

**Spartanburg City Planning Commission Meeting Minutes**  
**Thursday, June 19, 2014**

*City Hall Council Chambers*  
*Spartanburg, South Carolina*

The City Planning Commission met in City Hall Council Chambers on Thursday, June 19, 2014, at 5:30 P.M. The following City Planning Commissioners attended this meeting: Nancy Hogan, Wendell Cantrell, Richard Letchworth, Bob Pitts, James Jenkins, and Howard Kinard. Mr. Harakas was absent. Representing the Planning Department were Joshua Henderson, Planning Coordinator, Julie Roland, Administrative Assistant, and William C. Corbett, Intern. Assistant City Manager Chris Story also attended the meeting.

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

***Roll Call***

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

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

Mr. Letchworth moved approval of the Agenda for the June 19, 2014 meeting, with second by Mr. Cantrell. The motion was unanimously approved by a vote of 6 to 0.

***Disposition of the Minutes from the April 17, 2014 meeting of the Spartanburg City Planning Commission***

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Mr. Cantrell moved approval of the April 17, 2014 meeting minutes as submitted, with second by Mr. Jenkins. The motion was unanimously approved by a vote of 6 to 0.

***Old Business – None.***

***New Business***

***REZONING REQUEST – TMS#7-21-03, 007.01. Located at 241 Cedar Springs Road. Zone R-6, General Residential District to Zone GID, General Institutional District, in order for the new Owner to be able to develop the property as either another group home of some type or another institutional type use. Criag Jacobs, Agent on behalf of Hope Center for Children, (formerly the Ellen Hines Smith Girl's Home, Owner.***

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Mr. Joshua Henderson, Planning Coordinator came forward and was sworn, and submitted the information the Planning Commissioners had previously received via email in their meeting packets, as well as the slides and presentation into evidence as Exhibit A. He said this was for property located at 241 Cedar Springs Road, located south of the intersection of Southport Road and Cedar Springs Road; which was currently zoned R-6, General Residential District, and the requested zone that was originally advertised in the newspaper of B-1, had since been amended to a more restricted zone of GID, General Institutional District, from Craig Jacobs, of Spencer Hines Properties, Agent on behalf of Hope Center for Children, Owner. The primary purpose for the Zoning Map Amendment is to allow the owner the opportunity to develop the property as either another group home of some type, or another institutional type use. Mr. Henderson said the parcel is approximately 5.32 acres in size; and currently contains a group home facility that is no longer in operation at this location that is approximately 2,976 sq. ft. in size. There are also some additional buildings that are both attached and detached to the primary structure. The primary structure was constructed c. 1920, according to the Spartanburg County Assessor's information. Staff conducted a Feasibility Inspection on May 14, 2014, and that report and Staff's comments are attached to report. Mr. Henderson explained the property was not located in the City Limits until it went through an annexation on September 8, 1993, and had been brought in as R-6 upon annexation. At its current zoning the property is very limited to its permitted commercial uses.

Mr. Craig Jacobs of Spencer Hines Properties, Agent on behalf of Hope Center for Children came forward and was sworn; and said he was the real estate agent representing the sellers. He informed the Board Members the property was formerly owned by the Ellen Hines Smith Girl's Home, and had been combined with the Hope Center for Children. He explained to the Board Members that Zone R-6 allowed for the property to be used as a pre-school, day care center, non-transient borders, etc. and was very limited in what could be put there. They felt the best use for the property would be to continue as some type of group home facility; and in order to do that they were asking to rezone the property as GID.

Planning Commission Questions:

- Ms. Hogan asked Mr. Jacobs if they had anyone interested in the property. Mr. Jacobs said they have a few people interested, but there was no contract as of yet.
- Mr. Cantrell asked Mr. Jacobs about some of the buildings on the property. Mr. Jacobs explained there was the main house, and there were some portable units behind the main house that had been used for class rooms, and another smaller structure used for participants and programs.
- Mr. Letchworth asked Mr. Jacobs would the property need to be upgraded and changed before any other group type home could go in. Mr. Jacobs explained there would need to be some upgrades to the property, but nothing major. He further explained if there were to be more than sixteen residents in the main house; a sprinkler system would have to be installed. However, a group of sixteen or less would not require a sprinkler system.
- Mr. Henderson agreed; however, the parking lot would need to be upgraded.
- Mr. Cantrell asked about the number of bathrooms. Mr. Jacobs said there were two sets of big bathrooms that contained two or three stalls and sinks; and three other full baths in the main house.
- Ms. Hogan asked how long the property had been the Girl's home. Ms. Chamlee Loscuito, Chief Executive Officer of the Hope Center for Children said since 1981.

Mr. Henderson came forward again and showed slides of the aerial map, location map, as well as slides of the entire property and surrounding areas in order to better illustrate the request. He went over the most recent traffic count according to the SCDOT, as well as the surrounding zoning classifications. Mr. Henderson explained to the Board Members in 2012, City Council voted to remove the allowance in the Zoning Ordinance for Group Homes in the R-6 zoning classification. When the property was annexed into the City Limits, the use of a girl's home was already in use, and therefore was conforming to the ordinance at that time. It was also in compliance with the 2004 Comprehensive Plan with regards to the zoning classification of R-6; however, since this allowance was removed from the ordinance it no longer complies with the 2004 Comprehensive Plan.

[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 GID/General Institutional District, as described in the City of Spartanburg Zoning Ordinance, is “established solely for institutions. It was intended that this district will develop in a manner that will insure compatibility with residential neighborhoods.” The proposed future use of a group home is a permitted use under the Use Table of the City of Spartanburg Zoning Ordinance.

The 2004 Comprehensive Plan has specified Medium Density Residential for the property in question. Medium Density Residential is intended for primarily single family, cluster homes, and low intensity multifamily residential usage, with a density of four to eight units per acre. Also, the recommended zoning classifications for this land use category are R-12/General Residential District, R-8/General Residential District, R-8 SFD/General Residential District with a Single Family District overlay, & R-6/General Residential District.

In September 2012, City Council voted to remove the allowance in the Zoning Ordinance for Group Homes in the R-6 zoning classification. When the property was annexed into the City Limits, use of a girls' home was already in use, and therefore was conforming to the ordinance at that time. It was also in compliance with the 2004 Comprehensive Plan with regards to the zoning classification of R-6; however, since this allowance was removed from the ordinance, it no longer complies with the 2004 Comprehensive Plan.

2. *Compatibility with the present zoning and conforming uses of nearby property and to the character of the neighborhood* – The property is surrounded by a mix of commercial and residential uses both inside the City Limits and outside the City Limits. The proposed GID zone will allow for various institutional style uses that are compatible with the surrounding uses.
3. *Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment* – Staff conducted a Feasibility Inspection on this property for the reuse of it as a group home. Upon inspection of the property, it appears that it meets the parking requirement of either one space per each employee in the largest work shift, plus one per each five clients or fraction thereof, or if the clients may not own vehicles, then one space per 600 sq. ft. of gross floor area. If the use requires additional parking, then it will have to meet the requirements as just stated. Due to the fact that the property is no longer able to use the non-conforming allowance, the parking lot must be brought up to current code which will require the parking lot to be paved and all parking spaces identified by striping. This will also require curb and gutter, additional parking lot landscaping, and street frontage landscaping all meeting the requirements of the ordinance. It is also possible that additional bufferyard requirements would need to be met for the south side of the property abutting the residential use. This could require a 6' tall privacy fence with some additional landscaping such as canopy trees, understory trees, evergreen/conifer trees, and shrubs. A landscape plan will be required showing the parking spaces, landscape, bufferyard, and any necessary on-site water detention that is required from the City Storm Water Manager.
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-6 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 Cedar Springs Road, but not with the Comprehensive Plan due to the fact that a Group Home is not allowed under the residential use as it previously was when the Comprehensive Plan was adopted. 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 GID zoning classification. Therefore based on the information provided, Staff recommends approval of the proposed zoning map amendment, as presented, from R-6 to GID.

#### **Planning Commission Questions:**

- Mr. Letchworth referenced the aerial slide, and asked Mr. Henderson about properties located in the county of Spartanburg. Mr. Henderson explained that all of the properties surrounding the proposed property were located in the county.
- Mr. Jenkins asked if there were more than sixteen people, regarding the parking. Mr. Henderson said it depended on what kind of group home it would be; and he referenced from the Zoning Ordinance for a group home, one space per each employee in the largest work shift, plus one per each five clients or fraction thereof; if clients may not own vehicles, one space per 600 sq. ft. of gross floor area. Regarding a Drug and Alcohol Treatment Center regarding parking, one space per two beds and one space per staff member. Mr. Henderson also explained the City Stormwater Manager would also need to review to make sure it met all the City Requirements.
- Ms. Hogan asked Mr. Henderson what uses would be allowed in the GID zone. Mr. Henderson said very few commercial uses were permitted under GID; that a bus shelter was the only commercial use permitted under GID; with most uses centering around assisted living facility, children's home or shelter, church, club or lodge, college or university, community center, condominiums, convent and monastery, day care center, kindergarten (child or adult), drug and alcohol treatment center, emergency medical service station, fraternity or sorority (off campus), government buildings, group home, gymnasium, institutional (also health club), hospital, library live/work uses, museum, nursing home or convalescent center, park, athletic field, botanical garden, playground, public or private,

public utility transmission and distribution lines, transmission stations, substations, electric transmission towers, water tanks, water towers, and telephone exchange, but not service or storage yards, no cellular or personal communication services communication towers, residential, single-family, patio home and condominium, residential, two family dwellings, school, elementary, junior high or high school, school, trade, vocational, or business, theater, indoor or outdoor, and/or artistic programs and events (excluding motion picture theaters).

Ms. Hogan opened the public hearing and asked anyone who wished to speak in favor of the request to come forward.

- Mr. Roger Canthea of 2024 Holly Street, Charlotte, N.C. came forward and informed the Board Members he was one of the interested parties in purchasing the property; and explained that he and his wife wished to move from Charlotte, N.C. and purchase and live on the property and house homeless veterans.

Board Questions and Comments:

- Mr. Letchworth asked Mr. Canthea if this was something he was familiar with doing. Mr. Canthea said it was, and he had been talking with people in Charlotte.
- Mr. Jenkins felt it was a great idea, and well needed.
- Mr. Cantrell asked Mr. Canthea if he had financing lined up. Mr. Canthea explained he had everything lined up ready to go if given the opportunity.
- Mr. Kinard asked Mr. Canthea if he already had one of these in operation. Mr. Canthea said he did not; but explained if he purchased the property he would use the two back buildings as classrooms, primarily for drug and alcohol treatment of homeless veterans.
- Mr. Jenkins asked Mr. Canthea if his plan was to treat and help homeless veterans get back into society. Mr. Canthea said yes, and explained he was a member of Charlotte Works, and makes connections to get veterans working again. He explained he had people he wanted to put on staff that would teach truck driving, computer skills, and had also talked to the community college.
- Ms. Bea Dillard of 1065 Maryland Avenue came forward and said her property was at the corner, next to the proposed property that she previously operated as a day-care facility. Her question was regarding the type of buffer that would be used; and she was concerned with the safety of the children. Mr. Henderson explained a Bufferyard 3 would be required; and if there was a fifty foot area of vegetation that no fence would be required. If they needed to remove trees, that City Staff and their certified Arborist would need to look at them to make sure the intent of the ordinance was met.
- Mr. Theodore Brewton came forward and said he was an adjacent property owner. His concerns were safety of the children and seniors, as well as he had problems in the past with trees and limbs falling from the proposed property onto his property and he has had to replace the fence due to damage himself. He also asked would the individuals be monitored.
- Mr. Robert Canthea explained the veterans would be monitored, but would be allowed to come and go as they pleased. He further explained that he did not allow any alcohol or drugs on the premises, and everyone would be periodically drug tested, etc. in order to remain in the home.
- Mr. Henderson explained Staff could not set foot on private property and remove trees; however, the property owner could ask Staff to visit the property in order to point out any unsafe trees that needed to be removed, that Staff would make sure nothing was removed that was not warranted.
- Mr. Jacobs said he would be happy to work with the property owner and list any trees that were unsafe.
- Mr. Henderson asked Mr. Jacobs to give him a call and he would have the City's Tree Assessor go out with them to the sight.
- Ms. Fredericka Wilson of 247 Cedar Springs Road came forward and said her property was adjacent to the proposed property and was in the county. Her family has owned her property for sixty years; and she explained when the Girl's Home was located at the proposed site, it was a real night-mare.

She informed the Board Members that from 10:00 PM in the evenings until 4:00 AM the next morning fire trucks would come out with flashing lights and police cars would be called out; and it was hard for a senior person to get sleep with all of that going on. She expressed her opposition to the request and felt like it should be put in another community.

- Mr. Gerald Keil a member of the Local Attachment came forward and informed the Board Members he has a private business that deals with veterans. He was in support of the request and felt the community needed some place for veterans that were homeless. He said there were a lot of other homeless people in Spartanburg, even women and their children; and many of them felt safer staying under a bridge, because they did not trust the current system. Mr. Keil also informed the Board Members that Mr. Canthea that spoke earlier, who wished to open the proposed facility, had the credentials and experience to deal with the homeless veterans and also any drug and alcohol problems. He was a veteran who was willing to give back to the community.
- Mr. Cantrell asked if there was a contract for the property. Mr. Jacobs said as of yet there was no valid contract.
- Mr. Theodore Brewton asked about any other groups that had expressed interest in the property. Mr. Jacobs said he had received interest from the Charles Lee Center, an alcohol and drug abuse facility out of Florence, S.C., as well as an organization that worked with abused and battered women.
- Mr. Letchworth asked would it be possible for a restaurant to go on the property. Mr. Jacobs said no.
- Ms. Bea Dillard that spoke earlier came forward again that formerly ran the Christian Day School and said she had now retired, but had a wonderful tenant on the property that was great with the children; and expressed she was concerned with the children's safety.
- Mr. Jenkins asked Mr. Canthea regarding safety, if he was allowed to purchase the property for the homeless veterans, what would the property owner do to ensure safety of the children and other residents in the area. Mr. Canthea explained he and his staff would have the final say on who is admitted to the home, and there would be strict rules, including curfews, required testing, and requirements by the Veterans Administration. Mr. Canthea said if the community had any concerns that he would address them personally. No drugs or alcohol would be allowed on the premises. Smoking cigarettes would be allowed in designated places outside.
- Ms. Chamblee Loscuito, Executive Director of Hope Center for Children came forward and said that she, along with her 21 Board Members were in approval of this request. She said they felt the property should continue to serve in a group home capacity for homeless veterans who really needed the help. Ms. Loscuito reiterated the fact that there was not currently any signed contract, and there were several groups looking at the property.
- Ms. Wilson who spoke earlier came forward again and said she was against the request.

Ms. Hogan asked anyone else who wished to speak in favor or in opposition of the request to come forward. No one else came forward. Ms. Hogan closed the public hearing.

Planning Commission Discussion:

- Mr. Letchworth asked Mr. Henderson if Staff had recommended approval since there was no signed contract, and that any of the groups interested that did get the contract would have to go through the process to make sure all of the City requirements were met. Mr. Henderson said that was correct. Mr. Henderson also said the feasibility study that was previously performed, was for a group home; and that Mr. Jacobs had been given the report results and was fully aware of all requirements that would need to be met.
- Ms. Hogan said this property had a group home on it for a very long time; and it really would not be like it was a change of use. The property had been vacant for a while and since that time there had been a change in the zoning ordinance that did not allow the group home to continue, even if it was the girl's home.

Mr. Letchworth made a motion to approve the request as presented by Staff with the contingency that whoever purchases the property worked very closely with City Staff to make sure that all requirements were met.

Discussion of Motion:

- Mr. Kinard asked was there a way to structure that. Mr. Letchworth said he did not know other than the fact that it would have to come back through the City for follow up on everything.

The motion was seconded by Mr. Kinard. The motion was unanimously approved by a vote of 6 to 0.

Mr. Henderson informed Mr. Jacobs the request would now be advertised to go to the July 14, 2014 City Council meeting where it would have another public hearing and a First Reading. Any rezoning requests require two readings of Council.

***Site and Landscape Plans Approved***

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- Ingles Gas Station – 1900 S. Pine St.

**Other Business:**

***Discussion of proposed 2013 Excellence in Design Awards.***

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Mr. Henderson explained to the Board Members he had asked the Building Official, Buddy Bush for a list of all applicable projects that received a certificate of occupancy in 2013; and said that he and his intern would be working on that as soon as they had something from the Building Department.

***Election of Officers for the 2014/2015 Calendar Year.***

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Mr. Letchworth made a motion to appoint Ms. Hogan as Chair of the Planning Commission, and Mr. Kinard as Vice Chair; and he was seconded by Mr. Jenkins. There were no other nominations. The motion was unanimously approved by a vote of 6 to 0.

***City Council Updates (FYI) Since Last Mtg. of Planning Commission on April 17, 2014 Mtg:***

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Mr. Henderson went over the updates from City Council that pertained to the Planning Commission since the April 17, 2014 Planning Commission Meeting as follows:

- May 12, 2014 Council Mtg: First Reading Approval of Rezoning Request at 579 W. Main St. Zone B-3 to Zone LOD. May 27, 2014 received Second Reading Approval from Mayor and Council.
- May 12, 2014 Council Mtg: First Reading Approval of Rezoning Request at 201 Cedar Springs Rd. Zone R-15 to Zone LOD. May 27, 2014 received Second Reading Approval from Mayor and Council.

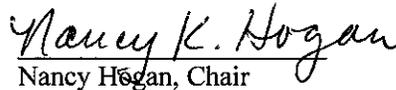
***Staff Announcements***

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- Mrs. Roland informed the Planning Commissioners that Mr. Cantrell's first term would be coming up for consideration for reappointment on 6/30/14; and he had completed his form to be considered for reappointment for the Mayor and Council.
- Mrs. Roland informed Mr. Letchworth she would send him an email copy of the current continued education training so far that had been scheduled for this year.

The meeting adjourned at 6:40 P.M.

Respectfully Submitted,

  
Nancy Hogan, Chair