

Board of Zoning Appeals

Official Agenda



AGENDA

BOARD OF ZONING APPEALS

A G E N D A

Regular Meeting

June 10th, 2021

4:00 PM

The City of Greenville Board of Zoning Appeals will hold an in-person Public Hearing for the following items on **Thursday, June 10th, 2021 at 4:00 PM** at the **Greenville Convention Center at 1 Exposition Drive**. Those wishing to provide comment on an item may either provide written comment to staff or attend the in-person meeting.

Citizens may also view the meeting at the following web address:
<https://www.greenvillesc.gov/1694/Online-Meetings>

1. Call to Order

2. Welcome and Opening Remarks from the Chair

3. Roll Call

4. Approval of Minutes

A. May 11th, 2021– Workshop

B. May 13th, 2021 – Regular Meeting

5. Call for Public Notice Affidavit from Applicants

6. Acceptance of Agenda

7. Conflict of Interest Statement

8. New Business

A. S 21-343

Application by Roger Carlton dba Four Aces for a SPECIAL EXCEPTION to establish a restaurant with a drive-through/pick-up window at 115 PELHAM RD., STE 1 (TM# 027900-01-01000).

Documents:

[S 21-343 - SPEX - AGENDA PACKET -DRIVE THROUGH - 115 PELHAM RD..PDF](#)

. . . --

B. S 21-379

Application by Marty Price/Pendleton Street Baptist Church for a SPECIAL EXCEPTION to establish a religious institution (church) at 123 ARLINGTON AVE. (TMs # 008200-02-01000; 008200-02-00800; and 008200-02-00801).

Documents:

[S 21-379 - SPEX - AGENDA PACKET - RELIGIOUS INSTITUTION - 123 ARLINGTON AVE..PDF](#)

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C. A 21-413

Application by Jacob Billingsly for an APPEAL of the administrator's decision to revoke a Special Exception Permit located at 11 FALLS PARK DR. (TM# 007000-01-02400).

Documents:

[APL 21-413 - APPEAL -AGENDA PACKET - GRINGOS CANTINA - 11 FALLS PARK DR..PDF](#)

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9. Other Business

10. Adjournment



**Planning Staff Report to
Board of Zoning Appeals
June 4, 2021**
for the June 10, 2021 Public Hearing

Docket Number: S 21-343
Applicant: Roger Carlton
d/b/a Four Aces
Property Owner: CCRP Pelham, LLC
Property Location: 115 Pelham Rd. Ste. 1
Tax Map Number: 027900-01-01000
Acreage: 4.5 acres
Zoning: C-2, Local Commercial District
Proposal: **Special Exception to establish a restaurant with drive-through**
Staff Recommendation: **Approve with conditions**

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(C), *Use-specific standards for Eating Establishments*

Staff Recommendation: Staff concludes that the application complies with the standards to grant a Special Exception Permit for a '**restaurant with drive-through.**' If the Board decides to grant the Permit, Staff recommends the following conditions:

1. Approval shall be limited to a pick-up window. Features typically associated with a full-scale drive-through service, such as but not limited to menu boards and speaker boxes, shall not be permitted on-site; and
2. The applicant shall submit a revised site plan permit application for review and approval denoting the layout of the pick-up window and queuing area; and
3. Required fire access shall be maintained to building and entrance; and
4. The operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application.

Staff Analysis:

The Applicant, Roger Carlton, doing business as Four Aces, requests special exception approval to operate a restaurant with a drive-through window at 115 Pelham Road, Suite 1, located at the northwest corner of Pelham Road and Pelham Commons Boulevard. The subject property is improved with the Pelham Court retail center. The property is zoned C-2, Local Commercial District, which intends 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. Restaurants with drive-throughs are permitted as a special exception use in the C-2 district.

The Applicant intends to occupy unit 1, located at the southeastern of the retail building. Due to an oversight during the building permitting stage, the pick-up window has already been installed at the proposed location. However, staff has placed a condition on the building permit to require a Special Exception permit prior to the window becoming operational.

Within the application, the applicant states that window will operate as a drive-up pick-up window for customers who have placed and paid for their orders in advance. The provided site plan denotes room for four (4) queuing spaces behind the pickup window, satisfying minimum Land Management Ordinance requirements.

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

1. Consistent with the Comprehensive Plan

The Future Land Use Map of the City's GVL2040 Comprehensive Plan designates this property 'Community Mixed Use' which is intended to allow for a diverse mix of mid-size to large-size employers in commercial, light manufacturing/industrial, distribution, medical offices, and institutional as well as multi-family development.

Although a restaurant with a drive-through is not typically considered a desirable land use in the "Community Mixed Use" category, staff believes that, with appropriate conditions, a drive-up pickup window in the capacity proposed is consistent with the Comprehensive Plan.

Staff finds that 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 proposed pickup window will be visible from Pelham Commons Boulevard, the building side facing the boulevard effectively functions as the rear façade. Therefore, staff finds that the proposed window does not detract from the existing appearance of the building. Four (4) queuing spaces are denoted on the site plan, satisfying minimum queuing requirements contained in Section 19-6.1.7.

The Fire Department has recommended approval of the pickup window with the condition that fire access is maintained to the building and entrance. To confirm the provision of fire access, staff recommends that a revised site plan be submitted to the Building Department for review and approval.

Staff finds that, with appropriate conditions, the use will comply with the specific use standards of the Land Management Ordinance

3. Compatibility with the surrounding lands

Adjacent property is zoned/used as follows:

East (across Pelham Commons Blvd.): Commercial/Retail (C-2)

North (within Pelham Court retail center): Commercial/Retail (C-2)

West (within Pelham Court retail center): Commercial/Retail (C-2)

South (across Pelham Rd.): Multi-Family Residential (RM-2)

The proposed use is located within an existing retail development which currently contains retail, restaurants, and office uses. Based on adjacent land uses and the auto-oriented nature of Pelham Road, staff believes that, with appropriate conditions, the use will be compatible with surrounding lands.

Staff finds that, with appropriate conditions, the use will be compatible with surrounding lands.

4. Design does not have substantial adverse impacts

In order to minimize impacts on site circulation, staff recommends the following conditions related to the drive-through use:

- (a) Approval shall be limited to a pick-up window. Features typically associated with a full-scale drive-through service, such but not limited to menu boards and speaker boxes, shall not be permitted on-site; and
- (b) The applicant shall submit a revised site plan permit application for review and approval denoting the layout of the pick-up window and queuing area; and
- (c) Required fire access shall be maintained to building and entrance.

Staff finds that, with appropriate conditions, the design will not have substantial adverse impacts

Departmental Comments

Fire Department

Required fire access must be maintained to building and entrance.

Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE* Roger Carlton

Owner/Four Aces

* _____ Name _____ Title / Organization _____

permit may be limited to this entity. _____

APPLICANT'S REPRESENTATIVE:
(Optional)

_____ Name _____ Title / Organization _____

MAILING ADDRESS: 115 Pelham Road, Suite 1, Greenville, SC 29615

PHONE: 864-449-3382 EMAIL: rcar95907@aol.com

PROPERTY OWNER: CCRP Pelham, LLC

MAILING ADDRESS: 500 E. Morehead Street, Suite 230, Charlotte, NA 28202

PHONE: 704-333-3522 EMAIL: info@carolinacapitalre.com

PROPERTY INFORMATION

STREET ADDRESS: 115 Pelham Road, Greenville, SC 29615

TAX PARCEL #: 0279000101000 ACREAGE: 4.574 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:

~~Hotel Restaurant~~ Pick up window/drive up window for restaurant.

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.

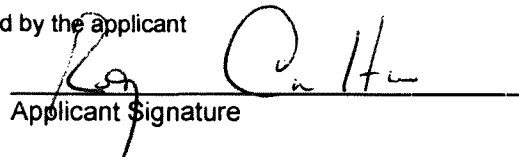
3. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the proposed development (activity); (c) existing buildings and other relevant site improvements 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

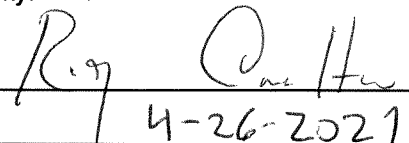

Applicant Signature

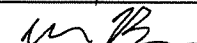
7. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

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.



4-26-2021


04/26/2021

APPLICANT / REPRESENTATIVE SIGNATURE

DATE

PROPERTY OWNER SIGNATURE

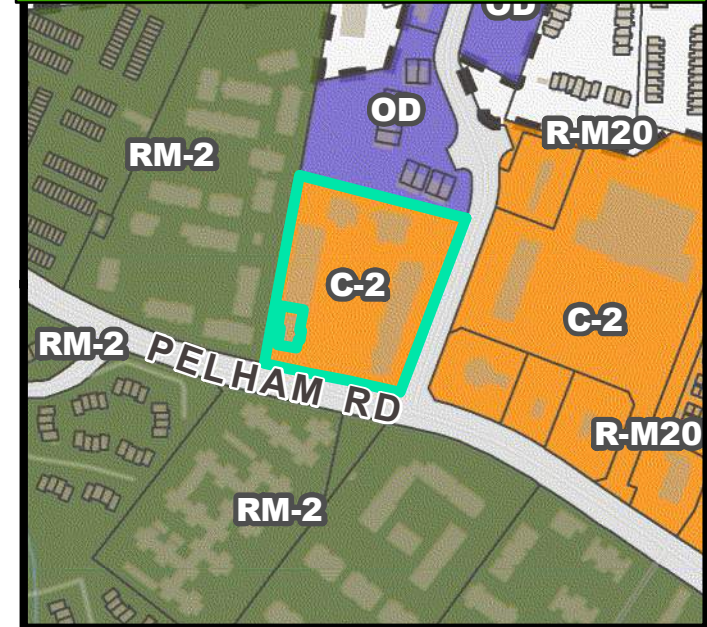
DATE

S 21-343 • 115 PELHAM RD STE 1

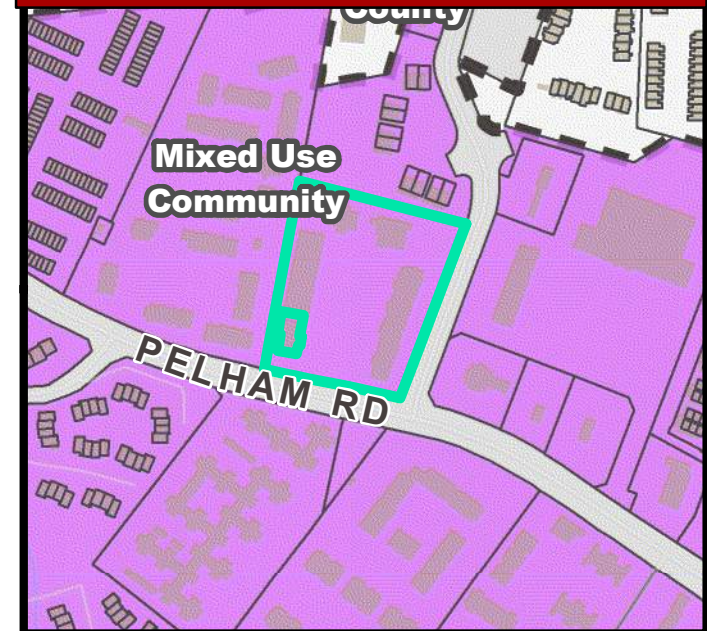
AERIAL VIEW



CURRENT ZONING



FUTURE LAND USE

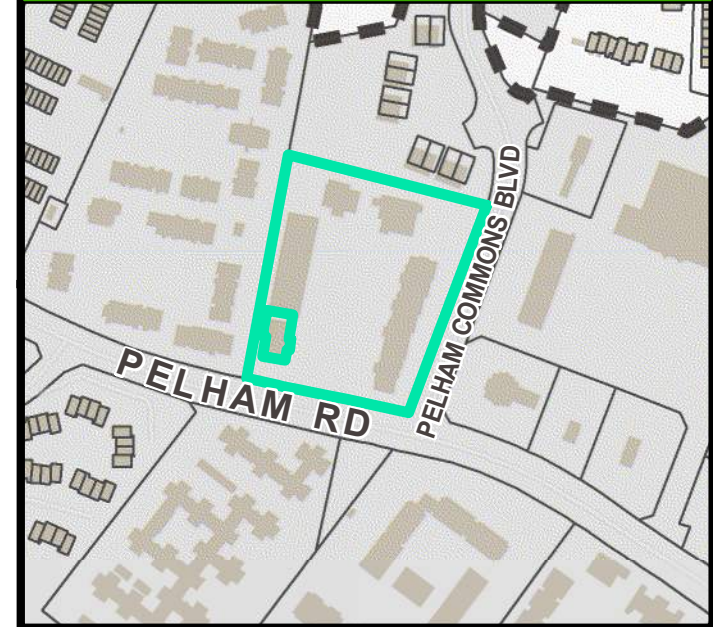


S 21-343 • 115 PELHAM RD STE 1

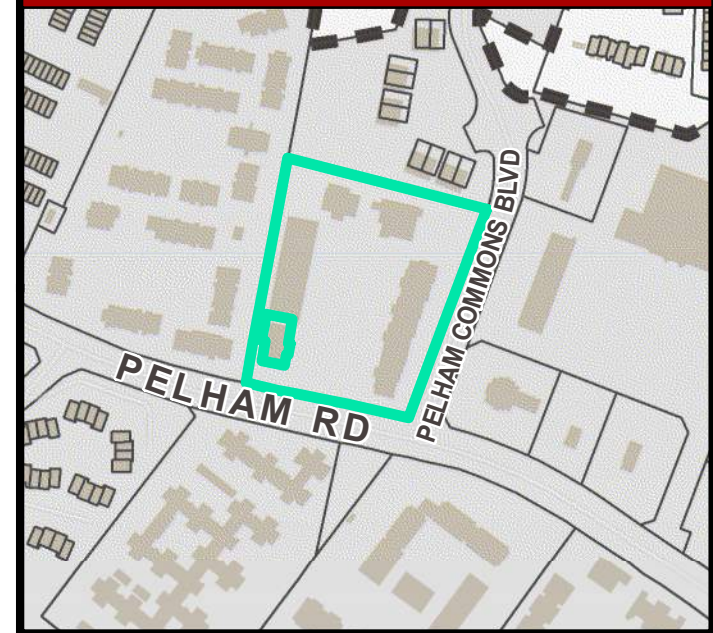
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



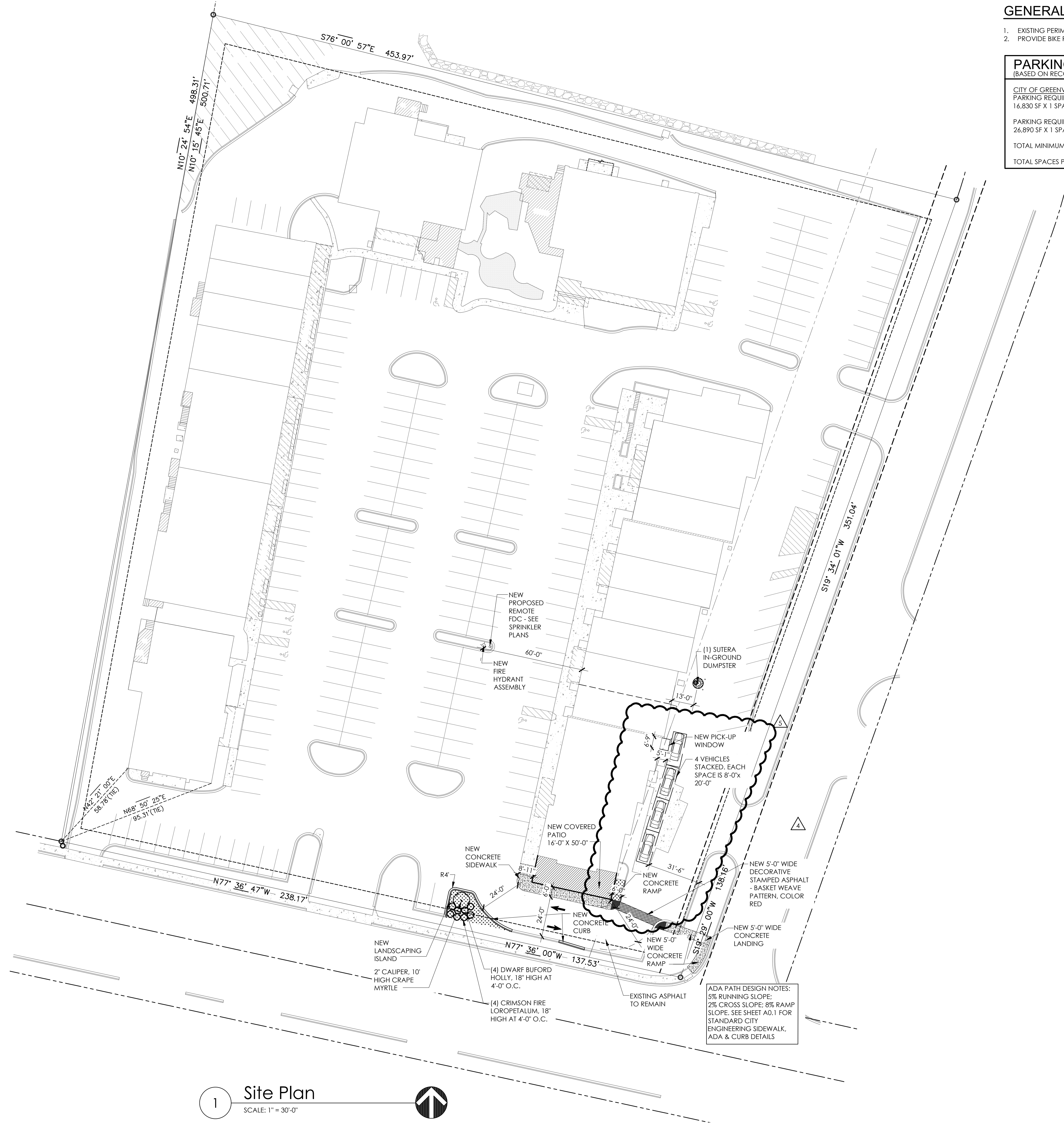
PRESERVATION OVERLAYS



1. The comprehensive plan for this property included a pickup window to ensure accessibility and features that people customers have become accustomed to as a result of the pandemic. The special exception in this case is that this is not a 'drive thru' window in the sense of a fast food drive thru. This is a pickup window for customers who have placed and paid for orders in advance for pickup within a certain 15-minute window. There will only be a limited number of times each hour for this type of service and designated parking spaces to handle a curbside pickup service and pickup window overflow, should that be necessary. This is truly more of a pickup service at a higher end restaurant, not your typical 'drive thru'.
2. We are in compliance with the standards in this section.
3. Given the time and situation we are living in and the recent pandemic, services such as the one we are planning to offer in a pickup window have become almost necessary in order for restaurants to succeed. It should be noted that many of the other businesses like this in the same shopping center and those across the street offer carry out, curbside pickup, and drive thru services. While this may be one of the first pickup windows at a restaurant of this type in the area, it is not altogether that different from the approaches other similar restaurants have taken to keep their doors open in such a challenging time.

In terms of traffic, there is room for a four-car queue at the window without impacts to traffic/parking as shown in the drawings. That said, there will also be designated spaces on the land to handle curbside pickup in addition to the pickup window service. These spots can/will be used to handle pickup overflow if necessary, in order to prevent traffic backups from impeding the flow of traffic, parking, or the surrounding businesses.

4. As previously stated, this pickup window service is what most would consider a convenience and norm for a restaurant of this type in a recovering pandemic time period. Visually, the window is in the back of the building, hidden from view at the street and parking lot. While it is in the back of the building, there are no impacts expected to delivery areas, parking, and/or loading for adjacent businesses as there are clear paths exiting the service area back to the streets (again, on the back side of the building). There is no expected effects in terms of odors, noise, glares, or vibrations as a result of having this pickup window as part of the comprehensive plan.



GENERAL NOTES:

- EXISTING PERIMABLE AREA INCREASED BY MODIFICATIONS.
- PROVIDE BIKE RACK AS SHOWN ON A1.0.

PARKING TABLE:

(BASED ON RECOMBINATION SURVEY DATED 11-10-2020)

CITY OF GREENVILLE
PARKING REQUIRED FOR RESTAURANT USAGE =
16,830 SF X 1 SPACE PER 100 SF = 168 SPACES

PARKING REQUIRED FOR OTHER USAGE =
26,890 SF X 1 SPACE PER 650 SF = 42 SPACES

TOTAL MINIMUM SPACES REQUIRED = 210 SPACES

TOTAL SPACES PROVIDED = 220 SPACES



310 MILLS AVE. GREENVILLE, SC 29605
864.242.9881
plans@narramore.net

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SEAL



04/26/2021



PROPOSED RESTAURANT AT PELHAM COURT

115 PELHAM ROAD, SUITE 1
GREENVILLE, SC 29615

REVISIONS

- | |
|----------|
| 12-22-20 |
| 01-11-21 |
| 04-14-21 |
| 04-26-21 |

PROJECT DATA

PROJECT NUMBER

20947

ISSUE DATE

11-23-2020

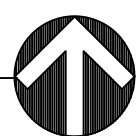
PROPOSED RESTAURANT
GREENVILLE, SC

A0.0

ARCHITECTURAL
SITE PLAN

1 Site Plan

SCALE: 1" = 30'-0"





**Planning Staff Report to
Board of Zoning Appeals
June 4, 2021**
for the June 10, 2021 Public Hearing

Docket Number:	S 21-379
Applicant:	Marty Price Pendleton Street Baptist Church
Property Owner:	Pendleton Street Baptist Church
Property Location:	123 Arlington Avenue
Tax Map Number:	008200-02-01000; 008200-02-00800; and 008200-02-00801
Acreage:	0.8 acres
Zoning:	RM-1, Single- & Multi-Family Residential District
Proposal:	Special Exception to establish a religious institution (church)
Staff Recommendation:	Approve with conditions

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. 19-4.3.2(F), *Use-specific standards for Religious Institutions*

Staff Recommendation: Staff concludes that the application complies with the standards to grant a Special Exception Permit for a **‘religious institution.’** If the Board decides to grant the Permit, Staff recommends the following conditions:

1. The applicant shall install an eight (8) foot-tall masonry wall adjacent to the parking/drop-off area (between the parking area and the southern property line) to provide further screening to residential uses to the south and to comply with current proposed text amendments to buffering and screening requirements; details of the masonry wall shall be provided at the time of site permit application submittal.
2. At the time of site permit application submittal, the applicant shall submit a written and recorded agreement for off-site parking and shuttle service per Section 19-6.1.9 (B) of the Land Management Ordinance.
3. Per Section 19-5.3.2 (F), any new building or addition on-site shall be reviewed as a special exception.
4. The operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application.

Staff Analysis:

The Applicant, Pendleton Street Baptist Church, requests special exception approval to construct a religious institution (church) at 123 Arlington Avenue, located at the southeast corner of Anderson Street and Arlington Avenue. The subject property consists of three (3) separate parcels and is improved with an existing office structure and a detached residential structure. The property owner has recently submitted a recombination application to recombine the parcels into a single parcel. The property is zoned RM-1, *Single and Multi-family Residential District*, which allows for uses complementary to residential uses, such as community recreational facilities, places of worship, and schools. Religious institutions are permitted as a special exception use in the RM-1 district.

The applicant intends to demolish the residential structure and construct an addition onto the existing office structure; the addition will feature a sanctuary with a capacity of up to 200 people. A small on-site parking and drop-off area is proposed at the eastern end of the site. Per the applicant, most of the required parking spaces will be provided off-site at the church's existing parking lot located at 1100 S. Main Street, approximately 1,000 feet from the subject site. The existing off-site parking lot has 143 available spaces, satisfying minimum parking requirements. Two shuttles are proposed to transport members between the parking lot and sanctuary.

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

1. Consistent with the Comprehensive Plan

The Future Land Use Map of the City's GVL2040 Comprehensive Plan designates this property '*Suburban Residential*' which may allow uses customarily found in residential districts, such as community recreation facilities, places of worships, and schools when adjacent to corridors and urban nodes. Arlington Avenue is a state-owned arterial road. Staff believes that, with appropriate conditions, a religious institution in the proposed location is consistent with the Comprehensive Plan.

The subject parcel is located within the Green Avenue Redevelopment Master Plan area. Staff finds that the proposed use is consistent with the Green Avenue Neighborhood Revitalization Study.

Staff finds that the proposed use is consistent with the Comprehensive Plan and Green Avenue Neighborhood Revitalization Study.

2. Complies with use specific standards

19-4.3.2 (F) Religious Institution. Religious institutions may be approved as a special exception in selected districts. Any new building or addition to a religious institution shall also be reviewed as a special exception.

Staff recommends adding the listed specific use standard as a condition of approval.

Staff finds that, with appropriate conditions, the use will comply with the specific use standards of the Land Management Ordinance

3. Compatibility with the surrounding lands

Adjacent property is zoned/used as follows:

East: Office use (RM-1)

North (across Arlington Ave.): Single-Family Residential (RM-1)

West (Across Anderson St.): Single-Family Residential (RM-2)

South: Single-family attached residential – under development (RM-1)

As the proposed use directly abuts a new single-family residential development to the south, the church will be subject to additional buffering and screening requirements as contained within the Land Management Ordinance. In addition to meeting the minimum buffering and screening requirements, staff recommends the installation of an eight-foot tall masonry wall adjacent to the parking/drop-off area (between the parking area and the southern property line) to further protect the adjacent single-family use to the south from excess noise and visual nuisance; this masonry wall requirement is consistent with current proposed text amendments to the Land Management Ordinance's buffering and screening requirements.

The applicant indicates that off-site parking will be provided at the church's parking lot located at 1100 S. Main Street, approximately 1,000 feet from the subject property. Section 19-6.1.9 (B) states that off-site parking areas located further than 600 feet from the primary entrance are permitted subject to the provision of a remote parking shuttle bus service. The Land Management Ordinance requires that an off-site parking agreement be recorded with a minimum operational period of ten years. Staff recommends that the agreement include provisions pertaining the shuttle service.

Staff finds that, with appropriate conditions pertaining to buffering, screening, and off-site parking, the use will be compatible with surrounding lands.

4. Design does not have substantial adverse impacts

To minimize detrimental impacts on adjacent residential land uses (such as nuisances relating to noise, aesthetics, and the availability of neighborhood on-street parking), staff recommends that approval of the special exception permit be conditioned upon the following:

- (a) The applicant shall install an eight (8) foot-tall masonry wall adjacent to the parking/drop-off area (between the parking area and the southern property line) to provide further screening to residential uses to the south; details of the masonry wall shall be provided at the time of site permit application submittal; and
- (b) At the time of site permit application submittal, the applicant shall submit a written and recorded agreement for off-site parking and shuttle service per Section 19-6.1.9 (B) of the Land Management Ordinance.

Staff finds that, with appropriate conditions pertaining to buffering, screening, and off-site parking, the design will not have substantial adverse impacts

Departmental Comments

None



Office Use Only:

Application# S-21-379

Fees Paid \$250

Date Received 5-12-21

Accepted By MDL

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Marty Price Pastor/Pendleton Street Baptist Church
* Name Title / Organization

permit may be limited to this entity. _____

APPLICANT'S REPRESENTATIVE: Ronald Geyer Architect & Principal/Good City Architects LLC
(Optional) Name Title / Organization

MAILING ADDRESS: PO Box 27234

PHONE: (864) 360-9292 **EMAIL:** rgeyer@goodcityarch.com

PROPERTY OWNER: Pendleton Street Baptist Church

MAILING ADDRESS: 123 Arlington Avenue, Greenville, SC 29601

PHONE: 864) 232-7312 **EMAIL:** 864) 232-7312

PROPERTY INFORMATION

STREET ADDRESS: 123 Arlington Avenue, Greenville, SC 29601

TAX PARCEL #: 0082000201000 **ACREAGE:** 0.777 **ZONING DESIGNATION:** R-M1
0082000200800
0082000200801

REQUEST

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

DESCRIPTION OF PROPOSED LAND USE:

Religious Institution

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 ☐

2021.5.12.
Mark Rice
5/10/2021

APPLICANT / REPRESENTATIVE SIGNATURE

DATE

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.

Proposed use is complementary use proposed for Urban Residential district (GVL 2040 Comprehensive Plan, pp 64-65), is consistent with traditional neighborhood character (65), restores eroded street edge and assigns parking away from pedestrian zones.

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

19-4.3.2 (A)(2) No prohibited uses anticipated during prohibited hours
19-4.3.2 (B)(4) Type, size, and nature of buildings consistent with neighborhood

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.

Proposed addition is of size, proportion, and style of nearby adjacent structures. Placement of buildings on site maintains existing front setbacks and complies with requirements for side and rear yard setbacks and buffers.

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.

Primary parking located remotely. Configuration of site intended to minimize traffic impact on surrounding streets. No additional impact from delivery, loading, odors, noise, glare, or vibration anticipated.



Pendleton Street
Baptist Church

Monday, May 10, 2021

Board of Zoning Appeals
City of Greenville
206 S Main St.
Greenville, SC 29601

To Whom It May Concern:

Thank you for consideration of our Application for Special Exception. Since our goal is to be a benefit to the neighborhood, we will meet our parking requirements by providing shuttle service to and from our parking lot located at 1100 S. Main St, Greenville, SC 29601. This lot is approximately 1000 feet from our proposed site and has 143 available spaces. The shuttles will be passenger vans owned and operated by Pendleton Street Baptist Church.

Thank you,

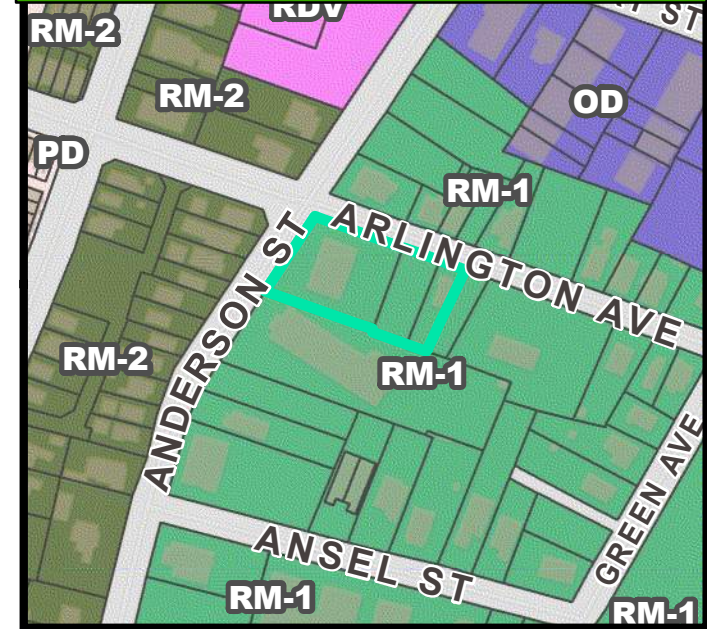
Marty Price, Pastor
Pendleton Street Baptist Church

S 21-379 • 123 ARLINGTON AVE.

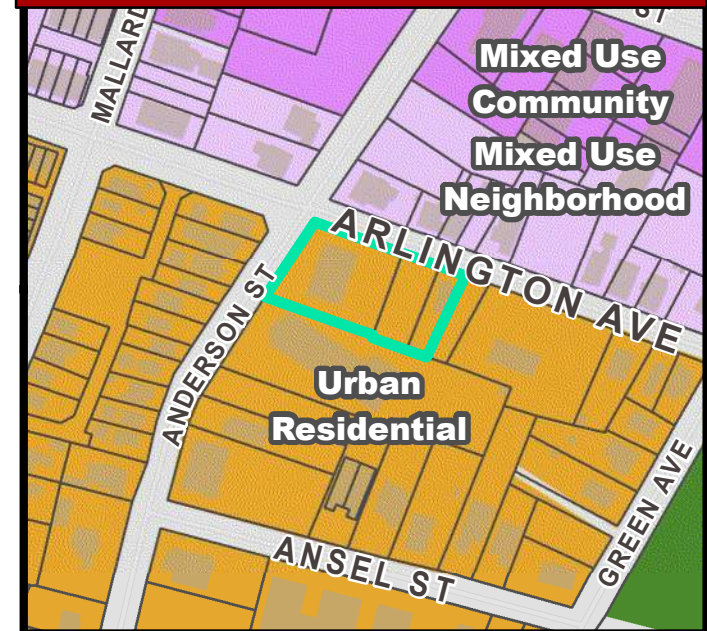
AERIAL VIEW



CURRENT ZONING

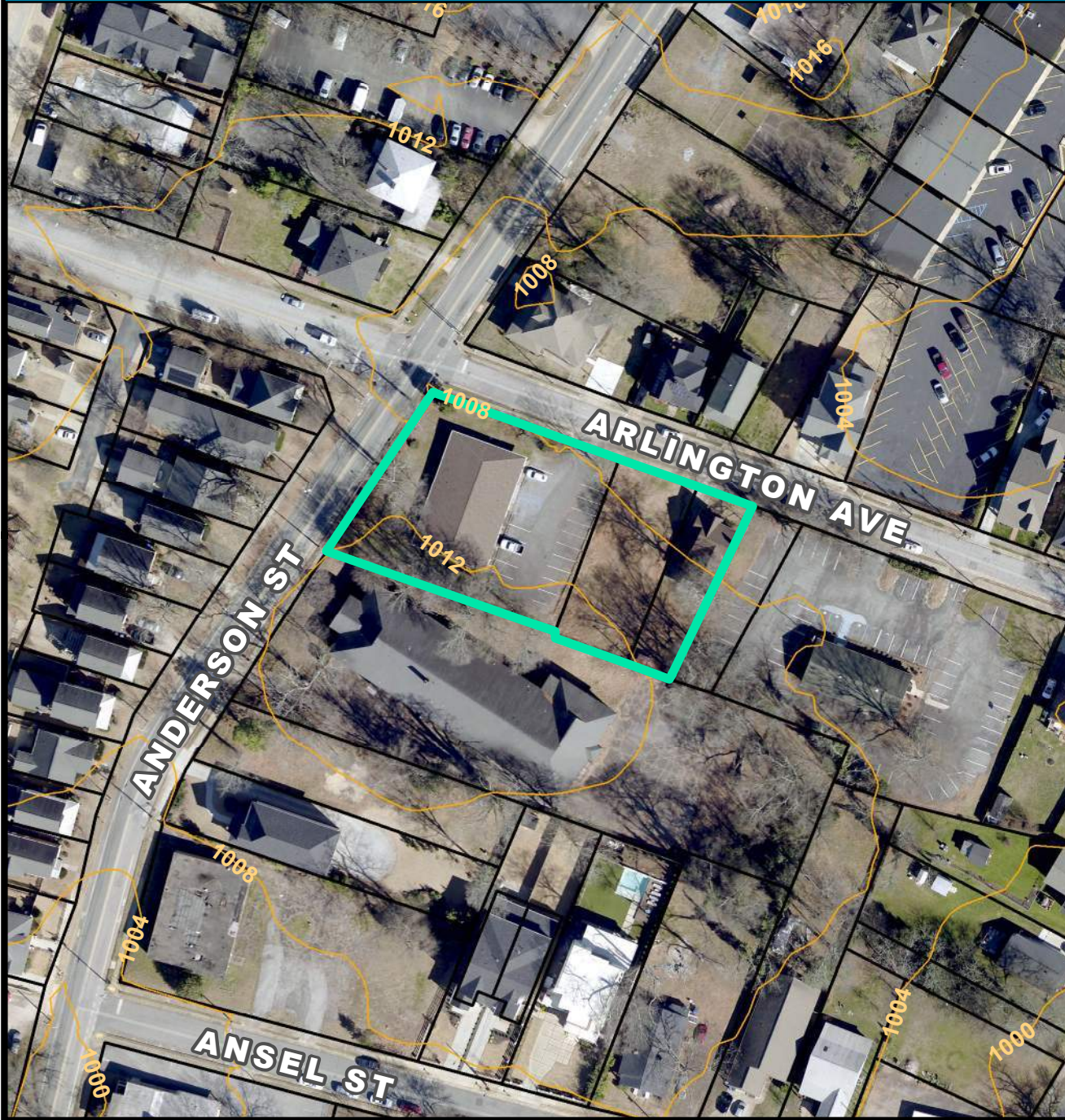


FUTURE LAND USE



S 21-379 • 123 ARLINGTON AVE.

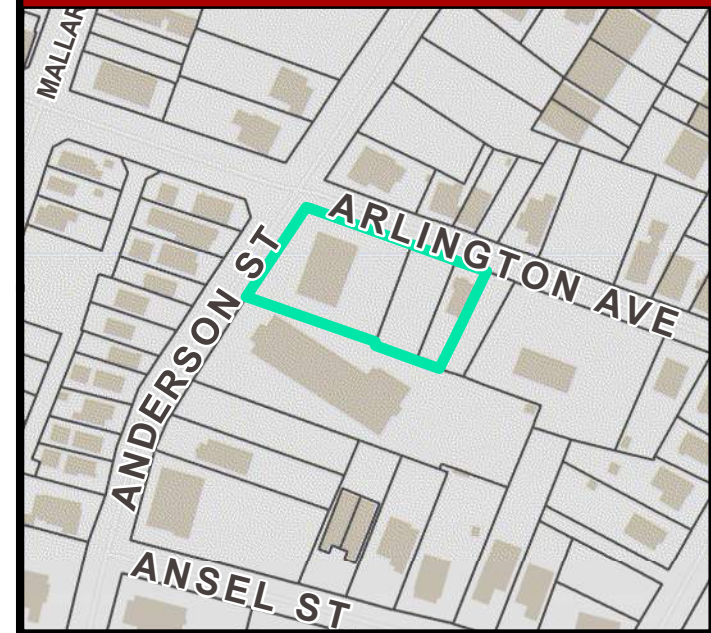
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS



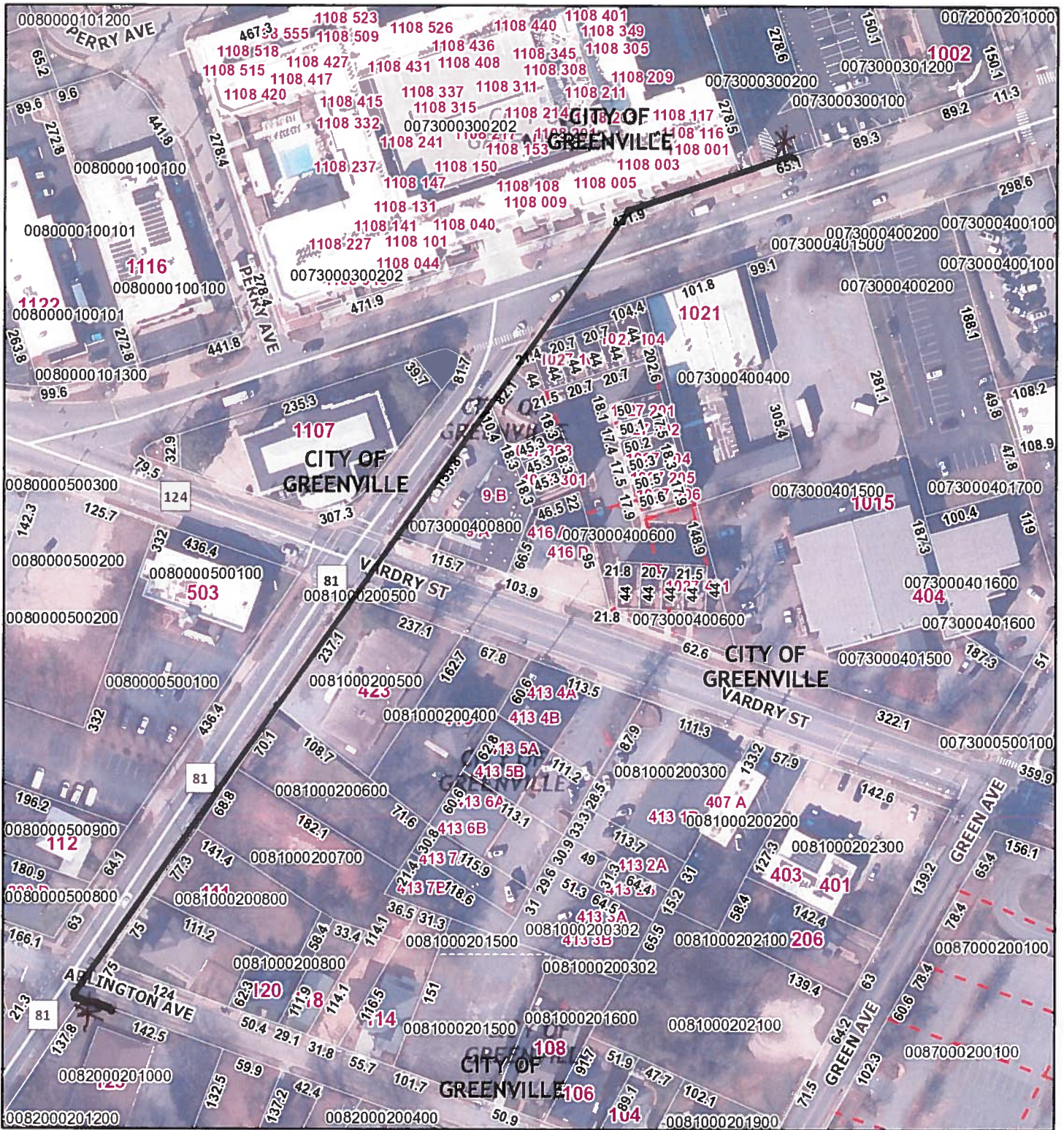
Pendleton Street Baptist Church Parking Lot

1100 S. Main St., Greenville, SC 29601

Tax Map numbers: 0073000300200, 0073000300100, 0073000301201

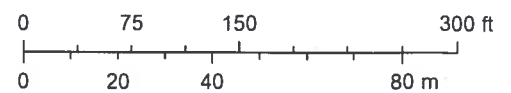


Greenville County, SC



May 10, 2021

1:1,600



Greenville County GIS Division, Greenville, South Carolina, Greenville County GIS Division, Greenville, South Carolina, Greenville County, South Carolina GIS Division



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Pendleton Street
Baptist Church

WEST END CAMPUS

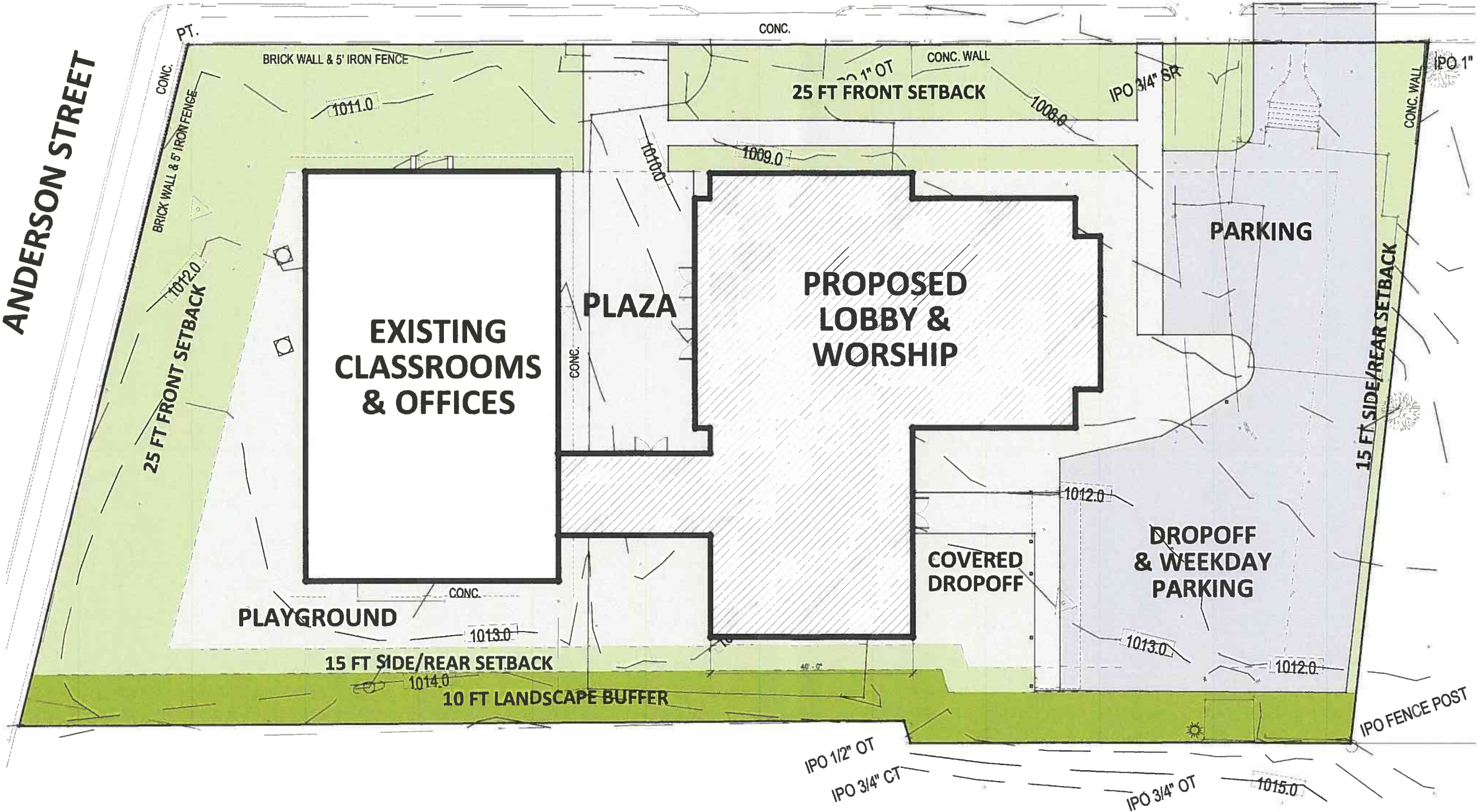
123 Arlington Avenue, Greenville, SC

MARK	DESCRIPTION	DATE
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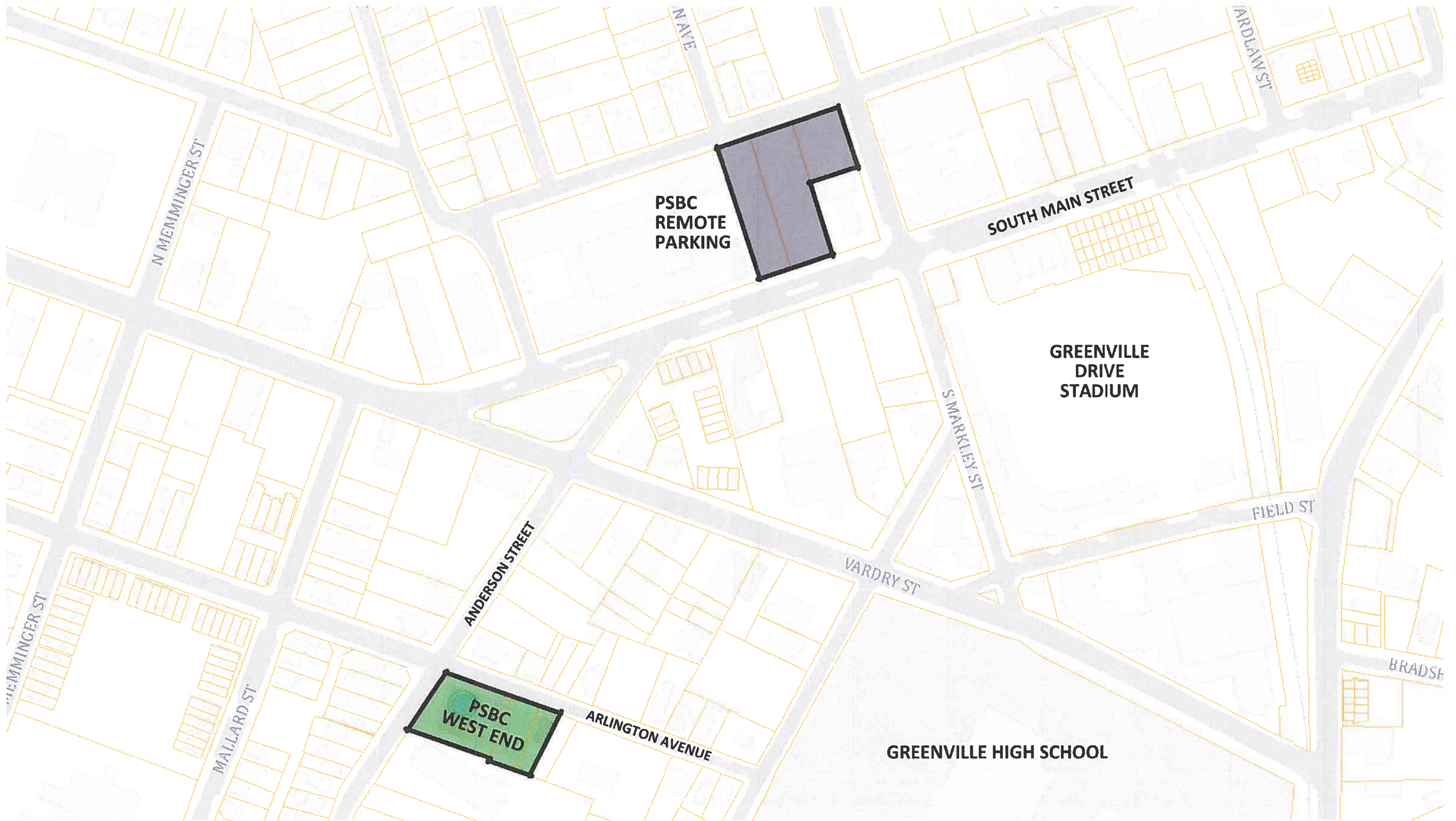
ISSUE	Preliminary
DATE	2021-05-03
PROJECT NO	21001

GROUND
LEVEL
FLOOR
PLAN
A101

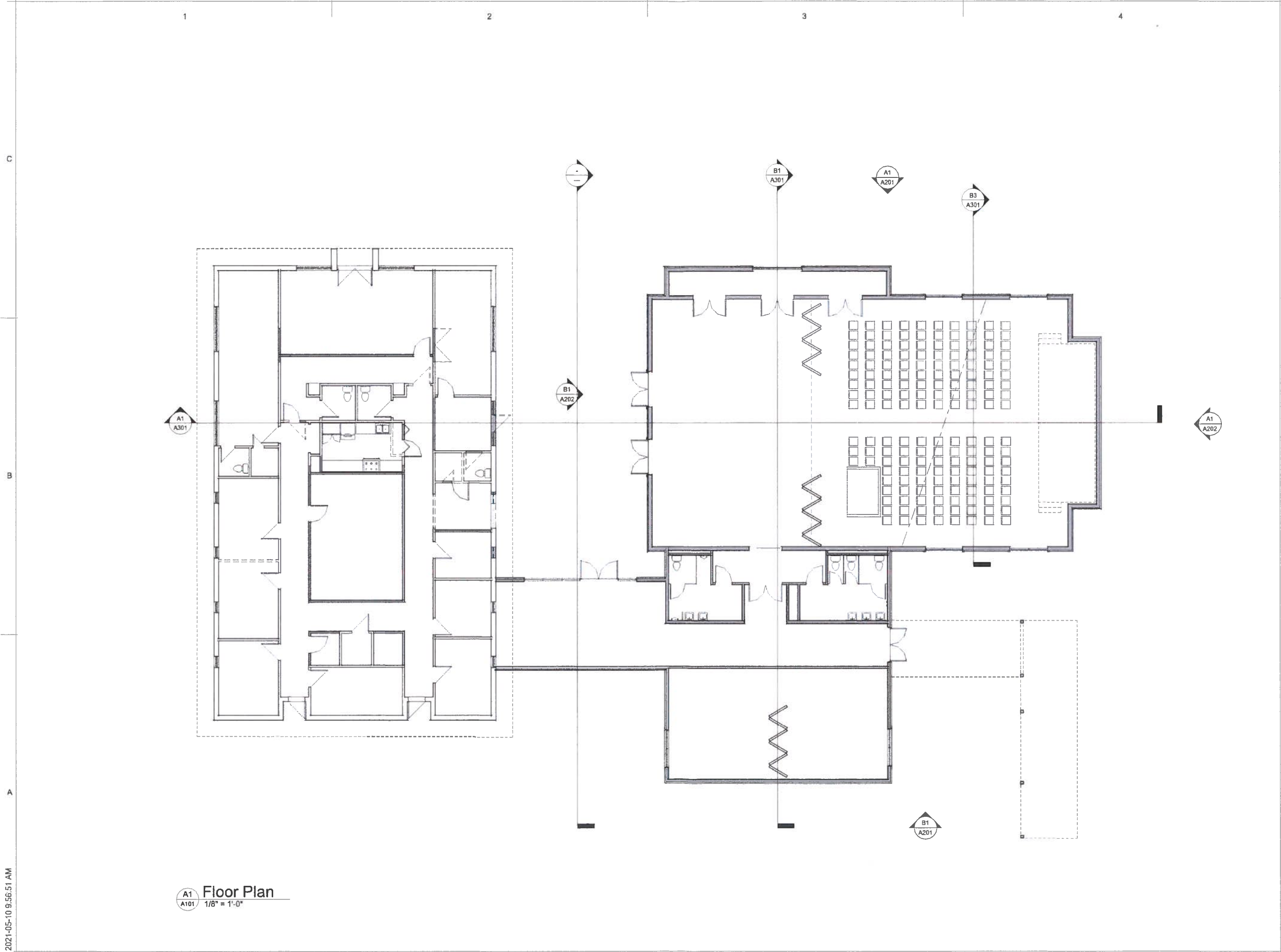
ARLINGTON AVENUE



A1 Ground Level Floor Plan
3/32" = 1'-0"



PENDLETON STREET BAPTIST CHURCH WEST END CAMPUS REMOTE PARKING



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Pendleton Street
Baptist Church

WEST END CAMPUS

123 Arlington Avenue, Greenville, SC

MARK	DESCRIPTION	DATE
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ISSUE	Preliminary
DATE	2021-05-10
PROJECT NO	21001

FLOOR
PLAN
A101



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Pendleton Street
Baptist Church

WEST END CAMPUS

123 Arlington Avenue, Greenville, SC

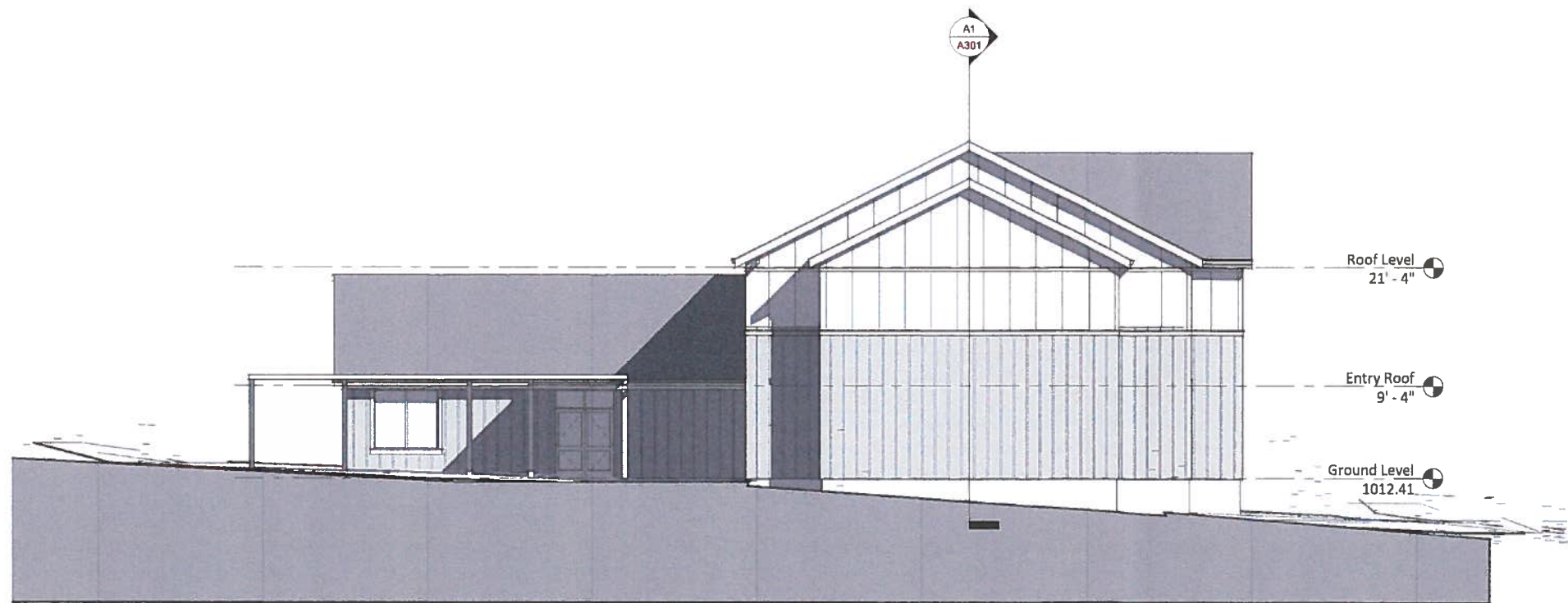
MARK	DESCRIPTION	DATE
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ISSUE	Preliminary
DATE	2021-05-10
PROJECT NO	21001

BUILDING
ELEVATIONS
A202



B1
A202
West Elevation
1/8" = 1'-0"



A1
A202
East Elevation
1/8" = 1'-0"

2021-05-10 9:56:54 AM



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Pendleton Street
Baptist Church

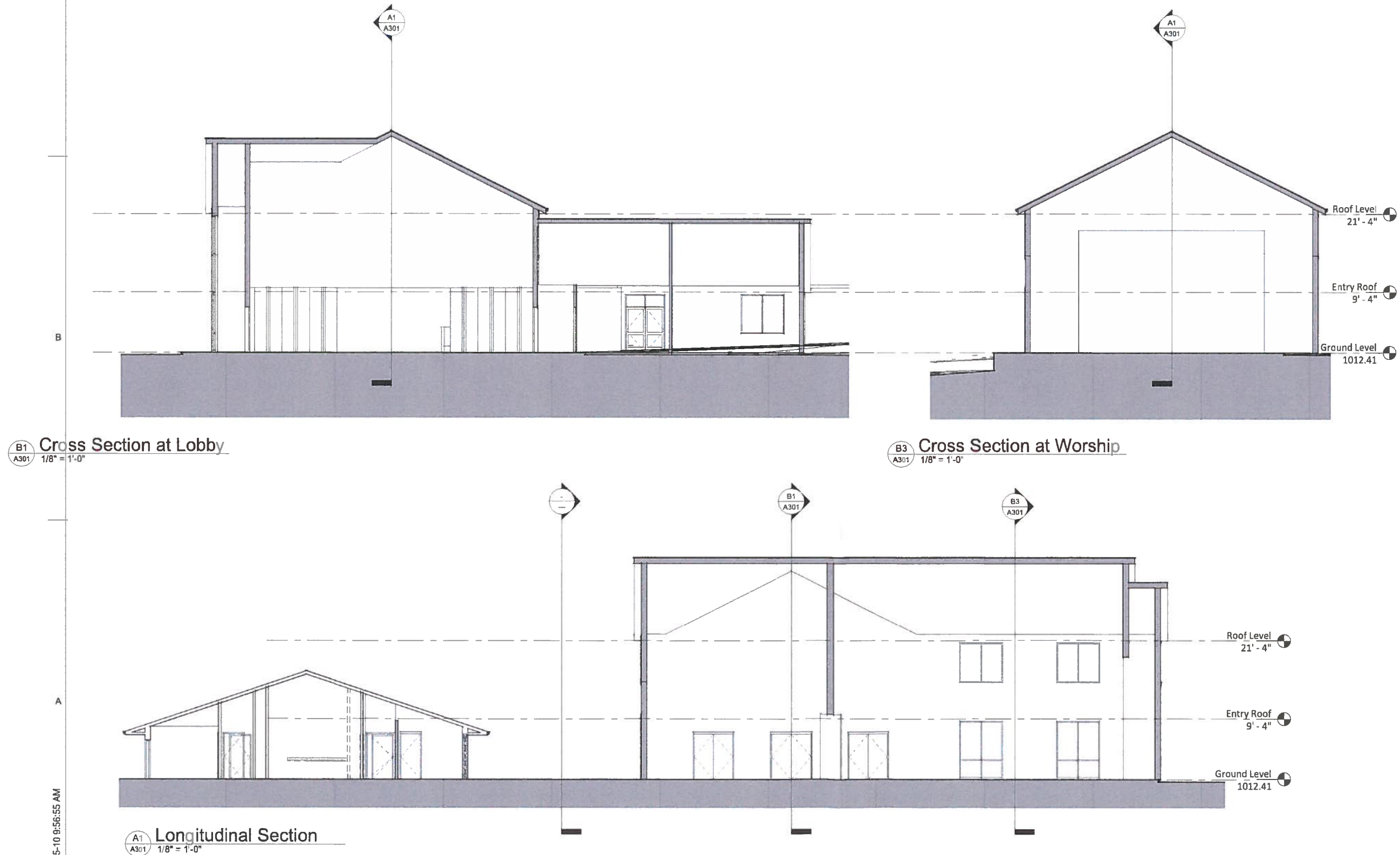
WEST END CAMPUS

123 Arlington Avenue, Greenville, SC

MARK	DESCRIPTION	DATE
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ISSUE	Preliminary
DATE	2021-05-10
PROJECT NO	21001

BUILDING
SECTIONS
A301



2021-05-10 9:56:55 AM



**Planning Staff Report to
Board of Zoning Appeals
June 4, 2021**
for the June 10, 2021 Public Hearing

Docket Number:	A 21-413
Appellant:	Jacob Billingsley
Property Owner:	Timberland Holding Company, LLC
Property Location:	11 Falls Park Drive
Tax Map Number:	007000-01-02400
Acreage:	0.24
Zoning:	C-4, Central Business District
Proposal:	APPEAL OF ADMINISTRATOR'S DECISION
Recommendation:	Affirm Administrator's Decision

Applicable Sections of the City of Greenville Code of Ordinances:

Sec. 19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*
Sec. 19-2.3.16, *Appeals from decisions and interpretations of administrator*
Sec. 19-4.1, *Table of Uses*
Sec. 19-4.3.3 (A), *Use-specific standards for Commercial Uses*
Sec. 19-4.3.3 (C), *Use-specific standards for Eating Establishments*
Sec. 19-10.6 (C), *Permit suspension or revocation*

Staff Analysis:

Summary

On March 21st, 2013, the Board of Zoning Appeals (BZA) approved with conditions Special Exception permit # S-13-51 to operate a restaurant serving alcohol past the hour of 12:00 a.m. midnight. The Special Exception permit was issued on December 20th, 2013 and recorded at the Greenville County Register of Deeds on January 6th, 2014. On Wednesday, May 19th, 2021, the Zoning Code Enforcement Officer, by means of a formal letter to Jacob Billingsly, owner of Gringo's Cantina, revoked the Special Exception permit for failure to substantially conform with the content of the approved Special Exception permit. On May 20th, 2021, Jacob Billingsly filed a timely appeal of the Zoning Code Enforcement Officer's decision.

Background

On February 11th, 2013, Mr. Jacob Billingsly filed an application for a Special Exception permit, #S-13-51, to operate a restaurant serving alcohol past the hour of 12:00 a.m. midnight at 11 Falls Park Drive within the C-4 zoning district. At the time of application, the Land Management Ordinance permitted restaurants by-right within the C-4 district. However, a footnote within the Table of Uses, *Table 19-4.1-*

2, required a special exception permit for commercial uses open to the public between the hours of midnight and 5:00 a.m.

Section 19-1.11 of the Land Management Ordinance defines a 'restaurant' as, *"an establishment having as its predominant use the on-premises consumption of food and beverages. Restaurants have a designated full-service kitchen, dining room equipment, and persons to prepare and serve meals and food to guests in consideration of payment. [...]"*

Within the Special Exception application, the applicant provided the following written statements:

- *"Gringo's will be a full-service restaurant specializing in Tex Mex entrees. The overall theme of the restaurant is inspired by the southwest and west coast roots of the ownership. [...]"*
- *Hours of operation will be 11:30 am until close, with the option, if busy, to remain open until 2:00 a.m., 7 days a week.*
- *Kitchen hours will be from 11:30 am until close."*

At their March 21st, 2013 public hearing, the Board of Zoning Appeals (BZA) approved with conditions Special Exception permit # S-13-51 to operate a restaurant serving alcohol past midnight. Condition #2 of the approval stated: *"Operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Special Exception Permit."*

On Saturday, May 15th, 2021 at 11 p.m., a plain clothes officer of the Greenville Police Department entered Gringo's and attempted to purchase food at the establishment. The officer was advised by Gringo's staff on both the first and second floors of the establishment that food was not available for purchase. Details of this interaction were outlined in a police incident report filed on May 15th, 2021.

Section 19-10.6.1(C) of the Land Management Ordinance grants the City the right to suspend or revoke a development permit, approval, certificate or other form of authorization where: *(1) There is a failure to comply with the approved plans, specifications, terms or conditions required under the permit or development approval; (2) The permit or development approval was procured by false representation; or (3) The permit or development approval was issued in error.*

On May 19th, 2021, the Zoning Code Enforcement Officer issued a letter to Jacob Billingsly, owner of Gringo's Cantina, revoking Special Exception permit # S-13-51 for failure to comply with the conditions of the permit. The letter explicitly references condition #2 of the Special Exception permit, as the absence of food sales at the establishment directly conflicts with the testimony of the applicant and the content of the Special Exception application. Specifically, the absence of food sales conflicts with the operation of a *"full-service restaurant"* with kitchen hours *"from 11:30 am until close."*

The appellant, Jacob Billingsly, is appealing the Zoning Code Enforcement Officer's decision to revoke Special Exception permit # S 13-51. Within the application for appeal, the appellant states that, Gringos has *"a full menu of items available to our patrons."* The appellant has not provided additional documentation or evidence for consideration.

Staff Findings:

Staff offers the following findings:

- Staff finds that the Board of Zoning Appeals approved Special Exception permit # S 13-51 to operate a restaurant and bar past midnight with the condition that the operation of the establishment shall substantially conform to the testimony of the Special Exception applicant and the content of the Special Exception application, and that modification of the facility's operation shall require a modification of the Special Exception permit; and
- Staff finds that the content of the Special Exception application #S 13-51 explicitly states that the establishment (Gringo's) will be a full-service restaurant with kitchen hours from 11:30 a.m. until close; and
- Staff finds that, to-date, the business owner or a representative of the business owner has not sought a modification to Special Exception permit #S 13-51 to reflect modified food service operations; and
- Staff finds that a plain-clothes officer of the Greenville Police Department was informed by Gringo's staff that food sales were not available during normal business hours, thereby conflicting with the testimony of the applicant and the content of Special Exception application #S 13-51; and
- Staff finds that the Zoning Code Enforcement Officer issued a letter on May 19th, 2021 thereby revoking Special Exception permit #S 13-51 for the establishment's failure to substantially conform to the testimony of the Special Exception applicant and content of the Special Exception application; specifically, the failure to operate as a full-service restaurant with kitchen hours until close of business; and
- Staff finds that, in issuing the revocation letter, the Zoning Code Enforcement Officer appropriately exercised his right to revoke a permit as permitted in Section 19-10.6.1(C) of the Land Management Ordinance in that there was a failure to comply with the approved conditions required under the permit approval; and
- Staff finds that the appellant has not offered evidence or documentation to support his claim that the administrator erred in issuing the revocation letter.

Based on these findings, staff recommends that that the Board of Zoning Appeals affirm the administrator's decision to revoke Special Exception permit # S 13-51.

Applicable Sections of the Code of Ordinances

The Administrator rendered his interpretation based on the following specific code sections:

19-2.1.3. *Board of zoning appeals.*

- (A) *Powers and duties.* The board of zoning appeals shall have the following powers and duties under this chapter:

- (1) *Special exceptions.* To review and decide special exception permits specifically authorized under this chapter (subsection 19-2.3.5).
- (2) *Variance permits.* To review and decide applications for variance permits (section 19-2.3.7).
- (3) *Appeals.* To hear and decide appeals taken by any person aggrieved by a decision or interpretation of the administrator, as related to this chapter, other than sections 19-6.7 through 19-6.10 (subsection 19-2.3.16); and to hear appeals from decision of the city engineer as provided in section 19-4.3.2(G).
- (B) *Membership.* The board of zoning appeals shall consist of seven residents of the city, appointed by city council. Terms of office shall be three years. Terms shall be staggered. No member shall serve more than two consecutive full terms, nor more than eight consecutive years.
- (C) *Board of zoning appeals procedures.* All procedures of the zoning board of appeals shall comply with the provisions of section 2-333.

19-2.3.16. Appeals from decisions and interpretations of administrator.

- (A) *Right of appeal.* Any person aggrieved or affected by a decision or interpretation of the administrator may appeal such decision or interpretation to the board of zoning appeals or to the planning commission, according to the following:
 - (1) *Planning commission.* Appeals of decisions or interpretations of the administrator regarding the design and specifications manual, final PD plans, subdivision, and waivers to stormwater provisions shall be considered by the planning commission.
 - (2) *Board of zoning appeal.* Appeals of decisions or interpretations of the administrator regarding all sections of this chapter, except the design and specifications manual, final PD plans, subdivision, waivers to stormwater provisions, and all matters under the purview of the design review panels, shall be considered by the board of zoning appeals.
- (B) *Appeal procedure.*
 - (1) *Initiation.* An appeal pursuant to this section may be initiated with the administrator by filing a written notice of appeal within ten business days of the date of mailing of the written decision or interpretation.
 - (2) *Contents of appeal.* The written notice of appeal shall specify the grounds for the appeal, a statement of the improper decision or interpretation, the date of that decision or interpretation, and all supporting materials related to the decision.
 - (3) *Record.* Upon receipt of the written notice of appeal, the administrator shall transmit all the papers, documents, and other materials relating to the decision or interpretation appealed to the board of zoning appeals or planning commission (whichever is appropriate). These materials shall constitute the record of the appeal.
 - (4) *Scheduling of notice and hearing.* The board of zoning appeals or planning commission (whichever is appropriate) shall hear the appeal at the first meeting that allows sufficient time to prepare the record and meet required notice provisions of this chapter.
 - (5) *Hearing by the board of zoning appeals.* At the hearing, the person making the appeal may appear in person, or by agent or attorney, and shall state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. The administrator shall be given an opportunity to respond as well as any other city staff or other person the board of zoning appeals deems necessary. After the conclusion of the hearing, the board of zoning appeals shall affirm, partly affirm, modify, or reverse the decision or interpretation based on the record and the requirements and standards of this chapter. The concurring vote of a majority

of the members of the board of zoning appeals shall be necessary to reverse any decision or interpretation on appeal.

- (6) *Hearing by the planning commission.* At the hearing, the person making the appeal may appear in person or by agent or attorney, and shall state the grounds for the appeal and identify any materials or evidence from the record to support the appeal. The administrator shall be given an opportunity to respond, as well as any other city staff or other person the planning commission deems necessary. After the conclusion of the hearing and within 60 days of the filing of the appeal, the planning commission shall affirm, partly affirm, modify or reverse the decision or interpretation, based on the record and the requirements and standards of this chapter. The concurring vote of a majority of the members of the planning commission shall be necessary to reverse any decision or interpretation on appeal.
- (C) *Effect of appeal.* An appeal pending before the board of zoning appeals or the planning commission stays all proceedings in furtherance of the action appealed from unless the administrator certifies to the board of zoning appeals or planning commission (whichever is appropriate) after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of zoning appeals or the planning commission (whichever is appropriate) or by a court of record on application, on notice to the administrator, and on due cause shown.
- (D) *Appeal from the board of zoning appeals.* A person having a substantial interest affected by a decision of the board of zoning appeals may appeal from the decision of the board to the circuit court of Greenville County by filing with the clerk of the court a petition setting forth plainly, fully, and distinctly why the decision is contrary to law. This notice of appeal may be accompanied by a request for pre-litigation mediation in accordance with S.C. Code 1976, § 6-29-825. The appeal shall be filed within 30 days after the written decision of the board is mailed.
- (E) *Appeal from the planning commission.* A person having a substantial interest affected by a decision of the planning commission may appeal from the decision of the board to the circuit court of the county by filing with the clerk of the court a petition setting forth plainly, fully, and distinctly why the decision is contrary to law. This notice of appeal may be accompanied by a request for pre-litigation mediation in accordance with S.C. Code 1976, § 6-29-825. The appeal shall be filed within 30 days after the written decision of the commission is mailed.

19-4.3.3. Commercial uses.

- (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.
- (B) In addition to applicable use-specific standards that follow, the administrator may impose conditions on a conditional use permit intended to mitigate any negative impacts of the use relating to:
- (1) The volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;
 - (2) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;
 - (3) The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);
 - (4) The type, size and nature of buildings and structures;
 - (5) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;
 - (6) Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site, trip purposes and whether trip purposes can be shared by other uses on the site;
 - (7) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses;
 - (8) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes;
 - (9) Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and
 - (10) The impact on adjacent properties created by the proposed use will not be greater than that of other uses permitted in the district.
- (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.
- (2) *Eating establishments in the C-1 district.* Eating establishments in the C-1 district shall comply with the following standards:
- (a) The gross floor area shall not exceed 3,500 square feet.
 - (b) Hours of operation shall be limited to between the hours of 6:00 a.m. and 10:00 p.m.
 - (c) The sale of alcoholic beverages shall require a special exception permit.

19-10.6.1. Remedies and penalties available to city.

The city may use any combination of the following enforcement actions, remedies, and penalties pursuant to section 1-5 to correct, stop, abate, and enjoin a violation of this chapter:

- (A) *Citation noting violation.* The administrator may issue a citation to the person pursuing the activity or activities in violation of this chapter, requiring appearance before the municipal court.
- (B) *Stop order.* The administrator may issue and serve upon a person pursuing the activities in violation of this chapter a stop work order requiring that the person stop all activities in violation of this chapter.
- (C) *Permit suspension or revocation.* Any development permit, approval, certificate, or other form of authorization required under this chapter may be suspended or revoked if the administrator determines that:
 - (1) There is a failure to comply with the approved plans, specifications, terms or conditions required under the permit or development approval;
 - (2) The permit or development approval was procured by false representation; or
 - (3) The permit or development approval was issued in error.

Written notice of suspension or revocation shall be mailed or served upon the property owner, agent, applicant, or other person to whom the permit was issued or such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the notice.

- (D) *Civil remedies.* In addition to all other remedies and penalties outlined in this article, the administrator may initiate an action or proceeding for injunction or mandamus or other appropriate action or proceeding to prevent, abate, or correct a violation of this chapter or to prevent the occupancy of the building, structure or land.
- (E) *Criminal remedies.* Criminal penalties shall be as provided by section 1-5.

Application # _____ Fees Paid _____
Date Received: _____ Accepted by _____
Date deemed complete _____ App Deny Conditions



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

APPELLANT/OWNER INFORMATION

	APPELLANT	PROPERTY OWNER
Name:	<u>Jacob Billingsley</u>	<u>Timberland Capital Investments</u> <i>Timberland Holding Company LLC</i>
Mailing	<u>11 Falls Park Dr, Greenville, SC 29601</u>	<u>P.O. Box 9297, Greenville, S.C. 29604.</u> <i>31 Cleveland Street C.S.</i>
Address:	<u>11 Falls Park Dr, Greenville, SC 29601</u>	<u>P.O. Box 9297, Greenville, S.C. 29604.</u>
Phone:	<u>678-592-2074</u>	<u>864-420-2358</u>
Email:	<u>jacobbillingsley@gmail.com</u>	<u>jeff@realmpropertyconcepts.com</u>

PROPERTY INFORMATION

Street Address: 11 Falls Park Dr, Greenville, SC 29601

Tax Parcel #: 0070000102501 Zoning Designation: Commercial

REQUEST

Applicable Code Section: 19-2.3.5, Special Exemption Permit

Description of Request: We would like to appeal the revokeing of our Special Exemption Permit 13-51 on May 19, 2021. We were in accordance with the terms of our permit as outlined. The planning commision assets we did not provide food when requested but we have a menu of items available to our patrons.

INSTRUCTIONS

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

Jacob Billingsley

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

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

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

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

APPELLANT: Jacob Billingsley DATE: 5/20/2021

PROPERTY OWNER: _____ DATE: _____

Signature: 
Jacob.Billingsley@CityOfGreenville.com 5/20/2021 18:31 EDT

Email: jacobbillingsley@gmail.com

Appeal of Administrators Decision (PDF)_201502031108415570

Final Audit Report

2021-05-20

Created:	2021-05-20
By:	Harold White (hdeanwhite@gmail.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAOtUGBAKWbgb3WdR-ZX4csiJnkR7ukyAB

"Appeal of Administrators Decision (PDF)_201502031108415570" History

 Document created by Harold White (hdeanwhite@gmail.com)

2021-05-20 - 6:57:27 PM GMT- IP address: 73.192.80.110

 Document emailed to Jacob Billingsley (jacobbillingsley@gmail.com) for signature

2021-05-20 - 6:58:08 PM GMT

 Email viewed by Jacob Billingsley (jacobbillingsley@gmail.com)

2021-05-20 - 8:28:59 PM GMT- IP address: 66.249.88.160

 Document e-signed by Jacob Billingsley (jacobbillingsley@gmail.com)

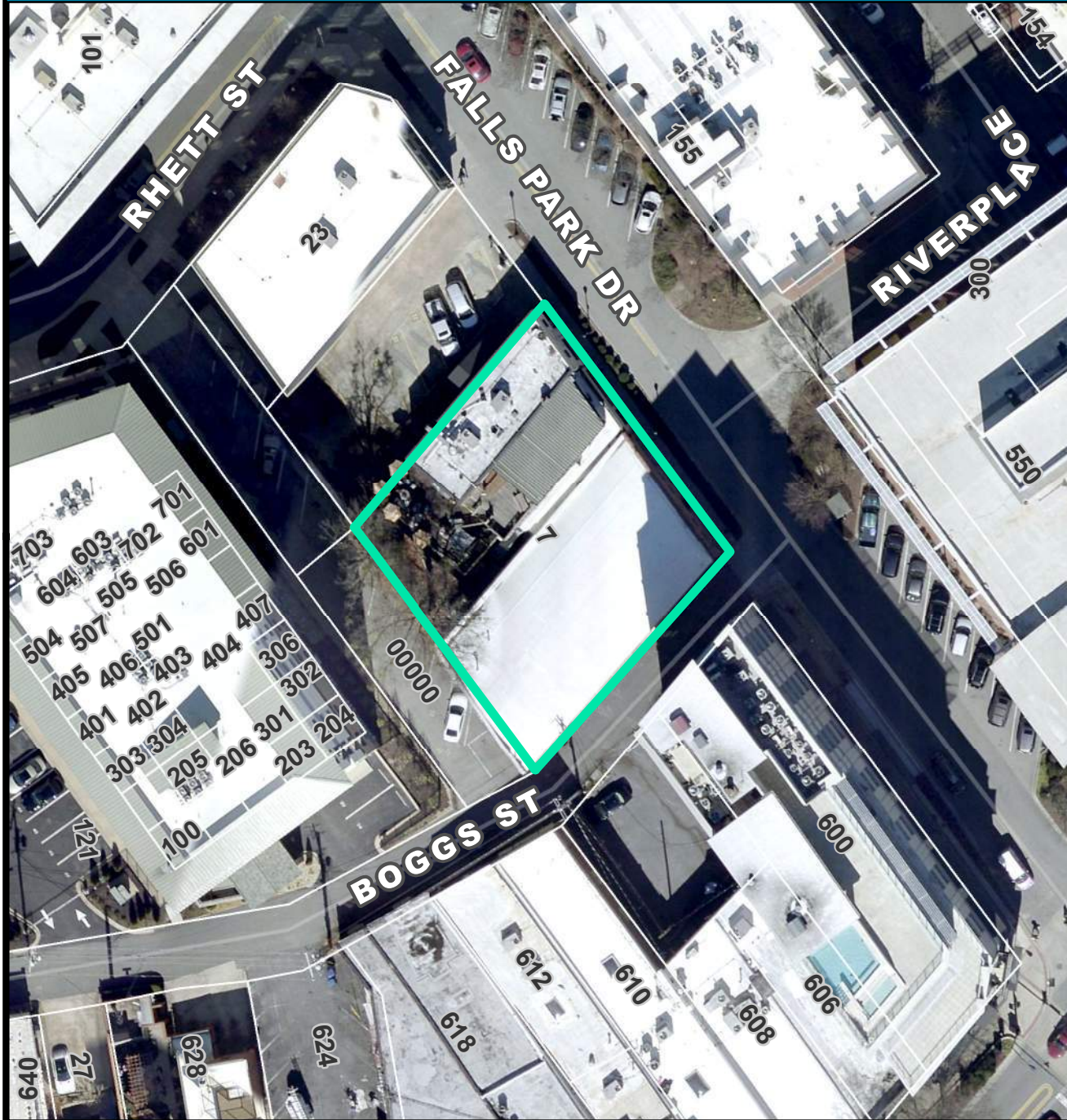
Signature Date: 2021-05-20 - 8:31:01 PM GMT - Time Source: server- IP address: 96.37.239.44

 Agreement completed.

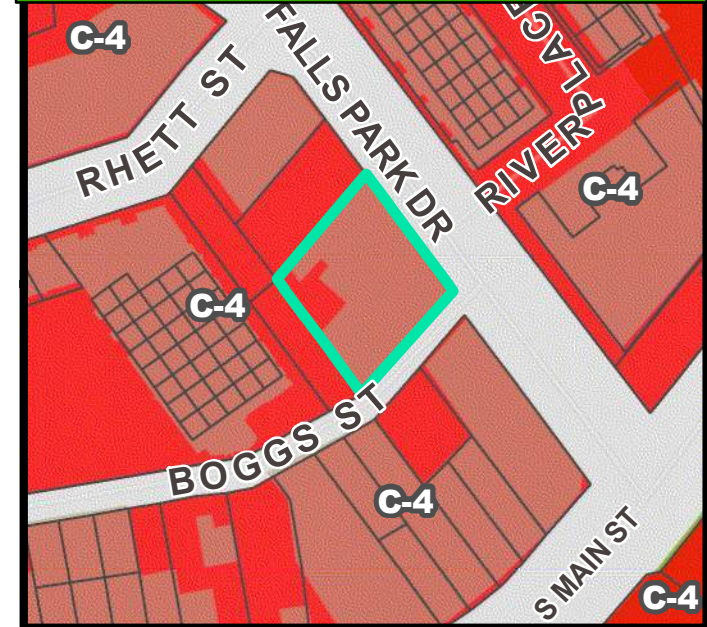
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A-21-413 • 11 FALLS PARK DR.

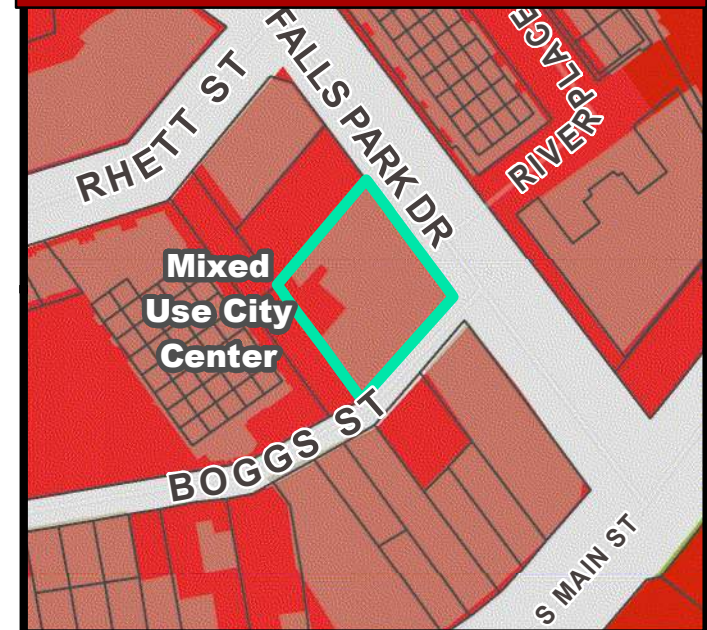
AERIAL VIEW



CURRENT ZONING



FUTURE LAND USE

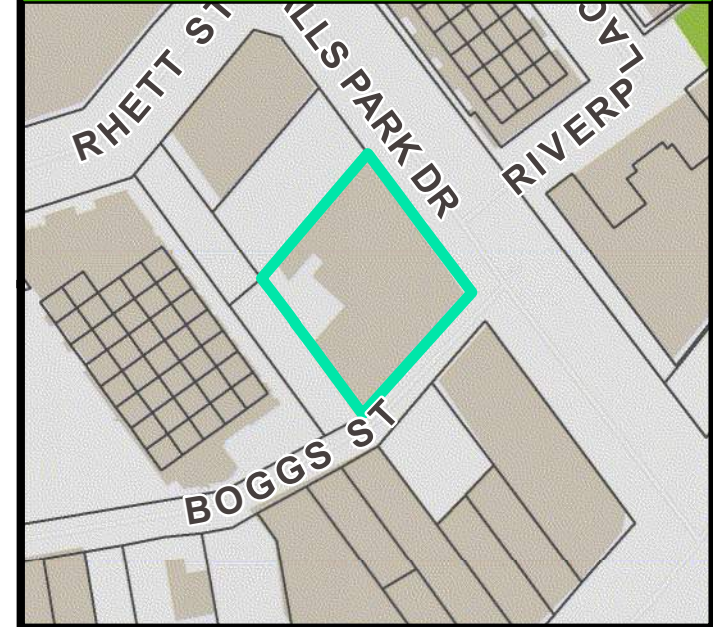


A-21-413 • 11 FALLS PARK DR.

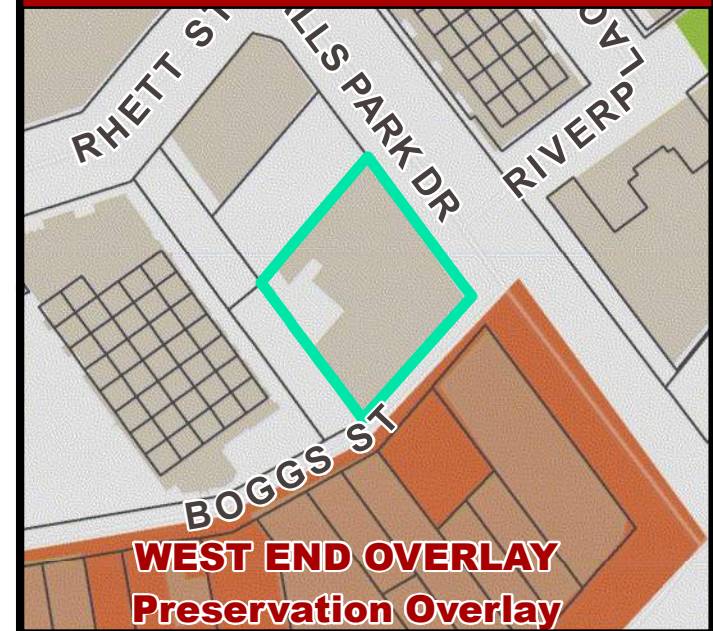
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS



SUPPLEMENT A

REVOCATION LETTER



Planning and Development

May 19, 2021

Gringos
11 Falls Park Dr.
Greenville SC 29601

Re: Violation of Special Exception Permit 13-51
Gringos
11 Falls Park Dr., Greenville, SC

To: Jacob Billingsley, Owner

You are receiving this letter regarding a Special Exception or Conditional Use Permit that was issued by the City of Greenville for the establishment referenced above. The following incident(s) have been reported to the Zoning Code Enforcement Officer in the Planning and Development Division:

Saturday May 15th, 2021. Two plain clothes operatives of the Greenville Police Department entered the establishment separately and attempted to purchase food from the restaurant. Both were advised by Gringos staff, bartenders on the first and second levels that "they do not have food".

Section 2 of your Special Exception Permit states: "Operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Special Exception Permit".

Based on this violation as well as other unapproved modifications of the facility's operation, repeated failure to adhere to the stipulations of the Special Exception Permit, past violations of the Special Exception Permit as well as the City of Greenville Code of Ordinances and numerous complaints reported to the Greenville Police Department, Special Exception Permit 13-51 is hereby revoked.

Right to appeal: If you believe the Administrator has erred in its decision, you have the right to appeal the decision to the Board of Zoning Appeals. The appeal must be filed with the Zoning Administrator within 10 calendar days of the receipt of the letter and must indicate the reasons you believe the decision is illegal, either in whole or in part. A notice of appeal is available at <https://www.greenvillesc.gov/172/Planning-Zoning> or by calling our office at 864-467-4476.

The conditions under which Gringos may operate moving forward are as follows:

1. Establishment may only operate as a restaurant serving alcohol, closing at midnight. Kitchen staff and servers must be retained and food conforming substantially to the advertised menu must be available. This is subject to inspection by City of Greenville Planning and Building inspectors and may be monitored by the Greenville Police Department.
2. The bar/nightclub portion of the establishment must remain closed and unoccupied as this use requires a Conditional Use Permit.
3. Both decks are to remain closed as they can only be accessed from the bar/nightclub portion of the establishment.

Any violations of these conditions may result in additional action against you up to and including the revocation of the certificate of occupancy.

If you have any questions just let me know.

Sincerely,



John Hamlett
Zoning Code Enforcement Officer
(864) 467-4473
jhamlett@greenvillesc.gov

SUPPLEMENT B

POLICE INCIDENT REPORT

GREENVILLE CITY POLICE DEPARTMENT

Incident Report

Agency I.D.
SC0230200

RTA

Case Number

21000033164

Adult/Juv

EVENT	INCIDENT TYPE				OFFENSE COMPLETED	FORCED ENTRY	PREMISE TYPE				UNITS ENTERED	TYPE VICTIM		
	M598 - Information Only				N	N	3 - Bar/Night Club				0	☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Religious Org. ☐ Soc / Public ☐ Other ☐ Unknown ☐ Police Officer		
	Incident Location(Subdivision, Mill Village, Apartment & Number, Street Name & Number)				Closest Intersection				ZipCode					
	11 FALLS PARK Dr GREENVILLE SC (Gringos Cantina)								29601					
VICTIM	Incident Date	Time	To	Date	Time	Weapon Type		Time Arrived	Time Completed	Patrol District				
	05/15/2021	22:30		05/15/2021	23:00			22:30	23:00	CPDT				
	Complainants Name (Last, first, Middle)				Resident	Race	Sex	Age	Primary Phone		Business Phone		Mobile Phone	
	Blackwell, C.A.				J	W	M				(864)271-5333			
SUBJECT	Address				City		State		Zip Code		Patrol District			
	4 Mcgee St				Greenville		SC		29601		CP22			
	Victim's Name (Last, first, Middle)				Victim Relationship To Subject		Resident	Ethnicity	Race	Sex	Age	Primary Phone	Business Phone	Mobile Phone
NARRATIVE	Address				City		State		Zip Code		Patrol District			
	Visible Injury (Vict 1) ☐ Yes ☒ No Explain: Complaint of any Non-Visible Injuries ☐ Yes ☒ No													
	Victim (No.1) Using Alcohol ☐ Yes ☐ No ☐ Unk Drugs ☐ Yes ☐ No ☐ Unk Type:													
VEHICLE	Two-Man Veh ☐ One Man Veh ☐ Detective/SPLASMT ☐ Other ☐ ALONE ☐ ASSISTED ☐ Jurisdiction: -													
	☐ Suspect ☐ Runaway ☐ Wanted ☐ Warrant ☐ Arrest ☐ Missing													
	Subject's Name (Last, first, Middle)				Ethnicity	Race	Sex	Age	Date of Birth	Height	Weight	Hair	Eyes	
	Address				SSN									
ADMIN	Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc.				City		State		Zip Code		Patrol District			
	Subject (No.(1) Using Alcohol ☐ Yes ☐ No ☐ Unk				Arrested Near Offense Scene ☐ Yes ☐ No		Date/Time of Offense		Date of Arrest					
	Drugs ☐ Yes ☐ No ☐ Unk Type				Total Arrested 0									
	Arrestee Armed ☐ Yes ☐ No Weapon Type ☐ Arrested on Current Offense ☐ Cleared By Arrest on Prior Offense													
PROPERTY	Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority ☐ On View Arrest ☐ Summoned ☐ Custody													
	Charge				Warrant Number				Ticket Number					
ADMIN	Arrest Location Gang Affiliation: NG - Not Gang Related													
	I went to the incident location in reference to complaints about Gringo's not serving food passed 10:00pm.													
	Jurisdiction of Theft :				Jurisdiction of Recovery :									
VEHICLE	☐ Towed ☐ Stolen ☐ Recovered ☐ Suspect ☐ Victim													
	Tag Number		State	Year	V.I.N.				Value					
	Year	Make	Model	Style		Color								
	Tag Only ☐		Additional Vehicle description											
PROPERTY	Status		Property Type	Quantity	Property Make	Color	Description				Serial # / OAN	Value		
ADMIN	Subject Identified		Subject Located		☐ Active ☒ Admin Closed		☐ Arrested Under 18		☐ Ex-Cleared Under 18					
	☐ Yes ☒ No		☐ Yes ☒ No		☐ Unfounded		☐ Arrested 18 and Over		☐ Ex-Cleared 18 and Over					
	Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Victim Declines Cooperation ☐ Extradition Denied ☐ Juvenile No Arrest													
	Reporting Officer(s)		Date	Unit#/Star#	Approving Officer		Date	Unit#/Star#						
BLACKWELL, CHRISTOPHER		05/16/2021	184 / 00955											
			/	Follow Up Investigation ☐ Yes ☒ No (Officer)										

ADMIN

SUPPLEMENT C

ORIGINAL SPECIAL EXCEPTION
PERMIT AND RELATED
DOCUMENTS

S-13-51



2014000627

PERMIT
3 PGS

Book: DE 2437

Page: 2426-2428

January 06, 2014 02:40:43 PM

Rec: \$10.00

Cnty Tax: \$0.00

State Tax: \$0.00

FILED IN GREENVILLE COUNTY, SC



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

PROPERTY INFORMATION:

TIMBERLAND CAPITAL INVESTMENTS, LLC
OWNER

0070000102501
TAX PARCEL #

11 W CAMPERDOWN WY
ADDRESS/LINE 1

2416
DEED BOOK

3239
PAGE

20121218
RECORDED DATE

GREENVILLE, SC
ADDRESS/LINE 2

1071
PLAT BOOK

40
PAGE

N/A
RECORDED DATE

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

SECTIONS 19-2.3.5, SPECIAL EXCEPTION PERMIT, AND 19-4.1, TABLE OF USES

DESCRIPTION OF THE ACTIVITY AUTHORIZED BY THE ISSUANCE OF THE SPECIAL EXCEPTION PERMIT
(DOCKET # S 13-51):

"OPEN AFTER MIDNIGHT"

LAPSE DATE OF SPECIAL EXCEPTION PERMIT: MARCH 21, 2015 UNLESS SPECIAL EXCEPTION IS VESTED
PURSUANT TO SECTION 19-2.2.14 OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE.

STIPULATIONS:

1. The Special Exception Permit is limited to the Applicant, Jacob Billingsley dba "Gringo's," and is not transferrable.
2. Operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Special Exception Permit.
3. At all times during its occupancy, the Applicant shall assign a manager to the premises who shall ensure compliance with the terms of this Permit, the City Code, and the applicable SC Code of Laws and Regulations. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.
4. The Applicant shall maintain screening of the upper level deck as described at the public hearing (Confederate Jasmine along the front and side railing and 7 hanging ferns: 4 along front and 3 on side), that visually covers at least 50 percent of the deck portion of the façade facing W Camperdown Way, subject to approval by the Design Review Board, which effectively alleviates associated noise and visual impacts to residential uses directly across the street.

5. Live entertainment and bartending facilities are prohibited on the outdoor deck; TVs on the outdoor deck shall have muted sound at all times.
6. Background sound amplification on the outdoor deck shall cease at 10 PM. Interior sound amplification shall be directed away from the principal entrance(s).
7. The Applicant and all of its managers and employees responsible for the management of the establishment (current and future) shall participate in the "Merchant Education / Server Training" Program offered by the Phoenix Center or comparable program offered by other vendor(s) approved by the Greenville Police Department. Evidence of satisfactory completion of this training shall be retained for each employee on-site and available for inspection by the Administrator and the Greenville Police Department. Current personnel shall receive training within ninety (90) days of the date of the granting of this Permit and future personnel shall receive training within thirty (30) days of hiring.
8. No person under the age of 21 shall be allowed to occupy the upstairs portion of the restaurant (bar) after 10 PM. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.
9. The Applicant shall designate security staff to check ID's at all ingress/egress points to the upstairs portion of the restaurant and to be responsible for monitoring the flow of patrons.
10. The Applicant shall retain a minimum of one (1) security person between the hours of 10 PM and 2 AM Thursday, Friday, and Saturday nights and at any time while open for business when it is reasonably anticipated that a larger-than-average number of patrons will occupy the premises. This person may be a sworn law enforcement officer or certified security person possessing a "Security Officer Registration Certificate" pursuant to Chapter 18 of Title 40 of the SC Code of Laws. No other employee may serve in the capacity of a security person unless so certified.
11. The outdoor deck portion of the establishment shall be closed to the public at Midnight.
12. Operation of the facility when open to the public from 12 Midnight to 2 AM shall comply with the provisions of Sec 19-4.3.3 (A) of the City Code.
13. Operation and maintenance of the facility, regardless of the hours permitted to be open to the public, shall comply with the Noise Ordinance, Sec. 16-91 of the City Code.
14. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.

ISSUED THIS 30 DAY OF Dec, 2013

Kim M. Jones
WITNESS

Nathalie Schmitt
WITNESS

Bryan D. Wood
BRYAN D. WOOD
ZONING ADMINISTRATOR
CITY OF GREENVILLE
P.O. BOX 2207
GREENVILLE, SC 29602

ACKNOWLEDGEMENT

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 30th DAY OF
December, 20 13 BY BRYAN D. WOOD.

Marie MacLendon (Fairclough)
NOTARY PUBLIC
MY COMMISSION EXPIRES: 8-16-2017

Jacob Billingsley
APPLICANT

BY (SIGNATURE) J. Billingsley

BY (PRINTED) Owner

TITLE

WITNESS [Signature]

WITNESS

TIMBERLAND CAPITAL INVESTMENTS, LLC
OWNER

BY (SIGNATURE) [Signature]

BY (PRINTED) ANTHONY C HARPER

TITLE

WITNESS [Signature]

WITNESS

ACKNOWLEDGEMENT

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 20th DAY OF
December, 20 13 BY JACOB BILLINGSLEY.

Marie MacLendon (Fairclough)
NOTARY PUBLIC
MY COMMISSION EXPIRES: 8-16-2017

ACKNOWLEDGEMENT

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 20th DAY OF
DECEMBER, 20 13 BY TIMBERLAND CAPITAL INVESTMENTS, LLC THROUGH ITS DULY
AUTHORIZED OFFICER.

[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES: 1-9-2014

FILED FOR RECORD IN GREENVILLE COUNTY, SC ROD
2014000627 Book: DE 2437 Page: 2426-2428
January 06, 2014 02:40:43 PM

Tina S. Hanney



City of Greenville
BOARD OF ZONING APPEALS
Board Decision for Application # S 13-51

Applicant: Jacob Billingsley dba "Gringo's"

Property Owner: Timberland Capital Investments, LLC

Property Address: 11 W. Camperdown Way

TMS #: 0070000102500 and 0070000102501

Application: Applicant requests a Special Exception to operate a restaurant and bar to remain 'Open After Midnight' within an existing building.

Decision: Approved with conditions

Conditions:

1. The Special Exception Permit is limited to the Applicant, Jacob Billingsley dba "Gringo's" and is not transferrable.
2. Operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Special Exception Permit.
3. At all times during its occupancy, the Applicant shall assign a manager to the premises who shall ensure compliance with the terms of this Permit, the City Code, and the applicable SC Code of Laws and Regulations. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.
4. The Applicant shall maintain screening of the upper level deck as described at the public hearing (Confederate Jasmine along the front and side railing and 7 hanging ferns: 4 along front and 3 on side), that visually covers at least 50 percent of the deck portion of the façade facing W Camperdown Way, subject to approval by the Design Review Board, which effectively alleviates associated noise and visual impacts to residential uses directly across the street.
5. Live entertainment and bartending facilities are prohibited on the outdoor deck; TVs on the outdoor deck shall have muted sound at all times.
6. Background sound amplification on the outdoor deck shall cease at 10 PM. Interior sound amplification shall be directed away from the principal entrance(s).
7. The Applicant and all of its managers and employees responsible for the management of the establishment (current and future) shall participate in the "Merchant Education / Server Training" Program offered by the Phoenix Center or comparable program offered by other vendor(s) approved by the Greenville Police Department. Evidence of satisfactory completion of this training shall be retained for each employee on-site and available for inspection by the Administrator and the Greenville Police Department. Current personnel shall receive training within ninety (90) days of the date of the granting of this Permit and future personnel shall receive training within thirty (30) days of hiring.
8. No person under the age of 21 shall be allowed to occupy the upstairs portion of the restaurant (bar) after 10 PM. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.

9. The Applicant shall designate security staff to check ID's at all ingress/egress points to the upstairs portion of the restaurant and to be responsible for monitoring the flow of patrons.
10. The Applicant shall retain a minimum of one (1) security person between the hours of 10 PM and 2 AM Thursday, Friday, and Saturday nights and at any time while open for business when it is reasonably anticipated that a larger-than-average number of patrons will occupy the premises. This person may be a sworn law enforcement officer or certified security person possessing a "Security Officer Registration Certificate" pursuant to Chapter 18 of Title 40 of the SC Code of Laws. No other employee may serve in the capacity of a security person unless so certified.
11. The outdoor deck portion of the establishment shall be closed to the public at Midnight.
12. Operation of the facility when open to the public from 12 Midnight to 2 AM shall comply with the provisions of Sec 19-4.3.3 (A) of the City Code.
13. Operation and maintenance of the facility, regardless of the hours permitted to be open to the public, shall comply with the Noise Ordinance, Sec. 16-91 of the City Code.
14. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.

By application filed February 11, 2013 the Applicant, **Jacob Billingsley dba "Gringo's"** requested a Special Exception pursuant to Section 19-2.3.5, *Special Exception Permit*, Section 19-3.2, *District Descriptions*; Section 19-4.3.3(A), *Use Specific Standards, Commercial Uses, General* and Section 19-4.1, *Table of Uses*, of the Greenville City Code to operate a restaurant and bar to remain 'Open After Midnight' within an existing building located at 11 W. Camperdown Way in an "C-4" District. Notice was duly posted on the premises, published in the *Greenville News*, and mailed to the parties in interest March 6, 2013. The Board of Zoning Appeals held a public hearing on March 21, 2013 and made the decision referenced above.

The Board heard from the Applicant and provided an opportunity for others in support of, or in opposition to, the application to provide information on the record. The record of evidence presented and the Board's deliberations established the following findings of fact and conclusions of law in support of this decision.

Findings of Fact:

- ***The Use Is Consistent with the Comprehensive Plan(s):*** The use appears to be consistent with some of the principles and desired outcomes of the Comprehensive Plan. These include:
 - Encourage a mixture of uses.

The "Mixed Use City Center" Future Land Use designation of the Comprehensive Plan is intended:

"to preserve a pedestrian oriented downtown by accommodating a unique, high-intensity, mix of office, service, retail, entertainment, cultural, government, civic, and higher-density residential uses. All development should be compatible with the existing and historic built-environment and with nearby residential uses."

The prevailing zoning designation is 'C-4', *Central Business*, District. The purpose of this District is:

"...intended to preserve downtown Greenville as the city's center accommodating a unique, high-intensity mix of office, service, retail,

entertainment, cultural, government, civic, and residential uses. The intent of the district is to preserve and encourage pedestrian-oriented development, including specialty and neighborhood-oriented retail and higher density residential options. District uses and standards are also intended to encourage future development in a manner compatible with the existing and historic built-environment and with nearby residential areas."

The immediate area, including Falls Park, the riverfront, and the historic West End, has undergone successful transformation that characterizes the essence of mixed land uses, including residences, offices, cultural facilities, parks and trails, and retail businesses. Late night hours of operation are permissible in the District by special exception.

The Board concludes that the proposed use and hours of operation are consistent with the Comprehensive Plan.

- ***The Use Will Comply with the Use Specific Standards:*** The Standards in Sec 19-4.3.3 (A) of the City Code automatically apply to a facility granted a Special Exception to operate after midnight. The Board has added conditions to the Permit that relate to the issues identified during the course of the hearing and deliberation.
- ***The Use Is Compatible with the Character of Surrounding Lands:*** Mixed uses are the hallmark of this area, and a restaurant with an outdoor deck serving alcohol until Midnight is a use that is permitted "By Right." The proposed use would occupy two levels including an outdoor deck on the upper level. There are four levels of residential uses including balconies and ground level units located directly across from the proposed use, which present a challenge for late night compatibility in the mixed-use district. Similar uses are found to co-exist in other parts of the central business district due to use specific conditions associated with Special Exception permits. The Board concludes that the conditions enumerated above help to address compatibility with surrounding uses.
- ***The Design Does Not Have Substantial Adverse Impact:*** It is reasonable to expect some adverse impacts associated with the subject use vis-à-vis service delivery, parking and loading, odors, noise, glare, vibration, etc. toward the neighboring properties. Additional impacts associated with the proposed late night establishment serving alcohol include noise from the outdoor deck (above the street level) and loitering around the property. In light of previous issues related to the use of the property and because of the request for late night hours of operation, the Technical Advisory Committee (including City Police, Fire, and Building Codes Staff) reviewed the request and made additional recommendations to the use specific standards that have been incorporated in the conditions above.

The Board concludes that the design of the business, if operated in a manner consistent with the conditions enumerated above, would address and minimize the adverse impacts to surrounding lands.

Conclusions of Law:

1. The application, posted notice, and published notice in *The Greenville News* comply with the legal requirements of the process established under the City of Greenville Code of Ordinances (Land Management) for such applications.

2. The Board has the authority to render the decision reached here under Section 19-2.1.3 (A) (1) of the City of Greenville Code of Ordinances (Land Management).
3. The applicant did demonstrate compliance with the following standards required by Section 19-2.3.5 (D) (1) of the City of Greenville Code of Ordinances (Land Management):
 - a. The proposed Special Exception is consistent with the Comprehensive Plan;
 - b. The proposed Special Exception, with conditions, is appropriate for its location and compatible with the character of surrounding lands and the uses permitted in the zoning districts of surrounding lands, and will not reduce property values of surrounding lands; and,
 - c. The design of the proposed Special Exception, with conditions, minimizes adverse effects including visual impacts of the proposed use on adjacent lands; furthermore, the proposed special exception does not impose significant adverse impact on surrounding lands regarding service delivery, parking and loading, odor, noise, glare, vibration, and does not create a nuisance.

Appeal:

If you believe the Board erred in its decision, you have the right to appeal the decision to the Circuit Court of Greenville County. The appeal must be filed within 30 days after the decision is mailed and must state the reasons you believe the decision is illegal, either in whole or in part. The mailing date of this decision is 4-2-2013.

If you do not appeal this decision, the Administrator will prepare a Permit for your signature acknowledging acceptance of the Permit. The Administrator shall record the Permit in the Greenville County Registry of Deeds at your expense. The rights authorized by this Permit are limited to the Applicant and are otherwise pursuant to the Vested Rights provisions of the City of Greenville Code of Ordinances and the South Carolina Code of Laws.

General Information:

Upon the Administrator recording the Permit, you must obtain any necessary permits, certificates and/or licenses from the City of Greenville Permits and Licenses Office before beginning work, occupying premises, or starting a business.

Failure to comply with any conditions prescribed in conformity with the City of Greenville Code of Ordinances (Land Management), when made part of the terms under which this Special Exception is granted, shall be deemed a violation of the City Code, punishable under penalties established by City Code.

Please remove the Public Hearing sign(s) within five (5) days of receipt of this Notice.



Bryan Wood
Zoning Administrator

4/2/13

Date



Planning & Development

December 2, 2013

Jacob Billingsley
29 McAdoo Avenue
Greenville, SC 29607

via email: jacobbillingsley@gmail.com

RE: Zoning Violation at Gringo's, 11 West Camperdown Way, Greenville, SC
Tax Map No: 70-1-25.1
Case No: 13-2027

Dear Mr. Billingsley:

The following violation of the stipulations of your special exception was noted on Saturday, November 16, 2013:

Business Name: Gringos

First Count: 60 Second Count: 80 Occupant Load: 290 Over: No Violations: Yes

Comments: Michael the person who is attending the door is not SLED certified.

Please be aware that the stipulation #10 of your special exception requires the following:

The Applicant shall retain a minimum of one (1) security person between the hours of 10 PM and 2 AM Thursday, Friday, and Saturday nights and at any time while open for business when it is reasonably anticipated that a larger-than-average number of patrons will occupy the premises. This person may be a sworn law enforcement officer or certified security person possessing a "Security Officer Registration Certificate" pursuant to Chapter 18 of Title 40 of the SC Code of Laws. No other employee may serve in the capacity of a security person unless so certified.

Please correct the violation before Thursday, December 5, 2013. Failure to correct the violation by the specified time will result in further legal action necessary to compel compliance and/or the suspension of your special exception permit.

If you believe the determination that a violation existed as stated, you have the right to appeal to the Board of Zoning Appeals. The appeal must be filed with me, using the attached application form, by December 12, 2013. The appeal must state the reason you believe the determination is illegal.

Sincerely,

Bryan D. Wood, AICP
Zoning Administrator
(864) 467-4481

cc: Robert Coler, Assistant City Attorney
Lt. Jason Rampey, Greenville Police Department
Chief Stephen Kovalcik, Fire Chief, Chair, Technical Advisory Committee
Timberland Capital Investments, Property Owner



Planning & Development

December 19, 2013

Jacob Billingsley
29 McAdoo Avenue
Greenville, SC 29607

via email: jacobbillingsley@gmail.com

RE: Special Exception Permit for Gringo's, 11 West Camperdown Way, Greenville, SC

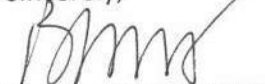
Dear Mr. Billingsley:

Pursuant to your March 2013 application to the Board of Zoning Appeals (BZA) to operate a restaurant after midnight, a Special Exception Permit was prepared. You were asked to execute the Permit and deliver it back to the Planning and Development office, according to stipulation #14 of the Permit. To date, you have failed to comply.

It is necessary that you have the enclosed Permit signed and notarized and then returned to the Planning and Development office with a \$10.00 check made payable to "Greenville County Register of Deeds" to cover the cost of recording.

This letter is to inform you that you have until noon on December 30, 2013, to submit the signed document to the Planning and Development office. If the Permit is not received by that time, the BZA will be asked to revoke the Permit for lack of proper execution at the January 16, 2014 meeting.

Sincerely,



Bryan D. Wood, AICP
Zoning Administrator

Nathalie Schmidt

From: Kathleen Kempe
Sent: Tuesday, September 03, 2013 12:43 PM
To: Michael Kerski; Nathalie Schmidt
Subject: FW: Gringos v. City BZA, Stipulation of Dismissal, C.A. 2013-CP-23-02464
Attachments: DOC083013.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

We will need this dismissal before the meeting otherwise they have the court action to fall back on if the BZA says no.

Kathleen Kempe
Assistant City Attorney | City Attorney's Office kkempe@greenvillesc.gov | www.greenvillesc.gov
PHONE: 864-467-4422

-----Original Message-----

From: Robert Coler
Sent: Friday, August 30, 2013 3:03 PM
To: langleylawfirm@gmail.com
Cc: Cindy Horton; Tonya Gramann
Subject: Gringos v. City BZA, Stipulation of Dismissal, C.A. 2013-CP-23-02464

Chris and Spencer,
Please review the attached Stipulation of Dismissal and sign it if it meets with your approval. I will file it with the court prior to the scheduled appeal hearing, which I believe is 9/5/13.
I understand Gringo's motion to amend the special exception is scheduled for the September BZA meeting.
Thanks,
Bob.

-----Original Message-----

From: CITSTechs
Sent: Friday, August 30, 2013 3:36 PM
To: Robert Coler
Subject: Scanned from CH9452legal 08/30/2013 14:36

Scanned from CH9452legal.
Date: 08/30/2013 14:36
Pages:1
Resolution:200x200 DPI

Nathalie Schmidt

From: Robert Coler
Sent: Friday, July 26, 2013 3:23 PM
To: Michael Kerski; Leah Buttry
Cc: Allen Hinson, Amy; Nathalie Schmidt; Rhys Kear; John Garza; 'spencer@brumbacklangley.com'; Cindy Horton; Nadiya Myers
Subject: RE: BZA matter. Gringo's, 11 W. Camperdown Way. Appeal to Circuit Court regarding the conditions of their Special Exception (S 13-51)

Ok, it appears that Tue 8/6 at 11:30 works for most if not all of us, so let's plan to meet here at city hall to mediate. I will reserve a large conference room.

Thanks,
Bob.

Nadiya,
Would you please reserve a conf room to accommodate approx. 10 people.
Thx.

From: Michael Kerski
Sent: Friday, July 26, 2013 2:56 PM
To: Robert Coler; Leah Buttry
Cc: Allen Hinson, Amy; Nathalie Schmidt; Rhys Kear; John Garza
Subject: RE: BZA matter. Gringo's, 11 W. Camperdown Way. Appeal to Circuit Court regarding the conditions of their Special Exception (S 13-51)

That works for me

From: Robert Coler
Sent: Friday, July 26, 2013 1:58 PM
To: Leah Buttry
Cc: Allen Hinson, Amy; Michael Kerski; Nathalie Schmidt; Rhys Kear; John Garza
Subject: Re: BZA matter. Gringo's, 11 W. Camperdown Way. Appeal to Circuit Court regarding the conditions of their Special Exception (S 13-51)

Would Tue 8/6 around 11:30 work.

Keraki's buying lunch for us :) Thanks Michael.

Sent from my iPhone

On Jul 25, 2013, at 5:37 PM, "Leah Buttry" <lbuttry@wyche.com> wrote:

Bob,

I am thrilled to report that Amy has availability that week. I have copied her on this email so you will have her email address. Can you please send us some potential dates and times? Wednesday mid-day and Friday would not work for me.

Thanks,
Leah

Nathalie Schmidt

From: Lopez, Stephen <SLopez@greenvillecounty.org>
Sent: Wednesday, June 05, 2013 10:46 AM
To: Robert Coler
Cc: Nathalie Schmidt; Jean Pool; Bryan Wood; Nadiya Myers; Cindy Horton; Tonya Gramann
Subject: RE:

Thanks! Will do.

Stephen Lopez

Non-Jury Coordinator
Greenville County Clerk of Court
ph (864) 467-8546
fax (864) 467-8519
e-mail: njcoord@greenvillecounty.org

From: Robert Coler [<mailto:rcoler@greenvillesc.gov>]
Sent: Wednesday, June 05, 2013 10:15 AM
To: Lopez, Stephen
Cc: Nathalie Schmidt; Jean Pool; Bryan Wood; Nadiya Myers; Cindy Horton; Tonya Gramann
Subject: RE:

Steve,
You can go ahead and set the hearing for the July 22-26 term. The city will provide a certified copy of the proceedings within 30 days of today's date.
Thanks,
Bob.

From: Lopez, Stephen [<mailto:SLopez@greenvillecounty.org>]
Sent: Wednesday, June 05, 2013 9:59 AM
To: Robert Coler
Subject:

Bob,

Here's that Appeal of BZA decision filed recently with the Clerk of Court. Is this something I can go ahead and schedule (July 22-26 term), or do I need to wait until I get a Record on Appeal from you?

Thanks,
Steve

CONFIDENTIALITY NOTICE: This e-mail and any files transmitted with it are confidential and may contain information which is legally privileged or otherwise exempt from disclosure. They are intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipients or otherwise have reason to believe that you have received this message in error, please immediately notify the

STATE OF SOUTH CAROLINA

COUNTY OF ~~LAURENS~~

GREENVILLE

FILED - CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMR

IN THE COURT OF COMMON PLEAS

JPB Restaurant Group, LLC d/b/a Gringos,
and Timberland Capital Investments, LLC,

Plaintiff(s)

vs.

City of Greenville Board of Zoning Appeals,
and the City of Greenville,

Defendant(s)

CIVIL ACTION COVERSHEET

2013-CP - 23- 02464

Submitted By: Brumback & Langley, LLC
Address: 1 Augusta Street Suite 301-D
Greenville, SC 29601

SC Bar #: 77686 and 75410
Telephone #: 864-256-1121
Fax #: 864-232-4984
Other:
E-mail: langleylawfirm@gmail.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.

This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.

☒ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.

This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts	Torts - Professional Malpractice	Torts - Personal Injury	Real Property
Constructions (100)	Dental Malpractice (200)	Assault/Slander/Libel (300)	Claim & Delivery (400)
Debt Collection (110)	Legal Malpractice (210)	Conversion (310)	Condemnation (410)
Employment (120)	Medical Malpractice (220)	Motor Vehicle Accident (320)	Foreclosure (420)
General (130)	Previous Notice of Intent Case # 20____-CP-_____-	Premises Liability (330)	Mechanic's Lien (430)
Breach of Contract (140)		Products Liability (340)	Partition (440)
Other (199)	Notice/ File Med Mal (230)	Personal Injury (350)	Possession (450)
	Other (299)	Wrongful Death (360) Other (399)	Building Code Violation (460) Other (499)
Inmate Petitions	Administrative Law/Relief	Judgments/Settlements	Appeals
PCR (500)	Reinstate Drv. License (800) ((800/800)	Death Settlement (700)	Arbitration (900)
Mandamus (520)	Judicial Review (810)	Foreign Judgment (710)	Magistrate-Civil (910)

ENTERED COMPUTER

FOR MANDATED ADR COUNTIES ONLY

Allendale, Anderson, Beaufort, Clarendon, Colleton, Florence, Greenville, Hampton, Horry, Jasper, Lee, Lexington, Pickens (Family Court Only), Richland, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.

appeal and any pre-litigation mediation, Plaintiff Timberland nominates Jacob Billingsley, as sole and managing member of JPB Restaurant Group, LLC, as his representative.

3. Defendant City of Greenville, hereinafter referred to as "City," is a municipal corporation created pursuant to South Carolina law and is a political subdivision of the State of South Carolina.
4. Defendant City of Greenville Board of Zoning Appeals, hereinafter referred to as "BZA," is a quasi-judicial board created pursuant to South Carolina Code § 6-29-780 and authorized to permit uses by special exception subject to the terms and conditions for the uses set forth for such uses in the zoning ordinance pursuant to South Carolina Code § 6-29-800(A)(3).
5. Mr. Billingsley is a highly experienced restaurateur with over sixteen (16) years in the hospitality industry, during which time Mr. Billingsley has managed a restaurant, a bar, and a music venue, each of which was in a mixed residential/commercial use district. Under Mr. Billingsley's management none of the above-referenced venues, each with occupancy permits in excess of Two Hundred (200) persons and serving between One Thousand One Hundred (1100) to Two Thousand Two Hundred (2200) patrons per day, were ever cited for alcohol or noise violations despite their close proximity to residential properties.
6. The Property falls within a Central Business District, or C-4 as designated by the Greenville Municipal Code. The Greenville Municipal Code sets forth the specific purpose of the C-4 district as intending "to preserve downtown Greenville as the city's center accommodating a unique, high-intensity mix of office, service, retail,

- b. The BZA abused its discretion by basing the inclusion of Condition No. 11 on environmental factors and complaints over which JPB, Gringos, and Mr. Billingsley neither have any control, involvement, connection, or association;
- c. The BZA's inclusion of Condition No. 11 was incorrect as a matter of law;
- d. The BZA's inclusion of Condition No. 11 was arbitrary;
- e. The BZA's inclusion of Condition No. 11 was capricious;
- f. The BZA's inclusion of Condition No. 11 has no reasonable relation to a legitimate purpose;
- g. The BZA's inclusion of Condition No. 11 was wholly unsupported by any evidence to support such an action;
- h. The BZA abused its discretion;
- i. The BZA erred in failing to specify what evidence it relied upon in imposing Condition No. 11;
- j. The BZA erred in failing to specify what evidence it relied upon in finding Condition No. 11 was necessary for compliance with the use Specific Standards;
- k. The BZA erred in failing to specify what evidence it relied upon in finding Condition No. 11 was necessary to ensure compatibility with the character of surrounding lands;
- l. The BZA erred in failing to specify what evidence it relied upon in finding Condition No. 11 was necessary to ensure Gringo's does not cause a substantial adverse impact;



Christopher T. Brumback, S.C. Bar # 75410
Spencer D. Langley, S.C. Bar #: 77686
Brumback & Langley, LLC
1 Augusta Street, Suite 301-D
Greenville, SC 29601
Phone: (864) 256-1121
Fax: (864) 232-4984

April 24, 2013
Greenville, South Carolina



**City of Greenville
Board of Zoning Appeals
Minutes of the March 21, 2013 Regular Meeting
10th Floor – Council Chambers
3:00 PM
Meeting Notice Posted on Friday, March 15, 2013**

Members Present:	Buttry, Dando, Jones, Hammond, and Hinson
Members Absent:	Shouse and Chatman
Staff Present:	Pool, Schmidt, Garza, Wood, Lt. Rampey, Chief Kovalcik

NOTICE OF MEETING: Pursuant to Section 30-4-80 of the S.C. Code of Laws, annual notice of this Board's Meetings was provided on January 1, 2012 via the Greenville City Website. The Agenda for this Meeting was posted outside the meeting place (City Council Chambers in City Hall) and was emailed to all persons, organizations, and news media requesting notice. In addition, notice for public hearings was published in the *Greenville News*, posted on the properties subject of public hearing(s), mailed to all surrounding property owners, and emailed to all persons, organizations, and news media requesting notice pursuant to Section 6-29-760 of the S.C. Code of Laws and Section 19-2.2.9 of the Code of the City of Greenville.

CALL TO ORDER: Chairman Buttry called the meeting to order at 3:08 PM.

APPROVAL OF MINUTES: The Board approved the Minutes of the February 21, 2013.

ACCEPTANCE OF AGENDA: The Agenda was approved with the following modifications: Application S-13-27 moved to first on the agenda and the Board accepted the Applicant's written withdrawal of Application A 13-62.

CONFLICT OF INTEREST: There was conflict of interest noted by Board Member Amy Hinson for applications S 13-50 and S 13-53.

A. S 13-27. Application of CEC Construction, LLC (V-Go Holdings, LLC, Owner), for a **Special Exception Permit** pursuant to Sections 19-2.3.5, *Special Exception Permit*, and 19-4.1, *Table of Uses*, of the Greenville City Code to establish a "Convenience Store" located on a **vacant property between 207 and 215 Pelham Road**, in a 'C-2', *Local Commercial*, District (TMS# 0279000100804).

Nathalie Schmidt informed the Board that the Applicant submitted a request to defer hearing the application until the next meeting, scheduled for April 21, 2013.

Jerry Callahan, representing the Applicant, stated that they would like to defer having the application heard today so that they can hold another public (neighborhood) meeting and invite the individuals who have already submitted written concerns. The hope is that they can address many of the concerns before the formal hearing.

Board Member Buttry made a motion to approve the request to defer the application to the April 21, 2013 meeting. Board Member Hinson seconded the motion. The motion was passed by a vote of 5-0.

Old Business:

A. A 13-28. Application of St Clair Signs on behalf of Green's Discount Beverage (Rubar Corp, Owner), for an **Appeal** to the Administrator's Decision to deny a sign permit for the replacement of the sign face of a nonconforming sign located at 445 Congaree Road (TMS # 0543030100601).

Bryan Wood presented the staff report and explained the events leading to the appeal. Staff's conclusion is that the Appellant does not demonstrate that Administrator's decision is illegal, therefore Staff recommends that the Board uphold the determination of the Administrator, that replacement of nonconforming sign faces is prohibited. He added that the Appellant has other options including going to the Design Review Board to request a monument sign up to 25ft or to install wall signs. He answered questions from the Board.

Bryan Hooper with St. Clair Signs, the Applicant, presented the information for the application. He stated that the sign was installed back in 1987 and as part of general maintenance they would like to replace the faces. Also, the reason that they are not going with a 25ft monument sign is that it would not be visible from I-385 at that height and since the sign ordinance stated that you cannot have a wall sign on sides of the building that do not have windows or doors they would not be able to install a sign on the wall facing I-385.

Board Member Hammond asked Staff to clarify the provisions of sign maintenance.

Bryan Wood responded that the maintenance section does not apply to the proposed improvements and that it refers to code Section 19-9.5, Nonconforming signs: "(A) subject to the conditions set forth in this section, nonconforming signs may continue in operation and maintenance, provided that nonconforming signs: (1) shall not be changed to or replaced with another nonconforming sign. This provision shall prohibit a change in copy of graphics on the face of a single tenant sign." Another option that the Applicant has is to paint the sign.

Bryan Hooper stated that if they paint the sign it would appear black since the paint would not allow light to shine through.

There was no one else present to offer testimony in support or opposition of the Application.

The Board concluded the public comment portion of the Hearing and discussed the Application for several minutes.

Board Member Hammond stated that while he is not a fan of the sign ordinance as written, he is not aware that anything was presented to show that the Administrator's decision is illegal.

Board Member Hammond made a motion to uphold the Administrator's decision to deny the face replacement of a nonconforming sign. Board Member Hinson seconded the motion. The motion was approved by a vote of 5-0.

New Business:

B. S 13-33. Application of The Growler Station (CO A, LLC, Owner), for a **Special Exception Permit** pursuant to Sections 19-2.3.5, *Special Exception Permit*, and 19-4.1, *Table of Uses*, of the Greenville City Code to establish a "Bar" to serve alcohol on-premises within an existing retail business located at **109 Augusta St** in the 'C-4', *Central Business*, District (TMS # 0090000100602).

Bryan Wood presented the staff report. He explained that the current business has been a craft beer retail store and that they now wish to offer on-premises consumption, which constitutes a "Bar"

use and which requires a special exception. The hours of operation will be between the hours of 11:00 AM to 9:00 PM, Monday through Thursday, 11:00 AM to 10:00 PM, Friday and Saturday, and 1:00 PM to 6:00 PM on Sunday. The Applicant's expected occupancy will be 40 or less and live entertainment is not planned.

Staff Conclusion: Staff concludes that the application complies with the standards for granting a Special Exception Permit. If the Board decides to grant the Permit, Staff suggests the following conditions (projected on the overhead screen):

1. The Special Exception Permit is limited to the Applicant, Craig Pavlish, dba 'The Growler Station', and is not transferrable.
2. Operation of the facility shall substantially conform to the testimony of the Applicant and the content of the application. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.
3. At all times during its occupancy, the Applicant shall assign a manager to the premises who shall ensure compliance with the terms of this Permit, the City Code, and the applicable SC Code of Laws and Regulations.
4. The Applicant and all of its managers and employees responsible for the management of the facility (current and future) shall participate in the "Merchant Education / Server Training" Program offered by the Phoenix Center or comparable program offered by other vendor(s) approved by the Greenville Police Department. Evidence of satisfactory completion of this training shall be retained for each employee on-site and available for inspection by the Administrator and the Greenville Police Department. Current personnel shall receive training within ninety (90) days of the date of the granting of this Permit and future personnel shall receive training within thirty (30) days of hiring.
5. The establishment shall close no later than 12 Midnight.
6. There shall be no live entertainment.
7. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.

Fire Chief Kovalcik presented the Technical Advisory Committee's recommendations the Board, should it approve the application, to require that the operation substantially conforms to Applicant's written and verbal statements regarding the nature of the business and also to incorporate any stipulations recommended by the planning and zoning staff.

Craig Pavlish, Applicant and business owner, presented the information for the application. He stated that the business has been growing locally and in order to better service the public they want to be able continue to grow the business and establish a "coffee house" type feel.

There was no one else present to offer testimony in support or opposition of the application.

The Board concluded the public comment portion of the Hearing and discussed the application.

Board Member Hinson made a motion to approve application with staff recommended conditions. Board Member Dando seconded the motion. The motion was approved by a vote of 5-0.

C. S 13-45. Application of Terry L. Norris (One Wade Hampton, LLC, Owner), for a **Special Exception Permit** pursuant to Section 19-2.3.5, *Special Exception Permit*, and Section 19-4.1, *Table of Uses*, of the Greenville City Code to establish an "Event Venue" located at **1 Wade Hampton Blvd** in a 'C-2', *Local Commercial*, District (TMS # 0035000601800).

Bryan Wood presented the staff report. The Applicant proposes to offer the three gallery rooms for small events and receptions with the space available Monday through Friday mornings between 8:00 AM and 1:00 PM and also available Monday through Saturday between 5:00 PM and midnight. Catering and the service of alcoholic beverages may be associated with the events.

Staff Conclusion: Staff concludes that the application complies with the standards for granting a Special Exception Permit for an 'Event Venue.' If the Board decides to grant the Permit, Staff recommends the following conditions (projected on the overhead screen) in addition to the recommendations presented in the TAC report:

1. The Special Exception Permit is limited to the Applicant, Terry L. Norris, and is not transferrable.
2. Operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.
3. At all times during occupancy of the Event Venue, the Applicant shall assign a manager to the premises that shall ensure compliance with the terms of this Permit, the City Code, and the applicable SC Code of Laws and Regulations.
4. Exterior sound amplification is prohibited. Interior sound amplification shall be directed away from the principal entrance.
5. Maximum occupancy may vary and shall be approved by the Chief Building Inspector based upon alternative floor and seating plans prior to granting a Certificate of Occupancy.
6. The Applicant shall provide a parking agreement(s) showing that sufficient parking will be provided prior to issuing a Certificate of Occupancy, and shall be responsible for maintaining the parking agreement(s) as long as the business remains in operation.
7. The establishment shall close no later than Midnight.
8. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.

Chief Kovalcik presented the TAC's recommendations the Board, should it approve the application, to require that the operation substantially conform to Applicant's written and verbal statements regarding the nature of the business and also to incorporate any stipulations recommended by the planning and zoning staff.

Board Member Dando asked about outdoor events proposed in the application and whether that would change Staff's recommendation or would need to be addressed.

Terry Norris, Applicant and owner, presented the information for the application. He stated that a "sit down" event would be a max of 50 people and a standing reception would be a max of 80 people, also to address parking there are 16 spaces on site and they have a contractual agreement with the adjacent accounting firm for about 36 spaces and a verbal agreement with seven other merchants on the same side of the street to use their parking areas. To handle traffic they have hired a parking service. He also stated that outdoor events would only be in conjunction with indoor events and are intended to be for art fairs or certain types of receptions using outdoor tents where people may go in and out. He said they could comply with the recommendation of no outdoor amplification of sound.

Board Member Dando expressed concern for the effect of noise for nearby residences and asked Staff whether there are additional recommendations for the outdoor activity.

It was noted that City events outdoors typically end at 10pm.

There was no one else present to offer testimony in support or opposition of the Application.

The Board concluded the public comment portion of the Hearing and discussed the Application.

Board Member Dando made a motion to approve the application with staff recommended conditions and to also include the following conditions: 1) no amplified sounds outdoor at any time and 2) all activities must move indoors after 10pm. Board Member Buttry seconded the motion. The motion was approved by a vote of 5-0.

Board Member Hinson steps down from the dais and abstains from the next item.

D. S 13-50. Application of High Spirits Beverage Co (Ironhorse Estates, LLC, Owner), for a **Special Exception Permit** pursuant to Sections 19-2.3.5, *Special Exception Permit*, and 19-4.1, *Table of Uses*, of the Greenville City Code to establish an "Event Venue" to be "Open after Midnight" located at **912 S Main St** in the 'C-4', *Central Business*, District (TMS# 0072000201600).

Nathalie Schmidt presented the staff report. The Applicant is presenting two requests before the Board: 1) to establish an 'Indoor Entertainment Facility' and 2) to allow the establishment to be open between the hours of 12 Midnight and 2 AM (remaining "open" until Midnight is permitted "By Right"). She explained that the proposed facility would operate as an event venue and would be available for events 7 days per week, able to provide event planning, equipment rentals, a kitchen prep area, and security services in addition to bartending services with an event manager on site all time during an event. She explained that the request has been changed from "Event Venue" to "Indoor Entertainment Facility" because the capacity of the facility is larger than the definition for an event venue currently allows.

Ms. Schmidt informed the Board the Applicant has a request that they reconsider Staff's recommendation to prohibit bartending service on the outdoor deck area, and that they will present new information about that portion of their operations.

Staff Conclusion #1: Staff concludes that the Application is able to comply with the standards for granting a Special Exception Permit for an 'Indoor Entertainment Facility.' If the Board decides to grant the Permit, Staff recommends the following conditions (projected on the overhead screen):

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

within ninety (90) days of the date of the granting of this Permit and future personnel shall receive training within thirty (30) days of hiring.

5. The Applicant shall retain a minimum of one (1) security person for each function that includes the serving of alcoholic beverages to which up to 150 persons are invited to attend, and an additional security person up to each additional 150 invitees. This person may be a sworn officer or certified security person possessing a "Security Officer Registration Certificate" pursuant to Chapter 18 of Title 40 of the SC Code of Laws. No other employee may serve in the capacity of a security person unless so certified.
6. Acoustic music and entertainment is permitted in the outdoor deck space until 10:00 PM; after that time, music and entertainment shall be limited to the indoor area only with the doors "Closed".
7. Exterior sound amplification is prohibited. Interior sound amplification shall be directed away from the principal entrance.
8. Bartending facilities and service is prohibited in the outdoor deck space.
9. All food, utensils, and accessory materials shall be "packed-in" and "packed-out"; no debris or garbage shall remain on-premises after the function is concluded except in proper storage containers (dumpsters) that are screened from public view. No kitchen waste shall be introduced into the disposal system without installation of a DHEC-approved grease trap.
10. Maximum occupancy may vary and shall be approved by the Chief Building Inspector based upon alternative floor and seating plans prior to granting a Certificate of Occupancy.
11. The Applicant shall provide a parking plan or parking agreement(s) that demonstrates that sufficient parking is available during functions, to be approved by the Administrator prior to issuing a Certificate of Occupancy.
12. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.

Staff Conclusion #2: Staff concludes that the Application is able to comply with the standards for granting a Special Exception Permit for a Use 'Open to the Public Between the hours of 12 Midnight and 2 AM'. If the Board decides to grant the Permit, Staff recommends the following conditions (projected on the overhead screen):

1. The Special Exception Permit is limited to the Applicant, High Spirits Beverage Co, and is not transferrable.
2. Operation of the facility between the hours of 12 Midnight and 2 AM shall be limited to an 'Event Venue' as permitted by the City Code. The Special Exception Permit is therefore subject to the stipulations assigned to the 'Event Venue' by Special Exception Permit. Modification of the facility's operation shall require the Applicant to seek a modification of the Special Exception Permit(s).
3. At all times during its occupancy, the Applicant shall assign a manager to the premises who shall ensure compliance with the terms of this Permit, the City Code, and the applicable SC Code of Laws and Regulations. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.
4. Operation of the facility anytime between the hours of 12 Midnight and 2 AM shall comply with the provisions of Sec 19-4.3.3 (A) of the City Code. Functions shall cease no later than 2 AM.
5. Outdoor music and entertainment is prohibited between the hours of 12 Midnight and 2 AM.
6. Exterior sound amplification is prohibited. Interior sound amplification shall be directed away from the principal entrance.

7. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.

The Board determined that there was adequate information in the public notice to allow for the change in type of request from "Event Venue" to "Indoor Entertainment Facility."

Chief Kovalcik presented the TAC recommendations to the Board, should it approve the application, to require that the operation substantially conforms to Applicant's written and verbal statements regarding the nature of the business, and to incorporate any stipulations recommended by the planning and zoning staff, particularly with regard to a security plan that is satisfactory with the Greenville Police Department. Regarding the request to have bar service on the deck, the Chief asked the Board to have the Applicant describe their security plan for the outdoor deck area.

Tammy Johnson, Applicant and owner of Liquid Catering, presented the information for the application. She submitted a business plan to the Board and described the types of events, the expected size and frequency of events, types of vendors, parking plan, safe alcohol service, security, and economic impact. Use of the outdoor deck will cease at 10 PM though they would like to be able to have live music on the deck. The alcohol license would be held by her business for all events rather than individual caterers.

To address the question from Chief Kovalcik, Ms. Johnson described the deck as 1700sf at four feet above grade with railing. Guests would access from the building interior only. Outdoor stair access will be gated and kept secure by staff. Bar facilities on the deck would be portable and typically only used when the interior space needs to be "flipped" between weddings and receptions or during larger events. She added that she held a neighborhood meeting and spoke with nearby residents and only heard positive feedback.

Gillian Trimboli, with Euphoria, a large annual event of fine food and spirits that carries high liability, commended Ms. Johnson's experience and professionalism while helping with that event and stated support for the application and the positive impact this would have on the West End.

John Boyanoski, spoke in support of the application, stating several of Ms. Johnson's accolades including the Chamber's Young Professional of the Year.

Mike Pennington, Rhino Concessions & Funnelicious, further attested to Ms. Johnson's character as leaving no detail unturned and that the safety of her guests will be her top concern.

Lt. Rampey, on behalf of the TAC, recommended that in addition to the Applicant's security measures, guests being served alcohol or otherwise consuming alcohol on the deck be identified such as with wristbands to verify 21 & over. Chief Kovalcik added that this stipulation is consistent with what is being required with other large establishments that serve alcohol outdoors in the City.

The Board asked Ms. Johnson to comment and she stated they would be happy to comply.

There was no one else present to offer testimony in support or opposition of the Application.

The Board concluded the public comment portion of the Hearing and discussed the Application.

Board Member Dando made a motion to approve the application as an "Indoor Entertainment Facility" with Staff recommended conditions to be amended as follows: #6) to allow amplified sound on the outdoor deck until 10pm; #7) (removed); #8) temporary bartending facilities for service and consumption of alcohol is permitted on the outdoor deck, with banding / stamping identification of 21+ and add a condition to require a security staff

person located at the back stair access to the deck. Board Member Buttry seconded the motion. The motion was approved by a vote of 4-0-1.

Board Member Dando made a motion to approve the application request to be "Open between the hours of Midnight and 2 AM" with Staff recommended conditions. Board Member Buttry seconded the motion. The motion was approved by a vote of 4-0-1.

Board Member Hinson returns to the dais. Chairman Buttry calls a five minute recess.

E. S 13-51. Application of Jacob Billingsley (Timberland Capital Investments, Owner), for a **Special Exception Permit** pursuant to Sections 19-2.3.5, *Special Exception Permit*, and 19-4.1, *Table of Uses*, of the Greenville City Code to establish a restaurant serving alcohol to be "Open after Midnight" located at **11 W Camperdown Wy** in the 'C-4', *Central Business*, District (TMS# 0070000102500 and 0070000102501).

Nathalie Schmidt presented the staff report. The Applicant is requesting to operate a restaurant serving alcohol to be open after midnight. During the extended hours, the Applicant is proposing a lighter menu and bar service and stated that there would be no live music entertainment on the premises and that he will install a "green wall" (vegetation), at the street side railing of the outdoor deck (upper level) to buffer sound and visual impacts on the deck from the residences across the street. The estimated occupancy limit is around 145 people with 60 on the outdoor deck (upper level), 44 upstairs and 42 downstairs; but will be finalized by the Chief Building Inspector.

Staff Conclusion: Staff concludes that the Application is able to comply with the standards for granting a Special Exception Permit for a Use 'Open to the Public Between the hours of 12 Midnight and 2 AM.' If the Board decides to grant the Permit, Staff recommends the following conditions (projected on the overhead screen):

1. The Special Exception Permit is limited to the Applicant, Jacob Billingsley dba "Gringo's" and is not transferrable.
2. Operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Special Exception Permit.
3. At all times during its occupancy, the Applicant shall assign a manager to the premises who shall ensure compliance with the terms of this Permit, the City Code, and the applicable SC Code of Laws and Regulations. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.
4. The Applicant shall maintain screening of the upper level deck that visually covers at least 50 percent of the deck portion of the façade facing W Camperdown Way, subject to approval by the Design Review Board, which effectively alleviates associated noise and visual impacts to residential uses directly across the street.
5. Live entertainment, TV's, and bartending facilities are prohibited on the outdoor deck.
6. Exterior sound amplification is prohibited. Interior sound amplification shall be directed away from the principal entrance.
7. The Applicant and all of its managers and employees responsible for the management of the establishment (current and future) shall participate in the "Merchant Education / Server Training" Program offered by the Phoenix Center or comparable program offered by other vendor(s) approved by the Greenville Police Department. Evidence of satisfactory completion of this training shall be retained for each employee on-site and available for inspection by the Administrator and the Greenville Police Department. Current personnel shall receive training within ninety (90) days of the date of the granting of this Permit and future personnel shall receive training within thirty (30) days of hiring.

8. No person under the age of 21 shall be allowed to occupy the upstairs portion of the restaurant (bar) after 10 PM. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.
9. The Applicant shall designate security staff to check ID's at all ingress/egress points to the upstairs portion of the restaurant and to be responsible for monitoring the flow of patrons.
10. The Applicant shall retain a minimum of one (1) security person between the hours of 10 PM and 2 AM Thursday, Friday, and Saturday nights and at any time while open for business when it is reasonably anticipated that a larger-than-average number of patrons will occupy the premises. This person may be a sworn law enforcement officer or certified security person possessing a "Security Officer Registration Certificate" pursuant to Chapter 18 of Title 40 of the SC Code of Laws. No other employee may serve in the capacity of a security person unless so certified.
11. Operation of the facility when open to the public from 12 Midnight to 2 AM shall comply with the provisions of Sec 19-4.3.3 (A) of the City Code.
12. Operation and maintenance of the facility, regardless of the hours permitted to be open to the public, shall comply with the Noise Ordinance, Sec. 16-91 of the City Code.
13. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.

Chief Kovalcik presented the TAC report. The recommendations of the committee are:

1. The Committee recommends the Board, should it approve the application, require the operation substantially conforms to Applicant's written and verbal statements regarding the nature of the business.
2. The Committee recommends the Board; should it approve the application, incorporate any stipulations recommended by the planning and zoning staff, particularly with regard to a security plan that is satisfactory to the Greenville Police Department.
3. The Committee recommends that the Board take into account any testimony offered by neighbors, in support or opposition, at the public hearing since this Committee did not have the benefit of their presentation at its meeting with the Applicant.
4. The Committee recommends one SLED certified security guard after 10 PM on Thursday, Friday and Saturday nights.
5. The Committee recommends no live entertainment, particularly on the outside deck.
6. The Committee recommends no bar on the outside deck.
7. The Committee recommends no amplified sound after 10 PM outside.
8. The Committee recommends no one under 21 allowed in the upstairs portion of the restaurant after 10 PM (A situation similar to Carolina Ale House)
9. The Committee recommends all upstairs ingress/egress points be secured after 10 PM by restaurant personnel to prevent individuals from entering without first being ID'd by staff.

Lt. Rampey was available to answer questions from the Board regarding public safety. He stated that there was not a security plan submitted with the application though the TAC discussed security issues with the Applicant. He described previous issues with a late night bar at this location including gross intoxication, noise complaints due to amplified sound on the outdoor deck, and an intoxicated individual that had a fatal fall on the exterior stair.

Christopher Brumback, attorney representing Jacob Billingsley dba "Gringo's," presented the information for the application. He stated that the Applicant has taken every available measure to remediate issues that occurred with the previous business, including eliminating live music, however he would like to install two 4X6 speakers with background music at the rear of the deck and not facing the street which will be turned off at 10PM. He described the "Green Wall" installation plan for the front and side railings. The Applicant would also like to have TV's on the

deck with no sound. Door security staff will be located at each of two ingress/egress points. He also explained that due to the rental rates in this area, it is necessary to stay open to 2AM. Mr. Brumback answered questions from the Board.

Jerry Phelps, resident at 155 Riverplace directly across the street, expressed concern about noise levels late at night, stating that the weekend is one thing but during the week is another since most people have to get up for work the next day. The patio has been a nuisance in the past, as well as people on the roof when the business is not open. A few other concerns are loitering at 2 AM, fighting in the street, vandalism that happened in the past; and the amount of trash left by people leaving the property. Things have changed: there are more kids living in this area now and more residential units are coming.

Dave Toy, resident at 155 Riverplace since 2006, spoke in opposition to the application, stating that besides the noise, the police lights when trying to clear people from the street would bother residents. He made the point that amplified music inside can be heard outside when the doors are open. He reminded the Board that this is a high density residential area in the downtown and that a late night bar is not appropriate.

Belinda Foster, resident at 155 Riverplace since 2007, commented on the residents' investment in the area and that the building has become an eyesore over the past two years that it has been vacant. She stated that she and others welcome a Tex-Mex restaurant, however, TV's with no sound are still going to cause a lot of hooting and hollering. Chicora Alley's back deck is a current problem for them at 2 AM.

Brad Jones, resident at 155 Riverplace, stated he is okay with a restaurant that is open until midnight but that the burden of living next to a business open until 2 AM should not be placed on these residents based on the amount of property tax paid to the City.

Tammy Arceneaux, resident at 155 Riverplace, described how activity at Chicora Alley isn't a problem until after Midnight and patrons come out to the street to smoke, and feels that this location will be more extreme and problematic.

Christopher Brumback, in response, asked that the residents judge Mr. Billingsley on his actions not those of others and that he is willing to take all necessary measures to control problematic issues in order to be a good neighbor.

There was no one else present to offer testimony in support or opposition of the Application.

The Board concluded the public comment portion of the Hearing and discussed the Application.

Board Member Hinson expressed that she has issues with outside occupancy after midnight.

Board Member Buttry made a motion to approve the application with Staff recommended conditions with the following additions: #4) screening of the upper level deck shall be installed as described during testimony (Confederate Jasmine along the front and side railing and 7 hanging ferns: 4 along front and 3 on side); #5) TV's may be installed without sound on the outdoor deck; #6) Background sound amplification allowed until 10 PM; and #14) the outdoor deck portion shall close at midnight. Board Member Hinson seconded the motion. The motion was approved by a vote of 5-0.

Board Member Hinson steps down from the dais and abstains from the next item.

F. S 13-53. Application of Sticky Fingers (Bryan Schledmeyer, Owner), for a **Special Exception Permit** pursuant to Sections 19-2.3.5, *Special Exception Permit*, and 19-4.1, *Table*

of Uses, of the Greenville City Code for an existing restaurant serving alcohol to be "Open after Midnight" located at **1 S Main St** in the 'C-4', *Central Business*, District (TMS# 0001000400300).

Nathalie Schmidt presented the staff report. The Applicant is requesting to operate a restaurant serving alcohol to be open after midnight. The Applicant requests to operate the restaurant in the same manner as current operations between the hours of 12 Midnight and 2 AM (remaining "open" until Midnight is permitted "By Right").

Staff Conclusion: Staff concludes that the Application is able to comply with the standards for granting a Special Exception Permit for a Use 'Open to the Public Between the hours of 12 Midnight and 2 AM'. If the Board decides to grant the Permit, Staff recommends the following conditions (projected on the overhead screen):

1. The Special Exception Permit is limited to the Applicant, Sticky Fingers located at 1 S Main Street, and is not transferrable.
2. Operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Special Exception Permit.
3. At all times during its occupancy, the Applicant shall assign a manager to the premises who shall ensure compliance with the terms of this Permit, the City Code, and the applicable SC Code of Laws and Regulations. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.
4. The Applicant and all of its managers and employees responsible for the management of the establishment (current and future) shall participate in the "Merchant Education / Server Training" Program offered by the Phoenix Center or comparable program offered by other vendor(s) approved by the Greenville Police Department. Evidence of satisfactory completion of this training shall be retained for each employee on-site and available for inspection by the Administrator and the Greenville Police Department. Current personnel shall receive training within ninety (90) days of the date of the granting of this Permit and future personnel shall receive training within thirty (30) days of hiring.
5. The Applicant shall retain a minimum of one (1) security person between the hours of 10 PM and 2 AM Thursday, Friday, and Saturday nights and at any time while open for business when it is reasonably anticipated that a larger-than-average number of patrons will occupy the premises. This person may be a sworn law enforcement officer or certified security person possessing a "Security Officer Registration Certificate" pursuant to Chapter 18 of Title 40 of the SC Code of Laws. No other employee may serve in the capacity of a security person unless so certified.
6. Exterior sound amplification is prohibited. Interior sound amplification shall be directed away from the principal entrance.
7. Operation of the facility when open to the public from 12 Midnight to 2 AM shall comply with the provisions of Sec 19-4.3.3 (A) of the City Code.
8. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.

Chief Kovalcik presented the TAC report. The recommendations of the committee are:

1. The Committee recommends the Board, should it approve the application, require the operation substantially conforms to Applicant's written and verbal statements regarding the nature of the business.
2. The Committee recommends the Board, should it approve the application, incorporate any stipulations recommended by the planning and zoning staff, particularly with regard to a security plan that is satisfactory to the Greenville Police Department.

3. The Committee recommends one SLED certified security guard after 10 PM on Thursday, Friday and Saturday nights.
4. The Committee recommends security staff or an exit alarm be placed at the rear door so no one can enter by that door without being ID'd by staff.

Scott Pilgrim, marketing manager for Sticky Fingers, presented the information for the application. He stated that they do not want to be a bar, just be the same business open later on Fridays and Saturdays. Mr. Pilgrim answered questions from the Board.

There was no one else present to offer testimony in support or opposition of the Application.

The Board concluded the public comment portion of the Hearing and discussed the Application.

Board Member Hammond made a motion to approve the application with Staff recommended conditions and TAC recommended conditions. Board Member Buttry seconded the motion. The motion was approved by a vote of 4-0-1. The Board clarified that the exit alarm shall be in place at 10 PM.

G. S 13-56. Application of Ken Welch (Sara Weathers, Owner), for a **Special Exception Permit** pursuant to Sections 19-2.3.5, *Special Exception Permit*, and 19-4.1, *Table of Uses*, of the Greenville City Code to establish an "automobile sales and rental" use located at **1701 Laurens Rd** in a 'C-3', *Regional Commercial*, District (TMS# 0257000802002).

Board Member Hinson returns to the dais during the staff report.

Bryan Wood presented the staff report. The Applicant is presenting two (2) requests before the Board: the first is to establish an automobile rental facility and the second an automobile sales facility.

Staff Conclusion: Staff concludes that the Application complies with the standards for granting a Special Exception Permit for '**Automobile Sales**'. If the Board decides to grant the Permit, Staff recommends the following conditions (projected on the overhead screen):

1. The Special Exception Permit is limited to the Applicant, Ken Welch, and is not transferrable.
2. Operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application.
3. No more than five (5) vehicles shall be displayed for sale at any given time.
4. The site layout shall substantially conform to the Surveyed Site Map, prepared by SynTerra, and dated 2/1/13.
5. The applicant shall submit an application for Site Plan Permit that demonstrates compliance with the applicable provisions of the Land Management Ordinance, including
 - a. Compliance with landscape requirements for change of use(Section 19-6.2.1(B) of the City Code) ;
 - b. Establishment of a 25' wide driveway onto Ridgeway Avenue at least 50' from Laurens Road intersection;
 - c. Adding curb and gutter along Laurens Road to close all but a 40' driveway (if approved by SCDOT) or installing landscaping to achieve the same goal of one 40' wide driveway access to Laurens Road.
6. The use shall comply with the use-specific standards for *Vehicle Sales and Services* (Section 19-4.3.3(E) of the City Code.
7. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.

Staff Conclusion: Staff concludes that the Application complies with the standards for granting a Special Exception Permit for '**Automobile Rental**'. If the Board decides to grant the Permit, Staff recommends the following conditions (projected on the overhead screen):

1. The Special Exception Permit is limited to the Applicant, Ken Welch, and is not transferrable.
2. Operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application.
3. No more than five (5) vehicles shall be displayed for sale at any given time.
4. The site layout shall substantially conform to the Surveyed Site Map, prepared by SynTerra, and dated 2/1/13.
5. The applicant shall submit an application for Site Plan Permit that demonstrates compliance with the applicable provisions of the Land Management Ordinance, including
 - a. Compliance with landscape requirements for change of use (Section 19-6.2.1(B) of the City Code);
 - b. Establishment of a 25' wide driveway onto Ridgeway Avenue at least 50' from Laurens Road intersection;
 - c. Adding curb and gutter along Laurens Road to close all but a 40' driveway (if approved by SCDOT) or installing landscaping to achieve the same goal of one 40' wide driveway access to Laurens Road.
6. The use shall comply with the use-specific standards for *Vehicle Sales and Services* (Section 19-4.3.3(E) of the City Code).
7. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.

Board Member Dando asked for clarification on the location of vehicles for sale and rental.

Ken Welch, Applicant, presented the information for the application. He stated he will be selling used rental vehicles and that he will be fencing the rear of the property and only plans to have 3-4 cars on display at any time. Mr. Welch answered questions from the Board regarding landscaping and closing off portions of existing street edges with curbing.

Bert Weathers, property owner, was present in support of the applicant.

There was no one else present to offer testimony in support or opposition of the Application.

The Board concluded the public comment portion of the Hearing and discussed the Application.

Board Member Hammond questioned if the Special Exception would specifically require curbs since it would be a hardship on the applicant to have this done. Mr. Wood responded that the curb cuts are considered a safety issue for the use of the property.

Board Member Hammond made a motion to approve the applications for both the auto rental and auto sales with Staff recommended conditions with the modification of #5c) eliminate the curb cut and gutter requirements but keep the portion installing landscaping to achieve the same goal of one 40' wide driveway access to Laurens Road. Board Member Jones seconded the motion. The motion for auto sales was approved by a vote of 5-0. The motion for auto rentals was approved by a vote of 5-0.

H. V 13-58. Application of Foothills Veterinary (Randall Properties, LLC, Owner), for a **Variance** to Section 19-6.5.4(A)(6)(a), *Parking Lot Location and Design*, pursuant to Section 19-2.3.7, *Variance Permit*, of the Greenville City Code to allow more than 20% of the required off-

street parking to be located in the front yard. The property is located at **20 Rayford Lane** in a 'C-1', *Local Commercial*, District (TMS # P010000700600).

Bryan Wood presented the staff report. The applicant proposes to construct 18 additional parking spaces for use during peak hours. A variance was granted in 1997 for the parking that exists in front of the current building. An addition to the rear of the building will eliminate some parking that currently exists there.

Staff Recommendation: Staff concludes that the request meets the Standards for granting a Variance. If the Board concurs, Staff recommends the following stipulations:

1. The Permit shall be recorded by the Administrator at the Applicant's expense in the Greenville County Office of the Register of Deeds.
2. The applicant shall increase the amount of required landscaping in the street buffer and street trees by 10-20%.

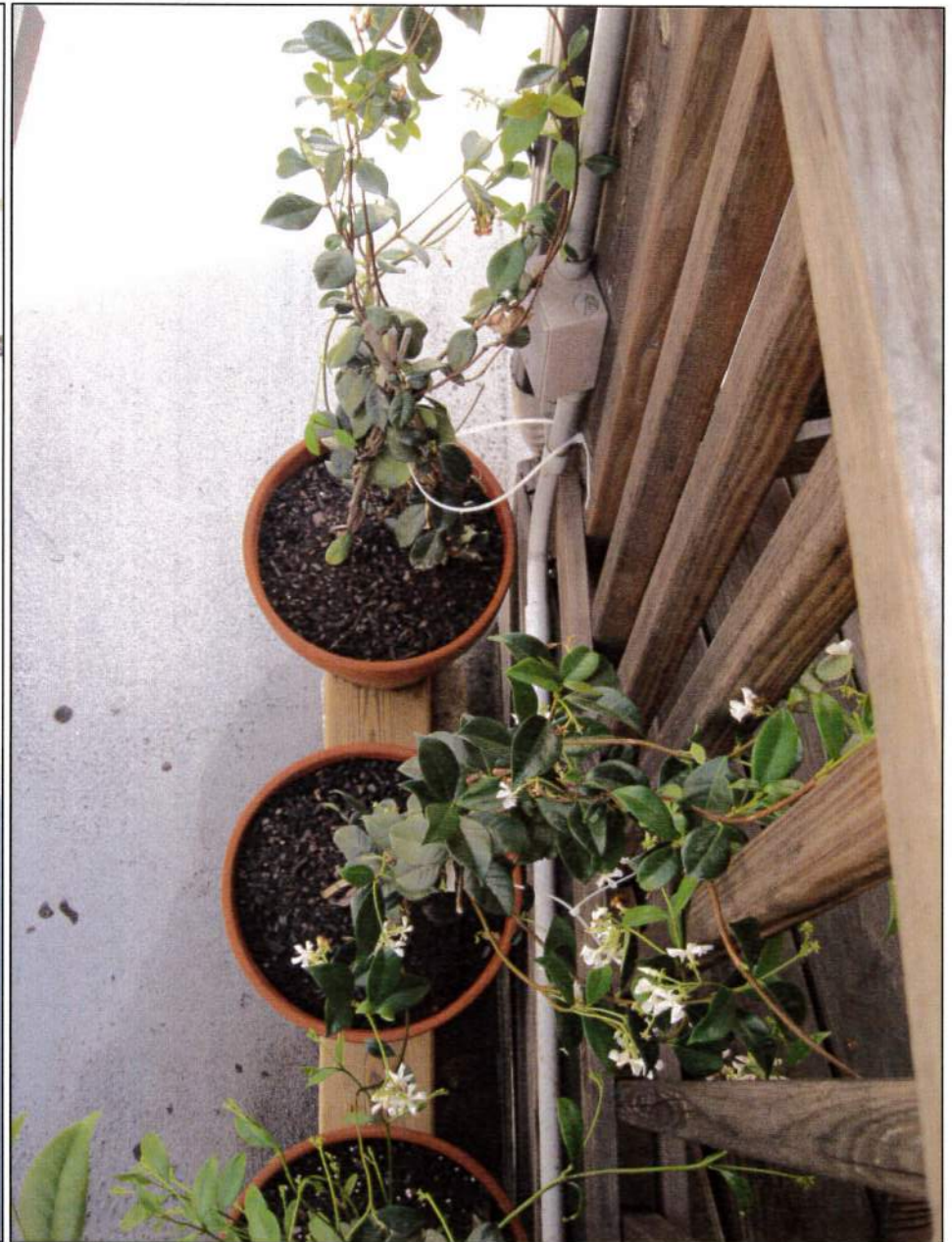
Dan Randall, Applicant, presented the information for the application, stating that he had no issues with the conditions.

There was no one else present to offer testimony in support or opposition of the Application.

The Board concluded the public comment portion of the Hearing and discussed the Application.

Board Member Dando made a motion to approve the application with Staff recommended conditions. Board Member Buttry seconded the motion. The motion was approved by a vote of 5-0.

Adjournment: Upon motion duly made and seconded, the meeting adjourned at 6:30 PM.





11 Camperdown Way – “Gringos”



photos taken: April 2013



Staff Report for Special Exception
S 13-51
103 N Main Street
3.21.2013

Applicant: Jacob Billingsley dba "Gringo's"

Owner: Timberland Capital Investments, LLC

Subject Property Address and Tax Map Numbers: 11 W Camperdown Way;
Tax Map # 0070000102500 and 0070000102501

Nature of Request: The Applicant requests a Special Exception to operate a restaurant and bar to remain 'Open After Midnight' within an existing building.

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.19-3.2, *District Descriptions*

Sec.19-4.1, *Table of Uses*

Sec. 19-4.3.3 (A), *Use Specific Standards, Commercial Uses, General*

Staff Analysis:

The Applicant, a local business owner, is proposing a new restaurant and bar in an existing building with an outdoor deck located on W Camperdown Way, across from RiverPlace and less than a block away from the entrance to Falls Park. The Applicant describes it as a California-style cantina, intended to be a full-service restaurant serving alcohol from 11:30 AM until midnight.

The Applicant requests a special exception to operate the proposed establishment between the hours of 12 Midnight and 2 AM (remaining "open" until Midnight is permitted "By Right"). During the extended hours, the Applicant is proposing a lighter menu and bar service. He has indicated that there will be no live music entertainment on the premises and that he will install a "green wall" (vegetation), at the street side railing of the outdoor deck (upper level) to buffer sound and visual impacts on the deck from the residences across the street.

The estimated occupancy limit, to be finalized by the Chief Building Inspector, is around 145 people with 60 on the outdoor deck (upper level), 44 upstairs, and 42 downstairs. On-site parking is not required in the 'C-4' District, but the Applicant has identified the closest parking to be available in the adjacent lot, on surrounding streets, Riverplace Garage and at the corner lot at River and Rhett Streets.

The property has been vacant for over two years and the previous tenant, "Oyster's on the West End," was also a restaurant and bar. The previous establishment had a number of issues involving noise and public safety and it eventually closed.

Enumerated below are the standards that apply to businesses open between the hours of 12 Midnight and 5 AM. The Board may establish other reasonable conditions with respect to its authorization of such a Special Exception.

19-4.3.3 Commercial uses.

- (A) *General. Commercial uses located within the C-1, C-2, C-4, and RDV districts open to the public between the hours of 12 midnight and 5:00 a.m. require a special exception permit and, at a minimum, are subject to the following standards:*
- (1) *On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12 midnight and 5:00 a.m.*
 - (2) *Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12 midnight and 5:00 a.m.*
 - (3) *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.*
 - (4) *Sound amplification is prohibited on the premises between the hours of 12 midnight and 5:00 a.m.*
 - (5) *Drive-through facilities shall be closed between the hours of 12 midnight and 5:00 a.m.*
 - (6) *Exterior doors shall remain closed except to provide ingress and egress between the hours of 12 midnight and 5:00 a.m.*

The Technical Advisory Committee (TAC) met with the Applicant and the property owner on February 20th, and will present its Report separately (attached). Planning Staff reviewed the Application in the context of the following four criteria applying to Special Exceptions and presents its conclusions below.

- ***The Use Is Consistent with the Comprehensive Plan(s):*** The use appears to be consistent with some of the principles and desired outcomes of the Comprehensive Plan. These include:
 - Encourage a mixture of uses.

The "Mixed Use City Center" Future Land Use designation of the Comprehensive Plan is intended:

"to preserve a pedestrian oriented downtown by accommodating a unique, high-intensity, mix of office, service, retail, entertainment, cultural, government, civic, and higher-density residential uses. All development should be compatible with the existing and historic built-environment and with nearby residential uses."

The prevailing zoning designation is 'C-4', Central Business, District. The purpose of this District is:

"...intended to preserve downtown Greenville as the city's center accommodating a unique, high-intensity mix of office, service, retail, entertainment, cultural, government, civic, and residential uses. The intent of the district is to preserve and encourage pedestrian-oriented development, including specialty and neighborhood-oriented retail and higher density

residential options. District uses and standards are also intended to encourage future development in a manner compatible with the existing and historic built-environment and with nearby residential areas."

The immediate area, including Falls Park, the riverfront, and the historic West End, has undergone successful transformation that characterizes the essence of mixed land uses, including residences, offices, cultural facilities, parks and trails, and retail businesses. Late night hours of operation are permissible in the District by special exception.

Staff concludes that the proposed use and hours of operation are consistent with the Comprehensive Plan.

- ***The Use Will Comply with the Use Specific Standards:*** The Standards enumerated above automatically apply to a facility granted a Special Exception to operate after midnight. The Board may add conditions to its Permit that relate to the issues identified during the course of the hearing and deliberation.
- ***The Use Is Compatible with the Character of Surrounding Lands:*** Mixed uses are the hallmark of this area, and a restaurant serving alcohol on an outdoor deck until Midnight is a use that is permitted "By Right." The proposed use would occupy two levels including an outdoor deck on the upper level. There are four levels of residential uses including balconies and ground level units located directly across from the proposed use, which present a challenge for late night compatibility in the mixed-use district. Similar uses are found to co-exist in other parts of the central business district due to use specific conditions associated with Special Exception permits. Staff has prepared the stipulations enumerated below for the Board to consider that may help to address compatibility with immediately surrounding uses.
- ***The Design Does Not Have Substantial Adverse Impact:*** It is reasonable to expect some adverse impacts associated with the subject use vis-à-vis service delivery, parking and loading, odors, noise, glare, vibration, etc. toward the neighboring properties. Additional impacts associated with the proposed late night establishment serving alcohol include noise from the outdoor deck (above the street level) and loitering around the property. In light of previous issues related to the use of the property and because of the request for late night hours of operation, the Technical Advisory Committee (including City Police, Fire, and Building Codes Staff) reviewed the request and made additional recommendations to the use specific standards that have been incorporated in the conditions below.

Staff concludes that the design of the business, if operated in a manner consistent with the conditions enumerated below, would address and minimize the adverse impacts to surrounding lands.

Staff Conclusion: Staff concludes that the Application is able to comply with the standards for granting a Special Exception Permit for a Use 'Open to the Public Between the hours of 12 Midnight and 2 AM.' If the Board decides to grant the Permit, Staff recommends the following conditions:

1. The Special Exception Permit is limited to the Applicant, Jacob Billingsley dba "Gringo's" and is not transferrable.
2. Operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Special Exception Permit.
3. At all times during its occupancy, the Applicant shall assign a manager to the premises who shall ensure compliance with the terms of this Permit, the City Code, and the applicable SC Code of Laws and Regulations. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.
4. The Applicant shall maintain screening of the upper level deck that visually covers at least 50 percent of the deck portion of the façade facing W Camperdown Way, subject to approval by the Design Review Board, which effectively alleviates associated noise and visual impacts to residential uses directly across the street.
5. Live entertainment, TV's, and bartending facilities are prohibited on the outdoor deck.
6. Exterior sound amplification is prohibited. Interior sound amplification shall be directed away from the principal entrance.
7. The Applicant and all of its managers and employees responsible for the management of the establishment (current and future) shall participate in the "Merchant Education / Server Training" Program offered by the Phoenix Center or comparable program offered by other vendor(s) approved by the Greenville Police Department. Evidence of satisfactory completion of this training shall be retained for each employee on-site and available for inspection by the Administrator and the Greenville Police Department. Current personnel shall receive training within ninety (90) days of the date of the granting of this Permit and future personnel shall receive training within thirty (30) days of hiring.
8. No person under the age of 21 shall be allowed to occupy the upstairs portion of the restaurant (bar) after 10 PM. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.
9. The Applicant shall designate security staff to check ID's at all ingress/egress points to the upstairs portion of the restaurant and to be responsible for monitoring the flow of patrons.
10. The Applicant shall retain a minimum of one (1) security person between the hours of 10 PM and 2 AM Thursday, Friday, and Saturday nights and at any time while open for business when it is reasonably anticipated that a larger-than-average number of patrons will occupy the premises. This person may be a sworn law enforcement officer or certified security person possessing a "Security Officer Registration Certificate" pursuant to Chapter 18 of Title 40 of the SC Code of Laws. No other employee may serve in the capacity of a security person unless so certified.
11. Operation of the facility when open to the public from 12 Midnight to 2 AM shall comply with the provisions of Sec 19-4.3.3 (A) of the City Code.
12. Operation and maintenance of the facility, regardless of the hours permitted to be open to the public, shall comply with the Noise Ordinance, Sec. 16-91 of the City Code.
13. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.

REPORT OF THE TECHNICAL ADVISORY COMMITTEE
TO THE
BOARD OF ZONING APPEALS

ITEM NUMBER: S 13-51 11 W. Camperdown Way _____

Committee Meeting Date(s): February 20, 2013

Applicant's representatives attending meeting: Jacob Billingsly, business owner and Jeff Drummond, property owner.

FINDINGS OF THE COMMITTEE:

1. The application identified as Exhibit 1 attached to these findings is hereby incorporated and made part of the findings of this Committee.
2. The Applicant desires to operate after midnight and serve alcohol.
3. The Applicant indicates he wants to open a Tex-Mex restaurant operating from 11:30 a.m. until midnight and then remain open until 2 a.m. with a limited menu and full bar service.
4. The Applicant indicates no live music inside or outside the restaurant.

RECOMMENDATIONS OF THE COMMITTEE:

1. The Committee recommends the BZA, should it approve the application, require the operation substantially conforms to Applicant's written and verbal statements regarding the nature of the business.
2. The Committee recommends the BZA, should it approve the application, incorporate any stipulations recommended by the planning and zoning staff, particularly with regard to a security plan that is satisfactory to the Greenville Police Department.
3. The Committee recommends that the BZA take into account any testimony offered by neighbors, in support or opposition, at the public hearing since this Committee did not have the benefit of their presentation at its meeting with the Applicant.
4. The Committee recommends one SLED certified security guard after 10 p.m. on Thursday, Friday and Saturday nights.
5. The Committee recommends no live entertainment, particularly on the outside deck.
6. The Committee recommends no bar on the outside deck.
7. The Committee recommends no amplified sound after 10 p.m. outside.
8. The Committee recommends no one under 21 allowed in the upstairs portion of the restaurant after 10 p.m. (A situation similar to Carolina Ale House)
9. The Committee recommends all upstairs ingress/egress points be secured after 10 p.m. by restaurant personnel to prevent individuals from entering without first being id'd by staff.

Respectfully Submitted,


Steve Kovalcik,

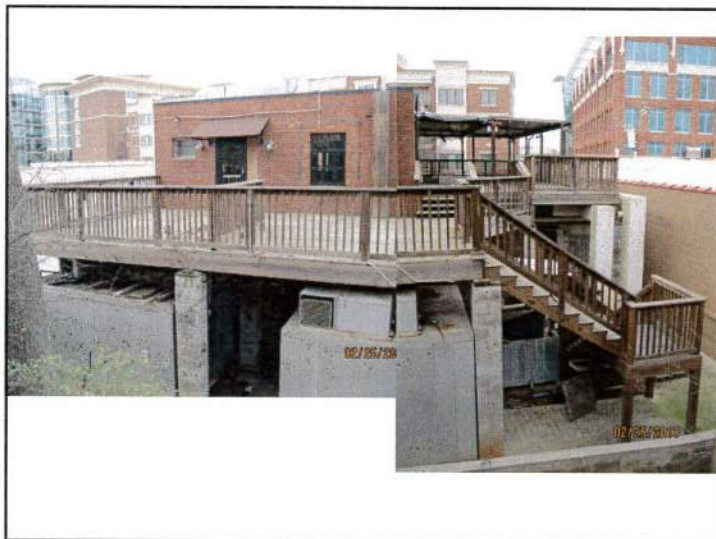
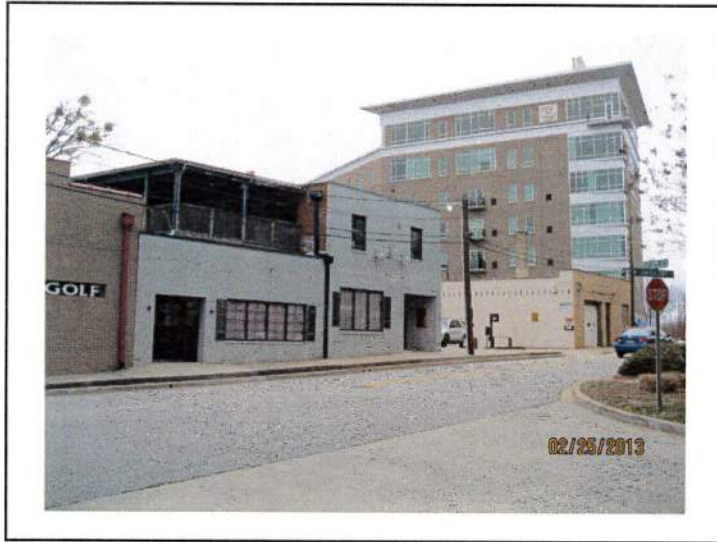
Fire Chief

Chairman of the Technical Advisory Committee

Date: 3-13-13
Greenville, SC

S13-51

11 W Camperdown Wy



Application # 513-51 Fees Paid _____
 Date Received: 2-11-2013 Accepted by man
 Date deemed complete _____ App Deny Conditions



APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT/OWNER INFORMATION

	APPLICANT	PROPERTY OWNER
NAME:	<u>Jacob Billingsley</u>	<u>Timberland Capital Investments</u>
ADDRESS:	<u>29 McAdoo Ave</u> <u>Greenville, SC 29607</u>	<u>PO Box 9297</u> <u>31 Cleveland Ave</u> <u>Greenville SC 29604</u> <u>Greenville 29601</u>
PHONE:	<u>678-592-2074</u>	<u>B 864. 242.3811</u>
FAX:	_____	_____
EMAIL:	<u>jacobbillingsley@gmail.com</u>	_____

PROPERTY INFORMATION

STREET ADDRESS: 11 West Camperdown Greenville, SC
 DEED BOOK/PAGE 2332-464 RECORDED DATE 7-15-2008
 TAX PARCEL #: 0070000102501
 ZONING DESIGNATION: C4 ACREAGE .04

REQUEST

CODE SECTION AUTHORIZING SPECIAL EXCEPTION: 19-4.3
 DESCRIPTION OF
 REQUEST: permitted use to remain open to the public
between the hours of 12:00am (midnight) & 2:00am for
the purpose to establish a restaurant

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.

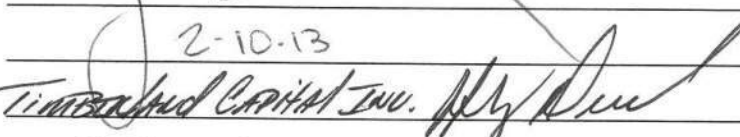
4. YOU MUST ATTACH THE REQUIRED APPLICATION FEE: \$250.00

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.

____ SIGN(S) ARE ACKNOWLEDGED AS RECEIVED BY THE APPLICANT

7. 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.

	APPLICANT
<u>2-10-13</u>	DATE
	PROPERTY OWNER
<u>2-11-2013</u>	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.

The proposed special exception is consistent w/ the revitalization for downtown restaurants & will bring economic benefits to the downtown area

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

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

Downtown Greenville is a restaurant destination. Gringos will provide food & beverages consistent w/ current permitted uses, as well as draw more individuals to the downtown area.

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 current location has been vacant for over two yrs. Our upfit will bring a nicer exterior to the community. We will be respectful of surrounding business & residence in regard to noise & ~~lighting~~ lighting.

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.

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).



ZONING APPLICATION
ESTABLISHMENTS SERVING BEER, WINE, OR LIQUOR

Jacob Billingsley
APPLICANT

29 McAdoo Ave
MAILING ADDRESS 1

Gville SC 29607
MAILING ADDRESS 2

jacob@blueberryfrog.com
EMAIL

678-592-2074
PHONE

[Signature]
SIGNATURE OF APPLICANT

2/10/13
DATE

My [Signature] Capital Inv.
PROPERTY OWNER

PO Box 9297 Greenville, S.C. 29604
MAILING ADDRESS 1

MAILING ADDRESS 2

EMAIL

864-242-3811 Ext. 21
PHONE

[Signature]
SIGNATURE OF OWNER OR AGENT

2-11-2013
DATE

PROPERTY INFORMATION

11 West Camperdown
ADDRESS

TMS #

Gville SC 29601

C-4
ZONING DISTRICT DESIGNATION

DESCRIPTION OF PROPOSED USE

PLEASE PROVIDE THE FOLLOWING INFORMATION:

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

OTHER INFORMATION

(Please provide documentation)

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

OVER

1. **Gringo's** will be a full service restaurant specializing in Tex Mex entrees. The overall theme of the restaurant is inspired by the southwest and west coast roots of the ownership. With a hundred taquerias in operation in southern California, it is clear that the concept has a tremendous following. Bringing this to Greenville has been a long time goal, and will be a great addition to an already fantastic downtown area. Hours of operation will be 11:30am till close, with the option, if busy, to remain open until 2:00am, 7 days a week.
 2. Floor Plan is attached.
 3. Our entertainment will consist of back ground music 7 days a week.
 4. Menu is attached. Kitchen hours will be from 11:30am until close.
 5. Kitchen equipment list is attached.
 6. Projected revenue will derive from 75% food and 25% alcohol.
 7. Job creation: Staff will consist of a General Manager, Assistant Manager, Floor Manager, Kitchen Manager, (2-3) host/hostess, (10-14) servers, (2-4) food runners / bus boys, (2) bartenders, (3)main cooks, (3)kitchen prep cooks.
-
1. All ABL forms will be submitted on approval of special exception application.
 2. This location (9-11 Camperdown) has run as a restaurant/bar in the past and meets all requirements.
 3. DHEC has been contacted and all forms will be submitted on approval of special exception.
 4. **Blueberryfrog**, who's original location is downtown Greenville, is owned by the applicant. 624 N. Main St. Greenville, SC 29601.

Kitchen Equipment List

Kitchen is currently outfitted with a hood and fire suppression system

2 Fryers

Flat Top Grill

Chargrille

3 prep station cooler / refrigerators

Stand up Refrigerator

Triple sink

Dishwasher

2 hand sinks

Microwave

Heat Lamps

Miscellaneous kitchen small wares & equipment

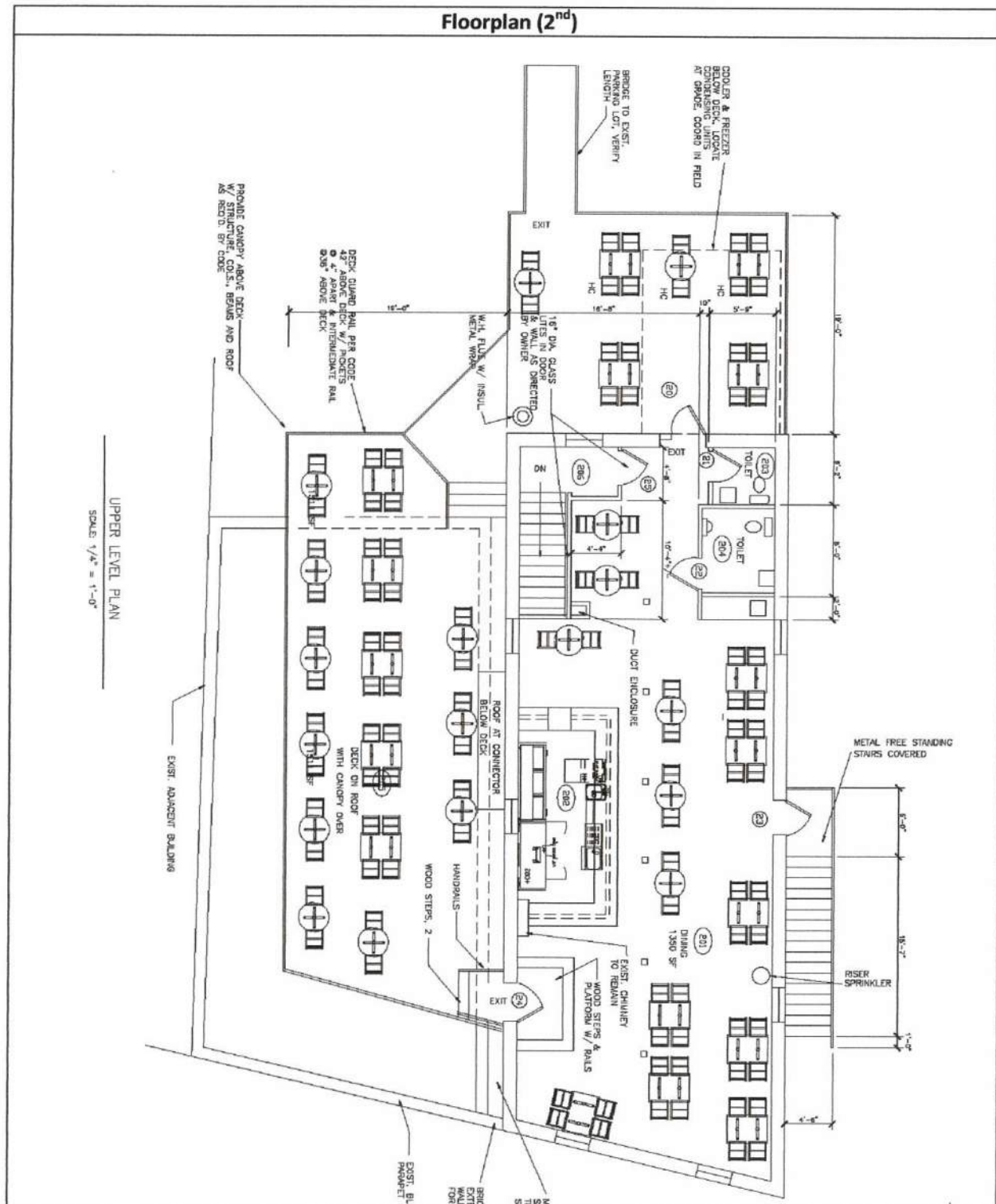
2 Walk-in Coolers

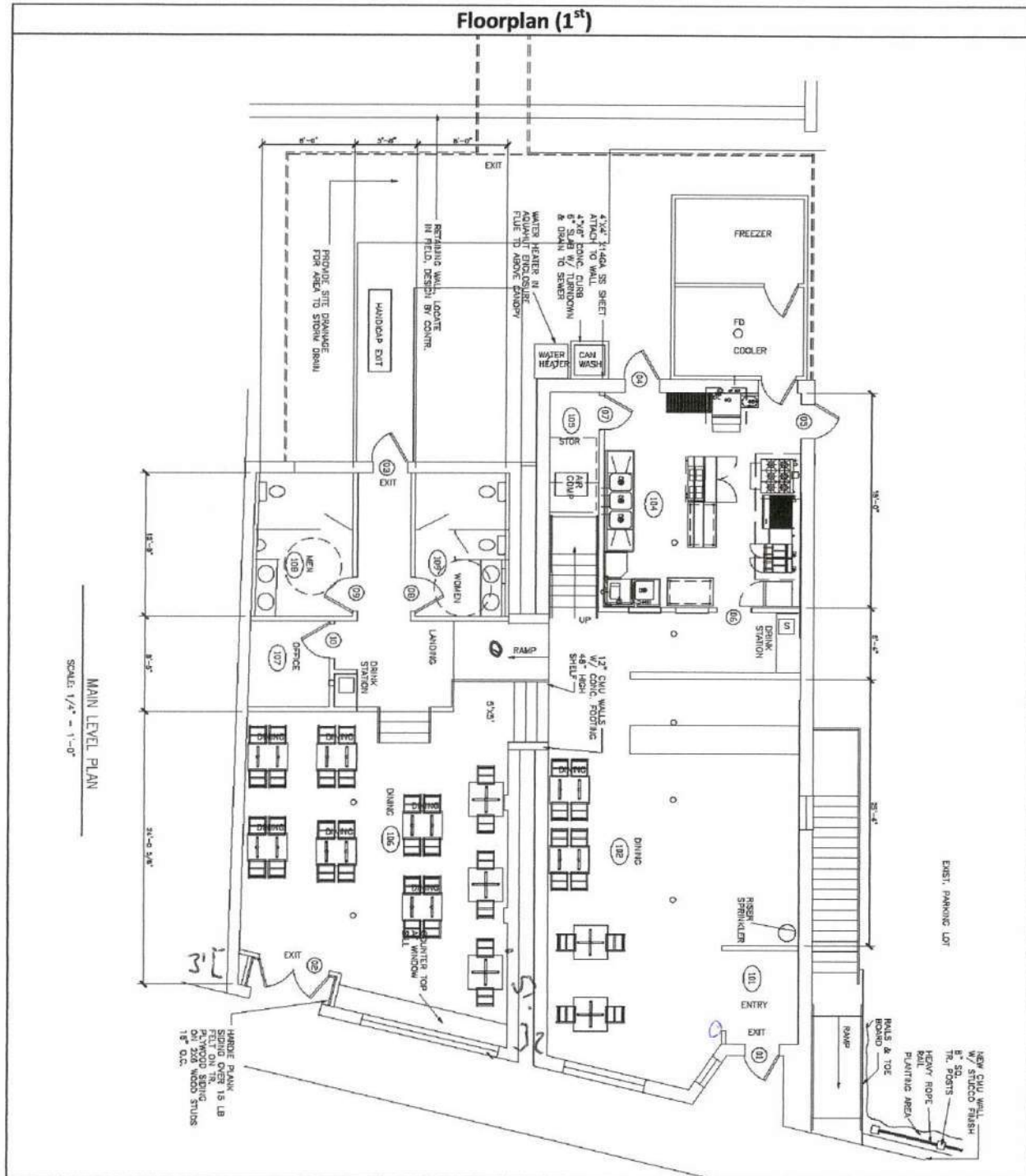
1 Walk-in Freezer

1 Food warming station

1 Salamander

2 Stainless steel prep tables





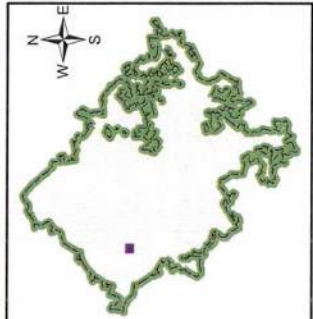


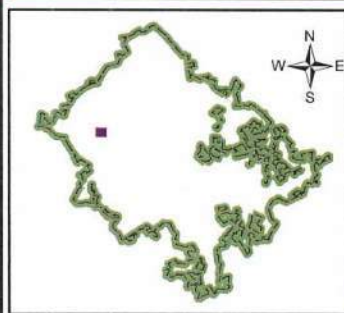
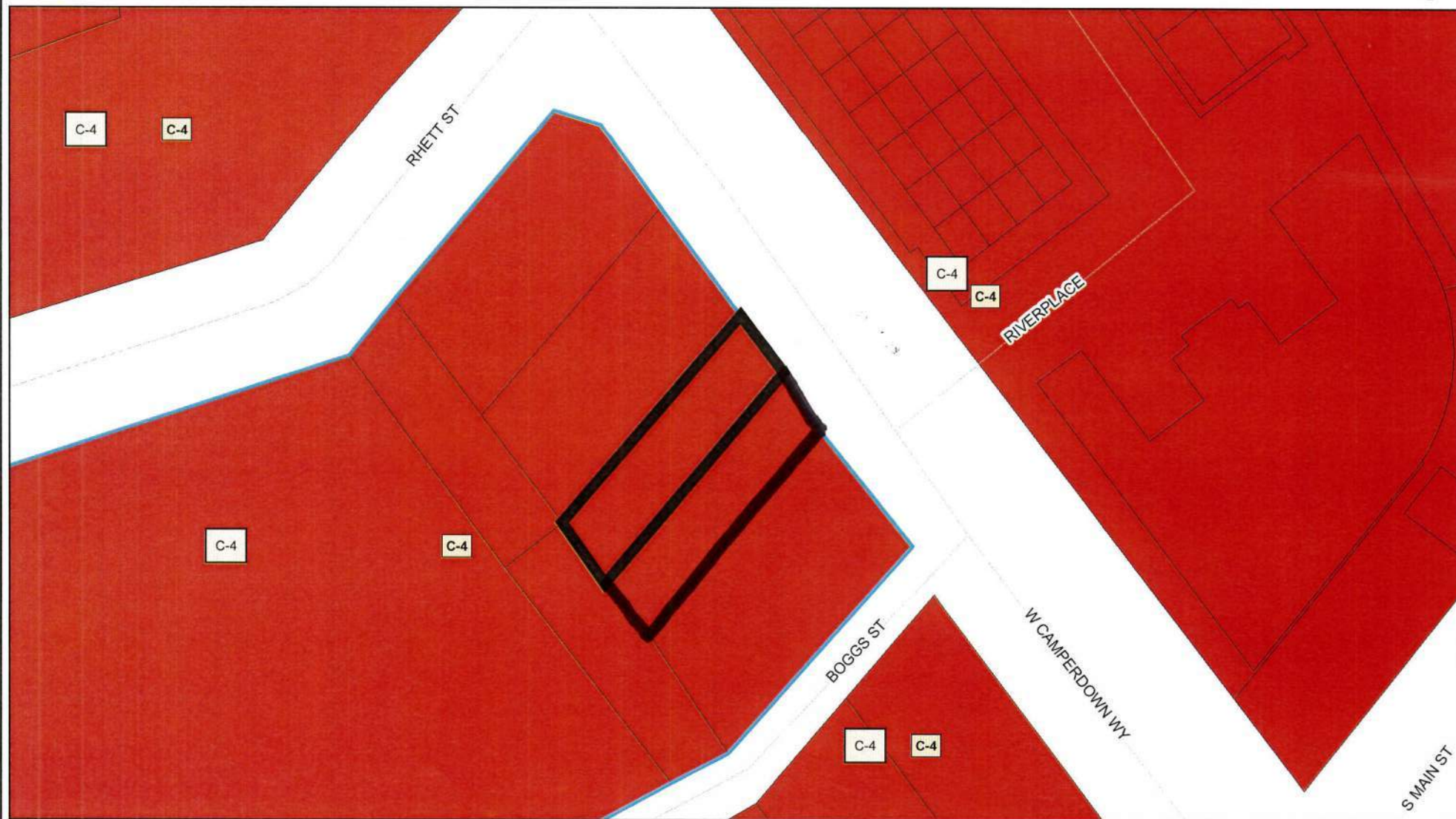
City of Greenville, S.C.

11 W. Camperdown Wy -Aerial Photo



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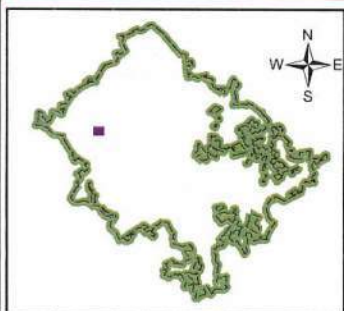
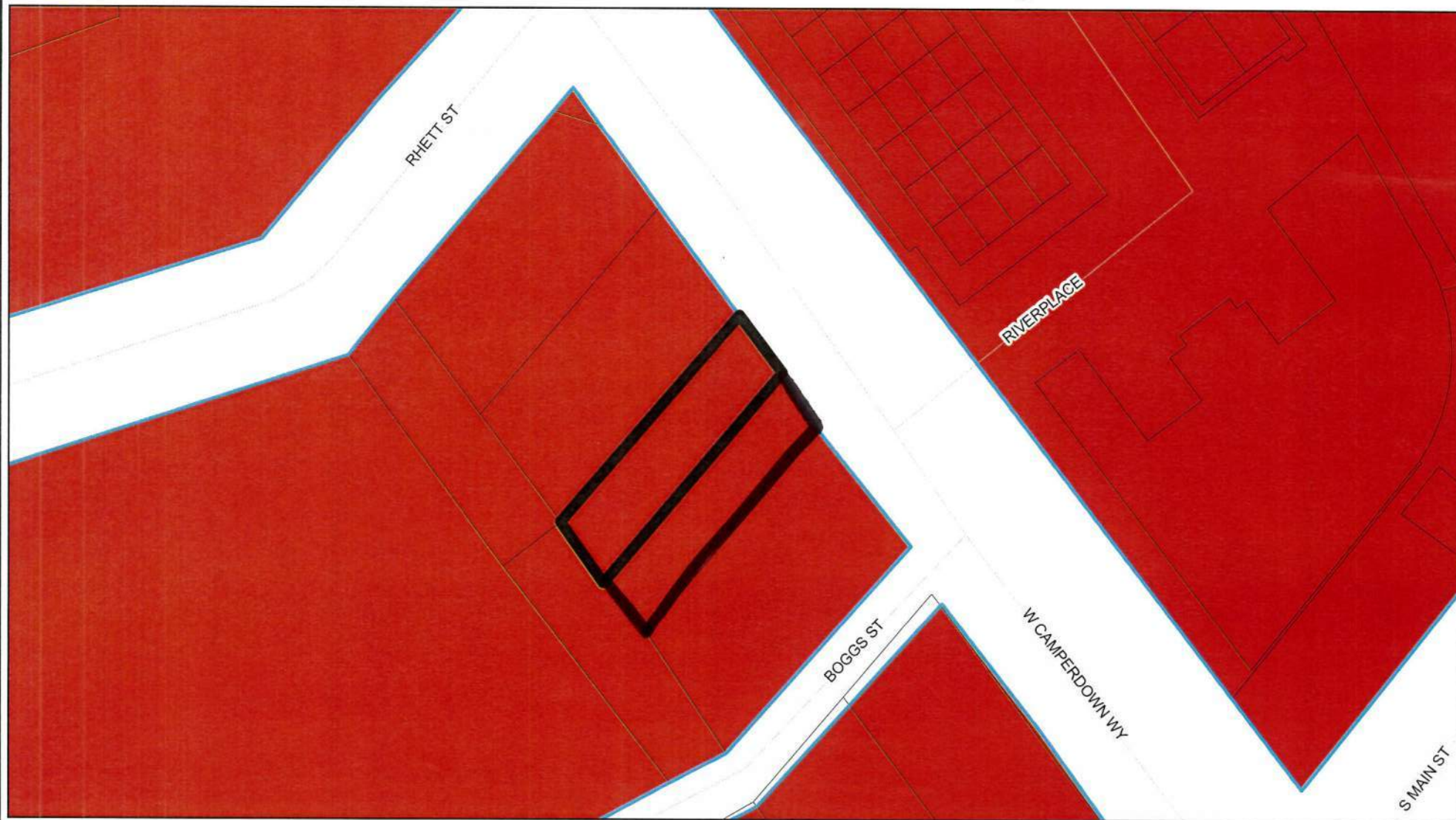




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	Parcels	Zoning		C-1		C-4		RM-2		R-9		PD
	Streets			C-2		C-1N		RM-3		I-1		POD
	Railroads			C-3		RM-1		R-6		S-1		OS-C
	City Limit Boundary					RM-1.5		R-7.5		OD		RDV



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

Nathalie Schmidt

From: Jacob Billingsley <jacobbillingsley@gmail.com>
Sent: Friday, March 08, 2013 2:17 PM
To: Nathalie Schmidt
Subject: Re: 11 Camperdown Way

There is a parking lot next to the building that can hold a dozen cars. Street parking on Camperdown. The pay lot on main, 1/2 block away that holds about 100 cars. Street parking on main. The alley behind us has about 15 spaces. Rhett st parking. The lot on main and river holds about 80 I guess. Also, someone can park in my driveway at home if they're willing to walk a mile and a half.

Sent from my iPhone

On Mar 8, 2013, at 1:01 PM, Nathalie Schmidt <nschmidt@greenvillesc.gov> wrote:

Jacob,

I'm working on the staff report and I need a last minute bit of information from you for Gringo's. While the C-4 (downtown) district does not require that you provide parking, a restaurant use would otherwise be required to have 1 parking space per 100sf. Can you tell me about how many spaces that would be for your space and what parking is available to your customers (an estimate of how much and where) and whether you need any agreements/leases for off-site parking?

Thank you,

Nathalie Schmidt, AICP, LEED AP
Development Planner | Economic Development
nschmidt@greenvillesc.gov | www.greenvillesc.gov
PH: 864.467.4552 | FAX: 864.467.4510

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Email messages sent to and from the City of Greenville may be subject to discovery under the S.C. Freedom of Information Act.

Marie McClendon

From: Cathy Mays <CBell@goldsmithpm.com>
Sent: Monday, February 18, 2013 3:08 PM
To: Marie McClendon
Subject: status update on submittal

Hello

Can you tell me what the current status is on S-11-224-11 Camperdown Way? According to the 2/16/12 minutes the application was considered withdrawn. However we have noticed there is some construction activity in the building. Thank you for any help you can provide

Cathy Mays, CMCA, AMS
Goldsmith Company
P.O. Box 1827
Greenville, SC 29602
864-297-4970 (phone)
864-297-6207 (fax)

Gringo's

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640 SOUTH MAIN STREET ASSOC
640 S MAIN ST STUDIO 104
GREENVILLE, SC 29601

ATCHLEY BILL L
4604 CARRIAGE RUN CIR
MURRELLS INLET, SC 29576

BAZIL LINDA J
5 MARYS CT
SAVANNAH, GA 31410

BMW CAR CLUB OF AMERICA INC
640 S MAIN ST STE 201
GREENVILLE, SC 29601

BUTLER CHARLES P
100 GREYSTONE CT
SENECA, SC 29672

CENTER FOR PERFORMING ARTS FOU
101 W BROAD ST
GREENVILLE, SC 29601

CHIRMULAY NEERAJ
155 RIVERPLACE UNIT 106
GREENVILLE, SC 29601

CONNER CAROL S
6 MERRYMEETING LN
RYE, NH 03870

DELAPP ROBERT E III
321 BELMONT AVE
GREENVILLE, SC 29601

DUNLAP R T III
PO BOX 3129
GREENWOOD, SC 29648

ALEXANDER ANN MARIE
115 KNOLLWOOD DR
CLEMSON, SC 29631

BANISTER WILLIAM A
155 RIVERPLACE UNIT 102
GREENVILLE, SC 29601

BERNARDEZ GARY C
201 RIVER PLACE UNIT 808
GREENVILLE, SC 29601

BRADSHAW W WESLEY
201 RIVERPLACE UNIT 702
GREENVILLE, SC 29601

CAMPERDOWN FALLS LTD PARTN SC
30 PATEWOOD DR STE 180
GREENVILLE, SC 29615

CHESWORTH PAULA K
155 RIVERPLACE UNIT 309
GREENVILLE, SC 29601

CHRISTOPHER PARK GALLERY LLC
107 RICELAN DR
SIMPSONVILLE, SC 29681

CUTHBERTSON RALPH H JR
PO BOX 310
CONESTEE, SC 29636

DEP PROPERTIES LLC
130 JERVEY RD
GREENVILLE, SC 29609

EKBATANI ALI PASHA
155 RIVERPLACE UNIT 406
GREENVILLE, SC 29601

ALLORA TOWNES LLC
PO BOX 1827
GREENVILLE, SC 29602

BAZAN CAITLIN M
155 RIVERPLACE UNIT 207
GREENVILLE, SC 29601

BLICKLE RAINER C
628 S MAIN ST
GREENVILLE, SC 29601

BRYAN TANIS H
201 RIVERPLACE WAY STE 609
GREENVILLE, SC 29601

CARMIKE PROPERTIES LLC
207 S MAIN ST
GREENVILLE, SC 29601

CHICORA HOLDINGS LLC
PO BOX 9366
GREENVILLE, SC 29604

COLLINS FAMILY REVOCABLE LIV T
155 RIVERPLACE UNIT 208
GREENVILLE, SC 29601

DALBY ANTHONY
201 RIVERPLACE UNIT 803
GREENVILLE, SC 29601

DIGITAL SOLUTIONS INK INCORPOR
640 S MAIN ST STE 202
GREENVILLE, SC 29601

ELDRIDGE MARIE C
10 ALEXANDER RD
HOPKINTON, MA 01748

Marie McClendon

From: Kathy's Email <katchat@roadrunner.com>
Sent: Saturday, March 09, 2013 11:58 AM
To: Marie McClendon
Subject: 11 W Camperdown Way

We are residents of 201 Riverplace and wish to express opposition to the "Open after midnight" special exemption permit. We appreciate new restaurants in the neighborhood however prefer they not be open past midnight as are most of the surrounding restaurants. Our concerns are noise and safety related as this area is primarily residential.

Thank you for relaying our concerns to the zoning board at the March 21st meeting.

Kathy and Steve Hillock

Sent from my iPad

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Marie McClendon

From: Pam Schneider <schneiderpam@gmail.com>
Sent: Saturday, March 09, 2013 8:50 AM
To: Marie McClendon
Subject: Exception to "Open after Midnight" for 11 W Camperdown Way

Dear Ms. McClendon,

My name is Pam Schneider and I own a condo unit #103 at 155 Riverplace. I am not originally from Greenville but fell in love with your city. It is a vibrant, growing, safe city. I love being in the center of it all but yet feeling very safe at night walking the streets and being able to have peace and quiet in my condo at the same time.

I fully support the addition of a new restaurant as this is what makes the city thrive and grow to have new options for dining. So my opposition is definitely not for a new restaurant. However I am strongly opposed to any exception to the "Open after Midnight" for a restaurant serving alcohol. I think this will be a negative for the city and certainly for me as a resident. Greenville has such a great reputation for family, fun something for everyone etc. But the issues that arise with an establishment serving alcohol after midnight can be a negative blemish on the city's reputation. One event can give the city a bad name not to mention the daily problems with noise and violence that the residents would have to worry about.

I won't be able to be at the meeting on Thursday, March 21 reference S 13-51 Application of Jacob Billingsley (Timberland Capital Investments, Owner) for a SPECIAL EXCEPTION PERMIT pursuant to Sections 19-2.3.5, Special Exception Permit, and 19-4.1, Table of Uses, of the Greenville City Code to establish a restaurant serving alcohol to be "Open after Midnight" located at 11 W Camperdown Way in the C-4, Central Business, District TMS#0070000102500 and 0070000102501.

and so I ask that my opposition to the exception be entered into record in the board's consideration to granting the exception.

Pam Schneider
155 River Place
Greenville, SC

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Marie McClendon

From: Lynda Morrison <lyndalarue@gmail.com>
Sent: Thursday, March 07, 2013 3:58 PM
To: Marie McClendon
Subject: S13-51

S 13-51 Application of Jacob Billingsley (Timberland Capital Investments, Owner), for a SPECIAL EXCEPTION PERMIT pursuant to Sections 19-2.3.5, Special Exception Permit and 19-4.1, Table of Uses, of the Greenville City Code to establish a restaurant serving alcohol to be "Open after Midnight" located at 11 W Camperdown Wy in the "C-4", Central Business, District (TMS#0070000102500 and 0070000102501).

Dear Marie:

I was the first resident to move into 155 Riverplace. I was very pleased to make an investment in our beautiful Downtown as a wonderful place to live.

When Oysters was granted a permit to build an outdoor deck they made a commitment to be a good neighbor and not play loud music or operate after hours.

What happened was loud music after midnight, brawls in the street, hundreds of dollars of damage to our building (primarily the decorative stone finials being either stolen or broken costing hundreds of dollars to replace or repair) and other disturbances into the wee hours of the morning. I believe there was a fatal fall down the stairs by a patron attempting to leave the Oyster premises. It became a real nightmare. I was accosted on the sidewalk on one occasions by a patron who had left Oysters and couldn't find his car because he was severely inebriated and impaired. He wanted me to help him find his car and to come in and use my phone. I suggested he call a cab.

The residents of the River Place complex incurred extra expense for security to try and control some of the vandalism and noise.

As you know this is a very high- density residential area with 155 Riverplace, 154 Riverplace, and the Terraces Condominium complexes plus the Hughes Development Apartments and the Hampton Inn. All these are within a few hundred feet of 11 Camperdown.

The City of Greenville has worked too hard to create a safe and wonderful downtown to let it deteriorate by allowing a lot of after-hours bars pour patrons of varying degrees of sobriety and responsibility into not only our street but also into the park and Main Street.

We have made a significant monetary commitment by choosing to live downtown. We welcome the wonderful restaurants in the area.

PLEASE DO NOT GRANT THIS EXCEPTION for a special exception to be "Open After Midnight" serving alcohol.

In a meeting with the HOA of 155 Riverplace the applicant indicated it was his intent to operate until 2:00 a.m., seven days a week.

I do not think this is appropriate in a residential area of this density and will likely result in a return of the same problems we had when the Oysters Restaurant and Bar operated.

Thank you for your consideration.
Lynda Morrison
155 Riverplace Unit 107

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Marie McClendon

From: Colleen Maluso <cmaluso@cfl.rr.com>
Sent: Thursday, March 07, 2013 11:59 AM
To: Marie McClendon
Subject: S-13-51-11 West Camperdown restaurant

T: Marie McClendon
From: Paul and Colleen Maluso
Regarding : S-13-51-11

We understand there is a zoning hearing regarding a new restaurant on West Camperdown in Greenville to allow them to remain open after midnight until 2am. The previous restaurant the was located at this same location had numerous problems with noise, yelling, screaming, unruly behavior, loud music, loud car noise, and commotion with unruly patrons after an evening of drinking when they were allowed to remain open until 2am. Most of these occurances happened from midnight to 2am. We have first hand experience with this living across the street on West Camperdown from this location. We do not want to see the same mistake occur again with the planning board allowing the new restaurant to remain open from midnight to 2am. Nothing good happens from midnight to 2am in the downtown area.

The new restaurant will do well operating under normal business hours if they have quality food, a decent menu, and fair pricing. That's what will work at this location on Camperdown. Remember, Camperdown is on a residential side street in Greenville, not on Main Street.

Thank you,

Colleen & Paul Maluso
155 RiverPlace
Greenville, SC

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Marie McClendon

From: Brian Redmond <bnlred@me.com>
Sent: Thursday, March 07, 2013 10:34 AM
To: Marie McClendon
Subject: Opposition to the proposed hours extension application for 11 Camperdown

Hello Ms McClendon,

We are residents and owners of property at RiverPlace condos and are writing to express our extreme opposition to the requested hours extension for the new restaurant "Gringo's" planned to open at 11 W. Camperdown Way in downtown Greenville.

In the past, this location was host to multiple brawls in the street, damage to our building, and loud music from the outdoor patio. These disturbances threaten the investments that have been made in downtown Greenville, both to business and residents, but especially residents. We love new restaurant possibilities in downtown; however there is simply no reason to allow this hours extension to be open until 2am as it will do nothing except disrupt and ruin a wonderful street. Midnight is plenty late enough for the owners to be successful in the area, as evidenced by multiple other businesses.

Additionally, as residents who have young children, we believe this hours proposed extension creates an extremely non-family oriented, loud environment and has the potential for danger due to the alcohol consumption and bar activity to all hours. By allowing extended hours for every or any day of the week (past midnight and until 2am), these disturbances threaten those who have invested in the city and to drive down living conditions and property desirability. As the saying goes, nothing good happens after midnight.

We strongly request that you vote NO on this proposed hours extension at 11 W Camperdown Way and preserve the investments that have been made in the downtown by residents.

Thank you for your time,
Dr. Brian and Mrs. Laura Redmond
155 RiverPlace

Sent from my iPhone

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Marie McClendon

From: Jean Helwing <jhelwing@gmail.com>
Sent: Wednesday, March 06, 2013 5:28 PM
To: Marie McClendon
Subject: Upcoming Application S 13-53

To the Board of Zoning Appeals:

I am a relatively new resident of Greenville (1 and a half years). It seems that there are increasing numbers of applications for bars/restaurants to stay open past midnight until 2 a.m. This only serves to draw downtown at that hour, those who are interested only in consuming alcohol, thus increasing safety concerns for those of us who live downtown. I would urge the Board to think carefully about granting permits beyond midnight, as this only encourages more noise and rowdy behavior or crime which is a deterrent to the beautiful downtown area which has been cultivated.

Respectfully submitted,

Jean D. Helwing
18 S Main St. #301
Greenville, SC 29601

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Marie McClendon

From: Belinda Foster <bkf61@bellsouth.net>
Sent: Monday, March 04, 2013 11:58 AM
To: Marie McClendon
Subject: 11 West Camperdown

Importance: High

Hi Marie, hope all is well.

I know the homeowners and tenants of 155 Riverplace have previously sent emails and/or letters (and some have physically attended appeals meetings) regarding the attempt to get a special exception to stay open between the hours of midnight and 2am at the above address.

Since this is coming back around, again, for the 21st of March meeting, we want to make sure all our letters, emails and previous attempts to get this request denied will be presented again at this upcoming meeting.

It is so horrible now with Chicora Alley that we have to deal with drunks--yelling, hollering, whooping it up every single night as they hang out on the back deck and curse and smoke and keep us awake until the wee hours in the morning. When Chicora closes at 2pm, the patrons come out after 2, and continue to 'hang out' noisily. The crews are dumping beer bottles and clanging around and the last folks/crews to leave is usually around 3am. It is so bad now, we'd love to shut them down at 11pm if we could!

So we definitely can't possibly have *another place like this and even worse, given their upper level open deck is right across the street from us*. It will be detrimental to our values and in trying to have a nicer less alcoholic-DRUNK Greenville. Nothing good happens after 11pm and there is absolutely no reason they should be allowed to stay open after 11pm and for them to cite this is consistent with the revitalization of downtown Greenville is actually a false statement. The revitalization is upgrading Greenville with a higher class of establishments than the likes of these types of Chicora Alley beer joints.

Please use this email as yet another request to beg the zoning board to deny this request because this location is directly in the 'face' of the residents who pay a lot of money to buy and live in downtown Greenville. We are all for them opening a restaurant that closes at an appropriate time, just like High Cotton, Pomegranate, and Larkin's are doing.

Thanks, Maria.



Belinda Foster

Owner of 155 Riverplace, Unit 202
864-921-4576

Marie McClendon

From: Graham Somerville <gfso@earthlink.net>
Sent: Sunday, March 17, 2013 2:51 PM
To: Marie McClendon
Cc: Kathy Hillock; Pam Schneider
Subject: re: 11 CAMPERDOWN WAY

As a homeowner in River Place, we strongly object to the request by Timberland Capital Investment to have an exception made to Section 19-2.3.5 "Open after Midnight". We have concerns that if you allow one exception, where does it end? The Mayor and City Council have worked diligently these past 10+ years to create a safe and family friendly downtown environment at all times.

We beg you not to compromise on this. Keep our city safe!

Sincerely; Greta & Graham Somerville
201 Riverplace Unit #707.

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Marie McClendon

From: Martha Toy <martha.toy@hotmail.com>
Sent: Sunday, March 17, 2013 9:58 PM
To: Marie McClendon
Subject: Opposition to Bar open past midnight on 11 West Camperdown Way

My husband is out of town and has been having issues with his Internet. I wanted to forward his letter in case you did not receive it from him. Thank you. Martha Toy

Begin forwarded message:

From: David Toy <toy0627@hotmail.com>
Date: March 17, 2013, 9:19:25 PM EDT
To: "mmclendon@greenville.gov" <mmclendon@greenville.gov>
Subject: Opposition to Bar open past midnight on 11 West Camperdown Way

As one of the owners of a condo unit in 155 RiverPlace that has been in residence at that location since 2006 I am extremely opposed to permitting a business to be open past night at 11 West Camperdown Way and would like to express the following concerns:

1. A night club open after midnight was proven not to be a good fit for West Camperdown and the residential nature of RiverPlace, when Oysters on the West End operated at that location. With the new apartments now constructed and others planned for that end of Rhett Street the number of families in residence near 11 West Camperdown will more than double making the night club much less appropriate.
2. Our bad experience with previous operation of a night club at that site included drunken patrons leaving en mass at closing and noisily loitering in front 155 RiverPlace, many times engaging in fights which resulted in police cars arriving and leaving their lights flashing for long periods. Trash and bottles were left in the shrubbery and patios, and many of the plantings were trampled. There were also several acts of vandalism to our building that we believe resulted from drunken patrons loitering about after closing.
3. A night club with the combination of live bands and outdoor dining is in frequent violation of the city noise ordinance, because servicing the outdoor tables requires the doors to be open constantly allowing the high volume noise to escape into the street.

4. The building itself with its steep, outside, steel stair case is not safe for a business that has frequent intoxicated patrons.

5. We at RiverPlace believe that a night club in that location is a threat to our property values, which is unfair treatment for those of us that took the risk to invest in property on West Camperdown and help the city develop that part of town.

Please reject the request by Gringos to operate and sell alcohol past midnight.

Sincerely,

David A. Toy
155 Riverplace # 302

Email messages sent to and from the City of Greenville may be subject to discovery under the S.C. Freedom of Information Act.

Marie McClendon

From: David Toy <toy0627@hotmail.com>
Sent: Sunday, March 17, 2013 9:45 PM
To: Marie McClendon
Subject: Opposition to bar open past midnight at 11 west Camperdown Way

Marie,

As one of the owners of a condo unit in 155 RiverPlace that has been in residence at that location since 2006 I am extremely opposed to permitting a business to be open past midnight at 11 West Camperdown Way and would like to express the following concerns:

1. A night club open after midnight was proven not to be a good fit for West Camperdown and the residential nature of RiverPlace, when Oysters on the West End operated at that location. With the new apartments now constructed and others planned for that end of Rhett Street the number of families in residence near 11 West Camperdown will more than double making the night club much less appropriate.
2. Our bad experience with previous operation of a night club at that site included drunken patrons leaving en masse at closing and noisily loitering in front 155 RiverPlace, many times engaging in fights which resulted in police cars arriving and leaving their lights flashing for long periods. Trash and bottles were left in the shrubbery and patios, and many of the plantings were trampled. There were also several acts of vandalism to our building that we believe resulted from drunken patrons loitering about after closing.
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Please reject the request by Gringos to operate and sell alcohol past midnight.

Sincerely,

David A. Toy

155 Riverplace # 302

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Marie McClendon

From: Gus Bazan <gbsandman@me.com>
Sent: Thursday, March 14, 2013 9:12 PM
To: Marie McClendon
Subject: New bar at 11 camper down

Ms McClendon

We are the bazans in unit 207 at 155 riverplace. We also oppose granting an exception to allw the bar to open past midnight Respectfully Gus and Maria bazan Sent from my iPad

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Marie McClendon

From: Betty <leofrippgirl@aol.com>
Sent: Thursday, March 14, 2013 11:00 PM
To: Marie McClendon
Subject: 11 West Camperdown Way "Special Exception Permit"

S 13-51 Application of Jacob Billingsley (Timberland Capital Investments, Owner) for a SPECIAL EXCEPTION PERMIT pursuant to Sections 19-2.3.5 , Special Exception Permit, and 19-4.1, Table of Uses, of the Greenville City Code to establish a restaurant serving alcohol to be "Open after Midnight" located at 11 W Camperdown Way in the C-4, Central Business, District TMS#0070000102500 and 0070000102501

Dear Marie,

As residents of 155 River Place for the past three and a half years, my husband and I would like to express our opposition to the Special Exception Permit referenced above. It is our understanding that the applicant plans to be open seven days a week until 2:00 in the morning. We've previously experienced the disorderly conduct, drunken' brawls, loud music and total disregard for the residents of River Place when the same building was occupied by Oysters on the West End. This kind of conduct is also a nightly occurrence at Chicora Alley. In addition, these issues inherently become safety concerns as well.

We appreciate the City of Greenville's vision for revitalizing the area, making it a safe urban setting that's encouraged individuals, like my husband and me, to invest in and move to. Bars open after midnight in highly populated residential areas seem to be incompatible with that vision. Please do not approve the special exception permit to allow extended hours until 2AM.

Your consideration is sincerely appreciated.
Betty and Bob Leonardi
155 River Place, Unit 408

midnight are not conducive or compatible with this vision. Businesses have the right to request whatever variances they may think will benefit their own personal financial interests. It is the role of the Planning Office to represent the interests of the residents and to make decisions which are compatible with our neighborhood.

Restaurant/Bars open after midnight
S 13-51 Application of Jacob Billingsley (Timberland Capital Investments, Owner) for a SPECIAL EXCEPTION PERMIT pursuant to Sections 19-2.3.5 , Special Exception Permit, and 19-4.1, Table of Uses, of the Greenville City Code to establish a restaurant serving alcohol to be "Open after Midnight" located at 11 W Camperdown Way in the C-4, Central Business, District TMS#0070000102500 and 0070000102501

1st Example

Dear Marie:

I was the first resident to move into 155 Riverplace. I was very pleased to make an investment in our beautiful Downtown as a wonderful place to live.

When Oysters was granted a permit to build an outdoor deck they made a commitment to be a good neighbor and not play loud music or operate after hours.

What happened was loud music after midnight, brawls in the street, hundreds of dollars of damage to our building (primarily the decorative stone finials being either stolen or broken costing hundreds of dollars to replace or repair) and other disturbances into the wee hours of the morning. I believe there was a fatal fall down the stairs by a patron attempting to leave the Oyster premises. It became a real nightmare. I was accosted on the sidewalk on one occasions by a patron who had left Oysters and couldn't find his car because he was severely inebriated and impaired. He wanted me to help him find his car and to come in and use my phone. I suggested he call a cab.

The residents of the River Place complex incurred extra expense for security to try and control some of the vandalism and noise.

As you know this is a very high- density residential area with 155 Riverplace, 154 Riverplace, and the Terraces Condominium complexes plus the Hughes Development Apartments and the Hampton Inn. All these are within a few hundred feet of 11 Camperdown.

The City of Greenville has worked too hard to create a safe and wonderful downtown to let it deteriorate by allowing a lot of after-hours bars pour patrons of varying degrees of sobriety and responsibility into not only our street but also into the park and Main Street.

We have made a significant monetary commitment by choosing to live downtown. We welcome the wonderful restaurants in the area.

PLEASE DO NOT GRANT THIS EXCEPTION for a special exception to be "Open After Midnight" serving alcohol. In a meeting with the HOA of 155 Riverplace the applicant indicated it was his intent to operate until 2:00 a.m., seven days a week.

I do not think this is appropriate in a residential area of this density and will likely result in a return of the same problems we had when the Oysters Restaurant and Bar operated.

Thank you for your consideration.

Lynda Morrison

155 Riverplace Unit 107

2nd Example

On Sun, Mar 10, 2013 at 12:35 PM, Frank Gibb <fgibb@godseyandgibb.com> wrote:

I am writing to express my opposition to the requested special exception permit referenced above. I have been a unit owner at 155 RiverPlace, Unit 407 from its completion. I previously objected to the special exception permit requested by Oysters when it occupied the building on Camperdown and during the life of the restaurant most of the concerns of the residential owners were realized in drunk and disorderly brawls. The City of Greenville has done a wonderful job of creating a safe urban setting which has encouraged individuals to invest and move back to town. Bars open after midnight are not conducive or compatible with this vision. Businesses have the right to request whatever variances they may think will benefit their own personal financial interests. It is the role of the Planning Office to represent the interests of the residents and to make decisions which are compatible with our neighborhood.

I know my three sons will never forget my saying to them when they were growing up, "nothing good ever happens after midnight". Please do not approve the special exception permit to allow extended hours until 2AM.

The residents of the River Place complex incurred extra expense for security to try and control some of the vandalism and noise.

As you know this is a very high- density residential area with 155 Riverplace, 154 Riverplace, and the Terraces Condominium complexes plus the Hughes Development Apartments and the Hampton Inn. All these are within a few hundred feet of 11 Camperdown.

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155 Riverplace Unit 107

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I know my three sons will never forget my saying to them when they were growing up, "nothing good ever happens after midnight". Please do not approve the special exception permit to allow extended hours until 2AM.

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Marie McClendon

From: Martha Toy <martha.toy@hotmail.com>
Sent: Thursday, March 14, 2013 1:55 PM
To: Marie McClendon
Subject: Opposition to special exception permit by restaurant at 11 W Camperdown

Dear Marie and others,

PLEASE DO NOT GRANT THE EXCEPTION to Open after Midnight to this bar

My condo overlooks the building of 11 Camperdown Way. Having Oysters there was a NIGHTMARE. We were constantly being awakened in the early morning hours by brawls in the street, loud voices, and loud music. The worst offenses happened AFTER MIDNIGHT when the bar closed and all the drunk patrons left at one time. The party simply moved into the street. More than once my visiting grandchildren were awakened by shouts and fights in the street, police sirens and flashing lights and were literally scared for their lives!! I often wondered if I was getting ready to witness serious bodily harm or a car accident from these inebriated customers. After one of my many calls to security, I was told, well, what do you expect when you mix homes and after-hours bars? But I thought to myself, it doesn't have to be this way!!

We have witnessed vandalism, excess trash, and shrubs being jerked from the landscaping when Oysters was in operation. All of this came to a stop once Oysters closed. Oysters also had promised to be good neighbors but that was certainly not the case. I have no reason to believe the conduct of late night patrons of Gringos will be different. Nothing good happens after midnight. Rowdy, inebriated people cause problems.

Mayor Knox stated in an article after a Dixie Tavern incident that the city really needed to look closely at the type of businesses permitted downtown. 11 Camperdown Way is virtually at the entrance to Falls Park, close to three condo units, a new apartment building and a hotel, and more apartment buildings being planned. The residents and visitors in this area need to be kept safe. A bar opened late in this building has already proven NOT to be a fit for this residential area. I know concerts along the river have to end at 10:00 which I know must thrill the residents overlooking the river. Please give consideration to those residents that overlook Camperdown Way. We have a huge investment in our properties and are concerned not only with our quality of life but also with the resale values of our homes. West End is finally overcoming a reputation of being a place you would not walk after dark. Let's not go back! Let's move forward and continue to make the West End a safe urban area, one that encourages families to invest and live downtown!!

Do not grant this permit. Thank you.

Martha Toy
155 Riverplace #302
Greenville, SC. 29601
864-918-9810

Marie McClendon

From: ALI EKBATANI <ape040@msn.com>
Sent: Wednesday, March 13, 2013 4:48 PM
To: Marie McClendon
Subject: Oppostion To Restaurant Opening Across From Riverplace

Dear Ms. McClendon:

I'm writing in response to the upcoming Zoning Appeals Public Hearing regarding the application referenced above for a **Special Exception Permit** to establish a 'Restaurant/Bar Open After Midnight' within an existing building located at 11 W. Camperdown Way.

See the application for a permit below.

On Thursday, March 21 at 4:00 p.m. in the 1st Floor Meeting Room at City Hall the following applications will be considered by the City of Greenville.

S 13-51 Application of Jacob Billingsley (Timberland Capital Investments, Owner) for a SPECIAL EXCEPTION PERMIT pursuant to Sections 19-2.3.5 , Special Exception Permit, and 19-4.1, Table of Uses, of the Greenville City Code to establish a restaurant serving alcohol to be "Open after Midnight" located at 11 W Camperdown Way in the C-4, Central Business, District TMS#0070000102500 and 0070000102501

As an owner and resident since 2009 of a condo unit located across the street at 155 Riverplace and on behalf of all Riverplace owners and tenants, I am pleading with the Board to please not allow this permit to be approved.

As an owner, my sleep and evening peace have been continually disrupted throughout the night and into the early hours of the morning since I purchased in 2009 due to the clubs and bars that have been allowed to open at **11 W. Camperdown Way**. I specifically purchased here because it appeared and I was told by realtors, brochures, websites and other Downtown Greenville marketing resources that this was a luxury, high-end and quality zone for downtown living. However, the presence of establishments that remain open and serve alcohol after 11pm creates an undesirable living environment and attracts a boisterous over-served clientele (and one that Riverplace owners and tenants don't desire).

I've also witnessed fights, cursing, police intervention and public parking lot urination by patrons there at the bars that have been permitted to operate 'late night' at 11 W. Camperdown Way. I've been hoping for a more high-end tenant and use for this building, and one that would fit into the existing and new 'Riverplace' developments and plan.

The bars at this location that have had late night hours as well as live music are a nuisance and disturbance, as also currently exists with Chicora Alley at the corner of Camperdown and Main St. Even when restaurants and bars close at 11pm, the unacceptable noise and disturbance continue for another couple of hours until servers, drunks and clean-up crews clear out.

Please support me, my neighbors and fellow owners by not allowing this permit to be approved.

Sincerely,

A.P. Ekbatani

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Marie McClendon

From: Jim Kier <jkier@lander.edu>
Sent: Tuesday, March 12, 2013 12:00 PM
To: Marie McClendon
Subject: Special Exception Permit 11 W Camperdown Way

Attention Marie McClendon;

In regards to this request for a Special Exception Permit I would request that you email me a copy of the criteria that the staff will use to evaluate this request. If you cannot email me a copy the please provide where I can access it on the internet. I would also like to review the staffs recommendation on this request. If it would be more efficient I would be glad to meet with you concerning this request.

I have reviewed the application and find it wanting in any details as to the need for the exception. Your application clearly stated that the applicant is required to address the WHY there is a need for the Special Exception. The applicant does not provide any empirical data to substantiate his claims that staying open an additional two hours, particularly from 12:00 AM to 2:00 PM will either significantly impact the economic or the number of visitors to the downtown area. The applicant further states that he will be respectful of the noise and lighting impact on residential areas but again does not present any plan to support his statement. I am surprised that an application this sloppy prepared and inadequate in representation has reached the Board of Adjustment, as a quasi judicial body, to make a decisions on facts. This application contain no facts just unsubstantiated claims.

I have no problem with a restaurant, but the vast majority of people don't eat dinner a 1:00 AM. This time period will be more reflected of a bar with the associated noise and nuisances that we living across the street do not need to put up with. This is mix use area and our right to enjoy a peaceful existence should be honored and respected.

I look forward to your response.

Jim Kier
155 RiverPlace
Greenville, SC

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Marie McClendon

From: William Kelly <wkelly@centurycontractors.com>
Sent: Wednesday, March 13, 2013 11:46 AM
To: Marie McClendon
Subject: Upcoming Applications for the Board of Zoning Appeals March 21, 2013

Reference:

S 13-51 Application of Jacob Billingsley (Timberland Capital Investments, Owner) for a SPECIAL EXCEPTION PERMIT pursuant to Sections 19-2.3.5 , Special Exception Permit, and 19-4.1, Table of Uses, of the Greenville City Code to establish a restaurant serving alcohol to be "Open after Midnight" located at 11 W Camperdown Way in the C-4, Central Business, District TMS#0070000102500 and 0070000102501.

As a full time local resident, I oppose the approval of the above referenced item for the restaurant serving alcohol to be "Open after Midnight". Although the street is mixed use, it has a significant population of full time residents which do not wish to have late night disturbances from an establishment resulting in loud music, intoxicated patrons, etc. Please do not approve.

William Kelly
201 Riverplace Unit 704
Greenville, SC 29601

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Marie McClendon

From: Frank Gibb <fgibb@godseyandgibb.com>
Sent: Sunday, March 10, 2013 12:36 PM
To: Marie McClendon
Cc: lyndalarue@gmail.com; Cathy Mays; Bronwyn McIntosh
Subject: S 13-51 Application of Jacob Billingsley (Timberland Capital Investments, Owner) for a SPECIAL EXCEPTION PERMIT

I am writing to express my opposition to the requested special exception permit referenced above. I have been a unit owner at 155 RiverPlace, Unit 407 from its completion. I previously objected to the special exception permit requested by Oysters when it occupied the building on Camperdown and during the life of the restaurant most of the concerns of the residential owners were realized in drunk and disorderly brawls. The City of Greenville has done a wonderful job of creating a safe urban setting which has encouraged individuals to invest and move back to town. Bars open after midnight are not conducive or compatible with this vision. Businesses have the right to request whatever variances they may think will benefit their own personal financial interests. It is the role of the Planning Office to represent the interests of the residents and to make decisions which are compatible with our neighborhood.

I know my three sons will never forget my saying to them when they were growing up, "nothing good ever happens after midnight". Please do not approve the special exception permit to allow extended hours until 2AM.

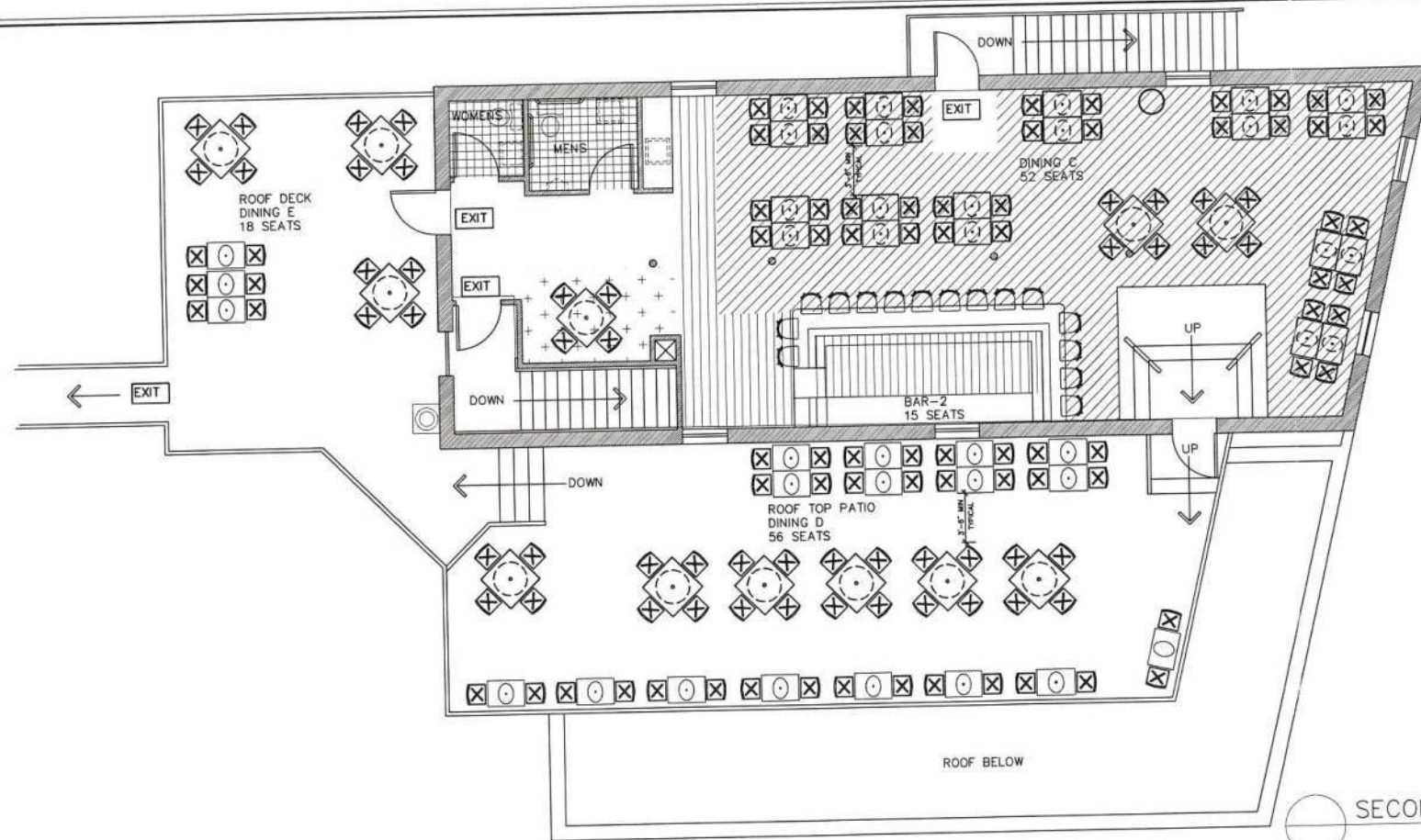
Frank Gibb



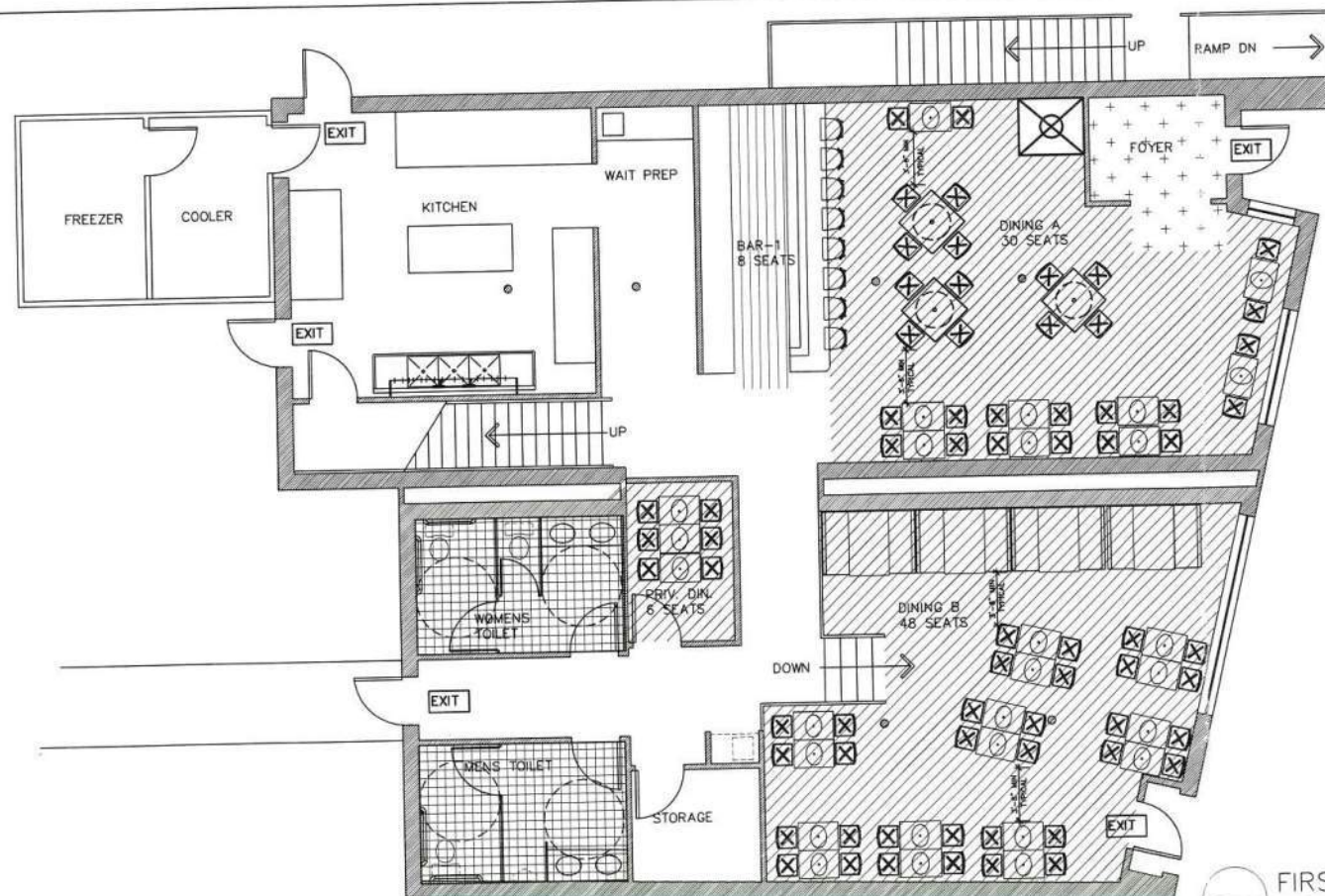
Frank B. Gibb, III
President

P: (804) 285 - 7333
F: (804) 285 - 9268
www.godseyandgibb.com

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SECOND FLOOR SEATING PLAN



FIRST FLOOR SEATING PLAN

AREA / USE CAPACITY TABLE					
AREA DESIGNATION		1st FLR	2nd FLR		* AREA BASIS
		INSIDE	INSIDE	OUTSIDE	
	WAITING— 140 SF@ 5 SF/PERS *	15	18	—	33
	DINING AREA.....A (30 + 8) (512 SF/15 SF/PERS = 34)*	38	—	—	34
	DINING AREA.....B (554 SF/15 SF/PERS = 37)*	48	—	—	37
	PRIVATE DINING ROOM (75 SF/15 SF/PERS = 5) *	6			5
	DINING AREA.....C (52 + 15) (710 SF/15 SF/PERS = 48)*	—	67	—	48
	DINING AREA.....D (750 SF/15 SF/PERS = 50)*	—	—	56	50
	DINING AREA.....E (232 SF/15 SF/PERS = 16)*	—	—	18	16
	CASHIER, WAITSTAFF...3	5	6	—	11
	KITCHEN -500 SF @ 200 SF / PERS.....3 *	5	—	—	5
	MANAGEMENT, TOILETS.....3	5	3	—	8
SUB-TOTAL		122	94	74	247
CAPACITY.....		216		74	247
		TOTAL CAPACITY.....290			

BUILDING IS SPRINKLERED

TOTAL CONDITIONED FLOOR AREA

FIRST FLOOR.....2,640 SF
SECOND FLOOR.....1,320 SF

TOTAL CONDITIONED AREA.....3,960 SF

OUTSIDE UNCONDITIONED AREA

SECOND FLOOR COVERED PATIO.....925 SF
SECOND FLOOR OPEN DECK.....502 SF

TOTAL.....1,427 SF

NOTES:

- 1-SCOPE OF SERVICES IS FOR DESCRIPTION OF AREA AND USE DESIGNATIONS USING GIVEN INFORMATION AS TO EQUIPMENT, TABLES, CHAIRS, ETC.
- 2-DESCRIPTION AND/OR CONDITION OF STRUCTURAL, ELECTRICAL, MECHANICAL OR PLUMBING SYSTEMS OR SERVICES IS NOT INCLUDED IN THIS SCOPE OF WORK.
- 3-AREA AND CAPACITY COMPUTATIONS ARE BASED UPON INT. BLDG. CODE, SECTION 1004 (2006 ED).

THE
ELLIS
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American Institute of Architects

AREA / SEATING PLAN
GRINGOS MEXICAN CANTINA
111 WEST CAMPERDOWN
GREENVILLE, SC

DATE • 4-18-13
SCALE • 3/16"=1'-0"
JOB NO. • 13286
DRAWN • REE/JAB
CHECK • REE
REVISIONS
NO. 1 DATE DATE1
TEXT1
NO. 2 DATE DATE2
TEXT2
NO. 3 DATE DATE3
TEXT3
NO. 4 DATE DATE4
TEXT4

SHEET

F100

SEATING

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