

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE BOARD OF ADJSUTMENT

May 27, 2010

The Greenville Board of Adjustment met on the above date at 7:00 PM in the City Council Chamber of City Hall.

Dr. Mulatu Wubneh X Chairman

Ann Bellis *	Charles Ewen *
Wanda Harrington *	John Hutchens *
Scott Shook *	Charles Ward *
Renee Safford-White X	Linda Rich *
Sharon Ferris *	

The members present are denoted by an “\*” and those absent are denoted by an “X”.

VOTING MEMBERS: Bellis, Ewen, Harrington, Hutchens, Shook, Ward, Rich

OTHERS PRESENT:

- Mr. Mike Dail, Planner
- Mr. Wayne Harrison, Planner
- Mr. Carl Rees, Senior Planner
- Ms. Betty Moseley, Secretary
- Mr. Bill Little, Assistant City Attorney
- Mr. Chris Kelly, Engineering Assistant
- Ms. Marianne Blackburn, Council Member

MINUTES

Motion was made by Mr. Shook, seconded by Ms. Rich to accept the April 22, 2010 minutes as presented. Motion carried unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY DELIA LIUZZA (TIPSY TEAPOT)

The applicant, Delia Liuzza (Topsy Teapot), desires a special use permit to operate a dining and entertainment establishment pursuant to Appendix A, Use (6)m.(1) of the Greenville City Code. The proposed use is located at 409 S. Evans Street. The property is further identified as being tax parcel number 00015.

Ms. Bellis asked for all those wishing to speak for or against the case to come forward and be sworn.

Mr. Dail delineated the area on the map. He said the property is located in the downtown area in the Evans Street mall. The property as well as the surrounding properties are zoned CD (Downtown Commercial). The property is located along a major and minor thoroughfare, being West 5<sup>th</sup> Street.

**Surrounding Development:**

- North: Twisted Ink, WOOW 1340 AM
- South: New Vision Faith Ministries, Renaissance
- East: Public Parking Lot
- West: Pitt County Arts Council-Emerge, Pretty in Pearls, Links

**Description of Property:**

The property has approximately 45 feet of frontage along S. Evans Street and contains a 10,492 square foot commercial building.

**Comprehensive Plan:**

The property is located within Vision Area “H” as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends commercial development for the subject property.

**Notice:**

Notice was mailed to the adjoining property owners on May 13, 2010. Notice of the public hearing was published in the Daily Reflector on May 17, 2010 and May 24, 2010.

**Staff Comments:**

The proposed project must meet all related NC State fire and building codes prior to occupancy.

**Staff Recommendation:**

Planning staff is of the opinion that the request can meet all the development standards required for issuance of a special use permit upon proper findings by the Board.

Mr. Ewen asked what Tipsy Teapot’s classification is now.

Mr. Dail stated that they were classified as a restaurant and were allowed to have entertainment; however they are not allowed to charge a cover charge. The special use permit would allow the restaurant to have a cover charge to those coming in just to listen to the entertainment.

Ms. Bellis asked if the requirement for separation of dining and entertainment in a commercial neighborhood applied to the downtown area.

Mr. Dail replied that the separation was for CN districts only.

Ms. Liuzza, owner of Tipsy Teapot, spoke in favor of the request. She stated that entertainers were currently receiving donations, but the cover charge would ensure a better financial outcome.

Ms. Bellis asked if there would be amplified music.

Ms. Liuzza replied yes.

Ms. Bellis asked if security would be available.

Mr. Dail stated that security was only required when a dining and entertainment establishment was within a 500 foot radius of residential districts. The Tipsy Teapot was not within that radius and therefore would not be required to have security.

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

Ms. Bellis asked for staff's recommendation.

Mr. Dail stated staff had no objection to the request.

Ms. Bellis closed the public hearing and read the criteria.

Motion was made by Ms. Harrington, seconded by Mr. Ewen to approve the Findings of Fact. Motion carried unanimously.

Motion was made by Mr. Hutchens, seconded by Mr. Ward to approve the petition. Motion carried unanimously.

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

**PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY MED 1 INTER-FACILITY CARE, LLC**

The applicant, Med 1 Inter-Facility Care, LLC, desires a special use permit to operate a health service not otherwise listed (non-emergency medical transport service) pursuant to Appendix A, Use (8)jj. of the Greenville City Code. The proposed use is located at 1707 W. Sixth Street. The property is further identified as being tax parcel number 17471.

Ms. Bellis asked for all those wishing to speak for or against the case to come forward and be sworn.

Mr. Dail delineated the area on the map. He said the property is located in the Medical District western portion of the City's jurisdiction along West Sixth Street. The property as well as the surrounding properties are zoned MS. The property is located along major thoroughfares, being West Sixth Street and South Memorial Drive.

**Surrounding Development:**

North: Uplift Comprehensive Service, Strive, Joblink  
South: Physicians Quadrangle, ECU School of Medicine Office  
East: Cambridge Behavioral Health Services  
West: ECU Department of Public Health

**Description of Property:**

The property has approximately 205 feet of frontage along W. Sixth Street with a total lot area of 0.9 acres and contains a 6,000 square foot commercial building.

**Comprehensive Plan:**

The property is located within Vision Area "F" as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends medical transitional development for the subject property.

**Notice:**

Notice was mailed to the adjoining property owners on May 13, 2010. Notice of the public hearing was

published in the Daily Reflector on May 17, 2010 and May 24, 2010.

**Staff Comments:**

The proposed project must meet all related NC State fire and building codes prior to occupancy.

**Staff Recommendation:**

Planning staff is of the opinion that the request can meet all the development standards required for issuance of a special use permit upon proper findings by the Board.

Mr. Kelvin Davison, owner of Med I Inter Facility Care, LLC, spoke in favor of the request. Mr. Davidson said this location would save fuel and allow closer access to the clients served.

Mr. Ewen asked who the clients were that they currently served.

Mr. Davidson stated that they served hospitals, individual patients and businesses. He stated that they have contracts with local businesses for transport.

Mr. Ward asked how many vehicles were involved.

Mr. Davidson stated that six vehicles were staffed with two as spares.

Mr. Ward asked if the vehicles would be parked at the facility.

Mr. Davidson replied yes.

Mr. Ward asked if the inside of the facility would be used mostly for offices space.

Mr. Davidson replied yes.

Mr. Ward asked where they were currently located.

Mr. Davidson stated that they were currently on Forlines Road.

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

Ms. Bellis asked for staff's recommendation.

Mr. Dail stated staff had no objection to the request.

Ms. Bellis closed the public hearing and read the criteria.

Motion was made by Mr. Ward, seconded by Ms. Rich to approve the Findings of Fact. Motion carried unanimously.

Motion was made by Ms. Harrington, seconded by Mr. Ewen to approve the petition. Motion carried unanimously.

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

**PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY DAN LOYAL AND CRAIG GOESS**

The applicant, Dan Loyal and Craig Goess, desires a special use permit to operate a major repair facility pursuant to Appendix A, Use (9)a. of the Greenville City Code. The proposed use is located at 115 SW Greenville Boulevard. The property is further identified as being tax parcel number 08704.

Ms. Bellis asked for all those wishing to speak for or against the case to come forward and be sworn.

Mr. Dail delineated the area on the map. He said the property is located along the Greenville Boulevard in the southern portion. The property is zoned CH (Heavy Commercial). The property is located along a major thoroughfare, being Greenville Boulevard.

**Surrounding Zoning:**

- North: CG (General Commercial)
- South: CH (Heavy Commercial)
- East: CN (Neighborhood Commercial)
- West: CH (Heavy Commercial)

**Surrounding Development:**

- North: University Commons Shopping Center
- South: Shoe Crate, Dolce Vita, Bowen Cleaners
- East: Trade It
- West: Auto Brite Carwash

**Description of Property:**

The property as approximately 120 feet of frontage along Greenville Boulevard with a total lot area of 0.44 acres and contains a 3,182 square foot commercial building.

**Comprehensive Plan:**

The property is located within Vision Area “D” as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends commercial development for the subject property.

**Notice:**

Notice was mailed to the adjoining property owners on May 13, 2010. Notice of the public hearing was published in the Daily Reflector on May 17, 2010 and May 24, 2010.

**Staff Comments:**

The proposed project must meet all related NC State fire and building codes prior to occupancy.

**Staff Recommendation:**

Planning staff is of the opinion that the request can meet all the development standards required for issuance

of a special use permit upon proper findings by the Board.

Mr. Dan Loyal with Safelite Auto Glass spoke in favor of his request. He said that Safelite Auto Glass has been in Greenville for about 20 years. He stated that the move would allow them to be closer to the clients. There are about 700 locations throughout the country, with a manufacturing and distribution center in North Carolina.

Mr. Ward asked how many vehicles they would be having during the day.

Mr. Loyal stated that they would not have more than 1 - 2 cars at a time since most of their work would be completed by mobile units. They do not store vehicles over night.

Mr. Ward asked if they would be using the area for storage of glass.

Mr. Loyal replied that they would store some glass overnight for use the next day. Depending on the workload, they could have 20 – 30 pieces of glass. They do not store any broken glass.

Ms. Rich asked how many employees would be located or based at the store.

Mr. Loyal stated about 19 employees.

Ms. Rich asked how many of those were mobile.

Mr. Loyal stated that 17 would be mobile and only 2 employees would be stationed in the shop.

Ms. Rich asked if the employees drove the company vehicles home at night.

Mr. Loyal replied yes since employees had expensive tools in the vehicles.

Mr. Jon Day, Real Estate Agent, spoke in favor of the request.

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

Ms. Bellis asked for staff's recommendation.

Mr. Dail stated staff had no objection to the request.

Ms. Bellis closed the public hearing and read the criteria.

Motion was made by Mr. Ward, seconded by Ms. Harrington to approve the Findings of Fact. Motion carried unanimously.

Motion was made by Ms. Rich, seconded by Mr. Ewen to approve the petition. Motion carried unanimously.

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

**PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY BLEACH BRIGHT OF EASTERN CAROLINA, INC.**

The applicant, Bleach Bright of Eastern Carolina, Inc., desires a special use permit to operate a personal service not otherwise listed (permanent cosmetics application) pursuant to Appendix A, Use (15)a. of the Greenville City Code. The proposed use is located at 690 E. Arlington Boulevard. The property is further identified as being tax parcel number 45656.

Ms. Bellis asked for all those wishing to speak for or against the case to come forward and be sworn.

Mr. Dail delineated the area on the map. He said the property is located in Arlington Village, between Arlington Boulevard and Red Banks Road. The property is zoned CG (General Commercial). The property is located along a major thoroughfare, being Arlington Boulevard and a minor thoroughfare, being Red Banks Road.

**Surrounding Zoning:**

- North: CG (General Commercial)
- South: CG (General Commercial)
- East: CG (General Commercial)
- West: CG (General Commercial)

**Surrounding Development:**

- North: Vacant Unit, The Salon
- South: A Proper Setting, Xtra Special
- East: The Spa as Merle Norman, PIP, Steinbecks
- West: Plum Tree Bistro, Jenni K, Staples

**Description of Property:**

The property is located within a multiple unit commercial building interior to Arlington Village. The applicants unit contains 2,610 square feet.

**Comprehensive Plan:**

The property is located within Vision Area “D” as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends commercial development for the subject property.

**Notice:**

Notice was mailed to the adjoining property owners on May 13, 2010. Notice of the public hearing was published in the Daily Reflector on May 17, 2010 and May 24, 2010.

**Staff Recommended Conditions:**

Must obtain a permit from the Department of Public Health as required by NCGS §130A-283 and comply with any other health department requirements including but not limited to sanitation, first aid, vaccinations,

health certifications, disposal of needles and other bio hazard waste materials.

Application of cosmetics only no artwork, words, names or other types of tattoos permitted to be applied at this location.

**Staff Comments:**

The proposed project must meet all related NC State fire and building codes prior to occupancy.

**Staff Recommendation:**

Planning staff is of the opinion that the request can meet all the development standards required for issuance of a special use permit upon proper findings by the Board.

Ms. Melanie Leggett spoke in favor of the request. Ms. Leggett stated that they had been approached by an individual desiring somewhere to do permanent cosmetics application. This would be eyebrows, eyeliners, lips, and breast repair.

Ms. Shirley Barnes spoke in opposition to the request. She stated that she did not want this permit to lead into tattooing. She has had a salon in the area for 30 years.

Mr. Ewen asked if the conditions set forth by Mr. Dail addressed her concern.

Ms. Barnes stated that is seemed so.

Mr. Dail stated that the special use permit had a condition that tattooing would not be allowed.

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

Ms. Bellis asked for staff's recommendation.

Mr. Dail stated staff had no objection to the request.

Ms. Bellis closed the public hearing and read the criteria.

Motion was made by Mr. Shook, seconded by Ms. Harrington to approve the Findings of Fact. Motion carried unanimously.

Motion was made by Mr. Ewen, seconded by Mr. Ward to approve the petition. Motion carried unanimously.

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

**ANNUAL TRAINING SESSION DISCUSSION AND DATE SELECTION**

Mr. Dail stated that staff needed to know if the board wanted a training session and if so what date or time. Staff recommends July or August. A meal will be provided if covered in budget.



Mr. Little stated that staff would like a list of topics to be covered.

Ms. Rich asked if the board could table the request until the next meeting.

Mr. Dail stated that this is Ms. Bellis' last meeting with the BOA. A new co-chair will be appointed at the next meeting.

With no further discussion, motion was made and properly seconded to adjourn at 7:45p.m.

Respectfully Submitted

Michael R. Dail, II  
Planner

APPROVED

Mulatu Wubneh, Chairman