

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*	
Charles Ewen *		Renee Safford-White *
John Hutchens *		Scott Shook *
Linda Rich *		Sharon Ferris *
Wanda Harrington *		Justin Mullarkey *

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

VOTING MEMBERS: Wubneh, Ewen, Hutches, Rich, Harrington, Safford-White, Shook

OTHERS PRESENT: Mr. Mike Dail, Planner
Mr. Wayne Harrison, Planner
Ms. Valerie Paul, Secretary
Mr. Bill Little, Assistant City Attorney
Mr. Jonathan Edwards, Communications Technician

MINUTES

Motion was made by Mr. Ewen, seconded by Mr. Hutchens to accept the June 24, 2010 minutes as presented. Motion carried unanimously.

OTHER

Chairman Wubneh said that the meeting would have wait until someone that would be able to swear in the speakers arrived. He had Attorney Little talk about the handout that was given to the Board.

Attorney Little said that he had placed a handout at everyone’s seat. He said that he had talked about this handout at the previous night’s meeting. He said that the handout gives a quick overview of the Board and what the duty of being a Board member entails. Attorney Little advised the Board to see either him or Mike Dail if they needed further information. He advised Chairman Wubneh to designate who is allowed to vote and he also advised him that the staff person that was needed to swear in speakers had arrived.

Chairman Wubneh said that Mr. Mullarkey and Ms. Ferris would be able to participate in the discussion, but they would not be able to vote. He informed the applicants in the audience that they would need 6 votes in order for their case to be approved.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY JOYCE GARDENER

The applicant, Joyce Gardener, desires a special use permit to operate a child day care pursuant to Appendix A, Use (8)a. of the Greenville City Code. The proposed use is located at 616 S. Pitt Street. The property is further identified as being Tax Parcel Numbers 09591, 20348 and 00109.

Chairman Wubneh called for all those wishing to speak for or against the case to come forward and be sworn in.

Mr. Dail said that the applicant was not present, but then the applicant came into the Council Chambers.

Chairman Wubneh said that they had made it just in time and he had them swear in.

Mr. Dail delineated the area on the map. He said the property is located in the downtown portion of the city on South Pitt Street. The property as well as the properties on the north, south, east, and west are zoned CDF (Downtown Commercial Fringe).

Surrounding Development:

- North: Vacant, 911 Gear, Cartridge Plus
- South: Upper Room Church, Vacant, Auto Repair
- East: City of Greenville Parking Lot
- West: Vacant, Single Family Residences

Description of Property:

The property contains a 2,070 square foot commercial building and has approximately 110 feet of frontage

along S. Pitt Street and 82 feet of frontage along Clark Street with a total lot area of 0.55 acres.

Comprehensive Plan:

The property is located within Vision Area “H” 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 August 12, 2010. Notice of the public hearing was published in the Daily Reflector on August 16, 2010, and on August 23, 2010.

Staff Comments:

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

Handicap parking spaces and adequate handicap loading area are required.

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. Shook asked Mr. Dail if he was aware of any other special conditions that the Board put on the property the last time that it was approved.

Mr. Dail said that he was not aware.

Ms. Joyce Gardener, applicant, spoke in favor of the application.

Chairman Wubneh asked what it is that she wanted to do.

She said that she wanted to open up a child daycare.

Chairman Wubneh asked if the facility was already open.

Ms. Gardner said that they were not.

Mr. Ewen asked what her hours of operation would be.

Ms. Gardner said that the facility would be open from 6 a.m. – 12 a.m., 1st and 2nd shifts.

Chairman Wubneh asked how many children there would be.

Ms. Gardner said that based on the square footage of the building, they would allow 45 – 50 children.

Ms. Ferris asked for the age range of the children.

Ms. Gardner said that the range would be between 6 months old – 12 years old.

Ms. Ferris asked how many staff members they would have.

Ms. Gardner said that it would depend on the ages of the children because the ratio is different based on how old the children are.

Mr. Mullarkey asked if there had been a search for any sex offenders in the area.

Ms. Gardener answered that there were none to her knowledge. A gentleman in the audience who had accompanied Ms. Gardner said that there were none in that area.

Ms. Rich asked if what prior experience Ms. Gardner has.

Ms. Gardner said that she has a degree in Early Childhood.

Ms. Rich asked if she has ever run a daycare before.

Ms. Gardner answered she currently operates one.

Ms. Rich asked if it was located in Greenville.

Ms. Gardner answered that she runs one in Greenville and Rocky Mount.

Chairman Wubneh asked if there was anyone else to speak for or against the case. There were no more speakers so Chairman Wubneh asked Mr. Dail for staff's recommendation.

Mr. Dail said that staff had no objections to the request, so Chairman Wubneh closed the public hearing for the case and called for Board discussion.

Chairman Wubneh asked if they would be allowed to keep 45 children, which is the number that the applicant was anticipating.

Mr. Mullarkey also asked if that number was approved by the fire marshal.

Mr. Dail said that the City Ordinance does not regulate how many children would be allowed at the site. He said that would be regulated by state law.

Mr. Mullarkey asked if there was anything mentioned about a sprinkler system inside the building.

Mr. Dail said that there was not, but once the applicant applies for a business license, they will have to go through an inspection by the fire department and if there are any issues, they will be addressed then.

Chairman Wubneh asked if that would also address handicap access and handicap parking.

Mr. Dail said that it would.

Chairman Wubneh asked to confirm that they would then not be required to add handicap access and handicap parking as conditions.

Mr. Dail confirmed that he was correct.

Chairman Wubneh asked if there was a fenced area.

Mr. Dail said that there was.

Mr. Mullarkey asked if this property had ever been a daycare before.

Mr. Dail said that it had not been operated as a daycare, but the applicant had requested a special use permit before in September 2006.

Mr. Mullarkey asked to confirm if it was the same property and the same applicant.

Mr. Dail said that it was the same property, but the owner of the property was the applicant at the time and not Ms. Gardener.

Chairperson Wubneh read the criteria and called for a motion to approve the findings of fact.

Motion was made by Mr. Hutchens to approve the findings of fact and seconded by Ms. Safford-White. The motion carried unanimously.

Motion was made by Ms. Harrington to approve the petition and seconded by Mr. Hutchens. The 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 HENRY AND MYRA WARREN

The applicants, Henry and Myra Warren, desire a special use permit to locate a mobile home on a lot pursuant to Appendix A, use (2)g. of the Greenville City Code. The proposed use is located on NC Hwy 33 West near the intersection with Sunnybrook Road. The parcel is further identified as being tax parcel number 03002.

Chairman Wubneh called for speakers that wanted to speak for or against this case to come forward and be sworn in.

Mr. Dail delineated the area on the map. The proposed use is located on NC Highway 33 West near the intersection with Sunnybrook Road. The property as well as the properties on the north and south are zoned RA20 (Residential Agricultural). The property to the east is zoned CH (Heavy Commercial) and the property to the west is zoned RA20 (Residential Agricultural).

Surrounding Development:

- North: Vacant
- South: Single Family Residences, Vacant
- East: H&W Auto Repair
- West: Single Family Residences

Description of Property:

The property is currently vacant and has approximately 265 feet of frontage along NC Highway 33 West with a total lot area of 0.58 acres.

Comprehensive Plan:

The property is located within Vision Area "A" as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends medium density residential development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on August 12, 2010. Notice of the public hearing was published in the Daily Reflector on August 16, 2010 and August 23, 2010.

Related Zoning Regulations:

If approved, the applicant shall comply with the following pursuant to Section 9-4-103, Special Standards:

- (1) No mobile home established (new setup) or relocated within the city planning and zoning jurisdiction shall be occupied until the mobile home has been inspected and approved for compliance with the Minimum Housing Code set forth under Title 9, Chapter 1, Article F of the City Code when the Building Inspector makes a finding of noncompliance with the Minimum Housing Code.
- (2) Mobile homes shall, upon installation, have either a permanent, continuous masonry foundation, or a continuous and opaque skirt consisting of vinyl, fiberglass or other similar solid nonmetal material. The skirt for a mobile home shall be attached to weather resistant material when required for support.

Staff Comments:

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

Staff Recommendation:

Planning staff is of the opinion that the request can meet all the development standards required for issuance of a special use permit upon proper findings by the Board.

Ms. Ferris pointed out that the application stated that there was a mobile home on the lot and she asked Mr. Dail if there was currently a mobile home on the lot.

Chairman Wubneh asked if the correction could be made to state there is no mobile home on the lot.

Mr. Dail said that it could be corrected.

Mr. Shook asked if the mobile home had been moved or would be moved off of the lot.

Mr. Dail answered that there was no mobile home on the lot.

Chairman Wubneh asked if there has ever been a mobile home on the lot.

Mr. Dail answered that he was not sure if there has ever been a mobile home on the lot, but he was sure that there was not a mobile home currently on the lot.

Henry and Myra Warren spoke in favor of the application.

Mr. Warren said that he wanted the lot so that he could put his mobile home on it.

Mrs. Warren said that is where they would be living.

Chairman Wubneh asked if it would be used as their residence.

Mr. and Mrs. Gardener answered that it would.

Chairman Wubneh asked if there were any special requirements for mobile homes in terms of water/sewer facilities or height.

Mr. Dail answered that this property is located in the 500 year Flood Plain and there are no elevation requirements for properties located in the 500 year Flood Plain. He said height requirements are required for properties in the 100 year Flood Plain.

Mr. Mullarkey asked if the Gardeners would be hooking their mobile home to an existing septic tank, and if they were, has it been approved for the size mobile home that they have.

Mr. Dail answered that he believes that there is an existing septic tank on the property, but that aspect will be handled by the Pitt County Environmental Health Department when the applicants make their application for a building permit. He said that there is no City sewer at that property so they would have to connect to a septic tank.

Mr. Mullarkey asked if the water is provided by the County in that area.

Mr. Dail said that was correct.

No one else spoke for or against the application.

Chairman Wubneh asked Mr. Dail for staff's recommendation.

Mr. Dail said that staff had no objections to the request.

No discussion was made by the Board, so Chairman Wubneh read the criteria.

Motion was made by Ms. Rich to approve the findings of fact, and seconded by Mr. Ewen. Motion carried unanimously.

Motion was made by Ms. Harrington to approve the motion, and seconded by Ms. Safford-White. 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 FOSS ENTERPRISES, INC.

The applicant, Foss Enterprises, Inc., desires a special use permit to operate a recycling collection station pursuant to Appendix A, Use 14(y). of the Greenville City Code. The proposed use is located at 3270 Frog Level Road. The property is further identified as being tax parcel numbers 57187 and 11590.

Chairman Wubneh called for all those who wished to speak for or against the request to come forward and be sworn in.

Mr. Dail delineated the area on the map. The proposed use is located at 3270 Frog Level Road. He said that it fronts on Hwy. 13, US 264 – Alt., as well as on Frog Level Road. The property as well as the properties on the south, east, and west are zoned CH (Heavy Commercial). The property to the north is in the County’s jurisdiction, and it is zoned CG (General Commercial).

Surrounding Development:

- North: Foss Auto Salvage, Vacant
- South: Interior Distributors, McCord Painting
- East: Atlantic Coastal Supply, Single Family Residences
- West: GUC Substation, Archie’s Steel Service

Description of Property:

The property contains two commercial buildings totaling 5,000 square feet and has 468 feet of frontage along Frog Level Road and 187 feet of frontage along US Highway 264 Alternate with a total lot area of 2.47 acres.

Comprehensive Plan:

The property is located within Vision Area “E” as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends commercial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on August 12, 2010. Notice of the public hearing was published in the Daily Reflector on August 16, 2010 and August 23, 2010.

Staff Recommended Conditions:

The yard shall be fenced with a visual screen eight (8) feet in height in order that no recycling materials can be seen from the street or surrounding properties.

No automobiles maybe brought to this facility.

Operating hours of the facility shall be limited to 8 am to 5 pm Monday thru Friday and 8 am to 1 pm on Saturday with no operation on Sunday permitted. Associated office uses of the facility may operate at any time.

Entrance and exit must be maintained along US Highway 264 Alternate

Other Comments:

Property must be annexed and final platted and site plan approval is required prior to issuance of a building permit.

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

Chairman Wubneh asked what was meant by “the property must be annexed”.

Mr. Dail answered that the property would have to be brought within the City’s limits.

Chairman Wubneh asked if the City would go through the annexation process.

Mr. Dail answered that the applicant would petition the City for annexation.

Chairman Wubneh asked if it is already in the ETJ, why annexation would be necessary.

Mr. Dail answered that it would be needed for City sewer services.

Mr. Mullarkey confirmed with Mr. Dail that entrance and exits must be maintained along the Highway 264-Alternate, which is he said, was closed.

Mr. Dail said that it was not closed at the moment, but it is proposed to be closed.

Mr. Ewen asked why would staff want the entrance and exit to be maintained on that side of the road.

Mr. Dail answered that it was an effort to protect residential uses on Frog Level Road and spread out commercial traffic.

Ms. Ferris asked if a traffic study has been done to see what kind of increase there would be for this type of facility.

Mr. Dail answered that there had not.

Mr. Ewen asked if the 8 ft. privacy fence is also being requested for residences because he did not think that the businesses would be concerned.

Mr. Dail answered that this is a major entrance into the City of Greenville, so this is an effort to protect the Gateway Corridor.

Mr. Mullarkey expressed his concern about there being a possible safety issue with trucks that are used to haul materials pulling out on a busy highway where the speed limit is 50 mph. He asked if that was why the applicant did not want to having the entrance and exit on Hwy. 264 – Alternate.

Mr. Dail advised him to direct that question to the applicant.

Chairperson Wubneh said that they would get to that portion later and asked that the rest of the Board direct technical questions to staff.

Mr. Shook asked if Frog Level Road is a major thoroughfare or a minor thoroughfare.

Mr. Dail answered that it is a minor thoroughfare.

Chairman Wubneh asked if there would be access on both Hwy 264 – Alternate and on Frog Level Road.

Mr. Dail answered that there would be access on both sides, which is the intent of the conditions.

Mike Baldwin spoke on behalf of Foss Recycling, Inc.

He said that what they are trying to do is move their recycling facility across the street. He said that Foss Recycling, Inc. wants to move their business because the recycling part of their facility needs to be evacuated within the next three months. People would bring items such as electronics, cell phones, computer monitors, hard drives, aluminum cans, pipes, aluminum and scrap metal, such as copper wire. Higher priced materials will be housed in the building. He noted that some of the industrial accounts that Foss handles are ASMO, Roberts Welding, Yale, and the County Landfill. Electric motors and other valuable material will also be housed inside. All the materials will be housed in roll-off containers, which come in different sizes, are metal, and are about 4 ft. tall in height. He said that people will come in and weigh their materials. There will be one piece of heavy machinery on the grounds which will be an excavator with a small pincher device that will be used for sorting. He said that the goal is to have one day of inventory. The excavator will pick up material out of the containers and sort them between three trailers, each 48 ft. in length, and then the trailers will be taken to La Grange, where the material will be further sorted and shipped off to the buyers of the material. He said that you will not see a lot of big tractor trailers pulling into the site to dispose of goods. He said that there will be a person directing people on which container to put their recyclable goods. He said that there are also concrete blocks that will serve as bins for storage. He said that as far as adjoining property, regarding the traffic capacity, he had a piece of property adjacent to Pleasure Ride Auto that was rezoned and at that time the traffic count was well below the designed ADT for the road. He said that he has seen a change since then. He said that this portion of the road is on the plans to be upgraded when the Southwest Corridor project begins and ends. He said that there is no adverse affects on the adjoining properties. He said that there would be no adverse affect on the property to the west, which he said, is the City of Greenville's substation. He said that for the property adjoining to the east, which is a plumbing supply company, he did not see any windows on the side that would face Foss Recycling. He also said that there are a number of trees that serve as a buffer in between the two properties. He said that across the street there is a trucking company and he did not see any adverse damage to that. Mr. Baldwin read the findings of fact and said that it is already a CH zone; he said that a recycling center is a special use in a heavy commercial district; he said that it is in compliance with the Comprehensive Plan; he addressed health and safety and said that having two accesses to the sight minimizes risk to general public; he addressed detriment to public welfare and said that they would have a solid 8 ft. high fence that would block the view on of what is inside; he said that he had already listed the adjoining properties and he did not see anything detrimental in the request that would be affect the adjoining property owners; he said that he had the same response to the aspect of injury to

properties or improvements and he said that there would be an office for staff and space for storage within the building. He said that it is within the city limits because it uses city sewer and he said that if it was cut off at a certain line, then they would voluntarily annex the rest of it. He said that with one small excavator, he did not see any nuisances or hazards that would impact people in the area. He said that they would have gravel parking lots and they would do minor tweaking of the site plans because the City wants to ways of regress and egress. Mr. Baldwin addressed Mr. Mullarkey's concern about the entrance and exit on US – 264 Alternate and he said that their initial plan was to have it on Frog Level Road, but they see the merit in having it on both sides since there are a couple of houses right as you turn onto Frog Level Road. Mr. Baldwin said that they have no problem with the conditions that staff has placed on the site if it is approved. He said that Steven Foss, owner of the company, was present to answer any questions as necessary.

Mr. Hutchens asked if the facility would handle any materials that would be considered hazardous.

Mr. Baldwin answered that there would not.

Mr. Hutchens said that he saw a potential for noise issues and he asked if they had any plans for noise abatement.

Mr. Baldwin asked what noise issues were being referenced.

Mr. Hutchens said that the noise from the egress and regress as well as the noise from the loading and unloading of materials.

Mr. Baldwin answered that the pincher would put the material close to the trailer before dropping it rather than dropping it from high up.

Mr. Hutchens asked Mr. Baldwin if he anticipated noise abatement being an issue.

Mr. Baldwin answered that he did not.

Chairman Wubneh asked what they do with the scrap material that they cannot sell.

Mr. Baldwin answered that a lot of the material will not be allowed to come into the site if it is not a recyclable material that they can use.

Chairman Wubneh asked if a lot of the initial processing is done at the site.

Mr. Baldwin said that was correct. He asked the Board to look at the site plan to see the utility building. He said that staff would be located in the utility building, which is 8' x 12' and they would screen what materials would be coming in from there. He said that they are not interested in materials that they cannot be recycled.

Mr. Shook asked approximately what the distance would be between the pincher and Frog Level Road since that would be the side that the scales are on.

Mr. Baldwin answered that people would come in with a pickup truck or trailer and they would be directed on where to take their materials to. The pincher would be for the materials that could not be picked up by hand – it would be in the circular area. He said that the pincher should be in excess of 200 ft. from Frog Level Road. He said that you would have two buildings acting as a buffer.

Chairman Wubneh asked if there was anyone else to speak in favor of the request and he asked the Board if they had any further questions.

There were no other speakers in favor of the request and there were no further questions from the Board, so Chairman Wubneh called for whoever wished to speak against the application to come forward.

Ms. Janet Smith, resident at 3251 Frog Level Road, spoke against the request. She said that she was concerned about the level of traffic on Frog Level Road. She feels that there should not be any more businesses allowed on that end of Frog Level Road because it is too congested. She is concerned about materials being stacked above the fence because it would not be a very appealing view. The other issues are safety and the noise level. She said that he had mentioned high-value materials being stored and she feels that is a safety issue because there are lots of thefts for these types of material. She is in favor of recycling stations because she feels that there is a need for these types of facilities, but she does not feel like it needs to be on Frog Level Road.

Ms. Harrington asked where exactly she lives.

Ms. Smith answered that she lives at 3251 Frog Level Road and she showed them her position on the map.

Mr. Shook asked if she is closer to Dickinson Avenue, down Frog Level away from Hwy. 264.

Ms. Smith answered that she is probably halfway from where the proposed location is to Hwy. 264.

Mr. Mullarkey asked if her lot was the irregularly shaped lot that has a bigger back yard.

Ms. Smith answered that her lot is to the right of Crudie Lane.

Mr. John Meeks, owner of Atlantic Coastal Supply, spoke against the request. He said that his business will be the most affected because he feels that there will be an issue with noise and also with traffic. He said that there have been a lot of accidents at that corner, and in the past 5 – 8 years there has been a tremendous increase in traffic. He said that drivers will cut through his property to get around the corner, so they sometimes have to block drivers from cutting through. He mentioned that beer cans would bring rodents and he said that in his opinion, Frog Level Road is a major thoroughfare because the traffic has increased. He again brought up noise being an issue and he said that they employ 14, or 15 people and right now there are no windows in the back of their building, but they do have plans to improve the property. He requested that the Commission deny the permit.

Mr. Hutchens asked if his comments about the increase in traffic were his own opinion or if he had data to show that the traffic has increased.

Mr. Meeks said that he did not have any data, but he does see the traffic and the people that cut through his property. He said that maybe there should be a traffic study and he will be the main one affected. He said that you can call it a recycling station, but he feels that to a large degree, it will be a junkyard. He acknowledged the fence, but he said that there will be issues with rodents, noise, decrease in property value, and future development in that corner.

Mr. Hutchens asked where he anticipated the noise coming from.

Mr. Meeks said that he thinks that it will come from the machinery and from crushing cans and things like that.

Mr. Meeks turned to the audience and asked Mr. Foss if that was not the type of things that they would be doing.

Mr. Foss asked Mr. Meeks if he has ever been to his facility.

Chairman Wubneh advised Mr. Meeks and Mr. Foss that every discussion has to be recorded, but he would allow Mr. Meeks to go ahead and respond to that question.

Mr. Meeks answered Mr. Foss and said that he had not been to his facility.

Chairman Wubneh asked Mr. Meeks if he felt that the noise would be coming from the machine.

Mr. Meeks answered that he would be right behind the machine and he did anticipate noise coming from the machine.

Ms. Rich asked if there was a noise issue at the present.

Mr. Meeks answered that there was not.

Mr. Mullarkey said that he has driven by this area with the car dealership and he understands that by it being a car lot, there is quite a bit of traffic. He asked Mr. Meeks if he feels that his will be the same or cut down because of the hours of operation.

Mr. Meeks said that the hours of operation for that business would be the same hours as his business, 8 a.m. – 5 p.m., and he feels that it will generate more traffic.

Chairman Wubneh told Mr. Baldwin that he would be able to offer a rebuttal after all the speakers have been heard.

Mr. Tony Lewis, a property owner around the corner at West Star, spoke in opposition to the request. He said that he has real concerns about it. Though he is glad that it is a recycling center because they are necessary, he wishes that it wasn't quite so visible because it has two major thoroughfares on each side. He said that it is junkyard with dumpsters, big metal containers that hold the materials. When the truck comes to pick up the dumpsters, it will make a lot of noise. Even if the excavator may not make noise by dropping things, there will be noise from excavator itself running. He said that we need this type of business, but not at this location.

Mr. Baldwin came forward for a rebuttal. He asked where Mr. Lewis's property is located.

Chairman Wubneh requested that Mr. Lewis point it out on the map.

Mr. Baldwin said that his property was about 600 ft. from where Foss Enterprise's operations would be. He said that this business would be in harmony with the other uses in the area. He noted that Landmark Church had added on to their facility, so he thinks that all the other uses out there are not a problem for Landmark Church. He emphasized that the area is CH and that the property would be on a major thoroughfare and on a minor thoroughfare. He knows that from the subdivisions that he has done on Frog Level Road that the traffic counts were below the Design ADT. He addressed the issue of cans and said that there are other types of cans besides beer cans, like soda cans and green bean cans, so he was not sure about why beer cans would have to be mentioned. He said that the roll offs that will hold the materials are the same kind of rolloffs that Mr. Lewis has at his facility and the seams on them are water tight because they have welded seams. He said that the cans would be crushed inside the building. He said that he feels that this request is appropriate for this area. Mr. Baldwin addressed Mr. Meeks' issue of people cutting through his property. He said that people attempt to cut through at many other places, so they do not feel that what they are going to do will aggravate the problem of people cutting through on his property. He said that he and his client had agreed to put another restriction on this request stating that no item will be over 8 ft. tall. He asked Mr. Dail if they would be allowed to add that extra restriction and he said that they would like to add that amendment.

Chairman Wubneh asked for clarification that the materials that would not be stored inside would not be visible from the road.

Mr. Baldwin stated that would be correct. The building is 14 ft. tall, so bigger things would be stored in there.

Chairman Wubneh asked Mr. Baldwin if he was correct in saying that if he were standing across the street from the facility, then he would not be able to see the products that are stored outside of the building.

Mr. Baldwin answered that was correct.

Chairman Wubneh asked if the crane would be visible.

Mr. Baldwin answered that it would have to extend upward in order to handle the material.

Chairman Wubneh asked if the pincher would operate inside the building or outside the building.

Mr. Baldwin answered that it would operate outside.

Chairman Wubneh said that there are three things that keep coming up: noise from the pincher; traffic; and rodents. He said they have heard opinions, but they have received no facts or data and the Board is obligated to only accept facts and data. He asked Mr. Baldwin if these kind of recycling facilities bring rodents.

Mr. Baldwin answered that he did not understand the issue about rodents since the cans would be contained and crushed.

Mr. Hutches asked if Mr. Baldwin was saying that the rolloff containers would not have materials in them for any length of time.

Mr. Baldwin said that the goal is to have one day of inventory due to the space of the lot, and they have three trailers to haul the materials daily to La Grange.

Mr. Mullarkey asked if this was already functioning across the street.

Mr. Baldwin answered that yes, it was functioning directly behind the larger building across the street so you can't really see it.

Mr. Mullarkey commented that it was already there then.

Mr. Baldwin confirmed that yes, it was already there.

Mr. Ewen asked if there were any rodent, noise or traffic complaints at the current location.

Mr. Baldwin answered that there would be noise over there presently and that it would be hard to differentiate the noise because the current location also houses a salvage yard. He said that he went on two occasions and he did not see large materials being brought in.

Mr. Shook asked what would be the size of the biggest truck that would be able to realistically go and and turn around.

Mr. Baldwin answered that he had the turning radius and it would meet the requirements for tractor trailers.

There being no further questions for Mr. Baldwin, Chairman Wubneh asked if the opposition would be entitled to a rebuttal, or if it only applies to the applicants.

Attorney Little said that if the opposition had specific questions for the applicant in light of the applicant's rebuttal, then it would be permissible for them to address the questions to the requestor. Attorney Little said that the same would apply to the applicant if they had questions for the opposition.

Mr. Meeks came forward and asked why the facility is being moved across the street.

Mr. Baldwin said that due to some agreements, they were not privileged to say why. He said that it is a legitimate decision, but under agreements that Mr. Foss has executed, they are not able to say why. He said that they would be able to give their reasons in three months.

Chairman Wubneh asked the Board if they had any further questions. There being no further questions from the Board, he asked Mr. Dail for the staff recommendation.

Mr. Dail said that staff has no objections to the request with the mentioned conditions.

Chairman Wubneh closed the public hearing and opened the request up for Board discussion.

Ms. Safford-White said that she thought that they should add Mr. Baldwin's condition to the application with regards to items not being visible over the 8 ft. fence.

Attorney Little said that Mr. Baldwin had amended the application. He said that Mr. Baldwin had made a specific notation stating that they were amending the application to restrict the height of recyclable materials. The building and the pincher, when it is extended, would not apply to this condition. He said that everything else would be inside the building. He asked Mr. Baldwin if this was accurate.

Mr. Baldwin agreed that this amendment would apply to the recyclables.

Chairman Wubneh clarified that there would be nothing visible outside the 8 ft. fence.

Attorney Little said that was one of the conditions set by staff, that nothing would be stored outside of the fence.

Chairman Wubneh read the criteria.

Chairman Wubneh called for a motion to approve the findings of fact including the five conditions recommended by staff, and also the amendment made to the application.

Mr. Ewen made the motion, Mr. Shook seconded, and the motion passed unanimously.

Chairman Wubneh called for a motion to approve the petition with the five conditions recommended by staff, and also the amendment made to the application.

Ms. Safford-White made the motion, Ms. Harrington seconded, and the application passed 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.

With no further discussion, motion was made and properly seconded to adjourn at 8:38 p.m.

Respectfully Submitted

Michael R. Dail, II
Planner

APPROVED

Mulatu Wubneh, Chairperson