



Agenda

Greenville City Council

August 13, 2015
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 Smith

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

- Bennie Pilgreen, Recreation and Parks Department Retiree
- Presentation of Riverkeeper Cup - Heather Jacobs Deck, Pamlico-Tar Riverkeeper

VII. Appointments

1. Appointments to Boards and Commissions

VIII. Old Business

2. Ordinance requested by the North Carolina Department of Transportation to amend the Future Land Use Plan Map from an office/institutional/multi-family (OIMF) category to a commercial (C) category containing 22 acres and to amend the Horizons: Greenville's Community Plan Focus Area (or commercial node) Map designation for the property located at the intersection of North Memorial Drive and West Belvoir Road from a "Neighborhood Focus Area" to a "Regional Focus Area"

IX. New Business

Public Hearings

3. Ordinance to annex Arbor Hills South, Phase 4, involving 4.2815 acres located 800 +/- feet west of Eastern Pines Road and 700 +/- feet north of L. T. Hardee Road
4. Ordinance to annex Dixon Family Farms, Incorporated and Jeffrey Grabowski properties, involving 41.9410 acres located along the eastern right-of-way of NC Highway 43 and south of Ivy Road
5. Ordinance to annex Oxford Street, LLC, involving 4.122 acres located between Old Fire Tower Road and Rosemont Drive and 450+/- feet east of County Home Road
6. Ordinance requested by Venture Partners I, LLC to rezone 0.510 acres located south of Melrose Drive between Brighton Park Drive and West Arlington Boulevard from MR (Medical-Residential [High Density Multi-family]) to MO (Medical-Office)
7. Ordinance requested by Ward Holdings, LLC to rezone 2.0361 acres located along the southern right-of-way of East 10th Street and 270 +/- feet west of Elm Street from R9 (Residential [Medium Density Multi-family]) to R6 (Residential [High Density Multi-family])
8. Ordinance to amend the Zoning Ordinance by adding schools as an allowed use within the IU (Unoffensive Industry) zoning district, subject to an approved special use permit and establishing specific criteria
9. Resolution approving \$7,500,000 in Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio) to be issued by the Public Finance Authority
10. Ordinance amending Title 9 of the Code of Ordinances as it relates to boarding of buildings and structures
11. Ordinance to amend Title 10, Chapter Two, Article X of the City Code of Ordinances related to towing and impoundment of vehicles with overdue parking fines and penalties
12. Public hearing on the Bond Order, Adoption of the Bond Order and a Resolution Calling for a Bond Referendum for \$15,850,000 Street and Pedestrian Transportation Bonds and Notice of the Bond Referendum
13. Ordinance Amending Section 2-1-11 Changing the Times for Regular Meetings of City Council

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

14. Ordinance revising the Uptown Outdoor Dining Permit standards for properties that abut the Uptown Parking Deck Plaza
15. Presentation on Trap, Neuter and Release (TNR) Program for Feral Cats
16. Resolution amending the City of Greenville Personnel Policies

X. Comments from Mayor and City Council

XI. City Manager's Report

17. Update on Bond Referendum

XII. Adjournment



City of Greenville, North Carolina

Meeting Date: 8/13/2015
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 8 of the boards and commissions.

Explanation: City Council appointments need to be made to the Affordable Housing Loan Committee, Community Appearance Commission, Environmental Advisory Commission, Firefighters' Relief Fund Committee, Greenville Utilities Commission, Human Relations Council, Pitt-Greenville Convention & Visitors Authority, and Youth Council.

Fiscal Note: No direct fiscal impact.

Recommendation: Make appointments to the to the Affordable Housing Loan Committee, Community Appearance Commission, Environmental Advisory Commission, Firefighters' Relief Fund Committee, Greenville Utilities Commission, Human Relations Council, Pitt-Greenville Convention & Visitors Authority, and Youth Council.

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

Attachments / click to download

[Muni_Report_2015_Appointments_to_Boards_and_Commissions_998631](#)

Appointments to Boards and Commissions

August 2015

Affordable Housing Loan Committee

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Melissa Grimes	1	Second term	Resigned	January 2016

Community Appearance Commission

Council Liaison: Council Member Rick Smiley

Name	District #	Current Term	Reappointment Status	Expiration Date
Danielle Greene	5	Filling unexpired term	Resigned	April 2017
Rebecca Powers	4	First term	Resigned	July 2017
Joanne Robertson	4	First term	Not seeking an additional term	April 2015

Environmental Advisory Commission

Council Liaison: Council Member Marion Blackburn

Name	District #	Current Term	Reappointment Status	Expiration Date
Scott Anderson <i>(Professional Engineer)</i>	5	First term	Not seeking an additional term	April 2015
Owen Burney <i>(Building contractor, land developer, or someone familiar with construction techniques)</i>	1	Second term	Ineligible	April 2015
J.C. Woodley	5	First term	Resigned	April 2017

(Lawyer or someone with knowledge of environmental practices or regulations)

Firefighters' Relief Fund Committee

Council Liaison: Not Applicable

Name	District #	Current Term	Reappointment Status	Expiration Date
William Franklin	4	Third term	Ineligible	January 2015

Greenville Utilities Commission

Council Liaison: Council Member Richard Croskery

Name	District #	Current Term	Reappointment Status	Expiration Date
Chip Little <i>(Council Member Richard Croskery)</i>	5	Second term	Resigned	June 2018

Human Relations Council

Council Liaison: Council Member Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Enji Abdo	2	Second term	Resigned	Sept. 2017
Robert Hudak	4	Second term	Ineligible	Sept. 2014
Shaterica Lee <i>(Shaw University)</i>	2	Second term	Did not meet attendance requirement	Oct. 2015
Maurice Whitehurst <i>(Pitt Community College)</i>	2	Second term	Did not meet attendance Requirement	Oct. 2015

Pitt Greenville Convention & Visitors Authority

Council Liaison: Council Member Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
JJ McLamb	City	Filling unexpired term	Eligible	June 2015

(2 – Member of Tourist or Convention-related business)

Robert Sheck County Second term Ineligible July 2015

- (1) Owners/operators of hotels/motels
- (2) Members of tourist or convention-related business
- (3) Residents not involved in tourist or convention-related business

Youth Council

Council Liaison: Mayor Pro-Tem Calvin Mercer

Name	District #	Current Term	Reappointment Status	Expiration Date
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6 Available Spots

Applicants for Affordable Housing Loan Committee

Godfrey G. Bell
PO Box 91 - 300 Memorial Drive
Greenville, NC 27835

District #: 1

David Campbell
346 Haven Drive Unit X2
Greenville, NC 27834

District #: 2

Ronita E. Jones
606 Bancroft Avenue
Greenville, NC 27834

District #: 1

Crystal M Kuegel
1200 B Glen Arthur Avenue
Greenville, NC 28540

District #: 4

Terri Williams
PO Box 3109
Greenville, NC 27836

District #: 4

Application Date: 6/20/2013

Home Phone: (252) 916-6381

Business Phone:

Email: gbellsrl@earthlink.net

Application Date: 7/5/2015

Home Phone: (910) 258-3710

Business Phone: (252) 558-2887

Email: drdc1135@gmail.com

Application Date: 7/9/2015

Home Phone: (252) 758-4216

Business Phone: (919) 641-6863

Email: ronitaejones@gmail.com

Application Date: 2/23/2015

Home Phone: (252) 885-9245

Business Phone: (252) 885-9245

Email: crystal.kuegel@gmail.com

Application Date: 11/20/2013

Home Phone: (252) 756-9346

Business Phone: (252) 756-3500

Email: twilliams110@suddenlink.net

Applicants for Community Appearance Commission

Brenda Diggs
4110 Treetops Circle
Winterville, NC 28590

District #: 5

Ronita E. Jones
606 Bancroft Avenue
Greenville, NC 27834

District #: 1

Jorgette Turner Mullins
527 #E Spring Forest Road
Greenville, NC 27834

District #: 1

Application Date: 3/23/2009

Home Phone: (252) 321-7047

Business Phone:

Email: bdiggs@embarqmail.com

Application Date: 7/9/2015

Home Phone: (252) 758-4216

Business Phone: (919) 641-6863

Email: ronitaejones@gmail.com

Application Date: 7/7/2015

Home Phone: (252) 367-7068

Business Phone: (252) 353-5253

Email: jorgemullins316@aol.com

Applicants for Environmental Advisory Commission

Orrin Allen Beasley
925 Spring Forest Road #7
Greenville, NC 27858

District #: 1

Elaine U. Brestel
106 Christenbury Drive
Greenville, NC 27858

District #: 4

Sherryl Gregory
1303 E. 10th Street Apt N
Greenville, NC 27858

District #:

Wendy Klein
318 Rutledge Road
Greenville, NC 27858

District #: 4

Matthew Mellis
529 Spring Forest Road Apt. H
Greenville, NC

District #: 1

Application Date: 2/3/2014

Home Phone: (252) 216-6099
Business Phone: (252) 216-6099
Email: oab0119@gmail.com

Application Date: 1/21/2014

Home Phone: (252) 752-2255
Business Phone:
Email: ebrestel@suddenlink.net

Application Date: 2/3/2014

Home Phone: (252) 559-9049
Business Phone:
Email:

Application Date: 2/10/2014

Home Phone: (252) 329-7005
Business Phone: (252) 902-9005
Email: wakspg1@suddenlink.net

Application Date: 3/6/2014

Home Phone: (252) 702-3429
Business Phone: (252) 752-5938
Email: mellism@pitt.k12.nc.us

Applicants for Firefighters' Relief Fund Committee

Mary Ellen Cole
912 Bremerton Drive
Greenville, NC 27858

Application Date: 3/12/2015

District #: 5

Crystal M Kuegel
1200 B Glen Arthur Avenue
Greenville, NC 28540

Application Date: 2/23/2015

District #: 4

Home Phone: (252) 917-1590
Business Phone:
Email: maxierules@gmail.com

Home Phone: (252) 885-9245
Business Phone: (252) 885-9245
Email: crystal.kuegel@gmail.com

Applicants for Greenville Utilities Commission

Thomas F Stoughton
507 Chesapeake Pl.
Greenville, NC 27858

Application Date: 7/21/2015

District #: 5

Home Phone: (252) 321-8010
Business Phone: (252) 355-0088
Email: tommy@kittrellandarmstrong.com

David M. White
410 Crestline Blvd.
Greenville, NC 27834

Application Date: 5/12/2014

District #: 5

Home Phone: (252) 413-8120
Business Phone: (252) 328-9604
Email: whited@ecu.edu

Applicants for Human Relations Council

Samar Badwan
1521 Pine Brook Ct. Unit A
Greenville, NC 27858

District #: 4

Application Date: 6/3/2015

Home Phone: (252) 258-4688
Business Phone: (252) 758-4621
Email: s_wshah@hotmail.com

Ronita E. Jones
606 Bancroft Avenue
Greenville, NC 27834

District #: 1

Application Date: 7/9/2015

Home Phone: (252) 758-4216
Business Phone: (919) 641-6863
Email: ronitaejones@gmail.com

Crystal M Kuegel
1200 B Glen Arthur Avenue
Greenville, NC 28540

District #: 4

Application Date: 2/23/2015

Home Phone: (252) 885-9245
Business Phone: (252) 885-9245
Email: crystal.kuegel@gmail.com

Deborah J. Monroe
1308 Old Village Road
Greenville, NC 27834

District #: 1

Application Date: 1/15/2015

Home Phone: (252) 714-0969
Business Phone:
Email: debj.monroe@gmail.com

Bridget Moore
4128A Bridge Court
Winterville, NC 28590

District #: 5

Application Date: 8/28/2014

Home Phone: (252) 355-7377
Business Phone: (252) 355-0000
Email: bmoore2004@netzero.com

Travis Williams
3408 Evans Street Apt. E
Greenville, NC 27834

District #: 5

Application Date:

Home Phone: (252) 412-4584
Business Phone:
Email:

Applicants for Pitt-Greenville Convention & Visitors Authority (City)

Ann Eleanor
102 Lindenwood Drive
Greenville, NC 27834

Application Date: 4/15/2013

District #: 5

Home Phone: (252) 227-4240

Business Phone:

Email: aeleanor@suddenlink.net

Robert Kevin Howard
2745 North Chatham Court
Winterville, NC 28590

Application Date: 5/29/2014

District #: 2

Home Phone: (252) 258-7900

Business Phone: (252) 227-4313

Email: gvegasmagazine@hotmail.com

Sharon Mallette
517 Crestline Blvd.
Greenville, NC 27834

Application Date: 4/23/2015

District #: 3

Home Phone: (252) 321-1478

Business Phone:

Email: mallettes.tea_rose@yahoo.com

Terri Williams
PO Box 3109
Greenville, NC 27836

Application Date: 11/20/2013

District #: 4

Home Phone: (252) 756-9346

Business Phone: (252) 756-3500

Email: twilliams110@suddenlink.net

Applicants for Pitt-Greenville Convention & Visitors Authority (County)

Applicant Interest Listing

Convention & Visitors Authority

Debbie Avery
3010 Sapphire Lane
Winterville NC 28590

Day Phone: (252) 531-4590
Evening Phone: (252) 756-9832
Fax:
E-mail: davery60@hotmail.com

Gender: F
Race: White
District: 4
Priority:

Applied for this board on: 1/16/2009

Application received/updated: 01/20/2011

Applicant's Attributes: County Planning Jurisdiction
District 4

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	East Carolina	BS - Education	
Education	Ayden Grifton High		
Experience	First State Bank		1978-1984
Experience	ECU School of Medicine	Standardized Patient	2007-present
Experience	Pitt County Schools	Middle School Science Teacher	30 years
Experience	Winterville Chamber of Commer	Executive Director	
Volunteer/Prof. Associations	Winterville Kiwanis Club		
Volunteer/Prof. Associations	Winterville Watermelon Festival		

<u>Boards Assigned To</u>	
Development Commission	12/31/2013 to 12/31/2016

Thomas Gould
4803 Rountree Road
Winterville NC 28590

Day Phone: (252) 493-7406
Evening Phone: (336) 504-3567
Fax:
E-mail: tgould@email.pittcc.edu

Gender: M
Race: White
District: 6
Priority:

Applied for this board on: 4/25/2014

Application received/updated: 04/25/2014

Applicant Interest Listing

Applicant's Attributes: County Planning Jurisdiction
South of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	Organization	Description	Date(s)
Education	UNC-Greensboro	Ph.D, English	
Education	NCSC	MA, English	
Education	Ramapo College	BA, Potential Science	
Education	Indian Hills High		
Experience	Durham Technical Community C		
Experience	Pitt Community College	Vice President, Academic Affairs	

<u>Boards Assigned To</u>			
	Development Commission		8/4/2014 to 12/31/2014
	P.C. Nursing Home/Adult Care Community Advisory		10/20/2014 to 10/20/2015

Ralph Hall Jr
111 Hardee Street
Greenville NC 27858

Day Phone:
Evening Phone: (252) 756-0262
Fax:
E-mail: bajhall@aol.com

Gender: M
Race: White
District: 6
Priority: 0

Applied for this board on: 2/26/2003

Application received/updated: 02/26/2003

Applicant's Attributes: District 6
Greenville ETJ

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	Organization	Description	Date(s)
Education	University of South Carolina	Civil Engineering	1955-1957
Education	Edenton High		

Applicant Interest Listing

Experience	Phillippines Construction	Project Manager	1962-1966
Experience	Foreign Service Staff Officer	Civil Engineer	1966-1969
Experience	Odell Associates	Hospital Construction Engineer	1969-1973
Experience	PCMH	Vice-President of Facilities	1973-2001
Volunteer/Prof. Associations	N.C. Bio-Medical Association		
Volunteer/Prof. Associations	N.C. Association of Health Care		
Volunteer/Prof. Associations	American Society of Health Care		
Volunteer/Prof. Associations	American Cancer Society		
Volunteer/Prof. Associations	State Board of Directors		

<u>Boards Assigned To</u>	
Industrial Revenue & Pollution Control Authority	3/15/2004 to 3/15/2007

Russell Hemby
270 River Crest Drive
Greenville NC 27858

Day Phone: (252) 916-0395
Evening Phone: (252) 830-3609
Fax:
E-mail: business4rj@gmail.com

Gender: M
Race: African
District: 3
Priority:

Applied for this board on: 12/11/2014

Application received/updated: 12/11/2014

Applicant's Attributes: Simpson ETJ
South of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	J.H. Rose High		
Experience	Birds Media Group		
Volunteer/Prof. Associations	Greenville Citizen Academy Gra		
Volunteer/Prof. Associations	West Greenville Regional After S		
Volunteer/Prof. Associations	City of Greenville		

Applicant Interest Listing

Boards Assigned To

P.C. Nursing Home/Adult Care Community Advisory

3/16/2015 to 3/17/2016

Anthony Herring

1245 Lewis Dudley Rd

PO Box 931

Greenville NC 27835

Day Phone: (252) 481-1614

Evening Phone: (252) 481-1614

Fax:

E-mail: Herringfour@yahoo.com

Gender: M

Race: African

District: 2

Priority:

Applied for this board on: 3/26/2015

Application received/updated: 03/26/2015

Applicant's Attributes: Greenville ETJ

North of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	Elizabeth City State University	BA Political Science	
Education	Ahoskie High School		
Experience	NC RCCC Tech Prep Advisor		
Experience	Military - NC Dept of Pub Safety		
Experience	Mid-East Comm Reg Governmen		
Experience	2nd Chance		
Experience	Roanoke Chowan Comm College		
Experience	Roanoke Chowan Industries Sup		
Experience	NC Dept of Corr & NC Dept Pub		
Experience	NC Comm Coll Job Train Partner		
Volunteer/Prof. Associations	Cleanup 90yr-100yr old citizen's		
Volunteer/Prof. Associations	Southern Christian Leadership C		
Volunteer/Prof. Associations	Little Willie Center		12-2014
Volunteer/Prof. Associations	Golden Living		

Applicant Interest Listing

Volunteer/Prof. Associations	Soup Kitchen
Volunteer/Prof. Associations	Greenville Homeless Shelter

Michelle Joyner
264 Cooper Street
Winterville NC 28590

Day Phone: (252) 341-0634
Evening Phone: (252) 756-5546
Fax:
E-mail: michellejoyner28590@gmail.com

Gender: F
Race: Other
District: 6
Priority:

Applied for this board on: 3/27/2015

Application received/updated: 03/27/2015

Applicant's Attributes: Winterville City Limits
South of the River

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	Everest University	Criminal Justice	
Education	Farmville Central HS		
Experience	NC Education System		
Experience	Philanthropist & Civil Activist		
Experience	Asso Minister in PC & Eastern N		
Volunteer/Prof. Associations	Parks & Recreations		
Volunteer/Prof. Associations	The Civitan Club		
Volunteer/Prof. Associations	Chamber of Commerce		
Volunteer/Prof. Associations	Ruritian Club		
Volunteer/Prof. Associations	WHR Library Sci Program		
Volunteer/Prof. Associations	WH Robinson Ele School BED P		

Ernis Lee
834 Aspen Lane
Greenville NC 27834

Day Phone: (252) 341-5696
Evening Phone: (252) 689-2381
Fax: (252) 321-4626

Gender: M
Race: African
District: 2

Convention & Visitors Authority
Tuesday, April 21, 2015

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Applicant Interest Listing

E-mail: elee@email.pittec.edu Priority:

Applied for this board on: 2/10/2015 Application received/updated: 02/06/2015

Applicant's Attributes: District 2
County Planning Jurisdiction

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	Organization	Description	Date(s)
Education	Elizabeth City State University	B. A.	
Education	Roanoke High		
Experience	PCC Putreach w/ Emis Lee	Radio Broadcaster	
Experience	Pitt Community College	Director of College Outreach	
Experience	United States Army	2nd Lieutenant	
Volunteer/Prof. Associations	Mentor		
Volunteer/Prof. Associations	West Greenville Community Dev	Board Member	
Volunteer/Prof. Associations	Eastern Carolina Counseling Cen	Former Board Member	

<u>Boards Assigned To</u>	
P.C. Nursing Home/Adult Care Community Advisory	3/16/2015 to 3/17/2016

Steve Little
3314 NC 33 W
Greenville NC 27834

Day Phone: (252) 714-3559 Gender: M
Evening Phone: (252) 758-2040 Race: White
Fax: District: 2
E-mail: steve.little@nashfinch.com Priority:

Applied for this board on: 1/5/2007 Application received/updated: 02/28/2012

Applicant's Attributes: District 2
County Planning Jurisdiction
North of the River

Applicant Interest Listing

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	East Carolina University		
Education	Belvoir Elementary		
Experience		NC Real Estate Broker License	
Experience	Nash Finch	Division Manager	
Volunteer/Prof. Associations	Pitt County Planning Board		6 years

<u>Boards Assigned To</u>			
	Pitt County Board of Adjustment		12/3/2012 to 1/1/2016
	North of the River		

Earnest Lubiani
4036 West Avenue
Ayden nc 28513

Day Phone: (252) 714-0581
Evening Phone: (252) 318-0019
Fax:
E-mail: esluby80@yahoo.com

Gender: M
Race: White
District: 6
Priority:

Applied for this board on: 5/20/2013

Application received/updated: 05/20/2013

Applicant's Attributes: Ayden City Limits
South of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	University of Memphis	Bs of Professional Studies - Tourism	
Education	Catholic High School	High School Diploma	
Experience	East Caroline Village of Yesterye	Director	
Experience	ACATS Productions	Owner/CEO	
Volunteer/Prof. Associations	Pitt County United Way		3 years
Volunteer/Prof. Associations	March of Dimes		3 years
Volunteer/Prof. Associations	Ayden Collard Festival		5 years

Applicant Interest Listing

Volunteer/Prof. Associations	Ayden Chamber of Commerce	5 years
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Danny Smith
5725 Whichard Road
Stokes NC 27884

Day Phone: (252) 758-6958
Evening Phone: (252) 758-8787
Fax: (252) 758-6960
E-mail: danny@theseahorserestaura

Gender: M
Race: White
District: 2
Priority:

Applied for this board on: 1/24/2014

Application received/updated: 01/24/2014

Applicant's Attributes: County Planning Jurisdiction
North of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	Organization	Description	Date(s)
Education	East Carolina University	BA Economics, MBA	
Education	North Pitt High School	High School Diploma	
Volunteer/Prof. Associations	Pitt County United Way	Volunteer	

<u>Boards Assigned To</u>			
Board of Equalization & Review		4/21/2014	to 2/28/2016
P.C. Nursing Home/Adult Care Community Advisory		10/20/2014	to 10/20/2015
Pitt County Planning Board		10/1/2014	to 10/1/2017
District 1			
District 2			

Michael Weimar
671 Grasmere Street

Day Phone: (252) 378-5461
Evening Phone:

Gender: M
Race: White

Convention & Visitors Authority
Tuesday, April 21, 2015

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Applicant Interest Listing

Winterville NC 28590

Fax:
E-mail: mpweimar@gmail.com

District: 4
Priority:

Applied for this board on: 11/18/2014

Application received/updated: 11/18/2014

Applicant's Attributes: Winterville City Limits
South of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>		
<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	State University of NY at Brockp	B.S. Business Admin. /Marketing
Education	Spencerport High	
Experience	Sherwin-Williams Company	Sales Rep
Volunteer/Prof. Associations	Pitt County Republican Party	
Volunteer/Prof. Associations	Covenant Church	

<u>Boards Assigned To</u>	
P.C. Nursing Home/Adult Care Community Advisory	3/16/2015 to 3/17/2018

Eric Williams
527 Rachel Lane
Grimesland NC 27858

Day Phone: (252) 258-5002
Evening Phone:
Fax:
E-mail: logetw423@gmail.com

Gender: M
Race: African
District: 3
Priority:

Applied for this board on: 12/11/2014

Application received/updated: 12/11/2014

Applicant's Attributes: County Planning Jurisdiction
South of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>		
<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	East Carolina University	
Education	J.H. Rose High	

Applicant Interest Listing

Experience	East Carolina University	Helpdesk Tech. Spec.
Experience	NC National Guard Army	
<u>Boards Assigned To</u>		
P.C. Nursing Home/Adult Care Community Advisory		3/16/2015 to 3/17/2016

Applicants for Youth Council

Asha Armistead
756 Whitehorse Drive
Greenville, NC
District #:
CandidateType: Student

Application Date: 8/24/2014

Business
Home Phone:
Email: ashaarmistead@gmail.com

Roman Bilan
236 Windsor Road
Greenville, NC
District #: 4
CandidateType: Student

Application Date: 6/11/2015

Business
Home Phone:
Email: romanbilan99@gmail.com

Tyla Gomez
206 Fairlane Road
Greenville, NC
District #: 2
CandidateType: Student

Application Date: 5/27/2015

Business
Home Phone:
Email: gomezty@students.pittschools.org



City of Greenville, North Carolina

Meeting Date: 8/13/2015
Time: 7:00 PM

Title of Item: Ordinance requested by the North Carolina Department of Transportation to amend the Future Land Use Plan Map from an office/institutional/multi-family (OIMF) category to a commercial (C) category containing 22 acres and to amend the Horizons: Greenville's Community Plan Focus Area (or commercial node) Map designation for the property located at the intersection of North Memorial Drive and West Belvoir Road from a "Neighborhood Focus Area" to a "Regional Focus Area"

Explanation: **Abstract:** The City has received a request by the North Carolina Department of Transportation to amend the Future Land Use Plan Map from an office/institutional/multi-family (OIMF) category to a commercial (C) category containing 22 acres and to amend the Horizons: Greenville's Community Plan Focus Area (or commercial node) Map designation for the property located at the intersection of North Memorial Drive and West Belvoir Road from a "Neighborhood Focus Area" to a "Regional Focus Area".

After the June 11, 2015 public hearing, this item was continued to August 13, 2015 meeting.

History/Background:

In 1969, the property was zoned IU (Unoffensive Industry). In 1979, as part of the Belvoir Highway Study, the property was rezoned to OR. In the late 1990's/2000, a section of Belvoir Highway was abandoned and was incorporated into the airport property. This resulted in the current terminus of Belvoir Highway at Haw Drive.

The current Future Land Use Plan Map (FLUPM) was adopted in 2004.

Comprehensive Plan:

The subject property is located in Vision Area A.

The FLUPM recommends office/institutional/multifamily (OIMF) at the northwest corner of the intersection of North Memorial Drive and West Belvoir Road with commercial (C) and conservation/open space (COS) to the north, industry (I) to the south, and low density residential (LDR) to the west.

North Memorial Drive is designated as a gateway corridor from West Third Street continuing north. Gateway corridors serve as primary entranceways into the city and help define community character. These roads are designed to carry high volumes of traffic through and across the city.

The intersection of North Memorial Drive and West Belvoir Road is a signalized intersection.

Urban Form Objectives

UF 21. To provide transition buffers and/or zoning between incompatible land uses.

Land Use Implementation Strategies

2(i). Office/Institutional/Multi-family development should be used as a buffer between light industrial and commercial development and adjacent lower density residential land uses.

3(c). Commercial development should be encouraged at the intersections of major roads (i.e. in a nodal fashion) consistent with the City's future land use plan map.

Horizons states: "...the location and size of commercial nodes included in this plan are not intended to be static. As the area surrounding the commercial nodes develops, large node definitions and possibly even shifts in location from one intersection to another may be warranted."

A neighborhood focus area is defined as containing less than 40,000 square feet of conditioned floor space. A regional focus area is defined as containing 400,000+ square feet of conditioned floor space.

The comprehensive plan describes regional focus areas as being typically at the crossing of major highways, serve as a major transit destination, provide significant concentration of jobs, and have a higher intensity of land uses. Neighborhood focus areas are only found in neighborhoods and must blend in with the residential surroundings in character and scale.

Under the current land use plan map recommendation, there are 50+/- acres shown as commercial. Staff would anticipate this area to yield 435,000+/- square feet of conditioned floor space. Under this amendment, there would be 72+/- acres shown as commercial. Staff would anticipate this area to yield 627,000+/- square feet of conditioned floor space.

Environmental Conditions/Constraints:

The subject property is impacted by the 500-year floodplain associated with the Tar River.

Surrounding Land Uses and Zoning:

North: CH and R6 - Vacant

South: OR - Pitt-Greenville Airport (runway) and NC Department of Corrections

East: RA20 - NCDOT facility

West: OR - Vacant (under common ownership by the applicant)

Thoroughfare/Traffic Volume (Summary):

Based on the analysis comparing the existing land use (1,862 daily trips) and requested land use, the proposed land use classification could generate 916 trips to and from the site on Memorial Drive, which is a net *decrease* of 946 less trips per day. Since the traffic analysis for the requested land use indicates that the proposal would generate less traffic than the existing land use, a traffic volume report was not generated.

Additional Staff Comments:

Of primary concern is the protection of the abutting residential neighborhood to the west. The current zoning of OR (office-residential [high density multi-family]) provides the intended buffer for the neighborhood.

The subject property is impacted by its proximity to one of the runways for Pitt-Greenville Airport located to the south. Due to the size (20 acres), location, and mitigating factors associated with the subject property, the current zoning of OR could limit any potential development of the property.

Any specific improvements above the minimum bufferyard and street tree requirements, including the additional plantings and the like, which the applicant may voluntarily offer, would be by private agreement. The City cannot participate in the development of, or in the enforcement of, any private agreements associated with any rezoning.

The inclusion of transitional zoning or other private conditions of development that are agreeable to the affected neighborhood may accomplish the intent of the plan to protect the neighborhood.

The Horizons: Greenville's Community Plan 2010 Update provides criteria in determining if a change to the FLUPM is compatible.

The following are excerpts from the 2010 Update.

A FLUPM amendment request will be construed to be "compatible with the comprehensive plan" if:

(i) The proposed amendment is determined by Planning and Zoning Commission and City Council to be necessary as a result of changed conditions in the local development pattern, street pattern, environment or other major feature or plan, which impacts the site in a manner or to a degree not previously anticipated at the time of adoption of the Current FLUPM; and

(ii) The location of the proposed classification(s) support the intent and objective of the current FLUPM, Focus Area Map, and Transportation Corridor Map and other contextual considerations of the comprehensive plan; and

(iii) The resulting anticipated land use is properly located with respect to existing and future adjoining and area uses and the proposed change is not anticipated to cause undue negative impacts on localized traffic, the natural environment or existing land and future neighborhoods and businesses within and in proximity to the area of proposed amendment; and

(iv) The amendment is anticipated to result in a desirable and sustainable land use pattern to an equal or greater degree than existed under the previous plan recommendation.

Fiscal Note:

No cost to the City.

Recommendation:

Staff recommends approval of the ordinance requested by the North Carolina Department of Transportation to amend the Horizons: Greenville's Community Plan Focus Area (or commercial node) Map from a "Neighborhood Focus Area" to a "Regional Focus Area" in light of the property is located on a major highway at a signalized intersection and provides a buffer to the interior residential area.





In consideration of the criteria listed in the 2010 Update regarding requests to amend the Future Land Use Plan Map and mitigating factors as previously mentioned, staff's opinion is that the request is **compatible** with the comprehensive plan based on the following criteria listed in the 2010 Update. The proposed C category:

- supports the intent and objective of the current FLUPM, Focus Area Map, and Transportation Corridor Map and other contextual considerations of the comprehensive plan; and
- is properly located with respect to existing and future adjoining and area uses and the proposed change is not anticipated to cause undue negative impacts on localized traffic, the natural environment or existing land and future neighborhoods and businesses within and in proximity to the area of proposed amendment; and
- is anticipated to result in a desirable and sustainable land use pattern to an equal or greater degree than existed under the previous plan recommendation.

The Planning and Zoning Commission voted to approve the request at its May 19, 2015 meeting.

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

Attachments / click to download

-  [Maps](#)
 -  [Ordinance NCDOT Ordinance 1004650](#)
 -  [Minutes NCDOT for June 1004652](#)
 -  [Minutes NCDOT 1002173](#)
-

ORDINANCE NO. 15-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
AMENDING HORIZONS: GREENVILLE'S COMMUNITY PLAN

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 June 11, 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 Future Land Use Plan Map for the following described territory;

WHEREAS, the Horizons: Greenville's Community Plan was adopted on January 9, 1992 by the Greenville City Council per Ordinance 2412; and

WHEREAS, the Horizons: Greenville's Community Plan will from time to time be amended and portions of its text clarified by the City Council; and

WHEREAS, Future Land Use Plans are to be prepared to expand and clarify portions of the Horizons: Greenville's Community Plan; and

WHEREAS, the City Council of the City of Greenville has per Ordinance No. 97-73 adopted the Greenville Future Land Use Plan Map and associated text dated June 4, 1997 as an amendment to the Horizons: Greenville's Community Plan; and

WHEREAS, the City Council of the City of Greenville has per Ordinance No. 04-10 amended the Horizons: Greenville's Community Plan and Future Land Use Plan Map pursuant to the 2004 Update; and

WHEREAS, the Planning and Zoning Commission and the City Council have reviewed the Future Land Use Plan Map and a public hearing has been held to solicit public comment.

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

Section 1. The Future Land Use Plan Map is hereby amended by re-designating from a "Office/institutional/multi-family" category to a "Commercial" category for the area described as being located at the northwest corner of the intersection of North Memorial Drive and West Belvoir Road, beginning at a known point, said point being the intersection of the western right-of-way of North Memorial Drive and the northern right-of-way of West Belvoir Road then running in a northwesterly direction along the southern property line of tax parcel 29073 as identified at the Pitt County Tax Assessor's Office for 1,040+/- feet; thence cornering and running in a northerly direction for 820+/- feet; thence cornering and running along the northern property line of tax parcel 29073 as identified at the Pitt County Tax Assessor's Office in an easterly direction for 975+/- feet; thence cornering and running in a southerly direction for

1,000+/- feet along the western right-of-way of North Memorial Drive and returning to the point of beginning and containing 22 acres.

Section 2. The Focus Area Designation is hereby amended by re-designating from a “Neighborhood Focus Area” to a “Regional Focus Area” for the area described as being located north of the intersection of North Memorial Drive and West Belvoir Road.

Section 3. That the Director of Community Development is directed to amend the Future Land Use Plan Map of the City of Greenville in accordance with this ordinance.

Section 4. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

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

ADOPTED this 13th day of August, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Excerpt from the APPROVED Planning & Zoning Commission Minutes (05/19/2015)

ORDINANCE REQUESTED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO AMEND THE FUTURE LAND USE PLAN MAP FROM AN OFFICE/INSTITUTIONAL/MULTI-FAMILY (OIMF) CATEGORY TO A COMMERCIAL (C) CATEGORY CONTAINING 22+/- ACRES AND TO AMEND THE HORIZONS: GREENVILLE'S COMMUNITY PLAN FOCUS AREA (OR COMMERCIAL NODE) MAP DESIGNATION FOR THE PROPERTY LOCATED AT THE INTERSECTION OF NORTH MEMORIAL DRIVE AND WEST BELVOIR ROAD FROM A "NEIGHBORHOOD FOCUS AREA" TO A "REGIONAL FOCUS AREA" - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. She stated the request had been amended from last month's request. The property is located in the northern section of the city, north of Pitt Greenville Airport and along North Memorial Drive. This is a two-part request. The first part is to change the Future Land Use Plan Map to commercial and the second part is to change the designation of the current Neighborhood Focus Area to a Regional Focus Area. The property is currently vacant. The airport and the NC Department of Corrections are to the south. NCDOT owns property to the west of the requested area. Commercial and residential are to the north and NC DOT is to the east. The subject property is impacted by the 500-year floodplain associated with the Tar River. Memorial Drive is a gateway corridor. The intersection of West Belvoir Road and North Memorial Drive is a signalized intersection. In the late 1990's/early 2000, there was a section of West Belvoir Highway that was abandoned and was incorporated into the airport property. This resulted in the dead end at Belvoir Highway and Haw Drive. The second part of the request is to upsize the focus area from "neighborhood" designation to "regional" designation. A "regional" focus area is defined as containing 400,000+ square feet of conditioned floor space. The property is currently zoned office and multi-family. The current Land Use Plan recommendation for OIMF (office/institutional/multi-family) acts as a buffer to the interior residential zoned area from the industrial and commercial that surrounds the property. The Land Use Plan recommends commercial at the intersection of major roads. The Plan states that from time to time the location and sizes of commercial nodes can be changed and are not intended to be static. The Comprehensive Plan describes a regional focus area as being typically at the crossing of major highways, serve as a major transit destination, provide a significant concentration of jobs, and have higher intensity of land uses. It also states that any kind of residential should be buffered with either a conservation/open space (COS) or OIMF. Under the current land use plan map recommendation, there are 50+/- acres shown as commercial. Staff would anticipate this area to yield 435,000+/- square feet of conditioned floor space. Under this amendment, there would be an additional 22 acres shown as commercial. Staff would anticipate the total amended area to yield 625,000+/- square feet of conditioned floor space. A FLUPM amendment request will be construed to be "compatible with the comprehensive plan" if:

- there has been an impact or changed conditions in the development pattern, street pattern, or other major feature or plan;
- the location supports the intent and objective of the current FLUPM, Focus Area Map, and Transportation Corridor Map and other contextual considerations of the comprehensive plan;
- existing and future adjoining and area uses and the proposed change are not anticipated to cause undue negative impacts; and
- the anticipated land use will result in a desirable and sustainable land use pattern.

Staff recommends approval of the request. The request still maintains the recommended OIMF buffer to the interior residential area, it increases the size the focus area designation to make it the appropriate size

for the current and the proposed commercial. North Memorial Drive and West Belvoir Road is a signalized intersection.

Chairman Parker opened the public hearing.

Mr. Dan Withers, with Rivers and Associates, spoke in favor of the request. He stated the revised request protects the adjacent residential neighborhood and is in compliance with the plan goals and objectives.

Mr. Preston Hunter, NC DOT Highway Division, spoke in favor of the request. He requests a favorable recommendation and will be happy to answer any questions.

Ms. Bellis asked if the NCDOT owned the property adjacent to the west of the request.

Mr. Hunter stated yes.

No one spoke in opposition of the request.

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

Motion made by Mr. King, seconded by Mr. Griffin, to approve the changes as requested. Motion carried unanimously.

Excerpt from the ADOPTED Planning & Zoning Commission Minutes (04/21/2015)

ORDINANCE REQUESTED BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO AMEND THE FUTURE LAND USE PLAN MAP FROM AN OFFICE/INSTITUTIONAL/MULTI-FAMILY (OIMF) CATEGORY TO AN INDUSTRY (I) CATEGORY FOR THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF NORTH MEMORIAL DRIVE AND WEST BELVOIR ROAD CONTAINING 30 ACRES – CONTINUED TO MAY 19, 2015

Ms. Gooby delineated the property. She stated the property is located in the northern section of the City, along North Memorial Drive and north of Pitt-Greenville Airport. The property is currently vacant with residential to the west. It is located outside of the recognized industrial area. The property is impacted by the 500-year floodplain associated with the Tar River. North Memorial Drive is considered a gateway corridor which is where high volumes of traffic travel in and out of the city. The intersection of North Memorial Drive and West Belvoir Highway is signalized. In the late 1990's/early 2000, a section of West Belvoir Highway was abandoned and incorporated into the airport and it is now a dead end street. Currently, the property is zoned office-multi-family with commercial to the north and industrial to the east. The intent of the Future Land Use Map is for industrial and commercial east of North Memorial Drive, industrial to the south of West Belvoir Highway and residential in the interior with office/institutional/multi-family (OIMF) and/or conservation/open space (COS) as a buffer to the non-residential uses. The comprehensive plan supports industrial north of the Tar River in the recognized industrial area, and industrial uses should be located with direct access to major thoroughfares. The request is to change OIMF to I. The comprehensive plan gives us criteria on how to decide if an amendment to map is considered compatible: has there been an unanticipated change in street pattern, development pattern..., does the request support the intents and objectives of the plan, will existing and future adjoining properties be negatively impacted, and will the change result in a desirable and sustainable land use? In this case, the request does not offer OIMF and/or COS as a buffer to the adjoining residential neighborhood that is afforded under the current plan recommendations. Without such buffering the residential area to the west could be negatively impacted from industrial uses such as, noise and sounds. Therefore, staff recommends denial of the request since the request does not offer the same protection to neighboring properties as shown at other locations on the Future Land Use Plan Map.

Ms. Bellis: Is the biggest concern the lack of a buffer?

Ms. Gooby: Yes, that is a concern.

Dan Withers, P.E., Rivers and Associates, spoke on behalf of the applicant in favor of the request. This is a request for NCDOT, Division II in preparation of a rezoning request. The subject property is a portion of a property that is owned by the State. This particular corner is the only corner of the intersection of North Memorial Drive and West Belvoir Highway that is not recommend for I (Industry). It is our opinion that the current standards in the City's ordinance will protect the neighborhood. The State has owned this property for many years. It is our opinion that the intended use is not incompatible with the Future Land Use Plan Map and that the

proposed use would not have adverse effects on the adjoining property. This site has limited potential due to its proximity to the airport.

Ms. Bellis: My reservation is the lack of a dedicated buffer.

Mr. King: Has there been any discussion with the neighborhood?

Mr. Withers: No

Ms. Bellis: This neighborhood has been severely impacted over the years.

Mary L. Williams, spoke on behalf of an adjoining property owner, in opposition to the request due to lack of a buffer between the subject property and his property.

Mr. Withers: It is our intention to leave a significant portion of open space, however there is time to amend this request.

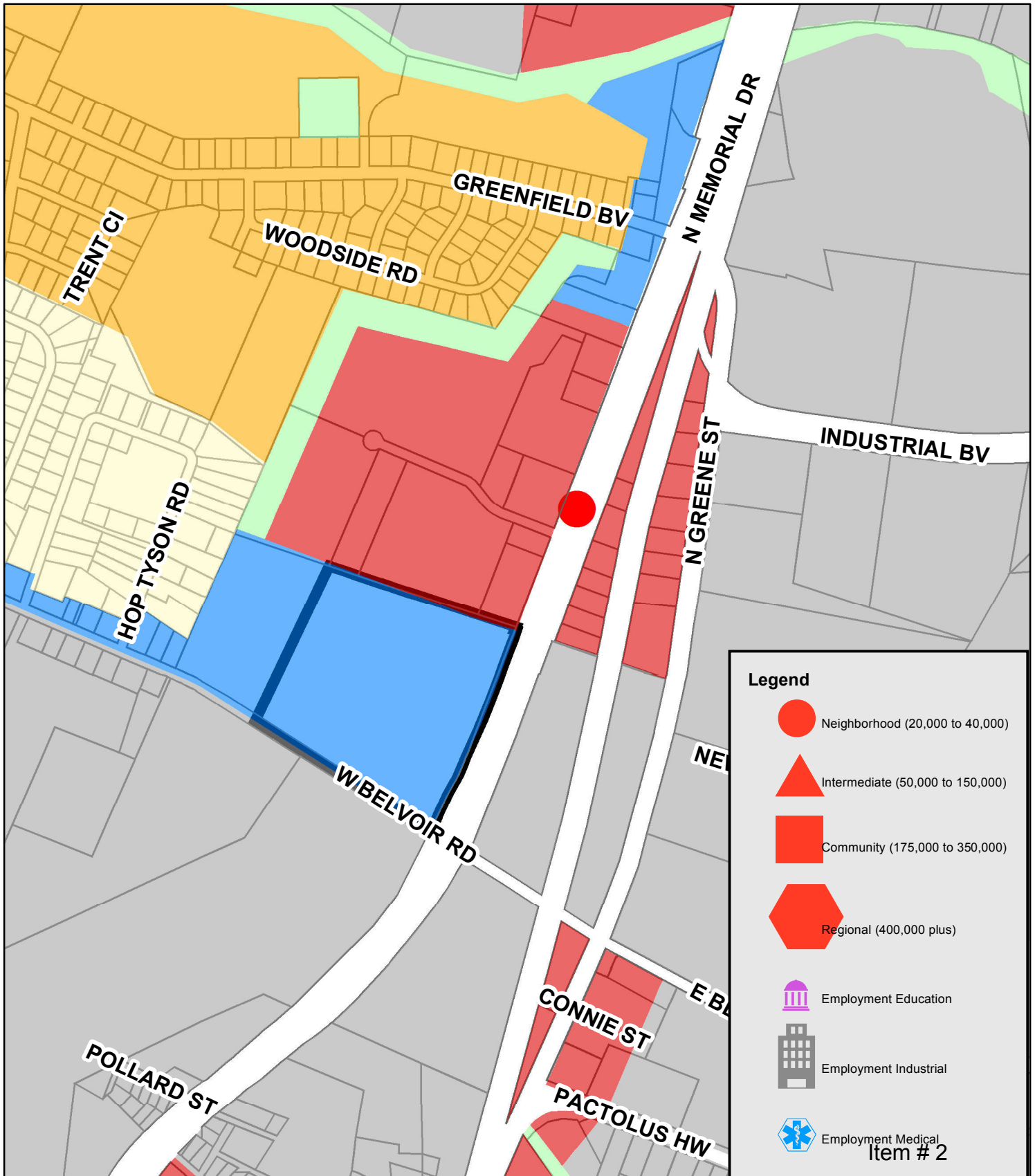
Mr. Flood: We request that if the request is amended that staff has time to review it.

Motion made by Mr. Parker, seconded by Ms. Darden, to continue this item to the May 19, 2015 Planning and Zoning Commission meeting. Motion passed unanimously.

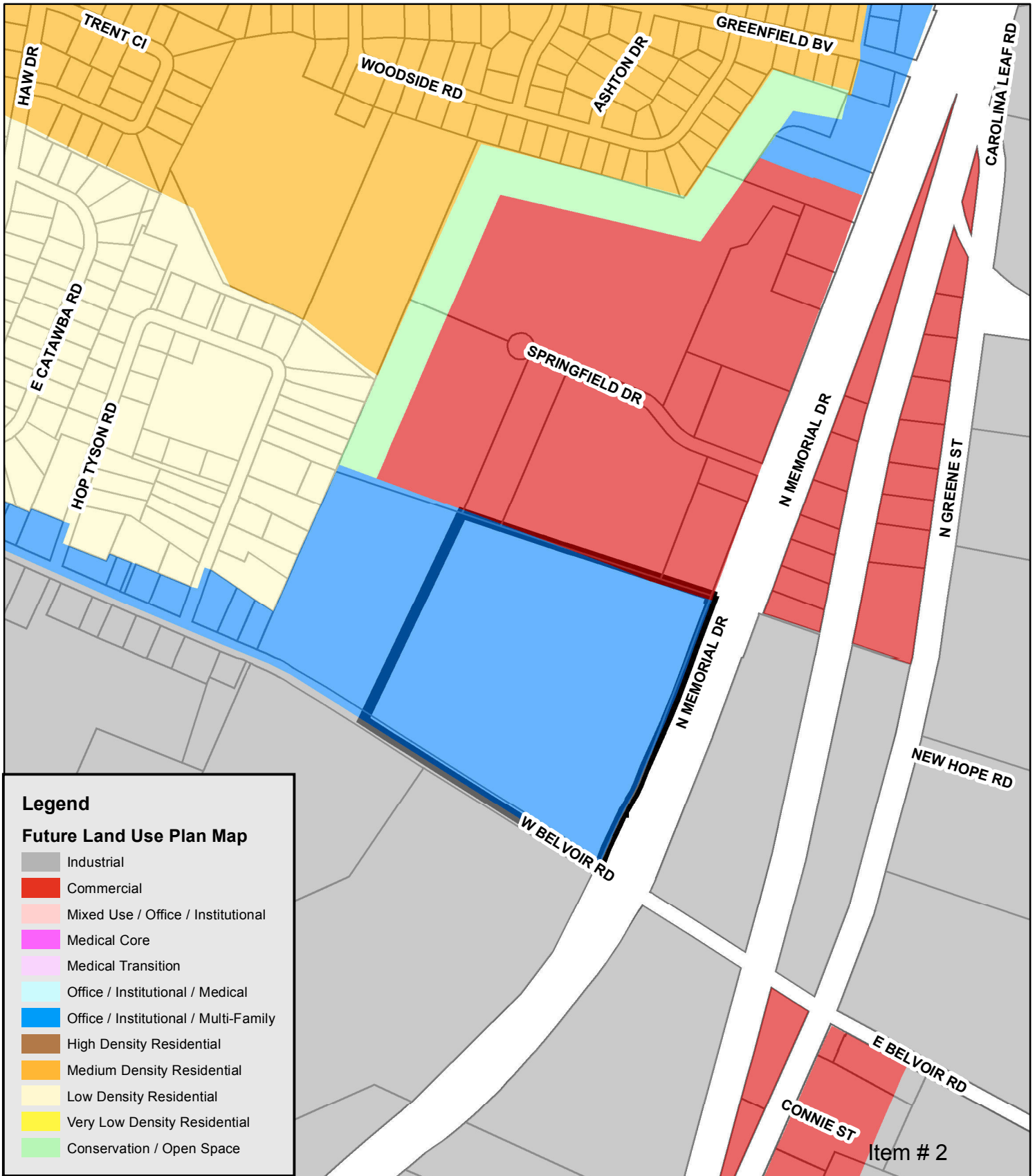
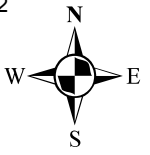
North Carolina Department of Transportation
From Neighborhood Focus Area
To: Regional Focus Area
May 5, 2015



FOCUS AREA DESIGNATION



North Carolina Department of Transportation
From: Office/institutional/multi-family (OIMF)
To: Commercial (C)
22 acres
May 5, 2015





City of Greenville, North Carolina

Meeting Date: 8/13/2015
Time: 7:00 PM

Title of Item: Ordinance to annex Arbor Hills South, Phase 4, involving 4.2815 acres located 800 +/- feet west of Eastern Pines Road and 700 +/- feet north of L. T. Hardee Road

Explanation: **Abstract:** The City received a voluntary annexation petition to annex Arbor Hills South, Phase 4, involving 4.2815 acres located 800 +/- feet west of Eastern Pines Road and 700 +/- feet north of L. T. Hardee Road. The subject area is currently undeveloped and is anticipated to yield 18 single-family residences.

ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: August 3, 2015
2. City Council public hearing date: August 13, 2015
3. Effective date: June 30, 2016

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 4.2815
4. Voting District: 4
5. Township: Grimesland
6. Vision Area: C
7. Zoning: RA20 (Residential-Agricultural)

- 8. Land Use: Existing: Vacant
Anticipated: 18 single-family residences
- 9. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	18 x 2.18*	39
Current Minority	-----	0
Estimated Minority at full development	39 x 43.4%	17
Current White	----	0
Estimated White at full development	39-17	22

- 10. Rural Fire Tax District: Eastern Pines
- 11. Greenville Fire District: Station #6 (Distance of 3.5 miles)
- 12. Present Tax Value: \$107,038
Estimated Future Tax Value: \$2,830,438

Fiscal Note: The total estimated tax value at full development is \$2,830,438.

Recommendation: Approve the attached ordinance to annex Arbor Hills South, Phase 4

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

Attachments / click to download

[Survey](#)

[Ordinance Arbor Hills South Phase 4 1008495](#)

ORDINANCE NO. 15-
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 13th day of August, 2015, after due notice by publication in The Daily Reflector on the 3rd day of August, 2015; and

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

1008495

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 “Arbor Hills South, Phase 4”, involving 4.2815 acres as prepared by Stroud Engineering, P.A.

LOCATION: Lying and being situated in Grimesland Township, Pitt County, North Carolina, located 800 +/- feet west of Eastern Pines Road and 700 +/- feet north of L. T. Hardee Road.

GENERAL DESCRIPTION:

Lying and being in Grimesland Township, Pitt County, North Carolina, lying south of Plateau Drive and at the east end of Rockland Drive and beginning at a point on the northern right-of-way of Rockland Drive, the southeast corner of Lot 101, Arbor Hills South, Phase 3 as recorded in Map Book 76, Page 114 of the Pitt County Registry, the “Point of beginning”.

Thence from the “Point of Beginning” leaving the northern right-of-way of Rockland Drive and following the eastern line of Lot 101, N03-29-39W - 125.00’ to the northeast corner of Lot 101, a point in the southern line of Lot 47, Arbor Hills Subdivision, Section II as recorded in Map Book 35 Page 5, thence along the southern line of Arbor Hills Subdivision N86-30-21E – 316.00’ to a point, thence leaving the southern boundary of Arbor Hills Subdivision and turning into the lands of Bill Clark Homes of Greenville, LLC (Deed Book 3040, Page 779) the following calls: S03-29-39E - 125.00’, thence S86-30-21W - 8.00’, thence S03-29-39E - 231.00’, thence S02-21-46W - 124.72’, thence N87-38-14W - 13.57’, thence S02-21-46W - 50.00’, thence with a curve to the right having a radius of 160.00’ and being subtended by a chord of N86-18-27W - 7.43’, thence S05-01-20W - 125.31’ to a point in the northern boundary line of the Nora Lee Edwards Heirs as found in Estate File 2007E-452 of the Pitt County Registry, thence along the Nora Lee Edwards Heirs line N87-38-18W - 244.02’ to southeast corner of Lot 30, Arbor Hills South, Phase 3 as recorded in Map Book 76, Page 114, thence along the eastern line of Arbor Hills South, Phase 3 N03-29-39W - 451.51’ to the southern right-of-way of Rockland Drive, thence crossing Rockland Drive N12-35-04W - 50.64’ to the southeast corner of Lot 101, the “Point of Beginning”, containing 4.2815 Acres and being a portion of Parcel number 09104 as filed with the Pitt County Tax Assessor’s Office.

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 four. 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 four.

1008495

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, 2016.

ADOPTED this 13th day of August, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

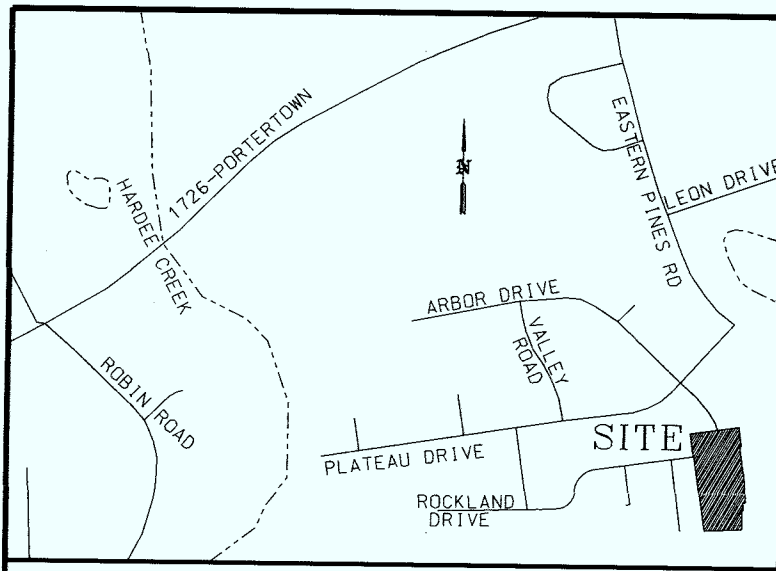
NORTH CAROLINA
PITT COUNTY

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.

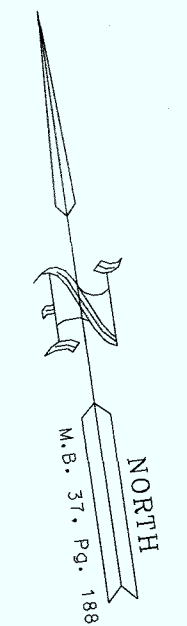
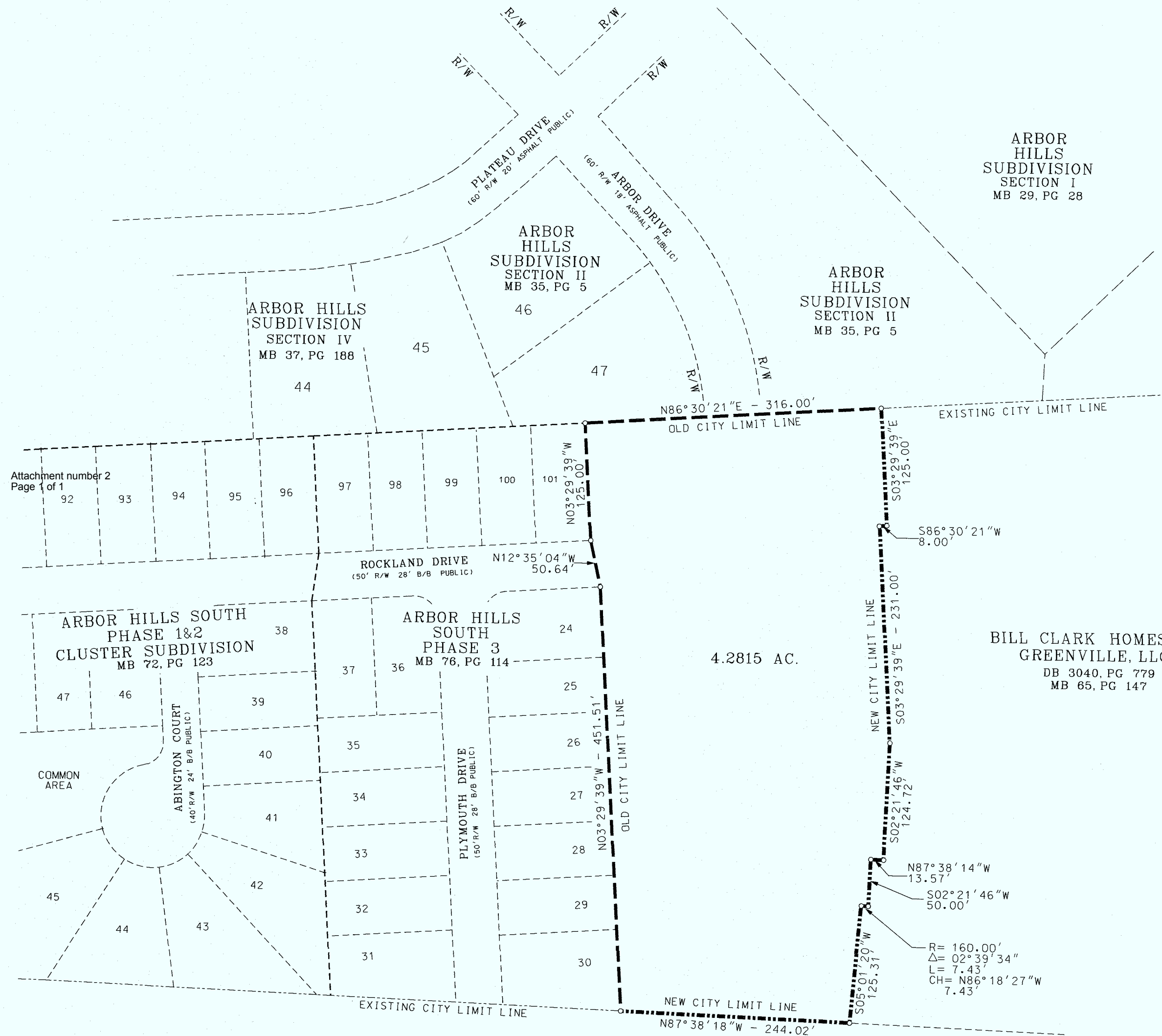
WITNESS my hand and official seal this ____ day of _____, 2015.

Notary Public

My Commission Expires: _____



VICINITY MAP
SCALE: 1" = 1000'



I, DEBORAH T. BOYETTE, CERTIFY THAT THIS MAP IS OF A SURVEY OF ANOTHER CATEGORY AND IS AN EXCEPTION TO THE DEFINITION OF A SUBDIVISION.

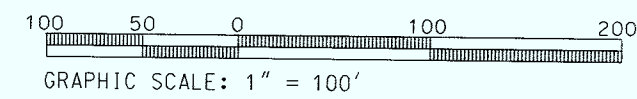
Deborah T. Boyette
PROFESSIONAL LAND SURVEYOR



BILL CLARK HOMES OF GREENVILLE, LLC
DB 3040, PG 779
MB 65, PG 147

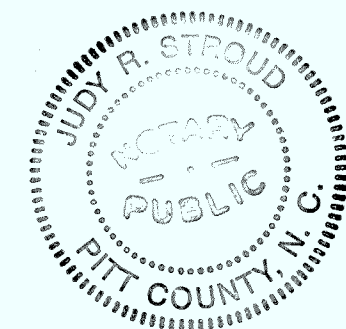
LEGEND

- NEW CITY LIMIT LINE
- OLD CITY LIMIT LINE
- EXISTING CITY LIMIT LINE
- P.O.B. POINT OF BEGINNING



PORTION OF TAX PARCEL 09104
REFERENCE: MAP BOOK 65, PAGE 147, DEED BOOK 3040 PAGE 779

NORA LEE EDWARDS HEIRS
EST FILE 2007E SLIDE 452



I, DEBORAH T. BOYETTE, CERTIFY THAT THIS MAP WAS DRAWN BY DEBORAH T. BOYETTE UNDER MY SUPERVISION FROM AN ACTUAL SURVEY BY HOWARD BAUMANN; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN DEEDS AND MAPS REFERENCED HEREON.

WITNESS MY HAND AND SEAL THIS 6th DAY OF JULY, 2015.

SIGNED Deborah T. Boyette
PROFESSIONAL LAND SURVEYOR L-4146

NORTH CAROLINA, Pitt COUNTY
I, Judy R. Stroud, NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT Deborah T. Boyette, A PROFESSIONAL LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AN ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL THIS 6th DAY OF July, 2015.

NOTARY PUBLIC Judy R. Stroud
MY COMMISSION EXPIRES 2/28/2020

NORTH CAROLINA, PITT COUNTY
THE FOREGOING CERTIFICATE OF _____, A NOTARY PUBLIC, IS CERTIFIED TO BE CORRECT. FILED FOR REGISTRATION THIS DAY OF _____, 20AT O'CLOCK M.
JUDY J. TART, REGISTER OF DEEDS
BY _____
DEPUTY REGISTER OF DEEDS

ARBOR HILLS SOUTH, PHASE 4 GRIMESLAND TOWNSHIP, PITT COUNTY, NORTH CAROLINA		MAP NO.
BILL CLARK HOMES OF GREENVILLE, LLC 200 E. ARLINGTON BLVD. GREENVILLE, NC 27858 (252) 355-5805		MAPS RECORDED
LICENSE NO. C-0647	SURVEYED: HOB	APPROVED: HOB/DTB
STROUD ENGINEERING, P.A.	DRAWN: DTB	DATE: 5-27-15
107-B COMMERCE ST. GREENVILLE, NC 27858 (252) 756-9352	CHECKED: HOB	SCALE: 1" = 100'

MAPS RECORDED	BOOK	PAGE
ARBOR HILLS SUBDIVISION, SEC. 2	35	5
ARBOR HILLS SUBDIVISION, SEC. 4	37	188
ARBOR HILLS SOUTH PH 2, SEC 1&2	72	123
ARBOR HILLS SOUTH PH 3	76	103

MAP SHOWING AREA ANNEXED BY		
THE CITY OF GREENVILLE		
EFFECTIVE DATE	ORDINANCE NO.	AREA
		4.2815 AC.



City of Greenville, North Carolina

Meeting Date: 8/13/2015
Time: 7:00 PM

Title of Item: Ordinance to annex Dixon Family Farms, Incorporated and Jeffrey Grabowski properties, involving 41.9410 acres located along the eastern right-of-way of NC Highway 43 and south of Ivy Road

Explanation: **Abstract:** The City received a voluntary annexation petition to annex Dixon Family Farms, Incorporated and Jeffrey Grabowski properties, involving 41.9410 acres located along the eastern right-of-way of NC Highway 43 and south of Ivy Road. The subject area contains a single-family residence and farmland and is anticipated to yield 130 single-family residences.

ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: August 3, 2015
2. City Council public hearing date: August 13, 2015
3. Effective date: June 30, 2016

B. CHARACTERISTICS

1. Relation to Primary City Limits: Non-Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 41.9410
4. Voting District: 4
5. Township: Chicod

- 6. Vision Area: C
- 7. Zoning: RA (Residential-Agricultural - Pitt County's Jurisdiction)
- 8. Land Use: Existing: One single-family residence and farmland
Anticipated: 130 single-family residences
- 9. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	130 x 2.18*	283
Current Minority	-----	0
Estimated Minority at full development	283 x 43.4%	123
Current White	-----	0
Estimated White at full development	283-123	160

- 10. Rural Fire Tax District: Eastern Pines
- 11. Greenville Fire District: Station #3 (Distance of 6 miles)
- 12. Present Tax Value: \$325,131
Estimated Future Tax Value: \$23,400,000

Fiscal Note: The total estimated tax value at full development is \$23,400,000.

Recommendation: Approve the attached ordinance to annex Dixon Family Farms, Incorporated and Jeffrey Grabowski properties

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

Attachments / click to download

- [Survey](#)
- [Ordinance Dixon and Grabowski 1008751](#)

ORDINANCE NO. 15-
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-58.1, 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 13th day of August, 2015, after due notice by publication in The Daily Reflector on the 3rd day of August, 2015; and

WHEREAS, the City Council does hereby find as a fact that said petition meets the requirements of G. S. 160A-58.1, as amended.

1008751

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-58.1, as amended, the following described contiguous territory is annexed:

TO WIT: Being all of that certain property as shown on the annexation map entitled “Dixon Family Farms, LLC and Jeffrey Grabowski”, involving 41.9410 acres as prepared by Stroud Engineering, P.A.

LOCATION: Lying and being situated in Chicod Township, Pitt County, North Carolina, located along the eastern right-of-way of NC Highway 43 and south of Ivy Road.

GENERAL DESCRIPTION:

Lying and being in Chicod Township, Pitt County, North Carolina and lying east of NC Highway 43, and south of NCSR 2241 Ivy Road and being bounded on the west by Harrell Norman and Lydia Bryant Weathersby as recorded in Deed Book 2868, Page 828, on the northwest by Brewer Subdivision as recorded in Map Book 20, Page 4, and Map Book 21, Page 95, on the east by Mac Ross Property as recorded in Deed Book A 54, Page 458, and Deed Book 1009, Page 437, on the south by Johnnie M. Smith property as recorded in Deed Book 112, Page 238, and on the southwest by Jeffrey Grabowski property as recorded in Deed Book 3226, Page 856, all of the Pitt County Registry, and being more particularly described as follows:

Beginning at an existing nail in the centerline intersection of NC Highway 43 and NCSR 2241, Ivy Road, thence from the nail S 13-24-42 E 380.43’ to a point in the common property line of Harrell Norman and Lydia Bryant Weathersby as recorded in Deed Book 2868 Page 828, The True Point of Beginning.

Thence from the True Point of Beginning, leaving the eastern right-of-way of NC Highway 43, along common line of Harrell Norman and Lydia Bryant Weathersby the following calls: N 73-25-21 E 192.98’, N 17-00-07 W 227.38’ to the common corner of Harrell Norman and Lydia Bryant Weathersby and Johnnie Stokes, thence the common line of Johnnie Stokes N 55-33-16 E 341.95, to a point that is the common corner of Ervin Williams, and Ruth Forrest, thence N 20-51-09 E 29.78’ to a point, thence along the southern property line of Ruth Forrest and then Brewer Subdivision as recorded in Map Book 20, Page 4, and Map Book 21, Page 95, the following calls: N 66-22-13 E 377.04’, N 40-41-13 E 109.08’, N 62-32-08 E 100.03’, N 62-36-46 E 100.02’, N 62-03-11 E 100.16’ to the southeast corner of Lot 7, Brewer Subdivision, thence N 27-32-35 W 199.55’ to a point on the southern right-of-way of NCSR 2241, Ivy Road, thence along the right-of-way N 62-28-15 E 60.00’, thence leaving the right-of-way S 27-24-39 E 200.02 to the southwest corner of Lot 8, thence along the southern property line of Brewer Subdivision the following calls: N 62-33-23 E 399.79’, N 63-15-34 E 100.10’, N 64-43-17 E 99.91’ to the southeast corner of Lot 13, thence N 27-23-43 W 200.65’ to a point on the southern

1008751

right-of-way of NCSR 2241, Ivy Road, thence along the right-of-way N 65-07-10 E 59.97, thence leaving the right-of-way S 27-23-43 E 200.35', N 65-31-13 E 100.08', N 27-24-50 W 200.70' to a point on the southern right-of-way of NCSR 2241, thence along the right-of-way N 65-21-46 E 200.25' to a common corner of Mac Ross, thence along the western property line of Mac Ross the following calls: S 14-46-24 W 136.76', S 15-00-26 W 157.23', S 10-53-47 W 108.00', S 13-31-47 W 178.84', S 11-56-59 E 193.68', S 13-31-45 E 216.79', S 15-32-56 E 209.93', S 04-46-06 E 216.36' to the common corner with Mac Ross and Johnnie M. Smith, thence along the line of Johnnie M. Smith the following calls: S 00-48-42 E 182.71', S 86-19-12 W 445.06', N 67-24-09 W 221.77', S 66-23-57 W 218.29', S 65-50-51 W 1029.86' to a point on the eastern right-of-way of NC Highway 43, a common corner with Johnnie M. Smith, thence along the right-of-way the following calls: N 20-44-37 W 146.38', N 22-43-38 W 100.15', N 16-51-52 W 100.12', N 12-47-19 W 99.92, N 09-06-49 W 99.51, N 03-21-59 E 1.87' to the True Point of Beginning, containing 41.9410 acres and being all of Parcels 23083, 02247, and 46270 as filed with the Pitt County Tax Assessor's Office.

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 four. 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 four.

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, 2016.

ADOPTED this 13th day of August, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

1008751

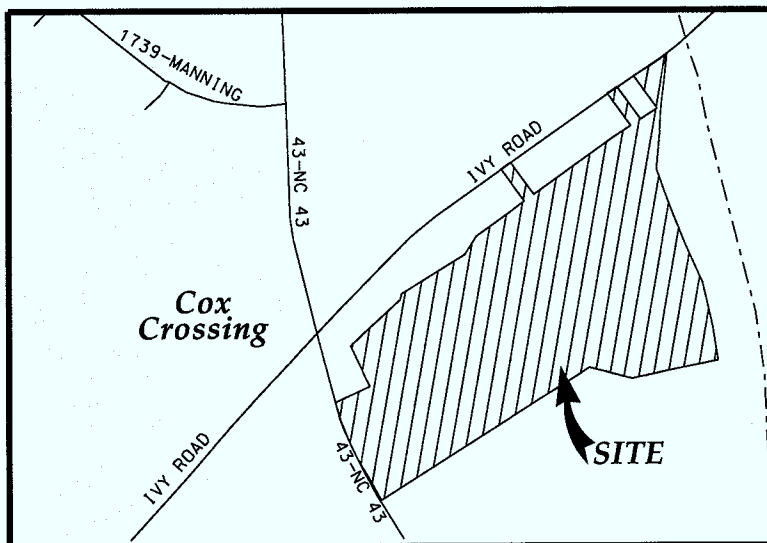
NORTH CAROLINA
PITT COUNTY

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 _____, 2015.

Notary Public

My Commission Expires: _____

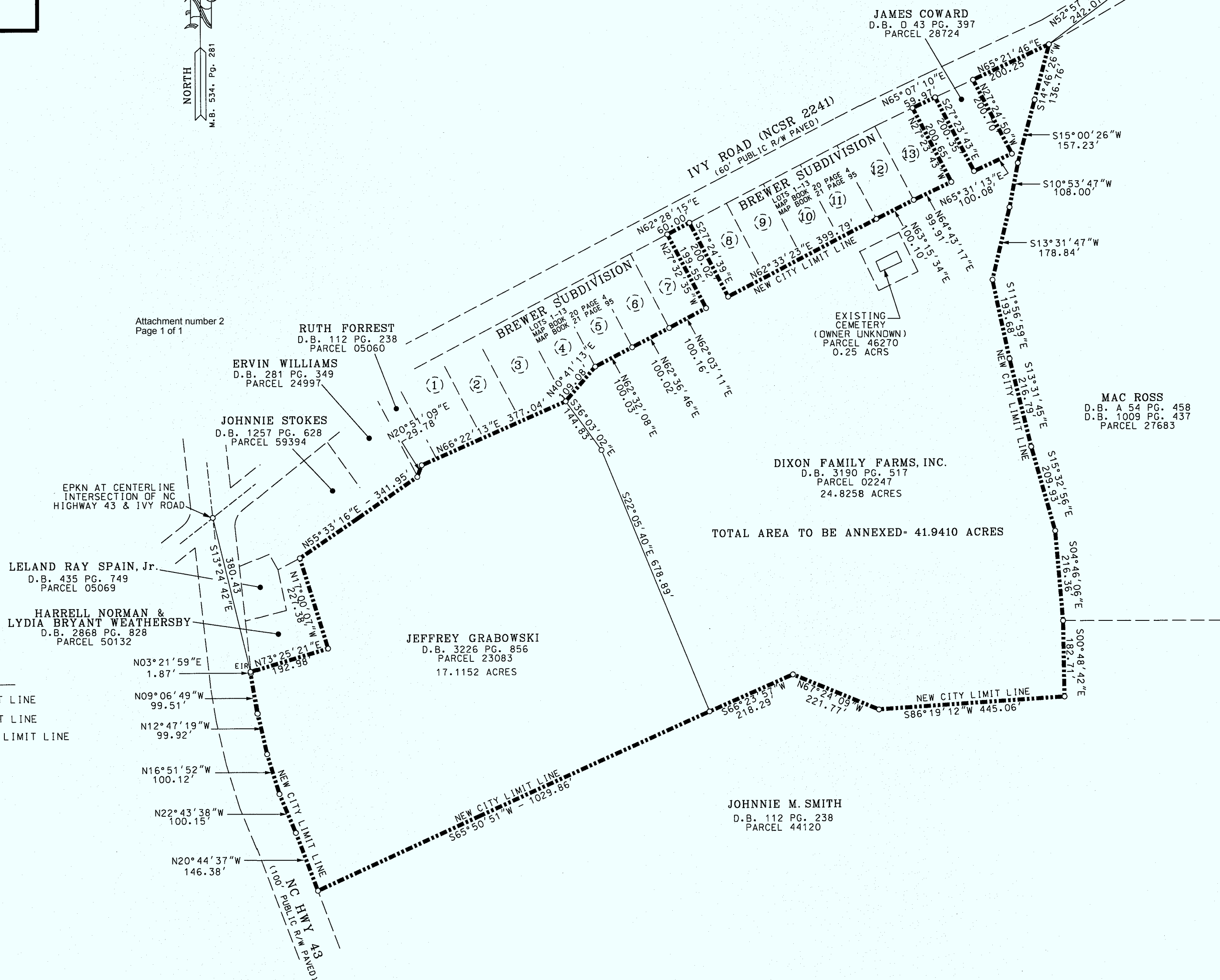


VICINITY MAP
SCALE: 1"=1000'



NAME - ERM P IWS 03
PID - 24902Z
EPK NAIL IN CENTERLINE OF
IVY ROAD & INDIAN CREEK
SWAMP CANAL OVER CULVERT
N= 647353.13' (NAD83 2007)
E= 2502288.94
Z= 50.73 (NAVD88)

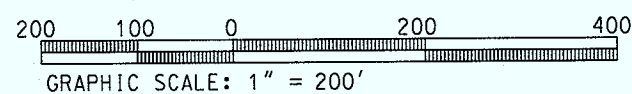
Attachment number 2
Page 1 of 1



TOTAL AREA TO BE ANNEXED- 41.9410 ACRES

LEGEND:

- NEW CITY LIMIT LINE
- - - OLD CITY LIMIT LINE
- EXISTING CITY LIMIT LINE



PARCEL NUMBERS 23083, 02247 AND 46270
REFERENCE: BEING THE PROPERTY RECORDED IN
DEED BOOK 3226, PAGE 856 AND DEED BOOK 3190, PAGE 517
OF THE PITT COUNTY REGISTRY

I, _____ CERTIFY THAT
THIS MAP IS OF A SURVEY OF ANOTHER
CATEGORY AND IS AN EXCEPTION TO
THE DEFINITION OF A SUBDIVISION.

PROFESSIONAL LAND SURVEYOR

I, _____ CERTIFY THAT THIS
MAP WAS DRAWN BY _____ UNDER
MY SUPERVISION FROM AN ACTUAL SURVEY
BY _____ THAT THE BOUNDARIES
NOT SURVEYED ARE SHOWN AS BROKEN LINES
PLOTTED FROM INFORMATION FOUND IN DEEDS
AND MAPS REFERENCED HEREON.

WITNESS MY HAND AND SEAL THIS _____
DAY OF _____, 20____.

SIGNED _____
PROFESSIONAL LAND SURVEYOR L-_____

NORTH CAROLINA, _____ COUNTY
I, _____, NOTARY
PUBLIC OF THE COUNTY AND STATE
AFORESAID, CERTIFY THAT _____
_____, A PROFESSIONAL LAND
SURVEYOR, PERSONALLY APPEARED BEFORE
ME THIS DAY AN ACKNOWLEDGED THE
EXECUTION OF THE FOREGOING INSTRUMENT.
WITNESS MY HAND AND OFFICIAL STAMP OR
SEAL THIS THE _____ DAY OF _____, 20____.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

DIXON FAMILY FARMS, INC AND JEFFERY GRABOWSKI CHICOD TWSP., PITT COUNTY, NORTH CAROLINA	
OWNER: DIXON FAMILY FARMS, INC. 3753 MILLS ROAD GREENVILLE, NC 27858 252-341-7328	JEFFERY GRABOWSKI 5845 NC 43 S GREENVILLE, NC 27858 252-327-1172
STROUD ENGINEERING, P.A. LICENSE NO. C-0647 107-B COMMERCE ST. GREENVILLE, NC 27858 (252) 756-9352	SURVEYED: JH APPROVED: LES DRAWN: DM DATE: 6/30/15 CHECKED: LES SCALE: 1" = 200' Item # 44

MAP NO.	MAPS RECORDED	BOOK	PAGE

MAP SHOWING AREA ANNEXED BY	
THE CITY OF GREENVILLE	
DATE _____	ORDINANCE NO. _____
7.9410 ACRES AREA	



City of Greenville, North Carolina

Meeting Date: 8/13/2015
Time: 7:00 PM

Title of Item: Ordinance to annex Oxford Street, LLC, involving 4.122 acres located between Old Fire Tower Road and Rosemont Drive and 450+/- feet east of County Home Road

Explanation: **Abstract:** The City received a voluntary annexation petition to annex Oxford Street, LLC, involving 4.122 acres located between Old Fire Tower Road and Rosemont Drive and 450+/- feet east of County Home Road. The subject area contains one single-family residence and farmland and is anticipated to yield 50 multi-family units.

ANNEXATION PROFILE

A. SCHEDULE

1. Advertising date: August 3, 2015
2. City Council public hearing date: August 13, 2015
3. Effective date: June 30, 2016

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Relation to Recognized Industrial Area: Outside
3. Acreage: 4.122
4. Voting District: 5
5. Township: Winterville
6. Vision Area: D

- 7. Zoning: OR (Office-Residential)
- 8. Land Use: Existing: One single-family residence and farmland
Anticipated: 50 multi-family units
- 9. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	50 x 2.18*	109
Current Minority	-----	0
Estimated Minority at full development	39 x 43.4%	47
Current White	----	0
Estimated White at full development	109-47	62

- 10. Rural Fire Tax District: Rural Winterville
- 11. Greenville Fire District: Station #3 (Distance of 2.5 miles)
- 12. Present Tax Value: \$200,250
Estimated Future Tax Value: \$5,200,250

Fiscal Note: The total estimated tax value at full development is \$5,200,250.

Recommendation: Approve the attached ordinance to annex Oxford Street, LLC

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

Attachments / click to download

- [Survey](#)
- [Ordinance Oxford Street LLC 1008502](#)

ORDINANCE NO. 15-
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 13th day of August, 2015, after due notice by publication in The Daily Reflector on the 3rd day of August, 2015; and

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

1008502

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 "Oxford Street, LLC", involving 4.122 acres as prepared by Baldwin Design Consultants, LLC.

LOCATION: Lying and being situated in Winterville Township, Pitt County, North Carolina, located between Old Fire Tower Road and Rosemont Drive and 450+/- feet east of County Home Road.

GENERAL DESCRIPTION:

Beginning at an iron pipe located on the southern right-of-way of NCSR 2235 (Old Fire Tower Road), said iron pipe being located S 04°06'48" E 31.17' from a P.K. nail located in the centerline of NCSR 2235 (Old Fire Tower Road), said P.K. nail located in the centerline being located N 83°47'27" E 497.35' as measured along the centerline of NCSR 2235 (Old Fire Tower Road) from a P.K. nail located at the intersection of NCSR 1725 (County Home Road) and NCSR 2235 (Old Fire Tower Road). From the above described beginning, so located, running thence as follows:

With the southern right-of-way of NCSR 2235 (Old Fire Tower Road) N 83°30'09" E 290.88' to an iron pipe, thence leaving said right-of-way S 03°49'24" E 199.84' to an iron pipe, thence S 03°42'32" E 199.60' to an iron pipe, thence S 03°46'04" E 199.10' to an iron pipe, thence S 74°30'08" W 293.32' to an iron pipe, thence N 04°02'36" W 444.27' to an iron pipe, thence N 04°06'48" W 200.05' to a point of beginning containing 4.122 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 five. 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 five.

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

1008502

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, 2016.

ADOPTED this 13th day of August, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

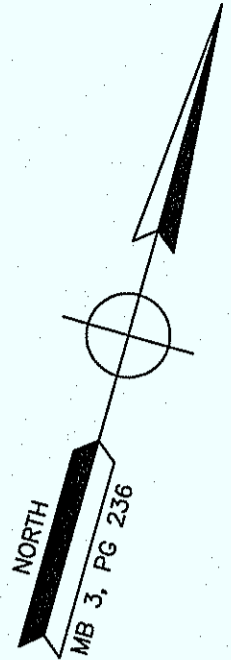
NORTH CAROLINA
PITT COUNTY

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 _____, 2015.

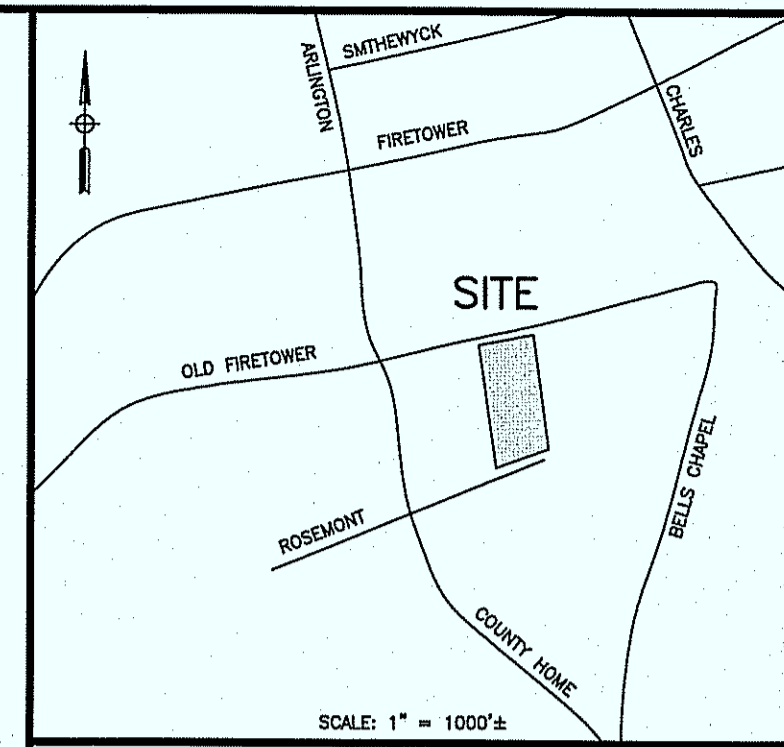
Notary Public

My Commission Expires: _____



GENERAL NOTES

1. THIS SURVEY IS OF AN EXISTING PARCEL OF LAND.
2. THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. REF: FIRM 3720468600K DATED: JULY 7, 2014.
3. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
4. REFERENCE: DEED BOOK 3212, PAGE 610 & MAP BOOK 77, PAGE 156 OF THE PITT COUNTY REGISTER OF DEEDS.

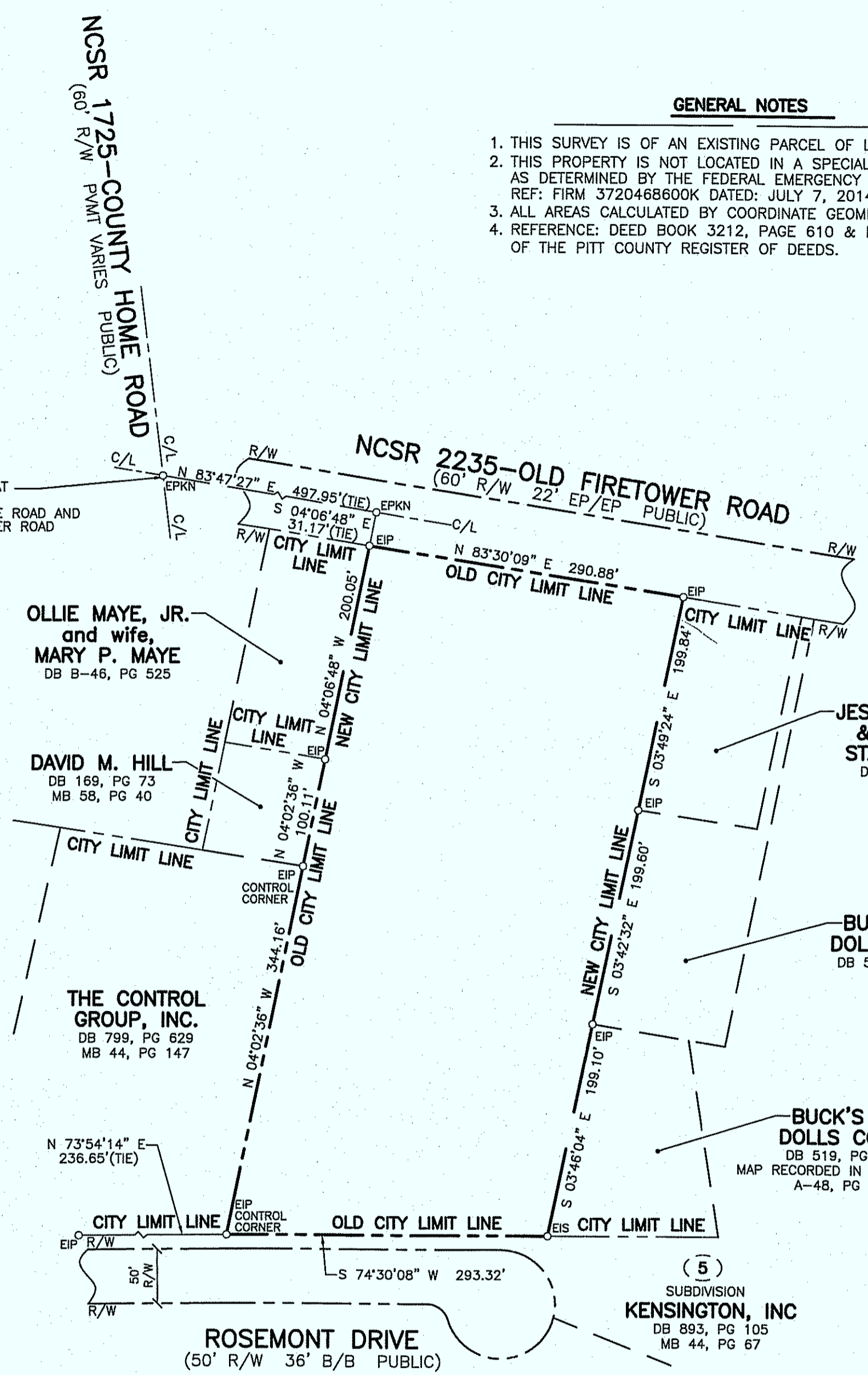


SCALE: 1" = 1000'±
VICINITY MAP

LEGEND

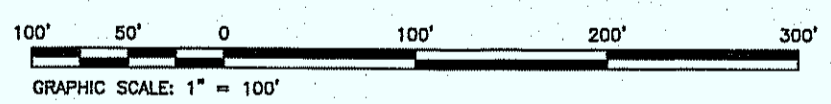
- R/W = RIGHT-OF-WAY
- C/L = CENTERLINE
- EP/EP = EDGE OF PAVEMENT TO EDGE OF PAVEMENT
- B/B = BACK OF CURB TO BACK OF CURB
- DB = DEED BOOK
- MB = MAP BOOK
- EIS = EXISTING IRON STAKE
- EIP = EXISTING IRON PIPE
- EPKN = EXISTING PARKER KALON NAIL

Attachment number 2
Page 1 of 1



LEGEND

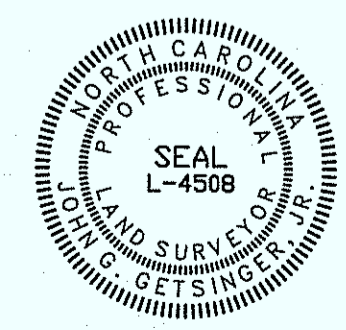
- NEW CITY LIMIT LINE = ————
- OLD CITY LIMIT LINE = - - - - -
- CITY LIMIT LINE = - - - - -



CERTIFICATION

I, JOHN G. GETSINGER, JR., CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION, THIS MAP WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE BY BRAD WELLS. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+ THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM DEED INFORMATION THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS 2nd DAY OF JULY, 2015.

SIGNED *John G. Getsinger, Jr.*
REGISTRATION NO. L-4508



PARCEL# 12460

ANNEXATION MAP FOR
OXFORD STREET, LLC

OWNER: **OXFORD STREET, LLC**
ADDRESS: 226 COMMERCE STREET
GREENVILLE, NC 27858
PHONE: 252-756-3500

Baldwin Design Consultants, PA
LICENSE# C-3498
SITE & SUBDIVISION DESIGN - SURVEYING - PLANNING
3740-B EVANS STREET
GREENVILLE, NC 27834 252.756.1390

SURVEYED: BW	APPROVED: MWB
DRAWN: JGG	DATE: 07/02/2015
CHECKED: MWB	SCALE: 1 = 100'

MAP NO.	PLATS RECORDED	MAP BOOK	PAGE
	OXFORD STREET, LLC	77	156

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C
(EFFECTIVE DATE _____ ORDINANCE # _____ AREA 4.122 AC.)
WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

CAD FILE: 14-016 OXFORD STREET, LLC\14-016 ANNEXATION



City of Greenville, North Carolina

Meeting Date: 8/13/2015
Time: 7:00 PM

Title of Item: Ordinance requested by Venture Partners I, LLC to rezone 0.510 acres located south of Melrose Drive between Brighton Park Drive and West Arlington Boulevard from MR (Medical-Residential [High Density Multi-family]) to MO (Medical-Office)

Explanation: **Abstract:** The City has received a request from Venture Partners I, LLC to rezone 0.510 acres located south of Melrose Drive between Brighton Park Drive and West Arlington Boulevard from MR (Medical-Residential [High Density Multi-family]) to MO (Medical-Office).

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on July 7, 2015.
On-site sign(s) posted on July 7, 2015.
City Council public hearing notice (property owner and adjoining property owner letter) mailed on July 28, 2015.
Public hearing legal advertisement published on August 3 and August 10, 2015.

Comprehensive Plan:

The subject area is located in Vision Area F.

Management Actions:

- F4. Increase the number of and intensity of medical-related establishments.
- F6. Strengthen/support the medical district plan.

The Future Land Use Plan Map recommends office/institutional/multi-family (OIMF) along the northern right-of-way of West Fifth Street between Schoolhouse Branch and Harris Run.

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

A traffic report was not generated as the property is not developable.

History/Background:

In 1986, the subject property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned MD-3 and MD-5. Later, these districts were renamed to MO (Medical-Office) and MR (Medical-Residential), respectively.

Present Land Use:

Vacant

Water/Sewer:

Water and sanitary sewer are located in the right-of-way of Brighton Park Drive.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

There are no known environmental conditions/constraints.

Surrounding Land Uses and Zoning:

North: MR - Brighton Park Apartments and The Heritage at Arlington Apartments

South: MO - vacant (under common ownership of the applicant)

East: MO - Eastern Area Health Education Center (approved site plan)

West: MR - Vacant

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan, the Future Land Use Plan Map, and the Medical District Land Use Plan Update (2007).

"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

21, 2015 meeting.

If the City Council determines to approve the zoning map amendment, a motion to adopt the attached zoning map amendment 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 zoning map amendment, 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 rezoning request is inconsistent with the adopted comprehensive plan including, but not limited to, Management Action F4 to increase the number of and intensity of medical-related establishments, and further that the denial of the rezoning request is reasonable and in the public interest due to the rezoning request does not promote, in addition to the furtherance of other goals and objectives, the safety and general welfare of the community by using office land uses along transportation thoroughfares to provide transition between commercial nodes and to preserve vehicle carrying capacity.

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

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 [Combined maps, survey and buffer charts](#)

 [Ordinance_Venture_Partners_I_LLC_1008851](#)

 [Minutes_Venture_Partners_I_LLC_1008850](#)

 [List_of_Uses_for_MO_986293](#)

ORDINANCE NO. 15-
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 13th day of August, 2015, at 7:00 p.m., in the 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;

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 zoning the following described property is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance zoning the following described property 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, Management Action F4 to increase the number of and intensity of medical-related establishments and Management Action F6 to strengthen/support the medical district plan; and

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, promote the safety and general welfare of the community by using office land uses along transportation thoroughfares to provide transition between commercial nodes and to preserve vehicle carrying capacity.

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

Section 1. That the following described territory is rezoned from MR (Medical-Residential) to MO (Medical-Office).

TO WIT: Venture Partners I, LLC Properties

LOCATION: Located south of Melrose Drive between Brighton Park Drive and West Arlington Boulevard.

DESCRIPTION: Beginning at a point located on the southern right of way of Melrose Drive said point also being located at the northeast property corner of Lot 6, Brighton Park as recorded in Map Book 56, Pages 101-101B and the northwest property corner of Lot 1, Addison Place as recorded in Map Book 67, Page 22; thence running along the southern right of way of Melrose Drive S 50-01-21 E, 213.00 feet to a point located on the right of ways of Melrose Drive and W. Arlington Boulevard; thence running along the right of ways of Melrose Drive and W. Arlington Boulevard with a curve to the right having a radius of 20.00 feet a chord bearing and distance S 03-52-13 W, 32.32 feet to a point located on the western right of way of W. Arlington Boulevard; thence running along the western right of way of W. Arlington Boulevard with a curve to the right having a radius of 270.00 feet a chord bearing and distance S 60-12-23 W, 23.03 feet to a point located on the western right of way of W. Arlington Boulevard; thence leaving the western right of way of W. Arlington Boulevard N 53-38-35 W, 194.42 feet to a point; thence N 47-21-52 W, 212.24 feet to a point located on the eastern right of way of Brighton Park Drive; thence running along the eastern right of way of Brighton Park Drive N 39-55-41 E, 25.00 feet to a point located on the right of ways of Brighton Park Drive and Melrose Drive; thence running along the right of ways of Brighton Park Drive and Melrose Drive with a curve to the right having a radius of 25.00 feet a chord bearing and distance N 84-55-41 E, 35.36 feet to a point located on the southern right of way of Melrose Drive; thence running along the southern right of way of Melrose Drive S 50-04-19 E, 157.00 feet to the point of beginning containing 0.510 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 13th day of August, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Excerpt from the DRAFTED Planning & Zoning Commission Minutes (07/21/2015)

ORDINANCE REQUESTED BY VENTURE PARTNERS I, LLC TO REZONE 0.510 ACRES LOCATED SOUTH OF MELROSE DRIVE BETWEEN BRIGHTON PARK DRIVE AND WEST ARLINGTON BOULEVARD FROM MR (MEDICAL-RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) TO MO (MEDICAL-OFFICE) - APPROVED

Ms. Chantae Gooby, Planner II, delineated the property. It is located in the central section of the City, north of West 5th Street and at the end of Arlington Boulevard. Treybrooke Apartments are to the east. There is multi-family to the north, vacant property to the west. At the corner of West 5th Street and Arlington Boulevard will be the future site of Eastern Area Health Education Center. The adjacent property to the south is under common ownership of the applicant. This rezoning will clean up the zoning lines so that the entire property will have the same zoning. In 1985, the subject property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned MR (Medical-Residential). The Land Use Plan recommends office/institutional/multi-family (OIMF) along the northern right-of-way of West Fifth Street and then transitions into high density multi-family to the north. In staff's opinion, the request is in compliance with Horizon's Greenville Community Plan, the Future Land Use Plan Map and the Medical District Land Use Plan Update (2007).

Chairman Parker opened the public hearing.

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

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

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

CURRENT ZONING

MR (Medical-Residential)

Permitted Uses

- (1) General:
 - a. Accessory use or building
 - c. On-premise signs per Article N
- (2) Residential:
 - a. Single-family dwelling
 - b. Two-family attached dwelling (duplex)
 - c. Multi-family development per Article I
 - f. Residential cluster development per Article M
 - k. Family care home (see also section 9-4-103)
 - q. Room renting
- (3) Home Occupations (see all categories): *None
- (4) Governmental:
 - b. City of Greenville municipal government building or use (see also section 9-4-103)
- (5) Agricultural/ Mining:
 - a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- (6) Recreational/ Entertainment:
 - f. Public park or recreational facility
 - g. Private noncommercial park or recreation facility
- (7) Office/ Financial/ Medical: * None
- (8) Services:
 - o. Church or place of worship (see also section 9-4-103)
- (9) Repair: * None
- (10) Retail Trade: * None
- (11) Wholesale/ Rental/ Vehicle- Mobile Home Trade: * None
- (12) Construction:
 - c. Construction office; temporary, including modular office (see also section 9-4-103)
- (13) Transportation: * None
- (14) Manufacturing/ Warehousing: * None
- (15) Other Activities (not otherwise listed - all categories): * None

MR (Medical-Residential)

Special Uses

- (1) General:
* None

(2) Residential:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- l. Group care facility
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- o.(1). Nursing, convalescent center or maternity home; minor care facility

(3) Home Occupations (see all categories):

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

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining: * None

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical: * None

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)

(9) Repair: * None

(10) Retail Trade: * None

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

(12) Construction: * None

(13) Transportation: * None

(14) Manufacturing/ Warehousing: * None

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

PROPOSED ZONING

MO (Medical-Office)

Permitted Uses

(1) General:

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

(2) Residential:

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

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

(4) Governmental:

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

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

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

(8) Services:

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

(9) Repair:* None

(10) Retail Trade:

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

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

(12) Construction:

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

(13) Transportation:* None

(14) Manufacturing/ Warehousing: * None

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

**MO (Medical-Office)
Special Uses**

(1) General:* None

(2) Residential:

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

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

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:* None

(6) Recreational/ Entertainment:

- s. Athletic club; indoor only

(7) Office/ Financial/ Medical:* None

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- e. Barber or beauty shop
- f. Manicure, pedicure or facial salon
- j. College and other institutions of higher learning
- l. Convention center; private
- s. Hotel, motel bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- s.(1). Hotel, motel bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- hh. Exercise and weight loss studios; indoor only
- ll.(1) Dry cleaning; household users, drop-off/pick-up station only [2,000 sq. ft. gross floor area limit per establishment]
- jj. Health services not otherwise listed

(9) Repair:* None

(10) Retail Trade:

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

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

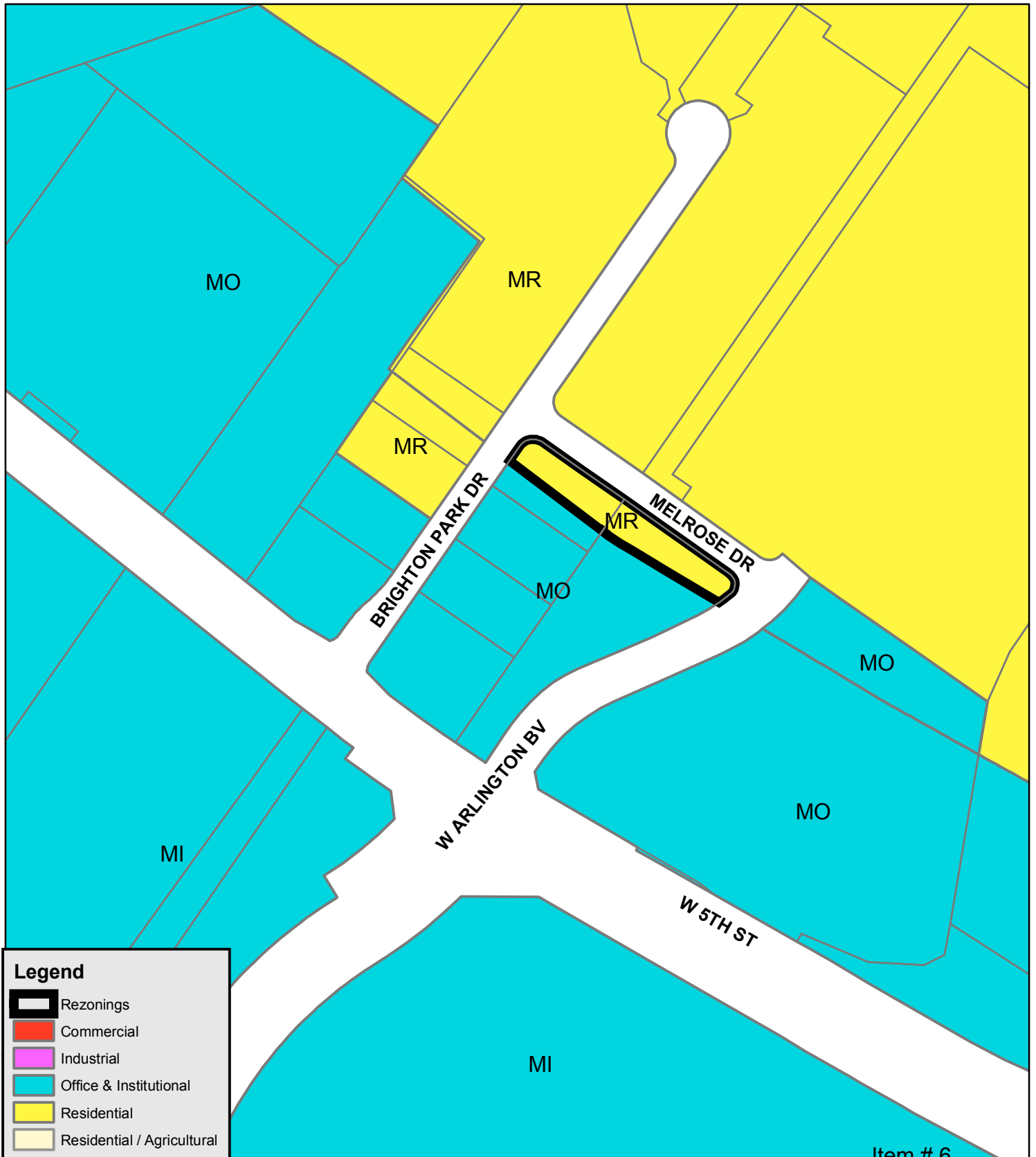
(12) Construction:* None

(13) Transportation:* None

(14) Manufacturing/ Warehousing: * None

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

Venture Partners I, LLC (15-08)
From: MR To: MO
0.510 acres
July 7, 2015



Legend

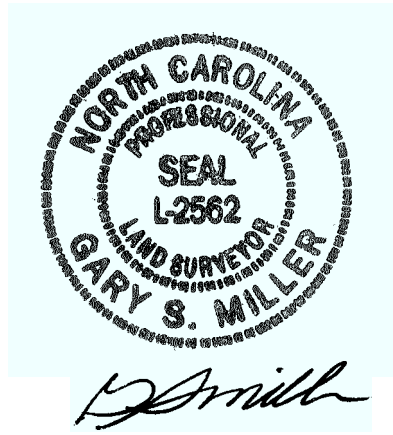
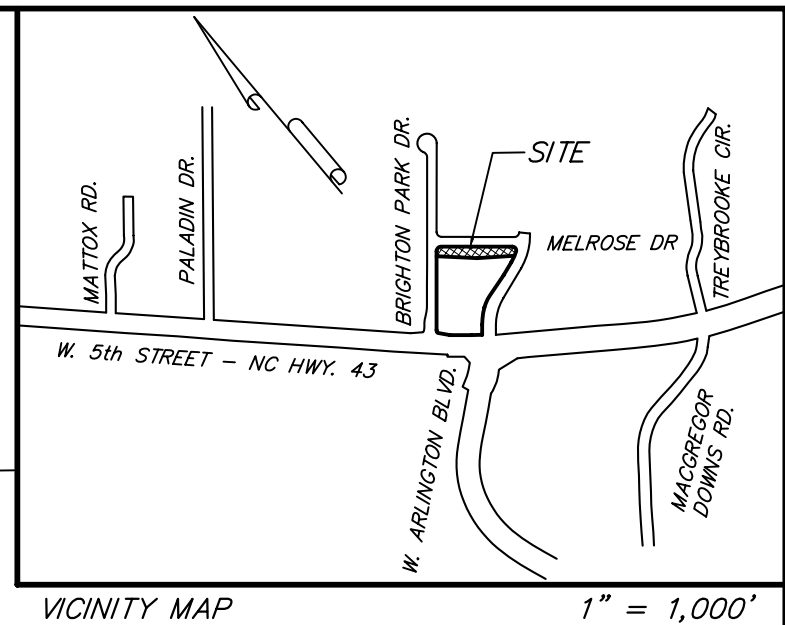
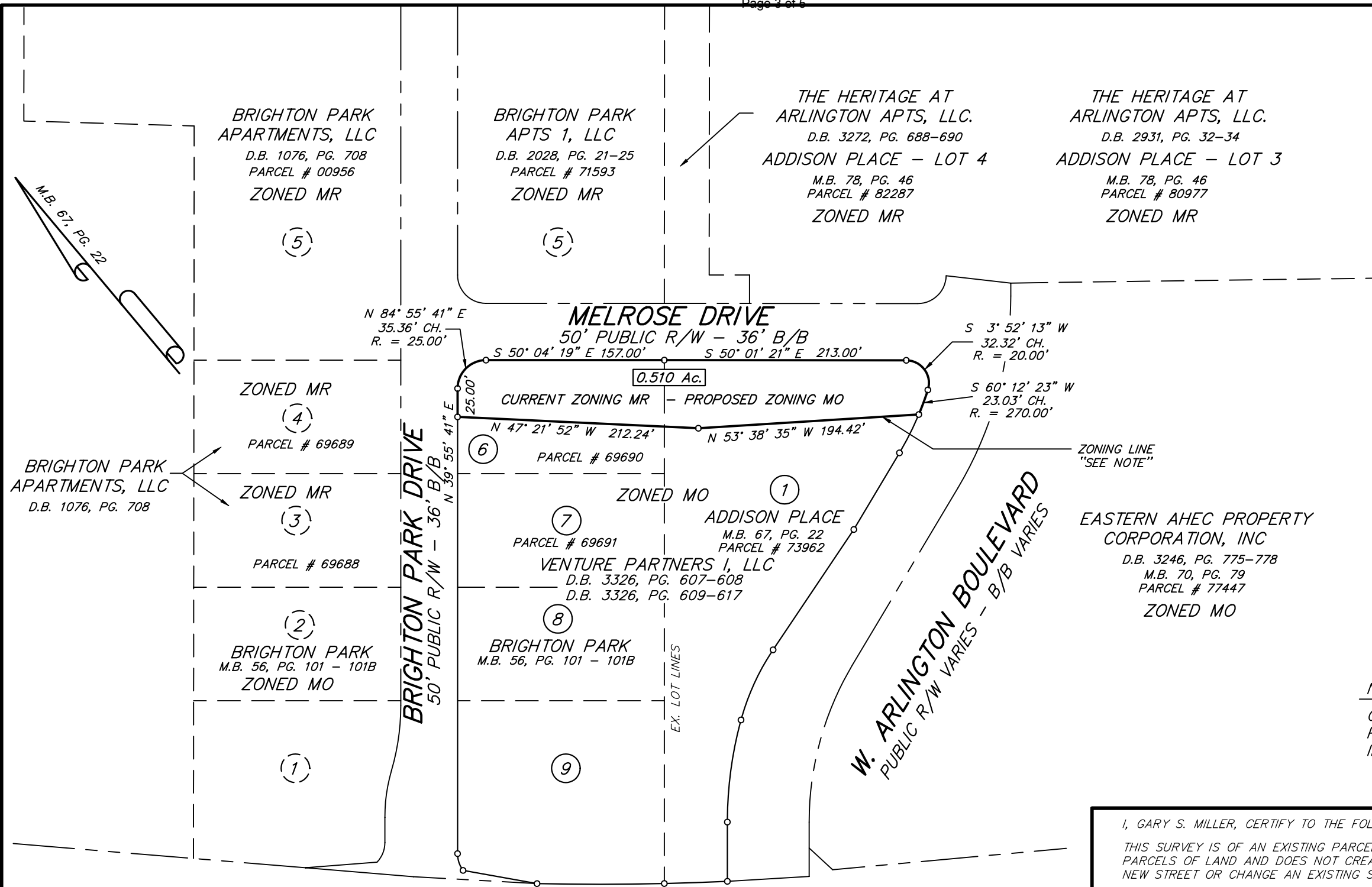
- Rezoning
- Commercial
- Industrial
- Office & Institutional
- Residential
- Residential / Agricultural

Venture Partners I, LLC (15-08)
From: MR To: MO
0.510 acres
July 7, 2015



Legend

 Rezoning



NOTE:
CURRENT ZONING LINE SCALED FROM
PITT COUNTY ONLINE PARCEL
INFORMATION SYSTEM (OPIS).

I, GARY S. MILLER, CERTIFY TO THE FOLLOWING:
THIS SURVEY IS OF AN EXISTING PARCEL OR
PARCELS OF LAND AND DOES NOT CREATE A
NEW STREET OR CHANGE AN EXISTING STREET;
THAT THIS MAP WAS DRAWN UNDER MY SUPER-
VISION FROM AN ACTUAL SURVEY MADE UNDER
MY SUPERVISION (DEED DESCRIPTION RECORDED
IN BK. 3326, PG. 607-608 OR OTHER
REFERENCE SOURCE _____); THAT
THE BOUNDARIES NOT SURVEYED ARE INDICATED
AS DRAWN FROM INFORMATION IN BK. _____,
PG. _____ OR OTHER REFERENCE SOURCE SEE
REF. _____; THAT THE RATIO OF PRECISION OR
POSITIONAL ACCURACY IS 1:10,000+; AND THAT
THIS MAP MEETS THE REQUIREMENTS OF THE
STANDARDS OF PRACTICE FOR LAND SURVEYING
IN NORTH CAROLINA (21 NCAC 56.1600).
WITNESS MY HAND AND SEAL THIS 10th DAY
OF JUNE, 2015.

SIGNED _____
PROFESSIONAL LAND SURVEYOR No. L-2562

REZONING MAP FOR
VENTURE PARTNERS I, LLC

PORTION OF LOT 6 BRIGHTON PARK
AND A PORTION OF LOT 1
ADDISON PLACE
GREENVILLE, GREENVILLE TWP.
PITT CO., N.C.
SCALE: 1" = 100'
JUNE 10, 2015

WO 15117 FB -

GARY S. MILLER & ASSOCIATES, P.A.
LAND SURVEYORS

1803 South Charles Blvd. Phone (252)756-7878
Greenville, N.C. 27858 Fax (252)756-0785
License # C-0225

Bar Scale
100 50 0 100 200

SURVEYED BY: MCP DRAWN BY: BLW Item # 6

1547.dwg 14041.psd

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.

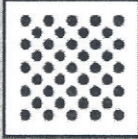
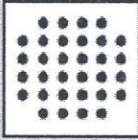
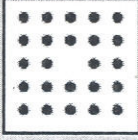
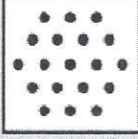

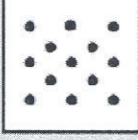
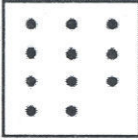
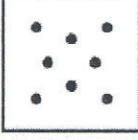
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons 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: 8/13/2015
Time: 7:00 PM

Title of Item: Ordinance requested by Ward Holdings, LLC to rezone 2.0361 acres located along the southern right-of-way of East 10th Street and 270 +/- feet west of Elm Street from R9 (Residential [Medium Density Multi-family]) to R6 (Residential [High Density Multi-family])

Explanation: **Abstract:** The City has received a request from Ward Holdings, LLC to rezone 2.0361 acres located along the southern right-of-way of East 10th Street and 270 +/- feet west of Elm Street from R9 (Residential [Medium Density Multi-family]) to R6 (Residential [High Density Multi-family]).

This item was continued from the April 9, 2015, May 14, 2015, and June 11, 2015 City Council meetings.

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on March 3, 2015.

On-site sign(s) posted on March 3, 2015.

City Council public hearing notice (property owner and adjoining property owner letter) mailed on July 22, 2015.

Public hearing legal advertisement published on August 3 and 10, 2015.

Comprehensive Plan:

The subject site is located in Vision Area I.

East 10th Street, between Evans Street and Greenville Boulevard, is considered a "connector" corridor. Connector corridors are anticipated to contain a variety of higher intensive activities and uses whereas residential corridors are preferred to accommodate lower intensity residential uses.

The Future Land Use Plan Map recommends high density residential (HDR) at the southwest corner of the intersection of East 10th Street and Elm Street

transitioning to office/ institutional/multi-family (OIMF) to the west and conservation/open space to the south along Green Mill Run.

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

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 200 trips to and from the site on East 10th Street, which is a net increase of 94 additional trips per day.

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

History/Background:

In 1969, the subject property was zoned R9.

Present Land Use:

One single-family residence

Water/Sewer:

Water and sanitary sewer are available at the property.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

The property is impacted by the 500 and 100-year floodplains and floodway associated with Green Mill Run.

Surrounding Land Uses and Zoning:

North: R9S - One single-family residence and Roman Catholic Campus Ministry

South: OR - Elm Street Park and ECU parking lot

East: R9 - One single-family residence

West: R9 - Alpha Phi Sorority

Density Estimates:

Under the current zoning (R9), the site could yield 10+/- duplex units (5 buildings).

Under the proposed zoning (R6), the site could yield 28-30 multi-family units (1, 2 and 3 bedrooms).

The anticipated build-out is within 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 deny the request at its March 17, 2015 meeting.

If the City Council determines to approve the zoning map amendment, a motion to adopt the attached zoning map amendment 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 zoning map amendment, 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 rezoning request is inconsistent with the adopted comprehensive plan including, but not limited to, Objective UF 4 to discourage development in flood hazard areas, and further that the denial of the rezoning request is reasonable and in the public interest due to the rezoning request does not promote, in addition to the furtherance of other goals and objectives, the safety and general welfare of the community by protecting water resources.

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

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

Attachments / click to download

- [Combined maps, survey, traffic and buffer charts](#)
- [Ordinance Ward Holdings LLC 15 05 1000152](#)
- [Minutes Ward Holdings 1000148](#)

ORDINANCE NO. 15-
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 13th day of August, 2015, at 7:00 p.m., in the 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;

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 zoning the following described property is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance zoning the following described property 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, Objective M5 to provide safe, convenient and efficient opportunities for pedestrian and bicycle movement and Objective UF3 to encourage a diversity of housing options; and

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, promote the safety and general welfare of the community by creating walkable communities/neighborhoods.

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

Section 1. That the following described territory is rezoned from R9 (Residential) to R6 (Residential).

TO WIT: Delta Alpha East, LLC Property

LOCATION: Located along the southern right-of-way of East 10th Street and 270+/- feet west of Elm Street.

DESCRIPTION: Being that certain tract or parcel of land lying and being situated in the City of Greenville, Greenville Township, Pitt County, North Carolina, being bounded on the north by NCSR 1598 (Tenth Street), on the east by the property of Paul P. Cook and wife Fiona Cook, on the south by Green Mill Run, the property of the City of Greenville and of East Carolina University, on the west by Delta Alpha Chapter of Alpha Phi, Inc. and being more particularly described as follows:

Commencing at a concrete monument located on the south right of way of NCSR 1598 (Tenth Street) at the northwest end of the sight distance right of way which connects to the western right of way of Elm Street; thence with the southern right of way of NCSR 1598 (Tenth Street) N 80°40'11"W 114.34 feet to a concrete monument at the northeast corner of the aforementioned Cook property; thence continuing with the southern right of way of NCSR 1598 (Tenth Street) and the north line of said Cook property as recorded in Deed Book 742, Page 484 of the Pitt County Registry N 80°34'02"W 134.84 feet to a point at the northeast corner of the property herein described and being the POINT OF BEGINNING; said beginning point being further located S 09°20'13"W 0.36 feet from an existing iron pipe; thence from beginning point so established and with the western line of the aforementioned Cook property S 09°20'13"W 444.06 feet to a point in the center of Green Mill Run; thence with the center of Green Mill Run and along the north line of the properties of the City Of Greenville and East Carolina University the following courses and distances: N 75°10'21"W 23.34 feet, N 63°53'26"W 22.48 feet, N 50°45'16"W 64.11 feet, N 68°09'34"W 35.19 feet, N 42°13'10"W 26.54 feet, N 36°35'41"W 39.35 feet, N 27°27'53"W 37.76 feet and N 38°31'39"W 25.59 feet to a point at the southeast corner of the property of Delta Alpha Chapter of Alpha Phi, Inc. as recorded in Deed Book J-34, Page 110 of the Pitt County Registry, said point being located N 45°59'28"E 1436.70 feet from NC Geodetic Survey Monument "HALL" having NC grid coordinates of N(Y)=206450.883 meters and E(X)=757821.820 meters (NAD 83/2001); thence leaving the center of Green Mill Run and with the eastern line of said Delta Alpha Chapter of Alpha Phi, Inc. property N 09°23'09"E 304.67 feet to an existing iron pipe on the southern right of way of NCSR 1598 (Tenth Street), having NC grid coordinates of N(Y)=206846.708 meters and E(X)=758151.887 meters (NAD 83/2001); thence along the southern right of way of NCSR 1598 (Tenth Street) S 80°36'51"E 225.08 feet to the POINT OF BEGINNING, containing 2.0361 acres and being further known as Pitt County Tax Parcel Number 03379. All distances are horizontal field distances, no grid factor applied. The combined NC grid factor used for grid coordinate calculations is 0.99989571.

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 13th day of August, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc. # 1000152

Excerpt from the APPROVED Planning & Zoning Commission Minutes (03/17/2015)

ORDINANCE REQUESTED BY WARD HOLDINGS, LLC TO REZONE 2.0361 ACRES LOCATED ALONG THE SOUTHERN RIGHT-OF-WAY OF EAST 10TH STREET AND 270+/- FEET WEST OF ELM STREET FROM R9 (RESIDENTIAL [MEDIUM DENSITY MULTI-FAMILY]) TO R6 (RESIDENTIAL [HIGH DENSITY MULTI-FAMILY]) - DENIED

Ms. Gooby delineated the property. She stated the property is located in the central section of the City, south of 10th Street, across from ECU Main Campus, and west of Elm Street. To the south is Elm Street Park. There are single-family residences to the east and north and Green Mill Run to the south. The property is impacted by the 500 and 100-year floodplains and the floodway associated with Green Mill Run. There are developmental standards in the ordinance for new development. The proposed could generate about 94 trips per day and it does stay within the design capacity of the street. Under the current zoning, the property could accommodate about 10 duplex units or 5 buildings. Under the requested zoning, it could accommodate 28-30 multi-family units of new development. The Future Land Use Map recommends high density residential (HDR) at the southwest and southeast corners of the intersection of East 10th Street and Elm Street and then transitions to conservation/open space (COS) to the south along Green Mill Run. In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

Mr. Weitz asked if staff considered the policies in the Hazard Mitigation Plan or the Horizons Plan which refers to not having high density in the flood plain.

Ms. Gooby stated that the adopted Land Use Plan Map takes policies into consideration. There is a damage prevention ordinance in place which sets standards for new development in the floodplain.

Mr. Weitz asked if Ms. Gooby and staff believe it is in the best interest of the public to put additional density in the flood plain.

Mr. Parker stated he did not agree with the comments from Mr. Weitz and that it appears he was trying to put words in staffs' mouths.

Mr. Weitz stated he did not see any rezoning signs posted in the area for the request.

Ms. Gooby showed the Commission a picture of the property from her presentation with the rezoning sign and stated it was taken on March 3rd. Once the sign has been posted, then the statue has been met.

Mr. Smith stated she posted the sign but she can't be out there watching the sign.

Ms. Bellis asked if the proposed property was contiguous with the parking lot at the foot of College Hill. She stated that parking lot floods often.

Ms. Gooby stated that Green Mill Run is between this property and the parking lot.

Mr. Tim Corley, Civil Engineer II, showed another map that indicated the floodway/floodplain. He stated the parking lot is in the floodway. Any development on this request will need to comply with the flood damage prevention ordinance. Nothing can be built in the floodway. Development is allowed in the 100-year floodplain but requirements must be met. There are no restrictions in the 500-year floodplain. If there is significant change to the existing property, then the requirement for the floodplain would need to be met.

Mr. Schrade asked how much of the property was in the 500-year flood plain.

Mr. Corley estimated about 3/4 of an acre.

Ms. Bellis asked if there was a cumulative effect considered.

Mr. Corley stated they can try to put certain restrictions on certain watersheds in the City.

Ms. Bellis stated that ultimately a dam is being built.

Mr. Corley stated it is displacement of water to other places but there are safety factors involved.

Ms. Bellis stated that if everything north of Greenville Boulevard drains into the Green Mill Run, then building in the 100-floodplain could cause more flood damage.

Mr. Corley stated that it was something to be considered in another forum regarding floodplain regulations. He stated he was not sure when the watershed plan would be complete but it is in the works. Policy changes are something that could start once problem areas are indentified.

Chairwoman Basnight opened the public hearing.

Mr. Jim Ward, applicant, spoke in favor of the request. He stated he wanted to bring the property into compliance with the Future Land Use Plan Map. There are no immediate plans for the site. He is aware that the property has significant limitations for further development outside the existing footprint at both a cost and utilization standpoint. He stated he would stay within the current boundaries as the property currently exists.

Mr. Ward stated he has done significant development in the area. He stated his "for rent" signs are constantly missing. For any development that he would consider for this site, he would include the neighborhood and it would be a team effort.

Mr. Paul Cook spoke in opposition of the request. He and his wife live in the house directly east of the property. They moved in the home in 1998 and the property has flooded 3 times to date. The 100-year floodplain is a myth. This area floods frequently. Increased residents in the area would make it worse. When Hurricane Floyd passed, 10th Street turned into a river. They were displaced.

Mr. Mike Barnum, 614 Maple Street, spoke in opposition. He stated he agrees with Mr. Cook. A lot of the flooding from Hurricane Floyd was due to all the building in that area. Green Mill Run has dammed up causing more flooding. He stated that building in this area would cause flooding to be worse and cause more problems.

Ms. Elizabeth Knott, 1908 E. 6th Street, spoke in opposition. She frequents 10th and Elm Streets daily. Traffic might be within the design capacity but in reality there is a lot of traffic. Logistically pulling into this property would cause more traffic congestion. The area does not only flood during hurricanes. Green Mill Run floods often and causes Elm Street to close. She opposes anything that will increase flooding and traffic.

Mr. Hap Maxwell, 1506 E. 5th Street, spoke in opposition. He saw the flooding from Hurricane Floyd. The flooding is caused by the huge volume of impervious surfaces that runs water to the river. If the river is high, then it flows back into Green Mill Run and the City. The bridge at Greenville Boulevard acts as a dam causing more flooding.

Mr. Andrew Morehead, president of TRUNA, spoke in opposition. He stated higher densities mean more impervious surfaces and additional houses in floodplains which causes the displacement of water to continue. This is a very big concern. Decisions need to be made in a city-wide context and not by individual lots.

Ms. Ann Maxwell, member of the Neighborhood Advisory Board (NAB), spoke in opposition. Last month the NAB heard comments from a neighborhood in District 1 about flooding and trees in their area being cut down. This area is near the airport. There were no homes in that area when the airport was developed. Homes should not be in that area but it had been approved some time ago by a Planning Board, and now the people are suffering. The decisions made by the Commission affect everyone. More development and impervious surface in the College Hill area will cause more flooding. Any new developments that run off into the waterways will ultimately cause more flooding.

Mr. Ward spoke in rebuttal. With the existing building, it would be cost prohibitive to extend an additional footprint. The only plan he has is to enhance the existing structure. Any new plans would need to have a site plan submittal and need to be approved by the City before proceeding.

Attorney Holec stated there is opportunity for opposition rebuttal to respond to what has already been said and not present new information.

Ms. Fiona Cook spoke in opposition rebuttal. She lives next door to the proposed rezoning property. She stated the existing structure on that property has completely flooded twice.

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

Mr. Weitz stated the Land Use Plan Map does indicate multi-family residential use but disagrees with staff that it is consistent with policies for the floodplains and the Comprehensive Plan. He stated that the policies indicate that floodplain development is not the responsible thing to do.

Ms. Reid stated she agrees with Mr. Weitz. When considering change in an area, you have to look at more than statistics. It needs to be taken into consideration peoples' lives and how they are affected.

Mr. Parker stated he sees the concerns and knows the area. We talk about a walkable sustainable community and bringing students to the area so they can walk to campus. We want to go away from building outside the perimeter. There are beautiful developments in the Uptown area and this request seems to fit well with that. There are other developments in the area. This property is not going to cause a flood or be haphazardly built. He stated that he would approve the request.

Ms. Bellis stated she feels strongly that just because something is permitted doesn't mean it's a good idea. It would be irresponsible to continue to approve something that puts people in harm's way. The cumulative effect is not considered and dams are continually being built in the flood plain which exasperates the flooding. It is irresponsible to approve anything in the floodplain.

Motion made by Mr. Weitz , seconded by Mr. King , to recommend denial of the proposed amendment, to advise that it is inconsistent with the Comprehensive Plan and other applicable plans and not to adopt the staff report which addresses plan consistency and other matters due to floodplain development is not the responsible thing to do . In favor: Mr. Weitz, Mr. King, Ms. Bellis, and Ms. Darden. Oppose: Mr. Smith, Mr. Griffin, Mr. Parker, and Mr. Schrade. Chairman Basnight broke the tie to vote in favor of the motion. Motion carried.

EXISTING ZONING

R9 (Residential)

Permitted Uses

(1) General:

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

(2) Residential:

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

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

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical: None*

(8) Services:

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

(9) Repair: None*

(10) Retail Trade: None*

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

(12) Construction:

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

(13) Transportation: None*

*(14) Manufacturing/ Warehousing: * None*

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

R9 (Residential)

Special Uses

(1) *General*:* None

(2) *Residential*:

o.(1). Nursing, convalescent center or maternity home; minor care facility

(3) *Home Occupations (see all categories)*:

b. Home occupation; excluding barber and beauty shops

c. Home occupation; including manicure, pedicure or facial salon

(4) *Governmental*:

a. Public utility building or use

(5) *Agricultural/ Mining*:* None

(6) *Recreational/ Entertainment*:

a. Golf course; regulation

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

(7) *Office/ Financial/ Medical*:* None

(8) *Services*:

a. Child day care facilities

b. Adult day care facilities

d. Cemetery

g. School; junior and senior high (see also section 9-4-103)

h. School; elementary (see also section 9-4-103)

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

(9) *Repair*:* None

(10) *Retail Trade*:* None

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

(12) *Construction*:* None

(13) *Transportation*:* None

(14) *Manufacturing/ Warehousing*: * None

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

PROPOSED ZONING

R6 (Residential)

Permitted Uses

(1) General:

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

(2) Residential:

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

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

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical: None*

(8) Services:

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

(9) Repair: None*

(10) Retail Trade: None*

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

(12) Construction:

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

(13) Transportation: None*

*(14) Manufacturing/ Warehousing: * None*

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

R6 (Residential)
Special Uses

(1) *General*:* None

(2) *Residential*:

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

(3) *Home Occupations (see all categories)*:

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

(4) *Governmental*:

- a. Public utility building or use

(5) *Agricultural/ Mining*:* None

(6) *Recreational/ Entertainment*:

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

(7) *Office/ Financial/ Medical*:* None

(8) *Services*:

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

(9) *Repair*:* None

(10) *Retail Trade*:* None

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

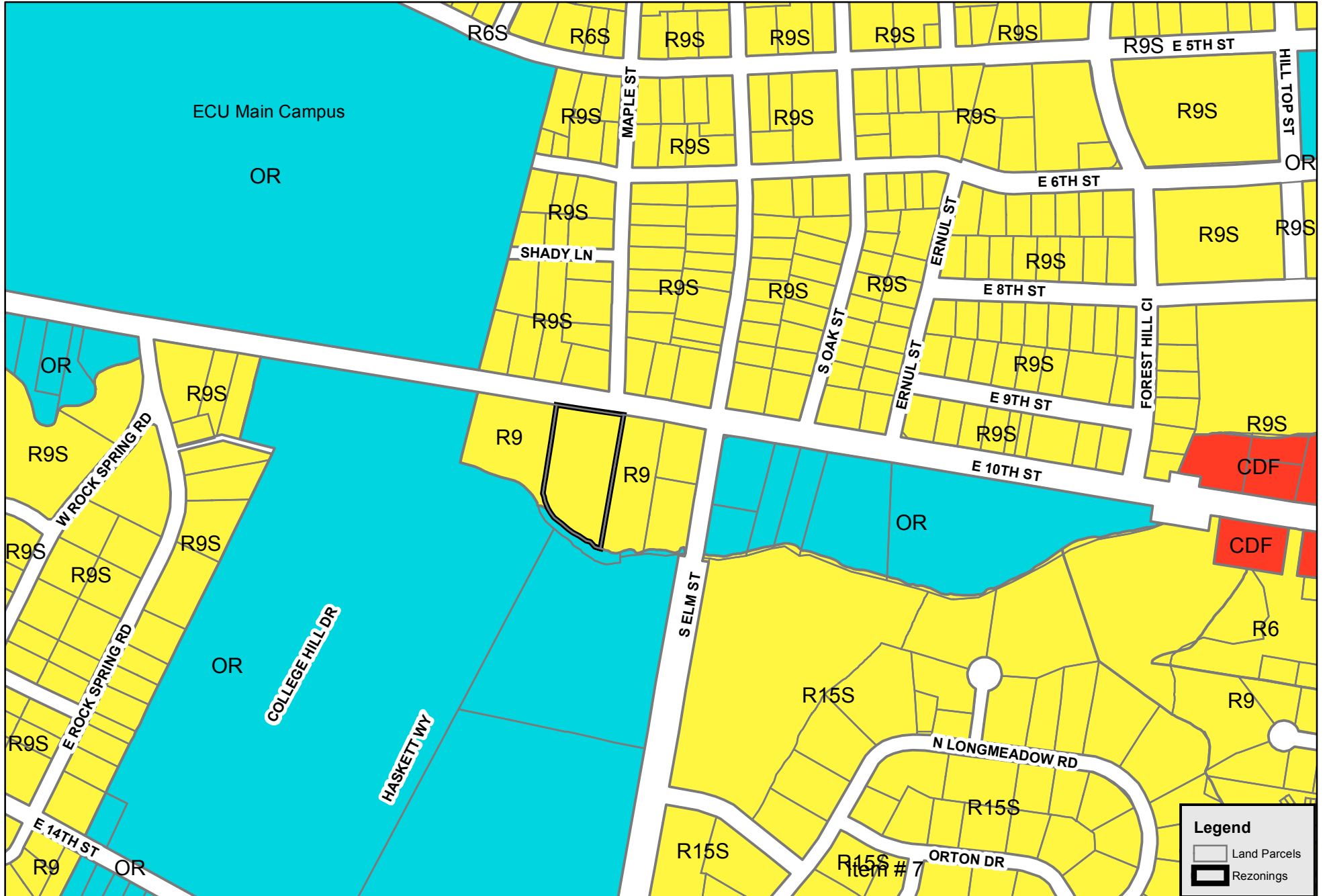
(12) *Construction*:* None

(13) *Transportation*:* None

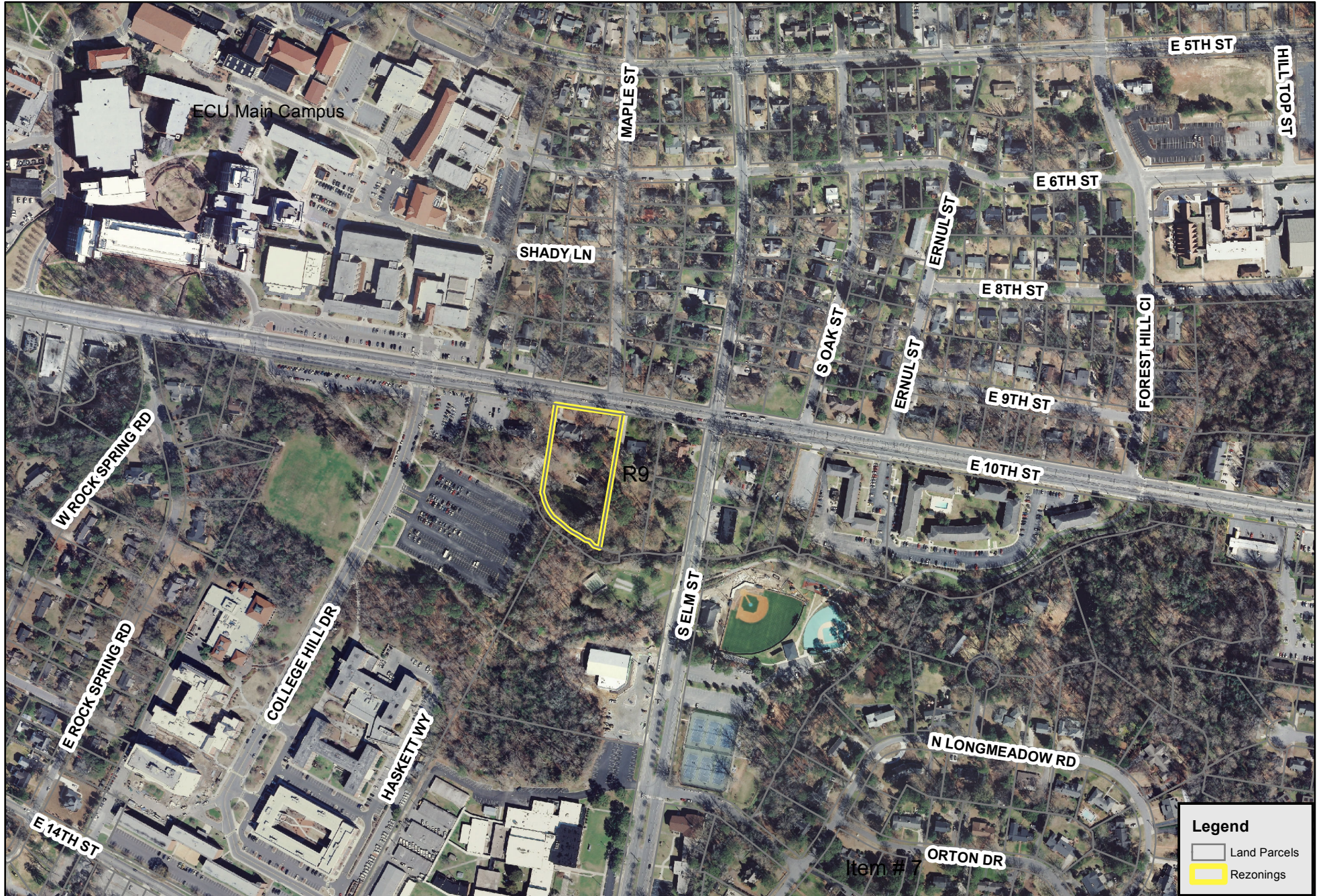
(14) *Manufacturing/ Warehousing*: * None

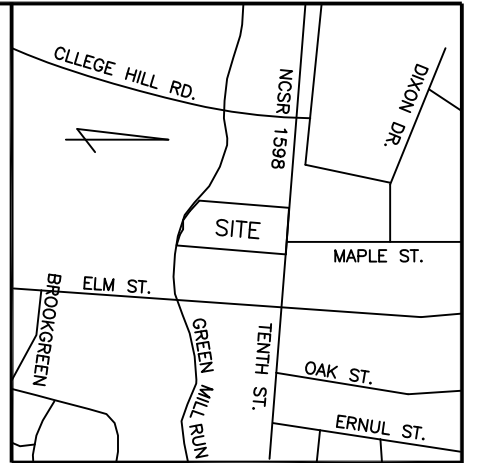
(15) *Other Activities (not otherwise listed - all categories)*:* None

Ward Holdings, LLC (15-04)
2.0361 acres
February 3, 2015



Ward Holdings, LLC (15-04)
2.0361 acres
February 3, 2015





NOTES

- THIS IS A REZONING SURVEY FOR PITT COUNTY TAX PARCEL 03379
- AS PER FEMA FLOOD INSURANCE RATE MAP 3720468700K, DATED JULY 7, 2014, A PORTION OF THIS TRACT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA, ZONE AE
- ALL DISTANCES SHOWN ARE HORIZONTAL FIELD DISTANCES; NO GRID FACTOR APPLIED
- THE COMBINED NC GRID FACTOR USED FOR GRID COORDINATE CALCULATIONS IS 0.998989571
- SEE MAP BOOK 76, PAGE 182 FOR THE RECORDED SUBDIVISION PLAT OF THIS PROPERTY WHICH SUBDIVIDES THE PROPERTY INTO 2 LOTS

OWNER

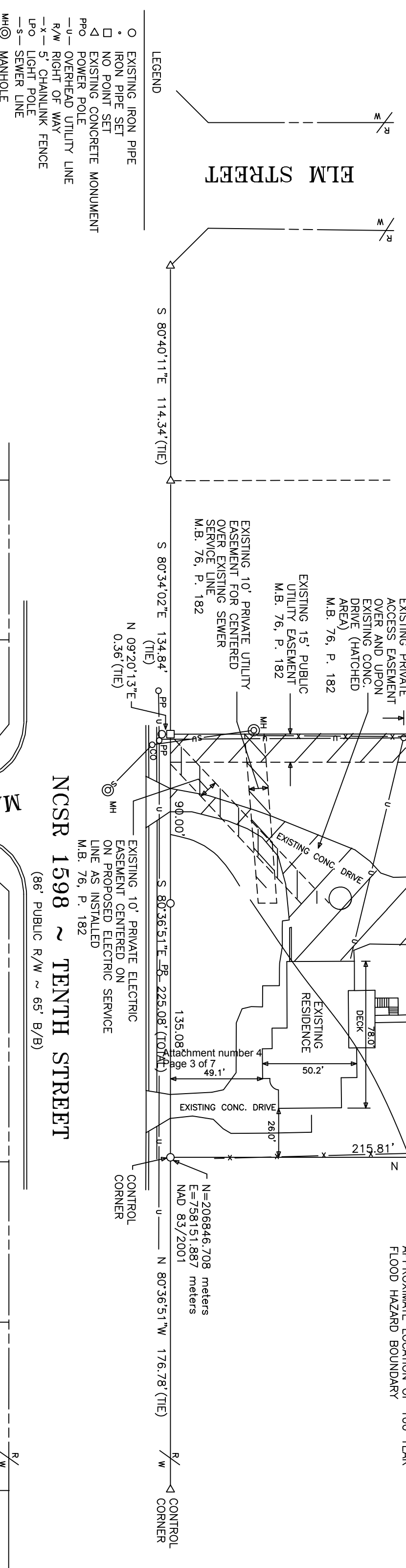
DELTA ALPHA EAST, LLC
 P.O. BOX 2685,
 GREENVILLE, NC 27836
 252-412-5583

REZONING APPLICANT

WARD HOLDINGS, LLC
 503 CHESAPEAKE PLACE
 GREENVILLE, NC 27858

SITE DATA

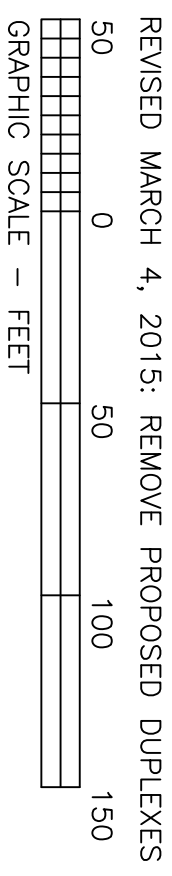
ACREAGE IN TOTAL TRACT: 2.0361 AC.
 CURRENT ZONING: R-9
 PROPOSED ZONING: R-6



WARD HOLDINGS, LLC

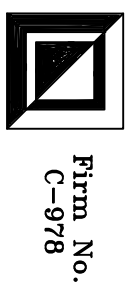
REZONING SURVEY FOR
 DEED BOOK 3073, PAGE 243
 CITY OF GREENVILLE
 GREENVILLE TOWNSHIP ~ PITT COUNTY ~ NORTH CAROLINA

DATE: JANUARY 14, 2015 SCALE: 1"=50'
 REVISED TITLE BLOCK: FEBRUARY 3, 2015
 REVISED MARCH 4, 2015: REMOVE PROPOSED DUPLICATES



Sprull & Associates Inc.

2747 East Tenth Street
 Greenville, North Carolina 27858
 (252) 757-1200
 sprull@coastalnet.com



Firm No.
 C-978

THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY STEPHEN N. SPRULL, P.L.S. NC L-2723 ON MARCH 4, 2015. THIS MEDIA SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT.

I, STEPHEN N. SPRULL, CERTIFY THAT THIS IS A SURVEY OF AN EXISTING PARCEL OF LAND, AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

STEPHEN N. SPRULL, P.L.S. L-2723

STATE OF NORTH CAROLINA, PITT COUNTY
 I, STEPHEN N. SPRULL, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE AND CALCULATED IS 1:21,380. THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS DAY OF _____ 2015

PROFESSIONAL LAND SURVEYOR N.C. L-2723

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 15-04

Applicant: Ward Holdings, LLC

Property Information

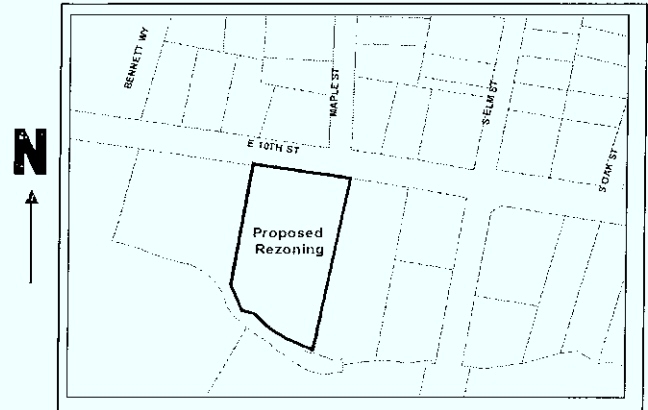
Current Zoning: R9 (Medium Density Residential)

Proposed Zoning: R6 (High Density Residential)

Current Acreage: 2.0361 acres

Location: E. 10th St, west of Elm Street

Points of Access: E. 10th St



Location Map

Transportation Background Information

1.) E. 10th St- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5-lane - curb & gutter	no change
Right of way width (ft)	100	no change
Speed Limit (mph)	35	no change
Current ADT:	23,345 (*)	Ultimate Design ADT: 27,200 vehicles/day (**)
Design ADT:	27,200 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

Other Information: There are sidewalks along E. 10th St that service this property.

Notes: (*) 2012 NCDOT count adjusted for a 2% annual growth rate
 (**) Traffic volume based on 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: 106 -vehicle trips/day (*) **Proposed Zoning: 200** -vehicle trips/day (*)

Estimated Net Change: increase of 94 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 E. 10th St are as follows:

1.) E. 10th St , West of Site (60%): “No build” ADT of 23,345

Estimated ADT with Proposed Zoning (full build) – 23,465
 Estimated ADT with Current Zoning (full build) – 23,409
Net ADT change = 56 (<1% increase)

2.) E. 10th St , East of Site (40%): "No build" ADT of 23,345

Estimated ADT with Proposed Zoning (full build) – 23,425

Estimated ADT with Current Zoning (full build) – 23,387

Net ADT change = 38 (<1% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 200 trips to and from the site on E. 10th St, which is a net increase of 94 additional trips per day.

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

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.

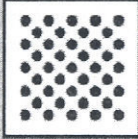
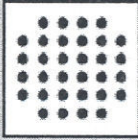
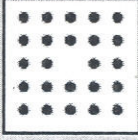
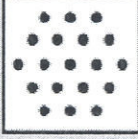

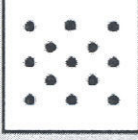
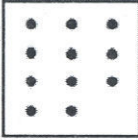
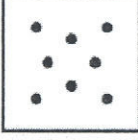
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
High Density		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
Medium Density		
R6-A	9 units per acre yields 24 persons 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: 8/13/2015
Time: 7:00 PM

Title of Item: Ordinance to amend the Zoning Ordinance by adding schools as an allowed use within the IU (Unoffensive Industry) zoning district, subject to an approved special use permit and establishing specific criteria

Explanation: **Abstract:** The City of Greenville received an application from Mr. Fred T. Mattox on behalf of the Eastern Carolina Vocational Center, Inc., (ECVC) for a text amendment to add schools as an allowed use within the IU (Unoffensive Industry) zoning district, subject to an approved special use permit and establishing specific criteria.

Explanation: Greenville's Zoning Ordinance does not allow schools in the IU (Unoffensive Industry) zoning district. This text amendment proposes to amend the zoning ordinance to permit schools within the IU (Unoffensive Industry) zoning district, through special use permits and compliance with the following criteria proposed by ECVC (and edited by City staff with the applicant's permission).

The text amendment proposes to add a new subsection to Section 9-4-86(W) as indicated with underlined text as follows.

(W) School. All structures shall maintain side and rear setbacks of 50 feet and a front yard setback at least 25 feet greater than that required for single-family residences within the district, except as provided in subsection (1) (g) through (j) herein.

(1) Schools may be allowed as a special use in the IU (Unoffensive Industry) zoning district provided the school complies with the following additional criteria:

a. The property shall have a minimum of eight acres.

b. The maximum allowed building coverage shall be 40% of the property.

- c. The property shall have a minimum public road frontage of 450 feet.*
- d. All loading and unloading of students shall be off-street.*
- e. All parking areas shall be off-street in accordance with Article O, Parking.*
- f. The school must be authorized by the State of North Carolina.*
- g. All new structures shall maintain setbacks of 50 feet from property and public street right-of-way lines.*
- h. Schools that occupy structures that existed upon the effective date of this section (August 13, 2015) shall maintain setbacks of 50 feet from public street right-of-way lines, but are exempt from setbacks from property lines.*
- i. The setback exemption in section (h) is not applicable to parcels created after the effective date of this section (August 13, 2015).*
- j. Buildings that existed upon the effective date of this section (August 13, 2015) shall not be expanded within a 50 foot setback from property and public street right-of-way lines.*

The text amendment, if adopted, would also amend Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A: Table of Uses) 8 to add "S"s in rows (g)(h) and (i) to align under the IU(Unoffensive Industry) zoning district column heading to indicate Junior, Senior, Elementary, Kindergarten and Nursery Schools are allowed uses pending approval of special use permits within the IU district. This text amendment would also add a cross-reference in the Table of Uses to review criteria in Section 9-4-86(W). (Exhibit A)

This item is a proposed text amendment that, if adopted, would apply in all IU zoning districts within the city and the City's extraterritorial jurisdiction (ETJ), pending an approved special use permit and compliance with criteria the applicant is proposing in the text amendment application.

Attached Maps 1 through 3 show the location of the IU zoning district as well as the recognized industrial zoning district. Map 4 shows the location of zoning districts where schools are currently allowed by right and where schools are allowed with approved special use permits. (Exhibit B)

The applicant's original application is attached (Exhibit C). After submittal of the application, ECVC revised the figure in letter C regarding frontage, from 500 feet to 450 feet. After the Planning and Zoning Commission meeting on April 21, 2015, ECVC further revised the application to add criteria (g) through (j) as recommended by Community Development staff. Criteria (g) through (j) are intended to address a concern that the existing setback requirement of 50 feet would require ECVC to demolish a significant portion of the ECVC facility to comply with the 50 foot setback requirement for schools.

Staff advises the City Council that this item is not an evaluation of whether the ECVC facility has a legal nonconforming grandfathered land use as a school. ECVC wants to lease a portion of their building located at 901 Staton Road to a charter school. The charter school application indicates the school projects student enrollment for grades K-5 for 216 students in the first year and projects to enroll 468 students in grades K-8 in the tenth year of operation.

Upon receiving ECVC's text amendment application, staff was curious whether the property could be considered to accommodate a school use in light of the numerous and commendable activities that have taken place in the ECVC facility over the years. Staff encouraged the applicant to prepare a chronology of land use activities that have been conducted on the property throughout the years so that staff could ascertain whether a legal nonconforming grandfathered use could be determined which would avoid the need for a text amendment. As staff suggested, ECVC submitted such a chronology on March 31, 2015, requesting consideration of the property for educational purposes as a grandfathered use. The City's Zoning Ordinance and Zoning Map were adopted on May 8, 1969, which zoned the ECVC property IU (Unoffensive Industry), and the original ECVC facility was completed and opened for operation in 1970. The Community Development Department responded to ECVC's request in a letter dated April 8, 2015, that the City determined a school cannot be permitted in the ECVC facility as a legal nonconforming grandfathered land use. City staff advised ECVC that they may appeal the City's interpretation by filing an Appeal of Administrative Decision to the Board of Adjustment. Attached are copies of the ECVC and City of Greenville correspondence, without attachments referenced in the City's letter, that detail ECVC's chronology of land use activities and the City staff's review and basis for denying the request to consider a school use a legal nonconforming grandfathered land use. (Exhibit D)

Community Development staff objects to the proposed text amendment for the following three reasons: 1. Approval of the text amendment can lead to future limitations on industrial development; 2. Approval of the text amendment will introduce school students, faculty and staff to dangerous conditions typically associated with industrial districts; and 3. Approval of the text amendment would not be consistent with Horizons: Greenville's Community Plan. These three objections are detailed below.

1. Other non-residential land uses likely would also pursue text amendments applicable in the industrial zones due to the precedent set by school(s) in the industrial districts. This will have the result of reducing the availability of property developed for industrial uses. A reduction in lands developed for industrial uses will limit the function of industrial districts' full potential. Industrial buildings and vacant industrial sites interspersed with service and commercial uses will make it difficult for adjacent property having industrial zoning to develop, redevelop, or expand industrial facilities since there will be concern of exposing school students, faculty, and staff to noises, odor, large freight traffic, and potentially dangerous materials and fumes associated with industrial uses. Such a reduction in the full potential of Greenville and Pitt County's industrial districts may limit industrial employment, production, and industrial growth which is a vital segment of the local

and regional economy. There are ample zoning districts within the City and ETJ where schools are allowed by right or with a special use permit (Attachment B, Map 4). Another charter school recently began construction in another location that did not require a text amendment to obtain permits.

The ECVC property is immediately adjacent to two large sites to the east zoned Industry while the remaining property bordering ECVC's property is zoned Unoffensive Industry. If this text amendment is approved and a subsequent special use is approved to allow a charter school to occupy the ECVC building and later expand to accommodate the school's projected growth up to 468 students in 10 years, it is likely there will be increased scrutiny on what industrial uses and operations adjacent properties will be subjected to than would otherwise occur without the encroachment of a school use in the ECVC facility.

2. Approval of special use permits for schools could potentially expose school students, staff, and faculty to noises, odor, large freight traffic, and potentially dangerous materials and fumes commonly associated with industrial uses. As an example, in 2003 the West Pharmaceutical Services facility in Kinston threatened a school within 0.7 miles from the facility during a large industrial accident. To reduce such threats between incompatible land uses, it is a commonly accepted planning practice to separate sensitive non-industrial types of uses, such as schools, from being located within or immediately adjacent to property zoned for industry. The ECVC facility, where the charter school desires to locate, is almost in the geographic center of the recognized industrial district (Attachment B, Map 2). The ECVC property is bound by two sites having the zoning district designation of Industry to the east while the remaining boundary of the ECVC parcel is zoned Unoffensive Industry.

3. In staff's opinion, the proposed Zoning Ordinance Text Amendment is NOT in compliance with: Horizons: Greenville's Community Plan, 2009-2010 Update, Implementation Review, Vision Areas, Northeast, Policy B4 which states, ***"Encourage new industry and support businesses in the recognized industrial area."***; and Horizons: Greenville's Community Plan, 2004, Plan Elements, Urban Form and Land Use, Employment Areas, Policy 6(c) which states, ***"Industrial development shall not be located in areas which would diminish the desirability of existing and planned non-industrial uses, nor shall non-industrial uses be allowed to encroach upon existing or planned industrial sites. New industrial development shall be encouraged to locate in existing and/or planned industrial parks."***

The adopted Horizons Plan's Future Land Use Plan Map designates the designated industrial district and the majority of other property with the Unoffensive Industry and Industry zoning districts with an Industrial future land use classification. The Horizons Plan describes the Industrial classification as, ***"The land use plan supports the City's objective to locate the majority of industrial development north of the Tar River in the area designated as Greenville's Industrial Area and in the southwest quadrant in the southwest loop corridor. The only significant area where the land use plan supports new industrial growth is in these predetermined Industrial areas..."***

The Industrial land use category has associated zoning districts. These zoning districts specify the allowable uses for each of the land use categories. Within the Horizons Plan, the zoning districts listed in association with the Industrial Future Land Use category are Unoffensive Industry, Industry, Planned Unoffensive Industry, and Planned Industry. A list of land uses currently permitted in the Unoffensive Industry and Industry zoning districts, by right and with an approved special use permit, are attached (Exhibit E).

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the proposed Zoning Ordinance Text Amendment is not in compliance with Horizons: Greenville's Community Plan, 2009-2010 Update, Implementation Review, Vision Areas, Northeast, Policy B4 which states, *"Encourage new industry and support businesses in the recognized industrial area."*; and Horizons: Greenville's Community Plan, 2004, Plan Elements, Urban Form and Land Use, Employment Areas, Policy 6(c) which states, *"Industrial development shall not be located in areas which would diminish the desirability of existing and planned non-industrial uses, nor shall non-industrial uses be allowed to encroach upon existing or planned industrial sites. New industrial development shall be encouraged to locate in existing and/or planned industrial parks."*

The Planning and Zoning Commission voted to recommend denial of the request at its April 21, 2015 meeting (Exhibit E).

If the City Council determines to approve the text amendment, a motion to adopt the attached text amendment 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 the City Council determines to deny the text amendment, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to deny the requested text amendment, to make a finding and determination that the requested text amendment is inconsistent with the comprehensive plan or other applicable plans, including but not limited to the following; Horizons: Greenville's Community Plan, 2009-2010 Update, Implementation Review, Vision Areas, Northeast, Policy B4 which states, *"Encourage new industry and support businesses in the recognized industrial area."*; Horizons: Greenville's Community Plan, 2004, Plan Elements, Urban Form and Land Use, Employment Areas, Policy 6(c) which states, *"Industrial development shall not be located in areas which would diminish the desirability of existing and planned non-industrial uses, nor shall non-industrial uses be allowed to encroach upon existing or planned industrial sites. New industrial development shall be encouraged to locate in existing and/or planned industrial parks."*

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

Attachments / click to download

 [Exhibits A-F](#)

 [Ordinance Schools in Unoffensive Industry Zoning District Text Amendment 1001675](#)

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 August 13, 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 Review, Economic Development, Objective 2(b) to encourage rehabilitation and reuse of commercial/industrial buildings;

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, attract new businesses;

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

Section 1: That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A)(C)(8)g. of the City Code is hereby amended to add the use entitled "School: junior and senior high" as a special use in the IU (Unoffensive Industry) district and to add a cross reference to Section 9-4-86(W).

Section 2: That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A)(C)(8)h. of the City Code is hereby amended to add the use entitled "School: elementary" as a special use in the IU (Unoffensive Industry) district and to add a cross reference to Section 9-4-86(W).

Section 3: That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A)(C)(8)i. of the City Code is hereby amended to add the use entitled "School: kindergarten or nursery" as a

special use in the IU (Unoffensive Industry) district and to add a cross reference to Section 9-4-86(W).

Section 4: That Title 9, Chapter 4, Article D, Section 9-4-86(W) of the City Code is hereby amended by rewriting said section so that it shall read as follows:

- (W) School. All structures shall maintain side and rear setbacks of 50 feet and a front yard setback at least 25 feet greater than that required for single-family residences within the district, except as provided in subsection (1) (g) through (j) herein.
- (1) Schools may be allowed as a special use in the IU (Unoffensive Industry) zoning district provided the school complies with the following additional criteria:
- a. The property shall have a minimum of eight acres.
 - b. The maximum allowed building coverage shall be 40% of the property.
 - c. The property shall have a minimum public road frontage of 450 feet.
 - d. All loading and unloading of students shall be off-street.
 - e. All parking areas shall be off-street in accordance with Article O, Parking.
 - f. The school must be authorized by the State of North Carolina.
 - g. All new structures shall maintain setbacks of 50 feet from property and public street right-of-way lines.
 - h. Schools that occupy structures that existed upon the effective date of this section (August 13, 2015) shall maintain setbacks of 50 feet from public street right-of-way lines, but are exempt from setbacks from property lines.
 - i. The setback exemption in section (h) is not applicable to parcels created after the effective date of this section (August 13, 2015).
 - j. Buildings that existed upon the effective date of this section (August 13, 2015) shall not be expanded within a 50 foot setback from property and public street right-of-way lines.

Section 5. 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 6. That this ordinance shall become effective immediately upon adoption.

Adopted this 13th day of August, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

EXHIBIT A

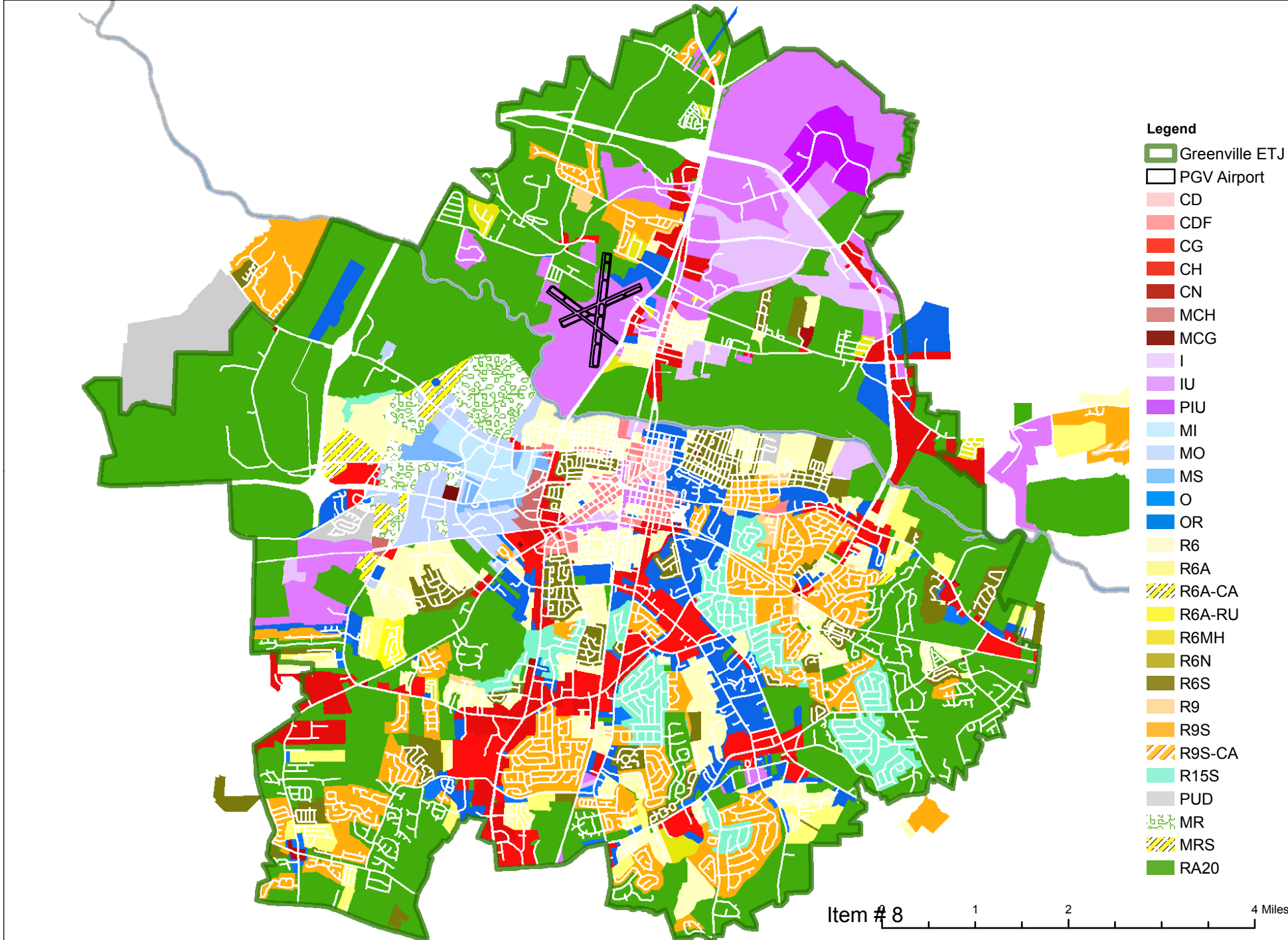
Excerpt of Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A: Table of Uses) 8, Services - Showing Proposed Text Amendment to add Junior, Senior, Elementary, Kindergarten and Nursery Schools as Allowed Uses within the IU (Unoffensive Industry) Zoning District with Approved Special Use Permits, Indicated with the Addition of the Letter "S" in Subsections (8)g, h and i under the IU zoning district column.

(8) *Services.*

USE	LUC #	RA 20	R 15 S	R 9 S	R 6 S	R 6 N	R 9	R 6	R 6 A	R 6 M H	M I	M S	M O	M C G	M R	M C H	M R S	O R	O	C D	C D F	C G	C N	C H	I U	I	P I U	P I
a. Child day care facilities	3	S					S	S	S	S	S	S	S	S	S			S	S	S	S	S	S	S	S	S	S	S
b. Adult day care facilities	3	S					S	S	S	S	S	S	S	S	S			S	S	S	S	S	S	S	S	S	S	S
c. Funeral home	3																	P	P	P	P	P		P				
d. Cemetery	3	S	S	S	S	S	S	S	S	S																		
e. Barber or beauty shop	3												S	P		P		P	P	P	P	P	P	P				
f. Manicure, pedicure or facial salon	3												S	P		P		P		P	P	P	P	P				
g. School; junior and senior high (see also § 9-4-103)	3	S	S	S	S		S	S	S						S		S	P	P		P							<u>S</u>
h. School; elementary (see also § 9-4-103)	3	S	S	S	S		S	S	S						S		S	P	P		P							<u>S</u>
i. School; kindergarten or nursery (see also § 9-4-103)	3	S	S	S	S		S	S	S						S		S	P	P	S	P							<u>S</u>
j. College and other institutions of higher learning	3										P	S	S			S		P	S	P								
k. Business or trade schools	3																	P		P	P	P						
l. Convention center; private	3											S	S			S		S	S	S	S	S		S	S	S	S	S
m. Multi-purpose center	3							S	S																			
n. Auditorium	3												P			P		P		P	P			P	P	P	P	P
o. Church or place of worship (see also § 9-4-103)	2	P	P	P	P	P	P	P	P	P					P	P	P	P	P	P	P	P	P	P	P	S		
p. Library	3																	P	P	P	P							
q. Museum	3																	P	P	P	P	P		P				
r. Art gallery	3													P		P		P	P	P	P	P		P				



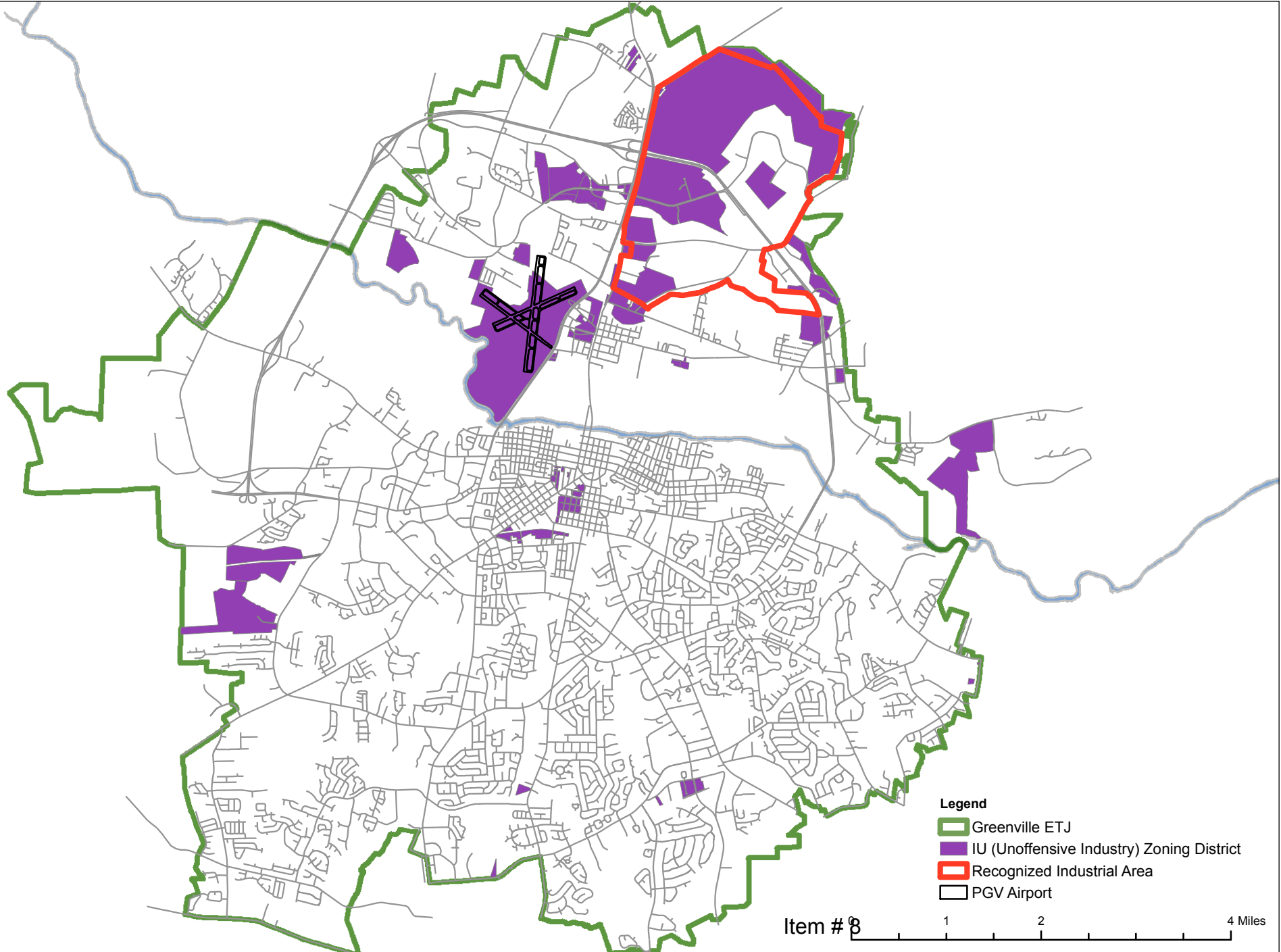
Map 1 - Zoning Districts



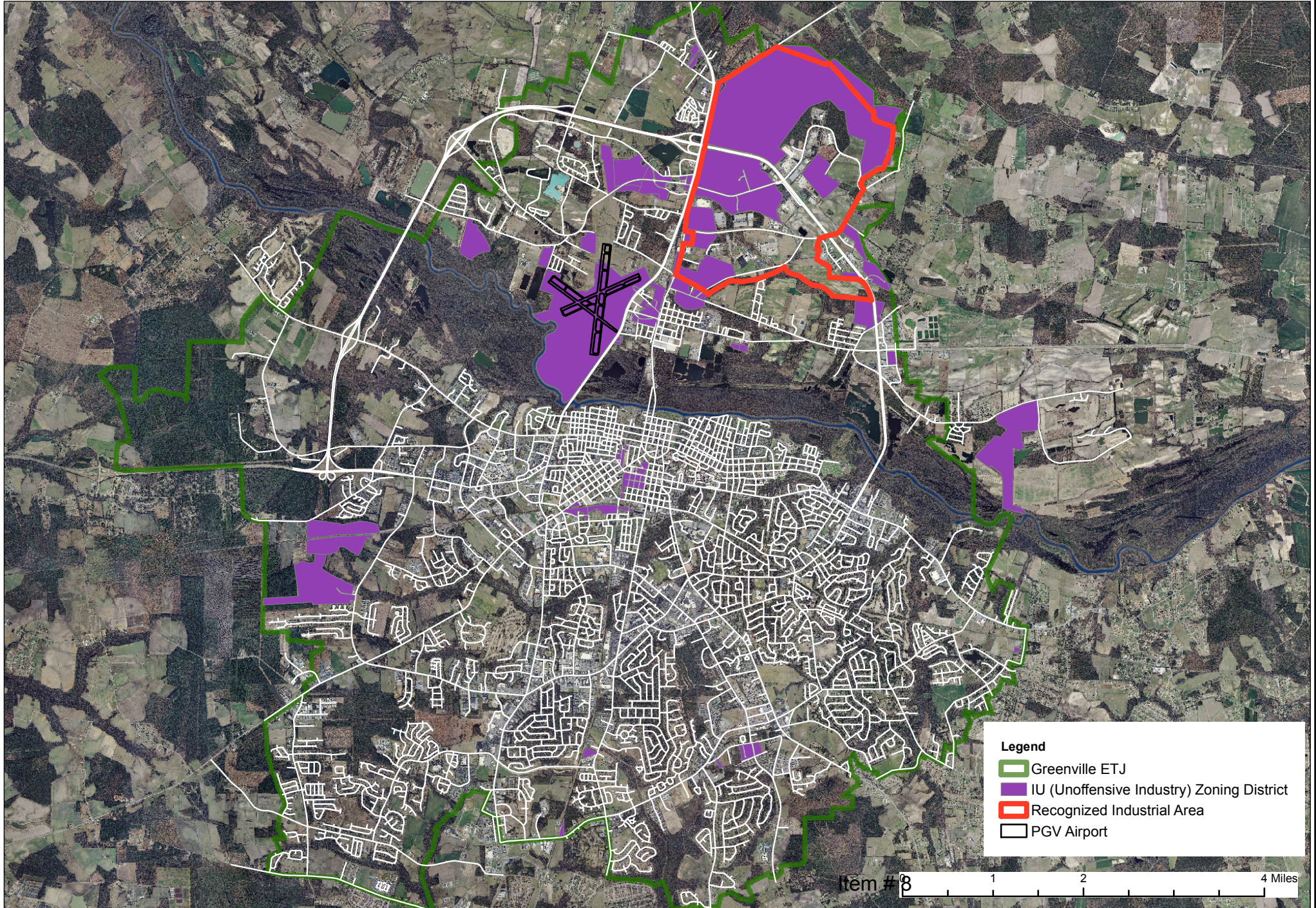
- Legend**
- Greenville ETJ
 - PGV Airport
 - CD
 - CDF
 - CG
 - CH
 - CN
 - MCH
 - MCG
 - I
 - IU
 - PIU
 - MI
 - MO
 - MS
 - O
 - OR
 - R6
 - R6A
 - R6A-CA
 - R6A-RU
 - R6MH
 - R6N
 - R6S
 - R9
 - R9S
 - R9S-CA
 - R15S
 - PUD
 - MR
 - MRS
 - RA20

Item # 8 1 2 4 Miles




Map 2 - Location of IU (Unoffensive Industry) Zoning District



Map 3 - Location of IU (Unoffensive Industry) Zoning District with Aerial Photo




Legend

-  Greenville ETJ
-  IU (Unoffensive Industry) Zoning District
-  Recognized Industrial Area
-  PGV Airport




Item # 8  1 2 4 Miles

Map 4 - Zoning Districts Where Schools Are Currently Allowed










Legend

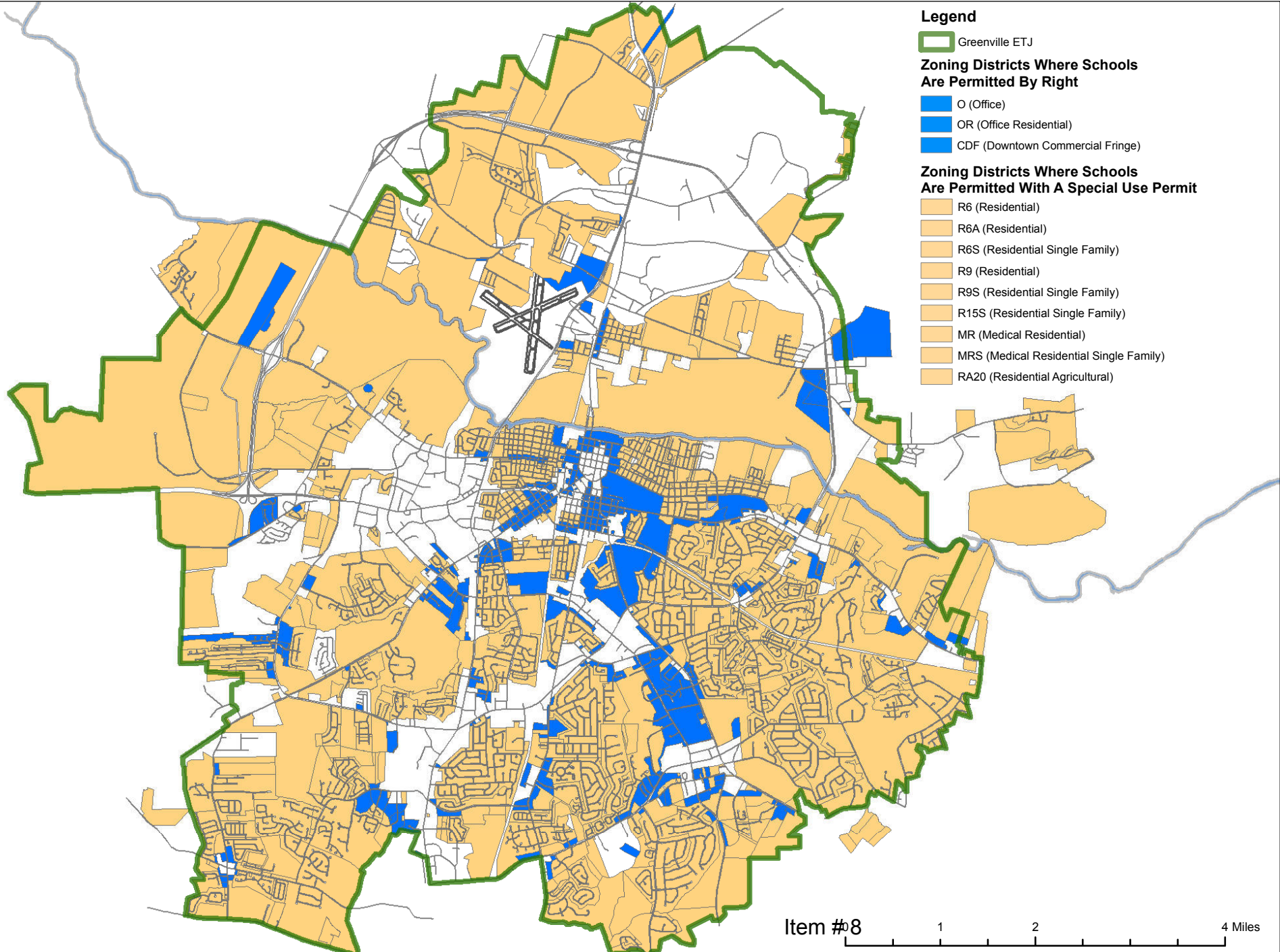
 Greenville ETJ

Zoning Districts Where Schools Are Permitted By Right

-  O (Office)
-  OR (Office Residential)
-  CDF (Downtown Commercial Fringe)

Zoning Districts Where Schools Are Permitted With A Special Use Permit

-  R6 (Residential)
-  R6A (Residential)
-  R6S (Residential Single Family)
-  R9 (Residential)
-  R9S (Residential Single Family)
-  R15S (Residential Single Family)
-  MR (Medical Residential)
-  MRS (Medical Residential Single Family)
-  RA20 (Residential Agricultural)



Item #8

1

2

4 Miles



Date Received 3/24/2015
rw

**CITY OF GREENVILLE
ZONING ORDINANCE TEXT AMENDMENT APPLICATION**

Applicant Name(s) EASTERN CAROLINA VOCATIONAL CENTER, INC

Mailing Address PO BOX 425
ATTN: FRED T. MATOX
GREENVILLE, NC 27835

Contact Phone Number (301) 366-2217

Contact Fax Number (252) 752-0844

Zoning Ordinance Section Proposed to be Amended: Appendix A AND
SECTION 9.4.46

Reason for Request: TO ALLOW A SCHOOL TO USE A PORTION
OF 901 STATION ROAD FOR EDUCATIONAL PURPOSES.
TAX PARCEL 28877

Proposed Language of Text Amendment (attach additional pages if needed): _____

(A) TO AMEND APPENDIX "A" TO ALLOW A SCHOOL AS A SPECIAL
USE IN THE INDUSTRIAL ZONE SUBJECT TO SUCH
RESTRICTIONS IMPOSED BY THE BOARDS OF ADJUSTMENT.

Fred T. Madox, CHAIR.

Print Name

Fred T. Madox

Signature of Applicant

3-23-15

Date

Attachment

Schools may be allowed as a special use in the IU zone provided:

A: The site contains at least 8 acres.

B: No more than 40% of the site be occupied by buildings.

C: Contains at least 500 feet of public road frontage.

D: Have all off street loading and unloading of students.

E: Have off street parking in accordance with the Greenville parking ordinance.

F: School must be authorized by the State Of North Carolina.

EXHIBIT D



2100 North Greene Street
P.O. Box 1686
Greenville, NC 27835-1686

Where abilities overcome disabilities

Phone: (252) 758-4188
Fax: (252) 830-1260
Website: www.ECVCinc.com

March 31, 2015

Mr. Tom Wittenauer
Chief Planner
City of Greenville
201 W 5th Street
Greenville, NC 27858

Re: Ignite Innovation Academy

Dear Mr. Wittenauer,

Ignite Innovation Academy has a charter from the state of North Carolina to operate a school in Pitt County. The Academy desires to lease part of a building located at 901 Staton Road from Eastern Carolina Vocational Center (ECVC). The building has been used for instructional purposes since it was built.

Eastern Carolina Vocational Center was incorporated by the State of North Carolina on August 23, 1965. The corporation was organized "To provide personnel, services, and facilities for evaluation and training of mentally and physically handicapped persons..."

In 1970 Eastern Carolina Vocational Center (ECVC) began operations at 901 Staton Road in a building constructed for the training of mentally and physically handicapped persons. The building included an institutional size kitchen and dining area. The property has been continuously used for instructional purposes by ECVC and/or other entities ever since.

In 1975 the building was expanded to accommodate a welding shop and automotive repair center. Pitt Community College provided training in welding and automotive repair. The College also provided the instructors for the Adult Basic Education program. ECVC provided instructors for furniture refinishing, chair caning, recycling, and picture framing.

In 1982 another addition to the building was completed which included dormitory rooms to house 90 students with disabilities from counties in eastern North Carolina, a dining hall, and full service institutional kitchen. This building addition was used for instruction in food service preparation, health and fitness, and musical therapy. Food service instructors were funded by Pitt Community College. The health and fitness instruction was done by ECVC through a federal



grant. The musical therapy was done by East Carolina University. A volunteer provided pottery classes.

In 1983 ECVC leased the Aquatics and Fitness Center to the City of Greenville for \$1 per year. City employees and contractors to the City were the instructors for swimming and other fitness and nutrition classes at the Aquatics Center.

In 2006 ECVC sold the Aquatics and Fitness Center to the City of Greenville for \$1. Since that date formal classes have continued at the Center. The Greenvillenc.gov web site lists fitness classes as one of the activities available at the Center. The Aquatics Center is attached to the 901 Staton Road building that Ignite Innovation Academy proposes to lease from ECVC for a period of four years.

For the last thirteen years ECVC's 901 Staton Road property has been leased by organizations for educational purposes. Examples are Pitt County Schools for the Alpha classes (2002-2011), Pitt County Schools for the HUGS classes (2009-2011), and Martin Community Action for the Head Start program (2002-2015).

The Creative Living Center has been housed at ECVC's Staton Road location since 2002. Creative Living Center is a day health program designed to enhance the quality of life for senior and disabled adults and provide an alternative to residential health care placement. This program includes daily activities designed to improve fine motor skills and hand-eye coordination, arts and crafts, and mind stimulation to improve cognitive functions.

The property at 901 Staton Road has been used for educational purposes continuously since 1970. ECVC respectfully requests that the property be grandfathered so as to allow ECVC to lease space to other educational entities for education purposes.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Jones", is written over a horizontal line.

Bob Jones
ECVC President

CC: Mr. Fred T. Mattox
ECVC Board Chairman



COMMUNITY DEVELOPMENT
PLANNING DIVISION

April 8, 2015

Mr. Bob Jones, President
Eastern Carolina Vocational Center, Inc.
2100 North Greene St.
P.O. Box 1686
Greenville, NC 27835-1686

RE: Response to ECVC Letter dated March 31, 2015 Regarding Parcel # 028877

Dear Mr. Jones,

On March 24, 2015, an application for a text amendment to the City's zoning ordinance was submitted by Mr. Fred Mattox on behalf of Eastern Carolina Vocational Center, Inc. (ECVC). (Attachment A) During a meeting I had with Mr. Mattox on March 30 to discuss the application, I suggested he submit two additional items listed below. While meeting with Mr. Mattox, he handed me a newspaper article that reports the Ignite Innovation Academy, a proposed new charter school, is already registering students for kindergarten through fifth grade and will add a grade each year up to eighth grade. (Attachment B) The article states the school plans to open in the ECVC building located at 901 Staton Rd. (Parcel ID #028877) this fall. The purpose of this letter is to respond to your letter dated March 31, 2015 requesting that the ECVC property be grandfathered by the City so as to allow ECVC to lease space to other educational entities for education purposes.

1. The first item I suggested to Mr. Mattox is to provide a supplement to ECVC's application that establishes review criteria the Board of Adjustment (BOA) could use in reviewing special use applications for schools in an IU (Unoffensive Industry) zoning district. On March 31, 2015, Mr. Mattox provided a list of 6 items he proposes the BOA use in their review of schools in the IU (Unoffensive Industry) zoning district. (Attachment C)
2. The second item I suggested Mr. Mattox submit was a chronology of land use activities that have taken place on the property so I could ascertain whether an elementary school is a grandfathered legal nonconforming land use on ECVC's property. I felt like it was important to take time to research whether a charter school could go into the facility before we proceed with the text amendment. Your letter provided the information I requested of Mr. Mattox. (Attachment D) I reviewed your letter, the zoning history of the property, a text amendment from 1980 that was associated with ECVC, current zoning requirements and provisions in the zoning ordinance regarding grandfathered status findings. Attached is the full Article C from the City of Greenville Zoning Ordinance that addresses nonconforming situations. (Attachment E). I regret to inform you that I have determined, along with Mr. Merrill Flood's concurrence, that a charter school cannot be permitted in the ECVC facility as a legal nonconforming grandfathered land use. Following are points from my research for which our decision of denial is based.

1

Item # 8

The ECVC was being constructed simultaneously within the year the City of Greenville applied the zoning of IU to ECVC's property. The Zoning Ordinance and Zoning Map were adopted on May 8, 1969 (Attachment F) and the ECVC was completed and opened for operation in 1970. It is likely the City, if aware of the ECVC center, considered the vocational center grandfathered as there was a subsequent text amendment in 1980 to add a vocational rehabilitation center to the zoning ordinance. Although the ECVC center was in operation with an education component, it was not operated as an elementary school type of activity, but was provided as a vocational center. The November 13, 1980 text amendment to the zoning ordinance added a vocational rehabilitation center definition and use to the zoning ordinance as a permitted use in the IU district. The 1980 text amendment was submitted by ECVC. The amendment added vocational rehabilitation centers in the I (Industry) and IU (Unoffensive Industry) districts. Minutes from the September 24, 1980 Joint City-County Planning & Zoning Commission, minutes from the November 13, 1980 City Council meeting and ordinance #1014 to adopt the text amendment are attached. (Attachment G) The amendment was approved but did not imply an expansion of any type of elementary school type of component. Attached is an excerpt from the zoning ordinance, chapter 32 after the 1980 text amendment and through subsequent amendments up to 1991. (Attachment H)

Your letter notes that ECVC expanded in 1982 to include dormitory rooms to house students with disabilities, a dining hall and a kitchen. The City may have considered these expanded activities as accessory uses to the vocational rehabilitation center as permitted by the new zoning regulations adopted in the 1980 text amendment noted above. Now that the vocational rehabilitation center has relocated out of the building, the continuation of accessory uses or a transition of such accessory uses into an elementary school use without the existence of the primary use the accessory use is permitted to serve, i.e., the vocational center, does not perpetuate and extend a grandfathered accessory use into another otherwise prohibited use.

The chronology provided in your letter goes on to list the 1983 lease for the City of Greenville Aquatics and Fitness Center which would have complied with Sec. 32-67(aa) as a "Municipal government building, use or facility." As you stated in your letter, the City went on to purchase a portion of the building and property in 2006. The operation of the Aquatics and Fitness Center and the fitness classes the City offers are still in compliance with the current version of the zoning ordinance Table of Uses, Appendix (4) (b) and (c). (Attachment I) The Fitness Center's fitness classes are not the elementary school type of component as the Ignite Innovation Academy presently proposes and a charter school is not considered a government use or facility.

As your letter goes on to list, for the last 13 years, the ECVC has been leased by Pitt County Schools for their HUGS and Alpha classes. I understand HUGS is a summer pre-K class series for autistic preschoolers named Helping Us Grow Successfully. The Pitt County website indicates the location of classes are now held at the Sadie Saulter Education center on Spruce Street. The County Schools' website lists the Alpha Center as an alternative education program for students enrolled in kindergarten through eighth grade but does not list their current location. If the City were aware of these Pitt County Schools education programs in the ECVC building, those classes may have been considered to be consistent with the same application as the fitness center as a government use.

The Martin Community Action for the Head Start program may be considered a Child Day Care Facility which is an allowed special use in the IU zoning district as set forth in the zoning ordinance Table of Uses, Appendix (8)a. However, the Board of Adjustment (BOA) application cases does not record that a special use permit was ever reviewed by the BOA which would have been required prior to their occupancy. Therefore, listing this operation does not provide any support toward the proposed inquiry

whether the Ignite Innovation Academy may be allowed under an existing legal nonconforming use as the Head Start program review by the City is not documented.

The Creative Living Center program may be considered as an Adult Day Care Facility which is an allowed special use in the IU zoning district as set forth in the zoning ordinance Table of Uses, Appendix (8)a. However, I could not find any record of when such as a special use permit was reviewed or approved by the Board of Adjustment as would have been required prior to their occupancy. Therefore, listing this operation does not provide any support toward the proposed inquiry whether the Ignite Innovation Academy may be allowed under an existing legal nonconforming use as the Creative Living Center Start program review by the City is not documented and of course is catered to adult patrons rather than elementary school age children.

The City has the following records of special use permit applications that were submitted for proposed uses at 901 Staton Rd: On March 26, 1992 the Board of Adjustment approved a church use by the applicant, Christ Presbyterian Church; on November 11, 1992, the Board of Adjustment approved a maternity home use by the applicant, Eastern NC Maternity Home; on April 27, 1995, the Board of Adjustment approved a church use by the applicant, Christ Presbyterian Church; and in 2008, a special use permit for a child day care facility was submitted, but was withdrawn.

I agree that ECVC has provided years of educational uses for very worthy causes that have likely changed lives for decades. However, the types of education, the ages of students served, and documented and undocumented operations do not demonstrate sufficient evidence that a charter elementary school may locate in the ECVC building as a legal nonconforming grandfathered use. You have the right to appeal the City's interpretation by filing an Appeal of Administrative Decision. Such appeals are reviewed by the Board of Adjustment (BOA) and there is a \$500 fee which is only refundable if the BOA finds in favor of an applicant.

Section 9-4-13 states that 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. (Attachment J) Prior zoning provisions never implied that an elementary school was a permitted use in the IU (Unoffensive Industry) district and as such the current zoning provisions have not repealed rights as referenced in Sec. 9-4-15. (Attachment K). As you know the parcel ECVC currently owns, addressed 901 and 905 Staton Road and having the parcel identification number 028877 is currently zoned IU (Unoffensive Industry) as shown on the attached map. (Attachment L). The definition for the IU district is attached along with the Table of Uses. (Attachment M).

The only way to seek approval of an elementary school in the IU zoning district is to apply for a text amendment to change the zoning provisions which Mr. Mattox's application received on 3/24/2015 seek to accomplish. Planning Division staff will resume review and processing of the text amendment application and will put it on the April 21, 2015 Planning and Zoning Commission agenda.

Sincerely,



Thomas Weitnauer, AICP, Chief Planner

Attachments

cc: Merrill Flood
Dave Holec
Fred Mattox

Illustrative List of Uses For Unoffensive Industry and Industry Zoning Districts
(Last updated on 3/12/08 For Official Table of Uses, See Section 9-4-78 of the City Code)

IU (Unoffensive Industry)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- d. Off-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:

* None

(3) Home Occupations (see all categories):

*None

(4) Governmental:

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

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- b. Greenhouse or plant nursery; including accessory sales
- d. Farmers market
- 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
- p. Circus, carnival or fairs

(7) Office/ Financial/ Medical:

- b. Operation/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- g. Catalogue processing center

(8) Services:

- n. Auditorium
- 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)
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- bb. Civic organization
- gg. Vocational rehabilitation center
- mm. Commercial laundries; linen supply

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3. See Title 9, Chapter 4, Article D, Table of Uses, of the Greenville City Code for an official table of district uses.

- nn. Industrial laundries
- y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular telephone and wireless communication towers [unlimited height, except as provided by regulations]

(9) Repair:

- b. Minor repair; as an accessory or principal use
- c. Upholster; automobile, truck, boat or other vehicle, trailer or van
- d. Upholsterer; furniture
- f. Appliance; household and office equipment repair
- h. Appliance; commercial and industrial equipment repair not otherwise listed

(10) Retail Trade:

- b. Gasoline or automotive fuel sale; accessory or principal use, retail
- h. Restaurant; conventional
- i. Restaurant; fast food
- cc. Farm supply and commercial implement sales

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

- a. Wholesale; durable and nondurable goods, not otherwise listed
- d. Rental of automobile, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- e. Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery

(12) Construction:

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

(13) Transportation:

- a. Railroad freight or distribution and/or passenger station
- d. Truck terminal or distribution center
- e. Parcel delivery service
- f. Ambulance service
- g. Airport and related activities; private
- h. Parking lot or structure; principal use

(14) Manufacturing/ Warehousing:

- a. Ice plant and freezer lockers
- b. Dairy; production, storage and shipment facilities
- c. Bakery; production, storage and shipment facilities
- d. Stone or monument cutting, engraving
- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholster
- h. Engraving; metal, glass or wood
- j. Moving and storage; including outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
- m. Warehouse; accessory to approved commercial or industrial uses within a district; excluding outside storage
- o. Feed and grain elevator, mixing, redrying, storage or sales facility
- p. Tobacco redrying or processing plant
- s. Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed
- t. Manufacture of nonhazardous medical supplies or medical products, including distribution
- u. Tire recapping or retreading plant
- v. Bottling or packing plant for nonhazardous materials or products
- y. Recycling collection station of facilities
- cc. Manufacture of pharmaceutical, biological, botanical, medical, and cosmetic products, and related materials

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

* None

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3. See Title 9, Chapter 4, Article D, Table of Uses, of the Greenville City Code for an official table of district uses.

IU (Unoffensive Industry)

Special Uses

(1) General:

* None

(2) Residential:

- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- j. Residential quarters for resident manager, supervisor or caretaker; including mobile home
- o. Nursing, convalescent center or maternity home; major care facility

(3) Home Occupations (see all categories):

* None

(4) Governmental:

* None

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- e. Miniature golf or putt-putt course
- i. Commercial recreation; indoor and outdoor, not otherwise listed
- k. Firearm ranges; indoor or outdoor

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- o. Church or place of worship (see also section 9-4-103)
- s.(1). Hotel, motel, bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)

(9) Repair:

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

(10) Retail Trade:

- j. Restaurant; regulated outdoor activities

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

- g. Mobile home sales including accessory mobile home office

(12) Construction:

* None

(13) Transportation:

- c. Taxi and limousine service

(14) Manufacturing/ Warehousing:

- z. Metallurgy, steel fabrication, welding

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

- c. Other activities; commercial services not otherwise listed
- e. Other activities; industrial services not otherwise listed

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3. See Title 9, Chapter 4, Article D, Table of Uses, of the Greenville City Code for an official table of district uses.

I (Industry)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On- premise signs per Article N
- d. Off-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:

* None

(3) Home Occupations (see all categories):

*None

(4) Governmental:

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

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- b. Greenhouse or plant nursery; including accessory sales
- 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
- i. Livestock sales pavilion, auditorium, yard, distribution or transshipment facility
- j. Quarry, mining, excavation and works including material storage and distribution; sand, stone, gravel

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility
- p. Circus, carnival or fairs

(7) Office/ Financial/ Medical:

- b. Operation/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- g. Catalogue processing center

(8) Services:

- n. Auditorium
- 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)
- y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular telephone and wireless communication towers [unlimited height, except as provided by regulations]
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- gg. Vocational rehabilitation center
- nn. Industrial laundries

(9) Repair:

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- a. Major repair; as an accessory or principal use
- b. Minor repair; as an accessory or principal use
- c. Upholster; automobile, truck, boat or other vehicle, trailer or van
- d. Upholsterer; furniture
- e. Furniture refinishing, stripping or repair facility
- f. Appliance; household and office equipment repair
- h. Appliance; commercial and industrial equipment repair not otherwise listed

(10) Retail Trade:

- b. Gasoline or automotive fuel sale; accessory or principal use, retail
- h. Restaurant; conventional
- i. Restaurant; fast food
- cc. Farm supply and commercial implement sales
- dd. Industrial implement, machinery or tool sales

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

- a. Wholesale; durable and nondurable goods, not otherwise listed
- d. Rental of automobile, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- e. Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery

(12) Construction:

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

(13) Transportation:

- a. Railroad freight or distribution and/or passenger station
- d. Truck terminal or distribution center
- e. Parcel delivery service
- f. Ambulance service
- g. Airport and related activities; private
- h. Parking lot or structure; principal use

(14) Manufacturing/ Warehousing:

- a. Ice plant and freezer lockers
- b. Dairy; production, storage and shipment facilities
- c. Bakery; production, storage and shipment facilities
- d. Stone or monument cutting, engraving
- e. Mobile home repair or rework facility; no sales allowed
- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholster
- h. Engraving; metal, glass or wood
- j. Moving and storage; including outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
- m. Warehouse; accessory to approved commercial or industrial uses within the district; excluding outside storage
- n. Petroleum (bulk) storage facility; excluding retail sales
- o. Feed and grain elevator, mixing, redrying, storage or sales facility
- p. Tobacco redrying or processing plant
- q. Fertilizer or lime manufacture or bulk storage
- r. Manufacturing of acid, toxic chemicals or other hazardous materials or explosive products not otherwise listed
- s. Manufacture of nonhazardous products; general, including nonhazardous and nontoxic chemicals and/or materials not otherwise listed
- t. Manufacture of nonhazardous medical supplies or medical products, including distribution
- u. Tire recapping or retreading plant
- v. Bottling or packing plant for nonhazardous materials or products
- w. Bottling or packing plant for hazardous, flammable or explosive materials or products
- y. Recycling collection station of facilities
- z. Metallurgy, steel fabrication, welding

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3. See Title 9, Chapter 4, Article D, Table of Uses, of the Greenville City Code for an official table of district uses.

- aa. Meat, poultry or fish processing or packing plant
- bb. Slaughterhouse
- cc. Manufacture of pharmaceutical, biological, botanical, medical, and cosmetic products, and related materials

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

* None

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3. See Title 9, Chapter 4, Article D, Table of Uses, of the Greenville City Code for an official table of district uses.

Item # 8

I (Industry)
Special Uses

(1) General:

* None

(2) Residential:

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

(3) Home Occupations (see all categories):

* None

(4) Governmental:

- f. Correctional facility

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- e. Miniature golf or putt-putt course
- i. Commercial recreation; indoor and outdoor, not otherwise listed
- k. Firearm ranges; indoor or outdoor

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- s.(1). Hotel, motel, bed and breakfast inn; extended stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)

(9) Repair:

* None

(10) Retail Trade:

- j. Restaurant; regulated outdoor activities

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

* None

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

- f. Junkyard automobile graveyard or materials reclamation facility
- x. Sanitary landfill or incinerator; public or private

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

- c. Other activities; commercial services not otherwise listed
- e. Other activities; industrial services not otherwise listed

Doc. # 72878

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3. See Title 9, Chapter 4, Article D, Table of Uses, of the Greenville City Code for an official table of district uses.

EXHIBIT F

Excerpt of Adopted Planning and Zoning Commission Minutes, April 21, 2015

TEXT AMENDMENT TO THE ZONING ORDINANCE BY ADDING SCHOOLS AS AN ALLOWED USE WITHIN THE IU (UNOFFENSIVE INDUSTRY) ZONING DISTRICT, SUBJECT TO AN APPROVED SPECIAL USE PERMIT AND ESTABLISHING SPECIFIC CRITERIA- DENIED

Mr. Thomas Weitnauer, Chief Planner, presented the request for the text amendment. Staff received an application from Mr. Fred Mattox, representative of Eastern Carolina Vocational Center (ECVC), Inc. The text amendment is to add schools as an allowed use within the Unoffensive Industry (IU) zoning district, subject to an approved special use permit and establishing specific criteria. Greenville's zoning ordinance does not allow schools in the IU zoning district. Mr. Weitnauer presented an excerpt from the Zoning Ordinance of Table of Uses that shows how this amendment proposes to allow junior, senior, elementary, kindergarten and nursery schools in the IU zoning district with an approved special use permit.

Mr. Weitnauer stated that the current ordinance requires schools to be located 50 feet away from any adjoining property or public street right-of-way line. The applicant proposed the following criteria:

(l) Schools may be allowed as a special use in the IU (Unoffensive Industry) zoning district provided the school complies with the following additional criteria:

- a. The property shall have a minimum of eight acres.
- b. The maximum allowed building coverage shall be 40% of the property.
- c. The property shall have a minimum public road frontage of 450 feet.
- d. All loading and unloading of students shall be off-street.
- e. All parking areas shall be off-street in accordance with Article 0, Parking.
- f. The school must be authorized by the State of North Carolina.

Mr. Weitnauer delineated the property in reference to the Recognized Industrial area and existing IU zoning districts along with a map indicating where schools are allowed. He provided a list of all the land uses permitted by right and by special use permit in the IU and I (Industrial) zoning districts.

Mr. Weitnauer stated that staff objects to the proposed text amendment for the following three reasons: 1. Approval of the text amendment can lead to future limitations on industrial development. 2. Approval of the text amendment will introduce school students, faculty and staff to dangerous conditions typically associated with industrial districts. 3. Approval of the text amendment would not be consistent with Horizons: Greenville's Community Plan. He said other non-residential land uses likely would also pursue text amendments applicable in the industrial zones due to the precedent set by schools in the industrial districts. This will reduce the availability of property developed for industrial uses. Mr. Weitnauer said a reduction in lands developed for industrial uses will limit the function of industrial districts' full potential. Industrial buildings and vacant industrial sites interspersed with service and commercial uses will make it difficult for adjacent property having industrial zoning to develop, redevelop or expand industrial facilities since there will be concern of exposing school students, faculty and staff to noises, odor, large freight traffic and potentially dangerous materials and fumes associated with industrial uses. Such a reduction in the full potential of Greenville and Pitt County's industrial districts may limit industrial employment, production and industrial growth which is a vital segment of the local and regional economy. Mr. Weitnauer stated there are ample zoning districts within the City and ETJ where schools are allowed by right or with a special use permit. Mr. Weitnauer referenced how a large pharmaceutical company in Kinston threatened a school within 0.7 miles from the facility during a large industrial accident that blew out the windows of a school.

Mr. Weitnauer reported that in staff's opinion, the proposed text amendment is not in compliance with Horizons: Greenville's Community Plan, 2009-2010 Update, Northeast, Policy B4 which states, encourage new industry and support businesses in the recognized industrial area. Mr. Weitnauer said the amendment is also not consistent with Horizons: Greenville's Community Plan, 2004, Urban Form and Land Use Policy 6(c) that states nor shall non-industrial uses be allowed to encroach upon existing or planned industrial sites.

Mr. Weitnauer stated in staff's opinion, the proposed Zoning Ordinance Text Amendment is not in compliance with Horizons: Greenville's Community Plan and added staff recommends denial of the proposed text amendment.

Mr. Parker asked if staff's concern was with the precedent of allowing schools in IU.

Mr. Weitnauer stated correct because it is not site specific and the criteria could be met at other locations. As the school grows, they will have limitations as well as the surrounding properties having limitations.

Chairwoman Basnight asked the original classification of ECVC.

Mr. Weitnauer stated it was classified as a vocational center. The center was built at the same time the city was adopting the ordinance. The category of vocational center was added when ECVC wanted to expand. Staff worked hard to try to fit the center into a legal grandfathered nonconforming category because Pitt County held classes in the building but it could not fit the criteria. Staff informed the applicant that they had the right to appeal their interpretation with the Board of Adjustment.

Chairwoman Basnight asked if the building was currently empty.

Mr. Weitnauer stated the applicant would be able to answer that question.

Mr. Parker asked the difference between a vocational center and a school.

Mr. Weitnauer stated that vocational centers offer classes in trade to mostly adults and may or may not have a dining area where a school has classrooms, dining area and cater to a younger population.

Mr. Parker asked if one entity was geared to children and the other towards adults.

Mr. Weitnauer stated that more facilities would be associated with schools than a vocational center.

Mr. King asked the background of Unoffensive Industry.

Mr. Weitnauer stated that Unoffensive industry is light industry, less noise, smoke, and hazard. At this location, IU is next to I.

Chairwoman Basnight asked if the city was still using the pool and if it was connected to the building.

Mr. Weitnauer stated yes and that staff would have to look into the 50 foot separation from another building in order for a school to occupy the facility. The applicant would need to apply for a special use permit for the use along with the 50 foot separation which they currently cannot meet.

Mr. Parker asked if ECVC is leasing the building and not running the school.

Mr. Weitnauer stated that the applicant would need to answer the question.

Chairwoman Basnight opened the public hearing.

Mr. Fred Mattox, chairman of ECVC board, spoke in favor of the request. He surrendered his law license five years ago and was not there as an attorney. He stated that he saw an article in the paper about Ignite Academy wanting to set up a charter school in Pitt County. He developed the criteria for the special use permit and recognized the need to include a statement addressing the separation requirement. He read the definition of the IU district and stressed that the word "primarily" indicates the land uses are not the only uses allowed. The applicant stated that the board is willing to accept any additional conditions.

Mr. Bob Jones, president of ECVC, spoke in favor of the request and provided the history of ECVC. He stated that the original building was built in 1970 which included classrooms and dining space. As the center moved to more industrial training, the staff removed some nonload-bearing walls and made production space and warehouse space. Later, the aquatics center was built and the dorms. Vocational rehabilitation changed and was encouraged to become a part of mainstream. The center closed the dorms and became involved in manufacturing and distribution contracts. The center no longer needed classrooms and moved into the old TRW building and leased existing space to Pitt County Schools. A history of learning has occupied the building. He stated that Welcome Middle school is located approximately 1/4 mile away from an industrial plant. No harm has occurred to any ECVC students while located in their old building.

Chairwoman Basnight asked about the Hugs and Alpha program at the old location.

Mr. Jones stated that the Alpha program was run by Pitt County schools for high school students.

Mr. Parker asked what the program taught.

Mr. Jones stated he did not know the subjects taught but the audience was for students with behavioral problems and not in the main population of Pitt County Schools. The Hugs program was a preschool for students with autism.

Mr. Parker asked if ECVC planned to lease the building and not run the school.

Mr. Jones stated the intent is to lease for four years of the charter and then sell the building at cost.

Mr. Parker asked for clarity that there will be no operational partnership with ECVC and the charter school.

Mr. Jones stated no except for the lease.

Ms Reid asked the number of students that have been through the facility.

Mr. Jones stated that 95 students were living in the dorms at one time and 85-100 additional students came to the facility that did not live in the dorms.

Ms Reid asked the proposed number of students in the facility per day.

Mr. Jones stated 200-215 students initially.

Mr. Parker asked if a dining area was in the facility when ECVC was operating in the building.

Mr. Jones stated yes, a commercial kitchen.

Ms Reid asked what type of school is proposed to use the facility.

Mr. Jones stated that the charter states kindergarten to eighth grade and that the selection process will be done by the lottery because they have more applications than they have slots for the school. ECVC will invest \$350,000 to upfit the building for classrooms so the building will be put to use that is currently underutilized.

Mr. King asked the age of the population of the ECVC participants.

Mr. Jones stated young adults, ages 18 and older.

Mr. King asked for clarification that no young children were at ECVC.

Mr. Jones stated not as a part of ECVC.

Mr. Parker asked when ECVC was founded.

Mr. Jones stated that it was chartered in 1965 for vocational training.

Mr. Parker asked if there was a history of classes being taught since 1965.

Mr. Jones stated yes.

Mr. Parker asked if Pitt County was required to get a special use permit when they leased the facility.

Mr. Jones stated that as far as he knew they drew up a lease and moved in. He did not see a special use permit on record but he did not know where to look.

Mr. Weitnauer stated that the primary use of the building was a vocational center but accessory uses could include education. If the city was aware of a governmental use, it was probably considered an accessory use and not a primary use. The primary use of the building is no longer there. Staff checked the special use permits for the property and only found a nursery school and a church.

Ms Darden asked if the building was built before the area was zoned IU.

Mr. Weitnauer stated it was simultaneous.

Ms Darden asked what the property was zoned prior to the city's zoning.

Mr. Weitnauer stated that there was no zoning prior by the city and that the county may have had a zoning.

Mr. King asked if changing the text amendment was setting a precedent city wide.

Mr. Weitnauer stated yes and within our ETJ.

Ms Reid asked if there was a building in Greenville that was previously a charter school that is now vacant.

Mr. Weitnauer stated he was not familiar with that location.

Ms Reid stated that it was the old Agnes Fuller building.

Chairwoman Basnight stated that the old Agnes Fuller building is now the Third Street Community Center.

Ms Reid stated that there is a building across from Mt. Calvary Church that used to be a charter school and it is currently vacant.

Mr. Parker asked why the request was denied by staff.

Mr. Merrill Flood, Community Development Director, stated that the ordinance is specific. If the use is not listed as a permitted use or a special use then it is not allowed unless there is a provision in the code that allows it. Certain activities have been mentioned in the facility but to staff's knowledge and from our best records they were not approved by the city. In addition if they have gone out of existence for more than 180 calendar days, it is not deemed to be a grandfathered use whether approved by the city or not.

Mr. David Stalls, Vice President of Development for New Point Education, spoke in favor of the request. They were hired by Ignite Academy to help with the school start up process. The analysis of the site stated that the location will be safe for children. The analysis evaluated the

configuration of the building, parking, drop off, etc. The school will start with grades K-5 and grow to grades K-8. They will start with 215 and grow to 400 over seven years. The school will bring 40 new jobs to the area. The proposed location will be a great site.

Mr. Jon Day, local realtor, spoke in favor of the request. He stated that he worked with Ignite to find a location for the school. He took them all over Greenville and they could not find an existing building that fit their criteria except ECVC. Ignite is planning to lease 35,000 sq. ft. of the building with moderate changes. He stated that Ignite will be able to use an existing building which fits our Horizon plan. He looked at several other IU locations and found Welcome Middle located across the street from an IU zoning district and a Montessori school on Fire Tower Road located across from IU zoning district. There have not been any problems with those schools. The times have changed so that vacant industrial buildings are now being used for other uses.

Ms Reid asked if Mr. Day was able to find the school that she mentioned earlier.

Mr. Day stated no but he would do some research but that ECVC did fit the applicant's need.

Ms Darden asked if they looked for locations that could be expanded.

Mr. Day stated that the criteria were 20,000 sq. ft. of area and 14-15 acres of land so they could expand. They also had recreational needs, large parking requirements and several entrances needed for the buses.

Chairwoman Basnight asked will the school use the entire building when they expand to 400 students.

Mr. Day stated that the current lease is for 35,000 sq. ft. but the total building has 88,000 sq. ft. They will have an option to purchase the building in order to expand. There is a total of 11 acres of land so it will be able to accommodate their recreational needs.

Mr. Bob Clark, resident, spoke in favor of the request. He stated that the list of uses in the IU zoning district included childcare centers which included children being near places of work. He mentioned that the school in Kinston located in an industrial district mentioned in staff report is located in another community and do not necessarily apply to Greenville. He asked the board to look at the uses that are allowed in IU and how they are similar to the request.

Mr. David Edwards, CEO of Ignite Charter School, spoke in favor of the request. He stated that charter schools are funded by the state so they are government entities. The charter school is a publically funded school.

Mr. Bryant Kittrell, ECVC realtor, spoke in favor of the request. He stated that the property has been listed for two years and it is not suitable for industrial use. The facility leans itself to the type of use per the request because of the Fitness Center. The request is a unique situation.

No one spoke in opposition of the request.

Ms Bellis stated her concern with setting a precedent for the area designated industrial.

Ms Darden stated that the building is there and has been used for education so if the amendment was approved, she questioned if any other school would want to move to an industrial area.

Ms Reid stated that she was concerned with putting the number of anticipated students in an industrial area. There will be more students than ever before, more activity and a lot more going on in an industrial area.

Mr. Parker stated his concern was the precedent; however, it is a very good adaptive use of an existing building.

Mr. Griffin stated that the education component was a secondary use and never the primary use of the building. His concern is putting the children in danger and inhibiting the industrial area from growing. It is an ideal use for the building but it is not in the best location.

Ms Darden stated she did have a concern with opening the entire city to allowing schools in IU zoning district; however, she did not see how the existing building would be viable for industrial use with its current setup and the fitness center connected to the building.

Mr. Dave Holec, City Attorney, stated that the board did not have to decide during the meeting but that the applicant was on a time restraint. He reiterated the 50 foot building separation and that it needed to be addressed in the motion if the board was inclined to make an approval.

Chairwoman Basnight asked if the board could just consider the request and not open it city wide.

Mr. Holec stated the applicant included the conditions for the special use permit in hopes that it would limit other properties in the IU district that may potentially have similar requests. The special use would be heard by the Board of Adjustment (BOA). The BOA does have the ability to place conditions on particular areas for future requests. However, if a request meets the requirements and there is no reason to deny, then BOA would approve it.

Motion made by Ms. Darden, seconded by Mr. Parker, to recommend approval of the proposed amendment and the relief of the 50 foot setback requirement to advise that, although the proposed amendment is not consistent with the Comprehensive Plan, in this instance it is an appropriate zoning classification, and to adopt the staff report which addresses plan consistency.

Those voting in favor: Darden and Parker. Those voting in opposition: King, Bellis, Griffin and Reid. Motion failed.

Motion made by Mr. King, seconded by Ms Bellis, to recommend denial of the proposed 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.

Those voting in favor: King, Bellis, Griffin and Reid. Those voting in opposition: Darden and Parker. Motion passed.



City of Greenville, North Carolina

Meeting Date: 8/13/2015
Time: 7:00 PM

Title of Item: Resolution approving \$7,500,000 in Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio) to be issued by the Public Finance Authority

Explanation: **Abstract:** Tax-exempt bonds are being issued by a Wisconsin public authority to finance affordable housing. One of the projects to benefit from the issuance is Glendale Court Apartments. Because of its location within Greenville, federal tax law requires that there be a public hearing and approval by City Council. These bonds are not a debt of the City, and the City is not liable for any payment relating to the bonds.

Explanation: This is a hearing to consider the proposed issuance by the Public Finance Authority ("PFA") of not to exceed \$75,500,000 Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio) (the "Bonds"), a portion of which in an amount not expected to exceed \$7,500,000 will be loaned to FFAH Glendale Court, LLC, a North Carolina limited liability company, an affiliate of the Foundation for Affordable Housing, Inc. (the "Borrower"), to finance the acquisition and renovation of an existing affordable multifamily rental housing development located in Greenville.

PFA is a political subdivision of the State of Wisconsin created for the purpose of issuing tax-exempt and taxable conduit bonds for public and private entities nationwide. PFA is sponsored by the National Association of Counties, the National League of Cities, the Wisconsin Counties Association, and the League of Wisconsin Municipalities. The Borrower has requested that PFA act as the issuer of the Bonds in order to achieve cost efficiencies by using a single bond issue to finance projects located in more than one state. The Bonds are not debt of the City of Greenville or PFA, but rather are payable solely from debt service payments received from the Borrower.

Federal tax law requires that tax-exempt bonds issued to finance affordable

housing be approved by the elected legislative body of the governmental unit that has jurisdiction over the area in which the facility is to be located after holding a public hearing (Internal Revenue Code Section 147(f)). The proposed facilities are within the jurisdiction of the City.

A portion of the proceeds of the Bonds will be loaned to the Borrower and used to finance and/or refinance the acquisition, rehabilitation, equipping and/or improvement of Glendale Court Apartments, a 100-unit multifamily rental housing development located at 111 Glendale Court, Greenville, North Carolina (the "Development"); to pay interest on the Bonds, to pay costs of issuance of the Bonds, and/or to fund a debt service reserve fund for the Bonds. PFA and the Borrower have requested the City to approve the issuance of the Bonds solely for purposes of Section 147(f) of the Code.

The Bonds will be sold in a public offering with Stifel, Nicolaus & Company, Incorporated as the underwriter, and are expected to be issued in early September, 2015. The Borrower will agree to repay the principal, premium, if any, and interest on the Bonds. Neither the City nor PFA will have any liability whatsoever for the payment of principal or interest on the Bonds. Because no taxes or other revenues of the City are pledged to pay these Bonds, the staff of the City has made no financial analysis of the Bonds, the Borrower or the Development.

As noted in the attached resolution, the Bonds do not constitute a debt of the State of North Carolina or any political subdivision or any agency thereof, including the City, or a pledge of the faith and credit of the State of North Carolina or any political subdivision or any such agency, including the City, but are payable solely from the revenues and other funds provided for in a loan agreement between PFA and the Borrower. Accordingly, the City pledges neither its taxing power nor revenues for these Bonds, and the Bonds will not affect the City's debt ratios or legal debt limit.

The notice of public hearing (attached) was published in *The Daily Reflector* as required by law. The form of the resolution to be adopted by the City is also attached.

Fiscal Note: There is no financial impact on the City.

Recommendation: That the City Council, at the conclusion of the public hearing, adopt a resolution approving, for purposes of meeting the requirements of the Internal Revenue Code of 1986, as amended, the issuance by the Public Finance Authority of a portion of its not to exceed \$75,500,000 Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio).

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Attachments / click to download

 [Resolution 2015 Multifamily Housing Revenue Bonds 1007905](#)

 [Exhibit A TEFRA Notice 1007956](#)

RESOLUTION NO. __-15
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF GREENVILLE, NORTH CAROLINA
APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY
OF BONDS ON BEHALF OF
FOUNDATION FOR AFFORDABLE HOUSING INC.

WHEREAS, the City of Greenville, North Carolina (the “City”) is a political subdivision of the State of North Carolina and the City Council (the “Governing Body”) is the elected governing body of the City; and

WHEREAS, the Public Finance Authority (the “Authority”) has advised the City that it is a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes, is authorized to issue tax-exempt, taxable, and tax credit conduit bonds for public and private entities throughout all 50 states and is jointly sponsored by the National Association of Counties, National League of Cities, Wisconsin Counties Association and League of Wisconsin Municipalities (the “Sponsors”); and

WHEREAS, FFAH Glendale Court, LLC, a North Carolina limited liability company (the “Borrower”) the sole member of which is FFAH NC 9, LLC, a North Carolina limited liability company, of which Foundation for Affordable Housing Inc., a Delaware nonprofit corporation, is the sole member, has requested that the Authority adopt a plan of financing providing for the issuance of its Public Finance Authority Multifamily Housing Revenue Bonds, Series 2015 (Foundation For Affordable Housing North Carolina and Missouri Portfolio) (the “Bonds”), in one or more series from time to time, in an amount not to exceed \$75,500,000, and a portion of the proceeds from the sale of the Bonds, not expected to exceed \$7,500,000, will be used to finance and/or refinance the acquisition, rehabilitation, equipping and/or improvement of Glendale Court Apartments, a 100-unit multifamily rental housing development located at 111 Glendale Court, Greenville, North Carolina, and initially operated by PK Management, LLC, to pay interest on the Bonds, to pay costs of issuance of the Bonds, and/or to fund a debt service reserve fund for the Bonds (collectively, the “Project”); and

WHEREAS, the Authority has informed the City that the remainder of the Bonds will be issued primarily to finance and/or refinance the acquisition and rehabilitation of certain other affordable housing developments elsewhere in the state of North Carolina, and in the state of Missouri; and

WHEREAS, the Bonds or a portion thereof will be “private activity bonds” for purposes of the Internal Revenue Code of 1986 (the “Code”), and pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the “applicable elected representative” of a governmental unit having jurisdiction over the entire area in which the Project is located, after a public hearing held following reasonable public notice; and

WHEREAS, pursuant to Section 147(f) of the Code, the Governing Body, following notice duly given in the form attached hereto as Exhibit A (the “TEFRA Notice”), held a public

hearing regarding the financing of the Project and the issuance of the Bonds, and now desires to approve the financing and the issuance of the Bonds; and

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Public Finance Authority must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries the project is to be located; and

WHEREAS, the Borrower has requested that the City approve the financing of the Project and the issuance of the Bonds in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the "Joint Exercise Agreement") and Section 66.0304(11)(a) of the Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA:

1. For purposes of the requirements of Section 147(f) of the Internal Revenue Code of 1986, the Governing Body hereby approves the issuance of the Bonds by the Authority, a portion of which will be used to finance the Project, in an aggregate principal amount not to exceed the amount set forth in the TEFRA Notice attached hereto as EXHIBIT A. In no event shall the City, the State of North Carolina (the "State") or any political subdivision thereof be liable for such Bonds nor shall the Bonds constitute a debt of the City, the State or any political subdivision thereof.
2. It is the purpose and intent of the Governing Body that this Resolution constitute approval of the issuance of the Bonds by the Project Jurisdiction, which is the (or one of the) governmental unit(s) having jurisdiction over the area in which the Project is located, in accordance with Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.
3. The officers of the Governing Body are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

This the 13th day of August, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

EXHIBIT A
FORM OF TEFRA NOTICE

NOTICE OF PUBLIC HEARING
NOT TO EXCEED
\$7,500,000 OF PUBLIC FINANCE AUTHORITY
MULTIFAMILY HOUSING REVENUE BONDS, SERIES 2015
(FOUNDATION FOR AFFORDABLE HOUSING NORTH CAROLINA AND MISSOURI
PORTFOLIO)

Notice is hereby given that, at 7:00 p.m., or as soon thereafter as the matter can be heard on Thursday, August 13, 2015, at City Hall, Council Chambers, 200 West Fifth Street, Greenville, North Carolina, a public hearing, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), will be held by the City Council of the City of Greenville (the "City") with respect to the proposed plan of financing for the issuance by the Public Finance Authority (the "PFA") of its Multifamily Housing Revenue Bonds, Series 2015 (Foundation for Affordable Housing North Carolina and Missouri Portfolio), in one or more series (the "Bonds") issued from time to time, in an amount not to exceed \$75,500,000. A portion of the proceeds from the sale of the Bonds, not expected to exceed \$7,500,000, will be used to make a loan to FFAH Glendale Court, LLC, a North Carolina limited liability company (the "Borrower"), the sole member of which is FFAH NC 9, LLC, a North Carolina limited liability company, of which Foundation for Affordable Housing Inc., a Delaware nonprofit corporation, is the sole member and used to finance and/or refinance the acquisition, rehabilitation, equipping and/or improvement of Glendale Court Apartments, a 100-unit multifamily rental housing development located at 111 Glendale Court, Greenville, North Carolina, and initially operated by PK Management, LLC, to pay interest on the Bonds, to pay costs of issuance of the Bonds, and/or to fund a debt service reserve fund for the Bonds (collectively, the "Project"). The remainder of the Bonds will be issued primarily to acquire and rehabilitate other affordable housing developments in North Carolina and Missouri.

The PFA has provided the following information for this Notice: The Bonds are expected to be issued pursuant to Section 66.0304 of the Wisconsin Statutes, as amended, by the PFA, a commission organized under and pursuant to the provisions of Sections 66.0301, 66.0303 and 66.0304 of the Wisconsin Statutes. The Bonds will be limited obligations of the PFA payable only from the loan repayments to be made by the Borrower to the PFA, and certain funds and accounts established by the bond indenture for the Bonds.

The Bonds shall never constitute an indebtedness of the City within the meaning of any state constitutional provision or statutory limitation, and will not constitute or give rise to pecuniary liability of the City or a charge against its general credit or its taxing powers.

The hearing is intended to provide a reasonable opportunity to be heard for persons wishing to express their views on the merits of the Project, its location, the issuance of the Bonds or related matters. Written comments will be accepted by the City Clerk at: City of Greenville, City Clerk's Office, P.O. Box 7207, Greenville, North Carolina 27835-7207, but must be received on or before the time and date of the hearing.

Dated: July __, 2015



City of Greenville, North Carolina

Meeting Date: 8/13/2015
Time: 7:00 PM

Title of Item: Ordinance amending Title 9 of the Code of Ordinances as it relates to boarding of buildings and structures

Explanation: **Abstract:** When contractors board a structure on a contract established by the Code Enforcement Unit, they are required to paint the boarding material to match either the primary or trim color of the structure. This is currently not required of a property owner/manager.


Explanation: When a structure is boarded by a contractor hired by the Code Enforcement Unit, they are required to paint the boarding material to match either the primary color of the structure or the trim color. Currently, when a private citizen abates a nuisance property and boards the structure, the citizen is not required to paint the boarding material. In locations where numerous properties are boarded, it can become very unsightly. There is currently no recourse for the officers of the Code Enforcement Unit with regard to these locations. This ordinance amendment establishes the requirement that a private citizen or property owner/manager paint the boarding material to match either the primary or trim color of the structure being boarded. Photographs depicting matching and nonmatching boarding materials are attached for review.

Fiscal Note: There is no fiscal expenditure associated with the implementation of this proposed ordinance amendment. It is not expected that the increase in workload for the officers of the Code Enforcement Unit will be such that a fiscal impact will be noticed.

Recommendation: Staff recommends approval of this ordinance amendment.

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 [Photos](#)

 [Ordinance Amending Closing Residential Structures 1005236](#)

ORDINANCE NO. 15-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
ESTABLISHING REQUIREMENTS FOR CLOSING OR SECURING VACATED AND
CLOSED BUILDINGS AND STRUCTURES

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 13th day of August, 2015, at 7:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance establishing requirement for closing or securing vacated and closed buildings and structures; and

WHEREAS, the City of Greenville is desirous of establishing the requirements for closing or securing vacated and closed structures in order to enhance appearance and improve safety;

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

Section 1. That Chapter 1 of Title 9 of the Code of Ordinances of the City of Greenville is hereby amended by adding an Article H, which article reads as follows:

ARTICLE H. CLOSING OR SECURING VACATED AND CLOSED BUILDINGS.

SEC. 9-1-146 APPLICABILITY.

The provisions of this article shall apply to the following:

- a) Abandoned structures which are being vacated and closed as a result of an order by the Code Enforcement Coordinator or officer or an ordinance adopted by City Council pursuant to the abandoned structure provisions of Article E of this chapter;
- b) Dwellings which are being vacated and closed as a result of an order by the Code Enforcement Coordinator or officer or an ordinance adopted by City Council pursuant to the Minimum Housing Code provisions of Article F of this chapter;
- c) Nonresidential buildings or structures which are being vacated and closed as a result of an order by the Code Enforcement Coordinator or officer or an ordinance adopted by City Council pursuant to the Nonresidential Building or Structure Code provisions of Article G of this chapter; and
- d) Buildings or structures which are being vacated and closed for a period of time greater than thirty (30) days.

SEC. 9-1-147 STANDARDS.

(A) When a building or structure subject to the provisions of this article is closed or secured, all openings to be boarded shall be covered in one piece of wood, cut to size to fit and secured by

screws no less than 3 inches in length. Broken windows must be either completely repaired or securely boarded. Boards secured to openings shall be painted after installation to match the primary color or trim color of the residence to minimize the appearance of a dilapidated structure. The building or structure will be closed or secured in compliance with the checklist of materials and procedures prepared by the Code Enforcement Division and filed in the office of the City Clerk.

(B) After a building or structure subject to the provisions of this article is closed or secured, the owner or manager of the building or structure shall remain responsible for compliance with maintenance of the exterior including the grounds and for interior safety including preventing access to the interior during the period of closure.

SEC. 9-1-148 PENALTY.

Any violation of the provisions of this article shall subject the offender to a civil penalty in the amount of \$25. Each day that any violation continues shall be considered a separate offense for the purpose of the penalty. Violators shall be issued a written citation, which must be paid within 72 hours. If the person fails to pay the civil penalty within 72 hours, the city may recover the penalty including all costs and attorney's fees by filing a civil action in the general court of justice in the nature of a suit to collect a debt.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

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

ADOPTED this 13th day of August, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



Item # 10



Item # 10



City of Greenville, North Carolina

Meeting Date: 8/13/2015
Time: 7:00 PM

Title of Item: Ordinance to amend Title 10, Chapter Two, Article X of the City Code of Ordinances related to towing and impoundment of vehicles with overdue parking fines and penalties

Explanation: **Abstract:** Currently a vehicle can only be "booted" or towed if it is found in violation of a parking regulation and has three previous unpaid/overdue parking violations pending. This amendment is proposed to change the requirement of the fourth violation and make towing the appropriate response when any vehicle is located with three or more unpaid/overdue parking violations.

Explanation: Currently the Parking Enforcement Officers can only "boot" or tow a vehicle if they locate it in violation of a parking regulation and it has three pending unpaid/overdue violations pending. In other words, the vehicle must be in violation for a fourth time and have three unpaid citations pending. This is not productive with regard to collection of unpaid and/or overdue penalties, and this amendment seeks to expedite that process.


The proposed amendment changes the requirement for the fourth violation and allows for towing of the vehicle when located and when three pending violations exist. "Booting" will be eliminated in lieu of towing for multiple reasons. Booting is dangerous for the enforcement officer, can lead to damage to the citizen's vehicle, and is limited to the number of "boots" that we have available. In contrast, towing ensures that contact is made directly with the owner and that the overdue/unpaid fees are collected prior to the release of the vehicle.

Fiscal Note: This will not create any fiscal expenditures for the department or the City. However, the return on funds owed to the City will likely increase and thereby lead to a better overall rate of collection.

Recommendation: Staff recommends approval of this ordinance amendment.

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 [Immobilization Ordinance Amendment 1003286](#)

ORDINANCE NO. 15-___

AN ORDINANCE AMENDING THE USE OF TOWING AND IMPOUNDMENT OF VEHICLES TO ENHANCE COLLECTION OF UNPAID AND OVERDUE PARKING FINES AND PENALTIES

WHEREAS, the City of Greenville is empowered pursuant to G.S. 160A-301 to regulate parking within its corporate limits and extra-territorial jurisdiction; and

WHEREAS, the City of Greenville has enacted several ordinances to regulate parking within its corporate limits and extra-territorial jurisdiction; and

WHEREAS, the City of Greenville is interested in the prompt payment and collection of fines and penalties associated with its regulation of parking; and

WHEREAS, the City of Greenville enacted Ordinance #96-93, dated September 12, 1996, to authorize the use of wheel locks to immobilize certain vehicles with overdue parking citations which are at least 90 days overdue; and

WHEREAS, the City of Greenville is desirous of discontinuing the use of wheel locking devices and substituting towing to enhance the collection of unpaid and overdue parking fines and penalties;

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

Section 1. That Title 10, Chapter Two, Article Five, of the City Code be deleted in its entirety and replaced with Title 10, Chapter Two, Article Five entitled "Towing and Impoundment of Certain Vehicles" to read as follows:

SEC. 10-2-258 AUTHORIZATION TO IMPOUND CERTAIN VEHICLES.

The Finance Director or designee(s) may authorize any illegally parked vehicle to be towed and impounded for which there are three or more outstanding, unpaid and overdue parking tickets issued by the city which tickets have remained unpaid for a period of 90 days.

SEC. 10-2-259 PROCEDURE TO IMPOUND CERTAIN VEHICLES.

(A) Wheel locking devices shall not be used by the City of Greenville as a result of unpaid parking tickets. Vehicles meeting the above criteria may be towed and impounded utilizing the City Rotation Wrecker List. A Vehicle Tow Sheet is to be completed for each towed vehicle stating the total amount owed for overdue, unpaid parking tickets and the costs for the tow and impound and storage fees as provided in Traffic Regulations 10-37. The accompanying Vehicle Storage Report shall also indicate "Impounded" on the report listing the address and telephone number of the city offices to be contacted to pay the charges. All charges including the unpaid,

overdue parking tickets, tow fee and storage fees must be paid. A receipt showing all charges, fees, and citations have been paid will be provided to the owner by Finance which must be presented to the Greenville Police Department in order to obtain a Vehicle Release Authorization for release of the impounded vehicle.

(B) Once a vehicle has been impounded, the Finance Director or designee(s) shall mail or cause to be mailed a notice of impoundment to the registered owner of the vehicle and lien holder, if any are known, to the address or addresses reported to the city by the North Carolina Department of Motor Vehicles.

SEC. 10-2-260 RELEASE OF IMPOUNDED VEHICLES.

Upon payment of all civil penalties for unpaid and overdue parking tickets and all other applicable charges authorized by this section, including towing and storage fees, the vehicle shall be released from impound to the owner or any other person entitled to claim possession of the vehicle.

SEC. 10-2-261 DISPOSAL OF IMPOUNDED VEHICLES.

If a vehicle has been towed and remains impounded in excess of 30 days, it may be disposed of in accordance with the provisions of the City Code relating to the disposition of junked or abandoned vehicles set forth in Title 12, Chapter 4.

SEC. 10-2-262 APPEAL OF VEHICLE IMPOUNDED.

(A) The registered owner or person entitled to possession of any vehicle which has been impounded pursuant to this article may submit a written request for a hearing to the Chief of Police or designee by mail within seven days from the receipt of the notice provided for in Section 10-2-259(B) above. If a request for a hearing is not made within the allotted time, the right to a hearing shall have been waived. If a hearing is requested, the hearing shall be provided within seven days of receipt by the Chief of Police or designee of the request for the hearing. Thereafter, an informal hearing will be conducted by the Chief of Police or designee at a time and place designated by the Chief of Police or designee.

(B) For the purpose of determining whether an illegally parked vehicle has been issued three or more overdue parking tickets which have remained unpaid for a period of 90 days, it shall be sufficient if the license plate number of the illegally parked vehicle and the license plate number of the vehicle appearing on the tickets are the same.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

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

ADOPTED this ____ day of _____, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 8/13/2015
Time: 7:00 PM

Title of Item: Public hearing on the Bond Order, Adoption of the Bond Order and a Resolution Calling for a Bond Referendum for \$15,850,000 Street and Pedestrian Transportation Bonds and Notice of the Bond Referendum

Explanation: **Abstract:** Conduct a public hearing, adopt the Bond Order, and approve the Resolution calling for a Bond Referendum and the Notice of Bond Referendum for the issuance of General Obligation debt for street and pedestrian transportation improvements.

Explanation: At the June 11, 2015, City Council meeting, City Council reviewed and approved the resolution calling a public hearing upon an order authorizing an amount not exceeding \$15,850,000 Street and Pedestrian Transportation Bonds of the City of Greenville. Notice of the public hearing was advertised in The Daily Reflector on July 27, 2015.

Attached are the following:

1. The Order Authorizing \$15,850,000 of Street and Pedestrian Transportation Bonds.
2. The Resolution that calls for the Bond Referendum to be held on Tuesday, November 3, 2015. This referendum will be conducted by the Pitt County Board of Elections.
3. The General Obligation Bond Referendum Schedule.

Fiscal Note: The issuance amount for this General Obligation Bond is not to exceed \$15,850,000. Depending on the timing of issuance, the amount of the annual debt service payment will be included in the City's General Fund budget.

Recommendation: City Council to conduct the public hearing on the Bond Order and then adopt the attached Order Authorizing the \$15,850,000 of Street and Pedestrian Transportation Bonds.

After the Bond Order is adopted, then approve the attached Resolution Calling a Bond Referendum and the Notice of Referendum for the authorization and issuance of General Obligation Street and Pedestrian Transportation Bonds.

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Attachments / click to download

- [ORDER AUTHORIZING 15 850 000STREET AND PEDESTRIAN TRANSPORTATION BONDS_1009595](#)
 - [RESOLUTION CALLING A BOND REFERENDUM_1009604](#)
 - [2015 GO Schedule_999361](#)
-

ORDER AUTHORIZING \$15,850,000
STREET AND PEDESTRIAN TRANSPORTATION BONDS

BE IT ORDERED by the City Council of the City of Greenville:

1. That, pursuant to The Local Government Bond Act, as amended, the City of Greenville, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Street and Pedestrian Transportation Bonds in an aggregate principal amount not exceeding \$15,850,000 for the purpose of providing funds, together with any other available funds, for providing street and pedestrian transportation improvements in said City, including, but without limiting the generality of the foregoing, constructing, reconstructing, widening, extending, resurfacing and improving streets and roads, thoroughfares, and bridges; constructing, reconstructing, relocating and eliminating grade crossings and grade separations; constructing and installing traffic controls, signals, gateway treatments, markers, lighting, street trees and street furniture; improving, relocating and installing utility lines; constructing sidewalks, bike and pedestrian trails, greenways, curbs, gutters, culverts and drains; and acquiring any necessary rights of way or easements therefor.

2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said City has been filed with the City Clerk and is open to public inspection.

4. That this order shall take effect when approved by the voters of said City at a referendum as provided in said Act.

This the 13th day of August, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

RESOLUTION NO. -15
RESOLUTION CALLING A BOND REFERENDUM

BE IT RESOLVED by the City Council of the City of Greenville, North Carolina:

Section 1. A bond referendum is hereby called to be held between 6:30 AM and 7:30 PM, on Tuesday, November 3, 2015, at which there shall be submitted to the qualified voters of the City of Greenville the questions contained in the notice of bond referendum set forth in Section 3 of this resolution.

Section 2. For said referendum, (i) the regular registration books for elections in Pitt County shall be used and the registration books, process or records shall be open for the registration of qualified persons and for public inspection in the manner, under the conditions and at the times and places as provided in said notice set forth in Section 3 of this resolution, (ii) the judges and other officers of election appointed by the Pitt County Board of Elections for the several precincts and voting places in said County shall be the election officers for such precincts and voting places and (iii) the precincts and voting places shall be those fixed by the Pitt County Board of Elections as provided in said notice set forth in Section 3 of this resolution, subject to change as provided by law. The Pitt County Board of Elections is hereby requested to conduct said referendum and to take all necessary steps to that end in accordance with the provisions of this section.

Section 3. The City Clerk shall cause a notice to be published in The Daily Reflector once at least fourteen days before October 9, 2015 (being the last day on which persons may register for said referendum except as otherwise provided in said notice set forth in Section 3 of this resolution) and once again not less than seven days before said day, such notice to read substantially as follows:

NOTICE OF BOND REFERENDUM
IN THE
CITY OF GREENVILLE, NORTH CAROLINA

A bond referendum will be held throughout the City of Greenville, North Carolina, between 6:30 AM and 7:30 PM, on Tuesday, November 3, 2015, at which there will be submitted to the qualified voters of said City the following question:

Street and Pedestrian Transportation Bonds

Shall the order adopted on August 13, 2015, authorizing not exceeding \$15,850,000 for the purpose of providing funds, together with any other available funds, for providing street and pedestrian transportation improvements in said City, including, but without limiting the generality of the foregoing, constructing, reconstructing, widening, extending, resurfacing and improving streets and roads, thoroughfares, and bridges; constructing, reconstructing, relocating and eliminating grade crossings and grade separations; constructing and installing traffic controls, signals, gateway treatments, markers, lighting, street trees and street furniture; improving, relocating and installing utility lines; constructing sidewalks, bike and pedestrian trails, greenways, curbs, gutters, culverts and drains; and acquiring any necessary rights of way or easements therefor, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on the bonds, be approved?

The question hereinabove set forth contains a statement of the purpose for which the bonds are authorized by the order referred to in each such question.

If said bonds are issued, taxes in an amount sufficient to pay the principal and interest thereof will be levied upon all taxable property in the City of Greenville.

For said referendum the regular registration books for elections in the County of Pitt will be used and the registration books, process or records will continue to be open for the acceptance of registration applications and the registration of qualified persons from 8:00 AM until 5:00 PM, Monday through Friday of each week, at the office of the Pitt County Board of Elections, 1717 W. Fifth Street, Greenville, North Carolina 27834, Telephone (252) 902-3300.

In addition, registration applications may be obtained and qualified persons may register (i) at any branch of the Sheppard Memorial Library during regular library hours and (ii) with any high school registration commissioner at any public high school in Pitt County during regular school hours. For information concerning the address of any of the above locations as well as information concerning any other locations at which registration applications may be obtained, please contact the Pitt County Board of Elections at its address or telephone number set forth above.

Registration applications may also be obtained and qualified persons may also register at any Drivers License Examining Station located in the State of North Carolina (the "State") during normal business hours when applying for, renewing or correcting their drivers licenses.

Moreover, registration applications will be accepted and qualified persons may register at every office in the State which accepts claims for benefits under the Employment Security Law or applications for a program of public assistance under Article 2 of Chapter 108A of the General Statutes of North Carolina and at every office in the State designated by the State Board of Elections which accepts applications for State-funded or local government programs primarily engaged in providing services to persons with disabilities. Such programs include Medical Assistance, Aid to Families with Dependent Children, Food Stamps, Women, Infants and Children and programs of the Division of Mental Health and the Division of Services for the Blind.

Qualified persons may also register by mail on forms to be available at the above-mentioned places and otherwise as provided in Article 7A of Chapter 163 of the General Statutes of North Carolina.

Furthermore, certain persons in the armed forces and their spouses, certain veterans, certain civilians working with the armed forces, and members of the Peace Corps may register by mail at any time prior to said referendum in the manner provided in Article 21A of Chapter 163 of the General Statutes of North Carolina and in person at any time, including the day of said referendum.

Except as otherwise provided in Article 7A of Chapter 163 of the General Statutes of North Carolina, the last day for new registration of those not now registered under Pitt County's permanent registration system and who wish to register for said referendum is Friday, October 9, 2015.

Except as provided above, the last day on which registered voters who have changed residence from one precinct to another may transfer registration for such referendum is Friday, October 9, 2015.

Voter registration forms must either be delivered to the office of the Pitt County Board of Elections by 5:00 PM, Friday, October 9, 2015, or be mailed to such office in an envelope postmarked by Friday, October 9, 2015.

Any qualified voter of the City who is qualified to vote by absentee ballot in said bond referendum may apply to the Pitt County Board of Elections for an absentee ballot. Any qualified voter who is qualified to vote by military absentee ballot pursuant to Section 163-248.1 of the General Statutes of North Carolina may also apply for an absentee ballot as provided by

Section 163-247 of the General Statutes of North Carolina. Applications for absentee ballots must be delivered to the office of the Pitt County Board of Elections by 5:00 PM, Tuesday, October 27, 2015.

Absentee ballots (other than absentee ballots cast using the “one-stop” voting procedure) must be received by the Pitt County Board of Elections by 5:00 PM on Tuesday, November 3, 2015.

Any voter eligible to vote by absentee ballot under G.S. 163-226 may request an application for an absentee ballot, complete the application and vote under North Carolina’s “one-stop” voting procedure. Such ballot may be cast only at a site approved by both the county board of elections and State Board of Elections not earlier than Thursday, October 22, 2015 and not later than 1:00 PM, Saturday, October 31, 2015.

Persons who are not certain whether they are registered to vote or qualified to vote by absentee ballot or who desire information concerning the registration process for said referendum should contact the Pitt County Board of Elections at the office of said Board mentioned above.

The registration books for elections in Pitt County will be open to inspection by any registered voter of the City during the normal business hours of the Pitt County Board of Elections on the days when the office of said Board is open, and such days are challenge days.

The judges and other officers of elections appointed by the Pitt County Board of Elections will serve as the election officers for said referendum.

The Pitt County Board of Elections will conduct said referendum.

The precincts and voting places for said referendum, subject to change as provided by law, are as follows:

<u>PRECINCT</u>	<u>VOTING PLACE</u>
Arthur	Antioch Church Ministries 2659 Railroad St. Bell Arthur, North Carolina 27834
Belvoir	Holly Hill Original Free Will Baptist Church 755 Porter Rd. Greenville, North Carolina 27858

<u>PRECINCT</u>	<u>VOTING PLACE</u>
Carolina	Stokes Community Building 2863 NC 903 N. Greenville, North Carolina 27858
Falkland	Falkland Community Building 5901 South Main Street Falkland, North Carolina 27827
Simpson A	Eastern Pines Rescue Building 5467 Eastern Pines Rd, Greenville, North Carolina 27858
Pactolus	Pactolus Resource Center 5866 Highway 264 East Greenville, North Carolina 27834
Winterville East	Christ's Church 745 Davenport Farm Rd. Greenville, North Carolina 27858
Winterville North	Winterville Fire Station Community Room 2593 Railroad St. Winterville, North Carolina 28590
Greenville #1	VFW Hut #7032 1108 East Mumford Road Greenville, North Carolina 27858
Greenville #3	Eppes Recreation Center 400 Nash Street Greenville, North Carolina 27858
Greenville #4A	Selvia Chapel Free Will Baptist Church 1601 Halifax Street Greenville, North Carolina 27858
Greenville #4B	St. Gabriel's Catholic Church 3250 Dickinson Ave. Greenville, North Carolina 27858

<u>PRECINCT</u>	<u>VOTING PLACE</u>
Greenville #5A	Victory Christian Church 120 Laughinghouse Drive Greenville, North Carolina 27858
Greenville #5B	American Legion Post #39 403 St. Andrews Drive Greenville, North Carolina 27858
Greenville #6	First Pentecostal Holiness Church, South Annex 190 Plaza Dr. Greenville, North Carolina 27858
Greenville #7	St. James United Methodist Church, Family Life Center 2000 East 6 th Street Greenville, North Carolina 27858
Greenville #7B	First Presbyterian Church 1400 South Elm Street Greenville, North Carolina 27858
Greenville #8A	Willis Building 300 East 1 st Street Greenville, North Carolina 27858
Greenville #8B	Cypress Glen Auditorium 100 Hickory Street Greenville, North Carolina 27858
Greenville #9	Hooker Memorial Christian Church 1111 SE Greenville Blvd. Greenville, North Carolina 27858
Greenville #10A	Oakmont Baptist Church 1100 Red Banks Road Greenville, North Carolina 27858
Greenville #10B	Unity Free Will Baptist Church 2725 East 14 th Street Greenville, North Carolina 27858

<u>PRECINCT</u>	<u>VOTING PLACE</u>
Greenville #11A	Church of Jesus Christ of Latter-Day Saints 307 Martinsborough Rd. Greenville, North Carolina 27858
Greenville #11B	First Free Will Baptist Church 2426 South Charles Blvd. Greenville, North Carolina 27858
Greenville #12A	Koinonia Christian Center Church 1405 SW Greenville Blvd. Greenville, North Carolina 27858
Greenville #12B	University Church of Christ 100 Crestline Blvd. Greenville, North Carolina 27858
Greenville #13A	Covenant Church 4000 Corey Rd. Winterville, North Carolina 27858
Greenville #13B	New Destiny Pentecostal Holiness Church Activity Center 2600 East Firetower Rd. Greenville, North Carolina 27858

David Davis
Chair of the Pitt County
Board of Elections

Carol L. Barwick
City Clerk of the City of
Greenville, North Carolina

Section 4. The form of the questions to be used in the voting machines at said referendum and in the absentee ballots shall be substantially as follows:

.....
.....
Street and Pedestrian Transportation Bonds

YES	Shall the order adopted on August 13, 2015, authorizing not exceeding \$15,850,000 for the purpose of providing funds, together with any other available funds, for providing street and pedestrian transportation improvements in said City, including, but without limiting the generality of the foregoing, constructing, reconstructing, widening, extending, resurfacing and improving streets and roads, thoroughfares, and bridges;
NO	constructing, reconstructing, relocating and eliminating grade crossings and grade separations; constructing and installing traffic controls, signals, gateway treatments, markers, lighting, street trees and street furniture; improving, relocating and installing utility lines; constructing sidewalks, bike and pedestrian trails, greenways, curbs, gutters, culverts and drains; and acquiring any necessary rights of way or easements therefor, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on the bonds, be approved?

.....
.....
Section 5. The City Clerk is hereby directed to mail or deliver a certified copy of this resolution to the Pitt County Board of Elections within three days after the adoption hereof.

Section 6. This resolution shall take effect upon its passage.

This the 13th day of August, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

GENERAL OBLIGATION BOND REFERENDUM SCHEDULE

May 2015	Meet with Financial Advisors and Special Counsel
Early May 2015	Pre-application meeting/call with the Local Government Commission staff Finalize GO project list, Start selecting Campaign Oversight Committee and developing organization and resources
May 26, 2015	City Council adopts Resolution (1) directing publication of notice of intent to apply to the Local Government Commission (LGC), (2) authorizing the Director of Financial Services to apply to the LGC, and (3) making certain findings of fact
May 28, 2015	Publish Notice of Intent in the newspaper of general circulation (have to wait 10 days after publication of Notice of Intent before applying to LGC)
June 9, 2015	File Application with LGC and prepare Sworn Statement of Debt (which must occur on or before the Bond Orders are introduced)
June 11, 2015	Introduce the Bond Orders at the City Council Meeting; City Council adopts the Resolution setting public hearing on the Bond Orders on August 13, 2015; File Sworn Statement of Debt with the City Clerk
By July 29, 2015	Publish Notices of Public Hearing on the Bond Orders in the newspaper of general circulation
August 5, 2015	Deliver ballot language to the Pitt County Board of Elections
August 13, 2015	City Council holds public hearing on adoption of the Bond Orders; City Council adopts (1) the Bond Orders at the conclusion of the public hearing and (2) the Resolution setting a Special Bond Referendum
August 14, 2015	City Clerk delivers certified copy of the Resolution setting a Special Bond Referendum to the Pitt County Board of Elections
August 17, 2015	City publishes Bond Orders as adopted in the newspaper of general circulation (<i>The Daily Reflector</i>)
NLT Aug. 19, 2015	Submit Joint Legislative Committee on Local Government (JLCOLG) notice (at least 45 days before LGC meeting)
August 24, 2015	Publish first Notice of Special Bond Referendum in the newspaper of general circulation (Not less than fourteen days before last day to register to vote for Bond Referendum – October 9; NLT Sept. 25, 2015)

GENERAL OBLIGATION BOND REFERENDUM SCHEDULE

September 7, 2015 Publish second Notice of Special Bond Referendum in the newspaper of general circulation (Not less than seven days before last day to register to vote for Bond Referendum – October 9; NLT Oct. 2, 2015)

October 6, 2015 LGC agenda for approval

November 3, 2015 Referendum

After

November 2015 Adoption of Certificate of Canvass by the Pitt County Board of Elections

December 7, 2015 City Council adopts Resolution Certifying and Declaring Results of Special Bond Referendum

December 14, 2015 Publish Statement of Result in the newspaper of general circulation

TBD Rating Agency Presentation



City of Greenville, North Carolina

Meeting Date: 8/13/2015
Time: 7:00 PM

Title of Item: Ordinance Amending Section 2-1-11 Changing the Times for Regular Meetings of City Council

Explanation: **Abstract:** At its June 11, 2015, meeting, City Council directed that an ordinance be prepared for its consideration which changes the the time of the regular meeting on the second Thursday of each month from 7:00 p.m. to 6:00 p.m. City Council also directed that a public hearing be held on this proposed ordinance.

Explanation: North Carolina General Statute 160A-71 provides that City Council shall fix the time and place for its regular meetings. Section 2-1-11 of the City Code sets forth the regular meeting schedule of City Council as follows:

(A) The City Council shall hold a regular meeting on the second Thursday of each month in the Council chambers of City Hall at 7:00 p.m.

(B) The City Council shall hold a regular meeting on the Monday before the second Thursday of each month in the Council chambers of City Hall at 6:00 p.m.

(C) The City Council shall hold a regular meeting on the second Monday after the second Thursday of each month in the Council chambers of City Hall at 6:00 p.m.

At its June 11, 2015, meeting, City Council directed that an ordinance be prepared for its consideration which changes the the time of the regular meeting on the second Thursday of each month from 7:00 p.m. to 6:00 p.m. City Council also directed that a public hearing be held on this proposed ordinance.

Fiscal Note: There is no expense associated with a change of the meeting times.

Recommendation: Adoption of the attached ordinance will result in changing the time of the regular

meeting of City Council on the second Thursday of each month from 7:00 p.m. to 6:00 p.m.

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 [Ordinance Amending Section 2_1_11 City Council change in meeting times 1006851](#)

ORDINANCE NO. 15-
ORDINANCE AMENDING SECTION 2-1-11 OF THE GREENVILLE CITY CODE

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

Section 1. That Section 2-1-11 of the Code of Ordinances, City of Greenville is hereby
amended by rewriting said section to read as follows:

SEC. 2-1-11 DAYS FOR REGULAR MEETINGS.

- (A) The City Council shall hold a regular meeting on the second Thursday of each month in
the Council chambers of City Hall at 6:00 p.m.
- (B) The City Council shall hold a regular meeting on the Monday before the second
Thursday of each month in the Council chambers of City Hall at 6:00 p.m.
- (C) The City Council shall hold a regular meeting on the second Monday after the second
Thursday of each month in the Council chambers of City Hall at 6:00 p.m.

Section 2 All ordinances or parts of ordinances in conflict herewith are hereby repealed
to the extent of such conflict.

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

Section 4. This ordinance shall become effective on September 1, 2015.

This the 13th day of August, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 8/13/2015
Time: 7:00 PM

Title of Item: Ordinance revising the Uptown Outdoor Dining Permit standards for properties that abut the Uptown Parking Deck Plaza

Explanation: **Abstract:** Revisions to the Uptown Outdoor Dining Permit standards for properties that abut the Uptown Parking Deck Plaza

Explanation: Uptown Outdoor Dining Permit standards were adopted on May 9, 2013. Since that time, staff and Uptown Greenville merchants, property owners, and members have met on several occasions to address some concerns and potential changes to the outdoor dining standards for properties that abut the Uptown Parking Deck Plaza.

The construction of the Uptown Parking Deck involved changes in the environment for properties that abut the parking deck. Prior to the construction of the parking deck, these properties were located at a lower elevation than the previously existing parking lot. Because of the new parking deck plaza area, these properties are on the same elevation as the plaza area. Property owners in this area would like to use this previously "un-usable" area as an extension of the restaurants and/or dining and entertainment establishments in this area presently or in the future. These revisions do not change the current regulations for properties that are located in the Uptown Outdoor Dining Area.

This process is similar to the current process for restaurants and/or dining and entertainment establishments that use City-owned sidewalks and alleys. Through this process, the sponsoring establishment has to demonstrate compliance with all applicable rules, regulations, ordinances, laws or statutes, including the Americans with Disabilities Act (ADA) and those regulations promulgated or enforced by the North Carolina Alcohol Beverage Control Board and the Pitt County Health Department (Environmental Health). Being located in the Uptown Outdoor Dining Area does not guarantee a permit will be granted by the City.

These standards are crafted to allow outdoor dining, while also allowing safe and unimpeded pedestrian passage. These standards would eliminate or mitigate any

negative effects associated with outdoor dining such as noise, trash, or a public nuisance.

It is important to note that these regulations are for restaurants and/or dining and entertainment establishments and, as such, there are no additional personnel ("bouncers") requirements for the outdoor dining area that are required for public/private clubs. These regulations are intended to promote dining in this area.

To expedite the process, the permit would be approved at the staff level and not require City Council consideration.

PROPOSED CHANGES

CONDITIONS

Outdoor dining must be associated with an operating restaurant and/or dining and entertainment establishment in the Uptown Dining Area that is under the same management and shares the same food preparation facilities, restroom facilities, and other customer conveniences as the restaurant and/or dining and entertainment establishment. For this application, the property shall specifically abut the Uptown Parking Deck Plaza.

Outdoor dining shall be in accordance with the plan approved by the outdoor dining permit.

All furniture must be removed from the outdoor dining area each day by 12 a.m. Furniture may be stacked and/or stored in the outdoor dining area adjacent to the exterior wall of the subject property (must provide a scaled drawing delineating where and how furniture will be stacked and/or stored). Furniture shall be secured in order to deter it from being used as a weapon against others or damage property (real or personal).

No food consumption and/or possession of food or alcohol after 12 a.m is allowed in the outdoor dining area.

Temporary barriers are allowed provided that these are no more than 48 inches in height and non-flammable. Barriers shall not be permanently mounted and/or attached to the plaza area. Materials are to be reviewed and approved by the Fire Marshal. Barriers should be of a sufficient weight to prevent them from being easily tipped over.

Food serving equipment or food service equipment to hold, store, heat, warm, cold, chill, or otherwise to keep food to be served may be located in the outdoor dining area. The equipment shall not be stored in the outdoor dining area and shall be removed by 12 a.m.

Space heaters may be used in the outdoor dining area as shown on an approved site plan (must be approved by Fire Marshal).

At the request of the Greenville Police Department for special events (i.e., Halloween), all furnishings/barriers of the outdoor dining area shall be removed from the entire outdoor dining area.

Furniture may be returned to the outdoor dining area after 6 a.m. the following day.

Outdoor dining area shall not be enclosed by fixed walls and shall be open to the air.

Furniture may be of any construction except plastic.

No tents or cash registers are allowed in the outdoor dining area.

No music from any source (acoustic, electric or other) shall be allowed in the outdoor dining area.

No additional signage shall be allowed in the outdoor dining area except as allowed in Title 9, Chapter 4, Article N of the City Code.

Umbrellas are allowed provided vertical and horizontal clearances on sidewalks, as required by the North Carolina State Building Code and the Americans with Disabilities Act, are maintained.

No electrical/extension cords may be used in the outdoor dining area.

No flooring, decking, terracing or other floor material may be installed in the outdoor area.

No food or beverage can be served to a patron in the outdoor dining area unless the patron is seated at a table.

Accessible routes, as required by the North Carolina State Building Code, shall be maintained.

Outdoor dining area may be expanded to an abutting property with the written permission of the abutting property owner and the inclusion of the area in the outdoor dining permit.

Permit holder must comply with all applicable rules, regulations, ordinances, laws or statutes, including the Americans with Disabilities Act (ADA) and those regulations promulgated or enforced by the North Carolina Alcohol Beverage Control Board and the Pitt County Health Department (Environmental Health).

Outdoor dining operation must comply with all State and local sanitary and health regulations.

Addition of outdoor dining shall not cause the restaurant and/or dining and entertainment establishment to exceed the capacity of patrons as determined by

the size of the kitchen as determined by Pitt County Health Department.

The permit holder shall maintain general commercial liability insurance, naming the City as additional insured in the amount of not less than \$1,000,000 and submit a current certificate of insurance demonstrating continued compliance with this subsection. Such insurance shall not be cancelled without thirty (30) day written notice to the City.

The City maintains the right to enter the outdoor dining area at any time for inspecting the area, ascertaining compliance with conditions of the permit, or making any repairs to public sidewalks and/or alleys.

RESPONSIBILITIES

Permit holder shall:

- keep the outdoor dining area free of garbage, trash, refuse, and other waste materials;
- maintain the outdoor dining area in a clean and usable state and must protect the right-of-way from damage;
- properly clean and remove, for the safety of pedestrians and for environmental concerns, any food, drink, and other items spilled in the sidewalk, alley, or adjacent areas located in the right-of-way;
- use and occupy the outdoor dining area in a safe and reasonable manner in accordance with applicable laws including the provisions of this article; and
- keep and maintain the outdoor dining area in good and complete state of repair and condition, except for ordinary wear and tear.

NON-TRANSFERABILITY

The outdoor dining permit is not transferable. A change in ownership of the restaurant or dining and entertainment establishment requires re-application. The outdoor dining permit is valid for one year on a calendar year basis (from January 1 through December 31) and will expire on December 31 regardless as to when the outdoor dining permit is issued.

PERMIT REVOCATION

The outdoor dining permit may be revoked if it is determined that the permit holder:

- deliberately misrepresented or provided false information in the permit application;
- violated any provision of the City Code or county health department regulations in connection with the operation of the outdoor dining;
- violated any law, regulation, or ordinance regarding possession, sale, transportation or consumption of intoxicating beverages or controlled substances in connection with the operation of the outdoor dining;

- operated the outdoor dining in such a manner as to create a public nuisance or to constitute a hazard to public health, safety, and welfare; specifically including failure to keep the outdoor dining area clean and free of refuse;
- failed to maintain any health, business, or other permit or license required by law for the operation of the restaurant and/or dining and entertainment establishment.

ENFORCEMENT AND APPEALS

Enforcement of this article will be the responsibility of the director of the Community Development Department or designee. An appeal of a citation or of a denial or revocation of a permit shall be presented in writing to the director of the Community Development Department no later than five (5) calendar days after its issuance.

PENALTIES FOR VIOLATIONS

Any violation of the provisions of this section shall subject the offender to a civil penalty in the amount of \$50. Violators shall be issued a written citation, which must be paid within 72 hours. If the person fails to pay the civil penalty within 72 hours, the City may recover the penalty including all costs and attorneys fees by filing a civil action in the general court of justice in the nature of a suit to collect a debt.

Fiscal Note: The permit fee of \$125 is anticipated to cover administrative costs.

Recommendation: Approve the attached ordinance amending the Uptown Outdoor Dining Permit Standards for properties that abut the Uptown Parking Deck Plaza

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

Attachments / click to download

[Uptown Outdoor Dining Area](#)

[GPD Memo](#)

[Ordinance Outdoor Dining for Parking Plaza 1008979](#)

ORDINANCE NO. 15 -
ORDINANCE AMENDING THE PROVISION OF THE GREENVILLE CITY CODE TO
PROVIDE AN UPTOWN OUTDOOR DINING PERMIT FOR PROPERTIES THAT ABUT
THE UPTOWN PARKING DECK PLAZA

The City Council of the City of Greenville, North Carolina, does hereby ordain:

Section 1: That Chapter 2 of Title 6, of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended by adding an article to be designated as Article F, which article reads as follows:

**ARTICLE F. UPTOWN OUTDOOR DINING PERMIT FOR PROPERTIES THAT
ABUT THE UPTOWN PARKING DECK PLAZA**

SECTION 6-2-69 DEFINITIONS.

For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Uptown Outdoor Dining. Outdoor dining operated by a restaurant and/or dining and entertaining establishment in the Uptown Outdoor Dining Area that utilizes public sidewalks, access-ways, and/or alleys that contain removable chairs, tables, plants and related appurtenances.

Uptown Outdoor Dining Area. The area where Uptown Outdoor Dining is allowed by permit and which is located in the geographic area within the following boundary: 3rd Street between Washington Street and Cotanche Street, Cotanche Street between 3rd Street and 4th Street, 4th Street between Cotanche Street and Reade Street, Reade Street and Reade Circle between 4th Street and Evans Street, Evans Street between Reade Circle and 5th Street, 5th Street between Evans Street and Washington Street, and Washington Street between 5th Street and 4th Street.

Uptown Parking Deck Plaza. The brick and concrete plaza installed by the city that is south of and adjacent to and east of and adjacent to the parking deck located at the southwest corner of the intersection of East Fourth Street and Cotanche Street.

SECTION 6-2-70 PERMIT REQUIRED.

Uptown outdoor dining in the Uptown Parking Deck Plaza will be permitted only pursuant to a valid outdoor dining permit issued by the city in accordance with the provisions of this article. It is unlawful to operate outdoor dining on public sidewalks, access-ways, or alleys without an outdoor dining permit issued by the city.

SECTION 6-2-71 MINIMUM SUBMISSION STANDARDS.

All applications for an outdoor dining permit in the Uptown Parking Deck Plaza shall be submitted on a form provided by the city and contain the following information:

(A) Five (5) copies of a scaled sketch plan showing the proposed outdoor dining area boundary and surrounding streetscape details including property lines, sidewalks, lighting, trees, tree grates, planters, parking meters, benches, street signs, bus stops, and fire hydrants. The plan shall also include location, number and arrangement of tables, chairs and other appurtenances. The plan will be reviewed for compliance with applicable rules, regulations, ordinances, law, and statutes by the following departments/divisions: Police, Fire/Rescue, Engineering and Inspections. If furnishings are stored and/or stacked outside, a plan is required to show the location of how the furnishings will be stored and/or stacked. Furnishings should be secured.

(B) State ABC license to serve alcoholic beverages in the outdoor dining area (if alcoholic beverages are served);

(C) City Beer/Wine License to serve alcoholic beverages in the outdoor dining area (if alcoholic beverages are served);

(D) Proof of valid insurance policy that provides a minimum liability of one million dollars (\$1,000,000), and has the City of Greenville designated as an additional insured under the policy; and

(E) Written permission of abutting property owner (if outdoor dining area includes an area adjacent to the abutting property beyond the property upon which the restaurant or dining and entertainment establishment is located).

SECTION 6-2-72 CONDITIONS.

The following conditions apply to the outdoor dining permit in the Uptown Parking Deck Plaza:

(A) Outdoor dining must be associated with an operating restaurant and/or dining and entertainment establishment in the Uptown Outdoor Dining Area that is under the same management and shares the same food preparation facilities, restroom facilities, and other customer conveniences as the restaurant and/or dining and entertainment establishment. For this application, all or a portion of the outdoor dining area shall be within the Uptown Parking Deck Plaza.

(B) Outdoor dining shall be in accordance with the plan approved by the outdoor dining permit.

(C) All furniture must be removed from the outdoor dining area each day by 12 a.m. Furniture may be stacked and/ or stored in the outdoor dining area adjacent to the exterior wall of the subject property (must provide a scaled drawing delineating where and how furniture will be stacked and/or stored). Furniture shall be secured in order to deter it from being used as a weapon against others or damage property (real or personal).

(D) No food consumption and/or possession of food or alcohol after 12 a.m is allowed in the outdoor dining area.

(E) Temporary barriers are allowed provided that these are no more than 48 inches in height and non-flammable. Barriers shall not be permanently mounted and/or attached to the plaza area. Materials are to be reviewed and approved by the Fire Marshal. Barriers should be of a sufficient weight to prevent them from being easily tipped over.

(F) Food serving equipment or food service equipment to hold, store, heat, warm, cold, chill or otherwise to keep food to be served may be located in the outdoor dining area. The equipment shall not be stored in the outdoor dining area and shall be removed by 12 a.m.

(G) Space heaters may be used in the outdoor dining area as shown on an approved site plan (must be approved by Fire Marshal).

(H) At the request of the Greenville Police Department for special events (i.e., Halloween), all furnishings/barriers of the outdoor dining area shall be removed from the entire outdoor dining area.

(I) Furniture may be returned to the outdoor dining area after 6 a.m. the following day.

(J) Outdoor dining area shall not be enclosed by fixed walls and shall be open to the air.

(K) Furniture may be of any construction except plastic.

(L) No tents or cash registers are allowed in the outdoor dining area.

(M) No music from any source (acoustic, electric or other) shall be allowed in the outdoor dining area.

(N) No additional signage shall be allowed in the outdoor dining area except as allowed in Title 9, Chapter 4, Article N of the City Code.

(O) Umbrellas are allowed provided vertical and horizontal clearances on sidewalks, as required by the North Carolina State Building Code and the Americans with Disabilities Act, are maintained.

(P) No electrical/extension cords may be used in the outdoor dining area.

(Q) No flooring, decking, terracing or other floor material may be installed in the outdoor area.

(R) No food or beverage can be served to a patron in the outdoor dining area unless the patron is seated at a table.

(S) Accessible routes, as required by the North Carolina State Building Code, shall be maintained.

(T) Outdoor dining area may be expanded to an abutting property with the written permission of the abutting property owner and the inclusion of the area in the outdoor dining permit.

(U) Permit holder must comply with all applicable rules, regulations, ordinances, laws or statutes, including the Americans with Disabilities Act (ADA) and those regulations promulgated or enforced by the North Carolina Alcohol Beverage Control Board and the Pitt County Health Department (Environmental Health).

(V) Outdoor dining operation must comply with all State and local sanitary and health regulations.

(W) Addition of outdoor dining shall not cause the restaurant and/or dining and entertainment establishment to exceed the capacity of patrons as determined by the size of the kitchen as determined by the Pitt County Health Department.

(X) The permit holder shall maintain general commercial liability insurance, naming the city as additional insured in the amount of not less than \$1,000,000 and submit a current certificate of insurance demonstrating continued compliance with this subsection. Such insurance shall not be cancelled without thirty (30) days' written notice to the city.

(Y) The city maintains the right to enter the outdoor dining area at any time for inspecting the area, ascertaining compliance with conditions of the permit or making any repairs to public sidewalks and/or alleys.

SECTION 6-2-73 RESPONSIBILITIES.

In addition to the conditions specified in section 6-2-72, the permit holder of an outdoor dining permit in the Uptown Parking Deck Plaza shall comply with the following:

(A) Permit holder shall keep the outdoor dining area free of garbage, trash, refuse, and other waste materials.

(B) Permit holder shall maintain the outdoor dining area in a clean and usable state and must protect the right-of-way from damage.

(C) Permit holder shall properly clean and remove, for the safety of pedestrians and for environmental concerns, any food, drink, and other items spilled in the sidewalk, alley, or adjacent areas located in the right-of-way.

(D) Permit holder shall use and occupy the outdoor dining area in a safe and reasonable manner in accordance with applicable laws including the provisions of this article; and

(E) Permit holder shall keep and maintain the outdoor dining area in good and complete state of repair and condition, except for ordinary wear and tear.

SECTION 6-2-74 NON TRANSFERABILITY.

The outdoor dining permit in the Uptown Parking Deck Plaza is not transferable. A change in ownership of the restaurant or dining and entertainment establishment requires re-application. The outdoor dining permit is valid for one year on a calendar year basis (from January 1 through December 31) and will expire on December 31 regardless as to when the outdoor dining permit is issued.

SECTION 6-2-75 REVOCATION.

The outdoor dining permit in the Uptown Parking Deck Plaza may be revoked if it is determined that the permit holder:

(A) Deliberately misrepresented or provided false information in the permit application;

(B) Violated any provision of the City Code or county health department regulations in connection with the operation of the outdoor dining;

(C) Violated any law, regulation, or ordinance regarding possession, sale, transportation or consumption of intoxicating beverages or controlled substances in connection with the operation of the outdoor dining;

(D) Operated the outdoor dining in such a manner as to create a public nuisance or to constitute a hazard to public health, safety, and welfare; specifically including failure to keep the outdoor dining area clean and free of refuse;

(E) Failed to maintain any health, business, or other permit or license required by law for the operation of the restaurant and/or dining and entertainment establishment.

SECTION 6-2-76 ENFORCEMENT AND APPEALS.

Enforcement of this article will be the responsibility of the director of the Community Development Department or designee. An appeal of a citation or of a denial or revocation of a permit shall be presented in writing to the director of the Community Development Department no later than five (5) calendar days after its issuance.

SECTION 6-2-77 PENALTIES FOR VIOLATIONS.

(A) Any violation of the provisions of this section shall subject the offender to a civil penalty in the amount of \$50. Violators shall be issued a written citation, which must be paid within 72 hours. If the person fails to pay the civil penalty within 72 hours, the city may recover the penalty including all costs and attorneys fees by filing a civil action in the general court of justice in the nature of a suit to collect a debt.

(B) This article may also be enforced by any appropriate equitable action.

Section 2: That Section 6-2-1 of the Code of Ordinances, City of Greenville, be and is hereby amended by rewriting said section so that it shall read as follows:

SECTION 6-2-1 OBSTRUCTIONS PLACED IN STREETS AND ON SIDEWALKS.

It shall be unlawful for any person to place in any street or upon any sidewalk any boxes, crates, casks, barrels or other obstructions of a like nature, except garbage or refuse receptacles and in which is deposited waste paper and trash of every description for removal by the city and except as allowed in accordance with a permit issued for uptown outdoor dining pursuant to Articles E and F of Chapter 2 of Title 6 of the City Code.

Section 3: That Section 6-2-3 of the Code of Ordinances, City of Greenville, be and is hereby amended by rewriting said section so that it shall read as follows:

SECTION 6-2-3 SALE OR DISPLAY OF GOODS IN STREETS AND ON SIDEWALKS.

It shall be unlawful for any person to sell or display for the purpose of sale, any goods, wares or merchandise upon the sidewalks within the fire district except as allowed in accordance with a permit issued for uptown outdoor dining pursuant to Articles E and F of Chapter 2 of Title 6 of the City Code.

Section 4: That Section 12-1-2 of the Code of Ordinances, City of Greenville, be and is hereby amended by rewriting subsection (C)(1) so that said subsection shall read as follows:

(1) Notwithstanding any other provision of this section, upon obtaining the appropriate alcoholic beverages permits as required by law, possession and consumption of malt beverages or unfortified wine shall be permitted:

- (a) At a golf course owned, occupied or controlled by the city;
- (b) At a convention center owned, occupied or controlled by the city;
- (c) At an area upon a public sidewalk, access-way, or alley as allowed in accordance with a permit issued for outdoor dining pursuant to Articles E and F of Chapter 2 of Title 6 of the City Code; and

(d) With the written approval of the City Manager and subject to any conditions identified by the City Manager in the written approval, other property owned, occupied or controlled by the city or public streets, alleys or parking lots which are temporarily closed to regular traffic for special events.

Section 5: That the Manual of Fees of the City of Greenville, North Carolina, be and is hereby amended by the addition of a fee for an Outdoor Dining Permit contained in the Community Development Fees within a new section entitled "Miscellaneous" so that it shall read as follows:

Miscellaneous

Account Number	Service	Fee
010-03-60-00-000-000-473011	Outdoor Dining Permit	\$125 flat fee

Section 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7: 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 8: This ordinance shall become effective upon its adoption.

This the 13th day of August , 2015.

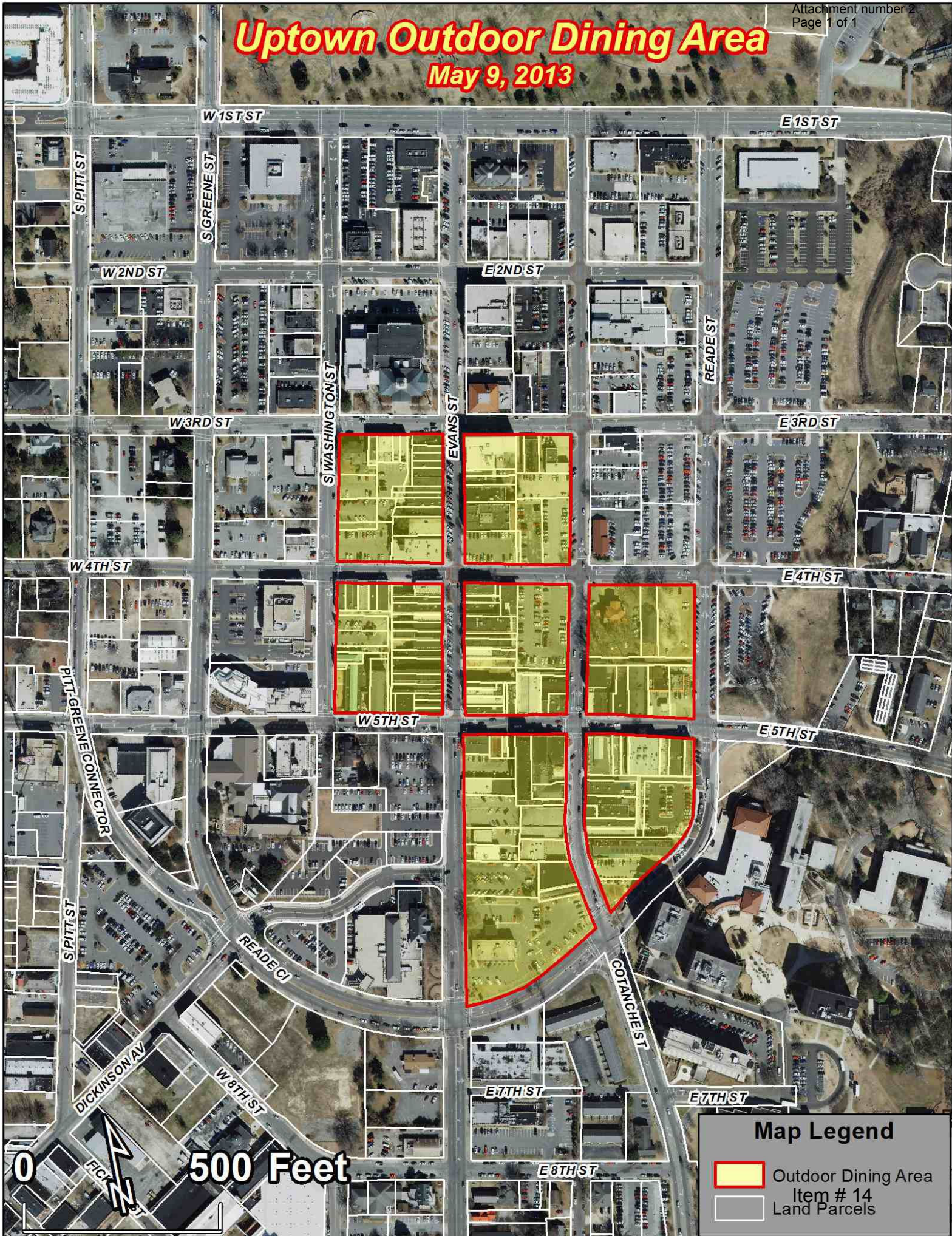
Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Uptown Outdoor Dining Area

May 9, 2013



Map Legend

-  Outdoor Dining Area Item # 14
-  Land Parcels



POLICE DEPARTMENT

Memorandum

To: Merrill Flood
From: Ted Sauls
Interim Chief of Police
Date: July 15, 2015
Subject: Outdoor Dining Standards

The Greenville Police Department has recently been involved in meetings with the various stakeholders concerning outdoor dining standards in the Uptown area. In order to make the most beneficial decision economic development, current trends and historical incidents were analyzed and considered as well as the department's overall mission to enhance public safety and prevent crime. The following paragraph describes the department's recommendations.

The department's primary concerns were with the likelihood that items left outdoors could be used as weapons against others or to damage property such as vehicles in the parking deck. The use of an outdoor dining area as an extension of the club during the late night hours is not recommended but the area can be used as a controlled, monitored smoking area for patrons. It is our recommendation that food and beverage service to outdoor dining areas cease at midnight. The ability of your office or the police department to make special provisions during special events such as Halloween should also be included in the standards. The final recommendation is that all tables and chairs be removed by midnight.

Special provisions Any questions concerning these recommendations can be forwarded to my office.



City of Greenville, North Carolina

Meeting Date: 8/13/2015
Time: 7:00 PM

Title of Item: Presentation on Trap, Neuter and Release (TNR) Program for Feral Cats

Explanation: **Abstract:** The Greenville Police Department Animal Protective Services has been asked to develop options for City Council to consider for implementation of a Trap, Neuter, and Release "TNR" Program for feral cats.

Explanation: "TNR" is a process by which a feral cat is trapped, medically altered, visually marked, and returned to its habitat. The goal of the program is to, over time, reduce the number of feral cats within a given location. Animal Protective Services researched various programs in peer cities and also met with local advocates to determine best practices for this proposal. If approved to move forward with establishing a TNR program in Greenville, an ordinance will need to be developed and brought back to City Council for approval before the program can begin.

Fiscal Note: If approved for implementation, the fiscal responsibility will rest with the groups who are approved. Staff will be required to complete permits when requested by TNR groups and inspect feral cat colonies. It is unknown what fiscal impact this will have on Animal Protective Services. Workload increases should be expected, and personnel needs may need to be addressed in the future.

Recommendation: Staff recommends implementation of a "TNR" program for feral cats in the City Limits of Greenville as presented, and seeks direction from City Council on whether to proceed.

Attachments / click to download

 [TNR Presentation](#)

Presentation on Trap, Neuter, and Release (“TNR”) Ordinance Proposal

Background Information

- The Police Department has been asked by a member of Council and local animal advocates to consider implementation of an ordinance that will allow for the trapping of stray and feral cats by private entities.
- Currently there is no provision in the City Ordinances for this activity and the only trapping authorized is that conducted by the Animal Protective Services (APS) Unit within the Police Department.
- Staff has researched the concept, considered the best course of action for the implementation of a successful program of this kind, and consulted with peer cities.
- Community stakeholders have also provided input which led to many of the recommendations presented.

What is "TNR"

“A program through which free-roaming cats (not belonging to particular humans) are humanely trapped; sterilized and medically treated; and returned to the outdoor locations where they were found.”

Current Trap and Removal Process

- A nuisance complaint is received and investigated.
- If confirmed, a City trap is set on the citizen's property, and adjoining neighbors are notified of the trap placement.
- Any trapped cats are checked for tags or microchips, and returned to the rightful owner if present,
- Cats with no ID are taken to the Pitt County Animal Shelter (\$20.00 drop-off fee) or City Of Greenville holding facility.

2014 City of Greenville Animal Stats

- Total calls for service: 3,893
- Total animals picked up: Dogs - 549 / Cats - 413
- Total taken to shelter: Dogs - 387 / Cats - 238
- Cat Traps loaned to citizens: 178

TNR Explained

- Feral cats are trapped, sterilized, vaccinated, ear-tipped to ID as TNR cat, and returned to the location from which they were trapped.
- Feral cats are stray or abandoned cats which have no owners.
- As a sterilized community cat colony ages, the number of cats will decrease by natural attrition.
- The goal of TNR is to reduce the number of feral, stray, or abandoned cats.

TNR continued

- TNR advocates report that nuisance behaviors of felines are reduced or eliminated once the animal is sterilized and fed regularly.
 - ✓ Urination, defecation, and “spraying” by cats
 - ✓ Property damage
 - ✓ Killing birds and other small wildlife for food or sport

(The actual impact is not easily quantifiable, and nuisance behavior may continue.)

Definitions Related to Feral Cat Management

- “Trap and Remove”: Current Practice of APS
- “TNR”: Trap, Neuter, and Release
- “TSNVR”: Trap, Spay, Neuter, Vaccinate, and Release
- “TSNVMR”: Trap, Spay, Neuter, Vaccinate, Microchip, and Release

Recommended Option:

- “TSNVMR”

TSNVMR Benefits:

- Insures safety and welfare of pets within the city
- Insures proper management of feral cat colonies through proper identification
- Shelter numbers and euthanized animals will likely decrease
- Increased spaying and neutering of animals reduces the feral cat population over time

TSNVMR concerns:

- Cats not removed by APS are left to roam the City
- The potential for personally owned cats to be altered unintentionally if not properly identified
- Increased nuisance complaints due to large number of felines in a concentrated area
- Increased potential for spread of disease

Vaccination Recommendations

- Feral Cats:
 - Dewormer
 - 3 year Rabies shot
 - 3 Way Vaccination
 - 1.) Rhinotracheitis
 - 2.) Calicivirus
 - 3.) Distemper
- Colony caregivers:
 - Preventative Rabies Series



Who will assume liability for feral cats?

- Who will be liable when there is personal injury or property damage experienced by a citizen because of the actions of a feral TNR cat?
 - City of Greenville?
 - Colony Caregivers?
 - Property owners where colony is located?
 - Cat Coalition of Pitt County?

Examples of Liability Issues

- Property Damage:
 - Vehicles scratched, urination/"spraying"
 - Flowerbeds and vegetable gardens
 - Scratching on porches, steps, decks, etc....
- Flea/Tick Infestation
- Defecation/Urination:
 - Roundworms, hookworms, and tapeworms
 - Adult, children, pet contact with infected feces

Liability Issues Continued

- Cat Bites/Scratches of Humans or Pets:
 - Rabies transmission
 - Infection
 - Medical/vet treatment and related costs
- Mandatory Quarantine:
 - NC State Law
 - Who will pay PCAS for 10 day hold on TNR cat?
 - Who will pay for vet care if required?
 - Ear mites, fleas, ticks, worms, skin issues, wounds, and/or vaccinations

Define Vacuum Effect:

Vacuum Effect refers to the principle in which an animal removed from its habitat is eventually replaced by another animal because of the food and shelter which remain unused.

Wildlife Impact

- The North Carolina Wildlife Resources Commission issues the following statement:

“When a food source is readily available, animals will gather in abnormally large numbers. By gathering together in unnatural groups, diseases can spread much more quickly.”



Find yourself in good company

TNR in Benchmark Cities

- Gastonia:
 - No TNR ordinance
 - No leash law on cats
 - Do not respond to trap request; complainant responsible for trap, transported by Animal Control
- Greensboro:
 - No TNR ordinance
 - No leash law on cats
 - Nuisance cats trapped using personal or city owned trap, transported by Animal Control
- High Point:
 - No TNR ordinance
 - No leash law on cats
 - Nuisance cats trapped using personal trap, complainant transports cat to shelter

TNR in Benchmark Cities Continued

- Raleigh:
 - No TNR ordinance
 - Has a leash law on cats
 - Nuisance cats trapped and removed, ear tipped cats not allowed to be returned to same area
- Asheville:
 - No TNR ordinance, work with rescues and TNR group
 - Has leash law on cats
 - Nuisance cats trapped and removed
- Cary:
 - Has TNR ordinance
 - Permits not required or regulated
 - Has leash law which does not apply to TNR cats
 - Nuisance cats trapped and removed, may not be returned to colony

TNR in Benchmark Cities Continued

- Concord & Durham:
 - No TNR ordinance
 - No leash law on cats
 - Nuisance cats are trapped and removed by citizen, taken to shelter
- Wilmington:
 - No TNR ordinance
 - Has leash law on cats
 - Nuisance cats with tipped ear removed to shelter; TNR groups notified and may claim cat with payment of \$20.00 fee
- Winston-Salem:
 - No TNR ordinance
 - No leash law on cats
 - Nuisance cats are trapped and removed, personal traps allowed

Recommendations

- If a TNR ordinance is adopted, staff recommends “TSNVMR”

The ordinance should cover:

- Permitting requirements for TNR groups
- Overall caregiver responsibilities
- Liability
- Colony size/numbers of cats
- Safety to citizens and feral cat colonies
- Public nuisance abatement and related fees
- P&Z requirements
- Board of Health recommendations



City of Greenville, North Carolina

Meeting Date: 8/13/2015
Time: 7:00 PM

Title of Item: Resolution amending the City of Greenville Personnel Policies

Explanation: **Abstract:** City staff has drafted a revised Personnel Policies Manual which updates the City's policies to current laws and practices for City Council consideration.

Explanation: City staff has drafted a revised Personnel Policies Manual which updates the City's policies to current laws and practices. A City Council Workshop to discuss the revised Personnel Policies is scheduled for 6:00 p.m. on August 13, 2015. City Council may adopt the revised Personnel Policies at the regular City Council meeting on August 13, 2015, or at a future Council meeting.

Fiscal Note: None

Recommendation: Adopt the revised City of Greenville Personnel Policies

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

Attachments / click to download

[Resolution approving adoption of personnel policies 1009523](#)

RESOLUTION NO. _____
A RESOLUTION AMENDING THE CITY OF GREENVILLE
PERSONNEL POLICIES

WHEREAS, the City of Greenville Personnel Policies were approved on June 11, 1993, by resolution; and

WHEREAS, since that time, there have been new legislation and best practices with regard to human resources management, requiring revisions to the current Personnel Policies; and

WHEREAS, City staff has completed an extensive redrafting and revision of the City of Greenville's Personnel Policies Manual which updates the policies to current laws and practices; and

WHEREAS, the City Council has considered these revised personnel policies at its workshop on August 13, 2015, and all changes have been incorporated;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, RESOLVES:

Section 1. The revised City of Greenville Personnel Policies, dated August 13, 2015, be and are hereby adopted herein by reference.

Section 2. All inconsistent provisions of former resolutions, ordinances, or policies are hereby repealed.

Section 3. This resolution shall be effective upon its adoption.

ADOPTED this the 13th day of August, 2015.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk