



MINUTES

BOARD OF ZONING APPEALS

REGULAR MEETING

Thursday, September 9, 2021 - 4:00 p.m.
Greenville Convention Center, 1 Exposition Drive, Room 102

NOTICE OF MEETING: Pursuant to Section 30-4-80 of the S.C. Code of Laws, annual notice of this Board's Meetings was provided on January 1, 2021 via the Greenville City Website. The Agenda for this Meeting was posted outside the meeting place and was emailed to all persons, organizations, and news media requesting notice. In addition, notice for public hearings was published in the Greenville News, posted on the properties subject of public hearing(s), mailed to all surrounding property owners, and emailed to all persons, organizations, and news media requesting notice pursuant to Section 6-29-760 of the S.C. Code of Laws and Section 19-2.2.9 of the Code of the City of Greenville.

A copy of staff reports and recommendations were posted with the meeting agenda.

1. **Call to Order**
Chairman Chris Price
2. **Welcome and Opening Remarks from the Chair**
Chairman Chris Price
3. **Roll Call**
The following member of the Board of Zoning Appeals were in attendance: Chris Price (Chair), Seph Wunder (Vice Chair), Stephanie Gates, Ken Betsch, Frederick Turner, Lauren Rounsville, Krish Patel
4. **Approval of Minutes**
 - A. **August 10, 2021 – Workshop**
Approved as submitted
 - B. **August 12, 2021 – Regular Meeting**
Approval of minutes was deferred until the next Board meeting to get clarification on the motion for S 21-562 concerning approval conditions for outdoor music.
5. **Call for Public Notice Affidavit from Applicants**
Staff reported that all public notice affidavits were received.
6. **Acceptance of Agenda**
Agenda accepted as submitted
7. **Conflict of Interest Statement**
Chairman Price submitted a Statement of Potential Conflict of Interest Form for S 21-634.
8. **NEW BUSINESS**
 - A. **S 21-583**

Application by Leroy Dyer & Sons Signs, LLC for a **SPECIAL EXCEPTION** to install an electronic message board in an RM-1 zoning district at **28 Bolt Street** (TM# 009500-03-04500).

(Presented by Principal Development Planner Kristopher Kurjiaka)

Applicant Presentation

Deacon John Hackney, 12 Yeoman Street, Greenville, SC

- Discussed sign details and need for sign

Public Comments

None

Board Discussion

None

***Motion: Mr. Wunder moved to approve special exception request S 21-583 with conditions based on the findings that use is consistent with the Comprehensive Plan, the use is consistent with use-specific standards, the use is compatible with surrounding lands, and that the use does not have substantial adverse impacts. Conditions include:**

- 1) **The sign shall be subject to the stipulations set forth in Section 19-6.6.4(C)(4), Electronic Message Boards, as follows:**
 - a. **The electronic message board shall incorporate a photocell, or similar technology, that adjusts brightness of the sign relative to outdoor ambient light; and**
 - b. **The electronic message shall maintain a static message for at least 12 seconds; and**
 - c. **The sign shall display no message between 9:00 p.m. and 6 a.m.; and**
 - d. **The sign shall not utilize any of the techniques prohibited by subsection 19-6.6.2(B).**
- 2) **The top cabinet of the existing monument sign shall be brought into compliance with Section 19-6.6.4(C)(1), Lighting.**
- 3) **The sign shall substantially conform to the testimony of the Applicant and the content of the application.**

Second by Mr. Betsch.

The motion passed by a vote of 7-0.

B. S 21-634

Application by Eric Speckman for a **SPECIAL EXCEPTION** to establish a restaurant with a drive-through at **515 Pendleton Street** (TM#s 008000-05-00300; -00301; -00400; and -00200).

(Presented by Principal Development Planner Kristopher Kurjiaka)

Chairman Price recused himself from discussion and voting on this agenda item. Vice Chair Wunder assumed chairman duties.

Applicant Presentation

Eric Speckman, Pendleton OZB, LLC, 601 S. Cedar Street, Charlotte, NC

- Presented project, site design, and anticipated effect on neighborhood.

- Plans for access and median/divider island in Pendleton St have not been approved by SCDOT.
- All units will have direct pedestrian access to Pendleton St.

Public Comments

Germaine Sather, Resident, 20 Mallard Street, Greenville, SC

- Project will result in increased traffic, noise, and light.
- Hours of operation are not limiting enough.
- Drive-through is not compatible with family living and residential.

Clark Bell, Resident, 200 Anderson Street, Greenville, SC

- Drive-through traffic will cause conflict with planned bike lane for Pendleton St.
- Allowance of a drive-through would present a bad precedent for the area.

Spero Conits, Restaurant Owner, 598 Pendleton Street, Greenville, SC

- Welcomes local business but worries about what it could turn into.
- Requests stipulations on the type of restaurant/coffee shop allowed.

Kristin Wallace, Resident, 311 Arlington Avenue, Greenville, SC

- Does not like the drive-through and would prefer a walkup window.
- Concerned about possible tenants if the coffee shop does not work out.

Stephen Hull, Resident, 308 Arlington Avenue, Greenville, SC

- Expressed concerns regarding menu board location, crosswalk and capped/directed lighting.

Susan Bradley, Resident, 302 Arlington Avenue, Greenville, SC

- Access off Pendleton St not consistent with small area plan cross access goals.
- Crosswalk on Mallard St should also be raised similar to recommendation for Pendleton St.
- Need more data on the drive-through to ensure it won't back up onto Mallard St.

Applicant Response

Eric Speckman, Pendleton OZB, LLC, 601 S. Cedar Street, Charlotte, NC

- Drive-through traffic would not approach that of a Starbucks.
- Denial of the drive-through would be a deal-breaker for prospective tenant. A walkup window would not satisfy the client.
- The space for the coffee shop would be 2,300 square feet, with room for expansion into the 14,000 square foot retail space in the building's ground floor.
- The previous gas station generated 1,700 daily vehicle trips. The proposed coffee shop would generate only 1,400 trips.
- The building is oriented to Pendleton St to limit effects on nearby residential.
- A neighborhood meeting will be held with the multifamily application.

Board Discussion

The Board discussed the possibility of limiting the approval to a specific tenant and got confirmation that their motion could include this. The Applicant confirmed that the prospective tenant is Bridge City Coffee.

***Motion: Mr. Betsch moved to approve special exception request S 21-634 with conditions based on the findings that use is consistent with the Comprehensive Plan, the use is consistent with use-specific standards, the use is compatible with**

surrounding lands, and that the use does not have substantial adverse impacts. Conditions include:

- 1) The drive-through window shall close no later than 10 p.m.
- 2) The Applicant shall submit a sign permit application for the proposed menu board consistent with requirements in Land Management Ordinance Section 19-6.6.4(C)(4)(b).
- 3) The menu board shall incorporate a photo-cell or similar technology that adjusts the brightness of the sign relative to outdoor ambient light.
- 4) The pedestrian crosswalk at the drive through exit at Pendleton Street shall be raised and made prominent to ensure pedestrian visibility and safety. Appropriate features will be decided by mutual consent of the developer and City Planning and Engineering Staff.
- 5) Drive-through vehicle queuing shall substantially conform to the plan provided within this application; vehicular queuing shall at no time act to obstruct the movement of pedestrians along adjoining sidewalks or obstruct other areas intended for public usage, circulation, ingress or egress.
- 6) The operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application and the approval shall be limited to Bridge City Coffee or an affiliate under common control.
- 7) The approval of the "Restaurant, with drive-through" use will not apply to the portion of the site zoned RM-2; however, a Conditional Use Permit may be sought to allow parking and driveways associated with this use to occur on this portion of the site.

Second by Ms. Rounsville.

The motion passed by a vote of 6-0.

9. Other Business

A. Staff update on current planning projects.

- West End Small Area Plan
(Presented by Senior Development Planner Austin Rutherford)
- Village of West Greenville Small Area Plan
(Presented by Development Planner Harold Evangelista)
- Land Management Ordinance rewrite
(Presented by Principal Development Planner Kristopher Kurjiaka)

10. Adjournment

The meeting adjourned at 5:21 p.m.

Staff Present: Leigh Paoletti, Assistant City Attorney; Shannon Lavrin, Assistant City Manager; Jonathan Graham, Planning and Development Services Director; Courtney Powell, Planning Administrator; Kristopher Kurjiaka, Principal Development Planner; Austin Rutherford, Senior Development Planner; Harold Evangelista, Development Planner
