

November 17, 2005

The Greenville Board of Adjustment met on the above date at 7:00 PM in the City Council Chamber of the Municipal Building. The following members were present:

Dr. Multau Wubneh, Chairman
Ms. Ann Bellis
Mr. Joe Wright
Mr. Charles Ward
Mr. Scott Shook
Mr. Thomas Harwell
Mr. John Hutchens
Ms. Renee Safford-White

THOSE MEMBERS ABSENT: Mr. Steve Estes

VOTING MEMBERS:

OTHERS PRESENT: Mr. Ed Lynch, Planner
Ms. Kathy Stanley, Secretary
Ms. Sylvia Brown, Code Enforcement Officer
Mr. Les Everett, Chief Building Inspector
Mr. Tim Corley, Engineer
Mr. Bill Little, Assistant City Attorney

MINUTES

Chairman Wubneh asked if there were any corrections to the minutes. Motion was made by Mr. Harwell, seconded by Ms. Bellis to accept the September 22, 2005 minutes as presented. Motion carried unanimously.

REQUEST FOR A SPECIAL USE PERMIT BY EDDIE AND ELAINE WILLIAMS – GRANTED

Chairman Wubneh stated that the first item is a request by Eddie and Elaine Williams. The applicants, Eddie & Elaine Williams, request a special use permit to allow a mobile home on property in the RA-20 (Residential-Agricultural) zoning district, pursuant to Section 9-4-78(f)(2)(g) of the Greenville City Code. The subject mobile home is to be located on lots 20 & 21 the Hillsdale Subdivision and is further identified as Tax Parcels 26015 and 26016.

Chairman Wubneh declared the meeting a public hearing as advertised in The Daily Reflector on November 7, 2005 and November 14, 2005. Those wishing to speak for or against the request were sworn in.

Mr. Lynch delineated the area on the map. Mr. Lynch stated the applicants desire to place a mobile home across two private lots. The subject properties are located at 1520 Springbrook Drive. The property is currently Residential-Agricultural. The properties are located within the 100 yr. flood plain. The Hillsdale Subdivision was flooded during Hurricane Floyd in 1999. Much of the subdivision consists of abandoned and dilapidated housing. The Board of Adjustment approved a special use permit for a mobile home in this subdivision on March 25, 2004. The proposed mobile home site is located within an area identified as Industrial by the current Land Use Plan Map. New residential development within this area is not in strict

compliance with the land use plan. Hillsdale subdivision consists of several mobile homes and additional manufactured housing would be compatible with the neighborhood. The existing zoning (RA-20) allows stick built and modular housing by right. Placing a mobile home on a pre-existing subdivision lot would not be considered inconsistent with the policies of the land use plan. Mr. Lynch stated that the set-up of the mobile home must comply with the flood prevention ordinance. The mobile home must be elevated to the base flood elevation plus two (2) feet. The two substandard lots must be combined to make a conforming lot prior to the issuance of a building permit. Mr. Lynch asked that the proposed Findings of Fact be entered into the record.

Applicant: Eddie & Elaine Williams

Request: The applicants desire a special use permit to place a mobile home across two private lots pursuant to Section 9-4-78(f)(2)g of the Greenville City Code.

Location: The subject properties are located at 1520 Springbrook Drive, lots 20 & 21 in the Hillsdale Subdivision, just south of the intersection of Old River Road and Airport Road. These properties are further identified as Tax Parcel Number 26015 & 06016.

Zoning of Property: RA-20 (residential-agriculture)

<u>Surrounding Development:</u>	<u>Zoning</u>
North: Vacant Lot	RA-20
South: Single Family Home (abandoned)	RA-20
East: Large Vacant Tract	RA-20
West: Vacant Lot	RA-20

Description of Property:

Each lot is slightly over 5000 square feet, totaling 10,500 square feet. The properties are located within the 100 yr. flood plain. The Hillsdale Subdivision was flooded during Hurricane Floyd in 1999. Much of the subdivision consists of abandoned and dilapidated housing.

The Board of Adjustment approved a special use permit for a mobile home in this subdivision on March 25, 2004.

Comprehensive Plan:

The proposed mobile home site is located within an area identified as Industrial by the current Land Use Plan Map. New residential development within this area is not in strict compliance with the land use plan. Hillsdale subdivision consists of several mobile homes and additional manufactured housing would be compatible with the neighborhood. The existing zoning (RA-20) allows stick built and modular housing by right. Placing a mobile home on a pre-existing subdivision lot would not be

considered inconsistent with the policies of the land use plan.

Notice:

Notice was mailed to the adjoining property owners on November 3, 2005. Notice of the public hearing was published in the Daily Reflector on November 7, 2005 and November 14, 2005.

Staff Recommendation:

All applicable permits must be obtained from Building Inspections.

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.

Conditions:

The set-up of the mobile home must comply with the flood prevention ordinance. The mobile home must be elevated to the base flood elevation plus two (2) feet.

The two substandard lots must be combined to make a conforming lot prior to the issuance of a building permit.

Ms. Williams spoke on behalf of the request. Ms. Williams stated she and her husband own the lots on the right and purchased these lots in order to place a mobile home on it. The mobile home will be set-up across the two lots.

No one spoke in opposition.

Chairman Wubneh then read the criteria in granting/denying a special use permit.

Motion was made by Mr. Harwell, seconded by Mr. Hutchens, to adopt the proposed findings of fact and evidence presented. Motion carried unanimously.

Motion was made by Ms. Bellis, seconded by Mr. Harwell, to approve the request with the recommended conditions as stated by staff. 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.

REQUEST FOR A SPECIAL USE PERMIT BY STEVE DENTON – GRANTED

Chairman Wubneh stated that the next item is a request by Steve Denton. The applicant, Steve Denton, has requested a special use permit to allow the continued operation of a public/private club, pursuant to Section 9-4-78(f)(6)(m) of the Greenville City Code. The existing business is located at 4052 S Memorial Drive in the Community Square Shopping Center and is further identified as Tax Parcel

62278.

Chairman Wubneh declared the meeting a public hearing as advertised in The Daily Reflector on November 7, 2005 and November 14, 2005. Those wishing to speak for or against the request were sworn in.

Mr. Lynch delineated the area on the map. Mr. Lynch stated the applicants desire to continue the operation of a public/private club at 4052 S. Memorial Drive. The property is located within Vision Area "E" as designated by the Comprehensive Plan. Management actions for Vision Area "E" include the development and redevelopment of existing commercial areas. The proposed use is in general compliance with the Land Use Plan Map, which recommends commercial development for the subject property. Mr. Lynch read the definition of a public/private club and specific criteria that the applicant must comply with if the special use permit is approved for renewal. Mr. Lynch asked that the Findings of Fact be entered into the record.

Applicant: Steve Denton & Shirley Denton

Request: The applicants, Steve & Shirley Denton, desire the renewal of a special use permit to continue operation of a public or private club (Players Choice) pursuant to Sections 9-4-78(f)(6)m and 9-4-86(f) of the Greenville City Code.

Location: The existing use is located at 4052 S Memorial Drive, Lot 7-A. The property is further identified as being Tax Parcel Number 62278.

Zoning of Property: CG (General Commercial)

Surrounding Development:

Zoning

North: Mobile Home Sales Lot

CH (Heavy Commercial)

South: Community Square Shopping Center

CG (General Commercial)

East: Aamco

CG (General Commercial)

West: Pitt CC

Winterville Jurisdiction

Description of Property:

The site is located at 4052 S Memorial Drive and is within the Community Square Shopping Center. The Shopping Center is just north of Pitt Community College. The building is approximately 600 square feet. There is ample parking available on the site.

Comprehensive Plan:

The property is located within Vision Area "E" as designated by the Comprehensive Plan. Management actions for Vision Area "E" include the development and redevelopment of existing commercial areas. The proposed use is in general compliance with the Land Use Plan Map, which recommends commercial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on November 3, 2005. Notice of the Public Hearing was published in the Daily Reflector on November 7, 2005 and November 14, 2005

Staff Comments:

Definition of a Public or Private Club [zoning regulations]:

An establishment of which the principal use is entertainment and which:

1. May be open to the general public;
2. May require a membership, cover or minimum charge for admittance or service during regular or special periods of operation;
3. May provide live or recorded amplified music;
4. May provide a floor show;
5. May provide a dance area;
6. May offer a full service bar;
7. May offer food services;
8. May provide food attendant (waiter/waitress) table ordering and busboy services; and
9. Does not qualify under the definition of “restaurant, fast food” or “restaurant, conventional” as contained herein.

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

- (1) (a) A special use permit for a public or private club is subject to revocation in accordance with the provisions of this subsection (f)(1). Nothing herein shall prohibit or restrict the authority of the board of adjustment to rescind or revoke a special use permit for a public or private club in accordance with the provisions of section 9-4-83.
- (b) An annual review shall be conducted by the director of planning or his authorized representative of a public or private club 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 planning or his 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 planning or his authorized representative shall present to the board of adjustment the staff report of a public or private club for which the annual review includes a finding of one or more instances of non-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 special use permit holder as specified under subsection (4) below 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. An order for a rehearing shall be based upon a determination by the board of adjustment that either (i) the use of the property is inconsistent with the approved application, (ii) the use is not in full compliance with all specific requirements set out in Title 9, Chapter 4 of the Greenville City Code, (iii) 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 (iv) the use is not compliant with any additional conditions of approval established by the board and set out in the order granting the permit. 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 (f) 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 public or private club.
- (e) The requirements and standards set forth in this subsection (f)(11) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.
- (2) The owner(s) and operator(s) of a public or private club shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 AM each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public right-of-ways or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a public or private club shall comply with the provisions of Title 11, Chapter 9 of the City Code whether or not the establishment is a nightclub, bar or tavern.
- (3) In addition to subsection (2) above, the board of adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.
- (4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a public or private club, is transferred

to a new owner by sale or other means, the new owner shall sign and file with the office of the director of planning an acknowledgement of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgement shall be made on forms provided by the planning office.

- (5) Any public or private club that has been issued a special use permit by the board of adjustment, that is subject to mandatory annual renewal, shall continue under the terms and conditions of the issued special use permit, until the expiration of said permit. All subsequent special use permit approvals for said location shall be subject to the specific criteria set forth under this subsection (f).

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. Mike Baldwin, Baldwin and Associates, spoke on behalf of the applicants. Mr. Baldwin stated he would answer any questions.

Ms. Shirley Denton stated the business now operates a grill inside and is open from 7:30 AM to 2 AM.

No one spoke in opposition.

Mr. Little advised the Board that Mr. Shook will vote on this request since Mr. Wright arrived late. Mr. Wright will vote on the remainder of the cases and Mr. Shook may participate in the discussions but will be unable to vote unless a Board member should have a conflict.

Chairman Wubneh then read the criteria in granting/denying a special use permit.

Motion was made by Mr. Ward, seconded by Mr. Harwell, to adopt the proposed findings of fact and evidence presented. Motion carried unanimously.

Motion was made by Ms. Stafford-White, seconded by Mr. Hutchens, to approve the request. 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.

REQUEST FOR A SPECIAL USE PERMIT BY MELANIE AND CHRISTOPHER BECKWITH – GRANTED

Chairman Wubneh stated that the next item is a request by Melanie and Christopher Beckwith. The applicant, Melanie & Christopher Beckwith, has requested a special use permit to allow a child daycare facility, pursuant to Section 9-4-78(f)(8)(a) of the

Greenville City Code. The proposed use is located at 4550-C East Tenth Street and is further identified as Tax Parcel 44139.

Chairman Wubneh declared the meeting a public hearing as advertised in The Daily Reflector on November 7, 2005 and November 14, 2005. Those wishing to speak for or against the request were sworn in.

Mr. Lynch delineated the area on the map. Mr. Lynch stated that the applicants desire to operate a child day care facility at 4550-C East Tenth Street. The proposed is located in the Gupton Retail Center on the south side of East Tenth Street. The proposed unit where it the Childcare Facility is to be located has 1200 square feet. The proposed playground facility will be located to the rear of the building and parking area. The facility has ample parking for a Child Day Care Facility, which requires 1 space per employee, plus 1 space per 500 sq. ft. of floor area, plus 4 spaces for unloading and loading persons. The Land Use Plan Map recommends (Commercial) use for this property. Mr. Lynch read the definition of a child day care facility. Mr. Lynch asked that the Findings of Fact be entered into the record.

Applicant: Melanie & Christopher Beckwith

Request: The applicants, Melanie & Christopher Beckwith, desire a special use permit to allow the use of property located at 4550-C East Tenth Street for a Child Day Care Facility pursuant to section 9-4-78(f)(8)a of the Greenville City Code.

Location: The proposed use is to be located at 4550 –C East Tenth Street. The property is further identified as being a portion of Tax Parcel Number 44139.

Zoning of Property: CH (Heavy Commercial)

Surrounding Development:

Zoning

North: East Bend Estates MH Park

RA-20 (Residential-Agricultural)

South: Vacant

RA-20 (Residential-Agricultural)

OR (Office Residential)

East: Vacant

RA-20 (Residential-Agricultural)

West: Residence

RA-20 (Residential-Agricultural)

Description of Property:

The proposed is located in the Gupton Retail Center on the south side of East Tenth Street. The proposed unit where it the Childcare Facility is to be located has 1200 square feet. The proposed playground facility will be located to the rear of the building and parking area.

The facility has ample parking for a Child Day Care Facility, which requires 1 space per employee, plus 1 space per 500 sq. ft. of floor area, plus 4 spaces for unloading and loading persons.

Comprehensive Plan:

The property is located within Vision Area "C" of the Horizons Comprehensive Land Use Plan. The Land Use Plan Map recommends (Commercial) use for this property. It is the determination of staff that the proposed is in general compliance with the Horizons Comprehensive Land Use Plan.

Comments:

Day care; child. An establishment which provides for the care and supervision of six (6) or more children away from their homes by persons other than their family members, custodians or guardians for periods not to exceed eighteen (18) hours within any twenty-four-hour period.

(e) Child day care facilities.

- (1) All accessory structures, including but not limited to playground equipment and pools must be located in the rear yard.
- (2) The minimum lot size shall be increased by a ratio of one hundred (100) square feet per child in excess of five (5).
- (3) Outdoor play area shall be provided at a ratio of one hundred (100) square feet per child and shall be enclosed by a fence at least four (4) feet in height. Further, all playground equipment shall be located in accordance with the bufferyard regulations.
- (4) If located in a residential district, a residential appearance of the site shall be maintained to the greatest possible extent.
- (5) Employee parking shall be at the rear of the structure when a child day care facility is located in a residential district.

Notice:

Notice of the public hearing was mailed to the adjoining property owners on November 3, 2005. Notice of the public hearing was published in the Daily Reflector on November 7, 2005 and November 14, 2005.

Staff Recommendation:

The applicant must comply with all NC building codes and Fire codes to operate a child daycare facility. The applicant must obtain all proper licensure from the state to operate a child daycare facility.

Planning staff is of the opinion that the request can meet all of the developmental standards required for the issuance of a special use permit.

Dr. Ollie Gupton, owner of the property, spoke in support of the applicant.

Ms. Melanie Beckwith stated she would answer any questions the Board may have. Ms. Beckwith stated that the Inspections Department, Health Department, Fire Department and a fence contractor have been met with to ensure all requirements are done appropriately.

No one spoke in opposition.

Chairman Wubneh then read the criteria in granting/denying a special use permit.

Motion was made by Mr. Wright, seconded by Mr. Ward, to adopt the proposed findings of fact and evidence presented. Motion carried unanimously.

Motion was made by Mr. Wright, seconded by Mr. Harwell, to approve the request subject to all licensing by the State and Pitt County. 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.

REQUEST FOR A SPECIAL USE PERMIT BY BRAYOM ANDERSON - GRANTED

Chairman Wubneh stated that the next item is request by Brayom Anderson. The applicant, Brayom Anderson, has requested a special use permit to allow the continued operation of a public/private club, pursuant to Section 9-4-78(f)(6)(m) of the Greenville City Code. The existing business is located at 1920-B Smythewyck Drive and is further identified as Tax Parcel 59669.

Chairman Wubneh declared the meeting a public hearing as advertised in The Daily Reflector on November 7, 2005 and November 14, 2005. Those wishing to speak for or against the request were sworn in.

Mr. Lynch delineated the area on the map. Mr. Lynch stated this request is for the continued operation of a public/private club at 1902-B Symthewyck Drive. The subject request is located in the Covington Downs Retail Center. The shopping center is located at the northeast corner of Arlington Blvd and Firetower Road. The shopping center has adequate parking to serve the commercial uses within the shopping center. The property is located in Vision Area "D" as designated in the Comprehensive Land Use Plan. Management actions for Vision Area "D" include promoting commercial development within this commercial node. The proposed use is in general compliance with the Land Use Plan Map, which recommends commercial development for the subject property. Mr. Lynch read the definition of a public/private club and specific criteria that the applicant must comply with if granted renewal. Mr. Lynch asked that the Findings of Fact be entered into the record.

Applicant: Brayom Anderson, Tiebreakers

Request: The applicant, Brayom Anderson of Tiebreakers, desires the renewal of a special use permit to continue operation of a public or private club pursuant to Sections 9-4-78(f)(6)m and 9-4-86(f) of the Greenville City Code.

Location: The proposed use is located at 1920-B Symthewyck Drive. The property is further identified as being Tax Parcel Number 59669.

Zoning of Property: CG (General Commercial)

Surrounding Development:

Zoning

North: Vacant Commercial Land	CG (General Commercial)
South: Misc. retail shops, Covington Downs	CG (General Commercial)
East: Bowen Cleaners, Food Lion	CG (General Commercial)
West: Misc. retail shops, Covington Downs	CG (General Commercial)

Description of Property:

The subject request is located in the Covington Downs Retail Center. The shopping center is located at the northeast corner of Arlington Blvd and Firetower Road. The shopping center has adequate parking to serve the commercial uses within the shopping center.

Comprehensive Plan:

The property is located in Vision Area “D” as designated in the Comprehensive Land Use Plan. Management actions for Vision Area “D” include promoting commercial development within this commercial node. The proposed use is in general compliance with the Land Use Plan Map, which recommends commercial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on November 3, 2005. Notice of the public hearing was published in the Daily Reflector on November 7, 2005 and November 14, 2005

Staff Comments:

Definition of a Public or Private Club [zoning regulations]:

An establishment of which the principal use is entertainment and which:

1. May be open to the general public;
2. May require a membership, cover or minimum charge for admittance or service during regular or special periods of operation;
3. May provide live or recorded amplified music;
4. May provide a floor show;
5. May provide a dance area;
6. May offer a full service bar;
7. May offer food services;
8. May provide food attendant (waiter/waitress) table ordering and busboy services; and
9. Does not qualify under the definition of “restaurant, fast food” or “restaurant, conventional” as contained herein.

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

- (1) (a) A special use permit for a public or private club is subject to revocation in accordance with the provisions of this subsection (f)(1). Nothing herein shall prohibit or restrict the authority of the board of adjustment to rescind or revoke a special use permit for a public or private club in accordance with the provisions of section 9-4-83.
- (b) An annual review shall be conducted by the director of planning or his authorized representative of a public or private club 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 planning or his 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 planning or his authorized representative shall present to the board of adjustment the staff report of a public or private club for which the annual review includes a finding of one or more instances of non-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 special use permit holder as specified under subsection (4) below 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. An order for a rehearing shall be based upon a determination by the board of adjustment that either (i) the use of the property is inconsistent with the approved application, (ii) the use is not in full compliance with all specific requirements set out in Title 9, Chapter 4 of the Greenville City Code, (iii) 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 (iv) the use is not compliant with any additional conditions of approval established by the board and set out in the order granting the permit. 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 (f) 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 public or private club.

- (e) The requirements and standards set forth in this subsection (f)(11) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.
- (2) The owner(s) and operator(s) of a public or private club shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 AM each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public right-of-ways or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a public or private club shall comply with the provisions of Title 11, Chapter 9 of the City Code whether or not the establishment is a nightclub, bar or tavern.
- (3) In addition to subsection (2) above, the board of adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.
- (4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a public or private club, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the director of planning an acknowledgement of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgement shall be made on forms provided by the planning office.
- (5) Any public or private club that has been issued a special use permit by the board of adjustment, that is subject to mandatory annual renewal, shall continue under the terms and conditions of the issued special use permit, until the expiration of said permit. All subsequent special use permit approvals for said location shall be subject to the specific criteria set forth under this subsection (f).

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. Anderson spoke on behalf of the request. Mr. Anderson stated that he is in the process of adding a grill to the establishment in order to serve lunch. The club has maintained the smoke free atmosphere. Mr. Anderson stated he would answer any questions.

No one spoke in opposition.

Chairman Wubneh then read the criteria in granting/denying a special use permit.

Motion was made by Ms. Bellis, seconded by Mr. Wright, to adopt the proposed findings of fact and evidence presented. Motion carried unanimously.

Motion was made by Mr. Hutchens, seconded by Ms. Stafford-White, to approve the request. 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.

REQUEST FOR A SPECIAL USE PERMIT BY DAVID FINELLI- GRANTED

Chairman Wubneh stated that the next item is a request by David Finelli. The applicant, David Finelli, has requested a special use permit to allow the continued operation of a public/private club, pursuant to Section 9-4-78(f)(6)(m) of the Greenville City Code. The existing business is located at 207 East Fifth Street and is further identified as Tax Parcel 02607.

Chairman Wubneh declared the meeting a public hearing as advertised in The Daily Reflector on November 7, 2005 and November 14, 2005. Those wishing to speak for or against the request were sworn in.

Mr. Lynch delineated the area on the map. Mr. Lynch stated that this request is for a renewal of a special use permit for a public/private club. The property is currently zoned Downtown Commercial. The proposed use is to be located at 207 East Fifth Street along the northern right-of-way of Fifth Street, approximately 70 feet east of the intersection of Fifth Street and Cotanche Street. The property has approximately 40 feet of frontage on East Fifth Street and contains approximately 4,725 square feet in total area. Mr. Lynch read the definition of a public/private club and the specific criteria the applicant must comply with if granted renewal. Mr. Lynch asked that the Findings of Fact be entered into the record.

Applicant: F and J Ventures, Inc.

Request: The applicant, F and J Ventures, Inc., desires the renewal of 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.

Location: The proposed use is to be located at 207 East Fifth Street along the northern right-of-way of Fifth Street, approximately 70 feet east of the intersection of Fifth Street and Cotanche Street (The Other Place). The property is further identified as being Tax Parcel Number 02607.

Zoning of Property: CD (downtown commercial)

Surrounding Development:

Zoning

North: Browning and Hill, LLC (Law Office)

CD

South: Cape Fear Tattoo, Catalog Connection (Clothing), Omar's (Restaurant), BLT's (Screen Printing)	CD
East: Cavern and Lucky's (Clubs)	CD
West: Expressions	CD

Description of Property:

The property has approximately 40 feet of frontage on East Fifth Street and contains approximately 4,725 square feet in total area.

Comprehensive Plan:

The property is located within Vision Area "H" as designed by the Comprehensive Plan. Management actions for Vision Area "H" include the development of the "College Area" of downtown as the cultural, recreation, and entertainment center of the City. The proposed use is in general compliance with the Land Use Plan Map, which recommends commercial development for the subject property. The site is located outside the Downtown Subdistrict Overlay wherein special use permits for public/private clubs are prohibited.

Notice:

Notice was mailed to the adjoining property owners on November 3, 2005. Notice of the public hearing was published in the Daily Reflector on November 7, 2005 and November 14, 2005

Staff Comments:

Definition of a Public or Private Club [zoning regulations]:

An establishment of which the principal use is entertainment and which:

1. May be open to the general public;
2. May require a membership, cover or minimum charge for admittance or service during regular or special periods of operation;
3. May provide live or recorded amplified music;
4. May provide a floor show;
5. May provide a dance area;
6. May offer a full service bar;
7. May offer food services;
8. May provide food attendant (waiter/waitress) table ordering and busboy services; and
9. Does not qualify under the definition of "restaurant, fast food" or "restaurant, conventional" as contained herein.

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

- (1) (a) A special use permit for a public or private club is subject to revocation in accordance with the provisions of this subsection (f)(1).

Nothing herein shall prohibit or restrict the authority of the board of adjustment to rescind or revoke a special use permit for a public or private club in accordance with the provisions of section 9-4-83.

- (b) An annual review shall be conducted by the director of planning or his authorized representative of a public or private club 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 planning or his 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 planning or his authorized representative shall present to the board of adjustment the staff report of a public or private club for which the annual review includes a finding of one or more instances of non-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 special use permit holder as specified under subsection (4) below 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. An order for a rehearing shall be based upon a determination by the board of adjustment that either (i) the use of the property is inconsistent with the approved application, (ii) the use is not in full compliance with all specific requirements set out in Title 9, Chapter 4 of the Greenville City Code, (iii) 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 (iv) the use is not compliant with any additional conditions of approval established by the board and set out in the order granting the permit. 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 (f) 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 public or private club.
- (e) The requirements and standards set forth in this subsection (f)(11) are in addition to other available remedies and nothing herein shall

prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.

- (2) The owner(s) and operator(s) of a public or private club shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 AM each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public right-of-ways or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a public or private club shall comply with the provisions of Title 11, Chapter 9 of the City Code whether or not the establishment is a nightclub, bar or tavern.
- (3) In addition to subsection (2) above, the board of adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.
- (4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a public or private club, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the director of planning an acknowledgement of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgement shall be made on forms provided by the planning office.
- (5) Any public or private club that has been issued a special use permit by the board of adjustment, that is subject to mandatory annual renewal, shall continue under the terms and conditions of the issued special use permit, until the expiration of said permit. All subsequent special use permit approvals for said location shall be subject to the specific criteria set forth under this subsection (f).

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. David Finelli spoke in favor of the request. Mr. Finelli stated the club has been operating for four years with no violations.

Mr. Little attributed Mr. Finelli's establishment for setting up the "teller" system which allows patrons to funnel into the establishment one at a time. Mr. Little explained that other clubs in the downtown area are now using the concept to eliminate congregation on sidewalks.

No one spoke in opposition.

Chairman Wubneh then read the criteria in granting/denying a special use permit.

Motion was made by Mr. Ward, seconded by Mr. Harwell, to adopt the proposed findings of fact and evidence presented. Motion carried unanimously.

Motion was made by Mr. Wright, seconded by Ms. Stafford-White, to approve the request. 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.

REQUEST FOR A SPECIAL USE PERMIT BY MCCOTTER HOTEL OPERATIONS, DBA, CITY HOTEL AND BISTRO – GRANTED

Chairman Wubneh stated that the next item is request by McCotter Hotel Operation, dba, City Hotel and Bistro. The applicant, McCotter Hotel Operations d.b.a. City Hotel & Bistro, has requested a special use permit to allow the operation of a public/private club, pursuant to Section 9-4-78(f)(6)(m) of the Greenville City Code. The proposed is located at 203 SW Greenville Blvd and is further identified as Tax Parcel 16271.

Chairman Wubneh declared the meeting a public hearing as advertised in The Daily Reflector on November 7, 2005 and November 14, 2005. Those wishing to speak for or against the request were sworn in.

Mr. Lynch delineated the area on the map. Mr. Lynch stated this is a request for public/private club. Mr. Lynch explained that the hotel has an existing bar/restaurant and this special use permit would be an accessory use which would allow them to charge a cover charge and operate as a public/private club. The property is located at 203 SW Greenville Boulevard. The property has an existing hotel being operated on the premises. The applicant is pursuing this special use permit to allow the operation of a public/private club as an accessory to the hotel. The property is located within Vision Area "E" as designated by the Comprehensive Plan. Management actions for Vision Area "E" include the development and redevelopment of existing commercial areas. The proposed use is in general compliance with the Land Use Plan Map, which recommends commercial development for the subject property. Mr. Lynch read the definition of a public/private club and specific criteria. Mr. Lynch asked that the Findings of Fact be entered into the record.

Applicant: McCotter Hotel Operations (City Hotel)

Request: The applicant, McCotter Hotel Operations, d.b.a City Hotel & Bistro, desires 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.

Location: The proposed use is located at 203 SW Greenville Blvd, across from Wal-Mart. The property is further identified as being Tax Parcel Number 16261.

Zoning of Property: CD (downtown commercial)

Surrounding Development:

Zoning

North: Wal-Mart	CH (Heavy Commercial)
South: Hartford Villa's Apartments	R-6 (High Density Residential+)
East: Retail Stores (Nextel, Furniture Fair)	CH (Heavy Commercial)
West: Hilton	CH (Heavy Commercial)

Description of Property:

The property has an existing hotel being operated on the premises. The applicant is pursuing this special use permit to allow the operation of a public/private club as an accessory to the hotel. The property is located at the southwest corner of Greenville Blvd and Landmark Street. There is ample parking to support the proposed use.

Comprehensive Plan:

The property is located within Vision Area "E" as designated by the Comprehensive Plan. Management actions for Vision Area "E" include the development and redevelopment of existing commercial areas. The proposed use is in general compliance with the Land Use Plan Map, which recommends commercial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on November 3, 2005. Notice of the public hearing was published in the Daily Reflector on November 7, 2005 and November 14, 2005

Staff Comments:

Definition of a Public or Private Club [zoning regulations]:

An establishment of which the principal use is entertainment and which:

1. May be open to the general public;
2. May require a membership, cover or minimum charge for admittance or service during regular or special periods of operation;
3. May provide live or recorded amplified music;
4. May provide a floor show;
5. May provide a dance area;
6. May offer a full service bar;
7. May offer food services;
8. May provide food attendant (waiter/waitress) table ordering and busboy services; and
9. Does not qualify under the definition of "restaurant, fast food" or "restaurant, conventional" as contained herein.

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

- (1) (a) A special use permit for a public or private club is subject to revocation in accordance with the provisions of this subsection (f)(1). Nothing herein shall prohibit or restrict the authority of the board of adjustment to rescind or revoke a special use permit for a public or private club in accordance with the provisions of section 9-4-83.
- (b) An annual review shall be conducted by the director of planning or his authorized representative of a public or private club 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 planning or his 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 planning or his authorized representative shall present to the board of adjustment the staff report of a public or private club for which the annual review includes a finding of one or more instances of non-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 special use permit holder as specified under subsection (4) below 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. An order for a rehearing shall be based upon a determination by the board of adjustment that either (i) the use of the property is inconsistent with the approved application, (ii) the use is not in full compliance with all specific requirements set out in Title 9, Chapter 4 of the Greenville City Code, (iii) 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 (iv) the use is not compliant with any additional conditions of approval established by the board and set out in the order granting the permit. 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 (f) 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 public or private club.

- (e) The requirements and standards set forth in this subsection (f)(11) are in addition to other available remedies and nothing herein shall prohibit the enforcement of applicable codes, ordinances and regulations as provided by law.
- (2) The owner(s) and operator(s) of a public or private club shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 AM each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public right-of-ways or other adjacent public property open to the public. In addition, the owner(s) and operator(s) of a public or private club shall comply with the provisions of Title 11, Chapter 9 of the City Code whether or not the establishment is a nightclub, bar or tavern.
- (3) In addition to subsection (2) above, the board of adjustment may establish specific and reasonable litter and trash mitigation standards or requirements.
- (4) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a public or private club, is transferred to a new owner by sale or other means, the new owner shall sign and file with the office of the director of planning an acknowledgement of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgement shall be made on forms provided by the planning office.
- (5) Any public or private club that has been issued a special use permit by the board of adjustment, that is subject to mandatory annual renewal, shall continue under the terms and conditions of the issued special use permit, until the expiration of said permit. All subsequent special use permit approvals for said location shall be subject to the specific criteria set forth under this subsection (f).

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. Tonyia Fulghum, General Manager, stated that they were unaware they needed to a special use permit to charge a cover charge for live entertainment until recently. Ms. Fulghum stated that the cover charge would enable the club to provide first class entertainment.

No one spoke in opposition.

Chairman Wubneh then read the criteria in granting/denying a special use permit.

Motion was made by Mr. Ward, seconded by Mr. Hutchens, to adopt the proposed findings of fact and evidence presented. Motion carried unanimously.

Motion was made by Mr. Wright, seconded by Ms. Bellis, to approve the request. 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.

REQUEST FOR A SPECIAL USE PERMIT BY TIMOTHY MICHAEL HOGGE – GRANTED

Chairman Wubneh stated that the next item is a request by Timothy Michael Hogge. The applicant, Timothy Michael Hogge, has requested a special use permit to allow the operation of a game center, specifically a bingo parlor, pursuant to Section 9-4-78(f)(6)(d) of the Greenville City Code. The proposed is located at 2400 S Memorial Drive and is further identified as Tax Parcel 70163.

Chairman Wubneh declared the meeting a public hearing as advertised in The Daily Reflector on November 7, 2005 and November 14, 2005. Those wishing to speak for or against the request were sworn in.

Mr. Lynch delineated the area on the map. Mr. Lynch stated this is a special use permit request for a game center, bingo. Mr. Lynch the proposed use is located at 2400 S. Memorial Drive in the Buyers Market Shopping Center. The property is located in Vision Area “F” as designated in the City Horizons Plan. Management actions for Vision Area “F” prohibits additional commercial uses on tracts outside of existing commercial zoning districts. The proposed use is located in an area, which is classified as commercial in the Horizon’s Plan and Future Land Use Plan Map. Mr. Lynch asked that the Findings of Fact be entered into the record.

Applicant: Timothy Michael Hogge

Request: The applicants, Timothy Michael Hogge, desires a special use permit to allow the operation of a game center (bingo) pursuant to Section 9-4-78(f)(6)d, of the Greenville City Code.

Location: The proposed use is located at 2400 S Memorial Drive within the Buyers Market Shopping Center. The property is further identified as being Tax Parcel Number 70163.

Zoning of Property: CG (General Commercial)

Surrounding Development:

Zoning

North: Colony Tire

CG (General Commercial)

South: Rose Bros. Furniture

CH (Heavy Commercial)

East: Residential & offices

CDF (Commercial Downtown Fringe)

West: Retail Shoppes

CG (General Commercial)

Description of Property:

The proposed is to be located in the existing Buyers Market Shopping Center, unit 1-F. The shopping center has driveway access along Maxwell Street and Memorial Drive.

Comprehensive Plan:

The property is located in Vision Area "F" as designated in the City Horizons Plan. Management actions for Vision Area "F" prohibits additional commercial uses on tracts outside of existing commercial zoning districts. The proposed use is located in an area, which is classified as commercial in the Horizon's Plan and Future Land Use Plan Map.

Notice:

Notice was mailed to the adjoining property owners on November 3, 2005. Notice of the public hearing was published in the Daily Reflector on November 7, 2005 and November 14, 2005 .

Staff Recommendation:

The applicant will be required to meet with the City of Greenville Fire Department and the City of Greenville Inspections Department to set the occupancy standards for an assembly type use.

Staff is of the opinion that the request meets all the development standards for the issuance of a special use permits.

Mr. Timothy Hogge spoke on behalf of his request. Mr. Hogge stated the hours of operation would be from 12 Noon to 12 Mid-night. Mr. Hogge stated that he has been involved in bingo operations for several years.

No one spoke in opposition.

Chairman Wubneh then read the criteria in granting/denying a special use permit.

Motion was made by Mr. Ward, seconded by Mr. Hutchens, to adopt the proposed findings of fact and evidence presented. Motion carried unanimously.

Motion was made by Mr. Harwell, seconded by Ms. Stafford-White, to approve the request subject to city regulations, ordinances, Fire code, Inspection codes and State building code. 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.

REQUEST FOR A SPECIAL USE PERMIT BY CHILD CARE DEVELOPMENT, LLC – CONTINUED

Mr. Lynch advised the Board that the applicant has requested a continuance to December.

Motion was made by Ms. Bellis, seconded by Mr. Wright, to continue the request to the regular December meeting. Motion carried unanimously.

REQUEST FOR A VARIANCE BY PITT COUNTY MEMORIAL HOSPITAL – GRANTED

Chairman Wubneh: Next item on the agenda is a public hearing on a request for variance by the height limitations of airport overlay. The applicant, Pitt County Memorial Hospital, has requested a variance from the height standards of the Airport Overlay zone, Section 9-4-3 of the Greenville City Code. The request is for a variance of a 22-foot increase in the maximum height standard of 177' above sea level. The property is located at 2100 Statonsburg Road and is further identified as Tax Parcel 29132. I'll now open the public hearing on this case. Those who wish to speak in favor of this application or against this application please come forward and get sworn. Mr. Lynch preliminary report by the city.

Mr. Lynch: Thank you sir. This is a request for a variance to exceed the maximum height standards set forth by our Airport Zone Overlay District. It's for a hospital project for the cardiovascular center to be located in front of the main hospital fronting along Moye Boulevard. The airport zoning limits the heights of any structure at this location to 177 feet above sea level. The proposed structure is proposed to be at a height of 199 feet above sea level. As you look on your map here on the screen it kind of depicts what is the airport overlay since this is the first case that I'm aware of that's been brought before this Board regarding an airport height variance. You have the airport runways over here (pointing to map) I don't know what the number of the runway is, perhaps you can help me Mr. Harwell, as far as what number that this. For flights coming and going from here anything within this first ring has to be at a height not to exceed 177 feet. The next ring would be 200 feet, the next ring is 250 feet and so on and so on. This structure proposed to built right here can not exceed 177 square feet and that's why they're here before you for a variance tonight. The property is located in Vision Area "F" as designed in the Comprehensive Plan. Policies for Vision Area "F" support the increase in number and intensity of medically related uses. The Land Use Plan recommends medical core for the subject property. Notices were mailed to adjoining property owners on November 2, 2005 and this was published in the Daily Reflector on November 7th and November 14th. Variance criteria: The Board of Adjustment must find in favor of the applicant on each criteria in order to grant a variance.

1. Reasonable Return – The applicant could not comply with the literal terms of the ordinance and still secure a reasonable return or make reasonable use of the property.
2. Unique Circumstances – The hardship of which the applicant complains results from unique circumstances related to the applicant's land.

3. Hardship by Applicant's Action - The hardship is not the result of the applicant's own action.
4. General Purpose of the Ordinance – If granted, the variance would be in harmony with the general purpose and intent of the ordinance and would preserve its spirit.
5. Public Safety and Welfare – The granting of the variance must secure the public safety and welfare and does substantial justice.

Applicant: Pitt County Memorial Hospital

Request: The applicant, Pitt County Memorial Hospital, desire a variance from section 9-3-5 of the Greenville City Code, which regulate height standards within the Airport Zoning Overlay.

Location: The property is located at 2100 Statonsburg Road. The property is further identified as being Tax Parcel Number 29132.

Zoning: MI (Medical Institutional)
The Airport Zone establishes the maximum height at this location to be 177' above sea level.

Surrounding Development:

Zoning

North: ECU Medical School	MI (Medical Institutional)
South: Retail & Offices	MS (Medical Support)
East: Nursing Home	MI (Medical Institutional)
West: Medical Offices	MS (Medical Support)

Description of Property:

The proposed structure is to be located on the existing main campus of the hospital. The Cardiovascular Center will be located directly east of the main hospital and fronting along Moye Blvd.

The Airport Zoning limits the height of any structure to 177' above sea level. The proposed structure is proposed to be at a height of 199' above sea level.

Comprehensive Plan:

The property is located within Vision Area "F" as designated by the Comprehensive Plan. Policies for Vision Areas "F" supports the increase in number and intensity of medical related uses. The Land Use Plan Map recommends Medical Core for the subject property.

Notice:

Notice was mailed to the adjoining property owners on November 3, 2005. Notice of the public hearing was published in the Daily Reflector on November 7, 2005 and November 14, 2005.

Variance Criteria:

The Board of Adjustment must find in favor of the applicant on each criteria in order to grant the requested variance.

1. Reasonable Return – The applicant could not comply with the literal terms of the ordinance and still secure a reasonable return or make reasonable use of the property.
2. Unique Circumstances – The hardship of which the applicant complains results from unique circumstances related to the applicant's land.
3. Hardship by Applicant's Action - The hardship is not the result of the applicant's own action.
4. General Purpose of the Ordinance – If granted, the variance would be in harmony with the general purpose and intent of the ordinance and would preserve its spirit.
5. Public Safety and Welfare – The granting of the variance must secure the public safety and welfare and does substantial justice.

Summary Comments:

Planning staff does not object to the requested variance provided that the Federal Aviation Administration and the Pitt Greenville Airport Manager does not have any objections.

Mr. Lynch: Does the Board have any questions?

Chairman Wubneh: Any questions for Mr. Lynch?

Mr. Lynch: Now as far as Mr. Harwell's comments about how they determined the sea level I think on one of the survey maps it reference NGVD as the source of the elevation.

Mr. Harwell: It references NGVD 29 in a reference for a temporary bench mark which is elevation 75, then on a subsequent map the last map it says civil elevation 73.90 is equal to architectural elevation 100 feet 0 inches. What my real subject was and I apologize because I thought this was the one that wanted to be withdrawn and I wanted to let them know my comments if they were going to leave and redo it. Is the attachment here talks about above mean sea level but does not reference that to either 29 or to 88. The last page uses, apparently changes all the elevations shown on this map by roughly 26 feet and it just confused me terribly. Therefore, I would sort of

like an explanation of it. I'm not sure from that exactly what the incursion would be where it's asking for a variance of 22 feet and that frankly confused me.

Chairman Wubneh: Okay, may be we'll get a clear explanation when the applicant represents that. Would the applicant come forward and tell us about this project. Of course you understand some of the questions that are being raised. Please state your name for the record and tell us about the project.

Mr. Tim McDonnell: My name is Tim McDonnell. I'm the Chief Designer Construction Officer for the University Health Systems. I have with me Jay Walton, who is Director of Design for Pitt County Memorial Hospital. We are both registered professional architects.

Chairman Wubneh: Would you tell us about the project.

Mr. McDonnell: Mr. Chairman, I do have a question. We do have some boards and an easel. Jay is going to get up would it be appropriate for him to come up in front of the Board or do you want us to present it from down here? It's going to be hard to see across the railing.

Chairman Wubneh: My understanding is once you give us that presentation it's going to be part of the record.

Mr. Little: Any documents that you're handing out or anything that you want them to see as part of your presentation becomes part of the record. If you've got print outs of these things that you're going to show then that needs to be part of it.

Mr. McDonnell: We do have a handout for each one of the Board members but we do have some rather large boards that's the only copy we have. We were not planning on having leave that with the Commission.

Mr. Little: What can happen is those.

Mr. Lynch: Does your handouts have similar maps that's on that board?

Mr. McDonnell: Yes.

Mr. Little: The other option would be for them to then substitute them to miniatures and provide those to Mr. Lynch ..

Chairman Wubneh: Does the Board have to take any action or just by consensus we can do it.

Mr. Little: You can do it by consensus. Any of the large board that will be presented they will provide miniaturized copies to Mr. Lynch that has not already been provided.

Chairman Wubneh: Does the Board have any problems with that. That the handouts that they would provide us would be sufficient to substitute for their presentations.

Mr. McDonnell: We do just have boards if it would meet.

Chairman Wubneh: That's fine, if you have the handouts that would be the ones that you give us ...

Mr. McDonnell: We also have large boards that are the same as the handouts. We can leave the other ones down here if that makes more.

Mr. Little: The handouts are what needs to be part of the record. If your boards are the same as the handouts that makes a life a little easier for the Board members.

Mr. McDonnell: Back to my earlier question. Is it OK for Jay to...

Chairman Wubneh: Yes. Would you tell us about the project please. Please tell us your name for the record.

Mr. Jay Walton: Jay Walton. I'm the Design Construction Officer of the Pitt County Memorial Hospital and Project Manager of the Heart Center. As you see in your handouts and is attached to the application. The east side of the main hospital these illustrations match the illustrations that appear on your monitors. These is the actual position of the hospital and the portion of the facility that exceeds the inner horizontal plan of the airport (unclear) the mechanical room levels is right here. Actually (unclear) portion of the building that exceeds above that height. Do I need to talk about the meaning of sea level issue?

Ms. Stanley: Mr. Walton would you speak up a little bit please.

Mr. Walton: Sorry. The elevation center is established in this is (unclear) documentations. We referenced the zoning as well as the FAA application as to what the actual sea level is (unclear). We presented these elevations to illustrate compliance with the boundaries that were outlined in the application process. The Heart Center itself is 6 occupied floors, direct level is patient floors. The reason we got (unclear) the formula we're asking for a variance is outlined in our application in detail. What we found at the hospital is it initially grew out and spread out back when it was a corn field, farm field, there was plenty of room to do that but we found recently that all the land is gone and we can't spread anymore. We have to go up in order to accommodate additional facilities. Also we've, what I've heard as an architect in health care over my years at the hospital, what we're trying to do at this facility is bring all the patients closer to the critical portions of the facility. This addition already includes patient rooms but it also includes operating rooms, interventional labs, cath lab, etc., as well services taking care of our patients which is our number one priority. (Unclear) three in the vertical of this design will keep a maximum number of people closest to those services in the Heart Center that's critical. Can I answer any other specific questions.

Chairman Wubneh: I have a couple of questions. You say the height is 6 floors, correct?

Mr. Walton: The main portion of the building is 6 stories. The 7 and 8 level are the portions that are seen that falls on the surface.

Chairman Wubneh: That's the mechanical.

Mr. Walton: The mechanical spaces, yes sir.

Chairman Wubneh: So how much is a mechanical, is that the one that's creating the violation?

Mr. Walton: Yes sir. Both of those level extend into that.

Chairman Wubneh: And in your judgment it is critical that the mechanicals be placed at the level, no where else on the side or, I mean, this may be a design question but what I'm getting at is to avoid that violation. Is there any other way you could put those mechanicals on the side or behind?

Mr. Walton: This mechanical spaces is unlike the air handlers in electrical rooms which are actually on the third floor which we put those down to better serve the building. These spaces serve the elevators we're building. These are, when you get up to a level, high rise designation since it's under the building code. It's actually elevators, elevators with cable's have to be used and they have to have mechanical units on top of the building to be able to lift them to all the floors. Small buildings, hydraulic elevators are sometimes used (unclear). This building is too tall for a hydraulic lubrication.

Chairman Wubneh: So what would, would there be some kind of light or signal on top of that to help the planes.

Mr. Walton: Yes.

Mr. McDonnell: If I could Mr. Chairman we had to make this submission through the FAA with local guidance have done so. In the packet that we handed out the FAA has approved this with no exceptions. One of their requirements was that we properly light the top of this building to meet FAA guidelines.

Mr. Walton: That would be our intention anyway. We land helicopters at our hospitals, they have to be able to see everything. This building will more than exceed the FAA requirements. Not only will the (unclear) extend in their zone be light but also the (unclear) will also be lit. Again, safety "A" number one for us and our helicopters do need to land on top of the hospital and have to be able to see that.

Chairman Wubneh: I know this is not part of the application, does the present Medical School have that also extra violation?

Mr. Walton: Yes.

Chairman Wubneh: There's no permit?

Mr. Walton: They obtained approval from FAA in (unclear) for their structure.

Mr. Lynch: 1975 I believe.

Mr. Walton: 1975. We went through the same process. Had discussions not only with the FAA but also Jim Turcotte at the airport. In fact I called him Tuesday to make sure that he knew we were doing this tonight in case he wanted to come. So far

he's indicated that he has no objection as to us doing this. He has indicated that he's not objecting to it.

Mr. Harwell: Question. What is the elevation of the inner horizontal surface?

Mr. Walton: The elevation is 177 feet above that's called the NC level which is a reference point.

Mr. Harwell: And you want an increase in that by 22 feet. In your application?

Mr. Walton: Yes sir and that should be clear and I think

Mr. Harwell: What about the extra 5 feet?

Mr. Walton: The 77 to 99 is the difference that we're looking at from the top of the building down to the first surface.

Mr. Harwell: So that's, you want to go up to 199.

Mr. Walton: (Unclear) this is a one time and I think the city would have, they won't let us do this forever. I think that every time that we would impinge on this in the future, not that we anticipate doing it a lot, we'd have to make a separate application I would assume.

Mr. Lynch: Yes sir.

Mr. Walton: Same with the FAA. Additionally, when we construct this building cranes will be used to build it. They will be higher than this building. The contractor who owns those cranes will have to make his own application to the FAA to do that as well. It's very regulated and highly reviewed process to make sure that we do what's right for the airport and don't create any hazards.

Chairman Wubneh: But that's at least temporary. The cranes?

Mr. Walton: Yes.

Chairman Wubneh: This is going to be on a permanent structure so it's a big difference.

Mr. Harwell: I have some concerns about it. I'm a flight instructor and an instrument instructor. This happens to be at missed approach turning point. The ILS comes in on this runway and if you miss the approach you start doing a right turn and go back to a beacon to try it again. Having missed approach here during bad weather it gives me some concerns that we're penetrating that air space. That's sort of what I was coming from. I'm also concerned about the term mean sea level because I know that has changed. I also know that the submittal data use that same term but it's rather indefinite. The airport is an elevation of 25-26 feet at the mid-term and the ILS has a 200 feet limit and therefore when you climb this 199 you've got a foot left. If you delay just a few seconds on your missed approach I do not want to crash into that building. It would be a terrible, terrible aviation accident, penetrating that and I am not fond of it is a good way of expressing it. It would make me severely nervous if I

were doing it and if any of my students were doing it.

Mr. McDonnell: Mr. Harwell I appreciate your comments but I can't rebut to you as a pilot, I don't have that technical expertise. If that's going to become an issue then we ought to be able to have an aviation consultant to answer your questions. I'm not capable of doing that.

Mr. Harwell: I would suggest that the penetration of the air space, I know is important, but I have discussed it with the aviation folks. I flew a twin baron out of Greenville for 25 plus years. Prior to that a single engine airplane and have had many hours riding around that air space. The elevated tank is gone, the silo is still there, the greatest improvement to that airport was the removal of about ½ a TV tower over by Channel 9 which was a real detriment. We expect or hope to have greater air service here. We now have commercial airplanes coming in. We need passenger airplanes. As a movement afoot, as you well know in Kinston, to have passenger service which they currently have and drawing passengers from this airport. I think any detriment to our safety should be viewed extremely carefully.

Mr. McDonnell: I appreciate your comments sir but my question would be when there is a building right adjacent to it that's even taller than the one we're proposing that makes me ponder that question.

Mr. Harwell: We got one to hit now it doesn't make two to hit.

Mr. McDonnell: I understand. Thank you.

Chairman Wubneh: Any other questions for the applicant? Anyone here in favor of this application? Anyone opposed to this application? I'm now going to close this public hearing and call for Board discussion. Please keep your mikes open.

Mr. Lynch: Mr. Chairman would you like staff's recommendation?

Chairman Wubneh: Yes. Thank you I'm sorry.

Mr. Lynch: The Planning staff reviewed this case and does not object to the request provided that Federal Aviation Administration and the Pitt Greenville Airport Manager has no objections at this point. FAA has signed off on it. We have no objections from Jim Turcotte, he's the Airport Manager. Therefore, staff is okay with the request.

Chairman Wubneh: Thank you.

Mr. Little: I'd like to call your attention also to the report that is part of the record that was submitted in their pamphlet. It's noted that the FAA approved the application however there is a condition that the FAA imposed on this. Why is there a condition be the expedited process that the FAA has created for approval of such applications still requires that applications be posted in the federal register, since this is part of the federal regulatory requirements. Even though they may have approved an application it says that this application is approved contingent or condition upon no objections being filed and those objections being sustained either administratively or in court and there's a time period that's listed. If the Board gets to the point in its

findings of fact or rather its vote on

Chairman Wubneh: Approval of the application.

Mr. Little: Approval of the application for the variance. The Board can impose as a condition that the variance is granted so long as the approval remains by the FAA by its letter transmittal which is a business record dated 11/14/2005 and signed by Kevin Haggerty. That would be your condition. You could only approve it so long as it met, complied with FAA requirements. If it ever got overturned then it would have to stop and it could. It could very well mean, I'll admit this to the Board, that if for some reason let's say that the construction was started and low and behold it was completed on time which 20 years of contracting I've never had one completed on time. Let's say this happens, in the interim somebody could have filed an objection and the courts did not stop construction but at the end of whatever judicial process was there, the court said that the FAA approval was revoked or reversed. Then what would happen arguably is that this mechanical room or this addition would have to be removed. It is there as long as FAA approval is granted. That could also mean that in the future with an expansion of the airport and change in air craft service to that airport the FAA could also rescind or revoke that approval. Your condition, again, long story short, your approval of any variance if that occurs would be and must be by law conditioned upon continued FAA approval. Any question? Have I totally confused everybody?

Chairman Wubneh: Basically what we are saying here is that this application would be valid so long as that approval by FAA remains.

Mr. Little: If the Board grants the variance.

Chairman Wubneh: If the Board grants the variance.

Mr. Little: If the Board grants the variance. It can only be approved for as long as that FAA approval lasts.

Chairman Wubneh: Lasts.

Mr. McDonnell: Mr. Chairman could I ask a question?

Chairman Wubneh: Yes please.

Mr. McDonnell: I was under the impression that when we submitted that to FAA they opened it up for comments and has received none. It had to be out there for a period of time which would leave me to believe that if there was going to be someone questioning it that they would have done so in that time frame otherwise FAA would not have granted their approval.

Mr. Little: Generally, they do (unclear) their expedited process. As you will look at that letter there is an additional time period, it's there. I think it's a period all the way up to 2007 that somebody could come in and do something. That's why the Board can only approve the variance for as long as FAA approval remains. Like I said if future development requires that that mechanical room be removed then federal law will supercede whatever this Board does anyway. We have to make whatever approval if it's approved according to whatever that federal regulation and regulatory

requirement is going to impose on this. It's not, we hope it's a forever decision, if it is FAA's approval is the same we always have to know in reality that it might not be. We always have to apply for or plan for that solution. The likelihood of somebody at this point objecting who hasn't already is slim but that's still may change down the road.

Mr. McDonnell: Thank you Mr. Chairman.

Mr. Harwell: Another question. Is there on record a variance for the 1975 construction?

Mr. Lynch and Mr. Little: No sir.

Mr. Harwell: Didn't think there was.

Mr. Little: What happened apparently somebody read the rules recently and realized that the buildings that were there surrounding it violated the rules at least our rules. The local rules as far as the ordinances. They did obtain FAA approval but did not come into the city. This case, somebody read all the rules and realized that they had to have dual approval. So they're asking then for the variance to comply with the ordinance requirements as well as the variance to comply with FAA requirements which they have to do both. If they could not get FAA approval they could not get ours. Here if the variance is not granted then the FAA one is withdrawn. Which more than likely if the variance is not granted we would see this as another action.

Mr. Harwell: So on the existing facility now there's no variance. It is there with only FAA approval.

Mr. Little: That is correct. It's almost, I guess for a lack of a better word, it's a de facto grandfathered for the facility.

Chairman Wubneh: I don't want to prolong this discussion Bill but why wouldn't that precedence work for this one because FAA has already approved it and as long as the approval continues why does the Board have to hear it then.

Mr. Little: Because..

Chairman Wubneh: Federal regulations supercedes locally.

Mr. Little: Right. We would have to hear it because somebody raised a question and realized that the rules had not been strictly complied with initially. What they're doing now is they're trying to say we want to strictly comply with all the rules not just part of it.

Chairman Wubneh: Any other questions from the members of the Board for the applicant? I think we've had enough discussion. I am now, anyone opposed to this application? I would like to close this public hearing and move on for an open discussion by the Board. Please keep your mike open. Any discussions regarding this application? I'll move on to read the criteria. Criteria for a variance is different from a special use permit. I will read by the reference. If you want to call for a vote please stop me otherwise by your silence it's recognized that you are voting in favor

of the applicant. I will read the criteria. Reasonable Return. Unique Circumstances.

Mr. Harwell: I thought you were going to read the rest of it. Vote on "A".

Chairman Wubneh: No I said I would read by reference. I can do that. I said I'd read by reference and call for a vote if you want me..

Mr. Harwell: I call for a vote on "A".

Chairman Wubneh: Okay call by Mr. Harwell. A call for a vote Reasonable Return. Like I said if you vote Yes, you're voting in favor of the application. If you vote No you are voting against the application as we go through the criteria one by one. Reasonable Return. Mr. Wright.

Mr. Wright: Yes.

Chairman Wubneh: Mr. Wright, Yes. Mr. Ward.

Mr. Ward: Yes.

Chairman Wubneh: Mr. Ward, Yes. Ms. Stafford-White

Ms. Stafford-White: Yes.

Chairman Wubneh: Ms. Stafford-White, Yes. Ms. Bellis.

Ms. Bellis: Yes.

Chairman Wubneh: Ms. Bellis, Yes. Mr. Hutchens.

Mr. Hutchens: Yes.

Chairman Wubneh: Mr. Hutchens, Yes. Mr. Harwell.

Mr. Harwell: No.

Chairman Wubneh: Mr. Harwell, No. I believe we have 6 in favor.

Mr. Little: We need your vote.

Chairman Wubneh: I vote Yes.

Mr. Little: Okay and we need Mr. Harwell to state on the record.

Chairman Wubneh: Yes, Mr. Harwell will you state for the record why you voted No.

Mr. Harwell: I saw no evidence presented that the building could not comply with the literal terms of the ordinance by reducing 2 stories or changing the elevator criteria. I heard it stated that it was but I did not see any other evidence presented to that affect.

Chairman Wubneh: Okay. I'll move on to the next criteria. I will again stop me for a vote otherwise by your silence I recognize it meaning that you are voting in favor of the application. The next criteria is Unique Circumstance.

Mr. Harwell: Call for a vote.

Chairman Wubneh: Call for a vote by Mr. Harwell. Mr. Wright.

Mr. Wright: Yes.

Chairman Wubneh: Mr. Wright, Yes. Mr. Ward.

Mr. Ward: Yes.

Chairman Wubneh: Mr. Ward, Yes. Ms. Stafford-White

Ms. Stafford-White: Yes.

Chairman Wubneh: Ms. Stafford-White, Yes. Ms. Bellis.

Ms. Bellis: Yes.

Chairman Wubneh: Ms. Bellis, Yes. I vote Yes. Mr. Hutchens.

Mr. Hutchens: Yes.

Chairman Wubneh: Mr. Hutchens, Yes. Mr. Harwell.

Mr. Harwell: No.

Chairman Wubneh: Mr. Harwell, No. Again tell us the explanation for the negative vote.

Mr. Harwell: The unique circumstances seems to be the elevation of the land. I saw no evidence that any consideration was given to the elevator by going below the land so that it could operate functionally in that manner. I've seen elevators constructed in that manner using below land or basement effects for the elevator operations. So I didn't think that the land had any unique circumstances associated with it.

Chairman Wubneh: Thank you Mr. Harwell. I'll move on to the third criteria. Hardship by Applicant's Action. General Purpose of the Ordinance.

Mr. Harwell: Vote.

Chairman Wubneh: Vote for General Purpose of the Ordinance. Mr. Wright.

Mr. Wright: Yes.

Chairman Wubneh: Mr. Wright, Yes.

Mr. Ward: Yes.

Chairman Wubneh: Mr. Ward, Yes. Ms. Stafford-White

Ms. Stafford-White: Yes.

Chairman Wubneh: Ms. Stafford-White, Yes. Ms. Bellis.

Ms. Bellis: Yes.

Chairman Wubneh: Ms. Bellis, Yes. I vote Yes. Mr. Hutchens.

Mr. Hutchens: Yes.

Chairman Wubneh: Mr. Hutchens, Yes. Mr. Harwell.

Mr. Harwell: No.

Chairman Wubneh: Mr. Harwell, No. Again, Mr. Harwell explanation for the negative vote.

Mr. Harwell: The harmony with the general purpose and intent of the Zoning Ordinance is to have a limited surface with no penetrations in it that are reserve for aviation use. This variance is not in harmony with that matter.

Chairman Wubneh: Thank you. The last criteria on the variance is Safety and Welfare.

Mr. Harwell: Vote.

Chairman Wubneh: Vote on Safety and Welfare. Mr. Wright.

Mr. Wright: Yes.

Chairman Wubneh: Mr. Wright, Yes. Mr. Ward.

Mr. Ward: Yes.

Chairman Wubneh: Mr. Ward, Yes. Ms. Stafford-White

Ms. Stafford-White: Yes.

Chairman Wubneh: Ms. Stafford-White, Yes. Ms. Bellis.

Ms. Bellis: Yes.

Chairman Wubneh: Ms. Bellis, Yes. I vote Yes. Mr. Hutchens.

Mr. Hutchens: Yes.

Chairman Wubneh: Mr. Hutchens, Yes. Mr. Harwell.

Mr. Harwell: No.

Chairman Wubneh: Mr. Harwell, No. Again, Mr. Harwell explanation for the negative vote.

Mr. Harwell: Explanation of that is incursion goes up into the surface that's reserved for aviation operation particular during extreme limited visibility and this gives a point for a aircraft impact and crash into a highly populated structure.

Chairman Wubneh: Thank you Mr. Harwell. We still can continue because they only sustained one negative vote and they have to have six Yes votes. I would like to move on to a motion to adopt the findings of fact.

Mr. Ward: Motion

Chairman Wubneh: Motion by Mr. Ward. Second?

Ms. Stafford-White: Second.

Chairman Wubneh: Second by Ms. Stafford-White. Those in favor of adopting the findings of fact please indicate by saying Aye. Those opposed?

Mr. Harwell: No.

Chairman Wubneh: Mr. Harwell, Nay vote. I would move on for the approval of the application subject to the condition that this application would remain valid as long as the FAA approval remains affective. Is that correct? In affect.

Mr. Little: Yes sir.

Chairman Wubneh: Motion to approve the application with that condition. I'd like to get a motion.

Mr. Ward: Motion.

Mr. Wright: Second.

Chairman Wubneh: Mr. Ward and Mr. Wright second. Those who are in favor of this application subject to the condition, indicate by saying Aye. Those opposed?

Mr. Harwell: No.

Chairman Wubneh: Congratulations, your application is approved because you could sustain one negative vote.

REQUEST FOR A SPECIAL USE PERMIT BY STEVE BRINKLEY – GRANED

Chairman Wubneh stated that the last item is a request by Steve Brinkley. The applicant, Steve Brinkley, has requested a special use permit to allow the operation of a major auto repair business, pursuant to Section 9-4-78(f)(9)(a) of the Greenville City Code. The proposed is located at 2003 North Greene Street and is further

identified as Tax Parcel 36378.

Chairman Wubneh declared the meeting a public hearing as advertised in The Daily Reflector on November 7, 2005 and November 14, 2005. Those wishing to speak for or against the request were sworn in.

Mr. Lynch delineated the area on the map. Mr. Lynch stated that Steve Brinkley, desires a special use permit to allow major auto repair. The proposed use is to be located at 2003 North Greene Street. The proposed use is located at 2003 North Greene Street in Unit D of the building. The property totals 29,800 square feet and has 168 feet of frontage along Greene Street. The property is bordered on the west side by the railroad right-of-way. The property is located within Vision Area "B" of the Comprehensive Plan. The Land Use Plan Map recommends commercial use for this property. Major automobile repair would be in general conformity with the Comprehensive Land Use Plan. Mr. Lynch read the definition of Major or minor repair facilities. Mr. Lynch asked that the findings of fact be entered into the record.

Applicant: Steve Brinkley

Request: The applicant, Steve Brinkley, desires a special use permit to allow major auto repair pursuant to Section 9-4-78(f)(9)a of the Greenville City Code.

Location: The proposed use is to be located at 2003 North Greene Street. The property is further identified as being a portion of Tax Parcel Number 36378.

Zoning of Property: CH (Heavy Commercial)

<u>Surrounding Development:</u>	<u>Zoning</u>
North: Bryany Pallets	CH (Heavy Commercial)
South: Old Jeffrey's Distributor Plant	CH (Heavy Commercial)
East: Ryder Truck Rental	IU (Industrial Unoffensive)
West: Railroad & Warrens Hotdogs	CH (Heavy Commercial)

Description of Property:

The proposed use is located at 2003 North Greene Street in Unit D of the building. The property totals 29,800 square feet and has 168 feet of frontage along Greene Street. The property is bordered on the west side by the railroad right-of-way.

Comprehensive Plan:

The property is located within Vision Area "B" of the Comprehensive Plan. The Land Use Plan Map recommends commercial use for this property. Major automobile repair would be in general conformity with the Comprehensive Land Use Plan.

Notice:

Notice was mailed to the adjoining property owners on November 3, 2005. Notice of the public hearing was published in the Daily Reflector on November 7, 2005 and November 14, 2005.

Specific Criteria:

(b) *Major or minor repair facilities.*

- (1) (1) All wrecked or damaged motor vehicles and parts shall be screened so as not to be visible from adjoining property lines and street right-of-way.
- (2) All vehicles on the premises for repair shall be stored at the rear of the principal structure.
- (3) No vehicle shall be stored on the premises for more than fifteen (15) days.
- (4) There shall be no exterior storage of items other than vehicles.
- (5) Sale of vehicles shall be in accordance with Article B, section 9-4-22, definition [of] automobile, truck, recreational vehicle, motorcycle and boat sales, contained therein.

Staff Recommendation:

Planning staff is of the opinion that the request can meet all of the developmental standards required for the issuance of a special use permit.

The applicant shall obtain all proper permits and comply with applicable building and fire codes.

Mr. Brinkley stated that he was already operating the business and was unaware he need to obtain a special use permit prior to operation.

No one spoke in opposition.

Chairman Wubneh then read the criteria in granting/denying a special use permit.

Motion was made by Mr. Wright, seconded by Mr. Ward, to adopt the proposed findings of fact and evidence presented. Motion carried unanimously.

Motion was made by Ms. Stafford-White, seconded by Ms. Bellis, to approve the request. 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.

There being no further business the meeting adjourned at 9 PM.

APPROVED

Respectfully submitted

Dr. Wubneh, Chair

Ed Lynch, AICP
Planner

