

March 25, 2010

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

Dr. Mulatu Wubneh * Chairman

Ann Bellis X	Charles Ewen *
Wanda Harrington *	John Hutchens X
Scott Shook *	Charles Ward X
Renee Safford-White *	Linda Rich *

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

VOTING MEMBERS: Wubneh, Ewen, Harrington, Shook, Safford-White, Rich

OTHERS PRESENT: Mr. Mike Dail, Planner
Mr. Wayne Harrison, Planner
Mrs. Sarah Radcliff, Secretary
Mr. Bill Little, Assistant City Attorney
Mr. Chris Kelly, Engineering Assistant

MINUTES

Motion was made by Ms. Rich, seconded by Ms. Harrington to accept the February 25, 2010 minutes as presented. Motion carried unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY BPR PROPERTIES, LLC

The applicant, BPR Properties LLC, desires a special use permit to operate an extended stay hotel pursuant to Appendix A, Use (8)s.(1) of the Greenville City Code. The proposed use is located on the northeast corner of the intersection of W. 5th Street and Moye Boulevard. The property is further identified as being tax parcel number 76161.

Dr. Wubneh asked for all those wishing to speak for or against the case to come forward and be sworn.

Mr. Dail delineated the area on the map. He said the property is located south of the Tar River along NC Highway 43. The property is zoned CG (General Commercial). Property to the north is zoned CG and MO (Medical Office). Property to the south is zoned MS (Medical Support) and MI (Medical Institutional). Property to the east is zoned MCH (Medical Heavy Commercial) and R6 (Residential) and property to the west is zoned MO. The property is located along a major thoroughfare, being West 5th Street or NC Highway 43.

Surrounding Development:

North: Vacant

South: Vacant, Medical Offices, Brody School of Medicine
East: Vacant, Moyewood Neighborhood
West: Jimmy Johns, Microtel

Description of Property:

The property has approximately 340 feet of frontage along W. 5th Street and 250 feet of frontage along Moye Boulevard with a total lot area of 2.19 acres. The applicant wishes to construct a 95 room hotel on the property.

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 March 11, 2010. Notice of the public hearing was published in the Daily Reflector on March 15, 2010 and March 22, 2010

Zoning Regulations:

Definition:

Hotel, motel, bed and breakfast inn; extended stay lodging. A building or group of buildings containing guest rooms, suites, separate or connecting units where for compensation lodging is provided on an extended stay basis. For purposes of this definition, the words “extended stay basis” shall include daily, weekly or monthly periods not to exceed 90 continuous days.

Sec. 9-4-103. Special standards for certain specific uses.

(k) *Hotel, motel, bed and breakfast inn.*

1. In addition to the specific requirements listed below under subsections (2) and (3), all hotel, motel, bed and breakfast inns including both limited and extended stay lodging facilities shall be subject to the following requirements:
 - a. No lodging unit shall be occupied by more than one (1) family. See also definition of “family”.
 - b. The lodging facility shall contain a registration office or area which is staffed twenty-four (24) hours per day during all periods of operation. A resident manager, supervisor or caretaker shall qualify for purposes of this section.
 - c. Housekeeping services shall be provided. Housekeeping services shall include but not be limited to: changing linen, cleaning bathroom and kitchen areas, removal of trash, dusting and vacuuming.
 - d. Shall be designed and marketed in a fashion that reflects the intended use for transient lodgers. No person other than an approved resident manager, supervisor or caretaker shall utilize, consider or reference any lodging unit as a secondary or primary place of residence.
 - e. The lodging facility may contain restaurants, meeting rooms, indoor recreation facilities, lounges,

- outdoor swimming pool, entertainment facilities, retail sales of personal accessories for occupants, maid and bell boy service, laundry services, telephone and secretarial services, as accessory uses.
- f. Lodging units which contain cooking facilities must provide a sink which shall be located in the cooking area and shall be in addition to any sink provided for bathroom or bathing purposes.
 - g. No lodging unit shall share kitchen or cooking facilities with any other lodging unit.
2. Limited stay lodging facilities shall be subject to the following additional requirements:
 - a. Lodging shall be limited to daily or weekly periods not to exceed thirty (30) continuous days.
 - b. Housekeeping services shall be provided on a daily basis.
 - c. Not more than twenty-five (25) percent of the units may have kitchen and/or cooking facilities.
 3. Extended stay lodging facilities shall be subject to the following additional requirements:
 - a. Lodging shall be limited to daily, weekly or monthly periods, not to exceed ninety (90) continuous days.
 - b. Housekeeping services shall be provided on a weekly basis or other more frequent period at the option of the owner/operator.
 - c. Each extended stay unit may contain kitchen and/or cooking facilities.

Staff Recommended Conditions:

Sidewalks shall be installed on the W. Fifth Street and Moye Boulevard frontage of the hotel lot by the applicant and/or owner of the hotel. A sidewalk is proposed to be installed along the northern right-of-way of W. Fifth Street as part of the NC 43 Widening Project, however, if the W. Fifth Street sidewalk as proposed is not installed pursuant to the NC 43 Widening Project, the special use permit applicant and/or hotel owner shall be required to install or guarantee the construction of the sidewalk along the W. Fifth Street frontage of the hotel lot.

Staff Comments:

Project is subject to site plan review and approval.

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

Staff Recommendation:

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

Ms. Safford-White asked if the owners had to install the sidewalk if they would be responsible for maintaining it.

Mr. Dail said they would not.

Mr. Bryan Fagundus, Rivers & Associates, spoke in favor of the request on behalf of the applicant. He said the developer intends to pursue pedestrian access to the site; however he preferred to see the condition as part of the site plan approval, rather than as a condition of the special use permit.

Mr. Ewen said he didn't see the difference.

Mr. Shook asked which sidewalk he was talking about.

Mr. Fagundus said he was talking about both of them.

Dr. Wubneh said his understanding was that the one on NC 43 would be done when the road is widened, but if not, it would be the applicants responsibility.

Mr. Dail said it was anticipated that sidewalks would be built along Highway 43 as part of the widening project; however, if they weren't and the board made that a condition, they would have to install the sidewalk. He said the city was asking a condition be put on the permit stating the sidewalk on Moye Boulevard would have to be installed by the applicant because it is not a part of the widening project.

Mr. Patel, owner of the hotel, said he would accept the condition as part of the special use permit.

No one else spoke in favor or opposition to the request.

Dr. Wubneh asked for staff's recommendation.

Mr. Dail stated staff had no objection to the request.

Dr. Wubneh closed the public hearing and read the criteria.

Motion was made by Ms. Safford-White, seconded by Mr. Shook to approve the Findings of Fact with the corrections and the consent of the applicant to the staff recommended condition. Motion carried unanimously.

Motion was made by Ms. Harrington, seconded by Mr. Ewen to approve the petition with the conditions. Motion carried unanimously.

Based on the facts found by the Board and the evidence presented, the Board orders that this permit be granted and subject to full compliance with all of the specific requirements stated in the Zoning Ordinance of the City of Greenville for the proposed use.

BOARD RECOMMENDATIONS FOR FISCAL YEAR 2010/2011 AND 2011/2012 CITY COUNCIL BUDGET CONSIDERATION

Mr. Dail said City Council had directed staff to include this item on the agenda to give the board a chance to request items they would like to be considered in the upcoming budget.

Ms. Safford-White said she would like to see them continue having an annual training session.

Dr. Wubneh asked about plaques or awards for members for completing a term of service.

Mr. Dail said he would check into that.

With no further discussion, motion was made and properly seconded to adjourn at 7:30p.m.

Respectfully Submitted

Michael R. Dail, II
Planner