



Agenda

Greenville City Council

February 8, 2007
7:00 PM
City Council Chambers
200 Martin Luther King, Jr. Drive

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I. Call Meeting To Order

II. Invocation - Council Member Glover

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

- Capt. Leonard Sawyer - Fire/Rescue Retiree
- Lt. R. S. Sawyer - Police Department Retiree

VII. Appointments

1. Appointments to Boards and Commissions

VIII. Old Business

2. Ordinance amending Chapter 7 of Title 11 of the Greenville City Code, said Chapter being entitled Police-Initiated Tow Service Operations

IX. New Business

Public Hearings

3. Second reading and consideration of an ordinance for a taxicab franchise for James E. Sherman d/b/a Dick's Cab
4. Ordinance, requested by DVML, LLC, to rezone 23.588 acres located 1,845± feet south of Greenville Boulevard, 2,560± feet west of Memorial Drive, 205± feet north of Thomas Langston Road, and east of the Providence Place Subdivision from R6A (Residential [Medium Density Multi-Family]) to R6 (Residential [High Density Multi-Family])
5. Ordinance, requested by Bartlett Engineering and Surveying, PC, to rezone 33.6 acres located 700+ feet south of Woodridge Commercial/Industrial Park, west of the Allen Ridge Subdivision, and north of the Teakwood Subdivision from OR (Office-Residential [High Density Multi-Family]) to R9S (Residential-Single-Family [Medium Density])
6. Ordinance, requested by Columbia RIM Corporation c/o Mr. Jeff Harris, to rezone 2.6888 acres located 960± feet east of the intersection of Frog Level Road and Davenport Farm Road, south of the Augusta Trails Subdivision, 1,915± feet west of Thomas Langston Road, and 195± feet north of Davenport Farm Road being a portion of the Emerald Park Subdivision from R6A (Residential [Medium Density Multi-Family]) and R6S (Residential-Single-Family [Medium Density]) to R6A (Residential [Medium Density Multi-Family]), R6S (Residential-Single-Family [Medium Density]), and R9S (Residential-Single-Family [Medium Density])
7. Ordinance, requested by the Community Development Department, to zone 604.4± acres located 1,540± feet north of East Tenth Street (NC Highway 33 East), along the southern right-of-way of Sunnyside Road, and east of the River Hills Subdivision from GI (General Industry-County's Jurisdiction) and RR (Rural Residential-County's Jurisdiction) to RA20 (Residential-Agricultural)
8. Ordinance, requested by V-SLEW, LLC, to rezone 101.179 acres located along the northern right-of-way of NC Highway 33 East, 820± feet east of the intersection of NC Highway 33 East and Portertown Road, and 1,350± feet west of the intersection of NC Highway 33 East and L. T. Hardee Road from RA20 (Residential-Agricultural) and RR (Rural Residential – County's Jurisdiction) to OR (Office-Residential [High Density Multi-Family]), R6A (Residential [Medium Density Multi-Family]), and RA20 (Residential-Agricultural)
9. Ordinance to annex V-SLEW, LLC property, containing 67.389 acres located north of NC Highway 33 and east of Rolling Meadows Subdivision
10. Ordinance to annex Philip E. Carroll property, containing 8.6292 acres located east of US Highway 264 Bypass and west of Bostic Drive
11. Ordinance to annex Covengton Downe, Lot 9, Block G, containing 1.65 acres located north of Fire Tower Road and 210± feet west of Arlington Boulevard
12. Ordinance to annex Emerald Park, Phase 1, Section 1, containing 22.1072 acres located west of Thomas Langston Road and north of Davenport Farm Road
13. Ordinance to annex Pitt County Board of Education, Southwest Elementary School Site, containing 29.328 acres located west of Thomas Langston Road and Langston Farms Subdivisions and north of Savannah Place Subdivision

14. Ordinance (requested by Garris Evans Lumber Company) to amend the CDF (commercial downtown fringe) district table of uses to include "Building supply; lumber and material sales, plumbing and/or electrical supply including outside storage" as a special use
15. Proposed Community Development Block Grant (CDBG) and HOME Investment Partnership Annual Plan for Fiscal Year 2007-2008

Public Comment Period

- The Public Comment Period is a period reserved for comments by the public. Items that were the subject of a public hearing at this meeting 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 have registered have spoken, individuals who did not register will have an opportunity to speak until the allocated 30 minutes expires.

Other Items of Business

16. Recommendation for naming the Red Oak/Oakdale Park as the Andrew A. Best Freedom Park
17. Actions necessary for the Greenville Utilities Commission Wastewater Treatment Plant Electrical and SCADA Upgrade Project
 - a) Adoption of Sewer Capital Projects Budget Ordinance
 - b) Adoption of Reimbursement Resolution
18. Budget ordinance amendment #6 to the 2006-2007 City of Greenville budget and capital project budget ordinances for the West Greenville and Center City Revitalization Projects
19. Report on bids awarded

X. Comments from Mayor and City Council

XI. City Manager's Report

XII. Adjournment



City of Greenville, North Carolina

Meeting Date: 2/8/2007
Time: 7:00 PM

<u>Title of Item:</u>	Appointments to Boards and Commissions
<u>Explanation:</u>	A City Council appointment needs to be made to the Affordable Housing Loan Committee, a City Council nomination needs to be made to Pitt County for the Pitt-Greenville Convention and Visitors Authority, and Council Member Dunn needs to announce an appointee to the Police Community Relations Committee.
<u>Fiscal Note:</u>	No fiscal impact.
<u>Recommendation:</u>	To make an appointment to the Affordable Housing Loan Committee, to make a nomination to Pitt County for the Pitt-Greenville Convention and Visitors Authority, and for Council Member Dunn to announce an appointment to the Police Community Relations Committee.

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Appointments To Boards and Commissions

February 8, 2007

Affordable Housing Loan Committee

Council Liaison: Council Member Rose Glover

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Dallas Taylor	Filling unexpired term	Eligible	February 2007
John Tulloss	Filling unexpired term	Eligible	February 2007

Pitt-Greenville Convention and Visitors Authority

Council Liaison: Council Member Larry Spell

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Kenneth Ross* County Member	First term	Resigned, Installed as County Commissioner	July 2009

*Member of tourist or convention-related business

Police Community Relations Committee

Council Liaison: Council Member Rose Glover

<u>Name</u>	<u>Current Term</u>	<u>Reappointment Status</u>	<u>Expiration Date</u>
Carolyn Davis (At-Large)	First term	Resigned	October 2008

Applicants for Affordable Housing Loan Committee

Doreen Winston
3210-M Moseley Drive
Greenville, NC 27834

Application Date: 9/9/2004

353-1500

Applicant Interest Listing

Convention & Visitors Authority

Ralph Hall Jr
111 Hardee Street
Greenville NC 27858

Day
Evening Phone: (252) 756-0262
Fax:
E-mail: bajhall@aol.com
Priority: 0

Gender: M
Race White
District: 6
Date Applied: 02/26/2003

Applicant's Attributes: District 6

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	University of South Carolina	Civil Engineering	1955-1957
Education	Edenton High		
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		

Boards Assigned To

Industrial Revenue & Pollution Control Authority	3/15/2004 to 3/15/2007
P. C. M. H Board Of Trustees District 2	1/12/2004 to 3/31/2008

Gary Hines
729 Forest Circle
Winterville NC 28590

Day (252) 902-3304
Evening Phone: (252) 717-0867
Fax: (252) 830-1157
E-mail: gshines@co.pitt.nc.us
Priority: 0

Gender: M
Race White
District: 5
Date Applied: 02/08/2005

Applicant Interest Listing

Applicant's Attributes: District 5

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	East Carolina University	BS/Urban/Regional Planning	
Education	North Lenoir		
Experience	Pitt County	Elections Director	5 years
Volunteer/Prof. Associations	Church Fund Raising Events		
Volunteer/Prof. Associations	Uwharrie Toursim		

Vivian Ann Humphrey

321 Scottish Court
Greenville NC 27858

Day (252) 355-3141

Evening Phone:

Fax:

E-mail: vhumphrc@yahoo.com

Priority: 0

Gender: F

Race White

District: 3

Date Applied: 02/24/2005

Applicant's Attributes: District 3

Greenville City Limits

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	East Carolina University	BS-Math Masters-Library Science	
Education	Lillington High		
Experience	PC Federal Research Grant		
Experience	Pitt County Schools		
Experience	Edgecombe County Schools		
Experience	Pitt Technical Institute	Asst. Librarian	
Experience	Retired Educator		
Volunteer/Prof. Associations	Church Committees		
Volunteer/Prof. Associations	Michael Jordan Tournament		
Volunteer/Prof. Associations	Special Olympics		
Volunteer/Prof. Associations	Rose High School		

Applicant Interest Listing

Minnie Johnson-Anderson

3309 Landmark Street
Greenville NC 27834

Day (252) 439-0613
Evening Phone:
Fax:
E-mail: minni789@aol.com
Priority: 0

Gender: F
Race African
District:
Date Applied: 11/15/2002

Applicant's Attributes: Greenville City Limits

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	Elizabeth City State University	BS & Masters/Education	
Education	HB Sugg High		
Experience	DC Board of Education	Counselor	
Other Appointed Positions	Historic Preservation		
Volunteer/Prof. Associations	Healthy Committee		
Volunteer/Prof. Associations	Republican Women of Pitt		
Volunteer/Prof. Associations	African-American Heritage		
Volunteer/Prof. Associations	Mental Health Consumer		

Boards Assigned To

Mental Health Advisory Committee
At large

7/12/2004 to 7/12/2008

Karen Koch

2146 Sir Hugh Court
Greenville NC 27858

Day (252) 744-5209
Evening Phone: (252) 551-3782
Fax: (252) 744-5229
E-mail:
Priority: 0

Gender: F
Race White
District: 3
Date Applied: 09/15/2004

Applicant's Attributes: District 3

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	University of Maryland	BS-Psychology Master Socail	
Education	Centennial High		
Experience		Licensed Clinical Socail Worker	

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Applicant Interest Listing

Experience	ECU School of Social Work	Field Instructor	
Experience	Walter B. Jones Alcohol Center	Social Work Supervisor	16 yrs
Volunteer/Prof. Associations	Board of Directors		
Volunteer/Prof. Associations	NASW Local Program Unit		
Volunteer/Prof. Associations	National Ass. Of Social		

Boards Assigned To

Mental Health Advisory Committee At large	3/14/2005 to 12/16/2006
Nursing Home Advisory Committee	11/1/2004 to 11/1/2005

Catherine Land

209 S. Baywood Lane
Greenville NC 27834

Day (252) 758-3746	Gender: F
Evening Phone: (252) 347-9608	Race White
Fax: (252) 830-3954	District: 2
E-mail: catherine.;and@eastgroup.	Date Applied: 05/24/2005
Priority: 0	

Applicant's Attributes: District 2

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	East Carolina University	BS	
Education	J.H. Rose High		
Experience	Grady-White Boats	HR Supervisor	5 years
Experience	IBM, Raleigh		1 year
Experience	The East Group	IT Mananger	8 years
Volunteer/Prof. Associations	Caregivers		

Joseph Skinner

3605 Stillwood Drive
Winterville NC 28590

Day (252) 847-6843	Gender: M
Evening Phone: (252) 756-1966	Race White
Fax:	District: 4
E-mail:	Date Applied: 01/14/2005
Priority: 0	

Applicant Interest Listing

Applicant's Attributes: District 4
Greenville City Limits

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	East Carolina University		
Education	Ralph L Fike		
Experience	S.T. Wooten Construction		
Experience	C.A. Lewis	General Contractor	15 years
Experience	Pitt County Memorial Hospital	Project Manager/Employer	2000
Volunteer/Prof. Associations	Advisory Board @ PCC		
Volunteer/Prof. Associations	University Kiwanis Club		
Volunteer/Prof. Associations	Planning & Zoning		

Boards Assigned To

Development Commission	2/7/2005 to 12/31/2007
Greenville Nominated	

Kelli Smith

3750 Langston Blvd.
Winterville NC 28590

Day (252) 413-4368
Evening Phone: (252) 353-2737
Fax:
E-mail: kpsmith@pcmh.com
Priority: 0

Gender: F
Race African
District: 4
Date Applied: 09/17/2004

Applicant's Attributes: District 4
Greenville City Limits

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
		MBA - Health Care Admin	
Education	East Carolina University	BS-Biology, MPH -Epidemiology	
Education	Clark Atlanta University		
Education	Beaumont School for Girls		

Applicant Interest Listing

Experience	Alpha Kappa Alpha Inc.	1991-present
Experience	NASA -Johnson Space Center	1997-1999
Experience	Centers for Disease Control &	1995
Experience	Jefferson County Department of	1996-1997
Experience	University Health Systems	Coordinator, HA Corp Affairs
Volunteer/Prof. Associations	Institutional Review Board for	
Volunteer/Prof. Associations	University Health Care	

Boards Assigned To

Nursing Home Advisory Committee	11/27/2006 to 11/1/2008
Pitt County Emergency Medical Services Advisory At large	12/6/2004 to 9/16/2005

Linda Tripp

4817 NC 33 E
105 Oakmont Drive-work-use this one
Greenville NC 27858

Day (252) 355-4700
Evening Phone: (252) 758-3840
Fax: (252) 355-4707
E-mail: ltripp@greenvillenc.com
Priority: 0

Gender: F
Race White
District: 3
Date Applied: 04/25/2003

Applicant's Attributes: District 3
Simpson ETJ
GUC Customer
Non Greenville Resident

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	South Georgia College		
Education	East Carolina University	BUED,MAED	
Education	Pitt Community College	Real Estate Broker's License	
Education	Patterson High		
Experience	Carolina Court Reporters, Inc.	President & CEO	1992-present
Experience	State of North Carolina	Division of Water Quality	1972-1979

Applicant Interest Listing

Experience	Tripp Diet Centers, Inc.	President & CEO	1979-1992
Volunteer/Prof. Associations	East Carolina University	Pirate Club/Vice-President	
Volunteer/Prof. Associations	Pitt Community College		
Volunteer/Prof. Associations	Jockey Club Advisory Board		
Volunteer/Prof. Associations	East Carolina University	Network for Advancement	
Volunteer/Prof. Associations	Various Church Committees &		
Volunteer/Prof. Associations	East Carolina University	Performing Arts/Vice-President	
Volunteer/Prof. Associations	American Heart Association	Gala Chairperson	
Volunteer/Prof. Associations	American Cancer Society	Hope Gala Committee	
Volunteer/Prof. Associations	Greenville Museum of Art	Benefactor	
Volunteer/Prof. Associations	East Carolina University	Art Enthusiasts Committee	
Volunteer/Prof. Associations	East Carolina University	Chancellor's Society	
Volunteer/Prof. Associations	East Carolina University	Friends of Theater-Director	
Volunteer/Prof. Associations	Health Education Foundation		
Volunteer/Prof. Associations	Ironwood Golf Board		

Boards Assigned To

Pitt - Greenville Airport Authority
County

5/3/2004 to 6/30/2007

Wendy Winstead

140 Farmington Rd.
Grimesland NC 27834

Day (252) 916-8180

Evening Phone: (252) 355-8280

Fax:

E-mail: wenwins@earthlink.net

Priority: 0

Gender: F

Race White

District: 3

Date Applied: 07/12/2006

Applicant's Attributes: District 5

County Planning Jurisdiction

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)

	Organization	Description	Date(s)
Education	East Carolina University	BS in Social Studies	

Applicant Interest Listing

Education	Fuquay-Varian Senior H.S.		
Experience	R.H.Donnallay	Sprint Yellow Pages Account	1995-present
Volunteer/Prof. Associations	Salvation Army Volunteer		
Volunteer/Prof. Associations	Michael Jordan Golf Classic		
Volunteer/Prof. Associations	Dream Factory Committee		
Volunteer/Prof. Associations	CCA-NC East Carolina Chapter		
Volunteer/Prof. Associations	Association Executives of NC		
Volunteer/Prof. Associations	March of Dimes of Eastern NC	Board of Directors, Bid for Bachelors	
Volunteer/Prof. Associations	American Cancer Society	Relay for Life Committee	
Volunteer/Prof. Associations	Greater Greenville Kiwanis Club	Board of Directors,President,Vice-	
Volunteer/Prof. Associations	Pitt-Greenveille Chamber of	Ambassador,Chamber Bowling	
 <u>Boards Assigned To</u>			
ABC Board			8/31/2006 to 8/31/2009

Applicants

Board/Commission: Police Community Relations Committee

O. J. Gupton, Jr.
3001-A Mulberry Lane
Greenville, NC 27858
Application Date: 02/17/2005
Business Phone: 758-0062
Home Phone: 756-6146
District: 5

Daniel Kozak
804 Forbes Street
Greenville, NC 27834
Application Date: 02/17/2005
Business Phone: 916-4844
Home Phone: 754-2878
District: 1

Aaron F. Lucier
1516 Thayer Drive
Winterville, NC 28590
Application Date: 5/1/2006
Business Phone: 328-2758
Home Phone: 321-3910
District: 5

Chad Reynolds
1604 Brownlea Drive
Greenville, NC 27858
Application Date: 11/29/2005
Business Phone: 756-8222
Home Phone: 321-6311
District: 4

Donald Walter
1917 Fairview Way
Greenville, NC 27858
Application Date: 02/16/2005
Business Phone: 902-2665
Home Phone: 756-0781
District: 4

Wayne Whipple
3102 Cleere Court
Greenville, NC 27834
Application Date: 11/29/2006
Business Phone:
Home Phone: 321-0611
District: 4

Document #83681
Revised: 1/26/2007



City of Greenville, North Carolina

Meeting Date: 2/8/2007
Time: 7:00 PM

Title of Item:

Ordinance amending Chapter 7 of Title 11 of the Greenville City Code, said Chapter being entitled Police-Initiated Tow Service Operations

Explanation:

On January 11, 2007, a public hearing was conducted on the proposed revisions to the police-initiated tow ordinance. As a result of public comments and comments from Council, the ordinance was returned to staff for further review and clarification and to address the questions posed by Council.

The Police Department completed its inspection of the tow operators on the rotation list. Each inspected business was evaluated under the current ordinance and the requirements of the proposed ordinance. Those areas where the business did not comply with the proposed ordinance were identified, and the owners have been notified as to what requirements needed to be met to satisfy the requirements of the proposed ordinance.

Based on the inspection results and tow tabulations, those businesses identified as noncompliant and co-mingled accounted for approximately 90% of the police-initiated tows during 2006. The remaining 10% was divided among the compliant businesses. The noncompliant businesses had an unfair advantage in calls over the compliant businesses.

Staff has revised the proposed ordinance since the January 11, 2007, meeting. The revisions based on Council and public comments are in red on the attached proposed ordinance.

Staff is scheduled to meet with the Tow Operator Committee, selected by the tow operators to represent their interests, on February 2, 2007 to discuss the changes. The other tow operators are also invited to attend the meeting.

The requirements of the proposed ordinance are substantially identical to the rules governing the State Highway Patrol initiated tows. The State regulations will be changed, however, no public hearings have been scheduled, and only a summary of the changes has been made available. The summary of the changes indicates that the only changes being considered will divide the tow operators into districts, the rates that can be

Agenda Briefing

charged will be the average of the rates charged within the district, and the storage rates will be significantly reduced.

Police-initiated tows occur when there is an accident or when a vehicle is improperly parked on the city streets or city parking lots. It does not apply to private parking lots (under federal law, a municipality may only regulate rates charged by tow operators if it is a police-initiated tow).

Attached is a copy of the inspection results (with the area needing to be met for each business being designated by xxx), the proposed ordinance (with the changes being in red), and the proposed ordinance with the changes made.

Fiscal Note:

No cost to the City of Greenville.

Recommendation:

Adopt the proposed ordinance amending Chapter 7 of Title 11 of the Greenville City Code.

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Attachments / click to download

- [AN ORDINANCE AMENDING CHAPTER 7 OF TITLE 11 OF THE GREENVILLE CITY CODE SAID CHAPTER BEING ENTITLED](#)
- [_Initiated Tow Service Oper](#)
- [Wrecker Commingling Chart](#)

ORDINANCE NO. 07-

AN ORDINANCE AMENDING CHAPTER 7 OF TITLE 11 OF THE GREENVILLE CITY CODE, SAID CHAPTER BEING ENTITLED POLICE-INITIATED TOW SERVICE OPERATIONS

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

Section 1. That Chapter 7 of Title 11 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said chapter to read as follows:

CHAPTER 7. POLICE-INITIATED TOW SERVICE OPERATIONS

Sec. 11-7-1. Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meaning given herein.

- (1) *Canceled call* shall occur when an owner of a vehicle requests the on scene law enforcement officer to cancel a dispatched call either before the tow operator arrives or prior to initiation of tow services. When such a call occurs, the responding tow operator shall not have the canceled call counted as a rotation call and will be returned to the tow operator's position on the rotation list that the tow operator would have held before the canceled call.
- (2) *City* is the City of Greenville, North Carolina.
- (3) *Day towing operations* shall include any tow service during the local hours of eight o'clock a.m. (8:00 a.m.) until five p.m. (5:00 p.m.) on Monday, Tuesday, Wednesday, Thursday, and Fridays; except city holidays.
- (4) *Dispatched call* shall mean a call made by the on scene law enforcement officer at the request of the owner of the vehicle to Greenville Police Department Communications requesting a tow operator from the rotation list.
- (5) *Extraordinary circumstances* as used in this chapter shall mean the tow operator being required to wait more than one-half (1/2) hour before initiating tow operations or when the tow operator must extract a vehicle from a ditch, right a flipped vehicle (resting on its roof), remove a tree resting on a vehicle, recovering a vehicle hit by a train or a jackknifed vehicle and trailer.

- (6) *Hook-up* is the application and first connection of a chain or a mechanical connection from the tow service truck to the towed motor vehicle.
- (7) *Night, weekend and holiday towing* operations shall include any tow service at all times other than day towing.
- (8) *Person* is an individual, firm, partnership, association, corporation, company, or organization of any kind.
- (9) *Police-initiated tow* shall mean a Greenville Police Officer or Greenville Police Department Dispatch request for tow service by a business or tow owner on the police rotation list.
- (10) *Storage* is when a vehicle has been towed under the chapter and is maintained in a means provided by this chapter. The reason for the tow initiated by the police shall be as a result of accident, violation of parking ordinances, disabled or any other police initiated.
- (11) *Tow service* is a person engaged in the business of a wrecker or towing service, granted a permit under this Chapter, whereby motor vehicles are towed or otherwise removed at the direction of officers of the city police department by the use of a wrecker or motor vehicle designed for that purpose.
- (12) *Tow service operator* is the person operating a tow vehicle under this Chapter.
- (13) *Wrecked motor vehicle* is a motor vehicle not capable of self-propulsion.

Sec. 11-7-2. Police rotation list.

(a) The chief of police is hereby authorized to establish a rotation list of tow services desiring to provide towing services upon request of police officers. The tow services who desire to be placed upon a rotation list shall comply with the requirements of this chapter and with all other rules and regulations the chief of police may issue regarding towing services requested by personnel of the police department.

(b) The number of tow service operators on the police rotation list shall be limited to 20. In the event that a tow service operator is removed permanently from the police rotation list, whether voluntarily or involuntarily, the vacancy shall be filled by drawing made by the chief of police from those tow service operators who comply with the requirements of this ordinance and desire to be on the police rotation list. The selection process shall continue until the vacancies are filled and the maximum number of 20 tow service operators is reached.

Sec. 11-7-3. Selection of tow services during police investigations.

In all police-initiated towing of a vehicle:

(1) The operator of the vehicle, if present and not incapacitated, shall have the right to select a tow service of his choice located within a reasonable distance from the site of the tow to perform the towing service. The reasonableness of the distance from the tow site shall be determined by the police personnel present at the scene.

(2) If the operator of the vehicle to be towed is not present, or is incapacitated, or has no preference as to any specific tow service, the police personnel ordering the tow shall request that the towing service be provided by the tow service then first on the appropriate rotation list maintained by the police communications center.

(3) When emergency circumstances prevail, the police officer may request towing services from the tow service nearest to the scene of the accident or emergency. A police officer may also request towing services from any company operating large cranes or other heavy equipment if necessary to remove traffic obstacles involving large trucks or heavy equipment.

Sec. 11-7-4. Permit required.

No tow service shall engage in the business of towing vehicles at the request of city police personnel without first obtaining a police rotation list permit from the chief of police. Once issued, a permit under this chapter is valid for one (1) year and capable of being renewed.

Sec. 11-7-5. Application for police rotation list permit.

(a) Application for a police rotation list permit issued hereunder shall be notarized and shall be made upon blank forms prepared and made available by the police department and shall contain:

- (1) The name, home address, and proposed business address of each owner, investor, part owner, or partner, limited partner, or joint venturer, silent or active.
- (2) The business address, business telephone number, telephone number for night calls, location and telephone number for storage area.
- (3) A description of the size and capacity of all tow trucks used by the tow truck operator and shall contain a certification that at all times the equipment will be in good condition and capable of towing any automobile or truck from the streets and other public or private places in the town when called on to do so.
- (4) A description of the storage area for towed vehicles at, or in the immediate vicinity of the applicant's garage, and shall contain a certification that the applicant shall have and shall maintain storage space and facilities to protect from the elements such vehicles as would be damaged by exposure and a sufficient amount of additional storage space to store other vehicles all within an enclosure having a wall or a solid

fence of sufficient height or design to conceal such towed vehicles from view from any street or public way, and illuminated at night.

- (5) The applicant shall provide a copy of the garage liability policy or certificate of garage liability insurance covering the operation of the licensee's business equipment, or other vehicles for any bodily injury or property damage. This policy shall be in the minimum of \$100,000.00 for any one person injured or killed and a minimum of \$300,000.00 for more than one person killed or injured in any accident and an additional \$50,000.00 for property damage.
- (6) The applicant shall provide a copy of the garage keeper's legal liability policy or certificate of garage keeper's legal liability insurance for each storage premises covering fire, theft, windstorm, vandalism and explosion in the amount of \$100,000.00 (\$20,000.00 per claim per vehicle).
- (7) A copy of the registration card issued by the department of motor vehicles for each tow truck used by the tow truck operator, indicating that each tow truck is registered as a wrecker as defined in Chapter 20 of the General Statutes of the State of North Carolina.
- (8) The applicant shall certify that the applicant, any partner, and any interest holder is a separate business, from any other tow service operator, has its own business and privilege license will not cover or forward calls of another tow service operator or business and does not share, use, combine, merge or mix the following and will not do so as long as on the police rotational list:
 - (a) building and office facilities and office equipment;
 - (b) wreckers, dollies or other tow equipment;
 - (c) tow personnel and office staff or personnel;
 - (d) vehicle storage facilities or lot;
 - (e) liability or owner insurance policies; and
 - (f) all assets, accountings, invoices, income and expenses are not a part of any other business, partnership, joint venture, or other business arrangement.
- (9) The application shall be signed by each owner, part owner, or partner, silent or active.
 - (b) Subject to the restrictions and qualifications set forth in these regulations or procedures adopted by the chief of police, nonconforming tow service operators that do not meet the requirements of this ordinance but were on the wrecker rotation list on the effective date of these regulations may continue to participate on the wrecker rotational list for a period of sixty (60) days from the effective date of these regulations. At the end of the sixty (60) days, the nonconforming tow service operators shall be inspected for compliance with the requirements of these regulations and procedures. Those tow service operators who remain noncompliant shall be removed from the wrecker rotational list.

Sec. 11-7-6. Insurance requirements.

Upon approval of a police rotation list permit, no tow service shall be added to the police rotation list until the permit holder has deposited with the chief of police or designee proof of the following liability coverage:

- (1) Garage liability policy. A garage liability policy covering the operation of the licensee's business equipment, or other vehicles for any bodily injury or property damage. This policy shall be in the minimum of \$100,000.00 for any one person injured or killed and a minimum of \$300,000.00 for more than one person killed or injured in any accident and an additional \$50,000.00 for property damage.
- (2) Garage keeper's policy. A garage keeper's legal liability policy for each storage premises covering fire, theft, windstorm, vandalism and explosion in the amount of \$100,000.00 (\$20,000.00 per claim per vehicle).
- (3) Notice of change. Each policy required under this section must contain an endorsement by carriers providing ten days' notice to both the city and the insured in the event of any change in coverage under the policy.

Sec. 11-7-7. Investigation by chief of police.

Within five (5) business days after receipt of each application, the chief of police or designee shall cause an investigation to be made of the applicant and of the applicant's proposed operation. Such investigation shall be made for the purpose of verifying the information in the application and to assure compliance with the provisions of this chapter.

Sec. 11-7-8. Standards for issuance of privilege permit.

The chief of police or designee shall add a tow service to the police rotation list when it is determined:

- (1) That public convenience and necessity require the applicant tow service be added to the police rotation list;
- (2) The tow service business location and its storage facility are located within the city limits;
- (3) Insurance policies as required by the chapter have been procured;
- (4) All applicants, operators, owners, investors, partners limited partners, and joint venturers, have never been convicted, pleaded no contest or received a prayer for judgment for any felony, assault, theft, or any other crime involving the taking, use, tampering with, or conversion of a motor vehicle;
- (5) The tow service will use only tow trucks equipped with revolving or flashing amber or yellow light(s) which shall be operating during any tow;

- (6) The tow service will provide twenty-four (24) hours per day, seven days (7) per week, on-call service;
- (7) The tow service will arrive at the location of the vehicle to be towed within thirty (30) minutes after receiving a request for day towing services and within a reasonable time after receiving a request for night, weekend and holiday towing from the police department;
- (8) The tow service will provide and use a storage area for towed vehicles that is enclosed by a chain link fence or equivalently secure fence or enclosure which shall be illuminated at night and shall have sufficient storage space and facilities to protect from the elements such vehicles as would be damaged by exposure and a sufficient amount of additional storage space to store other vehicles all within an enclosure having a wall or a solid fence of sufficient height or design to conceal such towed vehicles from view from any street or public way, and illuminated at night;
- (9) The tow service will maintain towing equipment which is adequate to perform such towing service in a reasonably workmanlike manner and is properly equipped to tow vehicles in such a manner as to minimize any damage to towed vehicles. All towing equipment shall contain the name and phone number of the tow operator placed on the sides of the tow vehicle in letters no less than three (3) inches in height. At all times and not just for inspection purposes, tow services shall have and maintain in good working order the equipment, tools and supplies required and set out in §11-7-10.
- (10) The requirements of this chapter and all other governing laws and ordinances have been met.

Sec. 11-7-9. Duties of police rotation list tow services.

Tow services shall be added to the police rotation list subject to the following conditions:

- (1) *Compliance with rate schedule.* In addition to an administrative tow fee payable to the City of Greenville and contained in the City's Manual of Fees, tow services shall charge for their services only such fees or costs as are established herein:
 - (a) The maximum rate for the towing and storage for a vehicle is as follows:

Collision tows:

 - (1) For Day, Night, Weekend and Holiday towing a vehicle with a gross weight up to and including 9,000 pounds the maximum charge is one hundred twenty five dollars (\$125.00).
 - (2) Rates for vehicles in excess of 9,001 pounds shall be at the tow service established rates which have been filed with the Chief of Police or designee.

Non-collision tows:

- (1) For Day, Night, Weekend and Holiday towing a vehicle with a gross weight up to and including 9,000 pounds the maximum charge is seventy five dollars (\$75.00).
 - (2) Rates for vehicles in excess of 9,001 pounds shall be at the tow service established rates which have been filed with the Chief of Police or designee.
- (b) The maximum rate for storage until the owner, operator or other person authorized to take possession of the towed vehicle is as follows:
- (1) Less than twenty-four (24) hours: no charge.
 - (2) More than twenty-four (24) hours: twenty five dollars (\$25.00) per day or any portion of a day thereafter specifically excluding the first twenty-four hours.
- (c) The maximum rates established in subsection (a) of this section shall be a flat fee which shall be inclusive of all towing charges. A towing charge includes any fees for:
- (1) Special equipment such as, but not limited to, a double hook-up, vehicle entry when locked, dropping transmission linkage, axle or drive shaft removal, skates, trailer or flatbed, lift, slimjims, go jacks, removing bumpers, airing up brakes, and mileage.
 - (2) Time spent on the scene of the tow, including clean up and sweeping if an accident is involved.
 - (3) Gate fees, and fees for returning to the location where the vehicle is stored in order to release.
 - (4) No fee, other than the above enumerated fees for towing and storage or other fees authorized by this Chapter shall be assessed as a condition for release of a vehicle to the vehicle owner or authorized driver.
- (d) Dollies: A maximum fee of thirty dollars (\$30.00) may be charged.
- (e) Wait time – if the tow operator is required to wait before the operator can initiate tow operations in excess of one-half (1/2) hour, a wait fee may be charged at the rate of \$65.00 per one-half hour after the first one-half hour, which may not be charged, on scene before tow operations are initiated. Wait time does not include travel to and from the location of the tow. No wait fee may be charge unless on scene law enforcement verify the wait by initials and badge number.
- (f) An additional \$25.00 will be charged for release of a vehicle by a tow operator to the owner, operator or other authorized person after 5:00 p.m. and before 8:00 a.m. as defined by day towing operations in this chapter. Collecting and removal of personal property of the owner, operator or authorized person other than during day towing operations as defined in this chapter will incur a charge of \$25.00, if such collection and removal occurs at a separate time than release of the vehicle.
- (g) When a tow shall involve extraordinary circumstances as defined in section 11-7-1 above, the tow operator shall be entitled to charge, in addition to the tow charge, the

rate of \$65.00 per one-half (1/2) hour after the first one-half (1/2) hour for services identified in section 11-7-1. Such charges must be specifically identified on the tow ticket, itemized statement or invoice and must have the initials and badge number of the on scene law enforcement officer by this charge in addition to any other initials and badge number required by this chapter.

- (h) No fees or charges may be charged or collected by the tow operator permitting the owner, operator or other authorized person from collecting and removing personal property from the towed vehicle during day towing operations hours as used in this Chapter.
 - (i) When a canceled call as defined in section 11-7-1 above occurs, the tow operator shall be entitled to charge and collect from the owner of the vehicle that was the subject of a dispatched call one-half (1/2) of the flat tow fee for the type of tow involved.
 - (j) The maximum fees set forth in this section shall be effective from the date of the ordinance or until the fees have been changed by action of the City Council. No adjustment to the fee amounts shall be effective until such time as a schedule of the adjusted fee amount shall be available for inspection at the office of the city clerk and incorporated into the Manual of Fees.
- (2) *Interception of police calls.* No tow service shall arrive at the scene of a police investigation as a result of monitored or intercepted police calls by radio, or other device, for the purposes of soliciting towing or repair services.
- (3) *Required records.* Any tow service operating under this chapter must have the following records of any motor vehicle towed: The make and model of the motor vehicle; the license number of the motor vehicle; and the date of the towing service. These records shall be maintained for a period of two (2) years from the date of towing by the tow service and shall be made available for inspection and review at any time by the chief of police or designee.
- (4) *Storage of Towed Vehicles.* All vehicles towed as a result of a police-initiated request shall be stored as follows:
- (a) The tow service will provide and use a storage area for towed vehicles that is enclosed by a chain link fence or equivalently secure fence or enclosure which shall be illuminated at night and shall have sufficient storage space and facilities to protect from the elements such vehicles as would be damaged by exposure and a sufficient amount of additional storage space to store other vehicles all within an enclosure having a wall or a solid fence of sufficient height or design to conceal such towed vehicles from view from any street or public way, and illuminated at night.
 - (b) Any tow operator who stores towed vehicles at either the normal place of business or at an off site storage facility shall provide for the following in addition to all other requirements of this chapter:

1. The stored vehicle must be capable of being released from the storage facility 24 hours per day, seven days per week.
 2. Payment for the towing, storage and administrative fees must be capable of being made at the off site storage facility so as to avoid the vehicle owner having to respond to two separate locations to secure the release of his vehicle.
 3. If the vehicle owner responds to the tow operator's normal place of business to secure release of his vehicle, the tow operator shall provide transportation of the vehicle owner to the off site storage facility in a timely manner.
- (c) Any violation of this chapter committed by the personnel of the storage facility at the normal place of business or at the off site storage facility shall be attributed to the tow operator for purposes of suspension or revocation from the tow operators rotation list.
- (d) No off site storage facility shall be utilized under this section until proof has been deposited with the Chief of Police or designee that said facility is insured in accordance with the requirements as set forth in section 11-7-6.
- (5) *Availability.* The tow service shall post a phone number at the place of business setting forth the manner in which to redeem any towed vehicle. Such phone numbers shall be printed not less than three (3) inches high and posted in a place clearly visible outside the business. The sign shall explain in what manner a stored vehicle can be redeemed. The tow service shall have an employee available by telephone to redeem stored vehicles at all times when the tow service is not open for business. Each tow service may list the telephone number of the police dispatcher.
- (6) *Damage.* The person operating any such tow service shall make every reasonable effort to minimize damage to towed and stored motor vehicles. Where applicable, such reasonable effort shall include, but is not limited to, the use of a dolly or carriage for towing, the disconnection of the drive shaft, release of brakes, towing at a reasonable speed, and the securing of the motor vehicle from damage by the elements.
- (7) *Securing stored vehicles.* No towed vehicle may be dismantled, have parts removed, or tires deflated, except as necessary for towing the motor vehicle or securing it from damage by the elements.
- (8) *Itemized statement.* The tow service bill for towing and storage of any motor vehicle shall be itemized to reflect services performed, labor or other materials required, and any storage or other charges as follows:
- a. Bills/receipts numbered consecutively.
 - b. The name, address, and phone number of the wrecker/tow service.
 - c. The itemized services performed. This itemization should include a total for all charges.
 - d. The administrative tow fee and any applicable state taxes. These should be itemized as well.

- e. The date, time and location of the tow.
 - f. The on scene officer must sign and record the officer's badge number on the towing ticket of the tow operator which clearly states the services provided and the charge for the service provided by the tow operator. No additional charges or fees may be made by the tow operator once signed by the officer. Except that fees for storage and after hours release where applicable and appropriate may be charged.
- (9) *Release authorization receipt.* No towed vehicle may be released by the tow service until the owner or operator presents the tow service with a release authorization receipt from the police department.
- (10) *Posting bond or paying fees.* Any person who has had their car towed may take possession of it by posting a bond or paying the fees due. The fees will include an administrative fee for towing which will be paid to the Greenville Police Department. The amount of this administrative fee shall be set out in the Manual of Fees for the City of Greenville.
- (11) *Clean-up.* In the event of a motor vehicle accident, the tow service operator shall remove the wreck debris from the road and/or right-of-way and properly dispose of it.
- (12) *Administrative Tow Fee:* An administrative tow fee in the amount of \$30.00 payable to the City of Greenville will be charged on all collision and non-collision tows.
- (13) *Payment of fees and invoices.* The tow service owner or operator is responsible for the collection of all fees and costs including the administrative fee. The tow service owner or operator shall remit to the City of Greenville the administrative fee and a copy of the itemized statement. Failure to remit may subject the tow service operator or owner to suspension or revocation of tow service permit. Administrative fees not remitted to the City of Greenville within 30 days of collection by the tow service owner or operator shall be subject to the assessment of interest at the legal rate and payment of a penalty to the City of Greenville in the amount of \$10.00 per fee to be remitted for each 10 working days after the collection and when remittance was due by the tow service owner or operator.

Sec. 11-7-10. Annual inspection.

- (a) It shall be the duty of the chief of police or designee to inspect on an annual basis all of the tow services on the police rotation list. The inspection shall include the operation's records, wrecker vehicles, storage facilities, insurance policies, and any other areas the chief of police or his agent may deem appropriate to the operation of the service on the police rotation list. There will be an administrative fee of thirty-five dollars (\$35.00) for this inspection to be paid on an annual basis. The chief of police or agent shall issue an inspection certification upon successful completion of the annual inspection. Any tow service operator that fails to cooperate with the chief of police or his agent during the inspection, that fails to provide or produce the items and documents for inspection or that fails the requirements of this Chapter shall be suspended from the police rotation list until the tow service owner complies and satisfies the requirements of this paragraph.

(b) Each wrecker, carrier or rollback at all times and not just during the annual inspection shall maintain in good working order all equipment and accessories as prescribed by state law and any additional equipment and accessories as identified by the chief of police or designee and maintained for review by tow service operators on the rotation list.

(c) Each wrecker, carrier or rollback must be equipped with the following at all times and not just during the annual inspection and must be maintained in good working order:

- (1) Ax.
- (2) Large broom.
- (3) Fire extinguisher. Five (5) pound multi-purpose dry chemical.
- (4) Shovel.
- (5) Flambeaus, four (4) each. Flares, eight (8) or traffic cones, twenty-eight (28) inches in height.
- (6) Two (2) snatch blocks.
- (7) Two (2) scotch blocks.
- (8) Dollies (except rollback wreckers).
- (9) A five (5) gallon waterproof, covered and full container of "Speedi-dry" or similar type of absorbent material.
- (10) Cable--One (1) spool having at least one hundred (100) feet and measuring three-eighths (3/8) inches in diameter.
- (11) Bolt cutters.
- (12) Safety vest.

(d) The equipment identified in (b) and (c) must be in good working order and available on each wrecker, carrier or rollback on any call. Additionally, the matters identified in (b) and (c) will be inspected during the annual inspection and failure to have or have in good working order will subject the tow operator or business to a failure to pass the annual inspection.

Sec. 11-7-11. Exclusions.

This chapter shall not apply to wrecker services which are not listed on the police rotation list.

Sec. 11-7-12. Suspension or Revocation of permit.

(a) The following shall be grounds for suspension or revocation of a police rotation list permit issued under this article:

- (1) The permit was secured by fraud or by the concealment of a material fact by the permit holder and such fact, if known, would have caused a refusal to issue a permit;
 - (2) The permit holder has violated any of the requirements of the regulations established by the wrecker inspector under this article;
 - (3) Past services rendered by any permit holder are shown to be detrimental to the public health, safety, and welfare, including overcharging of wrecker fees or false charging of items done by the wrecker business;
 - (4) The permit holder paid in the form of a gratuity any third person for information as to the location of the accident;
 - (5) The permit holder has violated the fee schedule by overcharge or false charges;
 - (6) Failure to operate the wreckers specified in such a manner as to serve the public adequately and efficiently;
 - (7) Failure to maintain wrecker and vehicle in good condition;
 - (8) Failure to pay the city privilege license fee imposed upon wreckers;
 - (9) Failure to report accidents while towing city rotation call vehicles or to furnish such other records and reports as may be required by this chapter and/or the wrecker inspector;
 - (10) The permit holder illegally solicited tow or repair services at a police investigation.
 - (11) The permit holder paid any third person for information as to the location of any vehicle in compensation for calling the permit holder to tow such vehicle.
 - (12) The permit holder has violated any of the requirements of this chapter or any of the rules and regulations as established by the revenue collector or the city council.
 - (13) The permit holder refused an annual inspection by the police department.
 - (14) The permit holder failed to meet all requirements in the annual inspection by the police department.
 - (15) The permit holder fails to respond to three consecutive rotation calls.
- (b) Response to calls. Wreckers on the rotation list are expected to respond to calls. If the permit holder does not answer the call or respond within the times specified in the chapter, the next business or operator on the list will be called. The police department shall send notice in writing to the permit holder after the second call with no response to either the call or call for service. If the towing business or operator does not respond to three consecutive rotation calls without prior notification to the police, the chief of police is authorized to suspend or recommend revocation of the holder's permit.

(c) If the chief of police determines that any of the above violations have occurred, the chief of police shall have the authority to revoke or suspend a permit as follows:

(1) For violation of subsection (a)(1) of this section, the chief of police shall recommend to the city manager the license shall be revoked;

(2) For a first time violation of subsections (a)(2) through (14) of this section, suspension up to 30 days;

(3) For a second violation of subsections (a)(2) through (14) of this section, within a period of two years from the date of the first suspension, suspension up to 90 days; and

(4) For a third violation of subsections (a)(2) through (14) of this section, within a period of two years from the date of the first violation, revocation may be recommended to the city manager.

(5) For a violation of (a)(15) of this section, the permit holder will be removed from the rotation list for a period of 180 days for a first violation and may recommend to the city manager that the permit be revoked for a second violation of subsection (a)(15) within a period of two years from the date of the first violation.

(d) If the chief of police recommends a permit be revoked, the city manager shall be the final decision authority as to whether the permit shall be revoked. If the facts presented to the city manager by the tow service operator warrant mitigation of the recommended action, the city manager may mitigate the revocation to a suspension of not more than 180 calendar days from the date of the city manager's decision. A tow service operator may appeal to the city manager any suspension imposed by the chief of police. If appealed, the city manager is the final decision authority. As the final decision authority, the city manager may sustain the suspension, mitigate it or overturn the decision by the chief of police after reviewing the matters presented by the police department and the tow service operator. Any appeal must be in writing, stating the reasons for the appeal, and must be submitted to the city manager within 5 business days of the date of the decision to suspend issued by the chief of police.

(e) Any permit holder who has his permit revoked shall be eligible to apply for a new permit one year from the date of the revocation.

(f) Appeals from suspension or revocation of a permit. A permit holder removed or recommended for removal from the tow rotation list for violations of subsections (a)(1) through (15) of this section may appeal the removal action to the city manager. If appealed, the city manager is the final decision authority. As the final decision authority, the city manager may sustain the suspension, mitigate it or overturn the decision by the chief of police after reviewing the matters presented by the police department and the tow service operator. Any appeal must be in writing, stating the reasons for the appeal, and must be submitted to the city manager within 5 business days of the date of the decision to suspend or recommend removal is issued by the chief of police. Pending any appeal

and the final decision, the permit holder will not be eligible to receive any calls for police initiated tows.

Sec. 11-7-13. Renewal.

This police rotation list privilege shall be valid for one (1) year from the date of acceptance. Each application for renewal shall contain adequate assurances that the applicant continues to comply with all standards, rules and regulations prescribed under this chapter. Such renewals shall be on a form designated by the revenue collector and shall contain the names of any new owners, part owners, or partners, and the names of any new employees.

Sec. 11-7-14. Policies

The chief of police shall reserve the right to formulate policies that will ensure accurate enforcement of this chapter.

Sec. 11-7-15. Post-towing procedures.

(a) Whenever a vehicle with a valid registration plate or registration is towed, the law enforcement officer shall immediately notify the last known registered owner of the vehicle as provided in G.S. 20-222.

(b) Any person aggrieved by the towing may request a hearing before any magistrate in Pitt County to contest the towing; either party may appeal the decision of the magistrate to district court.

(c) Any unclaimed vehicle may be sold under the procedures provided in Chapter 44A of the General Statutes, as provided by G.S. 160A-303.

(d) When a court finds no probable cause existed for a tow, the city will pay the tower.

Sec. 11-7-16. Indemnification and Hold Harmless.

Any permit holder shall indemnify, save and hold harmless the city, its officers, agents, and employees, from any and all claims, actions, defenses, suits, and proceedings arising out of any negligent act on the part of a licensee, employee, or part-time employee of the licensee, which such negligent act is the proximate cause of damage to any vehicle stored in a lot authorized under the terms of this article.

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 will become effective at 12:01 a.m., March 1, 2007.

This the 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

ORDINANCE NO. 07-

AN ORDINANCE AMENDING CHAPTER 7 OF TITLE 11 OF THE GREENVILLE CITY CODE, SAID CHAPTER BEING ENTITLED POLICE-INITIATED TOW SERVICE OPERATIONS

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

Section 1. That Chapter 7 of Title 11 of the Code of Ordinances, City of Greenville, is hereby amended by rewriting said chapter to read as follows:

CHAPTER 7. POLICE-INITIATED TOW SERVICE OPERATIONS

Sec. 11-7-1. Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meaning given herein.

- (1) *Canceled call* shall occur when an owner of a vehicle requests the on scene law enforcement officer to cancel a dispatched call either before the tow operator arrives or prior to initiation of tow services. When such a call occurs, the responding tow operator shall not have the canceled call counted as a rotation call and will be returned to the tow operator's position on the rotation list that the tow operator would have held before the canceled call.
- (2) *City* is the City of Greenville, North Carolina.
- (3) *Day towing operations* shall include any tow service during the local hours of eight o'clock a.m. (8:00 a.m.) until five p.m. (5:00 p.m.) on Monday, Tuesday, Wednesday, Thursday, and Fridays; except city holidays.
- (4) *Dispatched call* shall mean a call made by the on scene law enforcement officer at the request of the owner of the vehicle to Greenville Police Department Communications requesting a tow operator from the rotation list.
- (5) *Extraordinary circumstances* as used in this chapter shall mean the tow operator being required to wait more than one-half (1/2) hour before initiating tow operations or when the tow operator must extract a vehicle from a ditch, right a flipped vehicle (resting on its roof), remove a tree resting on a vehicle, recovering a vehicle hit by a train or a jackknifed vehicle and trailer.

- (6) *Hook-up* is the application and first connection of a chain or a mechanical connection from the tow service truck to the towed motor vehicle.
- (7) *Night, weekend and holiday towing* operations shall include any tow service at all times other than day towing.
- (8) *Person* is an individual, firm, partnership, association, corporation, company, or organization of any kind.
- (9) *Police-initiated tow* shall mean a Greenville Police Officer or Greenville Police Department Dispatch request for tow service by a business or tow owner on the police rotation list.
- (10) *Storage* is when a vehicle has been towed under the chapter and is maintained in a means provided by this chapter. The reason for the tow initiated by the police shall be as a result of accident, violation of parking ordinances, disabled or any other police initiated.
- (11) *Tow service* is a person engaged in the business of a wrecker or towing service, **granted a permit under this Chapter**, whereby motor vehicles are towed or otherwise removed at the direction of officers of the city police department by the use of a wrecker or motor vehicle designed for that purpose.
- (12) *Tow service operator* is the **person operating a tow vehicle under this Chapter.** ~~owner of the tow vehicle, is employed by the owner of the tow vehicle to drive the tow vehicle, or any other business or work arrangement including but not limited to a partnership, joint venture, member manager agreement, corporation, family or subsidiary owned or other financial arrangement whereby those involved directly or indirectly share in the benefits, management, supervision, operation or profits of the businesses involved. In those cases, where two or more businesses or work arrangements fall within this classification, then, the tow service operator shall be considered as the owner of the businesses for purposes of placement on the rotation list.~~
- (13) *Wrecked motor vehicle* is a motor vehicle not capable of self-propulsion.

Sec. 11-7-2. Police rotation list.

~~The chief of police is hereby authorized to establish a rotation list of tow services desiring to provide towing services upon request of police officers. The tow services who desire to be placed upon a rotation list shall comply with the requirements of this chapter and with all other rules and regulations the chief of police may issue regarding towing services requested by personnel of the police department.~~

(a) The chief of police is hereby authorized to establish a rotation list of tow services desiring to provide towing services upon request of police officers. The tow services who desire to be placed upon a rotation list shall comply with the requirements of this chapter and with all other rules and regulations the chief of police may issue regarding towing services requested by personnel of the police department.

(b) The number of tow service operators on the police rotation list shall be limited to 20. In the event that a tow service operator is removed permanently from the police rotation list, whether voluntarily or involuntarily, the vacancy shall be filled by drawing made by the chief of police from those tow service operators who comply with the requirements of this ordinance and desire to be on the police rotation list. The selection process shall continue until the vacancies are filled and the maximum number of 20 tow service operators is reached.

Sec. 11-7-3. Selection of tow services during police investigations.

In all police-initiated towing of a vehicle:

(1) The operator of the vehicle, if present and not incapacitated, shall have the right to select a tow service of his choice located within a reasonable distance from the site of the tow to perform the towing service. The reasonableness of the distance from the tow site shall be determined by the police personnel present at the scene.

(2) If the operator of the vehicle to be towed is not present, or is incapacitated, or has no preference as to any specific tow service, the police personnel ordering the tow shall request that the towing service be provided by the tow service then first on the appropriate rotation list maintained by the police communications center.

(3) When emergency circumstances prevail, the police officer may request towing services from the tow service nearest to the scene of the accident or emergency. A police officer may also request towing services from any company operating large cranes or other heavy equipment if necessary to remove traffic obstacles involving large trucks or heavy equipment.

Sec. 11-7-4. Permit required.

No tow service shall engage in the business of towing vehicles at the request of city police personnel without first obtaining a police rotation list permit from the chief of police. Once issued, a permit under this chapter is valid for one (1) year and capable of being renewed.

Sec. 11-7-5. Application for police rotation list permit.

(a) Application for a police rotation list permit issued hereunder shall be notarized and shall be made upon blank forms prepared and made available by the police department and shall contain:

- (1) The name, home address, and proposed business address of each owner, investor, part owner, or partner, limited partner, or joint venturer, silent or active.
- (2) The business address, business telephone number, telephone number for night calls, location and telephone number for storage area.
- (3) A description of the size and capacity of all tow trucks used by the tow truck operator and shall contain a certification that at all times the equipment will be in good condition and capable of towing any automobile or truck from the streets and other public or private places in the town when called on to do so.
- (4) A description of the storage area for towed vehicles at, or in the immediate vicinity of the applicant's garage, and shall contain a certification that the applicant shall have and shall maintain storage space and facilities to protect from the elements such vehicles as would be damaged by exposure and a sufficient amount of additional storage space to store other vehicles all within an enclosure having a wall or a solid fence of sufficient height or design to conceal such towed vehicles from view from any street or public way, and illuminated at night.
- (5) The applicant shall provide a copy of the garage liability policy or certificate of garage liability insurance covering the operation of the licensee's business equipment, or other vehicles for any bodily injury or property damage. This policy shall be in the minimum of \$100,000.00 for any one person injured or killed and a minimum of \$300,000.00 for more than one person killed or injured in any accident and an additional \$50,000.00 for property damage.
- (6) The applicant shall provide a copy of the garage keeper's legal liability policy or certificate of garage keeper's legal liability insurance for each storage premises covering fire, theft, windstorm, vandalism and explosion in the amount of \$100,000.00 (\$20,000.00 per claim per vehicle).
- (7) A copy of the registration card issued by the department of motor vehicles for each tow truck used by the tow truck operator, indicating that each tow truck is registered as a wrecker as defined in Chapter 20 of the General Statutes of the State of North Carolina.
- (8) The applicant shall certify that the applicant, any partner, and any interest holder is a separate business from any other tow service operator, has its own business and privilege license, will not cover or forward calls of another tow service operator or business, and does not share, use, combine, merge or mix the following and will not do so as long as on the police rotational list:**
 - (a) building and office facilities and office equipment;**
 - (b) wreckers, dollies or other tow equipment;**
 - (c) tow personnel and office staff or personnel;**
 - (d) vehicle storage facilities or lot;**
 - (e) liability or owner insurance policies; and**

(f) all assets, accountings, invoices, income and expenses are not a part of any other business, partnership, joint venture, or other business arrangement.

(9) The application shall be signed by each owner, part owner, or partner, silent or active.

(b) Subject to the restrictions and qualifications set forth in these regulations or procedures adopted by the chief of police, nonconforming tow service operators that do not meet the requirements of this ordinance but were on the wrecker rotation list on the effective date of these regulations may continue to participate on the wrecker rotational list for a period of sixty (60) days from the effective date of these regulations. At the end of the sixty (60) days, the nonconforming tow service operators shall be inspected for compliance with the requirements of these regulations and procedures. Those tow service operators who remain noncompliant shall be removed from the wrecker rotational list.

Sec. 11-7-6. Insurance requirements.

Upon approval of a police rotation list permit, no tow service shall be added to the police rotation list until the permit holder has deposited with the chief of police or designee proof of the following liability coverage:

(1) Garage liability policy. A garage liability policy covering the operation of the licensee's business equipment, or other vehicles for any bodily injury or property damage. This policy shall be in the minimum of \$100,000.00 for any one person injured or killed and a minimum of \$300,000.00 for more than one person killed or injured in any accident and an additional \$50,000.00 for property damage.

(2) Garage keeper's policy. A garage keeper's legal liability policy for each storage premises covering fire, theft, windstorm, vandalism and explosion in the amount of \$100,000.00 (\$20,000.00 per claim per vehicle).

(3) Notice of change. Each policy required under this section must contain an endorsement by carriers providing ten days' notice to both the city and the insured in the event of any change in coverage under the policy.

Sec. 11-7-7. Investigation by chief of police.

Within five (5) business days after receipt of each application, the chief of police or designee shall cause an investigation to be made of the applicant and of the applicant's proposed operation. Such investigation shall be made for the purpose of verifying the information in the application and to assure compliance with the provisions of this chapter.

Sec. 11-7-8. Standards for issuance of privilege permit.

The chief of police or designee shall add a tow service to the police rotation list when ~~he~~ ~~finds~~ **it is determined:**

- (1) That public convenience and necessity require the applicant tow service be added to the police rotation list;
- (2) The tow service business location and its storage facility are located within the city limits;
- (3) Insurance policies as required by the chapter have been procured;
- (4) All applicants, operators, owners, investors, partners limited partners, and joint venturers, have never been convicted, pleaded no contest or received a prayer for judgment for any felony, assault, theft, or any other crime involving the taking, use, tampering with, or conversion of a motor vehicle;
- (5) The tow service will use only tow trucks equipped with revolving or flashing amber or yellow light(s) which shall be operating during any tow;
- (6) The tow service will provide twenty-four (24) hours per day, seven days (7) per week, on-call service;
- (7) The tow service will arrive at the location of the vehicle to be towed within ~~forty (40)~~ **thirty (30)** minutes after receiving a request for day towing services and within a reasonable time after receiving a request for night, weekend and holiday towing from the police department;
- (8) The tow service will provide and use a storage area for towed vehicles that is enclosed by a chain link fence or equivalently secure fence or enclosure which shall be illuminated at night and shall have sufficient storage space and facilities to protect from the elements such vehicles as would be damaged by exposure and a sufficient amount of additional storage space to store other vehicles all within an enclosure having a wall or a solid fence of sufficient height or design to conceal such towed vehicles from view from any street or public way, and illuminated at night;
- (9) The tow services will maintain towing equipment which is adequate to perform such towing service in a reasonably workmanlike manner and is properly equipped to tow vehicles in such a manner as to minimize any damage to towed vehicles. All towing equipment shall contain the name and phone number of the tow operator placed on the sides of the tow vehicle in letters no less than three (3) inches in height. At all times and not just for inspection purposes, tow services shall have and maintain in good working order the equipment, tools and supplies required and set out in §11-7-10.
- (10) The requirements of this chapter and all other governing laws and ordinances have been met.

Sec. 11-7-9. Duties of police rotation list tow services.

Tow services shall be added to the police rotation list subject to the following conditions:

(1) *Compliance with rate schedule.* In addition to an administrative tow fee payable to the City of Greenville and contained in the City's Manual of Fees, tow services shall charge for their services only such fees or costs as are established herein:

(a) The maximum rate for the towing and storage for a vehicle is as follows:

Collision tows:

(1) For Day, Night, Weekend and Holiday towing a vehicle with a gross weight up to and including 9,000 pounds the maximum charge is one hundred twenty five dollars (\$125.00).

(2) Rates for vehicles in excess of 9,001 pounds shall be at the tow service established rates which have been filed with the Chief of Police or designee.

Non-collision tows:

(1) For Day, Night, Weekend and Holiday towing a vehicle with a gross weight up to and including 9,000 pounds the maximum charge is seventy five dollars (\$75.00).

(2) Rates for vehicles in excess of 9,001 pounds shall be at the tow service established rates which have been filed with the Chief of Police or designee.

(b) The maximum rate for storage until the owner, operator or other person authorized to take possession of the towed vehicle is as follows:

(1) Less than twenty-four (24) hours: no charge.

(2) More than twenty-four (24) hours: twenty five dollars (\$25.00) per day **or any portion of a day** thereafter specifically excluding the first twenty-four hours.

(c) The maximum rates established in subsection (a) of this section shall be a flat fee which shall be inclusive of all towing charges. A towing charge includes any fees for:

(1) Special equipment such as, but not limited to, a double hook-up, vehicle entry when locked, dropping transmission linkage, axle or drive shaft removal, skates, trailer or flatbed, lift, slimjims, go jacks, removing bumpers, airing up brakes, and mileage.

(2) Time spent on the scene of the tow, including clean up and sweeping if an accident is involved.

(3) Gate fees, and fees for returning to the location where the vehicle is stored in order to release.

(4) No fee, other than the above enumerated fees for towing and storage **or other fees authorized by this Chapter** shall be assessed as a condition for release of a vehicle to the vehicle owner or authorized driver.

- (d) Dollies: A maximum fee of thirty dollars (\$30.00) may be charged.
 - (e) Wait time – if the tow operator is required to wait before the operator can initiate tow operations in excess of one-half (1/2) hour, a wait fee may be charged at the rate of \$65.00 per one-half hour after the first one-half hour, which may not be charged, on scene before tow operations are initiated. Wait time does not include travel to and from the location of the tow. No wait fee may be charge unless on scene law enforcement verify the wait by initials and badge number.
 - (f) An additional \$25.00 will be charged for release of a vehicle by a tow operator to the owner, operator or other authorized person after 5:00 p.m. and before 8:00 a.m. as defined by day towing operations in this chapter. Collecting and removal of personal property of the owner, operator or authorized person other than during day towing operations as defined in this chapter will incur a charge of \$25.00, if such collection and removal occurs at a separate time than release of the vehicle.
 - (g) When a tow shall involve extraordinary circumstances as defined in section 11-7-1 above, the tow operator shall be entitled to charge, in addition to the tow charge, the rate of \$65.00 per one-half (1/2) hour after the first one-half (1/2) hour for services identified in section 11-7-1. Such charges must be specifically identified on the tow ticket, itemized statement or invoice and must have the initials and badge number of the on scene law enforcement officer by this charge in addition to any other initials and badge number required by this chapter.
 - (h) No fees or charges may be charged or collected by the tow operator permitting the owner, operator or other authorized person from collecting and removing personal property from the towed vehicle during ~~regular-business~~ **day towing operations** hours **as used in this Chapter**.
 - (i) When a canceled call as defined in section 11-7-1 above occurs, the tow operator shall be entitled to charge and collect from the owner of the vehicle that was the subject of a dispatched call one-half (1/2) of the flat tow fee for the type of tow involved.
 - (j)The maximum fees set forth in this section shall be effective from the date of the ordinance or until the fees have been changed by action of the City Council. No adjustment to the fee amounts shall be effective until such time as a schedule of the adjusted fee amount shall be available for inspection at the office of the city clerk and incorporated into the Manual of Fees.
- (2) *Interception of police calls.* No tow service shall arrive at the scene of a police investigation as a result of monitored or intercepted police calls by radio, or other device, for the purposes of soliciting towing or repair services.
- (3) *Required records.* Any tow service operating under this chapter must have the following records of any motor vehicle towed: The make and model of the motor vehicle; the license number of the motor vehicle; and the date of the towing service. These records shall be maintained for a period of two (2) years from the date of towing by the tow service and shall be made available for inspection and review at any time by the chief of police or designee.

- (4) *Storage of Towed Vehicles.* All vehicles towed as a result of a police-initiated request shall be stored as follows:
- (a) The tow service will provide and use a storage area for towed vehicles that is enclosed by a chain link fence or equivalently secure fence or enclosure which shall be illuminated at night and shall have sufficient storage space and facilities to protect from the elements such vehicles as would be damaged by exposure and a sufficient amount of additional storage space to store other vehicles all within an enclosure having a wall or a solid fence of sufficient height or design to conceal such towed vehicles from view from any street or public way, and illuminated at night.
 - (b) Any tow operator who stores towed vehicles at either the normal place of business or at an off site storage facility shall provide for the following in addition to all other requirements of this chapter:
 - 1. The stored vehicle must be capable of being released from the storage facility 24 hours per day, seven days per week.
 - 2. Payment for the towing, storage and administrative fees must be capable of being made at the off site storage facility so as to avoid the vehicle owner having to respond to two separate locations to secure the release of his vehicle.
 - 3. If the vehicle owner responds to the tow operator's normal place of business to secure release of his vehicle, the tow operator shall provide transportation of the vehicle owner to the off site storage facility in a timely manner.
 - (c) Any violation of this chapter committed by the personnel of the storage facility at the normal place of business or at the off site storage facility shall be attributed to the tow operator for purposes of suspension or revocation from the tow operators rotation list.
 - (d) No off site storage facility shall be utilized under this section until proof has been deposited with the Chief of Police or designee that said facility is insured in accordance with the requirements as set forth in section 11-7-6.
- (5) *Availability.* The tow service shall post a phone number at the place of business setting forth the manner in which to redeem any towed vehicle. Such phone numbers shall be printed not less than three (3) inches high and posted in a place clearly visible outside the business. The sign shall explain in what manner a stored vehicle can be redeemed. The tow service shall have an employee available by telephone to redeem stored vehicles at all times when the tow service is not open for business. Each tow service may list the telephone number of the police dispatcher.
- (6) *Damage.* The person operating any such tow service shall make every reasonable effort to minimize damage to towed and stored motor vehicles. Where applicable, such reasonable effort shall include, but is not limited to, the use of a dolly or carriage for

towing, the disconnection of the drive shaft, release of brakes, towing at a reasonable speed, and the securing of the motor vehicle from damage by the elements.

- (7) *Securing stored vehicles.* No towed vehicle may be dismantled, have parts removed, or tires deflated, except as necessary for towing the motor vehicle or securing it from damage by the elements.
- (8) *Itemized statement.* The tow service bill for towing and storage of any motor vehicle shall be itemized to reflect services performed, labor or other materials required, and any storage or other charges as follows:
 - a. Bills/receipts numbered consecutively.
 - b. The name, address, and phone number of the wrecker/tow service.
 - c. The itemized services performed. This itemization should include a total for all charges.
 - d. The administrative tow fee and any applicable state taxes. These should be itemized as well.
 - e. The date, time and location of the tow.
 - f. The on scene officer must sign and record the officer's badge number on the towing ticket of the tow operator which clearly states the services provided and the charge for the service provided by the tow operator. No additional charges or fees may be made by the tow operator once signed by the officer. Except that fees for storage and after hours release where applicable and appropriate may be charged.
- (9) *Release authorization receipt.* No towed vehicle may be released by the tow service until the owner or operator presents the tow service with a release authorization receipt from the police department.
- (10) *Posting bond or paying fees.* Any person who has had their car towed may take possession of it by posting a bond or paying the fees due. The fees will include an administrative fee for towing which will be paid to the Greenville Police Department. The amount of this administrative fee shall be set out in the Manual of Fees for the City of Greenville.
- (11) *Clean-up.* In the event of a motor vehicle accident, the tow service operator shall remove the wreck debris from the road and/or right-of-way and properly dispose of it.
- (12) *Administrative Tow Fee:* An administrative tow fee in the amount of \$30.00 payable to the City of Greenville will be charged on all collision and non-collision tows.
- (13) *Payment of fees and invoices.* The tow service owner or operator is responsible for the collection of all fees and costs including the administrative fee. The tow service owner or operator shall remit to the City of Greenville the administrative fee and a copy of the itemized statement. Failure to remit may subject the tow service operator or owner to suspension or revocation of tow service permit. Administrative fees not remitted to the City of Greenville within 30 days of collection by the tow service owner or operator shall be subject to the assessment of interest at the legal rate and payment of a penalty to the City of

Greenville in the amount of ~~\$25.00~~ **\$10.00** per fee to be remitted for each 10 working days after the collection and when remittance was due by the tow service owner or operator.

Sec. 11-7-10. Annual inspection.

(a) It shall be the duty of the chief of police or designee to inspect on an annual basis all of the tow services on the police rotation list. The inspection shall include the operation's records, wrecker vehicles, storage facilities, insurance policies, and any other areas the chief of police or his agent may deem appropriate to the operation of the service on the police rotation list. There will be an administrative fee of thirty-five dollars (\$35.00) for this inspection to be paid on an annual basis. The chief of police or agent shall issue an inspection certification upon successful completion of the annual inspection. **Any tow service operator that fails to cooperate with the chief of police or his agent during the inspection, that fails to provide or produce the items and documents for inspection or that fails the requirements of this Chapter shall be suspended from the police rotation list until the tow service owner complies and satisfies the requirements of this paragraph.**

(b) Each wrecker, carrier or rollback at all times and not just during the annual inspection shall maintain in good working order all equipment and accessories as prescribed by state law and any additional equipment and accessories as identified by the chief of police or designee and maintained for review by tow service operators on the rotation list.

(c) Each wrecker, carrier or rollback must be equipped with the following at all times and not just during the annual inspection and must be maintained in good working order:

- (1) Ax.
- (2) Large broom.
- (3) Fire extinguisher. Five (5) pound multi-purpose dry chemical.
- (4) Shovel.
- (5) Flambeaus, four (4) each. Flares, eight (8) or traffic cones, twenty-eight (28) inches in height.
- (6) Two (2) snatch blocks.
- (7) Two (2) scotch blocks.
- (8) Dollies (except rollback wreckers).
- (9) A five (5) gallon waterproof, covered and full container of "Speedi-dry" or similar type of absorbent material.
- (10) Cable--One (1) spool having at least one hundred (100) feet and measuring three-eighths (3/8) inches in diameter.
- (11) Bolt cutters.
- (12) Safety vest.

(d) The equipment identified in (b) and (c) must be in good working order and available on each wrecker, carrier or rollback on any call. Additionally, the matters identified in (b) and (c) will be inspected during the annual inspection and failure to have or have in good working order will subject the tow operator or business to a failure to pass the annual inspection.

Sec. 11-7-11. Exclusions.

This chapter shall not apply to wrecker services which are not listed on the police rotation list.

Sec. 11-7-12. Suspension or Revocation of permit.

(a) The following shall be grounds for suspension or revocation of a police rotation list permit issued under this article:

- (1) The permit was secured by fraud or by the concealment of a material fact by the permit holder and such fact, if known, would have caused a refusal to issue a permit;
- (2) The permit holder has violated any of the requirements of the regulations established by the wrecker inspector under this article;
- (3) Past services rendered by any permit holder are shown to be detrimental to the public health, safety, and welfare, including overcharging of wrecker fees or false charging of items done by the wrecker business;
- (4) The permit holder paid in the form of a gratuity any third person for information as to the location of the accident;
- (5) The permit holder has violated the fee schedule by overcharge or false charges;
- (6) Failure to operate the wreckers specified in such a manner as to serve the public adequately and efficiently;
- (7) Failure to maintain wrecker and vehicle in good condition;
- (8) Failure to pay the city privilege license fee imposed upon wreckers;
- (9) Failure to report accidents while towing city rotation call vehicles or to furnish such other records and reports as may be required by this chapter and/or the wrecker inspector;
- (10) The permit holder illegally solicited tow or repair services at a police investigation.
- (11) The permit holder paid any third person for information as to the location of any vehicle in compensation for calling the permit holder to tow such vehicle.

(12) The permit holder has violated any of the requirements of this chapter or any of the rules and regulations as established by the revenue collector or the city council.

(13) The permit holder refused an annual inspection by the police department.

(14) The permit holder failed to meet all requirements in the annual inspection by the police department.

(15) The permit holder fails to respond to three consecutive rotation calls.

(b) Response to calls. Wreckers on the rotation list are expected to respond to calls. If the permit holder does not answer the call or respond within the times specified in the chapter, the next business or operator on the list will be called. The police department shall send notice in writing to the permit holder after the second call with no response to either the call or call for service. If the towing business or operator does not respond to three consecutive rotation calls without prior notification to the police, the chief of police is authorized to suspend or recommend revocation of the holder's permit.

(c) If the chief of police determines that any of the above violations have occurred, ~~he~~ **the chief of police** shall have the authority to revoke or suspend a permit as follows:

(1) For violation of subsection (a)(1) of this section, the chief of police shall recommend to the city manager the license shall be revoked;

(2) For a first time violation of subsections (a)(2) through (14) of this section, suspension up to 30 days;

(3) For a second violation of subsections (a)(2) through (14) of this section, within a period of two years from the date of the first suspension, suspension up to 90 days; and

(4) For a third violation of subsections (a)(2) through (14) of this section, within a period of two years from the date of the first violation, revocation may be recommended to the city manager.

(5) For a violation of (a)(15) of this section, the permit holder will be removed from the rotation list for a period of 180 days for a first violation and may recommend to the city manager that the permit be revoked for a second violation of subsection (a)(15) within a period of two years from the date of the first violation.

(d) If the chief of police recommends a permit be revoked, the city manager shall be the final decision authority as to whether the permit shall be revoked. If the facts presented to the city manager by the tow service operator warrant mitigation of the recommended action, the city manager may mitigate the revocation to a suspension of not more than 180 calendar days from the date of the city manager's decision. A tow service operator may appeal to the city manager any suspension imposed by the chief of police. If appealed, the city manager is the final decision authority. As the final decision authority, the city manager may sustain the suspension, mitigate it or overturn the decision by the

chief of police after reviewing the matters presented by the police department and the tow service operator. Any appeal must be in writing, stating the reasons for the appeal, and must be submitted to the city manager within 5 business days of the date of the decision to suspend issued by the chief of police.

(e) Any permit holder who has his permit revoked shall be eligible to apply for a new permit one year from the date of the revocation.

(f) Appeals from suspension or revocation of a permit. A permit holder removed or recommended for removal from the tow rotation list for violations of subsections (a)(1) through (15) of this section may appeal the removal action to the city manager. If appealed, the city manager is the final decision authority. As the final decision authority, the city manager may sustain the suspension, mitigate it or overturn the decision by the chief of police after reviewing the matters presented by the police department and the tow service operator. Any appeal must be in writing, stating the reasons for the appeal, and must be submitted to the city manager within 5 business days of the date of the decision to suspend or recommend removal is issued by the chief of police. Pending any appeal and the final decision, the permit holder will not be eligible to receive any calls for police initiated tows.

Sec. 11-7-13. Renewal.

This police rotation list privilege shall be valid for one (1) year from the date of acceptance. Each application for renewal shall contain adequate assurances that the applicant continues to comply with all standards, rules and regulations prescribed under this chapter. Such renewals shall be on a form designated by the revenue collector and shall contain the names of any new owners, part owners, or partners, and the names of any new employees.

Sec. 11-7-14. Policies

The chief of police shall reserve the right to formulate policies that will ensure accurate enforcement of this chapter.

Sec. 11-7-15. Post-towing procedures.

(a) Whenever a vehicle with a valid registration plate or registration is towed, the law enforcement officer shall immediately notify the last known registered owner of the vehicle as provided in G.S. 20-222.

(b) Any person aggrieved by the towing may request a hearing before any magistrate in Pitt County to contest the towing; either party may appeal the decision of the magistrate to district court.

(c) Any unclaimed vehicle may be sold under the procedures provided in Chapter 44A of the General Statutes, as provided by G.S. 160A-303.

(d) When a court finds no probable cause existed for a tow, the city will pay the tower.

Sec. 11-7-16. Indemnification and Hold Harmless.

Any permit holder shall indemnify, save and hold harmless the city, its officers, agents, and employees, from any and all claims, actions, defenses, suits, and proceedings arising out of any negligent act on the part of a licensee, employee, or part-time employee of the licensee, which such negligent act is the proximate cause of damage to any vehicle stored in a lot authorized under the terms of this article.

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 will become effective ~~upon its adoption~~ **at 12:01 a.m., March 1, 2007.**

This the 11th day of January, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

TOW SERVICE	OWNER	LOCATION PHONE	EMPLOYEES	STORAGE	VEH.	INS.	OFFICE
A&B Auto Sales A&B Auto Service	xxx	xxx xxx	4 of 10 same	xxx	xxx	xxx	xxx
Anderson & Son A & S Towing Service	xxx	xxx	xxx	xxx			xxx
Tony's Towing Tony' Automotive	xxx	xxx Secondary	xxx	xxx		xxx	xxx
Clay's Wrecker Ser. Affordable Towing		xxx	xxx	xxx			xxx
Fleming's Tire Towing Service	xxx	xxx	xxx	xxx		xxx	xxx
Wallace Wrecker Ser Exclusive Towing		xxx	xxx	Fence for separation			Same building separate office
Plaza Auto Care University Auto Care		xxx			xxx		
Mclawhorn's Towing Service Plus Automotive Tow Pro	Passed	1/17/2007		xxx			Operates from his home
Greenville Automotive Aladdin Towing Hastings's Ford	Passed Passed Passed	1/17/2007 1/12/2007 1/12/2007 1/17/2007 1/19/2007		Fence for separation/separate entrances			

THESE ARE THE AVERAGED TOW RECORDS AND NOT REFLECTIVE OF WRECKERS THAT WERE SUSPENDED DURING THESE TIME FRAMES

YEAR 2004

MONTH	PER SERVICE	PER DAY	TOT/DAY
January	11.1	0.36	11.2
February	14.6	0.63	14.7
March	17.7	0.53	17.7
April	14.4	0.48	15
May	9.2	0.4	6.8
June	10.4	0.45	8
July	8.56	0.27	9.85
August	10.7	0.63	10.7
September	18	0.6	13.86
October	17.9	0.57	21.1
November	10.36	0.56	16.8
December	11.5	0.37	8.5

YEAR 2005

January	14.4	0.5	9.6
February	15.3	0.54	10.9
March	13.5	0.68	8.7
April	13.4	0.66	8.9
May	11.3	0.4	7.3
June	11.9	0.4	7.96
July	10.4	0.3	6.7
August	13	0.4	8.4
September	17.9	0.6	11.9
October	15.2	0.5	9.8
November	13.5	0.45	8.96
December	11.1	0.36	7.2

YEAR 2006

January	15.1	0.48	15
February	13.2	0.47	9.4
March	13.25	0.427	8.54
April	11.15	0.55	11.15
May	8	0.68	13
June	6.8	0.49	9.9
July	7.6	0.38	11.4
August	9.12	0.45	14.15
September	11.83	0.59	17.75
October	10.22	0.51	15.85
November	9.26	0.46	13.9
December	6.96	0.34	10.8



City of Greenville, North Carolina

Meeting Date: 2/8/2007
Time: 7:00 PM

Title of Item:

Second reading and consideration of an ordinance for a taxicab franchise for James E. Sherman d/b/a Dick's Cab

Explanation:

Mr. James E. Sherman d/b/a Dick's Cab is requesting a taxicab franchise for three taxicabs for the business to be located at 1400 West Fourteenth Street. The ordinance was considered for first reading on February 5, 2007. A public hearing scheduled for February 8, 2007, was advertised in The Daily Reflector on January 29, 2007. The public hearing needs to be held and the second reading of the ordinance needs to be considered on February 8, 2007.

According to Section 11-1-39 of the City Code, the City Council shall, "among other things, take into consideration the following factors:

- a) Whether or not the public convenience and necessity requires such proposed or additional taxicab service within the city;
- b) The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible and satisfactory, and
- c) The number and condition of equipment;
- d) The number of taxicabs in operation and the demand for increased service, if any, and whether or not the safe use of the streets by public, both vehicular and pedestrian, will be preserved, and whether or not adequate provision has been made for off-street parking of such taxicabs;
- e) The experience of such applicants in the taxicab business; and
- f) Such other relative facts as may be deemed necessary and advisable.

Fiscal Note:

None

Recommendation:

According to the planning, background and financial information received from the various City departments, the proposed location is zoned for a taxicab business and the applicant has no criminal background. The
Agenda Briefing

financial report indicates that, even though Mr. Sherman is not indebted to the City, he does owe Pitt County for four years of back taxes on personal property (1996, 1997, 1998 and 1999). Mr. Sherman's application indicates that he has six or seven years of experience driving as a lease driver with a local taxi company.

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

Attachments / click to download

 [Dick's Cab Company Agenda Backup](#)

 [Ordinance on second reading for taxicab franchise for James E. Sherman d b a Dick s Cab Company](#)

APPLICATION FOR TAXICAB FRANCHISE

To the Mayor and City Council of the City of Greenville

The undersigned hereby makes application for a taxicab franchise under the provisions of Chapter 564, Session Laws 1945, and presents the following information:

1. The applicant is familiar with the ordinances of the City of Greenville relating to liability insurance, drivers regulations, regulations of rates, and other matters pertaining to the operation of taxicabs.
2. The individual, corporate or trade name and business address of the applicant is:
Dick's Cab Company 1400 West 14th Street Greenville NC 27834
3. The Applicant is:
 - A. An individual and sole owner of the taxicab business to be operated under the above name. Dick's Cab Company
 - B. A corporation chartered under the laws of the State of North Carolina in the year 2007, and the officers of the corporation are James Sherman
 - C. A partnership, as shown by articles hereto attached, and the names of partners are: None sole partner
4. The Applicant operates in the following cities: greenville and surrounding cities
5. The Applicant is requesting franchise to operate 3 taxicabs.
6. In support of this application, the following Exhibits are attached:
 - Exhibit A. A full statement of facts which, if supported by substantial testimony at the hearing, will support a finding of public convenience and necessity for this operation.
 - Exhibit B. A complete list of Applicant's motor equipment showing year, make, model, and carrying capacity of each unit.
 - Exhibit C. Financial statement showing assets, liabilities and net worth of applicant.
 - Exhibit D. Statement showing applicant has made complete arrangement for off-street parking of all motor vehicles.
 - Exhibit E. Statement of proposed fares for transportation of persons and property.
 - Exhibit F. Statement of experience of applicant in conducting taxicab business.

HAND PRINT OR TYPE

LAST NAME <u>Sherman</u>		FIRST NAME <u>James</u>		MIDDLE NAME <u>Eisel</u>		
ALIAS OR NICKNAME <u>Dick</u>		SEX <u>m</u>	AGE <u>72</u>	WEIGHT <u>185</u>	HEIGHT <u>6ft</u>	ID NO.
ADDRESS <u>306 Haw Drive</u>		HAIR <u>black</u>	EYES <u>brown</u>	COMPLEXION <u>Black</u>		
OCCUPATION <u>Taxi driver bus driver</u>			DRIVERS LICENSE NO. <u>[REDACTED]</u>		IDENTIFICATION NO. <u>[REDACTED]</u>	
PLACE OF BIRTH			DATE OF BIRTH <u>[REDACTED]</u>		<u>[REDACTED]</u>	

Signature of Applicant James Sherman

Subscribed and sworn to before me this 28th day of December

16 2006
Polly Jones
Notary Public Polly Jones Item # 3

My Commission Expires: August 5, 2011

Exhibit A

This is a need for additional transportation options for the thriving Greenville and surrounding Pitt County area. My current employer lease expense has risen substantially in 2006. It's currently \$800 per month.

Exhibit B

I have one Crown Victoria that can carry 3-4 passengers.

Exhibit C

Current Assets	Current Liabilities	Net Worth
\$232,000.00	\$80,000.00	\$152,000.00

Exhibit D

My taxi cab will be parked at 1400 West 14th Street, Greenville NC.

Exhibit E

See attached document.

Exhibit F

I have six-seven years of experience driving as a lease driver with the local taxi company.

ALADDIN TAXI & TRANSPORT MHP PRICE SCHEDULE 9/1/05

ZONE-(1)-\$4.50 (2)-\$5.00(3)-\$5.25(4)-\$5.75(5)-\$6.00 (6)-\$6.25(7)-\$7.00(8)-\$8.00

1-1-\$4.50 2-1-\$5.00

1-2-\$5.00 2-2-\$5.50

1-3-\$5.50 2-3-\$6.00

1-4-\$6.00 2-4-\$6.50

1-5-\$6.50 2-5-\$7.00

1-6-\$7.00 2-6-\$7.50

1-7-\$7.50 2-7-\$8.00

1-8-\$8.00 2-8-\$8.50

ALL ZONES WILL CROSS AT EVANS AND MLK/5TH
ADDRESSES ON EVANS OR 5TH WILL CROSS ALSO
ALL OF FIRETOWER RD WILL BE \$8.00 STANDARD

3-3-\$7.00 4-3-\$7.50 5-3-\$8.00 6-3-\$8.50 7-3-\$9.00 8-3-\$9.50

3-4-\$7.50 4-4-\$8.00 5-4-\$8.50 6-4-\$9.00 7-4-\$9.50 8-4-\$10.00

3-5-\$8.00 4-5-\$8.50 5-5-\$9.00 6-5-\$9.50 7-5-\$10.00 8-5-\$10.50

3-6-\$8.50 4-6-\$9.00 5-6-\$9.50 6-6-\$10.00 7-6-\$10.50 8-6-\$11.00

3-7-\$9.00 4-7-\$9.50 5-7-\$10.00 6-7-\$10.50 7-7-\$11.00 8-7-\$11.50

3-8-\$9.50 4-8-\$10.00 5-8-\$10.50 6-8-\$11.00 8-8-\$11.50 8-8-\$12.00

CLUB VEGAS/BRINDLE CREEK MHP-\$16.00 JJ COUNTRY BAR-\$16.00

HARDEE ACREAS-\$12.00 MISTY BLUE-\$22.00

SILVER BULLET-\$15.00 THE BAR-\$10

MIDGETTE & ANDERSON-\$16.00 DE JA VUE \$20.00

CROSSROADS

BALLARDS X-RDS \$17.00

HADDOCKS X-RDS-\$18.00

HAMS X-RDS-\$24.00

ROUNDTREE X-RDS \$24.00

GALLOWAY X-RDS \$16.00

HELENS X-RDS-\$24.00

TRIPPS X-RDS-\$16.00

TENTERS X-RDS-\$16.00

~~Estimate Sheet~~
MOORE'S BODY SHOP

TELEPHONE:

(252) ~~329-8438~~ 257-3494

WILLIE MOORE
Owner - Operator

1400 WEST 14TH. STREET
GREENVILLE, N.C. 27834

Fax:

(252) ~~329-9992~~ 257-3498

GREENVILLE, N.C.

1-18-07

NAME			ADDRESS			PHONE	DATE
YEAR	MAKE	MODEL	LICENSE No.	SPEEDOMETER		INTR. No.	
INSURANCE CARRIER		TYPE OF INSURANCE	ADJUSTER	PHONE	SER. No.		
							CAR LOCATED AT

PARTS NECESSARY AND ESTIMATE OF LABOR REQUIRED	PAINT COST ESTIMATE	PARTS COST ESTIMATE	LABOR COST ESTIMATE
<p><i>I Willie Moore,</i> <i>owner of moore's Body Shop</i> <i>I Have space for Dick's Cobsu</i> <i>To Park</i> <i>and space for office</i></p>			
<p><i>and I gave him permission</i> <i>By Willie Moore Owner</i></p>			
TOTALS			

INSURED PAYS \$ _____ INS. CO. PAYS \$ _____ R.O. NO. _____

5. CHECK PAYABLE TO _____
 The above is an estimate, based on our inspection, and does not cover additional parts or labor which may be required after the work has been opened up. Occasionally, after work has started, worn, broken or damaged parts are discovered which are not evident on first inspection. Quotations on parts and labor are current and subject to change.

ESTIMATE MADE BY _____
 Authorization For Repair. You are hereby authorized to make the above specified repairs to the car described herein.

APPROVED _____ DATE _____ 20__

GRAND TOTAL	
WRECKER SERVICE	
PAINT MATERIAL	
TAX	
TOTAL OF ESTIMATE	Item # 3



FINANCIAL SERVICES MEMORANDUM

TO: Wanda Elks, City Clerk's Office

FROM: Brenda Matthews, Financial Services, Collections

DATE: December 12, 2006

SUBJECT: James Sherman d/b/a/ Dick's Cab

We have checked Collections records for taxes, licenses, citations, parking, rescue transports and miscellaneous receivables owed in the names of James Sherman and/or Dick's Cab. We have not found amounts owed to the City in those names.

If I can provide further assistance, please call

CC: Bernita Demery, Director of Financial Services
Kimberly Branch, Financial Services Manager

Doc # 177282

Seth Laughlin/PCD/COGV
01/18/2007 12:44 PM

To Wanda Elks/CCO/COGV@COGV
cc
bcc
Subject Re: Dick's Cab 

Wanda,

Per our conversation today, taxi or limousine services are a permitted use in the CH (Commercial-Heavy) zoning district. 1402 W. 14th Ave (parcel # 15957), owned by Willie Lee and Alice P Moore is located in a CH zone and therefore is an appropriate location for a taxi service. Thank very much.

Seth Laughlin
Zoning Administrator

Wanda Elks/CCO/COGV



Wanda Elks/CCO/COGV
01/18/2007 12:20 PM

To Seth Laughlin/PCD/COGV@COGV
cc
Subject Dick's Cab

Seth,

Mr Sherman just brought by permission for him to park his cabs at the West 14th Street address, and, interestingly enough, the business is Moore's Body Shop, who uses 1400 West Fourteenth Street as its address.

Wanda T. Elks, MMC
City Clerk
City of Greenville
PO Box 7207
200 Martin Luther King, Jr. Drive
Greenville, NC 27835
Telephone: (252) 329-4422
Fax: (252) 329-4399

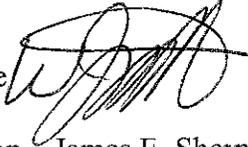


GREENVILLE POLICE DEPARTMENT

MEMORANDUM

January 24, 2007

TO: Wanda Elks, City Clerk

FROM: William J. Anderson, Chief of Police 

SUBJECT: Review of Taxi Franchise Application – James E. Sherman

I have reviewed the application and supporting documentation concerning the application of James E. Sherman for compliance with the provisions of Title 11, Chapter 1, of the Greenville City Code.

While conducting a review of this application request, tax records indicate that there are outstanding personal property taxes for the applicant. This is the only relevant information to report based on the information provided on the franchise application.



Tax Accounts - Balances Due

[Government](#)

[Citizens](#)

[Business](#)

[Visitors](#)

[Employment](#)

Welcome to the Official Website for Pitt County Government

*R = real estate, V = vehicle, and P = personal property

Entity

PT = Pitt County DR = Drainage AD = Ayden
 BT = Bethel FK = Falkland FR = Farmville
 FN = Fountain GF = Grifton GL = Grimesland
 WN = Winterville SI = Simpson GV = Greenville

Search By Name: Sherman, James

Tax accounts receivable announcements last updated 1/25/07 4:36PM

NAME	TAXES BILLED	TAX DUE	ACCT#	PARCEL	LOCATION	TYPE*	TAX YEAR	REAL VALUE	PERSONAL VALUE	ENTITY**
SHERMAN, JAMES	\$167.44	\$62.77	11555180	-	-	P	1996	\$0	\$15,780	PT
SHERMAN, JAMES	\$169.52	\$310.07	11555180	-	-	P	1997	\$0	\$15,350	PT
SHERMAN, JAMES	\$160.36	\$278.77	11555180	-	-	P	1998	\$0	\$14,090	PT
SHERMAN, JAMES	\$153.17	\$253.11	11555180	-	-	P	1999	\$0	\$13,100	PT

Jeff Niebauer, Tax Collector
 Downtown Greenville
 111 S. Washington Street
 Greenville, NC 27834

Phone: (252) 902-3425
 Fax: (252) 830-1935
 Email: pitttaxcollector@co.pitt.nc.us
www.pittcountync.gov/depts/taxcollector/

Mail payments to:
 Pitt County Tax Collector
 PO Box 875
 Greenville, NC 27835

ORDINANCE NO. 07-_____
AN ORDINANCE GRANTING A TAXICAB FRANCHISE
TO JAMES E. SHERMAN D/B/A DICK'S CAB COMPANY

WHEREAS, the City of Greenville is authorized by G.S. 160A-304 to license and regulate all vehicles operated for hire within the City of Greenville; and

WHEREAS, the City of Greenville has adopted an ordinance, Title 1 of Chapter 11 of the Greenville City Code, requiring the operators of taxicab businesses within the City to obtain a franchise from the City permitting said operation, and said ordinance sets forth certain requirements and criteria that must be satisfied in order to obtain and maintain the franchise for the operation of a taxicab business; and

WHEREAS, James E. Sherman d/b/a Dick's Cab Company, is an applicant for a franchise permitting the operation of three taxicabs within the City limits; and

WHEREAS, following investigation into the qualifications of the applicant, the City Council has determined that the applicant satisfies the requirements and conditions for the operation of a taxicab business within the City and has presented evidence substantiating the public convenience and necessity of such a business;

NOW, THEREFORE, BE IT ORDAINED by the Greenville City Council that:

Section 1. A taxicab franchise is hereby issued to James E. Sherman d/b/a Dick's Cab Company to permit the operation within the City of Greenville of not more than three taxicabs.

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 immediately upon its adoption.

First reading passed on this the 5th day of February, 2007.

Second reading passed on this the 8th day of February, 2007.

Duly adopted on this the 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 2/8/2007
Time: 7:00 PM

- Title of Item:** Ordinance, requested by DVML, LLC, to rezone 23.588 acres located 1,845± feet south of Greenville Boulevard, 2,560± feet west of Memorial Drive, 205± feet north of Thomas Langston Road, and east of the Providence Place Subdivision from R6A (Residential [Medium Density Multi-Family]) to R6 (Residential [High Density Multi-Family])
- Explanation:** The request involves the rezoning of 23.588 acres as referenced above. Please see the attached rezoning request analysis.
- Fiscal Note:** No cost to the City.
- Recommendation:**
- In that the Future Land Use Plan Map recommends medium density residential and the existing zoning (R6A) is considered medium density residential and the Land Use Plan Map further recommends a buffer between the commercial and medium density residential, staff is of the opinion that the recommended residential density and buffer has been met by the current zoning.
- Therefore, it is staff's opinion, that the request is **not** in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map.
- The Planning & Zoning Commission at their December 19, 2006, meeting voted to deny the request.
- If City Council determines to approve the rezoning request, a motion to adopt the attached rezoning ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.
- If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Agenda Briefing

Item # 4

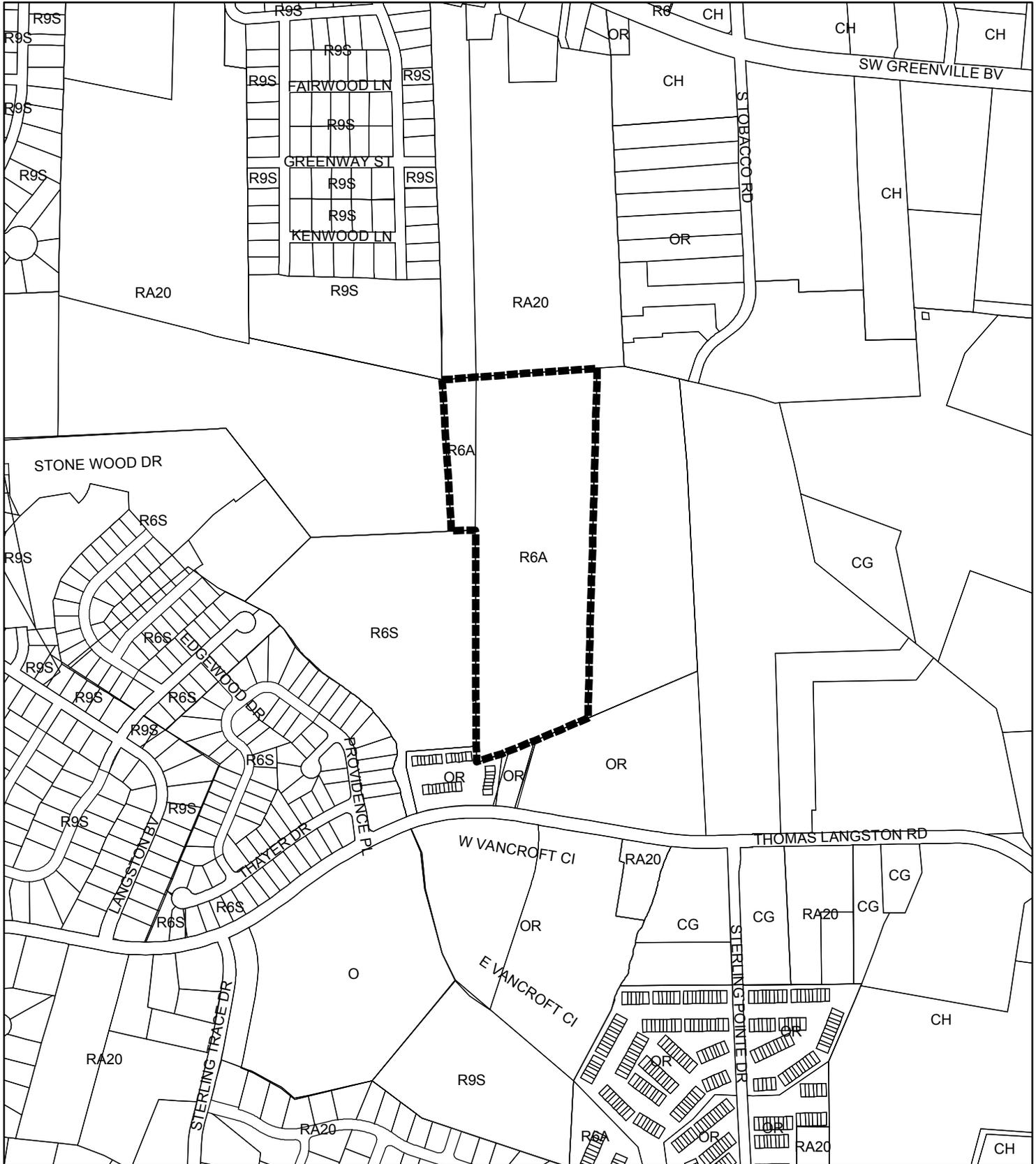
Motion to deny the request to rezone and to make a finding and determination that the denial of the rezoning request is consistent with the adopted comprehensive plan and that the denial of the rezoning request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

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

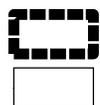
Attachments / click to download

- [📄 Locational Map](#)
 - [📄 Survey](#)
 - [📄 Certificate of Mailed Notices](#)
 - [📄 Ordinance_for_DVML_LLC](#)
 - [📄 Rezoning_for_\(Dec_\)_DVML_LLC](#)
 - [📄 26_DVML_LLC](#)
 - [📄 DVML_LLC_minutes](#)
 - [📄 DVML_List_of_Uses](#)
-

DVML, LLC (06-26)



R6A to R6 (23.588 acres)



Area Requested to be Rezoned

Land Parcels

2

Item # 4
Created
11/28/2006

ORDINANCE NO. 07-____
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 February 8, 2007 at 7:00 p.m., in the City Council Chambers of the City Hall Building in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance rezoning the following described property is not fully consistent with the adopted comprehensive plan, however, in this instance it is an appropriate zoning classification, and that, because of this, the adoption of the ordinance rezoning the following described property is reasonable and in the public interest.

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

Section 1. That the following described territory is rezoned from R6A (Residential) to R6 (Residential).

TO WIT: DVML, LLC Property.

LOCATION: Located 1,845± feet south of Greenville Boulevard, 2,560± feet west of Memorial Drive, 205± feet north of Thomas Langston Road, and east of the Providence Place Subdivision.

DESCRIPTION: Beginning at an existing concrete monument at the northeastern corner of the G.T. Evans Heirs Property as described in Deed Book X-21, Page 141 of the Pitt County Register of Deeds Office, said concrete monument also being the southern common corner of the City of Greenville Property as described in Deed Book 111, Page 279 and the Mary B. Kerr Property as described in Deed Book V-30, Page 288, both of the Pitt County Register of Deeds Office. From the above described beginning, so located, running thence as follows:

With the southern line of referenced Mary B. Kerr Property, N 88°43'34" E, 723.23 feet, thence S 04°29'01" W, 1,631.29 feet, thence S 69°40'17" W, 269.56 feet, thence S 72°59'53" W, 289.21 feet, thence N 00°54'49" W, 73.55 feet, thence N 03°06'34" E, 1,006.79 feet, thence N 89°40'12" W, 112.68 feet, thence N 00°33'41" W, 708.97 feet to the point of beginning containing 23.588 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 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

Rezoning Request Report

Prepared by Greenville's Planning and Community Development Department

Staff Contacts: Niki S. Jones, 329-4518

Chantae M. Gooby, 329-4507

1. **Applicant:** Ordinance, requested by DVML, LLC, to rezone 23.588 acres located 1,845± feet south of Greenville Boulevard, 2,560± feet west of Memorial Drive, 205± feet north of Thomas Langston Road, and east of the Providence Place Subdivision from R6A (Residential [Medium Density Multi-Family]) to R6 (Residential [High Density Multi-Family]).

2. **Date:** November 20, 2006

3. **Requested Change:**

Existing: R6A (Residential [Medium Density Multi-Family])

Proposed: R6 (Residential [High Density Multi-Family])

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

4. **Location:** Located 1,845± feet south of Greenville Boulevard, 2,560± feet west of Memorial Drive, 205± feet north of Thomas Langston Road, and east of the Providence Place Subdivision.

5. **Size:** 23.588 acres

6. **Comprehensive Plan:**

Thomas Langston Road is considered a “residential” corridor. Along residential corridors, office, service, and retail activities should be specifically restricted to the associated focus area and linear expansion outside the focus area node should be prohibited.

The Future Land Use Plan Map recommends office/institutional/multi-family along the northern right-of-way of Thomas Langston Road transitioning to medium density residential in the interior areas. The office/institutional/multi-family transition is intended to serve as a buffer between the commercial and medium density residential area.

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

Development under the proposed rezoning could generate an additional 2,000-vehicle trips per day, which is a net increase of 800 additional trips per day on Thomas Langston Road compared to existing zoning.

A traffic impact study may be required as part of future plan reviews for the site. The purpose of the study is to determine the amount of traffic that will be generated by proposed uses and to evaluate the additional traffic’s impact on the existing infrastructure. During this review process, measures to mitigate these impacts will be identified. These measures may include limiting access onto Thomas Langston Road and constructing turn lanes into the development.

Detailed Report Attached

8. History/Background:

In 1972, the subject tract was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned RA20 (Residential-Agricultural). In 2004, the subject property was rezoned to R6A (Residential [Medium Density Multi-Family]) at the request of the property owner.

9. Present Land Use:

Woodlands

10. Utilities:

The closest GUCO waterline is 230 feet south at Thomas Langston Road, and public sewer is available on-site.

11. Historic Sites:

There is no known effect on designated sites.

12. Environmental Conditions/Constraints:

There are no known environmental constraints.

13. Surrounding Land Uses:

North: RA20 – Vacant

South: OR – One (1) Single-Family residence and Legends Townhomes (29 units); Vacant

East: RA20 – Vacant (Ward, LLC Land Use Plan amendment (Case # 06-02) & proposed rezoning site (Case 06-23)

West: R6S – Providence Place Subdivision, Phase 3 (preliminary plat under review – 68 single-family lots); R6A & RA20 - Vacant

14. Density Estimates:

Gross Acreage: 23.588 acres

Net Acreage: 21.0 acres (excluding street rights-of-way and stormwater requirements)

Current Zoning: R6A (Residential [Medium Density Multi-Family])

Requested Zoning: R6 (Residential [High Density Multi-Family])

At the current zoning R6A (Residential [Medium Density Multi-Family]), staff would anticipate the site to yield approximately 168 units based on similar site comparison (Sterling Point-at 8 units per acre). At maximum density, the site would yield approximately 189 units (1, 2, & 3 bedrooms- at 9 units per acre).

At the proposed zoning R6 (Residential [High Density Multi-Family]), staff would anticipate the site to yield approximately 252 multi-family units based on similar site comparison (Cobblestone- at 12 units per acre). At maximum density, the site may yield approximately 357 multi-family units (1, 2, & 3 bedrooms- at 17 units per acre).

The anticipated build-out is 5-6 years.

15. Additional Staff Comments

The subject property is adjacent to the Ward, LLC Land Use Plan amendment (Case # 06-02) and rezoning request (Case # 06-23) to amend the Land Use Plan Category from office/institutional/multi-family (OIMF) to commercial (C) and rezone the property to CG (General Commercial).

The primary concern is the R6S (Residential-Single-Family [Medium Density]) zoned property adjacent to the subject property. Currently, there is a preliminary plat for Providence Place Subdivision, Phase 3 under review for 68 single-family lots.

RECOMMENDATION:

In that the Future Land Use Plan Map recommends medium density residential and the existing zoning (R6A) is considered medium density residential and the Land Use Plan Map further recommends a buffer between the commercial and medium density residential, staff is of the opinion that the recommended residential density and buffer has been met by the current zoning.

Therefore, it is staff's opinion that the request is **not** in compliance with Horizons: Greenville Community Plan and the Future Land Use Plan Map.

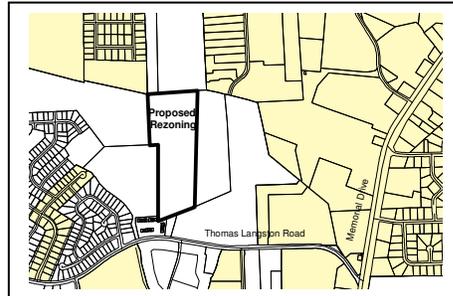
REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 06-26

Applicant: DVML, LLC

Property Information

Current Zoning: R6A
Proposed Zoning: R6
Current Acreage: 23.588 acres
Location: Thomas Langston Road
Points of Access: Thomas Langston Road



LOCATION MAP

Transportation Background Information

1.) Thomas Langston Road (State maintained)

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	2-lane paved shoulders	4-lane with raised median-curb and gutter
Right of way width (ft)	60	90
Speed Limit (mph)	45	
Current ADT:	4,000(*)	Design ADT: 12,000 vehicles/day (**)
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	
Other Information:	There are no sidewalks along either side of Allen Road that service this property.	

Notes: (*) 2005 City count
 ADT – Average Daily Traffic volume
 (**) Traffic volume based an operating Level of Service D for existing geometric conditions.

Transportation Improvement Program Status:

No projects planned

Trips generated by proposed use/change:

Current Zoning: 1,200-vehicle trips/day (*) **Proposed Zoning:** 2,000-vehicle trips/day (*)

Estimated Net Change: increase of 800-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.)

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

1.) Thomas Langston Road, East of Site (“No build” ADT of 4,000)

Estimated ADT with Proposed Zoning (full build) – 5,400
 Estimated ADT with Current Zoning (full build) – 4,840
Net ADT change – +560 (12% increase)

2.) Thomas Langston Road, West of Site (“No build” ADT of 4,000)

Estimated ADT with Proposed Zoning (full build) – 4,600
 Estimated ADT with Current Zoning (full build) – 4,360
Net ADT change – +240 (6% increase)

Case No: 06-26

Applicant: DVML, LLC

STAFF FINDINGS/RECOMMENDATIONS:

Development under the proposed rezoning could generate an additional 2,000-vehicle trips per day, which is a net increase of 800 additional trips per day on Thomas Langston Road compared to existing zoning.

A traffic impact study may be required as part of future plan reviews for the site. The purpose of the study is to determine the amount of traffic that will be generated by proposed uses and to evaluate the additional traffic's impact on the existing infrastructure. During this review process, measures to mitigate these impacts will be identified. These measures may include limiting access onto Thomas Langston Road and constructing turn lanes into the development.

REQUEST BY DVML, LLC – DENIED

Chairman Tozer stated that the next item is a request by DVML, LLC to rezone 23.588 acres located 1,845± feet south of Greenville Boulevard, 2,560± feet west of Memorial Drive, 205± feet north of Thomas Langston Road, and east of the Providence Place Subdivision from R6A (Residential [Medium Density Multi-Family]) to R6 (Residential [High Density Multi-Family]).

Ms. Gooby stated this is a request by DVML, LLC to rezone 20.5 acres from RA20 to R6 and both of these districts contain a multi-family option. However, the current zoning is for medium density and the requested zoning is for high density. The property is located within Voting District 5. Ms. Gooby indicated on the map an easement for ingress and egress to the property to Thomas Langston Road. The property is currently vacant. Ms. Gooby stated that the property is not impacted by the floodplain or greenway system. The requested rezoning could increase the traffic by a net of 800 trips. The majority of the property would travel east out to Memorial Drive. Tobacco Road is to be extended to connect to Thomas Langston Road that would align with Sterling Point Drive. The Land Use Plan recommends medium density residential for this area and further recommends a buffer between the commercial to the east and the residential to the west. Ms. Gooby presented the Residential Chart that indicates the districts that are high density and districts that are medium density. Ms. Gooby stated that a preliminary plat for Providence Place shows a connection into the subject property. Ms. Gooby stated in that the subject property is zoned R6A it fulfills the medium density requirements and also is acting as a buffer to protect the existing R6S property as recommended by the Comprehensive Plan and Land Use Plan Map. Ms. Gooby stated that in staff's opinion the request is not in compliance with the Land Use Plan or Land Use Plan Map.

Mr. Mike Baldwin, Baldwin & Associates, spoke on behalf of the request. Mr. Baldwin explained that there is something unique about this property. Mr. Baldwin stated that the property is only one parcel west from being in compliance with the Comprehensive Land Use Plan. Mr. Baldwin stated that the property to the south is zoned OR. Mr. Baldwin explained that he and others are submitting the preliminary plat for Providence Place, Section 3 and they have met with the developers of this property and they have no concerns with their project. Mr. Baldwin stated that there are lane widening improvements along Thomas Langston Road to eliminate the left turn

deadlocks.

Mr. Baker stated that he has concerns with the increase of development along Thomas Langston Road in regards to traffic.

There was discussion from Board members in regards to the parcel of property zoned OR at the corner of this property.

Mr. Baldwin stated that he doesn't feel the parcel is that far from being in compliance with the Land Use Plan Map.

Mr. Holec reminded the Board members that they must consider all possible developments for a parcel and its compliance with the City's regulations. Mr. Holec stated that the Land Use Plan Map is a guide for the Board. Mr. Holec stated that the Board could motion to recommend approval even though it is inconsistent with the Land Use Plan Map if the Board thinks the amendment is appropriate.

No one spoke in opposition.

Motion was made by Mr. Baker, seconded by Mr. Wilson to recommend denial of the proposed amendment, to advise that it is not consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Those voting to deny: Ramey, Gordon, Moye, Baker, Wilson, Lehman, and Stokes. Those voting in opposition. Randall. Motion carried.

EXISTING ZONING

R6A (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:

- 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

R6A (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, 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

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, 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:

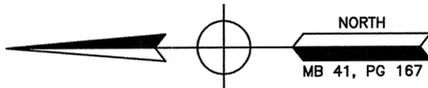
* None

(14) Manufacturing/ Warehousing:

* None

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

* None

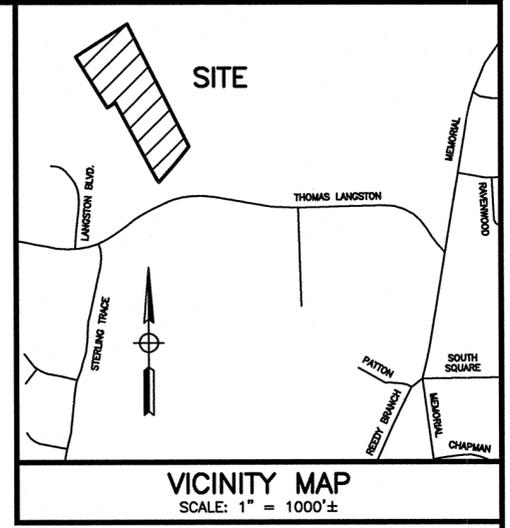


NOTES

1. THIS SURVEY IS OF ANOTHER CATEGORY.
2. NO SURVEY WAS PERFORMED IN THE PRODUCTION OF THIS MAP BY BALDWIN & ASSOCIATES, INFORMATION USED TO PRODUCE THIS MAP WAS TAKEN FROM MAP BY OTHERS.

LEGEND

- R/W = RIGHT-OF-WAY
- EIP = EXISTING IRON PIPE
- ECM = EXISTING CONCRETE MONUMENT
- = EXISTING ZONING
- = PROPOSED ZONING



RA-20
DOUGLAS H. ROSS, LIFE ESTATE
 DB 1853, PG 703

RA-20
WARD, LLC
 DB 824, PG 453

N 88°43'34" E 564.83'

S 04°29'01" W 1,631.29'

S 69°40'17" W 2,689.95'

R-6A

R-6

23.588 ACRES

Attachment number 7
 Page 1 of 1

OR
WARD, LLC
 DB 824, PG 453

OR
TEDDY HINES
 DB 1816, PG 551

N 03°06'34" E 1,006.79'

R-6S

TMH PROPERTIES, LLC
 DB 1864, PG 419

**ADDRESS OF ADJOINERS WITHIN
 100 FEET OF SITE**

N 00°54'49" W 73.55'

BUILDING #4
 7 6 5 4 3

BUILDING #3
 1 2 3 4 5

OR
THE LEGENDS
 MB 63, PGS 17-17A

N 00°33'41" W 708.97'

R-9

CITY OF GREENVILLE
 DB 111, PG 279

RA-20
MARY B. KERR
 DB V-30, PG 288

R-6A

G.T. EVANS HEIRS
 DB X-21, PG 141

RA-20

CITY OF GREENVILLE
 FINANCE DEPT. PO BOX 7207
 GREENVILLE, NC 27835

MARY B. KERR
 1256 GREENVILLE BLVD SW
 GREENVILLE, NC 27834

WARD, LLC
 503 CHESAPEAKE PLACE
 GREENVILLE, NC 27858

TMH PROPERTIES, LLC
 1015 CONFERENCE DRIVE
 GREENVILLE, NC 27858

TEDDY HINES
 1250 THOMAS LANGSTON ROAD
 WINTERVILLE, NC 28590

DOUGLAS H. ROSS, LIFE ESTATE
 C/O MARGA J. ROSS
 1229 GREENVILLE BLVD SW
 GREENVILLE, NC 27834

THE LEGENDS
BUILDING #4
 UNITS 7, 6, 5, 4 & 3
 FAIRWAY INVESTMENTS PROPERTIES
 4789 NC HWY 33 EAST
 GREENVILLE, NC 27835

BUILDING #3
 UNITS 2, 3 & 4
 FAIRWAY INVESTMENTS PROPERTIES
 4789 NC HWY 33 EAST
 GREENVILLE, NC 27835

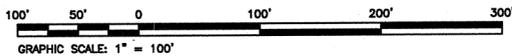
G.T. EVANS, HEIRS
 C/O DAVID EVANS
 701 W. 14th STREET
 GREENVILLE, NC 27834

UNIT 1
MELANIE L. PETERSON
 1320 THOMAS LANGSTON ROAD
 #01
 WINTERVILLE, NC 28590

UNIT 5
CARMAN J. MAYE
 1320 THOMAS LANGSTON ROAD
 #05
 WINTERVILLE, NC 28590

R-6S
PROVIDENCE PLACE
 SECTION ONE
 MB 58, PG 09

PROVIDENCE PLACE
 (R/W VARIES 24'-28' B/B PUBLIC)



PARCEL # 13364
 TAX MAP # 4676.14-4411

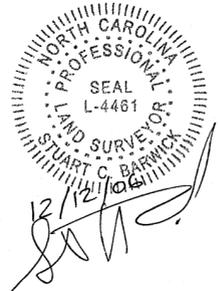
REZONING MAP FOR
DVML, LLC

REFERENCE: DEED BOOK 1860, PAGE 214 OF THE
 PITT COUNTY REGISTRY.

WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

OWNER: **DVML, LLC**
 ADDRESS: 1025-E DIRECTOR COURT
 GREENVILLE, NC 27858
 PHONE: (252)531-7494

	Baldwin and ASSOCIATES ENGINEERING, LAND SURVEYING AND PLANNING 1015 CONFERENCE DRIVE GREENVILLE, NC, 27858 (252) 756-1390	SURVEYED: N/A	APPROVED: SCB
		DRAWN: SCB	DATE: 11/15/2006
		CHECKED: SCB	SCALE: 1" = 100'



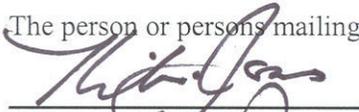
NORTH CAROLINA
PITT COUNTY

CERTIFICATE OF MAILED NOTICES

The undersigned employee or employees of the City of Greenville, Planning and Community Development Department do hereby certify that the mailing requirements for notice of rezoning pursuant to GS 160A-384 have been complied with for the following rezoning requests:

1. **06-26-** Ordinance, requested by DVML, LLC, to rezone 23.588 acres located 1,845± feet south of Greenville Boulevard, 2,560± feet west of Memorial Drive, 205± feet north of Thomas Langston Road, and east of the Providence Place Subdivision from R6A (Residential [Medium Density Multi-Family]) to R6 (Residential [High Density Multi-Family]).

The person or persons mailing such notices and making this certificate are:



Signature



Signature

Niki Jones
Printed Name
Niki Jones
Printed Name

12/05/06
Date (Planning & Zoning)
1/23/07
Date (City Council)



City of Greenville, North Carolina

Meeting Date: 2/8/2007
Time: 7:00 PM

Title of Item:

Ordinance, requested by Bartlett Engineering and Surveying, PC, to rezone 33.6 acres located 700+ feet south of Woodridge Commercial/Industrial Park, west of the Allen Ridge Subdivision, and north of the Teakwood Subdivision from OR (Office-Residential [High Density Multi-Family]) to R9S (Residential-Single-Family [Medium Density])

Explanation:

The request involves the rezoning of 33.6 acres as referenced above. Please see the attached rezoning request analysis.

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the request is in compliance with the Horizons: Greenville's Community Plan and the Future Land Use Plan Map. The Planning & Zoning Commission, at their January 16, 2007, meeting voted to approve the request.

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

If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Motion to deny the request to rezone and to make a finding and determination that the denial of the rezoning request is consistent with the adopted comprehensive plan and that the denial of the rezoning request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

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

Attachments / click to download

- [📄 Locational Map](#)
 - [📄 Survey](#)
 - [📄 Certificate of Mailed Notices](#)
 - [📄 Ordinance for Bartlett Engineering and Surveying](#)
 - [📄 Rezoning for Bartlett Engineering and Surveying](#)
 - [📄 25 Bartlett Engineering](#)
 - [📄 Bartlett Engineering excerpt](#)
 - [📄 Bartlett Engineering and Surveying List of Uses](#)
-

Bartlett Engineering & Surveying (Amended [06-25])



OR to R9S (33.6 acres)

-  Area Requested to be Rezoned
-  Land Parcels
-  Greenville ETJ

2

Item # 5
Created
11/28/2006

ORDINANCE NO. 07-____
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 February 8, 2007 at 7:00 p.m., in the City Council Chambers of the City Hall Building in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

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

Section 1. That the following described territory is rezoned from OR (Office-Residential) to R9S (Residential).

TO WIT: Hodge and Morris, LLC Property.

LOCATION: Located 700± feet south of the Pitt County Landfill, west of the Allen Ridge Subdivision, and north of the Teakwood Subdivision.

DESCRIPTION: Beginning at a point, that point being the southwestern most corner of Lot 37 Allen Ridge, Section One, recorded in Plat Book 62 Page 102 in the Pitt County Registry, leaving said point N 88°02'55" W, 579.08 feet to a point, cornering N 01°57'05" E, 4.87 feet to a point, cornering thence N 88°02'55" W, 241.63 feet to a point, thence N 82°11'23" W, 246.16 feet to a point, thence N 88°02'55" W, 900.00 feet to a point, thence N 74°00'44" W, 210.00 feet to a point, cornering; thence S 42°51'06" W, 187.67 feet to a point, cornering; thence S 05°24'11" E, 197.61 feet to a point, cornering; thence S 52°24'06" W, 67.69 feet to a point, cornering; thence N 88°02'55" W, 137.03 feet to a point, cornering; thence N 06°27'51" E, 182.81 feet to a point, cornering; thence N 89°20'24"

W, 241.17 feet to a point, cornering S 56°10'36" W, 340.01 feet to a point, cornering thence N 89°20'24" W, 1,270.73 feet to a point, cornering thence N 05°22'15" E, 457.42 feet to a point, cornering thence S 84°10'03" 133.49 feet to a point, thence along that same line 30.00 feet to a point, cornering thence N 05°49'57" E, 63.16 feet to a point, cornering thence S 89°07'21" E, 1,174.49 feet to a point, cornering thence along a curve to the left with a radius of 230.00 feet and an arc distance of 60.29 feet and a chord bearing of S 15°01'24" E, 60.11 feet to a point, thence S 22°31'56" E, 114.57 feet to a point, thence along a curve to the right with a radius of 500.00 feet and an arc distance of 336.15 feet and a chord bearing of S 86°43'40" W, 329.86 feet to a point, thence S 74°00'44" E, 55.42 feet to a point, thence along a curve to the left with a radius of 350.00 feet and an arc distance of 387.93 feet and a chord bearing of N 74°14'06" E, 368.38 feet to a point, thence N 42°28'56" E, 90.79 feet to a point, cornering thence along a curve to the left with a radius of 300.00 feet and an arc distance of 259.02 feet and a chord bearing of S 72°15'08" E, 251.05 feet to a point, thence N 83°00'47" E, 208.58 feet to a point, thence along a curve to the right with a radius of 300.00 feet and an arc distance of 48.67 feet and a chord bearing of S 87°39'40" W, 48.62 feet to a point, thence S 87°41'27" E, 623.43 feet to a point, thence along a curve to the right with a radius of 300.00 feet and an arc distance of 222.66 feet and a chord bearing of N 66°25'41" W, 217.59 feet to a point, thence S 45°09'54" E, 71.94 feet to a point, thence along a curve to the left with a radius of 300.00 feet and an arc distance of 200.00 feet and a chord bearing of S 64°15'49" E, 196.32 feet to a point, thence S 83°21'44" E, 100.00 feet to a point, thence along a curve to the left with a radius of 1,000.00 feet and an arc distance of 75.50 feet and a chord bearing of S 85°31'30" E, 75.48 feet to a point, thence S 87°41'17" E, 2.31 feet to a point, cornering S 02°18'43" W, along Lot 37 described above 158.60 feet to the point of beginning.

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 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

Doc. # 665168

Item # 5

Rezoning Request Report (Amended)

Prepared by Greenville's Planning and Community Development Department

Staff Contacts: Niki S. Jones, 329-4518

Chantae M. Gooby, 329-4507

1. **Applicant**: Ordinance, requested by Bartlett Engineering and Surveying, PC, to rezone 33.6 acres located 700± feet south of Woodridge Commercial/Industrial Park, west of the Allen Ridge Subdivision, and north of the Teakwood Subdivision from OR (Office-Residential [High Density Multi-Family]) to R9S (Residential-Single-Family [Medium Density]).

2. **Date**: December 20, 2006

3. **Requested Change**:

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

Proposed: R9S (Residential-Single-Family [Medium Density])

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

4. **Location**: Located 700± feet south of Woodridge Commercial/Industrial Park, west of the Allen Ridge Subdivision, and north of the Teakwood Subdivision.

5. **Size**: 33.6 acres

6. **Comprehensive Plan**:

Allen Road is considered a “residential” corridor from the intersection at Dickinson Avenue/Allen Road/Greenville Boulevard to the Norfolk Southern Railroad. Residential corridors are preferred to accommodate lower intensity residential uses. Along residential corridors, office, service and retail activities should be specifically restricted to the associated focus area and linear expansion outside the focus area node should be prohibited.

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

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

Development under the proposed rezoning could generate an additional 900 vehicle trips per day, which is a net decrease of 1,600 additional trips per day on Allen Road compared to existing zoning.

A traffic impact study may be required as part of future plan reviews for the site. The purpose of the study is to determine the amount of traffic that will be generated by proposed uses and to evaluate the additional traffic’s impact on the existing infrastructure. During this review process, measures to mitigate these impacts will be identified. These measures may include constructing turn lanes into the development and intersection improvements.

Detailed Report Attached

8. History/Background:

The subject property was zoned OR (Office-Residential [High Density Multi-Family]) as part of a 275 acre extra-territorial jurisdiction (ETJ) extension in 2001.

9. Present Land Use:

Vacant

10. Utilities:

Greenville Utilities Company water and public sewer are available at Allen Ridge Road and Emerson Drive.

11. Historic Sites:

There is no known effect on designated sites.

12. Environmental Conditions/Constraints:

There are no known environmental constraints.

13. Surrounding Land Uses:

North: OR - Vacant

South: R9S – Allen Ridge Subdivision, Sec. 2 (approved preliminary plat – 56 single-family lots); RA20 – Tiburon Subdivision (approved preliminary plat – 73 single-family lots) OR - Vacant

East: OR – Allen Ridge Subdivision – 36 duplex lots

West: RR (County's Jurisdiction) – Woodlands

14. Density Estimates:

Gross Acreage: 33.6 acres

Net Acreage: 28.0 acres (excluding street rights-of-way and stormwater requirements)

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

Requested zoning: R9S (Residential-Single-Family [Medium Density])

At the current zoning (OR), staff would anticipate the site to yield approximately 378 multi-family units (2 & 3 bedrooms) at 14 units per net acre. At maximum density, the site may yield approximately 462 multi-family units (1, 2, & 3 bedrooms) at 17 units per net acre.

The proposed zoning (R9S), staff would anticipate the site to yield approximately 91 single-family lots at 5 lots per acre.

The anticipated build-out is 2-3 years.

15. Additional Staff Comment

At the time of the ETJ Extension in 2001, the Woodridge Corporate Park area was zoned IU (Unoffensive Industry) and the area immediately north of the Teakwood Subdivision was R9S (Residential-Single-Family [Medium Density]). The intervening remainder areas were zoned OR (Office-Residential [High Density Multi-Family]).

The R9S strip immediately north of the Teakwood Subdivision was requested by the neighborhood residents to provide a single-family buffer between the existing Teakwood homes and the future duplex and multi-family units that were anticipated on the OR zoned portion.

RECOMMENDATION:

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

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

(For Illustrative Purposes ONLY)

02/22/99

Bufferyard Requirements: Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyards.

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, Services (3)	Heavy Commercial, Light Industrial (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, Services (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industrial (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

Less than 25,000 sq. ft. 4' 100'

2 large street trees

25,000 sq. ft. to 175,000 sq. ft. 6' 100'

2 large street trees

Over 175,000 sq. ft. 10' 100'

2 large street trees

Street trees may count toward the minimum acreage requirement.

Bufferyard C (screen required)

10' 100'

3 large evergreen trees
4 small evergreen trees
16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided the bufferyard width may be reduced to eight (8) feet.

Bufferyard E (screen required)

30' 100'

6 large evergreen trees
8 small evergreen trees
26 evergreen shrubs

Bufferyard width may be reduced by fifty (50) percent if a fence, evergreen hedge (additional materials) or earth berm is provided.

Doc. # 28559

Bufferyard B (No screen required)

Lot Size

Less than 25,000 sq.ft. 4' 100'

25,000 sq.ft. to 175,000 sq.ft. 6' 100'

Over 175,000 sq.ft. 10' 100'

Bufferyard D (screen required)

20' 100'

4 large evergreen trees
6 small evergreen trees
16 evergreen shrubs

Bufferyard width may be reduced by fifty (50) percent if a fence, evergreen hedge (additional materials) or earth berm is provided.

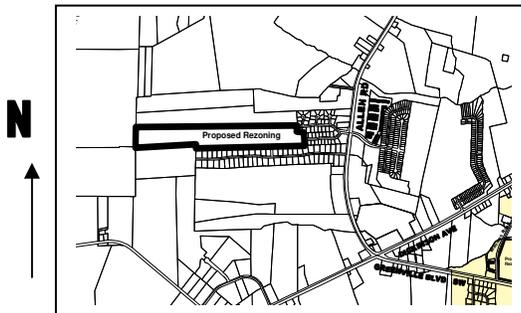
REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 06-25

Applicant: Bartlett Engineering & Surveying, PC

Property Information

Current Zoning: OR
Proposed Zoning: R9S
Current Acreage: 33.6 acres
Location: Allen Road
Points of Access: Allen Road



LOCATION MAP

Transportation Background Information

1.) Allen Road (State maintained)

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	2-lane paved shoulders	4-lane with raised median-curb and gutter
Right of way width (ft)	60	90
Speed Limit (mph)	45	
Current ADT:	14,000(*)	Design ADT: 35,000 vehicles/day (**)
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	
Other Information:	There are no sidewalks along either side of Allen Road that service this property.	

Notes: (*) 2005 City count

ADT – Average Daily Traffic volume

(**) Traffic volume based an operating Level of Service D for existing geometric conditions.

Transportation Improvement Program Status:

No projects planned

Trips generated by proposed use/change:

Current Zoning: 2,500-vehicle trips/day (*) **Proposed Zoning:** 900-vehicle trips/day (*)

Estimated Net Change: decrease of 1,600-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.)

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

1.) Allen Road, North of Site (“No build” ADT of 14,000)

Estimated ADT with Proposed Zoning (full build) – 14,360	
Estimated ADT with Current Zoning (full build) – <u>15,000</u>	
Net ADT change	– 640 (5% decrease)

2.) Allen Road, South of Site (“No build” ADT of 14,000)

Estimated ADT with Proposed Zoning (full build) – 14,540	
Estimated ADT with Current Zoning (full build) – <u>15,500</u>	
Net ADT change	– 960 (7% decrease)

Case No: 06-25

Applicant: Bartlett Engineering & Surveying, PC

STAFF FINDINGS/RECOMMENDATIONS:

Development under the proposed rezoning could generate an additional 900-vehicle trips per day, which is a net decrease of 1,600 additional trips per day on Allen Road compared to existing zoning.

A traffic impact study may be required as part of future plan reviews for the site. The purpose of the study is to determine the amount of traffic that will be generated by proposed uses and to evaluate the additional traffic's impact on the existing infrastructure. During this review process, measures to mitigate these impacts will be identified. These measures may include constructing turn lanes into the development and intersection improvements.

REQUEST BY BARTLETT ENGINEERING – APPROVED

Chairman Tozer stated that the first item of business is a request by Bartlett Engineering to rezone 33.6 acres located 700± feet south of Woodridge Commercial/Industrial Park, west of the Allen Ridge Subdivision, and north of the Teakwood Subdivision from OR (Office-Residential [High Density Multi-Family]) to R9S (Residential-Single-Family [Medium Density]).

Ms. Chantae Gooby introduced Mr. Wayne Nottingham, Engineer and Mr. Kyle Garner, Transportation Engineer of the Engineering Department. Ms. Gooby stated that Mr. Nottingham and Mr. Garner would be able to answer any transportation or engineering questions that the Commission may have.

Ms. Gooby stated that this request from Bartlett Engineering is to rezone approximately 33 acres from Office, High-Density Multi-family to Medium Density Single Family. The property is located in Voting District No. 1. To the north of the property is Woodbridge Industrial Park, to the east is Cobblestone Townhomes, to the south is Teakwood and Tiburon Subdivisions. The property is not impacted by the floodplain or greenway. There will be no negative impacts on transportation corridors. The rezoning could result in a decrease of 1,600 trips per day with the majority of the decrease to the south. Ms. Gooby stated that at the time of the ETJ extension, Woodbridge Industrial Park and Teakwood existing at that time. The remaining portion between Woodbridge and Teakwood was zoned Office, High Density Multi-family to act as a buffer. At that time, there was a strip of single family zoning to the north of Teakwood Drive that acted as a buffer between the neighborhood and the future duplex and multi-family. Ms. Gooby stated that the request is in compliance with the intent of the Comprehensive Plan and Land Use Plan Map.

Mr. Robert Bartlett, Bartlett Engineering and Surveying, stated they concur with staff's findings and would answer any questions.

Motion was made by Mr. Ramey, seconded by Mr. Baker, to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Motion carried unanimously.

EXISTING ZONING

OR (Office-Residential)

Permitted Uses

(1) General:

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

(2) Residential:

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

(3) Home Occupations (see all categories):

*None

(4) Governmental:

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

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

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

(8) Services:

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

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

(9) Repair:

* None

(10) Retail Trade:

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

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

* None

(12) Construction:

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

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

OR (Office-Residential)

Special Uses

(1) General:

* None

(2) Residential:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity dormitory (LUI) development rating 67 per Article K
- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- o.(1). Nursing, convalescent center or maternity home; minor care facility
- r. Fraternity or sorority house

(3) Home Occupations (see all categories):

* None

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

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

(8) Services:

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

(9) Repair:

- * None

(10) Retail Trade:

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

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

- * None

(12) Construction:

- * None

(13) Transportation:

- h. Parking lot or structure; principle use

(14) Manufacturing/ Warehousing:

- * None

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

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

PROPOSED ZONING

R9S (Residential-Single-Family)

Permitted Uses

(1) General:

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

(2) Residential:

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

(3) Home Occupations (see all categories):

- *None

(4) Governmental:

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

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

* None

(8) Services:

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

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

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

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

R9S (Residential-Single-Family)

Special Uses

(1) General:

* None

(2) Residential:

* None

(3) Home Occupations (see all categories):

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

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

* None

(8) Services:

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

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

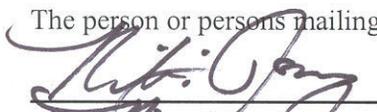
NORTH CAROLINA
PITT COUNTY

CERTIFICATE OF MAILED NOTICES

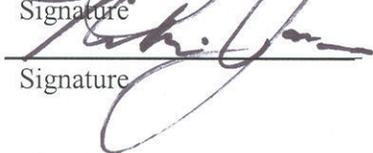
The undersigned employee or employees of the City of Greenville, Planning and Community Development Department do hereby certify that the mailing requirements for notice of rezoning pursuant to GS 160A-384 have been complied with for the following rezoning requests:

1. **05-18-** Ordinance, requested by V-SLEW, LLC, to rezone 101.179 acres located along the northern right-of-way of NC Highway 33 East, 820± feet east of the intersection of NC Highway 33 East and Portertown Road, and 1,350± feet west of the intersection of NC Highway 33 East and L. T. Hardee Road from RA20 (Residential-Agricultural) and RR (Rural Residential – County’s Jurisdiction) to OR (Office-Residential [High Density Multi-Family]), R6A (Residential [Medium Density Multi-Family]), and RA20 (Residential-Agricultural).
2. **06-25-** Ordinance, requested by Bartlett Engineering and Surveying, PC, to rezone 33.6 acres located 700± feet south of Woodridge Commercial/Industrial Park, west of the Allen Ridge Subdivision, and north of the Teakwood Subdivision from OR (Office-Residential [High Density Multi-Family]) to R9S (Residential-Single-Family [Medium Density]).
3. **06-28-** Ordinance, requested by the Community Development Department, to zone 604.4± acres located 1,540± feet north of East Tenth Street (NC Highway 33 East), along the southern right-of-way of Sunnyside Road, and east of the River Hills Subdivision from GI (General Industry-County’s Jurisdiction) and RR (Rural Residential-County’s Jurisdiction) to RA20 (Residential-Agricultural).
4. **06-29-** Ordinance, requested by Columbia RIM Corporation c/o Mr. Jeff Harris, to rezone 2.6888 acres located 960± feet east of the intersection of Frog Level Road and Davenport Farm Road, south of the Augusta Trails Subdivision, 1,915± feet west of Thomas Langston Road, and 195± feet north of Davenport Farm Road being a portion of the Emerald Park Subdivision (preliminary plat 05-25 [revised]) from R6A (Residential [Medium Density Multi-Family]) and R6S (Residential-Single-Family [Medium Density]) to R6A (Residential [Medium Density Multi-Family]), R6S (Residential-Single-Family [Medium Density]), and R9S (Residential-Single-Family [Medium Density]).

The person or persons mailing such notices and making this certificate are:



 Signature



 Signature

<u>Niki Jones</u>	<u>1/02/07</u>
Printed Name	Date (Planning & Zoning)
<u>Niki Jones</u>	<u>1/23/07</u>
Printed Name	Date (City Council)



City of Greenville, North Carolina

Meeting Date: 2/8/2007
Time: 7:00 PM

Title of Item:

Ordinance, requested by Columbia RIM Corporation c/o Mr. Jeff Harris, to rezone 2.6888 acres located 960± feet east of the intersection of Frog Level Road and Davenport Farm Road, south of the Augusta Trails Subdivision, 1,915± feet west of Thomas Langston Road, and 195± feet north of Davenport Farm Road being a portion of the Emerald Park Subdivision from R6A (Residential [Medium Density Multi-Family]) and R6S (Residential-Single-Family [Medium Density]) to R6A (Residential [Medium Density Multi-Family]), R6S (Residential-Single-Family [Medium Density]), and R9S (Residential-Single-Family [Medium Density])

Explanation:

This request involves the rezoning of 2.6888 acres as referenced above. Please see the attached rezoning analysis.

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan.

The Planning & Zoning Commission at the January 16, 2007 meeting voted to approve the request.

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

Motion to deny the request to amend the city code and to make a finding and determination that the denial of the amendment is consistent with the adopted comprehensive plan and that the denial of the amendment is reasonable and in the public interest due to the denial being consistent with

Agenda Briefing

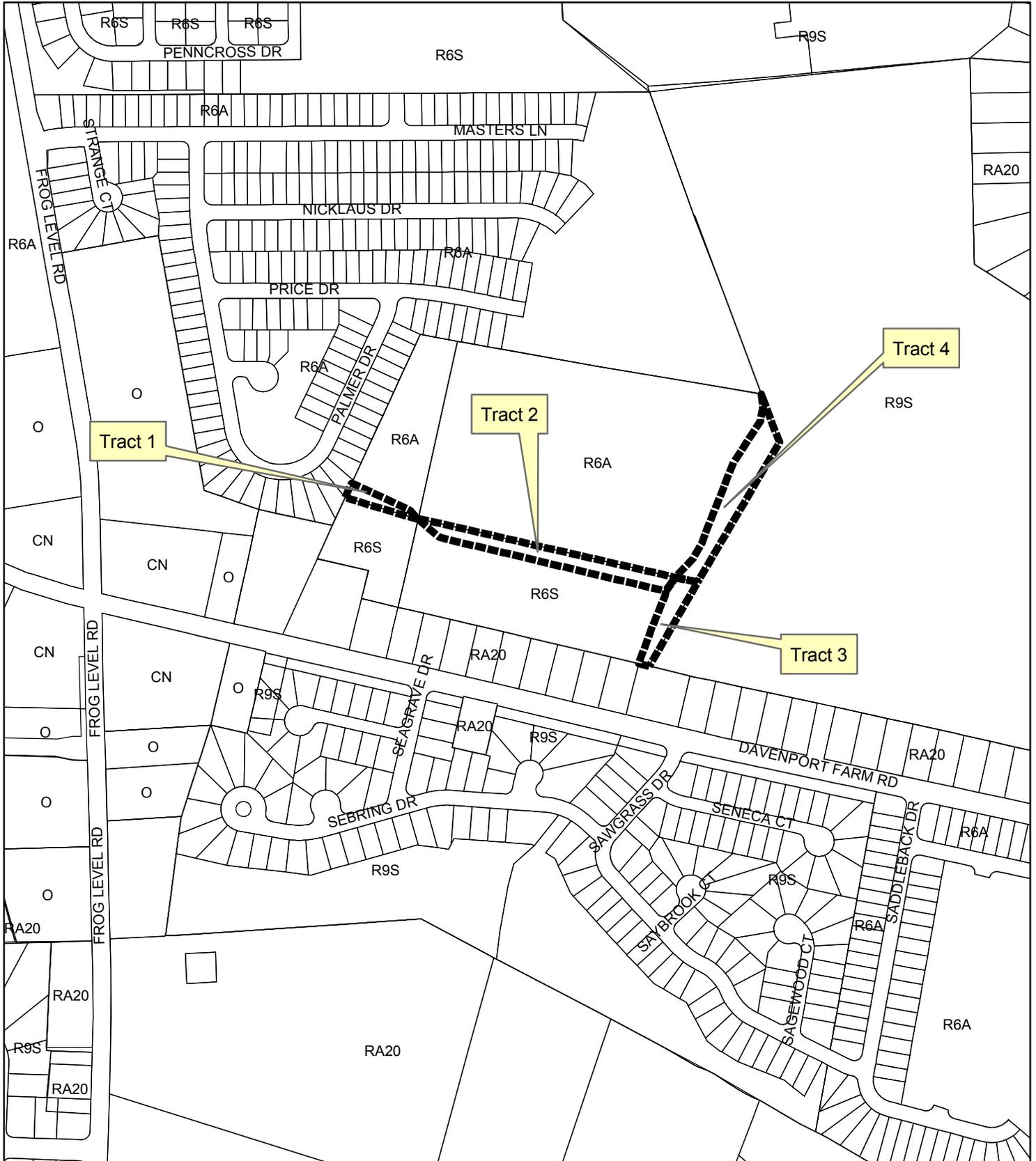
the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

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

Attachments / click to download

- [📎 Locational Map](#)
 - [📎 Survey](#)
 - [📎 Certificate of Mailed Notices](#)
 - [📎 Ordinance for Columbia RIM Corp](#)
 - [📎 Rezoning for Columbia RIM Corp](#)
 - [📎 Columbia Rim Corp excerpts](#)
 - [📎 Columbia Rim Corp List of Uses](#)
-

Columbia RIM Corporation c/o Mr. Jeff Harris (06-29)



Tract 1: R6A to R6S (0.1581 acres)
Tract 2: R6S to R6A (0.9657 acres)
Tract 3: R6S to R9S (0.4891 acres)
Tract 4: R6A to R9S (1.0759 acres)

 Area Requested to be Rezoned
 Land Parcels

2

Item # 6
Created
12/27/2006

ORDINANCE NO. 07-____
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 February 8, 2007 at 7:00 p.m., in the City Council Chambers of the City Hall Building in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

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

Section 1. That the following described territory is rezoned from R6A (Residential) to R6S (Residential).

TO WIT: Columbia RIM Construction Inc. Property [Tract 1].

LOCATION: Located 960± feet east of the intersection of Frog Level Road and Davenport Farm Road, south of the Augusta Trails Subdivision, 1,915± feet west of Thomas Langston Road, and 195± feet north of Davenport Farm Road being a portion of the Emerald Park Subdivision.

DESCRIPTION: Lying and being situate in Winterville Township, Pitt County, North Carolina and being more particularly described as follows:

Beginning at a point in the eastern line of Augusta Trails Subdivision as recorded in Map Book 63, Page 80 said point being located N 31°04'52" E, 96.25 feet from the southeast corner of Augusta Trails Subdivision, thence from said point of beginning with the eastern line of Augusta Trails Subdivision, N 31°04'52" E, 53.94 feet, thence leaving the eastern line of Augusta Trails

Subdivision S 58°55'08" E, 211.01 feet, thence S 42°57'31" E, 21.77 feet, thence N 70°36'00" W, 236.85 feet to the point of beginning containing 0.1581 acres

Section 2. That the following described territory is rezoned from R6S (Residential) to R6A (Residential).

TO WIT: Columbia RIM Construction Inc. Property [Tract 2].

LOCATION: Located 960± feet east of the intersection of Frog Level Road and Davenport Farm Road, south of the Augusta Trails Subdivision, 1,915± feet west of Thomas Langston Road, and 195± feet north of Davenport Farm Road being a portion of the Emerald Park Subdivision.

DESCRIPTION: Lying and being situate in Winterville Township, Pitt County, North Carolina and being more particularly described as follows:

Beginning at the southeast corner of the above described Tract 1, thence from said point of beginning S 70°36'00" E, 980.82 feet, thence S 37°34'35" W, 47.88 feet, thence N 71°53'54" W, 201.72 feet, thence N 70°36'23" W, 592.67 feet, thence N 42°57'31" W, 108.05 feet to the point of beginning containing 0.9657 acres.

Section 3. That the following described territory is rezoned from R6S (Residential) to R9S (Residential).

TO WIT: Columbia RIM Construction Inc. Property [Tract 3].

LOCATION: Located 960± feet east of the intersection of Frog Level Road and Davenport Farm Road, south of the Augusta Trails Subdivision, 1,915± feet west of Thomas Langston Road, and 195± feet north of Davenport Farm Road being a portion of the Emerald Park Subdivision.

DESCRIPTION: Lying and being situate in Winterville Township, Pitt County, North Carolina and being more particularly described as follows:

Beginning at the northeast corner of the above described Tract 2 , thence from said point of beginning with the southern line of Tract 4, S 70°36'00" E, 75.82 feet, thence S 32°50'09" W, 308.48 feet, thence N 70°36'23" W, 53.67 feet, thence N 25°04'46" E, 130.66 feet, thence N 27°55'52" E, 109.03 feet, thence N 37°34'35" E, 65.47 feet to the point of beginning containing 0.4891 acres.

Section 4. That the following described territory is rezoned from R6A (Residential) to R9S (Residential).

TO WIT: Columbia RIM Construction Inc. Property [Tract 4].

LOCATION: Located 960± feet east of the intersection of Frog Level Road and Davenport Farm Road, south of the Augusta Trails Subdivision, 1,915± feet west of Thomas Langston Road, and 195± feet north of Davenport Farm Road being a portion of the Emerald Park Subdivision.

DESCRIPTION: Lying and being situate in Winterville Township, Pitt County, North Carolina and being more particularly described as follows:

Beginning at the northwest corner of the above described Tract 3, thence from said point of beginning N 37°34'35" E, 84.00 feet, thence N 34°40'06" E, 58.38 feet, thence N 27°24'19" E, 284.82 feet, thence N 37°51'46" E, 168.08 feet, thence N 17°54'44" E, 43.92 feet, thence N 00°47'05" W, 47.87 feet, thence S 14°08'13" E, 157.29 feet, thence S 32°50'09" W, 550.41 feet, thence N 70°36'00" W, 75.82 feet to the point of beginning containing 1.0759 acres.

Section 5. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 6. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 7. That this ordinance shall become effective upon its adoption.

ADOPTED this 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

Doc. # 670936

Rezoning Request Report

Prepared by Greenville's Planning and Community Development Department

Staff Contacts: Niki S. Jones, 329-4518

Chantae M. Gooby, 329-4507

1. **Applicant** : Ordinance, requested by Columbia RIM Corporation c/o Mr. Jeff Harris, to rezone 2.6888 acres located 960± feet east of the intersection of Frog Level Road and Davenport Farm Road, south of the Augusta Trails Subdivision, 1,915± feet west of Thomas Langston Road, and 195± feet north of Davenport Farm Road being a portion of the Emerald Park Subdivision (preliminary plat 05-25 [revised]) from R6A (Residential [Medium Density Multi-Family]) and R6S (Residential-Single-Family [Medium Density]) to R6A (Residential [Medium Density Multi-Family]), R6S (Residential-Single-Family [Medium Density]), and R9S (Residential-Single-Family [Medium Density]).

2. **Date**: December 27, 2006

3. **Requested Change**:

Existing: **Tract 1:** R6A (Residential [Medium Density Multi-Family])
 Tract 2: R6S (Residential-Single-Family [Medium Density])
 Tract 3: R6S (Residential-Single-Family [Medium Density])
 Tract 4: R6A (Residential [Medium Density Multi-Family])

Proposed: **Tract 1:** R6S (Residential-Single-Family [Medium Density])
 Tract 2: R6A (Residential [Medium Density Multi-Family])
 Tract 3: R9S (Residential-Single-Family [Medium Density])
 Tract 4: R9S (Residential-Single-Family [Medium Density])

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

4. **Location**: Located 960± feet east of the intersection of Frog Level Road and Davenport Farm Road, south of the Augusta Trails Subdivision, 1,915± feet west of Thomas Langston Road, and 195± feet north of Davenport Farm Road being a portion of the Emerald Park Subdivision (preliminary plat 05-25 [revised]).

5. **Size**: 2.6888 acres (Tracts 1-4)

6. **Comprehensive Plan**:

Davenport Farm Road is considered a “residential” corridor. Along residential corridors, office, service and retail activities should be specifically restricted to the associated focus area and linear expansion outside the focus area node should be prohibited.

The subject tracts are east of a neighborhood focus area, which is located at the intersection of Frog Level Road/Davenport Farm Road. The anticipated focus area build-out is 20,000 to 40,000 square feet of conditioned floor space.

The Future Land Use Plan Map recommends medium density residential for the area north of Davenport Farm Road and the interior areas adjacent to the recognized focus area and the office/institutional/multi-family buffer.

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

Due to the small area of the subject sites, a traffic report was not prepared.

8. History/Background:

In 1998, the subject tract was incorporated into the City's extra-territorial jurisdiction (ETJ) as part of a sanitary sewer outfall extension project and was zoned RA20 (Residential-Agricultural). In 1999, Tracts 2 and 3 were rezoned to R6A (Residential [Medium Density Multi-Family]) [Tract 1] and R6S (Residential-Single-Family [Medium Density]) [Tract 2]. In 2005, Tract 1 was rezoned R6A (Residential [Medium Density Multi-Family]) as part of a larger rezoning.

The preliminary plat for the Emerald Park Subdivision (05-25 [revised]) was approved in 2005 by the Planning and Zoning Commission.

9. Present Land Use:

Vacant

10. Utilities:

Greenville Utilities Commission water and sewer is available at Davenport Farm Road.

11. Historic Sites:

There is no known effect on designated sites.

12. Environmental Conditions/Constraints:

There are no known environmental constraints.

13. Surrounding Land Uses:

North: R6A – Emerald Park Subdivision (approved preliminary plat for 394 Single-Family cluster residences)

South: R6S – Emerald Park Subdivision (approved preliminary plat for 394 Single-Family cluster residences)

East: R9S, R6S, & R6A – Emerald Park Subdivision (approved preliminary plat for 394 Single Family cluster residences)

West: R6A – Augusta Trails Duplexes

14. Additional Staff Comments:

The proposed rezoning would amend the zoning lines to follow the proposed Emerald Park Subdivision property lines. The total area of this proposed rezoning would not significantly affect the density. Also, note #22 on the preliminary plat states that prior to final platting; zoning lines that do not follow property lines must be moved.

RECOMMENDATION:

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

REQUEST CY COLUMBIA RIM CORPORATION C/O JEFF HARRIS –
APPROVED

Chairman Tozer stated that the next item is a request by Columbia RIM Corporation c/o Mr. Jeff Harris, to rezone 2.6888 acres located 960± feet east of the intersection of Frog Level Road and Davenport Farm Road, south of the Augusta Trails Subdivision, 1,915± feet west of Thomas Langston Road, and 195± feet north of Davenport Farm Road from R6A (Residential [Medium Density Multi-Family]) and R6S (Residential-Single-Family [Medium Density]) to R6A (Residential [Medium Density Multi-Family]), R6S (Residential-Single-Family [Medium Density]), and R9S (Residential-Single-Family [Medium Density]).

Ms. Gooby stated this request is to rezone approximately 2.5 acres from various medium density districts to other various medium density districts. The property is located within Voting District No. 5. The rezoning consists of four tracts. These tracts are all part of the Emerald Park Cluster Subdivision which was approved in 2005. This plat includes 394 single family lots. There is a variety of uses surrounding the property that include duplexes, vacant and single family developments. The property is not impacted by the floodplain or the greenway. There are no negative impacts on transportation corridors. The Land Use Plan recommends medium density residential to the north of Davenport Farm Road. Staff is of the opinion that the request is in compliance with the Comprehensive Plan and the Land Use Plan Map. Ms. Gooby explained that the rezoning will amend the zoning lines to match the property lines that are on the approved Emerald Park Subdivision.

No one spoke in favor or in opposition.

Motion was made by Mr. Moye, seconded by Mr. Ramey to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Motion carried unanimously.

EXISTING AND PROPOSED ZONING

R6A (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:

- 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

R6A (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, 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

R6S (Residential-Single-Family)

Permitted Uses

(1) General:

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

(2) Residential:

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

(3) Home Occupations (see all categories):

*None

(4) Governmental:

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

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

* None

(8) Services:

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

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

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

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

R6S (Residential-Single-Family)

Special Uses

(1) General:

* None

(2) Residential:

* None

(3) Home Occupations (see all categories):

- b. Home occupation; excluding barber and beauty shops
- c. Home occupation; excluding manicure, pedicure or facial salon
- d. Home occupation; including bed and breakfast inn (historic district only)

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

* None

(8) Services:

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

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

R9S (Residential-Single-Family)

Permitted Uses

(1) General:

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

(2) Residential:

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

(3) Home Occupations (see all categories):

*None

(4) Governmental:

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

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

* None

(8) Services:

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

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

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

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

R9S (Residential-Single-Family)

Special Uses

(1) General:

* None

(2) Residential:

* None

(3) Home Occupations (see all categories):

b. Home occupation; excluding barber and beauty shops

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

(4) Governmental:

a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

a. Golf course; regulation

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

(7) Office/ Financial/ Medical:

* None

(8) Services:

d. Cemetery

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

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

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

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

* None

(13) Transportation:

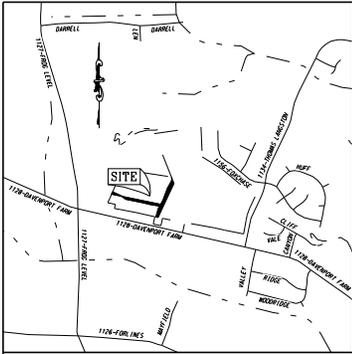
* None

(14) Manufacturing/ Warehousing:

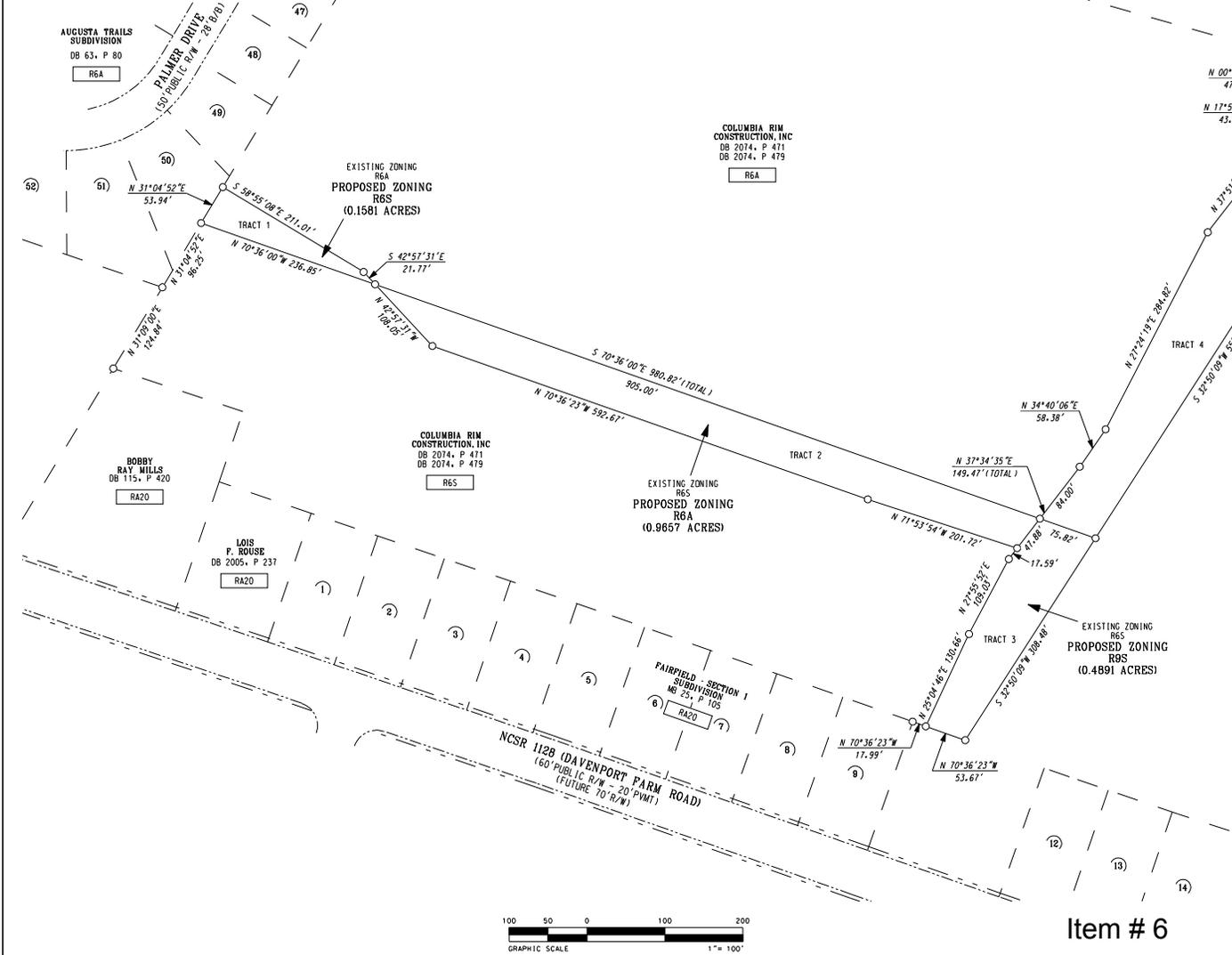
* None

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

* None



VICINITY MAP
1" = 2000'



TAX PARCEL 14842
CARLTON E. PARKER, PLS 2880

REZONING MAP FOR COLUMBIA RIM CONSTRUCTION, INC.	
REFERENCE DEED BOOK 2074 PAGE 471 AND DEED BOOK 2074 PAGE 479 OF THE PITT COUNTY REGISTRY	
WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA	
OWNER: COLUMBIA RIM CONSTRUCTION, INC. c/o JEFF HARRIS	DESIGNED: WKM
ADDRESS: 13023 N.E. HWY. 99, SUITE 7 VANCOUVER, WA 98686	DRAWN: KCW
PHONE: (360) 571-0785	APPROVED: WKM
MALPASS & ASSOCIATES 1645 ARLINGTON BLVD., SUITE D GREENVILLE, N.C. 27858 (252) 756-1780	
DATE: 05/31/06	
SCALE: 1" = 100'	
SHEET 1 OF 1	

Item # 6

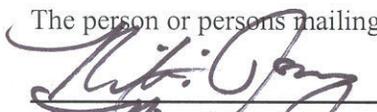
NORTH CAROLINA
PITT COUNTY

CERTIFICATE OF MAILED NOTICES

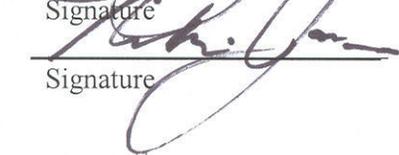
The undersigned employee or employees of the City of Greenville, Planning and Community Development Department do hereby certify that the mailing requirements for notice of rezoning pursuant to GS 160A-384 have been complied with for the following rezoning requests:

1. **05-18-** Ordinance, requested by V-SLEW, LLC, to rezone 101.179 acres located along the northern right-of-way of NC Highway 33 East, 820± feet east of the intersection of NC Highway 33 East and Portertown Road, and 1,350± feet west of the intersection of NC Highway 33 East and L. T. Hardee Road from RA20 (Residential-Agricultural) and RR (Rural Residential – County’s Jurisdiction) to OR (Office-Residential [High Density Multi-Family]), R6A (Residential [Medium Density Multi-Family]), and RA20 (Residential-Agricultural).
2. **06-25-** Ordinance, requested by Bartlett Engineering and Surveying, PC, to rezone 33.6 acres located 700± feet south of Woodridge Commercial/Industrial Park, west of the Allen Ridge Subdivision, and north of the Teakwood Subdivision from OR (Office-Residential [High Density Multi-Family]) to R9S (Residential-Single-Family [Medium Density]).
3. **06-28-** Ordinance, requested by the Community Development Department, to zone 604.4± acres located 1,540± feet north of East Tenth Street (NC Highway 33 East), along the southern right-of-way of Sunnyside Road, and east of the River Hills Subdivision from GI (General Industry-County’s Jurisdiction) and RR (Rural Residential-County’s Jurisdiction) to RA20 (Residential-Agricultural).
4. **06-29-** Ordinance, requested by Columbia RIM Corporation c/o Mr. Jeff Harris, to rezone 2.6888 acres located 960± feet east of the intersection of Frog Level Road and Davenport Farm Road, south of the Augusta Trails Subdivision, 1,915± feet west of Thomas Langston Road, and 195± feet north of Davenport Farm Road being a portion of the Emerald Park Subdivision (preliminary plat 05-25 [revised]) from R6A (Residential [Medium Density Multi-Family]) and R6S (Residential-Single-Family [Medium Density]) to R6A (Residential [Medium Density Multi-Family]), R6S (Residential-Single-Family [Medium Density]), and R9S (Residential-Single-Family [Medium Density]).

The person or persons mailing such notices and making this certificate are:



 Signature



 Signature

<u>Niki Jones</u>	<u>1/02/07</u>
Printed Name	Date (Planning & Zoning)
<u>Niki Jones</u>	<u>1/23/07</u>
Printed Name	Date (City Council)



City of Greenville, North Carolina

Meeting Date: 2/8/2007
Time: 7:00 PM

-
- Title of Item:** Ordinance, requested by the Community Development Department, to zone 604.4± acres located 1,540± feet north of East Tenth Street (NC Highway 33 East), along the southern right-of-way of Sunnyside Road, and east of the River Hills Subdivision from GI (General Industry-County's Jurisdiction) and RR (Rural Residential-County's Jurisdiction) to RA20 (Residential-Agricultural)
- Explanation:** This request involves the rezoning of 604.4± acres as referenced above. Please see the attached rezoning request analysis.
- Fiscal Note:** No cost to the City.
- Recommendation:** In staff's opinion, the request is in compliance with the Horizons: Greenville's Community Plan and the Land Use Plan Map.
- The Planning & Zoning Commission, at their January 16, 2007, meeting voted to approve the request.
- If City Council determines to approve the rezoning request, a motion to adopt the attached rezoning will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why the Council considers the action taken to be reasonable and in the public interest.
- If City Council determines to deny the rezoning request, in order to comply with this statutory requirement, it is recommended that the motion be as follows:
- Motion to deny the request to rezone and to make a finding and determination that the denial of the rezoning request is consistent with the adopted comprehensive plan and that the denial of the rezoning request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

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

Attachments / click to download

 [Locational Map](#)

 [Certificate of Mailed Notices](#)

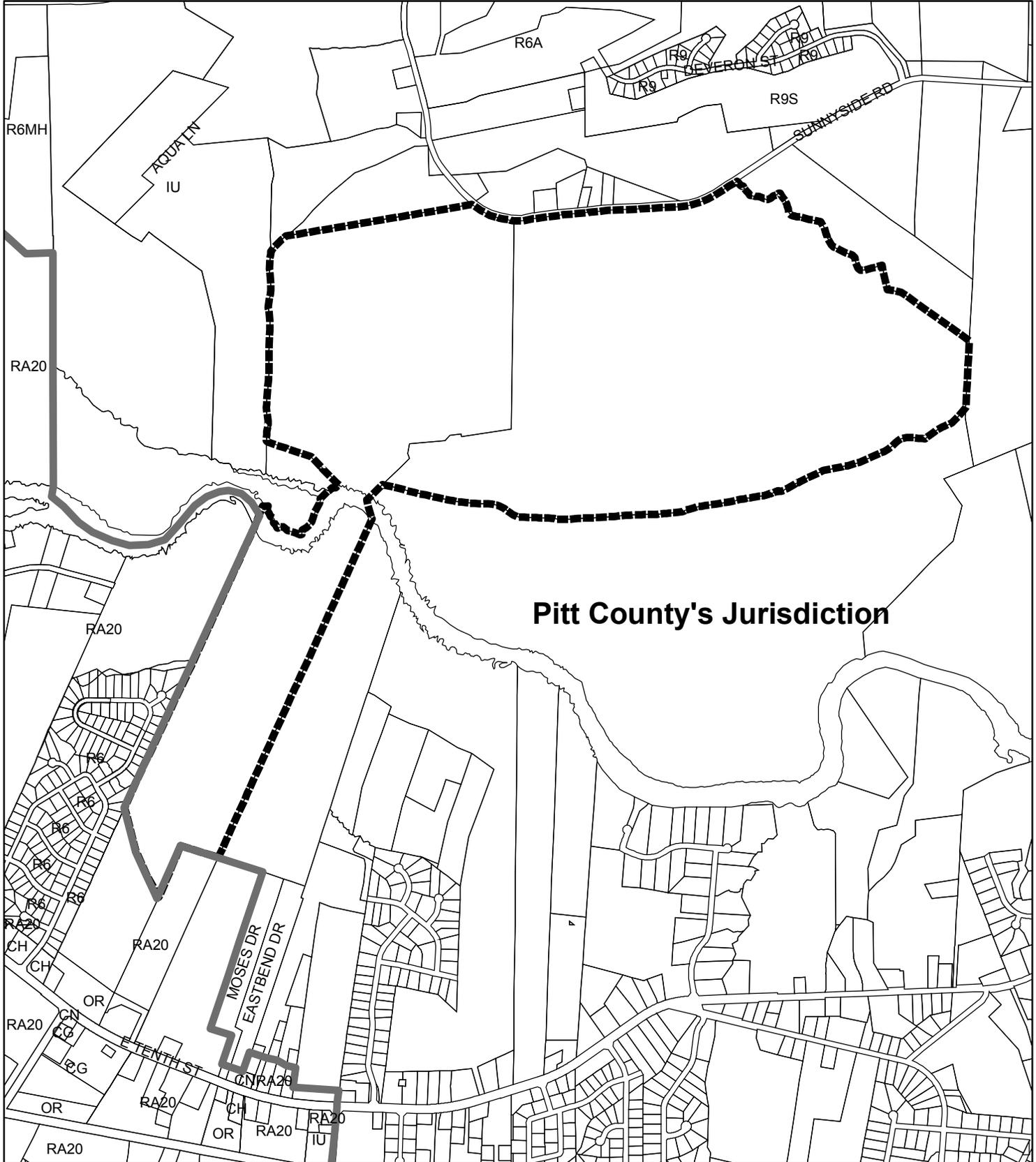
 [Ordinance for CDD \(initial zoning\)](#)

 [Rezoning for CDD \(initial zoning\)](#)

 [CD excerpt](#)

 [CDD List of Uses](#)

Property of the City of Greenville (06-28)



GI & RR (County's Jurisdiction) to RA20 (66.37 acres)

-  Area Requested to be Rezoned
-  Land Parcels
-  Greenville ETJ

2

Item # 7
Created
09/18/2006

ORDINANCE NO. 07-____
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 February 8, 2007 at 7:00 p.m., in the City Council Chambers of the City Hall Building in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

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

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

Section 1. That the following described territory is initially zoned RA20 (Residential-Agricultural).

TO WIT: City of Greenville Property.

LOCATION: Located 1,540± feet north of East Tenth Street (NC Highway 33 East), along the southern right-of-way of Sunnyside Road, and east of the River Hills Subdivision

DESCRIPTION: Situate in Greenville and Grimesland Townships, Pitt County, North Carolina, being located on the north and south sides of the Tar River, south of Sunnyside Road (NCSR 1535) and north of NC Highway 33, being all of the City of Greenville properties as recorded in Deed Book 236, Page 573, PIN 48152 (Pitt County Parcel Number); Deed Book 250, Page 354, PIN 33065; and a portion of the property recorded in Deed Book 973, Page 552, PIN 25584; along with the adjoining portions of the Tar River and Sunnyside Road (NCSR 1535) and being more completely described as follows:

BEGINNING at an existing Parker-Kalon nail (PK nail) in the centerline of NCSR 1535 (Sunnyside Road, 60 foot right-of-way, 20 foot paved), with said nail being a common corner with the property of Worthington Farms, Inc. as recorded in Deed Book F-38, Page 421, and the City of Greenville property as recorded in Deed Book 236, Page 573, with said nail being located, S 13°24'04" E, 3,620.88 feet (all bearings are North Carolina Grid NAD 83 with ground measurements) from for an existing railroad spike in the centerline intersection of NCSR 1536 with NCSR 1534, having North Carolina Grid coordinates of Northing = 683,891.541 feet, Easting = 2,505,642.964 feet; thence from said located BEGINNING POINT and running along the centerline of NCSR 1535 the following courses: S 52°58'34" E, 75.02 feet to an existing P.K. nail; S 58°35'21" E, 74.99 feet to an existing P.K. nail; S 64°59'00" E, 75.02 feet to an existing P.K. nail; S 71°14'34" E, 75.02 feet to an existing P.K. nail; S 77°18'59" E, 75.02 feet to an existing P.K. nail; S 83°25'22" E, 79.55 feet to an existing P.K. nail; N 87°58'57" E, 145.27 feet to an existing P.K. nail; N 80°44'45" E, 173.24 feet to an existing P.K. nail; N 80°58'15" E, 100.01 feet to an existing P.K. nail; N 81°28'56" E, 100.01 feet to an existing P.K. nail; N 82°41'19" E, 99.99 feet to an existing P.K. nail; N 84°15'15" E, 200.01 feet to an existing P.K. nail; N 85°37'42" E, 100.02 feet to an existing P.K. nail; N 86°51'09" E, 100.01 feet to an existing P.K. nail; N 87°31'34" E, 100.10 feet to an existing P.K. nail; N 87°35'21" E, 100.09 feet to an existing P.K. nail; N 87°42'47" E, 100.09 feet to an existing P.K. nail; N 87°43'40" E, 100.08 feet to an existing P.K. nail; N 87°45'56" E 100.09 feet to an existing P.K. nail; N 87°47'19" E, 100.09 feet to an existing P.K. nail; N 87°39'09" E, 100.08 feet to an existing P.K. nail; N 85°43'17" E, 100.08 feet to an existing P.K. nail; N 80°57'12" E, 100.12 feet to an existing P.K. nail; N 74°25'27" E 100.10 feet to an existing P.K. nail; N 68°27'34" E, 100.10 feet to an existing P.K. nail; N 62°09'10" E, 100.06 feet to an existing P.K. nail; N 57°32'12" E, 100.09 feet to an existing P.K. nail; N 56°36'42" E, 100.07 feet to an existing P.K. nail; N 56°30'05" E, 84.22 feet to an existing P.K. nail over a culvert, a common corner with the Alta T. Shoe property as recorded in Estate File 00-E, Page 42 and shown on Map Book 7, Page 31; thence leaving the center of NCSR 1535 and running along the common line with the Shoe property, being the centerline of a ditch the following courses: S 44°19'49" E, 80.25 feet to a point; S 36°43'08" E, 119.95 feet to a point; S 50°01'30" E, 45.29 feet to a point; S 85°29'56" E, 86.03 feet to a point; S 59°47'25" E, 89.99 feet to a point; N 61°35'36" E, 153.25 feet to a point; S 76°38'55" E, 19.94 feet to a point; S 26°09'52" E, 257.23 feet to a point; S 80°31'42" E, 315.66 feet to a point; S 19°02'04" E,

218.71 feet to a point; S 31°02'04" E, 96.34 feet to a point; S 77°28'08" E, 41.94 feet to a point; S 53°01'23" E, 60.85 feet to a point; S 68°00'56" E, 131.41 feet to a point; S 45°55'26" E, 33.42 feet to a point; S 18°05'31" E, 158.94 feet to a point; N 77°51'58" E, 64.73 feet to a point; N 67°17'02" E, 43.95 feet to a point; S 81°48'18" E, 12.71 feet to a point; N 75°28'06" E, 138.53 feet to a point; S 23°33'21" E, 48.63 feet to a point; S 01°48'11" W, 28.35 feet to a point; S 30°57'44" E, 20.62 feet to a point; S 12°31'12" E, 149.56 feet to a point; S 54°08'54" E, 20.75 feet to a point; S 75°07'44" E, 55.06 feet to a point, S 89°20'37" E, 76.47 feet to a point; thence S 58°31'46" E, 58.89 feet to an existing iron pipe on the bank of the canal; thence leaving the canal and continuing along the common line with the Shoe property, S 58°20'15" E, 865.11 feet to an Axle, a common corner with the Alta T. Shoe property and the John B. Fleming, Jr. property as recorded in Estate File 02-E, Page 760 and Deed Book B-11, Page 172; thence running along the common line with the Fleming property, S 02°31'44" W, 346.50 feet to an existing iron pipe; thence, S 00°01'15" E, 359.05 feet to an existing iron pipe; thence, S 03°29'16" E, 67.63 feet to an existing iron pipe, a common corner with the property of Worthington Farms, Inc. as recorded in Deed Book T-35, Page 532; thence running along the common line with the Worthington property, S 43°25'53" E, 205.95 feet to an EXISTING IRON PIPE in the center of an old farm path; thence running along the farm path, the common line with Worthington Farms, Inc. the following courses: S 57°37'11" W, 25.78 feet to an existing iron pipe, S 72°48'42" W, 24.57 feet to an existing iron pipe, S 81°18'43" W, 39.76 feet to an existing iron pipe, S 65°40'11" W, 25.22 feet to an existing iron pipe, S 56°39'46" W, 101.80 feet to an existing iron pipe, S 53°57'33" W, 54.30 feet to an existing iron pipe, S 56°19'21" W, 61.14 feet to an existing iron pipe, S 69°37'13" W, 28.05 feet to an existing iron pipe, S 82°31'43" W, 20.56 feet to an existing iron pipe, N 83°56'03" W, 19.54 feet to an existing iron pipe, N 77°20'30" W, 61.60 feet to an existing iron pipe, N 87°57'01" W, 39.45 feet to an existing iron pipe, S 83°06'33" W, 47.34 feet to an existing iron pipe, S 73°58'59" W, 42.48 feet to an existing iron pipe, S 62°02'54" W, 38.46 feet to an existing iron pipe, S 52°14'18" W, 38.11 feet to an existing iron pipe, S 49°50'20" W, 79.65 feet to an existing iron pipe, S 53°22'28" W, 38.36 feet to an existing iron pipe, S 58°56'20" W, 62.55 feet to an existing iron pipe, S 62°15'04" W, 74.00 feet to an existing iron pipe, S 63°50'53" W, 128.20 feet to an existing iron pipe, S 61°02'44" W, 58.75 feet to an existing iron pipe, S 69°06'38" W, 28.33 feet to an existing iron pipe, S 73°18'48" W, 78.79 feet to an existing iron pipe, S 69°10'28" W, 41.01 feet to an existing iron pipe, S 74°27'31" W, 34.38 feet to an

existing iron pipe, S 81°51'38" W, 54.25 feet to an existing iron pipe, S 78°26'04" W, 56.96 feet to an existing iron pipe, S 79°44'48" W, 132.13 feet to an existing iron pipe, S 63°04'43" W, 63.27 feet to an existing iron pipe, S 72°12'12" W, 31.12 feet to an existing railroad spike, S 69°13'45" W, 28.27 feet to an existing iron pipe, S 62°45'45" W, 32.97 feet to an existing iron pipe, S 68°18'44" W, 37.71 feet to an existing iron pipe, S 78°02'54" W, 39.62 feet to an existing iron pipe, S 63°39'57" W, 32.98 feet to an existing iron pipe, S 52°32'38" W, 40.64 feet to an existing iron pipe, S 57°09'03" W, 33.39 feet to an existing iron pipe, S 63°47'42" W, 96.97 feet to an existing iron pipe, S 50°51'22" W, 29.76 feet to an existing iron pipe, S 65°59'37" W, 58.04 feet S 59°44'09" W, 52.39 feet to an existing iron pipe, S 66°03'51" W, 24.79 feet to an existing iron pipe, S 77°02'44" W, 25.20 feet to an existing iron pipe, S 81°28'54" W, 57.29 feet to an existing iron pipe, S 74°30'05" W, 41.78 feet to an existing iron pipe, S 72°17'51" W, 98.33 feet to an existing iron pipe, S 77°23'25" W, 56.08 feet, S 82°24'52" W, 152.74 feet to an existing iron pipe, S 78°45'51" W, 217.18 feet to an existing iron pipe, S 80°47'56" W, 338.81 feet to an existing iron pipe, S 78°36'48" W, 48.96 feet to an existing railroad spike, S 75°38'41" W, 48.69 feet to an existing iron pipe, S 73°24'49" W, 47.29 feet to an existing iron pipe, S 70°52'54" W, 43.88 feet to an existing iron pipe, S 82°06'01" W, 32.03 feet to an existing iron pipe, N 87°55'33" W, 56.33 feet to an existing iron pipe, S 85°33'48" W, 47.84 feet to an existing iron pipe, S 80°41'50" W, 56.70 feet to an existing iron pipe, S 83°23'47" W, 86.76 feet to an existing iron pipe, S 88°44'07" W, 33.99 feet to an existing iron pipe, N 85°35'07" W, 49.19 feet to an existing iron pipe, N 85°23'28" W, 50.00 feet to an existing iron pipe, S 85°17'29" W, 53.48 feet to an existing iron pipe, S 83°27'41" W, 90.32 feet to an existing iron pipe, S 86°57'51" W, 137.95 feet to an existing iron pipe, S 84°08'42" W, 60.52 feet to an existing iron pipe, N 86°39'36" W, 50.37 feet to an existing iron pipe, S 88°21'27" W, 31.84 feet to an existing iron pipe, S 84°13'41" W, 97.35 feet to an existing iron pipe, S 85°38'30" W, 80.67 feet to an existing iron pipe, N 89°18'38" W, 85.13 feet to an existing iron pipe, S 84°51'54" W, 71.66 feet to an existing iron pipe, S 89°42'44" W, 57.60 feet to an existing iron pipe, N 82°53'11" W, 120.34 feet to an existing iron pipe, N 88°23'46" W, 348.38 feet to an existing iron pipe, N 79°12'03" W, 41.69 feet to an existing iron pipe, N 60°16'56" W, 261.04 feet to an existing iron pipe, N 85°15'06" W, 329.18 feet to an existing iron pipe, N 80°36'57" W, 228.62 feet to an existing iron pipe, N 77°45'08" W, 134.45 feet to an existing iron pipe, N 75°53'20" W, 540.59 feet to an existing iron pipe,

N 57°31'52" W, 15.15 feet to an existing iron pipe at the head of a ditch; thence running along the center of the ditch, S 54°49'36" W, 69.53 feet to a point, S 34°32'01" W, 34.04 feet to a point, S 54°52'41" W, 43.49 feet to a point, S 51°06'51" W, 55.93 feet to a point, N 65°18'26" W, 145.61 feet to a point at the mean high water line of the north bank of the Tar River; thence running eastwardly about 174 feet along the mean high water line of the northern bank of the Tar River as it meanders to a point at the intersection, if extended across the Tar River, of the common property line of the City of Greenville property as recorded in Deed Book 973, Page 552 and shown on Map Book 52, Page 117 and V. SLEW, LLC property as recorded in Deed Book J-50, Page 686; thence running along this extended line, S 24°37'09" W, 255 feet to the mean high water line of the southern bank of the Tar River, the common corner of the City and Shoe properties; thence running along the common line between the City and V. SLEW, LLC property, S 24°37'09" W, 30.00 feet to an existing iron pipe; thence continuing along this common line, S 24°37'09" W, 4,114.05 feet to a point in the Extra-territorial Jurisdiction of the City of Greenville, with said point being 2,100 feet from the centerline of NC Highway 33 (98.43 foot right-of-way, paved); thence running along the Extra-territorial Jurisdiction, a line through the City property, being a curved line parallel to and 2,100 feet from the centerline of NC Highway 33, being a curve to the right with a radius of 934.78 feet as measured along a chord of N 58°34'32" W, 420.97 feet to a corner; thence continuing along the Extra-territorial Jurisdiction, S 25°16'19" W, 551.83 feet to the common corner with the City of Greenville property as recorded in Deed Book 1530, Page 549 and shown on Map Book 59, Page 160; thence running along the common line between the City properties, N 24°31'10" W, 550.00 feet to a point and N 14°01'10" W, 505.00 feet to an existing iron pipe in the eastern boundary line of River Hill Subdivision, Section 2, and being the common corner between the properties of the City of Greenville as recorded in Deed Book 1530, Page 549 as shown on Map Book 59, Page 160, and as recorded in Deed Book 973, Page 552 and shown on Map Book 52, Page 117; thence continuing with the eastern boundary line of River Hill Subdivision, Section 2, the common line with the City property, N 25°05'44" E, 287.02 feet to an existing iron pipe, a common corner between River Hill Subdivision, Section 2, and River Hill Subdivision, Section 5, Phase 1, as shown on Map Book 43, Page 78; thence with the eastern boundary line of River Hill Subdivision, Section 5, Phase 1, the common line with the City property, and with the eastern boundary of River Hill Subdivision, Section 5, Phase 2-B as shown on Map Book 60, Page 51, N 24°58'11" E, 1,386.66 feet to an existing iron pipe, a common

corner between River Hill Subdivision, Section 5, Phase 2-B and the property of the City of Greenville as recorded in Deed Book I-38, Page 179; thence running along the common line between the City properties, N 24°46'57" E, 1,703 feet to a point at the mean high water line of the southern bank of the Tar River; thence along the extension of the common line between the City properties, N 24°46'57" E, 244 feet to a point at the mean high water line of the north bank of the Tar River; thence running eastwardly about 945 feet along the mean high water line of the northern bank of the Tar River as it meanders to a point at the intersection with the mean high water line of the southern bank of Barber Creek; thence northwardly about 113 feet to a point in the center of Barber Creek, the existing City Limit; thence northeastwardly along the existing City Limit northeastwardly about 164 feet to a point at the mean high water line of the north bank of the Tar River, a point in the southern boundary line of the City of Greenville property as recorded in Deed Book J-45, Page 527, thence running along the existing City Limit lines as shown on Map Book 33, Page 183, through the City property, N 65°17'29" W, 76.14 feet to an existing iron, N 26°09'59" W, 285.99 feet to a point; N 56°31'35" W, 208.46 feet to a point; N 73°29'52" W, 323.96 feet to a point; N 26°57'53" W, 49.22 feet to a point; N 02°17'13" E, 342.42 feet to a point; N 85°14'40" W, 16.00 feet to a point; N 00°01'14" E, 843.59 feet to a point; N 02°47'43" W, 539.92 feet to an existing iron pipe, N 00°39'52" E, 280.13 feet to an existing iron pipe; and N 34°44'52" W, 70.63 feet to an existing iron pipe, a common corner with the William H. Clark property as recorded in Deed Book 84, Page 736; thence leaving the City Limit and running along the common lines with the Clark property, N 46°16'57" E, 90.52 feet to an existing iron pipe and N 50°50'21" E, 157.41 to an existing iron pipe, a common corner with the property of Worthington Farms, Inc. as recorded in Deed Book F-38, Page 421; thence running along the common lines with the Worthington property, N 80°31'27" E, 2,038.96 feet to an existing iron pipe in the western right-of-way of NCSR 1536; thence continuing, N 80°31'27" E, 41.37 feet to an existing P.K. nail in the centerline of NCSR 1536, the POINT OF BEGINNING, and containing about 604.4 acres with all bearings being referenced to North Carolina Grid North and all distances being ground measurements.

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 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

Rezoning Request Report

Prepared by Greenville's Planning and Community Development Department

Staff Contacts: Niki S. Jones, 329-4518

Chantae M. Gooby, 329-4507

1. **Applicant** : Ordinance, requested by the Community Development Department, to zone 604.4± acres located 1,540± feet north of East Tenth Street (NC Highway 33 East), along the southern right-of-way of Sunnyside Road, and east of the River Hills Subdivision from GI (General Industry-County's Jurisdiction) and RR (Rural Residential-County's Jurisdiction) to RA20 (Residential-Agricultural).

2. **Date**: January 8,2007

3. **Requested Change**: (In conjunction with a voluntary annexation for city-owned property)

Existing: GI (General Industry-County's Jurisdiction)
RR (Rural Residential-County's Jurisdiction)

Proposed: RA20 (Residential-Agricultural)

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

4. **Location**: Located 1,540± feet north East Tenth Street (NC Highway 33 East), along the southern right-of-way of Sunnyside Road, and east of the River Hills Subdivision

5. **Size**: 604.4± acres

6. **Comprehensive Plan**:

NC Highway 33 (East Tenth Street) is considered a "gateway" corridor. Gateway corridors serve as primary entranceways into the City and help define community character. These corridors are also designed to carry large volumes of high speed traffic. Sunnyside Road is considered a "residential" corridor. Along residential corridors, office, service and retail activities should be specifically restricted to the associated focus area and linear expansion outside the focus area node should be prohibited.

Due to the Tar River bisecting the subject property, the Future Land Use Plan Map recommends conservation open space on both sides of the river. For the area north of East Tenth Street, the Future Land Use Plan Map recommends office/institutional/multi-family (O/I/MF) along the northern right-of-way of NC Highway 33 East transitioning to medium density residential, low density residential and very low density residential progressing toward the Tar River.

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

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

A traffic report was not required.

8. History/Background:

The subject property is located in the County's Jurisdiction and is proposed for voluntary annexation on January 11, 2007, therefore necessitating city zoning.

9. Present Land Use:

Woodlands and Vacant

10. Utilities:

Greenville Utilities Commission water is available along Highway 33 (East Tenth Street) and stops at Portertown Road. At this time sewer is not available.

11. Historic Sites:

There is no known effect on designated sites.

12. Environmental Conditions/Constraints:

The subject property is bisected by floodway associated with the Tar River. Development within the floodway is prohibited. There is 100-year floodplain on both sides of the floodway and areas of 500-year floodplain in the southern portion of the subject property. Residential uses located in the 100 year floodplain shall be elevated to Base Flood Elevation (BFE) plus one (1) foot or to the 500 year floodplain elevation, whichever is greater.

13. Surrounding Land Uses:

North: RA (County's Jurisdiction) – Four (4) Mobile Homes and One (1) Single-Family residence

South: RA20 – Homestead Memorial Cemetery (city-owned); RR (County's Jurisdiction) – Vacant

East: RA & RR (County's Jurisdiction) - Vacant

West: IU – GUCO Water Treatment Facility; RA20 – Vacant; and R6 – River Hills Subdivision

RECOMMENDATION:

In staff's opinion, the requested zoning RA20 (Residential-Agricultural) is in compliance with the Horizons: Greenville's Community Plan and the Future Land Use Plan Map.

REQUEST BY THE COMMUNITY DEVELOPMENT DEPARTMENT –
APPROVED

Chairman Tozer stated that the next item is a request by the Community Development Department to rezone 604.4± acres located 1,540± feet north East Tenth Street (NC Highway 33 East), along the southern right-of-way of Sunnyside Road, and east of the River Hills Subdivision from GI (General Industry-County's Jurisdiction) and RR (Rural Residential-County's Jurisdiction) to RA20 (Residential-Agricultural).

Ms. Gooby stated this is a request by the City to rezone approximately 604 acres in conjunction with a voluntary annexation petition. Ms. Gooby explained that the property is owned by the city. The property is currently zoned General Industrial and Rural Residential under the County's jurisdiction. The requested zoning is Residential-Agricultural. The property is surrounded by a variety of land uses. There are various multi-family and duplex developments to the west and south of this subject area. The property is significantly impacted by the floodway and no development can be in this area. There is some 100 and 500 year floodplain associated with the Tar River. There is a proposed greenway along the south side of the Tar River that is contained within the subject area. There are no negative impacts on transportation corridors. The Land Use Plan recommends conservation open space to the north and south of the Tar River and further recommends low and very low density south. In staff's opinion the request is in compliance with the Comprehensive Plan and Land Use Plan Map.

No one spoke in favor or in opposition.

Motion was made by Mr. Stokes, seconded by Mr. Gordon to recommend approval of the proposed amendment, to advise that it is consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Motion carried unanimously.

EXISTING ZONING

GI District (General Industrial – County’s Jurisdiction)

(PER ZONING PERMIT, AND BY-RIGHT SUBJECT TO STANDARDS)

Selected Uses

Shooting Range, Indoor
Auto Repair Services
Auto Repair Towing
Boat Repair
Equipment Rental and Leasing with outdoor storage
Equipment Repair, Heavy
Equipment Repair, Light
Welding Shop
Boat Sales
Convenience Store
Motor Vehicle Sales
Motorcycle Sales
Restaurant with drive-thru
Restaurant without drive-thru
Service Station with gasoline sales
Truck Stop
Retail Sales
Demolition Debris Landfill
Radio, TV and Communication Tower over 60’ in height
Recycling Materials Collection/Processing Operations
Refuse and Raw Material Handling
Manufacturing and Industrial Uses
 Ammunition
 Arms and Weapons
 Asbestos, Abrasives and Related Products
 Asphalt Plant
 Batteries
 Boat and ship Building
 Chemicals, Paints and Allied Products
 Concrete, Cut Stone, and Clay Products
 Explosives
 Grain Mill Products
 Petroleum and Related Industries
 Pulp and Paper Mill
 Tires and Inner-tubes
Salvage Yard, Auto Yards
Salvage Yard, Scrap Processing

SPECIAL AND CONDITIONAL USES

Shooting Range, Outdoor (special use)
Hazard and Radioactive Waste (conditional use)

Landing Strip (conditional use)
Animal Slaughtering or Rendering (special use)

**RR DISTRICT (Rural-Residential – County’s Jurisdiction)
(PER ZONING PERMIT, AND BY-RIGHT SUBJECT TO STANDARDS)**

Selected Uses

Bed and breakfast inn
Mobile home on individual lot
Mobile home park (5 or less units per park)
Multi-family dwelling (less than 5 units per lot) – (62,500 sq ft for 4 attached units)
Single-family dwelling – (25,000 sq ft lot per each detached unit)
Duplex dwelling (37,500 sq ft lot for 2 attached units)
Communication towers (60 feet in height or less)
Emergency shelter
Athletic fields
Civic, social, and fraternal associations
Private campground and RV Park
Private club or recreational center
Swim and tennis club
Church
Day care center
Nursing home
Retreat or conference center
Farming

PROPOSED ZONING

RA20 (Residential-Agricultural)

Permitted Uses

(1) General:

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

(2) Residential:

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

(3) Home Occupations (see all categories):

*None

(4) Governmental:

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

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

* None

(8) Services:

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

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

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

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

RA20 (Residential-Agricultural)

Special Uses

(1) General:

* None

(2) Residential:

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

(3) Home Occupations (see all categories):

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

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

- b. Greenhouse or plant nursery; including accessory sales

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

* None

(8) Services:

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

(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

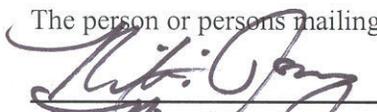
NORTH CAROLINA
PITT COUNTY

CERTIFICATE OF MAILED NOTICES

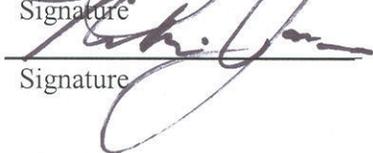
The undersigned employee or employees of the City of Greenville, Planning and Community Development Department do hereby certify that the mailing requirements for notice of rezoning pursuant to GS 160A-384 have been complied with for the following rezoning requests:

1. **05-18-** Ordinance, requested by V-SLEW, LLC, to rezone 101.179 acres located along the northern right-of-way of NC Highway 33 East, 820± feet east of the intersection of NC Highway 33 East and Portertown Road, and 1,350± feet west of the intersection of NC Highway 33 East and L. T. Hardee Road from RA20 (Residential-Agricultural) and RR (Rural Residential – County’s Jurisdiction) to OR (Office-Residential [High Density Multi-Family]), R6A (Residential [Medium Density Multi-Family]), and RA20 (Residential-Agricultural).
2. **06-25-** Ordinance, requested by Bartlett Engineering and Surveying, PC, to rezone 33.6 acres located 700± feet south of Woodridge Commercial/Industrial Park, west of the Allen Ridge Subdivision, and north of the Teakwood Subdivision from OR (Office-Residential [High Density Multi-Family]) to R9S (Residential-Single-Family [Medium Density]).
3. **06-28-** Ordinance, requested by the Community Development Department, to zone 604.4± acres located 1,540± feet north of East Tenth Street (NC Highway 33 East), along the southern right-of-way of Sunnyside Road, and east of the River Hills Subdivision from GI (General Industry-County’s Jurisdiction) and RR (Rural Residential-County’s Jurisdiction) to RA20 (Residential-Agricultural).
4. **06-29-** Ordinance, requested by Columbia RIM Corporation c/o Mr. Jeff Harris, to rezone 2.6888 acres located 960± feet east of the intersection of Frog Level Road and Davenport Farm Road, south of the Augusta Trails Subdivision, 1,915± feet west of Thomas Langston Road, and 195± feet north of Davenport Farm Road being a portion of the Emerald Park Subdivision (preliminary plat 05-25 [revised]) from R6A (Residential [Medium Density Multi-Family]) and R6S (Residential-Single-Family [Medium Density]) to R6A (Residential [Medium Density Multi-Family]), R6S (Residential-Single-Family [Medium Density]), and R9S (Residential-Single-Family [Medium Density]).

The person or persons mailing such notices and making this certificate are:



Signature



Signature

<u>Niki Jones</u>	<u>1/02/07</u>
Printed Name	Date (Planning & Zoning)
<u>Niki Jones</u>	<u>1/23/07</u>
Printed Name	Date (City Council)



City of Greenville, North Carolina

Meeting Date: 2/8/2007
Time: 7:00 PM

Title of Item:

Ordinance, requested by V-SLEW, LLC, to rezone 101.179 acres located along the northern right-of-way of NC Highway 33 East, 820± feet east of the intersection of NC Highway 33 East and Portertown Road, and 1,350± feet west of the intersection of NC Highway 33 East and L. T. Hardee Road from RA20 (Residential-Agricultural) and RR (Rural Residential – County’s Jurisdiction) to OR (Office-Residential [High Density Multi-Family]), R6A (Residential [Medium Density Multi-Family]), and RA20 (Residential-Agricultural)

Explanation:

The request involves the rezoning of 101.179 acres as referenced above. Please see the attached rezoning request analysis.

Fiscal Note:

No cost to the City.

Recommendation:

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

The Planning & Zoning Commission, at the January 16, 2007, meeting voted to approve the request.

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

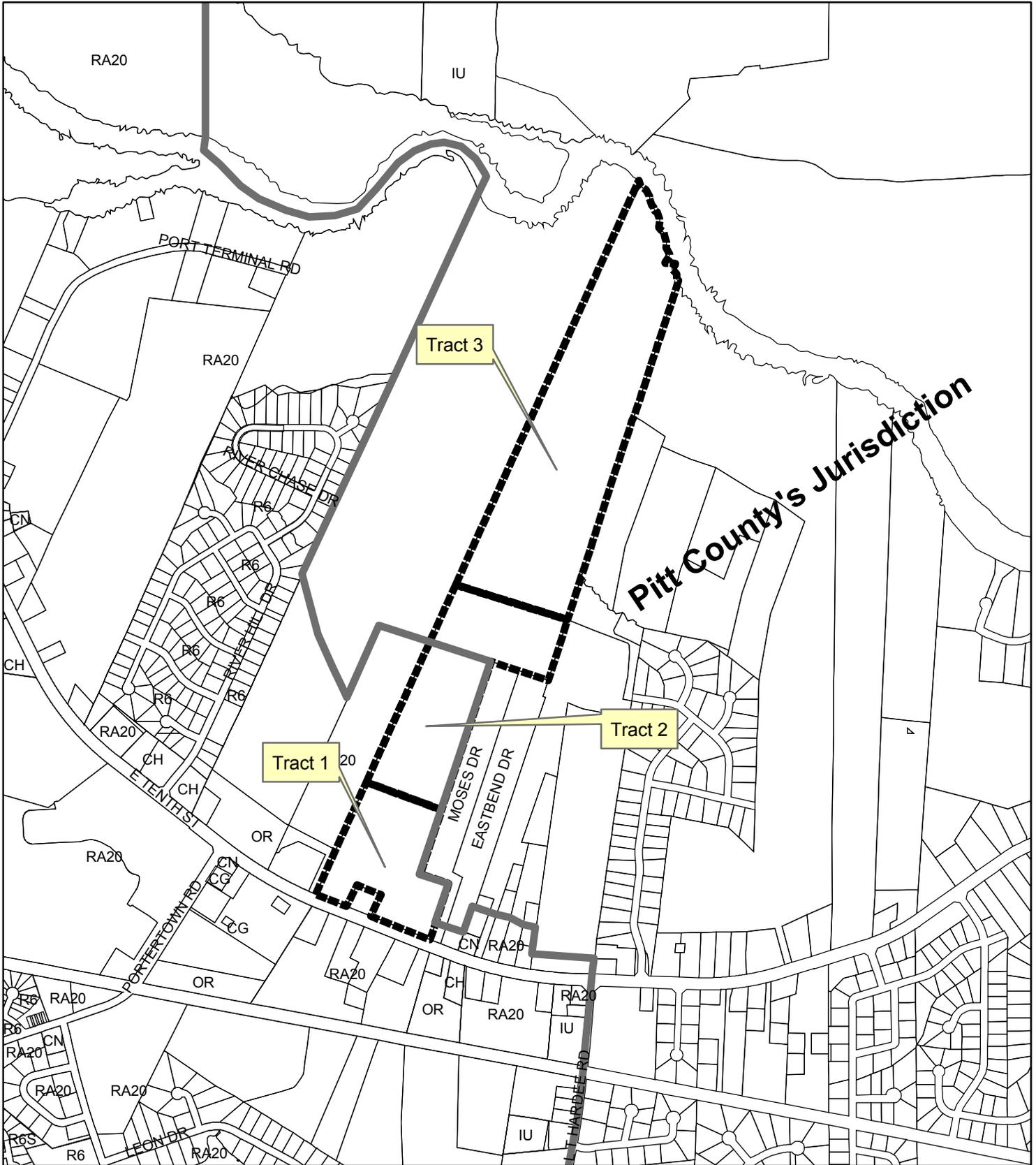
Motion to deny the request to amend the city code and to make a finding and determination that the denial of the amendment is consistent with the adopted comprehensive plan and that the denial of the amendment is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

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

Attachments / click to download

- [📎 Locational Map](#)
 - [📎 Survey](#)
 - [📎 Certificate of Mailed Notices](#)
 - [📎 Pictures Presented to Planning and Zoning Commision on behalf of applicant](#)
 - [📎 SLEW LLC](#)
 - [📎 SLEW LLC \(Ann W Harrison Trustee\)](#)
 - [📎 18 Ann W Harrison Trustee](#)
 - [📎 Slew LLC excerpt](#)
 - [📎 SLEW_LIST_OF_USES](#)
-

V-SLEW, LLC (Formerly the Ann W. Harrison, Trustee Rezoning [05-18])



Tract 1: RA20 to OR (17.490 acres)

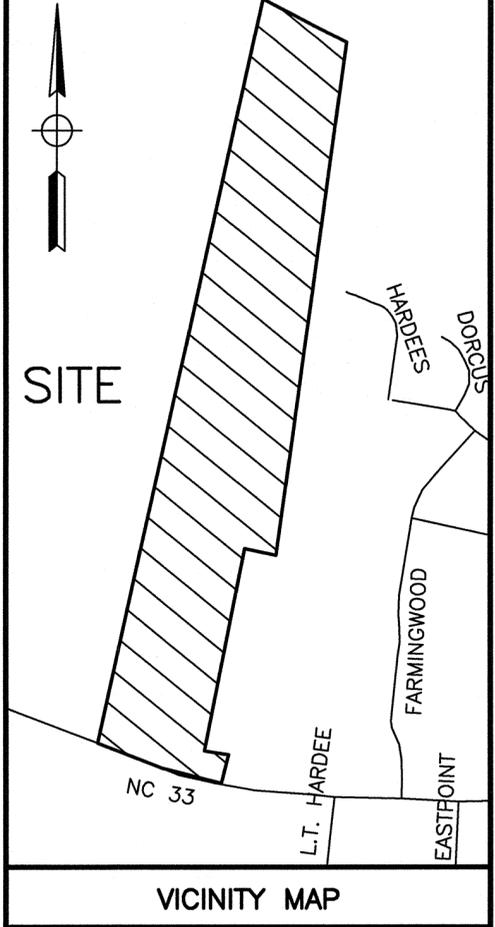
Tract 2: RA20 & RR to R6A (27.555 acres)

Tract 3: RR to RA20 (56.134 acres)

-  Area Requested to be Rezoned
-  Land Parcels
-  Greenville ETJ

2

Item # 8
Created
12/18/2006



ADDRESS OF ADJOINERS WITHIN 100 FEET OF SITE

CITY OF GREENVILLE
PO BOX 7207
GREENVILLE, NC 27835

BAYT SHALOM
PO BOX 3747
GREENVILLE, NC 27836

DARREL V. ELKS
4421 E. 10TH STREET
GREENVILLE, NC 27858

LAWRENCE W. MANNING
4077 NORRIS STORE ROAD
AYDEN, NC 28513

BOBBY G. HARDEE ETALS
1580 ALLEN ROAD
GREENVILLE, NC 27835

WILLIAM S. HARDEE
317 HARDEE LANE
GREENVILLE, NC 27858

JANICE P. TOMLINSON
2134 MEADOW LANE
GREENVILLE, NC 27858

MAXINE A. SPEIGHT
3025 LANDING CIRCLE
GRIMESLAND, NC 27837

WORTHINGTON FARMS, LLC
3661 BALLARDS CROSSROAD
GREENVILLE, NC 27834

CITY OF GREENVILLE
C/O A BODY POLITE & CORP
GREENVILLE, NC 27834

JAMES I. DEAL
4500 E. 10TH STREET
GREENVILLE, NC 27858

KARL E. HARDEE
4440 E. 10TH STREET
GREENVILLE, NC 27858

TRAVIS O. HARDEE
4450 E. 10TH STREET
GREENVILLE, NC 27858

KARL W. HARDEE
C/O ECU STATION
PO BOX 4231
GREENVILLE, NC 27836

LOIS J. STOCKS
4400 E. 10TH STREET
GREENVILLE, NC 27858

CHARLES C. McLAURIN
3225 US HWY 64 W
APEX, NC 27523

CENTURY FINANCIAL SERVICES
740 SE GREENVILLE BLVD., SUITE 400 #314
GREENVILLE, NC 27858

RAWLS, LLC
PO BOX 121
WASHINGTON, NC 27889

NOTES

1. THIS SURVEY IS OF ANOTHER CATEGORY.
2. NO SURVEY WAS PERFORMED IN THE PRODUCTION OF THIS MAP BY BALDWIN & ASSOCIATES, INFORMATION USED TO PRODUCE THIS MAP WAS TAKEN FROM PITT COUNTY TAX RECORDS.
3. ALL AREA CALCULATED BY COORDINATE GEOMETRY.
4. A PORTION OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARDOUS AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. REFERENCE: FIRM 3720560700 J DATED: JANUARY 2, 2004.

GI
AGRICULTURAL
CITY OF GREENVILLE
DB 236, PG 573

RA
AGRICULTURAL
WORTHINGTON FARMS
DB T-35, PG 532

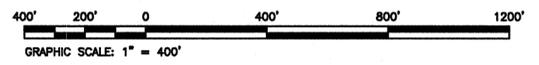
CALL TABLE

L-1	N 25°36'03" E	80.26'
L-2	N 26°40'50" E	110.80'
L-3	N 67°43'27" W	208.57'
L-4	S 26°13'54" W	119.91'
L-5	S 26°57'58" W	74.10'
L-6	N 68°30'38" W	201.65'
L-7	N 67°23'17" W	61.82'
L-8	S 17°38'28" E	47.02'
L-9	S 58°46'24" E	52.33'
L-10	S 24°57'47" E	59.83'
L-11	S 15°36'31" E	76.19'
L-12	S 36°58'11" E	78.15'
L-13	S 14°04'42" E	62.69'
L-14	S 06°00'08" W	52.60'
L-15	S 41°49'18" E	55.86'
L-16	S 16°08'40" E	79.12'
L-17	S 02°20'27" W	42.85'
L-18	S 26°09'24" E	58.98'
L-19	S 26°12'01" W	78.71'
L-20	S 86°02'10" E	81.44'
L-21	S 25°47'17" E	55.74'
L-22	S 46°32'09" E	49.60'
L-23	S 00°38'41" W	44.44'
L-24	S 66°11'12" E	16.40'
L-25	S 68°29'30" E	637.98'

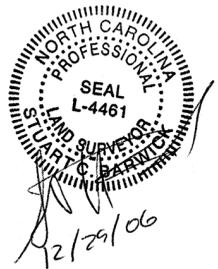
LEGEND

- C/L = CENTERLINE
- R/W = RIGHT-OF-WAY
- EIP = EXISTING IRON PIPE
- ECM = EXISTING CONCRETE MONUMENT
- (Circle with dot) = EXISTING ZONING
- (Circle with slash) = PROPOSED ZONING

TOTAL AREA TO BE REZONED = 101.179 AC.
TOTAL AREA IN TRACT = 101.179 AC.



PARCEL #10412 REVISED 12/27/2006 (CITY COMMENTS)



REZONING MAP FOR
V-SLEW, LLC

REFERENCE: DEED BOOK 2043, PAGE 165 OF THE PITT COUNTY REGISTRY

GRIMESLAND TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: **V-SLEW, LLC**
ADDRESS: 2625 CHARLES BLVD.
GREENVILLE, NC 27858
PHONE: (252) 321-9904

Baldwin and ASSOCIATES ENGINEERING, LAND SURVEYING AND PLANNING 1015 CONFERENCE DRIVE GREENVILLE, NC 27858 (252) 756-1390	SURVEYED: N/A	APPROVED: SCB
	DRAWN: JJB	DATE: 12/05/2006
	CHECKED: SCB/MWB	SCALE: 1" = 400'

ORDINANCE NO. 07-____
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 February 8, 2007 at 7:00 p.m., in the City Council Chambers of the City Hall Building in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

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

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance rezoning the following described property is not fully consistent with the adopted comprehensive plan, however, in this instance it is an appropriate zoning classification, and that, because of this, the adoption of the ordinance rezoning the following described property is reasonable and in the public interest.

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

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

TO WIT: V-SLEW, LLC Property [Tract 1].

LOCATION: Located along the northern right-of-way of NC Highway 33 East, 820± feet east of the intersection of NC Highway 33 East and Portertown Road, and 1,350± feet west of the intersection of NC Highway 33 East and L. T. Hardee Road.

DESCRIPTION: Beginning at a point on the northern right-of-way of NC Highway 33, said point being the southeastern corner of the City of Greenville Property as described in Deed Book 973, Page 552. From the above described beginning, so located, running thence as follows:

Leaving the northern right-of-way of NC Highway 33 and with the eastern line of referenced City of Greenville Property, N 24°21'14" E, 1,000.00 feet, thence leaving the eastern line of said City of Greenville Property, S 68°29'30" E, 637.98 feet, thence S

18°26'37" W, 543.36 feet, thence S 71°44'50" E, 241.66 feet, thence S 18°22'31" W, 471.51 feet to a point on the northern right-of-way of NC Highway 33, thence with the northern right-of-way of NC Highway 33, N 68°30'35" W, 510.53 feet, thence leaving the northern right-of-way of NC Highway 33, N 25°36'03" E, 80.26 feet, thence N 26°40'50" E, 110.80 feet, thence N 67°43'27" W, 208.57 feet, thence S 26°13'54" W, 119.91 feet, thence S 26°57'58" W, 74.10 feet to a point on the northern right-of-way of NC Highway 33, thence with the northern right-of-way of NC Highway 33, N 68°30'38" W, 201.65 feet and N 67°23'17" W, 61.82 feet to the point of beginning containing 17.490 acres and being a portion of the property described in Deed Book 2043, Page 165 of the Pitt County Register of Deeds Office.

Section 2. That the following described territory is rezoned from RA20 (Residential-Agricultural) and RR (Rural Residential-County's Jurisdiction) to R6A (Residential).

TO WIT: V-SLEW, LLC Property [Tract 2].

LOCATION: Located along the northern right-of-way of NC Highway 33 East, 820± feet east of the intersection of NC Highway 33 East and Portertown Road, and 1,350± feet west of the intersection of NC Highway 33 East and L. T. Hardee Road.

DESCRIPTION: Beginning at a point on the eastern line of the City of Greenville Property as described in Deed Book 973, Page 552, said point being located 848 feet± as measured along the centerline of NC Highway 33 and N 24°21'14" E, 1,049.00 feet from the centerline intersection of NCSR 1726 (Portertown Road) and NC Highway 33. From the above described beginning, so located, running thence as follows:

With the eastern line of referenced City of Greenville Property, N 24°21'14" E, 1,735.69 feet, thence leaving the eastern line of said City of Greenville Property, S 71°31'38" E, 936.46 feet, thence S 18°04'55" W, 508.36 feet, thence N 71°31'39" W, 481.32 feet, thence S 18°26'37" W, 1,251.99 feet, thence N 68°29'30" W, 637.98 feet to the point of beginning containing 27.555 acres and being a portion of the property described in Deed Book 2043, Page 165 of the Pitt County Register of Deeds Office.

Section 3. That the following described territory is rezoned from RR (Rural Residential-County's Jurisdiction) to RA20 (Residential-Agricultural).

TO WIT: V-SLEW, LLC Property [Tract 3].

LOCATION: Located along the northern right-of-way of NC Highway 33 East, 820± feet east of the intersection of NC Highway 33 East and Portertown Road, and 1,350± feet west of the intersection of NC Highway 33 East and L. T. Hardee Road.

DESCRIPTION: Beginning at a point on the eastern line of the City of Greenville Property as described in Deed Book 973, Page 552, said point being located 848 feet± as measured along the centerline of NC Highway 33 and N 24°21'14" E, 2,784.69 feet from the centerline intersection of NCSR 1726 (Portertown Road) and NC Highway 33. From the above described beginning, so located, running thence as follows:

With the eastern line of referenced City of Greenville Property, N 24°21'14" E, 3,533.64 feet to a point along the Tar River, thence with the Tar River, S 17°38'28" E, 47.02 feet, S 58°46'24" E, 52.33 feet, S 24°57'47" E, 59.83 feet, S 15°36'31" E, 76.19 feet, S 36°58'11" E, 78.15 feet, S 14°04'42" E, 62.69 feet, S 06°00'08" W, 52.60 feet, S 41°49'18" E, 55.86 feet, S 16°08'40" E, 79.12 feet, S 02°20'27" W, 42.85 feet, S 26°09'24" E, 58.98 feet, S 26°12'01" W, 78.71 feet, S 86°02'10" E, 81.44 feet, S 25°47'17" W, 55.74 feet, S 46°32'09" E, 49.60 feet, S 00°38'41" W, 44.44 feet and S 66°11'12" E, 16.40 feet, thence leaving the Tar River, S 18°04'55" W, 2,856.90 feet, thence N 71°31'38" W, 936.46 feet to the point of beginning containing 56.134 acres and being a portion of the property described in Deed Book 2043, Page 165 of the Pitt County Register of Deeds Office.

Section 4. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 5. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 6. That this ordinance shall become effective upon its adoption.

ADOPTED this 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

Doc. # 670804

Rezoning Request Report

Prepared by Greenville's Planning and Community Development Department

Staff Contacts: Niki S. Jones, 329-4518
Chantae M. Gooby, 329-4507

1. **Applicant:** Ordinance, requested by V-SLEW, LLC, to rezone 101.179 acres located along the northern right-of-way of NC Highway 33 East, 820± feet east of the intersection of NC Highway 33 East and Portertown Road, and 1,350± feet west of the intersection of NC Highway 33 East and L. T. Hardee Road from RA20 (Residential-Agricultural) and RR (Rural Residential – County’s Jurisdiction) to OR (Office-Residential [High Density Multi-Family]), R6A (Residential [Medium Density Multi-Family]), and RA20 (Residential-Agricultural).

2. **Date:** January 8, 2007

3. **Requested Change:** (In conjunction with a voluntary annexation request)

Existing: **Tract 1:** RA20 (Residential-Agricultural)
Tract 2: RA20 and RR (Rural Residential – County’s Jurisdiction)
Tract 3: RR (Rural Residential – County’s Jurisdiction)

Proposed: **Tract 1:** OR (Office-Residential [High Density Multi-Family])
Tract 2: R6A (Residential [Medium Density Multi-Family])
Tract 3: RA20 (Residential-Agricultural)

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

4. **Location:** Located along the northern right-of-way of NC Highway 33 East, 820± feet east of the intersection of NC Highway 33 East and Portertown Road, and 1,350± feet west of the intersection of NC Highway 33 East and L. T. Hardee Road.

5. **Size:** Tract 1: 17.490 acres
Tract 2: 27.555 acres (16.655 [RA20] and 10.9 [RR])
Tract 3: 56.134 acres
101.179 total acres

6. **Comprehensive Plan:**

The subject property is located in Vision Area “C”.

NC Highway 33 East (East Tenth Street) is considered a “gateway corridor”. Gateway corridors serve as primary entranceways into the City and help define community character. These corridors are also designed to carry large volumes of high speed traffic.

There is an intermediate focus area to the south of the subject property. Intermediate focus areas generally contain between 50,000-150,000 square feet of conditioned floor space.

The Future Land Use Plan Map recommends office/institutional/multi-family (O/I/MF) along the northern right-of-way of NC Highway 33 East transitioning to medium density residential, low density residential and very low density residential progressing toward the Tar River.

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

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

Based on possible uses permitted by the requested rezoning, potential development within the proposed rezoning classification could generate 4,000 trips to and from the site on NC-33 East, which is a net increase of 2,500 additional trips per day compared to existing zoning. Mitigation measures such as right turn lanes may be required at the time of development.

Detail Report Attached

8. **History/Background:**

Tract 1 and the southern portion of Tract 2 were incorporated into the extra-territorial jurisdiction (ETJ) after 1989. The remaining portions of the subject property is located in Pitt County's Jurisdiction.

9. **Present Land Use:**

Vacant

10. **Utilities:**

The property is currently served by Eastern Pines Water Corporation. The closest water provided by GUC is 850 feet northeast at Portertown Road. Sanitary sewer is available 1± mile northeast at Hawthorne Road.

11. **Historic Sites:**

There are no known effects on historic sites.

12. **Environmental Conditions/Constraints:**

The northern portion of the subject property is impacted by the floodway associated with the Tar River. Development within the floodway is prohibited.

The property contains 100 and 500 year floodplains associated with the Tar River. Residential uses located in the 100 year floodplain shall be elevated to Base Flood Elevation (BFE) plus one (1) foot or to the 500 year floodplain elevation, whichever is greater.

13. Surrounding Land Uses:

North: Tar River

South: RA20 - Seven (7) Single-Family residences fronting Highway 33.

East: RA20 and RR - (County's Jurisdiction) Greenville Mobile Estates (MHP – approximately 40 units); Eastbend (MHP – approximately 50 units); RR - Three (3) Single-Family Residences; Vacant

West: OR - Bayt Shalom Synagogue; RA20 and RR - (County's Jurisdiction) Vacant (city-owned), City Cemetery.

14. Density Estimates

Tract 1: (proposed OR)

Gross Acreage: 17.49 acres

Net Acreage: 14.96 acres

The current zoning is RA20 (Residential-Agricultural). At current zoning, staff would anticipate the site to yield approximately 53 single-family lots.

The requested zoning is OR (Office-Residential [High Density Multi-family]). Staff would anticipate the site to yield 209 multi-family units (2 & 3 bedrooms) based on similar site comparison of Willoughby Park at 14 units per net acre. At maximum density, the site would yield approximately 254 multi-family units (1, 2 & 3 bedrooms).

Tract 2: (proposed R6A)

Gross Acreage: 27.555 acres

Net Acreage: 26 acres

The current zoning is RA20 (Residential-Agricultural) and RR (Rural Residential – County's Jurisdiction). At current zoning, staff would anticipate the site to yield approximately 63 single-family lots.

Minimum Lot Size

RA20 – 10,000 square feet

RR – 25,000 square feet

The requested zoning is R6A (Residential [Medium Density Multi-family]). Staff would anticipate the site to yield approximately 208 multi-family units (2 & 3 bedrooms) based on similar site comparison of Sterling Point Townhomes at 8 units per net acre. At maximum density, the site would yield approximately 234 multi-family units (1, 2 & 3 bedrooms).

Tract 3: (proposed RA20)

Gross Acreage: 56.134 acres

Net Acreage: 28 acres (developable)

The current zoning is RR (Rural Residential – County's Jurisdiction). At current zoning, staff would anticipate the site to yield approximately 43 single-family lots. At the proposed zoning (RA20), staff would anticipate the site to yield 109 single-family lots.

Minimum Lot Size

RA20 – 10,000 square feet

RR – 25,000 square feet

15. Additional Staff Comments

This request is in conjunction with a petition for voluntary annexation. The subject property contains 101.179 acres of which 67.034 acres are located in Pitt County's Jurisdiction.

Of primary concern is the Homestead Memorial Cemetery (city-owned) that is located 500± feet to the west of the subject property. Tract 1 of the rezoning request is located along the northern right-of-way of NC Highway 33 East and is 1,000± feet deep. The proposed zoning for Tract 1 is OR (Office-Residential [High Density Multi-family]). The requested zoning could yield up to 234 multi-family units (1, 2 & 3 bedrooms), however staff anticipates the site to yield 208 multi-family units (2 & 3 bedrooms) based on similar site comparison of Willoughby Park at 14 units per net acre.

The OR zoning also contains an office option.

In staff's opinion, the recommended zoning pattern for the proposed OR area would be in a similar pattern to the OR zoned property adjacent to Tract 1 (1,000± feet deep) then transitioning to medium density (MDR), low density residential (LDR) and very low density residential (VLDR) as illustrated on the Land Use Plan Map.

The R6A zoning district is considered medium density residential.

The RA20 zoning district is considered low density residential.

See attached Residential Density Chart.

RECOMMENDATION

In staff's opinion, the request (tracts 1 and 2) are **not** in compliance with the Horizons: Greenville's Community Plan and the Future Land Use Plan Map, due to the depth of the proposed OR district, and the proximity of the R6A (multi-family option) to the City Cemetery.

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

(For Illustrative Purposes ONLY)

02-22-99

Bufferyard Requirements: Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyards.

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, Services (3)	Heavy Commercial, Light Industrial (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, Services (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industrial (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)

Bufferyard width may be reduced by fifty (50) percent if a fence, evergreen hedge (additional materials) or earth berm is provided.

Lot Size

Less than 25,000 sq. ft.	4'	_____100'_____	2 large street trees
25,000 sq. ft. to 175,000 sq. ft.	6'	_____100'_____	2 large street trees
Over 175,000 sq. ft.	10'	_____100'_____	2 large street trees

Street trees may count toward the minimum acreage requirement.

Bufferyard C (screen required)

10'	_____100'_____	3 large evergreen trees 4 small evergreen trees 16 evergreen shrubs
-----	----------------	---

Where a fence or evergreen hedge (additional materials) is provided the bufferyard width may be reduced to eight (8) feet.

Bufferyard E (screen required)

30'	_____100'_____	6 large evergreen trees 8 small evergreen trees 26 evergreen shrubs
-----	----------------	---

Doc. # 28559

Bufferyard B (No screen required)

Lot Size

Less than 25,000 sq.ft.	4"	_____100'_____	
25,000 sq.ft. to 175,000 sq.ft.	6'	_____100'_____	
Over 175,000 sq.ft.	10'	_____100'_____	

Bufferyard D (screen required)

20'	_____100'_____	4 large evergreen trees 6 small evergreen trees 16 evergreen shrubs
-----	----------------	---

Bufferyard width may be reduced by fifty (50) percent if a fence, evergreen hedge (additional materials) or earth berm is provided.

Bufferyard F (screen required)

50'	_____100'_____	Item # 8 8 large evergreen trees 10 small evergreen trees
-----	----------------	---

36 evergreen shrubs

Bufferyard width may be reduced by fifty (50) percent if a fence, evergreen hedge (additional materials) 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.

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 05-18

Applicant: Ann W. Harrison Trustee

Property Information

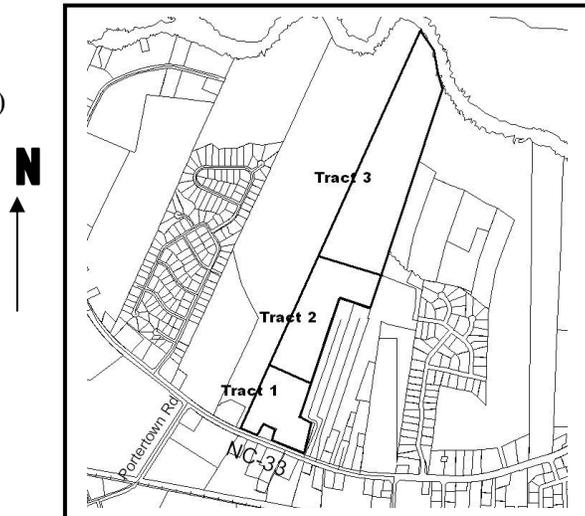
Current Zoning: Tract 1: RA20
Tract 2: RA20 and RR (County jurisdiction)
Tract 3: RR (County jurisdiction)

Proposed Zoning: Tract 1: R6
Tract 2: R6A
Tract 3: RA20

Current Acreage: Tract 1: 17.490 acres
Tract 2: 27.555 acres
Tract 3: 56.134 acres
Total: 101.179 acres

Location: North Side of NC-33 East, east of Portertown Road and adjacent to the City property

Points of Access: NC-33 East



Location Map

Transportation Background Information

NC-33 East (State maintained)

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5-lane with curb and gutter	Same as existing
Right of way width (ft)	~100 ft.	Same as existing
Speed Limit (mph)	45	45
Current ADT:	16,000 (*)	Current Design ADT: 33,500 vehicles/day (**)
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	
Other Information:	There are no sidewalks along NC-33 East that service this property. There is a traffic signal at the intersection of Portertown Road and NC-33 East.	

Notes: (*) 2005 City count, taken in front of property August 2005
ADT – Average Daily Traffic volume

(**) Traffic volume based an operating Level of Service D for existing geometric conditions.

Transportation Improvement Program Status:

NC-33 East - No projects on the TIP

Traffic Impact Information

Trips generated

Current Zoning: 1,500 vehicle trips/day
Proposed Zoning: 4,000 vehicle trips/day
Estimated Net Change: +2,500 vehicle trips/day

Case No: 05-18

Applicant: Ann W. Harrison Trustee

Impact on Existing Roads

The overall estimated trips presented above are distributed based on current traffic patterns. The estimated ADTs on NC-33 East are as follows:

1.) NC-33 East east of site ("No build" ADT of 16,000)

Estimated ADT with Proposed Zoning	-	17,200
Estimated ADT with Current Zoning	-	<u>16,450</u>
Net ADT change	-	+750 (4.6% increase)

2.) NC-33 East west of site ("No build" ADT of 16,000)

Estimated ADT with Proposed Zoning	-	18,800
Estimated ADT with Current Zoning	-	<u>17,050</u>
Net ADT change	-	+1,750 (10.2% decrease)

Staff Findings/Recommendations:

Based on possible uses permitted by the requested rezoning, potential development within the proposed rezoning classification could generate 4,000 trips to and from the site on NC-33 East, which is a net increase of 2,500 additional trips per day compared to existing zoning. Mitigation measures such as right turn lanes may be required at the time of development.

REQUEST BY V-SLEW, LLC – APPROVED

Chairman Tozer stated that the next item is a request by V-Slew, LLC to rezone 101.179 acres located along the northern right-of-way of NC Highway 33 East, 820± feet east of the intersection of NC Highway 33 East and Portertown Road, and 1,350± feet west of the intersection of NC Highway 33 East and L. T. Hardee Road from RA20 (Residential-Agricultural) and RR (Rural Residential–County’s Jurisdiction) to OR (Office-Residential [High Density Multi-Family]), R6A (Residential [Medium Density Multi-Family]), and RA20 (Residential-Agricultural).

Ms. Gooby stated that this rezoning request consists of over 100 acres and a portion of the property is located within the city’s jurisdiction and the remainder is within the County’s jurisdiction. This request is in conjunction with a voluntary annexation petition. The property within the County’s jurisdiction is zoned Rural Residential and the property within the city’s jurisdiction is zoned Residential-Agricultural. The proposed rezoning is for Residential-Agricultural, Medium Density Multi-family and Office, High Density Multi-family. The property within the city’s jurisdiction is located within Voting District No. 3. Ms. Gooby explained that the property is divided into three tracts. Tract One is located along East Tenth Street and requested for Office, High Density Multi-family. Tract Two is requested for Medium Density Multi-family and contains the dividing line between the County’s and City’s jurisdiction. Tract Three is requested for Residential-Agricultural. Ms. Gooby stated that the property is surrounded by a variety of different uses. There are various duplex and multi-family developments to the south and west of the subject property. The subject property is impacted by the floodway and no development can take place. The property is not impacted by the greenways. Tenth Street is considered a gateway corridor into the city and there are various commercial focus areas along Tenth Street. Ms. Gooby stated that this request could generate 2,500 trips per day with the majority going to the west. The Land Use Plan Map recommends office/institutional/multi-family along the northern right-of-way of East Tenth Street transitioning into medium density residential, low density residential and very low density residential as you progress toward the river. Office, High Density Multi-family zoning for Tract One allow up to 17 units per acre. The request for Medium Density on Tract 2 is up to 9 units per acre and the request for Tract 3, Residential-Agricultural is up to 4 units per acre. There is a band of Office, High Density Residential to the west of Tract One. Ms. Gooby explained that the primary concern is the

Homestead Memorial Cemetery which is 500 feet west of the subject site. Tract One has a depth of 1,000 feet. Ms. Gooby stated that in staff's opinion the recommended zoning pattern would be more similar to the existing Office-High Density Multi-family which is approximately 400 feet deep. Staff would anticipate that Tract One could yield up to 200 multi-family units. The request for Tract Two, Medium Density Multi-family, while the Land Use Plan does recommend Medium Density Residential, this zoning district contains a multi-family option. In staff's opinion the request for Tracts One and Two are not in compliance with the Comprehensive Plan and the Land Use Plan Map due to the depth of the Office, High Density Multi-family of Tract One and the proximity of the Medium Density Multi-family, Tract Two, to the cemetery.

Mr. Moye asked why it would be a problem to be in close proximity to the cemetery.

Ms. Gooby explained that the property is approximately 500 feet to the west and with multi-family there will be more people, more traffic and with it being so close to the cemetery a more rural setting would be appropriate to be near that type of use as opposed to a more intensive use such as multi-family. In the medium density residential category, there are single family districts options.

Chairman Tozer asked if Tract Three was in compliance.

Ms. Gooby stated that it is in compliance.

Chairman Tozer asked counsel if the Commission could consider the requests separately or as a whole.

Ms. Gooby added that the Tract Three is part of an annexation petition that would have to take effect for the remaining portion to be zoned.

Mr. Holec explained that the Commission would have to either approve or deny the request of the three parcels as a whole.

Mr. Mike Baldwin, Baldwin and Associates, spoke on behalf of the request. Mr. Baldwin stated that he feels the request is in compliance with the general intent of the Comprehensive Plan and the Land Use Plan Map. Mr. Baldwin explained that the proposed development will facilitate the

installation of a pump station that will allow sanitary sewer to this area. Mr. Baldwin stated that the request is compatible with existing uses along NC Highway 33. Mr. Baldwin stated that existing churches around town are surrounded by multi-family development. Mr. Baldwin made reference to the photographs that were distributed to the members. (See attached pictures).

Mr. Moye asked when considering the zoning districts if reducing the depth of Tract One was considered.

Mr. Baldwin explained that they are faced with the eastern property owner, the trailer park. Mr. Baldwin explained that they have to protect themselves and the park.

Mr. Gordon asked Mr. Baldwin to explain the depth concept.

Mr. Baldwin explained that they are trying to keep the high density and medium density beyond that area, deeper into the property.

Ms. Samantha Pilot, President of Congregation Bayt Shalom Synagogue, spoke in opposition. Ms. Pilot stated that they are not opposed to development but do have some concerns. Ms. Pilot stated their concerns consist of stormwater, traffic and the buffer requirements between the Synagogue and the proposed development.

Chairman Tozer stated that the city will regulate the stormwater requirements and they will determine what size ponds and where they will be located. The City has regulations on buffer requirements that will be implemented.

Dr. George Klein, Past President, stated he has concern in regards to the increase of traffic. Dr. Klein stated he has a concern with the density of Tract One. Dr. Klein explained that the entire area is basically swamp land which doesn't drain well.

Mr. George Stanford, resident of River Hills Subdivision, spoke in opposition. Mr. Stanford stated that his property abuts the proposed development and has concerns about the high density multi-family. Mr. Stanford feels the multi-family development will have an impact on his property value.

Mr. Baldwin spoke in rebuttal by stating that they are 1,150 feet from River Hills Subdivision. Mr. Baldwin stated that he doesn't feel the church will be affected by any drainage issues due to the development of this property.

Dr. Klein spoke in rebuttal stating he doesn't feel that there is enough evidence to override what the city zone plan is to not go beyond a certain limit from the road for the office and higher residential.

Mr. Wilson asked if additional rezoning requests for this area was figured into calculating the traffic stats.

Mr. Kyle Garner explained that NC Highway 33 has a capacity of 33,500 trips per day. Mr. Garner explained how they calculate the traffic report for a rezoning request.

Mr. Dale Guckian, resident of Rivers Hills Subdivision, stated that he understands that a pumping station will be installed in his community. Mr. Guckian stated he would like to better understand what the impact will be in regards to the pumping station and its effect on the community. Mr. Guckian made reference to the map indicating that River Hills is located within the city's jurisdiction.

Mr. Wayne Nottingham, Engineer, explained the pumping station is a matter of Greenville Utilities, Water and Sewer Division. Mr. Nottingham explained the process in approving a pumping station.

Ms. Gooby explained that River Hills Subdivision is located within the city's ETJ.

Motion was made by Mr. Baker, seconded by Mr. Ramey, to recommend approval of the proposed amendment, to advise that, although the proposed amendment is not fully 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 for: Moyer, Ramey, Randall, Baker, Lehman and Stokes. Those voting in opposition: Gordon and Wilson. Motion carried.

EXISTING ZONING

RR DISTRICT (COUNTY ZONING)

(PER ZONING PERMIT, AND BY-RIGHT SUBJECT TO STANDARDS)

SELECT USES (COUNTY)

Bed and breakfast inn
Mobile home on individual lot
Mobile home park (5 or less units per park)
Multi-family dwelling (less than 5 units per lot) – (62,500 sq ft for 4 attached units)
Single-family dwelling – (25,000 sq ft lot per each detached unit)
Duplex dwelling (37,500 sq ft lot for 2 attached units)
Communication towers (60 feet in height or less)
Emergency shelter
Athletic fields
Civic, social, and fraternal associations
Private campground and RV Park
Private club or recreational center
Swim and tennis club
Church
Day care center
Nursing home
Retreat or conference center
Farming

CURRENT AND PROPOSED ZONING (for area located in County's Jurisdiction)

RA20 (Residential-Agricultural)

Permitted Uses

(1) General:

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

(2) Residential:

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

(3) Home Occupations (see all categories):

*None

(4) Governmental:

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

(5) Agricultural/ Mining:

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

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

* None

(8) Services:

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

(9) Repair:

* None

(10) Retail Trade:

* None

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

* None

(12) Construction:

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

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

RA20 (Residential-Agricultural)

Special Uses

(1) General:

* None

(2) Residential:

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

(3) Home Occupations (see all categories):

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

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

- b. Greenhouse or plant nursery; including accessory sales

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

* None

(8) Services:

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

(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

R6A (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:

- 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

R6A (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, 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

OR (Office-Residential)

Permitted Uses

(1) *General:*

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

(2) *Residential:*

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

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

*None

(4) *Governmental:*

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

(5) *Agricultural/ Mining:*

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

(6) *Recreational/ Entertainment:*

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

(7) *Office/ Financial/ Medical:*

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

(8) *Services:*

- c. Funeral home
- e. Barber or beauty shop

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

(9) Repair:

* None

(10) Retail Trade:

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

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

* None

(12) Construction:

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

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

* None

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

* None

OR (Office-Residential)

Special Uses

(1) General:

* None

(2) Residential:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity dormitory (LUI) development rating 67 per Article K

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

(3) Home Occupations (see all categories):

* None

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

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

(7) Office/ Financial/ Medical:

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

(8) Services:

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

(9) Repair:

* None

(10) Retail Trade:

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

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

* None

(12) Construction:

* None

(13) Transportation:

- h. Parking lot or structure; principle use

(14) Manufacturing/ Warehousing:

* None

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

- a. Other activities; personal services not otherwise listed

b. Other activities; professional services not otherwise listed

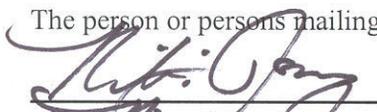
NORTH CAROLINA
PITT COUNTY

CERTIFICATE OF MAILED NOTICES

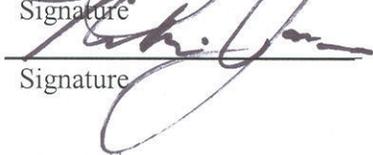
The undersigned employee or employees of the City of Greenville, Planning and Community Development Department do hereby certify that the mailing requirements for notice of rezoning pursuant to GS 160A-384 have been complied with for the following rezoning requests:

1. **05-18-** Ordinance, requested by V-SLEW, LLC, to rezone 101.179 acres located along the northern right-of-way of NC Highway 33 East, 820± feet east of the intersection of NC Highway 33 East and Portertown Road, and 1,350± feet west of the intersection of NC Highway 33 East and L. T. Hardee Road from RA20 (Residential-Agricultural) and RR (Rural Residential – County’s Jurisdiction) to OR (Office-Residential [High Density Multi-Family]), R6A (Residential [Medium Density Multi-Family]), and RA20 (Residential-Agricultural).
2. **06-25-** Ordinance, requested by Bartlett Engineering and Surveying, PC, to rezone 33.6 acres located 700± feet south of Woodridge Commercial/Industrial Park, west of the Allen Ridge Subdivision, and north of the Teakwood Subdivision from OR (Office-Residential [High Density Multi-Family]) to R9S (Residential-Single-Family [Medium Density]).
3. **06-28-** Ordinance, requested by the Community Development Department, to zone 604.4± acres located 1,540± feet north of East Tenth Street (NC Highway 33 East), along the southern right-of-way of Sunnyside Road, and east of the River Hills Subdivision from GI (General Industry-County’s Jurisdiction) and RR (Rural Residential-County’s Jurisdiction) to RA20 (Residential-Agricultural).
4. **06-29-** Ordinance, requested by Columbia RIM Corporation c/o Mr. Jeff Harris, to rezone 2.6888 acres located 960± feet east of the intersection of Frog Level Road and Davenport Farm Road, south of the Augusta Trails Subdivision, 1,915± feet west of Thomas Langston Road, and 195± feet north of Davenport Farm Road being a portion of the Emerald Park Subdivision (preliminary plat 05-25 [revised]) from R6A (Residential [Medium Density Multi-Family]) and R6S (Residential-Single-Family [Medium Density]) to R6A (Residential [Medium Density Multi-Family]), R6S (Residential-Single-Family [Medium Density]), and R9S (Residential-Single-Family [Medium Density]).

The person or persons mailing such notices and making this certificate are:



Signature



Signature

<u>Niki Jones</u>	<u>1/02/07</u>
Printed Name	Date (Planning & Zoning)
<u>Niki Jones</u>	<u>1/23/07</u>
Printed Name	Date (City Council)



Picture of Site

Item # 8

01/16/2007 14:57



Picture of Site

Item # 8

01/16/2007 14:57



Picture of Site

Item # 8

01/16/2007 14:56



House within Site

01/16/2007 14:55

Item # 8



Church adjacent Site

Item # 8

01/16/2007 14:59



Trailer Park adjacent Site

Item # 8

01/16/2007 14:51



Trailer Park adjacent Site

Item # 8

01/16/2007 14:51



Trailer Park adjacent Site

Item # 8

01/16/2007 14:53



Commercial near site

01/16/2007 14:51

Item # 8



Commercial across street from Site

Item # 8

01/16/2007 14:51



Field across from Site

Item # 8

01/16/2007 14:55



**Food Lion and Shopping Center
across from Site**

Item # 8

01/16/2007 14:55



Single Family across road from Site

Item # 8

01/16/2007 14:55



Single Family across road from Site

Item # 8

01/16/2007 14:52



City of Greenville, North Carolina

Meeting Date: 2/8/2007
Time: 7:00 PM

<u>Title of Item:</u>	Ordinance to annex V-SLEW, LLC property, containing 67.389 acres located north of NC Highway 33 and east of Rolling Meadows Subdivision
<u>Explanation:</u>	This is a contiguous annexation. Staff anticipates the development of 109 single-family homes and 104 townhomes on this property. Estimated population at full development is 566.
<u>Fiscal Note:</u>	Total estimated tax value at full development is \$34,610,022.
<u>Recommendation:</u>	Approval of the ordinance to annex V-SLEW, LLC property.

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

Attachments / click to download

- [Annexation Map](#)
 - [V_Slew_LLC_annexation](#)
 - [SLEW_LLC_Annexation_Profile](#)
-

ORDINANCE NO.
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 8th day of February, 2007 after due notice by publication in The Daily Reflector on the 29th day of January, 2007; and

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

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

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

TO WIT: Being all that certain property as shown on the annexation map entitled "V-SLEW, LLC" as prepared by Baldwin and Associates.

LOCATION: Lying and being situated in Winterville Township, Pitt County, North Carolina, located north of NC Highway 33 and east of Rolling Meadows Subdivision. The annexation involves 67.389 acres.

GENERAL DESCRIPTION: Beginning at a point on the eastern line of the City of Greenville Property as described in Deed Book 973, Page 552, said point being located 848± feet as measured along the centerline of NC Highway 33 and N 24°21'14" E, 2,273.65 feet from the centerline intersection of NCSR 1726 (Portertown Road) and NC Highway 33. From the above described beginning, so located, running thence as follows:

With the eastern line of referenced City of Greenville Property, N 24°21'14" E, 4,044.68 feet to a point along the Tar River, thence with the Tar River, S 17°38'28" E, 47.02 feet, S 58°46'24" E, 52.33 feet, S 24°57'47" E, 59.83 feet, S 15°36'31" E, 76.19 feet, S 36°58'11" E, 78.15 feet, S 14°04'42" E, 62.69 feet, S 06°00'08" W, 52.60 feet, S 41°49'18" E, 55.86 feet, S 16°08'40" E, 79.12 feet, S 02°20'27" W, 42.85 feet, S 26°09'24" E, 58.98 feet S 26°12'01" W, 78.71 feet, S 86°02'10" E, 81.44 feet, S 25°47'17" W, 55.74 feet, S 46°32'09" E, 49.60 feet, S 00°38'41" W, 44.44 feet and S 66°11'12" E, 16.40 feet, thence leaving the Tar River, S 18°04'55" W, 3,365.26 feet, thence N 71°31'39" W, 481.32 feet, thence N 71°31'38" W, 510.96 feet to the point of beginning containing 67.389 acres and being a portion of the property described in Deed Book 1311, Page 626 of the Pitt County Register of Deeds 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 three. 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 three.

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, 2007.

ADOPTED this 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

NORTH CAROLINA
PITT COUNTY

I, Patricia A. Sugg, Notary Public for said County and State, certify that Wanda T. Elks personally came before me this day and acknowledged that she is 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 the 8th day of February, 2007.

Patricia A. Sugg, Notary Public

My Commission Expires: September 4, 2011

Doc. # 671892

Item # 9

ANNEXATION PROFILE

NAME: V-SLEW, LLC

CASE NO. 07-16

A. SCHEDULE

1. Advertising date: January 29, 2007
2. City Council public hearing date: February 8, 2007
3. Effective date: June 30, 2007

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Acreage: 67.389 acres
3. Voting District: 3
4. Township: Grimesland
5. Vision Area: C
6. Current County Zoning District: RR (Rural-Residential)
7. Requested City Zoning District: R6A (Residential) & RA20 (Residential-Agricultural)
8. Land Use: Existing: Vacant
Anticipated: 109 Single Family Homes and 104 Townhomes
9. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	213 units x 2.66*	566
Current Minority	-----	0
Estimated Minority at full development	566 x 12.7%**	71
Current White	-----	0
Estimated White at full development	566 - 71	495

* 2.66 Average household size in Grimesland Township, based on 2000 census data

** 12.7% minority population, based on 2000 census data

10. Rural Fire Tax District: Eastern Pines
11. Greenville Fire District: Station #6
12. Present Tax Value: \$330,022 Estimated Future Tax Value: \$34,610,022



City of Greenville, North Carolina

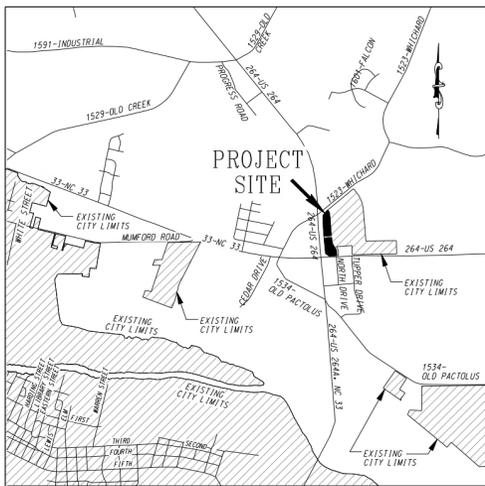
Meeting Date: 2/8/2007
Time: 7:00 PM

<u>Title of Item:</u>	Ordinance to annex Philip E. Carroll property, containing 8.6292 acres located east of US Highway 264 Bypass and west of Bostic Drive
<u>Explanation:</u>	This is a non-contiguous annexation. Staff anticipates the development of 50,000 sq. ft. of commercial development on multiple lots on this property. Estimated population at full development is 0.
<u>Fiscal Note:</u>	Total estimated tax value at full development is \$5,323,595.
<u>Recommendation:</u>	Approval of the ordinance to annex Philip E. Carroll property.

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

Attachments / click to download

- [Annexation Map](#)
 - [Philip_Carroll_annex](#)
 - [Philip_E_Carroll_Annexation_Profile](#)
-



VICINITY MAP
1"=2000'

Attachment number 1
Page 1 of 1

LEGEND

- NEW CITY LIMIT = - - - - -
- EXISTING CITY LIMIT = - - - - -
- OLD CITY LIMIT = - - - - -

NC HWY. 33
(PACTOLUS HWY.)
(R/W VARIES - PAVEMENT VARIES)

US HWY. 264 BY-PASS (GREENVILLE BLVD. NE)
(R/W VARIES - PAVEMENT VARIES)

NCSR 1523 (WHICHARD ROAD)
(60' R/W - PAVED)

N 50°10'25" E
47.00'

N 33°22'15" E
96.70'

N 01°09'21" W 393.59'

N 04°52'39" W 300.28'

N 04°52'32" W 514.44'

N 53°40'16" W
160.61'

PHILIP E. CARROLL
DB 1168, P 79
P/N 63560
4.3511 AC

BURNS DRIVE
OLD CITY LIMIT
OLD CITY LIMIT
N 85°07'21" W 230.00'
S 85°07'21" E 230.32'
P/N 63560

PHILIP E. CARROLL
DB 1169, P 89
P/N 62657
4.2781 AC

S 04°52'39" E 886.19'

S 33°45'15" E 101.64'

S 00°51'09" E 105.39'

S 85°44'13" W 245.13'

NORTH CAMPUS CROSSING, LLC
DB 2167, P 387

BOSTIC DRIVE
(60' PUBLIC R/W - 40' B/B)

NORTH DRIVE

TUPPER DRIVE

US HWY 264
(R/W VARIES - PAVEMENT VARIES)

STATE OF NORTH CAROLINA
DB 1638, P 611

CURVE DATA

CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
C-1	20.00'	31.42'	28.28'	S 49°52'39"E
C-2	330.00'	166.32'	164.56'	S 19°18'57"E
C-3	270.00'	155.05'	152.92'	S 17°18'12"E
C-4	270.00'	164.69'	162.15'	S 22°21'07"E
C-5	20.00'	31.42'	28.28'	S 40°07'21"W



I, CARLTON E. PARKER, CERTIFY THAT THIS MAP WAS DRAWN BY ME OR UNDER MY SUPERVISION FROM AN ACTUAL SURVEY BY ME OR UNDER MY SUPERVISION, THAT THE RATIO OF PRECISION AS CALCULATED FROM LATITUDES AND DEPARTURES IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK _____, PAGE _____; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL

THIS _____ DAY OF _____ A.D., 2006.

CARLTON E. PARKER L-2980

NORTH CAROLINA, _____ PITT COUNTY I, WILLIAM K. MALPASS, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT CARLTON E. PARKER, A REGISTERED LAND SURVEYOR PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL. THIS _____ DAY OF _____, 2006.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

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

A PORTION OF PARCEL NO's. 62657 & 63560

ANNEXATION MAP FOR
PHILIP E. CARROLL

A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 1168, PAGE 79 & DEED BOOK 1169, PAGE 89 OF THE PITT COUNTY REGISTRY

PACTOLUS TOWNSHIP PITT COUNTY NORTH CAROLINA

OWNER: PHILIP E. CARROLL

ADDRESS: 2510 SOUTH CHARLES BLVD.
GREENVILLE, NC 27858
PHONE: (252)752-1020

MALPASS & ASSOCIATES
1645 E. ARLINGTON BLVD., SUITE D
GREENVILLE, N.C. 27858
(252) 756-1780

SURVEYED:	CEP	APPROVED:	CEP
DRAWN:	KCW	DATE:	12/05/06
CHECKED:	CEP	SCALE:	1"= 200'

Item # 10

MAP NO.	PLATS RECORDED	BOOK	PAGE

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C.

EFFECTIVE DATE: _____; ORDINANCE NUMBER: _____; AREA: 8.6292 ACRES
_____ PACTOLUS TOWNSHIP, PITT COUNTY, NORTH CAROLINA

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

WHEREAS, the City Council 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 8th day of February, 2007, after due notice by publication in The Daily Reflector on the 29th day of January, 2007; and

WHEREAS, the City Council further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Greenville.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Greenville.
- c. The area described is so situated that the City of Greenville will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.

WHEREAS, the City Council does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and meets all other requirements of G.S. 160A-58.1, as amended; and

WHEREAS, the City Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City of Greenville and of the area proposed for annexation will be best served by annexing the area described herein;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following described noncontiguous territory is hereby annexed and made part of the City of Greenville:

TO WIT: Being all that certain property as shown on the annexation map entitled "Philip E. Carroll" as prepared by Malpass and Associates.

LOCATION: Lying and being situated in Pactolus Township, Pitt County, North, located east of US Highway 264 By-pass and west of Bostic Drive. This annexation involves 8.6292 acres.

GENERAL DESCRIPTION: Beginning at the intersection of the northern right-of-way of US Highway 264 and the eastern right-of-way of US Highway 264 By-Pass (Greenville Boulevard. NE) thence from said point of beginning with the eastern right-of-way of US Highway 264 By-Pass (Greenville Boulevard. NE) N 04°52'32" W, 514.44 feet to the southern right-of-way of Burns Drive, thence with the southern right-of-way of Burns Drive N 85°07'21" E, 230.32 feet, thence 31.42 feet along the arc of a curve said curve being to the right having a radius of 20.00 feet and a chord bearing S 49°52'39" E, 28.28 feet to the western right-of-way of Bostic Drive, thence with the western right-of-way of Bostic Drive S 04°52'39" E, 100.04 feet, thence 166.32 feet along the arc of a curve said curve being to the left having a radius of 330.00 feet and a chord bearing S 19°18'57" E, 164.56 feet, thence S 33°45'15" E, 101.64 feet, thence 155.05 feet along the arc of a curve said curve being to the right having a radius of 330.00 feet and a chord bearing S 17°18'12" E, 152.92 feet, thence S 00°51'09" E, 105.39 feet to the northern right-of-way of US Highway 264, thence with the northern right-of-way of US Highway 264 S 85°44'13" W, 245.13 feet, thence N 53°40'16" W, 160.61 feet to the point of beginning containing 4.2781 acres.

Portion of Tax Parcel 63560

Beginning at the intersection of the northern right-of-way of Burns Drive and the eastern right-of-way of US Highway 264 By-Pass (Greenville Boulevard. NE) thence from said point of beginning with the eastern right-of-way of US Highway 264 By-Pass (Greenville Boulevard. NE) N 04°52'39" W, 300.28 feet, thence N 01°09'27" W, 393.59 feet to the southern right-of-way of NCSR 1523 (Whichard Road), thence with the southern right-of-way of NCSR 1523 (Whichard Road) N 39°22'15" E, 196.70 feet, thence N 50°10'25" E, 47.00 feet to the western right-of-way of Bostic Drive, thence with the western right-of-way of Bostic Drive 164.69 feet along the arc of a curve said curve being to the right having a radius of 270.00 feet and a chord bearing S 22°21'07" E, 162.15 feet, thence S 04°52'39" E,

686.19 feet, thence 31.42 feet along the arc of a curve said curve being to the right having a radius of 20.00 feet and a chord bearing S 40°07'21" W, 28.28 feet to the northern right-of-way of Burns Drive, thence with the northern right-of-way of Burns Drive S 85°07'21" W, 230.00 feet to the point of beginning containing 4.3511 acres.

Section 2. The 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 one. 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 one.

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 parts of the City of Greenville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 4. That 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, 2007.

ADOPTED this 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

NORTH CAROLINA
PITT COUNTY

I, Patricia A. Sugg, Notary Public for said County and State, certify that Wanda T. Elks personally came before me this day and acknowledged that she is 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 the 8th day of February, 2007

Patricia A. Sugg, Notary Public

My Commission Expires: September 4, 2011

ANNEXATION PROFILE

NAME: Philip E. Carroll Property

CASE NO. 07-14

A. SCHEDULE

1. Advertising date: January 29, 2007
2. City Council public hearing date: February 8, 2007
3. Effective date: June 30, 2007

B. CHARACTERISTICS

1. Relation to Primary City Limits: Non-contiguous
2. Acreage: 8.6292 acres
3. Voting District: 1
4. Township: Pactolus
5. Vision Area: B
6. Zoning District: CH (Heavy Commercial)
7. Land Use: Existing: Vacant
Anticipated: 50,000 sq. ft. of Commercial Development on Multiple Lots
8. Population:

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

9. Rural Fire Tax District: Staton House
10. Greenville Fire District: Station #4
11. Present Tax Value: \$323,595 Estimated Future Tax Value: \$5,323,595



City of Greenville, North Carolina

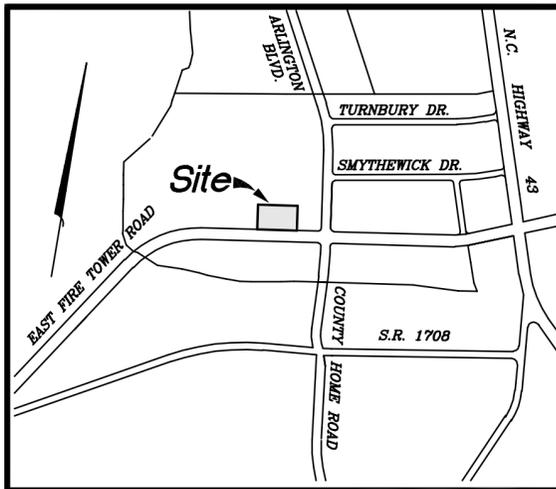
Meeting Date: 2/8/2007
Time: 7:00 PM

<u>Title of Item:</u>	Ordinance to annex Covengton Downe, Lot 9, Block G, containing 1.65 acres located north of Fire Tower Road and 210± feet west of Arlington Boulevard
<u>Explanation:</u>	This is a contiguous annexation. Staff anticipates the development of a 9,000 sq. ft. commercial building on this property. Estimated population at full development is 0.
<u>Fiscal Note:</u>	Total estimated tax value at full development is \$1,014,093.
<u>Recommendation:</u>	Approval of the ordinance to annex Covengton Downe, Lot 9, Block G.

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

Attachments / click to download

- [Annexation Map](#)
 - [Covengton Downe Lot 8 blk G annex](#)
 - [Covengton Downe Lot 9 Blk G Annexation Profile](#)
-



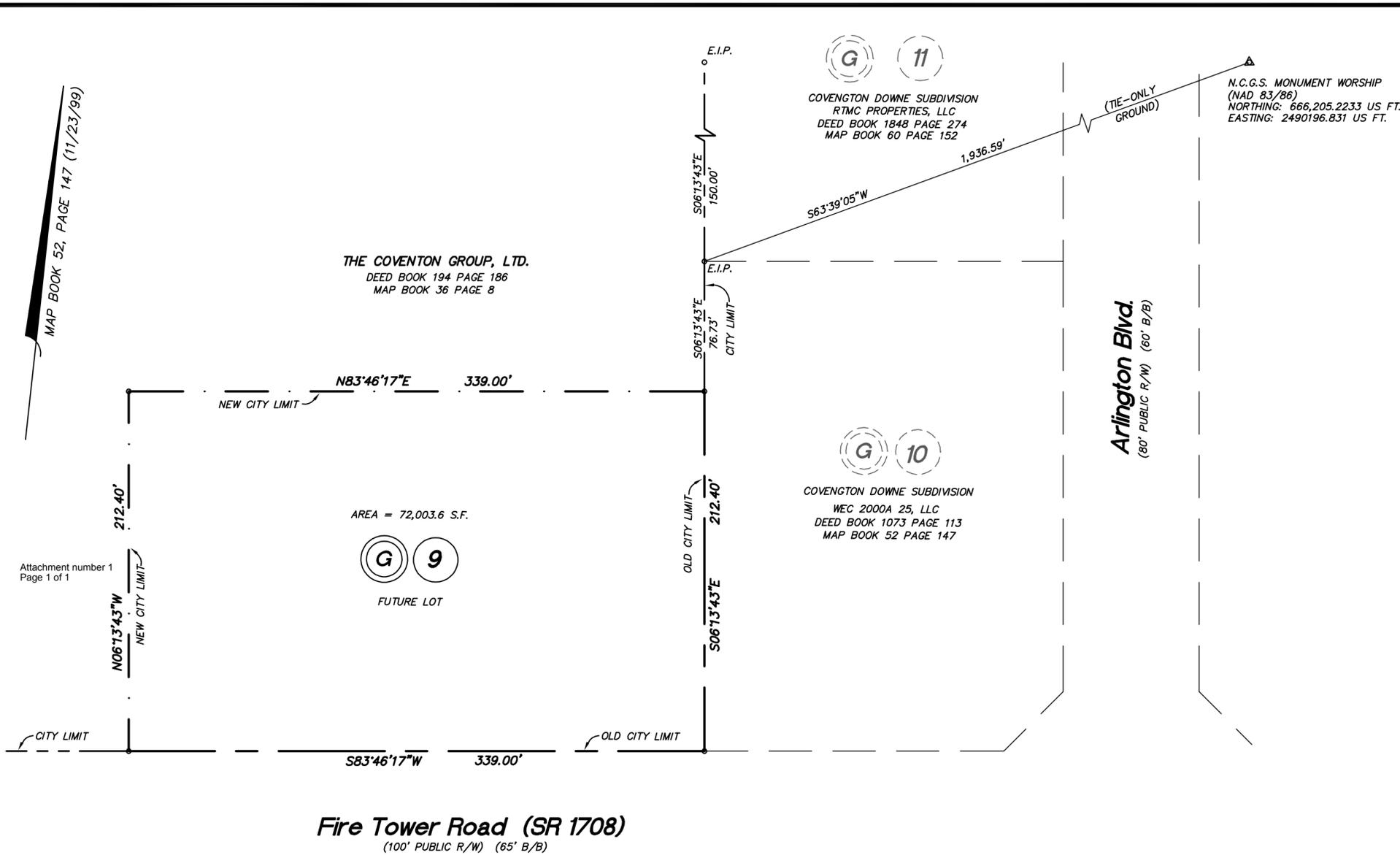
Location Map
SCALE: 1" = 1000'

References:

D.B. 581, PG. 478
D.B. 194, PG. 186
M.B. 36, PG. 8
M.B. 30, PG. 73
PARCEL NO. 33117

Legend

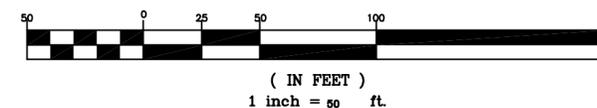
PARCEL NUMBER	P.N.
N/F	NOW OR FORMERLY
NEW CITY LIMIT	---
OLD CITY LIMITS	---
CITY LIMITS	---



Notes :

1. AREA DETERMINED BY COORDINATES.
2. ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS.
3. NO POINT SET AT ANY CORNER UNLESS OTHERWISE NOTED.
4. THIS MAP WAS PREPARED FOR ANNEXATION PURPOSES ONLY AND IS NOT A BOUNDARY SURVEY OF THE PROPERTIES SHOWN HEREON.

GRAPHIC SCALE



CERTIFICATION

NORTH CAROLINA PITT COUNTY
I, PATRICK W. HARTMAN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY BY DG ON 12/26/06 FROM DEED DESCRIPTIONS RECORDED IN DEED BOOK SEE PAGE REF; THAT THE RATIO OF PRECISION IS 1:10,000; THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND AND REFERENCED HEREON; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (f)(11)(d) AS TO THE FOLLOWING THAT THIS SURVEY IS OF ANOTHER CATEGORY (ANNEXATION MAP), SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS 24th DAY OF JANUARY, 2007.

SIGNED _____
PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER L-4262

ANNEXATION MAP
COVENGTON DOWNE
LOT 9, BLOCK G
CITY OF GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

OWNER THE COVENGTON GROUP, LTD
ADDRESS P.O. BOX 3075 GREENVILLE, NC 27836
PHONE (252) 355-0752

	SURVEYED	APPROVED
	DG	JDV
	DRAWN	DATE
	KP	12/28/06
CHECKED	SCALE	
PH	1"=50'	

107 East Second Street Greenville, NC 27858 (252) 752-4135
6131 Falls of Neuse Road, Suite 300 Raleigh, NC 27609 (919) 848-3347

RECORDED IN MAP BOOK _____ PAGE _____

MAP NO.	PLATS RECORDED	BOOK	PAGE
	LOT 11, BLOCK G - COVENGTON DOWNE SUBD	60	175
	LOT 10, BLOCK G - COVENGTON DOWNE SUBD	52	129
	GEORGE CLAPP, ETAL PROP.	36	8

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C.

EFFECTIVE DATE _____ ORDINANCE NO. _____ AREA **1.65 ACRES**

WINTERVILLE TOWNSHIP, PITT COUNTY, N.C.

ORDINANCE NO.
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 8th day of February, 2007 after due notice by publication in The Daily Reflector on the 29th day of January, 2007; and

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

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

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

TO WIT: Being all that certain property as shown on the annexation map entitled "Covengton Downe Subdivision, Lot 9, Block G" as prepared by Rivers and Associates.

LOCATION: Lying and being situated in Winterville Township, Pitt County, North Carolina, located north of Fire Tower Road and 210± feet west of Arlington Boulevard. This annexation involves 1.65 acres.

GENERAL DESCRIPTION: Beginning at the Southwesterly property corner of Lot 10, Block G, Covengton Downe Subdivision, recorded in Map Book 52 Page 147, Pitt County Registry, thence from the point of beginning with the northerly Firetower Road right-of-way (N.C.S.R. 1708) S 83°46'17" W, 339.00 feet to a point; thence cornering with a new city limit N 06°13'43" W, 212.40 feet to a point; thence cornering N 83°46'17" E, 339.00 feet to a
Item # 11

point on the west property line of Lot 10, Block G, Covington Downe Subdivision; thence cornering with said property line S 06°13'43" E, 212.40 feet to the point of beginning; containing 1.65 acres more or less and being shown on an Annexation Map for future Lot 9, Block G, Covington Downe Subdivision, dated December 29, 2006, incorporated herein by reference.

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 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, 2007.

ADOPTED this 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

NORTH CAROLINA
PITT COUNTY

I, Patricia A. Sugg, Notary Public for said County and State, certify that Wanda T. Elks personally came before me this day and acknowledged that she is 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 the 8th day of February, 2007.

Patricia A. Sugg, Notary Public

My Commission Expires: September 4, 2011

Doc. # 671896

ANNEXATION PROFILE

NAME: Covengton Downe, Lot 9, Block G CASE NO. 07-11

A. SCHEDULE

- 1. Advertising date: January 29, 2007
- 2. City Council public hearing date: February 8, 2007
- 3. Effective date: June 30, 2007

B. CHARACTERISTICS

- 1. Relation to Primary City Limits: Contiguous
- 2. Acreage: 1.65 acres
- 3. Voting District: 5
- 4. Township: Winterville
- 5. Vision Area: D
- 6. Zoning District: CG (General Commercial)
- 7. Land Use: Existing: Vacant
Anticipated: 9,000 sq. ft. Commercial Building
- 8. Population:

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

- 9. Rural Fire Tax District: Eastern Pines
- 10. Greenville Fire District: Station #3
- 11. Present Tax Value: \$114,093 Estimated Future Tax Value: \$1,014,093



City of Greenville, North Carolina

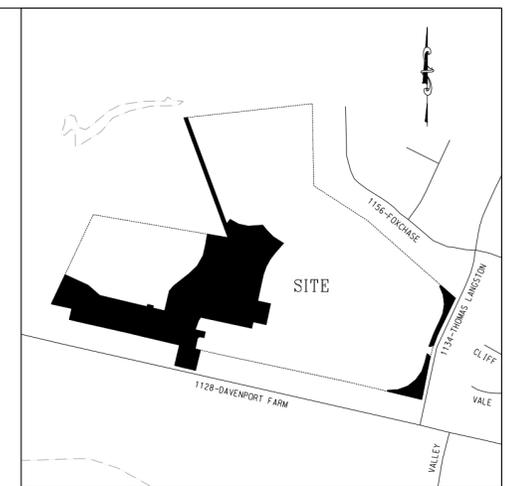
Meeting Date: 2/8/2007
Time: 7:00 PM

<u>Title of Item:</u>	Ordinance to annex Emerald Park, Phase 1, Section 1, containing 22.1072 acres located west of Thomas Langston Road and north of Davenport Farm Road
<u>Explanation:</u>	This is a contiguous annexation. Staff anticipates the development of 37 single-family homes on this property. Estimated population at full development is 86.
<u>Fiscal Note:</u>	Total estimated tax value at full development is \$6,224,507.
<u>Recommendation:</u>	Approval of the ordinance to annex Emerald Park, Phase 1, Section 1.

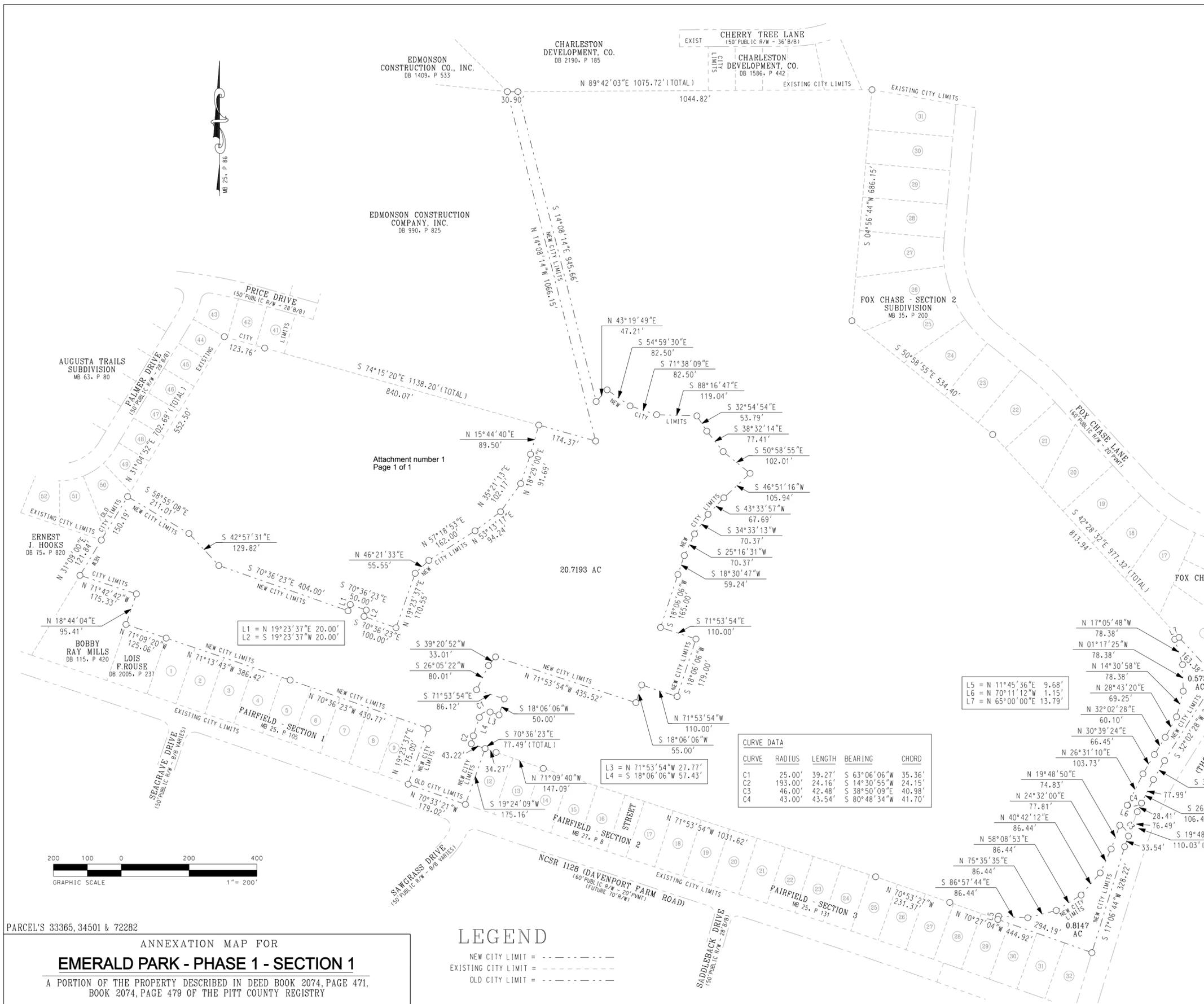
Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Annexation Map](#)
 - [Emeral Park Ph 1 Sec 1 annexation](#)
 - [Emerald Park Ph 1 Sec 1 Annexation Profile](#)
-



VICINITY MAP
1" = 1000'



Attachment number 1
Page 1 of 1

CURVE DATA

CURVE	RADIUS	LENGTH	BEARING	CHORD
C1	25.00'	39.27'	S 63°06'06"W	35.36'
C2	193.00'	24.16'	S 14°30'55"W	24.15'
C3	46.00'	42.48'	S 38°50'09"E	40.98'
C4	43.00'	43.54'	S 80°48'34"W	41.70'



PARCEL'S 33365, 34501 & 72282

ANNEXATION MAP FOR
EMERALD PARK - PHASE 1 - SECTION 1

A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 2074, PAGE 471,
BOOK 2074, PAGE 479 OF THE PITT COUNTY REGISTRY

WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

OWNER: COLUMBIA RIM CONSTRUCTION, INC.
c/o MR. MIKE DeFREES
ADDRESS: 13023 N.E. HWY. 99, SUITE 7
VANCOUVER, WA 98686
PHONE: (360) 571-0785

LEGEND

- NEW CITY LIMIT = - - - - -
- EXISTING CITY LIMIT = - - - - -
- OLD CITY LIMIT = - - - - -

MAP NO.	PLATS RECORDED	BOOK	PAGE

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C.

EFFECTIVE DATE: _____; ORDINANCE NUMBER: _____; AREA: 22.1073 ACRES

WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

I, CARLTON E. PARKER, CERTIFY THAT THIS MAP WAS DRAWN BY ME OR UNDER MY SUPERVISION FROM AN ACTUAL SURVEY BY ME OR UNDER MY SUPERVISION, THAT THE RATIO OF PRECISION AS CALCULATED FROM LATITUDES AND DEPARTURES IS 1S 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK _____, PAGE _____; .
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL

THIS _____ DAY OF _____ A.D., 2007.

CARLTON E. PARKER L-2980

NORTH CAROLINA, _____ PITT COUNTY I, WILLIAM K. MALPASS, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT CARLTON E. PARKER, A REGISTERED LAND SURVEYOR PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS _____ DAY OF _____, 2007.

NOTARY PUBLIC _____
MY COMMISSION EXPIRES _____

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

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

WHEREAS, the City Council 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 8th day of February, 2007, after due notice by publication in The Daily Reflector on the 29th day of January, 2007; and

WHEREAS, the City Council further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the City of Greenville.
- b. No point on the proposed satellite corporate limits is closer to another city than to the City of Greenville.
- c. The area described is so situated that the City of Greenville will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits.
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation.

WHEREAS, the City Council does hereby find as a fact that said petition has been signed by all the owners of real property in the area who are required by law to sign and meets all other requirements of G.S. 160A-58.1, as amended; and

WHEREAS, the City Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City of Greenville and of the area proposed for annexation will be best served by annexing the area described herein;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, as amended, the following described noncontiguous territory is hereby annexed and made part of the City of Greenville:

TO WIT: Being all that certain property as shown on the annexation map entitled "Emerald Park, Phase 1, Section 1" as prepared by Malpass and Associates.

LOCATION: Lying and being situated in Winterville Township, Pitt County, North Carolina, located west of Thomas Langston Road and north of Davenport Farm Road. This annexation involves 22.1072 acres.

GENERAL DESCRIPTION: Beginning at a point in the northern right-of-way of NCSR 1128 (Davenport Farm Road) said point being the southeast corner of Lot 9 Fairfield Section 1 as recorded in Map Book 25, Page 105 of the Pitt County Registry, thence from said point of beginning with the eastern line of Lot 9 N 19°23'37" E, 175.00 feet, thence with the northern line of Fairfield Section 1 N 70°36'23" W, 430.77 feet, thence N 71°13'43" W, 386.42 feet to the northeast corner of the Lois F. Rouse property as recorded in Deed Book 2005, Page 237, thence with the northern line of the Lois F. Rouse property N 71°09'20" W, 125.06 feet to the eastern line of the Bobby Ray Mills property as recorded in Deed Book 115, Page 420, thence with the eastern line of the Bobby Ray Mills property N 18°44'04" E, 95.41 feet, thence with the northern line of the Bobby Ray Mills property N 71°42'42" W, 175.33 feet to the eastern line of the Ernest J. Hooks property as recorded in Deed Book 75, Page 820, thence with the eastern line of the Ernest J. Hooks property N 31°09'00" E, 121.84 feet to the southeast corner of Augusta Trails as recorded in Map Book 63, Page 80, thence with the eastern line of Augusta Trails N 31°04'52" E, 150.19 feet, thence leaving the eastern line of Augusta Trails S 58°55'08" E, 211.01 feet, thence S 42°57'31" E, 129.82 feet, thence S 70°36'23" E, 404.00 feet, thence N 19°23'37" E, 20.00 feet, thence S 70°36'23" E, 50.00 feet, thence S 19°23'37" W, 20.00 feet, thence S 70°36'23" E, 100.00 feet, thence N 19°23'37" E, 170.55 feet, thence N 46°21'33" E, 55.55 feet, thence N 57°18'53" E, 162.00 feet, thence N 53°13'17" E, 94.24 feet, thence N 35°21'13" E, 102.17 feet, thence N 18°29'00" E, 91.69 feet, thence N 15°44'40" E, 89.50 feet to the southern line of the Edmonson Construction Company, Inc. property as recorded in Deed Book 990, Page 825, thence with the southern line of the Edmonson Construction Company, Inc. property S 74°15'20" E, 174.37 feet to the southeast corner of the Edmonson Construction Company, Inc. property, thence with the eastern line of the Edmonson Construction Company, Inc. property N 14°08'14" W, 1,066.15 feet to the southern line of the Charleston Development Company property as recorded in Deed Book 2190, Page 185, thence with the southern line of the

Charleston Development Company property N 89°42'03" E, 30.90 feet, thence leaving the southern line of the Charleston Development Company property S 14°08'14" E, 945.66 feet, thence N 43°19'49" E, 47.21 feet, thence S 54°59'30" E, 82.50 feet, thence S 71°38'09" E, 82.50 feet, thence S 88°16'47" E, 119.04 feet, thence S 32°54'54" E, 53.79 feet, thence S 38°32'14" E, 77.41 feet, thence S 50°58'55" E, 102.01 feet, thence S 46°51'16" W, 105.94 feet, thence S 43°33'57" W, 67.69 feet, thence S 34°33'13" W, 70.37 feet, thence S 25°16'31" W, 70.37 feet, thence S 18°30'47" W, 59.24 feet, thence S 18°06'06" W, 165.00 feet, thence S 71°53'54" E, 110.00 feet, thence S 18°06'06" W, 179.00 feet, thence N 71°53'54" W, 110.00 feet, thence S 18°06'06" W, 55.00 feet, thence N 71°53'54" W, 435.52 feet, thence S 39°20'52" W, 33.01 feet, S 26°05'22" W, 80.01 feet, thence S 71°53'54" E, 86.12 feet, thence S 18°06'06" W, 50.00 feet, thence N 71°53'54" W, 27.77 feet, thence 39.27 feet along the arc of a curve said curve being to the left having a radius of 25.00 feet and a chord bearing S 63°06'06" W, 35.36 feet, thence S 18°06'06" W, 57.43 feet, thence 24.16 feet along the arc of a curve said curve being to the left having a radius of 193.00 feet and a chord bearing S 14°30'55" W, 24.15 feet, thence S 70°36'23" E, 43.22 feet to the northwest corner of Lot 12 Fairfield Section 2 as recorded in Map Book 27, Page 8, thence with the western line of Lot 12 S 19°24'09" W, 175.16 feet to the northern right-of-way of NCSR 1128, thence with the northern right-of-way of NCSR 1128 N 70°33'21" W, 179.02 feet to the point of beginning containing 20.7193 acres.

Common Area 1

Beginning at a point in the western right-of-way of NCSR 1134 (Thomas Langston Road) said point being the northeast corner of Lot 32 Fairfield Section 3 as recorded in Map Book 25, Page 131, thence from said point of beginning with the northern line of Fairfield Section 3 N 70°27'04" W, 294.19 feet, thence leaving the northern line of Fairfield Section 3 N 11°45'36" E, 9.68 feet, thence S 86°57'44" E, 86.44 feet, thence N 75°35'35" E, 86.44 feet, thence N 58°08'53" E, 86.44 feet, thence N 40°42'12" E, 86.44 feet, thence N 24°32'00" E, 77.81 feet, thence N 19°48'50" E, 74.83 feet, thence 42.48 feet along the arc of a curve said curve being to the right having a radius of 46.00 feet and a chord bearing S 38°50'09" E, 40.98 feet to the western right-of-way of NCSR 1134, thence with the western right-of-way of NCSR 1134 S 19°48'50" W, 33.54 feet, thence S 17°06'44" W, 328.22 feet to the point of beginning containing 0.8147 acres.

Common Area 2

Beginning at a point in the western right-of-way of NCSR 1134 (Thomas Langston Road) said point being the southeast corner of Lot 12
item # 12

1 Fox Chase Section 1 as recorded in Map Book 34, Page 48, thence from said point of beginning with the western right-of-way of NCSR 1134 S 32°02'28" W, 288.26 feet, thence S 30°39'24" W, 64.76 feet, thence S 26°31'10" W, 77.99 feet, thence leaving the western right-of-way of NCSR 1134 43.54 feet along the arc of a curve said curve being to the right having a radius of 43.00 feet and a chord bearing S 80°48'34" W, 41.70 feet, thence N 70°11'12" W, 1.15 feet, thence N 26°31'10" E, 103.73 feet, thence N 30°39'24" E, 66.45 feet, thence N 32°02'28" E, 60.10 feet, thence N 28°43'20" E, 69.25 feet, thence N 14°30'58" E, 78.38 feet, thence N 01°17'25" W, 78.38 feet, thence N 17°05'48" W, 78.38 feet, thence N 65°00'00" E, 13.79 feet to the southern line of Fox Chase Section 1, thence with the southern line of Fox Chase Section 1 S 42°28'32" E, 163.38 feet to the point of beginning containing 0.5733 acres.

Section 2. The 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 parts of the City of Greenville. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 4. That 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, 2007.

ADOPTED this 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

NORTH CAROLINA
PITT COUNTY

I, Patricia A. Sugg, Notary Public for said County and State, certify that Wanda T. Elks personally came before me this day and acknowledged that she is 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 the 8th day of February, 2007

Patricia A. Sugg, Notary Public

My Commission Expires: September 4, 2011

ANNEXATION PROFILE

NAME: Emerald Park, Phase 1, Section 1 CASE NO. 07-13

A. SCHEDULE

1. Advertising date: January 29, 2007
2. City Council public hearing date: February 8, 2007
3. Effective date: June 30, 2007

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Acreage: 22.1072 acres
3. Voting District: 5
4. Township: Winterville
5. Vision Area: E
6. Zoning District: R9S, R6S (Residential Single Family) & R6A (Residential)
7. Land Use: Existing: Vacant
Anticipated: 37 Single Family Homes
8. Population:

	Formula	Number of People
Total Current	-----	0
Estimated at full development	37 units x 2.35*	86
Current Minority	-----	0
Estimated Minority at full development	86 x 25.5%**	21
Current White	-----	0
Estimated White at full development	86 - 21	65

* 2.35 Average household size in Winterville Township, based on 2000 census data
 ** 25.5% minority population, based on 2000 census data taken from tract 13, blocks 1011, 2020 & 2036

9. Rural Fire Tax District: Red Oak
10. Greenville Fire District: Station #5
11. Present Tax Value: \$304,507 Estimated Future Tax Value: \$6,224,507



City of Greenville, North Carolina

Meeting Date: 2/8/2007
Time: 7:00 PM

<u>Title of Item:</u>	Ordinance to annex Pitt County Board of Education, Southwest Elementary School Site, containing 29.328 acres located west of Thomas Langston Road and Langston Farms Subdivisions and north of Savannah Place Subdivision
<u>Explanation:</u>	This is a contiguous annexation. Staff anticipates the development of an 85,976 sq. ft. elementary school on this property. Estimated population at full development is 0.
<u>Fiscal Note:</u>	The property will be tax exempt; therefore, the total estimated tax value at full development is \$0.
<u>Recommendation:</u>	Approval of the ordinance to annex the Pitt County Board of Education, Southwest Elementary School Site.

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

Attachments / click to download

- [Annexation Map](#)
 - [Southwest Elementary School annexation](#)
 - [Southwest Elementary School Site Annexation Profile](#)
-

GARY S. MILLER
4 ASSOCIATES, P.A.
LAND SURVEYORS
1000 W. GARDEN ST.
PITTSBORO, NC 27701
TEL: 919-487-0088
FAX: 919-487-0089

PITT CO. BOARD OF EDUCATION
SOUTHWEST ELEMENTARY SCHOOL SITE
WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

ANNEXATION PLAN FOR
NEW CITY LIMIT
OLD CITY LIMIT
CITY LIMIT

LEGEND

SCALE: 1" = 200'

MAP NO.	PLATS RECORDED	BOOK	PAGE
WL ANDERSON FINAL	1	83	
C. ROBERT TOMBS PROPERTY	14	12	

Filed for registration this the _____ day of _____, 20____ at _____ o'clock of _____ M.
ADOT & TRAN. Registrar of Deeds

By _____ Deputy Registrar of Deeds

RECORDED IN MAP BOOK _____ PAGE _____

MAP SHOWING AREA ANNEXED BY
THE CITY OF GREENVILLE, N.C.

EFFECTIVE DATE: _____ ORDINANCE NO. _____ AREA 29.328 A.C.
WINTERVILLE _____ TOWNSHIP, PITT COUNTY, N.C.

CERTIFICATION

I, GARY S. MILLER, CERTIFY THAT UNDER MY HAND AND SEAL, I HAVE CAUSED TO BE DRAWN FROM THE ACTUAL FIELD SURVEY MADE BY ME OR UNDER MY IMMEDIATE SUPERVISION AND UNDER MY PERSONAL SUPERVISION, THE SURVEY SHOWN AS SWORN TO BY ME AND AS APPROVED BY THE BOARD OF EDUCATION OF THE SOUTHWEST ELEMENTARY SCHOOL SITE, AND AS PREPARED IN ACCORDANCE WITH CS 41-29 AS AMENDED, IN WITNESS WHEREOF, I HAVE SIGNED AND SEALED THIS PLAN ON SEP. 20, 20____.

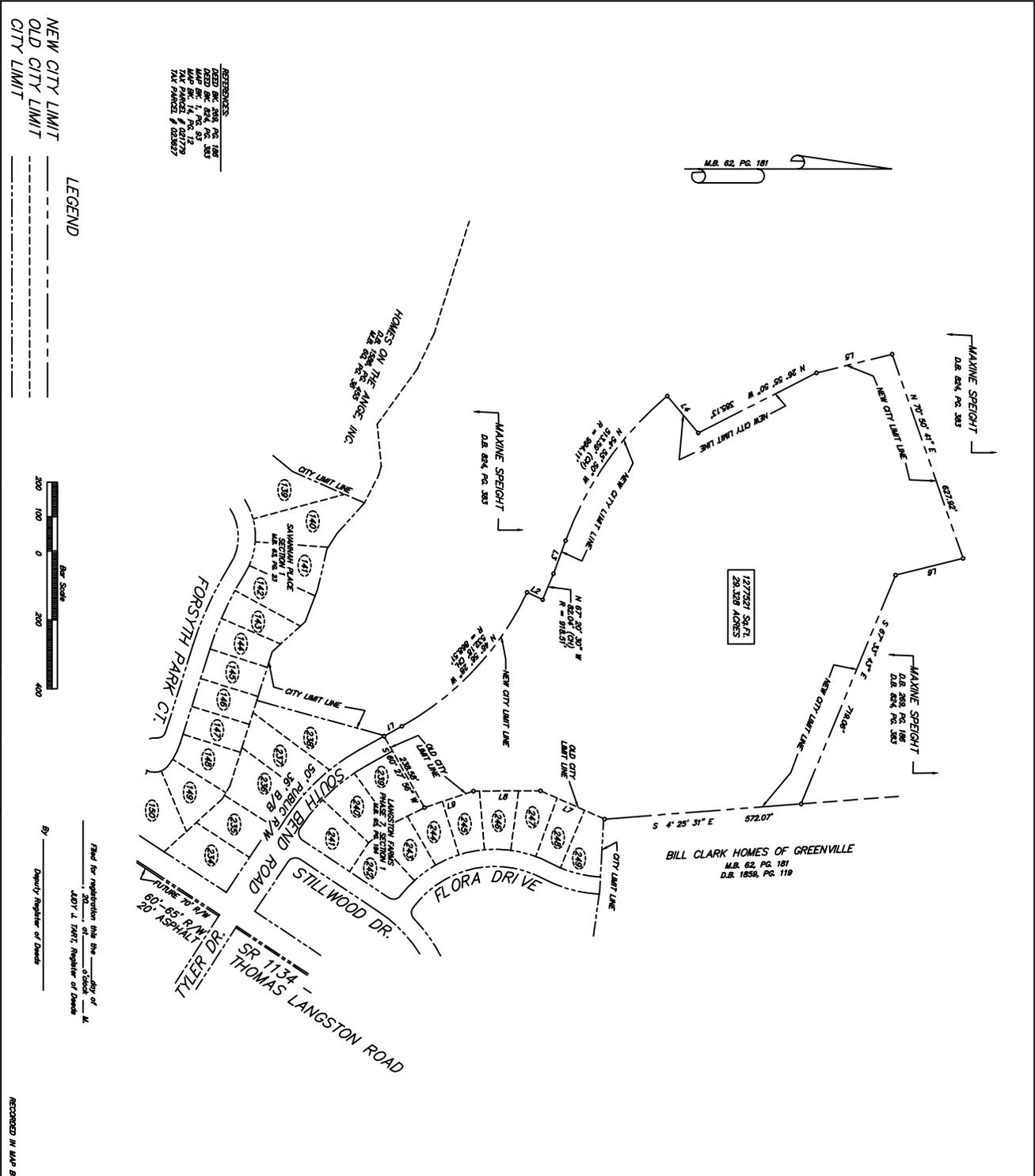
SWORN
GARY S. MILLER, P.L.S. REG. NO. L-2882

1. I, _____, NORTH CAROLINA, THE COUNTY CLERK, DO HEREBY CERTIFY THAT GARY S. MILLER, A PROFESSIONAL LAND SURVEYOR, PERSONALLY AND SOLELY PREPARED THE SURVEY SHOWN AS SWORN TO BY ME AND AS APPROVED BY THE BOARD OF EDUCATION OF THE SOUTHWEST ELEMENTARY SCHOOL SITE, AND AS PREPARED IN ACCORDANCE WITH CS 41-29 AS AMENDED, IN WITNESS WHEREOF, I HAVE SIGNED AND SEALED THIS PLAN ON SEP. 20, 20____.

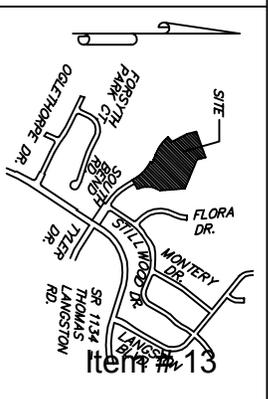
NOTARY PUBLIC
MY COMMISSION EXPIRES _____

North Carolina, Pitt County
The foregoing certificate of _____ is correct.
Filed for registration this day of _____, 20____ at _____ o'clock of _____ M.
ADOT & TRAN. Registrar of Deeds

By _____ Deputy Registrar of Deeds



Line	Bearing	Distance
L1	N 29° 00' 00" E	58.17'
L2	N 89° 54' 00" W	101.83'
L3	N 87° 32' 00" W	102.07'
L4	N 87° 32' 00" W	102.07'
L5	N 87° 32' 00" W	102.07'
L6	N 87° 32' 00" W	102.07'
L7	N 87° 32' 00" W	102.07'
L8	S 18° 42' 30" E	148.27'
L9	S 18° 42' 30" E	148.27'



ORDINANCE NO.
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 8th day of February, 2007 after due notice by publication in The Daily Reflector on the 29th day of January, 2007; and

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

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

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

TO WIT: Being all that certain property as shown on the annexation map entitled "Pitt County Board of Education, Southwest Elementary School Site" as prepared by Gary Miller and Associates, P. A.

LOCATION: Lying and being situated in Winterville Township, Pitt County, North Carolina, located west of Thomas Langston Road and Langston Farms Subdivision and north of Savannah Place Subdivision. This annexation involves 29.328 acres.

GENERAL DESCRIPTION: Beginning at a point located at the northwest corner of Lot 238, Langston Farms, Phase 7, Section 1 as recorded in Map Book 65, Page 184, Pitt County Registry; thence N 29°06'02" W, 59.27 feet to a point; thence with a curve having a radius of 868.51 feet a chord bearing and distance N 46°56'28" W, 532.18 feet to a point; thence N 25°13'05" E, 50.00 feet

to a point; thence with a curve having a radius of 918.51 feet a chord bearing and distance N 67°20'30" W, 82.04 feet to a point; thence N 69°54'02" W, 101.83 feet to a point; thence with a curve having a radius of 994.11 feet a chord bearing and distance N 54°55'50" W, 513.59 feet to a point; thence N 50°02'22" E, 140.00 feet to a point; thence N 26°55'50" W, 385.13 feet to a point; thence N 13°54'04" W, 226.21 feet to a point; thence N 70°50'41" E, 627.92 feet to a point; thence S 13°54'04" E, 201.80 feet to a point; thence S 67°33'43" E, 719.06 feet to a point; thence S 04°25'31" E, 572.07 feet to a point; thence S 23°50'02" W, 203.54 feet to a point; thence S 00°16'03" E, 194.66 feet to a point; thence S 18°42'35" E, 149.72 feet to a point; thence S 60°27'56" W, 238.58 feet to the point of beginning containing 29.328 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 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, 2007.

ADOPTED this 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk
NORTH CAROLINA

PITT COUNTY

I, Patricia A. Sugg, Notary Public for said County and State, certify that Wanda T. Elks personally came before me this day and acknowledged that she is 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 the 8th day of February, 2007.

Patricia A. Sugg, Notary Public

My Commission Expires: September 4, 2011

Doc. # 671894

ANNEXATION PROFILE

NAME: Pitt County Board of Education,
Southwest Elementary School Site

CASE NO. 07-12

A. SCHEDULE

1. Advertising date: January 29, 2007
2. City Council public hearing date: February 8, 2007
3. Effective date: June 30, 2007

B. CHARACTERISTICS

1. Relation to Primary City Limits: Contiguous
2. Acreage: 29.328 acres
3. Voting District: 5
4. Township: Winterville
5. Vision Area: E
6. Zoning District: RA20 (Residential-Agricultural) & R9S (Residential Single Family)
7. Land Use: Existing: Vacant
Anticipated: 85,976 sq. ft. Elementary School
8. Population:

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

9. Rural Fire Tax District: Winterville
10. Greenville Fire District: Station #5
11. Present Tax Value: \$189,662 Estimated Future Tax Value: Tax Exempt



City of Greenville, North Carolina

Meeting Date: 2/8/2007
Time: 7:00 PM

Title of Item:

Ordinance (requested by Garris Evans Lumber Company) to amend the CDF (commercial downtown fringe) district table of uses to include "Building supply; lumber and material sales, plumbing and/or electrical supply including outside storage" as a special use

Explanation:

The proposed ordinance will include the use entitled "Building supply; lumber and material sales, plumbing and/or electrical supply including outside storage" as a special use within the CDF (commercial downtown fringe) district, subject to minimum standards and conditions. See the attached ordinance and amendment report.

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the request is in compliance with Horizons: Greenville's Community Plan.

The Planning & Zoning Commission, at the January 16, 2007 meeting, voted to approve the request.

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

Motion to deny the request to amend the City Code and to make a finding and determination that the denial of the amendment is consistent with the adopted comprehensive plan and that the denial of the amendment is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

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

Attachments / click to download

-  [_special_use\)\)](#)
-  [Building_supply_amendment_report](#)
-  [Vegetation_Screening_and_Chart](#)
-  [Garris_Evans_Amendment_excerpt](#)

ORDINANCE NO. 07-___
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 February 8, 2007 at 7:00 p.m., in the City Council Chambers of the City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, the City Council does hereby find and determine that the adoption of said ordinance amending the City Code is consistent with the adopted comprehensive plan and that the adoption of the ordinance is reasonable and in the public interest due to its consistency with the comprehensive plan and, as a result, its furtherance of the goals and objectives of the comprehensive plan.

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

Section 1: That Title 9, Chapter 4, Article D, Section 9-4-78(f)(12)d, of the City Code is hereby amended to include the use entitled “Building supply; lumber and material sales, plumbing and/or electrical supply including outside storage” as a special use in the CDF district.

Section 2: That Title 9, Chapter 4, Article E, Section 9-4-85, of the City Code is hereby amended to include a new subsection “mm” entitled “Building supply; lumber and material sales, plumbing and/or electrical supply including outside storage” within the listed uses index.

Section 3: That Title 9, Chapter 4, Article E, Section 9-4-86, of the City Code is hereby amended to include a new subsection “mm” entitled “Building supply; lumber and material sales, plumbing and/or electrical supply including outside storage” to read as follows:

“(mm) Building supply; lumber and material sales, plumbing and/or electrical supply including outside storage.

- (1) The board of adjustment may attach additional reasonable screening conditions to any perimeter property boundary when the board determines that the proposed outside storage area and use would otherwise be incompatible with, and detrimental to, adjacent and area land uses absent such additional screening.
- (2) Required screening may be accomplished by a solid wood fence, masonry wall, earth berm, evergreen vegetation, enclosed structure or combination thereof. Vegetation utilized for this purpose shall comply with Article P, Vegetation Requirements.

- (3) The requirements of this section shall be in addition to the applicable bufferyard and planting requirements set out under Article G, Bufferyard Setbacks, and Article P, Vegetation Requirements, provided however that qualified existing and planted vegetation shall be credited and count toward applicable requirements.

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

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

ADOPTED this 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

Doc# 650819-v2

ORDINANCE AMENDMENT REPORT

Staff Contact: Harry V. Hamilton, Jr., Chief Planner

Date: 1/16/07

Item: Request by Garris Evans Lumber Company to amend the CDF (commercial downtown fringe) district table of uses to include “Building supply; lumber and material sales, plumbing and/or electrical supply including outside storage” as a special use.

Currently, the use entitled “Building supply; lumber and material sales, plumbing and/or electrical supply excluding outside storage” is a permitted use in the CDF, CG, CH commercial and all industrial districts. Building supply establishments, including outside storage, are currently restricted to the industrial districts.

The proposed amendment would allow the subject use, including “outside storage”, as a special use in the CDF district subject to approval of the Board of Adjustment. The Board of Adjustment would consider site specific requests following a public hearing on the matter.

A building supply establishment (including both inside and outside storage) is a classification 4 land use for purposes of bufferyard setbacks and general screening requirements.

The proposed ordinance includes the following minimum conditions:

- (1) The board of adjustment may attach additional reasonable screening conditions to any perimeter property boundary when the board determines that the proposed outside storage area and use would otherwise be incompatible with, and detrimental to, adjacent and area land uses absent such additional screening.
- (2) Required screening may be accomplished by a solid wood fence, masonry wall, earth berm, evergreen vegetation, enclosed structure or combination thereof. Vegetation utilized for this purpose shall comply with Article P, Vegetation Requirements.
- (3) The requirements of this section shall be in addition to the any applicable bufferyard and planting requirements setout under Article G, Bufferyard Setbacks and Article P, Vegetation Requirements, provided however qualified existing and planted vegetation shall be credited and count toward applicable requirements.

Attached is a bufferyard setback and screening chart for illustrative purposes.

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART **(For Illustrative Purposes ONLY)**

02/22/99

Bufferyard Requirements: Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyards.

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, Services (3)	Heavy Commercial, Light Industrial (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, Services (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industrial (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

- Less than 25,000 sq. ft. 4' _____100'_____
- 2 large street trees

- 25,000 sq. ft. to 175,000 sq. ft. 6' _____100'_____
- 2 large street trees

- Over 175,000 sq. ft. 10' _____100'_____
- 2 large street trees

Street trees may count toward the minimum acreage requirement.

Bufferyard C (screen required)

- 10' _____100'_____
- 3 large evergreen trees
- 4 small evergreen trees
- 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided the bufferyard width may be reduced to eight (8) feet.

Bufferyard E (screen required)

- 30' _____100'_____
- 6 large evergreen trees
- 8 small evergreen trees
- 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50) percent if a fence, evergreen hedge (additional materials) or earth berm is provided.

Bufferyard B (No screen required)

Lot Size

- Less than 25,000 sq. ft. 4" _____100'_____

- 25,000 sq. ft. to 175,000 sq. ft. 6' _____100'_____

- Over 175,000 sq. ft. 10' _____100'_____

Bufferyard D (screen required)

- 20' _____100'_____

- 4 large evergreen trees
- 6 small evergreen trees
- 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50) percent if a fence, evergreen hedge (additional materials) or earth berm is provided.

Bufferyard F (screen required)

- 50' _____100'_____
- 8 large evergreen trees
- 10 small evergreen trees
- 36 evergreen shrubs

Bufferyard width may be reduced by fifty (50) percent if a fence, evergreen hedge (additional materials) 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.

REQUEST BY GARRIS EVANS LUMBER COMPANY – APPROVED

Chairman Tozer stated that the next item is a request by Garris Evans Lumber Company to amend the CDF (commercial downtown fringe) district table of uses to include “Building supply; lumber and material sales, plumbing and/or electrical supply including outside storage” as a special use.

Mr. Harry Hamilton stated this is a request by Garris Evans to amend the CDF district to include building supply, lumber and material sales, plumbing and/or electrical supply including outside storage as a special use subject to Board of Adjustment approval. Currently the subject use excluding outside storage is a permitted use in the CDF, CG, CH commercial and all industrial districts. Building supply establishments that include outside storage are currently restricted to the industrial districts. The Board of Adjustment would consider each request on a site specific basis. Mr. Hamilton indicated on a map the area this amendment would affect. Mr. Hamilton made reference to the revised ordinance distributed to the members earlier and stated that it reflects the intent of the applicant. Mr. Hamilton stated that staff has no objection to the request.

Mr. Fred Mattox, Attorney, representing the applicant, spoke on behalf of the request. Mr. Mattox stated that the applicant is in agreement with Option #2 that includes additional screening and special use permit approval by the Board of Adjustment.

No one spoke in opposition.

Motion was made by Mr. Ramey, seconded by Mr. Baker to recommend approval of the proposed amendment No. 2 (revised ordinance), to advise that it is consistent with the comprehensive plan and other applicable plans, and to adopt the staff report which addresses plan consistency and other matters. Motion carried unanimously.



City of Greenville, North Carolina

Meeting Date: 2/8/2007
Time: 7:00 PM

Title of Item: Proposed Community Development Block Grant (CDBG) and HOME Investment Partnership Annual Plan for Fiscal Year 2007-2008

Explanation: The Community Development Department, Housing Division is in the process of identifying activities for the upcoming 2007-2008 fiscal year Annual Plan. The recommended activities are designed to further efforts within the West Greenville 45-Block Revitalization Area. The activities are in accordance with the City of Greenville's Consolidated Plan, which covers fiscal years 2004-2008. An Annual Plan is submitted for each year included in the Consolidated Plan. The Annual Plan is a detailed account of activities to be carried out as well as the funding allocated for these activities.

The Annual Plan preparation requires two public hearings to give citizens an opportunity to participate and provide comments. The first public hearing is scheduled for February 8, 2007, and the final public hearing is scheduled for May 10, 2007. All comments received from public hearings will be considered in the final draft of the Annual Plan.

A proposed schedule, list of funding sources, and list of program activities are attached for your review.

Fiscal Note: Funding for the list of program activities will be contingent upon a budget award by the U.S. Department of Housing and Urban Development. Currently, the Department of Housing and Urban Development is operating on a "continuing resolution", with no budget award.

Recommendation: Hold a first public hearing for citizen participation on the proposed list of activities and approve the proposed completion schedule.

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 [2007_08_proposed_funding](#)

 [AP_07_08](#)

 [07_08_AP_completion_schedule](#)

Annual Plan

Proposed Funding and List of Activities
Fiscal year 2007-2008

CDBG	\$824,276
HOME	\$844,098
Total Resources	\$1,205,976

Proposed List of Activities

	<u>CDBG</u>	<u>HOME</u>
Administration	\$164,800	\$45,000
Public Service/Non-Profit funding	\$123,000	
Downpayment Assistance		\$100,000
Acquisition	\$208,876	
Owner Occupied Rehabilitation	\$327,600	\$247,000
Consortium Members Allocation		\$325,448
Community Housing Development Org (CHDO)		\$126,650
Total	\$824,276	\$844,098

Notice of Public Hearing

On February 8, 2007, an Initial Public Hearing will be held to discuss proposed activities for the upcoming 2007/2008 City of Greenville Annual Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs, as required by the U.S. Department of Housing and Urban Development. The public hearing will be held during the February 8, 2007 City Council meeting at 7:00 p.m. in the City Council Chambers of City Hall.

Proposed Activities:

	<u>CDBG</u>	<u>HOME</u>
Administration	\$164,800	\$45,000
Public Service/Non-Profit Funding	\$123,000	
Downpayment Assistance		\$100,000
Acquisition	\$208,876	
Owner Occupied Rehabilitation	\$327,600	\$247,000
Consortium Members Allocation		\$325,448
Community Housing Development Org. (CHDO)		\$126,650
Total	\$824,276	\$844,098

Persons with disabilities who need accommodations for the meeting should contact 252-329-4060. Anyone with questions concerning the 2007/2008 fiscal year Annual Plan should contact Sandra W. Anderson at 252-329-4061.

Publish: City Page January 29, 2007 and February 5, 2007

Account #:040-4650-452-25-00 HOME

FISCAL YEAR 2007-2008 ANNUAL PLAN

PROPOSED COMPLETION SCHEDULE

February 8, 2007	Citizen Participation Public Hearing
February 16, 2007	Deadline for Submission of Community Housing Development Organization (CHDO) applications
February 19, 2007	Consortium Allocations finalized
February 23, 2007	Deadline for Submission of Nonprofit applications
March 14, 2007	Affordable Housing Loan Committee review/recommendation of nonprofit funding
March 14, 2007	Deadline for Submission of Consortium Members Activity Narrative
March 16, 2007	1 st Draft of Annual Plan
March 20, 2007	Neighborhood Meeting
March 30, 2007 – April 30, 2007	Public comment period
April 11, 2007	Affordable Housing Loan Committee review of Draft Annual Plan
May 10, 2007	Final Public Hearing City Council Adoption
May 11, 2007	Submission to U. S. Department of HUD



City of Greenville, North Carolina

Meeting Date: 2/8/2007
Time: 7:00 PM

<u>Title of Item:</u>	Recommendation for naming the Red Oak/Oakdale Park as the Andrew A. Best Freedom Park
<u>Explanation:</u>	At the January Recreation and Parks Commission meeting, a subcommittee consisting of Lillian Outterbridge, Wilson McDowell, and Sandy Steele proposed that the new park in the Red Oak/Oakdale neighborhood be named in memory of Andrew A. Best. Dr. Best was a prominent contributor to the citizens of Greenville in the medical district, university area, as well as the community.
<u>Fiscal Note:</u>	No cost to the City.
<u>Recommendation:</u>	The Recreation and Parks Commission unanimously passed a motion to recommend to the City Council that the Red Oak/Oakdale neighborhood park be named the Andrew A. Best Freedom Park.

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City of Greenville, North Carolina

Meeting Date: 2/8/2007
Time: 7:00 PM

Title of Item:

Actions necessary for the Greenville Utilities Commission Wastewater Treatment Plant Electrical and SCADA Upgrade Project

- a) Adoption of Sewer Capital Projects Budget Ordinance
- b) Adoption of Reimbursement Resolution

Explanation:

The current Greenville Utilities Wastewater Treatment Plant (WWTP) was originally constructed in 1985 as a 10.5 million gallon per day (MGD) facility. In 1987, an automated supervisory control and data acquisition (SCADA) system was added to provide monitoring and control of WWTP and remote pump station equipment. A standby generator was also added at that time capable of handling 65% of the WWTP electrical load in the event that line power was interrupted.

The original WWTP electrical distribution system was designed as a single line radial system with no internal redundancy provided in the event that a major electrical component failed. Such a design was common in the regulatory climate of the times and met all existing electrical codes. A WWTP capacity expansion to 17.5 MGD in 1995, and five subsequent upgrades since then, have added new equipment and treatment processes but the original electrical system has not been upgraded and the single line radial design has been continued with each project.

The original WWTP electrical and SCADA equipment has been in service for 22 years and is nearing the end of its useful service life. New parts for some of the equipment are no longer available, and rebuilt parts are becoming increasingly difficult to locate and obtain. There are also some emerging regulatory and safety issues associated with compliance with new electrical codes and proposed OSHA requirements. In addition, the lack of redundancy in the existing single line radial electrical design provides poor reliability and increases the risk of regulatory non-compliance with WWTP discharge permit limits in the event of equipment failure.

The need to replace the aging original equipment presents an opportunity to achieve economies of scale and also perform a plant-wide electrical system upgrade to provide complete redundancy for all critical equipment, as well

Agenda Briefing

as 100% standby generator capability. The proposed project will include replacement of existing electrical distribution wiring, transformers, switch boards and motor control centers (MCC) with new equipment in a configuration that will eliminate the potential for a single point of failure in the WWTP electrical system. The project will also include the replacement of the existing generator with a new generator(s) capable of providing 100% emergency/standby power to operate the WWTP in the event of line power failure, as well as programming to allow for peak shaving.

The proposed project will also include an upgrade of the SCADA system at the WWTP and 31 remote pump station sites. At the WWTP, the project will include the installation of a fiber optic network, installation of new programmable logic controllers (PLC), installation of new computers and servers, installation of new Intellution software and all necessary hardware and software programming. At the remote pump station sites, the project will include installation of new PLC, antenna, radios and remote terminal units (RTU) and all necessary hardware and software programming.

To accomplish the WWTP electrical and SCADA upgrade project, it is necessary to move forward with the selection of a consulting engineering firm to perform the project design. Staff requested proposals from interested firms, and eight submitted proposals. Firms submitting proposals were Brown and Caldwell, Hazen and Sawyer, Black & Veatch, McKim and Creed, Earth Tech, Frick and Associates, Rummel, Klepper and Kahl and Camp Dresser & McKee. A selection committee consisting of GUC staff members Tony Cannon, Randy Emory, Steve Porter, Dan Tracy, Barrett Lasater and Todd Rouse evaluated the proposals. Following the committee's evaluation of the proposals, interviews were conducted with the top two firms.

The committee selected the firm of Brown and Caldwell to enter into contract negotiations to perform the proposed work. These negotiations resulted in a proposed engineering services contract to include preliminary design, final design, bid services and construction administration and inspection. The initial contract fee authorization will include only preliminary design. Once the preliminary design is completed and the scope and cost of the project are more clearly defined, staff will propose a final design contract and budget amendment for GUC Board approval to authorize additional engineering to perform final design, bid services and contract administration. The preliminary estimate (pre-design) of the total project cost is in the range of \$7.5 - \$8.5 million.

At their meeting on January 16, 2007, the GUC Board authorized the General Manager/CEO to execute the contract with the firm of Brown and Caldwell in the amount of \$229,500. In addition, the Board adopted a Sewer Capital Projects Budget for this work and recommended similar action by the City Council. The GUC Board also adopted a reimbursement resolution allowing GUC to reimburse itself from bond proceeds and recommended similar action by the City Council.

Fiscal Note: No cost to the City of Greenville

Recommendation: Adopt the attached Sewer Capital Projects Budget ordinance and the reimbursement resolution

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 [Ordinance](#)

 [Reimbursement Resolution](#)

ORDINANCE NO. _____

FOR SEWER CAPITAL PROJECTS BUDGET
WASTEWATER TREATMENT PLANT ELECTRICAL AND SCADA UPGRADE PROJECT

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

Section 1. Revenues. Revenues of the Sewer Capital Projects Budget, Wastewater Treatment Plant Electrical and SCADA Upgrade Project, are hereby established to read as follows:

Revenues

Operating Fund Transfer	<u>\$229,500</u>	
Total Project Revenues		<u><u>\$229,500</u></u>

Section 2. Expenditures. Expenditures of the Sewer Capital Projects Budget, Wastewater Treatment Plant Electrical and SCADA Upgrade Project, are hereby established to read as follows:

Expenditures

Preliminary Design	<u>\$229,500</u>	
Total Project Expenditures		<u><u>\$229,500</u></u>

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

Section 4. This ordinance shall become effective upon its adoption.

Adopted this the _____ day of _____, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

RESOLUTION NO. 07-__

**RESOLUTION DECLARING THE INTENTION OF THE
CITY COUNCIL OF THE CITY OF GREENVILLE
TO REIMBURSE THE CITY FROM THE PROCEEDS
OF A DEBT FINANCING FOR CERTAIN EXPENDITURES
MADE AND TO BE MADE IN CONNECTION WITH THE ACQUISITION
AND CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS**

WHEREAS, the City of Greenville, North Carolina (the "City") has paid, beginning, January 16, 2007, which date is no more than 60 days prior to the date hereof, certain expenditures in connection with the acquisition and construction of certain improvements (the "Improvements") more fully described in Exhibit A attached hereto, consisting of improvements to its electric, gas, sanitary sewer and water systems (collectively, the "System"); and

WHEREAS, the City Council of the City (the "City Council") has determined that those moneys previously advanced no more than 60 days prior to the date hereof to pay such expenditures in connection with the acquisition and construction of the Improvements (the "Expenditures") are available only on a temporary period and that it is necessary to reimburse the City for the Expenditures from the proceeds of an issue of debt (the "Debt");

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL as follows:

Section 1. The City Council hereby declares its intent to reimburse the City from the proceeds of the Debt for the Expenditures made on and after January 16, 2007, which date is no more than 60 days prior to the date hereof. The City Council reasonably expects on the date hereof that it will reimburse the City for the Expenditures from the proceeds of a like amount of the Debt.

Section 2. Each Expenditure was or will be either (a) of a type chargeable to capital account under general federal income tax principles (determined as of the date of the Expenditures), (b) the cost of issuance with respect to the Debt, (c) a non-recurring item that is not customarily payable from current revenues of the System, or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City.

Section 3. The principal amount of the Bonds estimated to be issued to reimburse the City for Expenditures for the Improvements is \$8,500,000.

Section 4. The City will make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the Debt to reimburse an Expenditure no later than 18 months after the later of the date on which such Expenditure is paid or the Improvements are placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that exceptions are

available for certain "preliminary expenditures", costs of issuance, certain de minimis amounts, expenditures by "small issuers" based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. The resolution shall take effect immediately upon its passage.

Adopted this the 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

EXHIBIT A

THE IMPROVEMENTS

The Improvements referenced in the resolution include the design and construction of the Wastewater Treatment Plant Electrical and SCADA Upgrade Project.



City of Greenville, North Carolina

Meeting Date: 2/8/2007
Time: 7:00 PM

Title of Item:

Budget ordinance amendment #6 to the 2006-2007 City of Greenville budget and capital project budget ordinances for the West Greenville and Center City Revitalization Projects

Explanation:

1) Attached is an amendment to the 2006-2007 budget ordinance for consideration at the February 8, 2007, City Council meeting. For ease of reference, a footnote has been added to each line item of the budget ordinance amendment, which corresponds to the explanation below:

A To appropriate donations received to add seating to the Extreme Park.

B To allocate Federal Forfeiture funds for purchases to upgrade the Automated Fingerprint Identification System.

C To recognize reimbursement funds and spending for the Law Enforcement Liaison Grant to subsidize travel and supplies and materials expenditures incurred to increase seat belt usage.

D To appropriate funds to transfer to the Capital Reserve Fund for Capital Improvement Projects. This transfer amount was approved during the December 14, 2006 City Council Meeting.

E To appropriate Law Enforcement Liaison Grant funds reimbursed to purchase light bars for a police car.

F To allocate Federal Forfeiture funds to purchase 100 new shotguns to update the weaponry within the Police Department.

G To appropriate donations received to pay for supplies and materials used toward retirement activity for Boyd Lee.

2) Attached is a 2006-2007 Capital Project budget ordinance amendment to set up an additional \$225,000 that will be set aside from the West Greenville Revitalization project to be administered, as budgeted, by the Redevelopment Commission.

3) Attached is a 2006-2007 Capital Project budget ordinance amendment to set up an additional \$75,000 that will be set aside from the Center City Revitalization project to be administered, as budgeted, by the Redevelopment Commission.

Fiscal Note:

These amendments affect the following funds: General Fund: increase \$1,720,423; Capital Reserve Fund: increase \$1,615,084; West Greenville Revitalization Fund: increase \$225,000; Center City Revitalization Fund: increase \$75,000

Recommendation:

Approval of budget ordinance amendment #6 to the 2006-2007 City of Greenville budget and capital project budget ordinances for the West Greenville and Center City Revitalization Projects

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- [2007](#)
 - [West_Greenville_Revitalization_Budget_Ordinance_Amendment](#)
 - [Center_City_Budget_Ordinance_Amendment](#)
-

ORDINANCE NO. 07-_____
CITY OF GREENVILLE, NORTH CAROLINA
ORDINANCE (#6) AMENDING ORDINANCE NO. 06-58
THE 2006-2007 CITY OF GREENVILLE BUDGET ORDINANCE

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

Section I. Estimated Revenues. General Fund, of Ordinance 06-58, is hereby amended by increasing estimated revenues in the amount indicated:

010-0000-321.09-00	Recreation Donations ^{A & G}	24,275
010-0000-321.28-00	Federal Forfeiture ^{B & F}	69,064
010-0000-321.32-08	Law Enforcement Block Grant ^{C & E}	12,000
010-0000-371.01-00	Appropriated Fund Balance ^D	1,615,084

Section II. Appropriations. General Fund, of Ordinance 06-58, is hereby amended by increasing appropriations in the amount indicated:

010-5051-413.74-05	Federal Forfeiture – Justice ^{B & F}	69,064
010-5060-412.07-00	Supplies and Materials ^C	5,000
010-5060-412.02-00	Travel ^C	5,000
010-5060-413.74-01	Equipment ^E	2,000
010-6063-422.07-00	Supplies and Materials ^G	14,275
010-9500-403.75-69	Park Equipment ^A	10,000
010-9600-492.04-00	Transfer to Capital Reserve ^D	1,615,084

Section III. Estimated Revenues. Capital Reserve Fund, of Ordinance 06-58, is hereby amended by increasing estimated revenues in the amount indicated:

070-0000-370.05-00	Transfer from General Fund ^D	1,615,084
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Section IV. Appropriations. Capital Reserve Fund, of Ordinance 06-58, is hereby amended by increasing appropriations in the amount indicated:

070-9600-492.09-00	Increase in Reserve ^D	1,615,084
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Section V. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section VI. This ordinance will become effective upon its adoption.

Adopted this 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

638961-v6

ORDINANCE NO. 07-____
CITY OF GREENVILLE, NORTH CAROLINA
ORDINANCE (#2) AMENDING PROJECT ORDINANCE NO. 05-50
WEST GREENVILLE REVITALIZATION
CAPITAL PROJECT BUDGET ORDINANCE

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

Section I. Appropriations. West Greenville Revitalization, of Ordinance 05-50, is hereby amended by increasing appropriations in the amount indicated:

113-4665-452.70-00 (R)	Relocation Costs	150,000
113-4665-452.72-00 (R)	Development Financing	75,000

Section II. Appropriations. West Greenville Revitalization, of Ordinance 05-50, is hereby amended by decreasing appropriations in the amount indicated:

113-4665-452.70-00	Infrastructure	150,000
113-4665-452.72-00	Development Financing	75,000

Section III. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section IV. This ordinance shall become effective upon its adoption.

Adopted this the 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk

ORDINANCE NO. 07-____
CITY OF GREENVILLE, NORTH CAROLINA
ORDINANCE (#2) AMENDING PROJECT ORDINANCE NO. 05-127
CENTER CITY REVITALIZATION
CAPITAL PROJECT BUDGET ORDINANCE

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

Section I. Appropriations. Center City Revitalization, of Ordinance 05-127, is hereby amended by increasing appropriations in the amount indicated:

114-4665-452.50-00 (R)	Acquisition	75,000
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Section II. Appropriations. Center City Revitalization, of Ordinance 05-127, is hereby amended by decreasing appropriations in the amount indicated:

114-4665-452.50-00	Acquisition	75,000
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Section III. All ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section IV. This ordinance shall become effective upon its adoption.

Adopted this the 8th day of February, 2007.

Robert D. Parrott, Mayor

ATTEST:

Wanda T. Elks, City Clerk



City of Greenville, North Carolina

Meeting Date: 2/8/2007
Time: 7:00 PM

Title of Item: Report on bids awarded

Explanation: The Director of Financial Services reports that the following bids were awarded in the month of January 2007 and are to be included on the City Council agenda for information.

<u>Date Awarded</u>	<u>Description</u>	<u>Vendor</u>	<u>Amount</u>
1/18/07	Six (6) 2007 Ford Crown Victorias (State Contract)	Capital Ford	\$126,698.00

Fiscal Note: Expenditure of \$126,698.00 was appropriated in the 2006-07 Budget (Vehicle Replacement Fund).

Recommendation: That the bid award information be reflected in the City Council minutes.

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