

September 27, 2007

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

Dr. Multau Wubneh, Chairman	
Ms. Ann Bellis	Mr. John Hutchens
Mr. Charles Ward	Ms. Renee Safford-White
Mr. Scott Shook	Mr. Thomas Harwell

THOSE MEMBERS ABSENT: Ewen

VOTING MEMBERS: Wubneh, Bellis, Ward, Hutchens, Safford-White, Shook and Harwell

OTHERS PRESENT:

- Mr. Seth Laughlin, Planner
- Mr. Wayne Harrison, Planner
- Mr. Mike Dail, Planner
- Ms. Kathy Stanley, Secretary
- Mr. Les Everett, Chief Building Inspector
- Mr. Tim Corley, Engineer
- Mr. Bill Little, Assistant City Attorney
- Mr. Thom Moton, Assistant City Attorney

MINUTES

Chairman Wubneh asked if there were any corrections to the minutes. Motion was made by Mr. Harwell, seconded by Mr. Shook to accept the August 30, 2007 minutes as presented. Motion carried unanimously.

REQUEST FOR A SPECIAL USE PERMIT BY SHEETZ, INC. – DENIED (VERBATUM TRANSCRIPT)

Chairman Wubneh: The first item on the Agenda is a public hearing on special use permit by Sheetz, Inc. The applicant, Sheetz, Inc, desires a special use permit to operate a gasoline sales facility having outdoor dining pursuant to Sections 9-4-78(f)(10)b and 9-4-78(f)(10)j of the Greenville City Code. The proposed use is located at 4300 East 10th Street/ Highway 33 East. The property is further identified as being Tax Parcel Number 09797. All those wishing to speak for or against this case please come forward and get sworn. Mr. Laughlin would you please give us a preliminary report of this case.

Mr. Seth Laughlin: Thank you Dr. Wubneh. We've got the location map here showing the site on the eastern extent of the city limits. We've got the aerial photograph of 2004 showing the property at the intersection of Portertown Road and East Tenth Street/Highway 33 East. We've got the zoning map

here showing the subject property is zoned General Commercial and Neighborhood Commercial. The property to the north, there is a cemetery to the north zoned Office-Residential. This is what triggers the need for the special use permit for outdoor dining. To the south we have the commercial development. To the east we've got some commercial development and general commercial and to the west we got RA-20 which is also the cemetery. The property has approximately 245 feet of frontage along East Tenth Street and approximately 265 feet of frontage along Portertown Road. The total lot area is approximately 1.47 acres. The property is located within Vision Area "C" as designed by the Comprehensive Plan. The Land Use Plan call for commercial development on the site. Notice was mailed to the adjoining property owners on September 13, 2007. Notice of public hearing was published in the Daily Reflector on the 17th and 24th. We've got the Thoroughfare Plan showing Portertown and East Tenth Street being major thoroughfares. We have the combined land use and zoning map. We have a picture here of the subject property looking east toward the Food Lion Shopping Center on Highway 33 East. Looking toward the intersection, across the street toward the cemetery, the new East Carolina Bank here looking down Portertown Road (showing other photographs). Under staff comments. Proposed project must receive site plan approval prior to the issuance of any building permits. Under other comments. Proposed project must meet all NC State fire codes for service stations. Proposed project shall meet all related NC State building codes. I want to clarify one thing too that the proposed project requires a special use permit for the gas station as well because of their general commercial zoning so we have basically two special use permit requirements it's not just the outdoor dining in this case. Since it's general commercial and neighborhood commercial zoning districts require special use permit for a service station as well. I'll take any questions at this time.

Applicant: Sheetz, Inc

Request: The applicant, Sheetz, Inc, desires a special use permit to operate a gasoline sales facility having outdoor dining pursuant to Sections 9-4-78(f)(10)b and 9-4-78(f)(10)j of the Greenville City Code.

Location: The proposed use is located at 4300 East 10th Street/ Highway 33 East. The property is further identified as being Tax Parcel Number 09797.

Zoning of Property: CG (General Commercial) and CN (Neighborhood Commercial)

Surrounding Development:

Zoning

North: Cemetery	OR (Office Residential)
South: Commercial Development	CG (General Commercial)
East: Commercial Development	CG (General Commercial)
West: Cemetery	RA-20 (Residential Agricultural)

Description of Property:

The property has approximately 245 feet of frontage along East 10th Street and

approximately 265 feet of frontage along Portertown Road. The total lot area of the property is approximately 1.47 acres.

Comprehensive Plan:

The property is located within Vision Area "C" as designed by the Comprehensive Plan.

Notice:

Notice was mailed to the adjoining property owners on September 13, 2007. Notice of the public hearing was published in the Daily Reflector on September 17, 2007 and September 24, 2007.

Staff Comments:

Proposed project must receive Site Plan approval prior to the issuance of any building permits.

Other Comments:

Proposed project must meet all NC State fire codes for service stations.

Proposed project shall meet all related NC State building codes.

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.

Chairman Wubneh: Members of the Board do you have any questions for Mr. Laughlin? So we handle both cases as if they are one? Is that correct?

Mr. Laughlin: Yes sir.

Chairman Wubneh: Okay. Thank you. Would the applicant please come forward and tell us about your application.

Mr. Dwight Vernelson: Good evening. I'm Dwight Vernelson, I'm with Rivers and Associates. Agent for the owner and Sheetz, Incorporated and tonight I have with me John Maxwell and Jamie Gerhart, they're both with Sheetz. As Seth has already described our we have two reasons to be here one is outdoor dining with the residential zoning across the road and the two cemeteries. We also need a special use permit for the gasoline sales in the commercial/neighborhood commercial zone. I know there's several criteria you're going to consider tonight and I'd just like to run through those briefly. Conditions and Specifications. We are currently working on a site plan. This is our tentative layout (showing map). Of course we will apply, comply with all the

regulations of the City of Greenville, DOT, Erosion control, those types of things. As far as the Comprehensive Plan goes the City of Greenville's Land Use Plan calls for this area to be used as commercial. This use fits in that Highway 33/Portertown corridor very well. For Health and Safety the proposed use will not adversely affect the health and safety of the traveling public nor the residents in nearby neighborhoods. Safe vehicular traffic movements have been considered on area streets within the site. If you'll look at the graphic we have here there are two driveways here shown in red, they're existing drives that we're going to be closing those. The two green areas are the existing driveways that were put in when the East Carolina Bank site was developed and the Food Lion site along with the NC 33/DOT corridor when that project was going on. As far as Detriment to Public Welfare. The proposed use will not be detrimental to the public welfare or to adjacent properties. The site is bounded on the north by NC 33, on the west by Portertown Road, south we have East Carolina Bank and to the east, of course, is the Food Lion Shopping Center. Existing Uses Detrimental. The proposed use would not be adversely affected by the existing uses in the area. As we just talked about, we have commercial all around us basically except for across the road which is the two cemeteries. Injury to Properties or Improvements. The proposed use will not injure, by value or otherwise, adjoining property or public improvements in the neighborhood. The proposed use is family friendly. Offers high quality products in a state of the art building and is well constructed and maintained. Item G is Nuisance or Hazard. The proposed use is typically not a destination for out of town shoppers. It's there to serve the surrounding neighborhoods and traveling public. In addition, the proposed use will be open 24 hours per day, seven days per week to hopefully help with any peeks in the traffic. At this time, do you have any questions?

Chairman Wubneh: Members of the Board?

Ms. Safford-White: I have a quick question. Next to the building there appears to be another small building.

Mr. Vernelson: Yes Madame.

Ms. Safford-White: What is that?

Mr. Vernelson: A car wash.

Ms. Safford-White: A car wash, okay.

Mr. Vernelson: It's similar to the one that's out on Fire Tower Road. The Sheetz store has a car wash out there as well.

Mr. Ward: Will there be, I'm sorry. What are you going to do with these existing driveways that are going to be removed?

Mr. Vernelson: We're

Mr. Ward: Will it be landscaped in anyway?

Mr. Vernelson: Pardon?

Mr. Ward: Will they be landscaped or what?

Mr. Vernelson: What we'll do is we'll close them with curb and gutter and then landscape behind it. Yes sir.

Mr. Ward: Okay I got it.

Mr. Harwell: I'm looking at your site design and I'm looking at the picture that you're showing there and where you say in the lower left "existing driveway to remain".

Mr. Vernelson: Yes sir.

Mr. Harwell: On your site plan in that location where that black dot is I do not see a driveway proposed. I see one over, that's already paved. What does the green "an existing driveway to remain" symbol mean?

Mr. Vernelson: What we were trying show there was this particular area right through here (indicating on map) this is the existing driveway

Mr. Harwell: That's a turn lane isn't it?

Mr. Vernelson: Yes sir.

Mr. Harwell: Okay, not a driveway.

Mr. Vernelson: Right. It's a turn lane, we can live with that. Yes sir.

Mr. Harwell: That's the driveway you're talking about right there.

Mr. Vernelson: Exactly. Yep, yep.

Mr. Harwell: Okay I got it.

Mr. Hutchens: One of the issues with the Sheetz that was erected on Fire Tower Road was music that would be played external to the restaurant. Is there going to be music here?

Mr. Vernelson: I think they do have proposed music out at the pumps.

Mr. Hutchens: Do you realize there is a cemetery and a synagogue within a short distance of the establishment?

Mr. Vernelson: Yes sir.

Mr. Hutchens: Would 24 hour music be compatible with the cemetery and the synagogue?

Mr. Vernelson: I can only assume so because it's not played very loud. I believe at the one at Fire Tower it was stipulated that it be turned off at like 10 o'clock.

Mr. Hutchens: Is that plan in this case?

Mr. Vernelson: That's up to the Board.

Mr. Hutchens: Thank you.

Mr. Harwell: What are the hours?

Mr. Vernelson: Actually it's 24 hours a day.

Mr. Harwell: 24 hours a day.

Mr. Vernelson: Yes sir.

Chairman Wubneh: Any other questions? Anyone else here to speak in favor of this application? Anyone opposed to this application?

Dr. George Klein: My name is Dr. George Klein. I see some very familiar faces. I represent the synagogue congregation Bayt Shalom, thankfully mentioned. We have a huge problem with this. We come to our house of Prayer and this is literally in ear shot, it's caddie-cornered across from us. Not only are we concerned about how we're going to feel about congregating there, we do have a lot of outdoor activities in the back with kids and everything which again is within visual distance of this whole area. Also on our actual certain occasions we actually come out of the synagogue and have to walk around everything. To me this looks like a really, really, detriment to our, I don't want to say privacy, but to our ability to actually practice our religion in a very quiet way. I have a very hard time. I'm not even only, I mean the things to mention briefly, the music, the lights 24 hours a day. You've got this huge red thing with lights up on it. Many times we are there, of course at night because our services are on Friday nights and Saturday during the day. It would really affect our ability to actually practice our religion. Aside from that the actual traffic involved here obviously is a nightmare but I'm sure they'll comply with all the DOT requirements with this corridor but to us it would be a big issue again. The quietness of the fact being next to a cemetery we don't mind that and we did have we worked out with new neighbors but this just is way over the top of anything that we could possibly co-exist with. We like to be very good neighbors but in this case I just.... The property value I mean it would destroy the property value. The cemeteries don't have to worry about their property value because they're going to be here for perpetuity, you can't move them. We someday when it becomes too busy and we can't have the serenity we may have to move and I believe it would decrease our land value. So for all these

reasons and the fact that we have kids out there and this would bring people all times of the day and night. I've been to the one on Fire Tower Road and I don't mean to seem negative about it but their record of cleanliness and everything is not exactly, you know, I've seen the place it's not really kept that clean. I feel like some it were over-flow because there's always wind and there's always papers and always everything over. I feel very much that the smell, the odor of the gasoline is another issue that we have to face. I really beg you to and then to please reconsider the location of this because it would do incredible harm to us. Thank you.

Chairman Wubneh: Thank you.

Mr. Harwell: I got a question. I sometimes see cars there also on Sunday.

Dr. Klein: Yes sir we have our Sunday School is on Sunday morning. That's when a lot of the kids are present. Every Sunday we have Sunday School and the kids go all the way around the building and everything so absolutely.

Mr. Harwell: Thank you.

Chairman Wubneh: Any other questions?

Ms. Bellis: If there was to be some compromise worked out about the music being turned off at times that you are having meetings would this make it a little more placable?

Dr. Klein: That's just one issue. The lights being on 24 hours a day and our service is on Friday nights and we come there, in a sense, it's our Sabbath so we're looking at serenity and quietness. This is right in your face. It's not like, even the Food Lion, you know, they're very quiet, it's almost like there is a distance. Even the distance is not enough to obliterate this because it's big, red lights. You've seen them I'm sure so you know what's like. It's not conducive to us getting into the frame of mind of Sabbath, quiet and praying. That kind of thing would totally destroy that.

Mr. Ward: Well if your service is during the day on Saturday I can't see where the lights would hurt you.

Dr. Klein: No, they're Friday night. We have, you see our Sabbath starts at sundown and it goes to sundown the next day. So we start on Friday night, we have services and then Saturday morning we have services. I'm sorry, Sunday during the day is when we have our religious school and then Wednesday nights we have our adult education school and we have on Tuesday and Thursday's several other religious classes. Those are at night of course because most of us working. It is a lot of time at night that we're there.

Ms. Bellis: Part of the lighting problem with the Food Town, Food Lion area they put in special kinds of lights, the box lights to direct the light

Dr. Klein: Away from us, yea I know...

Ms. Bellis: Would this be helpful to you if the lights because this is also an area where there are a group of people who are talking about, hoping to have a park out there one day. Also the Astronomy Club meets out there.

Dr. Klein: Yea, but the park is in the back that they were proposing, the city was proposing in the back.

Ms. Bellis: Even light off-site would be a problem with that.

Dr. Klein: May so but it's usually further back and the parks do close at a certain time in the evening. This is 24 hours it never closes. It's not just the lights that are luminating it they have the red lights that are the Sheetz and all that are on the site and especially to the visual, of vision of the street because they want to have advertising, which I understand perfectly well. That is the point that they want to have the public see the Sheetz and everything. It is what they need I'm not denying that but it is something that really would be a big eye sore to us.

Chairman Wubneh: Mr. Laughlin.

Mr. Laughlin: Jonathan, if we could, could we go back to the aerial view of the, back to the presentation, that way we can all see where. I just what to point out very quickly the synagogue is right here, the far east corner, directly across from the Food Lion.

Dr. Klein: Our property extends all the way to the line if you'll, that's it. Our property line extends all the way to there.

Chairman Wubneh: What kind of distance are we talking about Mr. Laughlin? Is that caddie between

Mr. Laughlin: I don't have a measurement off the top of my head Dr. Wubneh.

Chairman Wubneh: Approximate, I don't have the scale either on this one. Mr. Harwell maybe you can figure out the

Mr. Laughlin: It's probably 400 feet.

Mr. Harwell: To the edge of their property, from the edge of the Sheetz property, looks to me like it's about 90 feet minus, 80 to 90 feet using the scale. All the way down to the synagogue is about 400 feet. All the way to the corner of the synagogue.

Dr. Klein: If I may, we have the kids

Mr. Harwell: Using the scale that's on this map opposed upon here.

Dr. Klein: What's not on this picture is we have a playground just a little bit back to, closer to this property, so the kids would certainly be in eye shot of this and ear shot of this.

Chairman Wubneh: Any other questions?

Dr. Klein: We appreciate your help.

Chairman Wubneh: Thank you. Anyone else here to speak against this application?

Mr. Hutchens: Mr. Chairman I have a question for the City Attorney. I was not aware of the synagogue's objection to this permanent request until this evening. I am a member of that synagogue. Does that create a conflict of interest?

Chairman Wubneh: Good point.

Mr. Little: Only if, first off you would have to state that the fact that you are a member and the fact that they're, a member of the synagogue. I'm not sure what Dr. Klein's position is with the synagogue. I don't know if he is head of, I'm familiar with the Chairman of the Board of Deacons or a Board of Trustees. I'm not sure what his position is. If he's simply a member and that the fact that we don't have anything official from the synagogue itself from its Directive, the Rabbi, whoever is the leader of the synagogue that would speak on behalf. Now, going back to your question, the bottom line is do you believe based upon the fact that a member has objected to that that would have an impact on your ability to render a fair decision. In using our standards of conflicts of interest do you see that a decision one way or the other would lead to some sort of gain or detriment to you. If you believe there would be a gain or detriment to you based upon that you would disclose it then to the Board. The Board would then vote to either say yes, you be recuse or not. If you simply abstain from voting, remember according to the rules, that's considered a vote in favor of. You would have to specifically recuse and the Board would have to recuse you if you believe there was a conflict of interest.

Dr. Klein: Speaking from audience.

Chairman Wubneh: Just a second. Let me understand you correctly there are two cases here we're dealing with. One is the question of Mr. Hutchens whether or not he needs to recuse. The second one is Dr. Klein's representation here is just as an individual. In other words what you are saying is we're not sure whether he is representing the church, the entire church congregation.

Dr. Klein: I am representing (unclear) capacity. I'm not here as an individual.

Chairman Wubneh: We're trying to get advice from our counsel.

Dr. Klein: I'm representing the President.

Chairman Wubneh: Okay.

Mr. Little: He's representing, he is an official representative of the organization. With that in mind then Dr. Hutchens has to decide based upon that information knowledge does he need to request a recusal based upon the standards of conflicts of interest rules that we have. Simply being a member by and of itself does not mandate a recusal however if his position or his belief that his position for or against would either be a gain or a detriment to either organization then he can bring that up and then ask to be recused then the Board has to make that decision.

Mr. Hutchens: Mr. Chairman I'd have to ask for a recusal.

Mr. Harwell: Motion.

Chairman Wubneh: Can we just give him. Yes Mr. Harwell.

Mr. Harwell: I'd like to make a motion on this matter sir that he not be recused.

Chairman Wubneh: So I think it's.

Mr. Little: He's made a request.

Chairman Wubneh: He's making a request and the Board has to decide.

Mr. Little: Has to decide based upon the information that Dr. Hutchens has revealed. One he's revealed himself as a member and Dr. Klein has represented that he is speaking in an official capacity from that organization, from the synagogue and that it is the synagogue's official position as an objection. That's what's being represented to us as far as the synagogue. Now, Dr. Hutchens needs to explain to us for the record for the Board to be able to make a decision as to whether or not he falls within that...

Chairman Wubneh: So it's not a matter whether we need a motion but he needs to explain and then the Board decides by a vote whether to recuse him or not.

Mr. Little: No motion is required.

Chairman Wubneh: Thank you. Yes Mr. Harwell.

Mr. Harwell: I rescind my motion.

Chairman Wubneh: It didn't get a second anyway.

Mr. Hutchens: I guess you're waiting for an explanation. Basically I agree with Dr. Klein that the proposal as presented would not make a worshipful atmosphere for the synagogue and would violate my ability to worship in freedom and as a Jew I feel would be interfere with my ability to

appreciate the synagogue.

Chairman Wubneh: Okay. Anybody else from the Board who would like to say anything about this? I would have to request the Board by voting,

Mr. Little: Show of hands.

Chairman Wubneh: Showing of hands, okay, whether to recuse him as he has requested or that we feel that his belief or his position on this particular case would not. You already said it would affect you? Okay. He indicates whether to abstain or not so we have to decide on whether to allow him to stay and vote or recuse him.

Mr. Harwell: I have a question. Did I understand you to say that it would affect his vote or would not affect his vote?

Chairman Wubneh: I believe the way he described it. The way he described it, given my beliefs he says and the opposition from Dr. Klein.

Mr. Little: There would be a previous position.

Chairman Wubneh: (Dr. Wubneh and Mr. Harwell talking at same time) He said it would affect his position so that's why I said what I said. Yes Ms. Bellis.

Ms. Bellis: I feel really uncomfortable insisting that Dr. Hutchens not be recused if he feels it is appropriate for him to do that.

Chairman Wubneh: Okay. Anyone else?

Mr. Harwell: I've changed based on what he said last.

Chairman Wubneh: Exactly. Is that the case of anybody else.

Ms. Safford-White: Go ahead and vote.

Chairman Wubneh: Well, I believe it's just a matter of show of hands. All of those who'd like him to recuse please indicate by raising you hand. Unanimous. Alright we have six members, correct?

Mr. Little: Yes. That way under the rules all six would have to approve the application. Now based upon the information, obviously Dr. Hutchens cannot participate in any discussion of the Board. Also, because there is now six versus a compliment of potentially seven where it could have sustained a negative vote the applicant can make a request that this matter continued to the next hearing so that at that time there maybe seven or some other issues can be addressed that were brought up tonight.

Chairman Wubneh: Okay, you just answered my question because that is what I was getting ready to because if the applicant had known that it was going to go down to six perhaps they would have requested to get it heard next time. So it's a decision up to the applicant whether you want us to hear it this evening in which case you'd have to have six favorable votes for your application to be approved or you'd like it to be postponed to the next month when you might be able to have, we might be able to have seven members.

Mr. Jamie Gerhart: Thanks.

Ms. Safford-White: Could you state your name please.

Mr. Gerhard: Jamie Gerhart with Sheetz. We're in a position to ask for the Board's vote tonight. If there's remaining issues that you feel rise to the top we're here to answer those questions beyond that we're ready, we're asking the Board to make a vote tonight.

Chairman Wubneh: So you want us to hear it with six members?

Mr. Gerhart: Yes.

Chairman Wubneh: You realize you have to get unanimous vote?

Mr. Gerhart: Yes.

Chairman Wubneh: Thank you. Alright. Anybody else here in opposition to this? I think that's where we were before questions were raised to this application. Mr. Laughlin what is the position of the city?

Mr. Laughlin: The city has no objection.

Chairman Wubneh: Members of the Board I now close the public hearing on this case and call for Board discussion. Keep your mike open. Any discussions?

Mr. Shook: I have a question for the city. Seth how long has this been zoned commercial/neighborhood commercial to your knowledge.

Mr. Laughlin: I don't know off the top of my head Scott.

Mr. Shook: What other uses could be done in this location without a need for a special use permit? Give me a couple of examples.

Mr. Little: Just for record purposes prior to the Food Lion there had been a service station/convenient store I think it was the Scotchman at that location on that corner for a number of years.

Mr. Shook: On the corner that we're discussing?

Mr. Little: On the corner that you're discussing and the Food Lion folks bought that whole area out and it closed probably 3 months, 4 months prior to the actual construction by Food Lion.

Mr. Laughlin: To answer your question Scott, just running through some of the retail trade of that category in general commercial which is probably the bulk of the property miscellaneous retail would be allowed. In both districts obviously grocery store, food and beverage sales, pharmacy, convenient stores, restaurant.

Mr. Shook: Okay.

Mr. Laughlin: There are other options I suppose.

Mr. Shook: Okay. Thank you.

Chairman Wubneh: Alright any other matters to discuss?

Mr. Harwell: We have had these before this Board before. I remember one specifically whereby the applicant agreed to basically visual screening and we had some concerns at that time also about noise abatement. The applicant in that case, as I remember it, agreed to have not only the visual screening but noise abatement. There were some residences near there. I just point that out. My question and you could ask the applicant, would he agree to that in particularly noise abatement of not having the outside music and put up not only the lights be oriented not to shine in direction of the synagogue area and also be visually screened by screening vegetation.

Chairman Wubneh: Okay. Are you suggesting that you want, we want to request the applicant is willing to do this?

Mr. Harwell: That's one suggestion on that.

Mr. Shook: A visual screen, what do you mean?

Mr. Harwell: Well there's a way of tall evergreens that can be planted close together that grow real tall and basically when it's done, they're planted like this, it is opaque. I've seen those at Worthington Farms just recently.

Mr. Shook: Seth could you put the plan back up.

Mr. Ward: I think at Chop House we did that.

Chairman Wubneh: Yes sir. I think if I remember correctly the one that we had discussed about was a buffer with an office or residential area. Wasn't that the case and we asked for some kind of screening if I remember correctly.

Mr. Harwell: And they've done that.

Chairman Wubneh: This is a highway on both sides and I don't know exactly which way it's going to face. Is it facing 33? The front part or any side? This is a highway and I don't know what kind of screening that they can do. Is it toward the synagogue? Mr. Gerhart are you the engineer?

Mr. Gerhart: John Maxwell is our Sheetz engineer.

Chairman Wubneh: Okay, you might be able to help us on this. You're hearing some of the concerns of the Board. How (unclear) is this?

Mr. Gerhart: The similar condition at Fire Tower was to eliminate music for certain hours because it was to deal with residents in their night time activities, sleeping. I am perfectly comfortable in translating that same reason to this particular location. If the music not only needs to be turned off at night but throughout the day because there could be worship going on throughout the day, having no music at the pumps and also on Fire Tower Road it was specified not only at the pumps but not anywhere else, such as the patio or outdoor dining. Sheetz would be perfectly amenable to no music at the pumps or otherwise all 24 hours.

Ms. Bellis: That's 24-7?

Mr. Gerhart: 24-7. No music. In also fairness to services that may be at the cemetery also throughout any hour of the day light. No music would be absolutely fine.

Mr. Harwell: How about the shading of the lights and visual screening?

Mr. Gerhart: The visual screening is.....

Mr. Harwell: You have I notice on here already vegetation requirements and street trees on the right-hand side to a minimum of 2 per 100 feet and a minimum of 75 feet from large trees to parking place driveways. You have a requirement already for 7 large trees that I see and 15 small trees.

Mr. Gerhart: I think, we of course need to comply with the six foot bufferyard and landscaping as provided by the ordinance. To suggest that additional plantings would be a benefit to the other side of a public road I'm not sure there is a real advantage there. The screening, landscaping and bufferyards that are in place I think we are ultimately have to and will comply with but to suggest that to accomplish screening from a synagogue or a location that's down the street on the other side of a public road and behind us I'm not sure that's practical.

Mr. Shook: How high is the canopy that has lights projected on it? Approximate.

Mr. Gerhart: It's 18 at the bottom of the canopy and 22 at the top.

Mr. Shook: Okay.

Chairman Wubneh: Any other discussion? No questions that the Board would like to get clear? The applicant has already indicated that they are perfectly willing to give up the music, need, or don't have to have the music. Is that going to be part of the findings of fact or do we have to put it as a condition?

Mr. Little: It's part of the findings of fact since they have agreed to that basically they are amending their application.

Chairman Wubneh: That's right.

Mr. Little: You can also note in not only the findings of fact but if you approve the application that as one of the agreed to conditions that no music would be played 24 hours a day, during any of the operational hours of Sheetz so it would fall into both places.

Chairman Wubneh: Yea, but when, they are already amending their application I believe there may not be a need for.

Mr. Little: You don't necessarily have to ... you can simply note for clarity sake that the application is being presented with an agreed condition that no music would be played. You would also need to just as a matter of addressing the screening issue that was raised the other concern Health and Safety and Welfare of those who are customers or who may arrive at the location. If there is an excessive amount of screening at a convenient store that may cause other issues as we've noted in the newspapers. So that should be a concern as well as to what is the public welfare would be if you required something like the screening and the lights that were part of the University Chop House because of that particular direction as it went into the residential areas. Here if the screening becomes excessive it may be a welfare and safety issue from another standpoint.

Chairman Wubneh: Might block visibility.

Mr. Little: Might block visibility and create a greater hazard.

Chairman Wubneh: Okay. Yes Ms. Bellis.

Ms. Bellis: It seems to me there is a basic conflict because some people what this screen to obscure the view and Sheetz by their very design is designed to make it as highly visible as possible. I really don't see there's any reasonable compromise in this.

Chairman Wubneh: As far as the screening is concerned.

Ms. Bellis: The appearance.

Chairman Wubneh: The appearance obviously that's very clear their commercial logo. That's how people identify them so it's going to be very difficult.

Ms. Bellis: If you have a red gas station with cemeteries on two sides I don't see how they go together.

Chairman Wubneh: Any other matters? Members of the Board I'm going to basically read the criteria. First of all I'm going to close the hearing and we have had Board discussion. We should be in a position to look at the criteria by reference. Now, if you want a vote you can stop me otherwise by your silence it is recognized that you are going to be voting in favor of the application. Conditions and Specifications, Comprehensive Plan, Health and Safety, Detriment to Public Welfare, Existing Uses Detrimental, Injury to Properties or Improvements.

Ms. Bellis: Vote.

Chairman Wubneh: Okay. Vote on Injury to Properties or Improvements. Ms. Safford-White.

Ms. Safford-White: I'm sorry one moment.

Mr. Harwell: Explain what a Yes and No vote means.

Chairman Wubneh: First she has to.

Ms. Safford-White: I'm just reviewing before.

Chairman Wubneh: The proposed use will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood. That is how the criteria is defined.

Mr. Ward: So if you vote Yes, how are you voting?

Chairman Wubneh: If you vote Yes, she's voting in favor of the application. If she votes No, she's voting against the application and we need to come back to her to explain why.

Ms. Safford-White: No.

Chairman Wubneh: Okay. No. Mr. Ward.

Mr. Ward: Yes.

Chairman Wubneh: Ms. Bellis.

Ms. Bellis: No.

Chairman Wubneh: I vote Yes. Mr. Harwell.

Mr. Harwell: No.

Mr. Shook: Yes.

Chairman Wubneh: So we already have three is that correct? Okay. I'll continue.

Mr. Little: We need to have the rationale behind the basis for their voting (unclear) injury to the property.

Chairman Wubneh: To the property. Ms. Safford-White. Injury to Properties.

Ms. Safford-White: When I look at this area it's already designated in a specific area putting this gas station there would definitely harm that area from the way it is now. With the traffic flow, with the gas station and everything going on it's changing the environment not environment that's not the word I want, it's changing

Chairman Wubneh: The character.

Ms. Safford-White: The character of that area.

Mr. Little: I'm going to have to ask you what facts that were presented during the hearing do you relate that too?

Ms. Safford-White: Well, if you, they're talking about, if they're unable to do anything better than the screening that they have and because if they increase the screening that they have it will be a problem on side. The way that it is and you have that flow you're going to have all of that traffic going in there from Sheetz, using it, then it will end up devaluing the value of the other areas.

Mr. Little: And what testimony was presented as to devaluation other than an opinion which is not admissible?

Ms. Safford-White: Actually none. Now that I think about it, none.

Mr. Little: Okay. Now, what facts that were presented in evidence do you base your decision on? Or do you wish to change your vote?

Ms. Safford-White: Change my vote.

Mr. Little: To Yes?

Ms. Safford-White: Yes.

Mr. Little: Okay. Ms. Bellis.

Chairman Wubneh: Ms. Bellis.

Ms. Bellis: I think having a gas station (unclear) I don't think you'd call it décor, the way it's painted, that were the property is only 90 feet from a synagogue and no more than 400 feet from the synagogue building and there's no way to screen those two uses from each other I feel would be a devaluation of property of the synagogue.

Mr. Little: Again, the basis that you used, the factual basis of the devaluation. What evidence, what facts of property devaluation has occurred based upon testimony other than an opinion?

Ms. Bellis: Well we don't have property values presented here. I have no way of giving you an exact evaluation on that.

Mr. Little: Then we may only consider property value, devaluation if there has been testimony by someone who is qualified to establish devaluation of property. Opinion evidence is not admissible nor normally can you consider opinion.

Ms. Bellis: Is anyone here tonight who would be qualified to make that decision?

Mr. Little: The hearing has been closed and the only ones who are speaking to it are those in objection, in opposition to it. The city has stated there is no objection.

Chairman Wubneh: Is that value, I'm sorry.

Ms. Bellis: What does that do back me into a corner to say Yes to something I don't approve of?

Mr. Little: Well, if we have to take this thing to Appeal

Ms. Bellis: I know...

Mr. Little: We have to establish the facts and what we do not have at this point and I'm trying to find out from you so we have a record on Appeal are what are the facts other than opinion.

Chairman Wubneh: Mr. Little if I may ask just one question. I'm not trying to interrupt what you're doing. Does that fact have to be demonstrated in the form of a monetary value? In other words it would have to demonstrate that as a result of this decision the property value would lower by such and such and only a qualified person would have to say that.

Mr. Little: That is correct.

Chairman Wubneh: Alright. Continue with your discussion.

Ms. Bellis: I have no choice but to withdraw that.

Mr. Little: And your vote is for Yes then?

Ms. Bellis: I guess.

Chairman Wubneh: Mr. Harwell.

Mr. Harwell: I vote No.

Chairman Wubneh: Okay.

Mr. Harwell: I vote No because I heard testimony that this facility will injure and interfere religious services at the synagogue that is close by.

Mr. Little: Is that an injury to property or is that an injury to

Mr. Harwell: It doesn't say injury to property. It says injury to improvements and that doesn't necessarily mean this property. This says concede injury to properties. In my humble opinion that is properties that are closely adjacent. Doesn't specifically say injury to the applicant's property.

Mr. Little: Okay, we have one that does not. Yes.

Chairman Wubneh: Mr. Little that definition says abutting or adjoining properties. Correct?

Mr. Little: That is correct. You have to decide.... it's not abutting or adjoining.

Mr. Harwell: But it is abutting or adjoining because there is a highway in between and that could be considered abutting or adjoining. Only separated by a highway of 30, it's meters wide.

Mr. Little: Well that it's only one it had to have a sustain of two, the others were based on value. It has not, the question then I'm trying to figure out Mr. Harwell is are you saying that the fact that there is a operation that's going on, what interference would it be that's a conjecture.

Mr. Harwell: I heard direct testimony from a representative of the President of a synagogue that stated this would be a problem.

Mr. Little: Other than being, other than the children being outside playing at the playground, what is the interference of that versus the Food Lion or the Family Dollar Store.

Mr. Harwell: Bright lights.

Mr. Little: I think, I believe there was evidence that was presented or testimony presented, that the lights at the Food Lion are on even though they are on all night long even though they are directed. If these lights were directed would that be another, would that be a way of addressing it.

Mr. Harwell: I gave the applicant the opportunity to do that.

Mr. Little: I think the only thing that was brought to them by the Chair was the issue of the music. I don't know if it was brought to them about the lights.

Mr. Harwell: I used the word shade to the lights. Should be on the tape.

Mr. Little: If Dr. Wubneh would like to readdress that to shade or redirect some of the lights that may address that one question.

Chairman Wubneh: To the applicant?

Mr. Little: To the applicant.

Chairman Wubneh: There is an issue of the lights and is that, would that be a redirected, direction or shaded, what are we talking about?

Mr. Gerhart: The lighting, if there is a specific recommendation from the Board about lighting we can address that. I can tell you that one we have to comply with the lighting ordinance and two, as far as light pollution goes we can engineer a lighting of the canopy and a lighting of our store so that there is no light pollution beyond our property. That doesn't mean you won't be able to see the lights from anywhere just on the property. We have directional lighting that was referenced which we do use which in the light standards come up and they go over, the light is directed straight down. That is in use.

Chairman Wubneh: You're willing to do that?

Mr. Gerhart: Yes.

Chairman Wubneh: Mr. Little.

Mr. Little: As Dr. Wubneh might note staff pointed out to me and I'll read it for them, Section 9-4-104 of the Greenville City Code under the Building, Planning and Development, subsection "b" says "no lighting shall be directed toward or placed in such a manner as to shine directly into a public right-of-way or residential premise." Subsection "c" notes "no lighting shall illuminate any public right-of-way, street or any adjoining or area property in such a manner as to constitute a nuisance or hazard." And then "d" no flashing or intermittent lights or lights of changing degree of intensity." As recommendation by staff they have to comply with the City Code as well as the Building Codes, and the DOT codes. If they comply with the lighting standards as that it's not directly illuminating then that would comply with the shading requirements and any additional that they might impose. As long as it says if it stays on their property, stays within the, not directly onto, all lighting is going to have some indirect affect on a roadway or a sidewalk but not directly spotlighted into the roadway.

Chairman Wubneh: Or across

Mr. Little: That's correct or directly spotlighted toward the synagogue.

Chairman Wubneh: Let's given an opportunity to Mr. Harwell. Is that, according to the City Code apparently the light could be directed only on their property. Does that.

Mr. Harwell: I have been by Sheetz and looked at Sheetz, two of them, in this town and obviously their present lighting in those places do not meet the City Code. It shines on the streets. I see their plans here

Chairman Wubneh: That would be a failure on the part of the city not to enforce that. Are you satisfied if they are willing to comply?

Mr. Harwell: No sir I'm not.

Chairman Wubneh: Okay.

Mr. Harwell: That was just a secondary portion of my reason. My primary reason it would injury and interfere with religious services as I heard testimony to that situation.

Chairman Wubneh: Okay. Mr. Little do you want to pursue that any further or should we continue?

Mr. Little: You can continue because the one, each individual item, if it sustains two it's considered a negative. If it sustains one it would pass.

Chairman Wubneh: We're not yet finished. We were stopped.

Mr. Little: On that one category if it got two negatives.

Chairman Wubneh: It's got only one so far. And the last but not least is Nuisance or Hazard.

Mr. Harwell: Vote.

Chairman Wubneh: Ms. Safford-White. Do you want me to start on this side? I'm sorry. Mr. Shook.

Mr. Shook: Yes.

Chairman Wubneh: Mr. Harwell

Mr. Harwell: No.

Chairman Wubneh: I vote Yes. Ms. Bellis.

Ms. Bellis: Are we going through it item by item?

Chairman Wubneh: No, the last one. If you want me I will read the criteria for you. Nuisance or Hazard. That the proposed use will not constitute a nuisance or hazard. Such nuisance or hazard considerations include but are not limited to the following: the number of persons who can reasonably be expected to frequent or attend the establishment at any one time; the intensity of the proposed use in relation to the intensity of adjoining and area uses; the visual impact of the proposed use; the method of operation or other physical activities of the proposed use; the noise; odor; smoke; dust; emissions of gas, particles, solids or other objectionable or toxic characteristics which are proposed or that can reasonably be expected to be a result of the operation of the proposed use and the danger of fire or explosion. All this criteria come under the general criteria of Nuisance or Hazard. Now you can vote Yes or you can vote No. If you are voting Yes you are voting in favor of the application and if you are voting No it's against the application and then we would expect you to explain why.

Ms. Bellis: No.

Chairman Wubneh: Ms. Bells, No. Mr. Ward.

Mr. Ward: Yes.

Chairman Wubneh: Ms. Safford-White.

Ms. Safford-White: Yes.

Chairman Wubneh: Okay, Mr. Harwell.

Mr. Harwell: Item G (3) The visual impact to the proposed use. I heard testimony to that affect that the visual impact there would be upon religious services at the synagogue.

Chairman Wubneh: Ms. Bellis.

Ms. Bellis: I agree with what Mr. Harwell said and I think there is no indication there'd be adequate screening.

Chairman Wubneh: Alright. Do you want to pursue that Mr. Little? Okay. We still may have to continue with the whole thing.

Mr. Little: That is correct. The record needs to note who voted and then vote to approve or disapprove the findings of fact.

Chairman Wubneh: Do we have to vote on that? First I'm going to entertain a motion on the findings of fact.

Mr. Little: That is correct. And with that you have two votes on one condition which means the application

Chairman Wubneh: Let's move on to, our entertain a motion to approve the findings of facts. The fact that we have one on Item F, Injury to Properties or Improvements and two on Nuisance or Hazard.

Mr. Ward: Motion.

Chairman Wubneh: Motion by Mr. Ward. Second?

Mr. Harwell: Second.

Chairman Wubneh: Second by Mr. Harwell. All those in favor of approving the findings of fact as outlined please indicate by saying "Aye". Opposed? Did we have a no? We're just ascertaining the findings of fact have been approved not that the petition has been approved.

Mr. Little: You've not. Based upon the findings of fact with the negative facts and the motion to approve the findings of fact you are finding that the application has failed to meet at least one of the criteria.

Chairman Wubneh: So this is just a matter of saying that there was one negative vote on one and two people have voted on Item No. G so this is just a fact. I assume you're voting Yes. Okay. Alright. So we will go also for a motion to deny the application?

Mr. Little: You don't have to make a motion, you just note that because of the failure to satisfy the criteria the application is denied.

Chairman Wubneh: Members of the Board this application has failed because of the fact that there is a negative vote on Injury to Properties or Improvements, at negative vote of one against this application and two on Nuisance or Hazard as a result of that your application is denied. I'm sorry. You have 30 days is that correct?

Mr. Little: Once the order is signed.

Chairman Wubneh: How many days do they have?

Mr. Little: 30 days.

Chairman Wubneh: You have 30 days to appeal the matter to Superior Court.

Mr. Gerhard: May I ask a question. Do we get to ask a question?

Mr. Little: Yes you can even ask for reconsideration if you want to submit something else. Which we have precedence for I think it was a height issue.

Mr. Gerhard: One question to me, to the Board is the same reasoning was used for "F" is it also "G"? I just wanted, was that clear. The first No under "G" the reason given was the same as for "F".

Chairman Wubneh: I have read the criteria directly from what the city has and "F" says Injury to Properties or Improvements. That the proposed use would not injury by value or otherwise adjoining or abutting property or public improvements in the neighborhood and there is one negative vote on that. The second one is Nuisance or Hazard. That the proposed use will not constitute a nuisance or hazard. Such nuisance or hazard considerations include but are not limited to the following and there are six of them including odor, smoke, dust and I believe it was the matter of the impact of the proposed use that received, at least was given as an explanation from two members.

Mr. Gerhard: Okay, thank you.

Mr. Harwell: One thing I'd like add to that in my negative vote on Item "F" had absolutely nothing to do with value.

Mr. Gerhard: Okay I'm going to write that down.

Mr. Harwell: It had to do with or otherwise.

Mr. Gerhard: Okay. I question I guess the process question is adjoining or abutting property or public improvements. Is that also adjoining or abutting public improvements?

Mr. Harwell: I refer you to Black's Law Dictionary.

Chairman Wubneh: I think this might be something that you probably, the city would be able to explain to you. I mean there has already been a vote and the decision has been made and while we'd be glad to answer these kinds of questions. I raised that question as you know because specifically the criteria says adjoining or abutting property.

Mr. Gerhard: I guess our question is if it's for a later date and a later meeting with the city whether or not this synagogue is adjoining or abutting. That would be a question.

Mr. Little: That's an interpretation on the definition the Board has defined maybe in their findings of fact that can be an argument at a later date.

Chairman Wubneh: All we can tell you at this point is that you have 30 days from the date that it's signed to take it to the Superior Court.

Mr. Gerhart: Okay.

Mr. Ward: Mr. Little a recourse from this Board would be the court system. Correct?

Mr. Little: Correct. It would be appealed to the Superior Court which sits as an appellate court and would be requested to decide either the decision of the Board of Adjustment complied with the law or there was an error of law. The other is based on the whole record to determine if the decision was arbitrary and/or capricious.

Chairman Wubneh: Recourse is Superior Court and whatever arguments that you want to use. It's just a matter that you can do interpretation.

Mr. Gerhart: Okay.

Chairman Wubneh: Do you have any other questions? I don't mean to rush you but I was just trying.

Mr. Gerhart: I do have one question how is the appeal taken? (Staff went outside with Mr. Gerhart to explain the appeal procedures.)

REQUEST FOR A SPECIAL USE PERMIT BY SHENANDOAH INVESTMENT GROUP, LLC
- GRANTED

Chairman Wubneh stated that the next item is a public hearing on a request by Shenandoah Investment Group, LLC . The applicant, Shenandoah Investments Group, LLC, desires a special use permit to operate a gasoline sales facility pursuant to Sections 9-4-78(f)(10)b of the Greenville City Code. The proposed use will be located at the northwest corner of the intersection of Victory Lane and Fire Tower Road. The property is further identified as being a portion of Tax Parcel Number 13361.

Chairman Wubneh declared the meeting a public hearing as advertised in The Daily Reflector on September 17, 2007 and September 24, 2007. Those wishing to speak for or against the request were sworn in.

Mr. Laughlin presented the Board members with the applicant's application that was submitted duplexed. Mr. Laughlin stated that the application in their packets did not reflect the entire application. Mr. Laughlin delineated the area on the map. This is the location map showing the site within the city limits. This is an aerial photography showing the parent parcel in yellow and the proposed site indicated in green. The zoning map shows the parcel being zoned commercial. Properties to the north and west are zoned general commercial. To the south is Winterville's jurisdiction. The Land Use Plan Map recommends commercial zoning. The proposed project site has approximately 535 feet of frontage along West Fire Tower Road and approximately 310 feet of frontage along Victory Lane. The total area of the proposed project site is approximately 3.47

acres out of the parent parcel which is 28.6 acres. The property is located within Vision Area "E". The Thoroughfare Plan indicates the major thoroughfares in the area are West Fire Tower Road and Memorial Drive. Mr. Laughlin presented photographs of the site taken from Victory Lane and from Fire Tower Road. The proposed project must receive preliminary plat, final plat and construction plan approval, as well as annexation, prior to the issuance of building permits. Final plat must show dedicated access to Victory Lane, a private road. The proposed project must meet all NC State Fire codes for service stations and all related NC State Building codes. Mr. Laughlin asked that the proposed Findings of Fact be entered into the record.

Applicant: Shenandoah Investments Group, LLC

Request: The applicant, Shenandoah Investments Group, LLC, desires a special use permit to operate a gasoline sales facility pursuant to Sections 9-4-78(f)(10)b of the Greenville City Code.

Location: The proposed use will be located at the North West corner of the intersection of Victory Lane and West Fire Tower Road. The property is further identified as being a portion of Tax Parcel Number 13361.

Zoning of Property: CG (General Commercial)

Surrounding Development:

Zoning

North: Undeveloped Land

CG (General Commercial) &
RA-20 (Residential Agricultural)

South: Commercial Development

NA/ Pitt County

East: Undeveloped Land

CG (General Commercial)

West: Undeveloped Land

RA-20 (Residential Agricultural)

Description of Property:

The proposed project site has approximately 535 feet of frontage along West Fire Tower Road and approximately 310 feet of frontage along Victory Lane. The total area of the proposed project site is approximately 3.47 acres out of the approximately 28.6 acre parent parcel.

Comprehensive Plan:

The property is located within Vision Area "E" as designed by the Comprehensive Plan.

Notice:

Notice was mailed to the adjoining property owners on September 13, 2007. Notice of

the public hearing was published in the Daily Reflector on September 17, 2007 and September 24, 2007.

Staff Comments:

Proposed project must receive Preliminary Plat, Final Plat, and Construction Plan approval, as well as annexation, prior to the issuance of any building permits.

Final Plat must show dedicated access to private road Victory Lane.

Other Comments:

Proposed project must meet all NC State fire codes for service stations.

Proposed project shall meet all related NC State building codes.

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.

Chairman Wubneh asked if the site is located in Winterville's jurisdiction.

Mr. Laughlin stated that the site is located within the city's extraterritorial jurisdiction and that Winterville's jurisdiction is across the road.

Ms. Safford-White asked if there has been a traffic study of this area.

Mr. Tim Corley, Engineer, stated that typically on a use such as this request during the site plan review process and the fact that Fire Tower Road is a NCDOT road they would determine if any type of traffic study is needed. Mr. Corley further stated that during the review process driveway access and turn lanes studied and recommendations are made. Mr. Corley stated that typically a traffic study has not been required for a service station.

Mr. Harwell stated that the northern side of the road is located in the city's jurisdiction and the southern side is within Winterville's jurisdiction. The road is currently a three-lane road, the highway department is currently curb and gutter and sidewalks on both sides of that road. There will be at least three-lanes and in some areas four-lanes.

Chairman Wubneh reiterated that the city stated that the applicant would have to dedicate the private road, Victory Lane.

Mr. Laughlin stated that neither does the city or the state have ownership of Victory Lane. Victory Lane is the access road to the church.

Mr. Mike Baldwin, Baldwin & Associates, representing the applicant spoke on behalf of the request. Mr. Baldwin presented a letter from Walter Williams of WilcoHess depicting the traffic flow. Mr. Baldwin explained that the current Trade Station located at the other corner will be demolished and relocated to this site if approved. Mr. Baldwin explained that while there will be some increased traffic the proposed site will not have the full blunt of traffic as previously on NC Highway 11. Mr. Baldwin stated that a preliminary plat has been previously approved for the site. Mr. Baldwin stated that at that time he meet with the adjoining property owners on the other side of the road that own an interest in Victory Lane and there was an agreement to dedicate Victory Lane when final platting was required. Mr. Baldwin stated there is a ditch across the back of the property which is not a blue-line stream. The zoning of this site is in compliance with the Comprehensive Plan stated Mr. Baldwin. Mr. Baldwin stated that a use of this nature is usually located on this type of road. Mr. Baldwin explained that they will be working with NCDOT to make sure that the moving of the current facility to the new location is done with care and safety and without as much disruption as possible. Mr. Baldwin stated that Faith and Victory Church is located behind and beyond this location. Mr. Baldwin stated that he believes the gas station/convenient store will be an asset for residents, passing motorist and the church. There is an off-duty police officer that directs traffic at these locations. There will be two driveway cuts on Victory Lane and one on Fire Tower Road.

Ms. Bellis asked if the ditch that was referred to has tile. Ms. Bellis asked about the drainage easement indicated on the map.

Mr. Baldwin stated that the ditch is presently open but will be filled. Mr. Baldwin explained that when construction on the site begin they will be rerouting the water that comes out of the 24 inch RCP under Victory Lane, at the northeast corner of the site because the ditch will be filled with back-fill and paving over it. Mr. Baldwin explained that the drainage easement has been conveyed to NCDOT for maintenance of the vegetation swells and have been constructed.

Mr. Shook asked for clarification is to whether Faith and Victory Church is adjoining property to this site.

Mr. Laughlin stated the parent parcel is abutting the church but this particular site is located further away.

No spoke in opposition.

Chairman Wubneh then read the criteria in granting/denying a special use permit.

Motion was made by Mr. Hutchens, seconded by Mr. Ward, to adopt the proposed findings of fact and evidence presented. Motion carried unanimously.

Motion was made by Ms. Bellis, seconded by Ms. Safford-White, to approve the request. 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.

ELECTION OF OFFICERS

Motion was made by Mr. Hutches, seconded by Mr. Ward that Dr. Wubneh remain Chair and Ms. Bellis remain Vice-Chair. Motion carried unanimously.

Chair – Dr. Wubneh
Vice Chair – Ann Bellis

INFORMATION

Mr. Little stated that the October meeting is scheduled for the 25th which is in conflict with the ECVC banquet and several members of the Board and staff will attend the banquet. Mr. Little suggested that the Board meet on another night.

The Board recommended October 24th as a special call meeting to be held at 7:00 PM.

There being no further business the meeting adjourned at 8:50 PM.

Respectfully submitted

Seth Laughlin
Planner