



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, April 15, 2013**

I. Moment of Silence

II. Pledge of Allegiance

III. Approval of Minutes of the April 1, 2013 City Council Meeting

IV. Approval of Agenda of the April 15, 2013 City Council Meeting

V. Public Comment

*Citizen Appearance forms are available at the door and should be submitted to the City Clerk

VI. Public Hearing

- A. Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance and Comprehensive Plan Land Use Element, by Amending Section 206, Changes to District Boundaries, Specifically Parcel #7-15-12-047.00, located at 809 John B. White, Sr. Blvd., Which is Currently Zoned R-12 with a Land Use Designation of General Residential District to Zone LOD with a Land Use Designation of Limited Office District, from Nola Schwartz, Agent on Behalf of John W. Schwartz, Owner. The purpose for the request is to allow the property to be rented as residential or limited office space. (First Reading)
Presenter: Josh Henderson, Planning Coordinator**

VII. Resolution

- A. Allocating FY2013-2014 Community Development Block Grant (CDBG) and HOME Funds
Presenter: Wes Corrothers, Neighborhood Services Director**

VIII. Communications and Marketing Update

Presenter: Will Rothschild, Communication and Marketing Director

- IX. FY2013-2014 Budget Discussion**
Presenter: Chris Story, Assistant City Manager
- X. City Council Updates**
- XI. Adjournment**

** City Code Sec. 2-57. Citizen Appearance. Any citizen of the City of Spartanburg may speak at a regular meeting on any matter pertaining to City Services and operations germane to items within the purview and authority of City Council, except personnel matters, by signing a Citizen's Appearance form prior to the meeting stating the subject and purpose for speaking. No item considered by Council within the past twelve (12) months may be added as an agenda item other than by decision of City Council. The forms may be obtained from the Clerk and maintained by the same. Each person who gives notice may speak at the designated time and will be limited to a two (2) minute presentation.*



**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, April 1, 2013**

**(These minutes are subject to approval at the
April 15, 2013, City Council meeting.)**

City Council met this date with the following members present: Mayor Junie White, Mayor pro tem Jerome Rice, Councilmembers Cate Ryba, Robert Reeder, Sterling Anderson, and Jan Scalisi. Councilmember Linda Dogan was absent due to illness. City Manager Ed Memmott and City Attorney Cathy McCabe were also in attendance. Notice of the meeting was posted with the Media 24 hours in advance according to the Freedom of Information Act. All City Council meetings are recorded for a complete transcript.

- I. Moment of Silence - observed**
- II. Pledge of Allegiance - recited**
- III. Approval of Minutes of the March 18, 2013 City Council Meeting –**
Councilmember Anderson made a motion to approve the minutes as received. Mayor pro tem Rice seconded the motion, which carried unanimously 6 to 0.
- IV. Approval of Agenda of the April 1, 2013 City Council Meeting –**
Councilmember Ryba made a motion to approve the agenda as received. Councilmember Scalisi seconded the motion, which carried unanimously 6 to 0.
- V. Public Comment - none**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Recognition of Retiring City Employee Rose Geter**
Presenter: Mayor Junie White
Mayor White congratulated Ms. Geter on her retirement and thanked her for 25 years of service to the City of Spartanburg.
- VII. Presentation of Proclamation to The Barbershop Harmony Society**
Presenter: Mayor Junie White
Mayor White presented The Barbershop Harmony Society the proclamation after which everyone was entertained with two songs from the group.

VIII. Tourism Update from Spartanburg Convention and Visitors Bureau

Presenter: Chris Jennings, Executive Director

Mr. Jennings provided City Council with an update of the CVBs activities during the previous year. He highlighted the marketing and branding efforts, new technology and use of social media, and publications.

IX. Consent Agenda

- A. Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance and Comprehensive Plan Land Use Element, by Amending Section 206, Changes to District Boundaries, Specifically Parcel #6-21-13-001.01, located at 235 East Blackstock Road, which is currently zoned GID with a Land Use Designation of General Institutional District to Zone LC with a Land Use Designation of Limited Commercial District, from Robert Scott, Agent on Behalf of Breakthrough Outreach Center, Owner. The purpose for this request is to allow the church to be able to lease office space and chapel, which is in the older church also located on the property, for professional offices for sales and consultation purposes related to funeral services. (Second Reading)**

Presenter: Joshua Henderson, Planning Coordinator

Councilmember Reeder made a motion to approve the consent agenda on second reading. Councilmember Anderson seconded the motion, which carried unanimously 6 to 0.

X. Other Business

- A. Discussion of Commission of Public Works Agreement**

Presenter: Ed Memmott, City Manager

Mr. Memmott stated that he wanted to update Council after the public forum with the Commissioners of Public Works (CPW) the previous week. He advised that staff was working to schedule a meeting the next week with the CPW. He shared that key in the pending discussions would be continued CPW critical funding to the city. He added that designated or restricted funding as suggested by the CPW would become problematic and would not be something that the city would want. He encouraged council, when considering any agreement, to think long term regarding how the city would be impacted. Mr. Memmott added that the CPW had numerous opportunities through discussions and meetings prior to the public forum to make the city aware that it planned to decrease and/or eliminate funding and they did not take advantage of any of those opportunities. He also suggested that consideration be given to agreements with fixed numbers and not numbers tied to any other variables.

Councilmember Ryba asked that long term funding be a priority in the discussions. She also thanked Mr. Memmott for the advance preparation for the public forum enabling Council to be well prepared for any citizen questions.

Councilmember Scalisi complimented staff on the on the volume of information presented in such a short period of time. She stated how pleased she was at the turn out of citizens and how engaged and prepared with questions they were. She added that she hoped the CPW would respond to the citizens' requests.

Councilmember Anderson asked for clarification that the city finally received the financial information the CPW as required by state law to provide the city on a monthly basis. Mr. Memmott confirmed that after several requests, most of the information requested was received.

Mr. Anderson stated that he felt council and staff wanted to sit at the table and work out the issues as requested by citizens and that he hoped the CPW had listened to what the citizens wanted.

Mayor pro tem Rice echoed the job well done by city staff sentiments.

Mayor White stated that the original committee of him, Councilmember Ryba, Councilmember Reeder and Mr. Memmott would meet with the CPW in the coming week.

XI. City Council Updates

Councilmember Anderson commented that the Hub City Hog Fest was well attended and thanked Scott Page and other city staff for their efforts. He said the amount raised for Mobile Meals was not yet determined.

Councilmember Scalisi commented that there were numerous Spring events to take part in in the City and that she was excited to see people becoming involved.

Councilmember Reeder presented a plaque from Cornerstone Baptist Church expressing gratitude for the City's support during the recently completed building project.

Councilmember Ryba reminded everyone of Music on Main and Jazz on the Square, and of the Assault on Mt. Mitchell.

Mayor pro tem Rice thanked city staff for their efforts at the underwater Easter Egg Hunt held the previous Saturday.

Mayor White shared how much he enjoyed the Hog Fest.

XII. Adjournment

Councilmember Reeder made a motion to adjourn the meeting. Councilmember Anderson seconded the motion, which carried unanimously 6 to 0. The meeting adjourned at 6:16 p.m.



Connie S. McIntyre, City Clerk



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Joshua T. Henderson, Planning Coordinator

SUBJECT: Rezoning of a Property Located at 809 John B. White, Sr. Boulevard, Nola Schwartz, Agent on behalf of John W. Schwartz, Jr., Owner.

DATE: April 15, 2013

SUMMARY: On March 21, 2013, the Planning Commission reviewed a rezoning request submitted by Nola Schwartz, Agent on behalf of John W. Schwartz, Jr., Owner, to rezone parcel 7-15-12-047.00 from Zone R-12/General Residential District to LOD/Limited Office District, in order to allow the property to be rented as residential or limited office space. After review of the application, Staff was in support of the requested zone change to LOD because it was consistent with neighboring properties along John B. White, Sr. Boulevard, as well as, with the Comprehensive Plan. Staff was of the opinion that the proposed zone change would not cause an adverse impact on surrounding properties with regards to possible uses allowed under the LOD zoning classification.

The Planning Commission held a public hearing on the proposal on March 21, 2013. After consideration of the staff report, public comments, and the criteria set forth in the City of Spartanburg Zoning Ordinance and 2004 City Comprehensive Plan, the Planning Commission voted to recommend approval of the request to City Council for the rezoning of the parcel from R-12 to LOD.

PLANNING COMMISSION RECOMMENDATION: The request was unanimously endorsed by the Planning Commission on March 21, 2013. Staff's recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

ADDITIONAL INFORMATION: Minutes from the March 21, 2013 Planning Commission Meeting and Staff Report with attachments are included. In addition, enclosed is a proposed Ordinance in the event that Council approves the rezoning request.

BUDGET AND FINANCE DATA: N/A

AN ORDINANCE

ORDINANCE TO AMEND THE CITY OF SPARTANBURG, SOUTH CAROLINA ZONING ORDINANCE AND COMPREHENSIVE PLAN LAND USE ELEMENT, BY AMENDING SECTION 206, CHANGES TO DISTRICT BOUNDARIES, SPECIFICALLY PARCEL #7-15-12-047.00 – LOCATED ON 809 JOHN B. WHITE, SR. BOULEVARD WHICH IS CURRENTLY ZONED R-12 WITH A LAND USE DESIGNATION OF GENERAL RESIDENTIAL DISTRICT TO ZONE LOD WITH A LAND USE DESIGNATION OF LIMITED OFFICE DISTRICT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Spartanburg now finds that, upon further review, it is in the public interest that the land use designation for the parcel identified on the Official Zoning Map of the City of Spartanburg, South Carolina, dated August 6, 1973, as amended, by changing the zone of Lot 047.00 as shown on Spartanburg County Block Map Sheet 7-15-12, from R-12, General Residential District to LOD Limited Office District; and

WHEREAS, this zoning change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and, further, would be in conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on March 21, 2013, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 605 of the Zoning Ordinance, subsequently voted at that meeting to recommend to City Council that the rezoning request be approved as recommended by City Staff.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1. Amendment. That the official zoning map of the City of Spartanburg, as referenced by Section 206 of the Zoning Ordinance, be, and the same hereby amended as follows:

- The Lot currently identified as 047.00 on Spartanburg County Block Map Sheet 7-15-12, shall be now designated as LOD, Limited Office District.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the City Council of the City of Spartanburg, South Carolina.

DONE AND RATIFIED THIS _____ DAY OF _____, 2013.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

Cathy H. McCabe, City Attorney

___/___/___ (First Reading)

___/___/___ (Second Reading)



The Spartanburg City Planning Commission

**Thursday, March 21, 2013
City Hall Council Chambers
145 W. Broad Street at 5:30 P.M.**

*The Public Is Cordially Invited To Attend This Meeting
(Please Note: Items as they appear on the docket may or may not be considered in the
order as they are presented.*

The Chair will announce any changes after the roll call)

PRE-AGENDA MTG. AT 5:15 PM IN CITY MANAGER'S CONFERENCE ROOM.

- I. Call To Order
- II. Roll Call
- III. Approval of Agenda for the March 21, 2013 Meeting
- IV. Approval of Minutes of the February 21, 2013 Meeting
- V. Old Business: - No Old Business
- VI. New Business
 - A. Rezoning Request:
 1. Tax Map Number 7-15-12, Parcel 047.00. Located at 809 John B. White, Sr. Boulevard. Zone R-12, General Residential District to Zone LOD, Limited Office District. Nola Schwartz, Agent on behalf of John W. Schwartz, Owner. The purpose for the request is to allow the property to be rented as residential or limited office space.
- VII. Other Business:
- VIII. Site and Landscape Plans Approved (Information Purposes Only)
 - H & M, LLC – 115 Garner Road.
- IX. The Citizens Agenda
- X. City Council Updates (FYI) Since Last Mtg. of Planning Commission on February 21, 2013 Meeting:
 - Second Reading approval TMS#7-16-06-104.00, 710 South Church St., Zoned as R-6 to Zone LC. Charles Atchison, Sr. Owner.
 - First Reading approval Annex. Request TMS#7-14-01-059.00, 300 Brian Dr, Zone R-15 upon annexation. Thomas J. Steed, Jr. & Connie J. Steed, Owners.
- XI. Staff Announcements
 - Board Member Vacancy
 - Upcoming 2013 Planning Officials Continued Education Training Schedule
 - 2013 Spring SCAPA Conference on March 22, 2013 Greer, SC at Cannon Centre, 204 Cannon Street.
- XII. Adjournment

For more information, please call Joshua Henderson with the Planning Department at (864) 596-2068

***Spartanburg City Planning Commission Meeting Minutes
Thursday, February 21, 2013***

*City Hall Council Chambers
Spartanburg, South Carolina*

The City Planning Commission met in City Hall Council Chambers on Thursday, February 21, 2013, at 5:30 P.M. The following City Planning Commissioners attended this meeting: Cullen Pitts, Mike Nation, Nancy Hogan, and Richard Letchworth. Mr. Jenkins and Mr. Cantrell were absent. Representing the Planning Department were Assistant City Manager Chris Story and Julie Roland. Mr. Bob Pitts, a prospective Planning Commissioner 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 one rezoning request, and one text amendment request.]

Roll Call

Mr. Pitts, the 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.

Mr. Pitts noted that four Planning Commissioners were present, constituting a quorum. Mr. Pitts went over the rules and procedures for conducting a public hearing.

Mr. Letchworth moved approval of the Agenda for the February 21, 2013 meeting, with second by Mr. Nation. The motion was unanimously approved by a vote of 4 to 0.

Disposition of the Minutes from the January 17, 2013 Planning Commission Meeting

Mr. Pitts moved approval of the January 17, 2013 Planning Commission minutes as submitted, with second by Mr. Letchworth. The motion was unanimously approved by a vote of 4 to 0.

Mr. Pitts said the Planning Commission had received a revised request regarding the tabled request for 235 East Blackstock Road. He asked for a motion to remove it from the table. Ms. Hogan made a motion to remove the business from the table, and was seconded by Mr. Nation. The motion was approved by a vote of 4 to 0.

Old Business

There was no old business for discussion.

New Business

REVISED REZONING REQUEST – TMS#6-21-13-001.01. Located at 235 East Blackstock Road. Zone GID, General Institutional District to Zone LC, Limited Commercial District, in order to allow the owner to lease office space and chapel which is located in the older church also on the property, for professional offices for sales and consultation purposes related to funeral services. Robert Scott, Agent on behalf of Breakthrough Outreach Center, Owner.

Assistant City Manager Chris Story 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 the feasibility report presented at tonight's meeting as Exhibit A. He informed the Planning Commissioners the Agent, Robert Scott had submitted a revised request for the proposed property to be rezoned from GID, General Institutional District to LC, Limited Commercial District on behalf of the Owner, Breakthrough Outreach Center, Owner, in order to lease office space from the church and chapel which is located in the older church that is also on the property, for professional offices for sales and consultation purposes related to funeral services. He showed an aerial slide of the proposed property, and a location map; and he explained the property backed up to the Camelot Neighborhood, and the intent of the applicant was to occupy a small office suite in the building closest to E. Blackstock Road, to consult with families regarding funeral services. Additional slides were shown in order to better illustrate the request. Assistant City Manager Story concluded his presentation by saying there would not be any embalming or storage of any bodies on-site, and Staff believes the proposed use perfectly fits within the Limited Commercial classification.

Mr. Pitts noted that neither the applicant or agent were present at this time.

[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 LC/Limited Commercial District, as described in the City of Spartanburg Zoning Ordinance, is “to provide for the Limited Commercial District transitional areas from residential to office and limited commercial retail services which do not generate large volumes of traffic, noise, or other harmful effects and which are compatible with nearby residential uses. Moreover, these districts provide for development along major thoroughfares, especially between more intensely developed and higher traffic generating areas and residential areas, in order to permit a reasonable use of land along such thoroughfares without the inherent ill effects of commercial strip development.” The use of this property as a currently existing church, and proposed professional offices is consistent with the proposed zone of LC.

The 2004 Comprehensive Plan has specified Limited Activity Center for the property in question, and neighboring properties to the north and south fronting E. Blackstock Road. Limited Activity Center is intended for professional offices and small scale retail businesses serving a neighborhood area. Activities within a Limited Activity Center should be fully enclosed, should generate little traffic, noise, light or evening activity, and should be compatible with adjacent residential areas. Public, civic, and recreational uses are compatible with a Limited Activity Center. Also, the recommended zoning classifications for this land use category are LOD and LC.

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, office, and residential uses with the commercial area to the west, office area to the north and south, and residential to the east. The proposed LC zone will allow for mostly office use with a limited commercial availability (which is under an approved Conditional Use allowance). Any use other than what is proposed will be limited to the parking and accessibility requirements. The property currently consists of a rear and side bufferyard abutting the single family residential properties with some vegetation and existing privacy fence. Any future use will be subject to adhering to any more intensive bufferyard requirements at that time.
3. *Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment* – Though the parcel is suitable for the proposed use, it might not support other uses permitted under the zoning classification of LC. At any point that a future use is pursued, all site development requirements will be reviewed to make sure that the use 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 increase with the zoning change. The zoning change will allow for a wider range of slightly more intense land uses for the property.
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 E. Blackstock Rd., 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 LC zoning classification. Therefore based on the information provided, Staff recommends approval of the proposed zoning map amendment as presented.

Mr. Pitts opened the public hearing and asked anyone who wished to speak in favor of the request, or if anyone had any questions to come forward. No one came forward. Mr. Pitts asked anyone who wished to speak in opposition to come forward. No one came forward. Mr. Pitts closed the public hearing.

Board Questions:

- Mr. Pitts asked the Assistant City Manager if there were any changes other than the change to LC zoning. Assistant City Manager Story did not think there were any other changes.
- Mr. Letchworth agreed, and felt the only issue at the previous meeting was regarding the zoning.
- Mr. Nation felt LOD zoning would be best, but since churches were not allowed in LOD, LC would be the next best alternative.

Ms. Hogan made a motion to approve the revised request as submitted, and was seconded by Mr. Letchworth. The motion was unanimously approved by a vote of 4 to 0.

Mr. Pitts said the revised request would go to City Council on March 18, 2013 with a favorable recommendation for another Public Hearing and First Reading.

Text Amendment to the Zoning Ordinance to amend Section 503, Sign Ordinance by adding Section 503.30, Electronic Variable Image Signage for Civic Institutions. City of Spartanburg.

Assistant City Manager Story came forward and submitted the information the Planning Commissioners had previously received in their meeting packets, as well as the presentation, into evidence, as Exhibit A. He explained the proposed section for Electronic Variable Image Signage for Civic Institutions would read as follows: non-profit, non-religious institutions with either 100,000 sq. ft. or more of facilities located in the city or 100 or more employees based in the city may incorporate computer controlled variable image electronic display boards within the otherwise allowable sign faces of monument or building face signage. The electronic variable image boards may not comprise more than 50% of the sign face. Flashing or moving images are prohibited. Messages displayed must be for institutional purposes only. No third party commercial advertising is allowed. He explained the proposed amendment was intended to allow large civic or other non-profit institutions to have a portion of their sign face, which they can change the content on relatively easy and attractively. As it stands now, the Zoning Ordinance prohibits that type of sign technology. He explained the public may benefit from the use of this type of signage by large community institutions in very limited situations. Slides were shown that were submitted from Spartanburg Regional Health Care System in order to better illustrate the request. Assistant City Manager Story concluded the presentation by saying Staff had tried to carefully examine the other institutions that would qualify for this type signage, as well as schools; and they felt there would only be a small number of institutions would qualify.

Board Questions:

- Mr. Pitts asked the Assistant City Manager if Mr. Henderson had any concerns regarding the proposed text amendment. Assistant City Manager Story said not anything other than what they had already looked at; but he added anyone within the footprint of the Urban Code Section of the Ordinance might pursue some of that signage for discretionary review, which might cause some confusion.
- Mr. Letchworth felt the language was pretty limiting as to what would qualify.
- Mr. Nation said Spartanburg Community College Downtown Campus, Converse, and Wofford College would also qualify.
- Ms. Hogan asked about the proposed amendment regarding where it said no third party commercial advertising allowed, and asked if the entity that had the sign could advertise themselves. Mr. Pitts felt the intent was to not have for example Coca-Cola or something similar displayed.
- Mr. Pitts said his biggest concern was the moving letters, and felt they were distracting.
- Mr. Nation referenced the sign at the Spartanburg Auditorium.
- Ms. Hogan asked when something like this had been brought to them before, wasn't there some language or talk about the messages not being able to change more than six times per minute.
- Mr. Nation said that was the petitioner's wording because they were selling to seven different clients, where as the proposed text amendment would be institutions such as hospitals, etc.
- Assistant City Manager Story said he believed the one Ms. Hogan pointed out were applied state-wide to SCDOT standards.

- Mr. Pitts said the great thing about text amendments was they could always be changed or improved upon.

[Editor's Note: Robert Scott, Agent, for the 235 E. Blackstock Road rezoning request, arrived to the meeting at 5:55 P. M. He apologized, for being late, and said he had gotten detained in traffic.]

Mr. Pitts opened the public hearing regarding the proposed text amendment, and asked anyone who wished to speak in favor, or against, or who had any questions to come forward. No one came forward. Mr. Pitts closed the public hearing.

Board Deliberation:

Mr. Pitts felt that City Staff, and the City Attorney had gone over the request pretty carefully, and had looked at other examples.

Mr. Pitts made a motion to approve the request as submitted by Staff, and he was seconded by Mr. Nation. The motion was unanimously approved by a vote of 4 to 0.

Site and Landscape Plans Approved

- H&M, LLC – 115 Garner Road.

[Editor's Note: This item was not discussed, and was carried over to the next Planning Commission Meeting.]

City Council Updates

- Mrs. Roland said City Council had approved Charles Atchison, Sr. rezoning request on First Reading on February 11, 2013, to the recommended zone of LC, and would go before Council on February 25, 2013 for Second Reading.

The Citizens Agenda

There was nothing discussed.

Staff Announcements

- Mrs. Roland reminded the Planning Commissioners there was still one Board Member Vacancy position open on the Planning Commission, and they had received so far one application to be considered by City Council.
- Mrs. Roland also updated the Planning Commissioners regarding upcoming Continued Education Training.

The meeting adjourned at 5:50 P.M.

Respectfully Submitted,

Cullen Pitts, Chair

Minutes by Julie Roland, Administrative Assistant



City of Spartanburg
Planning Department

Application for a Rezoning Change
 RZC 13-01100002

<u>APPLICANT</u>	<u>AGENT</u>
<i>John W. Schwartz</i> P.O. Box 3503 Spartanburg, SC 29304	<i>Nola Schwartz</i> P.O. Box 3503 Spartanburg, SC 29304

<u>PARCEL DATA</u>	
Tax Map ID: <ul style="list-style-type: none"> ▪ 7-15-12 Existing Zoning Districts: <ul style="list-style-type: none"> ▪ R-12/General Residential District Proposed Zoning District: <ul style="list-style-type: none"> ▪ LOD/Limited Office District 	Parcels: <ul style="list-style-type: none"> ▪ 047.00 <hr style="width: 100px; margin: 10px auto;"/> Overlay District: <ul style="list-style-type: none"> ▪ N/A

APPLICATION SUMMARY

The Agent, Ms. Nola Schwartz, is requesting, on behalf of the owner, John Schwartz, to have the property located at 809 John B. White, Sr. Blvd. rezoned from R-12 to LOD. The subject property is located between Allison Dr. and Spires Ct. just west from Ammons Rd. and is approximately 0.27 acres. The primary purpose for the Zoning Map Amendment is to allow the owner the opportunity to either rent the property as either residential or small office space which are both permitted by right under the LOD zoning classification.

The parcel currently contains a residential structure approximately 1,160 sq. ft. in size (according to the heated square footage) with a detached garage at the rear of the structure. There is also a small accessory building at the southeast corner of the property. The structure was constructed c. 1945, according to the Spartanburg County Assessor's information. At this time, the applicant has not determined a specific use for the property. Because of this, there has not been a Feasibility Inspection conducted. If a use other than residential is proposed at a later date, then an inspection will be conducted to go over any required changes with the applicant.

Zoning History

According to the 1973, City of Spartanburg Zoning Map, this property was zoned R-12/General Residential District. It appears that this property has not been proposed for a rezoning the past.

John B. White, Sr. Blvd.

John B. White, Sr. Blvd. is one of the major arteries into the city limits. According to SCDOT, the most current traffic count, taken in 2011, for this stretch of John B. White, Sr. Blvd., is 16,000 (this number was pulled from the traffic station located just east of the intersection of John B. White, Sr. Blvd. and Crescent Ave.). The properties along John B. White, Sr. Blvd., are made up of an assortment of different zoning classifications. The stretch of the road where the property in question is located consists of mainly LOD zones properties with some R-12 and even GID/General Institutional District zoned properties. The properties in the immediate surrounding areas are LOD to the east, R-12 to the west, R-12 to the south, and R-12 and LOD to the north.

REQUIRED FINDINGS

Historically, the City of Spartanburg has required rezoning applications to meet certain criteria and the Planning Commission must make the following findings of reasonable conformance in order to recommend a change of zoning:

1. Consistency (or lack thereof) with the Comprehensive Plan
2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood
3. Suitability of the property affected by the amendment, for uses permitted by the district that would be made applicable by the proposed amendment
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
5. Availability of sewer, water and stormwater facilities generally suitable and adequate for the proposed use

Staff offers the following analysis relating to each of these required findings:

ANALYSIS OF REQUIRED FINDINGS

The Zoning Ordinance enables Council to change the Zoning Ordinance or Map following public notice and hearing. The Planning Commission reviews and recommends action on proposed zoning changes at its regularly scheduled meetings. The following comments are based on established 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.” Any use that is proposed, other than residential, will have to be permitted by right under the Use Table of the City of Spartanburg Zoning Ordinance or the applicant will have to obtain a Conditional Use or Special Exception if needed.

The 2004 Comprehensive Plan has specified Limited Activity Center for the property in question, and neighboring properties on both sides of the street along this stretch of John B. White, Sr. Boulevard. Limited Activity Center is intended for professional offices and small scale retail businesses serving a neighborhood area. Activities within a Limited Activity Center should be fully enclosed, should generate little traffic, noise, light or evening activity, and should be compatible with adjacent residential areas. Public, civic, and recreational uses are compatible

with a Limited Activity Center. Also, the recommended zoning classifications for this land use category are LOD and LC.

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 residential uses on all sides, however, some of the residential uses are zoned LOD and are being used as residential and not office. The proposed LOD zone will allow for residential use and most office uses that are compatible with surrounding residential properties. Since a feasibility inspection has not been conducted for a proposed use, Staff is not able to provide bufferyard requirements except to state that if the property is to ever be used as an office, then the property will have to meet all bufferyard requirements abutting all residential or less intensive uses. This would include vegetation and a fence.
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 an exact proposed use has not been determined at this point, Staff is unable to determine what office uses could fit on site with regards to the size of the property, parking, bufferyards, etc. At any point that a future use is pursued, all site development requirements will be reviewed to make sure that the use 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 increase with the zoning change. The zoning change will allow for a wider range of slightly more intense land uses for the property.
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 John B. White, Sr. Blvd., 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 LOD zoning classification. Therefore based on the information provided, Staff recommends approval of the proposed zoning map amendment as presented.

WRITTEN PUBLIC COMMENTS

Notices were sent to property owners within a 400 ft. radius of subject properties. There have not been any written arguments in favor or opposition to the request.

FUTURE PROCESS

Under State law, if the Planning Commission recommends approval of this application, staff will schedule the matter for a final public hearing before the City Council. The public hearing will be publicly noticed.

If the Planning Commission recommends against the application, the negative recommendation will be forwarded to the City Council. In this case, a public hearing before the City Council will be conducted

only if the applicant submits a written request within a two week period following the Planning Commission's action.

On March 21, 2013, the Planning Commission may act to support or oppose the application, with or without changes to the proposal. The Commission could also continue the matter if additional information, testimony or dialogue is felt necessary.

ATTACHMENTS:

- A) Case Photos
- B) Hearing Maps
- C) Other Attachments

PREPARED BY:



Joshua Henderson
Planning Coordinator

3-12-13

DATE



CITY OF
SPARTANBURG
SOUTH CAROLINA

Planning Commission

March 21, 2013

Zoning Map Amendment RZC-13 11-02

Property located between Allison Dr. and Spires Ct. just west of Ammons Dr.
Tax Map Number 7-15-12 parcel 047.00

*Request: To change the Zoning Map from R-12/General Residential District to
LOD/Limited Office District*

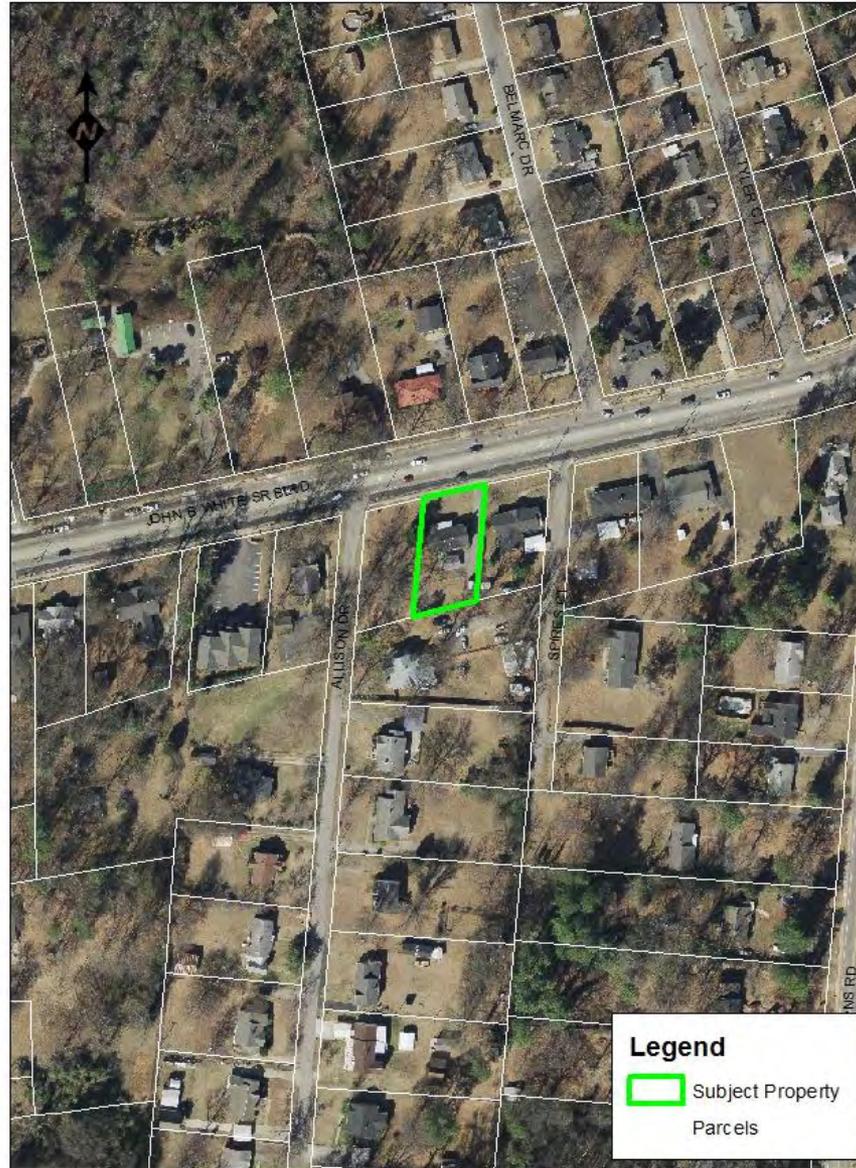


0 35 70 140 Feet


1 inch = 167 feet

Planning Commission Meeting - March, 21, 2013
Council Chambers of City Hall - 5:30 P.M.

City of Spartanburg, Planning Department
J. Henderson 3-5-13



0 35 70 140 Feet
1 inch = 167 feet

Planning Commission Meeting - March, 21, 2013
Council Chambers of City Hall - 5:30 P.M.

City of Spartanburg, Planning Department
J. Henderson 3-5-13



JOHN B WHITE SR BLVD

ALLISON DR



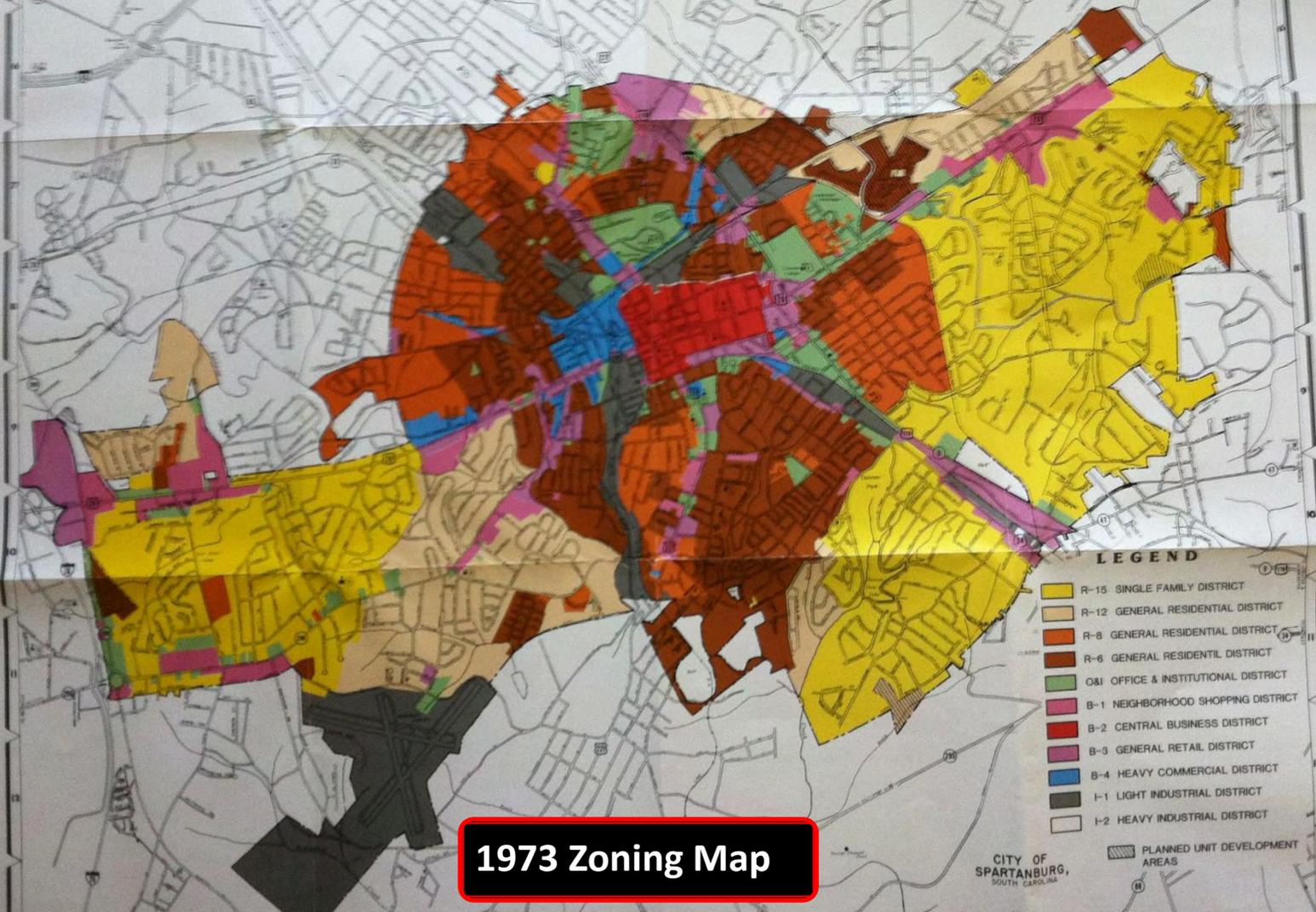
Legend

-  Subject Property
-  Parcels

ZONING MAP

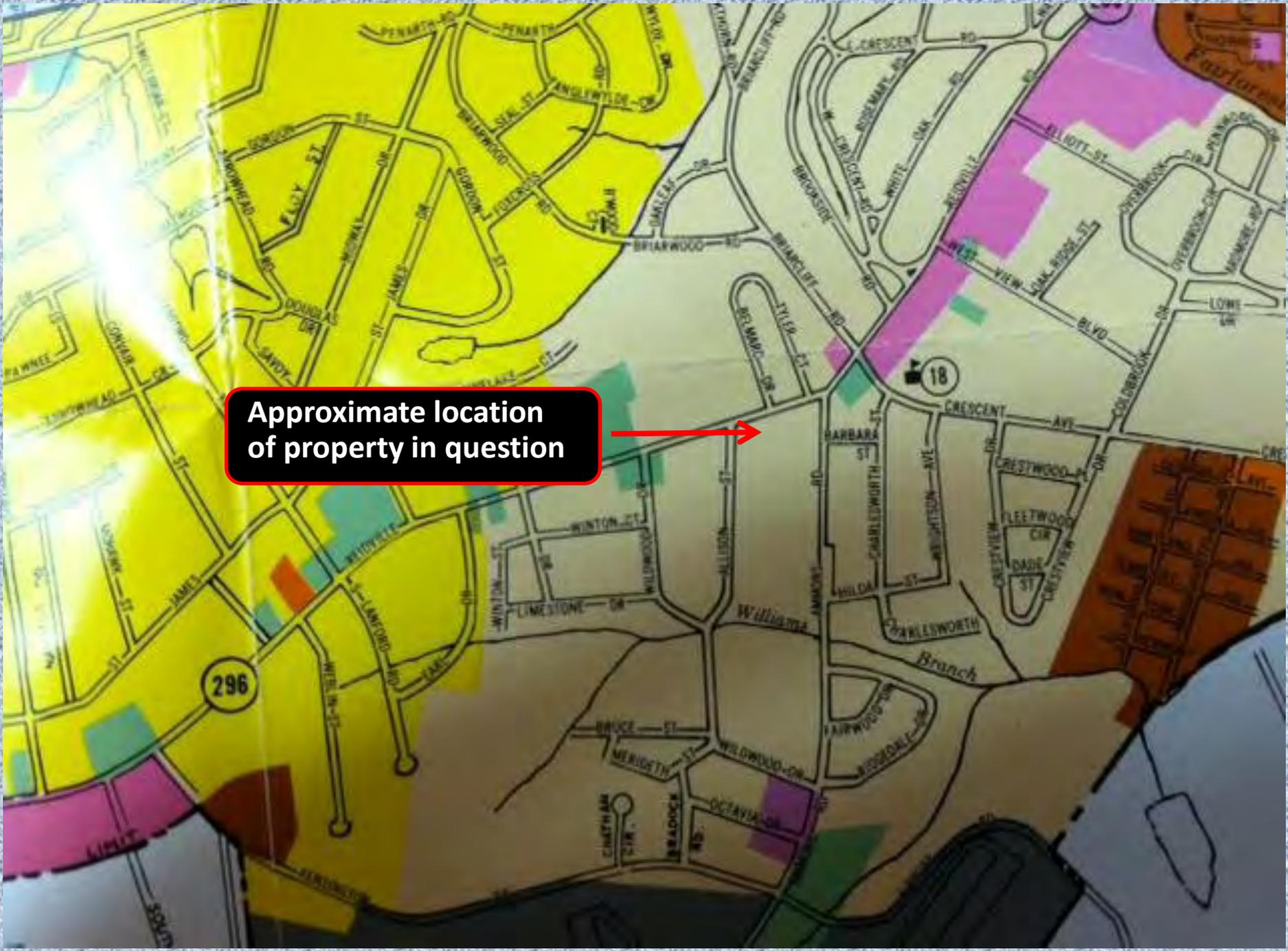
CITY OF SPARTANBURG

ADOPTED AUGUST 6, 1973



1973 Zoning Map

**Approximate location
of property in question**





809 John B.
White, Sr. Blvd.



Left side of property



Rear of property



Right side of property

805 John B. White, Sr. Blvd.



808 John B. White, Sr. Blvd.



403 Allison Dr. (property to the rear)



CITY OF



SPARTANBURG
SOUTH CAROLINA

CITY OF SPARTANBURG PLANNING DEPARTMENT MASTER APPLICATION FORM

Post Office Box 1749 • Spartanburg, SC 29304 • 864-596-2068 • Fax 864-596-2360

Name of Development _____

Street Address 809 JOHN B WHITE SR BLVD

Zoning District B-12 Overlay District N/A Tax Map Number 7-15-12-047.00

Landowner	Applicant (Bus. License#)	Agent (Bus. License#)
Name <u>JOAN W SCHWARTZ JR</u>	Name <u>Same</u>	Name <u>Nela Schwartz</u>
Company	Company	Company <u>P.O. Box 3503</u>
Mailing Address <u>P.O. Box 3503</u>	Mailing Address	Mailing Address <u>Spartanburg SC 29304</u>
City State Zip <u>Spartanburg SC 29304</u>	City State Zip	City State Zip <u>Spartanburg SC 29304</u>
Telephone Fax <u>864 574 6391</u>	Telephone Fax	Telephone Fax <u>574-6891</u>
Email <u>None</u>	Email	Email

- | | |
|--|---|
| <input type="checkbox"/> APPEAL | <input type="checkbox"/> DEVELOPMENT PLAN REVIEW* |
| <input type="checkbox"/> SPECIAL EXCEPTION * | <input type="checkbox"/> PLANNED DEVELOPMENT DISTRICT* |
| <input type="checkbox"/> VARIANCE* | <input type="checkbox"/> SUBDIVISION* |
| <input type="checkbox"/> SIGN PERMIT | <input checked="" type="checkbox"/> ZONING MAP AMENDMENT* |

*A Check-In Conference is required for these items. Attach the necessary supplemental

To the best of my knowledge, the information on this application and all additional documentation is true, factual and complete. I hereby agree to abide by all conditions of any approvals granted by the City of Spartanburg. I understand that such conditions shall apply to the subject property only and are a right or obligation transferable by sale.

[Signature]
Signature

MARCH 1, 2013
Date

FOR OFFICIAL USE ONLY

Date Received: 3-1-13

Time: 2:00 PM

Accepted by: [Signature]

Master Tracking Number: RZC 130100002

CITY OF



SPARTANBURG
SOUTH CAROLINA

CITY OF SPARTANBURG PLANNING DEPARTMENT
ZONING MAP AMENDMENT
SUPPLEMENTAL APPLICATION FORM

Post Office Box 1749 • Spartanburg, SC 29304 • 864-596-2068 • Fax 864-596-2360

Name of Development _____

Current Zoning District: R-12

Zoning District being Requested: L00

ALL OF THE FOLLOWING ITEMS MUST BE ATTACHED in order for this application to be complete.

Narrative addressing reasons for Rezoning.

A boundary map of subject property prepared and sealed by a registered land surveyor. A reproducible copy of this map, no larger than 11" x 17", along with a PDF format on a CD must also be submitted.

Certification of owner(s) consent, if applicable.

Filing Fee:
Single-Family Rezoning \$100
Multi-Family Rezoning \$150
Business Rezoning \$150
PDD Rezoning \$200

FOR OFFICIAL USE ONLY

Date Received: 3-1-13

Time: 2:00 pm

Accepted by: Jh

Master Tracking Number: RZC 1301120002

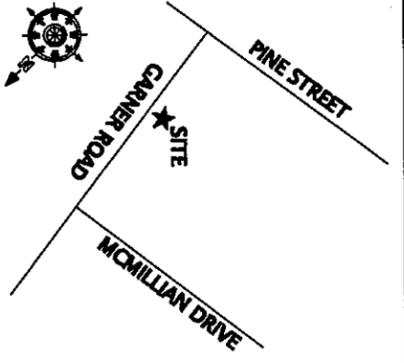
March 4, 2013

City of Spartanburg
Planning Commission

I request the zoning to be
changed to office or Residential
on the property at 809 John B.
White Dr. Blvd. from Residential.

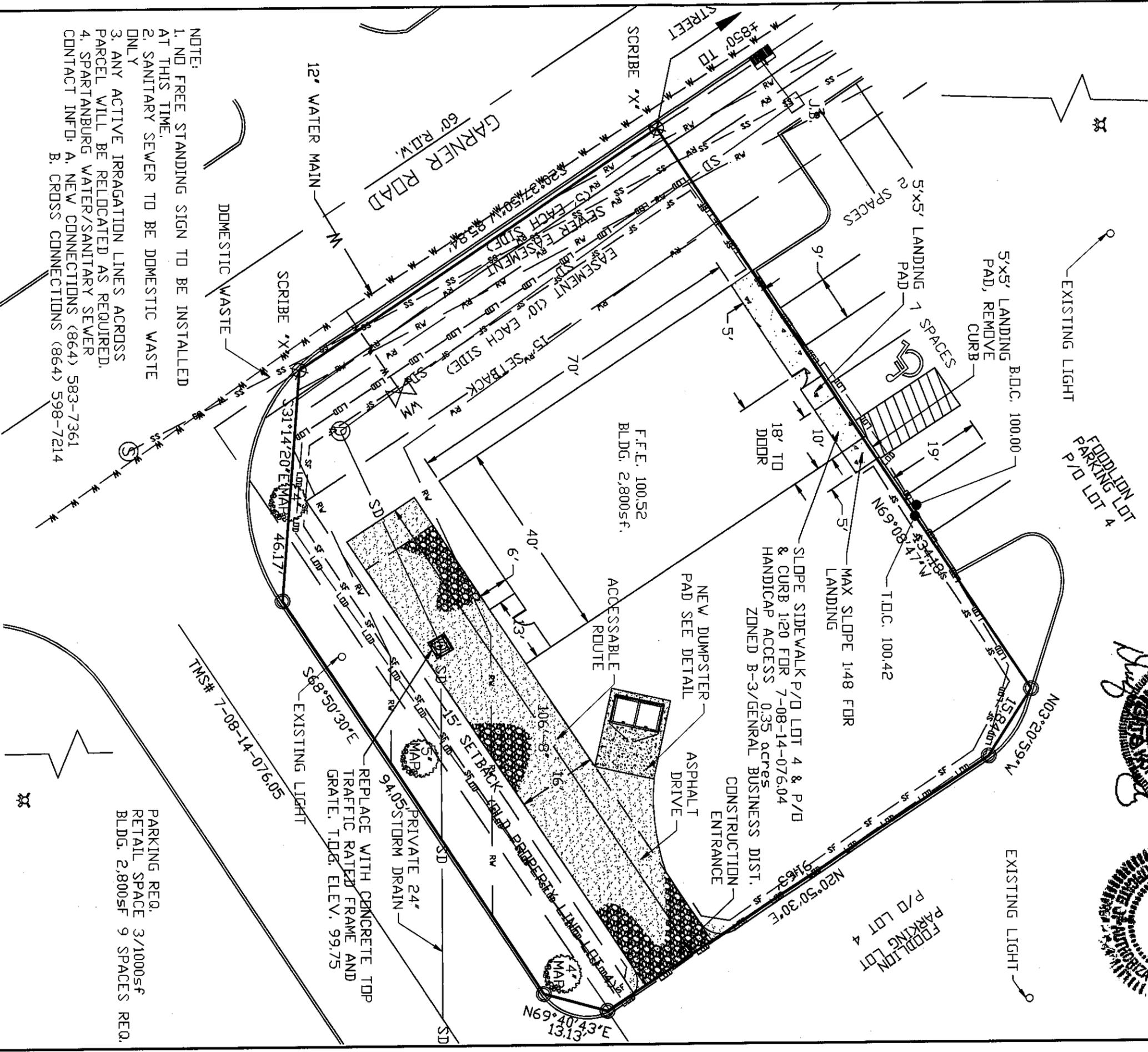
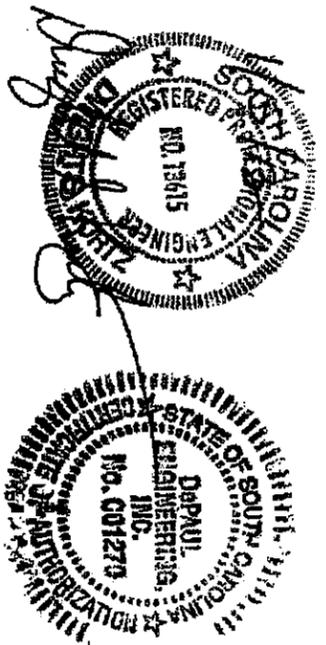
The reason for the request is
so it may be rented for
either residential or limited
office space.

Nels L. Schwartz, Agent
for John W. Schwartz
(owner)



LEGEND

OVERHEAD POWER	— P — P — P — P — P —
PRDP.	— RV — RV —
RIGHT OF WAY	— RV — RV —
SETBACK	— SF — SF — SF — SF —
SILT FENCE	— SS — SS — SS — SS —
SANITARY SEWER	— W — W — W — W — W —
WATER	— W — W — W — W — W —
LIMITS OF DISTURBANCE	— LBD — LBD — LBD — LBD —
TYPE A - INLET PROTECTION	— [A] —



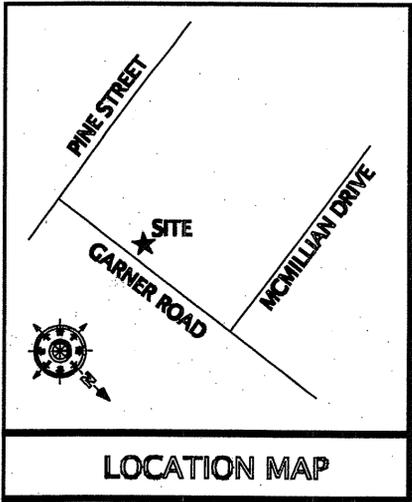
- NOTE:**
1. NO FREE STANDING SIGN TO BE INSTALLED AT THIS TIME.
 2. SANITARY SEWER TO BE DOMESTIC WASTE ONLY
 3. ANY ACTIVE IRRIGATION LINES ACROSS PARCEL WILL BE RELOCATED AS REQUIRED.
 4. SPARTANBURG WATER/SANITARY SEWER CONTACT INFO: A. NEW CONNECTIONS (864) 583-7361 B. CROSS CONNECTIONS (864) 598-7214

NO.	DESCRIPTION	DATE
1	PREPARED	11/02/12
2	REVISED	
3	REVISED	
4	REVISED	
5	REVISED	
6	REVISED	
7	REVISED	
8	REVISED	
9	REVISED	
10	REVISED	

H & M, LLC
 88 GARNER ROAD SPARTANBURG, SC.
 PHONE: (864) 577-9577
SITE PLAN
 TAX MAP #: 7-08-14-076.04

CONNER CONSTRUCTION Co.
 220 HIGHWAY 417
 MOORE, SC. 29301
 PHONE (864) 574-6799

DePaul Engineering, Inc.
 3693 BUFFALO WEST SPRINGS HWY., BUFFALO, SC 29321
 (864) 427-5407
 depaulengineering.com
CONSENT: THIS CONSENT IS THE PROPERTY OF DePaul Engineering, Inc. AND MAY NOT BE LOANED OR REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF DePaul Engineering, Inc.



LEGEND

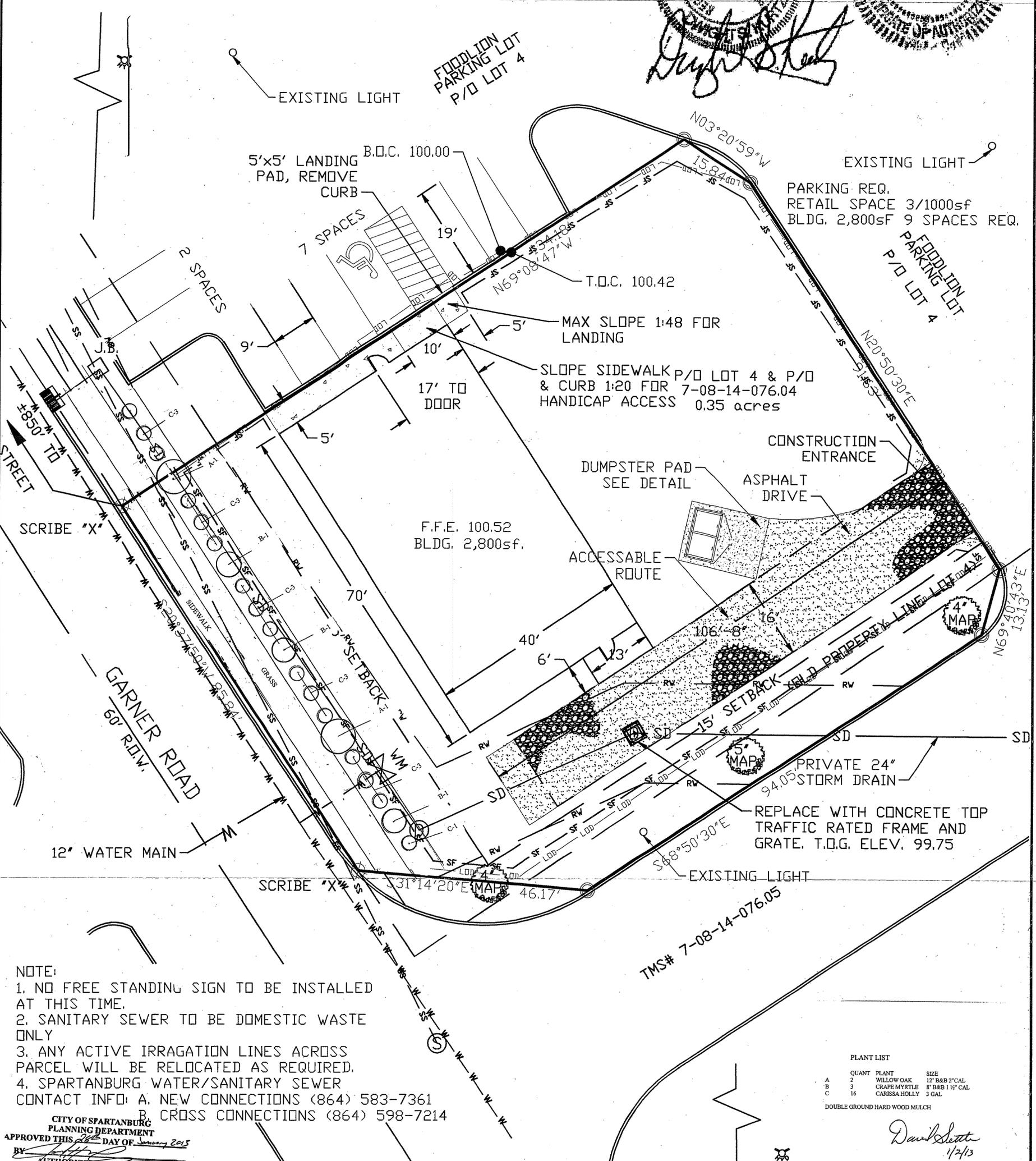
- OVERHEAD POWER PROP. — P — P — P — P — P —
- RIGHT OF WAY — RW — RW — RW — RW — RW —
- SETBACK — SF — SF — SF — SF — SF —
- SILT FENCE — SS — SS — SS — SS — SS —
- SANITARY SEWER — W — W — W — W — W — W — W — W — W —
- WATER — W — W — W — W — W — W — W — W — W —
- LIMITS OF DISTURBANCE — LOD — LOD — LOD — LOD — LOD —
- TYPE A - INLET PROTECTION [A]

12/19/12

SOUTH CAROLINA REGISTERED PROFESSIONAL ENGINEER
No. 13615

DON PAUL ENGINEERING INC.
No. 001270

David Settle



NOTE:

1. NO FREE STANDING SIGN TO BE INSTALLED AT THIS TIME.
2. SANITARY SEWER TO BE DOMESTIC WASTE ONLY
3. ANY ACTIVE IRRIGATION LINES ACROSS PARCEL WILL BE RELOCATED AS REQUIRED.
4. SPARTANBURG WATER/SANITARY SEWER CONTACT INFO: A. NEW CONNECTIONS (864) 583-7361 B. CROSS CONNECTIONS (864) 598-7214

CITY OF SPARTANBURG PLANNING DEPARTMENT
APPROVED THIS 26th DAY OF January 2015
BY *[Signature]*
AUTHORIZED REPRESENTATIVE

PLANT LIST

QUANT	PLANT	SIZE
A 2	WILLOW OAK	12" B&B 2" CAL
B 3	GRAPE MYRTLE	8" B&B 1 1/2" CAL
C 16	CARISSA HOLLY	3 GAL

DOUBLE GROUND HARD WOOD MULCH

David Settle
1/2/13

NO.	REVISION	DATE

DRAWN BY: JIMMASON
DATE: 1/02/12

H & M, LLC
88 GARNER ROAD SPARTANBURG, SC.

SITE PLAN
TAX MAP #: 7-08-14-076.04

CONNER CONSTRUCTION Co.
220 HIGHWAY 417
MOORE, SC. 29301
PHONE (864)-574-6799

LANDSCAPE PLAN

DAVID SETTLE LANDSCAPING
550 OLD SETTLE RD
INMAN S C 29349
864 472 3921

VII. A



REQUEST FOR COUNCIL ACTION

TO: ED MEMMOTT, CITY MANAGER

FROM: WES CORROTHERS, DIRECTOR OF NEIGHBORHOOD SERVICES

SUBJECT: CDBG & HOME FY2013-2014 BUDGET RESOLUTION

DATE: APRIL 11, 2013

BACKGROUND:

Due to public notice and grant submission deadlines as set by the US Department of Housing and Urban Development, staff must make its CDBG and HOME expenditure recommendations and ask for Council's approval in advance of the city's regular budgeting process. Staff has prepared its recommended FY14 Community Development Block Grant (CDBG) and HOME funding budget. It is noted that combined CDBG/HOME funding for FY14 will be lower by approximately \$81,000 (10%) from FY13 funding.

CDBG Administrative, Service Delivery, and Code Enforcement Expenses - Funding for these activities is recommended at \$294,303. This funding provides for administrative oversight and management of both CDBG/HOME funds, staffing to pursue and manage other community development and housing grants, and code enforcement activities.

CDBG Project Expenses - \$215,026 is recommended to fund various project expenses as provided in the proposed Resolution. The majority of the \$75,766 decrease came from discontinuing our Land Banking activity.

CDBG Public Service Funding – Under CDBG regulations, a maximum of \$88,305 (15%) of our annual grant can be budgeted for public service programs. After careful evaluation of prior year funding amounts and FY14 grant requests, staff is recommending the same amount as last fiscal year or the amount requested, whichever is lower. Due to overall funding constraints this year, staff does not recommend funding any new requests.

HOME Program Funding – Staff is recommending Administrative funding of \$7,015 in administrative funding of a Certified Housing Development Corp. (CHDO) but is recommending that no specific CHDO be designated for funding at the this time. Staff will develop a specific recommendation regarding CHDO designation and return to Council with a subsequent recommendation. Additionally, staff is recommending \$98,211 in project funding for housing redevelopment activities in the Forest Park neighborhood. Staff anticipates that these funds would be made available under the terms of specific development agreements that will be developed and executed with a qualified CHDO. Staff is recommending \$14,030 for Housing Services Administrative costs.

Proper public notices and meetings were held earlier this year in accordance with HUD regulations for this allocation. Throughout the year, staff has monitored organizations that received FY13 public service funding. Each of the programs funded are meeting program objectives and providing services consistent with their funding request and contracts.

ACTION REQUESTED:

Staff is requesting City Council's approval of the funding Resolution for FY14 CDBG and HOME funds.

BUDGET & FINANCIAL DATA:

CDBG and HOME Funds available on or about July 1, 2013.

CDBG AND HOME 2013-2014

<u>CDBG Program</u>	<u>FY2012-2013</u>	<u>Proposed Budget</u>	<u>FY2013-2014</u>
<u>CDBG Administration</u>			
Rehabilitation Admin + Code Admin	184,639		253,648
Code Enforcement Administration	46,009		0
Neighborhood Services Administration	45,172		40,655
Subtotal	275,820		294,303
<u>Projects</u>			
Emergency Repair	20,000		18,000
Fair Housing	7,500		6,750
Fire Safety Comm. Assist	7,000		6,300
Homeownership Resource Center	48,000		43,200
Code Enforcement Demolition	135,703		120,526
Land Banking - City Wide	50,000		0
MWBE	7,500		6,700
Neighborhood Pride Grant	15,000		13,500
Subtotal	290,703		221,775
<u>Public Service Agencies</u>		REQUESTED	
Art in Motion	2,117	1,550	1,550
Bethlehem Community Center	5,098	6,000	5,098
Big Brothers, Big Sisters	4,638	11,258	4,638
Christmas in Action - Administrative	10,200	20,000	10,200
Christmas in Action - Project	15,300	31,565	15,300
C.O.L.O.R.S.	5,385	10,000	5,385
Drug Court	24,352	30,000	24,352
Saturday Academy Program - NEW	-	7,000	0
SAFEHOME Rape Crisis	5,950	7,000	5,950
SC Legal Services	3,653	4,500	3,653
Urban League - IDA	3,247	15,000	3,247
Total Public Service	87,590	150,873	79,373
Public Service 15% Maximum equals -	98,117		88,305
Total CDBG Expenditures	\$ 654,113		\$ 588,702

Pub Svc 13.5%

CDBG AND HOME 2013-2014

<u>HOME Program</u>	<u>FY2012-2013</u>	<u>Proposed Budget FY2013-2014</u>
Neighborhood Service HOME Admin 10%	15,589	14,030
CHDO - Admin 5%	7,794	7,015
CHDO - Set Aside – Project 15%	23,383	21,045
Projects/Forest Park	109,123	98,211
Total Home Expenditures	155,889	140,300
 TOTAL CDBG & HOME BUDGET	\$ 810,002	\$ 729,002

**A RESOLUTION
 ALLOCATING FY2013-2014
 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
 AND HOME FUNDS**

BE IT RESOLVED By Mayor and Members of Council of the City of Spartanburg in Council assembled as follows:

That FY13-14 Community Development Block Grant (CDBG) and HOME funds are allocated as follows herein. City Council of the City of Spartanburg has considered the recommendations of the Community Forum Advisory Council, the recommendations of staff, the presentations of applicants and makes the following allocations:

CDBG Expenditures

Administration

Rehabilitation Admin + Code	253,648
Code Enforcement Administration	0
Neighborhood Services Administration	40,655

Projects

Emergency Repair Program	18,000
Fair Housing	6,750
Fire Safety Comm. Assist/Fire in Streets	6,300
Homeownership Resource Center - Credit Counseling	43,200
Code Enforcement Demolition	120,526
Land Banking – City Wide	0
MWBE	6,700
Neighborhood Pride Grant	13,500

Public Services

Art in Motion	1,550
Bethlehem Community Center	5,098
Big Brothers, Big Sisters	4,638
Christmas in Action – Administration	10,200
Christmas in Action – Project	15,300
C.O.L.O.R.S.	5,385
Drug Court	24,352
Saturday Academy - NEW	0
SAFE Home Rape Crisis	5,950
South Carolina Legal Services	3,653
Urban League – IDA	3,247

Total CDBG Expenditures	\$ 588,702
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HOME Program Expenditures

Neighborhood Svc HOME Admin 10%	14,030
CHDO – Administration 5%	7,015
CHDO Set-aside – Projects 15%	21,045
Project Forest Park	<u>98,210</u>
Total HOME Expenditures	\$ 140,300

This Resolution adopted this _____ day of _____, 2013.

Mayor

ATTEST:

Connie S. McIntyre
City Clerk

APPROVED AS TO FORM:

Cathy Hofer McCabe
City Attorney