

ADOPTED MINUTES OF THE GREENVILLE BOARD OF ADJUSTMENT
Special Call Meeting
September 9, 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 - X	Nathan Cohen- *
Christopher Lilley- *	Ann Bellis - *
Rodney Bullock - Co-Chair - *	John Landrine - X
Hunt McKinnon - *	Ryan Purtle - *
Sharon Evans-*	

VOTING MEMBERS: Bullock (acting chair), Lilley, Bellis, Evans, McKinnon, Cohen, Purtle

OTHERS PRESENT: Elizabeth Blount, Lead Planner; Donald Phillips, Assistant City Attorney; Taylor Bland, Staff Support Specialist II; Les Everett, Assistant Director of Planning Services; Travis Welborn, Civil Engineer III.

OPENING STATEMENT: Mr. Bullock read the following statement:

*The meeting will now come to order. Welcome to the **September 9, 2021** meeting of the City of Greenville Board of Adjustment. My name is Rodney Bullock and I am the Acting 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. Purtle, to approve the July 22, 2021 minutes. Motion passed unanimously. Vote: 6 to 0. 1 abstention: McKinnon.

Vice Chairman Bullock 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.

NEW BUSINESS

1. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY METRO FIBERNET, LLC

The applicant, Metro Fibernet, LLC, desires to operate a public utility pursuant to Appendix A, Use (4)a. of the Greenville City Code. The proposed use is located at 0 Commerce Street. The property is further identified as being tax parcel number 58539.

Vice Chairman Bullock confirmed and swore in three registered speakers – Daniel Nepl, Susan McCrea and Chris Jenkins.

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

Zoning of Property:

CG (General Commercial)

Surrounding Zonings:

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

Surrounding Developments:

North: Greenville Medical Care
South: Jenkins Management Consulting, The Orca Building, Match Wellness, and Fleming Office Building, Single Family Dwellings
East: Roots Hair Studio
West: SCA Collections and Action Advertising

Description of Property:

The subject property is 0.48 acres in size and has approximately 100 feet of frontage along Commerce Street and 10 feet of frontage along E. Arlington Blvd. The proposed use will house an unmanned communication shelters for fiber optic commercial services.

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 Plan which recommends office and institutional uses.

Notice:

Notice was mailed to the adjoining property owners on August 24, 2021. Notice of the public hearing was published in the Daily Reflector on August 29 and September 5, 2021.

Related Zoning Ordinance Regulations:

Definitions:

Public utility building or use. Any above-ground building or use necessary for the delivery of electric, water, sanitary sewer, storm drainage, gas, telephone, cable TV or other utility service system which meets any one of the following conditions. Distributed Antenna Systems (DAS) and supporting DAS equipment are not considered a public utility or use.

- (1) Utilizes structures in excess of 100 total square feet;
- (2) Utilizes any structure in excess of 15 feet in height;
- (3) Requires any on-site permanent maintenance or service attendant;
- (4) Requires or utilizes three or more parking spaces; and
- (5) Creates noise, smoke, dust, odor, glare or any other condition which may have adverse impact on area properties or uses.

Specific Criteria:

(M) *Public utility, building or use.*

- (1) Any proposed use shall maintain a residential appearance to the greatest possible extent and shall be consistent in scale and environment with surrounding properties.
- (2) Any parking area designed to serve more than four vehicles shall be located in the rear of the principal structure.

Staff Recommended Conditions:

Proposed project shall maintain sound levels in accordance with the City of Greenville Noise Control Ordinance for commercial business, not to exceed 65 dbA.

Entire compound shall have continuous opaque screening.

All shelters shall be neutral in color to blend with the surrounding area.

Other Comments:

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

Staff Recommendation:

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

Mr. McKinnon asked how high the tallest object is in this site plan.

Ms. Blount stated the highest object is 10 feet according to the plan but he may want to get clarity from the applicant.

Vice Chairman Bullock opened the public meeting.

Daniel Neopl, applicant, spoke in favor of the application. He stated this application is for a telecommunications shelter that will have fiber optic equipment to distribute signals over the fiber optic network they intend to build in the city. He stated it will also have a television receiving antenna that is the tallest object in the plan. He stated there is no transmission from that tower, it is only for reception of over-the-air signals of television stations.

Mr. McKinnon asked if the tallest object is 4 foot higher than the screened fence and the tallest object is 10 feet high.

Mr. Neopl stated the actual tallest object is the antenna pole which would be 79 feet above ground.

Mr. McKinnon confirmed that there is going to be a 79 foot object in the screened wall.

Mr. Neopl stated yes.

Attorney Phillips asked Susan McCrea questions to determine if she has standing to participate in the proceeding.

Mr. McKinnon made a motion that the board finds and concludes that Susan McCrea has standing to participate in this remote quasi-judicial proceeding because she has standing in accordance with the standing law because she is part property owner of an adjacent parcel and will suffer special damages in accordance with 160D-1402 and that she received notice and consents to the remote quasi-judicial proceeding in this matter, Mr. Bullock seconded the motion and it passed unanimously. Vote: 7 to 0

Attorney Phillips asked Chris Jenkins questions to determine if he has standing to participate in the proceeding.

Mr. McKinnon made a motion that the board finds and concludes that Chris Jenkins as member manager of Jenkins Management Consulting and as owner of the property that adjoins the subject property has standing to participate in this remote quasi-judicial proceeding because he has standing in accordance with the standing law as a property owner and will suffer special damages in accordance with 160D-1402 and that he received notice and consents to the remote quasi-judicial proceeding in this matter, Mr. Bullock seconded the motion and it passed unanimously. Vote: 7 to 0

Attorney Phillips asked Daniel Neopl questions to determine if he has standing to participate in the proceeding.

Mr. Bullock made a motion that the board finds and concludes that Daniel Neopl has standing to participate in this remote quasi-judicial proceeding because he has standing in accordance with the standing law as the applicant in accordance with 160D-1402C1C and he has properly received notice and consents to the remote quasi-judicial proceeding, Mr. Lilley seconded the motion and it passed unanimously. Vote: 7 to 0

Susan McCrea, adjoining property owner, spoke in opposition of the request. She stated she is concerned about the machinery required to run the facility. She stated she did research to find out how loud 65 decibels would be and how it would affect her husband's medical practice. She stated they have patient rooms that would be adjacent to the public utility and she is concerned it may affect their patient's care. She stated she is not against technological advancement and she is in favor of fiber optic but she wants to know there will be sound mitigation so that it will not change the sound in their office. She stated if this is built, she would like someone to check the sound levels.

Mr. McKinnon asked if the application is within the noise standards for the City.

Ms. Blount stated yes it is for a commercial use.

Chris Jenkins, adjoining property owner, spoke in opposition of the request. He stated he is concerned about the impact this will have on the local property owners and residents in the area. He stated he is concerned about the

noise and other emissions that may come from the facility. He stated he would like to ask the board what due diligence has been done to assess the impact the facility will have on property owners and residents in the area.

Vice Chairman Bullock asked Mr. Jenkins if that is a question he has for city staff or for the applicant.

Mr. Jenkins stated he would open it up for the applicant and the board.

Mr. Neppi stated the loudest and only emission factor is the generator. He stated the generator will not normally run if commercial power is available. He stated in a power outage it would turn on and supply power for the equipment including the air conditioners. He stated the only other time the generator would operate is when a preventative maintenance check is done, which is done on a weekly basis for somewhat less than an hour. He stated the timing of the weekly test is something they could work with the City and the neighbors on to avoid the concerns that have been voiced. He stated they will be in compliance with the commercial neighborhood noise level but they would like to cooperate and make the timing work for the neighbors.

Mr. McKinnon asked if the timing is associated with the emergency generator.

Mr. Neppi stated it is a preventative maintenance done on the generator to make sure it is working correctly.

Vice Chairman Bullock asked if it must be done weekly and if it will last about an hour.

Mr. Neppi stated that is correct.

Vice Chairman Bullock asked if he stated they are willing to work with the neighbors to come up with a schedule that is conducive to everyone's liking in order to be able to conduct that maintenance.

Mr. Neppi stated he is hopeful that they can come to an agreement with both parties. He stated perhaps the maintenance could be done after hours.

Mr. Cohen stated he has a generator and he believes it can be set to turn on at a certain time. He asked if the 65 decibels would be for the hour it is turned on.

Mr. Neppi stated that is correct and normally it would not be on at all.

Mr. Jenkins asked what kind of beautification would be done to the lawn to reduce the potential for an eyesore.

Mr. Neppi stated the fence is going to be 6 foot tall and the building will be 10 foot tall. He stated the generator and electrical meters will all be lower than 6 feet so they will not be visible. He stated City Staff has recommended a certain amount of foliage and tree planting around the facility as well, which they have agreed to.

Mr. Jenkins asked if the foliage and tree planting will be around the entire circumference.

Ms. Blount stated it is not around the entire circumference. She stated right now it meets the City's standards as far as vegetation for that size lot. She stated there will be trees along the street and there will be other trees in the back that fit the standardized ordinance for their lot. She stated the 6 foot fence will surround the entire complex and it will be opaque so you will not be able to see through it.

Mr. McKinnon asked if the applicant would accept absorption or mass as a way of dissipating noise transmission to the adjacent property owners.

Mr. Neppi stated he would like to understand why since they are already in compliance with the regulations.

Mr. McKinnon stated he thinks the reason for that would be an acceptable decibel level for an adjacent property might be 45 dbA.

Mr. Neppi asked what that is based on.

Mr. McKinnon stated that is based on design standards so that the noise level inside that building would be quiet enough to be at or below 45 dbA or in other words tuned to the human ear.

Mr. Neppi stated he does not know what the noise level would be inside the building if they are in compliance with the 65 dbA.

Mr. McKinnon stated he is asking if the applicant would be acceptable to having a fence that would not transmit the level of 65 dbA outside the property line but would absorb or use mass as a way of deflecting the noise from the generator or air conditioner back to the facility.

Mr. Neppi stated they could certainly investigate if they find they are out of compliance.

Mr. McKinnon stated if it is already constructed it would be more difficult to build another fence.

Mr. Neppi asked if he is suggesting around the generator.

Mr. McKinnon stated that is a question of design but theoretically if you are dealing with noise transmission absorption is a choice and mass is a choice. He stated he is talking about transmission to adjacent property owners and the vinyl fence is not going to provide mass or absorption.

Mr. Purtle asked Mr. McKinnon if the 45 dbA is a regulatory standard or building code standard.

Mr. McKinnon stated it is a design standard.

Mr. Purtle asked a design standard for what.

Mr. McKinnon stated it is based on North Carolina building code. He stated in other words, if he designed a machine that generated 65 dbA within a structure, he would be liable as a nonprofessional act. He stated the question is, would the transmission of an adjacent 65 dbA that would exceed 45 dbA in an adjacent property create damage.

Mr. Purtle asked what the acceptable standard for dbA for adjacent properties is. He asked if he is referring to within a structure and adjacent properties.

Mr. McKinnon stated he is referring to the interior sound reading within an adjacent property. He stated if this is constructed and the noise exceeded a safe limit the question would be, did we do our due diligence.

Ms. Bellis asked Ms. McCrea what their business hours are.

Ms. McCrea stated they are open Monday through Wednesday from 8:30 a.m. to 6:30 p.m. depending on patient flow, 12:00 p.m. until 6:00 p.m. on Thursday, and 8:30 a.m. to 11:30 a.m. on Friday.

Ms. Bellis asked Mr. Neppi if they could run the test at a time that they are not open such as 5 p.m. on Friday afternoon.

Mr. Neppl stated yes they could.

Ms. Bellis asked if that would be agreeable with Ms. McCrea.

Ms. McCrea stated she would find that acceptable. She stated as things change in their practice, they do change the exact times but she is willing to make an arrangement with Metronet to come up with a time that would be best such as in the evening.

Ms. Bellis stated there are also residents in the area so they need to be taken into consideration as well.

Ms. McCrea stated absolutely. She stated it needs to be at time of least irritation for the entirety of the neighborhood.

Ms. Bellis asked Mr. Neppl if he is talking about once a week for an hour.

Mr. Neppl stated yes.

Ms. Bellis asked if this could be made a condition and if that would be agreeable with Mr. Jenkins.

Mr. Jenkins stated he has a CPA firm and his business is seasonal. He stated from February through April they have late hours and will be in the office from around 8:30 a.m. to sometimes 9:00 p.m. but outside of that time frame they are there from 9:00 a.m. to 6:00 p.m.

Mr. Neppl asked if 7:30 a.m. would be agreeable.

Mr. Jenkins stated typically they are not there at that time.

Ms. McCrea stated it would be very unusual for them to be there at that time.

Ms. Bellis asked if it is agreeable to do it at 7:30 a.m. one day a week and not on the weekend.

Mr. Neppl stated that would be fine.

Ms. McCrea stated she wants to clarify that if it starts at 7:30 a.m., it will be done by 8:30 a.m. because that is when they start seeing patients.

Mr. Neppl stated yes.

Mr. Jenkins stated he hopes the testing at 7:30 a.m. can be committed on without issue and he would like the applicant to consider the fence being fixed a certain way.

Ms. Blount stated as far as the testing being done at 7:30 a.m., if that is made a condition and they should hear something running after that hour time frame they may contact City staff. She stated as things progress, it will be officially on the order.

No one else spoke in favor of the request.

No one spoke in opposition of the request.

Vice Chairman Bullock asked for staff's recommendation.

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

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

No Board discussion.

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

Mr. McKinnon called for a vote on Health and Safety.

Attorney Phillips read the stated criteria for Health and Safety.

Mr. McKinnon withdrew his objection because his concern is otherwise.

Mr. Lilley made a motion to adopt the Finding of Facts, Ms. Bellis seconded the motion and it passed. Vote: 6 to 1 (McKinnon)

Mr. Cohen made a motion to approve the petition with the recommended conditions by city staff, Ms. Evans seconded the motion. Vote: 6 to 1 (McKinnon)

Vice Chairman Bullock announced that Metro Fibernet, LLC's special use permit had been granted.

Mr. Purtle made a motion to task Donald Phillips as attorney to the board to draft a proposed decision in order for presentation and consideration at the next regularly scheduled meeting on October 28, 2021, Mr. McKinnon seconded the motion and it passed unanimously. Vote: 7 to 0

Ms. Blount asked Attorney Phillips what exactly was approved for this request.

Attorney Phillips stated the approval was for the Finding of Facts as presented by the City and the recommended conditions as presented by the City. He stated there were no additional recommended conditions that were voted on by the Board.

Ms. Blount stated the 7:30 a.m. testing is not a part of this Special Use Permit.

Ms. Bellis asked if there was any way that could be added as a condition at this point.

Ms. Blount stated the Board did not add that as an additional condition.

Vice Chairman Bullock asked if Ms. McCrea and Mr. Jenkins will have an opportunity to share what they have gained at the September 23, 2021.

Attorney Phillips stated no, the matter has already been voted on. He stated it is merely going back to the board on October 28, 2021 for the contested facts that have been presented to the Board to be reduced to writing for the Board's approval or modification regarding the contents of the order.

2. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY OCEAN REEF INVESTMENTS, LLC

The applicant, Ocean Reef Investments, LLC desires a special use permit to operate a rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats pursuant to Appendix A, Use

(11)d. of the Greenville City Code.

Vice Chairman Bullock confirmed and swore in one registered speaker – Igor Palyvoda

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

Zoning of Property:

CG (General Commercial)

Surrounding Zonings:

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

Surrounding Developments:

North: Twin Oaks Townhomes
South: Single Family Dwellings
East: Greenville Dentist for Kids (proposed)
West: Home Town Pharmacy and Speedway

Description of Property:

The subject property is a 1 acre lot with approximately 200 feet of frontage along SE Greenville Boulevard and 227 feet of frontage along David Drive. The proposed location is located on a major thoroughfare – Greenville Boulevard.

Comprehensive Plan:

The property is located within 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.

Notice:

Notice was mailed to the adjoining property owners on August 26, 2021. Notice of the public hearing was published in the Daily Reflector on August 29 and September 5, 2021.

Staff Recommended Conditions:

Display of vehicles for rent in the right-of-way or bufferyards shall not be permitted.

Minor or major repair or storage of vehicles for repair shall not be permitted on the property.

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.

Vice Chairman Bullock opened the public meeting.

Igor Palyvoda, applicant, spoke in favor of the request. He stated the building used to be a bank and his clients want to convert it into a rental facility for cars. He stated it is expected to generate less traffic than the previous use. He stated the parking requirements for this facility is 13 parking spaces and the current property has 48 parking spaces. He stated in his opinion this request will not negatively impact the surrounding neighbors.

Mr. McKinnon asked if the true client of this application is Enterprise Car Rentals.

Mr. Palyvoda stated yes.

Mr. McKinnon asked if he is speaking as an expert and not a person of standing since he is only involved with the preparation of the site plan.

Mr. Palyvoda stated that is correct.

Ms. Bellis asked if there are 28 parking spaces instead of 48 spaces.

Mr. Palyvoda stated there are 48 existing parking spaces.

Ms. Bellis asked how many they will be using.

Mr. Palyvoda stated they are only required to have 13 parking spaces according to the City of Greenville ordinance.

No one else spoke in favor of the request.

No one spoke in opposition of the request.

Vice Chairman asked for staff's recommendation.

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

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

No board discussion.

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

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

Ms. Evans 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

Vice Chairman Bullock announced that Ocean Reef Investments, LLC's special use permit had been granted.

With no further business, Mr. McKinnon made a motion to adjourn, Ms. Evans seconded, and the motion to adjourn passed unanimously. Meeting adjourned at 7:45 p.m.

Respectfully submitted

Elizabeth Blount
Lead Planner