



AGENDA

SPECIAL CALLED MEETING OF BOARD OF ZONING APPEALS

THURSDAY, OCTOBER 2, 2025 - 5:00 PM

Greenville City Hall, Council Chambers, 10th Floor
206 S. Main Street

Greenville, South Carolina 29601

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. Call for Public Notice Affidavit from Applicants
5. Acceptance of Agenda
6. Conflict of Interest Statement
7. **NEW BUSINESS**

A. **A 25-756**

Application by Whistler Restaurant Group, LLC (Jessica Kearns) dba Reys to **APPEAL** the administrator's decision to revoke special exception permit S 23-033 / S 23-033M that allowed a 'General food and beverage (up to 6,000 SF)' and 'Bar' use to operate after midnight in an MXS-D, Shopfront Downtown district at **20 N MAIN ST** (TM# 000100-05-00200)

8. Adjournment



**Planning Staff Report to
Board of Zoning Appeals
September 30, 2025**
for the October 2, 2025 Public Hearing

Docket Number: A 25-756
Appellant: Whistler Restaurant Group, LLC (Jessica Kearns) dba Reys
Property Owner: 20 North Main Street, LLC
Property Location: 20 North Main Street
Tax Map Number: 20 North Main Street, LLC
Acreage: 0.08
Zoning: MXS-D, Shopfront Downtown District
-DD, Downtown Design Overlay District
Proposal: **APPEAL OF ADMINISTRATOR'S DECISION**

Applicable Sections of the City of Greenville Code of Ordinances:

Sec. 19-3.2.1.B.2. *Hours of Operation*
Sec. 19-3.4.4. *Commercial Use Standards*
Sec. 19-6.1.4. *Board of Zoning Appeals*
Sec. 19-6.2.15. *Quasi-Judicial Review*
Sec. 19-6.4.2. *General*
Sec. 19-6.4.3. *Violations*
Sec. 19-6.4.4. *Remedies and Penalties*

Recommendation: **Affirm Administrator's Decision**

Staff Analysis:

Summary

On February 9, 2023, the Board of Zoning Appeals (BZA) approved with conditions Special Exception Permit # S 23-033 to operate a 'restaurant, indoor dining only' use after midnight at 20 North Main Street. The Special Exception Permit was issued on April 12, 2024, and recorded at the Greenville County Register of Deeds on May 13, 2024.

A modification to the Special Exception Permit to expand the business to the second floor of the building and to increase the occupancy of the ground floor was approved with conditions by the Board of Zoning Appeals on October 10, 2024. The Special Exception Permit, S 23-033M, was issued on October 23, 2024.

A second modification to the Special Exception Permit, to allow a recessed outdoor dining area along the front façade, was submitted on March 31, 2025, but is on hold pending the outcome of this appeal.

On August 22, 2025, Principal Development Planner Kris Kurjiaka, acting as the Zoning Administrator, delivered a letter to Jessica Kearns, owner of Whistler Restaurant Group, LLC and operator of Reys, that revoked the Special Exception Permit (and its subsequent modifications). A copy of the revocation letter is included for reference at the end of this staff report. The revocation letter cited the violation of Condition #1 of the permit requiring the following:

1. Operation of the facility shall be limited to a 'general food and beverage' and 'bar' use, 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.

That same day, Jessica Kearns, filed an appeal of the Zoning Administrator's decision. Additional materials were filed in a timely manner on September 3, 2025 and September 8, 2025 to supplement the appeal.

Background

On January 9, 2023, Jessica Kearns filed an application for a Special Exception Permit, S 23-033, to operate a restaurant after midnight at 20 North Main Street Suite A within the C-4, Central Business District zoning district.

At the time of the application, Land Management Ordinance Sections 19-4.1 (Table of Uses) and 19-4.3.3(A) applied and required a special exception permit for commercial uses that are open to the public between the hours of 12 midnight at 5:00 a.m.

Within the special exception application, the applicant stated that the "property will be used as a restaurant that serves food, non-alcoholic drinks, and alcoholic drinks and stays open until 2 AM." The application materials indicated that sales would be "60% food and 40% alcohol" and "no live entertainment is planned, only background music through the in house speaker system." A proposed menu was attached in the application and is included for reference at the end of this staff report.

At its February 9, 2023 meeting, the Board of Zoning Appeals (BZA) approved with conditions Special Exception Permit # S 23-033. The Special Exception Permit was issued on April 12, 2024 and recorded at the Greenville County Register of Deeds on May 13, 2024.

On August 29, 2024, Jessica Kearns filed an application to modify Special Exception Permit, S 23-033, to expand her establishment from the ground floor to the second floor of the building. Specifically stating, "property will be used as it currently is approved and zoned for as a restaurant and bar serving food, drinks, and cocktails and staying open until 2 AM. The only change will be adding a second level to the business providing more SQFT and revenue for the business."

Alteration work, illustrated in the submitted life safety plans at the time, included changes at the ground level that would increase overall occupancy. A revised menu was attached in the application and is included for reference at the end of this staff report.

Because the Greenville Development Code had been adopted and replaced the former Land Management Ordinance, the Special Exception Permit modification followed the standards and procedures of Greenville Development Code and would be updated to reflect the Greenville Development Code use classification (General Food and Beverage) and zoning district (MXS-D, Shopfront Downtown). Greenville Development Code Section 19-3.2.1.B.2. stated "any use open to the public with hours of operation between 12:00 a.m. and 5:00 a.m. requires a Special Exception permit."

In the staff report, Planning staff wrote that "alcohol sales were initially estimated to account for approximately 40 percent of all revenues, while food and non-alcoholic drink sales will account for the remaining 60 percent of revenues." However per the Applicant, the breakdown is closer to 50-50. Food sales will be available during all operating hours according to the application; however, a limited menu will be offered near closing. No outdoor dining is existing or proposed. No indoor/outdoor live

entertainment is existing or proposed.” As such, Planning staff determined the use was best classified as ‘General Food and Beverage (up to 6,000 SF)’ and ‘Bar’ with operation after midnight.

At its October 10, 2024 meeting, the Board of Zoning Appeals (BZA) approved with conditions Special Exception Permit # S 23-033M. The Special Exception Permit was issued on October 23, 2024.

A second modification to the Special Exception Permit, to allow a recessed outdoor dining area along the front façade, was submitted on March 31, 2025, but is on hold pending the outcome of this appeal. The second modification has been delayed for a variety of reasons, including securing Design Review Board approval prior to Board of Zoning Appeals review, the Board’s July meeting break, and completing public notice.

On August 13, 2025, Planning Staff spoke with Jessica and Tim Kearns on the phone regarding violations of the Special Exception Permit related to interior sound conditions. According to social media posts, DJs have performed at the business this summer on various dates, which is prohibited by the Special Exception Permit. Per the permit, music is limited to ambient background music only. The business application for the Special Exception Permit represented no amplified music would be played beyond ambient background music. Additionally, Planning staff pointed out that no food menu is available on Reys’ website, even though the use classification for the business is ‘General Food and Beverage’ and ‘Bar’. Jessica Kearns stated that a menu was not posted online, but that food is available at the business.

On August 14, 2025, Jessica and Tim Kearns received a notice of violation letter of S 23-033 for 20 N Main Street (Reys) from Planning staff, noting the violation of the Special Exception Permit by the use of a DJ for sound amplification which is not permitted and for the failure of the business to operate as permitted as a General Food and Beverage and Bar use open after midnight, based on the fact that the business’ website indicated no food is available for purchase by patrons.

Section 1 of Permit S 23-033 states: Operation of the facility shall be limited to a ‘general food and beverage’ and ‘bar’ use, 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.

The Notice of Violation stated, “Violations related to Section 1 of the Special Exception Permit are required to be corrected through a request to modify the Special Exception Permit. The modification should outline the use as intended for operation, and such documents for the modification should be submitted by August 25, 2025.”

On August 15, 2025, two plain clothes operatives with the Greenville Police Department entered Reys at 10:25 p.m. and ordered a drink containing liquor and inquired about ordering food. The bartender served the drink containing liquor, however, the Reys employee advised the officers that no food is served at the location and suggested several other nearby downtown businesses to find food. Details of this interaction were outlined in a police incident report filed on August 15, 2025.

Greenville Development Code Section 19-6.4.4.A.3. grants the City the right to suspend or revoke a development permit, approval, certificate or other form of authorization where:

- i. There is a failure to comply with the approved plans, specifications, terms or conditions required under the permit or development approval;
- ii. The permit or development approval was procured by false representation; or
- iii. The permit or development approval was issued in error.

On August 22, 2025, Principal Development Planner Kris Kurjiaka, acting as the Zoning Administrator, delivered a letter to Jessica Kearns, owner of Whistler Restaurant Group, LLC and operator of Reys, that revoked the Special Exception Permit (and its subsequent modifications). The revocation letter cited the violation of Condition #1 of the permit requiring the following:

1. Operation of the facility shall be limited to a 'general food and beverage' and 'bar' use, 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.

Based on this violation, failure to adhere to the conditions in the Special Exception Permit and misrepresentation to zoning enforcement staff of the business' operations, the decision was made to revoke Special Exception Permit S 23-033 and subsequent approved modifications. As a result, the facility may not operate in any capacity after midnight at this time.

The revocation letter also clarified that, "per the Violation Letter dated August 14, 2025, any application to modify the special exception permit to reflect a use other than General Food and Beverage and Bar use after midnight was to be submitted to the City by August 25, 2025. However, the option for a permit modification is no longer permissible due to the fact that the city discovered on August 15, 2025, that no food is available for purchase at the business at any time, despite representations by the owner otherwise."

The Appellant, Jessica Kearns, is appealing the Zoning Administrator's decision to revoke Special Exception Permit # S 23-033 (and its modifications).

Within the written notice for appeal, the appellant states that, "Reys maintains a full kitchen with equipment and food, and food is served daily. Despite this extremely inaccurate and isolated occurrence, Reys does routinely serve food during all business hours." The Appellant requests the Board of Zoning Appeals allow a modification to the current Special Exception Permit rather than revocation.

Staff Findings:

Staff offers the following findings:

- Staff finds that the Board of Zoning Appeals approved a modification to Special Exception Permit # S 23-033 that allowed the establishment and operation of a 'general food and beverage (up to 6,000 SF)' and 'bar' use after midnight with the condition that the operation of the establishment substantially conform to the statements 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;
- Staff finds that the content of the approved Special Exception application # S 23-033M explicitly states that the establishment will be a restaurant and bar use, and food will be served during all hours;
- Staff finds that the Applicant affirmed food sales were still occurring during regular business hours despite not having a food menu on its website;
- Staff finds that a plain-clothes operative of the Greenville Police Department was informed by Reys 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 23-033 (and its subsequent modifications);
- Staff finds that the Zoning Administrator issued a letter on August 22, 2025, thereby revoking Special Exception permit # S 23-033 (and its subsequent modifications) for the establishment's failure to substantially conform to the testimony of the Special Exception applicant and content of the Special Exception application;
- Staff finds that, in issuing the revocation letter, the Zoning Administrator appropriately exercised his right to revoke a permit as permitted in Section 19-6.4.4.A.3. of the Greenville Development Code 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 sufficient evidence or documentation to support her 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 23-033 / 23-033M.

Applicable Sections of the Code of Ordinances

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

Sec. 19-3.2.1.B.2. Hours of Operation
Sec. 19-3.4.4. Commercial Use Standards
Sec. 19-6.1.4. Board of Zoning Appeals
Sec. 19-6.2.15. Quasi-Judicial Review
Sec. 19-6.4.2. General
Sec. 19-6.4.3. Violations
Sec. 19-6.4.4. Remedies and Penalties

DIV. 19-3.2. PERMITTED USE TABLE

19-3.2.1. USE TABLE INTERPRETATION

A. Use Table Key

1. Allowed Uses

- a. P = A use allowed with approval of the Administrator.
- b. P* = A use allowed with approval of the Administrator, provided it meets the use standards in the right-hand column of the use table.

2. Discretionary Allowed Uses

- a. S = A use that is allowed only with approval of the Board of Zoning Appeals as a special exception.
- b. S* = A use that is allowed only with approval of the Board of Zoning Appeals as a special exception, provided it also meets the use standards in the right-hand column of the use table.

3. Uses Not Allowed

- a. - = A use that is not allowed.

4. Use Intensity⁴

- a. H = A use that is classified as a High Intensity Use.
- b. M = A use that is classified as a Medium Intensity Use.
- c. L = A use that is classified as a Low Intensity Use.
- d. Accessory uses are excluded from use intensity classification.

B. Use Restrictions in All Districts

1. Size

- a. Size restrictions expressed as square feet (SF) in the use table refer to gross floor area per tenant.
- b. Size restrictions expressed as acreage in the use table refer to the total size of the site.

2. Hours of Operation

Any use open to the public with hours of operation between 12:00 a.m. and 5:00 a.m. requires a Special Exception permit.

3. Delivery and Waste Collection Hours

With the exception of BG, BH, and IG zones which do not abut residential districts, delivery, waste collection, and similar commercial traffic is prohibited between the hours of 10:00 p.m. and 7:00 a.m.

USE STANDARDS

f. **Application and Procedure**

The Administrator, in consultation with the City Engineer and planning and development division must develop forms requiring such information and documentation as they deem prudent and necessary for the City's review of eligible facilities requests and with respect to all other applications, the issuance of the approvals contemplated hereunder. The Administrator, in consultation with the City Engineer and the Planning and Development Division may develop regulations governing the number of applications that may be submitted by or on behalf of any person at any time, and may require a person, to identify all facilities that it intends to construct within the City, and (in the case of a person who will be leasing facilities to another) all facilities its lessees intend to install within the City. All applications must be processed in accordance with the following time frames:

- i. Upon receipt of the application, the Administrator must review such application to determine whether the application is complete, must notify the applicant that the application is incomplete within 30 days of receipt or such shorter period as may be required in order to toll or reset the time for review under applicable FCC regulations. An application is incomplete if it omits or withholds any required information, or fails to provide information in sufficient detail to determine whether the application is eligible for administrative review, or to determine whether the work will be performed in accordance with, and will result in a wireless communications facility that complies with applicable law.
- ii. If the applicant fails to respond to the notice of incompleteness within a time specified by the Administrator, the application must be denied. If applicant responds, but the application remains incomplete, the Administrator must promptly notify the applicant that the application remains incomplete, within the times specified by applicable law.

19-3.4.4. **COMMERCIAL USE STANDARDS**

A. **General**

In a RC- District, commercial uses must not exceed 25% of the floor area on a lot.

B. **Entertainment and Recreation²**

1. **General Indoor Entertainment and Recreation**

The following standards apply, as deemed applicable by the Administrator:

- a. Operation of the business must comply at all times with the provisions of the South Carolina Alcoholic Beverage Control Act and the regulations of the Department of Revenue.
- b. At all times during its occupancy, the applicant must assign a manager on the premises who must ensure compliance with this Code, and the applicable South Carolina Code of Laws and Regulations.
- c. The applicant and all of its managers and employees responsible for serving any alcoholic beverage (current and future) must 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 must be retained on-site and available for inspection by the Administrator and the City Police Department. Current personnel must receive training within 30 days of issuance of the certificate of occupancy and future personnel must receive training within 30 days of hiring.

- d. 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 South Carolina 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.
- e. Occupant capacity of the establishment must be established by the City building codes Administrator. The applicant must designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons.
- f. Acoustic music and entertainment may be permitted in an outdoor space. Specified hours of outdoor music and entertainment are limited by the permit.
- g. Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan; all amplified sound must be directed inward toward the facility and away from any adjoining use or public property. Specified hours of exterior sound amplification are limited by the permit.
- h. Interior sound amplification must be located only as reflected on the approved floor plan and must 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 must remain closed after 10:00 p.m.
- i. Rooftop decks must 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 must be posted in conspicuous locations on the building and throughout the parking lot and must be enforced by the proprietors.
- k. The application must comply with City noise, smoking, and encroachment ordinances.
- l. All debris and garbage from the use shall be properly discarded.
- m. If a shared or remote parking agreement is required for the use, the applicant shall be responsible for maintaining the parking agreement as long as the use remains in operation.
- n. Pursuant to *Sec. 19-6.2.1.D.*, the Administrator may attach additional conditions which will protect nearby uses from any adverse impacts reasonably expected to occur as a result of the operation of the use.

2. General Outdoor Entertainment and Recreation

The Use Standards for General Indoor Entertainment and Recreation in part 1 of this subsection also apply to General Outdoor Entertainment and Recreation, as deemed applicable by the Administrator.

C. Food and Beverage²

1. General Food and Beverage

- a. Permitted hours of operation are between 5:00 a.m. and 12:00 a.m. (midnight).
- b. Hours of operation between 12:00 a.m. (midnight) and 5:00 a.m. require a special exception permit.

2. Bar or Nightclub

- a. Must comply with the location standards established by the state.

USE STANDARDS

- b. Operation of the business must 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 must assign a manager on the premises who must ensure compliance with this Code, and the applicable South Carolina Code of Laws and Regulations.
- d. The applicant and all of its managers and employees responsible for serving any alcoholic beverage (current and future) must 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 must be retained on-site and available for inspection by the Administrator and the City Police Department. Current personnel must receive training within 30 days of issuance of the certificate of occupancy and future personnel must receive training within 30 days of hiring.
- e. 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 *South Carolina 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 must be established by the City building codes Administrator. The applicant must designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons.
- g. Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan; all amplified sound must be directed inward toward the facility and away from any adjoining use or public property. Specified hours of exterior sound amplification are limited by the permit.
- h. Interior sound amplification must be located only as reflected on the approved floor plan and must 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 must remain closed after 10:00 p.m.
- i. Rooftop decks must 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 must be posted in conspicuous locations on the building and throughout the parking lot and must be enforced by the proprietors.
- k. The application must comply with City noise, smoking, and encroachment ordinances.
- l. The Administrator may attach additional conditions which will protect nearby uses from any adverse impacts reasonably expected to occur as a result of the operation of the bar or nightclub.

D. Lodging²

1. General Lodging

When a general lodging use is located in the same building as a multi-unit living use:

- a. The owner of the dwelling unit must obtain a license to operate a short-term rental; and

2. **Approval**

The Planning Commission is responsible for final action regarding:

- a. Engineering Design and Specifications Manual adoption, amendments, and appeals pertaining thereto; and¹
- b. Major Subdivision - Preliminary Plats.
- c. Appeals of administrative decisions regarding Minor Subdivisions.
- d. Variances and appeals from certain stormwater provisions as provided in *Sec. 19-5.3.9*.¹

19-6.1.4. **BOARD OF ZONING APPEALS**

A. **General**

The Board of Zoning Appeals is established as authorized in *Chapter 2, Administration* of the Municipal Code, and has the following powers and duties under this Code.

B. **Authority**

1. **Approval**

The Board of Zoning Appeals is responsible for final action regarding:

- a. Variances;
- b. Special Exception Permits; and
- c. Appeals from administrative decisions on all approval processes of this Code, except:
 - i. Appeals considered by either the Historic Review Board or Design Review Board,
 - ii. Appeals of administrative decisions regarding Minor Subdivisions

19-6.1.5. **HISTORIC REVIEW BOARD**

A. **General**

The Historic Review Board is established as authorized in *Chapter 2, Administration* of the Municipal Code, and has the following powers and duties under this Code.

B. **Authority**

1. **Review and Recommend**

The Historic Review Board is responsible for review and recommendation regarding:

- a. Establishment or modification to design guidelines for Preservation (-P) overlay districts and designated local landmarks;
- b. Establishment or modification to boundaries for Preservation (-P) overlay districts; and

19-6.2.15. QUASI-JUDICIAL REVIEW

A. Applicability

Quasi-judicial review is required for the following:

1. **Variance.** A request for a deviation from certain provisions of this Code when meeting specific hardship criteria.
2. **Special Exception Permit.** Certain uses within each zoning district that may be appropriate in the district, but because of the potential for incompatibility with adjacent uses, require individual review by the Board of Zoning Appeals.
3. The Board of Zoning Appeals decides applications for Quasi-Judicial Review.

B. Application Requirements

1. Application Initiation

An application for Quasi-Judicial Review may be initiated by any person, firm, corporation, or agency provided they are the owner or the owner's representative of the subject property.

2. Application Submittal

a. Pre-Application Conference

Before submitting an application for Quasi-Judicial Review, an applicant must schedule a pre-application conference with the Administrator to discuss the procedures, standards, and regulations required for approval. This requirement may be waived at the discretion of the Administrator.

b. Submitting an Application

Following the pre-application conference, an applicant may start the application process. To begin, a complete application form, required plans, and review fees must be filed with the Planning and Development Department. Other general submittal requirements for all development review applications are listed in *Sec. 6.2.1*.

c. Additional Requirements for Properties in Downtown Design (-DD) or Preservation (-P) Overlay Districts and Historic Landmark Properties

- i. For properties located within the *Downtown Design (-DD) overlay district*, the Design Review Board review the application based on the following:



APPROVAL PROCESSES

- a) Where a Minor Design Permit is required, the Design Review Board must conduct a preliminary consideration of the eligibility of the proposal based on the standards in this Section. The Design Review Board will provide a report and recommendation on the application.
- b) Where a Major Design Permit is required, the application must obtain an approval on the Major Design Permit before the application can be considered by the Board of Zoning Appeals.
- ii. For properties located within a Preservation (-P) overlay district or are designated as a local landmark, the Historic Review Board must review the application based on the following:
 - a) Where a Minor Historic Certificate of Appropriateness is required, the Historic Review Board must conduct a preliminary consideration of the eligibility of the proposed area based on the standards in this Section. The Historic Review Board will provide a report and recommendation on the application.
 - b) Where a Major Historic Certificate of Appropriateness is required, the application must obtain an approval before the application can be considered by the Board of Zoning Appeals.
- iii. The Administrator will forward the application, reviewing board recommendation, and additional approvals to the Board of Zoning Appeals. The application will then be processed according to the procedures in this Section.

C. Review and Action Process

1. Administrative Action

- a. The Administrator will review the application and will provide a staff report to the Board of Zoning Appeals in advance of the public hearing. Prior to the preparation of the staff report, City staff may make recommendations to the Administrator to include in the staff report.
- b. Notice of the public hearing must be given in accordance with **Sec. 6.1.1.** and Sec. 6.2.1.

2. Board of Zoning Appeals Action

- a. The Board of Zoning Appeals will conduct a public hearing on the application. At the public hearing, the Board of Zoning Appeals will consider the application, the relevant support materials, the staff report, and the evidence presented at the public hearing.
- b. After the close of the public hearing, the Board of Zoning Appeals will approve, approve with modifications, approve with conditions, or disapprove the application based on the standards in this Section.

D. Criteria for Review and Action

1. Variance

- a. A variance permit may be approved only upon a finding that the applicant will suffer undue hardship if the Code is strictly enforced and the Board of Zoning Appeals finds that all of the following standards are met:
 - i. There are extraordinary and exceptional conditions (such as size, shape, topography) pertaining to the particular piece of property for which the variance is sought that do not generally apply to other land or structures in the vicinity.

ENFORCEMENT

DIV. 19-6.4. ENFORCEMENT

19-6.4.1. PURPOSE

This section establishes procedures through which the City seeks to ensure compliance with the provisions of this Code and obtain corrections for violations. It also describes the remedies and penalties that apply to violations of this Code. The provisions of this section are intended to encourage the voluntary correction of violations, where possible.

19-6.4.2. GENERAL

A. Compliance Required

Compliance with all provisions of this Code is required.

B. Responsible Persons

Any person who violates this Code will be subject to the remedies and penalties in this section.

C. Responsibility for Enforcement of Code Provisions

The Administrator is responsible for enforcing the provisions of this Code. The Administrator will be provided with the assistance of such other persons as the City Manager may direct.

D. Notice of Violations

When the Administrator finds that any building, structure, use, or land is in violation of this Code, the Administrator will send a written notice to the person responsible for such violation. The notice will be copied to the owner, if the owner is not responsible for the violation, and will indicate the nature of the violation, order the necessary action to abate the violation, and give a deadline for correcting the violation. If a violation is not corrected within a reasonable period of time as provided in the notification, the Administrator will take appropriate action available to City to correct and abate the violation and to ensure compliance with this Code.²

E. Complaints Regarding Violations

Whenever a violation of this code occurs, or is alleged to have occurred, any person may file a complaint. The complaint must state fully the alleged violation and the basis of the violation, and must be filed with the Administrator, who will maintain a record of the complaint. The complaint will be investigated promptly by the Administrator and action taken to abate or correct the violation.

F. Inspections to Ensure Compliance

Upon presentation of proper credentials, the Administrator may enter any building, structure, land, or premises to ensure compliance with the provisions of this Code. Inspections will be carried out during normal business hours unless the Administrator determines there is an emergency necessitating inspections at another time or times.

G. Right of Appeal

Any person aggrieved or affected by an enforcement action may appeal such action to the Board of Zoning Appeals. A written notice of appeal must be submitted to the Administrator within 10 city recognized business days of the date of the written decision or interpretation.²

19-6.4.3. VIOLATIONS

A. General Violations

1. Any failure to comply with a requirement, standard, prohibition, or limitation imposed by this Code or the terms or conditions of any permit or other development approval or authorization granted pursuant to this Code, constitutes a violation of this Code punishable as provided in this section.
2. Permits issued on the basis of plans and applications approved by the City Council, Planning Commission, Board of Zoning Appeals, Design Review Board or Historic Review Board, Administrator, or other officials or agencies where additional approval is required, authorize only the use, arrangement, location and construction set forth in such permits and development approvals, and no other use, arrangement, location or construction.

B. Specific Violations

1. It shall be a violation of this Code to do any of the following:
 - a. Construct, reconstruct, alter, demolish, change the use of, or occupy any land, building, structure, or sign without first obtaining the appropriate permit or permit approval, or without complying with the terms and conditions of the permit or approval required to engage in such activity, or to engage in development or subdivision of any land in contravention of this chapter, including the conditions and terms of all required permits and development approvals.
 - b. Excavate, grade, cut, clear, or undertake any other land-disturbing activity contrary to the requirements of this chapter or without first obtaining all necessary approvals required by this Code or other applicable regulations.
 - c. Create, expand, replace, or change any nonconformity except in compliance with this Code.
 - d. Reduce or diminish the requirements or development standards below the minimum required by this Code.
 - e. Increase the intensity or density of use of any land or structure except in accordance with the requirements of this Code.
 - f. Fail to comply with any terms, conditions, or limitations placed by the City Council, Planning Commission, Board of Zoning Appeals, Design Review Board or Historic Review Board, or Administrator, upon any development approval, including designation of a planned development (PD) zone district classification and PD plan, special exception permit, conditional use permit, variance permit, Major Historic Certificate of Appropriateness, sign permit, temporary use permit, certificate of compliance, site plan permit, final PD plan, final plat for minor subdivision, preliminary plat for subdivision, final plat for subdivision, land disturbance permit, street name or name change, certificate of conformity, or other form of authorization.³

ENFORCEMENT

- g. Fail to remove any sign installed, created, erected, or maintained in violation of this Code, or for which the sign permit has lapsed.
- h. Fail to comply with a Major Historic Certificate of Appropriateness, which shall include the discontinuance of work or lack of progress toward achieving compliance with a Major Historic Certificate of Appropriateness for a period of 6 months.
- i. Operate, occupy, maintain, or allow use of any building, property, or land use in a manner that constitutes a nuisance to surrounding property owners or the general public, or presents a temporary or ongoing threat to the public health, safety, and welfare.¹

19-6.4.4. REMEDIES AND PENALTIES

A. City Remedies and Penalties

The City may use any combination of the following enforcement actions, remedies, and penalties pursuant to **Sec. 1-5** of the Municipal Code to correct, stop, abate, and enjoin a violation of this Code.

1. Citation Noting Violation

The Administrator may issue a citation to the person pursuing the activity or activities in violation of this Code, requiring appearance before the Municipal Court.

2. Stop Work Order

The Administrator may issue and serve upon a person pursuing the activities in violation of this Code a stop work order requiring that the person stop all activities in violation of this chapter.

3. Permit Suspension or Revocation

- a. Any development permit, approval, certificate, or other form of authorization required under this Code may be suspended or revoked if the Administrator determines that:
 - i. There is a failure to comply with the approved plans, specifications, terms or conditions required under the permit or development approval;
 - ii. The permit or development approval was procured by false representation; or
 - iii. The permit or development approval was issued in error.
- b. 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.

B. Civil Remedies

In addition to all other remedies and penalties outlined in this section, 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 Code or to prevent the occupancy of the building, structure or land.

C. Criminal Remedies

Criminal penalties will be as provided by **Sec. 1-5** of the Municipal Code.

D. Private Civil Relief

In case a building, structure, or land is or is proposed to be used in violation of this Code, an adjacent or neighboring property owner or tenant who would be specially damaged by the violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land.

E. Additional Remedies Available for Sign Violations

In addition to the remedies and penalties provided above, signs that are in violation of the provisions of this section are subject to the following provisions:

1. Notice of Violation

The Administrator may remove any unauthorized sign on public property or within a public right-of-way without notice. For other sign violations, the Administrator may send notice to the sign owner, the sign installer, and anyone deemed to have an interest in the subject sign stating the nature of the violation, and granting an appropriate period of time, not to exceed 30 days, to correct the violation.²

2. Impoundments²

- a. The Administrator may dispose of snipe signs removed from public property or from within a public right-of-way immediately without notice.
- b. For other sign violations, the Administrator may impound the sign and send notice stating that the sign has been impounded, the reason for the impoundment, and the process for claiming the sign. An impounded sign must be held for 10 calendar days from the date of the notice, during which time the sign owner may recover the sign. If the sign is not claimed within the 10-day period, the Administrator may dispose of the sign without compensation to the sign owner.

3. Posting of Violation Sticker

In addition, the Administrator may post the sign with a "Violation" sticker, which must not be removed by anyone other than the Administrator.

4. Payment of Costs of Sign Removal

Where the Administrator determines it is necessary to remove a sign, the sign removal may be assigned either to City staff or to a private contractor approved by the City pursuant to its rules of procurement. Upon completion of the removal, the City department or the City's contractor will submit an invoice to the City's finance officer for payment. The sign owner must pay the costs directly to the City or the costs will become a lien against the real property upon which incurred, and will be collected in the same manner as City taxes or by any other method permitted by law. Notice may be provided to the sign owner, tenant or property owner by email, where available; by regular US mail addressed to the last known address; by facsimile transmission; or any combination of these measures considered reasonable under the circumstances by the Administrator.

ENFORCEMENT

F. Remedies Cumulative

The remedies provided for violations of this Code, whether civil or criminal, are cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

Violation and Revocation Letters

Violation letter dated August 14, 2025



Planning and Development

14 August 2025

Whistler Restaurant Group, LLC dba Reys
20 North Main Street
Greenville, SC 29601

Re: Violation of Special Exception Permit S 23-033 (issued as modified on 10/23/2024)

To: Jessica Kearns

You are receiving this letter regarding a Special Exception Permit (S 23-033) that was issued by the City of Greenville Board of Zoning Appeals for the establishment referenced above. The following incidents(s) have been observed by the Planning and Development Department:

13 June, 2025; 27 June, 2025; 8 August, 2025 – A DJ was hired and performed during the referenced nights, according to social media posts and on admission from the business owner.

13 August, 2025 – Restaurant operations are not currently running on the second floor of the business. Further, no food menu is posted online for the overall business, and business sales are primarily of beer, wine, and liquor for on-site consumption, consistent with a 'Bar' use only. This was verified in a phone conversation with the business owner.

Section 1 of SPEX Permit S 23-033 states: Operation of the facility shall be limited to a 'general food and beverage' and 'bar' use, 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.

Section 12 of SPEX Permit S 23-033 states: Interior sound amplification (other than ambient background music) and exterior sound amplification be prohibited.

Greenville Development Code (GDC) Section 19-3.3.4.B.1 General Food and Beverage states: Food and beverage uses that prepare and sell food or beverage. Typical examples include bakery, catering facility, cafe, coffee and tea shop, commercial kitchen, fast food establishment, ice cream or yogurt shop, juice or smoothie bar, restaurant, and pizza delivery establishment. Includes ancillary alcohol sales.

GDC Section 19-3.3.4.B.2 Bar or Nightclub states: A use primarily for serving beer, wine, liquor, or tobacco for on-site consumption. May include a dance floor, live or amplified music, or sell food for on-premise consumption. Typical examples include bar, nightclub, cigar bar, and hookah lounge.



Planning and Development

You are hereby informed of the violation(s) of the permit.

- Violations related to Section 12 of the Special Exception Permit are required to be corrected immediately.
- Violations related to Section 1 of the Special Exception Permit are required to be corrected through a request to modify the Special Exception Permit. The modification should outline the use as intended for operation, and such documents for the modification should be submitted by August 25, 2025.

Failure to comply with any conditions prescribed in Special Exception Permit S 23-033 (as modified) and Chapter 19 of the City of Greenville Code of Ordinances (Greenville Development Code), shall be deemed a violation of the City Code, punishable under penalties established by City Code. Failure to correct such violations outlined in this violation letter, or repeated failure to adhere to the stipulations of the permit may result in the revocation of the Special Exception Permit. Additional inquiries regarding this violation should be directed to my office.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Kurjiaka', is written over the typed name and title.

Kristopher Kurjiaka
Principal Development Planner
(864) 467-3238
kkurjiaka@greenvillesc.gov

Revocation letter dated August 22, 2025



Planning and Development

22 August 2025

Whistler Restaurant Group, LLC dba Reys
20 North Main Street
Greenville, SC 29601

Re: Revocation of Special Exception Permit S 23-033 (issued as modified on 10/23/2024)

To: Jessica Kearns, Owner

You are receiving this letter regarding a Special Exception Permit (S 23-033 and subsequent modifications) that was issued by the City of Greenville Board of Zoning Appeals for the establishment referenced above. The following incidents(s) have been reported to the Principal Development Planer in the Planning and Development Division:

Wednesday, August 13, 2025. Planning Staff, including Mary Douglas Hirsch (Planning Director), Kristopher Kurjiaka (Principal Development Planner) and Ross Zelenske (Senior Development Planner), spoke with Jessica and Tim Kearns on the phone regarding violations of the current Special Exception Permit for Reys. The permit and associated documentation, including the application are attached hereto. The owners were informed of violations of the interior sound conditions in the permit. According to social media posts, DJs have performed at the business this summer on various dates, which is prohibited by the special exception permit. Per the permit, music is limited to ambient background music only. The business application for the Special Exception Permit represented no amplified music would be played beyond ambient background music. Additionally, Planning Staff pointed out that no food menu is available on Reys' website, despite the fact that the use classification for the business is 'General Food and Beverage' and 'Bar'. Jessica Kearns stated that a menu was not posted online, but that food is available at the business.

Thursday, August 14, 2025. Jessica and Tim Kearns received a notice of violation letter of S 23-033 and modifications for 20 N Main Street (Reys) from Planning staff, noting the violation of the Special Exception Permit by the use of a DJ for sound amplification which is not permitted and for the failure of the business to operate as permitted as a General Food and Beverage and Bar use open after midnight, based on the fact that the business' website indicates no food is available for purchase by patrons. The notice of letter dated August 14, 2025 is attached.

Friday, August 15, 2025. Two plain clothes operatives with the Greenville Police Department entered Reys at 10:25pm and ordered a drink containing liquor and inquired about ordering food. The bartender served the drink containing liquor, however, the Reys employee advised the officers that no food is served at the location and suggested several other nearby downtown businesses to find food.

Section 1 of SPEX Permit S 23-033 states: Operation of the facility shall be limited to a 'general food and beverage' and 'bar' use, as defined by this Code, and shall substantially conform to the statements of the



Planning and Development

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, failure to adhere to the conditions in the Special Exception Permit and misrepresentation to zoning enforcement staff of the business's operations, Special Exception Permit S 23-033 and subsequent approved modifications is hereby revoked pursuant to Greenville Development Code Section 19-6.4.4.A.3 Remedies and Penalties: Permit Suspension or Revocation. As a result, the facility may not operate in any capacity after midnight at this time.

Per the Violation Letter dated August 14, 2025, any application to modify the special exception permit to reflect a use other than General Food and Beverage and Bar use after midnight was to be submitted to the City by August 25, 2025. However, the option for a permit modification is no longer permissible due to the fact that the City discovered on August 15, 2025 that no food is available for purchase at the business at any time, despite representations by the owner otherwise.

PLEASE NOTE: The business must operate in compliance at all times with State law governing Alcoholic Beverage Licenses issued by the South Carolina Department of Revenue. If you have questions regarding these requirements, you should contact a representative from SCDOR or an attorney with knowledge of those laws.

Any violations of these conditions or relevant sections of the City's code of ordinances may result in additional action by the City up to and including the revocation of the certificate of occupancy.

Right to appeal: If you believe the Administrator has erred in its decision to revoke Special Exception Permit 23-033 (and subsequent modifications), you have the right to appeal the decision to the Board of Zoning Appeals pursuant to Greenville Development Code Section 19-6.4.2(G). The appeal must be filed with the Zoning Administrator within 10 city recognized business days of the date of this letter and must indicate reasons you believe the decision is illegal, either in whole or in part. A notice of appeal is included herein.

Any questions regarding this letter may be directed to my office.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Kurjiaka", with a stylized flourish at the end.

Kristopher Kurjiaka
Principal Development Planner
(864) 467-3238
kkurjiaka@greenvillesc.gov

Food Menus

Food menus provided as part of application S 23-033 in 2023.

Future Proposed Menu

FOOD

APPS

GARLIC KNOTS 5
freshly made dough knots covered in butter and garlic, served with marinara for dipping.

FIESTY FRIED CHICKEN SALAD 9
romaine, spicy fried chicken, sour dill pickles, smoked mozzarella, slaw, creamy dill dressing.

STANDARD SALAD S'IT 5/7
romaine and all the green's and things
dressings: ranch, balsamic vinegar, french and creamy dill dressing.

WINGS

LEMON PEPPER 7/12
lemon pepper and pecorino 6ct/12 ct

BUFFALO SOLDIER 7/12
mild, or spicy 6ct/12 ct

GENERAL TSAOS CRUNCH 7/12
mongolian tso's sauce, sesame seed, hot honey, crispy wonton 6ct/12 ct

all wings come with celery slices and your choice of blue cheese or ranch

PIZZAS

CHICKEN AND WAFFLES 15
buttermilk waffles with fried chicken, smoked bacon, dry aged & smoked mozzarella, and hot honey

SHROOMIES 15
truffle cream, cremini mushrooms, fresh mozzarella, salted ricotta, parsley

MAC ATTACK 15
buffalo chicken with mac n' cheese, smoked bacon & ranch

THE USUAL 12
marinara, mozz and pepperoni

All pizzas are 10" single serve

BYOP

BUILD YOUR OWN PIZZA 12
12 for one topping pizza, .75 cents per additional topping

bases: marinara, white truffle cream, garlic pesto
cheeses: parmesan, fresh mozz
smoked mozz
veggies: spinach, green pep, roasted red pep, onions, caramelized onion, pickled jalapenos, broccoli, tomatoes, mushrooms.
meats: pepperoni, sausage, bacon, fried chicken

DRINKS

PEPSI PRODUCTS 2.5

LEMONADE 2.5

RED BULL 5

SUGAR FREE RED BULL 5

LIQUID DEATH SPARKLING WATER 5

SWEETS

SEASONAL CHURROS 5

CANNOLI 3

ICE CREAM 3

Exhibit B

Current Menu



FOOD

— SMALL BITES —

FRENCH FRIES \$5 Basket of classic cut fries seasoned to perfection. Add Parmesan shaves \$1	PRETZEL BITES \$3 Flavorful dusted mini pretzels. Buffalo Ranch or Jalapeño Cheddar.	PORK RINDS \$3 Popping hot and seasoned to perfection!
TATER TOTS \$5 Basket of hot and salty potato deliciousness. Add Parmesan shaves \$1	EMPANADAS \$6 Authentic Colombian beef empanadas served with Mild aji dipping sauce. 2 per order.	DOUGHNUT \$3 Fried doughnut, Chocolate or Raspberry bourbon drizzle, powdered sugar.

— THE GOODS —

CHICKEN LOLLIPOPS \$8 / \$15 6 OR 12 PER ORDER Chicken wings just got fancier! Fried chicken wings lollipop-style, tossed in sauce of your choice & one side. Sauces: Kickin' Bourbon, Mango Habanero, Korean BBQ, Jamaican Jerk or Buffalo.	CLASSIC CHEESEBURGER \$10 1/2 lb. Beef patty, cheddar cheese, mayo, lettuce, tomato, onion & one side. Add Bacon or Egg \$1
FRIED CHICKEN TACOS \$8 2 PER ORDER Fried juicy chicken breast topped with cilantro lime red slaw, monterey jack, secret sauce, flour tortillas & one side. - Swap slaw for lettuce, onion, tomatoes	3 CHEESE GRILLED CHEESE \$8 Golden brown sourdough, smoked gouda, cheddar, monterey jack & one side. Add Bacon or Egg \$1
FRIED CHICKEN SANDWICH \$10 Fried chicken breast, smoked gouda, mayo, lettuce, onion, tomato & one side. Add Bacon or Egg \$1	

— SIDES —

- Tater Tots
- French Fries (Classic Cut)
- Cilantro - Lime Red Slaw
- House Salad (Lettuce, Tomato, Onions, Parmesan)

— DRESSINGS —

Balsamic, Italian Ranch, Honey Mustard, Blue cheese.

REYS HELPS THE ENVIRONMENT BY USING COMPOSTABLE STRAWS

 @reysgvl

Food menu provided as part of application S 23-033M in 2024.



Entree

Colombian Burger \$15

Beef patty, cheddar, bacon bits, pineapple habanero jam, salsa rosada, aji, pineapple coleslaw and crushed lays chips on a sesame seed bun.

Double Patty + \$3

Sub Patacon Bun (gf) +\$2

Bacon Cheeseburger \$10

Beef patty, cheddar, bacon bits, and salsa rosada on a sesame seed bun.

Double Patty + \$3

Patacon Bun (gf) +\$2

Colombian Hot Dog \$8

Fried beef hot dog, cheddar cheese, bacon bits, pineapple habanero jam, pineapple coleslaw, salsa rosada and crushed lays chips.

Patacon gf \$12

Fried green plantain, pineapple habanero jam, aji, salsa rosada, pineapple coleslaw and queso fresco.

Shredded beef or shredded chicken.

Salchipapas gf \$7

Fries, deep fried beef hot dog, salsa rosada and quail eggs.

Arepa gf \$8

Fried corn cake, pineapple habanero jam, aji, salsa rosada, pineapple coleslaw and queso fresco.

Shredded beef or shredded chicken.

Empanada gf \$3

Turnover stuffed with potatoes.

Shredded beef or shredded chicken.

Bowls

Arroz Con Pollo gf \$15

Spanish rice, peas, carrots and shredded chicken topped with black bean and corn pico.

Rooted Salad gf \$10

Spring mix, quinoa, avocado, black bean and corn pico, queso fresco. Roasted red pepper vinaigrette.

+ \$4 shredded chicken

+ \$5 shredded beef

Vegan Alternatives

Black Bean Quinoa Burger \$15

Black bean quinoa patty, vegan cheddar, soy bacon bits, pineapple habanero jam, vegan salsa rosada, aji, vegan pineapple coleslaw and crushed lays chips on a sesame seed bun.

Sub Patacon Bun (gf) +\$2

Patacon gf \$12

Fried green plantain, pineapple habanero jam, aji, vegan salsa rosada, vegan pineapple coleslaw and vegan queso fresco.

Cashew mushroom

Arepa gf \$8

Fried corn cake, pineapple habanero jam, aji, vegan salsa rosada, vegan pineapple coleslaw and vegan queso fresco.

Cashew mushroom

Empanada gf \$3

Turnover stuffed with potatoes.

Cashew mushroom

Sides

Fries gf \$4

Yuca Fries gf \$4

Spanish Rice gf \$4

** Please let us know if you have any food allergies **

** gf = gluten free **

REYS FOOD MENU

ENTREES

Colombian Burger \$15

Beef patty, cheddar, bacon bits, pineapple habanero jam, salsa rosada, aji, pineapple coleslaw and crushed lays chips on a sesame seed bun
(Double Patty +\$3 (Sub Patacon Bun gf +\$2)

Colombian Hot Dog \$8

Fried beef hot dog, cheddar cheese, bacon bits, pineapple habanero jam, pineapple coleslaw, salsa rosada and crushed lays chips

Patacon \$12

Fried green plantain, pineapple habanero jam, aji, salsa rosada, pineapple coleslaw and queso fresco with shredded beef or shredded chicken

Salchipapas \$8

Fries, deep fried beef hot dog, salsa rosada and quail eggs

Arepa \$8

Fried corn cake, pineapple habanero jam, aji, salsa rosada, pineapple coleslaw and queso fresco with shredded beef or shredded chicken

Empanada \$3

Turnover stuffed with potatoes and shredded beef or shredded chicken

REYS FOOD MENU

VEGAN MENU

Black Bean Quinoa Burger \$15

Black bean quinoa patty, vegan cheddar, soy bacon bits, pineapple habanero jam, vegan salsa rosada, aji, vegan pineapple coleslaw and crushed lays chips on a sesame seed bun
(Sub Patacon Bun gf +\$2)

Patacon \$12

Fried green plantain, pineapple habanero jam, aji, salsa rosada, vegan pineapple coleslaw and vegan queso fresco with cashew mushroom

Arepa \$8

Fried corn cake, pineapple habanero jam, aji, salsa rosada, vegan pineapple coleslaw and vegan queso fresco with cashew mushroom

Empanada \$3

Turnover stuffed with potatoes and cashew mushroom



REYS FOOD MENU

BOWLS

Arroz Con Pollo \$15

Spanish rice, peas, carrots and shredded chicken topped with black bean and corn pico

Rooted Salad \$10

Spring mix, quinoa, avocado, black bean and corn pico, queso fresco, roasted red pepper vinaigrette

Add shredded chicken +\$4

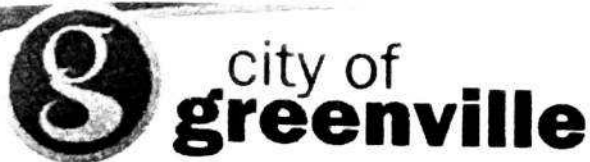
Add shredded beef +\$5

SIDES

Fries \$4

Yuca Fries \$4

Spanish Rice \$4



APPLICATION FOR APPEAL OF ADMINISTRATOR'S DECISION OR INTERPRETATION

Contact Planning & Development (864) 467-4476 or planning@greenvillesc.gov

APPLICANT/OWNER INFORMATION

*Indicates Required Field

	APPLICANT	PROPERTY OWNER
*Name	whistler restaurant Group	20 north main st llc
*Title	member	
*Address		
*State		
*Zip		
*Phone		
*Email		

PROPERTY INFORMATION

Street Address: 20 north main st

Tax Parcel #: 0001000500200 Zoning Designation: mxs-d

Pursuant to S C Code Ann. § 6-29-1145, I hereby attest that the tract or parcel of land subject to this application IS NOT restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity

*Initial JK

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

REQUEST

Applicable Code Section: _____

Description of Request

Appeal the decision for the Revocation of Special Exception Permit S 23-033/23-033M - *Please 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 2 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 "completeness" pursuant to section **19-6.2.1(B)(3), Completeness Determination**, prior to placing the application on a public hearing agenda. If the application is determined to be "incomplete," the administrator will contact the applicant to request that the applicant resolve the deficiencies.
- 6 You must post the subject property at least 15 days (but not more than 18 days) prior to the scheduled hearing date. Signs will be provided to you by the City after application is determined to be complete.
- 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.

APPLICANT: _____

DATE: _____

8/22/25

PROPERTY OWNER: _____

DATE: _____

8-22-25

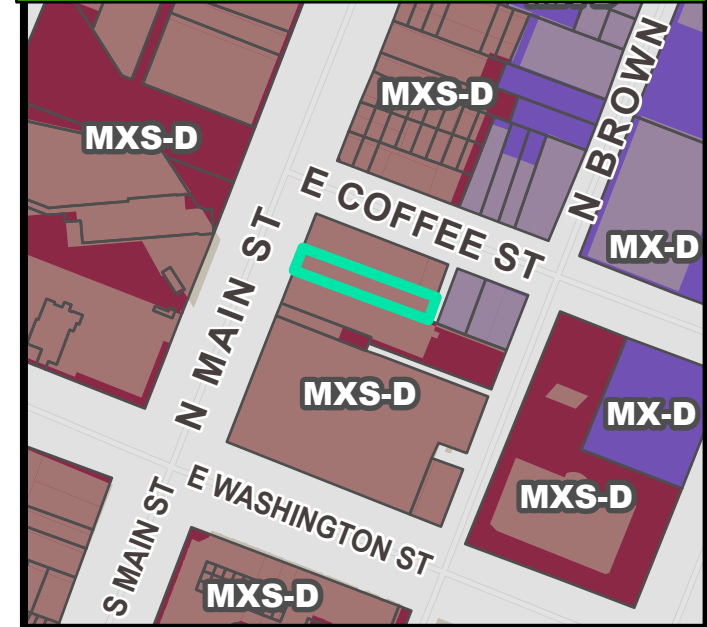
Table of Contents

- City of Greenville Maps
- City of Greenville Notice of Action for S 23-033M, dated October 23, 2024
- City of Greenville Staff Report for S 23-033M, dated October 4, 2024
- City of Greenville TAC Report, dated September 19, 2024
- City of Greenville Special Exception Permit for S 23-033, dated 2023
- City of Greenville Staff Report for S 23-033, dated February 4, 2023
- Operating Plan, Security Plan, and Business Plan, Exhibit A, and Life Safety Plan for 2024 modification
- City of Greenville Special Exception Permit for S 23-033M, dated October 23, 2024
- City of Greenville Staff Report for S 23-033M, dated August 8, 2025
- City of Greenville TAC Report, dated April 17, 2025
- City of Greenville PPM Response, dated March 25, 2025
- City of Greenville Staff Report for S 23-033M, dated October 4, 2024
- Operating Plan, Security Plan, and Business Plan, Exhibit A, and Façade Rendering for 2025 modification
- City of Greenville Notice of Violation to Reys, dated August 14, 2025
- City of Greenville Notice of Revocation to Reys, dated August 22, 2025
- Appellant narrative
- Appellant proposed modifications to Special Exception Permit
- Appellant supporting materials and photos

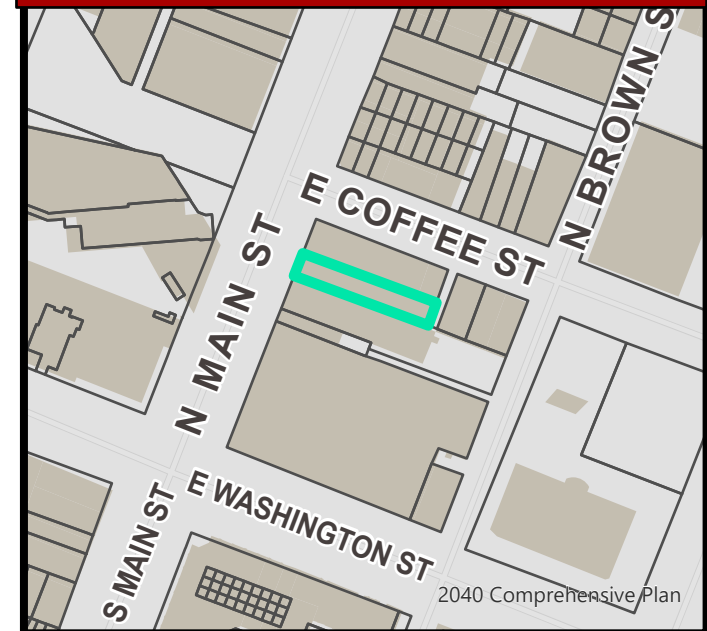
AERIAL VIEW



CURRENT ZONING



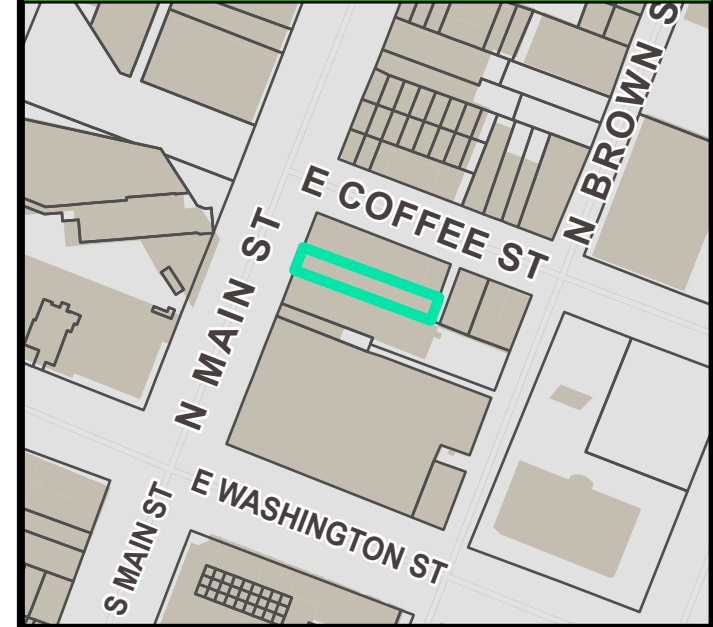
FUTURE LAND USE



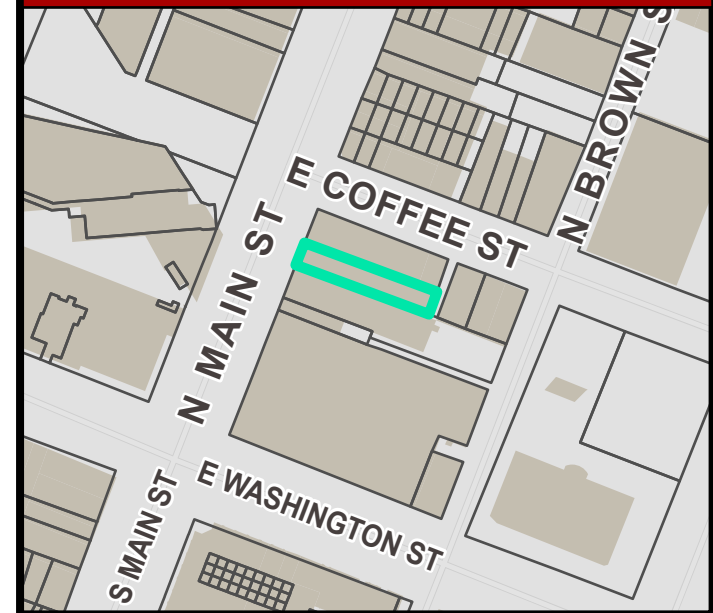
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS



BOARD OF ZONING APPEALS
Board Decision for Application # S 23-033M

Applicant: Attn: Jessica Kearns
Whistler Restaurant Group, LLC dba Reys
20 North Main Street
Greenville, SC 29601

Property Owner: 20 North Main Street, LLC
2 South Main Street
Greenville, SC 29601

Property Address: 20 North Main Street

TM#: 000100-05-00200

Application: Modification to Special Exception Permit to expand a 'General food and beverage (up to 6,000 SF)' and 'Bar' use operating after midnight

Decision: **Approved with Conditions**

Conditions:

1. Operation of the facility shall be limited to a 'general food and beverage' and 'bar' use, 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.
2. The business shall comply with the location standards established by the state. 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. Hours of operation shall be substantially consistent with those stated by the Applicant and not exceed past 2:00 a.m. Food service shall be available until last call.
4. Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 10:00 p.m. and 7:00 a.m.
5. Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code must be posted in conspicuous locations on the building and throughout the parking lot and must be enforced by the proprietors.
6. 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.
7. 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, prohibitions on smoking in violation of the City's smoking ordinance, adequate patron parking and applicable neighborhood parking restrictions.

8. 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 30 days of the date of the issuance of the certificate of occupancy and future personnel shall receive training within 30 days of hiring.
9. The Applicant shall retain a minimum of two (2) security persons, at least one of which must be positioned outside the business, on Thursdays, Fridays and Saturdays from the hours of 10:00 p.m. and 2:15 a.m. 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. If more than two incidents involving a police response to the business occur within a six-month period, the City of Greenville can then require that one of the two required security person positions be an off-duty sworn law enforcement officer. Repeated incidents requiring calls for service from law enforcement shall be grounds for revocation of the permit.
10. 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. Additionally, the Applicant shall designate a staff person to be responsible for monitoring compliance of the occupant capacity of the second floor.
11. Outdoor seating and outdoor entertainment shall be prohibited.
12. Interior sound amplification (other than ambient background music) and exterior sound amplification be prohibited.
13. Exterior doors and windows shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 2:00 a.m.
14. If outside queueing of patrons on the property and along public sidewalks occurs, the security person(s) shall ensure orderly behavior of patrons so as to not negatively impact surrounding lands and safe use of the public sidewalks.
15. The use shall comply with the Technical Advisory Committee findings and recommendations.
16. A copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

By application filed August 29, 2024 and determined sufficient September 18, 2024 the Applicant, Whistler Restaurant Group, LLC (Jessica Kearns) dba Reys, requested a Special Exception Permit pursuant to Section 19-6.2.15., *Quasi-Judicial Review*, and Division 19-3.2., *Permitted Use Table*, of the Greenville Development Code to expand a 'General food and beverage (up to 6,000 SF)' and 'Bar' use operating after midnight in an 'MXS-D,' *Shopfront Downtown*, district. Notice was duly posted on the premises, published in the *Greenville Journal* on September 20, 2024, and mailed to the parties on September 25, 2024. The Board of Zoning Appeals held a public hearing on October 10, 2024 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:

- ***Standard a: The Proposed Special Exception Is Consistent with the Comprehensive Plan(s):***

The GVL2040 Comprehensive Plan identifies the subject property in the 'Center City' classification as part of the future land use map.

The 'Center City' classification is described as 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 restaurant and bar use maintains the blend of service, entertainment, and other commercial uses in the Center City.

GVL2040 also notes that “future investments and policies are shaped by the Downtown Strategic Master Plan (2019) and at a broader level by the planning principles and priorities of GVL2040.”

The Downtown Strategic Master Plan provides information on market influences, proposes affordable housing and economic development strategies, identifies urban design focus areas, and includes a list of action items.

The establishment will contribute to the diversity of restaurant and bar options offered along Main Street, which generally aligns with the objectives in the ‘Retail Preservation and Enhancement Strategy’ subsection of the Downtown Master Plan.

The Board concludes that the use is consistent with the Comprehensive Plan.

- **Standard b: The Proposed Special Exception Complies with All Use Standards in Div. 19-3.4.:**

Use standards for ‘general food and beverage’ as well as ‘bar or nightclub’ uses are located in Section 19-3.4.4.C. and are listed below:

19-3.4.4. Commercial use standards

C. Food and Beverage

1. General Food and Beverage

- a. Permitted hours of operation are between 5:00 a.m. and 12:00 a.m. (midnight).*
- b. Hours of operation between 12:00 a.m. (midnight) and 5:00 a.m. require a special exception permit.*

2. Bar or Nightclub

- a. Must comply with the location standards established by the state.*
- b. Operation of the business must 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 must assign a manager on the premises who must ensure compliance with this Code, and the applicable South Carolina Code of Laws and Regulations.*
- d. The applicant and all of its managers and employees responsible for serving any alcoholic beverage (current and future) must 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 must be retained on-site and available for inspection by the Administrator and the City Police Department. Current personnel must receive training within 30 days of issuance of the certificate of occupancy and future personnel must receive training within 30 days of hiring.*
- d. 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 South Carolina 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.*
- e. Occupant capacity of the establishment must be established by the City building codes Administrator. The applicant must designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons.*

f. Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan; all amplified sound must be directed inward toward the facility and away from any adjoining use or public property. Specified hours of exterior sound amplification are limited by the permit.

g. Interior sound amplification must be located only as reflected on the approved floor plan and must 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 must remain closed after 10:00 p.m.

h. Rooftop decks must have perimeter guard railing above table surfaces.

i. Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code must be posted in conspicuous locations on the building and throughout the parking lot and must be enforced by the proprietors.

j. The application must comply with City noise, smoking, and encroachment ordinances.

k. The Administrator may attach additional conditions which will protect nearby uses from any adverse impacts reasonably expected to occur as a result of the operation of the bar or nightclub.

The Applicant has stated their intent to comply with the use criteria within their application.

Upon discussion with the Technical Advisory Committee, the Applicant displayed awareness of potential issues related to noise, security, and occupancy capacity. The Applicant reiterated that the use would not operate as a nightclub and no live entertainment is proposed.

The Board concludes the use complies with the use standards of Div. 19-3.4. and Div. 19-3.5. of the Greenville Development Code.

- ***Standard c: The Proposed Special Exception 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.***

The land uses and zoning districts of adjacent property is as follows:

East: General food/beverage (MX-D, Mixed Use Downtown)
North: General food/beverage (MXS-D, Shopfront Downtown)
West: General food/beverage, general office, and general retail (MXS-D)
South: General food/beverage, general office, and residential (MXS-D)

The property is located in downtown Greenville and is zoned MXS-D, Shopfront Downtown District. The subject property is a three-story, mixed-use building attached to adjacent buildings. The use will occupy a ground floor and second floor suite. The ground floor includes access to a basement level. The ground floor space has been in use as a restaurant operating after midnight since 2009. The second floor has historically operated as a restaurant/bar (Stellar) or cigar bar (The Cigar Experience). The third-floor suite is a residential apartment unit. During the TAC meeting, the Applicant stated they have control over that residence.

Surrounding properties are zoned MX-D and MXS-D and are used for a variety of uses, including but not limited to retail, restaurants, and offices. Neighboring tenant businesses include Trio – A Brick Over Café, Scoundrel, and Windy City Burgers.

Beyond the third-floor apartment, residential uses within the immediate vicinity appear to be located at 18 and 102 N Main Street. These residences are in upper levels of mixed-use buildings.

The Applicant has stated the business will close at 2:00 a.m., which is the same closing time as the current restaurant. Similar uses in the area, such as Society, also close at 2:00 a.m. The overnight business hours are not anticipated to create a conflict with other neighboring businesses.

The Board concludes the use is compatible with surrounding lands.

- ***Standard d. The Design of the Proposed Special Exception 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, Odors, Noise, Glare, Vibration, and Does Not Create a Nuisance.***

The proposed use is located within an existing building. No changes are proposed on the exterior of the building. Any future changes would be required to comply with the downtown design guidelines and would be subject to Design Review Board approval. No visual impacts are anticipated from the use.

Parking for the use is expected to come from the on-street parking and public parking garage, such as the West Washington Street Deck and the South Spring Street Parking Garage, which are within a five-minute walk of the property. There are also various private parking lots within the vicinity.

An alleyway off East Coffee Street functions as a service area for uses within the building. Common loading/unloading and trash collection for the use will occur from this area. An on-street loading and unloading zone is also available on East Coffee Street. No adverse impacts are anticipated regarding delivery, parking, loading, and odors.

The application states that no live music will be performed at the restaurant and bar. Only background music will be played through the existing speaker system. No substantial adverse noise and vibration impacts are anticipated.

Since the Applicant already has been operating the business on the ground floor, Planning staff reviewed police calls for service for the last twelve months with the city's Police Department. Call volume was within normal service levels and no concerning trends or incidents were identified. Additionally, no zoning violations of the special exception permit were noted. With appropriate conditions, the use is not anticipated to create a public nuisance.

The Board concludes that the use and its design will not have substantial adverse impact upon surrounding lands.

Conclusions of Law:

1. The application, posted notice, and published notice in the *Greenville Journal* comply with the legal requirements of the process established under the City of Greenville Code of Ordinances (Greenville Development Code) for such applications.
2. The Board has the authority to render the decision reached here under Sections 19-6.1.4 and 19-6.2.15.A. of the City of Greenville Code of Ordinances (Greenville Development Code).
3. The Applicant did demonstrate compliance with the following standards required by Section 19-6.2.15.D.2. of the City of Greenville Code of Ordinances (Greenville Development Code):
 - a. The proposed special exception is consistent with the Comprehensive Plan.
 - b. The proposed special exception complies with all use standards in Div. 19-3.4. and Div. 19-3.5.
 - c. The proposed special exception 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.
 - d. The design of the proposed special exception 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:

Any person believing that the Board erred in its decision has the right to appeal the decision to the Circuit Court of Greenville County. The appeal must be filed within 30 days after the decision letter is mailed and must state the reasons he or she believes the decision is illegal, either in whole or in part. The mailing date of this decision is October 23, 2024.

General Information:

You must obtain any necessary permits, certificates and/or licenses from the City of Greenville and State of South Carolina before beginning work, occupying premises, or starting a business.

Failure to comply with any conditions prescribed in conformity with Chapter 19 of the City of Greenville Code of Ordinances (Greenville Development Code), 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.



Ross Zelenske
Senior Development Planner
Liaison to the Board of Zoning Appeals

October 23, 2024

Date



**Planning Staff Report to
Board of Zoning Appeals
October 4, 2024**
for the October 10, 2024 Public Hearing

Docket Number:	S 23-033M
Applicant:	Whistler Restaurant Group, LLC (Jessica Kearns) dba Reys
Property Owner:	20 North Main Street, LLC
Property Location:	20 North Main Street
Tax Map Number:	000100-05-00200
Acreage:	0.08
Zoning:	MXS-D, Shopfront Downtown District
Proposal:	SPECIAL EXCEPTION to expand a 'General food and beverage (up to 6,000 SF)' and 'Bar or nightclub' use operating after midnight

Applicable Sections of the City of Greenville Code of Ordinances:

<i>Sec. 19-3.2.1.B.2.</i>	<i>Hours of Operation</i>
<i>Sec. 19-3.4.4.</i>	<i>Commercial Use Standards</i>
<i>Sec. 19-6.2.15.A.</i>	<i>Quasi-Judicial Review/Applicability</i>
<i>Sec. 19-6.2.15.D.2.</i>	<i>Special Exception Permit</i>

Staff Recommendation: Approve with Conditions

Staff concludes that the Application complies with the standards to grant a Special Exception Permit as a **'General food and beverage (up to 6,000 SF)'** and **'Bar or nightclub'** use operating after midnight. If the Board decides to grant the Permit, Staff recommends the following conditions:

1. Operation of the facility shall be limited to a 'general food and beverage' and 'bar' use, 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.
2. The business shall comply with the location standards established by the state. 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. Hours of operation shall be substantially consistent with those stated by the Applicant and not exceed past 2:00 a.m. Food service shall be available until last call.
4. Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 10:00 p.m. and 7:00 a.m.
5. Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code must be posted in conspicuous locations on the building and throughout the parking lot and must be enforced by the proprietors.

6. 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.
7. 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, prohibitions on smoking in violation of the City's smoking ordinance, adequate patron parking and applicable neighborhood parking restrictions.
8. 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 30 days of the date of the issuance of the certificate of occupancy and future personnel shall receive training within 30 days of hiring.
9. The Applicant shall retain a minimum of two (2) security persons, at least one of which must be positioned outside the business, on Thursdays, Fridays and Saturdays from the hours of 10:00 p.m. and 2:15 a.m. 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. If more than two incidents involving a police response to the business occur within a six-month period, the City of Greenville can then require that one of the two required security person positions be an off-duty sworn law enforcement officer. Repeated incidents requiring calls for service from law enforcement shall be grounds for revocation of the permit.
10. 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. Additionally, the Applicant shall designate a staff person to be responsible for monitoring compliance of the occupant capacity of the second floor.
11. Outdoor seating and outdoor entertainment shall be prohibited.
12. Interior sound amplification (other than ambient background music) and exterior sound amplification be prohibited.
13. Exterior doors and windows shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 2:00 a.m.
14. If outside queueing of patrons on the property and along public sidewalks occurs, the security person(s) shall ensure orderly behavior of patrons so as to not negatively impact surrounding lands and safe use of the public sidewalks.
15. The use shall comply with the Technical Advisory Committee findings and recommendations.
16. 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, Whistler Restaurant Group, LLC (Jessica Kearns), requests a modification to the existing special exception permit to expand a 'general food and beverage (up to 6,000 Sf)' and 'bar' use operating after midnight in downtown Greenville. The ground floor of the subject property is currently in use as a

restaurant with operation after midnight under the same business name. An expansion to the second floor is occurring, which is prompting the special exception modification. An interior renovation to the first and second floor will occur as part of the expansion. The work will include an increase to the overall occupancy capacity.

The subject property is zoned MXS-D, Shopfront Downtown. The Shopfront Downtown zoning district is intended to accommodate the City's most intense mixed use and pedestrian friendly activity. Although buildings are allowed to be exclusively residential or nonresidential in use, the vertical mixing of uses is strongly encouraged.

Although the use of 'bar' and 'general food and beverage' is permitted by right in the MXS-D zoning district, per Greenville Development Code Section 19-3.2.1.B.2., "any use open to the public with hours of operation between 12:00 a.m. and 5:00 a.m. requires a Special Exception permit."

The Applicant has indicated the business will operate up to seven days a week from 4:00 p.m. until 2:00 a.m. and may eventually expand hours to open at 11:00 a.m.

The business will feature a full-service kitchen and serve beer, wine, and liquor by the drink. Alcohol sales were initially estimated to account for approximately 40 percent of all revenues, while food and non-alcoholic drink sales will account for the remaining 60 percent of revenues, however per the Applicant, the breakdown is closer to 50-50. Food sales will be available during all operating hours according to the application; however, a limited menu will be offered near closing.

No outdoor dining is existing or proposed.

No indoor/outdoor live entertainment is existing or proposed.

The Technical Advisory Committee (TAC) met with the Applicant on September 19, 2024, and recommended approval of the Special Exception Permit modification with conditions; these recommended conditions are listed at the end of this report.

The special exception permit for the current iteration of Reys, S 23-033, was approved by the Board in February 2023. A copy of the original special exception staff report and approved special exception permit will be attached as part of the staff report. No zoning violations of that special exception permit have occurred. A cigar bar, known as Cigar Experience, was the last tenant to occupy the second floor and received a conditional use permit, CU 19-287, in 2019.

Attendance at the monthly Project Preview Meeting was not required as part of this application and was not held.

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

Standard a: The Proposed Special Exception Is Consistent with the Comprehensive Plan.

The GVL2040 Comprehensive Plan identifies the subject property in the 'Center City' classification as part of the future land use map.

The 'Center City' classification is described as 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 restaurant and bar use maintains the blend of service, entertainment, and other commercial uses in the Center City.

GVL2040 also notes that "future investments and policies are shaped by the Downtown Strategic Master Plan (2019) and at a broader level by the planning principles and priorities of GVL2040."

The Downtown Strategic Master Plan provides information on market influences, proposes affordable housing and economic development strategies, identifies urban design focus areas, and includes a list of action items.

The establishment will contribute to the diversity of restaurant and bar options offered along Main Street, which generally aligns with the objectives in the 'Retail Preservation and Enhancement Strategy' subsection of the Downtown Master Plan.

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

Standard b: The Proposed Special Exception Complies With All Use Standards in Div. 19-3.4.

Use standards for 'general food and beverage' as well as 'bar or nightclub' uses are located in Section 19-3.4.4.C. and are listed below:

19-3.4.4. Commercial use standards

C. Food and Beverage

1. General Food and Beverage

- a. Permitted hours of operation are between 5:00 a.m. and 12:00 a.m. (midnight).*
- b. Hours of operation between 12:00 a.m. (midnight) and 5:00 a.m. require a special exception permit.*

2. Bar or Nightclub

- a. Must comply with the location standards established by the state.*
- b. Operation of the business must 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 must assign a manager on the premises who must ensure compliance with this Code, and the applicable South Carolina Code of Laws and Regulations.*
- d. The applicant and all of its managers and employees responsible for serving any alcoholic beverage (current and future) must 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 must be retained on-site and available for inspection by the Administrator and the City Police Department. Current personnel must receive training within 30 days of issuance of the certificate of occupancy and future personnel must receive training within 30 days of hiring.*
- d. 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 South Carolina 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.*
- e. Occupant capacity of the establishment must be established by the City building codes Administrator. The applicant must designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons.*
- f. Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan; all amplified sound must be directed inward toward the facility and away from any adjoining use or public property. Specified hours of exterior sound amplification are limited by the permit.*

g. Interior sound amplification must be located only as reflected on the approved floor plan and must 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 must remain closed after 10:00 p.m.

h. Rooftop decks must have perimeter guard railing above table surfaces.

i. Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code must be posted in conspicuous locations on the building and throughout the parking lot and must be enforced by the proprietors.

j. The application must comply with City noise, smoking, and encroachment ordinances.

k. The Administrator may attach additional conditions which will protect nearby uses from any adverse impacts reasonably expected to occur as a result of the operation of the bar or nightclub.

The Applicant has stated their intent to comply with the use criteria within their application.

Upon discussion with the Technical Advisory Committee, the Applicant displayed awareness of potential issues related to noise, security, and occupancy capacity. The Applicant reiterated that the use would not operate as a nightclub and no live entertainment is proposed.

Staff recommends formal incorporation of TAC's recommended conditions, listed at the end of this report, into any motion for approval. Staff also recommends the incorporation of the applicable use specific standards as conditions of approval.

Staff finds, with appropriate conditions, the use complies with the use standards of the Greenville Development Code.

Standard c: The Proposed Special Exception 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.

The land uses and zoning districts of adjacent property is as follows:

East:	General food/beverage (MX-D, Mixed Use Downtown)
North:	General food/beverage (MXS-D, Shopfront Downtown)
West:	General food/beverage, general office, and general retail (MXS-D)
South:	General food/beverage, general office, and residential (MXS-D)

The property is located in downtown Greenville and is zoned MXS-D, Shopfront Downtown District. The subject property is a three-story, mixed-use building attached to adjacent buildings. The use will occupy a ground floor and second floor suite. The ground floor includes access to a basement level. The ground floor space has been in use as a restaurant operating after midnight since 2009. The second floor has historically operated as a restaurant/bar (Stellar) or cigar bar (The Cigar Experience). The third-floor suite is a residential apartment unit. During the TAC meeting, the Applicant stated they have control over that residence.

Surrounding properties are zoned MX-D and MXS-D and are used for a variety of uses, including but not limited to retail, restaurants, and offices. Neighboring tenant businesses include Trio – A Brick Over Café, Scoundrel, and Windy City Burgers.

Beyond the third-floor apartment, residential uses within the immediate vicinity appear to be located at 18 and 102 N Main Street. These residences are in upper levels of mixed-use buildings.

The Applicant has stated the business will close at 2:00 a.m., which is the same closing time as the current restaurant. Similar uses in the area, such as Society, also close at 2:00 a.m. The overnight business hours are not anticipated to create a conflict with other neighboring businesses.

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

Standard d. The Design of the Proposed Special Exception 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, Odors, Noise, Glare, Vibration, and Does Not Create a Nuisance.

The proposed use is located within an existing building. No changes are proposed on the exterior of the building. Any future changes would be required to comply with the downtown design guidelines and would be subject to Design Review Board approval. No visual impacts are anticipated from the use.

Parking for the use is expected to come from the on-street parking and public parking garage, such as the West Washington Street Deck and the South Spring Street Parking Garage, which are within a five-minute walk of the property. There are also various private parking lots within the vicinity.

An alleyway off East Coffee Street functions as a service area for uses within the building. Common loading/unloading and trash collection for the use will occur from this area. An on-street loading and unloading zone is also available on East Coffee Street. No adverse impacts are anticipated regarding delivery, parking, loading, and odors.

The application states that no live music will be performed at the restaurant and bar. Only background music will be played through the existing speaker system. No substantial adverse noise and vibration impacts are anticipated.

Since the Applicant already has been operating the business on the ground floor, Planning staff reviewed police calls for service for the last twelve months with the city's Police Department. Call volume was within normal service levels and no concerning trends or incidents were identified. Additionally, no zoning violations of the special exception permit were noted. With appropriate conditions, the use is not anticipated to create a public nuisance.

To minimize detrimental impacts on adjacent 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 use and its design will not have substantial adverse impacts.

TAC Findings and Recommendation

FINDINGS OF THE COMMITTEE:

1. The application and all other documents submitted supplemental to the application as part of 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 business will continue to operate as a restaurant and bar known as Reys.
3. The Applicant indicates the last use of the space on the second floor was a cigar bar and prior to that a restaurant.
4. The Applicant indicates the intent to operate as a restaurant and bar with hours of operation of seven days a week from 4:00 p.m. to 2:00 a.m. Expanded hours of operation from 11:00 a.m. to 2:00 a.m. are still anticipated in the future.
5. The Applicant indicates that food will be served at all hours, however a reduced menu will be offered from 1:00 a.m. to close.

6. The Applicant holds an alcohol beverage license for on-premises consumption of beer, wine, and liquor. Last call will occur no later than 15 minutes before close.
7. The Applicant indicates that staff will be trained in all applicable manners relating to alcohol service and will obtain ServSafe certification.
8. The Applicant indicates that That Security Company has been retained to provide security services for the business. The Applicant indicates that one security guard would be on duty after 9:00 p.m. Sunday through Thursday and that two security guards would be one duty after 9:00 p.m. Friday and Saturday. The Applicant indicated that all security guards would have SLED certification.
9. The Applicant, based on the proposed life safety plan, indicates that maximum occupancy on the overall tenant premises is expected to be 341 occupants. The occupancy of the ground floor space is proposed to be 191 occupants. The occupancy of the second floor space is proposed to be 150 occupants.
10. The Applicant indicates that no live music or entertainment will occur on-site.
11. The Applicant indicates that no outdoor seating is planned.
12. The Applicant indicates that the third floor is occupied by a one-bedroom residence. The Applicant states that they control the use of that unit.

RECOMMENDATIONS OF THE COMMITTEE:

1. This Committee recommends that the Board of Zoning Appeals **approve** the application.
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 the Greenville Development Code:
 - 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 the final life safety plan and floor plan be in close keeping to the currently proposed occupancy count of 191 persons on the ground floor and 150 persons on the second floor.
 - 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, prohibitions on smoking in violation of the City's smoking ordinance, adequate patron parking and applicable neighborhood parking restrictions.
 - d. This Committee recommends that rules consistent with the provisions of the City Code must be posted in conspicuous locations on the building and throughout the parking lot (if applicable) and must be enforced by the proprietors.
 - e. This Committee recommends that at all times during its occupancy, the Applicant must assign a manager on the premises who must ensure compliance with the terms of the special

exception permit, this Code, and the applicable South Carolina Code of Laws and Regulations.

- f. This Committee recommends that the Applicant and all its managers and employees responsible for serving any alcoholic beverage (current and future) must 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 must be retained on-site and available for inspection by the Administrator and the City Police Department. Current personnel must receive training within 30 days of issuance of the certificate of occupancy and future personnel must receive training within 30 days of hiring.
- g. This Committee recommends that the Applicant shall retain a minimum of two (2) security persons, at least one of which must be positioned outside the business, on Thursdays, Fridays and Saturdays from the hours of 10:00 p.m. and 2:15 a.m. 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. If more than two incidents involving a police response to the business occur within a six-month period, the City of Greenville can then require that one of the two required security person positions be an off-duty sworn law enforcement officer. Repeated incidents requiring calls for service from law enforcement shall be grounds for revocation of the permit.
- h. 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.
 - i. Additionally, this Committee recommends the Applicant shall designate a staff person to be responsible for monitoring compliance of the occupant capacity of the second floor.
- i. This Committee recommends that outdoor seating and outdoor entertainment shall be prohibited.
- j. This Committee recommends that interior sound amplification (other than ambient background music) and exterior sound amplification be prohibited.
- k. This Committee recommends that, except to provide ingress and egress, exterior doors and windows must remain closed after 10:00 p.m.
- l. This Committee recommends that a pattern of noise complaints related to the business shall be grounds to require another meeting with the Technical Advisory Committee. Repeated noise complaints may be grounds for revocation of the permit.
- m. This Committee recommends that if outside queueing of patrons on the property and along public sidewalks occurs, the security person(s) shall ensure orderly behavior of patrons so as to not negatively impact surrounding lands and safe use of the public sidewalks.
- n. This Committee recommends that a copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

- o. This Committee recommends that repeated violations of the conditions of this permit shall be grounds for revocation of this permit.
- p. This Committee recommends that if the Zoning Administrator determines the use fully transitions to a 'Bar or Nightclub' use and is no longer a 'General Food and Beverage' use, this permit shall be revoked, and the business closed until a new zoning application is applied for and approved for the use change.

Fire Department Comments

Comments:

No comments.

City Engineer Comments

Comments:

No comments received at time of staff report posting.

Civil Engineer Comments

Comments:

No comments.

Environmental Engineer Comments

Comments:

No comments.

Traffic Engineer Comments

Comments:

No comments received at time of staff report posting.

REPORT OF THE TECHNICAL ADVISORY COMMITTEE

to the

Board of Zoning Appeals

S 23-033M

Application by Whistler Restaurant Group, LLC (Jessica Kearns) dba Reys for a **SPECIAL EXCEPTION** to expand a 'General food and beverage (up to 6,000 SF)' and 'Bar' use operating after midnight in an MXS-D, Shopfront Downtown district at **20 N MAIN ST** (TM# 008900-01-01500)

Committee Meeting Date(s): September 19, 2024

Applicant attending meeting: Jessica Kearns (owner/operator)

Proposed Business: Reys

FINDINGS OF THE COMMITTEE:

1. The application and all other documents submitted supplemental to the application as part of 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 business will continue to operate as a restaurant and bar known as Reys.
3. The Applicant indicates the last use of the second floor space was a cigar bar and prior to that a restaurant.
4. The Applicant indicates the intent to operate as a restaurant and bar with hours of operation of seven days a week from 4:00 p.m. to 2:00 a.m. Expanded hours of operation from 11:00 a.m. to 2:00 a.m. are still anticipated in the future.
5. The Applicant indicates that food will be served at all hours, however a reduced menu will be offered from 1:00 a.m. to close.
6. The Applicant holds an alcohol beverage license for on-premises consumption of beer, wine, and liquor. Last call will occur no later than 15 minutes before close.
7. The Applicant indicates that staff will be trained in all applicable manners relating to alcohol service and will obtain ServSafe certification.
8. The Applicant indicates that That Security Company has been retained to provide security services for the business. The Applicant indicates that one security guard would be on duty after 9:00 p.m. Sunday through Thursday and that two security

guards would be one duty after 9:00 p.m. Friday and Saturday. The Applicant indicated that all security guards would have SLED certification.

9. The Applicant, based on the proposed life safety plan, indicates that maximum occupancy on the overall tenant premises is expected to be 341 occupants. The occupancy of the ground floor space is proposed to be 191 occupants. The occupancy of the second floor space is proposed to be 150 occupants.
10. The Applicant indicates that no live music or entertainment will occur on-site.
11. The Applicant indicates that no outdoor seating is planned.
12. The Applicant indicates that the third floor is occupied by a one-bedroom residence. The Applicant states that they control the use of that unit.

RECOMMENDATIONS OF THE COMMITTEE:

1. This Committee recommends that the Board of Zoning Appeals **approve** the application.
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 the Greenville Development Code:
 - 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 the final life safety plan and floor plan be in close keeping to the currently proposed occupancy count of 191 persons on the ground floor and 150 persons on the second floor.
 - 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, prohibitions on smoking in violation of the City's

smoking ordinance, adequate patron parking and applicable neighborhood parking restrictions.

- d. This Committee recommends that rules consistent with the provisions of the City Code must be posted in conspicuous locations on the building and throughout the parking lot (if applicable) and must be enforced by the proprietors.
- e. This Committee recommends that at all times during its occupancy, the Applicant must assign a manager on the premises who must ensure compliance with the terms of the special exception permit, this Code, and the applicable South Carolina Code of Laws and Regulations.
- f. This Committee recommends that the Applicant and all its managers and employees responsible for serving any alcoholic beverage (current and future) must 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 must be retained on-site and available for inspection by the Administrator and the City Police Department. Current personnel must receive training within 30 days of issuance of the certificate of occupancy and future personnel must receive training within 30 days of hiring.
- g. This Committee recommends that the Applicant shall retain a minimum of two (2) security persons, of which at least one shall be positioned outside the business, on Thursdays, Fridays and Saturdays from the hours of 10:00 p.m. and 2:15 a.m. 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. If more than two incidents involving a police response to the business occur within a six-month period, the City of Greenville can then require that one of the two required security person positions be an off-duty sworn law enforcement officer. Repeated

incidents requiring calls for service from law enforcement shall be grounds for revocation of the permit.

- h. 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.
 - i. Additionally, this Committee recommends the Applicant shall designate a staff person to be responsible for monitoring compliance of the occupant capacity of the second floor.
- i. This Committee recommends that outdoor seating and outdoor entertainment shall be prohibited.
- j. This Committee recommends that interior sound amplification (other than ambient background music) and exterior sound amplification be prohibited.
- k. This Committee recommends that, except to provide ingress and egress, exterior doors and windows must remain closed after 10:00 p.m.
- l. This Committee recommends that a pattern of noise complaints related to the business shall be grounds to require another meeting with the Technical Advisory Committee. Repeated noise complaints may be grounds for revocation of the permit.
- m. This Committee recommends that if outside queueing of patrons on the property and along public sidewalks occurs, the security person(s) shall ensure orderly behavior of patrons so as to not negatively impact surrounding lands and safe use of the public sidewalks.
- n. This Committee recommends that a copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.
- o. This Committee recommends that repeated violations of the conditions of this permit shall be grounds for revocation of this permit.
- p. This Committee recommends that if the Zoning Administrator determines the use fully transitions to a 'Bar or Nightclub' use and is no longer a 'General Food and Beverage' use, this permit shall be revoked, and the business closed until a new zoning application is applied for and approved for the use change.

Respectfully Submitted,

John Hamlett
Technical Advisory Committee Chair



Ross Zelenske, AICP
Senior Development Planner and Liaison to the Board of Zoning Appeals

Special Exception Permit S 23-033



SPECIAL EXCEPTION PERMIT CITY OF GREENVILLE, SOUTH CAROLINA

PROPERTY INFORMATION:

<u>20 North Main Street, LLC</u>			<u>000100-05-00200</u>
OWNER			TAX PARCEL #
<u>20 North Main Street Suite A</u>	<u>2528</u>	<u>3598</u>	<u>2017-12-22</u>
ADDRESS/LINE 1	DEED BOOK	PAGE	RECORDED DATE
<u>Greenville, SC 29601</u>	<u>1288</u>	<u>67</u>	<u>2017-11-22</u>
ADDRESS/LINE 2	PLAT BOOK	PAGE	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 23-033):

‘RESTAURANT, WITH INDOOR SEATING ONLY’ USE OPERATING AFTER MIDNIGHT

LAPSE DATE OF SPECIAL EXCEPTION PERMIT: FEBRUARY 9, 2025 UNLESS SPECIAL EXCEPTION IS VESTED PURSUANT TO SECTION 19-2.2.14 OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE.

CONDITIONS:

1. The operation of the establishment shall substantially conform to the testimony of the Applicant, Whistler Restaurant Group, LLC (Jessica Kearns), the property (TM #000100-05-00200), and the content of the application.
2. The special exception permit shall be limited to the applicant and shall not be transferrable. Copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.
3. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.
4. Hours of operation shall be substantially consistent with those stated by the Applicant and not exceed past 2:00 a.m. Last call for food service shall occur no earlier than one hour before close and last call for alcoholic beverages as applicable under South Carolina law and regulations.
5. Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 7:00 a.m.
6. 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.
7. 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.

8. 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.
9. The Applicant shall retain a minimum of two (2) security guards, at least one of which shall always be positioned outside of the business, on Thursdays, Fridays, and Saturdays from the hours of 10:00 p.m. and 2:15 a.m. 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. Upon request by the Applicant, the Technical Advisory Committee, at its discretion, may amend the security requirement from two security guards to one security guard on Thursdays between the hours of 10:00 p.m. and 2:15 a.m. without Board of Zoning Appeals re-review. However, the Technical Advisory Committee may still refer said modification back to the Board of Zoning Appeals for approval.
10. 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.
11. Outdoor live entertainment and exterior sound amplification is prohibited.
12. 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.
13. Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
14. The Applicant shall obtain all required permits for the new kitchen equipment and shall work with a licensed architect to revise the proposed life safety plan. The life safety plan shall be signed and sealed by a licensed architect and comply with the South Carolina State Building and Fire Codes. The revised life safety plan shall be provided to the city's Building Codes and Fire Prevention Divisions as part of an updated occupancy permit.
15. The Applicant shall confirm that the existing grease trap complies with Renewable Water Resources (ReWa) standards.

Staff Report S 23-033



**Planning Staff Report to
Board of Zoning Appeals
February 4, 2023**
for the February 9, 2023 Public Hearing

Docket Number:	S 23-033
Applicant:	Whistler Restaurant Group, LLC (Jessica Kearns) dba Reys
Property Owner:	20 North Main Street, LLC
Property Location:	20 North Main Street Suite A
Tax Map Number:	000100-05-00200
Acreage:	0.08
Zoning:	C-4, Central Business District
Proposal:	SPECIAL EXCEPTION to establish a 'Restaurant, indoor only' 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 (C), *Use-specific standards, Commercial uses, Eating Establishments*

Staff Recommendation: Approve with Conditions

Staff concludes that the Application complies with the standards to grant a Special Exception Permit as a **'Restaurant, with indoor seating only'** permitted to operate after midnight. If the Board decides to grant the Permit, Staff suggests the following conditions:

1. The operation of the establishment shall substantially conform to the testimony of the Applicant, Whistler Restaurant Group, LLC (Jessica Kearns), the property (TM #000100-05-00200), and the content of the application.
2. The special exception permit shall be limited to the applicant and shall not be transferrable. Copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.
3. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.
4. Hours of operation shall be substantially consistent with those stated by the Applicant and not exceed past 2:00 a.m. Food service shall be available during all operating hours.
5. Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 7:00 a.m.
6. 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.

7. 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.
8. 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.
9. Applicant shall retain a minimum of two (2) security guards, positioned outside the business on Thursdays, 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.
10. 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.
11. Outdoor live entertainment and exterior sound amplification is prohibited.
12. 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.
13. Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.
14. The Applicant shall obtain all required permits for the new kitchen equipment and shall work with a licensed architect to revise the proposed life safety plan. The life safety plan shall be signed and sealed by a licensed architect and comply with the South Carolina State Building and Fire Codes. The revised life safety plan shall be provided to the city's Building Codes and Fire Prevention Divisions as part of an updated occupancy permit.
15. The Applicant shall confirm that the existing grease trap complies with Renewable Water Resources (ReWa) standards.

Staff Analysis:

The Applicant, Whistler Restaurant Group, LLC (Jessica Kearns), requests a special exception to establish a 'restaurant, indoor only' use with operation after midnight in downtown Greenville. The property is currently in use as a restaurant with operation after midnight under the same business name. An ownership change is occurring, which is prompting the special exception. Some interior renovations and a change of menu will also occur as part of the ownership transition.

Per Sections 19-4.1 (*Table of Uses*) and 19-4.3.3(A), a special exception permit is required for commercial uses that are open to the public between the hours of 12 midnight at 5:00am. The proposed use falls within the '*eating establishments*' commercial use category in Section 19-4.1 and the business intends to operate until 2:00 a.m.

The Applicant has indicated the business will operate up to seven days a week from 4:00 p.m. until 2:00 a.m. and eventually expand hours to open at 11:00 a.m. once renovations to the kitchen are completed.

The business will feature a full-service kitchen and serve beer, wine, and liquor by the drink. Alcohol sales will account for approximately 40 percent of all revenues, while food and non-alcoholic drink sales will account for the remaining 60 percent of revenues. Food sales will be available during all operating hours according to the application.

The Technical Advisory Committee (TAC) met with the Applicant on January 23, 2023, and recommended approval of the Special Exception Permit with conditions; these recommended conditions are listed at the end of this report.

No special exception permits or conditional use permits have previously applied to the property. The Board of Zoning Appeals did hear an Appeal of Administrative Decision case, A 09-37, about the business in 2009. Zoning and law enforcement staff determined that the use had changed its business model to a bar use approximately six months after opening and therefore was in violation of the zoning ordinance and certificate of occupancy. The Board reversed staff's decision and allowed the business to continue to operate as a restaurant.

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 GVL2040 Comprehensive Plan identifies the subject property in the 'Center City' classification as part of the future land use map.

The 'Center City' classification is described as 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 'restaurant' use maintains the blend of service, entertainment, and other commercial uses in the Center City and will engage the street.

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 for eating establishments are located in Section 19-4.3.3 and are listed below:

19-4.3.3. Commercial uses.

(A) General.

...

(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.

...

(C) Eating establishments.

(1) General.

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

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

1. The eating establishment shall not obstruct the movement of pedestrians along adjoining sidewalks, or through other areas intended for public usage, ingress, or egress.

2. Outdoor live entertainment shall not be allowed, unless separate approval is obtained for an outdoor entertainment use.

3. In approving eating establishments, the decision-making body may impose conditions relating to the location, configuration, and operational aspects (including hours of operation, noise, and lighting) to ensure that eating establishments will be compatible with surrounding uses and will be maintained in an attractive manner.

The Applicant has stated their intent to comply with the use-specific criteria within their application.

Upon discussion with the Technical Advisory Committee, the Applicant displayed awareness of potential issues about noise, security, and the need for training of management and staff. The Applicant stated the use would be a restaurant and not a night club. No live entertainment is proposed.

Staff recommends formal incorporation of TAC's recommended conditions, listed at the end of this report, into any motion for approval. Staff also recommends the incorporation of the applicable use specific standards as conditions of 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 used (and zoned) as follows:

East:	Restaurant, operating after midnight (C-4, Central business district)
North:	Restaurant (C-4)
West:	Office, retail, bank, and restaurant (C-4)
South:	Office, restaurant, and residential (C-4)

The property is located in downtown Greenville and is zoned C-4, Central Business District. The subject property is a three-story, downtown row building. The use will occupy the ground floor suite, which includes access to a basement level. The subject space has been in use as a restaurant after

midnight since 2009. The suites on the second and third floors of the building are believed to be vacant.

Surrounding properties are also zoned C-4 and are used for non-residential or mixed-use purposes, and include retail, restaurants, office, and apartments. Known residential uses within the immediate vicinity of the use appear to be located at 18 and 102 N Main Street. These residences are located in upper levels of mixed-use buildings.

The Applicant has stated the business will close at 2:00 a.m., which is the same closing time as the current restaurant. Similar uses in the area, such as Society, also close at 2:00 a.m. The overnight business hours are not anticipated to create a conflict with other neighboring businesses.

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

4. The Design Does Not Have Substantial Adverse Impact:

The proposed use is located within an existing commercial building. No changes are proposed to the exterior of the building or to the site. No visual impacts are anticipated from the use.

Parking for the use is expected to come from on-street parking, public parking garages and surface lots within a five-minute walk. An updated parking plan will be expected during occupancy permitting.

An alleyway off East Coffee Street functions as a service area for uses within the building. Common loading/unloading and trash collection for the use will occur from this area. An on-street loading and unloading zone is also available on East Coffee Street. No adverse impacts are anticipated regarding delivery, parking, loading, and odors.

The application states that no live music will be performed at the restaurant. Only background music will be played through the existing speaker system. No substantial adverse noise and vibration impacts are anticipated nor is the use anticipated to create a public nuisance.

To minimize detrimental impacts on adjacent 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 use and its 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 as a restaurant with hours of operation of Saturday-Sunday from 4:00 p.m. to 2:00 a.m. Expanded hours of operation from 11:00 a.m. to 2:00 a.m. are anticipated in the future.
3. The Applicant indicates that staff will be trained in all applicable manners relating to alcohol service and will obtain ServSafe certification.
4. The Applicant indicates that 5:9 Security has been retained to provide security services for the business. The applicant indicates that one security guard would be on duty after 9:00 p.m. Sunday

through Thursday and that two security guards would be one duty after 9:00 p.m. Friday and Saturday. The applicant indicated that all security guards would have SLED certification.

5. The Applicant, based on the proposed life safety plan, indicates that maximum occupancy on the overall tenant premises is expected to be 169 occupants. The current occupancy of the space is approved at 152 occupants.
6. The Applicant indicates that no live music or entertainment will occur on site.

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 on the life safety plan be re-evaluated by a licensed architect to ensure the occupancy counts are correct and all required life safety measures are taken. The amended life safety plan shall be in close keeping to the currently approved occupancy count of 152.
 - 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.
 - i. In particular, this Committee recommends the Applicant ensure that staff and patrons are aware of and comply with the city's smoking ordinances.
 - 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, positioned outside the business on Thursdays, 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.

Staff Comments and Conditions

Fire Department Comments

Comments:

Life safety plan shows a private dining area that was not used for that application originally. The life safety plan needs to be updated and stamped by an approved architect showing the new use and all the required life safety considerations-including egress and sprinkler requirements if applicable.

City Engineer Comments

Comments:

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

Civil Engineer Comments

Comments:

No comments.

Environmental Engineer Comments

Comments:

1. Confirm that the existing grease trap for the restaurant is in compliance with ReWa

Traffic Engineer Comments

Comments:

No comments.

Reys will continue with the previous operating plan (attached below) and previous approved CA. We will be adding a second floor to the businesses. This will be a more relaxed lounge tapas restaurant atmosphere. The same menu will be served and available at both levels but the ambiance and decor will be nicer on the 2nd level. Our current Menu which is attached will remain and we will be adding about a dozen spanish tapas style dishes.

Operating Plan

1. **Type of Use** Restaurant
2. **Days and Hours of Operation** Will follow current businesses hours of operations in the beginning. 4PM - 2AM Sunday-Saturday. Will open for lunch once our new kitchen is rolling and hours will become 11AM - 2AM Sunday-Saturday
3. **Staffing Schedule:**
 1. We will match the current businesses schedule in the beginning. Opener at 3PM and then next shift starts at 7 PM with security arriving between 9 PM and 10 PM depending on the busyness of the night. On the weekends we add 3-5 employees based on necessity with a manager always on duty. Then when we transition to open for lunch we will develop an afternoon and evening shift schedule. Afternoon will be 11AM to 6PM and evening will be 6PM to 2AM. We always will maintain an on site manager each night as well as security each night.
4. **Kitchen Equipment Schedule** See *attached Exhibit A*
5. **Menu and Hours of Food Service**
 1. Food will be served during all open hours. See *attached Exhibit B for Current Menu and proposed menu*. We will maintain the current menu and staff until we are able to hire and train new staff to run the new menu.
6. **Parking for Customers and Employees**
 1. There is on street parking and 4 parking garages within a short walking distance (Richardson St., Spring St., One City Garage, and Washington Parking Deck)
7. **Designated Smoking Area**
 1. There will be no smoking or designated smoking area and we will adhere to the current city codes for smoking outside
8. **Type of Entertainment and Duration**
 1. No live music will be performed, and only background music will be played through the speaker system current installed speaker system.
9. **Closing / "Last Call" Procedures**
 1. We will close no later than 2 AM every night and the last call will be no later than 1:45 AM.

Security Procedures

1. Number and Type of Designated Security Staff

1. We will maintain the current businesses model and have 1 security guard on Sundays-Thursdays and 2 security guards on Friday and Saturdays starting at 9 PM. All security guards are SLED certified and are hired to maintain crowd control inside, outside, and ensure only permitted age persons are allowed in at night.

2. Training/Certification of Staff

1. We have hired 5:9 Security to handle our security needs. Their staff are all SLED certified and regularly trained. Each employee including all management and servers will have the required certification and training for their role.

3. Specific Duties/Responsibilities of Staff

1. Manager: manage the day to day tasks as well as scheduling, inventory ordering and management, special events, and hiring, training, and enforcing company procedures and protocols.
2. Assistant Manager: Manages the specific duties of their day, developing new menu items, assisting in marketing material
3. Bartender/Server: Making drinks and serving customers, Follows all safety protocols to maintain a safe and fun environment for customers.
4. Chef/Line cook: cooking food items and plating. Maintaining a clean and safe kitchen environment. Following all food safety requirements.
5. Barback/busser: Stocking shelves and coolers, maintaining a clean and tidy restaurant and restrooms. Restocking inventory. Clearing tables of food and drinks.

4. Entry/Exit/Re-Entry Procedures

1. Our only customer entrance will be through the front door. We maintain an emergency exit at the rear of the establishment that has a fire alarm on it that stays engaged while in business hours, and we have 3 doors at the front of the building however only one is advertised as the entrance and exit unless an emergency were to arise. Security is stationed at this primary entrance and ensures that only permitted aged persons are allowed inside of the business during designated night time hours. The restaurant will be in compliance with all state and local laws in regards to Exit Signs and maintaining each Exit.

5. Crowd Management

1. Security along with the on site manager will manage the door and ensure capacity is maintained appropriately during busy hours and that safety is a priority for our staff and customers. We will have an interior security officer that maintains crowd control as well as the on site manager while the exterior security controls the entrance/exit.

6. Crime Prevention through Environmental Design (CPTED)

1. Our building is a straight "shotgun style" restaurant meaning that you can see all the way to the rear and back fire exit from the front door without any rooms or walls to divide the space. We also will make sure to properly light any dim areas and strategically place mirrors to allow for easy vantage points for managers and security to control the space. Our on site manager will be trained on crime prevention and ensuring a safe environment for all at all times.

Seating Plan

1. Seating Plan

See attached Exhibit C

2. Schedule a Feasibility Inspection of the property

We will schedule the inspection if deemed necessary and be available to reply with any reasonable request made by the inspector.

Business Plan

1. Business Plan Summary:

1. *Keep current business plan and add more sq ft and add Colombian food dishes and spanish / colombian tapas*

2. Projected Revenue: % Alcohol VS Food Sales

1. 60% food and 40% alcohol

3. Fees for Entry/Membership/Entertainment

1. No cover charge or membership will be taken. No live entertainment is planned, only background music through the in house speaker system.

4. Status of City Business License Application

1. Business license has been applied for

5. Status of SCDHEC Retail Food Establishment Permit

1. *Current Grade A with DHEC*

6. Status of ABL 901 Application to SC Department of Revenue

1. *current Liquor License in place*

7. Provide Documentation that SLED Requirements have been met

1. *current Liquor License in place - see attached*

Exhibit A

Current Kitchen Equipment

Flat top Grill/Oven Combo - US Range - Kitchen
Ice Maker - Manitowoc - Kitchen
Deep Fryer - Entree - 40 LB - Kitchen
Prep Station - Migali - Kitchen
Dishwasher - CMA Dish Machines- Bar
Kitchen Freezer - GE - Kitchen
Kitchen Freezer - Holiday - Kitchen
Freezer - Hotpoint - Basement
Walk in cooler - Vollrath - Basement
Sliding Glass Beer Cooler - TurboAir - Bar
Lay Down Cooler - TurboAir - Bar
3 Compartment Sink - Kitchen
Hand Wash sinks - Kitchen and bars
Racks and storage shelves - Kitchen

Proposed Kitchen Equipment List

Ice Maker
3 Compartment Sink
Hand wash sink(s)
Walk in freezer
Walk in refrigerator
Gas range with flattop
Deep fryer
8' hood
Microwaves
Freezers and refrigerators
Food prep surfaces
Food prep equipment:

- Knives
- Cutting boards
-
- Pots and pans
- Mixing bowls
- Food processors
- Storage containers and shelving

Compartment Sinks
Disposal Sinks
Hand Washing sinks
Restaurant POS system
Kitchen Display System
Serviceware

1 PROVIDE TACTILE SIGNAGE TEXT AND BRAILLE/LET EXIT DOORS IN
2 ACCORDANCE W/ NFPA 101. TACTILE SIGNAGE SHALL ALSO BE IN
3 ACCORDANCE WITH THE ADA. TACTILE SIGNAGE SHALL BE INSTALLED
4 AT ALL LOCATIONS AND INSTALLATIONS WITH FIRE MARSHAL
5 TACTILE EXIT SIGNAGE SHALL BE LOCATED AT EACH EXIT DOOR
6 AND SHALL BE IDENTIFIED BY THE WORDS "EXIT" OR "EXIT
7 PASSAGEWAY" EXIT DISCHARGE AND SHALL STATE EXIT
8 DISCHARGE. PROVIDE IDENTIFICATION OF THE EXIT FROM AN
9 ADJACENT FLOOR AREA SHALL BE IDENTIFIED BY A SIGN THAT
10 STATING AREA OF REFUGE
11 PROVIDE IDENTIFICATION TO AN EXTERIOR AREA FOR
12 ASSISTED RESCUE SHALL BE IDENTIFIED BY A SIGN STATING
13 EXTERIOR AREA FOR ASSISTED RESCUE
14 PROVIDE SIGNS THAT IDENTIFY THE LOCATION OF EACH SUCH
15 DISTINCTIVE COLOR AND DESIGN THAT IS EASILY VISIBLE AND
16 CONTRASTS WITH THE SURROUNDING INTERIOR FINISH
17 OR OTHER SIGNS
18 SIGNS TO BE MOUNTED ON WALL ADJACENT TO LATCH SIDE OF
19 THE DOOR IDENTIFIED 48" MIN. ABOVE THE DOOR LATCH SIDE
20 ADJACENT TO THE DOOR. THE SIGN SHALL BE MOUNTED ON THE
21 NEAREST PERPENDICULAR WALL TO THE LATCH SIDE OF THE

	WALL MOUNTED EXIT SIGN W/ EMER. LIGHTING
	WALL MOUNTED EXIT SIGN
	CEILING MOUNTED EXIT SIGN
	EMERGENCY EGRESS FIXTURE - WALL MOUNTED (WALL PACK)
	EMERGENCY EGRESS FIXTURE - WALL MOUNTED
	FIRE EXTINGUISHER (WALL HUNG)
	FIRE EXTINGUISHER CABINET
	RATED WALL

2. PROVIDE PORTABLE FIRE EXT. IN ACCORDANCE W/ INTERNATIONAL FIRE CODE DURING DEMOLITION & CONSTRUCTION, AS APPLICABLE.
3. PROVIDE PORTABLE EXTINGUISHERS HAVING A MINIMUM RATED FINAL PLACEMENT AND SIZING OF ALL FIRE EXTINGUISHERS WITH THE LOCAL FIRE MARSHAL, AS INDICATED. SEE LIFE SAFETY PLAN FOR THE LOCATION OF EXTINGUISHERS. THE RATED CLASS OF AN EXTINGUISHER SHALL NOT EXCEED 75% OF MINIMUM FIRE EXTINGUISHER TYPES AS FOLLOWS, OR AS APPROVED BY THE LOCAL FIRE MARSHAL:
 - A. KITCHEN: WV-6L WET CHEMICAL EXTINGUISHER
 - B. CORRIDORS: 3A-40BC DRY CHEMICAL MULTIPURPOSE
4. EXTINGUISHERS HAVING A WEIGHT OF MORE THAN 40 POUNDS SHALL BE INSTALLED SO THAT THE HANDLE OF THE EXTINGUISHER IS NOT MORE THAN 5 FEET ABOVE THE FLOOR AND BE MOUNTED ON WALLS OR AN APPROVED MOUNTING DEVICE.
5. EXTINGUISHERS HAVING A WEIGHT OF MORE THAN 40 POUNDS SHALL BE INSTALLED SO THAT THE TOP OF THE EXTINGUISHER IS NOT OVER 42" ABOVE THE FLOOR. CLEARANCE BETWEEN THE BOTTOM OF THE EXTINGUISHER AND THE FLOOR SHALL BE 4" TO 6".
6. EXTINGUISHERS SHALL BE PLACED IN A MANNER SUCH THAT THE OPERATING INSTRUCTIONS FACE OUTWARD. THE LOCATION OF EXTINGUISHERS SHALL BE CLEARLY MARKED TO BE CLEARLY VISIBLE AT A DISTANCE OF 25 FEET.
7. SEE ELECTRICAL PLANS FOR ADDITIONAL EMERGENCY EXIT LIGHTING AND FIRE ALARM DEVICES.
8. SEE MECHANICAL AND PLUMBING DRAWINGS FOR DUCT/PIPING PENETRATIONS IN RATED WALLS, AS APPLICABLE.
9. FIREPROOF CORNER COLUMNS SHALL BE BASED ON WIDTH OF DOOR LEAF MINUS 4" FOR SINGLE DOORS.

1. ALL FURNITURE, EQUIPMENT, INTERIOR FURNISHES BY OWNER, NOT IN ARCHITECTURE SCOPE.
2. WALLS ARE DEMONSTRATED AS EXISTING (SHADED) OR NEW (NOT SHADED).
3. EXISTING CONDITIONS WERE VERIFIED AS VISUALLY ACCESSIBLE. SOME AREAS WERE LIMITED IN THEIR ACCESSIBILITY. ORIGINAL PLANS OF THE BUILDING WERE NOT MADE AVAILABLE DUE TO ACCESSIBILITY.
4. ARCHITECT MAKES NO STATEMENT REGARDING EXISTING OR PAST CONSTRUCTION CONDITIONS, INCLUDING LATENT CONDITIONS.
5. OCCUPANCY TYPE REMAINS AS EXISTING FOR EFFECTED FLOORS.
6. SCOPE OF WORK IS LIMITED TO ALTERATIONS PERFORMED AS LOCALIZED ALTERATIONS AT LOCATIONS AT 1ST FLOOR, 2ND FLOOR, 3RD FLOOR, RENOVATION OF 2ND FLOOR. EXISTING STAIRS TO REMAIN.
7. NO MODIFICATIONS PROPOSED TO BASEMENT LEVEL OR 3RD FLOOR (UPPERMOST LEVEL).
8. FIRE MODIFICATIONS AND FIRE ALARM SYSTEMS TO BE DESIGNED BY OTHERS - PERMITTED SEPARATELY.

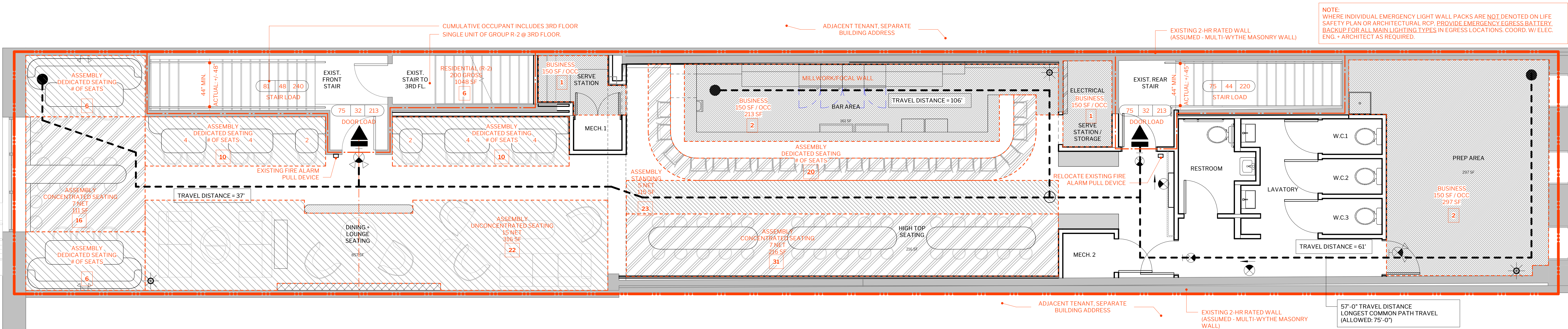
A.	OCCUPANT LOAD (IBC 1004.0):	
a.	ASSEMBLY OCCUPANT LOAD - 2 (FLOORS 1 + 2)	
b.	MAXIMUM OCCUPANT LOAD OF SPACE AT 1ST FLOOR: 191 (PROPOSED REVISION TO EXISTING POSTED LOAD)	
c.	MAXIMUM OCCUPANT LOAD OF SPACE AT 2ND FLOOR: 150	
d.	REFER TO LIFE SAFETY PLAN FOR AREA DESIGNATIONS (IBC 1004.3 - MULTIPLE FUNCTION OCCUPANT LOAD; TABLE 1004.5)	
B.	MEANS OF EGRESS:	
a.	STAIRWAY CAPACITY FACTOR (IBC 1005.3.1): 0.2 INCH (SPRINKLER)	
b.	OTHER EGRESS COMPONENTS CAPACITY FACTOR: 1.0 DOORS (IBCS 1005.3.2): 0.15 INCH (SPRINKLER)	
c.	MINIMUM EGRESS WIDTH AT CORRIDORS: 44" MIN.	
C.	DISTANCE TO EXIT	
a.	MULTIPLE EXITS (IBC 1006.3.3):	
b.	MINIMUM COMMON PATH OF EGRESS TRAVEL: A 75'-0" (IBC 1009.8, EXCEPTION 1)	
D.	EXIT ACCESS TRAVEL DISTANCE	
a.	EXISTING BUILDING	
b.	GROUP A-2, 250'; SEE TABLE BELOW	

LEVEL, ROOM AND/OR SPACE DESIGNATION	MIN. # OF EXITS		TRAVEL DISTANCE	
	REQUIRED	PROVIDED	ALLOWABLE TRAVEL DISTANCE (TABLE 1017.2)	MAXIMUM EXIT ACCESS TRAVEL DISTANCE SHOWN
LEVEL 1	2	2	250'	128'-0"
LEVEL 2	2	2	250'	125'-0"

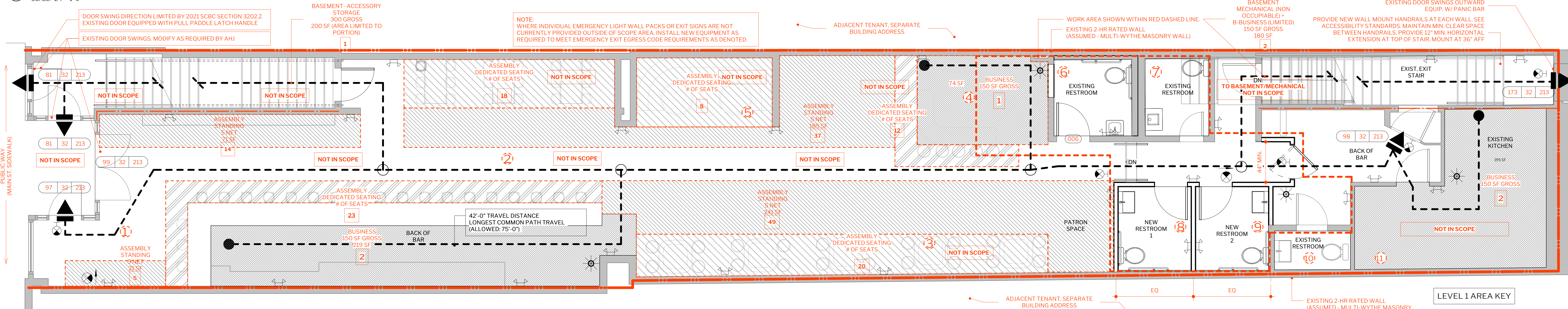
FATHOM FIRM, LLC
PO BOX 26118
GREENVILLE, SC 29616

jamison@fathomfirm.com
864.214.6236

CONSULTANTS:



SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"

LEVEL 1 AREA KEY

1. ENTERING ZONE
2. SERVING ZONE 1
3. SERVING ZONE 2
4. BAR ZONE
5. LOUNGE ZONE
6. EXISTING ACCESSIBLE RESTROOM
7. EXISTING RESTROOM
8. NEW ACCESSIBLE RESTROOM
9. NEW ACCESSIBLE RESTROOM
10. EXISTING RESTROOM (STAFF)
11. KITCHEN

LIFE SAFETY PLAN

	SIZES	SHEET NO.
		LS100

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

*A copy of this permit must be kept on premises at all times, available to City inspectors.
For more information, contact the Planning and Development office at 131 Falls Street Suite 201, 864.467.4476.*

Property Location: **20 N MAIN ST** TM#: **000100-05-00200**
Permit Number **S 23-033M**

Applicant Information

**ATTN: JESSICA KEARNS
WHISTLER RESTAURANT GROUP, LLC DBA REYS
20 N MAIN ST
GREENVILLE, SC 29601**

Owner Information

**20 NORTH MAIN STREET, LLC
2 S MAIN ST
GREENVILLE, SC 29601**

This Special Exception Permit (**S 23-033M**) authorizes the following zoning activity, subject to the conditions listed below, as regulated in the Greenville City Code (Greenville Development Code), Section 19-3.2.1., *Permitted Use Table*, Division 19-3.4., *Use Standards*, Division 19-3.5., *Accessory Uses and Structures*, and Section 19-6.2.15., *Quasi-Judicial Review*:

GENERAL FOOD AND BEVERAGE (UP TO 6,000 SF) AND 'BAR' USE OPERATING AFTER MIDNIGHT

Conditions:

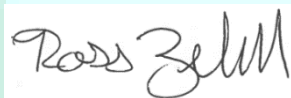
1. Operation of the facility shall be limited to a 'general food and beverage' and 'bar' use, as defined by this Code, and shall substantially conform to the statements of the Applicant and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the special exception permit.
2. The business shall comply with the location standards established by the state. 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. Hours of operation shall be substantially consistent with those stated by the Applicant and not exceed past 2:00 a.m. Food service shall be available until last call.
4. Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 10:00 p.m. and 7:00 a.m.
5. Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code must be posted in conspicuous locations on the building and throughout the parking lot and must be enforced by the proprietors.
6. 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.
7. 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, prohibitions on smoking in violation of the City's smoking ordinance, adequate patron parking and applicable neighborhood parking restrictions.
8. 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 30 days of the date of the issuance of the certificate of occupancy and future personnel shall receive training within 30 days of hiring.

9. The Applicant shall retain a minimum of two (2) security persons, at least one of which must be positioned outside the business, on Thursdays, Fridays and Saturdays from the hours of 10:00 p.m. and 2:15 a.m. 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. If more than two incidents involving a police response to the business occur within a six-month period, the City of Greenville can then require that one of the two required security person positions be an off-duty sworn law enforcement officer. Repeated incidents requiring calls for service from law enforcement shall be grounds for revocation of the permit.
10. 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. Additionally, the Applicant shall designate a staff person to be responsible for monitoring compliance of the occupant capacity of the second floor.
11. Outdoor seating and outdoor entertainment shall be prohibited.
12. Interior sound amplification (other than ambient background music) and exterior sound amplification be prohibited.
13. Exterior doors and windows shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 2:00 a.m.
14. If outside queueing of patrons on the property and along public sidewalks occurs, the security person(s) shall ensure orderly behavior of patrons so as to not negatively impact surrounding lands and safe use of the public sidewalks.
15. The use shall comply with the Technical Advisory Committee findings and recommendations.
16. A copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

ISSUED DATE: 10/23/2024

**LAPSE DATE OF SPECIAL EXCEPTION PERMIT: 10/23/2026
UNLESS SPECIAL EXCEPTION IS VESTED PURSUANT TO
SECTION 19-6.2.1.F. OF THE CODE OF ORDINANCES OF THE
CITY OF GREENVILLE.**



Ross Zelenske
SENIOR DEVELOPMENT PLANNER
LIAISON TO THE BOARD OF ZONING APPEALS
CITY OF GREENVILLE
P.O. BOX 2207
GREENVILLE, SC 29602
planning@greenvillesc.gov



**Planning Staff Report to
Board of Zoning Appeals
August 8, 2025**
for the August 14, 2025 Public Hearing

Docket Number:	S 23-033M
Applicant:	Whistler Restaurant Group, LLC (Jessica Kearns) dba Reys
Property Owner:	20 North Main Street, LLC
Property Location:	20 North Main Street
Tax Map Number:	000100-05-00200
Acreage:	0.08
Zoning:	MXS-D, Shopfront Downtown District -DD, Downtown Design Overlay District
Proposal:	SPECIAL EXCEPTION to modify a ‘General food and beverage (up to 6,000 SF)’ and ‘Bar or nightclub’ use operating after midnight

Applicable Sections of the City of Greenville Code of Ordinances:

<i>Sec. 19-3.2.1.B.2.</i>	<i>Hours of Operation</i>
<i>Sec. 19-3.4.4.</i>	<i>Commercial Use Standards</i>
<i>Sec. 19-6.2.15.A.</i>	<i>Quasi-Judicial Review/Applicability</i>
<i>Sec. 19-6.2.15.D.2.</i>	<i>Special Exception Permit</i>

Staff Recommendation: Approve with conditions

Staff concludes that the Application complies with the standards to grant a Special Exception Permit as a **‘General food and beverage (up to 6,000 SF)’** and **‘Bar or nightclub’** use operating after midnight. If the Board decides to grant the Permit, Staff recommends the following conditions:

1. Operation of the facility shall be limited to a ‘general food and beverage’ and ‘bar’ use, 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.
2. The business shall comply with the location standards established by the state. 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. Hours of operation shall be substantially consistent with those stated by the Applicant and not exceed past 2:00 a.m. Food service shall be available until last call.
4. Per Greenville Development Code Section 19-3.2.1.B.3., delivery, waste collection, and similar commercial traffic is prohibited between the hours of 10:00 p.m. and 7:00 a.m.
5. Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code must be posted in conspicuous locations on the building and throughout the parking lot and must be enforced by the proprietors.

6. 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.
7. 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, prohibitions on smoking in violation of the City's smoking ordinance, adequate patron parking and applicable neighborhood parking restrictions.
8. 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 30 days of the date of the issuance of the certificate of occupancy and future personnel shall receive training within 30 days of hiring.
9. The Applicant shall retain a minimum of two (2) security persons, at least one of which must be positioned outside the business, on Thursdays, Fridays and Saturdays from the hours of 10:00 p.m. and 2:15 a.m. 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. If more than two incidents involving a police response to the business occur within a six-month period, the City of Greenville can then require that one of the two required security person positions be an off-duty sworn law enforcement officer. Repeated incidents requiring calls for service from law enforcement shall be grounds for revocation of the permit.
10. 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. Additionally, the Applicant shall designate a staff person to be responsible for monitoring compliance of the occupant capacity of the second floor.
11. All outdoor dining and seating areas associated with the business shall be closed by 12:00 midnight. Expansion of the outdoor dining areas within the Main Street right of way may be permitted subject to an encroachment agreement and an additional meeting with the Technical Advisory Committee.
12. Outdoor entertainment and exterior sound amplification shall be prohibited.
13. Interior sound 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.
14. Exterior doors and windows shall remain closed except to provide ingress and egress after 10:00 p.m.
15. A pattern of noise complaints related to the business shall be grounds to require another meeting with the Technical Advisory Committee. Repeated noise violations may be grounds for revocation of the permit.
16. If outside queueing of patrons on the property and along public sidewalks occurs, the security person(s) shall ensure orderly behavior of patrons so as to not negatively impact surrounding lands and safe use of the public sidewalks.

17. A copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.
18. The use shall comply with the Technical Advisory Committee findings and recommendations.

Staff Analysis:

The Applicant, Whistler Restaurant Group, LLC (Jessica Kearns), requests a modification to the existing special exception permit for a 'general food and beverage (up to 6,000 SF)' and 'bar' use operating after midnight in downtown Greenville. The ground floor of the subject property is currently in use as a restaurant with operation after midnight under the same business name. An expansion to the second floor and an increase in occupancy was approved in 2024 by the Board, however a change to the design has been requested that will create a recessed outdoor dining area. That change is prompting the special exception modification as the previously approved permit prohibited outdoor dining.

The subject property is zoned MXS-D, Shopfront Downtown. The Shopfront Downtown zoning district is intended to accommodate the City's most intense mixed use and pedestrian friendly activity. Although buildings are allowed to be exclusively residential or nonresidential in use, the vertical mixing of uses is strongly encouraged.

The Applicant has indicated the business will continue to operate up to seven days a week from 4:00 p.m. until 2:00 a.m. and may eventually expand hours to open at 11:00 a.m.

Although the use of 'bar' and 'general food and beverage' is permitted by right in the MXS-D zoning district, per Greenville Development Code Section 19-3.2.1.B.2., "any use open to the public with hours of operation between 12:00 a.m. and 5:00 a.m. requires a Special Exception permit."

Because the property is located within the -DD, Downtown Design overlay, a Design Certificate of Appropriateness (CA) is required for exterior building and site work. A Design Certificate of Appropriateness was approved by the city's Design Review Board for exterior modifications, including the recessed outdoor dining area, earlier this year. A building permit for the renovation in 2024 has been issued and construction has begun. In accordance with Section 19-6.2.15.B.2.c., this request can proceed to the Board of Zoning Appeals.

The business will feature a full-service kitchen and serve beer, wine, and liquor by the drink. Alcohol sales were initially estimated to account for approximately 40 percent of all revenues, while food and non-alcoholic drink sales will account for the remaining 60 percent of revenues, however per the Applicant, the breakdown is closer to 50-50. Food sales will be available during all operating hours according to the application; however, a limited menu will be offered near closing.

No indoor/outdoor live entertainment is existing or proposed. Background music will be played through the existing speaker system. A speaker for the new outdoor dining area is proposed.

The Technical Advisory Committee (TAC) met with the Applicant on April 17, 2025, and recommended approval of the Special Exception Permit modification with conditions; these recommended conditions are listed at the end of this report.

Attendance at the monthly Project Preview Meeting was not required as part of this application, however the Applicant's architect presented the project at the March 25, 2025, Project Preview Meeting as part of the Certificate of Appropriateness application process.

The special exception permit for the current iteration of Reys, S 23-033, was approved by the Board in February 2023. An expansion to the upper floor was approved under the first iteration of S 23-033M in October 2024. A copy of the last special exception staff report and approved special exception permit will be attached as part of the staff report. No zoning violations of that special exception permit have occurred. A cigar bar, known as Cigar Experience, was the last tenant to occupy the second floor and received a conditional use permit, CU 19-287, in 2019.

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

Standard a: The Proposed Special Exception Is Consistent with the Comprehensive Plan.

The GVL2040 Comprehensive Plan identifies the subject property in the 'Center City' classification as part of the future land use map.

The 'Center City' classification is described as 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 restaurant and bar use maintains the blend of service, entertainment, and other commercial uses in the Center City.

GVL2040 also notes that "future investments and policies are shaped by the Downtown Strategic Master Plan (2019) and at a broader level by the planning principles and priorities of GVL2040."

The Downtown Strategic Master Plan provides information on market influences, proposes affordable housing and economic development strategies, identifies urban design focus areas, and includes a list of action items.

The establishment will contribute to the diversity of restaurant and bar options offered along Main Street, which generally aligns with the objectives in the 'Retail Preservation and Enhancement Strategy' subsection of the Downtown Master Plan.

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

Standard b: The Proposed Special Exception Complies With All Use Standards in Div. 19-3.4.

Use standards for 'general food and beverage' as well as 'bar or nightclub' uses are located in Section 19-3.4.4.C. and are listed below:

19-3.4.4. Commercial use standards

C. Food and Beverage

1. General Food and Beverage

- a. Permitted hours of operation are between 5:00 a.m. and 12:00 a.m. (midnight).*
- b. Hours of operation between 12:00 a.m. (midnight) and 5:00 a.m. require a special exception permit.*

2. Bar or Nightclub

- a. Must comply with the location standards established by the state.*
- b. Operation of the business must 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 must assign a manager on the premises who must ensure compliance with this Code, and the applicable South Carolina Code of Laws and Regulations.*
- d. The applicant and all of its managers and employees responsible for serving any alcoholic beverage (current and future) must 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 must be retained on-site and available for inspection by the Administrator and the City Police Department. Current personnel must receive training within 30 days of issuance of the certificate of occupancy and future personnel must receive training within 30 days of hiring.

d. 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 South Carolina 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.

e. Occupant capacity of the establishment must be established by the City building codes Administrator. The applicant must designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons.

f. Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan; all amplified sound must be directed inward toward the facility and away from any adjoining use or public property. Specified hours of exterior sound amplification are limited by the permit.

g. Interior sound amplification must be located only as reflected on the approved floor plan and must 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 must remain closed after 10:00 p.m.

h. Rooftop decks must have perimeter guard railing above table surfaces.

i. Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code must be posted in conspicuous locations on the building and throughout the parking lot and must be enforced by the proprietors.

j. The application must comply with City noise, smoking, and encroachment ordinances.

k. The Administrator may attach additional conditions which will protect nearby uses from any adverse impacts reasonably expected to occur as a result of the operation of the bar or nightclub.

The Applicant has stated their intent to comply with the use criteria within their application.

Upon discussion with the Technical Advisory Committee, the Applicant displayed awareness of potential issues related to noise, security, and occupancy capacity. The Applicant reiterated that the use would not operate as a nightclub and no live entertainment is proposed.

The business will continue to use That Security Company for security services. One security guard will be on duty after 9:00 p.m. Sunday through Thursday and that two security guards would be one duty after 9:00 p.m. Friday and Saturday. The Applicant indicated that all security guards would have SLED certification.

An outdoor speaker is proposed; however, TAC did not recommend that the speaker be permitted.

Staff recommends formal incorporation of TAC's recommended conditions, listed at the end of this report, into any motion for approval. Staff also recommends the incorporation of the applicable use specific standards as conditions of approval.

Staff finds, with appropriate conditions, the use complies with the use standards of the Greenville Development Code.

Standard c: The Proposed Special Exception 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.

The land uses and zoning districts of adjacent property is as follows:

East:	General food/beverage (MX-D, Mixed Use Downtown)
North:	General food/beverage (MXS-D, Shopfront Downtown)
West:	General food/beverage, general office, and general retail (MXS-D)
South:	General food/beverage, general office, and residential (MXS-D)

The property is located in downtown Greenville and is zoned MXS-D, Shopfront Downtown District. The subject property is a three-story, mixed-use building attached to adjacent buildings. The use will occupy a ground floor and second floor suite. The ground floor includes access to a basement level. The ground floor space has been in use as a restaurant operating after midnight since 2009. The second floor has historically operated as a restaurant/bar (Stellar) or cigar bar (The Cigar Experience). The third-floor suite is a residential apartment unit. During the TAC meeting, the Applicant confirm they still have control over that residence.

Surrounding properties are zoned MX-D and MXS-D and are used for a variety of uses, including but not limited to retail, restaurants, and offices. Neighboring tenant businesses include Trio – A Brick Over Café, Scoundrel, and Windy City Burgers.

Beyond the third-floor apartment, residential uses within the immediate vicinity appear to be located at 18 and 102 N Main Street. These residences are in upper levels of mixed-use buildings.

The Applicant has stated the business will close at 2:00 a.m., which is the same closing time as the current restaurant. Similar uses in the area, such as Society, also close at 2:00 a.m. With the appropriate conditions, the overnight business hours are not anticipated to create a conflict with other neighboring businesses and residential uses nearby.

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

Standard d. The Design of the Proposed Special Exception 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, Odors, Noise, Glare, Vibration, and Does Not Create a Nuisance.

The proposed use is located within an existing building. Changes are proposed to the front façade of the building. The changes will create a small outdoor seating area that is recessed into the building. Alterations are also planned to the façade. The changes have been approved by the Design Review Board. No adverse visual impacts are anticipated from the use.

Parking for the use is expected to come from the on-street parking and public parking garage, such as the West Washington Street Deck and the South Spring Street Parking Garage, which are within a five-minute walk of the property. There are also various private parking lots within the vicinity.

An alleyway off East Coffee Street functions as a service area for uses within the building. Common loading/unloading and trash collection for the use will occur from this area. An on-street loading and unloading zone is also available on East Coffee Street. No adverse impacts are anticipated regarding delivery, parking, loading, and odors.

The application states that no live music will be performed at the restaurant and bar. Only background music will be played through the speaker system. A speaker is proposed in the new recessed outdoor dining area. With conditions, no substantial adverse noise and vibration impacts are anticipated.

Since the Applicant already has been operating the business on the ground floor, Planning staff reviewed police calls for service with the city's Police Department. Call volume was within normal service levels and no concerning trends or incidents were identified. Additionally, no zoning violations of the special exception permit were noted. With appropriate conditions, the use is not anticipated to create a public nuisance.

To minimize detrimental impacts on adjacent 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 use and its design will not have substantial adverse impacts.

TAC Findings and Recommendation

FINDINGS OF THE COMMITTEE:

1. The application and all other documents submitted supplemental to the application as part of 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 business will continue to operate as a restaurant and bar known as Reys.
3. The Applicant indicates the intent to operate as a restaurant and bar with hours of operation of seven days a week from 4:00 p.m. to 2:00 a.m. Expanded hours of operation from 11:00 a.m. to 2:00 a.m. are still anticipated in the future.
4. The Applicant indicates that the business is still planning to expand to the second floor and that permits have been issued.
5. The Applicant indicates that as a part of the planned construction, a change is being proposed to create outdoor seating and consolidate the two existing entries into one entry.
6. The Applicant indicates that food will be served at all hours, however a reduced menu will be offered from 1:00 a.m. to close.
7. The Applicant indicates that food sales are less than alcohol sales, however food offerings are being expanded.
8. The Applicant holds an alcohol beverage license for on-premises consumption of beer, wine, and liquor. Last call will occur no later than 15 minutes before close.
9. The Applicant indicates that staff will be trained in all applicable manners relating to alcohol service and will obtain ServSafe certification.
10. The Applicant indicates that That Security Company has been retained to provide security services for the business. The Applicant indicates that one security guard would be on duty after 9:00 p.m. Sunday through Thursday and that two security guards would be on duty after 9:00 p.m. Friday and Saturday. The Applicant indicated that all security guards would have SLED certification.
11. The Applicant, based on the proposed life safety plan, indicates that maximum occupancy on the overall tenant premises is expected to be 353 occupants. The occupancy of the ground floor space is proposed to be 191 occupants. The occupancy of the second floor space is proposed to be 150 occupants. The occupancy of the outdoor seating area is proposed to be 12 occupants.

12. The Applicant indicates that no live music or entertainment will occur on-site, but that indoor sound amplification of music occurs.
13. The Applicant indicates that an outdoor speaker is planned for the outdoor dining area.
14. The Applicant indicates that the third floor is occupied by a one-bedroom residence. The Applicant states that they still control the use of that unit.

RECOMMENDATIONS OF THE COMMITTEE:

1. This Committee recommends that the Board of Zoning Appeals **approve** the application.
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 the Greenville Development Code:
 - 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 the final life safety plan and floor plan be in close keeping to the currently proposed occupancy count of 191 persons on the ground floor, 150 persons on the second floor, and 12 persons in the outdoor dining area.
 - 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, prohibitions on smoking in violation of the City's smoking ordinance, adequate patron parking and applicable neighborhood parking restrictions.
 - d. This Committee recommends that rules consistent with the provisions of the City Code must be posted in conspicuous locations on the building and throughout the parking lot (if applicable) and must be enforced by the proprietors.
 - e. This Committee recommends that at all times during its occupancy, the Applicant must assign a manager on the premises who must ensure compliance with the terms of the special exception permit, this Code, and the applicable South Carolina Code of Laws and Regulations.
 - f. This Committee recommends that the Applicant and all its managers and employees responsible for serving any alcoholic beverage (current and future) must 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 must be retained on-site and available for inspection by the Administrator and the City Police Department. Current personnel must receive training within 30 days of issuance of the certificate of occupancy and future personnel must receive training within 30 days of hiring.
 - g. This Committee recommends that the Applicant shall retain a minimum of two (2) security persons, of which at least one shall be positioned outside the business, on Thursdays,

Fridays and Saturdays from the hours of 10:00 p.m. and 2:15 a.m. 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. If more than two incidents involving a police response to the business occur within a six-month period, the City of Greenville can then require that one of the two required security person positions be an off-duty sworn law enforcement officer. Repeated incidents requiring calls for service from law enforcement shall be grounds for revocation of the permit.

- h. 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.
 - i. Additionally, this Committee recommends the Applicant shall designate a staff person to be responsible for monitoring compliance of the occupant capacity of the second floor.
- i. This Committee recommends that outdoor dining and seating areas associated with the business be closed by 12:00 midnight. Expansion of the outdoor dining areas within the Main Street right of way may be permitted subject to an encroachment agreement and an additional meeting with the Technical Advisory Committee.
- j. This Committee recommends that outdoor entertainment shall be prohibited.
- k. This Committee recommends that all interior sound 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.
- l. This Committee recommends that exterior sound amplification be prohibited, and that the proposed outdoor speaker be eliminated from the plans.
- m. This Committee recommends that, except to provide ingress and egress, exterior doors and windows must remain closed after 10:00 p.m.
- n. This Committee recommends that a pattern of noise complaints related to the business shall be grounds to require another meeting with the Technical Advisory Committee. Repeated noise complaints may be grounds for revocation of the permit.
- o. This Committee recommends that if outside queueing of patrons on the property and along public sidewalks occurs, the security person(s) shall ensure orderly behavior of patrons so as to not negatively impact surrounding lands and safe use of the public sidewalks.
- p. This Committee recommends that a copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.
- q. This Committee recommends that repeated violations of the conditions of this permit shall be grounds for revocation of this permit.
- r. This Committee recommends that use be reclassified as a 'drinking establishment' for business license purposes moving forward.

Staff Comments

City Engineer

Comments:

No comments received at time of staff report posting.

Civil Engineer

Comments:

No comments.

Environmental Engineer

Comments:

No comments received at time of staff report posting.

Traffic Engineer

Comments:

No comments received at time of staff report posting.

Fire Department

Comments:

Life safety plan has been updated to show level 1 and level 2. Fully sprinklered and fire alarm system, as well all egress for all levels.

REPORT OF THE TECHNICAL ADVISORY COMMITTEE

to the

Board of Zoning Appeals

S 23-033M

Application by Whistler Restaurant Group, LLC (Jessica Kearns) dba Reys for a **SPECIAL EXCEPTION** to modify a 'General food and beverage (up to 6,000 SF)' and 'Bar' use operating after midnight in an MXS-D, Shopfront Downtown district at **20 N MAIN ST** (TM# 000100-05-00200)

Committee Meeting Date(s): April 17, 2025

Applicant attending meeting: Tim Kearns (co-owner) and Sam Cover (manager)

Proposed Business: Reys

FINDINGS OF THE COMMITTEE:

1. The application and all other documents submitted supplemental to the application as part of 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 business will continue to operate as a restaurant and bar known as Reys.
3. The Applicant indicates the intent to operate as a restaurant and bar with hours of operation of seven days a week from 4:00 p.m. to 2:00 a.m. Expanded hours of operation from 11:00 a.m. to 2:00 a.m. are still anticipated in the future.
4. The Applicant indicates that the business is still planning to expand to the second floor and that permits have been issued.
5. The Applicant indicates that as a part of the planned construction, a change is being proposed to create outdoor seating and consolidate the two existing entries into one entry.
6. The Applicant indicates that food will be served at all hours, however a reduced menu will be offered from 1:00 a.m. to close.
7. The Applicant indicates that food sales are less than alcohol sales, however food offerings are being expanded.
8. The Applicant holds an alcohol beverage license for on-premises consumption of beer, wine, and liquor. Last call will occur no later than 15 minutes before close.

9. The Applicant indicates that staff will be trained in all applicable manners relating to alcohol service and will obtain ServSafe certification.
10. The Applicant indicates that That Security Company has been retained to provide security services for the business. The Applicant indicates that one security guard would be on duty after 9:00 p.m. Sunday through Thursday and that two security guards would be one duty after 9:00 p.m. Friday and Saturday. The Applicant indicated that all security guards would have SLED certification.
11. The Applicant, based on the proposed life safety plan, indicates that maximum occupancy on the overall tenant premises is expected to be 353 occupants. The occupancy of the ground floor space is proposed to be 191 occupants. The occupancy of the second floor space is proposed to be 150 occupants. The occupancy of the outdoor seating area is proposed to be 12 occupants.
12. The Applicant indicates that no live music or entertainment will occur on-site, but that indoor sound amplification of music occurs.
13. The Applicant indicates that an outdoor speaker is planned for the outdoor dining area.
14. The Applicant indicates that the third floor is occupied by a one-bedroom residence. The Applicant states that they still control the use of that unit.

RECOMMENDATIONS OF THE COMMITTEE:

1. This Committee recommends that the Board of Zoning Appeals **approve** the application.
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 the Greenville Development Code:
 - 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 the final life safety plan and floor plan be in close keeping to the currently proposed occupancy count of 191

persons on the ground floor, 150 persons on the second floor, and 12 persons in the outdoor dining area.

- 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, prohibitions on smoking in violation of the City's smoking ordinance, adequate patron parking and applicable neighborhood parking restrictions.
- d. This Committee recommends that rules consistent with the provisions of the City Code must be posted in conspicuous locations on the building and throughout the parking lot (if applicable) and must be enforced by the proprietors.
- e. This Committee recommends that at all times during its occupancy, the Applicant must assign a manager on the premises who must ensure compliance with the terms of the special exception permit, this Code, and the applicable South Carolina Code of Laws and Regulations.
- f. This Committee recommends that the Applicant and all its managers and employees responsible for serving any alcoholic beverage (current and future) must 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 must be retained on-site and available for inspection by the Administrator and the City Police Department. Current personnel must receive training within 30 days of issuance of the certificate of occupancy and future personnel must receive training within 30 days of hiring.
- g. This Committee recommends that the Applicant shall retain a minimum of two (2) security persons, of which at least one shall be positioned outside the business, on Thursdays, Fridays and Saturdays from the hours of 10:00 p.m. and 2:15 a.m. 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. If more than two incidents involving a police response to the business occur within a six-month period, the City of Greenville can then require that one of the two required security person positions be an off-duty sworn law enforcement officer. Repeated incidents requiring calls for service from law enforcement shall be grounds for revocation of the permit.

- h. 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.
 - i. Additionally, this Committee recommends the Applicant shall designate a staff person to be responsible for monitoring compliance of the occupant capacity of the second floor.
- i. This Committee recommends that outdoor dining and seating areas associated with the business be closed by 12:00 midnight. Expansion of the outdoor dining areas within the Main Street right of way may be permitted subject to an encroachment agreement and an additional meeting with the Technical Advisory Committee.
- j. This Committee recommends that outdoor entertainment shall be prohibited.
- k. This Committee recommends that all interior sound 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.
- l. This Committee recommends that exterior sound amplification be prohibited, and that the proposed outdoor speaker be eliminated from the plans.
- m. This Committee recommends that, except to provide ingress and egress, exterior doors and windows must remain closed after 10:00 p.m.
- n. This Committee recommends that a pattern of noise complaints related to the business shall be grounds to require another meeting with the

Technical Advisory Committee. Repeated noise complaints may be grounds for revocation of the permit.

- o. This Committee recommends that if outside queueing of patrons on the property and along public sidewalks occurs, the security person(s) shall ensure orderly behavior of patrons so as to not negatively impact surrounding lands and safe use of the public sidewalks.
- p. This Committee recommends that a copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.
- q. This Committee recommends that repeated violations of the conditions of this permit shall be grounds for revocation of this permit.
- r. This Committee recommends that use be reclassified as a 'drinking establishment' for business license purposes moving forward.

Respectfully Submitted,

John Hamlett
Technical Advisory Committee Chair



Ross Zelenske, AICP
Senior Development Planner and Liaison to the Board of Zoning Appeals



PROJECT PREVIEW MEETING (PPM) RESPONSE FORM

Contact Planning & Development (864) 467-4476 or planning@greenvillesc.gov

APPLICANT/OWNER INFORMATION

*Indicates Required Field

APPLICANT

*Project Type:	Front Entry Renovation
*Name:	Rey's
*Address:	20 N. Main St.
*City/State:	Greenville, SC
*Zip:	29601
*Phone:	[REDACTED]
*Email:	[REDACTED]

PROPERTY INFORMATION

*TAX MAP #(S): 0001000500200

*PROPERTY ADDRESS: 20 N. Main St. Greenville, SC 29601

*CURRENT ZONING DESIGNATION: MXS-D

*BRIEF DESCRIPTION OF PROJECT
REQUEST: Renovation to storefront entry at street level of existing building

For the following items, fill out in response to the public's attendance and reaction to your presented project.

*DATE ATTENDED PPM: 03/25/25 *NUMBER OF PEOPLE WHO VISITED STATION: +/-20

*NAME OF ATTENDEES WHO REPRESENTED PROJECT: Jamison Hupp, Architect

*DESCRIBE MAIN QUESTIONS RECEIVED AND RESPONSES
PROVIDED: many questions were related to what Rey's establishment was doing - were they moving/relocating? Were they expanding or another restaurant?

What was the intent for the updated entry design? All responses were very positive regarding the update. including:

Cool! , Looks good!, Nice to see the Art Deco Style being reclaimed.,

*PROVIDE OVERALL SUMMARY OF DISCUSSION WITH ATTENDEES REGARDING YOUR PROJECT:

Many attendees reminisced their times at the original jewelry store or the bar through the years; others appreciated the complimentary design of the art deco style building; very complimentary of all aspects of the design and a substantial improvement over what is there now; all attendees appreciated the curves and nod to original architecture

*DETAIL ANY SPECIFIC QUESTIONS OR AREAS OF INTEREST FROM COMMUNITY: _____

A few asked if there would be a conflict getting furniture up the stairs (not an issue);

*DETAIL ANY COMMENTS OR CONCERNS EXPRESSED BY ATTENDEES: _____

Concerns mentioned were concentrated on existing conditions - a few mentioned that the door swings out into
the sidewalk area are dangerous and the building is currently confusing with all the doors

*WERE ANY COMMENTS OR PHONE CALLS RECEIVED FROM COMMUNITY OUTSIDE OF THE PPM? IF SO,
PLEASE SUMMARIZE: No

*ARE THERE ANY ITEMS YOU WOULD TO DISCUSS WITH STAFF? Yes, facade improvement grant process
We would like to pursue this to the fullest extent possible and engage the city in this discussion

*DO YOU PLAN TO MODIFY OR REVISE YOUR PROPOSAL BASED ON COMMENTS OR INPUT RECEIVED AT THE
PPM? IF SO, PLEASE DISCUSS: No modifications based on comments from PPM

*ANY ENGAGEMENT WITH NEIGHBORHOOD OR COMMUNITY OUTSIDE OF THE PPM? IF SO WHEN/WHERE?
None

*ANY SUGGESTIONS TO IMPROVE THE PPM PROCESS IN THE FUTURE? not at this time

OVERALL TYPE OF FEEDBACK RECEIVED

*Select one: ☒ Positive ☐ Negative ☐ Neutral

****PLEASE COMPLETE AND EMAIL TO PLANNING@GREENVILLESC.GOV BY END OF WEEK
FROM THE PROJECT PREVIEW MEETING.***

CITY OF GREENVILLE PROJECT PREVIEW MEETING RESPONSE FORM

Rev. 2/28/2024



**Planning Staff Report to
Board of Zoning Appeals**

October 4, 2024

for the October 10, 2024 Public Hearing

Docket Number:	S 23-033M
Applicant:	Whistler Restaurant Group, LLC (Jessica Kearns) dba Reys
Property Owner:	20 North Main Street, LLC
Property Location:	20 North Main Street
Tax Map Number:	000100-05-00200
Acreage:	0.08
Zoning:	MXS-D, Shopfront Downtown District
Proposal:	SPECIAL EXCEPTION to expand a 'General food and beverage (up to 6,000 SF)' and 'Bar or nightclub' use operating after midnight

Applicable Sections of the City of Greenville Code of Ordinances:

<i>Sec. 19-3.2.1.B.2.</i>	<i>Hours of Operation</i>
<i>Sec. 19-3.4.4.</i>	<i>Commercial Use Standards</i>
<i>Sec. 19-6.2.15.A.</i>	<i>Quasi-Judicial Review/Applicability</i>
<i>Sec. 19-6.2.15.D.2.</i>	<i>Special Exception Permit</i>

Staff Recommendation: Approve with Conditions

Staff concludes that the Application complies with the standards to grant a Special Exception Permit as a **'General food and beverage (up to 6,000 SF)'** and **'Bar or nightclub'** use operating after midnight. If the Board decides to grant the Permit, Staff recommends the following conditions:

1. Operation of the facility shall be limited to a 'general food and beverage' and 'bar' use, 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.
2. The business shall comply with the location standards established by the state. 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. Hours of operation shall be substantially consistent with those stated by the Applicant and not exceed past 2:00 a.m. Food service shall be available until last call.
4. Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 10:00 p.m. and 7:00 a.m.
5. Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code must be posted in conspicuous locations on the building and throughout the parking lot and must be enforced by the proprietors.

6. 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.
7. 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, prohibitions on smoking in violation of the City's smoking ordinance, adequate patron parking and applicable neighborhood parking restrictions.
8. 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 30 days of the date of the issuance of the certificate of occupancy and future personnel shall receive training within 30 days of hiring.
9. The Applicant shall retain a minimum of two (2) security persons, at least one of which must be positioned outside the business, on Thursdays, Fridays and Saturdays from the hours of 10:00 p.m. and 2:15 a.m. 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. If more than two incidents involving a police response to the business occur within a six-month period, the City of Greenville can then require that one of the two required security person positions be an off-duty sworn law enforcement officer. Repeated incidents requiring calls for service from law enforcement shall be grounds for revocation of the permit.
10. 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. Additionally, the Applicant shall designate a staff person to be responsible for monitoring compliance of the occupant capacity of the second floor.
11. Outdoor seating and outdoor entertainment shall be prohibited.
12. Interior sound amplification (other than ambient background music) and exterior sound amplification be prohibited.
13. Exterior doors and windows shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 2:00 a.m.
14. If outside queueing of patrons on the property and along public sidewalks occurs, the security person(s) shall ensure orderly behavior of patrons so as to not negatively impact surrounding lands and safe use of the public sidewalks.
15. The use shall comply with the Technical Advisory Committee findings and recommendations.
16. 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, Whistler Restaurant Group, LLC (Jessica Kearns), requests a modification to the existing special exception permit to expand a 'general food and beverage (up to 6,000 Sf)' and 'bar' use operating after midnight in downtown Greenville. The ground floor of the subject property is currently in use as a

restaurant with operation after midnight under the same business name. An expansion to the second floor is occurring, which is prompting the special exception modification. An interior renovation to the first and second floor will occur as part of the expansion. The work will include an increase to the overall occupancy capacity.

The subject property is zoned MXS-D, Shopfront Downtown. The Shopfront Downtown zoning district is intended to accommodate the City's most intense mixed use and pedestrian friendly activity. Although buildings are allowed to be exclusively residential or nonresidential in use, the vertical mixing of uses is strongly encouraged.

Although the use of 'bar' and 'general food and beverage' is permitted by right in the MXS-D zoning district, per Greenville Development Code Section 19-3.2.1.B.2., "any use open to the public with hours of operation between 12:00 a.m. and 5:00 a.m. requires a Special Exception permit."

The Applicant has indicated the business will operate up to seven days a week from 4:00 p.m. until 2:00 a.m. and may eventually expand hours to open at 11:00 a.m.

The business will feature a full-service kitchen and serve beer, wine, and liquor by the drink. Alcohol sales were initially estimated to account for approximately 40 percent of all revenues, while food and non-alcoholic drink sales will account for the remaining 60 percent of revenues, however per the Applicant, the breakdown is closer to 50-50. Food sales will be available during all operating hours according to the application; however, a limited menu will be offered near closing.

No outdoor dining is existing or proposed.

No indoor/outdoor live entertainment is existing or proposed.

The Technical Advisory Committee (TAC) met with the Applicant on September 19, 2024, and recommended approval of the Special Exception Permit modification with conditions; these recommended conditions are listed at the end of this report.

The special exception permit for the current iteration of Reys, S 23-033, was approved by the Board in February 2023. A copy of the original special exception staff report and approved special exception permit will be attached as part of the staff report. No zoning violations of that special exception permit have occurred. A cigar bar, known as Cigar Experience, was the last tenant to occupy the second floor and received a conditional use permit, CU 19-287, in 2019.

Attendance at the monthly Project Preview Meeting was not required as part of this application and was not held.

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

Standard a: The Proposed Special Exception Is Consistent with the Comprehensive Plan.

The GVL2040 Comprehensive Plan identifies the subject property in the 'Center City' classification as part of the future land use map.

The 'Center City' classification is described as 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 restaurant and bar use maintains the blend of service, entertainment, and other commercial uses in the Center City.

GVL2040 also notes that "future investments and policies are shaped by the Downtown Strategic Master Plan (2019) and at a broader level by the planning principles and priorities of GVL2040."

The Downtown Strategic Master Plan provides information on market influences, proposes affordable housing and economic development strategies, identifies urban design focus areas, and includes a list of action items.

The establishment will contribute to the diversity of restaurant and bar options offered along Main Street, which generally aligns with the objectives in the 'Retail Preservation and Enhancement Strategy' subsection of the Downtown Master Plan.

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

Standard b: The Proposed Special Exception Complies With All Use Standards in Div. 19-3.4.

Use standards for 'general food and beverage' as well as 'bar or nightclub' uses are located in Section 19-3.4.4.C. and are listed below:

19-3.4.4. Commercial use standards

C. Food and Beverage

1. General Food and Beverage

- a. Permitted hours of operation are between 5:00 a.m. and 12:00 a.m. (midnight).*
- b. Hours of operation between 12:00 a.m. (midnight) and 5:00 a.m. require a special exception permit.*

2. Bar or Nightclub

- a. Must comply with the location standards established by the state.*
- b. Operation of the business must 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 must assign a manager on the premises who must ensure compliance with this Code, and the applicable South Carolina Code of Laws and Regulations.*
- d. The applicant and all of its managers and employees responsible for serving any alcoholic beverage (current and future) must 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 must be retained on-site and available for inspection by the Administrator and the City Police Department. Current personnel must receive training within 30 days of issuance of the certificate of occupancy and future personnel must receive training within 30 days of hiring.*
- d. 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 South Carolina 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.*
- e. Occupant capacity of the establishment must be established by the City building codes Administrator. The applicant must designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons.*
- f. Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan; all amplified sound must be directed inward toward the facility and away from any adjoining use or public property. Specified hours of exterior sound amplification are limited by the permit.*

g. Interior sound amplification must be located only as reflected on the approved floor plan and must 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 must remain closed after 10:00 p.m.

h. Rooftop decks must have perimeter guard railing above table surfaces.

i. Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code must be posted in conspicuous locations on the building and throughout the parking lot and must be enforced by the proprietors.

j. The application must comply with City noise, smoking, and encroachment ordinances.

k. The Administrator may attach additional conditions which will protect nearby uses from any adverse impacts reasonably expected to occur as a result of the operation of the bar or nightclub.

The Applicant has stated their intent to comply with the use criteria within their application.

Upon discussion with the Technical Advisory Committee, the Applicant displayed awareness of potential issues related to noise, security, and occupancy capacity. The Applicant reiterated that the use would not operate as a nightclub and no live entertainment is proposed.

Staff recommends formal incorporation of TAC's recommended conditions, listed at the end of this report, into any motion for approval. Staff also recommends the incorporation of the applicable use specific standards as conditions of approval.

Staff finds, with appropriate conditions, the use complies with the use standards of the Greenville Development Code.

Standard c: The Proposed Special Exception 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.

The land uses and zoning districts of adjacent property is as follows:

East:	General food/beverage (MX-D, Mixed Use Downtown)
North:	General food/beverage (MXS-D, Shopfront Downtown)
West:	General food/beverage, general office, and general retail (MXS-D)
South:	General food/beverage, general office, and residential (MXS-D)

The property is located in downtown Greenville and is zoned MXS-D, Shopfront Downtown District. The subject property is a three-story, mixed-use building attached to adjacent buildings. The use will occupy a ground floor and second floor suite. The ground floor includes access to a basement level. The ground floor space has been in use as a restaurant operating after midnight since 2009. The second floor has historically operated as a restaurant/bar (Stellar) or cigar bar (The Cigar Experience). The third-floor suite is a residential apartment unit. During the TAC meeting, the Applicant stated they have control over that residence.

Surrounding properties are zoned MX-D and MXS-D and are used for a variety of uses, including but not limited to retail, restaurants, and offices. Neighboring tenant businesses include Trio – A Brick Over Café, Scoundrel, and Windy City Burgers.

Beyond the third-floor apartment, residential uses within the immediate vicinity appear to be located at 18 and 102 N Main Street. These residences are in upper levels of mixed-use buildings.

The Applicant has stated the business will close at 2:00 a.m., which is the same closing time as the current restaurant. Similar uses in the area, such as Society, also close at 2:00 a.m. The overnight business hours are not anticipated to create a conflict with other neighboring businesses.

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

Standard d. The Design of the Proposed Special Exception 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, Odors, Noise, Glare, Vibration, and Does Not Create a Nuisance.

The proposed use is located within an existing building. No changes are proposed on the exterior of the building. Any future changes would be required to comply with the downtown design guidelines and would be subject to Design Review Board approval. No visual impacts are anticipated from the use.

Parking for the use is expected to come from the on-street parking and public parking garage, such as the West Washington Street Deck and the South Spring Street Parking Garage, which are within a five-minute walk of the property. There are also various private parking lots within the vicinity.

An alleyway off East Coffee Street functions as a service area for uses within the building. Common loading/unloading and trash collection for the use will occur from this area. An on-street loading and unloading zone is also available on East Coffee Street. No adverse impacts are anticipated regarding delivery, parking, loading, and odors.

The application states that no live music will be performed at the restaurant and bar. Only background music will be played through the existing speaker system. No substantial adverse noise and vibration impacts are anticipated.

Since the Applicant already has been operating the business on the ground floor, Planning staff reviewed police calls for service for the last twelve months with the city's Police Department. Call volume was within normal service levels and no concerning trends or incidents were identified. Additionally, no zoning violations of the special exception permit were noted. With appropriate conditions, the use is not anticipated to create a public nuisance.

To minimize detrimental impacts on adjacent 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 use and its design will not have substantial adverse impacts.

TAC Findings and Recommendation

FINDINGS OF THE COMMITTEE:

1. The application and all other documents submitted supplemental to the application as part of 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 business will continue to operate as a restaurant and bar known as Reys.
3. The Applicant indicates the last use of the space on the second floor was a cigar bar and prior to that a restaurant.
4. The Applicant indicates the intent to operate as a restaurant and bar with hours of operation of seven days a week from 4:00 p.m. to 2:00 a.m. Expanded hours of operation from 11:00 a.m. to 2:00 a.m. are still anticipated in the future.
5. The Applicant indicates that food will be served at all hours, however a reduced menu will be offered from 1:00 a.m. to close.

6. The Applicant holds an alcohol beverage license for on-premises consumption of beer, wine, and liquor. Last call will occur no later than 15 minutes before close.
7. The Applicant indicates that staff will be trained in all applicable manners relating to alcohol service and will obtain ServSafe certification.
8. The Applicant indicates that That Security Company has been retained to provide security services for the business. The Applicant indicates that one security guard would be on duty after 9:00 p.m. Sunday through Thursday and that two security guards would be one duty after 9:00 p.m. Friday and Saturday. The Applicant indicated that all security guards would have SLED certification.
9. The Applicant, based on the proposed life safety plan, indicates that maximum occupancy on the overall tenant premises is expected to be 341 occupants. The occupancy of the ground floor space is proposed to be 191 occupants. The occupancy of the second floor space is proposed to be 150 occupants.
10. The Applicant indicates that no live music or entertainment will occur on-site.
11. The Applicant indicates that no outdoor seating is planned.
12. The Applicant indicates that the third floor is occupied by a one-bedroom residence. The Applicant states that they control the use of that unit.

RECOMMENDATIONS OF THE COMMITTEE:

1. This Committee recommends that the Board of Zoning Appeals **approve** the application.
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 the Greenville Development Code:
 - 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 the final life safety plan and floor plan be in close keeping to the currently proposed occupancy count of 191 persons on the ground floor and 150 persons on the second floor.
 - 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, prohibitions on smoking in violation of the City's smoking ordinance, adequate patron parking and applicable neighborhood parking restrictions.
 - d. This Committee recommends that rules consistent with the provisions of the City Code must be posted in conspicuous locations on the building and throughout the parking lot (if applicable) and must be enforced by the proprietors.
 - e. This Committee recommends that at all times during its occupancy, the Applicant must assign a manager on the premises who must ensure compliance with the terms of the special

exception permit, this Code, and the applicable South Carolina Code of Laws and Regulations.

- f. This Committee recommends that the Applicant and all its managers and employees responsible for serving any alcoholic beverage (current and future) must 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 must be retained on-site and available for inspection by the Administrator and the City Police Department. Current personnel must receive training within 30 days of issuance of the certificate of occupancy and future personnel must receive training within 30 days of hiring.
- g. This Committee recommends that the Applicant shall retain a minimum of two (2) security persons, at least one of which must be positioned outside the business, on Thursdays, Fridays and Saturdays from the hours of 10:00 p.m. and 2:15 a.m. 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. If more than two incidents involving a police response to the business occur within a six-month period, the City of Greenville can then require that one of the two required security person positions be an off-duty sworn law enforcement officer. Repeated incidents requiring calls for service from law enforcement shall be grounds for revocation of the permit.
- h. 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.
 - i. Additionally, this Committee recommends the Applicant shall designate a staff person to be responsible for monitoring compliance of the occupant capacity of the second floor.
- i. This Committee recommends that outdoor seating and outdoor entertainment shall be prohibited.
- j. This Committee recommends that interior sound amplification (other than ambient background music) and exterior sound amplification be prohibited.
- k. This Committee recommends that, except to provide ingress and egress, exterior doors and windows must remain closed after 10:00 p.m.
- l. This Committee recommends that a pattern of noise complaints related to the business shall be grounds to require another meeting with the Technical Advisory Committee. Repeated noise complaints may be grounds for revocation of the permit.
- m. This Committee recommends that if outside queueing of patrons on the property and along public sidewalks occurs, the security person(s) shall ensure orderly behavior of patrons so as to not negatively impact surrounding lands and safe use of the public sidewalks.
- n. This Committee recommends that a copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

- o. This Committee recommends that repeated violations of the conditions of this permit shall be grounds for revocation of this permit.
- p. This Committee recommends that if the Zoning Administrator determines the use fully transitions to a 'Bar or Nightclub' use and is no longer a 'General Food and Beverage' use, this permit shall be revoked, and the business closed until a new zoning application is applied for and approved for the use change.

Fire Department Comments

Comments:

No comments.

City Engineer Comments

Comments:

No comments received at time of staff report posting.

Civil Engineer Comments

Comments:

No comments.

Environmental Engineer Comments

Comments:

No comments.

Traffic Engineer Comments

Comments:

No comments received at time of staff report posting.

Reys will continue with its previous operating plan, which is attached below for reference, and simply operate a covered outside area as well. The outside will offer the same food, as Our current menu, which is attached, will remain and we will be adding more tapas style dishes as we develop this menu over time.

Operating Plan

1. **Type of Use** Restaurant
2. **Days and Hours of Operation** Will follow current businesses hours of operations in the beginning. 4PM - 2AM Sunday-Saturday. Will open for lunch once our new kitchen is rolling and hours will become 11AM - 2AM Sunday-Saturday
3. **Staffing Schedule:**
 1. We will match the current businesses schedule in the beginning. Opener at 3PM and then next shift starts at 7 PM with security arriving between 9 PM and 10 PM depending on the busyness of the night. On the weekends we add 3-5 employees based on necessity with a manager always on duty. Then when we transition to open for lunch we will develop an afternoon and evening shift schedule. Afternoon will be 11AM to 6PM and evening will be 6PM to 2AM. We always will maintain an on site manager each night as well as security each night.
4. **Kitchen Equipment Schedule** See *attached Exhibit A*
5. **Menu and Hours of Food Service**
 1. Food will be served during all open hours. See *attached Exhibit B for Current Menu and proposed menu*. We will maintain the current menu and staff until we are able to hire and train new staff to run the new menu.
6. **Parking for Customers and Employees**
 1. There is on street parking and 4 parking garages within a short walking distance (Richardson St., Spring St., One City Garage, and Washington Parking Deck)
7. **Designated Smoking Area**
 1. There will be no smoking or designated smoking area and we will adhere to the current city codes for smoking outside
8. **Type of Entertainment and Duration**
 1. No live music will be performed, and only background music will be played through the speaker system current installed speaker system.
9. **Closing / "Last Call" Procedures**
 1. We will close no later than 2 AM every night and the last call will be no later than 1:45 AM.

Security Procedures

1. Number and Type of Designated Security Staff

1. We will maintain the current businesses model and have 1 security guard on Sundays-Thursdays and 2 security guards on Friday and Saturdays starting at 9 PM. All security guards are SLED certified and are hired to maintain crowd control inside, outside, and ensure only permitted age persons are allowed in at night.

2. Training/Certification of Staff

1. We have hired 5:9 Security to handle our security needs. Their staff are all SLED certified and regularly trained. Each employee including all management and servers will have the required certification and training for their role.

3. Specific Duties/Responsibilities of Staff

1. Manager: manage the day to day tasks as well as scheduling, inventory ordering and management, special events, and hiring, training, and enforcing company procedures and protocols.
2. Assistant Manager: Manages the specific duties of their day, developing new menu items, assisting in marketing material
3. Bartender/Server: Making drinks and serving customers, Follows all safety protocols to maintain a safe and fun environment for customers.
4. Chef/Line cook: cooking food items and plating. Maintaining a clean and safe kitchen environment. Following all food safety requirements.
5. Barback/busser: Stocking shelves and coolers, maintaining a clean and tidy restaurant and restrooms. Restocking inventory. Clearing tables of food and drinks.

4. Entry/Exit/Re-Entry Procedures

1. Our only customer entrance will be through the front door. We maintain an emergency exit at the rear of the establishment that has a fire alarm on it that stays engaged while in business hours, and we have 3 doors at the front of the building however only one is advertised as the entrance and exit unless an emergency were to arise. Security is stationed at this primary entrance and ensures that only permitted aged persons are allowed inside of the business during designated night time hours. The restaurant will be in compliance with all state and local laws in regards to Exit Signs and maintaining each Exit.

5. Crowd Management

1. Security along with the on site manager will manage the door and ensure capacity is maintained appropriately during busy hours and that safety is a priority for our staff and customers. We will have an interior security officer that maintains crowd control as well as the on site manager while the exterior security controls the entrance/exit.

6. Crime Prevention through Environmental Design (CPTED)

1. Our building is a straight "shotgun style" restaurant meaning that you can see all the way to the rear and back fire exit from the front door without any rooms or walls to divide the space. We also will make sure to properly light any dim areas and strategically place mirrors to allow for easy vantage points for managers and security to control the space. Our on site manager will be trained on crime prevention and ensuring a safe environment for all at all times.

Seating Plan

1. Seating Plan

See attached Exhibit C

2. Schedule a Feasibility Inspection of the property

We will schedule the inspection if deemed necessary and be available to reply with any reasonable request made by the inspector.

Business Plan

1. Business Plan Summary:

1. *Keep current business plan and add more sq ft and add Colombian food dishes and spanish / colombian tapas*

2. Projected Revenue: % Alcohol VS Food Sales

1. 60% food and 40% alcohol

3. Fees for Entry/Membership/Entertainment

1. No cover charge or membership will be taken. No live entertainment is planned, only background music through the in house speaker system.

4. Status of City Business License Application

1. Business license has been applied for

5. Status of SCDHEC Retail Food Establishment Permit

1. *Current Grade A with DHEC*

6. Status of ABL 901 Application to SC Department of Revenue

1. *current Liquor License in place*

7. Provide Documentation that SLED Requirements have been met

1. *current Liquor License in place - see attached*

Exhibit A

Current Kitchen Equipment

Flat top Grill/Oven Combo - US Range - Kitchen
Ice Maker - Manitowoc - Kitchen
Deep Fryer - Entree - 40 LB - Kitchen
Prep Station - Migali - Kitchen
Dishwasher - CMA Dish Machines- Bar
Kitchen Freezer - GE - Kitchen
Kitchen Freezer - Holiday - Kitchen
Freezer - Hotpoint - Basement
Walk in cooler - Vollrath - Basement
Sliding Glass Beer Cooler - TurboAir - Bar
Lay Down Cooler - TurboAir - Bar
3 Compartment Sink - Kitchen
Hand Wash sinks - Kitchen and bars
Racks and storage shelves - Kitchen

Proposed Kitchen Equipment List

Ice Maker
3 Compartment Sink
Hand wash sink(s)
Walk in freezer
Walk in refrigerator
Gas range with flattop
Deep fryer
8' hood
Microwaves
Freezers and refrigerators
Food prep surfaces
Food prep equipment:

- Knives
- Cutting boards
-
- Pots and pans
- Mixing bowls
- Food processors
- Storage containers and shelving

Compartment Sinks
Disposal Sinks
Hand Washing sinks
Restaurant POS system
Kitchen Display System
Serviceware

From CA 25-332





Planning and Development

14 August 2025

Whistler Restaurant Group, LLC dba Reys
20 North Main Street
Greenville, SC 29601

Re: Violation of Special Exception Permit S 23-033 (issued as modified on 10/23/2024)

To: Jessica Kearns

You are receiving this letter regarding a Special Exception Permit (S 23-033) that was issued by the City of Greenville Board of Zoning Appeals for the establishment referenced above. The following incidents(s) have been observed by the Planning and Development Department:

13 June, 2025; 27 June, 2025; 8 August, 2025 – A DJ was hired and performed during the referenced nights, according to social media posts and on admission from the business owner.

13 August, 2025 – Restaurant operations are not currently running on the second floor of the business. Further, no food menu is posted online for the overall business, and business sales are primarily of beer, wine, and liquor for on-site consumption, consistent with a 'Bar' use only. This was verified in a phone conversation with the business owner.

Section 1 of SPEX Permit S 23-033 states: Operation of the facility shall be limited to a 'general food and beverage' and 'bar' use, 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.

Section 12 of SPEX Permit S 23-033 states: Interior sound amplification (other than ambient background music) and exterior sound amplification be prohibited.

Greenville Development Code (GDC) Section 19-3.3.4.B.1 General Food and Beverage states: Food and beverage uses that prepare and sell food or beverage. Typical examples include bakery, catering facility, cafe, coffee and tea shop, commercial kitchen, fast food establishment, ice cream or yogurt shop, juice or smoothie bar, restaurant, and pizza delivery establishment. Includes ancillary alcohol sales.

GDC Section 19-3.3.4.B.2 Bar or Nightclub states: A use primarily for serving beer, wine, liquor, or tobacco for on-site consumption. May include a dance floor, live or amplified music, or sell food for on-premise consumption. Typical examples include bar, nightclub, cigar bar, and hookah lounge.



Planning and Development

You are hereby informed of the violation(s) of the permit.

- Violations related to Section 12 of the Special Exception Permit are required to be corrected immediately.
- Violations related to Section 1 of the Special Exception Permit are required to be corrected through a request to modify the Special Exception Permit. The modification should outline the use as intended for operation, and such documents for the modification should be submitted by August 25, 2025.

Failure to comply with any conditions prescribed in Special Exception Permit S 23-033 (as modified) and Chapter 19 of the City of Greenville Code of Ordinances (Greenville Development Code), shall be deemed a violation of the City Code, punishable under penalties established by City Code. Failure to correct such violations outlined in this violation letter, or repeated failure to adhere to the stipulations of the permit may result in the revocation of the Special Exception Permit. Additional inquiries regarding this violation should be directed to my office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristopher Kurjiaka', is written over the printed name and title.

Kristopher Kurjiaka
Principal Development Planner
(864) 467-3238
kkurjiaka@greenvillesc.gov



Planning and Development

22 August 2025

Whistler Restaurant Group, LLC dba Reys
20 North Main Street
Greenville, SC 29601

Re: Revocation of Special Exception Permit S 23-033 (issued as modified on 10/23/2024)

To: Jessica Kearns, Owner

You are receiving this letter regarding a Special Exception Permit (S 23-033 and subsequent modifications) that was issued by the City of Greenville Board of Zoning Appeals for the establishment referenced above. The following incidents(s) have been reported to the Principal Development Planer in the Planning and Development Division:

Wednesday, August 13, 2025. Planning Staff, including Mary Douglas Hirsch (Planning Director), Kristopher Kurjiaka (Principal Development Planner) and Ross Zelenske (Senior Development Planner), spoke with Jessica and Tim Kearns on the phone regarding violations of the current Special Exception Permit for Reys. The permit and associated documentation, including the application are attached hereto. The owners were informed of violations of the interior sound conditions in the permit. According to social media posts, DJs have performed at the business this summer on various dates, which is prohibited by the special exception permit. Per the permit, music is limited to ambient background music only. The business application for the Special Exception Permit represented no amplified music would be played beyond ambient background music. Additionally, Planning Staff pointed out that no food menu is available on Reys' website, despite the fact that the use classification for the business is 'General Food and Beverage' and 'Bar'. Jessica Kearns stated that a menu was not posted online, but that food is available at the business.

Thursday, August 14, 2025. Jessica and Tim Kearns received a notice of violation letter of S 23-033 and modifications for 20 N Main Street (Reys) from Planning staff, noting the violation of the Special Exception Permit by the use of a DJ for sound amplification which is not permitted and for the failure of the business to operate as permitted as a General Food and Beverage and Bar use open after midnight, based on the fact that the business' website indicates no food is available for purchase by patrons. The notice of letter dated August 14, 2025 is attached.

Friday, August 15, 2025. Two plain clothes operatives with the Greenville Police Department entered Reys at 10:25pm and ordered a drink containing liquor and inquired about ordering food. The bartender served the drink containing liquor, however, the Reys employee advised the officers that no food is served at the location and suggested several other nearby downtown businesses to find food.

Section 1 of SPEX Permit S 23-033 states: Operation of the facility shall be limited to a 'general food and beverage' and 'bar' use, as defined by this Code, and shall substantially conform to the statements of the



Planning and Development

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, failure to adhere to the conditions in the Special Exception Permit and misrepresentation to zoning enforcement staff of the business's operations, Special Exception Permit S 23-033 and subsequent approved modifications is hereby revoked pursuant to Greenville Development Code Section 19-6.4.4.A.3 Remedies and Penalties: Permit Suspension or Revocation. As a result, the facility may not operate in any capacity after midnight at this time.

Per the Violation Letter dated August 14, 2025, any application to modify the special exception permit to reflect a use other than General Food and Beverage and Bar use after midnight was to be submitted to the City by August 25, 2025. However, the option for a permit modification is no longer permissible due to the fact that the City discovered on August 15, 2025 that no food is available for purchase at the business at any time, despite representations by the owner otherwise.

PLEASE NOTE: The business must operate in compliance at all times with State law governing Alcoholic Beverage Licenses issued by the South Carolina Department of Revenue. If you have questions regarding these requirements, you should contact a representative from SCDOR or an attorney with knowledge of those laws.

Any violations of these conditions or relevant sections of the City's code of ordinances may result in additional action by the City up to and including the revocation of the certificate of occupancy.

Right to appeal: If you believe the Administrator has erred in its decision to revoke Special Exception Permit 23-033 (and subsequent modifications), you have the right to appeal the decision to the Board of Zoning Appeals pursuant to Greenville Development Code Section 19-6.4.2(G). The appeal must be filed with the Zoning Administrator within 10 city recognized business days of the date of this letter and must indicate reasons you believe the decision is illegal, either in whole or in part. A notice of appeal is included herein.

Any questions regarding this letter may be directed to my office.

Sincerely,

Kristopher Kurjiaka
Principal Development Planner
(864) 467-3238
kkurjiaka@greenvillesc.gov

TO CITY OF GREENVILLE:

APPEAL OF SPECIAL ACCEPTION REVOCATION PERMIT: 23-033

Page 1 of 5

TO: City of Greenville

APPEAL OF SPECIAL EXCEPTION REVOCATION – Permit No. 23-033

Page 1 of 4

CITY OF GREENVILLE STATEMENT (Wednesday, August 13, 2025)

Planning Staff, including Mary Douglas Hirsch (Planning Director), Kristopher Kurjiaka (Principal Development Planner), and Ross Zelenske (Senior Development Planner), spoke with Jessica and Tim Kearns via phone regarding violations of the current Special Exception Permit for Reys. The permit and associated documentation, including the application, are attached hereto. The owners were informed of violations related to interior sound conditions under the permit. According to social media posts, DJs had performed at the business on various dates during the summer, which is expressly prohibited. The permit specifies that music is limited to ambient background music only, and the original application stated that no amplified music would be played beyond ambient background levels. In addition, Planning Staff noted that no food menu was available on Reys' website, despite the business being classified as "General Food and Beverage" and "Bar." Jessica Kearns confirmed that a menu was not posted online, though food is available for patrons on-site.

REYS' RESPONSE

During this call, staff advised us that they would be looking at us being issued a warning and also suggested changing our classification from a restaurant and bar business license to a bar only. City Staff asked us to defer our current special exception application so we could work out the details on the changes, staff was in favor of granting said special exception also. We agreed this change would be acceptable, aside from the potential impact on liquor liability rates which is not an issue after we followed up with our insurance carrier. Staff also expressed concern regarding DJs performing at Reys. We explained that DJs used the same type of playlists we normally play through our in-house speaker system and used our in house speakers and it was more of an ambiance thing and we did not believe this constituted a violation. This was not a willful violation, However we acknowledged that a new or amended Special Exception Permit would best address this issue and we immediately discontinued hosting DJs after the call.

Staff also gave us a violation for not serving food but it was related to our second floor. The second floor is still under construction and not even remotely close to being open. Please see a picture of the second floor. How can we have a violation when the space can't even be occupied and isn't open? Here is the violation we were issued.

13 August, 2025 – Restaurant operations are not currently running on the second floor of the business.

Regarding the website issue, we respectfully note that there are no published guidelines specifying website content requirements for any businesses under this classification on our special exception or anywhere that we could find.

Following our call, city staff advised that they would email detailed guidance on how to modify our current Special Exception Permit. That email (attached) outlined required modifications. We responded with additional clarification questions but did not receive further communication until the revocation notice was issued the following week.

Reys has been in continuous operation for 17 years without prior Special Exception violations. Our manager has been employed at Reys for 14 years, ensuring operational consistency. Given this longstanding compliance history, revocation of our permit based on these limited incidents—occurring within a short three-day period—appears to be an excessive measure with an overall agenda from the city.

CITY OF GREENVILLE STATEMENT (Thursday, August 14, 2025)

Jessica and Tim Kearns received a Notice of Violation letter (S 23-033) from Planning Staff regarding 20 N Main Street (Reys). The notice cited violations for (1) unauthorized use of a DJ for amplified sound, and (2) failure to operate as a General Food and Beverage/Bar establishment open after midnight, based on the absence of a food menu on the business' website. A copy of the notice dated August 14, 2025 is attached.

REYS' RESPONSE

As stated previously, we are not aware of any requirement that business websites must follow a specific protocol or be approved by the City of Greenville. This appears to be a clear example of the

City attempting to create issues where none exist. No documentation, permit condition, or Special Exception specifies such a requirement.

CITY OF GREENVILLE STATEMENT (Friday, August 15, 2025)

At 10:25 p.m., two plain-clothed Greenville Police Department operatives entered Reys, ordered an alcoholic beverage, and inquired about food service. While a drink was served, the Reys employee stated that food was not available and referred the officers to other downtown establishments.

REYS' RESPONSE

Reys maintains a full kitchen with equipment and food, and food is served daily. Despite this extremely inaccurate and isolated occurrence, Reys does routinely serve food during all business hours. After 11:00 p.m., we also provide pizza by the slice, which is prepared in advance and placed in a warmer. Additionally, pre-packaged food is always available for purchase.

Following the call from staff last week, we immediately began implementing corrective measures. We initiated additional staff training to reinforce our protocols and ensure our team fully understands and reflects the values and standards of Reys. Unfortunately, on the evening referenced, our general manager was unexpectedly absent due to a medical emergency, which created an atypical disruption. While this was a challenging circumstance, it also provided us valuable insight into areas where we can strengthen training and empower assistant managers and staff to maintain consistency under all conditions. This process has felt unreasonably expedited and has not afforded us sufficient time to appropriately address and remedy the concerns raised. Reys has been a trusted part of downtown Greenville for almost two decades, operating without significant issues. Whenever a matter has been brought to our attention, we have acted swiftly and cooperatively to resolve it. We have consistently communicated with the City and have always sought constructive solutions to ensure we remain a positive presence in our community.

We respectfully submit that moving from a first violation in more than a decade to full permit revocation within a single week is disproportionate. We ask for the opportunity to address these matters in the same responsible and cooperative manner we always have in the past—and will

continue to do in the future. Reys is committed to being a safe, well-run, and respected establishment, and to serving as a welcoming part of downtown Greenville for residents and visitors alike.

Reys is not a problematic establishment , City staff have recognized this for years and have consistently recommended approval of our special exceptions and changes. Most recently last month. We maintain great relationships with the Downtown police staff, we call them personally from time to time and communicate as needed. We do not receive complaints from neighboring condos, businesses or anyone on that matter, we do not generate excessive police calls, and we take our responsibilities absolutely seriously. In fact, we have proactively contacted the City Council to discuss ways to reduce the late-night “drama” caused by other establishments and people who are downtown and may or may not actually be frequenting other establishments.

As a business, we have implemented more security measures than required, including security Seven days a week after 10 PM, a dress code, curated music selection, responsible alcohol service policies, safe food handler certifications for staff , safe alcohol training programs and regular staff training multiple times per year. We are not an establishment focused solely on profit, we care deeply about our staff, our customers, and the City of Greenville. As a downtown resident, I understand the importance of addressing problems, but there must be a better solution than what has been presented to us.

The proposed modifications are intended not only to clarify our business classification but also to demonstrate our strong commitment to compliance, accountability, and partnership with the City and the BZA. Specifically, we are reaffirming our food service obligations, voluntarily agreeing to a six-month probationary reporting period, and ensuring transparency through regular communication with staff. These commitments reflect our genuine desire to work collaboratively and proactively with City officials.

Jessica Kearns
Reys
20 North Main St.

TO: City of Greenville Staff
Board of Zoning Appeals

Re: Proposed Modification of Special Exception for Reys

Dear Members of the Board,

Dear Members of the Board,

On behalf of Reys, I respectfully submit the attached proposal requesting a modification to our current Special Exception or deny the revocation in its entirety, rather than affirming City staff's request for revocation. We believe that a modification is the appropriate and constructive step.

It is important to note that City staff, including uniformed and plainclothes officers, have attempted to identify more violations on multiple occasions through undercover operations and compliance checks, but none have been found. At the same time, there appears to be a broader effort by the City to require all bars and restaurants to close at midnight, rather than working collaboratively with longstanding local businesses that have successfully operated for nearly two decades.

The Special Exception is not intended to function as a "one strike and you're out" policy; while many rules are clear, certain gray areas allow for interpretation. We would like to clarify these areas to ensure all parties are aligned and expectations are clearly understood. I have personally sent four to five emails to City staff in an effort to reach a resolution, but have received no response from most, and only one reply indicating that the matter is ultimately up to the BZA. Copies of these emails are attached.

For nearly 17 years, Reys has been a proud fixture of downtown Greenville, contributing to Main Street's vibrancy, supporting the local economy, and providing a welcoming space for residents and visitors alike. Reys is a destination for many who visit Greenville.

To an outsider, the importance of the two-hour Special Exception may not be immediately clear, but its revocation would effectively put Reys out of business overnight. We currently employ approximately 23 people, several of whom have been with us for 5, 10, 12, and even 14 years. Many depend on Reys as their primary source of income, supporting their families, maintaining health insurance, and meeting financial obligations. Abruptly removing this exception would have serious consequences for our staff, their families, and my own. I respectfully urge the Board to consider these realities carefully and make a decision in the best interest of all involved.

The proposed modifications outlined here are designed to clarify our business classification while demonstrating our commitment to compliance, accountability, and partnership with the City and BZA. Specifically, we are reaffirming our food service obligations, voluntarily submitting to a six-month probationary period, and ensuring transparency through regular communication with staff. These commitments reflect our dedication to working collaboratively and proactively with City officials.

We share the City's goal of maintaining a safe, vibrant, and well-regulated downtown district. By adopting the proposed modifications, Reys can continue to contribute to Greenville's thriving downtown while remaining fully compliant with the standards and expectations of the Special Exception process.

We value our relationship with the City of Greenville and the BZA, and we welcome any opportunity to discuss this proposal in more detail. Thank you for your thoughtful consideration and for your continued support of businesses like Reys, which help make downtown Greenville a destination for all.

Sincerely,
Jessica Kearns
Reys

Proposed Modification of Special Exception for Reys

Collaboration

- Reys will work with City staff and/or BZA members to outline a modification that aligns with all parties.
- Reys will be on a probationary period of six months. If Reys fails to maintain the guidelines during this probationary term, Reys will forgo the Special Exception to operate after midnight.
- During this probationary period, Reys will gladly work with staff and the BZA to ensure all requirements are met.
- Reys will meet with City staff and/or BZA staff onsite, if requested, at any time during this probationary period to ensure all requirements are met.

Hours of Operation

- Reys will remain open until 2:00 a.m.

Business Classification

- Reys will change its classification from “restaurant and bar” to “bar only.”

Entertainment

- Reys will not offer DJs but may apply for live music.

Food Service

- Food will be served from opening until 1:30 a.m. nightly.
- Reys will provide evidence, upon request during the six-month probationary period, that food service and all other Special Exception requirements are being met. The City can help determine what evidence will suffice.
- If the City determines Reys is not meeting food service requirements, Reys will forgo any attempt to remain open past midnight.
- After the probationary period, Reys will continue to serve food as required.
- Reys will strive to have at least 40% of sales from food and non-alcoholic items.

- Reys will serve food on the second floor in accordance with the Special Exception once construction is complete and the space is open (expected December 2025).
- Reys will keep its website updated at all times with a current food menu.

Compliance and Communication

- Reys will continue to conform to all current requirements under the existing Special Exception unless otherwise adjusted by the City or BZA.
- Reys will notify the City and/or BZA ahead of time if, for any unforeseen reason, a guideline of the Special Exception cannot be met.
- Reys will remain proactive in ensuring all requirements are met and followed as expected.

Security

- Reys will maintain two SLED-certified security personnel on Thursday, Friday, and Saturday from 10:00 p.m.–2:00 a.m., with one remaining until 2:15 a.m.
- For large events, like New Year's Eve, Reys will maintain extra security at all times during these events.

Building and Façade Modifications

- Reys may continue with the Special Exception pending approval for the front façade remodel as previously submitted and approved by City staff.
- The proposed modifications outlined here may be added to the current pending application.

AFTER VISIT SUMMARY

Samuel I. Cover [REDACTED]

8/15/2025 4:40 PM Prisma Health Urgent Care-Powdersville 864-631-2799

Instructions from Cassidy R Hood, MD



Today's medication changes



START taking:

amoxicillin-clavulanate

Started by: Cassidy R Hood, MD

predniSONE

Started by: Cassidy R Hood, MD



CONTINUE taking your other medications

Review your updated medication list below.

Accurate as of August 15, 2025 5:20 PM.



Read the attached information

PAROTITIS (ENGLISH)



Pick up these medications at CVS/pharmacy #3537 -
SENECA, SC - 210 INGLES PLACE AT INTERSECTION
OF HIGHWAY 123 AND 130

amoxicillin-clavulanate • predniSONE

Address: 210 INGLES PLACE, SENECA SC 29678

Phone: 864-882-6988



Return if symptoms worsen or fail to improve.

What's Next

You currently have no upcoming appointments scheduled.

Wait Listed Appointments

Allergies

Animal Dander

Hives

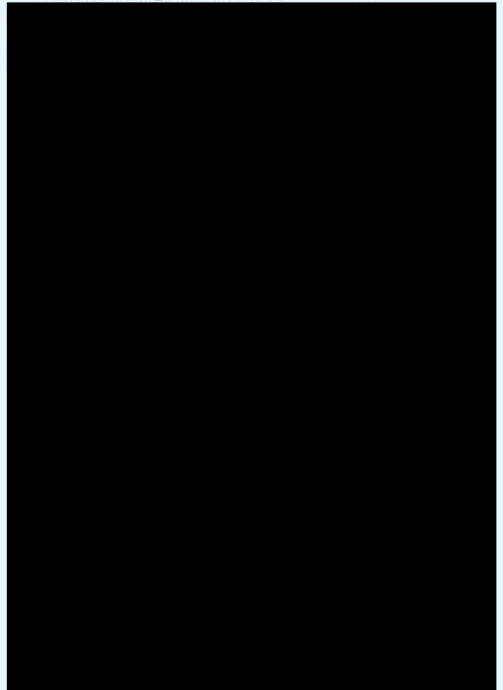
Banana

Itching

Today's Visit

You saw Cassidy R Hood, MD on Friday
August 15, 2025 for:

The following issues were addressed:



MyChart Sign-Up

Send messages to your doctor, view your
test results, renew your prescriptions,
schedule appointments, and more.

Go to <https://mychart.prismahealth.org/MyChart/>, click "Sign Up Now", and enter
your personal activation code:

JT3HX-4BC9T-X4DG6. Activation code
expires 9/14/2025.



Reys GVL

Daily Sales for 8/15/2025
created at 9/2/2025 12:35:26 PM

Page 1 of 1

OPEN CHECK AMOUNT (153.13)

	Sales	% Sales	10:00am - 03:00am Sales	Disc Units	Disc Sales
Average Check					
Average Guest					
Voids	2	0.02	0.02		
Dinner		49.96		0	0.00
Kitchen		49.96		0	0.00
Beer & Wine		11.43		0	0.00
Draft Beer		1.53		0	0.00
Bottle/Can Beer		9.43		0	0.00
Wine		0.47		0	0.00
Liquor		38.03		0	0.00
Liquor		37.94		0	0.00
Bar Mods		0.09		0	0.00
Retail		0.58		0	0.00
Retail		0.58		0	0.00
Totals		100.00		0	0.00
Subtotal					
Inclusive Tax					
Subtotal Discounts					
Net Sales					
Sales Tax		on	exempt	0.00	
Hosp. Tax		on	exempt	0.00	
Liq Tax		on	exempt	0.00	
Total Tax					
Total Sales					
Paid Outs					
Paid Ins					
Retained Tips					
Refunds					
Total Accountable					
Gross Cash					
Paid Outs	0	0.00	-		
Net Cash			=		Cash Deposit: _____
CHECK	0	0.00	+		
Cash & Checks			=		Cash & Checks Deposit: _____
VISA			+		
MasterCard			+		
AMEX			+		
Discover	0		+		
GC Payment	0		+		
House Charge	0		+		
Mobile CC			+		
DoorDash Tender	0		+		
GrubHub Tender	0		+		
ST-Paid	0		+		
Total Payments			=		- _____ = Over/Short _____ CC Total _____
Order Types					
CC Bar					

updated special exception

Tue, Sep 2, 2025 at 11:38 AM

Leigh Paoletti <lpaoletti@greenvillesc.gov>
To: Jessica Kearns <jkearns@greenvillesc.gov>, Ross Zelenske <zelenske@greenvillesc.gov>
Cc: Kris Kurjaka <kkurjaka@greenvillesc.gov>, Mary Douglas Hirsch <mdhirsch@greenvillesc.gov>

Thank you for reaching out and your expressed willingness to discuss recent changes that have been made to the operation of Reys. The city's goal is compliance with the permit and its conditions as issued by the Board of Zoning Appeals, which was the purpose and goal of the phone meeting between you and members of the Planning Department. That meeting did not lead to compliance, therefore, the next appropriate step from the city's view is to allow the BZA to hear the appeal of the decision of the Planning Administrator to revoke the special exception permit held by Reys.

At the appeal hearing, the BZA may affirm or reverse the Planning Administrator's decision to revoke Reys' special exception permit. Should the board affirm that decision, and you appeal that decision to the circuit court, a mediation could be held at that time.

To facilitate a speedy resolution of the appeal which must be heard by the Board of Zoning Appeals, the city proposes a special called meeting of the BZA on September 24th at 4 p.m.. If you are available on that date, staff can begin exploring whether the board can be available on that date as well. If that date is unavailable for any reason, the appeal hearing will be held at the board's October 2nd scheduled meeting. If I have not received a response from you regarding the September 24th date by noon tomorrow, the city will presume you are available and will move forward with planning the meeting for September 24th. You will receive separate notice once that meeting is set.

Thank you,

Leigh Paoletti

Leigh Booth Paoletti
City Attorney, City of Greenville
[Redacted]

From: Jessica Kearns [Redacted]
Sent: Wednesday, August 27, 2025 11:17:15 AM
To: Ross Zelenske <zelenske@greenvillesc.gov>; Leigh Paoletti <paoletti@greenvillesc.gov>
Cc: Kris Kurjaka <kkurjaka@greenvillesc.gov>; Mary Douglas Hirsch <mdhirsch@greenvillesc.gov>
Subject: Re: updated special exception

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or opening attachments.

Thank you Ross.
Hi Leigh,

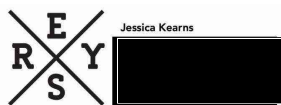
I would truly appreciate the opportunity to schedule a sit-down, or mediation if you feel it's appropriate, so we can work toward a positive resolution together. Over the past few weeks, I've implemented several important internal changes that I believe address many of the concerns discussed. I'd value the chance to walk you and your team through these updates and explore how we can align moving forward.

My goal is to continue being a constructive partner and to ensure that our efforts not only meet expectations but also strengthen our relationship with the city. I'm confident that with an open conversation, we can find a path that works well for everyone.

I'm flexible and will adjust to your schedules, please just let me know a time and place that works best, and I'll make it happen.

Thank you for your time and consideration. I look forward to the opportunity to meet.

Thank you!



On Wed, Aug 27, 2025 at 9:06 AM Ross Zelenske <zelenske@greenvillesc.gov> wrote:

Jessica,

Right now the meeting is scheduled for Thursday October 9, however we are evaluating a special called meeting that would occur sooner to resolve this matter in a more timely manner. I will follow up if a date sooner is confirmed to ensure that works for all parties.

Since an appeal has been filed, any "mediation" related to the case would need to occur through the [City Attorney's Office](#). City Attorney Leigh Paoletti can be reached at lpaoletti@greenvillesc.gov.



Ross Zelenske
Senior Development Planner | Planning & Development Services
zelenske@greenvillesc.gov | www.greenvillesc.gov
Phone: 864-467-4251

[Development Code](#) | [Zoning Map](#) | [Building Applications](#) | [Zoning Applications](#)



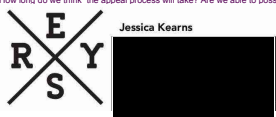
Five years into the Comp Plan, we're checking in to see how we're doing. Take the survey.

From: Jessica Kearns [Redacted]
Sent: Tuesday, August 26, 2025 12:32 PM
To: Ross Zelenske <zelenske@greenvillesc.gov>; Kris Kurjaka <kkurjaka@greenvillesc.gov>; Mary Douglas Hirsch <mdhirsch@greenvillesc.gov>
Subject: Re: updated special exception

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or opening attachments.

Ross,

How long do we think the appeal process will take? Are we able to possibly meet with Shannon and or Mary Douglas to see if we can resolve this prior to the hearing? We have heard of other places meeting with the city and resolving some issues they had. Thanks!



On Tue, Aug 26, 2025 at 8:34 AM Ross Zelenske <zelenske@greenvillesc.gov> wrote:

Received. I will add to the file, however the application is on hold until the appeal process is resolved.



Ross Zelenske
Senior Development Planner | Planning & Development Services
zelenske@greenvillesc.gov | www.greenvillesc.gov
Phone: 864-467-4251

[Development Code](#) | [Zoning Map](#) | [Building Applications](#) | [Zoning Applications](#)



Five years into the Comp Plan, we're checking in to see how we're doing. Take the survey.

From: Jessica Kearns [Redacted]
Sent: Monday, August 25, 2025 3:45 PM
To: Ross Zelenske <zelenske@greenvillesc.gov>
Subject: updated special exception

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or opening attachments.

Ross,

Please see the updated Special Exception. Changes have been made as suggested. Thank you.





Jessica Kearns <reysgvl@gmail.com>

REYS

1 message

Jessica Kearns [REDACTED]
To: slavrin@greenvillesc.gov

Fri, Aug 22, 2025 at 9:49 AM

Hi Shanon,

I want to take a moment to introduce myself—my name is Jesica Kearns, and I own Reys and Lost and Found in downtown Greenville. I'd love the chance to sit down with you, not only to get to know each other better but also to talk about my businesses and how they might be able to align with the City of Greenville's vision and plans.

I'm happy to meet whenever it's convenient for you, and I'd be glad to make time early next week if that works. Please feel free to call or email me—whatever's easiest.

I'm really looking forward to connecting.

Warmly,
Jesica Kearns

**Jessica Kearns**



Jessica Kearns <reysgvl@gmail.com>

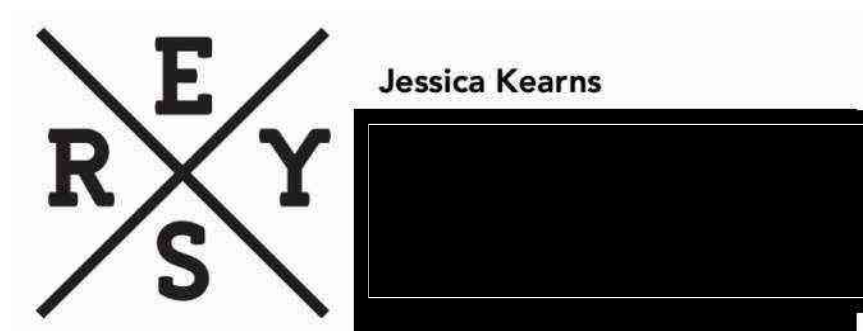
Reys Special Exception

Jessica Kearns [REDACTED]

Wed, Sep 3, 2025 at 11:05 AM

To: Ross Zelenske <rzelenske@greenvillesc.gov>, Kris Kurjiaka <kkurjiaka@greenvillesc.gov>, Mary Douglas Hirsch <mdhirsch@greenvillesc.gov>, Leigh Paoletti <lpaoletti@greenvillesc.gov>, slavrin@greenvillesc.gov

Hi,
I have attached a modification that I have put together in hopes of an agreement for Reys prior to our meeting. Please take a brief moment to look at this and see if this possibly aligns with what you are looking for.



modification_reys.pdf

88K



Jessica Kearns <reysgvl@gmail.com>

updated special exception

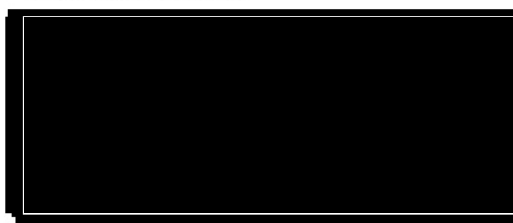
10 messages

Jessica Kearns [REDACTED]
To: Ross Zelenske <rzelenske@greenvillesc.gov>

Mon, Aug 25, 2025 at 3:45 PM

Ross,

Please see the updated Special Exception. Changes have been made as suggested. Thank you.

**Jessica Kearns**

 **reys updated BZA.pdf**
13774K

Ross Zelenske <rzelenske@greenvillesc.gov>
To: Jessica Kearns [REDACTED]

Tue, Aug 26, 2025 at 8:34 AM

Received. I will add to the file, however the application is on hold until the appeal process is resolved.

**Ross Zelenske**
Senior Development Planner | Planning & Development Services
rzelenske@greenvillesc.gov | www.greenvillesc.gov

Phone: 864-467-4251

[Development Code](#) | [Zoning Map](#) | [Building Applications](#) | [Zoning Applications](#)



5 YEAR UPDATE IN PROGRESS

Five years into the Comp Plan, we're checking in to see how we're doing. Take the [survey](#).

From: Jessica Kearns [REDACTED]
Sent: Monday, August 25, 2025 3:45 PM
To: Ross Zelenske <rzelenske@greenvillesc.gov>
Subject: updated special exception

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Ross,

Please see the updated Special Exception. Changes have been made as suggested. Thank you.



Jessica Kearns



Jessica Kearns [REDACTED] Tue, Aug 26, 2025 at 12:32 PM
To: Ross Zelenske <rzelenske@greenvillesc.gov>, Kris Kurjiaka <kkurjiaka@greenvillesc.gov>, Mary Douglas Hirsch <mdhirsch@greenvillesc.gov>

Ross,

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Jessica Kearns



On Tue, Aug 26, 2025 at 8:34 AM Ross Zelenske <rzelenske@greenvillesc.gov> wrote:

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Ross Zelenske

Senior Development Planner | Planning & Development Services

rzelenske@greenvillesc.gov | www.greenvillesc.gov

Phone: 864-467-4251

[Development Code](#) | [Zoning Map](#) | [Building Applications](#) | [Zoning Applications](#)



5 YEAR UPDATE IN PROGRESS



Five years into the Comp Plan, we're checking in to see how we're doing. Take the [survey](#).

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To: Ross Zelenske <rzelenske@greenvillesc.gov>
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Ross,

Please see the updated Special Exception. Changes have been made as suggested. Thank you.



Jessica Kearns



Ross Zelenske <rzelenske@greenvillesc.gov>

Wed, Aug 27, 2025 at 9:06 AM

To: Jessica Kearns [REDACTED]

Cc: Kris Kurjiaka <kkurjiaka@greenvillesc.gov>, Mary Douglas Hirsch <mdhirsch@greenvillesc.gov>

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Jessica Kearns [REDACTED]
To: TIM KEARNS [REDACTED]

Wed, Aug 27, 2025 at 9:34 AM



Jessica Kearns



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From: **Ross Zelenske** <rzelenske@greenvillesc.gov>

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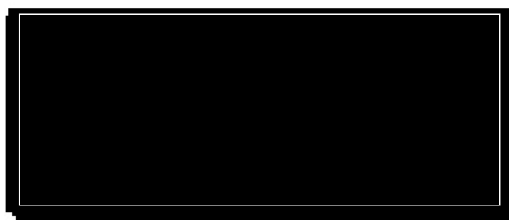
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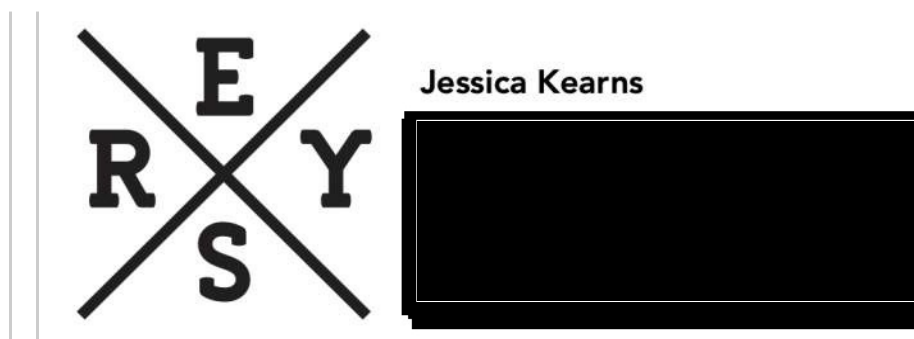
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Leigh Paoletti <lpaoletti@greenvillesc.gov>

Thu, Aug 28, 2025 at 9:03 PM

To: Jessica Kearns [REDACTED], Ross Zelenske <rzelenske@greenvillesc.gov>

Cc: Kris Kurjiaka <kkurjiaka@greenvillesc.gov>, Mary Douglas Hirsch <mdhirsch@greenvillesc.gov>

Good evening, all.

Ms. Kearns, I wanted to acknowledge receipt of your email and let you know that I will respond fully to you early next week. I will respond sooner if I am able. I appreciate your patience with me.

Thank you,

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Jessica Kearns [REDACTED]
To: TIM KEARNS [REDACTED]

Fri, Aug 29, 2025 at 6:05 AM



Jessica Kearns



----- Forwarded message -----

From: Leigh Paoletti <lpaoletti@greenvillesc.gov>

Date: Thu, Aug 28, 2025 at 9:03 PM

Subject: RE: updated special exception

To: Jessica Kearns [REDACTED], Ross Zelenske <rzelenske@greenvillesc.gov>

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To: Jessica Kearns [REDACTED], Ross Zelenske <rzelenske@greenvillesc.gov>

Cc: Kris Kurjiaka <kkurjiaka@greenvillesc.gov>, Mary Douglas Hirsch <mdhirsch@greenvillesc.gov>

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Leigh Booth Paoletti
City Attorney, City of Greenville
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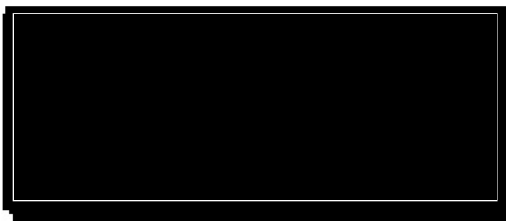
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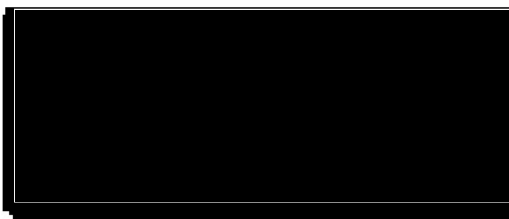
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Hi Leigh,

Thank you for your response. It's unfortunate that the City does not wish to meet and discuss this further in hopes of reaching a resolution prior to the BZA meeting. I truly believe that a productive outcome could have been achieved through such a discussion.

At this point, I don't believe we will be able to attend the special meeting, as we are in the process of retaining counsel. I will confirm shortly, but as of now, the timing does not work.

Additionally, I'd like to request discovery from you and your staff. Could you please confirm whether a formal filing of interrogatories and a request for production of documents is required, or if an email request will suffice? Or would we

also need to file a FOIA request?

Thank you,



Jessica Kearns



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Thank you Ross.
Hi Leigh,

I would truly appreciate the opportunity to schedule a sit-down, or mediation if you feel it's appropriate, so we can work toward a positive resolution together. Over the past few weeks, I've implemented several important internal changes that I believe address many of the concerns discussed. I'd value the chance to walk you and your team through these updates and explore how we can align moving forward.

My goal is to continue being a constructive partner and to ensure that our efforts not only meet expectations but also strengthen our relationship with the city. I'm confident that with an open conversation, we can find a path that works well for everyone.

I'm flexible and will adjust to your schedules, please just let me know a time and place that works best, and I'll make it happen.

Thank you for your time and consideration. I look forward to the opportunity to meet.

Thank you!



Jessica Kearns



On Wed, Aug 27, 2025 at 9:06 AM Ross Zelenske <rzelenske@greenvillesc.gov> wrote:

Jessica,

Right now the meeting is scheduled for Thursday October 9, however we are evaluating a special called meeting that would occur sooner to resolve this matter in a more timely manner. I will follow up if a date sooner is confirmed to ensure that works for all parties.

Since an appeal has been filed, any "mediation" related to the case would need to occur through the [City Attorney's Office](#). City Attorney Leigh Paoletti can be reached at lpaoletti@greenvillesc.gov.



Ross Zelenske

Senior Development Planner | Planning & Development Services
zelenske@greenvillesc.gov | www.greenvillesc.gov

Phone: 864-467-4251

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5 YEAR UPDATE IN PROGRESS

Five years into the Comp Plan, we're checking in to see how we're doing. Take the [survey](#).

From: Jessica Kearns [REDACTED]

Sent: Tuesday, August 26, 2025 12:32 PM

To: Ross Zelenske <zelenske@greenvillesc.gov>; Kris Kurjiaka <kkurjiaka@greenvillesc.gov>;
Mary Douglas Hirsch <mdhirsch@greenvillesc.gov>

Subject: Re: updated special exception

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Ross,

How long do we think the appeal process will take? Are we able to possibly meet with Shannon and or Mary Douglas to see if we can resolve this prior to the hearing? We have heard of other places meeting with the city and resolving some issues they had. Thanks!

~~REPLY~~

Jessica Kearns



On Tue, Aug 26, 2025 at 8:34 AM Ross Zelenske <rzelenske@greenvillesc.gov> wrote:

Received. I will add to the file, however the application is on hold until the appeal process is resolved.



Ross Zelenske

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5 YEAR UPDATE IN PROGRESS

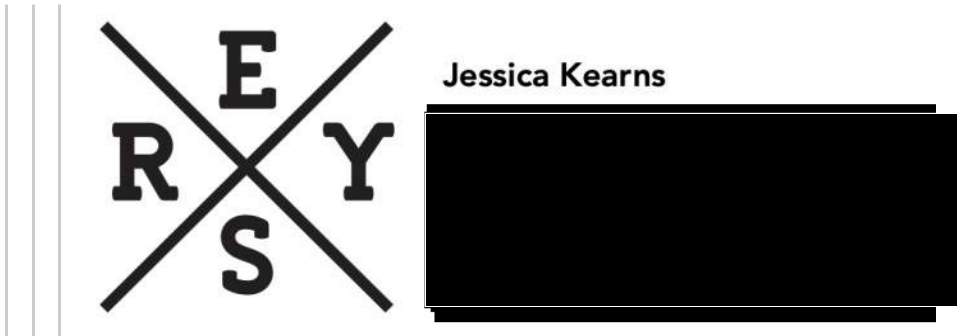
Five years into the Comp Plan, we're checking in to see how we're doing. Take the [survey](#).

From: Jessica Kearns [REDACTED]
Sent: Monday, August 25, 2025 3:45 PM
To: Ross Zelenske <rzelenske@greenvillesc.gov>
Subject: updated special exception

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Ross,

Please see the updated Special Exception. Changes have been made as suggested. Thank you.



Amend to bar

Operating Plan

1. **Type of Use** Restaurant
2. **Days and Hours of Operation** Will follow current businesses hours of operations in the beginning. 4PM - 2AM Sunday-Saturday. Will open for lunch once our new kitchen is rolling and hours will become 11AM - 2AM Sunday-Saturday
3. **Staffing Schedule:**
 1. We will match the current businesses schedule in the beginning. Opener at 3PM and then next shift starts at 7 PM with security arriving between 9 PM and 10 PM depending on the busyness of the night. On the weekends we add 3-5 employees based on necessity with a manager always on duty. Then when we transition to open for lunch we will develop an afternoon and evening shift schedule. Afternoon will be 11AM to 6PM and evening will be 6PM to 2AM. We always will maintain an on site manager each night as well as security each night.
4. ~~Kitchen Equipment Schedule See attached Exhibit A~~
5. **Menu and Hours of Food Service**
 1. Food will be served during all open hours. *See attached Exhibit B for Current Menu and proposed menu.* We will maintain the current menu and staff until we are able to hire and train new staff to run the new menu.
6. **Parking for Customers and Employees**
 1. There is on street parking and 4 parking garages within a short walking distance (Richardson St., Spring St., One City Garage, and Washington Parking Deck)
7. **Designated Smoking Area**
 1. There will be no smoking or designated smoking area and we will adhere to the current city codes for smoking outside
8. **Type of Entertainment and Duration**
 1. No live music will be performed, and only background music will be played through the speaker system current installed speaker system.
9. ~~Closing / "Last Call" Procedures~~
 1. We will close no later than 2 AM every night and the last call will be no later than 1:45 AM.

Provide expected
entertainment

Provide food menu

Update to reflect
current security
operation

~~Security Procedures~~

1. Number and Type of Designated Security Staff

1. We will maintain the current businesses model and have 1 security guard on Sundays-Thursdays and 2 security guards on Friday and Saturdays starting at 9 PM. All security guards are SLED certified and are hired to maintain crowd control inside, outside, and ensure only permitted age persons are allowed in at night.

2. Training/Certification of Staff

1. We have hired 5:9 Security to handle our security needs. Their staff are all SLED certified and regularly trained. Each employee including all management and servers will have the required certification and training for their role.

3. Specific Duties/Responsibilities of Staff

1. Manager: manage the day to day tasks as well as scheduling, inventory ordering and

Business Plan

1. Business Plan Summary:

1. *Keep current business plan and add more sq ft and add Colombian food dishes and spanish / colombian tapas*

2. Projected Revenue: % Alcohol VS Food Sales

1. 60% food and 40% alcohol

3. Fees for Entry/Membership/Entertainment

1. No cover charge or membership will be taken. No live entertainment is planned, only background music through the in house speaker system.

4. Status of City Business License Application

1. Business license has been applied for

5. Status of SCDHEC Retail Food Establishment Permit

1. *Current Grade A with DHEC*

6. Status of ABL 901 Application to SC Department of Revenue

1. *current Liquor License in place*

7. Provide Documentation that SLED Requirements have been met

1. *current Liquor License in place - see attached*

Update





















ALL TABS LEFT OPEN
WILL HAVE 20%
GRATUITY ADDED AND
CLOSED OUT AT THE
END OF THE EVENING.

Reys
Greenville

Churro
Lemon Pepper

Jalapeno
Onion
Loaded Baked
Potato

Stacks of white plastic cups

Stacks of dark beer bottles

Small refrigerator containing cans of soda and beer

Warming rack with a red top that says "Fresh Delicious"

Box of NOBLE Powder-Free Latex Gloves





DAILY ROUTINE

OPENING

- Turn on hood vents and hood lights
- Remove the lid from the fryer, check to make sure pilot light is lit (if not, follow steps on the inside of the fryer door to re-light), turn the thermostat on to 350*
- Prepare three compartment sink. From left; one sanitizing tablet, filled with hot water. Center compartment filled with clean hot water. Right compartment, 1oz of pot and pan detergent, fill with hot water
- Check your inventory, restock from freezers in the basement as needed
- Make sure all surfaces are clean, stocked box of gloves, and other items you will need for service. Restock as needed from downstairs
- Fill your downtime with cleaning and organizing. Inside and outside of make line, equipment, floor. If you have time to lean, you've got time to clean

CLOSING

- Turn the fryer thermostat to off, replace lid on fryer
- Finish washing any dishes or utensils used from service for the shift, dry and restock in appropriate locations
- Clean cutting board over sink; hot water, soap, scrub, rinse, dry. Clean surface on the make line where the cutting board rests while its drying
- Empty three compartment sink, wipe down inside of all of them and rinse. They need to be spotless and empty of dishes or utensils before you leave
- Wipe down all surfaces in kitchen; tables, walls, fryer, etc.
- Deep sweep, underneath everything, move equipment that's able to reach all areas of the floor
- Hot mop with all purpose cleaner
- Restock cooler and freezers as needed for service the following day
- Turn off hood vents and lights

Pizza
11:20
M 7:30

MARINADE FOR CHICKEN

Cut chicken breast into tenders

½ gallon buttermilk

2 eggs, beaten

CHICKEN BREADING

1 ½ cup of flour

½ pack of ranch seasoning

Tsp of black pepper

¼ cup montreal steak seasoning

PIZZA SAUCE

1 can of tomato sauce

½ cup of olive oil
seasoning

¼ cup of oregano

1/3 cup of minced garlic

1/3 cup of onion powder

¼ cup of sugar

RANCH DRESSING

½ gallon of buttermilk

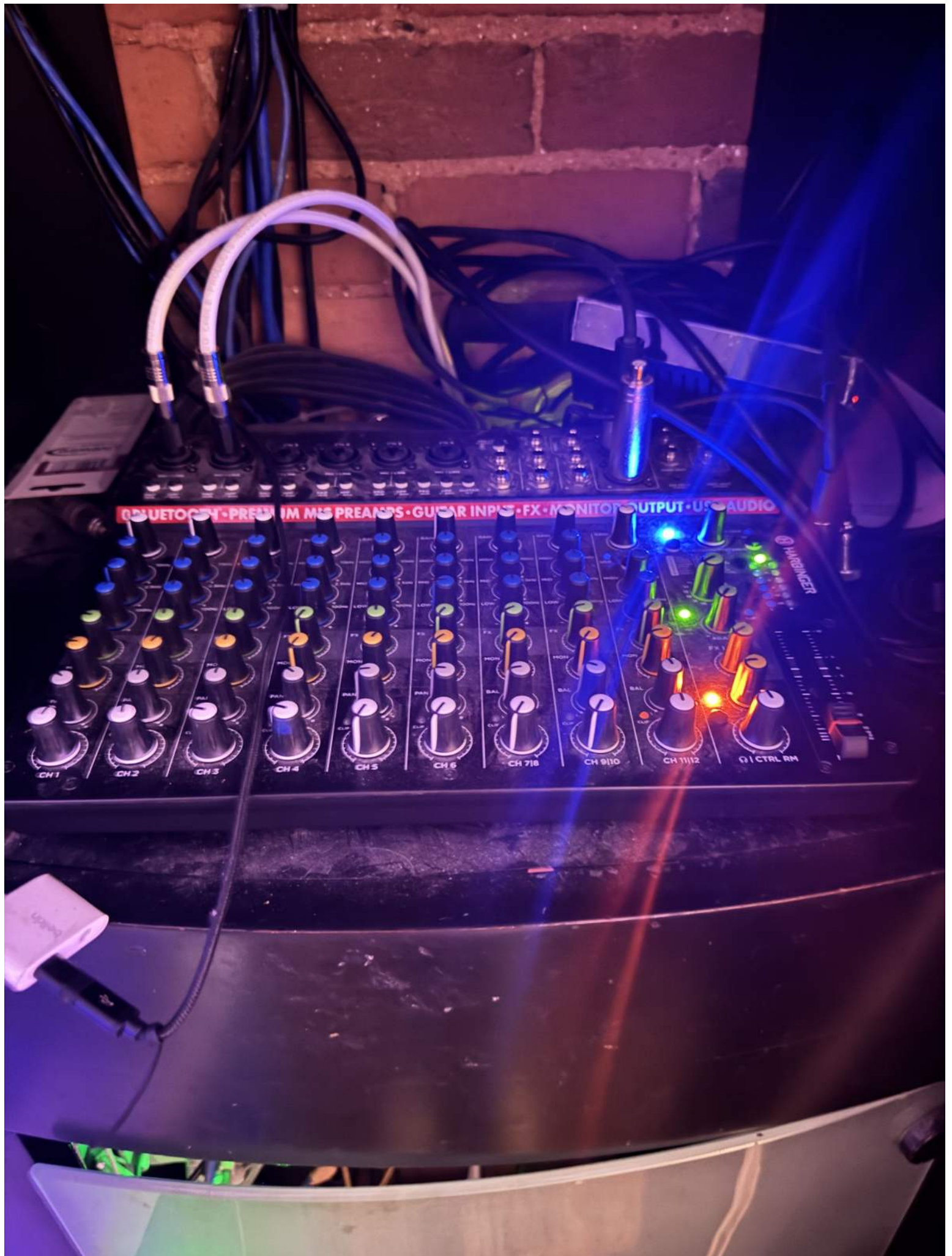
1 pack of ranch

½ gallon of mayo

¼ cup of Italian seasoning

¼ cup of smoke seasoning





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1,479 posts

2,606 followers

1,516 following

REYS

The coldest drinks and the hottest food in Downtown Greenville

Open 4PM - 2AM everyday

docs.google.com/forms/d/e/1FAIpQLSe4_Ig8q87gALglf1QkEYI_S-P9iKqWgovW6SkgYcmJ

Followed by penthousegvl and greenville360



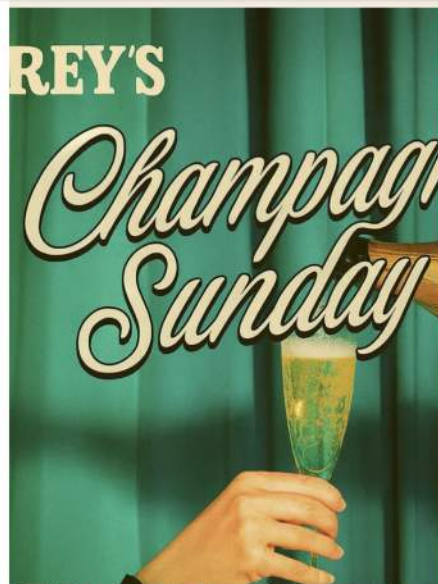
Specials



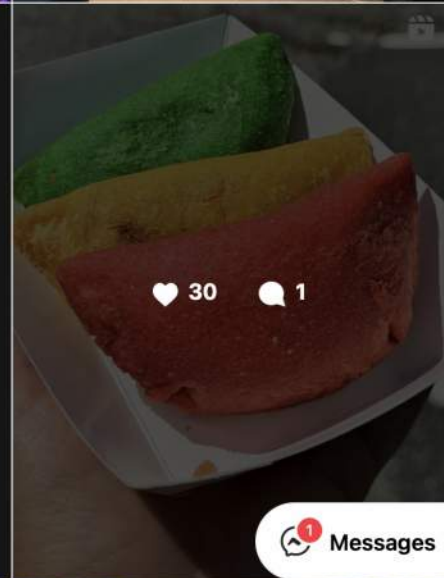
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Hey Greenville. Our kitchen is open all night tonight and serving free food with any drink purchase. Bring your phone chargers and enjoy a night at Reys after all of this chaos.



30 1

Messages



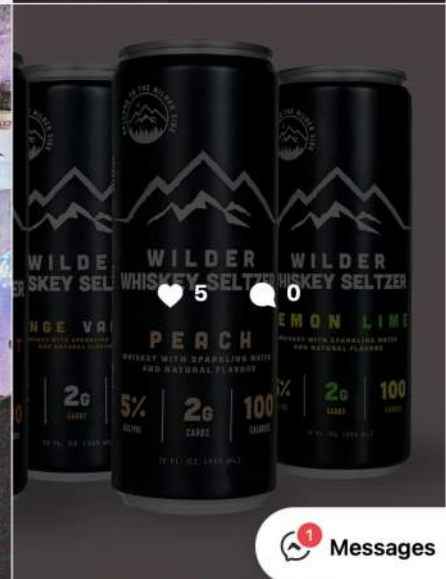
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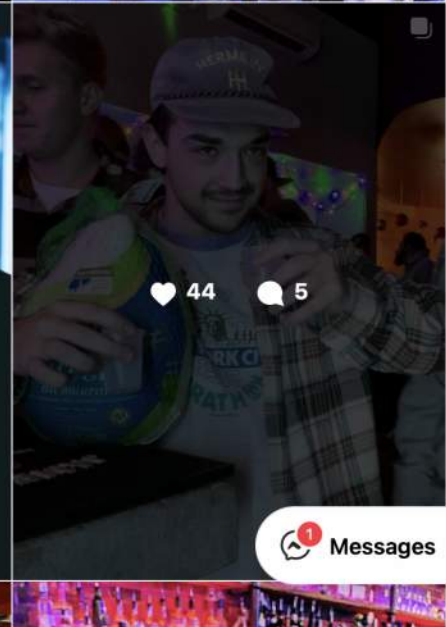


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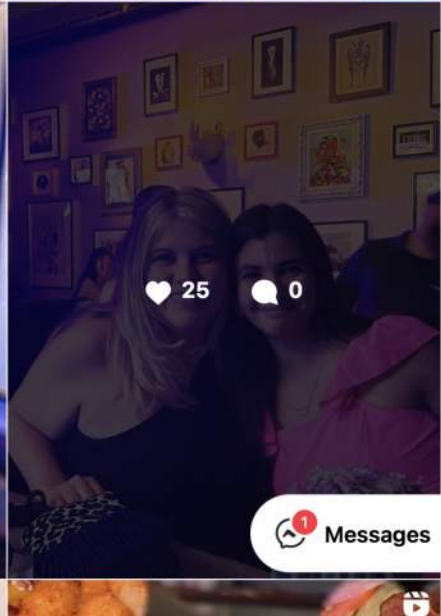
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REVS

Scan here to view our
food and drink menu





REVS

Scan here to view our
food and drink menu



17/SY
601



02656 6









Late Night Menu

11 PM UNTIL CLOSE

Pizza by the
Slice \$2

Ask your server about
tonight's pizza choices



Food Menu

French Fries \$5

Onion Rings \$5

Tater Tots \$5

Mozzarella Sticks \$5

Chicken Tenders: \$7/\$9

3 for \$7 or 4 for \$9

Add fries, tots, or onion rings for \$3

Pizza by the Slice \$3

BYO Personal Pizza \$10

**Ask your server about tonight's pizza
topping choices**