

Board of Zoning Appeals

Official Agenda



AGENDA

BOARD OF ZONING APPEALS

A G E N D A

Regular Meeting

November 11, 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, November 11, 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>

***Attachments for "New Business" items now include Staff Reports, as posted at 11:30pm on 11/8/2021

1. Call to Order
2. Welcome and Opening Remarks from the Chair
3. Roll Call
4. Approval of Minutes

A. August 12, 2021 – Regular Meeting

B. September 7, 2021 – Workshop

C. September 9, 2021 – Regular Meeting

5. Call for Public Notice Affidavit from Applicants

6. Acceptance of Agenda

7. Conflict of Interest Statement

8. Old Business

9. New Business

. . A.

S 21-751

Application by Storage Units – Mauldin Road, LLC (Steve Patel) for a SPECIAL EXCEPTION to establish a “Self-service storage” use in a S-1, Service district at 757 Mauldin Road (TM# M01203-01-00109)

Documents:

[S 21-751_757 MAULDIN RD_AGENDAPACKET.PDF](#)

. . . B.

S 21-767

Application by Extra Crispy LLC (Gregory R McPhee) for a SPECIAL EXCEPTION to establish a “Restaurant serving alcohol beverages” use in a C-1, Neighborhood commercial district at 1501 E North Street, STE 102 (TM# 019000-02-07000)

Documents:

[S 21-767_1501 E NORTH ST, STE102_AGENDAPACKET.PDF](#)

. . . . C.

S 21-780

Application by Jessica Kilcoyne for a SPECIAL EXCEPTION to establish a “Hotel” use (short-term rental) in an OD, Office and institutional district at 106 Whitsett ST (TM# 004700-04-00400)

Documents:

[S 21-780_106 WHITSETT ST_AGENDAPACKET.PDF](#)

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S 21-781

Application by Group Therapy Pub & Playground (Matthew Hubbard) for a SPECIAL EXCEPTION to establish a "Bar" use and "Indoor entertainment facility" use in a C-4, Central business district at 320 Falls Street, STE G (TM# 006100-03-04114 & 006100-03-04115)

Documents:

[S 21-781_320 FALLS ST STEG_AGENDAPACKET.PDF](#)

. . . . E.

S 21-782

Application by Gringos Cantina LLC (Robert Starcher) for a SPECIAL EXCEPTION to establish a "Restaurant and bar open after 12:00 midnight" use in a C-4, Central business district at 11 Falls Park Drive (TM# 007000-01-02400)

Documents:

[S 21-782_11 FALLS PARK DR_AGENDAPACKET.PDF](#)

. . . . F.

S 21-791

Application by Greenville County Schools (Jaime Benton) for a SPECIAL EXCEPTION to expand a "School, public" use in a R-6, Single-family residential district at 160 Fairforest Way (TM# M01101-01-00302)

Documents:

[S 21-791_160 FAIRFOREST WAY_AGENDAPACKET.PDF](#)

. . . . G.

S 21-793

Application by DT's Tavern (Sarah Trucano) for a SPECIAL EXCEPTION to operate a "Bar / Nightclub open after 12:00 midnight" use in a C-4, Central business district at 100 E North Street (TM# 004300-03-00200)

Documents:

[S 21-793_100 E NORTH ST_AGENDAPACKET.PDF](#)

. . . . H.

S 21-795

Application by ABW Greenville, LLC d/b/a New Realm Brewing Company (Brian McAlpine) for a SPECIAL EXCEPTION to establish an "Indoor entertainment facility" and "Outdoor entertainment" use in a C-4, Central business district at 912 S Main Street (TM# 007200-02-01700, 007200-02-01900 & 007200-02-02000)

Documents:

[S 21-795_912 S MAIN ST_AGENDAPACKET.PDF](#)

. . . . I.

S 21-796

Application by First Carolina Bank (Kristen Brabble) for a SPECIAL EXCEPTION to establish a "Bank" use with a drive-through in a C-4, Central business district at 522 N Church Street (TM# 004100-02-00700)

Documents:

[S 21-796_522 N CHURCH ST_AGENDAPACKET.PDF](#)

. . . . J.

S 21-805 Deferred until December (Public notice not posted properly)

Application by Brass Monkey LLC (Matthew Gourley) for a SPECIAL EXCEPTION to operate a "Restaurant open after 12:00 midnight" in a C-2, Local commercial district at 723 Congaree Road (TM# 054301-01-01906)

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10. Other Business

 A. Staff update on current planning projects

 B. Board of Zoning Appeals 2022 Schedule

11. Adjournment

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AGENDA

Documents:

[AGENDA 11-11-21 - BZA REGULAR MEETING.PDF](#)



**Planning Staff Report to
Board of Zoning Appeals
November 8, 2021**
for the November 11, 2021 Public Hearing

Docket Number:	S 21-751
Applicant:	Storage Units – Mauldin Road, LLC (Steve Patel)
Property Owner:	Storage Units – Mauldin Road, LLC
Property Location:	757 Mauldin Road
Tax Map Number:	M01203-01-00109
Acreage:	5.8
Zoning:	S-1, Service District
Proposal:	SPECIAL EXCEPTION to establish a ‘Self-service storage’ use

Applicable Sections of the City of Greenville Code of Ordinances:

Sec. 19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*

Sec. 19-2.3.5, *Special Exception Permit*

Sec. 19-4.1, *Table of Uses*

Sec. 19-4.3.3, *Use-specific standards*

Staff Recommendation: Approve with conditions

Staff concludes that the application complies with standards to grant a Special Exception Permit for a ‘Self-service storage’ use. If the Board decides to grant the Permit, Staff recommends the following conditions:

1. The operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application.

Staff Analysis:

The Applicant, Steve Patel, owner of Storage Units – Mauldin Road, LLC, requests special exception approval to establish a “Self-service storage” use in a S-1, Service district. The subject property is 757 Mauldin Road, located at the north corner of the Mauldin Road and Fairforest Way intersection.

Per Sections 19-4.1 (*Table of Uses*), a special exception permit is required for self-service storage facilities in the S-1 district. The applicant intends to establish a five (5) building self-storage complex, with an 88,000 square foot, three story main building, and other secondary buildings. All buildings are one story and measure 15,000, 6,000, 3,640, and 1,800 square feet respectively. Vehicular access is provided to the facility by one full access ingress/egress and sidewalk connection on Mauldin Road, and a limited right-turn-in/right-turn-out access on Fairforest Way.

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

1. Consistent with the Comprehensive Plan

The Future Land Use Map of the City's GVL 2040 Comprehensive Plan designates this property 'Community Mixed-Use', which may contain a diverse mix of mid-size to large-size employers in commercial, light manufacturing/industrial, distribution, medical offices, institution, etc. In addition, both Mauldin Road and Fairforest Way are categorized as 'Corridor Mixed Use'.

The use of self-service storage is a compatible use type for identified uses like light manufacturing/industrial and distribution.

Staff finds that the proposed use is consistent with the GVL 2040 Comprehensive Plan.

2. Complies with use specific standards

Specific use standards, directly related to self-service storage uses, aren't included in Section 19-4.3.

Staff finds that the use complies with the specific use standards of the Land Management Ordinance.

3. Compatibility with the surrounding lands

Adjacent property is zoned and used as follows:

East: Service and Industrial (I-1)

North: Warehouse (S-1 and County)

West: Service and warehouse (S-1)

South: Vacant (C-3)

Mauldin Road and Fairforest Way are a service corridor at this location, with uses that mostly include outdoor storage, warehousing, industrial, and other industrial service type businesses. Self-service storage is generally considered to be consistent and compatible with these use types.

Staff finds that the use is compatible with surrounding lands.

4. Design does not have substantial adverse impacts

Three sides of the subject property are road frontage on Mauldin Road and Fairforest Way, two heavily traveled, wide roadways. As proposed, the facility will retain approximately 20 feet setback from the closest lot line, and over 60 feet from the three-story building to the northern property line. Self-service storage facilities usually result in minimal traffic and, consequently, little noise, odor, vibration, and other similar nuisances. Separation from property lines should reduce any negative visual impact and any potential for issues with glare, addressed by enforcement of the lighting standards outlined in Section 19-6.4 during plan review. Full compliance with all Land Management Ordinance regulations, as reviewed during the site plan permit and building permit review stages, will further ensure that impacts to adjacent lands and uses are minimized.

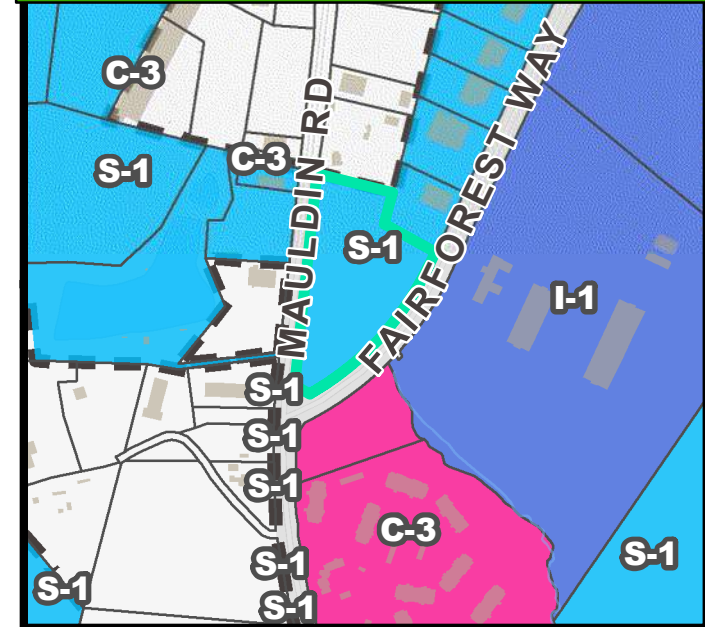
Staff finds that the design does not have substantial adverse impacts.

S 21-751 • 757 MAULDIN ROAD

AERIAL VIEW



CURRENT ZONING

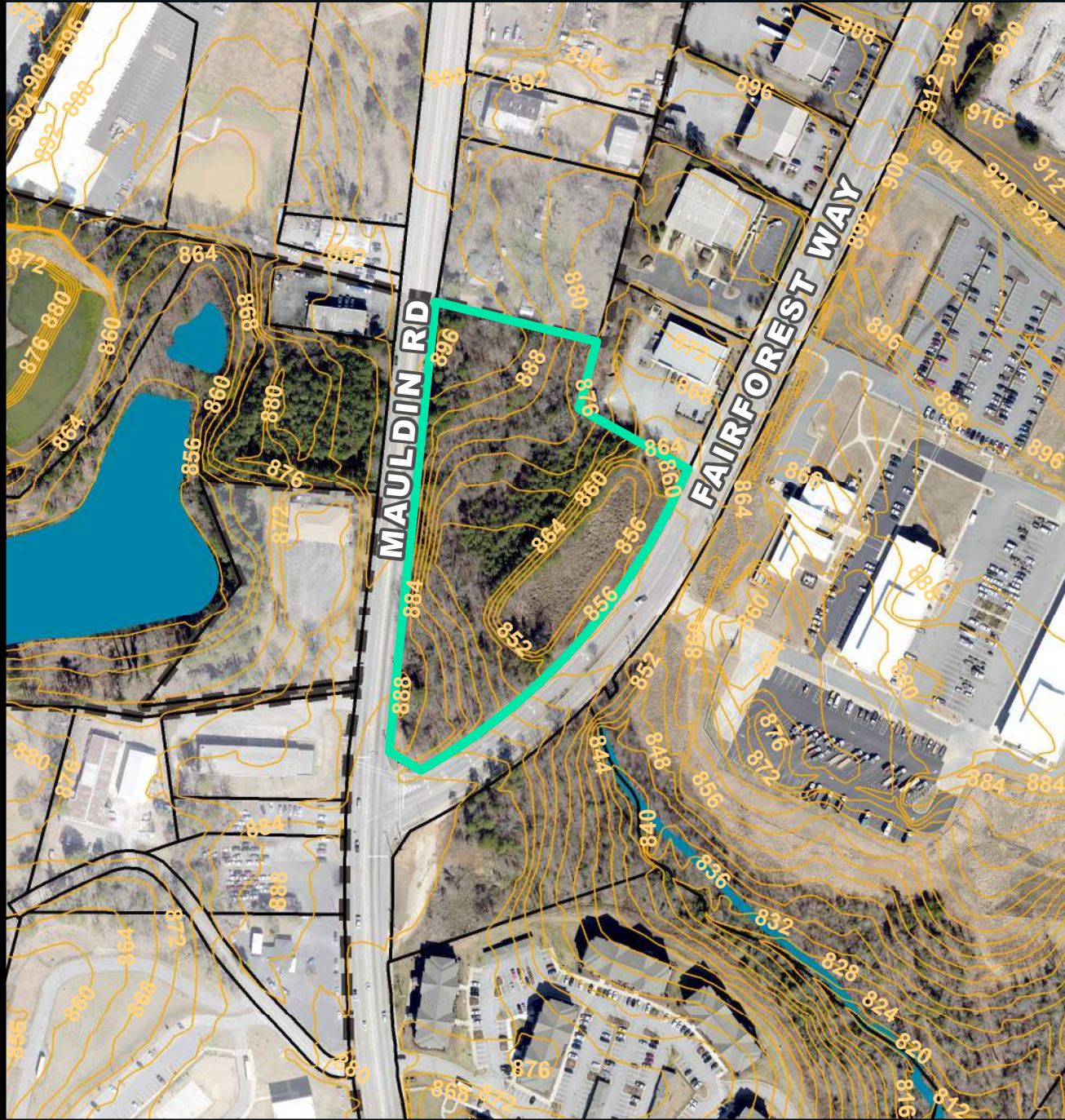


FUTURE LAND USE

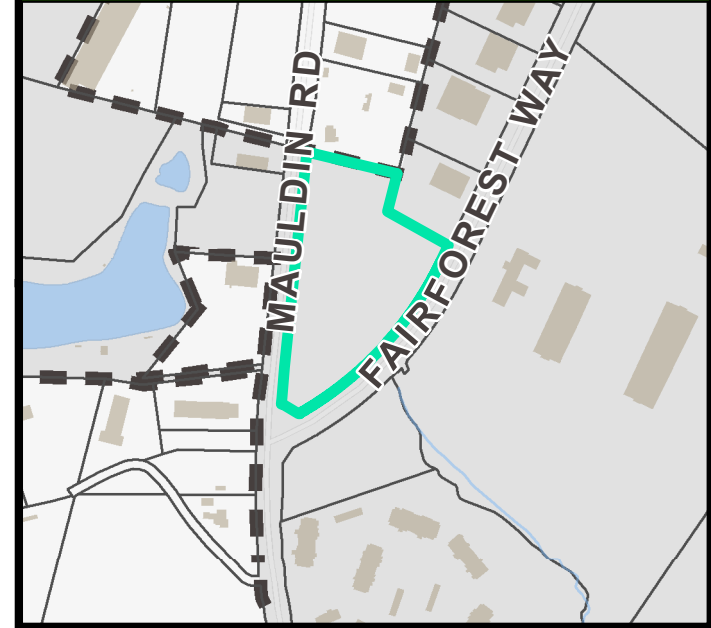


S 21-751 • 757 MAULDIN ROAD

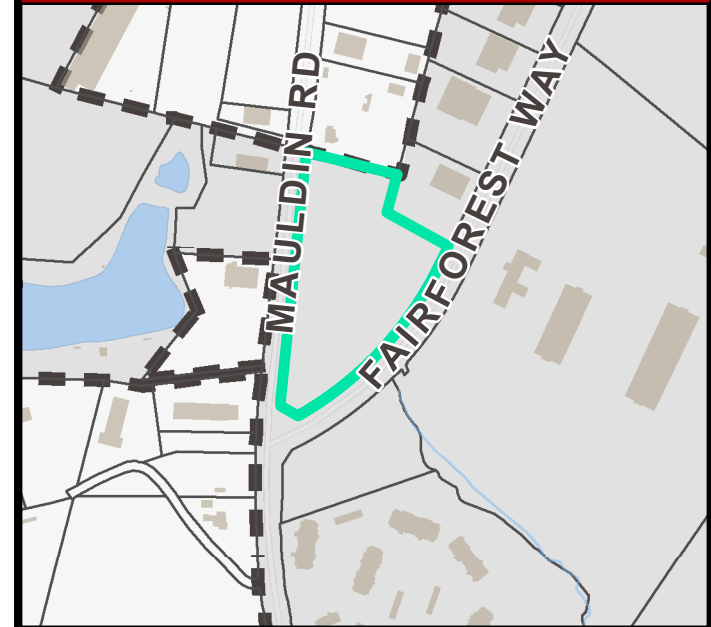
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Storage Units - Mauldin Road, LLC (Steve Patel)
* _____ Name _____ Title / Organization _____

permit may be limited to this entity. _____

APPLICANT'S REPRESENTATIVE: Daniel Chawning Engineer / Gray Engineering
(Optional) _____ Name _____ Title / Organization _____

MAILING ADDRESS: 350 E. Crown Point Road, Winter Garden, FL 34787

PHONE: 864-276-9604 **EMAIL:** stevepatel1@gmail.com

PROPERTY OWNER: same

MAILING ADDRESS: _____

PHONE: _____ **EMAIL:** _____

PROPERTY INFORMATION

STREET ADDRESS: Mauldin Road and Fairforest Way

TAX PARCEL #: M012030100109 **ACREAGE:** 5.8 **ZONING DESIGNATION:** S-1

REQUEST

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

DESCRIPTION OF PROPOSED LAND USE:

S-1 (S)
Self-service storage facilities

INSTRUCTIONS

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

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

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

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

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

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

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



Applicant Signature

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

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

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

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

APPLICANT / REPRESENTATIVE SIGNATURE

DATE



PROPERTY OWNER SIGNATURE

DATE

9-22-21

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 comprehensive GVL2040 considers benefit to the community foremost. This development will provide nearby storage within walking/short driving distance of residential and commercial properties.

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

Development will comply with Section 19-4.3.3 by implementing various designs, including parking, thru drives, security cameras to discourage loitering, lighting, landscaping, and waste collection as laid out in these standards and approved by Zoning

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.

Given the adjacent properties along Fairforest and across Mauldin Road at the intersection, the proposed use will only increase the value of the surrounding area, as well as serving surrounding residential areas likely in need of a storage facility

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.

There will be no noise, odor, glare, or vibration concerns with this development. As required by the City, a hefty landscaping plan is proposed in order to meet standards and provide positive aesthetics for the developed site

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

(YOU MAY ATTACH A SEPARATE SHEET)

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

This use conforms to the standards and values in the GVL2040 in the same way that the existing uses along Fairforest Way conform. It will add revenue, value, and usefulness to the surrounding areas as this is a unique development for this area

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).

As the development complies with zoning and planning requirements (ie. landscaping, etc.), there will in no way be adverse impacts to the surrounding properties. It has a specific benefits for surrounding residential and commercial properties in need of storage facilities.

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

Yes, there are multiple proposed facility buildings with adequate capacity for its proposed use.

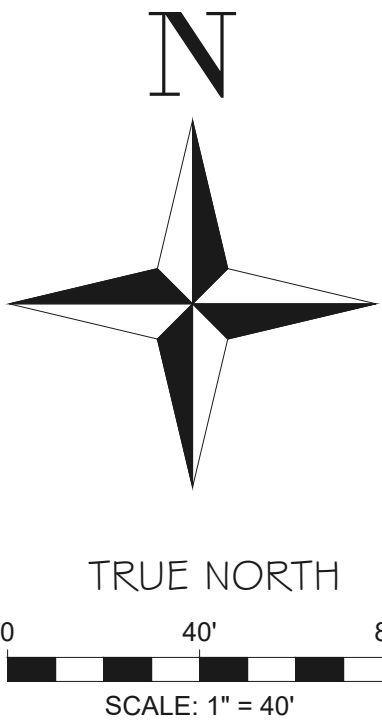
4. IS THE PROPOSED USE ONE THAT IS OTHERWISE PERMISSIBLE IN ANOTHER ZONING DISTRICT WITHIN THE CITY?

Yes, self-service storage facilities are common in other areas of the City of Greenville.

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	628.56'	1104.71'	32.60'	S44° 00' 47"W	620.11'



**Know what's below.
Call before you dig.**



UTILITY NOTE TO CONTRACTOR
THE UTILITIES SHOWN ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE DONE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

NOTE:
IF DISCREPANCY IS DISCOVERED
ON SITE, CONTACT ENGINEER
IMMEDIATELY FOR REVIEW



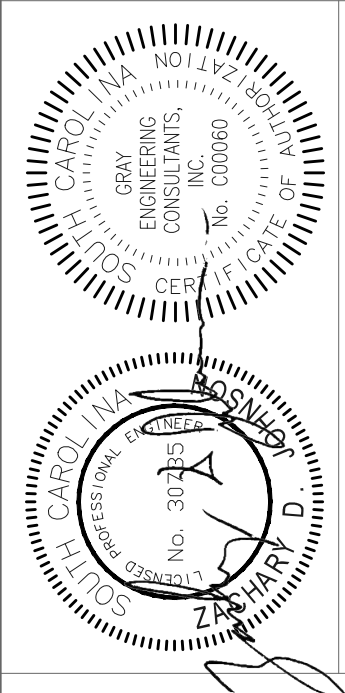
SITE DATA:	
TAX MAP #s:	MO12030100109
COUNTY / MUNICIPALITY:	CITY OF GREENVILLE
SITE ACREAGE:	5.80 ACRES
CURRENT ZONING:	S-1
BUILDING DATA:	
TOTAL BUILDING AREA	55,840 S.F.
LAYOUT DATA:	
PARKING REQUIRED	10 SPACES
PARKING PROVIDED	10 SPACES
ADA PARKING REQUIRED	1 SPACE
ADA PARKING PROVIDED	1 SPACE

CITY OF GREENVILLE GENERAL NOTES:

1. FOR ALL PROPERTY LINES WITH A SETBACK OF 10 FEET OR LESS FROM THE STRUCTURE TO THE PROPERTY LINE, THE CONTRACTOR MUST PROVIDE A LINE STRING PULL ON THE PROPERTY LINE AT THE TIME OF THE FOOTING INSPECTIONS. FAILURE TO PROVIDE THIS WILL RESULT IN THE INSPECTOR FAILING THE FOOTING INSPECTION.
2. CONSTRUCTION WILL BE INSPECTED FOR COMPLIANCE WITH APPROVED DESIGN DOCUMENTS AND APPLICABLE CODES. WORK THAT DEVIATES FROM EITHER OF THESE STANDARDS WILL BE REJECTED. (SEE SECTION 106.4 OF THE 2006 INTERNATIONAL BUILDING CODE)
3. ANY REVIEW/ACCEPTANCE BY THE CITY OF GREENVILLE BUILDING AND ZONING DEPARTMENT IS NOT A GUARANTEE OF THE CONTRACTOR OR SUBCONTRACTORS FROM MEETING CODE/ORDINANCE REQUIREMENTS. (SOUTH CAROLINA CODE OF LAWS, SECTIONS 40-11-110 AND 40-59-90).
4. A RAIN SENSOR IS REQUIRED ON THE IRRIGATION SYSTEM.



NO.	DATE	BY	REVISION
A	04/15/21	JDI	SUBMITTED TO CITY OF GREENVILLE
B	09/20/21	JDI	RESUBMITTED TO CITY OF GREENVILLE
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-



STAKEOUT PLAN

**PROPOSED
SELF STORAGE
FACILITY**

MAULDIN ROAD
MAULDIN, SOUTH CAROLINA

PROJECT MANAGER:	ZDJ
DRAWN BY:	DEC
PROJECT DATE:	02/18/21
SCALE:	1"=40'
JOB No.:	2020057
PLOT DATE:	9/20/21

CV-1



SELF STORAGE



SELF STORAGE

beyond SELF STORAGE



ExtraSpace
Storage

ExtraSpaceSt

DO NOT
ENTER

DO NOT
ENTER



**Planning Staff Report to
Board of Zoning Appeals
November 8, 2021**
for the November 11, 2021 Public Hearing

Docket Number: S 21-767

Applicant: Gregory R. McPhee
Extra Crispy, LLC

Property Owner(s): 1503 Overbrook, LLC, Richard Lynch

Property Location: 1501 East North Street, Suite 102

Tax Map Number: 019000-02-07000, 019000-02-07011

Acreage: 1.7 acres

Zoning: C-1, Neighborhood Commercial District

Proposal: **SPECIAL EXCEPTION to establish a 'Restaurant with alcohol sales'**

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: Approve with conditions

Staff concludes that the application complies with standards to grant a Special Exception Permit for a **'Restaurant with alcohol sales.'** If the Board decides to grant the Permit, Staff recommends the following conditions:

1. The operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application.
2. Hours of operation shall be substantially consistent with those stated by the applicant, with closure no later than 10 p.m.
3. All interior amplification shall be located only as reflected on the approved floor plan and be directed away from the principal entrance or directed toward the interior of the building.
4. Except to provide ingress and egress, exterior doors and windows shall remain closed after 10:00 p.m.
5. The Applicant shall take reasonable measures to ensure that the business and its patrons comply with City ordinances and State laws intended to preserve the public peace, safety and order, including but not limited to: occupancy loads, prohibitions on disorderly conduct and public intoxication, prohibitions on noise in violation of the City's noise ordinance, adequate patron parking and applicable neighborhood parking restrictions.

Staff Analysis:

The Applicant, Gregory McPhee, managing partner of Extra Crispy LLC, requests special exception approval to establish a restaurant with alcohol sales in a C-1, Neighborhood Commercial, Zoning District.

The subject property is 1501 East North Street, Suite 102, located at the northeast corner of East North Street and Chestnut Street. The property is currently under construction for a mixed-use project, known as 'Overbrook Village,' which received preliminary certification for rehabilitated historic property historic tax credits in February of 2020 (RHP 20-16).

Per Sections 19-4.1 (*Table of Uses*) and 19-4.3.3(C) (*Use-specific standards for Eating Establishments*), a special exception permit is required for restaurants to serve alcohol in the C-1 zoning district. The applicant intends to establish a 2,559 sq. ft. full-service restaurant with indoor and outdoor seating. A separate Conditional Use permit Application (CU 21-735) has been submitted for the outdoor seating area and a Conditional Use Permit was issued on October 8, 2021.

The Technical Advisory Committee (TAC) met with the applicant on October 18, 2021 and recommended approval of the special exception permit with conditions. These recommended conditions are listed at the end of this report.

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

1. Consistent with the Comprehensive Plan

The Future Land Use Map of the City's GVL 2040 Comprehensive Plan designates this property 'Urban Residential', which is intended to allow a mix of residential densities, compact development, walkable streets, and uses complementary to residential uses, such as community recreation facilities, places of worship, and schools.

Staff finds, with appropriate conditions, the proposed use is consistent with the intent of the future land use designation, specifically the intent to establish walkable neighborhoods with complementary uses.

Staff finds, with appropriate conditions, the proposed use is consistent with the GVL 2040 Comprehensive Plan.

2. Complies with use specific standards

Use-specific standards for restaurants are contained in *Section 19-4.3.3(C) Eating establishments*, as listed below:

(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.

The applicant has provided a response to these use-specific criteria within their application. The use is limited to 2,559 sq. ft. and the proposed hours of operation fall within the range permitted in the C-1 zoning district. The applicant has stated that the proposed use will minimize adverse effects to adjacent lands while operating in compliance with provisions listed in Sec. 19-4.3.3(C). Applicant also states that intention of use is not focused on serving alcohol. Staff recommends formal incorporation of TAC's recommended conditions, listed at the end of this report, into any motion for approval.

Staff finds, with appropriate conditions, the use complies with the specific use standards of the Land Management Ordinance.

3. Compatibility with the surrounding lands

Adjacent property is zoned and used as follows:

East: Single-family attached/detached (C-1)

North: Single-family residential (RM-1)

West (Across Chestnut St.): Single and multi-family residential (C-1)

South: Single-family detached and office (RM-1)

The subject site is currently under development with 'Overbrook Village,' a mixed-use development with anticipated office, fitness, retail, restaurant, and single-family attached residential uses. The applicant has stated that the propose use is appropriate for the location and compatible with the designed growth of this specific corridor. Staff finds that, with appropriate conditions, the proposed use will be consistent with the vision for Overbrook Village and compatible with adjacent land uses.

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

4. Design does not have substantial adverse impacts

To minimize detrimental impacts on adjacent residential land uses, staff recommends that approval of the special exception permit be conditioned as recommended by TAC:

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

TAC Findings and Recommendation:

FINDINGS OF THE COMMITTEE:

1. The application, including the Application for Special Exception, Zoning Compliance Application, and all other documents submitted supplemental to those applications and received as part of the Board of Zoning Appeals files for this case prior to the Technical Advisory Committee review, is hereby incorporated and made a part of the findings of this Committee.
2. The applicant indicates the intent to operate a restaurant with alcohol sales with hours of operation of 11:00 am to 9:30 pm.
3. The applicant indicates that the restaurant will serve seafood and will focus on a casual, family friendly environment, initially only for dinner service, reserving the ability to open for lunch service in the future.

4. The applicant indicates that live entertainment will not be available inside or outside; music will be provided through in-house speaker systems during hours of operation, with no amplified music provided outside the structure.
5. The applicant indicates that staff will be trained in all applicable manners relating to alcohol service.

RECOMMENDATIONS OF THE COMMITTEE:

1. This Committee recommends that the Board of Zoning Appeals **approve** the application for a Special Exception Use Permit.
2. To prevent and/or minimize any potential adverse effects from the Applicant's business on surrounding uses, this Committee recommends that the Board of Zoning Appeals make the following recommendations a condition or conditions of the permit. These conditions are related, in type and scale, to the impact the proposed use would have on the public and surrounding land uses and are in addition to the standard requirements outlined in Section 19-4.3.3(C) of the Land Management Ordinance:
 - a. This Committee recommends the Applicant maintain hours of operation that are substantially consistent with those stated by the applicant, closing no later than 10 p.m.
 - b. This Committee recommends that all interior amplification be located only as reflected on the approved floor plan and be directed away from the principal entrance or directed toward the interior of the building.
 - c. This Committee recommends that, except to provide ingress and egress, exterior doors and windows shall remain closed after 10:00 p.m.
 - d. This Committee recommends that the Applicant take reasonable measures to ensure that the business and its patrons comply with City ordinances and State laws intended to preserve the public peace, safety and order, including but not limited to: occupancy loads, prohibitions on disorderly conduct and public intoxication, prohibitions on noise in violation of the City's noise ordinance, adequate patron parking and applicable neighborhood parking restrictions.

Departmental Comments:

City Engineer Comments

Application review approval is subject to the applicant satisfying all conditions and requirements of the engineering divisions.

Traffic Engineer Comments

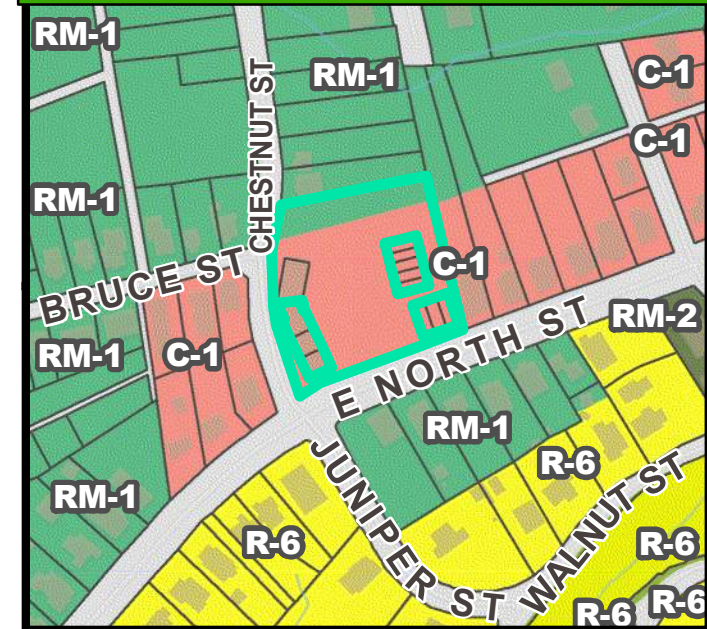
Traffic Impact Analysis form is required for all proposed developments. It can be found at: <http://www.greenvillesc.gov/TrafficImpactAnalysis>. Please fill out and submit online.

S 21-767 • 1501 E. NORTH STREET, STE 102

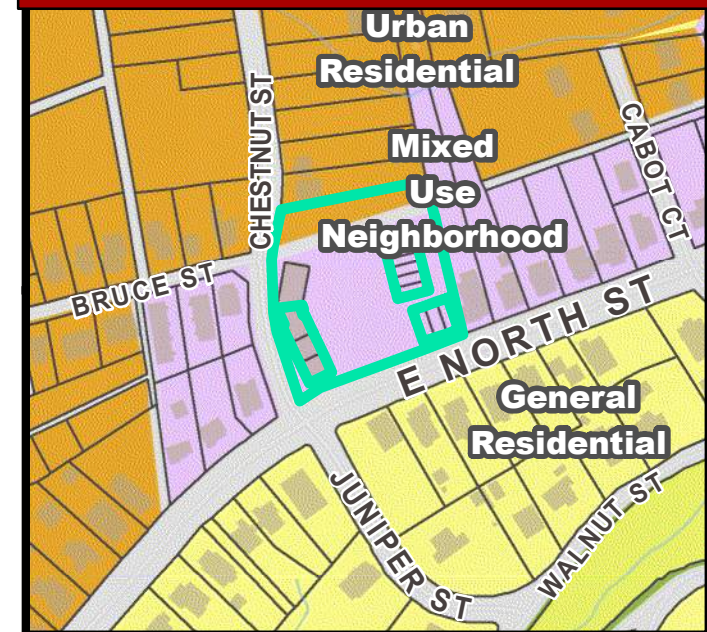
AERIAL VIEW



CURRENT ZONING



FUTURE LAND USE

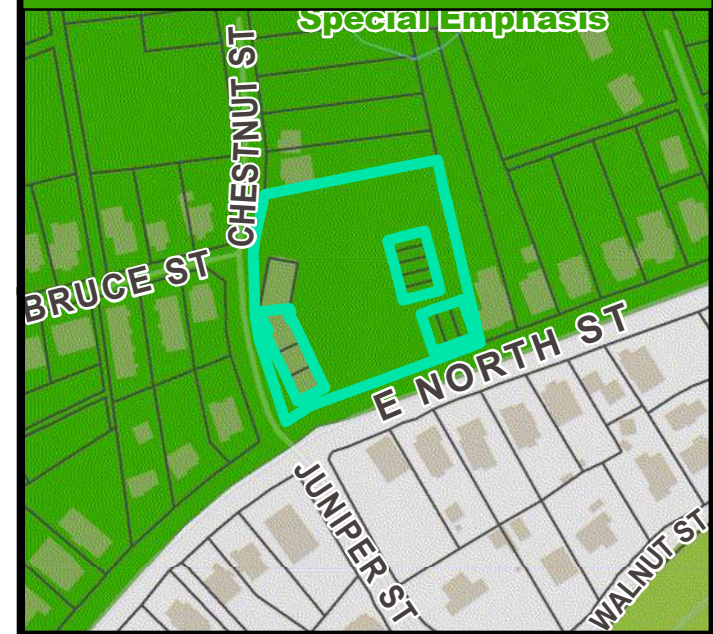


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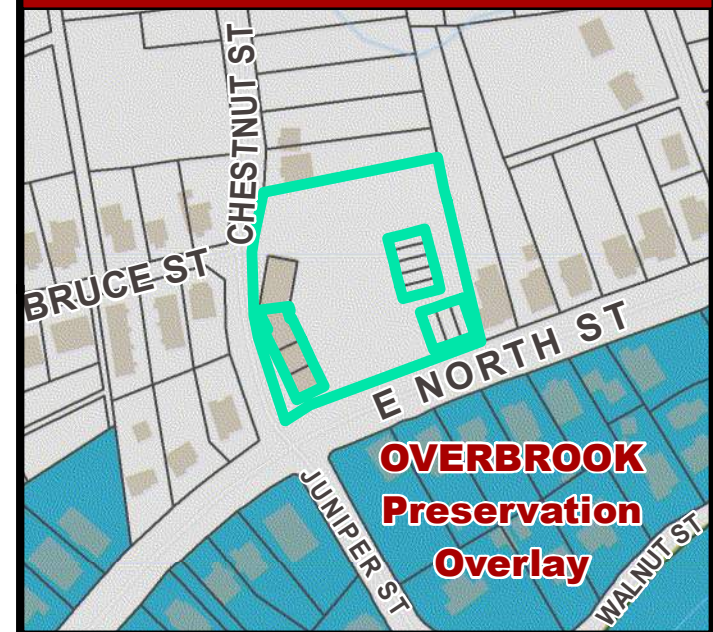
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Gregory R. McPhee Managing Partner Extra Crispy LLC
* _____ Name _____ Title / Organization
permit may be limited to this entity. Extra Crispy LLC

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

MAILING ADDRESS: 2 Mesa Drive Greenville, SC 29609

PHONE: (803) 445-9198 **EMAIL:** info@theanchoragerestaurant.com

PROPERTY OWNER: Richard Lynch

MAILING ADDRESS: 309 East Stone Avenue, Greenville, SC 29609

PHONE: (864) 630-0254 **EMAIL:** R.Lynch@psbKc.pas.com

PROPERTY INFORMATION
STREET ADDRESS: 1501 East North Street Suite 102, Greenville, SC 29609
~~1503~~
TAX PARCEL #: 0190000207011 **ACREAGE:** 1.7 **ZONING DESIGNATION:** C-1

REQUEST

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

DESCRIPTION OF PROPOSED LAND USE:

Full Service Eating Establishment

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.

9-9-21

APPLICANT / REPRESENTATIVE SIGNATURE

DATE

9-9-21

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.

Please See Attached Document

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

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

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

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

(YOU MAY ATTACH A SEPARATE SHEET)

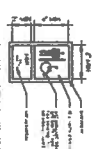
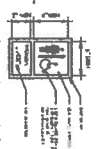
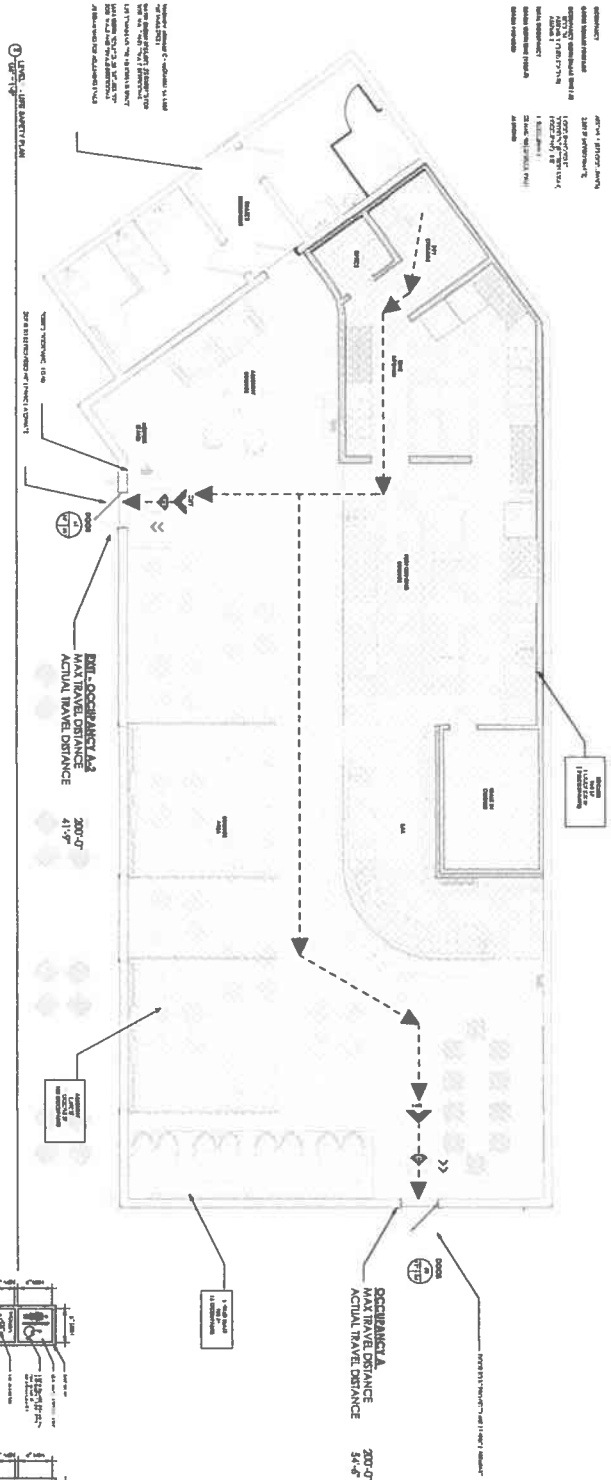
1. DESCRIBE THE WAYS IN WHICH THE PROPOSED NONCONFORMING USE IS MORE IN CHARACTER WITH, OR EQUAL TO, THE USES OTHERWISE PERMITTED IN THE ZONING DISTRICT THAN THE EXISTING OR PRIOR NONCONFORMING USES.

Please See Attached Document

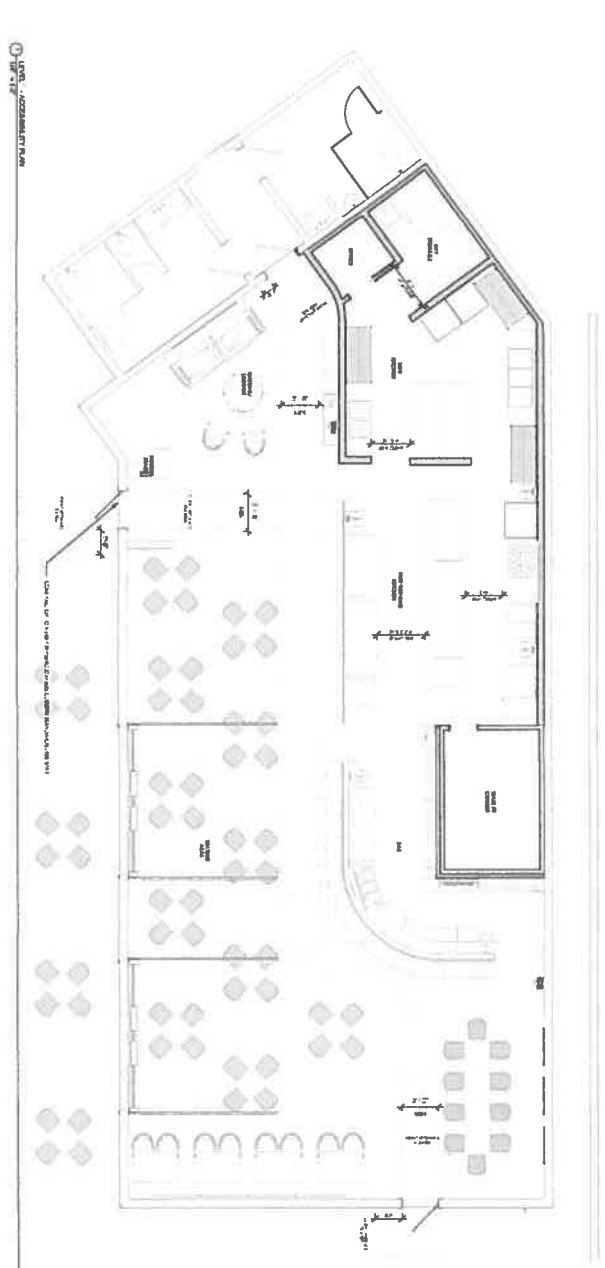
2. DESCRIBE THE WAYS IN WHICH THE PROPOSED NONCONFORMING USE WILL NOT SUBSTANTIALLY AND PERMANENTLY INJURE THE USE OF NEIGHBORING PROPERTY FOR THOSE USES PERMITTED WITHIN THE RELEVANT ZONING DISTRICT(S).

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

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

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©1994 MCA
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Describe the ways in which the proposed special exception is consistent with the Comprehensive Plan:

We anticipate our presence as a locally owned neighborhood restaurant will only contribute to the strategy or carefully infilling and strengthening the existing Overbrook Neighborhood. We believe our plan to be thoughtful and considerate regarding the impact on our surrounding businesses and residents and that it will ultimately increase the quality of life, choice, and employment opportunities in the neighborhood.

Describe the ways in which the request will comply with the standards section in 19-4.3, use specific standards:

In reference to Section 19-4.3.3 Section A outlining general requirements:

- We believe our plans and the anticipated augmentation to the building will bring value to the property and only benefit the neighborhood. The site plan has in ground waste management and ample room to allow for proper disposal of waste that will lend itself to a neat and tidy property.
- The site plan allows for cars to be channeled through our parking area and includes a second exit along the back of the property as not to congest East North Street if patrons are attempting to turn left out of the parking area. It also includes the ability to loop around when looking for parking without venturing into the residential area behind the restaurant.
- All deliveries and waste removal will be conducted during daytime hours and will not conflict with any city ordinances.
- We are a full-service restaurant and do not anticipate an issue with loitering. Most of our business will be procured using a reservation system which should help to stagger the flow of people in and out of the building. Standing will not be allowed on the patio in our desired dining area.
- We do not intend to amplify sound outside the structure and the music playing inside the restaurant will not be directed towards the outside and will be at a reasonable level and will cease with the closing of the restaurant which will be around 9:30pm.
- We will not be open to the public later than 9:30 and do not see any issues arising from late night activities.

In reference to Section 19-4.3.3 Section C outlining eating establishments:

- We will not encroach on any public sidewalks or pathways and intend to have a very clear ingress and egress area.
- We will not offer live entertainment inside or outside.
- Our square footage is 2559 approximately which is well under the 3500 limits.
- Our operating hours will range from 11am and 9:30pm and fall within the requirements.
- We have completed and submitted a special exemption permit to sell alcohol.
- We are in the process of submitting all paperwork necessary with SLED for our ABL License.

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 land and will not reduce the property values thereof.

We believe the request is appropriate for its location and only continues the thoughtful growth of the East North Corridor and the Overbrook neighborhood. The site has been converted from a more industrial use and developers have invested significant time and resources to developing a thoughtful plan that allows for an operation that will have a minimal environmental impact on the surrounding residential area. We believe that much like growth that has developed in the past few years further up the street, most notably Fork and Plough, we will bring an amenity to those in the neighborhood that are looking to support locally owned businesses and be able to walk to dining.

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 request will minimize adverse effects to adjacent lands and fully intends to compliment the charm, character, and care of the surrounding area. The developer has worked with the City of Greenville on a site plan that follows all regulations and will allow for a minimal impact on the surrounding residential area.

- All signage will be minimal and in line with restrictions and guidelines put forth by the city.
- Ample parking is provided including handicap spaces, and deliveries will be conducted during daytime hours. Our establishment receives deliveries in smaller vehicles and will not have a steady flow of large trucks that may disrupt the traffic patterns or residents' ability to access their property.
- All hood vapors will be properly filtered, cooking oils regularly changed, and grease interceptors will be pumped in a timely manner in compliance with direction from ReWa.
- All waste will be contained in lined in ground receptacle that will not allow seepage into the ground and will minimize odor. Regular trash removal will be scheduled to prevent any negative impact to the property or surrounding properties.
- We intend to operate in hours that will not conflict with any local noise ordinances. No live entertainment or outside music will be present.
- All exterior lighting and signage will be minimal but will meet code requirements and upon completion of service unnecessary lighting will be turned off to ensure minimal impact on the neighboring properties.
- We will not be operating large machinery or equipment that will create any vibration on our property or surrounding.

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 nonconforming uses.

We believe that our proposed use is in character with the Overbrook Neighborhood and affords the residents and business users a family friendly full-service dining experience. We intend to create jobs with our project, engage with the local community and work towards further growth of the neighborhood, and provide a healthy and affordable food option for residents that is walkable. Our impact will be a positive one and we do not intend for our model to focus on the service of alcohol, only to offer it as a compliment to our fresh menu.

Describe the ways in which proposed nonconforming use will not substantially and permanently injure the use of the neighboring property for those uses permitted within the relevant zoning district(s)

The development of our restaurant will add value not only to our property but to the surrounding businesses and residents. We will not have an adverse impact environmentally, socially, or economically rather our presence is an amenity to those interested in a thoughtful and vibrant urban environment. We believe that we are in line with the Comprehensive Plans vision for a thriving urban corridor peppered with thoughtful development that works to enrich the lives of surrounding residents and businesses.

Is Adequate Infrastructure Capacity available to serve the proposed nonconforming use?

We believe that the site plan developed with direction from the City of Greenville as well as our upfit plans provide the proper infrastructure on site. We fully intend to work with ReWa to ensure we follow all grease interceptor guidelines. All codes specific to our site and fire and life plans will be followed. Parking is established and we believe the site plan allows for easy navigation of our area both for those coming and going. In addition to this the turning lane on East North Street will help alleviate any traffic congestion that could occur with people entering and exiting the site.

Is the proposed use one that is otherwise permissible in another zoning district in the city?

Our proposed use is permissible in other zoning districts in the city, however it is our understanding that we would still be subject to the Zoning Compliance Application for Establishments Serving Beer, Wine, Or Liquor.



city of greenville

Zoning Compliance Application

Establishments Serving Beer, Wine, Or Liquor

Applicant

Name Gregory R. McPhee Phone (803) 445-9198
Mailing Address 2 Mesa Drive Greenville, SC 29609
Email info@theanchoragerestaurant.com
Signature of Applicant [Signature] Date 9-9-21

Property Owner

Name Richard Lynch Phone (864) 630-0254
Mailing Address 1 309 East Stone Avenue, Greenville, SC 29609
Email RLynch@psbkcpcas.com
Signature of Property Owner [Signature] Date 9-9-21

Property Information

Address 1501 ~~1503~~ East North Street Suite 102, Greenville, SC 29601
TMS# 0190000207011 Zoning District Designation C-1

Description of Proposed Use

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

Operating Plan

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

Seating Plan

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

Business Plan

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

Security Procedures

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



city of greenville

Provide a response for each of the following:

1. Describe the ways in which the proposed use is consistent with the comprehensive plan.
We anticipate our presence as a locally owned neighborhood restaurant will only contribute to the strategy of carefully infilling and strengthening the existing Overbrook Neighborhood. We believe our plan to be thoughtful when ~~to~~ considering the impact on our neighborhood and will increase the quality of life and offer high paying jobs to its residents.
2. Describe the ways in which the request is appropriate for its location and is compatible with the character of existing and permitted uses of surrounding lands and will not reduce the property values thereof.
We believe our restaurant will easily blend into the existing commercial corridor. Our hope is that having fresh food options in walking distance for residents will positively impact the neighborhood and help raise property value.
3. Describe the ways in which the request will minimize adverse effects on adjacent lands including: visual impacts; service delivery; parking and loading; odors; noise; glare; and, vibration. Describe the ways in which the request will not create a nuisance.
We intend to keep clean grounds free of debris, trash, and other clutter. All music will be located inside the building and will comply with local noise ordinances. All vapors from the kitchen will be properly filtered and waste will be disposed of and removed in a timely manner. In addition we will have ample parking and most deliveries are in small vehicles.

Meet With the Technical Advisory Committee

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

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

Police
Fire
Planning
Legal

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

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

Extra Crispy LLC D.b.a 'Mr. Crisp' Operating Plan

Operating Plan

Sections:

1. Type of Business
2. Days & Hours of Operation
3. Staffing Schedule
4. Major Kitchen Equipment
5. Menu & Hours of Food Service
6. Parking for Customers & Employees
7. Designated Smoking Areas
8. Types of Entertainment
9. Closing / Last Call Procedures

1.Type of business: Full Service Restaurant

2.Days & Hours of Operation:

Monday & Tuesday: CLOSED Wednesday-Saturday: 5-9:30pm Sunday: 11-7pm

3.Staffing Schedule:

Back of House:

Mr. Crisp BOH					
	Wednesday	Thursday	Friday	Saturday	Sunday
Chefs					
Chef de Cuisine	12-CL Exp	12-CL Exp	11-10 Expo	11-10 Expo	10-8 Exp
Sous Chef	12-CL Line	9-6 Prep	9-6 Lunch	9-6 Lunch	9-6 Prep
Chef de Partie	1-CL Garm	1-CL Garm	1-CL Garm	1-CL Garm	10-8 Garm
Cooks					
Cook 1	1-CL Line	OFF	9-6 Lunch	9-6 Lunch	9-6 Prep
Cook 2	OFF	1-CL Line	1-CL Line	1-CL Line	10-8 Line
Cook 3	OFF	1-CL Line	1-CL Line	1-CL Line	10-8 Line
Stewards					
Dish 1	2-CL Dish	2-CL Dish	2-CL Dish	2-CL Dish	10-8 Dish
Dish 1	OFF	OFF	9-3 Dish	9-3 Dish	OFF

Front of House:

Mr. Crisp FOH					
	Wednesday	Thursday	Friday	Saturday	Sunday
Manager					
Floor Manager	12-CL	12-CL	12-CL	12-CL	10-8 Floor
Service Staff					
Bartender	2-CL Bar	2-CL Bar	2-CL Bar	2-CL Bar	9-3 Bar
Server 1	OFF	3:15 Serve	10:30 Lunch	3:15 Serve	10:00 Serve
Server 2	3:15 Serve	OFF	3:15 Serve	10:30 Lunch	10:00 Serve
Server 3	OFF	OFF	10:30 Lunch	3:15 Serve	12:00 Serve
Server 4	OFF	OFF	3:15 Serve	10:30 Lunch	12:00 Serve
Server 5	3:15 Serve	OFF	3:15 Serve	3:15 Serve	OFF
Server/Bar	OFF	3:15 Serve	10:30 L Bar	10:30 L Bar	2-8 Bar
Support					

Food Runner	OFF	OFF	4:00 FR	4:00 FR	11-8 FR
Hosts					
Host 1	3-CL	3-CL	11:00 Lunch	11:00 Lunch	10:00 Opener
Host 2	OFF	OFF	3:30 Dinner	3:30 Dinner	12:00 Closer
Host 3	OFF	OFF	4:00 Dinner	4:00 Dinner	OFF

4. Kitchen Equipment:

Major Appliances / Equipment:

Major Kitchen Equipment
Vulcan 60SS-6B24GBN
Convotherm C4ED10.10EB
12x8 Walk In Cooler
12' Hood Vent
Vulcan LG400-1
Beverage-Air SPE60HC-16
2 Door Freezer Reach In
Ecolab U-LT-1
Krowne 18-36DP
Krowne 18-24RD
Krowne 18-GSB1
Krowne 18-43R
Mantiwoc UD-0310A Neo 30"
Turboair TBB-4SG
Metal Prep Tables
Hanson Brass 800-RET-BCS
Champion G5S-PG710
Vollrath 40756
Robot Coupe R2B
Instapot
Anova Vac Machine
Anova Circulator
Cuisinart TOB-40
Vitamix Vitaprep
Full Speed Rack

5. Menu and Hours of Food Service:

The Hours of food service will run concurrently with operation hours listed above.

Raw / Cold:

Dozen Oysters, House Hot Sauce, Horseradish, Mignonette... MKT

Smoked Fish Spread w/ Salt & Vinegar Potato Chips or Bahamian Fish Fritters... \$12

Fresh Ceviche w/ Fresh Fried Corn & Citrus... \$15

Fish & Chips:

Market White Fish in our House Batter served over Steak Cut Fries with House Malt Vinegar, Special Aioli, and Grilled Lemon... 1 Pc \$15 2Pc \$22

Plates & Salads:

Moules Frites, Mariniere Style served with Baguette & Malt Vinegar Aioli... \$16

Roasted Beet & Strawberry Salad served with Whipped Ricotta, Mint, Dukkha... \$11

Cabbage Salad, Fish Sauce, Onion, Peanut, Thai Herbs... \$13 Add Fried/Grilled Fish

Chicken Tikka Masala, Classic recipe served with Aromatic Carolina Gold Rice... \$20

Sandwiches:

Grilled Fish Sandwich, Bibb Lettuce, Tomato, Lemon Horseradish Remoulade, Pickle... \$16

Lobster Roll, New England Style with Garlic Butter.... Mkt

Marinated Skirt Steak Sandwich, Baguette, Halloumi, Green Tahina Slaw, Marinated Onion... \$15

Sides:

Steak Fries / Green Tahina Slaw / Hush Puppies / Seasonal Vegetable

Dessert:

Sticky Toffee Pudding w/ Soft Serve... Soft Serve...

6. Parking for Customers and Employees:

The terms of our lease allow us the parking rights to a lot directly in front of the restaurant that is shared with our neighbors. There are 58 marked parking spaces plus handicap parking available.

7. Designated Smoking Areas:

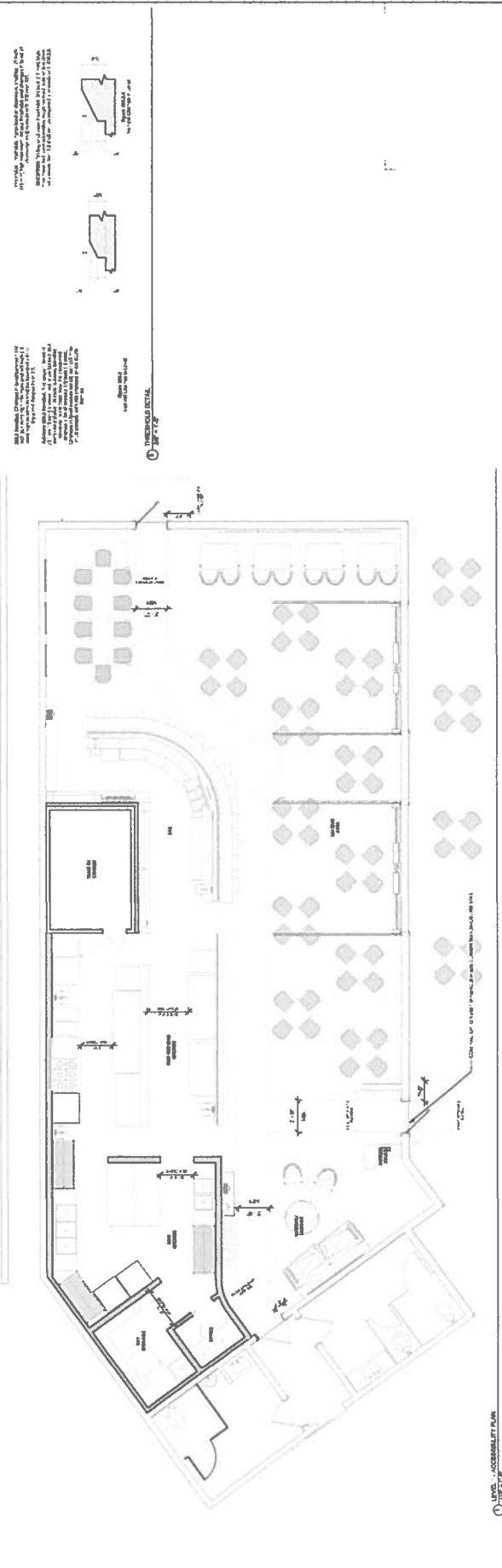
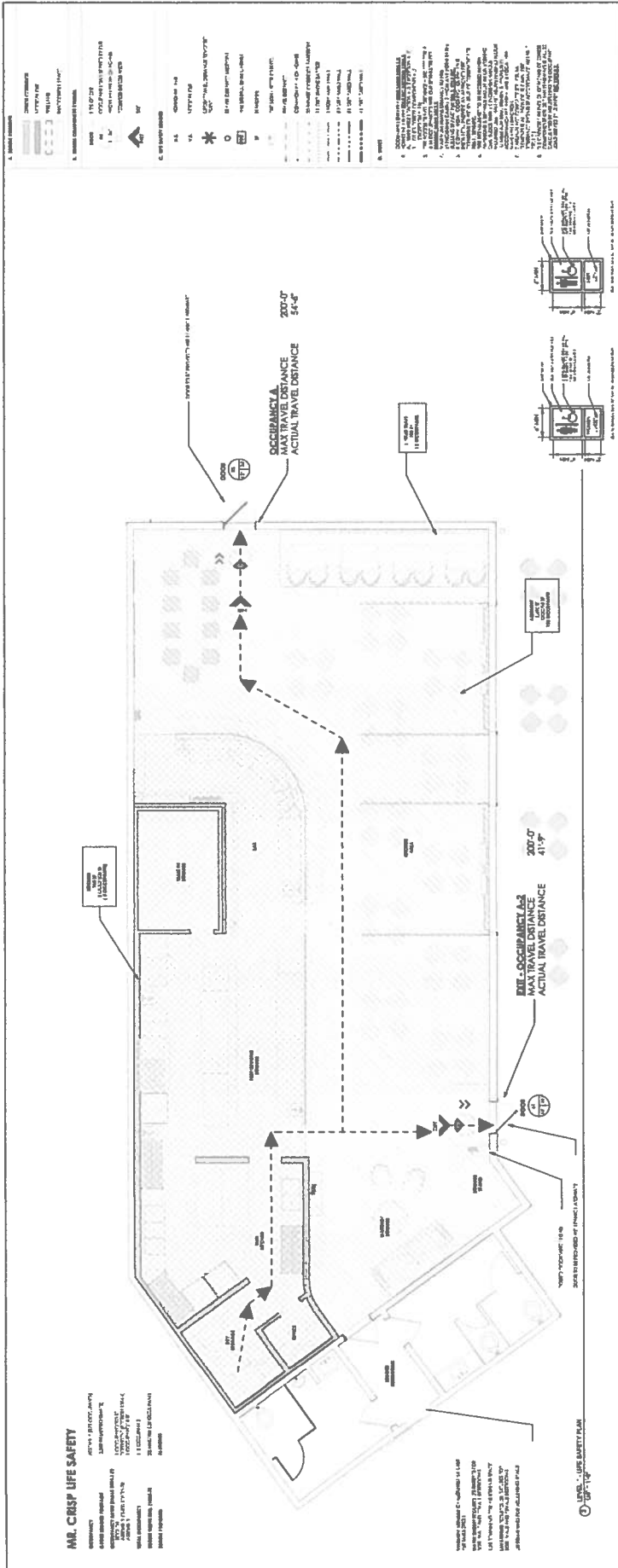
Mr. Crisp will be a non-smoking facility. We will provide a fire safe cigarette disposal unit by our designated trash pickup area.

8. Types of Entertainment:

At this time there is no plan to have live entertainment at Mr. Crisp. We will have music supplied by an interior stereo.

9. Closing / Last Call Procedure:

Last Call will be called promptly at 9:30pm. All open garage doors and other exits will be closed and guests will be directed through our main entrance to ensure they are safe and not carrying any beverages with them off the premises. Once the last guest has left the doors will be locked to complete closing procedures. We will adhere to a strict buddy policy, meaning no employee is to be on premise after closing alone and certainly no employees are to proceed to the parking lot alone. We will have a safe secured in our office behind a locked door. A security monitoring system will be in place to safeguard against break ins. We do not anticipate that we will be a cash driven business so no night drops will be necessary, instead the opening manager will run to the bank as needed during normal business hours.



Extra Crispy LLC D.b.a 'Mr Crisp' Business Plan

Mr. Crisp will be a full service restaurant concept in the heart of the Overbrook neighborhood. The neighborhood has seen significant interest and investment in recent years and presents the opportunity to launch our business in a community set on supporting locally owned operations. The restaurant will be located at 1503 East North Street Suite 107 in a strip center.

Target Audience:

Mr. Crisp will be positioned at an approachable price point in order to allow for more frequent repeat customers. We believe this will allow for a broad range of demographics that will be drawn to the restaurant. The menu will feature fresh seafood, local meats, and vegetables. The thought is that with a carefully considered menu that offers fresh choices not available elsewhere in the city we will be able to service those individuals and groups in town that are dissatisfied with a lack of diversity.

Theme:

Mr. Crisp will be a family friendly restaurant centered around fresh Seafood. Everything will be made from scratch or will be sourced from local partners to give an authentically fresh feel. The aim with Mr. Crisp is to create a safe place to meet with friends, enjoy a libation and food or just simply enjoy the bright dining room. With high ceilings and clean bright colors, we hope to bring the life of the old building back to the forefront. A huge part of our focus will be on supporting not only local growers and farmers, but also the local arts community that has been a pillar of our existing restaurant The Anchorage. A large amount of the custom fabrication including focal art pieces are being sourced from local Greenville artisans.

Objective:

Mr. Crisp will be a for profit operation, however we will have a clear aim to continue to grow the Greenville food scene and local foods movement. The goal of opening and operating Mr. Crisp is to facilitate and foster our desire to continue to push the quality of food and service in our city. We hope to achieve this by putting a clear emphasis on educating our employees and consumers on what types of foods and beverages are available in the local community.

Empowering our employees will allow for confidence that will make the dining experience more approachable and comfortable.

Another objective of Mr. Crisp is to continue the development of the Overbrook neighborhood to grow it into the vibrant district it has the potential to be. A portion of available seatings will be left for walk in traffic to allow for locals from the neighborhood to enjoy dining on a whim. This influx of traffic will hopefully persuade more like minded businesses to relocate or expand to the East North and Overbrook commercial corridor.

Goals:

The ultimate goal of Mr. Crisp is to build a brand focused on quality and integrity in all aspects of our business. With our focus being on education and growing our employees the natural evolution is expansion in order to retain employees while ensuring that they have upward mobility. Mr. Crisp will be a training ground for employees that will eventually be promoted to higher positions in future restaurants. By growing our business this way, we will allow for improved buying power, offering benefits to all employees and offering even more choice to our customers through other outlets.

Projected Revenue Mix:

Check Averages		Dinner	Lunch	Sunday
	Beverage	\$15.00	\$7.00	\$12.00
	Food	\$25.00	\$18.00	\$20.00
	Total	\$40.00	\$25.00	\$32.00
	Total + Tax	\$42.80	\$26.75	\$34.24

Based on forecast the mix will be:

57% Food

25.65% Wine

17.1% Liquor

14.25% Beer

Fee for Entry / Members / Entertainment:

Mr. Crisp will be an approachable restaurant that will not charge a cover or offer live entertainment as part of its business plan. We will not sell memberships.

Status of City Business License:

We have registered with the State and have received our retail license, we will be applying for our City of Greenville Business License as our other permits are pushed through and construction begins.

SC DHEC Application Status:

In Progress.

Status of ABL-901 Application:

In Progress.

Documentation that SLED Requirements have been met:

In Progress.



**Planning Staff Report to
Board of Zoning Appeals
November 8, 2021**
for the November 11, 2021 Public Hearing

Docket Number:	S 21-780
Applicant:	Jessica Kilcoyne
Property Owner:	Jessica Kilcoyne
Property Location:	106 Whitsett St
Tax Map Number:	004700-04-00400
Acreage:	0.16
Zoning:	OD, Office & Institutional District; Pettigru Street Preservation Overlay District
Proposal:	SPECIAL EXCEPTION to establish a 'Hotel/motel use' (short-term rental)

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. 19-4.2.4 (H), *Visitor Accommodations*

Staff Recommendation: Approve with conditions

Staff concludes that the application complies with standards to grant a Special Exception Permit for a 'Hotel/motel' use. If the Board decides to grant the Permit, Staff recommends the following conditions:

1. The Special Exception Permit shall be limited to the applicant, Jessica Kilcoyne, and shall not be transferrable.
2. Off-street parking shall be provided consistent with parking requirements for hotel/motel use at time of building permit or occupancy permit request.
3. The use of the property shall substantially conform to the testimony of the applicant and content of the application and submitted documents.

Staff Analysis:

The Applicant and Property Owner, Jessica Kilcoyne, proposes use of an existing single-family home at 106 Whitsett Street for short-term rental (less than 30 days). The property is zoned OD, Office & Institutional District, and is located within the Pettigru Street Preservation Overlay District. According to subsection 19-4.2.4(H), *Visitor Accommodations*, dwelling units arranged for short-term stays of less than 30 days for rent, lease, or interval occupancy are classified as visitor accommodations and include such use types as bed and breakfast inns, hotels, and motels. Pursuant to Table 19-4.1-2, *Table of Uses*, a hotel or motel use may be permitted by special exception within the OD Zoning District.

The Applicant indicates that the entire home will be rented solely to one group at a time.

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

1. Consistent with the Comprehensive Plan

The Future Land Use Map of the City's GVL 2040 Comprehensive Plan designates this property 'Neighborhood 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.

Staff finds that the proposed use is consistent with the GVL2040 Comprehensive Plan.

2. Complies with use specific standards

The Land Management Ordinance does not contain use-specific standards for hotel/motel use, per Sec. 19-4.3.3(H).

Staff finds that the proposed use complies with specific use standards of the Land Management Ordinance.

3. Compatibility with the surrounding lands

Adjacent property is used (and zoned) as follows:

East: Office and Institutional (OD)
North: Office and Institutional (OD)
West: Office and Institutional (OD)
South: Office and Institutional (OD)

The proposed use is located within a larger, mixed-use area zoned OD, Office & Institutional. Adjacent properties primarily include professional offices, with some single-family detached residences located on Whitsett St.

Staff finds that the proposed use is compatible with surrounding lands.

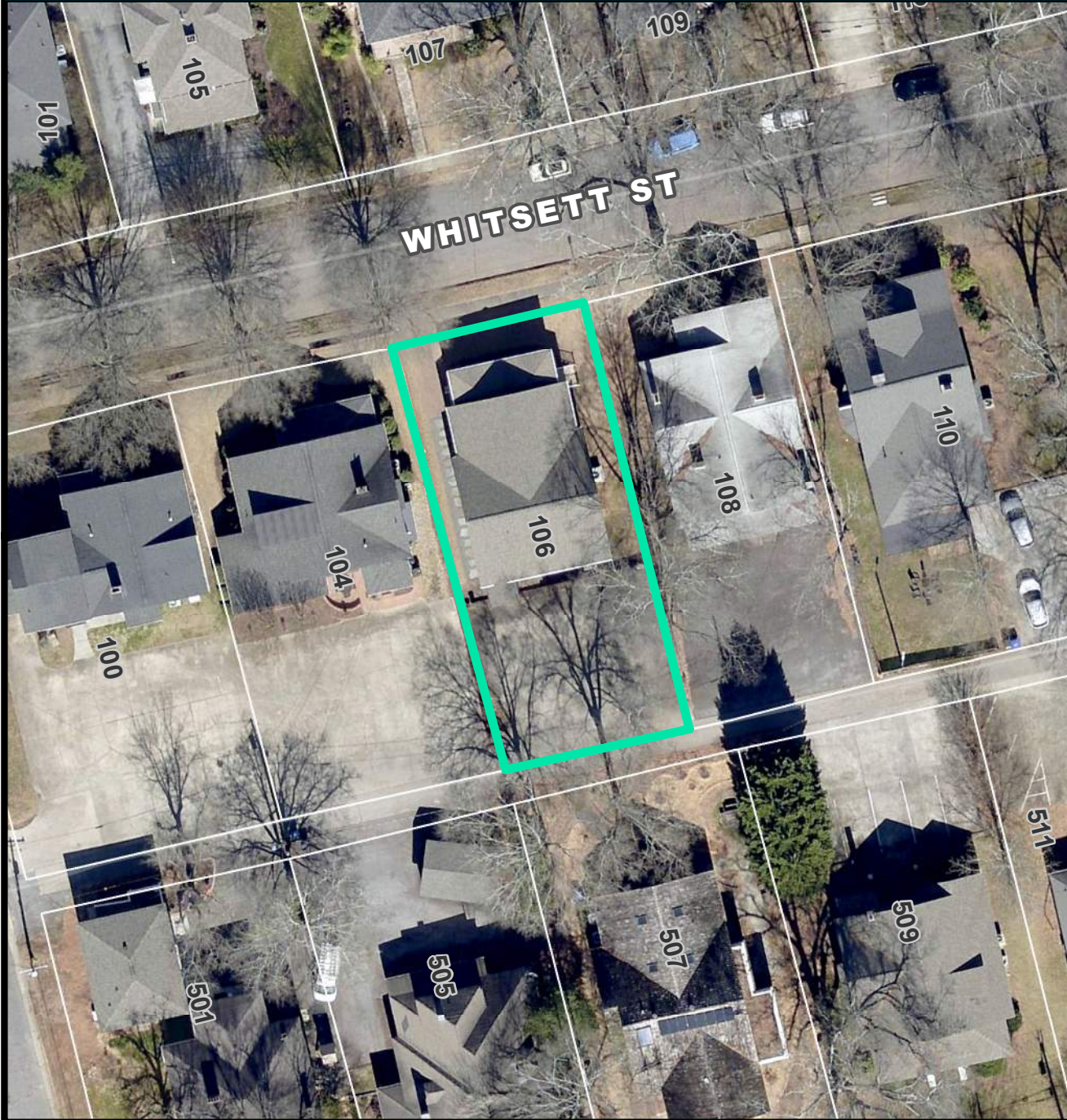
4. Design does not have substantial adverse impacts

The existing structure is a single-family detached home. The proposed use will retain a residential character from the exterior. Any exterior modification to the structure or site will require a separate Certificate of Appropriateness. The applicant states that traffic at this location would be no more than a typical, single-family residence. Applicant states there are five parking spaces provided for the subject property in the rear.

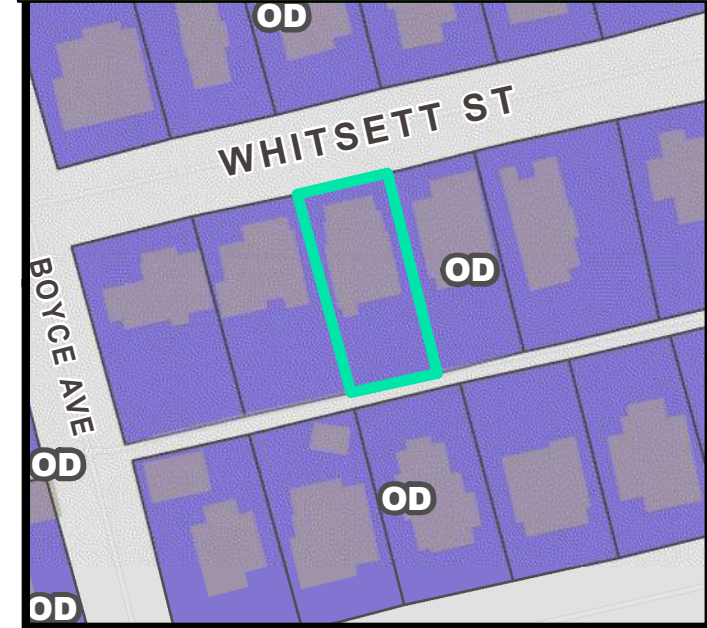
Staff finds that the proposed use will not have substantial adverse impacts with proper provision of off-street parking per hotel/motel use.

S 21-780 • 106 WHITSETT STREET

AERIAL VIEW



CURRENT ZONING

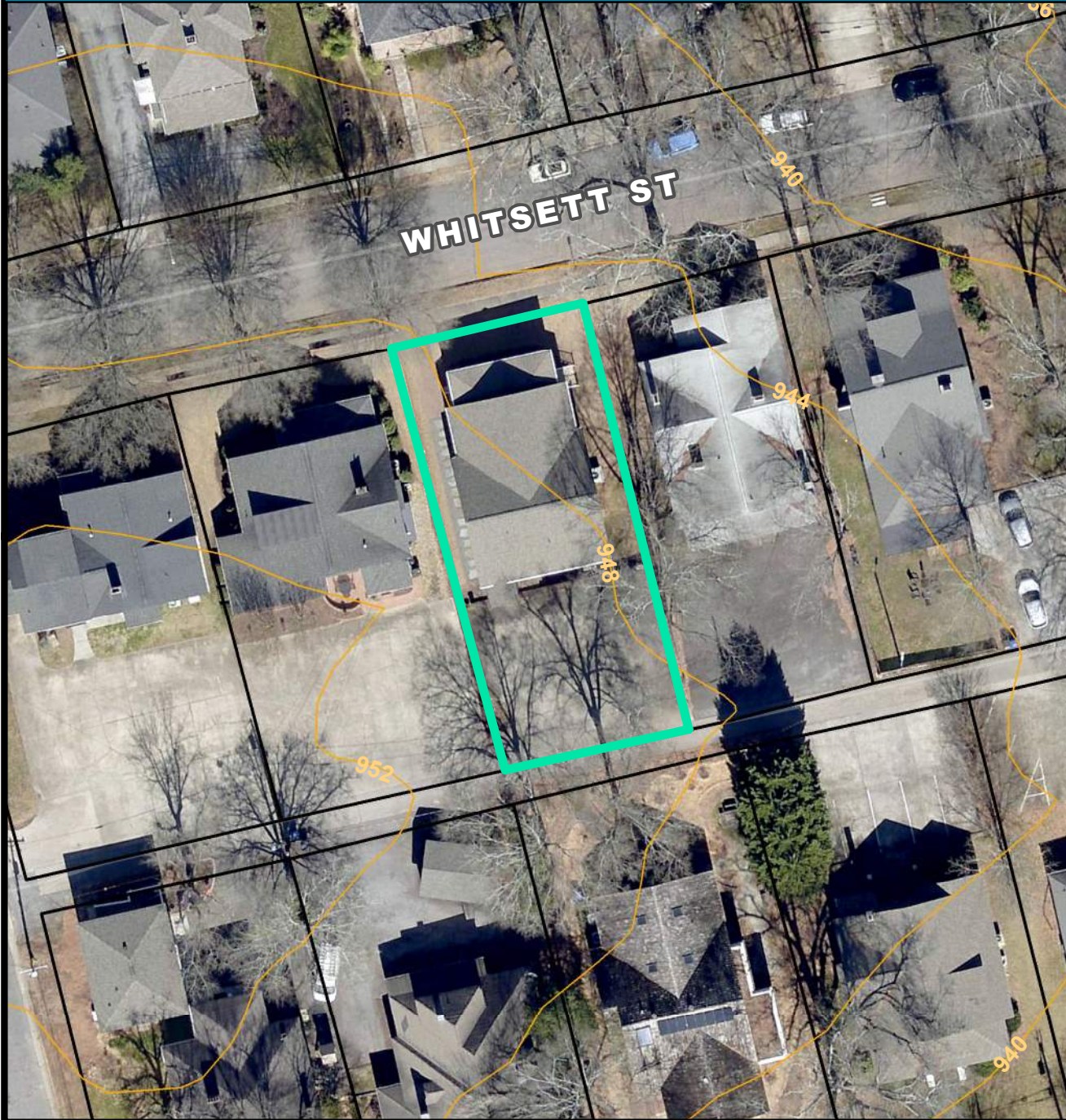


FUTURE LAND USE

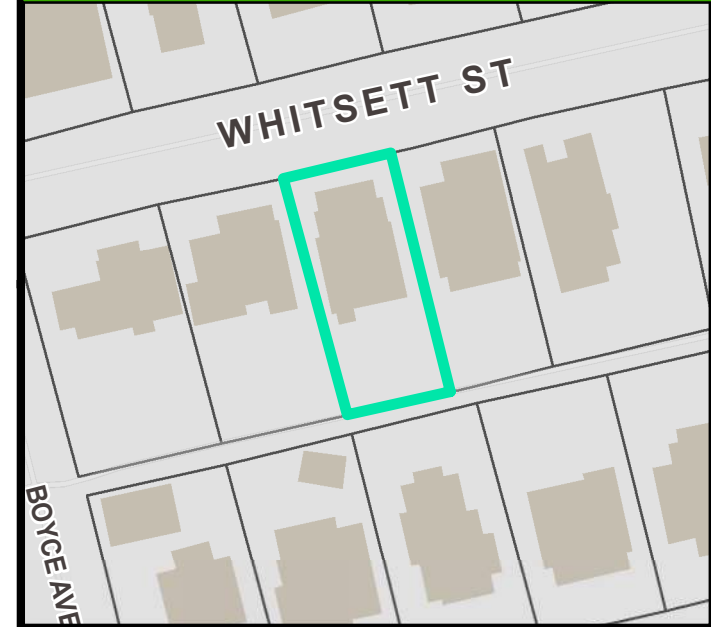


S 21-780 • 106 WHITSETT STREET

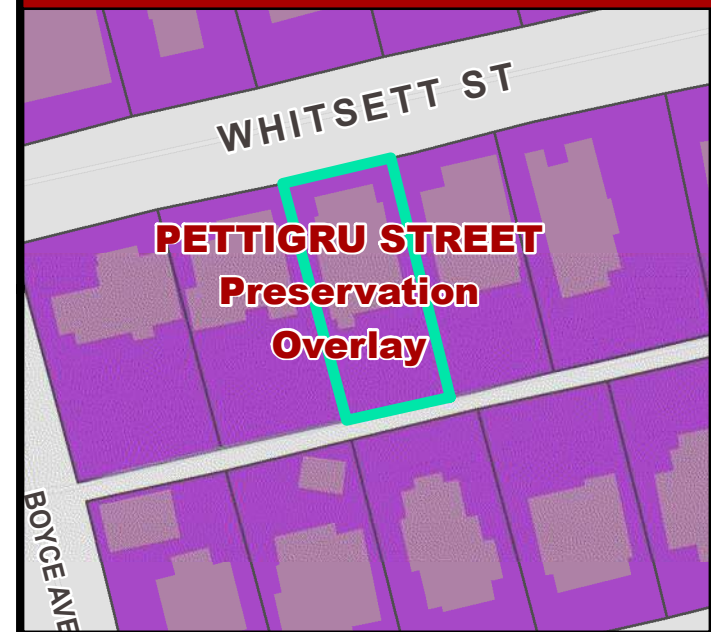
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE* Jessica Kilcoyne

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

APPLICANT'S REPRESENTATIVE: _____

(Optional) _____ Name _____ Title / Organization _____

MAILING ADDRESS: 106 Whitsett Street Greenville, SC 29601

PHONE: 864-525-2809 EMAIL: jesskilcoyne@gmail.com

PROPERTY OWNER: Jessica Kilcoyne

MAILING ADDRESS: 106 Whitsett Street Greenville, SC 29601

PHONE: 864-525-2809 EMAIL: jesskilcoyne@gmail.com

PROPERTY INFORMATION

STREET ADDRESS: 106 Whitsett Street Greenville, SC 29601

TAX PARCEL #: 0047000400400 ACREAGE: 0.16 ZONING DESIGNATION: OD

REQUEST

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

DESCRIPTION OF PROPOSED LAND USE: _____

Short term rental of a residential home

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.

X

_____ ‘Public Hearing’ signs are acknowledged as received by the applicant

Jessica Kilcoyne

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.

Jessica Kilcoyne

APPLICANT / REPRESENTATIVE SIGNATURE

9/19/2021

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.

Zoning OD allows for residential use and this property will be offered for short term residential rental.

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

19-5.2 Building is an existing one story residence built in approximately 1904. Entire home will be rented solely to one group at a time.

19-4.3.3(H)(3)(c) Five off street parking spaces are available.

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.

Residential use is permitted at this location. The short term rental is appropriate for the proximity to the Bon-Secour Arena and downtown.

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.

Traffic at this location would be no more than would be typical for a residence. There are five parking spaces in the rear parking area.

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.

Several short term rental properties are located in the Historic Pettigru neighborhood with no obvious negative adverse effect.

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

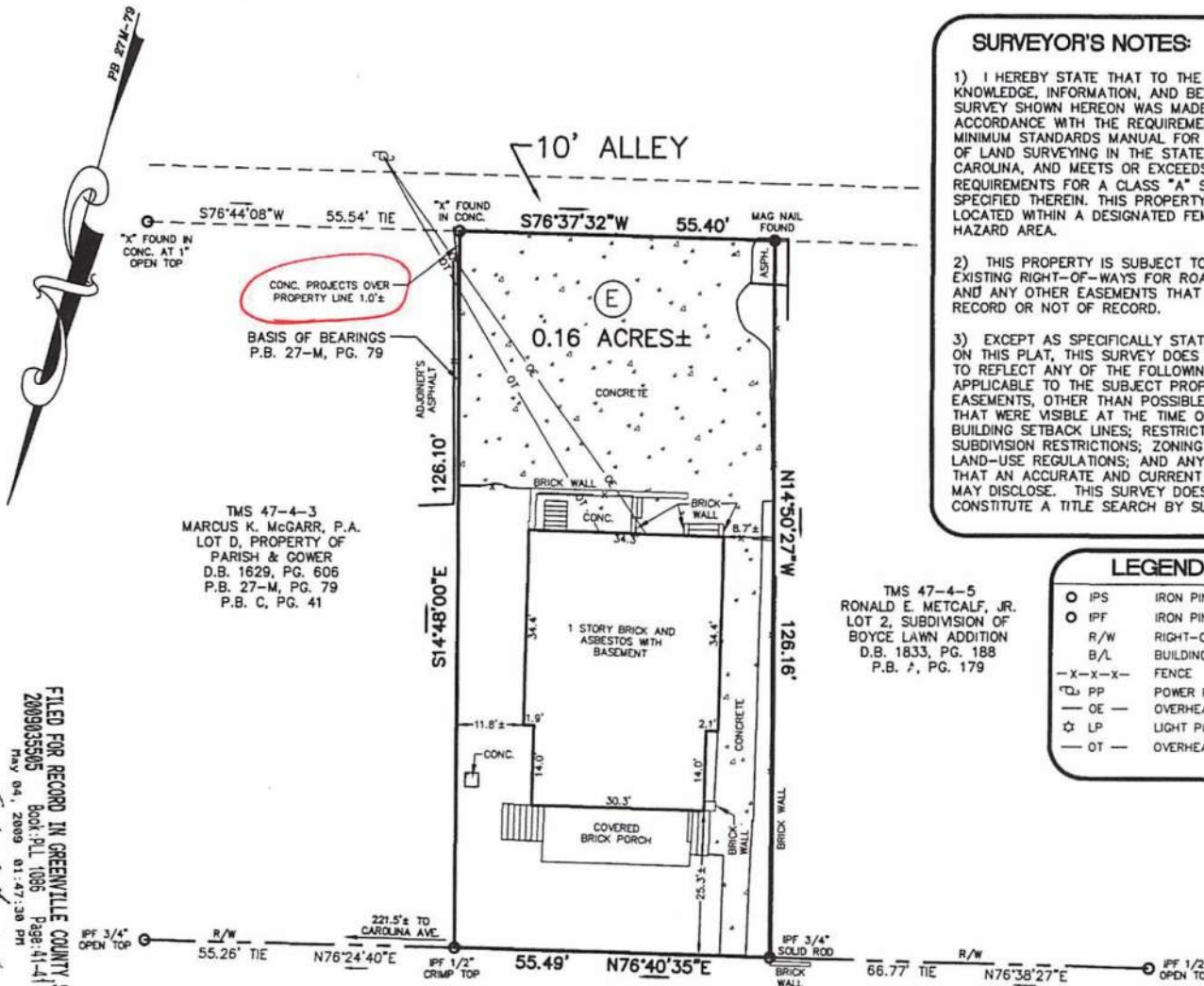
The location is very vacant/quiet on the weekends due to offices being closed and the primary rental activity will be on the weekends.

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

This is a residential home with appropriate updates to meet this use.

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

Permitted without an exception in C-3, C-4, S-1, and RDV and with exception in O-D and C-2.



TMS 47-4-3
MARCUS K. McGARR, P.A.
LOT D, PROPERTY OF
PARISH & GOWER
D.B. 1629, PG. 606
P.B. 27-M, PG. 79
P.B. C, PG. 41

TMS 47-4-5
RONALD E. METCALF, JR.
LOT 2, SUBDIVISION OF
BOYCE LAWN ADDITION
D.B. 1833, PG. 188
P.B. A, PG. 179

SURVEYOR'S NOTES:

- 1) I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FEMA FLOOD HAZARD AREA.
- 2) THIS PROPERTY IS SUBJECT TO ANY AND ALL EXISTING RIGHT-OF-WAYS FOR ROADS, UTILITIES AND ANY OTHER EASEMENTS THAT MAY APPEAR OF RECORD OR NOT OF RECORD.
- 3) EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS; AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR.

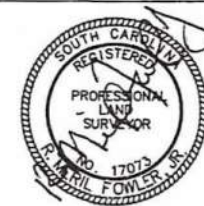
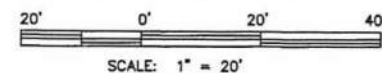
LEGEND

- IPS IRON PIN SET
- IPF IRON PIN FOUND
- R/W RIGHT-OF-WAY
- B/L BUILDING SETBACK LINE
- X-X-X- FENCE
- PP POWER POLE
- OE OVERHEAD ELECTRIC LINE
- LP LIGHT POLE
- OT OVERHEAD TELEPHONE LINE

LANDMARK SURVEYING

LANDMARK SURVEYING, INC.
205 E. STONE AVENUE
GREENVILLE, SC 29609
TEL. (864) 242-8872
EMAIL: mfowler@msurvey-inc.com

DRAWN: KB PARTY CHIEF: EW CHECKED: RMF
REF. PLAT BOOK: C-41
REF. DEED BOOK: 1654, PAGE 359
TAX MAP: 47-4-4
DATE OF SURVEY: APRIL 27, 2009
DRAWING NO: 29079LP
DATE OF LAST REVISION:



PLS: R. MERIL FOWLER JR.
NO: 17073

STATE OF SOUTH CAROLINA
GREENVILLE COUNTY
CITY OF GREENVILLE

CLOSING SURVEY FOR
WILLIAM A. CRANE
SARA C. CRANE
LOT E
PROPERTY OF
PARISH AND GOWER

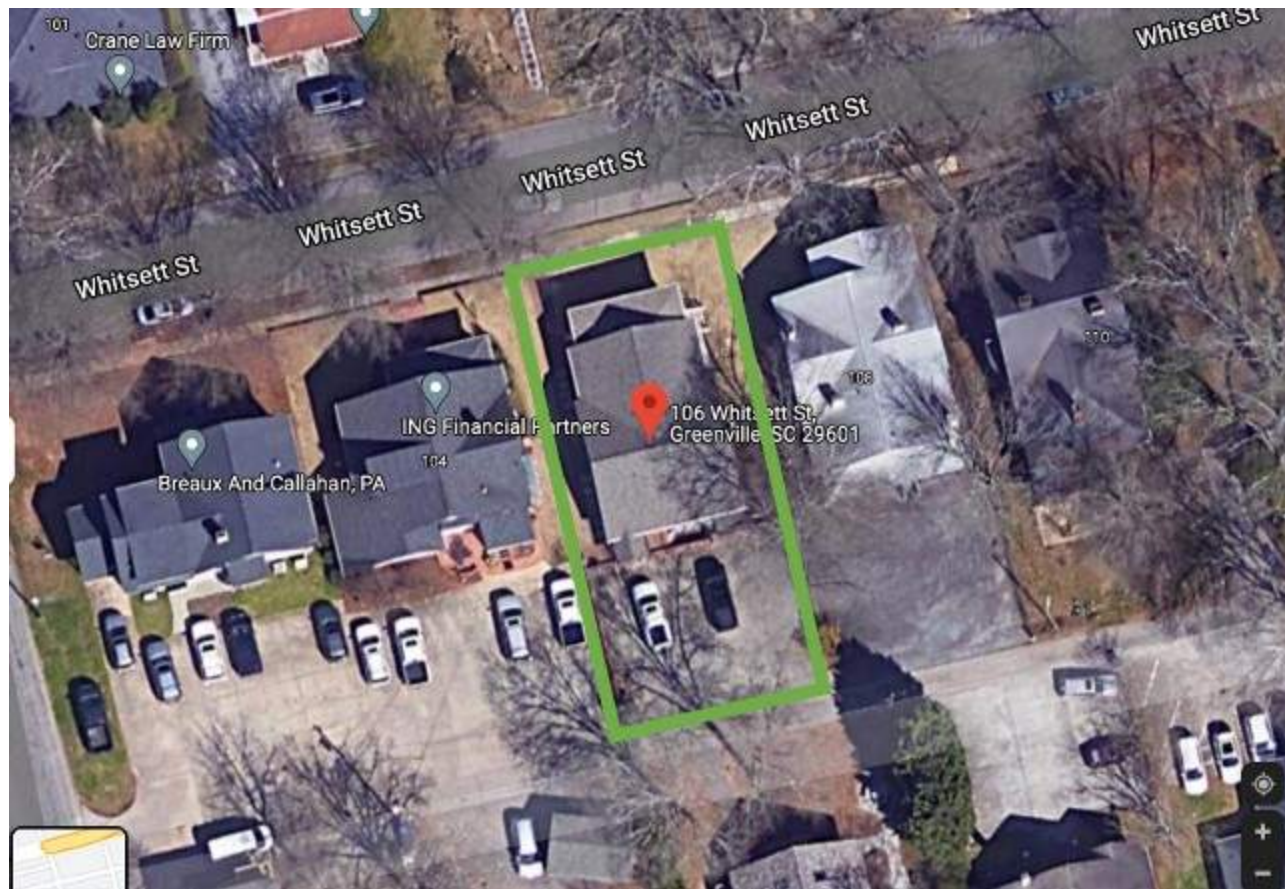
SITE ADDRESS:
106 WHITSETT STREET
GREENVILLE, SC 29601

WHITSETT STREET
(50' R/W PER P.B. 27-M, PG. 79)

2009035505 PLAT/LG
1 PG
May 04, 2009 01:47:30 PM Book: PLL 1088 Page: 41-41
Rec: \$10.00 Cnty Tax: \$0.00 State Tax: \$0.00
FILED IN GREENVILLE COUNTY, SC

FILED FOR RECORD IN GREENVILLE COUNTY SC ROD
2009035505 Book: PLL 1088 Page: 41-41
May 04, 2009 01:47:30 PM

Timothy J. Manning





**Planning Staff Report to
Board of Zoning Appeals
November 8, 2021**
for the November 11, 2021 Public Hearing

Docket Number:	S 21-781
Applicant:	Group Therapy Pub & Playground (Matthew Hubbard)
Property Owner:	CAP Camperdown Retail, LLC
Property Location:	320 Falls Street, Suite G
Tax Map Number:	006100-03-04114; 006100-03-04115
Acreage:	2.1
Zoning:	C-4, Central Business District
Proposal:	SPECIAL EXCEPTION to operate a 'Bar' use and 'Indoor entertainment facility' use, with operation after midnight

Applicable Sections of the City of Greenville Code of Ordinances:

Sec.19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*

Sec.19-2.3.5, *Special Exception Permit*

Sec.19-4.1, *Table of Uses*

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

Sec. 19-4.3.3 (F) (10), *Nightclub or Bar*

Staff Recommendation: Approve with Conditions

Staff concludes that the Application complies with the standards to grant a Special Exception Permit as an **'Indoor entertainment facility'** and **'Bar', with operation after midnight**. If the Board decides to grant the Permit, Staff suggests the following conditions:

1. The Special Exception Permit is limited to the Applicant, Group Therapy Pub & Playground (Matthew Hubbard), and is not transferrable.
2. Operation of the facility shall be limited to a "nightclub/bar," as defined by this Code, and shall substantially conform to the statements 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. Operation of the business shall always comply with the provisions of the South Carolina Alcoholic Beverage Control Act and the regulations of the department of revenue.
3. Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 7:00 a.m.
4. Loitering, solicitation, and disorderly conduct is always prohibited. Rules, consistent with the provisions of the Greenville Code of Ordinances, shall be posted in conspicuous locations on the building and throughout the parking lot and shall be enforced by the proprietors.
5. 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.

6. 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.
7. Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
8. At all times during its occupancy, the applicant shall assign a manager on the premises who shall ensure compliance with the terms of the special exception permit, this Code, and the applicable S.C. Code of Laws and Regulations.
9. The applicant and all its managers and employees responsible for serving any alcoholic beverage (current and future) shall participate in the merchant education/server training program offered by the Phoenix Center or comparable program offered by other vendors approved by the city police department. Evidence of satisfactory completion of this training for each employee shall be retained on-site and available for inspection by the administrator and the city police department. Current personnel shall receive training within 90 days of the date of approval of a special exception permit and future personnel shall receive training within 30 days of hire.
10. The applicant shall retain a minimum of two (2) security guards, of which one (1) shall be off-duty sworn law enforcement officer positioned outside the business on Fridays and Saturdays between the hours of 10:00 PM and 2:15 AM and at any time, while open for business, when it is reasonably anticipated that a larger-than-average number of patrons may occupy the premises. The security person(s) must possess a "Security Officer Registration Certificate" pursuant to Chapter 18 of Title 40 of the SC Code of Laws, or as an alternative, may be an off duty sworn law enforcement officer. No other employee may serve in the capacity of a security person unless so certified.
11. Occupant capacity of the establishment shall be established by the city building codes administrator. The applicant shall designate staff at all ingress/egress points as responsible to monitor the flow of patrons.
12. The Applicant shall take reasonable measures to ensure that the business and its patrons comply with City ordinances and State laws intended to preserve the public peace, safety and order, including but not limited to: occupancy loads, prohibitions on disorderly conduct and public intoxication, prohibitions on noise in violation of the City's noise ordinance, smoking, encroachment ordinances, adequate patron parking and applicable parking restrictions.
13. The applicant shall provide executed shared parking agreements, with the owners of the parking garages and any valet service parking site, cited in the applicant's testimony, that provide the required number of parking spaces indicated by the Land Management Ordinance for the use, on or before the time of the request for a Certificate of Occupancy (CO).
14. A copy of the special exception permit shall be maintained on premises with other related inspection, licensing, and occupancy information.

Staff Analysis:

The Applicant, Matthew Hubbard, with Group Therapy Pub & Playground, requests a special exception for an "indoor entertainment facility" use to operate after midnight in a C-4, Central business district. The subject site is located at 320 Falls Street, Suite G, with its main entry at the rear corner of the plaza, within the retail section of the Camperdown development.

Per Sections 19-4.1 (*Table of Uses*) and 19-4.3.3(A) and (F)(10) (*Use-specific standards for Commercial, General and Nightclubs or Bars*), a special exception permit is required for indoor entertainment facilities, bars, and any business in the C-4 district, with operations after midnight. The proposal includes establishment of a restaurant space, a bar area for beer, wine, and cocktails, entertainment and games,

to include mini golf, axe throwing, ice curling, ping pong, and in addition to trivia, karaoke, and bingo nights. Hours of operation extend as late as 2 am all days of the week.

The Technical Advisory Committee (TAC) met with the applicant on October 18, 2021 and recommended approval of the special exception permit with conditions. These recommended conditions are listed at the end of this report.

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

1. The Use Is Consistent with the Comprehensive Plan(s):

The Future Land Use Map of the City's GVL 2040 Comprehensive Plan designates this property 'Center City' which is described as follows:

Center City is Greenville's downtown central business district. It contains a mix of land uses that includes but is not limited to office, service, retail, entertainment, cultural, government, civic, light manufacturing, and residential. Development is expected to be pedestrian-oriented and designed to actively engage streets, parks, plazas, the riverfront, and other public spaces.

The proposed use aligns directly with the desired "entertainment" use in the Center City FLUM classification and will bring additional pedestrian traffic through the new plaza constructed with the Camperdown development.

Staff finds that the proposed use is consistent with the GVL 2040 Comprehensive Plan.

2. The Use Will Comply with the Use Specific Standards:

Use-specific standards for commercial uses and 'Bars', open after midnight, are listed below:

19-4.3.3(A) General.

- (1) *Design standards. Except where specifically exempted by this chapter, nonresidential uses shall comply with the standards in subsection 19-6.5.*
- (2) *Commercial uses located within the OD, C-1, C-2, C-4, RDV, and PD districts open to the public between the hours of 12 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and, at a minimum, are subject to the following standards:*
 - (a) *The standards for granting a special exception permit.*
 - (b) *On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12:00 midnight and 5:00 a.m.*
 - (c) *Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 5:00 a.m.*
 - (d) *Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinances shall be posted in conspicuous locations and shall be enforced by the proprietors.*
 - (e) *Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. No exterior amplified sound shall be permitted between the hours of 10:00 p.m. and 11:00 a.m. Interior sound amplification shall be located only as reflected on an approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.*
 - (f) *Drive-through facilities shall be closed between the hours of 12:00 midnight and 5:00 a.m.*
 - (g) *Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.*

- (h) *The required permit, either special exception permit or conditional use permit, shall be limited to the applicant and shall not be transferrable. Copy of the special exception permit or the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.*

19-4.3.3(F)(10) *Nightclub or bar. In addition to complying with the standards for granting a special exception, such use shall comply with the location standards established by the state and:*

- (a) *A conditional use permit shall be limited to the applicant or a legal entity authorized to be represented by the applicant, and shall not be transferrable.*
- (b) *Operation of the facility shall be limited to a "nightclub/bar," as defined by this Code, and shall substantially conform to the statements 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 conditional use permit. Operation of the business shall comply at all times with the provisions of the South Carolina Alcoholic Beverage Control Act and the regulations of the department of revenue.*
- (c) *At all times during its occupancy, the applicant shall assign a manager on the premises who shall ensure compliance with the terms of the conditional use permit, this Code, and the applicable S.C. Code of Laws and Regulations.*
- (d) *The applicant and all of its managers and employees responsible for serving any alcoholic beverage (current and future) shall participate in the merchant education/server training program offered by the Phoenix Center or comparable program offered by other vendors approved by the city police department. Evidence of satisfactory completion of this training for each employee shall be retained on-site and available for inspection by the administrator and the city police department. Current personnel shall receive training within 90 days of the date of the granting of a conditional use permit and future personnel shall receive training within 30 days of hiring.*
- (e) *As may be recommended by the technical advisory committee, the administrator may require the applicant to retain outdoor security persons during operation of the establishment. The security persons must possess a security officer registration certificate pursuant to S.C. Code 1976, title 40, chapter 18, or, as an alternative, may be an off-duty sworn law enforcement officer. No other employee may serve in the capacity of a security person unless so certified.*
- (f) *Occupant capacity of the establishment shall be established by the city building codes administrator. The applicant shall designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons.*
- (g) *Exterior sound amplification shall be prohibited except in areas specifically authorized on the approved site plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. Specified hours of exterior sound amplification shall be limited by the permit.*
- (h) *Interior sound amplification shall be located only as reflected on the approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building. Except to provide ingress and egress, exterior doors and windows shall remain closed after 10:00 p.m.*
- (i) *Rooftop decks shall have perimeter guard railing above table surfaces.*
- (j) *Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code shall be posted in conspicuous locations on the building and throughout the parking lot and shall be enforced by the proprietors.*
- (k) *The application shall comply with city noise, smoking, and encroachment ordinances.*
- (l) *A copy of the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.*

- (m) *The administrator may attach additional conditions to the conditional use permit which will protect nearby uses from any adverse impacts reasonably expected to occur as a result of the operation of the nightclub/bar.*

The applicant states the intent to comply with these use-specific criteria within their application. Upon discussion with the Technical Advisory Committee, the applicant displayed awareness of potential issues about noise, security, monitoring occupant capacity, training for management and staff, and overall hours of operation. Staff recommends formally incorporation of TAC's recommended conditions, listed at the end of this report, into any motion for approval.

Staff finds, with appropriate conditions, the use complies with the specific use standards of the Land Management Ordinance.

3. The Use Is Compatible with the Character of Surrounding Lands:

The subject property is surrounded by C-4, Central business district zoning. Adjacent uses, within the development, include office to the west, multifamily residential to the east, a parking garage to the south, and the plaza and entry to the facility to the north. There is no second story to the applicant's area of use. The building area above the area of use is covered primarily with the chillers for the office use and a pool for the multifamily section of the development. Other adjacent uses to the overall development are office, retail, and park/open space.

The area requested for use in this application is relatively insulated from adjacent land uses, and where this is not the case, uses are of a similar character and classification.

Staff finds that the use is compatible with surrounding lands.

4. The Design Does Not Have Substantial Adverse Impact:

The proposed use is located within the Camperdown development. Impacts of service delivery and parking will not exceed those already anticipated for the development. With area requested insulated from adjacent properties by the development, issues such as odors, noise, glare, and vibration should be relatively minor. If outdoor noise amplification is limited and appropriate levels of outdoor security are provided during the later hours of the night, potential negative impacts of the development should be manageable and should have minimal effect.

To minimize detrimental impacts on adjacent residential land uses, staff recommends approval of the special exception permit be conditioned upon the findings and recommendations of TAC, listed at the end of this report and within the Staff Recommendation.

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

TAC Findings and Recommendation:

FINDINGS OF THE COMMITTEE:

1. The application, including the Application for Special Exception, Zoning Compliance Application, and all other documents submitted supplemental to those applications and received as part of the Board of Zoning Appeals files for this case prior to the Technical Advisory Committee review, is hereby incorporated and made a part of the findings of this Committee.
2. The applicant indicates the intent to operate an indoor entertainment facility, bar, and restaurant.

3. The applicant indicates expected hours of operation of Monday thru Sunday, 11 am to 2 am, and age restricted to 21 years old and over after 7 pm.
4. The applicant indicates the layout of the business will include restaurant seating on one side, games on the other side, and bar services throughout, with dedicated spaces for private, VIP, or corporate functions.
5. The applicant indicates weekday programming will include dedicated karaoke nights, bingo, and trivia nights, that begin approximately 5pm - 6pm, and end 2am, or close of business, if there is insufficient demand.
6. The applicant indicates on weekends including Friday and Saturday nights, live entertainment will be available, which includes DJ's, bands, musicians, and singers, and additional karaoke opportunities that begin as early as 5 pm to close on Fridays, and from time of open to time of close on Saturdays and Sundays.
7. The applicant indicates that security will be provided by CAP Camperdown LLC, as provided for all tenants in the Camperdown development. The initial plan indoors is to have no in house security Sunday – Thursday open to close; Friday and Saturday from 7pm till close there will be one security staff member at the front door dedicated to security, checking ID's, and occupancy control during transition to 21+ only.
8. The applicant indicates that parking is available in the parking garage directly below the business, the adjacent garage connected by breezeway, and through valet service off Falls Street, with most of the parking made available when the office uses on site vacate spaces.

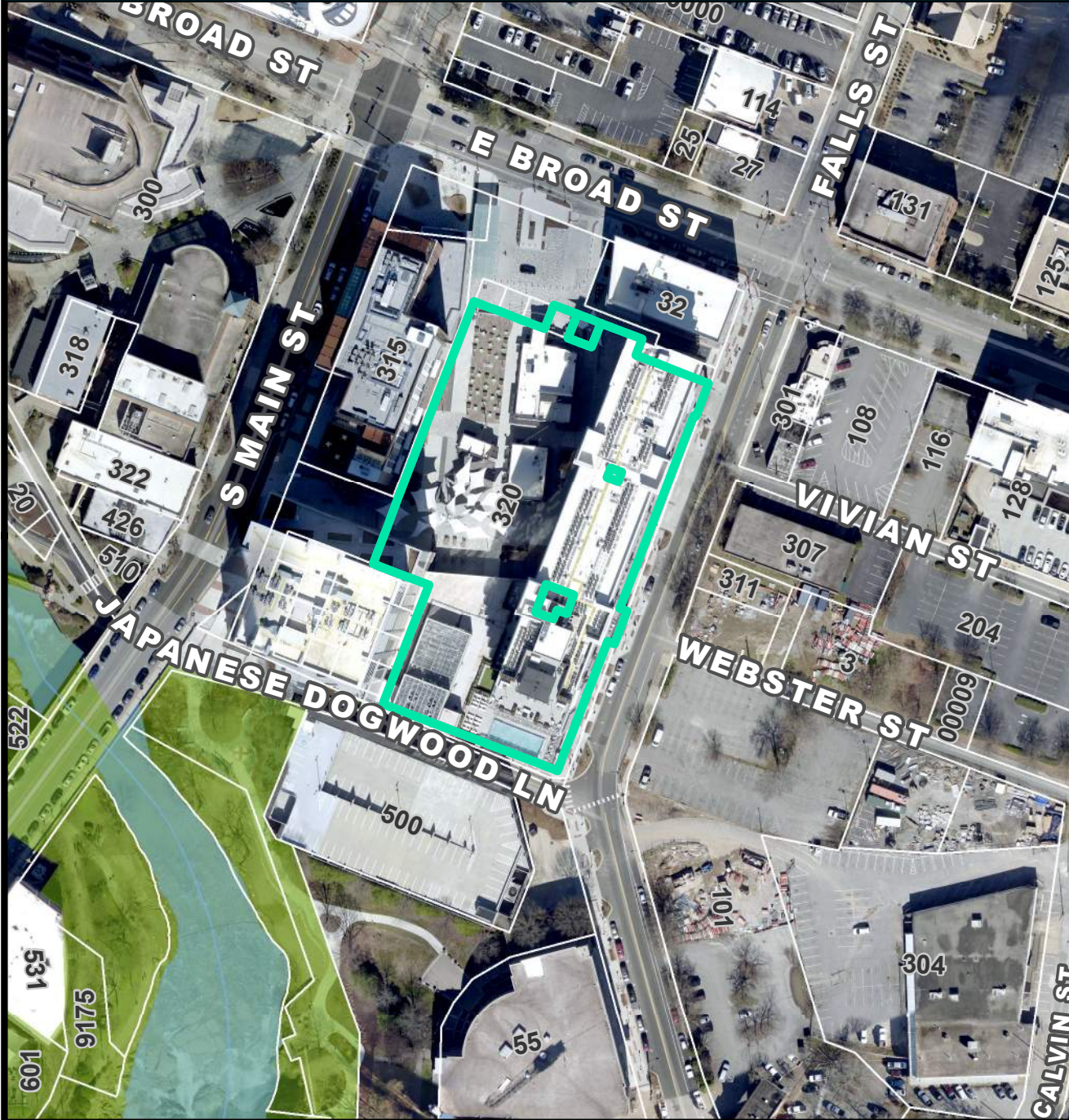
RECOMMENDATIONS OF THE COMMITTEE:

1. This Committee recommends that the Board of Zoning Appeals **approve** the application for a Special Exception Use Permit.
2. In order to prevent and/or minimize any potential adverse effects from the Applicant's business on surrounding uses, this Committee recommends that the Board of Zoning Appeals make the following recommendations a condition or conditions of the permit. These conditions are related in type and scale to the impact the proposed use would have on the public and surrounding land uses and are in addition to the standard requirements outlined in Section 19-4.3.3(C) of the Land Management Ordinance:
 - a. This Committee recommends the Applicant maintain hours of operation that are substantially consistent with those stated by the applicant.
 - b. This Committee recommends that all interior amplification be located only as reflected on the approved floor plan and be directed away from the principal entrance or directed toward the interior of the building.
 - c. This Committee recommends that, except to provide ingress and egress, exterior doors and windows shall remain closed after 10:00 pm.
 - d. This Committee recommends that any exterior sound amplification is prohibited except in areas specifically authorized on an 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 pm and 11:00 am.

- e. This Committee recommends that the Applicant take reasonable measures to ensure that the business and its patrons comply with City ordinances and State laws intended to preserve the public peace, safety and order, including but not limited to: occupancy loads, prohibitions on disorderly conduct and public intoxication, prohibitions on noise in violation of the City's noise ordinance, adequate patron parking and applicable neighborhood parking restrictions.
- f. This Committee recommends that at all times during its occupancy, the applicant shall assign a manager on the premises who shall ensure compliance with the terms of the special exception permit, this Code, and the applicable S.C. Code of Laws and Regulations.
- g. This Committee recommends that the applicant and all of its managers and employees responsible for serving any alcoholic beverage (current and future) shall participate in the merchant education/server training program offered by the Phoenix Center, or comparable program offered by other vendors approved by the city police department. Evidence of satisfactory completion of this training, for each employee, shall be retained on-site and available for inspection by the administrator and the city police department. Current personnel shall receive training within 90 days of the date of the granting of a conditional use permit and future personnel shall receive training within 30 days of hiring.
- h. This Committee recommends that the applicant shall retain a minimum of two (2) security guards, of which one (1) shall be off-duty sworn law enforcement officers positioned outside the business on Fridays and Saturdays from the hours of 10:00 PM and 2:15 AM 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. The security person(s) must possess a "Security Officer Registration Certificate", pursuant to Chapter 18 of Title 40 of the SC Code of Laws, or, as an alternative, may be an off-duty sworn law enforcement officer. No other employee may serve in the capacity of a security person unless so certified.

S 21-781 • 320 FALLS STREET, STE G

AERIAL VIEW



CURRENT ZONING

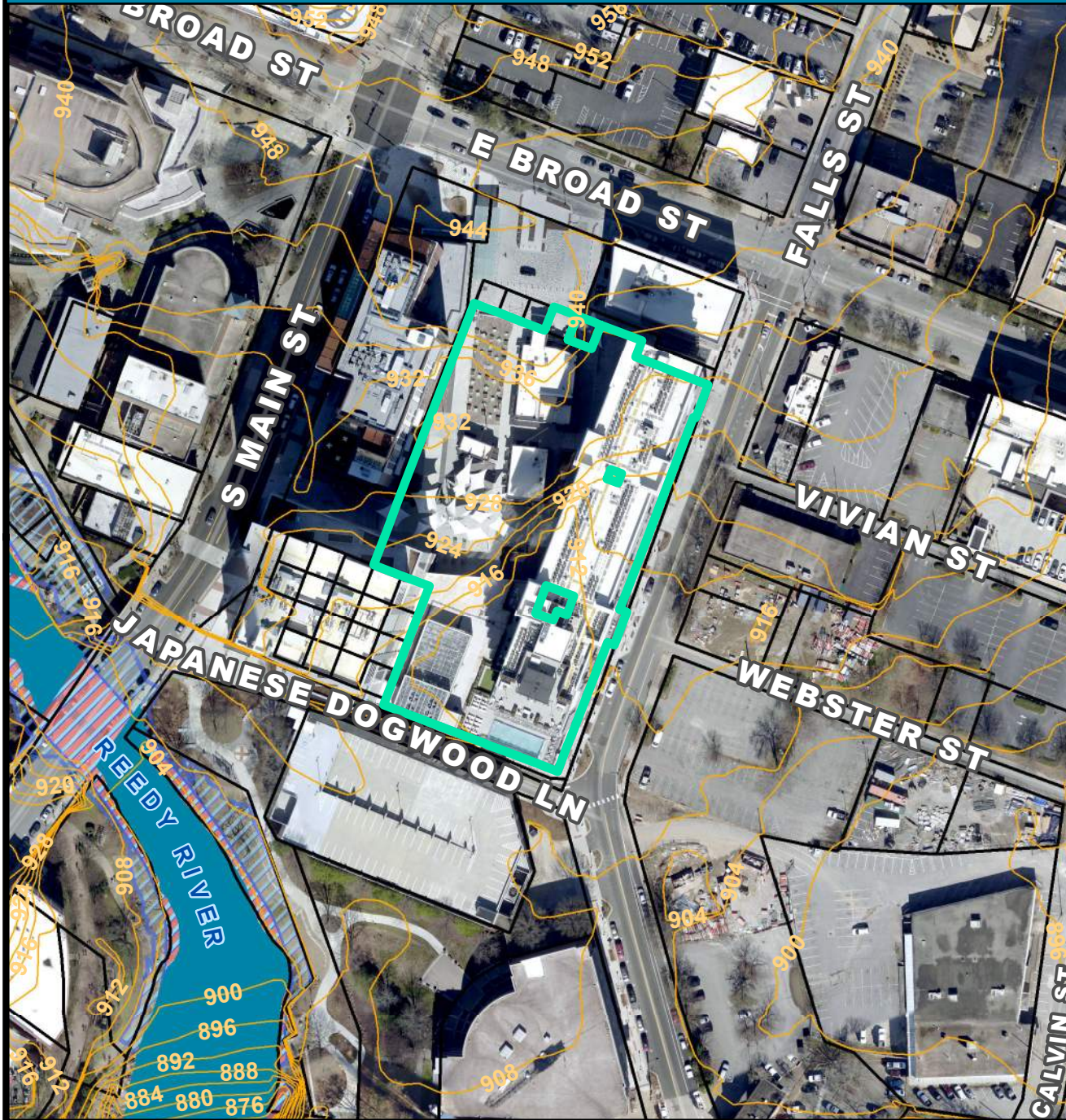


FUTURE LAND USE



S 21-781 • 320 FALLS STREET, STE G

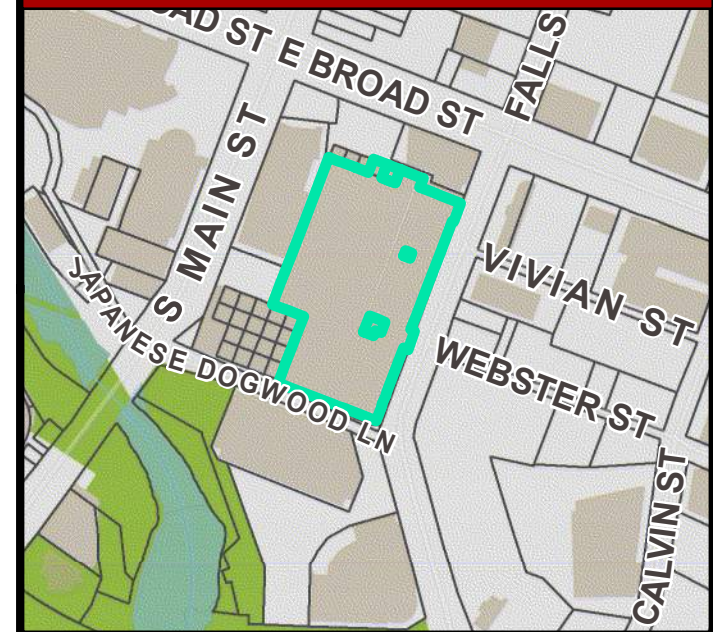
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Matthew Hubbard

Member / GT Greenville, LLC

* _____ Name Title / Organization

permit may be limited to this entity. _____

APPLICANT'S REPRESENTATIVE:
(Optional)

_____ Name Title / Organization

MAILING ADDRESS: P.O. BOX 731 GREENVILLE, SC 29601

PHONE: 7066141758 EMAIL: MATT@GROUPTHERAPY.FUN

PROPERTY OWNER: CAP CAMPERDOWN RETAIL, LLC

MAILING ADDRESS: 423 S. MAIN STREET SUITE 702 GREENVILLE, SC 29601

PHONE: 8646163606 EMAIL: REBECCAG@CAPLLC.COM / REBECCA GAULT

PROPERTY INFORMATION

STREET ADDRESS: 320 FALLS STREET SUITE G GREENVILLE, SC 29601

TAX PARCEL #: #0061000304114 ACREAGE: _____ ZONING DESIGNATION: C4

REQUEST

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

DESCRIPTION OF PROPOSED LAND USE:

Property will be used as a restaurant serving alcohol with entertainment and games staying open till 2.am

INSTRUCTIONS

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

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

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

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

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

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

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



Applicant Signature

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

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

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

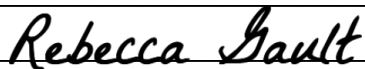
To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is ☐ or is not ☒ restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.



APPLICANT / REPRESENTATIVE SIGNATURE

10/5/2021

DATE



PROPERTY OWNER SIGNATURE

10 / 05 / 2021

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.

Group Therapy Pub & Playground will bring to downtown Greenville a new restaurant, Bar, and entertainment venue. We will feature traditional pub food, beer, wine, Cocktails, and games. Games include mini golf, axe throwing, ice curling, and ping pong. We will also offer trivia, karaoke, bingo, league, and tournament nights. We will also offer trivia, karaoke, bingo, league, and tournament nights.

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

We Will Comply with the uses stated in section 19-4.3

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

The proposed use matches the mix of retail and restaurants adjacent to our Restaurant including CAMP and Juniper. This concept is of the highest quality finishes That will help to greatly increase the value of offerings to downtown Greenville For its locals and visitors and increase traffic to other local businesses.

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.

Group Therapy will be located within the Camperdown development which has A dedicated parking garage, space for loading and deliveries, it's own trash shoots And many of our interior design features and equipment will limit or rid of all odors, Noise, glare, and vibration from neighboring retail and offices spaces.

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.

Group Therapy is consistent with the other currently permitted businesses that are also bars, restaurants and entertainment venues also in downtown Greenville.

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).

Group Therapy will be bringing a first class bar, restaurant, and entertainment venue to help support and bring even more locals and visitors to the downtown Greenville area.

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

The Camperdown property development infrastructure was designed to adequately support the capacity for our proposed use of a restaurant and bar and entertainment venue.

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

Yes, there are other currently permitted businesses that also offer bar, restaurant, and entertainment in the downtown Greenville area.



Zoning Compliance Application

Establishments Serving Beer, Wine, Or Liquor

Applicant

Name GT Greenville, LLC Phone 7066141758
Mailing Address P.O. Box 731 Greenville, SC 29602
Email Matt@grouptherapy.fun
Signature of Applicant  Date 10/5/2021

Property Owner

Name CAP CAMPERDOWN RETAIL, LL Phone 8646163606
Mailing Address 1 423 S. Main Street, Suite 702 Greenville, SC 29601
Email rebeccag@capllc.com
Rebecca Gault
Signature of Property Owner  Date 10/5/2021

Property Information

Address 320 Falls Street Suite G Greenville, SC 29601
TMS# #0061000304114 Zoning District Designation C4
#0061000304115

Description of Proposed Use

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

Operating Plan

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

Seating Plan

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

Security Procedures

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

Business Plan

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



Provide a response for each of the following:

1. Describe the ways in which the proposed use is consistent with the comprehensive plan.
Group Therapy Pub & Playground will bring to downtown Greenville a new resta
Bar, and entertainment venue. We will feature traditional pub food, beer, wine,
Cocktails, and games. Games include mini golf, axe throwing, ice curling, and pi
We will also offer trivia, karaoke, bingo, league, and tournament nights.
2. Describe the ways in which the request is appropriate for its location and is compatible with the character of existing and permitted uses of surrounding lands and will not reduce the property values thereof.
The proposed use matches the mix of retail and restaurants adjacent to our
Restaurant including CAMP and Juniper. This concept is of the highest quality fi
That will help to greatly increase the value of offerings to downtown Greenville
For its locals and visitors and increase traffic to other local businesses.
3. Describe the ways in which the request will minimize adverse effects on adjacent lands including: visual impacts; service delivery; parking and loading; odors; noise; glare; and, vibration. Describe the ways in which the request will not create a nuisance.
Group Therapy will be located within the Camperdown development which has
A dedicated parking garage, space for loading and deliveries, it's own trash sho
And many of our interior design features and equipment will limit or rid of all odo
Noise, glare, and vibration from neighboring retail and offices spaces.

Meet With the Technical Advisory Committee

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

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

Police
Fire
Planning
Legal

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

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

Group Therapy Technical Advisory Committee Application

Operating Plan

1. **Type of use:** Full service restaurant, bar, and entertainment venue serving food, beer, wine, and alcohol.
2. **Hours of operation:** 7 days a week from 11am to 2am. Hours could change seasonally based on demand but will never extend past 11am or 2am.
3. **Staffing schedule:** Afternoon from 11am - 6pm and evening from 6pm to 2am.
4. **Kitchen equipment schedule:** See exhibit A.
5. **Menu and hours of food service:** See exhibit B. Our food service hours will be consistent with the hours we are open from 11am to 2am.
6. **Parking for customers and employees:** The Building and Lease offer no dedicated parking for either customers or employees and the establishment will rely on public parking. The Camperdown development has two nearby parking garages and valet service directly underneath and adjacent to the location.
7. **Designated smoking area:** N/A
8. **Type of entertainment and duration:** Weekday programming will include dedicated karaoke nights, bingo, and trivia nights. These programs will start and end consistent with the end of the work day starting at approximately 5pm - 6pm, and lasting till 2am or close of business if there is sufficient demand. On weekends including Friday and Saturday nights, we will include live DJ's, live bands, musicians, and singers, and additional karaoke opportunities. These programs will be consistent with demand and could start as early as 5pm - close on Fridays, and open to close on Saturdays and Sundays. Mini Golf, Synthetic Ice Curling, Ping Pong, and Axe Throwing will also be available 7 days a week, open to close.
9. **Closing / last call procedures:** An announcement over our sound system will announce the last call which will be at 1:45am with all the customers gone from the building by 2am.

Security Procedures

1. **Number and type of designated security staff:** The Camperdown development provides all tenants a 24/7 onsite security personnel. The initial plan for Group Therapy indoors is to have no in house security Sunday – Thursday open to close. Friday and Saturday from 7pm till close there will be one security staff member at the front door dedicated to security, checking ID's, and occupancy control as we transition to 21+ only. We will make adjustments to this plan as we see the need.

2. **Training / certification of the staff:** We plan to train each employee to whatever the required level or certification may be for that role which may include but not limited to ServSafe, TIPS, and other restaurant and bar industry training.

3. **Specific duties / responsibilities of staff:**

Bartender – The Bartenders will be the primary customer service contact and will have the majority of the floor responsibilities. Make and serve drinks, take food orders, countdown cash and credit card receipts every night. Clean the bar at the end of the night and prepare the restaurant for the next shift.

Barback – Keep the bar and surrounding area clean and free for movement, keep all needed items stocked and easily reachable for the bartenders, and to handle random issues that may occur. Clean the bar at the end of the night and prepare the restaurant for the next shift.

Kitchen Staff – Prep food for cooking, cook orders, keep the kitchen clean during and after shift and to keep the kitchen in compliance with all relevant laws and codes.

Security – Check ID's for legal drinking age, maintain the order and safety of everyone in the venue, crowd management and occupancy enforcement, help clean and prepare the restaurant for the next shift at the end of the night.

Assistant Managers - They will float from different areas of the venue to assist as needed. They will also handle all customer service complaints and issues.

Kitchen and Bar Manager - They will oversee the kitchen, waiter, bartender staff to ensure compliance with all applicable laws and codes. Hold staff accountable for their duties and responsibilities. Provide support in other areas as needed.

General Manager - They will oversee all operations of the business and provide support as needed including the day to day operations.

Event Manager - Responsible for booking events, parties, and team builders and setting up these events as they happen.

4. **Entry / exit and re-entry procedures.** The front door will act as the primary entrance and exit for normal hours of operation. When security is needed all ID's will be checked at the front door and occupancy number will be counted continually. In the case of an emergency all of the patrons will be directed to

leave via the front door/main entrance. The restaurant will be in compliance with all state and local laws in regards to Exit Signs and maintaining each exit.

5. **Crowd management** - When necessary there will be staff security located at the front door continually counting for occupancy to maintain crowd control and manage the occupancy numbers. Should the venue reach occupancy capacity a line will be formed down in front of the venue with stanchion lines. There is plenty of Camperdown plaza space in this area and there is no other business in operation.
6. **Crime prevention through environmental design** - The venue has been designed in such a way that almost every area is open and can be observed by security and employees at a single glance. The primary entrance being the only viable method of entry or exit unless there is an emergency and the kitchen exit needs to be used makes controlling who comes in and out of the venue possible.

Operating Plan

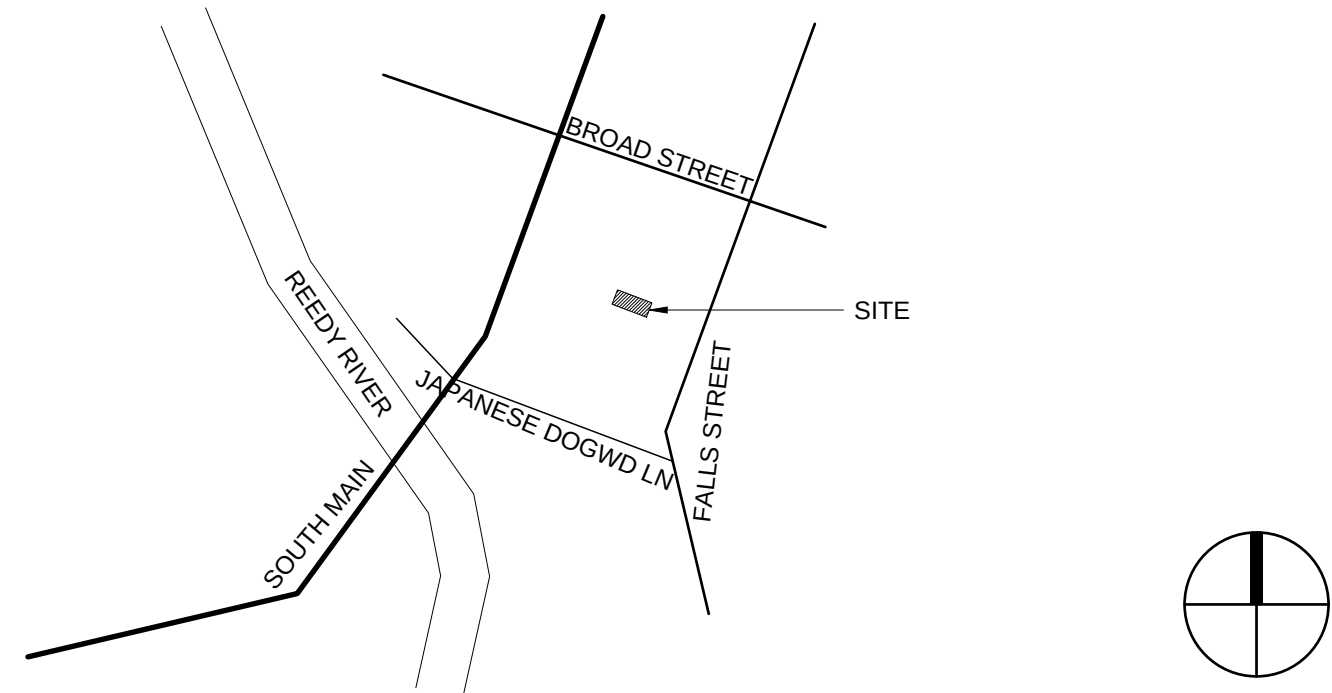
1. **Seating plan** - See exhibit C.
2. **Schedule a feasibility inspection of the property** - We will schedule the inspection and be available to reply with any reasonable request made by the inspector.

Business Plan

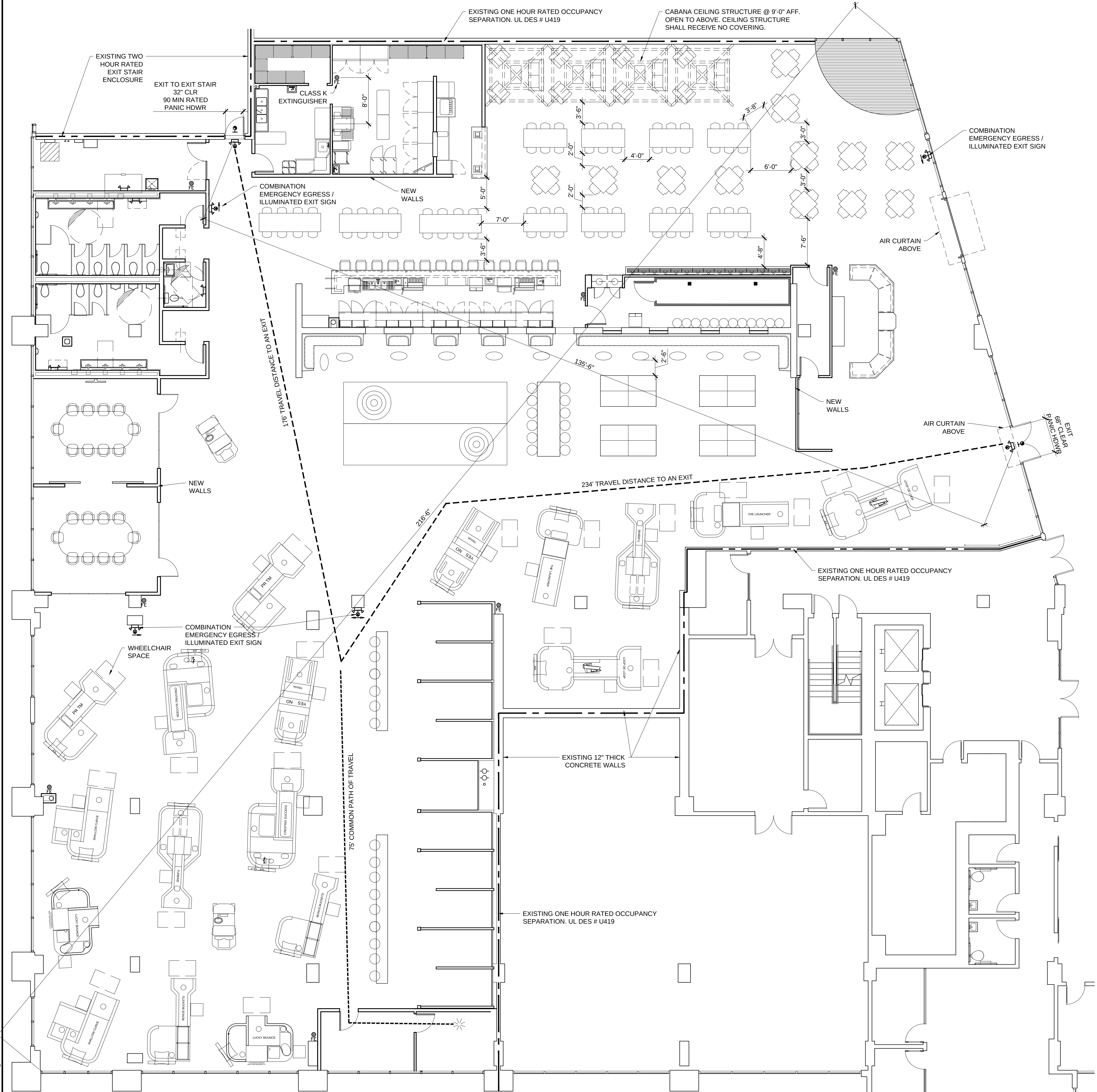
1. **Business Plan Summary: Target Audience, Theme, Objectives / Goals** - Our target audience is young professionals aging from 18 - 40. Our theme is to redefine and create a new modern take on therapy by providing a fun atmosphere for all ages to have fun, eat, and play. Our objective and goal is to bring to downtown Greenville their first entertainment concept and to inspire play through community with others.
2. **Projected revenue % alcohol vs. food sales** - 75 % alcohol vs 25 % food.
3. **Fees for entry / membership / entertainment** - There will not be a fee for entry. We are considering memberships, but not immediately when we open. Since we will offer various entertainment options within our venue those will be priced per person, and per rental bay consistent with other entertainment businesses such as Top Golf. Entertainment prices could also vary depending on peak vs off peak hours. Right now our pricing model includes \$15 9 holes of mini golf, and \$40 per hour for a bay rental for axe throwing, ice curling, and ping pong which includes up to 6 guests.
4. **Status of city business license application** - Was told we couldn't apply until November since we are not opening until early 2022.

5. **Status of SCDHEC retail establishment permit if applicable** - Awaiting the start of construction to schedule our first inspection. Approximate time frame will be in November 2021.
6. **Status of ABL-901 application to SC department of revenue** - Waiting for final background checks on all members and to send in application in the next few weeks.
7. **Provide documentation that SLED requirements have been met** - See exhibit D of background checks. Please do not publish these as they include sensitive personal information.

INTERIOR UPFIT FOR
GROUP THERAPY
A "BARCADE"



D1 ###
NO SCALE PROJECT TITLE



A1 ###
1/8"=1'-0" LIFE / SAFETY PLAN

D5 ###
NTS LOCATOR MAP

ARCHITECTURAL
C-1 DRAWING INDEX, LIFE SAFETY PLAN, GENERAL NOTES AND CODE ANALYSIS
A-1 FLOOR PLAN, WALL TYPES AND DOOR AND WINDOW INFORMATION
A-2 REFLECTED CEILING PLAN AND DETAILS
A-3 ENLARGED PLANS AND INTERIOR ELEVATIONS
A-4 INTERIOR ELEVATIONS

MECHANICAL
M-1 HVAC FLOOR PLAN
M-2 HVAC DETAILS
M-3 HVAC SCHEDULES

PLUMBING
P-1 SANITARY PLUMBING FLOOR PLAN
P-2 POTABLE PLUMBING FLOOR PLAN
P-3 PLUMBING SCHEDULES

ELECTRICAL
E-1 LIGHTING PLAN AND LUMINAIRE SCHEDULE
E-2 POWER PLAN
E-3 ELECTRICAL SPECS, SCHEDULES AND LEGENDS

C4 ###
NO SCALE DRAWING INDEX

1. ALL WORK SHALL COMPLY WITH:
INTERNATIONAL BUILDING CODE, 2018 EDITION; INTERNATIONAL MECHANICAL CODE, 2018 EDITION; INTERNATIONAL PLUMBING CODE, 2018 EDITION; INTERNATIONAL INTERNATIONAL ENERGY CONSERVATION CODE, 2009 EDITION; INTERNATIONAL FIRE CODE, 2018 EDITION; NATIONAL ELECTRIC CODE, 2017 EDITION; ANSI A117.1, 2017 EDITION

2. STORING, HANDLING AND INSTALLATION OF MATERIALS SHALL COMPLY WITH THE CUSTOMARY PROCEDURES AND PRACTICES OF EACH TRADE AS PRESCRIBED BY THEIR RESPECTIVE TRADE ORGANIZATION AND THE REQUIREMENTS OF THE MATERIAL MANUFACTURER.

3. CONTRACTOR AND SUBCONTRACTORS SHALL REVIEW AND COORDINATE INFORMATION BETWEEN THE VARIOUS DISCIPLINES' DRAWINGS AND SHALL BE RESPONSIBLE FOR KNOWING THE EFFECT OF ANOTHER TRADES SCOPE OF WORK ON THEIR OWN SCOPE OF WORK.

4. CONTRACTOR SHALL REPORT ANY DISCREPANCIES IN THE DRAWINGS TO THE ARCHITECT BEFORE PROCEEDING WITH WORK.

5. TRADES SHOULD INSPECT EXISTING CONDITIONS AND FIELD VERIFY ALL DIMENSIONS PRIOR TO OFF SITE FABRICATION OR ORDERING MATERIAL AND EQUIPMENT.

6. U.N.O. FURNISH AND INSTALL. MATERIALS, EQUIPMENT AND ACCESSORIES REQUIRED TO COMPLETELY FINISH WORK DEPICTED IN DRAWINGS.

7. DO NOT ASSUME THAT THE INFORMATION SHOWN IN THE DRAWINGS IS COMPLETE. THE CONTRACTOR AND SUBCONTRACTORS SHALL CONSIDER CUSTOMARY PRACTICE AND PAST EXPERIENCE FOR THE WORK SHOWN. THE CONTRACTOR AND SUBCONTRACTORS SHALL REQUEST CLARIFICATION FROM THE ARCHITECT IF THERE IS A QUESTION REGARDING THE ENTIRE SCOPE OF WORK FOR THEIR SPECIALTY AS IT IS SHOWN IN THE DRAWINGS.

8. RENOVATIONS THAT AFFECT THE FIRE ALARM AND AUTOMATIC SPRINKLER SYSTEM REQUIRE SEPARATE PERMITS THAT MUST BE OBTAINED FROM THE FIRE MARSHAL'S OFFICE VIA ON-LINE APPLICATION. PERMITS MUST BE OBTAINED AND ON SITE PRIOR TO MODIFICATION THE ASSOCIATED SYSTEMS.

A4 ###
NO SCALE GENERAL NOTES

ARCHITECTURAL
GROUP 16 LLC
210 ALTAMONT ROAD
GREENVILLE, SC 29609
(864) 640-6014
CONTACT: DAVID NOCELLA

MECHANICAL/PLUMBING
NATHAN REECE
10 RUSSTON LANE
TAYLORS, SC 29687
(864) 238-4292
CONTACT: NATHAN REECE

ELECTRICAL
RANDALL K. BIRCH
408 ASHLEY OAKS DRIVE
MOORE, SC 29369
(864) 6215888
CONTACT: RANDALL BIRCH

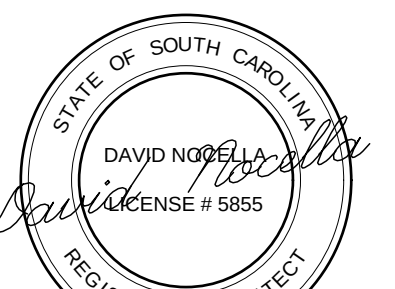
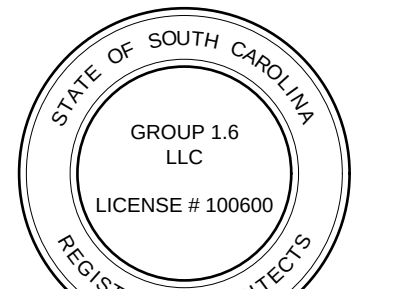
OCCUPANCY: MIXED USE UNSEPARATED, F-1 AND ASSEMBLY (A-2) ANALYZED AS A-2
CONSTRUCTION TYPE: TYPE IIB, SPRINKLERED
AREA PER STORY:
ALLOWABLE: 28,500 SF (IBC TABLE 506.2)
ACTUAL: 18,790 SF
HEIGHT:
ALLOWABLE: 75 FEET
ACTUAL: 18 FEET TENANT SPACE, PLAZA LEVEL
STORIES:
ALLOWABLE: 3
ACTUAL: 1 TENANT SPACE, PLAZA LEVEL
OCCUPANT LOAD:
F-1: TABULAR (COMMERCIAL KITCHEN: 780 / 200 SF PER PERSON = 4 PEOPLE
A-2:
BASED ON MINIMUM REQUIRED BATHROOM FIXTURES: 12 WC'S X 40 PEOPLE PER WC = 480 PEOPLE
BASED ON EGRESS CAPACITY: 100' / 15' PER PERSON = 667 PEOPLE
ACTUAL:
SEATING: 260
PUTTING STATIONS: 6 PEOPLE PER STATION (MAX) X 19 STATIONS = 114 PEOPLE
AXE THROWING: 6 PEOPLE PER LANE X 10 LANES = 60 PEOPLE
STAFF: 20 PEOPLE
ADDITIONAL STANDING PATRONS: 25 PEOPLE
TOTAL PEAK OCCUPANT LOAD: 479 PEOPLE
NUMBER OF EXITS:
REQUIRED: 2
PROVIDED: 3
EGRESS CAPACITY:
REQUIRED: 484 PEOPLE X .15" = 72.6"
PROVIDED: 2 DOORS
MAIN ENTRANCE: 68" CLR / 15" PER PERSON = 453 PEOPLE
EXIT STAIR DOOR: 32" CLR / 15" PER PERSON = 213 PEOPLE
EXISTING STAIR: 48" CLR / 2" PER PERSON = 240 PEOPLE
COMMON PATH OF TRAVEL:
ALLOWABLE: 100 FEET
ACTUAL: 100 FEET
TRAVEL DISTANCE TO AN EXIT:
ALLOWABLE: 250 FEET
ACTUAL: 234 FEET
FIRE RESISTANT RATED ASSEMBLIES:
ONE HOUR RATED OCCUPANCY SEPARATION FIRE BARRIER:
UL DES # 419 (EXISTING)
SOLID CONCRETE (TABLE 721.1(2) ITEM # 4-1.1 SILICEOUS AGGREGATE CONCRETE MINIMUM 3.5"
FIRE EXTINGUISHERS:
F-1: ABC TYPE 2A:20B:C EXTINGUISHER / ONE EXTINGUISHER / 1500 AND 50 FEET OF FREE TRAVEL. CLASS K EXTINGUISHER WITHIN 30 FEET OF COOK LINE.
A-2: ABC TYPE 2A:10B:C EXTINGUISHER / ONE EXTINGUISHER / 3000 SF AND 75 FEET OF FREE TRAVEL
LOCATION OF FIRE EXTINGUISHERS ON LIFE SAFETY PLAN ARE SUGGESTED. FIRE MARSHAL CAN SELECT ALTERNATE LOCATION. FIRE EXTINGUISHERS HAVING A GROSS WEIGHT INSTALLED SO THAT TOP OF THE EXTINGUISHER IS NOT MORE THAN 5 FEET FROM THE EXTINGUISHERS @ 4'-0" AFF.
INTERIOR FINISHES:
EXIT ENCLOSURE: CLASS B
CORRIDORS: NA
ALL OTHER SPACES: CLASS C OR BETTER
CLASS A FINISH: FLAME SPREAD INDEX 0-25; SMOKE DEVELOPED INDEX 0-10
CLASS B FINISH: FLAME SPREAD INDEX 26-75; SMOKE DEVELOPED INDEX 11-50
CLASS C FINISH: FLAME SPREAD INDEX 76-200; SMOKE DEVELOPED INDEX 51-100
MINIMUM # OF REQUIRED PLUMBING FIXTURES (STAFF PER IBC TABLE 506.2)
WC LAV DE SS
MEN 6 4
WOMEN 6 4 NR 1

City of Greenville Building Division
www.greenvillesc.gov | (864) 467-4550
Plans Reviewed for Code Compliance.
"CONTRACTOR'S COPY MUST BE KEPT ON JOBSITE AT ALL TIMES"
1. Any review or acceptance by this department does not relieve the contractor from meeting code or ordinance requirements.
2. Inspections will not be made unless permit and approved drawings are on job site. Penalty will be \$540 re-inspection fee.
Permit #: 21-3296
Date: 9/27/2021

A5 ###
NO SCALE CODE ANALYSIS

GROUP THERAPY

320 FALLS STREET SUITE G
GREENVILLE, SC 29601
PERMIT # 21-3296



09-15-21

ISSUED FOR:
PERMITS:08/2021

REVISIONS

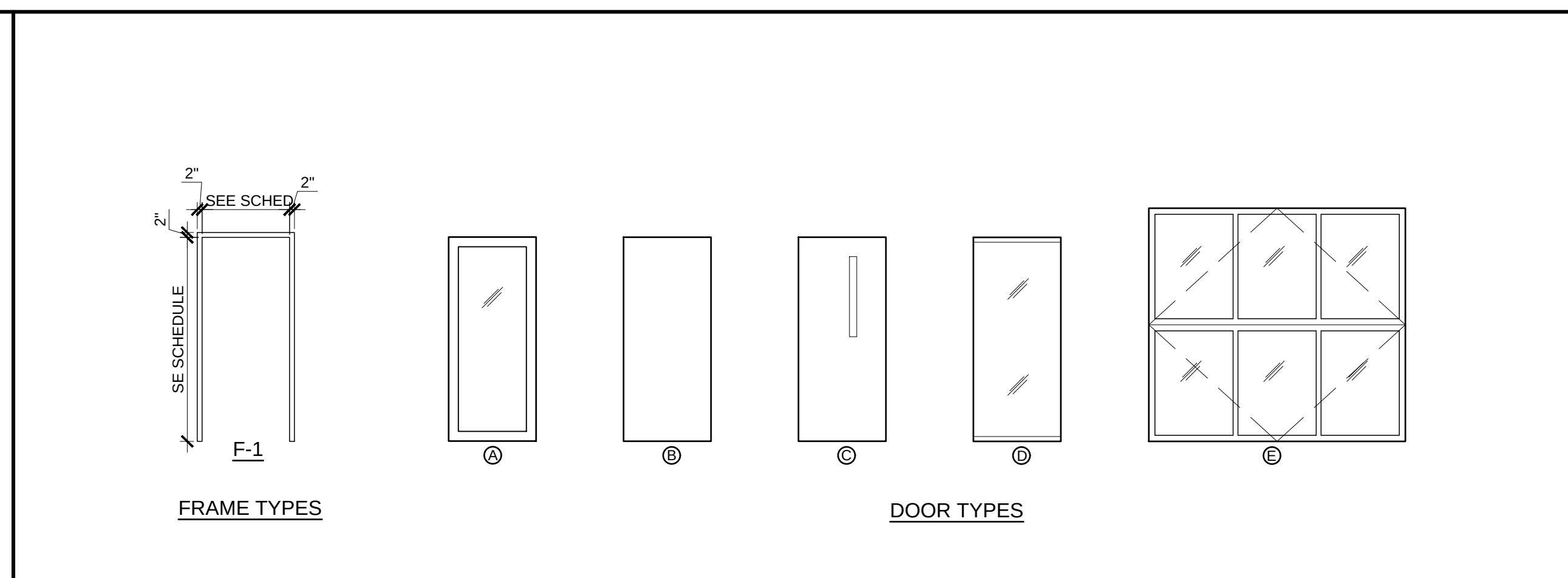
A. 08/30/21 OWNER DIRECTED REVISIONS. AIRLOCK REMOVED

B. 09/15/21 PER REVIEW COMMENTS

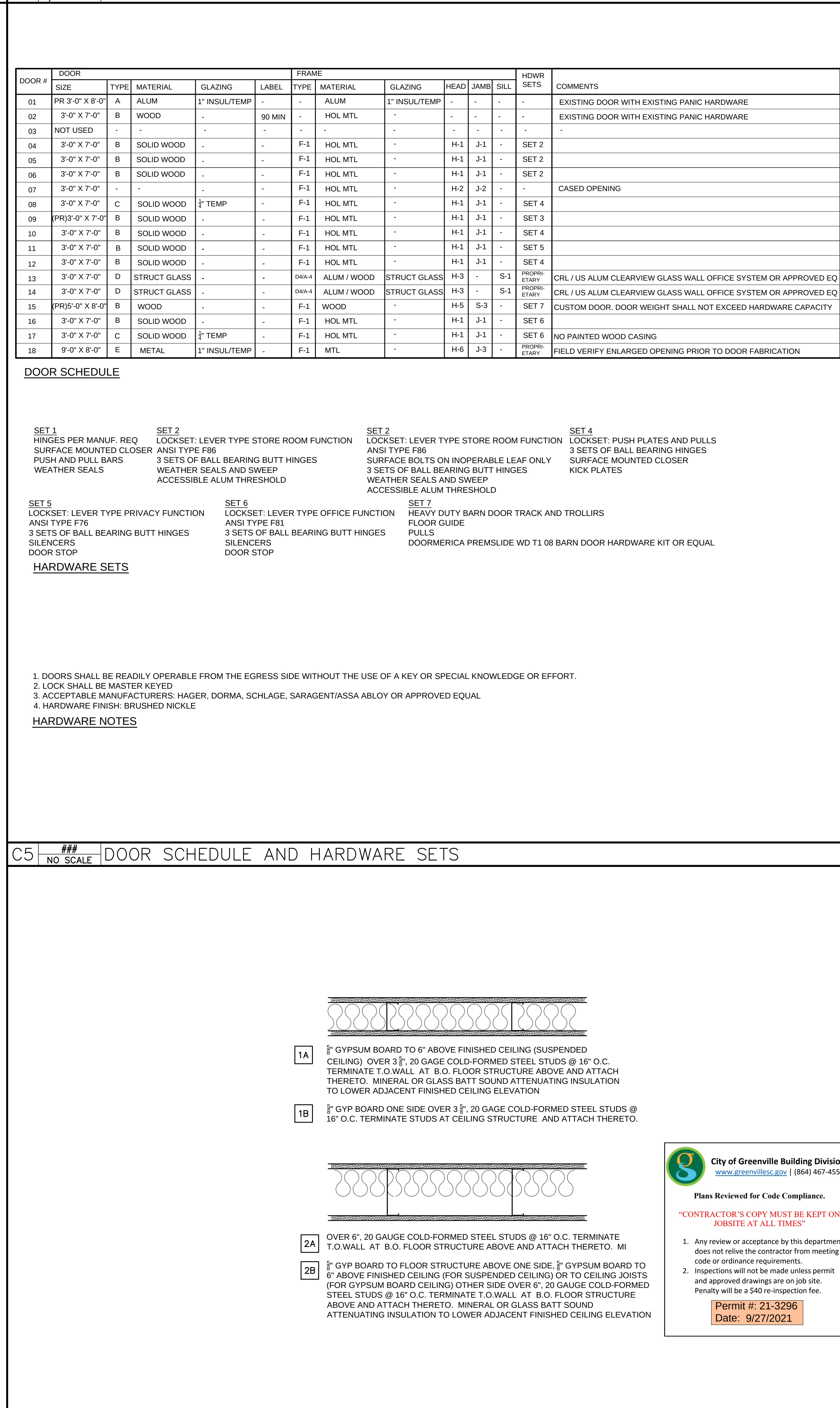
DRAWING INDEX,
LIFE SAFETY
PLAN, GENERAL
NOTES AND
CODE ANALYSIS

CV

G1.6 PROJECT # 2124

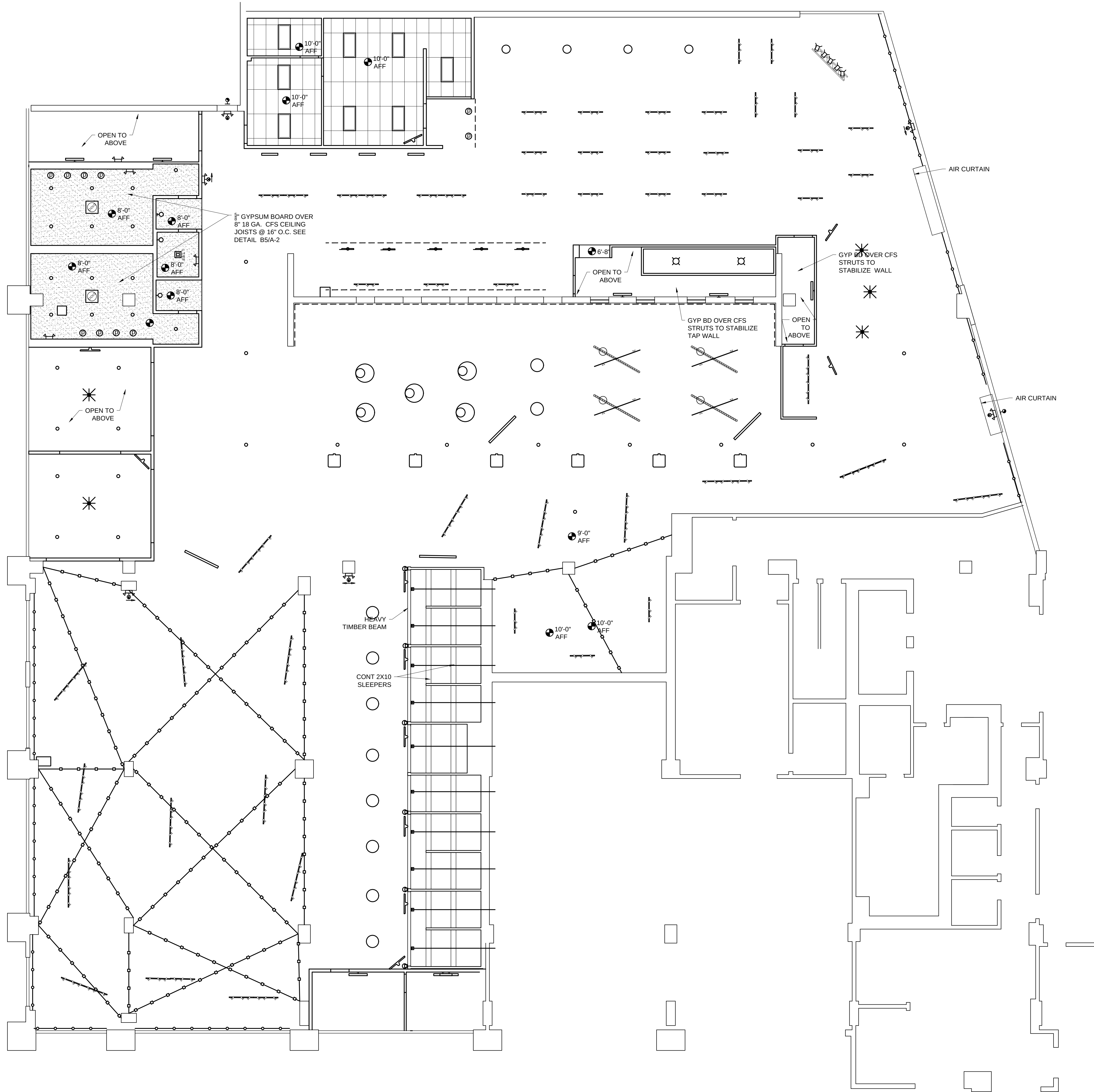


D4	### 1/4"=1'-0"	FRAME AND DOOR TYPES
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A4	### 1 1/2"=1'-0"	WALL TYPES
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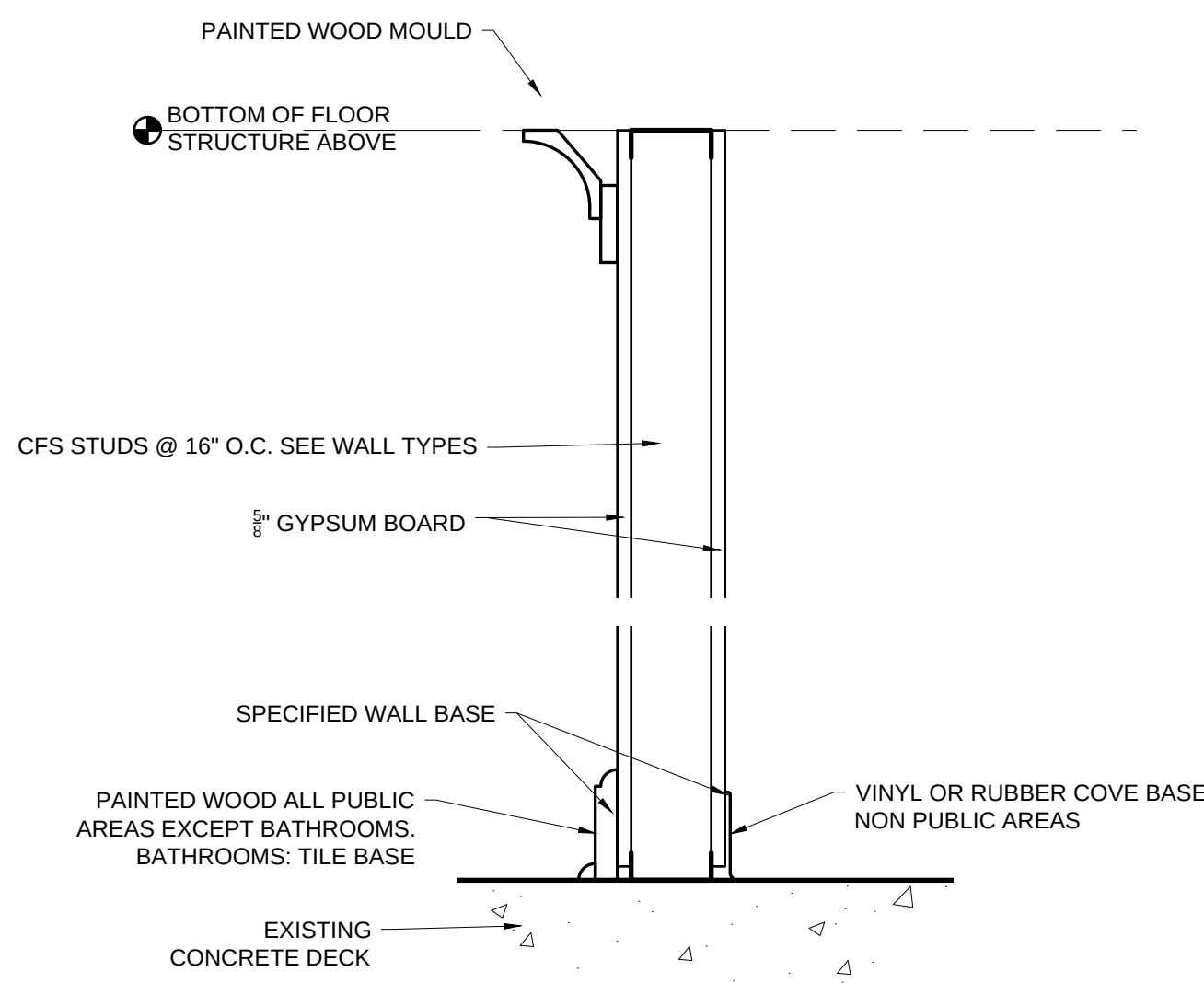


A1 REFLECTED CEILING PLAN

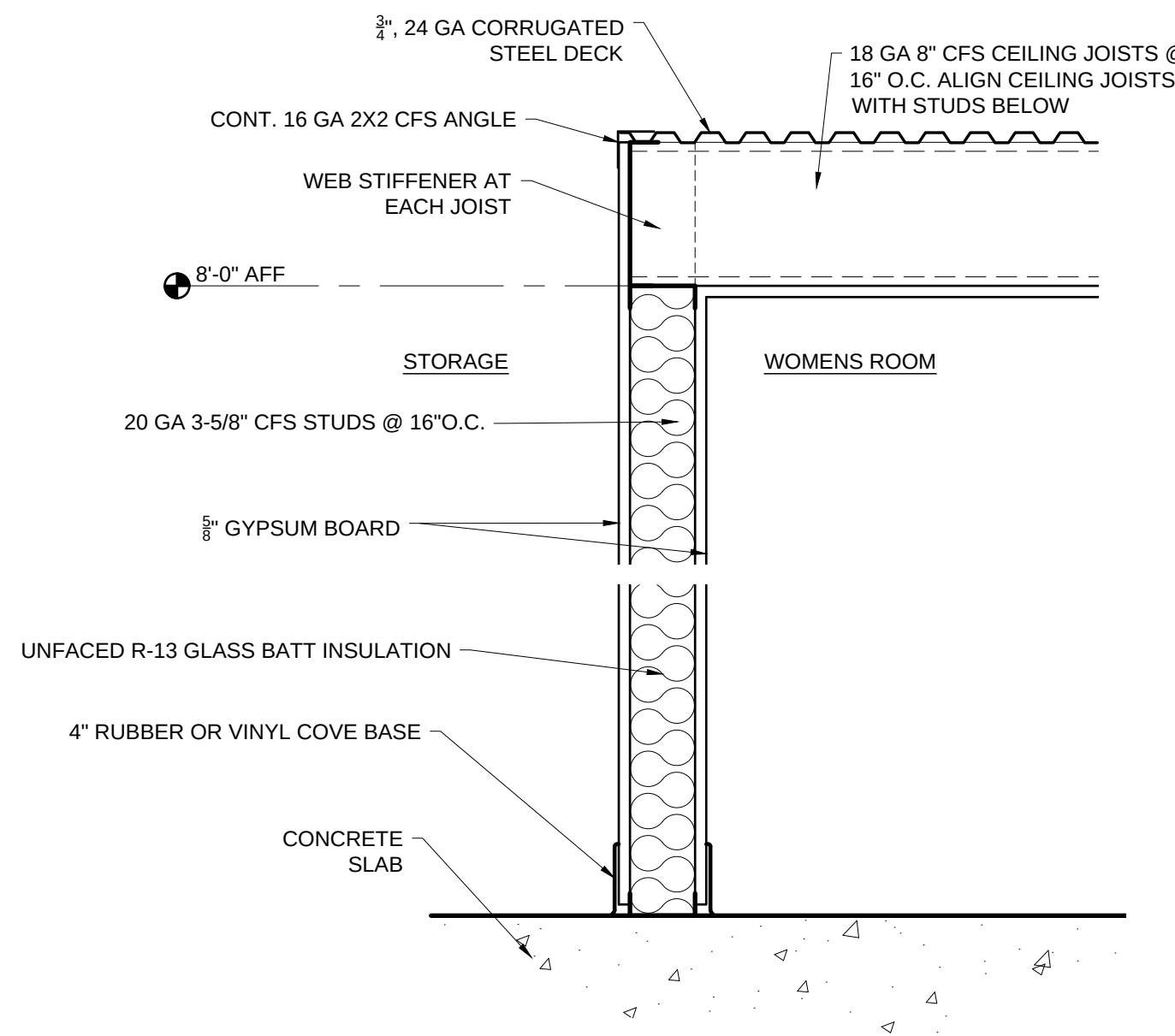
- EMERGENCY EGRESS LIGHT
- COMBINATION EMERGENCY EGRESS LIGHT/ILLUMINATED EXIT SIGN
- EMERGENCY EGRESS EXIT DISCHARGE LIGHT
- SURFACE MOUNTED LED
- WALL MOUNTED STRIP LIGHT
- TRACK LIGHTING
- EXPOSED BULB STRING LIGHT
- COLORLED CYLINDRICAL STRING LIGHT
- ILLUMINATED ACTIVITY SIGN
- PROJECTOR
- UNDERCOUNTER LED STRING LIGHT
- FLAT PANEL TV SCREEN
- CHANDELIER
- SMALL PENDANT LIGHT
- RECESSED OR SURFACE MTD CAN LIGHT
- CEILING MOUNTED LIGHT FIXTURE
- COMBINATION LIGHT / EXHAUST FAN
- EXHAUST FAN
- THEATRICAL LIGHTING

NOTE:
SEE ELECTRICAL DRAWINGS FOR LIGHT FIXTURES
THAT ARE DEPICTED BUT NOT ANNOTATED

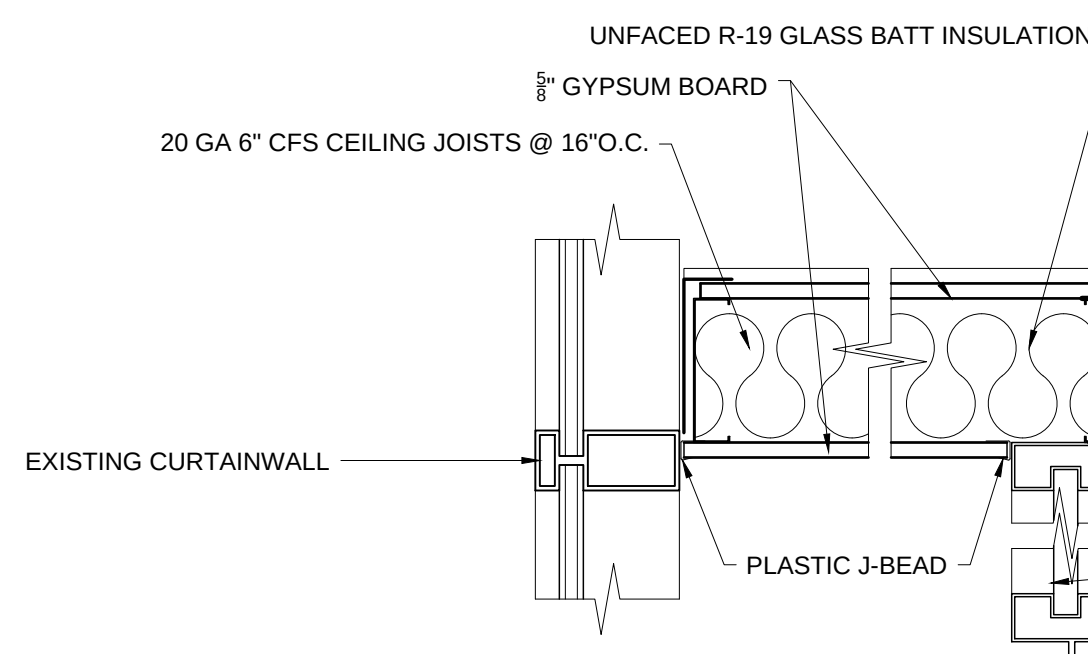
D5 CEILING FIXTURE LEGEND



C5 PARTITION TRIM DETAILS



B5 WOMENS ROOM AND STORAGE DEMISING WALL



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www.greenvillesc.gov | (864) 467-4550

Plans Reviewed for Code Compliance.
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1. Any review or acceptance by this department does not relieve the contractor from meeting code or ordinance requirements.

2. Inspections will not be made unless permit and approved drawings are on job site. Penalty will be a \$40 re-inspection fee.

Permit #: 21-3296

Date: 9/27/2021

A5 AIR LOCK CEILING DETAIL

ARCHITECTS
LLC

210 ALTAMONT ROAD
GREENVILLE, SC 29609
864.640.6014

GROUP THERAPY

320 FALLS STREET SUITE G
GREENVILLE, SC 29601
PERMIT # 21-3296

STATE OF SOUTH CAROLINA
GROUP 16
LLC
LICENSE # 100600
REGISTERED ARCHITECTS

STATE OF SOUTH CAROLINA
DAVID NODD
LICENSE # 5885
REGISTERED ARCHITECT
09-15-21

ISSUED FOR:
PERMITS:08/2021

REVISIONS

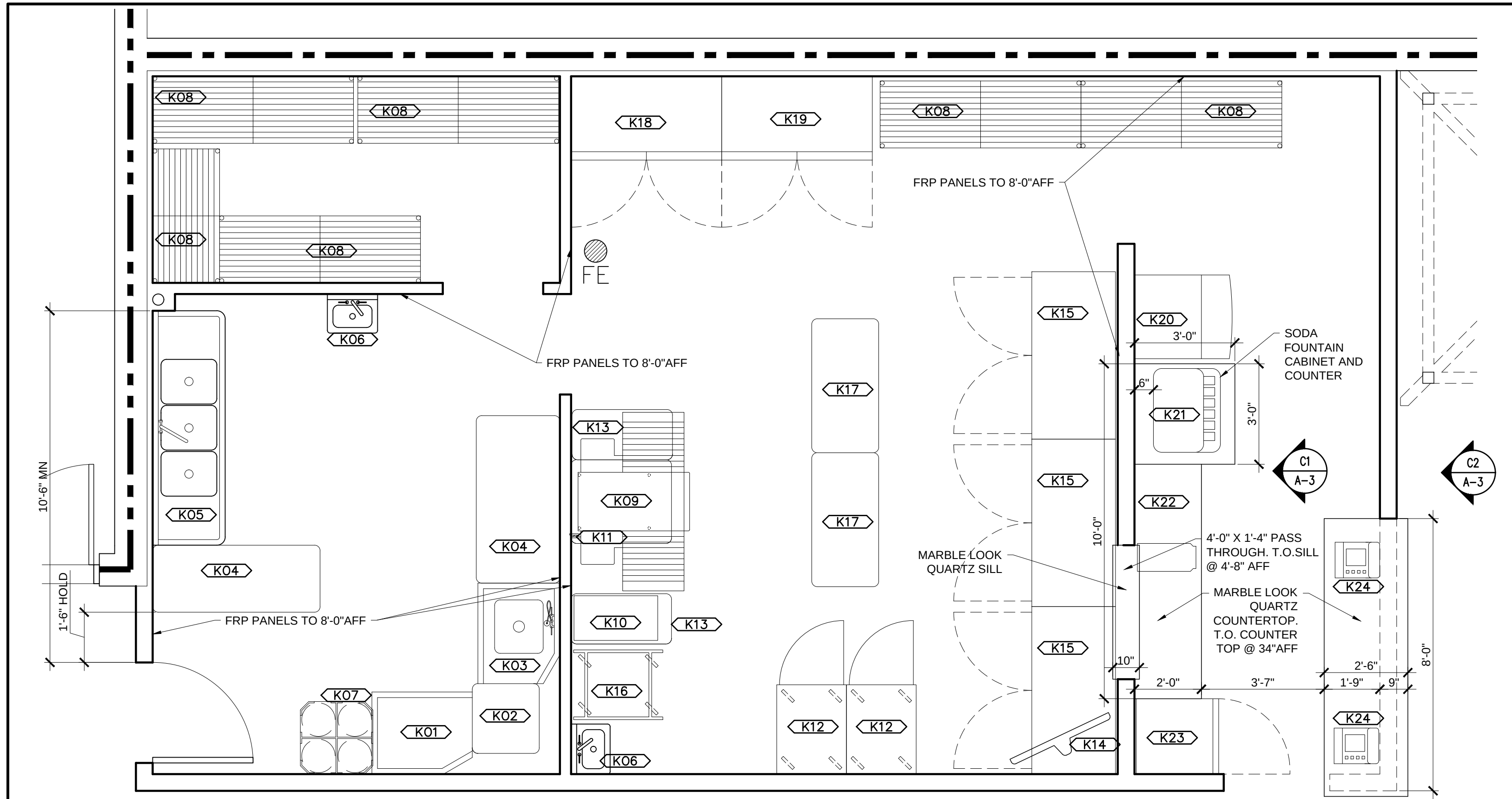
A. 08/30/21 OWNER DIRECTED REVISIONS. AIRLOCK REMOVED

B. 09/15/21 PER REVIEW COMMENTS

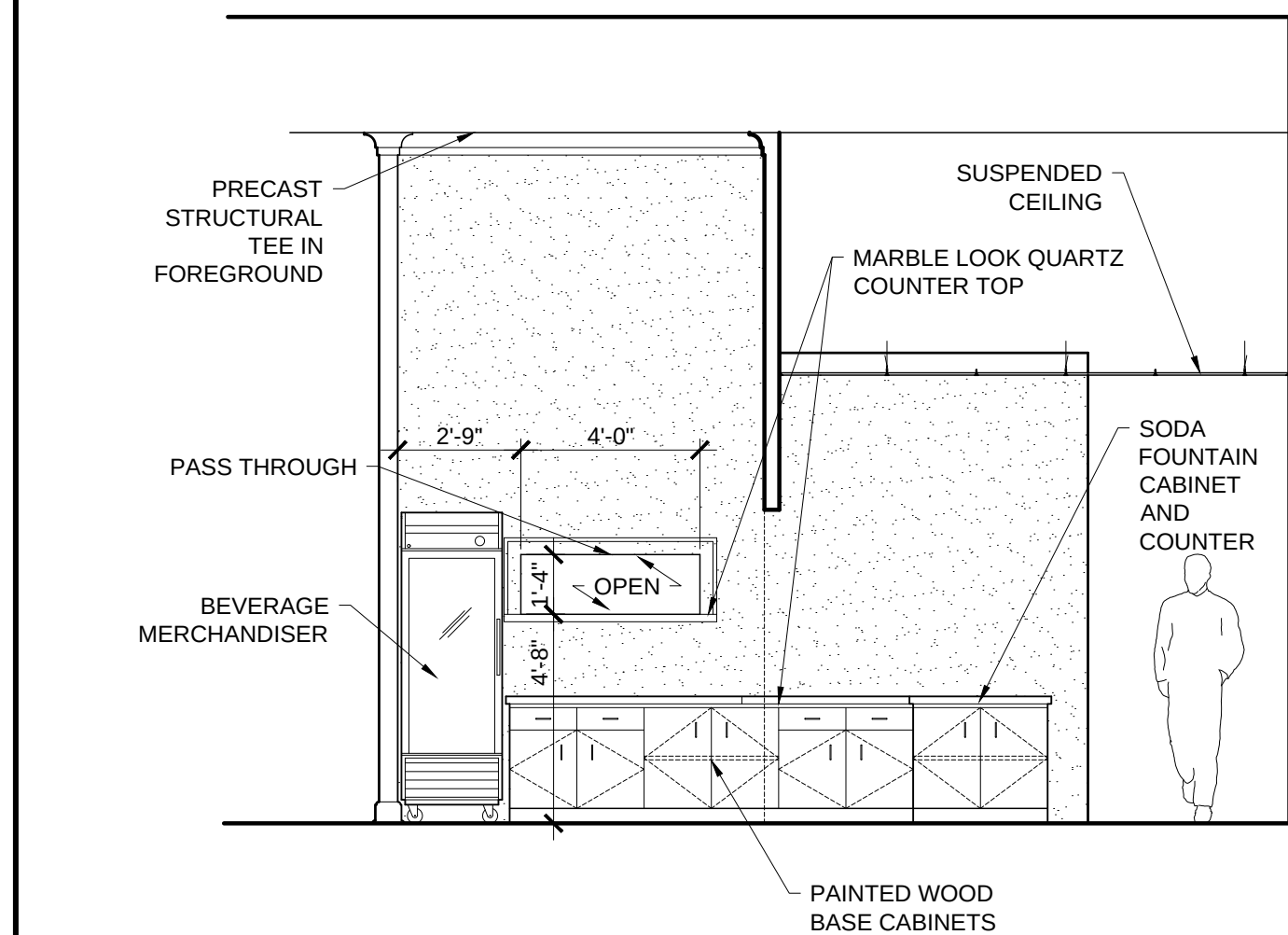
REFLECTED CEILING PLAN AND DETAILS

A-2

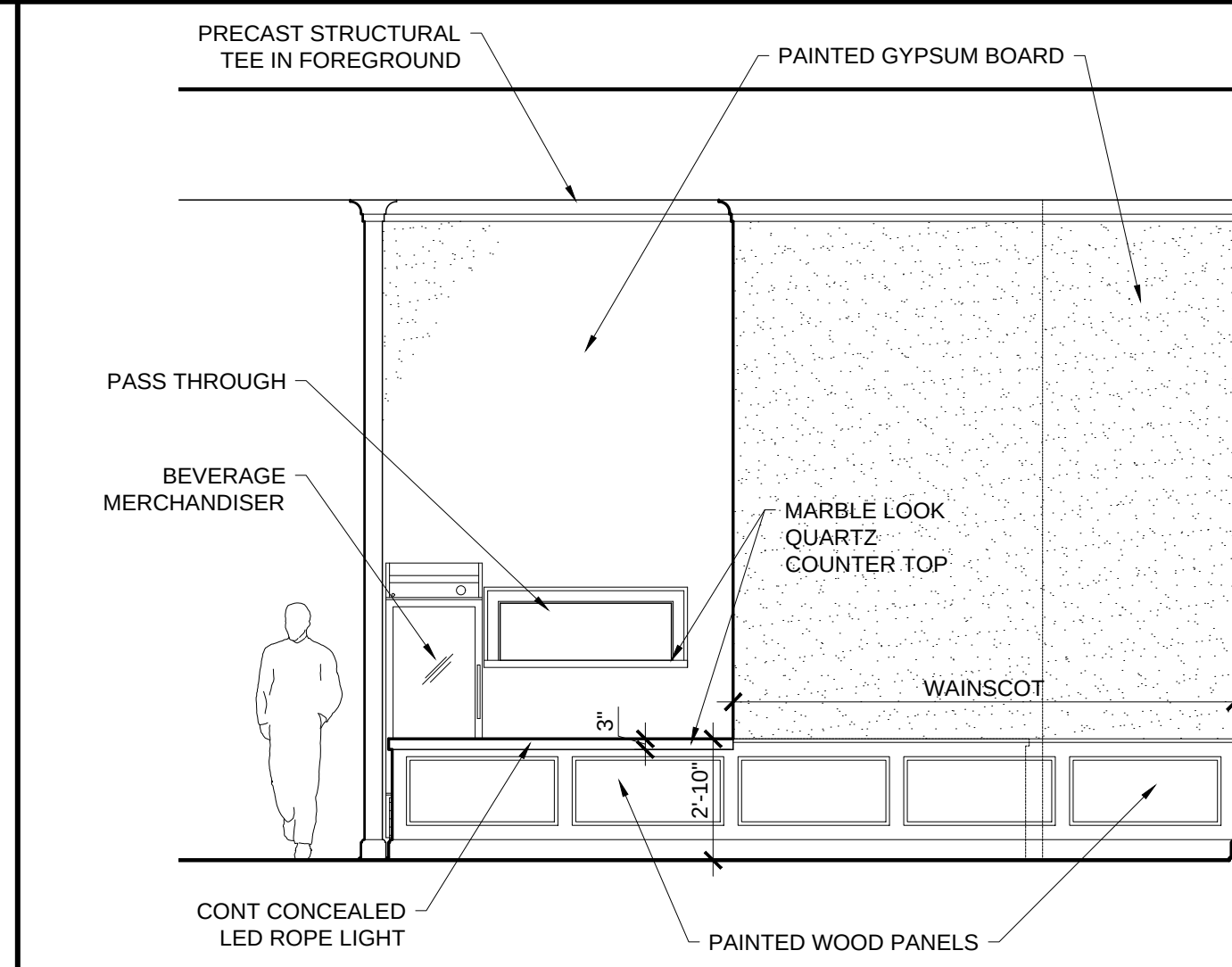
G1.6 PROJECT # 2124



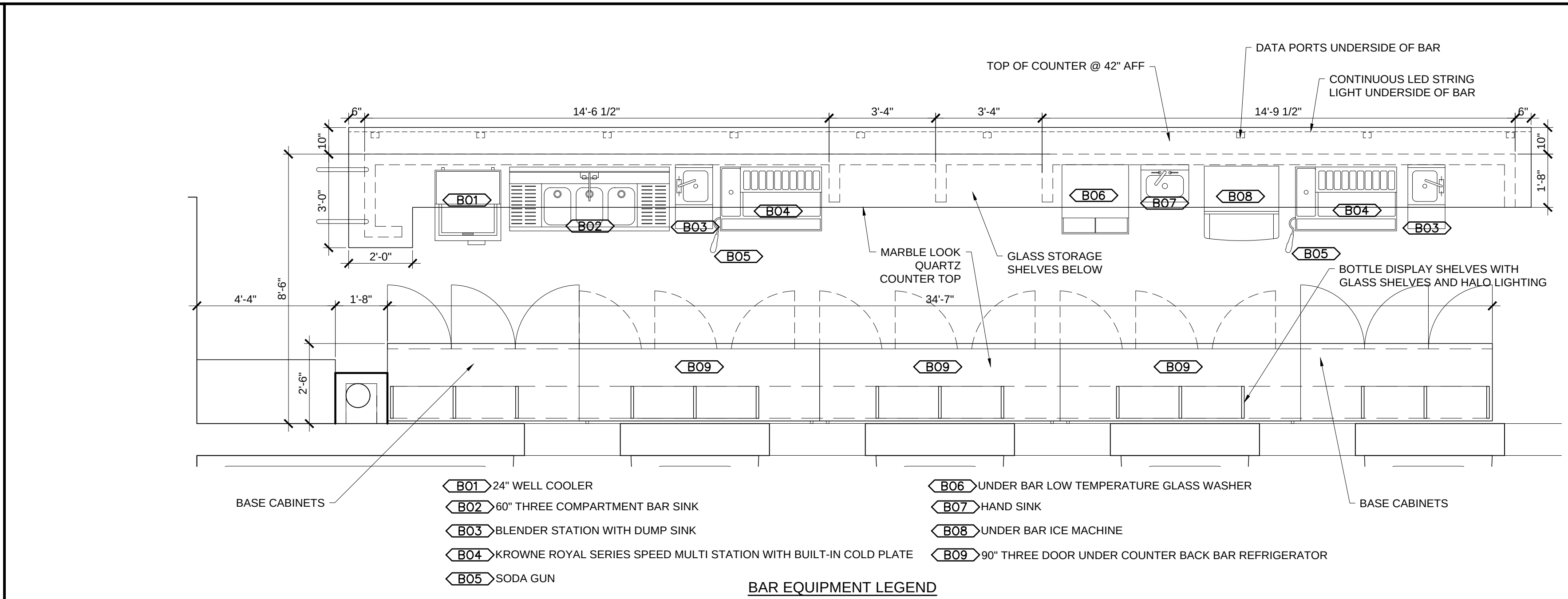
D1 ENLARGED KITCHEN PLAN



C1 FOOD SALES



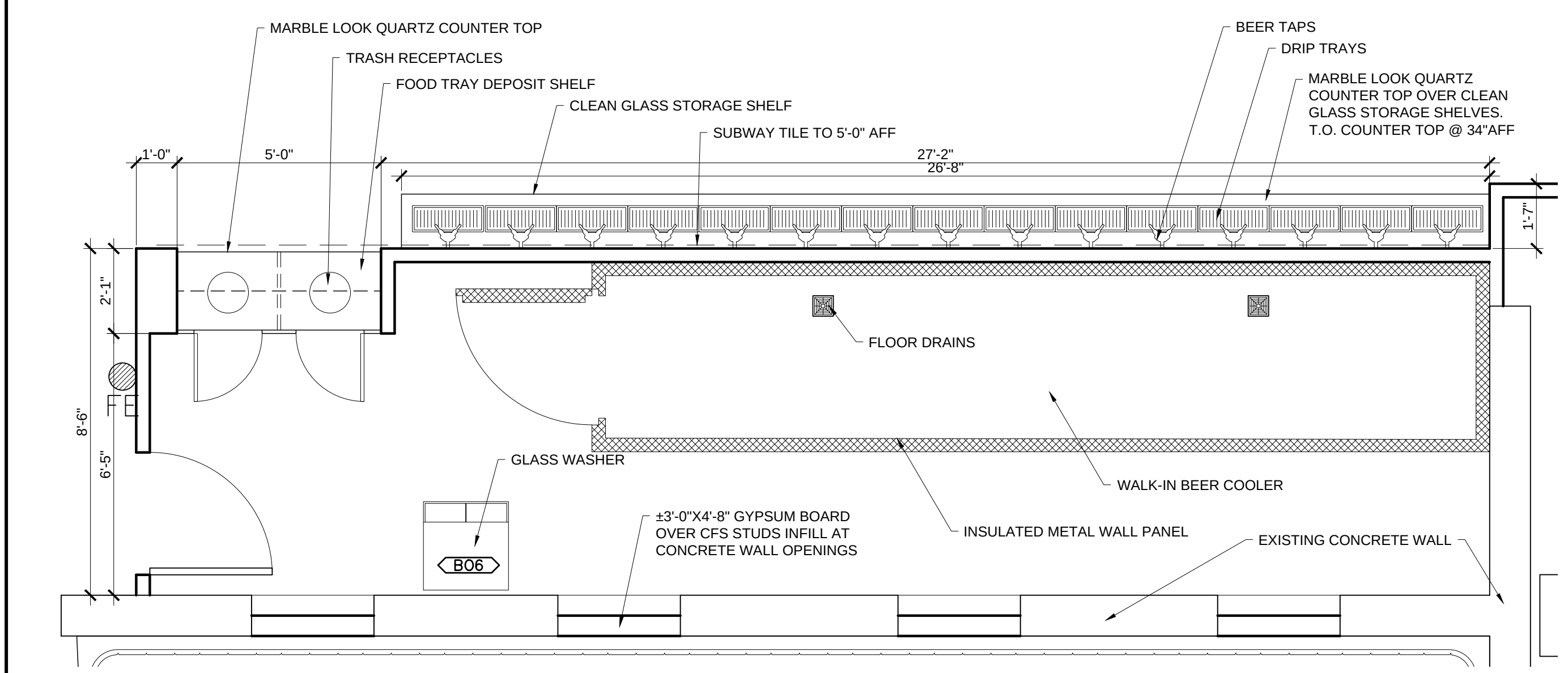
C2 FOOD SALES



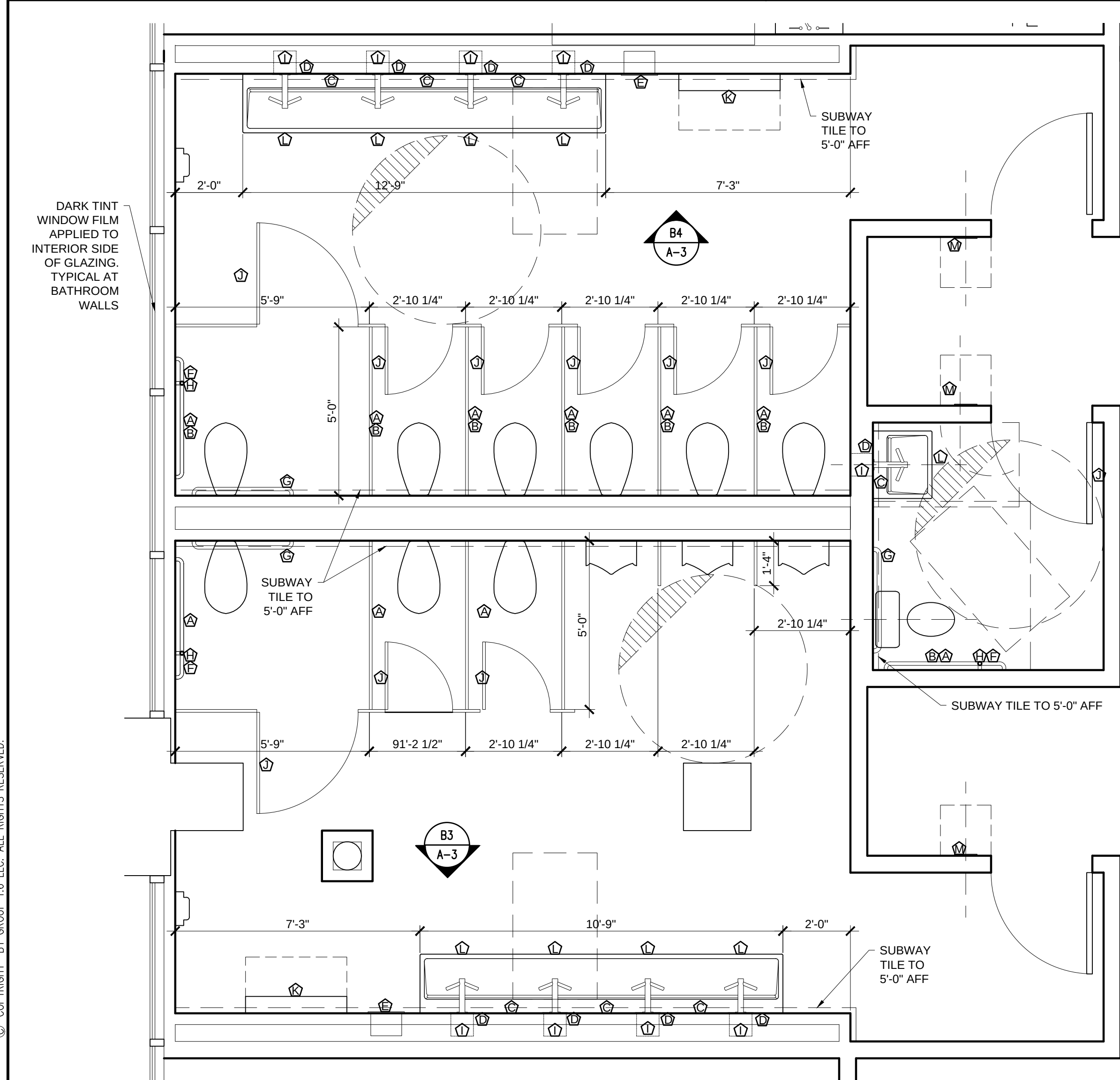
D3 ENLARGED BAR PLAN

- K01 CLEAN DISH TABLE
- K02 LOW TEMPERATURE DISH MACHINE
- K03 DIRTY DISH TABLE AND SPRAYER DISH TABLE
- K04 60"x24" STAINLESS STEEL WORK TABLE
- K05 84" 3 COMPARTMENT SINK WITH 2 DRAIN BOARDS
- K06 HAND SINK
- K07 CLEAN DISH RACK
- K08 WIRE SHELVING VARIOUS SIZES
- K09 OVENTON SHUTTLE 2000-HP3 ELECTRIC OVEN
- K10 OVENTON MISA CONVECTION MICROWAVE
- K11 30"x30" STAINLESS STEEL WORK TABLE
- K12 HEATED FOOD HOLDING CART
- K13 18"x30" STAINLESS STEEL WORK TABLE
- K14 FLAT PANEL MONITOR
- K15 60" REFRIGERATED WORK TABLE
- K16 TRAY RACK
- K17 48"x24" STAINLESS STEEL WORK TABLE
- K18 54" TWO DOOR REACH-IN FREEZER
- K19 54" TWO DOOR REACH-IN REFRIGERATOR
- K20 ICE CUBE MACHINE AND STORAGE BIN
- K21 HEATED CONDIMENT DISPENSER
- K22 POST MIX SODA FOUNTAIN
- K23 27" SINGLE DOOR REFRIGERATED BEVERAGE MERCHANDISER
- K24 POINT OF SALE

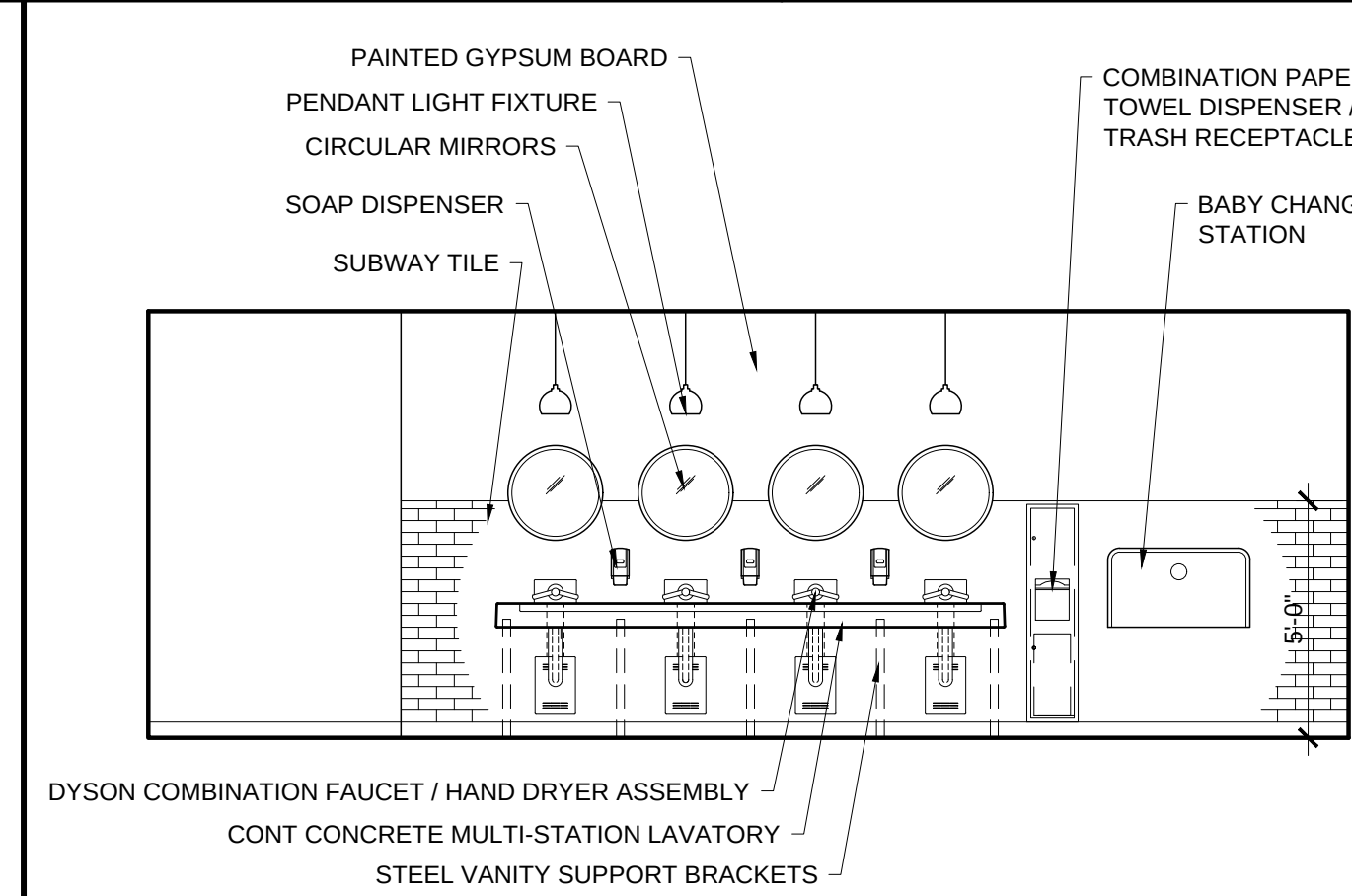
C3 FOOD EQUIP LEG



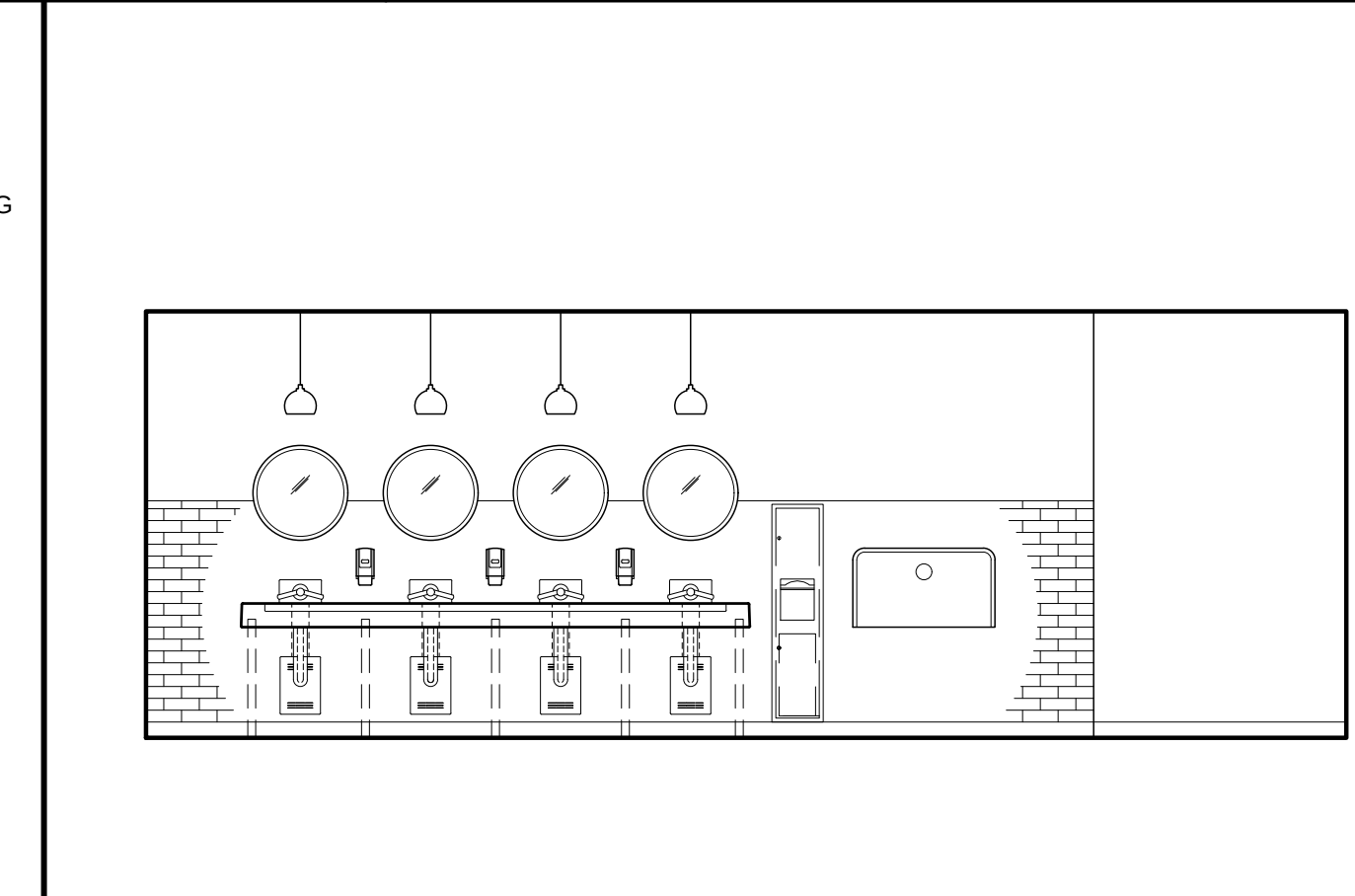
C4 ENLARGED BEER DISPENSARY PLAN



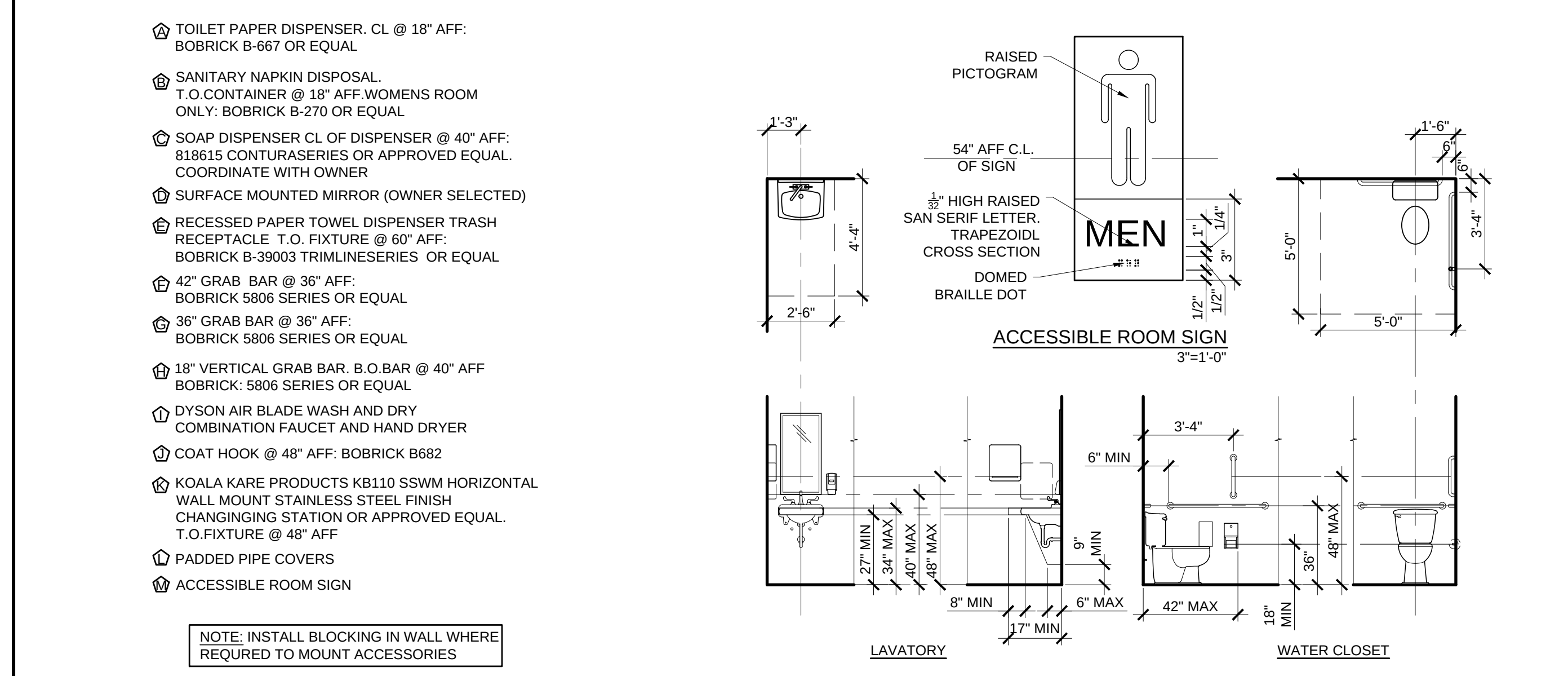
A1 ENLARGED BATHROOM PLAN



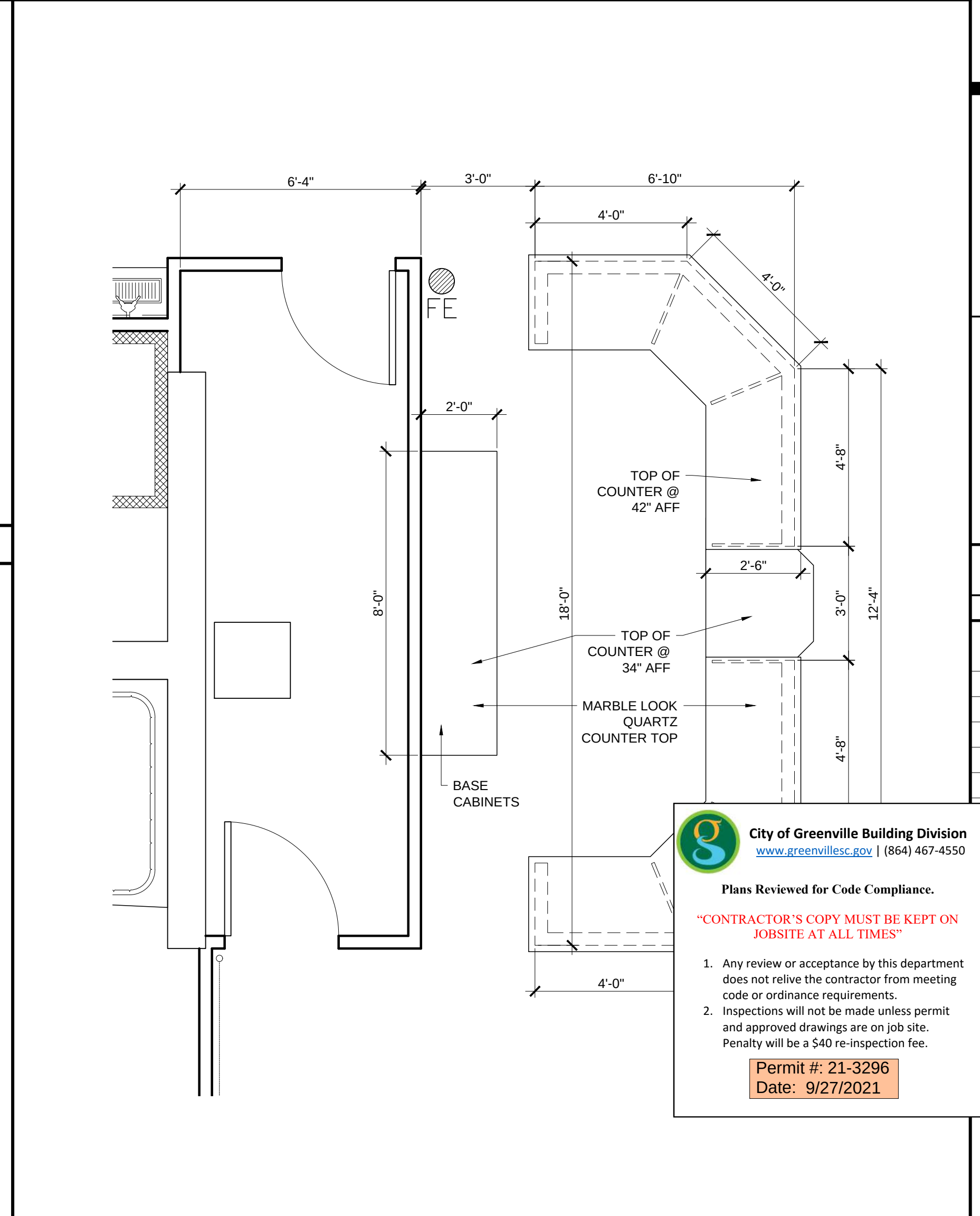
B3 MENS ROOM



B4 WOMENS ROOM



A3 BATH ROOM ACCESSORY LEGEND & ACCESSIBLE MOUNTING HEIGHTS & CLEARANCES



A5 RECEPTION DESK

g16

roup

LLC

210 ALTAMONT ROAD
GREENVILLE, SC 29609
864.640.6014

ARCHITECTS

GROUP THERAPY

320 FALLS STREET SUITE G
GREENVILLE, SC 29601
PERMIT # 21-3296

STATE OF SOUTH CAROLINA
GROUP 1.6
LICENSE # 100600
REGISTERED ARCHITECTS

STATE OF SOUTH CAROLINA
DAVID NOBLE
LICENSE # 5885
REGISTERED ARCHITECT

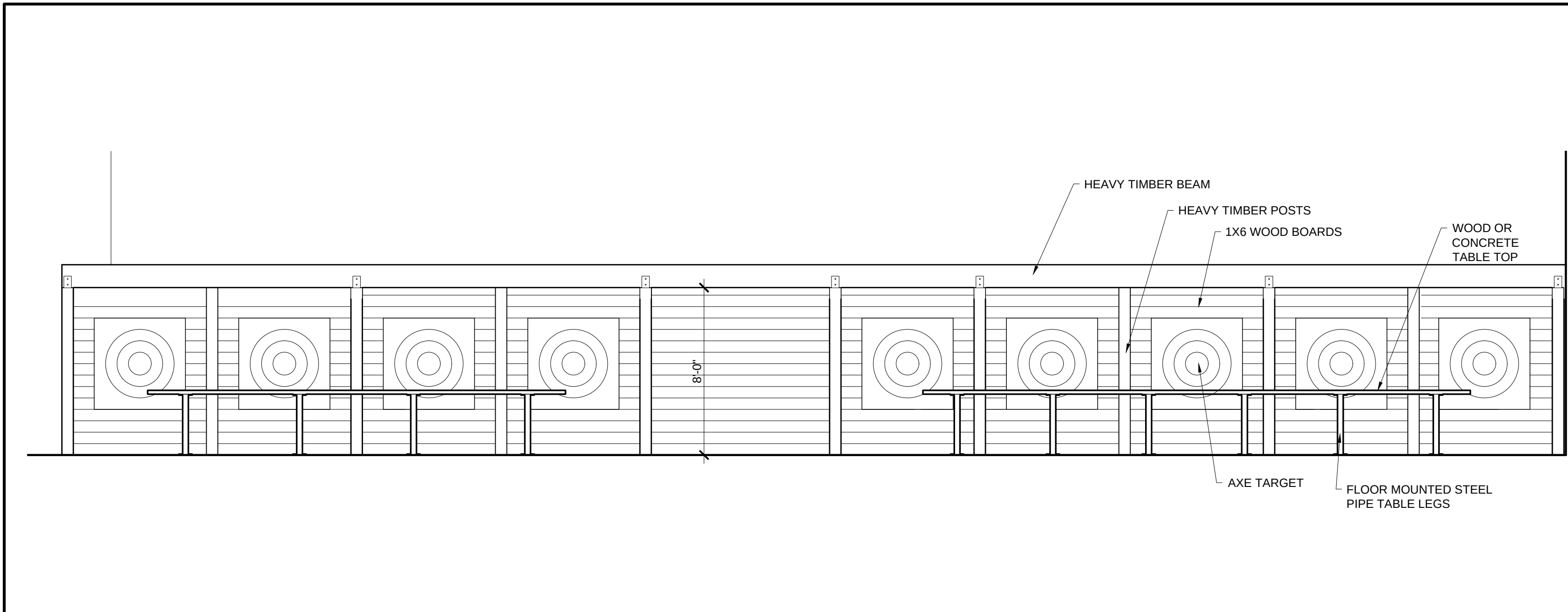
09-15-21

ISSUED FOR:
PERMITS:08/20/21
REVISIONS
A. 08/30/21 OWNER DIRECTED
REVISIONS. AIRLOCK REMOVED
B. 09/15/21 PER REVIEW COMMENTS

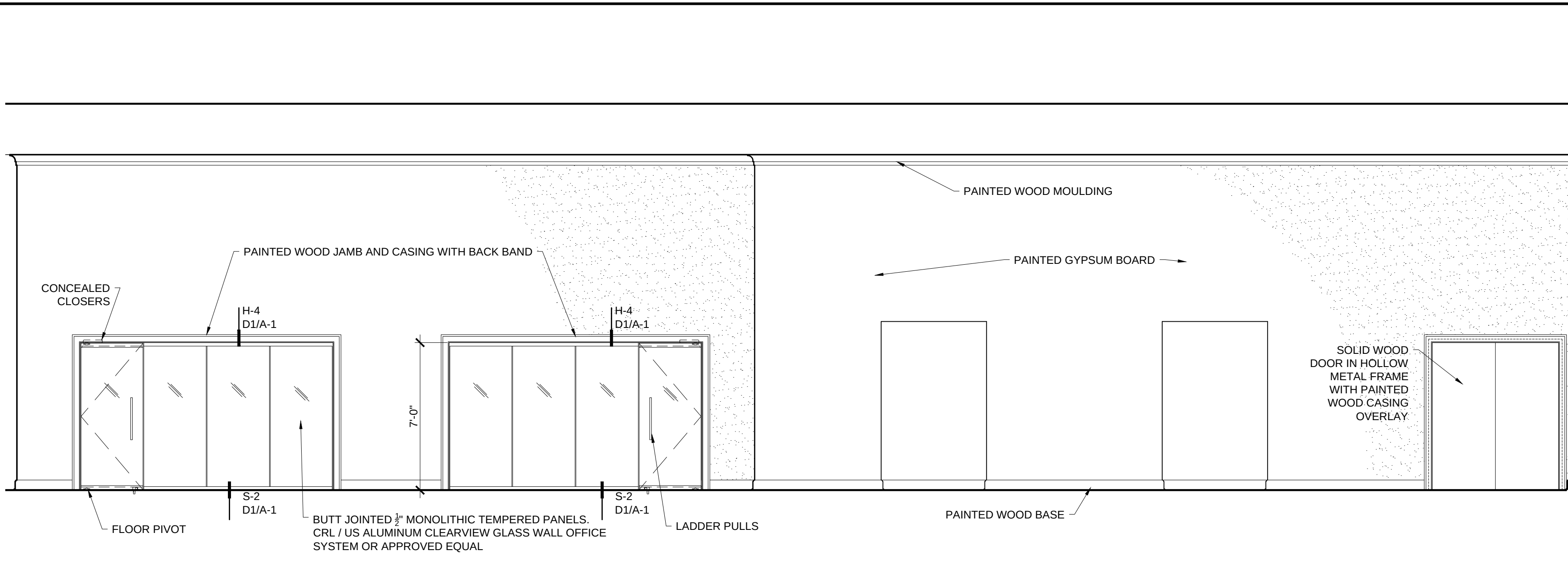
ENLARGED
PLANS AND
INTERIOR
ELEVATIONS

A-3

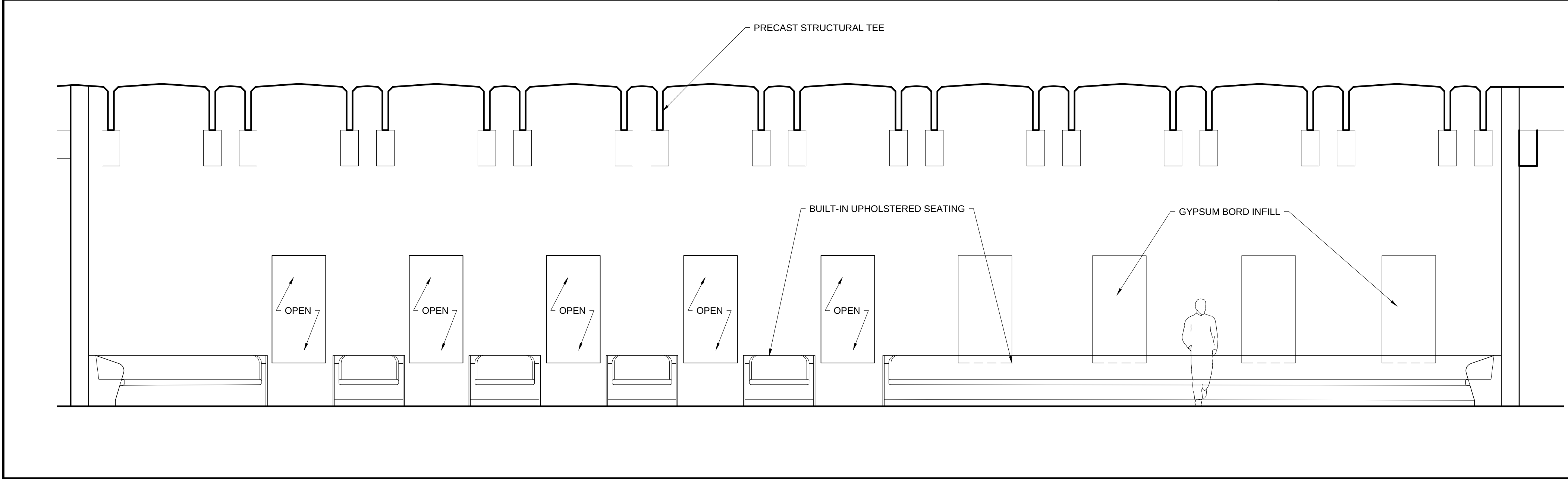
G1.6 PROJECT # 2124



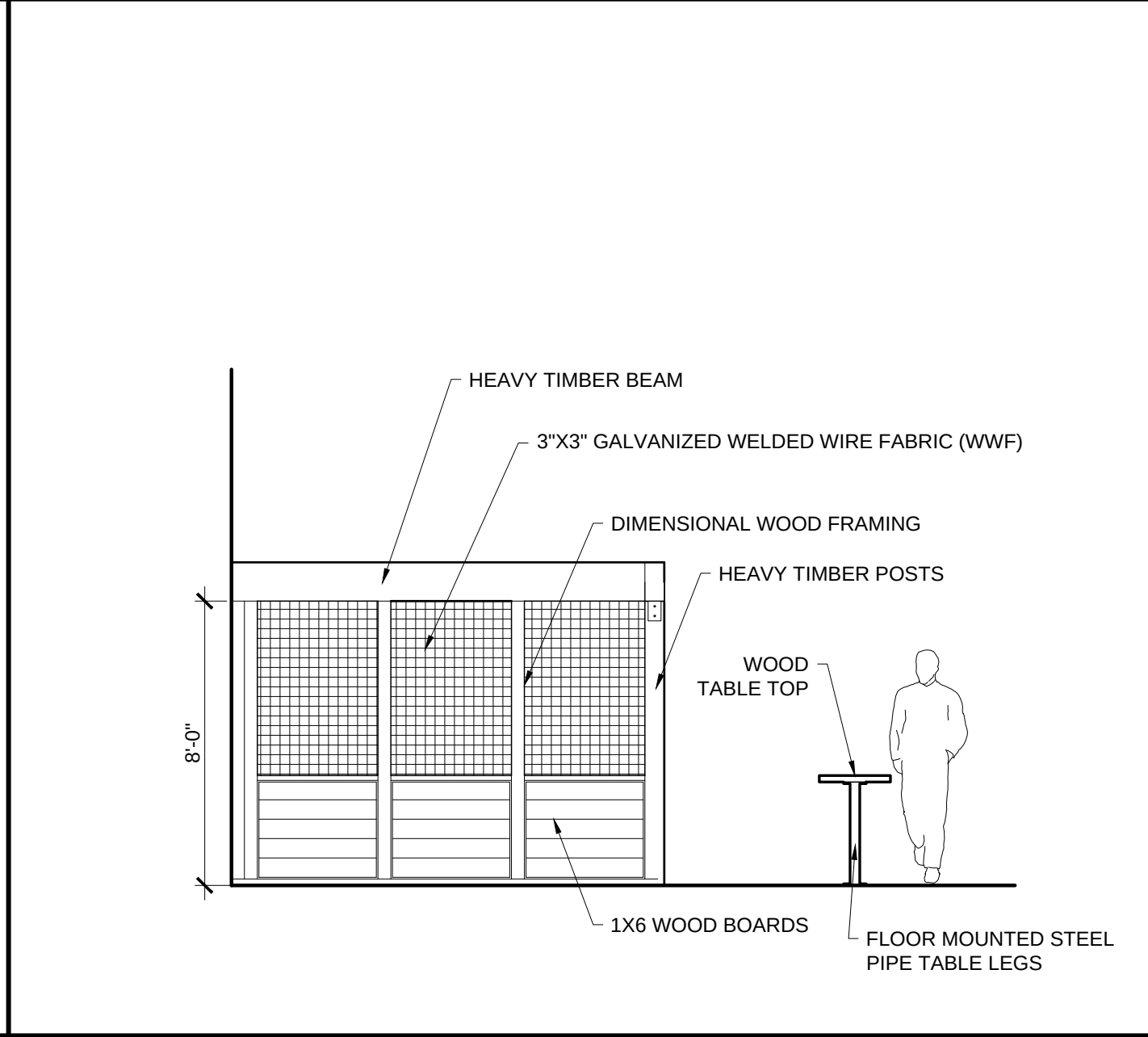
D1 1/4"=1'-0" AXE THROWING



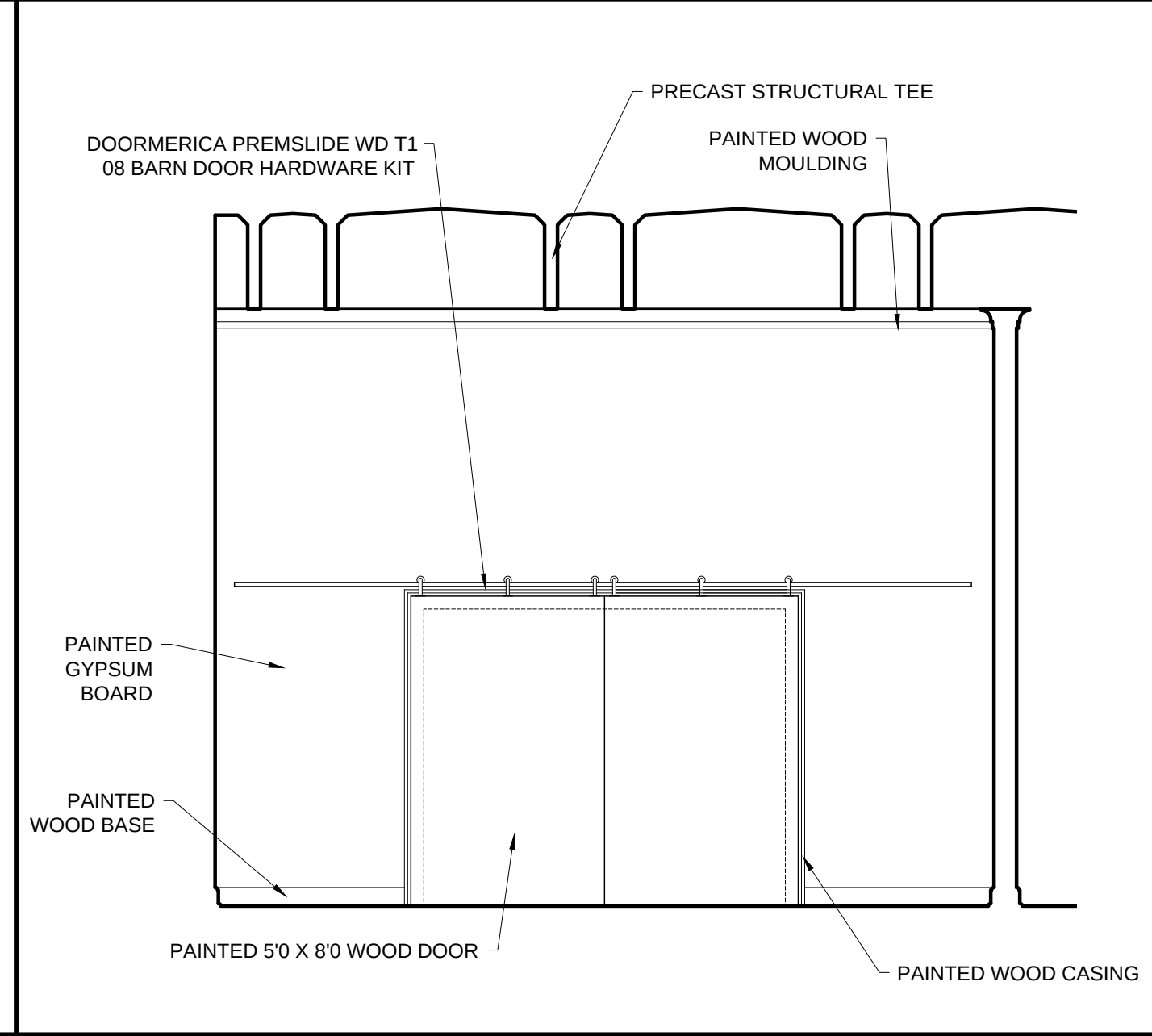
D4 1/4"=1'-0" VIP ROOMS



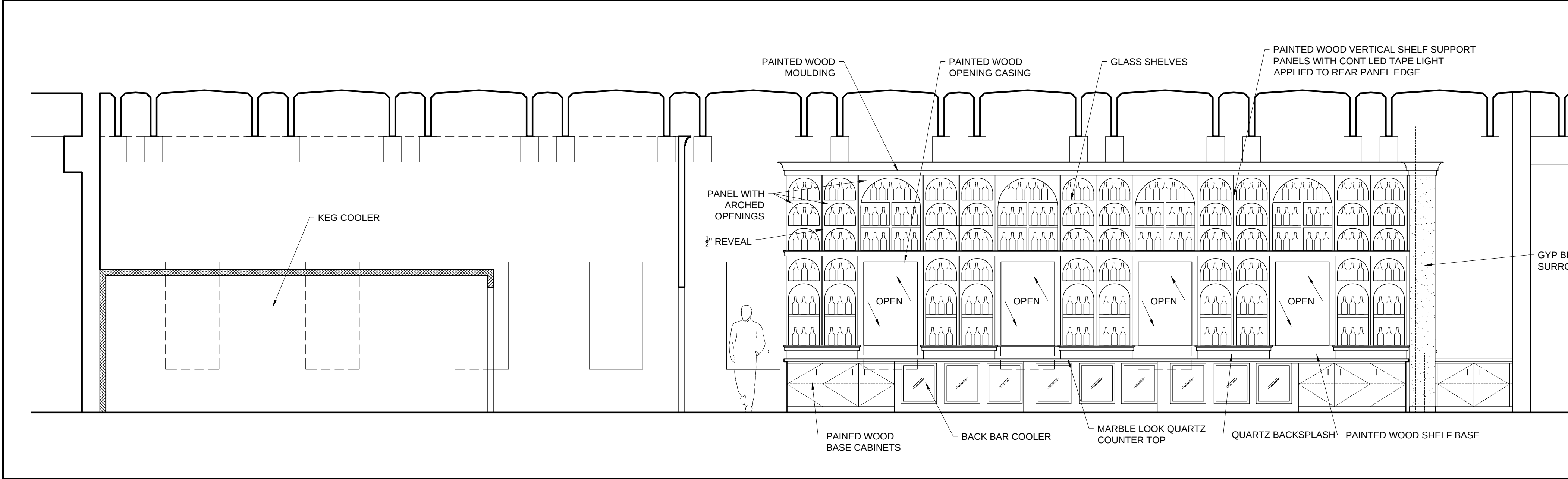
C1 1/8"=1'-0" VIP ROOMS



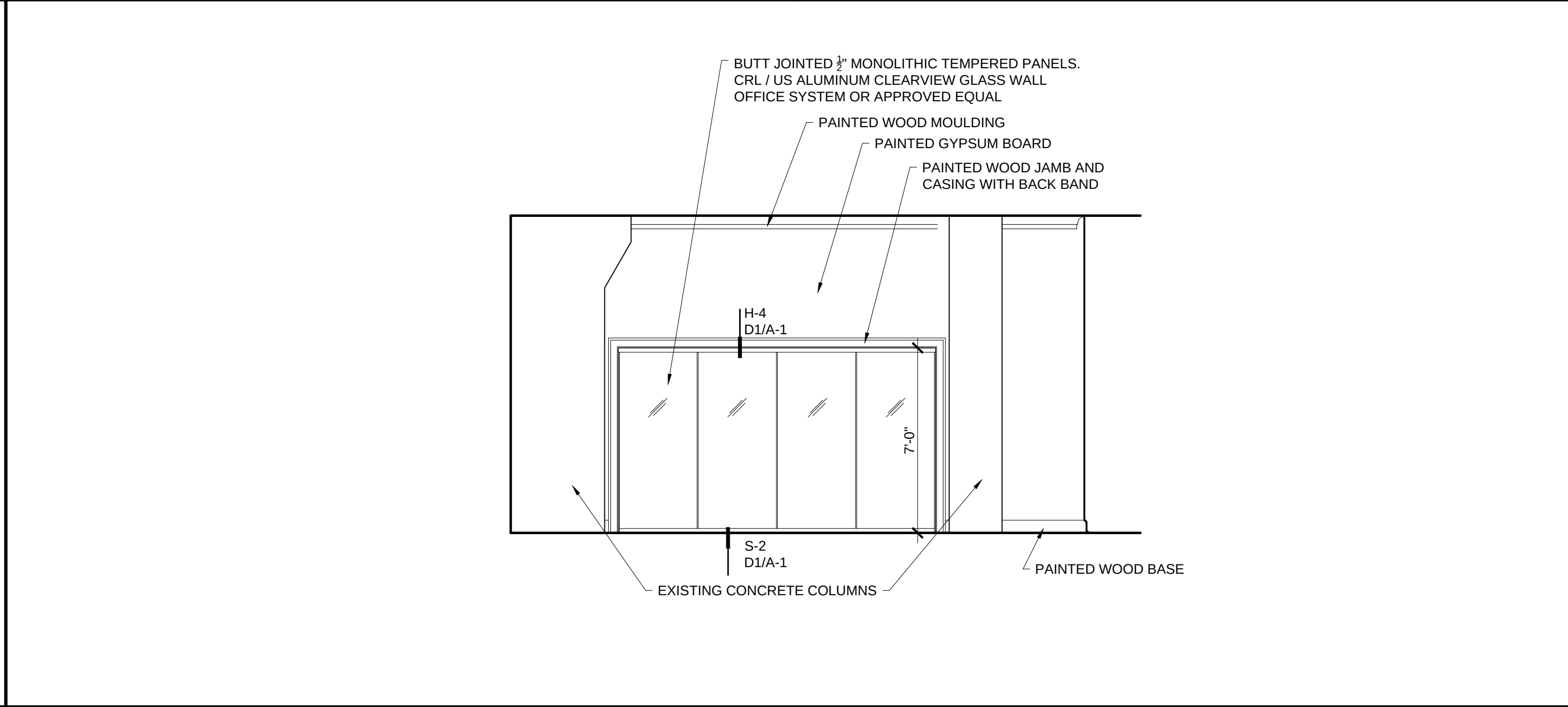
C4 1/4"=1'-0" AXE THROWING



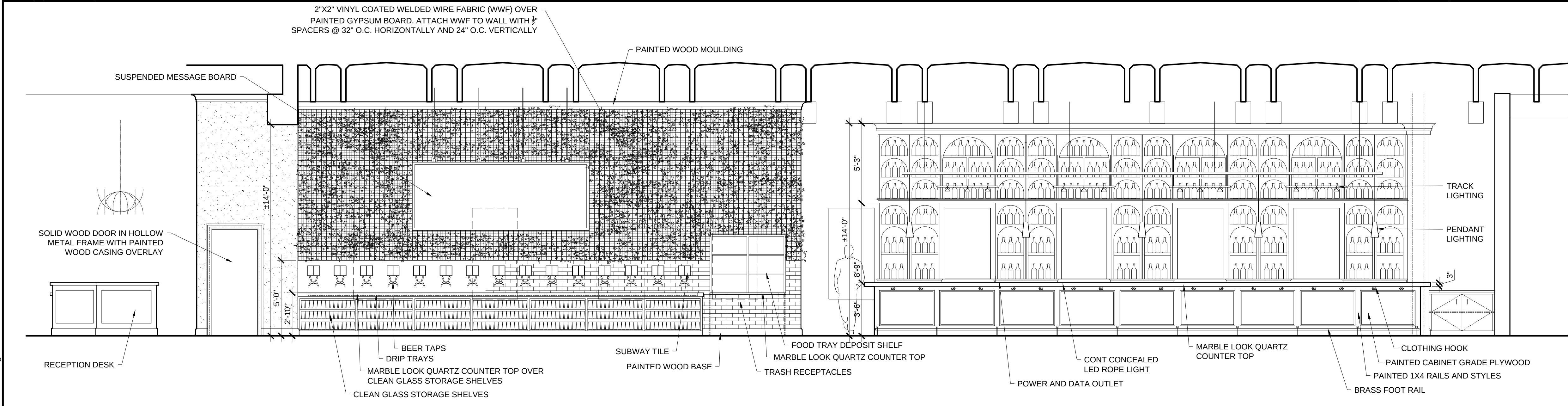
C5 1/4"=1'-0" VIP ROOM DIVIDER



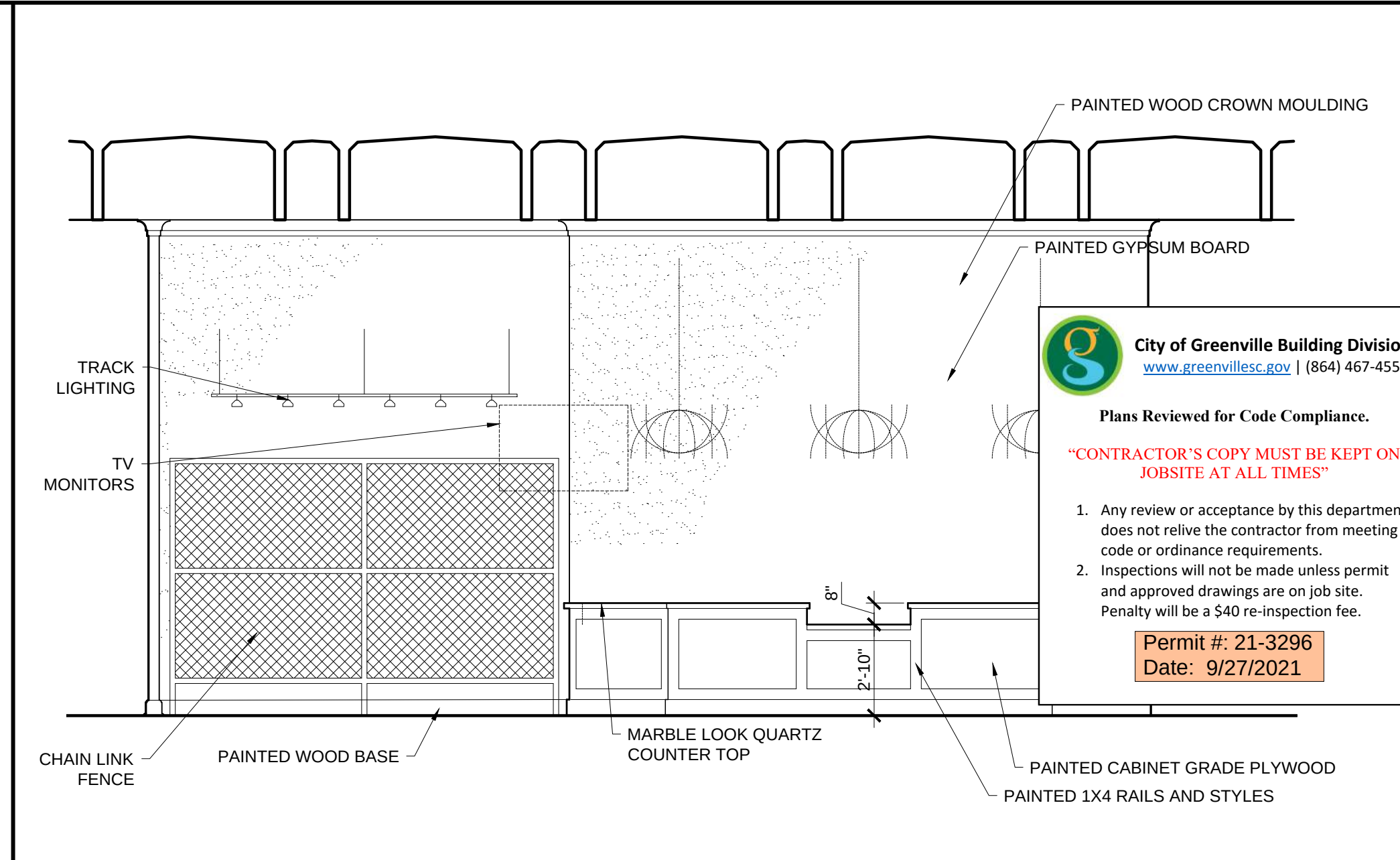
B1 1/4"=1'-0" BACK BAR



B4 1/4"=1'-0" VIP ROOMS



A1 1/4"=1'-0" BAR



A4 1/4"=1'-0" RECEPTION DESK/PRO SHOP

g16

roup

LLC

ARCHITECTS

210 ALTAMONT ROAD
GREENVILLE, SC 29609
864.640.6014

GROUP THERAPY

320 FALLS STREET SUITE G
GREENVILLE, SC 29601
PERMIT # 21-3296

STATE OF SOUTH CAROLINA

GROUP 1.6

LIC. # 100600

REGISTERED ARCHITECTS

STATE OF SOUTH CAROLINA

DAVID NOBLE

LIC. # 5855

REGISTERED ARCHITECT

09-15-21

ISSUED FOR:
PERMITS:08/20/21

REVISIONS

A. 08/30/21 OWNER DIRECTED
REVISIONS: AIRLOCK REMOVED

B. 09/15/21 PER REVIEW COMMENTS

City of Greenville Building Division
www.greenvillesc.gov | (864) 467-4550

Plans Reviewed for Code Compliance.
"CONTRACTOR'S COPY MUST BE KEPT ON
JOBSITE AT ALL TIMES"

1. Any review or acceptance by this department
does not relieve the contractor from meeting
code or ordinance requirements.

2. Inspections will not be made unless permit
and approved drawings are on job site.
Penalty will be a \$400 re-inspection fee.

Permit #: 21-3296
Date: 9/27/2021

INTERIOR
ELEVATIONS

A-4

G1.6 PROJECT # 2124

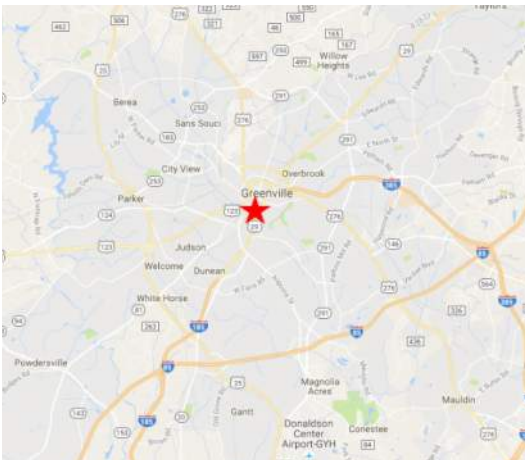


CAMPERDOWN

BROAD STREET & SOUTH MAIN STREET
GREENVILLE, SC

LEASING | Cortney Carter
direct: 864.752.0302
ccarter@collettre.com

Rebecca Gault
direct: 864.331.2965
rebeccag@capllc.com



DEMOGRAPHIC SNAPSHOT (2018)

	1 mile	2 mile	3 mile
Population	9,101	39,735	79,469
Projected Pop. (2023)	9,863	43,740	87,061
Avg. Household Income	\$72,813	\$70,716	\$68,640

DAYTIME POPULATION

Total Businesses	2,541	3,986	6,597
Total Employees	28,913	41,786	72,643

WEEKEND PEDESTRIAN COUNTS

Broad Street - Japanese Dogwood Lane

30,711 • Co-tenants include: Bank of America, Elliott Davis, Larkin's

THE PEACE CENTER

Over 600 Events Per Year

PROPERTY DETAILS

- Phase I - Gannett Building - 5,546 SF of retail space available
- Phase II - mixed use development - delivery 1st QTR 2020
- 250 apartment units
- +/-70,000 SF of retail / restaurant available for lease
- 196 room AC Hotel by Marriott
- 18 luxury condos
- 150,000 SF of office space
- 900 parking spaces with valet services

217-A EAST WASHINGTON STREET
GREENVILLE, SC 29601
864.752.0300 | WWW.COLLETTRE.COM



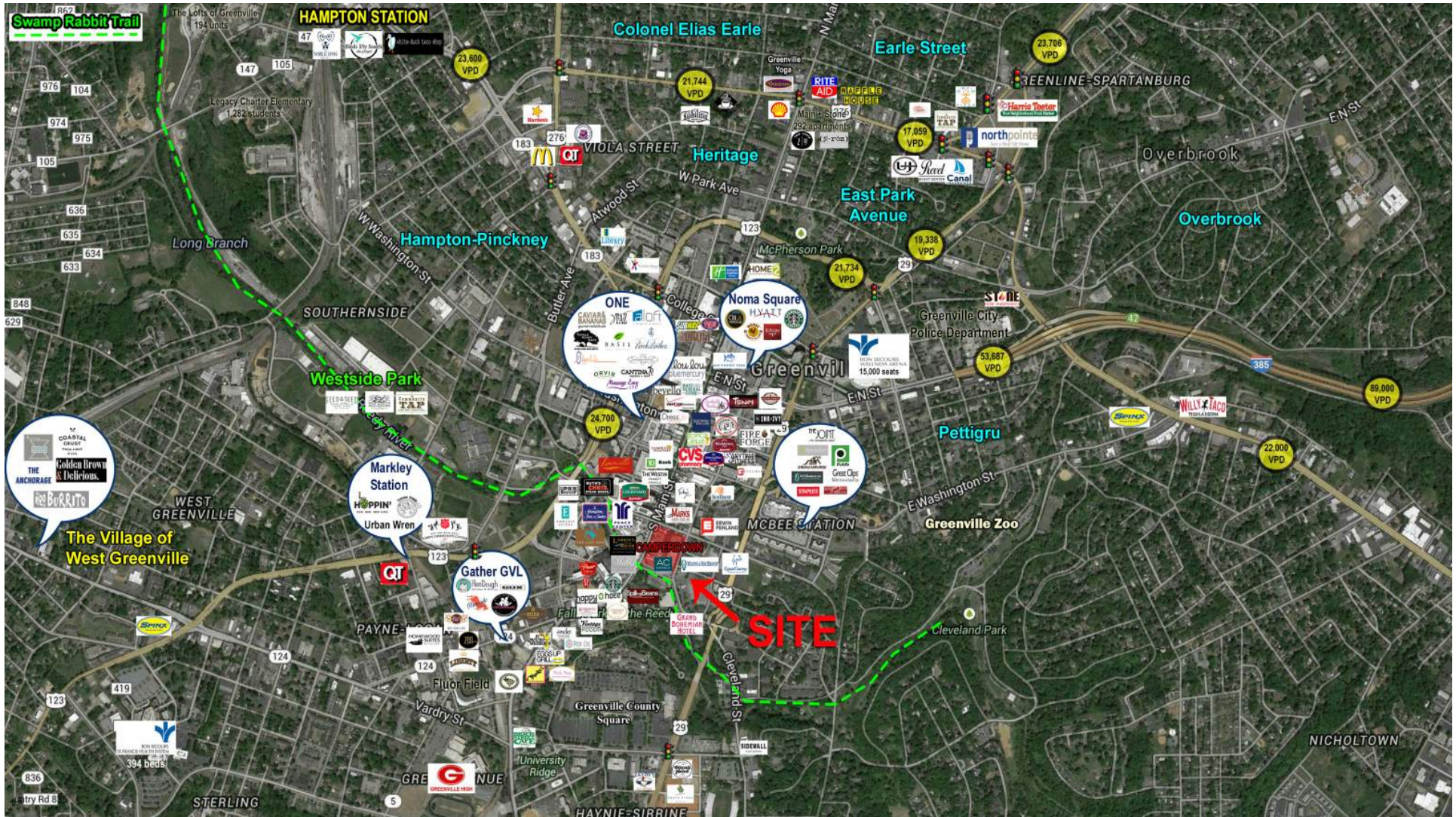


CAMPERDOWN

AERIAL

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Rebecca Gault
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rebeccag@capllc.com



217-A EAST WASHINGTON STREET
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Rebecca Gault
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CAMPERDOWN

SITE PLAN

LEASING | Cortney Carter
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Rebecca Gault
direct: 864.331.2965
rebeccag@capllc.com



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GREENVILLE, SC 29601
864.752.0300 | WWW.COLLETTRE.COM



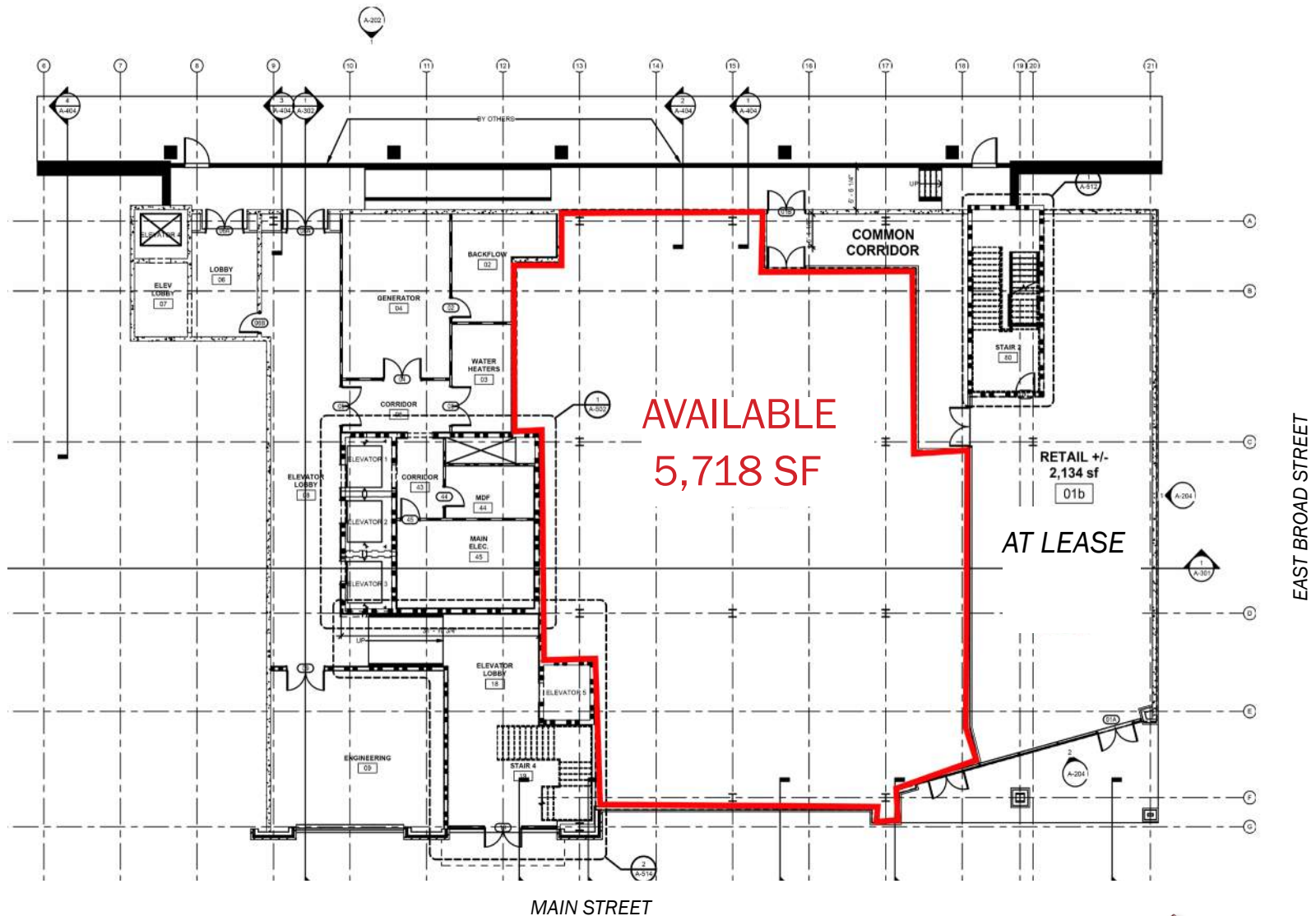


CAMPERDOWN

RETAIL UNDER AC HOTEL

LEASING | Cortney Carter
direct: 864.752.0302
ccarter@collettre.com

Rebecca Gault
direct: 864.331.2965
rebeccag@capllc.com



217-A EAST WASHINGTON STREET
GREENVILLE, SC 29601
864.752.0300 | WWW.COLLETTRE.COM



Collett



CAMPERDOWN

RETAIL UNDER OFFICE BUILDING - FACING MAIN STREET

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direct: 864.752.0302
ccarter@collettre.com

Rebecca Gault
direct: 864.331.2965
rebeccag@capllc.com



217-A EAST WASHINGTON STREET
GREENVILLE, SC 29601
864.752.0300 | WWW.COLLETTRE.COM



Collett

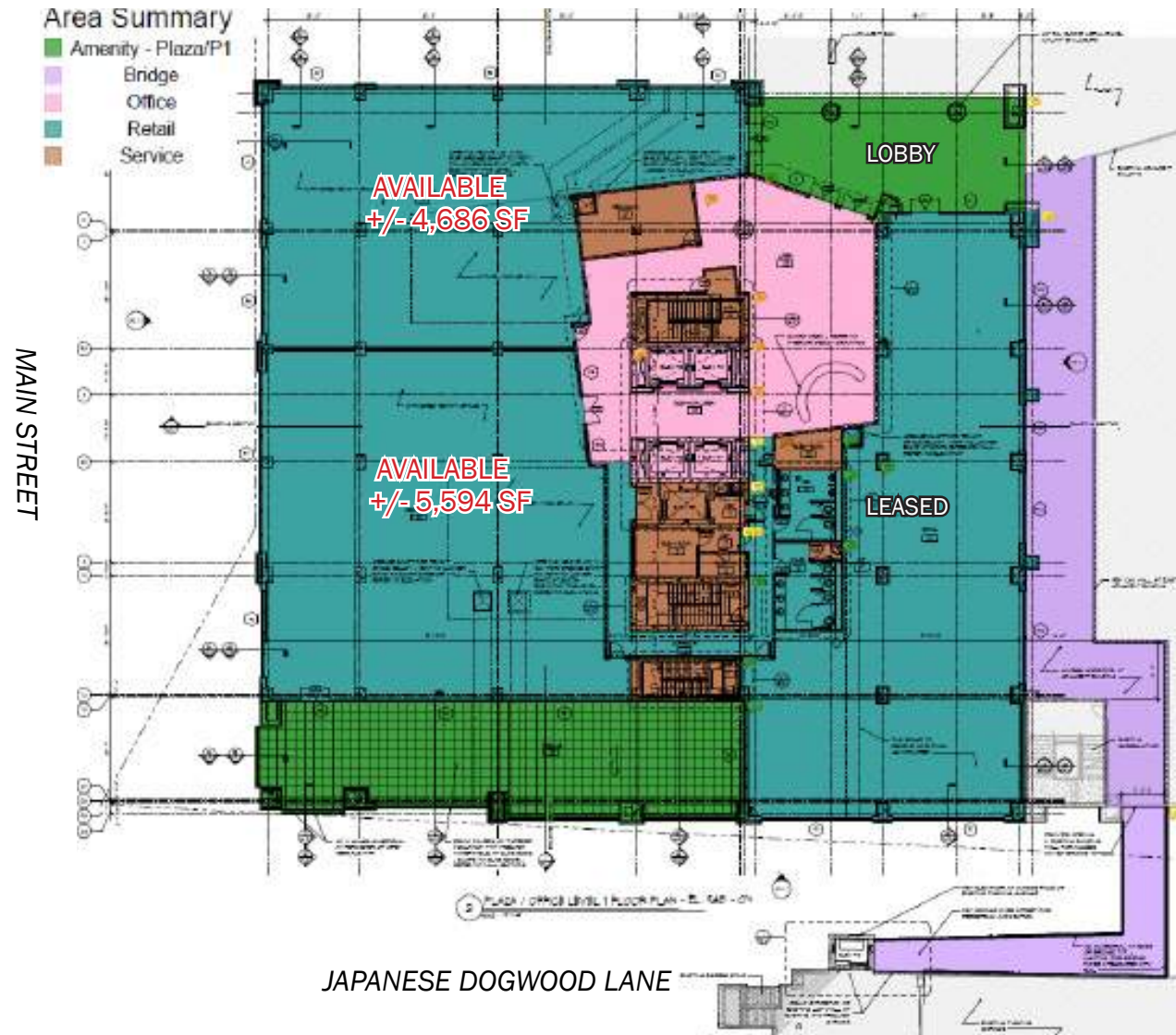


CAMPERDOWN

RETAIL PLAZA LEVEL - OFFICE BUILDING

LEASING | Cortney Carter
direct: 864.752.0302
ccarter@collettre.com

Rebecca Gault
direct: 864.331.2965
rebeccag@capllc.com



217-A EAST WASHINGTON STREET
GREENVILLE, SC 29601
864.752.0300 | WWW.COLLETTRE.COM



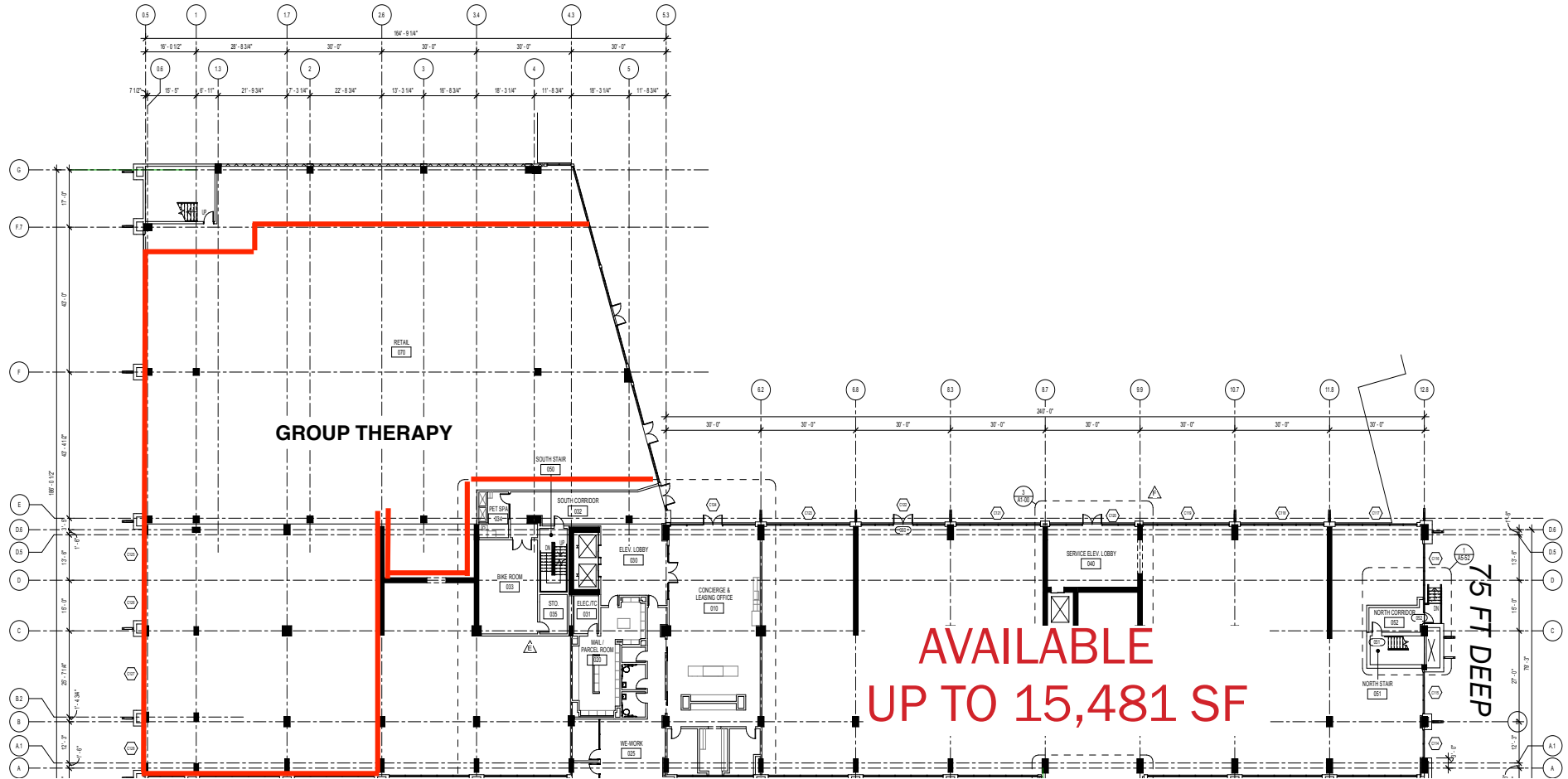


CAMPERDOWN

RETAIL SPACES UNDER APARTMENT BUILDING

LEASING | Cortney Carter
direct: 864.752.0302
ccarter@collettre.com

Rebecca Gault
direct: 864.331.2965
rebeccag@capllc.com



FALLS STREET

217-A EAST WASHINGTON STREET
GREENVILLE, SC 29601
864.752.0300 | WWW.COLLETTRE.COM





CAMPERDOWN

GREENVILLE FACTS & FIGURES

LEASING | Cortney Carter
direct: 864.752.0302
ccarter@collettre.com

Rebecca Gault
direct: 864.331.2965
rebeccag@capllc.com

- *"Best Small Cities in the US" (National Geographic Traveler 2018)*
- *"Top 10 Traveler's Choice Destinations on the Rise" (Trip Advisor 2018)*
- *"4th Fastest Growing City in the US" (US Census 2017)*
- *"The 24 Coolest Towns in the USA - 2017" (Matador 2017)*
- *"Top 5 Places in the US to Retire" (Conde Nast Traveler 2017)*
- *"America's Best Downtowns" (Forbes 2017)*
- *Office space downtown totals over 3 million square feet, accounting for 1/3 of the total office space in the Greenville/Spartanburg area*
- *Bon Secours Wellness Arena (15,000 seat sports & entertainment arena)*
- *The Peace Center (2,100 seat concert hall, 430 seat outdoor amphitheater, over 300 events per year)*
- *With more than 250 international firms, from more than 24 different countries, the Upstate boasts the highest international investment per capita in the nation. Greenville is home to such national and international corporations as Fluor, Hubbell Lighting, BMW and Michelin North America*
- *9th fastest growing city in America*
- *Greenville is home to Bon Secours St. Francis Health System and Greenville Hospital System, which is the nation's first multi-hospital system*
- *Ranked 7th for economic development among all MSA's across nation*





**Planning Staff Report to
Board of Zoning Appeals
November 8, 2021**
for the November 11, 2021 Public Hearing

Docket Number:	S 21-782
Applicant:	Gringos Cantina LLC (Robert Starcher)
Property Owner:	Timberland Holding Company, LLC
Property Location:	11 Falls Park Drive
Tax Map Number:	007000-01-02400
Acreage:	0.4
Zoning:	C-4, Central Business District
Proposal:	SPECIAL EXCEPTION to establish a 'Restaurant' and 'Bar' open after midnight

Applicable Sections of the City of Greenville Code of Ordinances:

Sec.19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*

Sec.19-2.3.5, *Special Exception Permit*

Sec.19-4.1, *Table of Uses*

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

Sec. 19-4.3.3 (C), *Use Specific Standards, Commercial Uses, Eating Establishments*

Sec. 19-4.3.3 (F) (10), *Use Specific Standards, Commercial Uses, Retail sales and service, Nightclub/Bar*

Staff Recommendation: Deny

Staff concludes that the Application does not comply with the standards to grant a Special Exception Permit to establish a **'Restaurant' and 'Bar' open after midnight**. If the Board decides to grant the Permit, Staff is prepared to provide recommendations for conditions.

Staff Analysis:

The Applicant, Robert Starcher, Manager of Gringos Cantina LLC, requests a special exception for a restaurant and bar use to operate after midnight in a C-4, Central business district. The subject site is located at 11 Falls Park Drive, 250 feet north of S Main Street.

Per Sections 19-4.1 (*Table of Uses*) and 19-4.3.3(A) and (F)(10) (*Use-specific standards for Commercial, General and Nightclubs or Bars*), a special exception permit is required for bars and any business in the C-4 district to operate after midnight. The proposal includes establishment of a restaurant and bar within a two-story building and outdoor patio area. According to the application, hours of operation will be from 4 pm to 2 am all days of the week, with food service provided from open to at least 10pm. The outdoor patio would close at midnight on Friday and Saturday nights, and 11 pm for all other nights of the week. The application indicates the intent to have live music and other entertainment.

The Technical Advisory Committee (TAC) met with the applicant on October 18, 2021 and recommended denial of the special exception permit; The TAC's findings and recommendation are listed at the end of this report.

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

1. The Use Is Consistent with the Comprehensive Plan(s):

The Future Land Use Map of the City's GVL 2040 Comprehensive Plan designates this property 'Center City' which is described as follows:

Center City is Greenville's downtown central business district. It contains a mix of land uses including but not limited to office, service, retail, entertainment, cultural, government, civic, light manufacturing, and residential. Development is expected to be pedestrian-oriented and designed to actively engage streets, parks, plazas, the riverfront, and other public spaces.

The proposed use aligns with the desired "entertainment" use in the Center City FLUM classification.

Staff finds that the proposed use is consistent with the GVL 2040 Comprehensive Plan.

2. The Use Will Comply with the Use Specific Standards:

Use-specific standards for commercial uses open after midnight, 'Eating establishments' and 'Bars' are listed below:

19-4.3.3(A) General.

- (1) *Design standards. Except where specifically exempted by this chapter, nonresidential uses shall comply with the standards in subsection 19-6.5.*
- (2) *Commercial uses located within the OD, C-1, C-2, C-3, C-4, S-1, 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 7:00 a.m.*
 - (d) *Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinances shall be posted in conspicuous locations and shall be enforced by the proprietors.*
 - (e) *Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. No exterior amplified sound shall be permitted between the hours of 10:00 p.m. and 11:00 a.m. Interior sound amplification shall be located only as reflected on an approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.*
 - (f) *Drive-through facilities shall be closed between the hours of 12:00 midnight and 5:00 a.m.*
 - (g) *Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.*
 - (h) *The required permit, either special exception permit or conditional use permit, shall be limited to the applicant and shall not be transferrable. Copy of the special exception permit or the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.*

19-4.3.3 (C) Eating establishments.

- (1) *General.*

- (a) *Eating establishments that encroach onto public property shall comply with the city's outdoor displays and cafes ordinance (see chapter 8, article VIII, of this Code).*
- (b) *Eating establishments on private property shall comply with the following standards:*
 - 1. *The eating establishment shall not obstruct the movement of pedestrians along adjoining sidewalks, or through other areas intended for public usage, ingress, or egress.*
 - 2. *Outdoor live entertainment shall not be allowed, unless separate approval is obtained for an outdoor entertainment use.*
 - 3. *In approving eating establishments, the decision-making body may impose conditions relating to the location, configuration, and operational aspects (including hours of operation, noise, and lighting) to ensure that eating establishments will be compatible with surrounding uses and will be maintained in an attractive manner.*

19-4.3.3(F)(10) Nightclub or bar. In addition to complying with the standards for granting a special exception, such use shall comply with the location standards established by the state and:

- (a) *A conditional use permit shall be limited to the applicant or a legal entity authorized to be represented by the applicant, and shall not be transferrable.*
- (b) *Operation of the facility shall be limited to a "nightclub/bar," as defined by this Code, and shall substantially conform to the statements 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 conditional use permit. Operation of the business shall comply at all times with the provisions of the South Carolina Alcoholic Beverage Control Act and the regulations of the department of revenue.*
- (c) *At all times during its occupancy, the applicant shall assign a manager on the premises who shall ensure compliance with the terms of the conditional use permit, this Code, and the applicable S.C. Code of Laws and Regulations.*
- (d) *The applicant and all of its managers and employees responsible for serving any alcoholic beverage (current and future) shall participate in the merchant education/server training program offered by the Phoenix Center or comparable program offered by other vendors approved by the city police department. Evidence of satisfactory completion of this training for each employee shall be retained on-site and available for inspection by the administrator and the city police department. Current personnel shall receive training within 90 days of the date of the granting of a conditional use permit and future personnel shall receive training within 30 days of hiring.*
- (e) *As may be recommended by the technical advisory committee, the administrator may require the applicant to retain outdoor security persons during operation of the establishment. The security persons must possess a security officer registration certificate pursuant to S.C. Code 1976, title 40, chapter 18, or, as an alternative, may be an off-duty sworn law enforcement officer. No other employee may serve in the capacity of a security person unless so certified.*
- (f) *Occupant capacity of the establishment shall be established by the city building codes administrator. The applicant shall designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons.*
- (g) *Exterior sound amplification shall be prohibited except in areas specifically authorized on the approved site plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. Specified hours of exterior sound amplification shall be limited by the permit.*
- (h) *Interior sound amplification shall be located only as reflected on the approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building. Except to provide ingress and egress, exterior doors and windows shall remain closed after 10:00 p.m.*
- (i) *Rooftop decks shall have perimeter guard railing above table surfaces.*

- (j) *Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code shall be posted in conspicuous locations on the building and throughout the parking lot and shall be enforced by the proprietors.*
- (k) *The application shall comply with city noise, smoking, and encroachment ordinances.*
- (l) *A copy of the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.*
- (m) *The administrator may attach additional conditions to the conditional use permit which will protect nearby uses from any adverse impacts reasonably expected to occur as a result of the operation of the nightclub/bar.*

The applicant has provided a general response to the criteria within their application and specifically addresses the issue of noise.

Under the applicant's previous management of a restaurant and bar at this site, there were multiple issues related to noise violations and insufficient security. From the information provided, Staff is not confident that the measures to dampen noise or to secure the site have been adequately addressed. The proximity of residential uses to this site makes address of these concerns vital to any decision to grant a special exception permit as requested. These concerns are further emphasized in the TAC findings and recommendations.

Staff finds that adequate information has not been provided to verify that the use will comply with the specific use standards of the Land Management Ordinance.

3. The Use Is Compatible with the Character of Surrounding Lands:

Adjacent property is zoned and used as follows:

East: Commercial and multi-family residential (C-4)

North: Retail (C-4)

West: Commercial and multi-family residential (C-4)

South: Bar and Retail (C-4)

The subject site is currently surrounded on two sides by multifamily residential uses. Although not completely incompatible with this use type, the establishment of a bar that operates after midnight with would require very acute consideration to its impact on adjacent properties. The proposal to leave the outdoor area open until midnight is disconcerting, especially since it is in close proximity to residential uses nearby. Greater consideration to the operation of the outdoor patio, limitation of the interior space and occurrence of live music and the impact of the release of patrons at 2 am should be incorporated more fully into the applicant's proposal and safeguards to ensure compatibility with the surrounding lands and uses.

Staff finds that the use, as proposed and explained in the application, will not be compatible with adjacent lands and uses.

4. The Design Does Not Have Substantial Adverse Impact:

The applicant has provided a general response to the criteria, within their application, and proposes some measures to address concerns of noise, service areas, parking, and some visual nuisances.

Under the applicant's previous management of a restaurant and bar at this site, there were multiple issues related to noise, insufficient security, odor from trash, visual nuisance from poor maintenance of service areas and installation of unapproved wall art.

From the information provided, Staff's opinion is the measures, indicated by the applicant to dampen noise, secure the site, and sufficiently mitigate any visual nuisances, have not been adequately

addressed. The proximity of residential uses to this site and the proposed late hours of operation makes proper resolution of these concerns vital. These concerns are further emphasized in the TAC findings and recommendations.

Staff finds that the use, as proposed and explained in the application, may impose substantial noise and visual impacts.

TAC Recommendation:

FINDINGS OF THE COMMITTEE:

1. The application, including the Application for Special Exception, Zoning Compliance Application, and all other documents submitted supplemental to those applications and received as part of the Board of Zoning Appeals files for this case prior to the Technical Advisory Committee review, is hereby incorporated and made a part of the findings of this Committee.
2. The applicant indicates the intent to operate a restaurant and bar with hours of operation of Sunday through Saturday, 4 pm to 2 am, with the patio open until 11pm Sunday through Thursday and midnight on Friday and Saturday.
3. The applicant indicates that food service will be open from open to at least 10pm.
4. The applicant indicates that Gringos Cantina LLC will be similar to the previous business, trying to take over the business for Jacob Billingsly. The business will have a new owner, new licensing, and a new liquor license.
5. The applicant indicates the intent to work on the patio, including soundproof measures and installation of a green wall to reduce noise trespass.
6. The applicant indicates that sound entertainment, like DJ performances, will occur at this location.
7. The applicant indicates that his management company, Gringos Cantina LLC, was the manager of the previous business at 11 Falls Park Drive, and that operation of the business by his management company was consistent with how the business owner, Jacob Billingsly, instructed him to operate.
8. The Committee finds that under the previous ownership, the Special Exception Permit was revoked with Zoning Enforcement Staff citation of violation of the Special Exception Permit and multiple other complaints related to the previous business.
9. The Committee finds that Mr. Billingsly filed an Appeal of the Administrators decision to the revoke the Special Exception Permit and the Board of Zoning Appeals confirmed the revocation under BZA Case File A 21-413 (included as Exhibit 1).
10. The Committee finds that the applicant testified to the Board of Zoning Appeals as the management company of record and active general manager under BZA Case A 21-413 (included in the Board of Zoning Appeals meeting minutes for the June 10, 2021 BZA Regular Meeting included as Exhibit 2).
11. The Committee finds that the BZA Case File was subsequently Appealed to Circuit Court and the Board of Zoning Appeal's decision was affirmed (included as Exhibit 3, Court of Common Pleas Thirteenth Judicial Circuit Case No.: 2021-CP-23-02812).

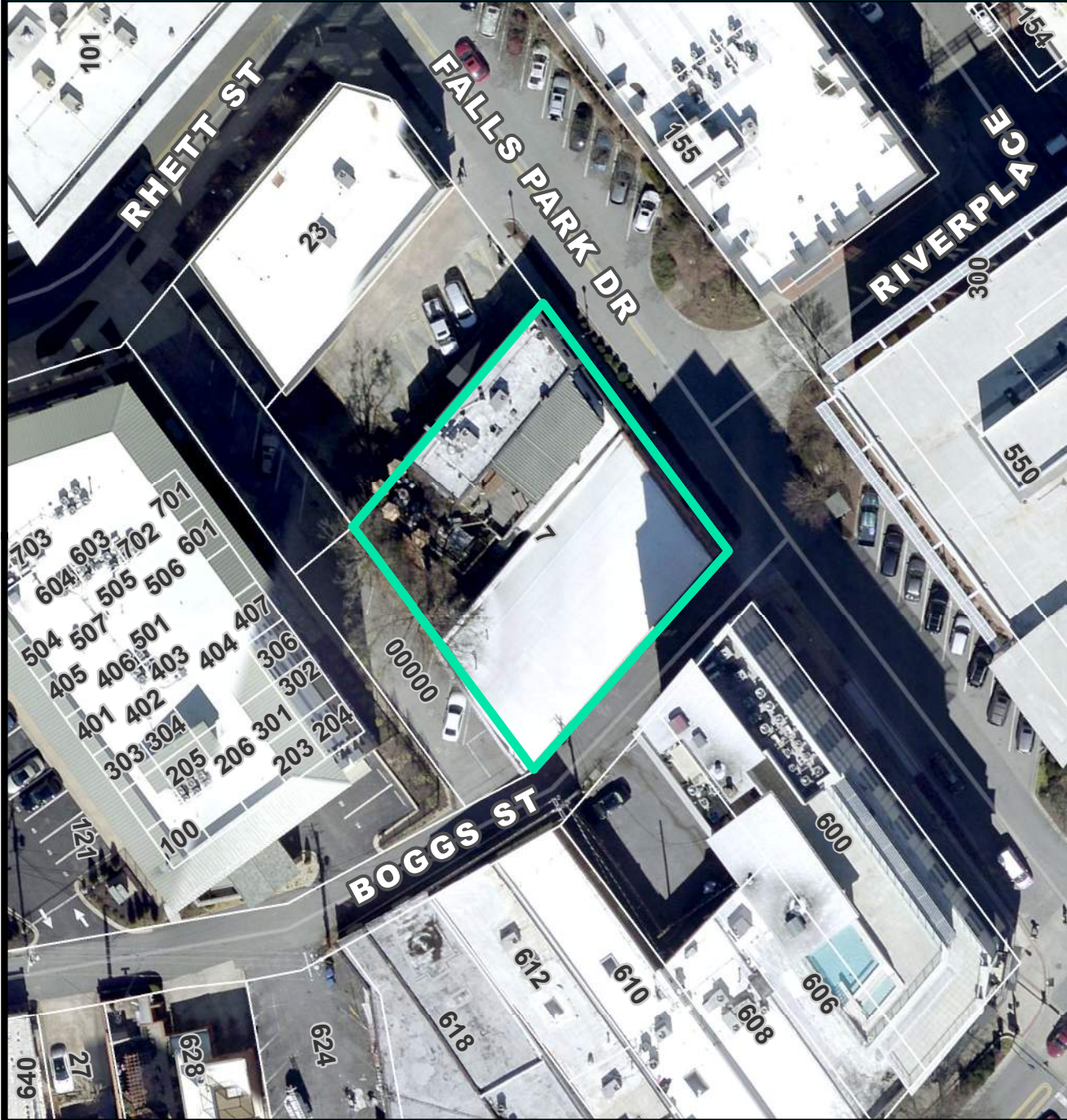
12. The Committee finds that in light of previous issues cited for this location in which the applicant was involved within the last six (6) months of this application that the ability to minimize adverse effects on adjacent lands, specifically including noise issues, visual impacts, and general public safety concerns, is compromised and the Committee has very little confidence these such nuisances are not going to be mitigated through the operation plans, floor plans, or other proposed building and site improvements.
13. The Committee finds that continued noncompliance to City Code of Ordinance and property maintenance requirements on site, including failure to properly dispose of trash on the property; disrepair of handrails, tables, and roof of structures on the property; allowance of stagnant water to remain; and retaining painted images on the walls of the building without proper approval from the City (included as Exhibit 4, Notice of City Code Violation dated October 14, 2021; and pictures of wall art included as Exhibit 5).

RECOMMENDATIONS OF THE COMMITTEE:

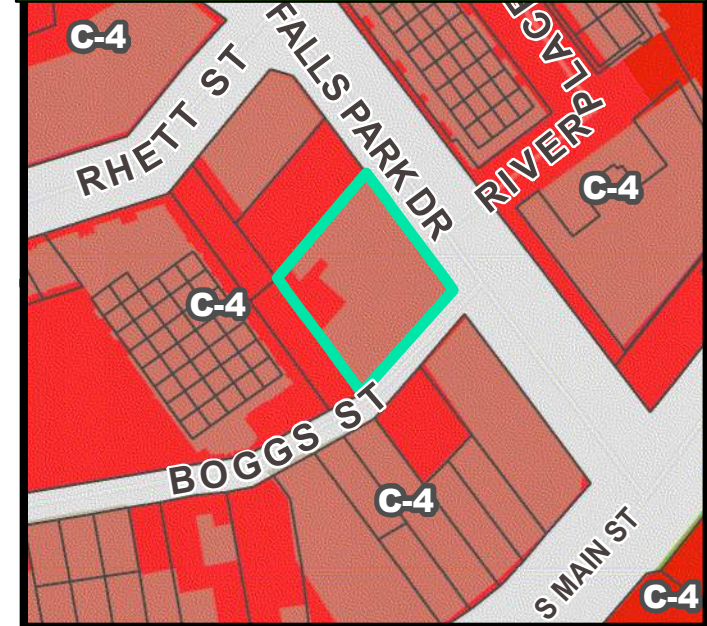
1. This Committee recommends that the Board of Zoning Appeals **deny** the application for a Special Exception Use Permit based on the aforementioned findings.

S 21-782 • 11 FALLS PARK DRIVE

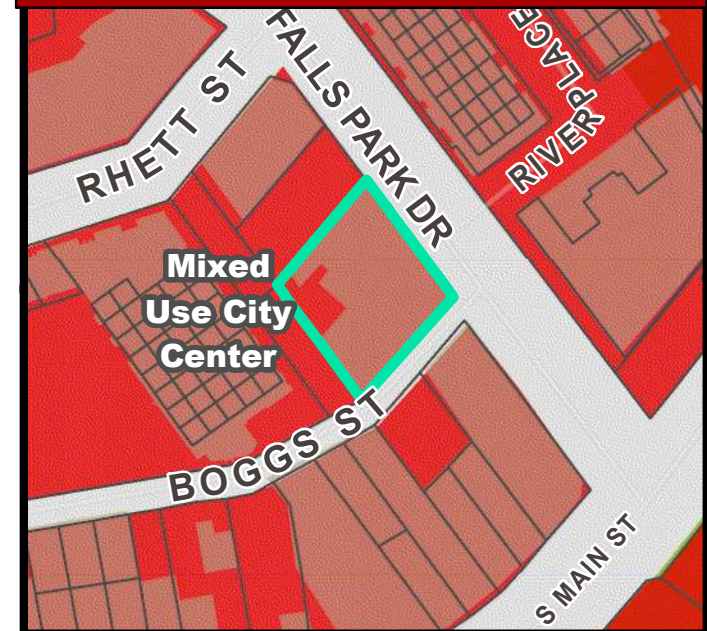
AERIAL VIEW



CURRENT ZONING

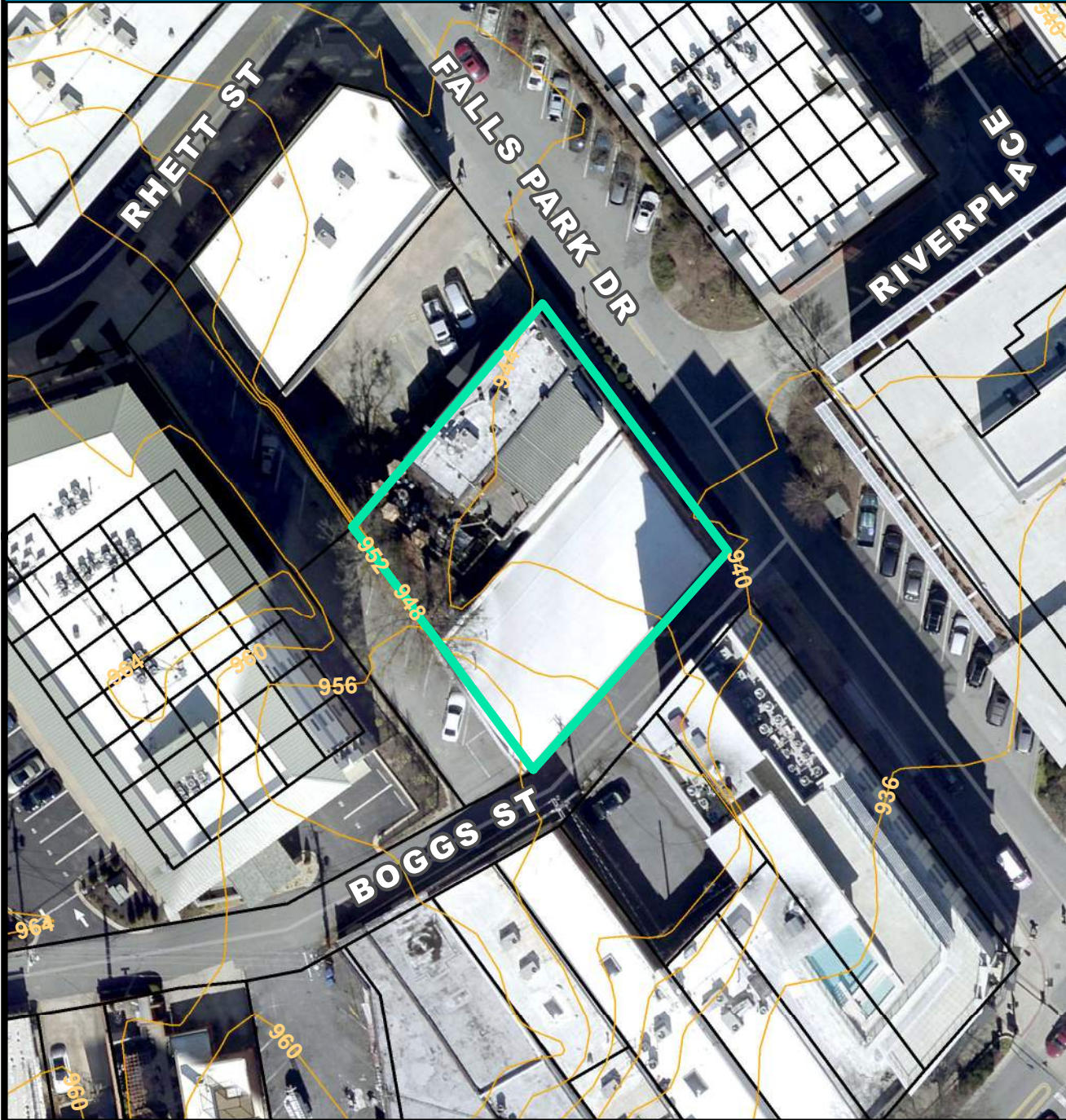


FUTURE LAND USE

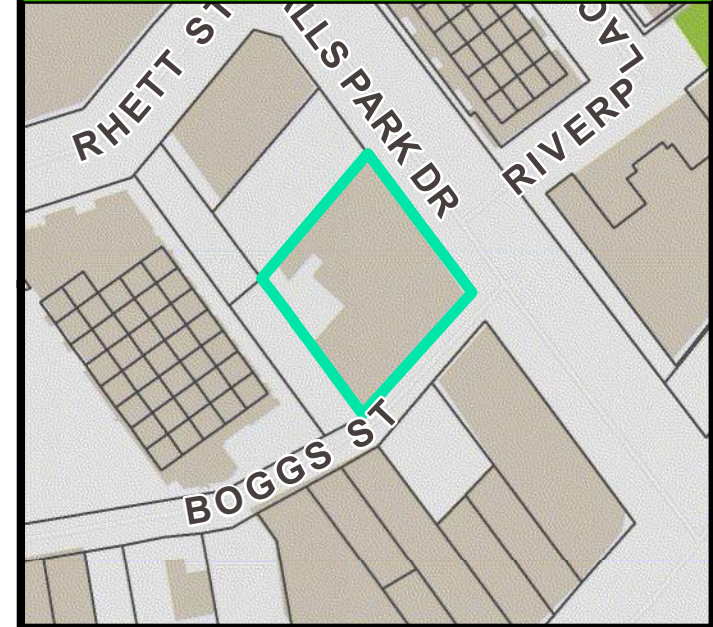


S 21-782 • 11 FALLS PARK DRIVE

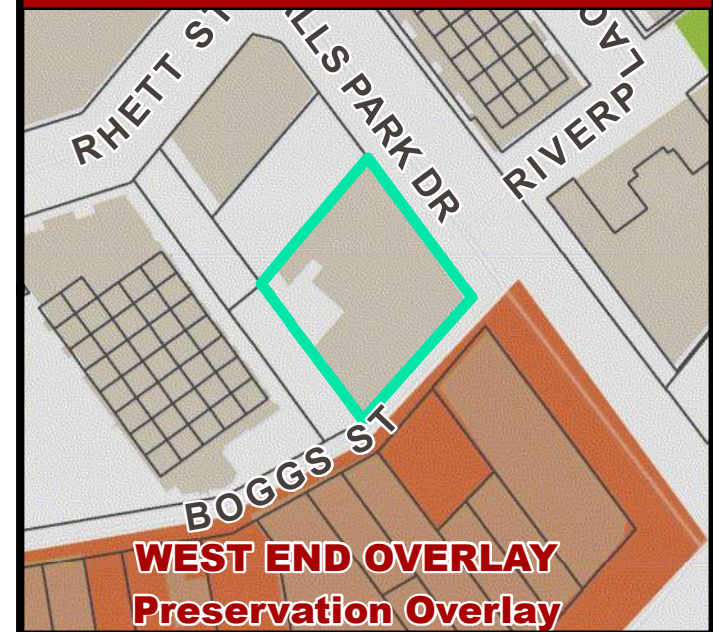
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Robert Starcher Manager / Gringos Cantina LLC
* Name Title / Organization

permit may be limited to this entity. _____

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

MAILING ADDRESS: 120 Palencia Village Dr Suite #C-105/44 St Augustine FL
32085

PHONE: 704-771-2869 **EMAIL:** Cory@gringoscantinafood.com

PROPERTY OWNER: Timberland Holding Company LLC

MAILING ADDRESS: 31 Cleveland St Greenville, SC 29601

PHONE: 864-420-2358 **EMAIL:** jeff@realmpropertyconcepts.com

PROPERTY INFORMATION

STREET ADDRESS: 11 Falls Park Dr Greenville, SC 29601

TAX PARCEL #: 0020000102501 **ACREAGE:** .4 **ZONING DESIGNATION:** C-4

REQUEST

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

DESCRIPTION OF PROPOSED LAND USE:

Restaurant / Bar / Event space open past midnight.

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

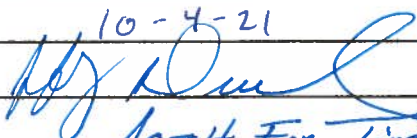
7. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

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.



10-4-21


Agent For Timberland Holding
Company, LLC

APPLICANT / REPRESENTATIVE SIGNATURE

DATE

PROPERTY OWNER SIGNATURE

DATE 10/9/2021

**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.

Restaurant-Bar - event space consistent with the plan for downtown as a destination.

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

Restaurant has been functioning as Gringos since 2013 and was previously an Oyster bar. Both concepts fit with the neighborhood. No major changes other than visual and sound blocking measures.

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

Mixed use area with other restaurants and a tap/beer bar next door.

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.

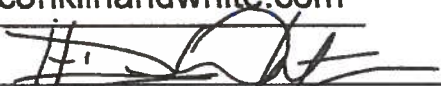
We plan on upgrading the patio with sound blocking greenery walls and sun sails. Pay parking is available in adjacent lot, street, & garages. Loading zone is thru a back door.



Zoning Compliance Application

Establishments Serving Beer, Wine, Or Liquor

Applicant

Name Gringos Canina, LLC Phone 704-771-2869
Mailing Address 120 Palencia Village Dr Suite #C-105144 St Augustine, FL 32095
Email dean.white@conklinandwhite.com
Signature of Applicant  Date 9/21/2021

Property Owner

Name Timberland Holding Company LLC Phone 864-420-2358
Mailing Address 1 31 Cleveland St Greenville, SC 29601
Email jeff@realmpropertyconcepts.com
Signature of Property Owner  Date 9/22/2021
Agent for Timberland Holding Company, LLC.

Property Information

Address 11 Falls Park Dr
TMS# 0070000102501 Zoning District Designation C-4

Description of Proposed Use

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

Operating Plan

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

Security Procedures

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

Seating Plan

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

Business Plan

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

Provide a response for each of the following:

1. Describe the ways in which the proposed use is consistent with the comprehensive plan.
Venue space is consistent with the current use of the area of the West End of Greenville as a mixed
use area. We offer a vibrant eating atmosphere and event venue that will drive resident
satisfaction and tourism in the downtown Greenville area.

2. Describe the ways in which the request is appropriate for its location and is compatible with the character of existing and permitted uses of surrounding lands and will not reduce the property values thereof.
This location has operated as similar establishment for 15 years. Originals Oysters Bar then Gringos
from 2013. Both of these fit within the planned use of downtown Greenville.
We plan to evolve this space in accordance with Greenville growth by changing portions of the
decor and adding to the patio by usage of a green wall sound deadening and revised seating.

3. Describe the ways in which the request will minimize adverse effects on adjacent lands including: visual impacts; service delivery; parking and loading; odors; noise; glare; and, vibration. Describe the ways in which the request will not create a nuisance.
We plan to evolve this space consistent with Greenville's evolution. This will include a Greenwall along the back Patio
section with Shade Canopies to act as sound deadening to reduce noise to residents. Public
Parking readily available around the location. Additionally, sound will be directed away from
doors as applicable.

Meet With the Technical Advisory Committee

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

Building Codes and Inspections	Police
Business Licensing	Fire
Economic Development	Planning
Public Information and Events	Legal

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

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

Gringos Cantina LLC.

Operations Plan

Gringos Cantina is an eclectic Mexican themed venue offering live entertainment, lively atmosphere, a social meeting space event space, and quick serve restaurant offering a dynamic menu that can change seasonally as needed. We plan to operate Sunday through Saturday from 4pm to 2am with the option to adjust hours as business dictates.

Our outdoor patio will be open till midnight on Friday and Saturday nights and open till 11pm on other nights of the week. Please see attached drawings of patio for visual and noise modifications which include a Green Wall and Shading to act as a sound and noise buffer

Food service operating hours will be from open to at least 10pm based on business conditions on any given day.

Staffing Plan

1 - at least one full time manager,
assistant managers (as needed)
Serve Safe or similar certified Bartenders (certifications completed within 30 days of hiring)
Kitchen staff (as needed), and food runners (as needed),
and General staff (as needed). Staff will arrive a minimum of one hour prior to opening to a minimum of one hour after closing.

Security Plan for when 75% or higher capacity is reasonably expected after 10PM

At min 1 off duty police officer

At min 1 Security personnel at front door other throughout the as needed

No person under the age of 21 will be allowed in the upstairs portion of the establishment after 10pm on any day unless being used as a private event for a private event

Parking consists of the following locations.

Pay Lot located immediately to the north of the restaurant.

Street Parking on Falls Park Drive and other surrounding streets.

RiverPlace garage directly across the street.
Pay Parking Lot on River St & Hammond St
Pay Parking Lot on River St & Reedy View Dr
Pay Parking Lot on River St & Rhett St
Pay Parking Lot on River St & Falls Park Dr
Pay Parking 633 Main St

Closing time will be 2am with Last Call taking place at 1:45,
Lights on at 1:50, and all patrons escorted from the building, and
all doors locked, by or before 2am.

Our target audience is comprised of anyone living in or
visiting downtown Greenville and enjoying all that our great city
has to offer in dining, event venues, live entertainment and late
night entertainment.

Projected revenue is 70% food, 30% alcohol

Kitchen Equipment List

Hood System
2 Fryers
1 Flattop grill
1 Chargrill
1 6 burner stove
1 Warmer
1 Double oven
4 SS Prep Tables
1 Salad prep refrigeration unit
1 LoBoy cooler
1 undercounter fridge
1 reach in freezer
2 Walk-in Cooler
1 Walk in Refrigerator

Entertainment may consist of Live Music, Acoustic
Performances, Performing Arts, Digital Entertainment, and other
entertainment options needed by the venue. Duration could be
any time the venue would be open in accordance with needs of
the booking parties or events.

City Business, DEHEC, and ABL Licenses will be obtained
prior to opening of the venue.

Proposed Menu

Snax

Chips & Salsas

Fresh tortilla chips served with our house made Red & Green Salsas

Chips & Queso

Fresh tortilla chips served with Queso

Chips & Guacamole

Fresh tortilla chips & housemade guacamole

Patatas Bravas

Fried Spicy potatoes topped with our housemade sauce

Nachos

Fresh tortilla chips, Queso, Lettuce, Pico, Black beans, Jalapenos
Choice of Chicken, Steak, or Shrimp

Burgers

(Served with Rice, Beans, or Patatas Bravas)

The O.G. Burger

Guacamole, Tomato, Mexican Cheese blend, Lettuce

Tijuana Torpedo

Hot pepper cheese, Grilled Chiles

Nacho Fathers Burger

Queso, Bacon, tortilla chips, pico de gallo, lettuce

Name

Spicy black bean burger, Lettuce, tomato, onion, hot pepper cheese

Tacos (Street style on corn tortillas)

Shrimp

Seared shrimp with garlic, shredded cabbage lime and cilantro.
Served with fruit salsa on the side.

Steak

Grilled steak with fresh garlic, jalapeños and cilantro. Served with pico de gallo on the side.

Pork

slow cooked pork cooked with pineapple. Sweet & Spicy. Served with onion & cilantro relish on the side.

Chicken

Pulled chicken, shredded cabbage, cheese. Served with a side of salsa verde.

Fish

Grilled tilapia tacos. Served with shredded cabbage and fruit salsa on the side.

Mission Style Burritos

Steak

Grilled flank steak, black beans, cilantro lime rice, pico de gallo, avocado, sour cream & queso blanco.

Chicken

Grilled chicken with chipotle, onion, garlic, black beans, cilantro lime rice, pico de gallo, avocado & queso blanco.

Pork

Tender slow cooked pork. Avocado, cilantro lime rice, black beans, queso blanco and fruit salsa.

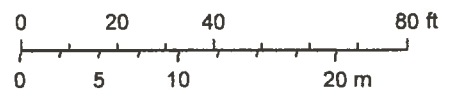
Drunken Gringo

Chicken, Pork, Steak, Shrimp, Black Beans, Jalapenos, Cilantro lime rice, Queso

Side of Rice

Side of Beans

1:480



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

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PROJECT NAME

PREPARED BY.

ARCHIMPLE

MAIN LEVEL PLAN

Date: 08/17/21

Project No: 100-000000

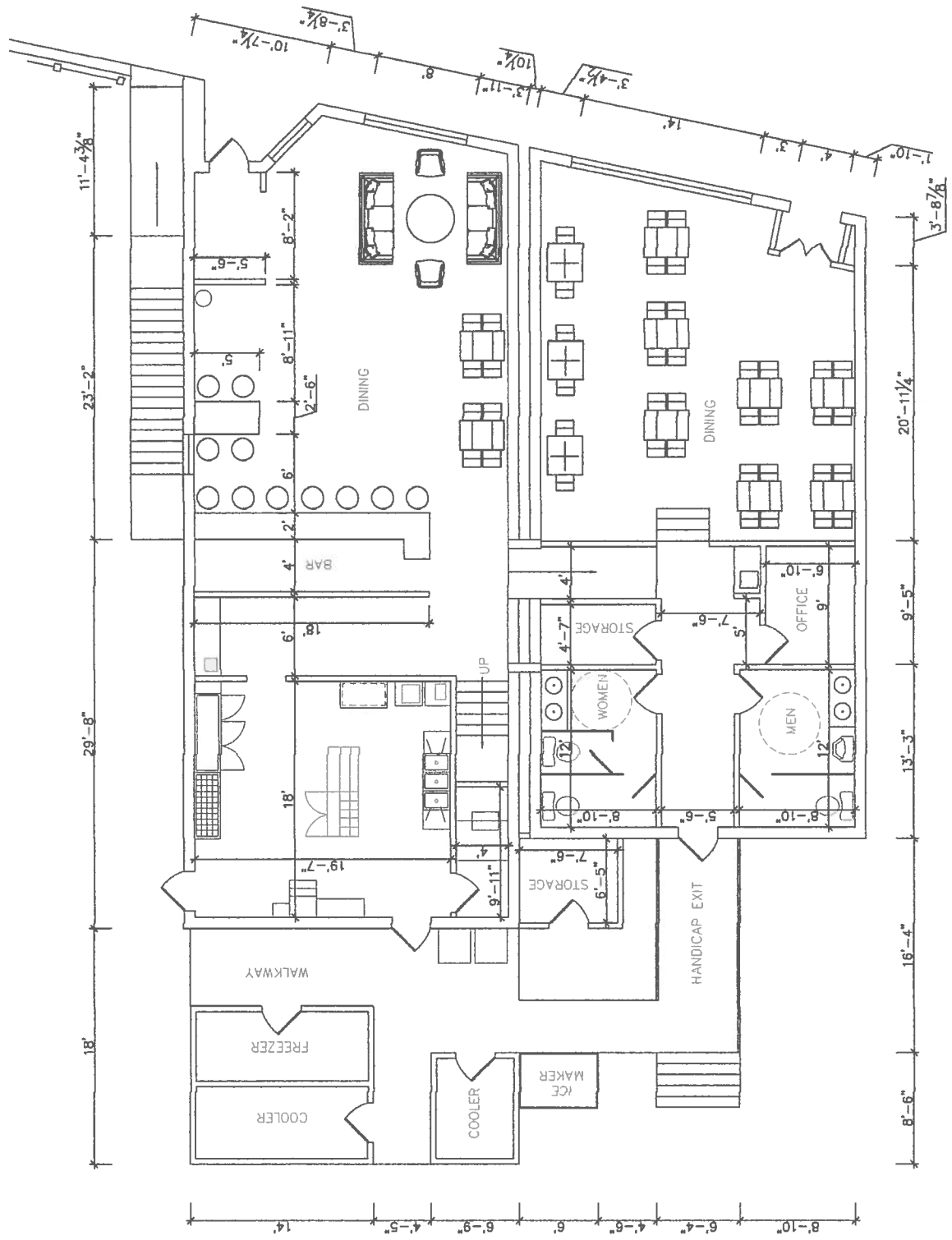
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Checked By:

Approved By:

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MAIN LEVEL PLAN
SCALE: 3/16" = 1'-0"

EXHIBIT 1
*Technical Advisory Committee Report
for Gringos Cantina LLC*



**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 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)

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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.

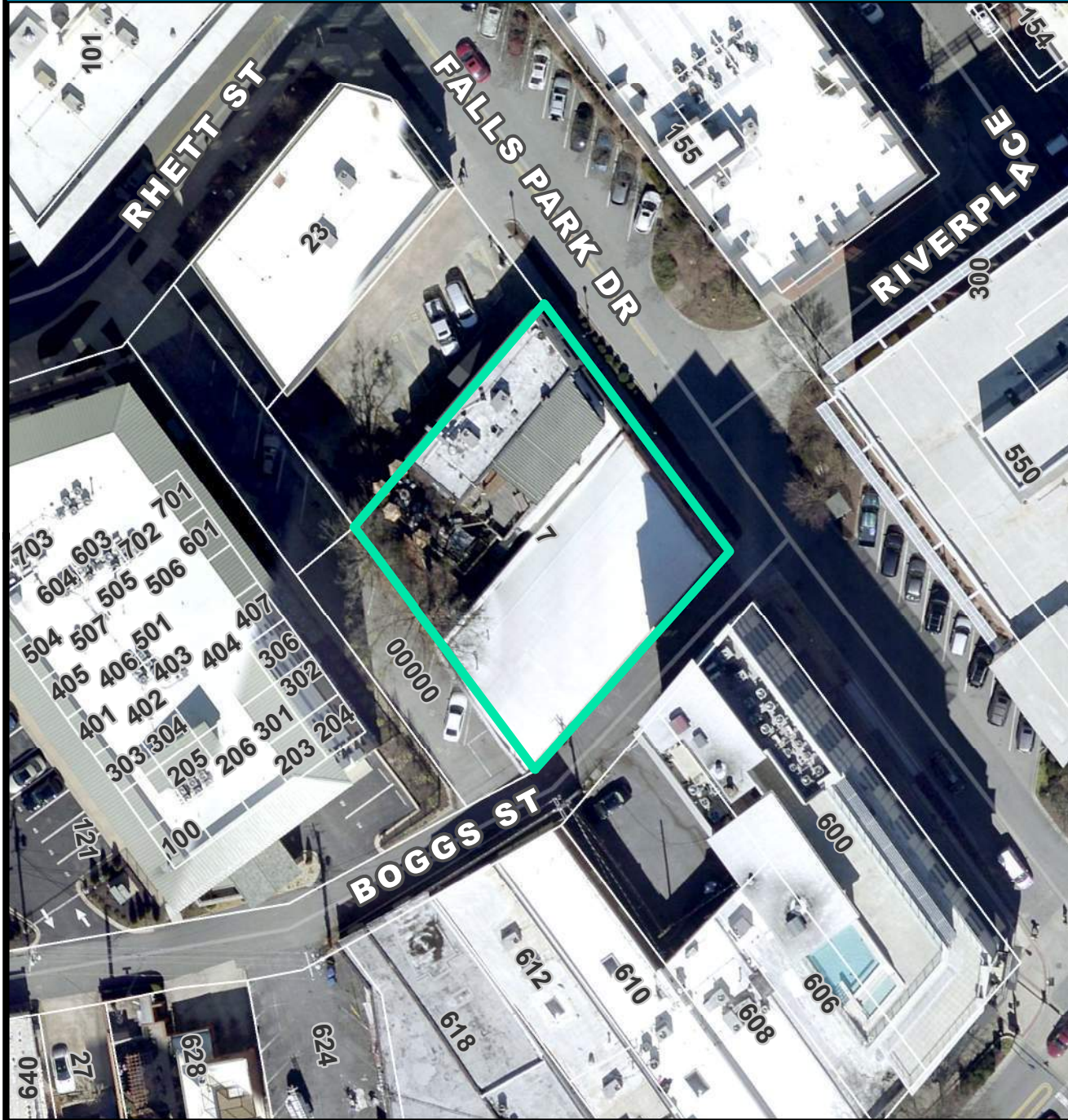
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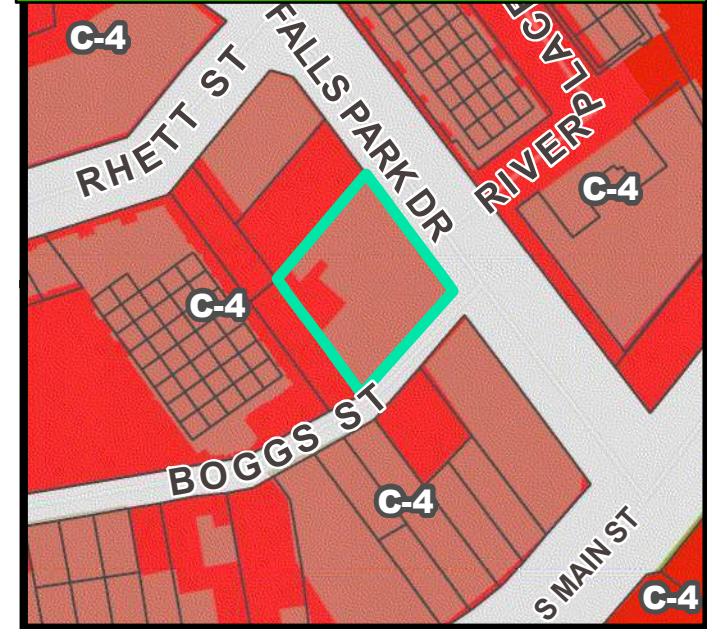
Adobe Sign

A-21-413 • 11 FALLS PARK DR.

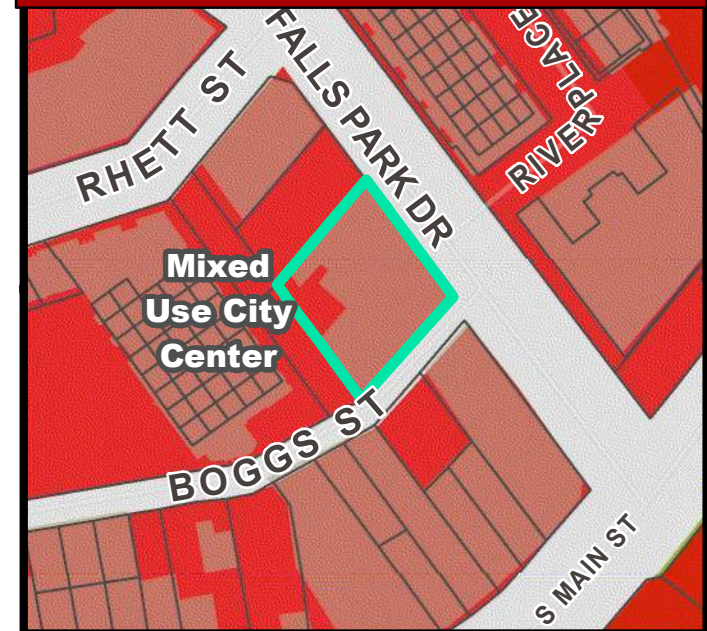
AERIAL VIEW



CURRENT ZONING

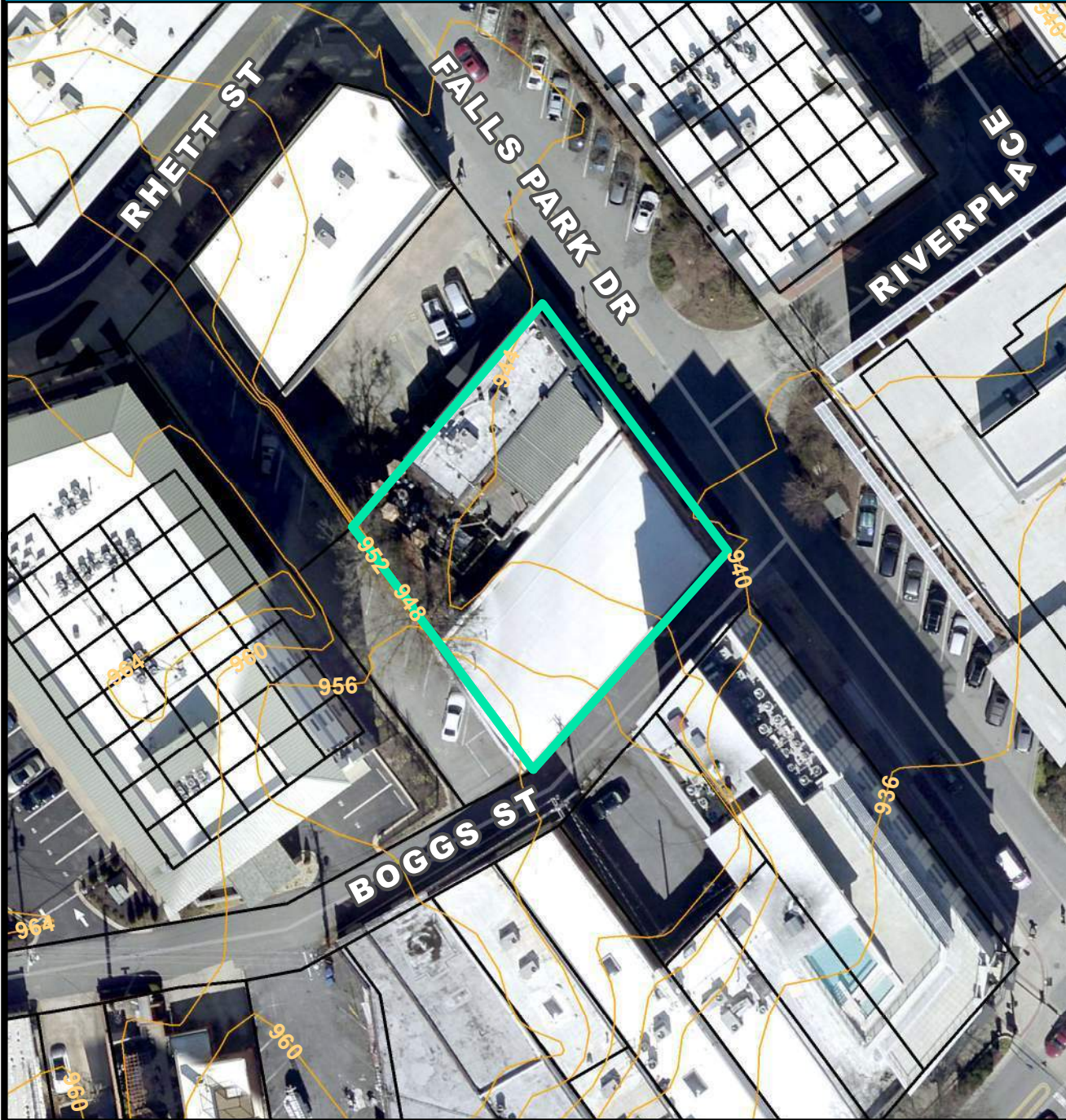


FUTURE LAND USE

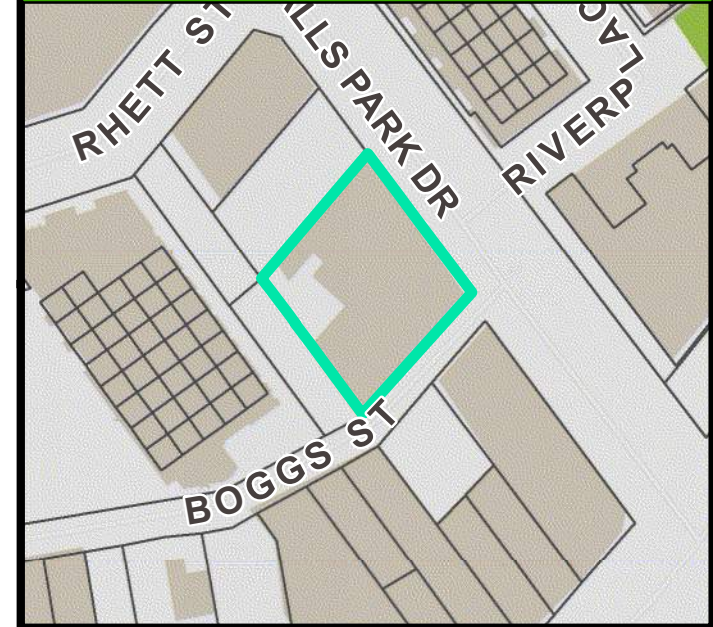


A-21-413 • 11 FALLS PARK DR.

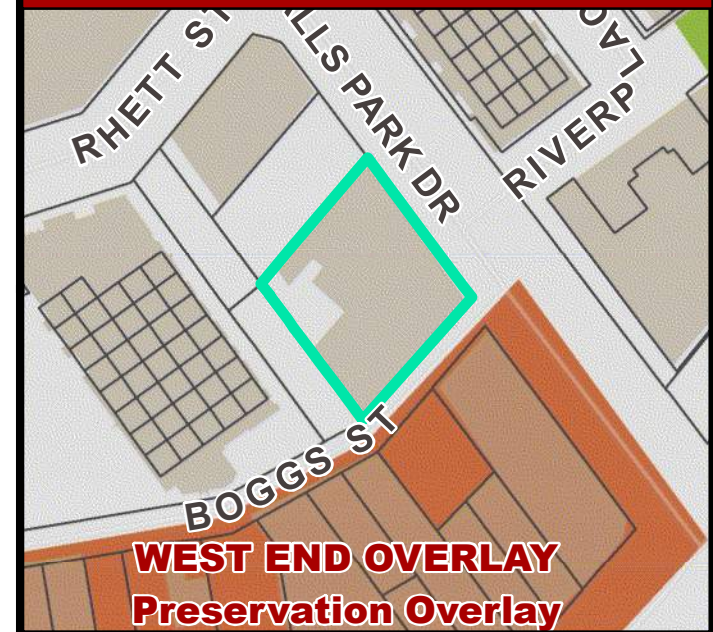
NATURAL / ENVIRONMENTAL FEATURES



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 ☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Religious Org. ☐ Soc / Public ☐ Other ☐ Unknown ☐ Police Officer					
	M598 - Information Only				N	N	3 - Bar/Night Club				0						
Incident Location(Subdivision, Mill Village, Apartment & Number, Street Name & Number)				Closest Intersection				ZipCode									
11 FALLS PARK Dr GREENVILLE SC (Gringos Cantina)								29601									
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					
Address					City			State			Zip Code			Patrol District			
4 Mcgee St					Greenville			SC			29601			CP22			
VICTIM	Victim's Name (Last, first, Middle)				Victim Relationship To Subject		Resident	Ethnicity	Race	Sex	Age	Primary Phone		Business Phone		Mobile Phone	
	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: _____																	
Two-Man Veh ☐ One Man Veh ☐ Detective/SPLASMT ☐ Other ☐ ALONE ☐ ASSISTED ☐ Jurisdiction: -																	
SUBJECT	☐ 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					
		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																
	Juvenile Disposition ☐ Handled Released ☐ Referred To Other Authority ☐ On View Arrest ☐ Summoned ☐ Custody																
	Charge				Warrant Number				Ticket Number								
Arrest Location _____ Gang Affiliation: NG - Not Gang Related																	
NARRATIVE	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							
		Additional Vehicle description															
		Tag Only ☐															
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

Tinathy 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

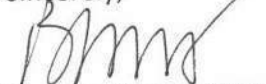
Dear Mr. Billingsley:

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)

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%.

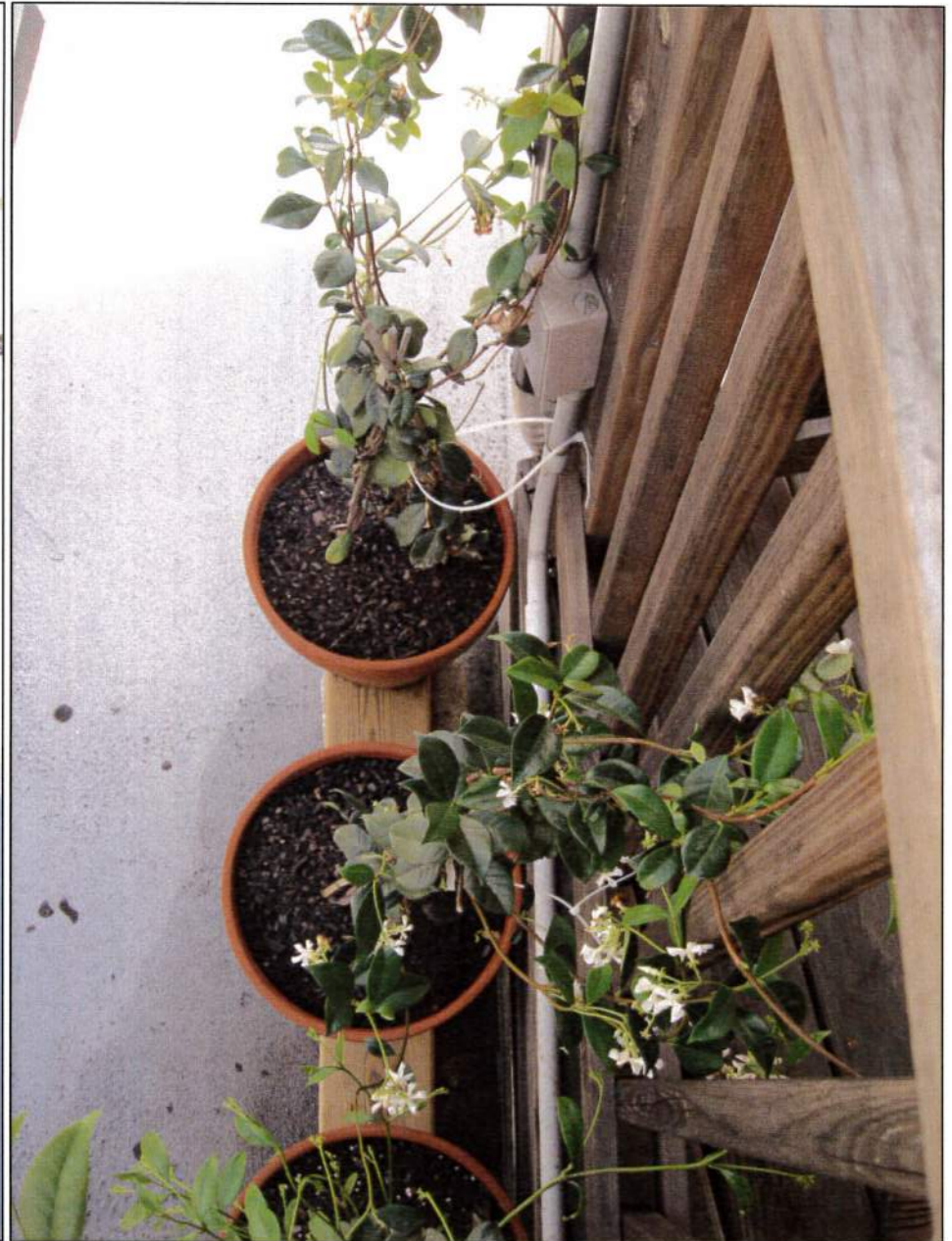
Dan Randall, Applicant, presented the information for the application, stating that he had no issues with the conditions.

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,

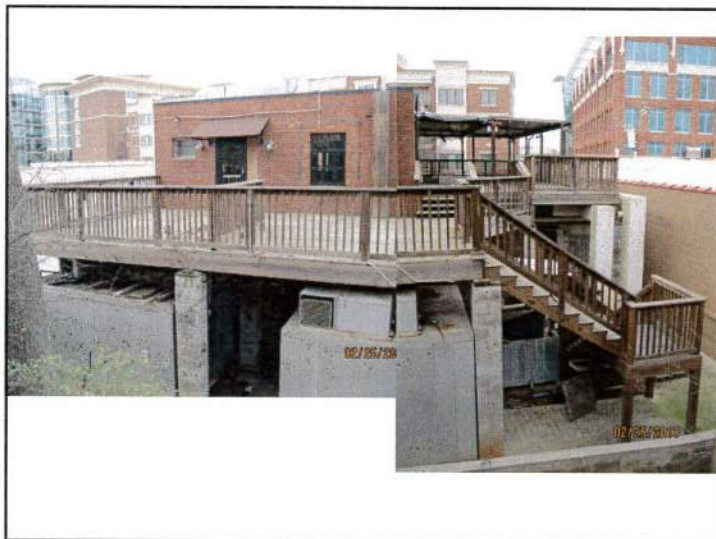
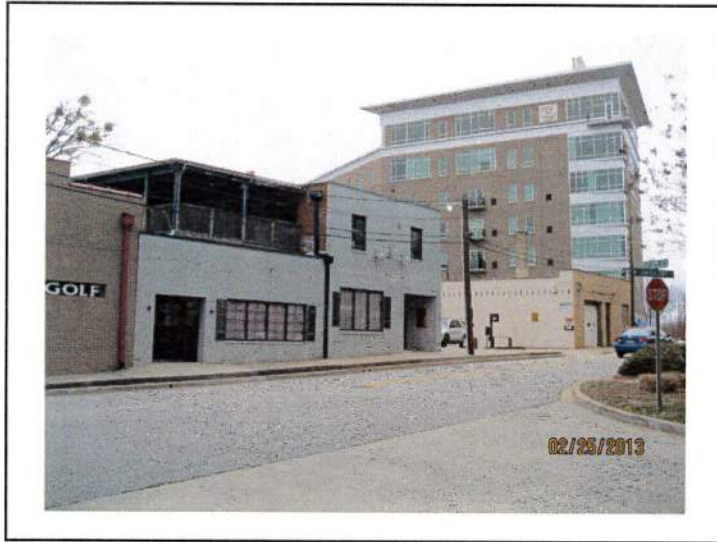
Fire Chief

Chairman of the Technical Advisory Committee

Date: 3-13-13
Greenville, SC

S13-51

11 W Camperdown Wy



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



APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT/OWNER INFORMATION

APPLICANT	PROPERTY OWNER
NAME: <u>Jacob Billingsley</u>	<u>Timberland Capital Investments</u>
ADDRESS: <u>29 McAdoo Ave</u>	<u>PO Box 9297</u> <u>31 Cleveland Ave</u>
<u>Greenville, SC 29607</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.

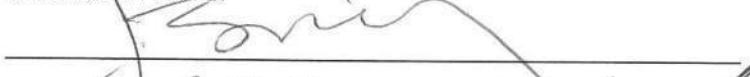
4. YOU MUST ATTACH THE REQUIRED APPLICATION FEE: \$250.00

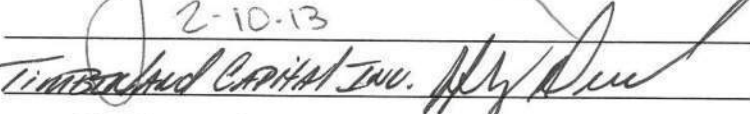
5. THE ADMINISTRATOR WILL REVIEW THE APPLICATION FOR "SUFFICIENCY" PURSUANT TO **SECTION 19-2.2.6, DETERMINATION OF SUFFICIENCY**, PRIOR TO PLACING THE APPLICATION ON THE BZA AGENDA. IF THE APPLICATION IS DETERMINED TO BE "INSUFFICIENT", THE ADMINISTRATOR WILL CONTACT THE APPLICANT TO REQUEST THAT THE 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.



2-10-13

Timberland Capital Inv. LLC
2-11-2013

APPLICANT

DATE

PROPERTY OWNER

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

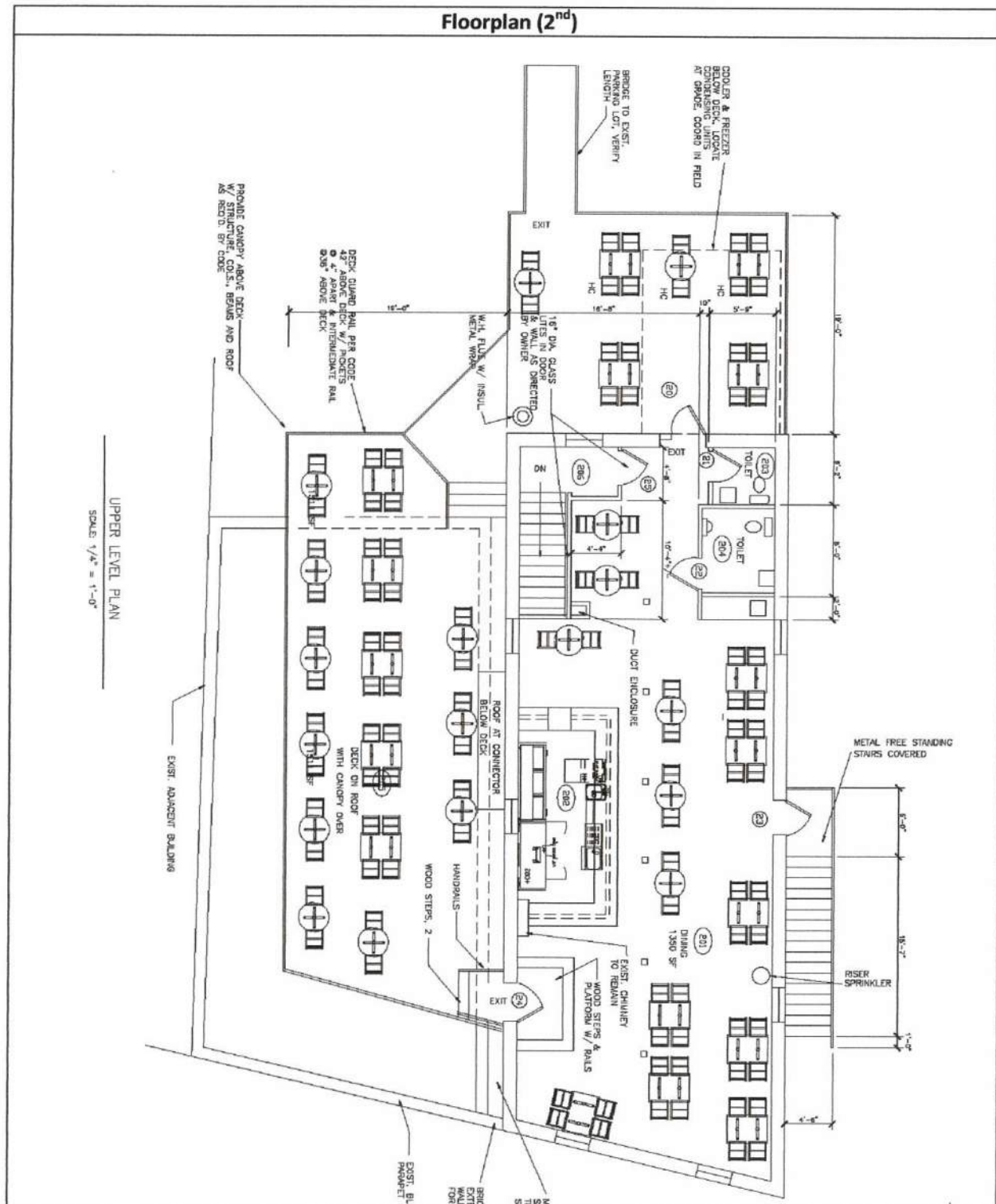
2 Walk-in Coolers

1 Walk-in Freezer

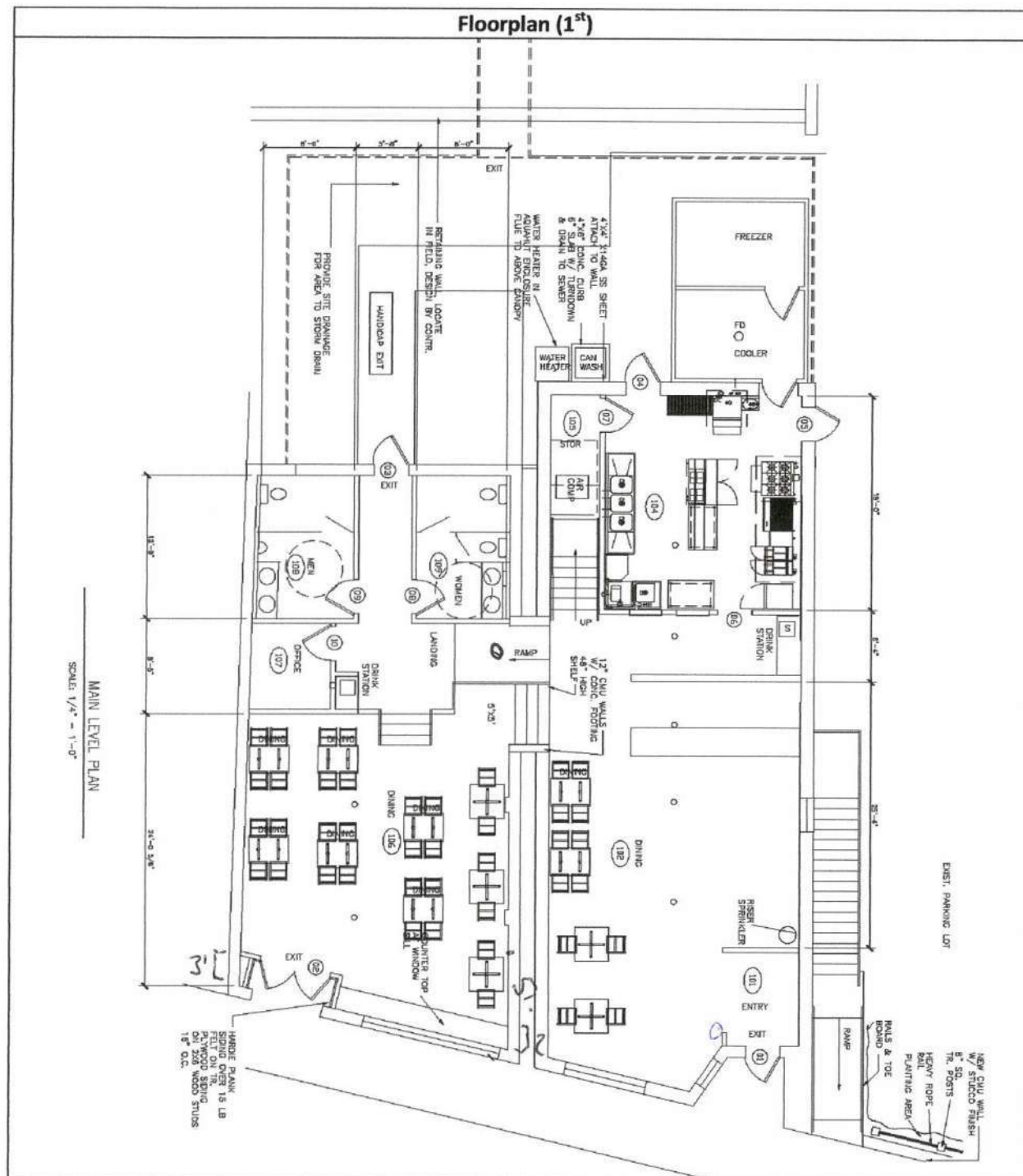
1 Food warming station

1 Salamander

2 Stainless steel prep tables



MAIN LEVEL PLAN



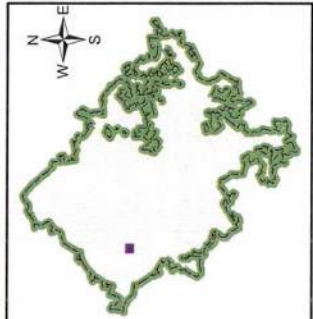


City of Greenville, S.C.

11 W. Camperdown Wy -Aerial Photo

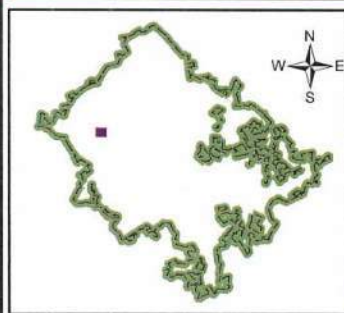
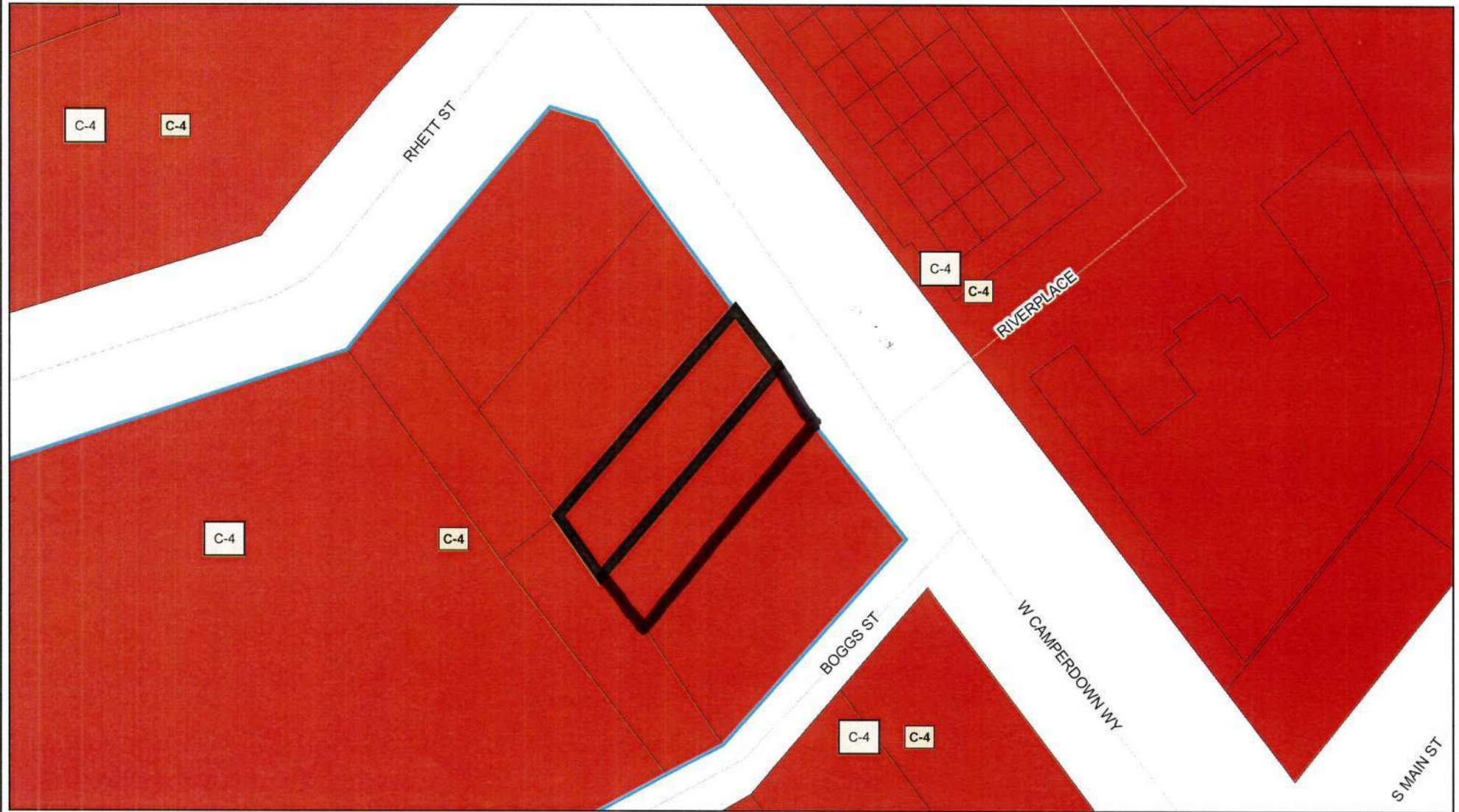


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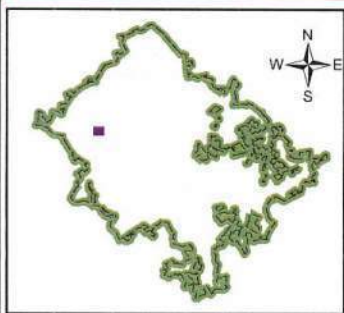
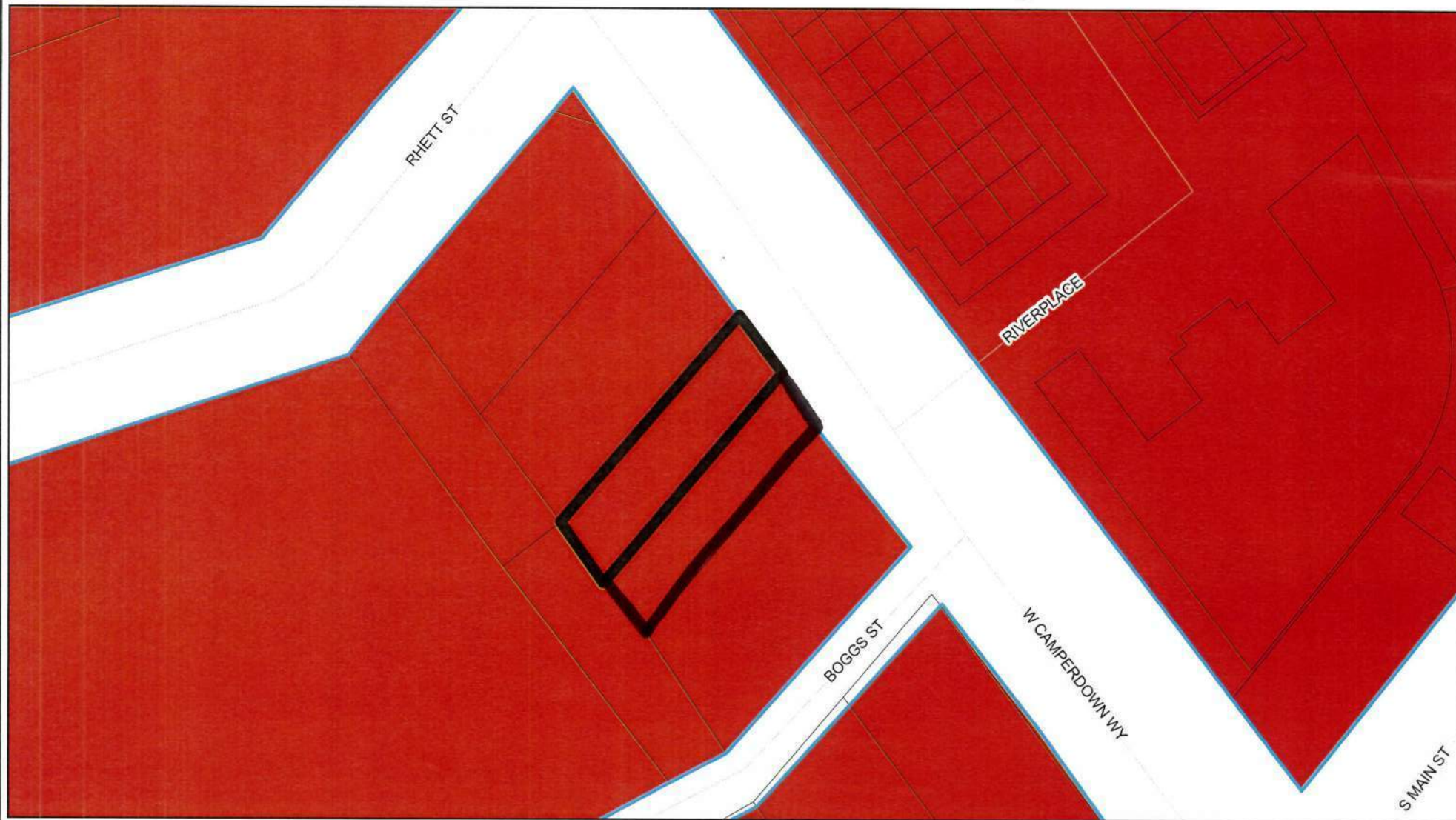
11 W. Camperdown Wy -Existing Zoning



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



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0 50 100

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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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.

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: 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.
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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

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: 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.

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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

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: 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

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: 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

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: 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.

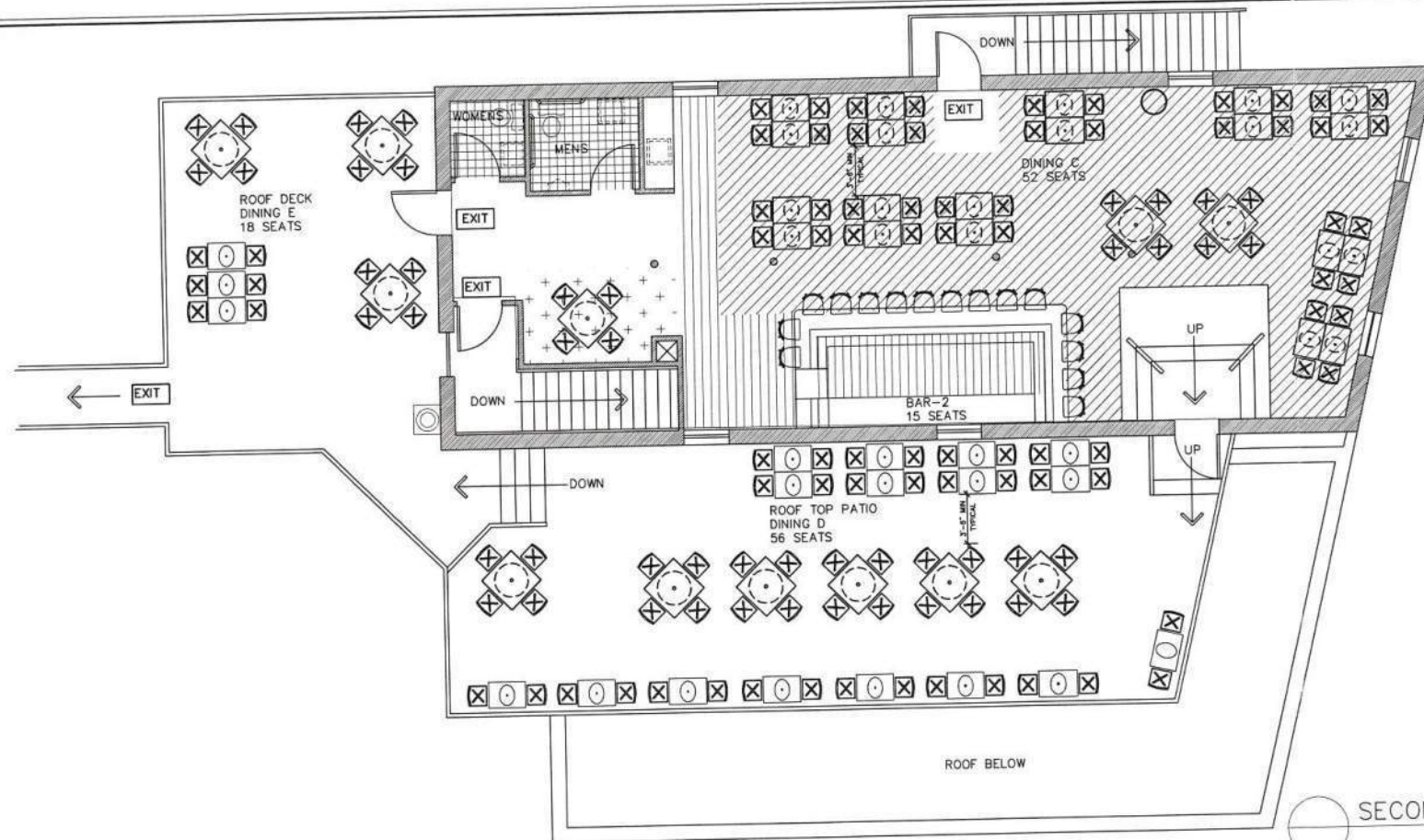
Frank Gibb



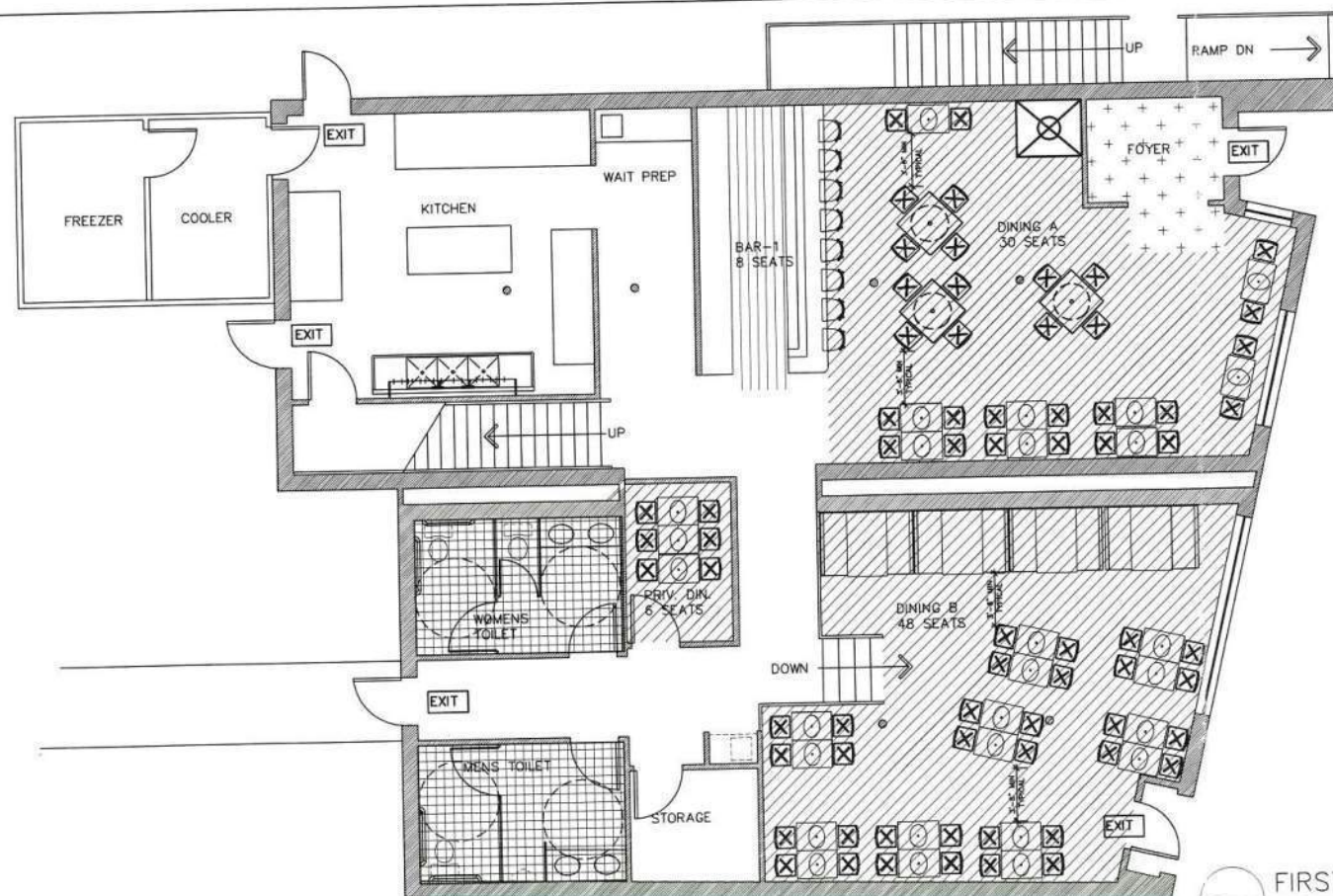
Frank B. Gibb, III
President

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).



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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. DATE DATE1
TEXT1
NO. DATE DATE2
TEXT2
NO. DATE DATE3
TEXT3
NO. DATE DATE4
TEXT4

SHEET
F100
SEATING

THIS DRAWING IS AN INSTRUMENT OF CONDITIONAL SERVICES. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ACTUAL CONDITIONS, CONSTRUCTION AND/OR USE THEREOF. THIS DRAWING IS TO CONVEY DESIGN INTENTIONS AND/OR CODE COMPLIANCE ONLY. USE OF THIS DRAWING IMPLIES AGREEMENT WITH THESE CONDITIONS.



City of Greenville
Board of Zoning Appeals
Minutes of the June 10th, 2021 Regular Meeting
Greenville Convention Center - 4:00 PM
Meeting Notice Posted on May 26th, 2021
Minutes prepared by Matt Lonnerstater and Sharon Key

Members Present: Chris Price (Chair), Seph Wunder (Vice-Chair), Stephanie Gates, Ken Betsch

Members Absent: Frederick Turner

Staff Present: Kristopher Kurjiaka, Senior Development Planner; Leigh Paoletti, Assistant City Attorney; Jonathan Graham, Planning Director; Courtney Powell, Planning Administrator; Matthew Lonnerstater, Development Planner; Harold Evangelista, Development Planner; Ross Zelenske, Development Planner; Jordan Harris, Associate Planner; Shannon Lavrin, Assistant City Manager.

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, 2020 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: Chairperson Price called the meeting to order at 4:18 PM.

APPROVAL OF MINUTES: The Board approved the minutes for the May 11th, 2021 Agenda Workshop and May 13th, 2021 Regular Meeting and Public Hearing.

PUBLIC NOTICE AFFIDAVITS: In order

ACCEPTANCE OF AGENDA: The Board approved the June 10th, 2021 agenda as presented.

CONFLICT OF INTEREST: None stated.

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).

Staff report presented by Matthew Lonnerstater

- Note: Full staff report is on file at the Planning Office and at www.greenvillesc.gov/agendacenter
- **Staff Recommendation: Approval with conditions.**

Applicant presentation:

- The applicant was not present for comment.

Public comments:

- No one from the public spoke in favor or against the application.

Board Discussion

***Motion:** Ken Betsch made a motion to approve special exception S 21-343 for a restaurant with a drive-through window at 115 Pelham Rd., Ste. 1, based on the findings outlined in the Staff Report and the content of the application, with 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; 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; 3) required fire access shall be maintained to the building and entrances; and 4) the operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application.

Seph Wunder seconded the motion.

The motion was approved by a vote of 4-0.

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).

Staff report presented by Matt Lonnerstater

- Note: Full staff report is on file at the Planning Office and at www.greenvillesc.gov/agendacenter
- **Staff Recommendation: Approval, with conditions.**
- Ken Betsch asked staff to clarify the extent of the recommended masonry screen wall. Planner Lonnerstater clarified that staff recommends the wall follow around the southwestern and southeastern edge of the parking lot.

Applicant presentation:

- Ron Geyer, project architect, 312 Summer Place Way – Greer, provided information regarding the congregation and the proposed improvements. The hardscape is arranged on-site so that there will be parking available for weekday events.
- Ken Betsch asked the applicant to clarify the intent for the playground area. Mr. Geyer responded that the playground is associated with the adjacent nursery and preschool classroom. Mr. Geyer stated that the landscape buffer will comply with Ordinance requirements.
- Ken Betsch asked how the shuttle service would be monitored. Mr. Marty Price, applicant, 123 Arlington Ave – Greenville, stated that two vans would be provided on Sunday mornings.

Public comments:

- No one from the public spoke in favor or against the application.

Board Discussion

- Stephanie Gates stated that the masonry wall requirement should reflect current Ordinance requirements for site plan approval rather than proposed Ordinance language that may or may not be approved.
- Ken Betsch stated that a condition should require screening along the east property boundary in addition to the south property boundary.

***Motion:** Ken Betsch made a motion to approve special exception request S 21-379 for a religious institution (church) at 123 Arlington Ave. based on the findings outlined in the Staff Report and the testimony of the applicant, with the following conditions: 1) the applicant shall construct a masonry screen wall to protect surrounding residential areas from the parking/drop-off area; 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 19-4.3.2 (F), any new building or addition on-site shall be reviewed as a special exception; and 4) the operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application.

Seph Wunder seconded the motion.

The motion was approved by a vote of 4-0.

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)

Staff report presented by Matt Lonnerstater

- Note: Full staff report is on file at the Planning Office and at www.greenvillesc.gov/agendacenter
- 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 the Board of Zoning Appeals **affirm** the administrator's decision to revoke Special Exception permit # S 13-51.

Staff Recommendation: Affirm the administrator's decision to revoke Permit # S 13-51

Appellant presentation:

- Matt Johnson, attorney, 336 West Earle Street, presented on behalf of Mr. Jacob Billingsley (appellant), Dean White (Conklin & White) and Cory Starcher (General Manager of Gringos).
 - Mr. Johnson claimed that notice was posted on May 26th which he states was not 15 days prior to hearing. Mr. Johnson stated that the appellant, as well as Mr. Starcher, believed the case would be heard at the July public hearing and not the June public hearing. As such, Mr. Johnson requested a deferral to the July meeting.
 - Mr. Johnson stated that the business was in substantial compliance with the Special Exception permit and claims that the 2013 Special Exception staff report, Technical Advisory Committee (TAC) report, and approved Special Exception permit did not contain specific requirements regarding food sales.
 - Mr. Johnson stated that there is a debate as to what "until close" means; the appellants interpret this to mean when the kitchen closes, not lights out at end of day. Mr. Johnson concluded that the operation of the establishment substantially conformed to testimony and content of application, and that Mr. Billingsley, in the original Special Exception application, did not explicitly state that kitchen would serve food until 2 a.m. The appellants request a deferral to the July meeting to allow time to work with staff.
- Mr. Dean White, Conklin & White, 227 Haas Street, St. Augustine, FL, presented on behalf of Mr. Jacob Billingsley (appellant).
 - Mr. White stated that he took over management of Gringos in 2018 and claimed that the number of issues with City enforcement has been greatly reduced since 2018.
 - Mr. White stated that he had read the Special Exception permit when he took over management and claimed that Gringos exceeds the minimum requirements. Mr. White listed efforts to exceed minimum permit requirements, including minimum age 21+ after 10 o'clock, 3 SLED security officers, patio closure at midnight, and front door security.
 - Mr. White stated that Gringos actively tries to be good neighbors and realizes the business is in a residential area. Mr. White claimed that the approved Special Exception permit does not mention food sales; the restaurant closes between 11-12 pm typically. It is unprofitable for the restaurant to stay open until 2 am.
 - Mr. White stated that COVID required adjustments to the business, and that these efforts have helped to keep staff employed.
 - Ken Betsch asked Mr. White to clarify what concessions have been made? Mr. White responded that changes to the business operation have evolved over time based on changing circumstances; Gringos is trying to keep noise down.
 - Ken Betsch asked what was being done regarding the large number of complaints. Mr. White responded that Jacob Billingsley offered to meet with the neighboring condo association but was denied a meeting and that it has been difficult to meet City's expectations.
 - Seph Wunder asked if food was being served when the plain clothes officers went in? Mr. White responded that food was not being served at that time but was being served prior.

Public comments:

- Lance Renault, 155 Riverplace, spoke in favor of affirming the administrator's decision. Mr. Renault is on the board of the condominium which has received significant complaints regarding noise from Gringos. Gringos has the ambiance of a loud, noisy nightclub. Mr. Renault stated that the business has transformed from a restaurant to a nightclub.

- Joe Ranalletta, 121 Rhett St., spoke in favor of affirming the administrator's decision. Mr. Ranalletta stated that he has a bird's eye view of Gringos. Mr. Ranalletta stated that he notified the City that it has been at least six months since food has been served at Gringos. The use has converted into a nightclub. There is no proactive enforcement of the conditions of the Special Exception permit and there is a lack of security. Mr. Ranalletta claims that Mr. Billingsley is not actively involved in the operation of the establishment.
- Cory Starcher, acting manager of Gringos, rebutted that the last Cisco food order came in last week. Mr. Starcher stated that Gringos has gone to a limited food menu. Three security guards are on duty for late night service. Mr. Starcher stated that the patio is closed at midnight and that he has a decibel reader and takes periodic noise measurements.
- Terry Poepping, 121 Rhett St., stated that she lives directly behind Gringos. Ms. Poepping stated that saw a farewell goodbye to the cooks around Thanksgiving, 2020 and that there has been no food service or food preparation recently. Ms. Poepping stated that she has seen guests enter and exit from the deck.
- Joseph Smith, 121 Rhett St., asked for clarification about the purpose of the appeal. Chairman Price clarified that the appeal relates to the City's observation that food was not served past a certain hour which was in violation of the Special Exception permit. Mr. Smith stated that the Gringo's website lists many food items as, "out of stock."
- Johnny Iona, 155 River Place, stated that he is a neighbor of Gringos and has had no issues with the operation. Mr. Iona has seen the food menu on the door.
- Kenneth Jones, 121 Rhett St., stated that the establishment operates as a nightclub and not as a restaurant; the restaurant has been shut down for a while. Mr. Jones stated that the Special Exception permit does reference conditions relating to noise and sound, and that the bouncers serve as police checkers to run and shut doors/turn sound down when police are spotted.

Appellant Rebuttal

- Matt Johnson, attorney on behalf of Gringos, acknowledged that food was not being served when the police officers requested food. However, Mr. Johnson claims that the operation of the establishment was still in substantial compliance with the conditions of the Special Exception permit.
- Mr. Johnson stated that if the revocation holds, it will substantially affect Gringos' business. Mr. Johnson stated that there are a lot of unknowns, including only one police report and a lack of detail about the number of guests in the building. Mr. Johnson believes that the revocation should be overturned or that the appellants should be given time to work with staff.
- Seph Wunder stated that Mr. Billingsley, in the original application, stated that kitchen hours would be 11:30 am until close with projected revenue 75% food and 25% alcohol. Seph Wunder asked what the appellants understanding was of the "until close" provision.
 - Mr. Johnson replied that there was nothing in the original special exception permit that implied that the kitchen needed to remain open until 2 a.m., and that the kitchen just needed to remain open until, "it closed."
- Chairman Price asked if Mr. Johnson disputed whether the intent of the original special exception permit application was for the business to close a 2 a.m.
 - Mr. Johnson did not dispute this fact but stated that there are other gray areas in the approved permit.
- Ken Betsch stated that the written statements provided in the Special Exception permit application contradict the current statements of the appellant. The Special Exception application stated that the hours of operation shall be 11:30 am until close with option to stay open until 2 a.m. 7 days a week; kitchen hours will be 11:30 am until close. Mr. Betsch asked why there was no response from City Staff if the intent is to work with them to resolve this issue?
 - Mr. Johnson replied that he was retained yesterday and is doing his best to respond.
- Chairman Price stated that the Special Exception allowed the operation of a restaurant with alcohol service with extended hours. If the organization intends to operate as a bar, the City has a process in place.
 - Mr. Johnson replied that the only evidence/facts that the City has provided was that one officer did not receive food.

Board Discussion

- Chairman Price asked staff to clarify who was responsible for posting the Public Notice sign. Planner Lonnerstater stated that staff posted the sign 15 days prior to the public hearing.
- Ken Betsch stated that the appellants had an opportunity to provide additional data which could have supported their appeal.
- Seph Wunder clarified that the BZA is a quasi-judicial board, but that he does not question the veracity of the police report.

***MOTION: Seph Wunder made a motion to affirm the administrator's decision based upon the evidence provided in the record by the Appellant and at the hearing, and upon finding that the restaurant use, as of the date listed on the police incident report, did not substantially comply with the conditions of the approved special exception permit S-13-51.**

Ken Betsch seconded the motion.

The motion was approved by a vote of 4-0.

OTHER BUSINESS: None

Meeting adjourned at 5:48 PM

EXHIBIT 3
*Technical Advisory Committee Report
for Gringos Cantina LLC*

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	THIRTEENTH JUDICIAL CIRCUIT
COUNTY OF GREENVILLE	)	Case No.: 2021-CP-23-02812
Jacob Billingsley, Gringos Cantina,	)	
LLC, and Conklin & White	)	
	)	
Petitioners,	)	ORDER DENYING APPEAL
	)	
v.	)	
	)	
City of Greenville Board of Zoning	)	
Appeals	)	
Respondent.	)	
_____	)	

This matter was before the Court for a hearing on an appeal from the City of Greenville Board of Zoning Appeals' ("BZA" or "Respondent") decision to affirm the revocation of Special Exception Permit #S-13-51 for the business at 11 Falls Park Drive, Greenville, South Carolina 29601 ("Permit"). The Permit was required under the City of Greenville's Land Management Ordinance in order for the business at that address, Gringo's Cantina ("Gringo's"), to remain open between the hours of 12 a.m. until 2 a.m. Present at the hearing was Matthew K. Johnson, attorney for the Petitioners and Gringos General Manager, Cory Starcher. Also present was Leigh Paoletti, attorney for the BZA and John Hamlett, Zoning Code Enforcement Officer for the City of Greenville. Having reviewed all pleadings and exhibits, the Record on Appeal and having heard the arguments of counsel, this Court affirms the decision of the BZA.

PROCEDURAL BACKGROUND

In April of 2013, The BZA granted Petitioners a Special Exception Permit to operate as a restaurant serving alcohol past midnight with multiple conditions. The restaurant needs no special approval from the City to operate as a restaurant until midnight however the Permit was required in order for the business to stay open between the hours of 12 a.m. and 2 a.m. A condition

of the Permit was that the operation of the establishment must substantially conform to the testimony of the applicant to the BZA for the Special Exception (Petitioner Billingsley) and the contents of the Special Exception application that he submitted to the Board. An additional condition of the Permit requires that modification of the facility's operation requires a modification of the Permit. The Permit application stated that Gringo's would be a full-service restaurant, deriving 75% of its revenue from food sales and 25% from alcohol sales and having kitchen hours from 11:30 a.m. until close. Neither the business owner nor any representative of the business owner has at any time since 2013, sought a modification of the Permit to reflect a change in use of the property.

In May of 2021, the City of Greenville Planning Department requested the assistance of the Greenville Police Department in investigating reports and complaints that Gringo's was no longer operating as a restaurant serving alcohol, but as a nightclub. An officer went into Gringo's at 10:40 p.m. and observed no indication that food was available or being served and was told by the bartender at the business that food was not being served.

The Zoning Code Enforcement Officer for the City issued a letter on May 19th, 2021 notifying Gringo's that their Special Exception Permit was revoked and that the business would have to close at midnight.¹ The City's Land Management Ordinance at §19-10.6.1(C) authorizes the Zoning Code Enforcement Official to revoke Special Exception Permits if there is a failure to comply with the approved plans, specifications, terms or conditions required under the permit. The letter revoking the Permit cited the evidence of the business's abandonment of its use as a restaurant with food available from opening until closing as a basis for the revocation.

¹ The letter indicated that the business could not use their upstairs or outdoor seating area which was in error. The City later clarified that the business could operate as a restaurant with indoor/outdoor seating until midnight and must comply with all applicable sections of the land management ordinance including but not limited to City Code §19-4-3-3(A)(B)(C) and applicable laws.

In addition, the Code Enforcement Official cited “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...” as additional reasons for the revocation of the Permit.

On May 20, 2021 Petitioner Billingsley filed a timely Application for Appeal of the Administrator’s Decision to revoke the Permit. The basis provided for the appeal of the decision was “we have a menu of items available to our patrons”. No documentary evidence supporting the basis for the appeal was submitted at that time.

A hearing was held on June 10, 2021 before the BZA on Petitioners’ appeal. At the hearing, Petitioners took exception to the notice of the meeting provided by the City but after discussion, the Board found that proper notice was provided. Petitioners made no objection to the commencement of the meeting at 4:18 p.m. Petitioners offered no documentary evidence to support their contention that the Administrator’s decision was made in error and that the business was in fact operating as a restaurant. Representatives for the restaurant testified at the hearing. Dean White, with Conklin & White, testified that the restaurant attempted to serve food until 2 a.m., but that it was unprofitable and that food had been served earlier on the day that the GPD officer came to the business. White also testified the restaurant had to make adjustments during the COVID-19 pandemic so as to remain profitable and maintain employment of their staff. Cory Starcher, the restaurant’s manager, testified the restaurant had received a Sysco order for food that week and that he went to Restaurant Depot on a weekly basis to pick up food supplies.

At the conclusion of the hearing, the BZA unanimously voted to uphold the Administrator’s decision. This appeal followed.

STANDARD OF REVIEW

The findings of fact by the board of appeals must be treated in the same manner as a finding of fact by a jury. S.C. Code Ann. § 6-29-840(A). “Courts are bound to afford substantial deference to the decisions of those charged with interpreting and applying local zoning ordinances.” Clear Channel Outdoor v. City of Myrtle Beach, 360 S.C. 459, 602 S.E.2d 76 (Ct. App. 2004). As a consequence, “[a] court will refrain from substituting its judgment for that of the reviewing body, even if it disagrees with the decision.” Grays Hill Baptist Church v. Beaufort Cnty., 427 S.C. 57, 65, 828 S.E.2d 234, 238 (Ct. App. 2018) see also Knowles v. City of Aiken, 305 S.C. 219, 407 S.E.2d 639 (1991) (local bodies are best positioned by their knowledge of the community to make land use decisions); Rush v. City of Greenville, 246 S.C. 268, 276, 143 S.E.2d 527, 531 (1965) (same). “A court will uphold the decisions of a reviewing body if there is any evidence in the record to support its decision.” Clear Channel Outdoor, at 465-67, 79 (emphasis added); see also Kurschner v. City of Camden Planning Comm’n, 376 S.C. 165, 173-74, 656 S.E.2d 346, 351 (2008). The Circuit Court should not disturb the findings of the BZA unless evidence demonstrates that the BZA has acted arbitrarily or in an obvious abuse of discretion, or unless the BZA has acted illegally or in excess of its lawfully delegated authority. Harbit v. City of Charleston, 382 S.C. 383, 391, 675 S.E.2d 776, 780 (Ct. App. 2009).

I. The BZA Meeting on June 10, 2021 was held in compliance with all procedural requirements.

Petitioners allege in their Appeal to this Court that notice of the appeal hearing was not properly given and that the BZA’s decision was arbitrary and capricious and an abuse of its discretion because the business was in substantial compliance with the conditions of the Permit.

These issues were not raised by counsel for Petitioners at the hearing before this Court but were addressed in Respondent's Brief.

The evidence in the Record on Appeal is that Planning Department Staff presented evidence to the Board that all the notice requirements found in City of Greenville, South Carolina Code §2-449(f) having been met on May 26, 2021 and included the description of the matters to be heard, identity of the applicant and the property affected. A member of the BZA made a specific finding that notice was properly made at least 15 days prior to the hearing.

Petitioners additionally allege the action taken by the Board is invalid because the meeting started approximately 20 minutes after the posted time of the meeting. When the meeting was called to order and Petitioner's appeal hearing began, the Petitioners made no objection to the meeting starting 18 minutes late. No discussions were had, or action taken by the Board prior to a quorum being reached.

The Board specifically addressed Petitioners' allegation of failed notice requirements and made a finding that notice was properly given. The evidence in the record supports the finding of the BZA that all applicable procedural requirements for notice and meeting rules were met.

II. The BZA's decision to affirm the Administrator's revocation of the Permit was not arbitrary, capricious, contrary to the law, an abuse of discretion or in violation of Appellants' due process rights.

The BZA is authorized by South Carolina state law to hear and decide appeals from decisions of City officials regarding the enforcement of zoning ordinances. The City's Land Management Ordinance authorizes the Zoning Code Enforcement Official to revoke Special Exception Permits if there is a "failure to comply with the approved plans, specifications, terms or conditions required under the permit or development approval." Other enforcement mechanisms

are provided for in the ordinance, but the ordinance specifically grants the City the ability to use any one or combination of the enforcement tools and permits them to be used in any order.

Petitioners argue the City and Board's decision to revoke the permit was arbitrary because it was based on one attempt to order food that failed. However, the Code Enforcement Official's letter to Petitioner Billingsley revoking the Permit includes the following paragraph:

"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."

While the Board was focused on the evidence provided in the Police report at the hearing, this Court "may rely on uncontroverted facts [that] appear in the record, but not in a zoning board's findings." In Re: Venture Engineering, agent for DT LLC, 858 S.E.2d 638, 642 (Ct. App. 2021), citing Vulcan Materials Co. v. Greenville Cty. Board of Zoning Appeals, 342 S.C. 480, 491, 536 S.E. 2d 892, 898 (Ct. App. 2000). Dean White, appearing for Petitioner Conklin & White at the June 10th appeal hearing admitted to the Board that there had been several issues regarding noise complaints since he took over management of the business the beginning of 2019. (R.120-124). He conceded that prior to his taking over operations in 2019, the business "had a lot of operational issues". (R. 120). Gringo's General Manager Cory Starcher testified at the hearing that in the past, the business had permit compliance issues, contacts with police, and complaints from neighbors during his time with Gringos. (R. 130-132). The evidence in the Record is that there had been other operational issues with the business. Based on that evidence and evidence of the GPD officer's failed attempt to enter the business and order food, the Board found that Gringo's was not operating as a restaurant as represented in the application for the Permit.

The Special Exception Permit requires the restaurant to “substantially conform to the testimony of the [Petitioner] and the content of the application.” (R. 26). Petitioners argue that the business was in substantial compliance with the terms and conditions of the Permit. Petitioners argued that neither the Permit nor their application specifically require service of food until the restaurant closes, but rather that the kitchen can close prior to closing the restaurant’s doors.

When asked directly by a Board member whether food was available for service when the officer with Greenville Police inquired, Petitioners conceded it was not. Petitioners argue that the Permit did not specifically require food service until close but the original application by Billingsley indicated that food would be served until closing. Additionally, in his testimony before the BZA on the original application for the Permit, Petitioner Billingsley told the Board that during the extended hours (presumably 12 a.m. to 2 a.m.), a lighter menu would be available. (R. 60) The evidence before the Board was that it was 10:40 p.m. when the officer inquired about ordering food and was told none was being offered.

Absent from the evidence before the Board was any documentation demonstrating that the business was in substantial compliance with its Permit, such as a menu, a recent invoice from a food wholesaler, receipts showing sales to patrons or pay records for cooks or waitresses.

Petitioners allege the action of the BZA unlawfully deprives them of the use of the Gringo’s property. To the contrary, the business may operate as a restaurant with indoor/outdoor seating and serve alcohol in the C-4 zoning district without any special permission from the City. (See City of Greenville, S.C., Code §19-4.1-2 Table of Uses) The action of the BZA in affirming the revocation of the Permit only requires the business to close 2 hours earlier than it would prefer. The business may still use its outdoor seating areas in accordance with all applicable code sections. Mr. White’s testimony at the hearing was that if the business had to close at midnight, the business

would have to shut its doors. (R. 124) which is further evidence that the business is no longer operating as a restaurant in accordance with its original application for the Permit.

CONCLUSION

The transcript of the discussion of Petitioner's Appeal to the BZA on June 10, 2021 contains over 40 pages of discussion, deliberation, questions and answers prior to the BZA's unanimous decision to affirm the decision to revoke Petitioners' Permit. The packet of information provided to the Board by Planning Department staff prior to the hearing was almost 100 pages of information dating back to the original 2013 special exception permit application by Petitioner Billingsley. While Petitioners argued that neither the Permit nor their own application specifically required the kitchen remain open for service of food during all hours the restaurant was open, Petitioners provided no documentation in support of its appeal to the BZA to show that the determination of the City's revocation of the Permit was in error.

The Court finds the revocation of the Permit was in no way arbitrary or capricious or an abuse of the Board's discretion, but rather based on substantial evidence found in the Record before this Court. Petitioners' rights to both substantive and procedural due process were protected by the appeal process, with which the City and BZA fully complied. The only effect of the Board's decision is that it requires the business to close at midnight instead of 2 a.m. which does not restrict or deprive the Petitioners of any substantive interest in the property.

The BZA is authorized by South Carolina state law to hear and decide appeals from decisions of City officials regarding the enforcement of zoning ordinances. The Board, acting in that capacity, heard Petitioners' appeal and considered all evidence properly before them and voted unanimously to affirm the revocation of Petitioners' Permit. Their reasons are clearly articulated

in the record, were thoroughly discussed, and are supported by substantial evidence that appears in the Record before this Court.

The BZA's unanimous vote to affirm the revocation of the Permit is, by law, to be treated as a jury's verdict. The law requires that the decision be affirmed if there is any evidence in the record to support the decision. In light of the substantial evidence in the Record supporting the Board's decision, the lack of evidence provided by Petitioners and the deferential standard of review to be applied, the decision of the BZA is AFFIRMED.

IT IS SO ORDERED.

Dated this _____ day of August, 2021

Hon. Alex Kinlaw, Jr.
Judge, 13th Judicial Circuit



Greenville Common Pleas

Case Caption: Jacob Billingsley , plaintiff, et al VS Board Of Zoning Appeals
Greenville City Of
Case Number: 2021CP2302812
Type: Order/Other

So Ordered

s/Alex Kinlaw, Jr., #2763



NOTICE OF CITY CODE VIOLATION

TIMBERLAND HOLDING COMPANY LLC
31 CLEVELAND ST
GREENVILLE, SC 29601

October 14, 2021

RE: Property Location: 11 FALLS PARK DR
 Block Book Number: 007000-01-02400
 Case Number: 21-00002077
 Posted Date: 10/14/21

The above referenced property violates the 2018 International Property Maintenance Code(s). These Violations are listed on page two along with corrective actions. The violation(s) must be remedied within 10 days of the posted date. A re-inspection will take place in 10 days of the posted date. Please refer to the information provided regarding possible penalties if corrective actions are not completed within the specified time.

FAILURE TO COMPLY WITH THIS NOTICE WILL RESULT IN THE CITY OF GREENVILLE TAKING ONE OR MORE OF THE FOLLOWING ACTIONS, AS APPROPRIATE: Any violation not corrected within the time frame given will be charged a penalty of \$10 per day for the next 30 days and \$25 per day thereafter until the violations are corrected and re-inspected. A fee of \$50 for each re-inspection will be charged when corrections have not been completed. Other administrative fees and penalties may apply when corrections have not been completed within the specified time. In addition, the City may take other actions to include demolishing structure(s), removing vehicles, cleaning property, placing a lien against the property for the cost of the City's actions, Summons, Warrants, and any other legal actions as necessary. For any violation that reoccurs within 12 months from a previous notice for the same violation, daily fines will be assessed from the first day of violation.

The owner(s) or occupant(s) responsible for the property have the right to appeal this decision. Requests for appeal must be made in writing to the Code Enforcement Supervisor, Brad Rice, PO Box 2207, Greenville, South Carolina 29602 within 20 days of the posted date.

The City of Greenville would greatly appreciate your cooperation and prompt attention to this matter. If you should have any questions, please contact CARLOUS HARDY at (864) 4674576 or chardy@greenvillesc.gov.

The 2018 International Property Maintenance Code prohibits the sale, transfer, mortgage or lease of any property found in violation unless the owner provides in writing to the code official a signed and notarized statement that the grantee, transferee, mortgagee or lessee has received a copy of the violation notice and accepts the responsibility without condition for making the corrections or repairs required by this notice.

Violation(s) Listing

Violation Detail

00010 PM SANITATION PM 302.1

Date Est: October 14, 2021 Location: grounds Qty: 001

Violation Text

Clean and properly dispose of all trash and debris scattered throughout the property and grounds and parking lot area this includes, beer cans and bottles, paper, buckets, mops, brooms, kitchen equipment and kitchenware, patio furniture and the fountain drink canisters stored on the hill behind the building.

Violation Description

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Violation Detail

00020 PM HANDRAILS (INTERIOR) PM 305.5

Date Est: October 14, 2021 Location: deck Qty: 001

Violation Text

Repair all damaged, loose and missing railings pickets and handles .

Violation Description

Every interior handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Violation Detail

00030 PM GENERAL (EXTERIOR) PM 304.1

Date Est: October 14, 2021 Location: Deck Qty: 001

Violation Text

Repair the damaged table with exposed nails sticking up with the missing top board. Repair ant other tables or chairs with exposed nails or sharp edges.

Violation Description

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. All deteriorated, rotten, missing or unmaintained exterior components of the building shall be repaired or replaced to comply with building codes.

Violation Detail

00040 PM ACCESSORY STRUCTURES PM 302.7

Date Est: October 14, 2021 Location: shed Qty: 001

Violation Text

Repair the hole in roof of the shed and remove the overflowing items from the shed so that the doors can be completely closed and secured.

Violation Description

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Violation Detail

00050 PM GENERAL (DRAINAGE) PM 507.1

Date Est: October 14, 2021 Location: Grounds Qty: 001

Violation Text

Remove all stagnant water from all buckets and and kitchenware stored outside under the rear deck and staircase area.

Violation Description

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Rice". The signature is fluid and cursive, with the first name "Brad" and last name "Rice" clearly distinguishable.

Brad Rice
Code Enforcement Supervisor

EXHIBIT 5

Technical Advisory Committee Report for Gringos Cantina LLC

Kris Kurjiaka

From: John F. Hamlett
Sent: Thursday, October 14, 2021 3:17 PM
To: Kris Kurjiaka
Cc: Brad Rice; Courtney Powell; Jonathan B. Graham; Shannon Lavrin; Leigh Paoletti; Steven Gallant; Chad Childress
Subject: Gringos Violations

Follow Up Flag: Follow up
Flag Status: Flagged

For the Gringos TAC file. None of the 5 murals on the outside of the building were permitted or have a CA. The 2 "cantina " signs were not permitted and do not have a CA.















Sent from my iPhone



**Planning Staff Report to
Board of Zoning Appeals
November 8, 2021**
for the November 11, 2021 Public Hearing

Docket Number:	S 21-791
Applicant:	Jaime Benton
Property Owner:	Greenville County Schools
Property Location:	160 FAIRFOREST WY
Tax Map Number:	M01101-01-00302
Acreage:	38.08 acres
Zoning:	R-6, Single-Family Residential District
Proposal:	SPECIAL EXCEPTION to expand a 'School, public' use

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 (C), *Use-specific standards for Educational Facilities*

Staff Recommendation: Approve with conditions

Staff concludes that the application complies with the standards to grant a Special Exception Permit to expand a '**School, public**' use in the R-6 district. If the Board decides to grant the Permit, Staff recommends the following conditions:

1. The Special Exception Permit is limited to the Greenville County School District and is not transferrable.
2. The construction of the weight room and associated site improvements shall substantially conform to the testimony of the Applicant and the content of the application.

Staff Analysis:

J.L. Mann High School, located at the intersection of Fairforest Way and Ridge Road, was annexed into the municipal limits of Greenville in 2008. A subsequent Special Exception Permit for construction of a new classroom building, parking areas, and athletic facilities at the rear of the property was approved by the Board of Zoning Appeals on June 11, 2015 via case S 15-301. The Applicant, on behalf of the Greenville County School District, proposes the construction of a weight room as an independent structure on the interior of the property behind the main school building.

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

1. The Use is consistent with the Comprehensive Plan

The Future Land Use Map of the City's GVL 2040 Comprehensive Plan designates this property 'Community Mixed-Use' which may contain a diverse mix of mid-size to large-size employers in commercial, light manufacturing/industrial, distribution, medical offices, institution, etc. In addition, Fairforest Way is identified as a "Corridor Mixed Use".

Staff finds that the location of a school, adjacent to a corridor intended to safely support a range of travel options, is consistent with the GVL 2040 Comprehensive Plan.

2. The Use Will Comply with the Use Specific Standards:

Section 19-4.3.2, *Use Specific Standards for Public and Institutional Uses*, states the following:

(C) Educational facilities.

(2) School, public or private. In the residential districts, schools may be approved as a special exception. Any redevelopment or addition to a school or its accessory facilities, or modification of parking or vehicular circulation patterns, shall also be reviewed as a special exception.

Staff finds that the use complies with the limited specific use standards outlined in the Land Management Ordinance.

3. The Use Is Compatible with the Character of Surrounding Lands:

Adjacent property is zoned and used as follows:

East: Single-family detached and vacant commercial (County)

North: School and Automobile dealership (C-3 and County)

West: Industrial (S-1 and I-1)

South: Single-family detached (County)

The school proposes to construct a weight room facility that will be accessory to the overall principal "School, public" use. The structure will be of similar construction to the existing school buildings on site and is interior to the site.

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

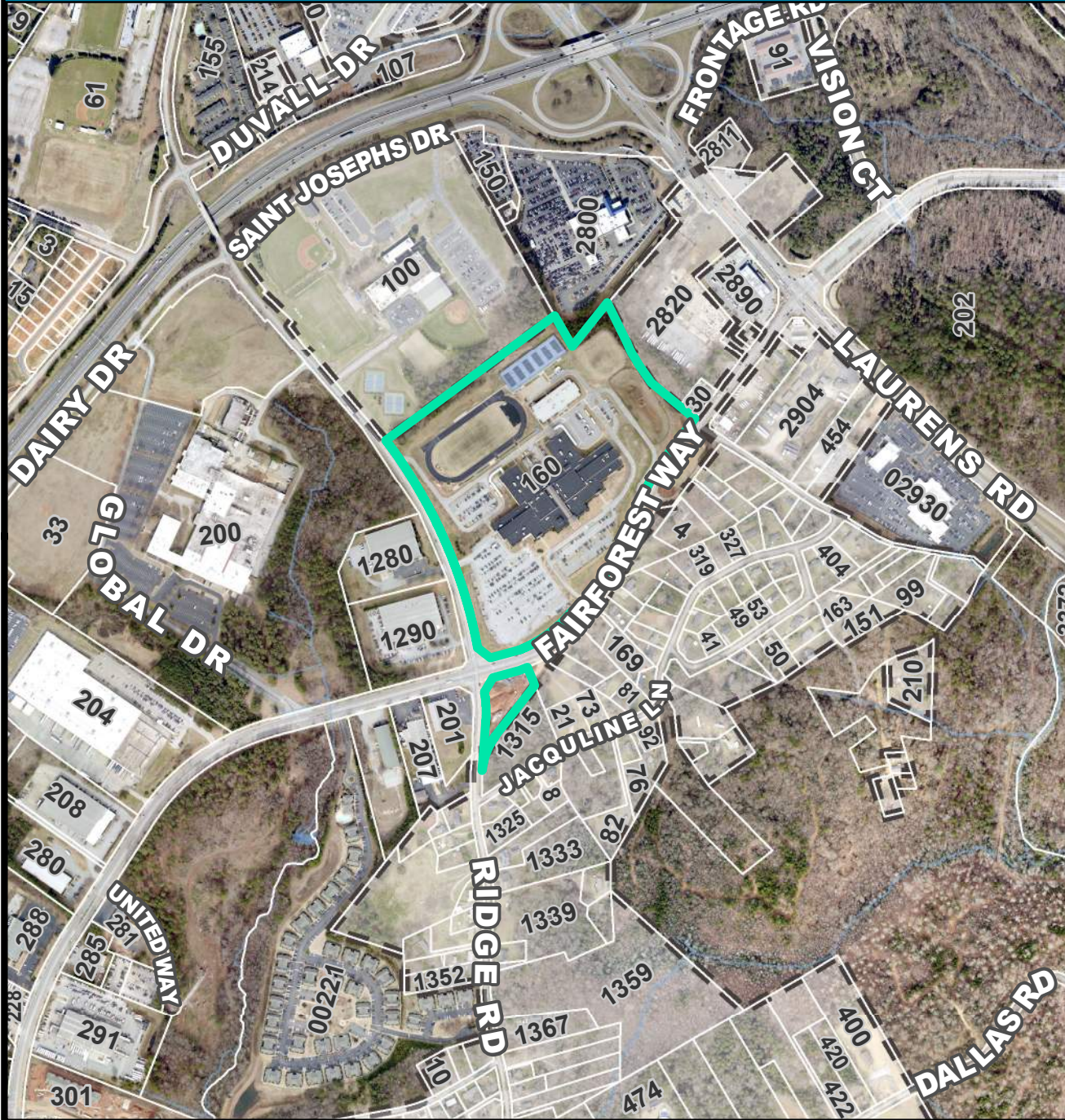
4. The Design Does Not Have Substantial Adverse Impact:

Construction of both the new weight room and associated site improvements represents a minimal increase in intensity of the existing school use, and location of this new facility at the interior of the property will ensure the expansion has virtually no adverse effects on adjacent lands.

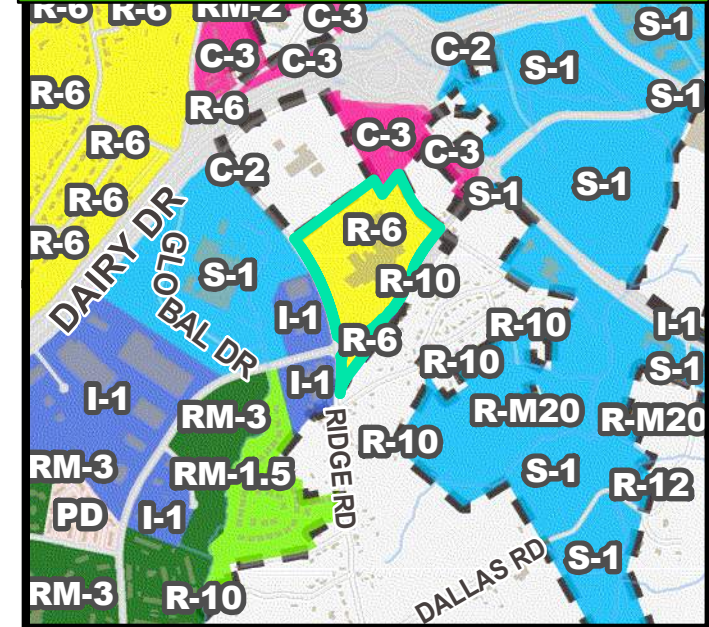
Staff finds that the design will not have substantial adverse impacts.

S 21-791 • 160 FAIRFOREST WAY

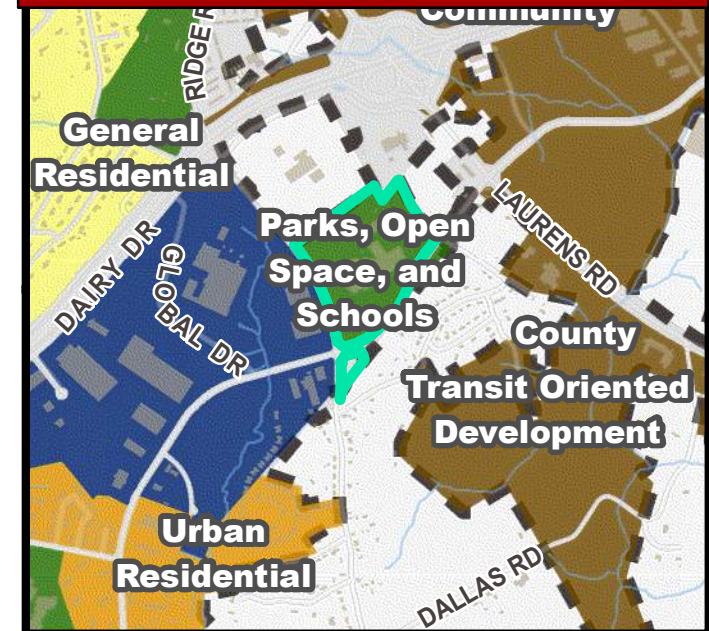
AERIAL VIEW



CURRENT ZONING

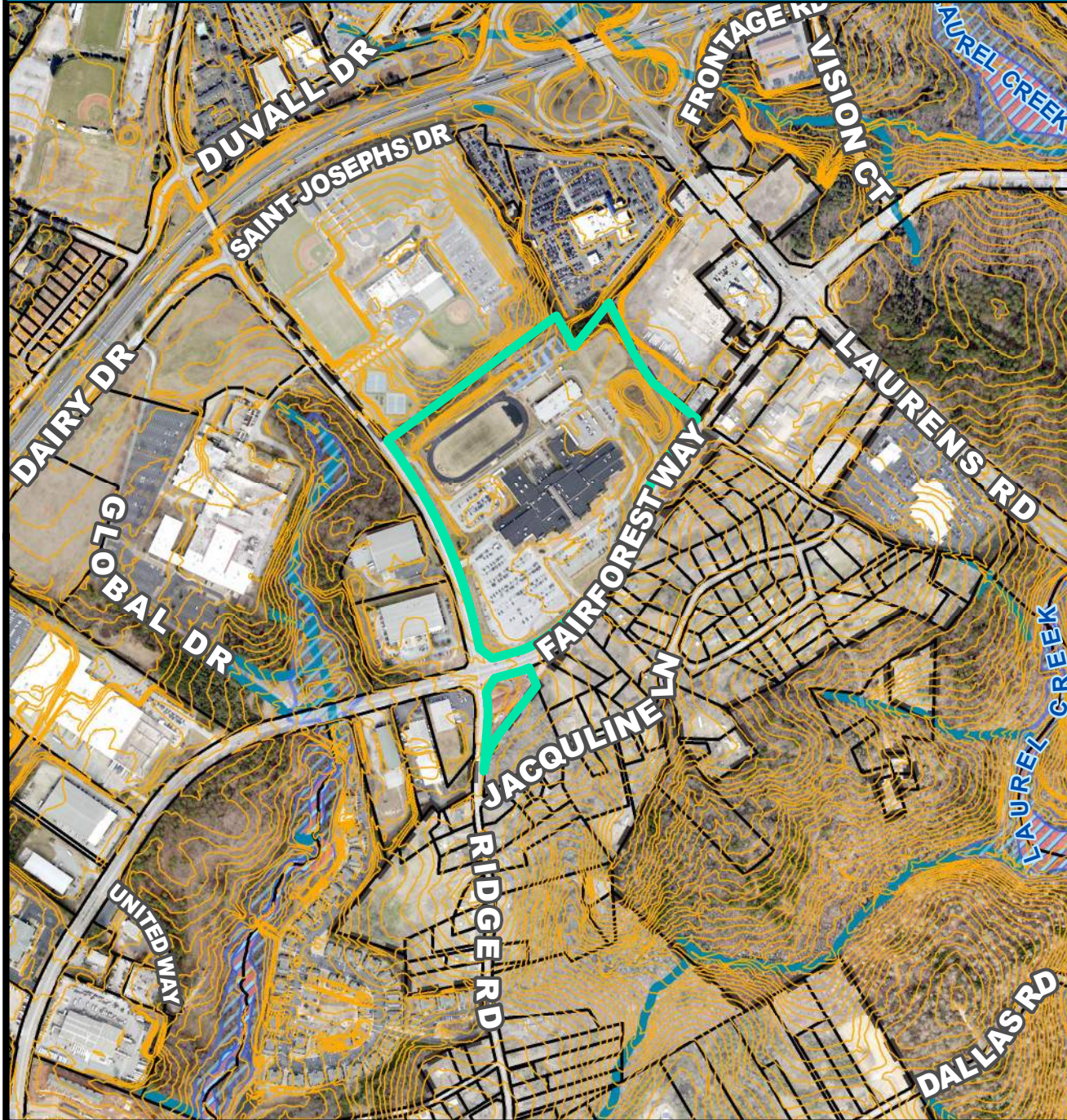


FUTURE LAND USE

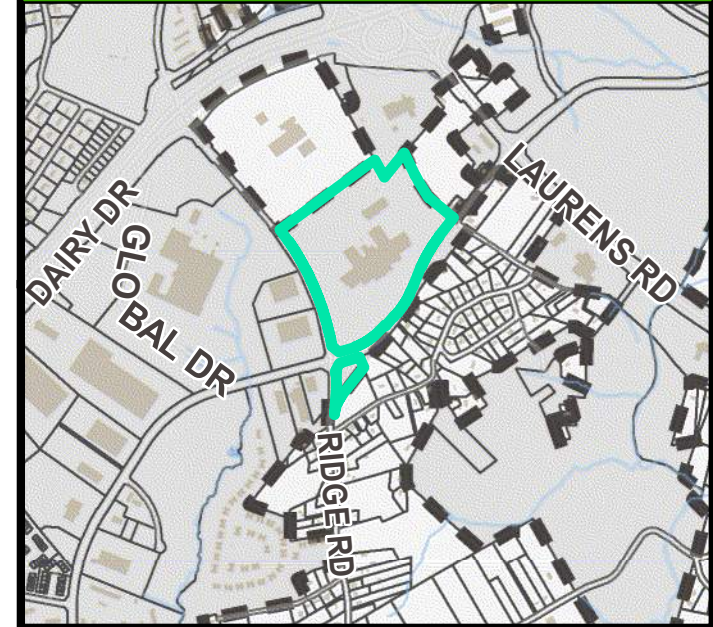


S 21-791 • 160 FAIRFOREST WAY

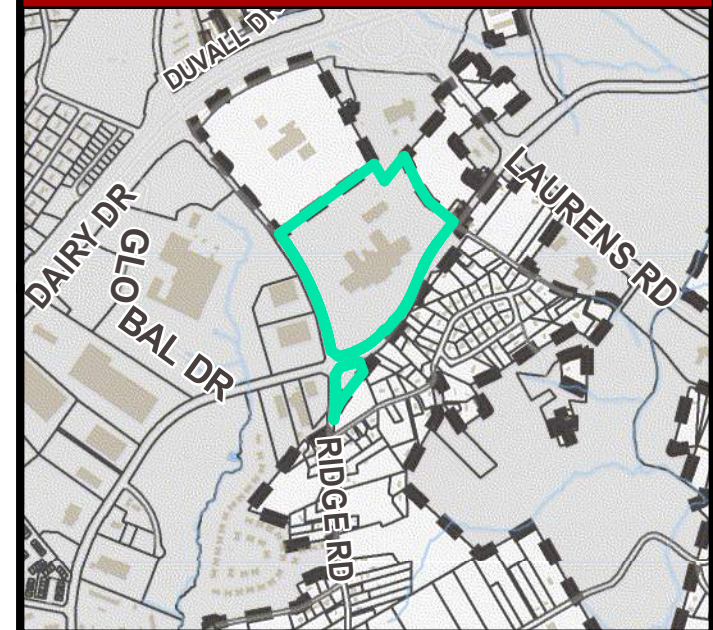
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

DIRECTOR OF CONSTRUCTION SERVICES
Greenville County Schools

APPLICANT / PERMITTEE* Jaime Benton

* _____ Name Title / Organization

permit may be limited to this entity. _____

APPLICANT'S REPRESENTATIVE: David Harding, P.E. Goodwyn, Mills, & Cawood, LLC

(Optional) _____ Name Title / Organization

MAILING ADDRESS: 617 E McBee Ave, Suite 200, Greenville, SC 29601

PHONE: 864-350-4039 **EMAIL:** david.harding@gmcnetwork.com

PROPERTY OWNER: Greenville County Schools

MAILING ADDRESS: 2 Space Drive, Taylors, SC 29687

PHONE: 864-355-7788 **EMAIL:** jabenton@greenville.k12.sc.us

PROPERTY INFORMATION

STREET ADDRESS: 160 Fairforest Way, Greenville, SC 29607

TAX PARCEL #: M011010100302 **ACREAGE:** 38.08 **ZONING DESIGNATION:** R-6

REQUEST

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

DESCRIPTION OF PROPOSED LAND USE:

The proposed development consists of the construction of a new $\pm 4,944$ square foot weight room, $\pm 3,852$ square feet of new sidewalk, ± 440 square feet of new asphalt, and associated utilities.

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.

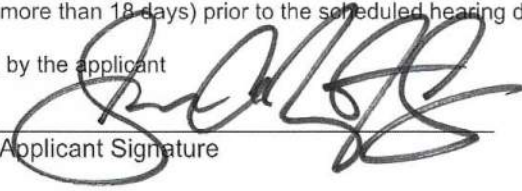
3. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the proposed development (activity); (c) existing buildings and other relevant site improvements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

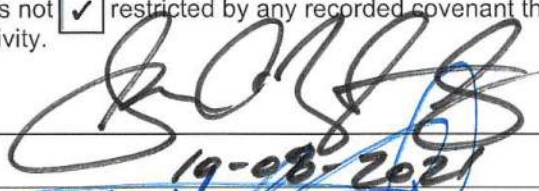

Applicant Signature

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.


19-08-2021

10.08.2021

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.

The JL Mann High School Weight Room project is consistent with the comprehensive plan, as it will not substantially alter the current usage of the school weight room and is merely providing a new location for the weight lifting activity.

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

The JL Mann High School Weight Room project will comply with the standards of Section 19-4.3 pursuant to schools, as it will not substantially alter the current usage of the school weight room and is merely providing a new location for the activity.

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

The JL Mann High School Weight Room project will comply with the character of the existing school. The project will consist of a new weight room building that will not reduce property values.

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

The JL Mann High School Weight Room project will minimize adverse effects on adjacent lands, as it is located in the interior of the site, nestled between existing buildings, and will not create a nuisance throughout construction.

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

(YOU MAY ATTACH A SEPARATE SHEET)

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

The JL Mann High School Weight Room project will comply with existing use, as it will not substantially alter the current usage of the school weight room and is merely providing a new location for the weight lifting activity.

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

The JL Mann High School Weight Room project will not injure the use of adjacent properties, as it will not substantially alter the current usage of the school weight room and is merely providing a new location for the weight lifting activity.

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

Adequate infrastructure capacity is available to serve the JL Mann High School Weight Room project.

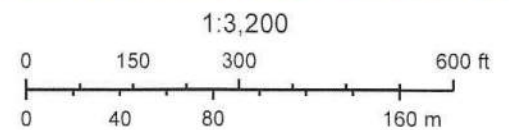
4. IS THE PROPOSED USE ONE THAT IS OTHERWISE PERMISSIBLE IN ANOTHER ZONING DISTRICT WITHIN THE CITY?

The proposed use is permissible in other Zoning Districts, however, as a school project, the JL Mann High School Weight Room must apply for Special Exemption.

JL Mann High School - R-6 / SE - School



October 8, 2021



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

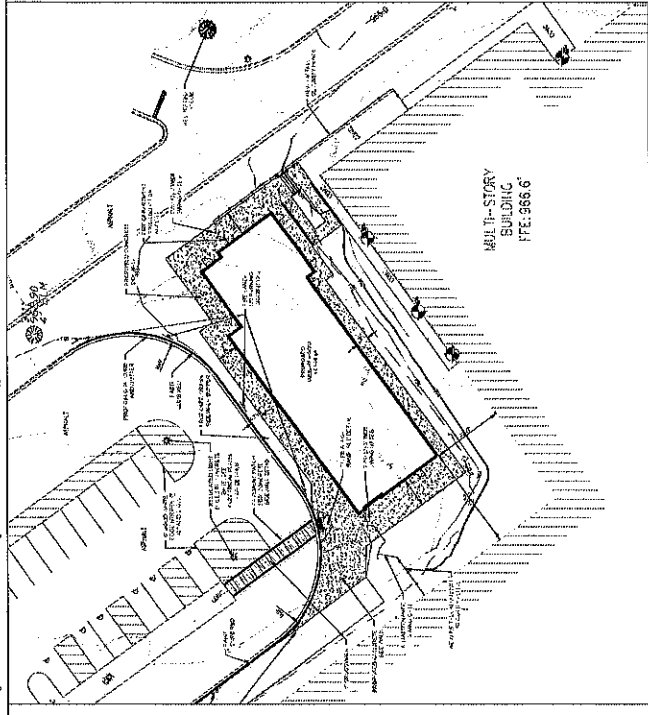
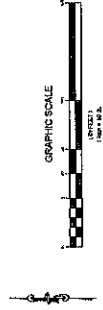
GMC

37 East McBee Avenue Suite 200
Greenville, SC 29601
T 864.523.0460
gmcnetwork.com

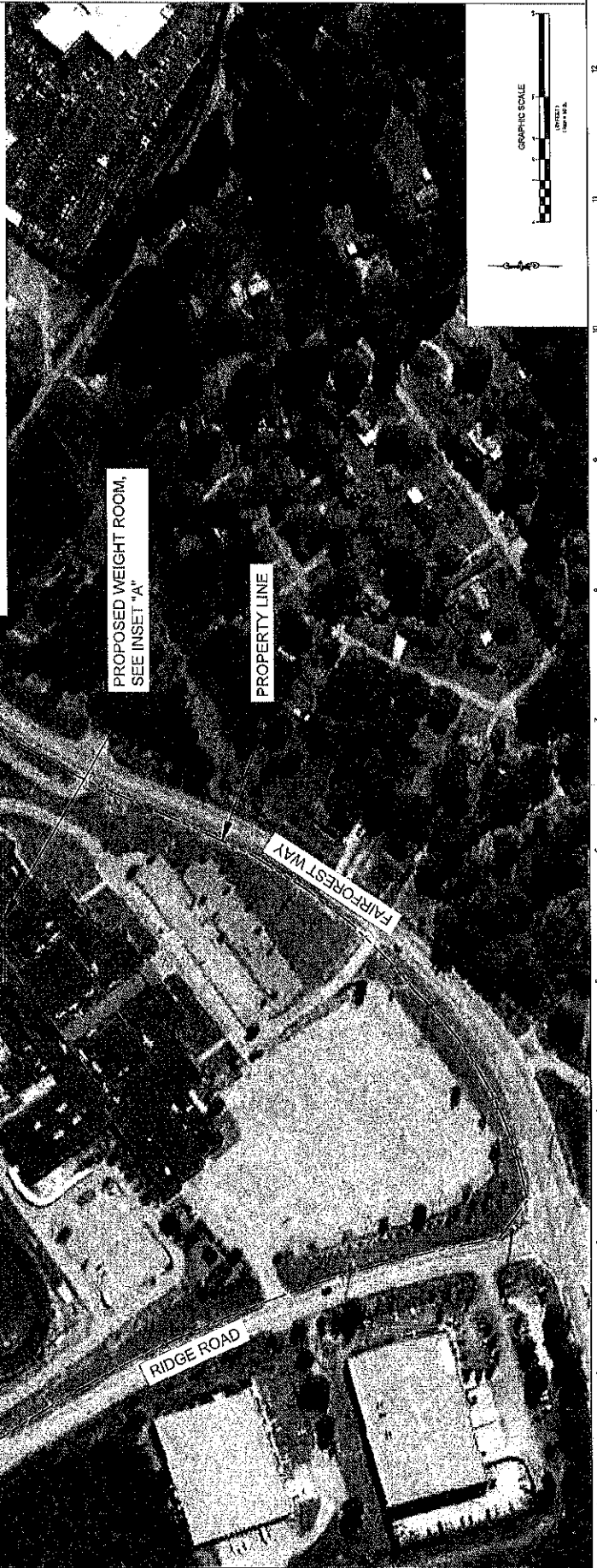
ISSUE	DATE
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2	05/01/2017
3	05/01/2017
4	05/01/2017
5	05/01/2017
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8	05/01/2017
9	05/01/2017
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12	05/01/2017
13	05/01/2017
14	05/01/2017
15	05/01/2017
16	05/01/2017
17	05/01/2017
18	05/01/2017
19	05/01/2017
20	05/01/2017

JL MANN HIGH SCHOOL WEIGHT ROOM
180 FAIRFOREST WAY
GREENVILLE, SC 29607
GMC # CGRE200022

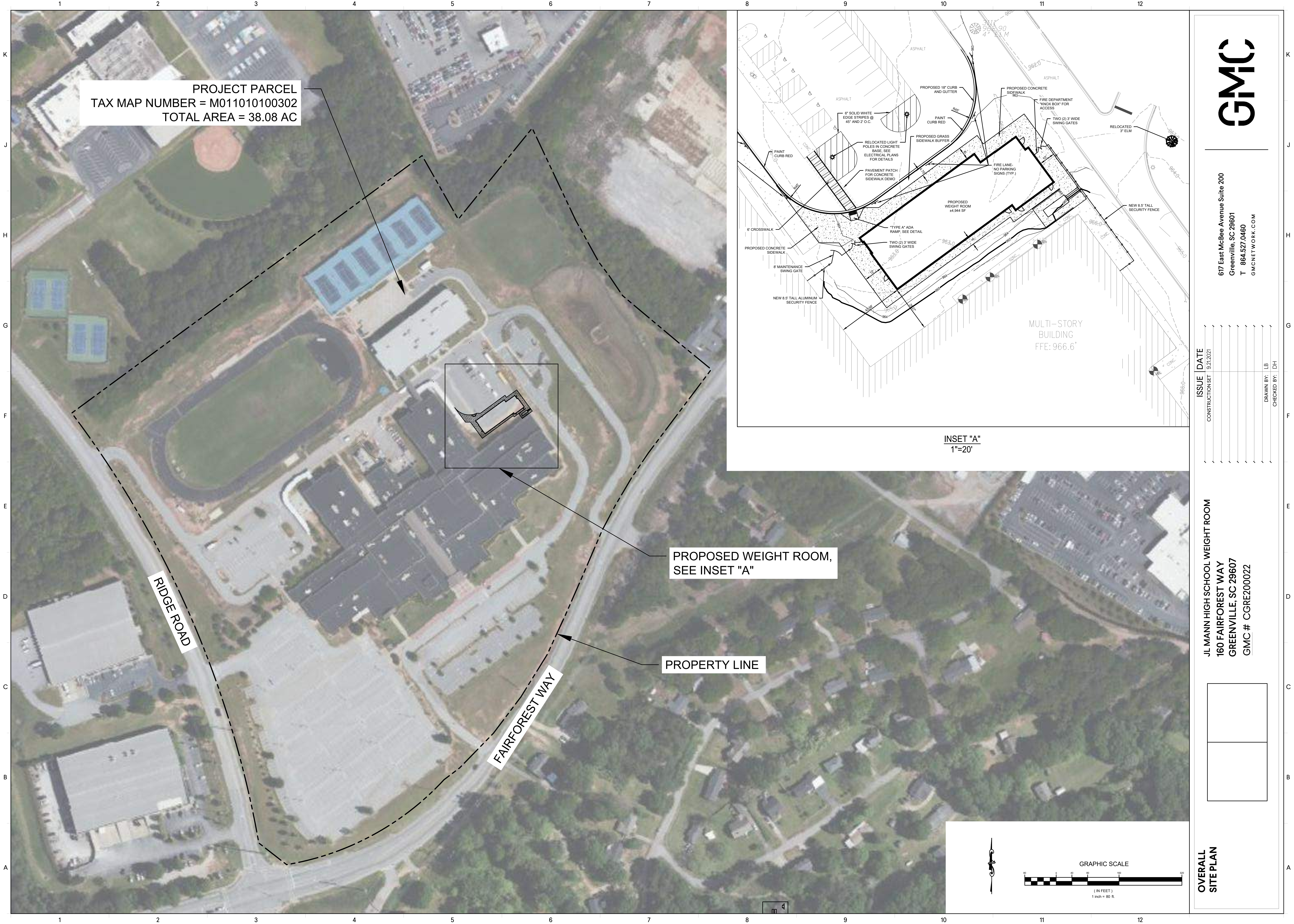
OVERALL
SITE PLAN



INSET "A"
1/20



PROJECT PARCEL
TAX MAP NUMBER = M011010100302
TOTAL AREA = 38.08 AC





**Planning Staff Report to
Board of Zoning Appeals
November 8, 2021**
for the November 11, 2021 Public Hearing

Docket Number:	S 21-793
Applicant:	DT's Tavern (Sarah Trucano)
Property Owner:	GRE LLC
Property Location:	100 E North Street
Tax Map Number:	004300-03-00200
Acreage:	0.355
Zoning:	C-4, Central Business District
Proposal:	SPECIAL EXCEPTION to operate a 'Bar / Nightclub' open after midnight

Applicable Sections of the City of Greenville Code of Ordinances:

Sec.19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*

Sec.19-2.3.5, *Special Exception Permit*

Sec.19-4.1, *Table of Uses*

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

Sec. 19-4.3.3 (F) (10), *Nightclub or Bar*

Staff Recommendation: Approve with Conditions

Staff concludes that the Application complies with standards to grant a Special Exception Permit to operate a **'Bar / Nightclub' open after midnight**. If the Board decides to grant the Permit, Staff suggests the following conditions:

1. The Special Exception Permit is limited to the Applicant, DT's Tavern (Sarah Trucano), and is not transferrable.
2. Operation of the facility shall be limited to a "nightclub/bar," as defined by this Code, and shall substantially conform to the statements 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 conditional use permit. Operation of the business shall comply at all times with the provisions of the South Carolina Alcoholic Beverage Control Act and the regulations of the department of revenue.
3. Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 7:00 a.m.
4. 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 on the building and throughout the parking lot and shall be enforced by the proprietors.
5. 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.

6. 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.
7. Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
8. At all times during its occupancy, the applicant shall assign a manager on the premises who shall ensure compliance with the terms of the special exception permit, this Code, and the applicable S.C. Code of Laws and Regulations.
9. The applicant and all its managers and employees responsible for serving any alcoholic beverage (current and future) shall participate in the merchant education/server training program offered by the Phoenix Center or comparable program offered by other vendors approved by the city police department. Evidence of satisfactory completion of this training for each employee shall be retained on-site and available for inspection by the administrator and the city police department. Current personnel shall receive training within 90 days of the date of the granting of a conditional use permit and future personnel shall receive training within 30 days of hiring.
10. The applicant shall retain a minimum of two (2) security guards, of which one (1) shall be off-duty sworn law enforcement officers positioned outside the business on Fridays and Saturdays from the hours of 10:00 PM and 2:15 AM and at any time while open for business, when it is reasonably anticipated that a larger-than-average number of patrons may occupy the premises. The security person(s) must possess a "Security Officer Registration Certificate", pursuant to Chapter 18 of Title 40 of the SC Code of Laws, or as an alternative, may be an off-duty sworn law enforcement officer. No other employee may serve in the capacity of a security person unless so certified.
11. Occupant capacity of the establishment shall not exceed **180 people**, as requested and indicated on the floor plan provided with the application. The applicant shall designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons and compliance with occupancy capacity. Monitoring of ingress/egress points may consist of the installation of emergency access/exit devices, as acceptable by the Fire Department, and in compliance with applicable building codes.
12. The Applicant shall take reasonable measures to ensure that the business and its patrons comply with City ordinances and State laws intended to preserve the public peace, safety and order, including but not limited to: occupancy loads, prohibitions on disorderly conduct and public intoxication, prohibitions on noise in violation of the City's noise ordinance, smoking, encroachment ordinances, adequate patron parking and applicable parking restrictions.
13. A copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

Staff Analysis:

The Applicant, Sarah Trucano, with DT's Tavern, requests a special exception for a "nightclub/bar" use to operate after midnight in a C-4, Central business district. The subject site is located at 100 E North Street, at the southeast intersection with N Brown Street.

Per Sections 19-4.1 (*Table of Uses*) and 19-4.3.3(A) and (F)(10) (*Use-specific standards for Commercial, General and Nightclubs or Bars*), a special exception permit is required for bars and any business operating after midnight in the C-4 district. The purpose of the request is expansion of the occupant capacity, within an existing bar that previously received a Conditional Use Permit (CU 13-125). Recent amendments to the Land Management Ordinance and the request to expand/intensity the bar use necessitate a new application for a special exception permit.

The current conditional use permit limits occupancy to 120 people. Recent upgrades to the bathroom facilities in the bar have allowed a greater occupant load per the Building Code. The applicant now requests occupancy up to 180 people, as indicated on the floor plans provided in the packet. There is no proposed change to the business's hours of operation.

With the proposal to increase the occupant capacity, the applicant also proposes restriction of access at one ingress/egress point on the patio. This would include installation of a gate, with alarm, to allow access only in cases of emergency. This will aid security at the site to retain an accurate count of the overall number of occupants. Within the C-4 district, any exterior modifications will require a Certificate of Appropriateness prior to installation.

The Technical Advisory Committee (TAC) met with the applicant on October 25, 2021 and recommended approval of the special exception permit with conditions; these recommended conditions are listed at the end of this report.

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

1. The Use Is Consistent with the Comprehensive Plan(s):

The Future Land Use Map of the City's GVL 2040 Comprehensive Plan designates this property 'Center City' which is described as follows:

Center City is Greenville's downtown central business district. It contains a mix of land uses including but not limited to office, service, retail, entertainment, cultural, government, civic, light manufacturing, and residential. Development is expected to be pedestrian-oriented and designed to actively engage streets, parks, plazas, the riverfront, and other public spaces.

The proposed use aligns with the desired "entertainment" use in the Center City FLUM classification.

Staff finds that the proposed use is consistent with the GVL 2040 Comprehensive Plan.

2. The Use Will Comply with the Use Specific Standards:

Use-specific standards for commercial uses open after midnight and 'Bars' are listed below:

19-4.3.3(A) General.

- (1) *Design standards. Except where specifically exempted by this chapter, nonresidential uses shall comply with the standards in subsection 19-6.5.*
- (2) *Commercial uses located within the OD, C-1, C-2, C-4, RDV, and PD districts open to the public between the hours of 12 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and, at a minimum, are subject to the following standards:*
 - (a) *The standards for granting a special exception permit.*
 - (b) *On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12:00 midnight and 5:00 a.m.*
 - (c) *Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 5:00 a.m.*
 - (d) *Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinances shall be posted in conspicuous locations and shall be enforced by the proprietors.*
 - (e) *Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. No exterior amplified sound shall be permitted between the hours of 10:00 p.m. and 11:00 a.m. Interior sound amplification*

shall be located only as reflected on an approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.

- (f) Drive-through facilities shall be closed between the hours of 12:00 midnight and 5:00 a.m.*
- (g) Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.*
- (h) The required permit, either special exception permit or conditional use permit, shall be limited to the applicant and shall not be transferrable. Copy of the special exception permit or the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.*

19-4.3.3(F)(10) Nightclub or bar. *In addition to complying with the standards for granting a special exception, such use shall comply with the location standards established by the state and:*

- (a) A conditional use permit shall be limited to the applicant or a legal entity authorized to be represented by the applicant, and shall not be transferrable.*
- (b) Operation of the facility shall be limited to a "nightclub/bar," as defined by this Code, and shall substantially conform to the statements 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 conditional use permit. Operation of the business shall comply at all times with the provisions of the South Carolina Alcoholic Beverage Control Act and the regulations of the department of revenue.*
- (c) At all times during its occupancy, the applicant shall assign a manager on the premises who shall ensure compliance with the terms of the conditional use permit, this Code, and the applicable S.C. Code of Laws and Regulations.*
- (d) The applicant and all of its managers and employees responsible for serving any alcoholic beverage (current and future) shall participate in the merchant education/server training program offered by the Phoenix Center or comparable program offered by other vendors approved by the city police department. Evidence of satisfactory completion of this training for each employee shall be retained on-site and available for inspection by the administrator and the city police department. Current personnel shall receive training within 90 days of the date of the granting of a conditional use permit and future personnel shall receive training within 30 days of hiring.*
- (e) As may be recommended by the technical advisory committee, the administrator may require the applicant to retain outdoor security persons during operation of the establishment. The security persons must possess a security officer registration certificate pursuant to S.C. Code 1976, title 40, chapter 18, or, as an alternative, may be an off-duty sworn law enforcement officer. No other employee may serve in the capacity of a security person unless so certified.*
- (f) Occupant capacity of the establishment shall be established by the city building codes administrator. The applicant shall designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons.*
- (g) Exterior sound amplification shall be prohibited except in areas specifically authorized on the approved site plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. Specified hours of exterior sound amplification shall be limited by the permit.*
- (h) Interior sound amplification shall be located only as reflected on the approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building. Except to provide ingress and egress, exterior doors and windows shall remain closed after 10:00 p.m.*
- (i) Rooftop decks shall have perimeter guard railing above table surfaces*
- (j) Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code shall be posted in conspicuous locations on the building and throughout the parking lot and shall be enforced by the proprietors.*

- (k) *The application shall comply with city noise, smoking, and encroachment ordinances.*
- (l) *A copy of the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.*
- (m) *The administrator may attach additional conditions to the conditional use permit which will protect nearby uses from any adverse impacts reasonably expected to occur as a result of the operation of the nightclub/bar.*

The applicant states intent to comply with these use-specific criteria within their application. Upon discussion with the Technical Advisory Committee, the applicant displayed awareness of potential issues about noise, security, monitoring occupant capacity, training for management and staff, and overall hours of operation. Staff recommends formal incorporation of TAC's recommended conditions, listed at the end of this report, into any motion for approval.

Staff finds, with appropriate conditions, the use complies with the specific use standards of the Land Management Ordinance.

3. The Use Is Compatible with the Character of Surrounding Lands:

Adjacent property is zoned and used as follows:

East: Parking (C-4)

North: Office (C-4)

West: Office, retail and restaurant (C-4)

South: Office (C-4)

Adjacent uses are either similar to the proposed bar use or, in the case of office and retail, generally operate at different times than the proposed use.

Staff finds, with appropriate conditions, the use is compatible with surrounding lands.

4. The Design Does Not Have Substantial Adverse Impact:

This application requests to operate the bar use in a similar to the manner to how it is currently run, with the primary change the increased number of people permitted to occupy the building at one time. Generally, the business has not been a nuisance in regard to visual impacts, service areas, parking or odors. The location away from residential uses causes less concern with potential noise impacts and the applicant has stated that outdoor music ends at 10 pm.

Although the Technical Advisory Committee is concerned about security and monitoring occupancy of the premises, discussions with the applicant during the TAC meeting were productive and the applicant is aware of the City's concerns. The applicant proposed modifications to access at the rear patio, with the addition of a gate and alarm to one of the ingress/egress points, in an attempt to address these concerns.

To minimize detrimental impacts on adjacent residential land uses, staff recommends that approval of the special exception permit be conditioned upon the findings and recommendations of TAC, listed at the end of this report and within the Staff Recommendation.

Staff finds, with appropriate conditions, the design does not have substantial adverse impacts.

TAC Findings and Recommendation:

FINDINGS OF THE COMMITTEE:

1. The application, including the Application for Special Exception, Zoning Compliance Application, and all other documents submitted supplemental to those applications and received as part of the Board of Zoning Appeals files for this case prior to the Technical Advisory Committee review, is hereby incorporated and made a part of the findings of this Committee.
2. The applicant indicates the intent to operate a bar / nightclub with hours of operation of Sunday through Saturday, 4 pm to 2 am.
3. The applicant indicates that a permit was recently obtained to construct new bathrooms with the intent to increase occupant capacity of the building to 180 people.
4. The applicant indicates that the floor plans provided, need to be revised to alter access on the patio and restrict ingress/egress from one access point by the addition of a gate and alarm.
5. The applicant indicates that occupancy is further monitored through provision of radios to security and retention of the same security personnel to promote better communication and reduce any need to retrain.
6. The applicant indicates that the business would have four (4) security personnel for inside and outside the bar.

RECOMMENDATIONS OF THE COMMITTEE:

1. This Committee recommends that the Board of Zoning Appeals ***approve*** the application for a Special Exception Use Permit.
2. In order to prevent and/or minimize any potential adverse effects from the Applicant's business on adjacent uses, this Committee recommends that the Board of Zoning Appeals make the following recommendations a condition or conditions of the permit. These conditions are related in type and scale to the impact the proposed use would have on the public and surrounding land uses, and are in addition to the standard requirements outlined in Section 19-4.3.3(C) of the Land Management Ordinance:
 - a. This Committee recommends the applicant maintain hours of operation that are substantially consistent with those stated by the applicant.
 - b. This Committee recommends that occupant capacity be limited to a maximum 180 people.
 - c. This Committee recommends that the Applicant take reasonable measures to ensure that the business and its patrons comply with City ordinances and State laws intended to preserve the public peace, safety and order, including but not limited to: occupancy loads, prohibitions on disorderly conduct and public intoxication, prohibitions on noise in violation of the City's noise ordinance, adequate patron parking and applicable neighborhood parking restrictions.
 - d. This Committee recommends that at all times during its occupancy, the applicant shall assign a manager on the premises who shall ensure compliance with the terms of the special exception use permit, this Code, and the applicable S.C. Code of Laws and Regulations.
 - e. This Committee recommends that the applicant and all its managers and employees responsible to serve any alcoholic beverage (current and future) shall participate in the

- merchant education/server training program offered by the Phoenix Center or comparable program offered by other vendors approved by the city police department. Evidence of satisfactory completion of this training for each employee shall be retained on-site and available for inspection by the administrator and the city police department. Current personnel shall receive training within 90 days of the date of the granting of a conditional use permit and future personnel shall receive training within 30 days of hire.
- f. This Committee recommends that the applicant shall retain a minimum of two (2) security guards, of which one (1) shall be an off-duty sworn law enforcement officer, positioned outside the business on Fridays and Saturdays from the hours of 10:00 PM and 2:15 AM and at any time while open for business when it is reasonably anticipated that a larger-than-average number of patrons may occupy the premises. The security person(s) must possess a "Security Officer Registration Certificate" pursuant to Chapter 18 of Title 40 of the SC Code of Laws, or as an alternative, may be an off-duty sworn law enforcement officer. No other employee may serve in the capacity of a security person unless so certified.
 - g. This Committee recommends that the applicant shall designate staff at all ingress/egress points to be responsible for the monitor of flow of patrons and confirmation of compliance with allowable occupant capacity.

S 21-793 • 100 E. NORTH STREET

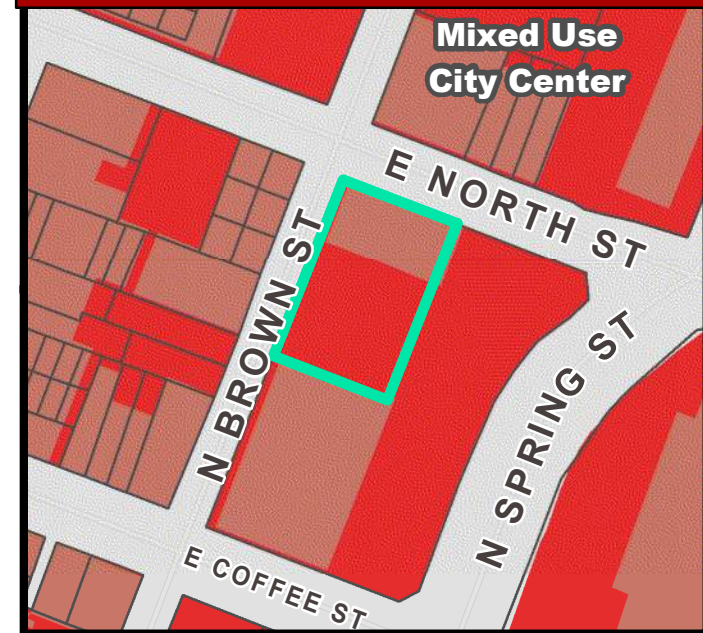
AERIAL VIEW



CURRENT ZONING



FUTURE LAND USE

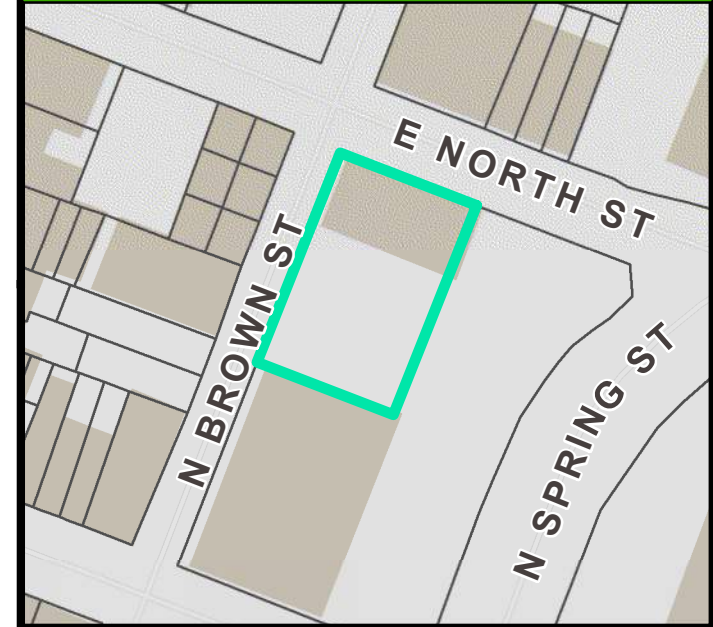


S 21-793 • 100 E. NORTH STREET

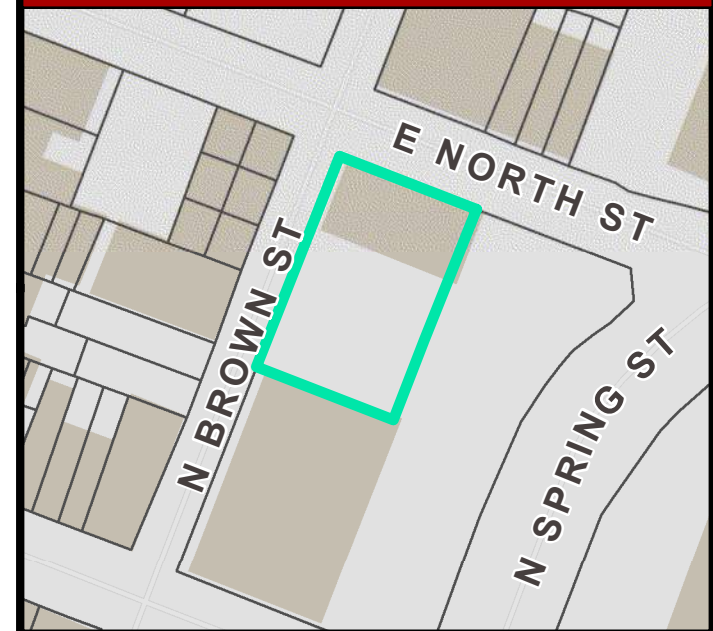
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





Office Use Only:

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

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: DT's Tavern The Dun LLC
* _____ Name _____ Title / Organization
permit may be limited to this entity. _____

APPLICANT'S REPRESENTATIVE: Sarah Trucano Sole Member, LLC (The Dun, LLC)
(Optional) _____ Name _____ Title / Organization

MAILING ADDRESS: 128 Masters Woods Way, Easley, SC 29640

PHONE: 864-991-9671 **EMAIL:** dtstavern@rocketmail.com

PROPERTY OWNER: GRE, LLC (Contact: Gene Watson)

MAILING ADDRESS: 201 Cleveland ST, Greenville, SC 29601

PHONE: 864-414-1913 **EMAIL:** ewatsonjr@bellsouth.net

PROPERTY INFORMATION

STREET ADDRESS: 100 E North St, Greenville, SC 29601

TAX PARCEL #: 004300-03-00200 **ACREAGE:** _____ **ZONING DESIGNATION:** C-4

REQUEST

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

DESCRIPTION OF PROPOSED LAND USE:

Restaurant, with indoor and outdoor seating and/or food service areas Serving Alcohol
Bar / Nightclub open after midnight
See attached

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.

Sarah Jucano
10/5/21

APPLICANT / REPRESENTATIVE SIGNATURE

DATE

* Eugene Watkins
11-6-2021

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.

see attached

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

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

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

REQUEST

Description of Request: We are looking to amend Stipulation #6 of the current special exception. We would like to change the occupancy limitation for one sled certified security or off duty officer from 120 to 180 patrons.

Reasons to support request: We have always had our customer's safety as a first priority. Before we were even required to hire an off duty officer we had staffed one to make our customers feel safe coming and leaving our venue. We always are well staffed with security personnel from 5:9 Security on the weekends and special events to assure the safety of our customers. All of our staff including bartenders, bouncers/security and Entertainers have linked radios for communication. If any of our staff ever feel as if there is trouble about to arise, our bouncers/security are able to tend and diffuse the situation before it even starts. We very rarely have and situation that escalates to where it is even noticed by other patrons in our venue. We have trained each of our bouncers/security on how DT's handles each situation. When a situation does arise, we adjust and meet with our security staff that week to make sure we correct the problem. We also hold frequent meetings with the staff to assure everyone is aware of any changes we make. DT's has mastered what it takes to secure a safe venue and are ready to expand what we can handle. Currently our one officer has very rarely needed to assist our staff in diffusing a situation. DT's is determined to stay a safe, fun place to visit and work.

APPLICANT RESPONSE TO SECTION 19-2.3.5(D)(1). STANDARDS- SPECIAL EXCEPTION

1. DT's Tavern has become a positive downtown landmark. Creating a safe and fun place for the locals and tourists to grab a bite to eat or have an adult cocktail. With our positive reputation we bring respected customers a little off of Main St helping to expand downtown foot traffic to Brown St. As Greenville is growing, it is giving us the opportunity to grow with it. The Central Business District accommodates a unique, high intensity mix of office, service, retail, entertainment, cultural government, civic and residential uses.
2. Serving food and alcohol, complying with central business district standards. Being zoned C2 Commercial building. We do not have amplified outdoor music after 10pm. Exterior doors are closed at 10pm. We comply to the prevailing standards of the ABC Act.
3. DT's Tavern is surrounded by Tsunami and Jack and Diane's, and Ink and Ivy which are compatible venues in character. Mixed uses are a hallmark of this area.
4. An occupied space is always more attractive than an empty one. DT's Tavern in 13 years has become a landmark Downtown in a positive way. We have dedicated paid parking for our employees; noise is always kept inside our venue. We employ plenty of staff to see that we are abiding by the city's codes and standards.



Zoning Compliance Application

Establishments Serving Beer, Wine, Or Liquor

Applicant

Name DT's Tavern Phone 864-991-9671

Mailing Address 128 Masters Woods Way, Easley, SC 29640

Email dtstavern@rocketmail.com

Signature of Applicant *Sarah Tucano* Date 10/5/21

Property Owner

Name Gene Watson Phone 864-414-1913

Mailing Address 1 201 Cleveland St, Greenville, SC 29601

Email _____

*Signature of Property Owner *Gene Watson* Date 11-07-2024

Property Information

Address 100 E North St, Greenville, SC 29601

TMS# 004300-03-00200 Zoning District Designation C-4

Description of Proposed Use

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

Operating Plan

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

Seating Plan

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

Security Procedures

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

Business Plan

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



Provide a response for each of the following:

1. Describe the ways in which the proposed use is consistent with the comprehensive plan.
It is consistent with the comprehensive plan because the central business district is know
for accomodating a unique, high-intensity mix of uses. We provide a safe fun environment for
locals and tourists to enjoy.

2. Describe the ways in which the request is appropriate for its location and is compatible with the
character of existing and permitted uses of surrounding lands and will not reduce the property values
thereof.
Our business is compatible with the character of the existing an permitted uses of the
surrounding lands. We have been there for 13 years without adverse affects on property values.
We are surrounded by similar businesses.

3. Describe the ways in which the request will minimize adverse effects on adjacent lands including: visual
impacts; service delivery; parking and loading; odors; noise; glare; and, vibration. Describe the ways in
which the request will not create a nuisance.
We have paid parking for our staff and other deliveries, our trash is picked up on a weekly sometimes
twice a week to insure there are no adverse odors. Amplified music outdoors is stopped at 10pm
as well as the doors closed. We will continue to function as a responsible compliant business
always looking to improve ourselves.

Meet With the Technical Advisory Committee

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

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

Police
Fire
Planning
Legal

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

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

Description of Proposed Use

Operating Plan

1. Type of Use- Restaurant/Bar/Nightclub
2. Days and Hours of operation- 7 days a week 4pm-2am
3. Staffing Schedule-
Bartenders- 1st on from 4pm-2am, 2nd on from 9pm-2am Mon-Sun
Hired Security- Thursday, Friday, Saturday
4. Kitchen is open from open to close 7 days a week. We have a fryer
Sandwich prep station, stand up freezer and walk in cooler.
5. We have a full meny 7 days a week, open to close.
6. We have paid parking for our staff. Customers use available parking
downtown along with paid parking behind our establishment.
7. We have a designated parking area away from the patio on the
weekends and during the week along the side of the building away
from the patio.
8. Entertainment:
Thursday: Karaoke 10pm-1:45am
Friday & Saturday: DJ 10pm-1:45am
9. Closing/ "last call" Procedures:
1:45am- Bell rings for last call, lights go up
1:50am- Music stops
All drinks are up by 2am

Security Procedures

1. 3-4 security staff/ bouncers on Friday-Saturday nights
1-2 security staff/ bouncers on all other nights when a larger than
normal crowd is expected for a weeknight.
2. Security staff is outsourced to a professional security company that
is insured and bonded. At least one is sled certified and all others are
trained by their security company and briefed on our policies and
procedures before working on the floor.
3. Specific duties/ responsibilities of Staff (please see attached letter
from 5:9)

4. Entry/ Exit Re-entry procedures (please see attached letter from 5:9)
5. Crowd Management- (Please see attached letter from 5:9)
6. Crime Prevention- (Please see attached letter from 5:9)

Seating Plan

****See attached**

Business Plan

1. DT's Tavern is a Tavern that is geared towards the 26-35 year old audience. Our goal is to provide a fun, safe place for mature adults to come enjoy music, socialize and reconnect. Our objective is to remain a consistent positive landmark in the downtown area of Greenville, SC.
2. Projected Revenue: 30% Food/ 70% Alcohol
3. We do not have a fee for entry ever.
4. Our status of our city business license is current and active
5. We have an "A" rating with the SCDHEC
6. Our ABL-901 application is current with no violations

To whom it may concern,

I have laid out a plan below in order to best address the following concerns: Capacity, traffic flow at points of ingress and egress and newly added patio restrooms.

5:9 Protection Services will be providing three or four staff members on Friday and Saturday nights to control all three entrances.

- First guard will be stationed at the primary patio entrance along the back doors he will be responsible for the following:
 - o Checking IDs to ensure all patrons are 21 and over
 - o Providing wrist bands to all patrons, confirming the bar staff they have been properly checked.
 - o Keep a count to control capacity for the entire venue.
 - o Ensure outside drinks and food are not entering the building as well as making sure no drinks are leaving the property.
- Second guard will be stationed at the back doors along E. North St. these doors will be used as an exit only after 10PM to better control traffic flow and capacity.
 - o If patrons exit these doors it is his responsibility to relay that number to the primary entrance.
 - o He is also responsible to check interior restrooms, observe the bar area and ensure traffic is properly following at this point of egress.
- Third guard will be stationed at the rear of the patio along the secondary entrance which backs up to the parking lot. This area will be used as an exit only after 10PM in order control the patio capacity. The guard stationed in this area will be responsible for the following:
 - o To assure this access point is only used as an exit after 10PM and rely to the primary entrance the number of patrons leaving.
 - o Observing patrons on the patio, sidewalk and along the bar area
 - o Ensure there is no smoking on both the covered/uncovered patio areas as well as preventing any drinks from leaving the property.
- Fourth guard will be roaming both inside and outside along the patio, he will be responsible for the following:
 - o Controlling, updating and relaying the number of patrons in the building with the guard at the primary entrance
 - He will have an additional count solely for the interior area
 - o Ensuring traffic is properly flowing at the entrance/exit from the patio into the building
 - o Controlling line when needed along the patio restrooms to ensure patrons aren't blocking any points of ingress/egress
 - o Observing patrons along the dance floor, patio and bar areas
 - o Offering relief to any other guard who needs to step away from any entry/exit

point throughout their shift.

In the event we are only utilizing three guards the (fourth guard) will be stationed at the rear patio entrance. In this scenario he will be tasked with carrying out this (third guard) position's responsibilities as well the following:

- Keeping count of the patrons on the patio area and relaying that to the primary entrance.
- Ensuring if any lines form along the patio restrooms that they do not block any point of ingress/egress.

In addition to this the first guard controlling the primary entrance will then be responsible for controlling the capacity inside the venue. Once overall capacity is reached he will shift his focus to the rear doors entering the building from patio while still maintaining his presence at the primary entrance. This is to ensure the patrons along the patio do not cause the interior bar area to exceed capacity.

Please feel free to contact me directly with any questions or concerns.

Many thanks,

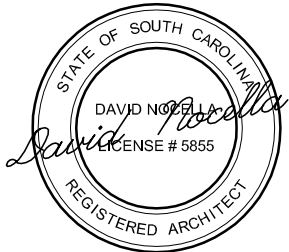
Hunter Stephens

Owner

5:9 Protection Services

864.978.4267

Hstephens@59protectionservices.com



09-08-21

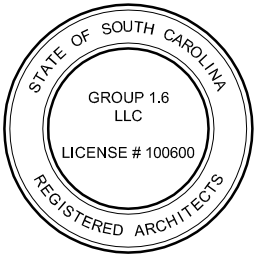


TABLE AND
CHAIR
ASSEMBLY.
360 SF @ 15
SF/PERSON =
24 PEOPLE

SEATED
ASSEMBLY.
105 SF @ 7
SF/PERSON =
15 PEOPLE

STANDING
ASSEMBLY.
345 SF @ 5
SF/PERSON =
69 PEOPLE

TABLE AND CHAIR ASSEMBLY
125 SF @ 15 SF/PERSON = 8 PEOPLE

STANDING ASSEMBLY
353 SF @ 5 SF/PERSON
= 70 PEOPLE

SEATED ASSEMBLY. 43 SF @
7 SF/PERSON = 6 PEOPLE

TABLE AND CHAIR ASSEMBLY
92 SF @ 15 SF/PERSON = 5 PEOPLE

CODE ANALYSIS

OCCUPANCY: A2 RESTAURANT

OCCUPANT LOAD:

INTERIOR

AREA: 810 SF NET
360 SF / 15 SF PER PERSON = 24 PEOPLE
105 SF / 7 SF PER PERSON = 15 PEOPLE
345 SF / 5 SF PER PERSON = 69 PEOPLE
SUBTOTAL = 108 PEOPLE

PATIO

AREA: 613 SF NET
217 SF / 15 SF PER PERSON = 15 PEOPLE
43 SF / 7 SF PER PERSON = 6 PEOPLE
353 SF / 5 SF PER PERSON = 70 PEOPLE
SUBTOTAL = 91 PEOPLE

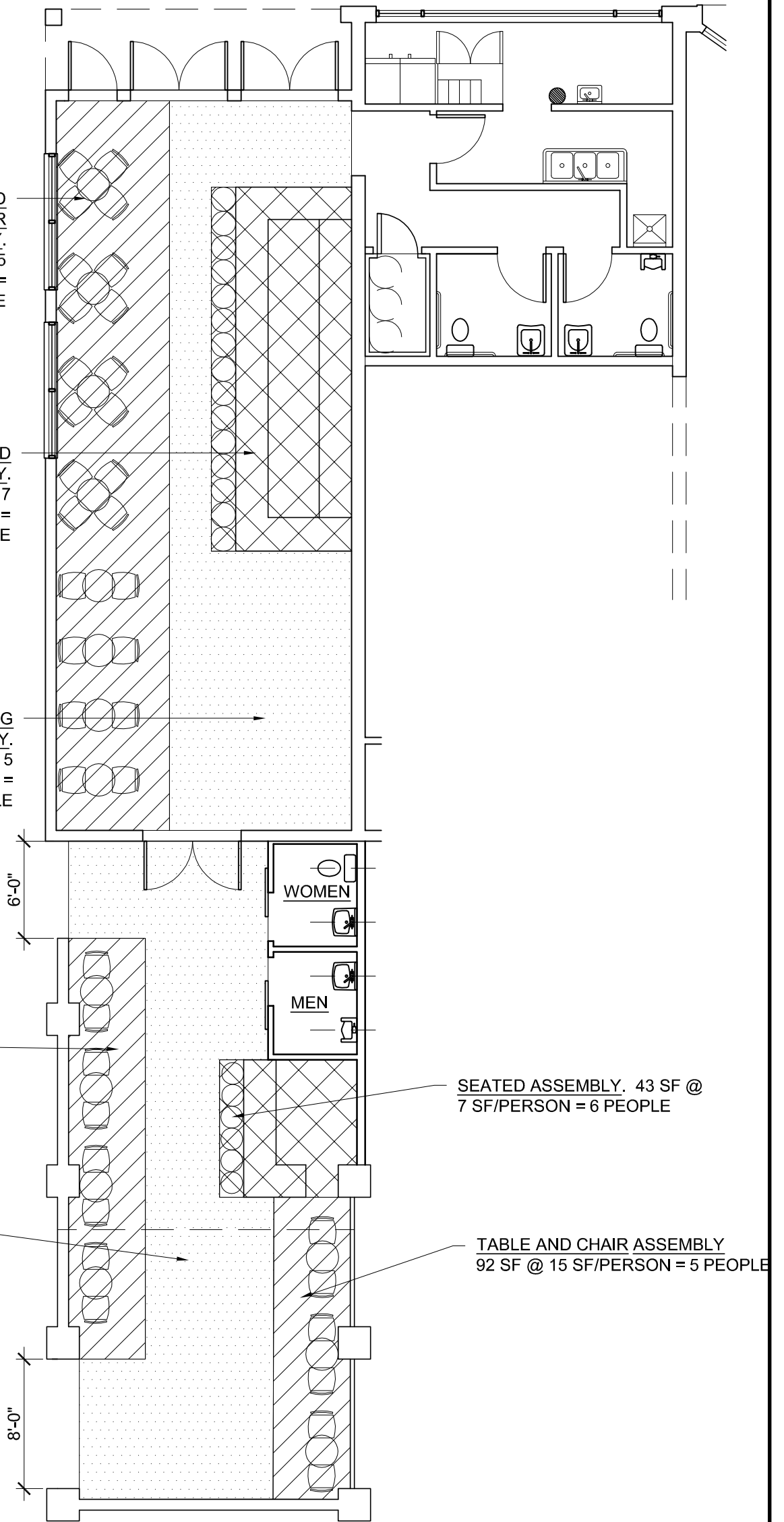
ALLOWABLE BASED ON
PLUMBING FIXTURE COUNT = 80 + (80X.20) = 96 PEOPLE

TOTAL 204 PEOPLE

REQUESTED OCCUPANT LOAD:

INTERIOR: 108 PEOPLE
PATIO: 72 PEOPLE
TOTAL: 180 PEOPLE

NOTE: REQUESTED OCCUPANT LOAD BASED ON CURRENT RESTROOM
FIXTURE COUNT AND 20% INCREASED ALLOWED BY SECTION 810 OF THE
INTERNATIONAL EXISITNG BUILDING CODE IS 96 PEOPLE



OVERALL PLAN

MINIMUM # OF REQUIRED PLUMBING FIXTURES:

	WC	LAV
MALE	1 / 40	1 / 75
FEMALE	1 / 40	1 / 75

OCCUPANT LOAD BASED PLUMBING FIXTURE COUNT: 160 PEOPLE
 $160 + (160 \times .20) = 192$ PEOPLE

INTERNATIONAL EXISTING BUILDING CODE

810.1 MINIMUM FIXTURES. WHERE THE OCCUPANT LOAD OF THE
STORY IS INCREASED BY MORE THAN 20 PERCENT, PLUMBING
FIXTURES FOR THE STORY SHALL BE PROVIDED IN QUANTITIES
SPECIFIED IN THE *INTERNATIONAL PLUMBING CODE* BASED ON
THE INCREASED OCCUPANT LOAD.



ARCHITECTS

LLC

210 ALTAMONT ROAD
GREENVILLE, SC 29609
864.640.6014

DT'S TAVERN

100 EAST NORTH GREENVILLE, SC 29601

09/08/21

BD6

$\frac{1}{8}"=1'-0"$

G1.6 PROJ # 2100



BAR MENU

Baskets

Chicken Tender Basket

3 large tenders served with crinkle fries
-choice of dipping sauce **\$9.00**

Wing Basket

6 breaded wings tossed in favorite sauce
served with crinkle fries
-choice of dipping sauce **\$10.00**

Corn Dog Nugget Basket

7 corn dogs nuggets served with crinkle fries
-served with mustard/ketchup **\$8.00**

Corn Dog + Mac & Cheese Duo

7 corn dogs nuggets and 5 mac & cheese bites
-choice of dipping sauce **\$8.00**

À la carte

Cheese Sticks

6 sticks served with marinara **\$7.00**

Mac & Cheese Bites

8 wedges served with ranch **\$7.00**

Crinkle Cut Fries

basket of fries and choice of dipping sauce **\$6.00**

10 Breaded Wings

tossed in sauce with ranch/blue cheese **\$12.00**

Corn Dog Nuggets

10 nuggets with mustard/ketchup **\$7.00**

Sauces

For Wings/Tenders

Teriyaki, Buffalo Mild, BBQ

For Dipping

Ranch, Blue Cheese, Mustard, Ketchup and Honey Mustard



dtstavernthefunplace



**Planning Staff Report to
Board of Zoning Appeals
November 8, 2021**
for the November 11, 2021 Public Hearing

Docket Number: S 21-795

Applicant: ABW Greenville, LLC d/b/a New Realm Brewing Company (Brian McAlpine)

Property Owner: Cigar Warehouse, LLC; Pendleton Properties Gville LI;
Zuffa International LLC

Property Location: 912 S Main Street

Tax Map Number: 007200-02-01600; 007200-02-01700; 007200-02-01900; 007200-02-02000

Acreage: 0.923

Zoning: C-4, Central Business District

Proposal: **SPECIAL EXCEPTION to establish an 'Indoor entertainment facility' and 'Outdoor entertainment facility'**

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 (A), *Use Specific Standards, Commercial Uses*
Sec. 19-6.1, *Off-street Parking and Loading*

Staff Recommendation: Deny

Staff concludes that the application does not comply with the standards to grant a Special Exception Permit for an **'Indoor entertainment facility'** and **'outdoor entertainment facility'**. This is based on failure to satisfy criteria how the design will have minimal adverse effects, particularly noise, vibration and parking, on adjacent lands and uses, as identified in Staff's findings in the Staff Analysis. If the Board decides to grant the Permit, Staff is prepared to provide recommendations for conditions, in addition to those conditions recommended by the Technical Advisory Committee (TAC).

Staff Analysis:

The Applicant, Brian McAlpine, ABW Greenville, LLC d/b/a New Realm Brewing Company, requests a special exception for an indoor entertainment facility and outdoor entertainment facility in a C-4, Central business district. The subject site is located at 912 S Main Street, located across S Main Street from the new City parking lot and the Greenville Drive baseball stadium.

The property is zoned C-4, Central Business District, intended to preserve downtown Greenville as the city's center, to accommodate a unique, high-intensity mix of office, service, retail, entertainment, cultural, government, civic, light manufacturing, and residential uses. The adjacent properties include the Custom House condominiums at 820 S Main St, Zen bar/nightclub at 924 S Main Street, parking across S Main Street, and an indoor entertainment facility previously approved by the Board of Zoning Appeals at 401 Rhett Street (Case S 20-165 on May 14, 2020).

Per Sections 19-4.1 (*Table of Uses*), a special exception permit is required for indoor entertainment facility and outdoor entertainment facility uses in the C-4 district. According to the application, hours of operation will not extend past 10 pm for any part of the overall property use.

The request is for use of the existing Old Cigar Warehouse building for an indoor entertainment facility. This building includes full kitchen facilities, restaurant seating, and an area to be used for brewery operations. Major modifications to the building would include addition of a canopy over the existing patio and incorporation of an indoor/outdoor bar area, both of which would be subject to review by the Design Review Board for consistency with the Downtown and West End Design Guidelines.

The remainder of the property is requested for outdoor entertainment facility use. This includes an open lawn and fire pit at the center of the property surrounded by seating on the north and south sides, a stage at the east side of the property, and an outdoor kitchen, outdoor restrooms, and flexible event space adjacent to the future music venue at 401 Rhett Street. The applicant proposes to landscape around the extent of the outdoor area to separate the use from the adjacent public sidewalks along S Main Street and Wardlaw Street. Service areas are proposed at the rear of Old Cigar Warehouse building.

Off-street parking is not proposed for this site. According to the City Code, the off-street parking and loading standards shall not apply in the C-4 district. However, prior to issuance of any building permit or certificate of occupancy, whichever is issued first, the owner of any new building project or any new use established in the C-4 district shall submit to the administrator an estimate of the parking requirements that the building or use is expected to generate, based on the ratios established in the City Code, and an indication of where or how that parking will be provided. The minimum ratio is 1 per three fixed seats or one per 300 square feet (whichever is greater) for the indoor entertainment facility portion, and one per 5,000 square feet of land or one per three persons maximum capacity (whichever is greater) for the outdoor entertainment facility portion of the property. In addition, the Special Exception Permit process does require the Applicant to submit a parking agreement to secure parking not provided on site.

The Technical Advisory Committee (TAC) met with the applicant on October 25, 2021; TAC's findings and recommendation are listed at the end of this report.

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

1. *Consistent with the Comprehensive Plan*

The Future Land Use Map of the City's GVL 2040 Comprehensive Plan designates this property 'Center City' which is described as follows:

Center City is Greenville's downtown central business district. It contains a mix of land uses including but not limited to office, service, retail, entertainment, cultural, government, civic, light manufacturing, and residential. Development is expected to be pedestrian-oriented and designed to actively engage streets, parks, plazas, the riverfront, and other public spaces.

The proposed use aligns directly with the desired "entertainment" use in the Center City FLUM classification.

Staff finds that the proposed use is consistent with the GVL 2040 Comprehensive Plan.

2. *Complies with use specific standards*

There are no use specific standards for indoor or outdoor entertainment facilities.

Staff finds that the use complies with the specific use standards of the Land Management Ordinance.

3. *Compatibility with the surrounding lands*

Adjacent property is zoned and used as follows:

East: Mixed-use retail/residential and warehousing (C-4)

North: Vacant building previously approved by BZA for Indoor entertainment facility (C-4)

West: Railway and Bar/nightclub (C-4)

South: Parking and mixed-use retail/residential (C-4)

The character of the surrounding area consists of condominiums, multi-family dwellings, office, retail, hotels, and the Drive baseball stadium.

Although the proposed use overall is not incompatible with permitted and existing uses of adjacent lands, the configuration of such uses on the property is important to ensure compatibility.

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

4. Design does not have substantial adverse impact

Anticipated impacts associated with the use may include noise and parking.

Location of the outdoor entertainment facility, adjacent to residential to the east, causes significant concern. The prospect of consistently having amplified music in a location that is in such close proximity to the residential uses – the stage is within 60 feet of the residences – is a significant concern. The application neither offers sufficient evidence that the stage is located in the best location on site nor provides an adequate analysis of the extent of noise impacts to adjacent properties. In a previous entertainment venue project next door to this site, a report from an acoustic engineer was provided for the future music venue at 401 Rhett Street to verify sufficient noise mitigation measures and design for an indoor entertainment use. A similar report for this outdoor entertainment use, which should include proposals for additional noise mitigation, would be necessary to make a more informed determination on the impact of this use on adjacent lands.

Off-street parking is not provided. The Applicant provided the number of parking spaces within both a quarter mile and a half mile from the venue. Staff is concerned about available parking spaces and whether the applicant can obtain parking agreements for adequate parking, especially in light of the adjacent future music venue which also was required to obtain agreements for required parking prior to occupancy. To ensure sufficient parking and verify the feasibility of a facility of this capacity, Staff would recommend the applicant provide at least a notice/letter of intent to execute a parking agreement from willing property owners equal to at least 75% of the required parking prior to approval of the special exception to grant a special exception to the proposed use in this location. A full account of parking and executed parking agreements would be required prior to occupancy of the premises by the applicant.

Staff concludes that the design of the business, as requested, could have substantial impact on the adjacent lands.

TAC Findings and Recommendation:

FINDINGS OF THE COMMITTEE:

1. The application, including the Application for Special Exception, Zoning Compliance Application, and all other documents submitted supplemental to those applications and received as part of the Board of Zoning Appeals files for this case prior to the Technical Advisory Committee review, is hereby incorporated and made a part of the findings of this Committee.

2. The applicant indicates the intent to operate an indoor entertainment facility, outdoor entertainment facility, and restaurant with accessory brewery operations, with hours of operation Sunday through Thursday from 11 am to 9 pm and Friday through Saturday from 11 am to 10 pm.
3. The applicant indicates that the existing building on site will have a full-service kitchen and restaurant/brewery area.
4. The applicant indicates that the outdoor entertainment area will include seating, an open lawn, firepit and outdoor kitchen and restroom facilities for patrons enjoying the outdoor space. An indoor/outdoor bar is shown on the site plans, but is still tentative.
5. The applicant indicates a stage for live entertainment will be provided backing up to Wardlaw Street.
6. The applicant indicates that the back of the stage design is not intended to be an opaque screen. Treatment of the rear of that structure is still in design stages and will be reviewed by the Design Review Board.
7. The applicant indicates that the outdoor portion of the facility will be surrounded by landscaping to separate it from the public space.
8. The applicant indicates that that service areas and fire access areas will primarily be from the rear of the building, accessible from Rhett Street.
9. The applicant indicates that they will adhere to standard requirements for cutoff of exterior amplified music, or 10 pm.

RECOMMENDATIONS OF THE COMMITTEE:

1. This Committee recommends that the Board of Zoning Appeals **approve** the application for a Special Exception Use Permit.
2. In order to prevent and/or minimize any potential adverse effects from the Applicant's business on surrounding uses, this Committee recommends that the Board of Zoning Appeals make the following recommendations a condition or conditions of the permit. These conditions are related in type and scale to the impact the proposed use would have on the public and surrounding land uses, and are in addition to the standard requirements outlined in Section 19-4.3.3(C) of the Land Management Ordinance:
 - a. This Committee recommends the Applicant maintain hours of operation that are substantially consistent with those stated by the applicant, closing no later than 10 p.m.
 - b. This Committee recommends that all interior amplification be located only as reflected on the approved floor plan and be directed away from the principal entrance or directed toward the interior of the building.
 - c. This Committee recommends that, except to provide ingress and egress, exterior doors and windows shall remain closed after 10:00 p.m.
 - d. This Committee recommends that any exterior sound amplification is prohibited except in areas specifically authorized on an 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 pm and 11:00 am.

- e. This Committee recommends that the Applicant take reasonable measures to ensure that the business and its patrons comply with City ordinances and State laws intended to preserve the public peace, safety and order, including but not limited to: occupancy loads, prohibitions on disorderly conduct and public intoxication, prohibitions on noise in violation of the City's noise ordinance and applicable neighborhood parking restrictions.
- f. This Committee recommends that at all times during its occupancy, the applicant shall assign a manager on the premises who shall ensure compliance with the terms of the special exception permit, this Code, and the applicable S.C. Code of Laws and Regulations.
- g. This Committee recommends that the applicant and all of its managers and employees responsible for serving any alcoholic beverage (current and future) shall participate in the merchant education/server training program offered by the Phoenix Center or comparable program offered by other vendors approved by the city police department. Evidence of satisfactory completion of this training for each employee shall be retained on-site and available for inspection by the administrator and the city police department. Current personnel shall receive training within 90 days of the date of the granting of a conditional use permit and future personnel shall receive training within 30 days of hiring.
- h. This Committee recommends that the applicant shall retain security guards positioned outside the business after close until all crowds exiting the facility have dispersed from areas immediately surrounding the site. The security person(s) must possess a "Security Officer Registration Certificate" pursuant to Chapter 18 of Title 40 of the SC Code of Laws, or as an alternative, may be an off-duty sworn law enforcement officer. No other employee may serve in the capacity of a security person unless so certified.

Department Comments:

Fire Department Comments

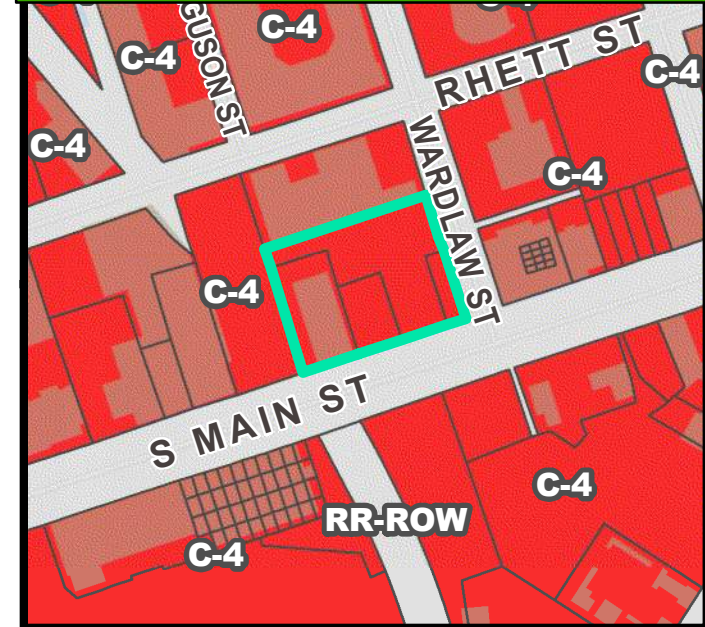
At time of permit submission, all required fire access must be indicated and code requirements met, to include allowable distances to all structures, vehicle access if required and gate widths on fire access roads.

S 21-795 • 912 S. MAIN STREET

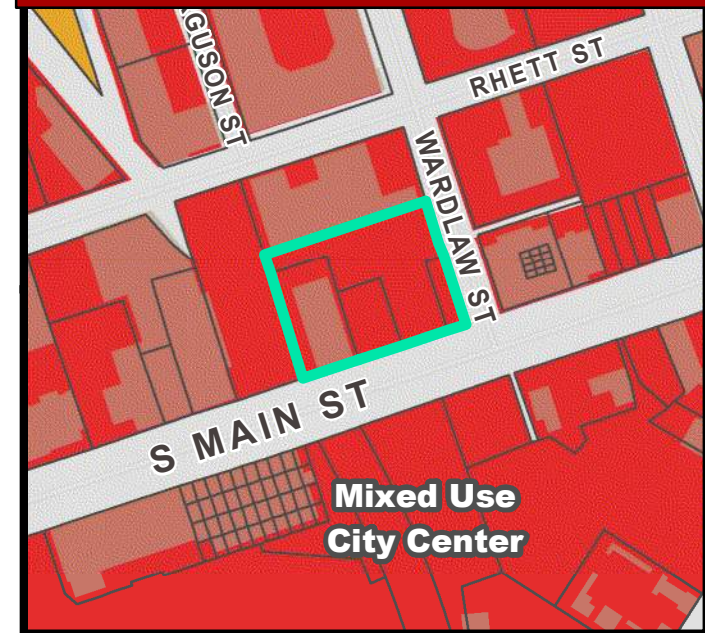
AERIAL VIEW



CURRENT ZONING



FUTURE LAND USE

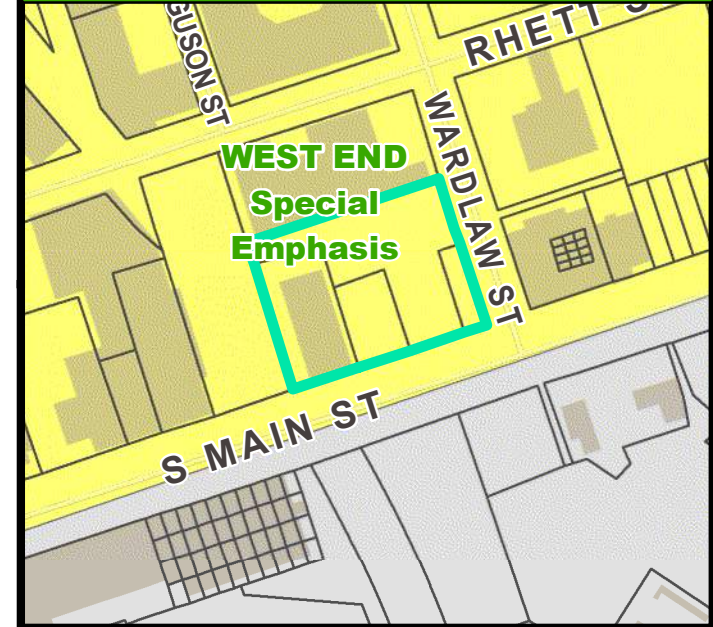


S 21-795 • 912 S. MAIN STREET

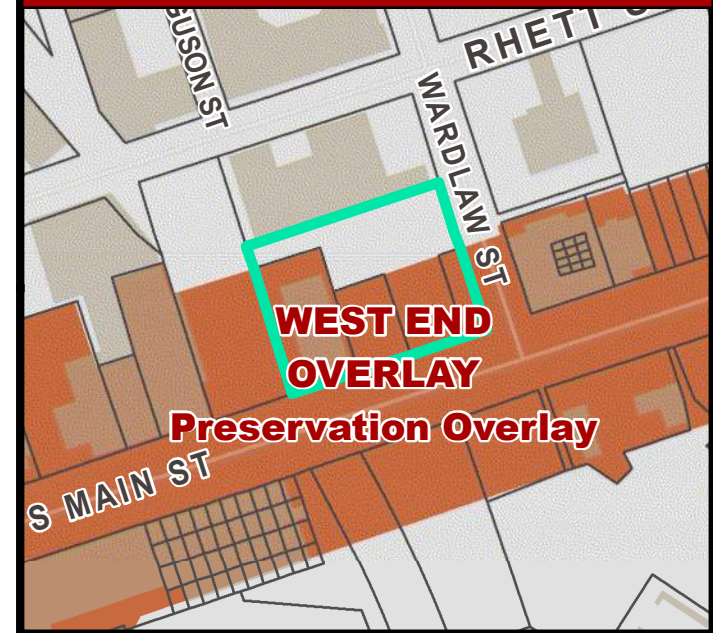
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: ABW Greenville, LLC d/b/a New Realm Brewing Company

* _____ Name _____ Title / Organization _____

permit may be limited to this entity. ABW Greenville, LLC d/b/a New Realm Brewing Company

APPLICANT'S REPRESENTATIVE: Brian McAlpine ABW Greenville, LLC

(Optional) _____ Name _____ Title / Organization _____

MAILING ADDRESS: 912 S. Main Street, Greenville, SC 29601

PHONE: (704)-724-5986 EMAIL: bmc Alpine@newrealmbrewing.com

PROPERTY OWNER: Cigar Warehouse, LLC, Pendleton Properties Gville LI, Zuffa International LLC

MAILING ADDRESS: 113 Ridgeland Drive, Greenville, SC 29601

PHONE: 864-304-3967 EMAIL: carter@house13.com

PROPERTY INFORMATION

STREET ADDRESS: 912 S. Main Street, Greenville, SC 29601

TAX PARCEL #: see below ACREAGE: total .923 ZONING DESIGNATION: C-4

Project property is made up of several parcels under the same ownership: 0072000201900, 0072000202000, 0072000201700, 0072000201600. Note that separate LLCs are involved but all owned by the same individual, James Carter, contact information above.

REQUEST

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

DESCRIPTION OF PROPOSED LAND USE:

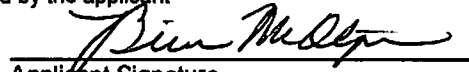
Outdoor entertainment
Indoor entertainment
Manufacturing and production - Artisan production establishment

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.

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

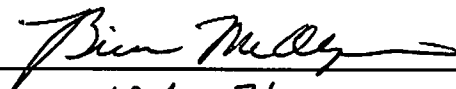

Applicant Signature

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.

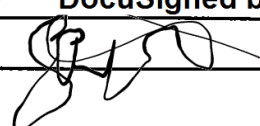
If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant. If the applicant does not withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived, then the planning office will indicate in its report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


10-6-21

APPLICANT / REPRESENTATIVE SIGNATURE

DATE

DocuSigned by:
 10/8/2021
8B9271D7A30D4C0...

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.

This proposal adds value to the West End Submarket and is consistent with the Comprehensive Plan as well as uses already in the area.

See the following pages for further response.

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

The project will comply with the standards of Section 19-4.3.

See the following pages for further response.

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

The proposal maintains the character of the existing Cigar Warehouse and builds on that character for full site development. The overall use of the property is consistent with the character of the West End as an extension of Main Street.

See the following pages for further response.

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 project will improve existing conditions of a currently vacant lot. The development will limit loading and noise by coordinating delivery times and following the standards of operations outlined in Section 19-4.3.3.

See the following pages for further response.

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

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

Response: This project adds value to the West End Submarket by creating indoor and outdoor gathering space, entertainment, and food service. The tenant/applicant operates several successful and popular venues regionally and intends to provide a high quality and vibrant venue fitting in with the West End area and offering partnership and synergy with other venues such as Fluor Field, the neighboring Rhett St. Entertainment Venue, and downtown festivals and events.

Additionally, the proposed use as an Artisan Manufacturing Facility is in reference to a Brewery, to be located on the lower level of the existing building. The Brewery will produce small batch, craft brews and will offer opportunity for tours, tastings, and special events in conjunction with food service.

The Plan-It Greenville Comprehensive Plan (2009) identifies the West End Submarket as an area for retail and artists. The Greenville West Side Comprehensive Plan (2014) expands on that by referencing the Downtown Master Plan (2008), which identifies the Rhett St. area as the "Warehouse District". Goals of the "Warehouse District" include combination of adaptive reuse of existing buildings and new construction, "cool" spaces for creative, hi-tech startup businesses, and shared parking structures. The proposed project meets these goals by re-purposing an existing, unique building and creating a "cool" space for interaction and gathering.

Parking will be shared within the area as part of the Central Business District. Neighborhood centers in the Comprehensive Plan are areas within .25 miles and a 5-minute walking radius. A parking plan has been provided as part of this application to show parking opportunities within this radius and distance. The project Site Plan indicates a dedicated pick-up/drop-off location at an existing curb cut along Main Street. Additionally, in the Comprehensive Plan, there are concepts of a new parking structure to be located adjacent to St. Andrews Episcopal Church that would serve both churches as well as "new development and visitors to Fluor Field and the West End Commercial District". When constructed, the parking structure will be located within a 5-minute walking radius of the proposed project.

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

The project will comply with the following relevant sections of **Section 19-4.3.3 Commercial Uses**:

(A) General

(2)(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.*

(2)(c): *Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 5:00 a.m.*

Response: On-site traffic consists only of service vehicles for deliveries, trash collection, and emergency vehicles. Planned location is shown on the Site Plan. Delivery and waste collection will comply with the hours required. Access will be provided through the landlord/property owner who also owns the adjacent property.

(2)(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.

Response: Ordinances will be posted and enforced to prohibit loitering and poor conduct.

(2)(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.

Response: Exterior sound amplification is indicated on the site plan. Hours will be adhered to.

(2)(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.

Response: Door requirements will be adhered to.

(2)(h): The required permit, either special exception permit or conditional use permit, shall be limited to the applicant and shall not be transferable. 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.

Response: Understood.

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

(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:

(2) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution

Response: Indoor Brewery space is indicated on Floor Plan and referenced in Question 1 above. The Brewery will produce only 500 barrels per year (6885 cases), which will be both sold and served on premises and distributed. The distributed portion will be loaded by handtruck onto box trucks or vans. The small quantity produced and distributed does not warrant large trucks. The brewery process will not produce waste in quantities exceeding the commercial kitchen.

(C) Eating establishments

(1)(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).

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

(1)(b)(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.

(1)(b)(2): Outdoor live entertainment shall not be allowed, unless separate approval is obtained for an outdoor entertainment use.

(1)(b)(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.

Response: The proposed eating establishment is entirely on private property and will comply with all requirements. This application is meant to seek approval for outdoor live entertainment as part of the eating establishment; see responses to Question #2 on previous page. Areas on property intended for ingress or egress will be marked and/or kept clear of obstruction.

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

Response: The West End is home to "cool" indoor and outdoor activities. These include Gather GVL and Fluor Field, which host outdoor activities throughout the year. The proposed project will add to the vibrant character of the area and offer additional and unique food and beverage option for patrons and events.

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

Response: See Question 2 for overall approach and adherence to requirements.

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

(YOU MAY ATTACH A SEPARATE SHEET)

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

The proposed uses of Indoor Entertainment and Outdoor Entertainment are in keeping with the overall character of the Central Business District as a vibrant downtown area. Similar uses are as nearby as next-door and across Main Street, allowing this project to contribute to the options of entertainment and nightlife specifically of the West End District.

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

The proposed use is immediately bordered by City streets, an existing railway, and a proposed, future music venue of similar Indoor/Outdoor Entertainment and on property under the same ownership as this project. With that in mind, impact to immediately adjacent neighbors are not likely. Fluor Field, a venue also with a similar use, is located across Main Street. With neighboring multi-family or other commercial properties in mind, processes will be in place to adhere to all City ordinances and requirements with regard to noise and disruption. Reference Zoning Compliance Application materials for specifics.

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

There is adequate capacity for both sewer and water to serve the proposed use. The site is surrounded by City maintained roads which provide access into the site as well as police and fire access. No infrastructure capacity issues are anticipated.

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

Yes



Zoning Compliance Application

Establishments Serving Beer, Wine, Or Liquor

Applicant

Name ABW Greenville, LLC Phone (704)-724-5986

Mailing Address 912 S. Main Street, Greenville, SC 29601

Email bmcalpine@newrealmbrewing.com

Signature of Applicant _____ Date _____

Property Owner

Name Cigar Warehouse, LLC Phone _____

Mailing Address 1 113 Ridgeland Drive, Greenville, SC 29601

Email carter@house13.com

Signature of Property Owner _____ Date _____

Property Information

Address 912 S. Main Street, Greenville, SC 29601

TMS# 72-2-16 Zoning District Designation C-4 / CBD Overlay District

Description of Proposed Use

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

Operating Plan

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

Seating Plan

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

Security Procedures

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

Business Plan

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



Provide a response for each of the following:

1. Describe the ways in which the proposed use is consistent with the comprehensive plan.

Please see Special Exception Permit Application, Question #1 under "Applicant Responses to Section 19-2.3.5(D)(1), Standards - Special Exception", pages 3 and 4.

2. Describe the ways in which the request is appropriate for its location and is compatible with the character of existing and permitted uses of surrounding lands and will not reduce the property values thereof.

Please see Special Exception Permit Application, Question #3 under "Applicant Responses to Section 19-2.3.5(D)(1), Standards - Special Exception", pages 3 and 5.

3. Describe the ways in which the request will minimize adverse effects on adjacent lands including: visual impacts; service delivery; parking and loading; odors; noise; glare; and, vibration. Describe the ways in which the request will not create a nuisance.

Please see Special Exception Permit Application, Question #4 under "Applicant Responses to Section 19-2.3.5(D)(1), Standards - Special Exception", pages 3 and 5.

Meet With the Technical Advisory Committee

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

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

Police
Fire
Planning
Legal

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

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



ABW Greenville, LLC
912 S. Main Street
Greenville, SC 29601

Re: Zoning Compliance Application – Information

- Operating Plan

- | | |
|--|--|
| 1. Business Plan – Restaurant | Attached |
| 2. Sunday – Thursday 11:00am to 9:00pm | Friday – Saturday 11:00am to 10:00pm |
| 3. Staffing Schedule/Projections | Attached |
| 4. Kitchen Equipment Schedule | Attached |
| 5. Menu | Attached |
| 6. Parking | Public Parking |
| 7. Designated Smoking Area | N/A |
| 8. Entertainment | Live Music, DJ, Trivia Nights, (1-3 hours) |
| 9. Closing/"Last Call" Procedures | Last Call is at business closing time |

- Security Procedure

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

- Seating Plan

- | | |
|--|-----------------|
| 1. Floor Plan Design (MPA Architecture) | Attached |
| 2. Feasibility Inspection (MPA Architecture) | To Be Scheduled |

- Business Plan

- | | |
|---|----------------------------|
| 1. Business Plan Summary | Attached |
| 2. Projected Revenue (% Alcohol vs. Food Sales) | Attached |
| 3. Fees For Entry / Membership / Entertainment | N/A |
| 4. Status of City Business License | Attached (to be submitted) |
| 5. Status of SCDHEC 'Retail Food Establishment' | Attached (to be submitted) |
| 6. Status of ABL-901 (920 & 946) Application | Attached (to be submitted) |
| 7. SLED Requirements | Documents being determined |



ABW Greenville, LLC
912 S. Main Street
Greenville, SC 29601

Re: Staffing Projections (version1)

page 1 of 3

	Lunch Shifts	Dinner Shifts	Total Shifts	Shifts per week	Current Staffing Needs	Additional Staff %	Additional Staff Needs	Total Staffing
Servers	62	96	158	4	40	10%	4	44
HostsBusser	21	30	51	4	13	10%	1	14
Bar	35	35	70	4	18	10%	2	19
Busser	7	14	21	4	5	10%	1	6
Food Runner	9	12	21	4	5	10%	1	6
Expo	3	3	6	4	2	10%	0	2
Pantry	7	9	16	4	4	10%	0	5
Plate/Broiler	7	11	18	4	5	10%	0	5
Saute	7	11	18	4	5	10%	0	5
Fry	9	13	22	4	6	10%	1	6
Prep	21	3	24	4	6	10%	1	7
Dish	9	14	23	4	6	10%	1	6
Total	197	251	448		112		11	124



ABW Greenville, LLC
912 S. Main Street
Greenville, SC 29601

Re: Staffing Projections (version1)

page 2 of 3

Servers	Mon	Tues	Wed	Thur	Fri	Sat	Sun	Total Shifts
Lunch	7	7	7	7	12	12	10	62
Dinner	11	11	14	14	16	16	14	96

Host	Mon	Tues	Wed	Thur	Fri	Sat	Sun	Total Shifts
Lunch	3	2	2	3	4	4	3	21
Dinner	4	4	4	4	5	5	4	30

Bartender	Mon	Tues	Wed	Thur	Fri	Sat	Sun	Total Shifts
Lunch	5	5	5	5	5	5	5	35
Dinner	5	5	5	5	5	5	5	35

Busser	Mon	Tues	Wed	Thur	Fri	Sat	Sun	Total Shifts
Lunch	1	1	1	1	1	1	1	7
Dinner	2	2	2	2	2	2	2	14

Food Runner	Mon	Tues	Wed	Thur	Fri	Sat	Sun	Total Shifts
Lunch	1	1	1	1	2	2	1	9
Dinner	1	1	2	2	2	2	2	12

Expo	Mon	Tues	Wed	Thur	Fri	Sat	Sun	Total Shifts
Lunch	0	0	0	1	1	1	0	3
Dinner	0	0	0	1	1	1	0	3



ABW Greenville, LLC
912 S. Main Street
Greenville, SC 29601

Re: Staffing Projections (version1)

page 3 of 3

Pantry	Mon	Tues	Wed	Thur	Fri	Sat	Sun	Total Shifts
Lunch	1	1	1	1	1	1	1	7
Dinner	1	1	1	1	2	2	1	9

Broiler/Plate	Mon	Tues	Wed	Thur	Fri	Sat	Sun	Total Shifts
Lunch	1	1	1	1	1	1	1	7
Dinner	1	1	1	2	2	2	2	11

Saute	Mon	Tues	Wed	Thur	Fri	Sat	Sun	Total Shifts
Lunch	1	1	1	1	1	1	1	7
Dinner	1	1	1	2	2	2	2	11

Fryer	Mon	Tues	Wed	Thur	Fri	Sat	Sun	Total Shifts
Lunch	1	1	1	1	2	2	1	9
Dinner	1	2	2	2	2	2	2	13

Prep	Mon	Tues	Wed	Thur	Fri	Sat	Sun	Total Shifts
Lunch	3	3	3	3	3	3	3	21
Dinner	0	0	0	0	1	1	1	3

Dish/Mainten.	Mon	Tues	Wed	Thur	Fri	Sat	Sun	Total Shifts
Lunch	1	1	1	1	2	2	1	9
Dinner	2	2	2	2	2	2	2	14



ABW Greenville, LLC
912 S. Main Street
Greenville, SC 29601

Re: Kitchen Equipment List (version1)

Kitchen Equipment Schedule		
Quantity	Description	Model #
	Wall Mount Hand Sink 14"x10"x5"	Tabco 7-PS-87
	Wall/Splash Mount Faucet 4" on center	T&S Brass B-1146-01
	Mop Sink 25" x 21" x 10"	Tabco 9-OP-20
	Hot Food Well	APW Wyott W-3VI
	Sandwich Top/Prep cabinet 32" (Continental)	SW32-18M-D
	Sandwich Top/Prep cabinet 48" (Continental)	SW48-18M-D
	Sandwich Top/Prep cabinet 60" (Continental)	SW60-24M-D
	Wall Mounted SS Shelving 36" x 15"	WS-15-36
	Wall Mounted SS Shelving 60" x 15"	WS-15-60
	Wall Mounted SS Shelving 72" x 15"	WS-15-72
	Work Table SS 72" with undershelf	TKMS-366
	Reach in undercounter w/drawers 60" (Continental)	SW60-U-D
	Reach in undercounter w/drawers 72" (Continental)	SW72-U-D
	Quick Disconnect Gas Hoses 4' - 3/4"	Dormont
	Range 48" 8 burner (Southbend)	
	Gas Floor Fryer Pitco 40-50 LB capacity	SG14S
	Reach-In Freezer (Continental)	1F-HD
	Planetary Mixer	Globe SP20
	Equipment Stand for Mixer	Tabco MX-SS-302
	Three Comp Sink w/Lever Drains	93-63-54-24RL
	Double Convection Oven (Southbend)	DBGS-12SC
	Countertop Griddle 36" (Southbend)	HDG-36
	Equipment Stand Refer Base (Southbend)	20036SB
	Ice Cuber 48" Hoshizaki 1800lb capacity	KM-1900SRH
	Dish Table	
	Bun/Sheet Pan Rack	Tabco 93-21-20
	Metro Max Shelving 60" x 24"	MQ1860G



ABW Greenville, LLC
912 S. Main Street
Greenville, SC 29601

Re: Business Plan (version1)

1. Business Plan Summary: Target Audience, Theme, Objectives/Goals
 - a. ABW Greenville, LLC (dba New Realm Brewing) looks to offer a family friendly experience that incorporates education about fermentation and sustainable practices. We will have a safe open outside green space for children to enjoy while their parents can watch them and enjoy one of our craft beverages. We will also offer a full-service menu and pairing options for both children and adults to enjoy and learn about different flavor combinations and nutritional benefits of fermented foods. Our goal is to craft an experience that appeals to both the avid beer enthusiast and the active families that want to enjoy a great product while spending time outside.
2. Projected Revenue: % Alcohol vs. Food Sales
 - a. Revenues anticipated to be split 60/40 (P&L breakdown attached)
3. Fees: Entry/Membership/Entertainment
 - a. No entry or membership fees. Possible ticketed events.
4. City Business License: Application Status
 - a. Application has not been submitted yet (application attached)
5. SCDHEC 'Retail Food Est.': Application/Permit Status
 - a. Application has not been submitted yet (application attached)
6. Retail Beer, Wine & Liquor: Application Status
 - a. Application has not been submitted yet (application attached)
 - b. ABL-646 (attached)
 - c. ABL-920 (attached)
7. SLED Requirements: Status of documentation/requirements met/achieved
 - a. Requirements and documentation being determined



Welcome thirst seekers, hop gazers, palate pushers and style defiers. This is the New Realm. Where tradition is not lost on innovation. Nor is quality sacrificed for the sake of experimentation. Here, our Radegast welcomes you to seek what you thirst (whatever that might be). So, come one, come all, and find your place in the New Realm.



FOLLOW US FOR THE LATEST INFO ON EVENTS, BEER RELEASES AND MORE:
NEWREALMBREWING.COM @ @ @ @ @

THANKS TO OUR PARTNERS
XXXXXX, General Manager
XXXXXX, Executive Chef
XXXXXX
XXXXXX
XXXXXX
XXXXXX

Our Executive Chef pulls inspiration from Mitch Steele's world-class beers, Greenville's compelling food scene and local farms to create an approachable menu rooted in tradition. His blend of global flavors and coastal technique pairs comfortably with the restaurant's inviting setting for area neighbors and guests.

THE NEW REALM MENU

VISITORS WELCOME
Sun-Thur... 11:30AM-9PM
Fri-Sat... 11:30AM-10PM

DINE & DRINK WITH US
LUNCH & DINNER & EVENTS
Reservations: XXX.XXX.XXXX



NEW REALM

BREWING COMPANY

CRAFT BEER  PROVISIONS

BITES

CHEDDAR CRUSTED MAC & CHEESE 11
Elbow Pasta, Belgian Amber Glaze (V)

BLISTERED SHISHITO PEPPERS 9
Sesame Seeds, Ginger Aioli (V)

ROASTED CHICKEN MEATBALLS 15
Ricotta Cheese, Pistachio Nuts,
Neapolitan Sauce

ASIAN-STYLE LOADED FRIES 10
Char-Siu Pork, Sriracha, Cilantro,
Garlic-Miso Mayo

BBQ SHRIMP OPEN-FACED TACOS 12
Pickled Onions, Avocado Crema, Queso Fresco

BAKED MARYLAND CRAB DIP 13
Bell Peppers, Whipped Cream Cheese,
Pita Chips

HAND-TWISTED BAVARIAN PRETZEL 9
Beer-Queso, Jalapeno-Sorghum Mustard (V)

SPICY BUFFALO CHICKEN WINGS 14
Crunchy Vegetables, Ranch &
Blue Cheese Dressing (G)

HOT & SAVORY

SHE-CRAB SOUP 9
Charleston-Style, Dry Sherry,
Blue Crab, Basil Scallion Oil

FROM OUR HOP GARDEN

ROMAINE & TUSCAN KALE CAESAR 10
Garlic Croutons, House Dressing

GREEN SALAD 7
Tomatoes, Cucumbers, White Balsamic
Vinaigrette (V, G)

ADDITIONS:
Avocado 4
Blackened Shrimp 8
Pulled Chicken 7

BIGGER BITES

All Sandwiches & Burgers, Served With a Choice of Fries, Greens, or Caesar

BETWEEN THE BREAD

FREE-RANGE ROASTED TURKEY 14
Smoked Turkey, White Cheddar,
Bacon, Arugula, Alabama BBQ Sauce

HAND-PRESSED CUBAN 13
Pork Belly, Swiss Cheese, Mustard,
House-made Sour Pickles

CRAB CAKE SANDWICH 15
Tomato, Arugula Leaves,
Comeback Sauce, Brioche Bun

HOLY CITY GRILLED CHEESE 12
Bacon, Vermont Cheddar, Arugula,
Tomato, Texan Toast

BURGERS

NEW REALM BURGER™ 14
HOUSE-GROUND BRISKET, CHUCK, SHORT RIB
White Cheddar, Pickles, Special Sauce,
Brioche Bun

ULTIMATE WAGYU BURGER* 15
PREMIUM WAGYU BEEF BURGER
Cheddar Fondue, Dunkel Bacon Sauce,
Beefonaise, Lettuce, Tomato, Onion, Brioche Bun

BEYOND BURGER® 16
REVOLUTIONARY PLANT-BASED BURGER
White Cheddar, House-made Sour Pickles,
Special Sauce, Brioche Bun (V)

ADDITIONS:
Nueske Bacon or Fried Egg \$2

MAIN EVENTS

HAZY LIKE A FOX BEER-CAN CHICKEN 19
Mashed Potatoes, seasoned vegetables, BBQ sauce

NEW REALM BEER BATTERED FISH & CHIPS 18
Flaky White Fish, Lemon, Coleslaw,
Chunky Tartar Sauce

AHI-TUNA POKE BOWL* 17
Hawaiian Tuna, Seasoned Quinoa, Avocado,
Pickled Ginger, Edamame, Radish, Golden Pineapple

WOOD-FIRED PIZZAS

MARGHERITA 16
San Marzano Tomato, Mozzarella,
Torn Basil (V)

BIRRA PIZZA 21
Birra Style Beef, Chihuahua Cheese,
Queso Fresco, Cilantro, Onion, and
Esquites Crema

BUFFALO CHICKEN PIZZA 19
Alfredo, Mozzarella Di Bufala Parmesan
Reggiano, Hot Buffalo Chicken, Ranch

GARDEN BIANCO PIZZA 18
Alfredo, Buffalo Mozzarella, Parmesan, Reggiano,
Caramelized Onion, Ricotta, Roasted Seasonal Veggies (V)

PEPPERONI PIZZA 18
THE American Classic! - Bold, Robust Pepperoni,
Mozzarella, San Marzano Tomato Sauce, Grana Padano
UPGRADE to a Meat Head Pie by adding
Meatball, Ham, and Sausage +\$3

SWEETS

HAND-SPUN MILKSHAKES 8
Local Ice Cream, Vanilla,
Chocolate, Strawberry

CHOCOLATE STOUT BREAD PUDDING 8
Local Vanilla Ice Cream

(V) Vegetarian (G) Gluten-free (Vx) Vegan

*HEADS UP: Consuming raw, undercooked or sous vide meats, poultry, seafood, shellfish, eggs or unpasteurized milk may increase your risk of foodborne illness.

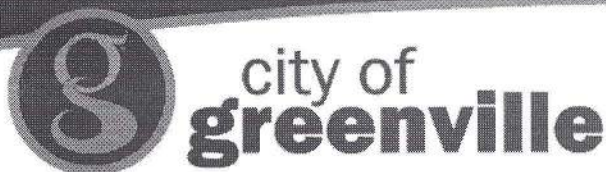




ABW Greenville, LLC
912 S. Main Street
Greenville, SC 29601

Re: % of Alcohol vs. Food Sales (P&L) - (version1)

Revenue Description	2022 Annual Budget	
	\$	%
Revenue Forecast		
Food	\$1,955,000	39.10%
Beer	\$2,283,000	45.66%
Liquor	\$346,000	6.92%
Wine	\$0	0.00%
Merchandise	\$198,000	3.96%
Private Party Fees	\$50,500	1.01%
Event		0.00%
Food	\$65,000	1.30%
Beer	\$40,000	0.80%
Liquor	\$7,500	0.15%
Wine	\$0	0.00%
Merchandise	\$4,000	0.08%
Room rental	\$101,000	2.02%
Total Gross Revenue	\$5,050,000	101.00%
Manager Meals	\$8,080	0.16%
Employee 20%	\$6,060	0.12%
Guest did not like	\$20,200	0.40%
Kitchen error	\$3,030	0.06%
Server error	\$3,030	0.06%
Bar error	\$3,030	0.06%
Open %	\$3,030	0.06%
Open comp	\$1,515	0.03%
First responder	\$1,015	0.02%
Uniform Service	\$1,010	0.02%
Birthdays	\$0	0.00%
Total Discounts	\$50,000	1.00%
Net Revenues	\$5,000,000	
Percentage of Net Revenues:		
Food	\$2,020,000	40.40%
Alcohol	\$2,676,500	53.53%
Other	\$353,500	7.07%
Discounts	(\$50,000)	-1.00%
Total Revenues	\$5,000,000	100.00%



Office Use Only:		License #	
Entered By:		PIN #	
C/O Number:		Control #	

Business License Application

Application for current year only.

1. Application Type: ☒ New ☐ Renewal ☐ Ownership Change ☐ Location Change ☐ Out of Business (Closing date)
2. In City Physical Address, Suite # **912 S. Main Street**
3. In City Original Business Start Date: **Aug 4, 2021**
4. City Business Category: **RESTAURANT SERVING ALCOHOL**
5. FEIN or S.S. Number (Required):
6. DBA Name: **New Realm Brewing Company**
7. Ownership Type: ☐ Corp ☐ Indiv. ☐ Partnership ☒ LLC ☐ LLP
8. Corporate Name: **ABW Greenville, LLC**
9. Phone: **7047245986**
10. Billing Address, Suite City State Zip **1209 Craft Lane Virginia Beach VA 23454**
11. Number of Employees: **90**
12. Email of Responsible Person for Business License: **Brian McAlpine**
13. Business Activity or NAICS Code (Required): **722511**
14. Commercial Property(s) Locations:
15. Minority Status: ☐ Aleut ☐ East Indian ☐ Asian ☐ Eskimo ☐ African American ☐ Hispanic ☐ Caucasian Female ☐ Native American
16. Credit Card (Optional): ☐ Visa ☐ MasterCard ☐ Discover ☐ Am Ex Card # CV Exp. Date:

17. Computation of Fees:

A. New Business Have you ever owned a business in the City of Greenville before?

- ☒ No ☐ Yes - If yes, name and location:

1. Estimated total gross contract amounts for the balance of the year.
2. Calculate and enter fee based on Line a.1.

B. First Time Renewals:

1. Total actual gross receipts/revenues/contracts for preceding year.
2. Allowable ordinance deductions. (Proof of deduction must be attached for approval.)
3. Total gross receipts from previous year (B.1. minus B.2.).
4. Estimated gross contracts/jobs from previous year.
5. First year adjustment (B.3. minus B.4.).
6. Adjust gross contracts/jobs (B.3. plus B.5.).
7. Calculate and enter fee based on B.6. All businesses must pay the base fee amount

C. Renewal Business: (Existing Business)

1. Total actual gross receipts/revenue/contracts for prior year ending Dec. 31, 20__.
2. Allowable ordinance deductions. (Proof of deduction must be attached for approval.)
3. Total gross receipts (C.1. minus C.2.).
4. Calculate business license fee based on gross receipts in C.3.

D. Penalties due for late filing or Resident Business 2% Discount for early filing by 01/31. See Penalties in Instructions on back.

C. Total Fees

To calculate license fees, go to revenue.greenvillesc.gov and select Calculator.

18. Does this business have an Alcohol Beverage and Licensing (ABL) License?

- ☒ No ☐ Yes - If yes, license number.

Consumption: ☐ Off-premise ☐ On-Premise Expiration Date Hours of Operation

Does this business plan to apply for an ABL license during the coming year? ☐ No ☒ Yes

19. Does this business have any coin-operated amusement machines? ☒ No ☐ Yes

20. Do you own or lease any coin-operated amusement machines? ☐ Own ☐ Lease - If lease, from whom.

Number of Machines Number of stickers Type of Machines

21. Name of owners and/or officers and titles:

This is to certify that the above is a true statement of the business done or transacted at or through the above location. The report corresponds with the books and records of the business and with the report of same filed, or to be filed, for the corresponding period with the S.C. Department of Revenue or Insurance commissioner and with the Collector of Internal Revenue of the United States and that the exact amount returned as TOTAL GROSS REVENUES from this business or profession as reported herein are true and correct and that I am familiar with the City ordinance providing for penalties and revocation of this license for making false or fraudulent statements in this applications. The books of this businesses are available for inspection by authorized agents of the City. The issuance of a business license is condition upon strict compliance with the ordinance of the City of Greenville and failure to so comply may result in revocation in addition to other remedies.

Name of Preparer (Print) **Brian McAlpine**

Applicant Name (Print) **Brian McAlpine**

Phone Number: **(704) 724-5986**

Applicant Signature: *Brian McAlpine*

Date: **8.9.21**

***Application cannot be emailed.

Always check our website for the latest version of this application.

Business License - Revenue Div. 206 S Main St 4th Floor

P.O. Box 2207 Greenville, SC 29602

Rev 1 2020

** Proof of deduction must be attached for approval **

Business Gross Revenues					License Fee		
A.1.	\$ 0.00				A.2.	\$ 135.00	
					If B6 is negative, you must pay the base fee amount		
B.1.							
B.2.							
B.3.							
B.4.							
B.5.							
B.6.							
						B.7.	
C.1.							
C.2.							
C.3.							
					C.4.		
Early Discount		Penalties		%	D.		
Form Entry Date: g 4, 20					E.	\$ 135.00	

Fees subject to verification

INSTRUCTIONS FOR FILING A NEW, FIRST TIME RENEWAL AND EXISTING BUSINESS LICENSE APPLICATION

PERSON REQUIRED TO FILE AN APPLICATION:

- Every person engaged in, or intending to engage in, any business, in whole or in part, in the City of Greenville (except the professions of public school teachers and ministers of the gospel), shall file with the City Business License Office an application, under oath, for a license to engage in such business.
- For further information and additional applications, please call the City Business License Office at (864) 467-4505
- Email address for responsible contact person for business license issues. #12

RENEWAL INFORMATION:

- Please verify and correct, as necessary, all pre-printed information shown. Complete all other blank items, in full, to avoid delays in processing.
- If you are no longer in business, please indicate in writing and return this application.
- You can find your NAICS code on your tax returns. #13

DUE DATES, PENALTIES AND 2% EARLY DISCOUNT FOR RESIDENT BUSINESSES:

- NEW business applications, with payment in full, must be filed at the City of Greenville Business License Office **prior to opening or beginning operation** in the City. A penalty is charged for applications filed after the starting date. The penalty is dependent on when the application is filed.
- RENEWAL business applications, with payment in full, must be filed with the City of Greenville Business License Office and post marked, by the U.S. Postal Service, **on or before the last day of February of each year**. A penalty will be assessed as of March 1st for each additional month, or portion thereof that the tax remains unpaid.
- RESIDENT BUSINESSES 2% EARLY DISCOUNT. For resident businesses only, if the business files their business license renewal application on or before the last day of January each year, they will be eligible for a 2% early filing discount off of their business license tax.

COMPLETION OF THE APPLICATION:

- Please **complete in full**. Do not leave any items blank.
- Print clearly or type all information.
- This application will not be processed unless all requested information is provided.

IMPORTANT NOTES TO REMEMBER:

A resident business located within the City limits must report all gross revenues, whether derived from within or outside the City limits. The reported gross revenue must correspond with the records of the business and with the returns filed for the corresponding year with the South Carolina Department of Revenue and the Collector of Internal Revenue of the United States.

Allowable Ordinance Deductions: Deductions from your gross revenues are allowed if you are a resident business that a business license has been paid to another municipality. The deduction is limited to the gross revenues that were reported on that license. Satisfactory proof of this deduction must be attached to this application before the deduction will be allowed. A business may deduct sales, use, or excise taxes if these amounts are included in the total gross revenues amount reported.

A non-resident business located outside the City must report all gross revenues earned within the City limits only.

New Business Penalties

10% if not filed prior to beginning operation in the City.

10% additional for each month thereafter, until paid.

Maximum annual penalty is 50%.

All penalties are a percentage of, and are added to, the license tax.

Renewal Penalties

10% if filed or postmarked on March 1st.

10% additional for each month thereafter, until paid

Maximum annual penalty is 50%.

Businesses that fail to purchase the license after formal notification shall be subject to a Uniform Summons.

Note: All appropriate state licensing is required prior to obtaining a City business license.

A SIGNATURE MUST BE PLACED ON THE BOTTOM OF THE BUSINESS LICENSE APPLICATION, ALONG WITH THE SIGNEE'S TITLE OR CAPACITY WITH THE BUSINESS.



ABW Greenville, LLC
912 S. Main Street
Greenville, SC 29601

Re: DHEC Form 1769 – Additional Information

1. ABW Greenville, LLC d/b/a New Realm Brewing Company
2. 912 S. Main Street, Greenville, SC 29601
3. Phone Number TBD – Contact Person: Brian McAlpine (704)-724-5986
4. Email Address TBD – Contact Person: Brian McAlpine bmc Alpine@newrealmbrewing.com
5. Days and Hours of Operation:
 - Sun – Thurs. 11:00am to 10:00pm
 - Fri – Sat 11:00am to 11:00pm
6. Jeff Ash (386)-290-1625
jash@newrealmbrewing.com
7. ABW Greenville, LLC d/b/a New Realm Brewing Company
8. 1209 Craft Lane, Virginia Beach, VA 23454
9. To Be Provided at a later date
10. Brian McAlpine (ABW Greenville, LLC) bmc Alpine@newrealmbrewing.com
11. Converted, Remodeled
12. Restaurant
13. Attached
14. To Be Provided at a later date
15. Attached
16. Attached
17. N/A
18. Attached
19. Bottom of Menu (attached)
20. Cook and Serve, Cook, Cool, and Reheat
21. To Be Provided at a later date
22. To Be Provided at a later date
23. To Be Provided at a later date
24. Attached
25. To Be Provided at a later date
26. Signed (completed on application)



RETAIL FOOD ESTABLISHMENT APPLICATION & PERMIT DOCUMENT

Bureau of Environmental Health Services
Division of Food and Lead Risk Assessment

FOR OFFICE USE ONLY	☐ Fees Received (8-302.13(D), 8-304.11(A)(3))	Date _____
Application reviewed	Date _____	Reviewer _____
Permit issued	Date _____	Reviewer _____
Process/Risk Category	1 2 3 4	Permit # _____

This document is intended for new and change of ownership Retail Food Establishments only. Application must be complete and legible. Any missing information will result in delays in processing this application. Any section that requires additional space or documentation shall be included as an attachment in the 8.5" X 11" format and labeled to identify the appropriate section (8-302.14(A)(1)). If making changes in an existing permitted Retail Food Establishment, please complete Change to Existing Retail Food Establishment Permit (D-1716) instead of this form. Please complete the Application for Event Authorization (D-1717) form for: Temporary Food Establishments (9-8), Community Festivals (9-9), RFE- South Carolina Farmers Markets, and Seasonal Series and Remote Service (9-11). Throughout this document, applicable sections from Regulation 61-25 – Retail Food Establishments are referenced in parenthesis. Regulation 61-25, fact sheets, and other useful documents are available by searching scdhec.gov for "Food Safety-Education."

Establishment Name New Realm Brewing Company

Establishment Address 912 S. Main Street City Greenville Zip 29601

Phone 704-724-5986 E-mail JASH@NEWREALMBREWING.com County Greenville

List Hours of Operation: Su 11-9 M 11-9 Tu 11-9 W 11-9 Th 11-9 F 11-10 Sa 11-10

24-hour Emergency Contact(s) (name, phone, and e-mail) Jeff Ash 386-290-1625

Permit Holder(s)/ Owner(s) ABW Greenville LLC

Billing Address 1209 Craft Lane

City Virginia Beach State VA Zip 23454

Phone 704-724-5986 Mobile SAME E-mail BMcAlpine@NEWREALMBREWING.com

1. Facility Type (8-302.14, 8-303) ☒ New/Converted/Remodeled ☒ Change of Ownership

Operation Type ☒ Continual ☐ Seasonal Start Month/Date _____ End Month/Date _____

2. Type of Retail Food Establishment (Check all that apply. Additional operations must meet all criteria that apply.) (1-201.10 (106))

☒ Restaurant ☐ Convenience Store ☐ Institution (Schools, Jails, etc.) ☐ Sushi^

☐ Grocery Store (check only those areas to be covered by this permit)

☐ Meat Market ☐ Seafood Market ☐ Deli ☐ Bakery ☐ Produce ☐ Sushi^ ☐ Other _____

☐ Mobile Food (9-1) ☐ Document(s) Attached

☐ Shared Use Operations/Commissary (9-5) ☐ Document(s) Attached

☐ Immediate Outdoor Cooking (9-6) ☐ Document(s) Attached

☐ Barbecue Pit/Pit-Cooking Room Construction (9-7) ☐ Document(s) Attached

^ Preparation onsite

3. Certified Food Protection Manager(s) (CFPM) A minimum of one (1) person in charge with food safety/training responsibilities.

☐ 2-102.12(A), 2-102.20 ☒ Copies Attached

Certain types of food operations may be exempt from CFPM. (2-102.12(C)) ☐ Variance request required ☐ Copies Attached

Food Handlers Certificate At all times during operation, the person in charge with food safety/training responsibilities.

☐ 2-102.12(B) ☐ Copies Attached

4. Written Employee Health Policy (2-201.11, 2-201.12)☒ Document(s) Attached**Written Vomit & Fecal Event Clean-up Policy** (2-501.11)☒ Document(s) Attached**5. Variance(s) Requested** (3-401.11(D)(4), 3-404.11, 3-502.11, 3-502.12, 8-103.10(A,B,C), 8-103.11, 8-201, 8-302.14(A)(4))☒ Not Applicable ☐ Special Process ☐ Construction/Equipment ☐ Other _____ ☐ Document(s) Attached**6. Menu or List of Foods to be Served** (8-302.14(A)(2))☒ Document(s) Attached**7. Consumer Advisory** (3-603)☐ Not Applicable☒ AdvisoryLocation BOTTOM OF MENU**8. Cooking Processes**☐ No cooking step (deli meats, ice cream, etc.)☒ Cook and serve☒ Cook, Cool, and Reheat (food will be cooked, cooled, and reheated for later service)**9. Water Supply** (5-101.11, 8-302.14(A)(5))☒ PublicProvider Greenville Water System☐ Well

Permit Number _____

Sewage Disposal (5-403.11, 8-302.14(A)(6))☒ PublicProvider Greenville Water System☐ Septic (or similar onsite system) Number of Seats (per OSWW) _____**10. Refuse Contractor(s)** (5-501, 5-502)☐ Refuse (Trash)Contractor TBD☐ Grease DisposalContractor TBD**11. Grease Trap(s) or Grease Interceptor(s)** (5-402.12)☐ Not Required☐ InstalledLocation TBD

Size _____

12. Equipment, Mechanical Warewashing, Manual Warewashing (4-101, 4-202, 4-204.113, 4-204.117, 4-204.119, 4-205, 4-301.11, 4-301.12, 4-301.13, 4-302.13, 4-501, 4-603.12, 4-603.15, 4-603.16, 8-302.14(A)(9))

Equipment, including refrigeration, must meet ANSI/NSF, BISSC (or other accredited ANSI commercial food equipment certification).

☒ NSF/ANSI CertifiedIf the list of cooking, heating, preparation, refrigeration, and cooling equipment exceeds the provided space, please provide a **complete** list instead as an attachment and check the "Document(s) Attached" box.☐ Document(s) Attached

Type	Manufacturer	Model Number	Location
Attached Document			

13. Backflow Prevention Devices To protect the drinking water supply from contamination by questionable water, chemicals, or pollution, backflow prevention must be provided at each point of use. (5-202.13, 5-202.14, 5-203.14, 5-203.15, 5-204.12)

- ☐ Not Applicable
 ☐ ASSE Certified
- | | | | | |
|--|--|--|---------------------------------------|---|
| ☐ Warewasher | ☐ Hose Reel | ☐ Disposal | ☐ Steam Table | ☐ Scrapping Trough |
| ☐ Dipper Well | ☐ Waste Pulper | ☐ Steamer | ☐ Pasta Cooker | ☐ Combi-therm Oven |
| ☐ Wok Stove | ☐ Rotisserie Oven | ☐ Water Chiller | ☐ Proofer | ☐ Rack Oven |
| ☐ Beverage Dispensers | ☐ Coffee/Tea | ☐ Other | TBD per Construction Documents | |

14. Notes

1. Applicant shall be the owner of the proposed Retail Food Establishment or the presiding officer of the legal entity owning the proposed Retail Food Establishment. (8-302.13(A))
2. To submit an application, request a preoperational inspection, or to obtain additional information, contact your local DHEC office by visiting <https://www.scdhec.gov/ea-regional-offices>.
3. Applicant shall submit a completed application for permit at least thirty (30) calendar days before the date planned for opening of the new facility (8-302.11). Within fifteen (15) calendar days of a change of ownership (8-303.20(A)(1)(a)), the applicant shall submit a completed application for permit.
4. Applicant must pay the application fee of one-hundred dollars (\$100) plus the applicable annual inspection fee for the anticipated annual gross sales of food and food products at the time the completed application has been submitted. (8-302.13(D), 8-304.11(A)(3))
5. Applicant must request the preoperational inspection fourteen (14) days prior to an inspection to issue a permit. (8-203.10)
6. Applicant must operate as a retail food establishment (serve or sell food) for no less than fifteen (15) consecutive days annually or be in operation for at least one (1) day a week for no less than fifteen (15) weeks annually. (8-304.11(A)(5))

Sales	Fees
\$0 - \$250,000	\$100.00
\$250,000 - \$500,000	\$150.00
\$500,000 - \$750,000	\$200.00
\$750,000 - \$1,000,000	\$250.00
\$1,000,000 - \$1,250,000	\$300.00
\$1,250,000 - \$1,500,000	\$350.00
\$1,500,000 - \$1,750,000	\$400.00
\$1,750,000 and above	\$450.00

I, the undersigned, attest to the accuracy of the information provided in this application, and I affirm that the retail food establishment will comply with SC DHEC Regulation 61-25. I understand that changes in food preparation types, additions of equipment, and/or structural changes must be approved by the Department prior to implementation and may require that I submit a new application.

It is unlawful for a person to willfully give false, misleading, or incomplete information on a document, record, report, or form required by the laws of this State.

Should the facility fail to adhere to the requirements of Regulation 61-25, the permit to operate may be subject to enforcement action, which may include civil penalties pursuant to Section 44-1-150(B) of the South Carolina Code of Laws and/or permit suspension/revocation pursuant to Regulation 61-25, Retail Food Establishments.


Owner/Presiding Officer Signature (8-302.13(A))

Brian McAlpine
Print Name

8.4.21
Submittal Date



ServSafe® CERTIFICATION

DANIELLE LACHANCE

for successfully completing the standards set forth for the ServSafe® Food Protection Manager Certification Examination, which is accredited by the American National Standards Institute (ANSI)-Conference for Food Protection (CFP).

14049294

CERTIFICATE NUMBER

5188

EXAM FORM NUMBER

8/22/2016

DATE OF EXAMINATION

8/22/2021

DATE OF EXPIRATION

Local laws apply. Check with your local regulatory agency for recertification requirements.



#0655

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14102901

Shep Brown
SVP, National Restaurant Association Solutions



Contact us with questions at 175 W Jackson Blvd, Ste 1500, Chicago, IL 60604 or ServSafeRestaurant.org.



Infectious Disease Control and Food Employee Health Policy

New Realm is committed to ensuring the health, safety and well-being of our employees and customers and complying with all health department regulations. New Realm will also take proactive steps to protect the workplace in the event of an infectious disease outbreak. It is the goal of New Realm during any such time period to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

New Realm is committed to providing authoritative information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak.

Preventing the Spread of Infection in the Workplace

New Realm will ensure a clean workplace, including the regular cleaning of objects and areas that are frequently used, such as bathrooms, breakrooms, conference rooms, door handles and railings. All Managers and supervisors will monitor and coordinate events around an infectious disease outbreak, as well as to create work rules that could be implemented to promote safety through infection control.

We ask all employees to cooperate in taking steps to reduce the transmission of infectious disease in the workplace. The best strategy remains the most obvious—frequent hand washing with warm, soapy water; covering your mouth whenever you sneeze or cough; and discarding used tissues in wastebaskets. We also have installed alcohol-based hand sanitizers throughout the workplace and in common areas.

Unless otherwise notified, our normal attendance and leave policies will remain in place. Individuals who believe they may face particular challenges reporting to work during an infectious disease outbreak should take steps to develop any necessary contingency plans.

Temperature Screening

All employees will have their temperature taken upon reporting to work. Employees should report to New Realm upon arrival at work and prior to entering any other areas of New Realm property.

Each employee will be screened privately using a touchless forehead/ temporal artery thermometer. The employee's temperature will be documented, and the record will be maintained as a private medical record. An employee who has a fever at or above 100 degrees Fahrenheit will be sent home.

Time spent waiting for the health screening should be recorded as time worked for nonexempt employees.



Staying Home When Ill

Our Company is committed to ensuring the health, safety and well-being of our employees and customers and complying with all health department regulations. Many times, with the best of intentions, employees report to work even though they feel ill. We provide paid sick time for all Full Time employees and other benefits to compensate employees who are unable to work due to illness. (See employee handbook)

All food employees shall report if they are experiencing any of the following symptoms to their Manager/Supervisor:

- Diarrhea
- Fever
- Vomiting
- Jaundice (yellowing of the eyes or skin)
- Sore throat with fever
- Lesions (such as boils and infected wounds, regardless of size) containing pus on the fingers, hand or any exposed body part

Food employees should also notify their Manager/Supervisor whenever diagnosed by a healthcare provider as being ill with any of the following diseases that can be transmitted through food or person-to-person by casual contact such as:

In addition to the above conditions, food employees shall notify their Manager/Supervisor if they have been exposed to the following high-risk conditions:

- Exposure to or suspicion of causing any confirmed outbreak involving the above illnesses
- A member of their household is diagnosed with any of the above illnesses
- A member of their household is attending or working in a setting that is experiencing a confirmed outbreak of the above illnesses

Exclusion and restriction from work

If a food employee has any of the symptoms or illnesses listed above, that employee may be excluded* or restricted** from work.

*If this food employee is excluded from work, he/she is not allowed to come to work.

**If this food employee is restricted from work he/she can come to work, but duties may be limited.



Returning to work

If a food employee is excluded from work for having diarrhea and/or vomiting, he/she will not be able to return to work until more than 24 hours have passed since the last symptoms of diarrhea and/or vomiting. If this employee is excluded from work for exhibiting symptoms of a sore throat with fever or for having jaundice (yellowing of the skin and/or eyes), Norovirus, Salmonella Typhii (typhoid fever), Shigella spp. infection, E. coli infection, and/or Hepatitis A, he/she will not be able to return to work until Health Department approval is granted.

Requests for Medical Information and/or Documentation

If you are out sick or show symptoms of being ill, it may become necessary to request information from you and/or your health care provider. In general, we would request medical information to confirm your need to be absent, to show whether and how an absence relates to the infection, and to know that it is appropriate for you to return to work. As always, we expect and appreciate your cooperation if and when medical information is sought.

Confidentiality of Medical Information

Our policy is to treat any medical information as a confidential medical record. In furtherance of this policy, any disclosure of medical information is in limited circumstances with supervisors, managers, first aid and safety personnel, and government officials as required by law.

Manager/Supervisor Responsibility

The Manager/Supervisor shall take appropriate action as specified in the State Department of Health Rule to exclude, restrict and/or monitor food employees who have reported any of the aforementioned conditions. The Manager/Supervisor shall ensure these actions are followed and only release the ill food employee once evidence, as specified in the food code, is presented demonstrating the person is free of the disease causing agent or the condition has otherwise resolved.

The Manager/Supervisor shall cooperate with the regulatory authority during all aspects of an outbreak investigation and adhere to all recommendations provided to stop the outbreak from continuing. The Manager/Supervisor will ensure that all food employees who have been conditionally employed, or who are employed, sign the form acknowledging their awareness of this policy. The Manager/Supervisor will continue to promote and reinforce awareness of this policy to all food employees on a regular basis to ensure it is being followed.



Clean-up Procedures for Vomit and Diarrhea

When someone vomits, germs such as norovirus can spread through the air and contaminate surfaces and food up to 25 feet away. Guests and employees are at risk of contracting norovirus or other illnesses from direct exposure to vomit or from exposure to airborne norovirus from vomit. Vomit and diarrhea have millions of microorganisms that can also cause foodborne disease. To prevent the spread of these microorganisms, all foodservice establishments must have a clean-up procedure in place.

A clean-up and response plan is intended to address proper procedures to reduce exposures to norovirus or other contaminants. Timely effective clean-up is imperative.

Have a Clean-Up Kit available that includes:

Personal Protective Equipment

- 2 pairs of single-use gloves
- 1 face mask
- 1 pair of goggles
- 1 single-use gown with sleeves
- 1 single-use hair cover
- 1 pair of shoe covers

Cleaning Supplies

- 1 sealable, plastic bag with twist tie
- 1 scoop/scrapper
- 1 roll of paper towels
- Absorbent powder/solidifier (such as kitty litter or baking soda)
- 1-quart bottle of disinfectant

First Steps

- Remove all individuals within a 25 foot radius and ask them to wash hands immediately.
- Block entry to contaminated area.
- Dispose all uncovered food, and single use containers and utensils within 25 foot radius.
- Wash all utensils and equipment within 25 foot radius.

Clean up

- Remove vomit or diarrhea immediately.
 - Wear protective clothing, such as disposable gloves, shoe covers, apron and face mask. Change if they become contaminated.
 - Wipe up vomit or diarrhea with paper towels – place the paper towels over the waste then carefully remove the towels and its contents – do not vacuum the material.
 - Work from the clean areas towards the most contaminated areas to minimize the spread of infectious material.



- Use kitty litter, baking soda, or other absorbent material on carpets and upholstery to absorb liquid.
- Dispose of paper towels/cleaning clothes and waste in a plastic trash bag or biohazard bag.
- Place contaminated tablecloths, cloth napkins, and cloth towels into a separate plastic bag for transport to laundry or discard.
- Use soapy water to wash surfaces that contacted the vomit or diarrhea and all nearby surfaces, such as doorknobs and toilet handles.
- Rinse thoroughly with plain water and wipe dry with paper towels.
- Clean and disinfect any non-disposable tools (mop heads) used.
- Place disposable protective clothing, rags, and towels in a sealed garbage bag. Seal and place in disposal area.
- Remove all clothing or fabrics that may be contaminated. Machine wash and dry with detergent and hot water on longest cycle and high heat setting.

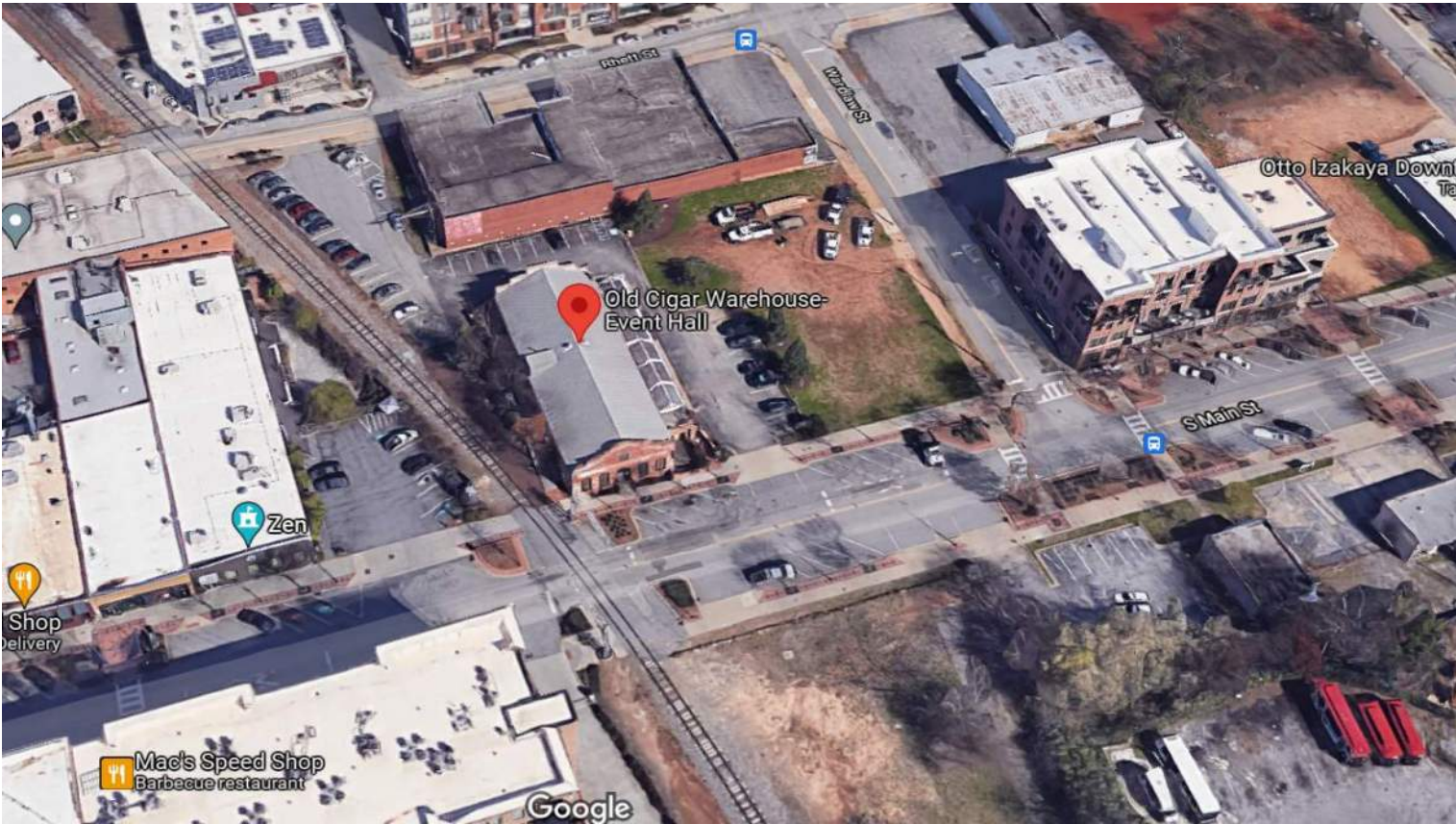
Disinfect surfaces by applying a chlorine bleach solution

Steam cleaning may be preferable for carpets and upholstery. Chlorine bleach could permanently stain these. Mixing directions are based on EPA-registered bleach product directions to be effective against norovirus.

- Prepare a chlorine bleach solution (CDC & EPA recommendations):
 - $\frac{3}{4}$ cup of concentrated bleach + 1 gallon water (concentration ~3500ppm)
 - OR-
 - 1 cup of regular strength bleach + 1 gallon water
- Use a spray bottle and saturate the area and surfaces (25 foot radius).
- Leave surface wet for at least 5 minutes.
- Rinse all surfaces intended for food or mouth contact with plain water before use.

Wash your hands thoroughly with soap and water

Hand sanitizers may not be effective against norovirus.





PER CITY OF GREENVILLE ORDINANCE 19-6.1.3.,
THE REQUIREMENT FOR OFF STREET PARKING
FOR AN INDOOR ENTERTAINMENT FACILITY
IS 1 PARKING SPACE PER 3 FIXED SEATS OR
1 PARKING SPACE PER 300 SF, WHICHEVER IS
GREATEST. THE REQUIREMENT FOR AN
OUTDOOR ENTERTAINMENT FACILITY IS
1 PER 5,000 SF OF LAND AREA, OR
1 PER 3 PERSONS CAPACITY (MAXIMUM),
WHICHEVER IS GREATER.

TOTAL INDOOR ENTERTAINMENT GSF = 12,155 SF
 $12,155/300\text{SF} = 40.51 = 41$ PARKING SPACES

TOTAL OUTDOOR ENTERTAINMENT GSF = 22, 238 SF
 $22,238/5000 \text{ SF} = 4.42 = 5$ PARKING SPACES

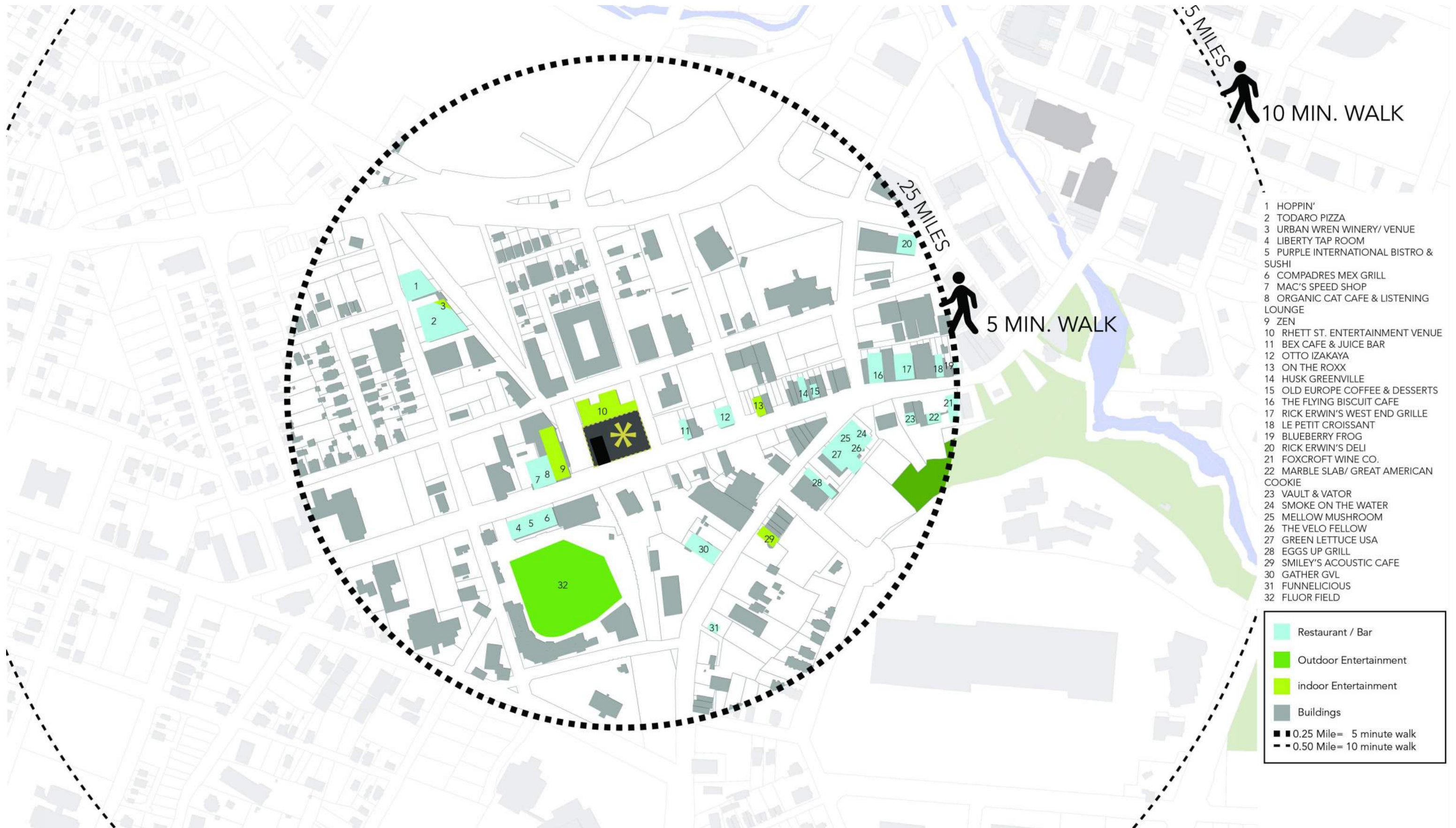
TOTAL REQUIRED PARKING SPACES = 46

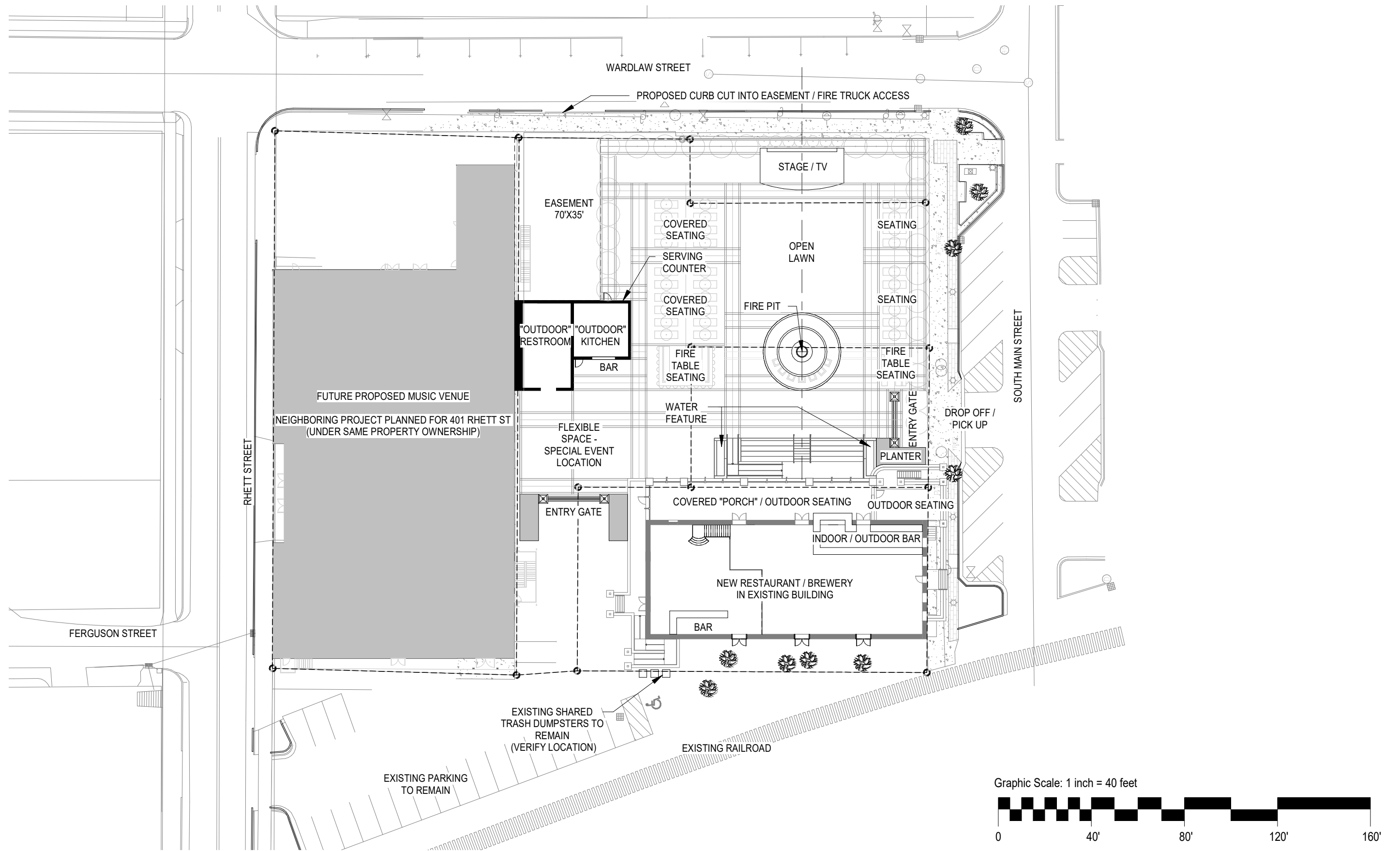
PER 19-6.1.2 B, THE OFF-STREET PARKING AND
LOADING STANDARDS SHALL NOT APPLY IN THE
C-4 DISTRICT, HOWEVER A PARKING PLAN IS
SHOWN TO INDICATE WHERE PARKING IS
PROVIDED.

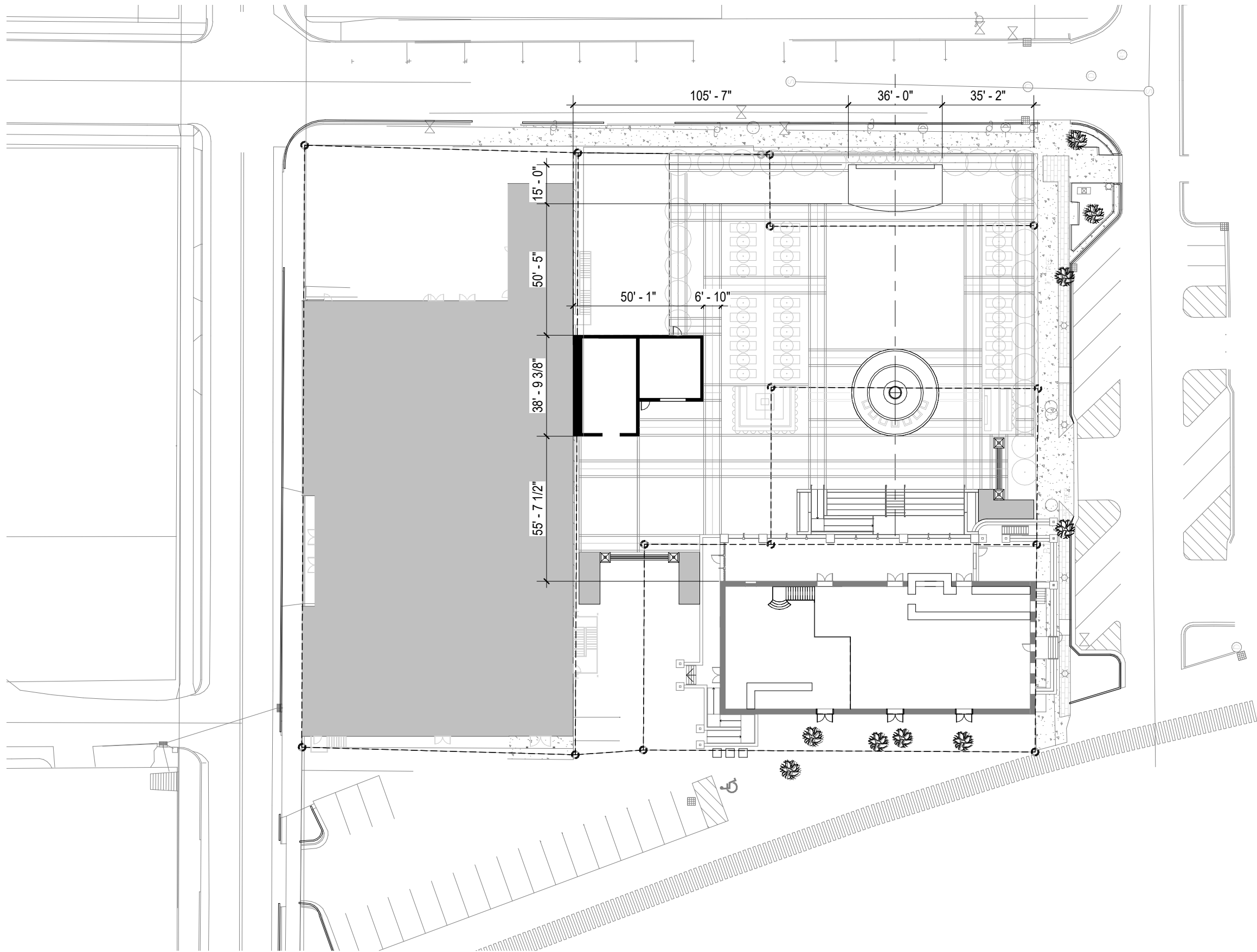
THERE ARE 776 NON-RESERVED PARKING SPACES
PROVIDED WITHIN A .25 MILE RADIUS.

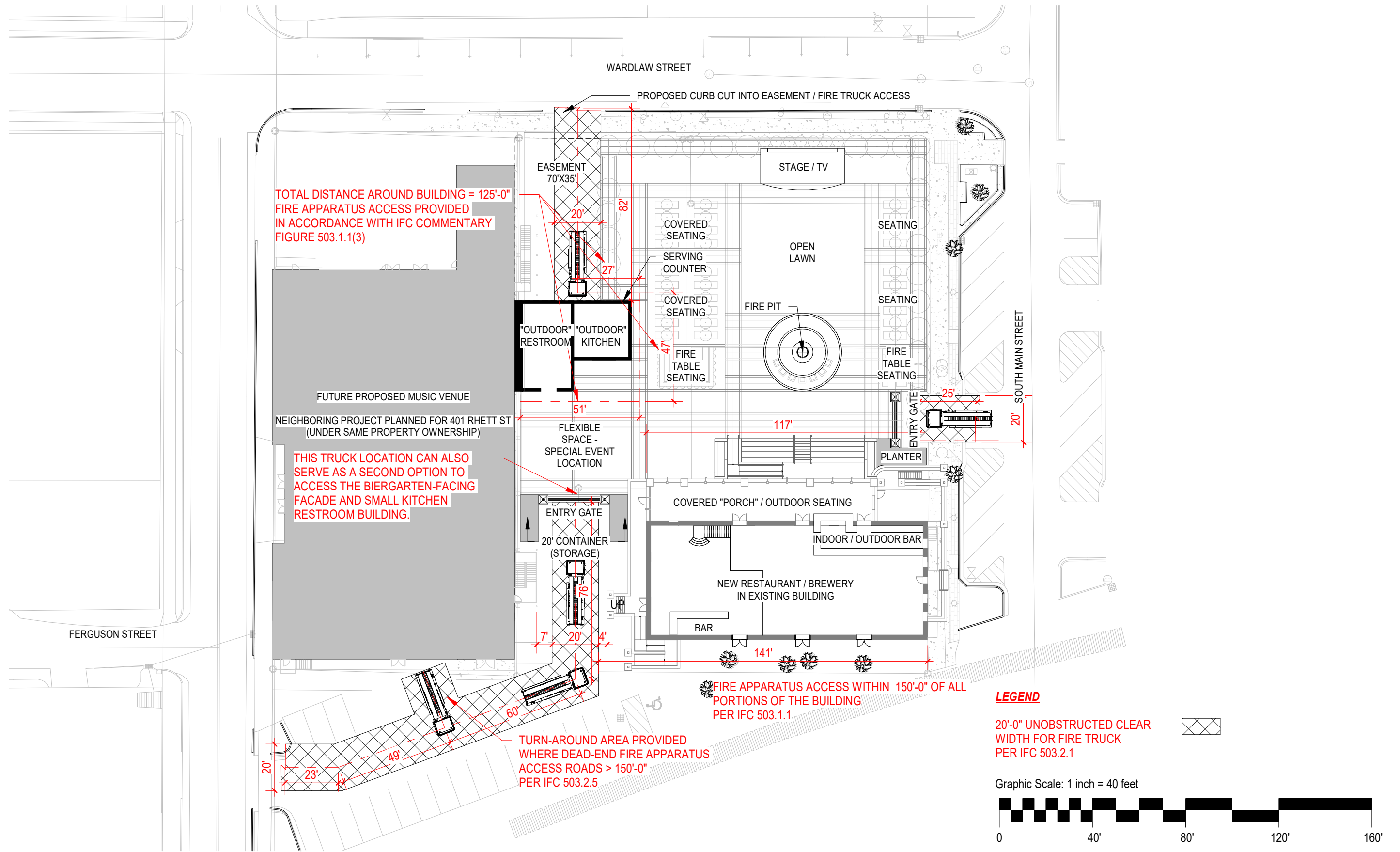
THERE ARE 3,886 TOTAL NON-RESERVED
PARKING SPACES PROVIDED WITHIN A
.5 MILE RADIUS.

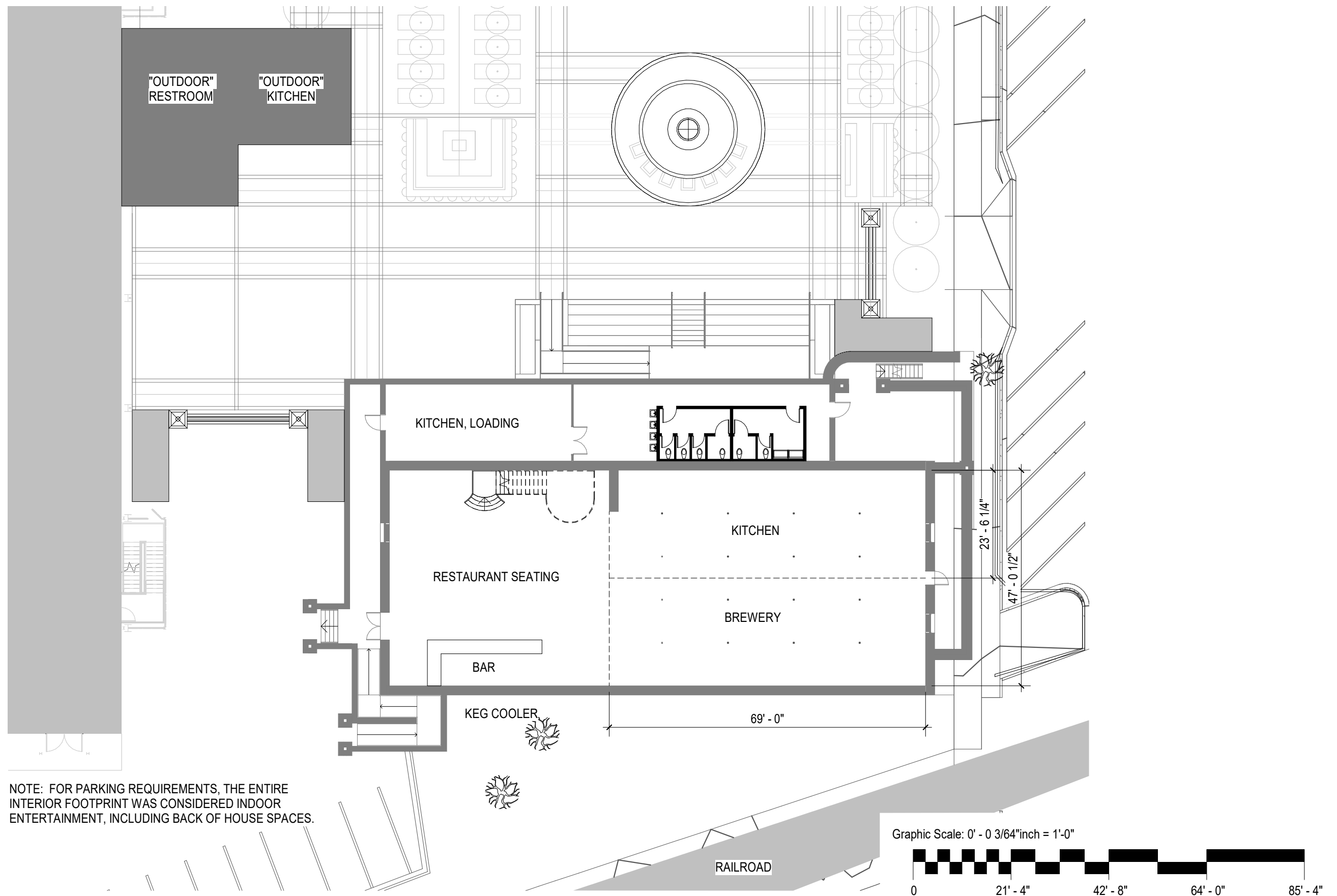


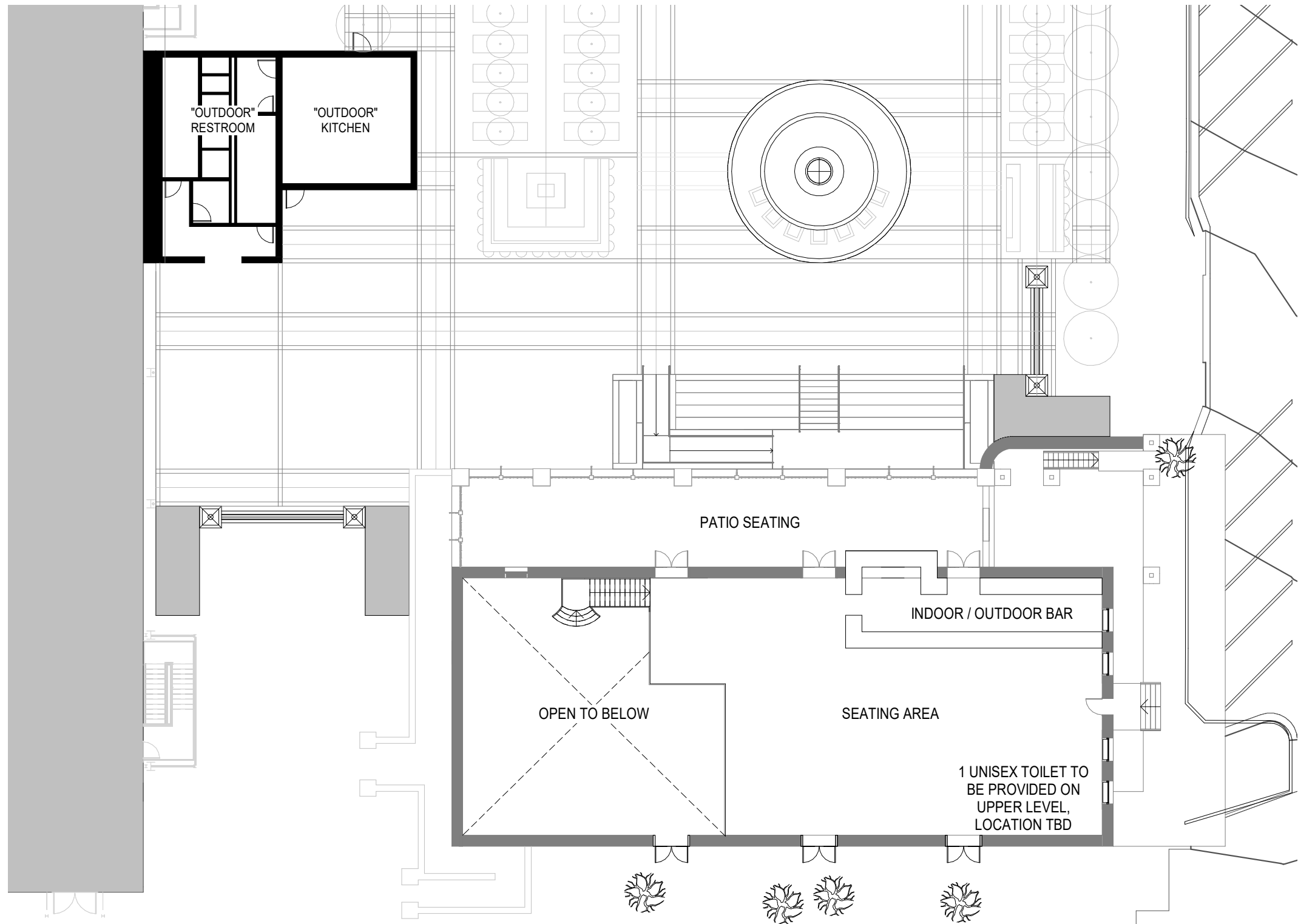




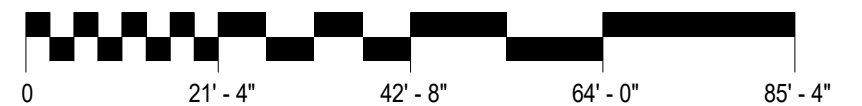








Graphic Scale: 0' - 0 3/64"inch = 1'-0"





**Planning Staff Report to
Board of Zoning Appeals
November 8, 2021**
for the November 11, 2021 Public Hearing

Docket Number:	S 21-796
Applicant:	First Carolina Bank (Kristen Brabble)
Property Owner:	522 N Church LLC
Property Location:	522 N Church Street
Tax Map Number:	0204100-02-00700
Acreage:	0.79 acres
Zoning:	C-4, Central Business District
Proposal:	SPECIAL EXCEPTION to establish a 'Bank' use with a drive-through

Applicable Sections of the City of Greenville Code of Ordinances:

Sec. 19-2.1.3 (A) (1), *Board of Zoning Appeals/Powers and Duties/Special Exceptions*

Sec. 19-2.3.5, *Special Exception Permit*

Sec. 19-4.1, *Table of Uses*

Sec. 19-4.3.3 (A), *Use-specific standards, General*

Staff Recommendation: Deny

Staff concludes that the application does not comply with the standards to grant a Special Exception Permit for a **'Bank' use with a drive-through**. This is based on failure to satisfy criteria about consistency with the Comprehensive Plan and the design's ability to minimize adverse effects on adjacent lands included in Staff's findings in the Staff Analysis.

Staff Analysis:

The Applicant, Kristen Brabble, Chief Operating Office of First Carolina Bank, requests special exception approval to establish a bank use with a drive through at 522 N Church Street. The site is located at the south corner of the intersection between N Church Street and N Academy Street, north of the Bon Secours Wellness Arena.

Per Sections 19-4.1 (*Table of Uses*), footnote #5, a special exception permit is required for "All uses with drive-through facilities located with the C-4 district. A bank use, without a drive-through, is permitted by right in the C-4 district. The applicant intends to alter an existing ±5,800 square foot office building and lot to accommodate a bank use with full-service drive-through window and ATM. A full access vehicle entrance/exit to the site is proposed for N Church Street and a right-in/right-out vehicle access on N Academy will be maintained. There are existing sidewalks along both road frontages, with connection to the front of the main building entrance from N Church Street.

The drive-through and ATM will be located on the right side of the building, as viewed from N Church Street, with vehicle queuing areas that extend towards N Church Street.

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

1. Consistent with the Comprehensive Plan

The Future Land Use Map of the City's GVL 2040 Comprehensive Plan designates this property 'Center City' which is described as follows:

Center City is Greenville's downtown central business district. It contains a mix of land uses including but not limited to office, service, retail, entertainment, cultural, government, civic, light manufacturing, and residential. Development is expected to be pedestrian-oriented and designed to actively engage streets, parks, plazas, the riverfront, and other public spaces.

The bank use aligns with the desired "service" use in the Center City FLUM classification, although the request for a drive-through is not consistent with provision of a pedestrian-oriented environment and design that actively engages streets. Further, the closely bordering FLUM classification to the south is "Parks – Green Space" intended for recreation and to the north is "Neighborhood Mixed-Use" in which "drive-thrus are restricted". Both these classifications promote the pedestrian first, which is not consistent with the request for a drive-through, which can be dangerous to pedestrian activity.

Staff finds that the proposed use is not consistent with the GVL 2040 Comprehensive Plan.

2. Complies with use specific standards

19-4.3.3(F) *Retail sales and service.*

(2) *Bank, financial institution, or ATM.* In the C-1 district, these uses shall comply with the following standards:

- (a) The gross floor area shall not exceed 1,200 square feet.
- (b) Neither drive-through nor drive-up facilities are permitted.

There are not any use specific standards that apply to drive-throughs in a C-4 district, in which the business is not open to the public after midnight.

Staff finds that the use complies with the specific use standards of the Land Management Ordinance.

3. Compatibility with the surrounding lands

The zoning districts and land uses of adjacent property is as follows:

East: Office (OD)

North: Park (R-6)

West: Park and Cemetery (R-6)

South: Arena (C-4)

The bank use and drive-through is generally consistent and compatible with the existing character and development pattern in the immediate vicinity. With the location of other high-traffic roadways, adjacent to the property, the allowance of a drive-through would not have a negative effect on property values.

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

4. Design does not have substantial adverse impacts

The design of the drive-through, as located on the site plan provided with the application, would have minimal adverse effects on adjacent land in regards to visual impacts, odors, glare, and vibration. However, addition of the drive-through on such a high traveled roadway could have significant negative impacts as it relates to parking and loading, specifically the effects of queuing for the drive-through. Although the Land Management Ordinance exempts businesses in the C-4 district from the

off-street parking and loading standards, the requirement for drive-throughs to obtain a special exception in the C-4 district clearly indicates that the vehicular impacts on surround properties and roadways should be considered. In this case, Staff is greatly concerned with any potential for backup of the drive-through onto N Church Street and the effect that this would have on the high level of traffic carried by this street. In addition, staff is concerned with an auto-centric drive through use and the negative impact it will produce to an area designated as walkable and pedestrian friendly. In the event the queue exceeds the available storage for either the teller window or the ATM, the applicant needs to provide an explanation of how spillage to Church St or obstruction to the sidewalks will be avoided.

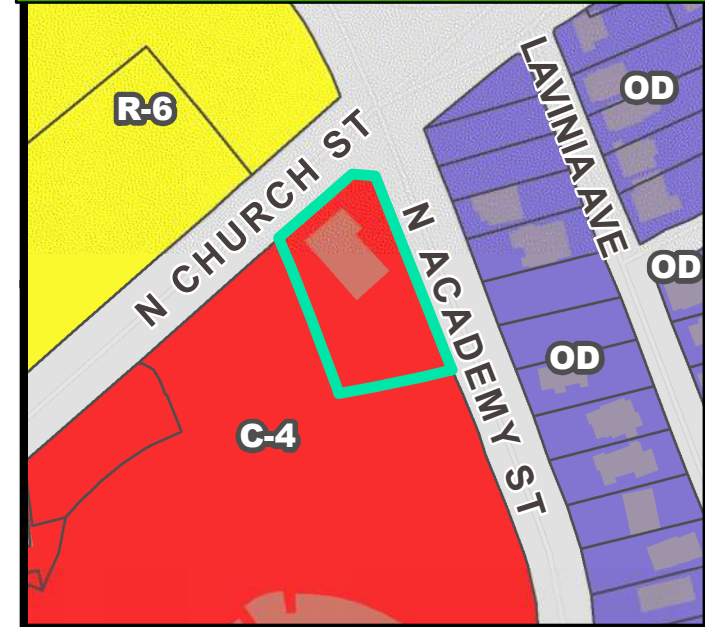
Staff finds that the design could have substantial adverse impacts on surrounding lands.

S 21-796 • 522 N CHURCH STREET

AERIAL VIEW



CURRENT ZONING



FUTURE LAND USE

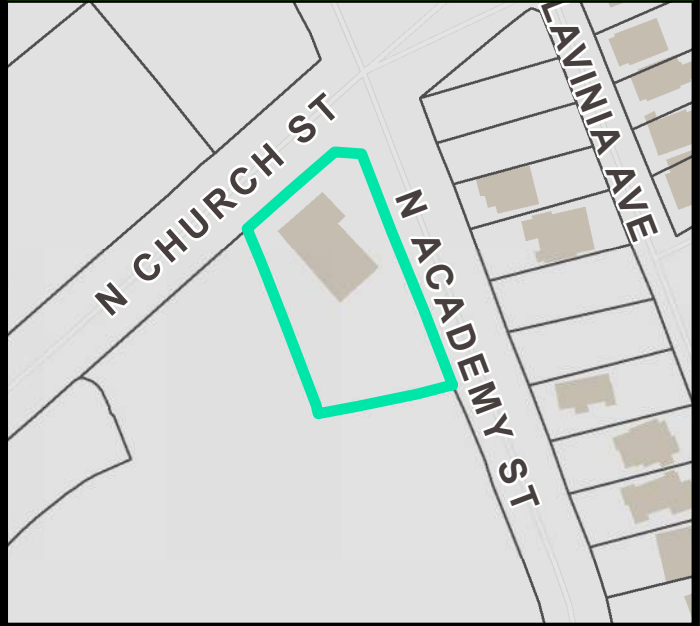


S 21-796 • 522 N CHURCH STREET

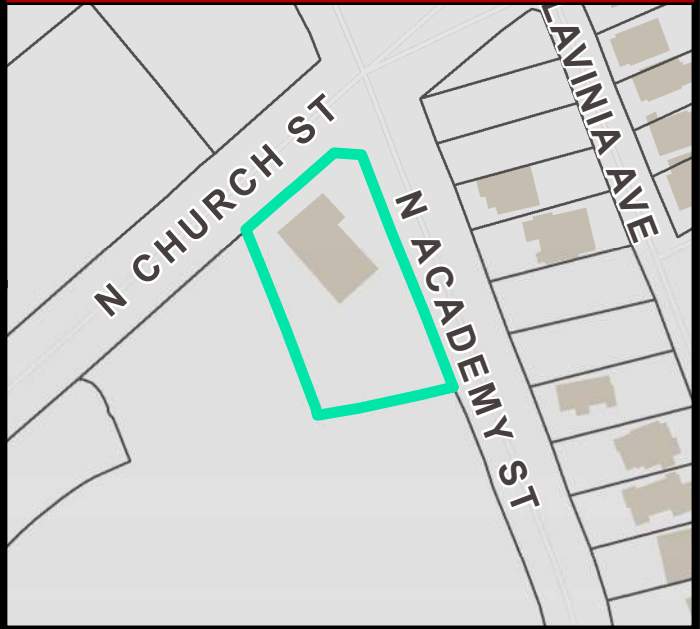
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: Kristen Brabble, Chief Operating Officer, First Carolina Bank

* _____ Name _____ Title / Organization _____

permit may be limited to this entity. _____

APPLICANT'S REPRESENTATIVE: Meg Terry, Principal, DP3 Architects

(Optional) _____ Name _____ Title / Organization _____

MAILING ADDRESS: 15 S. Main Street, Suite 400, Greenville, SC

PHONE: 864-232-8200 **EMAIL:** mterry@dp3architects.com

PROPERTY OWNER: 522 North Church LLC

MAILING ADDRESS: 522 North Church Street, Greenville, SC 29601

PHONE: 864-659-3461 **EMAIL:** _____

PROPERTY INFORMATION

STREET ADDRESS: 522 North Church Street, Greenville, SC

TAX PARCEL #: 0041000200700 **ACREAGE:** .79 **ZONING DESIGNATION:** C-4

REQUEST

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

DESCRIPTION OF PROPOSED LAND USE:

Bank with one-lane drive through and a drive-up ATM

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.

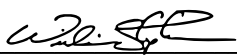
To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is ☐ or is not ☒ restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.



11 October 2021

APPLICANT / REPRESENTATIVE SIGNATURE

DATE



11 October 2021

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.

See attached.

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

See attached.

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.

See attached.

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.

See attached.

APPLICANT RESPONSE TO SECTION 19-2.35(D)(1), STANDARDS – SPECIAL EXCEPTION

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

The proposed Special Exception is consistent with and compatible with the Comprehensive Plan, GLV2040. The Comprehensive Plan encourages sustainable growth through development that maintains the essential qualities that make Greenville a great place to live, work, and play. The proposed Special Exception exemplifies sustainability through three essential traits outlined in the comprehensive plan: environmental sensitivity, economic feasibility, and social responsibility. Additionally, it provides a necessary need of the citizens, while doing so in a new and progressive manner consistent with the wants and needs of the community through infill development.

The project will have minimal impact on the City of Greenville's water and sewer systems and low traffic volume as compared to other permitted uses within the C-4 District. Furthermore, the proposed use will be a certain convenience to a population of residents in close proximity to the site.

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

With regard to 19-4.3.3, Commercial Uses, the bank and drive-through facilities will comply with the development standards and will only operate during normal business hours with the exception of a 24-hour drive-up ATM and will not require a special exception permit as a result. Drive-through or drive-up facilities for banks are only disallowed in a C-1 District per 19.4.3.3(F)(2)(b).

Per 19-6.1.2(B)(1), no off-street parking and loading is required in the C-4 district. However, 21 spaces plus vehicle stacking are provided. As the site is located in the C-4 District, compliance with Section 19-6.5, Design standards for non-residential development is not required. (See 19-6.5.3, Exception (B)).

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

The proposed Special Exception is to be located within the C-4 District which 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, light manufacturing, and residential use. Other permitted uses within the C-4 District would likely be of higher intensity and impact to the surrounding area. There is already heavy traffic at this intersection due to the entertainment uses of the Bon Secours Wellness Arena and we believe this small commercial bank branch would not add to the traffic count of the 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 requested Special Exception will greatly minimize adverse effects on adjacent lands. Bank facilities are open only during what is typically deemed as daytime only, reducing or eliminating "after-hours" disruptions to the surrounding areas. Ingress/egress for the site will be compliant with SCDOT regulations, allowing vehicles the ability to safely gain access to and leave the site. Odors will be minimal, if at all, existing due to the inside nature of the use. Glare and vibration will in effect be non-existent. Finally, the visual impacts of the facility will serve as a positive contribution to the vision for the commercial corridor.



AGENDA

BOARD OF ZONING APPEALS REGULAR MEETING

Thursday, November 11, 2021 - 4:00 p.m.

Meeting Location:
Greenville Convention Center
1 Exposition Drive, Room 102

Citizens may access the meeting at the following web address:

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

-
1. Call to Order
 2. Welcome and Opening Remarks from the Chair
 3. Roll Call
 4. Approval of Minutes
 - A. August 12, 2021 – Regular Meeting
 - B. September 7, 2021 – Workshop
 - C. September 9, 2021 – Regular Meeting
 5. Call for Public Notice Affidavit from Applicants
 6. Acceptance of Agenda
 7. Conflict of Interest Statement
 8. OLD BUSINESS
 9. NEW BUSINESS
 - A. **S 21-751**
Application by Storage Units – Mauldin Road, LLC (Steve Patel) for a **SPECIAL EXCEPTION** to establish a “Self-service storage” use in a S-1, Service district at **757 Mauldin Road** (TM# M01203-01-00109)
 - B. **S 21-767**
Application by Extra Crispy LLC (Gregory R McPhee) for a **SPECIAL EXCEPTION** to establish a “Restaurant serving alcohol beverages” use in a C-1, Neighborhood commercial district at **1501 E North Street, STE 102** (TM# 019000-02-07000)
 - C. **S 21-780**
Application by Jessica Kilcoyne for a **SPECIAL EXCEPTION** to establish a “Hotel” use (short-term rental) in an OD, Office and institutional district at **106 Whitsett ST** (TM# 004700-04-00400).
 - D. **S 21-781**
Application by Group Therapy Pub & Playground (Matthew Hubbard) for a **SPECIAL EXCEPTION** to establish a “Bar” use and “Indoor entertainment facility” use in a C-4, Central business district at **320 Falls Street, STE G** (TM# 006100-03-04114 & 006100-03-04115)

E. S 21-782

Application by Gringos Cantina LLC (Robert Starcher) for a **SPECIAL EXCEPTION** to establish a "Restaurant and bar open after 12:00 midnight" use in a C-4, Central business district at **11 Falls Park Drive** (TM# 007000-01-02400)

F. S 21-791

Application by Greenville County Schools (Jaime Benton) for a **SPECIAL EXCEPTION** to expand a "School, public" use in a R-6, Single-family residential district at **160 Fairforest Way** (TM# M01101-01-00302)

G. S 21-793

Application by DT's Tavern (Sarah Trucano) for a **SPECIAL EXCEPTION** to operate a "Bar / Nightclub open after 12:00 midnight" use in a C-4, Central business district at **100 E North Street** (TM# 004300-03-00200)

H. S 21-795

Application by ABW Greenville, LLC d/b/a New Realm Brewing Company (Brian McAlpine) for a **SPECIAL EXCEPTION** to establish an "Indoor entertainment facility" and "Outdoor entertainment" use in a C-4, Central business district at **912 S Main Street** (TM# 007200-02-01700, 007200-02-01900 & 007200-02-02000)

I. S 21-796

Application by First Carolina Bank (Kristen Brabble) for a **SPECIAL EXCEPTION** to establish a "Bank" use with a drive-through in a C-4, Central business district at **522 N Church Street** (TM# 004100-02-00700)

J. S 21-805 *Deferred until December (Public notice not posted properly)*

Application by Brass Monkey LLC (Matthew Gourley) for a **SPECIAL EXCEPTION** to operate a "Restaurant open after 12:00 midnight" in a C-2, Local commercial district at **723 Congaree Road** (TM# 054301-01-01906)

10. Other Business

- A. Staff update on current planning projects
- B. Board of Zoning Appeals 2022 Schedule

11. Adjournment