

October 22, 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*
Scott Shook *	Charles Ward *
Renee Safford-White *	Linda Rich *
Susan Bailey X	

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

VOTING MEMBERS: Wubneh, Bellis, Harrington, Hutchens, 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

MINUTES

Motion was made by Mr. Hutchens, seconded by Mr. Ward to accept September 24, 2009 minutes as presented. Motion carried unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY KEEP HOPE ALIVE HUMAN SERVICES, LLC

The applicant, Keep Hope Alive Human Services, LLC, desires a special use permit to operate a mental health, emotional or physical day program facility pursuant to Section 9-4-78(f)(8)ff.(1). of the Greenville City Code. The proposed use is located at 1501 S. Evans Street. The property is further identified as being tax parcel number 17909.

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 zoned CH (Heavy Commercial). The properties to the north, south and west are zoned CH as well. Property to the east is zoned CH and R6 (Residential). The property is located along a major thoroughfare, being Evans Street and is close to an intersection of two major thoroughfares being Evans Street and East Fourteenth Street.

Surrounding Development:

North: Lumber Liquidators, 1570 AM, Global Impact, Building Hope, GCF

South: Vacant Commercial Property

East: GUC Substation, Pirates Place Apartments

West: Evans Street Center, Evans Office Mall

Description of Property:

The property contains a 6,000 square foot commercial building with two units and has approximately 285 feet of frontage along Evans Street with a total lot area of 1.78 acres. The applicants unit contains approximately 2,350 square feet of floor area.

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 commercial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on October 8, 2009. Notice of the public hearing was published in the Daily Reflector on October 12, 2009 and October 19, 2009.

Related Zoning Ordinance Regulations:

Definition:

Mental health, emotional or physical rehabilitation day program facility. 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 eighteen (18) hours within any twenty-four-hour period.

“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 this 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 Recommend 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:

Shall be classified by DHHS and shall meet all related NC State building codes for such classification.

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. Amy Moore spoke on behalf of her application. Ms. Moore stated she was the Day Treatment Program Coordinator for Keep Hope Alive Human Services. She said the main goal of their facility was to improve quality of life and foster independence by assisting the person served and learning effective skills in the areas of decision making, socialization, communication, coping mechanisms and self advocacy. She said the hours of operation would be from 8:30 to 6, Monday through Friday, focusing on children ages 3-12. Ms. Moore said their staff to child ratio would be 1:4; however they are only required to have a 1:6 ratio by the Department of Health and Human Services. She stated no child would be allowed outside the facility at any time without adult or staff supervision.

Ms. Bellis asked if she had similar facilities.

Ms. Moore said they provided residential treatment and community supports but the new budget cut the funding for those services. She said she had previously applied for the same type of facility but the location did not meet the codes.

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 finding of facts.

Motion was made by Ms. Rich, seconded by Mr. Ward to approve the Findings of Fact. Motion carried unanimously.

Motion was made by Mr. Hutchens, seconded by Ms. Harrington 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.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY THE LAMPE COMPANY

The applicant, The Lampe Company, Inc., desires a special use permit to operate a mini-storage facility (excluding outside storage) pursuant to Section 9-4-78(f)(14)k. of the Greenville City Code. The proposed use is located at 312 and 408 W. Arlington Boulevard. The property is further identified as being tax parcel numbers 51346, 36004 and 00608.

Dr. Wubneh asked 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 stated the property was zoned CG, General Commercial. Property to the north is also zoned CG, to the south is zoned OR, Office Residential and CG, to the east is CG and OR and to the west is OR. Mr. Dail stated the property is located along a major thoroughfare being West Arlington Boulevard.

Surrounding Development:

North: Ample Storage Center, Arlington Business Park (Offices)

South: Vacant, University Suites Apartments

East: Vacant, Ameriprise Financial, Salon 300 West, ENC-CIL

West: JH Rose High School

Description of Property:

The property consists of two vacant lots which front along W. Arlington Boulevard and the undeveloped portion of the larger tract to the north. The property has approximately 307 feet of frontage along W. Arlington Boulevard and a total lot area of approximately 2.0 acres.

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 commercial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on October 8, 2009. Notice of the public hearing was published in the Daily Reflector on October 12, 2009 and October 19, 2009.

Staff Comments:

Project is subject to site plan review and approval.

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. Mike Baldwin spoke on behalf of the applicant. He stated Mr. Lampe currently owned the mini-storage in the

back of the property and wanted to add a climate controlled facility. Mr. Baldwin said it would be betterment to the area.

Mr. Ward asked if the permit was approved when they anticipated starting work.

Mr. Baldwin said they would start as soon as the site plans were approved.

Mr. Ewen asked what kinds of things were stored in the climate controlled units verses the regular units.

Mr. Terry Wethington said climate controlled units were for household items that you didn't want to freeze in the winter or to get 120 degrees in the summer.

Mr. Hutchens asked if there were any specific limits on hazardous materials being stored at the facility.

Mr. Wethington said every client had to complete a questionnaire. He said they didn't offer any electricity in the units, which limited the use inside the unit.

Mr. Hutchens said he was thinking specifically of hazardous chemicals.

Mr. Wethington said that was strictly forbidden.

Mr. Shook asked where the road would go.

Mr. Baldwin said there was already a paved driveway and they would just spur off of that.

Mr. Ward asked if there would be fencing between the railroad tracks and the building.

Mr. Wethington said there would be fencing between the new building and the existing building because the school board had requested that.

Dr. Wubneh asked if there was any reference in the ordinance or requirement by the state regarding hazardous materials. He also asked if there was anything in the ordinance regarding fire.

Mr. Dail said the correct title of the use is "mini-storage warehouse household" which limited it to household items.

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; however, staff would like to add site plan review and approval as a potential condition if the board saw fit.

Dr. Wubneh said that would be a condition. He also pointed out the correction to the findings of fact regarding the

zoning of the property to the west being only OR.

Dr. Wubneh closed the public hearing and read the finding of facts.

Motion was made by Ms. Bellis, seconded by Mr. Ward to approve the Findings of Fact. Motion carried unanimously.

Motion was made by Ms. Harrington, seconded by Mr. Hutchens 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.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY DANNY STANCIL

The applicant, Danny Stancil, desires a special use permit to operate a child day care facility pursuant to Sections 9-4-78(f)(8)a. of the Greenville City Code. The proposed use is located at 400 Moyewood Drive. The property is further identified as being tax parcel number 18402.

Dr. Wubneh asked 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 stated the property as well as the surrounding properties were zoned R6, Residential with some Medical Heavy Commercial further to the south along West Fifth Street. Mr. Dail stated the property is located near a major thoroughfare being West Fifth Street.

Surrounding Development:

North: Single Family Residences

South: Single Family Residences

East: Vacant Commercial Property (Former Doctors Office)

West: Single Family Residences

Description of Property:

The property contains a 2,089 square foot single family home with an attached garage that the applicant wishes to convert to a commercial property. The property has approximately 105 feet of frontage along Moyewood Drive and approximately 118 feet of frontage along W. Roundtree Drive with a total lot area of 0.31 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 high density residential development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on October 8, 2009. Notice of the public hearing was published in the Daily Reflector on October 12, 2009 and October 19, 2009.

Associated Zoning Ordinance Regulations:

Definition:

Day care; child. An establishment which provides for the care and supervision of six (6) or more children away from their homes by persons other than their family members, custodians or guardians for periods not to exceed eighteen (18) hours within any twenty-four-hour period.

If approved, the applicant shall comply with the following pursuant to Section 9-4-86(e),
Specific Criteria:

- (1) All accessory structures, including but not limited to playground equipment and pools must be located in the rear yard.
- (2) The minimum lot size shall be increased by a ratio of one hundred (100) square feet per child in excess of five (5).
- (3) Outdoor play area shall be provided at a ratio of one hundred (100) square feet per child and shall be enclosed by a fence at least four (4) feet in height. Further, all playground equipment shall be located in accordance with the bufferyard regulations.
- (4) If located in a residential district, a residential appearance of the site shall be maintained to the greatest possible extent.
- (5) Employee parking shall be at the rear of the structure when a child day care facility is located in a residential district.

Staff Recommended Conditions in Addition to 9-4-86(e):

Day care facility must comply with all state licensing requirements and regulations prior to operation.

Site plan review and approval is required and necessary improvements must be made before operation can begin.

Staff Comments:

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

Mr. Danny Stancil spoke in behalf of his request. He said this would be an after school program where the kids would come from around 2:30 to six but they would open at 6:30 on the days they were out of school.

Ms. Bellis asked how many children they anticipated having.

Mr. Stancil said he believed they could have between 20 and 30, whatever is determined by the state.

Mr. Shook asked what the ages of the children would be.

Mr. Stancil said they would be from 4 to 12 years old.

Ms. Theresa Meteye spoke in opposition to the request. She said she would like for Moyewood to continue to be a residential area. She said there was inadequate parking for a child day care facility and there was already heavy traffic on Moyewood Drive and it would be dangerous to the children.

Mr. Stancil said the parking would take place on his property and the only traffic would be for kids being dropped off or picked up. He said all kids would have to be on a supervised playground when outside to ensure their safety.

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

Ms. Rich asked if the parking spaces already existed or if they had to be built.

Mr. Stancil said they had to be built.

Ms. Rich asked if there was sufficient room for parking spaces on the lot that the house is on.

Mr. Stancil said there was.

Ms. Harrington asked how the driveways would be set up for entry and exit.

Mr. Stancil said that there would be one for entry and one for exit.

Mr. Harrington said under the zoning ordinance regulations it says employee parking shall be at the rear of the structure when a child day care facility is located in a residential district. She asked where his employee parking would be.

Mr. Stancil said according to the state they would have only two employees. He said one would park on the existing driveway at the rear and one at the front.

Mr. Shook asked if they would be able to use the garage.

Mr. Stancil said they could. He said it was a double-car garage.

Wayne Harrison, planner, said the garage would count as two parking spaces and the employees would have to park there due to the ordinance.

Ms. Rich asked if there was sufficient room on the front to cover parking spaces and drive-thru.

Mr. Harrison said there appeared to be enough space; however, once it is formally drawn by an engineer or surveyor staff would review it again to make sure. He said it would have to go through a full site-plan review before they can do anything.

Ms. Bellis stated if the garage was counted as a parking space it would not be counted in the square footage of the facility and asked if it was included in the 2089 square feet.

Mr. Dail said that was only heated square feet as reported by the Pitt County Tax Assessor's office.

Ms. Bellis asked how many square feet he would have for keeping children.

Mr. Stancil said only 1000 square feet would be used for the children. He said the rest would be used for bathrooms, kitchen, storage, etc.

Ms. Bellis said they could have 1 child per 100 square feet for any amounts of children over 5 and asked what would be the maximum number of children he could have.

Mr. Dail said that requirement was not for the interior space, but for the lot size itself. He said they had to have 100 square feet of play area per child. He said the state had a separate requirement for the amount of indoor footage needed per child.

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 as long as the site can meet site-plan approval.

Dr. Wubneh read the finding of facts.

Motion was made by Mr. Hutchens, seconded by Mr. Ward to approve the Findings of Fact. Motion carried unanimously.

Motion was made by Ms. Rich, seconded by Ms. Harrington 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.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY MELANIE AND CHRISTOPHER BECKWITH

The applicants, Melanie and Christopher Beckwith, desire a special use permit to operate a child day care facility pursuant to Sections 9-4-78(f)(8)a. of the Greenville City Code. The proposed use is located at 2502 Dickinson Avenue. The property is further identified as being tax parcel number 15874.

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 stated the property is zoned O (Office). The property to the north is zoned R9-S (Residential Single Family), property to the south is zoned R9 and R6 (Residential), property to the east is zoned R9 and property to the west is zoned R9 and O. Mr. Dail stated the property was located along a major thoroughfare, being Dickinson Avenue, and close to the intersection of two major thoroughfares, being Arlington Boulevard and Dickinson Avenue.

Surrounding Development:

North: Single Family Residences (Westwood Neighborhood)

South: Single Family Residences (Duplexes)

East: Single Family Residences

West: Vacant, Burton Family Dental and Associates

Description of Property:

The property contains a 1,477 square foot single family home with an attached carport that the applicant wishes to convert to a commercial property. The property has approximately 105 feet of frontage along Dickinson Avenue with a total lot area of 0.40 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.

Notice:

Notice was mailed to the adjoining property owners on October 8, 2009. Notice of the public hearing was published in the Daily Reflector on October 12, 2009 and October 19, 2009.

Associated Zoning Ordinance Regulations:

Definition:

Day care; child. An establishment which provides for the care and supervision of six (6) or more children away from their homes by persons other than their family members, custodians or guardians for periods not to exceed eighteen (18) hours within any twenty-four-hour period.

If approved, the applicant shall comply with the following pursuant to Section 9-4-86(e),
Specific Criteria:

- (1) All accessory structures, including but not limited to playground equipment and pools must be located in the rear yard.
- (2) The minimum lot size shall be increased by a ratio of one hundred (100) square feet per child in excess of five (5).
- (3) Outdoor play area shall be provided at a ratio of one hundred (100) square feet per child and shall be enclosed by a fence at least four (4) feet in height. Further, all playground equipment shall be located in accordance with the bufferyard regulations.

- (4) If located in a residential district, a residential appearance of the site shall be maintained to the greatest possible extent.
- (5) Employee parking shall be at the rear of the structure when a child day care facility is located in a residential district.

Staff Recommended Conditions in Addition to 9-4-86(e):

Day care facility must comply with all state licensing requirements and regulations prior to operation.

Site plan review and approval is required and necessary improvements must be made before operation can begin.

Staff Comments:

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

Ms. Rich said it looked like they had the same problem with parking.

Mr. Dail said the specific criteria for parking in the rear was limited to residential zoning districts and since this property was zoned O, that requirement did not affect this case.

Ms. Melanie Beckwith spoke on behalf of her request. Ms. Beckwith stated she was currently a childcare center owner and this would be a second site. She said she didn't know at this time how many kids she could have because she had not gotten that far with the state.

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 read the finding of facts.

Motion was made by Ms. Safford-White, seconded by Mr. Ward to approve the Findings of Fact. Motion carried unanimously.

Motion was made by Ms. Safford-White, seconded by Mr. Ward 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.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY WILLIAM WALTON

The applicant, William Walton, desires a special use permit to operate a child day care facility pursuant to Sections 9-4-78(f)(8)a. of the Greenville City Code. The proposed use is located at 804 John Hopkins Drive. The property is further identified as being tax parcel number 34405.

Mr. Dail delineated the area on the map. He stated the property as well as the surrounding properties is zoned MO (Medical Office). He said the property was located near 3 major thoroughfares, being Stantonsburg Road, Allen Road and West Arlington Boulevard.

Surrounding Development:

North: Medical Offices
South: Medical Offices
East: Medical Offices
West: Medical Offices

Description of Property:

The property contains an 11,838 square foot commercial building and has approximately 328 feet of frontage along John Hopkins Drive and approximately 305 feet of frontage along Bowman Gray Drive with a total lot area of 2.64 acres.

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 office, institutional and/or medical development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on October 8, 2009. Notice of the public hearing was published in the Daily Reflector on October 12, 2009 and October 19, 2009.

Associated Zoning Ordinance Regulations:

Definition:

Day care; child. An establishment which provides for the care and supervision of six (6) or more children away from their homes by persons other than their family members, custodians or guardians for periods not to exceed eighteen (18) hours within any twenty-four-hour period.

If approved, the applicant shall comply with the following pursuant to Section 9-4-86(e),
Specific Criteria:

- (1) All accessory structures, including but not limited to playground equipment and pools must be located in the rear yard.
- (2) The minimum lot size shall be increased by a ratio of one hundred (100) square feet per child in excess of five (5).

- (3) Outdoor play area shall be provided at a ratio of one hundred (100) square feet per child and shall be enclosed by a fence at least four (4) feet in height. Further, all playground equipment shall be located in accordance with the bufferyard regulations.
- (4) If located in a residential district, a residential appearance of the site shall be maintained to the greatest possible extent.
- (5) Employee parking shall be at the rear of the structure when a child day care facility is located in a residential district.

Staff Recommended Conditions in Addition to 9-4-86(e):

Day care facility must comply with all state licensing requirements and regulations prior to operation.

Staff Comments:

Site plan review and approval is required for the addition of required outdoor play area and associated fencing.

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.

Mr. William Walton spoke on behalf of his request. He stated he owned Children's World Learning Center on Greenville Boulevard which is a five star facility with around 260 children. He said he anticipated around 125 children initially at the John Hopkins location.

Ms. Harrington asked how many he planned on getting up to.

Mr. Walton said it depended on the demand.

Mr. Harrington asked if they would have normal childcare hours.

Mr. Walton said they may do extended care until about 8:00 for the second shift of the hospital.

Mr. Ward asked what the ages of the children would be.

Mr. Walton said it would be from 6 weeks to 12 years old.

Mr. Ward asked if the application was approved when they anticipated opening.

Mr. Walton said at the end of the summer, around July or August. He said they had a lot of work to do in the building to make it right.

No one spoke in favor of the application.

Dr. Paul Brechtelsbauer of East Carolina ENT spoke in opposition to the request. He said they were located next to the property requesting the permit. He said he and those at his practice had some serious concerns about a daycare being brought to a parcel in the medical district. He said a daycare was not consistent with the neighborhood. He said although there is a daycare in the area, it is tucked off to the side in a cul-de-sac with low visibility. He said the building being requested was in a very prominent spot and would dramatically change the character of the neighborhood. He said this was not consistent with the Land Use Plan. He also said they had serious concerns with traffic. He said the property is located at an intersection and at peak times drop-off or pick-up traffic could back up to Stantonsburg Road. He said this could cause problems if they have an emergency and need to get a patient to the hospital quickly. He said the code says the daycare's play area has to be located in the rear yard and wasn't sure what would be considered the rear yard. He also had concerns with the noise that would come from the play area of the daycare.

Mary Parks, district manager for Learning Care Group Child Care Facility that operates under the names of Child Time, Tutor Time and La Petit, spoke in opposition to the request. She said she was with the existing location in the cul-de-sac. She stated another daycare in the same area would be detrimental to their business and didn't see how it would benefit the city.

Heather Fleming, director of Child Time, spoke in opposition to the request. She stated they were directly across from the ENT building and she could see the proposed site from her office window. She felt approving the proposed daycare would be detrimental to their business. She said they also had concerns with the traffic backing up.

Stanley Sams, attorney for Greenville Pathology, spoke in opposition to the request. He said Greenville Pathology was located adjacent to the proposed site.

Dr. William Ballance, owner of Greenville Pathology, spoke in opposition to the request.

Mr. Walton spoke in favor in rebuttal. He said he wanted to be a good neighbor and thought the work he intended on doing to the building would have a positive effect on the value of the surrounding properties. He said though the building contained over 12,000 square feet, he only anticipated using around 8,000 square feet for the child care. He said he had observed the traffic on several occasions and had never seen it back up. He said there would be plenty of parking on site so it would not be necessary to park on the street or in other lots.

Ms. Bellis asked where he would anticipate locating parking and the play area with respect to the existing building.

Mr. Dail said there is no required parking in the rear yard for this facility. He said that was only for daycares in residentially zoned areas.

Mr. Walton said he anticipated the playground would be in the rear of the building off to the back left side.

Ms. Bellis said that it would be closer to the ENT building.

Mr. Walton said it could be.

Mr. Ward asked what time of day children would be outside.

Mr. Walton said it would be all through the day but most of the time all of the children wouldn't be out at once.

Mr. Ward asked how long they would be out there.

Mr. Walton said it would vary depending upon the age groups of the children.

Mr. Shook said noise was one of the main concerns and asked Mr. Walton if he would be willing to put up some shrubbery to help with that.

Mr. Walton said he wanted to be a good neighbor and would be willing to put up some type of vegetation to help buffer the noise.

Mr. Ewen asked Mr. Walton if he thought the area could sustain another childcare facility.

Mr. Walton said he wouldn't be making the investment if he didn't. He said he understood what the ladies were saying but other cities had multiple childcare centers and they all did well.

Mr. Brechtelsbauer said the window method of traffic assessment was not accurate. He said he worked in the medical practice every day and came in and out of each of the three exits and they are all very congested. He said the ordinance stated the play area had to be in the rear yard and Mr. Walton said it would be in the side yard, which was a clear violation of the city code.

Dr. Wubneh asked if this was an allowed use in the medical district.

Mr. Dail said the proposed use is located within the medical district. He said the medical district is a major employment area of the city. He said the Medical District Plan as well as the Comprehensive Plan encourages services to support employment areas to be located in these areas. He said it was up to the board to determine if this is an appropriate location for a child daycare but staff's opinion is that the Medical District Plan and the Comprehensive Plan supports services within close proximity of high employment areas.

Mr. Shook asked what other services might be appropriate for the area.

Mr. Dail said any of the typical things you would need during the day as an employee in the area without having to drive across town to receive those services. He said it is a special use under the Medical Office Zoning District which makes it in general compliance with the Future Land Use Plan Map, but it is up to the board to determine if this is the correct location for this service.

Ms. Safford-White asked to see the photo showing the location of the ENT building to the proposed site.

He said it was important to note that the rear yard of the property would be anything behind a line drawn across the property from the back of the building.

Dr. Wubneh asked for staff's recommendation.

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

Dr. Wubneh closed the public hearing and called for board discussion.

Mr. Ward said they had approved various other services in the Medical District including gas stations, banks and hotels.

Mr. Hutchens said there was also already a childcare district in the area so the use was obviously not the problem. He said the gentlemen seemed concerned with the specific location and the volume of use. He felt most of their concerns were bogus. He said the major problem he had was with the size of the facility and childcare warehousing but that would be regulated by the state.

Ms. Bellis said the biggest problem seemed to be the noise.

Ms. Safford-White agreed.

Dr. Wubneh said they could put a condition on the permit that there had to be a buffer.

Mr. Shook said he had a couple of issues. He said they had heard some concerns with traffic and wanted to know what types of qualifications one would have to have to testify to have a qualified opinion about traffic.

Mr. Little said there would have had to have been documentation from an appraiser that the value of the building has been affected by the facility. He said as far as a lay opinion as to traffic, it could be based upon observations. He said that determination could be made based upon their observations but that is not the opinion of a traffic engineer. He said a traffic study was not completed because they did not see that as an issue.

Mr. Shook asked if there were complaints made regarding the noise from the daycare if it could be brought back before the board.

Mr. Dail said they could bring it back for review if they saw the need.

Dr. Wubneh read the finding of facts.

Motion was made by Mr. Hutchens, seconded by Mr. Ward to approve the Findings of Fact. Motion carried unanimously.

Motion was made by Ms. Bellis, seconded by Ms. Safford-White to approve the petition with the staff recommended conditions and an additional condition that a vegetative buffer be required from the midpoint of the southern

property line, extending into the southwestern corner and then north to where the playground ends at the planning rate of Bufferyard C. 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, motion was made and properly seconded to adjourn at 9:40p.m.

Respectfully Submitted

Michael R. Dail, II
Planner