

MINUTES ADOPTED BY THE BOARD OF ADJUSTMENT
November 17, 2016

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

Justin Mullarkey, Chairman-*	
Bill Johnson, Co-Chair*	Claye Frank *
Kevin Faison *	Thomas Taft, Jr. X
Michael Glenn *	Rodney Bullock *
Rich Winkler *	Jim Watts *

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

VOTING MEMBERS: Mullarkey, Johnson, Frank, Faison, Winkler, Watts, Glenn (Bullock- on item #1 only)

OTHERS PRESENT:

Ms. Elizabeth Blount, Planner II	Mr. Thomas Weitnauer, Chief Planner
Mr. Scott Godefroy, City Engineer	Ms. Cathy Meyer, Civil Engineer
Mr. Donald Phillips, Assistant City Attorney	Mr. Ben Griffith, Community Development Director
Ms. Amy Nunez, Secretary	Mr. Aaron Hines, Communications Technician

MINUTES

Mr. Watts made a motion to approve the October 27, 2016 minutes as presented, Mr. Faison seconded and the motion passed unanimously.

Ms. Elizabeth Blount stated that the applicant for item #4, Debbie James, requested to continue her application until the December 2016 meeting.

Mr. Faison made a motion to continue item #4, special use request by Debbie James, until December 2016. Mr. Winkler seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR SPECIAL USE PERMIT BY PITT STREET BREWING COMPANY- APPROVED

The applicant, Pitt Street Brewing Company, desires a special use permit to operate a microbrewery pursuant to Appendix A, Use (10)ii of the Greenville Code. The proposed use is located at 630 S. Pitt Street. The property is further identified as being tax parcel number 04474.

Mr. Michael Glenn asked to be recused from this item since he is the applicant.

Motion made by Mr. Johnson, seconded by Mr. Winkler, to recuse Michael Glenn. Motion passed unanimously.

Ms. Blount delineated the area on the map. The request is located in the central portion of the City and in the Dickinson Avenue Historic District.

Zoning of Property: CD (Downtown Commercial)

Surrounding Zoning:

North: CD (Downtown Commercial)
South: CD (Downtown Commercial)
East: CD (Downtown Commercial)
West: CD (Downtown Commercial)

Surrounding Development:

North: Vacant Offices
South: Vacant Offices
East: Vacant Offices, Go Science Center
West: Vacant Offices

Description of Property:

The subject property contains a 7,650 square foot building and has approximately 52 feet of frontage along S. Pitt Street with a total lot area of 0.50 acres.

Comprehensive Plan:

The property is located within the Uptown Edge character type as designated by the Horizon 2026: Greenville's Community Plan. The proposed use is in compliance with the Future Land Use Plan which recommends downtown commercial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on November 3, 2016. Notice of the public hearing was published in the Daily Reflector on November 7, 2016 and November 14, 2016.

Related Zoning Ordinance Regulations:

Definition:

Microbrewery. A facility for the brewing of malt beverages that is limited in its location, size and operation in accordance with the provisions of section 9-4-86.QQ.

Specific Criteria

Section 9-4-86 QQ.

- (1) Microbreweries are allowed within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.
- (2) The principal use is the production of malt beverages for retail sales for on-premises and off-premises consumption in accordance with ABC permit requirements set forth in G.S. 18B-1001 as

amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S.18B as amended.

- (3) Accessory uses may include and be limited only to: retail sales; food and beverage consumption; entertainment; games; a tasting room; event room; and loading area.
- (4) The portion of the building devoted to operating brewing equipment shall not exceed 5,000 square feet.
- (5) A minimum of 30% of the microbrewery's floor area shall have operating brewing equipment that produces beer for retail sales. This percentage shall be satisfied at the time a Certificate of Occupancy inspection is conducted and shall be maintained thereafter.
- (6) In addition to compliance with the noise control standards in Title 5, Chapter 5 of the City Code, exterior guest areas shall not have amplified equipment within 150 feet from any residential use as measured from the property line of the residential use to the exterior area where the speaker equipment is located.
- (7) A microbrewery shall not require a membership, cover or minimum charge for admittance or service.
- (8)
 - (a) A special use permit for a microbrewery is subject to revocation in accordance with the provisions of this subsection (8)(a). Nothing herein shall prohibit or restrict the authority of the Board of Adjustment to rescind or revoke a special use permit for a microbrewery in accordance with the provisions of section 9-4-83.
 - (b) An annual review shall be conducted by the Director of Community Development or his or her authorized representative of a microbrewery which has received a special use permit for the purpose of determining and ensuring compliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The findings of the Director of Community Development or his or her authorized representative as a result of this annual review shall be compiled in a written staff report.
 - (c) At a meeting of the Board of Adjustment, the Director of Community Development or his or her authorized representative shall present to the Board of Adjustment the staff report of a microbrewery for which the annual review includes a finding of one or more instances of noncompliance with applicable laws, codes and ordinances, including but not limited to noise regulations, litter control regulations, fire codes, building codes, nuisance and public safety regulations, and special use permit conditions of approval. The special use permit holder shall be provided notice of the meeting and a copy of the staff report.
 - (d) Based on the staff report, the Board of Adjustment, by a majority vote, may either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit.
 1. An order for a rehearing shall be based upon a determination by the Board of Adjustment

that either:

- a. The use of the property is inconsistent with the approved application;
 - b. The use is not in full compliance with all specific requirements set out in this chapter;
 - c. The use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard; or
 - d. The use is not compliant with any additional conditions of approval established by the Board and set out in the order granting the permit.
2. The rehearing shall be in the nature of and in accordance with the requirements for a hearing upon a special use permit application. After the rehearing and in accordance with the provisions of section 9-4-81, the Board of Adjustment may grant a special use permit with conditions imposed pursuant to this subsection (QQ) and section 9-4-82 or deny the special use permit. The grant or denial of the special use permit by the Board of Adjustment after the rehearing shall constitute a revocation of the previously granted special use permit for a microbrewery.
- (e) The requirements and standards set forth in this subsection (QQ)(8) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.
- (9) Existing conforming use conventional restaurants may add, subject to an approved special use permit, a microbrewery operation as an accessory use provided they comply with the following:
- (a) The restaurant must be located within the CD (Downtown Commercial) zoning district, subject to an approved special use permit.
 - (b) The area of the restaurant devoted to operating brewing equipment shall not exceed 30% of the area of the restaurant including the area devoted to operating brewing equipment.
 - (c) Malt beverages produced for retail sales for on-premises and off-premises consumption shall comply with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S.18B as amended.
 - (d) The restaurant and the microbrewery accessory use shall not require a membership, cover or minimum charge for admittance or service.
 - (e) A special use permit for a microbrewery accessory use shall be subject to revocation in accordance with the provisions of this subsection 9(a). Nothing herein shall prohibit or restrict

the authority of the Board of Adjustment to rescind or revoke a special use permit for a microbrewery ancillary use in accordance with the provisions of section 9-4-83.

- (f) An annual review of the microbrewery accessory use and all subsequent procedures to address review findings shall be in accordance with the provisions with subsection QQ.8(b) through (e).

Staff Recommended Conditions:

A floor plan must be submitted demonstrating compliance with required microbrewery specific criteria (Zoning Ordinance, Section 9-4-86 QQ) and approved by Staff prior to issuance of a temporary certificate of occupancy.

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 to include upon proper findings by the Board.

Chairman Mullarkey opened the public hearing.

Mr. Michael Glenn, applicant, spoke in favor of the request. He stated the property was originally the Coca-Cola bottling plant and then later a restaurant supply store. It is divided into a brewery on the right side, a small commercial space on the left, and six townhome units and one flat over the commercial spaces. It is a mixed used project with some on-site parking. It complements the Dickinson Arts District. There are 18 partners in this venture. The Asheville NC partners already have a brewery called Lazy Hiker Brewing in Franklin NC. They plan to open in the spring.

Mr. Winkler asked if the restaurant area would not be owner operated.

Mr. Glenn stated correct. It would be connected for access but a separate entity.

Mr. Johnson asked for details on the residential part of the project.

Mr. Glenn stated there will be six 2 bedroom/1.5bath townhomes that will enter from the south side with no interaction with the brewery. Reserved tenant parking and additional parking will be at the rear and south sides.

Mr. Watts asked if there was on street parking in front of the building.

Mr. Glenn stated they have been speaking with Public Works about street parking which is still being worked out due to the GTAC project. He is advocating for parking on at least one side of the street for the district.

Mr. Watts asked for occupancy limits in the restaurant and brewery.

Mr. Glenn stated the plan for the restaurant is 49 seats. There is no table count for the brewery available.

Mr. Faison stated that he believes the requirement is 7 square feet per person.

Mr. Glenn stated they will follow what the Fire Marshall dictates.

Mr. Nate McLaughlin spoke in favor. He is a brew master from Washington State and will be heading the brewery operations. A beer barrel is equivalent to two kegs. They project producing about four thousand barrels a year.

Mr. Watts asked what time brewing will begin each day and what kind of aroma will it cause.

Mr. McLaughlin stated the aroma is like baked bread and brewing will start about 7am.

Mr. Watts asked if their ABC permit allowed off site sales.

Mr. McLaughlin stated yes.

Mr. Glenn stated they will have self-distribution.

No one spoke in opposition.

Chairman Mullarkey asked for the Staff Recommendation.

Ms. Blount stated staff had no objection.

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

Mr. Watts asked if there would be enough parking.

Mr. Faison stated additional parking is being added to the area.

Mr. Weitnauer stated that there is no parking requirement for non-residential uses in the downtown commercial zoning district.

Mr. Godefroy stated the applicant has a parking plan on the south side of the building. There is a parking lot being planned to the west of GTAC but is for the student housing project at the corner of Dickinson/Reade. Public Works will look into on street parking. On street parking will remain on Dickinson Avenue.

Chairman Mullarkey read the required findings criteria. No objections.

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

Mr. Winkler made a motion to approve the petition, Mr. Frank seconded and the motion passed unanimously.

Mr. Glenn returned to the Board.

PUBLIC HEARING ON A REQUEST FOR SPECIAL USE PERMIT BY TAFT-WARD INVESTMENTS, LLC- APPROVED

The applicant, Taft-Ward Investments, LLC, desires to amend a special use permit to increase the number of units for a dormitory development and add regulated outdoor activities pursuant to Appendix A, Use (2)e(1) and Use (10)j of the Greenville Code. The proposed use fronts on E. 10th Street, Charles Street and Charles Boulevard. The property is further identified as being tax parcel numbers 07170, 03801, 15575, 12125, 15600, 15585, 38390, 38391, 38392, 38393, 38394, 38395, 15601, 02025, 40248, 03712 and 21808.

Ms. Blount delineated the area on the map. The request is located in the central portion of the City.

Zoning of Property: CDF-UC (Downtown Commercial Fringe-Urban Core Overlay District)

Surrounding Zoning:

- North: CDF (Downtown Commercial Fringe) & OR (Office Residential)
- South: CDF (Downtown Commercial Fringe)
- East: CDF (Downtown Commercial Fringe), OR (Office Residential) & OR-UC (Office Residential-Urban Core)
- West: CDF (Downtown Commercial Fringe)

Surrounding Development:

- North: McDonald's, ECU Student Center – Under Construction
- South: State Farm; Greenville Masonic Center
- East: Arby's; Single Family Residential; Fraternity/Sorority
- West: Krispy Kreme; Alexander Paul Salon; Pop's Burgers; Bookaneer Bookstore; Instant Imprints; G-Vegas Magazine; Carolina Pregnancy Center; Sheetz Gas Station

Description of Property:

The subject property is bounded by E. Tenth Street, Charles Street and Charles Boulevard and is 4.05 acres in size. The applicant wishes to redevelop the property as a mixed use development. The initial request was approved for a 5-story, 180 multi-family units with 606 beds, 12,284 square feet of commercial space and a 6-story parking deck with 522 spaces in June of 2016. The amended request is for 192 multi-family units with 609 beds, the same amount of commercial space, 570 parking spaces and the addition of outdoor regulated activities associated with a restaurant. The parking ratio is 0.76.

Comprehensive Plan:

The property is located within the Uptown Edge and Universal Institutional character type as designated by the Horizon's 2026: Greenville Community Plan. The proposed use is in compliance with the Future Land Use Plan which recommends commercial and multi-family residential development for the subject

property.

Notice:

Notice was mailed to the adjoining property owners on November 3, 2016. Notice of the public hearing was published in the Daily Reflector on November 7, 2016 and November 14, 2016.

Urban Core Overlay District

The property is located with the Urban Core Overlay District. The purpose of the UC Urban Core Overlay District is to allow modification of residential development standards of the underlying zoning district(s) which are designed to facilitate development and redevelopment of in-fill sites. The following standards apply to the Urban Core Overlay District:

(A) Purpose and intent; definition; designated area.

(1) *Purpose and intent.* The purpose and intent of the Urban Core (UC) Overlay District and requirements set forth under this section is to allow modification of specific site development standards of the underlying zoning district(s) which are designed to facilitate development and redevelopment of in-fill sites in the designated area specified under subsection (3) below.

(2) *Definition.* An Urban Core (UC) Overlay District is defined as an overlay zoning district adopted in conjunction with an OR, and/or CDF underlying general purpose district as listed under Article D, Part 2, sections 9-4-62 and 9-4-66 wherein the zoning rights, standards, restrictions and requirements as set forth for the common general purpose district shall extend to the Urban Core (UC) Overlay District zoned area in accordance with subsection (B) below.

(3) *Designated area.* All Urban Core (UC) Overlay District(s) shall be restricted to the land area located within the following boundary: south of Tenth Street, east of the CSXT Railroad, north of Fourteenth Street, west of Green Mill Run and ECU Easement (tax parcel 73545, DB 2215 - PG 597 (as existing on March 4, 2010. No Urban Core (UC) Overlay District shall be located outside of the designated area described by this subsection. An Urban Core (UC) Overlay District shall be established within the designated area upon City Council adoption of an individual zoning ordinance which defines the boundary of the specific Urban Core (UC) Overlay District located within the designated area boundary.

(B) Standards.

(1) Initiation of a petition for an Urban Core (UC) Overlay District zoning map amendment shall be made in accordance with section 9-4-331.

(2) If any portion of a lot, parcel or tract is zoned as Urban Core (UC) Overlay the entire lot, parcel or tract shall be included in the Urban Core (UC) Overlay.

(3) All Urban Core (UC) Overlay Districts shall be delineated upon the official zoning map as both the underlying general purpose district and UC Overlay District. The general purpose district title shall be followed by “- UC” in all areas zoned Urban Core (UC) Overlay District.

(4) The zoning rights, standards, restrictions and requirements of the underlying general purpose district shall extend to the Urban Core (UC) Overlay District, except as provided herein.

(5) Within any Urban Core (UC) Overlay District multi-family development, land use intensity multi-family (LUI) development rating 50, and land use intensity dormitory (LUI) development rating 67, as listed under Article D and Appendix A table of permitted and special uses, shall be subject to modified standards as listed under subsection (6) below. All other standards, requirements and conditions of the underlying general purpose district not included under and modified by subsection (6) shall continue to apply.

(6) *Modified standards.* The following standards specified in this subsection are hereby adopted as substitute minimum requirements within the Urban Core (UC) Overlay District for the uses listed under subsection (5) above.

(a) Principal and accessory structure public street right-of-way setback per section 9-4-145(B)(1): The minimum setback may be reduced at the option of the owner to not less than five feet.

(b) Principal and accessory structure private street easement setback per section 9-4-145(B)(2): The minimum setback may be reduced at the option of the owner to not less than five feet.

(c) Principal and accessory structure public street right-of-way and private street easement setback per section 9-4-181(A): The minimum setback may be reduced at the option of the owner to not less than five feet.

(d) Bufferyard A per section 9-4-119(A): The applicable six-foot and/or ten-foot bufferyard width may be reduced at the option of the owner to not less than five feet regardless of lot size. Bufferyard with modification shall not exempt or reduce any vegetation requirement applicable to any Bufferyard A, as required prior to the application of this subsection.

(e) Parking space to dwelling structure separation per section 9-4-251(B)(9): The minimum separation requirement may be reduced at the option of the owner to not less than five feet.

Related Zoning Ordinance Regulations:

Definition: *Dormitory*

A building or group of buildings where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one room or in a series of closely associated rooms under joint occupancy and single management, such as a college dormitory or privately owned dormitory intended for use by college students.

Specific Criteria: *Dormitory development within the CDF-UC District*

- (1) Maximum single and double occupancy limits shall comply with the following minimum habitable (mechanically conditioned) floor area per each bedroom. For purposes of these requirements, the term "floor area" shall include private living spaces and any connected common living spaces associated with subject bedroom, provided however the common living space allocation devoted to a bedroom shall not qualify for or count toward the minimum floor area requirement of any other bedrooms:
 - (a) Single residential occupancy within dormitory units shall be limited to one bed per each bedroom and one person per each bedroom having a minimum floor area of 200 square feet.
 - (b) Double residential occupancy within dormitory units shall be limited to two beds per each bedroom and two persons each bedroom having a minimum floor area of 400 square feet.
- (2) Dormitory development within the CDF-UC District shall provide retail sales and/or other non-residential uses with a minimum floor area of 10,000 square feet. For purposes of this requirement, the term "floor area" shall mean non-storage floor area which is used as retail sales, or other non-residential uses. Where architectural layouts are not available for consideration, the "floor area" will be calculated by multiplying 80% times the gross area designated as non-residential use until such time architectural layouts are available for consideration or occupancy has commenced, whichever is earlier.
- (3) Minimum lot area: 2.0 acres.
- (4) Minimum lot width: 100 feet.
- (5) Minimum street setback: five feet.
- (6) Minimum side and rear setbacks:
 - (a) When adjacent to single-family use: ten feet.
 - (b) When adjacent to any use other than single-family; per Article G, Bufferyard setback.
- (7) Maximum height (above grade): none.
- (8) Maximum lot coverage (excluding drives and parking): none.
- (9) Minimum parking requirements:
 - (a) Single residential occupancy: Seventy-five hundredths space per bed.
 - (b) Double residential occupancy: One and one-half space per bedroom.
 - (c) Non-residential uses: The required number of parking spaces for non-residential uses shall be provided in accordance with Article 0, except as modified herein. The parking requirements set forth in Article 0 for non-residential uses may be reduced to 25% where combined parking is available for the nonresidential user. For purposes of this section, the term "combined parking" shall be that parking with is part of the required residential parking that is available and accessible to the non-residential user.
- (10) Parking location requirements: Each required parking space shall be located on the lot containing the associated use.
- (11) Parking spaces adjacent to principal or other structures including accessory structures per section 9-4-25 l(B)(9): The minimum separation requirement may be reduced at the option of the owner to not less than five feet.
- (12) Off-street parking: All off-street parking areas designed for three or more spaces shall be in accordance with Article 0 except as modified in section 9-4-200.1(B)(6).
- (13) Site vegetation location requirements per section 9-4-268(1)(1) may be modified for dormitory

- developments whereby, with the exception of street yard trees, site vegetation shall not be located within two feet of a principal and/or accessory structure in order to meet vegetation requirements.
- (14) Signage: All signs shall be erected in accordance with Article N of this chapter.
 - (15) Residential and nonresidential uses allowed: Subject to district standards, and requirements, development allowed under this section may include both residential and nonresidential use.
 - (16) Nothing in this subsection shall supersede applicable North Carolina State Building and Code requirements.

Definitions:

Restaurant and/or dining and entertainment establishment; regulated outdoor activities. Any restaurant and/or dining and entertainment establishment; outdoor activity, as defined herein, which is located within 300 feet, as measured to the closest point, of any residential district, excepting CDF, which allows single-family dwellings as a permitted use.

Restaurant and/or dining and entertainment establishment; outdoor activities.

- (1) A principal and/or accessory use associated with or utilized in conjunction with a conventional or fast food restaurant or a dining and entertainment establishment which is intended for the temporary or permanent conduct of activities relative to the sale, transfer or enjoyment of products and/or services to persons located on the business premises and which is open and unenclosed on one or more sides or which is without a complete roof structure. For purposes of this section, all areas not constituting mechanically conditioned area as determined by the Building Inspector shall be considered open and unenclosed. Additionally, fences and/or wire or plastic mesh screens shall be considered open and unenclosed for purposes of this section.
- (2) Use of any amplified outdoor audio sound system including loud speakers, audio speakers or other electronic or mechanical sound transmission devices shall be considered as an outdoor activity for purposes of this definition.

Staff Recommended Conditions:

No restaurant related outdoor accessory activity shall be allowed outside the designated outdoor dining area, as illustrated upon the attached plan. Specifically, no outdoor activity shall be permitted to overflow into any parking area, yard area or other areas on the parcel beyond the outdoor dining area.

There shall be a minimum of 6 feet of sidewalk pathway clearance in the outdoor dining area to allow for safe conduct of pedestrian traffic.

There shall be no live outdoor music, floor show, or dancing associated with any outdoor activity area.

Outdoor amplified sound, including music, shall be allowed in the outdoor dining area, provided (i) any sound transmission device, system, and/or speaker shall be oriented in a manner that directs all mechanical and/or amplified sound toward the restaurant building and away from any abutting residential property line, and (ii) no amplified sound shall be audible from any point located on any property zoned for residential

purposes. Outdoor amplified sound is defined as any sound using amplifying equipment, whose source is outside or whose source is inside and the sound propagates to the outside through open door(s) or window(s) or other openings in the building. Measurement standards shall be human auditory senses.

Exterior lighting associated with the outdoor dining area shall be directed away from all public and/or private streets, and away from property zoned for residential purposes. No exterior lighting shall shine directly into a residential dwelling or premises.

All outdoor dining area service delivery and facility use shall be limited to the period 7:00 AM to 12:00 mid-night. No food or beverage may be sold or consumed, and no restaurant related activity, including but not limited to sitting and waiting, shall be allowed within the outdoor dining area prior to 7:00 am or after 12:00 mid-night of any day.

Other 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 to include upon proper findings by the Board.

Ms. Blount stated a revised site plan with an additional nine spaces was placed at members seats.

Mr. Faison asked about the music.

Ms. Blount stated live music is not permitted. Outdoor amplified sound is permitted but must be directed toward the building.

Mr. Watts asked what the required minimum parking ratio is.

Ms. Blount stated it is 0.75.

Mr. Watts asked if the outdoor music would reverberate off the building.

Mr. Faison stated that it is along 10th Street across from McDonald's and there is traffic noise.

Mr. Winkler asked to clarify that the amended special use request was for an increase in beds and parking.

Ms. Blount stated yes and to add outdoor dining.

Mr. Watts asked about decibel range for noise.

Ms. Blount stated she would need to look in the zoning ordinance, and it depends on the zoning district.

Chairman Mullarkey opened the public hearing.

Mr. Michael McCarty, representative of the applicant, spoke in favor of the request. He stated the footprint is the same as their original request. They found more beds and parking spaces via the architectural process. He stated they have about 50 additional spaces to be used for residential or commercial that is not included in the 0.76 parking ratio. They have done a recombination plat of the lots and all is one parcel now. A site plan has been submitted and addresses the pedestrian connections. There will be full pedestrian crossings at: 10th Street/Charles Street and 10th Street/Charles Boulevard. They are working with the City of Greenville, NCDOT and ECU regarding the signaling of pedestrian crossing in the area. This corridor is part of the 10th Street Safety Plan. They also will widen Charles Street. The outdoor dining request is just in case a tenant is interested. The rules and regulations would be incorporated into the leases and negotiations from day one.

Chairman Mullarkey asked if the applicant was okay with the criteria of no restaurant related activity, including but not limited to sitting and waiting, shall be allowed within the outdoor dining area prior to 7:00 am or after 12:00 mid-night of any day.

Mr. McCarty stated yes. They have service parking spaces and their trash pickup area on the west side, behind Krispy Kreme. Also a portion of 11th Street that was closed is available as a loading area.

Mr. Watts asked what type of barrier is between the outdoor dining area and the pedestrian sidewalk.

Mr. McCarty stated required planter beds and trees and will be outside of the right-of-way.

No one spoke in opposition.

Ms. Blount stated the zoning ordinance decibel level for commercial from 7am to 11pm is 65dba. The level from 11pm to 7am is 60dba. Staff recommended condition was to have outdoor activities end at midnight.

Chairman Mullarkey asked for the Staff Recommendation.

Ms. Blount stated staff had no objection.

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

Mr. Winkler stated the increase parking and having the outdoor dining information in place in advance is good.

Mr. Glenn stated that any concerns about amplified music will be addressed by the property owner before it becomes an issue. If it does become an issue, then the City will address it.

Chairman Mullarkey read the required findings criteria. No objections.

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

Mr. Watts made a motion to approve the petition, Mr. Winkler seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR SPECIAL USE PERMIT BY DISCOVERY CHURCH-APPROVED

The applicant, Discovery Church, desires a special use permit to operate a church pursuant to Appendix A, Use (8) of the Greenville Code. The proposed use is located at 102-A Hungate Drive. The property is further identified as being tax parcel number 46516.

Ms. Blount delineated the area on the map. The request is located in the southeastern portion of the City and in the ETJ (extra territorial jurisdiction).

Zoning of Property: IU (Unoffensive Industry)

Surrounding Zoning:

North: RA20 (Residential Agricultural) and CG (General Commercial)
South: IU (Unoffensive Industry)
East: IU (Unoffensive Industry)
West: RA20 (Residential Agricultural)

Surrounding Development:

North: Vacant building, Single Family Residential
South: Storage Area
East: Rose's Gymnastics Training Center
West: Vacant lot

Description of Property:

The property contains a 6,000 sq. ft. commercial building divided into 2 units and has approximately 212 feet of frontage along Hungate Drive with a total lot area of 1 acre. The applicant will be occupying unit A of the building.

Comprehensive Plan:

The property is located within the Office/Institutional character type as designated by the Horizon's 2026: Greenville Community Plan. This character type allows for a transition between more intense commercial areas and surrounding neighborhoods. Although office and institutional/civic development is preferred in this area, the subject church will occupy an existing industrial type structure and is limited to a three-year interval at the end of which a review of the compatibility of the church with the surrounding industrial area can be determined. Therefore the request is in general compliance with the Future Land Use Plan.

Notice:

Notice was mailed to the adjoining property owners on November 3, 2016. Notice of the public hearing

was published in the Daily Reflector on November 7 and November 14, 2016.

Related Zoning Ordinance Regulations:

Definition:

Church or place of worship. A building in which persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship and holding a certificate of nonprofit organization from the Secretary of State.

Specific Criteria

Section 9-4-85(DD)

Church or place of worship. The special use permit shall be valid for 36 months from the date of the order granting the permit. From and after 36 months, the permit shall be considered void and of no effect and any reuse or continuance of use under this section shall be subject to reapplication and special use permit approval in accordance with current requirements.

Section 9-4-104 (A)

Shall be subject to the bufferyard regulations; however, no principal or accessory structure shall be located within 20 feet of any adjoining property zoned R-6, R-6A, R-6MH, R-6S, R-9, R-9S, R-15S, MR, MRS, RA-20 or PUD.

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 to include upon proper findings by the Board.

Mr. Watts asked about church parking and bathroom requirements.

Ms. Blount stated she did not know about bathrooms because that is a building code. The parking requirement is one space per five seats in the main congregate area.

Mr. Faison asked why the permit would be valid for only three years.

Ms. Blount stated it is in the ordinance and was voted on by City Council.

Chairman Mullarkey opened the public hearing.

Mr. Jason Ebeling spoke in favor of the request. The congregation has met in different locations over the past 10

years. They are looking for something more permanent as a transition until they can figure out their permanent future. He stated they are not concerned with the renewal in three years.

Chairman Mullarkey asked how many are in the congregation and how often they have services.

Mr. Ebeling stated about 80 members and they meet once a week.

Mr. Watts asked if they were to have any outside bells or speakers.

Mr. Ebeling stated no.

No one spoke in opposition.

Ms. Blount stated the applicant stated they have 80 members. They would be required to have 16 parking spaces.

Chairman Mullarkey asked for the Staff Recommendation.

Ms. Blount stated staff had no objection.

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

Chairman Mullarkey read the required findings criteria. No objections.

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

Mr. Winkler made a motion to approve the petition, Mr. Frank seconded and the motion passed unanimously.

Ms. Blount stated that a copy of the 2017 Board of Adjustment meeting dates and application deadlines was included in their packet. Please note that the Board meets the third Thursday in November and December. Also the Board of Adjustment City Council presentation is scheduled for February 6, 2017.

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

Respectfully Submitted,

Elizabeth Blount
Planner II