

September 28, 2006

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  
Mr. John Hutchens                      Mr. Charles Ward  
Ms. Renee Safford-White              Mr. Scott Shook  
Mr. Steve Estes                          Mr. Thomas Harwell

THOSE MEMBERS ABSENT: Ms. Bellis and Mr. Wright

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

OTHERS PRESENT: Mr. Seth Laughlin, Planner  
Mr. Wayne Harrison, Planner  
Ms. Kathy Stanley, Secretary  
Mr. Les Everett, Chief Building Inspector  
Mr. Tim Corley, Engineer  
Mr. Merrill Flood, Director of Community Development  
Mr. Bill Little, Assistant City Attorney  
Mr. Larry Spell, Council member

## MINUTES

Chairman Wubneh asked if there were any corrections to the minutes. Motion was made by Harwell, seconded by Mr. Estes to accept the August 24, 2006 minutes as presented. Motion carried unanimously.

## REQUEST FOR A SPECIAL USE PERMIT ARLINGTON CROSSING, LLC – GRANTED

Chairman Wubneh stated that the first item is a request for a special use permit by Arlington Crossing, LLC. The applicant, Arlington Crossing, LLC desires a special use permit to operate a restaurant pursuant to Section 9-4-78(f)(10)j of the Greenville City Code. The proposed use is located at 1856 W. Arlington Boulevard approximately 1500 feet north of the intersection of Arlington Boulevard and

Dickinson Avenue. The property is further identified as being Tax Parcel Number 48582.

Chairman Wubneh declared the meeting a public hearing as advertised in The Daily Reflector on September 21, 2006 and September 25, 2006. Those wishing to speak for or against the request were sworn in.

Mr. Laughlin presented a map of the property location. Mr. Laughlin stated that the proposed site is located in front of the Physicians East Complex on Arlington Boulevard. The property is zoned Medical Office and the surrounding properties are zoned Medical Office. The property has approximately 850 feet of frontage along Arlington Boulevard. The property is located within Vision Area "F" as designated by the Comprehensive Plan. Management actions for Vision Area "F" include strengthening and supporting the medical district plan. Uses in this area should support medical professionals and clientele. The Land Use Plan Map recommends office, institutional, and multi-family uses for the subject property. Mr. Laughlin stated that the Thoroughfare Plan indicates that Arlington Boulevard is a major thoroughfare. Mr. Laughlin asked that the proposed Findings of Fact be entered into the record.

Applicant: Arlington Crossing, LLC

Request: The applicant Arlington Crossing, LLC, desires a special use permit to operate a fast-food restaurant pursuant to Section 9-4-78(f)(10)i of the Greenville City Code.

Location: The proposed use is to be located at 1856 W. Arlington Boulevard approximately 1500 feet north of its intersection with Dickinson Avenue. The property is further identified as being Tax Parcel Number 48582.

Zoning of Property: MO (Medical Office)

Surrounding Development:

Zoning

North: Medical Offices

MO (Medical Office)

South: Undeveloped land	MO (Medical Office)
East: Medical Offices	MO (Medical Office)
West: Undeveloped land	MO (Medical Office)

Description of Property:

The property has approximately 850 feet of frontage along Arlington Boulevard with a total lot area of approximately 5.34 acres.

Comprehensive Plan:

The property is located within Vision Area “F” as designated by the Comprehensive Plan. Management actions for Vision Area “F” include strengthening and supporting the medical district plan. Uses in this area should support medical professionals and clientele. The Land Use Plan Map recommends office, institutional, and multi-family uses for the subject property.

Notice:

Notice was mailed to the adjoining property owners on September 14, 2006. Notice of the public hearing was published in the Daily Reflector on September 21, 2006 and September 25, 2006.

Staff Comments:

The proposed fast-food restaurant shall meet all applicable N.C. State Building Codes.

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. Jim Moye, representing Arlington Crossing, LLC, spoke on behalf of the request. Mr. Moye stated that the special use permit will be for a restaurant which will be located in Space “J” of Arlington Crossing. The proposed restaurant,

Tropical Smootie and Cafe, will be approximately 1750 square feet. Mr. Moye advised that the franchisee for the establishment is in attendance if the Board has any questions. The restaurant will operate during 8 AM and 10 PM, seven days a week with Sunday's having shorter hours.

No one spoke in opposition.

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

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

Motion was made by Mr. Estes, 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 ELLA HOOKS – GRANTED WITH CONDITIONS

Chairman Wubneh: The next item on the Agenda is a public hearing on a request for a special use permit by Ella Hooks. The applicant, Ella Hooks, desires a special use permit to operate an after-school program pursuant to Section 9-4-78(f)(15)a of the Greenville City Code. The proposed use is located at 1310-C Dickinson Avenue. The property is further identified as being Tax Parcel Number 16470. I now open the public hearing on this case, those wishing to speak for or against this case please come forward and be sworn. Mr. Laughlin would you give us the preliminary report.

Mr. Laughlin: Thank you Dr. Wubneh. As Dr. Wubneh stated our applicant tonight is Ms. Ella Hooks. She is desiring a special use permit for an after school program. The property is located at 1310 Dickinson Avenue adjacent to the intersection of Dickinson and Raleigh Avenues. It is further identified as Tax Parcel 16470. We have a photograph of the property here. The zoning of the property is CDF, commercial downtown fringe. The surrounding properties to the north are single

family dwellings, to the south commercial businesses, to the east, single family dwellings and to the west is undeveloped, all are zoned CDF as well. Description of the property is approximately 170 feet of frontage along Raleigh with a total area of approximately 0.25 acres. The property is located within Vision Area “G” as designated by the Comprehensive Plan. Management actions for Vision Area “G” include to revitalize mixed uses along Dickinson Avenue and Martin Luther King, Jr. Drive. The request is in general compliance with the Land Use Plan Map, which recommends mixed use, office, and institutional for the subject property. Notices were mailed to the adjoining property owners and published in the Daily Reflector. This is a combined map showing the Land Use zoning. The Thoroughfare Plan map shows Dickinson Avenue and 14<sup>th</sup> Street as major thoroughfares. The proposed after-school program shall meet all applicable N.C. State Building Codes. 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. Do you have any questions?

Applicant: Ella Hooks

Request: The applicant Ella Hooks, desire a special use permit to operate an after-school program pursuant to Section 9-4-78(f)(15)a of the Greenville City Code.

Location: The proposed use is to be located at 1310-C Dickinson Avenue adjacent to the intersection of Dickinson Avenue and Raleigh Avenue. The property is further identified as being Tax Parcel Number 16470.

Zoning of Property: CDF (Commercial Downtown Fringe)

Surrounding Development:

Zoning

North: Single-Family Dwelling	CDF (Commercial Downtown Fringe)
South: Commercial Business	CDF (Commercial Downtown Fringe)
East: Single-Family Dwelling	CDF (Commercial Downtown Fringe)
West: Commercial Business	CDF (Commercial Downtown Fringe)

Description of Property:

The property has approximately 170 feet of frontage along Raleigh Avenue

with a total lot area of approximately 0.25 acres.

Comprehensive Plan:

The property is located within Vision Area “G” as designated by the Comprehensive Plan. Management actions for Vision Area “G” include to revitalize mixed uses along Dickinson Avenue and Martin Luther King, Jr. Drive.

The request is in general compliance with the Land Use Plan Map, which recommends mixed use, office, and institutional for the subject property.

Notice:

Notice was mailed to the adjoining property owners on September 14, 2006. Notice of the public hearing was published in the Daily Reflector on September 21, 2006 and September 25, 2006.

Staff Comments:

The proposed after-school program shall meet all applicable N.C. State Building Codes.

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.

Chairman Wubneh: Any questions for the city? An after school program that keeps young ones does not have any specific requirements as in the case of a day care center?

Mr. Little: No sir. The North Carolina Department of Health and Human Services licensing requirements that are for the day care centers do not apply to the after school programs. The only licensing and certification requirements would be to obtain all city privilege licenses and if food is kept or stored or served, such as snacks, that they receive a health certification for such snacks or food that might be

serviced in an after school program environment.

Chairman Wubneh: I'm also talking about the premise, maybe I think the applicant will explain that. This is specific to fencing because there is an outside activity.

Mr. Little: Those same rules would not apply.

Chairman Wubneh: Thank you.

Mr. Little: However, if the Board decides it could become a condition, as the Board may deem necessary.

Chairman Wubneh: Any questions of the city from the Board? Thank you. Would the applicant tell us about your project.

Ms. Ella Hooks: Mr. Chairman I would like to start an after school program for 15 to 25 students. What we're trying to do is get some of the students off the street so they'll have something to do and not get in trouble. We hope that you will approve it.

Chairman Wubneh: Any questions for the applicant?

Mr. Estes: What ages are the kids?

Ms. Hooks: K through 8, K through six grade. I'm sorry.

Mr. Harwell: Do you charge?

Ms. Hooks: Yes we are.

Mr. Estes: I see by the map that there really doesn't appear to be an outdoor activity space. It looks like, I see the building, I see a small frontage on Dickinson and then what looks to be a parking lot in the back. Were you planning on having any outdoor.

Ms. Hooks: Yes sir, we are. We are planning to use portable things that we can take in and out and we're going to supervise the children. We're going to have enough

supervision that we won't have to worry about them getting into trouble. We'll have ample things for them to do outside as well. We're going to be taking them to the zoos and different places.

Mr. Estes: Will you be using this equipment or what have you in the property that's described here?

Ms. Hooks: Yes sir, but we'll be taking them in at night when the children leave.

Mr. Estes: And that will be done on what looks to be from our picture a parking lot?

Ms. Hooks: Yes sir. That's our plans.

Mr. Estes: You can't tell from the picture very well is any of that fenced?

Ms. Hooks: No it's not.

Mr. Estes: Do you have any plans to put any kind of fencing there? K- six grade, that's what 5 years old to what about 10, 11, 12 years old.

Ms. Hooks: Not at the present time we're not planning to fence in but we're going to have good supervision for them.

Mr. Harwell: What would prevent a 5 year old from chasing a ball into the street?

Ms. Hooks: We're going to have good supervision around to prevent this.

Mr. Harwell: When you say good supervision would you explain that a little bit.

Ms. Hooks: Well, we're planning to hire some people to make sure these children are watched every hour they're with us. I'm working with Pitt County Schools at this time, I've been there for three years, and we have to supervise them in a place that's not fenced in, so we can do it. I've been working with the after school program for three years and that ended. They play in the grass that's not fenced in so we can do it.

Mr. Harwell: Where's that?



Ms. Hooks: I'm at the Stokes Elementary at this time.

Mr. Estes: My concern is with the kids running around on the parking lot and I can see how you could be using that as an activity area. On Raleigh Avenue there there is nothing stopping a child from running out into the street. I assume that you would probably not have the kids out in front of the building on Dickinson

Ms. Hooks: Oh no, no sir.

Mr. Estes: So it would be on the back there. I don't have a problem with the black top, I grew up with that, but I am concerned about not being able to control your space even though you do have good supervision.

Ms. Hooks: Well, if this will cause us not to get the permit, we could just not have outdoor activities, as far as playing in the parking lot. We could just as easily take them to the parks so that they could get ample activities at the parks and so forth.

Mr. Harwell: How would you take them to the parks?

Ms. Hooks: I have a van then I have car that I can easily. I have transportation.

Mr. Harwell: I too have some concerns knowing kids and having had some close calls personally and also with our children. Even with parental, when parents are there it's awful hard to prevent a young child 3-5, 5 or above, 5 to 6, from dashing into the street, not looking particularly when an activity is going on and particularly when chasing a ball.

Ms. Hooks: Well sir, if we could, excuse me.

Mr. Harwell: If we were to put a requirement on for the fence, how would that affect you?

Ms. Hooks: If I could get approval from the person I'm renting from we could do that. That could be done but I would rather

Mr. Harwell: Fencing is rather inexpensive considering labor cost.

Ms. Hooks: I'd have to get approval from them to do so.

Mr. Ward: How long will these children be at the center?

Ms. Hooks: Four hours, from 2:30 to 6:30.

Mr. Ward: I assume their pick-up and drop-off will be according to where they are to be picked-up or do you pick them up? Or are they dropped-off there?

Ms. Hooks: We could have transportation available. We have the transportation if it's needed. Yes sir.

Mr. Ward: Yea, my question is do they bring them to you already. I mean do the parents pick them up, bring them to you or are you going to send the van and get them?

Ms. Hooks: It would depend on what the parents would want. If they would like for us to pick them up then we could pick them up. It would depend on what they would like.

Mr. Ward: Basically you're going to be open from 2 to 6?

Ms. Hooks: Yes sir. 2:30 to 6:30.

Mr. Ward: It's not bad now but it will get dark early. Sooner.

Ms. Hooks: Yes sir.

Mr. Estes: Now for the pick-up and drop-off was that going to be occurring just off Dickinson Avenue?

Ms. Hooks: No, we're going to have the pick-up on the back. We're not going to let them pick them up on the front because there's so much traffic on the front on Dickinson so we're going to have the pick on the Raleigh Avenue side.

Mr. Estes: Will cars be coming into the parking lot there which will also be your activity space?

Ms. Hooks: We'll have a certain time for them to have activity, if we do so, and then everything will be inside by the time the parents come. There will be no activity at that time. We'll have a certain time to let them have activity. A certain time inside preparing to go home. They will not be outside at the time of pick-up.

Mr. Hutchens: What type of lighting is in the back area?

Ms. Hooks: I'm sorry.

Mr. Hutchens: Is there exterior lighting in that area?

Ms. Hooks: Yes sir, there is some lighting on the back of the building.

Mr. Hutchens: Mounted on the building itself?

Ms. Hooks: I'm sorry.

Mr. Hutchens: Is the parking lot lit or is it just mounted on the back of the building?

Mr. Laughlin: I didn't notice that either.

Ms. Hooks: I'm not sure about that. I'll have to check that.

Chairman Wubneh: I just want to get clarification madam on the fencing. Are you suggesting that if the Board were inclined to approve it you are open to the idea of the fencing or are you saying that you do not want to have any activities and you will take the kids to a park. In the long run the fencing might be plausible but I don't know what your situation.... Which one are you.

Ms. Hooks: Well I would have to get approval from the person that I'm renting from. I don't know if he would approve. I'm almost sure he would but if that would cause us not to get the permit we would fence it in if they approve it but we would have to get approval from him.

Chairman Wubneh: But if we but it as a condition then that becomes a condition for you to get a permit.

Ms. Hooks: Okay.

Chairman Wubneh: That's why I'm trying to get the clarification on.

Ms. Hooks: I would do it if necessary.

Chairman Wubneh: Any other questions for the applicant?

Mr. Ward: How big is the building on the inside?

Mr. Laughlin: It's approximately 1300 square feet.

Mr. Ward: Okay.

Chairman Wubneh: One last question I have. How come the fire and building codes and all those are required? Or is that when they get their license that will be checked?

Mr. Laughlin: When they get their license, yes sir.

Chairman Wubneh: Any other questions? Members of the Board.

Mr. Harwell: I have some concerns about this without the fence and at least some lighting in the back because daylight saving time has been extended on one end and is now a whole month longer than it has been. One reason that I have concerns about the dark. The fencing with kids even being supervised I think is one thing that I would have great concern about and my strong recommendation would be that fencing be required at least a 4 foot chain link, semi-child proof.

Chairman Wubneh: Are you suggesting that we have this to as our condition? That there be adequate light in the back?

Mr. Harwell: Yes sir.

Chairman Wubneh: And the second condition be that the playground, not the entire premise, but the playground be fenced by a 4 foot chain-link fence.

Mr. Harwell: In the rear. Encompassing tied-in to the building so that a child cannot get out into the street.

Chairman Wubneh: Tied to the building.

Mr. Ward: There needs to be on that too a gate where they can go get in the car when their parents come.

Mr. Harwell: I saw the location of the gate.

Ms. Hooks: May I ask a question? Will that entire parking lot have to be fenced in or just

Chairman Wubneh: The playground I assume.

Ms. Hooks: The playground or will the whole parking lot need to be fenced?

Mr. Harwell: My comment would be anywhere any outside activities with children.

Mr. Ward: My first thought is, you know, I'm not the guy who owns the building, he's probably going to want to do part of it, which is okay with us. Your children just need to be in that part that's fenced in. Am I correct there?

Mr. Harwell: Yes sir.

Mr. Ward: We're not stating that the whole thing has to be fenced in but just there has to be some protection for a 5 year old. Because they do run.

Ms. Hooks: Yes sir.

Chairman Wubneh: So it would be the play area be fenced. Is that okay?

Mr. Harwell: Outside activity area.

Chairman Wubneh: The outside activity area. That's really much better. The outside activity area be fenced. So whatever activity side you are going to have it would have to be within that premise. Any other questions for the applicant? Yes

Madam.

Ms. Hooks: Is there a limited time that we have to have this done? Is there a time limit? Or I would not receive a permit until we get it though.

Mr. Ward: They run together. I mean, that's his job. You have to make sure it happens before it happens.

Mr. Hutchens: In theory we could limit to inside activities only until.

Chairman Wubneh: Fence is done. That's possible. I don't know if we can split that on that. Is there way that the city can help in terms of clarification. Can she start operation immediately and then fence down the road?

Mr. Shook: The applicant has offered not to have outdoor activities. I don't know how the Board feels about approving that with that condition in there but the applicant has offered that already.

Mr. Little: You could make it as a condition that all activities be inside and that if and when such time occurs that outdoor activities are planned that prior to such outdoor activities any playground area or area designed for outdoor activities would have to be fenced. You could do it that way so it becomes a two step process.

Mr. Harwell: Quick question. Is an occupancy certificate for this purpose required?

Mr. Little: All they would have to

Mr. Harwell: What brings on the Fire Marshall then?

Mr. Little: Once they, what they're going to do is they have apply for the regular privilege license to open up the business. Since it is a commercial business the Fire Marshall will have to come in for the inspection. Since it's made as a condition by recommendation by staff as part, which becomes part of the order, then that kick in the Fire Marshall. I think the Building Inspector may even be able to provide more light on that.

Mr. Flood: Typically, if you do a condition the conditions are usually on the staff's side inspected prior to occupancy. Prior to issuance of a occupancy permit. Inspections would go in a do an inspection for occupancy standards.

Mr. Harwell: I just wanted to make sure.

Mr. Les Everette: As stated the permits would be required and inspections would have to be performed to make sure they meet the North Carolina State Building Codes as applicable to the occupancy and at that time the stipulations would be enforced before issuances of a certificate of occupancy.

Chairman Wubneh: So even all these conditions that the Board was going to put they would have to comply with that too correct?

Mr. Everette: Yes sir.

Chairman Wubneh: Any other questions? Do you have any more questions Madame for clarification? You basically understand what we're talking about then?

Ms. Hooks: Yes sir.

Chairman Wubneh: That you would have to have that fence done if you want outside activities. You may be able to start business, if the Board approves it, you may be able to start with the inside activities as soon as it's approved and the certificate is issued. Any one else who is in support of this application? Any one opposed to this application? What's the position of the city, of staff, its recommendation?

Mr. Laughlin: Staff has no objection to the proposed use.

Chairman Wubneh: Members of the Board I now close the public hearing and call for a Board discussion. Please keep your mike open. Any discussions? Maybe this is the time Mr. Harwell to get those two, I believe, conditions spelled out and the secretary would be able to pick them up. I believe Mr. Harwell is drafting his conditions. We'll give him a few moments. We can have other discussions. Yes.

Mr. Ward: I was just going to ask Ms. Hooks what time, I mean, if permission were granted tonight would you begin you know you have to go through all the certification and clarification, when would you like to begin this?

Ms. Hooks: Well, as soon as possible. I can't say exactly when because I haven't

had time to advertise because I haven't received the permit, so I haven't advertised, as soon as possible.

Mr. Ward: You have permission from the person who owns the facility?

Ms. Hooks: Yes sir.

Mr. Ward: Okay. You've got a good staff, you've got to get the students.

Ms. Hooks: Yes sir.

Mr. Ward: You say at the present time you're at Stokes Elementary?

Ms. Hooks: Yes sir.

Mr. Ward: Will you be able, do you plan to be there the hours of operation?

Ms. Hooks: At the facility?

Mr. Ward: Yes.

Ms. Hooks: Yes sir when I get started. Yes I will be.

Mr. Ward: Okay because that's not around the corner.

Mr. Hutchens: Mr. Harwell are you ready?

Mr. Harwell: I think so. I would recommend that the wording to our conditions, **additional conditions** be as follows: **If any outside activities for children are allowed it is a requirement that a 4 foot minimum high chain link fence encompass the outside activity area. Adequate lighting of the outside activity area is required.**

Mr. Shook: Could it be a wood fence?

Chairman Wubneh: It's just a fence. They can choose is that correct?

Mr. Harwell: Wood fences have a habit of deteriorating rather quickly. Wood, also,



if it is treated wood has a potential for affecting children.

Mr. Little: The only issue that you may want, that the Board may want to consider as part of the condition is that if the owner is going to put up a fence that it meets the requirements. At the owners cost it might be a good idea to let the owner choose the type of appropriate fencing. Obviously, it's not going to be the plastic hurricane type fencing, that stuff that's used to hold back dirt or chicken wire as some of us grew up with. That might be a little better and maybe a more broad category to call it a fence appropriate for children outdoor activities.

Mr. Harwell: I would agree to that. I've written it down already.

Chairman Wubneh: Okay, let the corrections be reflected, that the conditions reflect the corrections made. Members of the Board this is special use and I will now read the criteria by reference. If you want a vote we can stop me otherwise by your silence you are recognized as voting in favor of the application. Conditions and Specifications, Comprehensive Plan, Health and Safety, Detriment to Public Welfare, Existing Uses Detrimental, Injury to Property and Improvements, Nuisance or Hazard. Hearing no negative vote I would like entertain a motion to approve the findings of facts with the condition outlined by Mr. Harwell. Is that correct? Other than voting on the conditions separately we will find them as part of the findings of fact if that is okay.

Mr. Little: Basically what's going to happen is as additional facts that there is a need for fencing and lighting as additional safety issues for outdoor activities. That becomes your facts. The conditions then are how you're going to rectify that safety concern which has been found as a fact by the Board. You have those facts, the standard plus the additional fact of lighting and traffic safety for children during outdoor activities.

Chairman Wubneh: The need for lighting and fencing becomes just findings of facts.

Mr. Little: Yes sir.

Chairman Wubneh: Then later on when we approve the petition we go through the conditions.

Mr. Little: Yes sir.

Chairman Wubneh: Fine. I would entertain a motion to approve the findings fact as indicated including the need for lighting and fencing.

Mr. Hutchens: So moved.

Chairman Wubneh: Motion by Mr. Hutchens. Second by Mr. Ward. All those in favor of approving the findings of fact please indicate by saying "Aye". Opposed? I would now entertain a motion to approve the petition with the two conditions outlined by Mr. Harwell.

Mr. Estes: So moved.

Chairman Wubneh: Motion by Mr. Estes. Second by Mr. Ward. All those in favor of approving the findings of fact please indicate by saying "Aye". Opposed? Your application is approved with the conditions. Thank you for coming.

#### REQUEST FOR A SPECIAL USE PERMIT BY JAMES A. BROWN-GRANTED

Chairman Wubneh stated that the next item is a request for a public hearing on a request for a special use permit by James A. Brown. The applicant, James A. Brown, desires a special use permit to operate a child day care pursuant to Section 9-4-78(f)(8)a of the Greenville City Code. The proposed use is located at 616 S. Pitt Street. The property is further identified as being Tax Parcel Number 09591.

Chairman Wubneh declared the meeting a public hearing as advertised in The Daily Reflector on September 21, 2006 and September 25, 2006. Those wishing to speak for or against the request were sworn in.

Mr. Laughlin presented a map of the property location. Mr. Laughlin stated that the proposed use is to be located at 616 S. Pitt Street. The property is zoned Downtown Commercial Fringe. The properties have approximately 110 feet of frontage along S. Pitt Street and approximately 82 feet along Clark Street with a total combined lot area of approximately 0.55 acres. The proposed use will be located on the lot that fronts Pitt Street and Mr. Brown owns both of the lots adjacent to this lot along Clark Street. The required fenced play area will be located

on these lots. The properties are located within Vision Area “H” as designated by the Comprehensive Plan. Management actions for Vision Area “H” include developing additional residential opportunities downtown as well as developing downtown as the cultural, recreational, and entertainment center of the city. Mr. Laughlin made reference to the specific criteria that must be met for a child day care. 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. Laughlin asked that the findings of fact be entered into the record.

Applicant: James A. Brown

Request: The applicant James A. Brown, desire a special use permit to operate a child day care pursuant to Section 9-4-78(f)(8)a of the Greenville City Code.

Location: The proposed use is to be located at 616 S. Pitt Street approximately 275 feet south of its intersection with Pitt-Green connector and City of Greenville Police-Fire/Rescue Headquarters. The property is further identified as being Tax Parcel Number 09591. In addition, Mr. Brown intends to use two adjacent parcels of which he is the owner to meet the required outdoor play area. These properties are further identified as Tax Parcel Numbers 20348 and 00109.

Zoning of Property: CDF (Commercial Downtown Fringe)

Surrounding Development:

Zoning

North: Single-Family Dwelling	CDF (Commercial Downtown Fringe)
South: Commercial Business	CDF (Commercial Downtown Fringe)
East: City of Greenville Parking Lot	CDF (Commercial Downtown Fringe)
West: Vacant Lots	CDF (Commercial Downtown Fringe)

Description of Property:

The properties have approximately 110 feet of frontage along S. Pitt Street

and approximately 82 feet along Clark Street with a total combined lot area of approximately 0.55 acres.

Comprehensive Plan:

The properties are located within Vision Area “H” as designated by the Comprehensive Plan. Management actions for Vision Area “H” include developing additional residential opportunities downtown as well as developing downtown as the cultural, recreational, and entertainment center of the city.

The request is in general compliance with the Land Use Plan Map, which recommends commercial uses for the subject property.

Notice:

Notice was mailed to the adjoining property owners on September 14, 2006. Notice of the public hearing was published in the Daily Reflector on September 21, 2006 and September 25, 2006.

Staff Comments:

The proposed child day care shall meet all applicable N.C. State Fire and Building Codes and shall meet the following specific criteria for Child Day Cares pursuant to Section 9-4-86(e).

- (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 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. Harwell made reference to map included in the packet and asked if the city owned the lot near Bonners Lane and Parcel # 00109.

There was some discussion in regards to what parcels the applicant owns and parcels owned by the city in regards to the map that was included in the Board packets.

Mr. James Brown stated that he proposes to establish a child day care center at this location. Mr. Brown stated that the children will range from age one to six. There will be approximately 30-35 children at the center with six employees.

No one spoke in opposition.

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

Motion was made by Mr. Shook, 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. Estes, 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 8:05 PM.

Respectfully submitted

Seth Laughlin  
Planner