

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

VOTING MEMBERS: Glenn, Bullock, Bellis, Evans, Cohen, Landrine, Purtle

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.

OPENING STATEMENT: Mr. Glenn read the following statement:

*The meeting will now come to order. Welcome to the **July 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. Bullock, seconded by Ms. Bellis, to approve the June 24, 2021 minutes. Motion passed unanimously.

Chairman Glenn swore in presenting staff members- Elizabeth Blount and Travis Welborn

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 VSS ARLINGTON, LLC

The applicant, VSS Arlington, LLC, desires to operate a Tobacco Shop Class 1 pursuant to Appendix A, Use (10)ff. 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

Mr. Bullock made a motion that Mona Gilliam and Sameer Ahmad have standing to participate in the proceeding as both having leasehold interest in the subject property, 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 southeastern portion of the city.

Zoning of Property:

CG (General Commercial)

Surrounding Zonings:

North: CG (General Commercial)
South: CG (General Commercial)
East: CG (General Commercial)
West: CG (General Commercial)

Surrounding Developments:

North: Blount Recreational Sports Complex
South: Arlington Plaza
East: WITN
West: Century 21 Elite Properties

Description of Property:

The subject property is 0.50 acres in size and contains a multiple unit commercial building. Currently the entire building is vacant. The applicant wishes to operate a tobacco shop 1 in unit D of the building.

Comprehensive Plan:

The property is located within the Office/Industrial character type as designated by the Horizon 2026 Plan. The proposed use is not in compliance with the Future Land Use and Character Map which recommends office and institutional/civic development for the subject property; however, the existing building is vacant.

Notice:

Notice was mailed to the adjoining property owners on July 6, 2021. Notice of the public hearing was published in the Daily Reflector on July 11 and July 18, 2021.

Related Zoning Ordinance Regulations:

Definition:

Tobacco Shop (Class 1). An establishment that, as a 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:

(BB) *Tobacco shop (Class 1) (see also section 9-4-22).*

- (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.

The major difference between a Class 1 and Class 2 Tobacco Shop is a Class 2 can sale water pipes, hookah pipes, bowls, water bongos or similar products and a Class 1 cannot.

Staff Recommended Conditions:

Shall not operate or evolve as a hookah café without the issuance of a change of use or a Special Use Permit for such use.

Shall not operate as a Tobacco Shop Class 2.

No LED or flashing letters, light strips or signs shall be permitted on the glass nor the outside of the building.

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

No loitering permitted outside of business.

No smoking shall be allowed on the premise.

Must comply with all federal, state and local laws.

Other Comments:

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

Additional uses/changes will require submittal(s) for review and approval so that additional building code requirements can be met for additional uses/changes.

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.

Sameer Ahmad, applicant, spoke in favor of the application. He stated their main purpose of the application is to contribute to the city's economy as a small business. He stated this will be a retail store, not a lounge. He stated they will offer tobacco products, novelties and gift items. He stated this business is part of a franchise and he has had this business for over 10 years with stores in Florida and Texas. He stated their stores are high-end and create a better experience for customers.

Mona Gilliam, applicant, spoke in favor of the application. She stated their store will be similar to High Life Smoke Shop in Greenville as far as representation and atmosphere.

Mr. Landrine asked what types of products will be sold.

Mr. Ahmad stated they will sell rolling papers, cigarettes, novelty items, gift items and CBD products. He stated they will also carry shisha and other products used with hookahs. He stated they will sell snacks and beverages as well.

Ms. Gilliam stated they will also have vape products.

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.

Chairman Glenn reminded the applicants of the recommended condition for no flashing lights and window signage.

Mr. Ahmad stated they will abide by the recommended condition and will not have flashing lights or window signage.

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

Chairman Glenn announced that VSS Arlington, LLC's special use permit had been granted.

2. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY SHILOAM AFFAIRS, LLC

The applicant, Shiloam Affairs, LLC, desires to operate a convention center pursuant to Appendix A, Use (8)l. of the Greenville City Code. The proposed use is located at 215 E. Arlington, Suite E. The property is further identified as being tax parcel number 47881.

Chairman Glenn confirmed and swore in one registered speaker – Mona Gilliam

Mr. Bullock made a motion that Mona Gilliam has standing to participate in the proceeding because she is the applicant and has a leasehold interest in the subject property, Mr. Purtle 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 southeastern portion of the city.

Zoning of Property:

CG (General Commercial)

Surrounding Zonings:

North: CG (General Commercial)
South: CG (General Commercial)
East: CG (General Commercial)
West: CG (General Commercial)

Surrounding Developments:

North: Blount Recreational Sports Complex
South: Arlington Plaza
East: WITN
West: Century 21 Elite Properties

Description of Property:

The subject property is 0.50 acres in size and contains a multiple unit commercial building. Currently the entire building is vacant. The applicant wishes to operate a convention center in unit E of the building. A convention center allows the applicant to rent out the space to third parties.

Comprehensive Plan:

The property is located within the Office/Industrial character type as designated by the Horizon 2026 Plan. The proposed use is in compliance with the Future Land Use and Character Map which recommends office and institutional/civic development for the subject property; however, the existing building is vacant.

Notice:

Notice was mailed to the adjoining property owners on July 6, 2021. Notice of the public hearing was published in the Daily Reflector on July 11 and July 18, 2021.

Staff Recommended Conditions:

- Shall not be a place of entertainment and shall not operate as a private club as defined by the City of Greenville Zoning Ordinance.
- All renters shall be screened, contracts signed and a representative from the center shall be on site during the events.
- No alcoholic beverages permitted outside of the building.
- Noise level shall not exceed 65 dbA 7 am-11 pm or 60 dbA 11 pm-12 am.
- The applicant must have North Carolina licensed security guard on site during events.
- Hours of operation shall not surpass 12 am.
- The proposed use must comply with all federal, state and local laws and regulations.

Other Comments:

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

Additional uses/changes will require submittal(s) for review and approval so that additional building code requirements can be met for additional uses/changes.

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.

Mona Gilliam, applicant, spoke in favor of the application. She stated during the day they will offer Wi-Fi to the public. She stated the private convention will be offered after hours anywhere between 6 p.m. to 11 p.m. for celebratory events. She stated the events will be screened for safety purposes. She stated the space will also be offered for conference meetings.

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

Chairman Glenn announced that Shiloam Affairs, LLC's special use permit had been granted.

NEW BUSINESS

1. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY KIEL SLAYTON & RAVENS THORN, LLC

The applicants, Kiel Slayton and Ravens Thorn, LLC, desire to operate a personal service not otherwise listed (microblading) pursuant to Appendix A, Use (15)a. of the Greenville City Code. The proposed use is located at 2708 A E. 10th Street. The property is further identified as being tax parcel number 18592.

Chairman Glenn confirmed and swore in one registered speaker – Kiel Slayton

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:

CG (General Commercial)

Surrounding Zonings:

North: CG (General Commercial)
South: R9S (Residential Single Family)
East: CG (General Commercial)
West: CG (General Commercial)

Surrounding Developments:

North: Colonial Heights Shopping Center
South: Single Family dwellings
East: Ivan's Beauty Shop and RevIVe Heath & Wellness PLLC
West: Pirates Auto Sales and Repair Shop

Description of Property:

The subject property is 0.44 acres in size and contains two commercial multi-unit buildings. The property has approximately 146 feet of frontage along E. 10th Street. The applicant wishes to operate a micro blading and micro shading business in a combination of four units in building number 2708 totally 1,200 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 and Character Map which recommends commercial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on July 6, 2021. Notice of the public hearing was published in the Daily Reflector on July 11 and July 18, 2021.

Staff Recommended Conditions:

Must obtain a permit from the Department of Public Health as required by NCGS §130A-283, and must comply with any other health department requirements including but not limited to sanitation, first aid, vaccinations, health certifications, disposal of needles and other bio hazard waste material.

Must comply with NCGS §130A-283 and 15A NCAC 18A.3200 et seq. and any other federal, state and local laws and regulations.

No loitering permitted outside of business.

Services shall be limited to micro blading and shading only and shall not include body art, body piercing services or other types of tattoos.

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 opened the public meeting.

Kiel Slayton, applicant, spoke in favor of the application. He stated this application is for a microblading and microshading studio. He stated there are two individuals that will be employed. He stated both of the employees have completed training and hold the required credentials to perform these procedures.

Mr. Bullock asked if microblading is under the Board of Cosmetic Arts or if it is not currently overseen by any board.

Mr. Slayton stated it is not currently overseen by any board. He stated the only requirement to perform these procedures, is a license from the Health Department for cosmetic tattooing.

Mr. Landrine asked Mr. Slayton to explain microblading and how it is different from tattooing.

Mr. Slayton stated microblading and microshading is a process where specific tools are used to reshape and rebuild the structure of the eyebrows. He stated there is a consultation with the client where the artist does a brow mapping to map out the facial structure and how the brows will sit on the face, then they apply a light anesthetic. He stated once the anesthetic has taken effect, the artist uses a machine or hand tool to go over the marks lightly. He stated the microshading is a process used with the machine where once the strokes have been applied, the artist will go back and add more color to achieve the full look of the brows.

Mr. Landrine asked if there is any specific licensing for administering the anesthetic.

Mr. Slayton stated there is not at this time. He stated typically you will find some artists that perform these procedures without any training. He stated they have completed a five day training with a licensed teacher. He stated they received certificates that he feels will foster a level of trust between the client, community and artist.

Ms. Bellis asked if eyebrows will be the only thing they will be doing.

Mr. Slayton stated that is correct. He stated there are other procedures such as lip blushing and dying, eyeliner, and scalp pigmentation. He stated there are other services they would potentially like to add in the future. He stated they are looking at doing botox and laser tattoo removal. He stated the hope is to develop into a medspa and this is the foundation for the medspa.

Ms. Bellis asked if they will have to get additional permits for those procedures.

Mr. Slayton stated this permit is just for the microblading and microshading. He stated at this time their intention is to do microblading and microshading only. He stated when it comes time and the certifications are in place for the practitioners, they will determine the process for the allowance to perform other procedures.

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, Ms. Evans seconded the motion and it passed unanimously. Vote: 7 to 0

Chairman Glenn announced that Kiel Slayton & Ravens Thorn, LLC's special use permit had been granted.

2. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY KIEL SLAYTON & RAVENS THORN, LLC

The applicants, Kiel Slayton and Ravens Thorn, LLC, desire to operate a personal service not otherwise listed (tattoo shop) pursuant to Appendix A, Use (15)a. of the Greenville City Code. The proposed use is located at 2706 A E. 10th Street. The property is further identified as being tax parcel number 18592.

Chairman Glenn confirmed and swore in one registered speaker – Kiel Slayton

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:

CG (General Commercial)

Surrounding Zonings:

North: CG (General Commercial)
South: R9S (Residential Single Family)
East: CG (General Commercial)
West: CG (General Commercial)

Surrounding Developments:

North: Colonial Heights Shopping Center
South: Single Family dwellings
East: Ivan’s Beauty Shop and RevIVe Health & Wellness PLLC
West: Pirates Auto Sales and Repair Shop

Description of Property:

The subject property is 0.44 acres in size and contains two commercial multi-unit buildings. The property has approximately 146 feet of frontage along E. 10th Street. The applicant wishes to operate a tattoo shop in two units totally 1,300 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 and Character Map which recommends commercial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on July 6, 2021. Notice of the public hearing was published in the Daily Reflector on July 11 and July 18, 2021.

Staff Recommended Conditions:

Must obtain a permit from the Department of Public Health as required by NCGS §130A-283, and must comply with any other health department requirements including but not limited to sanitation, first aid, vaccinations, health certifications, disposal of needles and other bio hazard waste material.

Must comply with NCGS §130A-283 and 15A NCAC 18A.3200 (Rules governing tattooing from Environmental Health) et seq. and any other federal, state and local laws and regulations.

Must not violate NCGS§14-400. Tattooing; body piercing prohibited regulations for those under 18 years of age.

No loitering permitted outside of business.

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 opened the public meeting.

Kiel Slayton, applicant, spoke in favor of the application. He stated they will be performing tattooing at this 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 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, Mr. Landrine seconded the motion and it passed unanimously. Vote: 7 to 0

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

Chairman Glenn announced that Kiel Slayton & Ravens Thorn, LLC's special use permit had been granted.

3. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY SHEETZ, INC.

The applicant, Sheetz, Inc., desires to operate a convenience store with gasoline sales and restaurant with a drive through pursuant to Appendix A, Use (10)b. of the Greenville City Code. The proposed use is located at 1000 Charles Boulevard. The property is further identified as being tax parcel numbers 74017, 00287, 11692, 21041, 20804.

Chairman Glenn confirmed and swore in four registered speakers – Tom Anastasi, Jamie Gerhart, Phillip Dixon and Dwight Vernelson.

Phillip Dixon, applicant's attorney, stated James Gerhart is the Director of Real Estate for the southeast region for Sheetz, Dwight Vernelson is a professional engineer with River's & Associates, and Tom Anastasi is a professional engineer and engineering project manager.

Mr. Dixon asked Mr. Gerhart to state how he is currently employed and what his duties generally are with Sheetz.

Mr. Gerhart stated he has been with Sheetz for 21 years and the last 14 of which have been in real estate. He stated he has most of Virginia and North Carolina for the company. He stated he is currently Director of Real Estate in the southern region.

Mr. Dixon asked what would be his area of expertise.

Mr. Gerhart stated the site selectors are responsible for identifying, researching, and making deals with the property owners.

Mr. Dixon asked how long he has been doing this for Sheetz.

Mr. Gerhart stated 14 years.

Mr. Dixon asked if Sheetz is the first company he's done this kind of work for.

Mr. Gerhart stated he started as a Sheetz store manager. He stated he has not done commercial real estate for any other company.

Mr. Dixon asked how many Sheetz projects has he done.

Mr. Gerhart stated he is up to 104 or 105 stores in North Carolina and he has been involved in almost all of them.

Mr. Dixon asked if he was involved with the Sheetz project on Firetower Road and the new location near the hospital.

Mr. Gerhart stated that is correct.

Mr. Dixon asked if this is something he does on a regular basis.

Mr. Gerhart stated yes. He stated Sheetz has been in a growth mode.

Mr. Dixon asked why there is a proposed demolition and rebuild.

Mr. Gerhart stated when the store was built in 2007 it was first in class but over time customers have become more interested in Sheetz food and beverages. He stated they are constantly seeking to keep their stores first in class. He stated they are also including a drive through which has become more essential.

Ms. Evans made a motion to accept Jamie Gerhart as an expert witness in Real Estate Development, Mr. Landrine seconded the motion and it passed unanimously. Vote: 7 to 0

Dwight Vernelson, professional engineer, stated he works with Rivers & Associates and has been employed there for 36 years. He stated he has been registered professional engineer since 1986.

Mr. Dixon asked how long he has been working in real estate development such as this.

Mr. Vernelson stated they have been involved with Sheetz for about 15 years and have worked on between 28 and 30 Sheetz projects. He stated he has worked in the private development since he started with Rivers.

Mr. Dixon asked if his greatest source of expertise is from two years at East Carolina University and two lesser years at N.C. State.

Mr. Vernelson stated he spent 3 years at N.C. State University.

Mr. Dixon asked if as a professional engineer he has had to demonstrate to the State of North Carolina a certain level of expertise.

Mr. Vernelson stated that is correct. He stated he took the engineering intern exam, practiced under someone for four years and passed his professional engineer exam.

Mr. Bullock made a motion to accept Dwight Vernelson as an expert witness in professional engineering, Ms. Bellis seconded the motion and it passed unanimously. Vote: 7 to 0

Mr. Dixon asked Tom Anastasi for his official title.

Mr. Anastasi stated Engineering Permitting Project Manager.

Mr. Dixon asked for his educational background and licensing.

Mr. Anastasi stated civil engineering by education and he has a professional North Carolina license.

Mr. Dixon asked what his duties and responsibilities are with Sheetz as an Engineering Permitting Project Manager.

Mr. Anastasi stated he hires the team of professional engineers, attorneys, transportation and whatever team is needed to get the project permitted and handed off to construction.

Mr. Dixon asked if he deals with the architectural, materials, upgrades, underground storage tanks, lighting, technology and all the particulars of the site development.

Mr. Anastasi stated that is correct.

Mr. Dixon asked if his licensing as a professional engineer is based on some licensing from the state.

Mr. Anastasi stated that is correct. He stated he took the engineering intern exam, worked under a professional engineer for four years, and took the professional engineer exam. He stated he received a degree from UNC Charlotte.

Mr. Bullock made a motion to accept Tom Anastasi as an expert witness in professional engineering, Mr. Landrine 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 center portion of the city.

Zoning of Property:

CDF (Commercial Downtown Fringe)

Surrounding Zonings:

North: OR (Office Residential)
South: CDF (Commercial Downtown Fringe)
East: CDF (Commercial Downtown Fringe)
West: CDF (Commercial Downtown Fringe)

Surrounding Developments:

North: ECU Life Science and Biotechnology Building
South: Carolina Pregnancy Center, NC Court Reporting and single family homes
East: Krispy Kreme, Charles Boulevard Shoppes and Proximity Student Dormitory
West: Subway, Hibachi Express, T Mobile, Starbucks, and parking lot for Power of His Presence

Description of Property:

The current property is 1.44 acres in size with frontage along Tenth, Charles and Forbes Street. The site is located within the Center City Revitalization Area. The property also fronts two major thoroughfares – Tenth Street and Charles Boulevard. The applicant wishes to purchase the Carolina Pregnancy parcels and rebuild the facility to cover an entire city block. The proposed use will have frontage along Tenth, Charles, Eleventh, and Forbes Streets. The total size of the property will be 2.05 acres.

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 and Character Map which recommends commercial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on July 6, 2021. Notice of the public hearing was published in the Daily Reflector on July 11 and July 18, 2021.

Staff Recommended Conditions:

Continue applicable conditions from previous special use permit:

Pedestrians shall be able to access the development from Charles and 10th Street.

A low (2-3 ft.) screen wall or hedge shall be constructed separating any parking from all streets.

Sidewalks shall be installed along all streets.

Street trees shall be installed per existing requirements at this location.

On site and canopy lighting shall be shielded and directed to prevent the light cone from crossing the right-of-way line or perimeter of the property.

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 with 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 opening 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. (7)

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.

Development layout shall be in accordance with the setback requirements and location of menu reader board for a restaurant utilizing drive-through services listed in the City of Greenville Zoning Ordinance.

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 opened the public meeting.

Mr. Dixon asked Mr. Gerhart if it would be fair to say that other locations have had a dramatic increase in the number of drive through ordering.

Mr. Gerhart stated that is correct.

Mr. Dixon asked if there is currently not a drive through at this location.

Mr. Gerhart stated that is correct.

Mr. Dixon asked if that is one motivation for the demolition and rebuild.

Mr. Gerhart stated that is correct.

Mr. Dixon asked if they are not increasing the number gasoline pumps at this site.

Mr. Gerhart stated that is correct. He stated the model continues to shift towards the ultimate convenient store and one stop shop inside the store.

Mr. Dixon asked with the substantial number of new student housing projects nearby, is it expected to be a continued increase in pedestrian traffic.

Mr. Gerhart stated he would expect increase in pedestrian traffic and that is why the four sides of the site having sidewalks is important.

Mr. Dixon asked if the primary purpose for increasing the store size from a little less than 5,000 square feet to a little more than 6,000 square feet is to add dining inside the store.

Mr. Gerhart stated that is correct.

Mr. Dixon asked if there will be indoor dining for about 30 people.

Mr. Gerhart stated that is correct.

Mr. Dixon asked if there will be outdoor dining 16 seats at 5 tables.

Mr. Gerhart stated that is correct.

Mr. Dixon asked if they will have about 44 parking spaces.

Mr. Gerhart stated that is correct.

Mr. Dixon asked if eight cars will be able to be in the drive through at any one time

Mr. Gerhart stated that is correct and shown on the map.

Mr. Dixon asked if the drive through would decrease the number of people that would go inside the store and instead they would use the drive through to make purchases.

Mr. Gerhart stated there may be an occasion where a customer will go inside the store and other occasions where the same customer may use the drive through.

Mr. Dixon asked what kind of investment this is.

Mr. Gerhart stated this is an over 4.5 million dollar investment.

Mr. Dixon asked if there is anything he wishes to add.

Mr. Gerhart stated this location currently has 26 employees. He stated he has spoken with the district manager and they are expecting to add at least 5 more with the slightly larger store and drive through component.

Mr. Dixon asked Mr. Vernelson if he is responsible for doing the plot plan and making sure they comply with the conditions for the special use permit.

Mr. Vernelson stated that is correct.

Mr. Dixon asked him to address the health and safety issues.

Mr. Vernelson stated by utilizing the whole block it opens up more options for ingress and egress. He stated they are proposing four driveways and the existing right-in driveway on 10th street will remain as is. He stated the full service driveway on Forbes Street will shift slightly to align with the purposed parking lot and drive isles. He stated the driveway on 11th Street will shift to align with the parking lot as well. He stated currently on Charles Boulevard there is an existing full service driveway and that driveway will be changed to a right-in and right-out driveway only. He stated they will put in a concrete median that will begin at the intersection of 10th Street and Charles Boulevard and continue down to the 11th Street intersection.

Mr. Dixon asked if this is to prevent turns across traffic.

Mr. Vernelson stated that is correct. He stated it is to cut out the left turn movements.

Mr. Dixon asked that according to DOT there is a hazard from people turning into Krispy Kreme and Charles Boulevard shops trying to turn left when there is no turn lane there.

Mr. Vernelson stated that is correct.

Mr. Dixon asked if a traffic hazard will be eliminated by adding this 18 inch median along the corner between the Sheetz, Krispy Kreme and Charles Boulevard Shops.

Mr. Vernelson stated that is correct and it should be a safer corridor.

Mr. Dixon asked if there will be only right-in and right-out traffic on Charles Boulevard.

Mr. Vernelson stated that is correct.

Mr. Dixon asked if it complies with the city's minimum standards for conditions and specifications.

Mr. Vernelson stated absolutely. He stated they will do a site plan and will meet the minimum requirements.

Mr. Dixon asked if it is in his professional opinion that it complies with the Horizons 2026: Greenville's Community Plan.

Mr. Vernelson stated they do comply with the Horizons Plan.

Mr. Dixon asked by enlarging this site, they are trying to improve traffic both internal and external but also an opportunity for ingress and egress on four sides.

Mr. Vernelson stated that is correct.

Mr. Dixon asked if there will be two roads that will provide assistance and empty traffic from both 11th Street and Forbes Street.

Mr. Vernelson stated that is correct.

Mr. Dixon asked if the drive through will empty onto Forbes Street.

Mr. Vernelson stated that is correct.

Mr. Dixon asked if he has reworked the entire internal traffic flow for this site to make it safer and to spread out the store over a larger area.

Mr. Vernelson stated that is correct. He stated by using all four streets there are more options and opportunities for ingress and egress.

Mr. Dixon asked what exists on the adjoining properties.

Mr. Vernelson stated to the west there is vacant and occupied property. He stated to the south there is single family and business. He stated to the east is the Krispy Kreme and the Charles Boulevard Shops.

Mr. Dixon asked if the concrete median will take care of traffic issues related to Krispy Kreme and the Charles Boulevard shops.

Mr. Vernelson stated that is correct.

Mr. Dixon asked how close the nearest residence is to the outdoor dining area for the store.

Mr. Vernelson stated approximately 162 feet.

Mr. Dixon asked if there is anything he would like to add.

Mr. Vernelson stated they will comply with the city's requirements for parking and screening.

Mr. Dixon asked Mr. Anastasi how different this store will be from the current store that was built in 2007.

Mr. Anastasi stated the current store has no indoor dining. He stated in the older stores everything is congregated together and in the new stores there is more of separation between the restaurant and convenience. He stated the

older generation stores incorporate LED lighting but as things evolve they are going to update the inside and outside to more modern LED lighting. He stated the underground storage tanks still have life left in them but they are still going to replace the tanks and offer new products at this location.

Mr. Dixon asked if they will offer ethanol free gas.

Mr. Anastasi stated that is correct. He stated at all of the new stores and remodels they will have almost every type of blended gas, ethanol free gas and diesel fuel available to customers.

Mr. Dixon asked if most recently they built a new store by the hospital and they are currently doing a demolition and rebuild to the store on Firetower.

Mr. Anastasi stated they are doing a remodel at the Firetower store because they do not have the room to rebuild the larger, new generation store as with this site.

Mr. Dixon asked if the architecture will be similar to the newer store by the hospital.

Mr. Anastasi stated the stores are similar but there will be some noticeable differences. He stated they will be using all new materials.

Mr. Dixon stated he has worked with Sheetz on a handful of projects. He stated this store will meet the needs of people in the area and help people avoid getting on the highway.

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, Mr. Landrine 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. Landrine seconded the motion and it passed unanimously. Vote: 7 to 0

Chairman Glenn announced that Sheetz, Inc.'s special use permit had been granted.

4. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY BRET FLORY

The applicant, Bret Flory, desires to operate a major repair facility pursuant to Appendix A, Use (9)a. of the Greenville City Code. The proposed use is located at 0 Whitley Drive. The property is further identified as being tax parcel number 08387.

Chairman Glenn confirmed and swore in three registered speakers – Bret Flory, Alex Horner, and Kyle Hoyt

Mr. Bullock made a motion that Bret Flory has standing to proceed as the applicant, Ms. Bellis 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 southern portion of the city.

Zoning of Property:

CG (General Commercial)

Surrounding Zonings:

North: CG (General Commercial)
South: CG (General Commercial)
East: CG (General Commercial)
West: CG (General Commercial)

Surrounding Developments:

North: Vacant lots
South: Sam’s Express Car Wash
East: Vacant lot
West: Vacant lot and Car Max

Description of Property:

The subject property is 2.20 acres in size and has approximately 740 feet of frontage along Whitley Drive. The applicant wishes to operate an auto body paint and repair shop.

Comprehensive Plan:

The property is located within the Mixed Use High Intensity character type as designated by the Horizon 2026 Greenville Community Plan. The proposed use is in compliance with the Future Land Use and Character Map which recommends commercial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on July 6, 2021. Notice of the public hearing was published in the Daily Reflector on July 11 and July 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) Battery 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 Recommended Conditions:

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

Vehicles on the premises for repair shall be screened so as not to be visible from adjoining property lines and street right-of-way.

Property shall not evolve into a junkyard, automobile graveyard or material reclamation facility.

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.

Bret Flory, applicant, spoke in favor of the application. He stated he is the architect for the project. He stated he has 23 years of experience as an architect and has been working with Caliber Collision for 9 years. He stated he has completed almost 300 shops for Caliber Collision and their developers. He stated he is the expert witness for the building. He stated Kyle Hoyt is a civil engineer and is the expert witness for the site.

Chairman Glenn asked Mr. Flory to educate the board on what will be happening at this site.

Mr. Flory stated Caliber Collision will be building a 14,000 square foot facility, can generate 6,000 to 7,000 dollars a month revenue at this location and will have about 25 employees. He stated Caliber Collision is the world's largest collision repair company with almost 20,000 employees at 1,300 locations. He stated they work with all the major insurance companies and they are the industry leader in the collision repair field. He stated all the work is done inside the building. He stated the shop is air conditioned and the doors will remain closed unless they are pulling cars in and out. He stated all customer vehicles whether damaged or repaired will be stored behind the opaque fence.

Kyle Hoyt, professional engineer, stated he has been in the engineering business for over 20 years and he is licensed in about 30 states. He stated he has worked on projects for Caliber Collision for 3 years. He stated he has completed numerous automotive repair facilities outside of Caliber Collision.

Alex Horner, professional engineer, stated he received his civil engineering degree from N.C. State. He stated he is a registered professional engineer in South Carolina and has worked on a number of Caliber Collisions.

Mr. Bullock made a motion to accept Bret Flory as an expert in the field of architecture particularly building architecture for Caliber Collision properties, Alex Horner as a professional engineer, and Kyle Hoyt as site engineer and professional engineer, Mr. Purtle seconded the motion and it passed unanimously. Vote: 7 to 0

Mr. Flory stated the front of the building will have a covered canopy where customers can drop off their cars. He stated the vehicles will be stored at the back of the building and all of the mechanical equipment will be screened as well. He stated they have no issue with any of the recommended conditions.

Ms. Bellis asked if there is a provision to cover the tires to keep water out of them.

Mr. Flory stated Caliber Collision does not store tires outside. He stated they do not do a lot of mechanical repair work such as changing tires. He stated they take the vehicles to a place such as Discount Tires to have tires changed.

Ms. Bellis asked if tires can be stored and covered to keep water out of the tires.

Mr. Flory stated they do not change tires or store tires outside at this location. He stated they will not have tires at this location but they can update the conditions to state they will not store tires at this 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 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, Mr. Purtle seconded the motion and it passed unanimously. Vote: 7 to 0

Ms. Bellis made a motion to approve the petition with the recommended conditions by city staff and the additional condition of no outdoor tires stored at the facility as by consent by the applicant, Mr. Bullock seconded the motion and it passed unanimously. Vote: 7 to 0

Chairman Glenn announced that Bret Flory's special use permit had been granted.

5. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY GREENVILLE COMMUNITY SERVICES, LLC

The applicant, Greenville Community Services, 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 901 Staton Road. The property is further identified as being tax parcel number 28877.

Chairman Glenn confirmed and swore in three registered speakers – Trey Greer, Zantra Best and Donnie Phillips.

Mr. Bullock made a motion to accept Trey Greer as the owner of the property and Donnie Phillips as the leasehold interest holder of the property as parties with standing, Mr. Purtle 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 city's extraterritorial jurisdiction and the recognized industrial park area.

Zoning of Property:

IU (Unoffensive Industry)

Surrounding Zonings:

North: (Unoffensive Industry)

South: (Unoffensive Industry)

East: (Unoffensive Industry)

West: (Unoffensive Industry)

Surrounding Developments:

North: ECVC Recycling Center

South: FED Ex

East: Greenville Aquatics Center

West: Prism Powder Coating and Signs and Tint

Description of Property:

The subject property is 11.78 acres and has approximately 490 feet of frontage along Staton Rd. The property is located within the recognized industrial area north of Staton Road. The applicant wishes to rescind their elementary school special use permit and use the facility as a child day care. 40,915 square feet of the building will be used for the Pitt County Headstart program and 7,624 square feet for an after school program. The original special use permit for an elementary school was granted in January, 2016. An amendment to add a child day care facility was granted in September 2020. The property currently houses the Pitt County Headstart program and an automobile repair facility.

Comprehensive Plan:

The property is located within the Potential Conservaton/ Open Space character type as designated by the Horizon Plan. Much of the areas identified by this character type is based on flood-prone land and environmental constraints that may not correspond precisely with conditions on the ground. The existing use has been in operation and has been determined not to contain barriers to development; therefore, the request is in compliance with the Future Land Use Plan for the subject property.

Notice:

Notice was mailed to the adjoining property owners on July 6, 2021. Notice of the public hearing was published in the Daily Reflector on July 11 and July 18, 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

Section 9-4-86 (E)

Child day care facilities

- (1) All accessory structures, including but not limited to playground equipment and pools must be located in the rear yard.
- (2) The minimum lot size shall be increased by a ratio of 100 square feet per child in excess of five.
- (3) Outdoor play area shall be provided at a ratio of 75 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:

Site plan approval is required prior to issuance of a building permit.

Each agency must comply with all criteria independent from one another.

Facility shall comply with city code requirements, all state licensing regulations and NC Department of Health and Human Services regulations prior to operation and maintain all proper licensing.

Property shall not operate or evolve into another use without issuance of a change of use or a Special Use Permit for such use.

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.

Attorney Phillips stated prior to proceeding with the consideration of this special use permit, it will require the applicant to voluntarily surrender and cancel the existing special use permit.

Chairman Glenn asked the applicant, Trey Greer, if it is understood that he is requesting the existing special use permit to be removed.

Mr. Greer stated they are rescinding the special use permit for the charter school and applying for the new use for a day care and afterschool program.

Attorney Phillips asked Mr. Greer if he is voluntarily surrendering the special use permit.

Mr. Greer stated he is voluntarily surrendering the special use permit on behalf of Greenville Community Services.

Mr. Bullock made a motion to accept the voluntary surrender and cancellation of the existing special use permit for an elementary school on behalf of Greenville Community Services, LLC and the owner of the property, Ms. Bellis seconded the motion and it passed unanimously. Vote: 7 to 0

Chairman Glenn opened the public meeting.

Donnie Phillips spoke in favor of the application. He stated the intent is to make this site majority an education site. He stated they will have Pre-K and Headstart. He stated it is their intention to have a place to educate children while providing a protective site. He stated they will have an afterschool program that will be located in a separate part of the building from the Headstart program. He stated they want to expand the program.

Zantra Best, Headstart Director, spoke in favor of the application. She stated she oversees the Headstart program and so far they have had great success with the children there. She stated they hope to expand and continue serving

children and families in Pitt County. She stated the Headstart hours are from 8:00 a.m. to 2:30 p.m. and will in no way interfere with the afterschool program.

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. Evans 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, Ms. Evans seconded the motion and it passed unanimously. Vote: 7 to 0

Chairman Glenn announced that Greenville Community Services, LLC's special use permit had been granted.

With no further business, Ms. Evans made a motion to adjourn, Mr. Bullock seconded, and the motion to adjourn passed unanimously. Meeting adjourned at 8:30 p.m.

Respectfully submitted

Elizabeth Blount
Lead Planner