

MINUTES ADOPTED BY THE BOARD OF ADJUSTMENT
September 29, 2016

The Greenville Board of Adjustment met on the above date at 6:00 PM in Conference Room 337 of City Hall for a Special Meeting.

Justin Mullarkey, Chairman-*
Bill Johnson, Co-Chair X
Kevin Faison *
Michael Glenn *
Jim Watts *
Claye Frank X
Thomas Taft, Jr. *
Rich Winkler *

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

VOTING MEMBERS: Faison, Mullarkey, Johnson, Winkler, Glenn, Watts

OTHERS PRESENT: Ms. Elizabeth Blount, Planner II
Mr. Michael Dail, Lead Planner
Mr. Scott Godefroy, City Engineer
Mr. Dave Holec, City Attorney
Mr. Donald Phillips, Assistant City Attorney
Mr. Ben Griffith, Community Development Director
Ms. Amy Nunez, Secretary

MINUTES

Mr. Winkler made a motion to approve the August 25, 2016 minutes as presented, Mr. Faison seconded and the motion passed unanimously.

**PUBLIC HEARING ON A REQUEST FOR SPECIAL USE PERMIT BY RAEL DEVELOPMENT CORP.-
APPROVED**

The applicant, RAEL Development Corp., desires to amend a special use permit to increase the number of units for a dormitory development pursuant to Appendix A, Use (2)e(1). of the Greenville Code. The proposed use is located at 310 W. Fifth Street. The property is further identified as being tax parcel numbers 04779, 04172, 08296, 12633, 23660, 18595, 18594, 25619, 25620, 25617 and 04171.

Ms. Blount delineated the area on the map. She stated that the request is located in the center portion of the City.

Zoning of Property: CD (Downtown Commercial)

Surrounding Zoning:

North: CD (Downtown Commercial)
South: CD (Downtown Commercial)
East: CD (Downtown Commercial)
West: CDF (Downtown Commercial Fringe)

Surrounding Development:

North: City of Greenville Parking Lot
South: City of Greenville Fire/Rescue Station
East: City of Greenville City Hall
West: Single Family Residences, Vacant

Description of Property:

The subject property is the entire block bounded by W. Fifth Street, S. Pitt Street, S. Greene Street and W. Fourth Street and is 2.2 acres in size. The applicant wishes to redevelop the property as a student housing development. The initial request was approved for 121 multi-family units with 325 beds and 1 retail space in October 2015. The amended request is for 128 multi-family units with 404 beds and no retail space. A site plan for a five story building with a parking deck is under review.

Comprehensive Plan:

The property is located within the Uptown Core as designated by the Horizon 2026: Greenville's Community Plan, adopted on September 8, 2016. The proposed use is in compliance with the Future Land Use Plan which recommends commercial and multi-family residential development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on September 8, 2016 and September 16, 2016. Notice of the public hearing was published in the Daily Reflector on September 19, 2016 and September 26, 2016.

Related Zoning Ordinance Regulations:

Definition: *Dormitory*

A building or group of buildings where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one room or in a series of closely associated rooms under joint occupancy and single management, such as a college dormitory or privately owned dormitory intended for use by college students.

Specific Criteria: *Dormitory development within the CD District.*

- (1) Minimum habitable (mechanically conditioned) floor area per each bedroom: 200 square feet. For purposes of this requirement, the term floor area shall include private living spaces and any connected common living spaces associated with the subject bedroom, provided however the common living space allocation devoted to a bedroom shall not qualify for or count toward the minimum floor area requirement of any other bedroom.

- (2) Minimum lot area: None.
- (3) Minimum lot width: None.
- (4) Minimum street, side and rear yard setbacks: None.
- (5) Minimum parking requirement: One-half space per bedroom.
- (6) Parking location requirements:
 - (a) Each required parking space shall be located:
 - 1. On the lot containing the associated residential use;
 - 2. Within a remote parking facility located within 800 feet of the use it is intended to serve, as measured with and along an improved pedestrian path from the most distant parking space to the building entrance; or
 - 3. Within a remote parking facility located in a Downtown Commercial (CD) District.
 - (b) Such remote parking facility shall be in accordance with the applicable provisions of Article O.
- (7) Off-street parking: All off-street parking areas designed for three or more spaces shall be in accordance with Article O.
- (8) Preservation design: In order to protect the architectural integrity of existing buildings within the CD Zoning District, and in so doing to preserve the continuity of scale and design within those areas, the following requirements shall be met:
 - (a) All slip covers previously applied to the facade of existing buildings shall be removed.
 - (b) All canopies, except for those made of canvas, shall be removed from the facade.
 - (c) Where evidence exists of original windows and door openings subsequently enclosed, the windows and doors shall be reopened in an operable manner and in a style in keeping with the building. Where other unique architectural features remain, including cornices, mid-cornices and window surrounds, they shall be repaired and/or replaced with elements of like design.
 - (d) Nothing in this subsection shall supersede applicable North Carolina State Building Code requirements.
- (9) Maximum residential occupancy limits:
 - (a) **Residential occupancy within dormitory units shall be limited to one bed per each**

bedroom and one person per each bedroom.

- (b) Residential occupancy within dwelling units shall be limited to one family per each dwelling unit.
- (10) Signage: All signs shall be erected in accordance with Article N of this chapter, but in no event shall a sign be mounted over existing windows, doors or other architectural features described in subsection (MM)(8)(c) above.
- (11) Residential and nonresidential uses allowed: Subject to district standards, and requirements, development allowed under this section may include both residential and nonresidential use.

Previous Conditions imposed by BOA

The minimum parking rate shall be 0.7 spaces per bedroom.

Staff Comments:

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 to include upon proper findings by the Board.

Ms. Blount stated the minimum parking rate shall be 0.7 spaces per bedroom. The City regulation requires 0.5 and the applicant intends to have a rate of 0.915 per bedroom.

Mr. Taft asked if there were any conditions imposed by Staff.

Ms. Blount stated only to meet NC State Fire and Building Codes.

Mr. Taft asked about the site plan.

Mr. Dail stated the site plan is under review but will also require an approval from the Board of Adjustment before final approval.

Mr. Watts asked what the impact of traffic flow is.

Mr. Godefroy stated a traffic report was done by the developer. He stated that there were no major impacts.

Mr. Watts asked if proper crosswalks and sign lights will be factored into the project.

Mr. Godefroy stated yes and it is included in the site plan review. Pedestrian traffic will be diverted by barriers to the intersections and crosswalks.

Chairman Mullarkey opened the public hearing.

Mr. Lawrence Rael, principal of Rael Development, spoke in favor of the request. After the last hearing, they listened to the consultants and worked with City Staff and decided to move the parking toward the corner of 4th and Pitt streets. They made the project more efficient by increasing the parking and adding bike storage. He stated there will be 25 parking spaces available for visitors and the rest will have access via a controlled gate. They added a barrier to shift pedestrians to cross at the intersections of Greene Street. It will also have electric car charge stations.

Mr. Watts asked about safety.

Mr. Rael stated they will have electronic passes for vehicles to enter the parking deck, swipe cards for rooms, exterior doors and gym, and cameras in common areas and walkways.

Mr. Watts asked about the removal of the retail space.

Mr. Rael stated they considered it thoroughly and preferred to support existing businesses in the surrounding area rather than provide additional retail.

Mr. Taft asked if there were units above the bike storage area.

Mr. Rael stated yes and all long Greene Street.

Mr. Watts asked about noise mitigation in the courtyard.

Mr. Rael stated that there will be on-site management 24 hours a day to handle disturbances.

Mr. Taft asked what the exterior would look like.

Mr. Michael Tripodi, architect for the applicant, spoke in favor of the request. He stated the ground floor will be brick. The exterior will have an art deco flavor with fiber cement flat panel siding to give it a clean look. The parking deck will rhythm the look to blend into a matching pattern.

Mr. BJ Myers, representative of Jarvis Church, spoke in favor. He stated he came to the meeting to understand the project and to see if there will be any negative impacts to the church's parking lot. He stated he is happy to hear the 0.9 parking spaces per bedroom.

No one spoke in opposition of the request.

Chairman Mullarkey asked for the Staff Recommendation.

Ms. Blount stated staff had no objection.

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

Mr. Winkler stated it was nice that the parking was increased and that it is a more efficient project.

Mr. Faison stated it was nice that they listened to the concerns from the last hearing.

Mr. Taft stated he was disappointed that there was no retail space but the changes are good.

Chairman Mullarkey read the required findings criteria. No objections.

Mr. Watts made a motion to adopt the finding of facts, Mr. Taft seconded and the motion passed unanimously.

Mr. Faison made a motion to approve the petition with the stated recommended conditions, Mr. Winkler seconded and the motion passed unanimously.

With no further business, Mr. Taft made a motion to adjourn, Mr. Winkler seconded, and it passed unanimously. Meeting adjourned at 6:48 p.m.

Respectfully Submitted,

Elizabeth Blount
Planner II