by Mr. Tozer, seconded by Mr. Gordon, 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.

A motion for an amendment to the motion was made by Mr. Randall, seconded by Mr. Bell, to (1) allow five days, as determined by the owner, as holidays that would occur on the eve of a holiday, or the day of a holiday and (2) make the requirement for security officers to be one security officer when the actual occupancy is 150 patrons or less, two security officers for 151-300 patrons and three security officers for 301 or more patrons.

James Wilson, Godfrey Bell, Allen Thomas and Tim Randall voted in favor. Bob Ramey, Shelley Basnight, Len Tozer and Dave Gordon voted in opposition. Bill Lehman cast the vote to break the tie in favor of the motion.

All Commission members then voted unanimously in favor to pass the original motion to recommend approval of the amendment with the recommended changes.

PLAN AMENDMENT

Ordinance amending Horizons: Greenville's Community Plan to incorporate by reference the Tar River/University Area Neighborhood Report and Plan.

Ms. Gooby explained that several years ago City Council established the Task Force on Preservation of Neighborhoods and Housing (TFPNH) and one of their charges was to propose changes that would enhance neighborhoods. TFPNH made one of their strategies to develop and adopt neighborhood plans. The purpose of the plans was to act as a guide for policy and investment decisions in older, established neighborhoods. One of City Council's goals is to "Emphasize the importance of neighborhood stabilization and revitalization". Ms. Gooby stated the plans were a joint effort between the City, GUC and the residents and owners in the neighborhood. Staff mailed surveys to property owners and rental households. Staff held a neighborhood meeting on March 5, 2008 at Sheppard Memorial Library to solicit comments and input. Neighborhood Plan projects are to be completed in accordance with program schedule and funding availability to be determined at a later date.

Ms. Gooby stated the neighborhood was centrally located in the city, and specifically south of the Tar River, west of the Uptown area, north of ECU and Tenth Street and west of Greenwood Cemetery. The plans take a comprehensive view of the neighborhood, such as transportation, storm drainage, health and life safety, etc... Ms. Gooby showed a map illustrating access routes for emergency vehicles for neighborhood as well as fire hydrant locations. Staff also checked to make sure E-911 addresses were properly displayed. Approximately 18% of the neighborhood did not have their E-911 address properly displayed. Another aspect that was reviewed by staff was the amount of rental verses owner-occupied dwellings. About 35% of single-family homes are owner-occupied with about 65% being rental properties. Ms. Gooby stated staff did a 12 month review of code enforcement activities in the neighborhood that showed specifically what actions were taken and where.

Ms. Gooby explained the goal of the plan is to create, maintain and enhance a sustainable neighborhood. The objective is to identify by analysis and citizen input, the strengths and weaknesses of neighborhood issues affecting sustainability and to create broad support for recommended improvement strategies. There are two basic types of strategies: policy and capital. Ms. Gooby explained that the items on the plan were formulated by City staff, input received at the neighborhood meeting, completed surveys, and TRUNA. Ms. Gooby briefly summarized the items on the plan and explained that City Council approval of the report and plan would still require City Council and budgetary consideration of the items listed on the plan.

Mr. Thomas asked about the lack of parking in the neighborhood for ECU students and visitors.

Ms. Gooby said that TRUNA requested for the City to modify its residential parking rules to allow for more on-street parking for owners and residents on certain streets near ECU because there is competition with students and visitors.

Mr. Chris Mansfield, President of TRUNA, spoke in favor of the request.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Thomas, 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 carried unanimously.

There being no other business, the meeting adjourned at 8:42 p.m.

Respectfully submitted,

Merrill Flood
Secretary



City of Greenville, North Carolina

Meeting Date: 4/21/2009
Time: 6:30 PM

Title of Item: Ordinance requested by H. M. Wilson Development, LLC to rezone 14.787 acres located 1,300± feet west of Allen Road between Teakwood Subdivision and Woodridge Commercial/Industrial Park from R9S (Residential-Single-family [Medium Density]) to R6 (Residential [High Density Multi-family]).

Explanation:

Required Notices:

Planning and Zoning meeting notice (adjoining property owner letters) mailed on April 6, 2009.

On-site sign(s) posted on April 6, 2009.

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

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

Comprehensive Plan:

The subject property is located in Vision Area F.

Allen Road is considered a "residential" corridor from its intersection with Dickinson Avenue to the Norfolk Southern Railroad. Residential corridors are preferred to accommodate lower intensity residential uses. Along residential corridors, office, service, and retail activities should be specifically restricted to the associated focus area and linear expansion outside of the focus area should be prohibited.

The Future Land Use Plan Map recommends medium density residential (MDR) for the single-family areas west of Allen Road (centered on Teakwood Subdivision) transitioning to industrial (I) (centered on Woodridge Commercial/Industrial Park) to the north and including and office/institutional/multi-family (OIMF) buffer.

The Comprehensive Plan specifically states that, "... all of the industrial areas indicated on the Land Use Plan Map have been buffered with either office,

institutional and multi-family or conservation/open space land uses. Buffering has been provided to help prevent land use conflicts between industrial developments and neighboring land uses."

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

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1,395 trips to and from the site on Allen Road, which is a net increase of 974 additional trips per day.

During the review process, measures to mitigate traffic will be determined. These measures may include turn land modifications on Allen Road. Access to the tract from Allen Road will be reviewed.

History Background:

In 2001, the subject property was zoned OR (Office-Residential [High Density Multi-family]) as part of a 275-acre extra-territorial jurisdiction (ETJ) extension. In 2006, the subject property was rezoned to R9S (single-family only).

Present Land Use:

The subject property is included on the revised (proposed) Allen Ridge preliminary plat that is also being considered by the Planning and Zoning Commission (4/21/09).

Water/Sewer:

Water and sanitary service are available to the property.

Historic Sites:

There are no known effect on historic sites.

Environmental Conditions/Constraints:

There are no known environmental constraints.

Surrounding Land Uses and Zoning:

North: OR - Allen Ridge Subdivision (duplexes and common storm water detention facility)

South: R9S - Allen Ridge Subdivision (single-family)

East: OR - Allen Ridge Subdivision (duplexes)

West: R9S - Allen Ridge Subdivision (single-family)

Density Estimates:

The proposed revised preliminary plat (Allen Ridge) does not change the number

of lots in the rezoning area, but does increase the number of lots in the area north of the proposed rezoning.

Under the proposed zoning (R6), staff would anticipate the site to yield 44 single-family/duplex lots as shown on the revised preliminary plat.

It should be noted that the preliminary plat lots may, if the property is rezoned to R6, be combined to form larger multi-family building sites. Under the proposed zoning (R6), future combined lots may yield up to 17 dwelling units (maximum) per net acre. Typical suburban multi-family development would be 12 to 14 dwellings per acre.

Additional Staff Comments:

At the time of the ETJ Extension in 2001, the Woodridge Corporate Park was zoned IU (Unoffensive Industry) and a narrow strip (1-lot depth) immediately north of the Teakwood Subdivision was zoned R9S (single-family only). The R9S strip (1-lot depth) immediately north of Teakwood was requested by the neighborhood residents to provide a buffer between the existing Teakwood single-family homes and the future and anticipated duplex and multi-family units anticipated in the OR-zoned portion adjacent to Woodridge Corporate Park. The intervening OR area was established as a transition buffer between the IU zoning and the existing and anticipated single-family residential areas.

Since 2004, a portion of the intervening OR-zoned area (subject request area) was rezoned to R9S (single-family only) at the request of the property owner.

Single-family dwellings, duplex and/or multi-family development are permitted uses within the proposed R6 district.

Fiscal Note:

No cost to the City.

Recommendation:

While in staff's opinion the requested zoning (R6) may, based on previous history, be construed to be in general compliance with Horizons: Greenville's Community Plan policies and the Future Land Use Plan Map's urban form description, it is important to note that homeowners in the commonly associated subdivision and other contiguous areas may have made their decision to invest in their properties due to their anticipation of future single-family development on the subject property, which is currently zoned single-family only.

In staff's opinion, the current zoning (R9S) is, without reservation, in general compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map. The current zoning (R9S) of the subject property is also compatible to both the zoning and land use of adjacent properties. The subject property was rezoned from office/multi-family to a single-family only

classification at the request of the property owner in advance of development of the commonly associated properties.

“General compliance with the comprehensive plan” should be construed as meaning the requested zoning is recognized as being located in a transition area and that the requested zoning (i) is currently contiguous, or is reasonably anticipated to be contiguous in the future, to specifically recommended and desirable zoning of like type, character or compatibility, (ii) is complementary with objectives specifically recommended in the Horizons Plan, (iii) is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways, and (iv) preserves the desired urban form. It is recognized that in the absence of more detailed plans, subjective decisions must be made concerning the scale, dimension, configuration and location of the requested zoning in the particular case. Staff is not recommending approval of the requested zoning; however staff does not have any specific objection to the requested zoning.

Note: In addition to 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 Chart and Residential Density Chart](#)
 - [📎 Rezoning_case_09_04_H.M. Wilson_Development_LLC_822857](#)
 - [📎 List_of_Uses_R9S_to_R6_691994](#)
-

Case No: 09-04

Applicant: H.M. Wilson Development, LLC

Property Information

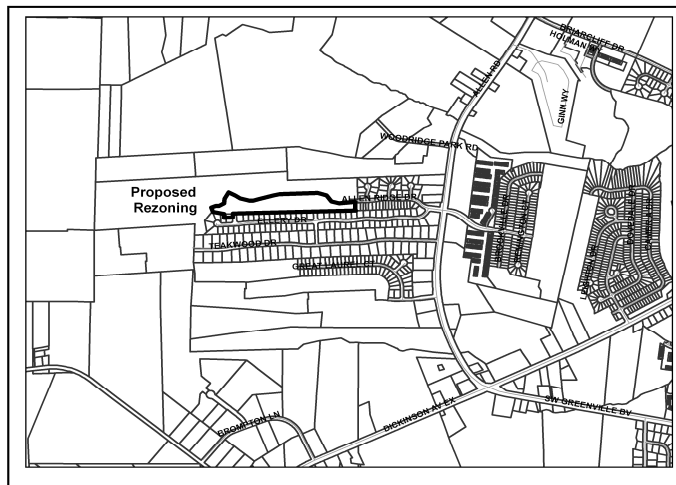
Current Zoning: R9S (Residential-Single Family, Med. Density)

Proposed Zoning: OR (Office-Residential [High-Density MF])

Current Acreage: 14.787 acres

Location: Allen Road

Points of Access: Allen Road



Location Map

Transportation Background Information

1.) Allen Road- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	2 lanes	4 lanes
Right of way width (ft)	60	90
Speed Limit (mph)	55	55
Current ADT:	13,800 (*)	Ultimate Design ADT: 35,000 vehicles/day (**)
Design ADT:	12,000 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

Other Information: There are no sidewalks along Allen Road that service this property.

Notes: (*) 2009 City of Greenville count
(**) Traffic volume based an operating Level of Service D for existing geometric conditions
ADT – Average Daily Traffic volume

Transportation Improvement Program Status: From Priority List (currently unfunded): Widen existing two and three lane roadway to multi-lane urban section facility with sidewalk, bicycle, and landscaping improvements from Stantonsburg Road to US-13.

Trips generated by proposed use/change

Current Zoning: 421 -vehicle trips/day (*) **Proposed Zoning:** 1,395 -vehicle trips/day (*)

Estimated Net Change: increase of 974 vehicle trips/day (assumes full-build out)

(* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on Allen Road are as follows:

1.) Allen Road , South of Site: **“No build” ADT of 13,800**

Estimated ADT with Proposed Zoning (full build) – 14,358
 Estimated ADT with Current Zoning (full build) – 13,968
Net ADT change = 390 (3% increase)

Case No: 09-04

Applicant: H.M. Wilson Development, LLC

2.) Allen Road , North of Site:**“No build” ADT of 13,800**

Estimated ADT with Proposed Zoning (full build) – 14,637

Estimated ADT with Current Zoning (full build) – 14,053**Net ADT change = 584 (4% increase)****Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1395 trips to and from the site on Allen Road, which is a net increase of 974 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures may include turn lane modifications on Allen Road. Access to the tract from Allen Road will be reviewed.

EXISTING ZONING

R9S (Residential-Single-Family)

Permitted Uses

(1) General:

- a. Accessory use or building
- c. On- premise signs per Article N

(2) Residential:

- a. Single-family dwelling
- f. Residential cluster development per Article M
- k. Family care 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)

(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 recreational facility

(7) Office/ Financial/ Medical:

* None

(8) Services:

- o. Church or place of worship (see also section 9-4-103)

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

- c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

R9S (Residential-Single-Family)
Special Uses

(1) General:

* None

(2) Residential:

* None

(3) Home Occupations (see all categories):

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

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- a. Golf course; regulation
- c.(1). Tennis club; indoor and outdoor facilities

(7) Office/ Financial/ Medical:

* None

(8) Services:

- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

PROPOSED ZONING

R6 (Residential)

Permitted Uses

(1) General:

- a. Accessory use or building
- c. On- premise signs per Article N

(2) Residential:

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- f. Residential cluster development per Article M
- 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)

(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 recreational facility

(7) Office/ Financial/ Medical:

* None

(8) Services:

- o. Church or place of worship (see also section 9-4-103)

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

- a. Construction office; temporary, including modular office (see also section 9-4-103)

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

R6 (Residential)
Special Uses

(1) General:

* None

(2) Residential:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity dormitory (LUI) development rating 67 per Article K
- l. Group care facility
- n. Retirement center or home
- p. Board or rooming house
- r. Fraternity or sorority house
- o.(1). Nursing, convalescent center or maternity home; minor care facility

(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:

- a. Golf course; regulation
- c.(1). Tennis club; indoor and outdoor facilities

(7) Office/ Financial/ Medical:

* None

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- m. Multi-purpose center
- t. Guest house for a college and other institutions of higher learning

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

* None

(13) Transportation:

* None

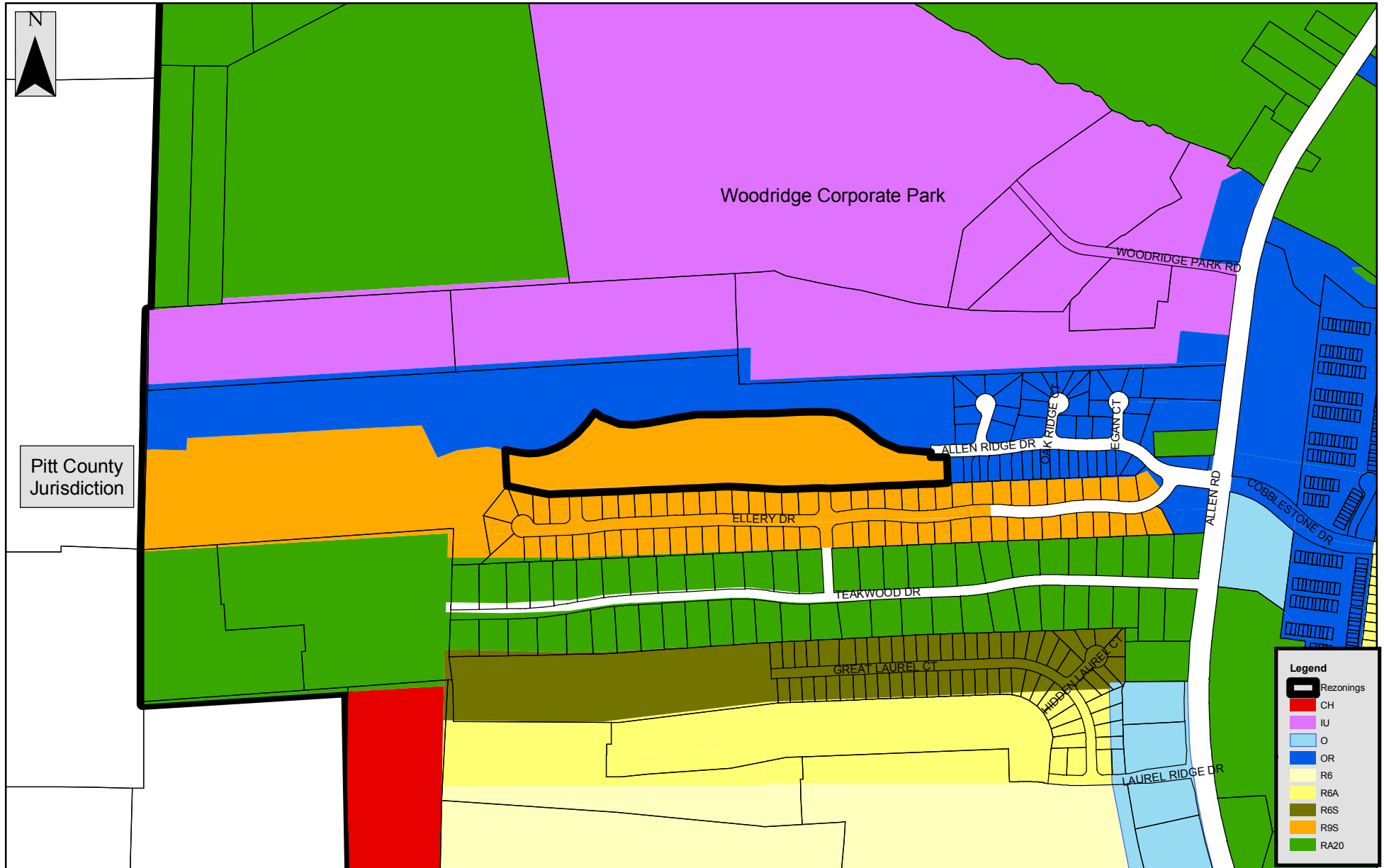
(14) Manufacturing/ Warehousing:

* None

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

* None

H. M. Wilson Development, LLC
R9S to R6
14.787 acres
March 30, 2009



LEGEND

EIP = EXISTING IRON PIPE
 R/W = RIGHT-OF-WAY
 R = RADIUS
 CH = CHORD

○ = EXISTING ZONING
 ○ = PROPOSED ZONING

CALL TABLE

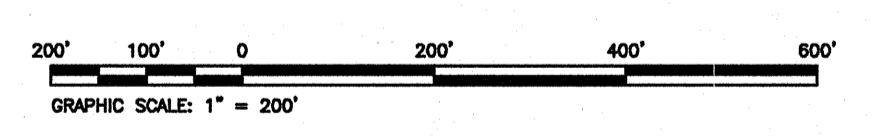
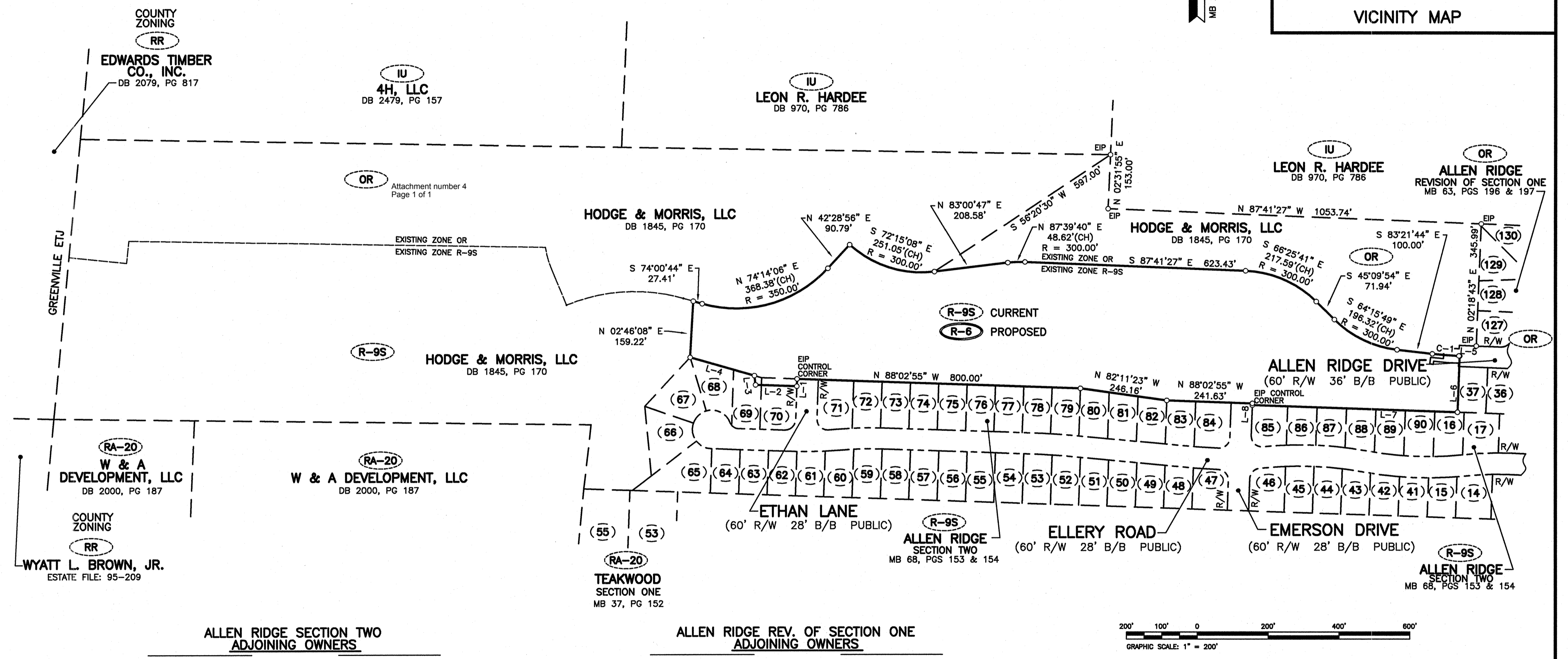
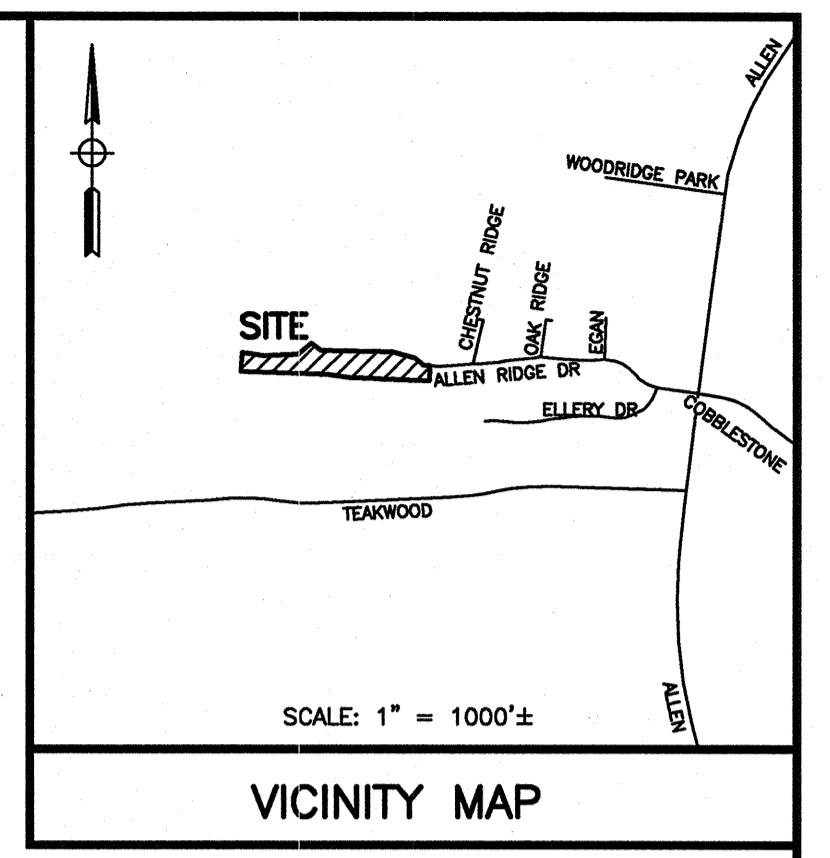
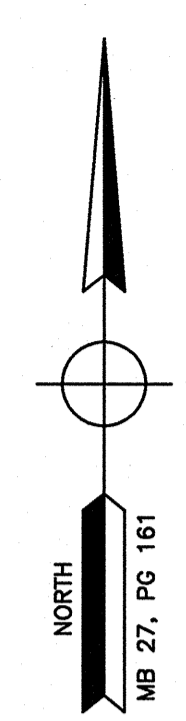
L-1	S 01°57'05" W	20.72'
L-2	N 88°02'55" W	116.67'
L-3	N 06°59'12" W	26.22'
L-4	N 74°00'44" W	188.62'
L-5	S 87°41'17" E	2.31'
L-6	S 02°18'43" W	158.60'
L-7	N 88°02'55" W	579.08'
L-8	N 01°57'05" E	4.87'

CURVE TABLE

CURVE	RADIUS	CHORD	BEARING
C-1	1,000.00'	75.48'	S 85°31'31" E

NOTES

1. THIS MAP IS A SURVEY OF ANOTHER CATEGORY.
2. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
3. REFERENCE: BEING A PORTION OF THE PROPERTY DEED BOOK 1845, PAGE 170 AND DEED BOOK 2384 PAGE 845 OF THE PITT COUNTY REGISTRY.



HM WILSON DEVELOPMENT, LLC
 1708 TRAWICK ROAD, SUITE 205
 RALEIGH, NC 27604
 LOTS 67, 68, 69, 70, 71, 72, 73, 78, 79, & 83
 DEED BOOK 2384, PG 845

ASHLEY TURNER ENTERPRISES, INC
 181 CLEVELAND CROSSING
 GARNER, NC 27529
 LOTS 74, 75, 76 & 77 DEED BOOK 2496, PAGE 530
 LOTS 80, 81 & 82 DEED BOOK 2496, PAGE 528
 LOTS 85, 86 & 87 DEED BOOK 2385, PAGE 85
 LOT 17 DEED BOOK 2384, PAGE 847

NITA N. NIMMUS
 964 ELLERY DRIVE
 GREENVILLE, NC 27834
 LOT 88 DEED BOOK 2517, PAGE 807

LATASHA V. COUNCIL
 960 ELLERY DRIVE
 GREENVILLE, NC 27834
 LOT 89 DEED BOOK 2509, PAGE 90

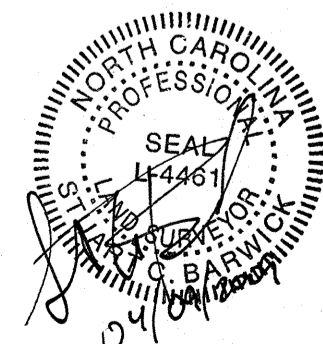
BANK OF THE OZARKS
 1051 E. MOREHEAD STREET
 CHARLOTTE, NC 28204
 LOT 90 DEED BOOK 2583, PAGE 560

ALAN R. BURKE
 131 CHARLES STREET
 JERSEY CITY, NJ 07307
 LOT 16 DEED BOOK 2482, PAGE 751

DARE VENTURES, LTD
 3115 CLEERE COURT
 GREENVILLE, NC 27858
 LOT 36B NO DEED LISTED

ACP HOLDINGS, LLC
 2825 MADISON GROVE ROAD
 GREENVILLE, NC 27858
 LOT 127 DEED BOOK 2488, PAGE 472

HODGE & MORRIS, LLC
 2825 TRAWICK ROAD, SUITE 205
 RALEIGH, NC 27604
 LOT 37 DEED BOOK 1820, PAGE 550



A PORTION OF PARCELS #20522, #75383 & #75384

REZONING MAP FOR
HM WILSON DEVELOPMENT, LLC

A PORTION OF SECTION 3, ALLEN RIDGE AND A PORTION OF LOTS 69 & 70 OF ALLEN RIDGE SECTION 2
 REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN MAP BOOK 54, PAGE 156 AND MAP BOOK 68, PAGES 153-154 OF THE PITT COUNTY REGISTRY
 GREENVILLE, ARTHUR TOWNSHIP, PITT COUNTY, N.C.

OWNER/DEVELOPER: HODGE & MORRIS, LLC	HM WILSON DEVELOPMENT, LLC
ADDRESS: 1708 TRAWICK ROAD RALEIGH, NC 27604	1708 TRAWICK ROAD RALEIGH, NC 27604
PHONE: (919) 250-6000	(919) 250-6000

SURVEYED: TS	APPROVED: SCB
DRAWN: SCB	DATE: 03/10/2009
CHECKED: SCB	SCALE: 1" = 200'

Baldwin & Janowski, P.A.
 ENGINEERING - SURVEYING - PLANNING
 1015 CONFERENCE DRIVE GREENVILLE, NC, 27858 252.756.1390

AREA TO BE REZONED: 14.787 ACRES

REVISED 04/08/2009 (CHANGED ZONING, ADDED ETJ & ADJOINERS)

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.


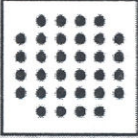
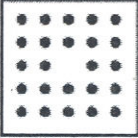
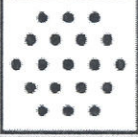

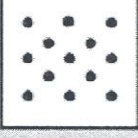
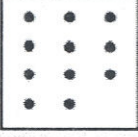
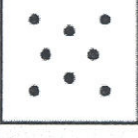
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons 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: 4/21/2009
Time: 6:30 PM

Title of Item: Ordinance requested by University Medical Park North, LLC to rezone 17.6 acres located 600± feet north of West Fifth Street between Treybrooke and Moyewood Apartments from MR (Medical-Residential [High Density Multi-family]) to MO (Medical-Office.)

Explanation:

Required Notice:

Planning and Zoning Commission meeting notice (adjoining property owner letters) was mailed on April 6, 2009.
On-site sign(s) posted on April 6, 2009.
City Council public hearing notice (adjoining property owner letters) 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 F and within the Medical District Land Use Plan Update (2008) planning area.

West Fifth Street is considered a "gateway corridor" from its intersection with Memorial Drive and continuing west. Gateway corridors serve as primary entrance ways into the City and define community character.

The Future Land Use Plan Map recommends commercial (C) north of West 5th Street at its intersection with Moye Boulevard transitioning to office (O) along the West 5th Street corridor, and high density residential (HDR) and conservation/open space (COS) in the interior areas. The recommended high density residential designations are centered on and satisfied by the existing Treybrooke and Moyewood residential areas. Further, conservation/open space (COS) is recommended along the Schoolhouse Branch (to the east) and Tar River flood plains.

The Future Land Use Plan Map identifies certain areas for conservation/open

space. The map is not meant to be dimensionally specific, and may not correspond precisely with conditions on the ground. When considering rezoning requests or other development proposals, some areas classified as conservation/open space may be determined not to contain anticipated development limitations. In such cases, the future preferred land use should be based on adjacent Future Land Use Plan designations, contextual considerations and the general policies of the comprehensive plan.

The proposed rezoning area is located outside of the flood hazard area.

In addition, a new Neighborhood Focus Area designation has been established for the area north of the intersection of West Fifth Street and Moye Boulevard, as part of the Medical District Land Use Plan Update adopted in 2008. The new focus area will facilitate additional service and retail use options in the University Medical Park North Subdivision in lieu of linear roadside (strip) development west of the intersection of Moye Boulevard. Additional commercial development along this section of West Fifth Street should be confined to the designated Neighborhood Focus Area. The subject property (being part of University Medical Park North) is considered a part of the adjacent focus area wherein higher intensity uses are encouraged.

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

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1,042 trips to and from the site on Moye Boulevard, which is a net increase of 666 additional trips per day.

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1,936 trips to and from the site on West Fifth Street, which is a net increase of 1,238 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures may include turn land modifications on West Fifth Street and may require traffic signal modifications at the signalized intersection of West Fifth Street and Moye Boulevard.

History/Background:

In 1986, the property was rezoned from R6 to MR upon the adoption of the Medical District Plan. In 1987, the property was rezoned from MR to MO. In 2002, the property was rezoned back to MR.

Present Land Use:

The subject property is part of the approved University Medical Park North Subdivision and is vacant.

Water/Sewer:

Water and sanitary sewer service are available to the site.

Historic Sites:

There is no known effect on designated sites.

Environmental Conditions/Constraints:

There are no known environmental constraints.

Surrounding Land Use and Zoning:

North: MO - Vacant (flood hazard area)

South: CG - Vacant; MO - Motel and restaurant

East: R6 - Greenville Housing Authority (Moyewood)

West: MR - Treybrooke Condominumns (456 units)

Density Estimates:

Under the current zoning (MR), the site could yield up to 279 multi-family units (1, 2, and 3 bedrooms) based on 17 units per acre. Staff would anticipate the site to yield 230 multi-family units (1, 2 and 3 bedrooms) based on similar site comparison of Treybrooke.

Under the proposed zoning (MO), staff would anticipate the site yield 157,000 square feet of office and retail services. The MO district allows a variety of professional and medical offices as well as limited retail and service uses.

Fiscal Note:

No cost to the City.

Recommendation:

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

“General compliance with the comprehensive plan” should be construed as meaning the requested zoning is recognized as being located in a transition area and that the requested zoning (i) is currently contiguous, or is reasonably anticipated to be contiguous in the future, to specifically recommended and desirable zoning of like type, character or compatibility, (ii) is complementary with objectives specifically recommended in the Horizons Plan, (iii) is not anticipated to create or have an unacceptable impact on adjacent area properties or travel ways, and (iv) preserves the desired urban form. It is recognized that in the absence of more detailed plans, subjective decisions must be made concerning the scale, dimension, configuration and location of the requested zoning in the particular case. Staff is not recommending approval of the requested zoning; however staff does not have any specific objection to the requested zoning.

Note: In addition to 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.

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Attachments / click to download

- [📎 Location Map](#)
 - [📎 Survey](#)
 - [📎 Bufferyard and Vegetation Chart and Residential Density Chart](#)
 - [📎 Rezoning_case_09_05_University_Medical_Park_North_LLC_822864](#)
 - [📎 List_of_Uses_MR_to_MO_776535](#)
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Case No: 09-05

Applicant: University Medical Park North, LLC

Property Information

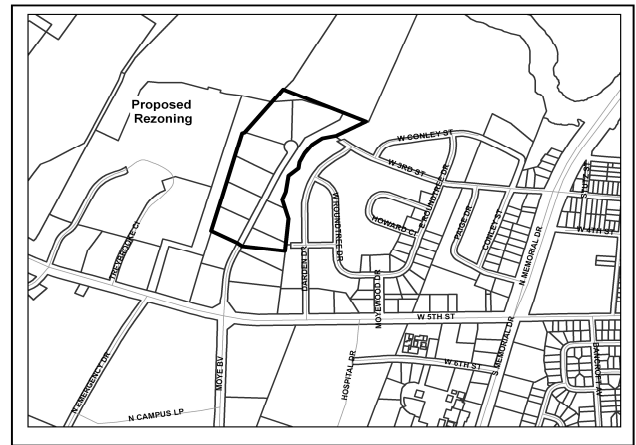
Current Zoning: MR (Medical-Residential [HDMF])

Proposed Zoning: MO (Medical-Office)

Current Acreage: 17.6 acres

Location: Moye Blvd., North of W. Fifth St.

Points of Access: Moye Blvd., W. Fifth Street



Location Map

Transportation Background Information

1.) Moye Blvd.- City maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	2-lane	Roadway segment not on Thor. Plan
Right of way width (ft)	50	50
Speed Limit (mph)	35	35
Current ADT:	7,400 (*) (South of W. Fifth St)	UltimateDesign ADT: 35,000 vehicles/day (**)
Design ADT:	33,500 (South of W. Fifth St)	(South of W. Fifth St)
Controlled Access	No	
Thoroughfare Plan Status:	Minor Thoroughfare	
Other Information:	There are sidewalks along Moye Blvd. that service this property.	

Notes: (*) 2004 NCDOT count adjusted for a 2% annual growth rate
(**) Traffic volume based an operating Level of Service D for existing geometric conditions
ADT – Average Daily Traffic volume

Transportation Improvement Program Status: No Planned Improvements.

2.) W. Fifth St.- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	4-lane	4-lane
Right of way width (ft)	100	100
Speed Limit (mph)	45	45
Current ADT:	15,625 (*)	Ultimate Design ADT: 33,500 vehicles/day (**)
Design ADT:	33,500	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	
Other Information:	There are sidewalks along W. Fifth St that service this property.	

Notes: (*) 2009 City count
(**) Traffic volume based an operating Level of Service D for existing geometric conditions
ADT – Average Daily Traffic volume

Transportation Improvement Program Status: TIP # U-5018 from NC 11 (Memorial Drive) to US 264: Widen to a 4-lane divided facility (under construction).

Trips generated by proposed use/change**Current Zoning: 1,074** -vehicle trips/day (*)**Proposed Zoning: 2,978** -vehicle trips/day (*)**Estimated Net Change: increase of 1904 vehicle trips/day (assumes full-build out)**

(*) - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

Impact on Existing Roads**The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on Moye Blvd. and W. Fifth St. are as follows:****1.) Moye Blvd., South of Site:****“No build” ADT of 7,400**

Estimated ADT with Proposed Zoning (full build) – 8,442

Estimated ADT with Current Zoning (full build) – 7,776**Net ADT change = 666 (8% increase)****2.) W. Fifth St., West of Site:****“No build” ADT of 15,625**

Estimated ADT with Proposed Zoning (full build) – 16,072

Estimated ADT with Current Zoning (full build) – 15,786**Net ADT change = 286 (2% increase)****3.) W. Fifth St., East of Site:****“No build” ADT of 15,625**

Estimated ADT with Proposed Zoning (full build) – 17,114

Estimated ADT with Current Zoning (full build) – 16,162**Net ADT change = 952 (6% increase)****Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1042 trips to and from the site on Moye Blvd., which is a net increase of 666 additional trips per day.

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1936 trips to and from the site on W. Fifth St., which is a net increase of 1238 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures may include turn lane modifications on W. 5th St and may require traffic signal modifications at the signalized intersection of W. 5th St and Moye Boulevard.

EXISTING ZONING

MR (Medical-Residential)

Permitted Uses

(1) General:

- a. Accessory use or building
- c. On-premise signs per Article N

(2) Residential:

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article I
- f. Residential cluster development per Article M
- 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)

(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

(7) Office/ Financial/ Medical:

* None

(8) Services:

- o. Church or place of worship (see also section 9-4-103)

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

- c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

(15) Other Activities (not otherwise listed - all categories): None*

MR (Medical-Residential)
Special Uses

(1) General:

* None

(2) Residential:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- l. Group care facility
- 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

(3) Home Occupations (see all categories):

- b. Home occupations; excluding barber and beauty shops
- d. Home occupations; excluding manicure, pedicure or facial salon

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- c.(1). Tennis club; indoor and outdoor facilities

(7) Office/ Financial/ Medical:

* None

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- 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)

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

PROPOSED ZONING

MO (Medical-Office)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- f. Retail sales; incidental

(2) Residential:

- l. Group care facility
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility

(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

(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 recreational facility

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

(8) Services:

- n. Auditorium
- r. Art gallery
- u. Art studio including art and supply sales
- ee. Hospital
- ii. Wellness center; indoor and outdoor facilities

(9) Repair:

* None

(10) Retail Trade:

- d. Pharmacy
- s. Book or card store, news stand
- w. Florist

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

* None

(12) Construction:

c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

MO (Medical-Office)

Special Uses

(1) General:

* None

(2) Residential:

i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home

(3) Home Occupations (see all categories):

* None

(4) Governmental:

a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

s. Athletic club; indoor only

(7) Office/ Financial/ Medical:

* None

(8) Services:

a. Child day care facilities

b. Adult day care facilities

e. Barber or beauty shop

f. Manicure, pedicure or facial salon

j. College and other institutions of higher learning

l. Convention center; private

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)

s.(1). Hotel, motel bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager,

supervisor or caretaker and section 9-4-103)

hh. Exercise and weight loss studios; indoor only

ll.(1) Dry cleaning; household users, drop-off/pick-up station only [2,000 sq. ft. gross floor area limit per establishment]

jj. Health services not otherwise listed

(9) Repair:

* None

(10) Retail Trade:

- f. Office and school supply, equipment sales [5,000 sq. ft. gross floor area limit per establishment]
- h. Restaurant; conventional
- i. Restaurant; fast food [limited to multi-unit structures which contain not less than three separate uses]
- j. Restaurant; regulated outdoor activities
- k. Medical supply sales and rental of medically related products including uniforms and related accessories.
- t. Hobby or craft shop [5,000 sq. ft. gross floor area limit per establishment]

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

* None

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

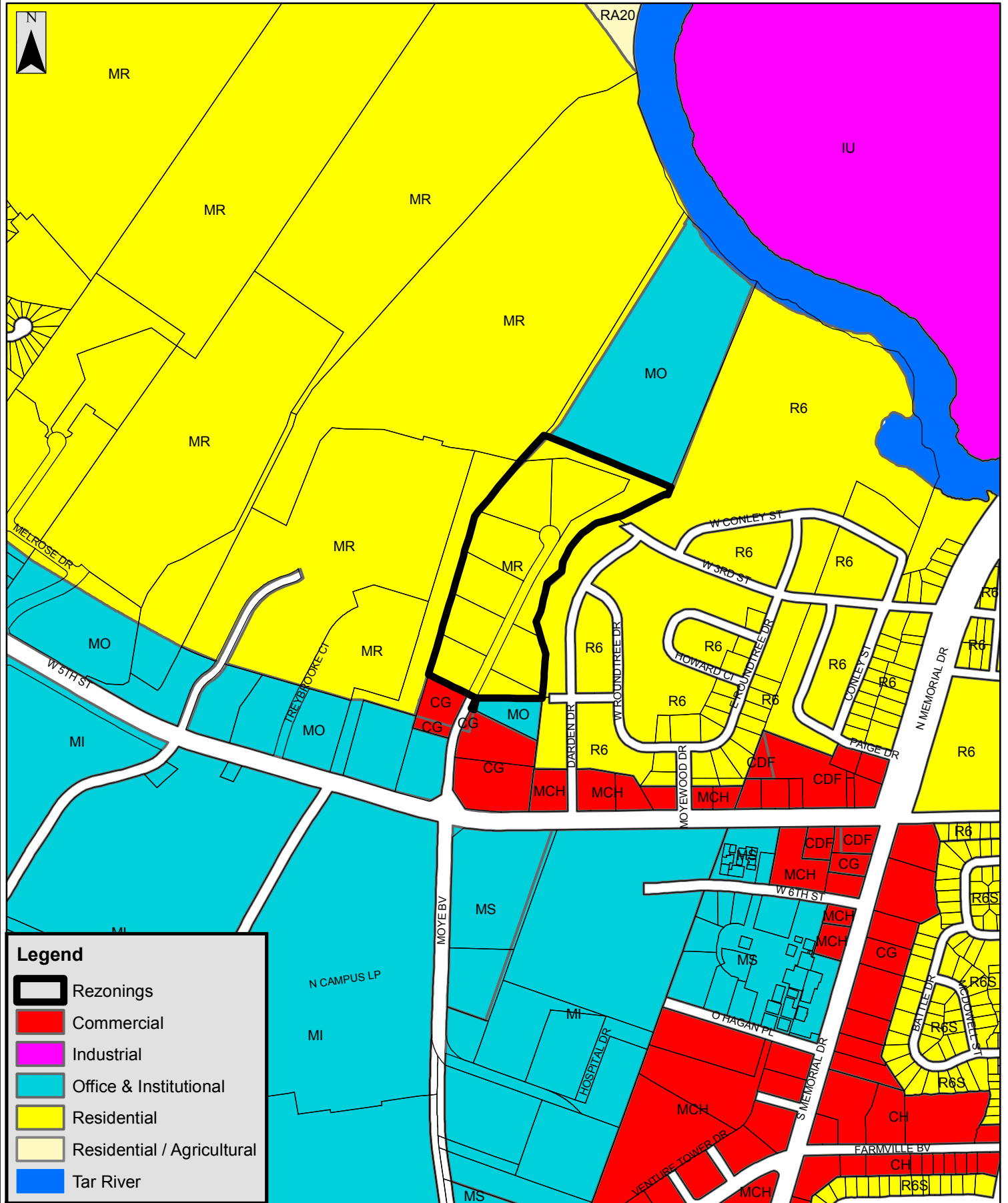
* None

University Medical Park North, LLC (09-05)

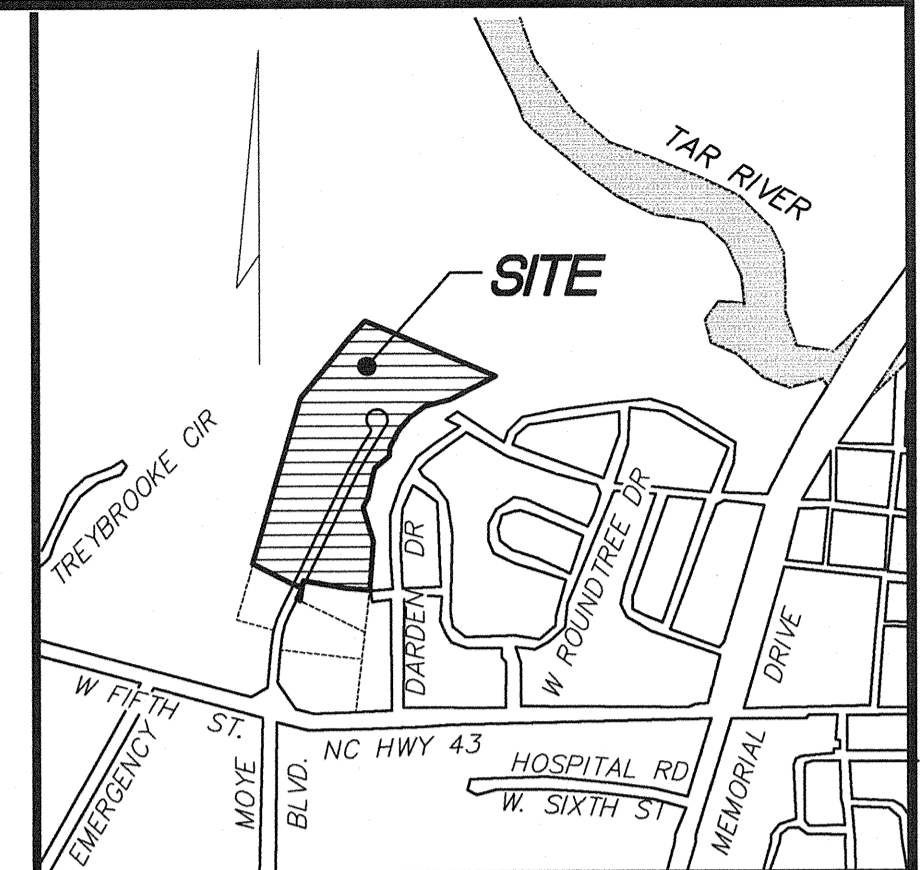
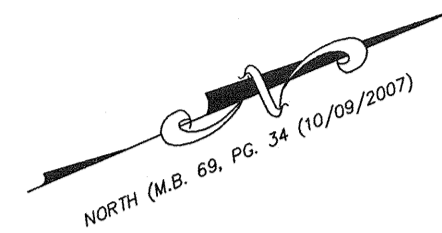
MR to MO

17.6 acres

March 30, 2009

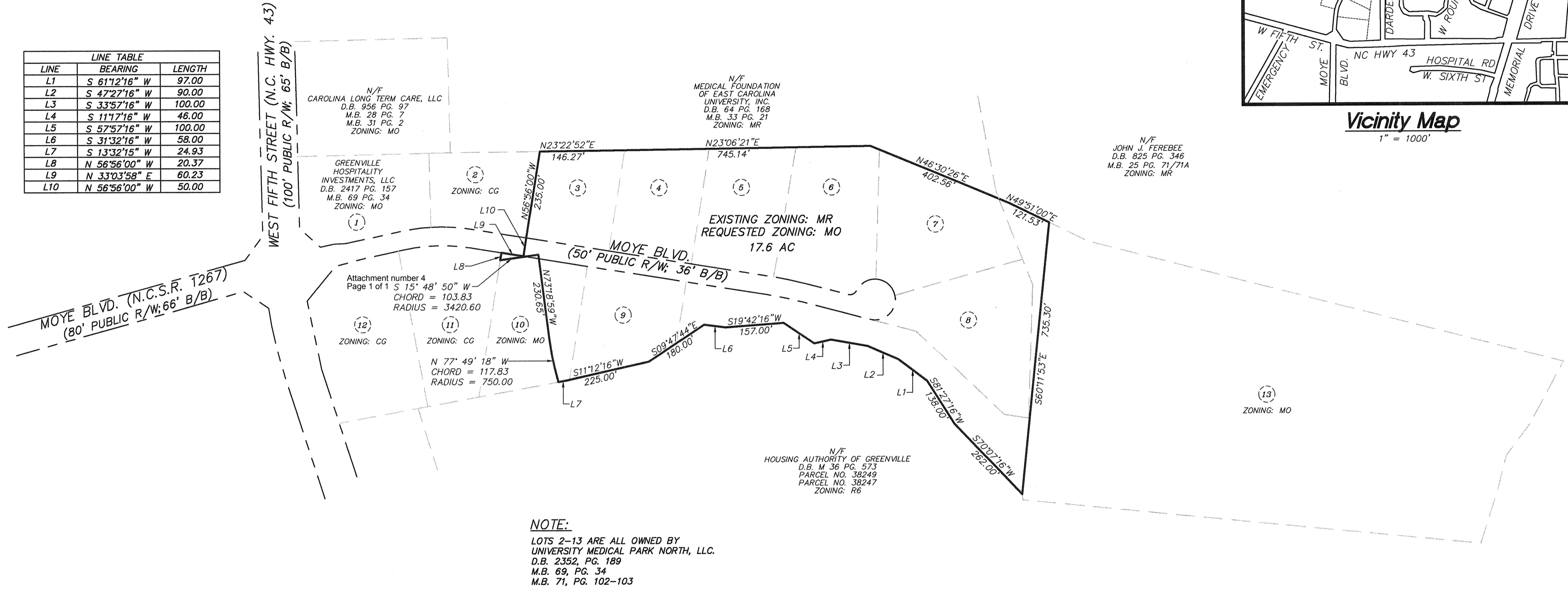


- NOTES :**
1. IRON STAKES LOCATED AT ALL CORNERS, EXCEPT AS NOTED OTHERWISE.
 2. ALL DISTANCES ARE HORIZONTAL GROUND MEASURED UNLESS SHOWN OTHERWISE.
 3. THIS MAP WAS PREPARED FOR REZONING PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON.
 4. BOUNDARY INFORMATION TAKEN FROM REFERENCED INFORMATION SHOWN HEREON. THIS IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN AND IS NOT TO BE USED FOR SALES OR CONVEYANCES.
 5. THIS MAP IS AN EXCEPTION TO THE DEFINITION OF A SUBDIVISION AND DOES NOT CONFORM TO G.S. 47-30.

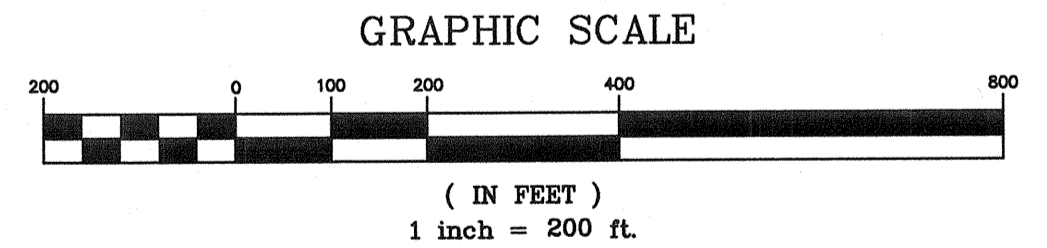


Vicinity Map
1" = 1000'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 61°12'16" W	97.00
L2	S 47°27'16" W	90.00
L3	S 33°57'16" W	100.00
L4	S 11°17'16" W	46.00
L5	S 57°57'16" W	100.00
L6	S 31°32'16" W	58.00
L7	S 13°32'15" W	24.93
L8	N 56°56'00" W	20.37
L9	N 33°03'58" E	60.23
L10	N 56°56'00" W	50.00



NOTE:
LOTS 2-13 ARE ALL OWNED BY UNIVERSITY MEDICAL PARK NORTH, LLC. D.B. 2352, PG. 189 M.B. 69, PG. 34 M.B. 71, PG. 102-103



Legend

PG.	PAGE
M.B.	MAP BOOK
B/B	BACK TO BACK
R/W	RIGHT OF WAY
PARCEL NO.	PARCEL NUMBER
(12)	LOT NUMBER
N/F	NOW OR FORMERLY
TOT.	TOTAL

OWNER :
UNIVERSITY MEDICAL PARK NORTH, LLC
P.O. BOX 566 GREENVILLE, NC 27835
PHONE: (252) 752-2000

References:
PARCEL NO. 33077 & 76161
D.B. 2352, PG. 189
M.B. 69 PG. 34
M.B. 25 PG. 71/71A
PRELIMINARY PLAN BY RIVERS & ASSOC., INC.,
DRAWING NO. W-3057, DATED 9/27/07

DATE 03/24/09

SURVEY	WCG	DRAFT	AAS
		CHECK	STA

Rivers & Associates, Inc.
Since 1918
107 East Second Street
Greenville, NC 27858 (252) 752-4135
6131 Falls of Neuse Road, Suite 300
Raleigh, NC 27609 (919) 848-3347
Engineers
Planners
Surveyors

REZONING MAP FOR
University Medical Park North, LLC
GREENVILLE, GREENVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

SCALE	DRAWING NO.	SHEET
1" = 200'	Z -2499	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: 4/21/2009
Time: 6:30 PM

Title of Item: Request by HM Wilson Development, LLC for a preliminary plat entitled "Allen Ridge, Revision of Section 3, Phases 1-3 & Section 4". The property is located west of Allen Road. The property is bound by Allen Ridge, Section 1 and 2 to the east, Woodridge Corporate Park to the north and Teakwood to the south. The proposed development consists of 128 lots on 62.218 acres.

Explanation: Allen Ridge was originally approved on February 19, 2002. It showed the first section with the remaining property as a sketch plan. This preliminary plat was amended by adding three cul-de-sacs on the north of the property on June 13, 2003. Allen Ridge, Section 2 was approved on June 21, 2005. It followed the previously approved sketch plan. Allen Ridge, Sections 3 and 4 were approved on February 19, 2008.

There are limited opportunities for interconnectivity with this property. Allen Ridge is bordered on the south by Teakwood which was approved by Pitt County then subsequently taken into the city's ETJ. The developer has tied into the available stubs from Teakwood. It also ties into the adjoining Tiburon subdivision. The property to the north is zoned IU (Industrial). The street stubs to the industrial area are in a future phase. There is a street stub to the land locked property to the west.

If the final adopted zoning lines do not follow street or property lines, the zoning boundary lines shall be amended to coincide with such street and/or property lines prior to final platting of this development. The applicants are requesting a rezoning at this time under a separate item. The proposed lots meet the development standards for the existing and proposed zoning classifications.

Fiscal Note: There will be no costs to the City of Greenville associated with this development.

Recommendation: The City's Subdivision Review Committee has reviewed the plat and the preliminary meets all technical requirements.

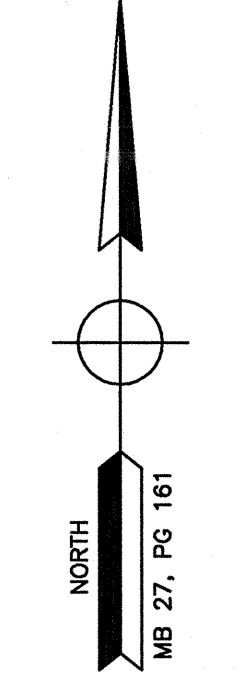
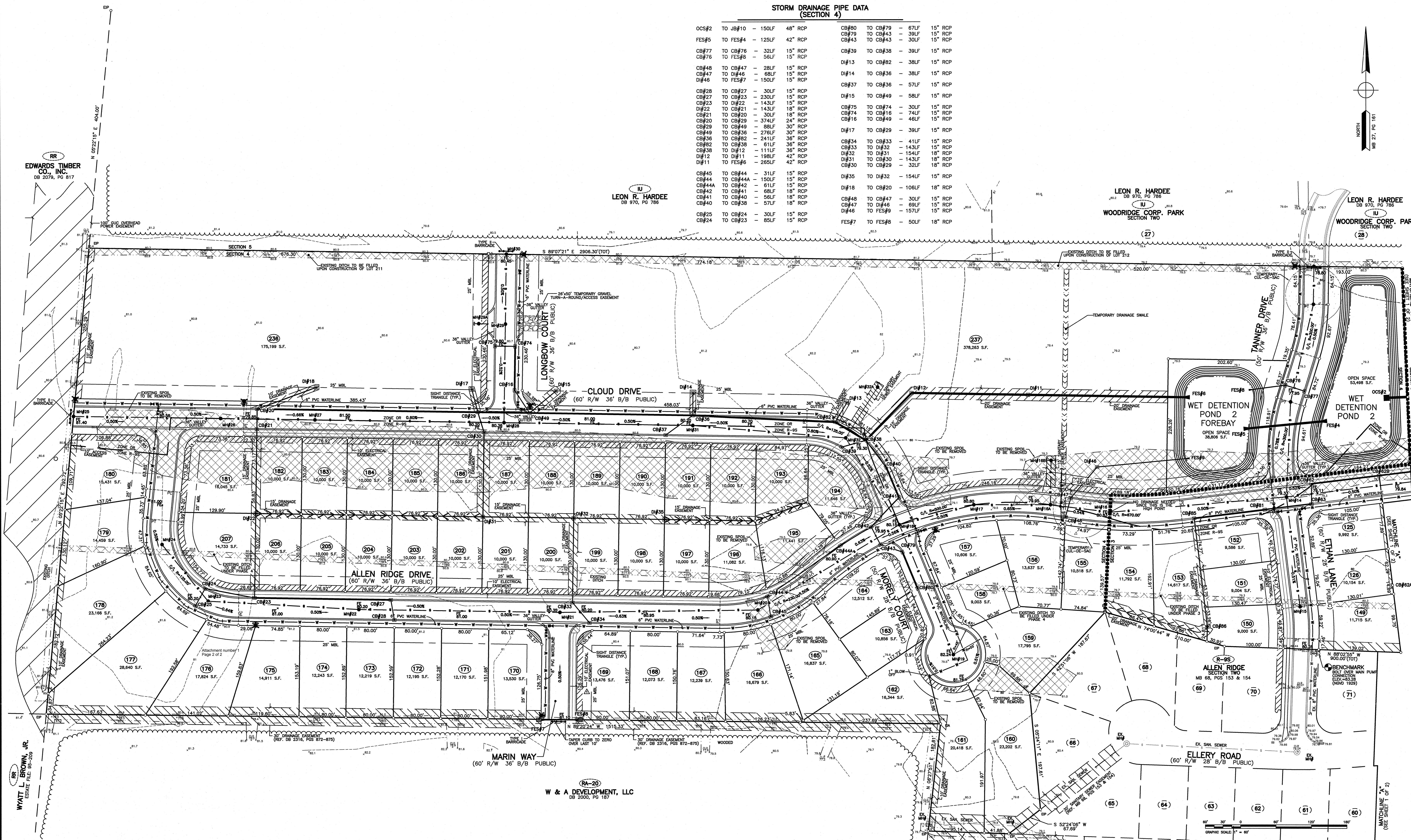
Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Map of Allen Ridge, Revision of Section 3, Phases 1-3 & Section 4](#)

**STORM DRAINAGE PIPE DATA
(SECTION 4)**

OCS#2 TO JB#10 - 150LF 48" RCP	CB#80 TO CB#79 - 67LF 15" RCP
FES#5 TO FES#4 - 125LF 42" RCP	CB#79 TO CB#43 - 39LF 15" RCP
CB#77 TO CB#76 - 32LF 15" RCP	TO CB#43 - 30LF 15" RCP
CB#76 TO FES#6 - 56LF 15" RCP	CB#39 TO CB#38 - 39LF 15" RCP
CB#48 TO CB#47 - 28LF 15" RCP	DI#13 TO CB#82 - 38LF 15" RCP
CB#47 TO DI#46 - 68LF 15" RCP	DI#14 TO CB#36 - 38LF 15" RCP
DI#46 TO FES#7 - 150LF 15" RCP	CB#37 TO CB#36 - 57LF 15" RCP
CB#28 TO CB#27 - 30LF 15" RCP	DI#15 TO CB#49 - 58LF 15" RCP
CB#27 TO CB#23 - 230LF 15" RCP	CB#75 TO CB#74 - 30LF 15" RCP
CB#23 TO DI#22 - 143LF 15" RCP	CB#74 TO CB#16 - 74LF 15" RCP
DI#22 TO CB#21 - 143LF 18" RCP	CB#16 TO CB#49 - 46LF 15" RCP
CB#21 TO CB#20 - 30LF 18" RCP	DI#17 TO CB#29 - 39LF 15" RCP
CB#20 TO CB#29 - 374LF 24" RCP	CB#34 TO CB#33 - 41LF 15" RCP
CB#29 TO CB#49 - 88LF 30" RCP	CB#33 TO DI#32 - 143LF 15" RCP
CB#49 TO CB#36 - 276LF 30" RCP	DI#32 TO DI#31 - 154LF 18" RCP
CB#36 TO CB#492 - 241LF 36" RCP	DI#31 TO CB#30 - 143LF 18" RCP
CB#492 TO CB#38 - 61LF 36" RCP	CB#30 TO CB#29 - 32LF 18" RCP
CB#38 TO DI#12 - 111LF 36" RCP	DI#35 TO DI#32 - 154LF 15" RCP
DI#12 TO DI#11 - 198LF 42" RCP	DI#18 TO CB#20 - 106LF 18" RCP
DI#11 TO FES#6 - 265LF 42" RCP	CB#48 TO CB#47 - 30LF 15" RCP
CB#45 TO CB#44 - 31LF 15" RCP	CB#47 TO DI#46 - 69LF 15" RCP
CB#44 TO CB#44A - 150LF 15" RCP	DI#46 TO FES#9 - 157LF 15" RCP
CB#44A TO CB#42 - 61LF 15" RCP	FES#7 TO FES#8 - 50LF 18" RCP
CB#42 TO CB#41 - 68LF 18" RCP	
CB#41 TO CB#40 - 56LF 18" RCP	
CB#40 TO CB#38 - 57LF 18" RCP	
CB#25 TO CB#24 - 30LF 15" RCP	
CB#24 TO CB#23 - 85LF 15" RCP	



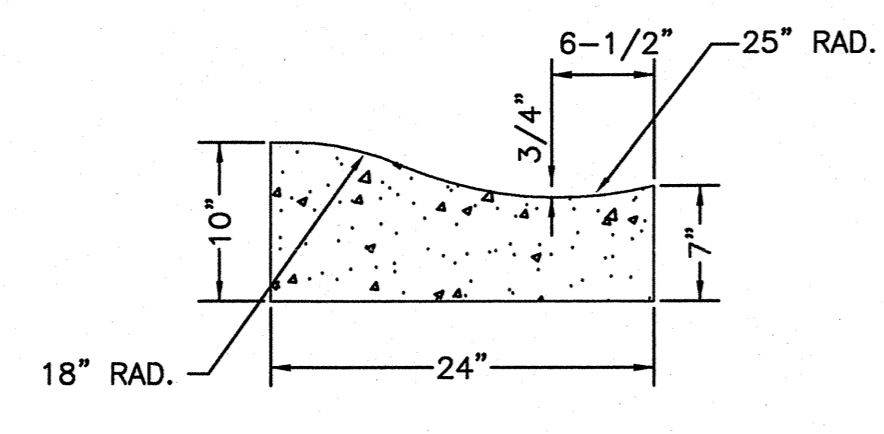
EDWARDS TIMBER CO., INC.
DB 2079, PG 817

LEON R. HARDEE
DB 970, PG 786

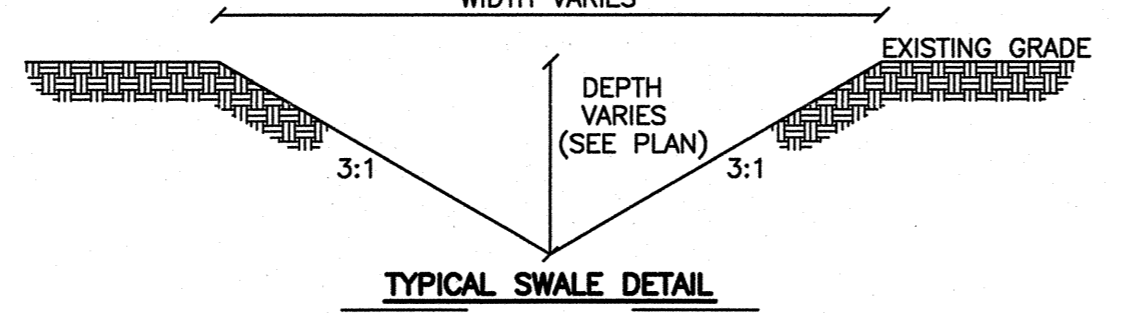
LEON R. HARDEE
DB 970, PG 786

LEON R. HARDEE
DB 970, PG 786

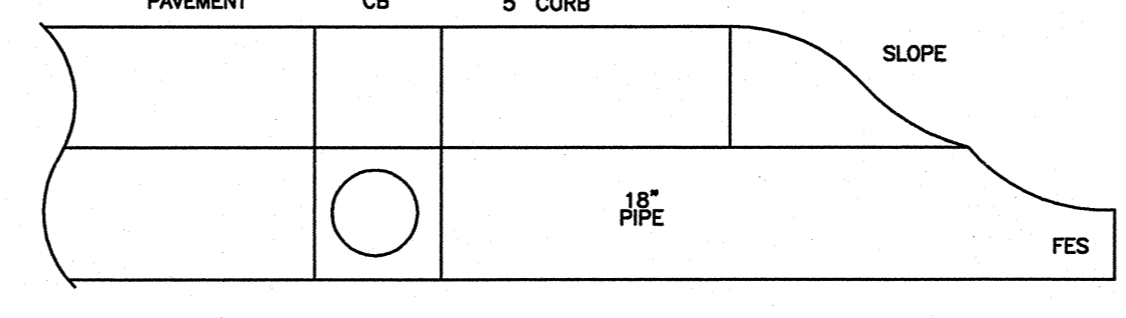
- EASEMENT NOTES**
1. WATER MAINS AND SERVICES HAVE 10' UTILITY EASEMENTS CENTERED ON LINES AS INSTALLED.
 2. SANITARY SEWER SERVICE LINES HAVE A 20' UTILITY EASEMENT CENTERED ON SERVICE LINE AS INSTALLED.
 3. SANITARY SEWER MAINS LESS THAN 6' DEEP HAVE A 20' UTILITY EASEMENT CENTERED ON SEWER LINE AS INSTALLED.
 4. SANITARY SEWER MAINS 6' TO 15' DEEP HAVE A 30' UTILITY EASEMENT CENTERED ON SEWER LINE AS INSTALLED.
 5. SANITARY SEWER MAINS GREATER THAN 15' DEEP HAVE A 40' UTILITY EASEMENT CENTERED ON SEWER LINE AS INSTALLED.



**24" CURB & GUTTER
(ROLL-TYPE)
(N.T.S.)**



TYPICAL SWALE DETAIL



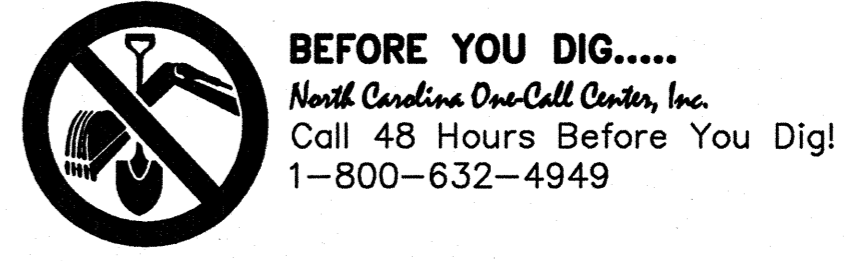
**TYPICAL TRANSITION TO PAVED STREET SECTION
N.T.S.**

REVISED: 04/09/09 (CITY COMMENTS)(JH)
NORTH ARROW IN VICTORY MAP
RE-MEMBER LOTS WITH LOT#126 TO STREET AT LOT#149
RELOCATED ELECTRICAL EASEMENT TO OPPOSITE SIDE
OF STREET - MARK W/ 'X'
RELOCATED HYDRANT FROM LOT#103 TO LOT#100
SHEET 2 OF 2
PRELIMINARY PLAT

ALLEN RIDGE
REVISION OF SECTION 3, PHASES 1-3 & SECTION 4
REFERENCE: DEED BOOK 1845, PAGE 170 AND DEED BOOK 970, PAGE 786 OF THE PITT COUNTY REGISTRY
GREENVILLE, ARTHUR TOWNSHIP, PITT COUNTY, N.C.

OWNER: HM WILSON DEVELOPMENT, LLC
DEVELOPER: HM WILSON DEVELOPMENT, LLC
ADDRESS: 1708 TRAWICK ROAD
RALEIGH, NC 27604
PHONE: (919) 250-6000

Baldwin & Janowski
ENGINEERING SURVEYING PLANNING
1015 CONFERENCE DRIVE
GREENVILLE, NC 27608
DESIGNED: JSJ
DRAWN: JJB
CHECKED: JSJ
APPROVED: JSJ
DATE: 03/18/09
SCALE: 1" = 60'



BEFORE YOU DIG.....
North Carolina One-Call Center, Inc.
Call 48 Hours Before You Dig!
1-800-632-4949



City of Greenville, North Carolina

Meeting Date: 4/21/2009
Time: 6:30 PM

Title of Item: Ordinance requested by the Lampe Company, Incorporated to amend the Future Land Use Plan Map for the area described as being located at the northeast corner of the intersection of Arlington Boulevard and the Seaboard Coastline Railroad from an "Office/Institutional/ Multi-family" category to a "Commercial" category.

Explanation: **History/Background:**

The subject property was zoned RA20 on the 1969 series zoning map. In 1978, the property was rezoned from RA20 to OR.

Comprehensive Plan:

The subject site is located in Vision Area F.

Arlington Boulevard is designated as a connector corridor from West Fifth Street continuing south. Connector corridors are anticipated to contain a variety of higher intensive activities and uses.

The Future Land Use Plan Map recommends office/institutional/multi-family (OIMF) along the northern right-of-way of Arlington Boulevard between the Seaboard Coastline Railroad and Green Mill Run.

There is a recognized intermediate focus area at the intersection of Arlington Boulevard and Evans Street within which commercial activity is encouraged. The anticipated build-out of such focus areas is anticipated to be between 50,000 - 150,000 square feet of conditioned floor space.

Environmental Conditions/Constraints:

There are no known environmental constraints.

Surrounding Land Uses and Zoning:

North: OR - Arlington (mini) Self-Storage (previously allowed in OR per special use permit of the Board of Adjustment)
South: OR and CG - University Suites (171 student housing units); Vacant 4.5 acre commercial tract
East: CG - Vacant lot(s) abutted by office/commercial use (Wandsworth Commons)
West: OR - Railroad R/W and current switching yard, J. H. Rose High School

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

Based on possible uses in the requested land use plan category, the proposed category could generate 515 trips to and from the site on Arlington Boulevard, which is a net increase of 250 additional trips per day.

During the review process, measures to mitigate traffic will be determined. These measures may include turn lane modifications on Arlington Boulevard and may require traffic signal modification at the signalized intersection of Arlington Boulevard and Evans Street. Access to the tract from Arlington Boulevard will be reviewed.

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the existing office/residential classification is designed primarily to minimize any adverse impact on the JH Rose High School site from nearby road side uses. Intensive commercial activity, such as a convenience store or other similar trip generator, would be discouraged on properties located in the subject corridor between the Evans Street focus area and Hooker Road. Any change in the future land use plan should protect the interests of the school. Absent such support of JH Rose High School representatives for the requested change in the future land use plan map staff would recommend denial of the request.

Note: In addition to other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and permitted land use districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

Attachments / click to download

 [Location Map](#)

 [Rezoning_case_09_01_Lampe_Company_822853](#)

Case No: 09-01

Applicant: The Lampe Company, Inc

Property Information

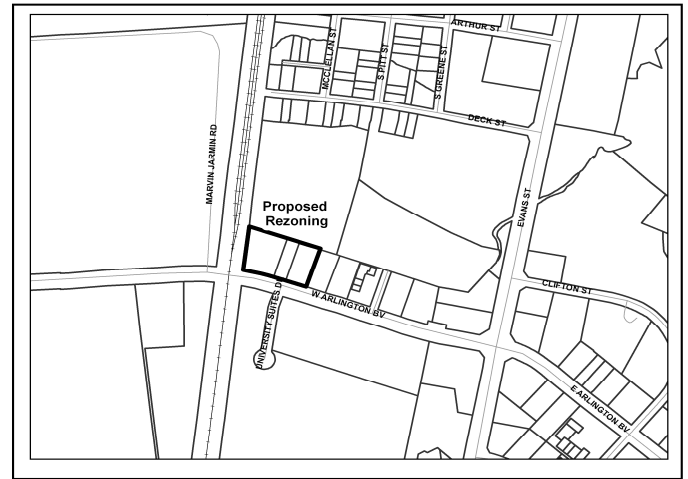
Current Zoning: Office/Institutional/Multi-Family (OIMF)

Proposed Zoning: Commercial (C)

Current Acreage: 1.5 acres

Location: Arlington Blvd

Points of Access: Arlington Blvd



Location Map

Transportation Background Information

1.) Arlington Blvd.- City maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	4 lanes	6 lanes
Right of way width (ft)	80	100
Speed Limit (mph)	35	35
Current ADT:	32,900 (*)	Ultimate Design ADT: 45,000 vehicles/day (**)
Design ADT:	33,500 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

Other Information: There are sidewalks along Arlington Blvd. that service this property.

Notes: (*) 2006 NCDOT count adjusted for a 2% annual growth rate
 (**) Traffic volume based an operating Level of Service D for existing geometric conditions
 ADT – Average Daily Traffic volume

Transportation Improvement Program Status: No planned improvements.

Trips generated by proposed use/change

Current Zoning: 265 -vehicle trips/day (*) **Proposed Zoning: 515** -vehicle trips/day (*)

Estimated Net Change: increase of 250 vehicle trips/day (assumes full-build out)

(* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on Arlington Blvd. are as follows:

1.) Arlington Blvd. , East of Site: **“No build” ADT of 32,900**

Estimated ADT with Proposed Zoning (full build) – 33,158
 Estimated ADT with Current Zoning (full build) – 33,033
Net ADT change = 125 (<1% increase)

Case No: 09-01

Applicant: The Lampe Company, Inc

2.) Arlington Blvd. , West of Site:**“No build” ADT of 32,900**

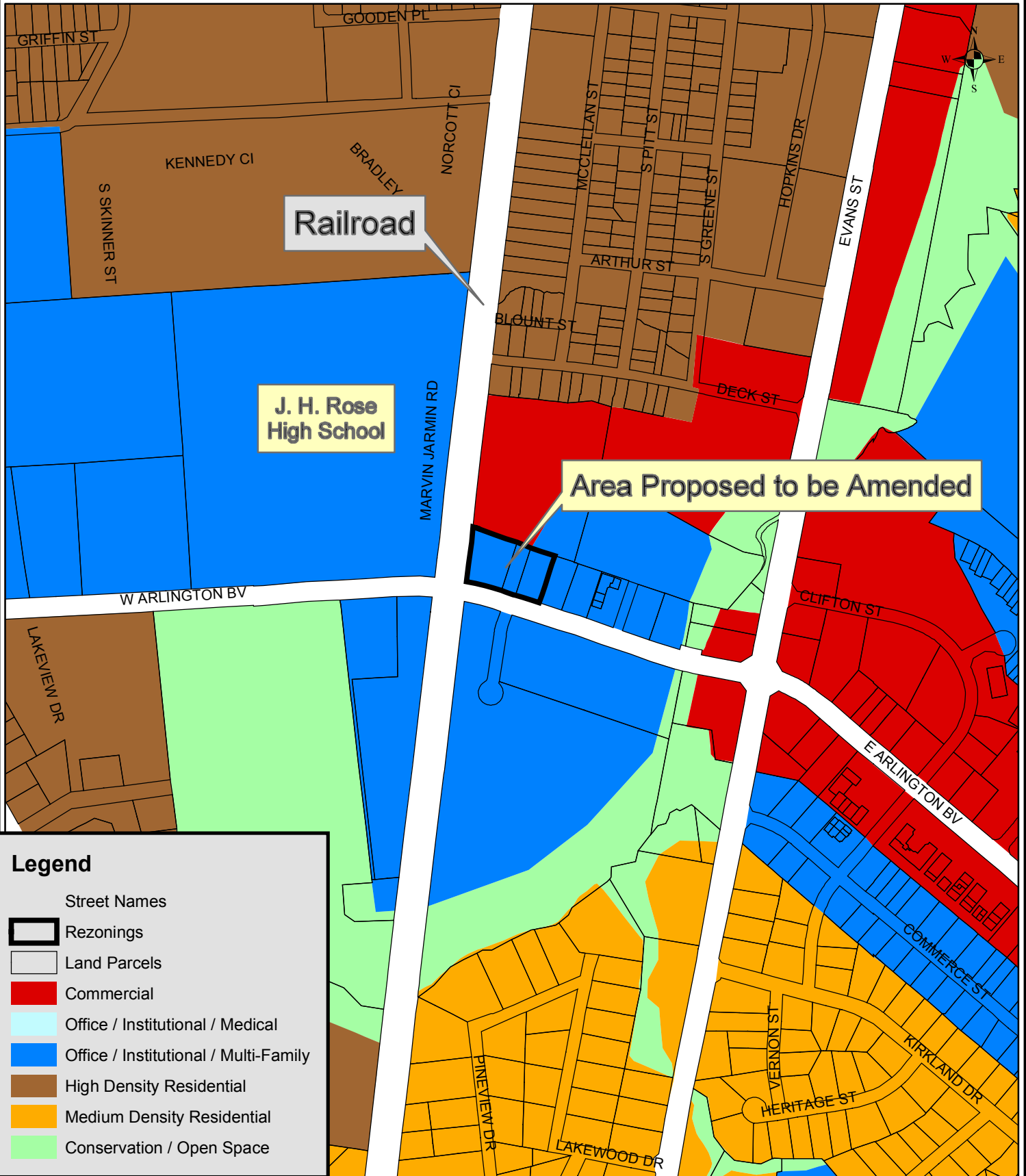
Estimated ADT with Proposed Zoning (full build) – 33,158

Estimated ADT with Current Zoning (full build) – 33,033**Net ADT change = 125 (<1% increase)****Staff Findings/Recommendations**

Based on possible uses permitted by the requested land use plan category, the proposed category could generate 515 trips to and from the site on Arlington Blvd., which is a net increase of 250 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. These measures may include turn lane modifications on Arlington Blvd. and may require traffic signal modifications at the signalized intersection of Arlington Blvd. and Evans Street. Access to the tract from Arlington Blvd. will be reviewed.

Lampe Company, Incorporated (09-01)
From: Office/Institutional/Multi-family (OIMF) to Commercial (C)
1.5+/- acres
March 31, 2009





City of Greenville, North Carolina

Meeting Date: 4/21/2009
Time: 6:30 PM

Title of Item: Request by the City of Greenville Public Works Department- Engineering Division to change the street name for Hooker Road Extension to Convention Center Drive.

Explanation: The Planning Staff has received a request by the City of Greenville Public Works Department- Engineering Division for a street name change for Hooker Road Extension to Convention Center Drive.

This change will be only for the portion of Hooker Road Extension located south of Greenville Boulevard between the Hilton Hotel and the Convention Center. The Hilton Hotel and Convention Center are the only uses affected by the proposed change, and both properties are currently addressed off Greenville Boulevard. Representatives from the Hilton Hotel, the Convention and Visitors Bureau, and Convention Center Management are in support of the name change.

The proposed change is necessary as part of the strategic plan to elevate the Convention Center profile by creating a more identifiable entryway into the Convention Center Campus.

A street name change may be considered in accordance with the following - Sec. 6-2-13(c):

- (1) When there is duplication of names or other conditions which tend to confuse the traveling public or delivery of mail, orders, messages or emergency services;
- (2) When it is found that a change may simplify making or giving directions to persons seeking to locate addresses; or
- (3) Upon other good and just reason.

Evaluation criteria. The planning and zoning commission and/or city council shall consider the following criteria when evaluating any resolution for a street name change under their respective authority:

- (1) The delivery of personal, public and emergency services;
- (2) The similarity to existing street names;
- (3) Any condition which may confuse the traveling public;
- (4) Ease of giving directions;
- (5) Place, name association or history;
- (6) Pronunciation and spelling;
- (7) The expense to abutting property owners; and
- (8) The expense to effected governmental agencies, including but not limited to the City of Greenville, County of Pitt, N.C. Department of Transportation, Greenville Utilities Commission and U.S. Postal Service.

The proposed name change will be forwarded to City Council for final approval due to the name length - exceeds 14 characters.

Fiscal Note:

There will be some costs associated with putting additional signage for the street name change.

Recommendation:

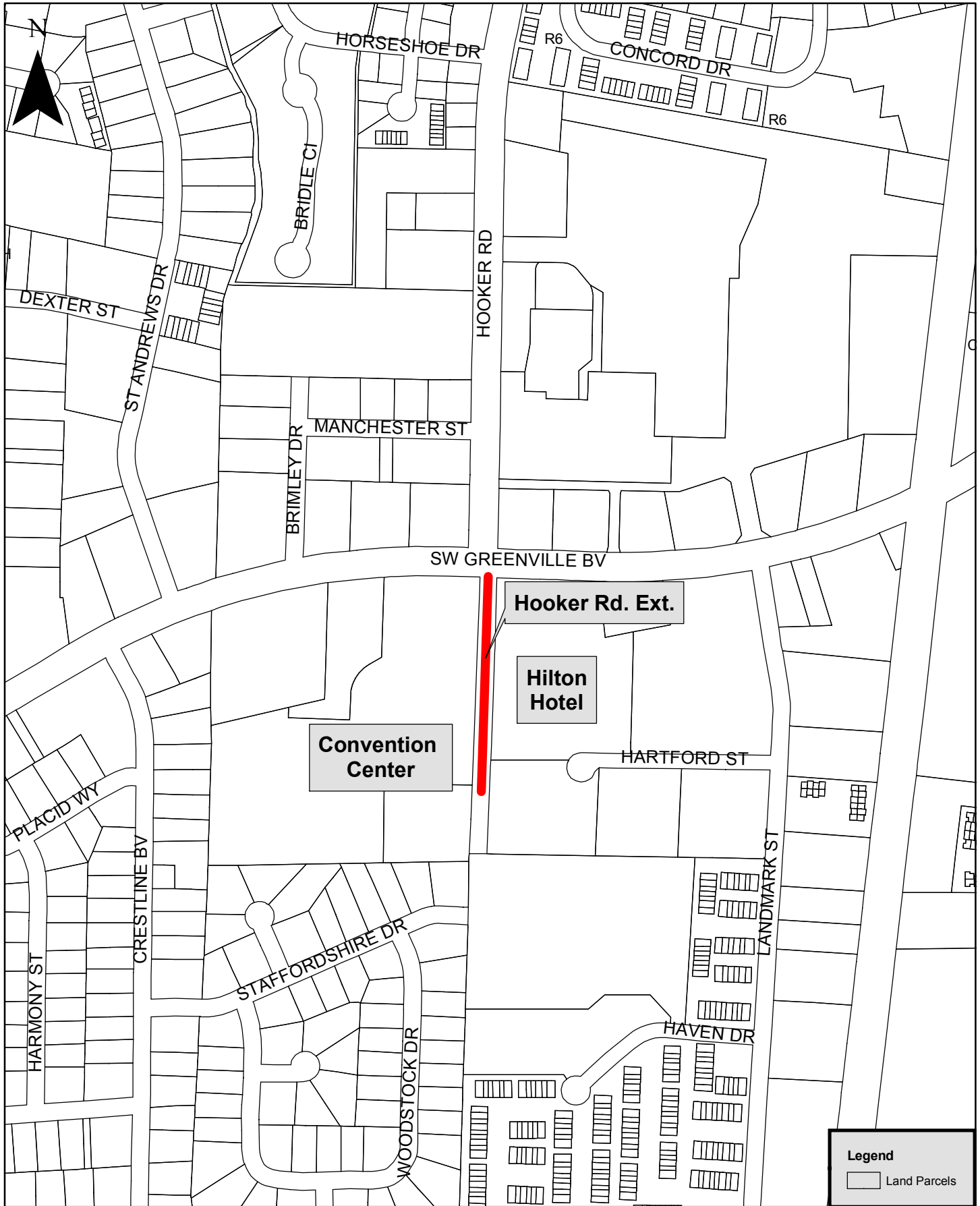
Conduct a public hearing on the proposed street name change and forward a recommendation to the City Council for final action.

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

Attachments / click to download

 [Hooker Road Extension to Convention Center Drive](#)

Street Name Change
From Hooker Road Extension to Convention Center Drive
April 3, 2009





City of Greenville, North Carolina

Meeting Date: 4/21/2009
Time: 6:30 PM

Title of Item: City Council Action-April 6th and 9th, 2009

Explanation: Action taken by City Council from April 6th and 9th meetings

Fiscal Note: N/A

Recommendation: Review

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Attachments / click to download

- [April 6, 2009 City Council Agenda](#)
 - [April 9, 2009 City Council Agenda](#)
-

Greenville City Council Agenda

Monday, April 6, 2009
6:00 PM
City Council Chambers

- I. Call Meeting to Order
- II. Invocation - Council Member Kittrell
- III. Pledge of Allegiance
- IV. Roll Call
- V. Approval of Agenda - Approved
- VI. Consent Agenda
 1. Minutes of the March 2 and March 5, 2009 City Council meetings - Approved
 2. Agreement Regarding Conduct of Municipal Elections - Approved (Contract No. 904C)

Contract No. 904C
 3. Extension of banking services contract with Wachovia Bank - Approved (Contract No. 1255)
 4. Resolution requesting transfer of street maintenance for River Hill Drive, Tanglewood Drive, Sloan Drive, and Syme Circle from the North Carolina Department of Transportation to the City of Greenville - Adopted

Resolution No. 09-16
 5. Contract award for the 2008-2009 Street Resurfacing Project - Approved (Contract No. 1763)
 6. Contract award for the 2008-2009 Sidewalk Construction Project - Approved (Contract No. 1764)
 7. Contract award for Construction of the Convention Center Streetscape - Phase I project - Approved (Contract No. 1765)

Item # 7

8. Contract award for the Moyewood Emergency Stormwater Drainage Repair Project - Approved (Contract No. 1766)
9. Elimination of Planner I position and approval of an additional Code Enforcement Officer position - Approved
10. Resolutions for Economic Stimulus Funding Under the American Recovery and Reinvestment Act for Greenville Utilities Commission's Thomas Langston Road Water Main Extension and Elevated Tank Water Mixing System - Adopted

Resolution No. 09-17

Resolution No. 09-18

11. Series Resolution for State Revolving Fund loan for Greenville Utilities Commission's Wastewater Treatment Plant Electrical System and SCADA Upgrade Project - Adopted
12. Sewer Capital Projects Budget Ordinance Amendment for Greenville Utilities Commission's Stokes and Pactolus Schools Sewer Extension project - Adopted

Ordinance No. 09-22

13. Resolution declaring a ballfield drag machine as surplus and authorizing its disposition to the Greenville Little Leagues - Adopted

Resolution No. 09-20

14. Resolution declaring certain computer equipment as surplus and authorizing its disposition to Pitt Community College - Adopted

Resolution No. 09-21

15. Resolution declaring five police radio console units as surplus and authorizing disposition to the Town of Fairmont, North Carolina - Adopted

Resolution No. 09-22

16. Budget ordinance amendment #10 to the 2008-2009 City of Greenville budget, amendment to Ordinance 07-139 Convention Center Expansion/Streetscape Capital Project Fund, and an ordinance establishing the special revenue budget for the Lead-Based Paint Hazard Control Grant - Adopted

Item # 7

Ordinance No. 09-24

Ordinance No. 09-23

VII. New Business

17. Presentations by Boards and Commissions

- a. Human Relations Council
- b. Youth Council

18. Presentation on the 2010 United States Census

19. Resolution to Create the 10-Year Plan to End Chronic Homelessness Advisory Board of Pitt County and Appoint Members to the Board - Adopted

Resolution No. 09-23

20. Federal law enforcement grant opportunities under the American Recovery and Reinvestment Act of 2009 and the North Carolina Juvenile Crime Prevention Council request for proposals

21. Resolution stating the City's intent to participate in the National League of Cities Prescription Discount Card Program - Adopted

Resolution No. 09-24

22. Greenville Utilities Commission's purchase of the Crepe Myrtle Parking Lot from the City of Greenville - Adopted (Contract No. 1767)

Ordinance No. 09-25

23. Identity Theft Detection and Prevention Policy - Approved

24. Resolution Supporting the Participation of City Funds in the Local Government Other Post-Employment Benefits Fund - Adopted

Resolution No. 09-25

25. Cost Allocation and Federal A-87 Plans for fiscal year 2008 - Adopted

VIII. Review of April 9, 2009 City Council Agenda

IX. Comments from Mayor and City Council

X. City Manager's Report

XI. Adjournment

Item # 7

Greenville City Council Agenda

Thursday, April 9, 2009
7:00 PM
City Council Chambers

- I. Call Meeting to Order
- II. Invocation - Mayor Dunn
- III. Pledge of Allegiance
- IV. Roll Call
- V. Approval of Agenda
- VI. Special Recognitions
 - David Johnson, Police Department Retiree
- VII. Appointments
 1. Appointments to Boards and Commissions
 2. Recommendation to the Pitt County Commissioners of a member to serve on the Pitt County Development Commission Board
- VIII. New Business

Public Hearings

3. Resolution approving an order to close Allen Taylor Court located west of Arlington Boulevard - Adopted
4. Ordinance requested by Cellco Partnership DBA Verizon Wireless to rezone 4.92+ acres located north of West Fifth Street and 800+ feet west of Paladin Place Subdivision from MRS (Medical-Residential-Single-family) to OR (Office-Residential [High Density Multi-family]) - Adopted
5. Ordinance to amend the zoning regulations to establish a dining and entertainment establishment use and associated standards - Adopted
6. Ordinance amending Horizons: Greenville's Community Plan to incorporate by reference the Tar River/University Area Neighborhood Report and Plan - Adopted

Item # 7

7. Ordinance requiring the repair or the demolition and removal of the dwelling located at 802 Vanderbilt Lane - Adopted
8. Ordinance requiring the repair or the demolition and removal of the dwelling located at 900 Ward Street - Adopted

Public Comment Period

Other Items of Business

9. Inclusionary Zoning and Planned Unit Development regulations and draft amendments to accomplish related goals - Approved
10. Ordinance amending the composition of the Human Relations Council - Adopted

IX. Comments from Mayor and City Council

X. City Manager's Report

XI. Adjournment