



City of Greenville
Board of Zoning Appeals
Minutes of the May 14, 2020 Regular Meeting
Virtual Meeting – City Hall 4:00 PM
Meeting Notice Posted on April 29, 2020
Minutes prepared by Brennan Williams

Members Present: Chris Price, Luis Martinez, Stephanie Gates, Ken Betsch, Nika White, Keith Jones, Seph Wunder
Members Absent: None
Staff Present: Brennan Williams, Development Planner; Leigh Paoletti, Assistant City Attorney; Jonathan Graham, Planning Director; Courtney Powell, Senior Development Planner; Ben Abdo, Development Planner

NOTICE OF MEETING: Pursuant to Section 30-4-80 of the S.C. Code of Laws, annual notice of this Board's Meetings was provided on January 1, 2020 via the Greenville City Website. The Agenda for this Meeting was posted outside the meeting place (City Council Chambers in City Hall) and was emailed to all persons, organizations, and news media requesting notice. In addition, notice for public hearings was published in the Greenville News, posted on the properties subject of public hearing(s), mailed to all surrounding property owners, and emailed to all persons, organizations, and news media requesting notice pursuant to Section 6-29-760 of the S.C. Code of Laws and Section 19-2.2.9 of the Code of the City of Greenville.

CALL TO ORDER: Chairperson Price called the meeting to order at 4:00 PM.

APPROVAL OF MINUTES: The Board approved the Minutes of the March 12, 2020 meeting.

ACCEPTANCE OF AGENDA: The Board approved the May 14, 2020, agenda.

CONFLICT OF INTEREST: None.

NEW BUSINESS:

A. S 20-165

Application by Lisa Lanni on behalf of House 13 LLC for a **SPECIAL EXCEPTION** to establish an indoor entertainment use located at **401 RHETT ST** (TM# 007200-02-00100)

Staff report presented by Brennan Williams

- Note: Full staff report is on file at the Planning Office.
- **Staff Recommendation: Recommend approval with the staff conditions**

Board questions for staff included how noise levels at this venue will compare to existing bar uses downtown, whether standards apply to the ball stadium, contemplation for a worse case parking scenario, construction impact on traffic in the area, and clarification on staff's recommendation for parking plan approval.

Applicant presentation by Lisa Lani, architect; James Carter, owner of property; Mike Grozier, tenant of venue; Joe Bryant, engineer; Steve Thornburg, acoustician.

- Creating a double volume of space to mitigate noise
- Thornburg discussed the acoustic report and recommended not raising the ambient sound for the area
- Anticipate capacity to be smaller than the 2,000 listed. Anticipate 1,200 people on average.
- Courtyard is to operate similar to the Peace Center with intent to have people enter the venue quickly to enjoy bar area.
- Parking in the area.

Board questions for the applicant included the sound experience from the sidewalk, achieving STC ratings for the roof, orientation of bar area along Wardlaw Street rather than Main Street,

Public comments in support of application:

- Jennings Lyon, stated the use will provide additional entertainment for the West End that is not currently available.

Public comments opposed to application:

- Ian Thomas, 209 Parry Avenue, stated concerns about low attendance for neighborhood meeting, traffic mitigation, intersection improvements, parking, sound control, queuing on sidewalks, and the service area.

Board Discussion

- Based on testimony and other uses in the area, parking does not seem to be a large concern.
- Noise is a concern, but steps have been made to mitigate.

***Motion: Wunder made a motion to approve the application with the following conditions:**

- 1. The Special Exception Permit shall be limited to House 13 LLC, and is not transferrable.**
- 2. Operation of the establishment shall be limited to an 'indoor entertainment facility' as defined by the City Code and substantially conform to the testimony of the Applicant and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Special Exception Permit.**
- 3. The Applicant shall conclude all musical acts and/or events by 12:00 a.m. and ensure the main portion of the building, excluding the separately accessible bar, be vacated and all guests dispersed by 12:30 a.m. The separately accessible bar shall operate no later than 2:00 a.m. For events that are traditionally associated with operating past midnight (i.e. New Year's Eve), the Applicant may operate past midnight with an approved Temporary Use Permit.**
- 4. The Applicant shall incorporate the recommendations provided in the "Greenville Event Venue Acoustical Measurements" by Thorburn Associates (Acoustic Study) that was submitted with the application. Specifically, to avoid the outdoor overall noise level (Leq) exceeding the ambient level, the exterior envelope shall have a minimum rating of 65 STC. Also, to avoid exceeding the ambient noise level in the lower frequencies, the exterior envelope shall provide a transmission loss of at least 52 dB in the 63Hz octave band. The Applicant shall retain a licensed acoustical engineer who shall certify the aforementioned conditions to the administrator.**
- 5. The Applicant shall ensure that noise from the use of the business does not violate the noise ordinance of the City. This includes both ensuring that decibel levels measured outside the business do not exceed the limits in the code as well as regulating low frequency (bass) noise created by the musical acts in the business. Additionally, the Applicant shall regulate the queuing of patrons outside the venue to avoid nuisance noise before and after each performance.**
- 6. 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.**
- 7. The Applicant shall designate one (1) employee to monitor both decibel levels and low frequency (bass) noise coming from the facility nightly, both prior to and during the performance to ensure compliance with the City's noise ordinance.**
- 8. At all times during its occupancy, the Applicant shall assign a manager to the premises that shall ensure compliance with the terms of this Permit, the City Code, and the applicable SC Code of Laws and Regulations. Operation of the business shall comply at all times with the provisions of the State Alcoholic Beverage Control Act and the Regulations of the Department of Revenue.**
- 9. If any outside entity or individual engage the facility for a private events, a manager shall be present at all times to be responsible to ensure compliance with these conditions.**
- 10. The Applicant shall designate a contact for the purposes of addressing complaints surrounding the operation of the venue by neighbors, law enforcement, codes enforcement, or any other department of the City. This contact shall, at the City's request, make him or herself available to meet in person to resolve any issues within a reasonable amount of time.**
- 11. 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 vendor(s) approved by the Greenville Police Department. Evidence of satisfactory completion of this training shall be retained for each employee on-site and available for inspection by the Administrator and the Greenville Police Department. Current personnel shall receive training within ninety (90) days of the date of the granting of this Permit and future personnel shall receive training within thirty (30) days of hiring.

12. The Applicant shall provide a security and internal operation plan for review and approval by the Technical Advisory Committee (TAC), which addresses security persons, access control, ticketing, waiting, and identification of underage guests (wrist banding). 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 the security person unless so certified.
13. If smoking is permitted on site, the Applicant shall provide a designated smoking area and plan to mitigate noise from patrons entering and exiting the building.
14. The Applicant shall comply with the Off-street Parking Requirements for an “indoor entertainment facility” or establish minimum off-street parking requirements on the basis of a parking and loading study prepared by the Applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), and shall include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.
15. The Applicant shall provide a parking agreement to secure and ensure sufficient parking will be provided for all events prior to issuance of a certificate of occupancy in compliance with section 19-4.4.3(F)(7)(k) of the City Code. The Applicant shall be responsible to maintain the parking agreement as long as the business remains in operation.
16. The Applicant shall incorporate Crime Prevention Through Environmental Design (CPTED).
17. Occupant capacity of the establishment shall be established by the City Building Codes Administrator.
18. 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 a conspicuous location on the building and in off-site parking areas and shall be enforced by the proprietors.
19. The Special Exception Permit shall be recorded in the Greenville County Office of the Register of Deeds upon execution by the Administrator. A copy of the Special Exception Permit shall be maintained with other posted occupancy information on the premises.

Second by Wunder. The motion passed by a vote of 7-0.

Adjourned 5:40 PM