

Board of Zoning Appeals

Official Agenda



AGENDA

BOARD OF ZONING APPEALS

A G E N D A

Regular Meeting

January 14, 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: 179 922 9200

Remote Viewing Location:
Greenville Convention Center, 1 Exposition Drive – Room 202A
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 – December 10, 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 20-643

Application by Debbie Campbell and Laurel Baptist Church for a SPECIAL EXCEPTION to allow an Electronic message board on a proposed monument sign located at 2331 LAURENS RD (TM# 026300-02-00100)

Documents:

[S 20-643 2331 LAURENS RD.PDF](#)

B.

S 20-799

Application by Vivian Valdivia (McDonalds) for a SPECIAL EXCEPTION to operate a Restaurant with drive-through located at 2200 AUGUSTA RD (TM# 021500-01-00401)

Documents:

[S 20-799 2200 AUGUSTA ST.PDF](#)

C.

V 20-808

Application by Paul Lawler (Bowman Consulting Group, Ltd) on behalf of Circle K for a VARIANCE to rear setback requirements located at 429 WADE HAMPTON BLVD (TM# 018901-01-00800)

Documents:

[V 20-808 429 WADE HAMPTON BLVD.PDF](#)

10. Other Business

A. Election of Chair and Vice-Chair

11. Adjournment

Webex Meeting Instructions

Steps for Online Access

1. Visit greenvillesc.gov/meeting. You can also go to greenvillesc.gov and click on ONLINE MEETING.

2. Join Event: Board of Zoning Appeals Regular Meeting 1/14/2021

Enter your: First Name

Enter your: Last Name

Enter your: Email Address

Enter the event password: meetnow

Click: Join Now

Steps for Phone Access

1. Dial: +1-415-655-0002

2. Enter Access Code: 179 922 9200

Procedure for Public Comment during Meeting

1. The Board of Zoning Appeals Chair will read through each agenda item and call for a list of names who wish to speak during public comment. The public shall communicate directly with the Planning Staff Liaison if they wish to speak on the specific agenda item.

2. The Planning Staff Liaison will take a list of names, which will be called in order at the time of the specific agenda item, to provide public comment.

3. The Planning Staff Liaison will communicate directly with the public during the public portion of each item to provide comments on the specific agenda item.
4. Each member of the public shall provide their comments when their name is called by the Planning Staff Liaison.
5. Each member of the public will have 3 minutes to speak on the specific agenda item. When speaking:
 - Begin by clearly stating your name and address for the record. Please spell your name if it is prone to be misspelled. The 3-minute timer will start after you provide this information.
 - Please do not repeat information already presented by someone else and avoid off-topic statements. Those who wish to share similar concerns are encouraged to appoint a spokesperson to speak on behalf of the group.
 - Direct all comments and questions to the chairperson, who will respond or direct the question to the appropriate party for response.
6. The Planning Staff Liaison will continue through the list of names until all members of the public who wished to speak on the specific agenda item have had an opportunity.
7. Once all names are called and public comment provided, the public portion for that specific agenda item will be closed.



**Planning Staff Report to
Board of Zoning Appeals
January 8, 2021**
for the January 14, 2021 Public Hearing

Docket Number:	S 20-643
Applicant:	LEROY DYER & SON SIGNS on behalf of LAUREL BAPTIST CHURCH
Property Owner:	LAUREL CREEK BAPTIST CHURCH
Property Location:	2331 Laurens Rd
Tax Map Number:	026300-02-00100
Acreage:	3.045
Zoning:	R-6, Single-Family Residential District SSOD, Special Sign Overlay District
Proposal:	Special Exception Permit to allow an Electronic message board

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. 19-6.6, *Sign Regulations*

Staff Recommendation:

Staff concludes that the application complies with the standards for granting a Special Exception Permit for electronic message board signs in the R-6 District. If the Board decides to grant the permit, staff recommends the following conditions:

1. The sign shall substantially conform to the testimony of the applicant and the content of the application.

Staff Analysis:

The applicant proposes to install an electronic message board on a proposed freestanding monument sign at Laurel Baptist Church on the north corner of the Laurens Road and Woodruff Road intersection. According to subsection 19-6.6.4(C)(4)(b), *Electronic messages boards*, proposed electronic message boards located within residential districts may be approved only as a special exception by the Board of Zoning Appeals.

The new monument sign proposes 35.375 square feet of sign face area. The electronic message board measures 2 feet high by 5 feet wide, and comprises approximately 28 percent of the overall sign face area.

A special exception permit shall be approved only upon a finding that the applicant demonstrates all of the following standards are met:

1. Consistent with the comprehensive plan

The Future Land Use Map (FLUM) of the City's Plan-it Greenville Comprehensive Plan designates the area as "Transit Oriented Development (TOD)," which encourages a blend of multi-family

residential, high-intensity employment, office civic, entertainment and institutional uses, as well as a limited amount of retail use in a pedestrian-friendly area. Laurens Road is the main axis for vehicular transit within this “Transit Oriented Development” area.

Staff believes use of proposed auto-oriented message board is consistent with the Comprehensive Plan.

2. *Complies with use specific standards*

There are no use-specific standards for electronic message boards located within residential districts. However, the sign regulations for electronic messages boards (subsection 19-6.6.4(C)(4)) provides the following:

- Electronic message boards shall incorporate a photo cell, or similar technology, that adjusts brightness of the sign relative to outdoor ambient light;
- The area of the electronic sign face shall not exceed 30 percent of the overall sign face area;
- The electronic message shall maintain a static message for at least 12 seconds; and,
- The sign shall display no message between 9:00 p.m. and 6:00 a.m.

The proposed sign appears to conform to the listed regulations and conformance shall be verified prior to issuance of a sign permit.

3. *Compatibility with the surrounding lands*

The surrounding area mainly consists of commercial uses and automobile dealerships. All surrounding properties located in the City of Greenville are zoned commercially and within the Special Sign Overlay District, which provides additional allowances for “reasonable signage visibility because of the nature of the development patterns and characteristics of the adjacent streets and highways in the area”.

Staff believes the proposed sign is compatible with the character of the surrounding lands. Furthermore, if the subject property were zoned similarly to the adjacent properties, this sign type would be permitted by right.

4. *The design does not have substantial adverse impacts*

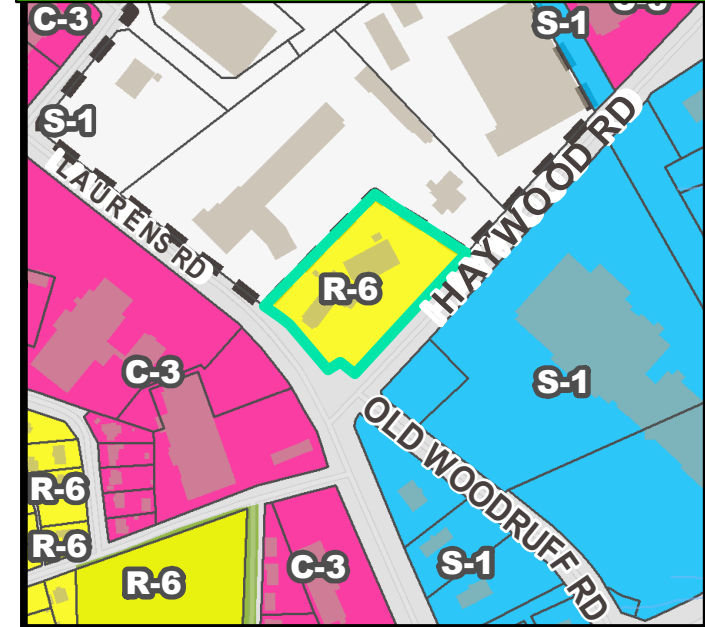
The subject property is surrounded on all sides by commercial zoning districts and uses. The proposed location of the sign is outside of any sight clearance triangles and the sign regulations for electronic message boards in residential districts provide standards to reduce impacts, specifically visual impacts, on adjacent properties.

S 20-643 • 2331 LAURENS RD

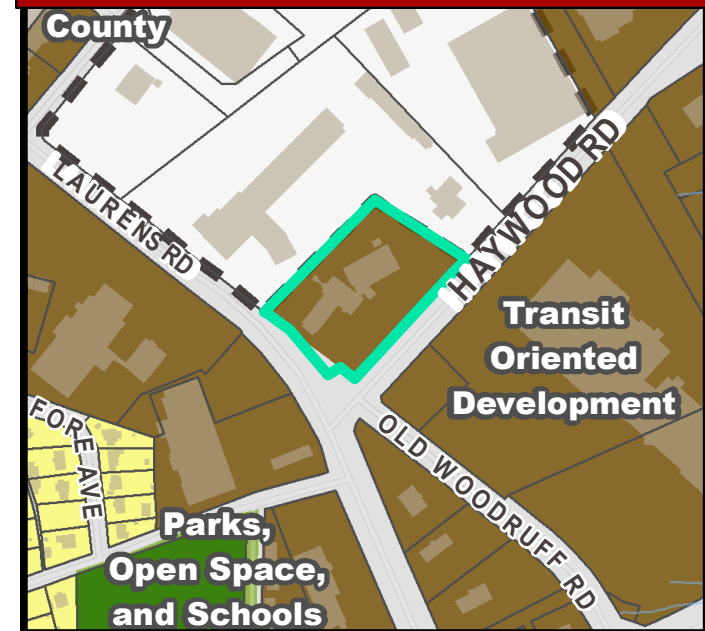
AERIAL VIEW



CURRENT ZONING

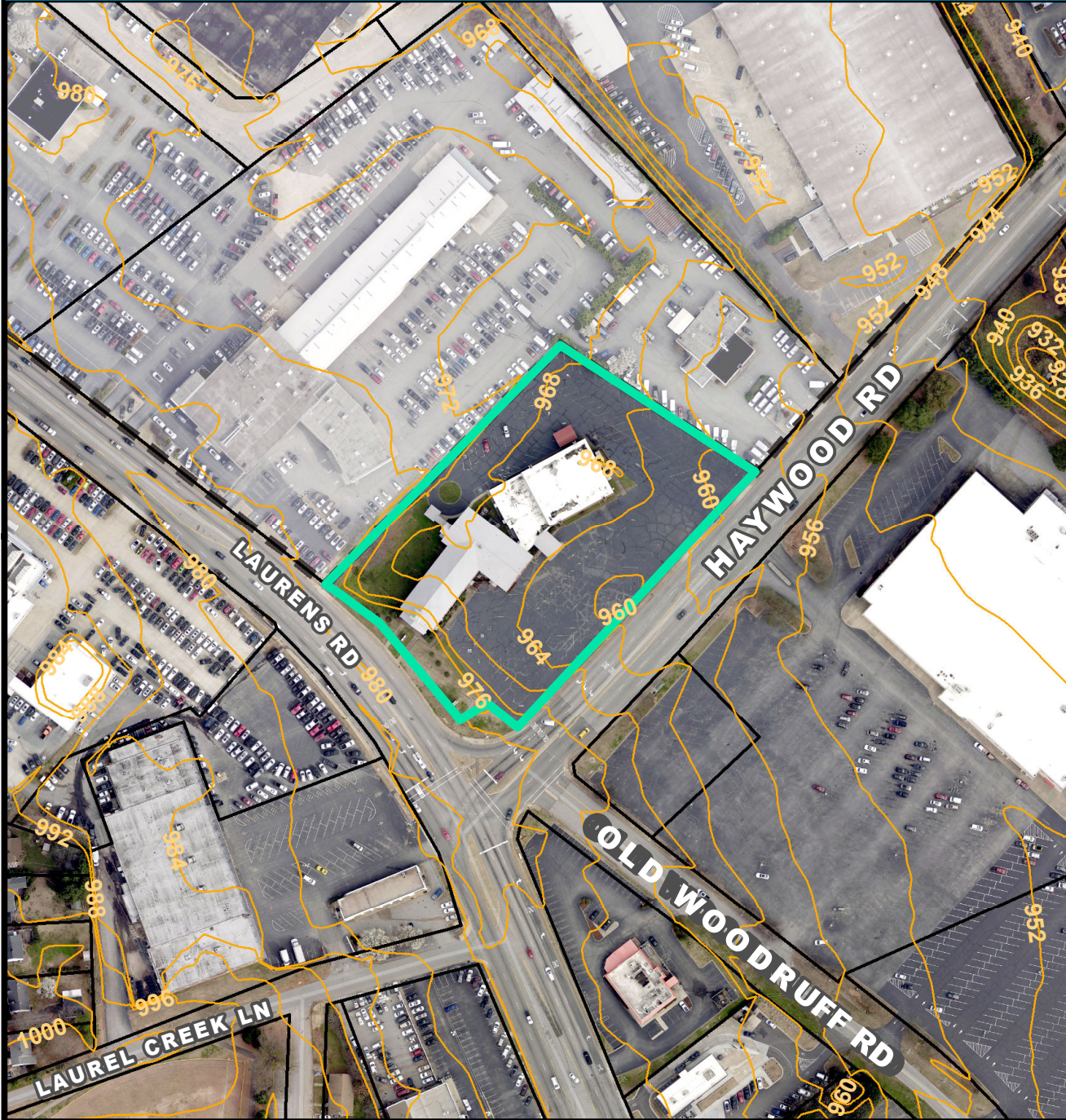


FUTURE LAND USE

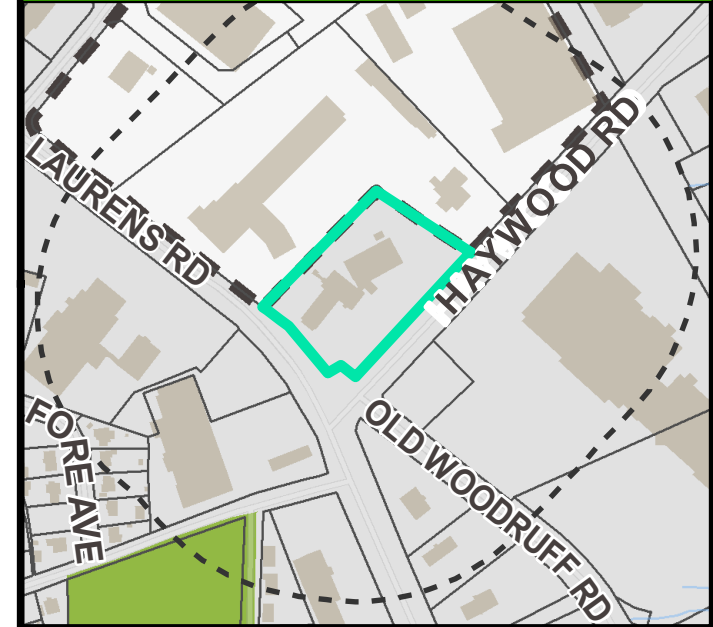


S 20-643 • 2331 LAURENS RD

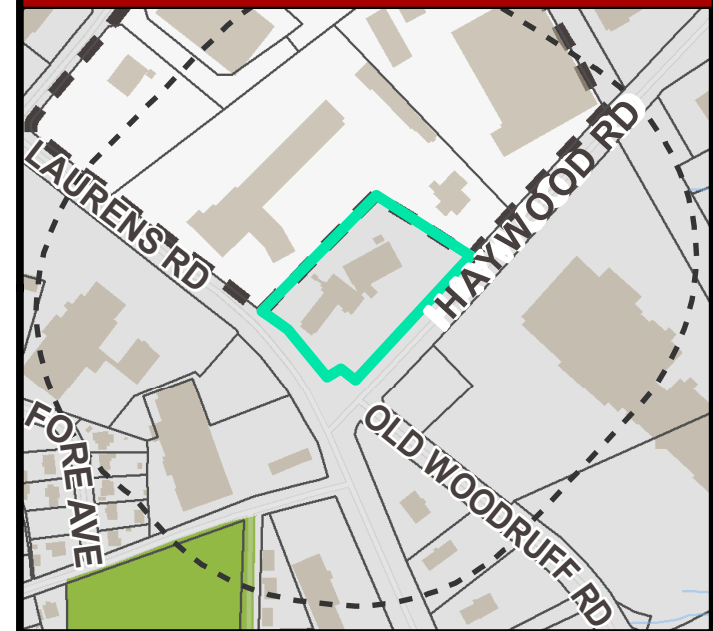
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE: laurel Baptist church

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

APPLICANT'S REPRESENTATIVE: Leroy Dyer & Son Signs

(Optional) _____
Name Title / Organization

MAILING ADDRESS: PO Box 14096 Greenville, SC 29610

PHONE: 864-269-4826 **EMAIL:** office.dyersignco@att.net

PROPERTY OWNER: Laurel Baptist Church

MAILING ADDRESS: 2331 Laurens Rd.

PHONE: _____ **EMAIL:** _____

PROPERTY INFORMATION

STREET ADDRESS: 2331 Laurens Rd.

TAX PARCEL #: 026300-02-00100 **ACREAGE:** _____ **ZONING DESIGNATION:** R6

REQUEST

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

DESCRIPTION OF PROPOSED LAND USE:

We are replacing the church sign that was damaged by an auto. They are purchasing an ID and Electronic message Center sign to replace damaged one.

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.

**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.

The new sign falls within the limits provided in the sign design rules for the city and replaces non-conforming sign damages by car accident.

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

The sign complies with this section as it identifies the church to the public and causes no nuisance as to the odor or glare to public.

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 sign is on a commercial corridor road and is surrounded by C-3 zoning, which allows this type sign. It would compliment the front grounds while being able to announce church events.

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 sign should not effect any surrounding properties as they all are commercial business establishments. The sign identifies the church.

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.

This sign will be placed in an area that has the same character in other establishments that are surrounding the property.

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).

We believe our sign will improve the sites appearance and will compliment the surrounding area.

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

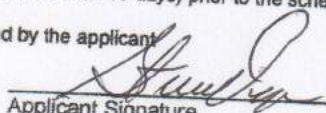
Yes the ecletrical service is already in place as it served the nonconforming sign.

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

Yes this type permanent display is allowed in the city commercial districts.

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.

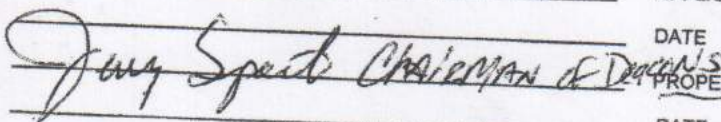
If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived, then the planning office will indicate in its report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

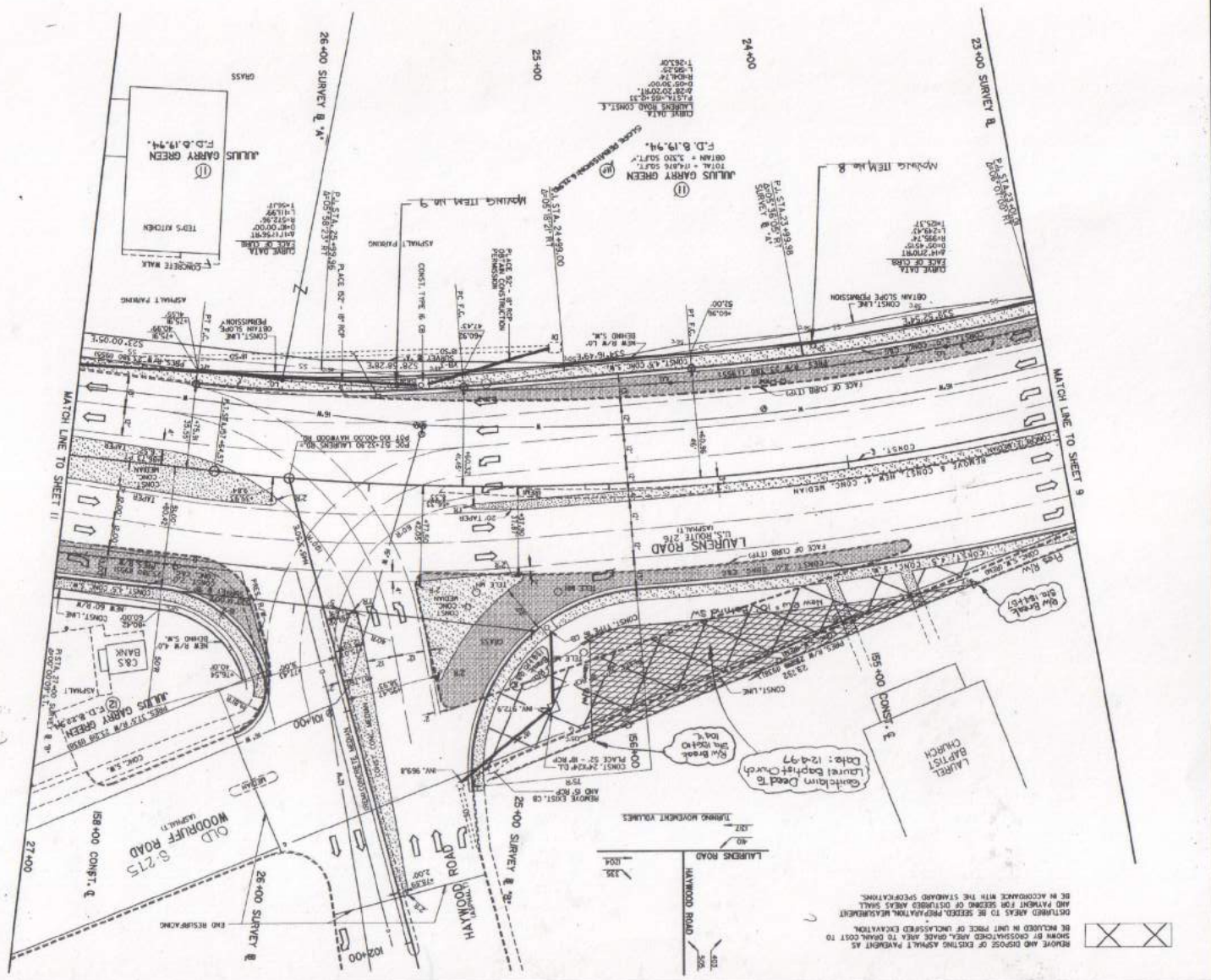
DATE



PROPERTY OWNER SIGNATURE

DATE

PROJECT NO.	STATE	COUNTY	FILE NO.	PROJECT NAME	US ZIP	ID
07-00041	SC	GRENVILLE	23-296A	W-M-W-028	US 276	
ROUTE TO TRAIL						

[illegible]

SIGNS

Leroy Dyer & Sons
SINCE 1966

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THE WRITTEN CONSENT OF DYER SIGN CO.

CLIENT LAUREL BAPTIST
LOCATION S.C.
DRAWING 1092
SALESPERSON Steve Dyer
DATE 5/19/20
DRAWN BY Steve

REVISIONS

REVISED

COLORS

Forest Green

BRIGHT GREEN

Black

White

Golden Yellow

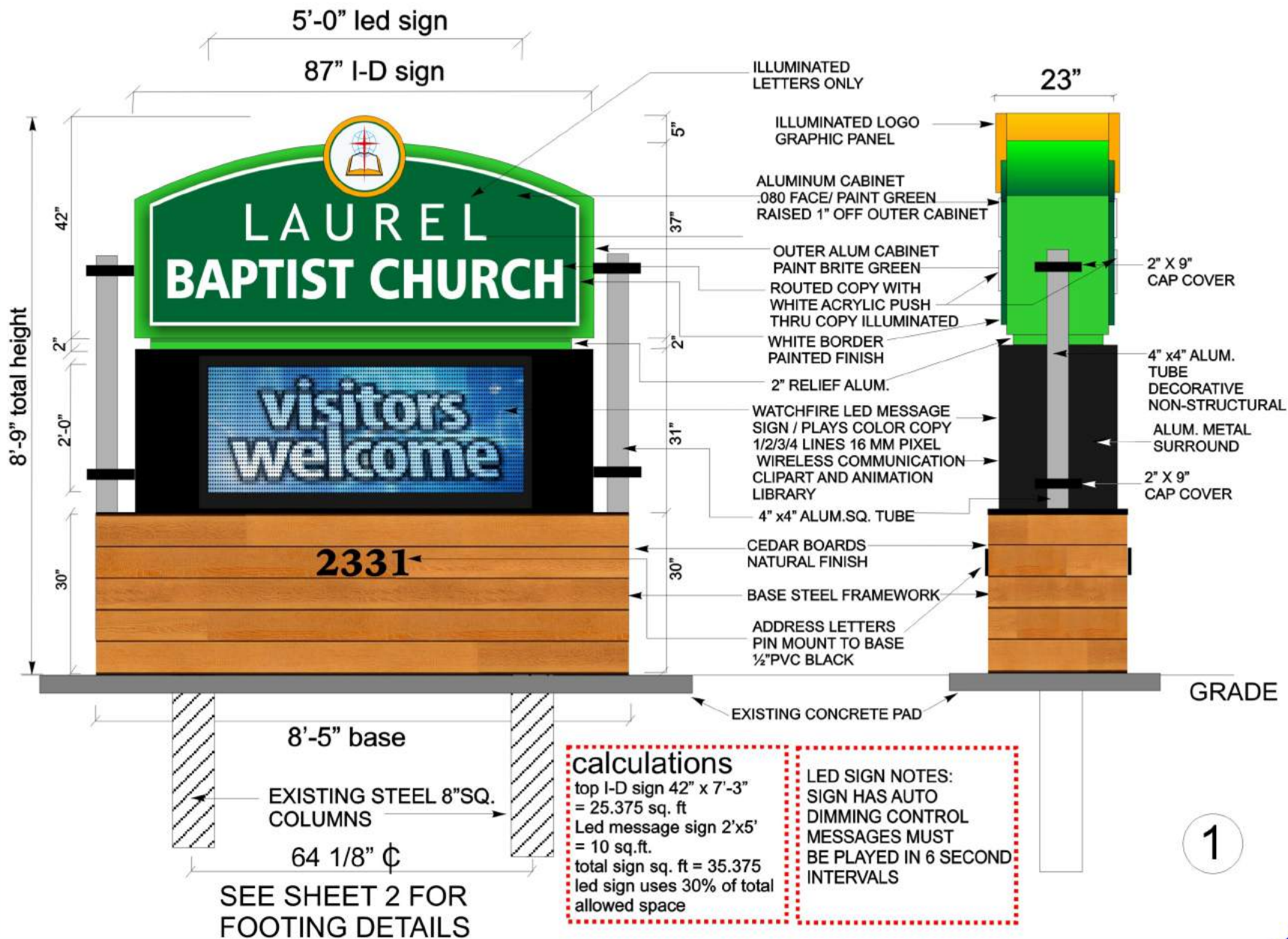
COLORS ARE FOR
REFERENCE ONLY

CUSTOMER APPROVAL

DATE
5/19/20

SCALE

LEROY DYER SIGN CO.
3600 Calhoun Mem. Hwy.
Greenville S.C. 29611
P.O. Box 14096 Greenville S.C. 29610





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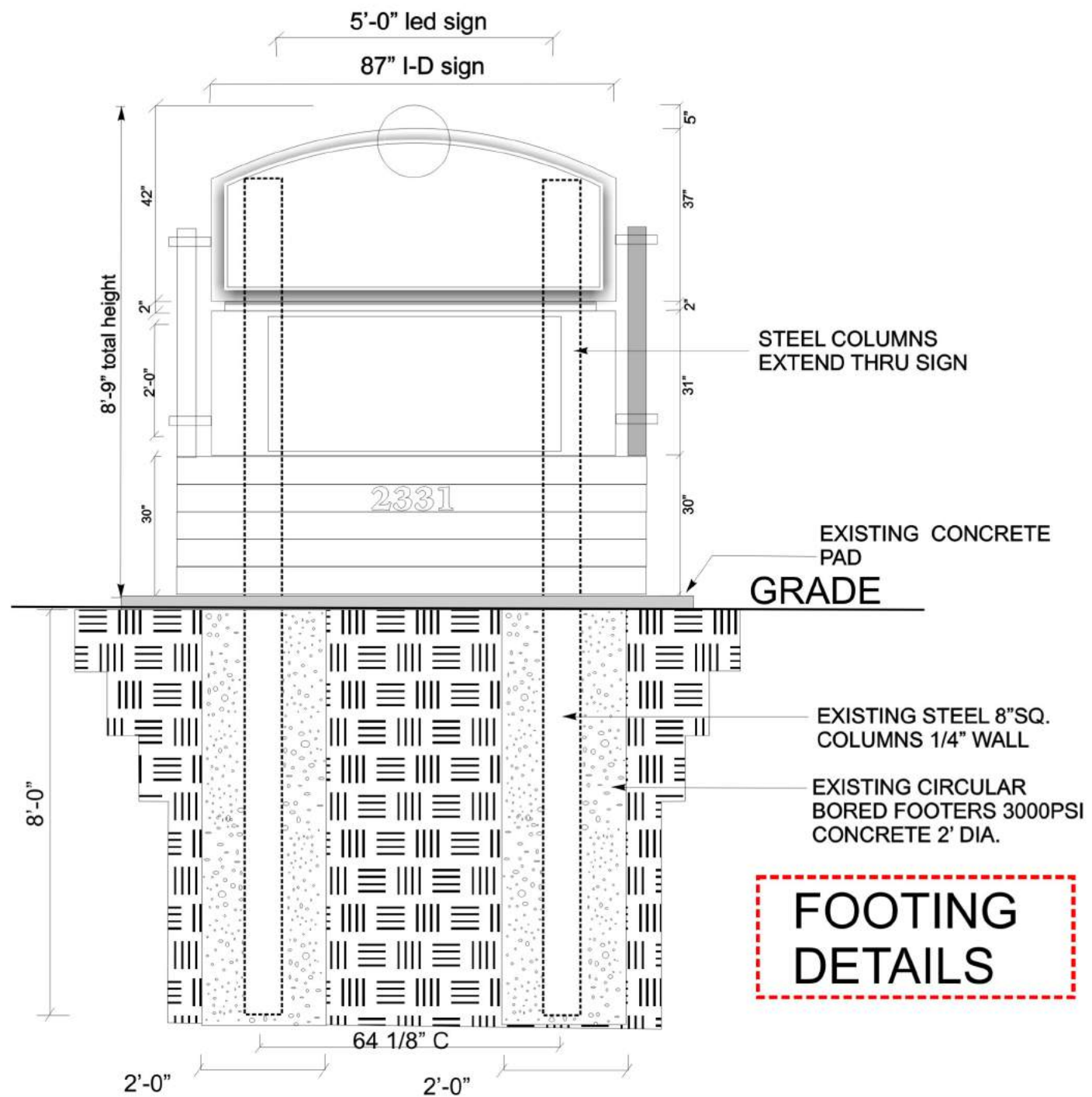
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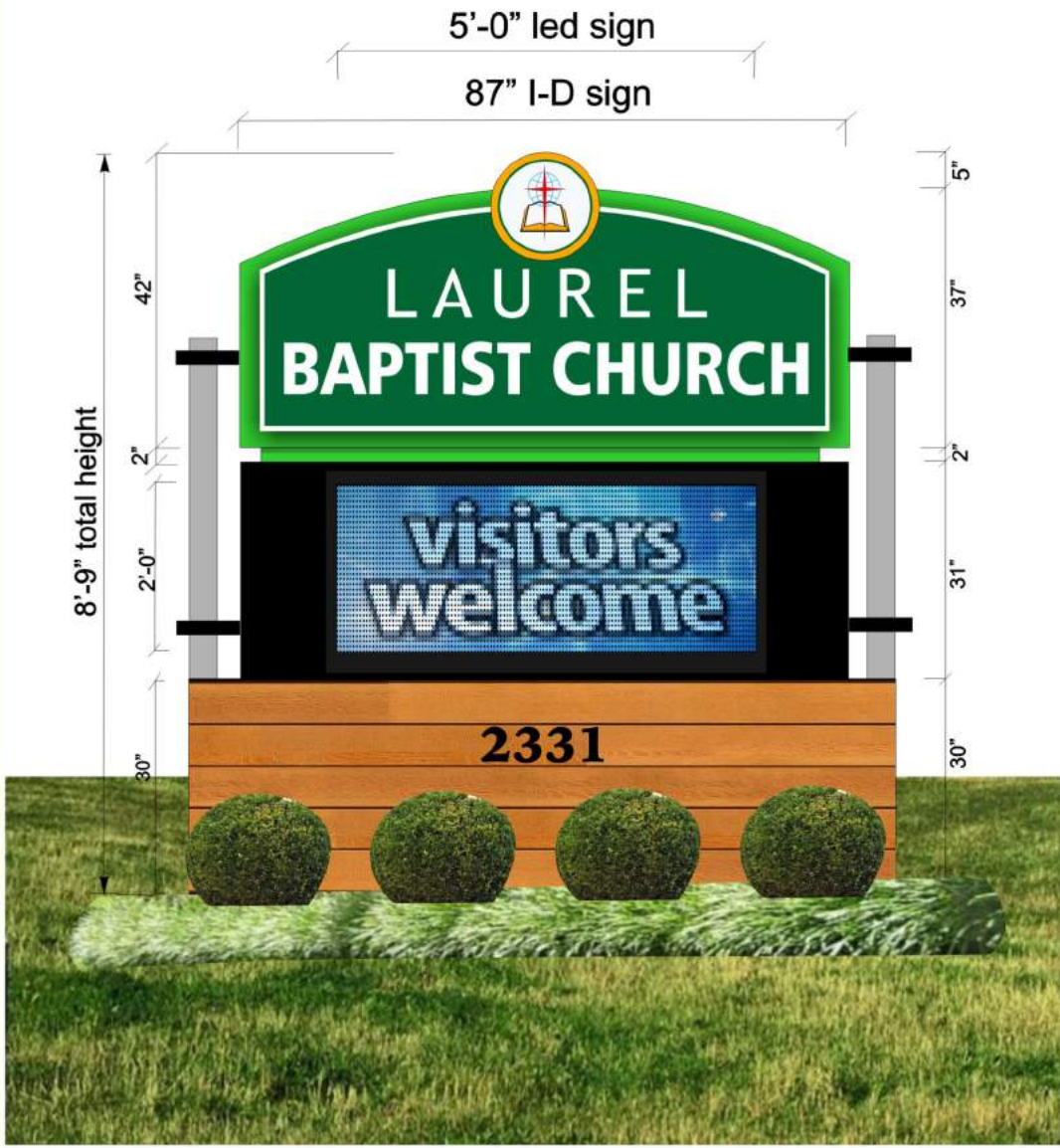
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LANDSCAPE PLAN

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LOCATION S.C.
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REVISIONS

	REVISED

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**CUSTOMER
APPROVAL**

DATE
5/19/20

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NITE VIEW

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CLIENT LAUREL BAPTIST
LOCATION S.C.
DRAWING 1093
SALESPERSON Steve Dyer
DATE 5/19/20
DRAWN BY Steve

REVISIONS

COLORS

Forest Green

BRIGHT GREEN

Black

White

Golden Yellow

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**CUSTOMER
APPROVAL**

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5/19/20

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site view

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SALESPERSON Steve Dyer
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Greenville S.C. 29611
P.O. Box 14096 Greenville S.C. 29610



SIGN
LOCATION





**Planning Staff Report to
Board of Zoning Appeals
January 8, 2021**
for the January 14, 2021 Public Hearing

Docket Number:	S 20-799
Applicant:	Vivian Valdivia (McDonald's)
Property Owner:	McDonald's Real Estate Company
Property Location:	2200 AUGUSTA STREET
Tax Map Number:	021500-01-00401
Acreage:	0.84
Zoning:	C-2, Local Commercial 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*

Sec. 19-4.3.3, *Use Specific Standards, Commercial Uses*

Staff Recommendation: Staff concludes that the application complies with the standards for granting a Special Exception Permit for a "Restaurant, with drive-through". If the Board decides to grant the permit, staff recommends the following conditions:

1. The Special Exception Permit shall be limited to McDonald's, and is not transferrable.
2. The use of the property shall substantially conform to the testimony of the applicant and the content of the application.

Staff Analysis:

The Applicant represents McDonald's restaurant, located at 2200 Augusta Street. McDonald's has occupied this site since 1968. The property is zoned C-2, Local Commercial District, which is intended to provide a limited range of general retail, business, and service uses as well as professional and business offices, but not intensive business or industrial activities, to persons living in surrounding neighborhoods. The surrounding properties to the east, west, and south are also zoned C-2 and include a pharmacy/retail use and bank use. Properties to the north across Augusta Street are zoned C-2 and PD with restaurant, retail and bank uses.

The existing ±4,000 square foot restaurant currently includes a drive-through with a single order station. Building and Site Permits were submitted to request interior and exterior renovations to the restaurant building and site which included the addition of a second order point at the rear of the property. The location of existing payment and pickup windows will remain and no additional drive-through windows are requested with this application.

The value of the work proposed, when compared to property Fair Market Value and the addition of a second order point, prompted the application for a Special Exception Permit. A Special Exception was

not required during original construction of the building, establishment of the use, or subsequent renovations under previous iterations of the Land Management Ordinance and Zoning Ordinance.

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 (FLUM) of the City's Plan-it Greenville Comprehensive Plan designates the property as "Mixed Use Neighborhood." This land use is focused on pedestrians with single uses not to exceed 10,000/sf. Small shops, offices, day care centers, places of worship, and elementary schools, mixed with urban and general residential, is encouraged in these classifications.

Although a restaurant with a drive-through is not typically considered desirable in the "Mixed Use Neighborhood" future land use category, the restaurant, represented by this application, has been at this location for over fifty years and is a well-established fixture on Augusta Street. Increased compatibility with the Comprehensive Plan is achieved through enhanced pedestrian and bike access along Augusta Street and to the restaurant to be completed under submitted permits. Therefore, staff believes the use, as proposed, is consistent with the Comprehensive Plan.

2. Complies with use specific standards

19-4.3.3(A) General.

- (1) *Design standards. Except where specifically exempted by this chapter, nonresidential uses shall comply with the standards in subsection [19-6.5](#).*
- (2) *Commercial uses located within the OD, C-1, C-2, C-4, RDV, and PD districts open to the public between the hours of 12 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and, at a minimum, are subject to the following standards:*
 - (a) *The standards for granting a special exception permit.*
 - (b) *On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12:00 midnight and 5:00 a.m.*
 - (c) *Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 5:00 a.m.*
 - (d) *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 conspicuous locations and shall be enforced by the proprietors.*
 - (e) *Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. No exterior amplified sound shall be permitted between the hours of 10:00 p.m. and 11:00 a.m. Interior sound amplification shall be located only as reflected on an approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.*
 - (f) *Drive-through facilities shall be closed between the hours of 12:00 midnight and 5:00 a.m.*
 - (g) *Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.*
 - (h) *The required permit, either special exception permit or conditional use permit, shall be limited to the applicant and shall not be transferrable. Copy of the special*

exception permit or the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

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.*

Staff believes this application is compliant with all Use Specific Standards for “Eating establishments”.

With regard to the “General” Commercial Use Specific Standards, the Applicant has not requested hours of operation beyond midnight in this application. If desired, a separate application would be required. Drive-throughs are not permitted to operate from 12am to 5am in the C-2 District.

3. Compatibility with the surrounding lands

McDonald’s has operated at this location for over fifty years, with the drive-through portion in operation well over twenty years. Other restaurants, with drive-throughs, have subsequently been established along Augusta Street with multiple other drive-through services for other commercial businesses in the immediate vicinity (CVS to the west; Grand South Bank to the east; multiple banks to the north).

Staff believes incorporation of an additional drive-through order station as part of the restaurant use is compatible with the character of surrounding lands and would not anticipate any negative effects on property values.

4. Design does not have substantial adverse impact

The subject property associated with this application is not immediately adjacent to a residential use. However, vehicular cross access to W. Faris Road separates the order lane(s) from residential. The additional order station will be located closer to the restaurant building than the existing/remaining order lane. The new location will minimize any added impacts from the existing configuration. Lighting and volume, from the order stations and menu board(s), will be considerate of its orientation to the residential in the area. The Applicant is expected to conform with standards for the drive-through speakers in Land Management Ordinance Section 19-6.5.7(G)(6), which states speakers shall not be audible beyond the residential lot lines.

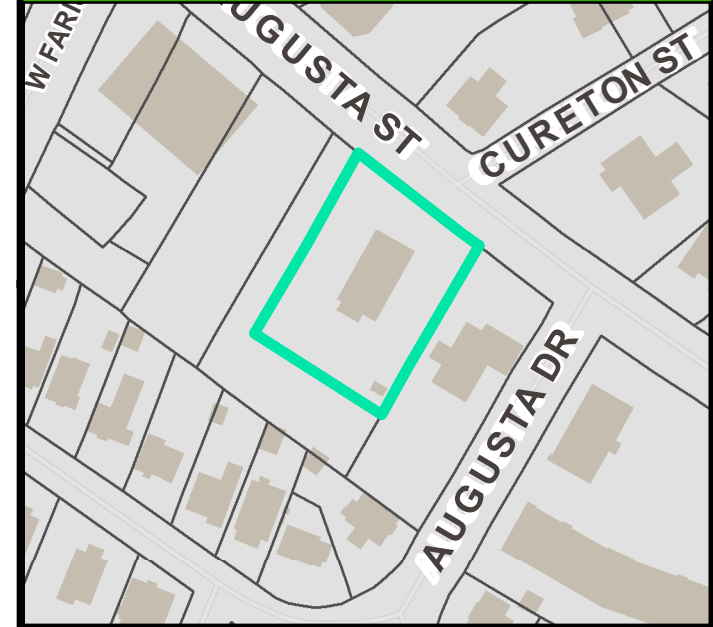
Staff concludes that the design of the business, if operated in a manner consistent with the application, will not have substantial impact on the surrounding lands.

S 20-799 • 2200 AUGUSTA ST.

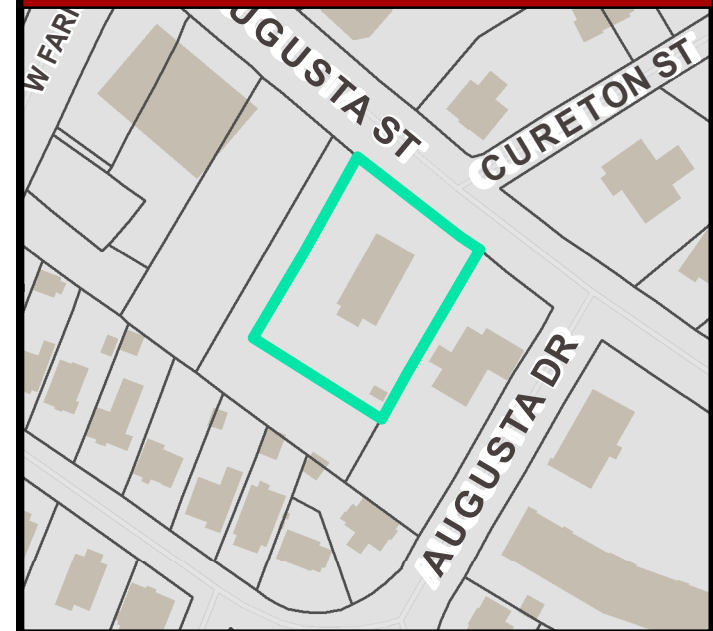
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Vivian Valdivia Development Officer /McDonald's
 * Name Title / Organization
 permit may be limited to this entity. _____

APPLICANT'S REPRESENTATIVE: John Connelly/Kristin Lang Britt, Peters & Associates, Inc.
 (Optional) Name Title / Organization

MAILING ADDRESS: 110 N Carpenter Street, Chicago, IL 60607

PHONE: 678-357-5698 **EMAIL:** vivian.valdivia@us.mcd.com

PROPERTY OWNER: McDonald's Real Estate Company

MAILING ADDRESS: 110 N Carpenter Street, Chicago, IL 60607

PHONE: _____ **EMAIL:** _____

PROPERTY INFORMATION

STREET ADDRESS: 2200 Augusta Road

TAX PARCEL #: 0215000100401 **ACREAGE:** 0.84 **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:

Existing McDonald's restaurant to be remodeled.

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.

John A. Goff
11/30/20

APPLICANT / REPRESENTATIVE SIGNATURE

DATE

DocuSigned by:

Vivian Valdivia
BCE27F74DCE44312/3/2020

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.

No change to existing use is proposed.

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

Existing drive thru equipment to be updated. While a second order point is being proposed with the remodel, the layout of the drive thru will essentially be in the same location as it has existed since it was installed.

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 store originally opened October 30, 1968. The area is zoned C-2 with local businesses including banks, grocery stores and restaurants. Remodel and update will not decrease property values.

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 proposed double order point will maintain the single lane drive through configuration but will increase the efficiency of the overall drive through. The adjacent properties should not see any change from the existing routing.

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.

The addition of the double order point will still maintain the existing single lane drive through that has existed on the site for some time.

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 drive thru has been existing since the store opened October 30, 1968.

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

Adequate infrastructure is available.

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

Restaurant with drive thru is permitted in C-3 and S-1. Permitted with Special Exception in C-1, C-2 and C-4.



KEY NOTES:

- 1 MATCH EXISTING PAVEMENT ELEVATIONS
- 2 CONSTRUCT ACCESSIBLE PARKING AREA. REFER TO SHEET C-4.0.
- 3 INSTALL DELIVERY RAMP (1:12 MAX).
- 4 PAINT DIRECTIONAL ARROWS PER DETAIL SHEET SD-1.2
- 5 PAINT 4" WIDE STRIPE, WHITE PER McDONALD'S SPECIFICATIONS.
- 6 PAINT 4" WIDE STRIPES, WHITE @ 45' 2'-0" O.C. PER McDONALD'S SPECIFICATIONS.
- 7 PAINT "DRIVE-THRU" DIRECTIONAL ARROW, YELLOW PER DETAIL SHEET SD-1.2
- 8 PAINT 6" WIDE YELLOW STRIPE ON ASPHALT FROM EDGE OF CONCRETE DRIVE-THRU LANE
- 9 PAINT "THANK YOU" PER DETAIL SHEET SD-1.2
- 10 OUTDOOR DIGITAL PRE BROWSE BOARD (PER DETAIL SHEET SD-1.1 & SC-1.1); FOOTING AND ELECTRICITY BY GENERAL CONTRACTOR, SIGN INSTALLED BY SIGN CONTRACTOR. CONTRACTOR TO COORDINATE WITH McDONALD'S CONSTRUCTION MANAGER
- 11 OUTDOOR DIGITAL MENU BOARD (PER DETAIL SHEET SD-1.1 & SC-1.1); FOOTING AND ELECTRICITY BY GENERAL CONTRACTOR, SIGN INSTALLED BY SIGN CONTRACTOR. CONTRACTOR TO COORDINATE WITH McDONALD'S CONSTRUCTION MANAGER
- 12 CORE 16 CHARCOAL paneled SLIM SPRINGBOARD CANOPY (PER DETAIL SHEET SD-1.1); FOOTING AND ELECTRICITY BY GENERAL CONTRACTOR, SIGN INSTALLED BY SIGN CONTRACTOR. CONTRACTOR TO COORDINATE WITH McDONALD'S CONSTRUCTION MANAGER
- 13 CORE 16 CHARCOAL paneled WELCOME POINT GATEWAY SIGN WITH "ANY LANE ANY TIME" (PER DETAIL SHEET SC-1.1); FOOTING BY GENERAL CONTRACTOR, SIGN INSTALLED BY SIGN CONTRACTOR. CONTRACTOR TO COORDINATE WITH McDONALD'S CONSTRUCTION MANAGER.
- 14 DESIGNATED DRIVE-THRU ORDER AND MOBILE ORDER PARKING STALL SHALL BE PAINTED WITH A YELLOW 4" WIDE STRIPE.
- 15 PULL FORWARD SIGN FOR DESIGNATED DRIVE-THRU ORDER PARKING STALLS PER DETAIL ON SHEET SD-1.1.
- 16 MOBILE ORDER SIGN FOR DESIGNATED MOBILE ORDER PARKING STALL PER DETAIL ON SHEET SD-1.1.
- 17 PATIO WITH CONCRETE SURFACE TO MATCH EXISTING. COORDINATE PATIO DETAILS WITH McDONALD'S CONSTRUCTION MANAGER AND DECOR PLANS.
- 18 INSTALL 1500 GALLON GREASE TRAP. REFER TO SD-1.2. CLEAN PARKING LOT, REPAIR CRACKS, SEALCOAT ASPHALT AND RE-STRIPE LOT.
- 19 STABILIZE ALL NON-PAVED DISTURBED AREAS WITH VEGETATION. REFER TO LANDSCAPE PLAN BY OTHERS FOR FURTHER INFORMATION.
- 20 INSTALL 5' LONG HANDRAIL A MINIMUM OF 18" FROM LATCH SIDE OF DOOR.
- 21 CONTRACTOR SHALL FIELD VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITY LATERALS AND COORDINATE WITH McDONALD'S ACM IF DRIVE THRU FOUNDATIONS ARE IN CONFLICT.
- 22 PAINT PATIO WALLS TO MATCH BUILDING.
- 23 INSTALL CONCRETE RETAINING WALL WITH GUARD POSTS SPACED @ 4'-0" O.C. REFER TO C-4.0 FOR WALL ELEVATIONS AND SD-1.2 FOR DETAILS.
- 24 INSTALL CONCRETE RETAINING WALL WITH FENCE ON TOP AND GUARD POSTS SPACED @ 4'-0" O.C. REFER TO C-4.0 FOR WALL ELEVATIONS AND SD-1.2 FOR DETAILS.
- 25 INSTALL GUARD POST. REFER TO SD-1.2.
- 26 INSTALL BIKE RACK PER CITY OF GREENVILLE STANDARD DETAIL. REFER TO SD-1.3.
- 27 INSTALL CONCRETE SIDEWALK PER CITY OF GREENVILLE STANDARD DETAIL. REFER TO SD-1.3.
- 28 INSTALL DETECTABLE WARNING SURFACE PER CITY OF GREENVILLE STANDARD DETAIL. REFER TO SD-1.3
- 29 PROPOSED MONUMENT SIGN. REFER TO SIGN PACKAGE FOR DETAILS.
- 30 CONTRACTOR SHALL COORDINATE WITH DUKE ENERGY AND CITY OF GREENVILLE FOR INSTALLATION OF STREET LIGHTS (MITCHELL II FIXTURE WITH TYPE D POLE)

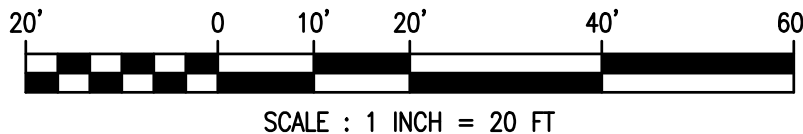
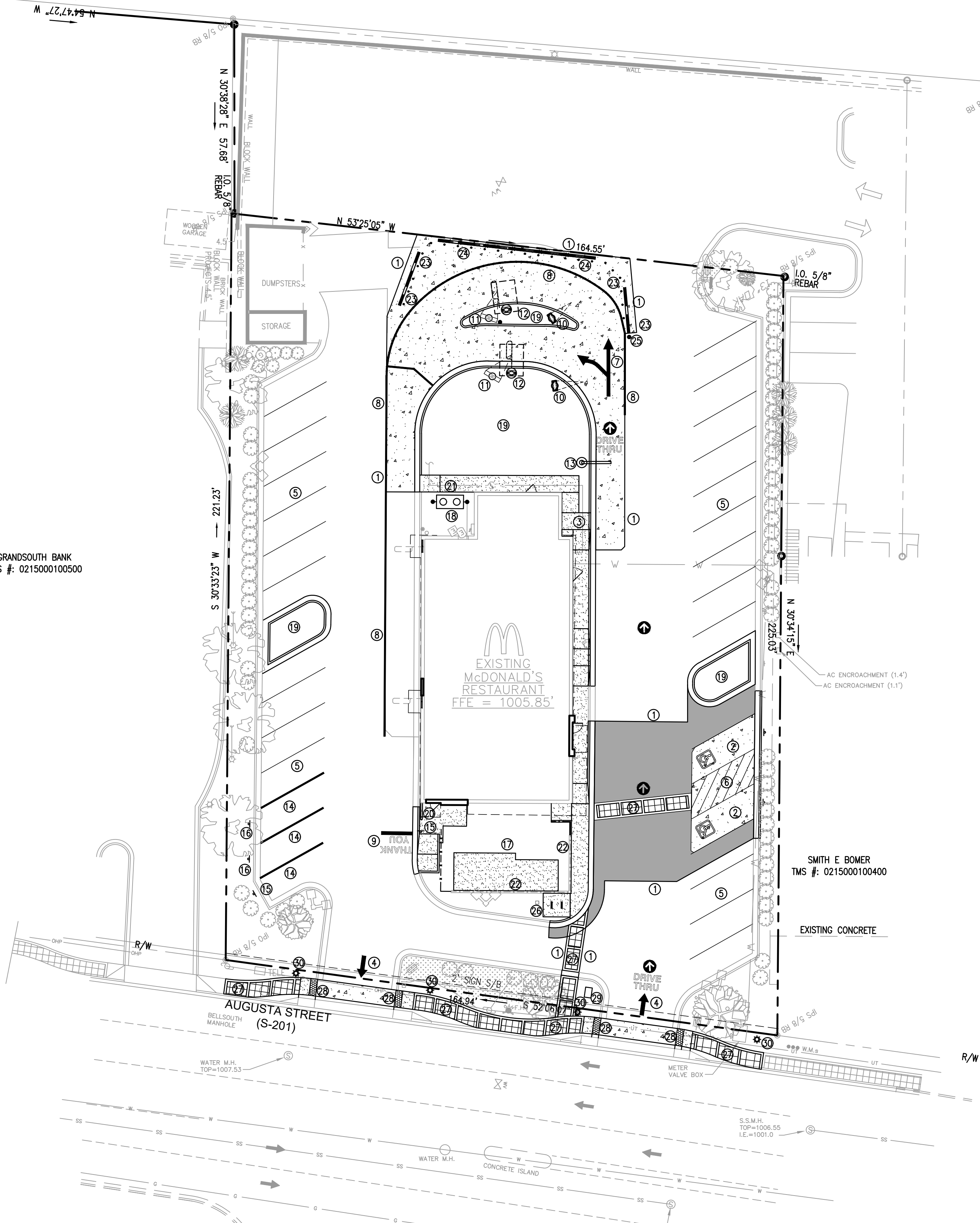
ZONING REQUIREMENTS:				
SITE ZONING: C-2 - LOCAL COMMERCIAL DISTRICT				
BUILDING SETBACKS:	FRONT	RIGHT	LEFT	REAR
	EXISTING	EXISTING	EXISTING	EXISTING
EXISTING PARKING				
41 SPACES				
PARKING REQUIREMENTS				
MIN: 1 SPACE / 150 SF SERVICE AREA + 6 QUEUING				
3,913 SF / 150 = 27 SPACES MINIMUM				
MAX: 1 SPACE / 100 SF SERVICE AREA + 6 QUEUING				
3,913 SF / 100 = 40 SPACES MAXIMUM				
BIKE PARKING REQUIRED: 10% OF PROVIDED PARKING: 0.1 X 30 = 3				
BIKE PARKING REQUIRED: 3 SPACES				
PROPOSED PARKING:				
ANGLE:	90°	60°	60°	ADA
STALL SIZE:	9' X 18'	9' X 18'	9' X 20'	9' X 20'
aisle dimension:	24'	18'	18'	18'
SPACES SHOWN:	-	-	28	2
TOTAL SPACES PROVIDED: 30 SPACES				
BIKE PARKING PROVIDED: 4 SPACES				

GENERAL SITE NOTES:

1. THE CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES. THE LOCATION OF ALL EXISTING UTILITIES ARE NOT NECESSARILY SHOWN ON THE PLANS AND WHERE SHOWN ARE ONLY APPROXIMATE. THE CONTRACTOR SHALL ON HIS INITIATIVE AND AT NO EXTRA COSTS HAVE LOCATED ALL UNDERGROUND LINES AND STRUCTURES AS NECESSARY. NO CLAIMS FOR DAMAGES OR EXTRA COMPENSATION SHALL ACCRUE TO THE CONTRACTOR FROM THE PRESENCE OF SUCH PIPE, OTHER OBSTRUCTIONS OR FROM ANY DELAY DUE TO REMOVAL OR REARRANGEMENT OF THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UNDERGROUND STRUCTURES. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL NON-SUBSCRIBING UTILITIES. THE CONTRACTOR(S) SHALL CONTACT SC 811 FOR ASSISTANCE IN LOCATING EXISTING UTILITIES. CALL AT LEAST 48 HOURS PRIOR TO ANY DIGGING.
2. THE LOCATIONS OF ALL UTILITIES SHOWN ON THESE PLANS ARE BASED ON THE AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF UTILITIES WITH THE UTILITY OWNERS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
3. PRIOR TO STARTING CONSTRUCTION, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION OF ANY ITEM SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED ALL PLANS AND ANY OTHER DOCUMENTATION FROM ALL OF THE PERMITTING AND ANY OTHER REGULATORY AUTHORITIES. FAILURE OF THE CONTRACTOR TO FOLLOW THIS PROCEDURE SHALL CAUSE THE CONTRACTOR TO ASSUME FULL RESPONSIBILITY FOR ANY SUBSEQUENT MODIFICATION OF THE WORK MANDATED BY ANY REGULATORY AUTHORITY. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH PERMITS ISSUED AND APPLICABLE STATE, COUNTY AND LOCAL CODES.
4. THE GENERAL CONTRACTOR SHALL CONTACT ALL OWNERS OF EASEMENTS, UTILITIES AND RIGHT-OF-WAYS, PUBLIC OR PRIVATE, PRIOR TO WORKING IN THESE AREAS. ACCESS SHALL BE LIMITED UNTIL PERMISSION IS GRANTED.
5. CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER SO THAT WORKMEN AND PUBLIC SHALL BE PROTECTED FROM INJURY, AND ADJOINING PROPERTY PROTECTED FROM DAMAGE.
6. CONTRACTOR IS RESPONSIBLE FOR DAMAGE TO ANY EXISTING ITEM AND/OR MATERIAL INSIDE OR OUTSIDE CONTRACT LIMITS DUE TO CONSTRUCTION OPERATIONS.
7. THE GENERAL CONTRACTOR SHALL KEEP THE AREA OUTSIDE THE "CONSTRUCTION LIMITS" BROOM CLEAN AT ALL TIMES AND REMOVE ALL TRASH AND DEBRIS FROM THE SITE UPON COMPLETION OF THE PROJECT AND AT LEAST ONCE A WEEK DURING CONSTRUCTION.
8. BEFORE COMMENCEMENT OF WORK, THE CONTRACTOR SHALL REVIEW ALL PLANS AND SPECIFICATIONS AND THE JOB SITE. THE CONTRACTOR SHALL NOTIFY THE OWNER AND THE ENGINEER WHO PREPARED THE PLANS OF ANY DISCREPANCIES THAT MAY REQUIRE MODIFICATIONS TO THESE PLANS OR OF ANY FIELD CONFLICTS.
9. ALL PERMITS RELATIVE TO THE PROJECT MUST BE OBTAINED, PRIOR TO CONSTRUCTION. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH PERMITS ISSUED AND APPLICABLE STATE, COUNTY AND LOCAL CODES.
10. ALL WORK IN RIGHT-OF-WAY SHALL BE PERFORMED IN ACCORDANCE WITH "THE CURRENT EDITION OF THE STATE DEPARTMENT OF TRANSPORTATION CONSTRUCTION AND MATERIALS SPECIFICATIONS".
11. CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONTRACTOR WILL BE REQUIRED TO ASSUME, SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY, AND HOLD THE OWNER AND DESIGN PROFESSIONAL HARMLESS OF ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, ACCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR DESIGN PROFESSIONAL.
12. SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "X" AS DEFINED BY HUD F.I.R.M. COMMUNITY PANEL NUMBER 45045C03846, WITH AN EFFECTIVE DATE OF AUGUST 18, 2014.
13. TMS #: 0215000100401
14. PROPERTY SIZE: 0.84 ACRES
DISTURBED AREA: 0.3 ACRES
15. PAVEMENT SPECIFICATIONS: CONTRACTOR TO REFER TO SOILS REPORT FOR SITE SPECIFIC PAVEMENT SPECIFICATIONS. McDONALD'S ENGINEER RESERVES THE RIGHT TO REQUEST A COMPACTION TEST AND/OR A CORE SAMPLE IF TESTS PROVE CORRECT, PER ABOVE SPECIFICATION, TESTS WILL BE AT McDONALD'S EXPENSE, OTHERWISE, GENERAL CONTRACTOR WILL BE CHARGED.
16. ALL SITE CONCRETE IS TO BE TREATED WITH WATER REPELLANT CONCRETE SEALER TO PROTECT THE SURFACES FROM SPALLING AND DAMAGE FROM CHEMICAL ATTACK OF CHLORIDE SALTS. SEALER SHOULD BE SILANE/SILOXANE WATER REPELLANT. RECOMMENDATIONS INCLUDE PROSOCO-SALTGUARD OR V-SEAL 102 WINTERGUARD.

LEGEND

EXISTING	PROPOSED
CURB & GUTTER REFER TO SD-1.2	
CONCRETE SIDEWALK REFER TO SD-1.2	
CONCRETE PAVEMENT REFER TO SD-1.2	
DENOTES AREA TO BE PAVED WITH CONCRETE OR ASPHALT PAVEMENT. PROVIDE COSTS FOR EACH MATERIAL TO THE McDONALD'S ACM. REFER TO SD-1.2 FOR PAVEMENT DETAILS.	
CONCRETE RETAINING WALL WITH FENCE ON TOP REFER TO C-4.0	
GUARD RAIL REFER TO SD-1.2	



PREPARED BY:

BRITT PETERS
AND
ASSOCIATES
INC.
consulting engineers

101 Falls Park Drive
Suite 601
Greenville, SC 29601
(864) 271-8869
Fax (864) 233-5140
www.brittpeters.com

PREPARED FOR:

McDonald's USA, LLC

These drawings and specifications are the confidential and proprietary property of McDonald's USA, LLC and shall not be copied or reproduced without written authorization. The contract documents were prepared by the engineer and are for the use of the engineer only. Use of these drawings for reference or example on another project requires the engineer's approval. The contract documents for reuse on another project is not authorized.

DRAWN BY
MPM

STD ISSUE DATE

REVIEWED BY
JAC

DATE ISSUED
06/27/2018

TITLE
SITE PLAN

DESCRIPTION
BPA #180166

SITE ADDRESS
2200 AUGUSTA STREET GREENVILLE, SC 29605

SITE ID
039-0010

SHEET NO.
C-3.0

SITE PLAN



**Planning Staff Report to
Board of Zoning Appeals
January 8, 2021**
for the January 14, 2021 Public Hearing

Docket Number:	V-20-808
Applicant:	BOWMAN CONSULTING GROUP, LTD.
Property Owner:	THE PANTRY, INC.
Property Location:	429 Wade Hampton Blvd. and 435 Wade Hampton Blvd.
Tax Map Number:	018901-01-00800; 018901-01-00806
Acreage:	1.12 (combined)
Zoning:	C-3, Regional Commercial District
Proposal:	Variance to reduce rear yard setback
Staff Recommendation:	Denial

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.19-2.3.7, *Variance Permit*

Sec.19-5.1, *Table of dimensional standards*

Staff Analysis:

The applicant requests a variance to reduce the required minimum rear-yard setback for a site zoned C-3, Regional Commercial, from ten (10) feet to five (5) feet. The variance request is associated with a proposed gas station/convenience store development. The subject site currently comprises two (2) separate parcels located at the northeast corner of Wade Hampton Blvd. and Chick Springs Rd., denoted 'Parcel A' and 'Parcel B' in the graphic below. Parcel A is improved with a convenience store building and gas canopy, while Parcel B is improved with a light industrial building. The applicant proposes to demolish the existing structures, recombine the parcels, and construct a new 5,200 sq. ft. convenience store and associated gas canopy.



Based on the submitted conceptual site plan, only the northeast corner of the new convenience store structure is proposed to encroach into the required rear-yard setback.

Staff suggests the following findings with respect to the standards required for granting a variance:

1. There are extraordinary and exceptional conditions pertaining to the property that do not generally apply to other land in the vicinity

While the proposed recombination would result in a fairly unique parcel shape featuring an angled eastern property line, staff does not find extraordinary or exceptional conditions related to the resulting acreage (1.13 acres), lot depth (202 ft.) or lot width (327 ft.). The proposed lot dimensions are consistent with nearby C-3 zoned parcels along Wade Hampton Blvd. and Chick Springs Rd and was known, or should have been known, prior to purchase.

Staff finds that there are not extraordinary or exceptional conditions that pertain to the property.

2. The special circumstances are not the result of actions of the Applicant.

The applicant recently purchased Parcel B to support the development. The applicant proposes to demolish the existing structures, recombine the parcels, and construct a new convenience store and canopy. Staff finds that the requested variance is a result of the proposed site design rather than dimensional constraints on the existing parcels.

Staff finds that the special circumstances are the result of the actions of the Applicant.

3. Because of the stated extraordinary and exceptional conditions, the application of this Ordinance to the property would effectively prohibit or unreasonably restrict the utilization of the property.

While the applicant limited the extent of the rear-yard variance request to the northeast corner of the proposed building, staff believes that the setback requirement could be satisfied through an alternative site design, building design, and/or building placement.

Staff finds that the dimensional standards and measurements of the ordinance would not unreasonably restrict the utilization of the property.

4. Granting the Variance is the minimum action that will make possible the reasonable use of the land which is not contrary to the public interest and which will carry out the spirit of this Ordinance.

Staff believes that the applicant could employ an alternative site design and layout that meets all required setbacks, eliminating the need for a variance.

Staff finds that a variance is not necessary to make possible the reasonable use of the land.

5. The Authorization of the Variance will not result in a substantial detriment to adjacent property or to the Public Good, and the Character of the District will not be harmed by granting the Variance:

The intent of the Ordinance, to regulate building setbacks, is to maintain consistency within commercial areas, ensure appropriate development that reflects the character of these areas, and provide protection to property owners. To grant a variance for a situation where other options exist is not in the public interest.

Staff finds that the authorization of the variance will result in a substantial detriment to the public good.

6. The granting of the Variance will be generally consistent with the purposes and intent of the Ordinance

Staff believes a grant of Variance would not be consistent with section 19-1.3, Purpose and Intent, of the Ordinance, with respect to:

- 19-1.3.6. *Commercial development along corridors.* Ensure appropriate commercial development patterns along corridors.
- 19-1.3.7. *Appropriate urban development and redevelopment.* Encourage appropriate urban development and redevelopment.
- 19-1.3.9. *Quality new development to blend with existing.* Encourage quality development to blend with existing development.
- 19-1.3.11. *Create harmonious community.* Facilitate the creation of a convenient, attractive, and harmonious community.
- 19-1.3.16. *Regulate the use, density, distribution, and character of land.* Regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes.

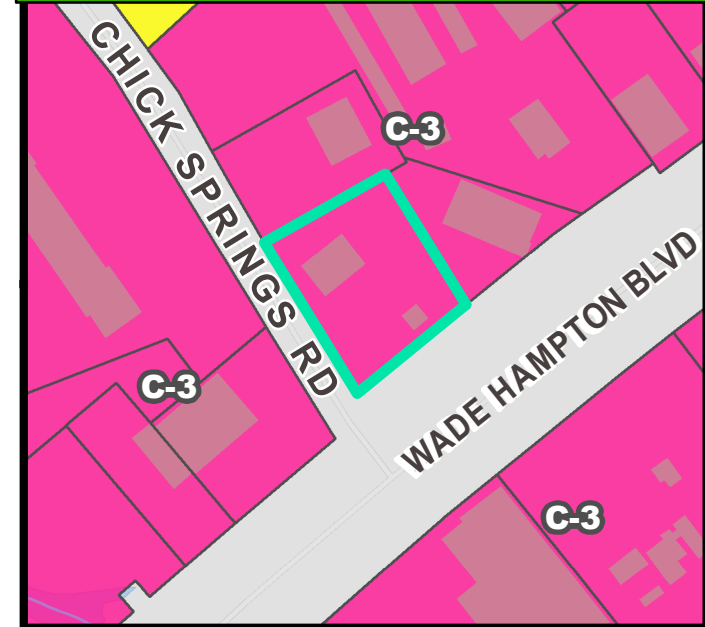
Staff finds that a grant of variance will not be consistent with the purposes and intent of the Ordinance.

V 20-808 • 429 WADE HAMPTON BLVD.

AERIAL VIEW



CURRENT ZONING



FUTURE LAND USE

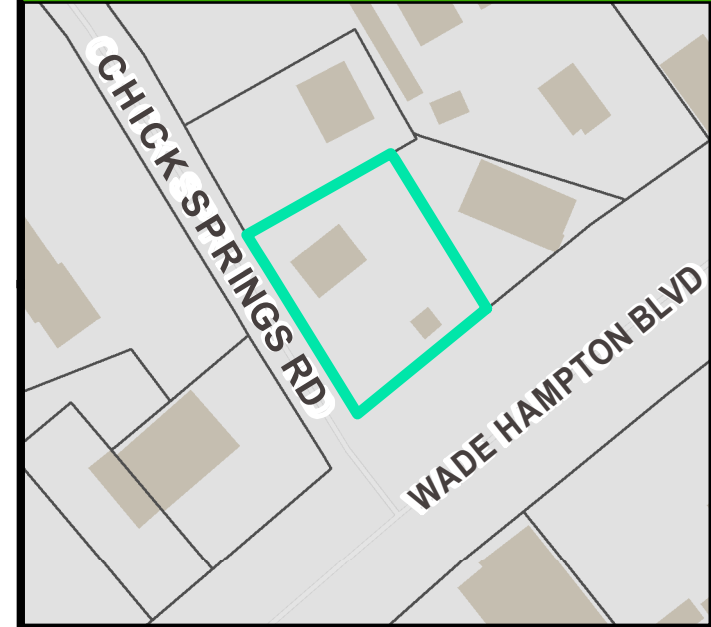


V 20-808 • 429 WADE HAMPTON BLVD.

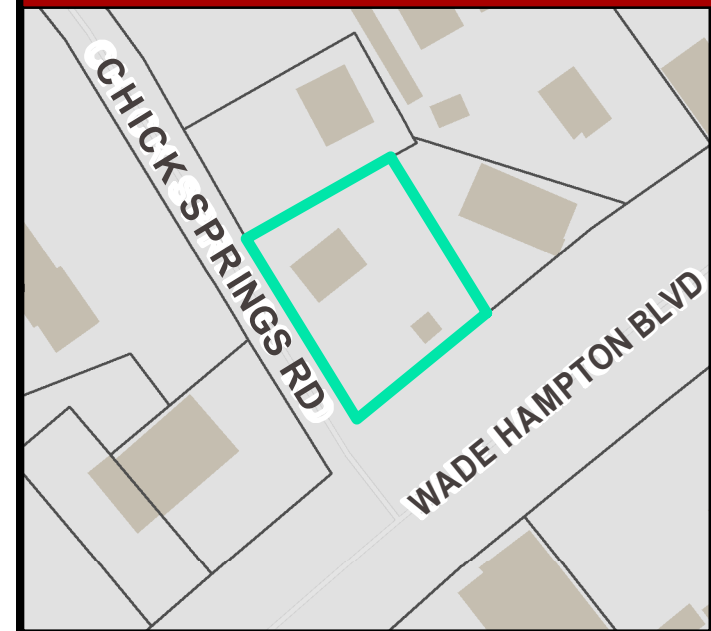
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





Office Use Only:

Application# _____ Fees Paid _____
Date Received _____ Accepted By _____

APPLICATION FOR VARIANCE CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT: Bowman Consulting Group, Ltd. - Paul Lawler - Project Manger

Name

Title / Organization

MAILING ADDRESS: 4350 Main Street, Suite 219, Harrisburg, NC 28075

PHONE: 980-446-3336

EMAIL: plawler@bowmanconsulting.com

PROPERTY OWNER: The Pantry Inc.

MAILING ADDRESS: 2550 W. Tyvola Rd., Suite 200, Charlotte, NC 28217

PHONE: 870-321-0829

EMAIL: jshelley@circlek.com

PROPERTY INFORMATION

STREET ADDRESS: 429 Wade Hampton Blvd

TAX PARCEL #: 01890101008000 DEED BOOK/PAGE: 1275 / 942 RECORDED DATE: 09/16/1986

ZONING DESIGNATION: C-3 ACREAGE: 1.079 (Total Proposed Acreage)

REQUEST

***Unless limited by a condition of approval, a variance permit shall run with the land
and not be affected by a change in ownership.***

CODE SECTION FROM WHICH A VARIANCE IS REQUESTED: Sec. 19-5.1 - Dimensional Standards (Table 19-5.1-1)

DESCRIPTION OF REQUEST:

Reduction of rear setback by 5' to a proposed setback of 5' to support the construction of a new convenience store on the subject property.

INSTRUCTIONS

1. The application and fee, made payable to the City of Greenville, must be received by the Planning and Development office on or before the filing date reflected on the calendar schedule of the Board of Zoning Appeals. Submit the application by 2:00PM (business days) to ensure that it is accepted and processed the same day.
2. Special Exception and Variance applications require a public hearing before the Board of Zoning Appeals. Public hearing signs are required to be posted on the subject properties at least 15 days (but not more than 18 days) prior to the scheduled hearing date. The applicant is responsible for picking up signs at the Planning and Development office in City Hall, at the time of application submittal.

3. The applicant/owner must respond the “findings” questions on page 3 of this application (you must answer “why” you believe the application meets the tests for the granting of a variance). See also **Section 19-2.3.7, Variance Permit**, for additional information. You may attach a separate sheet addressing these questions.
4. 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 requested variance; (c) existing buildings and other relevant site improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested variance.
5. You must attach the required application fee:
 - (a) Single-Family Residential Uses: \$150.00
 - (b) All Other Uses: \$250.00
6. 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.**
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.

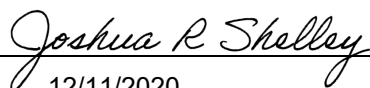
To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is ___ is not ___ restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.



12/11/2020

Applicant Signature

Date



12/11/2020

Property Owner Signature

Date

STOP: To be filled when application submitted to Planning & Development office – 5 th floor of City Hall	
	‘Public Hearing’ signs are acknowledged as received by the applicant
	Received information for neighborhood meeting - PDF Online

APPLICANT SIGNATURE _____

APPLICANT RESPONSE TO
SECTION 19-2.3.7(D)(1), FINDINGS
(You may attach a separate sheet)

1. Describe the extraordinary and exceptional condition (such as size, shape, and topography) that pertains to the subject property that does not generally apply to other land or structures in the vicinity.

See letter

2. Are the circumstances affecting the subject property the result of actions by the applicant/owner?

3. Describe the ways in which application of the requirement(s) of the ordinance effectively prohibit or unreasonably restrict the utilization of the subject property.

4. Is the request the minimum action that will make possible the reasonable use of land or structure which is not contrary to the public interest and which will carry out the spirit of the ordinance?

5. Describe the ways in which the granting of the variance will not result in substantial detriment to adjacent property or to the public good. In what way(s) will the granting of the variance not harm the character of the district?

6. Describe the ways in which the granting of the variance will be generally consistent with the purposes and intent of the ordinance.



December 11, 2020

City of Greenville
Planning and Zoning Department
206 S Main Street, 6th Floor
Greenville, SC 29601

RE: Application for Variance
Circle K - Convenience Store Redevelopment
429 Wade Hampton Blvd
BCG Project #180001-04-004

To City of Greenville Planning and Development:

On behalf of The Pantry Inc. and Circle K Stores Inc., Bowman Consulting Group is submitting the following variance request. Please find enclosed in this submittal the signed application, site plan, survey, and applicant responses below, supporting the variance request for the above-referenced property.

General Description of the Request

Circle K is proposing to redevelop their existing convenience store located at 429 Wade Hampton Boulevard within the City. Circle K has purchased the property to the east (PIN 0189010100806) of their existing convenience store to enable a substantial upgrade to their site and the overall intersection corner. The proposed improvements include full demolition of the existing convenience store, fuel canopy, and Minuteman Press building; and the construction of a new 5,200 sqft building, canopy, parking areas, drives, utilities, and landscaping. A survey of the properties has been included to provide additional information on existing conditions. In addition, the Site Plan is enclosed showing the proposed improvements.

On behalf of the property owner and developer, Circle K Stores Inc., Bowman Consulting Group is requesting a variance from the minimum rear setback as identified in §19-5.1 and Table 19-5.1-1 of the City's Land Management Ordinance. As shown in the table, a property zoned C-3 requires a minimum rear setback of 10'. A reduction of 5' is being requested for the rear setback.

As shown on the enclosed Site Plan, the proposed convenience store building is ±6 feet from the north property boundary at the northeast corner of the building. Due to the existing configuration of the property boundary, Circle K Stores Inc. is requesting this variance to redevelop the property.

Response to Section 19-2.3.7(D)(1), Findings

- 1. Describe the extraordinary and exceptional condition (such as size, shape, and topography) that pertains to the subject property that does not generally apply to other land or structures in the vicinity.**

The existing configuration of the property boundary creates an unnecessary hardship due to the lack of depth on the subject property. Circle K's existing convenience store at this location is dated and in need of an upgrade. Like other convenience store developments, Circle K is proposing a larger building footprint to provide an overall better product to their customers. Due to a smaller and shallower property boundary, the larger building encroaches in the setbacks. To assist with the lack of depth on the property, Circle K pursued and received approval on purchasing excessive right-of-way from SCDOT along Wade Hampton Blvd. This additional right-of-way is reflected in the attached Site Plan, but unfortunately it is not enough to avoid the rear setback encroachment.

- 2. Are the circumstances affecting the subject property the result of actions by the applicant/owner?**

No. The circumstance affecting the subject property is an existing condition.

- 3. Describe the ways in which application of the requirement(s) of the ordinance effectively prohibit or unreasonable restrict the utilization of the subject property.**

Application of the rear setback would require placing the building further from the rear property line and closer to Wade Hampton Boulevard. This shift in the building location would require decreased drive aisle widths around the canopy. The drive aisle widths around the canopy are already restricted to the minimum widths allowed to support the underground fuel storage tanks and servicing vehicles.

- 4. Is the request the minimum action that will make possible the reasonable use of land or structure which is not contrary to the public interest and which will carry out the spirit of the ordinance?**

Yes, the request is the minimum action necessary to support the redevelopment of this property to an updated convenience store for the community. Only a small portion of the building will encroach in the required 10' setback due to the angles of the proposed convenience store and existing property line. The northeast corner of the building is approximately 6' from the property boundary, and the northwest corner of the building is approximately 26' from the property boundary.

5. Describe the ways in which the granting of the variance will not result in substantial detriment to adjacent property or to the public good. In what way(s) will the granting of the variance not harm the character of the district?

All adjacent properties are zoned commercial, and with the location being along the Wade Hampton corridor, this area and uses will remain commercial. The character of the district will not be harmed, as the proposed improvements will meet or exceed all other Land Management Ordinance requirement and site development regulations. Additionally, the redevelopment of the site will greatly improve the aesthetic character of this intersection corner.

6. Describe the ways in which the granting of the variance will be generally consistent with the purposes and intent of the ordinance?

Granting this variance allows a substantial upgrade to an existing use that will be consistent with the purposes and intent of the ordinance, as identified in §19-1.3, in several ways. First, this will allow for the construction of a new high-quality development in the area that will blend well with existing and proposed development. Furthermore, this project supports the intent to have appropriate commercial development along corridors within the city promoting convenience for the community.

If you should have any questions or require additional information, please do not hesitate to contact me at our Charlotte office at (980) 446-3336. Thank you.

Respectfully,



Paul N. Lawler, P.E.
Project Manager
Bowman Consulting
plawler@bowmanconsulting.com

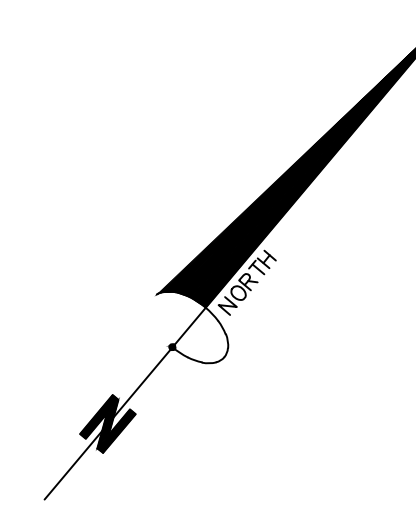
ZONING	NONE
FUTURE LAND USE	CONVENIENCE STORE/GAS STATION
ZONING REQUIREMENTS	PROVIDED
SITE AREA	48,630.26 SF (100%) (1.12 AC)
EXISTING:	
TOTAL IMPERVIOUS AREA	34,333 SF (70.6%) (0.79 AC)
TOTAL PERVIOUS AREA (GREEN SPACE)	14,374.8 SF (29.4%) (0.33 AC)
PROPOSED:	
TOTAL IMPERVIOUS AREA	38,269 (78.4%) (0.879 AC)
PAVING / SIDEWALK AREA	3,578 SF (9.35%) (0.0821 AC)
BUILDING AREA (INCLUDING CANOPY AREA)	5,350 SF (13.9%) (0.123 AC)
TOTAL PERVIOUS AREA (GREEN SPACE)	10,519.2 SF (21.6%) (0.879 AC)
BUILDING	
SIZE	5,200 SF
HEIGHT	23'-8"
CANOPY HEIGHT	20'-6"
PARKING	
REQUIRED*	
PROPOSED REG SPACES	24
HANDICAP SPACES	2
TOTAL SPACES	26
STALL SIZE	9.5' x 16'

	EDGE OF PAVEMENT
	CURB AND GUTTER
	PROPERTY LINE
	UTILITY POLE
	SIGN
	ELECTRIC BOX
	CURB DRAIN INLET (CDI)/DRAIN INLET (DI)
	STORM DRAIN MANHOLE (SDMH)
	SANITARY SEWER MANHOLE (SMH)
	STREET LIGHT/LAMP

	PROPERTY LINE
	INTEGRAL CURB
	PARKING COUNT
	LIGHT POLE LOCATION

1. ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
2. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL LOCAL REGULATIONS AND O.S.H.A. STANDARDS.
3. CONTRACTOR SHALL REFER TO ARCHITECT PLANS FOR EXACT BUILDING LOCATION AND DIMENSIONS AND UTILITY ENTRANCE LOCATIONS.
4. CONTRACTOR SHALL REFER TO SPECIFICATIONS AND GEOTECHNICAL REPORT DETAILS FOR PAVING DESIGN AND PROPER MATERIALS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE SITE UNTIL WORK IS ACCEPTED BY THE OWNER.
6. ALL SIGNS SHALL BE PER THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND SCDDOT. CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING ADEQUATE TRAFFIC CONTROL THROUGHOUT THE PROJECT, INCLUDING PROPER TRAFFIC CONTROL DEVICES AND/OR PERSONNEL AS REQUIRED. THIS INCLUDES BOTH VEHICULAR AND PEDESTRIAN TRAFFIC CONTROL. TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH MUTCD AND THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION (SCDOT) STANDARDS.
7. ALL MARKINGS WITHIN THE SCDDOT R/W ON CONCRETE SHALL BE EPOXY WHILE THOSE ON ASPHALT SHALL BE THERMOPLASTIC.
8. ANY ROADWAY PAVEMENT MARKINGS DAMAGED DURING CONSTRUCTION SHALL BE REPLACED AT COMPLETION OF PROJECT BY CONTRACTOR.
9. CONTRACTOR SHALL BE RESPONSIBLE FOR UTILIZING ALL APPLICABLE AND CURRENT SCDDOT DRAWINGS INCLUDING, BUT NOT LIMITED TO THE DRAWINGS INCLUDED IN THESE PLANS AND THE APPROVED PERMIT PACKAGE.
10. SIDEWALK AND CURB AND GUTTER TO BE REMOVED AND REPLACED FROM JOINT TO JOINT.

1. FUELING CANOPY, HEIGHT 20" (PER FUELING PLANS)
2. UNDERGROUND STORAGE TANKS (PER FUELING PLANS)
3. DUMPSTER ENCLOSURE (PER ARCH PLANS)
4. AIR AND VACUUM MACHINE (PER FUELING PLANS)
5. FUELING VENT PIPES (PER FUELING PLANS)
6. PROPANE STORAGE
7. BIKE RACK
8. SITE SIGNAGE (PER SIGN PLANS)
9. BOLLARD, PER DETAIL ON SHEET C2.1
10. 36" X 36" STOP SIGN, PER SCDOT STANDARD INDEX AND MUTCD STANDARD R.1.1
11. ADA SIGN, PER DETAIL ON SHEET C2.1
12. ADA PARKING STRIPING, PER DETAIL ON SHEET C2.1
13. 4"DOUBLE YELLOW LINE
14. 24" WIDE WHITE STOP BAR. EPOXY ON CONCRETE PAVEMENT AND THERMOPLASTIC ON ASPHALT
15. 4" WHITE PARKING LOT STRIPING
16. HEAVY DUTY CONCRETE PAVEMENT, PER SECTION ON C2.1
17. STANDARD DUTY CONCRETE PAVEMENT, PER SECTION ON C2.1
18. PEDESTRIAN RAMP, PER SCDOT STANDARD DRAWING 720-951-36
19. CONCRETE SIDEWALK, PER DETAIL ON SHEET C2.1
20. DETECTABLE WARNING SYSTEM STRIPS, PER SCDOT STANDARD DRAWING 720-901-02, (C2.2)
21. INTEGRAL CURB, PER DETAIL ON SHEET C2.1
22. LANDSCAPE AREA (PER LANDSCAPE PLANS)
23. EXISTING PAVEMENT SAW CUT LINE
24. TRANSFORMER
25. PATIO
26. 12" WHITE CROSSWALK STRIPING





CATCH BASIN		GUY WIRE
CORRUGATED PLASTIC PIPE		GAS LINE
CRIMPED TOP PIPE		WATER LINE
DROP INLET		
INVERT ELEVATION		POWER LINE
JUNCTION BOX		UNDERGROUND POWER LINE
MANHOLE		UNDERGROUND PHONE LINE
OPEN TOP PIPE		
POINT OF BEGINNING		FIBER OPTIC
POINT OF COMMENCEMENT		
TEMPORARY BENCHMARK		POWER POLE
REINFORCED CONCRETE PIPE		
SANITARY SEWER		SANITARY SEWER MANHOLE
OVERHEAD POWER		STORM SEWER MANHOLE
IRON PIN FUL		CATCH BASIN
IRON PIN SET		LIGHT POLE
WATER VALVE		
WATER METER		FIRE HYDRANT
GAS VALVE		TRANSFORMER
GAS METER		
TELEPHONE PEDESTAL		BOLLARD
TELEPHONE VAULT		
POWER METER		OAK TREE

The property lies within Zone X per Flood Insurance Rate Map 45045C0382E dated 8/18/2014. This determination was made by graphically determining the position of said site on said FIRM Map.

Contact proper Authorities Before building near utility lines, for easement width and restrictions. Underground Utilities are approximate and should be verified prior to any construction. Locations of Utilities shown hereon were determined through above ground apertures,

This survey has been prepared for the exclusive use of the person or entities named hereon. No express or implied warranties with respect to the information shown hereon is to be extended to any persons or entities other than those shown hereon.

Vertical Datum based on GPS Observation using CORs Stations "PARI OBS NC 2008 CORs", "HENDERSONVILLE CORs", AND "UNION CORs" (Vertical Datum NAVD 88)

Property Zoned C-3
Setbacks to be verified by site Engineer before re-development of site

"I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina and meets or exceeds the requirements for a Class A survey as specified therein."

The property shown hereon Tax Parcel # 0189010100800 and 0189010100806

Schedule B Section II Title Exceptions
Chicago Title Insurance Company
Commitment #2821-375/8000362000876 ; Effective Date: Aug. 5, 2020

4. Right of Way in favor of Greater Greenville Sewer District Commission dated November 5, 1962, and recorded on December 18, 1962, in the Greenville County Register of Deeds Office in Book 713, page 19. (DOES NOT AFFECT SITE)

5. Easement in favor of Duke Power Company dated August 16, 1979, and recorded on February 16, 1989, in the Greenville County Register of Deeds Office in Book 1110, page 421. (BLANKET EASEMENT)

6. Easement in favor of Duke Power Company dated January 23, 1989, and recorded on February 16, 1989, in the Greenville County Register of Deeds Office in Book 1353, page 54. (AFFECTS SITE AS PLOTTED)

7. All matters shown on that plat entitled "Part of Property of Lawrence E. Reid" prepared for Robert E. Harrison and Gail L. Harrison by Dalton & Neves Co., Inc. Engineers dated December 15, 1993, and recorded on January 5, 1994, in the Greenville County Register of Deeds Office in Plat Book 26-U, page 78. (PROPERTY LINES AS SHOWN)

8. All matters shown on that Final Plat prepared for Lawrence E. Reid by W. R. Williams, Jr. dated September 7, 1979, last revised October 8, 1979, and recorded on December 18, 1962, in the Greenville County Register of Deeds Office in Plat Book 7-C, page 86. (AFFECTS SITE AS PLOTTED)

All that tract or parcel of land lying and being in Greenville, Greenville County, South Carolina and being more particularly describe as follows;

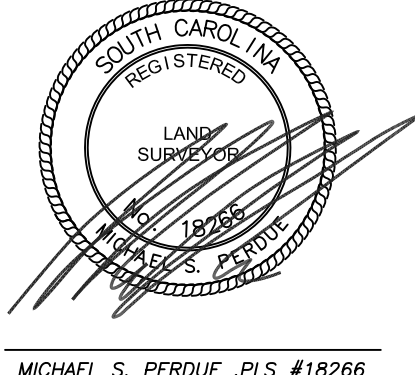
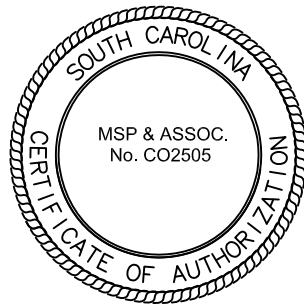
beginning at the intersection of the northern right-of-way of Wade Hampton Blvd. and the eastern right-of-way Chick Springs Dr.; thence with said right-of-way of Chick Springs Dr. N 33°14'37" W a distance of 202.34' to a 1/2" crimp top found; thence leaving said right-of-way N 59°14'09" E a distance of 159.81' to a point; thence S 59°09'56" E a distance of 27.79' to a point; thence S 70°53'34" W a distance of 5.80' to a 1/2" rebar found; thence S 74°01'34" W a distance of 208.80' to a 1/2" rebar found along the right-of-way of Wade Hampton Blvd.; thence leaving said right-of-way along the following call: 69°48'18" W a distance of 167.01' to a 1/2" crimp top found; thence S 49°22'26" W a distance of 160.30' to a point, said point being The Point of Beginning.

Said Parcel having an area of 46983.84 square feet, 1.079 acres

*" To: Circle K Stores, Inc. and Chicago Title Insurance Company
This is to certify that this map or plat and the survey on which
it is based were made in accordance with the 2016 Minimum
Standard Detail Requirements for ALTA/NSPS Land Title Surveys,
jointly established and adopted by ALTA and NSPS, and includes
items 1-4, 7a,b, 8, 9, 11, 13, 14, 16, 17, 19 and 20 of Table
A thereof . The field work was completed on 8/14/20.*

Michael S. Perdue PLS #18266

Date _____

ALTA/NSPS LAND TITLE SURVEY
FOR

CIRCLE K STORES, INC.

CITY: GREENVILLE COUNTY: GREENVILLE STATE: SOUTH CAROLINA

DATE OF SURVEY: 8/14/20 SCALE: 1:30

FIELD WORK: MSP *DRAWN BY: MSP* *REVIEWED BY: MSP*

MSP FILE: CHICKTOPO MSP JOB# : 201450



Know what's below
Call before you dig.
Dial 811
Or Call 800-282-7411

