

Spartanburg City Planning Commission Meeting Minutes
Thursday, April 17, 2014

City Hall Council Chambers
Spartanburg, South Carolina

The City Planning Commission met in City Hall Council Chambers on Thursday, April 17, 2014, at 5:30 P.M. The following City Planning Commissioners attended this meeting: Nancy Hogan, Wendell Cantrell, Richard Letchworth, Bob Pitts, Howard Kinard, and George Harakas. Mr. Jenkins was absent. Representing the Planning Department were Joshua Henderson and Julie Roland. Assistant City Manager Chris Story also attended the meeting.

[Editor's Note: A Pre-Agenda meeting was held at 5:00 P.M. in the City Manger's Conference Room, where they were briefed on two rezoning requests, and they had discussion regarding nominations and election of new Chair and Vice-Chair which had not yet been done.]

Roll Call

Ms. Hogan, Acting Chair, stated that notice of this meeting was posted and provided to the media 24 hours in advance as required by the Freedom of Information Act.

Ms. Hogan noted that six Planning Commissioners were currently present, constituting a quorum. Ms. Hogan went over the rules and procedures for conducting a public hearing.

[Editor's Note: During the Pre-Agenda meeting held earlier, Ms. Hogan offered to continue to serve as Acting Chair through the June 30, 2014 calendar year; and it was decided that the Agenda could be amended accordingly].

Mr. Cantrell moved approval of the Agenda for the April 17, 2014 meeting as amended, with second by Mr. Letchworth. The motion was unanimously approved by a vote of 6 to 0.

Disposition of the Minutes from the August 15, 2013 meeting of the Spartanburg City Planning Commission

Mr. Letchworth moved approval of the August 15, 2013 meeting minutes as submitted, with second by Mr. Cantrell. The motion was unanimously approved by a vote of 6 to 0.

Old Business:

Recommendation of Officers from the Nominating Committee

Mr. Letchworth suggested that since it was so close to the end of the calendar year (6-30-14) regarding election of new officers, that he moved to nominate Ms. Hogan to continue to serve as Acting Chair through June 30, 2014, after which time the Board Members could get together and have nominations for a Chair and Vice-Chair; and he was seconded by Mr. Cantrell. The motion was unanimously approved by a vote of 6 to 0.

New Business

REZONING REQUEST – TMS#7-17-15, 026.00. Located at 201 Cedar Springs Road. Zone R-15, Single Family Residential District to Zone B-1, Neighborhood Shopping District, in order for the Owner to be able to market the property for future commercial redevelopment. Kim Kauffman, Freeland and Kauffman, Inc., on behalf of Bright-Myers 2001, LLC, on behalf of William S. Myers, Owner.

Mr. Joshua Henderson, Planning Coordinator came forward and was sworn, and submitted the information the Planning Commissioners had previously received via email in their meeting packets, as well as the slides and presentation, as well as a letter of support from the owner into evidence as Exhibit A. He said this was for property located at 201 Cedar Springs Road, which was currently zoned R-15, Single Family Residential District, and the requested zone was B-1, Neighborhood Shopping District, from Mr. Kim Kauffman, Freeland & Kauffman, Inc., on behalf of Bright-Myers, from Atlanta, Georgia. The proposed property is located just south of the intersection of Cedar Springs and Southport Road, and was approximately 0.61 acres (26,731 sq. ft.) in size. The primary purpose for the Zoning Map Amendment is to allow the future owner the opportunity to develop the property as a future gas station for the Wal-Mart Neighborhood Grocery Store franchise which is being developed outside the City Limits

just to the rear of the property in question (this will not be the typical Wal-Mart prototype; instead it will be the downscaled grocery store); and the use of the property as a gas station is permitted by right under the proposed zoning. Slides were shown of the proposed site that included a slide of the location map and he explained the surrounding zoning; an aerial slide; slide of the proposed property, as well as properties across the street, in order to better illustrate the request. Mr. Henderson said the parcel currently contained a residential structure which was approximately 1,262 sq. ft. in size, and there was also a small accessory building at the southeast corner of the property. The structure was constructed c. 2003, according to the Spartanburg County Assessor's information; and he explained at this time there had not been a Feasibility Inspection conducted. He informed the Board Members at the time the proposed gas station was to be constructed; Staff would review all necessary plans to ensure the proposed development was consistent with all City development requirements. He also informed the Board Members the property was not located in the City Limits until it went through an annexation on July 28, 2003, and was brought in as zone R-15 upon annexation. Regarding traffic, he said according to the SCDOT, the most current traffic count, taken in 2013, with the traffic station being the intersection of Cedar Springs Road and Southport Road, the traffic count for Cedar Springs Road was approximately 10,100 per day. Mr. Henderson concluded his presentation by saying the properties along Cedar Springs Road are made up of an assortment of different zoning classifications of B-1/Neighborhood Shopping District; B-3/General Business District; and R-6/General Residential District; and that the properties in the immediate surrounding areas are B-1 to the north and the west (across the street) and County property to the south and east.

[Editor's Note: the report included the following list of criteria for the Commission to consider when reviewing a rezoning request and Staff's analysis of those criteria:

1. *Consistency (or lack thereof) with the Comprehensive Plan* – The purpose of the B-1/Neighborhood Shopping District, as described in the City of Spartanburg Zoning Ordinance, is “to serve the needs of the surrounding residential neighborhood, providing goods, and services that are day-to-day needs, generally classed by merchants as ‘convenience good and services’. The proposed future use of a gas station is a permitted use under the Use Table of the City of Spartanburg Zoning Ordinance.

The 2004 Comprehensive Plan has specified General Activity Center for the property in question. General Activity Center is intended to be a general commercial area, serving a neighborhood or regional market; to contain a wide variety of commercial, repair, service, and offices uses. Public, civic and recreational uses are compatible with the General Activity Center classification. Also, the recommended zoning classifications for this land use category are LOD/Limited Office District, LC/Limited Commercial, B-1/Neighborhood Shopping District, & B-3/General Business District.
2. *Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood* – The property is surrounded by a mix of commercial uses both inside the City Limits and outside the City Limits. The proposed B-1 zone will allow for various commercial uses that are compatible with the surrounding uses.
3. *Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment* – Since a feasibility inspection has not been conducted for the proposed use, Staff has not provided all the necessary requirements to occupy this property for a proposed gas station to the developer. However, the required bufferyard would be based on the adjacent uses, which in this case are all commercial uses. Therefore, a bufferyard would be very minimal to not required. The property will have to meet all necessary parking requirements, street frontage requirements, and any applicable Building, Fire, or Storm Water requirements for the development of a gas station. A site plan, meeting all of these requirements, would have to be reviewed and approved when ready.
4. *Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment* – The marketability of the property would increase with the zoning change. The zoning change will allow for a wider range of commercial use instead of the allowances under the R-15 permitted uses.

5. *Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use – Both water and sanitary sewer services are available to this site. At this point, since no new development is being proposed, there are no additional stormwater requirements.]*

STAFF RECOMMENDATION

The proposed zoning map amendment is consistent with neighboring properties along Cedar Springs Road, as well as, with the Comprehensive Plan. Staff is of the opinion that the proposed zone change will not cause an adverse impact on surrounding properties with regards to possible uses allowed under the B-1 zoning classification. Therefore based on the information provided, Staff recommends approval of the proposed zoning map amendment, as presented, from R-15 to B-1.

Planning Commission Questions:

- Mr. Letchworth asked Mr. Henderson, as a point of emphasis, was the proposed zone consistent with the surrounding zoning. Mr. Henderson said yes.

Mr. Kim Kauffman, Freeland & Kauffman, on behalf of current owner came forward and said he lived at 111 Antigua Way, Greer, S.C. and was sworn. He informed Staff and the Board Members the only thing he had to add to Mr. Henderson's presentation was that the site plan for the proposed shopping center had been submitted this day to the County Planning Department.

Ms. Hogan opened the public hearing and asked anyone who wished to speak in favor or against the request to come forward. No one came forward. Ms. Hogan closed the public hearing.

Planning Commission Deliberation:

- Ms. Hogan felt the request was pretty straight forward, and the proposed use was consistent with what was around it; and there did not appear to be any obstacles.
- Mr. Letchworth agreed with Ms. Hogan, and said it was consistent with the 2004 Comprehensive Plan for the area.

Mr. Letchworth made a motion to approve the request as presented, and he was seconded by Mr. Harakas. The motion was unanimously approved by a vote of 6 to 0.

REZONING REQUEST – TMS#7-12-13, 145.00. Located at 579 West Main Street. Zone B-3, General Business District to Zone LOD, Limited Office District, in order to permit the owner to continue to use the property as a two-family rental unit, or possible future office use. Frances Williams, Owner.

Mr. Joshua Henderson, Planning Coordinator came forward and was sworn, and submitted the information the Planning Commissioners had previously received via email in their meeting packets as Exhibit A. He informed the Planning Commissioners the proposed property was located at 579 West Main Street, and the Owner was requesting the property be rezoned from B-3, General Business District to LOD, Limited Office District. The proposed property is located in between Terrace Road and East Victoria Road, and the applicant wished to rezone the property to allow her the opportunity to either rent the property as a two-family residential use or market the property as an office space, which were both permitted by right under the LOD zoning classification. Mr. Henderson said the property was approximately 0.19 acres (8220 sq. ft.) in size. The parcel currently contains a duplex style structure, approximately 4,270 sq. ft. in size and was constructed c. 1945, according to the information provided from Spartanburg County Assessor's Office. He informed the Planning Commissioners the property was currently being used as a two-family residential structure, and was renovated as such approximately a year ago, without Staff's knowledge or pulling the necessary permits. He further informed them that prior to occupying this property as a two-family residential use; it was used as an office use for a realty company. The applicant wishes to utilize this property for a two-family residential use with the opportunity to market it as limited office in the future if needed. Mr. Henderson explained there were some additional requirements that would need to be met regarding the Building Department regarding fire separation; and said he had spoke with Mr. Buddy Bush, Building Official and he felt confident that would be taken care of. He informed the Planning Commissioners this property was originally zoned O&I/Office & Institutional; and three years later the property went through a rezoning to B-3 which was approved by City Council on November 8, 1976. Regarding traffic, according to the SCDOT, the most

current traffic count taken in 2012 for this stretch of W. Main Street was 26,600 vehicles per day (which was the amount of traffic before turning off at the W. Main Street and Saint John Street/John B. White, Sr. Boulevard intersection). This property could have been pursued as a Conditional Use under the B-3 zone, however; this would only be permitted in the instance where the primary road that the proposed residential fronts cannot exceed 4,000 vehicles per day; and because of that requirement is why the Owner wishes to rezone the property to LOD. Mr. Henderson concluded his presentation by showing slides order to better illustrate the request.

[Editor's Note: the report included the following list of criteria for the Commission to consider when reviewing a rezoning request and Staff's analysis of those criteria:

1. *Consistency (or lack thereof) with the Comprehensive Plan* – The purpose of the LOD/Limited Office District, as described in the City of Spartanburg Zoning Ordinance, is “to provide for office uses, including offices which have contact with the general public, but which do not conduct sales of merchandise on the premises. It is intended that this district will develop properties that will insure compatibility with the residential districts.” The use of this property as a two-family dwelling use is permitted by right under the zoning classification of LOD.

The 2004 Comprehensive Plan has specified General Activity Center for the property in question, and neighboring properties on both sides of the street along this stretch of W. Main Street. General Activity Center is intended to be a “general commercial area, serving a neighborhood or regional market; to contain a wide variety of commercial, repair, service and office uses. Public, civic, and recreational uses are compatible with a General Activity Center.” Also, the recommended zoning classifications for this land use category are LOD/Limited Office District, LC/Limited Commercial, B-1/Neighborhood Shopping District, and B-3/General Business District.

2. *Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood* – The property is surrounded by a mix of office and commercial uses on all sides, however, there is a residential neighborhood to the rear of the property. The proposed LOD zone will meet the intent of office use for properties fronting W. Main Street and provide protection from higher intense commercial use for the residential neighborhood to the rear. It will also allow for the use of the property as a two-family residential use, which is in keeping with the neighboring uses. There is an existing bufferyard between the residential use to the rear and the property in question. If any other future use is to be proposed (other than two family residential), then an inspection of the bufferyard will be conducted to make sure that it is in keeping with the requirements set forth in the City of Spartanburg Zoning Ordinance.
3. *Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment* – This property is suitable for a two-family dwelling use, as well as, a limited office use. There is a reasonable amount of parking if, in the future, it is to be proposed for an office, and definite adequate parking for a two-family dwelling. Any additional development requirements would be discussed at a later time if another use is proposed to make sure that it is compatible with the City of Spartanburg Zoning Ordinance, as well as, all neighboring properties.
4. *Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment* – The marketability of the property would most likely decrease due to the limited use of LOD; however, it would protect those surrounding properties that are single family residential from having a negative impact from a more intense commercial use that would be allowed currently.
5. *Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use* – Both water and sanitary sewer services are available to this site. At this point, since no new development is being proposed, there are no additional stormwater requirements.]

STAFF RECOMMENDATION

The proposed zoning map amendment is consistent with neighboring properties along W. Main Street, as well as, with the Comprehensive Plan. Staff is of the opinion that the current zoning of B-3 is not suitable for the size of the property with regards to all the possible uses under the B-3 zone. Being zoned LOD will provide more protection to the abutting residential uses from negative impact to these properties.

Therefore based on the information provided, Staff recommends approval of the proposed zoning map amendment, as presented, from B-3 to LOD.

Planning Commission Questions:

- Ms. Hogan referenced the slide of the zoning map, and asked a question regarding the LOD zone. Mr. Henderson explained.
- Mr. Kinard also referenced the slide of the zoning map regarding the LOD zone, and asked about the property right beside the LOD area. Mr. Henderson referenced the slide of the 1976 Rezoning Map, at which time the property was zoned O&I; and three years later it went through a rezoning to B-3 which was approved by City Council on November 8, 1976.
- Mr. Pitts asked if there was a lot of change regarding parking with the proposed change to LOD. Mr. Henderson said a commercial use would call for a higher parking requirement than an office use; and he explained the parking was determined over the individual use as opposed to the location.
- Mr. Pitts asked regarding the duplex, was it an up and down. Mr. Henderson said the petitioner would be able to answer that question
- Mr. Letchworth asked a question regarding a statement Mr. Henderson had made earlier regarding the new zone would have less marketability. Mr. Henderson explained the proposed zone would protect the properties that were less intent.

Mrs. Frances Williams, Owner, of 400 West Autumn Ridge Road, Moore, S.C., came forward and was sworn; and explained in detail to the Planning Commissioners the reason for the request.

Planning Commission Questions:

- Mr. Pitts asked Mrs. Williams was the duplex an up and down. Mrs. Williams said it was each a two-story unit, with approximately 1200 square feet each.
- Ms. Hogan asked Mrs. Williams if there were tenants on both sides. Mrs. Williams said yes.

Ms. Hogan opened the public hearing and asked if anyone wished to speak in favor of, or against the request, to come forward. No one came forward. Mrs. Hogan closed the public hearing.

Planning Commission Questions/ and or Deliberation:

- Mr. Kinard asked Mr. Henderson if he had received any letters or calls in objection regarding the request, would that information be entered into evidence. Mr. Henderson explained that it would.
- Ms. Hogan felt the structure did look like a residence.

Mr. Letchworth made a motion to approve the request as presented, and he was seconded by Mr. Cantrell. The motion was unanimously approved by a vote of 6 to 0.

Mr. Henderson said the next step in the process, was this case would go before City Council for another public hearing and First Reading on May 12, 2014; and if it was approved on First Reading, it would have a Second Reading on Tuesday, May 27, 2014.

Site and Landscape Plans Approved

- MedCare Urgent Care – 301 E. Wood Street.
- 295 Sports Complex – Hwy 295.
- Shops at Blackstock Road – Blackstock Rd.
- S.C. Diagnostic Imaging Center – 684 N. Pine St.

City Council Updates

Mr. Henderson went over the updates from City Council that pertained to the Planning Commission since the April 18, 2013 Planning Commission Meeting as follows:

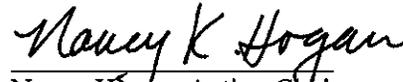
- October 14, 2013 Council Mtg: Second Reading Approval of Annexation of 409 Ransdell Drive. Zone R-15 upon annexation. (This did not need to come before Planning Commission).
- February 10, 2014 Council Mtg: Second Reading Approval of Annexation of 424 Ransdell Drive. Zone R15 upon annexation. (Did not need to come before Planning Commission).

Staff Announcements

- Mrs. Roland informed the Planning Commissioners that Mr. Cantrell's first term would be coming up for consideration for reappointment on 6/30/14 (if he chose to be considered) by the Mayor and City Council, she said she would give him a form to complete to be turned in to her or the City Clerk.
- Mrs. Roland also informed the Planning Commissioners that everyone was up to date with their training, with the exception of Mr. Letchworth, whom she would send a continued education schedule.
- Mr. Henderson informed the Planning Commissioners they needed to get started on the nominations for the 2013 Excellence in Design Awards. He explained Staff would ask the Building Department for a list of everything that received a Certificate of Occupancy in 2013, and he would send out an email list to the Planning Commissioners in order for them to be thinking about what awards they would like to give regarding which businesses they felt went above and beyond the requirements set forth in the zoning ordinance regarding building, landscaping, reuse of an old building, etc.. He further explained that if there were not very many, that Staff had combined two years at a time the next year.

The meeting adjourned at 6:05 P.M.

Respectfully Submitted,


Nancy Hogan, Acting Chair

Minutes by Julie Roland, Administrative Assistant