

MINUTES ADOPTED BY THE BOARD OF ADJUSTMENT
April 28, 2016

The Greenville Board of Adjustment met on the above date at 6:00 PM in the City Council Chamber of City Hall.

Scott Shook, Chairman-*
Charles Ewen, Co-Chair *
Kevin Faison X
Justin Mullarkey *
Jim Watts X
Jeremy Spengeman *
Claye Frank X
Thomas Taft, Jr. X
Bill Johnson *
Rich Winkler *

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

VOTING MEMBERS: Shook, Ewen, Johnson, Mullarkey, Winkler, Spengeman

OTHERS PRESENT: Mr. Bill Little, Assistant City Attorney
Mr. Michael Dail, Planner
Mr. Scott Godefroy, City Engineer
Ms. Amy Nunez, Secretary
Mr. Kelvin Thomas, Communications Technician

MINUTES

Mr. Winkler made a motion to approve the March 24, 2016 minutes as presented, Mr. Johnson seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR SPECIAL USE PERMIT BY KEVIN AND JENNIFER YOUNGS- APPROVED

The applicants, Kevin and Jennifer Youngs, desire a special use permit to operate an indoor commercial recreation facility pursuant to Appendix A, Use (6)h. of the Greenville City Code. The proposed use is located at the southeast corner of E. Arlington Boulevard and Mulberry Lane. The property is further identified as being tax parcel number 51499.

Mr. Dail delineated the area on the map. He stated that the property is located in the southeastern portion of the City’s jurisdiction.

Zoning of Property: OR (Office Residential)

Surrounding Zoning:

North: OR (Office Residential)
South: OR (Office Residential)
East: OR (Office Residential)
West: OR (Office Residential)

Surrounding Development:

North: Vacant
South: Vacant
East: Breezewood Towns and Breezewood Condominiums
West: Various Professional Office Uses

Description of Property:

The subject property is 1.5 acres in size and has 250 feet of frontage along E. Arlington Boulevard. The applicants wish to construct a 9,030 square foot physical therapy office with an indoor commercial recreation component.

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 office/institutional/multi-family development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on April 14, 2016. Notice of the public hearing was published in the Daily Reflector on April 18, 2016 and April 25, 2016.

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 Shook opened the public hearing.

Mr. Jerry Pittman, legal representative of the applicants, spoke in favor of the request. The applicants currently run Youngs Physical Therapy at the Promenade Shopping Center in Greenville. They have been in business about 3.5 years and have 9 employees. Their business has grown and demand for their services has increased. They would like to expand and want to build a new facility. The OR district for which the proposed location is at gives their business the right to build their facility. The reason for the special use is to include indoor recreation use for sports rehabilitation, enhanced physical training, prevention training and consultation.

Chairman Shook asked if all activities will be indoors.

Mr. Eatman stated yes, there is no outdoor component.

Mr. Johnson asked if there was going to be a swimming pool.

Mr. Eatman stated no.

Mr. Scott Anderson, professional engineer with Ark Consulting, spoke in favor of the request. He prepared the site plan which contains 47 parking spaces and very similar to neighboring offices on Arlington Boulevard. There will be a sidewalk along Mulberry Lane and there is an existing sidewalk along Arlington Boulevard. The site will be served by two driveways: one on Arlington Boulevard and the other on Mulberry Lane. He stated the trips estimate for the site is 140-325 trips per day based on the square footage of the building and the number of providers at the location. Arlington Boulevard has a capacity of 33,500 trips per day and the proposed would have a minor impact. He stated the rear drainage easement will be cleared and there is a 20 foot existing sewer easement along Arlington Boulevard. Both easements will need to be kept clear of vegetation to allow for maintenance as a requirement of the City and GUC. A six foot fence will be installed between the drainage easement and the sewer easement as a buffer to the adjoining property. The property is in the OR district and does not require a landscape buffer between an office use and a residential use.

Chairman Shook asked Mr. Anderson to state his background regarding expertise of traffic engineering.

Mr. Anderson stated he has a degree from NC State concentrating in traffic/transportation engineering. He stated the ways traffic trips are calculated are based on standard tables, for each type of use, by the Institution of Transportation Engineers.

Chairman Shook asked if that is part of his day to day duties as a traffic engineer.

Mr. Anderson stated that traffic is not what he does daily but is part of his work.

Mr. Jon Day, real estate broker/consultant, spoke in favor of the request. He stated that owner occupied office buildings are desirable because better care is taken of the property. The design for the proposed is typical of the area and similar to Bradford Creek Office Park and Arlington Place at Stonehenge that are in close proximity. He stated these too back up to residential neighborhoods and he has seen no negative impacts to property values surrounding them. He stated he did an investigation using MLS and speaking with many other realtors and they stated they felt office buildings created a positive impact. He stated it is a typical trend to see office buildings built on the main roads with condominiums, townhomes, or single family homes built behind. He is of the opinion that there is no adverse impact on properties values from the proposed request.

Mr. Ewen asked if any trees will remain.

Mr. Day stated the trees on the Breezewood property will remain.

Mr. Mullarkey asked if there could be a more intensive use on the property.

Mr. Day stated yes. The property is 1.5 acres which could hold a 15,000 square foot building but the applicant is only doing 9,000.

Mr. Carl Darden, Darden Commercial Realty, spoke in favor of the request. He represents the sellers and approves the request.

Mr. Brian Massey, resident of Breezewood Condos, spoke in opposition of the request. He wants a vegetation buffer has a condition of the special use permit.

Mr. Dail stated the drainage easement runs between the tree line. The trees on the Breezewood property will remain.

Mr. Massey requested additional tree screening or additional trees in lieu of a fence. He understood it is not required but felt it would go beyond the need having it creating a natural buffer. He stated that if accepted it could act as a precedent for future construction. He also is concerned about the traffic exit on Mulberry Lane. There is a lot of traffic during peak hours. He requested the applicant reconsider the exit to make a safer turn lane on Mulberry.

Ms. Patsy O'Leary, resident of Breezewood, spoke in opposition of the request. The proposed would be behind her unit. It currently is a rural environment with all the trees. She wants to save the trees which save the natural barrier and the rural character. She is also concerned with the traffic on Mulberry Lane. She asked what the hours of operation of the business are and if there will be lights on at night shining into the Breezewood community.

Mr. Dusty Carter, resident of Breezewood, spoke in opposition of the request. He agrees with the previous residents. He has concerns with the driveway entrance off of Mulberry being too close to Breezewood.

Susanne Hudson, resident of Breezewood, spoke in opposition of the request. She is concerned with the traffic. She would like the proposed use to have a condition that limits the hours of operation.

Mr. Anderson spoke in rebuttal. He stated both Arlington and Mulberry are City maintained roads, not state. The median on Mulberry is farther from the driveway. It was placed there as a safer alternative to access the proposed without going on Arlington Boulevard. This secondary access also makes it easier for emergency vehicles. This is an OR district which represents work, live and business together.

Chairman Shook asked if a bank branch use would have more impact.

Mr. Anderson stated yes. He stated there are many uses permitted by right with higher traffic generators that could be built on the property without the need of a special use permit or additional buffers. The applicants want to be good neighbors by having adequate parking so people do not park along Mulberry Lane.

Mr. Mullarkey asked if there was a specific distant the driveway needed to be from the median.

Mr. Anderson stated yes there are dimensional requirements. He mentioned that the driveways on Arlington line up with the driveways across the street.

Mr. Mullarkey asked the easements.

Mr. Anderson stated there is a combined 30ft easement along the rear of the property. The trees are staggered and not within the area to keep them all. He stated the parking area is 20ft off the property line. By right, they are only required to leave a 6ft bufferyard at the rear.

Mr. Eatman stated that there will be no lights shining towards Breezewood. The typical hours of operation are 7:00am to 6:30pm.

Chairman Shook asked for the Staff Recommendation.

Mr. Dail stated Staff has no objection with the stated conditions.

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

Mr. Johnson stated that something will go on this property and that this request has the least impact.

Mr. Winkler stated that the only reason for the special use is the indoor recreational use.

Mr. Dail stated yes.

Chairman Shook read the required findings criteria. No objections.

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

Mr. Johnson made a motion to approve the petition with the stated conditions, Mr. Spengeman seconded and the motion passed unanimously.

With no further business, Mr. Mullarkey made a motion to adjourn, Mr. Spengeman seconded, and it passed unanimously. Meeting adjourned at 6:54 p.m.

Respectfully Submitted,

Michael R. Dail, II
Planner