

MINUTES OF A SPECIAL MEETING
OF THE BOARD OF ADJUSTMENT
FEBRUARY 9, 2017

The Board of Adjustment held a special meeting on Thursday, February 9, 2017, at 5:30 p.m. in the City Hall council chamber. An oath of office was administered to reappointed members Kenneth White, Barney Walker, Charles Johnson, Diana Biggs and Jackie Hampton.

Members present: Cleveland Ellison
Diana Biggs
Jackie Hampton
Charles Johnson
Terry Shelton
Barney Walker
Kennith White

Members absent: William T. Flynt, Jr.*

Staff present: Kelly K. Stultz, Planning Director
Debra M. Madison, Planning Coordinator

*Excused absence.

The meeting was called to order by Board member Cleveland Ellison. The roll was called and it was determined that a quorum was present.

ELECTION OF OFFICERS: CHAIRMAN
VICE CHAIRMAN

A motion and second was made to elect Cleveland Ellison for the position of Chairman of the Board of Adjustment. Motion carried unanimously.

A motion and second was made to elect Kenneth White for the position of Vice Chairman of the Board of Adjustment. Motion carried unanimously.

APPROVAL OF MINUTES OF A SPECIAL MEETING ON APRIL 2, 2015.

The minutes of a special meeting on April 2, 2015 were presented to the Board. Kenneth White made a motion that the minutes be approved as submitted. Terry Shelton seconded the motion. Motion carried unanimously.

UNFINISHED BUSINESS: NONE

ITEMS FROM STAFF: There are two vacancies due to a resignation and a reappointment that needs to be filled by the City Council. Kelly Stultz asked for the board members to let her know if they knew of someone that might serve.

- (d) Staff is of the opinion that maintaining the appearance of the existing structure and the property with respect to the surrounding residential neighborhood is appropriate. Staff is of the opinion that the proposed use would not adversely affect the surrounding area, and that the use is in keeping with the development plan for the city.

In addition to these findings of fact, staff recommends the following conditions be implemented as a part of the special use permit:

- (1) The special use must adhere to all requirements of Section 11.26(c)(3)(c)(13) of the City of Eden Zoning Ordinance.
- (2) All parking shall be located on the property;
- (3) The use shall adhere to all land use regulations of the City of Eden;
- (4) The event center may engage in the service of food prepared on-site or catered from other locations; food shall be served and consumed on-site and primarily indoors. Meals may be served to the public at large or to private parties. Meals shall be served in a “sit-down” fashion; no “fast food” establishments shall be permitted.
- (5) No private recreation uses shall be undertaken before 6 a.m. nor shall any private recreation activities be permitted after 11 p.m.
- (6) No outdoor activities shall be undertaken before 6 a.m. nor shall any outdoor activities be permitted after 11 p.m.
- (7) Noise levels and outdoor activities shall be regulated by the City Code of the City of Eden;
- (8) The property owner shall provide for on-site supervision at all times when the building is being utilized for recreational activities.

Charles Johnson ask if this is something that the City amended or did Kenan Wright ask for this? Kelly responded that they applied for this but the City had changed this section of the Board of Adjustment provisions for special use permits such that this site and others in our jurisdiction could operate in a compliant fashion. It is a great way to use that structure to keep it active and maintained rather than sitting vacant.

Charles – So he didn’t have to apply for the application?

Kelly – Yes he did.

Charles – I didn’t get a copy of the application so I didn’t know if he had actually applied.

Kelly – Under the law, the only way you can be the beneficiary of a Special Use Permit is to have applied for it. It doesn’t allow the Council or this board to force one on a property owner. It is special permission to do something that you otherwise would not be able to do.

Charles – With this being a special event center, will it affect the golf course in any way?

Kelly – No.

Charles – If Santana's wanted to set up a tent to do a special catering event and it was set up on the golf course, would that be a violation?

Kelly – Probably but if it is a golf course event and the whole club is being used, that's probably something that would not create a violation. They could not have a dinner for 400 out there in the middle of the golf course next to someone's house. This is for sit-down meals primarily but we know there will be somethings going on outside at this type of facility.

Kennith – They serve on the patio. Can they still do that?

Kelly – Yes because they primarily serve inside the building.

Kennith – With this Special Use Permit, if they should sell would the new owner have to get another one or does this stay with the land?

Kelly – No, it stays with the land as long as it remains a restaurant or event center.

Charles – The original club house wasn't considered a restaurant?

Kelly – No because you had to be a member and it predated zoning. So they were doing what they were doing down there because that's what they had already done.

Cleveland – This will not change anything and we're just trying to bring them in compliance.

Charles Johnson made a motion that the request be approved as submitted and with the recommended conditions. A second was made by Kennith White and the motion carried unanimously.

ADJOURNMENT:

Cleveland Ellison welcomed Jackie Hampton to the board.

There being no further business to come before the Board a motion and a second was made for adjournment. Motion carried unanimously.

Respectfully submitted,

Kelly K. Stultz, Administrative Assistant to
the Board of Adjustment

ATTEST:

Cleveland Ellison, Chairman