

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE BOARD OF
ADJUSTMENT

August 28, 2008

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 X, Chairman	
Ann Bellis*	Charles Ewen*
Wanda Harrington *	John Hutchens *
Scott Shook*	Charles Ward*
Renee Safford-White*	Allen Thomas X
Linda Rich*	Louis Treole*

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

VOTING MEMBERS: Bellis, Harrington, Hutchens, Shook, Ward, Safford-White, Rich

OTHERS PRESENT: Mr. Mike Dail, Planner
Mr. Wayne Harrison, Planner
Mrs. Sarah Radcliff, Secretary
Mr. Tim Corley, Engineer
Mr. Les Everett, Chief Building Inspector
Mr. Bill Little City Attorney

MINUTES

Motion was made by Mr. Shook, seconded by Mr. Ward to accept the July 24, 2008 minutes as presented. Motion carried unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY ADRIAN AND
NIKI DIXON

The applicants, Adrian and Niki Dixon, desire a special use permit to operate a game center pursuant to Section 9-4-78(f)(6)d. of the Greenville City Code. The proposed use is located at 3195-C E. Tenth Street. The property is further identified as being Tax Parcel Number 16439.

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

Mike Dail, planner, delineated the area on the map. He stated the subject property is located in the eastern quadrant of the city. The property is currently zoned CH, Heavy Commercial. The property to the north is zoned R6, to the South is CG and CH, to the east CH and to the west is CG. Mr. Dail stated the property was located along a major thoroughfare, being East Tenth Street.

Surrounding Zoning:

North: R6 (Residential)
South: CG (General Commercial) & CH (Heavy Commercial)
East: CH (Heavy Commercial)
West: CG (General Commercial)

Surrounding Development:

North: Bryton Hills Apartments
South: Dominos Pizza, ABC Store, University Square Shopping Center
East: IPM Mini Storage, Congleton Memorial Mortuary, Backdoor Skate Park
West: Rivergate Shopping Center

Description of Property:

The property (Rivergate East Shopping Center) has approximately 275 feet of frontage along E. Tenth Street and 350 feet of frontage along River Bluff Road and has a lot area of 2.2 acres. The property contains three commercial buildings with multiple units and various commercial tenants. The applicant wishes to operate their business within unit “C” of the building located on the northern portion of the property. Book Trader is located within the unit immediately to the west of the applicants unit and Vacuum’s + is immediately to the east.

Comprehensive Plan:

The property is located within Vision Area “C” 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 August 14, 2008. Notice of the public hearing was published in the Daily Reflector on August 18, 2008 and August 25, 2008.

Staff Comments:

Definition [zoning regulations]:

Game Center. Any establishment that has more than five (5) coin/token operated or other amusement devices or whose principal purpose is the operation of a game center regardless of the total number of amusement devices. For purposes of this definition the term “amusement devices” shall include electronic games and similar machines, and any other

game table or device. Bingo parlors shall be considered as game centers regardless of the number of participants. See also “billiard parlor; pool room.”

Other Comments:

An ABC Licensing request would place this use in the public/private club use category and require a new special use permit for operation.

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.

Adrian Dixon, applicant, spoke on behalf of his request.

Mr. Ward asked if there would be computers available for use or tables available if someone wanted to bring in their own computers.

Mr. Dixon said there would be 3 gaming computers that were also equipped with Microsoft Office and other programs.

Mr. Ward asked if the games would be rented for periods of time.

Mr. Dixon stated they could be rented by time and they also offered memberships.

Mr. Ward asked the hours of operation.

Mr. Dixon stated they planned to open at 9a.m. and close at 10p.m.

Mr. Ward asked what age group was being targeted.

Mr. Dixon stated he hoped to attract the whole family, rather than one specific age group.

Ms. Safford-White asked if his hours were adjusted based on how much business he received, how late he anticipated being open.

Mr. Dixon said he did not anticipate being open after 10p.m.

Ms. Harrington asked how many people the building could accommodate.

Mr. Dixon stated it could hold 25, including the 3 employees.

Ms. Bellis asked for the recommendation from staff.

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

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

Ms. Bellis then asked for a motion to approve the petition. Motion was made by Ms. Safford-White, seconded by Mr. Shook. 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 LATRESSA WILLIAMS

The applicant, Latressa Williams, desires a special use permit to operate a child day care facility pursuant to Section 9-4-78(f)(8)a. of the Greenville City Code. The proposed use is located at 3100 S. Memorial Drive. The property is further identified as being Tax Parcel Number 13009.

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

Mike Dail, planner, delineated the area on the map. The property is located along the southern border of the city, along Memorial Drive. He stated the property, as well as the surrounding development is zoned CH, Heavy Commercial. Mr. Dail stated the property was located along a major thoroughfare, being South Memorial Drive.

Surrounding Development:

North: Terminix

South: Offices (James Crisp CPA, Allstate Insurance)

East: Greenville Financial Services, Bill Clifton Insurance Agency, Mexican Pottery

West: Ferguson

Description of Property:

The property has approximately 184 feet of frontage along S. Memorial Drive with a total lot area of 1.06 acres. The property contains a 3,695 square foot commercial building.

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 commercial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on August 14, 2008. Notice of the public hearing was published in the Daily Reflector on August 18, 2008 and August 25, 2008.

Staff Comments:

Definition[zoning regulations]:

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(b), 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.

Other 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.

Ms. Bellis asked who completed the site-plan review and approval.

Mr. Dail stated the Planning Department would complete that.

Latressa Williams, applicant, spoke on behalf of her request. Ms. Williams stated her hours of operation would be from 6:30a.m. until 6p.m. The children's ages would range from 6 weeks to 12 years of age. She stated they plan to have up to 40 children and had enough yard space to expand the parking lot. She also stated they planned to add an additional fence to the playground area on the back end of the property in the future.

Ms. Bellis stated the fence was a requirement to be in place and asked if it would be in place before they opened.

Ms. Williams stated it would.

Ms. Bellis asked if the fish ponds in the back of the property would be removed before the center is opened.

Ms. Williams stated they would be removed or either covered up so they would not be a hazard to the children.

Ms. Bellis asked if the building in the back of the property was part of it.

Ms. Williams stated it was part of the property, but they planned to remove it and clean the area.

Ms. Bellis said there was a sighting problem when exiting the property due to the shrubbery and asked if they could be trimmed back or removed.

Ms. Williams said she would take care of it.

Ms. Bellis asked for the staff recommendation.

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

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

Ms. Bellis then asked for a motion to approve the petition with the staff recommended condition that the day care facility must comply with all state licensing requirements and regulations prior to operation. Motion was made by Ms. Harrington, 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 DEBBIE VARGAS AND DENISE WALSH (UPTOWN GREENVILLE)

Ms. Bellis asked if items 3 and 4 could be combined due to their similarity.

Mr. Little stated there could be 1 hearing for both items, but the board would need to vote separately on each item.

Item 3: The applicants, Debbie Vargas and Denise Walsh (Uptown Greenville), desire a special use permit to operate a commercial service not otherwise listed (Freeboot Friday Outdoor Concert Series) pursuant to Section 9-4-78(f)(15)c. of the Greenville City Code. The proposed use will be located at the Sixth Street Parking Lot on the corner of Evans Street and Sixth Street. The property is further identified as being Tax Parcel Number 35489.

Item 4: The applicants, Debbie Vargas and Denise Walsh (Uptown Greenville), desire a special use permit to operate a commercial service not otherwise listed (Freeboot Friday Outdoor Concert Series) pursuant to Section 9-4-78(f)(15)c. of the Greenville City Code. The proposed use will be located at the Mosley Parking Lot on the corner of Fourth Street and Cotanche Street. The property is further identified as being Tax Parcel Number 15715.

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

Mike Dail, planner, delineated the area on the map. Mr. Dail stated that both properties were located in the downtown area of the city. He stated the properties, as well as the surrounding development is zoned CD, Downtown Commercial. Mr. Dail stated both properties were located near major thoroughfares, being Reade Street, Greene Street and Reade Circle. The requested dates for the use of the Moseley Lot are September 5th and September 26th. The requested dates for the use of the

Sixth Street Lots are October 17th and November 7th.

Sixth Street Lot

Surrounding Development:

North: Starlight Cafe

South: Sheppard Library

East: Cubbies, Hooker and Buchanan Insurance Agency

West: Jarvis Memorial Church Parking Lot, Humber House

Description of Property:

Currently the city owned parking lot has approximately 156 feet of frontage along E. Fifth Street. Once the Sixth Street realignment and the addition to the Sixth Street Parking Lot are completed the property will have approximately 325 feet of frontage along Evans Street and 140 feet of frontage along Sixth Street and have a lot area of 1.19 acres.

Moseley Lot

Surrounding Development:

North: City of Greenville's Harris Lot, Hendrix Building, Building #159 (ECU)

South: Boli's, Pirates Den, The Tank

East: Browning & Hill Attorneys, Rumors

West: Tavern on 4th, Various commercial uses fronting on Evans Street

Description of Property:

The Moseley lot is a city owned parking lot with approximately 215 feet of frontage along Cotanche Street and 130 feet of frontage along E. Fourth Street with a lot area of 0.64 acres.

Comprehensive Plan:

The property is located within Vision Area "H" 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 August 14, 2008. Notice of the public hearing was published in the Daily Reflector on August 18, 2008 and August 25, 2008.

Staff Recommended Conditions:

The applicant shall provide proper portable bathroom facilities, which shall include a minimum of one handicap unit, as per the North Carolina State Building Code.

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. Treole asked who maintained the security for the event.

Mr. Dail said the applicant could answer that question for him.

Mr. Treole asked if the permit was granted if it ran with the land.

Mr. Dail said it would just be for the specific dates requested.

Debbie Vargas spoke on behalf of the request. Ms. Vargas said this was the eighth season they had held the event and applied for the permit. She stated the event was free to the public and all the proceeds would go back into the revitalization of the downtown area.

Mr. Treole asked if the event was free, where did the proceeds come from.

Ms. Vargas stated the proceeds came from the beer and wine garden. She said after seven years they have had no security issues; however, they were responsible for providing the security and the City has worked with them as a partner in doing that.

Mr. Ewen asked what they would do if the Sixth Street lot wasn't completed by October 17th.

Ms. Vargas said they felt sure the construction would be complete; however, they had already received permission from the surrounding business owners to hold all events on either lot.

Ms. Bellis asked for the staff recommendation.

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

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

Ms. Bellis then asked for a motion to approve the petition (Sixth Street Lot) with the staff recommended condition that the applicant shall provide proper portable bathroom facilities, which

shall include a minimum of one handicap unit, as per the North Carolina State Building Code. Motion was made by Ms. Safford-White, seconded by Ms. Rich. Motion carried unanimously.

Ms. Bellis then asked for a motion to approve the petition (Moseley Lot) with the staff recommended condition that the applicant shall provide proper portable bathroom facilities, which shall include a minimum of one handicap unit, as per the North Carolina State Building Code. Motion was made by Ms. Harrington, seconded by Mr. Hutchens. 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 7:44p.m.

Respectfully Submitted

Michael R. Dail, II
Planner