

March 26, 2009

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

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

VOTING MEMBERS: Wubneh, Bellis, Harrington, Shook, Ward, 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
Jonathan Edwards, Communications Technician
Major Kevin Smeltzer

MINUTES

Motion was made by Mr. Ward, seconded by Ms. Safford-White to accept the February 26, 2009 minutes as presented. Motion carried unanimously.

ANNUAL REVIEW OF PUBLIC AND PRIVATE CLUBS OPERATING PURSUANT TO AN APPROVED SPECIAL USE PERMIT

Mr. Dail stated a summary of responses from various agencies in the City was included in the packet, as well as an updated memo from the Greenville Police Department.

Mr. Treole stated he felt the Board should take another look at Club Gas based on the memorandum received by the Police Department.

Ms. Bellis stated there were several clubs that had reports of assault and robbery and asked how much was considered acceptable before it becomes a problem.

Major Kevin Smeltzer, Greenville Police Department, stated that was a matter of subjective opinion. He said the very nature of the business conducted in bars and night clubs will generate a certain level of police calls for service and crime. He said a great deal of what was on the report could have occurred outside of the club and said they did not have the resources to be able to separate those calls from the others, specifically not for the downtown area. He said Club Gas was a different situation because it was on a property by itself, therefore any calls to that location were directly associated with the club. He said he had met with the impact unit that deals with the clubs and in their

opinion the management of Club Gas was not making attempts to resolve their problems.

Ms. Bellis asked if there was a way to identify whether something happened inside or outside of the club.

Major Smeltzer said it would require greater resources than what they have available.

Dr. Wubneh asked what steps they needed to take towards Club Gas.

Mr. Little read the following from the Ordinance: “Based on the staff report, the board of adjustment, by a majority vote, may either determine that a rehearing is not required for the special use permit or order a rehearing on the special use permit. An order for a rehearing shall be based upon a determination by the board of adjustment that either (i) the use of the property is inconsistent with the approved application, (ii) the use is not in full compliance with all specific requirements set out in Title 9, Chapter 4 of the Greenville City Code, (iii) the use is not compliant with the specific criteria established for the issuance of a special use permit including conditions and specifications, health and safety, detriment to public welfare, existing uses detrimental, injury to properties or improvements, and nuisance or hazard, or (iv) the use is not compliant with any additional conditions of approval established by the board and set out in the order granting the permit. The rehearing shall be in the nature of, and in accordance with the requirements for a hearing upon a special use permit application.” Mr. Little said not all clubs were operating under a special use permit. He said some clubs were grandfathered in when the ordinance was passed. He said a club that was grandfathered in but ceased to operate for more than six months would have to apply for a special use permit before opening back up. The Community Development Department has prepared a report and staff has made a recommendation based on the information in the report. Based on staff’s recommendation and presentation, the Board can decide if a rehearing is necessary on any of the special use permits. He said the rehearing would be very much like hearing a brand new application. The board would make its decision based on the criteria in the ordinance. If the board decides by majority vote that a particular club’s operation may be a detriment to public welfare, then a rehearing would be held and the board would decide if the special use permit should be revoked or more conditions placed on it.

Dr. Wubneh asked for staff’s recommendation.

Mr. Dail stated based on information in the reports and the police memorandum, staff recommends rehearing the special use permit issued to Club Gas.

Ms. Bellis asked if they were complying with the conditions that the board had placed on the special use permit.

Mr. Little said the club had changed hands since the original permit was issued, but the conditions remained in place. He said some of the conditions were not being met by Club Gas, such as having specific security as initially required.

Mr. Shook asked how long it would take to get them on the agenda once we notify them and what would happen if they didn’t show up.

Mr. Little said they would be on the agenda for next month. He said if the applicant didn’t show up the board could either make a decision or continue the case.

Mr. Treole asked if the owner had contacted the city in any way.

Mr. Little said a packet was sent to the owner and had not heard anything back from them.

Mr. Ward called for a vote.

Motion was made by Mr. Ward, seconded by Mr. Shook, that there be a rehearing on Club Gas to determine whether or not they are meeting the criteria of a special use permit with the conditions that were imposed on the permit. Motion carried unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY BRENDA BARNES AND MARIA BARNES RICHARDSON

The applicants, Brenda Barnes and Maria Barnes Richardson, desire a special use permit to operate a church pursuant to Section 9-4-78(f)(8)o. of the Greenville City Code. The proposed use is located at 2402-D United Drive. The property is further identified as being Tax Parcel Number 36617.

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

Mr. Dail delineated the area on the map. He stated the property was located north of the river in the city's industrial area along United Drive and just off of Staton Road. The property, as well as the surrounding properties, are zoned IU, unoffensive industry. The property is located near two major thoroughfares being Staton Road and the Northeast Bypass for Martin Luther King Junior Highway.

Surrounding Development:

North: Coastal Construction Specialties

South: Fastenal

East: Superior Design and Fabrication

West: UPS

Description of Property:

The property contains an 8,800 sq. ft. commercial building with 4 units and has approximately 150 feet of frontage along United Drive with a total lot area of 0.68 acres.

Comprehensive Plan:

The property is located within Vision Area "B" as designated by the Comprehensive Plan. The Future Land Use Plan recommends industrial development for the subject property. Although industrial development is preferred in this area, the subject church occupies an existing industrial type structure and is limited to three year intervals at the end of which a review of the compatibility of the church with the surrounding industrial area can be determined. Therefore the request is in general compliance with the Future Land Use Plan.

Notice:

Notice was mailed to the adjoining property owners on March 12, 2009. Notice of the public hearing

was published in the Daily Reflector on March 16 and March 23, 2009.

Staff Comments:

Sec. 9-4-86(ee). *Church or place of worship.*

- (1) The special use permit shall be valid for thirty-six (36) months from the date of the order granting such permit. From and after thirty-six (36) months, the permit shall be considered void and of no effect and any reuse or continuance of use under this section shall be subject to reapplication and special use permit approval in accordance with current requirements

Note: The applicant received the original special use permit on April 26, 2001 and a renewal on June 17, 2004.

Other Comments:

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

The Pitt County Development Commission has no objections to this request.

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.

Maria Richardson spoke on behalf of her request.

No one spoke in opposition to the request.

Chairman Wubneh asked for staff's recommendation.

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

Dr. Wubneh closed the public hearing and called for board discussion. There was no discussion.

Chairman Wubneh read the criteria for granting/denying a special use permit. He asked for a motion to approve the findings of fact. Motion was made by Ms. Bellis, seconded by Ms. Harrington. Motion carried unanimously.

Chairman Wubneh then asked for a motion to approve the petition. Motion was made by Ms. Safford-White, seconded by Mr. Ward. 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.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY THE PITT COUNTY BOARD OF

EDUCATION

The applicant, Pitt County Board of Education, desires a special use permit to operate an elementary school pursuant to Section 9-4-78(f)(8)h. of the Greenville City Code. The proposed use is located on Briarcliff Drive. The property is further identified as being Tax Parcel Number 73686.

Dr. Wubneh asked all who wished to speak for or against the case to come forward and be sworn in.

Mr. Dail delineated the area on the map. He stated the property, which is currently vacant, is located along Briarcliff Drive just to the west of Lake Ellsworth subdivision. The property is zoned R6 and R6S. The surrounding zoning is a combination of R6 and R6S on all sides.

Surrounding Development:

North: Vacant (Approved Preliminary Plat for Single Family Residences)

South: Single Family Residences (Medford Pointe South)

East: Vacant (Approved Preliminary Plat for Single Family Residences), Single Family Residences (Lake Ellsworth Neighborhood)

West: Multi-Family (Medford Point Townhomes), Vacant

Description of Property:

The property is currently vacant and has approximately 1,450 feet of frontage along Briarcliff Drive with a total lot area of 23.13 acres.

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 medium density residential development for the subject property. Schools are a traditional use within residential areas and the Comprehensive Plan encourages neighborhood schools.

Notice:

Notice was mailed to the adjoining property owners on March 12, 2009. Notice of the public hearing was published in the Daily Reflector on March 16 and March 23, 2009.

Staff Comments:

Sec. 9-4-86(x) School.

- (1) All structures shall maintain minimum side and rear setbacks of fifty (50) feet and a front yard of at least twenty-five (25) feet greater than that required for single-family residences within the district.

Other Comments:

The proposed project is subject to site plan and storm-water plan approval prior to development.

The subject property must be annexed and final platted prior to issuance of a building permit.

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.

Jimmy Hite, architect, and Aaron Beaulieu, Associate Superintendent of Pitt County Schools, spoke in favor of the request on behalf of the applicant.

Mr. Ward asked how large the school would be.

Mr. Hite said there would be approximately 40 classrooms.

Mr. Ward asked if this was part of the plans of the Board of Education.

Mr. Beaulieu said this was one of the proposed projects of the long-range facility plan.

Mr. Treole asked how the school would be an asset to a residential community.

Mr. Beaulieu said it has been their observation that a community school helps the neighborhood thrive and provides additional growth to the area. He said some of the most recent schools were not located around any houses at the time of construction and now are completely engulfed by new neighborhoods and new construction.

Mr. Treole said when people buy a house in a neighborhood it is usually for the peace and tranquility of the area. He said the impact of traffic in residential community should not be overlooked.

Mr. Beaulieu said they would acknowledge that it does generate some congestion in the area; however it is only for about 20 minutes in the morning and 20 minutes in the afternoon.

Ms. Rich asked what made them choose this area.

Mr. Beaulieu said it was part of the long range plan and would allow them to create an additional neighborhood school within the Greenville community.

Ms. Rich asked if they knew of any registered sex offenders living in close proximity to the site.

Mr. Little said if someone who is a registered sex offender lives in the area and the school builds there, they would have to move.

Ms. Rich said she knew of one that did live down the road from the site.

Mr. Little said the Pitt County Sheriff's Department and Greenville Police Department would provide assistance in that situation as needed.

Mr. Ewen asked what the time frame was for opening the school.

Mr. Beaulieu said they planned to open for the 2010-2011 school year.

Dr. Wubneh asked if there were any new thoroughfare plans.

Mr. Dail said he was not aware of any new plans at this time.

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

Dr. Wubneh asked for staff's recommendation.

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

Dr. Wubneh closed the public hearing and called for board discussion. There was no discussion.

Chairman Wubneh read the criteria for granting/denying a special use permit. He asked for a motion to approve the findings of fact. Motion was made by Mr. Ward, seconded by Ms. Bellis. Motion carried unanimously.

Chairman Wubneh then asked for a motion to approve the petition with the recommended conditions. Motion was made by Ms. Rich, seconded by Ms. Harrington. 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.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY THE TRUSTEES OF SELVIA CHAPEL FWB CHURCH

The applicant, Trustees of Selvia Chapel FWB Church, desire a special use permit to operate a private non-profit school pursuant to Section 9-4-78(f)(8)h. of the Greenville City Code. The proposed use is located at 1601 Halifax Street. The property is further identified as being Tax Parcel Number 26931.

Dr. Wubneh asked all who wished to speak for or against the case to come forward and be sworn in.

Mr. Dail delineated the area on the map. He stated the property is located on the north corner of Halifax Street and Manhattan Avenue. The property as well as the surrounding properties are zoned R6. The property is located near two major thoroughfares, being Farmville Boulevard and Dickinson Avenue.

Surrounding Development:

North: Vacant Lots, Single Family Residences

South: Multi-family, Selvia Chapel FWB Church, Angels of Excellence Day Care

East: Single Family Residences

West: Mt. Calvary FWB Church, Single Family Residences

Description of Property:

The property contains a 14,414 square foot building and has approximately 125 feet of frontage along Halifax Street and approximately 150 feet of frontage along Manhattan Avenue with a total lot area of 0.43 acres. The subject property is the former location of a Pitt County Public School.

Comprehensive Plan:

The property is located within Vision Area “G” as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends medium density residential development for the subject property. Schools are a traditional use within residential areas and the Comprehensive Plan encourages neighborhood schools.

Notice:

Notice was mailed to the adjoining property owners on March 12, 2009. Notice of the public hearing was published in the Daily Reflector on March 16 and March 23, 2009.

Staff Comments:

Sec. 9-4-86(x). School.

- (1) All structures shall maintain minimum side and rear setbacks of fifty (50) feet and a front yard of at least twenty-five (25) feet greater than that required for single-family residences within the district.

Note: The above specific criteria apply only to new construction or a change of use.

Other Comments:

A change of occupancy application must be submitted to the Inspections Division and the proposed project must meet all related NC State fire and building codes for an educational use 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.

Demyrah McDonald, attorney for the Trustees of Selvia Free Will Baptist Church, and Frank Edwards, spoke in favor of the request on behalf of the applicant. She said the school was a private, non-profit school and would not be state funded. She said they would only have approximately 100 students and they would concentrate on children in 5th through 10th grades. There will be 7 classrooms with 105 students at maximum capacity.

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

Dr. Wubneh closed the public hearing and called for board discussion. There was no discussion.

Chairman Wubneh read the criteria for granting/denying a special use permit. He asked for a motion to approve the findings of fact. Motion was made by Mr. Ward, seconded by Ms. Bellis. Motion carried unanimously.

Chairman Wubneh then asked for a motion to approve the petition. Motion was made by Ms. Safford-White, seconded by Ms. Harrington. 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.

With no further discussion, the meeting adjourned at 8:09p.m.

Respectfully Submitted

Michael R. Dail, II
Planner