



## Agenda

### Planning and Zoning Commission

August 19, 2014

6:30 PM

Council Chambers, City Hall, 200 W. Fifth Street

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- I. CALL MEETING TO ORDER -
- II. INVOCATION - Terry King
- III. ROLL CALL
- IV. APPROVAL OF MINUTES - July 15, 2014
- V. NEW BUSINESS

#### REZONINGS

1. Ordinance requested by Hennrietta Smith to rezone 1.3109 acres located north of the intersection of Old Fire Tower Road and Bells Chapel Road from RA20 (Residential-Agricultural) to CH (Heavy Commercial).

#### TEXT AMENDMENTS

2. Ordinance to amend Title 9, Chapter 4, Article D, Part 3, Sec. 9-4-78, Table of Uses, Appendix A, (8)(C)ff.(1). by adding mental health, emotional or physical rehabilitation day program facilities as a special use in the CG (General Commercial) zoning district.

#### OTHER

3. Informational Item: Summary of policy amendments, recommended in Horizon: Greenville's Community Plan, the Planning Division will present to the Planning and Zoning Commission during future meetings.

- VI. ADJOURN



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

July 15, 2014

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

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

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

**VOTING MEMBERS:** Schrade, Darden, Griffin, Bellis, King, Weitz, Harrington

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

**OTHERS PRESENT:** Dave Holec, City Attorney; Rik DiCesare, Traffic Engineer; Tim Corley, Civil Engineer II and Jonathan Edwards, Communications Technician.

**MINUTES:** Motion was made by Ms. Bellis, seconded by Ms. Darden, to accept the June 17, 2014 minutes as presented. Motion carried unanimously.

**NEW BUSINESS**

**REZONINGS**

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

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located in the southern section of the City and is the current location of the Kingdom Hall of Jehovah's Witnesses. The rezoning is only for the portion of the property along Evans Street. The rear part of the property is already zoned OR (Office-Residential). The WNCT TV Station and Lynndale Subdivision are to the east. Commercial is to the north and multi-family is to the south. This request could generate a net increase of 45 trips. Since the amount is negligible, a traffic report wasn't prepared. Under the current zoning, the property could accommodate 5 single-family lots. Under the proposed zoning, it could accommodate about 12 to 14 multi-family units. The Future Land Use Plan Map recommends commercial (C) at the intersection of Greenville

Boulevard and Evans Street, then transitions to office/ institutional/multi-family (OIMF) and high density residential (HDR) to the south. Conservation/open space (COS) is recommended along the western right-of-way of Evans Street directly opposite the Lynndale Subdivision to show a buffer between the commercial on the west side of Evans Street and the residential on the east side of Evans Street. There are no environmental constraints. In staff's opinion, the request is in general compliance with Horizon's Greenville Community Plan and the Future Land Use Plan Map.

Chairman Parker opened the public hearing.

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

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

No one spoke in opposition of the request.

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

No comments made during board discussion.

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

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

Ms. Chantae Gooby, Planner II, delineated the property. She stated the property is located in the central section of the City, along Evans Street between 9<sup>th</sup> and 10<sup>th</sup> Streets. A & B Auto Service is currently located on the property. There is an adjacent parcel, which is owned by the applicant, that is already zoned CDF. There are a variety of uses in this area. The property is part of the central business district where commercial is anticipated and recommended. This request could generate a net increase of 2,178 trips, which is a worst-case scenario. Under the current zoning, the property could accommodate approximately 7 multi-family units. Under the requested zoning, it could accommodate about 4,440 square feet of convention or fast food/retail space. The general downtown area has been making the transition to the CD zoning which allows more uses, no setback and parking requirements, and higher density not allowed in CDF.

The proposed request for CDF is an old zoning district that is transitioning to CD zoning partly based on a recommendation from the West Greenville Revitalization Area Plan. The proposed request is just outside of this area. The Future Land Use Plan recommends commercial to the area north of 10<sup>th</sup> Street. In staff's opinion, the request is in general compliance with Horizon's Greenville Community Plan and the Future Land Use Plan Map. Staff would recommend CD zoning in lieu of the proposed CDF zoning.

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

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

Chairman Parker asked if it would go back to staff.

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

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

Chairman Parker asked why CDF.

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

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

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

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

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

Chairman Parker opened the public hearing.

Mr. Mike Baldwin, representative for the applicant, spoke in favor of the request. He distributed supplemental information to the P&Z members. The building was built in 1935. It was previously the Pure Oil Company Service Station and has been A & B Auto since 1976. The

current OR zoning was established in 1976. It is currently a non-conforming use. The owners want to build a storage building but cannot expand on a non-conforming use. Three neighboring property owners signed letters stating they had no objection. The reason for CDF is to allow for major automobile repair. The current business will continue to stay at this location. He stated the use is allowed in CDF but not in CD. If the request is approved by the Commission and then by City Council, a special use permit will still be required. Another public hearing will be held with the Board of Adjustment. The request is in compliance with the Comprehensive Plan and the Future Land Use Plan Map. It will not generate 2,100 trips. The owners have been there for many years and just want to build a storage building. This is a reasonable request and should be approved.

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

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

No one spoke in opposition of the request.

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

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

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

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

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

#### **TEXT AMENDMENTS**

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

Mr. Andy Thomas, Lead Planner, presented the text amendment. The Greenville City Council requested the Engineering Division of Public Works to provide a presentation on private streets

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

Chairman Parker opened the public hearing.

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

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

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

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

**With no further business, a motion was made by Ms. Bellis, seconded by Mr. Schrade, to adjourn. Motion passed unanimously. Meeting adjourned at 7:02 p.m.**

Respectfully Submitted,

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



# City of Greenville, North Carolina

Meeting Date: 8/19/2014  
Time: 6:30 PM

**Title of Item:** Ordinance requested by Hennrietta Smith to rezone 1.3109 acres located north of the intersection of Old Fire Tower Road and Bells Chapel Road from RA20 (Residential-Agricultural) to CH (Heavy Commercial).

**Explanation:** **Abstract:** The City has received a request from Hennrietta Smith to rezone 1.3109 acres located north of the intersection of Old Fire Tower Road and Bells Chapel Road from RA20 (Residential-Agricultural) to CH (Heavy Commercial).

**Required Notices:**

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on August 5, 2014.  
On-site sign(s) posted on August 5, 2014.  
City Council public hearing notice (property owner and adjoining property owner letter) mailed - N/A at this time.  
Public hearing legal advertisement published - N/A at this time.

**Comprehensive Plan:**

The subject area is located in Vision Area D.

Charles Boulevard is considered a “gateway corridor” beginning at the intersection of Fire Tower Road and continuing south. Gateway corridors serve as primary entranceways into the City and help define community character. Gateway corridors may accommodate a variety of intensive, large scale uses, in appropriately located focus areas with lower intensity office and/or high-density residential development in the adjacent transition areas.

The Future Land Use Plan Map recommends commercial (C) along the southern right-of-way of Charles Boulevard (Highway 43 East) from its intersection with Fire Tower Road to just beyond Signature Drive. It further recommends office/institutional/multi-family (OIMF) and high density residential (HDR) respectively for the interior areas south of Charles Boulevard.

There is a designated regional focus area at the intersection of Arlington Boulevard and Fire Tower Road. These areas are intended to contain 400,000+/- square feet of conditioned floor space.

The subject property is considered part of the regional focus area at the Arlington Boulevard/Fire Tower Road/Charles Boulevard focus area.

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

Based on possible uses permitted by the requested rezoning classification, the proposed rezoning classification could generate 1,982 trips to and from the site via Charles Boulevard, which is a net increase of 1,925 additional trips per day.

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

**History/Background:**

In 1989, the subject properties was incorporated into the city's extra-territorial jurisdiction (ETJ) and zoned RA20.

**Present Land Use:**

One (1) mobile home residence

**Water/Sewer:**

Water and sanitary sewer are located in the right-of-way of Old Fire Tower Road.

**Historic Sites:**

There are no known effects on designated sites

**Environmental Conditions/Constraints:**

There are no known environmental conditions/constraints.

**Surrounding Land Uses and Zoning:**

North: CH - Greenville Auto World  
South: OR - Bells Fork Crossing Apartments  
East: CH - Greenville Auto World; CG - Vacant  
West: RA20 - One (1) single-family residence

**Density Estimates:**

Under the current zoning (RA20), the site could yield no more than 6 single-family lots.

Under the proposed zoning (CH), the site could accommodate 9,060+/- square feet of conventional restaurant/and/or retail space.

The anticipated build-out within 1-2 years.

**Fiscal Note:** No cost to the City.

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

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

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

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

**Attachments / click to download**

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

 [List of Uses RA20 to CH 966805](#)

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## **EXISTING ZONING**

### **RA20 (Residential-Agricultural)**

#### ***Permitted Uses***

*(1) General:*

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

*(2) Residential:*

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

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

*(4) Governmental:*

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

*(5) Agricultural/ Mining:*

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

*(6) Recreational/ Entertainment:*

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

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

*(8) Services:*

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

*(9) Repair:\* None*

*(10) Retail Trade:\* None*

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

*(12) Construction:*

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

*(13) Transportation:\* None*

*(14) Manufacturing/ Warehousing: \* None*

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

### **RA20 (Residential-Agricultural)**

#### ***Special Uses***

- (1) General:\* None*

*(2) Residential:*

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

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

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

*(4) Governmental:*

- a. Public utility building or use

*(5) Agricultural/ Mining:*

- b. Greenhouse or plant nursery; including accessory sales

*(6) Recreational/ Entertainment:*

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

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

*(8) Services:*

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

*(9) Repair:\* None*

*(10) Retail Trade:\* None*

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

*(12) Construction:\* None*

*(13) Transportation:\* None*

*(14) Manufacturing/ Warehousing: \* None*

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

## **PROPOSED ZONING**

### **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*

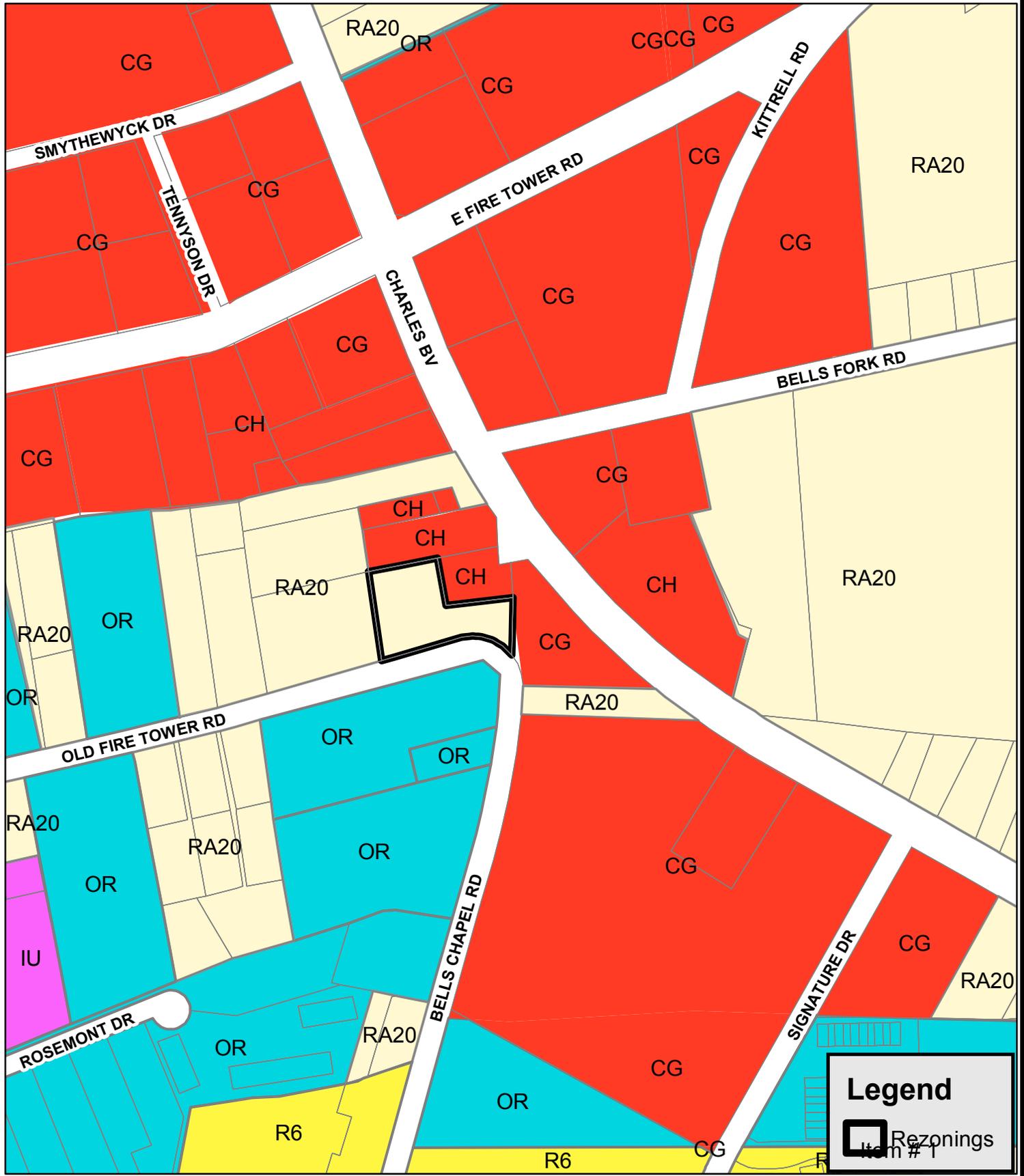
*(14) Manufacturing/ Warehousing:*

- 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):*

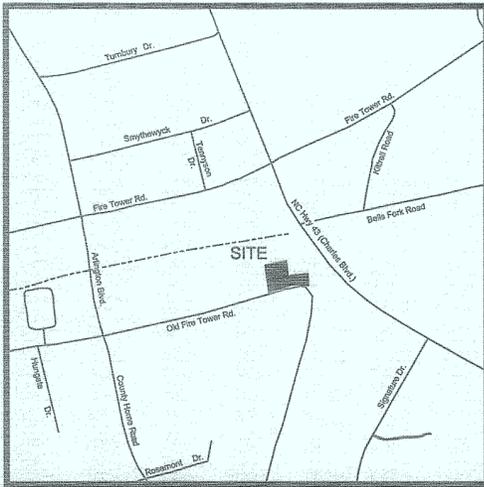
- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

Hennrietta Smith  
From: RA20 To: CH  
1.3109 acres  
August 5, 2014

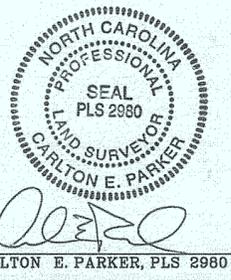
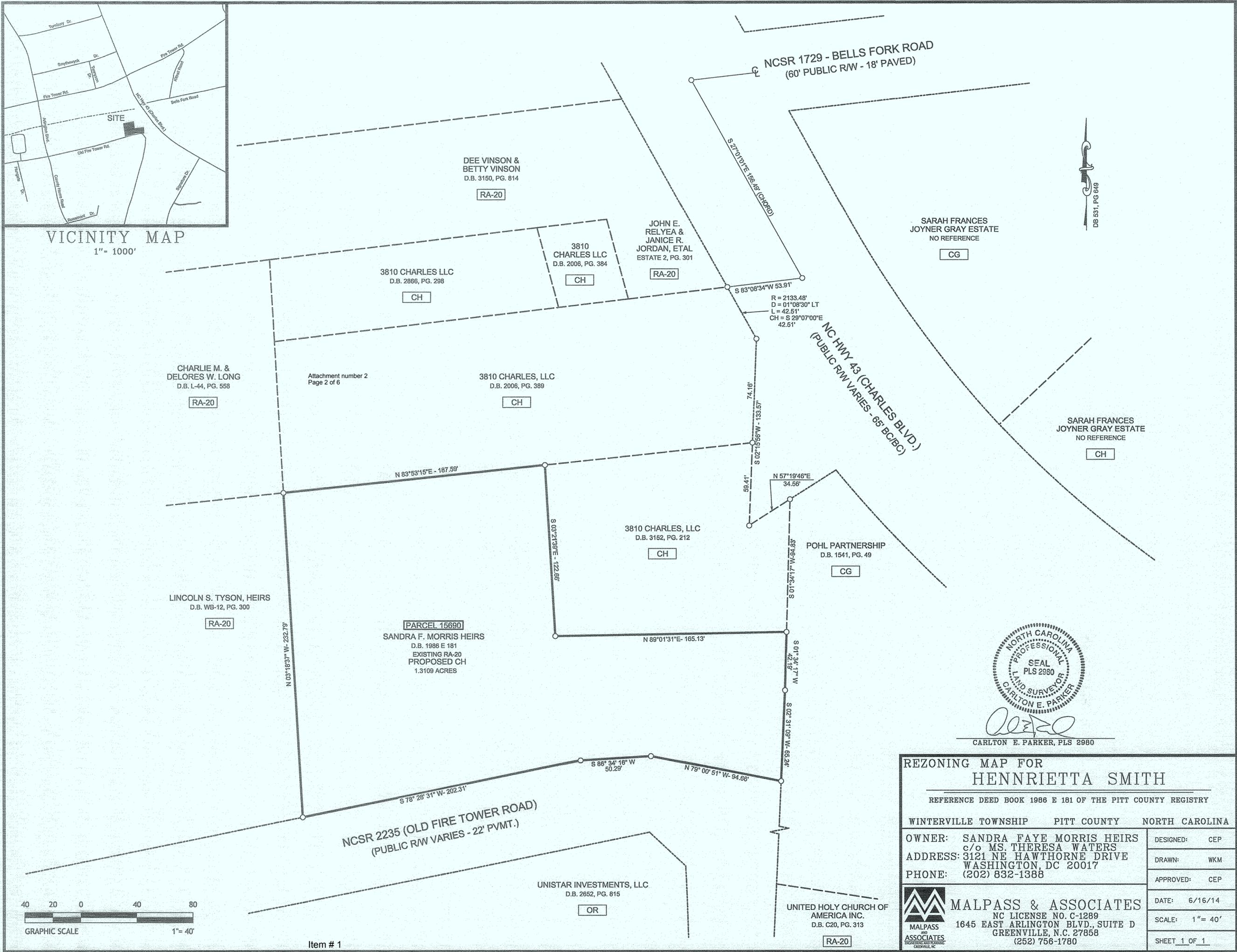


**Legend**

- Rezonings Item # 1



VICINITY MAP  
1" = 1000'



**REZONING MAP FOR HENNRIETTA SMITH**  
 REFERENCE DEED BOOK 1986 E 181 OF THE PITT COUNTY REGISTRY

WINTERVILLE TOWNSHIP    PITT COUNTY    NORTH CAROLINA

OWNER: SANDRA FAYE MORRIS HEIRS  
 c/o MS. THERESA WATERS  
 ADDRESS: 3121 NE HAWTHORNE DRIVE  
 WASHINGTON, DC 20017  
 PHONE: (202) 832-1388

DESIGNED:	CEP
DRAWN:	WKM
APPROVED:	CEP
DATE:	6/16/14
SCALE:	1" = 40'
SHEET	1 OF 1

**MALPASS & ASSOCIATES**  
 NC LICENSE NO. C-1289  
 1645 EAST ARLINGTON BLVD., SUITE D  
 GREENVILLE, N.C. 27858  
 (252) 756-1760



Item # 1

L:\dgn\p1130.p1130.p199\p-1130, Greenville Auto World, John Harrelson\p1130-rez.dgn 7/26/2014 11:21:11 AM

Case No: 14-14

Applicant: Henrietta Smith

**Property Information**

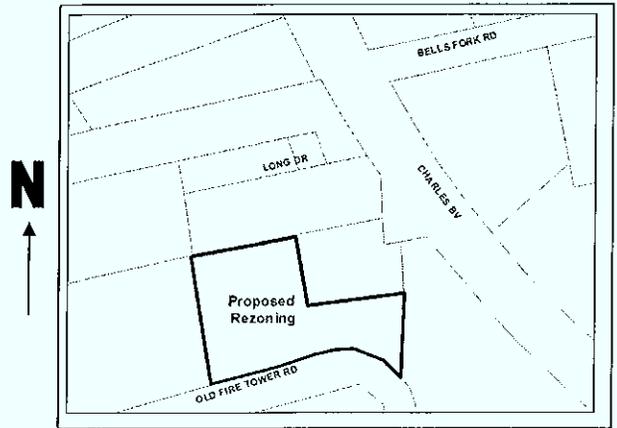
**Current Zoning:** RA20 (Residential-Agricultural)

**Proposed Zoning:** CH (Heavy Commercial)

**Current Acreage:** 1.3109 acres

**Location:** Charles Boulevard, south of Bells Fork Rd

**Points of Access:** Charles Boulevard



**Location Map**

**Transportation Background Information**

**1.) Charles Blvd- State maintained**

	<u>Existing Street Section</u>	<u>Ultimate Thoroughfare Street Section</u>
Description/cross section	5-lane - curb & gutter	no change
Right of way width (ft)	100	no change
Speed Limit (mph)	45	no change
<b>Current ADT:</b>	20,800 (*)	Ultimate Design ADT: 27,600 vehicles/day (**)
<b>Design ADT:</b>	27,600 vehicles/day (**)	
<b>Controlled Access</b>	<b>No</b>	
<b>Thoroughfare Plan Status:</b>	Major Thoroughfare	

**Other Information:** There are sidewalks along Charles Blvd that service this property.

**Notes:** (\*) 2012 NCDOT count adjusted for a 2% annual growth rate  
 (\*\*) Traffic volume based on an operating Level of Service D for existing geometric conditions  
 ADT – Average Daily Traffic volume

**Transportation Improvement Program Status:** No planned improvements.

**Trips generated by proposed use/change**

**Current Zoning:** 57 -vehicle trips/day (\*)                      **Proposed Zoning:** 1,982 -vehicle trips/day (\*)

**Estimated Net Change:** increase of 1925 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 Charles Blvd are as follows:

**1.) Charles Blvd , North of Site (60%):**                      “No build” ADT of 20,800

Estimated ADT with Proposed Zoning (full build) – 21,989  
 Estimated ADT with Current Zoning (full build) – 20,834  
**Net ADT change = 1,155 (6% increase)**

2.) Charles Blvd , South of Site (40%): "No build" ADT of 20,800

Estimated ADT with Proposed Zoning (full build) – 21,593

Estimated ADT with Current Zoning (full build) – 20,823

Net ADT change = 770 (4% increase)

Staff Findings/Recommendations

Based on possible uses permitted by the requested rezoning, the proposed rezoning classification could generate 1982 trips to and from the site on Charles Blvd, which is a net increase of 1925 additional trips per day.

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

04/30/07

## BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

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

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

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

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

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

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

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

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

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

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

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

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

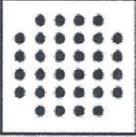
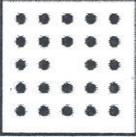
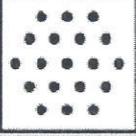
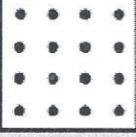
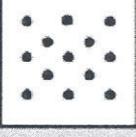
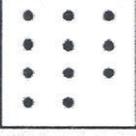
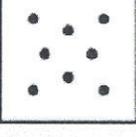
Residential Density		
Maximum density allowed by Zoning District based on average of 2.67 persons per dwelling unit		
<b>High Density</b>		
R6 R6-N R6-MH OR CDF	17 units per acre yields 45 persons per acre	
PUD	12 units per acre yields 32 persons per acre	
<b>Medium Density</b>		
R6-A	9 units per acre yields 24 persons per acre	
R6-S	7 units per acre yields 19 persons per acre	
R9	6 units per acre yields 16 persons per acre	
R9-S	5 units per acre yields 13 persons per acre	
<b>Low Density</b>		
RA-20 MRS	4 units per acre yields 11 persons per acre	
R15-S	3 units per acre yields 8 persons per acre	

Illustration: Maximum allowable density in Residential Zoning Districts



# City of Greenville, North Carolina

Meeting Date: 8/19/2014  
Time: 6:30 PM

**Title of Item:** Ordinance to amend Title 9, Chapter 4, Article D, Part 3, Sec. 9-4-78, Table of Uses, Appendix A, (8)(C)ff.(1). by adding mental health, emotional or physical rehabilitation day program facilities as a special use in the CG (General Commercial) zoning district.

**Explanation:** Jason and Jeannette Barnett of Paradigm, Inc. have requested a text amendment to allow the land use "Mental health, emotional or physical rehabilitation day program facilities" as a special use in the CG (General Commercial) zoning district.

Currently, mental health, emotional or physical rehabilitation day program facilities are not allowed in the CG (General Commercial) zoning district, but are permitted by right in the MI (Medical Institutional) and MS (Medical Support) zoning districts and permitted as a special use in the MO (Medical Office), MCG (Medical General Commercial), MCH (Medical Health Commercial), OR (Office Residential), CD (Downtown Commercial), CDF (Downtown Commercial Fringe) and CH (Heavy Commercial) zoning districts.

A mental health, emotional or physical rehabilitation day program facility is defined in the City of Greenville Zoning Ordinance, Sec. 9-4-22 Words and Terms Defined, as follows:

*"(1) An establishment qualified for a license by the State of North Carolina which provides a day treatment, day activity or other extended counseling service to persons who do not reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment, children or adolescents who are emotionally disturbed and need special educational services, and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. Persons receiving service at the establishment may be at the facility for no longer than 18 hours within any 24-hour period.*

*(2) Dangerous to others means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that his conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy."*

The CG (General Commercial) zoning district is defined in the City of Greenville Zoning Ordinance, Sec. 9-4-68 CG (General Commercial), as follows:

*"The purpose of the CG District is to accommodate a variety of commercial and service activities on an individual lot-by-lot basis and in a planned center setting."*

Staff researched the history of text amendments for the land use category, "Mental health, emotional or physical rehabilitation day program facility" while reviewing the proposed text amendment. The last time the zoning ordinance was amended for this land use category was on September 10, 2009 by the adoption of Ord. No. 09-75. (Attachment A).

The 2009 text amendment was prepared to respond to an increasing volume of applicants wishing to operate state licensed day treatment facilities and other similar type mental health facilities in the city's jurisdiction. At that time, there was no definition for this type of use and it became necessary to adopt a definition since the previous use was originally created to be an institutional facility. As a solution, staff found it necessary to create specific definitions to alleviate any administrative inconsistency, rather than continue considering such proposed uses under a catch-all land use category in the zoning ordinance called, *"other activities; personal services not otherwise listed."* To that end, the 2009 text amendment added a new land use category, *"Mental health, emotional or physical rehabilitation day program facility"* to the table of uses and codified it under Title 9, Chapter 4, Article D, Part 3, Sec. 9-4-78, Table of Uses, Appendix A, (8)(C)ff.(1). More specifically, the 2009 text amendment distinguished which zoning districts the "Mental health, emotional or physical rehabilitation day program facility" would be permitted in as either a permitted use, as indicated in the Table of Uses, by the letter "P," or which zoning districts the use would be allowed in as a special use, as indicated in the table by the letter "S."

After reviewing the September 10, 2009 staff report (Attachment B) to the City Council for Ord. No. 09-75, it is apparent Planning Division staff intended to allow "Mental health, emotional or physical rehabilitation day program facility" as a special use in the CG (General Commercial) zoning district. Page two, paragraph two of the attached staff report for Ord. No. 09-75 states, *"Mental Health, emotional or physical rehabilitation day program facility as defined above will be a permitted use in the MI and MS (medical) zoning districts and a special use in the MO, MCG, MCH (medical) OR "office/residential), CD, CDF,*

*CG and CH (commercial) zoning districts."*

All of the zoning categories listed in the staff report for Ord. No. 09-75 were integrated in the 2009 ordinance in Section 2, except the CG (General Commercial) zoning district as the staff report indicated was intended. Therefore, it appears there was an error in the ordinance as an "S," indicating a special use, should have been added under the CG zoning district in the Table of Uses for the land use codified as (8)(C)ff.(1), mental health, emotional, or physical rehabilitation day program facility."

Adoption of this new text amendment, proposed by Jason and Jeannette Barnett, will correct the previous error of omission in Ord. 09-75, Section 2 by adding CG (General Commercial) as a zoning district that permits mental health, emotional and physical rehabilitation day program facility as a special use.

**Fiscal Note:** No cost to the City.

**Recommendation:** In staff's opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons: Greenville's Community Plan.

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

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

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

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

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**Attachments / click to download**

- [Paradigm Inc. Text Amendment Application 985709](#)
- [Attachments A B and Barnett Application for Mental Health Text Amendment 985976](#)
- [Barnett Text Amendment Ordinance 985137](#)



## ATTACHMENT A

### ORDINANCE NO. 09- 75 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 September 10, 2009 at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

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

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

Section 1: That Title 9, Chapter 4, Article B, Section 9-4-22, of the City Code, is hereby amended by adding the following new definitions in alphabetical order to read as follows:

*"Mental health, emotional or physical rehabilitation center.* An establishment qualified for a license by the State of North Carolina which provides resident services to more than twenty-five (25) persons who reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. State licensed family care homes and group care facilities are not included under this definition.

"Dangerous to others" means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that his conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

*Mental health, emotional or physical rehabilitation day program facility.* An establishment qualified for a license by the State of North Carolina which provides a day treatment, day activity or other extended counseling service to persons who do not reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment, children or adolescents who are emotionally disturbed and need special educational services, and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. Persons receiving service at the establishment may be at the facility for no longer than eighteen (18) hours within any twenty-four-hour period.

“Dangerous to others” means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that his conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.”

Section 2: That Title 9, Chapter 4, Article D, Section 9-4-78(f)(8), of the City Code, is hereby amended by adding a new section “(ff.(1))” entitled “Mental health, emotional, or physical rehabilitation day program facility” as a permitted use in the MI, and MS zoning districts as a land use classification #3, and as a special use in the MO, MCG, MCH, OR, CD, CDF, and CH zoning districts as a land use classification #3.

Section 3: That Title 9, Chapter 4, Article E, Section 9-4-85, of the City Code, is hereby amended by adding a new section “(oo)” to read as follows:

“(oo) *Mental health, emotional or physical rehabilitation center.*”

Section 4: That Title 9, Chapter 4, Article E, Section 9-4-86, of the City Code, is hereby amended by adding a new section “(oo)” to read as follows:

“(oo) *Mental health, emotional or physical rehabilitation center.*

(1) Multi-family development standards shall apply when located in the OR zoning district.

(2) Each 3 client occupants or major fraction thereof, in addition to any resident manager and blood relatives to the resident manager, shall constitute 1 dwelling unit for determining allowable density under this section.”

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 10<sup>th</sup> day of September, 2009.

  
Patricia C. Dunn, Mayor

ATTEST:

  
Wanda T. Elks, City Clerk

**ATTACHMENT B**

**NOTE: This is not a staff report for the proposed text amendment . This is a staff report from 2009 that is referenced the current staff report.**



**City of Greenville,  
North Carolina**

**Meeting Date: 9/10/2009  
Time: 7:00 PM**

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**Title of Item:** Ordinance requested by the Community Development Department to amend the zoning ordinance by (i) including a definition for the use entitled "Mental health, emotional or physical rehabilitation center" and to establish specific criteria for such use, and (ii) including a definition for the new use entitled "Mental health, emotional or physical rehabilitation day program facility" and to list such use in the table of uses

**Explanation:** Planning staff has received many requests to operate state licensed day treatment facilities and other similar type mental health facilities in the city's jurisdiction. By interpretation, Planning staff has classified such uses as either a "mental health, emotional or physical rehabilitation center" or as "other activities; personal services not otherwise listed". The volume of applicants wishing to operate such facilities has increased over time and staff is of the opinion that specific definitions of the use categories are necessary to alleviate any administrative inconsistency. Note: this class of use does not include "family care homes" that are permitted by-right in residential neighborhoods.

Planning staff has proposed the following definitions and table of use amendments for the subject uses.

"Mental Health, emotional or physical rehabilitation day program facility: An establishment qualified for a license by the State of North Carolina which provides a day treatment, day activity or other extended counseling service to persons who do not reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment, children or adolescents who are emotionally disturbed and need special educational services and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. Persons receiving service at the establishment may be at the facility for no longer than eighteen (18) hours within any twenty-four-hour period. "Dangerous to others" means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on

another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy."

Mental Health, emotional or physical rehabilitation day program facility as defined above will be a permitted use in the MI and MS (medical) zoning districts and a special use in the MO, MCG, MCH (medical), OR (office/residential), CD, CDF, CG and CH (commercial) zoning districts. The newly defined use will mirror the districts within which "mental health, emotional and physical rehabilitation center" and "other activities; personal services not otherwise listed" are allowed by Planning staff and Board of Adjustment interpretation and past action.

Currently there is no definition for the existing use entitled "mental health, emotional or physical rehabilitation center". This use was originally created to be an institutional facility and the proposed definition reflects that intent.

"Mental health, emotional or physical rehabilitation center: An establishment qualified for a license by the State of North Carolina which provides resident services to more than twenty-five (25) persons who reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. State licensed family care homes and group care facilities are not included under this definition. "Dangerous to others" means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy."

The proposed ordinance does not amend the table of uses (zoning districts) within which this use is currently allowed as a permitted or special use, however, the ordinance does add specific criteria, which will apply if such use is located in the OR district.

Proposed specific criteria are as follows:

"(oo) Mental health, emotional or physical rehabilitation center.

(1) Multifamily development standards shall apply when located in the OR zoning district.

(2) Each 3 client occupants or major fraction thereof in addition to any resident manager and blood relatives to the resident manager shall constitute 1 dwelling unit for determining allowable density under this section."

**Fiscal Note:** No direct cost.

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

The Planning and Zoning Commission approved the recommended ordinances at its August 18, 2009, meeting.

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 requested text amendment and to make a finding and determination that the denial of the text amendment request is consistent with the adopted comprehensive plan and that the denial of the text amendment 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.

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**Attachments / click to download**

[Mental Health Facility Amendment Ordinance 840193](#)

[Excerpt\\_from\\_August\\_2009\\_Planning\\_and\\_Zoning\\_Minutes\\_Community\\_Development\\_Dept\\_840950](#)

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Date Received 7/25/14  
*JSW*

### CITY OF GREENVILLE ZONING ORDINANCE TEXT AMENDMENT APPLICATION

Applicant Name(s) Jason T. Barnett and Jeannette Barnett of  
Paradigm, Inc.

Mailing Address P.O. Box 31091  
Greenville, NC 27833

Contact Phone Number (252) 341-6874

Contact Fax Number (252) 561-7455

Zoning Ordinance Section Proposed to be Amended: Zoning Ordinance ff(1) Mental Health, emotional, or physical rehabilitation day program facility specifically for district CG

Reason for Request: To allow for the issuance of Special Use Permits in the stated district

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

We would like a zoning text amendment concerning the use **ff(1) Mental health, emotional, or physical rehabilitation day program facility** and district **CG** to allow it as a Special Use Permit district.

Jason T. Barnett *Jason T. Barnett* 7/24/14  
Print Name Signature of Applicant Date



7/24/2014

To: Thomas Weitnauer, AICP  
Chief Planner, Community Development Department  
City of Greenville, NC

From: Jason T. Barnett, CEO  
Paradigm, Inc.  
PO Box 31091  
Greenville, NC 27833

Mr. Weitnauer,

I am writing this letter to inform you that I would like to withdraw my previous Special Use Permit Applications submitted July 2014. If there are any questions or anything else I need to do, please do not hesitate to contact me at (252) 714-1230 or by email at [jbarnett@paradigminc.org](mailto:jbarnett@paradigminc.org). Thank you and have a great day.

Respectfully,

A handwritten signature in black ink that reads "Jason T. Barnett". The signature is fluid and cursive, with a long horizontal flourish at the end.

Jason T. Barnett, CEO  
Paradigm, Inc.



7/24/2014

To: Thomas Weitnauer, AICP  
Chief Planner, Community Development Department  
City of Greenville, NC

From: Jason T. Barnett, CEO  
Paradigm, Inc.  
PO Box 31091  
Greenville, NC 27833

Mr. Weitnauer,

I am submitting this letter to inform you of our intent to pursue a zoning text amendment concerning the use **ff(1) Mental health, emotional, or physical rehabilitation day program facility** and district CG to allow it as a Special Use Permit district.

As co-owner and operator of Paradigm, inc., a provider of mental health services in the city of Greenville for the past twelve years, we are attempting to utilize the space at 4054 Memorial Drive, Suite J for the purposes of a day program. Under the present text, such a site is not permitted at this address as these services are licensed by the state of North Carolina as Mental Health services.

As long time business owners and customers in the City of Greenville and in order to continue serving this community in the capacity for which we are licensed by the State of North Carolina, we are pursuing this amendment. We would like to note that we have operated a site in which these same services were provided in Greenville for almost 6 years. The previous site was also within a commercial area close to stores and businesses. The reason we are attempting to change sites is because of the need for additional space and not for any type of disturbance issues or otherwise to neighboring businesses.

At Paradigm, we feel that what is undoubtedly the most important reason for this amendment is the apparent discriminatory nature of the present text. As it stands, businesses such as ours, are denied the ability to provide their services to the community (at the address noted above) based solely on the fact that the persons who would patronize our facility happen to have a

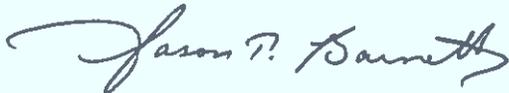
physical, intellectual, or developmental disability. We are confident that this is contrary to the ideals and beliefs of the City of Greenville. Therefore, again, we are stating the need for zoning text amendment.

Included with this letter, we will be providing:

- Examples of the types of activities those services would include (Attachment A)

I want to thank you for your time and support. We look forward to working together to achieve this goal and better serve the City of Greenville. If there is anything else I can do, please do not hesitate to contact either myself or Jeannette Barnett, Program Director at (252) 341-6874 or by email at [jbarnett@paradigminc.org](mailto:jbarnett@paradigminc.org).

Sincerely,

A handwritten signature in black ink that reads "Jason T. Barnett". The signature is written in a cursive style with a large, sweeping initial "J".

Jason T. Barnett, CEO  
Paradigm, Inc.

This is Attachment A to the applicant's letter.

# Attachment A

## Types of Activities

The proposed use for the location at 4054 Memorial Dr., Suite J is that it be used for day programs. To provide these services Paradigm utilizes a open, fun, nurturing but structured environment. The proposed use is meant to have a positive effect on public welfare and society as a whole by teaching skills that these individuals will be able to use as functioning members of society.

The programs which would exist in suite J should involve approximately 15-25 people altogether. Suite J contains an area of 2,838 Sq feet, providing plenty of space. No changes will be made to outside of structure so there should be no harmful visual impact of the proposed use of suite J. As stated this program is designed to provide a nurturing environment for the improvement of skills and abilities of those participating in it. For example, we will teach basic life skills including but not limited to the following:

- Self help skills (dressing, lacing up and tying shoes, bathing, and personal hygiene);
- Making beds and performing house cleaning;
- Cooking simple meals, Safe operation of stove and microwave oven;
- Proper nutrition;
- How to make a shopping list and budget;
- Paying bills;
- Counting money and making correct change;
- Ordering meals at fast food and other restaurants;
- Making eye contact when speaking to others,
- Increasing social skills( interacting with peers);
- Appropriate interaction with strangers, and service personnel in the community;
- Reading simple signs in the community to include safety signs(Restrooms Male/Female, Walk, Don't Walk, No Littering, etc.);
- Some persons involved with the program will focus on prevocational activities such as following instructions, attending to a task, and basic communication skills that can assist them with maintaining employment; and
- Continued work on basic skills and building confidence in oneself to be as productive and as much of an active participant in the community as possible.

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

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on September 11, 2014 at 7:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

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

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

Section 1: That Title 9, Chapter 4, Article D, Section 9-4-78 (Appendix A) (8)ff. 1, of the City Code, is hereby amended to add the use entitled “mental health, emotional or physical rehabilitation day program facility” as a special use in the CG (General Commercial) district.

Section 2: That all ordinances and sections of ordinances in conflict with this ordinance are hereby repealed.

Section 3: That this ordinance shall become effective upon its adoption.

ADOPTED this 11<sup>th</sup> day of September, 2014.

\_\_\_\_\_  
Allen M. Thomas, Mayor

ATTEST:

\_\_\_\_\_  
Carol L. Barwick, City Clerk



# City of Greenville, North Carolina

Meeting Date: 8/19/2014  
Time: 6:30 PM

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**Title of Item:** Informational Item: Summary of policy amendments, recommended in Horizon: Greenville's Community Plan, the Planning Division will present to the Planning and Zoning Commission during future meetings.

**Explanation:** No action required.

**Fiscal Note:**

**Recommendation:**

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

Attachments / click to download

[P\\_Z Informational Item Policy Amendments 986134](#)

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Community Development

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**Department**

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**TO:** Planning and Zoning Commission  
**FROM:** Tom Weitnauer, AICP, Chief Planner  
**SUBJECT:** Informational Item: Upcoming Policy Amendments  
**DATE:** August 13, 2014

As part of a continuing effort to implement recommendations outlined in Horizons: Greenville's Community Plan, the Planning Division will pursue policy amendments over the next several months which include:

- (1). Sidewalk Requirements along Major Thoroughfares for New Commercial Development;
- (2). City-wide Architectural Design Standards;
- (3). Mixed Use District and Development Standards; and
- (4). Open Space Preservation Requirement for New Housing Developments.

Following are references to adopted policies from the Horizons Plan that direct the development of these policy amendments. The status of each project is noted.

**(1). Sidewalk Requirements along Major Thoroughfares for New Commercial Development**

Horizons: Greenville's Community Plan, Transportation Implementation Strategy 1(k) state:

*"9(k). Require major commercial development to provide areas for public transit stops and adequate sidewalks."*

On January 21, 2014, Planning Division staff presented a discussion item to the Planning and Zoning Commission for its input for a text amendment that would require sidewalks along major thoroughfares. The Planning and Zoning Commission offered supportive comments of the conceptual ideas presented and urged staff to continue preparing a text amendment.

Planning Division staff has completed a draft of the text amendment which is currently being reviewed by other departments. It is anticipated the text amendment will be presented to the Planning and Zoning Commission on September 11, 2014.

## (2). **City-wide Architectural Design Guidelines**

Horizons: Greenville's Community Plan, Growth and Implementation Strategy 2(r) directs the development of non-residential design standards which state:

*"2(r.) Develop City-wide architectural and landscaping design standards."*

In 2006, Planning Division staff prepared a proposed text amendment for non-residential design standards. However, it did not move past the Planning and Zoning Commission stage. We feel an opportunity exists to revisit the development of the design guidelines while addressing possible reasons the text amendment did not move forward previously.

Following is a project approach to develop city-wide architectural design standards. Although dates have not yet been assigned, we anticipate the project to commence this fall and be completed the first quarter of 2015.

### **FORM A COMMITTEE.**

Form a committee comprised of a couple of members from Planning and Zoning Commission, Community Appearance Commission, City Council and the development community to include developers, architect and engineers.

### **Committee Meeting 1 - PROJECT INTRODUCTION.**

Distribute documents that reference the need for guidelines. Provide a slideshow that presents an example of a similar assignment that illustrates a problem statement, process, solution and implementation. Give examples of new buildings that could have been improved with the use of design guidelines. Discuss initial impressions and concerns. Ask committee members to return with buildings they feel are attractive and those that are unattractive stating reasons.

### **Committee Meeting 2 - DRAFT A MISSION STATEMENT AND GOALS.**

Restate concerns raised in first meeting and possible ways to address. Go through slides and have participants discuss reasons they selected projects for discussion. Draft a project mission statement.

### **Committee Meeting 3 - LIST ELEMENTS TO REGULATE AND DISCUSS IDEAS FOR IMPLEMENTATION.**

There will likely be a wide disparity of opinions to discuss before a consensus can be reached.

### **Committee Meeting 4 - PRESENTATION OF DRAFT #1 REGULATIONS AND IMPLEMENTATION.**

Present slideshow of regulations drafted to address elements to regulate and alternative ways to implement. Receive critique and discuss possible revisions.

**Committee Meeting 5 - PRESENT FINAL DRAFT #2 REGULATIONS.**

Present a slideshow of revised regulations to address concerns from previous draft.

**Planning and Zoning Commission Workshop (1 hour). PRESENTATION OF COMMERCIAL DESIGN GUIDELINES.**

This could be set up one hour before or after a regular meeting. Invite City Council members to observe or participate.

**Committee Meeting 6 - DISCUSS OUTCOME OF Planning and Zoning Commission WORKSHOP.**

Discuss comments and concerns raised during the Planning and Zoning Commission Workshop and decide whether revisions are necessary.

**Planning and Zoning Commission Public Hearing - PROPOSED TEXT AMENDMENT - COMMERCIAL DESIGN GUIDELINES AND PUBLIC HEARING.**

**City Council Meeting - PROPOSED TEXT AMENDMENT - COMMERCIAL DESIGN GUIDELINES AND PUBLIC HEARING.** \*Prior to the City Council meeting, we may want to schedule a workshop with the City Council and the Committee to provide ample time for a presentation and respond to Council members' questions or concerns.

**(3). Mixed Use District and Development Standards.**

Horizons: Greenville's Community Plan, Land Use Implementation Strategy 2(b) and 2(c) which states:

*"2(b). Provide for the Mixed Use District. A mixed Use District is intended to provide for the coordinated development of office, commercial, and residential uses and their necessary support functions in the vicinity of key highway intersections in Greenville. They should be designed to facilitate stated public policies to encourage design which emphasizes people-oriented environments and compatible, visually interesting development. This district provides areas where moderate scale, mixed use centers can locate, with an emphasis on development of a balance of residential, office, and commercial uses."*

*"2(c). It is further intended that the Mixed Use Districts shall encourage development within which, mutually supported residential, commercial, and office uses are scaled, balanced and located to reduce general traffic congestion by providing housing close to principal destinations, and convenient pedestrian circulation systems and mass transit to further reduce the need for private automobile usage. Mixed Use Districts are intended to encourage development that allows multiple destinations to be achieved with a single trip. When such districts adjoin residential development or residential*

*zoning districts, it is intended that arrangement of buildings, uses, open space, and vehicular or pedestrian access shall provide appropriate transition and reduce potentially adverse effects.”*

This project is anticipated to commence by the first half of 2015.

**(4). Open Space Preservation Requirement for New Housing Developments.**

Horizons: Greenville’s Community Plan, Services and Facilities Implementation Strategy 1(d) state:

*“1(d). ”Revise the Greenville Subdivision Regulations to incorporate provisions to require the dedication of public park property and/or open space. This may include a provision for payment in lieu of dedications if approved by the City.”*

In 2006-07, Planning Division staff prepared a proposed text amendment for open space preservation requirements. However, it did not advance toward adoption. We feel an opportunity exists to revisit the development of this project while addressing possible reasons the text amendment did not move forward previously.

This project is anticipated to commence by mid-2015.