

MINUTES ADOPTED BY THE BOARD OF ADJUSTMENT  
June 25, 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 X
Kevin Faison X	Thomas Taft, Jr. X
Justin Mullarkey *	Bill Johnson *
Jim Watts *	Rich Winkler *
Jeremy Spengeman X	

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

VOTING MEMBERS: Shook, Ewen, Mullarkey, Johnson, Watts, Winkler

OTHERS PRESENT: Mr. Bill Little, Assistant City Attorney  
Mr. Michael Dail, Planner  
Mr. Thomas Weitnauer, Chief Planner  
Mr. Merrill Flood, Director of Community Development  
Ms. Elizabeth Blount, Acting Secretary  
Mr. Jonathan Edwards, Communications Technician

**MINUTES**

Mr. Johnson made a motion to approve the April 23, 2015 minutes as presented, Mr. Watts seconded and the motion passed unanimously.

**PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY JEREMY SPENGEMAN-APPROVED**

The applicant, Jeremy Spengeman, desires a special use permit to operate a wine and craft beer shop pursuant to Appendix A, Use (10)c. of the Greenville City Code. The proposed use is located at 650 E. Fire Tower Road, Suites M & N. The property is further identified as being tax parcel number 42403.

Mr. Dail delineated the area on the map. He stated that the property is located in the southern portion of the City’s jurisdiction at the intersection of E. Fire Tower Road and Bayswater Road.

**Zoning of Property:** CG (General Commercial)

**Surrounding Zoning:**

North: R6S (Residential Single Family)  
South: CG (General Commercial)  
East: CG (General Commercial)  
West: CG (General Commercial)

**Surrounding Development:**

North: Single Family Residences (Sheffield Subdivision)  
South: AA Mini-Storage  
East: Vacant  
West: Vacant

**Description of Property:**

The subject property is 5.66 acres in size has 530 feet of frontage along Fire Tower Road and contains Fire Tower Crossing Commercial Center and AA Mini-Storage. Existing use located in the Fire Tower Crossing Commercial Center are Fajitas, Fire Tower Animal Clinic, Open Door Church and Mad Hatter Thrift Store.

**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 June 11, 2015. Notice of the public hearing was published in the Daily Reflector on June 15, 2015 and June 22, 2015.

**Related Zoning Ordinance Regulations:**

Definition:

*Wine and Craft Beer Shop.* An establishment conducted pursuant to G.S. 18B-1001 as amended, and operated as a principal or accessory use, which is authorized to sell wine and/or craft beer in the manufacture’s original container for consumption off the premises, provided however, the permittee shall be authorized to conduct accessory and incidental wine and/or craft beer tasting on the premises and is further authorized to sell wine and/or craft beer for on-premise consumption, as an accessory and incidental use to the “wine and craft beer shop”, provided the establishment and operation is compliant with section 9-4-103(S). Among the two limited types of alcoholic beverages that may be sold, a “wine and craft beer shop” may sell wine exclusively, craft beer exclusively, or both wine and craft beer provided that the “wine and craft beer shop” has the requisite state permit(s) that allows retail sales of wine and/or malt beverages for consumption on the premises. A “wine and craft beer shop” that does not meet the requirements of section 9-4-103(S) shall be deemed a public or private club for the purpose of zoning and land use classification. For purposes of the wine and craft beer shop use, craft beer is defined as a malt beverage from a brewer with an annual production of 6 million barrels of beer or less. Notwithstanding the foregoing, wine and beer shops may offer retail products and prepared pre-packaged food for purchase as an incidental use.

Specific Criteria:

- (1) A wine and craft beer shop may sell wine and/or craft beer for consumption on the premises, provided that the on-premise consumption of wine and/or craft beer constitutes an accessory and incidental use to the wine and craft beer shop.
- (2) A wine and craft beer shop that also has the requisite state permit(s) that allows retail sales of malt beverages for on-premise consumption, in accordance with G.S. 18B-1001 as amended, may sell both wine and malt beverages for consumption on the premises, provided that the combined on-premises consumption of wine and malt beverages constitute an accessory and incidental use to the primary retail use wine and craft beer shop.
- (3) For purposes of this section, on-premises consumption of wine and malt beverages shall be deemed an accessory and incidental use to a wine and craft beer shop, provided the combined sale of wine and malt beverages for consumption on the premises does not exceed 40% of the wine and craft beer shop's total sales of wine and malt beverages including both on-premises and off-premises consumption, for an 30 day period. The term "sales(s)" as used herein shall be the receipt of payment for the wine and malt beverages sold and/or consumed and shall not be a measure of the volume of wine and malt beverages sold and/or consumed.
- (4) Records related to the wine and craft beer shop's total sales of wine and malt beverages for both on-premises and off-premises consumption shall be maintained on the premises for not less than one year and shall be open for inspection and audit at all reasonable hours when the establishment is open for business by the Zoning Enforcement Officer. The Zoning Enforcement Officer may review the records on the premises or may request that copies of the written records be delivered to the City. The requirements of this subsection shall be for the purpose of determining compliance with subsection (S)(3) above.
- (5) No wine and craft beer shop that includes the on-premises consumption of wine and malt beverages shall be located within a 200-foot radius, including street rights-of-way, of an existing or approved public or private club, dining and entertainment establishment, or other wine and craft beer shop that include the on-premises consumption of wine and malt beverages. The required measurement shall be from the building or structure containing the wine and craft beer shop to the nearest property line of the parcel containing the existing or approved public or private club, dining or entertainment establishment, or other wine shop that includes the on-premises consumption of wine and malt beverages.
- (6) A wine and craft beer shop shall not operate after 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday or after 12:00 a.m. on Friday and Saturday.
- (7) A wine and craft beer shop shall not require a membership, cover or minimum charge for admittance or service during regular or special periods of operation.
- (8) A wine and craft beer shop that does not meet the requirements of section 9-4-103(S) shall be deemed a public or private club for the purpose of zoning and land use classification.
- (9) The provisions of this section shall apply to all wine and craft beer shops whether operated as a

principal or accessory use.

**Staff Recommended Conditions:**

Shall not operate as a private club as defined in Section 9-4-22 of the City of Greenville Zoning Ordinance.

**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. Ewen asked what the difference was between craft and domestic beers.

Mr. Dail stated the definition states craft beer is considered to be 6 million barrels or less and is local.

Mr. Watts asked if the request was consistent with the general statutes.

Mr. Dail stated he assumed so.

Chairman Shook opened the public hearing.

The applicant, Jeremy Spengeman, spoke in favor of the request. He stated they will be selling craft beers not domestic. They will have about 150-200 room temperature bottles available for off-premises consumption, about 20 taps for on-premises consumption, and growlers to be filled on site. The main sales will be craft beers but will offer wine by the glass. He stated he understands the rules for the special use permit and will abide by them, including the hours of operation, not charging a cover/memberships, no more than 40% of sales for on-premise consumption and selling only craft beers defined by breweries with production under 6 million barrels or less. He stated the proposed use is consistent with the Comprehensive Plan under the Economy Plan Elements Objective E1 "To create conditions favorable for healthy economic expansion in the area" and Objective E2 "To attract new industry and businesses which strengthen Greenville's role as a regional center." They will have 5-7 employees with a small retail shop.

Chairman Shook asked how many square feet on site.

Mr. Spengeman stated there will be 2 rooms. The main room will be 1,750 square feet and the other used for private functions is about 1,300 square feet. No food preparation will be on site, prepackaged food only. The private room will allow outside catering. Regarding the condition of health and safety, the area is well lit and has plenty of parking. There is a stoplight entrance that allows access to both east and west on Fire Tower Road. There are also non-stoplight entrances. The residential area is across the well-traveled Fire Tower Road. They will keep up the appearance of the property both inside and outside. They will adhere to the occupancy level set by the City. Staff parking will be in the rear. They will have glass and aluminum recycling.

No one spoke in opposition of the request.

Chairman asked for the Staff Recommendation.

Mr. Dail stated staff has no objection.

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

No discussion was made.

Chairman Shook read the required findings criteria. No objections.

**Mr. Ewen made a motion to adopt the finding of facts, Mr. Mullarkey seconded and the motion passed unanimously.**

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

**PUBLIC HEARING ON A REQUEST FOR SPECIAL USE PERMIT BY CAROLINA SUPPORT SERVICES/PRIDE IN NC- APPROVED**

The applicant, Carolina Support Services/Pride in NC, 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 755 Johns Hopkins Drive. The property is further identified as being tax parcel number 34378.

Mr. Dail delineated the area on the map. He stated that the property is located in the medical district of the City's jurisdiction, south of Stantonsburg Road along Johns Hopkins Drive.

**Zoning of Property:** MO (Medical Office)

**Surrounding Zoning:**

North: MO (Medical Office)  
South: MO (Medical Office)  
East: MO (Medical Office)  
West: MO (Medical Office)

**Surrounding Development:**

North: BB&T Bank  
South: Medical Offices  
East: Disability Advocates, Children's World  
West: First Citizens Bank, Home Town Suites

**Description of Property:**

The subject property is 0.53 acres in size, has 120 feet of frontage along Johns Hopkins Drive and contains 2,482 square foot office building.

### **Comprehensive Plan:**

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

### **Notice:**

Notice was mailed to the adjoining property owners on June 11, 2015. Notice of the public hearing was published in the Daily Reflector on June 15, 2015 and June 22, 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 no including mentally ill persons who are dangerous to others. Persons receiving service at the establishment may be at the facility for 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 Conditions:**

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

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

### **Other Comments:**

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

**Staff Recommendation:**

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

Chairman Shook opened the public hearing.

Mr. Gary Bass, representative of Pride of NC, spoke in favor of the request. He stated that Carolina Support Services and Pride in NC are merging. At the proposed request, they have been providing clinical services, outpatient therapy, psychiatry services and intensive in home services. They would like to relocate these services to an appropriately zoned location on Fire Tower Road and make a day treatment program at the proposed location. The staff is well trained and at a 1 to 6 ratio. Clinical staff is also on site. They have a very structured program.

Mr. Watts asked for a description of the children ages 6-17 who need additional support services or are hardcore.

Mr. Bass stated most of the children clients have gone through some type of therapy or received medication. They are not considered hardcore but that doesn't mean they couldn't get there. The individual might have poor social skills, not get along well with others and not successful in the public school setting. To help these individuals, the State has set up a program that allows them to set up therapeutic interventions to work on coping, anger management and social skills while having an educational component. The credits earned will transfer to a public school setting when the individual is ready. They partner with the Pitt County School System.

Mr. Watts asked if only within Pitt County.

Mr. Bass stated yes.

Mr. Watts asked if the clients have been involved with the court system.

Mr. Bass stated not always. They provide help to prevent that from happening.

Mr. Watts asked how clients are referred to them.

Mr. Bass stated they get referrals from the school and ECVH.

Mr. Johnson asked if the companies were merging but with different mission statements.

Mr. Bass stated Carolina Support Services will merge into Pride in NC. They have been under same ownership since October 31, 2014. After a review, it made sense to merge the companies.

Chairman Shook asked if they were ok with transporting/escorting the clients and no loitering.

Mr. Bass stated yes. Staff will pick up and walk clients into program. They are very structured and if there is deviation from the program, they go into preventive mode and do on-site intervention.

Mr. Watts asked if there is any time the client will not be under direct adult supervision.

Mr. Bass stated never.

No one spoke in opposition of the request.

Chairman asked for the Staff Recommendation.

Mr. Dail stated staff has no objection.

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

No discussion was made.

Chairman Shook read the required findings criteria. No objections.

**Mr. Watts made a motion to adopt the finding of facts, Mr. Winkler seconded and the motion passed unanimously.**

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

**With no further business, Mr. Mullarkey made a motion to adjourn, Mr. Ewen seconded, and it passed unanimously. Meeting adjourned at 7:26 p.m.**

Respectfully Submitted

Michael R. Dail, II  
Planner