

MINUTES ADOPTED BY THE BOARD OF ADJUSTMENT

January 22, 2015

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

Scott Shook, Chairman *

Charles Ewen *

Claye Frank *

Justin Mullarkey *

Thomas Taft, Jr. *

Kevin Faison *

Bill Johnson *

Jeremy Spengeman *

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

VOTING MEMBERS: Shook, Ewen, Mullarkey, Faison, Frank, Taft, Spengeman
Johnson on items 3 and 4 only

OTHERS PRESENT: Mr. Bill Little, Assistant City Attorney
Mr. Michael Dail, Planner
Ms. Amy Nunez, Secretary
Mr. Tim Corley, Civil Engineer II
Mr. Jonathan Edwards, Communications Technician

MINUTES

Mr. Taft made a motion to approve the December 18, 2014 minutes as presented, Mr. Frank seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY JOHN DUNN AND GORDON DUNN- APPROVED

The applicants, John Dunn and Gordon Dunn, desire a special use permit to place a mobile home on a lot pursuant to Appendix A, Use (2)g. of the Greenville City Code. The proposed use is located at 650 Staton House Road. The property is further identified as being tax parcel number 45734.

Mr. Dail delineated the area on the map. He stated that the property is located in the northern portion of the City, south of Martin Luther King Jr. Hwy and along Staton House Road.

Zoning of Property: RA20 (Residential Agricultural)

Surrounding Zoning:

North: RA20 (Residential Agricultural)
South: RA20 (Residential Agricultural)
East: RA20 (Residential Agricultural)
West: RA20 (Residential Agricultural)

Surrounding Development:

North: Vacant/Agricultural
South: Single Family Residences
East: Vacant/Agricultural, Single Family Residences
West: Vacant/Agricultural, Single Family Residences

Description of Property:

The subject property is a 3.0 acre lot that has 400 feet of frontage along Staton House Road. The lot contains a 1,958 square foot single family residence. The applicant wishes to subdivide the lot into two lots and place a mobile home on the newly created lot.

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 industrial development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on January 8, 2015. Notice of the public hearing was published in the Daily Reflector on January 12, 2015 and January 19, 2015.

Staff Recommended Conditions:

Subject parcel shall be subdivided into two qualifying building lots and a building permit shall be approved prior to installation of mobile home.

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 development standards required for issuance of a special use permit upon proper findings by the Board.

Chairman Shook opened the public hearing.

Mr. Phil Dixon, representative for the applicants, spoke in favor of the request. He stated the property has been in the family for 20 years where their parents resided. John Dunn currently lives on the property. Gordon Dunn has a mobile home that he would like to move onto the property. They spoke with the County and found out there already exists a second septic tank on the property that was for a mobile home years ago. The area consists of a mixed use of single family homes and mobile homes.

Mr. Gordon Dunn, applicant, spoke in favor of the request. He stated he owns the family property with his brother Gordon Dunn. He stated they want to subdivide the property so he can put his mobile home on it so he can also live there. He stated he spoke with Rick Jones with the Pitt County Environmental Health, who inspected the septic tank system and said it meets all requirements. There are 2 separate septic systems, one for the house, and one for the mobile home. He stated there are both single family homes and mobile homes in the area. He stated he spoke with neighbors and that they had no objection. He lives alone, one car, and works in Greenville.

Mr. John Dunn, applicant, spoke in favor of the request. He lives in the home currently on the property. He wants his brother there. He sees no adverse effects on the request.

Mr. Gary Miller, surveyor, spoke in favor of the request. He prepared a survey map that showed the division lines to subdivide the property that meets the setback requirements and is in compliance.

Ms. Marsha Williams spoke in favor of the request. She lives across the street and has no objection. She remembers when there was a mobile home there before. She said the Dunn's are good neighbors.

Ms. Edna Lanier and Mr. Albert Lanier spoke in favor of the request. They live across the street and have no objection. They have known the Dunn family for many years.

No one spoke in opposition of the request.

Chairman Shook asked for City Staff Recommendation.

Mr. Dail stated City Staff has no objection.

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

Mr. Mullarkey stated he had no objection since the request is consistent with the neighborhood.

Chairman Shook read the required findings criteria. No objections.

Mr. Mullarkey made a motion to adopt the finding of facts with the stated conditions, Mr. Frank seconded and the motion passed unanimously.

Mr. Ewen made a motion to approve the petition with the stated conditions, Mr. Taft seconded and the motion passed unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY BETTER CONNECTIONS, INC.- APPROVED

The applicant, Better Connections, Inc., desires a special use permit to operate a mental health day program facility pursuant to Appendix A, Use (8)ff(1). of the Greenville City Code. The proposed use is located at 315 Clifton Street. The property is further identified as being tax parcel number 74952.

Mr. Dail delineated the area on the map. It is north of E. Arlington Drive along Clifton Street.

Zoning of Property: CG (General Commercial)

Surrounding Zoning:

- North: CG (General Commercial) & OR (Office Residential)
- South: CG (General Commercial)
- East: CG (General Commercial)
- West: CG (General Commercial)

Surrounding Development:

- North: Cypress Creek Townhomes
- South: Various Office Uses
- East: ECU Recreational Facility
- West: Various Office Uses, Vacant

Description of Property:

The subject property is located within Clifton Office Park. The Park contains two office buildings, 1.5 acres in size and has 200 feet of frontage along Clifton Street. The applicant's building is 5,964 square foot in size.

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 January 8, 2015. Notice of the public hearing was published in the Daily Reflector on January 12, 2015 and January 19, 2015.

Related Zoning Ordinance Regulations:

Definition: *Mental health, emotional or physical rehabilitation day program facility.*

(1) 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 no longer than 18 hours within any 24-hour period.

(2) 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 his 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 Recommended Condition:

The facility must comply with all requirements, licensing, rules, health certification, 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 development standards required for issuance of a special use permit upon proper findings by the Board.

Chairman Shook opened the public hearing.

Mr. John Williams, applicant, spoke in favor of the request. He is the Operations Manager with Better Connections Inc. They currently operate an adult vocational program at 101 W. 14th Street which also is their corporate office. They have outgrown the space. They serve about 10 adults with developmental disabilities in classroom type settings so they can become more independent, with one on one staff. The other portion is the Clinical Office Staff. Currently at the proposed site there is an agency that performs similar services, but they are moving out.

Ms. Deborah Gorham, spoke in favor of the request. She stated several similar agencies have used the building in the past.

Mr. Taft asked how long have they been in business at the 14th Street location.

Mr. Williams stated 2 years.

Mr. Faison asked if they will maintain the 14th Street location.

Mr. Williams stated no, everything will be at the new location.

Chairman Shook asked if they had any problems with staff recommendations of no loitering etc.

Mr. Williams stated no.

Chairman Shook asked for the hours of operation.

Mr. Williams stated 9:30am to 3:30pm Monday to Friday, but the office will be 8:30am to 4:30pm.

Mr. Mullarkey asked if there were violent patients.

Mr. Williams stated no.

Ms. Barbara Dunlap spoke in opposition of the request. She owns the townhome adjacent to the proposed. The townhouse community is small. She has no objection to the business Mr. Williams wants to do but wants to know if the granted special use permit is forever and covers anything. She would object to a treatment facility for sex offenders, drug abusers, or alcohol treatment.

Chairman Shook stated the special use permit goes with the property however if someone moves out, there is a 6 month period of a continuous operation before the permit will lapse and new application would need to be

submitted. He stated if a different type of service or business from this application wanted to move in, they would need to reapply for a new special use permit.

Attorney Little stated the ordinance sets what a mental health day treatment facility is and the limitations. They are also licensed by the State to perform specific functions. The special use permit is granted within the license and authority the State grants them. If they were to go outside those limits or expand, they would need to come back for a new special use permit.

Mr. Ewen asked how broad the limits for their application were.

Attorney Little stated it is narrow. This specific application is behavioral day treatment with diminished abilities and the service is there to help them become more productive. Under State statute, sex offenders have limited range where they can be.

Mr. Williams stated they have to apply through the NC Division of Health and Regulations in Raleigh. Every service definition has a different license. If they wanted to provide a different service, they would need to reapply with the State and then come before the Board of Adjustment for approval.

Chairman Shook stated even if they operate in their capacity but violate the permit conditions, their permit can be revoked.

Ms. Dunlap stated that with the clarification and answers to her questions, she no longer objects.

Chairman Shook asked for City Staff Recommendation.

Mr. Dail stated City Staff has no objection.

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

No comments made during board discussion.

Chairman Shook read the required findings criteria. No objections.

Mr. Ewen made a motion to adopt the finding of facts with the stated conditions, Mr. Taft seconded and the motion passed unanimously.

Mr. Taft made a motion to approve the petition with the stated conditions, Mr. Frank seconded and the motion passed unanimously.

**PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY FEARLESS FIGHTING, INC.-
APPROVED**

The applicant, Fearless Fighting, Inc., desires a special use permit to operate a commercial recreation facility (indoor/outdoor) pursuant to Appendix A, Use (6)i. of the Greenville City Code. The proposed use is located at 1830-B Old Fire Tower Road. The property is further identified as being tax parcel number 44265.

Board member Thomas Taft Jr. requested to be recused since he is a co-owner of the property next door.

Mr. Ewen made a motion to recuse Mr. Taft from the Fearless Fighting, Inc. public hearing, Mr. Mullarkey seconded and the motion passed unanimously. Bill Johnson will vote this item.

Mr. Dail delineated the area on the map. He stated that the property is located in the southeastern portion of the City along Old Fire Tower Road and County Home Road.

Zoning of Property: IU (Unoffensive Industry)

Surrounding Zoning:

North: CG (General Commercial) & OR (Office Residential)

South: IU (Unoffensive Industry)

East: IU (Unoffensive Industry)

West: IU (Unoffensive Industry)

Surrounding Development:

North: Vacant

South: Mammoth Signs, Evolve, Greenville Civic Ballet

East: Plaza Service Center, Cherry Construction, Greenville Civic Ballet

West: Crossfit Tier 1

Description of Property:

The subject property contains two commercial buildings totaling 7,400 square feet. The property is 0.98 acres in size and has 60 feet of frontage along Old Fire Tower Road and 470 feet of frontage along County Home Road.

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 development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on January 8, 2015. Notice of the public hearing was published in the Daily Reflector on January 12, 2015 and January 19, 2015.

Staff Recommended Condition:

Site plan approval for required parking must be obtained and additional parking constructed prior to operation of business.

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 development standards required for issuance of a special use permit upon proper findings by the Board.

Chairman Shook opened the public hearing.

Mr. Jon Day, representative for the owner of the property, spoke in favor of the request. He stated the applicant would like to operate a fitness training facility. The building was built around 1989. It contains 1 pre-engineered 6,000 square foot industrial building that will be leased to the applicant. There is a second 1,400 square foot building. There are 2 driveway access points to the property. The proposed use is a gym or membership exercise facility which will provide personal or group training. This will be a small gym with about 20 to 23 people maximum occupancy to include: 15 users, 3 employees and 4-5 observers. The request is in general compliance and there are other gyms near, Tier 1 Fitness and Rose's Gymnastics.

Mr. Rodrigo Galvanosi, applicant, spoke in favor of the request. He stated he is a professional fighter and in martial arts since his youth. He has trained football players, the military and navy seals. He is trying to build his business and considers it an elite professional facility for long term.

No one spoke in opposition of the request.

Chairman Shook asked for City Staff Recommendation.

Mr. Dail stated City Staff has no objection with the recommended conditions.

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

No comments made during board discussion.

Chairman Shook read the required findings criteria. No objections.

Mr. Frank made a motion to adopt the finding of facts with the stated conditions, Mr. Faison seconded and the motion passed unanimously.

Mr. Mullarkey made a motion to approve the petition with the stated conditions, Mr. Johnson seconded and the motion passed unanimously.

Mr. Taft returned to the Board.

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

The applicant, 4JPII, Inc., desires a special use permit to operate a high school pursuant to Appendix A, Use (8)g. of the Greenville City Code. The proposed use is located at 2725 E. 14th Street. The property is further identified as being tax parcel number 39147.

Board member Justin Mullarkey requested to be recused. He is a regular attendee of the Unity FWB Church.

Mr. Ewen made a motion to recuse Mr. Mullarkey from the 4JPII, LLC public hearing, Mr. Taft seconded and the motion passed unanimously. Bill Johnson will vote this item.

Mr. Dail delineated the area on the map. He stated that the property is located in the southeastern portion of the City along Quail Ridge Drive and the major thoroughfare of E. 14th Street.

Zoning of Property: R6 (Residential)

Surrounding Zoning:

North: R6 (Residential) & RA20 (Residential Agricultural)
South: RA20 (Residential Agricultural)
East: R6 (Residential)
West: R6S (Residential Single Family) & R6 (Residential)

Surrounding Development:

North: Quail Ridge Townhomes, Single Family Residence
South: Vacant/Agricultural
East: Quail Ridge Townhomes
West: First Christian Church, Scarborough Neighborhood, Windy Ridge Townhomes

Description of Property:

The subject property is 6.8 acres in size and has 827 feet of frontage along 14th Street and contains the 22,460 square foot Unity FWB Church and several accessory structures.

Comprehensive Plan:

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

Notice:

Notice was mailed to the adjoining property owners on January 8, 2015. Notice of the public hearing was published in the Daily Reflector on January 12, 2015 and January 19, 2015.

Related Zoning Ordinance Regulations:

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.

Staff Recommended Condition:

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.

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 development standards required for issuance of a special use permit upon proper findings by the Board.

Mr. Dail stated the traffic analysis has been completed and passed out to the members. It is currently under review by City’s Engineering Department Transportation Planner.

Chairman Shook asked what would happen if the permit was approved tonight then something came up later with the traffic analysis.

Mr. Dail stated that one of the recommended conditions is that all required site and road improvements for school use must be made prior to occupancy.

Attorney Little stated the permit is conditional on approval until all required items are met.

Chairman Shook asked what items the traffic analysis provides.

Mr. Tim Corley, Civil Engineer II, stated they take the analysis of the square foot of the building which creates formulas that comes up with the number of students that can use the facility. The information will generate how many vehicles enter and exit the site. 14th Street is a NCDOT street, therefore they will also be involved. The information provided as of now indicates 14th Street will be used for buses and staff and Quail Ridge will be used for students. The distribution patterns will be looked at.

Chairman Shook asked if there is a student limit based on the traffic analysis.

Mr. Corley stated yes. It is all estimated but that will determine where the improvements will be needed.

Chairman Shook opened the public hearing.

Mr. Jimmy Nelson, attorney for the applicant, spoke in favor of the request. The site will provide a Catholic High School. He stated the property exceeds the setback requirements. The property is in compliance with lot area and dimensional standards. It will not create any adverse affects on the neighborhood, roads, or to those that pass by the site. There are ample well maintained driveways and parking on site. There will be no on site team athletic activity with the exception of physical education. The goal is to create a religious/educational facility with no more than 150 students and 20 faculty members. This is beneficial to the community.

Mr. Thomas Ruffolo, applicant, spoke in favor of the request. He stated the school has been in existence for 4½ years in space and modulars owned by St. Gabriel's. The site will help the school grow until it has the population and funding to build a new school. The school already has a property on Dickinson for their future building. There currently are 50 students and they would like to grow to 150 students. This site would be academic only and all team sports will be at the Dickinson site.

Mr. Taft asked about flaggers or traffic calming during high traffic times.

Mr. Ruffolo stated he did not know at this time.

Mr. Steve Janowski, with Rivers and Associates, spoke in favor of the request. He provided the traffic analysis. He stated that a circulation pattern by school staff would be a remedy and is included in the analysis. Traffic using Quail Ridge Road would be ideal since it accesses the rear of the property. Since students come from various areas, the traffic is split (50/50) on accessing the site. In this scenario, turn lanes are not warranted.

Mr. Taft asked if there were plans for the vacant space.

Mr. Ruffolo stated no. This is the only Catholic High School east of Raleigh. Students from all over are attending. He stated that they meet all the criteria. He stated they met with the Quail Ridge Association and they are ok with this request. He stated they will not change anything on the site. They will be good neighbors and give a good education to their students.

Mr. John Donahue, principal of the school, spoke in favor of the request. He stated this is a faith based institution. The religious nature of the previous owners is conducive with their plans. They pride themselves on higher academic standards and character training. They have high expectations of their students and they will be supervised.

Ms. Marilee Cox spoke in opposition to the request. She lives on Scarborough Road. She leaves for work between 7:30-7:45 am and it is difficult to get on to 14th Street because of the heavy traffic. She is concerned with the additional traffic the school would create. She stated she would like some type of assurance that the situation will be taken care of by either a turn lane or extra lane.

Mr. Nelson stated they are interested in safety and convenience of others.

Chairman Shook asked for City Staff Recommendation.

Mr. Dail stated City Staff has no objection.

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

Mr. Taft stated that traffic calming should be considered. 14th Street is a NCDOT street and therefore the City has no control. He hopes the traffic analysis will provide traffic calming pattern information.

Chairman Shook stated the permit is conditional based on the implementation of the traffic analysis.

Mr. Frank asked if any students will be allowed to walk to school.

Mr. Ruffolo stated no. They must drive in or be bused in.

Mr. Frank stated new drivers might increase to the detriment but 50 students are not a lot.

Mr. Nelson stated the school can consider a schedule that will have a lesser impact on rush hour traffic.

Mr. Taft stated the information provided stated 60 vehicles. It is not a lot of increased traffic.

Mr. Spengeman stated a speed decrease is not good because it was 45mph, now it is 35mph, and it would just be a speed trap if it was 25mph.

Chairman Shook stated it was not up to the Board.

Chairman Shook read the required findings criteria. No objections.

Mr. Frank made a motion to adopt the finding of facts with the stated conditions, Mr. Taft seconded and the motion passed unanimously.

Mr. Johnson made a motion to approve the petition with the stated conditions, Mr. Taft seconded and the motion passed unanimously.

Mr. Mullarkey returned to the Board.

**PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY FUTURE SCHOLARS, INC.-
APPROVED**

The applicant, Future Scholars, Inc., 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 310-B Pennsylvania Avenue. The property is further identified as being tax parcel number 24195.

Mr. Dail delineated the area on the map. He stated that the property is located in the center portion of the City along Spruce Street and Pennsylvania Avenue. It was previously used as a child day care run by a church.

Zoning of Property: CDF (Downtown Commercial Fringe)

Surrounding Zoning:

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

Surrounding Development:

North: Single Family Residences, Vacant
South: Single Family Residences
East: Single Family Residences, Child Day Care
West: South Greenville Elementary School

Description of Property:

The subject property is 0.31 acres in size, has 90 feet of frontage along Pennsylvania Avenue and 234 feet of frontage along Spruce Street and contains 4,621 square foot multi-unit commercial building.

Comprehensive Plan:

The property is located within Vision Area "G" as designated by the Comprehensive Plan. The proposed use is in general compliance with the Future Land Use Plan which recommends mixed use/office/institutional development for the subject property.

Notice:

Notice was mailed to the adjoining property owners on January 8, 2015. Notice of the public hearing was published in the Daily Reflector on January 12, 2015 and January 19, 2015.

Related Zoning Ordinance Regulations:

Definition: *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, custodians 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 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:

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

Site plan approval for required parking must be obtained and parking constructed prior to operation of the business.

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.

Chairman Shook opened the public hearing.

Mr. Embry Gibson, applicant, spoke in favor of the request. He wants to open a community based before and after school program called Future Scholars. The purpose is to provide quality academic enrichment, tutoring, and developmental/leadership skills. He selected this location because it is next to a school and because the location was previously an afterschool program. He wants to make the building look better and give back to the community. He has been working with children in the community in the mental/behavioral health field for 4 years. He now wants to create a learning facility that is conducive to learning. He stated children are the future of our community. He believes his program will support children and families.

Mr. Ewen asked where the parking would go.

Mr. Gibson stated on the side of the road. He said his facility would be a drop-off/pickup facility. He expects 2 or 3 staff members. He stated he received verbal permission to use the Sadie Sauter School parking lot.

Mr. Dail stated that parking will need to be provided on site as stated as a condition in the staff report.

Mr. Taft asked about the lot behind the building.

Mr. Dail stated there is a gravel area there. He stated there are some opportunities in the ordinance for remote parking facilities.

Mr. Taft asked if the property was in the right-of-way of the new 10th Street Connector.

Mr. Dail said it just misses the property.

Mr. Gibson stated he was told by the property owner he could use the gravel area behind the building and he wants to use it for a recess area.

Chairman Shook stated that the permit can be granted, but the conditions need to be met.

Mr. Frank asked for the target age group for the facility.

Mr. Gibson stated K thru 6th grade.

No one spoke in opposition of the request.

Chairman Shook asked for City Staff Recommendation.

Mr. Dail stated City Staff has no objection.

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

No comments made during board discussion.

Chairman Shook read the required findings criteria. No objections.

Mr. Faison made a motion to adopt the finding of facts with the stated conditions, Mr. Taft seconded and the motion passed unanimously.

Mr. Mullarkey made a motion to approve the petition with the stated conditions, Mr. Frank seconded and the motion passed unanimously.

Mr. Taft asked about the permit issued to Tripps. The changes are more extensive than mentioned at the hearing.

Mr. Dail stated the Board originally approved a permit for restaurant use at that location. They returned for another hearing for expansion and told staff they wanted to change the restaurant.

Chairman Shook stated he remembered asking at the hearing if they were going to change names and they said they were not sure at that point.

Mr. Faison stated that they wanted to change for a lower price point and casual setting.

Mr. Dail stated if they are not fulfilling the restaurant requirements, then they would not be considered a restaurant anymore.

Mr. Mullarkey stated he was concerned that he felt misled by the changes they said they were making were minor. He stated he remembered there was cooperation from the neighbors about the changes. If there was a problem, they would let it be known.

Chairman Shook stated he has visited the establishment and was concerned with the cornhole board outside and the noise it could cause.

Mr. Taft asked how a complaint is initiated.

Attorney Little stated citizen complaints are received by Staff. The Board can bring complaints they have received or seen themselves to the attention of Staff. The complaint can be brought to the meeting as a discussion item to see if it warrants another hearing.

With no further business, Mr. Shook made a motion to adjourn, Mr. Faison seconded, and it passed unanimously. Meeting adjourned at 8:29 p.m.

Respectfully Submitted

Michael R. Dail, II
Planner