

MINUTES ADOPTED BY THE BOARD OF ADJUSTMENT FOR MAY 26, 2011

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 X
John Hutchens *
Linda Rich *
Wanda Harrington X
Minnie Anderson *
Renee Safford-White *
Scott Shook X
Sharon Ferris *
Justin Mullarkey *
Wiley Carraway *

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

VOTING MEMBERS: Wubneh, Hutchens, Rich, Anderson, Safford-White, Ferris

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

Chairman Wubneh had the Secretary call the roll for the meeting.

Chairman Wubneh said that there were seven members of the Board present and the applicants would need the approval of at least six of the members.

MINUTES

Chairman Wubneh said that that Ms. Safford-White’s name would need to be taken out of the voting members section because she was not present at the last meeting. Motion to approve the minutes with amendments was made by Ms. Ferris and seconded by Ms. Rich. The motion carried unanimously.

PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT BY UPTOWN GREENVILLE

The applicant, Uptown Greenville, desires a special use permit to operate a commercial service not otherwise listed pursuant to Appendix A, Use (15)c. of the Greenville City Code. The proposed use is located at the southwest corner of the intersection of Evans Street and W. Fifth Street (Evans Street Public Parking Lot). The property is further identified as being tax parcel numbers 35489 and 76120.

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

Mr. Dail delineated the area on the map. He said the property is located at located in the city owned parking lot on the southwest corner of Evans Street and Fifth Street and is zoned CD (Downtown Commercial).

Surrounding Zoning:

North: CD (Downtown Commercial)
South: CD (Downtown Commercial)
East: CD (Downtown Commercial)
West: CD (Downtown Commercial)

Surrounding Development:

North: Winslow’s Market, Starlight Cafe
South: Sheppard Memorial Library
East: Cubbies, Hooker and Buchanan Insurance Agency
West: Jarvis Memorial Church Parking Lot, Humber House

Description of Property:

The city owned parking lot has approximately 156 feet of frontage along E. Fifth Street and approximately 325 feet of frontage along Evans Street and has a total lot area of 1.2 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 May 12, 2011. Notice of the public hearing was published in the Daily Reflector on May 16, 2011 and May 23, 2011.

Staff Recommended Conditions:

The special use permit shall grant Uptown Greenville the right to host the Uptown Umbrella Market, an Outdoor Fall Concert Series and Pirates Fest on a yearly basis. These events will be limited to the following times and dates:

- Uptown Umbrella Market – 5 pm to 8 pm every Wednesday from May 1st thru September 31st
- Outdoor Fall Concert Series – 5 pm to 8 pm on the Fridays before East Carolina University home football games or in the case of rain other dates approved by the City of Greenville City Manager’s Office
- Pirates Fest – Once yearly in April

The special use permit shall grant Uptown Greenville the right to host a BMX Festival on November 12, 2011.

The applicant shall provide proper portable bathroom facilities, which shall include a minimum of one handicap unit, as per the North Carolina State Building Code.

Changes other than as noted will require approval of the Board of Adjustment.

There were no questions from the Board for staff.

Chairman Wubneh called for the applicant to address the Board.

Ms. Denise Walsh, Director of Uptown Greenville, said that currently their application has to be renewed every year. She said that with this application they are hoping to reduce paperwork and have the events “as presented” because they have found that they are holding their events on an annual basis at the same time and in the same manner. She invited the Board to come out for the opening of the Five Points Plaza. She described the Uptown Umbrella Market; she said that they offer produce vendors, arts, crafts, and live music. She said that the Five Points Plaza was created to serve as event space during times when parking is not needed as much. Ms. Walsh described Freeboot Friday; she said that it takes place during home football games. She said that it runs from 5 pm – 8 pm, with food samplings, arts, crafts, and live music. She described the Piratefest; she said that it is a signature event for the City of Greenville and it has arts, crafts, food and it encompasses the International Festival. She also mentioned the BMX event that is coming up. She said that there will be Port-a-Johns available, both regular and handicap-accessible, as well as hand washing stations.

Chairman Wubneh asked who handles clean up and security.

Ms. Walsh answered that for cases like the Umbrella Market, where Uptown Greenville sponsors and handles the entire event, they rely on staff and volunteers for the set up and for the clean-up. She said that they work with the City for use of trash cans and recycle bins. She said that for events such as Freeboot Friday, Piratefest, and the BMX event, there are barriers around the area and Public Works is more involved with the setup and clean up. She said that they have volunteers that pick up litter and trash during the day and after the event. She said that they ensure that everything is clean.

Chairman Wubneh asked if the Greenville Police Department works with them on security.

Ms. Walsh answered that they meet with different members of the Greenville Police Department to see if they are comfortable with what is being provided or if they feel that they will need additional staff.

With there being no further questions from the Board, Chairman Wubneh called for further speakers for or against the application. With there being no further speakers, Chairman Wubneh called for staff recommendation.

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

Chairman Wubneh closed the Public Hearing and called for Board discussion. With there being no comments from the Board, he read the criteria and called for a motion to approve the Finding of Facts with corrections (rather than March 1st, it will be May 1st) and conditions.

Attorney Little clarified who the voting members were. He said that since Mr. Mullarkey had come in after the quorum had been set, he could participate in discussions but he would not be allowed to make motions and vote.

Ms. Safford-White made the motion to approve the Finding of Facts, Mr. Hutchens seconded and the motion carried unanimously.

Ms. Ferris made the motion to approve the petition, Mr. Hutchens seconded and the motion carried unanimously.

Mr. Merrill Flood, Community Development Director, introduced Mr. Christopher Padgett, Chief Planner, to the Board.

Mr. Padgett addressed the Board and said that he looked forward to working with the Board and staff.

With no further discussion, motion was made and properly seconded to adjourn at 7:19 p.m.

Respectfully Submitted

Michael R. Dail, II
Planner