



Agenda

Planning and Zoning Commission

February 21, 2012

6:30 PM

Council Chambers, City Hall, 200 West Fifth Street

Assistive listening devices are available upon request for meetings held in the Council Chambers. If an interpreter is needed for deaf or hearing impaired citizens, please call 252-329-4422 (voice) or 252-329-4060 (TDD) no later than two business days prior to the meeting.

- I. CALL MEETING TO ORDER -
- II. INVOCATION - Dave Gordon
- III. ROLL CALL
- IV. APPROVAL OF MINUTES - January 17, 2012
- V. OLD BUSINESS

PRELIMINARY PLATS

- 1. Request by Synergy Properties, LLC and POHL, LLC for a preliminary plat entitled "Bent Creek (Revised 2012)". The property is located on Ellsworth Drive and Nantucket Road. The subject property is further identified as Pitt County Tax Parcel No. 76223. The proposed development consists of 73 lots on 44.33 acres.

- VI. NEW BUSINESS

PRELIMINARY PLATS

- 2. Request by Greenville Retail Investments, LLC and V-SLEW, LLC for a preliminary plat entitled "Parkside Bluffs". The property is located on the north side of E. Tenth Street (NC HWY 33), approximately 350 feet east of Portertown Road. The property is bound by V-Slew Property to the north, east and west and Hardee Property to the south. The subject property is further identified as Pitt County Tax Parcel No. 09751. The proposed development consists of 1 lot on 1.63 acres.
- 3. Request by Ashton Point E, LP for a preliminary plat entitled "Winslow Pointe". The property is located on the eastern side of Hooker Road at its intersection with Ridge Place. The property is bound by Green Mill Run to the north, CSX Railroad to the east and Pinebrook

Subdivision to the south. The subject property is further identified as Pitt County Tax Parcel Nos. 06649 and 37049. The proposed development consists of 1 lot on 23.65 acres.

TEXT AMENDMENTS

4. A Zoning Ordinance Text Amendment Application submitted by Vidant Medical Center requesting to modify Title 9, Chapter 3 (Airport Zoning), Section 9-3-5 of the City Code to provide an administrative approval process to allow temporary construction equipment to exceed applicable height restrictions.

VII. ADJOURN

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING
AND ZONING COMMISSION
January 17, 2012

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

Mr. Tim Randall - *
Mr. Godfrey Bell - * Mr. Dave Gordon - *
Mr. Tony Parker - * Ms. Linda Rich - *
Mr. Hap Maxwell - * Ms. Ann Bellis - *
Ms. Shelley Basnight - * Mr. Brian Smith - *
Mr. Doug Schrade - * Mr. Jerry Weitz - *

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

VOTING MEMBERS: Bell, Parker, Maxwell, Basnight, Gordon, Rich, Bellis, Smith

PLANNING STAFF: Merrill Flood, Community Development Director; Chris Padgett, Chief Planner; Elizabeth Blount, Staff Support Specialist II; and Andrew Thomas, Jr., Lead Planner.

OTHERS PRESENT: Dave Holec, City Attorney; Max Joyner, Jr., City Council Liaison, Jonathan Edwards, Communications Technician and Valerie Paul, Administrative Assistant - City Clerk's Office.

MINUTES: Motion was made by Mr. Bell, seconded by Mr. Parker, to accept the December 13, 2011 minutes as presented. Motion carried unanimously.

OLD BUSINESS

Text Amendment

Zoning Ordinance Text Amendment Application submitted by Paradigm, Inc. requesting to modify the city's standards for Family Care Homes.

Chairman Randall noted that a letter had been submitted on behalf of the applicant for a continuance until the March meeting.

Motion was made by Mr. Bell for a continuance until the March 2012 meeting, Mr. Smith seconded and the motion carried unanimously.

NEW BUSINESS

PRELIMINARY PLATS

Request by Greenville Retail Investments, LLC and V-SLEW, LLC for a preliminary plat entitled "Parkside Bluffs".

Chairman Randall noted that a letter had been submitted from the applicant for a continuance while they work out some technical details.

Mr. Parker made a motion to continue this item to a future meeting, Ms. Rich seconded and the motion carried unanimously.

PRELIMINARY PLATS

Request by Outdoor Properties II, LLC for a sketch plan entitled "Southwest Commercial Park".

Mr. Andrew Thomas, Jr. stated that this was a preliminary plat for Southwest Commercial Park. The property is located in the southern quadrant of the city. It is located on the south side of Dickinson Avenue. It is approximately 840 feet from the intersection with Greenville Blvd. Property is zoned CH-heavy commercial. The Land Use Plan Map designates it as commercial and it is not impacted by any flood plain. It is located on a major thoroughfare. Mr. Thomas pointed out that a Greenville Utilities Commission pump station was located south of the property and that GUC is participating in extending sewer from the pump station to the north to serve this property and surrounding properties.

The conceptual plan provides sufficient connectivity to the east and south. The development will be served by a common storm water detention facility.

A formal preliminary plat will be presented and approved prior to any further division of the property. No questions were asked by the commission.

Chairman Randall noted that they would have a public hearing on this item.

In favor of the petition, Mr. Mike Baldwin spoke on behalf of the applicant. He reiterated that the sketch plan was to facilitate being able to final plat Lot 19 only. In the near future, construction activity will begin on Lot 19. It was annexed on Thursday, January 12. A final plat will be submitted within the next two weeks. The plan shows street stubs to adjoining properties. The owner worked out the driveway situation with Department of Transportation two or three years ago. The company is also extending sewer out to this property and hoping development will follow.

No one else spoke in favor nor in opposition of this request.

Chairman Randall closed the public hearing and allowed the board to discuss or to make a motion. No discussion was made. Chairman Randall stated that since this was a concept plan, the full text motion was not necessary.

Mr. Gordon made a motion for approval of concept plan and Mr. Smith seconded. The motion carried unanimously.

TEXT ADMENDMENTS

Zoning Ordinance Text Amendment: Sign Regulations – APPROVED.

Mr. Christopher Padgett, Chief Planner, provided background information on this request to the Commission. The process that led to this text amendment began at the May 31, 2011, City Council meeting when a report on the city's sign standards was requested. Staff developed the requested report and presented it to city council at their August 8, 2011, meeting. A copy of that report is included in the Commission's agenda packet. Following this presentation, City Council directed staff to develop options for possible modifications to the sign standards for their review. Staff developed a list of potential modifications and presented them to City Council at their September 8, 2011, meeting. Following staff's presentation City Council directed staff to contact local sign companies to get their input on the potential modifications. Staff then met with the owners/operators of four local sign companies and gathered their input as directed. The list of potential modifications was again presented to City Council along with the sign company comments at their November 14, 2011, meeting. City Council then voted to initiate a Zoning Ordinance Text Amendment to allow the use of wind blades with limitations on the number permitted and their size and to limit the number of flags with commercial messages per business or lot.

Mr. Padgett reviewed the existing standards applicable to flags and wind blades. Flags, either with or without commercial messages, are permitted so long as each flag does not exceed 100 square feet in area. There is no limitation to the number of flags that can be erected per lot. Wind blades are not classified as flags; they are temporary signs which are limited to 6-square feet in area and one per lot.

Mr. Padgett presented the specific text of the proposed standards as follows:

1. Define "wind blades" as follows:
A non-self supporting fabric or film display that is supported on one side by a pole or mast that is curved at the top so that the message is visible regardless of wind conditions. Wind blades shall be freestanding and shall not be attached to any permanent structure.

2. Flags without commercial messages shall be no more than 100 square feet in area. There is no limitation on the number permitted per lot.
3. Flags with commercial messages that are located on functioning light poles internal to the business lot shall be no more than 50 square feet in area. There is no limitation on the number permitted per lot.
4. Freestanding flags with commercial messages and wind blades with commercial messages or noncommercial messages are permitted as follows:
 - At least one freestanding flag or wind blade is permitted per lot.
 - One freestanding flag or wind blade is permitted for each 100-feet of lot frontage on a public or private street.
 - Each freestanding flag or wind blade shall not exceed 25 square feet in area or 12-feet in height.

Mr. Padgett asked if there were any questions. Ms Bellis asked if the signs would be allowed in the street right way. Mr. Padgett stated that like all other signs they would have to be on private property.

Mr. Parker brought up the fact that wind blades are a new form of advertising as well as the fan air blowers. He asked had anyone taken a look at those.

Mr. Padgett said that by the definition of the ordinance the air blowers are not permitted. Chairman Randall asked if the air blowers would be allowed anywhere or any time. Mr. Padgett informed him that they could be used for grand openings.

Mr. Smith asked what would happen if multiple stores wanted to have advertising flags but the lot size did not permit it in accordance to the ordinance, which would be able to put their flag up. Mr. Padgett stated that that would be a private property matter for the private property owner to decide, similar to how they allocate space on a freestanding sign in a shopping center.

Mr. Schrade asked for clarification on the previous question. Mr. Padgett stated that they modeled the proposed standards similar to the way temporary signs are permitted in strip centers. Each lot, in addition to a permanent free standing sign and wall signs, is permitted a 6 sq ft temporary (yard) sign. It is a per lot basis. If there are multiple shops on very small frontage and each one wanted to put a sign out, it would be problematic from an aesthetic stand point.

Mr. Bell asked how this would be monitored. Mr. Padgett stated that it would be monitored through code enforcement the same way we do temporary signs. Mr. Bell asked if this would be

done Monday through Friday or on the weekends. Mr. Padgett stated that they would do it through the weekend.

Chairman Randall opened the public hearing.

No one spoke in favor of the request.

No one spoke in opposition of the request.

The public hearing was closed and opened up for commission to discuss or motion.

Mr. Bell made a 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. Mr. Gordon seconded the motion. The motion passed unanimously.

OTHER

Communities Putting Prevention to Work Grant Project Proposal - Review and Possible Modifications to Plans and Development Standards– APPROVED

Mr. Padgett gave some background information on the project. The Pitt County Health Department received a \$1.3 million grant from the American Recovery and Reinvestment Act of 2009 via the National Center for Disease Control. The grant program is titled "Communities Putting Prevention to Work" and the general purpose of the funding is assist local health departments in the development of jurisdiction-wide plans and programs that will improve the health of citizens. A primary focus is to address the growing rates of obesity and chronic diseases such as diabetes and heart disease.

The program supports the development of comprehensive strategies that impact many sectors of the community in the prevention of chronic disease. Health officials, school administrators, health care professionals, planners, engineers, business sector representatives and others work together to address the health of the community. This blended approach creates opportunities for communities to examine policies affecting public health.

In Pitt County, the initiative partners includes members of local governments (City of Greenville, Town of Ayden, Town of Winterville, and Pitt County), Greenville-Pitt County Chamber of Commerce, Vidant Health (formerly University Health Systems), and Pitt County Schools. Each of these partners sent a representative to attend three days of required training in November, 2010, and the governing board / body of each entity adopted a Resolution supporting the initiative (see City Council adopted Resolution No. 11-11 attached).

The Pitt County Health Department has awarded the City of Greenville \$24,000 as part of this grant initiative. \$4,000 was to support hosting a symposium that brought national and regional experts on the health/built environment relationship to Greenville. This symposium was held on September 8, 2011 at the Greenville Hilton and some members of the commission did attend. There was a great turn out and it was very informative.

\$20,000 is designated towards hiring a consultant to review existing community plans and development standards from a public health perspective and to facilitate meetings with stakeholders to build consensus on policy and development standard modifications that will improve community health, design and appearance.

Mr. Padgett then presented the Proposed Work Plan in an effort to get the Commission's input and recommendation before taking it to City Council.

Step 1: Select a consultant to assist with the project.

- An RFQ will be developed and advertised.
- A consultant will be selected based upon qualifications. The consultant will be paid with grant funds as provided by Pitt County Health Department.

Step 2: Assemble a Work Group to meet with the consultant and staff and make recommendations related to preferred policy and/or development standard modifications that will improve community health, design and appearance. Staff proposes a nine member Work Group consisting of the following:

- Residential Developers (2)
- Commercial Developers (2)
- Local Design Professional (1)
- Planning and Zoning Commission Representative (1)
- Bicycle and Pedestrian Commission Representative (1)
- Community Appearance Commission (1)
- Neighborhood Advisory Board Representative (1)

The staff endeavored to get some balance to include all the stakeholders that would be needed to come to a consensus on some of these policy and development standard changes.

Step 3: Consultant reviews existing plans and development standards and identifies opportunities for possible modifications that will improve community health, design and appearance.

Step 4: Consultant facilitates meetings with the Work Group to build consensus on policy and development standard modifications.

Step 5: Work Group recommendations presented to the Planning and Zoning Commission and City Council.

Staff views this project as an opportunity to look into the community's comprehensive plan, find substitutive areas that relate to public health in order to find different/better ways of

implementing them into our development standards. An example of such topic is the need for more mixed-use development within the community. We have tried different things to encourage the use of mixed-use in Greenville, but have not been as successful as we would like. This is an opportunity to have some outside help in facilitation with the development community and other stakeholders in order to identify barriers that are keeping mixed-use developments from being constructed in the community. Perhaps there are unknown obstacles in our zoning ordinance that makes it difficult for people to build mixed use. We hope to tear down some of the barriers and to pave the way to getting more of this development form within our community.

Chairman Randall asked since the Health Department received \$1.3 million and graciously gave City of Greenville \$24,000, will any additional funding be available to implement the plan?

Mr. Padgett stated that the grant was designed to look at the local policies and standards. For example, one part of the grant is to work with the Pitt County Chamber of Commerce to look at their members and see what type of wellness programs there may or may not be within the businesses in the community. The grant is paying for the policy changes and not necessarily for infrastructure improvements like building a greenway.

Chairman Randall stated that we already have some great ideas with bicycle paths, sidewalks and greenways. It would be nice to use this money to build rather than create a plan to do something.

Mr. Parker stated that this project would be able to look at the internal plan in order to see if there are opportunities for mixed use in which zoning barriers may be blocking. This is also a way to word policies in order to open up some areas for development for mixed use and infill development.

Chairman Randall stated that this policy did not require a public hearing but a request to approve the work plan; therefore, it did not require full text motion.

Mr. Parker made a motion to approve the recommended Work Plan as presented. The motion was seconded by Ms Basnight. The motion passed unanimously.

Report on Public Notice for Applications Reviewed by the Planning and Zoning Commission

Mr. Padgett stated that Commission Member Bellis requested that the city begin publishing the Commission's Meeting Agendas in the newspaper. Member Bellis indicated that she felt such publication would make more people aware of items of business scheduled to be considered by the Commission, thereby increasing the likelihood of public input during Commission meetings.

Staff has created a table (see attachment) that outlines the state requirements for public notice and depicts how the city goes above and beyond those requirements. The table focuses on four types of applications: Rezoning, Zoning Text Amendments, Preliminary Plats, and Land Use Plan Map Amendments. The commission does review a number of applications other than these four categories, but 90% of them qualified for one of the abovementioned categories. Some of the state requirements for certain applications include advertising city council public hearings in the local newspaper, posting signs on the property and mailing notice to adjacent property owners.

Some of the things the city does to exceed the state requirements is for site specific applications (rezonings, preliminary plats, land use plan map amendments), the city sends letters notifying all property owners within 300 feet of the upcoming Planning and Zoning Commission review. There is no requirement that letters be sent for Planning and Zoning Commission review, it is only required for City Council.

The city also sends letters notifying property owners within 300 feet of an upcoming City Council Public Hearing. We have tried to expand the reach of public notice by letters from just adjoining property owners to property owners within 300 feet to get more people notified about items that are coming before the commission.

In addition to providing public notice for individual items, the city advertises upcoming Planning and Zoning Commission meetings on the city page of the local newspaper; on G-TV; on the front page of the city website calendar; the full meeting agenda and package are available on the city website; and Planning and Zoning Commission mailing list which is new. Director Flood had mentioned at the last meeting that the staff was working on a new mailing list to try to get more people involved. We began this month (January). The idea is anyone that is interested in development issues or the types of applications that would be presented at the Planning and Zoning Commission meetings can request to be added to the digital mailing list (email). Each month when the meeting agenda and packet is put together, we email the link to the Planning and Zoning members. We will send a separate email to those who have asked to receive this information. The email reminds interested individuals about upcoming Planning and Zoning Commission meetings and provides a link to the meeting's full agenda and meeting packet. We started with a base list of approximately 40 people. We used the Neighborhood Advisory Board mailing list as a starting point. We hope to add other interested people as well.

The city's Public Information Officer has determined that publishing the Planning and Zoning Commission's Meeting Agenda within the City Page of the The Daily Reflector would cost approximately \$70 per month. One issue that we want to bring to the attention of the Commission is that Planning and Zoning is one of twenty-one boards and commissions. We currently do not advertise any other boards' agenda in the newspaper. The dollar amount to publish the board's meetings would be less than \$1,000 a year but you may be looking at much more if other boards follow suit.

Mr. Parker asked how the mailing list is currently being advertised, whether on the website or GTV.

Mr. Padgett informed him that the initial email went out on Friday, January 13, and that staff had created the initial list. Planning Staff is planning to advertise the list on the website along with instructions on how to sign up.

Ms Bellis stated that she appreciated the staff looking into the advertising. She also asked about the types of applications being advertised such as the Paradigm application and would it be included for advertising since it was a text amendment.

Mr. Padgett answered that it would. He reiterated that the attachment include state mandated public notice requirements. The state requires advertising public notices two successive weeks. The first date of advertisement cannot be more than 25 days prior to the City Council public hearing nor less than 10 days. The state requires that we advertise within a specified time frame that occurs after the Planning and Zoning Commission view the item.

Chairman Randall stated that the Planning and Zoning is not considered the governing board. The governing board is the City Council.

Mr. Padgett agreed with the statement and stated that the Planning and Zoning Commission is an advisory board. The state does not typically require advertising of items being considered by the advisory board.

Chairman Randall asked if Historic Preservation and Board of Adjustments were looking into the direct emailing or just the Planning and Zoning Commission. Mr. Padgett stated that at the moment just the Planning and Zoning Commission, but noted that the Planning Division is striving to become paperless and that other boards and commissions may be added later.

Chairman Randall stated that the Planning and Zoning Commission is exceeding state requirements and that there is no action required other than to accept the report and maybe pursue having our meetings advertised in the newspaper. Chairman Randall also stated that the Planning and Zoning Commission does not have a budget for advertising and that they would have to ask for one.

Mr. Weitz made an observation that it is typical for government not to spend money on advertising for the Planning and Zoning Commission. In order to obtain full process, the commission needs to consider that the public may be relying on the notices and skip the Planning and Zoning Commission meeting because it is not part of a public notice. He stated that the process is flawed because the Planning and Zoning Commission have missed the opportunity for those people to come and speak because they missed a notice. He mentioned that the public can

then go to City Council and influence the City Council's opinion in a different way that the Planning and Zoning Commission did not have an opportunity to hear. Mr. Weitz stated that he was not advocating that the city spend more money but that the Planning and Zoning Commission is suppose to hold public hearings and does not get the advertisement like the City Council does. Mr. Weitz also stated the other 20 boards are not hearing rezoning matters that require notices and that it is not a fair comparison to say that if the Planning and Zoning Commission ask for advertising that all other boards will also. Mr. Weitz does not recommend that all boards advertise their agendas but if the Commission is having a public hearing that it should be advertised.

Mr. Gordon agreed with Mr. Weitz because the Planning and Zoning Commission has made recommendations in the past to the City Council and the City Council went against the recommendations. Mr. Gordon stated that the Planning and Zoning Commission should give the public the opportunity to know what is taking place at the meetings.

Mr. Parker asked for clarification on if the commission is suggesting to post the agenda only if there is a public hearing.

Mr. Weitz stated that the public notice requirements for the City Council should be the same for the Planning and Zoning Commission. He also stated that since it may be a strain on staff that they change the specified number of days of running the public notice. Mr. Weitz suggested that maybe it run 7 days before the meeting along with the City Council announcement.

Mr. Gordon pointed out that the notice for the City Council does not go out until after Planning and Zoning meets.

Mr. Weitz suggested that the Planning and Zoning notice be run separately.

Mr. Padgett stated that based upon the current submittal and review schedule the time that the agenda could realistically run in the City Page ad would be on the Monday prior to the Tuesday meeting.

Mr. Parker stated that with the new email notification list, those who are interested would have previous knowledge of the meeting. He also stated he agreed that the advertising on the webpage would be sufficient.

Mr. Bell agreed with the emailing list, especially since it included the Neighborhood Advisory Board which is the key to informing neighborhoods that there is an agenda item that they should

be concerned about. He stated that the notifications and messages that the city is doing is adequate. He did not approve spending more money to advertise it in the newspaper.

Ms Bellis asked if a public hearing could be advertised in the paper in lieu of the whole agenda.

Mr. Bell asked for clarity if the agenda is posted on the website the week prior.

Mr. Padgett stated that it was.

Chairman Randall asked when are the signs of the Planning and Zoning meeting put up and the letters mailed to adjacent property owners.

Mr. Padgett stated that the letters and signs are at least 10 days prior to the meeting.

Mr. Parker asked how the Neighborhood Liaison disseminates information.

Mr. Padgett stated that the Neighborhood Liaison's role prior to the email list was limited. The liaison had been asked to work with the Neighborhood Advisory Board so they may be more organized in how they distribute the information.

Ms. Bellis asked is there a timing issue with getting them the information in time for the Neighborhood Advisory meeting.

Mr. Padgett stated that he was not referring to the Neighborhood Advisory Board formally reviewing agenda items, but for the board to be a conduit to let their neighbors know about the email list.

Mr. Bell stated that in the past several groups have come from subdivisions and were notified in a timely manner in order to represent their cause. He did not think the time factor was an issue with the city making people aware of the upcoming Planning and Zoning agenda items. Mr. Bell said the time issue may come from the people not reading the email or letters in time and missing the date.

Mr. Weitz stated the notice signs are important but they only advertise the City Council public hearings and if the Commission wants people to be aware of the Planning and Zoning public hearing then they need to advertise it. Mr. Weitz recommended that the Planning and Zoning public hearing date be printed on a sign and posted in neighborhoods.

Chairman Randall stated that when the public sees a rezoning sign posted in their neighborhood they will be prompted to go to the website to get more information.

Mr. Padgett stated the signs are posted before the Planning and Zoning meetings, but they do not advertise a meeting date. Mr. Padgett stated that there may be a way to modify the signs in the future to advertise Public Hearing dates.

Mr. Gordon made a motion to formally ask the staff to pursue the options available to include the Public Hearing dates (Planning and Zoning Commission and City Council) on the rezoning signs that are placed on properties to provide notice. The motion was seconded by Mr. Bell.

Mr. Parker asked did the motion need to include advertising just the public hearing dates in the local newspaper. Mr. Gordon stated that advertising in the local newspaper was a moot point since it would only be done one day prior.

Motion passed unanimously.

With no further business, Mr. Smith made a motion to adjourn, Mr. Bell seconded, and it passed unanimously. Meeting adjourned at 7:30 p.m.

Respectfully Submitted,

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



City of Greenville, North Carolina

Meeting Date: 2/21/2012
Time: 6:30 PM

Title of Item: Request by Synergy Properties, LLC and POHL, LLC for a preliminary plat entitled "Bent Creek (Revised 2012). The property is located on Ellsworth Drive and Nantucket Road. The subject property is further identified as Pitt County Tax Parcel No. 76223. The proposed development consists of 73 lots on 44.33 acres.

Explanation: The preliminary plat for Bent Creek was originally approved on March 16, 1993. It was revised on December 1, 1993. It was further revised on July 20, 2004. There was also a minor alteration that was a staff review in 2007. The street pattern was further revised in 2008.

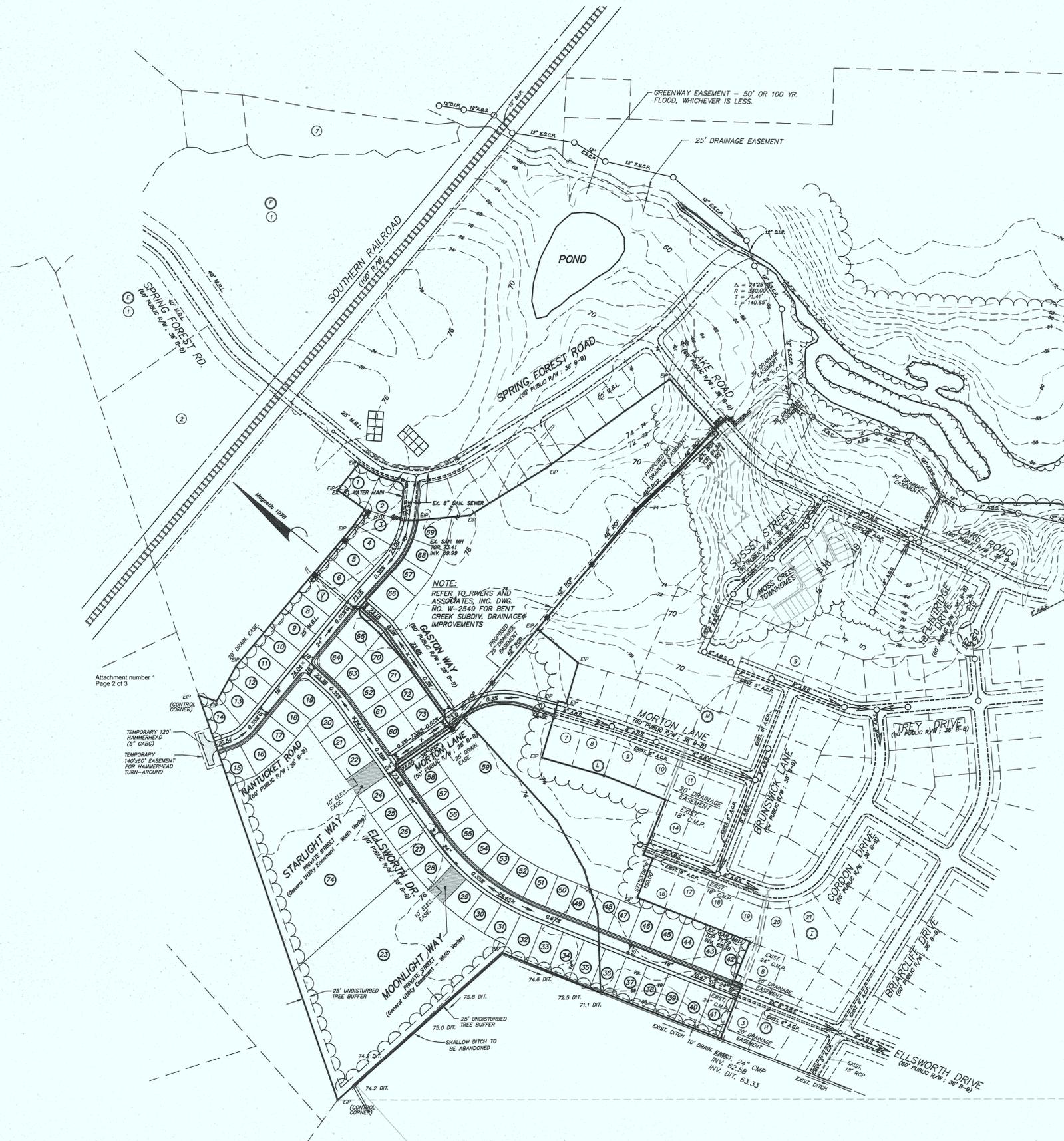
The revised street layout maintained connectivity to adjoining lands and subdivisions. Sidewalks are provided. There are still some large tracts where the development pattern has not been established but there is sufficient access that these properties can be incorporated within the overall subdivision. The currently proposed modification is the addition of two private streets serving the large multi-family tracts.

Fiscal Note: There will be no costs to the City of Greenville associated with this subdivision other than routine costs to provide public services.

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

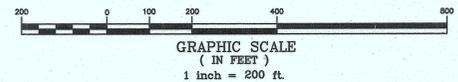
Attachments / click to download

 [Bent Creek \(Revised 2012\)](#)



Attachment number 1
Page 2 of 3

TEMPORARY 120' HAMMERHEAD (6" CABO)
TEMPORARY 140' EASEMENT FOR HAMMERHEAD TURN-AROUND



REVISED 01-24-12 TO ADD PRIVATE STREET EASEMENTS ON LOTS 23 AND 74, AND TO CREATE LOT 74

	Rivers & Associates, Inc. Since 1918 107 East Second St. Greenville, N.C. 27858 (252) 762-4135	Engineers Planners Surveyors
	REVISED PRELIMINARY PLAN BENT CREEK SUBDIVISION (REVISED 2012) CITY OF GREENVILLE, GREENVILLE TWP., PITT COUNTY, NC	
DATE: 1/24/12 SURVEY WRP DESIGN BRC	DRAFT BRC CHECK FDT	SCALE: 1" = 200' DRAWING NO.: W-2762 SHEET 2 OF 3



City of Greenville, North Carolina

Meeting Date: 2/21/2012
Time: 6:30 PM

Title of Item: Request by Greenville Retail Investments, LLC and V-SLEW, LLC for a preliminary plat entitled "Parkside Bluffs". The property is located on the north side of E. Tenth Street (NC HWY 33), approximately 350 feet east of Portertown Road. The property is bound by V-Slew Property to the north, east and west and Hardee Property to the south. The subject property is further identified as Pitt County Tax Parcel No. 09751. The proposed development consists of 1 lot on 1.63 acres.

Explanation: The purpose of this preliminary plat is primarily to establish one building lot and approval of a public street. The proposed street is a result of negotiations between the developer and NCOT regarding the location of the traffic signal for Hardee Crossing at Portertown (proposed Wal*Mart shopping center). NCDOT is requiring that the street be built on the north side of E. Tenth Street (NC 33) to match the proposed intersection signalization.

It is anticipated that this street will be the primary access for future development in the area. This property has approximately 650 feet of commercial zoning from E. Tenth Street toward the Tar River, transitioning into OR and then multi-family residential.

The Planning and Zoning Commission voted to table this item at their January 17, 2012, meeting at the request of the applicant.

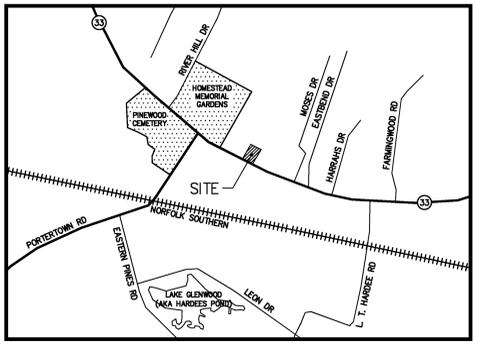
Fiscal Note: There will be no costs to the City of Greenville associated with this subdivision other than routine costs to provide public services.

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

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

Attachments / click to download

 [Parkside Bluffs](#)



LOCATION MAP
SCALE: 1"=1000'

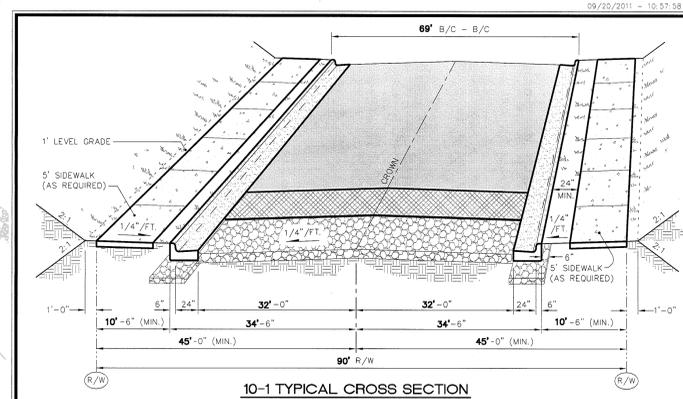
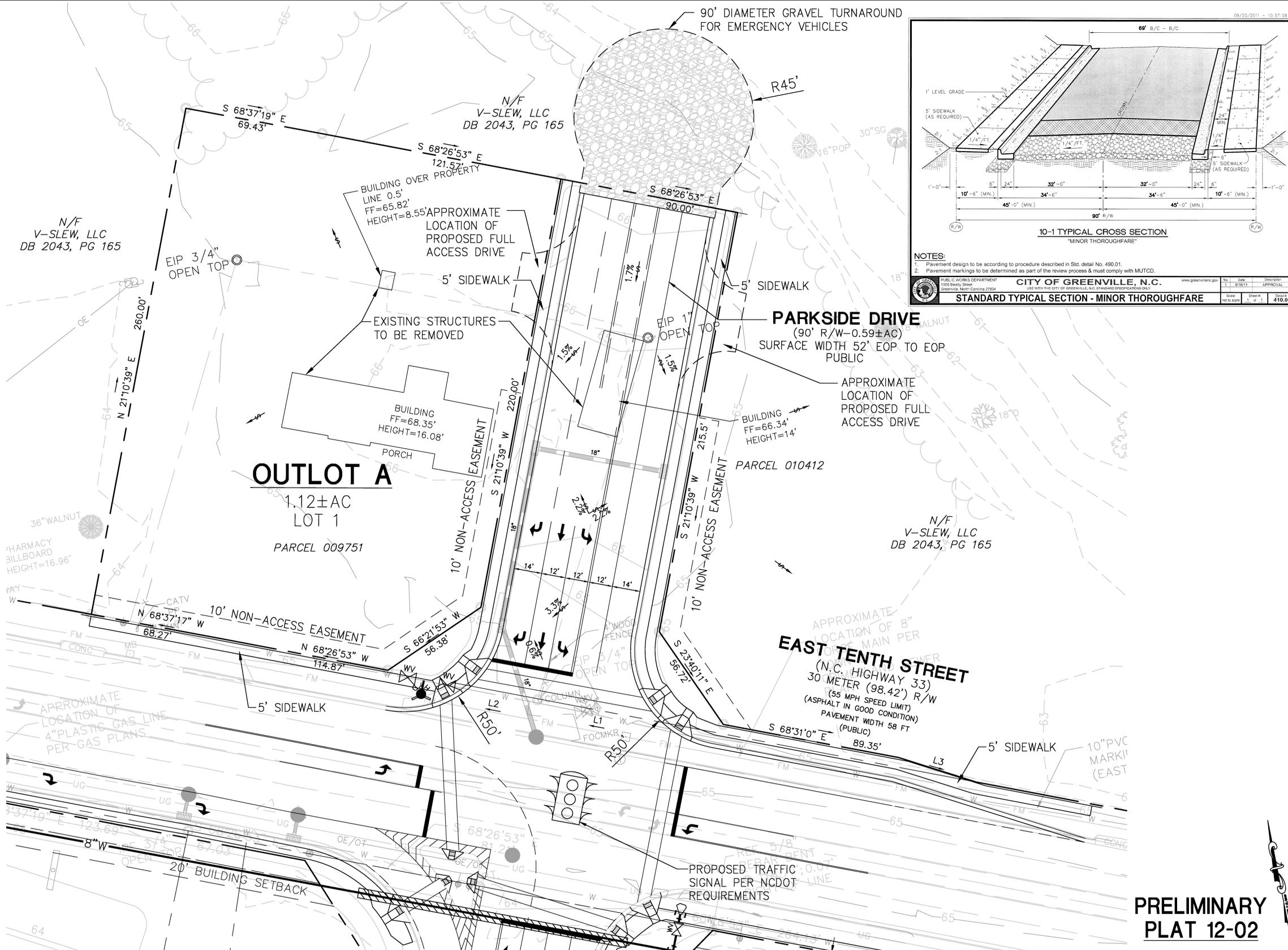
LINEAR FEET OF STREETS	275 LF
NUMBER OF LOTS CREATED	1 LOT
ACREAGE IN TOTAL TRACT	1.71 ACRES
ACREAGE IN PARKS, RECREATION AREAS, COMMON AREAS, AND THE LIKE	0.00 ACRES

- NOTES:**
- CONSTRUCTION PLAN APPROVAL FROM GREENVILLE UTILITIES COMMISSION AND CITY OF GREENVILLE SHALL BE OBTAINED PRIOR TO CONSTRUCTION OF ANY STREET, WATER, AND/OR SANITARY SEWER AND STORM DRAINAGE SYSTEMS.
 - ALL REQUIRED IMPROVEMENTS SHALL CONFORM TO THE CITY OF GREENVILLE MANUAL OF STANDARD DESIGNS AND DETAILS AND THE MANUAL FOR THE DESIGN AND CONSTRUCTION OF WATER AND WASTE WATER SYSTEM EXTENSIONS OF GREENVILLE UTILITY COMMISSION.
 - ALL LOTS SHALL EQUAL OR EXCEED THE MINIMUM DEVELOPMENT STANDARDS OF THE CITY OF GREENVILLE ZONING ORDINANCE.
 - UNDERGROUND ELECTRIC AND TELEPHONE UTILITIES ARE PROPOSED.
 - OUTLOT A WILL PROVIDE ADDITIONAL FIRE HYDRANTS AS REQUIRED BY THE GREENVILLE FIRE DEPT. ONCE IT IS DEVELOPED.
 - EROSION CONTROL PLAN APPROVAL REQUIRED PRIOR TO CONSTRUCTION.
 - THIS PROPERTY LIES IN FLOOD ZONE X, AS DEFINED PURSUANT TO THE FLOOD DISASTER PROTECTION ACT OF 1973, AS AMENDED, AS REFLECTED BY FLOOD INSURANCE RATE MAP PANEL 322030001A DATED 1/2/79.
 - PROPOSED DRIVEWAYS ONTO HIGHWAY 33 WILL HAVE TO ADHERE TO N.C.C.O.T. AND CITY OF GREENVILLE REQUIREMENTS. THE MOST RESTRICTIVE REQUIREMENTS SHALL APPLY.
 - THIS PROJECT DISTURBS GREATER THAN 0.5 ACRES. STORMWATER MANAGEMENT IS REQUIRED IN ACCORDANCE WITH THE CITY OF GREENVILLE'S STORMWATER MANAGEMENT PROGRAM.
 - ALL BOUNDARY AND TOPOGRAPHICAL INFORMATION SHOWN PROVIDED FROM A SURVEY BY FREELAND AND ASSOCIATES, INC. PARKSIDE DRIVE SHOWN ON PLAT BY WOLVERTON AND ASSOCIATES, INC.
 - THE DATE OF THE ORIGINAL SURVEY FOR THIS PROJECT IS 7/9/10.
 - FIRE HYDRANT SPACING SHOWN HEREON IS APPROXIMATE. ADDITIONAL FIRE HYDRANTS MAY BE REQUIRED DURING CONSTRUCTION DRAWING PROCESS TO MEET HYDRANT SPACING REQUIREMENTS.
 - THIS SITE IS LOCATED IN THE GREENVILLE, NC ETJ.
 - ALL DRIVES SHALL CONSTITUTE A GENERAL INGRESS-EGRESS EASEMENT.
 - PUBLIC WATER SERVICE IS AVAILABLE BY EASTERN PINES WATER CORPORATION WITH FACILITIES LOCATED WITHIN THE R/W OF NC HWY 33. PUBLIC SANITARY SEWER SERVICE IS CURRENTLY NOT AVAILABLE TO THE PROPOSED LOT. THE GREENVILLE UTILITIES COMMISSION'S RIVER HILLS SEWER PUMPING STATION IS LOCATED APPROXIMATELY 2500 LF AWAY IN A NORTHERLY DIRECTION. THE PROPOSED LOT IS LOCATED WITHIN THE DESIGNATED SERVICE AREA OF THE SEWER PUMPING STATION WHEREBY THE PROVISION FOR GRAVITY SEWER IS AVAILABLE FOR A DEVELOPER FINANCED EXTENSION OF THE PUBLIC SEWER SYSTEM. NO SITE DEVELOPMENT OR EXTENSION OF SERVICE IS PROPOSED AT THIS TIME.
 - VOLUNTARY ANNEXATION WILL BE REQUIRED PRIOR TO THE RECORDATION OF THE FINAL PLAT. NO PART OF THIS PROPERTY IS WITHIN GREENVILLE CITY LIMITS. THIS PROPERTY IS WITHIN THE CITY OF GREENVILLE EXTRA TERRITORIAL JURISDICTION.
 - BMPs FOR THE ROAD TRACT ARE ACCOUNTED FOR IN THE STORMWATER DESIGN FOR THE WALKMART DEVELOPMENT. BMPs FOR LOT 1 WILL BE PROVIDED FOR BY THE DEVELOPER AT THE TIME THE LOT IS DEVELOPED.
 - PARKSIDE DRIVE TO BE DEDICATED TO THE CITY OF GREENVILLE FOR FUTURE MAINTENANCE BY THE CITY.
 - PITT COUNTY HEALTH DEPARTMENT DOES NOT HAVE ANY RECORDS OF SEPTIC SYSTEMS OR DRINKING WELLS FOR THE EXISTING RESIDENCE. DURING CONSTRUCTION ANY SYSTEMS ENCOUNTERED WILL BE REMOVED PER JURISDICTIONAL REQUIREMENTS.
 - THE INITIAL FULL ACCESS DRIVEWAY ALONG PARKSIDE DRIVE SHALL BE ALLOWED IN COMPLIANCE WITH THE CITY OF GREENVILLE DRIVEWAY STANDARDS AND SHALL NOT BE CONSTRUCTED ANY CLOSER THAN 150 FT FROM THE NORTHERN R/W OF EAST TENTH STREET.
 - ALL PAVEMENT MARKINGS ARE TO BE THERMOPLASTIC.
 - ALL CROSSWALKS ARE TO BE 5W/8" AND BE 6 FEET IN WIDTH.
 - CATCH BASINS TO HAVE FLAT GRATES WITH OPENINGS PERPENDICULAR TO THE TRAVEL WAY TO ACCOMMODATE BICYCLES.

Attachment number 1
Page 1 of 1

LINE	LENGTH	BEARING
L1	61.45'	N 68°26'53" W
L2	44.50'	N 68°26'53" W
L3	40.61'	S 61°36'5" E

NC LICENSE # C-0988



NOTES:

- Pavement design to be according to procedure described in Std. detail No. 490.01.
- Pavement markings to be determined as part of the review process & must comply with MUTCD.

CITY OF GREENVILLE, N.C.
STANDARD TYPICAL SECTION - MINOR THOROUGHFARE

DATE	NO. OF SHEETS	SHEET NO.	APPROVAL
12/14/11	1	1	

REVISIONS	BY
1 CITY COMMENTS 1-3-12	JGB
2 CITY COMMENTS 1-16-12	JGB
3 CITY COMMENTS 1-13-12	JGB

PARCEL NO.	NAME	ADDRESS	CURRENT ZONING
010412	V. SLEW, LLC	2825 CHARLES BV, GREENVILLE, NC 27858	RA20
009751	DARRELL V. & JANET A. ELKS	4421 E 10TH ST, GREENVILLE, NC 27858	RA20

PROPERTY OWNERS

JAMES R. FREELAND, SURVEYOR, CERTIFICATE NO. 11111, STATE OF NORTH CAROLINA, hereby certifies that the BOUNDARY SURVEY, TOPOGRAPHICAL SURVEY, AND THE HORIZONTAL AND VERTICAL CONTROL WAS COMPLETED UNDER MY DIRECT AND RESPONSIBLE CHARGE FROM AN ACTUAL ORIGINAL SURVEY MADE UNDER MY SUPERVISION (SEE DESCRIPTION RECORDED IN DEED BOOK ONE HUNDRED FORTY-NINE, PAGES 100-101, GREENVILLE, NC, 12/14/11). I HAVE PERSONALLY REVIEWED THE SURVEY AND THE INFORMATION THEREON AND I AM SURE THAT THE SURVEY AND THE INFORMATION THEREON COMPLY WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA. I HAVE ALSO REVIEWED THE SURVEY AND THE INFORMATION THEREON AND I AM SURE THAT THE SURVEY AND THE INFORMATION THEREON COMPLY WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA. I HAVE ALSO REVIEWED THE SURVEY AND THE INFORMATION THEREON AND I AM SURE THAT THE SURVEY AND THE INFORMATION THEREON COMPLY WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA.

FREELAND & ASSOCIATES, INC.
101 WEST BOWNE AVE.
GREENVILLE, S.C. 29605
TEL: (864) 271-4884 FAX: (864) 233-0318
EMAIL: info@freeland-associates.com

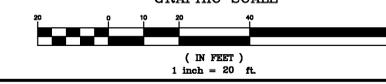
WOLVERTON & ASSOCIATES
1000 BERRY STREET
GREENVILLE, NORTH CAROLINA 27834
TEL: (864) 437-1111 FAX: (864) 437-1112
WWW.WOLVERTON-ASSOCIATES.COM

APPROVAL

THIS PRELIMINARY PLAT #12-02, AND THE STREET NAME(S) HEREON WERE APPROVED BY THE GREENVILLE PLANNING AND ZONING COMMISSION AT A MEETING HELD THE DAY OF 2011.

SIGNED: _____ CHAIRMAN

SIGNED: _____ CITY PLANNER



PARKSIDE BLUFFS SUBDIVISION
GREENVILLE, GRIMESLAND TOWNSHIP, PITT COUNTY, NC

GREENVILLE RETAIL INVESTMENTS, LLC
550 LONG POINT ROAD, MOUNT PLEASANT, SC 29464
843-564-7888

WOLVERTON & ASSOCIATES
1000 BERRY STREET
GREENVILLE, NORTH CAROLINA 27834
WWW.WOLVERTON-ASSOCIATES.COM

SURVEYED: 7/9/10	APPROVED:
DRAWN: 12/13/11	DATE: 12/14/11
CHECKED: 12/14/11	SCALE: 1"=20'



City of Greenville, North Carolina

Meeting Date: 2/21/2012
Time: 6:30 PM

Title of Item: Request by Ashton Point E, LP for a preliminary plat entitled "Winslow Pointe". The property is located on the eastern side of Hooker Road at its intersection with Ridge Place. The property is bound by Green Mill Run to the north, CSX Railroad to the east and Pinebrook Subdivision to the south. The subject property is further identified as Pitt County Tax Parcel Nos. 06649 and 37049. The proposed development consists of 1 lot on 23.65 acres.

Explanation: This site is the recombination of two existing parcels. One parcel contains the Flynn Christian Home and the other tract is vacant.

The property is bound on the north by the Green Mill Run. A riparian buffer and greenway easement will be dedicated with the recordation of the final plat. The property has significant wetlands and the Army Corps of Engineers has approved a wetlands delineation. A large portion of this property will remain undisturbed.

The property will be served by a private drive which is the primary purpose of this submission.

This preliminary plat also illustrates the multi-family units that are proposed to be built.

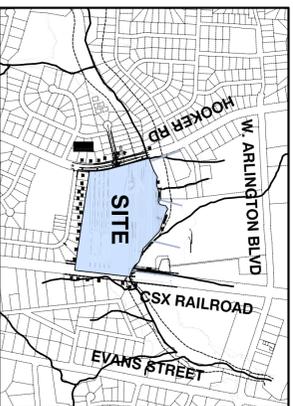
Fiscal Note: There will be no costs to the City of Greenville associated with this subdivision other than routine costs to provide public services.

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

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

Attachments / click to download

 [Winslow Pointe](#)



VICINITY MAP (SCALE: 1" = 1000')



LINE	DESCRIPTION	DATE
1	1/18/12	1/18/12
2	1/18/12	1/18/12
3	1/18/12	1/18/12
4	1/18/12	1/18/12
5	1/18/12	1/18/12
6	1/18/12	1/18/12
7	1/18/12	1/18/12
8	1/18/12	1/18/12
9	1/18/12	1/18/12
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98	1/18/12	1/18/12
99	1/18/12	1/18/12
100	1/18/12	1/18/12

FREESTONE RD

BURRINGTON ROAD

CSX RAILROAD

GREEN MILL RUN

130' RIGHT-OF-WAY

CSX RAILROAD

GREENWILE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

WATER & SANITARY SEWER (SHEET 3 OF 4)

BLDG 1 TYPE 1

BLDG 2 TYPE 1

BLDG 3 TYPE 1

BLDG 4 TYPE 1

BLDG 5 TYPE 1

BLDG 6 TYPE 1

BLDG 7 TYPE 1

BLDG 8 TYPE 1

BLDG 9 TYPE 1

BLDG 10 TYPE 1

BLDG 11 TYPE 1

BLDG 12 TYPE 1

BLDG 13 TYPE 1

BLDG 14 TYPE 1

BLDG 15 TYPE 1

BLDG 16 TYPE 1

BLDG 17 TYPE 1

BLDG 18 TYPE 1

BLDG 19 TYPE 1

BLDG 20 TYPE 1

BLDG 21 TYPE 1

BLDG 22 TYPE 1

BLDG 23 TYPE 1

BLDG 24 TYPE 1

BLDG 25 TYPE 1

BLDG 26 TYPE 1

BLDG 27 TYPE 1

BLDG 28 TYPE 1

BLDG 29 TYPE 1

BLDG 30 TYPE 1

CLUB HOUSE

DRY DET BASIN

75' GREENWAY EASEMENT

50-FOOT RIPARIAN BUFFER

TOP OF BANK

50-FOOT RIPARIAN BUFFER

75' GREENWAY EASEMENT

50-FOOT RIPARIAN BUFFER

TOP OF BANK

50-FOOT RIPARIAN BUFFER

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50-FOOT RIPARIAN BUFFER

TOP OF BANK

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75' GREENWAY EASEMENT

50-FOOT RIPARIAN BUFFER

TOP OF BANK

50-FOOT RIPARIAN BUFFER

LEGEND

EP-EXISTING IRON PIPE

ER-EXISTING IRON PIPE

EA-EXISTING MALE

EN-EXISTING MALE

EP-EXISTING PE NAIL

ER-EXISTING PE NAIL

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DEVELOPER: AASHON POINT LP (CONTACT: MATT REESES)

ADDRESS: 5309 TRANSPORTATION BLVD., CLEVELAND, OHIO 44125

TELEPHONE NO.: 1-216-458-8900

1. I, JAMES S. PHILLIPS III, certify that this project was completed under my direct and responsible charge from an actual

survey of the project and that the data shown on this plan were obtained from a true and correct survey of the project

and that the map meets the requirements of the standard of practice for land surveying in North Carolina. I

certify that the topographic data was obtained on or after the date of the survey and that the data was

obtained from a true and correct survey of the project and that the data shown on this plan were obtained from a

true and correct survey of the project and that the data shown on this plan were obtained from a true and correct

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APPROVAL

THIS PRELIMINARY PLAN # 12-03 AND

THE STREET NAME(S) HEREBY WERE

APPROVED BY THE GREENWILE PLANNING

AND ZONING COMMISSION AT A MEETING

HELD THE _____ DAY OF _____

2012.

SIGNED _____ CHAIRMAN

SIGNED _____ CITY PLANNING

OWNERS:

TRACT 1 - PARCEL 25484

TRACT 2 - PARCEL 25484

TRACT 3 - PARCEL 25484

TRACT 4 - PARCEL 25484

TRACT 5 - PARCEL 25484

TRACT 6 - PARCEL 25484

TRACT 7 - PARCEL 25484

TRACT 8 - PARCEL 25484

TRACT 9 - PARCEL 25484

TRACT 10 - PARCEL 25484

TRACT 11 - PARCEL 25484

TRACT 12 - PARCEL 25484

TRACT 13 - PARCEL 25484

TRACT 14 - PARCEL 25484

TRACT 15 - PARCEL 25484

TRACT 16 - PARCEL 25484

TRACT 17 - PARCEL 25484

TRACT 18 - PARCEL 25484



City of Greenville, North Carolina

Meeting Date: 2/21/2012
Time: 6:30 PM

Title of Item: A Zoning Ordinance Text Amendment Application submitted by Vidant Medical Center requesting to modify Title 9, Chapter 3 (Airport Zoning), Section 9-3-5 of the City Code to provide an administrative approval process to allow temporary construction equipment to exceed applicable height restrictions.

Explanation: **Current Standards**
Title 9, Chapter 3 of the City Code provides the standards for Airport Zoning within the city's planning and zoning jurisdiction. More specifically, this Chapter provides standards that regulate the height of trees and structures located within the approaches to active runways at the Pitt - Greenville Airport. The height limitations are depicted on the *Airport Hazard Zoning Map* which has been adopted as an administrative supplement to Chapter 3 and reflects the clearance required by the Federal Aviation Administration for the approaches to active runways. The construction of any permanent or temporary structure that exceeds the height limitations provided by the *Airport Hazard Zoning Map* requires a variance from the Board of Adjustment. A full copy of Chapter 3: Airport Zoning and the *Airport Hazard Zoning Map* are included as an attachment, herein.

Current Request

The Vidant Medical Center (formerly University Health Systems) has submitted a Text Amendment Application requesting to add an administrative approval process to Chapter 3: Airport Zoning to allow temporary construction equipment to exceed the applicable height restrictions with specified terms and conditions. The applicant has obtained five variances from the Board of Adjustment since May, 2006, related to temporary construction equipment (cranes) that exceeded the applicable height requirements. A copy of the application, including the full text of the proposed amendment, is attached herein.

Staff Comments

The City of Greenville first adopted airport zoning standards in 1944. The standards have been modified on multiple occasions since initial adoption; typically as a means of meeting revised FAA requirements or addressing

physical improvements (runway modifications) to the airport facility. The Board of Adjustment has reviewed and approved five variance applications related to temporary construction equipment (cranes) that exceeded the applicable height requirements since May, 2006. All of these variance applications were submitted by the applicant (Vidant Medical Center) and all were approved conditioned upon compliance with applicable FAA requirements. The process of obtaining a variance typically takes 30 - 45 days and the applicant is requesting a quicker process that would not require a variance from the Board of Adjustment. Staff has no objection to the proposed text amendment recognizing that it will allow for a more timely approval process; continue to ensure that FAA requirements are being met; and is supported by the Pitt County - City of Greenville Airport Authority.

Fiscal Note: No fiscal impact anticipated.

Recommendation: In staff's opinion, the proposed Text Amendment is in compliance with **Horizon's: 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."

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

Attachments / click to download

[Application](#)

[Letter of Support - PGV Airport Authority](#)

[Chapter 3 Airport Zoning](#)



Date Received 1-24-12

CITY OF GREENVILLE ZONING ORDINANCE TEXT AMENDMENT APPLICATION

Applicant Name(s) VIDANT MEDICAL CENTER

Mailing Address P.O. Box 6028, Greenville, NC 27835

Contact Phone Number (252) 847-8489

Contact Fax Number (252) 847-8204

Zoning Ordinance Section Proposed to be Amended: Chapter 3: Airport Zoning, Section 9-3-5 Airport
Zone Height Limitations)

Reason for Request: To provide administrative approval process to allow temporary construction
equipment to exceed the height restrictions with the applicable zone.

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

See attachment

Timothy J. McDonnell, AIA
VIDANT HEALTH
Chief Facilities Officer

Signature of Applicant

1-23-12

Date

Item # 4

Proposed Text Amendment

Bold underlined text represents additions.

SEC. 9-3-5 Airport Zone Height Limitations.

- (A) Except as otherwise **provided by subsection (C), or** noted in this chapter, no structure or tree shall be erected, altered, allowed to grow or be maintained in any zone created by this chapter to a height in excess of the limiting height of the applicable zone represented by the conical surfaces, inner horizontal surface, primary surface and transitional surfaces herein established.
- (B) Limiting height for each zone shall be depicted on the airport hazard zoning map through the use of intermediate aerial contours superimposed over existing ground contours.
(Ord. No. 04-45, passed 5-13-2004)
- (C) **Temporary construction equipment, including cranes or other apparatus, that exceed the height limitation of the applicable zone represented by the conical surfaces, inner horizontal surface, primary surface and transitional surfaces herein established shall be permitted provided (i) the sponsor of the temporary construction equipment has filed FAA Form 7460-1, Notice of Proposed Construction or Alteration, or other amended or substitute FAA Form required for this purpose with the FAA, (ii) the FAA has stated in writing that a FAA Aeronautical Study has resulted in the determination that the temporary construction equipment would not be a hazard to air navigation, (iii) the sponsor of the temporary construction equipment shall deliver a copy of the FAA written determination to the Executive Director of the Pitt – Greenville Airport at least ten (10) days prior to any airport height zone encroachment allowed pursuant to this subsection (C), and (iv) the temporary construction equipment is marked and lighted in accordance with the lighting and marking standards prescribed by the FAA.**



PITT COUNTY – CITY OF GREENVILLE AIRPORT AUTHORITY

February 10, 2012

To: City of Greenville Planning and Zoning Commission
(Attn: Chief Planner Christopher N. Padgett, AICP)

From: Jerry M. Vickers, Executive Director

A handwritten signature in black ink, appearing to read 'Jerry M. Vickers', is written over the 'From:' line.

Subject: Change to City Ordinance Regarding Erection of Temporary Cranes

Per meetings held between the City Attorney, Airport Executive Director, and representatives from Vidant Health, we have had discussions concerning modifying the existing City Airport Zoning Ordinance as regards approval for erection of temporary cranes. During those meetings, the airport expressed support for changes to the ordinance to simplify and streamline the approval process. Specifically, we stated an opinion that the ordinance should allow City Staff review and approval as opposed to a variance review by the Zoning Board of Adjustment.

During the January 19, 2012 meeting of the Pitt-Greenville Airport Authority, we discussed this issue and the board voted unanimously to support Vidant Health's petition to modify the ordinance based on the following stipulations:

1. Airport is notified by temporary crane petitioner.
2. Petitioner obtains a "Determination of No Hazard to Air Navigation" from the Federal Aviation Administration
3. Petitioner receives staff approval by City of Greenville

If there are any questions regarding this issue, please do not hesitate to contact me at 252-758-4707, Option #6.

Cc: Mr. David Holec, City of Greenville Attorney
Mr. Tim McDonnell, Chief Design & Construction Officer, Vidant Health

CHAPTER 3: AIRPORT ZONING

Section

9-3-1	Definitions
9-3-2	Short title
9-3-3	Airport hazard zoning map
9-3-4	Airport zones
9-3-5	Airport zone height limitations
9-3-6	Use restrictions
9-3-7	Nonconforming uses, structures and trees
9-3-8	Permits
9-3-9	Application for permits and variances
9-3-10	Appeals
9-3-11	Director of Community Development interprets
9-3-12	Duties of City Council
9-3-13	Enforcement and appeals
9-3-14	Permits required
9-3-15	Certificate of occupancy
9-3-16	Remedies
9-3-17	Revocation of permits and certificates
9-3-18	Penalties for violation

Editor's note:

The original airport zoning chapter that was taken from Code 1971 and revised by Ordinance No. 704, § 1, passed July 7, 1977 was rewritten by Ordinance No. 04-45 dated May 13, 2004.

Statutory reference:

Authority to adopt, see G.S. 63-31

SEC. 9-3-1 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Airport. The Pitt-Greenville Airport located in the northwestern section of the city limits contiguous to the Tar River and U.S. 13-NC 11.

Airport elevation. The highest point of the airport's landing surfaces measured in feet above mean sea level, i.e., 27.0 feet for Pitt-Greenville Airport.

Airport hazard. Any object violating the Federal Aviation Regulations (FAR) 14 C.F.R. Part 77, navigable airspace depicted on the airport hazard zoning map.

Airport reference point (ARP). The geometric center of the active runway configuration. For Pitt-Greenville Airport the ARP is latitude 35 degrees 38 minutes 03.73 seconds North, and longitude 77 degrees 07.73 minutes 00 seconds West.

Airport zone. An area that begins at the end of the primary surface for each active runway and extends outward and upward for the distance and angle specified in the Federal Aviation Regulations (FAR) Part 77 and depicted on the airport hazard zoning map.

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Conical surfaces. An area extended outwardly from the inner horizontal surface an additional 4,000 feet and upward at a slope of 20:1. Therefore, the conical surface extends from 177.0 feet above mean sea level to 377.0 feet above mean sea level as depicted on the Airport Hazard Zoning Map.

Inner horizontal surface. A horizontal plane 150 feet above the airport elevation, i.e., 177.0 feet for Pitt-Greenville Airport. The horizontal surface is inscribed within 10,000 feet radii arcs from the ends of the primary surfaces as depicted on the Airport Hazard Zoning Map.

Nonconforming use. Any man-made structure, or object of natural growth or use of land or activity that is inconsistent with the provisions of this chapter or any amendment thereto.

Primary surface. A plane of varying elevation 1,000 feet wide for the precision approach runway and 500 feet wide for the non-precision approach and visual runways, centered on the respective runways and extending 200 feet beyond each runway end. The elevation of any point on the primary surface is equal to the runway elevation at that station measured along the runway centerline. The elevation of any point on the primary surface 200 feet beyond each runway end is equal to the centerline elevation of the runway end.

Runway. For Pitt-Greenville Airport there are three active runways, all constructed of asphaltic concrete and identified as follows:

Runway 2-20 - 6,500 feet × 150 feet	Precision Approach
Runway 8-26 - 4,997 feet × 150 feet	Non-Precision Approach
Runway 15-33 - 2,500 feet × 150 feet	Visual Approach

Runway, non-precision. A runway having an existing or planned instrument approach procedure which provides for approaches at a decision height (DH) and visibility minimums greater than as defined for a precision approach.

Runway, precision. A runway having an existing or planned instrument approach procedure utilizing an instrument landing system (ILS) or precision approach radar (PAR) or global positioning system (GPS), which provides for approaches to a decision height (DH) of not less than 200 feet above ground level (AGL) with a visibility of not less than one-half mile or a runway visual range (RVR) of not less than 2,400 feet.

Runway, visual. A runway intended solely for aircraft operating under visual flight and approach procedures.

Transitional surfaces. An area extending upward from the sides of the primary surface for each active runway at a slope of 7:1 to the limit of the inner horizontal surface, and the area extending from the sides of precision approach zones outward 5,000 feet and upward at a slope of 7:1 (refer to airport hazard zoning map).

(Ord. No. 04-45, passed 5-13-2004)

SEC. 9-3-2 SHORT TITLE.

This chapter shall be known and may be cited as the "Pitt-Greenville Airport zoning ordinance" or this chapter.

(Ord. No. 04-45, passed 5-13-2004)

SEC. 9-3-3 AIRPORT HAZARD ZONING MAP.

The airport hazard zoning map is hereby incorporated as an administrative supplement by reference and made a part of this chapter. A copy of the map is on file in the office of the Director of Community Development. A digital copy of the map shall be maintained in the city's graphic information system (GIS) that shall be utilized for purposes of administration of this chapter. The airport hazard zones as illustrated on the map are a depiction of the regulatory surfaces as provided herein and the map shall be automatically amended by addition, alteration or extension of the associated physical facility.

(Ord. No. 04-45, passed 5-13-2004; Ord. No. 06-75, § 1, passed 8-10-2006)

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SEC. 9-3-4 AIRPORT ZONES.

There are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, inner horizontal and conical surfaces, as defined herein, as they apply to Pitt-Greenville Airport and which are depicted on the airport hazard zoning map.
(Ord. No. 04-45, passed 5-13-2004)

SEC. 9-3-5 AIRPORT ZONE HEIGHT LIMITATIONS.

(A) Except as otherwise noted in this chapter, no structure or tree shall be erected, altered, allowed to grow or be maintained in any zone created by this chapter to a height in excess of the limiting height of the applicable zone represented by the conical surfaces, inner horizontal surface, primary surface and transitional surfaces herein established.

(B) Limiting height for each zone shall be depicted on the airport hazard zoning map through the use of intermediate aerial contours superimposed over existing ground contours.
(Ord. No. 04-45, passed 5-13-2004)

SEC. 9-3-6 USE RESTRICTIONS.

Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, or in any way impair the visibility of pilots using the airport, or otherwise create a hazard to aircraft intending to use the airport.
(Ord. No. 04-45, passed 5-13-2004)

SEC. 9-3-7 NONCONFORMING USES, STRUCTURES AND TREES.

(A) *Regulations, not retroactive.* The regulations prescribed by this chapter shall not be construed as to require the removal or alteration of any tree or structure not conforming to these regulations as of May 4, 1944, the date of enactment of the ordinance codified in this chapter. Nothing contained herein shall require any change in construction or use of any structure begun prior to the above-referenced date.

(B) *Marking or lighting.* The owner of any aforementioned existing nonconforming structures or trees is hereby required to permit the installation, operation and maintenance thereon of such markers and/or lights as deemed necessary by the airport authority; to clearly indicate the presence of such obstructions or hazards to air navigation. All the markers and/or lights shall be installed, operated and maintained at the expense of the airport authority.
(Ord. No. 04-45, passed 5-13-2004)

Editor's note:

The "date of enactment of the ordinance codified in this chapter" given as May 4, 1944, refers to the enactment of the former airport zoning ordinance, which has been superseded by these provisions.

SEC. 9-3-8 PERMITS.

(A) *Future uses.*

(1) No material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created, unless a permit therefor shall have been applied for and granted as required by this chapter.

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- (2) However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of runway except when the tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for the respective zone.
- (3) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure or tree would conform to the regulations herein prescribed. If the determination is in the affirmative, the permit shall be granted.

(B) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this chapter or any amendments thereto or greater than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(C) *Nonconforming uses abandoned or destroyed.* Whenever the Zoning Enforcement Officer determines that a nonconforming tree or structure has been abandoned or more than 50% torn down, physically deteriorated or decayed, no permit shall be granted that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(D) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his or her property not in accordance with the regulations prescribed in this chapter, may apply to the Board of Adjustment for a variance from the regulations. The variance shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in a practical difficulty or unnecessary hardship and relief would not be contrary to the public interest but will do substantial justice and be in accordance with the intent of this chapter.

(E) *Hazard marking and lighting.* Any permit or variance granted may, if the action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the airport authority, at the owner's expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

(Ord. No. 04-45, passed 5-13-2004)

SEC. 9-3-9 APPLICATION FOR PERMITS AND VARIANCES.

It shall be the duty of the Director of Community Development, or authorized representative, to accept applications for permits and variances, and consider each and enforce the applicable provisions prescribed herein.

(Ord. No. 04-45, passed 5-13-2004; Ord. No. 06-75, § 1, passed 8-10-2006)

SEC. 9-3-10 APPEALS.

Any person aggrieved or affected by any decision of the Director of Community Development, or authorized representative, made in the administration of this chapter, may appeal to the Board of Adjustment in accordance with applicable procedure and law.

(Ord. No. 04-45, passed 5-13-2004; Ord. No. 06-75, § 1, passed 8-10-2006)

SEC. 9-3-11 DIRECTOR OF COMMUNITY DEVELOPMENT INTERPRETS.

It is the intent of this chapter that all questions of interpretation shall be the responsibility of the Director of Community Development or authorized representative.

(Ord. No. 04-45, passed 5-13-2004; Ord. No. 06-75, § 1, passed 8-10-2006)

SEC. 9-3-12 DUTIES OF CITY COUNCIL.

(A) It is further the intent of this chapter that the duties of the City Council in connection with this chapter shall be to consider and act upon proposed amendments to this chapter.

(B) The duties of the City Council shall not include hearing and deciding questions of interpretation and enforcement that arise.

(Ord. No. 04-45, passed 5-13-2004)

SEC. 9-3-13 ENFORCEMENT AND APPEALS.

The Zoning Enforcement Officer shall be responsible for the enforcement of this chapter. The Zoning Enforcement Officer may provide for the enforcement of this chapter by means of withholding permits and/or issuance of civil citation(s) as provided herein. The Zoning Enforcement Officer may provide for enforcement by instituting injunction, mandamus or other appropriate action or proceeding to prevent unlawful erection, construction, reconstruction, alteration, conversion, moving, maintenance or use; to correct or abate the violation; or to prevent the occupancy of the building, structure or land. If a decision of the Zoning Enforcement Officer is questioned, the aggrieved person may appeal the decision to the Board of Adjustment in accordance with applicable procedure and law.

(Ord. No. 04-45, passed 5-13-2004)

SEC. 9-3-14 PERMITS REQUIRED.

No land, building or structure shall be used, no building, sign or structure shall be erected, and no existing building, sign or structure shall be moved, expanded, enlarged or altered until the Director of Community Development, or authorized representative, has approved the use or construction in accordance with the provisions of this chapter.

(Ord. No. 04-45, passed 5-13-2004; Ord. No. 06-75, § 1, passed 8-10-2006)

SEC. 9-3-15 CERTIFICATE OF OCCUPANCY.

A certificate of occupancy issued by the Building Inspector is required in advance of occupancy or use of a building hereafter erected, altered or moved; and for a change of use of any building or land. It shall be unlawful to occupy any building or structure without a certificate of occupancy. A certificate of occupancy shall not be issued unless the proposed use of a building or structure conforms to the applicable provisions of these regulations.

(Ord. No. 04-45, passed 5-13-2004)

SEC. 9-3-16 REMEDIES.

Where any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this chapter, the Zoning Enforcement Officer, Building Inspector, any other appropriate city authority, or any person who would be damaged by the violation may, in addition to other remedies, institute an action for injunction, mandamus or other appropriate action or proceeding to prevent the violation.

(Ord. No. 04-45, passed 5-13-2004)

SEC. 9-3-17 REVOCATION OF PERMITS AND CERTIFICATES.

A stop work order may be issued or a building permit or certificate of occupancy may be revoked by the Building Inspector when the method of moving, construction, alteration, repair or use violates any provision of these regulations or any state or local law, ordinance or resolution. Upon notice, any further work upon the moving, construction, alteration or repair of a building or structure, or further use of a building, structure or land shall be deemed a violation.

(Ord. No. 04-45, passed 5-13-2004)

SEC. 9-3-18 PENALTIES FOR VIOLATION.

(A) Any violation of the provisions of this chapter or a failure to comply with any of its requirements shall subject the offender to a civil penalty as follows:

- (1) In the amount of \$50 for each offense on the first day of the offense;
- (2) In the amount of \$100 for each offense either: on the second day of the offense; or when the offense is a second offense within a 12-month period; and
- (3) In the amount of \$250 for each offense either: on the third day and on each subsequent day of the offense; or when the offense is the third or subsequent offense within a 12-month period.

(B) Violators shall be issued a written citation that must be paid within 72 hours. If a person fails to pay the civil penalty within 72 hours, the city may recover the penalty together with all costs by filing a legal action in the general court of justice in the nature of a suit to collect a debt.

(C) This chapter may also be enforced by any appropriate equitable action.

(D) Each day that any violation continues shall be considered a separate offense for purposes of the penalties and remedies specified in this section. Notwithstanding the foregoing, the Zoning Enforcement Officer may invoke the escalating civil penalties authorized by subsection (A) whenever the violation continues and there has been sufficient time for the violation to be corrected after notification that the violation exists or whenever the violation has occurred previously during a 12-month period.

(E) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

(F) The owner, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided. (Ord. No. 04-45, passed 5-13-2004)

Airport Hazard Zoning Map

