

MINUTES ADOPTED BY THE BOARD OF ADJUSTMENT
JANUARY 24, 2013

The Greenville Board of Adjustment met on the above date at 7:00 PM in the City Council Chamber of City Hall.

Scott Shook, Chairman-X

Charles Ewen (Acting Chairman)*	Claye Frank *
Linda Rich *	Sharon Ferris *
Justin Mullarkey *	Bill Fleming *
Kevin Faison *	Thomas Taft, Jr. X

The members present are denoted by an “*” and those absent are denoted by an “X”.

VOTING MEMBERS: Ewen, Faison, Rich, Ferris, Mullarkey, Frank, Fleming

OTHERS PRESENT: Mr. Chris Padgett, Interim Assistant City Manager
Mr. Bill Little, Assistant City Attorney
Mr. Michael Dail, Planner
Mr. Chris Kelly, Engineering
Mrs. Elizabeth Blount, Secretary
Mr. Jonathan Edwards, Communications Technician

MINUTES

Mr. Frank made a motion to approve the December 20th minutes as presented, Ms Rich seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY PATHWAYS -APPROVED

The applicant, Pathways to Life, desires a special use permit to operate a mental health, emotional or physical rehabilitation day program facility pursuant to Appendix A, Use (8)ff(1). of the Greenville City Code. The proposed use is located at 1029 W.H. Smith Boulevard. The property is further identified as being tax parcel number 80651.

Mr. Dail delineated the area on the map. He stated that the property is located in the western portion of the city’s jurisdiction, near the medical center.

Zoning of Property: MCG (Medical General Commercial)

Surrounding Zoning:

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

Surrounding Development:

North: Miller-Motte College
South: Vacant, Salvation Army
East: Vacant, East Carolina University Parking Lot
West: Various Office and Medical Uses

Description of Property:

The subject property is currently vacant. The owners of the property plan to build a 12,804 square foot commercial building. The property is 1.30 acres in size and has no street frontage. Access to the property from W.H. Smith Boulevard is by a private drive.

Comprehensive Plan:

The property is located within Vision Area “F” as designated by the Comprehensive Plan. The proposed use is in general 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 January 10, 2013. Notice of the public hearing was published in the Daily Reflector on January 14, 2013 and January 21, 2013.

Related Zoning Ordinance Regulations:

Definition:

Mental health, emotional or physical rehabilitation day program facility.

(1) An establishment qualified for a license by the State of North Carolina which provides a day treatment, day activity or other extended counseling service to persons who do not reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment, children or adolescents who are emotionally disturbed and need special educational services, and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. Persons receiving service at the establishment may be at the facility for no longer than 18 hours within any 24-hour period.

(2) Dangerous to others means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that his conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

Staff Recommended Conditions:

The facility must comply with all requirements, licensing, rules, health certifications, background checks and other requirements imposed or directed by the NC Division of Health, Human Services; the Commission or Council on MR/Developmental Disabilities; and Community Alternative Programs for DD/MR adults and/or juveniles.

At no time will clients of the training center be permitted to wait or be outside without being accompanied

by a staff member of the training center to supervise and ensure proper behavior of the clients including but not limited to aggressive actions, littering, fighting, yelling, loitering or other unacceptable behavior.

Other Comments:

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

Mr. Fleming asked if the facility typically had problems.

Mr. Dail stated no. The recommended condition is to prevent loitering by the clients.

Mr. Bryan Fagundus, representative of Rivers and Associates, spoke in favor of the request. He stated that the applicant had several locations in Greenville and the proposal will help consolidate and provide treatment space. The site plan has been approved by staff.

Mr. Fleming asked if the proposed location is behind the building facing W H Smith Blvd.

Mr. Fagundus stated it is slightly to the left.

Mr. Fleming asked if the building will occupy the entire track of land.

Mr. Fagundus stated no.

Mr. Fleming asked about access to the parking.

Mr. Fagundus stated there is a private driveway off W.H. Smith Boulevard.

Ms Ferris asked for the number of clients.

Mr. Fagundus stated he did not know the exact number but that the treatment space is 3300 square feet.

Ms Rich asked how many facilities will be consolidated.

Mr. Fagundus stated two.

Ms Rich asked was the applicant going to close the other two.

Mr. Fagundus stated yes.

Mr. Ewen asked what type of treatment would be done at the facility.

Mr. Dail stated the definition in the finding of facts detailing the type of treatment that the application may serve at the facility.

Mr. Fagundus summarized the definition with the term "behavioral health".

No one spoke in opposition to the request.

Staff Recommendation:

Planning staff had no objection to the request.

Acting Chairman Ewen closed the public hearing and opened for board discussion.

No board discussion.

Acting Chairman Ewen read the required findings criteria. No objections.

Mr. Mullarkey made a motion to adopt the finding of facts with the stated conditions, Mr. Frank seconded and the motion passed unanimously.

Ms Ferris made a motion to approve the petition with the stated conditions, Mr. Fleming seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY S.T. WOOTEN CORPORATION

The applicant, S.T. Wooten Corporation, desires a special use permit to operate a asphalt plant pursuant to Appendix A, Use (15) e. of the Greenville City Code. The proposed use is located north of Staton Road. The property is further identified as being tax parcel number 07528.

Ms Rich asked to be recused on the proposed petition due to a potential conflict of interest.

Attorney Little stated that the potential conflict of interest is an indirect or potential direct financial interest of a family member involved with the S.T. Wooten Corporation. He stated that the recusation is a valid excusal so the applicant could sustain one negative vote. Mr. Mullarkey made a motion to recuse Ms Rich, seconded by Ms Ferris and the motion passed unanimously.

Mr. Dail delineated the area on the map. He stated that the property is located in the industrial area, off of Staton Road.

Zoning of Property: IU (Unoffensive Industry)

Surrounding Zoning:

- North: IU (Unoffensive Industry)
- South: IU (Unoffensive Industry)
- East: IU (Unoffensive Industry)
- West: IU (Unoffensive Industry)

Surrounding Development:

- North: Undeveloped
- South: Vacant Industrial Building
- East: Waste Industries, Servpro
- West: Vacant Industrial Building

Description of Property:

The subject property is 24.78 acres in size, has approximately 75 feet frontage along Staton Road and is currently undeveloped.

Comprehensive Plan:

The property is located within Vision Area "B" as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends industrial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on January 10, 2013. Notice of the public hearing was published in the Daily Reflector on January 14, 2013 and January 21, 2013.

Other Comments:

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

Attorney Phil Dixon, applicant's legal representative, spoke in favor of the request. He stated that the applicant purchased Greenville Paving and desired to relocate its operation to the proposed location. The proposed location is perfect for the trucks to enter and exit the highway. The plant will only take up a small portion of the 25 acres and the rest will be the loop for the trucks to load and the storage of material. He described the new environmentally friendly process and the company's impact on traffic in the area.

Mr. Andy Piner, real estate appraiser for Collice Moore & Piner, LLC, spoke in favor of the request. He stated that the petition would have no adverse impact on surrounding properties.

Mr. Scott Poague, Pitt County Development Commission representative, spoke in favor of the request. He stated that the applicant's asphalt operation is very clean, minimum noise, and has low odor emissions. Since the applicant is relocating an existing asphalt plant, there will not be any net increase in the emissions. There may be a lost in emissions since the facility will be new and more environmentally friendly.

Mr. Fleming asked how many employees will be at the new facility.

Mr. Poague stated five people on site and the trucks will average about 60 trips per day.

Mr. Fleming asked if the current plant was outside the city limits.

Attorney Dixon stated that the current plant is located in the Extraterritorial Jurisdiction.

Mr. Richard Vick, Vice-President of S.T. Wooten, spoke in favor of the request. He stated that the company is a family owned business that has construction material and construction services experience for 60 years. They currently employ 900+ employees and are based out of Wilson, NC. He also stated all the awards the company has received in the past ten years.

Attorney Dixon asked why the applicant wanted to come to Greenville.

Mr. Vick stated that the company has been interested in establishing a company in Greenville for a while.

Greenville Paving approached them about a buyout and they agreed. They hired a great number of Greenville Paving employees.

Attorney Dixon asked if the company could be more competitive if they had an asphalt plant in Greenville.

Mr. Vick stated yes because asphalt can only be hauled so far before it begins to cool. He also stated that the new facility would increase the economic development for Greenville. The company's long term goal is to have a regional office in Greenville.

Mr. Faison asked if the Greenville Paving facility was still operational.

Mr. Vick stated that S.T. Wooten purchased the plant, its equipment and another piece of property but did not purchase the property where the plant was located. They dismantled the structure and moved the equipment while Greenville Paving retained ownership of its property.

Mr. Brian Gurganus, Vice-President of S.T. Wooten, spoke in favor of the request. He stated that the selection of the proposed site was based on close proximity to primary road and access to Hwy 264 and surrounding industrial properties. The majority of the property will be used for stock piling material. Any waste produced through the process is recycled.

Attorney Dixon asked about the dust and bag houses on the proposed site.

Mr. Gurganus described the operations of an asphalt plant. The dust in the silos are captured in a bag house like a huge vacuum clean and recycled back into the asphalt mix. The company is also using the warm mix asphalt method which reduces the smell and the amount of fumes released.

Mr. Fleming asked where the raw material would come from.

Mr. Gurganus stated the majority would come from the Fountain Quarry and the sand is from Greenville Paving.

Mr. Ewen asked how long it will take to get the plant up and running.

Mr. Gurganus stated they would like for it to be in April.

Mr. Robert Spencer Lawyer, Jr., senior engineer of S.T. Wooten, spoke in favor of the request. He stated the proposed plant will be well below the noise and emission requirements per the city and the county. Department of Transportation stated that the driveway was sufficient for the 60 trips per day and there will be no impact on Staton Road.

Mr. Fleming asked if the productivity is based on the contracts that are signed.

Mr. Lawyer stated correct. Winter is normally a down time because of the weather so maintenance is performed. The company has submitted an air permit with the state of North Carolina.

No one spoke in opposition of the request.

Staff Recommendation:

Staff had no objection to the request but added a recommended condition that the S.T. Wooten Corporation obtain all environmental compliance permits prior to operation.

Acting Chairman Ewen closed the public hearing and opened for board discussion.

Mr. Fleming stated that the applicant made an excellent presentation.

Mr. Mullarkey stated that the company would be a plus economic development wise to the area.

Acting Chairman Ewen read the required findings criteria. No objections.

Attorney Little reiterated the recommended conditions.

Mr. Fleming made a motion to adopt the finding of facts with the applicant agreeing to have all environmental compliance permits prior to operation, Mr. Frank seconded and the motion passed unanimously.

Mr. Mullarkey made a motion to approve the petition with the stated conditions, Ms Ferris seconded and the motion passed unanimously.

With no further business, Ms Ferris made a motion to adjourn, Mr. Frank seconded, and it passed unanimously. Meeting adjourned at 8:07 p.m.

Respectfully Submitted

Michael R. Dail, II
Planner