

Board of Zoning Appeals

Official Agenda



AGENDA

BOARD OF ZONING APPEALS

A G E N D A

Regular Meeting

September 10, 2020

4:00 PM

Greenville City Hall is currently closed to the public.

Please use the following methods to participate in the meeting.

Virtual Meeting Viewing

<https://www.greenvillesc.gov/meeting>

Password: meetnow

Telephone: 1-415-655-0002

WebEx Event Number: 173 600 4311

Remote Viewing Location:

Greenville Convention Center, 1 Exposition Drive – Room 102

The city of Greenville seeks input from citizens while adhering to public health and safety guidelines. All attendees at the remote viewing location will be subject to a temperature screening with a touch-less forehead thermometer. Anyone with a temperature reading above 100 degrees Fahrenheit will not be admitted. Attendees will be required to wear a covering over their mouth and nose, unless it violates a religious tenant or belief or causes difficulty breathing.

1. Call to Order
2. Welcome and Opening Remarks from the Chair
3. Roll Call
4. Approval of Minutes – August 13, 2020
5. Call for Public Notice Affidavit from Applicants
6. Acceptance of Agenda
7. Conflict of Interest Statement
8. Call for Public Comment
9. New Business

A. S 20-461

Application by Greg Carter for a SPECIAL EXCEPTION to allow a restaurant with drive thru located at 911 S MAIN ST (TM# 008800-01-01300)

Documents:

...

10. Adjournment



**Planning Staff Report to
Board of Zoning Appeals
September 4, 2020**
for the September 10, 2020 Public Hearing

Docket Number: S 20-461
Applicant: Greg Carter with SBX 100 Main Street, LLC
Property Owner: CAP Railroad, LLC
Property Location: 911 S. Main Street
Tax Map Number: 008800-01-01300
Acreage: 0.72
Zoning: C-4, Central Business District
Proposal: **Special exception to establish a restaurant with drive-through**

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: Staff concludes that the application complies with the standards for granting a Special Exception Permit for “restaurant with drive-through” use. If the Board decides to grant the permit, staff recommends the following condition(s):

1. The use of the property shall substantially conform to the testimony of the applicant and the content of the application.
2. To reduce vehicular access points for future developments onto S. Main Street, vehicular connectivity and cross access to all adjacent properties shall be provided to the common drive on the left (east) side of the property when requested for new adjacent development projects.
3. To increase pedestrian safety, the common drive entry off of S. Main Street should include features that reduce speeds of entering and exiting vehicle, such as providing a raised crossing. Appropriate features will be decided by mutual consent of the developer and City Planning and Civil Engineering Staff.
4. To preserve viewsheds from the roadway and adjacent commercial and residential, and to minimize the visual, light and noise impacts of the drive-through and to limit any odor or other impacts from idling vehicles, landscape screening comprised of evergreen plantings shall be installed along the right side of the property extending from the right rear corner of the building to the furthest point of the drive-through stacking. The screening shall meet planting and height requirements as outlined in Section 19-6.2 of the Land Management Ordinance. This is in addition to landscaping otherwise required by ordinance.
5. Additional site improvements and modifications may be imposed by the Design Review Board to preserve and protect the intent of the Greenville Downtown Design Guidelines.

Staff Analysis:

The applicant proposes to construct a coffee shop with a rear drive-thru window. The proposed site is located on an undeveloped parcel on S. Main Street, across the street from the Old Cigar Warehouse and behind the centerfield wall of Fluor Field. Site development will include a coffee shop (restaurant) building oriented towards S. Main Street with a front patio area. A common drive area is proposed on the left side of the property to access off-street parking, the drive-through queue, and the Greenville Transit Authority property. The drive through window and stacking is located at the rear of the property, separated from S. Main Street by the coffee shop building.

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

1. Consistent with the comprehensive plan

The Future Land Use Map of the City's Comprehensive Plan designates the area as "Mixed Use City Center." This classification is intended to preserve a pedestrian oriented downtown by accommodating a unique, high-intensity mix of office, service, retail, entertainment, cultural, government, civic, and higher density residential uses. All development should be compatible with the existing and historic built-environment and with nearby residential areas. The location of the drive-through at the rear of the building minimizes the impact on pedestrian movement and the placement of the building adjacent to the S. Main Street is consistent with the existing building pattern.

2. Complies with use specific standards

19-4.3.3(C) Eating establishments.

(1) General.

(a) Eating establishments that encroach onto public property shall comply with the city's outdoor displays and cafes ordinance (see chapter 8, article VIII, of this Code).

(b) Eating establishments on private property shall comply with the following standards:

- 1. The eating establishment shall not obstruct the movement of pedestrians along adjoining sidewalks, or through other areas intended for public usage, ingress, or egress.*
- 2. Outdoor live entertainment shall not be allowed, unless separate approval is obtained for an outdoor entertainment use.*
- 3. In approving eating establishments, the decision-making body may impose conditions relating to the location, configuration, and operational aspects (including hours of operation, noise, and lighting) to ensure that eating establishments will be compatible with surrounding uses and will be maintained in an attractive manner.*

The response provided by the applicant in the submitted application verifies that these applicable use specific standards will be met. Staff believes that the plans provided by the applicant support compliance. The Board may impose conditions to the Permit that further secure compliance with the use specific standards.

3. Compatibility with the surrounding lands

As stated by the applicant, provision of the drive-through window and vehicle stacking at the rear of the property fully behind the building will help visually screen the drive-through operations from S. Main Street. Proposal of a multi-use drive ensures a greater level of compatibility with the Greenville Transit Authority's site and possible future uses.

Staff believes the site design, put forth by the applicant, allows this use to provide some mutual benefit with surrounding lands and is generally compatible with adjacent land uses. Allowance of additional vehicle cross access and means of pedestrian protection will further this objective. The

use, if operated in a manner consistent with the conditions enumerated herein, is compatible with the surrounding lands. Compatibility of the building design will be reviewed by the Design Review Board.

4. *Design does not have substantial adverse impact*

Location of the drive-through window and stacking at the rear of the building should reduce visual adverse impact of the proposal on adjacent properties. Provision of off-street parking also maintains available street parking for other uses in the vicinity. Consolidation of ingress/egress points with GTA will initially focus traffic for these developments to a single entry on S. Main Street, and Staff's recommendation to allow other future vehicular access off of this common drive will enhance that. Staff also recommends the use of vegetative screening along the right side of the property to minimize any visual, light, noise or odor impacts that the proposed drive-through may cause. Staff concludes that review of both the building design and landscaping, by the DRB, should ensure minimal nuisance and overall adverse impact to adjacent lands.



Office Use Only:
 Application# _____ Fees Paid _____
 Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Greg Carter, member SBX 100 MAIN STREET, LLC
 * Name Title / Organization
 permit may be limited to this entity. _____

APPLICANT'S REPRESENTATIVE: Jason Tankersley Owner Rep for CAP Railroad, LLC
 (Optional) Name Title / Organization

MAILING ADDRESS: 217-A East Washington Street

PHONE: 864-233-0808 **EMAIL:** gcarter@collettre.com

PROPERTY OWNER: CAP Railroad, LLC

MAILING ADDRESS: 935 S. Main Street - Suite 201

PHONE: 864-271-3894 **EMAIL:** jasont@capllc.com

PROPERTY INFORMATION

STREET ADDRESS: 911 S. Main Street - Greenville, SC 29601

TAX PARCEL #: 0088000101300 **ACREAGE:** 0.72 **ZONING DESIGNATION:** C-4

REQUEST

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

DESCRIPTION OF PROPOSED LAND USE:

Coffee Shop with rear drive-thru window

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.

'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.

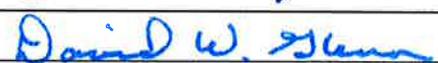
In addition the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

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
8/10/20

DATE


PROPERTY OWNER SIGNATURE
8/10/20

DATE

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

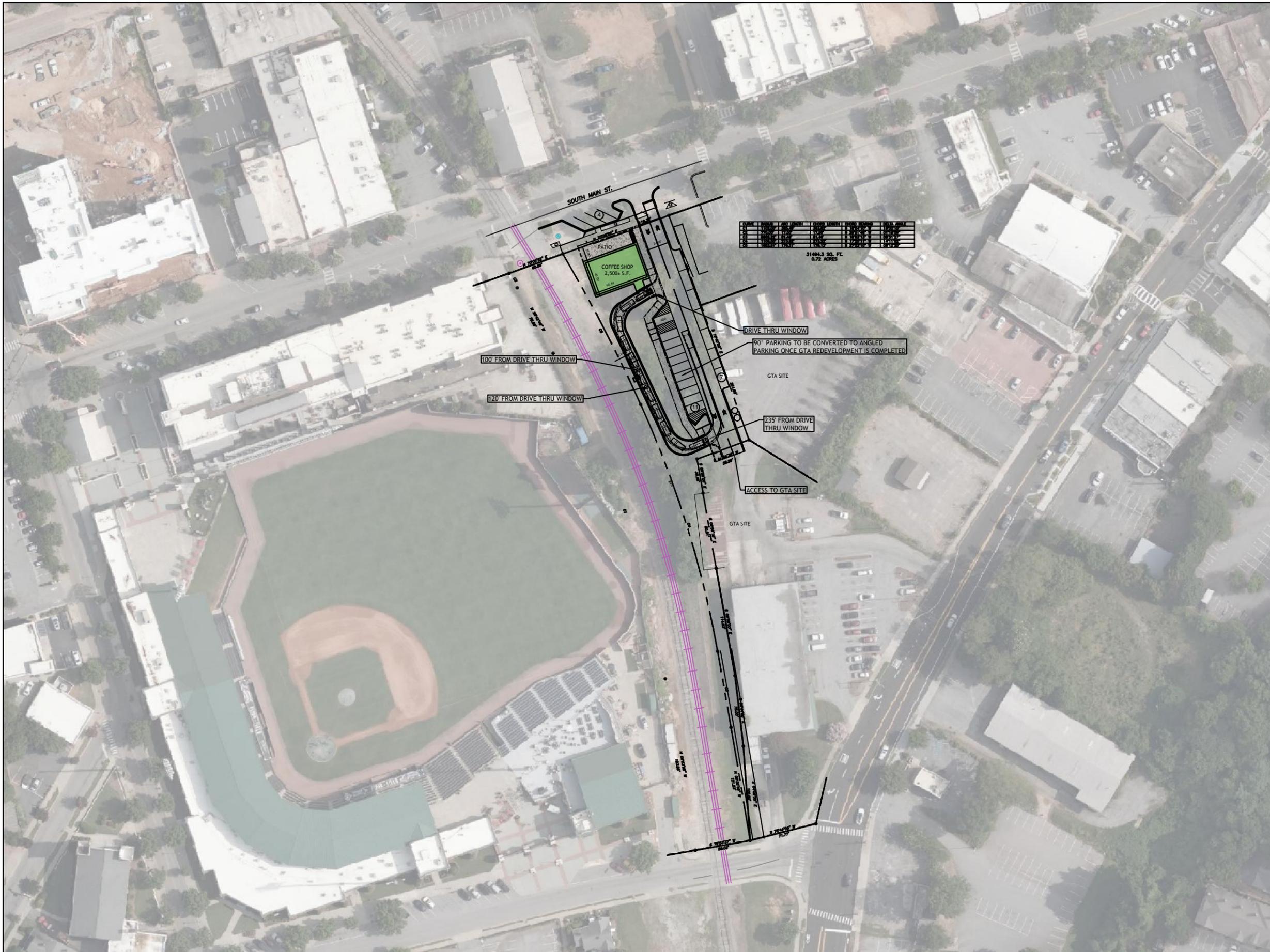
(YOU MAY ATTACH A SEPARATE SHEET)

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

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

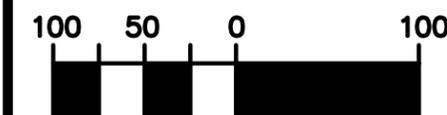
3. DESCRIBE THE WAYS IN WHICH THE REQUEST IS APPROPRIATE FOR ITS LOCATION AND IS COMPATIBLE WITH THE CHARACTER OF EXISTING AND PERMITTED USES OF SURROUNDING LANDS AND WILL NOT REDUCE THE PROPERTY VALUES THEREOF.

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.



site data

jurisdiction: Greenville, SC
tax map no.: 0088000101300
zoning: C-4 Commercial
parcel area: 0.72-acres
building area: 2,727 s.f.
parking: 18 spaces



scale: 1" = 100'

S. MAIN ST.
GREENVILLE, SC

STUDY PLAN

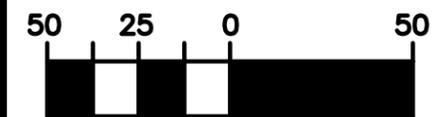
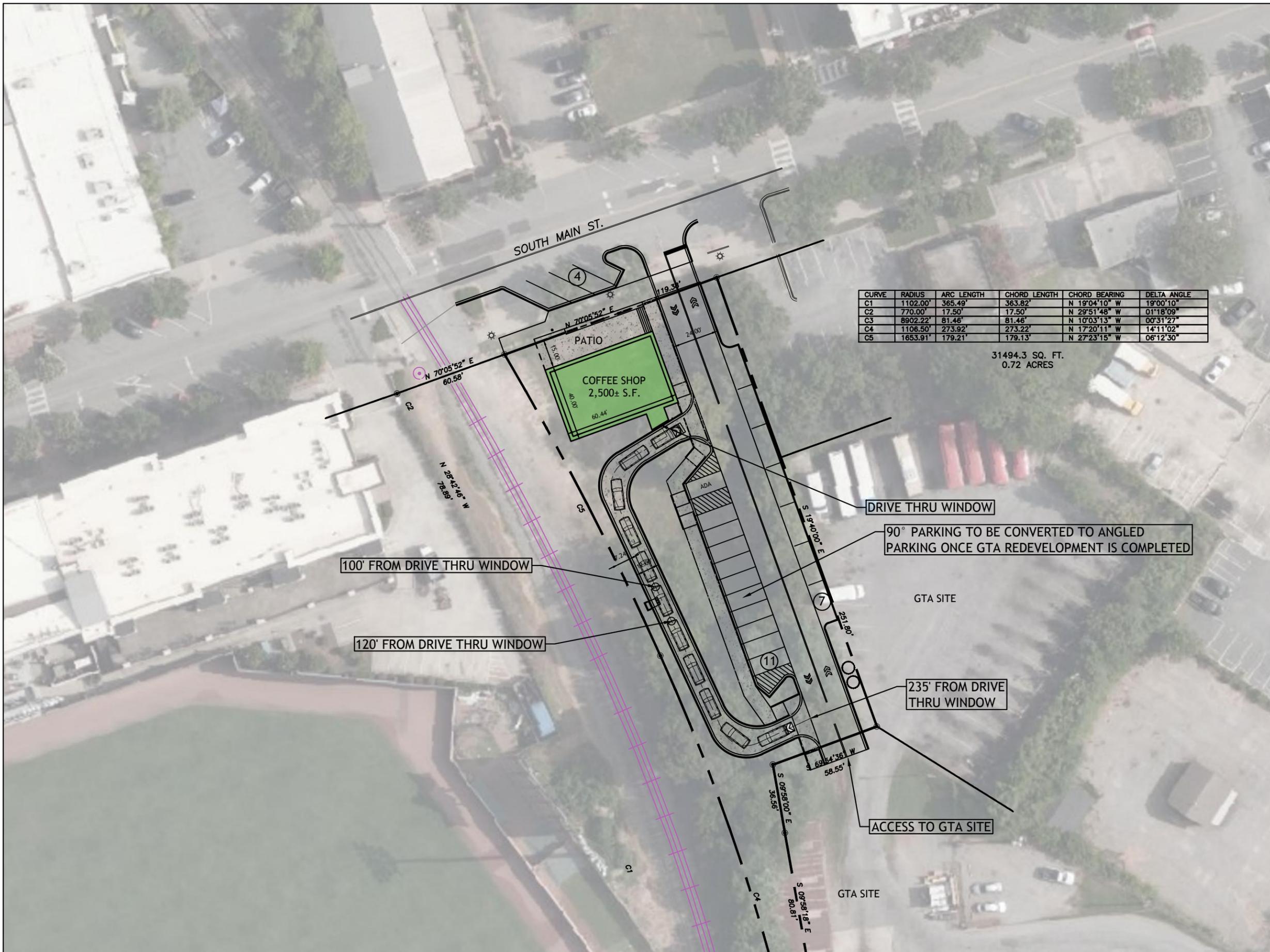
SP - 6

site data

jurisdiction: Greenville, SC
tax map no.: 0088000101300
zoning: C-4 Commercial
parcel area: 0.72-acres
building area: 2,500 s.f.
parking: 18 spaces

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|----------|------------|--------------|---------------|-------------|
| C1 | 1102.00' | 365.49' | 363.82' | N 19°04'10" W | 19°00'10" |
| C2 | 770.00' | 17.50' | 17.50' | N 29°51'48" W | 01°18'09" |
| C3 | 8902.22' | 81.46' | 81.46' | N 10°03'13" W | 00°31'27" |
| C4 | 1106.50' | 273.92' | 273.22' | N 17°20'11" W | 14°11'02" |
| C5 | 1653.91' | 179.21' | 179.13' | N 27°23'15" W | 06°12'30" |

31494.3 SQ. FT.
0.72 ACRES



scale: 1" = 50'

S. MAIN ST.
GREENVILLE, SC

STUDY PLAN

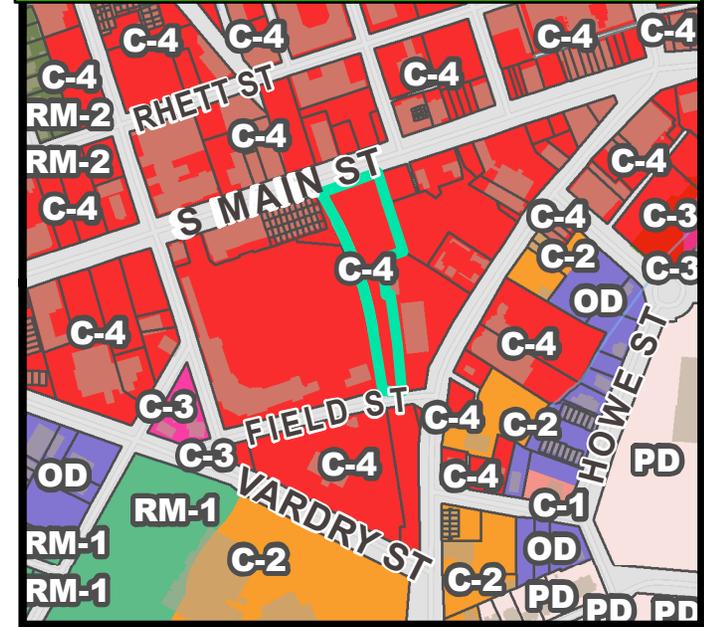
SP - 6

SD 20-461 • 911 S. MAIN ST

AERIAL VIEW



CURRENT ZONING



FUTURE LAND USE

