

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

June 26, 2008

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 X	John Hutchens X
Scott Shook*	Charles Ward*
Renee Safford-White*	Allen Thomas X
Linda Rich*	Louis Treole*

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

VOTING MEMBERS: Wubneh, Bellis, Ewen, Shook, Ward, Safford-White, Rich

OTHERS PRESENT: Mr. Mike Dail, Planner
Mr. Wayne Harrison, Planner
Mrs. Sarah Radcliff, Secretary
Mr. Les Everett, Chief Building Inspector
Mr. Dave Holec City Attorney

MINUTES

Motion was made by Mr. Ward, seconded by Ms. Safford-White to accept the May 22, 2008 minutes as presented. Motion carried unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY FINELLI'S PROPERTIES, INC.

The applicant, Finelli's Properties, Inc., desires a special use permit to operate a restaurant with regulated outdoor activities pursuant to Sections 9-4-78(f)(10)j. of the Greenville City Code. The proposed use is located at 2905 E. Fifth Street. The property is further identified as being Tax Parcel Number 16893.

Chairman Wubneh asked all who wished to speak for or against the case to come forward and be sworn in.

Mike Dail, planner, delineated the area on the map. He stated property was currently zoned CG, General Commercial, with a portion of the property in the rear zoned R6, Residential. He stated the properties to the north are zoned R6, Residential, properties to the South and East are zoned CG, General Commercial, and properties to the West are zoned R6 and CG. Mr. Dail stated the property was located along a minor thoroughfare, being East 5th Street, and within close proximity to a major

thoroughfare, being East 10th Street.

Surrounding Development:

North: Vacant
South: NC Highway Patrol Office
East: Dunn's Body Shop
West: Brookside Apartments

Description of Property:

The property contains a 1,584 square foot commercial building currently being operated as Finelli's Restaurant. The property has approximately 110 feet of frontage along E. Fifth Street with a total lot area of 0.9 acres. The applicant wishes to add a 600 square foot patio for outdoor dining.

Comprehensive Plan:

The property is located within Vision Area "I" 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 June 12, 2008. Notice of the public hearing was published in the Daily Reflector on June 16, 2008 and June 23, 2008.

Staff Comments:

Definition of *Restaurant; outdoor activities and Restaurant; regulated outdoor activities*. [zoning regulations]:

A principal and/or accessory use area associated with or utilized in conjunction with a restaurant (conventional or fast food) 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 (1) 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 absent a functional window shall be considered open and unenclosed for purposes of this section.

Any "restaurant; outdoor activity", as defined herein, which is located within three hundred (300) feet, as measured to the closest point, of any residential district, excepting CDF, which allows single-family dwellings as a permitted use.

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.

David Finelli, owner of Finelli's Café, spoke in favor of the request. Mr. Finelli stated he had operated the 5th Street location since 1999 and opened a second location on Red Banks Road in August of last year. He said they had been closed for renovations and were now ready to open back up and would like to have outdoor dining available for his customers. He stated there were 25 to 30 seats available for outdoor dining.

Mr. Treole asked if there would be music playing outside.

Mr. Finelli stated he had no intentions of having live music outside but did anticipate some soft background music.

Mr. Treole asked if he had discussed the music with the neighbors.

Mr. Finelli stated no one had any objections.

Mr. Ward asked about the lighting.

Mr. Finelli stated he had hired GUC to put 2 major spotlights up and they stayed on even when his business was closed for renovations. He said the area was a well-lit, safe place.

Mr. Shook asked Mr. Finelli to define "Alfresco dining".

Mr. Finelli said it was outdoor dining.

Mr. Shook asked if they still had enough parking after adding more tables.

Mr. Finelli stated there were more than enough parking spots available.

Chairman Wubneh asked the hours of operation.

Mr. Finelli stated he would be open 7 days a week for breakfast, lunch and dinner.

Mr. Wubneh asked how late they would be open.

Mr. Finelli stated the music would be turned off by 11.

Chairman Wubneh asked if there were any lights directed toward the adjacent apartments.

Mr. Finelli stated the lights had been adjusted so they didn't shine on the apartments.

Mr. Ewen asked when they planned to open.

Mr. Finelli stated he hoped to open the following Monday.

No one spoke in opposition to the request.

Chairman Wubneh asked the position of the city.

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

Chairman Wubneh read the criteria for granting/denying a special use permit. Chairman Wubneh asked for a motion to approve the findings of fact. Motion was made by Mr. Shook, seconded by Mr. Ward. Motion carried unanimously.

Chairman Wubneh then asked for a motion to approve the petition. Motion was made by Mr. Ewen, seconded by Mr. Shook. 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 JAAN'S PRESCHOOL AND TUTORING

The applicant, Jann's Preschool and Tutoring, desires a special use permit to operate a home occupation; not otherwise listed (child day care) pursuant to Sections 9-4-78(f)(3)a. and 9-4-86(v) of the Greenville City Code. The proposed use is located at 2701 Jefferson Drive. The property is further identified as being Tax Parcel Number 10590.

Chairman Wubneh asked all who wished to speak for or against the case to come forward and be sworn in.

Mike Dail, planner, delineated the area on the map. He stated property was currently zoned R9S, Residential-Single Family. He stated the properties to the north, south, east and west are also zoned R9S. Mr. Dail stated the property was located near a major thoroughfare, being East 10th Street. Mr. Dail stated there was a condition that staff wanted to add that was not listed in the findings of fact. The condition states the child daycare must comply with all state licensing requirements and regulations for home based childcare activities.

Surrounding Development:

North: Single Family Residence
South: Single Family Residence
East: Single Family Residence
West: Single Family Residence

Description of Property:

The property contains a 1,852 square foot single family dwelling and has approximately 110 feet of frontage along Monroe Street and 100 feet of frontage along Jefferson Drive with a total lot area of 0.27 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 medium density residential development for the subject property. The property contains a single family dwelling and a home occupation is considered an accessory use to a single-family dwelling.

Notice:

Notice was mailed to the adjoining property owners on June 12, 2008. Notice of the public hearing was published in the Daily Reflector on June 16, 2008 and June 23, 2008.

Staff Comments:

Applicant may provide service to up to five (5) children.

If approved, the applicant shall comply with the following pursuant to Section 9-4-86(v), Specific Criteria:

- (1) Except as otherwise provided, all home occupations shall comply with all of the following standards.
 - a. Shall only be permitted within single family dwelling units;
 - b. Shall not be permitted within any detached accessory structure or building;
 - c. Shall constitute an accessory use to the principal use;
 - d. Shall not occupy more than twenty (20) percent of the mechanically conditioned enclosed floor space of the dwelling unit;
 - e. Shall not employ more than one (1) person other than those persons legally residing within the principal use dwelling;
 - f. Shall not be visible from any public right-of-way or adjacent property line;
 - g. Shall not involve the on-site sales of products;
 - h. Shall not involve any outside storage of related materials, parts or supplies;
 - i. Shall have signage in accordance with Article N, Signs; and

- j. Shall not create any hazard or nuisance to the occupants residing or working within the principal use dwelling or to area residents or properties.

Staff Recommended Conditions in Addition to 9-4-86(v):

An outdoor play area shall be provided at a ratio of not less than one hundred (100) square feet per child and shall be enclosed by a fence at least four (4) feet in height and all play equipment shall be located in the rear yard (eastern side).

Day care must comply with all state licensing requirements and regulations for home based child day care facilities.

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.

Mr. Shook asked if the fence in place was not sufficient, or if the city just wanted to put the wording in the findings of fact.

Mr. Dail stated the fence was sufficient but added the wording so it was known to be a condition.

Mr. Ewen asked if there was any difference between a daycare and a preschool and tutoring center.

Mr. Dail stated he did not know why the applicant chose that name but the application was brought to the city as a child daycare home occupation being able to have up to 5 children at one time. He stated if she offered just a tutoring service it would be considered an incidental home occupation and she could have two children at the time for up to four hours. Mr. Dail stated he believed her primary objective was to have a child daycare, but the applicant could explain that in more detail.

Ms. Bellis asked for the definition of “rear yard”.

Mr. Dail stated the rear yard would be the yard behind the home. He said the property had two frontages, one along Monroe Street and one along Jefferson Street. He said staff had determined the house to front along Monroe Street, as there is no rear yard if the house fronts Jefferson Drive. Mr. Dail stated in staff’s opinion, the area behind the home facing Monroe Street would qualify as the rear yard. He said the only requirement to be in the rear yard is for the play equipment, not the play area.

Ms. Bellis stated that while driving by the home if you consider the house facing Jefferson Drive, then the yard for the play equipment would be considered a side yard.

Mr. Dail stated it could be considered a rear yard or side yard.

Mr. Shook asked where the fence was located.

Mr. Dail stated there was a fence in what he considered as the rear yard, but what Ms. Bellis considered as a side yard and also in the front yard along Monroe Street.

Mr. Holec stated the play equipment was to only be in the rear yard so they needed to specify that and the rear yard is that portion as defined by the board and the staff.

Ms. Eleanor Kasey spoke in favor of the request. Ms. Kasey stated the preschool would be for 3-5 year olds and the tutoring service would be on an as needed basis. Ms. Kasey she considered the rear yard to be the same area that Mr. Dail was referring to, with the house fronting on Monroe Street. She stated her hours of operation would be from 6 a.m. to 7 p.m.

Ms. Bellis asked if she planned to keep the play area along Monroe Street.

Ms. Kasey said she did. She said that area was fenced in with a gate at her back door.

Mr. Treole asked about the traffic along Monroe Street.

Ms. Kasey stated the majority of the traffic was between 7 and 8 a.m.

Mr. Treole asked if there was a possibility that children could get out on the streets.

Ms. Kasey stated there was always a possibility; however the outdoor activities would not be during high traffic times and the area was equipped with locks and the children would not be left alone at any time.

Mr. Ward asked for more information regarding the tutoring.

Ms. Kasey stated the tutoring was for 5 to 7 year olds, but her main focus was for 3 to 5 year olds.

Ms. Rich asked what kind of security was on the gates to keep the children from getting out.

Ms. Kasey stated there were already child safety locks in place on the gates.

Chairman Wubneh asked the position of the city.

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

Chairman Wubneh read the criteria for granting/denying a special use permit. Chairman Wubneh asked for a motion to approve the findings of fact including all conditions previously stated. Motion was made by Ms. Bellis, seconded by Ms. Safford-White. Motion carried unanimously.

Chairman Wubneh then asked for a motion to approve the petition. Motion was made by Mr. Ward, seconded by Mr. Shook. 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 A NEW HORIZON, INC.

The applicant, A New Horizon, Inc., 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 3299-A Frog Level Road. The property is further identified as being Tax Parcel Number 47617.

Chairman Wubneh asked all who wished to speak for or against the case to come forward and be sworn in.

Mike Dail, planner, delineated the area on the map. He stated property was currently zoned CH, Heavy Commercial. He stated the properties to the north, south, east and west are also zoned CH. Mr. Dail stated the property was located along a minor thoroughfare, being Frog Level Road, and within close proximity to a major thoroughfare being Dickinson Avenue Extension.

Surrounding Development:

North: Interior Distributors
South: Red Oak Fire Department
East: Automotive Glass Warehouse
West: GUC Substation

Description of Property:

The property contains one commercial building with 2 units and has approximately 267 feet of frontage along Frog Level Road and 222 feet of frontage along West Star Street with a total lot area of 0.89 acres. The applicants unit contains approximately 1,400 square feet of floor area. McCord Painting Contractors Inc. (owners of both units) is located within the other portion of the building.

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 June 12, 2008. Notice of the public hearing was published in the Daily Reflector on June 16, 2008 and June 23, 2008.

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.

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.

Eric Foushee spoke in favor of the request. He said their facility was aimed toward adolescents aged 13-16 who have been long-term suspended from school. The purpose of the facility is to provide social skills and training to those home-bound students. He said the hours of operation were from 9 a.m. to 3 p.m. with transportation provided.

Mr. Treole asked what and who exactly would be serviced from their facility.

Mr. Foushee stated they mainly served middle school and high school children who get long-term suspended from school.

Mr. Treole asked who paid for the services.

Mr. Foushee stated they were a non-profit center funded by the state.

Mr. Treole asked if the state gave guidance to them.

Mr. Foushee stated they had to meet certain requirements by the state and had to be licensed by the state.

Mr. Treole asked if the state monitored their quality of service.

Mr. Foushee stated they were monitored and were currently trying to obtain accreditation.

Ms. Bellis asked if there were any requirements for parking.

Mr. Foushee stated that they were given permission to use the parking lot next to them; however since they would be providing the transportation, there would be a limited number of vehicles. He also said there could be no more than 6 students in one location, and they would have no more than

4 at one time.

Mr. Treole asked if the long-term suspension of the students ended would the students go back to regular school.

Mr. Foushee said that it was their hope for the children to be able to go back to school. He stated they wanted to provide services to them while they were out to help them when they go back to school.

Mr. Treole asked if any of the children were dangerous.

Mr. Foushee said they were not dangerous. He said they do extensive background checks before accepting children into the program and each student would be searched before entering the building.

Mr. Shook asked if it was voluntary on behalf of the kids or mandated by the school.

Mr. Foushee stated the school would have to refer the student to them.

No one spoke in opposition to the application.

Chairman Wubneh asked the position of the city.

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

Chairman Wubneh read the criteria for granting/denying a special use permit. Chairman Wubneh asked for a motion to approve the findings of fact. Motion was made by Ms. Safford-White, seconded by Mr. Ewen. Motion carried unanimously.

Chairman Wubneh then asked for a motion to approve the petition. Motion was made by Mr. Ward, seconded by Mr. Shook. 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 ROBERT SCHWARZ

The applicant, Robert Schwarz, desires a special use permit to operate a personal service not otherwise listed (psychosocial rehabilitation program) pursuant to Section 9-4-78(f)(15)a. of the Greenville City Code. The proposed use is located at 1414 Charles Boulevard. The property is further identified as being Tax Parcel Number 04389.

Chairman Wubneh asked all who wished to speak for or against the case to come forward and be sworn in.

Mike Dail, planner, delineated the area on the map. He stated property was currently zoned CG, General Commercial. He stated the properties to the north and west were also zoned CG, properties to the south are zoned CN, Neighborhood Commercial and R6, Residential, and properties to the east are zoned CN and CG. Mr. Dail stated the property was located along a major thoroughfare, being Charles Boulevard and another major thoroughfare, being East 14th Street. Mr. Dail stated there was a condition that staff wanted to add. The condition states 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.

Surrounding Development:

North: Jolly Roger and Duck Thru Convenience Stores

South: Pirates Place Townhomes

East: Rite Aid Pharmacy

West: Harris Teeter, Wings Over Greenville, Dollar General & Various Commercial Uses

Description of Property:

The property contains one commercial building with three units and has approximately 165 feet of frontage along Charles Boulevard with a total lot area of 0.52 acres. The applicant will be occupying two units which contain approximately 3,990 square foot. Chenello's Pizza is located in the other unit within the building.

Comprehensive Plan:

The property is located within Vision Area "G" 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 June 12, 2008. Notice of the public hearing was published in the Daily Reflector on June 16, 2008 and June 23, 2008.

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.

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.

Robert Schwarz spoke in favor of the request. Mr. Schwarz stated he owned and operated 3 other psycho-social rehab facilities in North Carolina. He stated it was a necessary service for the mentally ill people in the community.

Amy Thorne, director of the facilities, stated they were a program that provided many different services to mentally ill patients. She said they taught basic skills and community living to their patients and tried to keep them from being placed in the hospital or long-term care facilities.

Mr. Ward asked how many people they anticipated serving.

Ms. Thorne stated they would serve 40 people between 8 a.m. and 3 p.m.

Mr. Treole asked who funded their service.

Ms. Thorne stated it was a Medicaid billable service.

Mr. Treole asked if they were regulated by the state.

Ms. Thorne stated they were regulated by the state and by the LME.

Mr. Treole asked if they had an accreditation process.

Donna Ramsey stated there was not only an accreditation process, but they also have to be licensed by the state and endorsed by the LME.

Mr. Treole asked what they had for severely mentally ill patients.

Ms. Ramsey stated that was what there facility was for.

Mr. Treole asked if they had security in place.

Ms. Thorne stated that these were people living in the community already and their facility was for people in the communities who had homes of their own or were in group homes that wanted to live more independently. She said if they became violent they would have to go to a higher level of care.

Mr. Treole asked if their patients had been incarcerated.

Ms. Thorne stated some of their patients may have been but they were teaching them to stay on their medicines and why their medicines were important.

Ms. Ramsey stated they already operated in 3 other cities and had letters of recommendation if the board would like to see them.

Mr. Treole asked to see the letters of recommendation.

Mr. Holec stated the letters were hearsay and could not be relied upon to support the findings of fact. He said once they passed out the letters, they would become part of the public record.

Mr. Treole asked if the name would be Carolina Bluewater.

Ms. Ramsey stated the people in the clubhouse would vote on and name the facility.

Ms. Safford-White asked about the capacity of the building and what times they would be occupying the building and if there were 40 people at one time in the building.

Ms. Thorne stated there could be up to 40 people at one time, but they chose their times and would come and go as they wanted.

Ms. Ramsey said the patients would be spread out into different units and not all in one area at the time.

Mr. Ewen asked how many staff members they were required to have.

Ms. Ramsey stated the state regulations were 8 to 1.

Chairman Wubneh asked if parking would be an issue given that as many as 40 people could be there at one time.

Ms. Thorne stated that parking would be mostly for staff and that most of the patients would be dropped off and picked up by the Medicaid van.

Chairman Wubneh asked Mr. Dail if the square footage of the facility would be able to accommodate as many as forty people.

Mr. Dail stated there was nothing in the zoning ordinance. He said the fire code would regulate the maximum occupancy of the building and he did not know what that was at the time.

Les Everett, Chief Inspector, stated according to the building code, there were square footages set aside for each occupant and that would dictate the maximum number of people. He stated there was a wide variety and he would have to refer to the building code before giving those figures.

Mr. Dail recommended that the board could add to the conditions that occupancy would be specified by the building inspection's department prior to occupancy.

No one spoke in opposition to the application.

Chairman Wubneh asked the position of the city.

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

Chairman Wubneh read the criteria for granting/denying a special use permit. Chairman Wubneh asked for a motion to approve the findings of fact including the condition of occupancy. Motion was made by Ms. Bellis, seconded by Ms. Rich. Motion carried unanimously.

Chairman Wubneh then asked for a motion to approve the petition. Motion was made by Mr. Ward, seconded by Mr. Ewen. 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 DWAYNE LODGE AND PHILLIP WATKINS

The applicants, Dwayne Lodge and Phillip Watkins, desire a special use permit to operate a game center pursuant to Sections 9-4-78(f)(6)d. of the Greenville City Code. The proposed use is located at 3701 Charles Boulevard, Suite A. The property is further identified as being Tax Parcel Number 59524.

Chairman Wubneh asked all who wished to speak for or against the case to come forward and be sworn in.

Mike Dail, planner, delineated the area on the map. He stated property was currently zoned CG, General Commercial. He stated the properties to the north were zoned OR, Office Residential and RA20, Residential Agricultural, and the properties to the south, east and west were zoned CG. Mr. Dail stated the property was located along a major thoroughfare, being Charles Boulevard and within close proximity to another major thoroughfare, being East Firetower Road.

Surrounding Development:

North: Grace Church

South: Walgreens Pharmacy

East: Bostic Sugg Furniture

West: Blockbuster, US Cellular, BJ's Pizzeria, McDonalds & Burger King

Description of Property:

The property has approximately 140 feet of frontage along Charles Boulevard and has a lot area of 0.89 acres. The property contains a four unit commercial building and the applicant wishes to operate their business within one of these units which has

approximately 1,212 square feet of floor area.

Comprehensive Plan:

The property is located within Vision Area “C” 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 June 12, 2008. Notice of the public hearing was published in the Daily Reflector on June 16, 2008 and June 23, 2008.

Staff Comments:

Definition of a *Game Center* [zoning regulations]:

Any establishment that has more than five (5) coin/token operated or other amusement devices or whose principal purpose is the operation of a game center regardless of the total number of amusement devices. For purposes of this definition the term “amusement devices” shall include electronic games and similar machines, and any other game table or device. Bingo parlors shall be considered as game centers regardless of the number of participants. See also “billiard parlor; pool room.”

Other Comments:

An ABC Licensing request would place this use in the public/private club use category and require a new special use permit for operation.

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.

Dwayne Lodge spoke in favor of the request. He said their facility was an up-to-date arcade center where kids and families could come and play the newest games.

Philip Watkins also spoke in favor of the request. Mr. Watkins stated they could also have birthday parties at the facility.

Mr. Ward asked the hours of operation.

Mr. Lodge stated they would be open from 12 p.m. to 9 p.m., Monday through Friday, 12 p.m. to 10 p.m. on Saturday and 12 p.m. to 6 p.m. on Sunday.

Ms. Bellis asked what age group they were targeting.

Mr. Lodge said they did not want to target any specific group and they were hoping to attract people of all ages.

Ms. Safford-White asked if they had ever done anything like this before.

Mr. Lodge stated they had not but they had been working on the idea for a year and a half and had put a lot of hard work and thought into it.

Ms. Rich asked what they had in place to monitor children playing games not rated for them.

Mr. Lodge stated the ESRB, the Entertainment Software Ratings Board, stamped a label on every game before it was placed on the market. He said a child would have to have the consent of their parent to play a game that is not rated for their age group.

Mr. Watkins stated they would check ID's to be sure the person was of age to play the game.

Mr. Shook asked if they were going to have any refreshments.

Mr. Lodge stated they would have snacks, drinks and candy available.

Ms. Rich asked how many staff members would be there.

Mr. Lodge stated they planned on having 2 people most of the time with one running the register and one working the floor.

Mr. Treole asked if there was any gambling taking place on the machines.

Mr. Lodge stated there was definitely no gambling.

Mr. Watkins said it was a family entertainment center.

Ms. Rich asked if there was an age limit as to how old a child had to be to be left without a parent.

Mr. Lodge said they did not want to have an age limit; however they would not let parents sign in small children and leave them.

Chairman Wubneh asked if there were any restrictions as to who was allowed on the premises.

Mr. Watkins said they would use their own discretion and not allow anyone who appeared to be a danger to enter the facility.

No one spoke in opposition to the application.

Chairman Wubneh asked the position of the city.

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

Chairman Wubneh read the criteria for granting/denying a special use permit. Chairman Wubneh asked for a motion to approve the findings of fact. Motion was made by Ms. Safford-White, seconded by Mr. Ward. Motion carried unanimously.

Chairman Wubneh then asked for a motion to approve the petition. Motion was made by Ms. Bellis, seconded by Mr. Ewen. 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.

With no further discussion, the meeting adjourned at 8:44p.m.

Respectfully Submitted

Michael R. Dail, II
Planner