

ADOPTED MINUTES OF THE GREENVILLE BOARD OF ADJUSTMENT
June 24, 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- *	Ann Bellis - *
Rodney Bullock - Co-Chair - *	John Landrine - *
Hunt McKinnon - *	Ryan Purtle - *
Sharon Evans-*	

VOTING MEMBERS: Glenn, Bullock, Bellis, McKinnon, Lilley, Evans, Cohen.

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

OPENING STATEMENT: Mr. Glenn read the following statement:

*The meeting will now come to order. Welcome to the **June 24, 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 May 27, 2021 minutes. 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 CAPTAINS UNITED, LLC

The applicant, Captains United LLC, desires to amend a land use intensity multi-family special use permit pursuant to Appendix A, Use (2)e. of the Greenville City Code. The proposed use is located at 3960 Bostic Drive. The property is further identified as being tax parcel number 72914.

2. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY CAPTAINS UNITED, LLC

The applicant, Captains United LLC, desires to amend a land use intensity dormitory special use permit pursuant to Appendix A, Use (2)e. of the Greenville City Code. The proposed use is located at 3800 Bostic Drive. The property is further identified as being tax parcel number 64354.

Chairman Glenn informed the board that agenda items 1 and 2 have been withdrawn per the applicant's request.

NEW BUSINESS

1. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY VSS ARLINGTON, LLC

The applicant, VSS Arlington, LLC, desires to operate a Tobacco Shop Class 2 pursuant to Appendix A, Use (10)gg. of the Greenville City Code. The proposed use is located at 215 E. Arlington, Suite D. The property is further identified as being tax parcel number 47881.

Chairman Glenn confirmed and swore in two registered speakers – Mona Gilliam and Sameer Ahmad

Ms. Blount stated it has been brought to staff's attention today that one of the separation requirements for the Tobacco Shop Class 2 has not been met for the location the applicant desires to be in. Therefore, staff would like to continue the request to reconvene with the applicant in order to determine other options. She stated she has asked the applicant, Mona Gilliam, to be present and staff would like her to give her consent for a continuance of this case to the July 22, 2021 meeting.

Chairman Glenn asked Ms. Gilliam if she consents to continuing the application.

Ms. Gilliam stated she consents to the continuance. She stated she did everything she knew to do to meet the requirements.

Chairman Glenn stated he apologizes for the last minute surprise but she will have a chance to be heard.

Sameer Ahmad, applicant's business partner, stated it is discouraging to continue the application but they hope to work things out and they will be able to contribute to the city.

Motion made by Mr. McKinnon to continue the application to the July 22, 2021 meeting, Mr. Bullock seconded the motion and it passed unanimously. Vote: 7 to 0

2. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY SABRE COMPANIES, LLC

The applicant, Sabre Companies, LLC, desires to operate a child day care facility pursuant to Appendix A, Use (8)a. of the Greenville City Code. The proposed use is located at 532 Moye Boulevard. The property is further identified as being tax parcel number 50542.

Chairman Glenn confirmed and swore in two registered speakers – Billy Walton and Bryan Fagundus

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

Zoning of Property:

MI (Medical Institutional)

Surrounding Zonings:

North: MI (Medical Institutional)

South: MI (Medical Institutional)

East: MI (Medical Institutional)

West: MI (Medical Institutional) and MCH (Medical Heavy Commercial)

Surrounding Developments:

North: Pitt County Complex

South: Vidant Medical Center

East: Vidant Medical Center

West: Ronald McDonald House

Description of Property:

The subject property is 2.94 acres in size with approximately 286 feet of frontage along Moye Boulevard. The property was originally a part of the Pitt County Memorial Hospital campus which is permitted in the current zoning district. The property was sold to the applicant in 2019. The applicant wishes to expand the childcare facility. When the property was sold to another entity, it became a legal nonconforming situation. Per Section 9-4-29 of the Greenville City Ordinance, a nonconforming situation shall not be increased. In order to permit the expansion, the use must come into compliance; therefore, a special use permit for a child day care facility is required.

Comprehensive Plan:

The property is located within the Medical Core character types as designated by the Horizon 2026 Greenville Community Plan. The proposed use is in compliance with the Future Land Use Plan which recommends institutional development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on June 10, 2021. Notice of the public hearing was published in the Daily Reflector on June 13 and June 20, 2021.

Related Zoning Ordinance Regulations:

Definition:

Day care; child. An establishment which provides for the care and supervision of six or more children away from their homes by persons other than their family members, custodians or guardians for periods not to exceed 18 hours within any 24-hour period.

Specific Criteria

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

Staff Recommended Conditions:

Day care facility shall comply with city code requirements, all federal and state licensing regulations and laws and maintain all applicable licensing requirements.

Other Comments:

Applicant shall submit floor plans with building permit.

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

Staff Recommendation:

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

Chairman Glenn opened the public meeting.

Billy Walton, applicant, spoke in favor of the application. He stated they have operated the child care center for six years. He stated they have modular units located in the building. They plan to build onto the back with brick and mortar building and remove the modular units. He stated they are not growing the facility in terms of capacity, they are growing the facility to make it better for the children. He stated he owns Sabre Companies, LLC which owns the property.

Motion made by Mr. Bullock to find that Billy Walton by and through Sabre Companies, LLC as owner of the property at issue has standing to proceed in this matter, Mr. Lilley seconded the motion and it passed unanimously. Vote: 7 to 0

Bryan Fagundus, witness, stated he is the principal at Ark Consulting Group and a licensed professional engineer.

Motion made by Mr. McKinnon that the board find and conclude that Bryan Fagundus is an expert as a certified professional engineer, Mr. Bullock seconded the motion and it passed unanimously. Vote: 7 to 0

Mr. Fagundus spoke in favor of the application. He stated the property was originally constructed as a day care facility and operated throughout the years by Vidant Health. He stated the facility opened in 1993 and the first modular was added in 1998 and the second modular was added in 2006. He stated their plan for this property has been to formalize this expansion space into brick and mortar building. He stated with this project, the intent is to move out of the modular units and into a more permanent space to provide better services. He stated the project is in compliance with the city's regulations and comprehensive plan. He stated they will meet all the recommended conditions by city staff.

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. Bullock made a motion to adopt the Finding of Facts, Ms. Bellis seconded the motion and it passed unanimously. Vote: 7 to 0

Mr. Bullock made a motion to approve the petition with the recommended conditions by city staff, Mr. Lilley seconded the motion and it passed unanimously. Vote: 7 to 0

Chairman Glenn announced that Sabre Companies, LLC special use permit had been granted.

3. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY CIRCLE K STORES, INC.

The applicant, Circle K Stores, Inc., desires to operate a convenience store with gasoline sales and outdoor dining pursuant to Appendix A, Use (10)b. and Use (10)j. of the Greenville City Code. The proposed use is located at 950 E. Firetower Road. The property is further identified as being tax parcel number 79547.

Chairman Glenn confirmed and swore in four registered speakers – Andy Priolo, Brian Downs, Rick Baker, and Steve Rentz.

Rick Baker stated he is a part of the Timmons Group. He stated he is the professional engineer for the project and they are doing the design work for the project.

Steve Rentz stated he is the owner of the project. He stated he is a managing member of Firetower OP, LLC.

Brian Downs stated he is a project manager at Timmons Group. He stated he is not a professional engineer but he works under the direct charge of Rick Baker.

Any Priolo stated he represents Circle K Stores.

Motion made by Mr. McKinnon to accept Rick Baker as an expert in the field of professional engineering, Mr. Bullock seconded the motion and it passed unanimously. Vote: 7 to 0

Mr. McKinnon asked Mr. Downs if he is a construction project manager.

Mr. Downs stated he is a civil project manager. He stated he has done ninety Circle K Store's and he has worked at about 400 convenient stores at different capacities.

Mr. McKinnon asked if he is an employee of Circle K.

Mr. Downs stated he is an employee of Timmon's Group.

Motion made by Ms. Bellis that the board find and conclude that Brian Downs is a civil project manager specifically for Circle K Stores, Mr. Bullock seconded the motion and it passed unanimously. Vote: 7 to 0

Motion made by Mr. Cohen, seconded by Mr. McKinnon that Steve Rentz of Firetower OP, LLC is the member management of that company who is the owner of the subject property and has standing as the owner and it passed unanimously. Vote: 7 to 0

Motion made by Mr. Bullock, seconded by Ms. Bellis that Andy Priolo on behalf of Circle K Stores Inc. has standing to proceed as the leasehold interest of the property 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: O (Office)
South: CG (General Commercial)
East: R6 (Residential)
West: CG (General Commercial)

Surrounding Developments:

North: CreCon Bank, Martin Family Dentistry, O'Donahue Chiropractic, and WCTI Channel 12 Station
South: CHE Mid-Atlantic, Inc., Champions Health & Fitness, Winterville Charter Academy
East: Whitebridge Apartments
West: Vacant lot

Description of Property:

The subject property is 2.20 acres in size and has approximately 370 feet of frontage along E. Fire Tower Road and 300 feet of frontage along Bayswater Road. The property is currently undeveloped. A portion of the property is in the floodway.

Comprehensive Plan:

The property is located within the 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 June 10, 2021. Notice of the public hearing was published in the Daily Reflector on June 13 and June 20, 2021.

Related Zoning Ordinance Regulations:

Definition:

Restaurant and/or dining and entertainment establishment; outdoor activities.

- (1) A principal and/or accessory use associated with or utilized in conjunction with a conventional or fast food restaurant or a dining and entertainment establishment which is intended for the temporary or permanent conduct of activities relative to the sale, transfer or enjoyment of products and/or services to persons located on the business premises and which is open and enclosed on one of more sides or which is without a complete roof structure. For purposes of this section, all areas not constituting “mechanically conditioned area” as determined by the Building Inspector shall be considered open and unenclosed. Additionally, fences and/or wire or plastic mesh screens shall be considered open and unenclosed for purposes of this section.
- (2) Use of any amplified outdoor audio sound system including loud speakers, audio speakers or other electronic or mechanical sound transmission devices shall be considered as an “outdoor activity” for purposes of this definition.

Restaurant and/or dining and entertainment establishment; regulated outdoor activities.

Any restaurant and/or dining and entertainment establishment; outdoor activity, as defined herein, which is located within 300 feet, as measured to the closest point, of any residential district, excepting CDF, which allows single-family dwellings as a permitted use.

Staff Recommended Conditions:

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

Parking shall satisfy both gasoline fuel sales and restaurant without drive-thru service 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 restaurant 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.

The outdoor dining area shall not be visible from the adjacent residential property through the installation of opaque fencing and/or landscaping.

No restaurant related outdoor accessory activity shall be allowed outside the designated outdoor activity area.

No outdoor activity shall be permitted to overflow into any parking area or yard area, both on the restaurant lot or onto adjacent lots.

There shall be no live outdoor music, floor show, or dancing associated with any outdoor activity area.

Any sound transmission device, system, and/or speaker shall be oriented in a manner that directs all mechanical and/or amplified sound toward the restaurant building and away from any abutting residential property line.

No television transmission, movie projection and/or computer display, excepting personal use of laptop computers, shall be viewed from the outdoor activity area.

Exterior lighting associated with the outdoor activity area shall be directed away from all public and/or private street, and away from property zoned for residential purposes. No exterior lighting shall shine directly into a residential dwelling or premises. 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 restaurant and/or accessory outdoor activity area.

Submit a Floodplain Development Permit for the portion of land within the floodplain prior to applying for a building permit. No development is allowed within the floodway without a no rise certification.

Other Comments:

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

Staff Recommendation:

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

Chairman Glenn asked Ms. Blount if there have been any significant changes to the application that is being presented this time versus what was previously approved.

Ms. Blount stated there has not.

Chairman Glenn opened the public meeting.

Rick Baker, applicant, spoke in favor of the application. He stated as noted they came before the board in 2020 with this same project. He stated there have been no substantial changes to the project since that time, just simply a permit expiration. He stated there will be two driveways, one located on Firetower Road and one located on Bayswater Road. He stated they have sufficient parking as required by the city. He stated the existing riparian buffer with existing vegetation and that will remain in place to buffer this project from the neighbors. He stated they will be meeting all applicable fire and building codes and Circle K uses modern equipment to maintain safety for gas dispensing.

Ms. Bellis asked if there could be a requirement that the existing vegetation be left.

Ms. Blount stated that would be up to the applicant. She stated there is a bufferyard requirement that they have to meet which is an extensive one because they are abutting residential property. She stated that will be required with the site plan but it will be up to the applicant if they want to use the existing trees.

Mr. Downs stated the vast majority of the existing vegetation along the eastern boundary is going to be retained. He stated 95 percent, if not more will be protected.

Ms. Bellis asked if that could be made a requirement. She stated if the applicant is not planning to develop in that area it shouldn't be a problem.

Mr. Downs stated it would be a small percentage of the vegetation that they will demolish.

Mr. McKinnon asked Ms. Bellis if the concern is the water purity, not a visual concern.

Ms. Bellis stated that is part of the concern. She stated main concern is with the increasing rainfall and flooding. She stated she would prefer there be a condition that the vegetative buffer be left there. She stated the applicant has good intentions now but it could change in the future.

Mr. Baker stated there is a master stormwater control measure for this commercial development. He stated all the stormwater from the development itself will be directed to the stormwater control measure.

Ms. Bellis asked what year flood is that supposed to take care of. She asked if it is a 100 or 500 year flood. She stated if it floods there will be a lot of runoff and she wants to be sure there is not runoff into the creek. She stated that could be stopped by leaving the vegetation.

Mr. Downs stated he does not have the year storm on hand. He stated even the capacity the development is designed for will not be fully met.

Mr. McKinnon asked if there is no retention on site and that it will be sent out to the roadways.

Mr. Downs stated there are catch bases, drop inlets and underground pipes which connect to an existing storm pipe system that is located in Bayswater and goes to a wet pond.

Ms. Bellis asked if the water will be sent to the pond instead of the creek.

Mr. Downs stated all rainfall that lands on the impervious is captured and conveyed for stormwater treatment in that regional device.

Mr. Welborn stated that pond was designed to catch the water from these lots and is called a regional detention facility. He stated it was designed in size for a certain amount of impervious for most of the lots on Bayswater, this being one of them. He stated it was designed for detention for the 10 year storm.

Ms. Bellis stated we are having the 100 year storm at much greater frequency.

Mr. Welborn stated nowhere in the city is detention required for the 100 year storm. He stated when that pond was designed, throughout the city was only 10 year detention. Since that time, there are areas of the city that require 25 year detention but this area would be vested because there was an existing stormwater facility and it was designed to meet the ordinance that was existing at that time.

Ms. Bellis stated her request is that the vegetation along the stream be left and there will be no encroachment into that area.

Mr. Baker stated there plan shows a handful of that vegetation be removed.

Ms. Bellis stated it says that they can go into the flood way which would be a terrible thing to happen.

Mr. McKinnon asked if no water is shed east of the riparian buffer, would that satisfy the condition if no water is runoff into the stream.

Chairman Glenn stated it seems like all of the stormwater will be directed to the pond and not the stream.

Mr. McKinnon stated the riparian buffer runs through the parking lot.

Ms. Bellis stated her concern is that the pond is designed for a 10 year event and each year we have more than a 10 year event. She stated she wants to assured that runoff of petroleum products that might be in the parking lot are not going to runoff into the creek and that the vegetation area should be left as an untouched bufferyard.

Chairman Glenn asked if there is a low risk for any runoff to affect the creek.

Mr. Baker stated that is an accurate statement.

Ms. Bellis asked if there some barrier from the parking lot that would protect the vegetation along the creek.

Mr. Baker stated there is curb and gutter along the parking lot. It would be sloped to drain away from the creek and towards Bayswater Road so it would be collected in the stormwater system.

Mr. McKinnon stated it seems like the critical place is where the 35 foot dimension is to the east of the islands where the canopy is.

Mr. Baker stated that flow area has a curb and gutter. It will be directed away from the stream and towards the west.

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. Bellis seconded the motion and it passed unanimously. Vote: 7 to 0

Mr. Bullock made a motion to approve the petition with the recommended conditions by city staff, Mr. Lilley seconded the motion and it passed unanimously. Vote: 7 to 0

Chairman Glenn announced that Circle K Stores, Inc. special use permit had been granted.

4. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY PRISM POWDER COATING & HYDROGRAPHICS, INC.

The applicant, Prism Powdercoating & Hydrographics, Inc., desires to operate an industrial use otherwise not listed (powdercoating and sandblasting) pursuant to Appendix A, Use (15)e. of the Greenville City Code. The proposed use is located at 0 Diamond Drive. The property is further identified as being tax parcel number 73527.

Chairman Glenn confirmed and swore in registered speakers – Tim Moore

Tim Moore, applicant, stated he is under contract to purchase the property but he wants to get the special use permit before purchasing it. He stated he is the president of Prism Powder Coating and Hydrographics, Inc.

Motion made by Mr. McKinnon that Tim Moore has standing to proceed as a party in the case on behalf of the company that has a leasehold interest, Mr. Bullock 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 northeastern portion of the city.

Zoning of Property:

IU (Unoffensive Industry)

Surrounding Zonings:

North: IU (Unoffensive Industry) and RR (Pitt County Zoning)

South: I (Industry)

East: RA20 (Residential – Agricultural) and RR (Pitt County Zoning)

West: IU (Unoffensive Industry)

Surrounding Developments:

North: a detention pond

South: forested lot and a vacant lot

East: a detention pond

West: ABC Supply Company, Inc. and Equipment Plus

Description of Property:

The proposed property is a 4.39 acre vacant lot located in the Lakeview Industrial Park. The property has approximately 112 feet of frontage along Diamond Drive. About 14% (approximately 26,000 square feet) of the eastern portion of the property is located within the floodplain.

Comprehensive Plan:

The property is located within the Industrial/Logistics and Potential Conservation/Open Space character type as designated by the Horizon Plan. The proposed use is in compliance with the Future Land Use Plan which recommends industrial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on June 10, 2021. Notice of the public hearing was published in the Daily Reflector on June 13 and June 20, 2021.

Staff Recommended Conditions:

All vehicles on the premise for service shall be stored at the rear of the principal structure and screened so as not to be visible from adjoining property lines and street right-of-way.

All services shall be performed within a completely enclosed building.

Submit a Floodplain Development Permit for the portion of land within the floodplain prior to applying for a building permit.

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.

Chairman Glenn opened the public meeting.

Tim Moore, application, spoke in favor of the application. He stated he wants to purchase this property to build a building on the vacant lot and move their business to this location. He stated he has been operating at his current location for 3 years. He stated they have made improvements to their current location but they are wanting to get their own location.

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 asked if Mr. Moore is clear on the conditions stated by Ms. Blount.

Mr. Moore stated he is clear on the 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. Cohen seconded the motion and it passed unanimously. Vote: 7 to 0

Mr. Bullock made a motion to approve the petition with the recommended conditions by city staff, Mr. McKinnon seconded the motion and it passed unanimously. Vote: 7 to 0

Chairman Glenn announced that Prism Powder Coating and Hydrographics, Inc. special use permit had been granted.

PROPOSED BOA DECISION AND ORDER GRANTING SPECIAL USE PERMIT FOR COASTAL PLAIN SHOOTING ACADEMY

Ms. Evans made a motion to accept the proposed decision and order granting special use permit as presented to the board, Mr. Bullock seconded the motion and it passed unanimously. Vote: 7 to 0

ELECTIONS

Mr. McKinnon nominated Michael Glenn as chair. The board unanimously approved Michael Glenn as chair.

Mr. Lilley nominated Rodney Bullock as vice chair. The board unanimously approved Rodney Bullock as vice chair.

With no further business, Mr. McKinnon made a motion to adjourn, Mr. Bullock seconded, and the motion to adjourn passed unanimously. Meeting adjourned at 7:50 p.m.

Respectfully submitted

Elizabeth Blount
Lead Planner