

MINUTES ADOPTED BY THE BOARD OF ADJUSTMENT

February 27, 2014

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

Scott Shook, Chairman-*

Charles Ewen *
Linda Rich *
Justin Mullarkey *
Kevin Faison *

Claye Frank *
Sharon Ferris X
Bill Fleming *
Thomas Taft, Jr. *

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

VOTING MEMBERS: Mullarkey, Rich, Ewen, Shook, Taft, Frank, Fleming

OTHERS PRESENT: Mr. Bill Little, Assistant City Attorney
Mr. Michael Dail, Planner
Mr. Thomas Weitnauer, Chief Planner
Ms. Betty Moseley, Secretary
Mr. Tim Corley, Civil Engineer
Mr. Chris Ivey, Police Captain
Mr. Jonathan Edwards, Communications Technician

MINUTES

Mr. Mullarkey made a motion to approve the January 23, 2014 minutes as presented, Mr. Ewen seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY BOHLER ENGINEERING NC, LLC- APPROVED

The applicant, Bohler Engineering NC, LLC, desires a special use permit to operate an accessory use retail automotive fuel sales station pursuant to Appendix A, Use (10)b. of the Greenville City Code. The proposed use is located 500 feet north of the intersection of E. Arlington Boulevard and E. Fire Tower Road. The property is further identified as being tax parcel number 33117.

Mr. Dail delineated the area on the map. He stated that the property is located in the southeastern portion of the city’s jurisdiction.

Zoning of Property: CG (General Commercial)

Surrounding Zoning:

North: CG (General Commercial)
South: CG (General Commercial)
East: CG (General Commercial)
West: CG (General Commercial)

Surrounding Development:

North: Vacant, Wells Fargo Advisors, Bradford Park Apartments
South: ABC Store, Dunkin Doughnuts, CVS, Commercial Strip Center
East: Wendy's, Bojangles, Vacant
West: Vacant, Carmike Cinema

Description of Property:

The subject property is currently vacant. The property is 5.083 acres in size and has approximately 200 feet of frontage along E Arlington Boulevard. The applicant intends to build a 41,839 square foot grocery store with an accessory use retail automotive fuel station.

Comprehensive Plan:

The property is located within Vision Area "D" 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 February 13, 2014. Notice of the public hearing was published in the Daily Reflector on February 17, 2014 and February 24, 2014.

Staff Comments:

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

Annexation and Final Platting is required prior to issuance of building permit.

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 Shook opened the public hearing.

Andrew Moriarty, principal with Bohler Engineering NC, LLC, spoke in favor of the request. He stated he is a licensed engineering the state of North Carolina. He stated that the reason for application is for the retail fuel station accessory to the grocery store. He reviewed the Criteria Review. Conditions and specifications: He stated that the layout complies with the applicable City zoning standards including dimensional standards, landscaping, buffering requirements and things of that nature. Comprehensive plan: He stated that this is a General Commercial zone and the use is within that zoning district. He stated that the proposed use offers diversity of uses in an established area

and therefore meets the intent of the Comprehensive Plan. Health and safety: He stated that they did a traffic assessment with the City's Traffic Engineer and traffic will be mitigated and proposed connections of streets to both Arlington and Fire Tower. He stated that they have a proposed pedestrian connection to Fire Tower Road. Detriment to Public Welfare: He stated it is a Commercial Zone with various similar uses around. He stated there is a storm water plan for this site. He stated there will be ample landscaping on the property according to the ordinance and for nice appeal. He stated that lighting will be installed in a downward direction and for security purposes. Existing Uses Detrimental: He stated this was not an issue since they propose a similar use to what is already in the area. Injury to Properties or Improvements: He stated that they fit right into the area with the commercial use they propose. Nuisance or Hazard: He stated that they have worked with City Staff to identify issues to mitigate and have complied with the City's requests and ordinances.

Chairman Shook asked if there was going to be any outside music at this location.

Mr. Moriarty stated he did not believe so.

Mr. Ewen asked which grocery chain.

Mr. Moriarty stated it is a Wal-Mart Neighborhood Market.

Mr. Fleming asked if the proposed connection road would be private or public.

Mr. Moriarty stated that in the future it should be a public road.

Mr. Frank asked if the hours of the gas pumps be consistent with the hours of the grocery store.

Mr. Moriarty stated yes and the gas pump area will have a kiosk where an employee will be to overlook the area and for security.

Mr. Fleming stated that it looks like the gas facilities at the Wal-Mart on Hooker Road.

Mr. Moriarty said yes but that this would not be a Murphy Express fuel station.

Mr. Taft asked if the Wal-Mart in Ayden have a gas fueling facility.

Mr. Moriarty stated that the location in Ayden is an Express Store and the proposed is a grocery store like other neighboring grocery stores with a gas station typical to others. He stated that trips are mitigated by grocery store shopping and fueling a vehicle.

Mr. Frank asked if it was a 24 hour facility.

Mr. Moriarty stated maybe and that it will be judged on after opening.

No one spoke in opposition of the request.

Chairman Shook closed the public hearing and opened for board discussion.

Chairman Shook read the required findings criteria. No objections.

Mr. Ewen made a motion to adopt the finding of facts with the stated conditions, Ms. Rich seconded and the motion passed unanimously.

Mr. Taft made a motion to approve the petition with the stated conditions, Ms. Rich seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY BOHLER ENGINEERING NC, LLC- APPROVED

The applicant, Bohler Engineering NC, LLC, desires a special use permit to operate an accessory use retail automotive fuel sales station pursuant to Appendix A, Use (10)b. of the Greenville City Code. The proposed use is located at the southeast corner of the intersection of S. Memorial Drive and Regency Boulevard. The property is further identified as being tax parcel number 74013.

Mr. Dail delineated the area on the map. He stated that the property is located in the southwestern portion of the city's jurisdiction.

Zoning of Property: CG (General Commercial)

Surrounding Zoning:

North: O (Office)
South: CG (General Commercial)
East: CG (General Commercial)
West: CH (Heavy Commercial)

Surrounding Development:

North: Vacant, Sonic, Single Family Residences (Westhaven South)
South: Single Family Residence, Tractor Supply, South Haven Apartments
East: Vacant
West: Aarons, China Wok, Waffle House, Vantage South Bank

Description of Property:

The subject property is currently vacant. The property is 6.614 acres in size and has approximately 580 feet of frontage along S. Memorial Drive and 445 feet of frontage along Regency Boulevard. The applicant intends to build a 41,117 square foot grocery store with an accessory use retail automotive fuel station.

Comprehensive Plan:

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

proposed use is in general compliance with the Future Land Use Plan which recommends commercial development and office/institutional/multi-family development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on February 13, 2014. Notice of the public hearing was published in the Daily Reflector on February 17, 2014 and February 24, 2014.

Staff Comments:

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

Annexation and Final Platting is required prior to issuance of building permit.

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 Shook opened the public hearing.

Andrew Moriarty, principal with Bohler Engineering NC, LLC, spoke in favor of the request. He stated he is a licensed engineering the state of North Carolina. He stated that they are proposing a gasoline retail operation within the grocery store development. He stated there are no direct driveways for the gas station but there is one driveway close on Regency Boulevard, another on Memorial Drive, and a third for the grocery store on Regency Boulevard. He reviewed the Criteria Review. Conditions and specifications: He stated the layout does comply with all criteria, applicable zoning standards and policies of the City. Comprehensive Plan: He stated the proposed is in the General Commercial district and is in conformance with the Comprehensive Plan. Health and Safety: He stated that they have been working with DOT and City Traffic Engineers regarding road improvements. He stated they will add a double left turn lane for those heading north on Memorial Drive. He stated they will lengthen the left turn lane heading westbound on Regency Boulevard. He stated they will add a right turn lane at the entrance nearest the service station. He stated they will construct their own storm water facility for this site and have incorporated landscaped green areas and sidewalks. Detriment to Public Welfare: He stated the traffic generated for the gas station use will be generated by the grocery store. He stated the lighting will be designed appropriately so that it does not spill over outside the property. Existing Uses Detrimental: The existing uses are not adverse to proposed use. Injury to Properties or Improvements: He stated this is a commercial corridor. Nuisance or Hazard: He stated that they have worked hard with City Staff to make the proposed a compliment to the neighborhood.

Mr. Frank asked if there would be a light on at Thornbrook Drive (and Regency) or just a left turning lane.

Mr. Moriarty stated just a left turn lane. He stated a light would not be warranted at that location.

Ms. Susan Zimmerman spoke in opposition of the request. She stated she owns property in the West Haven South neighborhood. She stated her concern is how difficult it will become to enter and exit her neighborhood

with the proposed lengthened turn lane without a light.

Chairman Shook asked if she was speaking about the intersection Mr. Frank questioned (Thornbrook/Regency).

Ms. Zimmerman stated that Thornbrook Drive is the only access to enter/exit the subdivision. She stated it will be difficult to make a left turn onto Regency with a commercial business there. She stated the residential area has a lot of children.

Mr. Mullarkey stated there is a dedicated left turn lane created to take stress off of the main artery of Regency that would be used for deliveries rather than the main egress.

Ms. Zimmerman stated that Regency is already heavily travelled and there is a lot of speeding. She stated their neighborhood watch program has requested police come out to look for speeders. She believes a traffic signal light is needed. Otherwise there is a potential for accidents and damages.

Chairman Shook stated that the proposed item is not the whole area but specific to the sale of gasoline. He stated that any feedback is appreciated. He stated that if the board was to deny the sale of gasoline, it does not affect the rest of the development.

Ms. Zimmerman stated that the purpose of her speaking tonight is not to have the permit denied but to voice a concern as a citizen who has bought property in that area and how the neighborhood feels.

Mr. Moriarty spoke in rebuttal. He stated that the road improvements they will be doing is to help existing problems and not just related to traffic the development will add. He stated that it was unfortunate the proximity of Thornbrook Drive and the main intersection at Memorial Drive. He stated that DOT would not approve a traffic signal that close to another.

Chairman Shook closed the public hearing and opened for board discussion.

Mr. Taft stated that it is unfortunate for the neighborhood but that the development has made an effort to improve the area. He stated that he cannot see how that would hold up the proposed.

Mr. Mullarkey stated that a light there (Thornbrook) would cause traffic to back up into the intersection of Memorial Drive. He stated there currently is a median on Regency which does provide a safety factor for traffic.

Chairman Shook stated that the developers of West Haven might consider having another access into the neighborhood further down Regency.

Mr. Fleming stated he would recuse himself because he owns property in the West Haven neighborhood and received a letter from the City regarding the proposed.

Mr. Mullarkey made a motion to recuse Bill Fleming and add Kevin Faison as a voting member for this agenda item. Seconded by Mr. Taft and the motion passed unanimously.

Chairman Shook read the required findings criteria. No objections.

Ms. Rich made a motion to adopt the finding of facts with the stated conditions, Mr. Faison seconded and the motion passed unanimously.

Mr. Mullarkey made a motion to approve the petition with the stated conditions, Mr. Frank seconded and the motion passed unanimously.

2013 ANNUAL REVIEW OF PUBLIC AND PRIVATE CLUBS AND DINING AND ENTERTAINMENT ESTABLISHMENTS OPERATING PURSUANT TO AN APPROVED SPECIAL USE PERMIT.

Mr. Dail stated that an inventory of all public/private clubs and dining and entertainment establishments that have a special use permit was taken. He stated that comments from different review agencies (Pitt Co. ABC Commission, Greenville Police Dept, Code Enforcement Div., Fire/Rescue Dept., & Inspections Div.) were requested to see if any issues exist that would bring the permit back to the board. After polling all the agencies, he stated that there are not any issues or violations of concern.

Chairman Shook stated that any establishment not on the spreadsheet, provided by City Staff, predated the need for a special use permit. He asked if The Other Place, currently not in business, location is no longer acceptable because it would not meet the separation requirements regarding the 500 foot spacing between public/private clubs.

Mr. Dail stated that they have an active construction permit that gives them the opportunity to reopen if they choose to within 6 months of the construction ceasing.

Chairman Shook asked if the same was with Pirate's Den.

Mr. Dail stated no because they closed and that property is not being renovated.

Mr. Fleming asked about Still Life. He stated the reports listed fights, arrests and larceny. He asked what would be considered outside of the expected.

Captain Ivey, Greenville Police, stated that many of the items listed on the reports are not at the establishments but are called into the proximity of the establishments. He stated many items cannot be attributed to the establishment itself.

Mr. Ewen said the list looked rather clean and asked if things are really that calm downtown.

Captain Ivey stated that they have not had any real big issues this year.

Mr. Fleming asked who you attribute the change to.

Captain Ivey said it is hard to say and that there always are peaks and valleys. He stated right now things are going okay.

Chairman Shook stated that some have closed and some will not come back.

Mr. Mullarkey asked if there were any areas around town that are problematic that are not on this list.

Captain Ivey stated no, and just the continuing challenges with the downtown area. He stated it helps a lot when bars and restaurants that serve alcohol after hours are spread out.

With no further business, Chairman Shook made a motion to adjourn, Mr. Ewen seconded, and it passed unanimously. Meeting adjourned at 7:48 p.m.

Respectfully Submitted

Michael R. Dail, II
Planner