

February 25, 2010

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

Dr. Mulatu Wubneh \* Chairman

Ann Bellis *	Charles Ewen X
Wanda Harrington *	John Hutchens *
Scott Shook *	Charles Ward *
Renee Safford-White X	Linda Rich *

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

VOTING MEMBERS: Wubneh, Bellis, Harrington, Hutchens, Shook, Ward, Rich

OTHERS PRESENT: Mr. Mike Dail, Planner  
Mr. Wayne Harrison, Planner  
Mrs. Sarah Radcliff, Secretary  
Mr. Bill Little, Assistant City Attorney  
Mr. Chris Kelly, Engineering Assistant  
Major Kevin Smeltzer, Greenville Police Department  
Marion Blackburn, City Council Representative

#### MINUTES

Motion was made by Mr. Ward, seconded by Ms. Harrington to accept the January 28, 2010 minutes as presented.  
Motion carried unanimously.

#### PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY GREENVILLE HOSPITALITY ASSOCIATES II, LLC

The applicant, Greenville Hospitality Associates II, LLC, desires a special use permit to expand an existing hotel pursuant to Section 9-4-78(f)(8)s. of the Greenville City Code. The proposed use is located at 2225 Stantonsburg Road. The property is further identified as being tax parcel number 41659.

Dr. Wubneh asked for all those wishing to speak for or against the case to come forward and be sworn.

Mr. Dail delineated the area on the map. He said the property is located in the western part of the city in the medical district. He said the original special use permit for this hotel to be built was issued in 1995. The property is zoned MS, medical support, and the extreme southern portion of the property is zoned MO, medical office. Mr. Dail said the property to the north is zoned MI, medical institutional, property to the south is zoned MO, and property to the east and west is MS. The property is located along a major thoroughfare, being Stantonsburg Road.

#### **Surrounding Development:**

North: Pitt County Memorial Hospital  
South: Vacant, East Carolina Neurology  
East: Johns Flowers and Gifts  
West: Hospital Professional Center (Various Medical Offices)

**Description of Property:**

The property contains an 84 room motel and has approximately 315 feet of frontage along Stantonsburg Road with a total lot area of 2.95 acres. The applicant wishes to add an additional 31 rooms and associated parking area.

**Comprehensive Plan:**

The property is located within Vision Area “F” as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends medical transitional and office/institutional/medical development for the subject property.

**Notice:**

Notice was mailed to the adjoining property owners on February 11, 2010. Notice of the public hearing was published in the Daily Reflector on February 15, 2010 and February 22, 2010

**Zoning Regulations:**

*Definition:*

*Hotel, motel, bed and breakfast inn; limited stay lodging.* A building or group of buildings containing guest rooms, suites, separate or connecting units where for compensation lodging is provided on a limited stay basis. For purposes of this definition, the words “limited stay basis” shall include only daily or weekly periods not to exceed thirty (30) continuous days. See also definition of “hotel, motel, bed and breakfast inn; extended stay lodging”.

*Sec. 9-4-103. Special standards for certain specific uses.*

*(k) Hotel, motel, bed and breakfast inn.*

1. In addition to the specific requirements listed below under subsections (2) and (3), all hotel, motel, bed and breakfast inns including both limited and extended stay lodging facilities shall be subject to the following requirements:
  - a. No lodging unit shall be occupied by more than one (1) family. See also definition of “family”.
  - b. The lodging facility shall contain a registration office or area which is staffed twenty-four (24) hours per day during all periods of operation. A resident manager, supervisor or caretaker shall qualify for purposes of this section.
  - c. Housekeeping services shall be provided. Housekeeping services shall include but not be limited to: changing linen, cleaning bathroom and kitchen areas, removal of trash, dusting and vacuuming.
  - d. Shall be designed and marketed in a fashion that reflects the intended use for transient lodgers. No person other than an approved resident manager, supervisor or caretaker shall utilize, consider or

- reference any lodging unit as a secondary or primary place of residence.
- e. The lodging facility may contain restaurants, meeting rooms, indoor recreation facilities, lounges, outdoor swimming pool, entertainment facilities, retail sales of personal accessories for occupants, maid and bell boy service, laundry services, telephone and secretarial services, as accessory uses.
  - f. Lodging units which contain cooking facilities must provide a sink which shall be located in the cooking area and shall be in addition to any sink provided for bathroom or bathing purposes.
  - g. No lodging unit shall share kitchen or cooking facilities with any other lodging unit.
2. Limited stay lodging facilities shall be subject to the following additional requirements:
    - a. Lodging shall be limited to daily or weekly periods not to exceed thirty (30) continuous days.
    - b. Housekeeping services shall be provided on a daily basis.
    - c. Not more than twenty-five (25) percent of the units may have kitchen and/or cooking facilities.
  3. Extended stay lodging facilities shall be subject to the following additional requirements:
    - a. Lodging shall be limited to daily, weekly or monthly periods, not to exceed ninety (90) continuous days.
    - b. Housekeeping services shall be provided on a weekly basis or other more frequent period at the option of the owner/operator.
    - c. Each extended stay unit may contain kitchen and/or cooking facilities.

**Staff Comments:**

Project is subject to site plan review and approval. Mr. Dail stated the site plan has been reviewed and will be approved following approval of the special use permit.

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 upon proper findings by the Board.

Mr. Linwood Stroud, Stroud Engineering, P.A., spoke in favor of the request.

Mr. Reginald Poteet, owner of the hotel, spoke in favor of the request.

Mr. Bart Collins, Hudson Brothers, spoke in favor of the request.

Mr. Terry Cagle spoke in opposition to the request. He said he owned the property behind the hotel and had concerns with excess garbage from the hotel ending up on his property. He said he hasn't complained about this until now because he thought his good friend still owned the property. He said he was not against the project, but wanted some kind of assurance that the excess garbage would be kept off of his property.

Mr. Hutchens asked if he could say for an absolute fact that the debris is coming from the hotel.

Mr. Cagle said he could.

Mr. Hutchens asked how.

Mr. Cagle said the grass clippings matched and he had found a lawn chair that matched the ones on the balconies of the hotel.

Ms. Harrington asked if he had approached anyone at the motel about the issue.

Mr. Cagle said he had not. He said one of the owners was a very good friend of his and he just chose to clean it up himself.

Mr. Harrington said if he was a good friend, she felt he wouldn't have minded taking care of the problem.

Mr. Cagle said that could be, but it was his choice not to say anything to him.

Mr. Poteet spoke in favor in rebuttal. He said he had never heard about this before and was very surprised to hear this.

Mr. Little said the City's Code Enforcement Division should be contacted if there was a problem in the future.

Mr. Collins assured Mr. Cagle that Hudson Brothers would keep a clean and safe jobsite during the construction process.

Mr. Cagle said he had no problems with Hudson Brothers.

No one else spoke in favor or opposition to the request.

Dr. Wubneh asked for staff's recommendation.

Mr. Dail stated staff had no objection to the request.

Dr. Wubneh closed the public hearing and read the criteria.

Motion was made by Ms. Bellis, seconded by Ms. Rich to approve the Findings of Fact. Motion carried unanimously.

Motion was made by Ms. Harrington, seconded by Mr. Hutchens to approve the petition with the conditions. Motion carried unanimously.

Based on the facts found by the Board and the evidence presented, the Board orders that this permit be granted and subject to full compliance with all of the specific requirements stated in the Zoning Ordinance of the City of Greenville for the proposed use.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY NEW KINGDOM

**OF JUDAH MINISTRIES**

The applicant, New Kingdom of Judah Ministries, desires a special use permit to operate a child day care facility pursuant to Section 9-4-78(f)(8)a. of the Greenville City Code. The proposed use is located at 108 E. Gum Road. The property is further identified as being tax parcel number 21792.

Dr. Wubneh asked for all those wishing to speak for or against the case to come forward and be sworn.

Mr. Dail delineated the area on the map. He said the property is located in the northern section of the city. The property as well as the properties to the north, south and west is zoned CDF, downtown commercial fringe. The property to the east is zoned R6, residential. The property is located near two major thoroughfares, being Mumford Road and North Greene Street.

**Surrounding Development:**

- North: Vacant
- South: East Coast Roofing and Metals
- East: Single Family Residence, Vacant
- West: East Coast Roofing and Metals

**Description of Property:**

The property contains a 1,664 square foot church building and a 975 square foot modular building. The property has approximately 80 feet of frontage along E. Gum Road and 145 feet of frontage along N. Pitt Street with a total lot area of 0.25 acres.

**Comprehensive Plan:**

The property is located within Vision Area “B” 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 11, 2010. Notice of the public hearing was published in the Daily Reflector on February 15, 2010 and February 22, 2010.

**Zoning Regulations:**

Definition:

*Day care; child.* An establishment which provides for the care and supervision of six (6) or more children away from their homes by persons other than their family members, custodians or guardians for periods not to exceed eighteen (18) hours within any twenty-four-hour period.

If approved, the applicant shall comply with the following pursuant to Section 9-4-86(e),  
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 one hundred (100) square feet per child in excess of five (5).
- (3) Outdoor play area shall be provided at a ratio of one hundred (100) square feet per child and shall be enclosed by a fence at least four (4) feet in height. Further, all playground equipment shall be located in accordance with the bufferyard regulations.
- (4) If located in a residential district, a residential appearance of the site shall be maintained to the greatest possible extent.
- (5) Employee parking shall be at the rear of the structure when a child day care facility is located in a residential district.

**Staff Recommended Conditions in Addition:**

Day care facility must comply with all state licensing requirements and regulations prior to operation.

**Other Comments:**

Site plan review and approval is required for the addition of required outdoor play area and associated fencing.

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 upon proper findings by the Board.

Ms. Bellis asked where the modular unit was located.

Mr. Dail showed her on the photograph and said it was located just to the west of the church.

Ms. Bellis said she assumed the property was in the floodplain and asked if the base level of the modular unit was raised above the floodplain.

Mr. Dail said it was.

Ms. Sylvia Cooper spoke in favor of the request. She said they wanted to offer a daycare for underprivileged families at a rate lower than other daycares.

Mr. Ward asked how she was associated with administering the school.

Mr. Cooper said she was the pastor.

Ms. Bellis asked how many children they anticipated having.

Ms. Cooper said forty.

No one else spoke in favor or opposition to the request.

Dr. Wubneh asked for staff's recommendation.

Mr. Dail stated staff had no objection to the request.

Dr. Wubneh closed the public hearing and read the criteria.

Motion was made by Mr. Ward, seconded by Ms. Bellis to approve the Findings of Fact. Motion carried unanimously.

Motion was made by Mr. Hutchens, seconded by Ms. Harrington to approve the petition with the conditions. Motion carried unanimously.

Based on the facts found by the Board and the evidence presented, the Board orders that this permit be granted and subject to full compliance with all of the specific requirements stated in the Zoning Ordinance of the City of Greenville for the proposed use.

#### PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY DORA CUEVAS

The applicant, Dora Cuevas, desires a special use permit to operate a game center pursuant to Section 9-4-78(f)(6)d. of the Greenville City Code. The proposed use is located at 2502 Charles Boulevard. The property is further identified as being tax parcel number 37808.

Dr. Wubneh asked for all those wishing to speak for or against the case to come forward and be sworn.

Mr. Dail delineated the area on the map. He said the property is located in the southeastern section of the city. The property is zoned CG, general commercial. The properties to the north and south are zoned CG, general commercial, property to the east is zoned R6, residential and property to the west is zoned OR, office residential. The property is located along a major thoroughfare, being Charles Boulevard.

#### **Surrounding Development:**

North: Supermercado El Rancho, Colwell Business Services, Greenville Physical Therapy

South: Sewing Creations, Basic Tax Service, Oakmont Health Food, Kangaroo, Gold's Gym

East: Carriage House Apartments

West: A Perfect Finish, Syngenta Seed, Paradise Hair Design, Various Office Uses

#### **Description of Property:**

The property contains a 17,319 square foot commercial building with multiple units and has approximately 400 feet of frontage along Charles Boulevard with a total lot area of 1.88 acres. The applicant currently operates the Supermercado El Rancho (Ranch Supermarket) to the north of this unit. The unit for the proposed use is 1,300 square feet.

#### **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 11, 2010. Notice of the public hearing was published in the Daily Reflector on February 15, 2010 and February 22, 2010.

**Zoning Regulations:**

*Definition:*

*Game center.* Any establishment that has more than five (5) coin/token operated or other amusement devices or whose principal purpose is the operation of a game center regardless of the total number of amusement devices. For purposes of this definition the term “amusement devices” shall include electronic games and similar machines, and any other game table or device. Bingo parlors shall be considered as game centers regardless of the number of participants. See also “billiard parlor; pool room.”

**Staff Comments:**

An ABC Licensing request would place this use in the public/private club use category and require a new special use permit for operation.

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 upon proper findings by the Board.

Mr. Michael Joyner, leasing agent for the shopping center, spoke in favor of the request on behalf of the applicant. He said they currently operated the grocery store next to the proposed location in the same shopping center. He said they had been super tenants for the last three years and they didn’t foresee any trouble with this request.

Ms. Rich asked what the hours of operation would be.

Mr. Joyner said it would be the same as the store, 9-9. He said there was ample parking available. He said there would be someone in the game room at all times as well as security cameras that can be monitored from the supermarket.

Mr. Ward asked if the state approved video poker games.

Mr. Joyner said they would not allow any types of gambling games.

Mr. Shook said they had a very good restaurant.  
No one else spoke in favor or opposition to the request.

Dr. Wubneh asked for staff's recommendation.

Mr. Dail stated staff had no objection to the request.

Dr. Wubneh closed the public hearing and read the criteria.

Motion was made by Ms. Rich, seconded by Mr. Ward to approve the Findings of Fact. Motion carried unanimously.

Motion was made by Mr. Hutchens, seconded by Mr. Shook to approve the petition with the conditions. Motion carried unanimously.

Based on the facts found by the Board and the evidence presented, the Board orders that this permit be granted and subject to full compliance with all of the specific requirements stated in the Zoning Ordinance of the City of Greenville for the proposed use.

**PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY PATHWAYS TO LIFE, INC.**

The applicant, Pathways to Life, Inc., desires a special use permit to operate a mental health, emotional or physical rehabilitation day program facility pursuant to Section 9-4-78(f)(8)ff.(1) of the Greenville City Code. The proposed use is located at 1202 E. Fire Tower Road. The property is further identified as being tax parcel number 57988.

Dr. Wubneh asked for all those wishing to speak for or against the case to come forward and be sworn.

Mr. Dail delineated the area on the map. He said the property is located in the southern portion of the city. The property, as well as the properties to the north and west, is zoned OR, office residential. Property to the south is zoned RA20, residential agricultural, and property to the east is zoned RA20 and IU, unoffensive industry. The property is located along a major thoroughfare, being East Firetower Road.

**Surrounding Development:**

North: Summer Haven Subdivision, Tower Village Apartments

South: Single Family Residences, Cameron Fire Wood, Embarq Utility Hut

East: ECU Physicians, Intandem

West: Vacant Commercial Building

**Description of Property:**

The property contains a 9,620 square foot office building and has approximately 175 feet of frontage along E. Fire Tower Road and 200 feet of frontage along Old Fire Tower Road with a total lot area of approximately 0.75 acres.

**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

office/institutional/multi-family development for the subject property.

**Notice:**

Notice was mailed to the adjoining property owners on February 11, 2010. Notice of the public hearing was published in the Daily Reflector on February 15, 2010 and February 22, 2010.

**Related Zoning Ordinance Regulations:**

Definition:

*Mental health, emotional or physical rehabilitation day program facility.* An establishment qualified for a license by the State of North Carolina which provides a day treatment, day activity or other extended counseling service to persons who do not reside at the establishment and who are physically disabled, mentally retarded, developmentally disabled, persons recuperating from alcohol or drug related problems, persons adjusting to society as an alternative to imprisonment, children or adolescents who are emotionally disturbed and need special educational services, and persons recuperating from mental or emotional illness, but not including mentally ill persons who are dangerous to others. Persons receiving service at the establishment may be at the facility for no longer than eighteen (18) hours within any twenty-four-hour period.

“Dangerous to others” means that within the recent past, the individual has inflicted or attempted to inflict or threatened to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated. Previous episodes of dangerousness to others, when applicable, may be considered when determining reasonable probability of future dangerous conduct. Professionals or paraprofessionals providing assistance to the occupants shall be allowed in addition to the maximum occupancy.

**Staff Recommend Conditions:**

The facility must comply with all requirements, licensing, rules, health certifications, background checks and other requirements imposed or directed by the NC Division of Health, Human Services; the Commission or Council on MR/Developmental Disabilities; and Community Alternative Programs for DD/MR adults and/or juveniles.

At no time will clients of the training center be permitted to wait or be outside without being accompanied by a staff member of the training center to supervise and ensure proper behavior of the clients including but not limited to aggressive actions, littering, fighting, yelling, loitering or other unacceptable behavior.

**Other 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 upon proper findings by the Board.

Mr. Lamont Chappell and Mr. Will Hobgood spoke in favor of the request. Mr. Chappell said this program was designed for those individuals who were not functioning well in school to help them with their issues and get back into a routine.

Ms. Bellis asked if there was an instructional program associated with their program.

Mr. Chappell said everything is governed by the State of North Carolina.

Mr. Shook asked how many kids they would have at any given time.

Mr. Chappell said up to eighteen.

Ms. Rich said the board has had several requests over the past year for this type of operation and she wondered if the children in Pitt County were in such a bad case of mental ability that they needed all these facilities.

Mr. Chappell said there were a lot of children in need. He said there were a lot of single parents and parents that cannot afford after school care and a lot of issues arise.

No one else spoke in favor or opposition to the request.

Dr. Wubneh asked for staff's recommendation.

Mr. Dail stated staff had no objection to the request.

Dr. Wubneh closed the public hearing and read the criteria.

Motion was made by Mr. Shook, seconded by Mr. Ward to approve the Findings of Fact. Motion carried unanimously.

Motion was made by Ms. Bellis, seconded by Ms. Harrington to approve the petition with the conditions. Motion carried unanimously.

Based on the facts found by the Board and the evidence presented, the Board orders that this permit be granted and subject to full compliance with all of the specific requirements stated in the Zoning Ordinance of the City of Greenville for the proposed use.

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

Mr. Dail said there was a spreadsheet included in the packet listing all the clubs and dining and entertainment establishments operating pursuant to a special use permit. He said the spreadsheet was a summary of all the comments received back from the Police Department, the Code Enforcement Division, the Fire/Rescue Department, ABC and ALE and the Inspections Department. He said the police reports for each establishment were also included.

Ms. Bellis asked how they addressed the citations for underage drinking. She asked if they checked the people who came in and the people they served alcohol to.

Mr. Dail said all the clubs may not have entrance requirements of being twenty-one years old. He said the age requirement for some clubs is eighteen years old and some of those people may be served alcohol. He said as the ABC officers find that, they issue citations.

Mr. Shook asked how many resources are still being dedicated to the downtown area on Thursday, Friday and Saturday nights.

Major Smeltzer with the Greenville Police Department said they still had significant resources in the downtown area, including taking officers from other areas and bringing in officers for overtime. He said he had just completed a study and it was costing the city about \$40,000/month to patrol the downtown area.

Mr. Shook asked if they were still setting up the barricades on all the streets.

Major Smeltzer said they were.

Mr. Shook asked how many officers were dedicated to downtown on Thursday, Friday and Saturday nights.

Major Smeltzer said it was about twenty-five. He said there were about fourteen other officers working in the other parts of the city during the same hours.

Mr. Ward asked if any action was required by the board.

Mr. Little said there was no action required by the board unless they wanted to review a particular clubs permit.

Dr. Wubneh said he would be giving the BOA's annual report to the City Council next week and asked if anyone had any specific concerns they would like shared with City Council. He said the board had approved 23 special request and 2 reviews.

With no further discussion, motion was made and properly seconded to adjourn at 8:08p.m.

Respectfully Submitted

Michael R. Dail, II  
Planner