

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE BOARD OF ADJUSTMENT

July 23, 2009

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 X
Wanda Harrington *		John Hutchens*
Scott Shook *		Charles Ward X
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, Hutchens, Shook, Rich

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
Merrill Flood, Director of Community Development
Major Kevin Smeltzer, Greenville Police Department

MINUTES

Motion was made by Mr. Hutchens, seconded by Ms. Harrington to accept the May 28, 2009 and July 1, 2009 minutes as presented. Motion carried unanimously.

Chairman Wubneh said the board had received a written request to continue item 2 on the agenda until the next month. He asked the applicant to come forward and explain why he was asking for a continuance.

Mr. Mike Baldwin spoke on behalf of the applicant. Mr. Baldwin stated when he turned in the application for the special use permit he understood it would be on the August agenda for the Board of Adjustment due to turning it in past the July meetings deadline. He said he was not aware until earlier in the day that it would be heard this evening and he wasn't prepared to present his case.

Motion was made by Mr. Hutchens, seconded by Ms. Bellis to continue item 2 until the August meeting. Motion carried unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY KEEP HOPE ALIVE HUMAN SERVICES, LLC

The applicant, Keep Hope Alive Human Services, LLC, desires a special use permit to operate a personal service not otherwise listed (Day Treatment Facility) pursuant to Section 9-4-78(f)(15)a. of the Greenville City Code. The proposed use is located at 105-B Trade Street. The property is further identified as being Tax Parcel Number 24629.

Chairman Wubneh asked for all those who wished to speak on this case to come forward and get sworn.

Mike Dail, planner, delineated the area on the map. He stated the property was located in the southern part of the city along Trade Street near South Memorial Drive and Southwest Greenville Boulevard. The property as well as the surrounding properties are zoned CH, Heavy Commercial. The property is located near two major thoroughfares, being South Memorial Drive and Southwest Greenville Boulevard.

Surrounding Development:

North: Parkers BBQ, Grainger

South: Prints & Plaids, Southern Loans

East: D&J Distributors, Time to Swim, Animal Hospital, Briley Tire

West: Pair Electronics, NAPA Auto Parts, First Citizens Bank

Description of Property:

The property contains a 7,160 square foot commercial building with four units and has approximately 207 feet of frontage along Trade Street with a total lot area of 1.16 acres. The applicants unit contains approximately 2,000 square feet of floor area.

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 July 9, 2009. Notice of the public hearing was published in the Daily Reflector on July 13, 2009 and July 20, 2009.

Staff Recommend Conditions:

The facility must comply with all requirements, licensing, rules, health certifications, background checks and other requirements imposed or directed by the NC Division of Health, Human Services; the Commission or Council on MR/Developmental Disabilities; and Community Alternative Programs for DD/MR adults and/or juveniles.

At no time will clients of the training center be permitted to wait or be outside without being accompanied by a staff member of the training center to supervise and ensure proper behavior of the clients including but not limited to aggressive actions, littering, fighting, yelling, loitering or other unacceptable behavior.

Other Comments:

Shall be classified by DHHS and shall meet all related NC State building codes for such classification.

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.

Amy Kay Moore spoke on behalf of the applicant. Ms. Moore stated their hours of operation would be from 8:30-6 Monday thru Friday and they would service children ages 3-12. She said the maximum number of children in the facility at any given time would be 18. Ms. Moore said the state requires a staff to child ratio of 1:6 but they would have a ratio of 1:4. She said the students would be indoors at all times unless they were offsite at a park or recreational center. Ms. Moore stated no child would be allowed outside the facilities without adult or staff supervision. She stated staff and parents would be required to pick-up and drop-off through the back entrance of the building. Ms. Moore stated they would also be installing a security system.

Ms. Bellis asked if the children would be there all day.

Ms. Moore stated the program was 6 hours per day.

Ms. Harrington asked how the children were referred to her facility.

Ms. Moore said they received referrals from DSS, Juvenile Justice, the school systems and church facilities.

Ms. Deborah Walker spoke in opposition to the request. She stated she commended the facility and their purpose; however, she and other merchants in the area were opposed to having this type of facility in their location. She said they would prefer they seek a non-commercial location for their facility.

Mr. Hutchens asked why she preferred the area remain commercial and not accommodate this facility.

Ms. Walker said it was because of the age group of the people at the facility. She stated her business was open late at night and there were some college students working at the facility. She said all of their businesses had customers coming in and out on a daily basis.

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

Chairman Wubneh asked Mr. Dail for staff's recommendation.

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

Chairman Wubneh closed the public hearing and called for board discussion. Motion was made by Mr. Hutchens, seconded by Ms. Rich 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.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY GARRY AND WANDA NOBLES – CONTINUED TO AUGUST MEETING

The applicant, Garry and Wanda Nobles, desires a special use permit to operate a dining and entertainment establishment pursuant to Section 9-4-78(f)(6)m.(1) of the Greenville City Code. The proposed use is located at 431 S. Evans Street. The property is further identified as being Tax Parcel Number 07688.

REVIEW OF THE SPECIAL USE PERMIT ISSUED TO KEVIN FAISON FOR A PUBLIC OR PRIVATE CLUB

The applicant, Kevin Faison, was issued a special use permit to operate a public or private club pursuant to Sections 9-4-78(f)(6)m. and 9-4-86(f) of the Greenville City Code. As a condition of approval the Board requested a six month review of the application. The use is located at 2713 E. Tenth Street. The property is further identified as being Tax Parcel Numbers 16501 & 16472.

Chairman Wubneh asked if the applicant had to be present for the review.

Mr. Little said the applicant had been notified and did not have to be present. He said the board could continue the review if they wished to have the applicant present.

Mr. Shook stated their packet had information that Mr. Faison owed the City of Greenville \$5,280 for security and the city had discontinued service at this time. He asked if that was still the case.

Mr. Little said to his knowledge it was. He said Mr. Dail or Major Smeltzer could answer that question more accurately.

Chairman Wubneh said that could be addressed during the review.

Ms. Bellis asked if it was customary for the person being reviewed to be present.

Mr. Little said they were generally there; however it is not a requirement.

Ms. Bellis asked if Mr. Faison had asked for a continuance.

Mr. Little said they had not heard from Mr. Faison.

Mr. Shook made a motion to set a public hearing to consider revocation of the special use permit. Ms. Harrington seconded.

Mr. Hutchens asked if they could take that step without having heard the review.

Mr. Little said they could accept the report without further comment from staff. He said the board could call for a public hearing on any of the clubs at any given time.

Motion carried unanimously.

Mr. Little stated Mr. Faison would receive notice of the hearing and that this would be placed on the agenda for August 27th.

Ms. Bellis asked if Major Smeltzer would be available at the next meeting.

Mr. Little said he would.

With no further discussion, the meeting adjourned at 7:35pm.

Respectfully Submitted

Michael R. Dail, II
Planner