



Agenda

Greenville City Council

August 14, 2014
7:00 PM
City Council Chambers
200 West Fifth Street

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

I. Call Meeting To Order

II. Invocation - Council Member Glover

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

- Richard Allsbrook - Police Department Retiree
- Holly Chandler and Peanut

VII. Appointments

1. Appointments to Boards and Commissions

VIII. New Business

Public Hearings

2. Ordinance to annex Northwest Commercial Park involving 5.871 acres located 275+/- feet north of the intersection of Allen Road and Greenville Boulevard
3. Ordinance requested by DVM Services Realty, Incorporated to rezone 1.012 acres located along the western right-of-way of Evans Street and south of Lynncroft Shopping Center from RA20

(Residential-Agricultural) to OR (Office-Residential [High Density Multi-family])

4. Ordinance requested by Jason B. Adams and Gene Bland Adams to rezone 0.468 acres located at the southwest corner of the intersection of Evans Street and West 9th Street from OR (Office-Residential [High Density Multi-family]) to CDF (Downtown Commercial Fringe)
5. Ordinance to amend the Zoning Ordinance by adding microbreweries as an allowed land use within the CD (Downtown Commercial) zoning district, subject to an approved special use permit, and establishing specific criteria
6. Ordinance to amend the Zoning Ordinance to delete private streets as a development option

Public Comment Period

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

Other Items of Business

7. Presentation on Town Common Improvement Options
8. Resolution authorizing the conveyance of City-owned properties located at 901 and 905 Bancroft Avenue to the Greenville Housing Development Corporation
9. Discussion of inquiries regarding the City budget

IX. Comments from Mayor and City Council

X. City Manager's Report

XI. Closed Session

- To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, said law rendering the information as privileged or confidential being the Open Meetings Law
- To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body

XII. Adjournment



City of Greenville, North Carolina

Meeting Date: 8/14/2014
Time: 7:00 PM

Title of Item: Appointments to Boards and Commissions

Explanation: **Abstract:** The City Council fills vacancies and makes reappointments to the City's Boards and Commissions. Appointments are scheduled to be made to six of the Boards and Commissions.

Explanation: City Council appointments need to be made to the Greenville Bicycle and Pedestrian Commission, Historic Preservation Commission, Pitt-Greenville Convention & Visitors Authority, Police Community Relations Committee, Public Transportation & Parking Commission, and Youth Council.

For the Pitt-Greenville Convention and Visitors Authority, the City of Greenville's Boards and Commissions Policy states:

"The City Council shall also make a nomination to the County on five of the members, and appointment of County members shall be made by the Pitt County Commissioners based on the nominations of City Council."

Nominations need to be made to the Pitt County Board of Commissioners by the City Council for Kurt Davis' and Christopher Jenkins' seats on the Pitt-Greenville Convention & Visitors Authority.

Fiscal Note: No direct fiscal impact.

Recommendation: Make appointments to the Greenville Bicycle and Pedestrian Commission, Historic Preservation Commission, Police Community Relations Committee, Public Transportation & Parking Commission, and Youth Council.

Make recommendations to the Pitt County Board of Commissioners on Kurt Davis' and Christopher Jenkins' seats on the Pitt-Greenville Convention & Visitors Authority.

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Attachments / click to download

 [Muni_Report Appointments to Boards and Commissions 914698](#)

Appointments to Boards and Commissions

August 2014

Greenville Bicycle and Pedestrian Commission

Council Liaison: Council Member Rick Smiley

Name	District #	Current Term	Reappointment Status	Expiration Date
Liz Brown-Pickren	3	First term	Resigned	January 2015

Historic Preservation Commission

Council Liaison: Council Member Kandie Smith

Name	District #	Current Term	Reappointment Status	Expiration Date
Allan Kearney	5	First term	Resigned	January 2014

Pitt-Greenville Convention & Visitors Authority

Council Liaison: Council Member Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Kurt Davis (1) <i>(City recommends, County appoints)</i>	County	First term	Eligible	July 2014
Christopher Jenkins (3) <i>(City recommends, County appoints)</i>	County	First term	Eligible	July 2014

1. Owner/operator of hotels/motels
2. Members of tourist or convention-related businesses
3. Residents not involved in tourist or convention-related businesses

Police Community Relations Committee

Council Liaison: Council Member Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
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Applicants for Greenville Bicycle and Pedestrian Commission

Kelly Dewald
2724 Mulberry Lane
Greenville, NC 27858

Application Date: 5/10/2014

District #: 5

Home Phone: (865) 805-5294

Business Phone:

Email: kbd05c@gmail.com

Maribeth Wicoff
2605 E. 10th Street Apt. 3
Greenville, NC 27858

Application Date: 7/21/2014

District #: 3

Home Phone: (610) 390-4725

Business Phone:

Email: mwicoff@gmail.com

Applicants for Historic Preservation Commission

Scott H. Duke
2223-C Locksley Drive
Greenville, NC 27858

District #: 4

Danielle Greene
205 Pinewood Road
Greenville, NC 27858

District #: 5

Dustin Mills
504 Daventry Drive
Greenville, NC 27858

District #: 5

Tyrone O. Walston
2706 Webb Street
Greenville, NC 27834

District #: 2

Application Date: 2/20/2012

Home Phone:
Business Phone: (252) 328-2950
Email: scotthduke@gmail.com

Application Date: 7/30/2014

Home Phone: (919) 451-3235
Business Phone: (252) 527-1523
Email: dslgreene@gmail.com

Application Date: 4/9/2012

Home Phone: (919) 480-0791
Business Phone: (252) 558-0207
Email: dmills@pirhl.com

Application Date: 6/6/2014

Home Phone: (252) 412-7351
Business Phone: (252) 355-8736
Email: walston.tyrone@gmail.com

Applicants for Pitt-Greenville Convention and Visitors Authority

Brian Brown
2237 Penncross Drive
Greenville, NC 27834

District #: 5

Wanda Carr
2304 British Court
Greenville, NC 27834

District #: 1

Brian Cooper
1149 Mulberry Lane, #34-G
Greenville, NC 27858

District #: 5

Kelly Dewald
2724 Mulberry Lane
Greenville, NC 27858

District #: 5

Ann Eleanor
102 Lindenwood Drive
Greenville, NC 27834

District #: 5

Robert Kevin Howard
2745 N. Chatham Ct.
Winterville, NC 28590

District #: 2

Bridget Moore
4128A Bridge Court
Winterville, NC 28590

District #:5

Alan Schreier
108 McDonald Court
Greenville, NC 27858

Application Date: 2/23/2011

Home Phone: (252) 414-3943
Business Phone: (252) 353-7379
Email: bbrown@myrepexpress.com

Application Date: 10/13/2010

Home Phone: (252) 321-1409
Business Phone:
Email: carrwdc@hotmail.com

Application Date: 3/5/2011

Home Phone: (252) 439-0651
Business Phone: (252) 439-0651
Email: brianevans_99@yahoo.com

Application Date: 5/10/2014

Home Phone: (865) 805-5294
Business Phone:
Email: kbd05c@gmail.com

Application Date: 4/15/2013

Home Phone: (252) 227-4240
Business Phone:
Email: aeleonor@suddenlink.net

Application Date: 5/29/2014

Home Phone: (252) 258-7900
Business Phone: (252) 227-4310
Email: gvegasmagazine@hotmail.com

Application Date: 7/13/2011

Home Phone: (252) 355-7377
Business Phone: (252) 756-1002
Email: bmoore2004@netzero.com

Application Date: 6/03/2014

Home Phone: (252) 412-6863

Business Phone:
Email: Alan.Schreier@gmail.com
District #: 4

Applicants for Police Community Relations Committee

Isaac Chemmanam
402 Lochview Drive
Greenville, NC 27858

Application Date: 1/18/2012

District #: 4

Home Phone: (252) 561-8759
Business Phone: (252) 412-2045
Email: isaac.chemmanam@gmail.com

Sharon D. Gray
3402 Governors Lane
Greenville, NC 27858

Application Date: 5/29/2014

District #: 3

Home Phone: (252) 565-5757
Business Phone:
Email: graysdg@hotmail.com

Applicants for Public Transportation and Parking Commission

W. Scott Alford
1711 Knollwood Drive
Greenville, NC 27858

District #: 5

Richard Malloy Barnes
206 South Elm Street, Apt. N
Greenville, NC 27858

District #: 4

Application Date: 6/17/2014

Home Phone: (252) 916-1978

Business Phone: (252) 847-7886

Email: wsalford@me.com

Application Date: 9/30/2013

Home Phone: (252) 752-5278

Business Phone:

Email: kiltedmile@aol.com

Applicants for Youth Council

Asolaide Akinkuotu
3153 Ruth Court
Greenville, NC 27834

Application Date: 3/24/2014

District #:

Home Phone: (252) 756-1395

Business Phone:

Email:

Maria M Yagnye
3008 Ellsworth Drive
Greenville, NC 27858

Application Date: 3/24/2014

District #:

Home Phone: (252) 355-3670

Business Phone:

Email:



City of Greenville, North Carolina

Meeting Date: 8/14/2014
Time: 7:00 PM

Title of Item: Ordinance to annex Northwest Commercial Park involving 5.871 acres located 275+/- feet north of the intersection of Allen Road and Greenville Boulevard

Explanation: **Abstract:** The City received a voluntary annexation petition to annex Northwest Commercial Park involving 5.871 acres located 275+/- feet north of the intersection of Allen Road and Greenville Boulevard. The subject area is currently undeveloped and is anticipated to accommodate 4,300+/- square feet of fast food restaurant.

ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: August 4, 2014
2. City Council public hearing date: August 14, 2014
3. Effective date: June 30, 2015

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 5.871
4. Voting District: 2
5. Township: Arthur
6. Vision Area: E

- 7. Zoning: CH (Heavy Commercial)
- 8. Land Use: Existing: Vacant
Anticipated: 4,300+/- square feet of fast food restaurant
- 9. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	----	0
Current Minority	-----	0
Estimated Minority at full development	----	0
Current White	-----	0
Estimated White at full development	----	0

* - people per household in Greenville

- 10. Rural Fire Tax District: Red Oak
- 11. Greenville Fire District: Station #5 (Distance of 2.0 miles)
- 12. Present Tax Value: \$67,326.00
Estimated Future Tax Value: \$497,326.00

Fiscal Note: The total estimated tax value at full development is \$497,326.

Recommendation: Approve the attached ordinance to annex Northwest Commercial Park.

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

Attachments / click to download

[Survey](#)

[Ordinance__Northwest_Commercial_Park_984747](#)

ORDINANCE NO. 14-
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF GREENVILLE, NORTH CAROLINA

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

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

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall at 7:00 p.m. on the 14th day of August, 2014, after due notice by publication in The Daily Reflector on the 4th day of August, 2014; and

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

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

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

TO WIT: Being all of that certain property as shown on the annexation map entitled “Northwest Commercial Park”, involving 5.871 acres as prepared by Baldwin Design Consultants, PA.

LOCATION: Situated in Arthur Township, Pitt County, North Carolina, located 275+/- feet north of the intersection of Allen Road and Greenville Boulevard.

GENERAL DESCRIPTION:

Beginning at the point of the western right-of-way of Allen Road (NCSR). Said point being the northeastern most corner of Lot 2 as recorded in Map Book 77, Page 60 of the Pitt County Register of Deeds office. From the above described beginning, so located running thence as follows:

Leaving the right-of-way of Allen Road (NCSR 1203), S 65°41'18" W 586.94 feet, thence N 20°29'43" W 583.48' to the centerline of a canal to the centerline of a canal, thence with said canal, N 76°53'05" E 121.14', S 84°06'41" E 83.95', S 79°09'28" E 116.09', S 83°31'12" E 102.03', S 78°43'10" E 87.19' and S 87°31'10" E 85.90' to the western right-of-way of Allen Road (NCSR 1203), thence with the western right-of-way of Allen Road (NCSR 1203), S 27°04'47" E 113.27', S 29°45'38" E 156.01' and S 33°21'53" E 39.95' to the point of beginning containing 5.871 acres.

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

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

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

Section 5. This annexation shall take effect from and after the 30th day of June, 2015.

ADOPTED this 14th day of August, 2014.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk
984747

NORTH CAROLINA
PITT COUNTY

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

WITNESS my hand and official seal this ____ day of _____, 2014.

Notary Public

My Commission Expires: _____

- NOTES**
1. THIS MAP IS OF A SURVEY THAT IS OF ANOTHER CATEGORY.
 2. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
 3. REFERENCE: DEED BOOK 2573, PAGE 530 AND DEED BOOK 2250, PAGE 634 OF THE PITT COUNTY REGISTER OF DEEDS.
 4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES. NO GRID FACTORS HAVE BEEN APPLIED.

(30)
NANNIE SUE FIELDS
 DB X-23, PG 425
 MB 3, PG 205

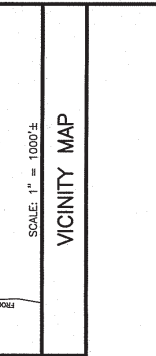
(31)
OUTDOOR PROPERTIES, LLC
 DB 2250, PG 634

(32)
OUTDOOR PROPERTIES II, LLC
 DB 3179, PG 325
 MB 77, PG 60

(33)
NANCY A. BEARDSWORTH SUBDIVISION
 SECTION 2
 MB 71, PG 115

(34)
NGCS MONUMENT "RED OAK"
 SPC 83/286
 X = 2,466,405.133 FEET
 Y = 688,924,946.5 FEET

(35)
NGCS MONUMENT "LAYTON"
 SPC 83/286
 X = 2,464,073.700 FEET
 Y = 687,555,946.3 FEET



SCALE: 1" = 1000'±
VICINITY MAP

LEGEND

R/W = RIGHT-OF-WAY
 EP = EXISTING IRON PIPE
 ES = EXISTING IRON STAKE
 EPKN = EXISTING PARKER KALON NAIL
 C/L = CENTERLINE

LEGEND

NEW CITY LIMIT LINE =

OLD CITY LIMIT LINE =

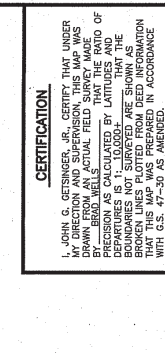
CITY LIMIT LINE =



CERTIFICATION

I, JOHN G. GETSINGER, JR., CERTIFY THAT UNDER THE SUPERVISION OF THE REGISTERED PROFESSIONAL SURVEYOR, I HAVE DRAWN FROM AN ACTUAL FIELD SURVEY MADE BY BEARSWORTH SURVEYING, INC. THAT THE MAP OF THIS PARCEL IS ACCURATELY CALCULATED BY LATITUDE AND DEPARTURES IS 1:10,000±. THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS APPROXIMATE. THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH S.C. 47-2-60, AS AMENDED, AND THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL SURVEYORS OF THE STATE OF SOUTH CAROLINA, EFFECTIVE JULY 1, 2014.

SIGNED:
 REGISTRATION NO. L-4608



MAP NO.	PLATS RECORDED	MAP BOOK	PAGE
NANCY A. BEARDSWORTH		46	61
NANCY A. BEARDSWORTH SUBD. SECT. 2		71	115
OUTDOOR PROPERTIES II, LLC		77	60

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C.
 (EFFECTIVE DATE _____ ORDINANCE # _____ AREA 5.871 AC.)
 ARTHUR _____ TOWNSHIP, PITT COUNTY, N.C.

PARCEL #78577 & A PORTION OF TAX PARCEL #05363
 ANNEXATION MAP FOR
NORTHWEST COMMERCIAL PARK

OWNER: **OUTDOOR PROPERTIES II, LLC**
 ADDRESS: PO BOX 3435
 GREENVILLE, NC 27836
 PHONE: (252) 355-4610

APPROVED: MMB
 DATE: 07/01/2014
 DRAWN: SCB/JGG
 SURVEYED: BW
 LICENSE # C-388
Baldwin Design Consultants, PA
 SHE & SUBMISSION DESIGN - SURVEYING - PLANNING
 3740-B EWING STREET
 GREENVILLE, NC 27604

SCALE: 1" = 100'



City of Greenville, North Carolina

Meeting Date: 8/14/2014
Time: 7:00 PM

Title of Item: Ordinance requested by DVM Services Realty, Incorporated to rezone 1.012 acres located along the western right-of-way of Evans Street and south of Lynncroft Shopping Center from RA20 (Residential-Agricultural) to OR (Office-Residential [High Density Multi-family])

Explanation: **Abstract:** The City has received a request from DVM Services Realty, Incorporated to rezone 1.012 acres located along the western right-of-way of Evans Street and south of Lynncroft Shopping Center from RA20 (Residential-Agricultural) to OR (Office-Residential [High Density Multi-family]).

Required Notice:

Planning and Zoning Commission meeting notice (adjoining property owner letters) was mailed on July 1, 2014.

On-site sign(s) posted on July 1, 2014.

City Council public hearing notice (adjoining property owner letters) mailed on July 22, 2014.

Public Hearing legal advertisement published on August 4 and August 11, 2014.

Comprehensive Plan:

The subject property is located in Vision Area D.

Evans Street is designated as a connector corridor from Reade Circle to Caversham Road. Connector corridors are anticipated to contain a variety of higher intensity land uses.

The Future Land Use Plan Map recommends commercial (C) at the southwest corner of the intersection of Evans Street and Greenville Boulevard transitioning to office/institutional/multi-family (OIMF) and high density residential (HDR) to the south.

The Future Land Use Plan Map further recommends a conservation/open space

(COS) area along the western right-of-way of Evans Street directly opposite the Lynndale Subdivision, north of the WNCT TV Station. The recommendation is to represent a buffer between the commercial on the west side of Evans Street and the Lynndale Subdivision on the east side of Evans Street.

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

Based on the analysis comparing the existing zoning (48 trips) and the requested zoning, the proposed rezoning classification could generate 93 trips to and from the site on Evans Street, which is a net increase of 45 additional trips per day. Evans Street, at this location, has a 3-lane cross section with a capacity of 14,000 vehicles per day and a current ADT of 19,800 vehicles per day. With the addition of 45 trips generated by the proposed rezoning, the impact on traffic along this thoroughfare is negligible (<1%). Therefore, a traffic volume report was not generated. Plans are also ongoing with regard to widening this section of Evans Street and beyond, which should help mitigate any additional traffic.

History:

In 1969, the subject property was zoned RA20 (Residential-Agricultural).

Present Land Use:

Kingdom Hall of Jehovah's Witness

Water/Sewer:

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

Historic Sites:

There is no known effect on designated sites.

Environmental Conditions/Constraints:

There are no known environmental conditions/constraints.

Current Surrounding Land Uses and Zoning:

North: OR – Lynncroft Condominiums

South: RA20 – One single-family home and associated outbuildings

East: O – WNCT TV Station

West: OR – Kingdom Hall of Jehovah's Witness (under common ownership as applicant)

Density Estimates:

Under the current zoning (RA20), the site could yield no more than 5 single-family lots.

Under the proposed zoning (OR), the site could yield 12-14 multi-family units (1, 2 and 3 bedrooms).

The anticipated build-out time is one year.

Fiscal Note: No cost to the City.

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

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

The Planning and Zoning Commission voted to approve the request at its July 15, 2014 meeting.

If City Council determines to approve the request, a motion to adopt the attached rezoning ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:
Motion to deny the proposed amendment and to make a finding and determination that, although the rezoning request is consistent with the comprehensive plan, there is a more appropriate zoning classification and, therefore, denial is reasonable and in the public interest.

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

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

Attachments / click to download

 [Map, Survey, and Density Charts](#)

[Ordinance DVM Sevices Realty 984417](#)

[Minutes for DVM Services 984423](#)

[Llst of Uses RA20 to OR 966797](#)

ORDINANCE NO. 14-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 14th day of August, 2014, at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance rezoning the following described property is consistent with the adopted comprehensive plan and that the adoption of the ordinance rezoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

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

Section 1. That the following described territory is rezoned from RA20 (Residential-Agricultural) to OR (Office-Residential).

TO WIT: Kingdom Hall of Jehovah's Witness Property

LOCATION: Located along the western right-of-way of Evans Street and south of Lynncroft Shopping Center.

DESCRIPTION: Beginning at the southwestern intersection of Evans Street and Chilwel Court (Named Access, Private). From the above described beginning, so located, running thence as follows:

With the western right-of-way of Evans Street, S 08°27'48" W 210.00', thence leaving the western right-of-way of Evans Street, N 83°12'36" W 210.00', thence N 08°27'48" E 210.18' to the southern right-of-way of Chilwel Court (Named Access, Private), thence with the southern right-of-way of Chilwel Court (Named Access, Private) S 83°09'40" E 189.99' and S 83°09'40" E 20.01' to the point of beginning containing 1.012 Acres.

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

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

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

ADOPTED this 14th day of August, 2014.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc. # 984417

Excerpt from the DRAFT Planning & Zoning Minutes (7/15/2014)

ORDINANCE REQUESTED BY DVM SERVICES REALTY, INCORPORATED TO REZONE 1.012 ACRES LOCATED ALONG THE WESTERN RIGHT-OF-WAY OF EVANS STREET AND SOUTH OF LYNNCROFT SHOPPING CENTER FROM RA20 (RESIDENTIAL-AGRICULTURAL) TO OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located in the southern section of the City and is the current location of the Kingdom Hall of Jehovah's Witnesses. The rezoning is only for the portion of the property along Evans Street. The rear part of the property is already zoned OR (Office-Residential). The WNCT TV Station and Lynndale Subdivision are to the east. Commercial is to the north and multi-family is to the south. This request could generate a net increase of 45 trips. Since the amount is negligible, a traffic report wasn't prepared. Under the current zoning, the property could accommodate 5 single-family lots. Under the proposed zoning, it could accommodate about 12 to 14 multi-family units. The Future Land Use Plan Map recommends commercial (C) at the intersection of Greenville Boulevard and Evans Street, then transitions to office/ institutional/multi-family (OIMF) and high density residential (HDR) to the south. Conservation/open space (COS) is recommended along the western right-of-way of Evans Street directly opposite the Lynndale Subdivision to show a buffer between the commercial on the west side of Evans Street and the residential on the east side of Evans Street. There are no environmental constraints. In staff's opinion, the request is in general compliance with Horizon's Greenville Community Plan and the Future Land Use Plan Map.

Chairman Parker opened the public hearing.

Mr. Mike Baldwin, representative of the applicant, spoke in favor of the request. The property is under contract and the church is re-locating. The traffic impact is negligible and there are no environmental issues. It is in compliance with the Comprehensive Plan.

Mr. Carl Darden, listing real estate agent, spoke in favor of the request. He stated it is a fair request and it is in line with all the ordinances.

No one spoke in opposition of the request.

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

No comments made during board discussion.

Motion made by Mr. Schrade, seconded by Mr. King, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

EXISTING ZONING

RA20 (Residential-Agricultural)

Permitted Uses

(1) General:

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

(2) Residential:

- a. Single-family dwelling
- 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)
- c. Wayside market for farm products produced on site
- e. Kennel (see also section 9-4-103)
- f. Stable; horse only (see also section 9-4-103)
- g. Stable; per definition (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility

(7) Office/ Financial/ Medical: None*

(8) Services:

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

(9) Repair: None*

(10) Retail Trade: None*

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade: None*

(12) Construction:

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

(13) Transportation: None*

*(14) Manufacturing/ Warehousing: * None*

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

RA20 (Residential-Agricultural)

Special Uses

- (1) General:* None*

(2) Residential:

- b. Two-family attached dwelling (duplex)
- g. Mobile Home
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major 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:

- b. Greenhouse or plant nursery; including accessory sales

(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)

(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

OR (Office-Residential)

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:

- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- k. Family care home (see also section 9-4-103)
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- p. Board or rooming house
- q. Room renting

*(3) Home Occupations (see all categories):*None*

(4) Governmental:

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

(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:

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

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- j. College or other institutions of higher learning
- k. Business or trade school
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- p. Library
- q. Museum
- r. Art Gallery
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- x. Dance studio
- bb. Civic organizations
- cc. Trade or business organizations

(9) Repair: None*

(10) Retail Trade:

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

*(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:** None

(12) Construction:

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

*(13) Transportation:** None

*(14) Manufacturing/ Warehousing: ** None

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

**OR (Office-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
- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- o.(1). Nursing, convalescent center or maternity home; minor care facility
- r. Fraternity or sorority house

*(3) Home Occupations (see all categories):** None

(4) Governmental:

- a. Public utility building or use

*(5) Agricultural/ Mining:** None

(6) Recreational/ Entertainment:

- c.(1). Tennis club; indoor and outdoor facilities
- h. Commercial recreation; indoor only, not otherwise listed

(7) Office/ Financial/ Medical:

- f. Veterinary clinic or animal hospital (also see animal boarding; outside facility, kennel and stable)

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- 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)
- ff. Mental health, emotional or physical rehabilitation center

*(9) Repair:** None

(10) Retail Trade:

- h. Restaurant; conventional
- j. Restaurant; regulated outdoor activities

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade:** None

(12) *Construction:** None

(13) *Transportation:*

h. Parking lot or structure; principle use

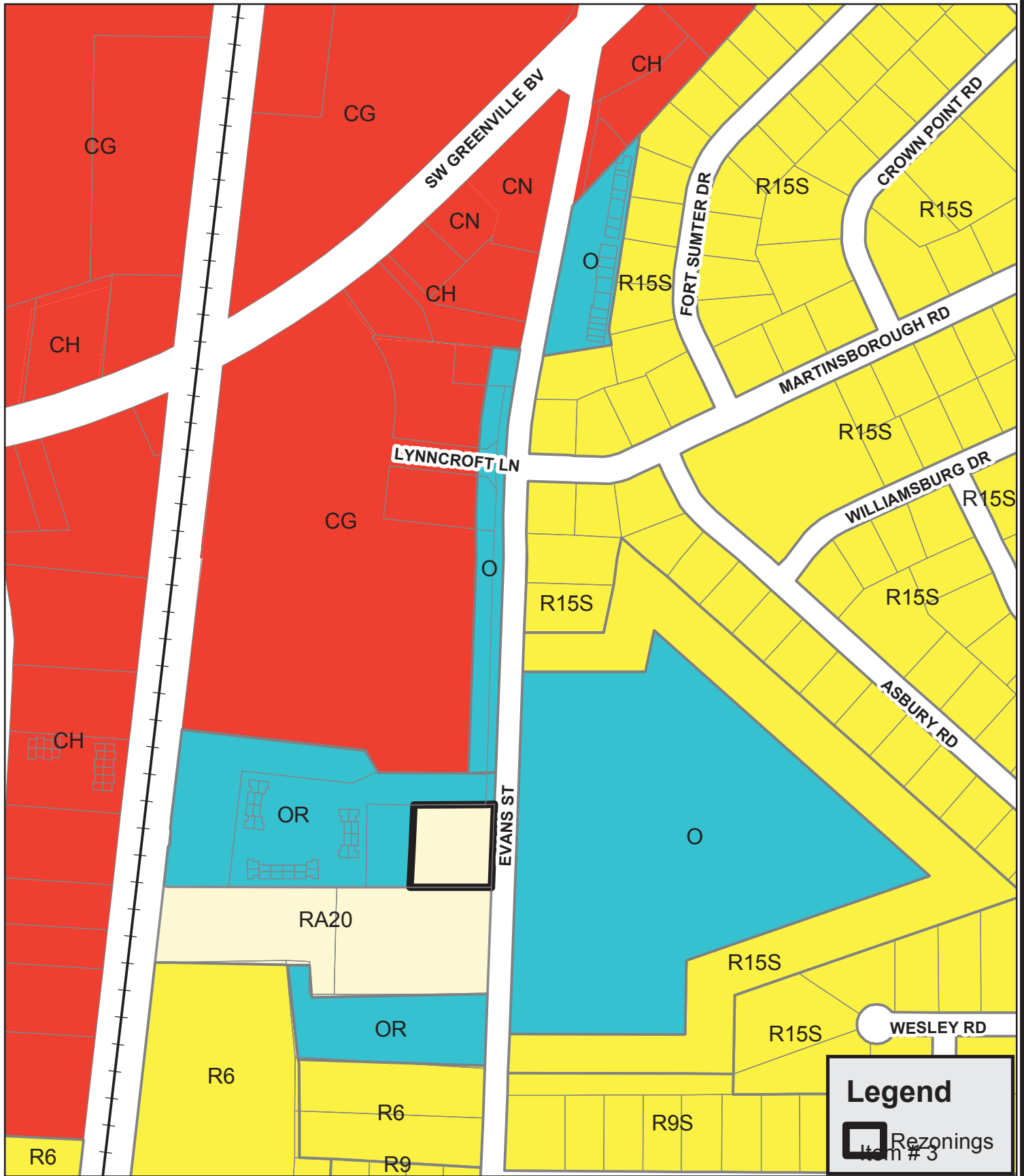
(14) *Manufacturing/ Warehousing:* * None

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

a. Other activities; personal services not otherwise listed

b. Other activities; professional services not otherwise listed

DVM Services Realty, Inc.
From: RA20 To: OR
1.012 acres
July 1, 2014



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.

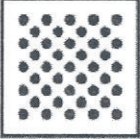
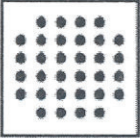
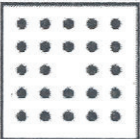
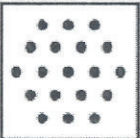
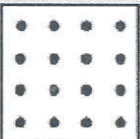
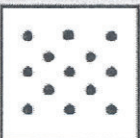
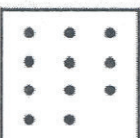
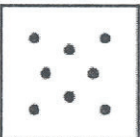
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons 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: 8/14/2014
Time: 7:00 PM

Title of Item: Ordinance requested by Jason B. Adams and Gene Bland Adams to rezone 0.468 acres located at the southwest corner of the intersection of Evans Street and West 9th Street from OR (Office-Residential [High Density Multi-family]) to CDF (Downtown Commercial Fringe)

Explanation: **Abstract:** The City has received a request from Jason B. Adams and Gene Bland Adams to rezone 0.468 acres located at the southwest corner of the intersection of Evans Street and West 9th Street from OR (Office-Residential [High Density Multi-family]) to CDF (Downtown Commercial Fringe).

Required Notice:

Planning and Zoning Commission meeting notice (adjoining property owner letters) was mailed on July 1, 2014.
On-site sign(s) posted on July 1, 2014.
City Council public hearing notice (adjoining property owner letters) mailed on July 22, 2014.
Public Hearing legal advertisement published on August 4 and August 11, 2014.

Comprehensive Plan:

The subject area is located in Vision Area G.

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

The subject property is located in the designated regional focus area described as the central business district (Uptown area). These nodes typically contain 400,000 plus square feet of conditioned floor space.

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

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 2,225 trips to and from the site on Evans Street, which is a net increase of 2,178 additional trips per day.

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

History:

By 1976, the subject property was zoned OR (Office-Residential).

Present Land Use:

A & B Auto Service

Water/Sewer:

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

Historic Sites:

There is no known effect on designated sites.

Environmental Conditions/Constraints:

There are no known environmental conditions/constraints.

Current Surrounding Land Uses and Zoning:

North: OR – H. Edwin Gray CPA Office
South: OR – Dr. Robert McCarthy Chiropractor Office
East: CDF – State of North Carolina parking lot
West: CDF – East Carolina Labor

Density Estimates:

Under the current zoning (OR), the site could yield no more than 7 multi-family units (1, 2 and 3 bedrooms).

Under the proposed zoning (CDF), the site could accommodate 4,485+/- square feet of convention or fast food restaurant/retail space.

The anticipated build-out time is within one year.

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. The subject property is adjacent to the West Greenville 45-Block Revitalization area. Over the last couple of years, this area has been transitioning to CD zoning because of the expanded list of uses and higher density not allowed in CDF zoning. Also, CD zoning is recommended in the West Greenville 45-Block Revitalization Plan. For these reasons, **staff would recommend CD zoning in lieu of the proposed CDF zoning.**

"General compliance with the comprehensive plan" should be construed as meaning the requested rezoning is recognized as being located in a transition area and that the requested rezoning (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.

The Planning and Zoning Commission voted to approve the request at its July 15, 2014 meeting.

If City Council determines to approve the request, a motion to adopt the attached rezoning ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows: Motion to deny the request to rezone and to make a finding and determination that the denial of the rezoning request is consistent with the comprehensive plan and that the denial of the rezoning request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

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

Attachments / click to download

 [Combined map, survey, traffic and buffer charts](#)

 [Ordinance Gene and Jason Adams 984421](#)

 [Minutes Gene and Jason Adams 984424](#)

 [List of Uses OR to CDF 983533](#)

ORDINANCE NO. 14-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 14th day of August, 2014, at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance rezoning the following described property is consistent with the adopted comprehensive plan and that the adoption of the ordinance rezoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

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

Section 1. That the following described territory is rezoned from OR (Office-Residential) to CDF (Downtown Commercial Fringe).

TO WIT: Gene Bland and Jason B. Adams Properties

LOCATION: Located at the southwest corner of the intersection of Evans Street and West Ninth Street.

DESCRIPTION: Beginning at an "X" in the concrete located at the southwest intersection of Evans Street and West Ninth Street. From the above described beginning, so located, running thence as follows:

With the western right-of-way of Evans Street, S 10°42'41" W 83.38' and S 18°12'58" W 82.82', thence leaving the western right-of-way of Evans Street N 79°03'01" W 140.63', thence N 10°01'23" E 82.66', thence S 79°11'33" E 52.30', thence N 10°48'27" E 82.50' to the southern right-of-way of West Ninth Street, thence the southern right-of-way of West Ninth Street, S 79°11'34" E 100.00' to the point of beginning containing 0.468 Acre.

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

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

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

ADOPTED this 14th day of August, 2014.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc. # 984421

Excerpt from the DRAFT Planning & Zoning Minutes (7/15/2014)

ORDINANCE REQUESTED BY JASON B.ADAMS AND GENE BLAND ADAMS TO REZONE 0.468 ACRES LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF EVANS STREET AND WEST 9TH STREET FROM OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) TO CDF (DOWNTOWN COMMERCIAL FRINGE) - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located in the central section of the City, along Evans Street between 9th and 10th Streets. A & B Auto Service is currently located on the property. There is an adjacent parcel, which is owned by the applicant, that is already zoned CDF. There are a variety of uses in this area. The property is part of the central business district where commercial is anticipated and recommended. This request could generate a net increase of 2,178 trips, which is a worst-case scenario. Under the current zoning, the property could accommodate approximately 7 multi-family units. Under the requested zoning, it could accommodate about 4,440 square feet of convention or fast food/retail space. The general downtown area has been making the transition to the CD zoning which allows more uses, no setback and parking requirements, and higher density not allowed in CDF. The proposed request for CDF is an old zoning district that is transitioning to CD zoning partly based on a recommendation from the West Greenville Revitalization Area Plan. The proposed request is just outside of this area. The Future Land Use Plan recommends commercial to the area north of 10th Street. In staff's opinion, the request is in general compliance with Horizon's Greenville Community Plan and the Future Land Use Plan Map. Staff would recommend CD zoning in lieu of the proposed CDF zoning.

Mr. Weitz asked how the Commission would make a decision based on staff's recommendation.

Attorney Holec stated that the Commission is required to act on the application and provide a recommendation based on the request. The Commission does have the option to initiate another rezoning.

Chairman Parker asked if it would go back to staff.

Attorney Holec stated no because the applicant is entitled to have their application reviewed and acted on by City Council.

Mr. Weitz stated it would be inappropriate to change the requested rezoning since it was advertised for CDF. He stated P&Z could make a recommendation on this request and then initiate a rezoning for CD for the entire property and not just the section that was applied for.

Chairman Parker asked why CDF.

Ms. Gooby stated that the applicant's representative would speak on that.

Ms. Bellis asked who would initiate a request for a CD zoning.

Ms. Gooby stated that the P&Z Commission could.

Ms. Bellis asked if the proposed was a historic property.

Ms. Gooby stated it is a historical building but does not have a historic designation.

Chairman Parker opened the public hearing.

Mr. Mike Baldwin, representative for the applicant, spoke in favor of the request. He distributed supplemental information the P&Z members. The building was built in 1935. It was previously the Pure Oil Company Service Station and has been A & B Auto since 1976. The current OR zoning was established in 1976. It is currently a non-conforming use. The owners want to build a storage building but cannot expand on a non-conforming use. Three neighboring property owners signed letters stating they had no objection. The reason for CDF is to allow for major automobile repair. The current business will continue to stay at this location. He stated the use is allowed in CDF but not in CD. If the request is approved by the Commission and then by City Council, a special use permit will still be required. Another public hearing will be held with the Board of Adjustment. The request is in compliance with the Comprehensive Plan and the Future Land Use Plan Map. It will not generate 2,100 trips. The owners have been there for many years and just want to build a storage building. This is a reasonable request and should be approved.

Mr. Weitz asked if the building was constructed across two property lines.

Mr. Baldwin stated it was a zoning boundary line only. The owner owns 2 lots. If the request is approved, a re-combination plat will be required.

No one spoke in opposition of the request.

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

Chairman Parker stated this is a no-brainer. It seems that the business is going to stay and it is an asset to Uptown Greenville.

Ms. Bellis stated she was delighted that the building is being preserved.

Mr. Weitz stated he sees why the staff recommends CD versus CDF. The vision for downtown does not contain automobile uses. The owner is already there and the current use should be supported.

Motion made by Mr. Schrade, seconded by Ms. Bellis, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

EXISTING ZONING

OR (Office-Residential)

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:

- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- k. Family care home (see also section 9-4-103)
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- p. Board or rooming house
- q. Room renting

*(3) Home Occupations (see all categories):*None*

(4) Governmental:

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

(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:

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

(8) Services:

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

- q. Museum
- r. Art Gallery
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- x. Dance studio
- bb. Civic organizations
- cc. Trade or business organizations

(9) *Repair*:* None

(10) *Retail Trade*:

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

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade*:* None

(12) *Construction*:

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

(13) *Transportation*:* None

(14) *Manufacturing/ Warehousing*: * None

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

OR (Office-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
- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- o.(1). Nursing, convalescent center or maternity home; minor care facility
- r. Fraternity or sorority house

(3) *Home Occupations (see all categories)*:* None

(4) *Governmental*:

- a. Public utility building or use

(5) *Agricultural/ Mining*:* None

(6) *Recreational/ Entertainment*:

- c.(1). Tennis club; indoor and outdoor facilities
- h. Commercial recreation; indoor only, not otherwise listed

(7) *Office/ Financial/ Medical*:

- f. Veterinary clinic or animal hospital (also see animal boarding; outside facility, kennel and stable)

(8) *Services*:

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

- 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)
- ff. Mental health, emotional or physical rehabilitation center

(9) *Repair*: * None

(10) *Retail Trade*:

- h. Restaurant; conventional
- j. Restaurant; regulated outdoor activities

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade*: * None

(12) *Construction*: * None

(13) *Transportation*:

- h. Parking lot or structure; principle use

(14) *Manufacturing/ Warehousing*: * None

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

- a. Other activities; personal services not otherwise listed
- b. Other activities; professional services not otherwise listed

PROPOSED ZONING

CDF (Downtown Commercial Fringe)

Permitted Uses

(1) *General*:

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

(2) *Residential*:

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

(3) *Home Occupations (see all categories)*: *None

(4) *Governmental*:

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

(5) *Agricultural/ Mining*:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

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

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- k. Business or trade school
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- p. Library
- q. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- kk. Launderette; household users
- ll. Dry cleaners; household users
- mm. Commercial laundries; linen supply
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

(9) Repair:

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

(10) Retail Trade:

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- h. Restaurant; conventional
- i. Restaurant; fast food
- l. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- n. Appliance; commercial use, sales and accessory repair, excluding outside storage

- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales
- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

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

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

(12) Construction:

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

(13) Transportation:

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

(14) Manufacturing/ Warehousing:

- c. Bakery; production, storage and shipment facilities

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

CDF (Downtown Commercial Fringe)

Special Uses

(1) General: None*

(2) Residential:

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

(3) Home Occupations (see all categories):

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

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining: None*

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical: None*

(8) Services:

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

(9) Repair:

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

(10) Retail Trade:

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

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade: None*

(12) Construction:

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

(13) Transportation:

- h. Parking lot or structure; principal use

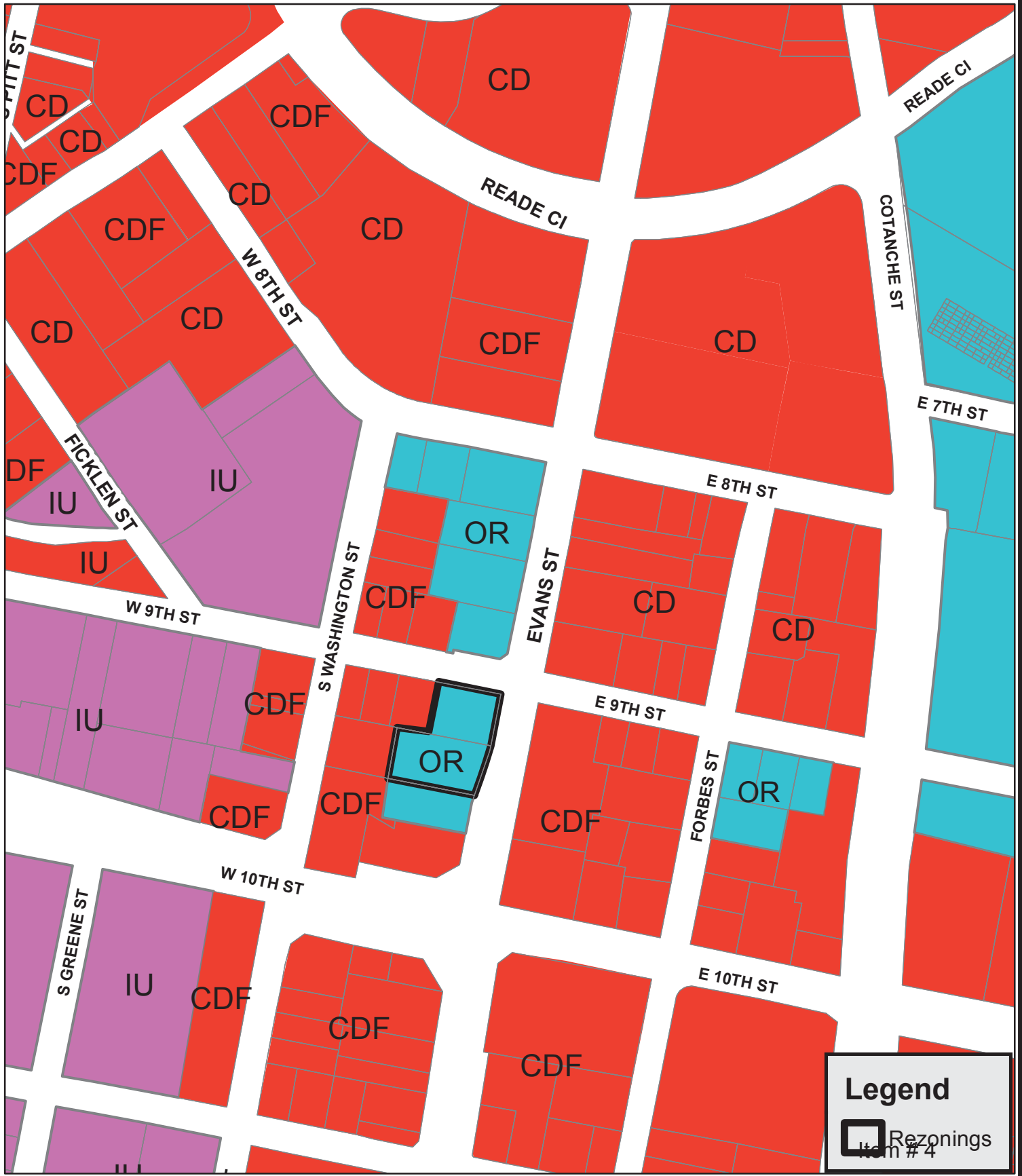
(14) Manufacturing/ Warehousing:

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


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

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

Gene Bland and Jason B. Adams
From: OR To: CDF
0.468 acres
July 1, 2014



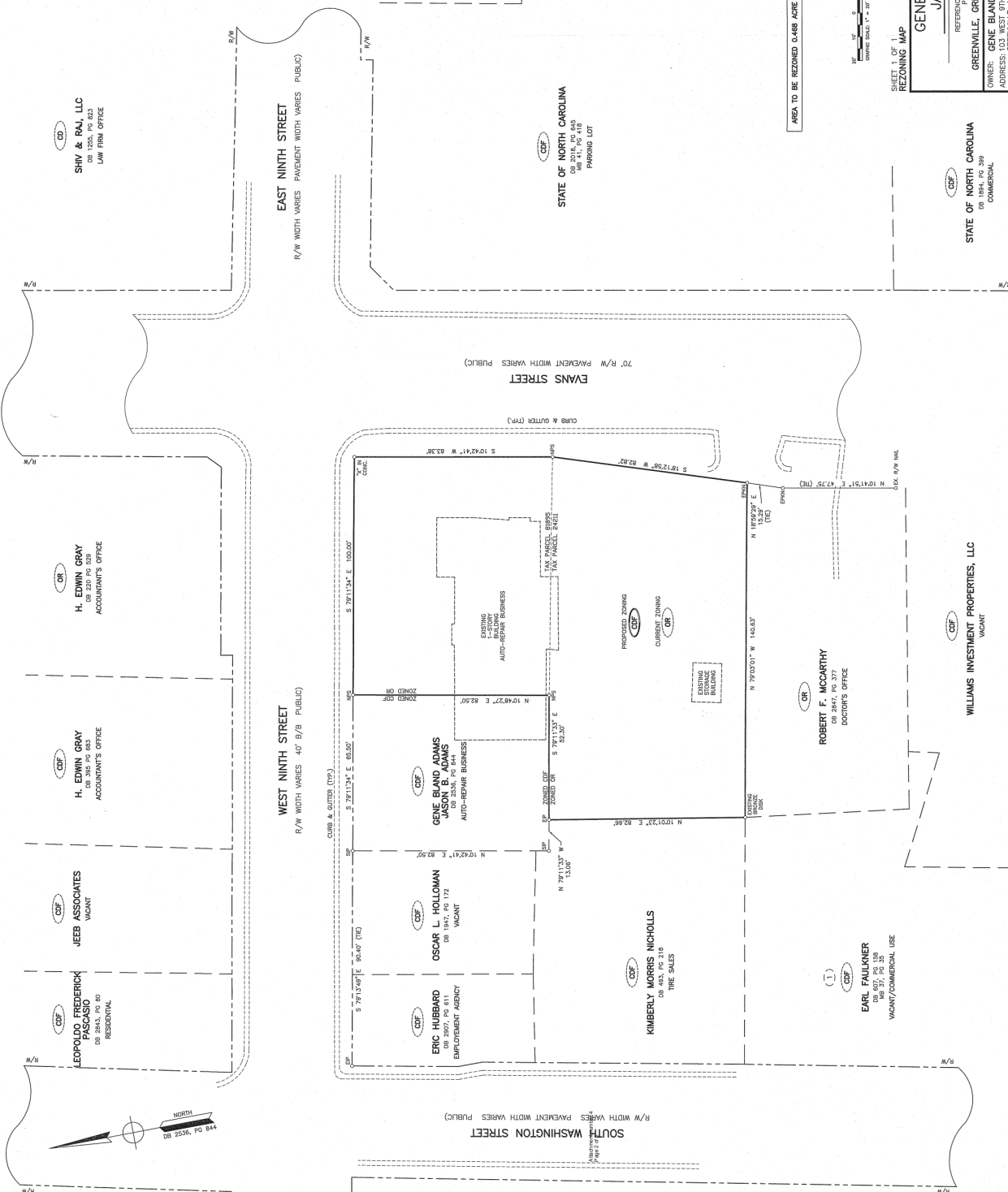
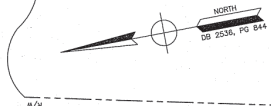
Legend

 Rezoning Item #4

LEGEND
 R/W = RIGHT-OF-WAY
 DB = DEED BOOK
 SET = SET
 EIP = EXISTING IRON PIPE
 SIP = SET IRON PIPE
 EPWN = EXISTING PARKER KALON MAIL

ADJOINING PROPERTY OWNERS ADDRESSES

- LEOPOLDO FREDERICK PASCASIO
1019 W. HIGHT ROAD
GREENVILLE, NC 27606
- 401 BERKSTON DRIVE
GREENVILLE, NC 27606
- 401 BERKSTON DRIVE
GREENVILLE, NC 27606
- H. EDWIN GRAY, D. GRAY
820 SOUTH EVANS STREET
GREENVILLE, NC 27604
- SHW & RAJ, LLC
662 JORDAN AVENUE
GREENVILLE, NC 27604
- STATE OF NORTH CAROLINA
P.O. BOX 42778-03
GREENVILLE, NC 27608
- WILLIAMS INVESTMENT PROPERTIES LLC
GREENVILLE, NC 27608
- EARL FALKNER
GREENVILLE, NC 27604
- KIMBERLY MORRIS NICHOLLS
100 PAULA ROSSER NICHOLLS
WASHINGTON, NC 27889
- ERIC HUBBARD
207 W. WILLIAMS STREET
GREENVILLE, NC 27604
- OSCAR L. HOLLOWAN
and CAROL P. HOLLOWAN
207 W. WILLIAMS STREET
GREENVILLE, NC 27604
- ROBERT F. MCCARTHY
GREENVILLE, NC 27606



AREA TO BE REZONED 0.468 ACRE
 SCALE: 1" = 20'

SHEET 1 OF 1
REZONING MAP
GENE BLAND ADAMS & JASON B. ADAMS
 REFERENCE: DEED BOOK 2338 PAGE 844 OF THE
 PITT COUNTY REGISTER OF DEEDS
 GREENVILLE, GREENVILLE TOWNSHIP, PITT COUNTY, N.C.
 OWNER: GENE BLAND ADAMS & JASON B. ADAMS
 ADDRESS: GREENVILLE, NC 27608
 PHONE: (252) 756-4228

Baldwin Design
 LICENSED PROFESSIONAL ENGINEER
 2100 W. WASHINGTON STREET
 GREENVILLE, NC 27604
 PHONE: (252) 756-4228

APPROVED: MBS DATE: 05/23/14
 DRAWN: JST/ARW
 CHECKED: MWB
 SCALE: 1" = 20'

CLOSURE CHECK BOUNDARY
 DATE: 05/23/14
 CHECKED: MWB

Case No: 14-12

Applicant: Gene Bland and James B. Adams

Property Information

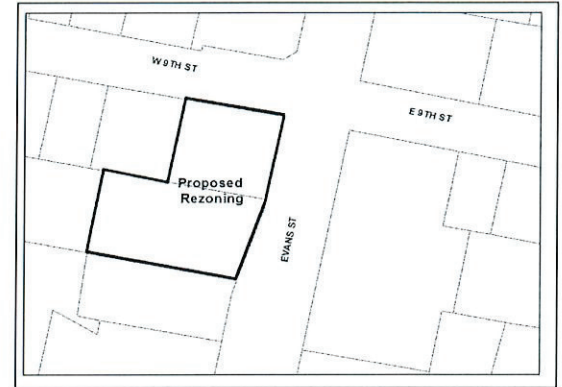
Current Zoning: OR (Office-Residential [High Density Multi-Family])

Proposed Zoning: CDF (Downtown Commercial Fringe)

Current Acreage: 0.468 acres

Location: southwest corner of Evans Street & W. 9th Street

Points of Access: Evans Street, W. 9th St



Location Map

Transportation Background Information

1.) Evans Street- City maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	4-lane - curb & gutter	4 lane - curb & gutter, wide outside lanes, sidewalks
Right of way width (ft)	70	no change
Speed Limit (mph)	35	no change
Current ADT:	11,440 (*)	Ultimate Design ADT: 30,000 vehicles/day (**)
Design ADT:	30,000 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

Other Information: There are sidewalks along Evans Street that service this property.

Notes: (*) 2012 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: 47 -vehicle trips/day (*) **Proposed Zoning: 2,225** -vehicle trips/day (*)

Estimated Net Change: increase of 2178 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 Evans Street are as follows:

1.) Evans Street , North of Site (40%): **“No build” ADT of 11,440**

Estimated ADT with Proposed Zoning (full build) – 12,330
Estimated ADT with Current Zoning (full build) – 11,459
Net ADT change = 871 (8% increase)

2.) Evans Street , South of Site (60%): “No build” ADT of 11,440

Estimated ADT with Proposed Zoning (full build) – 12,775

Estimated ADT with Current Zoning (full build) – 11,468

Net ADT change = 1,307 (11% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 2225 trips to and from the site on Evans Street, which is a net increase of 2178 additional trips per day.

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

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.

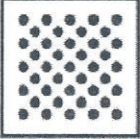
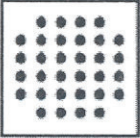
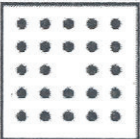
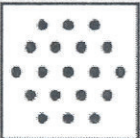
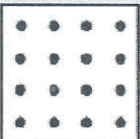
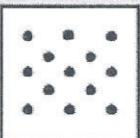
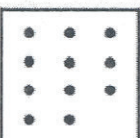
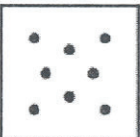
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons 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: 8/14/2014
Time: 7:00 PM

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

Explanation: **Abstract:** At their January 21, 2014 meeting, the Planning and Zoning Commission directed staff to formulate a text amendment to allow microbreweries.

Explanation: Currently, the Zoning Ordinance does not allow microbreweries anywhere in the City. The Community Development Department staff initiated discussions with the Planning and Zoning Commission (1/21/14), the Redevelopment Commission (2/4/14 and 5/6/14), the Greenville-Pitt Chamber of Commerce (5/9/14), and Uptown Greenville (6/11/14 meeting with Director) to gauge receptiveness to the concept of allowing microbreweries within a targeted area of the City. Reactions to the concept and discussions of draft amendments were supportive throughout these meetings.

This amendment allows microbreweries in Greenville's urban core to help encourage investment in vacant and underutilized buildings and vacant lots. If adopted, the area where microbreweries will be allowed is in the CD (Downtown Commercial) zoning district through a special use permit. This text amendment also establishes specific criteria for microbreweries.

Fiscal Note: There is no anticipated fiscal impact.

Recommendation: In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan and other applicable adopted plans (see further details included in the attached Staff Report).

The Planning and Zoning Commission voted unanimously to approve the request at its June 17, 2014, meeting with suggested revisions to Sec. 9-4-86 QQ.(3) and

(9)(a)2. The ordinance was revised to reflect the Planning and Zoning Commission's approved motion.

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

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

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

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

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

Attachments / click to download

- [Microbrewery Text Amendment Ordinance 980860](#)
- [Excerpt of Meeting Minutes Text Amendment Microbreweries 985543](#)
- [Microbrewery Text Amendment Staff Report 980175](#)
- [Maps 1 5 Microbreweries Text Amendment 981806](#)

ORDINANCE NO. 14-
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on August 14, 2014, at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

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

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

Section 1: That Title 9, Chapter 4, Article B, Section 9-4-22 of the City Code is hereby amended by adding the following definitions for “*Microbrewery*”:

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

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

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

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

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

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

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

pursuant to G.S.18B as amended.

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

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

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

devoted to operating brewing equipment.

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

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

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

Adopted this 14th day of August, 2014.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Excerpt from ADOPTED Planning & Zoning Commission Meeting Minutes (01-21-2014)

ordinance page 3 Section 2 (Y) (1), and 2. Require that stored racks be covered. Motion passed unanimously.

OTHER ITEMS OF BUSINESS

DISCUSSION ITEM FOR AN UPCOMING TEXT AMENDMENT FOR MICROBREWERIES.

Mr. Thomas Weitnauer, Chief Planner, spoke about proposed standards and areas for microbreweries in the City. Currently the City has the 500 feet ordinance for public/private clubs but there are no ordinances for microbreweries. Possible standards:

- Create a definition on 2 scales: repurposed and industrial.
- Limit maximum size
- Set percentage of square feet of building devoted to production
- Allowed by special use permit
- Safety regulations (i.e. trained bouncers and no cover charge)
- Not allowed within 500 ft of existing public/private club or residential unless in West Greenville CRA (Center City Redevelopment Area) using existing buildings and reuse local or national historic district buildings

Mr. Carl Rees, Economic Development Officer spoke. The 2013-2014 Economic Development Initiative handouts were given to Commissioners. The strategic goals implementation, adopted by the Council, is to increase City tax base, increase quality of life, and increase jobs. One target area would include advanced manufacturing in food and beverage. Microbreweries in the urban part of our City would revitalize these areas, increase tax base, and increase high quality entertainment venues. This is a growing market in the US and here in North Carolina like in New Bern and Farmville. There is a quality work force and an abundant source of water in our area to support the beverage sector. 2-3 smaller operations and maybe 1 production level facility would be considered a win for the City.

Mr. Parker stated the Mother Earth Brewery in Kinston is phenomenal. He stated it is a repurposed building that is completely green. He stated he highly encourages microbreweries in Greenville.

Mr. Weitnauer stated this is the first step in preparing an ordinance draft.

Mr. Weitz asked if the microbrewery would be the principal use and then also a bar, tavern, or restaurant. He asked which would be the primary use of the property.

Mr. Weitnauer stated that they could sell what they produce. He stated their primary use would be microbrewery but they could have food and/or live music.

Mr. Weitz asked if it would be classed as a tavern and meet requirements and be a microbrewery.

Mr. Weitnauer stated that yes they would have to meet ABC permits/regulations.

Mr. Weitz asked what it would be called.

Mr. Weitnauer stated that the ordinance would be written up with requirements that make this different from a nightclub but have the required state ABC permits.

DISCUSSION ITEM FOR AN UPCOMING TEXT AMENDMENT TO REQUIRE SIDEWALKS FOR MAJOR COMMERCIAL DEVELOPMENT ALONG MAJOR CORRIDORS.

Mr. Thomas Weitnauer, Chief Planner, spoke about the development of standards for commercial sidewalks. He stated that many stakeholders like Public Works, the Bicycle & Pedestrian Commission, ECU, and Pitt County Schools would be involved.

The areas of study:

- A. Define major commercial development
- B. Define and indentify location of missing gaps in sidewalks
- C. Study recently developed commercial projects where sidewalks were not required or installed and look for foot paths
- D. Study areas where sidewalk requirements may not be appropriate
- E. Other considerations: Lighting, landscaping, bus stop/shelter locations, employment centers, and residential densities

It is very expensive for the City to retrofit after the fact. Compliance with City documents and adopted plans will be taken into consideration as well as reviewing peer cities sidewalk requirements. The study should take a couple of months.

Chairwoman Basnight asked who would keep up the grassy areas around the sidewalks.

Mr. Weitnauer stated probably the City if it is in the right of way or the property owner. He stated he was not sure but would include the issue of long-term maintenance in the study.

Mr. Parker stated that there are areas on Greenville Boulevard near Charles Boulevard where overgrown vegetation has blocked the sidewalk. He stated that it needed to be found out who is responsible for maintenance. He stated that a sidewalk ordinance is great and should have been done 20 years ago.

Mr. Weitnauer stated that the responsible party for maintenance could be owner, City, County, or State.

Excerpt of APPROVED Redevelopment Commission Meeting Minutes (02-04-2014)

Motion was made by Ms. Judy Siguaw and seconded by Ms. Angela Marshall to hire Dunn and Dalton. Motion carried unanimously.

Review of Potential Zoning Text Amendment Related to Micro-Breweries

Mr. Rees discussed economic development target sectors and strengths in food and beverage sectors.

As we have prepared ourselves to go out and recruit beverage companies we realized our codes for the City never considered the possibility that we would want to locate these microbreweries in Greenville. We have begun conversations with our planning staff about how we might make changes to our City code so that it would be easier to located microbreweries in our urban core.

Mr. Weitnaur discussed potential code amendments.

Mr. Woodson-What you are asking from this committee is an endorsement before it goes before Planning and Zoning?

Mr. Rees-Yes we are interested in your comments and your endorsement if you feel like this is worthwhile.

Ms. Siguaw- I certainly think we want the microbreweries in Greenville. Are you saying that a microbrewery could only located in West Greenville or Center City?

Mr. Weitnauer- Currently as we are starting to draft that would be the case.

Ms. Siguaw- I am not sure that is such a good idea that you are restricting them here. My other question deals with operations. In terms of cover charge, I can see an emerging business putting a small cover charge to cover the cost of a musician. I would be hesitant to do that because we want them to grow.

Mr. Rees- I think what we are envisioning is the smaller scale for the urban core.

Ms. Siguaw- Right but the way this reads is if you are a microbrewery and have grown you would need to leave Greenville. And I think the no wholesale shipping should be taken out.

Mr. Weitnauer-I think the concern was large loading zones clogs up the streets with tractor trailers but we can look into that.

Mr. King-I can assure you if someone wanted to locate something in Dickinson Avenue hopefully they would conform but if they can employee a thousand people shipping beer I would be totally for it. Maybe we should look at what ordinance Kinston has. I support bringing them in and letting them grow. I would favor a much less restrictive geographic

area. Maybe there should be some standard in terms of how much of their product.

Mr. Weitnauer- We wondered about that. How would we require that they sell only their beer, or some percentage of their beer?

Mr. Hatoum- Wouldn't that be from the ABC Board?

Mr. Flood- And that gets to the essence of the comments. When we do this we have to balance it against ABC laws, so it will be a balancing act. I think we all want this new use, but it is about finding the right fit.

Ms. Siguaw-Jeremy mentioned new buildings, but one thing that could be done is put in design restrictions so you don't have a random aluminum building next to historic buildings.

Ms. Dunn-Talk a little bit about the cover charge.

Mr. Weitnauer-I associate cover charge with are large bands that the club had to book to justify their revenue and paying the band. That is the private or public club that gets kind of rowdy.

Mr. Hatoum- If they are going to get a brewery permit, they will not be able to sell liquor. Banning a cover charge will hinder their ability to operate.

Mr. Woodson- We have two choices: accept the information only or make a recommendation to endorsement the action moving forward.

Ms. Siguaw- I think we would just accept the information at this time. We really want to see some revisions

Motion was made by Mr. Jeremy King and seconded by Ms. Judy Marshall to endorse potential changes to the City code that would allow for the location of microbreweries and micro distilleries. Motion carried with five in favor (Patterson and Marshall opposed).

Consideration of Business Plan Competition Applications

Mr. Rees introduced Ms. Verburg, Economic Development Project Coordinator.

Ms. Verburg gave an overview of the Small Business Plan Competition program and each application.

Small Business Plan sub-committee gave comments about each of the applicants.

Excerpt from APPROVED Redevelopment Commission Meeting Minutes (05-06-14)

Mr. Woodson- I do not know how long we can sustain maintenance costs.

Mr.King- I think we should discuss it after we get the bids next month.

Consideration of Recommendation for Microbrewery Ordinance

Mr. Weitnaur presented a review and an update on the concept of creating an environment for microbreweries.

Mr. Flood described current requirements concerning dining and entertainment operations.

Redevelopment Commission discussed updates to microbrewery environment requirements, including proximity to residential areas.

Mr. Woodson- What we are doing is providing input to be considered not determining the language that will ultimately be included in the ordinance.

Motion was made by Mr. Richard Patterson and seconded by Ms. Angela Marshall to forward a request to the Planning and Zoning Commission to create a microbrewery ordinance inclusive of the Redevelopment Commission's recommendations. Motion carried unanimously.

Consideration of 2014-2015 Work Plan and Budget

Mr. Wisemiller gave an overview of projects and associated budget for the remainder of the 2014-2015 fiscal year.

Mr. King- We are not locked into the budget figures exactly, are we?

Mr. Wisemiller- Well, you would approve the budget, but we constantly tweak that and we can change it again next month based upon your input. It does give us a framework going further and in some cases we have already committed to expenditures.

Motion was made by Mr. Jeremy King and seconded by Ms. Pat Dunn to approve fiscal year 2014-2015 work plan and budget and forward to the Greenville City Council for consideration. Motion carried unanimously.

Discussion of Potential Bond Projects

Mr. Wisemiller- There could possibly be a voter referendum at the November 2014 election, so staff thought it might be a good idea for the Commission to prioritize unfunded projects. It is a really quick turnaround so we need to look at some items and rank them. We are suggesting some projects that the Redevelopment Commission is

Excerpt from ADOPTED Planning & Zoning Commission Meeting Minutes (06-17-2014)

MINUTES ADOPTED BY THE GREENVILLE PLANNING AND ZONING COMMISSION

June 17, 2014

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

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

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

VOTING MEMBERS: Parker, Bellis, Weitz, Schrade, Smith, Darden, King, Harrington

PLANNING STAFF: Thomas Weitnauer, Chief Planner and Amy Nunez, Staff Support Specialist II.

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

MINUTES: Motion was made by Mr. Parker, seconded by Mr. Smith, to accept the May 20, 2014 minutes as presented. Motion carried unanimously.

NEW BUSINESS

TEXT AMENDMENTS

ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADDING MICROBREWERIES AS AN ALLOWED LAND USE WITHIN THE CD (DOWNTOWN COMMERCIAL) ZONING DISTRICT, SUBJECT TO AN APPROVED SPECIAL USE PERMIT, AND ESTABLISHING SPECIFIC CRITERIA. – APPROVED

Mr. Thomas Weitnauer, Chief Planner, presented the text amendment. Meetings to date:

- 1/21/14 P&Z Discussion item. P&Z directed staff to formulate a microbrewery text amendment.
- 2/4/14 RDC (Redevelopment Commission) Discussion item. RDC asked staff to return with revisions.
- 5/6/14 RDC Discussion item. RDC requested P&Z to create a microbrewery ordinance.

- 5/9/14 Chamber of Commerce Issues Committee briefing. Chamber was supportive of concepts.

Mr. Weitnauer also stated he met with Uptown Greenville's Director, Bianca Shoneman, and she had no objections. There are over 100 microbreweries in North Carolina. There are 13 in Eastern North Carolina. According to City Ordinance, if a use is not listed, it is prohibited. The City needs to be prepared if any interest arises. Breweries in North Carolina contributed 37,000 jobs and \$3.8 billion to the economy as of May 2011.

Text Amendment includes: New Definition, Added to Use Table and:

1. Allowed in CD (Downtown Commercial) with special use permit
2. Principal use is production of beer
3. Accessory uses are limited to: retail sales, food consumption, entertainment, games, tasting room, event room, and loading area
4. 5,000 square feet maximum for brew equipment
5. 30% minimum building square feet for equipment
6. No exterior speakers within 150' of residential (150' buffers around known residential uses within the Target Area where microbreweries cannot have amplified equipment)
7. No cover charges
8. Annual review conducted
9. Restaurants may add microbreweries, 30% maximum square feet with special use permit

The proposed zoning ordinance text amendment is in compliance with the Horizons: Greenville's Community Plan. Growth & Development Implementation Strategy 2(t): "Preserve historic warehouses and older buildings through renovation and adaptive reuse."

Horizons: Greenville's Community Plan. Vision Areas Subsection: Central, Management Action H5: "Develop the downtown as the cultural, recreational and entertainment center of the City."

Center City West Greenville Revitalization Plan. Flexibility in Zoning and Development Codes: "Providing innovative administration of zoning regulations and development codes may create market opportunities in depressed areas."

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

Mr. Weitz stated the proposed amendment is good for downtown, good for the City. He stated staff did a good job. He was concerned that it might be too restrictive but it does fit with the ordinance and the standards are appropriate. The maximum space to brew at about 5,000 square feet and the minimum floor area of 30% limits the size of a microbrewery to about 16,000 square feet or less. There are warehouses in the downtown commercial district that are larger than

20,000 square feet. He stated it appears that the space would force the microbrewery to have another tenant in the same building.

Mr. Weitnauer stated there is a supply of buildings that would accommodate the restrictions.

Mr. Parker asked how a previous microbrewery, Ham's, existed and if it was by special use.

Mr. Flood stated that Ham's was more of a restaurant and the microbrewery was an accessory use. This ordinance is to make the microbrewery the principal use.

Chairwoman Basnight asked if they have to have food.

Mr. Weitnauer stated it was optional.

Chairwoman Basnight asked if restaurants want to add a microbrewery do they have to be in the downtown commercial area.

Mr. Weitnauer stated yes, in the downtown commercial (CD) zone.

Mr. Weitz suggested language and word changes in the text amendment. Under SEC. 9-4-86 QQ. (3) add: food and beverage consumption. He stated this because of the possible tasting rooms.

Mr. Weitnauer said that it is covered under #2 which states: The principal use is the production of malt beverages for retail sales for on-premises and off-premises consumption.

Mr. Weitz stated that the word addition would limit confusion.

Mr. Parker asked if they would be able to sell liquor also.

Mr. Weitnauer stated yes with the proper permits.

Mr. Parker stated that he agreed with Mr. Weitz.

Mr. Weitnauer acknowledged Mr. Parker then stated that also in #3 the word "ancillary" should be "accessory". He stated we would make both changes.

Mr. Weitz stated the other change was in SEC. 9-4-86 QQ. (9)(a)2. He suggested changing "overall building square footage" to "total square feet of the restaurant". He stated the

possibility of a restaurant operating in part of a building versus the whole building and the 30% limit should only apply to the leased space and not the whole building.

Mr. Weitnauer stated that a restaurant may not want to use their current space but could do an addition for a microbrewery. The word change could make an existing restaurant reduce their restaurant area.

Mr. Weitz stated the total square feet would let them expand.

Mr. Schrade stated a restaurant would incorporate the additional space.

Mr. Weitz stated if a restaurant doesn't occupy an entire building but the 30% restriction applies to the entire building. It should be measured on the space they occupy.

Mr. Weitnauer stated he doesn't want a restaurant to lose space currently occupied for tables and chairs that bring in revenue. He stated it could be changed to: "The area of the restaurant devoted to operating brewing equipment shall not exceed 30% of the restaurant's total area at the time a microbrewery is added."

Attorney Holec stated it will be reviewed and with correct language to incorporate what was said.

Mr. Schrade agreed with Mr. Weitz about the larger buildings. He stated that possibly a footnote could be added to indicate that the space would not have to be shared.

Mr. Flood stated that one of the items they wanted to stay away from was getting above 5,000 square feet devoted to microbrewery because then it's a production facility and would have to be located outside of the downtown commercial zone. Production facilities are at the peripheral of the City.

Mr. Parker asked when will there be an ordinance for brewery production.

Mr. Flood stated they will be working on it. This text amendment is the most urgent right now.

Mr. Weitnauer stated the RDC wanted staff to also look into distillery text amendments.

Chairwoman Basnight opened the public hearing.

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

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

No comments were made during board discussion.

Motion made by Mr. Weitz, seconded by Mr. Parker, to recommend approval of the proposed text amendment with the suggested discussed amendments to SEC. 9-4-86 QQ. (3) and (9)(a)2, to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

Staff Report: Microbreweries – Text Amendment

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**Staff Report Developed by the City of Greenville
Community Development Department - Planning Division
August 5, 2014**

#980175-v5

Section I: Background

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

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

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

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

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

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

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

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

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

On June 17, 2014, Community Development Department staff presented the proposed ordinance to the Planning and Zoning Commission. The Commission suggested revisions to Sec. 9-4-86 QQ.(3) regarding clarifying food and beverage consumption and (9)(a)2 regarding how the percentage area of restaurants devoted to microbreweries would be measured. The ordinance was revised to reflect the Planning and Zoning Commission's approved motion. An excerpt from the meeting is attached.

Section II: Target Area for Microbreweries

Staff prepared this amendment to direct microbreweries toward a targeted area rather than allow microbreweries throughout the city. This approach was developed to encourage investment in vacant buildings and vacant lots in Greenville's urban core.

The area within the city targeted where microbreweries would be allowed is in the CD (Downtown Commercial) zoning district, hereinafter referred to as the Target Area. Within this Target Area, a microbrewery will have to comply with regulations described in Section 4 of this report.

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

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

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

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

This text amendment sets a maximum area within each building devoted to beer production to 5,000 square feet. Although the city may want to attract microbreweries, along with other types of development, there is a limited supply of property within the urban core. Rather than have the beer production component of microbreweries consume an area the size of a city block and beyond, the city wants to foster

redevelopment and revitalization with a mixture of uses. The regulation doesn't set a maximum of 5,000 square feet for the entire microbrewery, but only for the beer production component. For reference to this 5,000 square foot area, the Mother Earth Brewery's beer production component, located in Kinston, has approximately 7,500 square feet on the first floor. This estimate does not include the tasting room, outdoor plaza and gift shop. The city anticipates preparing another text amendment to allow much larger breweries in industrial zones without a size limit. This text amendment is focused only on allowing smaller microbreweries within the urban core and trying to size them appropriately to the limited acreage and planning context of the area.

Section III: Distinctions between Microbreweries and Public/Private Clubs

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

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

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

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

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

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

Section IV: Proposed Text Amendment

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

initiated discussions of this amendment, the Redevelopment Commission approved a motion to request the Planning and Zoning Commission create a microbrewery ordinance.

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

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

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

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

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

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

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

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

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

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

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

(5) A minimum of 30% of the microbrewery's floor area shall have operating brewing equipment that produces beer for retail sales.

This percentage shall be satisfied at the time a Certificate of Occupancy inspection is conducted and shall be maintained thereafter.

(6) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior quest areas shall not have amplified equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.

(7) A microbrewery shall not require a membership, cover or minimum charge for admittance or service.

(8) (a) A special use permit for a microbrewery is subject to revocation in accordance with the provisions of this subsection (8)(a). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a microbrewery in accordance with the provisions of section 9-4-83.

(b) An annual review shall be conducted by the Director of Community Development or his or her authorized representative of a microbrewery which has received a special use permit for the purpose of determining and ensuring compliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The findings of the Director of Community Development or his or her authorized representative as a result of this annual review shall be compiled in a written staff report.

(c) At a meeting of the Board of Adjustment, the Director of Community Development or his or her authorized representative shall present to the Board of Adjustment the staff report of a microbrewery for which the annual review includes a finding of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder shall be provided notice of the meeting and a copy of the staff report.

(d) Based on the staff report, the Board of Adjustment, by a majority vote, may either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit.

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

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

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

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

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

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

(e) The requirements and standards set forth in this subsection (QQ)(8) are in addition to other available remedies and

nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.

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

1. The restaurant be located within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.

2. The area of the restaurant devoted to operating brewing equipment shall not exceed 30% of the restaurant including the area devoted to operating brewing equipment.

3. Malt beverages produced for retail sales for on-premises and off-premises consumption shall comply with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S.18B as amended.

4. The restaurant and the microbrewery accessory use shall not require a membership, cover or minimum charge for admittance or service.

5. A special use permit for a microbrewery accessory use shall be subject to revocation in accordance with the provisions of this subsection 9(a). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a microbrewery ancillary use in accordance with the provisions of section 9-4-83.

6. An annual review of the microbrewery accessory use and all subsequent procedures to address review findings shall be in accordance with the provisions of subsection QQ.8(b) through (e).

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

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

Horizons: Greenville's Community Plan

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

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

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

IMPLEMENTATION SECTION

Growth and Development Subsection:

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

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

Economic Development Subsection:

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

Vision Areas Subsection:

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

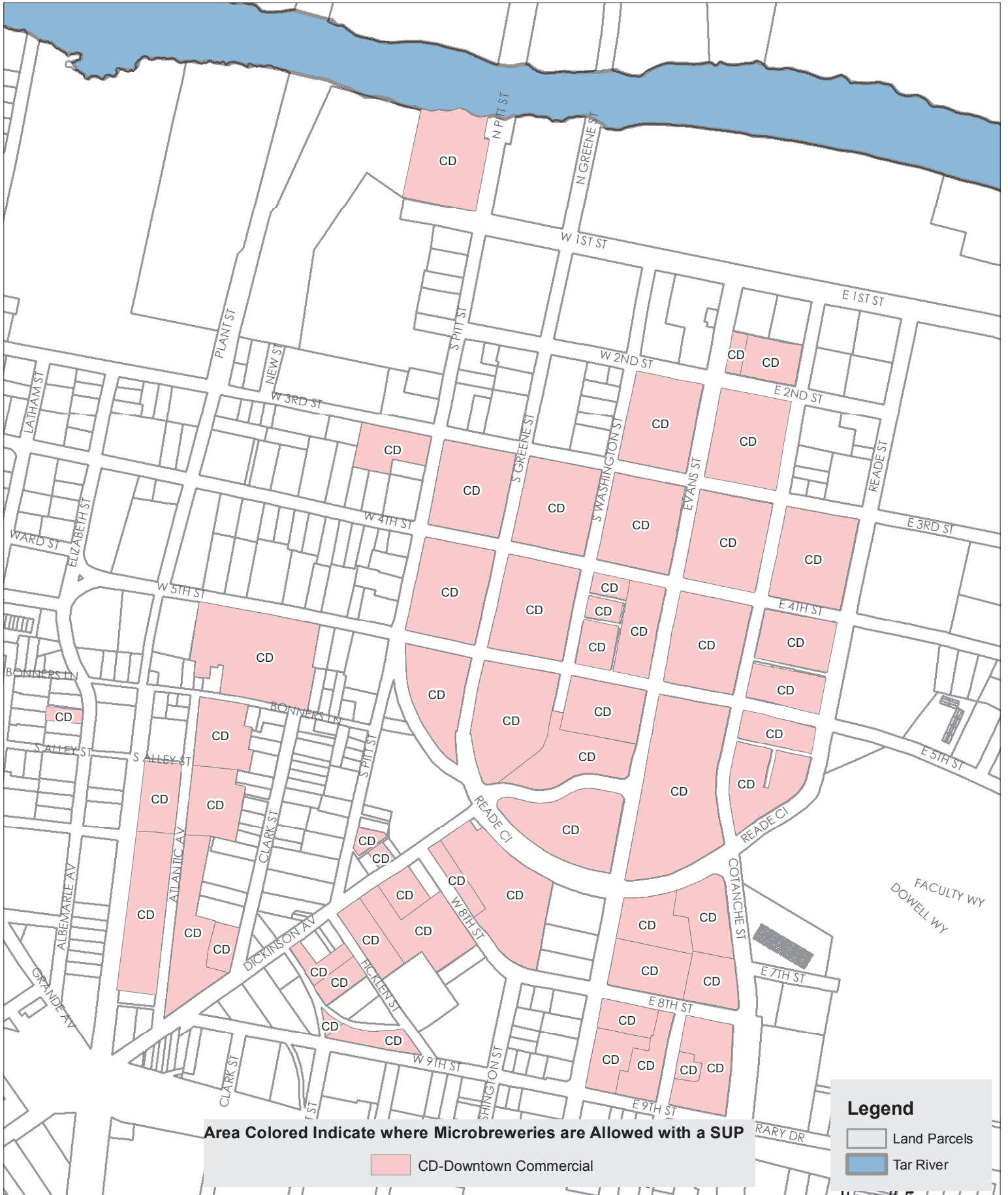
The Center City West Greenville Revitalization Plan

In 2003, the Redevelopment Commission retained consultants to assist with the preparation of a redevelopment plan for the Center City and the West Greenville neighborhoods. Through a series of meetings to receive input from a diverse cross-section of stakeholders, the Redevelopment Commission produced the Center City-West Greenville Revitalization Plan that was adopted in 2006.

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

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

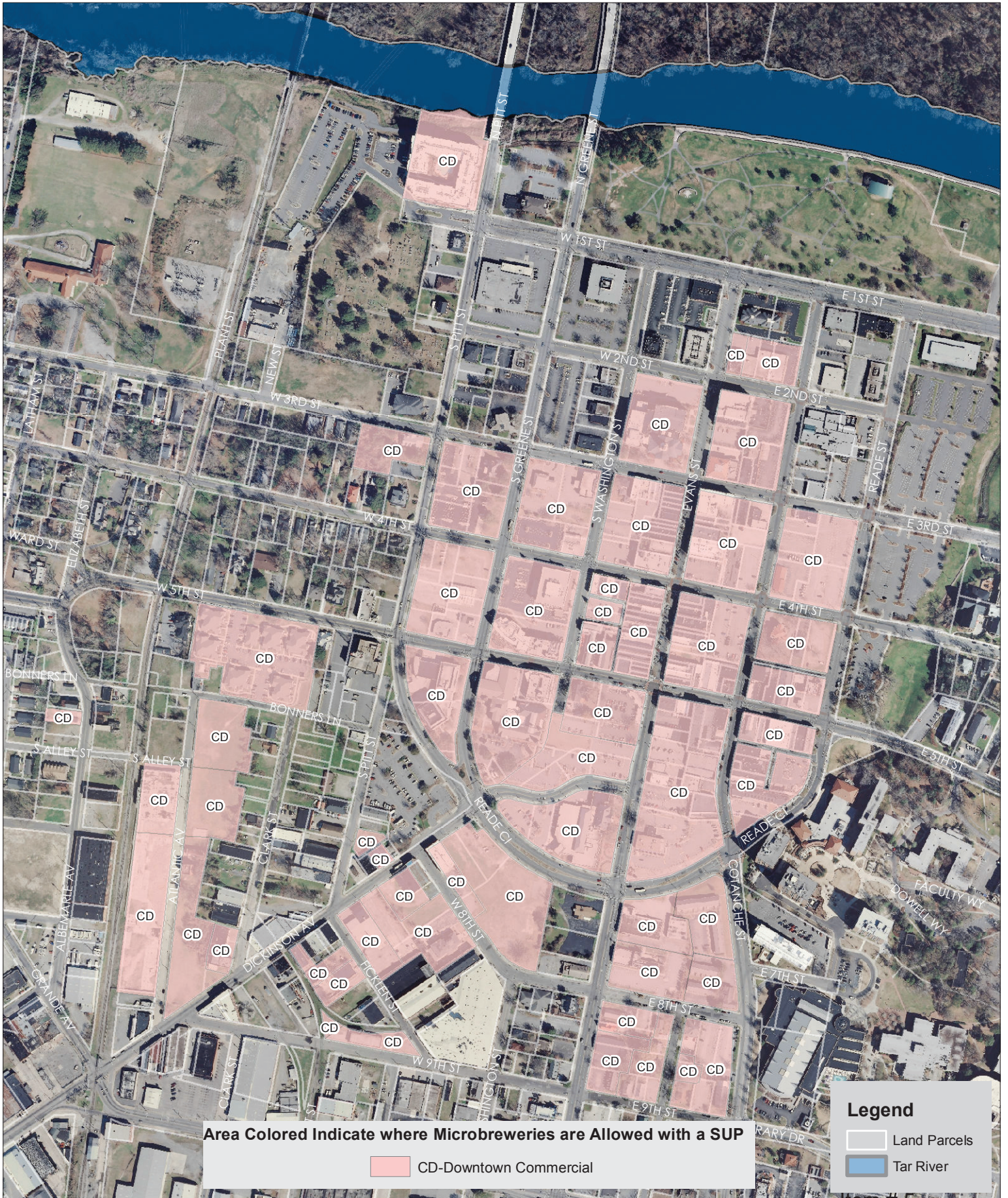
Flexibility in Zoning and Development Codes. *Providing innovative administration of zoning regulations and development codes may create market opportunities in depressed areas. Exchange of additional floor area for the provision of improved pedestrian features, greater public open space, or better coordinated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



0 320 640 1,280 Feet

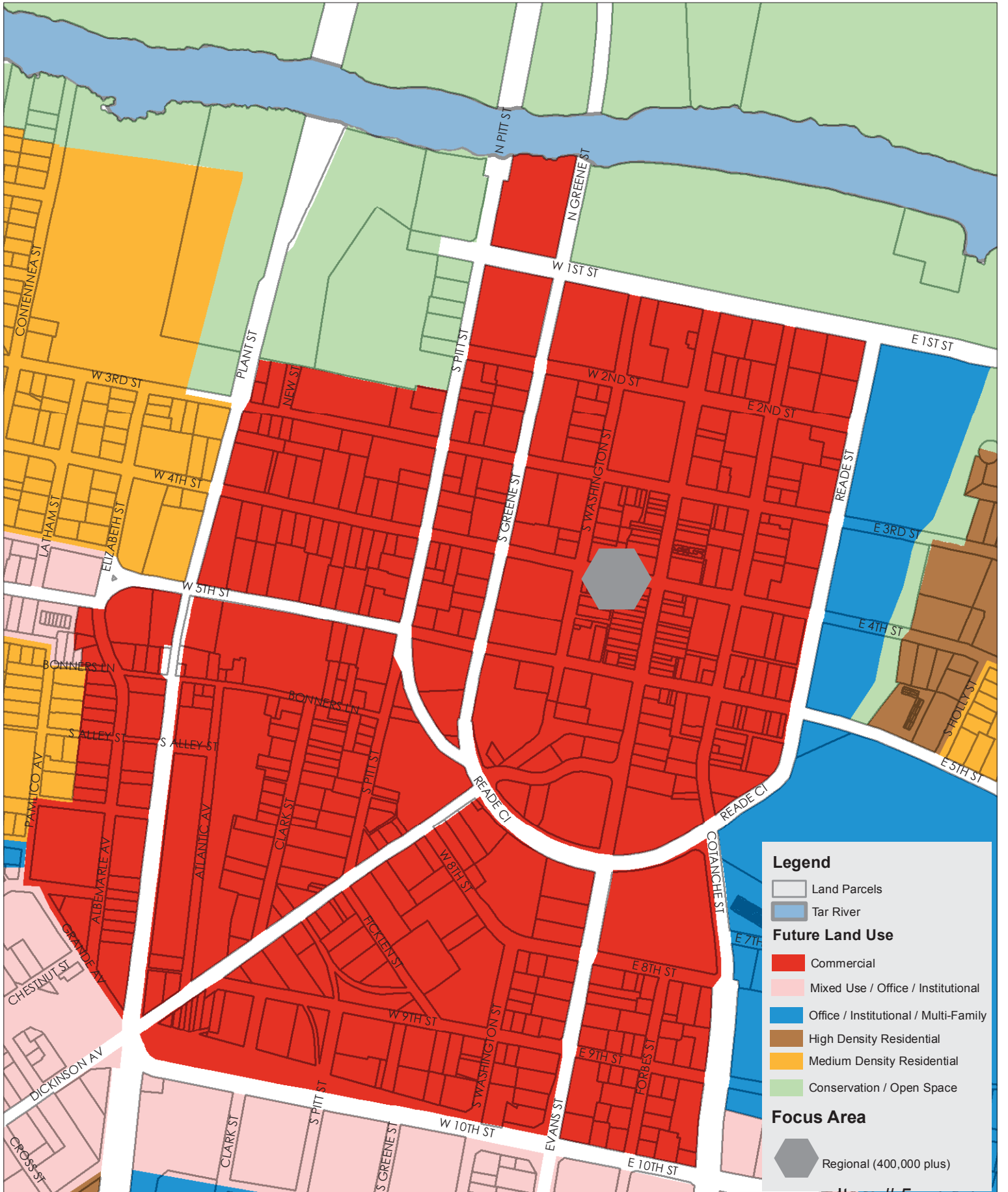
Item # 5 #981806

June 10, 2014



0 320 640 1,280 Feet

Item # 5



Legend

- Land Parcels
- Tar River

Future Land Use

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

Focus Area

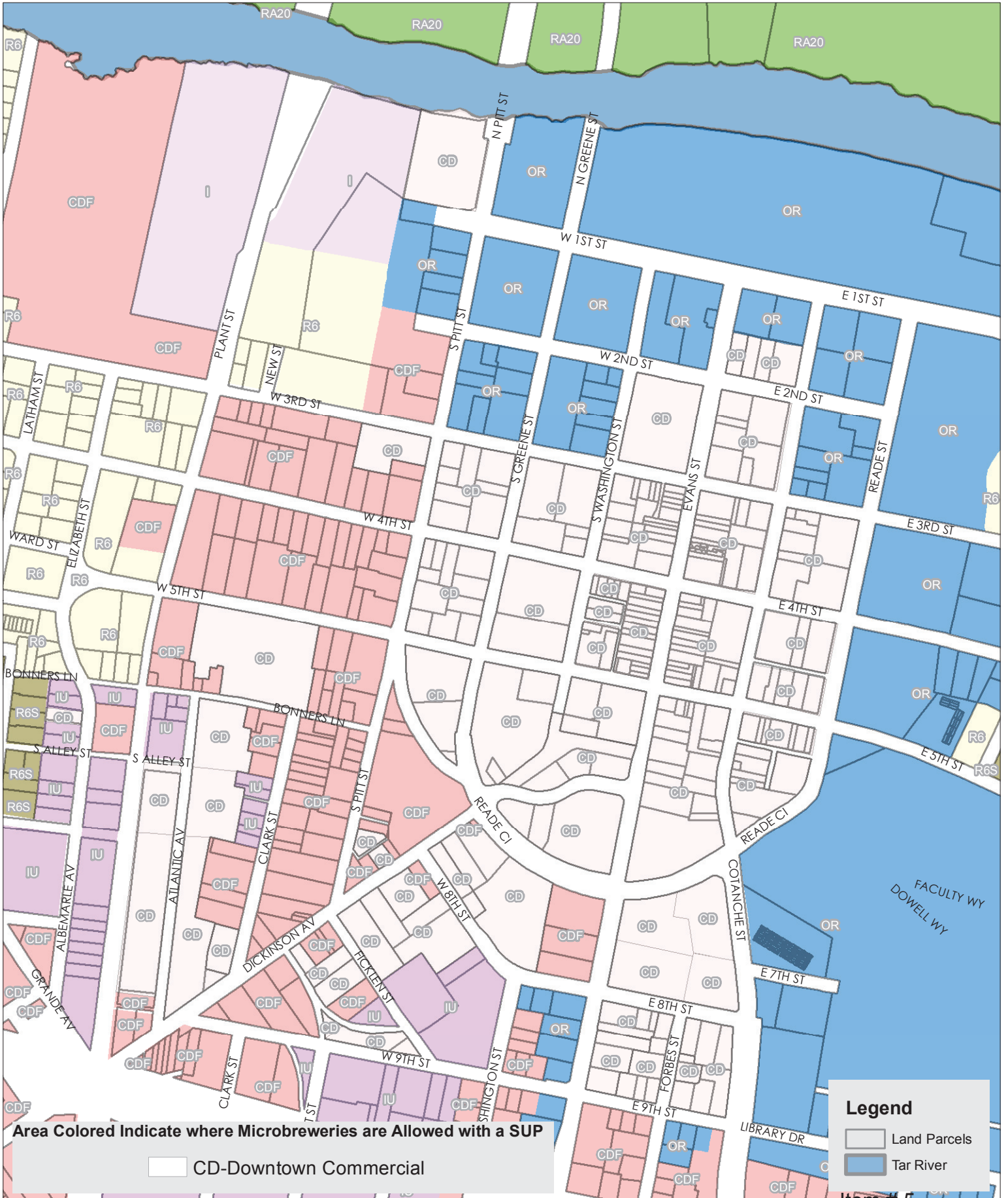
- Regional (400,000 plus)

Item # 5

0 350 700 1,400 Feet





Outline of CD Zone where Mirocbreweries are Allowed with an SUP



Area Colored Indicate where Microbreweries are Allowed with a SUP

CD-Downtown Commercial

Legend

-  Land Parcels
-  Tar River

Item # 5

0 320 640 1,280 Feet



City of Greenville, North Carolina

Meeting Date: 8/14/2014
Time: 7:00 PM

Title of Item: Ordinance to amend the Zoning Ordinance to delete private streets as a development option

Explanation: **Abstract:** On May 5, 2014, City Council directed staff to prepare a text amendment that would delete private streets as a development option.

Explanation: City Council requested that the Engineering Division of Public Works provide a presentation on private streets at the June City Council meeting. City Council has received a number of requests for the City to assume maintenance responsibility on private streets which have not been constructed to City standards. Oftentimes, these streets do not meet setbacks, the condition of the streets have fallen into disrepair, or the streets have situations that would not be allowed on a public street (drainage, mailbox kiosks, etc.).

Private street development standards have been in the Zoning and Subdivision Ordinances for many years. Some developers wish to have private streets as a means to control who can access their street, to lower development costs, or utilize the reduced setbacks that are offered with private streets. Maintenance agreements are required to ensure streets will be maintained by homeowner associations. Oftentimes, homeowners do not fully realize that the street is their responsibility until such a time as the street falls into disrepair and maintenance is required. This leads to homeowners contacting the City for assistance. The City does not accept maintenance responsibilities for substandard streets.

At the May 5, 2014, City Council meeting, City Council voted to remove private streets as a development option. Staff has prepared an ordinance that will amend those sections of the ordinance to delete the option of private streets.

The Planning and Zoning Commission voted unanimously to approve the ordinance amendment at their July meeting.

Fiscal Note: No costs to the City.

Recommendation:

In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan. Such action would further general goals stated in Mobility, Housing, and Growth & Development.

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

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

If the Greenville City Council determines to recommend denial of the request, in order to comply with statutory requirements, it is recommended that the motion be as follows:

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

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

Attachments / click to download

 [Private Street Ordinance_982786](#)

 [P_Z Excerpt Text Amend Private Street July 2014_984656](#)

ORDINANCE NO. 14- ____
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

Attachment number 1
Page 1 of 3

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on August 14, 2014, at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan;

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

Section 1: That Title 6, Chapter 2, Article B, Section 6-2-33 of the Code of Ordinances, City of Greenville, is hereby amended by the addition of a definition of ‘Named Access’ and by rewriting the definition of ‘private streets’ to read as follows:

Named Access. A private driveway assigned a name by the City Engineer.

Private streets. Streets that have been publicly dedicated by easement and as such constitute public vehicular areas as provided and regulated by the Greenville Subdivision Ordinance. These streets are constructed in accordance with Manual of Standard Designs and Details, but are maintained by the property owner or pursuant to recorded agreements. No new private streets are allowed after August 14, 2014.

Section 2: That Title 6, Chapter 2, Article B, Section 6-2-51 of the Code of Ordinances, City of Greenville, is hereby amended by adding subsection (G) to read as follows:

(G) Named Access is assigned to commercial or multifamily developments when there are not enough existing address numbers available to properly address the proposed structures off of the adjoining public street. Named Access is also assigned when three or more structures are located on a private driveway to comply with E911 standards. The City Engineer is responsible for determining when a Named Access is deemed necessary during the plan review process. The proposed names for the Named Access submitted by the developer shall be reviewed by the City Engineer. The City Engineer shall verify that the proposed name for the Named Access is not duplicated in the city and/or Pitt County. All proposed Named Access street names should have a name suffix of “Way”. Once the street name verification process is complete, the City Engineer shall assign the addresses for the structures using the Named Access. Using Named Access will also assist the City Engineer in not having to readdress existing structures to accommodate new development.

Section 3: That Title 9, Chapter 4, Article B, Section 9-4-22 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting the definition of 'streets; private' to read as follows:

Streets; private. Streets that have been designated by easement and as such constitute public vehicular areas as provided and regulated by law. The streets shall be maintained by the property owner or pursuant to recorded agreements. No new private streets are allowed after August 14, 2014.

Section 4: That Title 9, Chapter 4, Article I, Section 9-4-150 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said section to read as follows:

SEC. 9-4-150 PRIVATE STREETS

No new private streets are allowed after August 14, 2014.

Attachment number 1
Page 2 of 3

Section 5: That Title 9, Chapter 4, Article J, Section 9-4-166 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting subsection (B)(2) to read as follows:

(2) Planned primary and secondary traffic circulation patterns showing proposed and existing public street rights-of-way;

Section 6: That Title 9, Chapter 4, Article J, Section 9-4-166 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting subsection (B)(16)(a) to read as follows:

(a) Statements addressing any declarations of covenants, conditions or restrictions which create a property owners' association for the perpetual ownership and maintenance of all common open space and other areas including, but not limited to, recreation areas, parking areas, landscaping and the like. A private facilities maintenance analysis to determine actual costs of maintenance of such common facilities may be required by the City Council in order to assess the feasibility of such private maintenance;

Section 7: That Title 9, Chapter 4, Article J, Section 9-4-168 of the Code of Ordinances, City of Greenville, is hereby amended by the deletion of subsection (a)(3) and subsection (D) in their entirety.

Section 8: That Title 9, Chapter 4, Article K, Section 9-4-183 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said to read as follows:

SEC. 9-4-183 PRIVATE STREETS.

No new private streets are allowed after August 14, 2014.

Section 9: That Title 9, Chapter 4, Article M, Section 9-4-204 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said section to read as follows:

SEC. 9-4-204 PRIVATE STREETS.

No new private streets are allowed after August 14, 2014.

Section 10: That Title 9, Chapter 5, Article A, Section 9-5-5 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting the definition of 'construction plans' and rewriting the definition of 'private streets' to read as follows:

Construction plans. Construction plans are engineering details and specifications for the provision of necessary and/or required facilities and improvements. Such facilities and improvements may include but not be limited to public streets, water, sanitary sewer and storm drainage systems.

Private streets. Streets that have been designated by easement and as such constitute public vehicular areas as provided and regulated by applicable law. Such streets shall be constructed in accordance with the standards specified in the Manual of Standard Designs and Details and shall be maintained by the property owner or pursuant to recorded agreements. No new private streets are allowed after August 14, 2014.

Section 11: That Title 9, Chapter 5, Article B, Section 9-5-45 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting subsection (C)(2), (C)(4), (C)(5), and (C)(24) to read as follows:

(2) Existing, platted and proposed streets, their names and numbers (if state marked routes) shown and designated as "public" indicating right-of-way and/or easement widths, pavement widths, centerline curve and corner radius data, including sight distance triangles and typical cross-sections. All streets indicated on the city Thoroughfare Plan shall indicate future right-of-way widths;

(4) Location of all existing buildings with exterior dimensions including heights, number of stories, distance to existing and proposed lot lines, private drives, public rights-of-way and easements;

Attachment number 1
Page 3 of 3

(5) Existing and proposed property lines, public streets, right-of-way and/or easement widths, pavement widths, easements, utility lines, hydrants, recreation areas or open spaces on adjoining property;

(24) Easements, including but not limited to electric, water, sanitary sewer, storm sewer, drainage, gas or other service delivery easements including their location, width and purpose;

Section 12: That Title 9, Chapter 5, Article B, Section 9-5-45 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting subsection (U) to read as follows:

(U) No new private streets are allowed after August 14, 2014.

Section 13: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 14: That this ordinance shall become effective upon its adoption.

ADOPTED this 14th day of August, 2014.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Excerpt from the July 15, 2014 Planning and Zoning Commission Minutes

TEXT AMENDMENTS

ZONING ORDINANCE AMENDMENT FOR THE DELETION OF PRIVATE STREETS AS A DEVELOPMENT OPTION. - APPROVED

Mr. Andy Thomas, Lead Planner, presented the text amendment. The Greenville City Council requested the Engineering Division of Public Works to provide a presentation on private streets at the June City Council meeting. The Council has received a number of requests for the City to assume maintenance responsibility on private streets which have not been constructed to city standards. Often times these streets do not meet setbacks, the condition of the streets have fallen into disrepair or have situations that would not be allowed on a public street (drainage, mailbox kiosks, etc.). Private street development standards have been in the Zoning and Subdivision Ordinances for many years. Some developers wish to have private streets as a means to control who can access their street, to lower development costs or utilize the reduced setbacks that are offered with private streets. Maintenance agreements are required to ensure streets will be maintained by homeowner associations. Often times, homeowners do not fully realize that the street is their responsibility until such a time the street falls into disrepair and maintenance is required. This leads to homeowners contacting the City for assistance. The City will not accept maintenance on substandard streets. At the June City Council meeting, the City Council voted to remove private streets as a development option. The staff has prepared an ordinance that will amend those sections of the ordinance to delete the option of private streets. There will be no costs to the City of Greenville associated with this zoning ordinance amendment. In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan. Such action would further general goals in Mobility, Housing and Growth & Development.

Chairman Parker opened the public hearing.

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

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

Mr. Weitz stated he supports the text amendment and that it is wise decision by the City Council. Private street owners never seem to have the money to maintain the street and then they go to the City for assistance.

Motion made by Mr. Weitz, seconded by Mr. King, to recommend approval of the proposed text amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.



City of Greenville, North Carolina

Meeting Date: 8/14/2014
Time: 7:00 PM

Title of Item: Presentation on Town Common Improvement Options

Explanation: **Abstract:** The City's FY15 budget includes a \$150,000 appropriation for improvements at the Town Common. Staff have assembled a series of possible projects for these funds and will share improvement options with City Council.

Explanation: There are important needs to be addressed at the Town Common, both large and small. Many are included as recommendations within the Town Common Master Plan.

A \$150,000 appropriation has been included in the FY15 budget to begin addressing some needs at the Town Common. This appropriation will support one or more smaller projects that could begin the process of improving the quality of the Town Common.

A list of potential project options is attached.

Fiscal Note: \$150,000 is allocated in the FY15 capital budget for Town Common improvements.

Recommendation: Hear the presentation from staff regarding Town Common improvement options and provide direction regarding the desired improvement program.

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

Attachments / click to download

[Town Common Improvements 150 000 985187](#)

[Town Common Development Site Amenities 983399](#)

PRELIMINARY COST ESTIMATES TOWN COMMON IMPROVEMENT OPTIONS

Document 985187

AESTHETIC PARK IMPROVEMENTS

1. Decorative Park Entrances	5	\$54,410.00
2. Ornamental Bench with Back	15	\$31,366.50
3. Ornamental Bench without Back	15	\$25,459.50
4. Ornamental Trash Receptacles	20	\$13,442.00
5. Recycling Bin / Trash Combo	10	\$18,370.00
6. Vinyl Coated Picnic Tables	10	\$13,430.00
7. Wrought Iron Fencing (esplanade)	1500 lf	\$142,950.00
8. Remove radio antennae & bldg.**	1	\$15,000.00
9. Power wash & Paint Amphitheater		\$29,600.00
10. Dumpster relocation; pad & PVC Fencing	400 sq ft	\$3,440.00
11. Landscaping	7 acres	\$33,040.00

*** Removal only, relocation costs unknown.*

FUNCTIONAL PARK IMPROVEMENTS

12. Floating fishing pier	360 sq ft	\$43,992.00
13. Rebuild Concrete boat ramp	854 Cu ft	\$100,772.00
14. Playground, age 2-5, rubber surface	1	\$42,328.00
15. Playground, age 5-12, rubber surface	1	\$119,308.00
16. Restroom / mech bldg./storage	784 sq ft	\$142,688.00
17. Restroom / mech bldg./storage (option II)	1,045 sq ft	\$190,190.00
18. Boathouse w/ restroom, concessions, retail space	1,600	\$291,200.00
19. Walkway, parking lot to amphitheater	5,500 sq ft	\$55,000.00
20. Water fountain with pet fountain	4	\$4,800.00

SITE IMPROVEMENTS PACKAGE OPTIONS – SEE PAGE 2

TOWN COMMON SITE IMPROVEMENTS PACKAGE OPTIONS

SITE IMPROVEMENTS PACKAGE A - (\$149,388.60)

2. Ornamental Bench with Back	20	\$ 41,822.00
3. Ornamental Bench without Back	10	\$ 16,973.00
4. Ornamental Trash Receptacles	16	\$ 10,753.60
5. Recycling Bin / Trash Combo	10	\$ 18,370.00
6. Vinyl Coated Picnic Tables	10	\$ 13,430.00
8. Remove radio antennae & bldg.**	1	\$ 15,000.00
11. Landscaping	7 acres	\$ 33,040.00

SITE IMPROVEMENTS PACKAGE B - (\$149,564.00)

12. Floating fishing pier	360 sq ft	\$ 43,992.00
13. Rebuild Concrete boat ramp	854 cu ft	\$100,772.00
20. Water fountain with pet fountain	4	\$ 4,800.00

SITE IMPROVEMENTS PACKAGE C - (\$149,309.00)

2. Ornamental Bench with Back	10	\$ 20,911.00
5. Recycling Bin/ Trash Combo	6	\$ 11,022.00
6. Vinyl Coated Picnic Tables	8	\$ 10,744.00
9. Power wash & Paint Amphitheater		\$ 29,600.00
11. Landscaping	7 acres	\$ 33,040.00
12. Floating fishing pier	360 sq ft	\$ 43,992.00

NOTES:

- Project costs could fluctuate based on industry trends in construction and engineering, each year.
- Probable cost statement includes the cost of demolition, engineering, materials and labor for each project.

Report type
Proposed Site Improvements and Amenities

Page 1 of 9

Project
Town Common Improvements – Phase I

Project Number
Doc # 983399



Photo Number 1 – Decorative Park Entrances

Description

The existing columns at the Town Common are out of date and unattractive. The columns do not depict the prominence of the park main entryways. A decorative, custom metal structure is recommended for the park entrances.



Photo Number 2 – Ornamental Bench w/Back

Description

The existing benches at the Town Common are unattractive and dated. A powder coated iron traditional style bench is recommended to give the park a more historic presence.

Report type
Proposed Site Improvements and Amenities

Page 2 of 9
Project Number

Project
Town Common Improvements – Phase I



Photo Number 3 – Ornamental Bench w/o Back

Description
Backless benches are recommended along 1st Street and along promenade walks within the park so that patrons can enjoy views from multiple directions.



Photo Number 4 – Ornamental Trash Receptacles

Description
The existing trash receptacles are unattractive and inadequate for functions and users of the park. A metal trash receptacle that compliments the benches is recommended as a new park standard.



Report type
Proposed Site Improvements and Amenities

Page 3 of 9

Project
Town Common Improvements – Phase I



Photo Number 5 - Recycling Bench / Trash Combo

Description

The existing trash receptacles and recycling bins on posts are inconsistent with the existing trash receptacles. Additionally, they are unattractive. A combination trash receptacle / recycling bin that compliments the new trash receptacle standard is recommended.



Photo Number 6 –Vinyl Coated Picnic Tables

Description

The picnic tables at the Town Common, while functional, are dated and unattractive as a park standard. The City is recommending a vinyl coated picnic table for durability and attractiveness.

Report type
Proposed Site Improvements and Amenities

Page 4 of 9

Project
Town Common Improvements – Phase I



Photo Number 7 – Wrought Iron Fencing (Esplanade)

Description
The fence along the bulkhead at the Town Common is deteriorating with rust and corrosion. A new wrought iron barrier fence is recommended.



Photo Number 8 – Remove Radio Antenna and Building

Description
The radio antenna should be removed and relocated to make better functional use of the 3 acres of land it occupies.

Report type
Proposed Site Improvements and Amenities

Project
Town Common Improvements – Phase I



Photo Number 9 – Power Wash and Paint Amphitheater

Description
The amphitheater should be power washed and painted with accent colors to make the structure more appealing and attractive as a performance venue.



Photo Number 10 – Dumpster Pad and PVC Fencing

Description
The dumpster at the Town Common is unsightly and is a source of air pollution. The City recommends installing a dumpster pad and enclosure in an inconspicuous location.

Report type
Proposed Site Improvements and Amenities

Page 6 of 9

Project
Town Common Improvements – Phase I



Photo Number 11 - Landscaping

Description

A landscape plan that lends itself to the prominence of the Town Common as the City's central park is highly recommended. The landscaping would occur along promenade walks and the main park entrances.



Photo Number 12 – Floating Fishing Pier

Description

The existing fishing pier constantly floods and is in desperate need of repair. The City recommends installing a newly engineered floating dock that could serve canoes and kayaks as well as fishermen.

Report type
Proposed Site Improvements and Amenities

Page 7 of 9

Project
Town Common Improvements – Phase I



Photo Number 13 – Rebuild Concrete Boat Ramp

Description

The current boat ramp is inadequate for launching boats and water craft. The City is recommending that a newly engineered boat ramp be built.



Photo Numbers 14 & 15 – Playgrounds for Ages 2-5 and 5-12

Description

There is a current need for activities for children and families at the Town Common. A playground area for the age groups of 2-5 and 5-12 is recommended per the national playground standards.



Photo Number 16 – Restroom & Mechanical Building / Storage (Option 1)

Description
Portable toilets are the only restroom facilities at the Town Common. This is inadequate for the amount of users and the functions held at the park. At the minimum, the City is recommending a prefabricated restroom building with storage and concession space as a Phase I project.



Photo Number 17 – Restroom & Mechanical Building / Storage (Option 1).

Description
If funding allows, a more architecturally pleasing restroom and multi-purpose building is highly recommended. The City may also opt to go with a more prominent structure to service water craft, concessions and restrooms.

Photo Number 18 – Boathouse w/ Restroom, Concessions and Retail Space

Report type
Proposed Site Improvements and Amenities

Page 9 of 9

Project
Town Common Improvements – Phase I



Photo Number 19 – Walkway / Parking Lot to Amphitheater

Description

Both pedestrians and vehicles use unattractive dirt paths from the parking area to the amphitheater. The City is recommending a promenade walk for pedestrian circulation to park facilities. This promenade walk will have vehicular access only to service vehicles.



Photo Number 20 – Water fountain w/ Pet fountain amenity

Description

There is only one existing public water fountain at the Town Common. The City is recommending at least four new water fountains that have doggy fountain attachments to service patrons that frequently walk dogs in the park.



City of Greenville, North Carolina

Meeting Date: 8/14/2014
Time: 7:00 PM

Title of Item: Resolution authorizing the conveyance of City-owned properties located at 901 and 905 Bancroft Avenue to the Greenville Housing Development Corporation

Explanation: **Abstract:** The City owns multiple parcels along Bancroft Avenue which are located within the West Greenville Certified Redevelopment Area and are part of the Lincoln Park Neighborhood Redevelopment. Staff recently solicited bids to construct affordable, single-family homes on the aforementioned parcels. Greenville Housing Development Corporation won two bids to construct affordable, single-family homes on two parcels. This is a request to convey two city-owned parcels to the Greenville Housing Development Corporation (GHDC).

Explanation: Greenville Housing Development Corporation (GHDC) intends to construct two affordable single-family dwellings at 901 and 905 Bancroft Avenue, Pitt County parcel numbers 06418 and 25716. These are vacant lots and are currently being underutilized.

Staff has prepared an agreement which outlines the project timelines. For example, the homes must be built no later than 120 days after the parcels have been transferred to the organization. Moreover, the organization has 20 days to obtain a building permit after the transfer has been completed.

GHDC currently has a pipeline of potential homebuyers. They intend to have tenants in the home by the deadline noted in the agreement. The agreement further states that each builder has thirty months to occupy the home. The terms of the agreement indicate conveying the lots to the GHDC in exchange for the construction of two affordable single-family homes. The homes must meet the City of Greenville's new home standards.

GHDC intends to use its own resources and funding to construct the new homes. Moreover, they will be implementing a documented City objective within the West Greenville Certified Redevelopment Area. North Carolina G.S. 160a-279 authorizes the disposition of real property by private sale to a public entity or a

private entity carrying out a public purpose.

Developing partnerships is a primary objective for the Housing Division, as noted in the most recent 2013-2018 Consolidated Plan. Partnerships will allow the City to leverage additional dollars, share resources and expertise, and develop programs that will truly benefit the community. The City has been successful in partnering with GHDC in the past.

Fiscal Note:

According to the attached appraisal, the fair market value of 901 Bancroft Avenue is \$11,000 and the fair market value of 905 Bancroft Avenue is \$9,800.

Recommendation:

Adopt the resolution authorizing the conveyance of 901 and 905 Bancroft Avenue to the Greenville Housing Development Corporation to develop two affordable single-family homes.

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

Attachments / click to download

[Lincoln Park Appraisals](#)

[Survey](#)

[Resolution for City Council 985013](#)

RESOLUTION NO. ____-14

**RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN REAL
PROPERTY TO GREENVILLE HOUSING DEVELOPMENT CORPORATION FOR
THE CONSTRUCTION OF TWO AFFORDABLE SINGLE-FAMILY HOMES**

WHEREAS, the City of Greenville recognizes the importance of homeownership opportunities for low to moderate income residents; and

WHEREAS, the City of Greenville owns the parcels located at 901 Bancroft Avenue and 905 Bancroft Avenue; and

WHEREAS, the Greenville Housing Development Corporation has agreed to construct two (2) affordable single-family dwellings, utilizing these parcels for low to moderate income homebuyers, and made available according to HUD fair market rents schedule; and

WHEREAS, the Greenville Housing Development Corporation will abide by the agreement with the City of Greenville for the cost, repayment, and the timelines of construction for each parcel; and

WHEREAS, North Carolina General Statute 160A-279 authorizes a conveyance to Greenville Housing Development Corporation for affordable housing purposes as permitted by North Carolina General Statutes 160A-456(b) and 157-9;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Greenville that it does hereby authorize the conveyance of the parcels located at 901 Bancroft Avenue and 905 Bancroft Avenue to Greenville Housing Development Corporation with the condition that the parcels and the newly constructed single-family dwellings will be utilized for low to moderate income homebuyers and renters, said conveyance to be by private sale with the consideration that said parcels are to be utilized for affordable housing purposes;

BE IT FURTHER RESOLVED by the City Council of the City of Greenville that the Mayor is hereby authorized to execute the deed and other appropriate documents to effect the conveyance of the parcels located at 901 Bancroft Avenue and 905 Bancroft Avenue as herein described, consistent with the purposes and limitations of applicable law.

This the 14th day of August, 2014.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

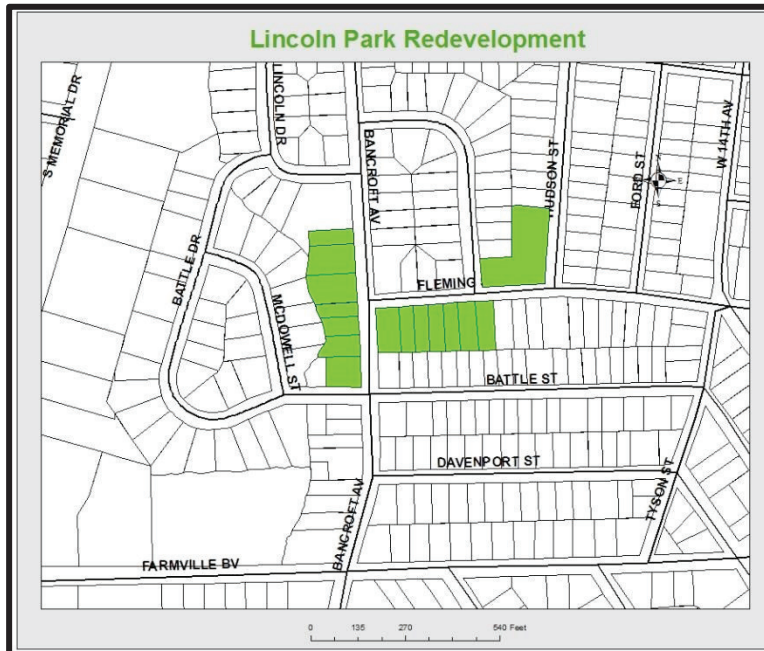


MOORE & PINER, LLC Commercial Real Estate Services

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GREENVILLE, NC 27835-7183
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Restricted Use Appraisal Report of: Lincoln Park Redevelopment for City of Greenville



Client/Intended User

Mr. Niki Jones, MPA
Housing Administrator
City of Greenville Community Development Department
201 West Fifth Street
Greenville, North Carolina 27835

Effective Date of Valuation: July 11, 2013

Prepared by

Andy E. Piner, State Certified General Appraiser
Moore & Piner, LLC
1105-A Corporate Drive
Greenville, North Carolina 27858

APPRAISALS - BROKERAGE - CONSULTING - DEVELOPMENT



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FAX (252) 830-1240

July 15, 2013

Mr. Niki Jones, MPA
Housing Administrator
City of Greenville Community Development Department
201 West Fifth Street
Greenville, North Carolina 27835

**Re: Restricted Use Appraisal Report of:
Lincoln Park Redevelopment for City of Greenville**

Dear Mr. Jones:

As requested, I have performed a study of the above referenced property for the purpose of estimating the present market value of the fee simple estate of sixteen (16) single-family residential lots located within the Lincoln Park area of Greenville. Given the scope and intended use of this appraisal assignment, I have prepared my findings within this Restricted Use Report format, in accordance with Standards Rule 2-2 [c] of the Uniform Standards of Professional Appraisal Practice (USPAP). **This Restricted Use Report is prepared for the sole and exclusive use of the Client, which is identified as the City of Greenville. The use of this appraisal report by others is not intended by the appraiser. The reader is cautioned that the opinions and conclusions set for this in this Restricted Use Report cannot be properly understood without additional information that has been retained in my files.**

IDENTITY OF THE CLIENT/INTENDED USER

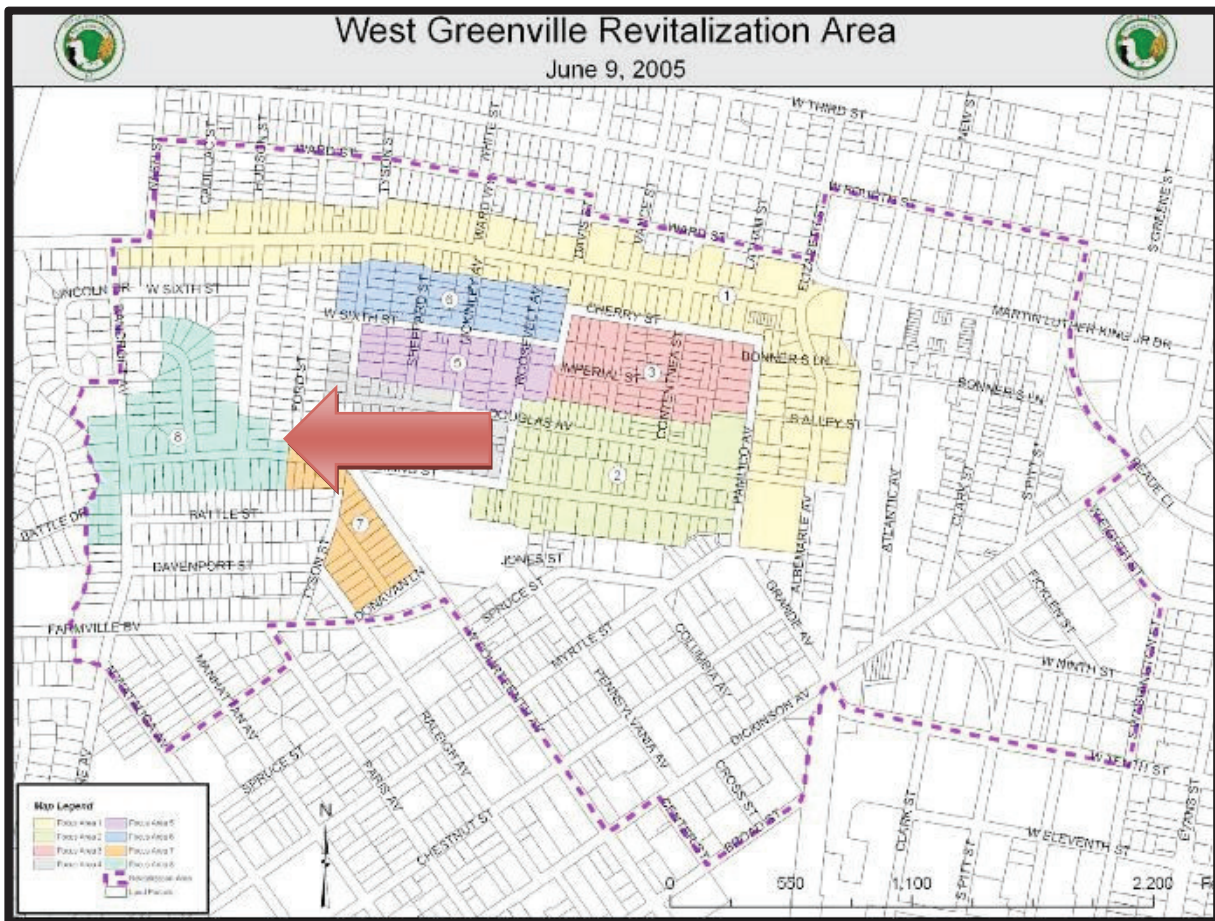
The Client/Intended User is identified as the City of Greenville. The use of this report by others is not intended by the appraiser.

INTENDED USE OF THE APPRAISAL

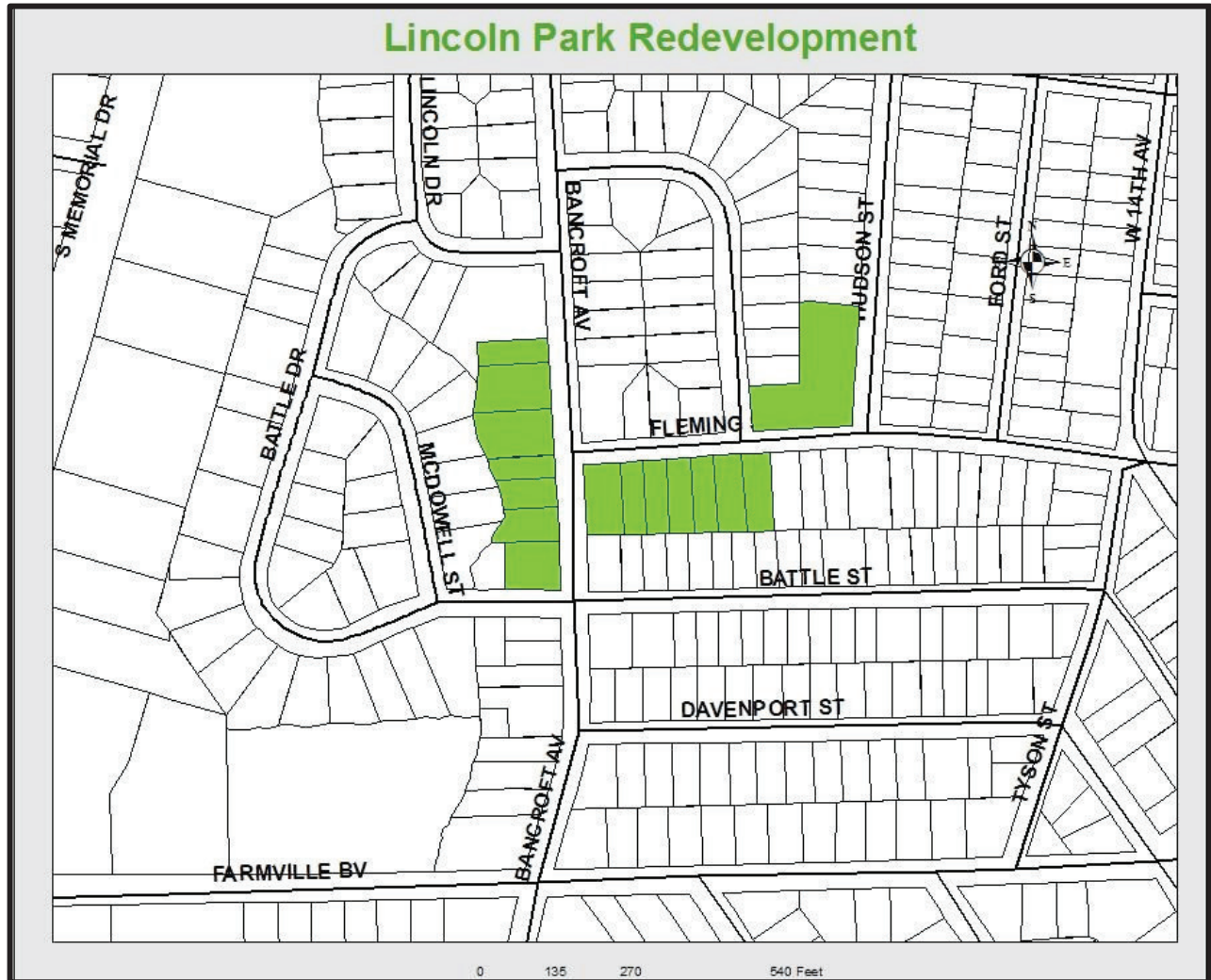
The intended use of this appraisal is to assist the Client/Intended User with establishing an estimate of market value for the sixteen (16) individual lots within the Lincoln Park Redevelopment area. This appraisal is not intended to be used for any other purpose.

IDENTIFICATION OF THE PROPERTY

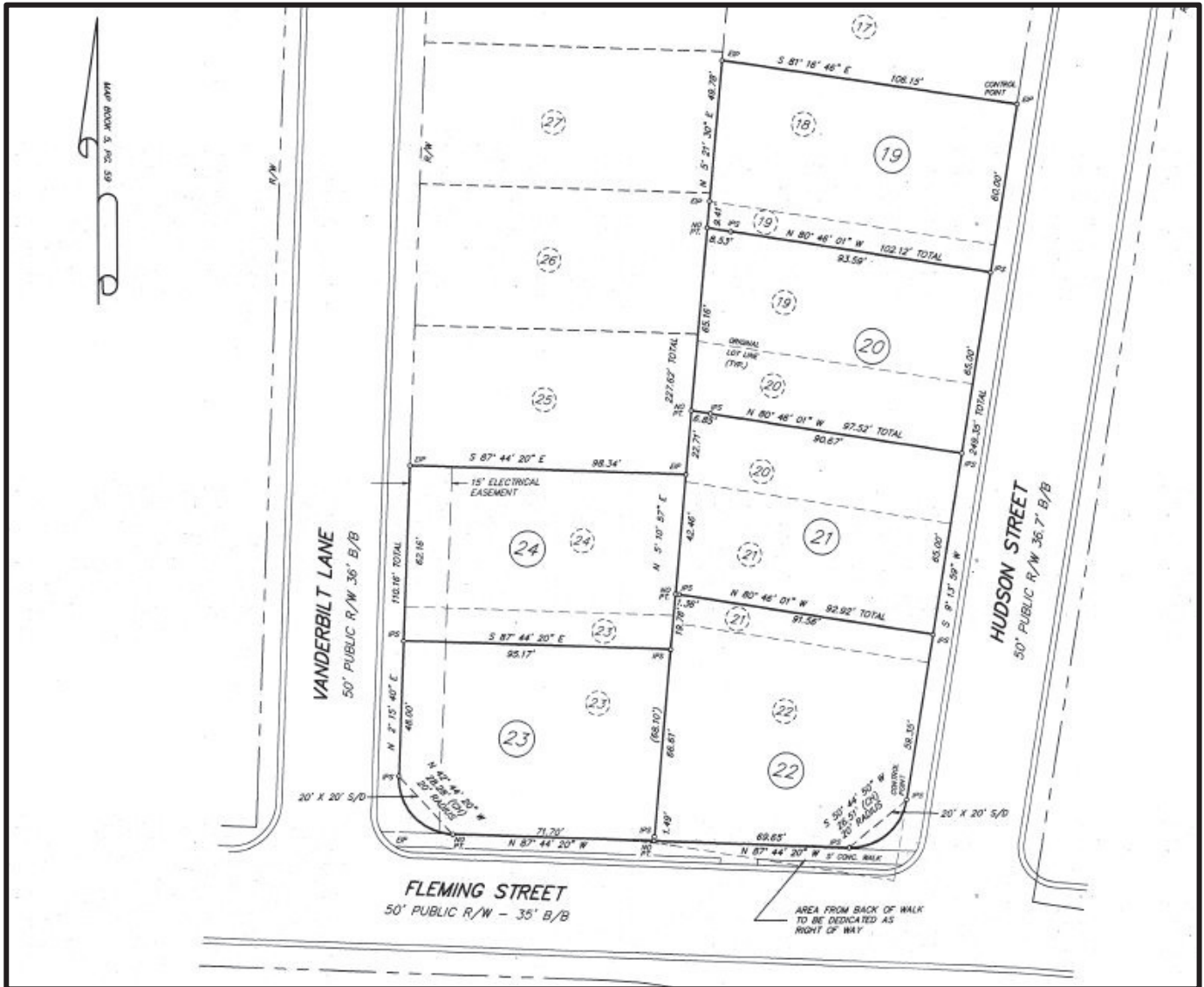
The subject property comprises sixteen (16) individual single-family residential lots that are part of Lincoln Park Redevelopment Focus Area 8, which is part of the larger West Greenville 45-Block Revitalization Program for the neighborhoods in and adjacent to Cherry View, Biltmore, Perkins Town, and Lincoln Park. The market area is west of the Central Business District, east of the Medical District, and south of the Tar River. The reader's attention is directed to the following excerpts which identify the subject property:



Biltmore Addition- Subject Properties Highlighted in Green



Biltmore Addition- Lots19-24



Biltmore Addition- Lots19-24



View from Corner of Fleming Street and Vanderbilt Lane



View from Corner of Fleming Street and Hudson Street

Biltmore Addition- Tracts 1-5



View from Corner of Bancroft Avenue and Battle Street



View Along Battle Street Facing Southward

Biltmore Addition- Lots 1-5, Block C



View from Corner of Fleming Street and Bancroft Avenue



View Along Fleming Street Facing Westward

As illustrated on the preceding pages, the subject property comprises sixteen (16) individual single-family residential lots that are part of Lincoln Park Redevelopment Focus Area 8. All of the lots are owned by the City of Greenville. Within my files, I have retained copies of the individual tax parcels and deeds of record. Some of the lots have been recombined to derive the sixteen (16) lots which comprise the subject of this appraisal. The individual lots are zoned Residential 6-S which allows single family residential uses. The lots are located on city-maintained streets that feature curb and gutter. All public utilities are available. The sites are not located in a special flood hazard area. In general, the lots are level and at street grade. However, Tracts 1-5 that front Bancroft Avenue and Battle Street, at Fleming Street, slope toward the western/rear property line. The surveys provided for use in this appraisal identify various utility and/or drainage easements; however, the lots are physically adaptable for single family residential use. The lots are of sufficient size and shape to adhere to minimum developmental standards in regards to frontage, setbacks, etc. A summary of the individual lots is provided as follows:

Lincoln Park Redevelopment		
Biltmore Addition- Lots 19-24		
Lot/Tract No.	Size	View
19	6,200 SF	Interior
20	6,488SF	Interior
21	6,189 SF	Interior
22	7,349 SF	Corner
23	6,268 SF	Corner
24	6,014 SF	Interior
Biltmore Addition- Tracts 1-5		
1	8,960 SF	Corner
2	12,584 SF	Interior
3	10,271 SF	Interior
4	10,934 SF	Interior
5	10,145 SF	Interior
Biltmore Addition- Lots 1-5, Block C		
1	12,850 SF	Corner
2	8,551 SF	Interior
3	8,747 SF	Interior
4	8,947 SF	Interior
5	9,387 SF	Interior

PROPERTY RIGHTS APPRAISED

The estimate of market value reported herein is of subject's fee simple estate. On Page 78 of The Dictionary of Real Estate Appraisal, Fifth Edition, as published by the Appraisal Institute, fee simple estate is defined as "absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, *police power, and escheat.*"

I have not been provided a current title opinion I am unaware of any adverse easements, encroachments, or encumbrances affecting the use or marketability of the property. The property is subject to all matters of public record.

DEFINITION OF VALUE

In this appraisal, market value is defined as "The most probable price that a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- a. buyer and seller are typically motivated;
- b. both parties are well informed or well advised, and acting in what they consider their own best interests;
- c. a reasonable time is allowed for exposure in the open market;
- d. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- e. the price represents the normal consideration for the property sold unaffected by special or creative financing, or sales concessions granted by anyone associated *with the sale.*" (12 C.F.R. Part 34.42(g); 55 Federal Register 34696, August 24, 1990, as amended at 57 Federal Register 12202, April 9, 1992; 59 Federal Register 29499, June 7, 1994)

Market value does not account for the unpredictable buyer who pays a price in excess of that which is reasonable and supported by market data, nor those transactions made under adverse conditions of sale.

DATE OF REPORT AND EFFECTIVE DATE OF VALUATION

July 11, 2013 is intended as the effective date of valuation. July15, 2013 is the date of the report.

ESTIMATED EXPOSURE TIME/MARKETING TIME

On Page 73 of The Dictionary of Real Estate Appraisal, Fifth Edition as published by the Appraisal Institute, exposure time is identified as *“The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective estimate based on an analysis of past events assuming a competitive and open market.”*

Also, on Page 121 of The Dictionary of Real Estate Appraisal, Fifth Edition marketing time is identified as *“An opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal. Marketing time differs from exposure time, which is always presumed to precede the effective date of an appraisal. (Advisory Opinion 7 of the Appraisal Standards Board of The Appraisal Foundation and Statement on Appraisal Standards No. 6, “Reasonable Exposure Time in Real Property and Personal Property Market Value Opinions” address the determination of reasonable exposure and marketing time.)”*

Considering the subject’s property type, location, physical characteristics, and current market conditions, it is my opinion that an estimate of about 180-365 days would be reasonable for both the estimated exposure time and estimated marketing time for a property such as the subject. This assumes that the property is and/or was actively marketed for sale within a reasonable range of estimated market value, and with appropriate marketing techniques. The Greenville Association of Realtors reports an average days on market of 202 days for 78 lot transactions, in the range of \$1,000 to \$25,000 between January 1, 2010 and July 15, 2013. Four of these seventy-eight transactions revealed an average days on market ranging from 1,010 days to 1,286 days. Also, there are thirteen (13) active listings of lots within Greenville, between the asking price of \$3,200 to \$15,000. These active listings reveal an average days on market of 240 days, ranging from 8 days to 1,035 days as of the date of this report.

SCOPE OF WORK

After accepting the assignment and defining the appraisal problem, an initial cursory inspection of the property was made. Subsequently, over the next several weeks, I began my preliminary analysis and data collection for the subject property and the sale properties analyzed for comparative purposes. Information regarding zoning, utilities, land sales, etc., was obtained from the public records of Pitt County and the City of Greenville. The Client provided surveys of the individual sites. I have utilized the above referenced information to estimate the current fair market value of the individual lots by the Sales Comparison Approach. I have prepared my findings within this Restricted Use appraisal report in accordance with Standards Rule 2-2 [c] of the Uniform Standards of Professional Appraisal Practice (USPAP). I have adhered to the Competency Provision of USPAP.

ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal makes no use of any Extraordinary Assumptions or Hypothetical Conditions. The reader's attention is directed to the detailed list of standard assumptions and limiting conditions included within the addenda.

HISTORY OF THE PROPERTY

The subject property involves an assemblage of individual parcels acquired from various owners by the City of Greenville between October 2006 and June 2010 based upon public records. I have not been provided a title search. I have retained the recorded deeds in my file. Many of these individual parcels were improved at the time of acquisition. Where applicable, the dwellings have since been removed or demolished to accommodate the Lincoln Park Redevelopment project. To the best of my knowledge, there have been no other sales or conveyances involving the ownership of subject within the past three years preceding the date of this report. Also, I am unaware of any pending sales or offers to purchase.

HIGHEST AND BEST USE

According to the Dictionary of Real Estate Appraisal, Fifth Edition, Page 93 as published by the American Institute of Real Estate Appraisers, Highest and Best Use is defined as follows:

1. The reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible, and that results in the highest land value.
2. The probable use of land or improved property – with respect to the user and timing of use – that is adequately supported and results in the highest present value.

The highest and best use of the subject property as if vacant is for single family residential use as demand warrants. In general, new developments are demand driven. Speculative developments are not considered likely or financially feasible.

VALUATION OF THE PROPERTY

The Sales Comparison Approach is the preferred valuation method for vacant sites. The typical units of comparison are the sales price paid per square foot and the overall price paid per lot.

SALES COMPARISON APPROACH

In the Sales Comparison Approach, the subject property is compared to similar properties that have sold or for which offers to purchase have been made. A major premise of the Sales Comparison Approach is that the market value of a property is directly related to the prices of comparable, competitive properties. The real estate appraisal principle of substitution plays a significant factor in the Sales Comparison Approach in that the value of a property tends to be set by the price that would be paid to acquire a substitute property of similar utility or desirability without undue delay. To apply the Sales Comparison Approach, an appraiser follows a systematic procedure:

1. Research the market to obtain information on sales transactions, listings, and offers to purchase properties similar to subject.
2. Verify the information by confirming that the data obtained are factually accurate and the transactions reflect arms-length market considerations.
3. Select relevant units of comparison (e.g., dollars per acre, per square foot, or per income multiplier) and develop a comparative analysis for each unit.
4. Compare the subject property and comparable sale properties using the elements of comparison and adjust the sales price of each comparable appropriately or eliminate the property as a comparable.
5. Reconcile the various value indications produced from the analysis of comparables into a single value indication or a range of values. An imprecise market may indicate a range of value.¹

The following summary of land sales is offered for comparison to subject:

¹The Appraisal of Real Estate, 9th Edition, Page 315

Land Sales Summary Chart					
Identity	Location	Date of Sale	Size	Sales Price	Unit Price
Sale 1	1111 W. 4 th	5/8/13	5,325 SF	\$1,000	\$.19/SF
Sale 2	2208 Marin Way	6/12/13	16,338 SF	\$15,000	\$.92/SF
Sale 3	1501 E. Overlook	3/20/13	13,904 SF	\$20,000	\$1.44/SF
Sale 4	307 Vance/ 1015 Colonial	10/3/12	31,432 SF	\$11,000	\$.35/SF
Sale 5	2980 Dickinson	1/25/10	16,000 SF	\$25,000	\$1.56/SF
Listing 1	617 McKinley	Current	4,920 SF	\$3,200	\$.65/SF
Listing 2	Church and Pitt	Current	4,300 SF	\$3,500	\$.81/SF
Listing 3	1115 W. 4 th	Current	7,470 SF	\$6,500	\$.87/SF
Listing 4	Breckenridge	Current	22,216 SF	\$12,900	\$.58/SF
Mean			13,545 SF	\$10,900	\$.82/SF
Median			13,904 SF	\$11,000	\$.81/SF

The preceding chart summarizes five residential lot sales and four current residential listings. Sale 1 reflects a lower sales price of \$1,000 or \$.19/SF. The physical utility of this property is inferior to the subject sites in regards to frontage and width in order to adhere to building setback requirements per zoning development standards. Land Sales 2, 3, and 5 reflect the highest sales prices on a per lot or dollar basis as well as price per square foot. These three sales are superior to the subject property in regards to location.

As illustrated in the preceding chart, the market sales and listings reflect close mean and median indicators in regards to size, sales price, and unit price. The subject lots average 8,743 square feet. Assuming all other factors are similar or equal, smaller properties sell for higher per unit prices. The subject lots on Bancroft Street are larger and wider, but slope toward the back property line. Typically, lot prices within a neighborhood are more uniformed in sales price per lot and may not vary measurably in regards to size. Some lots within a subdivision are considered premium lots as a result of its specific location, size, or view such as on a corner or within a cul-de-sac. In my analysis of the market sales and listings, I have attempted to consider the overall market influences such as location, physical features, etc. Based upon my analysis of the market sales and listings, the estimated values for the individual lots are summarized as follows:

Lincoln Park Redevelopment		
Biltmore Addition- Lots 19-24		
Lot/Tract No.	Size	Estimated Market Value
19	6,200 SF	\$8,000
20	6,488SF	\$8,000
21	6,189 SF	\$8,000
22	7,349 SF	\$9,000
23	6,268 SF	\$8,500
24	6,014 SF	\$8,000
Biltmore Addition- Tracts 1-5		
1	8,960 SF	\$9,800
2	12,584 SF	\$11,000
3	10,271 SF	\$10,300
4	10,934 SF	\$10,300
5	10,145 SF	\$10,300
Biltmore Addition- Lots 1-5, Block C		
1	12,850 SF	\$11,500
2	8,551 SF	\$9,300
3	8,747 SF	\$9,300
4	8,947 SF	\$9,300
5	9,387 SF	\$9,300

I certify that I have no present or contemplated future interest in the property appraised. The estimates of market value reported herein for the individual parcels are not predicated upon minimum valuations, specific valuations, or amounts that would favor the client. **Also, as referenced previously, the use of this Restricted Use Appraisal Report is specifically restricted to the Client. My opinions and conclusions cannot be properly understood without the additional information that has been retained in my files.**

Respectfully submitted,



Andy E. Piner, State Certified General Appraiser



ADDENDA

**ASSUMPTIONS AND LIMITING CONDITIONS FOR
RESTRICTED USE REPORT**

1. This is a Restricted Use Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(c) of USPAP. As such, it does not include discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.
2. No responsibility is assumed for legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated in this report.
3. The property is appraised free and clear of any or all liens and encumbrances unless otherwise stated in this report.
4. Responsible ownership and competent property management are assumed unless otherwise stated in this report.
5. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
6. All engineering is assumed to be correct. Any plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
7. No survey or analysis of sub-surface minerals and/or deposits has been made and, unless stated otherwise in the report, they have not been considered as a contributing factor to the market value of the property.
8. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless otherwise stated in this report.
9. It is assumed that all applicable zoning and use regulations and restrictions have been compiled with, unless a nonconformity has been stated, defined, and considered in this appraisal report.
10. It is assumed that all required licenses, certificates of occupancy, or other legislative or administrative authority from any local, state, or national governmental, or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained in this report are based.
11. Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. Maps and exhibits found in this report are provided for reader reference purposes only. No guarantee as to accuracy is expressed or implied unless otherwise stated in this report. No survey has been made for the purpose of this report.
12. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless otherwise stated in this report.

13. The appraiser is not qualified to detect hazardous waste and/or toxic materials. Any comment by the appraiser that might suggest the possibility of the presence of such substances should not be taken as confirmation of the presence of hazardous waste and/or toxic materials. Such determination would require investigation by a qualified expert in the field of environmental assessment. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The appraiser's value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value unless otherwise stated in this report. No responsibility is assumed for any environmental conditions, or for any expertise or engineering knowledge required to discover them. The appraiser's descriptions and resulting comments are the result of the routine observations made during the appraisal process.
14. Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communications barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.
15. Any proposed improvements are assumed to be completed in a good workmanlike manner in accordance with the submitted plans and specifications.
16. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
17. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser, and in any event, only with property written qualification and only in its entirety.
18. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news sales, or other media without prior written consent and approval of the appraiser.
19. The appraiser will not be required to give testimony or appear in court or before any other commission or body by reason of this appraisal unless arrangements are previously made.
20. The estimate of market value reported herein is not contingent upon the reporting of a predetermined value or a direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
21. No termite inspection has been provided to me or conducted by me of this property. This report and value estimate is based upon the assumption that the property has been inspected by a reputable, licensed exterminator and that there is no active termite infestation or hidden damage.

QUALIFICATIONS OF THE APPRAISER

Andy E. Piner
1105-A Corporate Drive
Greenville, North Carolina 27858
Phone: (252) 752-1010
Fax: (252) 830-1240
Email: andy@mooreandpiner.com

License/Certifications:

NC State-Certified General Real Estate Appraiser
Licensed Real Estate Broker, State of North Carolina

Professional Affiliations:

Associate Member, Appraisal Institute
Greenville-Pitt Board of Realtors

Employment History:

2000-Present	Moore & Piner, LLC Appraisals, Brokerage, Consulting & Development
1984-2000	Collice C. Moore & Associates Real Estate Appraisers
1980-1983	Moore & Sauter Associates Real Estate Appraisers

Education:

East Carolina University-Bachelor of Science in Business Administration - 1982

Appraisal Courses/Education:

<u>Course/Education Title</u>	<u>Place Taken</u>	<u>Year</u>	<u>Passed</u>
Residential Valuation	Univ. of N.C.	1982	Yes
Real Estate Appraisal Principles	Univ. of N.C.	1982	Yes
Basic Valuation Procedures	Univ. of N.C.	1982	Yes
Capitalization Theory & Techniques-Part A	Athens, GA	1984	Yes
Capitalization Theory & Techniques-Part B	Univ. of N.C.	1987	Yes

Case Studies in Real Estate Valuation	Univ. of N.C.	1988	Yes
Valuation Analysis & Report Writing	Univ. of N.C.	1988	Yes
Standards of Professional Practice	Univ. of N.C.	1989	Yes
Matched Pairs and Market Extraction	Wilson Community College	1998	Yes
General Demonstration Appraisal Report Writing Seminar	Atlanta, GA	1999	Yes
USPAP-Part C	Appraisal Institute Atlanta Area Chapter, Atlanta, GA	2000	Yes
General Market Analysis and Highest and Best Use	UNC-Greensboro	2008	Yes
Advanced Sales Comparison and Cost Approaches	UNC-Greensboro	2008	Yes
Comprehensive Examination, Modules I, II, III & IV	N/A	2010	Yes

The above courses are sponsored by The Appraisal Institute

Approved Appraiser for the Following Clients:

N. C. Department of Transportation	First Citizens Bank
N. C. Department of Administration	Bank of America
Pitt-Greenville Airport Authority	Paragon Bank
City of Greenville	TrustAtlantic Bank
City of Rocky Mount	Poyner and Spruill
PNC Bank (RBC Bank)	Colombo Kitchin Attorneys
Southern Bank & Trust Company	The East Carolina Bank
Wells Fargo	Branch Bank & Trust Company

Clients include attorneys, investors, and developers in Eastern North Carolina, as well as various cities and towns throughout Eastern North Carolina including the City of Greenville, Town of Tarboro, City of Rocky Mount, Town of Ayden, etc. The appraiser has appeared as an expert witness in the following counties: Pitt, Halifax, Edgecombe, Craven, Brunswick, Martin, Perquimans, Wayne, and Beaufort.

CERTIFICATION OF THE APPRAISER

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, unbiased professional analyses, opinions, and conclusions.

I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.

My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimated, the attainment of a stipulated result, or the occurrence of a subsequent event.

I have not performed a previous appraisal, appraisal review, appraisal consulting assignment, etc, involving the subject property within the past three years prior to this assignment.

The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

As of the date of this report, I have completed the Standards and Ethics Education Requirement of the Appraisal Institute for Associate Members.

I have made a personal inspection of the property that is the subject of this report.

No one provided significant professional assistance to the person signing this report.

The appraiser has performed within the context of the competency provision of the Uniform Standards of Professional Appraisal Practice.

This report was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.



Andy E. Piner



City of Greenville, North Carolina

Meeting Date: 8/14/2014
Time: 7:00 PM

Title of Item: Discussion of inquiries regarding the City budget

Explanation: Mayor Allen Thomas requested the addition of this item to the City Council agenda for August.

Fiscal Note: N/A

Recommendation: Discuss the item as requested by Mayor Thomas.

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