

MINUTES ADOPTED BY THE BOARD OF ADJUSTMENT
June 23, 2016

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

Scott Shook, Chairman-*
Charles Ewen, Co-Chair *
Kevin Faison *
Justin Mullarkey *
Jim Watts X
Claye Frank *
Thomas Taft, Jr. *
Bill Johnson *
Rich Winkler *

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

VOTING MEMBERS: Shook, Ewen, Frank, Taft, Faison, Mullarkey, Johnson, Winkler (#6 only)

OTHERS PRESENT: Mr. Bill Little, Assistant City Attorney
Mr. Michael Dail, Planner
Mr. Scott Godefroy, City Engineer
Mr. Thomas Weitnauer, Chief Planner
Ms. Amy Nunez, Secretary
Mr. Kelvin Thomas, Communications Technician

MINUTES

Mr. Mullarkey made a motion to approve the May 26, 2016 minutes as presented, Mr. Frank seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR SPECIAL USE PERMIT BY PITT COUNTY SCHOOLS (LAKEFOREST)- APPROVED

The applicant, Pitt County Schools, desires to amend their special use permit to allow for an expansion of an elementary school. The use is located at 3300 Briarcliff Drive (Lakeforest Elementary). The property is further identified as being tax parcel number 73686.

Mr. Dail delineated the area on the map. He stated that the request is to make an expansion of the school located on Briarcliff Drive.

Zoning of Property: R6 (Residential) & R6S (Residential Single Family)

Surrounding Zoning:

North: R6 (Residential)
South: R6 (Residential) & R6S (Residential Single Family)
East: R6 (Residential) & R6S (Residential Single Family)
West: R6 (Residential)

Surrounding Development:

North: Vacant/Farmland
South: Single Family Residential
East: Single Family Residential
West: Multifamily

Description of Property:

The subject property is 23.12 acres in size and has 1,500 feet of frontage along Briarcliff Drive. The property contains Lakeforest Elementary School which received a special use permit, from the Board, to operate in March of 2009.

Comprehensive Plan:

The property is located within Vision Area “F” as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends medium density residential development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on June 9, 2016. Notice of the public hearing was published in the Daily Reflector on June 13, 2016 and June 20, 2016.

Related Zoning Ordinance Regulations:

Specific Criteria: *School.* All structures shall maintain minimum side and rear setbacks of 50 feet and a front yard at least 25 feet greater than that required for single-family residences within the district.

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. Taft asked for clarification of why the need to amend the special use.

Mr. Dail stated that the original special use permit was approved in 2009 for an elementary school which is tied to the original site plan. The permit needs to be amended to include the expansion.

Chairman Shook opened the public hearing.

Mr. Aaron Errickson, with Pitt County Schools Facilities Services, spoke in favor of the request. The expansion is for eight classroom additions with bathroom modifications. The expansion would replace six modulars on site.

No one spoke in opposition of the request.

Chairman Shook asked for the Staff Recommendation.

Mr. Dail stated staff has no objection with the stated conditions.

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

No board discussion made.

Chairman Shook read the required findings criteria. No objections.

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

Mr. Ewen made a motion to approve the petition with the stated conditions, Mr. Johnson seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR SPECIAL USE PERMIT BY PITT COUNTY SCHOOLS (WINTERGREEN)- APPROVED

The applicant, Pitt County Schools, desires to amend their special use permit to allow for an expansion of an elementary school. The use is located at 4710 and 4720 County Home Road (Wintergreen Elementary). The property is further identified as being tax parcel numbers 58131 and 43622.

Mr. Dail delineated the area on the map. He stated that the property is located in the southeastern portion of the City's jurisdiction. It is located along County Home Road.

Zoning of Property: RA20 (Residential Agricultural)

Surrounding Zoning:

North: RA20 (Residential Agricultural)
South: RA20 (Residential Agricultural)
East: RA20 (Residential Agricultural)
West: R9S (Residential Single Family)

Surrounding Development:

North: Eastern Carolina Village and Farm Museum; Farmer's Market
South: Agricultural; Single Family Residential
East: Alice Keene Park & Recreation Center; Agricultural
West: Single Family Residential

Description of Property:

The subject property is 61.64 acres in size and has 1,400 feet of frontage along County Home Road. The property contains Wintergreen Intermediate and Wintergreen Primary Schools which received a

special use permit, from the Board, to operate in April of 2007.

Comprehensive Plan:

The property is located within Vision Area “D” as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends medium density residential development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on June 9, 2016. Notice of the public hearing was published in the Daily Reflector on June 13, 2016 and June 20, 2016.

Related Zoning Ordinance Regulations:

Specific Criteria: *School.* All structures shall maintain minimum side and rear setbacks of 50 feet and a front yard at least 25 feet greater than that required for single-family residences within the district.

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.

Chairman Shook opened the public hearing.

Mr. Aaron Errickson, with Pitt County Schools Facilities Services, spoke in favor of the request. The expansion is to add a single modular building with 3 classrooms and bathroom due to current and projected needs. It would not be visible from the street.

Mr. Ewen asked if the expansion would be made into something permanent.

Mr. Errickson stated no, but it should be there about 7-10 years

No one spoke in opposition of the request.

Chairman Shook asked for the Staff Recommendation.

Mr. Dail stated staff has no objection with the stated conditions.

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

No board discussion made.

Chairman Shook read the required findings criteria. No objections.

Mr. Taft made a motion to adopt the finding of facts, Mr. Mullarkey seconded and the motion passed

unanimously.

Mr. Mullarkey made a motion to approve the petition with the stated conditions, Mr. Faison seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR SPECIAL USE PERMIT BY TWO LAND BARONS, LLC
APPROVED

The applicant, Two Land Barons, LLC, desires a special use permit to operate a professional office pursuant to Appendix A, Use (7)a. of the Greenville Code. The proposed use is located at 2221 Stantonsburg Road. The property is further identified as being tax parcel number 47263.

Mr. Dail delineated the area on the map. He stated that the property is located south of Vidant Hospital.

Zoning of Property: MS (Medical Support)

Surrounding Zoning:

North: MI (Medical Institutional)
South: MO (Medical Office)
East: MS (Medical Support)
West: MS (Medical Support)

Surrounding Development:

North: Vidant Hospital
South: Vacant parcel, Medical Offices
East: Taft-Taft-Haigler Attorney's Office; Vacant Parcel
West: Professional Center

Description of Property:

The subject property is 0.81 acres in size, has 92 feet of frontage along Stantonsburg Road and contains a 10,385 square foot commercial building.

Comprehensive Plan:

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

Notice:

Notice was mailed to the adjoining property owners on June 9, 2016. Notice of the public hearing was published in the Daily Reflector on June 13, 2016 and June 20, 2016.

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.

Chairman Shook opened the public hearing.

Mr. Conrad Paysour, attorney for the applicant, spoke in favor of the request. The intent is to use the building as an office. It is well suited to be a professional office.

Chairman Shook asked if the building was vacant.

Mr. Paysour stated yes, for many years.

No one spoke in opposition of the request.

Chairman Shook asked for the Staff Recommendation.

Mr. Dail stated staff has no objection with the stated conditions.

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

Chairman Shook read the required findings criteria. No objections.

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

Mr. Taft made a motion to approve the petition with the stated conditions, Mr. Johnson seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR SPECIAL USE PERMIT BY MICHAEL GLENN- APPROVED

The applicant, Michael Glenn, desires a special use permit to operate a craft beer and wine shop pursuant to Appendix A, Use (10)c. of the Greenville Code. The proposed use is located at 310 W. Ninth Street. The property is further identified as being tax parcel numbers 04592 and 22624.

Mr. Dail delineated the area on the map. He stated that the property is located close to the downtown core.

Zoning of Property: CD (Downtown Commercial)

Surrounding Zoning:

North: IU (Unoffensive Industry) & CDF (Downtown Commercial Fringe)

South: IU (Unoffensive Industry)

East: IU (Unoffensive Industry)
West: CDF (Downtown Commercial Fringe)

Surrounding Development:

North: Greenville Automotive Center
South: Building Hope Community Life Center, Pitt Co. Sherriff's Offices, Collide Ministry
East: UNX, Inc.
West: Tony's Automotive

Description of Property:

The subject property is 0.42 acres in size, has 360 feet of frontage along W. Ninth Street and 115 feet of frontage along Ficklen Street and a 5,156 square foot commercial building.

Comprehensive Plan:

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

Notice:

Notice was mailed to the adjoining property owners on June 9, 2016. Notice of the public hearing was published in the Daily Reflector on June 13, 2016 and June 20, 2016.

Related Zoning Ordinance Regulations:

Definition:

Wine and Craft Beer Shop. An establishment conducted pursuant to G.S. 18B-1001 as amended, and operated as a principal or accessory use, which is authorized to sell wine and/or craft beer in the manufacture's original container for consumption off the premises, provided however, the permittee shall be authorized to conduct accessory and incidental wine and/or craft beer tasting on the premises and is further authorized to sell wine and/or craft beer for on-premise consumption, as an accessory and incidental use to the "wine and craft beer shop", provided the establishment and operation is compliant with section 9-4-103(S). Among the two limited types of alcoholic beverages that may be sold, a "wine and craft beer shop" may sell wine exclusively, craft beer exclusively, or both wine and craft beer provided that the "wine and craft beer shop" has the requisite state permit(s) that allows retail sales of wine and/or malt beverages for consumption on the premises. A "wine and craft beer shop" that does not meet the requirements of section 9-4-103(S) shall be deemed a public or private club for the purpose of zoning and land use classification. For purposes of the wine and craft beer shop use, craft beer is defined as a malt beverage from a brewer with an annual production of 6 million barrels of beer or less. Notwithstanding the foregoing, wine and beer shops may offer retail products and prepared pre-packaged food for purchase as an incidental use.

Specific Criteria:

- (1) A wine and craft beer shop may sell wine and/or craft beer for consumption on the premises, provided that the on-premise consumption of wine and/or craft beer constitutes an accessory and incidental use to the wine and craft beer shop.
- (2) A wine and craft beer shop that also has the requisite state permit(s) that allows retail sales of malt beverages for on-premise consumption, in accordance with G.S. 18B-1001 as amended, may sell both wine and malt beverages for consumption on the premises, provided that the combined on-premises consumption of wine and malt beverages constitute an accessory and incidental use to the primary retail use wine and craft beer shop.
- (3) For purposes of this section, on-premises consumption of wine and malt beverages shall be deemed an accessory and incidental use to a wine and craft beer shop, provided the combined sale of wine and malt beverages for consumption on the premises does not exceed 40% of the wine and craft beer shop's total sales of wine and malt beverages including both on-premises and off-premises consumption, for an 30 day period. The term "sales(s)" as used herein shall be the receipt of payment for the wine and malt beverages sold and/or consumed and shall not be a measure of the volume of wine and malt beverages sold and/or consumed.
- (4) Records related to the wine and craft beer shop's total sales of wine and malt beverages for both on-premises and off-premises consumption shall be maintained on the premises for not less than one year and shall be open for inspection and audit at all reasonable hours when the establishment is open for business by the Zoning Enforcement Officer. The Zoning Enforcement Officer may review the records on the premises or may request that copies of the written records be delivered to the City. The requirements of this subsection shall be for the purpose of determining compliance with subsection (S) (3) above.
- (5) No wine and craft beer shop that includes the on-premises consumption of wine and malt beverages shall be located within a 200-foot radius, including street rights-of-way, of an existing or approved public or private club, dining and entertainment establishment, or other wine and craft beer shop that include the on-premises consumption of wine and malt beverages. The required measurement shall be from the building or structure containing the wine and craft beer shop to the nearest property line of the parcel containing the existing or approved public or private club, dining or entertainment establishment, or other wine shop that includes the on-premises consumption of wine and malt beverages.
- (6) A wine and craft beer shop shall not operate after 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday or after 12:00 a.m. on Friday and Saturday.
- (7) A wine and craft beer shop shall not require a membership, cover or minimum charge for admittance or service during regular or special periods of operation.
- (8) A wine and craft beer shop that does not meet the requirements of section 9-4-103(S) shall be deemed a public or private club for the purpose of zoning and land use classification.
- (9) The provisions of this section shall apply to all wine and craft beer shops whether operated as a principal or accessory use.

Staff Recommended Conditions:

Shall not operate as a private club as defined in Section 9-4-22 of the City of Greenville Zoning Ordinance.

The wine and craft beer shop and outdoor patio area shall comply with all North Carolina ABC laws.

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.

Chairman Shook opened the public hearing.

Mr. Michael Glenn, applicant, spoke in favor of the request. He stated that Jefferson's Florist will occupy the building. They are in the wine business at the current location on Evans Street. The Evans Street location will remain as a special events location and the rest will move to Ninth Street. It will be a retail wine shop operating Monday through Saturday. There will be wine (beer) tasting by the glass on Thursdays. They will close by 9pm.

Chairman Shook asked when it will be complete.

Mr. Glenn stated they are close to completion. The floral shop will move in first. They still need to get their ABC license with the State.

No one spoke in opposition of the request.

Chairman Shook asked for the Staff Recommendation.

Mr. Dail stated staff has no objection with the stated conditions.

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

Chairman Shook asked if there were any rules about selling within 500 feet of a residential property.

Attorney Little stated that the 500 foot rule applies to public/private clubs only and this request is not within that zoning restriction.

Chairman Shook read the required findings criteria. No objections.

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

Mr. Taft made a motion to approve the petition with the stated conditions, Mr. Frank seconded and the motion passed unanimously.

**PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY CELO KNOB, LLC-
APPROVED**

The applicant, Celo Knob, LLC, desires a special use permit to operate a minor automotive repair facility pursuant to Appendix A, Use (9)b. of the Greenville City Code. The proposed use is located at 210 SE Greenville Boulevard. The property is further identified as being tax parcel number 07996.

Mr. Dail delineated the area on the map. He stated that the property is located along SE Greenville Boulevard.

Zoning of Property: CG (General Commercial)

Surrounding Zoning:

North: CH (Heavy Commercial)
South: R15S (Residential Single Family)
East: CG (General Commercial)
West: CG (General Commercial)

Surrounding Development:

North: US Cellular; Massage Envy; Firehouse Subs; Auto Dealer
South: Single Family Residential
East: Commercial Strip Center
West: Vacant Commercial; Greenville TV & Appliance

Description of Property:

The subject property is 0.92 acres in size, has 200 feet of frontage along SE Greenville Boulevard and contains two commercial buildings.

Comprehensive Plan:

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

Notice:

Notice was mailed to the adjoining property owners on June 9, 2016. Notice of the public hearing was published in the Daily Reflector on June 13, 2016 and June 20, 2016.

Related Zoning Ordinance Regulations:

Definition:

Repair; major. The following activities shall be considered major repair:

- (1) Engine overhaul or dismantling of subparts;
- (2) Body or frame repair;
- (3) Windshield or glass replacement;
- (4) Transmission, starter, alternator or other subpart rework service;
- (5) Welding or metal cutting; and
- (6) Any other repair other than minor repair.

Definition:

Repair; minor. The following activities shall be considered minor repair:

- (1) Engine tune-up; changing of plugs, filters, oil, lubricants, belts, adjustments;
- (2) Change and rotate tires;
- (3) Brake services;
- (4) Electrical system services;
- (5) Radiator services;
- (6) Muffler services; and
- (7) Battery service.

Specific Criteria:

- (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 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.
- (6) Rental or utility trailers, cars and trucks shall be permitted as accessory uses, provided that all units in excess of four shall be screened from adjoining street right-of-way and property lines in accordance with Bufferyard C or with a bufferyard of greater intensity as required by the bufferyard regulations.
- (7) Outdoor displays of products such as tires, oil, wiper blades or other similar products shall be permitted provided they are within ten feet of the principal structure and outside required bufferyards. Signage displayed in conjunction with such display shall be in accordance with the sign regulations.
- (8) All services except fuel sales shall be performed within a completely enclosed building.

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. Taft asked if there was already a special use permit on this property.

Mr. Dail stated yes but it was for sales and not repairs.

Mr. Taft asked if sales will remain.

Mr. Dail stated yes.

Chairman Shook opened the public hearing.

Mr. Jon Day, representative of the applicant, spoke in favor of the request. He stated that Celo Knob is based out of Atlanta Georgia and has businesses that specialize in the sales of wheels and tires. This request would be their third location in North Carolina. Celo Knob will be an owner occupant of the property and will remodel the building. No problems or adverse effects are anticipated. The minor repair will be for tires only and there will be no engine repair or oil changes. Hours of operations: Mon-Fri 10:30am to 7pm and Sat 9am to 6pm.

Mr. Johnson asked if they would sell and install the tires.

Mr. Day stated yes.

Mr. Steve Johnson, regional manager for Celo Knob, spoke in favor of the request. They operate stores in Fayetteville and Raleigh. He stated he was available to answer questions.

Mr. Winkler asked if they rent wheels.

Mr. Steve Johnson stated they lease so that people can do payments.

Mr. Taft asked if they would sell vehicles.

Mr. Steve Johnson stated no.

No one spoke in opposition of the request.

Chairman Shook asked for the Staff Recommendation.

Mr. Dail stated staff has no objection with the stated conditions.

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

Mr. Taft asked if the original special use needs to be negated for the sale of vehicles.

Mr. Dail stated that once the use has ceased for six months the permit will expire.

Chairman Shook read the required findings criteria. No objections.

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

Mr. Ewen made a motion to approve the petition with the stated conditions, Mr. Frank seconded and the motion passed unanimously.

Mr. Thomas Taft Jr. requested to be recused from item #6, conflict of interest, since he owns the property.

Mr. Mullarkey made a motion to recuse Mr. Taft Jr. from item #6, Mr. Frank seconded and the motion passed unanimously.

Attorney Little stated that Mr. Winkler will vote on item #6.

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

The applicant, Taft Ward Investments, LLC, desires a special use permit to operate a dormitory development pursuant to Appendix A, Use (2)e(1).of the Greenville City Code. The proposed use is located at the southwest corner of the intersection of E. Tenth Street and Charles Street.

Mr. Dail delineated the area on the map. He stated that the property is located south of E. Tenth Street.

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

Surrounding Zoning:

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

Surrounding Development:

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

Description of Property:

The subject property is bounded by E. Tenth Street, Charles Street and Charles Boulevard and is 4.05 acres in size. The property currently contains various commercial, single family residential and multifamily uses. The applicant wishes to redevelop the property as a mixed use development containing 5-story 180 multifamily units (595 bedrooms), 12,284 square foot of commercial space and a 6 story parking deck with 522 spaces.

Comprehensive Plan:

The property is located within Vision Area “I” as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends mixed use/office/institutional/multi-family development for the subject property.

Urban Core Overlay District:

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

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

- (1) Purpose and intent. The purpose and intent of the Urban Core (UC) Overlay District and requirements set forth under this section is to allow modification of specific site development standards of the underlying zoning district(s) which are designed to facilitate development and redevelopment of in-fill sites in the designated area specified under subsection (3) below.
- (2) Definition. An Urban Core (UC) Overlay District is defined as an overlay zoning district adopted in conjunction with an OR, and/or CDF underlying general purpose district as listed under Article D, Part 2, sections 9-4-62 and 9-4-66 wherein the zoning rights, standards, restrictions and requirements as set forth for the common general purpose district shall extend to the Urban Core (UC) Overlay District zoned area in accordance with subsection (B) below.
- (3) Designated area. All Urban Core (UC) Overlay District(s) shall be restricted to the land area located within the following boundary: south of Tenth Street, east of the CSXT Railroad, north of Fourteenth Street, west of Green Mill Run and ECU Easement (tax parcel 73545, DB 2215 - PG 597 (as existing on March 4, 2010. No Urban Core (UC) Overlay District shall be located outside of the designated area described by this subsection. An Urban Core (UC) Overlay District shall be established within the designated area upon City Council adoption of an individual zoning ordinance which defines the boundary of the specific Urban Core (UC) Overlay District located within the designated area boundary.

(B) Standards.

- (1) Initiation of a petition for an Urban Core (UC) Overlay District zoning map amendment shall be made in accordance with section 9-4-331.
- (2) If any portion of a lot, parcel or tract is zoned as Urban Core (UC) Overlay the entire lot, parcel or tract shall be included in the Urban Core (UC) Overlay.
- (3) All Urban Core (UC) Overlay Districts shall be delineated upon the official zoning map as both the underlying general purpose district and UC Overlay District. The general purpose district title shall be followed by “-UC” in all areas zoned Urban Core (UC) Overlay District.
- (4) The zoning rights, standards, restrictions and requirements of the underlying general purpose district shall extend to the Urban Core (UC) Overlay District, except as provided herein.
- (5) Within any Urban Core (UC) Overlay District multi-family development, land use intensity multi-family (LUI) development rating 50, and land use intensity dormitory (LUI) development rating 67, as listed under Article D and Appendix A table of permitted and special uses, shall be subject to modified standards as listed under subsection (6) below. All other standards, requirements and conditions of the underlying general purpose district not included under and modified by subsection (6) shall continue to apply.
- (6) Modified standards. The following standards specified in this subsection are hereby adopted as substitute minimum requirements within the Urban Core (UC) Overlay District for the uses listed under subsection (5) above.
 - (a) Principal and accessory structure public street right-of-way setback per section 9-4-145(B)(1): The minimum setback may be reduced at the option of the owner to not less than five feet.
 - (b) Principal and accessory structure private street easement setback per section 9-4-145(B)(2): The minimum setback may be reduced at the option of the owner to not less

- than five feet.
- (c) Principal and accessory structure public street right-of-way and private street easement setback per section 9-4-181(A): The minimum setback may be reduced at the option of the owner to not less than five feet.
 - (d) Bufferyard A per section 9-4-119(A): The applicable six-foot and/or ten-foot bufferyard width may be reduced at the option of the owner to not less than five feet regardless of lot size. Bufferyard with modification shall not exempt or reduce any vegetation requirement applicable to any Bufferyard A, as required prior to the application of this subsection.
 - (e) Parking space to dwelling structure separation per section 9-4-251(B)(9): The minimum separation requirement may be reduced at the option of the owner to not less than five feet.

Notice:

Notice was mailed to the adjoining property owners on June 9, 2016. Notice of the public hearing was published in the Daily Reflector on June 13, 2016 and June 20, 2016.

Related Zoning Ordinance Regulations:

Definition: *Dormitory*

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

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

- (1) Maximum single and double occupancy limits shall comply with the following minimum habitable (mechanically conditioned) floor area per each bedroom. For purposes of these requirements, the term "floor area" shall include private living spaces and any connected common living spaces associated with subject bedroom, provided however the common living space allocation devoted to a bedroom shall not qualify for or count toward the minimum floor area requirement of any other bedrooms:
 - (a) Single residential occupancy within dormitory units shall be limited to one bed per each bedroom and one person per each bedroom having a minimum floor area of 200 square feet.
 - (b) Double residential occupancy within dormitory units shall be limited to two beds per each bedroom and two persons per each bedroom having a minimum floor area of 400 square feet.
- (2) Dormitory development within the CDF-UC District shall provide retail sales and/or other non-residential uses with a minimum floor area of 10,000 square feet. For purposes of this requirement, the term "floor area" shall mean non-storage floor area which is used as retail sales, or other non-residential uses. Where architectural layouts are not available for consideration, the "floor area" will be calculated by multiplying 80

percent times the gross area designated as non-residential use until such time architectural layouts are available for consideration or occupancy has commenced, whichever is earlier.

- (3) Minimum lot area: 2.0 Acres
- (4) Minimum lot width: 100 feet
- (5) Minimum street setback: five feet
- (6) Minimum side and rear setbacks:
 - (a) When adjacent to single-family use: ten feet
 - (b) When adjacent to any use other than single-family: per Article G, Bufferyard setback
- (7) Maximum height (above grade): none
- (8) Maximum lot coverage (excluding drives and parking): none
- (9) Minimum parking requirements:
 - (a) Single residential occupancy: Seventy-five hundredths (0.75) space per bed.
 - (b) Double residential occupancy: One and one-half space per bedroom.
 - (c) Non-residential uses: The required number of parking spaces for non-residential uses shall be provided in accordance with Article O, except as modified herein. The parking requirements set forth in Article O for non-residential uses may be reduced by twenty-five percent (25%) where combined parking is available for the non-residential user. For purposes of this section, the term “combined parking” shall be that parking which is part of the required residential parking that is available and accessible to the non-residential user.
- (10) Parking location requirements: Each required parking space shall be located on the lot containing the associated use.
- (11) Parking spaces adjacent to principal or other structures including accessory structures per Section 9-4-251(B)(9): The minimum separation requirement may be reduced at the option of the Owner to not less than five (5) feet.
- (12) Off-street parking: All off-street parking areas designed for three or more spaces shall be in accordance with Article O-Parking except as modified in Sec. 9-4-200.1(B)(6).
- (13) Site vegetation location requirements per Section 9-4-268(J)(1) may be modified for dormitory developments whereby, with the exception of street yard trees, site vegetation shall not be located within two feet of a principal and/or accessory structure in order to meet vegetation requirements.
- (14) Signage: All signs shall be erected in accordance with Article N of this chapter.
- (15) Residential and nonresidential uses allowed: Subject to district standards, and requirements, development allowed under this section may include both residential and nonresidential use.
- (16) Nothing in this subsection shall supersede applicable North Carolina State Building Code Requirements.

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.

A revised site plan was passed out to Board members.

Chairman Shook asked if 11th Street was being removed.

Mr. Dail stated that a portion of the street was approved by City Council to be closed.

Chairman Shook opened the public hearing.

Mr. Mike McCarty, project manager for the applicant, spoke in favor of the request. The project will be mixed use with a parking garage and retail. It is similar to the Boundary project. The project is more efficient, less units but more beds. It should be available by Fall 2018.

Mr. Winkler asked to verify the amount of beds and parking spaces.

Mr. Dail stated there are 595 beds and 522 parking spaces.

Mr. McCarty stated that they wanted to increase the bed count by 10 within the same foot print.

Chairman Scott stated the permit is to operate a dormitory and not driven by the number of beds.

Mr. Dail stated they have a request to amend the special use permit to add more units and beds. They will be held to what is on the plan.

Mr. McCarty requested 606 beds and that they are already allowing more than enough parking.

Mr. Ewen asked to compare the parking at the Boundary to this project.

Mr. McCarty stated that parking is at .72 at the Boundary and this project would have more at .77 which is above the gate in the parking deck. Additional spaces are on the first floor deck level and on 11th Street.

Chairman Shook asked for the bed count.

Mr. McCarty stated he wants 606.

Chairman Shook asked where the retail space would be.

Mr. McCarty stated it will face 10th Street. The surface lot will have an additional 44 spaces.

Mr. Max Joyner Jr. spoke in favor of the request. He represents the fraternity house next door to the project. He did request to have permit parking on 11th Street.

No one spoke in opposition of the request.

Chairman Shook asked for the Staff Recommendation.

Mr. Dail stated staff has no objection with the stated conditions.

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

Mr. Mullarkey stated the project was an excellent example of density development in the City's core.

Attorney Little stated the applicant made a request and amended their application. It needs to be noted, for the record, that their request is an amended application from 595 beds to 606 beds.

Chairman Shook read the required findings criteria. No objections.

Mr. Ewen made a motion to adopt the amended application of 595 beds to 606 beds and the finding of facts, Mr. Winkler seconded and the motion passed unanimously.

Mr. Mullarkey made a motion to approve the amended application of 595 beds to 606 beds petition with the stated conditions, Mr. Faison seconded and the motion passed unanimously.

Mr. Taft rejoined the Board.

**PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT AMENDMENT BY
SIDEWALK DEVELOPMENT- APPROVED**

The applicant, Sidewalk Development, desires to amend their special use permit to allow for an increase in the number of residential units of their dormitory development, pursuant to Appendix A, Use (2)e(1). of the Greenville City Code. The proposed use is located at 523 S. Pitt Street. The property is further identified as being tax parcel number 16544.

Mr. Dail delineated the area on the map. He stated that the property is located in the center portion of the City's jurisdiction.

Zoning of Property: CD (Downtown Commercial)

Surrounding Zoning:

North: CD (Downtown Commercial)

South: CD (Downtown Commercial) & CDF (Downtown Commercial Fringe)

East: CD (Downtown Commercial)

West: CD (Downtown Commercial) & CDF (Downtown Commercial Fringe)

Surrounding Development:

North: Centurylink, City of Greenville Fire/Rescue and Police Department

South: Higher Ground Worship Center, Go Science Center, Trollingwood Brewery,

Dickinson Avenue Public House, Federal Courthouse, Dickinson Avenue Antique Market

East: City of Greenville Fire/Rescue and Police Department, Jarvis Church, Sheppard Library

West: GRECO Restaurant Equipment, Upper Room Church, Vacant, Greenville Times

Description of Property:

The subject property is bounded by Dickinson Avenue, S. Pitt Street and Reade Circle and is 1.9 acres in size. The property currently contains the City of Greenville Employee Parking Lot. The applicant wishes to redevelop the property as a mixed use development. The initial request was approved for 120 multi-family units with 345 beds in January of 2016. The amended request is for 150 multi-family units with 400 beds.

Comprehensive Plan:

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

Dickinson Avenue Corridor Study:

The property is located in Area Two of the Dickinson Avenue Corridor Study. The study supports developments of this nature in this geographical area.

The Dickinson Avenue Corridor Study describes Area Two as:

Arts District and Transit North of Dickinson Avenue, near Reade Circle, this sub-area includes the new transit center (the GTAC). Early-phased development providing residential for both students and young professionals should be built adjacent to this transit resource - creating a TOD, or Transit-Oriented Development. Several existing streets in this zone should also be realigned both to improve accessibility/visibility to ECU and the Uptown District - this will better integrate the GTAC into other adjacent areas in the study area including the Imperial Site. This realignment will create larger parcels ideally configured for larger format, mixed-use residential. This sub-area also features significant pads for PDR (Production, Distribution and Repair) businesses - combining jobs and living spaces. A majority of the area is already zoned CD (Downtown Commercial), which is the preferred zoning district. This has mainly been accomplished via private rezoning requests from property owners. The remaining portion of this area is currently zoned CDF (Downtown Commercial Fringe and IU (Unoffensive Industry). The purpose of this rezoning request is to have the entire Area Two be zoned CD. This zoning district is preferred because it allows for more intensive and complementary uses for the Uptown District with zero-lot line setbacks, mixed use development, no vegetation requirements, and less restrictive parking standards.

Notice:

Notice was mailed to the adjoining property owners on June 9, 2016. Notice of the public hearing was published in the Daily Reflector on June 13, 2016 and June 20, 2016.

Related Zoning Ordinance Regulations:

Definition: *Dormitory*

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

Specific Criteria: *Dormitory development within the CD District.*

- (1) Minimum habitable (mechanically conditioned) floor area per each bedroom: 200 square feet. For purposes of this requirement, the term floor area shall include private living spaces and any connected common living spaces associated with the subject bedroom, provided however the common living space allocation devoted to a bedroom shall not qualify for or count toward the minimum floor area requirement of any other bedroom.
- (2) Minimum lot area: None.
- (3) Minimum lot width: None.
- (4) Minimum street, side and rear yard setbacks: None.
- (5) Minimum parking requirement: One-half space per bedroom.
- (6) Parking location requirements:
 - (a) Each required parking space shall be located:
 1. On the lot containing the associated residential use;
 2. Within a remote parking facility located within 800 feet of the use it is intended to serve, as measured with and along an improved pedestrian path from the most distant parking space to the building entrance; or
 3. Within a remote parking facility located in a Downtown Commercial (CD) District.
 - (b) Such remote parking facility shall be in accordance with the applicable provisions of Article O.
- (7) Off-street parking: All off-street parking areas designed for three or more spaces shall be in accordance with Article O.
- (8) Preservation design: In order to protect the architectural integrity of existing buildings within the CD Zoning District, and in so doing to preserve the continuity of scale and design within those areas, the following requirements shall be met:
 - (a) All slip covers previously applied to the facade of existing buildings shall be removed.

- (b) All canopies, except for those made of canvas, shall be removed from the facade.
 - (c) Where evidence exists of original windows and door openings subsequently enclosed, the windows and doors shall be reopened in an operable manner and in a style in keeping with the building. Where other unique architectural features remain, including cornices, mid-cornices and window surrounds, they shall be repaired and/or replaced with elements of like design.
 - (d) Nothing in this subsection shall supersede applicable North Carolina State Building Code requirements.
- (9) Maximum residential occupancy limits:
- (a) Residential occupancy within dormitory units shall be limited to one bed per each bedroom and one person per each bedroom.
 - (b) Residential occupancy within dwelling units shall be limited to one family per each dwelling unit.
- (10) Signage: All signs shall be erected in accordance with Article N of this chapter, but in no event shall a sign be mounted over existing windows, doors or other architectural features described in subsection (MM)(8)(c) above.
- (11) Residential and nonresidential uses allowed: Subject to district standards, and requirements, development allowed under this section may include both residential and nonresidential use.

Recommended Conditions:

The development shall comply with all development agreements in place and approved by the City of Greenville City Council for the subject property.

Right-of-way improvements shall comply with the adopted City of Greenville Streetscape Masterplan.

A traffic impact analysis is required and shall be submitted to the City of Greenville Public Works Department for review and approval.

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.

Chairman Shook opened the public hearing.

Ms. Michelle Clements with The East Group spoke in favor of the request on behalf of the applicant. She stated the request to change is due to the reorientation of one of the buildings and the addition of some beds. It was driven by the market study and what the lenders needed to be comfortable with this project. The request is for 90 student units and 60 market rate units. The design is a pyramid with parking in the interior. Parking has been increased from 271 to 280.

Mr. Winkler stated that beds are being increased by 20% and asked why parking is only increased 8%.

Ms. Clements stated that they had more parking than required.

Mr. Winkler asked if they were using the surplus.

Ms. Clements stated yes.

Mr. Taft asked where the off-site parking is located.

Mr. Dail indicated on a map that showed the off-site parking about three blocks away.

Mr. Taft stated that the off-site parking will be City-owned and asked if they would lease spaces.

Ms. Clements stated they will lease 200 spaces.

Mr. Taft asked why not a parking deck on-site.

Ms. Clements stated there will be public parking and under the building parking. This was the way to maximize the property due to its irregular shape.

No one spoke in opposition of the request.

Chairman Shook asked for the Staff Recommendation.

Mr. Dail stated staff has no objection with the stated conditions.

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

Mr. Taft stated although it is not against regulation, off-site parking is an issue and not a good idea.

Mr. Ewen stated he is concerned with parking especially now since Dickinson Avenue is getting developed. There will be a greater need for parking. The request meets the standards, but parking needs to be addressed.

Mr. Mullarkey agreed with Mr. Taft that off-site parking could create a problem or security issues. Hopefully the City will provide additional lighting.

Mr. Taft stated that would be an additional burden on the City.

Mr. Winkler stated that two-thirds of the parking is off-site.

Chairman Shook stated that about 100% of parking will be off-site for Greenville Police and Fire Departments that will use that lot as well.

Mr. Winkler asked for the initial parking ratio request.

Chairman Shook stated .5.

Mr. Mullarkey asked if the City changed the parking requirement from .5 or is that current.

Mr. Taft stated .7 was a stipulation of the BOA. He stated it's just a problem in general.

Mr. Mullarkey said the developer met the City's requirement and then the BOA placed a condition to increase it to .7. They are following the rules.

Mr. Ewen agreed that the applicant is following the rules. He stated that parking is a concern that needs to be addressed because it will create a bigger issue than it already is.

Mr. Johnson asked to see the off-site parking map.

Mr. Faison stated that the area should be well lit because the Transportation Center will be there.

Mr. Johnson asked if security would be an issue.

Mr. Faison said not a big issue because the Transportation Center will be maintained by the City.

Mr. Mullarkey stated as an increase of density in the City core occurs, parking is going to evaporate. There are other alternatives like walking and biking.

Mr. Johnson stated to use the City parking deck.

Chairman Shook read the required findings criteria. No objections.

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

Mr. Ewen made a motion to approve the petition with the stated conditions, Mr. Frank seconded and the motion passed unanimously.

Attorney Little thanked Scott Shook and Charles Ewen for their excellent service to the Board.

With no further business, Mr. Ewen made a motion to adjourn, Chairman Shook seconded, and it passed unanimously. Meeting adjourned at 6:55 p.m.

Respectfully Submitted,

Michael R. Dail, II
Planner