



MINUTES

REGULAR MEETING OF BOARD OF ZONING APPEALS

THURSDAY, APRIL 9, 2026 - 4:00 PM

Greenville City Hall, Council Chambers, 10th Floor

206 S. Main Street

Greenville, South Carolina 29601

Citizens may access the meeting at the following web address:

<http://greenvillesc.gov/MeetingMedia>

1. Call to Order

Lauren Rounsville called the meeting to order at 4:00 p.m.

2. Welcome and Opening Remarks from the Chair

Ms. Rounsville invited the other members to introduce themselves, provided normal beginning procedures for the meeting, explained the agenda, and outlined the rules for procedure.

3. Roll Call

Ross Zelenske moved on to roll call of board members in attendance.

Members Present:

Chair Lauren Rounsville, Vice Chair Mark Herro, Tammy Johnson, Sam Davis, Al Horrigan, and Sean Scoopmire

Members Absent:

Matthew Praytor

Staff Present:

Mike Spinelli, Assistant City Attorney; Mary Douglas Hirsch, Planning Director; Ross Zelenske, Senior Development Planner; Michael Frixen, Principal Development Planner; Ashana Taylor, Development Planner; and Deanna Ensley, Planning Operations Coordinator

4. Approval of Minutes

A. Approval of Minutes for meeting on March 12, 2026

Mr. Horrigan moved to approve the minutes. Mr. Herro seconded. The motion passed 6-0.

5. Call for Public Notice Affidavit from Applicants

Staff reported receiving all applicants' affidavits.

6. Acceptance of Agenda

Ms. Johnson moved to approve the agenda. Mr. Herro seconded. The motion passed 6-0.

7. Conflict of Interest Statement

None

8. OLD BUSINESS

None

9. NEW BUSINESS

A. S 26-179

Application by Parker Poe Adams & Bernstein, LLP (Megan Stevens) on behalf of Raising Canes Restaurants, LLC (Adam Caracci) for a **SPECIAL EXCEPTION** to operate a 'general food and beverage (up to 6,000 SF)' with accessory 'drive-thru' and 'outdoor dining' use after midnight in a BH, Business Heavy district at **1136 WOODRUFF RD** (TM# 054702-01-03100)

Staff report presented by Ross Zelenske. Staff recommends approval.

Questions to Staff:

Mr. Scoopmire asked about staff recommendations for closing the outdoor dining after midnight and if the landscaping that would need to be removed for the development was previously required by the PD.

Mr. Zelenske clarified closing the outdoor seating after midnight was from the use standards and stated there have been past issues with loitering and the use standard was part of managing that concern. He pointed out the recommendation was also consistent with other applications approved by the board. He stated the landscaping was not a requirement of the PD but stated the development would have to adhere to the City's tree ordinance and would be required to provide mitigation if any trees were removed and they weren't able to plant any back.

Mr. Davis asked about regulating the circulation of the site as it is connected to an existing parking lot, which staff stated would look at the internal circulation, but that the review would be limited.

Mr. Davis asked about the security requirement after midnight and why midnight was specifically chosen.

Mr. Zelenske stated the outdoor dining use was allowed by right up until midnight, so that time was chosen as that was what was under scrutiny for the special exception.

Mr. Horrigan asked if there were other late night uses nearby with limited outdoor seating.

Mr. Zelenske stated the nearby McDonalds had been operating since prior to the code so was not restricted, but the Whataburger was restricted as it had recently been reviewed.

Applicant presentation provided by Megan Stevens, 850 Morrison Drive, Charleston, SC

Ms. Stevens clarified only half of the subdivided parcel would be used and stated they requested their outdoor seating remain open during all business hours as it was a common part of their business in many of their other locations and they had extensive security measures to address concerns. She specifically requested to strike condition #10 of staff recommendations and for condition #14 asked that they not be required to have security until there were 3 police reports within a 6-month period and then to only require the security for 3-months before re-evaluating.

Questions to Applicant:

Ms. Rounsville asked if the majority of the other locations have outdoor seating after midnight.

Sarah Holmes 6800 Bishop Road, Plano, TX

Ms. Holmes stated they operate at over 1,000 locations nationally and most do have an outdoor patio which aren't conditioned to close earlier. She clarified their patio furniture is standard across their locations, is not moveable, and their seating area is a bright area. She stated their crews walk around the site to monitor and interact with patrons and guests and their level of service that is standard corporate policy for all crew members regardless of the hours of operation.

Ms. Johnson asked Ms. Holmes to speak to their after midnight security procedures when an incident does occur

Ms. Holmes stated there is standard training for all staff and during the day, managers walk around to check for loitering, trash, and overall review of the site. She stated there were high maintenance requirements for landscaping and they included different types of landscaping that can deter loitering. She stated there were security cameras throughout the premises that were connected to the Dallas regional support office to monitor at all hours and they worked with local police if there were specific concerns for a site. She stated the buildings are designed with intent to give the most visibility to their crew, so they didn't have any temporary signage to obscure windows, and the sites had visibility to see out. She stated there was a late-night limit on crew going out by themselves, cameras were positioned in the back where trash is walked out and pointed to staff parking for their safety and they used site lighting as well.

Ms. Johnson asked for additional details on hours and staffing.

Ms. Holmes confirmed all their locations have dining open after midnight, there was a minimum crew requirement of 6-8 staff, and there is always a restaurant manager on site.

Ms. Johnson asked about their locations, issuing trespass notices, which Ms. Holmes stated they haven't been an issue with other municipalities and stated if there were a common occurrence, they would engage with the local police to assist as they don't want loitering at their locations either.

Ms. Johnson asked if there was a specific reason, such as revenue loss for requesting the outdoor dining be open until 3am, which Ms. Holmes clarified it provided guests with options and that given the location is right off the interstate, it would provide an option for guests to get out of the car, get some fresh air, and stretch. She stated since the region generally has good weather, outside late-night options are a good amenity for both those traveling and as an opportunity for late night workers in the area.

Board members asked for additional details on the outdoor patio space.

Ms. Holmes clarified there were about 24 seats outside, that there was no traditional wait service specifically, but that crew would walk around to check on people as part of their rounds, and that there was a wall structure with bench seating that acted as a barrier to the outdoor seating area, but there were no actual fences.

Mr. Scoopmire asked for clarification on their request for the security requirements.

Ms. Holmes stated she just wanted the condition to be a bit clearer and that they were asked that they only be required to have security if there were 3 police reports within a 6-month period and that did arise, instead of 6 months required security, have 3 months instead and then re-evaluate.

Public Comment:

None

Board/Commission Discussion:

Mr. Davis stated he didn't have any issues in having the patio open until 3:00 a.m., but he leaned towards not amending condition #14 and keeping as is with the caveat that if it does come up, the applicant could appeal to this Board for the security requirement, which Mr. Horrigan agreed with.

Mr. Scoopmire agreed on the outdoor dining being open, but that he had concerns with condition #14, stating it gave staff too much discretion on the number of incidents and mentioned prior applications where a specific number was given.

Ms. Johnson stated coming up with a number was very difficult as there were different kinds of incidents with different levels of severity and different levels of response from the business. She argued that staff needed to have a certain level of discretion to accommodate that, but that she felt being able to appeal would be reasonable. She stated in the past, those instances where permits were revoked may have been triggered off of one or two larger incidents, but there was a pattern prior as well. Overall, she argued it was hard to just put a number on the requirement, which Mr. Scoopmire agreed with.

Mr. Herro stated he agreed with Mr. Davis on allowing the patio to remain open and keep condition #14 the same, pointing out they were not out seeking violations, but when they do arise, these approvals are special exceptions and are not granted just because people show up and ask.

Ms. Johnson asked that an additional condition be added for a barrier between the patio and drive-thru, whether a fence or landscaping.

***MOTION:**

Mark Herro moved to approve item S 26-179 based on meeting the following standards:

- a. The Proposed Special Exception Is Consistent with the Comprehensive Plan.**
- b. The Proposed Special Exception Complies With All Use Standards in Div. 19-3.4.**
- c. The Proposed Special Exception is Appropriate for its Location and Compatible with the Character of Surrounding Lands and the Uses Permitted in the Zoning Districts of Surrounding Lands, and Will Not Reduce Property Values of Surrounding Lands.**
- d. The Design of the Proposed Special Exception Minimizes Adverse Effects, Including Visual Impacts of the Proposed Use on Adjacent Lands; Furthermore, the Proposed Special Exception Does Not Impose Significant Adverse Impact on Surrounding Lands Regarding Service Delivery, Parking and Loading, Odors, Noise, Glare, Vibration, and Does Not Create a Nuisance.**

The motion was made with the following conditions:

- 1. Operation of the facility shall be limited to a 'general food and beverage' use, as defined by this Code, and shall substantially conform to the statements of the Applicant and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification**

of the special exception permit.

2. The establishment shall be prohibited from selling or offering alcoholic beverages.
3. The Applicant shall maintain hours of operation that are substantially consistent with those stated in the application. The use shall close no later than 3:00 a.m.
4. The Applicant shall take reasonable measures to ensure that the business and its patrons comply with City ordinances and State laws intended to preserve the public peace, safety and order, including but not limited to: occupancy loads, prohibitions on disorderly conduct and public intoxication, prohibitions on noise in violation of the City's noise ordinance, prohibitions on smoking in violation of the City's smoking ordinance, adequate patron parking and applicable neighborhood parking restrictions.
5. Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of this Code must be posted in conspicuous locations on the building and throughout the parking lot and must be enforced by the proprietors.
6. At all times during its occupancy, the Applicant shall assign a manager on the premises who shall ensure compliance with the terms of the special exception permit, the Code, and the applicable S.C. Code of Laws and Regulations.
7. The drive-thru area shall install a frontage screen meeting the requirements of Section 19-4.8.3. of the Code.
8. The proposed menu boards shall incorporate a photo cell or similar technology that adjusts brightness of the sign relative to outdoor ambient light as required by Section 19-4.11.4.R. of the Code.
9. Devices for the transmission of voices used as part of the drive-thru operation must comply with Section 19-3.5.2.B.7. of the Code.
10. Outdoor dining and seating areas associated with the business shall be permitted between the hours of 12:00 midnight and 3:00 a.m. The Applicant shall take appropriate measures, such as fencing and signage, to ensure the outdoor dining is adequately delineated.
11. Indoor and outdoor entertainment shall be prohibited.
12. Interior sound amplification and exterior sound amplification, except for speakers playing ambient music, shall be prohibited.
13. Except to provide ingress and egress, exterior doors and windows shall remain closed between the hours of 12:00 midnight and 5:00 a.m.
14. No security is initially required for this location, however, City staff, including the City's Police Chief, at any time after opening the business and upon review of applicable objective data (i.e. documented police reports), and with review by the Applicant, may require one security person be on-duty from the hours of 12:00 midnight to 3:15 a.m. for a six-month period, as warranted by the data. 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. The review period thereafter shall apply to each subsequent six-month period for which security is required by the City. Repeated incidents requiring calls for service from law enforcement (after a security requirement is imposed) may be grounds for revocation of

the permit.

15. Operation and maintenance of the facility shall comply with the Noise Ordinance, Chapter 16, Article II, Division 3 of the City Code. A pattern of noise complaints related to the business shall be grounds to require another meeting with city staff. Repeated noise violations may be grounds for revocation of the permit.
16. The Applicant shall assign staff to monitor and minimize loitering within the parking lot between the hours of 12:00 midnight and 3:15 a.m.
17. A copy of the special exception permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

Sean Scoopmire seconded the motion. Motion passed 6-0.

10. OTHER BUSINESS

Staff provided updates to the timelines of the following:

- Second reading of the 30-month code update
- 5-year update for GVL 2040

11. Adjournment

Meeting adjourned at 4:50 p.m.

Minutes prepared by Deanna Ensley and Ross Zelenske