



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

**City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC
Monday, March 16, 2015
5:30 p.m.**

- I. Moment of Silence**
- II. Pledge of Allegiance**
- III. Approval of the Minutes of the February 23, 2015 City Council Meeting**
- IV. Approval of Agenda of the March 16, 2015 City Council Meeting**
- V. Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- VI. Recognition of Firefighter Retiree Lt. Mike Roper**
Presenter: Mayor Junie White
- VII. Presentation and Announcement from Mary Black Foundation**
Presenter: Will Rothschild, Communication and Marketing Director
Kathy Dunleavy, President and CEO, Mary Black Foundation
- VIII. Public Hearing**
 - A. Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance, by Amending Section 206, Changes to District Boundaries, Specifically Parcels 6-21-13,054.00, 054.01, and 053.00, located at 1633 “0”, and 1635 John B. White, Sr. Boulevard, which are zoned R-15 with a Land Use Designation of Single Family Residential District to Zone B-1 with a Land Use Designation of Neighborhood Shopping District; and Providing for Severability and an Effective Date. Neil Nichols, Neil Nichols Real Estate on Behalf of Paul Melotte, Melotte Enterprises, Inc. Prospective Buyer of the Properties owned by Mary Smith, Gary and Patricia Barber, and Candice Satterfield. The request is contingent upon the rezoning of the properties in order to accommodate a Little Caesars Restaurant on the properties. (First Reading)**
Presenter: Josh Henderson, Planning Coordinator

IX. Ordinance

- A. Approving a Development Agreement Between the City of Spartanburg and OTO Development (Second Reading)**
Presenter: Ed Memmott, City Manager

X. Consent Agenda

- A. Authorizing the City of Spartanburg, South Carolina, to Execute and Deliver an Equipment Lease Purchase Agreement, 2015, in an Amount Not Exceeding \$2,625,000 Between the City and the Lessor Thereof to Defray the Cost of Acquiring Certain Equipment; and Other Matters Relating Thereto (Second Reading)**
Presenter: Dennis Locke, Finance Director

XI. Other Business

- A. Award for Construction Services for Phase I - Airport Runway Extension Project**
Presenter: David Cook, Construction Project Manager
- B. Proposed 2015 Street Resurfacing Program**
Presenter: Tim Carter, Engineering Administrator

XII. City Council Updates

XIII. 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, February 23, 2015
5:30 p.m.**

- I. Moment of Silence - observed**
- II. Pledge of Allegiance - recited**
- III. Approval of the Minutes of the February 9, 2015 City Council Meeting –**
Councilmember Scalisi made a motion to approve the minutes as received. Mayor pro tem Brown seconded the meeting, which carried unanimously 6 to 0.
- IV. Approval of Agenda of the February 23, 2015 City Council Meeting –**
Councilmember Reeder made a motion to approve the agenda as received. Councilmember Rice seconded the motion, which carried unanimously 6 to 0.
- V. Public Comment – Six people came forward.**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk **Michael Bendendaugh, 117 Grace Street, Prosperity, SC, representing Palmetto Trust for Historic Preservation**, updated Council on status of Salvage Company purchaser and the fundraising for Bon Haven.
Shelly Carter, 160 Meadowview Dr., Spartanburg, SC, expressed her desire that Bon Haven be saved from demolition.
Vivian Fisher, 269 W. Hampton Avenue, Spartanburg, SC, expressed her desire that Bon Haven be saved from demolition.
Donnie Love, 608 Otis Boulevard, Spartanburg, SC, expressed his thoughts on preservation success.
Jimmy Gibbs, PO Box 1727, Spartanburg, SC, expressed his thoughts regarding restrictions of new economic development in downtown Spartanburg.
Andrew Cajka, 209 Spaulding Farm Road, Spartanburg, SC, expressed his thoughts regarding restrictions of new economic development in downtown Spartanburg.
- VI. March 31, 2015 Special Election Update**
Presenter: Henry Lave, Director of Voter Registration and Elections
Mr. Lave updated everyone on the procedures for the upcoming March 31 special election for City Council District 4.

VII. Recognition of Fleet Maintenance Retiree Michael Thompson

Presenter: Mayor Junie White

Mayor White presented Mr. Thompson with a City of Spartanburg Retiree plaque and thanked him for his many years of dedicated service to the City.

VIII. Ordinance

A. Authorizing the City of Spartanburg, South Carolina, to Execute and Deliver an Equipment Lease Purchase Agreement, 2015, in an Amount Not Exceeding \$2,625,000 Between the City and the Lessor Thereof to Defray the Cost of Acquiring Certain Equipment; and Other Matters Relating Thereto (First Reading)

Presenter: Chris Story, Assistant City Manager

Mr. Story presented the item to City Council as follows:

“As part of our ongoing efforts to equip staff with the resources they need at the lowest possible cost over the long term, the City is committed to maintaining an annual equipment replacement schedule. Funds are appropriated through the annual budget into the equipment replacement fund from which these purchases and then made throughout the year.

Due in part to very low interest rates in recent years, staff has determined that the City could strengthen its financial position by bundling and leasing the major purchases within a master lease. This mechanism spreads the cost of these purchases over several years. The proposed action is to authorize this year’s lease program.

Staff is recommending the replacement of 14 Police Vehicles, 4 Vehicles - Fire Department (including 75 ft. Aerial Ladder), 3 Vehicles and 3 various pieces of equipment for Grounds Maintenance, 1 Vehicle and 2 various pieces of equipment – Street Maintenance, 1 Clamshell and 1 Truck Rear Loader – Solid Waste, 1 Vehicle – Procurement & Property, 1 Vehicle Property Maintenance Inspections, 1 Vehicle – Parks & Recreation

It is staff’s recommendation that we use a capital lease to finance these purchases. If approved, we would accept bids from various financial institutions. The source of repayment would be the Equipment Replacement Fund.

BUDGET & FINANCIAL DATA: The total will not exceed \$2,625,000 inclusive of closing costs. This amount may be reduced pending final review of acquisition specifications.”

Councilmember Reeder made a motion to approve the ordinance as requested on first reading. Councilmember Scalisi seconded the motion, which carried unanimously 6 to 0.

B. Approving a Development Agreement Between the City of Spartanburg and OTO Development (First Reading)

Presenter: Ed Memmott, City Manager

Mr. Memmott presented the item to City Council as follows:

“The attached proposed development agreement sets forth the terms and conditions for the development of a hotel at the southwest corner of the West Main Street and Daniel Morgan Avenue intersection by OTO Development.

The proposed development agreement (if approved by Council) would obligate the City to:

1. Provide approximately \$750,000 in public improvements to include streetscape improvements along the west side of Daniel Morgan Avenue and “quiet zone” improvements for the CSX grade crossings at West Main and Henry Streets.
2. Provide its best efforts to designate the project site as a Multi-County Industrial/Business Park in order to achieve a 50% reduction in the incremental real property taxes paid by the new development. This abatement would be in place for 20 years.
3. Provide OTO with an option to purchase city owned property as identified on Exhibit A of the agreement for \$1.00. The specific terms regarding the purchase option are set forth in the development agreement.
4. Restrict economic development incentives for any other select service hotel for a period of 3 years from the date of opening of the OTO project as set forth in the development agreement.

The proposed development agreement would obligate OTO to:

1. Construct and open a select service hotel having not less than 100 rooms and other amenities as specified in the development agreement.
2. Affiliate the hotel with a national brand as specified in the development agreement.
3. Make capital project investment of at least \$18 million.
4. Open the hotel for business by September 30, 2017.

PROJECT ASSESSMENT AND STAFF RECOMMENDATION:

OTO’s proven track record of hotel development nationally provides staff with a high degree of confidence that OTO will meet all of its obligations associated with this project. The project location is also a significant factor in staff’s recommendation. Over 20 restaurants are located within 3-4 blocks of the proposed site. The hotel structure will also be a significant architectural feature at a very prominent downtown intersection. This combination of design, location, and new business activity will significantly enhance downtown’s urban vitality and serve as a catalyst for continued

corporate, retail, entertainment, multi-family, and mixed use development in our downtown.

Staff is strongly recommending approval of the proposed development agreement.

ACTION REQUESTED:

First Reading Approval of an Ordinance to approve a development agreement with OTO Development.

BUDGET AND FINANCE DATA:

\$750,000 in public improvements costs.

Costs incurred by the City will be offset by approximately \$300,000 in net new annual revenues that will be generated and paid to local taxing entities when the project is placed into service.”

After a lengthy discussion, Councilmember Anderson made a motion to approve the ordinance as presented on first reading. Mayor pro tem Brown seconded the motion, which carried unanimously 6 to 0.

IX. Consent

- A. To Authorize the Designation of the Police Chief as the Chief Executive Officer of the Police Department and the Fire Chief as the Chief Executive Officer of the Fire Department by Amending the Code of the City of Spartanburg 1988, by Deleting Chapter 7A, “Public Safety and Police Protection”, and by Adding to Chapter 2, “Administration,” Article IV, “Officers and Employees,” A new Section 2-89, “Police Department” and Section 2-90, “Fire Department” (Second Reading)**

Presenter: Ed Memmott, City Manager

Councilmember Reeder made a motion to approve the Consent Agenda as presented. Councilmember Rice seconded the motion, which carried unanimously 6 to 0.

X. Other Business

- A. Boards and Commissions – Consideration of Accommodations Tax Advisory Committee Applicant**

Presenter: Connie McIntyre, City Clerk

Ms. McIntyre presented Emily Wood’s application for consideration for appointment to the Accommodations Tax Advisory Committee.

Councilmember Rice made a motion to waive the rules and appoint Emily Wood to the Accommodations Tax Advisory Committee. Councilmember Reeder seconded the motion, which carried unanimously 6 to 0.

XI. City Council Updates –

Councilmember Rice commended Tim Atkins and the Solid Waste Department for the great job they did during the ice storm.

Mayor pro tem Brown shared that on Saturday past she attended DanSynergy, a ballet tribute to cancer survivors, at the Chapman Cultural Center.

Councilmember Anderson mentioned that dirt was moving at the Texas Roadhouse site. He thanked SMR for what they have done for Spartanburg. He thanked OTO for what they would be doing to open up the western side of town to more development.

Councilmember Scalisi shared that the 20th Anniversary of the Hub City Writers Group would be celebrated May 8 – 10, with several readings from Hub City Writers Group published authors scheduled at the Book Shop.

Councilmember Reeder expressed his thanks to SMR and OTO.

Communications Director Will Rothschild recognized Herald Journal reporter Lynne Shackelford, who covered the City Council meetings and city news for several years. He shared that Ms. Shackelford was leaving the Herald Journal to be the Marketing and Development Director for Habitat for Humanity.

XII. Adjournment –

Mayor pro tem Brown made a motion to adjourn the meeting. Councilmember Scalisi seconded the motion, which carried unanimously 6 to 0. The meeting adjourned at 6:30 p.m.



Connie S. McIntyre, City Clerk



PRESENTATION TO CITY COUNCIL

TO: Ed Memmott, City Manager

FROM: Will Rothschild, Communications Manager

SUBJECT: Report to City Council from Kathy Dunleavy, President & CEO, Mary Black Foundation

DATE: March 12, 2015

Kathy Dunleavy, President and CEO of the Mary Black Foundation, will make a presentation and announcement of a new partnership initiative to the City Council.



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Joshua T. Henderson, Planning Coordinator

SUBJECT: Rezoning of property located at 1633, “0” & 1635 John B. White, Sr. Boulevard, Neil Nichols, on behalf of Owners and Applicant.

DATE: March 16, 2015

SUMMARY: On February 19, 2015, the Planning Commission held a public hearing and reviewed a rezoning request submitted by Neil Nichols, Neil Nichols Real Estate, on behalf of Paul Melotte, Melotte Enterprises, Inc., prospective buyer for the properties owned by Mary Smith, Gary & Patricia Barber, and Candice Satterfield, to rezone parcels 6-21-13-054.00; 054.01; and 053.00 from Zone R-15/Single Family Residential District to B-1/Neighborhood Shopping District, in order to allow Mr. Melotte the opportunity to develop the properties as a stand-alone Little Caesar’s take-out restaurant. The transfer of ownership of the three properties from their current ownership to Mr. Melotte is contingent on the rezoning of the properties. The use of the properties as a take-out restaurant is permitted by right under the zoning classification of B-1.

The Planning Commission held a public hearing on the proposal on February 19, 2015. 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 parcels from R-15 to B-1.

PLANNING COMMISSION RECOMMENDATION: The request was unanimously endorsed by the Planning Commission on February 19, 2015. Staff’s recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

ADDITIONAL INFORMATION: Minutes from the February 19, 2015 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 PARCELS #6-21-13, 054.00; 054.01; and 053.00 – LOCATED AT 1633, “0”, & 1635 JOHN B. WHITE SR. BOULEVARD, WHICH ARE ZONED R-15 WITH A LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL DISTRICT TO ZONE B-1 WITH A LAND USE DESIGNATION OF NEIGHBORHOOD SHOPPING 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 parcels identified on the Official Zoning Map of the City of Spartanburg, South Carolina, dated August 6, 1973, as amended, by changing the zone of Lots 054.00, 054.01, and 053.00, as shown on Spartanburg County Block Map Sheet 6-21-13, from R-15, Single Family Residential District to B-1, Neighborhood Shopping 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 February 19, 2015, 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 Lots currently identified as 054.00, 054.01, and 053.00, on Spartanburg County Block Map Sheet 6-21-13 shall be now designated as B-1, Neighborhood Shopping 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.

(continued)

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 _____, 2015.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

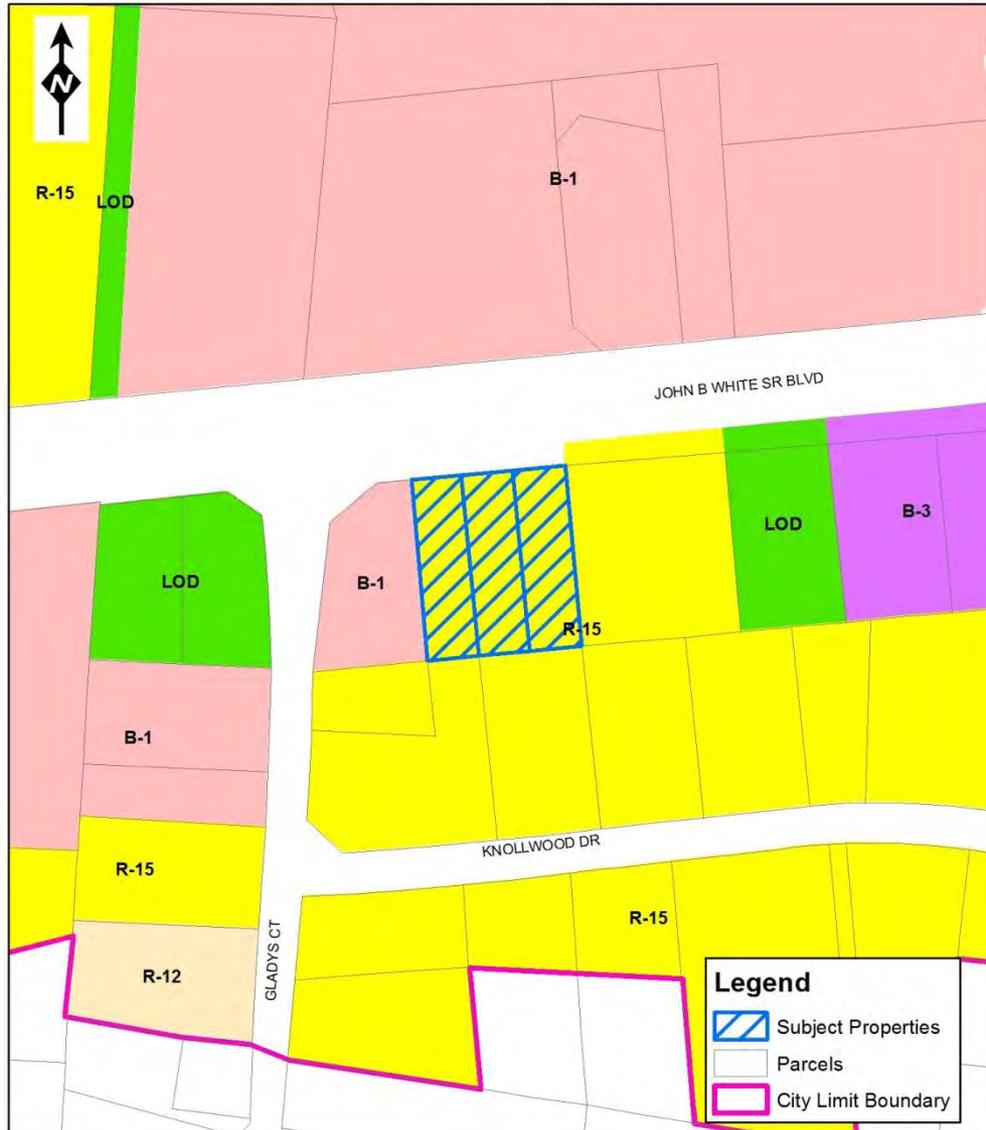
APPROVED AS TO FORM:

Cathy H. McCabe, City Attorney

___/___/___ 1st Reading

___/___/___ 2nd Reading

RZC 14 11-01
1633, 0, 1635 John B. White, Sr. Blvd.
Proposed Zone Change to
B-1/Neighborhood Shopping District



0 20 40 80 Feet
[Scale bar]

1 inch = 125 feet

Planning Commission Meeting - February 19, 2015
Council Chambers of City Hall - 5:30 P.M.

City of Spartanburg, Planning Dept.
J. Henderson 2-2-15

RZC 14 11-01
1633, 0, 1635 John B. White, Sr. Blvd.
Proposed Zone Change to
B-1/Neighborhood Shopping District



0 20 40 80 Feet
1 inch = 125 feet

Planning Commission Meeting - February 19, 2015
Council Chambers of City Hall - 5:30 P.M.

City of Spartanburg, Planning Dept.
J. Henderson 2-2-15

RZC 14 11-01
1633, 0, 1635 John B. White, Sr. Blvd.
Proposed Zone Change to
B-1/Neighborhood Shopping District



0 4.5 9 18 Feet
1 inch = 25 feet

Planning Commission Meeting - February 19, 2015
Council Chambers of City Hall - 5:30 P.M.

City of Spartanburg, Planning Dept.
J. Henderson 2-2-15

***Spartanburg City Planning Commission Meeting Minutes
Thursday, February 19, 2015***

*City Hall Council Chambers
Spartanburg, South Carolina*

The City Planning Commission met in City Hall Council Chambers on Thursday, February 19, 2015, at 5:30 P.M. The following City Planning Commissioners attended this meeting: Nancy Hogan, Bob Pitts, Wendell Cantrell, Howard Kinard, George Harakas, and Jared Wilson. James Jenkins was absent. Representing the Planning Department were Joshua Henderson, Planning Coordinator, and Julie Roland, Planning Department Administrative Assistant.

[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 for tonight's meeting.]

Roll Call

Ms. Hogan, 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.

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

Mr. Cantrell moved approval of the Agenda for the February 19, 2015 meeting, with second by Mr. Kinard. The motion was unanimously approved by a vote of 6 to 0.

Disposition of the Minutes from the November 20, 2014 meeting of the Spartanburg City Planning Commission

Mr. Kinard moved approval of the November 20, 2014 meeting minutes as submitted, with second by Mr. Harakas. The motion was unanimously approved by a vote of 6 to 0.

Old Business – None.

New Business

Rezoning Request: TMS#6-21-13, Parcels 054.00; 054.01; and 053.00, located at 1633, "0", and 1635 John B. White, Sr. Boulevard. Zone R-15, Single Family Residential District to Zone B-1, Neighborhood Shopping District. Neil Nichols, Neil Nichols Real Estate, on behalf of Paul Melotte, Melotte Enterprises, Inc., prospective buyer for the properties owned by Mary Smith, Gary & Patricia Barber, and Candice Satterfield. Request is contingent upon rezoning of properties to accommodate a Little Caesars Restaurant.

Mr. Henderson came forward and was sworn; and he submitted the meeting packet the Board Members had previously received including the slides and presentation into evidence as Exhibit A. He informed the Board Members the request was for three properties located just east of the intersection of Knollwood Drive and John B. White, Sr. Boulevard beside Bella Latte Café; and that the properties were zoned R-15, Single Family Residential District, and the requested zone was B-1, Neighborhood Shopping District; and were owned by three separate owners which totaled approximately 1.61 acres in size. The properties were being looked at being developed for a fast food-take out Little Caesar's Restaurant if the rezoning took place. The three parcels were all currently vacant; however, they previously contained two structures, between the three properties. The structure located on the parcel at 1635 John B. White, Sr. Boulevard was demolished in 2008; and the structure located on the parcels of "0" and 1633 John B. White Sr. Boulevard was moved in 2006. A slide was shown of the location map and an aerial photo from the County from 1996. According to SCDOT and the most current traffic count taken in 2013, with the traffic station being on John B. White, Sr. Boulevard, just east of the properties in question, the traffic count for John B. White, Sr. Boulevard was approximately 30,600. Mr. Henderson explained the properties along John B. White, Sr. Boulevard had been going through a transition from the former residential types of uses to either office and/or commercial types of uses throughout the years. The properties within the immediate surrounding areas were a property to the north which was zoned B-1, properties to the east and south that were zoned R-15, and a property to the west that was zoned B-1 (currently Bella Latte). The property to the east was zoned R-15 and was currently a vacant home. More

slides were shown of the three parcels and surrounding area, and the proposed preliminary plan in order to better illustrate the request. Mr. Henderson concluded his presentation by saying the proposed Little Caesar's would meet the parking requirements, and it would have dual ingress and egress, and have to meet the intent of the ordinance, as well as the building setback requirements.

[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 general intent of the B-1 districts are intended primarily 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 restaurant 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 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.

Over the years, and especially with the widening of John B. White, Sr. Blvd., properties that front this six lane stretch of highway have been going through zoning map amendments to change the zoning classifications from a residential type of use to an office or commercial type of use. This is appropriate since the intent of the properties that front John B. White, Sr. Blvd. are intended to be of an office or commercial type use that is compatible with the residential use to the rear. Any future development will be subject to meeting all applicable development and zoning standards, as well as, other criteria for development with regards to other City departments.

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 and residential uses. The proposed B-1 zone will allow for various commercial and office type of uses that are compatible with the surrounding less intense uses and the Comprehensive Plan.
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 these properties are vacant, there was not a feasibility inspection conducted. Any development that is to occur, once these three properties are combined, will have to meet the intent of the Zoning Ordinance with regards to parking, landscape (street, parking, and bufferyard landscaped areas), accessibility, etc. Attached you will find a preliminary site development plan showing the layout of the proposed development. This type of use will require a minimum of one parking space per eighty (80) sq. ft. of gross floor area. Per the preliminary site plan, the proposed building is 1,684 sq. ft. requiring a minimum of 21 parking spaces; the plan is proposing thirty-three (33) parking spaces. Since this type of use falls into the category of High Intensity Commercial, and is adjacent to single family residential, it will be required to have at least a Bufferyard 5 which requires, at the very least, a 25' wide bufferyard with a minimum of five (5) canopy trees and a masonry wall every 100 linear feet. The proposed development will still have to go through the site plan review process to make sure that all development requirements are met. As this plan is strictly for the purpose of showing a proposed layout, it does not provide bearings and distances, nor depict the development meeting all of the requirements mentioned. This preliminary plan will have to be reviewed and approved before any development is to be conducted. If any of the requirements, either mentioned or not, cannot be met, then the developer will be required to seek a variance from the Board of Zoning Appeals before site development plans are approved.
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 institutional uses 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.

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 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.

Board Questions:

- Ms. Hogan asked a question regarding the number five Bufferyard requiring a twenty five (25') foot setback. Mr. Henderson said it had to be at least twenty-five (25') wide; and said there would also need to be a masonry wall. He stated if the applicant wished a variance regarding any bufferyard requirement, wall, or vegetation; that would need to be pursued after the rezoning, to the Board of Zoning Appeals.
- Mr. Kinard asked about the required notices being sent out, and whether there was any opposition. Mr. Henderson explained all property owners within a 400' radius of the property were sent notices, and the adjacent property owners were sent certified letters. He further explained Staff had not received any comments.

Neil Nichols, Neil Nichols Real Estate came forward and was sworn; and informed the Board Members that the three property owners were all retired and were related either by blood or by marriage. He explained that all three of the properties were vacant; and that he spoke with all the adjacent property owners. He referenced a slide and said that property owner Jimmy Smith had no problem with the rezoning request. He referenced the slide and said the other property owner, Calvin Sellars had no problem with the request. He mentioned Bobby Crump owned the other three rentals, who also had no problem with the request. He also mentioned Shirley Williams who lived on the other side of Mr. Crump, and that she had no problems with the request. Mr. Melotte wanted to rezone the properties in order to purchase them to put a Little Caesar's Restaurant. He concluded his presentation by saying again that all adjacent property owners had no problem with the request, and they knew it would increase the value of their property.

Paul Melotte came forward and was sworn; and he explained to the Board Members he had been a franchisee of Little Caesar's for a long time and had nineteen restaurants. He said the people that came through the drive-through would be picking up the hot-n-ready pizzas; and it would not generate a lot of noise or anything.

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

Board Deliberation:

- Mr. Kinard explained he felt the request would be in compliance with the transition the rest of the area along that part of John B. White, Sr. Boulevard was trending.

Mr. Kinard made a motion to approve the zoning request for all three properties as presented by Staff; and he was seconded by Mr. Pitts. The motion was unanimously approved by a vote of 6 to 0.

Ms. Hogan said the next step would be for the request to receive a public hearing and first reading at the March 16, 2015 City Council Meeting.

Site and Landscape Plans Approved since the October 16, 2014 Meeting

- Texas Road House – Barritt Ave. & US Hwy 29.

City Council Updates (FYI) Since Last Mtg. of Planning Commission on November 20, 2014

Mr. Henderson went over the updates from City Council that pertained to the Planning Commission since the November 20, 2014 Planning Commission Meeting as follows:

- Nov. 24, 2014 Council 2nd. Rdg. Approval for PDD Rezoning request on 201 Highland Ave., for proposed Highland Crossing (formerly Cammie Claggett), from R-6 to R-6 PDD.
- Jan. 26, 2015 Council Meeting, appointed New Planning Commissioner Jared Wilson.

Staff Announcements

- Mrs. Roland welcomed again New Board Member Jared Wilson to the Planning Commission; and said she had informed him he had one year from his appointed date to take his required New Board Member Training.
- She reminded everyone about the upcoming Workshop Meeting on February 24, 2015 between the Planning Commission and Design Review Board regarding the Northside Development.
- She informed the Planning Commissioners there was one vacant Board Member position on the HARB Board, and two on the BZA Board if anybody knew someone that might wish to serve, to please let her know.

The meeting adjourned at 6:20 P.M.

Respectfully Submitted,

Nancy Hogan, Chair

Minutes by Julie Roland, Administrative Assistant

AN ORDINANCE

APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SPARTANBURG AND OTO DEVELOPMENT

WHEREAS, the City of Spartanburg (herein referred to as “City”) has determined that it is in the public interest to encourage redevelopment and private investment in its downtown; and

WHEREAS, the City has in the past entered into public-private partnerships to induce private investment, create private jobs, and increase the tax base; and

WHEREAS, the City in these public-private partnerships has provided incentives and received the commitment of private parties under the terms of development agreements; and

WHEREAS, the City has reached tentative agreement on certain terms and conditions with OTO Development for the development of a hotel on the southwest corner of the West Main Street and Daniel Morgan Avenue intersection in downtown Spartanburg; and

WHEREAS, a development agreement would memorialize the respective obligations of the City and OTO Development; and

WHEREAS, should Council conclude that it is in the City’s best interest to finalize an agreement with OTO Development, it will be necessary for Council to formally act and authorize the City Manager to take certain actions.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND MEMBERS OF COUNCIL OF THE CITY OF SPARTANBURG, SOUTH CAROLINA, IN COUNSEL ASSEMBLED:

SECTION 1. A Development Agreement between the City and OTO Development substantially in its final form attached hereto is hereby approved.

SECTION 2. The City Manager is authorized to execute the Development Agreement and any other documents necessary to meet the City obligations as set forth in the Development Agreement provided such documents are consistent with the intent of this Ordinance.

SECTION 3. The City Manager, upon the advice of the City Attorney, is authorized to make minor, nonmaterial modifications to the Development Agreement prior to its signature.

SECTION 4. This Ordinance shall become effective upon the date of enactment.

DONE AND RATIFIED this _____ day of _____, 2015.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

franchise brand acceptable to the City. The City will not unreasonably withhold its approval.

- d. **Capital Investment.** The Project will include a minimum capital investment of not less than \$18 million and will be completed for occupancy by September 30, 2017. Extensions may be provided at the request of OTO with the approval the City, which the City will not unreasonably withhold.

2. **City Commitments**

- a. **Public Improvements.** The City will construct at its expense streetscape improvements along approximately 380 linear feet on the western side of Daniel Morgan Avenue to include brick paver sidewalks, street trees, pedestrian scale lighting. This work will be similar to the streetscape improvements previously installed along West Main Street immediately adjacent to the Project site. The City will also pay the design and construction costs of physical modifications necessary to achieve a railroad “Quiet Zone” for the CSX railroad grade crossings at West Main and Henry Streets.
- b. **Property Tax Abatement.** The City will provide its best efforts to achieve a 50% abatement of the incremental property taxes generated by the Project for 20 years.
- c. **Option to To Purchase Land.** The City will provide OTO with an exclusive option to purchase for \$1.00 the City owned parcel shown on Exhibit A (City Parcel) if OTO provides evidence of one of the below needs:
 - i. OTO demonstrates to the City’s reasonable satisfaction that it needs the City Parcel in order for OTO or its affiliates to meet onsite parking obligations for its current tenant of 189 West Main Street (property that abuts the City Parcel). In order to secure this purchase option, OTO must construct permanent parking improvements on the City Parcel, meeting all City ordinances, statutes and laws, within six (6) months of the exercise of its option.
 - ii. If OTO, or its affiliates, provides City with a written statement of its intent to develop the City Parcel with a stand-alone building of not less than three (3) stories in height and approximately 8,000 square feet of gross finished floor space per floor, built to City Code and City zoning requirements, the City will extend its purchase option for up to three (3) years. OTO must provide the City with written notice of its intent to extend its purchase option within ninety (90) days of the termination of the lease of its 189 West Main Street tenant. Purchase of the City Parcel for the development of the stand-alone building will require the execution of a full development agreement between the City and OTO.
 - iii. If OTO provides the City with a written statement of its intent to combine the City Parcel with its 189 West Main Street parcel for the

comprehensive redevelopment of the combined site resulting in the development of the mixed use project(s) producing not less than \$7 million in incremental real property tax value, OTO may extend its purchase option for up to an additional five (5) years. OTO must provide the City with written notice of its intention to extend this purchase option within ninety (90) days of the termination of the lease of its 189 West Main street tenant. Purchase of the City Parcel for consolidation and development of the mixed use project(s) will require the execution of a full development agreement between the City and OTO.

d. Restrictions Regarding City Provision of Economic Development

Incentives for a Competing Hotel Project for Three (3) Years. For a period of three (3) years from the date of Project opening or until December 31, 2017 (whichever date occurs first), the City will not provide economic development incentives to include, but not limited to, tax abatements, public improvements, or discounted land sales for another select service hotel. Property located on Exhibit B attached hereto (Exhibit B Parcel) is not subject to restrictions regarding hotel development or discounted land sale pursuant to another agreement but is otherwise subject to all other restrictions regarding the provision of any development incentives by the City as set forth in this Paragraph.

3. **Invalidity.** Should any of the provisions of this Agreement be held invalid in whole or in part, it shall not affect or invalidate the balance of such provision or any other provisions.
4. **Amendments.** This Agreement may not be amended, modified or changed, except by an instrument in writing and signed by all the parties.
5. **Entire Agreement.** This Agreement supersedes all prior discussions and agreements between the parties with respect to the Project. This Agreement contains the sole and entire understanding between the parties, and all other promises, inducements, offers, solicitations, agreements, representations and warranties heretofore made between the parties, if any, are merged into this Agreement. Nothing in this agreement exempts OTO Development from compliance with all local, state, and other authorized jurisdiction permitting processes, building codes, or other development standard of the City.
6. **Notices.** All, notices, requests, demands, or other communications required or permitted to be given hereunder shall be in writing and shall be addressed and delivered by hand or by certified mail, return receipt requested, or by overnight courier, or by fax, with evidence of delivery, to each party at the addresses set forth below. Any such notice, request, demand or other communication shall be considered given or delivered, as the case may be, on the date of delivery. Rejection or other refusal to accept or inability to deliver because of changed address of which proper notice was not given shall be deemed to be receipt of the notice, request, demand or other communication. By giving prior written notice thereof, any party, from time to time, may change its address for notices hereunder.

- a. **OTO Development:** Chief Executive Officer, OTO Development, 100 Dunbar Street, Suite 402, Spartanburg, South Carolina 29306
 - b. **CITY:** City Manager, City of Spartanburg, PO Box 1749, Spartanburg, SC 29304.
 - c. **Copy:** City Attorney, City of Spartanburg, PO Box 1749, Spartanburg, SC 29304.
7. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be deemed an original, and all such counterparts together shall constitute one and the same agreement.
 8. **Successor and Assigns; Termination.** This Agreement shall be binding on the parties hereto, their heirs, successors and assigns. This Agreement may only be terminated with the consent of all parties hereto.
 9. **Choice of Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina.
 10. **No Continuing Waiver.** The waiver of any party of any breach of this Agreement shall not operate or be construed to be a waiver of any subsequent breach.

IN WITNESS WHEREOF, the parties to this Agreement have hereunto set their hands and seals and executed this Agreement this ____ day of _____, 2015.

WITNESSES:

OTO Development

By: _____
 Name: Corry Oakes
 Title: CEO and Founder

CITY OF SPARTANBURG

By: _____
 Name: Ed Memmott
 Title: City Manager

APPROVED AS TO FORM:

By: _____
 Cathy H. McCabe
 City Attorney

Exhibit A

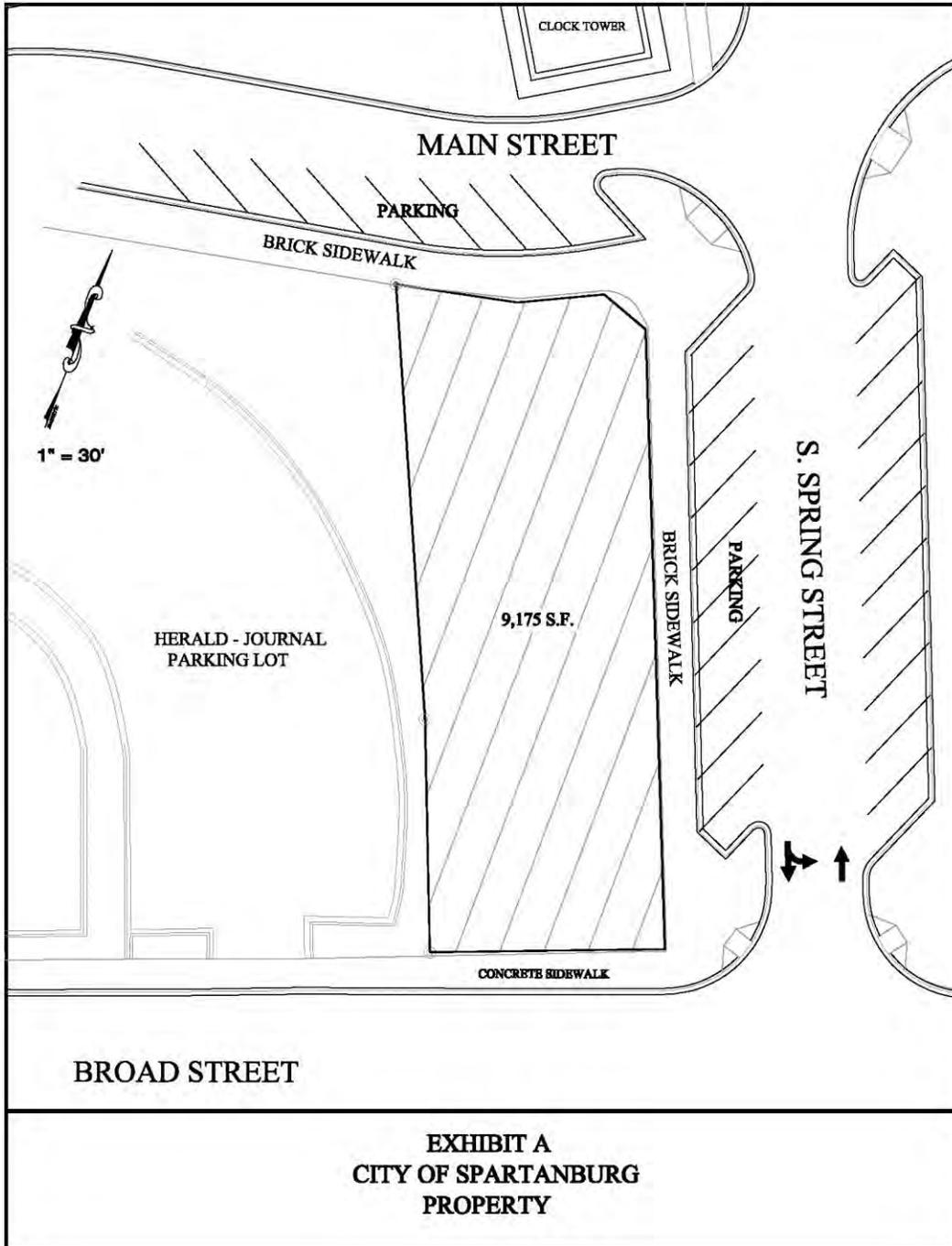


Exhibit B





REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: David Cook, Construction Project Manager
SUBJECT: Award for Construction Services for Phase I - Airport Runway Extension Project
DATE: March 23, 2015

BACKGROUND:

The City solicited competitive bids for Phase I of the Airport Runway Extension Project. Phase I work will include relocation of existing utilities, grading, and piping of creek that crosses the area of the runway extension. Bids were submitted by the following firms:

Rifenburg Construction Company	Zebulon NC	3,089,584.00
Blythe Development	Charlotte NC	3,293,373.00
Clary Hood	Spartanburg SC	3,611,910.00
NHM Constructors LLC	Asheville NC	3,801,646.69
McClam & Associates, Inc.	Little Mountain SC	4,022,232.00
Devere Construction Company, Inc.	Alpena, MI	4,048,922.40
Morgan Corporation	Duncan SC	4,344,805.40

In consultation with W.K. Dickson (Project Engineer), staff has carefully reviewed the bids and qualifications of each bidder. After this review, staff is recommending award of the contract to Rifenburg Construction Company. None of the companies submitting bids are certified MWBE contractors. Rifenburg has indicated that it intends to award 9.5% of the contract total to qualified MWBE subcontractors.

ACTION REQUESTED:

Authorization for the City Manager to sign a contract with Rifenburg Construction Company for Phase I of the Airport Runway Extension Project.

BUDGET AND FINANCIAL DATA:

FAA Grant - \$2,780,625
South Carolina Aeronautics Commission - \$154,479
City Funding - \$154,479



COUNCIL UPDATE

TO: Ed Memmott, City Manager
FROM: Tim Carter, Engineering Manager
SUBJECT: Proposed 2015 Street Resurfacing Program
DATE: March 12, 2015

BACKGROUND

The City is eligible to receive funds for road repaving from the Spartanburg County Road Fee Program and the Spartanburg County Transportation Committee (“CTC”). In anticipation of this funding, staff annually evaluates the condition of city maintained streets. Using a standardized rating process, a ranking of the streets is developed. Priority for repaving is given to streets in the worst condition.

For 2015, staff is recommending repaving of the streets listed on the attachment. With Council’s approval, staff will move forward with competitive bid solicitation for this work.

ACTION REQUESTED:

Authorize staff to submit proposed selection of streets for repaving to Spartanburg County.

BUDGET AND FINANCE DATA:

Spartanburg County Transportation Committee - \$350,000

Spartanburg County Road Fee - \$361,800

