

**ADOPTED MINUTES OF THE GREENVILLE BOARD OF ADJUSTMENT
December 16, 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".

Rodney Bullock - Chair - *	Nathan Cohen- X
Ann Bellis - *	Christopher Lilley- Vice Chair-*
Hunt McKinnon - *	John Landrine - *
Sharon Evans-*	Ryan Purtle - *

VOTING MEMBERS: Bullock, Lilley, Bellis, Evans, McKinnon, Purtle, Landrine

OTHERS PRESENT: Elizabeth Blount, Lead Planner; Emanuel McGirt, City Attorney; Donald Phillips, Assistant City Attorney; Dene' Alexander, Assistant City Attorney; Taylor Bland, Staff Support Specialist II; Les Everett, Assistant Director of Planning Services; Travis Welborn, Civil Engineer III; Chantae Gooby, Chief Planner; Anna Willis, Planner II.

OPENING STATEMENT: Mr. Bullock read the following statement:

*The meeting will now come to order. Welcome to the **December 16, 2021** meeting of the City of Greenville Board of Adjustment. My name is Rodney Bullock and I am the Chair of this Board.*

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

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

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

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

Second, each applicant on tonight's agenda was notified before being placed on the agenda that this meeting would be conducted using a remote, electronic platform. We will confirm tonight at the start of each evidentiary hearing that the participants in the evidentiary hearing consent to the matter proceeding in this matter. No case is proceeding tonight in which the City has been contacted by an individual who objects to this meeting being heard by way of a simultaneous remote meeting platform.

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.

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 tonight'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 tonight's meeting by visiting the board of adjustment page on the city's website and clicking the [December 16, 2021 Agenda and Meeting packet link](#). No new documents will be presented at tonight's meeting.

All decisions of this board are subject to appeal with the Pitt County Superior court.

Finally, any individual planning to testify or submit evidence in an evidentiary hearing will have to provide their consent for tonight's meeting. We will affirm everyone's oath on the record tonight.

MINUTES:

Mr. Lilley so moved the motion to approve the minutes.

Mr. McKinnon requested a change to the last sentence of paragraph three on page 29 that states "it may be proper because the board approved it". He requested that be struck from the minutes because he does not know what that means.

Ms. Blount stated it will not make sense if that sentence is struck from the minutes because the next sentence is her response to his sentence.

Mr. McKinnon asked if someone could translate what that sentence means.

Chairman Bullock stated if he recalls correctly the board was talking about MetroNet.

Ms. Blount stated right, it was in reference to the paragraph above it.

Mr. McKinnon stated that since the sentence is attributed to him and he finds it to not have meaning, he is requesting for it to be struck. He stated as far as he is concerned, you can move to the next paragraph and not lose any continuity.

Attorney Phillips stated typically the minutes are to accurately reflect what is stated at the meeting. He stated the board can seek to amend the minutes but it is not best to strike portions of the minutes. He stated another option

would be to continue the approval of the minutes to the next meeting. He stated instead of striking it, perhaps looking at clarification may be the best option.

Mr. McKinnon stated someone else is going to have to make the clarification because it does not make sense to him.

Mr. Purtle asked if he can second the motion to approve the minutes.

Attorney Phillips asked for clarification if Mr. Purtle is seconded the motion to approve the minutes as written.

Mr. Purtle stated for clarification, he would like to approve the minutes as written.

Mr. McKinnon asked if they are in the discussion phase.

Chairman Bullock stated the board already had discussion.

Mr. McKinnon asked if they are going to discuss it or call for a vote.

Attorney Phillips stated a member can call for the vote or it can be discussed.

Mr. McKinnon stated his position remains the same. He stated since that statement is attributed to him, he wants it struck or someone has to explain what it means.

Mr. Purtle asked if he is disagreeing that he said that at all and it is misrepresenting what he said or if he is disagreeing that it has no context. He stated the minutes are there to reflect what was said.

Mr. McKinnon stated that his point is that it lacks meaning.

Mr. Purtle stated he understands that but the minutes represent what was stated.

Chairman Bullock stated what Mr. Purtle is trying to say is that the minutes are a reflection of what was said.

Mr. McKinnon stated he does not believe he made a meaningless statement.

Chairman Bullock called for a vote on the motion.

Motion made by Mr. Lilley, seconded by Mr. Purtle, to approve the November 18, 2021 minutes as written. Motion passed. Vote: 6 to 1. Opposition: McKinnon

Chairman Bullock swore in presenting staff members- Elizabeth Blount, Travis Welborn, Chantae Gooby 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 VARIANCE BY B&M WANG, LLC

The applicant, B&M Wang, LLC, desires a variance from the parking requirements pursuant to Section 9-4-246 of the Greenville City Code. The proposed use is located at 655 S Memorial Drive. The property is further identified as being tax parcel number 43848.

Chairman Bullock confirmed and swore in one speaker – Bill Fleming

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

Zoning of Property:

CG (General Commercial)

Surrounding Zonings:

North: CG (General Commercial)

South: CH (Heavy Commercial)

East: R6S (Residential Single Family)

West: MCH (Medical Heavy Commercial) and MS (Medical Support)

Surrounding Developments:

North: AutoZone and Popeye’s Restaurant

South: Walgreen’s

East: Single family dwellings

West: Vacant medical buildings

Description of Property:

The subject property is 0.84 acres in size and has approximately 94 feet of frontage along S Memorial Drive. The property is located within the Neighborhood Revitalization Strategy Area.

Comprehensive Plan:

The property is located within the Commercial character type as designated by the Horizon 2026 Greenville Community 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 November 4, 2021 and December 2, 2021. Notice of the public hearing was published in the Daily Reflector on November 13 and November 20, 2021, December 4, 2021 and December 11, 2021.

Staff Comments:

Pertinent facts regarding the application:

The subject property was built in 1986 as part of one lot. In 1995 it was subdivided into two lots with an access agreement. The applicant purchased Lot B of the property in 2017. During that time, the front unit

was occupied by a laundromat. The laundromat closed late 2019/early 2020 and has remained vacant. Staff received inquiries concerning the front vacant unit and determined that the site had maximized the parking spaces in conjunction with the number of occupied units. Based on the ordinance, additional uses would not comply with the parking requirements and therefore would be prohibited from occupying the space. Per the special use permit application, the owner has had an inquiry for another laundromat to occupy the previous laundromat space. Staff held a meeting on site with the real estate agent to discuss parking options and recalculated the required spaces for the current uses. After researching the property, it was discovered that the site was deficient in parking after the subdivision. In addition, one of the units had been subdivided to accommodate smaller businesses which in turn increases the number of uses on the property. Greenville City Code Section 9-4-246 requires the sum total of all the individual uses when more than one use is included within any one lot or building. Since the property has nonconforming parking, Section 9-4-247 requires a use that is 50% or less of the original measurement to provide parking as if the use were a new and separate use. With the current parking situation and the inability to provide additional parking due to the location of the parcel, the applicant would not be able to comply with the ordinance parking requirement and has asked for variance. The variance would be required for legal documentation.

Variance Criteria:

The Board must find in favor of the applicant on each criteria in order to grant the requested variance

1. Conditions and Specifications – The proposed location meets all the conditions and specifications of the Zoning Ordinance.
2. Notice – Persons owning property adjacent of the proposed development or use, as listed on the current tax records, were served notice of the public hearing by mail in accordance with applicable requirements; and that notice of a public hearing to consider the special use permit was published on November 6, 2021 and November 13, 2021 in The Daily Reflector.
3. Unnecessary Hardship – The applicant would suffer an unnecessary hardship if a strict application of the ordinance is applied. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
4. Unique Circumstances – The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
5. General Purpose of the Ordinance – If granted, the variance would be in harmony with the general purpose and intent of the Zoning Ordinance and would preserve its spirit.
6. Safety and Welfare – The granting of the variance secures the public safety and welfare and does substantial justice.

The concurring vote of four-fifths of the board shall be necessary to grant a variance.

The Applicant is seeking relief of

SEC. 9-4-246 COMBINATION OF REQUIRED PARKING SPACE

- (A) The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, stadiums, assembly halls or any other use whose peak attendance will be at night or on Sundays may be combined with a use which will be closed or which will generate significantly less parking demands at night and on Sundays than during normal business hours with prior approval by the Director of Planning and Development Services.
- (B) A use which is deficient in required parking spaces shall not designate existing parking to any other use.
- (C) When more than one use is included within any one lot or building, the minimum number of required spaces shall be the sum total of all the individual uses.

Staff Recommended Conditions if variance is granted:

The sum total of parking spaces for the property shall not exceed fifteen (15) spaces over the existing spaces.

No units may be used as a dwelling for any reason.

Must comply with all federal and state laws, rules, and local ordinances applicable to project.

Other Comments:

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

Staff Recommendation:

Planning staff recommends approval of the request with the noted conditions.

Ms Blount presented a recap of the request.

Attorney Phillips stated the public hearing was closed at the last meeting as reflected in the minutes. He stated given the fact that the public hearing took place at the November 18, 2021 meeting, the voting members for this matter would be Mr. Bullock, Ms. Bellis, Mr. McKinnon, Ms. Evans, Mr. Lilley and Mr. Purtle. He stated given the fact that that is only six members and it is a four-fifths majority, it would have to be a unanimous vote.

Mr. McKinnon asked if the city is requesting 15 spaces in addition to the 29 spaces that transferred over when the property was purchased in 1995 so a total of 44 spaces with 29 existing.

Ms. Blount stated that is correct.

Chairman Bullock asked Mr. Fleming to speak about the application.

Attorney Phillips stated the public hearing was closed so the board is at the stage of voting.

Mr. Fleming asked why he was required to attend the meeting if he is not allowed to speak.

Chairman Bullock stated at the last meeting he shared with the board as well as city staff.

Mr. Fleming stated the meeting was continued to this month but he is not sure why it was continued.

Attorney Phillips stated it was continued because the hearing took place but there was no vote on the actual request for a variance. He stated the board had a question about a condition being placed on the property and that is why it was continued.

Mr. Fleming asked if a condition can be placed on it.

Attorney Phillips stated reasonable conditions can be placed on a variance but a condition that says that you can only use the property as a particular use cannot be placed on the property. He stated the issue from one of the members was that they would only like it to be used for a laundry mat but that cannot happen. He stated you cannot vote to restrict a use on the property which is otherwise allowed. He stated other reasonable conditions can be placed on the property but they have to match the evidence that has been presented.

Mr. Fleming asked why he is required to attend the meeting if he is not allowed to say anything.

Chairman Bullock stated he is attending to see his request to the end. He stated he shared with the board at the November meeting and everything he shared is still of record and still in consideration.

Mr. Fleming asked if the meeting could be opened up so he could add something.

Attorney Phillips stated the quasi-judicial hearing is closed according to page 21 of the meeting minutes. He stated the public hearing was closed and Chairman Bullock opened for board discussion. He stated once the board discussed, the question came up about a condition for the application which he answered tonight.

Mr. McKinnon asked if the parking that transferred that is available is only 64 percent of what the city is asking for. He stated in other words, 29 spaces out of 44 spaces and if you do the math you are short 34 percent of the spaces that would be required by the city condition. He asked if that is true.

Ms. Blount stated the parking requirements are based on the use. She stated right now he could possibly max out what he has with vacant units. She stated he is asking for permission to be able to rent out his units and staff is putting in a condition that whatever use that is put in cannot exceed more than 15 spaces of what is currently there. She stated whatever it is, if it is under the 15 spaces required it can go in the vacant units.

Mr. McKinnon asked if the laundry mat requires 15 additional spaces.

Ms. Blount stated no, the parking requirements for a laundry mat is based on the equipment. She stated however many pieces of laundry equipment they were to have, there is a calculation to determine how many parking spaces they would need.

Mr. McKinnon asked what it would be for a laundry mat.

Ms. Blount stated for self-service it is one space per two pieces of central equipment.

Mr. McKinnon asked how do we know how many pieces of equipment could be in there.

Ms. Blount stated that is not known right now and that is something that staff will figure out when they submit their site plan.

Mr. McKinnon asked how they know there really is a shortage of spaces when there is no equipment in there.

Ms. Blount stated right now the calculations with the uses that are there, they are maxed out. She stated if another use comes in, there are not any more parking spaces.

Mr. McKinnon asked meaning another use for the building.

Ms. Blount stated yes, another use in one of the vacant units.

Mr. McKinnon stated there are no vacant units.

Ms. Blount stated there are vacant units.

Mr. McKinnon asked which one is vacant.

Ms. Blount stated the one in the front of the building.

Mr. McKinnon asked if the laundry mat is the only one that is vacant.

Ms. Blount stated no there are some more but they are near the back of the building.

Mr. McKinnon stated the units are identified by number. He stated there is a church in the very back which is unit 669 and units 667, 665, 663 are related to barbering, hygiene or nails. He asked which one is vacant other than 655 which is the potential laundry mat. He stated perhaps Mr. Fleming knows the answer to that.

Mr. Fleming stated there are no vacant spaces right now. He stated the only vacant space is the one in the front that they want to rent to the laundry mat. He stated all the other spaces are rented.

Ms. Blount asked if the young lady with the wig shop is still there.

Mr. Fleming stated she is still there.

Mr. McKinnon asked if it is true that if 655 becomes a laundry mat there are no available spaces so if these tenants decide to move away, those spaces cannot be occupied.

Ms. Blount stated the calculation of spaces were based on the uses that are there so if Mr. Fleming is saying that currently they are all occupied except for the laundry mat then if they move out something can go in there because those spaces will be available again.

Mr. McKinnon stated the board is being asked to grant a variance but he is not certain as to the number of spaces that this property cannot provide in order to create the need for a variance.

Ms. Blount stated the property right now has 29 spaces total. She stated they can't put anymore there because of the location of the property. She stated according to Mr. Fleming they have a vacant unit that is in the front which he is proposing to put in a laundry mat. She stated so right now with the uses that are there, all of those parking spaces fill the requirement of the existing uses except for that empty unit. She stated in order for him to lease the empty unit, he is asking for this variance and staff is recommending that whatever use he wants to put in there cannot exceed 15 over what is already there.

Mr. McKinnon asked if the vacant unit is 655 which is the one that was once a laundry mat.

Ms. Blount stated yes.

Mr. McKinnon asked what is it about the 15 spaces, they are required or they cannot exceed 15. He asked if Ms. Blount would repeat that again.

Ms. Blount stated that is the parking calculations. She stated for a laundry mat it is based on equipment but it may be something else that would be based on square footage. She stated whatever the parking calculation is, it can't require more than 15 spaces with the current units being occupied because it is already maxing out the current spaces.

Mr. McKinnon asked since it is a landlocked property, the property owner either has to lease parking from Advanced Auto or buy parking from them because that is the only parking available.

Ms. Blount stated he can buy it but the parking has to be on their parcel. She stated as far as leasing it, parking has to be on their property when it comes to commercial.

Mr. McKinnon asked if the problem was created in 1995 when the property lines were redefined and because of the division, this parking situation has risen.

Ms. Blount stated yes he did not create this.

Mr. McKinnon asked when she said he, who is he.

Ms. Blount stated the property owner.

Mr. McKinnon stated when the property transferred, it transferred with insufficient parking. He asked if that is a factual statement.

Ms. Blount stated that is a fact.

Attorney Phillips read the criteria.

Mr. McKinnon called for a vote on the criteria, hardship not self-created.

Attorney Phillips asked if there is any discussion on the stated criteria.

Mr. McKinnon stated it appears to him that when the property was subdivided, insufficient parking transferred with the building hereby creating hardship. He stated in other words it was a business decision but it was a decision that requires a variance from the parking regulations.

Mr. Bullock made a motion that the proposed use meets the stated criteria of hardship not self-created, Ms. Bellis seconded the motion.

Attorney Phillips asked if there is a question on the motion.

Mr. McKinnon stated his point was that it was self-created.

Attorney Phillips stated if he feels like it is not self-created then he would vote in opposition and the applicant would have the right to appeal to Superior Court to reverse that position unless the board would like to discuss it further. He stated the act of purchasing property with knowledge that the circumstances exist that may justify the granting of a variance is not a self-created hardship.

Attorney Phillips stated there is a motion and a second. He asked if there is a call of the question on the motion.

Mr. McKinnon so called the motion.

Attorney Phillips stated the board is voting on if the hardship is not self-created.

Mr. Bullock made a motion that the proposed use meets the stated criteria of hardship not self-created, Ms. Bellis seconded the motion and it passed unanimously. Vote: 6 to 0

Attorney Phillips read the fourth and final criteria and the board's silence was a vote in favor.

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

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

Chairman Bullock announced that B&M Wang, LLC's variance had been granted.

2. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY ANDREW & CHRISTY GARRIS

The applicants, Andrew Garris & Christy Garris, desire to operate a major repair facility pursuant to Appendix A, Use (9)a. of the Greenville City Code. The proposed use is located at 701 Peed Drive. The property is further identified as being tax parcel number 43918.

Chairman Bullock confirmed and swore in three speakers – Andrew Garris, Christy Garris, and Mike Baldwin.

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

Zoning of Property:

CH (Heavy Commercial)

Surrounding Zonings:

North: CH (Heavy Commercial) and R6S (Residential Single Family)

South: R6 (Residential) and CH (Heavy Commercial)

East: CH (Heavy Commercial)

West: R6 (Residential)

Surrounding Developments:

North: Vacant building

South: Vacant Lot and Wingate Hotel

East: Auto Pro Car Dealership

West: Summerfield Gardens Apartments

Description of Property:

The subject property is 0.95 acres in size and has 159 feet of frontage along Peed Drive. The property contains an 8,500 square foot commercial building. The applicant wishes to operate an auto body and repair shop at the proposed location.

Comprehensive Plan:

The property is located within the Residential High Density character type as designated by the Horizon 2026 Greenville Community Plan. The proposed use is not in compliance with the Future Land Use Plan which recommends residential development for the subject property; however, the existing building is located in the Heavy Commercial zoning district.

Notice:

Notice was mailed to the adjoining property owners on November 4, 2021 and December 2, 2021. Notice of the public hearing was published in the Daily Reflector on November 13 and November 20, 2021, December 4, 2021 and December 11, 2021.

Related Zoning Ordinance Regulations:

Definition:

Repair; major. The following activities shall be considered “major repair.”

- (1) Engine overhaul or dismantling of subparts;
- (2) Body or frame repair;
- (3) Windshield or glass replacement;
- (4) Transmission, starter, alternator or other subpart rework service;
- (5) Welding or metal cutting; and
- (6) Any other repair other than minor repair.

Specific Criteria:

- (1) All wrecked or damaged motor vehicles and parts shall be screened so as not to be visible from adjoining property lines and street right-of-way.
- (2) All vehicles on the premises for repair shall be stored at the rear of the principal structure.
- (3) No vehicle shall be stored on the premises for more than 15 days.
- (4) There shall be no exterior storage of items other than vehicles.

- (5) Sales of vehicles shall be in accordance with Article B, section 9-4-22, definition of automobile, truck, recreational vehicle, motorcycle and boat sales, contained therein.
- (6) Rental or utility trailers, cars and trucks shall be permitted as accessory uses, provided that all units in excess of four shall be screened from adjoining street right-of-way and property lines in accordance with Bufferyard C or with a bufferyard of greater intensity as required by the bufferyard regulations.
- (7) Outdoor displays of products such as tires, oil, wiper blades or other similar products shall be permitted provided they are not closer than ten feet from the principal structure and shall not be more than twenty feet from the principal structure and must be outside of required bufferyards. Signage and tires displayed in conjunction with such shall be in accordance with the sign and tire storage regulations.
- (8) All services except fuel sales shall be performed within a completely enclosed building.
- (9) Tires stored outside must comply with the following standards to minimize their visual impact and reduce their potential as a public nuisance and fire hazard:
 - (a) The maximum area devoted to tire storage shall be limited to 10% of the property area or 25% of the building from which the business operates, whichever is less;
 - (b) The maximum number of tires stored outside shall not exceed 300;
 - (c) Tires must be stored behind required bufferyards and located where they are not visible from a street right-of-way or adjacent property through the installation of opaque fencing and/or landscaping or placement of tires behind buildings;
 - (d) All tires must be placed on racks in the upright position;
 - (e) There shall be a minimum separation of 20 feet between tire racks and property lines, street right-of-way, and buildings;
 - (f) Rows of tire racks shall be separated from one another by a minimum of five feet;
 - (g) The placement of tires stored outside shall be placed and maintained in accordance with this subsection (9) and the North Carolina Fire Code, as amended. The more restrictive provisions shall prevail between the NC Fire Code and tire storage standards of this section; and
 - (h) Notwithstanding the provisions related to nonconforming uses and situations contained in Article C of this chapter, the requirements contained in this subsection (9) shall be applicable to all existing and future major and minor repair facilities.

Staff Recommended Conditions:

- Site plan approval shall be required before issuing a certificate of occupancy.
- Applicant must obtain and maintain any and all necessary permits from the NC Department of Environmental Quality for the operation of a paint booth to include but not be limited to an air quality permit.
- All vehicles on the premises for repair shall be stored at the rear of the principal structure.

- All vehicles for repair shall be performed within a completely enclosed building.
- Site shall not evolve into an automobile graveyard or junkyard.

Staff Comments:

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

The applicant will need to obtain building permits for all new work for the proposed use.

Staff Recommendation:

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

Chairman Bullock opened the public meeting.

Christy Garris, applicant, spoke in favor of the application. She stated her husband has been in the industry for about 30 years. She stated they have finally been able to obtain the property and would like the opportunity to start their own business.

Attorney Phillips stated Mr. Baldwin will be offered by the Garris' presumably as an expert. He asked Mr. Baldwin to give his background and state for the board the area of expertise that he is asking to be recognized in so that the board can vote on that.

Mr. Baldwin stated unfortunately he is going to decline as he has no expertise in painting vehicles but he is an expert map maker, in zoning compliance issues and site plans. He stated his company's name is Baldwin Design Consultants, PA and he has been in business for a little over 32 years. He stated the Garris' came to him and expressed their desires. He stated he helped them with the codes as far as parking requirements and landscape requirements. He stated he was the facilitator for getting the application and maps together.

Attorney Phillips asked if he is being offered as an expert in the field of anything such as a Professional Engineer, Surveyor or anything of that nature.

Mr. Baldwin stated no he is more of a facilitator.

No one else spoke in favor of the request.

No one spoke in opposition of the request.

Chairman asked for staff's recommendation.

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

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

No board discussion.

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: 7 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: 7 to 0

Chairman Bullock announced that Andrew and Christy Garris' special use permit had been granted.

3. PUBLIC HEARING ON A REQUEST TO AMEND A SPECIAL USE PERMIT BY IRONWOOD DEVELOPMENT, INC.

The applicant, Ironwood Development, Inc., desires to amend an agricultural master plan community special use permit pursuant to Appendix A, Use (2)b(1). of the Greenville City Code. The proposed use is located at 0 NC Hwy 43 N. The property is further identified as being tax parcel number 18678.

Chairman Bullock confirmed and swore in two speakers – Tim Newell and Roger Kemp

Ms. Gooby delineated the area on the map. She stated that the request is located in the northeast quadrant of the city.

History:

The original special use permit was approved by City Council on February 11, 2021. On April 12, 2021, the City Ordinance was amended to designate all special use permits to be considered by the Board of Adjustment. Therefore, this amendment is being considered by the Board of Adjustment instead of the City Council.

Purpose and Intent:

The purpose and intent of a master plan community is to provide an alternative to traditional development standards, which is intended to:

- Reduce initial development costs by reducing standard minimum lot size and setback requirements while reserving areas for common use;
- Preserve the character of surrounding neighborhoods and enhance the physical appearance of the area by preserving natural features, existing vegetation, while providing recreational and open areas;
- Provide for desirable and usable open space, tree cover, and the preservation of environmentally sensitive areas;
- Promote economical and efficient land use, which can result in smaller networks of public facilities, utilities and streets;
- Provide for an appropriate and harmonious variety of housing and creative site design alternatives;
- Promote energy conservation by optimizing the orientation, layout and design of structures to take maximum advantage of solar heating/cooling schemes and energy conserving landscaping;
- Encourage innovations in residential development so that the growing demands of population may be met by greater variety in type, design and layout of buildings; and

- Provide a procedure that can relate the type, design and layout of development to a particular site and the particular demand for housing and other facilities at the time of development in a manner consistent with the preservation of property values within established residential areas.

Definition:

For purposes of this article a *master plan community* shall be defined as a unified development that meets all of the following:

- Land under common ownership, to be planned and developed as an integral unit;
- A single development or a programmed series of development, including all land, uses and facilities;
- Is constructed according to comprehensive and detailed plans that include streets, drives, utilities, lots and building sites. Plans for such building locations, uses and their relation to each other shall be included and detailed plans for other uses and improvements of land showing their relation to the buildings shall also be included; and
- Provides for the provision, operation and maintenance of areas, facilities and improvements as shall be required for perpetual common use by the occupants of the master plan community.

Surrounding Zoning and Land Use(s):

North: Pitt County’s Jurisdiction – Rock Springs Subdivision
 South: RA20 (Residential-Agricultural) – Under common ownership of the applicant
 East: R6S (Residential Single Family) and R9S (Residential Single Family) – Ironwood Golf and Country Club
 West: RA20 (Residential-Agricultural) – Farmland

Description of Project:

The Master Plan Community will consist of:

TYPE	NUMBER OF UNITS (ORIGINAL)	ACRES	NUMBER OF UNITS (AMENDED)	ACRES
Single Family Lots	346	100.32	387	109.49
Townhome	34	2.52	0	0
Farm Cabins	7	0.89	0	0
Sales and Information Center	1	0.33		
Non-Residential Village		4.60	0	0

Restaurant/Retail /Services				
Event Barn	1(7,000 sf [300-person capacity])	same		
Types of Events:	weddings, private parties, corporate meetings and events, homeowner association meetings and events, farm-related events, and educational seminars			
Farmstand				
		100.32		109.49

STREETS		
	27.17	37.53
Event Barn		1.56

OPEN SPACE	ACRES	
Open Space Required (25%)	49.07	50.8
Developed Open Space Required	<u>12.27</u>	<u>13.68</u>
	61.34	54.7
Breakdown by type:		
Natural Area	30.44	23.80
Swim/Tennis Center	1.90	1.90
Parks	2.64	0.35
Trail Corridors	8.61	3.38

Acres in Recreational Open Space	13.15	15.21
Farms (6 units)	<u>25.21</u>	<u>15.60</u>
	68.80	54.61
TOTAL	196.29	203.19

Comprehensive Plan:

Future Land Use and Character Principles:

3. A greater intensity of development that integrates a mix of uses (residential, commercial, office, institutional, civic, etc.) and connects with existing developed areas is encouraged in strategic locations.

Places will be created with multiple uses – residential, commercial and institutional among others – in proximity to each other, perhaps on the same site and/or in the same structure. Close attention will be given to compatibility to those uses and their surroundings. Uses will be arranged in a manner that maximizes pedestrian activity.

- Mixed use centers will be an encouraged development pattern in the city. These places mix retail, residences, offices, and civic uses at various scale.
- Special districts will be designated for uses that are not appropriate in a mixed use setting (such as industrial).

The Future Land Use and Character Map recommends traditional neighborhood, low-medium density and potential open space/conservation area.

Chapter 5 Creating Complete Neighborhoods

Goal 5.3 Sustainably Designed Neighborhoods

New subdivisions and master plan communities will be designed to serve the residents who live there. They will provide safe and beautiful streets with access to commercial and civic needs all integrated with the fabric of the city.

Policy 5.3.1 Encourage Identifiable Neighborhood Centers

Promote neighborhood designs that include an identifiable neighborhood focal point, such as low-intensity context-sensitive mixed use node or inspiring civic space.

Goal 5.4 Neighborhoods that Coexist with Nature

Neighborhoods throughout Greenville will coexist with nature, reducing hazards related to storms and flooding, enhancing environmental quality, and incorporating and celebrating natural features that support healthy livable environments.

Policy 5.4.1 Protect Significant Natural Features

Promote protection of significant environmental features in neighborhood developments. These features include wetlands and wildlife habitats. Support creative designs to make them community focal points and neighborhood amenities.

Notice:

Notice was mailed to the adjoining property owners on December 2, 2021. Notice of the public hearing was published in the Daily Reflector on December 4, 2021 and December 11, 2021.

Related Zoning Ordinance Regulations:

Land use plan. All applications for approval of a master plan community special use permit shall be accompanied by a land use plan prepared by a registered engineer or surveyor, submitted in accordance with section 9-5-44 of the subdivision regulations for preliminary plats and which shall include but not be limited to the following:

- The numbers and types of residential dwelling units including density and density bonus options proposed within each section and the delineation of nonresidential areas;
- Planned primary and secondary traffic circulation patterns showing proposed and existing public street rights-of-way;
- Common open space and recreation areas to be developed or preserved in accordance with his article;
- Any proposed convention center must be shown in terms of location and scale, and all proposed event types must be listed;
- Minimum peripheral boundary, transition area, and site development setback lines;
- Proposed water, sanitary sewer, storm sewer, natural gas and underground electric utilities and facilities to be installed per Greenville Utilities Commission and city standards;
- The delineation of areas constructed in sections, showing acreage;
- Water supply watershed overlay district delineation;
- Regulated wetlands delineation;
- Boundary survey of the tract showing courses and distances and total acreage, including zoning, land use and lot lines of all contiguous property.

Specific Criteria

(A) **Conditions and Specifications.** The proposed use meets all required conditions and specifications of the Zoning Ordinance and policies of the City for submission of a special use permit. Such conditions and specifications include but are not limited to the following:

- Compliance with lot area and dimensional standards.
- Compliance with setback and other locational standards.
- Compliance with off-street parking requirements.
- Compliance with all additional specific criteria set forth for the particular use, Section 9-4-166, of Article J.
- Compliance with all application submission requirements.

(B) **Comprehensive Plan.** The proposed use is in general conformity with the Comprehensive Land Use Plan of the City and its extraterritorial jurisdiction.

(C) Health and Safety. The proposed use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use. Such health and safety considerations include but are not limited to the following:

- The safe and convenient location of all on-site parking and drives.
- The existing vehicular traffic on area streets.
- The condition and capacity of area street(s) which will provide access to the proposed development.
- The visibility afforded to both pedestrians and operators of motor vehicles both on-site and off-site.
- The reasonably anticipated increase in vehicular traffic generated by the proposed use.
- The anticipated, existing and designed vehicular and pedestrian movements both on-site and off-site.

(D) Detriment to Public Welfare. The proposed use will not be detrimental to the public welfare or to the use or development of adjacent properties or other neighborhood uses.

(E) Existing Uses Detrimental. The proposed use would not be adversely affected by the existing uses in the area in which it is proposed.

(F) Injury to Properties or Improvements. The proposed use will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood.

(G) Nuisance or Hazard. The proposed use will not constitute a nuisance or hazard. Such nuisance or hazard considerations include but are not limited to the following:

- The number of persons who can reasonably be expected to frequent or attend the establishment at any one time.
- The intensity of the proposed use in relation to the intensity of adjoining and area uses.
- The visual impact of proposed use.
- The method of operation or other physical activities of the proposed use.
- The noise; odor; smoke; dust; emissions of gas, particles, solids or other objectionable or toxic characteristics which are proposed or that can reasonably be expected to be a result of the operation of the proposed use.
- The danger of fire or explosion.

Staff Comments:

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

Staff Recommended Conditions:

Approved Traffic Analysis and Stormwater Management Plan

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 the nature of the development has changed from the focus on gardens and ecology.

Ms. Gooby stated when looking at the breakdown of the development there is not a lot of difference. She stated they are still conserving quite a bit of property, they are leaving a lot of trees in place and maintaining the peripheral boundary that will keep the vegetation in place. She stated the biggest change in this development is the removal of the commercial and townhomes. She stated the number of single family units has not gone up tremendously so it is still in keeping with the concept.

Mr. McKinnon stated he believes the original concept was that there would be someone who could help homeowners understand about gardening and it would be ecologically based. He asked if that is still relevant.

Ms. Gooby stated they are still maintaining some of the farms on the property and she will let Mr. Newell speak a little bit more to that degree but they are keeping some of the farms and some will be replaced with ponds.

Chairman Bullock opened the public meeting.

Attorney Phillips stated at the last meeting Mr. Newell indicated he was a Landscape Architect and Senior Project Manager with River's & Associates and the Land Planner for Carolina Crofts but he was not received as an expert in addition to that.

Tim Newell, River's & Associates, spoke in favor of the application. He stated he has 35 years of experience in Land Planning. He stated they have been working on this project for a long time.

Attorney Phillips asked if he is asking to be received as an expert in Land Planning.

Mr. Newell stated he is an expert in Land Planning.

Mr. McKinnon made a motion that the board find and conclude in addition that he is a Landscape Architect and Senior Project Manager with River's & Associates and Land Planner for Carolina Crofts that Tim Newell is an expert in Land Planning, Mr. Bullock seconded the motion and it passed unanimously. Vote: 7 to 0

Mr. Newell stated this community will be considered an agrihood. He stated agrihoods are an incredible growth sector in the real estate industry. He stated people want to return to a more simple way of life and preserve farm land and also have access to fresh vegetables. He stated this would be very appropriate for Greenville and Eastern North Carolina because of the rich farm areas here. He stated the Ironwood property is the perfect place to do this and they have been working for a couple of years on this. He stated they did receive a unanimous approval by Council and the Planning and Zoning Commission for the preliminary plat. He stated the changes are due to the economic and market pressures and changes that have occurred. He stated the major pieces that were removed was the commercial village which was a three acre village that would be anchored by a farm-to-table restaurant and retail service businesses that had a health and wellness orientation. He stated the surrounded townhomes that were going to wrap around that village have also been removed. He stated there is little interest in the restaurant and retail industry. He stated in terms of the housing, people are looking for single-family home sites with a larger lot and a demand for multi-family townhomes is not nearly as intense. He stated those were the main drivers causing them to be here tonight. He stated he is asking for support because the agrihood concept would be great for Greenville. He stated there will be a main production farm along Highway 43 and there will be a farm stand and orchard where residents or the public can get fresh vegetables and fruits. He stated the back farm fields were converted to ponds due to the demand for single-family lots with water frontage.

Mr. McKinnon stated he had heard there would be someone who would be hired for neighborhoods within the community that would be mentors for the residents about their own gardens. He asked if that is not feasible anymore.

Mr. Newell stated what Mr. McKinnon mentioned is a key part to the program for the farming component. He stated there are community garden plots for the residents and the group that is operating the farm will train the residents for the garden plots. He stated if resident's want to have their own garden on their lot that staff would be available to help them grow their too. He stated there will also be events available to the public with chefs that use produce grown on the property and cooking classes. He stated the whole idea with this is to have community involvement.

Roger Kemp, resident of Rock Springs, stated he asked for this to be postponed at the meeting in November so that he could go over the material. He stated since that time he has had conversations with Mr. Newell and he addressed his concerns and he has no reason to delay this any further.

No one else spoke in favor of the request.

No one spoke in opposition of the request.

Chairman asked for staff's recommendation.

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

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

No board discussion.

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

Attorney Phillips read the required findings and the board's silence was a vote in favor.

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

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

Chairman Bullock announced that Ironwood Development, Inc.'s special use permit had been granted.

Mr. McKinnon made a motion for a ten minute break, Ms. Evans seconded the motion and it passed unanimously. Vote: 7 to 0

4. PROPOSED BOA DECISION AND ORDER GRANTING SPECIAL USE PERMIT FOR METRONET FIBERNET, LLC

Attorney Phillips stated to clarify there were questions about two issues. He stated there was an issue about the application of a condition to the decision that was not expressly voted on at the September 9, 2021 hearing regarding the testing of the generator. He stated there was also discussion about soundproofing and the continuous and opaque fencing surrounding the property. He stated those matters were discussed at the last meeting and the question came up can those conditions be applied to the proposed decision even though the quasi-judicial hearing

had closed. He stated the answer regarding the closing of the public hearing and reopening it is not necessary and cannot be done. He stated the issue as to the application of a condition after the hearing and once the case has been continued to another meeting, can those be applied and the answer is yes. He stated however, they have to meet the reasonable standards and there has to be facts in the record to support the application of those. He stated he submitted to the board the original decision and order granting special use permit and also a proposed draft for consideration tonight with the addition of the condition regarding the testing of the generator. He stated the condition is highlighted in yellow on the draft on page 11 with the addition of the acknowledgment of the voting members which is on page 1. He stated based on any changes to the decision and order, he proposes that once that is voted in to allow him to make those changes to the order tonight so it can be voted on again, given the fact that the original hearing was in September.

Mr. McKinnon made a motion to accept option number 2.

Attorney Phillips stated for purposes of option 2, it would be the addition of the condition number 3 which states as follows:

“3. Furthermore, pursuant to N.C.G.S. § 160D-705(c) and City Code § 9-4-82, the Board by majority vote of ___ to ___, and then I’ll fill that in assuming it passes, further ORDERS that the herein described and issued Special Use Permit as is hereby ISSUED SUBJECT TO AND WITH THE FOLLOWING ADDITIONAL CONDITION AND RESTRICTION: keeping in mind that the board already voted on the other conditions,

A. Given the intensity of the adjoining and use areas, including residential and businesses, to mitigate any potential nuisance or hazard associated with the weekly preventative maintenance check/test of the generator and to protect the health and safety of workers and residents of the community, and to protect the value and use of property in the general neighborhood, the weekly preventative maintenance check/test of the generator may only be conducted on a weekday at 7:30 a.m. but in no event continuing after 8:30 a.m.”

Mr. McKinnon made a motion to accept option number 2 condition number 3 as stated by Attorney Phillips, Ms. Bellis seconded the motion and it passed unanimously. Abstention: Purtle

NEW BUSINESS

1. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY ALAN HAMM

The applicant, Alan Hamm, desires to operate a restaurant and/or dining and entertainment establishment; regulated outdoor activities pursuant to Appendix A, Use (10)j. of the Greenville City code. The proposed use is located at 425-D SE Greenville Boulevard. The property is further identified as being tax parcel number 03296.

Chairman Bullock confirmed and swore in one speaker – Alan Hamm

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: O (Office) and R9S (Residential Single Family)
West: CG (General Commercial)

Surrounding Developments:

North: Salon Centric, PPG Paints, Balance Dancewear and vacant units
South: Tommy’s Car Wash and BB&T
East: Plato’s Closet, vacant unit, My Eye Doctor and Single Family Dwellings
West: Bojangles and Sound Feet Shoes

Description of Property:

The subject property is 2.06 acres in size and contains a commercial shopping strip center with approximately 200 feet of frontage along SE Greenville, 159 feet of frontage along Red Banks and 216 feet of frontage along Plaza Street. The applicant wishes to operate a conventional restaurant with outdoor dining under the canopy.

Comprehensive Plan:

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

Notice:

Notice was mailed to the adjoining property owners on December 2, 2021. Notice of the public hearing was published in the Daily Reflector on December 4, 2021 and December 11, 2021.

Related Zoning Ordinance Regulations:

Definition:

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

(1)A principal and/or accessory use associated with or utilized in conjunction with a conventional or fast food restaurant or a dining and entertainment establishment which is intended for the temporary or permanent conduct of activities relative to the sale, transfer or enjoyment of products and/or services to persons located on the business premises and which is open and unenclosed on one or more sides or which is without a complete roof structure.

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

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

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

Staff Recommended Conditions:

Site plan approval shall be required prior to operation or issuance of certificate of occupancy.

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

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

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

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 in front of other units.

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

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

No television transmission, movie projection and/or computer display, excepting personal use of laptop computers, shall be viewed from the outdoor activity area. (7)

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

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

All outdoor activity area service and facility use shall be limited to the period 7 AM to closing of the restaurant or 12 midnight, whichever is earliest. No food or beverage may be sold or consumed, and no restaurant related activity, including but not limited to sitting and waiting, shall be allowed within the outdoor activity area prior to 7 AM or after closing of the restaurant time or 12 midnight, whichever is earliest of any day.

The location of the tables and chairs shall by no means obstruct the egress or ingress of customers to access the walkway and shall comply with all ADA requirements. The walkway of the strip center must remain open at all times.

Other Comments:

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

Staff Recommendation:

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

Chairman Bullock opened the public meeting.

Alan Hamm, applicant, spoke in favor of the application. He stated he has been an architect for 38 years and has two professional degrees from Virginia Tech. He stated he has been designing restaurants his entire career and has designed over 90 Mission BBQ restaurants, all of which have exterior patios.

Mr. McKinnon made a motion to accept Mr. Hamm in the field of architecture, Mr. Bullock seconded the motion and it passed unanimously. Vote: 7 to 0

Mr. Hamm stated they are putting a Mission BBQ in the vacant space. He stated they have they're permits to do so and are hoping to get the outdoor seating. He stated there is an existing overhang canopy over the wide sidewalk which makes a natural location for the outdoor dining. He stated they are not purposing any substantial changes to the building but they are putting seating on the existing sidewalk. He stated they will probably put railing up and there is a landscape buffer between the parking and the building which may suffice for containing the outdoor dining. He stated the railing may be required because they do sell beer and wine.

No one else spoke in favor of the request.

No one spoke in opposition of the request.

Chairman asked for staff's recommendation.

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

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

No board discussion.

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: 7 to 0

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

Chairman Bullock announced that Alan Hamm's special use permit had been granted.

2. PUBLIC HEARING ON A SURRENDERANCE OF A SPECIAL USE PERMIT BY COASTAL PLAIN SHOOTING ACADEMY

The applicant, Coastal Plain Shooting Academy, desires to surrender a special use permit for a firearm ranges; indoor and outdoor pursuant to Appendix A, Use (6)k. of the Greenville City Code. The proposed use is located at 100 Staton Road. The property is further identified as being tax parcel number 67638.

Zoning of Property:

IU (Unoffensive Industry)

Surrounding Zonings:

North: IU (Unoffensive Industry)
South: I (Industry)
East: IU (Unoffensive Industry)
West: IU (Unoffensive Industry) and CH (Heavy Commercial)

Surrounding Developments:

North: Vacant manufacturing building
South: Greenville Radiator and Coastal AgroBusiness
East: Coastal AgroBusiness and City of Greenville Fire Station No. 4
West: Peaden’s Restaurant and McDonald’s

Description of Property:

The subject property is approximately 5 acres in size and contains a 4,800 square foot commercial building. The property has approximately 506 feet of frontage along Staton Road and is next to the CSX Transportation railroad system. The applicant wishes to surrender his special use permit to operate an indoor shooting range and archery range that was granted in May 2021 due to strong objection from an adjacent property owner.

Comprehensive Plan:

The property is located within the Industrial Logistics and a small portion in the Potential Conservation and Open Space character type as designated by the Horizon 2026 Plan. Although the future land use recommends light industrial, assembly and research uses in the area, the building is existing and is zoned for warehouse space which is conducive to open space for a range. The building is over 700 feet away from the closest residential zoning district and is compatible with nearby industrial uses. The proposed use is in general compliance.

Notice:

Notice was mailed to the adjoining property owners on December 2, 2021. Notice of the public hearing was published in the Daily Reflector on December 4 and December 11, 2021.

Staff Recommendation:

Planning staff is of the opinion that the surrenderance be duly noted and removed from any records.

Mr. McKinnon made a motion to accept the surrenderance of Coastal Plain Shooting Academy’s special use permit, Mr. Landrine seconded the motion and it passed unanimously. Vote: 7 to 0

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

Respectfully submitted

Elizabeth Blount
Lead Planner