

Board of Zoning Appeals

Official Agenda



AGENDA

BOARD OF ZONING APPEALS

A G E N D A

Regular Meeting

August 13, 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: 129 159 7647

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 – July 9, 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 20-392.

Application by David Nocella for BELLADINA'S PIZZA for a SPECIAL EXCEPTION to allow a restaurant with outdoor seating located at 101 S HUDSON ST (TM# 005100-02-00500)

Documents:

[S 20-392 101 S HUDSON ST.PDF](#)

... ,

10. Other Business

11. Adjournment

City of Greenville Planning and Development | 864-467-4476



**Planning Staff Report to
Board of Zoning Appeals
August 7, 2020**
for the August 13, 2020 Public Hearing

Docket Number:	S 20-392
Applicant:	David Nocella on behalf of Belladina's Restaurant
Property Owner:	Hudson BJC LLC
Property Location:	101 S. HUDSON STREET
Tax Map Number:	005100-02-00500
Acreage:	0.48
Zoning:	UP-NCE, Unity Park Neighborhood Center
Proposal:	Special exception to establish a restaurant, with indoor and outdoor seating and food service areas

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.19-4.3.3 (C), *Use Specific Standards, Commercial Uses*
Sec. 19-6.1, *Off-street Parking and Loading*
Unity Park Neighborhood District Code: Section 2. Unity Park Character District Context Zones
Unity Park Neighborhood District Code: Table 2.20-B. Unity Park Use Table

Staff Recommendation: Staff concludes that the application complies with the standards for granting a Special Exception Permit for a "restaurant, with indoor and outdoor seating and food service areas". If the Board decides to grant the permit, staff recommends the following conditions:

1. The Special Exception Permit shall be limited to Belladina's Restaurant, and is not transferrable.
2. Operation of the establishment shall be limited to a "restaurant, with indoor and outdoor seating and food service areas" as defined by the City Code and substantially conform to the testimony of the Applicant and the content of the application. This use includes accessory uses as identified in this application and supplemental plans. Modification of the facility's operation shall require the Applicant to seek a modification of the Special Exception Permit.
3. Hours of operation should be as follows: Monday-Saturday (11am-9pm) and Sunday (11am-5pm). Any significant change in hours of operation as determined by Staff shall require the applicant to seek a modification of the Special Exception Permit.
4. Outdoor live entertainment shall not be allowed with this application. A separate approval is required for an outdoor entertainment.
5. Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan. Exterior sound amplification was not identified in the application and is not part of this request.
6. The Applicant shall incorporate Crime Prevention Through Environmental Design (CPTED).

7. Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinances shall be posted in a conspicuous location on the building and shall be enforced by the proprietors.
8. Parking requirements will be enforced at the time of permitting.
9. Street trees be installed along the existing roadways to limit emission of light and noise to neighboring properties consistent with requirements in Land Management Ordinance Section 19-6.2.2.

Staff Analysis:

The Applicant represents a business that proposes to establish a restaurant with an outdoor seating and food service area at 101 S. Hudson Street. This location was previously occupied by TTR Bikes, a retail sales business, up through 2016 and has not subsequently been occupied. The property is zoned UP-NCE, Unity Park Neighborhood Center, which provides locations for neighborhood-scale retail amenities mixed in with residential development along the more heavily traveled streets and major intersections within the Unity Park District. Commercial development may be stand-alone structures or integrated into multi-story buildings as ground-floor uses. The surrounding properties include Miracle Hill Ministries to the northeast, Greenville Water to the east, Sherman Residential Care to the southeast, vacant property to the south and Park Place on Hudson townhome development to the west.

The ±4,600 square foot restaurant includes a 26 seat open patio dining area along S. Hudson Street and a 48 seat courtyard with pergola to the right side of the restaurant space. This is in addition to the 87 interior dining area, ±950 square foot specialty market area at the rear of the restaurant, bocce court, and parking area. The proposed hours of operation for the restaurant is until 9:00 PM on Monday thru Saturday and 5:00 PM on Sunday.

The Technical Advisory Committee (TAC), including City Police, Fire, and Building Codes staff, met with the Applicant online on July 20, 2020. Their recommendation is attached. Although a neighborhood meeting was not required with this application, TAC strongly recommended that the Applicant contact a representative of the Southernside neighborhood to discuss this project with residents. Was meeting held?

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 application states the requested use “will provide the mixed use character of a typical urban environment where amenities are located within walking distance of the residents. The proposed design will enhance the streetscape...”

Staff concurs that the restaurant with outdoor dining as proposed enhances the goal of providing a mixture of uses in this area. This echoes justification provided for rezoning of the Unity Park area. Therefore, staff believes the proposed use is consistent with the Comprehensive Plan.

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.*

Although the application and supplemental documents do not adequately address these specific items, Staff believes that the proposed use will comply with the required use specific standards and recommends conditions that will limit adverse impacts on surrounding properties. The Board may add conditions to the Permit that relate to issues identified during the course of the hearing and deliberation.

3. *Compatibility with the surrounding lands*

The application states that the “scale of the design is similar to the existing [surrounding] scale” in addressing the character of the proposal as it pertains to adjacent development. The compatibility of the use is not specifically addressed in this item on the application. However, it is approached in the other responses on the application in regards to providing the “mixed use character of a typical urban environment” and in the response regarding adverse impact.

Staff believes the use, if operated in a manner consistent with the conditions enumerated herein, is compatible with the surrounding lands.

4. *Design does not have substantial adverse impact*

The justification provided by the applicant does not address any of the specific items mentioned on the application. From the plans, Staff can make some assumptions as to how some of these items are being addressed. Staff is confident that potential adverse impacts including visual impacts, service delivery, parking and loading, odors, noise, glare, and vibration can be minimized in renovations of this site. Staff would recommend that the BZA request the applicant, as part of his testimony to the Board, verify that the entirety of these specific requirements are being met.

Additionally, Staff concludes that the design of the business, if operated in a manner consistent with the conditions outlined in this report, will not have substantial impact on the surrounding lands.



Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Belladina's Restaurant

* _____ Name _____ Title / Organization _____
permit may be limited to this entity. _____

APPLICANT'S REPRESENTATIVE: David Nocella, AIA
(Optional) _____ Name _____ Title / Organization _____

MAILING ADDRESS: 210 Altamont Road, Greenville, SC _____

PHONE: (864)640-6014 **EMAIL:** dnarch@bellsouth.net _____

PROPERTY OWNER: Hudson BJC LLC, 29602 _____

MAILING ADDRESS: PO Box 2730, Greenville, SC 29602 _____

PHONE: _____ **EMAIL:** _____

PROPERTY INFORMATION

STREET ADDRESS: 101 South Hudson Street _____

TAX PARCEL #: 0051000200500 **ACREAGE:** .48 **ZONING DESIGNATION:** RDV _____

REQUEST

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

DESCRIPTION OF PROPOSED LAND USE:

Pizza restaurant and specialty food market

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.

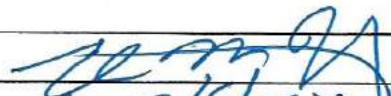
If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived, then the planning office will indicate in its report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

DATE


2/8/2020

PROPERTY OWNER SIGNATURE

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.

It will provide the mixed use character of a typical urban environment where amenities are located within walking distance of the residents. The proposed design will enhance the street scape with courtyard that addresses invitingly the street.

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

The proposed use will precisely fulfill the purpose listed in Section 19.3.2.2, paragraph (O), RDV. It will create a gathering place and improve the physical, social, and economic character of the area and promote mixed-use development.

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 scale of the design is similar to the existing sounding scale. An exterior dining court connects the facility to the street providing visual interest and activity that enhances the street scape.

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.

A local restaurant and specialty food market will pose no greater nuisance to the surrounding community than other uses typically found in pedestrian-scale mixed used urban zones

APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(2), STANDARDS – CHANGE IN NONCONFORMING USE

(YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED NONCONFORMING USE IS MORE IN CHARACTER WITH, OR EQUAL TO, THE USES OTHERWISE PERMITTED IN THE ZONING DISTRICT THAN THE EXISTING OR PRIOR NONCONFORMING USES.

Pizza is family friendly and affordable cuisine. Dining inside or al fresco in the courtyard, the restaurant will be a neighborhood amenity that will contribute to defining the "sense of place" along that block of Hudson Street

2. DESCRIBE THE WAYS IN WHICH THE PROPOSED NONCONFORMING USE WILL NOT SUBSTANTIALLY AND PERMANENTLY INJURE THE USE OF NEIGHBORING PROPERTY FOR THOSE USES PERMITTED WITHIN THE RELEVANT ZONING DISTRICT(S).

The project will be a pedestrian-friendly facility that will serve the local residents and adjacent neighborhoods.

3. IS ADEQUATE INFRASTRUCTURE CAPACITY AVAILABLE TO SERVE THE PROPOSED NONCONFORMING USE?

Yes

4. IS THE PROPOSED USE ONE THAT IS OTHERWISE PERMISSIBLE IN ANOTHER ZONING DISTRICT WITHIN THE CITY?

Yes



city of greenville

Zoning Compliance Application

Establishments Serving Beer, Wine, Or Liquor

Applicant

Name Belladina's Restaurant Phone (864)640-6014

Mailing Address 210 Altamont Road

Email dnarch@bellsouth.net

Signature of Applicant [Signature] XIA Date 07-07-20

Property Owner

Name Hudson BJC LLC, 29602 Phone _____

Mailing Address 1 PO Box 2730, Greenville, SC 29602

Email _____

Signature of Property Owner [Signature] Date 7/6/2020

Property Information

Address 101 South Hudson Street

TMS# 0051000200500 Zoning District Designation RDV

Description of Proposed Use

Provide details for each of the following, as applicable, on a separate sheet:

Operating Plan

1. Type of Use (Restaurant, Nightclub, Event Venue, Etc.)
2. Days and Hours of Operation
3. Staffing Schedule
4. Kitchen Equipment Schedule
5. Menu and Hours of Food Service
6. Parking for Customers and Employees
7. Designated Smoking Area
8. Type of Entertainment and Duration
9. Closing / "Last Call" Procedures

Security Procedures

1. Number and Type of Designated Security Staff
2. Training / Certification of Staff
3. Specific Duties / Responsibilities of Staff
4. Entry / Exit / Re-Entry Procedures
5. Crowd Management
6. Crime Prevention through Environmental Design (CPTED)

Seating Plan

1. Provide a floor plan, drawn to scale, by a registered South Carolina architect. The plan must demonstrate the proposed occupancy with calculations based on the current adopted building code.
2. Schedule a feasibility inspection of the property: 864.467.4457

Business Plan

1. Business Plan Summary: Target Audience, Theme, Objectives / Goals
2. Projected Revenue: % Alcohol Vs. Food Sales
3. Fees For Entry / Membership / Entertainment
4. Status Of City Business License Application
5. Status Of SCDHEC 'Retail Food Establishment' Permit, If Applicable
6. Status Of ABl-901 Application To SC Department Of Revenue
7. Provide Documentation That Sled Requirements Have Been Met



city of greenville

Provide a response for each of the following:

1. Describe the ways in which the proposed use is consistent with the comprehensive plan.
It will provide the mixed use character of a typical urban environment where amenities are located within walking distance of the residents. The proposed design will enhance the street scape with a courtyard that invitingly addresses the street.

2. 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 scale of the design is similar to the existing sounding scale.
An exterior dining court connects the facility to the street
providing visual interest and activity that enhances the street scape.

3. 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 service entrance will be in the rear of the building. A masonry dumpster enclosure will be located behind the building The proposed use is not intended to be a music venue or a nightclub. It will be a family restaurant. Noise from diners should not exceed the volume of typical conversation in a restaurant dining room.

Meet With the Technical Advisory Committee

Applications for Zoning Compliance will be reviewed by the Technical Advisory Committee (TAC), a City Staff committee comprised of representatives from the following City Departments and appointed by the City Manager:

Building Codes and Inspections
Business Licensing
Economic Development
Public Information and Events

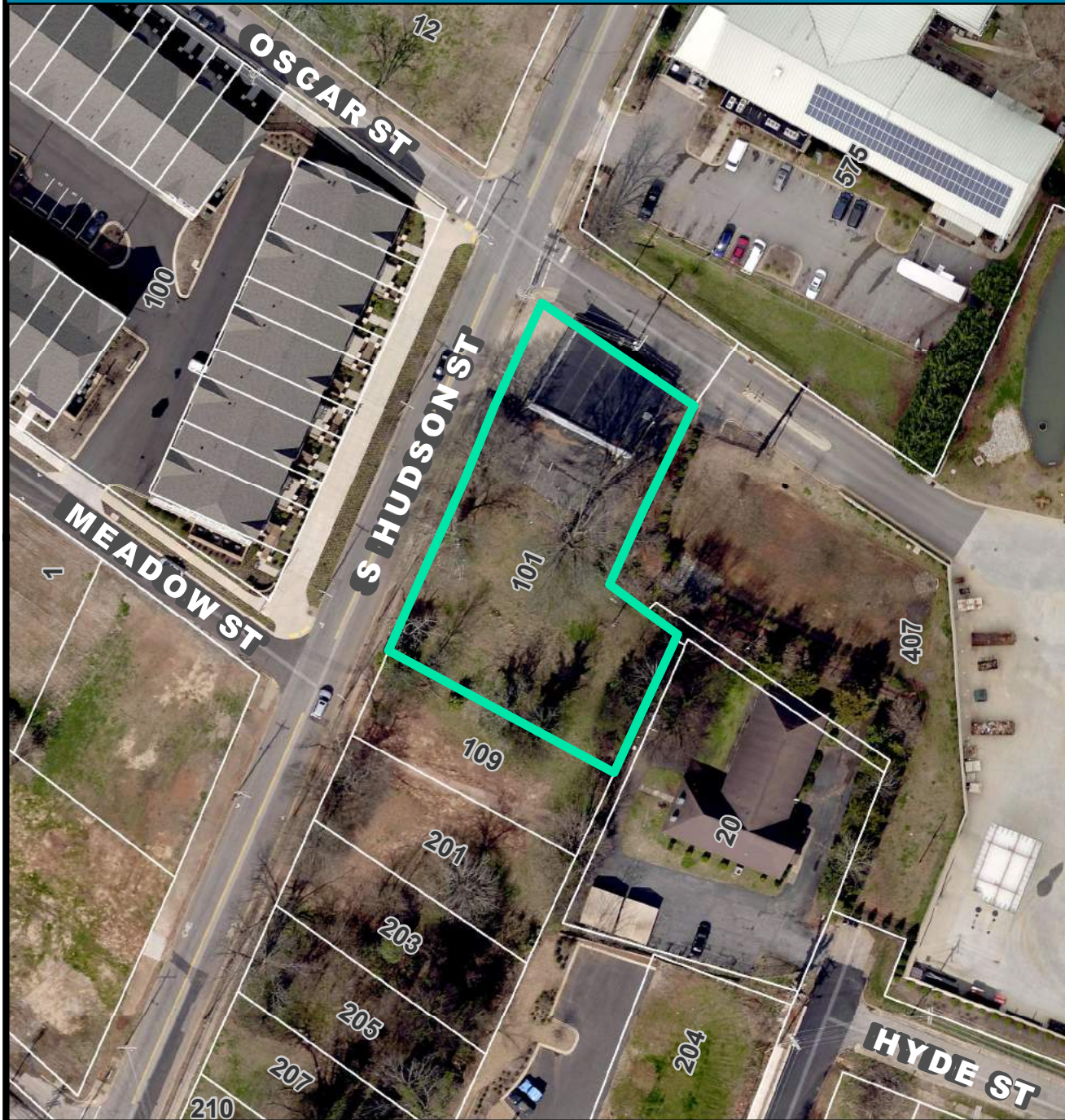
Police
Fire
Planning
Legal

The Technical Advisory Committee convenes once-a-month to meet with Applicants and review Conditional Use Permit applications that may be granted by the Zoning Administrator. This process promotes a more comprehensive understanding of the Applicant's proposal, which in turn conveys a more comprehensive understanding of the multiple Departments' operating requirements and expectations.

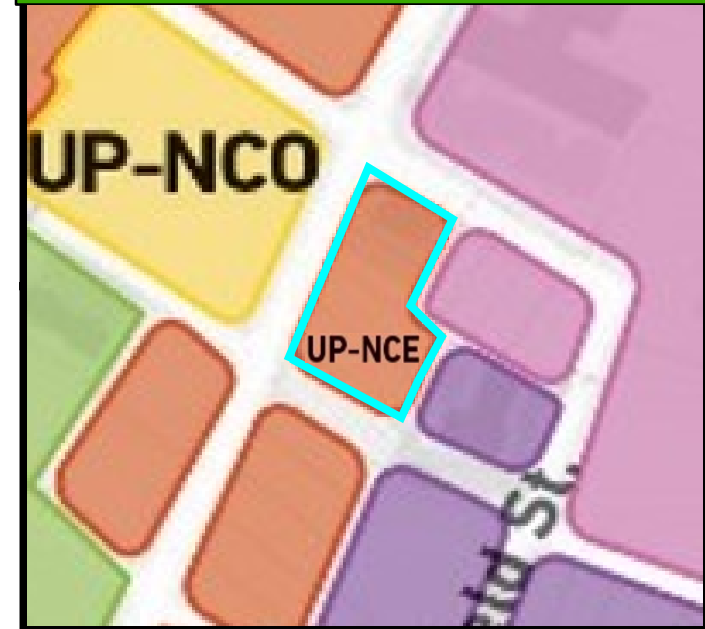
The Applicant, Business Owner, and Property Owner (if different) are required to attend a regularly scheduled TAC meeting prior to granting a Conditional Use Permit. Managers and anyone involved in operating the business are also encouraged to attend. The meeting date, time, and exact location within City Hall will be confirmed upon submittal of this application to the Planning and Development office on the 5th floor of City Hall.

S 20-392 • 101 S HUDSON ST

AERIAL VIEW



CURRENT ZONING



FUTURE LAND USE

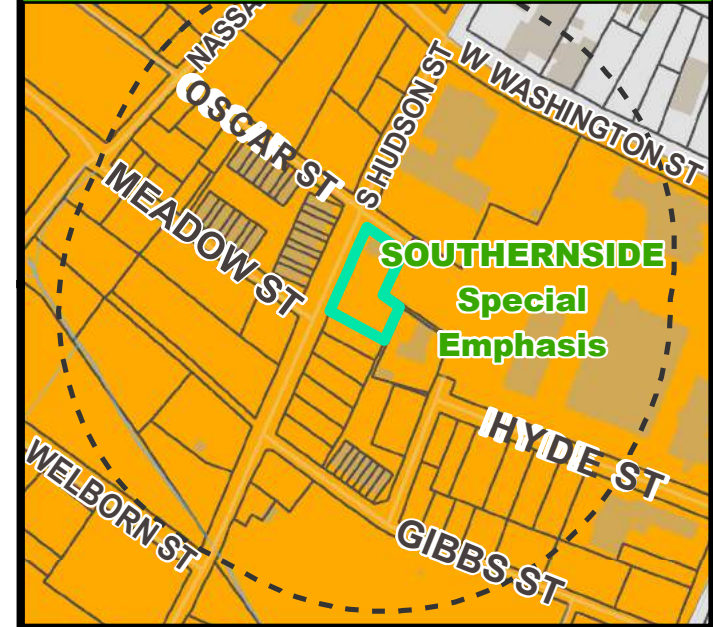


S 20-392 • 101 S HUDSON ST

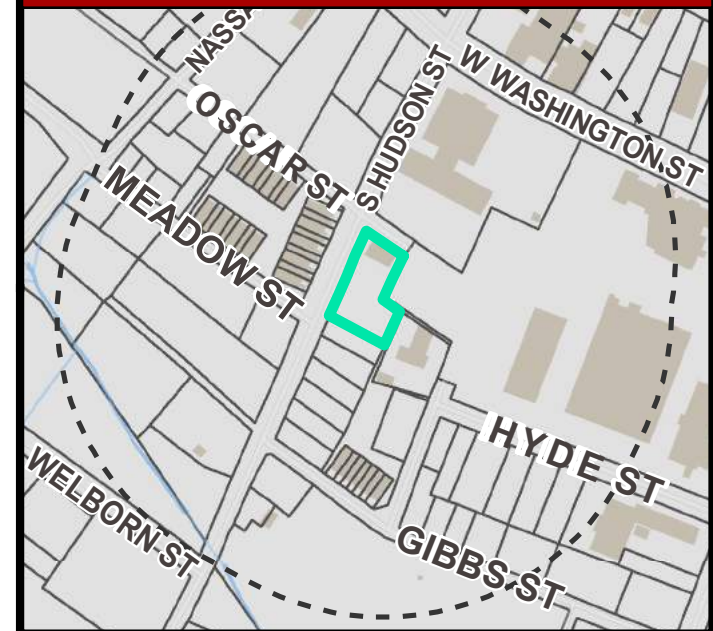
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





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BELLADINA'S RESTAURANT AND MARKET

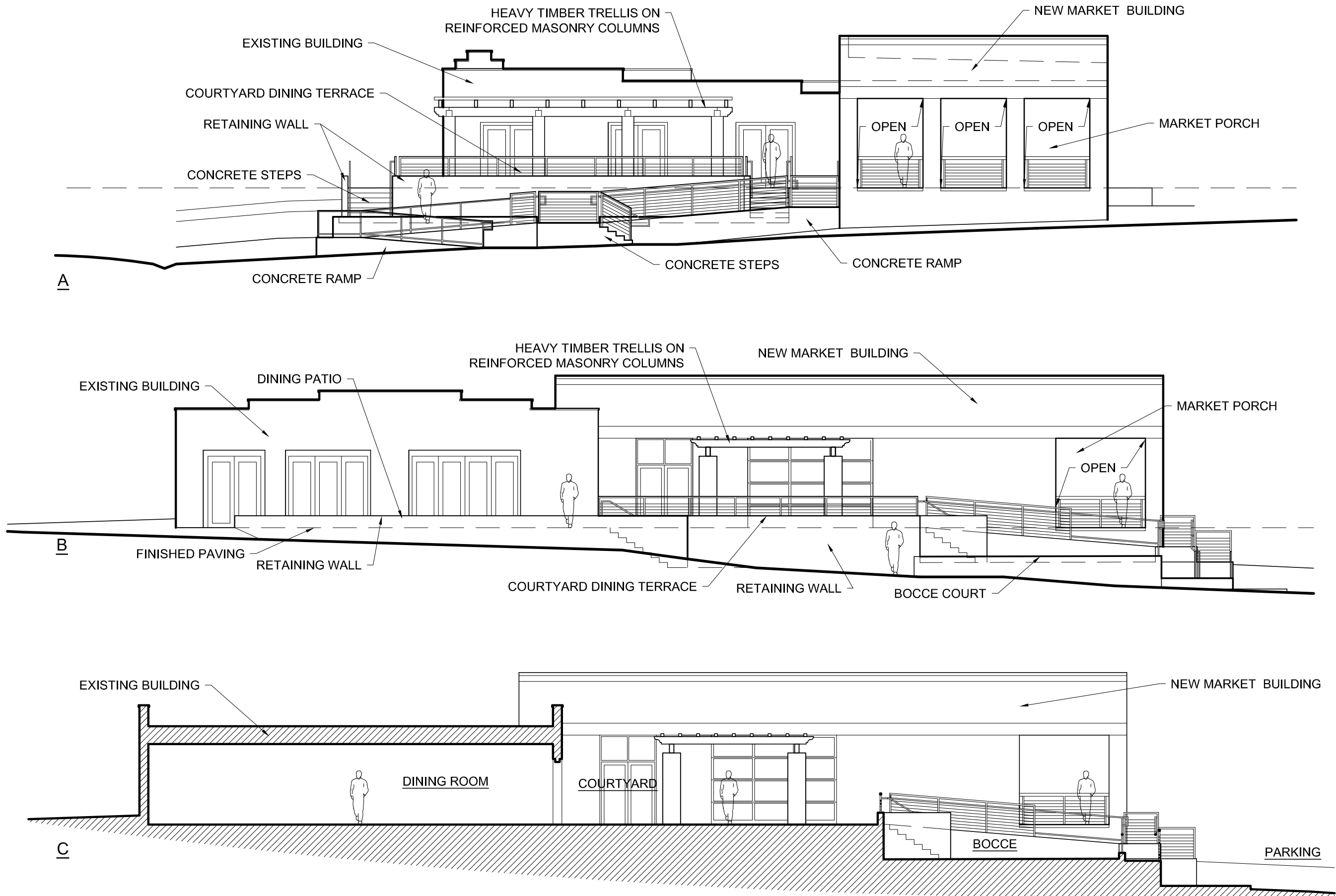
101 SOUTH HUDSON STREET
GREENVILLE, SC

05-25-20
06-16-20

A3

3/32"=1'-0"

G1.6 PROJ #2014

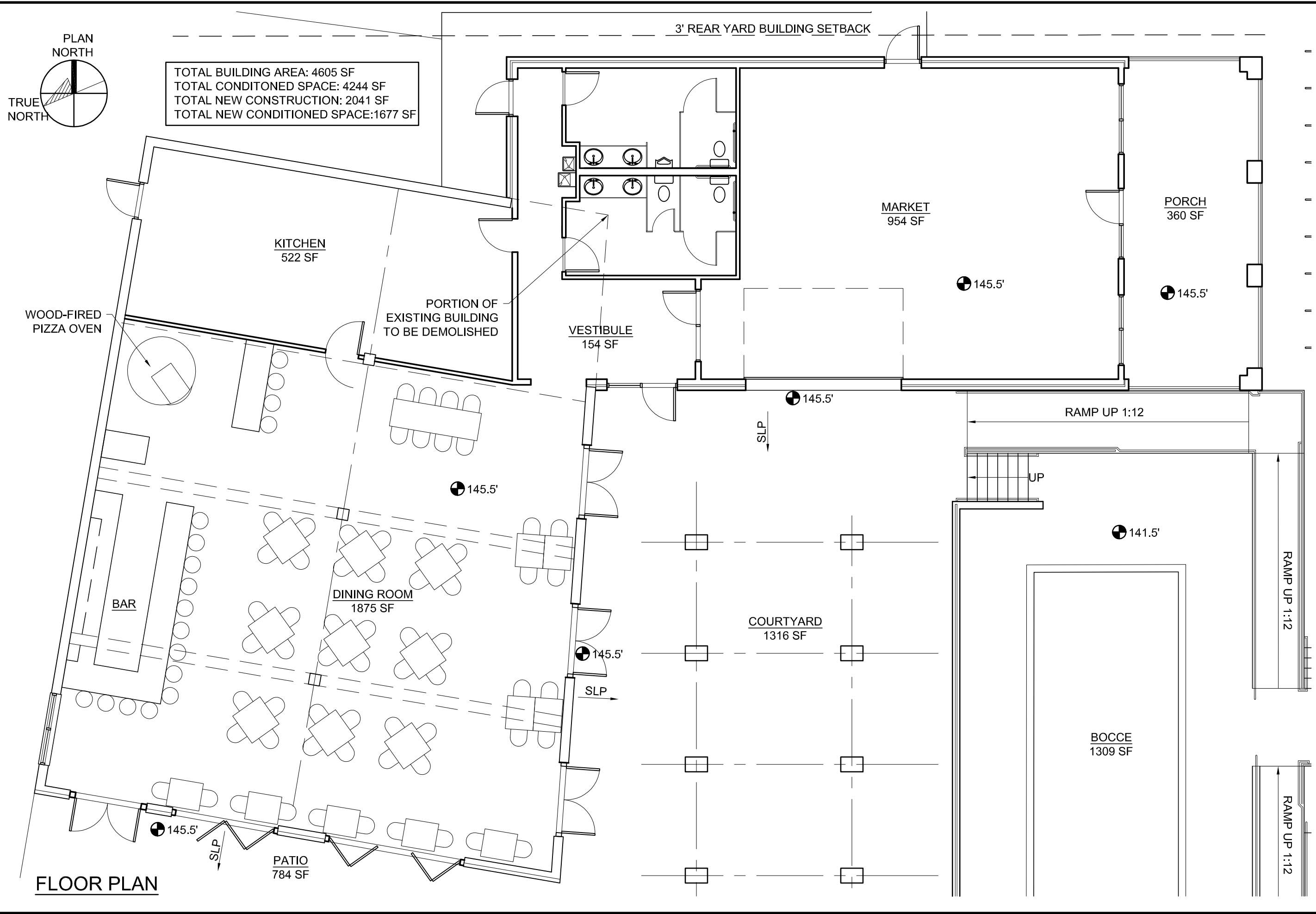


EXTERIOR ELEVATIONS AND SITE SECTION



101 S. HUDSON STREET

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FLOOR PLAN



ARCHITECTS

210 ALTAMONT ROAD
GREENVILLE, SC 29609
864.640.6014

BELLADINA'S RESTAURANT AND MARKET

101 SOUTH HUDSON STREET
GREENVILLE, SC

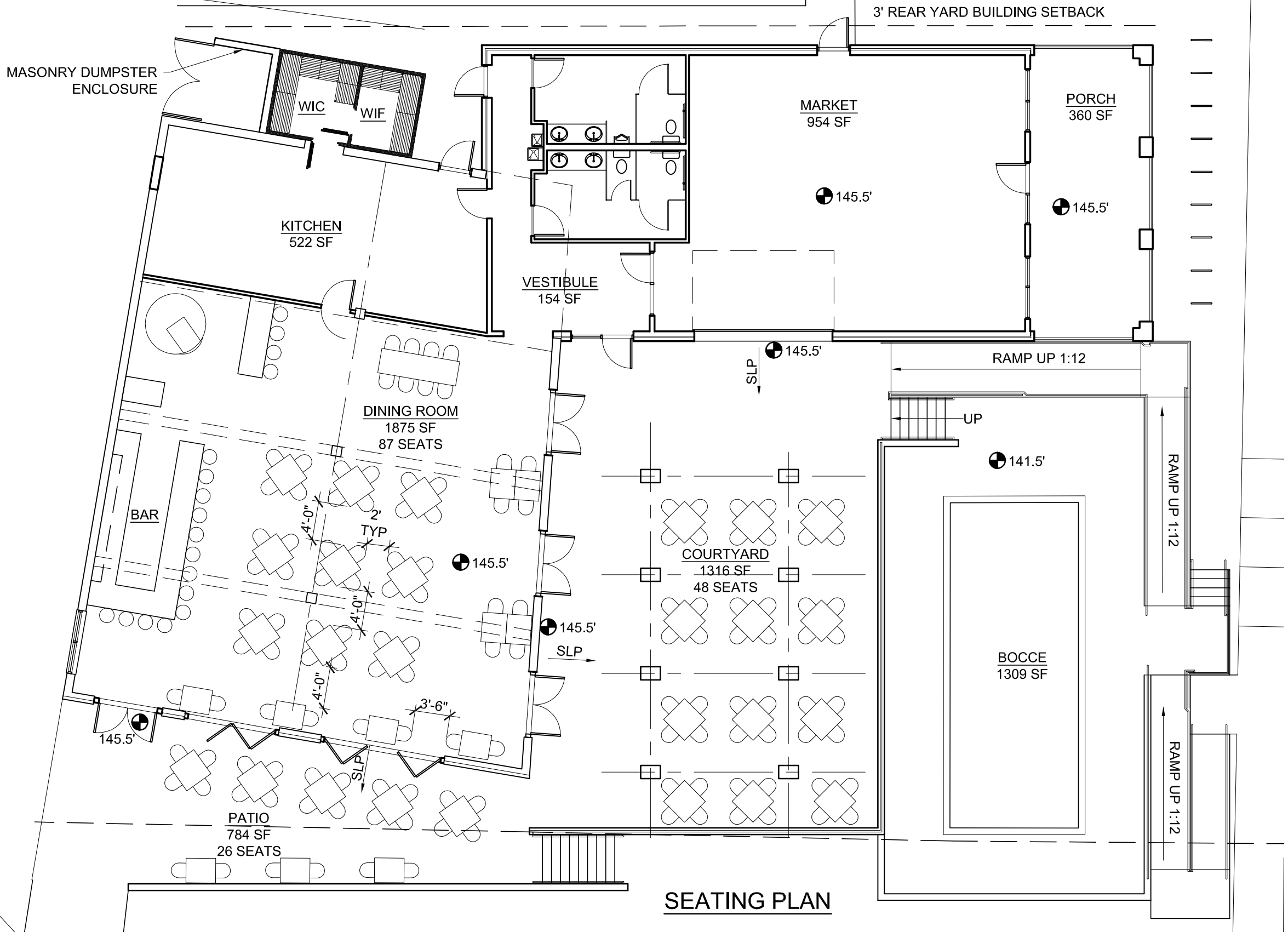
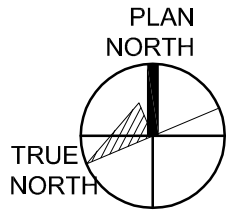
05-26-20
06-16-20

A2

1/8"=1'-0"

G1.6 PROJ #2014

TOTAL BUILDING AREA: 4605 SF
TOTAL CONDITONED SPACE: 4244 SF
TOTAL NEW CONSTRUCTION: 2041 SF
TOTAL NEW CONDITONED SPACE: 1677 SF



SEATING PLAN

BELLADINA'S RESTAURANT AND MARKET
101 SOUTH HUDSON STREET
GREENVILLE, SC

07-07-20

A6

3/32"=1'-0"

G1.6 PROJ #2014

BELLADINA'S

Little Italia

101 S. Hudson St | 864.704.4037 | Leccesej@gmail.com

07/21/2020

Recipient
Belladina's
101 S Hudson Street
Greenville SC 29601

Dear Recipient:

1. We are an Italian Brick Oven Pizzeria and Fresh Pastaria. We will also be incorporating a Italian Market and Deli. We would love the opportunity to serve beer and wine to our customers as it pairs perfectly with the menu and ambience we are working to portray.
2. Our hrs of operation (Tentatively) will be:
 - Monday-Saturday (11am-9pm)
 - Sunday (11am-5pm)
3. We currently are working to fully staff the managerial positions. But we will be employing the following positions:
 - 2 Bar Tenders (Per Shift)
 - 2 Pizza Chefs (Per Shift)
 - 2 Chefs (Per Shift)
 - 1 Line Cook Assistant (Per Shift)
 - 1 Fryer Cook (Per Shift)
 - 2 Prep Cooks (1-2 Per Morning Shift)
 - 2 Dishwashers (Per Shift)
 - 2 Host/Hostess (Per Shift)
 - 2 Food Runners (Per Shift)
 - 1 Bar Back (Per Shift)

- 4-6 Servers (Per Shift)
- 2 Managers/Assistant Managers (Per Shift)
- 2 Cashiers/Online Ordering Receptionists (Per Shift)

4. A List of Equipment is as follows:

- 1-10 Burner Stove
- 2-Double Basket Deep Fryers
- 1-48" Charcoal Grill
- 1-16' Hood System/MakeUp Air Unit
- 1-Brick Oven Pizza Oven
- 1-Single Deck Pizza Oven
- 1-Double Door Convection Oven
- 1-Chicken Rotisserie Oven
- 1-Gelato/Ice Cream Making Machine
- 2-Microwave Ovens
- 2-72" Pizza Prep Refrigerator
- 1-96" Pizza Prep Table
- 2-60" Salad Prep Table
- 1-Walk In Freezer
- 1-Walk In Refrigerator
- 1-Ice Maker
- 2-Stand Up Dishwashers
- 2-Double Door Refrigerators
- 2-Double Door Freezers
- 1-Under Counter Refrigerator

5. Our Full Menu will be available during normal business hours. We will not have any adjusted menu limitations

***A copy of our Menu will be attached separately

6. Drawing will be attached. We currently have 23 Parking Spaces of our own. Along with 2 Bicycle Racks for patrons commuting via a bicycle. We also have "shared parking" adjacent to our lot with a building also owned by the same owner of 101 S Hudson.

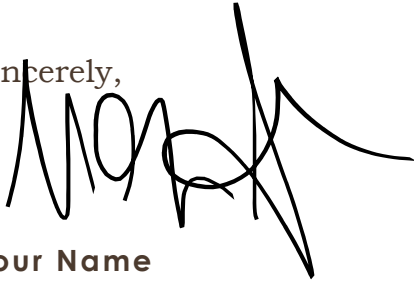
7. We currently are a Non Smoking Establishment. We will have Cigarette "collectors" along the parking lot for any persons smoking to dispose of the waste.

8. Currently NO detailed plans on entertainment outside. We will offer trivia night, movie night, cooking classes, "Date Night" where all cell phones will be "checked in", Live Music Night, just to name a few of our indoor entertainment ideas.

9. Our current "Last Call" procedures are as follows:

Announce 30 Minutes prior to closing, and STOP Serving 10 minutes after Last Call.

Sincerely,

A handwritten signature in black ink, appearing to be "MOR" followed by a stylized flourish.

Your Name