

**Spartanburg City Planning Commission Meeting Minutes**  
**Thursday, July 17, 2014**

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

The City Planning Commission met in City Hall Council Chambers on Thursday, July 17, 2014, at 5:30 P.M. The following City Planning Commissioners attended this meeting: Nancy Hogan, Richard Letchworth, Bob Pitts, and Howard Kinard. James Jenkins, Wendell Cantrell, and George Harakas were absent. Representing the Planning Department were City Attorney Cathy McCabe 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.]

***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 four Planning Commissioners were 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 July 17, 2014 meeting, with second by Mr. Kinard. The motion was unanimously approved by a vote of 4 to 0.

***Disposition of the Minutes from the June 19, 2014 meeting of the Spartanburg City Planning Commission***

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Mr. Kinard moved approval of the June 19, 2014 meeting minutes as submitted, with second by Mr. Pitts. The motion was unanimously approved by a vote of 4 to 0.

***Old Business – None.***

***New Business***

***REZONING REQUEST – TMS#7-12-09, 280.00. Located at 148 North Walker Street. Zone B-4, Heavy Commercial District to Zone B-3, General Business District, in order for the new Owner to be able to utilize the property as an owner occupied single family residential property. David R. Seegars, Owner.***

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City Attorney Cathy McCabe 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. She submitted a letter of support on behalf of a neighboring property owner by Judy Humphries who was a personal representative of Martha Humphries who owned the property to the back of the proposed property at 149 N. Forest Street into evidence as Exhibit B, and a letter entitled 148 North Walker Street submitted by the petitioner as Exhibit C. The City Attorney informed the Planning Commissioners that North Walker Street and the surrounding properties was zoned B-4; and the owner was asking the property be rezoned to B-3 because he had purchased the property and would like to rehab the house and live there. She explained Zone B-4 does not allow for residential use, but under Zone B-3 allowed for various commercial uses, as well as single family residential under special conditions. The City based their ability to grant a Conditional Use based on the amount of traffic that flows on and through that road; and in this case the City conducted a traffic study on that block of North Walker Street, and it was determined between the time of June 26, 2014 and July 1, 2014 there were an average of 300 vehicles that traveled in both northbound and southbound directions. This would average 50 vehicles per day. City Attorney McCabe explained to the Planning Commissioners since the traffic count was so low, the City did not have to do any more inquiry regarding whether or not the Planning Commissioners could consider this property to be rezoned to B-3. The following slides were shown in order to better illustrate the request: location map, close up of proposed property and structure, slides of the surrounding area that included the property of Ms. Humphries who was in support of the request, as well as some other residential properties, and businesses in the surrounding area. The City Attorney explained the surrounding residential properties were zoned B-4, and had been grandfathered in when the City had the Zoning Ordinance redone a few years ago. The problem was that Mr. Seegars

property had been vacant for five years; and she explained that once a property had been vacant for more than 120 days, it reverted back to its former use, in this case which would be non-conforming.

Mr. David Russell Seegars came forward and was sworn. He explained to the Planning Commissioners that in October of last year he began looking for a home in Spartanburg City Limits. He really liked the house on N. Walker Street but could not afford it at the time. He found another house in Beaumont Village and had filled out a contract to buy, and then at the last moment something happened with that house, and he was not able to purchase it. About the same time, the price dropped on the 148 N. Walker Street property to a price he could afford. He looked at the home and although it needed a lot of work to restore it to its original quality, he fell in love with the home. He spoke to Mr. Henderson with the Planning Department to see what the City had planned for that area; and found out the property was zoned B-4; but there was a possibility he could ask for a rezoning from the Planning Commission to help him get into the house.

Board Questions:

- Mr. Letchworth asked Mr. Seegars if he went ahead and purchased the home. Mr. Seegars said he did.

City Attorney McCabe came forward again and concluded her presentation by saying Staff supported the request and their report and findings were in the meeting packets the Planning Commissioners had previously received.

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

1. *Consistency (or lack thereof) with the Comprehensive Plan* – The purpose of the B-3/General Business District zone, as described in the City of Spartanburg Zoning Ordinance, is to “provide central concentrations of goods and services for more than one neighborhood. They provide comparison shopper’s goods, convenience goods and services, specialty goods, amusements and numerous services for less than a city-wide market. They also provide locations for small businessmen with a city-wide market who cannot operate in the downtown areas. The predominant purpose of all these functions is retail trade.” As previously mentioned under Section 303.5, single family residential, patio home, condominium, and two-family dwelling may be permitted in a B-3 zone meeting the aforementioned conditions.

The 2004 Comprehensive Plan has specified General Activity 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 this land use designation. Also, the recommended zoning classifications for this land use category are LOD/Limited Office District, LC/Limited Commercial District, B-1/Neighborhood Shopping District, and B-3/General Business District. While single family residential is not necessarily mentioned in the recommended zoning classifications, it is allowed, with conditions, under the B-3 zone.

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-3 zone will allow for less intense uses than the current zoning classification of B-4. This will provide better protection for the properties currently being used as a non-conforming residential use and be compatible with the surrounding uses.
3. *Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment* – Since the proposed use of the property is for residential use, it will have to comply with current International Residential Code (IRC) requirements prior to occupying. The property owner will be required to pull all necessary building permits prior to any work being done on the property. There are no additional property requirements since the use is residential, unless any additions to the structure, fencing, or property subdivision is to occur.
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 decrease with the zoning change. The zoning change will not allow for as wide of a range of commercial uses under B-3.

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 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-3 zoning classification. Therefore based on the information provided, Staff recommends approval of the proposed zoning map amendment, as presented, from B-4 to B-3.

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. Letchworth asked the City Attorney assuming the request was passed before City Council what the time frame was for the petitioner to get the work done. The City Attorney explained if it was approved by two readings of City Council, what the permit process would be.
- Mr. Kinard felt the petitioner seemed very anxious and committed to get his house restored.

Mr. Kinard made a motion to approve the request as presented, and he was seconded by Mr. Letchworth. The motion was unanimously approved by a vote of 4 to 0.

Ms. Hogan informed the petitioner the request would be forwarded to the next applicable Council Meeting which would be on August 11, 2014.

#### **Site and Landscape Plans Approved since the June 19, 2014 Meeting**

- None were approved.

#### **Other Business:**

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

Mrs. Roland informed the Board Members she did not know if Mr. Henderson had gotten the information from the Building Official regarding the applicable projects that received a certificate of occupancy in 2013; and she would check that out with him when he returned from his vacation.

#### **City Council Updates (FYI) Since Last Mtg. of Planning Commission on June 19, 2014 Mtg:**

Mrs. Roland went over the updates from City Council that pertained to the Planning Commission since the June 19, 2014 Planning Commission Meeting as follows:

- June 23, 2014 County Mtg.: Second Reading Approval of Annexation Request at 207 Brian Ct. from Mary K. Randall, Owner. Zoned R-15 upon Annexation.

#### **Staff Announcements**

- Mrs. Roland informed the Planning Commissioners that Mr. Cantrell was reappointed by the Mayor and City Council to serve another term at the June 23, 2014 meeting.
- Mrs. Roland said they currently had four vacancies on the HARB Board, and 2 vacancies on the Board of Zoning Appeals Board; and no new Board Members had yet been appointed that she was aware of.
- Mrs. Roland informed Mr. Letchworth she still needed to get him scheduled for his 2014 Continued Education training sometime this year. Mr. Letchworth said there were two continued education sessions listed in October that he could attend either one that was on the last schedule she sent him.

The meeting adjourned at 5:50 P.M.

Respectfully Submitted,

  
Nancy Hogan, Chair

Minutes by Julie Roland, Administrative Assistant