



Agenda

Planning and Zoning Commission

December 16, 2014

6:30 PM

Council Chambers, City Hall, 200 W. Fifth Street

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I. CALL MEETING TO ORDER -

II. INVOCATION - Torico Griffin

III. ROLL CALL

IV. APPROVAL OF MINUTES - October 21, 2014

V. NEW BUSINESS

TEXT AMENDMENTS

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

OTHER

2. Petition to close a portion of Greenpark Drive
3. Petition to close a portion of Lawrence Street

VI. ADJOURN

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

October 21, 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 – X
Mr. Jerry Weitz – *	Ms. Margaret Reid - *
Ms. Ann Bellis - *	Mr. Torico Griffin - *
Mr. Doug Schrade - *	Mr. Terry King –*
Ms. Wanda Harrington-*	Mr. Brian Smith -X

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

VOTING MEMBERS: Parker, Schrade, Reid, Griffin, Bellis, King, Weitz, Harrington

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

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

MINUTES: Motion was made by Mr. King, seconded by Ms. Bellis, to accept the September 16, 2014 minutes as presented. Motion carried unanimously.

OLD BUSINESS

TEXT AMENDMENT

ORDINANCE TO AMEND THE ZONING ORDINANCE BY ADDING A REQUIREMENT THAT SIDEWALKS MUST BE CONSTRUCTED ALONG MAJOR THOROUGHFARES, MINOR THOROUGHFARES AND BOULEVARDS IN CONJUNCTION WITH THE CONSTRUCTION OF ANY NEW DEVELOPMENT OF NON-RESIDENTIAL DEVELOPMENTS, MIXED-USE DEVELOPMENTS AND MULTI-FAMILY DEVELOPMENTS ON EXISTING LOTS.- APPROVED

Mr. Thomas Weitnauer, Chief Planner, presented the text amendment. The Commission tabled the item so staff could respond to four suggested changes. The first suggested change was to add general standards for waivers. Staff responded by replacing the word waivers with deferment and adding standards for deferment. Added language: *General standards the Director may use while considering deferment of sidewalk installation shall include, but not be limited to, pending changes to rights-of-way alignments, pending changes to roadway drainage facilities, unsafe*

contours or unprotected drainage facilities adjacent to the sidewalk route, or pending utility work or other construction scheduled in the area beyond the developer's control that could damage the sidewalk if installed. Special conditions which make the sidewalk construction unnecessary or undesirable shall not include personal circumstances of the developer or the lack of sidewalks on adjacent or nearby properties. Mr. Weitnauer stated the Commission's second suggestion was to revise language regarding varying the width of sidewalks. Mr. Weitnauer stated to respond to this suggestion the word 'vary' was replaced with 'expand' and added language: ...and in limited cases, reduce the required width of sidewalks to avoid obstructions, while remaining in compliance with dimensional standards of the Americans with Disabilities. The third suggestion was to revise language relating to an escrow or funds or fees in lieu of payment. Staff's response was to add a requirement in subsection (e) for developers to pay the City for the cost of deferred sidewalks. Mr. Weitnauer read the following new language that was added to the ordinance: If approved for a circumstance where the sidewalk construction is being delayed, the cost of the installation and construction of the deferred sidewalk, as determined by the Public Works Director, shall be paid by the developer to the city and the city will construct and install the sidewalk when the circumstance for deferment no longer exists. If approved for a circumstance where the sidewalk construction will not occur, no payment for sidewalk construction will be required by the developer. The fourth suggestion was to request Staff to formally provide remarks to the Bicycle and Pedestrian Commission's previous recommendations. Mr. Weitnauer stated he attended the BPC's October 1, 2014 meeting and presented a response to their recommendations. He stated the Bicycle and Pedestrian Commission unanimously endorsed the proposed text amendment with a caveat that the BPC's September 3, 2014 suggestions numbered one and two are addressed by other mechanisms. Mr. Weitnauer stated that their previous suggestion number one, *allow public input for waivers*, will be addressed with the change in language that revises the word "waivers" to "deferment." Mr. Weitnauer stated the BPC's previous suggestion number two, *to require sidewalks when residential converts to non-residential*, will be addressed since conversions of residential to non-residential will require submittal of a site plan that will trigger a requirement to install sidewalks. Mr. Weitnauer presented a series of maps and stated that based on an analysis of the proposed text amendment to current conditions, approximately 21 miles of sidewalks will be required along major thoroughfares, minor thoroughfares and boulevards, when any new non-residential development, mixed-use developments and multi-family developments is constructed on existing vacant lots already having non-residential zoning. Additional sidewalks will be developed as property is rezoned from residential zoning to non-residential zoning and developed. Mr. Weitnauer stated the proposed Zoning Ordinance is in compliance with Horizons: Greenville's Community Plan. He stated that among approximately a dozen citations he listed in the staff report, he will read two citations that are representative of the adopted plans and studies that demonstrate compliance. Mr. Weitnauer stated the proposed ordinance is in compliance with the Horizon's Plan, Implementation Element "Transportation, Objective 3g that states "Require

sidewalks and landscaping ([public] trees in particular) throughout the City and use sidewalks to connect all major activity centers within the City.” Mr. Weitnauer stated the proposed text amendment is in compliance with Development Code Review & Policy Gap Analysis to Improve Greenville’s Health, Design & Appearance, and read the following excerpt from the study, “The following regulatory language items were identified as the top five (5) priority elements having the most positive impacts on making Greenville a healthier community...” and “5. Adopt language to require commercial developments to install sidewalks.” Mr. Weitnauer repeated the Bicycle and Pedestrian Commission unanimously endorsed the proposed text amendment with an understanding that their two previous suggestions would be accomplished. He stated staff recommends approval of the proposed text amendment.

Mr. Parker thanked Mr. Weitnauer for the all the work done.

Mr. Weitnauer stated it was a group effort and appreciated the comment.

Chairwoman Basnight opened the public hearing.

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

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

Mr. Parker stated that Mr. Weitnauer and City Staff have done a remarkable job and he was ready to vote.

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

NEW BUSINESS

REZONINGS

ORDINANCE REQUESTED BY HD PROPERTY HOLDINGS, LLC TO REZONE 3.062 ACRES LOCATED NEAR THE SOUTHWEST CORNER OF THE INTERSECTION OF EAST 10TH STREET AND L.T. HARDEE ROAD FROM IU (UNOFFENSIVE INDUSTRY) TO CG (GENERAL COMMERCIAL) - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located in the eastern section of the City and specifically at the corner of E. 10th Street and L.T. Hardee Road just east of the new Wal-Mart Shopping Center. To the north of East 10th Street is Pitt County’s Jurisdiction and to the east is the Town of Simpson’s Jurisdiction. The request is composed of 2 parcels and there are some buildings already located on the property. The property is considered to be part of the intermediate focus area located along East 10th Street, where commercial is anticipated and encouraged. This request could generate a net increase of about 1,800 trips per

day which is within the design capacity of East 10th Street. The property is currently zoned IU (Unoffensive Industry) and the request is for CG (General Commercial). Under both zoning districts, the property could accommodate about the same square footage. Under the current zoning, the uses would be manufacturing or warehouse. Under the proposed zoning, the uses would include retail and restaurant. The Future Land Use Plan Map recommends commercial at the intersection of East 10th Street and L.T. Hardee Road. In staff's opinion, the request is in compliance with Horizon's Greenville Community Plan and the Future Land Use Plan Map.

Chairwoman Basnight opened the public hearing.

Mr. Mike Baldwin, representative for the applicant, spoke in favor of the request. He stated the request was in compliance with the Future Land Use Plan and that the increased traffic still keeps East 10th Street within its design capacity.

No one spoke in opposition of the request.

Chairwoman Basnight 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.

ORDINANCE REQUESTED BY PARKSIDE MM, LLC TO REZONE 0.53 ACRES LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF JOHNS HOPKINS DRIVE AND SCALES PLACE FROM MO (MEDICAL-OFFICE) TO MR (MEDICAL-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) – APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located in the medical area of the City and specifically at the corner of Johns Hopkins Drive and Scales Place. The property is vacant. There is multi-family to the south with office, institutional, and vacant uses in the area. Since there wasn't a significant change in traffic, a traffic report was not prepared. Under the current zoning, the property could accommodate 3,600 square feet of office. Under the proposed zoning, it could accommodate about 6 to 8 multi-family units. The Future Land Use Plan recommends office/institutional/medical (OIM) and then transitions to office/institutional/multi-family (OIMF) to the west and south. The requested zoning is part of the OIMF category. In staff's opinion, the request is in general compliance with Horizon's Greenville Community Plan, the Future Land Use Plan Map, and the Medical District Land Use Plan Update (2007). She stated it is contiguous to similar zoning and is not anticipated to create an unacceptable impact on adjacent properties.

Chairwoman Basnight opened the public hearing.

Mr. Jim Walker, representative for the applicant, spoke in favor of the request. After citing the

history of the property, he stated the rezoning is needed so that the property can be combined with the adjacent vacant property to be developed.

Mr. Tom Taft, owner and potential developer, spoke in favor of the request. He stated the original development of the property began 30 years ago with mostly medical office use and some residential. He stated he wanted to rezone the property to combine it with another parcel. They have been approved for funding by the State and for a grant from the City to develop affordable housing for the elderly.

No one spoke in opposition of the request.

Chairwoman Basnight closed the public hearing and opened for board discussion. She reminded Commission members that all the permitted and special uses of the proposed district should be considered when making a recommendation.

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

ORDINANCE REQUESTED BY V. PARKER OVERTON TO REZONE 13.62 ACRES LOCATED 1,300+/- FEET SOUTH OF FIRE TOWER ROAD AND 900+/- FEET WEST OF COREY ROAD FROM R6MH (RESIDENTIAL-MOBILE [HIGH DENSITY MULTI-FAMILY]) TO CG (GENERAL COMMERCIAL) AND OR (OFFICE-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located at Fire Tower Road and Bayswater Road. Tract 1 is roughly 4.4 acres and the request is for General Commercial. Tract 2 is a little over 9 acres and the request is for Office-Multi-Family. Last month the Commission heard and recommended approval for a Future Land Use Plan Map amendment in this same area. The amendment was approved by City Council at its October meeting. The area is largely vacant but is being developed as commercial. The two tracts will back up to the common area of the Surrey Meadows Subdivision. There is a focus area at this location. Item 7 on tonight's agenda is to amend the focus area designation to a regional focus area which would increase the size of the focus area. There are two signalized intersections at Bayswater Road and Fire Tower Road. Bayswater will eventually connect and it will have sidewalks. This request could generate a net increase of about 2,100 trips per day. The two tracts are impacted by the floodway, which can have no development, and the 100 and 500-foot plains associated with Fork Swamp Canal. Under the current zoning for Tract 1, the property could accommodate about 53 multi-family units. Under the proposed zoning, the property could accommodate about 38,000 square feet of retail or conventional restaurant. Under the current and proposed zoning for Tract 2, the property could accommodate the same number of multi-family units but the rezoning provides an office option. The updated version of the Future Land Use Plan Map recommends commercial along Fire Tower Road, then transitions to office/institutional/multi-family. There is conservation open space along Fork Swamp Canal. In

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

Chairwoman Basnight opened the public hearing.

Mr. Jim Hopf, representative for the applicant, spoke in favor for Tract 1. He stated he came before the Commission for a rezoning for the property north of Tract 1. That was approved for commercial. This request would add more commercial to Tract 1. Tract 2 provides transitional zoning. The commercial request is consistent and compatible with the Future Land Use Plan Map.

Mr. Greg Lassiter, owner of Champions Health and Fitness Center, spoke in favor of Tract 1. He needs additional commercial to build a larger aquatic facility next to his fitness center.

Mr. Phil Dixon, representative for perspective buyer of Tract 2, spoke in favor for Tract 2. In 1988, when the property was included in the ETJ (extra-territorial jurisdiction), it was zoned RM6H and had 2 mobile home parks on it. At that time, it was a great location for High Density Multi-Family development but it remained vacant for many years. He stated to facilitate development, there needs to be an opportunity for office/multi-family development. It is a good location for office development with signalized intersections and great buffers.

No one spoke in opposition of the request.

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

No comments made during board discussion.

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.

PRELIMINARY PLATS

REQUEST BY BILL CLARK HOMES OF GREENVILLE, LLC FOR A PRELIMINARY PLAT ENTITLED "LANGSTON WEST, SECTION 10". THE SUBJECT PROPERTY IS LOCATED APPROXIMATELY 650 FEET WEST OF THOMAS LANGSTON ROAD AND SOUTH OF SOUTH BEND DRIVE AND SOUTH OF RIDGEWOOD ELEMENTARY SCHOOL. THE PROPERTY IS FUTHER IDENTIFIED AS A PORTION OF TAX PARCEL #23627. THE PRELIMINARY PLAT CONSISTS OF 7 LOTS ON 3.0817 ACRES. THE PROPERTY OWNER IS AMA HOLDINGS, LLC.- APPROVED

Mr. Andy Thomas, Lead Planner, presented the preliminary plat. He stated the property is located in the southwest portion of the City. The property is approximately 650 feet west of Thomas Langston Road, south of South Bend Drive and south of Ridgewood Elementary School. It is a portion of a larger area and consists of 7 lots on 3.0817 acres. The property is zoned RA20

(Residential Agricultural). The property is not impacted by the Flood Plain but there is a creek that runs along the property is part of the Southeast Drainage District. Thomas Langston Road is recognized as being a minor thoroughfare. There is a common area across the rear of the properties that leads to the stormwater detention pond. This area will be maintained by a property owner's association. The documents establishing the Homeowner's Association will be reviewed by the City and recorded in the Pitt County Register of Deeds prior to recordation of the final plat. There is an existing 40 foot drainage easement on the eastern side of the property. There will be no costs to the City of Greenville associated with this subdivision other than routine costs to provide public services.

Mr. Weitz asked if property owners give the association any start up funding to maintain the detention area.

Mr. Thomas stated the stormwater facility itself will be constructed by the developer and therefore already be in place at the time lots are sold. It would be up to the property owners to maintain the facility. Homeowner Association documents will be submitted to the City and the City will assure a mechanism is in place to provide funding to keep the facility maintained.

Mr. Weitz stated there is no maintenance bond on behalf of the developer and asked if it was up to the homeowners when they buy into the subdivision to assess themselves fees in case problems arise with the stormwater facility.

Mr. Thomas stated the homeowners will maintain the detention facility after their home warranty runs out.

Chairwoman Basnight opened the public hearing.

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

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

Motion made by Mr. King, seconded by Ms. Harrington, to recommend approval of the preliminary plat as submitted. Motion passed unanimously.

TEXT AMENDMENTS

ZONING TEXT AMENDMENT REQUESTED BY RIVERS AND ASSOCIATES, INCORPORATED TO TITLE 9, CHAPTER 4, ARTICLE O. SECTION 9-4-252 OF THE CITY CODE TO CHANGE THE REQUIRED PARKING SPACES FOR MINI-STORAGE WAREHOUSE. - APPROVED

Ms. Chantae Gooby presented the text amendment. This request is from Rivers and Associates. The request is to change the required parking spaces for mini-storage warehouse. The existing standard is 1 parking space per 4 storage units. The proposed standard would require 5 parking

spaces plus 1 space per 100 storage units. Parking standards for mini-storage warehouses vary among other communities of similar size/character. She stated the change would not create a hardship or a non-conforming use. In staff's opinion, the request is in compliance with Horizon's Greenville Community Plan.

Chairwoman Basnight asked if the spaces included handicapped spaces.

Ms. Gooby stated handicapped spaces are required since it is a public building. This amendment does not affect the number of handicapped spaces.

Chairwoman Basnight opened the public hearing.

Mr. Trey Little of Rivers and Associates spoke in favor of the request. He stated the request fits in with peer communities and helps mold and accommodate standards here in Greenville.

Mr. Griffin asked if there was an existing issue with the current standard.

Mr. Little stated no but the current standard makes it harder to comply.

No one spoke in opposition of the request.

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

Mr. Weitz stated he was in favor of the request and thought it was a good move. Most parking or traffic is at the actual unit of rental. The required spaces are mostly used by the resident manager or a customer stopping by to pay a bill or inquire about a lease. He stated the current standard is excessive and supports the proposed amendment.

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

PLAN AMENDMENTS

REQUEST INITIATED BY THE PLANNING AND ZONING COMMISSION TO AMEND THE HORIZONS: GREENVILLE'S COMMUNITY PLAN FOCUS AREA (OR COMMERCIAL NODE) MAP DESIGNATION FOR THE PROPERTY LOCATED AT THE INTERSECTION OF FIRE TOWER ROAD AND BAYSWATER ROAD FROM A "NEIGHBORHOOD FOCUS AREA" TO A "REGIONAL FOCUS AREA" - APPROVED

Ms. Chantae Gooby presented the plan amendment. This request was initiated by the Planning and Zoning Commission due to the increase in commercial on the Future Land Use Plan Map. Staff was charged with determining the appropriate designation of the focus area. Currently, the designation is a Neighborhood Focus Area which indicates the amount of commercial in that area should be about 20,000 to 40,000 square feet of conditioned floor space. Since the amount

of commercial was increased on the Future Land Use Plan Map, the Planning and Zoning Commission requested that the focus area map be changed to a more appropriate designation. The Future Land Use Plan Map recommends roughly 60 acres of commercial. The anticipated build-out would be in excess of 400,000 square feet of conditioned floor space. Therefore, a Regional Focus Area designation was thought to be the most appropriate since it one of the largest focus areas and signifies over 400,000 square feet of conditioned floor space. Horizons states that focus area locations and sizes are not static and as development happens, focus areas may vary in size and even locations.

Chairwoman Basnight opened the public hearing.

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

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

Mr. Weitz stated the focus area designation amendment is important for planning purposes as it signifies the amount of commercial that should be located in areas. The new designation is more appropriate. He fully supports the amendment.

Motion made by Mr. Weitz, seconded by Mr. Schrade, to recommend approval of the plan amendment. Motion passed unanimously.

With no further business, a motion was made by Mr. Parker, seconded by Mr. Weitz, to adjourn. Motion passed unanimously. Meeting adjourned at 7:24 p.m.

Respectfully Submitted,

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



City of Greenville, North Carolina

Meeting Date:
12/16/2014
Time: 6:30 PM

Title of Item: Ordinance to amend the Zoning Ordinance by adding live performance theaters 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:** On November 4, 2014, Office of Economic Development staff brought a discussion item to the Redevelopment Commission to seek their reaction and input for a text amendment that would permit live performance theaters to locate in the CD (Downtown Commercial) zoning district with a special use permit. The Redevelopment Commission unanimously voted to request staff and the Planning and Zoning Commission initiate a text amendment.

Explanation: Currently, the Zoning Ordinance does not allow live performance theaters in the CD (Downtown Commercial) zoning district.

This amendment allows live performance theaters in the CD zoning district through a special use permit. This text amendment also establishes specific criteria for live performance theaters.

Planning Division staff contacted other North Carolina cities to research whether they have provisions to regulate live performance theaters. The research did not produce examples to incorporate into the proposed text amendment.

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, Implementation Section, Growth and Development Subsection, Implementation Strategy 2(t) states, "Preserve historic warehouses and older buildings through renovation and adaptive reuse." Implementation Section, Economic Development Subsection, Implementation Strategy 2(b) states, "Encourage rehabilitation and reuse of commercial/industrial buildings."

Implementation Section, Vision Areas Subsection, Central, Management Action H5, states, "Develop the downtown as the cultural, recreational, and entertainment center of the City."

Center City West Greenville Revitalization Plan, Chapter 2, Market Feasibility – Housing, Retail and Entertainment Uses, V. Strategy Implications, Goal 2 states, "Reposition and revitalize downtown as a new and vibrant activity center for the city and the region."

On November 4, 2014, the Redevelopment Commission unanimously voted to request staff and the Planning and Zoning Commission initiate a text amendment that would permit live performance theaters to locate in the CD (Downtown Commercial) zoning district with a special use permit (Refer to Exhibit A).

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

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

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

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

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

Attachments / click to download

- [Live Performance and Theater Text Amendment Version 2 992727](#)
- [Maps 1_3 Live Performance Theater Text Amendment 993239](#)
- [Draft Excerpt from RDC Meeting Minutes 11_4_2014 993547](#)

ORDINANCE NO. 15-
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 January _____, 2015, 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 of the City of Greenville does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Horizons: Greenville's Community Plan, 2009-2010 Update, Implementation Section, Growth and Development Subsection, Implementation Strategy 2(t) to preserve historic warehouses and older buildings through renovation and adaptive reuse, Implementation Section, Economic Development Subsection, Implementation Strategy 2(b) to encourage rehabilitation and reuse of commercial/industrial buildings, Implementation Section, Vision Areas Subsection, Central, Management Action H5 to develop the downtown as the cultural, recreational, and entertainment center of the City, Center City West Greenville Revitalization Plan, Chapter 2, Market Feasibility – Housing, Retail and Entertainment Uses, V. Strategy Implications, Goal 2 to reposition and revitalize downtown as a new and vibrant activity center for the city and the region;

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, encourage preservation of older buildings and enhance downtown as a vibrant activity center;

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 "*Live Performance Theater*":

Live Performance Theater. A facility for holding live performances, motion pictures, plays, and live music through the sale of tickets and allows banquets as an accessory use. Such use is limited in its location, size and operation in accordance with the provisions of section 9-4-86.RR. (see also section 9-4-86.RR).

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) gg. “*Live Performance Theater (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.

RR. Live Performance Theater (see also section 9-4-22).

- (1) Events and/or banquets must be ticketed or free of charge to participants. No cover charges can be required for events.
- (2) The following ticketed events shall be permitted: Concerts, Plays, Motion Pictures Operas, Musicals, Ballets, Other Forms of Modern Dance.
- (3) As an accessory use the facility may host private banquets and meetings.
- (4) The following activities shall not be permitted at the theater: televised events, disc jockey-based events, dance parties, raves, house music-based events, outdoor events or outdoor amplified music.
- (5) May have as an ancillary or accessory use a full service bar which is only open to patrons of ticketed events, private banquets or meetings and is limited to operate only during the hours the above listed permitted ticketed events, private banquets or meetings are being held.
- (6) The facility shall not operate as a public or private club as defined by Title 9, Chapter 4, Article B, Section 9-4-22.
- (7) Minimum square footage of live performance theaters shall be 5,000 square feet.
- (8) Accessory retail sales shall be permitted for the sale of theater or event related items.
- (9) The portion of the building devoted to live performances may have open or fixed seating.

- (10) (a) A special use permit for a live performance theater is subject to revocation in accordance with the provisions of this subsection (10). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a live performance theater 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 live performance theater 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 live performance theater 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 (RR) 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 live performance theater.
- (e) The requirements and standards set forth in this subsection (RR)(10) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.

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.

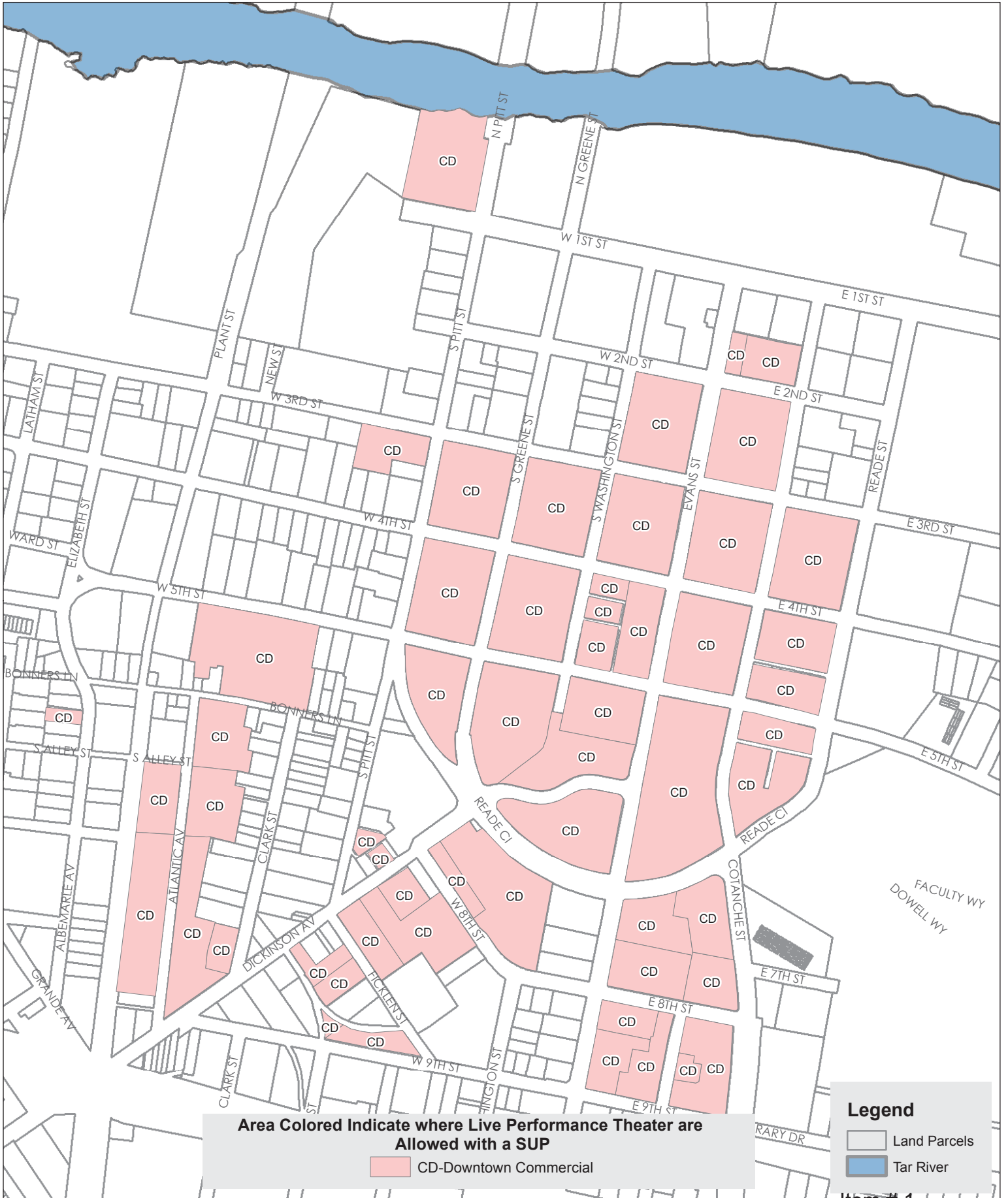
Section 5. That this ordinance shall become effective immediately upon adoption.

Adopted this ____ day of January, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



Area Colored Indicate where Live Performance Theater are Allowed with a SUP
CD-Downtown Commercial

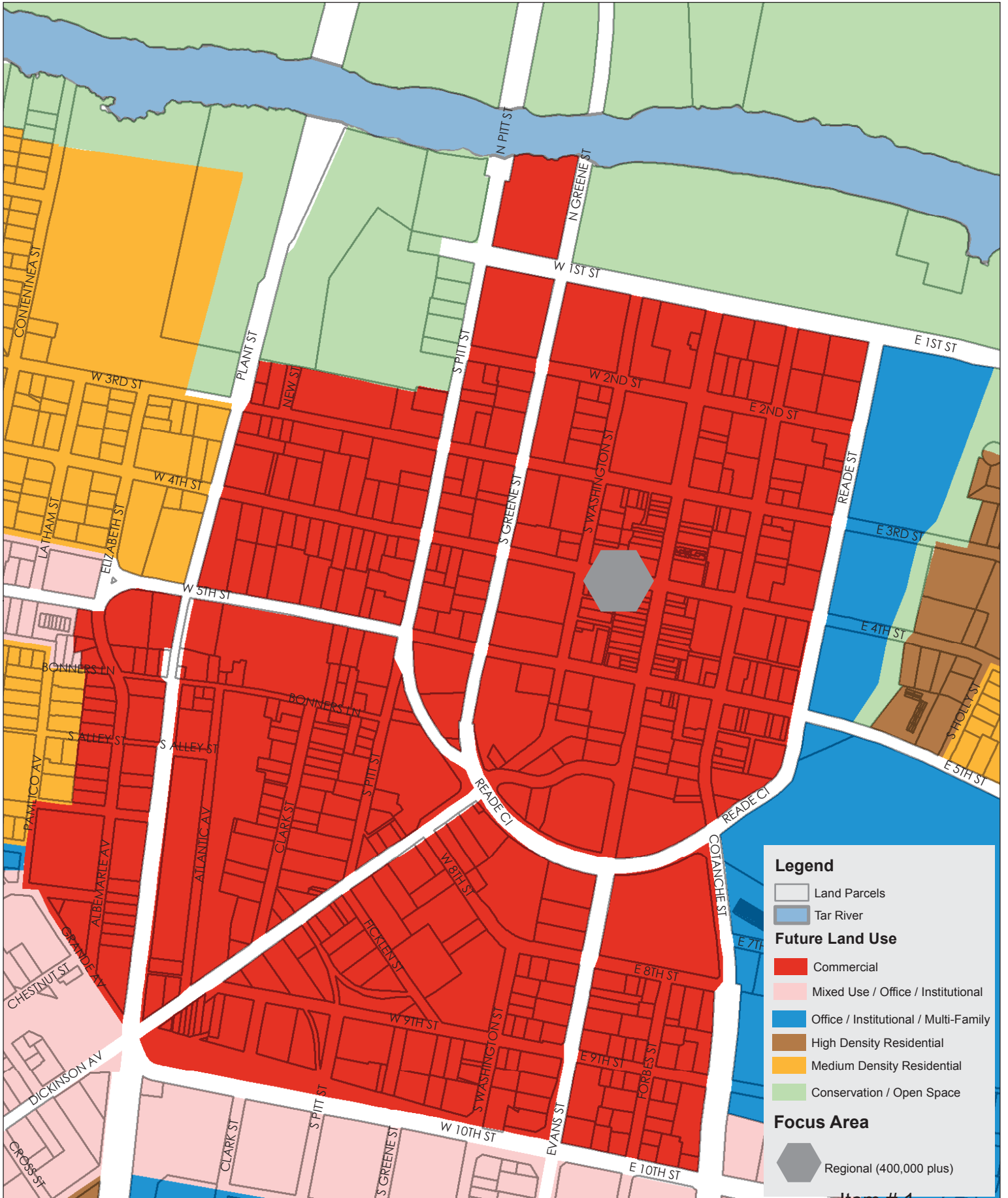
Legend

- Land Parcels
- Tar River



0 320 640 1,280 Feet

Item # 1



Legend

- Land Parcels
- Tar River

Future Land Use

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

Focus Area

- Regional (400,000 plus)

Item # 1

0 350 700 1,400 Feet

DRAFT OF MINUTES PROPOSED FOR ADOPTION
NOT APPROVED BY THE REDEVELOPMENT COMMISSION

Meeting Minutes
Tuesday, November 4, 2014
Greenville, North Carolina

Present:

- | | | |
|-----------------------------------------------------|-------------------------------------------------------|----------------------------------------|
| <input checked="" type="checkbox"/> Angela Marshall | <input checked="" type="checkbox"/> Mark Woodson | <input type="checkbox"/> Sharif Hatoum |
| <input checked="" type="checkbox"/> Jeremy King | <input checked="" type="checkbox"/> Patricia Dunn | |
| <input type="checkbox"/> Judy Siguaw | <input checked="" type="checkbox"/> Richard Patterson | |

Absent:

- | | | |
|-------------------------------------------------|--------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> Angela Marshall | <input type="checkbox"/> Mark Woodson | <input checked="" type="checkbox"/> Sharif Hatoum |
| <input type="checkbox"/> Jeremy King | <input type="checkbox"/> Patricia Dunn | |
| <input checked="" type="checkbox"/> Judy Siguaw | <input type="checkbox"/> Richard Patterson | |

Staff:

- | | |
|-------------------------------------------------------------------------|------------------------------------------------------|
| <input checked="" type="checkbox"/> Merrill Flood | <input checked="" type="checkbox"/> Betty Moseley |
| <input checked="" type="checkbox"/> Carl Rees | <input checked="" type="checkbox"/> Jonathan Edwards |
| <input checked="" type="checkbox"/> Kandie Smith (City Council Liaison) | <input checked="" type="checkbox"/> Tom Wisemiller |
-

I. Welcome

II. Roll Call

III. Approval of Minutes – October 7, 2014

Motion was made by Ms. Dunn and seconded by Ms. Marshall to revise the meeting minutes from October 7, 2014 to include a copy of the financial report handout. Motion opposed by Mr. Patterson. Motion carried.

Motion was made by Mr. King and seconded by Ms. Marshall to amend the meeting agenda to add item V. Consideration of Alley Improvements. Motion carried unanimously.

IV. Public Comment Period

No comments were received.

V. Consideration of Alley Improvements

Mr. Rees stated that a series of alley improvements and plaza improvements have been taking place throughout the uptown district. Around the parking deck are alleyways that are both public and private. Thus far, all work to the area has been on the public areas.

Mr. Rees introduced Kevin Mulligan, Director of the Public Works Department.

Mr. Mulligan stated that the parking deck construction began in May or June and is looking fantastic. He delineated the alleyways on a map. The City is proposing to get a public access easement with the businesses surrounding the parking deck. If approved, the City will seamlessly pave the alleyways up

to the buildings. The Redevelopment Commission is currently funding the public alleyway pavement. The cost estimate is:

Cost estimate:	\$116,000
Design:	\$8,000
Total:	\$124,000

If there is a difference in cost, then the City would talk with the property owners to see if they would share the cost.

Mr. King asked if the RDC was paying to acquire the property or just pave the alleyways up to the buildings.

Mr. Mulligan replied that they were just paving, no acquisition.

Ms. Dunn asked how much property is private and how much is public.

Mr. Mulligan delineated the areas on a map. The private areas are about 2,170 square feet.

Mr. Woodson asked if the walls and back entrances to the buildings across from the parking deck exit were unsightly.

Mr. Mulligan replied that as far as back entrances go, they were attractive enough. However; all of these improvements should spur additional improvements to the buildings if the owners wish to remain competitive.

Ms. Marshall asked at whose cost the additional improvements would take place.

Mr. Mulligan replied unless they get a grant, then the cost would be on the owners.

Ms. Dunn asked if the alleyways would remain their property.

Mr. Mulligan replied yes.

Ms. Dunn asked if this is an added cost to the parking deck.

Mr. Mulligan replied no.

Ms. Dunn asked if the alleyways would be paved if not for the parking deck.

Mr. Rees replied no, not to this extent. The \$110,000 for the Tenth and Evans Street Improvements have been folded into the overall budget for the Tenth Street connector project, therefore, freeing up \$110,000. Staff recommends this project.

Ms. Dunn asked if the proposed budget was the total cost with no over run on budget.

Mr. Rees replied that the \$124,000 estimate is on the high side. The property owners have agreed to pay additional cost.

Motion was made by Ms. Marshall and seconded by Mr. King to approve funding for additional alleyway improvements in aforementioned areas where permanent public access agreement was

granted in an amount not to exceed \$110,500 from designated Tenth Street Connector funds. Motion carried unanimously.

VI. Update on Evans Street Gateway Public Art Project

Mr. Rees stated that a couple of months ago there was a public forum calling for artist issued by the Pitt County Arts Council on our behalf. The Public Arts Committee reviewed a total of eleven submissions. The committee has narrowed down the selection to three finalists. The three finalists are Jim Galuchi, who did the whisper benches at five points, H&G Studios, and Beth Nybeck. They will be at the Emerge gallery on November 14th to answer questions. Two volunteers, Ms. Marshall and Ms. Dunn, will be serving on the selection committee. Finalist will be at the next meeting.

VII. Consideration of Recommendation to Create a Zoning Category for Theatres and Live Performance Venues

Mr. Flood stated that there is a lot of momentum concerning land uses and the uptown theater consideration. In addition, East Carolina University is considering a performing arts center in the future. Currently the zoning ordinance does not have provisions for allowing a theatre. We need to make some accommodations for use. Staff would like to create an amendment allowing special use permit. We are asking the RDC to sponsor and authorize staff to craft a zoning amendment to allow special use permit.

Ms. Dunn asked what area is being discussed.

Mr. Flood replied the uptown area and the Dickinson Avenue, Tenth Street, and Evans Street area.

Ms. Dunn asked if staff was proposing to take the CDF and include as a permitted use the theatre or drama.

Mr. Flood replied that staff would look at creating a separate use category or amend the current category to create a definition or to allow special use permits. We will evaluate what other similar cities are doing for special uses.

Mr. King asked if the performing arts area would be limited to the redevelopment area.

Mr. Flood replied perhaps. Staff would not want to do anything that affects reinvestment.

Motion was made by Mr. King and seconded by Ms. Marshall to request that staff investigate venues to create a zoning category for theatres and live performance. Motion carried unanimously.

VIII. Consideration of Contract for Purchase of Real Property

Mr. Wisemiller stated that staff is requesting authorization to purchase 604 Clark Street from Chris Darden for \$75,000 (twenty percent over the appraised value). The appraisal and review appraisal came in at \$67,500, which allowed staff to meet the owner's price.

Motion was made by Mr. King and seconded by Mr. Patterson to authorize the purchase of 604 Clark Street from Chris Darden for \$75,000. Motion carried unanimously.

Mr. Wisemiller stated that 650 Atlantic Avenue and 431 Bonners Lane are both owned by Charles Platter. This is guardianship property and there is a court approval process that may take a couple of months to get through. Purchase of these properties has already been approved.



City of Greenville, North Carolina

Meeting Date:
12/16/2014
Time: 6:30 PM

Title of Item: Petition to close a portion of Greenpark Drive

Explanation: **Abstract:** This item is to consider a petition to close a portion of Greenpark Drive.

Background: The City received a petition from Stow Management, Inc. requesting the closure of a portion of Greenpark Drive, being on the north side of Staton House Road and extending north about 670 feet as shown on the attached plat.

The petitioners are the owners of all of the property adjoining the street section requested to be closed. A Walmart Super Center is proposed. Once this portion of Greenpark Drive is closed, the developer will construct a traffic circle at the terminus of Greenpark Drive. The petitioners are required to post a bond for the construction cost of the new traffic circle.

Staff Comments: The petition has been reviewed by City staff and Greenville Utilities Commission with the following comments:

- 1) City staff recommends, as a condition of the street closing, a recombination map be submitted in accordance with the Subdivision Regulations.
- 2) Greenville Utilities has requested an easement over and upon the utilities that will remain in the closed street right-of-way.

Fiscal Note: Budgeted funds for the maintenance of this street section will no longer be required upon the effective date of the Resolution to Close by City Council. The City will no longer receive Powell Bill funds for the closed street sections.

Recommendation: Recommend to City Council conditional closure of a portion of Greenpark Drive.

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

Attachments / click to download

 [Greenpark Drive Map](#)



City of Greenville, North Carolina

Meeting Date:
12/16/2014
Time: 6:30 PM

Title of Item: Petition to close a portion of Lawrence Street

Explanation: **Abstract:** This item is to consider a petition to close a portion of Lawrence Street.

Background: The City received a petition from state of North Carolina on behalf of East Carolina University requesting the closure of a portion of Lawrence Street, being on the north side of Tenth Street and extending north about 204.8 feet to the terminus at the property of the State of North Carolina as shown on the attached plat.

The petitioners are the owners of all of the property adjoining the street section requested to be closed. The university has plans for redevelopment of property along Tenth Street.

Staff Comments: The petition has been reviewed by City staff and Greenville Utilities Commission. Greenville Utilities has requested an easement over and upon the utilities that will remain in the closed street right of way.

Fiscal Note: Budgeted funds for the maintenance of this street section will no longer be required upon the effective date of the Resolution to Close by City Council. The City will no longer receive Powell Bill funds for the closed street sections.

Recommendation: Recommend to City Council the closure of a portion of Lawrence Street.

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

Attachments / click to download

 [Lawrence Street Map](#)
