



Agenda

May 18, 2010
6:30 PM
Council Chambers

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I. INVOCATION - Linda Rich

II. ROLL CALL

III. APPROVAL OF MINUTES - April 20, 2010

IV. OLD BUSINESS

REZONINGS

1. Ordinance requested by Brown Family Investments, LLC to rezone 0.997 acres located at southeast corner of the intersection of Greenville Boulevard and Crestline Boulevard from O (Office) to CH (Heavy Commercial).

V. NEW BUSINESS

PRELIMINARY PLATS

2. Request by Bill Clark Homes of Greenville, LLC for a preliminary plat entitled "Langston Farms, Phase 11". The property is located north of Langston Farms, Phase 8A, 8B and Phase 10, north and west of the Lewis Land Development Property, east of the Dan R. and Stephen F. Morgan property and south of the Scott Baldwin property. The proposed development consists of 80 lots on 27.5847 acres.

TEXT AMENDMENTS

3. Request by the Community Development Department to amend the Historic Preservation Regulations to include a new section related to the use and location of residential solar collectors on locally designated historic properties and within locally designated historic districts.

VI. ADJOURN



City of Greenville, North Carolina

Meeting Date: 5/18/2010
Time: 6:30 PM

Title of Item: April 20, 2010

Explanation: Minutes from the April 20, 2010 Planning and Zoning Commission meeting

Fiscal Note: N/A

Recommendation: Review and Approval

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[April 20, 2010 Planning and Zoning Minutes](#)

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

April 20, 2010

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

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

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

VOTING MEMBERS: Ramey, Gordon, Parker, Randall, Basnight, Maxwell, Thomas, Rich

PLANNING STAFF: Wayne Harrison, Planner; Tom Wisemiller, Planner; Harry Hamilton, Chief Planner; Merrill Flood, Director of Community Development; and Sarah Radcliff, Secretary

OTHERS PRESENT: Dave Holec, City Attorney; David Brown, Engineer; Calvin Mercer, City Council Representative

MINUTES: Motion was made by Mr. Ramey, seconded by Mr. Thomas, to accept the March 16, 2010 minutes as presented. Motion carried unanimously.

NEW BUSINESS

Rezoning

Ordinance requested by Brown Family Investments, LLC to rezone 0.997 acres located at the southeast corner of the intersection of Greenville Boulevard and Crestline Boulevard from O (office) to CH (Heavy Commercial).

Mr. Gordon stated the board had received a request for continuance from Mike Baldwin on behalf of the applicants until the May 18, 2010 meeting.

Motion was made by Mr. Randall, seconded by Mr. Ramey to accept the request for continuance. Motion carried unanimously.

Text Amendments

Request by the Redevelopment Commission to amend the sign regulations to allow wall projection signs within the CD (downtown commercial) district subject to ordinance requirements and standards.

Mr. Harry Hamilton said this was a request from the Redevelopment Commission of the City of Greenville. He said the Redevelopment Commission deals with the Center City area and the West
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Greenville Revitalization project. He said the Center City is very unique in that parking, building setbacks, and signage are all unique to that area. Within the past year, several businesses have expressed interest in projection signage. Mr. Hamilton said projection signs were very common in the past in urban areas. He said the City's sign regulations were adopted in 1986 and were mainly geared toward a suburban environment where projection signs weren't really needed. He said projection signs are historically seen in areas with very little setback from the street right-of-way. Mr. Hamilton said staff had surveyed several other cities around the state and in other states and found a number of them currently allow projection signs. He said this amendment would only apply to the CD (downtown commercial) district. He showed the board some examples of current signage from the downtown area illustrating how difficult it is to see the signs. He then showed examples of projection signs from other areas illustrating how appealing they can be. Mr. Hamilton said the projection signs shall not be attached to the outside edge of a canopy or extend beyond any outside edge of a canopy. They may project horizontally from the building wall not more than three feet, or two-thirds the distance from the building wall to the inside edge of the street curb line as located at the time of sign permit approval, whichever is less. The sign display area of a projection wall sign shall be oriented perpendicular to the building wall. Mr. Hamilton said there shall not be more than twelve inches between the sign display areas of a double sided sign. He said three-dimensional projection wall signs not composed of flat sign display surfaces shall not be permitted. Projection wall signs shall be located on private property; provided however, a projection wall sign may encroach into the street right-of-way in accordance with an encroachment agreement approved by the City and/or State Department of Transportation. Buildings with two or more stories shall not have projecting signs located higher than the top wall plate of the second story or twenty-four feet, whichever is less. He said not more than one projection wall sign shall be allowed per each individual establishment. Projection wall signs for individual establishments located in a common building shall not be located closer than eight feet from any other projection wall sign. Projection wall signs shall be considered part of the total wall sign allowance; provided however, no projecting wall sign shall exceed ten total square feet in sign display surface area. A single side of a double face sign shall be utilized for the sign surface area calculation. Mr. Hamilton said the minimum height of a projection wall sign shall have an 8 ft. clearance, and when deemed necessary by engineering, a 10 ft. clearance. Mr. Hamilton said some of the potential benefits of projection signage are the economic benefits of increased visibility; it fosters a pedestrian friendly environment, is aesthetically pleasing and is in historical context with the downtown area. Mr. Hamilton showed the areas where the rules would apply and stated the area would be expanded in the future to Tenth Street and in the vicinity of the railroad tracks.

Ms. Basnight asked if the signs could be lighted.

Mr. Hamilton said lights were permitted; however, flashing lights were not allowed in the City.

Mr. Thomas asked if there were any potential impacts to the Fire Department or Utilities Department.

Mr. Hamilton said there were not. He said one of the conditions is that the signs could not project beyond the property line without an encroachment agreement.

No one spoke in opposition to the request.

Motion was made by Mr. Ramey, seconded by Mr. Parker 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. All members except Ms. Basnight voted in favor. Motion carries.

OTHER ITEMS OF BUSINESS

Request for a special use permit for a Land Use Intensity Dormitory 67, residential development consisting of 30 one (1) bedroom units, 30 two (2) bedroom units, 57 three (3) bedroom units, and 117 four (4) bedroom units (234 total units with 729 beds)

Mr. Dave Holec, City Attorney, reviewed the process for this request with the board. He said the authority to grant or deny the special use permit lies with the Planning and Zoning Commission and will not go before City Council. He read the Required Findings:

1. Ownership. That the applicant for a special use permit to develop the Land Use Intensity Development, filed as Request # 10-01, is the legal owner of the subject property as evidenced by Deed Book 2656, Page 113, Deed Book 596, Page 203, Deed Book 2182, Page 863, Deed Book 2592, Page 683, Deed Book 1650, Page 820, Deed Book 900, Page 809 and Deed Book 615, Page 254 of the Pitt County Registry.
2. Notice. That those persons owning property within one hundred (100) feet of the proposed development, as listed on the current county tax records, were served notice of the public hearing by first class mail in accordance with applicable requirements; and that notice of a public hearing to consider the special use permit was published on April 5, 2010 and April 12, 2010 in the Daily Reflector, a newspaper having general circulation in the area, as required by law.
3. Utility Service. The Planning and Zoning Commission must find that the use has existing or proposed utility services which are adequate for the population densities as proposed.
4. Traffic. The Planning and Zoning Commission must find that the use is properly located in relation to arterial and collector streets and is designed so as to provide direct access without creating traffic which exceeds acceptable capacity as determined by the city engineer on streets in adjacent areas outside the development.
5. Health and Safety, Public Welfare, Nuisance or Hazard. The Planning and Zoning Commission must find that the use (i) will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use, (ii) will not be detrimental to the public welfare, and (iii) will not constitute a nuisance or hazard, if located and developed according to the plan as submitted and approved. Such health and safety, public welfare and nuisance or hazard considerations include but are not limited to the following:
 - (a) The number of persons who can reasonably be expected to live within or frequent the development at any one time.
 - (d) The intensity of the proposed development in relation to the intensity of adjoining and area uses.
 - (c) The visual impact of the proposed development as viewed from adjacent properties and

- public street rights-of way.
- (d) The location and extent of exterior physical activities of the proposed use including common recreation areas and facilities, and common and/or private patios, porches, balconies and open spaces.
 - (e) The reasonably anticipated noise or other objectionable characteristics that will result from the proposed use, or as a result of any element of project design.
 - (f) The safe and convenient location of all on-site parking and drives.
 - (g) The existing vehicular traffic on area streets.
 - (h) The reasonably anticipated increase in vehicular traffic generated by the proposed development.
 - (i) The condition and capacity of area street(s) which will provide access to the proposed development.
 - (j) The visibility afforded to both pedestrians and operators of motor vehicles both on-site and off-site.
 - (k) The anticipated, existing and designed vehicular and pedestrian movements both on-site and off-site.
6. Conditions and Specifications. The Planning and Zoning Commission must find that the use meets all required conditions and specifications.
7. Injury to Property or Improvements. The Planning and Zoning Commission must find that the use will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood or in the alternative, that the use is a public necessity.
8. Location and Character. The Planning and Zoning Commission must find that the location and character of the use if developed according to the plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Land Use Plan of the City of Greenville and its extraterritorial jurisdiction.

Mr. Holec asked anyone wishing to speak either for or against the request to come forward and be sworn.

Mr. Wayne Harrison, planner, said this was a request by Edwards Communities Development Company, agent, for a special use permit for a Land Use Intensity Dormitory 67, residential development consisting of 30 one (1) bedroom units, 30 two (2) bedroom units, 57 three (3) bedroom units and 117 four (4) bedroom units (234 total units with 729 beds). He said the property is located between 10th Street and E. 14th Street, west of Green Mill Run and Rock Spring subdivision. The property is further identified as Tax Parcel Numbers 01428, 01661, 19412, 19730, 24471, 32776 and a portion of 29048. Mr. Harrison said the property is zoned OR-UC, office-residential with an urban core overlay. North of the property is zoned OR, office-residential, and OR-UC and contains three Greek housing facilities, three apartment complexes, and two single-family residences. South of the property is zoned OR, office-residential, and CN, neighborhood commercial, and contains a convenience store, a car wash, three ECU facilities and a parking lot. East of the property is zoned OR. This property is owned by the State of NC and is vacant (wooded). West of the property is zoned CDF, commercial downtown fringe, and contains a convenience store/bus station, two offices, two duplexes, three single-family residences, an ECU facility, Dominos Pizza and the Masonic Lodge. Mr. Harrison said the property contains 15.81 gross acres. The eastern portion of the property is in the 100 year floodplain and also contains some wetlands. He said the developer is

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working with the core of engineers at FEMA and DENER to determine the exact location of the floodplain and the wetlands. The property currently contains Green Mill Run Apartments, King's Arms Apartments, three single-family residences and the Real Crisis Center. He said the property will be served by driveways located on Charles Boulevard and Eleventh Street. Mr. Harrison said the proposed construction includes nine apartment buildings, a clubhouse located within one of the apartment structures, a maintenance building, a swimming pool, volleyball court and associated parking areas. There are 624 parking spaces proposed, which is a change from the 631 spaces that were stated in the packet. Mr. Harrison said after staff review, seven parking spaces had to be removed. He said only 547 spaces are required. The Future Land Use Plan Map recommends commercial at the northeast corner of the intersection of Charles Boulevard and East 14th Street with office/institutional/multi-family (OIMF) in the interior areas. Further, the Future Land Use Plan Map recommends conservation/open space (COS) along Green Mill Run, which is the eastern boundary. The multi-family component of the office/institutional/multi-family category is considered high density residential. Mr. Harrison said the proposed density of 14.81 units per net acre is within the high density residential category which is a maximum of 17 units per net acre. Standard multi-family development, which does not require a special use permit, will allow 237 three bedroom units which is a total of 711 bedrooms. He said per the Land Use Intensity 67 standards, the developer has proposed to construct 30 one bedroom units, 30 two bedroom units, 57 three bedroom units and 117 four bedroom units, which is a total of 234 units with 729 bedrooms. This is 18 more bedrooms than the maximum allowed under standard by right high density multi-family development. If approved, the project must undergo an additional administrative site plan process for approval of engineering, utility and other specific requirements. Administrative site plan approval shall be subject to special use permit approval and any conditions thereof that the commission may add. Mr. Harrison said the Planning and Zoning Commission may, in its discretion, attach conditions to the plan that exceed the minimum standards when it is found that such conditions are necessary to insure that the proposed development will be compatible with adjacent areas. Such conditions may include, but are not limited to, setbacks, parking, screening, landscaping, bufferyards, density or other requirements. Mr. Harrison said if the Commission finds the petition satisfies all the required criteria, staff recommends the following conditions be included in the motion to approve:

1. Occupancy limited to one (1) bed and one (1) person per bedroom.
2. Outside recreation equipment shall be restricted to the designated recreation area.
3. There shall be twenty-four (24) hour on-site professional management "on-call" at a phone number available to any interested party. Phone calls to such number shall be answered by a live person at all hours.
4. The owner/management shall request East Carolina University student transit service and shall cooperate fully with the University in the provision of such service.
5. The project design shall accommodate buses used in public transportation.

Mr. Harrison said the Engineering Department also has listed some requirements:

1. The developer shall construct an exclusive right turn lane at its proposed main driveway on Charles Boulevard. As part of this improvement, the developer will also be required to re-install the sidewalk recently completed by the City along Charles Boulevard on the east side of the street.
2. The developer shall be required to construct sidewalks along one side of the road at the following locations: 11th Street between Lawrence Street and Anderson Street; Lawrence Street between 11th Street and 10th Street; and Anderson Street between 11th Street and 10th Street.
3. The developer shall install a pedestrian refuge island on East 10th Street if required by staff as part of the staff's review process and discussion with

NCDOT.

Mr. Harrison said a simple majority vote of a quorum of those members present and eligible to vote in favor of the request is required on each of the following findings to approve this request:

1. Ownership- That the applicant for the special use permit is the legal owner of the subject property.
2. Notice- That the persons owning property within 100 feet of the proposed development were served notice of the public hearing and notice was published in the Daily Reflector
3. Utility Service- That the use does have existing or proposed utility services which are adequate.
4. Traffic- That the use is properly located and is designed so as to provide direct access without creating traffic which exceeds acceptable capacity.
5. Health and Safety public welfare, nuisance or hazard- That the use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use.
6. Conditions and specifications- That the use does meet all required conditions and specifications.
7. Injury to Property or Improvements- That the use will not injure, by value or otherwise, adjoining or abutting property.
8. Location and Character- That the location and character of the use will be in harmony with the area in which it is to be located.

He asked that the findings of fact be entered into the record.

Mr. David Tyndall, Vice President of Edwards Communities, spoke in favor of the request. He said they did not have any problems with any of the conditions staff had requested.

No one spoke in opposition to the request.

Mr. Gordon read the Findings of Fact. Motion was made by Mr. Thomas, seconded by Mr. Ramey to approve the Findings of Fact. Motion carried unanimously.

Motion was made by Mr. Ramey, seconded by Ms. Rich, to approve the application with the conditions. Motion carried unanimously.

Based on the facts found by the Board and the evidence presented, the Board orders that this permit be granted and subject to full compliance with all of the specific requirements stated in the Zoning Ordinance of the City of Greenville for the proposed use.

Request to close portions of Twelfth Street, Lawrence Street, and a portion of the public right-of-way at the intersection of Anderson Street and Eleventh Street.

Mr. David Brown, City Engineer, said this item was associated with the item just approved for Edwards Communities Development Company to construct a new student living complex. The proposed site is located north of 14th Street, east of Charles Boulevard, south of Eleventh Street and west of Green Mill Run. Mr. Brown said the developer has identified that it will be necessary to acquire various properties, portions of properties and portions of street rights-of-way to facilitate the construction of the proposed development. He said staff had received a petition from the Board of the Greenville Masonic Temple, located at 1104 Charles Street, requesting to close a portion of

Twelfth Street, Lawrence Street and a portion of the public right-of-way at the intersection of Anderson Street and Eleventh Street. The petition identifies the segments from Twelfth Street beginning at its intersection with Charles Street to its intersection with Lawrence Street and the portion of Lawrence Street, beginning at its intersection with Twelfth Street up to its intersection with Eleventh Street and a small portion of the right-of-way at the intersection of Eleventh and Anderson Streets. Mr. Brown said based upon the proposed site plan, staff has no objection to the request in regards to closing the public rights-of-way as associated with the segments of Twelfth Street and Lawrence Street. He said staff does not recommend the closing of the area identified as Tract 2, at the intersection of Anderson Street and Eleventh street, due to need to retain the public right-of-way for the existing utilizes' infrastructure. He said this matter had been discussed with the petitioner and the developer and they are in concurrence with it and would be removing it from the request. Mr. Brown said the order to close the public rights-of-way for the identified street segments of Twelfth Street and Lawrence Street would become effective upon recordation of a final plat and in accordance with subdivision regulations for Greenville, North Carolina which combines the lots as identified within Pitt County Register of Deeds office consisting of parcels 32776, 19412, 01661, 24471, 19730, 01428 and the eastern portion of parcel number 29048 that said lots are one lot of record. The final plat will also include the necessary dedicated utility easements for all utilities to remain as reflected.

Durk Tyson with Rivers and Associates spoke in favor of the request on behalf of the applicant. He confirmed that the applicant was not opposed to removing tract 2 from the request.

No one else spoke in favor or opposition to the request.

Motion was made by Mr. Randall, seconded by Mr. Thomas to approve the request excluding Tract 2. Motion carried unanimously.

Comprehensive Plan Review: Future Land Use Plan Map consideration of Area of Interest #5 (Old Pactolus Road), continued from the March 16, 2010 meeting

Mr. Wisemiller gave the background for the request. He said a public hearing was held at the March 16, 2010 meeting and the commission chose to continue the request to this month. The primary area is on the south side of Old Pactolus Road corridor (107+/- acres) and the additional area is the property located to the north and east of the primary area, on both sides of Old Pactolus Road (262+/- acres). He said the FLUPM recommends a large concentration of commercial in the area to support the Regional Focus Area. Commercial development in floodplain exposes personal property and public safety to lower risk than residential development. Mr. Wisemiller said due to the changed conditions in the local development pattern, which impacted the site in a manner and to a degree not previously anticipated, a change to the FLUPM might be warranted if other criteria are met.

Mr. Jim Hopf, attorney, spoke on behalf of the applicant. He handed out a booklet to the commission members supporting his case. He said he had also given a copy of the booklet to Mr. Holec and staff, as well as to Ms. Holland, who previously spoke in opposition to the request and owns the adjoining property. Mr. Hopf went over the steps the applicant had taken since the previous meeting. He said they had sent out 88 letters to impacted owners and residents and had received 13 responses. He said he had spoken with all of those individuals and discussed their concerns and had satisfied them. Mr. Hopf said there was one individual who still had questions and they had attempted to meet him at the property several times, but were unable to do so. He said Dr. Richard Spruill, hydrogeologist with

Groundwater Management Associates, had made a site visit regarding wetland and environmental issues for the subject property. Mr. Hopf said he had discussed issues regarding Trespass Agreements for the property with Sheriff Mac Manning as well as the Greenville Police Department. He said they had met with 9 interested owners/residents to discuss issues they had. They also had discussions with residents of Santree Mobile Home Park regarding use issues. Mr. Hopf said they had spoken with the adjacent farm owners and extended an Offer of Compromise. They had also obtained "Calls for service" information from the Greenville Police Department for the last five years to investigate allegations and area complaints. There were no complaints related to the property being requested for consideration.

Ms. Sue Holland spoke in opposition to the request. She said her farm was located east of the primary area. She requested her farm be left in its current state and not changed to commercial. She said she was not pleased with the commercial land use that Mr. Hopf is proposing because she believes it would be detrimental to the wildlife in the area. She said she had met with Mr. Hopf and his son. She said Mr. Hopf has a lot of experience with land use change and felt challenging him would be an uphill battle. Ms. Holland said though she felt this proposal was not in her best interest, she felt the change would be approved and hoped that they would be able to work with the new tenants if the board decides to approve the request.

Mr. Jim Crozier spoke in opposition to the request on behalf of John Conley. He read a statement prepared by Dr. Conley, an Environmental Biologist with East Carolina University, regarding the NC Heritage Program.

Donna Hemby, property manager for Santree Mobile Home Park, spoke in opposition to the request. She said according to the applicant's webpage and Facebook page they have been operating as a business since September. She said there were references to them charging people to perform in events. She said they made reference to digging on the website on December 7th. Ms. Hemby said several of her tenants had complained of the noise and the trash.

Mr. Maxwell asked how much of an issue the noise was.

Ms. Hemby said it was more of a weekend issue.

Mr. Thomas asked if she had filed any complaints to the City or Sheriff's Department regarding noise issues.

Ms. Hemby said she had called and was told there was a noise ordinance, but as long as it was not over a certain meter, there wasn't a lot they could do.

Mr. Thomas asked if they came on site.

Ms. Hemby said she never saw them show up.

Mr. Richard Hill spoke in opposition to the request. Mr. Hill said he owned property across the street from the proposed development. He said he had heard they were considering using the property as a motocross park during the off months when they couldn't wakeboard and was very opposed to that. He said they would be putting a building at the front of the property for the sale of wakeboards and

related items. He said he felt there was a reason why this was the only wakeboard park in North Carolina.

No one else spoke in opposition.

Mr. Jim Hopf spoke in favor in rebuttal. He said the reason there were none of these currently in North Carolina is because this is a new sport that is huge in Europe. He said there was no building planned for the road front. He said he wasn't sure where the motocross idea was coming from, but the applicants were not interested in it and the owners wouldn't allow it. Mr. Hopf said there were no police reports to support the noise allegations. He said his son was in Raleigh when he formed Lakeside Sports, LLC and he gives lessons. He said the prices on the web site were for lessons. He said the park was presently a privately used training facility that they would like to open up to the public. Mr. Hopf said they felt this was an appropriate use for a floodplain area.

Mr. Thomas asked for clarification on the structure.

Mr. Hopf said the only structure he had heard anything about would be one the city required depending on the use, such as a bathhouse.

Mr. Maxwell asked if there was a P.A. system being used.

Mr. Hopf said they had held a couple of events where they used a P.A. system to announce who was riding.

Mr. Randall asked about the comment regarding digging that was mentioned.

Mr. Hopf said there had been no digging of the ponds. He said there was some digging in an upland area to make a starting point to go into the pond.

Ms. Basnight asked how many would be in the pond at one time.

Mr. Hopf said there would generally only be one Seadoo and one wake boarder in the pond at the time.

Mr. Parker asked how many people had participated or gone to see previous events.

Mr. Hopf said there were approximately 20 riders and 60 spectators in and out during various times of the event.

Mr. Maxwell asked how much noise was produced by the Seadoos.

Mr. Hopf said when they met with the nine owners they had no complaints with the Seadoos. He said he could not hear the Seadoo if he was on the opposite side of the pond.

Ms. Basnight asked why they needed to do this if they were already operating.

Mr. Hopf said they were not charging for the events or lessons at this time.

Ms. Basnight asked what the fees on the website were for.

Mr. Hopf said he suspected those were put up when the interest was started before he knew he had to go through this process.

No one spoke in opposition in rebuttal.

Mr. Gordon closed the public hearing and called for board discussion.

Motion was made by Mr. Ramey to delete the additional area from the request and approve the project.

Mr. Gordon said that it wasn't necessary to delete the dotted line area because staff was not recommending it and the applicant wasn't requesting it.

Motion was made by Mr. Ramey, seconded by Mr. Thomas, to approve the primary area. All but Mr. Parker, Mr. Maxwell and Ms. Basnight voted in favor. Motion carried.

Comprehensive Plan Review: Future Land Use Plan Map consideration of Area of Interest #6 – SW Greenville Boulevard

Mr. Wisemiller stated the primary area is on the south side of SW Greenville Boulevard and contains approximately 84.5+/- acres with the additional area including the Greenville Christian Academy and another adjacent area near the corner of SW Greenville Boulevard and Dickinson Ave Ext. (total 48.1+/- acres). He said in 1995 there was a request to rezone 32.6 acres of the primary area from RA20 to O&I, CS and R-6 that was denied. The property is located in Vision Area E of the Comprehensive Plan. SW Greenville Boulevard is a connector corridor and a major thoroughfare. On the south side of SW Greenville Boulevard the FLUPM recommends an OIMF transitional/buffer. Mr. Wisemiller said the primary area also includes MDR and C/OS. There are two regional focus areas. He said the purpose of the OIMF belt on the south side of SW Greenville Boulevard is for transition of uses, infrastructure management and to minimize "strip" commercial development. Mr. Wisemiller said staff has not identified changed conditions that have impacted the primary area in a manner or to a degree not previously anticipated at the time of adoption of the current FLUPM; therefore, no change appears to be warranted. He said proposed changes to the FLUPM should also meet other consideration criteria. If P&Z recommends that the FLUPM be amended to include commercial in the primary area, staff recommends that any such changes correspond to include a connection to the regional focus area at SW Greenville Boulevard and Dickinson Avenue Extension. The new configuration should include OIMF transitions, as necessary, long-term strategy for managing commercial development in a regional focus area, preservation of the remaining OIMF "belt" on SW Greenville Boulevard, moderately reduced in scope, and should limit "strip" commercial development.

Mr. Randall asked why the church wouldn't serve as the transition from commercial since it is zoned OIMF.

Mr. Wisemiller said it would but you would still want to have some buffer between the commercial on the corridor and the church property.

Mr. Hamilton said the applicant had presented that as a part of their request.

Mr. Jon Day spoke in favor of the request on behalf of the applicant. He said the concerns in the past over rezoning this property dealt with the multi-family component of the request. He said this request was to extend the existing commercial shown on the land use plan. He said they proposed to leave an OR buffer to buffer the commercial from the adjacent church and the medium density residential located to the south. Mr. Day said they had discussed the request with a number of property owners that were in support of the request. He said residents of the Red Oak subdivision were concerned with OR or multi-family zoning adjacent to the neighborhood.

Mr. John Moye, Jr. spoke in favor of the request. He said he felt these changes would benefit the property as well as the area.

Ms. Rich asked what they planned to develop there.

Mr. Moye said they didn't have a plan at this time, but they anticipated some type of shopping center.

Mr. Reggie Outerbridge, president of the Red Oak Subdivision, spoke in opposition to the request. He said they were concerned with what would be placed in the area because it could be many things if the property is rezoned to commercial. He said traffic was already an issue in the area and this could make it worse.

Mr. Ed Tilley, resident of the Red Oak Subdivision, spoke in opposition to the request. He said he was part of the opposition for the multi-family request several years ago. He was concerned with the connectivity of the streets into Red Oak Subdivision.

Mr. Jon Day spoke in favor in rebuttal. He said when they met with the residents of Red Oak they didn't know what would be proposed. He said he explained it would more than likely be a mixture of tenants that would meet their retail needs. He said there was an opportunity to have some interconnectivity around the church, alleviating some of the traffic problems.

Ms. Lillian Outerbridge of the Red Oak Subdivision spoke in opposition in rebuttal. She said she was happy to be able to communicate with Mr. Moye and Mr. Day; however she still has concerns because they haven't been told "what" or "how" any of this would be done.

Motion was made by Mr. Ramey, seconded by Mr. Randall to approve the area as recommended by staff. All but Mr. Parker and Mr. Maxwell voted in favor. Motion carried.

Comprehensive Plan Review: Future Land Use Plan Map consideration of Area of Interest #7 – Hwy 264/Martin Luther King, Jr. Hwy/Old Stantonsburg Road (Medical Foundation of ECU)

Mr. Wisemiller stated the primary area is located at the southwest corner of the intersection of Hwy. 264 and MLK Hwy., bordered by Old Stantonsburg Road to the south (97+/- acres, not including future right-of-way). The additional area consists of private land adjacent to primary area (84+/- acres). The property is located in Vision Area F of the Comprehensive Plan. Old Stantonsburg Road is a residential/connector corridor. He said the FLUPM recommends OIMF and C/OS for the subject property. The property has no frontage on Old Stantonsburg Rd with OIMF currently on both sides of Old Stantonsburg Rd. He said at the time of the 2004 plan the Army Corps of Engineers identified

the area as potential wetlands but the property owner plans to address that is not the case. Mr. Wisemiller said there is a community focus area at the intersection of 264/Stantonsburg Road and B's Barbecue Road and a neighborhood focus area at the south side of Old Stantonsburg Rd. He said Old Stantonsburg Rd. is a major thoroughfare. The primary area is vacant and mostly wooded. He said the primary area has limited development potential due to lack of access. He said the land use and economic impacts would likely be similar, whether the corridor remained OIMF or were amended to Commercial. Mr. Wisemiller said staff has no objection to the FLUPM being amended to allow for commercial in the primary area, provided that any change meets FLUPM change consideration criteria. He said the community did not anticipate environmental conditions (or lack thereof) when the FLUPM was updated; therefore, a change might be warranted, provided other criteria are met. The change could be consistent with intent of *Horizons* in terms of development intensities, the primary area should be well buffered, and potential traffic and other impacts are not expected to be more intensive than what would be generated by potential OIMF uses.

Mr. Jon Day spoke in favor of the request on behalf of the applicant. He submitted a copy of a designation from the U.S. Army Corps of Engineers that designates the area being uplands, excluding a .014 acre portion that is wetlands. Mr. Day said this could potentially be a hotel/motel site with some multi-family.

Motion was made by Mr. Ramey, seconded by Mr. Randall to approve the request. Motion carried unanimously.

Comprehensive Plan Review: Future Land Use Plan Map consideration of Area of Interest #8 – S. Memorial Drive

Mr. Wisemiller said the primary area is located at the NE corner of S. Memorial Drive and W. Arlington Boulevard, extending for approximately 290 feet (0.95+/- acres). The additional area is to the north and south of the primary area (2.4+/- acres). He said the Task Force rezoned lots in the primary and additional area from R6 to R6S to prohibit multi-family. In January 2008, planning staff evaluated 30 lots fronting the eastern right-of-way of the S. Memorial Drive corridor, including subject areas and determined that low intensity non-residential uses were recommended (OIMF); long-term livability of single-family dwellings fronting Memorial Drive was expected to diminish over time, rezoning to O (office-only) was recommended for both existing OR and R6S properties. The property is located in Vision Area G of the Comprehensive Plan. S. Memorial Drive is a connector corridor and a major thoroughfare. The FLUPM recommends OIMF in the primary and additional areas, with O (office-only) preferred due to the multi-family restriction. Intermediate and community focus areas are in the vicinity, both of which are on the west side of the S. Memorial Drive corridor, where the FLUPM recommends intensive commercial uses, especially at/near the intersection of S. Memorial Drive and Dickinson Avenue. He said the FLUPM configuration for S. Memorial Drive corridor, the general intent of *Horizons* plan for the area, and the Task Force recommendations, all point to the following key land use recommendation for the primary and additional areas:

- Facilitate conversion of single-family residences to office-only uses, while prohibiting conversions to multi-family dwellings
- No indication that commercial is a preferred use in these areas

Mr. Wisemiller said staff has not identified changed conditions that have impacted the primary area in a manner or to a degree not previously anticipated at the time of adoption of the current FLUPM and in the absence of any such new conditions, no change is warranted.

Mr. Sue Williams spoke in favor of the request. She said she was part owner of three of the subject lots. She felt Memorial Drive would continue to progress and felt this was a good time to change the Future Land Use Plan to reflect that.

Mr. Randall asked when the Comprehensive Plan would be reviewed again.

Mr. Wisemiller said it would be another five years.

Mr. Steve Evans spoke in favor of the request. He said he owned some of the property in the additional area. He felt this would be a great transition for the area and was in support of the change.

Mr. Samuel Cannon spoke in opposition to the request. He is a resident of the subdivision located behind the primary area. He felt this change would bring crime to the area and was opposed to the change.

Mr. Jerry Williams spoke in favor in rebuttal. He said he didn't feel crime was associated with a retail use. He said if that were the case, Lynndale would be in trouble because of Red Banks shopping center.

Mr. Cannon spoke in opposition in rebuttal. He said Red Banks was nothing like this area.

Mr. Randall asked Mr. Cannon if he felt crime had increased with some of the businesses that have been added along Memorial Drive.

Mr. Cannon said it had.

Ms. Basnight asked how deep the lots were in the primary area.

Mr. Wisemiller said they were approximately 150 feet deep.

Motion was made by Mr. Parker, seconded by Ms. Basnight to deny the request and leave the property as it is now. Motion carried unanimously.

Public and Commission Comment Period and Request for Changes and/or additions to the Horizons Plan text or the 2009-2010 Horizons Plan Review Report.

There was no public comment.

There being no other business the meeting adjourned at 9:20p.m.

Respectfully submitted,

Merrill Flood
Secretary



City of Greenville, North Carolina

Meeting Date: 5/18/2010
Time: 6:30 PM

Title of Item: Ordinance requested by Brown Family Investments, LLC to rezone 0.997 acres located at southeast corner of the intersection of Greenville Boulevard and Crestline Boulevard from O (Office) to CH (Heavy Commercial).

Explanation:

Required Notice:

Planning and Zoning Commission meeting notice (property owner and adjoining property owner(s) letters) mailed on May 4, 2010.
On-site sign(s) posted on May 4, 2010.
City Council public hearing notice (property owners and adjoining property owner(s) letters) mailed - N/A at this time.
Public hearing legal advertisement published - N/A at this time.

Comprehensive Plan:

The subject property is located in Vision Area E.

Greenville Boulevard is designated as a connector corridor from its intersection with Charles Boulevard to its intersection at Dickinson Avenue. Connector corridors are anticipated to contain a variety of higher intensity land uses.

Crestline Boulevard is a standard residential collector street that provides access to Greenville Boulevard.

The Future Land Use Plan Map recommends office/institutional/multi-family (OIMF) along the southern right-of-way of Greenville Boulevard from Hooker Road to the western (Greenville Boulevard) entrance of Belvedere Subdivision, transitioning to medium density residential (MDR) in the interior areas to the south. Office development is preferred in lieu of multi-family in the areas abutting single-family neighborhoods.

The Comprehensive Plan states that, "office/institutional/multi-family development should be used as a buffer between light industrial and commercial

development and adjacent lower density residential land uses."

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

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 4,740 trips to and from the site on Greenville Boulevard, which is a net increase of 4,634 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. Access to the tract from Greenville Boulevard will be reviewed. Access will be maintained from the existing adjacent lot on Greenville Boulevard since it has the same property owner and same zoning as the lot directly fronting Greenville Boulevard.

History/Background:

In 1969, the property was zoned R9 (residential). In 1985, the subject tract was rezoned from R9 to O (office).

In 1995, there was a similar request to rezone property from O (Office) to CH (Heavy Commercial) at this same location. This request created the current office buffer (100 feet wide) along Crestline Boulevard with additional commercial property along Greenville Boulevard. In addition, by private agreement with the neighborhood, certain improvements including a landscape berm and plantings were subsequently installed. This resulted in the current zoning pattern and situation as it exists today.

In 2009, there was a similar rezoning request that was withdrawn prior to Planning and Zoning Commission consideration.

Present Land Use:

Brown and Wood Automotive Dealership and vegetative buffer for the Bevedere Subdivision.

Water/Sewer:

Water and sanitary sewer are available in the right-of-way of Greenville Boulevard.

Historic Sites:

There is no known effect on designated sites.

Environmental Conditions/Constraints:

There are no known environmental constraints.

Surrounding Land Uses and Zoning:

North: CH - Former Lone Star Restaurant and a convenience store
South: O - vacant (10-foot wide strip of property under common ownership as applicant) between the proposed CH zoning and R9S zoning
East: CH - Brown and Wood Dealership (under common ownership as applicant)
West: R9S - University Church of Christ

Density Estimates:

Under the current zoning (O), the site could yield 9,554 square feet of office space.

Under the proposed zoning (CH), the site could yield 9,554 square feet of retail/conventional restaurant/fast food restaurant.

Additional Staff Comments:

Of primary concern is the protection of the Belvedere Subdivision entrance. The intersection of Greenville Boulevard and Crestline Boulevard serves as a primary entrance into a substantial single-family neighborhood.

A similar zoning pattern has been established at the intersection of Greenville Boulevard and Belvedere Drive, which is another entrance into the neighborhood, with office zoning on both corner lots.

The proposed rezoning will eliminate the office buffer along Crestline Boulevard that was established by the previous rezoning in 1995.

At minimum, staff would recommend that the applicant retain an office buffer in lieu of commercial along Crestline Boulevard to protect the interest of the neighborhood.

The existing office zoning contains a compatible mix of business and office uses and serves as a transition between the commercial activities on Greenville Boulevard and the residential dwellings in the interior. Office zoning is the most restrictive non-residential zoning district. There is no residential option under the office zone.

This specific property has been the subject of a past rezoning request and continuing neighborhood concerns have resulted in the current zoning. Office zoning is the preferred zoning for this location due to the intersection's function as a primary entrance into the neighborhood.

Under Article O. Parking, the proposed office zoning allows for cross-district parking for uses in the proposed CH district.

Any specific improvements above minimum bufferyard and street tree requirements, including additional plantings and the like, which the applicant may voluntarily offer, would be by private agreement. The City cannot

participate in the development of, or in the enforcement of, any private agreements associated with any rezoning.

Fiscal Note: No cost to the City.

Recommendation: In staff's opinion, the request is not in compliance with Horizons: Greenville's Community Plan and the Future Land Use Plan Map due to the absence of an adequate buffer or other conditions(s) determined sufficient to protect the interest of the neighborhood. The inclusion of transitional zoning or other private conditions of development that are agreeable to the affected neighborhood residents, may accomplish the intent of the Plan.

The Plan recommends that buffers to commercial development be provided to minimize negative impacts on low density residential developments in proximity. Accomplishment of that objective is the primary concern.

"Not in compliance with the comprehensive plan" should be construed as meaning the requested rezoning (i) is specifically noncompliant with plan objectives and recommendations including the range of allowable uses in the proposed zone, etc., and/or of a scale, dimension, configuration or location that is not objectively in keeping with the plan intent and (ii) does not promote or preserve the desired urban form. The requested rezoning is considered undesirable and not in the public interest and staff recommends denial of the requested rezoning.

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 districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

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

Attachments / click to download

- [📎 Location Map](#)
- [📎 Survey](#)
- [📎 Bufferyard and Vegetation Chart](#)
- [📎 Rezoning Case 10_05 Brown Family Investments_862834](#)
- [📎 List of Uses R9S to O CH 691994](#)

REZONING THOROUGHFARE/TRAFFIC VOLUME REPORT

Case No: 10-05

Applicant: Brown Family Investments, LLC

Property Information

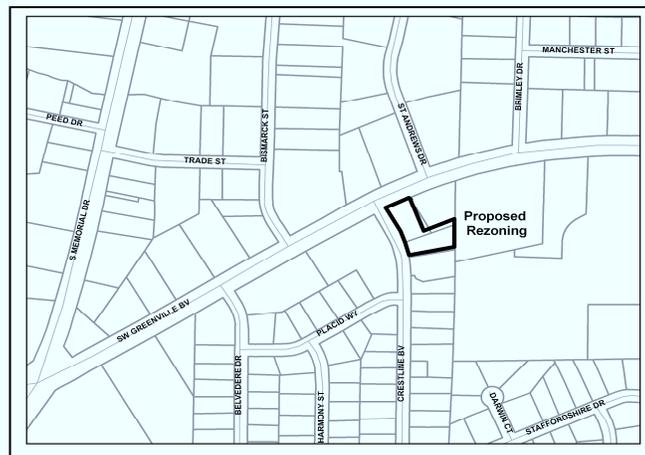
Current Zoning: Tract: 1 O (Office)

Proposed Zoning: Tract: 1 CH (Heavy Commercial)

Current Acreage: Tract: 1 0.997 acres

Location: Greenville Blvd

Points of Access: Greenville Blvd, Crestline Blvd



Location Map

Transportation Background Information

1.) Greenville Blvd.- State maintained

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	4 lanes	6 lanes
Right of way width (ft)	100	110
Speed Limit (mph)	45	45
Current ADT:	39,000 (*)	Ultimate Design ADT: 45,000 vehicles/day (**)
Design ADT:	33,500 vehicles/day (**)	
Controlled Access	No	
Thoroughfare Plan Status:	Major Thoroughfare	

Other Information: There are no sidewalks along Greenville Blvd. that service this property.

Notes: (*) 2008 NCDOT count adjusted for a 2% annual growth rate
(**) Traffic volume based an operating Level of Service D for existing geometric conditions
ADT – Average Daily Traffic volume

Transportation Improvement Program Status: (from priority list; unfunded) Greenville Blvd- widen to 6 travel lanes and improve intersections from NC 11 to Tenth St.

Trips generated by proposed use/change

Current Zoning: 106 -vehicle trips/day (*) **Proposed Zoning: 4,740** -vehicle trips/day (*)

Estimated Net Change: increase of 4634 vehicle trips/day (assumes full-build out)
(* - These volumes are estimated and based on an average of the possible uses permitted by the current and proposed zoning.)

Impact on Existing Roads

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

1.) Greenville Blvd. , East of Site: **“No build” ADT of 39,000**

Estimated ADT with Proposed Zoning (full build) – 41,370

Estimated ADT with Current Zoning (full build) – 39,053

Net ADT change = 2,317 (6% increase)

Case No: 10-05

Applicant: Brown Family Investments, LLC

2.) Greenville Blvd. , West of Site:**“No build” ADT of 39,000**

Estimated ADT with Proposed Zoning (full build) – 41,370

Estimated ADT with Current Zoning (full build) – 39,053**Net ADT change = 2,317 (6% increase)****Staff Findings/Recommendations**

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 4740 trips to and from the site on Greenville Blvd., which is a net increase of 4634 additional trips per day.

During the review process, measures to mitigate the traffic will be determined. Access to the tract from Greenville Blvd. will be reviewed. Access will be maintained from the existing adjacent lot on Greenville Blvd. since it has the same property owner and same zoning as the lot directly fronting Greenville Blvd.

EXISTING ZONING

O (Office)

Permitted Uses

(1) General:

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

(2) Residential:

* None

(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

(7) Office/ Financial/ Medical:

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

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- 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)
- 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

(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:

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

O (Office)
Special Uses

(1) General:

* None

(2) Residential:

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

(3) Home Occupations (see all categories):

* None

(4) Governmental:

a. Public utility building or use

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

* None

(7) Office/ Financial/ Medical:

* None

(8) Services:

a. Child day care facilities

b. Adult day care facilities

j. College and other institutions of higher learning

l. Convention center; private

bb. Civic organizations

cc. Trade and business organizations

(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

CH (Heavy Commercial)

Permitted Uses

(1) *General:*

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

(2) *Residential:*

* None

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

*None

(4) *Governmental:*

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

(5) *Agricultural/ Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- b. Greenhouse or plant nursery; including accessory sales
- d. Farmers market
- e. Kennel (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use

(6) *Recreational/ Entertainment:*

- b. Golf course; par three
- c. Golf driving range
- c.(1). Tennis club; indoor and outdoor facilities

- e. Miniature golf or putt-putt course
- f. Public park or recreational facility
- h. Commercial recreation; indoor only, not otherwise listed
- i. Commercial recreation; indoor and outdoor, not otherwise listed
- j. Bowling alleys
- n. Theater; movie or drama, indoor only
- o. Theater; movie or drama, including outdoor facility
- q. Circus, carnival or fair, temporary only (see also section 9-4-103)
- s. Athletic club; indoor only
- t. Athletic club; indoor and outdoor facility

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- b. Operation/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
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- g. Catalogue processing center

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- q. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular telephone and wireless communication towers [unlimited height, except as provided by regulations]
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- bb. Civic organization
- cc. Trade or business organization
- hh. Exercise and weight loss studio; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users
- mm. Commercial laundries; linen supply
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

(9) Repair:

- b. Minor repair; as an accessory or principal use
- c. Upholster; automobile, truck, boat or other vehicle, trailer or van
- d. Upholsterer; furniture
- f. Appliance; household and office equipment repair
- g. Jewelry, watch, eyewear or other personal item repair

(10) Retail Trade:

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- b. Gasoline or automotive fuel sale; accessory or principal use
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- g. Fish market; excluding processing or packing
- h. Restaurant; conventional
- i. Restaurant; fast food
- k. Medical supply sales and rental of medically related products
- l. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- n. Appliance; commercial or industrial use, sales and accessory repair, including outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales
- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facility)
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- aa. Pawnbroker
- bb. Lawn and garden supply and household implement sales and accessory sales
- cc. Farm supply and commercial implement sales
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

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

- a. Wholesale; durable and nondurable goods, not otherwise listed
- b. Rental of home furniture, appliances or electronics and medically related products (see also (10) k.)
- c. Rental of cloths and accessories; formal wear, etc.
- d. Rental of automobile, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- e. Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery
- f. Automobiles, truck, recreational vehicle, motorcycles and boat sales and service (see also major and minor repair)
- g. Mobile home sales including accessory mobile home office

(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)
- d. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage
- f. Hardware store

(13) Transportation:

- c. Taxi or limousine service
- e. Parcel delivery service
- f. Ambulance service
- h. Parking lot or structure; principal use

(14) Manufacturing/ Warehousing:

- a. Ice plant and freezer lockers
- b. Dairy; production, storage and shipment facilities
- c. Bakery; production, storage and shipment facilities

- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholster
- h. Engraving; metal, glass or wood
- i. Moving and storage of nonhazardous materials; excluding outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- m. Warehouse; accessory to approved commercial or industrial uses within a district; excluding outside storage
- u. Tire recapping or retreading plant

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

* None

CH (Heavy Commercial)

Special Uses

(1) General:

* None

(2) Residential:

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

(3) Home Occupations (see all categories):

* None

(4) Governmental:

* None

(5) Agricultural/ Mining:

* None

(6) Recreational/ Entertainment:

- d. Game center
- l. Billiard parlor or pool hall
- m. Public or private club
- r. Adult uses

(7) Office/ Financial/ Medical:

* None

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- dd. Massage establishment

(9) Repair:

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

(10) Retail Trade:

- j. Restaurant; regulated outdoor activities
- n. Appliance; commercial use, sales and accessory repair, excluding outside storage
- z. Flea market

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

* None

(12) Construction:

* None

(13) Transportation:

* None

(14) Manufacturing/ Warehousing:

d. Stone or monument cutting, engraving

j. Moving and storage; including outside storage

l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage

y. Recycling collection station or facilities

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

a. Other activities; personal services not otherwise listed

b. Other activities; professional activities not otherwise listed

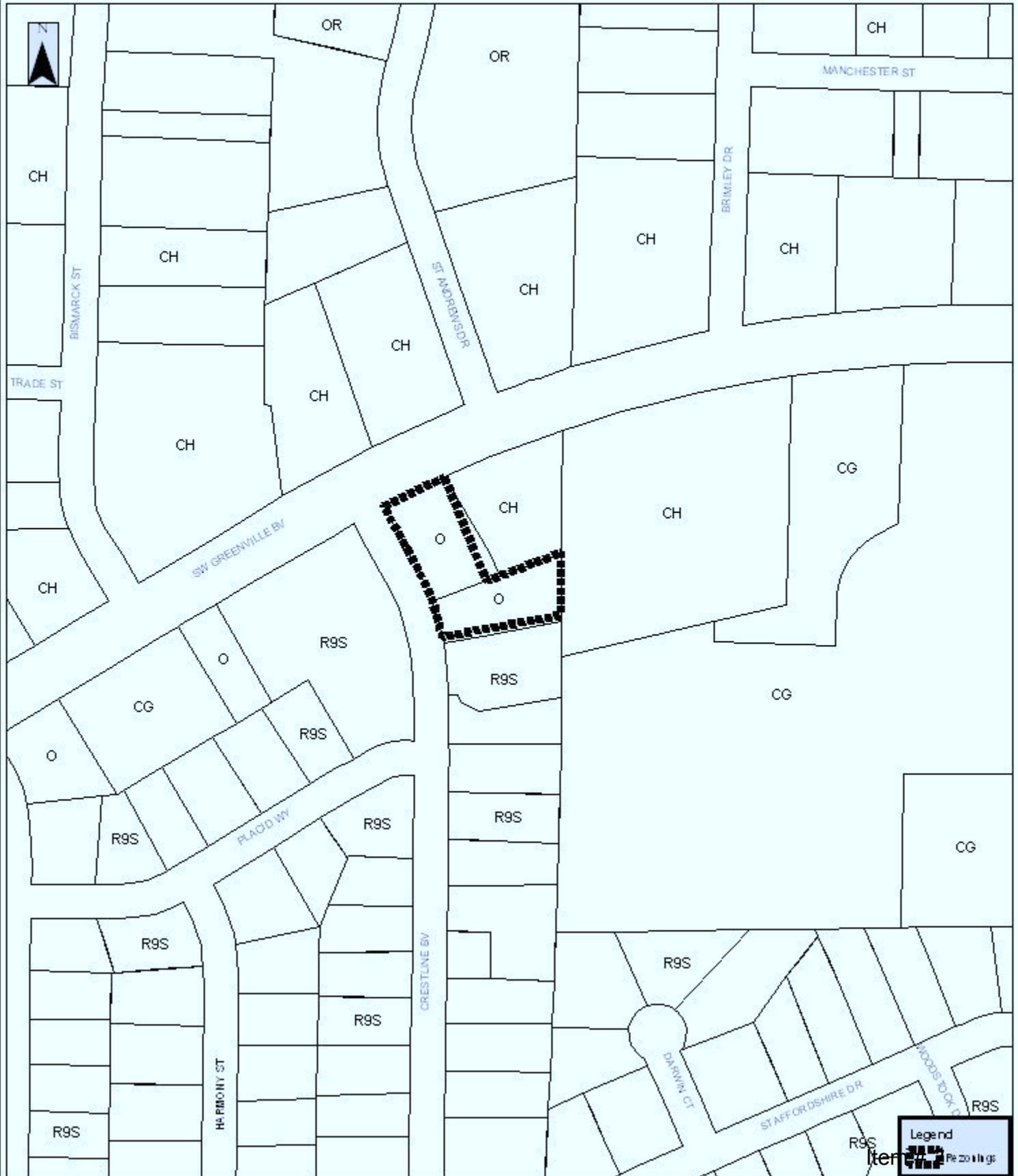
c. Other activities; commercial services not otherwise listed

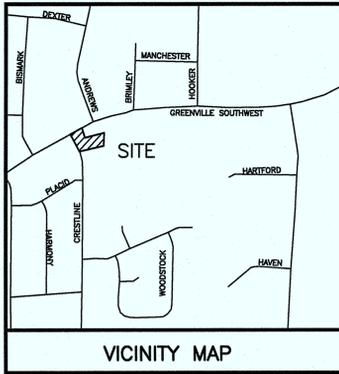
d. Other activities; retail sales not otherwise listed

Brown Family Investments, LLC

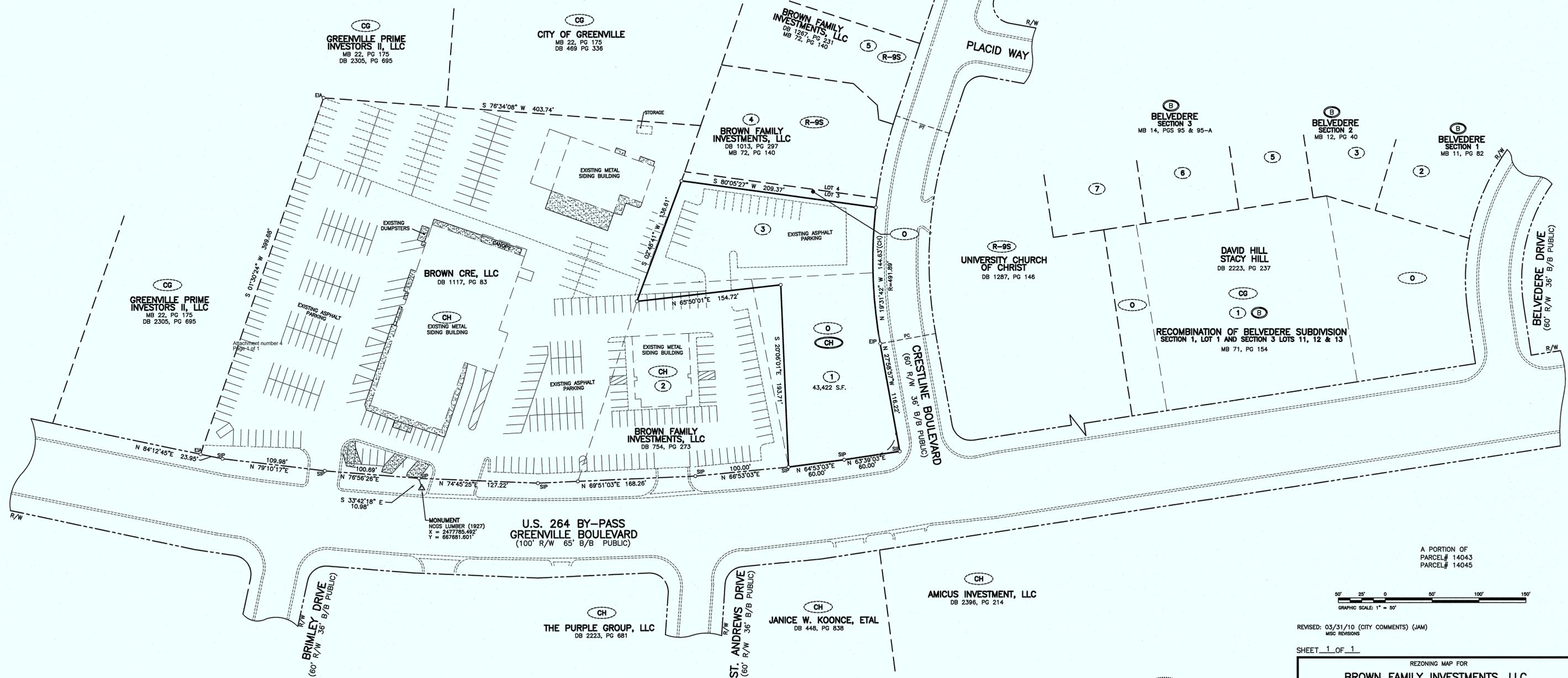
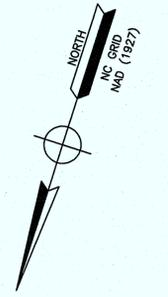
From O to CH (0.997 acres)

March 29, 2010

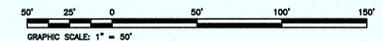




- NOTES**
1. THIS SURVEY IS OF ANOTHER CATEGORY.
 2. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
 3. REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN DEED BOOK 754, PAGE 273 OF THE PITT COUNTY REGISTRY.



- LEGEND**
- R/W = RIGHT-OF-WAY
 - () = EXISTING ZONING
 - () = PROPOSED ZONING
 - EIP = EXISTING IRON PIPE
 - SIP = SET IRON PIPE
 - EIA = EXISTING IRON AXLE



REVISED: 03/31/10 (CITY COMMENTS) (JAM)
MISC REVISIONS

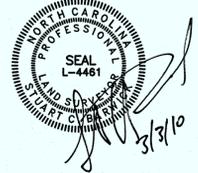
SHEET 1 OF 1

REZONING MAP FOR
BROWN FAMILY INVESTMENTS, LLC

LOT 3 BLOCK F AND A PORTION OF LOTS 1 & 2 BLOCK F
BELVEDERE SUBDIVISION, SECTION III

REFERENCE: BEING A PORTION OF THE PROPERTY DESCRIBED IN MAP BOOK 14,
PAGES 95-95A AND MAP BOOK 18, PG 48 OF THE PITT COUNTY REGISTRY.
GREENVILLE, WINTERVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

OWNER: BROWN FAMILY INVESTMENTS, LLC
ADDRESS: 329 GREENVILLE BLVD.
GREENVILLE, NC 27858
PHONE: (252) 355-6080



TOTAL AREA TO BE REZONED = 0.997 ACRE

Baldwin Design Consultants, PA
DESIGN - LAND PLANNING - SURVEYING
708-D CROMWELL DRIVE
GREENVILLE, NC 27858 252.756.1390

LICENSE# C-3498
SURVEYED: JP
APPROVED: SCB
DRAWN: SCB
DATE: 03/22/2010
CHECKED: SCB
SCALE: 1" = 50'

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

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

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	B	B	B	B	C	B	A
Office/Institutional, Light Commercial, Service (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industry (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)

Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)

Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)

Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

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

Bufferyard D (screen required)

Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

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

Bufferyard E (screen required)

Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

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

Bufferyard F (screen required)

Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

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

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.



City of Greenville, North Carolina

Meeting Date: 5/18/2010
Time: 6:30 PM

Title of Item: Request by Bill Clark Homes of Greenville, LLC for a preliminary plat entitled "Langston Farms, Phase 11". The property is located north of Langston Farms, Phase 8A, 8B and Phase 10, north and west of the Lewis Land Development Property, east of the Dan R. and Stephen F. Morgan property and south of the Scott Baldwin property. The proposed development consists of 80 lots on 27.5847 acres.

Explanation: This development is an extension of the Langston Farms Development. It ties into Langston Farms, Phase 8A, 8B and Phase 10. It also ties into Providence Place, Section 3. This development ties into previously platted sections as well as providing extension to property that is suitable for future development. Sidewalks and detention ponds are provided.

The property is zoned R-6S, Single-Family Residential and that is what is anticipated being built there.

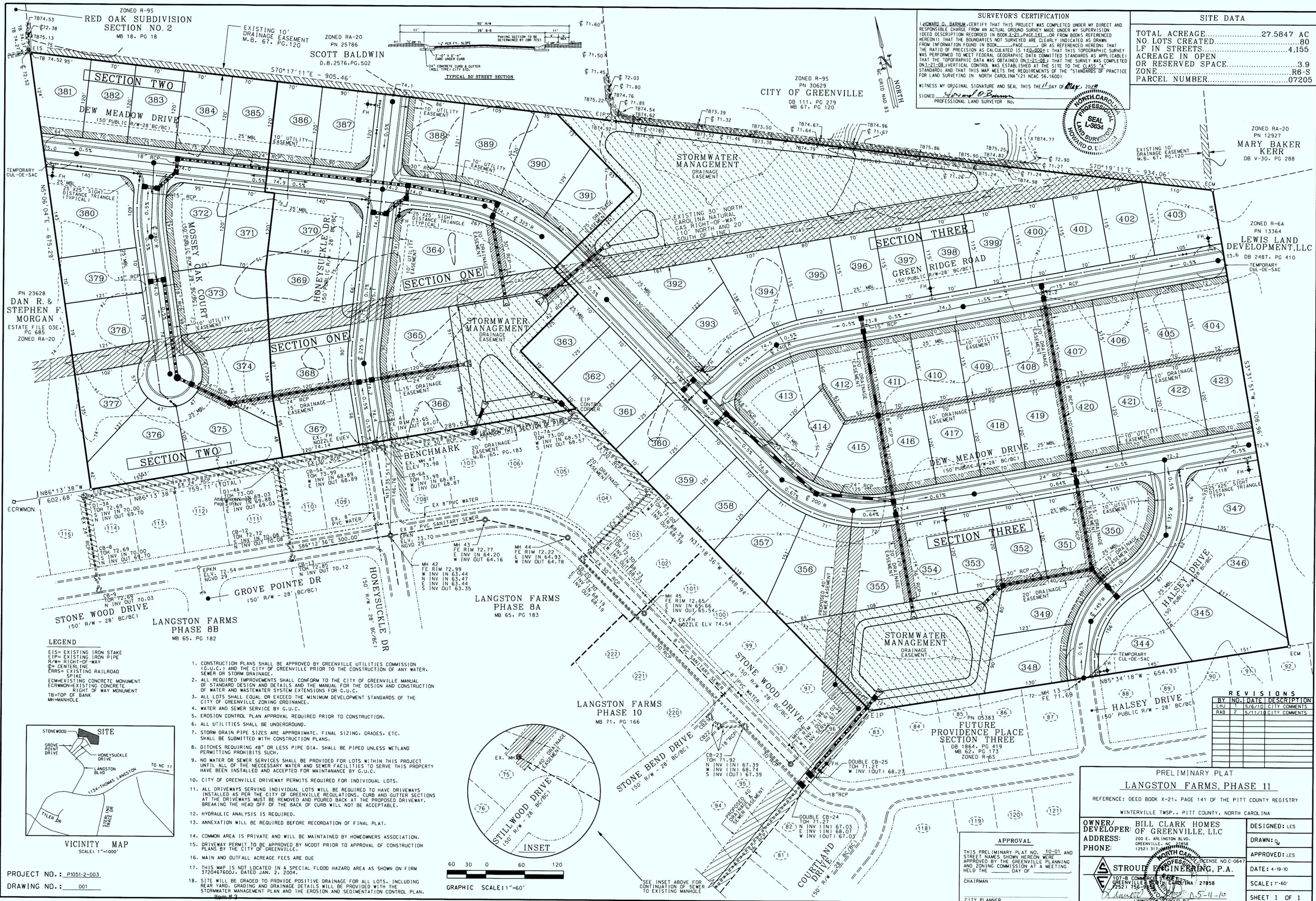
There is a gas easement that traverses this property. Piedmont NC Gas has been contacted and they have no objections to the request.

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

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

Attachments / click to download

 [Langston Farms, Phase 11 Preliminary Plat](#)



SURVEYOR'S CERTIFICATION
 I, HOWARD O. BARNUM, CERTIFY THAT THIS PROJECT WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL GROUND SURVEY MADE UNDER MY SUPERVISION AND THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK PAGE OR AS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:20,000; THAT THIS TOPOGRAPHIC SURVEY WAS PERFORMED TO MEET FEDERAL GEOGRAPHIC DATA COMMITTED STANDARDS AS APPLICABLE; THAT THE TOPOGRAPHIC DATA WAS OBTAINED ON 1-21-08; THAT THE SURVEY WAS COMPLETED ON 1-21-08; VERTICAL CONTROL WAS ESTABLISHED AT THE SITE TO THE CLASS "A" STANDARD; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE "STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA" (21 NCAC 56-1600).
 WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS 11 DAY OF May, 2018.
 SIGNED: *Howard O. Barnum*
 PROFESSIONAL LAND SURVEYOR NO. 103634

SITE DATA

TOTAL ACREAGE.....	27.5847 AC
NO. LOTS CREATED.....	80
LF IN STREETS.....	4.155
ACREAGE IN OPEN OR RESERVED SPACE.....	3.9
ZONE.....	R-6S
PARCEL NUMBER.....	07205

ZONED R-9S
RED OAK SUBDIVISION
 SECTION NO. 2
 MB 18, PG 18

ZONED RA-20
SCOTT BALDWIN
 D.B. 2576, PG. 502

ZONED R-9S
 PN 30629
CITY OF GREENVILLE
 DB 111, PG 279
 MB 67, PG 120

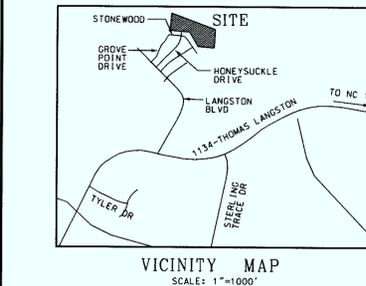
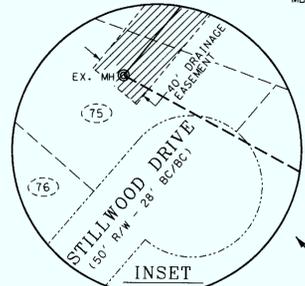
ZONED RA-20
 PN 12927
MARY BAKER KERR
 DB V-30, PG 288

ZONED R-6A
 PN 13364
LEWIS LAND DEVELOPMENT, LLC
 DB 2487, PG 410

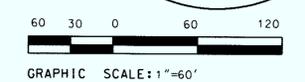
PN 23628
DAN R. & STEPHEN F. MORGAN
 ESTATE FILE 03E, PG 605
 ZONED RA-20

- LEGEND**
- EIS= EXISTING IRON STAKE
 - EIP= EXISTING IRON PIPE
 - R/W= RIGHT-OF-WAY
 - CL= CENTERLINE
 - ERRS= EXISTING ROAD
 - ECM= EXISTING CONCRETE MONUMENT
 - ECRMW= EXISTING CONCRETE MONUMENT RIGHT-OF-WAY MONUMENT
 - TB= TOP OF BANK
 - MH= MANHOLE

1. CONSTRUCTION PLANS SHALL BE APPROVED BY GREENVILLE UTILITIES COMMISSION (G.U.C.) AND THE CITY OF GREENVILLE PRIOR TO THE CONSTRUCTION OF ANY WATER, SEWER OR STORM DRAINAGE.
2. ALL REQUIRED IMPROVEMENTS SHALL CONFORM TO THE CITY OF GREENVILLE MANUAL OF STANDARD DESIGN AND DETAILS AND THE MANUAL FOR THE DESIGN AND CONSTRUCTION OF WATER AND WASTEWATER SYSTEM EXTENSIONS FOR G.U.C.
3. ALL LOTS SHALL EQUAL OR EXCEED THE MINIMUM DEVELOPMENT STANDARDS OF THE CITY OF GREENVILLE ZONING ORDINANCE.
4. WATER AND SEWER SERVICE BY G.U.C.
5. EROSION CONTROL PLAN APPROVAL REQUIRED PRIOR TO CONSTRUCTION.
6. ALL UTILITIES SHALL BE UNDERGROUND.
7. STORM DRAIN PIPE SIZES ARE APPROXIMATE. FINAL SIZING, GRADES, ETC., SHALL BE SUBMITTED WITH CONSTRUCTION PLANS.
8. DITCHES REQUIRING 48" OR LESS PIPE DIA. SHALL BE PIPED UNLESS WETLAND PERMITTING PROHIBITS SUCH.
9. NO WATER OR SEWER SERVICES SHALL BE PROVIDED FOR LOTS WITHIN THIS PROJECT UNTIL ALL OF THE NECESSARY WATER AND SEWER FACILITIES TO SERVE THIS PROPERTY HAVE BEEN INSTALLED AND ACCEPTED FOR MAINTENANCE BY G.U.C.
10. CITY OF GREENVILLE DRIVEWAY PERMITS REQUIRED FOR INDIVIDUAL LOTS.
11. ALL DRIVEWAYS SERVING INDIVIDUAL LOTS WILL BE REQUIRED TO HAVE DRIVEWAYS INSTALLED AS PER THE CITY OF GREENVILLE REGULATIONS. CURB AND GUTTER SECTIONS AT THE DRIVEWAYS MUST BE REMOVED AND POURED BACK AT THE PROPOSED DRIVEWAY. BREAKING THE HEAD OFF OF THE BACK OF CURB WILL NOT BE ACCEPTABLE.
12. HYDRAULIC ANALYSIS IS REQUIRED.
13. ANNEXATION WILL BE REQUIRED BEFORE RECORDED OF FINAL PLAT.
14. COMMON AREA IS PRIVATE AND WILL BE MAINTAINED BY HOMEOWNERS ASSOCIATION.
15. DRIVEWAY PERMIT TO BE APPROVED BY NCDOT PRIOR TO APPROVAL OF CONSTRUCTION PLANS BY THE CITY OF GREENVILLE.
16. MAIN AND OUTFALL ACREAGE FEES ARE DUE
17. THIS MAP IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM 3720467600J, DATED JAN. 2, 2004.
18. SITE WILL BE GRADED TO PROVIDE POSITIVE DRAINAGE FOR ALL LOTS, INCLUDING REAR YARD, GRADING AND DRAINAGE DETAILS WILL BE PROVIDED WITH THE STORMWATER MANAGEMENT PLAN AND THE EROSION AND SEDIMENTATION CONTROL PLAN.



PROJECT NO. : P1051-2-003
 DRAWING NO. : 001



SEE INSET ABOVE FOR CONTINUATION OF SEWER TO EXISTING MANHOLE

APPROVAL
 THIS PRELIMINARY PLAT NO. 10-01 AND STREET NAMES SHOWN HEREON WERE APPROVED BY THE GREENVILLE PLANNING AND ZONING COMMISSION AT A MEETING HELD THE _____ DAY OF _____, 2018.
 CHAIRMAN _____
 CITY PLANNER _____

REVISIONS

BY	NO.	DATE	DESCRIPTION
LHL	1	5/8/10	CITY COMMENTS
RAB	2	5/11/18	CITY COMMENTS

PRELIMINARY PLAT
LANGSTON FARMS, PHASE 11
 REFERENCE: DEED BOOK X-21, PAGE 141 OF THE PITT COUNTY REGISTRY
 WINTERVILLE TWP., PITT COUNTY, NORTH CAROLINA

OWNER/DEVELOPER: BILL CLARK HOMES OF GREENVILLE, LLC
ADDRESS: 200 E. ARLINGTON BLVD., GREENVILLE, NC 27658
PHONE: (252) 317-1111

DESIGNED: LES
DRAWN: [Signature]
APPROVED: LES
DATE: 4-19-10
SCALE: 1"=60'
SHEET 1 OF 1

STROUD ENGINEERING, P.A.
 107-B COMMERCIAL STREET, GREENVILLE, NC 27658
 (252) 756-3434
 LICENSE NO. 05-11-10
 LINWOOD STROUD, P.E.



City of Greenville, North Carolina

Meeting Date: 5/18/2010
Time: 6:30 PM

Title of Item: Request by the Community Development Department to amend the Historic Preservation Regulations to include a new section related to the use and location of residential solar collectors on locally designated historic properties and within locally designated historic districts.

Explanation: The North Carolina General Statutes were recently amended concerning the use and location of residential solar collectors. G.S. 160A-201 as adopted reads as follows:

"160A-201. Limitations on regulating solar collectors

(a) Except as provided in subsection (c) of this section, no city ordinance shall prohibit, or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property, and no person shall be denied permission by a city to install a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property. As used in this section, the term "residential property" means property where the predominant use is for residential purposes.

(b) This section does not prohibit an ordinance regulating the location or screening of solar collectors as described in subsection (a) of this section, provided the ordinance does not have the effect of preventing the reasonable use of a solar collector for a residential property.

(c) This section does not prohibit an ordinance that would prohibit the location of solar collectors as described in subsection (a) of this section that are visible by a person on the ground:

(1) On the façade of a structure that faces areas open to common or public access;

(2) On a roof surface that slopes downward toward the same areas open to common or public access that the façade of the structure faces; or

(3) Within the area set off by a line running across the façade of the structure extending to the property boundaries on either side of the façade, and those areas of common or public access faced by the structure.

(d) In any civil action arising under this section, the court may award costs and reasonable attorneys' fees to the prevailing party."

The proposed ordinance includes the appropriate language to regulate the location and screening of solar collectors to ensure that the use of solar collectors is not incongruous with the special character of the historic property or district.

Additional requirements, standards and restrictions concerning the installation and use of a solar collector, as determined appropriate by the Historic Preservation Commission, shall be set forth in the Historic Preservation Commission's Design Guidelines.

Prior to the use and location of a solar collector on a historic property the land owner must first apply for and receive a certificate of appropriateness (COA) from the Historic Preservation Commission. Such COA shall be in addition to any required building or other permit required for improvement or construction.

Fiscal Note: No cost to the city.

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

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

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

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

Attachments / click to download

[Solar_Collector_Ordinance_861211](#)

[160A_201_Limitations_on_regulating_solar_collectors_861377](#)

ORDINANCE NO. 10 - ____
AN ORDINANCE AMENDING THE CITY CODE
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 North Carolina General Statutes, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on June 10, 2010 at 7:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

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

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

Section 1: That Title 9, Chapter 7, of the Code of Ordinances, City of Greenville, North Carolina, is hereby amended by including a new section 9-7-18.1 to read follows:

“SEC. 9-7-18.1 SOLAR COLLECTORS

(A) Except as provided under subsection (B), the Commission shall not prohibit the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property, and no person shall be denied permission to install a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property. As used in this section, the term “residential property” means property where the predominant use is for residential purposes.

(B) No solar collector described in subsection (A) shall be allowed that is visible by a person on the ground:

- (1) On the façade of a structure that faces areas open to common or public access;
- (2) On a roof surface that slopes downward toward the same areas open to common or public access that the façade of the structure faces; or
- (3) Within the area set off by a line running across the façade of the structure extending to the property boundaries on either side of the façade, and those areas of common or public access faced by the structure.

(C) Additional requirements, standards and restrictions concerning the installation and use of a solar collector shall be set forth in the design guidelines.”

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 June 10, 2010.

Patricia C. Dunn, Mayor

ATTEST:

Patricia A. Sugg, Interim City Clerk

West's North Carolina General Statutes Annotated [Currentness](#)

Chapter 160A. Cities and Towns

[Article 8](#). Delegation and Exercise of the General Police Power

➔§ 160A-201. Limitations on regulating solar collectors

(a) Except as provided in subsection (c) of this section, no city ordinance shall prohibit, or have the effect of prohibiting, the installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property, and no person shall be denied permission by a city to install a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property. As used in this section, the term "residential property" means property where the predominant use is for residential purposes.

(b) This section does not prohibit an ordinance regulating the location or screening of solar collectors as described in subsection (a) of this section, provided the ordinance does not have the effect of preventing the reasonable use of a solar collector for a residential property.

(c) This section does not prohibit an ordinance that would prohibit the location of solar collectors as described in subsection (a) of this section that are visible by a person on the ground:

(1) On the façade of a structure that faces areas open to common or public access;

(2) On a roof surface that slopes downward toward the same areas open to common or public access that the façade of the structure faces; or

(3) Within the area set off by a line running across the façade of the structure extending to the property boundaries on either side of the façade, and those areas of common or public access faced by the structure.

(d) In any civil action arising under this section, the court may award costs and reasonable attorneys' fees to the prevailing party.

N.C.G.S.A. § 160A-400.4

West's North Carolina General Statutes Annotated [Currentness](#)

Chapter 160A. Cities and Towns

[Article 19](#). Planning and Regulation of Development ([Refs & Annos](#))

[Part 3C](#). Historic Districts and Landmarks

➔§ 160A-400.4. Designation of historic districts

<Text of section eff. Dec. 1, 2009. See, also, section eff. until Dec. 1, 2009.>

(a) Any municipal governing board may, as part of a zoning or other ordinance enacted or amended pursuant to this Article, designate and from time to time amend one or more historic districts within the area subject to the ordinance. Such ordinance may treat historic districts either as a separate use district classification or as districts which overlay other zoning districts. Where historic districts are designated as separate use districts, the zoning ordinance may include as uses by right or as conditional uses those uses found by the Preservation Commission to have existed during the period sought to be restored or preserved, or to be compatible with the restoration or preservation of the district.

(b) No historic district or districts shall be designated under subsection (a) of this section until:

(1) An investigation and report describing the significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and a description of the boundaries of such district has been prepared, and

(2) The Department of Cultural Resources, acting through the State Historic Preservation Officer or his or her designee, shall have made an analysis of and recommendations concerning such report and description of proposed boundaries. Failure of the department to submit its written analysis and recommendations to the municipal governing board within 30 calendar days after a written request for such analysis has been received by the Department of Cultural Resources shall relieve the municipality of any responsibility for awaiting such analysis, and said board may at any time thereafter take any necessary action to adopt or amend its zoning ordinance.

(c) The municipal governing board may also, in its discretion, refer the report and proposed boundaries under subsection (b) of this section to any local preservation commission or other interested body for its recommendations prior to taking action to amend the zoning ordinance. With respect to any changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the jurisdiction, the investigative studies and reports required by subdivision (1) of subsection (b) of this section shall be prepared by the preservation commission, and shall be referred to the local planning agency for its review and comment according to procedures set forth in the zoning ordinance. Changes in the boundaries of an initial district or proposal for additional districts shall also be submitted to the Department of Cultural Resources in accordance with the provisions of subdivision (2) of subsection (b) of this section.

On receipt of these reports and recommendations, the municipality may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate zoning ordinance provisions.

(d) The provisions of [G.S. 160A-201](#) apply to zoning or other ordinances pertaining to historic districts, and the authority under [G.S. 160A-201\(b\)](#) for the ordinance to regulate the location or screening of solar collectors may encompass requiring the use of plantings or other measures to ensure that the use of solar collectors is not incongruous with the special character of the district.