

January 28, 2010

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

Dr. Mulatu Wubneh * Chairman	
Ann Bellis *	Charles Ewen *
Wanda Harrington *	John Hutchens *
Scott Shook X	Charles Ward *
Renee Safford-White X	Linda Rich *
Susan Bailey X	

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

VOTING MEMBERS: Wubneh, Bellis, Harrington, Rich, Ward, Ewen, and Hutchens

OTHERS PRESENT:

- Mr. Mike Dail, Planner
- Mr. Wayne Harrison, Planner
- Mrs. Sarah Radcliff, Secretary
- Mr. Bill Little, Assistant City Attorney
- Mr. Chris Kelly, Engineering Assistant

MINUTES

Motion was made by Mr. Hutchens, seconded by Mr. Ward to accept December 17, 2009 minutes as presented. Motion carried unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY MILLER PROPERTIES OF GREENE COUNTY, LLC

The applicant, Miller Properties of Greene County, LLC, desires a special use permit to operate a flea market pursuant to Section 9-4-78(f)(10)z. of the Greenville City Code. The proposed use is located at 4002 S. Memorial Drive. The property is further identified as being tax parcel number 15855.

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

Mr. Dail delineated the area on the map. The property is located in the extreme southern portion of the city’s jurisdiction along Highway 11. He said the property is zoned CH (Heavy Commercial). The property to the south zoned CH and CG. Property to the east is zoned CH and property to the west, located in Winterville’s jurisdiction, is zoned O&I. The property is located between a major and a minor thoroughfare, being South Memorial Drive and Reedy Branch Road.

Surrounding Development:

- North: Kangaroo Gas Station
- South: AAMCO, Community Square Shopping Center
- East: Edwards Construction, Memorial Center

West: Vacant

Description of Property:

The property contains a 1,842 square foot office building and has approximately 395 feet of frontage along S. Memorial Drive and 461 feet of frontage along Reedy Branch Road with a total lot area of 3.28 acres.

Comprehensive Plan:

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

Notice:

Notice was mailed to the adjoining property owners on January 13, 2010. Notice of the public hearing was published in the Daily Reflector on January 18, 2010 and January 25, 2010.

Staff Recommend Conditions:

Site plan approval is required prior to occupancy

No temporary coverings (tents, etc...) allowed to remain erected overnight.

No torn or damaged coverings (tents, etc...) may be used.

The property must be cleaned of all trash and debris daily.

No vendors may set up within 50 feet of the right-of-way.

Vendors shall not be oriented towards public streets; vendors must be oriented towards the interior of the property.

Individual vendor signs are not permitted.

No parking on unimproved surfaces or along the road right-of-way.

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 upon proper findings by the Board.

Ms. Bellis asked if the buildings that were shown in the photos would be removed.

Mr. Dail said there were two existing modular homes on the property and he thought the applicant was proposing to move them. He said there was a trailer and some other storage buildings in the extreme southwest corner of the property that would stay.

Ms. Bellis said in the picture there appeared to be a house located on the property as well.

Mr. Dail said there were two modular homes set up on the property for sale purposes. He said no one lived there and they would be removed.

Ms. Bellis asked if the numbered places on the plan represented the stalls.

Mr. Dail said they did.

Ms. Bellis said there appeared to be 44 stalls and asked where the vendors and customers would park. She said the parking spaces didn't look adequate for that number of stalls.

Mr. Dail said there were 58 parking spaces shown on the site. He said the requirement for a flea market was one space per employee plus one space per one hundred square feet of covered sales area or one space per four vendors, whichever is greater. He said there was no covered sales area so they had to go with one space per employee plus one space per four vendors. He considered one employee per vendor, plus the applicants told them there would be two additional employees on site, giving them 46 spaces. When you add one space for every four vendors, you have 57 total spaces needed, which gives them the required amount of parking spaces according to the city code.

Mr. Doug Cockrell spoke on behalf of the applicant. Mr. Cockrell said he would be the operator. He said David Miller was with him who is the owner of the property. He said their intention was to provide affordable goods to the public. He said they would be very selective in who they solicit to fill their 44 spaces. He said they would manage the operation on site every day.

Mr. Ward asked how much they would charge for their stalls.

Mr. Cockrell said they would charge \$15/day.

Mr. Ward asked what the hours would be.

Mr. Cockrell said the hours would be from 6 to 3.

Ms. Bellis asked what days they would be open.

Mr. Cockrell said they had applied for Monday, Tuesday, Thursday, Friday and Saturday, but it depended on the market.

Mr. Ewen asked Mr. Cockrell if he had any experience in managing flea markets.

Mr. Cockrell said he did not; however, he had been around them and knew what they did. He said he had been in sales for forty years.

Mr. Ward asked if the entry and egress would be less in the morning.

Mr. Cockrell said the vendors would come early, some at 4 or 5 o'clock in the morning. He said they would direct the vendors in off of Reedy Branch Road rather than Highway 11 because there is less traffic. He said the traffic would be out of the way by the time the students start coming in to school.

Ms. Bellis asked where the people would park.

Mr. Cockrell said some of the vendors have a truck and they would park their truck on their space. He said they had nearly 2.5 more acres available for parking if they need it.

Mr. Hutchens said flea markets were not known to be things of beauty and asked Mr. Cockrell what he would do to make sure this was not more of a junk yard than a flea market.

Mr. Cockrell said they were about 100 feet off of the highway and all stalls would face inward. He said it would be attractive and would not be dirty.

Mr. Hutchens said he was familiar with the traffic at Pitt Community College and it backed up for several hundred yards between classes for twenty to thirty minutes at the time. He asked how he would deal with that.

Mr. Cockrell said he couldn't tell the customers where to enter and exit the property but felt many of them would come in off of Highway 11.

Mr. Hutchens said flea markets had the reputation of being a place where people bring knockoff goods to sell and asked Mr. Cockrell how he would deal with that.

Mr. Cockrell said that is why they would solicit the people they brought there and if they found out anyone was doing anything illegal he would ask them to leave.

Ms. Harrington said staff's recommendation said the "Vendors shall not be oriented towards public streets; vendors must be oriented towards the interior of the property." She said in the plan they submitted, it appeared stalls 1-4 would be facing Highway 11.

Mr. Cockrell said the vendors would not be facing Highway 11.

Mr. Ward asked how they anticipated advertising. He said they would advertise in the newspaper.

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

Dr. Wubneh asked for staff's recommendation.

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

Dr. Wubneh closed the public hearing and read the criteria.

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

Motion was made by Ms. Bellis, seconded by Ms. Harrington to approve the petition with the conditions. Motion carried unanimously.

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

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY DANIEL LALONE

The applicant, Daniel LaLone, desires a special use permit to operate a tattoo shop (other activities; personal service not otherwise listed) pursuant to Section 9-4-78(f)(15)a. of the Greenville City Code. The proposed use is located at 3004 E. Tenth Street. The property is further identified as being tax parcel number 24804.

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

Mr. Dail delineated the area on the map. The property is located along Tenth Street, near the intersection of 5th Street. He said the property is zoned CH (Heavy Commercial). The properties to the north and west are zoned CH. The property to the south is zoned R9S (Residential Single-family) and the property to the east is zoned CG. The property is located along a major thoroughfare, being East Tenth Street and near the intersection of another major thoroughfare, being Greenville Boulevard.

Surrounding Development:

- North: Hastings Ford
- South: Single Family Residences
- East: Mattress Outlet, Rite Aid
- West: Shell Gas Station

Description of Property:

The property contains a 2,041 square foot commercial building with multiple units and has approximately 80 feet of frontage along E. Tenth Street and with a total lot area of 0.32 acres.

Comprehensive Plan:

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

Notice:

Notice was mailed to the adjoining property owners on January 13, 2010. Notice of the public hearing was published in the Daily Reflector on January 18, 2010 and January 25, 2010.

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.

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 upon proper findings by the Board.

Ms. Harrington asked how many parking spaces they had.

Mr. Dail said there were thirteen spaces in the front and additional parking available in the back. He said there was sufficient parking.

Dr. Wubneh asked if the applicant had to be state certified.

Mr. Little said the state requires health licensing and health certifications. He said the applicant would get those from the Department of Health.

Mr. Daniel LaLone spoke on behalf of his application. He said he would be applying tattoos and selling art. He said he was currently licensed in Williamston, North Carolina. He said he would have biohazard containers to dispose of the needles and other hazardous materials.

Mr. Ewen asked what kind of signage he would have.

Mr. LaLone said there was an existing lighted sign by the road that he planned to use.

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

Dr. Wubneh asked for staff's recommendation.

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

Dr. Wubneh closed the public hearing and read the criteria.

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

unanimously.

Motion was made by Ms. Harrington, seconded by Ms. Bellis to approve the petition with the conditions. 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.

Mr. Little gave an update on Club Faces to the board. He said the City's motions to dismiss and summary judgment were heard in superior court. The judge ruled in favor of the City and the order was sent to Mr. Faison. Mr. Little said he had received word from Mr. Faison that he was going to sign the order. He said he expects to receive the signed order within the next day or two.

Mr. Ewen asked what happened after that.

Mr. Little said the matter, as well as the club, would be closed. He said the judgment also included all of the back citations that have been issued for operating when he shouldn't have.

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

Respectfully Submitted

Michael R. Dail, II
Planner