

NOTES

TO: Honorable Mayor and City Council Members

FROM: Barbara Lipscomb, City Manager 

DATE: August 17, 2012

SUBJECT: Materials for Your Information

Please find attached the following material for your information:

1. Proposed Agenda for the Board of Adjustment's August 23, 2012 meeting
2. Draft minutes from the Board of Adjustment's July 26, 2012 meeting

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Attachments

cc: Dave Holec, City Attorney
Carol Barwick, City Clerk



**PROPOSED AGENDA
GREENVILLE BOARD OF ADJUSTMENT
Thursday, August 23, 2012
7:00 PM
City Council Chambers
200 West Fifth Street**

I. ROLL CALL

II. APPROVAL OF MINUTES – July 26, 2012

III. NEW BUSINESS

1. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY JOHNNIE PERRY, JR.

The applicant, Johnnie Perry, Jr., desires a special use permit to place a mobile home on a lot pursuant to Appendix A, Use (2)g. of the Greenville City Code. The proposed use is located at 1317 Barn Lane. The property is further identified as being tax parcel number 17984.

2. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY SHAVONDA LANCASTER

The applicant, Shavonda Lancaster, desires a special use permit to operate a home occupation child day care pursuant to Appendix A, Use (3)a. of the Greenville City Code. The proposed use is located at 1703 Brown Place. The property is further identified as being tax parcel number 59618.

3. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY TIM HOGGE AND DUKE DAVENPORT

The applicants, Tim Hogge and Duke Davenport, desire a special use permit to operate a internet sweepstakes cafe and game center pursuant to Appendix A, Use (6)d. of the Greenville City Code. The proposed use is located at 2400 S. Memorial Drive, Unit 14. The property is further identified as being tax parcel number 70163.

4. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY H&L ENTERPRISES, INC.

The applicant, H&L Enterprises, Inc., desires a special use permit to operate a internet sweepstakes cafe and game center pursuant to Appendix A, Use (6)d. of the Greenville City Code. The proposed use is located at 740 E. Fire Tower Road, Suite 115. The property is further identified as being tax parcel number 80764.

5. ELECTION OF CHAIR AND VICE CHAIR

IV. ADJOURN

DRAFT MINUTES PROPOSED FOR ADOPTION BY THE BOARD OF ADJUSTMENT
JULY 26, 2012

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

Scott Shook, Chairman*

Charles Ewen X

Claye Frank *

Linda Rich *

Sharon Ferris *

Justin Mullarkey *

Bill Fleming *

Wiley Carraway *

Tom Taft, Jr. *

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

VOTING MEMBERS: Shook, Ferris, Fleming, Frank (item #1 only), Mullarkey, Carraway, Taft (item #2 & 3 only), Rich

OTHERS PRESENT: Mr. Mike Dail, Planner
Mr. Wayne Harrison, Planner
Mrs. Elizabeth Blount, Secretary
Mr. Bill Little, Assistant City Attorney
Mr. Jonathan Edwards, Communications Technician

MINUTES

Mr. Mullarkey made a motion to approve the June 28 minutes as presented, Mr. Carraway seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY HSI/ GREENVILLE INVESTMENT, LLC.- APPROVED

The applicant, HSI/Greenville Investments, LLC, desires a special use permit to operate a commercial recreation facility (indoor/outdoor) pursuant to Appendix A, Use (6)i. of the Greenville City Code. The proposed use is located at 1820 Old Fire Tower Road. The property is further identified as being tax parcel number 49231.

Mr. Taft stated that he had a conflict of interest due to his direct financial interest in the application and requested to be eliminated from voting on this item.

Chairman Shook called for a vote for Mr. Taft to participate in the discussion but not vote due to his conflict of interest. All board members agreed unanimously.

Mr. Dail delineated the area on the map. He said that the property is located in the southeastern portion of the city.

Zoning of Property: IU (Unoffensive Industry)

Surrounding Zoning:

North: CG (General Commercial)
South: IU (Unoffensive Industry)
East: IU (Unoffensive Industry)
West: IU (Unoffensive Industry)

Surrounding Development:

North: Vacant Lot , Jackson Mobile Home Park
South: Maola Milk, Evolve, Fearless Fighting, Mammoth Signs
East: Vacant Commercial, Plaza Service Center
West: Roses Gymnastics

Description of Property:

The subject property contains two commercial buildings totaling 22,000 square feet. The property is 1.26 acres in size and has 121 feet of frontage along Old Fire Tower Road.

Comprehensive Plan:

The proposed use is in general compliance with the Future Land Use Plan which recommends office/institutional/multi-family development for the subject property. The property is located near a major thoroughfare – County Home Road.

Notice:

Notice was mailed to the adjoining property owners on July 12, 2012. Notice of the public hearing was published in the Daily Reflector on July 16, 2012 and July 23, 2012.

Staff Recommended Conditions:

Site plan approval for required parking must be obtained prior to operation of the business.

Other Comments:

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

Mr. Shook asked if the parking lot will need any adjustments.

Mr. Dail stated the requirement for parking is 66 spaces based on the size of the activity area plus additional parking for the employees. The applicant will have to do a site plan to show the parking for the building.

Mr. Jeff Brooks, architect for East Coast Design Studios, spoke in favor of the application. He stated that the owner will use a vacant building for a private fitness club and a training center for athletes.

No one spoke in opposition to the application.

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

Chairman Shook closed the public hearing and opened board discussion.

No board discussion.

Chairman Shook read the criteria. No objections.

Ms Ferris made a motion to adopt the finding of facts, Ms Rich seconded and the motion passed unanimously.

Mr. Fleming made a motion to approve the petition, Mr. Mullarkey seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY JOHN PAUL BEST-APPROVED

The applicant, John Paul Best, desires a special use permit to operate a fast food restaurant pursuant to Appendix A, Use (9)i. of the Greenville City Code. The proposed use is located at 1852 W. Arlington Boulevard. The property is further identified as being tax parcel number 48582.

Mr. Dail delineated the area on the map. He said that the property is located in the western portion of the jurisdiction south of the Medical District.

Zoning of Property: MO (Medical Office)

Surrounding Zoning:

North: MO (Medical Office)

South: MO (Medical Office)

East: MO (Medical Office)

West: MO (Medical Office) & RA20 (Residential Agricultural)

Surrounding Development:

North: Various Medical Offices

South: Vacant

East: Physicians East

West: Vacant

Description of Property:

The subject property is within Arlington Crossing Commercial Center. The center is 57,000 square foot in size, has approximately 850 feet of frontage along Arlington Boulevard and has a total lot area of 5.34 acres. Existing uses within the center are K&W, Highway 55 Restaurant, Tropical Smoothie, Rite Aid Pharmacy, First Flight Bank, Lemon Grass Restaurant and a Nail Salon.

Comprehensive Plan:

The proposed use is in general compliance with the Future Land Use Plan which recommends office/institutional/multi-family development for the subject property. It is located along a major thoroughfare – West Arlington Boulevard.

Notice:

Notice was mailed to the adjoining property owners on July 12, 2012. Notice of the public hearing was published in the Daily Reflector on July 16, 2012 and July 23, 2012.

Other Comments:

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

Mr. Fleming asked why the applicant had to appear before the board if restaurants are already in the vicinity.

Mr. Dail stated that special use permits are required for fast food or conventional restaurants in the Medical Office Zoning District.

Mr. John Paul Best, applicant, spoke in favor of the application. He gave the history for the restaurant. He stated that he and his wife will be the owners and operators of the restaurant. He also stated that the chain has established a Public Safety Foundation in which Fire and Rescue or EMS can apply for needed budgetary items and if approved, Fire House Subs will provide funding.

Ms Rich asked for the hours of operation.

Mr. Best stated 10:30 am until 10:00 pm.

Mr. Taft asked if the applicants currently operate a Fire House Restaurant.

Mr. Best stated no and this would be their first.

Mr. Mike Overton, representative of Arlington Crossing, spoke in favor of the application. He stated that Fire House Subs gave over \$6 million through the Public Safety Foundation. He stated that the healthy alternatives will be a great benefit to the area and a good fit to the current tenants.

No one spoke in opposition to the application.

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

Chairman Shook closed the public hearing and opened board discussion.

Mr. Mullarkey stated that the company has an excellent product.

Chairman Shook read the criteria. No objections.

Mr. Taft made a motion to adopt the finding of facts, Mr Fleming seconded and the motion passed unanimously.

Mr. Mullarkey made a motion to approve the petition, Ms Ferris seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY MITCH BROWN-APPROVED

The applicant, Mitch Brown, desires a special use permit to operate a personal service not otherwise listed (tattoo and body piercing) pursuant to Appendix A, Use (15)a. of the Greenville City Code. The proposed use is located at 240 SW Greenville Boulevard, Suite E. The property is further identified as being tax parcel number 63737.

Mr. Dail delineated the area on the map. He said that the property is located close to the center of the city along Southwest Greenville Boulevard and Hooker Road in the Wal-Mart Shopping Center.

Zoning of Property: CG (General Commercial)

Surrounding Zoning:

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

Surrounding Development:

North: Murphy Fuels, Progressive Free Will Baptist Church
South: Toys-R-Us
East: Wal-Mart
West: Centurylink, Heath Motorsports, Mayer Electric Supply

Description of Property:

The property contains a 15,400 square foot commercial building with multiple units and is part of the larger Wal-Mart Shopping Center along SW Greenville Blvd and Hooker Road. Currently, Radio Shack, Perez Jewelry, Cato, Kut'n Up, GVL Sweepstakes and Lendmark are operating within the other units of the applicants building.

Comprehensive Plan:

The proposed use is in general compliance with the Future Land Use Plan which recommends commercial development for the subject property. It is at the intersection of a major and minor thoroughfare.

Notice:

Notice was mailed to the adjoining property owners on July 12, 2012. Notice of the public hearing was published in the Daily Reflector on July 16, 2012 and July 23, 2012.

Staff Recommend 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.

No loitering permitted outside of business.

Other Comments:

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

Ms Michelle McMasters, Vice-President of DejaVu Body Art & Piercing, LLC, spoke in favor of the application. She stated that the business is not a tattoo shop but a tattoo studio. The applicants currently have studios in Winston Salem and Greensboro. They have a detailed hiring process for their employees. Only 15-20 people are allowed in the establishment at one time.

No one spoke in opposition to the application.

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

Chairman Shook closed the public hearing and opened board discussion.

No board discussion.

Chairman Shook read the criteria. No objections.

Ms Rich made a motion to adopt the finding of facts, Mr Fleming seconded and the motion passed unanimously.

Mr. Fleming made a motion to approve the petition, Mr Taft seconded and the motion passed unanimously.

With no further business, Ms Rich made a motion to adjourn, Ms Ferris seconded, and it passed unanimously. Meeting adjourned at 7:28 p.m.

Respectfully Submitted

Michael R. Dail, II
Planner