

Board of Zoning Appeals

Official Agenda



AGENDA

BOARD OF ZONING APPEALS

A G E N D A

Regular Meeting

March 9, 2023

4:00 PM

The City of Greenville Board of Zoning Appeals will hold an in-person Public Hearing for the following items on Thursday, March 9, 2023 at 4:00 PM at the Greenville City Hall, Council Chambers, 10th Floor at 206 South Main Street. Those wishing to provide comment on an item may either provide written comment to staff or attend the in-person meeting.

Citizens may also view the meeting at the following web address:

[HTTPS://WWW.GREENVILLESC.GOV/1694/ONLINE-MEETINGS](https://www.greenvillesc.gov/1694/online-meetings)

- 1. Call to Order**
- 2. Welcome and Opening Remarks from the Chair**
- 3. Roll Call**
- 4. Approval of Minutes**
 - A. February 7, 2023 – Workshop
 - B. February 9, 2023 – Regular Meeting
- 5. Call for Public Notice Affidavit from Applicants**
- 6. Acceptance of Agenda**

7. Conflict of Interest Statement

8. OLD BUSINESS

9. NEW BUSINESS

A. S 21-634

Application by Eric Speckman for a one-year permit extension to a **SPECIAL EXCEPTION** to establish a 'Restaurant with drive-through' use in an RDV, Redevelopment district at **515 PENDLETON ST** (TM# 008000-05-00200, 008000-05-00300, 008000-05-00301, 008000-05-00400)

Documents:

[21-0634 S 21-634 AGENDA PACKET \(MARCH 2023\).PDF](#)

..
B. S 22-765

Application by 916 E Washington, LLC (Tim Kearns) for a **SPECIAL EXCEPTION** to establish a 'Hotel' (short-term rental) use in an OD, Office and institutional district at **916 E WASHINGTON ST** (TM# 006500-01-00700)

Documents:

[22-0765 S 22-765 AGENDA PACKET.PDF](#)

...
C. S 23-087

Application by KEEL Concepts, Inc. (Adam Roberts, AIA) on behalf of Howard Dozier dba Cowboy Up for a **SPECIAL EXCEPTION** to establish a 'Bar' use operating after midnight in a C-4, Central Business district at **17 E COFFEE ST** (TM# 000100-06-00800)

Documents:

[23-0087 S 23-087 AGENDA PACKET.PDF](#)

....
10. OTHER BUSINESS

- A. Staff update on current planning projects
- B. Follow up on Board bylaws modification request

11. Adjournment

Documents:

[03-09-2023 - BZA REGULAR MEETING AGENDA.PDF](#)



**Planning Staff Report to
Board of Zoning Appeals
March 3, 2023**
for the March 9, 2023 Public Hearing

Docket Number:	S 21-634
Applicant:	Eric Speckman Pendleton OZB, LLC
Property Owner:	Pendleton OZB, LLC
Property Location:	Tentatively addressed as 515 Pendleton Street – Southeast corner of Pendleton Street and Mallard Street
Tax Map Number:	008000-05-00200; 008000-05-00300; 008000-05-00301; and 008000-05-00400
Acreage:	1.3 acres
Zoning:	RDV, Redevelopment District; and RM-2, Single and Multi-Family Residential
Proposal:	Special Exception to establish a ‘restaurant with drive-through’ use

Applicable Sections of the City of Greenville Code of Ordinances:

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

Sec. 19-2.3.5, *Special Exception Permit*

Sec. 19-2.2.14, *Lapse of approval/vested rights*

Sec. 19-4.1, *Table of Uses*

Sec. 19-4.3.3(C), *Use-specific standards for Eating Establishments*

Sec. 19-6.5.7(G), *Non-Residential Design Standards – Drive Throughs*

Staff Recommendation: Approve with conditions

Staff concludes that the application complies with the standards to grant an extension for the Special Exception Permit for a **‘restaurant with drive-through.’** If the Board decides to grant the Permit extension, the following conditions would continue to apply:

1. The drive-through window shall close no later than 10 p.m.
2. The Applicant shall submit a sign permit application for the proposed menu board consistent with requirements in Land Management Ordinance Section 19-6.6.4(C)(4)(b).
3. The menu board shall incorporate a photo-cell or similar technology that adjusts the brightness of the sign relative to outdoor ambient light.
4. The pedestrian crosswalk at the drive through exit at Pendleton Street shall be raised and made prominent to ensure pedestrian visibility and safety. Appropriate features will be decided by mutual consent of the developer and City Planning and Engineering Staff.
5. Drive-through vehicle queuing shall substantially conform to the plan provided within this application; vehicular queuing shall at no time act to obstruct the movement of pedestrians along

adjoining sidewalks or obstruct other areas intended for public usage, circulation, ingress or egress.

6. The operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application and the approval shall be limited to Bridge City Coffee or an affiliate under common control.
7. The approval of the "Restaurant, with drive-through" use will not apply to the portion of the site zoned RM-2; however, a Conditional Use Permit may be sought to allow parking and driveways associated with this use to occur on this portion of the site.

Update (March 9, 2023 meeting):

The Board voted to approve application S 21-634 with conditions at its September 9, 2021, meeting. Since that approval, no site or building permit applications have been made to develop the site. The Applicant is still interested in developing the site for the proposed use but has been made aware of the city's recent proposal to replace the city's Land Management Ordinance and zoning map with new regulations and zoning that would prohibit the use and impact the design of the original proposal should the vested rights for the Special Exception Permit lapse.

Approved Special Exception Permits are subject to Land Management Ordinance Section 19-2.2.14:

Section 19-2.2.14. Lapse of approval/vested rights.

(A) General.

- (1) Permits subject to section. Lapse of approval shall occur as provided by this chapter for the following permits: special exception, conditional use, variance, site plan, or major subdivision preliminary plat.*
- (2) Phased development. A landowner submitting an application for one of the permits referenced in subsection 19-2.2.14(A)(1) may propose to construct the development in phases. With the decision-making body's approval, the landowner may submit a phased development plan for the entire development which does not satisfy the requirements of a site specific development plan provided the landowner submits for the decision-making body's approval a site specific development plan for each phase in accordance with provisions of the ordinance in effect at the time of vesting.*
- (3) Time limit. Lapse shall occur if development authorized by the permit is not commenced or a subsequent permit is not obtained within two years of the date of original granting of the permit (within five years for a conditionally approved phased development plan) or within one year of the date of granting an extension to the permit. If the permit lapses, all development must be suspended until a new permit is granted in accordance with the current procedures and standards established in this chapter. If the landowner exercises the rights authorized by the permit pursuant to the conditions therein, the permit shall run with the land and not be affected by a change in ownership.*
- (4) Application for extension. At least 60 days prior to the end of the vesting period, the landowner of real property with a vested right may apply for a one-year extension of a permit pursuant to the procedures and standards established for its original approval. The decision-making body shall approve the application provided that no amendment to this chapter has been adopted that would prohibit approval. The decision-making body shall approve no more than five such annual extensions provided that the landowner requests an extension in the prescribed manner.*
- (5) Contents of site specific development plan. All applications for permits under this chapter shall be reviewed by the administrator who shall determine whether the application is complete and includes information in sufficient detail to evaluate whether*

it complies with the appropriate substantive requirements of this chapter. The decision-making body may impose conditions and restrictions on its approval to ensure compliance with the goals, policies, and standards of this chapter and to prevent or minimize adverse effects from the development on surrounding lands.

- (6) *Vested rights attach to real property. A vested right pursuant to this section is not a personal right, but attaches to and runs with the applicable real property. The landowner and all successors to the landowner who secure a vested right pursuant to this section may rely upon and exercise the vested right for its duration subject to applicable federal, state, and city laws adopted to protect public health, safety, and welfare, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes and nonconforming structure and use regulations which do not provide for the grandfathering of the vested right. This section does not preclude judicial determination that a vested right exists pursuant to other statutory provisions. This section does not affect provisions of a development agreement executed pursuant to the South Carolina Local Government Development Agreement Act.*

Section 19-2.2.14 states that Special Exception Permits lapse if development authorized by the permit is not commenced or a subsequent permit is not obtained within two years of the date of original granting of the permit or within one year of the date of granting an extension to the permit.

Property owners with a vested right may apply for a one-year extension of the Special Exception Permit pursuant to the procedures and standards established for its original approval and the application for extension shall be filed at least 60 days prior to the end of the vesting period. The Board shall approve the application provided that no amendment to the Land Management Ordinance has been adopted that would prohibit approval. The Board shall approve no more than five such annual extensions provided that the landowner requests an extension in the prescribed manner.

The Applicant owns the property as required and has filed for this extension more than 60 days before lapse. Although the City has proposed regulations that would prohibit restaurant with drive through uses in this area, those regulations have not yet been adopted. Should those regulations be adopted as proposed in the future, additional extensions of this Special Exception Permit would not be permissible.

Staff finds that the request complies with the standards to grant an extension of a Special Exception Permit.

Staff Analysis (September 9, 2021 meeting):

The Applicant requests approval of a special exception permit to establish a drive-through for a coffee shop as part of a proposed mixed-use development at the southeast corner of Pendleton Street and Mallard Street. The subject site is comprised of four parcels totaling 1.3 acres and is primarily zoned RDV, Redevelopment District; the southwestern parcel, 9 Mallard Street, is zoned RM-2, Single and Multi-Family Residential. The Applicant states that the proposed tenant will be a “*local coffee shop*” with approximately 10 drive-through customers per hour.

As proposed, the mixed-use development will contain 24 residential condominiums on the upper levels and retail space at the ground floor. Planning Commission approval will be required for the project as it features a multi-family residential component. The coffee shop is proposed at the eastern end of the development. The drive-through window is proposed on the east façade of the building and vehicular stacking is proposed to in a dedicated lane that wraps around the southeastern corner of the property.

Although included as part of the project site on the application, the “Restaurant, with drive through” use request for Tax Map Number 008000-05-00400, zoned RM-2, is not reviewable as a “Special Exception Use” by the Board of Zoning Appeals as indicated by Land Management Ordinance Table 19-4.1-2: Table of Uses. According to the submitted plans, this parcel does not include activities specific to a drive-through use, neither including a portion of the restaurant/coffee shop building space nor the

ordering/required queuing area. A Conditional Use Permit reviewable by Planning Staff will be required to utilize this parcel for parking or driveways associated with this use or other nonresidential uses planned for the site.

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

1. Consistent with the Comprehensive Plan

The Future Land Use Map of the City's GVL 2040 Comprehensive Plan designates this property 'Neighborhood Mixed Use' which is intended to allow compact a combination of vertical and horizontal mixed-use developments that includes "small retail and commercial uses along with a variety of residential types. These areas are pedestrian friendly and in close proximity to downtown. It is anticipated that single uses will not exceed 10,000 square feet and "drive-thrus" are restricted due to the close proximity to downtown and adjacent neighborhoods."

A restaurant with a drive-through is not typically considered a desirable land use in the "Neighborhood Mixed Use" category. However, staff believes that drive-throughs that are designed with pedestrian safety and comfort in mind can achieve compatibility with this land use designation. Further, the location of the drive-through queuing at the rear of the building minimizes the impact to the Pendleton Street streetwall.

Staff finds that, with appropriate conditions, the proposed use will be consistent with the Comprehensive Plan.

2. Complies with use specific standards

Section 19-4.3.3(C), *Eating Establishments*, contains use-specific standards for restaurants.

Additionally, Section 19-6.5, *Non-Residential Design Standards*, contains design requirements for drive-through uses.

Section 19-4.3.3(C), Eating establishments.

(1) General.

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

Section 19-6.5.7(G), Non-Residential Design Standards – Drive Throughs

- (1) If covered, the roof over a drive-through shall have the same architectural design and materials as the primary portion of the structure.*
- (2) A drive through shall not be located in front of a building or on the same building façade as the primary entrance.*

- (3) *Drive-throughs shall be located so as to not compromise the quality of the pedestrian experience at any public street edge.*
- (4) *Pedestrian pathways that cross queuing or stacking lanes shall be raised and made prominent to ensure pedestrian visibility and safety.*
- (5) *In no instance shall a drive-through face residential dwellings.*
- (6) *Speakers shall be directed away from residential dwellings and shall not be audible beyond shared lot lines.*

The submitted site plan denotes the minimum required number of queuing spaces. Staff believes that the plans provided by the applicant are generally compliant with the applicable use-specific standards. However, to ensure compliance with the non-residential design standards relating to pedestrian comfort and safety, Staff recommends including as a condition of approval that the pedestrian crosswalk at Pendleton Street exit be raised and made prominent.

Staff finds that, with appropriate conditions, the use will comply with the specific use standards and non-residential design standards of the Land Management Ordinance.

3. Compatibility with the surrounding lands

Adjacent property is zoned/used as follows:

East: Institutional (RDV)

North (across Pendleton St.): Institutional (C-4)

West (across Mallard St.): Vacant/ Single-Family Attached Residential (PD)

South: Parking/Single-Family Detached Residential (RDV and RM-1)

By placing the drive-through stacking area at the rear of the building, Staff finds that visual impacts of the drive-through operation will be minimized. However, in order to minimize impacts to the single-family residential uses to the south of the site, Staff believes that additional stipulations relating to hours of operation and menu board lighting are warranted. Recommended conditions include: the drive-through window shall close no later than 10 p.m.; the Applicant shall submit a sign permit application for the proposed menu board consistent with requirements in Land Management Ordinance Section 19-6.6.4(C)(4)(b); and the menu board shall incorporate a photo-cell or similar technology that adjusts brightness of the sign relative to outdoor ambient light.

Staff finds that, with appropriate conditions relating to drive-through hours of operation and menu board lighting, the use will be compatible with surrounding lands.

4. Design does not have substantial adverse impacts

To minimize impacts on site circulation, staff recommends the following condition related to the drive-through use: Drive-through vehicle queuing shall substantially conform to the plan provided within this application; vehicular queuing shall at no time act to obstruct the movement of pedestrians along adjoining sidewalks or obstruct other areas intended for public usage, ingress or egress.

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

Ross Zelenske

From: Akhil Singh <akhil.singh@beauxwright.com>
Sent: Friday, January 27, 2023 3:07 PM
To: Austin Rutherford; Ross Zelenske
Cc: Eric Speckman; chris@bluewatercivil.com
Subject: 515 Pendleton Special Exception
Attachments: S 21-634 Special Exception Permit - 515 Pendleton st.pdf; S 21-634 NOA Letter - 515 Pendleton St.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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

Austin and Ross,

Hope you are doing well. Attached, please find the approved Special Exception Permit #21-6343 and the Notice of Board Action from the September 7th Board of Zoning Appeals (BZA) meeting. This special exception permit is for approval of a "Restaurant with drive-through" use south of the intersection of Pendleton St and S Main St.

We wanted to formally extend these documents over to you in light of the recent development code release and ask that our rights for this exception remain vested. Please let me know if there is anything additional needed from our end.

Thank you,
Akhil

BEAUXWRIGHT



Akhil Singh
Development Manager

1900 W Morehead Street, Suite 201
Charlotte, NC 28208

704.877.4820
akhil.singh@beauxwright.com

beauxwright.com

**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 City Hall, 864.467.4476.*

Property Location: **515 PENDLETON STREET** TMS#: 008000-05-00200;
Permit Number **S 21-634** 008000-05-00300;and
008000-05-00400

Applicant information

**Eric Speckman
601 S. Cedar Street Ste. 200
CHARLOTTE, NC 28202**

Owner information

**PENDLETON OZB LLC
601 S. Cedar Street Ste. 200
CHARLOTTE, NC 28202**

This Special Exception Permit (**S 21-634**) authorizes the following zoning activity, subject to the conditions listed below, as regulated in the Greenville City Code, Sections 19-2.3.5, Special Exception *Permit*, 19-4.1, *Table of Uses*, and 19-4.3.3, *Use Specific Standards*:

RESTAURANT WITH DRIVE-THROUGH

Stipulations:

1. The drive-through window shall close no later than 10 p.m.
2. The Applicant shall submit a sign permit application for the proposed menu board consistent with requirements in Land Management Ordinance Section 19-6.6.4(C)(4)(b).
3. The menu board shall incorporate a photo-cell or similar technology that adjusts the brightness of the sign relative to outdoor ambient light.
4. The pedestrian crosswalk at the drive through exit at Pendleton Street shall be raised and made prominent to ensure pedestrian visibility and safety. Appropriate features will be decided by mutual consent of the developer and City Planning and Engineering Staff.
5. Drive-through vehicle queuing shall substantially conform to the plan provided within this application; vehicular queuing shall at no time act to obstruct the movement of pedestrians along adjoining sidewalks or obstruct other areas intended for public usage, circulation, ingress or egress.
6. The operation of the establishment shall substantially conform to the testimony of the Applicant and the content of the application and the approval shall be limited to Bridge City Coffee or an affiliate under common control.
7. The approval of the "Restaurant, with drive-through" use will not apply to the portion of the site zoned RM-2; however, a Conditional Use Permit may be sought to allow parking and driveways associated with this use to occur on this portion of the site.

ISSUED DATE: 10/7/2021

**LAPSE DATE OF SPECIAL EXCEPTION PERMIT: 10/7/2023
UNLESS SPECIAL EXCEPTION IS VESTED PURSUANT TO
SECTION 19-2.2.14 OF THE CODE OF ORDINANCES OF THE
CITY OF GREENVILLE.**


KRISTOPHER KURJAKA
PRINCIPAL DEVELOPMENT PLANNER
CITY OF GREENVILLE
P.O. BOX 2207
GREENVILLE, SC 29602
planning@greenvillesc.gov



Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: _____

* _____ Name _____ Title / Organization _____

permit may be limited to this entity. _____

APPLICANT'S REPRESENTATIVE: _____

(Optional) _____ Name _____ Title / Organization _____

MAILING ADDRESS: _____

PHONE: _____ EMAIL: _____

PROPERTY OWNER: _____

MAILING ADDRESS: _____

PHONE: _____ EMAIL: _____

PROPERTY INFORMATION

STREET ADDRESS: _____

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

REQUEST

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

DESCRIPTION OF PROPOSED LAND USE: _____

INSTRUCTIONS

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

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

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

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

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

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

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

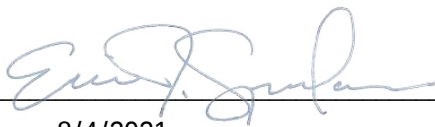
Applicant Signature

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

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

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

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



8/4/2021

APPLICANT / REPRESENTATIVE SIGNATURE

DATE

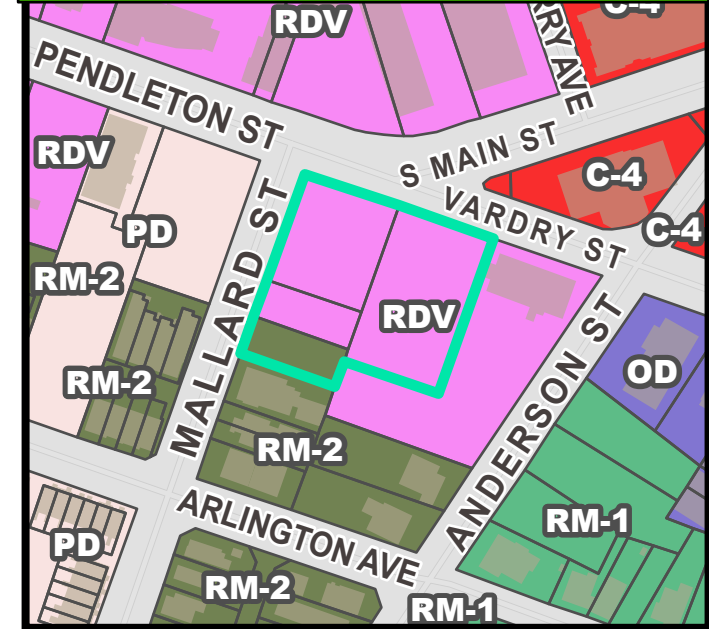
PROPERTY OWNER SIGNATURE

DATE

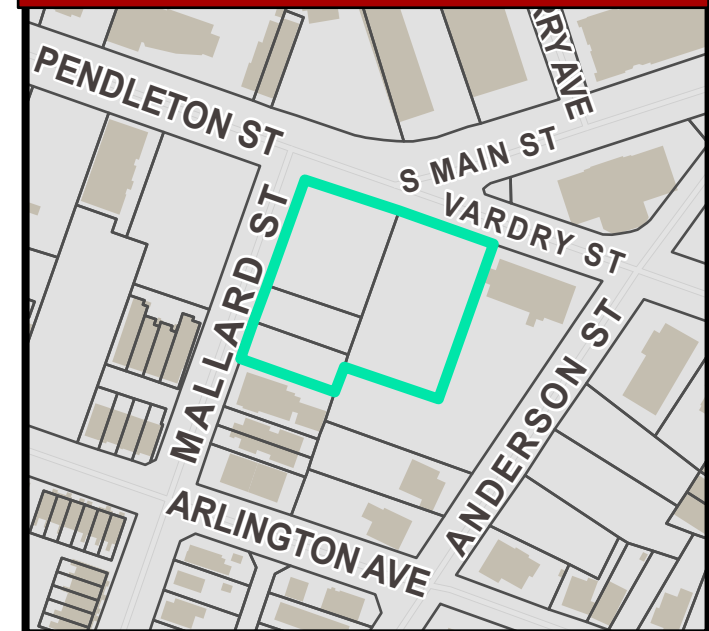
AERIAL VIEW



CURRENT ZONING



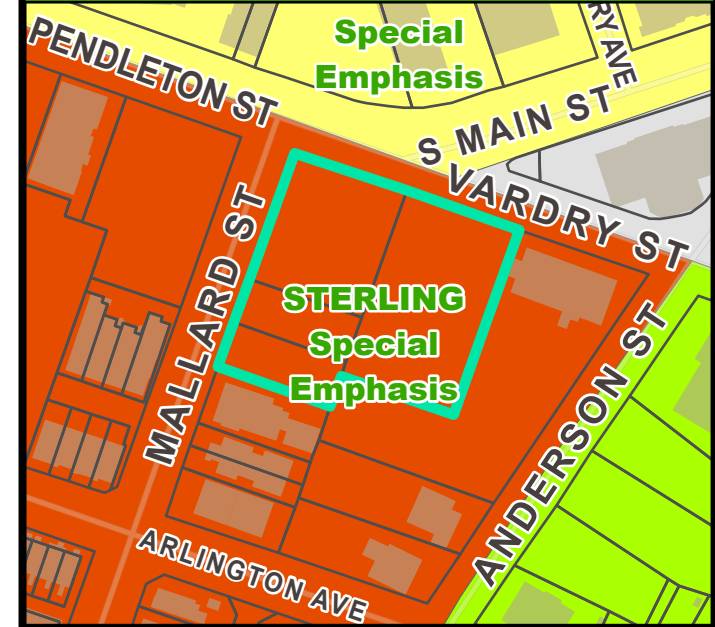
FUTURE LAND USE



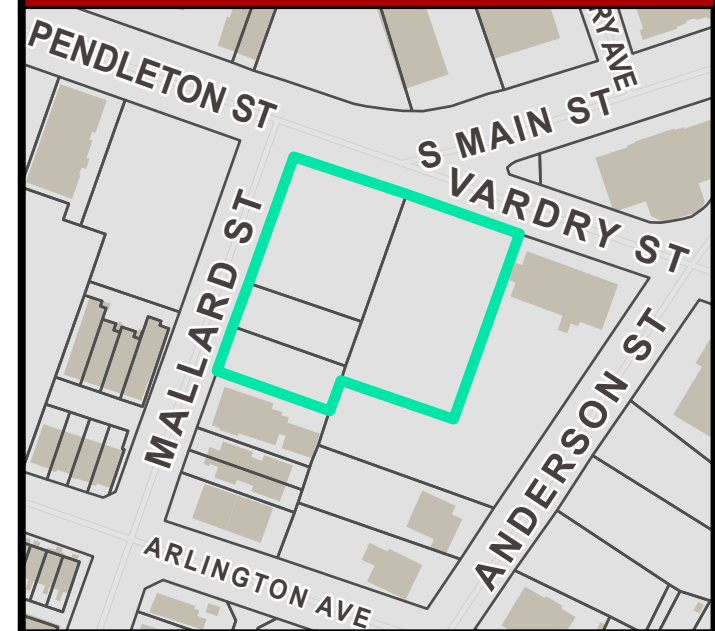
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS



**APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(1), STANDARDS – SPECIAL EXCEPTION**

(YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED SPECIAL EXCEPTION IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

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

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

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

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

(YOU MAY ATTACH A SEPARATE SHEET)

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

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

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

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

SHARED PARKING TABLE PER TABLE 19-6.1-7				
WEEKDAY-DAY	WEEKDAY-EVENING	WEEKEND-DAY	WEEKEND-EVENING	NIGHTTIME
37 SPACES	52 SPACES	49 SPACES	51 SPACES	39 SPACES

SITE DATA:

LAND AREA = 1.31± ACRES

ZONING = RDV

BUILDING FOOTPRINT = 16,910± S.F.

GROSS FLOOR AREA = 48,000± S.F.

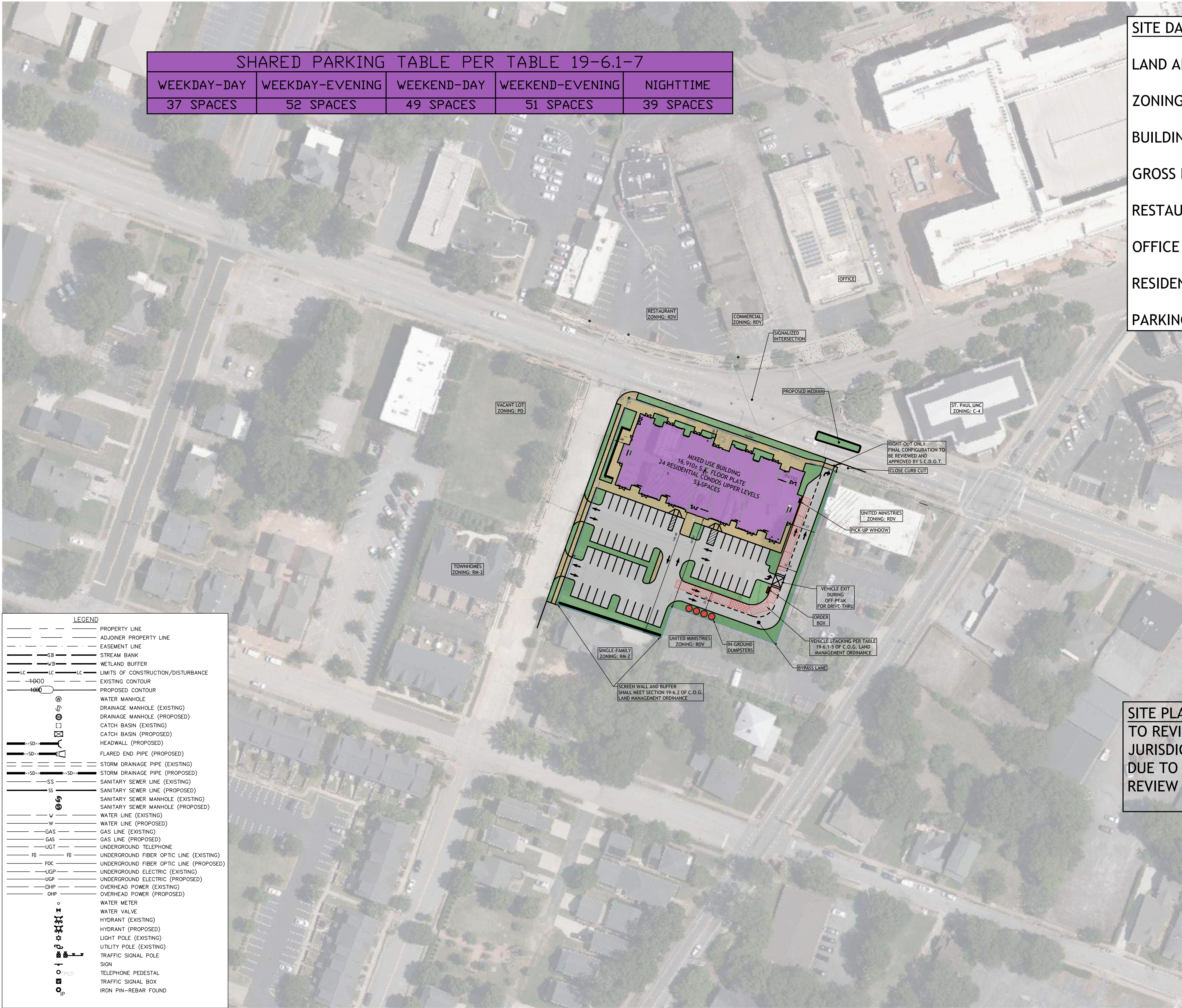
RESTAURANT W/ DT = 2,546± S.F.

OFFICE = 10,400± S.F.

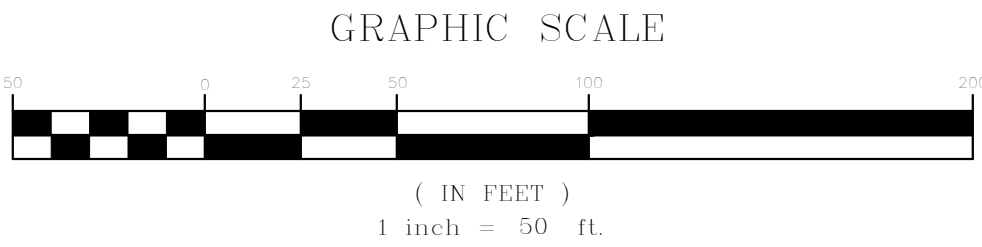
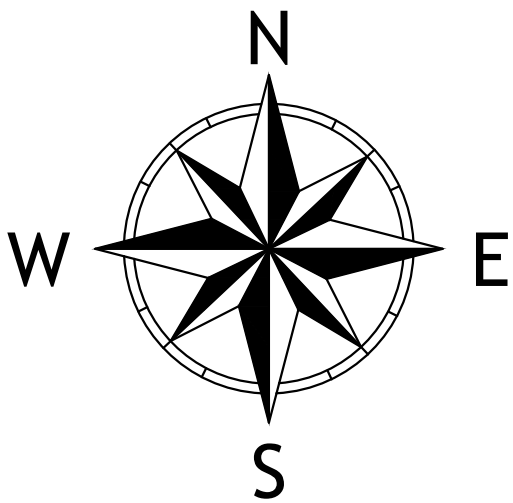
RESIDENTIAL = 24 UNITS

PARKING = 53 SPACES

LEGEND	
---	PROPERTY LINE
---	ADJOINER PROPERTY LINE
---	EASEMENT LINE
---	STREAM BANK
---	WETLAND BUFFER
---	LIMITS OF CONSTRUCTION/DISTURBANCE
---	EXISTING CONTOUR
---	PROPOSED CONTOUR
---	WATER MANHOLE
---	DRAINAGE MANHOLE (EXISTING)
---	DRAINAGE MANHOLE (PROPOSED)
---	CATCH BASIN (EXISTING)
---	CATCH BASIN (PROPOSED)
---	HEADWALL (PROPOSED)
---	FLARED END PIPE (PROPOSED)
---	STORM DRAINAGE PIPE (EXISTING)
---	STORM DRAINAGE PIPE (PROPOSED)
---	SANITARY SEWER LINE (EXISTING)
---	SANITARY SEWER LINE (PROPOSED)
---	SANITARY SEWER MANHOLE (EXISTING)
---	SANITARY SEWER MANHOLE (PROPOSED)
---	WATER LINE (EXISTING)
---	WATER LINE (PROPOSED)
---	GAS LINE (EXISTING)
---	GAS LINE (PROPOSED)
---	UNDERGROUND TELEPHONE
---	UNDERGROUND FIBER OPTIC LINE (EXISTING)
---	UNDERGROUND FIBER OPTIC LINE (PROPOSED)
---	UNDERGROUND ELECTRIC (EXISTING)
---	UNDERGROUND ELECTRIC (PROPOSED)
---	OVERHEAD POWER (EXISTING)
---	OVERHEAD POWER (PROPOSED)
---	WATER METER
---	WATER VALVE
---	HYDRANT (EXISTING)
---	HYDRANT (PROPOSED)
---	LIGHT POLE (EXISTING)
---	UTILITY POLE (EXISTING)
---	TRAFFIC SIGNAL POLE
---	SIGN
---	TELEPHONE PEDESTAL
---	TRAFFIC SIGNAL BOX
---	IRON PIN-REBAR FOUND



SITE PLAN NOTE: THIS PLAN IS SUBJECT TO REVIEW BY AUTHORITIES HAVING JURISDICTION AND SUBJECT TO CHANGE DUE TO CODES, TITLE RESTRICTIONS, AND REVIEW COMMENTS.



PLAN REVISION	ISSUE DATE	ISSUE COMMENT
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Matt Lonnerstater

From: Eric Speckman <eric.speckman@beauxwright.com>
Sent: Friday, August 20, 2021 3:00 PM
To: Matt Lonnerstater
Cc: Kris Kurjiaka; Mike MacNabb
Subject: Re: 515 Pendleton Street Drive Through - Additional Questions for Special Exception Permit - S 21-634

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

Yes, please feel free to forward. Thank you Matt

Sent from my iPhone

On Aug 20, 2021, at 10:17 AM, Matt Lonnerstater <mlonnerstater@greenvillesc.gov> wrote:

Thank you, Eric.

To confirm, can I forward your message onto the Board of Zoning appeals as part of the public record?

Best,

Matthew D. Lonnerstater, AICP
Development Planner | Planning & Development
MLonnerstater@greenvillesc.gov | www.greenvillesc.gov
864-467-6681

<image001.jpg>

From: Eric Speckman <eric.speckman@beauxwright.com>
Sent: Friday, August 20, 2021 9:56 AM
To: Matt Lonnerstater <mlonnerstater@greenvillesc.gov>
Cc: Kris Kurjiaka <kkurjiaka@greenvillesc.gov>; Mike MacNabb <mike@bluewatercivil.com>
Subject: RE: 515 Pendleton Street Drive Through - Additional Questions for Special Exception Permit - S 21-634

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

Hi Matt, the proposed tenant that requires a drive through is a local coffee shop. The drive through is crucial to the success of their business and in the wake of the pandemic, it has become more important to have the ability to provide customers with a minimal touch experience. The coffee shop serves approximately 10 drive through customers per hour at their other location.

We are excited about the opportunity to transform this former gas station into a property that complements and enhances the neighborhood. Our goal for the first floor commercial space is to provide the area with some walkable amenities and we are focused on finding local Greenville businesses. In addition to coffee, we are actively seeking a small market/bodega that would provide the neighborhood with an option for groceries.

Please let me know if you have any questions or if I can provide any additional information.

Thanks,
Eric

From: Matt Lonnerstater <mlonnerstater@greenvillesc.gov>
Sent: Wednesday, August 18, 2021 9:42 AM
To: Eric Speckman <eric.speckman@beauxwright.com>
Cc: Kris Kurjiaka <kkurjiaka@greenvillesc.gov>; Mike MacNabb <mike@bluewatercivil.com>
Subject: 515 Pendleton Street Drive Through - Additional Questions for Special Exception Permit - S 21-634
Importance: High

Good morning, Eric:

This morning, staff met internally to discuss your Special Exception application for a drive-through use at 515 Pendleton Street – SPEX # 21-634.

Staff has a few additional questions relating to the proposed use:

- 1) Can you provide a formal statement regarding the proposed tenant? At minimum, could you provide the type of restaurant tenant proposed (e.g. coffee/sandwich/chicken)?
- 2) Can you provide a drive-through traffic generation count for the proposed user? For example, if the tenant has existing drive-throughs in other locations, could you reach out to them to find out average drive-through uses per hour?

Any additional information that you can formally provide will help the Board of Zoning Appeals to make an informed decision.

Please be informed that, unless otherwise noted, we will forward your responses onto the Board of Zoning Appeals as part of the public record.

Thank you,

Matthew D. Lonnerstater, AICP
Development Planner | Planning & Development
MLonnerstater@greenvillesc.gov | www.greenvillesc.gov
864-467-6681

<image001.jpg>



**Planning Staff Report to
Board of Zoning Appeals
March 3, 2023**
for the March 9, 2023 Public Hearing

Docket Number:	S 22-765
Applicant:	916 E Washington, LLC (Tim Kearns)
Property Owner:	916 E Washington, LLC (Tim Kearns)
Property Location:	916 E Washington St
Tax Map Number:	006500-01-00700
Acreage:	0.24
Zoning:	OD, Office & Institutional District
Proposal:	SPECIAL EXCEPTION to establish a 'Hotel/motel' (short-term rental) use

Applicable Sections of the City of Greenville Code of Ordinances:

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

Sec. 19-2.3.5, *Special Exception Permit*

Sec. 19-4.1, *Table of Uses*

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

Sec. 19-6.1, *Off-street parking and loading*

Staff Recommendation: Approve with conditions

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

1. The Special Exception Permit shall be limited to the Applicant, 916 E Washington, LLC (Tim Kearns), and shall not be transferrable.
2. The use of the property shall substantially conform to the testimony of the Applicant and the content of the application and submitted documents.
3. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator.
4. Loading, unloading, and parking for short term rental guests shall be limited to the off-street parking locations identified in the application. The Applicant shall take measures to ensure that short term rental guests are informed of this requirement.
5. The Applicant shall monitor noise associated with the use and shall comply with the City's noise ordinance. If a noise violation or similar violation occurs at the property due to a short-term rental guest, the Applicant shall notify the Planning Department in writing of the incident. A pattern of noise ordinance violations shall be grounds for revocation of the Special Exception Permit.
6. The number of short-term rental guests occupying each one-bedroom unit shall not exceed four (4) persons.

7. The Applicant shall work with the City of Greenville and South Carolina Department of Transportation to ensure the proposed parking lot improvements comply with all city and state requirements.

Staff Analysis:

The Applicant and Owner, Tim Kearns, proposes to renovate the structure at 916 E Washington Street for office use and for a visitor accommodation use (less than 30 days). The building will include three total rental units, each unit including a single bedroom. Two units are proposed in the downstairs/basement area and one unit on the second story, with office use proposed for the street level/first floor. The property is zoned OD, Office & Institutional District. According to subsection 19-4.2.4(H), *Visitor Accommodations*, dwelling units arranged for short-term stays of less than 30 days for rent, lease, or interval occupancy are classified as such, with designated examples including bed and breakfast inns, motels, and hotels. According to Table 19-4.1-2, *Table of Uses*, a hotel or motel use may be permitted by approval of special exception within the OD Zoning District.

A neighborhood meeting was not required or held for this application.

The Board of Zoning Appeals approved a special exception for a beauty shop use at the subject property in 2007.

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

1. Consistent with the Comprehensive Plan

The Future Land Use Map of the City's GVL2040 Comprehensive Plan identifies the part of the '*Neighborhood Mixed-Use*' classification.

'Neighborhood Mixed-Use' is a classification described as typically in compact urban areas with a combination of vertical and horizontal mixed-use developments that includes small retail and commercial uses along with a variety of residential types. These areas are pedestrian friendly and in close proximity to downtown. It is anticipated that single uses will not exceed 10,000 square feet and "drive-thrus" are restricted due to the close proximity to downtown and adjacent neighborhoods.

A short-term rental is classified as a commercial use which aligns with the future land use classification in the GVL 2040 Comprehensive Plan. Similar visitor accommodation uses exist in the vicinity of this location and have been approved by the Board in the past.

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

2. Complies with use specific standards

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

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

3. Compatibility with the surrounding lands

Adjacent property is used (and zoned) as follows:

East: Office (OD, Office and institutional)

North: Office, Single-family residential (C-1, Neighborhood commercial)

West: Office (OD)

South: Vacant (OD)

The proposed use is located along a mixed-use corridor zoned OD, Office & Institutional and C-1, Neighborhood Commercial. Properties immediately adjacent to the subject property include an attorney's office and an architecture studio. The closest and only single family residential uses in the vicinity are across E Washington Street, a three-lane, State-maintained collector road.



Figure 1: Known property use. Red - Nonresidential; Yellow - Single Family Residential; Green - Multi Family Residential

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

4. Design does not have substantial adverse impacts

The property contains an existing small mixed-use building that has been gutted by the Applicant with the intention of using it for short-term rental and office use. The proposed use would apply to three dwelling units. None of the units will be owner occupied and the current owner would not have an on-site manager. Per the application, all three units will one-bedroom units.

The structure will generally retain its existing residential character from the exterior. The site would be modified to allow for compliant off-street parking and exterior access to the individual rental units. Per the applicant, the building has been abandoned for an estimated 8 plus years. Building plans are under review for alterations to the building, and a site plan permit would be required for any site improvements. There is a "Stop Work" order that was issued for work being done without permits on the site, and approval of the special exception will help the applicant further solidify their plans for building and site improvements.

Minimum parking requirements will need to be met by the Applicant. The submitted site plan provides eight parking spaces between the building and the street. This exceeds the minimum required for the two short-term rental spaces (0.75 spaces per guest room; 2.25 spaces) and office space (1 space per 600 square feet floor area; 2 spaces). Parking as proposed will need to be adjusted to accommodate an accessible parking space. Additional redesign may be needed if the parking spaces and landscape islands that encroach into the East Washington Street right-

of-way are not approved by SCDOT and the City. Despite the adjustments needed, no adverse parking and loading/unloading impacts are anticipated from the use.

The Applicant has indicated that the short-term rental units will be managed by a third-party professional property management company located in Greenville.

All units will have a Minut device installed to monitor the premises, including sound (noise), crowds, and wi-fi usage (occupancy). Noise control and crowd control will be monitored routinely through the Minut device and property management company. An external video system will also be installed on the property to monitor guest activity outside according to the application.

A plan regarding trash was not provided in the application. It is assumed that rollouts will be used like nearby office and residential uses. The Applicant will be responsible for ensuring that the rollouts will be placed at the curb and returned to an inconspicuous location on the property.

The aforementioned measures proposed by the Applicant should ensure that no adverse impacts related to noise, odor, glare, vibration are created and that the use does not create a nuisance.

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

Staff Comments and Conditions

Fire Department Comments

Comments:

None

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:

None

Environmental Engineer Comments

Comments:

None

Traffic Engineer Comments

Comments:

None



Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: 916 E WASHINGTON ST, LLC MEMBER
* _____ Name _____ Title / Organization
permit may be limited to this entity. _____

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

MAILING ADDRESS: 916 E WASHINGTON ST GREENVILLE SC 29601

PHONE: 864-735-7244 EMAIL: tim@365element.com

PROPERTY OWNER: 916 E WASHINGTON ST, LLC

MAILING ADDRESS: 916 E WASHINGTON ST GREENVILLE SC 29601

PHONE: 864-735-7244 EMAIL: tim@365element.com

PROPERTY INFORMATION

STREET ADDRESS: 916 E WASHINGTON ST GREENVILLE SC 29601

TAX PARCEL #: 0065000100700 ACREAGE: .24 ZONING DESIGNATION: O-D

REQUEST

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

DESCRIPTION OF PROPOSED LAND USE:

SHORT TERM RENTALS ARE ALLOWED WITH THE SPECIAL EXCEPTION PERMIT IN THE O-D DISTRICT . WE WILL
BE PROVIDING UPSCALE SHORT TERM RENTALS AND UPSCALE LONG TERM OFFICE RENTALS

INSTRUCTIONS

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

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

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

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

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

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

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

Applicant Signature

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

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

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

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



APPLICANT / REPRESENTATIVE SIGNATURE

01/03/22

DATE



PROPERTY OWNER SIGNATURE

01/03/22

DATE

**APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(1), STANDARDS – SPECIAL EXCEPTION**

(YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED SPECIAL EXCEPTION IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

THIS PERMITTED USE WOULD FALL WITHIN THE CITY OF GREENVILLE'S COMPREHENSIVE PLAN AND VISION FOR THE GROWTH OF THE CITY AND THE DOWNTOWN DISTRICT WHILE KEEPING THE USE OF THE BUILDING

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

19-4.3 STATES HOTEL / MOTEL / SHORT TERM RENTALS ARE ALLOWED IN THE O-D ZONING DISTRICT WITH A SPECIAL EXCEPTION. THIS WOULD NOT CREATE ANY ADVERSE AFFECT ON THE PROPERTY OR SURROUNDING PROPERTIES.

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

THE O-D DISTRICT HAS MULTIPLE USES INCLUDING BUT NOT LIMITED TO SHORT TERM RENTALS. SOME OF THE OTHER USES ARE DOCTORS OFFICES, LAWYERS, RETAIL, ARCHITECTS, PRIVATE CLUBS, EVENT SPACE AND MORE. THIS WOULD FIT APPROPRIATELY WITH THE SURROUNDING BUILDINGS

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

many

THE CURRENT BUILDING HAS BEEN VACANT AND ABANDONED FOR ^ YEARS. THE BUILDING IS AN EYE SORE AND A POTENTIAL SAFETY HAZARD. WE HAVE AN EXTENSIVE UPSCALE DESIGN PLANNED FOR THE PROPERTY. THIS WILL GIVE GREAT VISUAL ASPECTS TO VISITORS AND SURROUNDING PROPERTIES. PARKING IS ALREADY AVAILABLE ON PROPERTY. NOISE WILL BE LIMITED AS THE USE WILL BE LIMITED TO OFFICE AND SHORT TERM RENTALS. PLEASE SEE ATTACHED.

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

(YOU MAY ATTACH A SEPARATE SHEET)

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

The proposed use would revitalize an abandoned building to its full potential and would adhere to surrounding properties. The character is in line with neighboring properties as a business and short-term rental. The proposed use will fit right in and be a great addition to the city and neighboring properties.

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

The neighboring properties are commercial uses. This use would have no negative effect on any neighboring property. If any it would revitalize the currently abandoned building and bring more visitors to the city and create a positive affect for the neighboring properties

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

Yes, very much so

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

Yes, there are many examples of this in the city of greenville

CITY OF GREENVILLE
COA APPLICATION
BZA

916 E Washington St is currently an abandoned building and has been abandoned for an estimated 8 plus years. The previous use of the building was an office and three apartments. The new use requested will host three one bedroom short term rental units and one office that will be owner occupied. The new use will bring this abandoned property to its full potential.

There are no neighboring residential properties. The property is located between an Attorney's office and an architectural studio. The front of the property is facing Washington st and the rear of the property backs up to commercial land that is owned by the architectural studio.

All units will have a Minut device installed to monitor the premises. The Minut Device monitors sound, crowds, wifi usage and serves as an alarm. All units will also have external security cameras on the premises and electronic locks that will have a unique number for each guest that can be changed accordingly.

The units will be unique in design inside and out and offer new creative design features not currently offered in Greenville.

Noise control and crowd control will be monitored routinely through the Minut device and property management company.

The short term rental units will be managed by a third party professional property management company located in Greenville. The guests will be screened through the Property management company and third party vendors like AirBNB, VRBO etc..

Adequate parking is on site and no city parking or off premise parking would be needed. All parking will be clearly labeled with signs to designate use of each space.

The short term rentals will be upscale in nature and demand for a more mature guest and will not be catered towards the younger demographic.

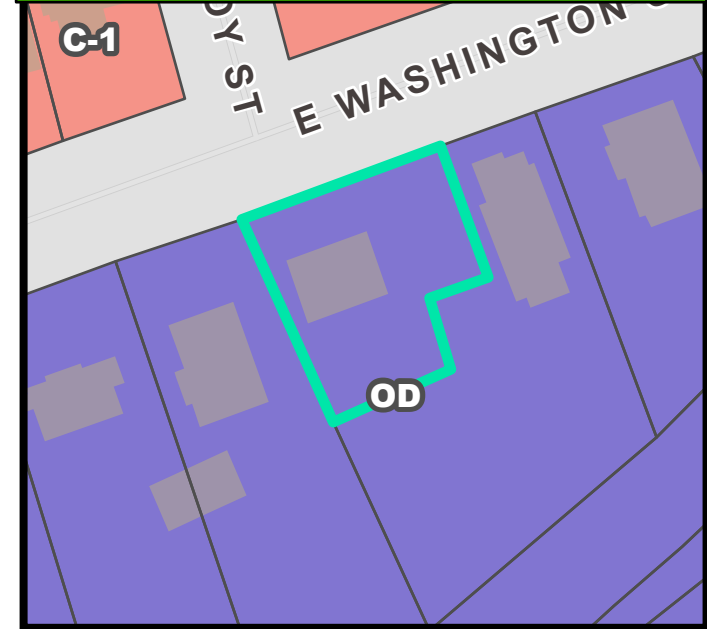
The City of Greenville will generate extra revenue through taxes associated with short term rentals.

S 22-765 • 916 E WASHINGTON ST

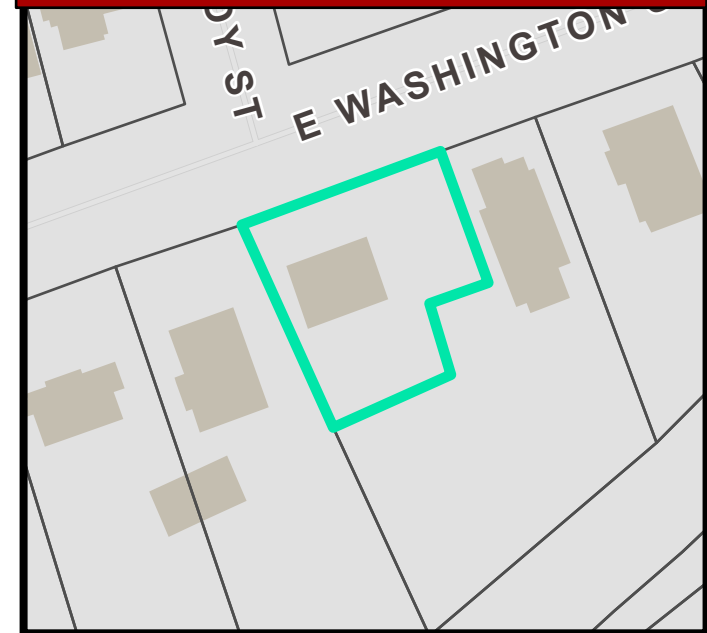
AERIAL VIEW



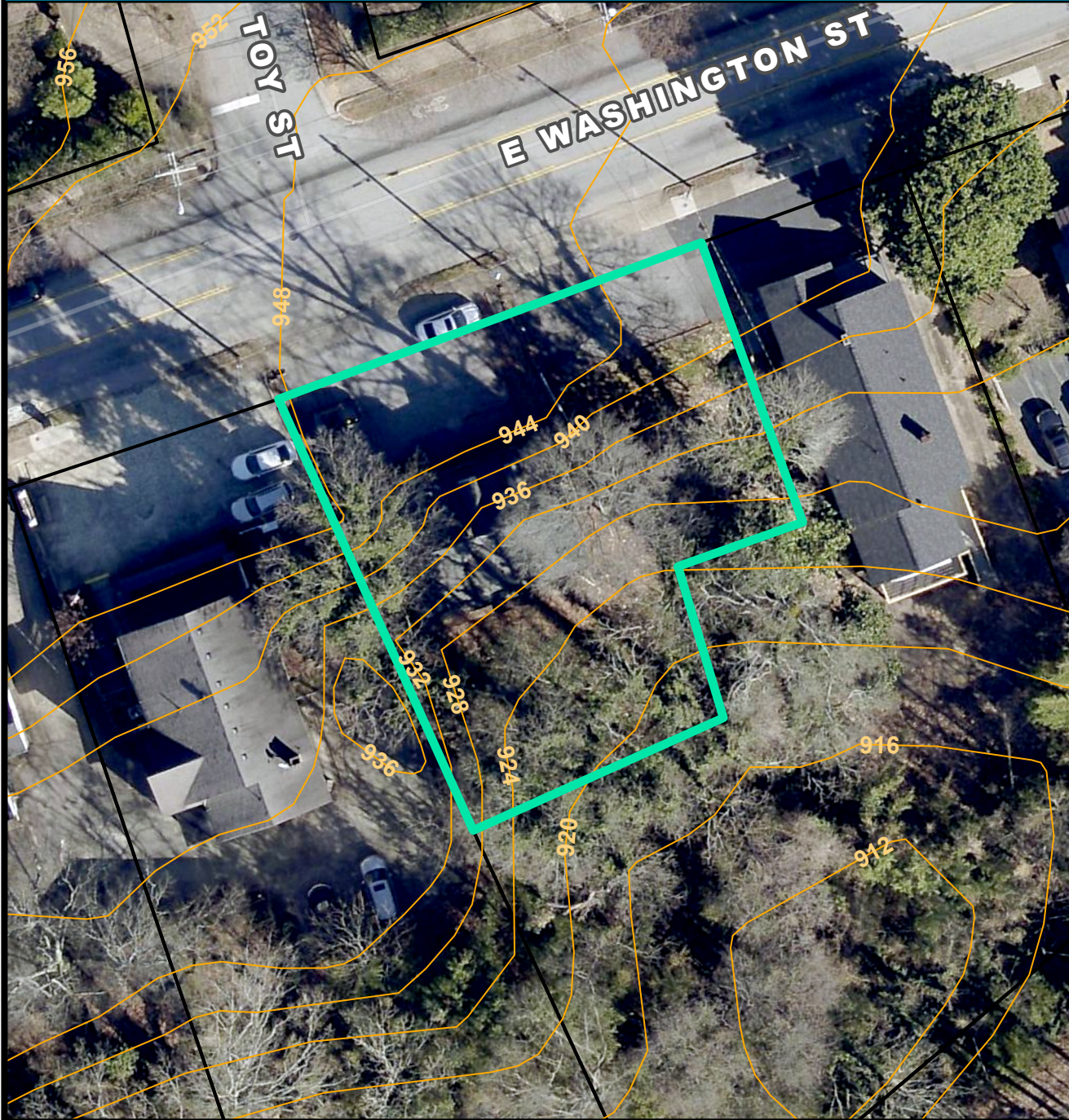
CURRENT ZONING



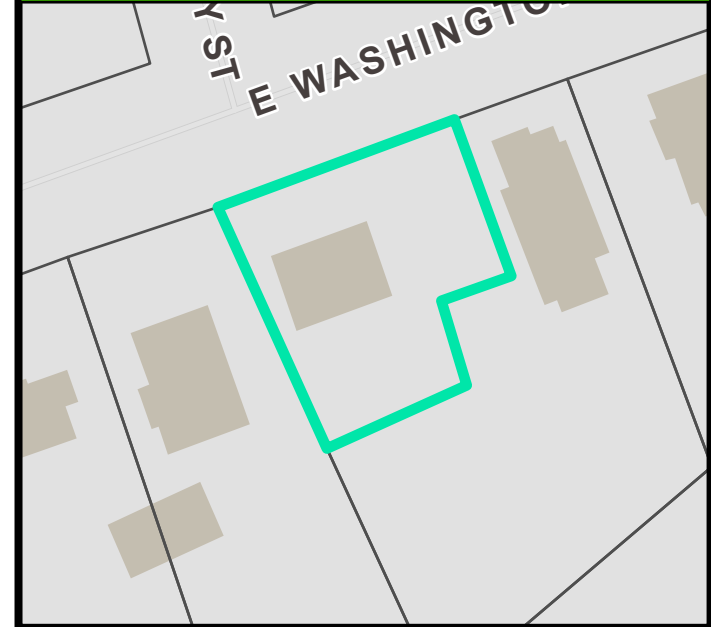
FUTURE LAND USE



NATURAL / ENVIRONMENTAL FEATURES

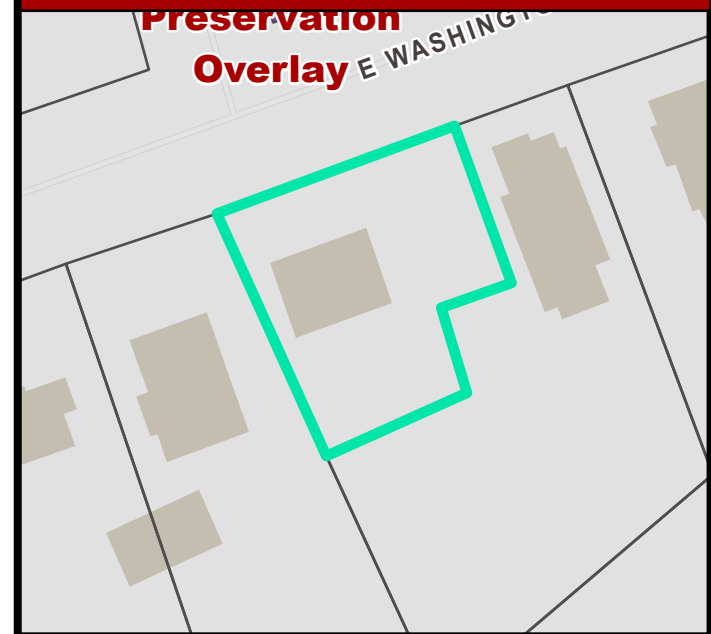


SPECIAL EMPHASIS NEIGHBORHOODS

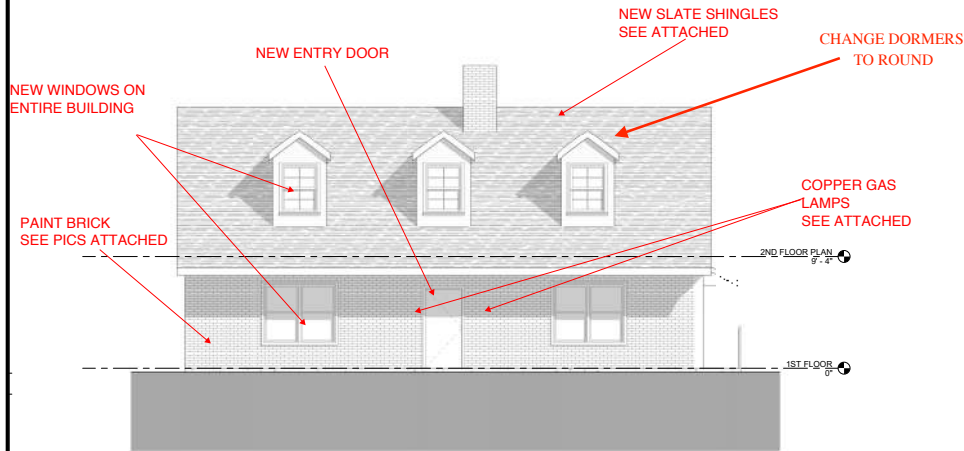


PRESERVATION OVERLAYS

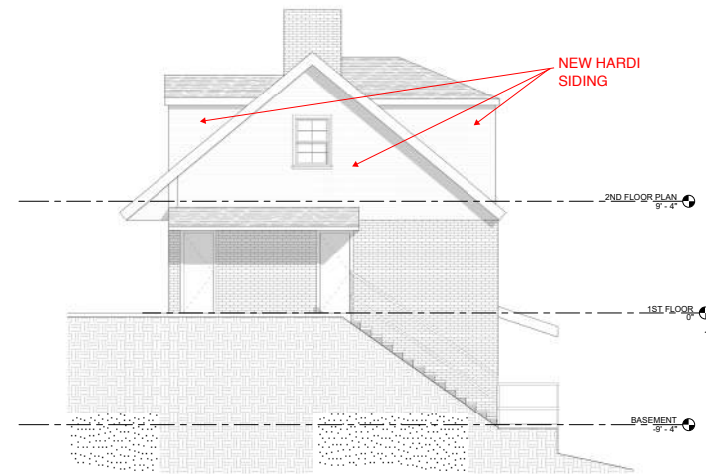
**Preservation
Overlay**



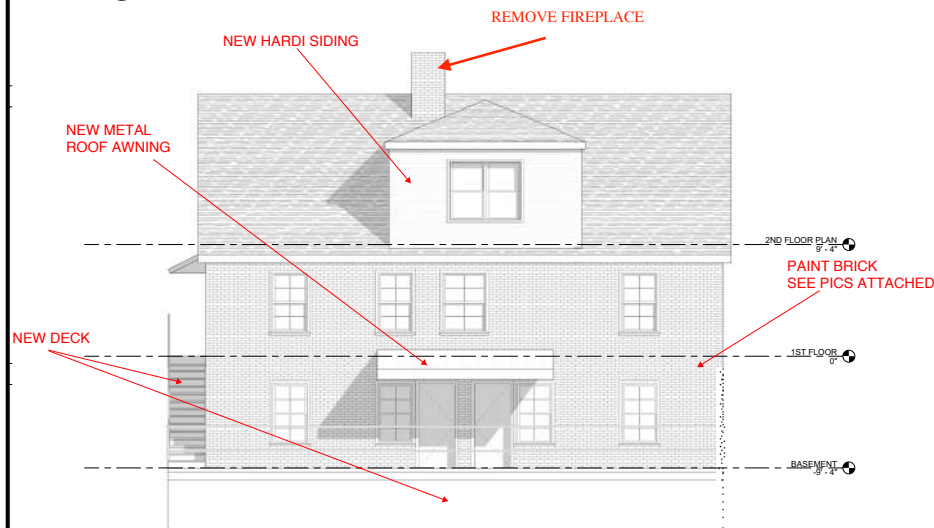
NEW ELECTRICAL THROUGHOUT
NEW PLUMBING THROUGHOUT
NEW HVAC THROUGHOUT



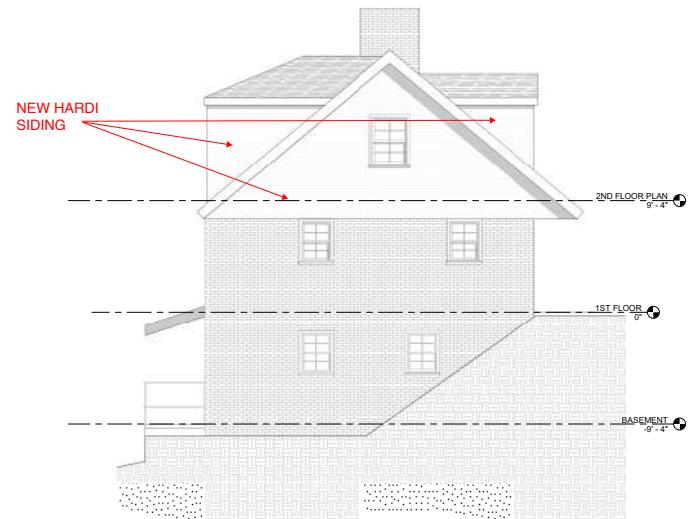
1 SOUTH ELEVATION
A5.1 1/4" = 1'-0"



2 EAST ELEVATION
A5.1 1/4" = 1'-0"



3 NORTH ELEVATION
A5.1 1/4" = 1'-0"



4 WEST ELEVATION
A5.1 1/4" = 1'-0"

PLAN NOTES

GENERAL NOTES

PROJECT TITLE
Renovation at
916 E. Washington Street
Greenville, SC 29601

NOTICE:
THESE DRAWINGS WERE PREPARED UNDER A LIMITED SERVICE AGREEMENT AND ARE INTENDED TO REPRESENT DESIGN INTENT ONLY. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING OR VERIFYING STRUCTURAL, MECHANICAL, AND ELECTRICAL DESIGN AND COMPLIANCE WITH ALL APPLICABLE REGULATIONS AND BUILDING CODES.

NO. REVISION DESCRIPTION DATE

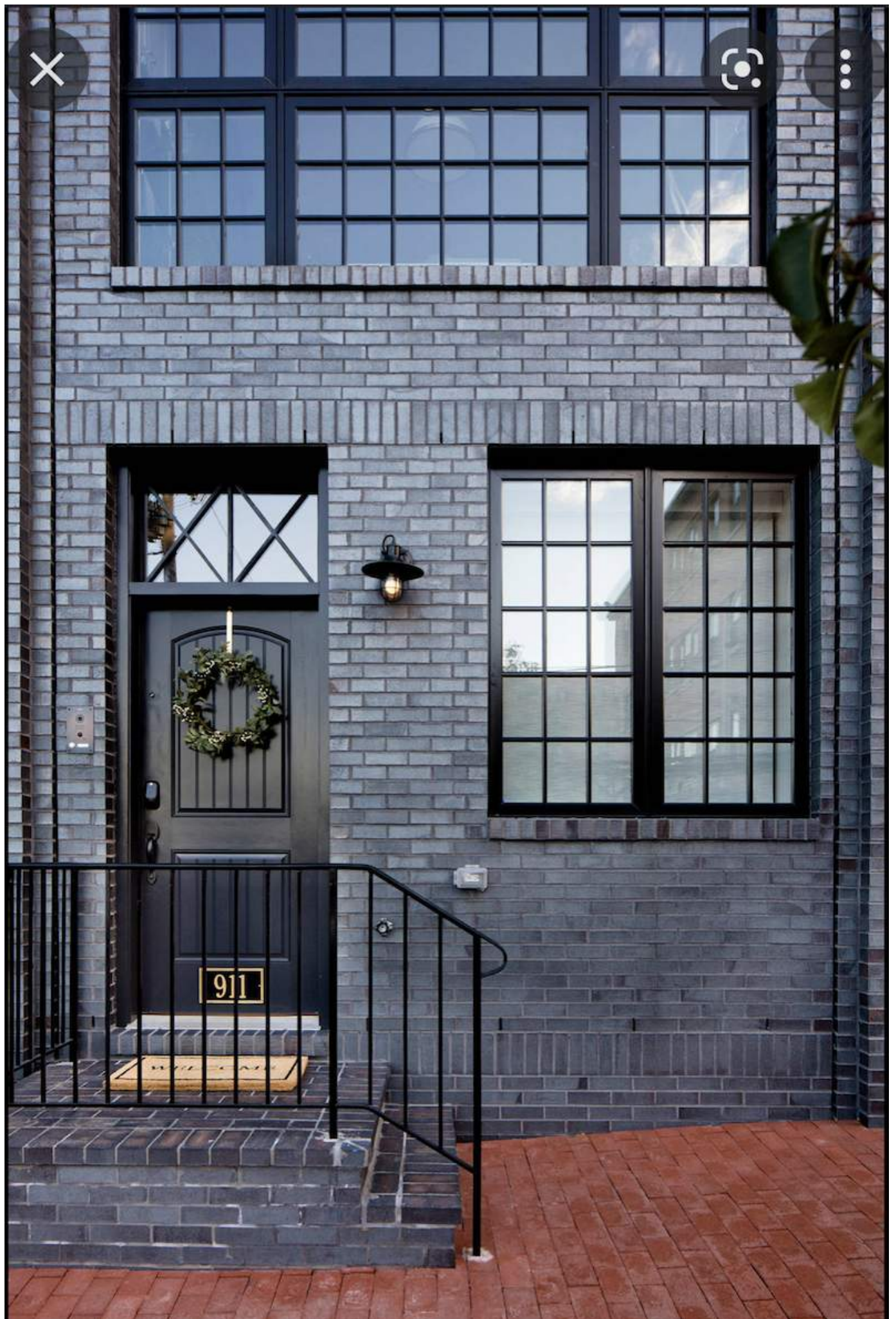
DRAWING TITLE
EXTERIOR ELEVATIONS

DATE
MAY 216, 2022

DRAWING
A5.1







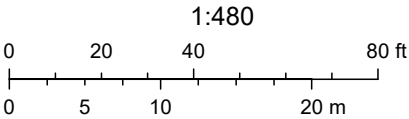




Greenville County, SC



November 10, 2022



Greenville County GIS Division, Greenville, South Carolina, Greenville County GIS Division, Greenville, South Carolina 29601, Greenville County, South Carolina GIS Division

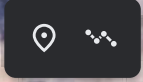




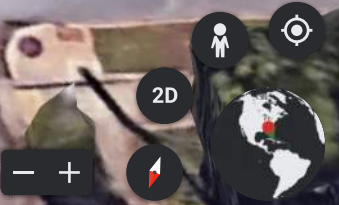
916 E Washington St

916 E Washington ...
916 E Washington St, ...
34.85°N, 82.39°W

PARKING FOR 10 -13 CARS



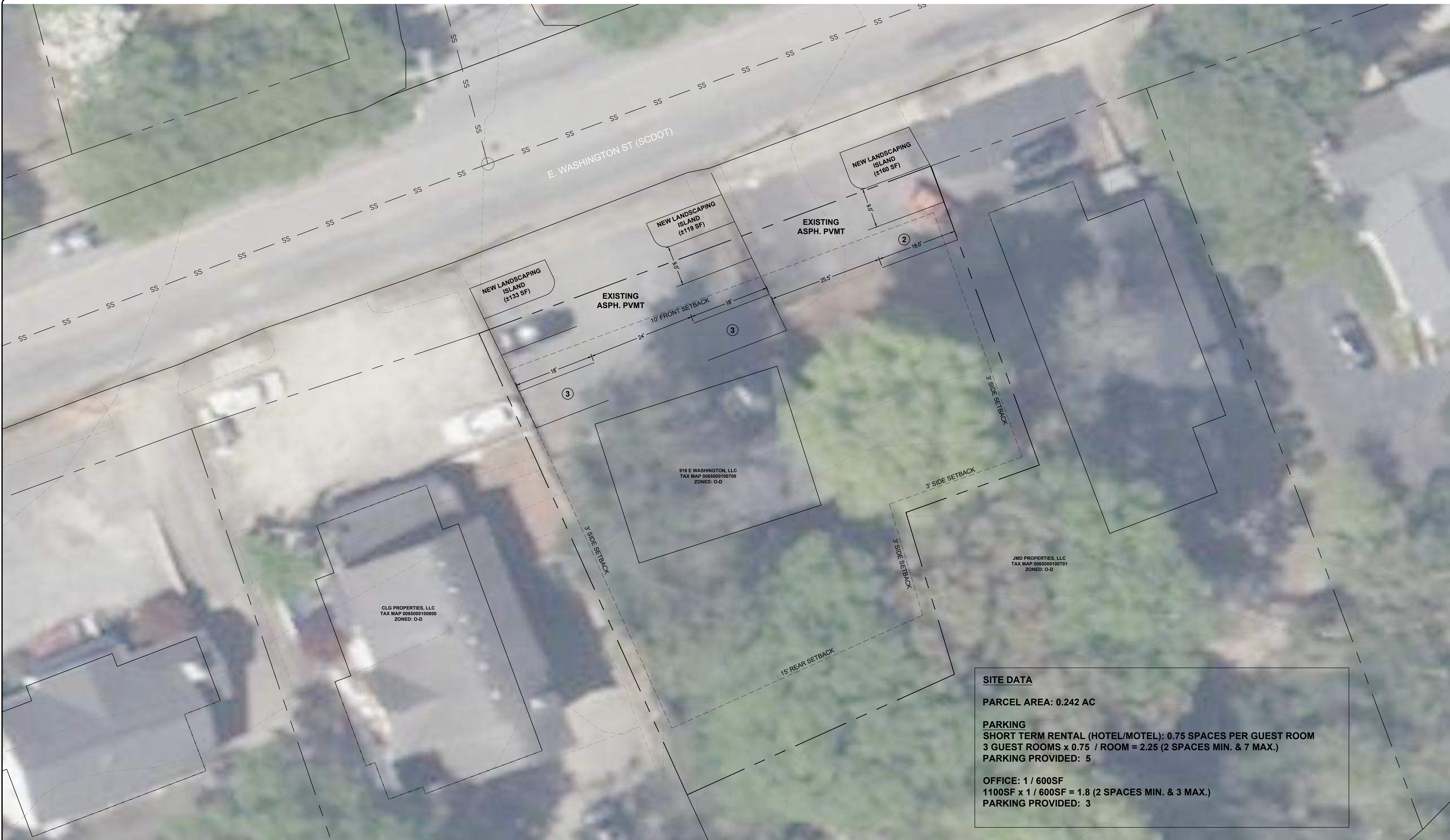
Google 100% Google City of Greenville



20 ft Camera: 1,090 ft 34°50'54"N 82°23'16"W 944 ft

THIS DRAWING SHALL NOT BE REPRODUCED IN ANY MANNER OR USED FOR ANY PURPOSE WITHOUT WRITTEN PERMISSION

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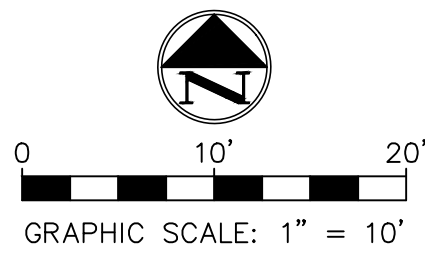


SITE DATA

PARCEL AREA: 0.242 AC

PARKING
SHORT TERM RENTAL (HOTEL/MOTEL): 0.75 SPACES PER GUEST ROOM
3 GUEST ROOMS x 0.75 / ROOM = 2.25 (2 SPACES MIN. & 7 MAX.)
PARKING PROVIDED: 5

OFFICE: 1 / 600SF
1100SF x 1 / 600SF = 1.8 (2 SPACES MIN. & 3 MAX.)
PARKING PROVIDED: 3

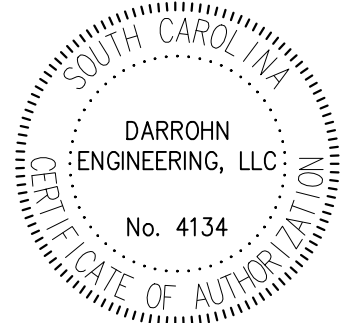


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(864) 603-1988
INFO@DARROHNENGINEERING.COM
WWW.DARROHNENGINEERING.COM

P.O. BOX 504
GREENVILLE, SC
29602-0504



916 E WASHINGTON ST

FOR
916 E WASHINGTON, LLC
GREENVILLE, SC

PROJECT: 23002
DRAWN/CHECKED BY: JCD

NO.	DATE	REVISIONS
1	2/10/23	PRELIMINARY SITE PLAN

**PRELIMINARY
SITE PLAN**

SHEET C1



**Planning Staff Report to
Board of Zoning Appeals
March 3, 2023**
for the March 9, 2023 Public Hearing

Docket Number:	S 23-087
Applicant:	GVL Saloon, LLC (Howard Dozier) dba Cowboy Up
Property Owner:	Coffee Street Group LLC
Property Location:	17 E. Coffee St.
Tax Map Number:	000100-06-00800
Acreage:	0.04
Zoning:	C-4, Central Business District
Proposal:	SPECIAL EXCEPTION to establish a 'Nightclub or Bar' use with operation after midnight

Applicable Sections of the City of Greenville Code of Ordinances:

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

Sec.19-2.3.5, *Special exception permit*

Sec.19-4.1, *Table of uses*

Sec.19-4.3.3 (A), *Use-specific standards, Commercial uses, General*

Sec.19-4.3.3 (F) (10), *Use-specific standards, Commercial uses, Nightclub or bar*

Staff Recommendation: Approve with Conditions

Staff concludes that the Application complies with the standards to grant a Special Exception Permit as a **'Nightclub or Bar'** 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, Howard Dozier, the property (TM #000100-06-00800), and the content of the application.
2. The special exception permit shall be limited to the applicant, GVL Saloon, LLC (Howard Dozier), 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 at least until midnight during 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, of which at least one 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.
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 work with a licensed architect to revise the proposed life safety plan and floor plan to reflect the sprinkler and floor plan changes presented to the Technical Advisory Committee. The revised plans shall also account for the previous occupancy classification and occupancy load for the upstairs space as well as accessibility compliance as requested by the Building Codes and Fire Prevention Divisions. The revised plans shall be signed and sealed by a licensed architect and comply with the South Carolina State Building and Fire Codes. The revised plans shall be provided to the city's Building Codes and Fire Prevention Divisions as part of an updated occupancy permit and building alteration permit.
15. The Applicant shall confirm that any grease trap complies with Renewable Water Resources (ReWa) standards.
16. The Applicant shall determine a trash management plan that does not involve public right-of-way (streets or sidewalks).
17. If outside queueing of patrons on sidewalks occurs, the security guards shall ensure orderly behavior of patrons so as to not negatively impact surrounding lands. Should the City determine this to become a problem, then the Applicant shall return to Technical Advisory Committee for resolution. Additional action by the City may be needed to address any potential negative impacts related to noise or disruptive behavior.
18. While the proposed use in the application is not classified as a sexually oriented business, it is noted in this staff report that sexually oriented businesses are strictly prohibited in the C-4, Central Business District, which are defined by the Land Management Ordinance as an adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, or a sex paraphernalia store as defined in section 8-442.

Staff Analysis:

The Applicant, Howard Dozier, requests a special exception to establish a ‘nightclub or bar’ use with operation after midnight in downtown Greenville. The application indicates the business will be known as “Cowboy Up.” The property was formerly home to Addy’s Dutch Café for many years, which was previously a bar. The Applicant wishes to open a country themed bar and grill in this currently vacant space. The Applicant owns several other similar businesses in the City of Greenville.

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 5:00 a.m. The proposed use falls within the ‘*Retail Sales and Services*’ commercial use category in Section 19-4.1 and the business intends to operate until 2:00 a.m. on Thursday, Friday, and Saturday nights.

The Applicant indicated in his application that the business will be closed on Mondays; will be open from noon to midnight on Tuesdays and Wednesdays; will be open from noon to 2:00 a.m. on Thursdays, Fridays, and Saturdays; and will be open from noon to midnight on Sundays.

The business will feature a kitchen and will serve beer, wine, and liquor by the drink. Alcohol sales will account for approximately 75 percent of all revenues, while food sales will account for the remaining 25 percent of revenues. Food sales will be available from opening to midnight according to the application.

The Technical Advisory Committee (TAC) met with the Applicant on February 16, 2023, and recommended approval of the Special Exception Permit with conditions; these recommended conditions are listed at the end of this report.

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

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

The 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 ‘nightclub or bar’ use maintains the blend of service, entertainment, and other commercial uses in the Center City. The target audience is young professionals, tourists, and local restaurant-goers.

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 Nightclub or Bar uses 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.*

(F) Retail sales and service.

- (10) *Nightclub or bar. In addition to complying with the standards for granting a special exception, such use shall comply with the location standards established by the state and:*
 - (a) *A conditional use permit shall be limited to the applicant or a legal entity authorized to be represented by the applicant, and shall not be transferrable.*
 - (b) *Operation of the facility shall be limited to a "nightclub/bar," as defined by this Code, and shall substantially conform to the statements of the applicant and the content of the application. Modification of the facility's operation shall require the applicant to seek a modification of the conditional use permit. Operation of the business shall comply at all times with the provisions of the South Carolina Alcoholic Beverage Control Act and the regulations of the department of revenue.*
 - (c) *At all times during its occupancy, the applicant shall assign a manager on the premises who shall ensure compliance with the terms of the conditional use permit, this Code, and the applicable S.C. Code of Laws and Regulations.*
 - (d) *The applicant and all of its managers and employees responsible for serving any alcoholic beverage (current and future) shall participate in the merchant education/server training program offered by the Phoenix Center or comparable program offered by other vendors approved by the city police department. Evidence of satisfactory completion of this training for each employee shall be retained on-site and available for inspection by the administrator and the city police department. Current personnel shall receive training within 90 days of the date of the granting of a conditional use permit and future personnel shall receive training within 30 days of hiring.*
 - (e) *As may be recommended by the technical advisory committee, the administrator may require the applicant to retain outdoor security persons during operation of the establishment. The security persons must possess a security officer registration certificate pursuant to S.C. Code 1976, title 40, chapter 18, or, as an alternative, may be*

an off-duty sworn law enforcement officer. No other employee may serve in the capacity of a security person unless so certified.

- (f) Occupant capacity of the establishment shall be established by the city building codes administrator. The applicant shall designate staff at all ingress/egress points to be responsible for monitoring the flow of patrons.*
- (g) Exterior sound amplification shall be prohibited except in areas specifically authorized on the approved site plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. Specified hours of exterior sound amplification shall be limited by the permit.*
- (h) Interior sound amplification shall be located only as reflected on the approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building. Except to provide ingress and egress, exterior doors and windows shall remain closed after 10:00 p.m.*
- (i) Rooftop decks shall have perimeter guard railing above table surfaces*
- (j) Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code shall be posted in conspicuous locations on the building and throughout the parking lot and shall be enforced by the proprietors.*
- (k) The application shall comply with city noise, smoking, and encroachment ordinances.*
- (l) A copy of the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.*
- (m) The administrator may attach additional conditions to the conditional use permit which will protect nearby uses from any adverse impacts reasonably expected to occur as a result of the operation of the nightclub/bar.*

The Applicant has 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 indicated that changes to the life safety plan would be made to incorporate changes to the floor plan and account for the addition of a sprinkler system, which would help address any building and fire code concerns.

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 Open After Midnight, Nightclub/bar, Office (C-4, Central business district)
North:	Parking lot, Nightclub/bar (C-4)
West:	Office, Retail, and Residential (C-4)
South:	Restaurant and Office (C-4)

The property is located in downtown Greenville and is zoned C-4, Central Business District. The subject property is a two-story, downtown row building. The use will occupy the first and second floors. As previously stated in this report, the building formerly housed a bar use (Addy's Dutch Café).

The City encourages a mix of uses in the downtown area. Surrounding properties are also zoned C-4 and are used for mixed-use purposes, including retail, restaurants, office, and condos at the corner

of Main and Coffee Street at 102 N Main Street. These residences are located in upper levels of a mixed-use building.

The Applicant has stated the business will close at 2:00 a.m. Similar uses in the area also close at 2:00 a.m. The overnight business hours are not anticipated to create a conflict with other neighboring businesses. The Applicant stated that the food and beverage and entertainment offerings will be consistent with the level of hospitality and similar experiences offered by the neighboring bar and restaurant establishments of Greenville's city center, and that excessive noise will be avoided.

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. The Applicant will be upgrading the exterior façade of the building from the current dilapidated state in accordance with city design guidelines and subject to Design Review Board approval. No visual impacts are anticipated from the use.

Parking for the use is expected to come from public parking options in the downtown Greenville area.

The Applicant's deliveries will be made from a private parking lot located at the rear of the building, and cooking exhaust will be discharged from the building's rooftop fan.

The application states that some live music will be performed at the business and that noise impact will be minimized by directing amplified music towards the interior of the space, as well as maintaining closed doors during performances. Due to the small size of the space, solo/duo music performers will be playing at a moderate and comfortable sound level.

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 a bar with hours of operation of Tuesday through Wednesday from 12:00 p.m. to 12:00 a.m., Thursday through Saturday from 12:00 p.m. to 2:00 a.m., and Sunday from 12:00 p.m. to 12:00 a.m. The business would be closed on Mondays.
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 SLED certified security personnel will be retained for the bar. The applicant indicates that at least two security guards would be on duty after 10 p.m. and when large crowds are expected. A specific security company was not finalized at time of application.
5. The applicant, based on the proposed life safety plan, indicates that maximum occupancy on the overall tenant premises is expected to be 160 occupants.

6. The applicant indicates that music/live entertainment will occur but will only be performed indoors with the doors closed.
7. The applicant indicates that music/live entertainment will occur on both the ground and upper floors and that the life safety plan would be amended during permitting to reflect this change.
8. The applicant indicates that a sprinkler system will be added to the building and that the life safety plan would be amended during permitting to reflect this change.

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(A) and 19-4.3.3(F)(10) 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 the maximum occupancy capacity of 160 persons on the provided life safety plan be re-evaluated by a licensed architect to ensure the occupancy counts are correct and all required life measures are taken. The plan shall reflect the upstairs floor plan change to allow an area for live entertainment and reflect the planned sprinkler system addition.
 - c. This Committee recommends that the applicant take reasonable measures to ensure that the business and its patrons comply with City ordinances and State laws intended to preserve the public peace, safety and order, including but not limited to: occupancy loads, prohibitions on disorderly conduct and public intoxication, prohibitions on noise in violation of the City's noise ordinance, adequate patron parking and applicable neighborhood parking restrictions.
 - d. This Committee recommends that at all times during its occupancy, the applicant shall assign a manager on the premises who shall ensure compliance with the terms of the special exception use permit, this Code, and the applicable S.C. Code of Laws and Regulations.
 - e. This Committee recommends that the applicant and all its managers and employees responsible to serve any alcoholic beverage (current and future) shall participate in the merchant education/server training program offered by the Phoenix Center or comparable program offered by other vendors approved by the city police department. Evidence of satisfactory completion of this training for each employee shall be retained on-site and available for inspection by the administrator and the city police department. Current personnel shall receive training within 90 days of the date of the granting of a conditional use permit and future personnel shall receive training within 30 days of hire.
 - f. This Committee recommends that the applicant shall retain a minimum of two (2) security guards of which at least one 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 guard positions be an off-duty sworn law enforcement officer.

- 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:

Need confirmation of old use upstairs and what original occupancy load was to confirm no occupancy use change. This question driven by the declaration of not installing a fire sprinkler system.

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:

None.

Environmental Engineer Comments

Comments:

None.

Traffic Engineer Comments

Comments:

None.



Office Use Only:

Application# _____ Fees Paid _____

Date Received _____ Accepted By _____

APPLICATION FOR SPECIAL EXCEPTION CITY OF GREENVILLE, SOUTH CAROLINA

APPLICANT / PERMITTEE*: _____

* _____ Name _____ Title / Organization _____

permit may be limited to this entity. _____

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

MAILING ADDRESS: _____

PHONE: _____ EMAIL: _____

PROPERTY OWNER: _____

MAILING ADDRESS: _____

PHONE: _____ EMAIL: _____

PROPERTY INFORMATION

STREET ADDRESS: _____

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

REQUEST

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

DESCRIPTION OF PROPOSED LAND USE: _____

INSTRUCTIONS

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

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

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

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

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

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

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



Applicant Signature

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

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

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

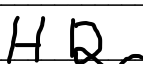
To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is _____ or is not _____ restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity.



2-3-23

APPLICANT / REPRESENTATIVE SIGNATURE

DATE



2-3-23

PROPERTY OWNER SIGNATURE

DATE

**APPLICANT RESPONSE TO
SECTION 19-2.3.5(D)(1), STANDARDS – SPECIAL EXCEPTION**

(YOU MAY ATTACH A SEPARATE SHEET)

1. DESCRIBE THE WAYS IN WHICH THE PROPOSED SPECIAL EXCEPTION IS CONSISTENT WITH THE COMPREHENSIVE PLAN.

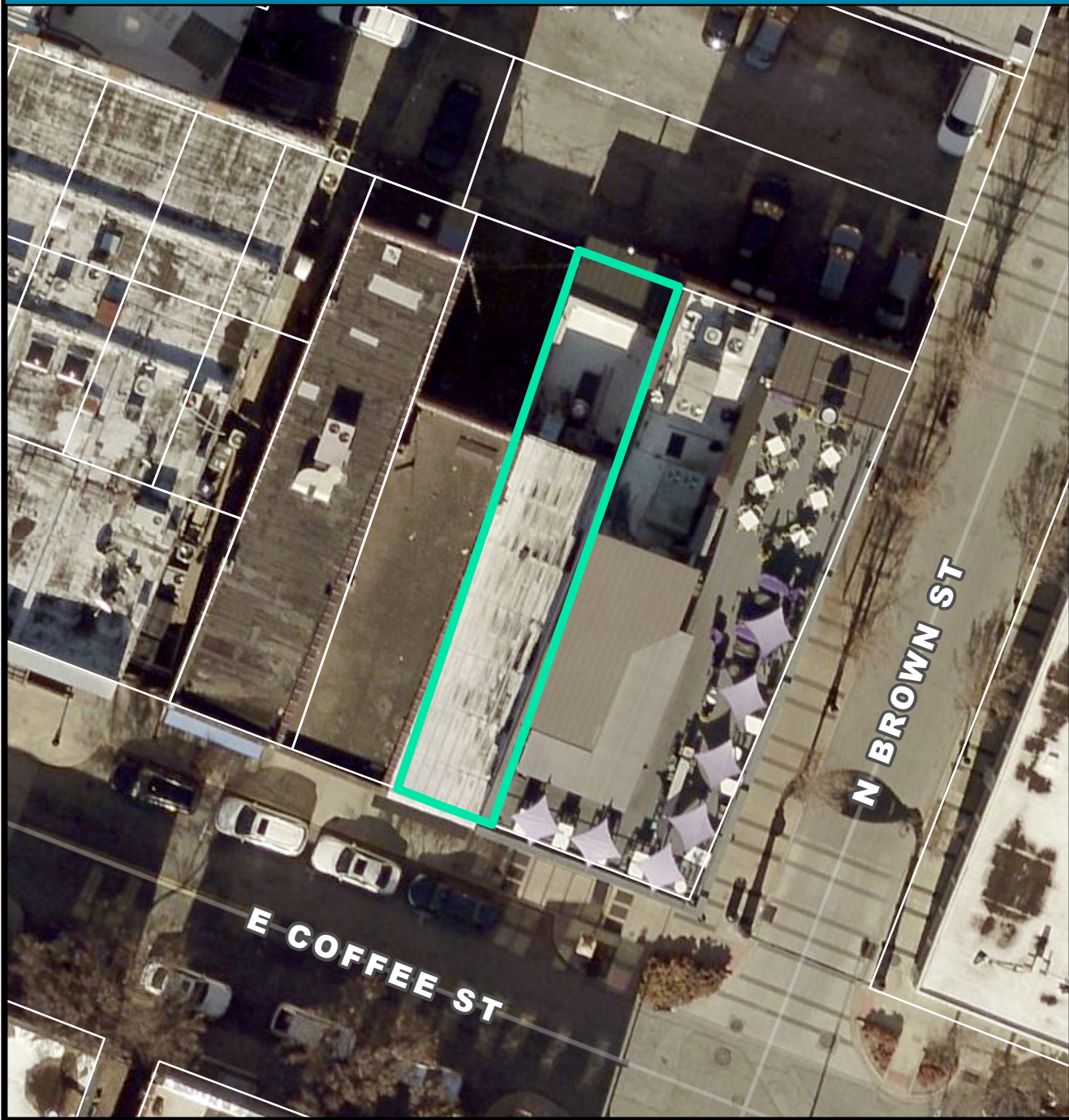
2. DESCRIBE THE WAYS IN WHICH THE REQUEST WILL COMPLY WITH THE STANDARDS IN **SECTION 19-4.3, USE SPECIFIC STANDARDS.**

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

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

Cooking exhaust will be discharged via rooftop fan. Noise impact will be kept to a minimum by directing amplified music towards the interior and maintaining closed doors during performances.

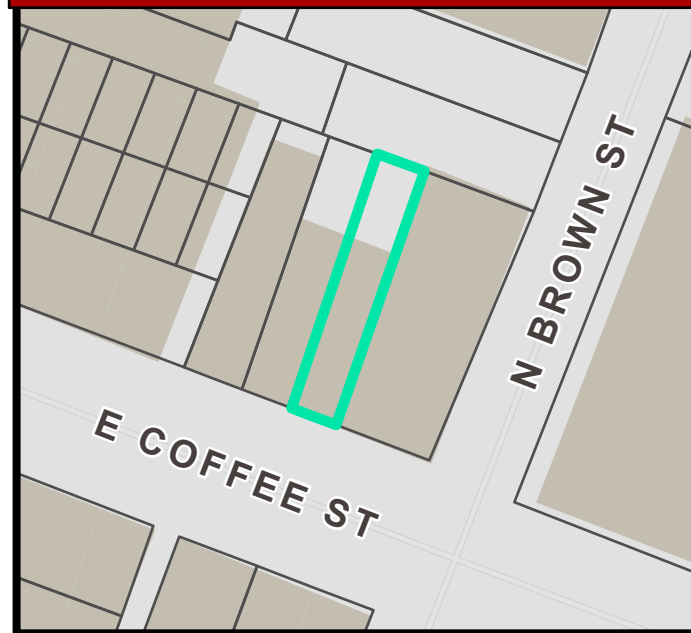
AERIAL VIEW



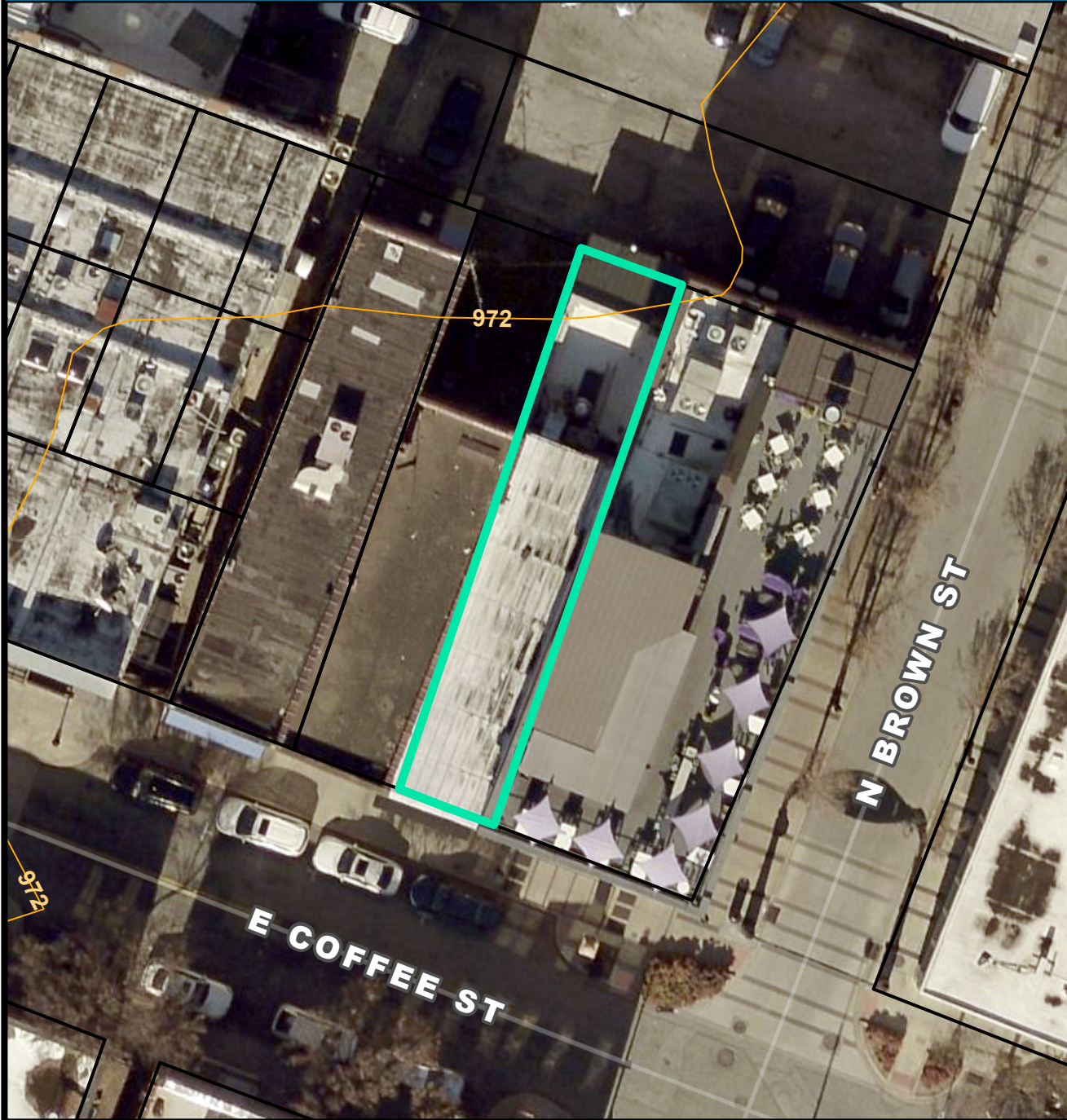
CURRENT ZONING



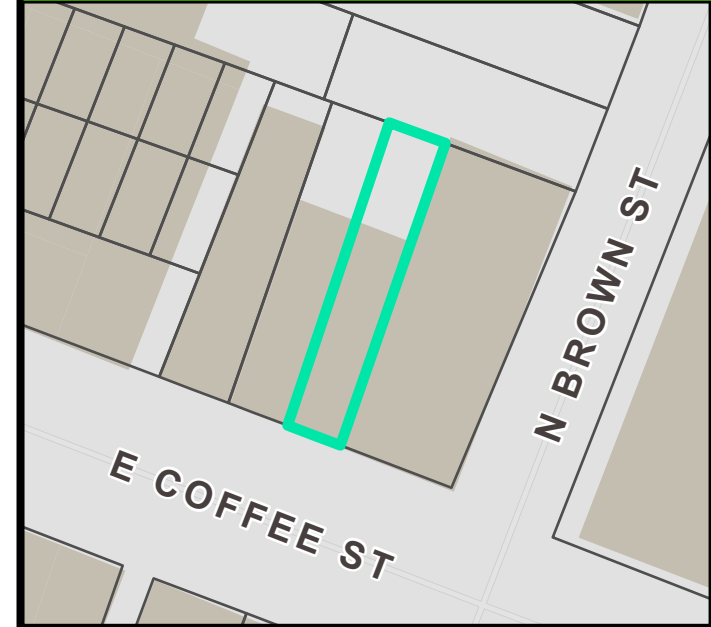
FUTURE LAND USE



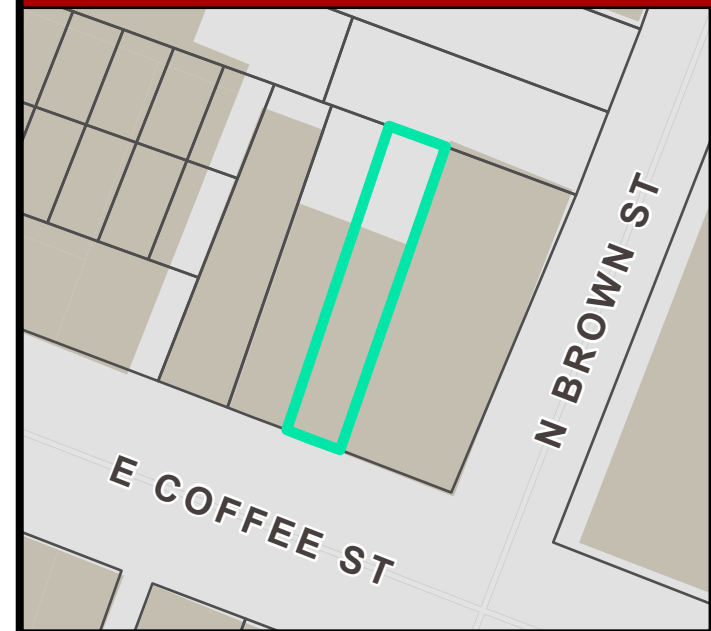
NATURAL / ENVIRONMENTAL FEATURES



SPECIAL EMPHASIS NEIGHBORHOODS



PRESERVATION OVERLAYS





Zoning Compliance Application

Establishments Serving Beer, Wine, Or Liquor

Applicant

Name _____ Phone _____

Mailing Address _____

Email _____

Signature of Applicant HB Date 2-2-23

Property Owner

Name _____ Phone _____

Mailing Address 1 _____

Email _____

Signature of Property Owner HB Date 2-2-23

Property Information

Address _____

TMS# _____ Zoning District Designation _____

Description of Proposed Use

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

Operating Plan

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

Seating Plan

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

Security Procedures

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

Business Plan

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



city of greenville

Provide a response for each of the following:

1. Describe the ways in which the proposed use is consistent with the comprehensive plan.

2. Describe the ways in which the request is appropriate for its location and is compatible with the character of existing and permitted uses of surrounding lands and will not reduce the property values thereof.

3. Describe the ways in which the request will minimize adverse effects on adjacent lands including: visual impacts; service delivery; parking and loading; odors; noise; glare; and, vibration. Describe the ways in which the request will not create a nuisance.

Meet With the Technical Advisory Committee

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

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

Police
Fire
Planning
Legal

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

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

Cowboy Up
17 East Coffee Street

OPERATING PLAN

1. Type of use: Bar and Grill. Beer, wine and liquor will be served.

2. Hours of operation: Monday: Closed
Tuesday -Wednesday: Noon to Midnight
Thursday-Saturday: Noon to 2am
Sunday: Noon to Midnight

3. Staffing schedule: Afternoon shift: 10am to 6pm
Evening Shift: 6pm to one hour after closing.

4. Kitchen equipment schedule: Mop Sink, Ice Machine, 3 comp sink, Dishwasher, Worktop Refrigerator, Sandwich Prep Station. Range/Griddle. Deep Fryer. Walk-In Cooler. Type 1 Exhaust Hood.

5. Menu and hours of food service: Menu will consist mainly of burgers, chicken sandwich, wings, french fries, salad. The food service hours will be daily from opening until Midnight.

6. Parking for customers and employees: There is no dedicated parking available therefore it will be necessary to rely on public parking. There are several public parking garages nearby.

7. Designated smoking area: N/A

8. Type of entertainment and duration: Due to the small space constraints of the building solo/duo music performers will be playing at a moderate and comfortable sound level, inside, with doors closed. The duration of the performances will be tailored to our peak business hours but might occur at any time and any length during our operating hours. Please refer to the Hours of Operation listed above.

9. Closing / last call procedures: A "Last Call" announcement will be made 15 minutes prior to closing. Additionally, live music performers will stop prior to the last call announcement. All customers will be off premises prior to closing. Please refer to the Hours of Operation listed above.

SECURITY PROCEDURES

1. Number and type of designated security staff: During slow times, in-house security will be handled within our staff who will be responsible for checking ID's, keeping the occupancy count below our maximum allowed number, monitoring the crowd for potential safety threats, and alerting first responders in the event of an emergency. When large crowds are expected, SLED certified private security guards will be hired to perform the aforementioned security tasks in addition to our normal staff security.

2. Training / certification of the staff: Each employee will be properly trained and earn their required level of certification for their position which may include but not limited to ServSafe, TIPS, and other standard restaurant and bar industry training. Employees without adequate certifications will not be allowed to serve alcoholic beverages.

3. Specific duties / responsibilities of staff:

Bartender – The Bartenders will be the primary customer service contact and will have the majority of the floor responsibilities. They will make and serve drinks, take food orders, and count cash and credit card receipts every night after closing. Bartenders will check customer IDs for legal drinking age when IDs are not checked at the door.

Barback – The barback will keep the bar and surrounding area clean and free for movement, keep all needed items stocked and easily reachable for the bartenders. The barback will also clean the bar at the end of the night and prepare it for the next shift.

Servers - Servers will take orders, clean tables, and deliver food to customers. Servers will check customer IDs for legal drinking age when IDs are not checked at the door.

Kitchen Staff – The kitchen staff will maintain the ingredients, prepare the charcuterie boards, wash dishes and keep the kitchen clean and in compliance with DHEC regulations.

Security – When large crowds are expected, security staff will monitor entry points and Check ID's for legal drinking age prior to customer entrance, and maintain the order and safety of patrons and employees.

Assistant Managers - The assistant managers will be on premise during all operating hours to handle all customer service complaints and issues. They will oversee the working staff to ensure compliance with all applicable laws and codes.

General Manager - The GM will oversee all operations of the business such as personnel management, scheduling, supplies stocking.

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

the patrons will be directed to leave via the closest exit. All exits will be clearly marked and egress aisles will be kept clear at all times.

5. Crowd management - When necessary there will be a security guard (either staff or SLED certified third-party) located at the front door continually counting for occupancy to ensure the number of occupants inside the building does not exceed the maximum number allowed. If maximum occupancy is reached, customers will be asked to wait outside until an adequate number of occupants leave the premises which will allow them to enter. Substantial sidewalk space is available outside of the main entrance.

6. Crime prevention through environmental design - The bar will be positioned to allow bartenders and servers full view of the entire restaurant at all times. Several transparent full height windows allow clear sight lines to the sidewalk outside the building as well as views into the space at night.

SEATING PLAN

1. Seating plan - Please see attached life safety plan.

2. Schedule a feasibility inspection of the property - A feasibility inspection will be scheduled

BUSINESS PLAN

1. Business Plan Summary: Target customers are young professionals, tourists, and local restaurant-goers aging from 25 - 60. Theme is an upscale country bar and grill/. Objective and goal is to enhance downtown Greenville with a fun place to grab a burger, have a beer and enjoy some country music.

2. Projected revenue % alcohol vs. food sales - 75 % alcohol vs 25 % food.

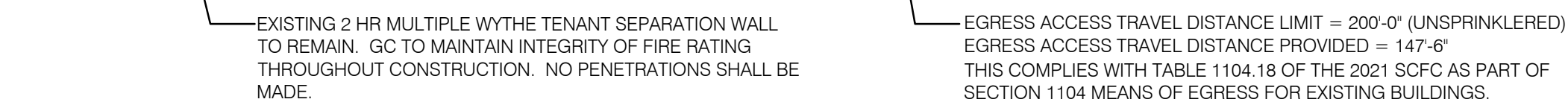
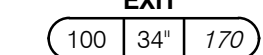
3. Fees for entry / membership / entertainment - There will not be a fee for entry. No membership will be offered. Entertainment will be free to customers.

4. Status of city business license application - To be applied for.

5. Status of SCDHEC retail establishment permit if applicable - To be applied for.

6. Status of ABL-901 application to SC department of revenue - To be applied for..

7. Provide documentation that SLED requirements have been met - To be applied for.


$$3/16^3 = 1^3 - 0^3$$

$$\sqrt{3/16^3} = 1 \cdot 10^{-3}$$

CODE SUMMARY	
DESIGNED IN ACCORDANCE WITH	
CODE	EDITION
International Building Code (with SC State Amendments)	2021
International Mechanical Code	2021
National Electric Code (with SC State Amendments)	2020
International Plumbing Code	2021
International Fire Code (with SC State Amendments)	2021
International Energy Conservation Code	2009
NFPA 101 Life Safety Code	2021
ICC/ANSI A117.1 SC Barrier Free Building Design Standard	2017

AUTOMATIC SPRINKLER SYSTEMS (SECTION 1103.5 SCFC) & FIRE ALARM AND DETECTION SYSTEMS (SECTION 1103.7 SCFC)		
SYSTEM	REQUIRED	PROVIDED
AUTOMATIC SPRINKLER SYSTEM WHERE REQUIRED PER SECTION 1103.5	NO	NO
MANUAL FIRE ALARM SYSTEM WHERE REQUIRED PER SECTION 1103.7	NO	NO

MAXIMUM OCCUPANT LOAD (TABLE 1004.5 SCBC)				
FLOOR	USE OF SPACE	FLOOR AREA	FLOOR AREA ALLOWED PER OCCUPANT	OCCUPANT LOAD
GROUND	ASSEMBLY - STANDING	232 NSF	5 NSF	47
GROUND	ASSEMBLY - FIXED BAR SEATING	384"	18"	21
GROUND	ASSEMBLY - STANDING BAR SEATING	682"	18"	38
GROUND	COMMERCIAL KITCHEN	618 GSF	200 GSF	4
GROUND	MECH / STORAGE	30 GSF	300 GSF	1
SECOND	ASSEMBLY - STANDING	10 NSF	5 NSF	2
SECOND	ASSEMBLY - UNICONG, TABLES & CHAIRS	502 NSF	15 NSF	32
SECOND	ASSEMBLY - FIXED BAR SEATING	204"	18"	12
SECOND	COMMERCIAL KITCHEN	101 GSF	200 GSF	1
SECOND	BUSINESS	57 GSF	150 GSF	1
SECOND	MECH / STORAGE	44 GSF	300 GSF	1
			TOTAL OCCUPANT LOAD	160

EGRESS WIDTH PER OCCUPANCY SERVED (SECTION 1005 SCBC)								
OCCUPANCY FLOOR, ROOM, OR SPACE	SPRINKLERED		REQUIRED INCHES PER OCCUPANT		REQUIRED TOTAL INCHES		PROVIDED TOTAL INCHES	
	YES	NO	STAIRWAYS	OTHER	STAIRWAYS	OTHER	STAIRWAYS	OTHER
GROUND		X	0.3	0.2	36'	32'	N/A	68'
SECOND		X	0.3	0.2	36'	32'	36'	N/A

EXIT REQUIREMENTS (TABLE 1006.3.1 SCBC)					
FLOOR/SPACE	OCCUPANT LOAD	NUMBER OF EXITS		ACCESSIBLE EXITS	
		REQUIRED	PROVIDED	REQUIRED	PROVIDED
GROUND	111	2	2	1	1
SECOND	49	1	1	0	0

MAXIMUM TRAVEL DISTANCE (TABLE 1104.8 SOFC)				
FLOOR/SPACE	SPRINKLERED		MAXIMUM ALLOWED TRAVEL DISTANCE	MAXIMUM ACTUAL TRAVEL DISTANCE
	YES	NO		
GROUND		X	200'-0"	65'-0"
SECOND		X	200'-0"	147'-6"

PLUMBING FIXTURES (TABLE 403.1 SCPC)				
TOTAL OCCUPANT LOAD: 160		OCCUPANCY CLASSIFICATION: A-2 NIGHTCLUB/BAR/LOUNGE		
ITEM	CALCULATION	REQUIRED	PROVIDED	NOTES
WATER CLOSETS	1:40 MALE	2	2	
	1:40 FEMALE	2	2	
LAVATORIES	1:75	3	4	NOT PROVIDED PER 410.4.
DRINKING FOUNTAINS	1:500	0	0	
SERVICE SINK		1	1	

1	PROVIDE KNOX BOX 3200 SERIES. GC TO CONFIRM MODEL AND MOUNTING LOCATION WITH FIRE MARSHAL.
2	PROVIDE, ADJUST AND/OR AMEND INDICATED EMERGENCY LIGHT LOCATIONS AS REQUIRED TO MEET THE REQUIREMENTS OF NFPA 101.
3	ADDRESS NUMBERS TO BE POSTED ON BUILDING WITH MINIMUM 4" HEIGHT, UNLESS SO OTHERWISE DIRECTED BY SIZE AS REQUIRED BY FIRE MARSHAL. BY SCALE OF BUILDING.
4	PORTABLE FIRE EXTINGUISHERS TO BE MINIMUM 2A:10BC. REFER TO GENERAL NOTE E.
5	PORTABLE TYPE K FIRE EXTINGUISHER IN ACCORDANCE WITH SCFC.
6	DOOR TO RECIEVE PANIC BAR HARDWARE.

Legend for exit signs and fire extinguisher symbol:

- EXIT LIGHT
- EXIT LIGHT WITH DIRECTIONAL INDICATORS
- EXIT LIGHT WITH EMERGENCY LIGHTS
- EMERGENCY LIGHT
- FIRE EXTINGUISHER
- EGRESS COMPONENT
- OCCUPANTS ALLOWED
- ACTUAL WIDTH
- ACTUAL OCCUPANT LOAD



AGENDA

BOARD OF ZONING APPEALS REGULAR MEETING

Thursday, March 9, 2023 - 4:00 p.m.

Meeting Location:
Greenville City Hall, Council Chambers, 10th Floor
206 South Main Street
Greenville, South Carolina, 29601

Citizens may access the meeting at the following web address:

<https://www.greenvillesc.gov/meeting>

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1. Call to Order
 2. Welcome and Opening Remarks from the Chair
 3. Roll Call
 4. Approval of Minutes
 - A. February 7, 2023 – Workshop
 - B. February 9, 2023 – Regular Meeting
 5. Call for Public Notice Affidavit from Applicants
 6. Acceptance of Agenda
 7. Conflict of Interest Statement
 8. OLD BUSINESS
 9. NEW BUSINESS
 - A. **S 21-634**
Application by Eric Speckman for a one-year permit extension to a **SPECIAL EXCEPTION** to establish a 'Restaurant with drive-through' use in an RDV, Redevelopment district at **515 PENDLETON ST** (TM# 008000-05-00200, 008000-05-00300, 008000-05-00301, 008000-05-00400)
 - B. **S 22-765**
Application by 916 E Washington, LLC (Tim Kearns) for a **SPECIAL EXCEPTION** to establish a 'Hotel' (short-term rental) use in an OD, Office and institutional district at **916 E WASHINGTON ST** (TM# 006500-01-00700)
 - C. **S 23-087**
Application by KEEL Concepts, Inc. (Adam Roberts, AIA) on behalf of Howard Dozier dba Cowboy Up for a **SPECIAL EXCEPTION** to establish a 'Bar' use operating after midnight in a C-4, Central Business district at **17 E COFFEE ST** (TM# 000100-06-00800)
 10. OTHER BUSINESS
 - A. Staff update on current planning projects
 - B. Follow up on Board bylaws modification request

11. Adjournment