

**ADOPTED MINUTES OF THE GREENVILLE BOARD OF ADJUSTMENT**  
**April 22, 2021**

The Greenville Board of Adjustment met electronically on the above date at 6:00 PM from different locations due to Covid 19 protocols.

The members present are denoted by an "\*" and those absent are denoted by an "X".

Michael Glenn – Chairman - *	Nathan Cohen- *
Christopher Lilley- *	Rodney Bullock - Co-Chair - X
Ann Bellis - *	Hunt McKinnon - *
John Landrine - *	Sharon Evans-*
Ryan Purtle - *	

**VOTING MEMBERS:** Glenn, Bellis, McKinnon, Lilley, Evans, Landrine, Purtle.

**OTHERS PRESENT:** Elizabeth Blount, Lead Planner; Chantae Gooby, Chief Planner; Donald Phillips, Assistant City Attorney; Tony Parker, Planner I; Taylor Bland, Staff Support Specialist II; Thomas Barnett, Director of Planning and Development Services; Les Everett, Assistant Director of Planning Services; Brock Letchworth, Communications Manager; Travis Welborn, Civil Engineer III; Rik DiCesare, Traffic Engineer.

**OPENING STATEMENT:** Mr. Glenn read the following statement:

*The meeting will now come to order. Welcome to the April 22, 2021 meeting of the City of Greenville Board of Adjustment. My name is Michael Glenn and I am the Chair of this Board.*

*I would like to start by acknowledging that we are conducting this meeting using a remote, electronic platform. I would ask for your patience today as we proceed. There may be slight delays as we transition between speakers, participants and presentations.*

*The Board of Adjustment is a quasi-judicial body that is governed by the North Carolina General Statutes and the City's Code of Ordinance. We conduct evidentiary hearings on requests for special use permits, variances, appeals of administrative decisions and interpretations.*

*Before we begin the evidentiary hearings on today's agenda, I would like to provide some important information about the steps taken to ensure that each parties' due process rights are protected as we proceed in this remote platform.*

*First, today's meeting will be conducted in accordance with the newly enacted statutes in Session Law 2020-3, which allows for remote meetings and quasi-judicial hearings during declarations of emergency.*

*Second, each applicant on today's agenda was notified before being placed on the agenda that this meeting would be conducted using a remote, electronic platform. Every applicant on today's agenda has consented to the Board conducting the evidentiary hearing on their request using this remote platform. We will also confirm today at the start of each evidentiary hearing that the participants in the evidentiary hearing consent to the matter proceeding in this remote platform. If there is any objection to a matter proceeding in this remote platform, the case will be continued.*

*Third, notice of this meeting was provided to the applicants and the public in numerous ways, well beyond the legal requirements for noticing this meeting and the evidentiary hearings.*

*Specifically, notice of today's evidentiary hearings was provided by mail to all property owners within 250 feet of each subject property. The mailed notices were sent two weeks in advance of the meeting date and within the law to provide such notice – and each notice letter notified the recipient of the remote meeting platform.*

*Notice was also provided by posting signs on the site of each property, publishing notice in the newspaper and providing notice on the City's website. Each of these notice methods were also done within the legal requirement to provide such notice.*

*The notices for today's meeting contained information about the means by which the public can access the remote meeting, as the meeting occurs.*

*Fourth, any individual wishing to participate in today's evidentiary hearings was required to sign-up prior to the meeting to participate. Information about this sign-up requirement, along with information about how to sign-up to participate, was included in the mailed notice letters sent to each property owner within 250 feet of each subject property. This information was also included on the Board's website and, among other information, a link to the Board's website was included in all methods of notice.*

*All individuals participating in today's evidentiary hearings were also required to submit a copy of any presentation, document, exhibit or other material that they wished to submit at the evidentiary hearing prior to today's meeting. All materials that the City received from the participants in today's cases, as well as a copy of City staff's presentations and documents, were posted online on the Board of Adjustment Meeting Schedule and Agenda prior to this meeting. All materials that will be discussed today can be viewed at any time during today's meeting by visiting <https://www.greenvillenc.gov/government/city-council/boards-and-commissions/board-of-adjustment/2021-board-of-adjustment-meeting-schedule-and-agendas> and clicking the March 25, 2021, Agenda and Meeting packet link. No new documents will be presented at today's meeting. All decisions of this board are subject to appeal with the Pitt County Superior court.*

*Finally, all individuals who signed-up to participate in an evidentiary hearing on today's agenda, as well as all City staff participants, were emailed a witness oath form prior to today's meeting. Any individual planning to testify or submit evidence in an evidentiary hearing was notified that they must sign the oath form prior to today's meeting. We will also reaffirm everyone's oath on the record at today's meeting.*

## **MINUTES:**

**Motion made by Mr. McKinnon, seconded by Mr. Lilley, to approve the March 25, 2021. Motion passed unanimously.**

Chairman Glenn swore in presenting staff members- Elizabeth Blount, Travis Welborn, and Rik DiCesare.

Assistant City Attorney Phillips reviewed information as stated on pages 2 to 3 of the Meeting Handout available to the Public, the EVIDENCE TO BE CONSIDERED BY THE BOARD OF ADJUSTMENT IS AS FOLLOWS:

- A. The Board of Adjustment is a quasi-judicial body that makes a decision concerning an application, petition or appeal based on the evidence presented by those in favor as well as those in opposition.
- B. The members of the Board of Adjustment are lay persons and as such, the rules of evidence that are followed in a court are relaxed for cases heard before this body.

- C. Though the rules of evidence are relaxed, it does not mean they are ignored. Only evidence that is material, competent and substantial will be considered and may be used by the Board in its decision-making process.
- D. The Board may not consider, nor is it admissible to present or offer affidavits, letters or other writings in support of or in opposition to a matter before the Board unless the person who prepared the writing is testifying. These writings are considered hearsay.
  - 1. Statements by a person such as in my opinion, the application will create a traffic hazard," is not an admissible opinion and may not be considered by the Board.
    - a. However, such an opinion may be admissible if it is made by an expert or a person who is qualified to give opinions concerning traffic hazards, is making a presentation to the Board concerning his or her investigation and the basis for his or her conclusion in the report.
    - b. A lay person can give an opinion but he or she also must present facts to show how the proposal affects his or her piece of property specifically and not just in a general way.
  - 2. A statement that another person who is not present and not testifying either supports or doesn't support the petitioner or application is hearsay and is not admissible.
  - 3. The same rule applies to both the applicant and those in opposition.

Pursuant to North Carolina General Statute 160A-388 and Section 4 of the Board of Adjustment's Rules of Procedure:

4-3. No member of the Board of Adjustment shall participate in either the discussion or vote on any special use permit, variance, or appeal from an administrative officer's decision in any manner that would violate the affected persons' constitutional right to a fair and impartial decision maker.

Prohibited conflicts include but are not limited to a member having a fixed opinion prior to hearing the matter and not willing to consider changing his or her mind; and undisclosed ex parte communications with the person before the Board, any witnesses, staff, or other Board members. Decisions on either a request for recusal by a member or objections by a person appearing before the Board shall be decided by a simple majority vote.

4-4. No Board Member shall take part in the hearing, consideration, or determination of any matter in which that Board Member is involved or has a financial or personal interest. Personal interest shall be defined as having a family member involved in the project under consideration, a neighborhood association involvement where a Board Member is on the governing body of such association, or where the Board Member is involved in a conflict or dispute with the applicant on a matter unrelated to the application. [if a Board Member has such a conflict, he shall declare the conflict and request to be excused from voting on the issue. A majority vote of the remaining members present shall be required to excuse the member.

4-5.No Board member shall vote on any matter deciding an application or appeal, unless he shall have attended the public hearing on that application or appeal.

4-6. No Board member shall discuss any case with any parties in interest prior to the public hearing on that case, provided however, that members may receive and/or seek information pertaining to the case from any other members of the Board.

If a Board member has had an ex parte communication that also needs to be disclosed at this time.

**OLD BUSINESS**

**1. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY MANGO MAN, LLC**

The applicant, Mango Man, LLC, desires a special use permit to provide gasoline sales and convenience store pursuant to Appendix A, Uses (10)b. of the Greenville City Code. The proposed use is located at 0 Frog Level Road. The property is further identified as being tax parcel number 86472.

Chairman Glenn confirmed and swore in seven additional speakers apart from those sworn in from the February 25, 2021 meeting – Trey Taylor, Mike Lynch, Henry Nemargut, Phillip Grant, Linwood Stroud, Robert Lamb, and Sulayman Alkanshaly.

Ms. Blount stated staff had no additional evidence to submit apart from what was given during the February 25<sup>th</sup> meeting and that the recommended conditions stood as stated:

**Staff Recommended Conditions:**

Final platting, stormwater management, erosion control, NCDOT access agreement and site plan approval is required prior to issuance of a building permit.

A traffic impact analysis is required prior to site plan submission.

Parking shall satisfy both gasoline fuel sales and convenient store requirements.

Outdoor amplified paging of patrons, guests or/or employees shall be prohibited.

Outdoor amplified sound, including music, shall be allowed, provided

- (i) Any sound transmission device, system, and/or speaker shall be oriented in a manner that directs all mechanical and/or amplified sound toward the building and away from any abutting residential property line, and
- (ii) No amplified sound shall be audible from any point located on any property zoned for residential purposes. Outdoor amplified sound is defined as any sound using amplifying equipment, whose source is outside or whose source is inside and the sound propagates to the outside through open door(s) or window(s) or other openings in the building. Measurement standards shall be human auditory senses.

No television transmission, movie projection and/or computer display shall be viewed from the gasoline activity area.

Exterior lighting associated with the gasoline activity area shall be directed away from all public and/or private street, and away from property zoned for residential purposes. On-site and under canopy lighting shall be shielded and directed to prevent the light cone from crossing the right-of-way line or perimeter property line. Exterior lighting shall comply with the City of Greenville Lighting Standards.

No exterior neon lighting, no neon light signs, and no flashing signs shall be allowed in conjunction with the principal use convenient store and/or gasoline activity area.

The owner(s) and operator(s) or designee(s) shall collect and properly dispose of all litter and debris located on their property immediately following the closure of business or not later than 7:00 a.m. 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 rights-of-way (inclusive of the open ditches along both street frontages) or other adjacent public property open to the public. Posting this statement shall be visible to employees and management inside the building.

The convenience store shall not contain 20% or more of the establishment's floor area dedicated to the display or stocking of tobacco products or 40% or more of the establishment's on-site signage that is visible from public right-of-way advertising tobacco products.

The establishment shall not operate any outdoor dining area without obtaining the appropriate special use permit.

No loitering or outdoor activities permitted.

**Staff Comments:**

The proposed project must meet all related State of North Carolina fire and building codes prior to occupancy.

Mr. Glenn asked Ms. Blount how long this parcel has been zoned commercial.

Ms. Blount stated this parcel has been zoned commercial since 1998. In 2018, there was some tweaking to the actual property lines.

**Mr. Lilley made a motion to find that Sulayman Alkanshaly has standing to participate in the proceeding because he has a lease hold interest in the property, Mr. Purtle seconded the motion and it passed unanimously. Vote: 7 to 0**

Chairman Glenn opened the public meeting.

Mike Lynch, Petroleum Equipment Service, stated he has 15 years of experience in underground storage tanks, piping, and POS systems inside. He stated he has his Public Utilities General Contracting License and certification on double-wall piping.

**Ms. Evans made a motion to find that Mike Lynch is an expert witness in the subject field of installation, service, and equipment of petroleum products, Mr. Landrine seconded the motion and it passed unanimously. Vote: 7 to 0**

Henry Nemargut, Professional Engineer, stated he has a Master's Degree in Engineering. He stated he has been working in the petroleum assessment and installation industry since May of 1987. He stated he is an expert in the design and assessment of releases of underground and above ground storage tank systems. He stated he has been

designing systems since 1989.

**Mr. McKinnon made a motion to find that Henry Nemargut is a Professional Engineer as it relates to petroleum equipment and can serve as an expert witness in that capacity, Ms. Evans seconded the motion and it passed unanimously. Vote: 7 to 0**

Phillip Grant, General Contractor, stated he has been building gas stations for 40 years. He stated he will be building the canopy and installing the footings for the canopy.

**Ms. Evans made a motion to find that Phillip Grant is an expert in the General Contracting of convenient stores, Mr. Purtle seconded the motion and it passed unanimously. Vote: 7 to 0**

Trey Taylor, Attorney, asked Mr. Lynch if he is familiar with double wall fiber glass tanks, continuous leak detection, double wall spill containers, piping systems, overfill prevention valves, and automatic tank monitoring systems.

Mr. Lynch stated he is familiar with these materials.

Mr. Taylor asked if these are state of the art equipment in the petroleum industry.

Mr. Lynch stated these are state of the art. He stated the North Carolina Department of Natural Resources have stipulations on what can or cannot be placed in the ground. He stated everything placed in the ground is double walled and has to be continually monitored for leak protection. He stated they follow the rules and regulations for what goes in the ground.

Mr. Taylor asked if Mr. Lynch will be installing the equipment at this site. He asked what will be the number and size of the tanks installed.

Mr. Lynch stated he will be installing the equipment. He stated they plan to place a 22,000 gallon double walled split compartment tank, with 15,000 gallons of unleaded and 7,000 gallons of diesel. The other tank is a 12,000 gallon split tank, with 6,000 gallons of premium and 6,000 gallons of non-ethanol.

Mr. Taylor asked if the tanks and related piping will be in accordance with the applicable laws and that he is familiar with those laws.

Mr. Lynch stated that is correct.

Mr. Taylor asked Mr. Nemargut his familiarity with this project.

Mr. Nemargut stated he has been speaking with Mr. Lynch in detail about this project. He stated in his opinion, the tanks they are selecting are the best tanks there are. The tanks have a leak detection system that continuously monitor for leaks. He stated North Carolina has exceeded the Federal regulations for underground storage tanks. He stated after Mr. Lynch shows him the tanks that are going to be used, he will prepare drawings and send them to the State. Once approved by the State, he will prepare plans that will go to the City. He stated the plans are in compliance with fire codes and will meet all safety requirements.

Linwood Stroud, Professional Engineer, stated he has been a registered Professional Engineer in North Carolina

since 1971. He stated he has been in private practice of Engineering doing site design for projects since mid-1980.

**Ms. Evans made a motion to find that Linwood Stroud is an expert of Professional Engineering in site design, Mr. McKinnon seconded the motion and it passed unanimously. Vote: 7 to 0**

Mr. Taylor asked Mr. Stroud how the proposed convenient store will be positioned at the site taking into account the present and future anticipated changes in the layout.

Mr. Stroud stated there are provisions for an additional right of way at the intersection Davenport Farm and Frog Level Road that would allow construction of a roundabout. He stated they have prepared a map of record, that will establish the lot the convenient store will be built on and they will reserve that right of way for construction of a roundabout. He stated there will be turn lanes to provide safe ingress and egress from the site.

Mr. Taylor asked if the store would be situated in a way that the right of ways are provided.

Mr. Stroud stated the site is designed to accommodate traffic considerations and there will be additional detail added to the site plan, provided the special use permit is approved.

Mr. Taylor asked Phillip Grant if he is aware of and intends to follow the laws and regulations governing the construction of the store and canopy for the site.

Mr. Grant stated they will follow the plans that are approved by the City. He stated they also perform a foot candle assessment under the canopy according to the local jurisdiction so that it does not cause any problems in the community as far as glare.

Mr. Taylor asked if he is aware of the regulations that provide protection to adjoining property owners.

Mr. Grant stated they are diligent in following those regulations because it is important to the community.

Mr. Taylor asked Mr. Jeffreys if it is his intention to make certain everyone working on the project is familiar and will comply with all of the applicable laws and regulations regarding the petroleum equipment and construction of the convenient store.

Mr. Jeffreys stated that is his intention.

Mr. Taylor asked Sulayman Alkanshaly if he intends to operate the convenient store and gasoline equipment in accordance with all applicable laws and regulations.

Mr. Alkanshaly stated he will monitor the equipment every night to be sure there are no spills and the equipment is working correctly.

Mr. Taylor asked if he intends to collect trash every day as required by the City.

Mr. Alkanshaly stated he will monitor the trash every hour.

Mr. Taylor asked how many store he owns and operates.

Mr. Alkanshaly stated he owns 19 stores.

Ms. Bellis asked Mr. Stroud what the anticipated increase in traffic will be.

Mr. Stroud stated they have not completed a traffic study and that he is not a traffic engineer.

Mr. DiCesare stated there will not be a traffic study until there is a site plan submittal.

Ms. Bellis asked if he anticipates a traffic study being done.

Mr. DiCesare stated that would depend on when the site plan is submitted.

Ms. Bellis stated a traffic study is a serious consideration and that traffic at this intersection is dangerous.

Mr. DiCesare stated the applicant will have to submit a traffic analysis report and the report will determine what mitigation is going to be required to offset the increase in traffic.

Ms. Bellis asked if a roundabout would be in place.

Mr. DiCesare stated the State does not have funding for that now and that is a future improvement to be done.

Ms. Bellis stated there will be an increase in traffic with no increase in safety at the intersection.

Mr. DiCesare stated there are other things that could be done at the intersection. He stated what can be done cannot be defined until the level of traffic is defined. He stated he anticipates there will be separate access at each road way as far away from the intersection as possible with turn lanes to the driveways. He stated another thing that may be required is the access drives may need to be limited to right in and right out movements.

Mr. Glenn asked if a different commercial development was being built on this site with the same level of traffic intensity that did not require a special use permit, would the project still have to be vetted by his department before it could be approved.

Mr. DiCesare stated that is correct.

Mr. Landrine asked Mr. Lynch if there has been a case where the underground tanks have leaked or failed.

Mr. Lynch stated he has placed 50 to 60 tanks in the ground and he has not had one fail.

Paige Heath spoke in opposition of the application. She stated she has submitted material for the Board. She stated she included a letter written by Richard Klein stating issues with the omissions in the air from the fuel dispensers. She stated this is a big concern since her property is 280 feet from the proposed gas station.

Ms. Evans asked if the Board can be made aware of the studies Ms. Heath is referring to so they can know the studies are current and valid.

Mr. McKinnon asked how the Board can validate the letter Ms. Heath is referring to since the writer of the report is not present.



Mr. Phillips stated the Board cannot validate the documentation. He stated the Board must determine if the evidence provided is competent, substantial, and relevant.

Ms. Heath stated there is already foot traffic and there will be increased foot traffic with the gas station. She also stated the experts have not mentioned the health issues related to having a gas station next to a residential property.

Ms. Blount asked if there will be surveillance equipment used to monitor the outside of the store.

Mr. Alkanshaly stated he will have a security camera system.

Ms. Blount asked if it will be covering all aspects of the property.

Mr. Alkanshaly stated it will cover all of the property and he views the cameras on his phone regularly.

Ms. Blount asked if the property will be well lit.

Mr. Alkanshaly stated the property will be well lit.

Mr. Taylor asked Ms. Heath if she is familiar with any of the gas stations that are owned by Mr. Alkanshaly.

Ms. Heath stated she is not familiar with any of his locations. She stated she is unaware of the integrity of his businesses or how clean he keeps them.

Mr. Taylor asked if she could state any negative comments about how he operates his businesses.

Ms. Heath stated she could not say anything positive either because she is unaware.

Mr. Taylor asked if she has any evidence stating that his stores have been operated in violation of the law.

Ms. Heath asked if Mr. Taylor has any evidence that he does not operate his store according to the law.

Mr. Phillips stated Ms. Heath will have an opportunity to cross examine the witnesses.

Mr. Taylor asked Ms. Heath if she is familiar with any of the gasoline equipment installed by Petroleum Equipment Service.

Ms. Heath stated she has conducted research on petroleum but not the specific equipment used by Petroleum Equipment Service. She stated she has conducted research on the omissions from gas.

Mr. Taylor asked if she has reviewed the materials that describe the particular equipment Mr. Lynch intends to install at this site.

Ms. Heath stated she has not and she is more concerned with the health that will come from the gas station.

Mr. Taylor asked if she is aware of any failures related to equipment at other locations.

Ms. Heath stated she is not familiar with the equipment but her research has shown there is always a possibility of failure.

Mr. Taylor asked if she is familiar with any failures of these particular tanks.

Ms. Heath stated she was not aware of the types of tanks that would be used so she has not researched them.

Mr. Taylor stated this documentation was posted on the City's website. He asked Ms. Blount if this is correct.

Ms. Blount stated that is correct.

Ms. Heath asked Mr. Lynch if there will be six tanks at the site.

Mr. Lynch stated they are split tanks so there will be two tanks placed in the ground.

Ms. Heath asked how large the tanks are.

Mr. Lynch stated the dimensions on the 22,000 gallon tank will be 10 foot in diameter and 41 foot long. The diesel tank and non-ethanol split will have an 8 foot diameter and will be 38 foot long.

Ms. Heath asked how many feet away will the tanks and gas pumps be from her property.

Mr. Lynch stated that is set by the City of Greenville and their engineer. He stated he is not aware of how far her property is from the commercial property.

Ms. Heath stated that his experience of installing 50 to 60 tanks does not sound like a lot of experience with the number of gas stations in the country.

Mr. Lynch stated Petroleum Equipment Service works in a centralized location in Eastern North Carolina. He stated there are other petroleum companies that are bigger with more branches.

Ms. Heath asked Mr. Nemargut how many of the 300 to 400 jobs he has done have been installed next to a residence, hospital, city park or school.

Mr. Nemargut stated the locations of convenient stores are set strictly by local jurisdiction. He also stated the tanks will be equipped with stage 1 vapor recovery so as fuel is put into the tank, the vapors pushed out are recirculated back into that compartment. He stated there are no fumes coming out of the vents and the only other opportunity for fumes to come onto her residence is when people are filling up their vehicles. He stated a surge of gasoline fumes should not happen under normal operating conditions.

Ms. Heath stated under normal operating conditions that shouldn't happen but that can't be guaranteed. She asked if he stated that the people in this area are served by municipal water.

Mr. Nemargut stated he assumed that. He stated the State of North Carolina designates a 1,000 foot radius for people at risk so if 1,000 feet of the radius around this property is served by municipal water, there should be no wells that are impacted from underground release.

Ms. Heath stated her residence is less than 500 feet from the proposed gas station and she has an open well on her property.

Mr. Nemargut stated the State of North Carolina recognizes a safe radius for open wells of 250 feet if it is being used. He stated if her well is outside of a 250 foot radius, the State would raise no concern.

Ms. Heath asked if the safe radius is 1,000 feet or 250 feet.

Mr. Nemargut stated the safe radius is 1,000 feet for people that are drinking the water and a 250 foot radius for people with open or irrigation wells.

Mr. Glenn asked Ms. Heath if her well is used primarily for irrigation.

Ms. Heath stated she is on City water but she can use her well for irrigation.

Ms. Heath asked what the fire code and safety zone is for the gas station.

Mr. Nemargut stated the facilities for above ground and underground tanks are adopted by reference from the International Fire Code. He stated there are specifications that need to be on the systems for safety. He also stated the City will have a Fire Marshall that is in charge of looking at the plans and making sure the standards are met.

Ms. Heath asked exactly how many feet it is.

Ms. Blount stated there is not representation present at the meeting to give that direct answer but the City can provide her with that information.

Mr. Nemargut stated an underground storage tank needs to be at least 10 feet away from a property line by International Fire Code standards. He asked if Ms. Heath's residence is 280 feet away from the property line for the facility.

Ms. Heath stated her residence is 280 feet from the convenience store.

Mr. Nemargut stated that is a consideration the International Fire Code has gone through in detail and have specific safe distances.

Ms. Heath asked Mr. Grant if he is in charge of installing the lights on the canopy.

Mr. Grant stated they hire a licensed electrician to install the lights.

Ms. Heath asked how tall the canopy will be.

Mr. Grant stated he hasn't seen the drawings but most canopies are about 14 feet 4 inches to the bottom of the canopy.

Ms. Heath asked how wide the canopy is.

Mr. Grant stated they generally range from 24 to 27 feet.

Ms. Heath asked what type of lighting will be used for the canopy.

Mr. Grant stated there will be a foot candle survey completed and the City has requirements for that. He stated they are generally LED lights.

Ms. Heath stated her bedroom windows are facing the property. She stated she is concerned with light trespassing onto her property.

Ms. Heath asked Mr. Alkanshaly how many of the 19 stores he owns include gasoline sales.

Mr. Alkanshaly stated 16 of his stores have gasoline sales.

Ms. Heath asked what areas the stores are located and if any of his stores are in a residential area.

Mr. Alkanshaly stated he has two stores that are located across the street from schools.

Ms. Heath asked how many feet the gas stations are from the schools.

Mr. Alkanshaly stated the gas stations are across the street from the schools and are less than 200 feet away.

Ms. Heath asked how many of his gas stations are next to residential areas.

Mr. Alkanshaly stated he has many gas stations in residential areas.

Ms. Heath stated she is concerned that having a gas station next to her residence will decrease her property value. She also asked how Mr. Alkanshaly can guarantee that her residence will be safe.

Mr. Alkanshaly stated he will have security cameras monitoring the convenient store at all times.

Mr. Taylor asked Ms. Heath if she is familiar with the fact that the total acreage owned by Mango Man, LLC is 4 acres.

Ms. Heath stated she is aware that it is 4 acres and the convenient store will be located on the corner.

Mr. Taylor stated there will be another lot between the gas station and Ms. Heath's property.

Ms. Heath stated there will be a 30 foot easement on that property.

Mr. Taylor confirmed there will be a buffer between the gas station and her property.

Ms. Heath stated that is correct. She stated there will be open space there for people to walk through.

Mr. Taylor confirmed that her property will not be directly adjacent to the gas station.

Ms. Heath stated it is still 4 acres and that she is right next to the property. She stated Mango Man cannot build

anything between her residence and the gas station.

Mr. Taylor asked if she knows that to be a law or a regulation by the City of Greenville.

Ms. Heath stated she is going by the ordinances she has read and the research she has done.

Mr. Taylor asked Ms. Blount if there is anything that would prevent further development of the lot adjacent to Ms. Heath's residence.

Ms. Blount stated as long as a future development is permitted or requires special use within the O (Office) and CN (Neighborhood Commercial) zoning districts.

Mr. Taylor asked if anything that meets that zoning criteria can be built there.

Ms. Blount stated that is correct.

Mr. Taylor stated that the proposed use is in compliance with the Future Land Use Plan and that there has not been any evidence presented that would find the proposed use in violation. He stated the development will be in compliance with the City's requirements and the development will be monitored closely.

No one else spoke in favor of the request.

No one else spoke in opposition of the request

Chairman Glenn asked for staff's recommendation.

Ms. Blount stated staff had no objection to the request with the recommended conditions.

Chairman Glenn closed the public hearing and opened up for Board discussion.

Ms. Evans stated when the Board deems a witness as an expert, it is based on the witness' education and experience. She stated they do not need to quantify the number of places in which the witness has done installations. She stated the Board considers Mr. Lynch as an expert.

Chairman Glenn read the criteria and the board's silence was a vote in favor of the criteria.

**Mr. McKinnon made a motion to adopt the Finding of Facts, Ms. Evans seconded the motion and it passed unanimously. Vote: 7 to 0**

**Ms. Evans made a motion to approve the petition, Mr. Lilley seconded the motion and it passed. Vote: 6 to 1 with Mr. McKinnon as the one negative vote.**

**Mr. McKinnon made a motion to task Donald Phillips as Attorney to the Board to draft a proposed decision in order for consideration and presentation at the May 27, 2021 meeting, Mr. Purtle seconded the motion and it passed unanimously. Vote: 7 to 0**

Chairman Glenn announced that Mango Man, LLC's special use permit had been granted.

## **NEW BUSINESS**

### **1. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY CHRIS DAVIS AND DERRICK STALNAKER**

The applicants, Chris Davis and Derrick Stalnaker, desire to operate a major repair facility pursuant to Appendix A, Use (9)a. of the Greenville City Code. The proposed use is located at 307 Hooker Road. The property is further identified as being tax parcel number 33826.

Chairman Glenn confirmed and swore in three registered speakers – Chris Davis, Derrick Stalnaker, and David Evans.

**Mr. McKinnon made a motion to find that Chris Davis, Derrick Stalnaker and David Evans have standing to participate in the proceeding, Mr. Lilley seconded the motion and it passed unanimously. Vote: 7 to 0**

Ms. Blount delineated the area on the map. She stated that the request is located near the central portion of the city.

#### **Zoning of Property:**

CDF (Downtown Commercial Fringe)

#### **Surrounding Zonings:**

North: CDF (Downtown Commercial Fringe)

South: CDF (Downtown Commercial Fringe) and R6 (Residential)

East: CDF (Downtown Commercial Fringe)

West: CDF (Downtown Commercial Fringe)

#### **Surrounding Developments:**

North: Vacant lot

South: Plaza Auto Care

East: Greenville Noland Co.

West: Carolina Plumbing Supply and Greenville Upholstery and Refinishing

#### **Description of Property:**

The subject property is a 0.84 acres in size and has 150 feet of frontage along Hooker Road. The applicant wishes to operate an automotive accessory add-ons and retail store with car detailing and enclosed trailer sales.

#### **Comprehensive Plan:**

The property is located within the Office Institute character type as designated by the Horizon 2026 Greenville Community Plan. Although the future land use recommends office and institutional use in the area, the building is existing and is zoned commercial. Therefore, the proposed use is in general compliance.

**Notice:**

Notice was mailed to the adjoining property owners on April 8, 2021. Notice of the public hearing was published in the Daily Reflector on April 11 and April 18, 2021.

**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.

*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) Batter Service.

**Section 9-4-86 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 not closer than ten feet from the principal structure and shall not be more than twenty feet from the principal structure and must be outside of required bufferyards. Signage and tires displayed in conjunction with such shall be in accordance with the sign and tire storage regulations.
- (8) All services except fuel sales shall be performed within a completely enclosed building.
- (9) Tires stored outside must comply with the following standards to minimize their visual impact and reduce their potential as a public nuisance and fire hazard:
  - (a) The maximum area devoted to tire storage shall be limited to 10% of the property area or 25% of the building from which the business operates, whichever is less;
  - (b) The maximum number of tires stored outside shall not exceed 300;
  - (c) Tires must be stored behind required bufferyards and located where they are not visible from a street right-of-way or adjacent property through the installation of opaque fencing and/or landscaping or placement of tires behind buildings;
  - (d) All tires must be placed on racks in the upright position;
  - (e) There shall be a minimum separation of 20 feet between tire racks and property lines, street right-of-way, and buildings;
  - (f) Rows of tire racks shall be separated from one another by a minimum of five feet;
  - (g) The placement of tires stored outside shall be placed and maintained in accordance with this subsection (9) and the North Carolina Fire Code, as amended. The more restrictive provisions shall prevail between the NC Fire Code and tire storage standards of this section; and
  - (h) Notwithstanding the provisions related to nonconforming uses and situations contained in Article C of this chapter, the requirements contained in this subsection (9) shall be applicable to all existing and future major and minor repair facilities.

**Staff Comments:**



The proposed project must meet all related State of North Carolina fire and building codes prior to occupancy.

**Staff Recommendation:**

**Planning staff is of the opinion that the request can meet all the development standards required for issuance of a special use permit upon proper findings by the Board.**

Chairman Glenn opened the public meeting.

Chris Davis, applicant, spoke in favor of the application. He stated there is a need for automotive accessories in the Greenville area.

Derrick Stalnaker, applicant, spoke in favor of the application. He stated they will have truck accessories such as running boards, headliners, and tonneau covers. He also stated they may have trailer sales in the future.

No one else spoke in favor of the request.

No one spoke in opposition of the request.

Chairman Glenn asked for staff's recommendation.

Ms. Blount stated staff had no objection to the request.

Chairman Glenn closed the public hearing and opened up for Board discussion.

No board discussion.

Chairman Glenn read the criteria and the board's silence was a vote in favor of the criteria.

**Ms. Evans made a motion to adopt the Finding of Facts, Mr. Lilley seconded the motion and it passed unanimously. Vote: 7 to 0**

**Mr. McKinnon made a motion to approve the petition, Ms. Bellis seconded the motion and it passed unanimously. Vote: 7 to 0**

Chairman Glenn announced that Chris Davis and Derrick Stalnaker's special use permit had been granted.

**2. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY NAGI NASSER**

The applicant, Nagi Nasser, desires to operate a Tobacco Shop Class I pursuant to Appendix A, Use (10)ff. of the Greenville City Code. The proposed use is located at 713 Thomas Langston Road, Suite 103. The property is further identified as being tax parcel number 68904.

Chairman Glenn confirmed and swore in one registered speaker – Nagi Nasser

Ms. Blount delineated the area on the map. She stated that the request is located near the southern portion of the city.

**Zoning of Property:**

CH (Heavy Commercial)

**Surrounding Zonings:**

North: CG (General Commercial)  
South: CH (Heavy Commercial)  
East: CG (General Commercial) and CH (Heavy Commercial)  
West: CH (Heavy Commercial)

**Surrounding Developments:**

North: Waffle House Restaurant and vacant Pizza Inn building  
South: Aarons Rental Center and China Wok Restaurant  
East: Walmart Neighborhood Market and vacant lot  
West: Plant Fitness and Burlington

**Description of Property:**

The subject property is 1.92 acres in size and contains a 13,000 square foot commercial building with six units. The building currently houses two conventional restaurants and a furniture rental center. The property has approximately 66 feet of frontage along S Memorial and 381 feet of frontage along Thomas Langston. The applicant wishes to occupy a unit that is 1,400 square feet.

**Comprehensive Plan:**

The property is located within the Commercial character type as designated by the Horizon 2026 Plan. The proposed use is in 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 April 8, 2021. Notice of the public hearing was published in the Daily Reflector on April 11 and April 18, 2021.

**Related Zoning Ordinance Regulations:**

**Definition:**

*Tobacco Shop (Class 1).* An establishment that, as substantial portion of the use, entails the retail sales of tobacco products including, but not limited to, cigarettes, cigars, chewing tobacco, shisha, unformed or loose tobacco, and/or similar products. For the purpose of this definition, a substantial portion of the use is established if:

- (1) At least 20% of the establishment’s floor area open and accessible to customers is used for the display and/or stocking of tobacco products as provided herein; or
- (2) At least 40% of the sign area of the establishment’s on-site signage that is visible from public right-of-way advertises tobacco products as provided herein.

## Specific Criteria

Section 9-4-103(BB)

### *Tobacco Shop (Class 1)*

- (1) No tobacco shop (class 1) shall be located within a 500-foot radius of an existing or approved school. This measurement shall be made from the exterior wall of the proposed tobacco shop (class 1) to the nearest exterior wall of any existing or approved school.
- (2) No tobacco shop (class 1) shall be located within any certified redevelopment area.

### **Staff Recommended Conditions:**

No retail sales of any smoking apparatus to include but not limited to water pipes, hookah pipes, bowls, water bongs or similar products. Existing apparatus must be removed and cannot be sold

Advertisement shall not cover more than 25% of the windows nor doors.

No loitering or outdoor activities permitted.

The establishment shall not operate or evolve into a hookah café or tobacco shop (class 2).

No smoking permitted on the premises.

Must comply with all federal, state and local laws.

### **Other Comments:**

The proposed project must meet all related State of North Carolina fire and building codes prior to occupancy.

### **Staff Recommendation:**

**Planning staff is of the opinion that the request can meet all the development standards required for issuance of a special use permit upon proper findings by the Board.**

Mr. McKinnon asked if flashing lights are not permitted under the ordinance.

Ms. Blount stated that can be a condition the board can add. She stated that was not added as a recommended condition.

Chairman Glenn opened the public meeting.

Nagi Nasser, applicant, spoke in favor of the application. He stated he has been in this location for the past 5 years. He stated he owned a Boost Mobile store in this location but Dish Network bought Boost Mobile so he had to close. He said this is prime location for a tobacco shop and that he owns other tobacco shops located in Cary, Raleigh, Rocky Mount and Wilson. He also stated he will not be placing any flashing LED lights in the building.

Mr. Glenn asked if he is familiar and clear on the conditions read by Ms. Blount.

Mr. Nasser stated he is familiar with the difference between a Class I and Class II Tobacco Shop.

No one else spoke in favor of the request.

No one spoke in opposition of the request.

Chairman Glenn asked for staff's recommendation.

Ms. Blount stated staff had no objection to the request with the recommended conditions.

Chairman Glenn closed the public hearing and opened up for Board discussion.

Mr. Glenn stated Mr. McKinnon may discuss the concern of flashing LED lights or if he would like to make it a condition.

Mr. McKinnon stated he would like to make the flashing LED lights a condition for the application.

Chairman Glenn read the criteria and the board's silence was a vote in favor of the criteria.

**Mr. McKinnon made a motion to adopt the Finding of Facts, Mr. Lilley seconded the motion and it passed unanimously. Vote: 7 to 0**

**Mr. McKinnon made a motion to approve the petition with the recommended conditions by the city and the additional condition that there will be no flashing or color lights, Ms. Bellis seconded the motion and it passed unanimously. Vote: 7 to 0**

Chairman Glenn announced that Nagi Nasser's special use permit had been granted.

### **3. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY CREIGHTON COMMERCIAL DEVELOPMENT**

The applicant, Creighton Commercial Development, desires to operate a convenience store with gasoline sales pursuant to Appendix A, Use 10(b). of the Greenville City Code. The proposed use is located at 3750 Memorial Drive. The property is further identified as being tax parcel number 16368 and 06399.

Chairman Glenn confirmed and swore in seven registered speakers – Payton Reid, Joshua Reinke, Gary Franks, Marie Farmer, Patrick Byker, Richard Kirkland, and Al Lester.

**Mr. McKinnon made a motion that the board find and conclude that Joshua Reinke is an expert in the field of Traffic Engineering, Mr. Purtle seconded the motion and it passed unanimously. Vote: 7 to 0**

**Mr. McKinnon made a motion that the board find and conclude that Gary Franks is an expert in the field of Civil Engineering, Mr. Landrine seconded the motion and it passed unanimously. Vote: 7 to 0**

**Mr. McKinnon made a motion that the board find and conclude that Richard Kirkland is a Certified Appraisal expert, Mr. Landrine seconded the motion and it passed unanimously. Vote: 7 to 0**

**Mr. McKinnon made a motion to find that Creighton Companies has standing to participate as a party in the proceeding and that they received the notice and consent to the meeting, Ms. Evans seconded the motion and it passed unanimously. Vote: 7 to 0**

Ms. Blount delineated the area on the map. She stated that the request is located in the southern portion of the city.

**Zoning of Property:**

CG (General Commercial)

**Surrounding Zonings:**

- North: CG (General Commercial)
- South: CH (Heavy Commercial)
- East: CH (Heavy Commercial) and CG (General Commercial)
- West: CG (General Commercial)

**Surrounding Developments:**

- North: Frontgate Shopping Center
- South: Waffle House Restaurant, China Wok Restaurant, Walmart Neighborhood Market and Aaron’s Rent to Own appliance store
- East: Sonics Restaurant, Shine Factory Car Wash and a vacant lot
- West: Frontgate Shopping Center and Lowe’s Home Improvement Store

**Description of Property:**

The subject property is 0.91 acres in size and has approximately 300 feet of frontage along S. Memorial Drive and 286 feet of frontage along Thomas Langston Road. The property is located on a signature corridor of the city. The location is at the intersection of a residential and gateway transportation corridor. Thomas Langston Road is a minor thoroughfare (collects traffic from local access streets) and Memorial Drive is a major thoroughfare (carries traffic, one of the main arteries in the city). The property currently houses a 5,300 square foot building which was previously a two story Pizza Inn. The applicant wishes to demolish the building and build a one story, approximately 3,500 square foot convenience store with gasoline sales. The applicant has a land purchase contract to acquire the detention pond adjacent to the property.

**Comprehensive Plan:**

The property is located within the Mixed Use, High Intensity Commercial character type as designated by the Horizon Plan. The proposed use is in 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 April 8, 2021. Notice of the public hearing was published in the Daily Reflector on April 11 and April 18, 2021.

**Related Zoning Ordinance Regulations:**

Definition:

*Convenience store.* Any food-personal merchandise store which sells at retail only prepackaged food and beverage products, personal toiletries, sundries, over-the-counter medications, household supplies, magazines, and the like in combination from a limited inventory and does not stock poultry or meats.

**Staff Recommended Conditions:**

Final platting, stormwater management, erosion control, NCDOT access agreement and site plan approval is required prior to issuance of a building permit.

A traffic impact analysis is require prior to site plan submission.

Parking shall satisfy both gasoline fuel sales and convenient store requirements.

Outdoor amplified paging of patrons, guests and/or employees shall be prohibited.

Outdoor amplified sound, including music, shall be allowed, provided

- (i) Any sound transmission device, system, and/or speaker shall be oriented in a manner that directs all mechanical and/or amplified sound toward the building and away from any abutting residential property line, and
- (ii) No amplified sound shall be audible from any point located on any property zoned for residential purposes. Outdoor amplified sound is defined as any sound using amplifying equipment, whose source is outside or whose source is inside and the sounds propagates to the outside through open door(s) or window(s) or other openings in the building. Measurement standards shall be human auditory senses.

No television transmission, movie projection and/or computer display shall be viewed from the gasoline activity area.

Exterior lighting associated with the gasoline activity area shall be directed away from all public streets. On-site and under canopy lighting shall be shielded and directed to prevent the light cone from crossing the right-of-way line or perimeter property line. Exterior lighting shall comply with the City of Greenville Lighting Standards.

No exterior neon lighting, no neon light signs, and no flashing signs shall be allowed in conjunction with the principal use convenient store and/or gasoline activity area.

The owner(s) and operator(s) or designee(s) shall collect and properly dispose of all litter and debris located on their property immediately following the closure of business or not later than 7:00 a.m. 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. Posting this statement shall be visible to employees and management inside the building.

The convenience store shall not contain 20% or more of the establishment's floor area dedicated to the display or stocking of tobacco products or 40% or more of the establishment's on-site signage that is visible from public right-of-way advertising tobacco products.

No loitering or outdoor activities permitted.

**Other Comments:**

The proposed project must meet all related State of North Carolina fire and building codes prior to occupancy.

**Staff Recommendation:**

**Planning staff is of the opinion that the request can meet all the development standards required for issuance of a special use permit upon proper findings by the Board.**

Mr. Glenn asked Ms. Blount if the plat that was shown has been reviewed by City Traffic Engineering or addressed by the State.

Ms. Blount stated it is a special use permit map, not a site plan.

Mr. Glenn asked if a site plan is going to be required.

Ms. Blount stated a site plan is required as part of the recommended conditions.

Chairman Glenn opened the public meeting.

Patrick Byker, Attorney for Creighton Companies, spoke in favor of the application. He stated the proposed use for a convenience store is allowed but they are asking for fuel sales at the site.

Joshua Reinke, Traffic Engineer, spoke in favor of the application. He stated he has collected traffic data at the site drive way intersections as well as South Memorial Drive and Thomas Langston Road. He stated the study was conducted per the NCDOT and City of Greenville standards and the trip generation was done based on the Institute of Traffic Engineers method of conducting counts for site data. He stated they looked at the new trips as well as pass by trips and the new trips are relatively low, which is why they are doing a Traffic Assessment Letter instead of a Traffic Impact Analysis. There are about 58 morning trips, 74 evening trips, and the rest would be passer by trips. He stated they incorporated a right turn lane, 100 feet of storage, and an appropriate decel and taper to accommodate the expected vehicle trips for the site.

Mr. DiCesare stated there are inconsistencies with the labeling on the assessment. He stated he wants to clarify that the right turn lane is going to be on South Memorial Drive.

Mr. Reinke stated the right turn lane is going to be on South Memorial Drive and he will revise the assessment.

Mr. DiCesare stated it does not need to be revised because it was a low level assessment. He stated he will need an email noting the inconsistency and verifying that South Memorial is where the right turn lane is going to be placed.

Gary Franks, Site Civil Engineer, spoke in favor of the application. He stated the site will be designed and conform with all City and State standards as far as the lot area, dimensional standards, setbacks, parking, and stormwater. He stated the underground storage tanks will also meet all of the national standards.

Richard Kirkland, Licensed Real Estate Appraiser, spoke in favor of the application. He stated he concludes that the proposed redevelopment of the site will have no impact on adjoining property values and is a harmonious use.

Mr. McKinnon stated this a major intersection that gets a lot of traffic. He stated towards the shopping center there is the dumpster pad and towards the intersection is the back of the building. He asked if the applicant would be receptive to additional planting that would hide the back of the building which would generally be the service side.

Mr. Franks stated they would not be opposed to adding landscaping to the corner. He stated they have discussed making that area a patio for customers to sit at and they could also add vegetation to help screen the area.

Mr. McKinnon stated viewing trash cans behind the building is not the best solution.

Mr. Glenn clarified that Mr. McKinnon is saying the most visible part of the building is going to be the back of the building which faces the intersection and that he is asking what the applicant can do to mitigate that.

Mr. McKinnon stated he thinks the response from Mr. Franks is appropriate.

Ms. Evans asked how large gas trucks are going to get in and out of the area with the way the building is drawn.

Mr. Byker stated this is something they designed very carefully when they were evaluating this site.

Mr. Reinke stated the trucks would typically enter from South Memorial and exit off of Thomas Langston.

Mr. DiCesare stated that this turning template was submitted on the site plan that the traffic assessment was attached to. He stated this was reviewed and approved.

Ms. Evans asked if the trucks have to make a right turn when they exit off of Thomas Langston. She stated it is difficult for cars to make a left turn.

Mr. DiCesare stated there is no median on Thomas Langston and that the trucks can if there is a gap. He stated there is nothing being put in place to restrict them from making a left turn.

Mr. Reinke stated this would be difficult to do during peak times but typically deliveries will avoid peak times. If deliveries are made during peak times, the truck will most likely avoid making a left turn.

Mr. DiCesare stated that is what happens at all of these sites. He stated the trucks will make the left turn if they can but if they are coming out at peak times, they will make a right turn.

Ms. Evans stated this site may be more difficult because there is an existing shopping center located behind the site with pedestrian traffic.

Mr. DiCesare stated when the City and State review the traffic assessment they also look at the pedestrian traffic.

Ms. Evans stated there is BB&T ATM facing the site parking lot. She stated in order to access the ATM, people enter the side of the building and come across. The way people come across is also the way the trucks would be entering.

Mr. Franks stated the ATM is located in the shopping center parking lot and would be completely separate from the site use. He also stated if exiting to the left on Thomas Langston becomes difficult, the truck can leave the site and travel through the shopping center and exit at the stop light on West Haven Road. The truck could drive behind the Food Lion shopping center if exiting becomes difficult.

Mr. DiCesare stated looking at an aerial view, he can confirm there is a cross axis capability.



Ms. Evans stated she is aware of the back of the building where Food Lion has their delivery trucks go. She stated there are cars parked along the side and there are accidents in this area often.

Mr. Franks stated he can confirm that delivery times will be taken into account.

Mr. Glenn asked why the left turn at this site is not being addressed now, like it has at other sites in the past.

Mr. DiCesare stated there is not an accident history at this particular driveway. He stated the left turn controls that are put in are based on investigations of accidents over a three year period and this is not on that list. He stated the signal at South Memorial and Thomas Langston provides gaps for the truck to get out. The deliveries are timed so that they are not during peak hour traffic.

Mr. Glenn asked if the accident assessment falls under the City and not the State.

Mr. DiCesare stated there is a safety committee that is comprised with the City, NCDOT, ECU, and Vidant Medical. He stated the Police Department also help with the accident analysis.

Ms. Evans asked how many accidents have been recorded there.

Mr. DiCesare stated he does not know and that it has not been brought to attention that there is an accident problem there to investigate.

Ms. Evans stated there are a lot of accidents at this location.

Mr. DiCesare stated to warrant it being a high accident location, there has to be a certain amount of accidents within a three year period. He stated the higher the traffic volume on the road, the higher number of accidents can occur before it reaches a level of being unsafe. He stated they are only dealing with accidents that are reported.

Ms. Evans stated she is referring to accidents where she has seen Greenville Police Department at the scene.

Mr. DiCesare stated those accidents are recorded.

Mr. Landrine stated he is familiar with this area and he has seen many accidents at this location. He stated making a left turn presents you with the nearly blind curve on Thomas Langston and he does not believe he has ever seen large trucks make a left turn.

Mr. DiCesare stated that does not mean it is not happening. He stated they have ways to measure traffic over an entire day or week. He stated he is not saying there are not accidents at the location but no one has raised this particular driveway to be investigated.

Ms. Evans stated she would like to see data on this location.

Mr. DiCesare stated a typical study is a three year period. He stated he could provide that data.

Mr. Reinke stated the side of the road the trucks will be exiting is the better side of the curve.

Mr. DiCesare stated this driveway is on the inside of the curve, not the outside of the curve.

Mr. Landrine stated the curve is still a concern and he would be interested in seeing data on this also. He stated maybe the studies are not counting trucks making left turns.

Mr. DiCesare stated the study captures any reported accident. He stated he is going to request this data and give it to the Board at some point.

Mr. Byker stated that he would like to emphasize that the Board has heard substantial, competent, and material evidence from the expert witnesses. He stated only a Licensed Traffic Engineer can testify as to traffic safety issues and that the Board has heard this from Joshua Reinke. He also stated they are agreeable to the conditions Ms. Blount specified and the additional traffic improvement.

No one else spoke in favor of the request.

No one spoke in opposition of the request.

Chairman Glenn asked for staff's recommendation.

Ms. Blount stated staff had no objection to the request with the recommended conditions.

Chairman Glenn closed the public hearing and opened up for Board discussion.

No board discussion.

Chairman Glenn read the criteria and the board's silence was a vote in favor of the criteria.

**Mr. McKinnon made a motion to adopt the Finding of Facts, Mr. Lilley seconded the motion and it passed unanimously. Vote: 7 to 0**

**Mr. McKinnon made a motion to approve the petition with the recommended conditions of city staff and an additional condition that enhanced landscaping be considered, Ms. Evans seconded the motion and it passed unanimously. Vote: 7 to 0**

Chairman Glenn announced that Creighton Companies special use permit had been granted.

Mrs. Blount reminded the board about training scheduled for May 6, 2021 at 6:30 pm via zoom.

**With no further business, Mr. McKinnon made a motion to adjourn, Ms. Evans seconded, and the motion to adjourn passed unanimously. Meeting adjourned at 9:30 p.m.**

Respectfully submitted

Elizabeth Blount  
Lead Planner