

MINUTES ADOPTED BY THE BOARD OF ADJUSTMENT
January 25, 2018

The Greenville Board of Adjustment met on the above date at 6:00 PM in the City Council Chambers of City Hall.

Bill Johnson, Chairman - *

Rich Winkler - *

Kevin Faison - X

Rodney Bullock - *

Hunt McKinnon - *

Dillon Godley - *

Thomas Taft Jr. - X

Michael Glenn - *

Ann Bellis - *

James Moretz - *

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

VOTING MEMBERS: Johnson, Winkler, Glenn, Bullock, Moretz, Bellis, and McKinnon.

OTHERS PRESENT:

Ms. Elizabeth Blount, Planer II

Mr. Donald Phillips, Assistant City Attorney

Ms. Cathy Meyer, Civil Engineer II

Mr. Kelvin Thomas, Communication Technician

Ms. Amy Nunez, Secretary

Mr. Thomas Weitnauer, Chief Planner

Mr. Scott Godefroy, City Engineer

Mr. Richard Tyndall, Police Lieutenant

MINUTES

Mr. McKinnon made a motion to approve the December 21, 2017 minutes as presented, Mr. Moretz seconded and the motion passed unanimously.

Attorney Phillips reviewed information. As stated on pages 2 to 3 of the Meeting Handout available to the Public, the EVIDENCE TO BE CONSIDERED BY THE BOARD OF ADJUSTMENT IS AS FOLLOWS:

A. The Board of Adjustment is a quasi-judicial body that makes a decision concerning an application, petition or appeal based on the evidence presented by those in favor as well as those in opposition.

B. The members of the Board of Adjustment are lay persons and as such, the rules of evidence that are followed in a court are relaxed for cases heard before this body.

C. Though the rules of evidence are relaxed, it does not mean they are ignored. Only evidence that is material, competent, and substantial will be considered and may be used by the Board in its decision-making process.

D. The Board may not consider, nor is it admissible to present or offer affidavits, letters or other writings in support of or in opposition to a matter before the Board unless the person who prepared the writing is testifying. These writings are considered hearsay.

1. Statements by a person such as "In my opinion, the application will create a traffic hazard," is

not an admissible opinion and may not be considered by the Board.

a. However, such an opinion may be admissible if it is made by an expert or a person who is qualified to give opinions concerning traffic hazards, is making a presentation to the Board concerning his or her investigation and the basis for his or her conclusion in the report.

b. A lay person can give an opinion but he or she also must present facts to show how the proposal affects his or her piece of property specifically and not just in a general way.

2. A statement that another person who is not present and not testifying either supports or doesn't support the petitioner or application is hearsay and is not admissible.

3. The same rule applies to both the applicant and those in opposition.

Pursuant to North Carolina General Statute 160A-388 and Section 4 of the Board of Adjustment's Rules of Procedure:

4-3. No member of the Board of Adjustment shall participate in either the discussion or vote on any special use permit, variance, or appeal from an administrative officer's decision in any manner that would violate the affected persons' constitutional right to a fair and impartial decision maker. Prohibited conflicts include but are not limited to a member having a fixed opinion prior to hearing the matter and not willing to consider changing his or her mind; and undisclosed ex parte communications with the person before the Board, any witnesses, staff, or other Board members. Decisions on either a request for recusal by a member or objections by a person appearing before the Board shall be decided by a simple majority vote.

4-4. No Board Member shall take part in the hearing, consideration, or determination of any matter in which that Board Member is involved or has a financial or personal interest. Personal interest shall be defined as having a family member involved in the project under consideration, a neighborhood association involvement where a Board Member is on the governing body of such association, or where the Board Member is involved in a conflict or dispute with the applicant on a matter unrelated to the application. If a Board Member has such a conflict, he shall declare the conflict and request to be excused from voting on the issue. A majority vote of the remaining members present shall be required to excuse the member.

4-5. No Board member shall vote on any matter deciding an application or appeal, unless he shall have attended the public hearing on that application or appeal.

4-6. No Board member shall discuss any case with any parties in interest prior to the public hearing on that case, provided however, that members may receive and/or seek information pertaining to the case from any other members of the Board.

If a Board member has had an ex parte communication that also needs to be disclosed at this time.

Secretary swore in staff and all those speaking for or against.

OLD BUSINESS

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY 4JPIL, LLC.-APPROVED

The applicant, 4JPIL, LLC, desires a special use permit to operate an athletic complex as an ancillary to John Paul II Catholic High School pursuant to Appendix A, Use (8)g. of the Greenville City Code. The proposed use is located at 2725 E. 14th Street and 0 E. 14th Street. The properties are further identified as being tax parcel numbers 39147 and 06793.

Ms. Blount delineated the property. This request is to amend a previous special use permit for John Paul Catholic High School approved January 22, 2015. It is located in the southeastern portion of the City's jurisdiction. This request was continued from the December 2017 Board of Adjustment meeting in order to ensure that property owners abutting the existing property and the proposed additional property receive proper written notification. The existing property is 6.8 acres in size, has 827 feet of frontage along 14th Street and contains a 22,460 square foot building for the high school. The existing property also houses Integrity Church in an accessory structure located on the property. The proposed athletic complex is adjacent to the south and is 23.49 acres in size and currently a vacant agricultural lot. Letters were mailed out to property owners and notification was sent out to anyone living in a 500 foot radius of the request, which included tenants.

Zoning of Property: R6 (Residential) and RA20 (Residential Agricultural)

Surrounding Zoning:

North: R6 (Residential) and RA20 (Residential Agricultural)

South: RA20 (Residential Agricultural) and R9S (Residential Single Family)

East: R6 (Residential)

West: R6S (Residential Single Family) and R9S (Residential Single Family)

Surrounding Development:

North: Quail Ridge Townhomes, Single Family Residence

South: Planters Walk

East: Quail Ridge Townhomes and Planters Trial

West: First Christian Church, Scarborough Neighborhood, Windy Ridge Townhomes and Tuckahoe Neighborhood

Comprehensive Plan:

The subject properties are located within the High Density Residential and Low to Medium Density Residential character types as designated by the Horizon Plan. The proposed use is in compliance with the Future Land Use Plan which recommends institutional development for the subject properties.

Ms. Blount gave additional information. She stated the proposed addition was originally owned by RB4, LLC, who submitted the original application. In December 2017, RB4, LLC sold the property to John Paul School and revised the application. The deed was submitted to amend the existing special use to include the additional property. She stated a copy of the deed was left at the members' seats. All parcels in this request are owned by 4JPIL, LLC. She showed a proposed sketch of the athletic complex plan which included a football field, soccer field, and gymnasium.

Notice:

Notice was mailed to the adjoining property owners on January 8, 2018. Notice of the public hearing was published

in the Daily Reflector on January 15 and January 22, 2018.

Related Zoning Ordinance Regulations:

Definitions:

School. A use of land or buildings for academic instruction authorized and administered by the Pitt County School System or other comparable private schools.

Campus. The grounds of a school, college, university, hospital, church, or other institution that consists of several buildings developed and operated under a unified concept on a single tract of land or on multiple tracts of land which are in close proximity.

Specific Criteria:

School.

All structures shall maintain minimum side and rear setbacks of 50 feet and a front yard at least 25 feet greater than that required for single-family residences within the district.

Shall be subject to the bufferyard regulations; however, no principal or accessory building shall be located within 50 feet or any adjoining property or public street right-of-way line.

Staff Recommended Conditions:

- Site plan approval must be obtained, a traffic analysis must be completed and reviewed and all necessary code required site and road improvements for a school use must be made prior to occupancy.
- The entirety of the athletic complex, including but not limited to facilities and structures, shall be incorporated into the campus of the school (currently John Paul High School).
- The athletic complex shall maintain connectivity with the school for perpetuity. The special use permit would automatically terminate at any such time that the use ceases being a school or the proposed athletic complex is used for any other purpose other than being operated under a part of the campus.
- The athletic complex shall only be used for school related activities. No third party agencies apart from the school shall be permitted to use the complex.
- No lighting shall be directed toward or placed in such a manner as to shine directly into a public right-of-way or residential premises.
- No lighting shall illuminate any public right-of-way, street or any adjoining or area property in such a manner as to constitute a nuisance or hazard to the general public.

- Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling.
- No outdoor amplified sound shall be allowed. The definition of “outdoor amplified sound” is any sound using amplifying equipment, whose source is outside or whose source is inside and the sound propagates to the outside through open doors or windows or other openings in the building. City Code 12-5-6 states sound emanating from outdoor athletic events are exempt from the noise control limits.
- No parking or driveways shall be permitted along the perimeter of the site abutting residential homes.
- Required parking spaces shall be in compliance for both a senior high school and stadium.

Other Comments

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

The proposed project is subject to stormwater management soil erosion and sedimentation control approval.

Pursuant to City of Greenville Code of Ordinance, Section 12-5-6, sound emanating from scheduled outdoor athletic events are exempt from the provisions of Table 1 and Table 2 of section 12-5-4 and section 12-5-5.

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. Winkler asked for clarity regarding incorporating the school campus.

Ms. Blount state that the athletic complex cannot operate independently, it must be connected to the school.

Chairman Johnson opened the public hearing.

Mr. Christian Porter, attorney for the applicant, was present to speak in favor of the request.

Mr. Craig Conticchio, principal of John Paul School, spoke in favor of the request. He has been with the school for seven years. The previous location of the school was on Dickinson Avenue attached to St. Gabriel Catholic Church. In the past year they have remodeled some of the school. They have 60 students currently and plan to grown with a maximum of 200 students.

Mr. McKinnon asked if they will have competitive sports that would generate traffic.

Mr. Conticchio stated yes. They have designated parking lots per the site plan for parking.

Mr. Porter stated the athletic field will be used by John Paul School and stated that their feeder school at St. Peters will be using it as well. He also wanted to make sure that a PA system used at a game is not prohibited.

Ms. Blount stated yes.

Mr. Porter stated they have no objection to the conditions.

Mr. Moretz asked how this request would affect the 14th Street expansion.

Mr. Brian Fagundus, engineer of Ark Consulting, spoke in favor of the request. He stated they have taken into account the future 14th Street expansion. He has sat down with NCDOT and the City to coordinate.

Mr. Glenn asked what the new right of way would do to the site plan.

Mr. Fagundus stated they have accommodated it with the current design. He is waiting on DOT to finalize a few items. It will all get worked out during the site plan approval process.

Mr. McKinnon asked if the outlet of the parking lot is on Quail Ridge Road.

Mr. Fagundus stated yes.

Mr. Moretz asked if there will be any safety features for the athletic field that abuts 14th Street.

Mr. Fagundus stated yes, there will some type of netting or fence that they are working with DOT on.

No one spoke in opposition to the request.

Chairman Johnson asked for the staff recommendation.

Ms. Blount stated staff had no objection to the request with the recommended conditions.

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

Chairman Johnson read the required findings criteria. No objections.

Mr. Moretz made a motion to adopt the finding of facts with the recommended conditions, Mr. Winkler seconded and it passed unanimously.

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

NEW BUSINESS

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY PEOPLE’S BAPTIST CHURCH AND GREENVILLE CHRISTIAN ACADEMY-APPROVED

The applicants, People’s Baptist Church and Greenville Christian Academy, desire a special use permit to operate a childcare facility pursuant to Appendix A, Use (8)a. of the Greenville City Code. The proposed use is located at 1621 SW Greenville Boulevard. The property is further identified as being tax parcel number 30812.

Ms. Blount delineated the property. It is located in the southwestern portion of the City’s jurisdiction. The subject property is 18.92 acres in size with approximately 514 feet of frontage along SW Greenville Blvd. The applicant wishes to operate a childcare facility within the existing building.

Zoning of Property: RA20 (Residential Agricultural)

Surrounding Zoning:

North: CH (Heavy Commercial), CG (General Commercial) and RA20 (Residential Agricultural)

South: RA20 (Residential Agricultural) and R9S (Residential Single Family)

East: R9S (Residential Single Family)

West: RA20 (Residential Agricultural)

Surrounding Development:

North: Vacant lot and Crossland Homes

South: Vacant lot and Single Family dwellings

East: Single Family dwellings and Koinonia Church

West: Vacant lot and Single Family dwelling

Comprehensive Plan:

The subject property is located within the Office and Institutional and the Traditional Neighborhood, Medium to High Density character types as designated by the Horizon Plan. The proposed use is in compliance with the Future Land Use Plan which recommends neighborhood institutional scale development within both character types for the subject property.

Notice:

Notice was mailed to the adjoining property owners on January 9, 2018. Notice of the public hearing was published in the Daily Reflector on January 15 and January 22, 2018.

Related Zoning Ordinance Regulations:

Definitions:

Day care; child. An establishment which provides for the care and supervision of six or more children away from their homes by persons other than their family members, custodian or guardians for periods not to exceed 18 hours within any 24-hour period.

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 100 square feet per child in excess of five.

3. Outdoor play area shall be provided at a ratio of 100 square feet per child and shall be enclosed by a fence at least four 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:

Day care facility shall comply with city code requirements, all state licensing regulations and NC Department of Health and Human Services regulations (including religious-sponsored child care facilities under NCGS § 110-106 as applicable) prior to operation.

Other Comments

Applicant shall submit a letter from the Department of Health and Human Services and floor plans with building permit.

The proposed project must meet all related State of North Carolina 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.

Chairman Johnson opened the public hearing.

Mr. Mike Lopez, school administrator at Greenville Christian Academy, spoke in favor of the request. He has been there 2.5 years. It was brought to his attention that there was not a special use permit for the pre-k and kindergarten program. They have 212 students from pre-k to 8th grade. They operate under the NC Childcare Division and have met all their requirements.

No one spoke in opposition to the request.

Chairman Johnson asked for the staff recommendation.

Ms. Blount stated staff had no objection to the request with the recommended condition.

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

Chairman Johnson read the required findings criteria. No objections.

Mr. McKinnon made a motion to adopt the finding of facts with the recommended condition, Mr. Winkler seconded and it passed unanimously.

Mr. Moretz made a motion to approve the petition with the stated condition, Mr. Bullock seconded the motion and it passed unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY RUBEN GLENN WILEY-APPROVED

The applicant, Ruben Glenn Wiley, desires a special use permit to operate a moving and storage facility; including outside storage pursuant to Appendix A, Use (14)j. of the Greenville City Code. The proposed use is located at 0 N. Greene Street. The property are further identified as being tax parcel number 16199.

Ms. Blount delineated the property. It is located in the northern section of the City’s jurisdiction at the corner of N. Greene Street and Gum Road. This will be an overflow area to the applicant’s original business location. The subject property is 0.716 acres in size with 145 feet of frontage along N. Greene Street and over 200 feet of frontage along Gum Road. The applicant wishes to provide CABC gravel for vehicle storage. The property is vacant.

Zoning of Property: CH (Heavy Commercial)

Surrounding Zoning:

North: CDF (Downtown Commercial Fringe)

South: CDF (Downtown Commercial Fringe)

East: R6 (Residential)

West: IU (Unoffensive Industry)

Surrounding Development:

North: Vacant building

South: Vacant building

East: Vacant lot

West: Perdue Grain and Oilseed

Comprehensive Plan:

The property is located within the Commercial character type as designated by the Horizon Plan. The proposed use is in compliance with the Future Land Use Plan which recommends general and heavy commercial for the subject property.

Notice:

Notice was mailed to the adjoining property owners on January 9, 2018. Notice of the public hearing was published in the Daily Reflector on January 15 and January 22, 2018.

Staff Recommended Conditions:

Property shall at no time evolve into an automobile graveyard or junkyard.

No vehicles shall be stored on the premise for more than 15 days.

Applicant shall comply with Greenville, NC Codes of Ordinances, Title 11, Chapter 7: Police-Initiated Tow Service Operation regulations.

Other Comments

Site plan, floodplain development permit, floodplain management plan, erosion control plan and stormwater management plan are required prior to occupancy.

The proposed project must meet all related State of North Carolina 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.

Mr. Glenn asked what type of screening would be required.

Ms. Blount stated the Police-Initiated Tow Service regulation require screening. She recommended asking the applicant representative of their plans.

Chairman Johnson opened the public hearing.

Mr. Mike Baldwin, of Baldwin Design Consultants and representative of the applicant, spoke in favor of the request. He said the applicant, Mr. Wiley, is the owner of G-Vegas Towing. Due to the flood prevention ordinance, it is cost prohibitive to build on this property. Therefore, it will be used for storage of vehicles short term. He stated he was unaware of the screening requirement but they will comply.

Ms. Bellis asked what the maximum number of vehicles that would be stored here.

Mr. Baldwin stated maybe 40 vehicles but that the layout is not like a parking lot.

Ms. Bellis asked what happens with the vehicles after 15 days there.

Ms. Blount stated the applicant told her they would be moved to the applicant's primary location.

Mr. McKinnon asked about traffic generation from this on Gum Road.

Mr. Baldwin stated, in his opinion, the traffic generation would be slim. He stated he is not a traffic engineer.

No one spoke in opposition to the request.

Chairman Johnson asked for the staff recommendation.

Ms. Blount stated staff had no objection to the request with the recommended conditions.

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

Mr. Glenn stated his screening requirement question was only an inquiry since he believes the applicant's primary location is screened.

Ms. Blount referenced the City ordinance 11-7-9.D1 that states the cars should be within an enclosure having a wall or solid fence with sufficient height or designed to conceal the towed vehicles from the view from any street or public way.

Chairman Johnson read the required findings criteria. No objections.

Mr. Glenn made a motion to adopt the finding of facts with the recommended conditions, Mr. Winkler seconded and it passed unanimously.

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

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY DEWITT CAROLINAS-APPROVED

The applicant, DeWitt Carolinas, desires a special use permit to operate a dormitory development pursuant to Appendix A, Use (2)e(1). of the Greenville City Code. The proposed use is located at the blocks bounded by Charles Boulevard, 14th Street, 13th Street and Cotanche Street. The properties are further identified as being tax parcel numbers 26110, 66138, 00838, 18345, 17929, 08119, 09140, 17967, 07236, 09960, 08125, 06351, 03059, 04790, 19047, 14983, 07188, 20459, 00055, 00091, 00106, 04791, and 04789.

Ms. Blount delineated the property. It is located in the central section of the City's jurisdiction. The subject properties total approximately 4.2 acres in size with approximately 650 feet of frontage along E. 14th Street, 328 feet of frontage along Cotanche Street, 561 feet of frontage along E. 13th Street and 338 feet of frontage along Charles Boulevard. The property currently contains numerous single family residences, a church, multi-family properties, an office building and a parking lot. The applicant wishes to redevelop the property as a mixed use development containing 294 units (804 beds) and 10,000 square feet of commercial space.

Zoning of Property: CDF-UC (Downtown Commercial Fringe Urban Core Overlay)

Surrounding Zoning:

North: CDF (Downtown Commercial Fringe)

South: CH (Heavy Commercial) and CG (General Commercial)

East: CN (Neighborhood Commercial), OR (Office Residential) and OR-UC (Office Residential Urban Core Overlay)

West: CDF (Downtown Commercial Fringe)

Surrounding Development:

North: Single Family dwellings and Duplex dwellings

South: Harris Teeter Shopping Center

East: The Province Apartments and Duck Thru Food Store

West: Single Family dwellings and Duplex dwellings

Comprehensive Plan:

The properties are located within the Mixed Use, Uptown Edge and Uptown Neighborhood character types as designated by the Horizon Plan. The proposed use is in compliance with the Future Land Use Plan which recommends multi-family residential development within all the character types for the subject property.

Ms. Blount showed a preliminary site plan and rendering of the proposed development.

Notice:

Notice was mailed to the adjoining property owners on January 9, 2018. Notice of the public hearing was published in the Daily Reflector on January 15 and January 22, 2018.

Urban Core Overlay District

The property is located with the Urban Core Overlay District. The purpose of the UC Urban Core Overlay District is to allow modification of residential development standards of the underlying zoning district(s) which are designed to facilitate development and redevelopment of in-fill sites. The following standards apply to the Urban Core Overlay District:

(A) Purpose and intent; definition; designated area.

(1) *Purpose and intent.* The purpose and intent of the Urban Core (UC) Overlay District and requirements set forth under this section is to allow modification of specific site development standards of the underlying zoning district(s) which are designed to facilitate development and redevelopment of in-fill sites in the designated area specified under subsection (3) below.

(2) *Definition.* An Urban Core (UC) Overlay District is defined as an overlay zoning district adopted in conjunction with an OR, and/or CDF underlying general purpose district as listed under Article D, Part 2, sections 9-4-62 and 9-4-66 wherein the zoning rights, standards, restrictions and requirements as set forth for the common general purpose district shall extend to the Urban Core (UC) Overlay District zoned area in accordance with subsection (B) below.

(3) *Designated area.* All Urban Core (UC) Overlay District(s) shall be restricted to the land area located within the following boundary: south of Tenth Street, east of the CSXT Railroad, north of Fourteenth Street, west of Green Mill Run and ECU Easement (tax parcel 73545, DB 2215 - PG 597 (as existing on March 4, 2010. No Urban Core (UC) Overlay District shall be located outside of the designated area described by this subsection. An Urban Core (UC) Overlay District shall be established within the designated area upon City Council adoption of an individual zoning ordinance which defines the boundary of the specific Urban Core (UC) Overlay District located within the designated area boundary.

(B) Standards.

(1) Initiation of a petition for an Urban Core (UC) Overlay District zoning map amendment shall be made in accordance with section 9-4-331.

(2) If any portion of a lot, parcel or tract is zoned as Urban Core (UC) Overlay the entire lot, parcel or tract shall be included in the Urban Core (UC) Overlay.

(3) All Urban Core (UC) Overlay Districts shall be delineated upon the official zoning map as both the underlying general purpose district and UC Overlay District. The general purpose district title shall be followed by “- UC” in all areas zoned Urban Core (UC) Overlay District.

(4) The zoning rights, standards, restrictions and requirements of the underlying general purpose district shall extend to the Urban Core (UC) Overlay District, except as provided herein.

(5) Within any Urban Core (UC) Overlay District multi-family development, land use intensity multi-family (LUI) development rating 50, and land use intensity dormitory (LUI) development rating 67, as listed under Article D and Appendix A table of permitted and special uses, shall be subject to modified standards as listed under subsection (6) below. All other standards, requirements and conditions of the underlying general purpose district not included under and modified by subsection (6) shall continue to apply.

(6) *Modified standards.* The following standards specified in this subsection are hereby adopted as substitute minimum requirements within the Urban Core (UC) Overlay District for the uses listed under subsection (5) above.

(a) Principal and accessory structure public street right-of-way setback per section 9-4-145(B)(1): The minimum setback may be reduced at the option of the owner to not less than five feet.

(b) Principal and accessory structure private street easement setback per section 9-4-145(B)(2): The minimum setback may be reduced at the option of the owner to not less than five feet.

(c) Principal and accessory structure public street right-of-way and private street easement setback per section 9-4-181(A): The minimum setback may be reduced at the option of the owner to not less than five feet.

(d) Bufferyard A per section 9-4-119(A): The applicable six-foot and/or ten-foot bufferyard width may be reduced at the option of the owner to not less than five feet regardless of lot size. Bufferyard with modification shall not exempt or reduce any vegetation requirement applicable to any Bufferyard A, as required prior to the application of this subsection.

(e) Parking space to dwelling structure separation per section 9-4-251(B)(9): The minimum separation requirement may be reduced at the option of the owner to not less than five feet.

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 CDF-UC District*

- (1) Maximum single and double occupancy limits shall comply with the following minimum habitable (mechanically conditioned) floor area per each bedroom. For purposes of these requirements, the term "floor area" shall include private living spaces and any connected common living spaces associated with 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 bedrooms:
 - (a) Single residential occupancy within dormitory units shall be limited to one bed per each bedroom and one person per each bedroom having a minimum floor area of 200 square feet.
 - (b) Double residential occupancy within dormitory units shall be limited to two beds per each bedroom and two persons each bedroom having a minimum floor area of 400 square feet.
- (2) Dormitory development within the CDF-UC District shall provide retail sales and/or other non-residential uses with a minimum floor area of 10,000 square feet. For purposes of this requirement, the term "floor area" shall mean non-storage floor area which is used as retail sales, or other non-residential uses. Where architectural layouts are not available for consideration, the "floor area" will be calculated by multiplying 80% times the gross area designated as non-residential use until such time architectural layouts are available for consideration or occupancy has commenced, whichever is earlier.
- (3) Minimum lot area: 2.0 acres.
- (4) Minimum lot width: 100 feet.
- (5) Minimum street setback: five feet.
- (6) Minimum side and rear setbacks:
 - (a) When adjacent to single-family use: ten feet.
 - (b) When adjacent to any use other than single-family; per Article G, Bufferyard setback.
- (7) Maximum height (above grade): none.
- (8) Maximum lot coverage (excluding drives and parking): none.
- (9) Minimum parking requirements:
 - (a) Single residential occupancy: Seventy-five hundredths space per bed.
 - (b) Double residential occupancy: One and one-half space per bedroom.
 - (c) Non-residential uses: The required number of parking spaces for non-residential uses shall be provided in accordance with Article 0, except as modified herein. The parking requirements set forth in Article 0 for non-residential uses may be reduced to 25% where combined parking is available for the nonresidential user. For purposes of this section, the term "combined parking" shall be that parking with is part of the required residential parking that is available and accessible to the non-residential user.
- (10) Parking location requirements: Each required parking space shall be located on the lot containing the associated use.

- (11) Parking spaces adjacent to principal or other structures including accessory structures per section 9-4-25 1(B)(9): The minimum separation requirement may be reduced at the option of the owner to not less than five feet.
- (12) Off-street parking: All off-street parking areas designed for three or more spaces shall be in accordance with Article 0 except as modified in section 9-4-200.1(B)(6).
- (13) Site vegetation location requirements per section 9-4-268(1)(1) may be modified for dormitory developments whereby, with the exception of street yard trees, site vegetation shall not be located within two feet of a principal and/or accessory structure in order to meet vegetation requirements.
- (14) Signage: All signs shall be erected in accordance with Article N of this chapter.
- (15) Residential and nonresidential uses allowed: Subject to district standards, and requirements, development allowed under this section may include both residential and nonresidential use.
- (16) Nothing in this subsection shall supersede applicable North Carolina State Building and Code requirements.

Staff Recommended Conditions:

Property shall comply with all requirements for dormitory development.

Applicant shall comply with approved traffic impact analysis recommendations.

Other Comments

The lobby square footage shall not be acceptable as retail/non-residential square footage.

Designated path between parking deck and building for retail/non-residential consumers must be indicated on site plan.

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

The applicant shall comply with City of Greenville Code of Ordinance, Section 9-3-5(C) concerning temporary construction equipment.

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 Johnson opened the public hearing.

Mr. Michael Birch, attorney representing the applicant, spoke in favor of the request and introduced those who also spoke in favor. He provided copies of the project to Board members.

Mr. Todd Saied with DeWitt Carolinas spoke in favor of the request. As part of the contractor/developer, they have

been in business for over 20 years, and has completed over 300 projects, primarily focused in multi-family developments.

Mr. Everett Daniels with DeWitt Carolinas spoke in favor of the request. He runs the operations team and is happy to be developing in Greenville.

Mr. Brian Fagundus, of Ark Consulting Group, PLLC of Greenville, North Carolina, is a licensed professional engineer and serves as the Applicant's civil engineer for the project. He prepared the site plan that was presented to the Board. Mr. Fagundus was presented by the Applicant, qualified, and duly recognized by the Board as an expert in the fields of civil engineering and site planning. The Project will occupy two City blocks and will require the closing of Glen Arthur Avenue between East 13th Street and East 14th Street. The Project will provide access from the parking structure to the nonresidential area. Motor vehicle traffic will enter and exit the Property on Cotanche Street and East 13th Street. The site will be controlled by perimeter fencing along East 13th Street with emergency access and other gated access features. Parking for nonresidential uses will be provided in designated areas. Parking designated for residential use will be controlled access parking. The plan calls for 694 total parking spaces. Given that nonresidential parking is restricted by City Code to be one parking space per 200 square feet, and the Project will have 10,000 square feet of nonresidential use, there will be 50 parking spaces designated for nonresidential use. The remaining 644 parking spaces will be for residential use. At 804 beds planned, this equates to 0.8 parking spaces per bed. Based upon the recommendation of the City and the North Carolina Department of Transportation ("DOT"), the Project, which will highlight walkability for goods and services, will have a focused entry and exit point for pedestrians (residents and patrons) close to the intersection of Charles Boulevard and East 14th Street so that it will be close to the signalized intersection and the associated pedestrian crosswalk. The Project is designed to have adequate utility service, storm drainage outlets, and is surrounded by public rights-of-way to enable access to and from the Property. As designed and presented to the Board, the Project will not produce toxic use, offensive use, odors, smoke, or gas. Regarding the land's ability to accommodate the type and load of the planned structure, geotechnical investigations are part of the formal design process that are ongoing. Similarly sized projects on similar land in various parts of the City have been successfully built. In the City's CDF-UC there is no maximum lot coverage requirement per that standard, but the lot coverage for the Project is illustrated in the site data table of the site plans submitted. Mr. Fagundus opined that the Project is in compliance with the general criteria required to obtain a special use permit for this proposed use.

Attorney Phillips suggested that the Board determine if they will accept Mr. Fagundus as an expert.

Mr. Burch stated Mr. Fagundus is a licensed professional engineer with expertise in civil engineering and site plan.

Mr. Winkler made a motion to accept Mr. Fagundus as an expert qualified in civil engineering. Mr. Moretz seconded the motion and it passed unanimously.

Mr. Fagundus stated, in his professional opinion from a land-use and civil engineering perspective, the proposed use meets all required conditions and specifications of the Zoning Ordinance and policies of the City for submission of a special use permit; is in general conformity with the Comprehensive Land Use Plan of the City and its extraterritorial jurisdiction; will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use; will not be detrimental to the public welfare or to the use or development of adjacent properties or other neighborhood uses; and will not constitute a nuisance or hazard.

Mr. Winkler asked about a pedestrian entry at the corner of Charles Blvd and 14th Street.

Mr. Fagundus stated the design is to implement features that comply with DOT and the City to facilitate pedestrian traffic.

Mr. McKinnon asked if there will be a fence on 14th and Cotanche Streets.

Mr. Fagundus stated no, only on 13th Street with openings for emergency access.

Mr. Moretz asked about the 14th Street widening project.

Mr. Fagundus stated they have to reserve the right-of-way for any future widening but this section is not part of the current widening project.

Ms. Bellis stated that the intersection of Charles Blvd and 14th Street has one of the highest accident rates in the City. She was concerned with safety.

Mr. Fagundus stated they want to reinvigorate the intersection with proper pedestrian safety measures in place for walkability in the area.

Mr. Moretz asked if there was currently a pedestrian walkway at that intersection.

Mr. Fagundus stated yes.

Mr. Godley stated he has concerns with the walkability in this heavy vehicular traffic area. He is also concerned with the load of an 8-story building on this land and asked if a soil survey had been done.

Mr. Fagundus stated this is a process and it will be done. The soil will dictate the design and load of the building.

Mr. Winkler asked about the parking spaces.

Mr. Fagundus stated there will be 694 total which is above the amount required.

Mr. Bobby Long, of Kephart Architects, Inc. of Denver, Colorado, is a Principal and Design Director with Kephart Architects, Inc. and is a licensed architect. He stated he has 27 years architect experience after graduating from Ohio State University with a bachelor's science degree in architecture. His work has focused on various forms of multi-housing properties, anything larger than single family. He has NCARB certification which gives him reciprocity in all states and various countries. Kephart Architects, Inc. focuses on national multifamily projects such as the Project. Mr. Long serves as the Applicant's architect for the Project. Mr. Long was presented by the Applicant, qualified, and duly recognized by the Board as an expert in the fields of architecture and building design.

Mr. Winkler made a motion to accept Mr. Bobby Long as an expert in architecture and building design. Mr. Moretz seconded the motion and it passed unanimously.

Mr. Long stated, as designed, there will be a five-story section that will follow along Charles Boulevard and 14th Street, which will then transition to eight stories, which will then wrap up and around along Cotanche Street. On Cotanche Street, there will be an entry and exit point and portal through the building which will be gated and

controlled access. The lobby and the 10,000 square feet of nonresidential use will be located along Charles Boulevard toward East 14th Street. This is to promote the “activation” of Charles Boulevard; the walkability of the area for goods and services. The Project’s goal is to promote walkability to both the ECU campus and goods and services in the area so that residents do not have to drive for these activities and services. Through building design, other than emergency accesses around the building, the bulk of the pedestrian traffic is being focused toward the southeast corner of Charles Boulevard and East 14th Street, which will be the lobby area of the Property, because this intersection is signalized for pedestrian crossing, with ADA compliant handicap ramps and pedestrian call buttons, and will be the best pedestrian access point for retail travel, travel to the ECU campus, and toward other access points for mass transportation. There will be a secondary pedestrian access point along East 14th Street, but this is primarily designed for pedestrian pickup for various taxi, transportation networking companies, and ridesharing services. At the request of the Applicant, the entirety of the Project is designed to be of a much higher quality than other similar properties across the country. For example, as opposed to a wood frame structure system, the Project will be a steel frame system for both the five-story and eight story sections. The building will be a Type II construction, which is a noncombustible per the building code. Although it will be more expensive, it is safer, taller, and stronger than other similar properties. There will be no balconies on the outside of the Project Property and all of the pedestrian accesses are controlled. The parking garage is separate from the main building but will be connected by bridges to all of the floors of the residential areas. On the eighth floor of the parking deck there will be a pool, which will be accessed only by residents. Outdoor amenities and activities are still being planned but will be centralized in a fenced area of the Property nearest to the intersection of Cotanche Street and East 13th Street.

Mr. Moretz asked how many pedestrian accesses will be on the lower level.

Mr. Long stated they are still working through the final details. There are various stair accesses, a main access to the lobby from the corner of Charles/14th streets, and an access into the building from the courtyard.

Mr. McKinnon stated it appears to have multiple access on Charles Blvd.

Mr. Long stated yes for the non-residential uses as needed.

Mr. Moretz asked about the pool on top of the parking deck.

Mr. Long stated yes and it is accessed by residents only.

Mr. McKinnon asked about the two accesses on 14th Street.

Mr. Long stated one is an entrance at the southwest corner and a second to the secondary lobby.

Mr. McKinnon asked how a resident parking on the 6th floor of the parking deck would get to their residence on the 4th floor.

Mr. Long stated there are bridges, stairwells, and elevators that will connect to the buildings/levels.

Mr. Moretz asked if there will be outdoor activities.

Mr. Long stated they are programming for outdoor space near the portico on the ground level.

Ms. Jessica McClure, of Ramey Kemp & Associates, Inc. of Raleigh, North Carolina is a licensed professional traffic engineer. She stated she has a bachelor's and master's degrees in civil engineering. Ms. McClure serves as the traffic engineer for Applicant on the Project. Ms. McClure is experienced in traffic engineering studies across North Carolina involving various projects such as the Project. Ms. McClure prepared and presented a vehicular traffic engineering study regarding the Project ("Project's TES"). Ms. McClure was presented by the Applicant, qualified, and duly recognized by the Board as an expert in the field of traffic engineering.

Mr. McKinnon made a motion to accept Ms. Jessica McClure as an expert in traffic engineering. Mr. Winkler seconded the motion and it passed unanimously.

Mr. Scott Godefroy, PE, City Engineer, testified that the Project's TES was received by the City, and has been reviewed by the City Traffic Engineer as well as the NCDOT Traffic Engineer. NCDOT has made final comments and recommendations that had not yet been received by Applicant at the time of the Hearing.

Ms. McClure stated, as part of the scope of the Project's TES, it was determined that to generate the trip potential for the Project, the Project TES would use information that had previously been received, reviewed, and approved by the City and NCDOT for similar housing developments within Greenville. The Project TES takes into account the 10th Street Connector and future improvements to 10th Street. The Project's TES analyzed the signalized and nonsignalized intersections and roadway network surrounding the Project and Property; Charles Boulevard and 14th Street, 14th Street and Evans Street, Evans Street and 10th Street, Charles Boulevard and 10th Street, Cotanche Street and 14th Street, and 13th Street and Charles Boulevard. Data was collected in a conservative manner. Based upon the analysis, it was determined that all of the intersections and movements studied were operating at an acceptable levels of service both for the overall signals and the major street left turn movements and the minor street approaches at the nonsignalized intersections. The Project's TES includes recommended improvements based upon the study. Part of the recommendations that were noted in the Project's TES were along 14th Street and Charles Boulevard regarding signalized timing coordination along that corridor. Such coordination would help to assist in traffic flow which would help with the planned ingress and egress to the Property as a result of the Project. Based upon her analysis, the Project's TES, and her professional opinion, Ms. McClure opined that the Project's proposed use will not adversely affect the health and safety of persons residing or working in the neighborhood of the proposed use; will not be detrimental to the public welfare or to the use or development of adjacent properties or other neighborhood uses; and will not constitute a nuisance or hazard.

Mr. McKinnon asked how many trips will be generated on Cotanche and 13th Streets.

Ms. McClure stated for Cotanche Street, the Project will generate 48 trips in the morning peak hours entering and exiting the Property from 7:00 am to 9:00 am, and 186 trips in the evening peak hours (4:00 pm to 6:00 pm) entering and exiting, which is the equivalent of three trips per minute. For 13th Street, there will be 10 site trips in the morning turning into the Property and 29 in the evening.

Mr. McKinnon asked if the assumption is that people will park in the deck and walk.

Ms. McClure stated yes.

Mr. Moretz asked about traffic generation from Charles Blvd especially in the evening.

Ms. McClure stated the existing counts used were roughly 600 trips in the morning and 900 in the evening.

Chairman Johnson asked how the traffic study impacted traffic since there is another dormitory nearby.

Ms. McClure stated it is included and their numbers are added to the existing numbers to have a cumulative count.

Mr. Glenn asked about anticipated changes to the street for the neighbors to the south.

Mr. Godefroy stated not to his knowledge.

Mr. Moretz asked if there was a study regarding the additional pedestrian traffic.

Ms. McClure stated no.

Mr. McKinnon asked about trips on 13th and Cotanche Streets coming from the exits of the proposed deck.

Ms. McClure stated the overall daily trips for this Project should be approximately 1800 to 1900 trips per day for the Project with 55% of the traffic coming and going from the Cotanche Street access and 45% of the traffic coming and going from the 13th Street access.

Mr. Bullock asked about adjustments to the traffic patterns due to the increase of vehicular and pedestrian traffic.

Ms. McClure stated although there has not been a study regarding pedestrian traffic anticipated as a result of the Project, Ms. McClure testified that most of the residents will be pedestrian traffic going to and from ECU campus. Additional upgrading and analyzing of the signalized crossing at East 14th Street and Charles Boulevard is recommended. Additionally, the Applicant will work with the City and NCDOT to implement appropriate crosswalk striping on Cotanche Street and 13th Street portions adjacent to the property and to those intersections along East 14th Street and Charles Boulevard.

Mr. McKinnon stated this project will generate a lot of vehicular traffic without considering pedestrian safety.

Ms. McClure testified that based on the analysis, there are no significant impacts to the traffic network overall. The City and NCDOT are reviewing the Project's TES. There are recommendations being made to help improve the impact of the Project to better than existing conditions regarding traffic flow, and considerations are being made for pedestrians so that they have safe and appropriate crossings.

Mr. Godefroy stated the pedestrian crossings at 14th Street are existing and have been upgraded with call buttons and ADA ramps. The City and DOT are not in favor of a pedestrian crosswalk at 12th Street and Charles because it would be in the curve of the street.

Mr. Fagundus showed a picture that showed the 14th Street/Charles Blvd intersection equipped with ADA ramps, call buttons and timed crossings.

Mr. McKinnon stated he is concerned with the traffic generated from the parking deck on to two residential streets. He is concerned how vehicles will access Charles Blvd or move around through the Glen Arthur neighborhood.

Ms. McClure stated that the space from 14th/Charles to 13th/Charles is not enough to have another traffic light per

the NCDOT.

Mr. Moretz asked if existing street parking on Cotanche Street would cease and how would it affect the neighbors.

Ms. McClure stated yes and should not have any negative impact.

Mr. Fagundus stated that the neighborhood has parking by permit only.

Mr. Jack Biehunko, Director of Client Services for Greystar Student Living serves as the Applicant's market analyst and property manager for the Project. Greystar is a national student housing company as well as a national apartment management company. Across the United States, Greystar manages 425,000 units including 18,000 student housing beds, some with over 2,000 beds per property. Greystar has been in the student housing management industry for over 17 years. He has been a student housing professional for the last 9 years working on-site of student housing properties and at the corporate level. He has visited over 50 universities in the U.S. Mr. Biehunko was presented by the Applicant, qualified, and duly recognized by the Board as an expert in the fields of market study research analysis in the student housing industry and student housing property management.

Mr. Winkler made a motion to accept Mr. Jack Biehunko as an expert in student housing management and market research analysis of the student housing industry. Mr. Bullock seconded the motion and it passed unanimously.

Mr. Biehunko prepared a market research and analysis consulting report/study for the Project. Mr. Biehunko analyzed amenities, location, university enrollment, and demand. The Project is located within walking distance in close proximity to the ECU campus; approximately 0.3 miles from campus, which equates to an approximate five to seven minute walk. The Project is also close to retail shops, which is desirable. Mr. Biehunko opined that the majority of the residents of the Project, who will be on various class schedules, will either be walking or biking to campus or taking the University bus. Mr. Biehunko anticipates 50% or more of the motor vehicles to remain parked for multiple days at a time in the parking deck during the school week. Other than a centralized move-in day, there will not be a mass departure of pedestrians and traffic at one time during normal days. ECU enrollment has grown 7.5% over the last five years and based upon Mr. Biehunko's analysis, including an examination of an ECU study, he expects this trend to continue with enrollment topping 30,000 by fall of 2019 with an increase of 300 to 400 students per year thereafter. ECU is not currently constructing any student housing and the University does not anticipate constructing any student housing within the next four years. Based upon his research and analysis, Mr. Biehunko believes the Project, which will be completed in the fall of 2020, will be successful in this market. The Project will have multiple amenities including: 1) study space that is well-designed and conducive to a living and learning environment for the students—particularly community/collaborative study space, which is highly desirable in this market, and private study space, where students can get away and focus in their own living environment; and 2) an on-site gym so students can work out 24 hours a day. By having these amenities on site, it limits the amount of trips students take off property, especially at night. Based on the projects location, the housing needs of the University, and the current recommended amenities, as a third-party consultant, Mr. Biehunko and Greystar are confident in recommending this project for its client, the Applicant. Property management will consist of Greystar-trained student housing professionals and part-time community assistants, who serve as Greystar's ambassadors to campus. Part-time community assistants will be ECU students who are part-time employees of Greystar. Given the size of this Property, Mr. Biehunko recommends at least eight part-time community assistants. Greystar will employ a third-party courtesy officer security company to patrol the Property during nonbusiness hours (typically from 7:00 pm to 8:00 or 9:00 am). The private security officer will walk and patrol the Property.

Mr. Glenn asked what year did his study foresee ECU having 30,000 students.

Mr. Biehunko stated for fall 2019.

Mr. Glenn asked if that was for traditional students versus distant learners.

Mr. Biehunko stated it was a combination of both.

Mr. Moretz asked if an occupancy study was completed with the current projects in the area.

Mr. Biehunko stated they studied other properties in the market and believes there is high demand within this area of Greenville, with the highest demand within 1.8 miles of the University. Properties within close proximity of the Project are not only 97% occupied currently, but are also preleased at 50% or more at the time of the Hearing; some properties preleased as high as 75% or more. Particularly at this location, he believes housing such as the Project is in high demand. He opined that the Project will actually increase the demand for similar projects within the City and within the 1.8 mile radius to ECU. The project is creating more opportunities for students to live and socialize with their classmates.

Mr. Paul Andrew Cuomo, a North Carolina certified real estate appraiser at Carolina Coastal Group, Inc., has practiced in Greenville, North Carolina for 15 years and serves as the Applicant's appraiser and property value impacts consultant for the Project. Mr. Cuomo's company, Carolina Coastal Group, Inc., specializes in complex real estate litigation and consultation. Mr. Cuomo was presented by the Applicant, qualified, and duly recognized by the Board as an expert in the fields of appraisal and property value impacts to other properties.

Mr. McKinnon made a motion to accept Mr. Paul Cuomo as an expert in the field of appraisal. Mr. Moretz seconded the motion and it passed unanimously.

Mr. Cuomo examined the neighborhood and surrounding area of the Property. In conducting his appraisal and property value impact assessment, Mr. Cuomo focused on four key areas: 1) growth, which is generally when a neighborhood is brand-new, 2) equilibrium, where the neighborhood is built out, 3) decline, and 4) revitalization. Mr. Cuomo also looks at highest and best use of the subject property. The Property is a "case study" in revitalization. Mr. Cuomo has examined the proposal to determine if it is physically possible to be built, legally possible to be built, financially possible to be built, and maximally productive. The architecture is unique, it fits on the site, and the Project is physically possible to be built. Looking at government actions regarding the Property, including the government's police power, zoning, density, setbacks, specific legal requirements including overlay requirements, the Project is also legally permissible to be built. Next, money exists to build the Project, the project is a good collateral risk, and Mr. Cuomo concludes that the Project financially feasible. Finally, maximally productive, what is the maximum one can get out of the land, means the combination of the physical, legal, and financial criteria. Upon studying the proposal, Mr. Cuomo opined that the Project is the most maximally productive of the Property. Mr. Cuomo also examined case studies of adjoining properties in his market analysis and property value impacts study for the Property. Mr. Cuomo assessed the types of adjoining properties. Most are single-family residences with some commercial properties. The single family houses in the adjoining area have their highest value in the land and not the improvements thereon. As proposed, the Project will not harm the value of single family homes in any way. Commercial areas adjoining the Project area will not be harmed by the Property. Instead, the commercial areas will actually be enhanced. Value is determined by studying land, labor, capital, and coordination.

According to Mr. Cuomo, the project will not negatively impact any of these four areas of value. Mr. Cuomo examined the case study of the Province, a logical comparable in the market to the subject Property. The Province was built in 2010 and was similar in zoning and fit to the Project. Since the Province was built, land prices in that area have ranged from \$13.83 per square foot (at the time the Province was built) to \$31.76 per square foot currently. An increase in land value translates into other uses in the area and growth—this is a revitalization cycle which is similar to the Property and Project at issue. Based upon his analysis and case studies including abutting and adjoining properties to the Property, in Mr. Cuomo’s professional opinion, the Project is in its highest and best use for the Property. Additionally, Mr. Cuomo opined that the proposed use will not cause any harm to any abutting or adjoining properties. Mr. Cuomo concluded that in his professional opinion, based upon the neighborhood lifecycle, the ancillary sales, the match pairing, and current market trends, the Project is consistent with the expectation that it would not be adversely affected by the existing uses in the area in which it is proposed and will not injure, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood, including any public infrastructure.

Ms. Bellis asked about harm to other properties. She stated there are several dormitory housing apartments coming on the market bringing more than 800 beds. There is a vacancy rate of over 2,000 beds that causes harm and should be considered.

Mr. Cuomo stated the elements of value are: land, labor, capital and coordination. He stated he does not see where this project affects those elements of value.

Ms. Bellis stated one of the criteria for the Board to consider is detriment to public welfare. There will be an unknown when the vacancy rate increases when more beds come on to the market.

Mr. Biehunko stated the project will actually increase a healthy demand in this area. It will drive students to this area to live and socialize.

Ms. Bellis stated that driving students into this concentrated area has had a negative effect on student housing outside of this area. They have lower occupancy and it will create a bigger problem.

Attorney Phillips stated he hadn’t heard any factual testimony regarding vacancy rates. He suggested rephrasing the question to be considered.

Ms. Bellis stated she was referring to the housing analysis that was presented to City Council.

Mr. Birch stated objected to the housing analysis since it was not entered into record.

Attorney Phillips stated the Board is the fact finder and not the presenter of the facts. The housing analysis would need to be presented by an expert witness otherwise it is considered hearsay.

Mr. Moretz asked Mr. Biehunko where the residents of the project would be coming from and if it would have a negative impact on student housing outside the 1.8 mile radius.

Mr. Biehunko opined that the students would be coming from on-campus housing and housing within the 1.8 mile radius. He opined that students don’t want to live in the properties outside the 1.8 mile radius.

Mr. Moretz reiterated that in the professional testimony given they have stated studies have shown that students want to live closer to campus. He asked what happens to the value of the properties outside the 1.8 radius that are decreasing in occupancy.

Mr. Cuomo stated that what is to be considered is the elements of value - land, labor, capital and coordination - abutting to adjacent properties.

Attorney Phillips stated the Board needs to abide by the criteria to make a decision, one of which is that the proposed use will not injury, by value or otherwise, adjoining or abutting property or public improvements in the neighborhood.

Ms. Bellis stated one of the criteria of the proposed use will not be detrimental to the public welfare. She stated drawing students from older student housing development to this project is detriment to the public welfare.

Mr. Birch stated that there are no facts to suggest this project is detrimental to the public welfare.

Mr. Cuomo stated his opinion is based on sales or facts that have occurred around the subject property.

Mr. McKinnon stated there are about 20 houses currently on these two blocks with an estimate of 80 people. With the proposed, there will be 800 people which will increase pedestrian traffic. His concern is the safety at the intersection due to the increase in both pedestrian and vehicular traffic in this area.

Ms. McClure stated there are 10 trips from 13th St. onto Charles Blvd in the morning and 29 trips in the evening.

Mr. McKinnon asked for the total trips over eight hours at 13th Street.

Ms. Bellis stated their concern should be with the pedestrian safety since they cross at their convenience.

Mr. Birch stated both the City and DOT have their focus on 14th St/Charles Blvd. Therefore, the project is focusing their pedestrian measures toward that intersection.

Ms. McClure stated the rest of the trips would be sporadic during the rest of the day.

Mr. McKinnon stated he is trying to find the point where the maximum number of vehicles and maximum number of pedestrians meet.

Mr. Fagundus asked if Mr. McKinnon's concern was crossing over the entrance on 13th Street when walking north on Charles Blvd.

Mr. McKinnon stated yes.

Ms. McClure stated they could use more striping or a dedicated crosswalk.

Mr. Fagundus stated that it comes down to coordination with the project civil engineer, the project traffic engineer, the City and DOT at the time the site plan is submitted. He stated he fully anticipates restriping both Cotanche and 13th Streets as well as the intersections at 14th and Charles streets. Both DOT and the City stated they needed to do

their best to funnel traffic to the intersection of 14th St. and Charles Blvd.

Mr. Max Joyner spoke in favor of the request. He is one of the owners of the properties. When he originally purchased properties here back in the 1980's, it was zoned commercial. He stated they will work to make sure safety is a priority.

Mr. Birch stated he has a copy of a notarized affidavit from Harris Teeter which says they are in favor.

Attorney Phillips stated the Board can accept it as received but it is not admissible.

Mr. Birch stated that this project, if approved, would be available by the fall of 2020. The request meets the criteria.

Ms. Donna Whitley spoke in opposition of the request. She stated that she wants economic development to improve the quality of life and not degrade it. She is concerned about the increase of dormitory development in the past few years. She believes there is a saturation of beds available.

Attorney Phillips stated that evidence presented that the Board is to consider is one of standing according to NCGS § 168-393. A person meeting the following criteria has standing to challenge the matter: ownership interest in the property; a leaseholder interest in the property; an interest created by easement restriction or covenant in the property; has an option or contract to purchase the property; was an applicant of the property; or any other person who will suffer damages as a result of the decision. He stated that those speaking need to prove they will be affected and suffer special damages.

Ms. Whitley stated there is a safety issue with the addition of 800 beds. She travels this area daily.

Chairman Johnson stated that the Board can only consider facts and not opinions.

Ms. Whitley stated as a taxpayer, she is concerned with the possibility of a high vacancy rate that could look blight and will affect property values. She suggested this area be for market rate apartments and not a dormitory.

Mr. Barney Kane spoke in opposition of the request. He lives behind Harris Teeter. He stated that anyone with common sense knows that one of the most dangerous intersections is at 14th/Charles streets. It is inadequate to handle 800 more students.

No one spoke in rebuttal.

Chairman Johnson asked for the staff recommendation.

Ms. Blount stated that an official site plan has not been received or reviewed by the technical review committee. She stated staff had no objection to the request with the recommended conditions.

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

Ms. Bellis stated it is unfortunate that they cannot consider the Kimley Horn housing study, the negative affect this project will have on other student housing in the area, and the current high vacancy rates.

Mr. Godley stated that detriment to public welfare is that the proposed use will not be detrimental to the public welfare or to the use or development of adjacent properties or other neighborhood uses. It refers to the area under consideration. He stated that a lot of what is addressed in the housing study, per his understanding, pertains to a City-wide discussion of student housing and dormitory uses. He believed it would not be fair to the applicant to throw all the information in the study to this request. He suggested not using this information when considering how to vote.

Chairman Johnson stated that the purpose of this Board is to have findings based on facts. No one was present to present the study and is not part of this discussion. They must consider the facts. An opportunity was given to those to speak in opposition, although their testimony was mostly opinion.

Mr. Winkler stated he was happy with the parking situation of .8 spaces per bed.

Mr. Glenn stated the applicant/developer have followed the steps given to them under the City ordinance. The unknown cannot be predicted. He thanked those who spoke in opposition but stated that the Board must act on facts.

Mr. Moretz agreed with Mr. Glenn. The applicant stated they are ready to work with the City and implement their recommendations. As a Board, he stated they could add additional conditions regarding pedestrian safety.

Mr. Winkler stated that they are not traffic engineers. They rely on staff and hope they are doing the best job.

Chairman Johnson read the required findings criteria. No objections.

Mr. Glenn made a motion to adopt the finding of facts with the recommended conditions, Mr. Winkler seconded and it passed unanimously.

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

Attorney Phillips stated given that contested facts have been presented, the Board is statutorily required to reduce the facts to writing to reflect your determination of contested facts and their application to the applicable standards. He recommended that the Board task him, Attorney Phillips, to draft a proposed decision and order for presentation and consideration at the next regularly scheduled meeting.

Mr. Bullock made a motion to task Attorney Phillips with the task to reduce the facts to writing, Mr. Moretz seconded the motion, and it passed unanimously.

2017 ANNUAL REVIEW OF PUBLIC/PRIVATE CLUBS AND DINING AND ENTERTAINMENT ESTABLISHMENTS OPERATING PURSUANT TO AN APPROVED SPECIAL USE PERMIT

Mr. Moretz asked to be recused since he had two invested properties on the list for review.

Mr. Glenn made a motion to recuse Mr. Moretz from the discussion item since he has two properties on the list for review, Mr. Bullock seconded the motion, and it passed unanimously.

Ms. Blount stated in their packet was a list of all private/public clubs and dining and entertainment establishments that required a special use permit to operate. Different review agencies provided input, such as: Pitt County ABC Commission, Police Department, Code Enforcement Division, Fire/Rescue Department, and Inspections Division. Per the review, no establishments had any major issues. She introduced Lt. Richard Tyndall of the Greenville Police Department to answer questions.

Mr. Glenn asked about the calls for service and why some establishments had higher calls.

Lt. Tyndall stated that the calls for service can be misleading. Calls are called to the nearest address or location. For example, the Buccaneer Music Hall is in the Harris Teeter shopping center in Bells Fork. He reviewed the incident reports and there is nothing to be concerned about. It is normal to have some calls just because of the nature of the business. Not all calls will generate an incident report. He stated they encourage the clubs to call the Police so that they can take care of issues with people fighting or overly intoxicated.

With no further business, Mr. McKinnon made a motion to adjourn, Mr. Winkler seconded and it passed unanimously. The meeting adjourned at 9:46 pm.

Respectfully submitted,

Elizabeth Blount
Planner II