

Board of Zoning Appeals

Official Agenda



AGENDA

BOARD OF ZONING APPEALS

A G E N D A

Regular Meeting

November 10, 2016

4:00 PM

10th Floor Council Chambers, City Hall

1. Call to Order
2. Welcome and Opening Remarks from the Chair
3. Roll Call
4. Approval of Minutes – October 27, 2016
5. Call for Public Notice Affidavit from Applicants
6. Acceptance of Agenda
7. Conflict of Interest Statement
8. New Business

A. S 16-725. Application By Open Flame LLC For A SPECIAL EXCEPTION To Establish An Auto Wash And Detailing Facility Located At 2426 LAURENS RD In A C-3, Regional Commercial District (TM# 026300-01-00701)

Documents:

[A. S 16-725 SPECIAL EXCEPTION TO ESTABLISH AN AUTO WASH AT 2426 LAURENS RD.PDF](#)

B. S 16-740. Application By Parador Investments LLC For A SPECIAL EXCEPTION To Establish An Extended Stay Hotel Located At MCPRIE CT And ORCHARD PARK DR In A C-2, Local Commercial District (TM# 054303-01-06300)

Documents:

[B. S 16-740 SPECIAL EXCEPTION TO ESTABLISH AN EXTENDED STAY HOTEL AT MCPRIE CT AND ORCHARD PARK DR.PDF](#)

C. A 16-718. Application By Projects And Solutions LLC For An APPEAL Of The Administrator's Decision To Revoke A Special Exception Permit Allowing A Restaurant To Operate After Midnight At 18 S MAIN ST 101 (TM# 000100-03-00300)

Documents:

PART 1 C. A 16-718 APPEAL OF 18 S MAIN ST 101.PDF
PART 2 C. A 16-718 APPEAL OF 18 S MAIN ST 101.PDF

- ..
9. Other Business
 10. Adjournment



**Planning Staff Report to
Board of Zoning Appeals
November 3, 2016**

for the November 10, 2016 Public Hearing

Docket Number: S 16-725
Applicant: Open Flame LLC
Property Owner: OPEN FLAME LLC
Property Location: 2426 LAURENS RD
Tax Map Number: 026300-01-00701
Acreage: 1.29 acres
Zoning: C-3, Regional Commercial District
Proposal: **Special Exception to establish an automobile wash and detailing facility in a C-3 district**

Applicable Sections of the City of Greenville Code of Ordinances:

Sec.19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*
Sec.19-2.3.5, *Special Exception Permit*
Sec.19-4.1, *Table of Uses*
Sec. 19-4.3.3, *Use Specific Standards, Commercial Uses*

Staff Recommendation: Approve with the following conditions:

1. The Special Exception Permit is limited to the Applicant, Open Flame LLC, and is not transferrable.
2. The use of the property shall substantially conform to the testimony of the applicant and content of the application and shall be limited to automobile wash and detailing.

Staff Analysis:

The property has been the site of the original Ryan's Family Steakhouse since 1978. The restaurant group was founded and is headquartered in Greer, SC, but was acquired by a larger company in 2006. Since then there have been a series of bankruptcy filings and restaurant closures. The Applicant has purchased the property and is proposing to demolish the building to develop an automobile wash and detailing facility, which is allowed by special exception.

A Special Exception Permit shall be approved only upon finding that the applicant demonstrates all of the following are met:

- **The Use is consistent with the Comprehensive Plan:** The 2009 Future Land Use Map of the City's Comprehensive Plan designates the area as "Transit Oriented Development" (TOD), which anticipates a higher intensity of development including jobs and housing that would support a transit system and multiple modes of transportation.

While the proposed use does not provide a step towards TOD, it does promote some of the goals stated in the Comprehensive Plan:

- "Encourage revitalization of commercial corridors" – the use will activate a vacant property
- "Increase employment opportunities for local residents"

- **The Use Will Comply with the Use Specific Standards:** Section 19-4.3.3 Commercial Uses [Use-Specific Standards]

(E) Vehicle sales and services. All such uses shall comply with the following standards:

(1) Vehicles, parts, or equipment shall not be stored, parked or displayed in any landscape area, the right-of-way, or in a location which obstructs visibility in sight triangles for streets and driveways.

(2) All automobiles not displayed for sale or lease, automobile parts, discarded parts, and similar materials shall be stored within an enclosed building or within an outdoor storage area which complies with screening requirements in subsection 19-6.2.5, additional screening requirements.

Staff will verify compliance with use-specific standards during the permitting process.

- **The Use Is Compatible with the Character of Surrounding Lands:** Current conditions along this section of the Laurens Road corridor are dominated by auto-oriented businesses and commercial buildings behind large parking lots. The area is locally referred to as "the Motor Mile" and there are approximately twenty nine car dealerships in the area. The use is compatible with this character.
- **The Design Does Not Have Substantial Adverse Impact:**
The proposal includes redevelopment of the site, which will involve permit review similar to new construction. Staff will verify compliance with all relevant standards during the permitting process.

Commercial car washes that are in compliance with the National Pollutant Discharge Elimination System (NPDES) general permit for vehicle wash water discharges are exempt from Section 19-7.11, Illicit discharges, connections, spills and nuisances (City Stormwater Ordinance).

Based on these requirements, staff believes the use will not have substantial adverse impact to surrounding lands.

Traffic Engineer Comments

Traffic Impact Analysis form is required for all proposed developments. It can be found at: <http://greenvillesc.gov/FormCenter/Engineering-22/Traffic-Impact-Analysis-Warrant-Form-223>. Please fill out and submit online.



Office Use Only:

Application# 5 16- 725' Fees Paid 250.

Date Received 10/10 Accepted By NAS

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Open Flame, LLC, a South Carolina Limited Liability Company
* Name Title / Organization
permit may be limited to this entity.

APPLICANT'S REPRESENTATIVE: Stanley E. McLeod, Attorney
(Optional) Name Title / Organization

MAILING ADDRESS: P. O. Box 2464, Greenville, SC 29602

PHONE: 864-271-7424 EMAIL: stanleymcleod@bmemhlaw.com

PROPERTY OWNER: Open Flame, LLC

MAILING ADDRESS: P. O. Box 2464, Greenville, SC 29602

PHONE: 864-271-7424 EMAIL: stanleymcleod@bmemhlaw.com

PROPERTY INFORMATION

STREET ADDRESS: 2426 Laurens, Road, Greenville, South Carolina

TAX PARCEL #: 026300-01-00701 ACREAGE: 1.294 ZONING DESIGNATION: C-3

REQUEST

Refer to Article 19-4, Use Regulations, of the Land Management Ordinance (www.municode.com/library/)

DESCRIPTION OF PROPOSED LAND USE:

Automobile Wash and Detailing

INSTRUCTIONS

1. The application and fee, **made payable to the City of Greenville**, must be received by the planning and development office no later than 5:00 pm of the date reflected on the attached schedule.

2. The applicant/owner must respond to the "standards" questions on page 2 of this application (you must answer "why" you believe the application meets the tests for the granting of a special exception). See also **Section 19-2.3.5, Special Exception Permit**, for additional information. You may attach a separate sheet addressing these questions.

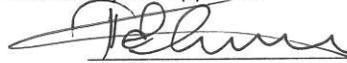
3. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the proposed development (activity); (c) existing buildings and other relevant site improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested special exception.

4. You must attach the required application fee: \$250.00

5. The administrator will review the application for "sufficiency" pursuant to **Section 19-2.2.6, Determination of Sufficiency**, prior to placing the application on the BZA agenda. If the application is determined to be "insufficient", the administrator will contact the applicant to request that the applicant resolve the deficiencies. **You are encouraged to schedule an application conference with a planner, who will review your application for "sufficiency" at the time it is submitted. Call (864) 467-4476 to schedule an appointment.**

6. You must post the subject property at least 15 days (but not more than 18 days) prior to the scheduled hearing date.

 2 'Public Hearing' signs are acknowledged as received by the applicant



Applicant Signature

7. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

In addition the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived, then the planning office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is _____ or is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.



APPLICANT / REPRESENTATIVE SIGNATURE

 10-7-16

DATE



PROPERTY OWNER SIGNATURE

 10-7-16

DATE

**APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(1), STANDARDS – SPECIAL EXCEPTION**

(YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED SPECIAL EXCEPTION IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

Use is commercial which fits with surrounding use.

2. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL COMPLY WITH THE STANDARDS IN **SECTION 19-4.3, USE SPECIFIC STANDARDS.**

Property owner/applicant will work to comply with all standards.

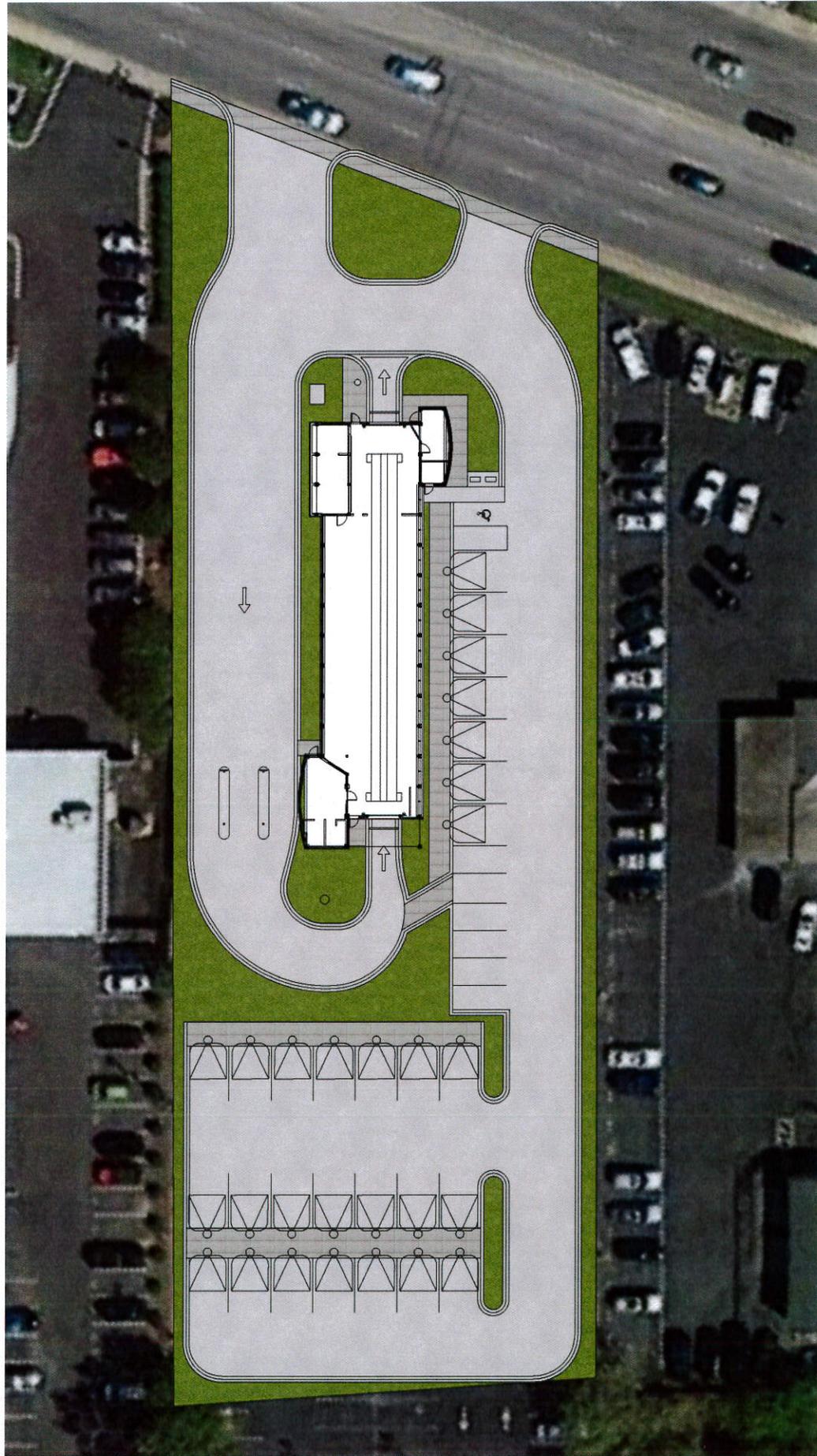
3. DESCRIBE THE WAYS IN WHICH THE REQUEST IS APPROPRIATE FOR ITS LOCATION AND IS COMPATIBLE WITH THE CHARACTER OF EXISTING AND PERMITTED USES OF SURROUNDING LANDS AND WILL NOT REDUCE THE PROPERTY VALUES THEREOF.

The surrounding areas are commercial and automobile oriented.

4. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL MINIMIZE ADVERSE EFFECTS ON ADJACENT LANDS INCLUDING: VISUAL IMPACTS; SERVICE DELIVERY; PARKING AND LOADING; ODORS; NOISE; GLARE; AND, VIBRATION. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL NOT CREATE A NUISANCE.

The development will be constructed in accordance with applicable rules, regulations and ordinances and will be done in a manner to attract customers not deter them from coming to property.

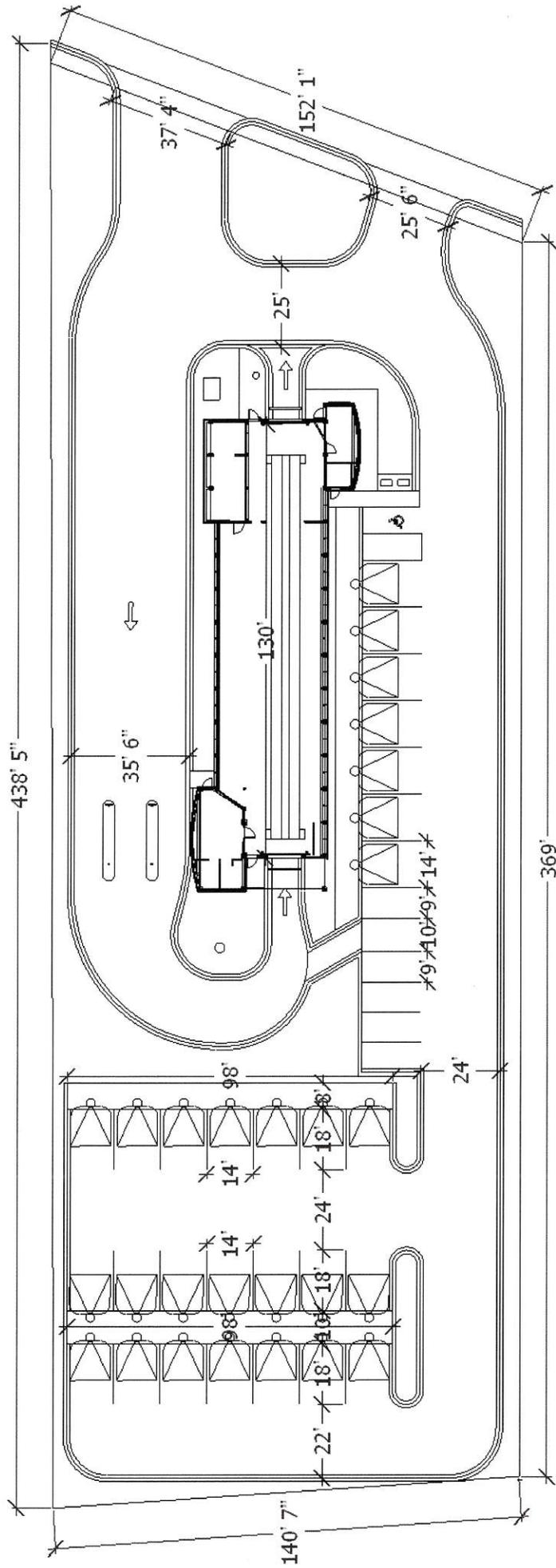
Customer Theo Eliopoulos
Location 2426 Laurens Road, Greenville, SC
Date 9.30.16
Revision 1



Plan View

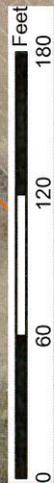
130' Tunnel | 28 Vacuums | 3 Pay Lanes

Customer Theo Eliopoulos
 Location 2426 Laurens Road, Greenville, SC
 Date 9.30.16
 Revision 1



Plan View

2426 Laurens Rd - Aerial



City Limit Boundary



Parcels



city of
greenville
South Carolina

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2426 Laurens Rd - Existing Zoning

LAURENS RD



City Limit Boundary

Streets

Parcels



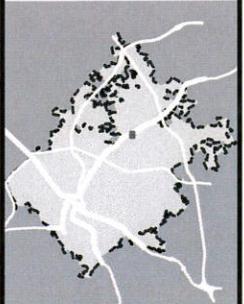
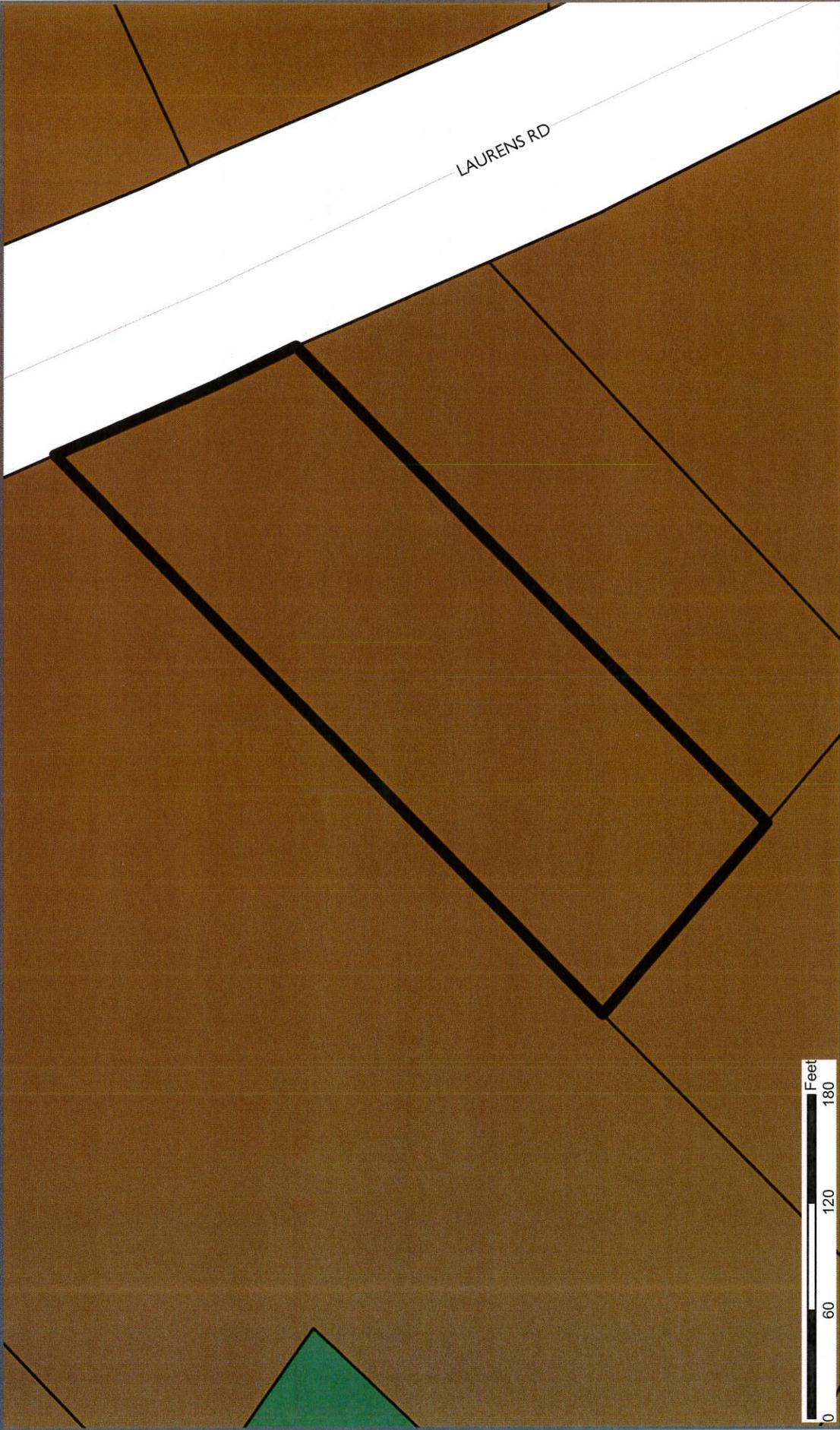
C-1	C-2	C-3	C-4	C-1N	RM-1	RM-1.5	RM-2	RM-3	R-6	R-7.5	R-9	I-1	S-1	OD	PD	POD	OS-C	RDV



city of
greenville
South Carolina

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2426 Laurens Rd - Future Land Use



-  City Limit Boundary
-  Streets
-  Parcels

-  General Residential
-  Urban Residential
-  Mixed Use Neighborhood
-  Mixed Use Community
-  Mixed Use Regional

-  Transit Oriented Development
-  Mixed Use City Center
-  Parks, Open Space, and Schools
-  High Intensity Non-Residential



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**Planning Staff Report to
Board of Zoning Appeals
November 3, 2016**

for the November 10, 2016 Public Hearing

Docket Number: S 16-740
Applicant: Viren Patel with Parador Investments LLC
Property Owner: FOUR SEASONS PROPERTIES LLC
Property Location: 6 MCPRICE CT
Tax Map Number: 054303-01-06300
Acreage: 2.12 acres
Zoning: C-2, Local Commercial District
Request: Special Exception to establish a hotel

Applicable Sections of the City of Greenville Code of Ordinances:

Sec.19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*
Sec.19-2.3.5, *Special Exception Permit*
Sec.19-4.1, *Table of Uses*

Staff Recommendation: Approve with conditions

1. The use of the property for a 'hotel' as defined by City Code shall substantially conform to the testimony of the Applicant and the content of the application.
2. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.

Staff Analysis:

The property is located between Orchard Park Drive and I-385, and between Haywood Rd and Patewood Dr. The site has had a succession of stand-alone restaurants since 1997, but the building was demolished in 2014 and the site has since remained vacant. Surrounding properties contain hotels, shopping center, office buildings, and an apartment community, Rosemont at Patewood.

The Applicant is proposing to develop the property with a new extended stay hotel. Hotel and motel uses require a special exception in C-2, Local Commercial districts. Staff reviewed the Application in the context of the four criteria applying to Special Exceptions and presents its conclusions below.

• ***The Use Is Consistent with the Comprehensive Plan(s):***

The Future Land Use designation of the property is 'Mixed-Use Community', allowing uses that serve 3-5 neighborhoods, such as supermarkets, specialty stores, medical offices, legal firms, mid-sized employers, and community uses. The proposed use appears to meet the following goals of the Comprehensive Plan:

- Encourage redevelopment and infill development for commercial corridors
- Encourage a mixture of housing types for various lifestyles, life stages, and incomes
- Increase employment opportunities

The development shall comply with the City's Nonresidential Design Standards (19-6.5 of the City Code), which are designed to promote and enhance the quality and character of the built environment. Staff concludes that the proposed use is consistent with the Comprehensive Plan.

- **The Use Will Comply with the Use Specific Standards:** There are no Use Specific Standards for 'Hotel / Motel' uses. The Board may add conditions to its Permit that relate to the issues identified during the course of the hearing and deliberation.
- **The Use Is Compatible with the Character of Surrounding Lands:** Existing hotels immediately surround the property, including Clarion Inn & Suites, Courtyard Marriott, and Residences at Haywood, all of which obtained Special Exceptions in the 1980's. Orchard Park Dr is otherwise characterized by commercial shopping centers at Haywood Rd and Patewood medical offices. Staff concludes that the proposed use is compatible with the character of the surrounding area.
- **The Design Does Not Have Substantial Adverse Impact:** The Applicant indicated that the majority of clients at an extended stay hotel will stay for a week or longer, which reduces the turnover and walk-in traffic of a typical hotel. There will be no pool amenity, restaurant, or conference meeting rooms included with the development.

The preliminary site plan provided with the application does not comply with the following Nonresidential Design Standards for parking areas, *Section 19-6.5.7(K)*:

- (5) *No more than 20 percent of the total parking spaces (up to a maximum of 100 spaces) may be located in the front yard adjacent to the primary street. If more than one street abuts the property, the designation of the primary street shall be determined by the administrator.*
- (6) *No more than 50 percent (length) of the first 30 feet (depth) of the primary lot frontage may be occupied by off-street surface parking spaces. The primary lot frontage is the portion of a lot that abuts the street from which the lot derives its street address (see Figure 19-6.5-12).*

Staff concludes that the design of the business should be able to comply with development standards, and will not have substantial adverse impact upon surrounding lands.

Traffic Engineer Comments

Traffic Impact Analysis form is required for all proposed developments. It can be found at: <http://greenvillesc.gov/FormCenter/Engineering-22/Traffic-Impact-Analysis-Warrant-Form-223>.

Please fill out and submit online.

Environmental Engineer Comments

- 1) Wastewater – Wastewater service for the development will be subject to the following conditions:
 - a. There are existing City sewer mains available to serve this development. The developer must confirm that the existing sewer system/treatment plant has available flow from the City and ReWa.
 - b. The wastewater permitting and acceptance process shall meet those requirements set forth in the City of Greenville Design and Specifications Manual Chapter 8.
 - c. Each building shall have a separate and direct connection to the City's sanitary sewer main.
 - d. Prior to using an existing lateral, the existing lateral must be tested to ensure that it conforms to City of Greenville performance requirements. Provide a video documenting the condition of the existing service connection prior to its reuse. A new lateral will be required if the existing lateral is in poor condition. The final Certificate of Occupancy will not be issued until the lateral is shown to be in good condition or a new lateral is installed.
 - e. Each building shall require a new service fee through ReWa.

- 2) Stormwater Management – The development is considered a larger common plan and must be performed in conformance with the City’s stormwater ordinance (Article 19-7: Stormwater Management). Specifically, the development will be subject to the following conditions:
 - a. If the proposed development creates a new impervious surface greater than or equal to 0.25 acres, water quantity will be required for the 2,10 & 25 year 24 hour storm event with no significant increase in the 100 year 24 hour storm event.
 - b. Any stormwater drainage system conveying offsite water shall be designed in compliance with the Stormwater Ordinance.
 - c. Water quality treatment is required when either:
 - The proposed development has a total impervious surface area ratio of 60% or greater and disturbs 50% or more of the parcel or larger common plan over a five year period; or;
 - The proposed development creates a new impervious surface greater than or equal to 0.25 acres.

- 3) Floodplain - The subject property is not located in a FEMA floodplain as determined utilizing 2014 Flood Insurance Rate Maps.

Fire Department Comments

Approved as long as all building and Fire codes are complied with in layout and construction. Currently under the 2015 IBC and IFC code cycle.

Application # S 16-740 Fees Paid _____
Date Received: 10/17/16 Accepted by NS
Date deemed complete _____ App Deny Conditions _____



APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Viren Patel Vice President / Parador Investments LLC
**Operator of the proposed use; permit may be limited to this entity.* Name Title / Organization

APPLICANT'S REPRESENTATIVE: _____
(Optional) Name Title / Organization

MAILING ADDRESS: 372 Abby Circle Greenville SC 29607
PHONE: 864 357-7055 EMAIL: VirenPatel100@yahoo.com

PROPERTY OWNER: Four Seasons Properties LLC
MAILING ADDRESS: Same as above (under contract)
PHONE: _____ EMAIL: _____

PROPERTY INFORMATION

STREET ADDRESS: 6 Mc Price Court Greenville SC 29615
TAX PARCEL #: 0543030106300 ACREAGE: 2.12 ZONING DESIGNATION: C-2

REQUEST

Refer to Article 19-4, Use Regulations, of the Land Management Ordinance (www.municode.com/library/)

DESCRIPTION OF PROPOSED LAND USE: Visitor Accommodations
Hotel or Motel with focus to extended stay

INSTRUCTIONS

1. The application and fee, made payable to the City of Greenville, must be received by the planning and development office no later than 5:00 pm of the date reflected on the attached schedule.

2. The applicant/owner must respond to the "standards" questions on page 2 of this application (you must answer "why" you believe the application meets the tests for the granting of a special exception). See also **Section 19-2.3.5, Special Exception Permit**, for additional information. You may attach a separate sheet addressing these questions.

3. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the proposed development (activity); (c) existing buildings and other relevant site improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested special exception.

4. You must attach the required application fee: \$250.00

5. The administrator will review the application for "sufficiency" pursuant to **Section 19-2.2.6, Determination of Sufficiency**, prior to placing the application on the BZA agenda. If the application is determined to be "insufficient", the administrator will contact the applicant to request that the applicant resolve the deficiencies. **You are encouraged to schedule an application conference with a planner, who will review your application for "sufficiency" at the time it is submitted. Call (864) 467-4476 to schedule an appointment.**

6. You must post the subject property at least 15 days (but not more than 18 days) prior to the scheduled hearing date.

2 'Public Hearing' signs are acknowledged as received by the applicant



Applicant Signature

7. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

In addition the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived, then the planning office will indicate in its report to the Board of Zoning Appeals that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is _____ or is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.

Viren Patel 

APPLICANT / REPRESENTATIVE SIGNATURE

10-17-16

DATE

under contract 

PROPERTY OWNER SIGNATURE

10-17-16

DATE

**APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(1), STANDARDS – SPECIAL EXCEPTION**

(YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED SPECIAL EXCEPTION IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

Neighboring properties to this site are classified hotel or motel. Tax map numbers: 0543030106400 (Clarion Inn), 0543030105901 (Courtyard Inn), 0543030106200 (Former Hawthorne Suites)

2. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL COMPLY WITH THE STANDARDS IN SECTION 19-4.3, USE SPECIFIC STANDARDS.

New construction project, Will build according to code

3. DESCRIBE THE WAYS IN WHICH THE REQUEST IS APPROPRIATE FOR ITS LOCATION AND IS COMPATIBLE WITH THE CHARACTER OF EXISTING AND PERMITTED USES OF SURROUNDING LANDS AND WILL NOT REDUCE THE PROPERTY VALUES THEREOF.

Currently zoned C-2 with bordering properties classified as hotel or motel. Current site has been an unused parking lot for several years. We plan on building a new hotel which will increase the property value around site

4. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL MINIMIZE ADVERSE EFFECTS ON ADJACENT LANDS INCLUDING: VISUAL IMPACTS; SERVICE DELIVERY; PARKING AND LOADING; ODORS; NOISE; GLARE; AND, VIBRATION. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL NOT CREATE A NUISANCE.

Focused more on extended stay which will be less traffic in the area in comparison with a typical hotel

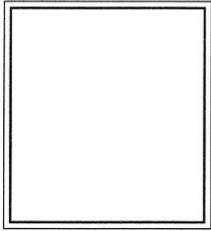
PROJECT NO.	160023
CLIENT	ORCHARD PARK COMMERCIAL
DATE	10/25/16
SCALE	1" = 20'
DRAWN	...
CHECKED	...

Greenville, South Carolina
Orchard Park
Commercial



ENGINEER SEAL
CORPORATE SEAL

NO.	DATE	REVISION



VICINITY MAP

SITE ANALYSIS	
TAX MAP NUMBER	054-00-00-00A300
PHYSICAL ADDRESS	...
ZONING	C-2
FRONT SETBACK	10'
SIDE SETBACK	7'
REAR SETBACK	15'
LOT AREA	51,174 AC
PROPOSED BUILDING	3,000 SF
OFFICE BUILDING REQUIREMENTS:	...
MINIMUM 0.25 SPACE PER ROOM PLUS 1 PER 800 SF OF CONF. AND REST. SPACE	93 SPACES
MINIMUM 1 SPACE PER ROOM PLUS 1 PER 400 SF OF CONF. AND REST. SPACE	123 SPACES
TOTAL PARKING PROVIDED	123 SPACES
TOTAL HANDICAP REQUIRED	5 SPACES
HANDICAP PROVIDED	5 SPACES

GENERAL NOTES

SURVEY INFORMATION COMPILED USING:
GPS DATA
THIS DOES NOT CONSTITUTE AN ACTUAL FIELD SURVEY IT IS FOR REFERENCE PURPOSES ONLY

BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY:

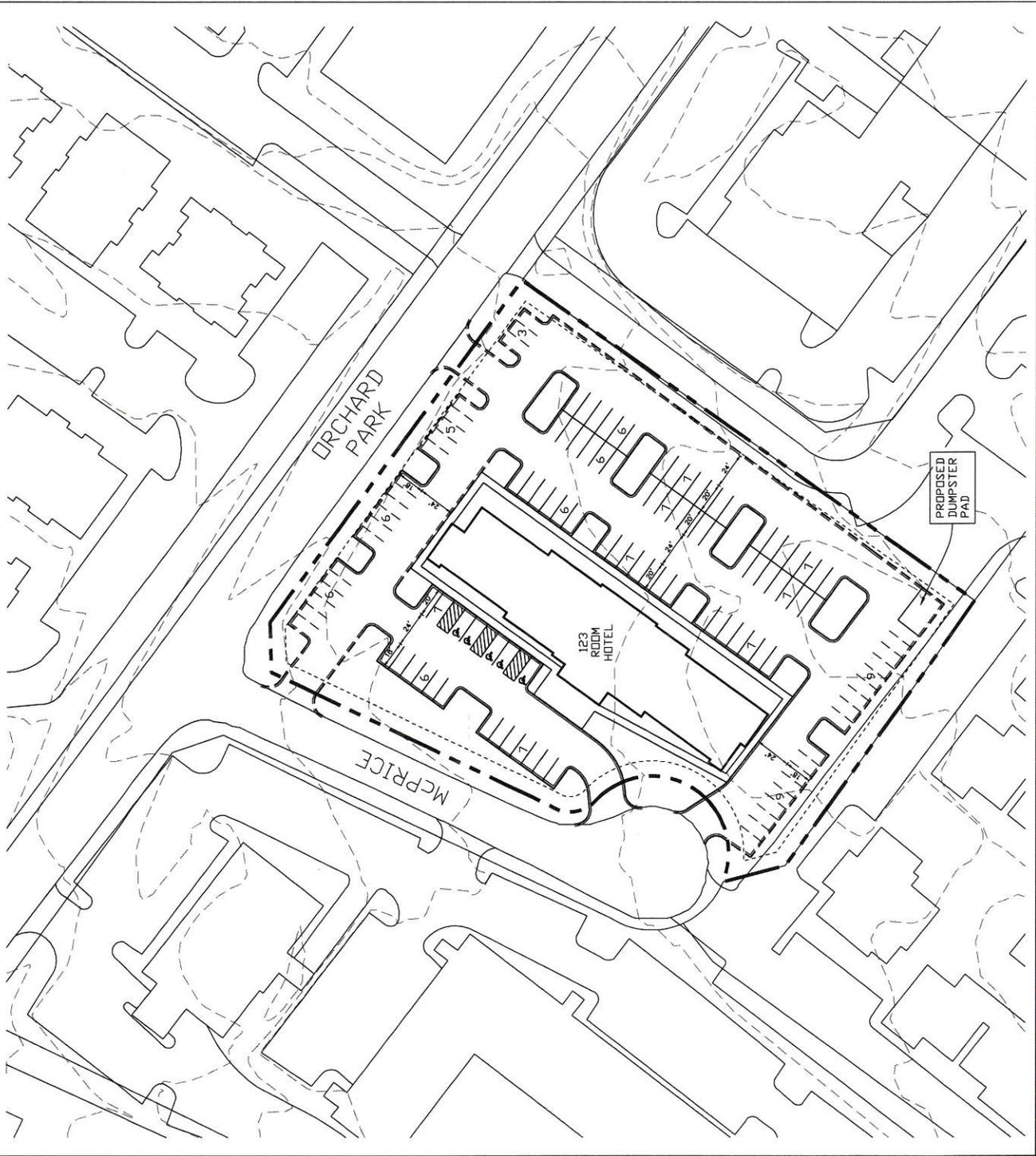


Know what's below.
Call before you dig.

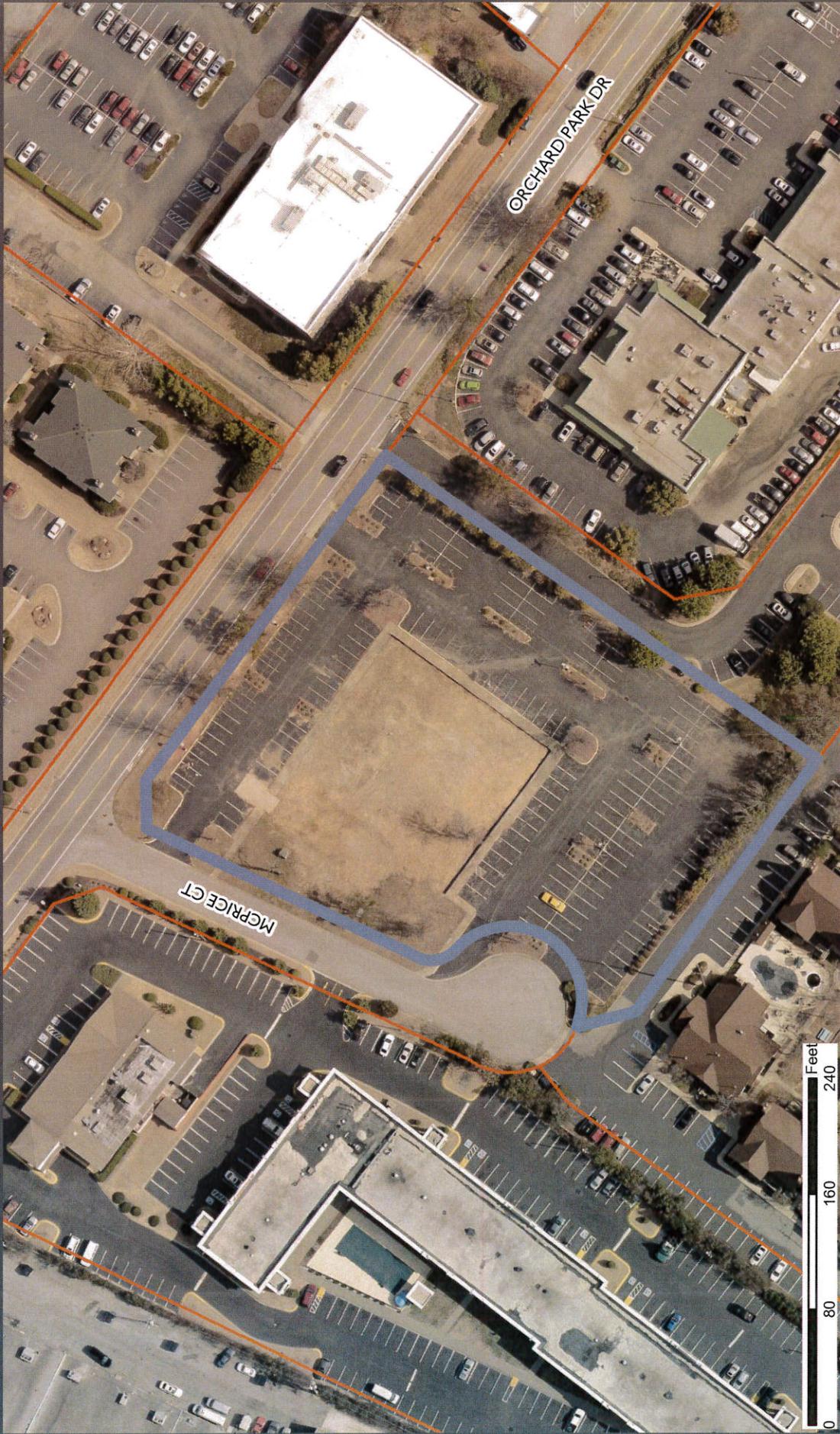
THE UTILITIES SHOWN ARE SHOWN FOR THE CONSTRUCTION OF THE PROPOSED PROJECT. THE CLIENT IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



PRELIMINARY NOT FOR CONSTRUCTION



6 McPrice Court - Aerial



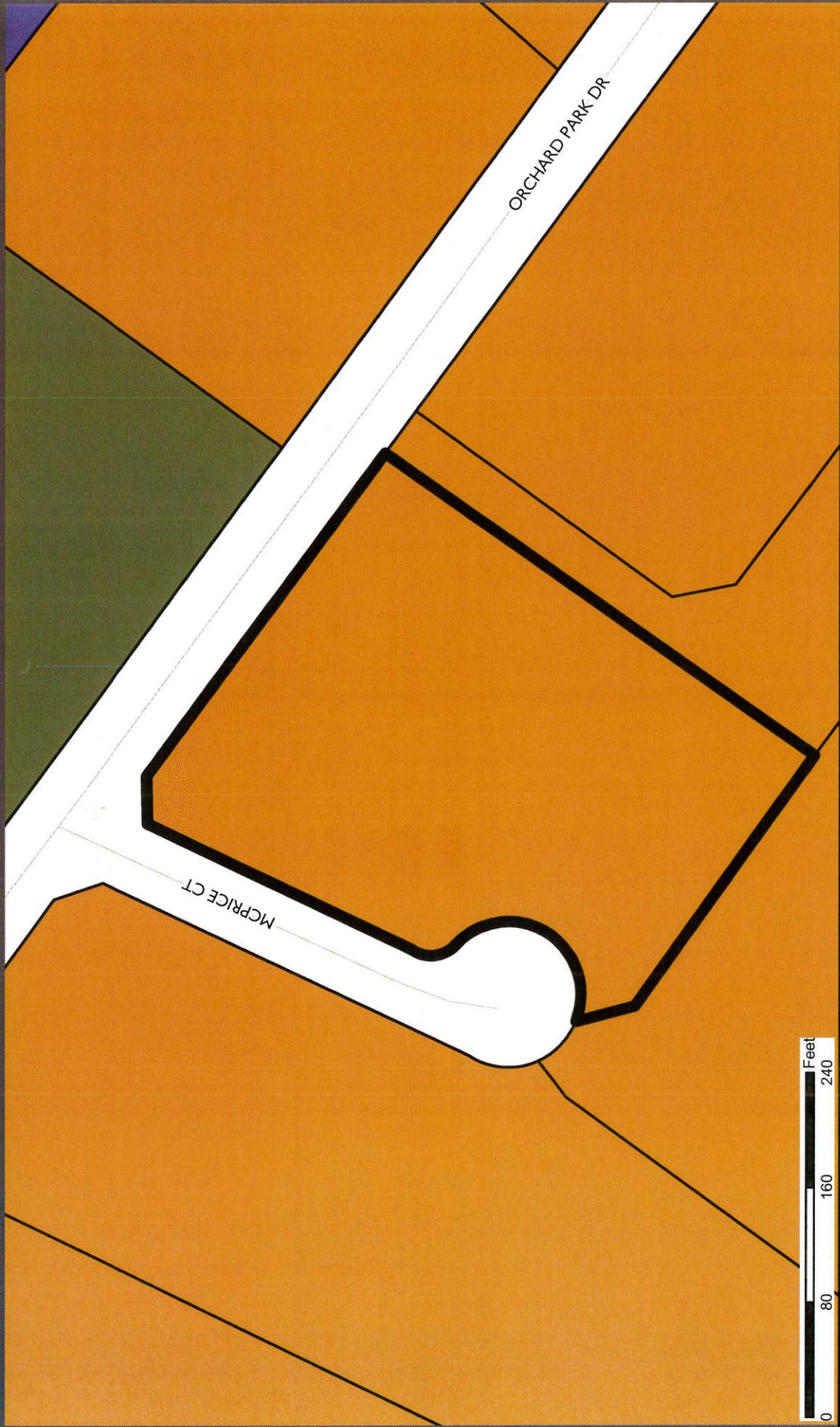
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City Limit Boundary

Parcels

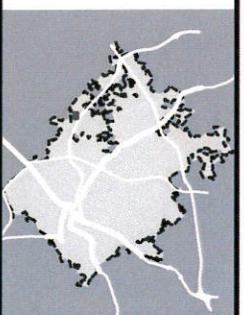


6 McPrice Court - Existing Zoning

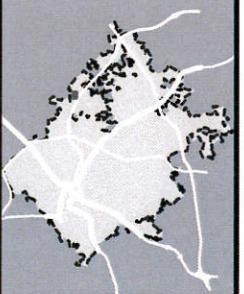
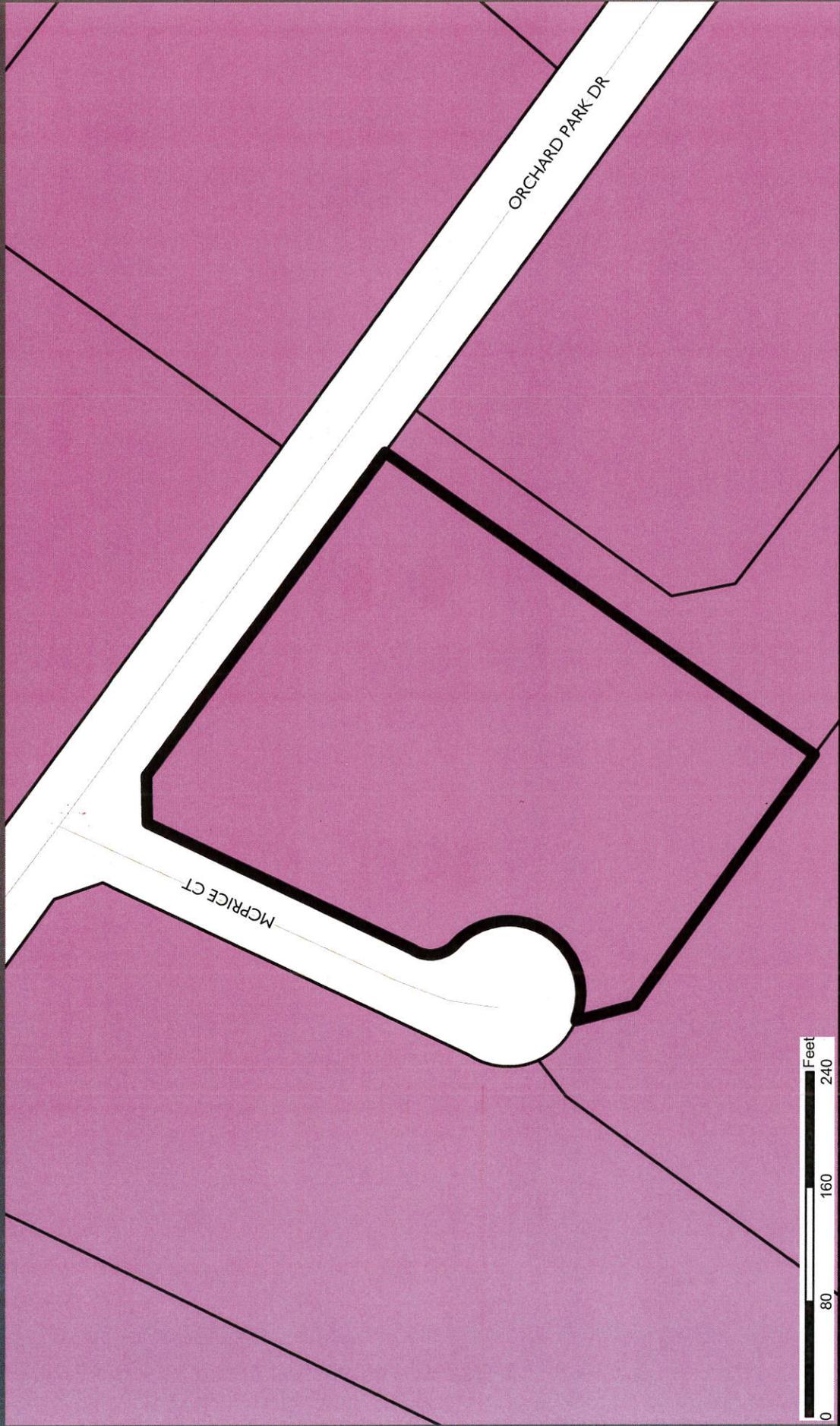


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	City Limit Boundary		C-1		C-2		C-3		C-4		C-IN		RM-3		I-1		POD
	Streets		RM-1		R-6		R-7.5		R-9		RM-1.5		S-1		OS-C		RDV
	Parcels		RM-2		OD		PD										



6 McPrice Court - Future Land Use



City Limit Boundary

Streets

Parcels

-  General Residential
-  Transit Oriented Development
-  Urban Residential
-  Mixed Use City Center
-  Mixed Use Neighborhood
-  Parks, Open Space, and Schools
-  Mixed Use Community
-  High Intensity Non-Residential
-  Mixed Use Regional



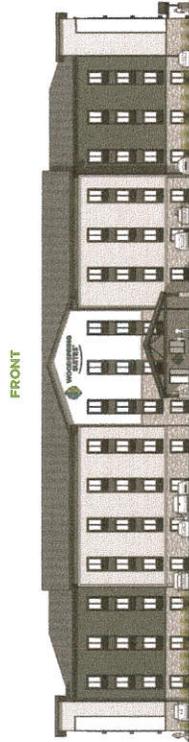
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WOODSPRING
SM
SUITES

AN EXTENDED STAY HOTEL

WOODSPRING SUITES
EXTERIOR ELEVATIONS



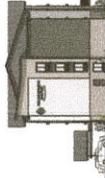
FRONT

WOODSPRING SUITES SIGNATURE
EXTERIOR ELEVATIONS



FRONT

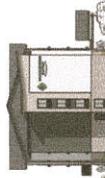
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SIDE



SIDE



BACK



SIDE

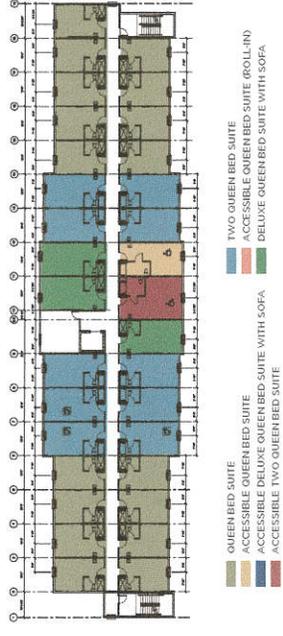


WOODSPRING SUITES SIGNATURE FLOOR PLANS

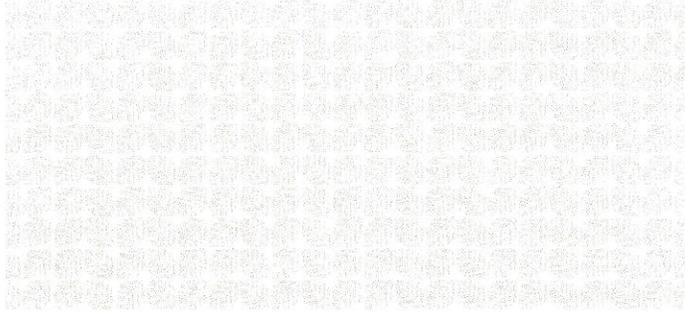
FIRST FLOOR PLAN SCALE



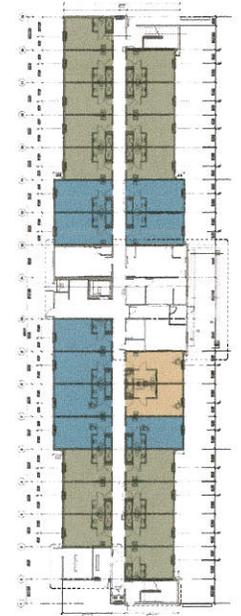
SECOND THROUGH FOURTH FLOOR PLAN SCALE



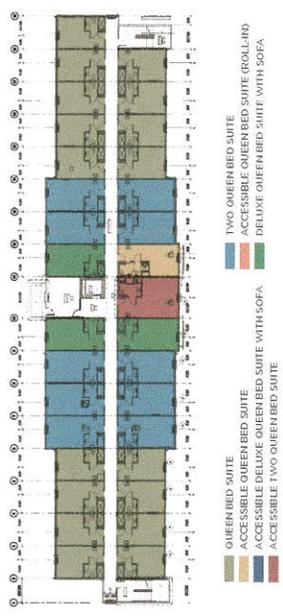
- QUEEN BED SUITE
- ACCESSIBLE QUEEN BED SUITE
- ACCESSIBLE DELUXE QUEEN BED SUITE WITH SOFA
- ACCESSIBLE TWO QUEEN BED SUITE
- TWO QUEEN BED SUITE
- ACCESSIBLE QUEEN BED SUITE (ROLL-IN)
- DELUXE QUEEN BED SUITE WITH SOFA



FIRST FLOOR PLAN SCALE



SECOND THROUGH FOURTH FLOOR PLAN SCALE



- QUEEN BED SUITE
- ACCESSIBLE QUEEN BED SUITE
- ACCESSIBLE DELUXE QUEEN BED SUITE WITH SOFA
- ACCESSIBLE TWO QUEEN BED SUITE
- TWO QUEEN BED SUITE
- ACCESSIBLE QUEEN BED SUITE (ROLL-IN)
- DELUXE QUEEN BED SUITE WITH SOFA

WOODSPRING SUITES FLOOR PLANS

No chandeliers here.

This is a place where functionality always trumps formality. Our guests won't find anything gaudy, excessive, or unnecessary in their suites. They will find warm, nature-inspired color palettes and comfortable surroundings.



Stony Brook



Morning Glory



Maplefield

*Shown here are WoodSpring Suites Signature Rooms

Application #	<u>A 46-718</u>	Fees Paid	<u>250.00</u>
Date Received:	<u>10/7/16</u>	Accepted by	_____
Date deemed complete	_____	App	Deny Conditions



**Application for
APPEAL OF ADMINISTRATOR'S DECISION OR INTERPRETATION
City Of Greenville, South Carolina**

APPELLANT/OWNER INFORMATION

	APPELLANT	PROPERTY OWNER
Name:	<u>Projects and Solutions LLC</u>	<u>[Signature]</u>
Mailing Address:	<u>209 Rackley Ln</u>	<u>Rob Young, Young Investments</u>
Address:	<u>18 S Main Street</u>	<u>106 W Broad Street</u>
Phone:	<u>864-380-7370</u>	<u>Greenville SC 29601</u>
Email:	<u>projectsandsolutions@char.net</u>	

PROPERTY INFORMATION

Street Address: 18 South Main Street, Ste 101 & 102

Tax Parcel #: 0001000300300 Zoning Designation: Business
C-4

REQUEST

Applicable Code Section: 19-2, 3.5 Special Exceptions

Description of Request: Reinstate Special Exceptions Permit
for Miso's at 18 South Main Street

INSTRUCTIONS

1. The application and fee, **made payable to the City of Greenville**, must be received by the planning and development office no later than 4:00 pm within ten (10) business days of the date of the written decision or interpretation.
2. You must attach a statement addressing the reasons that you believe the administrator erred in his determination or interpretation of the City Code regarding the subject property.
3. You must attach any other information relevant to the disputed item, and if applicable, a scaled drawing of the property that reflects, at a minimum, the following:
 - Property lines, existing buildings, and other relevant site improvements;
 - The nature (and dimensions) of the disputed item;
 - Existing buildings and other relevant site improvements on adjacent properties; and
 - Topographic, natural features, etc.
4. You must attach the required application fee:
 - For appeal to the Board of Zoning Appeals: \$250.00 for persons having rights in contract in the subject land; \$50.00 for those adjacent to the subject land.
 - For appeal to the Design Review Board: \$150.00 for signs and single-family residential; \$300.00 for all other.
 - For appeal to the Planning Commission: \$250.00.
5. The administrator will review the application for "sufficiency" pursuant to **section 19-2.2.6, Determination of Sufficiency**, prior to placing the application on a public hearing agenda. If the application is determined to be "insufficient", the administrator will contact the applicant to request that the applicant resolve the deficiencies. **You are encouraged to schedule an application conference with a planner, who will review your application for "sufficiency" at the time it is submitted. Call (864) 467-4476 to schedule an appointment.**
6. You must post the subject property at least 15 days prior to the scheduled hearing date.
 - The appellant acknowledges receiving 1 "Public Hearing" sign(s) and Posting Instructions from the Planning Office.



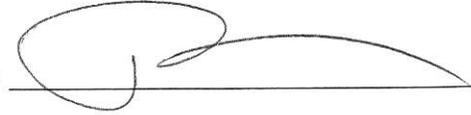
7. The appellant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

In addition, the appellant and property owner affirm that the tract or parcel of land subject of this application is, or is not, restricted by any recorded covenant that is contrary to, conflicts with, or prohibits, the requested activity.

If the planning office has actual notice that a restrictive covenant is contrary to, conflicts with, or prohibits the requested activity, the office must not issue the permit unless the office receives confirmation from the applicant that the restrictive covenant has been released by action of the appropriate authority, property holders, or by court order.

To that end, the appellant hereby affirms that the tract or parcel of land subject of the attached application **IS** ___ or **IS NOT** restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.

APPELLANT:  DATE: 10/5/16

PROPERTY OWNER:  DATE: 10/5/16

October 6, 2016

Planning and Zoning
City Of Greenville

Re: Special Exemptions, Miso's, 18 South Main Street

My Special Exemptions permit was revoked on September 27, 2016. I feel that the Administrator made an error in his decision. The revocation letter did not indicate any specific cause or documents to support the reason of this sudden action.

I did request a meeting with Bryan Wood and one was granted on September 30, 2016. I also emailed his secretary and him, requesting any and all documents relevant as to why my permit should be revoked. The reply was, that I was given the details regarding my permit and to bring that document with me. John Hamlett responded orally with it being two violations, the first of a SLED alcohol violation and the second from a noise violation.

At the beginning of the meeting, Bryan Wood told me before my statement, that he had already made his decision on the revocation of my permit, but would listen to my case and show me how to file an appeal.

In reference to the two violations mentioned by John Hamlett, one is for a SLED alcohol violation which occurred March 15, 2016. This was our first violation of this nature. We have complied with all SLED laws and regulations for the sale of alcohol and work hard to enforce it. My server was terminated the next day and I constantly stress the laws and regulations with my staff. The second incident was found to be a noise violation on September 22, 2016, in which the noise level measured in Miso's was within the lawful limits. No public official has produced any decibel readings nor were any citations issued from the police department.

My restaurant is located between two other popular Sushi restaurants and creates a lot of competition. Since the day my permit was revoked, I have lost well over \$5000 in revenue. As with all the other businesses, I pay a lot of taxes to the city that helps keep DT Greenville what it is, along with creating jobs for the economy. Empty buildings are also popping up and that doesn't look good for the city. Also, I have researched that many other businesses downtown have had many, many violations and still maintain their Special Exemptions permits.

I feel that we have closely followed the special exceptions rules and regulations as specified in the permitting documents. In all fairness, I do not see proper justification for this cause and believe that my Special Exemptions Permit should be reinstated.

Sincerely,

A handwritten signature in cursive script that reads "James Garrett". The signature is written in black ink and is positioned above the printed name.

James Garrett

President of Projects and Solutions, LLC dba "Miso's"







Planning Staff Report to
Board of Zoning Appeals
November 3, 2016
for the November 10, 2016 Public Hearing

Docket Number: A 16-718
Applicant: Projects and Solutions LLC; James Garrett, Jr
Property Owner: YOUNG INVESTMENT LLC
Property Location: 18 S MAIN ST 101
Tax Map Number: 000100-03-00300
Zoning: C-4, Central Business District
Request: Appeal of the Administrator's Decision to revoke a Special Exception Permit allowing a restaurant, Miso's on Main, to operate after midnight

Applicable Sections of the City of Greenville Code of Ordinances:

Sec.19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*
Sec.19-2.3.16, *Appeals from Decisions and Interpretations of the Administrator*
Article 19-10, *Enforcement*

Staff Recommendation: Uphold the Administrator's Decision

Staff Analysis:

In April 2014, the Board of Zoning Appeals granted a Special Exception (S 14-83) to the Applicant to operate a restaurant until 2 AM, subject to several conditions including the following:

2. *Operation of the establishment shall be limited to a 'Restaurant' as defined by the City Code and substantially conform to the testimony of the Applicant and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Special Exception Permit.*
3. *At all times during its occupancy, the Applicant shall assign a manager to the premises that shall ensure compliance with the terms of this Permit, the City Code, and the applicable SC Code of Laws and Regulations. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.*
6. *Exterior sound amplification is prohibited. Interior sound amplification shall be directed away from the principal entrance. There shall be no live entertainment or amplified sound allowed on the second floor after 10 PM.*

Mr. Garrett stated in his application and during his meeting with the Technical Advisory Committee in March 2014 that the restaurant would have "soft light music" and "light background music."

Concern about sound penetrating the residential units on the upper floors was made very clear at the BZA hearing in 2014. Residents asked for amplification to cease at 10 PM and Mr. Garrett responded by stating that he would turn the upper level speakers off at 10 PM and that the music downstairs would not create disturbance.

From March through September 2015, the Police Department received several noise complaints after 10 PM, and in some cases a live DJ was observed in the establishment. In September, citations were issued for noise as well as for happy hour violation (SLED: State Law Enforcement). A SLED citation was issued in December for discounted liquor.

The Applicant was contacted by Planning Staff and met together in February 2016 to address the issues. The Applicant expressed the intent to change the operation back to a 'restaurant,' to focus more on the food, and to better control the bad behavior of some regular customers. The Applicant stated that they would not have a DJ anymore. Staff stated that one more incident would cause their permit to be revoked.

Another SLED violation occurred in March, for underage alcohol sales. A few months later, a noise complaint occurred despite the manager's use of a decibel reader inside the establishment. Finally, a noise complaint in September 2016, due to a live DJ for trivia night, caused the Administrator to act on revoking the permit.

The Applicant filed the Appeal within 10 days, thereby staying the permit until the hearing date. Yet another noise complaint was received in October, due to a DJ and loud bass before 10 PM.

Timeline prepared by the Police Department:

04/17/2014 - Special Exception Permit granted
04/01/2015 – Report completed for noise complaint – no citation (15-23953)
07/02/2015 – Disorderly Conduct and Assault & Battery (15-48252)
09/04/2015 – CDV 1st & 2nd (15-64800)
09/30/2015 - Report completed for noise complaint @ 2240 – no citation (15-71404)
09/30/2015 - Report completed for noise complaint @ 2328 – no citation (15-71411)
10/02/2015 – Citations issued for Sept. 30th alcohol & noise violations (15-71411)
12/09/2015 – Discounted Liquor – Citation Issued (15-88313)
01/06/2016 – Report completed for noise complaint @ 2318– no citation (16-1193)
03/15/2016 – Selling Beer/Wine to Minor; Case adjudicated (16-16460)
06/25/2016 – Report completed for noise complaint @ 2250 – no citation (16-40027)
09/23/2016 - Report completed for noise complaint @ 2215 – no citation (16-60357)
09/27/2016 – Permit revoked
10/06/2016 - Report completed for noise complaint @ 2051 – no citation (16-63355)
10/07/2016 – Revocation appealed

Exhibit 1: Letter from the Administrator, September 27, 2016
Exhibit 2: Special Exception Permit S 14-83
Exhibit 3: Minutes from the April 2014 BZA meeting
Exhibit 4: TAC Report, March 2014
Exhibit 5: Application for Special Exception



Planning and Zoning

September 27, 2016

James A. Garrett, Jr.
Projects and Solutions LLC
209 Rackley Lane
Easley, SC 29642

Certified mail: 2014 0150 0002 1550 6423

Re: **Notice of Revocation of Zoning Permit**
Special Exception Permit # S 14-83
Allowing a restaurant to be open between midnight and 2 AM

Miso's on Main
18 S Main Street, #101, Greenville, SC (TM# 0001000300300)

Mr. Garrett:

Article 19-10, Enforcement, of the *City of Greenville Land Management Ordinance* establishes procedures through which the city seeks to ensure compliance with the provisions of the ordinance and obtain corrections for ordinance violations.

The administrator has determined that there is failure to comply with the terms and conditions required by the Board of Zoning Appeals, in their approval of the permit referenced above. By enforcement action authorized in Section 19-10.6.1(C), Remedies and Penalties, the Special Exception Permit S 14-83 is hereby revoked.

Owners and management of the business Miso's met with this department in February 2016 to discuss prior violations of the permit evidenced by complaints to the Police Department, issued citations, and violations of SLED regulation. At that time, the business operation was undergoing change and the management made assurances that there would be no further violations.

Since February 2016, additional incident reports and violations have been filed. Therefore, the administrator finds that there is sufficient reason to revoke Special Exception Permit (S 14-83). **Effective upon receipt of this letter, Miso's on Main can no longer operate after midnight.**

If you believe the administrator erred in its decision, you have the right to appeal before the City of Greenville Board of Zoning Appeals. A written notice of appeal must be filed with the Zoning Administrator within 10 business days of the date of this letter, and must indicate the reasons you believe the decision is illegal, either in whole or in part. The application form for Appeal of the Administrator's Decision is available online at www.greenvillesc.gov/257/Zoning-Application-Forms or by calling the Planning and Development office at (864) 467-4476.

Sincerely,

Bryan Wood
Zoning Administrator

cc: Young Investment LLC, property owner
Miso's / 18 S Main Street / Greenville SC 29601

PERMIT Book: DE 2444 Page: 4403 - 4405
May 21, 2014 12:02:16 PM
Rec: \$10.00

2014034964
3 Pgs

FILED IN GREENVILLE COUNTY, SC *Timothy J. Haney*



**SPECIAL EXCEPTION PERMIT
CITY OF GREENVILLE, SOUTH CAROLINA**

PROPERTY INFORMATION:

YOUNG INVESTMENT, LLC
OWNER

0001000300300
TAX PARCEL #

18 S MAIN ST
ADDRESS/LINE 1

2364
DEED BOOK

4483
PAGE

20091116
RECORDED DATE

GREENVILLE, SC
ADDRESS/LINE 2

0
PLAT BOOK

0
PAGE

N/A
RECORDED DATE

PROVISION(S) OF THE GREENVILLE CITY CODE AUTHORIZING THE ISSUANCE OF A SPECIAL EXCEPTION PERMIT:

SECTIONS 19-2.3.5, SPECIAL EXCEPTION PERMIT, 19-4.1, TABLE OF USES,
AND 19-4.3, USE SPECIFIC STANDARDS

DESCRIPTION OF THE ACTIVITY AUTHORIZED BY THE ISSUANCE OF THE SPECIAL EXCEPTION PERMIT (DOCKET # S 14-83):

"OPEN TO THE PUBLIC BETWEEN 12 MIDNIGHT AND 2 AM"

LAPSE DATE OF SPECIAL EXCEPTION PERMIT: APRIL 17, 2016 UNLESS SPECIAL EXCEPTION IS VESTED PURSUANT TO SECTION 19-2.2.14 OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE.

STIPULATIONS:

1. The Special Exception Permit is limited to the Applicant, James A. Garrett, Jr. of Projects and Solutions, LLC dba "Miso's," and is not transferrable.
2. Operation of the establishment shall be limited to a 'Restaurant' as defined by the City Code and substantially conform to the testimony of the Applicant and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Special Exception Permit.
3. At all times during its occupancy, the Applicant shall assign a manager to the premises that shall ensure compliance with the terms of this Permit, the City Code, and the applicable SC Code of Laws and Regulations. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.
4. The Applicant and all of its managers and employees responsible for the management of the establishment (current and future) shall participate in the "Merchant Education / Server Training" Program offered by the Phoenix Center or comparable program offered by other vendor(s) approved by the Greenville Police Department. Evidence of satisfactory completion of this training shall be retained for each employee on-site and available for inspection by the Administrator and the Greenville Police Department. Current personnel shall receive training within ninety (90) days of the date of the granting of this Permit and future personnel shall receive training within thirty (30) days of hiring.

5. The City's Technical Advisory Committee (TAC) shall review the application and the operations of the establishment after six months of operation to determine whether the Applicant shall be required to retain a minimum of one (1) certified outdoor security person in front of the establishment between the hours of 10 PM and 2 AM Friday and Saturday nights and at any time while open for business when it is reasonably anticipated that a larger-than-average number of patrons will occupy the premises. This person may be a sworn law enforcement officer or certified security person possessing a "Security Officer Registration Certificate" pursuant to Chapter 18 of Title 40 of the SC Code of Laws. No other employee may serve in the capacity of a security person unless so certified.
6. Exterior sound amplification is prohibited. Interior sound amplification shall be directed away from the principal entrance. There shall be no live entertainment or amplified sound allowed on the second floor after 10 PM.
7. Operation of the facility when open to the public from 12 Midnight to 2 AM shall comply with the provisions of Sec 19-4.3.3 (A) of the City Code.
8. The Applicant shall ensure that any and all rear ingress/egress doors shall be secured between the hours of 10 PM and 2 AM with a staff member or by means of an electronically controlled alarm system to prevent patrons from entering without passing a staff member or security personnel.
9. In the event that a final determination by a competent court finds the Applicant in violation of the deeds and restrictions of the property, such determination shall constitute a violation of the terms of this Special Exception Permit.
10. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator. A copy of the Special Exception Permit shall be maintained with other posted occupancy information on the premises.

ISSUED THIS 7th DAY OF MAY, 2014.

[Signature]
 WITNESS
[Signature]
 WITNESS

[Signature]
 BRYAN D. WOOD
 ZONING ADMINISTRATOR
 CITY OF GREENVILLE
 P.O. BOX 2207
 GREENVILLE, SC 29602

ACKNOWLEDGEMENT

STATE OF SOUTH CAROLINA
 COUNTY OF GREENVILLE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 7 DAY OF May, 2014 BY BRYAN D. WOOD.

[Signature]
 NOTARY PUBLIC
 MY COMMISSION EXPIRES: 8-16-2017

PROJECTS AND SOLUTIONS, LLC
APPLICANT

James A. Carruth, Jr.
BY (SIGNATURE)

James A. Carruth, Jr.
BY (PRINTED)

President
TITLE

Melissa Bennett
WITNESS

Jay Simpson
WITNESS

YOUNG INVESTMENT, LLC
OWNER

Rob Young
BY (SIGNATURE)

President
BY (PRINTED)

Rob Young
TITLE

Carlene Young
WITNESS

Carlene Young
WITNESS

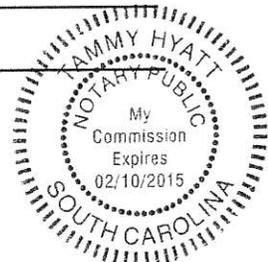
ACKNOWLEDGEMENT

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 5 DAY OF
May, 2015 BY PROJECTS AND SOLUTIONS, LLC THROUGH ITS DULY
AUTHORIZED OFFICER.

Tammy Hyatt

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____



ACKNOWLEDGEMENT

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 5 DAY OF
May, 2015 BY YOUNG INVESTMENT, LLC THROUGH ITS DULY AUTHORIZED
OFFICER.

Tammy Hyatt

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____





City of Greenville
Board of Zoning Appeals
Minutes of the April 17, 2014 Regular Meeting
10th Floor – Council Chambers
4:00 PM
Meeting Notice Posted on Friday, April 11, 2014

Members Present: Chatman, Jones, Dando, Hammond, Hinson (4:05), and Tindall
Members Absent: Buttry
Staff Present: Kerski, Schmidt, Rickoff, Wood, Lt. Rampey, Kovalcik and McKinney

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, 2013 via the Greenville City Website. The Agenda for this Meeting was posted outside the meeting place (City Council Chambers in City Hall) 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.

CALL TO ORDER: Vice Chairman Dando called the meeting to order at 4:03 PM and Chairman Hinson entered and took the chair shortly afterwards.

APPROVAL OF MINUTES: The Board approved the Minutes of the March 20, 2014.

ACCEPTANCE OF AGENDA: Agenda was approved.

CONFLICT OF INTEREST: There was a conflict of interest noted for applications S 14-83 and V 14-89 by Board Member Keith Jones.

NEW BUSINESS:

A. S 14-57. Application of Tony Bertolo for a **Special Exception Permit** to operate a restaurant between the hours of Midnight and 3 AM, located at **200 N Main Street**, in the 'C-4', *Central Business*, District (TMS # 0032000200600).

Abbie Rickoff presented the staff report and recommended removing condition #4. The Applicant is requesting a Special Exception Permit to allow the main dining room to operate from 12 midnight until 3:00 AM on Fridays and Saturdays. Bertolo's will continue to operate the late night window as is. After 12 midnight, the main dining room will serve only pizza (same as the window) and will not offer alcohol or the full food menu.

Staff Conclusion: Staff concludes that the Application complies with the standards for granting a Special Exception Permit to be **'Open to the public between the hours of 12 midnight and 3 AM'**. Staff suggests the following conditions:

1. The Special Exception Permit is limited to the Applicant, Tony Bertolo, dba "Antonio Bertolo's Pizza & Wine Bar" and is not transferrable.
2. Operation of the facility shall be limited to a 'restaurant' as defined by the City Code and substantially conform to the testimony of the Applicant and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Special Exception Permit.
3. At all times during its occupancy, the Applicant shall assign a manager on the premises who shall ensure compliance with the terms of this Permit, the City Code, and the applicable SC Code of Laws and Regulations. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.

- ~~4. The Applicant and all of its managers and employees responsible for the management of the establishment (current and future) shall participate in the "Merchant Education / Server Training" Program offered by the Phoenix Center or comparable program offered by other vendor(s) approved by the Greenville Police Department. Evidence of satisfactory completion of this training shall be retained for each employee on-site and available for inspection by the Administrator and the Greenville Police Department. Current personnel shall receive training within ninety (90) days of the date of the granting of this Permit and future personnel shall receive training within thirty (30) days of hiring.~~
5. Exterior sound amplification is prohibited. Interior sound amplification shall be directed toward the inside of the restaurant.
6. In addition to the manager, a minimum of 5 employees shall be employed during the hours of 12 midnight and 3 AM on Fridays and Saturdays to assist with general operations. These employees shall monitor congestion on the sidewalk and, at all times, ensure that a minimum 6-foot access is provided.
7. The side entrance to the atrium shall remain locked after 10:00 PM with ingress and egress permitted only from the Main Street entrance.
8. The establishment shall close no later than 3:00 AM. Alcohol shall not be served later than 12:00 AM. Operation of the facility when open to the public between 12 Midnight and 3 AM shall comply with the provisions of Sec 19-4.3.3(A) of the City Code.
9. The Applicant shall receive written permission from the Ivey Square Board to operate under the conditions enumerated above.
10. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator. A copy of the Special Exception Permit shall be maintained with other posted occupancy information on the premises.

Board Member Hinson questioned the need for condition #9 – approval of the other property owners is not normally required.

Ron McKinney, City Attorney, agreed that property owner's association could impose their own restrictions.

Fire Chief Kovalcik presented the Technical Advisory Committee report:

1. The Committee recommends the BZA approve the Special Exception.
2. The Committee also recommends that the BZA incorporate into the Special Exception all conditions suggested by Planning Staff (including the removal of #4).

Tony Bertolo, owner of business and the property, presented the information for the application. He stated that he would like to open the dining room to provide comfort and shelter for his customers. He stated that he would cease serving alcohol at Midnight. Mr. Bertolo answered questions from the Board.

Board Member Hammond stated that he didn't think the POA's approval or not should have anything to do with the BZA's decision to approval the special exception.

Bryan Wood confirmed the statement, and that the Applicant has indicated that there are not restrictive covenants on the property that would prevent his request.

Having no one else wishing to address the application, the Board closed the public comment portion of the hearing.

Board Member Hammond made a motion to approve the Special Exception Permit to operate a restaurant between the hours of Midnight and 3 AM, subject to staff conditions with the removal of conditions #4 and #9. Board Member Dando seconded the motion. The motion passed by a vote of 6-0.

Board Member Jones has a conflict of interest for the two remaining applications and he leaves the meeting at this point.

B. S 14-83. Application of James A. Garrett, Jr. for a **Special Exception Permit** to operate a restaurant between the hours of Midnight and 2 AM, located at **18 S Main Street**, in the 'C-4', *Central Business*, District (TMS # 0001000300300).

Nathalie Schmidt presented the staff report. The Applicant is requesting a Special Exception to allow "Miso's" to be open between the hours of 12 Midnight and 2 AM. The use of the property is subject to deeds and restrictions governed by the property owners' association.

Staff Conclusion: Staff concludes that the Application is able to comply with the standards for granting a Special Exception Permit for a restaurant to be 'Open to the Public between the Hours of 12 Midnight and 2 AM'. Staff recommends the following conditions:

1. The Special Exception Permit is limited to the Applicant, James A. Garrett, Jr of Projects and Solutions, LLC, dba "Miso's," and is not transferrable.
2. Operation of the establishment shall be limited to a 'Restaurant' as defined by the City Code and substantially conform to the testimony of the Applicant and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Special Exception Permit.
3. At all times during its occupancy, the Applicant shall assign a manager to the premises that shall ensure compliance with the terms of this Permit, the City Code, and the applicable SC Code of Laws and Regulations. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.
4. The Applicant and all of its managers and employees responsible for the management of the establishment (current and future) shall participate in the "Merchant Education / Server Training" Program offered by the Phoenix Center or comparable program offered by other vendor(s) approved by the Greenville Police Department. Evidence of satisfactory completion of this training shall be retained for each employee on-site and available for inspection by the Administrator and the Greenville Police Department. Current personnel shall receive training within ninety (90) days of the date of the granting of this Permit and future personnel shall receive training within thirty (30) days of hiring.
5. The Applicant shall retain a minimum of one (1) certified outdoor security person in front of the establishment between the hours of 10 PM and 2 AM Friday and Saturday nights and at any time while open for business when it is reasonably anticipated that a larger-than-average number of patrons will occupy the premises. This person may be a sworn law enforcement officer or certified security person possessing a "Security Officer Registration Certificate" pursuant to Chapter 18 of Title 40 of the SC Code of Laws. No other employee may serve in the capacity of a security person unless so certified.
6. Exterior sound amplification is prohibited. Interior sound amplification shall be directed away from the principal entrance. There shall be no live entertainment or amplified sound allowed on the second floor after 10 PM.
7. Operation of the facility when open to the public from 12 Midnight to 2 AM shall comply with the provisions of Sec 19-4.3.3 (A) of the City Code.
8. The Applicant shall ensure that any and all rear ingress/egress doors shall be secured between the hours of 10 PM and 2 AM with a staff member or by means of an electronically controlled alarm system to prevent patrons from entering without passing a staff member or security personnel.
9. In the event that a final determination by a competent court finds the Applicant in violation of the deeds and restrictions of the property, such determination shall constitute a violation of the terms of this Special Exception Permit.

10. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator. A copy of the Special Exception Permit shall be maintained with other posted occupancy information on the premises.

Chief Kovalcik presented the Technical Advisory Committee report:

1. The Committee recommends the BZA approve the Special Exception.
2. The Committee also recommends that the BZA incorporate into the Special Exception conditions suggested by Planning Staff, except for #5 regarding certified outdoor security.

Chief Kovalcik stated that the TAC would like to see condition #5 waived initially, with the ability for the TAC to review the establishment after six months and to determine at that time if an outdoor security person is required during late night hours.

James and Melissa Garrett, Applicants, presented the information for the application. He stated that he has dreamt of owning a restaurant and is blessed to be able to do this downtown. There will be a completely new staff and there will be security at the front on Thursdays, Fridays, and Saturdays from 10pm to 2am. Also, he stated that he has spoken a little bit with some of the residents in the building. Mr. & Mrs. Garrett answered questions from the Board.

Peter Hellwing, president of the Home Owner's Association spoke about the concerns regarding the master deed with restrictions regarding restaurants (problems with smells and sounds). They would like sound to be limited after 10PM. He presented a copy of the Deed to the Board.

Leonard Byrne, resident directly above the proposed restaurant stated that in the past he has had to make several calls about the odors and sounds.

Robert Young, owner of the building, stated that he is working with the Applicant and addressing the problems of noise and smells.

James Garrett stated that the upstairs dining room will be closed as long as it is not needed and that the two small speakers will be off after 10PM. He is agreeable with complying with the property Deed.

Having no one else wishing to address the application, the Board closed the public comment portion of the hearing.

Board Member Hammond made a motion to approve the Special Exception Permit to operate a restaurant between the hours of Midnight and 2 AM subject to the staff conditions, with one change: condition #5 shall be waived and the Technical Advisory Committee shall review the establishment after six months of operation and at that time determine if condition #5 shall be required. Board Member Tindall seconded the motion. The motion was approved by a vote of 5-0-1 (Jones recused).

C. V 14-89. Application of Trevor Ream (1027 Partnership LLC) for a **Variance** to Article 19-5, *Dimensional Standards*, to allow building encroachments into the front setback required in a 'C-3', *Regional Commercial*, District, for three properties including **1027 S Main Street** (TMS # 0073000400600, -01200, -01100).

Bryan Wood presented the staff report. The Applicant has three parcels of land under contract, including the parcel currently used by Blanding's Auto Detailing on South Main Street. The proposed redevelopment is a townhouse-style mixed-use development (residential with live-work options) with 18 dwelling units.

Staff Conclusion: Staff concludes that the request meets each of the standards for granting a Variance Permit.

Trevor Ream, Applicant, presented the information for the application. He explained that the Variance would enhance the neighborhood streetscape and that the irregular property lines make it impossible to create a pleasing looking streetscape. He also explained the financial issues of the project and the relationship of this to the need for a higher density. Mr. Ream answered questions from the Board.

Having no one else wishing to address the application, the Board closed the public comment portion of the hearing.

Board Member Hammond made a motion to approve the Variance Permit as presented, stating that the proposed development is consistent with the nearby 'C-4' District, which does not require front setbacks. Board Member Tindall seconded the motion. The motion was approved by a vote of 5-0-1 (Jones recused).

Other Business:

Bryan Wood spoke to the Board about potential administrative review of applications for bars/nightclubs, with appeals of those decisions to go to the Board.

Board Members asked how public comments would be collected if handled administratively. Staff will address this as procedures are developed.

Adjournment: Upon motion duly made and seconded, the meeting adjourned at 5:10 PM.

REPORT OF THE TECHNICAL ADVISORY COMMITTEE
to the
BOARD OF ZONING APPEALS

ITEM NUMBER: S 14-83

Committee Meeting Date(s): March 17, 2014

Applicant's representatives attending meeting: James A. Garrett, Jr., Owner of Miso's

Proposed Business: Miso's Restaurant

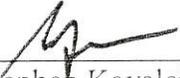
FINDINGS OF THE COMMITTEE:

1. The application identified as Exhibit 1 attached to these findings is hereby incorporated and made part of the findings of this Committee.
2. The applicant desires to open an Asian cuisine themed restaurant named Miso's.
3. The applicant indicates the restaurant will offer tapas and sushi with food cooked on hot stones or salt blocks similar to the business plan of the most recent restaurants at this location, Red Fin and KOI.
4. The applicant indicates that he has little to no prior restaurant experience.
5. The applicant indicated that he chose an Asian cuisine theme because that is what prior restaurants located at this address had done.
6. The applicant indicates he and his wife will run the business.
7. The applicant indicates that he will be on premises as often as possible and will have a manager on site when he is not.
8. The applicant indicates he will use the sushi chef who worked for Red Fin and KOI.
9. The applicant indicates there will be light background music at the restaurant.
10. The applicant indicates he is aware of previous free pour theft by bartenders of the previous restaurants at this location and he will consider installing video cameras to deter theft as recommended by Lt. Rampey.
11. The applicant indicates he and his wife are taking management courses and safe serve courses to prepare them to operate this restaurant.
12. The applicant indicates his reason for requesting a special exception for operation from midnight to 2 a.m. is to generate the additional revenue that comes from staying open late.

RECOMMENDATIONS OF THE COMMITTEE:

1. The Committee recommends the BZA approve the application with the conditions suggested by planning staff in their report.

Respectfully Submitted,



Stephen Kovalcik,

Fire Chief

Chairman, Technical Advisory Committee

Application # <u>S 14-83</u>	Fees Paid _____
Date Received: <u>3-10-2014</u>	Accepted by <u>man</u>
Date deemed complete _____	App Deny Conditions _____



APPLICATION FOR SPECIAL EXCEPTION
CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT/OWNER INFORMATION

	APPLICANT	PROPERTY OWNER
NAME:	<u>James A. Garrett, Jr.</u>	<u>Young Investment, LLC</u>
ADDRESS:	<u>209 Rackley Lane</u> <u>Eastley, SC 29642</u>	<u>12 Thornton Ave</u> <u>Greenville, SC 29609</u>
PHONE:	<u>864-380-7370</u>	<u>864-414-8555</u>
FAX:	_____	_____
EMAIL:	<u>projectsandsolutions</u> <u>@charter.net</u>	_____

PROPERTY INFORMATION

STREET ADDRESS: 18 South Main St, Greenville, SC 29601

DEED BOOK/PAGE _____ RECORDED DATE _____

TAX PARCEL #: 0001000300300

ZONING DESIGNATION: _____ ACREAGE _____

REQUEST

CODE SECTION AUTHORIZING SPECIAL EXCEPTION: _____

DESCRIPTION OF REQUEST: I request to be allowed to be able to
conduct business from my establishment from 12:00 am to 2:00 pm

INSTRUCTIONS

1. The application and fee, made payable to the City of Greenville, must be received by the planning and development office no later than 5:00 pm of the date reflected on the attached schedule.

2. The applicant/owner must respond to the "standards" questions on page 2 of this application (you must answer "why" you believe the application meets the tests for the granting of a special exception). See also **Section 19-2.3.5, Special Exception Permit**, for additional information. You may attach a separate sheet addressing these questions.

3. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the proposed development (activity); (c) existing buildings and other relevant site improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested special exception.

4. You must attach the required application fee: \$250.00

5. The administrator will review the application for "sufficiency" pursuant to **Section 19-2.2.6, Determination of Sufficiency**, prior to placing the application on the BZA agenda. If the application is determined to be "insufficient", the administrator will contact the applicant to request that the applicant resolve the deficiencies. *You are encouraged to schedule an application conference with a planner, who will review your application for "sufficiency" at the time it is submitted. Call (864) 467-4476 to schedule an appointment.*

6. You must post the subject property at least 15 days (but not more than 18 days) prior to the scheduled hearing date.

 1 'Public Hearing' signs are acknowledged as received by the applicant

James A. Barrett, Jr.
Applicant Signature

7. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

In addition the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived, then the planning office will indicate in its report to the planning commission that granting the requested change would not likely result in the benefit the applicant seeks.

To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is _____ or is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.

James A. Barrett, Jr.

APPLICANT

03-10-2014

DATE

[Signature]

PROPERTY OWNER

3/10/14

DATE

APPLICANT RESPONSE TO

SECTION 19-2.3.5(D)(1), STANDARDS – SPECIAL EXCEPTION

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED SPECIAL EXCEPTION IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

The use is consistent with the relevant Plans adopted for the area, which call for the characteristic core, mixed uses associated with CBD's. The property is zoned C-4 which does allow per section special exemptions. The location has been approved prior as a cigar bar/nightclub, and also as a restaurant.

2. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL COMPLY WITH THE STANDARDS IN SECTION 19-4.3, USE SPECIFIC STANDARDS.

Loitering, solicitation and disorderly conduct will be prohibited at all times and enforced by the proprietors.

3. DESCRIBE THE WAYS IN WHICH THE REQUEST IS APPROPRIATE FOR ITS LOCATION AND IS COMPATIBLE WITH THE CHARACTER OF EXISTING AND PERMITTED USES OF SURROUNDING LANDS AND WILL NOT REDUCE THE PROPERTY VALUES THEREOF.

Mixed uses are the hallmark of this area, especially on Main Street. The proposed use is compatible with the character of the surrounding areas restaurants.

4. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL MINIMIZE ADVERSE EFFECTS ON ADJACENT LANDS INCLUDING: VISUAL IMPACTS; SERVICE DELIVERY; PARKING AND LOADING; ODORS; NOISE; GLARE; AND, VIBRATION. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL NOT CREATE A NUISANCE.

The design does not have substantial adverse impact. Any impact for delivery, parking, traffic, are neither unique to this use nor are they foreign to the area.

In conclusion, the special exception is consistent with the spirit, purpose and intent of the City of Greenville Comprehensive Plan and Zoning Ordinances.



ZONING APPLICATION
ESTABLISHMENTS SERVING BEER, WINE, OR LIQUOR

James A. Garrett, Jr.
APPLICANT

Young Investment Res Young
PROPERTY OWNER

209 Rackley Lane Easley, SC 29642
MAILING ADDRESS 1

12 THURNTON AVE GREENVILLE, SC 29609
MAILING ADDRESS 1

MAILING ADDRESS 2
Projects and Solutions
EMAIL jgarrett@charter.net

MAILING ADDRESS 2
Rob@Communicating Results Group.com
EMAIL

864-380-7370
PHONE

864 414 8555
PHONE

James A. Garrett, Jr.
SIGNATURE OF APPLICANT

[Signature]
SIGNATURE OF OWNER OR AGENT

03-07-2014
DATE

3/7/14
DATE

PROPERTY INFORMATION

185. MAIW STREET #101
ADDRESS
0001000300300
TMS #

C-4
ZONING DISTRICT DESIGNATION

DESCRIPTION OF PROPOSED USE

PLEASE PROVIDE THE FOLLOWING INFORMATION:

1. OPERATING PLAN – DESCRIBE THE NATURE OF THE PROPOSED USE (INCLUDING “THEME”), HOURS OF OPERATION (FOR ALL USES AT LOCATION; I.E., BAR, RESTAURANT, ETC.).
2. SCALED FLOOR / SEATING PLAN (not required to be sealed by an Architect at this time)
3. ENTERTAINMENT PLAN – TYPES OF ENTERTAINMENT, LOCATION, DURATION, DAYS OF THE WEEK, AMPLIFICATION.
4. MENU – PROVIDE TYPICAL MENUS OF ALL MEALS, HOURS SERVED, KITCHEN HOURS, ETC.
5. DHEC KITCHEN EQUIPMENT SCHEDULE
6. PROJECTED REVENUE (% ALCOHOL SALES VS FOOD SALES).
7. STAFFING – NUMBER OF PERSONNEL BY JOB DESCRIPTIONS AND ASSIGNED SHIFTS

OTHER INFORMATION
(Please provide documentation)

1. HAVE YOU SUBMITTED AN ABL-901 TO THE SC DEPARTMENT OF REVENUE AND WHAT IS THE STATUS OF THE APPLICATION?
2. HAS ‘SLED’ DETERMINED THAT THE PROPOSED LOCATION MEETS THE REQUIREMENTS OF THE STATUTE AND SC CODE OF REGULATIONS?
3. HAVE YOU APPLIED TO DHEC AND WHAT IS THE STATUS OF THE APPLICATION?
4. OTHER CURRENT LOCATIONS OF THIS BUSINESS OR BUSINESSES THAT YOU OWN/OPERATE (OR HAVE PREVIOUSLY OWNED/OPERATED IN THIS CITY OR ELSEWHERE).
5. NAMES AND ADDRESSES OF ALL BUSINESS PRINCIPALS.
6. OTHER INFORMATION THAT THE ADMINISTRATOR DEEMS RELEVANT TO MAKING A DETERMINATION.

OVER

Miso's is an Asian inspired concept. It offers a comfortable, upscale ambience, replete with its signature Bar that lights up in different colors and entertainment with soft light music. The menu features various types of Sushi, Tapas dishes, salads and cocktails. Miso's location is an extremely high visibility spot on one of the most popular areas on Main street and corridors in the region. It has excellent street and garage parking, excellent ingress and egress from an eight lane thoroughfare.

2. See attached floor plans
3. Entertainment plan to consist of light background music 7 days week.
4. Menu (see attached)

Our Dinner operating hours are sought to be 5:00 pm-2:00am on Sunday - Saturday.

From 5:00pm – 10:00pm Sunday – Saturday, our staffing is to be as follows:

- (3) Sushi chefs
- (1) Kitchen prep person
- (1) General Manager
- (1) Assistant Manager
- (1) Floor manager
- (2) Bartenders
- (2) Hostess
- (10) Servers
- (2) Dishwashers

From 10:00pm – 2:00am, our staffing is to be as follows:

- (1) Manager
- (1) Sushi Chef
- (1) Bartender
- (2) Servers
- (1) Dishwasher

Our Lunch operating hours are sought to be 11:30am-2pm on Sunday – Saturday with staffing as follows:

(1) Manager

(1) Sushi Chef

(1) Kitchen prep person

(1) Bartender

(2) Servers

(1) Dishwasher

5. Kitchen schedule consists of (2) Sushi Coolers, (1) Sushi Prep Fridge, (1) Sandwich Prep cooler, (2) Stand up Coolers, (3) Freezers, Miscellaneous stainless steel tables, (2) three compartment sinks, (2) dishwashers, (2) Beer coolers, (1) Wine chiller, (1) Icemaker, (1) Mop sink

6. Our projected revenue of % Alcohol Sales vs Food Sales is as follows: 25% Alcohol Sales and 75% Food Sales.

7. Please see as listed with line 4.

DAVID M. SAMPSON ARCHITECTS
GREENVILLE, SOUTH CAROLINA
864-575-8958

KEARNS
CONSTRUCTION COMPANY
Easley, South Carolina



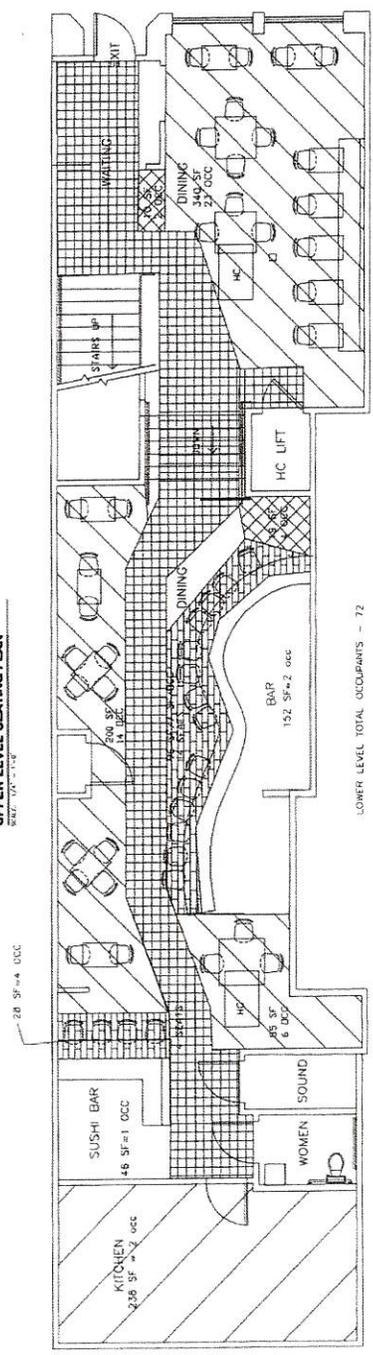
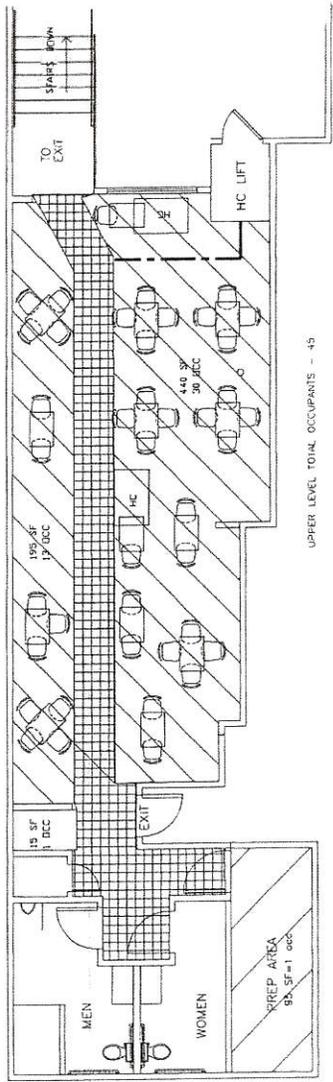
ALTERATIONS TO
RED FIN
SUSHI BAR / RESTAURANT
GREENVILLE, SOUTH CAROLINA

NO.	DATE	DESCRIPTION
1	11/14/12	ISSUED FOR PERMITS

SEATING PLANS
SP

	EGRESS ROUTE 100 SF/OCC 4 OCC
	BUSINESS -GROSS 15 SF/OCC 86 OCC
	ASSEMBLY, UNCONCENTRATED 15 SF/OCC 86 OCC
	KITCHEN, 200 SF/OCC 3 OCC
	ASSEMBLY, STANDING SPACE 5 SF/OCC 6 OCC
	ASSEMBLY, SEATING AT BAR 18 SEATS
	WAIT STAFF 6 OCC
TOTAL 123 OCC	

OCCUPANT LOAD
TOTAL OCCUPANTS - 123 (INCLUDING 6 WAIT STAFF)
TOILET FIXTURES - 4 WC AT 40 OCC.
EACH = 100 OCC. ALLOWABLE



Miso's

James A. Garrett, Jr.

Miso's was purchased as a business that had already been established previously and had been remodeled with newer upscaled décor. The previous business had closed in February 2014. Miso's is planning to open as all new and non associated with any previous food establishments in this location. Miso's purchase and décor changes are funded by personal funds. Miso's hopes to open for business in mid April or early May.

EXECUTIVE SUMMARY

Miso's will be formed to bring patrons a warm and inviting dining experience like no other. Miso's will feature an eclectic array of great food for every one along with fresh cocktails, fine wines and imported beers.

Miso's will be incorporated as a limited liability company. The business location will be at 18 South Main Street, Ste 101 and 102, Greenville, SC.

The head of Miso's management team will be CEO James Garrett and his wife Melissa. James has some restaurant experience along with a vast amount of management skills from college and past employment in managing maintenance contracts. Melissa is a paralegal, currently employed with a CPA firm as an office manager and will be departing her employment when Miso's opens. Melissa has experience from past restaurants in Server and Hostess positions. James and Melissa also have a son with +15 years of experience in all aspects of the business, including Management, server, and bartender. He will not be in a management position, but will work as a server and bartender. The rest of the management team will consist of a general manager and a kitchen manager/head chef. Aiding the management team are advisors who have restaurant and business experience.

Miso's is a residential and commercial area in beautiful downtown Greenville. Nearly everything will be within walking distance to Miso's.

There is a lot of competition in the food and drink industry. There are a few brewpubs, bars, and many restaurants in the Greenville area. However, Miso's has competitive advantages that will help them meet or beat the competition.

The marketing strategy of Miso's is a combination of billboard advertisements, Facebook, mailings, newspaper ads, kiosks, and promotions at local events. In addition, Miso's will use advertisements, a frequent dining program, specials, a happy hour, group events, and sponsorships to get customers in the door and keep them coming back. Pricing of Miso's products will be based on competition, cost, and demand.

OBJECTIVES

Sales to net yearly profits in excess of 19%

Miso's anticipates an annual gross sales growth of 10-12%

THEME

Miso's is a contemporary Asian Infused restaurant, serving Tapas and Sushi

MISSION

Vision: To bring a warm and inviting atmosphere to the downtown Greenville and surrounding area.

Mission: Miso's in downtown Greenville is dedicated to bringing patrons a warm and inviting dining experience like no other. With an eclectic array of great food and drinks, everyone will be able to find something they like.

- Miso's is a family owned commercial enterprise, and as such, exists for the purpose of generating sales and profits for its, owners, managers and staff. Because Miso's Restaurant is a service business, it also exists to serve its customers. These two reasons for its existence are inextricable. If one aspect does not exist, the other will cease to exist.
- Miso's Restaurant will be targeted to providing services to downtown dwellers, business associates and shoppers from everywhere and will be available for lunch and dinner. They also will be open late hours for the late night workers and late entertainment crowds.
- Miso's Restaurant will offer mouth-watering Sushi, Tapas, non-alcoholic and alcoholic beverages in a soothing and vibrant environment.
- Our staff will be cheerful, courteous, and focused on pleasing our customers.
- Our customers will always be treated with importance and warmth. When it comes time for our customers to decide where to spend their entertainment dollars, we will strive to become their first destination of choice.
- Our staff will be offered a workplace where they can prosper and grow in a dignified, fun and rewarding manner.
- Our vendors will be treated with loyalty, and they will find their future with us to be fruitful.
- We will be a good neighbor to the businesses in our area, and we will be a contributing and supportive member of our city and community.

Tagline: Miso's a place for good food, good beverages, and good fun.

ORGANIZATION

Company Name

The Legal Name is: Projects and Solutions, LLC.

Legal Form of Business

Projects and Solutions, LLC is dba as Miso's located at the address: 18 South Main Street, Greenville, SC 29601

Management Summary

Miso's will be well organized above average staffing and utilizing as many local vendors as possible, in which also keeps dollars in the city of Greenville as well as stocking with top quality food and drink inventory.

Our banking will be with a local, but large and well known bank.

Miso's management will primarily be the duty of CEO, James Garrett, with the aid of experienced business professionals Vuong Pham, who will be the Head chef/kitchen manager and Hunt Gualder who has many years of experience of all aspects of the restaurant industry. Also, part of the management team will be a General manager and Bar manager who will be identified later.

The CEO, James Garrett, is from Easley, South Carolina

James Garrett, CEO

1. Responsible for maintaining the vision, mission, and philosophy of the company
2. Oversees the restaurant as a whole, maintaining the integrity of the operations along with the marketing and sales through advisors
3. Responsible for the investor relations of the company

General Manager

1. Handle customers
2. Handle employees—both front of the house and back of the house
3. Prepare paperwork, i.e. count inventory and calculate food cost, complete product ordering, and prepare labor schedules for both FOH

Head Cook/Kitchen Manager

1. Head of the kitchen
2. Handle all aspects of food preparation
3. In charge of kitchen staff, organization, inventory, and orders

General Restaurant Staff

1. Dishwashers (2)
2. Servers (8)
3. Hosts / Hostesses (2)
4. Bartenders (3)
5. Sous chef (3)
6. Prep Cook (2)

Accountant

1. Assist in directing the finances for the restaurant
2. Manage all budgets, projections, and all statements necessary for tax filings
3. Assist in preparing financial reports to help make business decisions

BUSINESS OVERVIEW

Restaurant Description

Everything in Miso's will be within walking distance. Additionally, there is currently a new Hotel being built to accommodate more of the visiting population from out of town tourists.

Ultimately, Miso's will be a thriving town of more than 8,000 residents and hundreds of businesses.

Seating

Seating in approximately 3380 sq. ft of customer space, which has an upstairs dining room and a separate bar section downstairs. There will be approximately 14 seats along the bar, 3 booths, 1 table, and a sushi bar with 3 seats. It is estimated that there will be at least a total of 95-100 seats.

Decorations

The exterior decoration will be painted in design. The interior decor will be warm- wood, in design. There will be wall hangings and memorabilia decorating the walls. The upstairs will feature a balcony section overlooking the front dining room, with a perfect view to the street.

Parking

There is on-street parking in front and near Miso's , a free public parking lot on weekends one block away, a public parking garage at back of building and within a block of another parking garage.

PRODUCTS

Menu Items

Sushi

Tapas

Appetizers

Soups

Salads

Beverages:

Sodas; Iced Tea; Coffee; Milk; Cocktails; beer; wine;

Specials (appearing at different intervals)

Appetizers:

Soups:

Miso

It is estimated that The Miso's will have \$15,000 worth of inventory at any one time (includes food, spices, etc.).

Miso's has a chef who has experience in all types of Asian fusion food.

COMPETITION

Competition can be broken up into two categories, Restaurants and bars. Miso's will essentially be competing in both categories which are somewhat related.

Restaurants

Miso's has some tough competition in this area, especially Takosushi. All of the analyzed have a strong location and convenience. Takosushi is located in historic downtown Greenville only two buildings down. Carolina Ale House is only a block away on the south end of Miso's, attracting passing consumers. Mursaki is four buildings up the street on a nearby corner, and has some of the best Sushi around. Miso's does have one of the best locations on Main Street, though. It is located across the street from a local coffee shop and a large bank, Wells Fargo. It also is directly in front of a crosswalk with a bench. Lastly, one of the mice statues used in Greenville's popular mice hunt is right beside the bench.

Cost of products will be similar to these restaurants, above average. The average meal price at these restaurants is \$8 to \$10. The selection of foods at Miso's will be different than competitors' will be served. To set itself apart in this category, we will offer Stone cooking. Miso's will use these features to share the Greenville market with Takosushi, and capture the Greenville market. These features will be attraction points for Miso's to take customers away from Takosushi and bring them to Miso's.

A lot of restaurants located close to Miso's are just okay or poor. Miso's should not have much trouble beating out these weak competitors, but will have trouble with some of the better restaurants. The goal of Miso's will be to achieve equality with these restaurants, because they are local favorites and have been in the area for a long time.

Attractions and amenities close to Miso's will increase the number of consumers in the area and therefore, increase the market. The amenities located within a short distance of Miso's include:

- Peace Center
- Bon Secures Center

All of these locations are recognizable consumer hot spots. Highways I-85 and I-385 are traveled by thousands of people every day.

The Peace Center Theater attracts a very large number of people annually, in over 300 events per

year.

MARKETING & SALES

Marketing Strategy

The marketing strategy of Miso's is to uphold to the strictest standards of quality and family fun while serving excellent food, cocktails, and atmosphere. This will provide the company with a strong reputation and encourage customers to tell others about their experience. Miso's must prove itself among the many restaurants in the Greenville area. When restaurants and drinking places open, people want to try them out immediately and first impressions can make or break companies in this industry. Therefore, Miso's will make sure every experience is a positive one. The unique selection of foods will make sure there is something for everyone and leave the customer craving for more.

Miso's will use traditional and nontraditional marketing efforts to promote the restaurant. Traditional marketing efforts will include billboard advertisements, direct mailings, and newspaper spots. Nontraditional marketing consists of indirect marketing. The combination of these marketing efforts will be used to create a "buzz" that will generate word-of-mouth marketing in the general public.

Miso's will also participate in many of the local downtown events. At these events, merchandise, coupons, and fliers will be handed out. Moreover, The Miso's will hand out these things as much as possible at as many places as it can to give the restaurant as much promotion as possible.

Pricing

The pricing of products at The Miso's will be based on three measurements: competition, cost, and demand. All three of these measures will be important for Miso's to realize its greatest profits.

Pricing of Miso's alcohol and food will be very similar to its competition. If our prices are too high, consumers will choose to take their business elsewhere. If prices are too low, Miso's profit margin will not be utilized to the fullest. Much of our pricing will be based on the pricing of items at Mursaki, because they will be a main competitor of Miso's, and because it too is a Sushi bar.

Also considered when pricing, will be the cost of the goods sold by Miso's. All products require different goods, quantities, and effort to be made. Obviously, products with higher priced goods, quantities, and effort are going to command a higher price.

The final factor considered in pricing will be demand. A lot of this demand will be based on consumer input. Miso's will monitor sales to see which goods are selling better than others. As stated earlier, if some goods are not selling up to standards, they might be removed from the menu. Likewise, Miso's would like to measure the price sensitivity of its customers. This will be

done by making occasional price markups and markdowns on selected menu items. This will survey how much consumers are willing to pay for certain items.

From our research, most sales in the restaurant industry come from food items. Pricing will change from time to time due to certain conditions, but will remain the same for the most part. Pricing will be reviewed on a monthly basis at a minimum.

Alcohol prices will vary depending upon competitor pricing, size, and cost of goods. Miso's will price its cocktails, beer and wine similarly to competitors.

In summary, Miso's will create a vibrant atmosphere and attract many people from near and far away. Miso's will play a vital role in the cities unique downtown attraction and also helps play a part in creating more jobs for the growing Greenville urban area. Miso's will be proud to represent Greenville as one of its finest restaurants and will thrive on keeping a reputation of the highest level. Additionally, Miso's will always be conscious and cautious also, of its bar side of the operation, and will exercise all forms of safety and liability for all of its customers and employees.

DIVISION 3. - NOISE

Sec. 16-91. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Except as otherwise provided, all words in this division shall be given their ordinary and customary meaning.

Ambient noise means the generally prevailing sound or combination of sounds at the location where a listener receives the sound of the noise about which a complaint is being made. It is the sound or combination of sounds which a person of ordinary sensibilities would reasonably expect to encounter at the location in the ordinary and customary use of the premises.

Central business district (CBD) means the downtown area, more particularly identified as zoning district C-4, as may from time to time be amended or adjusted under the city's zoning ordinances.

(Code 1985, § 7-2-12; Code 1997, § 16-91; Ord. No. 96-26, § 2(7-2-12(k)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-92. - Prohibited noise generally.

Any noise of such character, intensity or duration which substantially interferes with the comfortable enjoyment of persons of ordinary sensibilities occupying, owning or controlling nearby properties, or persons making use of public properties for their intended purposes, is hereby declared to be unlawful and to be a nuisance, and is prohibited.

(Code 1985, § 7-2-12; Code 1997, § 16-92; Ord. No. 96-26, § 2(7-2-12(a)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-93. - Standard of reasonableness and use of technology.

It is the intent of the city council in regulating noise to take into account the latest scientific advances in noise measurement and control while at the same time preserving the common sense and common law determination of what constitutes a disturbance or public nuisance. Therefore, technological sound level measurements, while desirable, shall not be required to demonstrate a violation of this division or any other ordinance or statute which establishes the

creation of disturbance or public nuisance. Decibel level measurements less than those specified in this division may still establish a violation of this division when due regard is made for the time, place and circumstances of the noise.

(Code 1985, § 7-2-12; Code 1997, § 16-93; Ord. No. 96-26, § 2(7-2-12(b)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-94. - Specific noises prohibited.

(a) *Operation of certain instruments, devices and equipment.* Nuisance noises shall include, but not be limited to, the use or operation of the following instruments, devices or pieces of equipment when operated in the manner prohibited by section 16-92:

- (1) Musical instruments.
- (2) Radios, receivers, stereos, televisions, disc players, tape players and comparable mechanical and electronic devices which produce sound.
- (3) Loudspeakers, amplifiers or other devices which enhance or influence the level of sound in any way.
- (4) Mechanical devices operating by compressed air, such as pneumatic drills and jackhammers.
- (5) Horns, sirens and signal devices using loud, brash or harassing noises, whether on vehicles or otherwise.
- (6) Motorized vehicles in operation, regardless of location, without mufflers or with ineffective mufflers or when there is rapid throttle advancing ("revving").
- (7) The human voice when used to yell, shout, scream or the like.
- (8) When operated at night, construction machinery, heavy duty equipment used in street repair and maintenance, and domestic and commercial power tools, unless a permit is obtained.

(b) *Continuous or repeated noises.* Regardless of the level of sound, the following shall be deemed a nuisance and shall be prohibited under section 16-92:

- (1) To keep any animal, including a bird, causing a frequent or long continued noise, such as barking, howling or screeching, disturbing the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.
- (2)

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(Code 1985, § 7-2-12; Code 1997, § 16-93; Ord. No. 96-26, § 2(7-2-12(b)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

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 - (6) Motorized vehicles in operation, regardless of location, without mufflers or with ineffective mufflers or when there is rapid throttle advancing ("revving").
 - (7) The human voice when used to yell, shout, scream or the like.
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- (b) *Continuous or repeated noises.* Regardless of the level of sound, the following shall be deemed a nuisance and shall be prohibited under section 16-92:
- (1) To keep any animal, including a bird, causing a frequent or long continued noise, such as barking, howling or screeching, disturbing the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.
 - (2)

To install or operate a burglar alarm system which uses an audible warning or bell without a functioning device that will shut off the warning or bell within 20 minutes after application of the system when the alarm cannot be readily or conveniently silenced manually by persons who are disturbed by its activation. Each activation of such an alarm that continues beyond 20 minutes shall be deemed a separate offense.

(Code 1985, § 7-2-12; Code 1997, § 16-94; Ord. No. 96-26, § 2(7-2-12(c), (d)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-95. - Exemptions.

The following noises shall be exempt from the prohibitions of section 16-92, even when they cause a disturbance:

- (1) Other code provisions notwithstanding, the sound produced by construction machinery, heavy duty equipment, and machines and equipment used for construction, repair, cleaning and maintenance of buildings, streets, or public or private premises when operated between the hours of 7:00 a.m. and 9:00 p.m. Such devices shall nevertheless be subject to the administrative stop order provisions of section 16-98.
- (2) The sound produced by horns, sirens and alarms used with authorized emergency vehicles or otherwise used as safety devices to alert persons to danger or attempted crime; however, this exemption shall not apply to improperly operating burglar alarms as identified in section 16-94(b)(2).
- (3) The sound produced by emergency repair measures necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger, following a fire, accident or natural disaster.
- (4) The sound produced by bells or chimes or other carillon instruments when used to signify the passage of hour, half-hour or quarter-hour components, or to commemorate a wedding, funeral or similar event, including regular religious services, provided the sounds do not exceed five continuous minutes in duration in any one-hour period.
- (5) The sound produced by the following, provided there is compliance with any federal regulations applicable to the noise:
 - a. Aircraft in flight or in operation at an airport;
 - b. Railroad equipment in operation on railroad rights-of-way; or
 - c. Motor vehicles, otherwise in lawful operation, on all public streets and highways.
- (6)

The sound of water splashing produced by any waterfall, stream, decorative water fountain or irrigation device when established or operated in an ordinary and customary manner.

- (7) The unamplified sound emanating from a ballpark, playing field, stadium or comparable outdoor facility designed and intended for recreational or sports activity when used for organized exhibitions or participatory sports or recreational activities.

(Code 1985, § 7-2-12; Code 1997, § 16-95; Ord. No. 96-26, § 2(7-2-12(e)), 4-22-1996; Ord. No. 2004-11, 2-9-2004; Ord. No. 2014-80, 9-8-2014)

Sec. 16-96. - Enforcement factors.

In the enforcement of this division, an enforcement officer may be required to exercise judgment in determining if a particular noise is sufficiently loud or otherwise so offensive that it would substantially interfere with persons occupying nearby public or private property. When making such determinations, the enforcement officer may consider the following and other relevant factors:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or unnatural.
- (5) The type and intensity of ambient noise, if any.
- (6) The nature and zoning of the area in which the noise is heard.

(Code 1985, § 7-2-12; Code 1997, § 16-96; Ord. No. 96-26, § 2(7-2-12(f)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-97. - Special permits.

- (a) *Entertainment or recreational events.* Whenever the city manager or his designee issues, on a temporary basis, special permits for events of an entertainment or recreational nature, which are held in the central business district, parks, public buildings or elsewhere, then those events shall be exempt from the prohibitions of this division, provided noise is otherwise regulated in the supervision of the activity and provided that the permit shall be

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- (7) The unamplified sound emanating from a ballpark, playing field, stadium or comparable outdoor facility designed and intended for recreational or sports activity when used for organized exhibitions or participatory sports or recreational activities.

(Code 1985, § 7-2-12; Code 1997, § 16-95; Ord. No. 96-26, § 2(7-2-12(e)), 4-22-1996; Ord. No. 2004-11, 2-9-2004; Ord. No. 2014-80, 9-8-2014)

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- (6) The nature and zoning of the area in which the noise is heard.

(Code 1985, § 7-2-12; Code 1997, § 16-96; Ord. No. 96-26, § 2(7-2-12(f)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

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subject to revocation at the discretion of the city manager or his designee on the basis of excessive or inappropriate noise. Whenever such revocation occurs, the activities of the event shall then become subject to the prohibitions of this division.

- (b) *Construction or maintenance operations.* The city manager or his designee may issue a permit exempting specific construction, solid waste pickup arrangements and maintenance of public streets and rights-of-way from the prohibitions of this division otherwise applicable to nighttime activity, provided the person seeking such permit can make a showing that no reasonable alternatives exist to creating the noise at night and the activity involved is compatible with the public interest.

(Code 1985, § 7-2-12; Code 1997, § 16-97; Ord. No. 96-26, § 2(7-2-12(g)(1)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-98. - Administrative stop orders.

The city manager or his designee may issue administrative stop orders to prohibit temporarily or to reschedule activities otherwise exempt under section 16-95 from the prohibitions of this division, when the continuation of the activity imposes a great hardship or substantial and aggravating inconvenience upon persons reasonably occupying or utilizing nearby premises, provided such administrative stop order is not used to prohibit completely an otherwise lawful activity and the city manager or his designee gives due consideration to balancing the hardships involved.

(Code 1985, § 7-2-12; Code 1997, § 16-98; Ord. No. 96-26, § 2(7-2-12(g)(2)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-99. - Special provisions for central business district.

Recognizing that the central business district is a place of mixed uses and close proximity, the intent of this division is that recognition be made of the fact that people occupying premises in the central business district must reasonably expect a greater likelihood of audible sounds from nearby locations than people residing in other districts. However, no person providing or permitting musical performances or other entertainment activities in the central business district should do so in a manner which causes undue hardship or disturbance of persons making lawful use of nearby premises, and the standards set forth in this division are a reasonable measure for determining undue hardship or disturbance in the central business district.

(Code 1985, § 7-2-12; Code 1997, § 16-99; Ord. No. 96-26, § 2(7-2-12(h)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-100. - Measurement of noise level; establishment of prima facie violation.

- (a) A prima facie violation of section 16-92 shall be established whenever a measurement of the offending noise shall be taken in accordance with this division and shown to produce a level of noise in excess of the guidelines of the chart contained in this section. The inference established by the chart shall be subject to rebuttal based on the time, place and circumstances of the occurrence.
- (b) Noise levels identified in the chart of guidelines shall be measured in decibels and A-weighted, with the unit of measurement being designated as dB(A). For the purpose of determining dB(A)s, the noise shall be measured on the A-weighting scale and the slow meter response on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute (ANSI).
- (c) Measurements recorded shall be taken so as to provide a reasonable representation of the sound being measured with due regard to the location on the premises where the noise is heard by any person making a complaint. Precise positioning of the meter is not required.
- (d) Guideline measurements establishing a prima facie violation are as follows:

Noise Limit	General, City-Wide	Central Business District
Day-time definition	7:00 a.m.— 10:00 p.m.	7:00 a.m.— 10:00 p.m.
Day-time noise limit	60	80
Night-time noise limit	55	75

(Code 1985, § 7-2-12; Code 1997, § 16-99; Ord. No. 96-26, § 2(7-2-12(h)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

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Noise Limit	General, City-Wide	Central Business District
Day-time definition	7:00 a.m.— 10:00 p.m.	7:00 a.m.— 10:00 p.m.
Day-time noise limit	60	80
Night-time noise limit	55	75

NOTES:

(1) dB(A) readings on streets, sidewalks and public property in the central business district will be made at least 25 feet away from the privately owned premises from which the noise is generated, or 25 feet from the source if generated on public property.

(2) dB(A) readings in parks and recreational areas outside the central business district will be made at least 100 feet away from the location from which the noise is generated.

(Code 1985, § 7-2-12; Code 1997, § 16-100; Ord. No. 96-26, § 2(7-2-12(i)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-101. - Enforcement procedures; penalty; additional remedies.

- (a) With respect to suspected ordinance violations resulting from vehicle noise, law enforcement officers shall have the authority to charge persons under the provisions of this division without having received a complaint from a member of the public.
- (b) All law enforcement officers in the ordinary course of their duties shall have the authority to request compliance without having received a complaint from a member of the public. However, no charge shall be made against any person, unless a complaint is made to an officer and the person has first been provided an opportunity to abate the offending noise immediately without penalty. However, if the violation continues or reoccurs within a 24-hour period, or if the same person has been provided an opportunity two or more times within the preceding 30 days to abate a noise at the same location and the person continues to make the noise or continues to allow it to be made, then such person shall be guilty of a violation of this division and shall be subject to a fine of not less than \$50.00 and not more than the maximum fine allowed by state law for violations of municipal ordinances, or imprisonment for not more than 30 days. The city attorney may also seek injunctive relief, or any other appropriate remedy available at law or in equity, in a court of competent jurisdiction, to ensure compliance.

(Code 1985, § 7-2-12; Code 1997, § 16-101; Ord. No. 96-26, § 2(7-2-12(j)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Secs. 16-102—16-130. - Reserved.