

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:

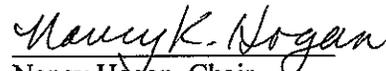
- Nov. 24, 2014 Council 2nd. Rdg. Approval for PDD Rezoning request on 201 Highland Ave., for proposed Highland Crossing (formerly Cammie Claggett), from R-6 to R-6 PDD.
- Jan. 26, 2015 Council Meeting, appointed New Planning Commissioner Jared Wilson.

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