

the request were sworn in.

Mr. Laughlin delineated the area on the map. Mr. Laughlin stated that the proposed site will be located on Fire Tower where the existing Fuddruckers restaurant and movie theatre are currently located. To the north, we have undeveloped parcels in the OR district (all are OR- office/residential), to the south office or service development, to the east service development, to the west, a multi- family development. The land use map and the thorough-fare plan show the site along East Firetower Road being the major thorough-fare. And we have the combined land use and zoning maps. Property has approx. 473 feet of frontage along East Firetower Road and approx. 333 feet of frontage along Wimbledon Drive with a total lot area of approx. 3.08 acres. Property is located in Vision Area D of the comprehensive plan. Notice was mailed to the adjoining property owners on June 14, 2007 and notice of the public hearing was published in the Daily Reflector on June 18, 2007 and June 25, 2007. The photographs of the proposed site, looking east towards Fuddruckers and movie theatre back to the west down Firetower Rd, another view of the property. Under staff comments, per section 9-4- 86(e)., all accessory structures, including, but not limited to, playground equipment and pools must be located in the rear yard. Minimum lot size shall be increased by a ratio of 100sq ft. per child in excess of 5. Outdoor play area should be provided at a ratio 100 sq. ft. per child and shall be enclosed by a fence at least 4 ft. in height. All playground equipment shall be located in accordance with yard regulations. Fire hydrant shall be located within 400ft. of the proposed childcare structure, and must meet all NC state fire codes prior to occupancy. Proposed project shall meet all related NC building codes. Applicant shall obtain all required state licensing to operate a child daycare facility. Project shall receive site plan approval from City of Greenville staff prior to the issuance of any building permits. Special use permit shall include the child daycare center and associated parking and other improvements shown on included map entitled Children's Campus. Area labeled future development shall be subject to standards conditions and uses in effect at the time of development. Staff has no objection to the proposed development. Mr. Laughlin asked that the proposed Findings of Fact be entered into the record.

Date: June 21, 2007

Applicant: Bruce Sauter

Agenda #: 1 (New Business)

Request: The applicant, Bruce Sauter, 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.

Location: The proposed use is located at the northwest corner of the intersection of Fire Tower Road and Wimbledon Drive. The property is further identified as being Tax Parcel Number 50255.

Zoning of Property: OR (Office Residential)

<u>Surrounding Development:</u>	<u>Zoning</u>
North: Undeveloped Land	OR (Office Residential)
South: Office/Service Development	OR (Office Residential)
East: Office/Service Development	OR (Office Residential)
West: Multifamily Development	OR (Office Residential)

Description of Property:

The property has approximately 473 feet of frontage along Fire Tower Road and approximately 333 feet of frontage along Wimbledon Drive with a total lot area of approximately 3.08 Acres.

Comprehensive Plan:

The property is located within Vision Area “D” as designated by the Comprehensive Plan.

Notice:

Notice was mailed to the adjoining property owners on June 14, 2007. Notice of the public hearing was published in the Daily Reflector on June 18, 2007 and June 25, 2007.

Staff Comments:

The following conditions per Section 9-4-86(e) shall apply:

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.

Other Comments:

A fire hydrant shall be located within 400' of the proposed child care structure and must meet all NC State fire codes prior to occupancy.

Proposed project shall meet all related NC State building codes.

Applicant shall obtain all require state licensing to operate a child day care facility.

Project shall receive site plan approval from the City of Greenville staff prior to the issuance of any building permits.

Special use permit shall include the child day care center, associated parking, and other improvements shown on included map titled "Children's Campus". Area labeled "future development" shall be subject to the standards, conditions, and uses in effect at the time of development.

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. Ward asked if there were any restrictions on future development (OR) in front of

the daycare.

Mr. Laughlin stated that as of right now the applicant intends on having offices in that area, but the preliminary plat may be altered at some point during the site plan and approval process and whatever the proposed uses are at that time will be decided at a later point.

Mr. Harwell stated that, as he understood, the center will be limited to 28.58 children. He took the square footage (2,858 sq. ft) of the toddler outdoor play area and divided it by your Mr. Laughlin's comments, a ratio of 100 sq. ft per child, and came out to 28 children.

Mr. Laughlin stated that the applicant has asked for proposed care of a max of 166 children and max of 23 employees. Assuming that they got that number from state regulations.

Mr. Shook stated that there is an additional fence line area in the back of the property as well.

Mr. Harwell stated that this was an addition of $147 + 28$ and then verified that they were asking for 166 children.

Chairman Wubneh verified that the application is specific to the childcare development, not the one in the front and that the calculation for parking was just for parking specific to the childcare development.

Ken Malpass, representing Children's Campus, stated that they have one in Durham and one in Chapel Hill. Mr. Malpass stated that the proposed site has 14,000+ sq. ft. of recreation in the back and 2,000+ sq. ft. in the front, which covers the 100 sq. ft. a child for the 166 children on the application. At this time, we do not know what is going to be up front. This is the first step, but the application states that this will be some type of office development.

Mr. Ward asked when Mr. Malpass plans to become operational.

Ken Malpass stated that they plan to become operational in the spring, May 1, 2008.

Ms. Bellis asked if you come off of the northeast corner of the building, there is a

fenced in area that is part of the playground. I think that would be a sighting issue if you have a large number of children outside playing. Can that section be eliminated, like it is on the northwest corner, as part of the playground?

Ken Malpass stated that he may need that to get the square footage needed for the number of children.

Ms. Bellis stated it could be a sighting problem and that children could get back in that corner and be hard to see.

Ken Malpass asked if Ms. Bellis meant to just clip the triangle piece on the right side, just even with the back of the building. That would be about 50 sq. ft. Mr. Malpass agreed to make the modification to the yard.

Mr. Harwell said that he has a problem with that. Mr. Malpass has a total of approx. 20,000 sq. ft. roughly, counting 335 for infant play, 2858 and 14763 and Mr. Malpass needs 166,000 sq. ft. Mr. Harwell recommended that if that does not give him the required area for the 166 children, that he be authorized to, on the western side of the toddler area, to push that fence back, so that he would have the required footage.

Ken Malpass stated that there is about an extra 1,000 sq. ft., so there should be enough after cutting that off area requested by Ms. Bellis (the area is approx. 15ft. by 15ft.).

Chairman Wubneh then read the criteria in granting/denying a special use permit.

Motion was made by Mr. Ward, seconded by Mr. Shook, to adopt the proposed findings of fact and evidence presented. Motion carried unanimously.

Motion was made by Mr. Shook, seconded by Mr. Harwell, to approve the request. 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.

REQUEST FOR A SPECIAL USE PERMIT BY JANOS VIRAG – GRANTED W/
CONDITION

Chairman Wubneh stated that the second item is a request for a special use permit BY Janos Virag to operate a home occupation; child day care pursuant to Section 9-4-78(f)(3)a of the Greenville City Code. The proposed use is located at 1231 Forrest Acres Drive. The property is further identified as being Tax Parcel Number 31445.

Chairman Wubneh declared the meeting a public hearing as advertised in The Daily Reflector on June 18, 2007 and June 25, 2007. Those wishing to speak for or against the request were sworn in.

Mr. Laughlin delineated the area on the map. Mr. Laughlin stated that the proposed site will be on the western part of the city limits. The zoning map shows that the entire area is zoned RA-20. To the south there is a small area of undeveloped land, but to the north, east and west, there is residential development. The land use map shows medium density residential. The thorough-fare plan shows that the area is not bordering any of the major thorough-fares. The property has 165 ft. total frontage along Forest Acres Drive with a total lot area is 3.15 acres. The property is located within Vision Area F of the comprehensive plan. Notice was mailed to the adjoining property owners on June 14, 2007 and notice of the public hearing was published in the Daily Reflector on June 18, 2007 and June 25, 2007. Mr. Laughlin showed views of the applicant's front and back yard, the neighbor's yard and down Forest Acres drive further into the neighborhood. Mr. Laughlin stated that he believes that the applicant intends to fence in the backyard. Under staff comments, under the following conditions, per section 9-4-86(v) the standard conditions of all home occupations, the second being one specific to the home occupation in that they can provide service for only up to 5 children. Fire hydrant must be located within 400 ft. of home and must meet all NC state codes prior to occupancy. Mr. Laughlin did look into this and there is a fire hydrant located just on the very next parcel, well within the required 400 ft. Proposed project shall meet all related NC building codes. Applicant shall obtain all required state licensing to operate a child daycare facility. Staff has no objection to the proposed use. Mr. Laughlin asked that the proposed Findings of Fact be entered into the record.

Date: June 21, 2007

Applicant: Janos Virag

Request: The applicant, Janos Virag, desires a special use permit to operate a home occupation; child day care pursuant to Section 9-4-78(f)(3)a of the Greenville City Code.

Location: The proposed use is located at 1231 Forrest Acres Drive. The property is further identified as being Tax Parcel Number 31445.

Zoning of Property: RA-20 (Residential Agricultural)

Surrounding Development:

Zoning

North:	Residential Development	RA-20 (Residential Agricultural)
South:	Undeveloped Land	RA-20 (Residential Agricultural)
East:	Residential Development	RA-20 (Residential Agricultural)
West:	Residential Development	RA-20 (Residential Agricultural)

Description of Property:

The property has approximately 165 feet of frontage along Forrest Acres Drive with a total lot area of approximately 3.15 Acres.

Comprehensive Plan:

The property is located within Vision Area “F” as designated by the Comprehensive Plan.

Notice:

Notice was mailed to the adjoining property owners on June 14, 2007. Notice of the public hearing was published in the Daily Reflector on June 18, 2007 and June 25, 2007.

Staff Comments:

1) The following conditions per Section 9-4-86(v) shall apply:

Except as otherwise provided, all home occupations shall comply with all of the following standards.

- a. Shall only be permitted within single family dwelling units;
- b. Shall not be permitted within any detached accessory structure or building;
- c. Shall constitute an accessory use to the principal use;
- d. Shall not occupy more than twenty (20) percent of the mechanically conditioned enclosed floor space of the dwelling unit;
- e. Shall not be visible from any public right-of-way or adjacent property line;
- f. Shall not involve the on-site sales of products;
- g. Shall not involve any outside storage of related materials, parts or supplies;
- h. Shall have signage in accordance with Article N, Signs; and
- i. Shall not create any hazard or nuisance to the occupants residing or working within the principal use dwelling or to area residents or properties.

2) Applicant may provide day care services for up to five (5) children.

Other Comments:

A fire hydrant shall be located within 400' of the home and must meet all NC State fire codes prior to occupancy.

Proposed project shall meet all related NC State building codes.

Applicant shall obtain all require state licensing to operate a child day care facility.

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. Harwell stated that as he understood, the applicant plans to build a fence to enclose the back yard.

Mr. Laughlin stated that this was only something that had come up in discussion with Mr. Virag, but that this was not a staff requirement.

Mr. Harwell stated that to the rear, there is an opening between highway 264 and then a wooded area, and he cannot tell whether or not the property borders highway 264. Mr.

Harwell asked what the open piece of land just to the (to the left) south is and whether or not it is a sewer easement.

Mr. Laughlin is unsure.

Mr. Harwell stated that over to the west of the property, is a square piece of property that does not appear to have any road frontage, but has a driveway going in it.

Mr. Laughlin stated that the house is surrounded by large wooded area and that staff would recommend a fence be built surrounding the back yard.

Mr. Ward verified that Mr. Virag would be limited to the care of 5 children and asked what age.

Mr. Laughlin stated that he believed the age to be 18 and that it is defined as school age children.

The applicant, Janos Virag stated that he had been in touch with the state regulators and other agencies. He will build the fence once he has been given approval to run the daycare. Mr. Virag does not want to fence the entire property and will only fence in the area required. Mr. Virag believes that about a quarter of the backyard would be enough.

Mr. Harwell asked if he would agree to a condition that a fence, not less than 4 feet, be in the area where the children would be when outside.

Janos Virag agrees to build the fence.

Mr. Harwell stated that the wooded area gives a degree of concern for children wandering off and this is the reason for the proposed condition to build the fence.

Mr. Shook verified that the fence can be made out of any suitable material.

Ms. Safford-White asked if the fence will be closed off so that the children cannot go to the back, front or side of the house.

Mr. Virag stated that the fence would cover three sides and the other side would be the house. Mr. Virag stated that one quarter of this land is enough for the 500 sq. ft.

requirement.

Chairman Wubneh verified that they are speaking of a play area to be fenced. Chairman Wubneh stated that not less than a 4 ft. fence needs to surround the play area.

Chairman Wubneh then read the criteria in granting/denying a special use permit.

Motion was made by Ms. Bellis, seconded by Mr. Harwell, to approve an additional condition that the outdoor play area would be provided with a 4ft. fence. Motion carried unanimously.

Motion was made by Ms. Safford-White, seconded by Mr. Ward, to approve the findings of fact as amended. Motion carried unanimously.

Motion was made by Mr. Harwell, seconded by Ms. Bellis, to approve the special use permit with the above mentioned condition. 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.

REQUEST FOR A SPECIAL USE PERMIT JANOS VIRAG – GRANTED W/ CONDITION

Chairman Wubneh stated that the third item is a request for a special use permit BY University Medical Park North, LLC, to operate a hotel, limited stay lodging and up to 3000 square feet of detached conventional restaurant space, not to exceed two (2) units pursuant to Sections 9-4-78(f)(8)s and 9-4-78(f)(10)j of the Greenville City Code. The proposed site development is located along the northern right-of-way of West Fifth Street adjacent to its intersection with Moye Boulevard. The property is further identified as being a portion of Tax Parcel Number 33077.

Chairman Wubneh declared the meeting a public hearing as advertised in The Daily Reflector on June 18, 2007 and June 25, 2007. Those wishing to speak for or against the request were sworn in.

Mr. Laughlin presented the board with copies that were inadvertently left out of their packets.

Mr. Laughlin delineated the area on the map. Mr. Laughlin showed the entire parent parcel and outlined in blue, the area of the proposed property. The proposed project will be zoned Medical Office. To the north is undeveloped land with medical residential, to the south is the hospital and medical offices that are zoned medical institutional and medical support, to the east is multi-family residential and some undeveloped land that is zoned R-6 (medical/commercial heavy), and to the west residential development that is zoned Medical Office. The proposed property is along West 5th Street being a major thorough-fare. The parent parcel has approx. 730 ft. of frontage along West 5th Street with a total lot area of 45.14 acres and the proposed project has 241 ft. of frontage along West 5th Street, with a total lot area of 1.8 acres. Vision Area F was designated by the comprehensive plan. Notice was mailed to the adjoining property owners on June 14, 2007 and notice of the public hearing was published in the Daily Reflector on June 18, 2007 and June 25, 2007. Mr. Laughlin presented the preliminary plat for the University Medical Park North of which, the proposed use is for Lot 1 that would be gain access from the future extension of Moye Blvd. into the parent parcel. The preliminary plat was approved by the planning and zoning commission in the most recent meeting. The proposed property is on the corner of Moye Blvd. and 5th Street. Mr Laughlin showed views of West 5th toward the hospital, to the west where the retirement home can be seen, and to the east back toward town. Staff comments include the conditions per Section 9-4-22 stating that the hotel is to provide limited stay housing, not to exceed 30 continuous days and per Section 9-4-86, all of the conditions applying to a restaurant. All access to the proposed project will be off of Moye Blvd. Project shall meet all NC State fire codes and all NC State building codes. Staff has no objection to the proposed use. Mr. Laughlin asked that the proposed Findings of Fact be entered into the record.

Applicant: University Medical Park North, LLC

Request: The applicant, University Medical Park North, LLC, desires a special use permit to operate a hotel, limited stay lodging and up to 3000 square feet of detached conventional restaurant space, not to exceed two (2) units pursuant to Sections 9-4-78(f)(8)s and 9-4-78(f)(10)j of the Greenville City Code.

Location: The proposed site development is located along the northern right-of-way of West Fifth Street adjacent to its intersection with Moye Boulevard. The property is further identified as being a portion of Tax Parcel Number 33077.

Zoning of Property: MO (Medical Office)

Surrounding Development:

Zoning

North:	Undeveloped Land	MR (Medical Residential)
South:	Hospital/Medical Offices	MI (Medical Institutional) & MS (Medical Support)
East:	Residential Development & Undeveloped Land	R6 (Residential) & MCH (Medical Commercial Heavy)
West:	Residential Development	MO (Medical Office)

Description of Property:

The parent parcel has approximately 730 feet of frontage along West Fifth Street with a total lot area of approximately 45.14 Acres. The proposed project has approximately 241 feet of frontage along West Fifth Street with a total area of 1.80 acres.

Comprehensive Plan:

The property is located within Vision Area “F” as designated by the Comprehensive Plan.

Notice:

Notice was mailed to the adjoining property owners on June 14, 2007. Notice of the public hearing was published in the Daily Reflector on June 18, 2007 and June 25, 2007.

Staff Comments:

1) The following conditions per Section 9-4-22 shall apply:

Hotel shall provide lodging for daily or weekly periods, not to exceed thirty (30) continuous days.

2) The following conditions per Section 9-4-86(q) shall apply:

Except as further provided, whenever a proposed restaurant is to be located adjacent to a permitted residential use, or a residential zoning district, the following minimum standards shall be required:

- (a) The restaurant principal structure shall maintain a public street (front yard) setback not less than the adjoining residential zoning district;
 - (b) The restaurant principal structure shall maintain a side and rear yard setback not less than twenty-five (25) feet from any property line which abuts a residential zoning district or a permitted residential use;
 - (c) The maximum height of the restaurant principal and/or accessory structure(s) shall not exceed thirty-five (35) feet; and
 - (d) Any exterior menu reader board or order station which contains an audio speaker(s) shall be setback not less than fifty (50) feet from any side or rear property line which abuts a permitted residential use or residential zoning district, and such speaker shall be oriented and directed away from any adjacent permitted residential use or residential zoning district in a manner approved by the director of community development or the director's authorized representative and such requirements shall be indicated upon an approved site plan. Separation of such speaker from an adjacent permitted residential use or residential zoning district by an intervening nonresidential building or structure of sufficient dimension to negate or block the transmission of sound may, upon approval of the director of community development or representative, substitute for the speaker setback, orientation and direction standards of this section. No exterior menu reader board or order station shall be utilized or operated in a manner which constitutes a nuisance or hazard to the general public.
- (2) No new restaurant within any MS zoning district shall be located within five hundred (500) feet of any existing or vested restaurant in any zoning district or within one thousand (1000) feet of any existing or vested restaurant in any MS district, as measured between the nearest enclosed structural part of such establishments.
- (3) Within any MO zoning district no fast food restaurant shall be located in a freestanding detached structure exclusive to such use. All fast food restaurants in any MO zoning district shall be located within and be part of an attached multi-unit structure which contains not less than three (3) individual units occupied by, or are available for sale or lease, to separate establishments. (Ord. No. 06-75, §1, 8-10-06)

Other Comments:

All access to the proposed project will be off of Moye Blvd.

Project shall meet all NC State fire codes.

Proposed project shall meet all related NC State building codes.

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. Safford- White asked who owns the land.

Mr. Laughlin stated that the land is currently owned by ECU development. The property is under contract to purchase, which allows them to sign as the owner on the application. The applicant is scheduled to close and become owner in July.

Mr. Ward asked when the Moye Blvd. extension will be complete. Mr. Ward verified that at this point the Moye Blvd. extension does not exist and it is all speculation.

Mr. Harwell stated that before this proposed development can be used, Moye Blvd. has to be opened because the only entrance is off of Moye Blvd.

Mr. Laughlin verified that this is all preliminary to make sure that they could go ahead with the proposed use before site development.

Mr. Harwell stated that he is having trouble with orientation on the map because the north arrow appears to point west and there is no other north arrow.

Mr. Laughlin stated that the hotel is facing the future extension of Moye Blvd.

Chairman Wubneh verified that the signature would be from the manager because they are in the process of closing the sale of the land. There is another person's name on as the owner and the person that has signed it is another person. In this situation, there should be a page 7 that explains.

Mr. Laughlin stated that since they will legally be the owner, then page 6 is all that is needed.

Dirk Tyson on behalf of University Medical Park North. The preliminary plat was approved earlier this month. The construction drawings are currently being drawn. The lot that the hotel sight is to be built on would not be able to be done until after Moye Blvd. extension is complete.

Dirk Tyson stated that the Microtel would be a limited stay hotel as opposed to extended stay. Extended stay allows up to 90 days.

Ms. Bellis asked about the possibility of an audio speaker because she sees this as a real problem for the neighborhood and the hotel.

Mr. Tyson stated that the audio speaker would be for a drive thru and they are not proposing a drive thru for this restaurant. He accepts the condition to not have an audio speaker for the exterior of the restaurant.

A condition will be added that there will be no speaker outside of the restaurant.

Chairman Wubneh then read the criteria in granting/denying a special use permit.

Motion was made by Mr. Harwell, seconded by Mr. Ward, to approve an additional condition that no outdoor speaker can be used by the restaurant. Motion carried unanimously.

Motion was made by Ms. Bellis, seconded by Mr. Harwell, to approve the findings of fact as amended. Motion carried unanimously.

Motion was made by Ms. Bellis, seconded by Mr. Harwell, to approve the special use permit with the above mentioned condition. 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.

There being no further business the meeting adjourned at 8:00 PM.

Respectfully submitted

Seth Laughlin
Planner