

August 30, 2007

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

Dr. Multau Wubneh, Chairman
Ms. Ann Bellis
Mr. Charles Ward
Mr. Scott Shook
Mr. Charles Ewen
Mr. John Hutchens
Ms. Renee Safford-White
Mr. Thomas Harwell

VOTING MEMBERS: Wubneh, Bellis, Hutchens, Ward, Safford-White, Shook and Harwell

OTHERS PRESENT: Mr. Seth Laughlin, Planner
Mr. Mike Dail, Planner
Ms. Kathy Stanley, Secretary
Mr. Les Everett, Chief Building Inspector
Mr. Tim Corley, Engineer
Mr. Bill Little, Assistant City Attorney

MINUTES

Chairman Wubneh asked if there were any corrections to the minutes. Motion was made by Mr. Harwell, seconded by Mr. Ward to accept the July 26, 2007 minutes as presented. Motion carried unanimously.

REQUEST FOR A SPECIAL USE PERMIT EILENE AND JOSEPH SPENCER – GRANTED WITH CONDITIONS

Chairman Wubneh stated that the first item is a public hearing on a request by Eilene and Joseph Spencer. The applicants, Eilene and Joseph Spencer, desire a special use permit to operate a child care facility pursuant to Section 9-4-78(f)(8)a of the Greenville City Code. The proposed use is located at 2313 South Memorial Drive. The property is further identified as being Tax Parcel Number 18657.

Chairman Wubneh declared the meeting a public hearing as advertised in The Daily Reflector on August 14, 2007 and August 20, 2007. Those wishing to speak for or against the request were sworn in.

Mr. Laughlin delineated the area on the location map. Mr. Laughlin stated that the zoning map indicates the property is zoned CDF, Commercial Downtown Fringe. Commercial development is to the north and south of the property. To the east is residential development and to the west is general commercial zoning. Mr. Laughlin stated that the Land Use Plan indicates commercial uses along Memorial Drive. The property has approximately 96 feet of frontage along South

Memorial Drive with a total lot area of 0.30 acres. Mr. Laughlin stated that the applicant received a special use permit in September, 2000 to operate a child care facility on the adjacent property to the south which is currently in operation. The property is located within Visions Area "G". South Memorial Drive is considered a major thoroughfare. Mr. Laughlin presented the combined, current and future, Land Use Plan Maps. Mr. Laughlin presented photographs of the property. Mr. Laughlin stated the conditions which shall apply if the special use permit is granted. Staff has no objection to the request. Mr. Laughlin asked that the proposed Findings of Fact be entered into the record.

Applicant: Eilene and Joseph Spencer

Request: The applicants, Eilene and Joseph Spencer, desire a special use permit to operate a child care facility pursuant to Section 9-4-78(f)(8)a of the Greenville City Code.

Location: The proposed use is located at 2313 South Memorial Drive. The property is further identified as being Tax Parcel Number 18657.

Zoning of Property: CDF (Commercial Downtown Fringe)

Surrounding Development:

Zoning

North: Commercial Development	CDF (Commercial Downtown Fringe)
South: Commercial Development	CDF (Commercial Downtown Fringe)
East: Residential Development	R6S (Residential-single-family)
West: Commercial Development	CG (General Commercial)

Description of Property:

The property has approximately 96 feet of frontage along South Memorial Drive with a total lot area of approximately 0.30 acres.

The applicant received a special use permit in September of 2000 to operate a child care facility on the adjacent parcel to the south, 2311 South Memorial Drive. That business is currently in operation.

Comprehensive Plan:

The property is located within Vision Area "G" as designated by the Comprehensive Plan.

Notice:

Notice was mailed to the adjoining property owners on August 7, 2007. Notice of

the public hearing was published in the Daily Reflector on August 14, 2007 and August 20, 2007.

Staff Comments:

The following conditions per Section 9-4-86(e) shall apply:

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.

Other Comments:

Proposed project must meet all NC State fire codes prior to occupancy.

Proposed project shall meet all related NC State building codes.

Applicant shall obtain all require state licensing to operate a child day care facility.

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. Eilene Spencer stated that she wishes to operate another child care center because they need more space to provide services for working parents. Ms. Spencer advised she will continue to operate the adjacent facility. There will be anywhere between 30 and 35 children at this facility in the 0-12 year old age. The facility will operate from 6:30 AM until 7:30 PM.

Ms. Bellis asked if there will be enough play area to accommodate 30 to 35 children and if it will be located in the rear.

Ms. Spencer stated that the play area will be fenced in around the rear and will accommodate the number of children she anticipates will be at the facility.

Ms. Bellis stated that the facility only as access from Memorial Drive and asked if that will cause a traffic problem when parents are either unloading or picking up children.

Ms. Spencer advised that there will be parking on the left and right side. Ms. Spencer advised that

the vehicles could exit through the other drive that is open from the other facility.

Ms. Bellis stated that she has some concerns with a child care facility next to a motel and wonders if it might be a potential problem.

Ms. Spencer stated that Mr. David, owner of the motel, stated he has no problem with the facility being adjacent.

Mr. Little stated that the hours of operation of the child care facility would not overlap the typical activities of the motel.

Chairman Wubneh then read the criteria in granting/denying a special use permit.

Motion was made by Ms. Safford-White, seconded by Mr. Hutchens, to adopt the proposed findings of fact and evidence presented. Motion carried unanimously.

Motion was made by Ms. Shook, seconded by Ms. Safford-White, to approve the request. 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.

REQUEST FOR A SPECIAL USE PERMIT BY UPTOWN GREENVILLE – GRANTED WITH CONDITIONS

Chairman Wubneh stated that the next item is a request for a public hearing by Uptown Greenville. The applicant, Uptown Greenville, desires a special use permit to allow “outdoor community concerts” pursuant to Section 9-4-78(f)(15) c (other activities; commercial services not otherwise listed) of the Greenville City Code. The proposed use will be located between Evans Street and Washington Street north of Sixth Street (City of Greenville parking lot). The property is further identified as being a portion of Tax Parcel Number 35489.

Chairman Wubneh declared the meeting a public hearing as advertised in The Daily Reflector on August 14, 2007 and August 20, 2007. Those wishing to speak for or against the request were sworn in.

Mr. Laughlin delineated the area on the location map. The property is zoned Downtown Commercial along with surrounding development. The Land Use Plan Map indicates commercial zoning for this property. West Fifth Street is considered a minor thoroughfare. The total lot area of the property to be utilized is 40,099 feet. Mr. Laughlin indicated the dates of the Freeboot Fridays that the concerts would be held. The property is located within Visions Area “H”. The proposed use is consistent with the Land Use Plan Map which recommends developing the "College Area" of downtown as the cultural, recreational, and entertainment center of the city. Mr.

Laughlin stated that the applicant shall provide proper portable bathroom facilities to include a minimum of one handicap unit as per NC State Building code. Mr. Laughlin recommended that the Board add as a condition that Uptown Greenville receive permission from Jarvis Church to use a specific section after September 27, 2007. Mr. Laughlin explained that this section was included in the sale of the property from the city to Jarvis Church. Mr. Laughlin asked that the Findings of Fact be entered into the record.

Applicant: Uptown Greenville

Request: The applicant, Uptown Greenville, desires a special use permit to allow “outdoor community concerts” pursuant to Section 9-4-78(f)(15)c (other activities; commercial services not otherwise listed) of the Greenville City Code.

Location: The proposed use will be located between Evans Street and Washington Street north of Sixth Street (City of Greenville parking lot). The property is further identified as being Tax Parcel Number 35489.

Zoning of Property: CD (Downtown Commercial)

Surrounding Development:

Zoning

North: Starlight Cafe	CD (Downtown Commercial)
South: Taft Furniture	CD (Downtown Commercial)
East: Cubbies	CD (Downtown Commercial)
West: Humber House	CD (Downtown Commercial)

Description of Property:

The property has approximately 200 feet of frontage along Evans Street, 80 feet of frontage along Washington Street, and 270 feet of frontage along Sixth Street. The total lot area of the property is approximately 40,099.

The series of outdoor community concerts is proposed to be held on September 7th and 14th and October 5th, 19th and 26th of 2007.

Comprehensive Plan:

The property is located within Vision Area "H" as designed by the Comprehensive Plan. The proposed use is consistent with the Land Use Plan Map, which recommends developing the "College Area" of downtown as the cultural, recreational, and entertainment center of the city. The request is general compliance with the Comprehensive Plan.

Notice:

Notice was mailed to the adjoining property owners on August 7, 2007. Notice of the public hearing was published in the Daily Reflector on August 14, 2007 and August 20, 2007.

Staff Recommendation:

The applicant shall provide proper portable bathroom facilities to include a minimum of 1 handicap unit as per NC State Building code.

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.

Chairman Wubneh raised concerns in relation to safety, clean up, emergencies and parking.

Mr. Little explained the applicant is responsible for clean up. There will be Police officers and EMS vehicles presents during these events.

Ms. Denise Walsh, representative of Uptown Greenville, spoke in favor of the request.

Chairman Wubneh then read the criteria in granting/denying a special use permit.

Motion was made by Ms. Bellis, seconded by Mr. Ward, to adopt the proposed findings of fact and evidence presented. Motion carried unanimously.

Motion was made by Ms. Safford-White, seconded by Mr. Harwell, to approve the request. 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.

There being no further business the meeting adjourned at 7:38 PM.

Respectfully submitted

Seth Laughlin
Planner