

**ADOPTED MINUTES OF THE GREENVILLE BOARD OF ADJUSTMENT**  
**September 23, 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- X
Christopher Lilley- *	Ann Bellis - *
Rodney Bullock - Co-Chair - *	John Landrine - *
Hunt McKinnon - *	Ryan Purtle - X
Sharon Evans-*	

**VOTING MEMBERS:** Bullock (acting chair), Lilley, Bellis, Evans, McKinnon, Landrine

**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; Rik DiCesare, City Traffic Engineer.

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

*The meeting will now come to order. Welcome to the **September 23, 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:**

Mr. McKinnon stated he would like to make a correction to page 8 of the September 9, 2021 minutes. He stated the standards that were being discussed about 45 decibels are American Standards of Testing Materials (ASTM), OSHA and APA.

**Motion made by Mr. McKinnon, seconded by Ms. Evans, to approve the September 9, 2021 minutes with the correction. Motion passed unanimously. Vote: 6 to 0.**

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

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

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

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

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

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

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

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

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

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

## **OLD BUSINESS**

### **1. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY JEFF JAMES**

The applicant, Jeff James, desires to operate a rental of automobiles, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats and automobile, truck, recreational vehicle, motorcycle and boat sales and service pursuant to Appendix A, Use (11)d. and (11)f. of the Greenville City Code. The proposed use is located at 622 SE Greenville Blvd. The property is further identified as being tax parcel number 06545.

Vice Chairman Bullock confirmed and swore in two registered speakers – Jeff James and Jerry Eatman

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: Plaza Auto Care and Greenville Mall  
South: Chipotle and First Watch Restaurants  
East: Arlington Commons  
West: AT&T Store and Logan's Roadhouse Restaurant

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

The subject property is a 0.33 acre lot with approximately 99 feet of frontage along SE Greenville Boulevard. The proposed location is in close proximity to two major thoroughfare roads – Greenville and Arlington Boulevards.

#### **Comprehensive Plan:**

The property is located within the Mixed Use High Intensity 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 September 9, 2021. Notice of the public hearing was published in the Daily Reflector on September 12 and September 19, 2021.

**Staff Recommended Conditions:**

- Site plan approval for a change of use shall be received prior to occupancy.
- Display of vehicles for rent or sell 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.

**Staff Comments:**

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

**Staff Recommendation:**

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

Ms. Bellis asked if it is rental or sales of all of the items mentioned.

Ms. Blount stated yes.

Vice Chairman Bullock opened the public meeting.

Jeff James, applicant, spoke in favor of the application. He stated he is the owner of the property. He stated the original idea for this property was to have slingshot rentals but due to the pandemic they will not be able to get any until next year. He stated they are going to have vehicle sales and they plan to do some remodeling.

Jerry Eatman, Attorney for Brody Properties, LLC, OK Properties, LLC, and Carrera, LLC, spoke in opposition of the application. He stated he represents the entities that own the commercial properties immediately adjacent or in close proximity to Mr. James' property. He stated his clients have concerns about the proposed change of use in respect to traffic inside the parking lot and the shared access to the main road. He stated he spoke with Mr. James about adding conditions to his permit that may litigate their concerns. He stated if there can be a couple of conditions imposed, his clients would not object to the proposal. He stated the first condition should state that the sale, rental or storage of recreational vehicles and boats shall be prohibited. He stated the second condition should state that no portion of the parking lots adjoining the property or the drive isle from Arlington Boulevard entrance shall be used for the test driving of vehicles rented from the property. He stated those are the two conditions they would be willing to accept as mitigating potential adverse effects of this change in use on the adjacent commercial property. He stated if the Board is inclined to impose these conditions, they have no objection to Mr. James' permit. He stated if the Board is not inclined to do so, they would respectfully request additional time to submit additional information about their concerns.

Attorney Phillips asked Mr. Eatman if he is asserting that he has standing to proceed as a party or for purposes of tonight is he offering that information with the request that if those two conditions are not received by the Board that he is requesting a continuance.

Mr. Eatman stated both. He stated he is asserting that Brody Properties, LLC, OK Properties, LLC, and Carrera, LLC have standing via proximity and shared driveway use and as parties that would suffer special damages if the permit was granted without the requested conditions. He stated however, if the Board sees to add the requested conditions they would have no objection.

Attorney Phillips stated if Mr. Eatman is asserting that he has standing as a party, the Board would need to make that determination. He stated it seems as though he is asking that the Board do that at tonight's meeting.

Mr. Eatman stated that is not necessary. He stated his concern is if they don't make that determination now he won't have the opportunity to make it later, if the conditions are not imposed. He stated if he were to have the opportunity to make that later if the conditions are not imposed then he wouldn't put that burden on the Board tonight.

Attorney Phillips stated there is also a question of the factual support for the conditions that need to be imposed. He asked Mr. Eatman if he is asking for the conditions to be imposed and if they are not, is he asking for a continuance.

Mr. Eatman stated if the conditions are not imposed then he is asking for a continuance.

Attorney Phillips asked if he wants to address his standing tonight or does he want to see about his request for a continuance and address the issue of standing at that time.

Mr. Eatman stated he would prefer to address it at that time.

Attorney Phillips stated the Board has heard the presentation by Mr. James and the conditions by Mr. Eatman. He stated that the Board has also heard from Mr. Eatman a request that if the conditions are not imposed, that on behalf of the three entities Mr. Eatman represents, they are requesting a continuance on the matter.

Vice Chairman Bullock asked Mr. James if the two conditions have been addressed to him for his consideration.

Mr. James stated yes. He stated he spoke with Mr. Eatman and he has no problem with the conditions. He stated he is unsure how the second condition can be enforced because he has no control of where customers go once they leave his property. He stated he does not plan on selling any boats, RVs or recreational vehicles. He stated he is fine with the conditions.

Vice Chairman Bullock asked Mr. Eatman to repeat the second stipulation.

Mr. Eatman stated the second stipulation is that no portion of the parking lots adjoining the property or the drive isle from Arlington Boulevard entrance shall be used for the test driving of vehicles rented from the property. He stated the concern is that their commercial parking lot would be the place where people would test drive the slingshots. He stated Mr. James said he would not do that but they want to make sure their parking lot is not used for test driving.

Attorney Phillips asked if Mr. James consents to the recommended conditions as proposed by Mr. Eatman.

Mr. James stated yes.

No one else spoke in favor of the request.

No one spoke in opposition of the request.

Ms. Blount asked if this is a condition that will be placed on the special use permit that will require the City to enforce, does Mr. Eatman have a means of staff being able to enforce how not accessing the parking lot and drive out is going to be done.

Mr. Eatman stated he would imagine that if there is a complaint from the property owner then that would be something the City would have to investigate. He stated he does not think there will be an issue but he understands staff's concerns about how to enforce this. He stated they are not expecting the City to patrol the parking lot but they would expect the City to respond if there is a complaint.

Ms. Blount stated she completely understands the condition, however it will be difficult for the City to enforce that particular condition.

Vice Chairman Bullock asked for staff's recommendation.

Ms. Blount stated staff had no objection to the request with the staff recommended conditions. However, she thinks it will be difficult for staff to enforce the second recommendation presented by the opposition.

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.

**Ms. Bellis made a motion to adopt the Finding of Facts, Mr. Lilley seconded the motion and it passed unanimously. Vote: 6 to 0**

Attorney Phillips asked if there is a motion to approve the special use permit with the conditions as provided by the City and also provided by Mr. Eatman which was stipulated and agreed to by Mr. James.

Mr. McKinnon so moved the motion.

Ms. Evans stated she finds it difficult when you can't enforce the second condition. She stated getting a complaint and sending someone out to actually do something about it are two different things. She asked when the City receives complaints about it, are they going to write citations, fines or what will they do.

Mr. McKinnon asked may he suggest that the proper order would be to have a motion, second it, and then have a discussion.

Attorney Phillips stated he thinks the motion is still on the table and there has not been a second.

Mr. McKinnon stated it's not time for discussion because there is no second.

Vice Chairman stated Ms. Bellis made the motion and Mr. Lilley seconded it.

Attorney Phillips asked if there is any debate.

Ms. Evans stated she has some debate. She stated her questions is how will the city enforce the second condition.

Vice Chairman Bullock stated Ms. Blount stated the difficulty of being able to do so. He stated the second stipulation is going to be difficult, if not next to impossible to consistently enforce.

Ms. Blount stated as Mr. Eatman stated the City can get the complaints and investigate but she doesn't see how the City can tell customers not to drive in the parking lot and satisfy those that are complaining. She stated there are two ways in and out but they're always going to access the isle from Arlington.

Vice Chairman Bullock asked if receiving the complaints will not be an issue.

Ms. Blount stated the City would definitely look into the complaints but it may be a matter of two private entities such as Mr. James and the ones represented by Mr. Eatman getting together to discuss. She stated she doesn't want it to be something on city staff to try to enforce when it would be almost impossible to do. She stated that is only for the second condition, staff has no issue with the first condition.

Mr. Landrine stated the enforcement would fall to Mr. James. He stated Mr. James can tell the customers where they can or cannot test drive.

Mr. James stated when he spoke with Mr. Eatman, the biggest concern was the test driving of slingshots in the parking lot. He stated when he does get the slingshots, he will definitely let the customers know that they cannot test drive in the parking lot. He stated if a customer is test driving a vehicle they will use Arlington to test drive the vehicles.

Vice Chairman Bullock asked Mr. Eatman if that would satisfy his second stipulation after hearing Mr. James.

Mr. Eatman stated their concern is that he needs to have some enforcement capability but they would be willing to work with him.

Vice Chairman Bullock made suggestion to add the first stipulation and let the second stipulation be the burden of Mr. James and Mr. Eatman.

Mr. McKinnon asked if he is suggesting the Board not vote on the second stipulation but only on the first.

Vice Chairman Bullock stated he would indeed leave in the first stipulation but not placing the second stipulation on.

Attorney Phillips stated there is a motion and a second. He stated he recommends voting on that and if it does not pass, then go back to voting on the first stipulation only rather than recalling and amending the motion.

Mr. Lilley stated he believes the motion and the second was on the Finding of Facts.

Attorney Phillips stated no, the motion and the second was on the approval of the permit with the stated conditions by the city and the stipulated and agreed conditions that Mr. Eatman proposed and Mr. James agreed on. He stated that is still on the floor and subject of debate.

Ms. Evans stated not to what the Board got the first and the second on.

Attorney Phillips stated he disagrees with that.

Vice Chairman Bullock stated he believes it was the special use permit criteria that was voted on.



Attorney Phillips stated that is by silence so there is no vote on that. He stated the Board did the Findings of Fact and went on to the approval.

Mr. McKinnon asked if a vote can be called on the first motion.

Attorney Phillips stated he thinks there is disagreement as to what that motion was.

Mr. McKinnon stated the Board will await his decision on that.

Ms. Bellis stated there were two conditions and as she understands it, the Board only wants the first condition and there was a motion and a second to vote on both conditions. She asked why doesn't the Board vote on that motion, turn it down, have another motion for the first condition only, and pass it.

Attorney Phillips stated there are certain members of the Board that don't believe the Board was at that stage, they believe they were at the Findings of Fact.

Mr. Landrine asked if the Board can keep the motion and add that Mr. James is liable for the enforcement of test driving in the parking lot. He stated if there is complaints about that then he would be in violation of his permit.

Attorney Phillips stated they are not there yet. He stated they have to undo the motion and the second to start back so that the Board can go back and revote on the Findings of Fact again then the Board can get to the conditions issue.

Mr. Landrine stated he thought the Findings of Fact was already closed.

Attorney Phillips stated he did also but certain members of the Board said that it was not so he's not sure from the record. He stated there is a motion and a second, he is looking for a way to undo the motion and the second, and then the Board can revote on the Findings of Fact.

Ms. Evans stated she thinks the confusion is that the Finding of Facts was already closed but no one made a motion on the conditions.

Attorney Phillips stated the motion was on the conditions.

Ms. Evans stated no because she starting talking about the discussion.

Attorney Phillips asked if there is a motion to remove and withdrawal the original motion.

**Mr. Bullock made a motion to remove the Findings of Fact with the stated conditions as recommended by city staff and conditions proffered by Mr. Eatman and accepted by Mr. James, Ms. Evans seconded the motion and it passed unanimously. Vote: 6 to 0**

**Mr. McKinnon made a motion to adopt the Finding of Facts as presented by city staff, Mr. Landrine seconded the motion and it passed unanimously. Vote: 6 to 0**

**Ms. Evans made a motion to approve the petition with the recommended conditions by city staff and the added condition that sale, rental and storage of recreational vehicles and boats be prohibited, Ms. Bellis seconded the motion and it passed unanimously. Vote: 6 to 0**

Vice Chairman Bullock announced that Jeff James' special use permit had been granted.

## **2. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY WILLIE MOORE, JR**

The applicant, Willie Moore Jr., desires to place a mobile home on a lot pursuant to Appendix A, Use (2)g. of the Greenville City Code. The proposed use is located at 3151 Maye Lane. The property is further identified as being tax parcel number 03850.

Joyce Godley stated she is in the process of buying this property from Willie Moore and she will be putting the mobile home on the property.

**Mr. McKinnon made a motion to approve Joyce Godley to speak on behalf of the permit, Mr. Lilley seconded the motion and it passed unanimously. Vote: 6 to 0**

Vice Chairman Bullock confirmed and swore in one registered speakers – Joyce Godley

**Mr. McKinnon made a motion that Joyce Godley has standing to proceed in that she has a leasehold interest in the property, Mr. Bullock seconded the motion and it passed unanimously. Vote: 6 to 0**

Ms. Blount delineated the area on the map. She stated that the request is located in the northern portion of the city in the city's extraterritorial jurisdiction.

### **Zoning of Property:**

RA20 (Residential Agricultural)

### **Surrounding Zonings:**

North: RA20 (Residential Agricultural)

South: RA20 (Residential Agricultural)

East: RA20 (Residential Agricultural)

West: RA20 (Residential Agricultural)

### **Surrounding Developments:**

North: Vacant Lots

South: Residential Mobile Homes

East: Vacant Lots

West: Vacant Lots

### **Description of Property:**

The subject property is a 1 acre lot with approximately 50 feet of frontage along Maye Lane. This location is a part of the Beaver Creek Community Center.

### **Comprehensive Plan:**

The property is located within the Traditional Neighborhood, Low-Medium Density Residential character type as designated by the Horizon Plan. The proposed use is in compliance with the Future Land Use Plan which recommends single family detached residential.

**Notice:**

Notice was mailed to the adjoining property owners on September 9, 2021. Notice of the public hearing was published in the Daily Reflector on September 12 and September 19, 2021.

**Related Zoning Ordinance Regulations:**

**Definition:**

*Mobile home.* A manufactured building designed to be used as a single-family dwelling unit which has been constructed and labeled indicating compliance with the HUD-administered National Manufactured Housing Construction and Safety Standards Act of 1974.

**Specific Criteria:**

(N) *Mobile home.*

- (1) No mobile home established (new setup) or relocated within the city planning and zoning jurisdiction shall be occupied until the mobile home has been inspected and approved for compliance with the Minimum Housing Code set forth under Title 9, Chapter 1, Article F of the City Code when the Building Inspector makes a finding of noncompliance with the Minimum Housing Code.
- (2) Mobile homes shall, upon installation, have either a permanent, continuous masonry foundation, or a continuous and opaque skirt consisting of vinyl, fiberglass or other similar solid nonmetal material. The skirt for a mobile home shall be attached to weather resistant material when required for support.

**Staff Recommended Conditions:**

Existing home shall be removed prior to installation of proposed mobile home.

Road repairs and a turn-around at the end of Maye Lane for emergency vehicles shall be completed prior to occupancy.

**Staff Comments:**

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

**Staff Recommendation:**

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

Vice Chairman Bullock opened the public meeting.

Joyce Godley, leaseholder, spoke in favor of the application. She stated she is in the process of buying this property from Willie Moore.

No one else spoke in favor of the request.

No one spoke in opposition of the request.

Mr. Lilley asked Ms. Godley if she is aware of all the staff recommendations that were read by Ms. Blount.

Ms. Godley stated she is aware of some of the recommendations. She stated she thought the turnaround was only needed by the Fire Department if they burn the house down. She stated she didn't know that needed to be done even if they don't burn the house down.

Ms. Blount stated she was not aware of the house being burn down. She stated it was a recommendation from the Fire Department that the road be repaired.

Mr. Lilley asked Ms. Godley if that is something she is willing to do.

Ms. Godley stated the whole road does not belong to Willie Moore, only the property in the back so everyone on that road would have to be willing to help fix the road.

Vice Chairman Bullock stated it sounds like this permit would not move forward unless that stipulation was agreed upon so this matter may need to be continued. He asked Ms. Godley if she would be willing to do that so she can consider having a conversation with Ms. Blount about that particular stipulation or any other questions she may have and if she would be willing to continue the permit to the October 28, 2021 meeting.

Ms. Godley stated that is fine.

**Ms. Evans made a motion to continue the request until the October 28, 2021 meeting, Ms. Bellis seconded the motion and it passed unanimously. Vote: 6 to 0**

## **NEW BUSINESS**

### **1. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY PL GREENVILLE, LP**

The applicant, PL Greenville, LP, desires to amend a land use intensity dormitory special use permit pursuant to Appendix A, Use (2)d. of the Greenville City Code. The proposed use is located 2201 Bellamy Drive. The property is further identified as being tax parcel number 70964.

Vice Chairman Bullock confirmed and swore in one registered speaker – Phil Dixon

Johnny Dixon and Rick Jones were also present for the meeting but did not register to speak.

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:**

R6 (Residential) and OR (Office Residential)

#### **Surrounding Zonings:**

North: RA20 (Residential Agricultural), OR (Office Residential) and CG (General Commercial)

South: R6 (Residential) and R6A (Residential)  
East: R6 (Residential) and OR (Office Residential)  
West: R6 (Residential)

**Surrounding Developments:**

North: Vacant Lot  
South: Vacant Lot  
East: Kittrell Farms Townhomes, Duplexes and Cottages  
West: Trafalgar Square Apartments

**Description of Property:**

The subject property is 23 acres in size. It has approximately 900 feet of frontage along Buccaneer Way, 843 feet of frontage along Signature Drive, and over 1400 feet of frontage along Bell's Chapel Road. The property was built in 2008. It consists of 308 total units – 88 two bedroom units and 220 four bedroom units. There are 23 buildings on the lot comprised of 22 apartment buildings, a club house and a swimming pool. All buildings except the clubhouse are three story complexes. The property is currently a student dormitory land use intensity. The applicant would like to convert it to a multi-family land use intensity.

**Comprehensive Plan:**

The property is located within the High Density Residential character type as designated by the Horizon Plan. The proposed use is in compliance with the Future Land Use Plan which recommends multi-family development for the subject property.

**Notice:**

Notice was mailed to the adjoining property owners on September 9, 2021. Notice of the public hearing was published in the Daily Reflector on September 12 and September 19, 2021.

**Staff Recommended Conditions:**

Site plan approval required for compliance.

No more than three unrelated people may live together in a single housekeeping unit in a shared dwelling unit.

**Staff Comments:**

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

**Staff Recommendation:**

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

Vice Chairman Bullock opened the public meeting.

Phillip Dixon, applicant's representative, spoke in favor of the application. He stated PL Greenville, LP owns the property. He stated the property consists of 22 three-story apartment buildings, a clubhouse and swimming pool. He stated at the time it was built it was perfect place for student housing but statistics today are showing a different story. He stated student housing in Greenville is 88.1 percent occupied and there has only been a 2.4 percent growth in the past twelve months. He stated full time enrollment at the University has decreased by 2.5 percent. He stated on the other hand, conventional market apartments are at 98.7 percent occupancy and there has been a 10.2 percent rent growth in the last year. He stated there is a growth for regular apartments and there is a diminished interest in student housing. He stated with this project there is room to grow which makes it an easy conversion from student housing to market rate apartments. He stated the traffic is expected to decrease with the conversion. He stated the project is in compliance with the Comprehensive Plan and the Future Land Use Plan. He stated they are seeking to amend the original special use permit that will reduce the intensity and number of residents.

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.

**Mr. Bullock made a motion to adopt the Finding of Facts as submitted in the agenda packet and presented by city staff, Mr. Lilley seconded the motion and it passed unanimously. Vote: 6 to 0**

Attorney Phillips read the criteria and the board's silence was a vote in favor that the proposed use meets the criteria.

**Mr. McKinnon made a motion to approve the petition with the recommended conditions by city staff, Mr. Bullock seconded the motion and it passed unanimously. Vote: 6 to 0**

Vice Chairman Bullock announced that PL Greenville, LP's special use permit had been granted.

## **2. PUBLIC HEARING ON A REQUEST FOR AN ADMINISTRATIVE APPEAL BY KLA HOLDINGS, LLC**

The applicant, KLA Holdings, LLC, desires to appeal a notice of violation sent by the Planning and Development Services Department on June 24, 2021 for violation of Section 9-4-10 Only One Principal Use Upon Any Lot, Section 9-4-142 Multi-Family Development procedures; required review and contents and Section 9-5-6 Lots Created Contrary to Subdivision Regulations. The property is located at 1300 Allen Ridge Road. The property is further identified as being tax parcel number 85894.

**Mr. McKinnon made a motion to continue the request by KLA Holdings, LLC to when the public hearing can be held in person, Mr. Bullock seconded the motion and it passed unanimously. Vote: 6 to 0**

## **3. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY CAR TUNES AUDIO & ANTONIOS TOURLITIS**

The applicant, Car Tunes Audio and Antonios Tourlitis, desires a special use permit to operate a Tobacco Shop Class I pursuant to Appendix A, Use 10(ff). of the Greenville City Code. The proposed use is located at 2227 S Memorial Drive, Suite 100. The property is further identified as being tax parcel number 15748.

Vice Chairman Bullock confirmed and swore in one registered speaker – Shari Tourlitis

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

**Zoning of Property:**

CDF (Downtown Commercial Fringe)

**Surrounding Zonings:**

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

**Surrounding Developments:**

North: Vacant Lots  
South: Family Auto Center  
East: Booth Works Auto Detailing  
West: Direct Auto Insurance, Liberty Tax Service, African Braiding Shop and Memorial Coins and Pawn

**Description of Property:**

The subject property is a 0.18 acre lot with approximately 60 feet of frontage along Memorial Drive.

**Comprehensive Plan:**

The property is located within the Mixed Use, High Intensity 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 September 9, 2021. Notice of the public hearing was published in the Daily Reflector on September 12 and September 19, 2021.

**Related Zoning Ordinance Regulations:**

**Definition:**

*Tobacco Shop (Class I).* An establishment that, as a substantial portion of the use, entails the retail sales of tobacco product 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 establishments 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 rights-of-way advertises tobacco products as provided herein.

Specific Criteria:

Section 9-4-103(BB)

(BB) *Tobacco Shop (Class 1).*

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

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

**Staff Recommended Conditions:**

Shall not operate as a Tobacco Shop Class 2 or evolve into a hookah café.

No retail sales of any smoking apparatus to include but not be limited to water pipes, hookah pipes, bowls, water bongs or similar products.

No drive through window shall be permitted.

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 the business.

No smoking shall be allowed on the premise.

Must comply with City of Greenville Sign Ordinance to include obtaining sign permit for the current wall sign prior to operation.

Must comply with City of Greenville parking requirements.

Must comply with all federal, state and local laws.

**Staff Comments:**

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

**Staff Recommendation:**



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

Mr. Lilley asked Ms. Blount to identify the objects in the fourth picture.

Ms. Blount stated the objects are hookahs.

Vice Chairman Bullock opened the public meeting.

Shari Turlitis, co-owner of the subject property, spoke in favor of the application. She stated her and her husband purchased the building in 2020 and it was vacant at that time. She stated they purchased it with the intent to open a car audio sales and installation but the space was much larger than what was needed for that particular service. She stated they decided to put up a petition wall in the building so there are now two units. She stated one unit is operating as the car audio sales and installation and the other unit is the Class I Tobacco facility. She stated they intend to abide by the laws related to the tobacco shop. She stated they do not intend to sell any hookahs, bongs or anything of that nature because it is not zoned for that at this particular location.

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: 6 to 0**

**Mr. McKinnon made a motion to approve the petition with the recommended conditions by city staff, Mr. Lilley seconded the motion and it passed unanimously. Vote: 6 to 0**

Vice Chairman Bullock announced that Car Tunes Audio & Antonios Turlitis' special use permit had been granted.

#### **4. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY ROYAL FARMS**

The applicant, Royal Farms, Inc., desires a special use permit to operate a Convenience Store with Gasoline Sales and Outdoor Dining pursuant to Appendix A, Use (10)b. and (10)j of the Greenville City Code. The proposed use is located at 1600 SE Greenville Boulevard. The property is further identified as being tax parcel numbers 21064, 18819, 10771, 23209 and 17351.

Vice Chairman Bullock confirmed and swore in four registered speaker – Jerry Eatman, Jim Ward, Dwight Vernelson and Paul Sprouse.

Ms. Blount delineated the area on the map. She stated that the request is located near the eastern 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) and R9S (Residential Single-Family)  
West: CN (Neighborhood Commercial) and R9S (Residential Single-Family)

**Surrounding Developments:**

North: Speedway and Family Fare  
South: Sports Connection  
East: Single Family Homes  
West: On Q Financial

**Description of Property:**

The subject property is a 2.5 acre lot with approximately 527 feet of frontage along Greenville Boulevard, 410 feet of frontage along Leon Hardee Road and 85 feet of frontage along 14<sup>th</sup> Street.

**Comprehensive Plan:**

The property is located within the Commercial character type as designated by the Horizon Plan. The proposed use is in compliance with the Future Land Use Plan which recommends commercial development.

**Notice:**

Notice was mailed to the adjoining property owners on September 9, 2021. Notice of the public hearing was published in the Daily Reflector on September 12 and September 19, 2021.

**Related Zoning Ordinance Regulations:**

**Definition:**

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

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

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

- (1) A principal and/or accessory use associated with or utilized in conjunction with a conventional or fast food restaurant or a dining and entertainment establishment which is intended for the temporary or permanent conduct of activities relative to the sale, transfer or enjoyment of products and/or services to persons located on the business premises and which is open and unenclosed on one or more sides or which is without a complete roof structure. For purposes of this section, all areas not constituting

“mechanically conditioned area” as determined by the Building Inspector shall be considered open and unenclosed. Additionally, fences and/or wire or plastic mesh screens shall be considered open and unenclosed for purposes of this section.

- (2) Use of any amplified outdoor audio sound system including loud speakers, audio speakers or other electronic or mechanical sound transmission devices shall be considered as an “outdoor activity” for purposes of this definition.

**Staff Recommended Conditions:**

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

Traffic mitigates recommendations by the City shall be implemented prior to occupancy.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Staff Comments:**

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

**Staff Recommendation:**

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

Vice Chairman Bullock opened the public meeting.

Jerry Eatman, applicant's representative, spoke in favor of the application. He stated he represents Royal Farms, Inc. as well as the land owner Ward Holdings, LLC. He stated Jim Ward on behalf of Ward Holdings will provide background on the site. He stated Dwight Vernelson, Professional Engineer, will address requirements for the special use permit. He stated Paul Sprouse is the project manager and is present to answer questions.

Jim Ward, property owner, spoke in favor of the application. He stated over the years he has had multiple inquiries about this property but none of them were consistent with his vision for the property. He stated in his opinion Royal Farms has the perfect plan for this site and it is the right neighborhood commercial use. He stated the company is known for their great food and high quality service. He stated the company is also committed to the environment and product recycling.

Dwight Vernelson, Professional Engineer with Rivers & Associates, spoke in favor of the application. He stated he has been with River's & Associates for over 36 years and he is a registered Professional Engineer in North Carolina, South Carolina, and Virginia. He stated the site plan will be submitted to the City of Greenville, it will meet all the regulations and they are in compliance with the Horizons Plan. He stated the correct parking will be on site and there will be access to Greenville Boulevard. He stated on Greenville Boulevard there will be a right-in and right-out driveway, a full service driveway and a turn lane along Greenville Boulevard as well as a sidewalk. He stated there are single-family homes to the south and they proposed to put in a bufferyard with a six foot private fence. He stated they will have improved driveways, underground utilities and additional sidewalks that should all add value to the neighborhood. He stated the proposed use will serve the traveling public and nearby residents.

Ms. Bellis asked if the drainage goes into Reedy Branch or Hardee Creek.

Mr. Vernelson stated it is definitely in the Tar-Pamlico Basin but he is not familiar enough yet to know which tributary it goes to.

Mr. Welborne stated he believes that site is on the ridge and it can go to Meetinghouse Branch or Greens Mill Run but they are both in the 25-year detention area.

Paul Sprouse, Project Manager, spoke in favor of the application. He stated Royal Farms is committed to this area and they will operate a first class facility.

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, Mr. Lilley seconded the motion and it passed unanimously. Vote: 6 to 0**

**Mr. McKinnon made a motion to approve the petition with the recommended conditions by city staff, Ms. Bellis seconded the motion and it passed unanimously. Vote: 6 to 0**

Vice Chairman Bullock announced that Royal Farms, Inc.'s special use permit had been granted.

## **5. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY YAZAN SOBOH**

The applicant, Yazan Soboh, desires a special use permit 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 1701 Dickinson Ave. Suite 108. The property is further identified as being tax parcel number 25828.

Vice Chairman Bullock confirmed and swore in two registered speaker – Yazan Soboh and Kristin Soboh

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

### **Zoning of Property:**

CDF (Downtown Commercial Fringe) and I (Industry)

### **Surrounding Zonings:**

North: CDF (Downtown Commercial Fringe)

South: I (Industry)

East: CDF (Downtown Commercial Fringe) and I (Industry)

West: CDF (Downtown Commercial Fringe) and I (Industry)

### **Surrounding Developments:**

North: Willis Cable Constructions, Cade Insurance, New Faith Deliverance Holiness Ministries

South: Vacant Lots

East: N'Ovative Cutz & Curlz and Vacant Lots

West: Kingdom Empowerment Industries, INC and Mack's Furniture Warehouse

**Description of Property:**

The subject property is a 3.89 acre lot with approximately 300 feet of frontage along Dickinson Ave. The proposed unit is 924 square feet in size.

**Comprehensive Plan:**

The property is located with the Mixed Use character type as designated by the Horizon Plan. The proposed use is in compliance with the Future Land Use Plan which recommends commercial use of the property.

**Notice:**

Notice was mailed to the adjoining property owners on September 9, 2021. Notice of the public hearing was published in the Daily Reflector on September 12 and September 19, 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 product 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 establishments 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 rights-of-way advertises tobacco products as provided herein.

**Specific Criteria:**

Section 9-4-103(BB)

(BB) Tobacco Shop (Class 1).

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

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

**Staff Recommended Conditions:**

Shall not operate as a Tobacco Shop Class 2 or evolve into a hookah café.

No retail sales of any smoking apparatus to include but not limited to water pipes, hookah pipes, bowls, water bongos or similar products.

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 the business.

No smoking shall be allowed on the premise.

Must comply will all federal, state and local laws.

**Staff Comments:**

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

**Staff Recommendation:**

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

Vice Chairman Bullock opened the public meeting.

Yazan Soboh, applicant, spoke in favor of the application. He stated they are aware of the regulations and laws regarding the permit. He stated they will not be selling hookahs or any other items they are not supposed to. He stated they have plenty of parking.

Kristin Soboh, applicant, spoke in favor of the application. She stated they will not be selling any type of apparatus and there will not be any LED lights. She stated the parking lot is well lit and there is parking in the front as well as in the side back area for both employees and patrons. She stated there will be no loitering of any kind.

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. Evans seconded the motion and it passed unanimously. Vote: 6 to 0**

**Mr. McKinnon made a motion to approve the petition with the recommended conditions by city staff, Mr. Landrine seconded the motion and it passed unanimously. Vote: 6 to 0**

Vice Chairman Bullock announced that Yazan Soboh’s special use permit had been granted.

**6. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY MCG GREENVILLE NC OWNER, LLC**

The applicant, MCG Greenville NC Owner, LLC desires a special use permit to convert an existing building to a storage facility pursuant to Appendix A, Use (14)k. of the Greenville City Code. The proposed use is located at 3600 S Memorial Drive. The property is further identified as being tax parcel number 34293.

Vice Chairman Bullock confirmed and swore in three registered speaker – Matt Langston, Neil Dyer and Jason Newsome.

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

**Zoning of Property:**

CG (General Commercial)

**Surrounding Zonings:**

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

**Surrounding Developments:**

- North: 11 Galleria Shopping Center
- South: Lowe’s Home Improvement and Frontgate Shopping Center
- East: General Toyota
- West: Vacant Lots

**Description of Property:**

The subject property is an 8.92 acre lot with approximately 190 feet of frontage along Memorial Drive.

**Comprehensive Plan:**

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

**Notice:**

Notice was mailed to the adjoining property owners on September 9, 2021. Notice of the public hearing was published in the Daily Reflector on September 12 and September 19, 2021.



**Staff Recommended Conditions:**

Site plan approval required prior to construction.

Exterior storage of any kind shall be prohibited.

**Staff Comments:**

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

**Staff Recommendation:**

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

Mr. McKinnon asked if all the renovations were interior to the old Sears building and everything outside is for parking for people that are getting things in and out of their storage unit.

Ms. Blount stated that is a question that should be addressed to the applicant.

Vice Chairman Bullock opened the public meeting.

Neil Dyer, Member of MCG Greenville NC Owner, LLC, spoke in favor of the application. He stated Madison Capital Group is based out of Charlotte, NC and they are a private real-estate shop that focuses on development and acquisition of self-storage. He stated this property will be branded under their storage brand called Go Store It. He stated they have 70 storage facilities throughout the country. He stated they have done retail box conversion where they redevelop them into Class A climate controlled self-storage. He stated they do not have a need for the large parking lot area so there is potential for other retail opportunities on this property that would conform to the current zoning.

Matt Langston, Landworks Design Group, spoke in favor of the application. He stated he is a registered landscape architect in North Carolina and South Carolina. He stated the proposed use will be contained in the existing building. He stated they have 410 parking spaces and according to the code they only need 10 so there is opportunity to redevelop that pavement into renewed commercial activity. He stated there will be no noise generated by this use because the storage is inside. He stated the traffic will be overwhelming less than the prior use. He stated the storage of propellants, fuels and explosives will be prohibited.

Mr. Lilley asked Ms. Blount if they would have to apply for another special use permit if they were to do future commercial construction.

Ms. Blount stated she is assuming the other commercial would have nothing to do with the self-storage so it would depend on whether it is allowed in the zoning district. She stated as long as they don't do anything else to the self-storage, they would not have to come back before the Board.

Ms. Blount asked if they would be able to do multi-level in the existing structure as it is because on the special use map it is two levels.

Jason Newsome, Architect, spoke in favor of the application. He stated he is a registered architect in North Carolina and South Carolina. He stated they bring old buildings back to proper use. He stated in regards to Ms. Blount's question, unfortunately in this particular building they only have enough room for one story. He stated to speak on

future development, they may out parcel the piece on South Memorial Drive and do that under a separate permit in the future.

Ms. Blount stated to make sure the Board is aware they will be going up and not out. She stated because that is already a part of this special use permit, they will not have to come back before the Board.

Mr. Landrine asked if that answers Mr. McKinnon's question.

Mr. McKinnon stated he believes it does. He stated it seems the intent is to take 440 parking spaces and do some other development.

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, Mr. Lilley seconded the motion and it passed unanimously. Vote: 6 to 0**

**Mr. McKinnon made a motion to approve the petition with the recommended conditions by city staff, Mr. Lilley seconded the motion and it passed unanimously. Vote: 6 to 0**

Vice Chairman Bullock announced that MCG Greenville NC Owner, LLC's special use permit had been granted.

**With no further business, Mr. Bullock made a motion to adjourn, Ms. Evans seconded, and the motion to adjourn passed unanimously. Meeting adjourned at 9:00 p.m.**

Respectfully submitted

Elizabeth Blount  
Lead Planner